



SCAPPOOSE *Oregon*

MONDAY, JUNE 5, 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 June 5, 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	Isaac Butman	Assistant to City Manager
Pete McHugh	Councilor	Steven Lougal	Police Chief
Tyler Miller	Councilor	Chris Negelspach	City Engineer
Jeannet Santiago	Councilor		
Andrew Lafrenz	Councilor		

Peter Watts Legal Counsel (left at 7:46pm)

Remote: Councilor Kim Holmes

Excused: City Recorder Susan M. Reeves

Approval of the Agenda

Councilor McHugh moved, and Councilor Santiago seconded the motion to approve the agenda. 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

JJ Duehren, Scappoose, explained she is the Vice Chair of the Scappoose Parks Committee and that she worked very hard on Earth Day, which was a huge success. She brought a trophy to present to the Scappoose Police Department for their hard work on Earth Day. She thanked Mayor Backus for his hard work and presented him with a trophy also. She explained one of the

things they want to do during Movie Night is a trash can painting contest, because Scappoose does not have an arts budget.

Council thanked JJ for all of her work!

Oath of Office - Lieutenant Chris Fluellen; Officer Frank Basso; Officer Alec Burglin

Mayor Backus administered by Mayor Backus administered the oath of Office to Lieutenant Chris Fluellen; Officer Alec Burglin; and Officer Frank Basso.

Congratulations Chris; Alec; and Frank!

New Business

Outside Water User Consideration (31391 Dutch Canyon Rd.)

City Engineer Chris Negelspach went over the staff report. The City received a request for water service outside of City limits at 31391 Dutch Canyon Road. Per SMC (Scappoose Municipal Code) 13.04.020, Water Service System, Section B, states that outside of city limits, water users may be connected to the city water system upon a two-thirds affirmative vote of approval by the city council. However, it further states under Exception 1 (1 Based on the 2019 Water Master Plan, the surface water supply is not considered a reliable year-round source but can typically deliver 250 – 450 GPM, i.e., in the fall and spring when the water is clear.) that the City of Scappoose will provide water service to all existing properties including further properties created through partition or subdivision which are associated with the judgement related to the Parish, et al v. City of Scappoose and Alexander et al v. City of Scappoose. It further states that other properties directly abutting the Dutch Canyon waterline extension may also be provided water service at the density permitted by the County as of November 3, 2003. This property was not a part of the original lawsuit but is abutting the treated waterline extension on Dutch Canyon Road and is therefore allowed water by rights. See Exhibit 1 of the staff report for SMC 13.04.020. ANALYSIS: The City of Scappoose water system operates 3 drinking water diversion dams, Gourley Creek, South Fork Scappoose Creek and Lazy Creek which provide raw (untreated) water to the treatment plant on Keys Road. Water from these diversion dams were granted in 1923 for Gourley Creek, while the South Fork and Lazy Creek water rights were obtained in 1959 (the total certified water right for all 3 diversion dams is approximately 9 million gallons per day or 6,250 gallons per minute, but in reality, is much less¹). In the mid 1920's with the completion of Gourley Creek diversion, property owners who granted easement rights for the raw waterline were allowed to draw water from this new line. As the quality and quantity of the raw water fluctuated and concerns regarding potential health hazards grew, homeowners sued the city to obtain treated water. Lawsuits were filed in Columbia County Circuit Court by property owners connected to the raw water line, including other interested property owners, and a hearing was conveyed on March 21, 1984. The Judge ordered the city to provide (treated) water to the 19 properties with prior connections and determined that they would have the same rights as those within City limits. The judge also

determined that the 52 others with lots fronting on Dutch Canyon Road, would be entitled to connect to a treated water line as "Outside Water Users". A County Comprehensive Plan text amendment was necessary to extend the new treated water line because the properties are in Resource and Rural Residential zones outside the city limits and Urban Growth Boundary, where urban level water service is not allowed. Following public notice, the County Planning Commission held a public hearing on September 9, 2013, and voted to recommend approval of the application to the County Board of Commissioners. Following public notice, the County Board of Commissioners held a public hearing on the application on January 22, 2014. In addition to hearing oral testimony, the Board admitted legal counsel's file into the evidence then closed the hearing, deliberated, and decided by unanimous vote to tentatively approve the application. The Board then directed county staff to prepare an ordinance to reflect their decision. In support of its decision, the County Board of County Commissioners adopted the findings and conclusions in the Staff Report to the Board of Commissioners. See Exhibit 2 of the staff report for a complete package of the lawsuit and all related documents. PROCEDURE: The city has created a process whereby the applicant submits an application and documentation describing the location of the property and configuration of their existing water system for City Engineer analysis and any Conditions of Approval to the homeowner, see Exhibit 3 of the staff report. If the homeowner decides to proceed based on the provisions of the SMC, the application is reviewed and approved by other department heads and presented to the City Manager for approval or denial who then informs the City Council. Upon receiving the City Managers approval, the applicant will work with staff to obtain the applicable permits and fees as set out in the current fee resolution and time and materials cost of meter installation. The fiscal impact of adding an additional user to the water system provides a one-time SDC charge based on the meter size, a one-time \$1,000 outside water user admin fee, any applicable connection fees, and finally, the monthly outside water user and consumption fees per the current resolution, which are then allocated to the water SDC and water funds.

Council thanked Chris.

CEP Allocations

Assistant to City Manager Isaac Butman went over the staff report. The 2023 Cycle of the Community Enhancement Program closed on May 10, 2023, with a total of 15 applications submitted. Council now needs to allocate CEP funds to eligible applicants. ANALYSIS: After the May 15, 2023 Council Meeting Staff tallied the funding eligibility sheets from Council, Exhibit A of the staff report, giving a count for eligible applicants (applicants receiving support from four or more Councilors) and sent funding allocation sheets to Council. Each Councilor is allowed to allocate 1/7th the total CEP allocation of \$40,400 in whatever way they each choose, to eligible applicants. Applicants can receive no more than \$5,000. A tabulation of the 2023 CEP allocations can be seen in Exhibit B of the staff report. Staff would like direction from Council about approval criteria for future CEP Grant Cycles, specifically about whether Council would like presentations to be required as a criterion for funding eligibility. When Council reviewed and revised the CEP Program in 2022, they intentionally did not write in many approval criteria, and specifically did not require

presentations of applicants. Staff wants to check in with Council to see if this is still the direction that they want to take with the CEP Program for future years, and to see if they would like any other criteria be added to the program. Staff recommends that Council allocate the 2023 CEP funds to eligible applicants, as determined and allocated by Council, as seen in Exhibit B [Exhibit B will be available before the June 5, 2023 Council Meeting, but is not available as of the submission of this Staff Report].

There was a discussion on the applicants coming before Council to present their applications, but that it is not a requirement.

Councilor Holmes talked about having a standardize information packet that we provide the grant recipients that then they would be responsible for distributing out to like restaurants, local activities, etc. She explained maybe the EDC could put together the packet.

Councilor Miller explained some of the grant recipients would really not have the opportunity to do that as they are not facing the public like others.

Council President Greisen explained that there were a couple of applicants that she didn't allocate anything and that was because the organization was already funded to the max.

Mayor Backus explained Councilor Santiago had mentioned moving \$331.43 to Scappoose Historical Society and that would leave United Way at \$340.00.

Council President Greisen moved, and Councilor Miller seconded the motion that Council allocate the 2023 CEP Grant Cycle funds as described in Exhibit B of the staff report 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.

2023 Community Enhancement Program Grant Cycle

Organization	Project	Request	Allocated Funds Total	Left to allocate	Mayor Backus	Council President Greisen	Councilor Santiago	Councilor Lafrenz	Councilor McHugh	Councilor Miller	Councilor Holmes
Armed Center	Medical Provider/Child Abuse Assessments	\$5,000.00	\$5,000.00	\$0.00	\$715.00	\$0.00	\$1,000.00	\$872.00	\$413.00	\$1,250.00	\$750.00
CASA for Children	Critical Advocacy for Children in Foster Care	\$5,000.00	\$5,000.00	\$0.00	\$715.00	\$316.57	\$1,000.00	\$525.43	\$413.00	\$1,250.00	\$750.00
Scappoose Farmers Market	Bring Back Music to the Farmers Market	\$1,000.00	\$1,000.00	\$0.00	\$150.00	\$0.00	\$0.00	\$168.57	\$150.00	\$261.43	\$250.00
Scappoose Historical Society	Heritage Uplifts and Stories	\$5,000.00	\$3,516.15	\$1,483.85	\$653.43	\$1,667.36	\$0.00	\$0.00	\$700.00	\$357.36	\$750.00
Scappoose Farmers Club	Youth Rec Center	\$5,000.00	\$5,000.00	\$0.00	\$715.00	\$1,809.57	\$0.00	\$525.43	\$700.00	\$500.00	\$750.00
Scappoose Library	Stories by Moonlight	\$1,000.00	\$1,000.00	\$0.00	\$150.00	\$0.00	\$450.00	\$0.00	\$150.00	\$0.00	\$750.00
Scappoose Little League	Field Restoration	\$5,000.00	\$5,000.00	\$0.00	\$700.00	\$0.00	\$0.00	\$3,050.00	\$700.00	\$160.00	\$250.00
Wentworth Community Outreach	Feeding Success 2023-2024	\$1,000.00	\$5,000.00	\$0.00	\$715.00	\$1,100.57	\$1,000.00	\$0.00	\$413.00	\$1,250.00	\$111.43
Run With Me!	Annual Run	\$4,500.00	\$4,500.00	\$0.00	\$650.00	\$1,437.36	\$350.00	\$0.00	\$750.00	\$342.64	\$750.00
Scappoose Senior Center	Poolside	\$5,000.00	\$700.00	\$4,300.00	\$0.00	\$0.00	\$0.00	\$0.00	\$700.00	\$0.00	Recommended pause in funding
St. Vincent DePaul	Weekend Food Program for Youth	\$3,000.00	\$1,800.00	\$0.00	\$430.00	\$0.00	\$1,000.00	\$570.00	\$480.00	\$200.00	\$500.00
United Way Columbia County	Daily Payton Imagination Library	\$1,250.00	\$1,681.43	\$431.43	\$180.00	\$0.00	\$771.43	\$0.00	\$180.00	\$300.00	\$350.00
Total		\$45,750.00	\$35,197.58		\$ 5,771.43	\$ 5,771.43	\$ 5,771.43	\$ 5,771.43	\$ 5,771.43	\$ 5,771.43	\$ 5,771.43

Total Eligible Requests for 2023 \$45,750.00
 Grant Funds Available \$40,400.00
 Difference -\$5,350.00

Dollar Amount of Unfunded Eligible Requests \$5,352.42

Final 2023 CEP Allocations

2023 CEP Allocations

Organization	Project	Allocated Funds
Amani Center	Medical Provider/Child Abuse Assessments	\$5,000.00
CASA for Children	Critical Advocacy for Children in Foster Care	\$5,000.00
Scappoose Farmers Market	Bring Back Music to the Farmers Market	\$1,000.00
Scappoose Historical Society	Holiday Lights and Sights	\$3,947.58
Scappoose Kiwanis Club	Youth Rec Center	\$5,000.00
Scappoose Library	Movies by Moonlight	\$1,000.00
Scappoose Little League	Field Restoration	\$5,000.00
Riverside Community Outreach	Fostering Success 2023-2024	\$5,000.00
Run With Neil	Annual Run	\$4,500.00
Scappoose Senior Center	Roofing	\$700.00
St. Vincent DePaul	Weekend Food Program for Youth	\$3,000.00
United Way Columbia County	Dolly Parton Imagination Library	\$1,250.00

General Legal Counsel Services

City Manager Alexandra Rains explained as you are aware we recently issued an RFP for General Legal Services once we became aware that Peter Watts would not be continuing with the City. We did not receive any responses to that RFP and the discussion had been if that were to happen, we would then speak with Berry, Elsner and Hammond about the possibility of expanding services to include general counsel since they are already providing our personnel and bargaining services and have the attorneys and expertise in-house to do that. She asked them to be here this evening so they can let Council know what they can offer. Just so Council is aware if you do want to move forward with using them for general counsel the contract that we have with them currently is inclusive and broad enough actually to cover these services. She explained the contract has already been extended for three years to cover personnel services. If Council wanted to move forward all we would need is a motion to appoint.

Ashley Driscoll, Partner at Berry, Elsner, and Hammond, introduced her colleagues, Chad Jacobs, also a partner at the firm, and Ashleigh Dougill, who is an Associate at the Firm.

Ashely Driscoll gave an overview of the history between the Firm and the City of Scappoose.

Chad Jacobs gave an overview of the Law Firm and their process.

Councilor Santiago asked would we have legal counsel at every meeting?

City Manager Rains replied no, at this point because it is not a flat rate, we would not have legal counsel at every meeting. It would be more on a case-by-case basis as needed. There might be the case where someone calls in instead of driving out here.

Councilor Miller explained he is a little concerned about their rates being really low.

Chad Jacobs replied historically if you look at law firms when they do public sector work, they have public sector rates, so they have lower rates and because all they do is public sector work that's why their rates are low. He explained they enjoy what they are doing, and it is their way of giving back to the community.

Councilor Miller asked Council to consider seeing the invoices that come in on a monthly basis at least for a while so they can see how things are going and what that looks like. He explained he is asking that because Council hires and fires legal counsel.

Councilor Holmes asked how will we be able to keep track of where we're at in terms of utilization and budgeting?

City Manager Rains explained they will be sending very detailed bills and so we can track exactly who's using what attorney for what project. We have a certain amount budgeted and we will track essentially where we are at total in terms of how much the budget is being eaten up, how quickly and we will watch it on a monthly basis.

Council President Greisen explained she wanted it known that we didn't have a choice with this as no one responded to an RFP and this law firm is doing us a very gracious favor. She feels we should be careful in terms of what we are asking. She stated we would never sacrifice getting legal information on topics to make quality decisions as a City because we are choosing to not pay the check because you can't cut corners in this relationship with legal counsel.

Ashley Driscoll explained what they have done for other clients is they provide a very detailed breakdown of their bills by category and that can be provided in the Council packet every single month if they'd like.

Councilor Miller explained this is not to nitpick anything, it's simply information to be transparent, that was his only point.

Councilor McHugh asked if Peter Watts will be continuing with the Buxton Ranch issue?

City Manager Rains replied yes, unless it is remanded then we would be looking at Berry, Elsner, and Hammond to take over.

Mayor Backus stated he is very appreciative of Berry, Elsner, and Hammond doing this. This really takes a load off and makes him feel very comfortable. He is very pleased with this arrangement.

Councilor moved, and Councilor seconded the motion that Council appoint Berry, Elsner, and Hammond to the City's General Legal Counsel. 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 Ashley; Chad; and Ashleigh.

Announcements – information only

Calendar

Mayor Backus went over the calendar.

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

City Manager Rains thanked the Scappoose Police Department for all their work in the community. She stated congratulations to the officers that were sworn in this evening.

Councilor Santiago explained she wanted to state something just to be open and transparent and to clarify possibly some misunderstanding between Council and staff. She is speaking on behalf of herself being a new Councilor, yes she was voted in in April but she still has a few months ahead of some of these Councilors up here but she is still learning. It is a steep learning curve for her. What she has learned is no matter how much you read, how much you watch the past sessions, how much you review documents, it is still not the same as the history being at that moment, at that time. She is asking staff when she asks questions, she is not asking because she is doubting them or their work or knowledge. She is asking because she wants to understand, and it is just clarification. She is asking for their patience. She is not here on a day-to-day basis and she wants to grasp as much as she can but it is going to take time so please be patient with her. She is here because she cares about the community, and she wants to make sure that she gets the information and the understanding to make the best decision that benefits the City of Scappoose.

Councilor McHugh explained the VFW had a great Memorial Day service with a lot of people in attendance. He explained during the services a Waste Management truck was on 2nd Street and they stopped the truck and backed up slowly and quietly as they could and went around a different direction. He wanted to thank Waste Management for recognizing that the service was taking place.

City Manager Rains explained she did receive an email about that, and she shared the feedback with Waste Management.

Councilor McHugh explained that Scappoose Baseball won the State Championship, and the Scappoose Softball Team did a terrific job as well.

Councilor Holmes gave an update on the 50-year Planning Committee.

Councilor Miller also congratulated the new officers. He explained that he is happy with the arrangement with Columbia County for the field training for the new officers.

Council President Greisen thanked Mayor Backus and City Manager Rains for contributing to the newsletter. She thinks the updates are great and they go along way. She is excited in general just to see our police family growing. She explained it was nice to see that the officers have a good support system, as they need that. She stated congratulations to new graduates, not just in our police department, but the local graduates. She talked about career day happening at Grant Watts Elementary and how Mayor Backus will be speaking with her at the event. She asked to be excused from the June 19 meeting as she will be on vacation.

Mayor Backus echoed the congratulations to the new officers. He explained on May 22 he did greet a Korean Delegation at OMIC, there were 17 people, and it was a lot of fun. He brought them all to City Hall and they were really impressed with our small-town feel. He congratulated the graduates. He coached many of them and it is nice to see them going on to the next steps. He stated congratulations to the spring sports, there were a lot of State Champions. It was a great spring! He thanked staff for all their hard work and getting him up to speed.

Executive Session - ORS 192.660(2)(i) Employee Evaluations

Mayor Backus read the Execution Session statement.

Present: Mayor Backus; Council President Greisen; Councilor McHugh; Councilor Miller; Councilor Santiago; Councilor Holmes (virtually); Councilor Lafrenz; and Legal Counsel Ashley Driscoll.

Open Session

Mayor Backus went back into open session.

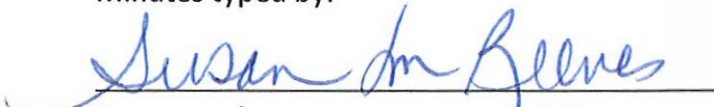
Adjournment

Mayor Backus adjourned the meeting at 8:37pm.



Mayor Joseph A. Backus

Minutes typed by:



City Recorder Susan M. Reeves, MMC