



SCAPPOOSE

Oregon

MONDAY, JULY 15, 2024 **Revised 7-10-2024**
CITY COUNCIL MEETING AGENDA
REGULAR MEETING 7:00 PM
COUNCIL CHAMBERS * 33568 EAST COLUMBIA AVENUE * SCAPPOOSE, OREGON 97056

ITEM AGENDA TOPIC	Action
Call to Order	
Pledge of Allegiance	
Roll Call	
Approval of the Agenda	
Public Comment - Items not on the agenda	
Please sign a speaker request form and turn it in to the City Recorder along with any written testimony.	
1. Consent Agenda ~ June 12, 2024 Special City Council meeting minutes; June 17, 2024 City Council meeting minutes; June 24, 2024 Special City Council meeting minutes; and June 27, 2024 Special City Council meeting minutes	
<u>New Business</u>	
2. Presentation to Planning Commissioner Bill Blank	
3. Scappoose Summer Outdoor Festival	Update
JJ Duehren	
4. Meisner property donation	Approval
Acting City Manager/Public Works Director Dave Sukau	
Announcements – information only	
5. Calendar	
6. Updates: City Manager; Police Chief; Councilors; and Mayor	
7. Executive Session ~ ORS 192.660(2)(d) Labor Negotiations	
Open Session	
Adjournment	
PLEASE NOTE: If you would like to speak with City staff about a particular agenda item, please call City Hall at 503-543-7146, no later than 3:00 pm on the day of the meeting.	

This meeting will be conducted in an ADA accessible room. If special accommodations are needed, please contact City Hall at (503) 543-7146 in advance.
TTY 1-503-378-5938



SCAPPOOSE
Oregon

Wednesday, June 12, 2024, starting at 8:00 AM
City Council
Executive Session/Special City Council Meeting
Council Chambers
33568 East Columbia Avenue
Scappoose, OR 97056

The City Council will be meeting in Executive Session ~ ORS 192.660 (2) (a) Employment of Manager or Attorney to conduct City Manager Candidate Interviews.

Present: Mayor Joseph A. Backus; Council President Tyler Miller; Councilor Kim Holmes; Councilor Andrew Lafrenz; Councilor Marisa Jacobs; Councilor Ty Bailey; and Consultant Bob Larson.

Excused: Councilor Jeannet Santiago

Recess for lunch break at approximately 12:30pm

1:30pm Reconvene Executive Session ~ ORS 192.660 (2) (a) Employment of Manager or Attorney

Mayor Backus went in Executive Session at 1:30pm and read the opening statement for the Executive Session ~ ORS 192.660 (2) (a) Employment of Manager or Attorney.

Present: Mayor Joseph A. Backus; Council President Tyler Miller; Councilor Kim Holmes; Councilor Andrew Lafrenz; Councilor Marisa Jacobs; Councilor Ty Bailey; Interim City Manager Larry Lehman; Public Works Director Dave Sukau; and Consultants Bob Larson and Richard Meyers.

Excused: Councilor Jeannet Santiago

2:30pm ~ Executive Session ~ ORS 192.660(2)(F): To Consider Information or Records that are Exempt by Law from Public Inspection

Mayor Backus went in Executive Session at 2:50p.m. and read the opening statement for the Executive Session ~ ORS 192.660(2)(F): To Consider Information or Records that are Exempt by Law from Public Inspection

Present: Mayor Joseph A. Backus; Council President Tyler Miller; Councilor Kim Holmes; Councilor Andrew Lafrenz; Councilor Marisa Jacobs; Councilor Ty Bailey; Interim City Manager Larry Lehman; Community Development Director Laurie Oliver Joseph; Associate Planner NJ Johnson; and City Recorder Susan M. Reeves.

Excused: Councilor Jeannet Santiago

Resume Executive Session ~ ORS 192.660 (2) (a) Employment of Manager or Attorney

Recessed at 3:21pm for a break.

Reconvened at 3:26pm.

Mayor Backus explained they will not be discussing Executive Session ~ ORS 192.660(2)(d) Labor Negotiations.

Adjournment

Mayor Backus adjourned the Executive Session at 4:32pm.

Mayor Joseph A. Backus

Attest:

City Recorder Susan M. Reeves, MMC

Mayor Backus formally authorizes/requests this special City Council meeting, requested via email on June 6, 2024

**June 12, 2024
Special City Council meeting, 5:00pm
Council Chambers
33568 East Columbia Avenue
Scappoose, OR 97056**

Call to Order

Mayor Backus called the Special City Council meeting to order at 5:00pm.

Pledge of Allegiance

Roll Call

Present: Mayor Joseph A. Backus; Council President Tyler Miller; Councilor Kim Holmes; Councilor Andrew Lafrenz; Councilor Marisa Jacobs; Councilor Ty Bailey; Interim City Manager Larry Lehman; Community Development Director Laurie Oliver Joseph; Associate Planner NJ Johnson; and City Recorder Susan M. Reeves.

Excused: Councilor Jeannet Santiago

Remote: Associate Planner NJ Johnson; and an unknown caller.

Public Comments

There were no public comments.

City Council will discuss and possibly take action on the appropriate scope, procedure, and/or decisionmaker for the Buxton Ranch development application following the developer's request for the initiation of remand proceedings.

Councilor Bailey moved, and Council President Miller seconded the motion that Council delegate the City's quasi-judicial decision-making authority in connection with the Buxton Ranch planned development remand to a hearings officer, and direct staff to procure and select a hearings officer to fulfill this role, should the developer of the Buxton Ranch planned development in fact request that the City proceed with the application on remand. Motion passed (6-0). Mayor Backus, aye; Council President Miller, aye; Councilor Holmes, aye; Councilor Lafrenz, aye; Councilor Jacobs, aye; and Councilor Jacobs, aye.

Mayor Backus stated for the record he wanted to let everyone know that a hearings officer is an impartial third party, typically a land use attorney, contracted by a city to hear and ultimately make decisions regarding a land use application on the City's behalf. A City may consider a number of different factors when deciding whether to hire a hearings officer, including ethical or procedural concerns it may have with the decision-making process. The likelihood of appeal of an application, cost, the technical complexity of the application, and timing. That is what a hearings officer is.

Employment of City Manager

Mayor Backus explained they had a great day today, a long day today interviewing four good candidates. He explained they don't have anything to add to this. This will be on the agenda Monday, June 17, 2024 to discuss this.

Police Union Contract

Mayor Backus explained they don't have information on this, due to waiting for more information.

Council President Miller stated he would like to thank staff for all their time in helping Council prepare for the city manager recruitment. He stated today went very well based on all the dedication and work that Susan and others put in. He stated thank you very much for everything.

Mayor Backus thanked Susan and Kathleen for providing the set up and food for today.

Adjournment

Mayor Backus adjourned the meeting at 5:04pm.

Mayor Joseph A. Backus

Attest:

City Recorder Susan M. Reeves, MMC



SCAPPOOSE *Oregon*

**MONDAY, JUNE 17, 2024
CITY COUNCIL MEETING AGENDA
REGULAR MEETING 7:00 PM
COUNCIL CHAMBERS
33568 EAST COLUMBIA AVENUE
SCAPPOOSE, OREGON 97056**

Disclaimer: These minutes are intended to summarize the conversations that took place in this meeting rather than provide a full transcript. Anyone wishing to view the full conversation can find a recording of this meeting on YouTube at: www.youtube.com/watch?v=HrhOJa_0aeM.

Call to Order

Mayor Backus called the June 17, 2024 City Council meeting to order at 7:00 pm.

Pledge of Allegiance

Roll Call

Joseph A. Backus	Mayor	Dave Sukau	Public Works Director
Tyler Miller	Council President	Susan M. Reeves	City Recorder
Kim Holmes	Councilor	Carol Almer	Finance Administrator
Marisa Jacobs	Councilor	Laurie Oliver Joseph	Community Development Director
Ty Bailey	Councilor	Chris Fluellen	Police Lieutenant
		Charlotte Baker	Contract Administrator

Excused: Councilor Jeannet Santiago; Councilor Andrew Lafrenz; and Interim City Manager Larry Lehman.

Remote: Beth Rajski; unknown caller; Leonard Waggoner (left at 7:15pm); unknown caller (joined at 7:20pm and left at 7:22pm); and unknown caller (joined at 7:36pm).

Approval of the Agenda

Councilor Holmes moved, and Councilor Bailey seconded the motion that Council approve the agenda as amended with removing agenda item number 3 and replacing it with discussion of appointment of acting city manager effective July 1, 2024. Motion passed (5-0). Mayor Backus, aye; Council President Miller, aye; Councilor Holmes, aye; Councilor Jacobs, aye, and Councilor Bailey, aye.

Public Comment - Items not on the agenda

Joel Haugen, Scappoose, read a statement into the record. "Using the context of the ongoing 50-Year Scappoose Plan, fifty years ago the City of Tigard wisely established the Greenway along their portion of Fanno Creek right after their first flood insurance study conducted by the Corp of Engineers (COE) was completed. This move was taken to protect themselves from increased peak flood flows due to urbanization. Since FEMA ONLY studies and maps floodplains based on existing conditions hydrology, further development which may occur in the future is not considered. The City of Tigard did something unique. They established a ZERO RISE FLOODWAY, which means the increase between the un-encroached hydraulic model run and the encroached model run, specifies the width of a floodway cannot be more than 0.04 feet anywhere along the creek instead of the standard 1.0-foot rise that FEMA requires as a minimum. This means the mapped floodway, or the NO BUILD ZONE, will be much wider than it would have been with just the standard 1.0-foot rise. Tigard had the COE establish this zero-rise floodway as part of the original FIS completed in the mid-1970s. This decision saved their residents millions of dollars in damages from the massive November 1996 flood, estimated at that time as a 30-year return interval flood. Not to be confused with the February 1996 flood. However, the wider revised floodway remained mainly within the Greenway except in the downtown area. A developer submitting a CLOMR-F, based only on existing peak flow conditions, can squeeze the floodway further than it has already been mapped. Such narrowing of the floodway worsens downstream flooding because they are then allowed to fill and elevate the floodplain outside the narrow floodway. This is called the loss of floodplain storage, which IS NOT ALLOWED in the Portland Metropolitan area since 1990. The South Scappoose Creek Watershed and the Fanno Creek Watershed cover about the same acreage and have comparable challenges. Given the current Scappoose 50-Year planning efforts, it would be highly desirable to establish a greenway along South Scappoose Creek consistent with the 2023 adopted Stormwater Master Plan (see second page) to improve, preserve & protect this area for future generations; hence this public comment. Once this opportunity is gone, it is gone, so please do consider this now." Joel Haugen



The Fanno Creek watershed spans more than 20,000 acres in the west and southwest of Portland. Encounter its diverse fish and wildlife on the Fanno Creek Trail and Greenway or several Portland parks.

About the Fanno Creek Watershed

Fanno Creek starts at its headwaters in the West Hills of southwest Portland. The creek flows southwest for 15 miles through residential, commercial, and industrial lands. Then it enters the Tualatin River about nine miles above the Tualatin's confluence with the Willamette River. The watershed drains approximately 20,259 acres of land. The upper reaches of the watershed once were heavily wooded, and the lower portions were a mixture of woods and wet meadows. Today, it covers parts of west Portland, Beaverton, Tigard, Washington County, and Clackamas County. Within Portland, the primary land uses in the watershed are housing (mostly single-family homes), transportation (streets and roads), and parks and open space.

As a result, the watershed has water quality concerns, including:

Elevated stream temperatures.

High levels of bacteria (*E. coli*).

High levels of other urban pollutants.

Although pollution is an issue, Fanno Creek does support fish, including coastal cutthroat trout. The creek's tributary streams include Vermont, Woods, North, and South Ash creeks. These tributaries provide cool water and habitat for native fish and wildlife.

How the Watershed is Doing Today

The most recent report card for the Fanno Creek watershed uses data collected from the 2023 Watershed Health Index. There is certainly room for improvement in the watershed. The most recent grades for Fanno Creek are:

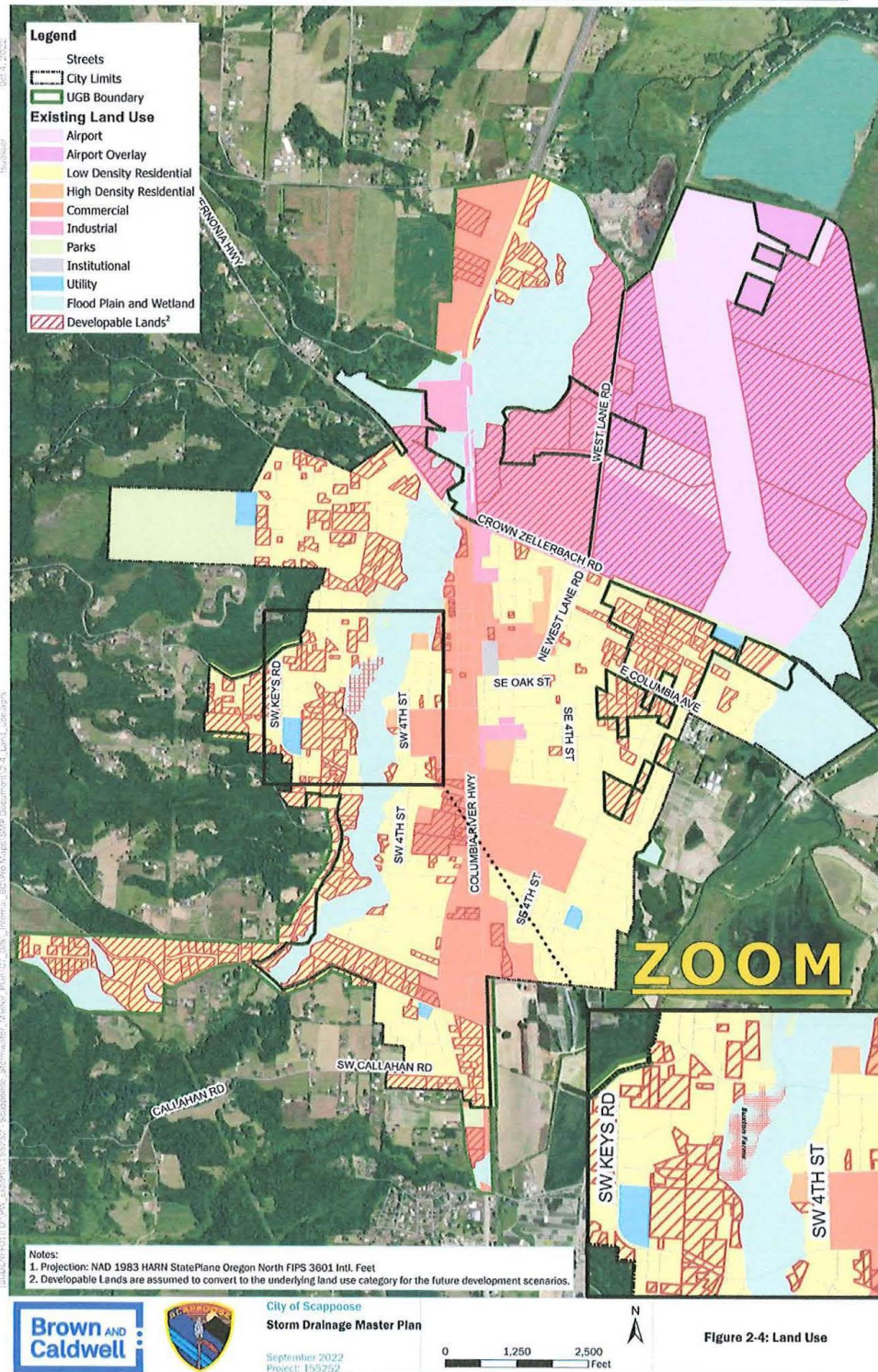
Hydrology – C

Water Quality – C

Habitat – B

Fish and Wildlife – D-

2023 Stormwater Master Plan P.34



Consent Agenda ~ June 3, 2024 Executive Session minutes; June 3, 2024 City Council meeting minutes; Resolution 24-07 A Resolution Adopting Public Contracting Rules and Procedures and Repealing Resolution 24-01; and Resolution No. 24-08: Extending Workers' Compensation Coverage to Volunteers

Councilor Bailey moved, and Councilor Jacobs seconded the motion that Council approve the Consent Agenda ~ June 3, 2024 Executive Session minutes; June 3, 2024 City Council meeting minutes; Resolution 24-07 A Resolution Adopting Public Contracting Rules and Procedures and Repealing Resolution 24-01; and Resolution No. 24-08: Extending Workers' Compensation Coverage to Volunteers. Motion passed (5-0). Mayor Backus, aye; Council President Miller, aye; Councilor Holmes, aye; Councilor Jacobs, aye, and Councilor Bailey, aye.

New Business

Scappoose student Catania Fenstermaker took Second Place at the State level of the OMA "If I Were Mayor..." Student Contest. Congratulations, Catania!



Mayor Backus & Catania

Appointment of Acting City Manager

Council President Miller moved, and Councilor Bailey seconded the motion to appoint Public Works Director Dave Sukau as Acting City Manager starting July 1, 2024 until the new city

manager is hired. Motion passed (5-0). Mayor Backus, aye; Council President Miller, aye; Councilor Holmes, aye; Councilor Jacobs, aye, and Councilor Bailey, aye.

Council President Miller talked about compensation for Public Works Director Dave Sukau while covering the city manager duties.

Council President Miller moved, and Councilor Bailey seconded the motion that Council approve Public Works Director Dave Sukau being compensated at the same rate as Interim City Manager Larry Lehman's pay rate. Motion passed (5-0). Mayor Backus, aye; Council President Miller, aye; Councilor Holmes, aye; Councilor Jacobs, aye, and Councilor Bailey, aye.

Resolution No. 24-09: A Resolution of the Council of the City of Scappoose Authorizing the City Manager to Enter into a Loan Agreement with the Department of Environmental Quality for the Purpose of Funding the Wastewater Treatment Plant Phase I Improvements and Repealing Resolution 20-03

Public Works Director Dave Sukau went over the staff report. At the January 21, 2020 meeting, Council authorized the City Manager to enter into a loan agreement with the Department of Environmental Quality's Clean Water State Revolving Loan Fund for \$6,430,600. In the four years since that initial loan agreement was signed, the cost of construction has risen significantly, and it has become clear that \$6.4 million is not enough to complete the project. The City is currently in talks with McClure and Sons to complete the project; their bid was over \$16 million. In light of that, the City would like to increase the loan amount to \$20 million to ensure the entire project is paid for. The interest rate and loan forgiveness amount remain the same; they are 1.88% and \$500,000, respectively. There is also a 0.5% fee to be paid annually. The loan will be paid off over a 30-year period. Staff recommends City Council authorize the City Manager to proceed with the DEQ Clean Water State Revolving Fund Loan increase for construction of the Wastewater Treatment Plant Phase I Improvement project.

Mayor Backus asked when would the interest start accruing, and we start making payments?

Contract Administrator Charlotte Baker replied interest accrues as you draw from the loan. The first payment would be within six months after project completion.

Councilor Holmes moved, and Councilor Jacobs seconded the motion that Council authorize the City Manager to proceed with the DEQ Clean Water State Revolving Fund Loan increase for construction of the Wastewater Treatment Plant Phase I Improvement project. Motion passed (5-0). Mayor Backus, aye; Council President Miller, aye; Councilor Holmes, aye; Councilor Jacobs, aye, and Councilor Bailey, aye.

Increase contracting limit for Smith Road Pump Station Project

Public Works Director Dave Sukau went over the staff report. In September 2023, the City entered into a contract with Rotschy, Inc. for design-build services for the Smith Road Pump Station project. At that time, Council gave approval for a contract totaling \$1,066,000. Now that the design phase is coming to a close and the construction phase is about to begin, the contractor has been able to provide a more complete picture of what will be required to complete the project. As a result, they are requesting additional funds for construction. The initial contract was for \$1,066,000.00, and the contractor has now quoted a guaranteed maximum price of \$1,142,437, an increase of \$76,437.44. However, staff would request that Council provide approval for a contracting limit up to \$1,200,000. While staff does not anticipate going over the \$1,142,437.44 quoted by the contractor, this would allow enough wiggle room to cover future expenses that may arise as the construction phase of the project begins. The total increase requested by the contractor is \$76,437.44. Staff is requesting an increase up to \$134,000 over the original price of \$1,066,000, for an approval of up to \$1,200,000. Staff recommends that Council authorize the City Manager to approve a contract increase with Rotschy, Inc. up to \$1,200,000.

Council President Miller moved, and Councilor Bailey seconded the motion that Council authorize the City Manager to approve a contract increase with Rotschy, Inc. up to \$1,200,000. Motion passed (5-0). Mayor Backus, aye; Council President Miller, aye; Councilor Holmes, aye; Councilor Jacobs, aye, and Councilor Bailey, aye.

Fiscal Year 2024-2025 Budget

Hold a Public Hearing to determine if the City should elect to receive State Shared Revenues

Finance Administrator Carol Almer explained the process in order to receive State Shared Revenue.

Public Hearing

Mayor Backus opened the public hearing at 7:25pm and closed it due to no one wanting to speak on this matter.

Resolution No. 24-10: A Resolution Certifying that the City of Scappoose Meets All Requirements to Receive State Shared Revenues for Fiscal Year 2024-2025

Resolution No. 24-11: A Resolution Declaring the City's Election to Receive State Revenue for Fiscal Year 2024-2025 for the City of Scappoose

Councilor Bailey moved, and Councilor Jacobs seconded the motion that Council adopt Resolution No. 24-10: A Resolution Certifying that the City of Scappoose Meets All Requirements to Receive State Shared Revenues for Fiscal Year 2024-2025 and Resolution No. 24-11: A Resolution Declaring the City's Election to Receive State Revenue for Fiscal Year 2024-

2025 for the City of Scappoose. Motion passed (5-0). Mayor Backus, aye; Council President Miller, aye; Councilor Holmes, aye; Councilor Jacobs, aye, and Councilor Bailey, aye.

Adopting the City of Scappoose 2024-2025 Budget

Resolution No. 24-12 Hold a Public Hearing on the proposed Approval budget for the Fiscal Year 2024-2025, Making Appropriations, Imposing the Tax, and Categorizing the Tax

Finance Administrator Carol Almer explained this would adopt the budget with the updates in the staff report.

Public Hearing

Mayor Backus opened the public hearing at 7:32pm and closed it due to no one wanting to speak on this matter.

Councilor Holmes moved, and Councilor Bailey seconded the motion that Council adopt Resolution No. 24-12 Hold a Public Hearing on the proposed Approval budget for the Fiscal Year 2024-2025, Making Appropriations, Imposing the Tax, and Categorizing the Tax. Motion passed (5-0). Mayor Backus, aye; Council President Miller, aye; Councilor Holmes, aye; Councilor Jacobs, aye, and Councilor Bailey, aye.

Resolution No. 24-13: A Resolution Establishing all Fees and Charges for the City of Scappoose and Rescinding Resolution No. 23-11: 2024-2025 Fee Resolution

Public Works Director Dave Sukau explained annually the City updates the fee schedule and that is what Council has before them.

Community Development Director Laurie Oliver Joseph went over the Community Development fees.

Public Hearing

Mayor Backus opened the public hearing and closed it due to no one wanting to speak on this matter.

Councilor Jacobs moved, and Councilor Holmes seconded the motion that Council adopt Resolution No. 24-13: A Resolution Establishing all Fees and Charges for the City of Scappoose and Rescinding Resolution No. 23-11: 2024-2025 Fee Resolution. Motion passed (5-0). Mayor Backus, aye; Council President Miller, aye; Councilor Holmes, aye; Councilor Jacobs, aye, and Councilor Bailey, aye.

Announcements – information only

Calendar

Mayor Backus went over the calendar.

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

Public Works Director Dave Sukau explained there is a lot going on in the Public Works Department. He explained he is very appreciative of Larry Lehman being here. He explained Larry's experience has been really beneficial. He also stated Larry's energy to make improvements here has been unmatched, and that says a lot.

Mayor Backus thanked Finance Administrator Carol Almer for her budget information in the newsletter. He explained maybe in the fall we can talk more about the Urban Renewal.

LT Fluellen gave an update on the Police Department.

Councilor Jacobs explained the Parks and Rec Committee is meeting this Thursday and they will be prioritizing their projects for the rest of the calendar year.

Councilor Holmes thanked all the Councilors who participated in the City booth for the Outdoor Fest and all the staff that very quickly assembled all the resources for them. She thinks it made a nice experience for them engaging with the community. She explained the community did leave them some nice thoughts about things they love about the community, which she shared with all by having it posted in the Chambers. She thanked JJ and the Library for all of the hard work. She stated we look forward to future years.

Council President Miller thanked JJ and all the volunteers that helped make the Outdoor Festival possible. He read part of Resolution No. 22-11 regarding fireworks since we are approaching 4th of July, Independence Day. He explained this can be found on the website as well.

Mayor Backus thanked JJ and explained we will have a recap of the Outdoor Festival, probably next month. He thanked staff for their help with the city manager interview process. He talked about Career Day at Grant Watts and explained he appreciates the City staff for assisting with that. He talked about the flags that were put up over Memorial Day weekend.

Executive Session ~ ORS 192.660 (2) (a) Employment of Manager or Attorney

Mayor Backus went in Executive Session at 7:54pm and read the opening statement for the Executive Session ~ ORS 192.660 (2) (a) Employment of Manager or Attorney.

Present: Mayor Joseph A. Backus; Council President Tyler Miller; Councilor Kim Holmes; Councilor Marisa Jacobs; and Councilor Ty Bailey.

Remote: Consultants Bob Larson.

Excused: Councilor Jeannet Santiago and Councilor Andrew Lafrenz.

Return To Regular Session

Mayor Backus came into open session at 9:06pm.

Present: Mayor Joseph A. Backus; Council President Tyler Miller; Councilor Kim Holmes; Councilor Marisa Jacobs; Councilor Ty Bailey; and City Recorder Susan M. Reeves.

Remote: Consultants Bob Larson.

Excused: Councilor Jeannet Santiago and Councilor Andrew Lafrenz.

Authorize Employment Contract for City Manager

There was no action taken on this agenda item.

Adjournment

Mayor Backus adjourned the meeting at 9:06pm.

Mayor Joseph A. Backus

Attest:

City Recorder Susan M. Reeves, MMC



SCAPPOOSE *Oregon*

**MONDAY, JUNE 24, 2024, 7:00PM
SPECIAL CITY COUNCIL MEETING
COUNCIL CHAMBERS
33568 EAST COLUMBIA AVENUE
SCAPPOOSE, OREGON 97056**

Disclaimer: These minutes are intended to summarize the conversations that took place in this meeting rather than provide a full transcript. Anyone wishing to view the full conversation can find a recording of this meeting on YouTube at: www.youtube.com/watch?v=oxU8Z076VNk and www.youtube.com/watch?v=ENcC4tullYU.

Call to Order

Mayor Backus called the June 24, 2024 Special City Council meeting to order at 7:00 pm.

Pledge of Allegiance

Roll Call

Present: Mayor Backus; Councilor President Miller; Councilor Santiago; Councilor Holmes; Councilor Lafrenz; Councilor Jacobs; Interim City Manager Larry Lehman; and City Recorder Susan M. Reeves.

Remote: Consultant Bob Larson.

Excused: Councilor Bailey.

Approval of the Agenda

Council President Miller moved, and Councilor Holmes seconded the motion to approve the agenda. Motion passed (6-0). Mayor Backus, aye; Councilor President Miller, aye; Councilor Santiago, aye; Councilor Holmes, aye; Councilor Lafrenz, aye; and Councilor Jacobs, aye.

Public Comment

There were no public comments.

Executive Session ~ ORS 192.660 (2) (a) Employment of Manager or Attorney

Mayor Backus read the Executive Session statement and went into Executive Session at 7:02pm.

Present: Mayor Backus; Councilor President Miller; Councilor Santiago; Councilor Holmes; Councilor Lafrenz; Councilor Jacobs; and Interim City Manager Larry Lehman.

Remote: Consultant Bob Larson.

Excused: Councilor Bailey.

Return To Regular Session

Mayor Backus came out of Executive Session into open session at 8:24pm.

Present: Mayor Backus; Councilor President Miller; Councilor Santiago; Councilor Holmes; Councilor Lafrenz; Councilor Jacobs; Interim City Manager Larry Lehman; and City Recorder Susan M. Reeves.

Remote: Consultant Bob Larson.

Excused: Councilor Bailey.

Authorize Employment Contract for City Manager

Mayor Backus explained they are still considering qualifications so there will not be a decision made tonight.

Adjournment

Mayor Backus adjourned the meeting at 8:27pm.

Mayor Joseph A. Backus

Attest:

City Recorder Susan M. Reeves, MMC



SCAPPOOSE *Oregon*

THURSDAY, JUNE 27, 2024, 3:00PM

SPECIAL CITY COUNCIL MEETING AGENDA

COUNCIL CHAMBERS * 33568 EAST COLUMBIA AVENUE * SCAPPOOSE, OREGON 97056

Disclaimer: These minutes are intended to summarize the conversations that took place in this meeting rather than provide a full transcript. Anyone wishing to view the full conversation can find a recording of this meeting on YouTube at: www.youtube.com/watch?v=AtAvUIH0UUA and www.youtube.com/watch?v=PeMPfX9qLrI.

Call to Order

Mayor Backus called the June 27, 2024 Special City Council meeting to order at 3:00 pm.

Pledge of Allegiance

Roll Call

Present: Mayor Backus; Councilor President Miller; Councilor Bailey; Interim City Manager Larry Lehman; and City Recorder Susan M. Reeves.

Remote: Councilor Santiago; Councilor Holmes; and Consultant Bob Larson.

Excused: Councilor Jacobs.

Approval of the Agenda

Council President Miller moved, and Councilor Bailey seconded the motion to approve the agenda. Motion passed (5-0). Mayor Backus, aye; Council President Miller, aye; Councilor Santiago, aye; Councilor Holmes, aye; and Councilor Bailey, aye.

Public Comment - Items not on the agenda

There were no public comments.

Executive Session ~ ORS 192.660 (2) (a) Employment of Manager or Attorney

Present: Mayor Backus; Councilor President Miller; Councilor Bailey; and Interim City Manager Larry Lehman.

Remote: Councilor Santiago; Councilor Holmes; and Consultant Bob Larson.

Excused: Councilor Jacobs.

Return To Regular Session

Mayor Backus came out of Executive Session into open session at 3:23pm.

Present: Mayor Backus; Councilor President Miller; Councilor Bailey; Interim City Manager Larry Lehman; and City Recorder Susan M. Reeves.

Remote: Councilor Santiago; Councilor Holmes; and Consultant Bob Larson.

Excused: Councilor Jacobs.

Authorize Employment Contract for City Manager

Council President Miller moved, and Councilor Santiago seconded the motion that Council recognizes Ben Burgener their preferred candidate for city manager and authorize Mayor Backus to issues a letter of intent to Ben Burgener. Motion passed (5-0). Mayor Backus, aye; Council President Miller, aye; Councilor Santiago, aye; Councilor Holmes, aye; and Councilor Bailey, aye.

Council President Miller moved, and Councilor Santiago seconded the motion that Council authorize Mayor Backus to negotiate an employment agreement with Ben Burgener for City Manager, upon his signed letter of intent. Motion passed (5-0). Mayor Backus, aye; Council President Miller, aye; Councilor Santiago, aye; Councilor Holmes, aye; and Councilor Bailey, aye.

Mayor Backus explained if everything goes accordingly, we will look at about July 8 to have another meeting to discuss the approval of the agreement.

Mayor Backus thanked Interim City Manager Larry Lehman for his service in helping keep Scappoose afloat. He appreciates all his help.

Adjournment ~ Mayor Backus adjourned the meeting at 3:27pm.

Mayor Joseph A. Backus

Attest:

City Recorder Susan M. Reeves, MMC

City of Scappoose Council Action & Staff Report

Date Submitted: July 9, 2024

Agenda Date Requested: July 15, 2024

To: Scappoose City Council

From: Dave Sukau, Public Works Director and Acting City Manager

Subject: Meissner Property Donation

Type of Action Requested:

[]	Resolution	[]	Ordinance
[X]	Formal Action	[]	Report Only

Issue:

Over the past few years, Duane and Elizabeth Meissner have been considering donating their property to the City to be used as a City park. In May 2024, Duane and Elizabeth Meissner submitted a proposal to the City for the donation of their 1.91 acre property to be used as a nature preserve and playground. The Meissner property is located on Dutch Canyon Road behind the Columbia West shopping center in an area of town that is currently lacking in City park facilities. The property consists of a natural wildlife area with no other improvements on-site.

The Meissners have placed some stipulations on the donation of their land. The stipulations are:

1. The property is to be named Timee Nature Preserve, after Chief Concomly's daughter.
2. A plaque is to be displayed in the park with the following inscription:

"This nature preserve and park
Are dedicated to the Native Americans
Who lived on this land for thousands
Of years in harmony with nature."

3. A six foot fence is to be erected in the park between their remaining property and the nature preserve property.

In addition, a deed restriction will be placed on the property stipulating that the property is not to be used for any purpose other than a nature preserve and children's playground.

Analysis:

As stated previously, the Meissner property is located in an area of the City that is lacking in Park facilities. The addition of this property to the City's array of parks would help further the City's goal, outlined in the City's Parks Master Plan, of having a park facility within a 10-minute walk of all residents.

Fiscal Impact:

While the property will be donated for free, the City will be responsible for making the upgrades stipulated by the Meissners, including the fence, as well as adding a parking lot, restrooms and children's play area. In addition, there will be costs associated with upkeeping the property, such as mowing and weed eating.

Recommendation:

Staff recommends that Council approve the acceptance of the Meissner property donation to be used as a nature preserve and children's park.

Suggested Motion:

I move Council approve the acceptance of the Meissner property donation to be used as a nature preserve and children's park.

Attachments:

Exhibit A: Proposal received from The Meissners

PROPOSAL FOR DONATING 1.91 ACRES OF LAND
TO THE CITY OF SCAPPOOSE FOR A PLAYGROUND
AND NATURE PRESERVE

My wife and I strongly feel that the highest and best use for the property is a children's park combined with a nature preserve.

The creation of a children's park combined with a nature preserve would be of value to the city in the following ways: A children's playground could be created at the south end of the park by the road. The park would provide for physical activity. The trail through the park would give children exercise and contact with an urban forest and all of the amenities that an urban forest can provide.

Global warming is and will continue to be a problem in the future. The trees will lower the temperature of the neighborhood by several degrees.

This preserve will provide an area for adults to walk their dog, walk or exercise and gain all the advantages that being in an urban forest environment provides.

It will take the city some time to complete this project. We do insist that a 6' privacy fence be constructed between our remaining property and proposed nature preserve before the fence with locked gate along Dutch Canyon Rd. is removed.

NAME OF NATURE PRESERVE

Sometime ago the City Council renamed Tomee Park to Chief ConcomlyPark. The reasoning was that her name was spelled Tomee, Timmee, Timee or any variation thereof. Timee did not spell her name. The Chinook had no written language. Various people would hear her name, then write it in their journals or notes using their own spelling. After consideration of the potential for historical inaccuracy the park was named Chief Concomly Park. According to an excellent book, *Naked in the Rain* by Rick Rubin, the correct spelling is Chief Comcomly, not Concomly. (p.378)

Of the four most common spellings for Tom McKay's wife (Timmie, Timmee, Timee, Tomee) Timmie is used in Rick Rubins's book. Another excellent book on this subject is *The Chinook Indians – Traders of the Lower Columbia River* by Robert H Ruby and John A Brown. These two authors use Timee as the chosen spelling. She did exist. She is important in local Native American history. We will require that the name be The Timee Nature Preserve.

RECOGNITION OF NATIVE AMERICANS

The Chinook Indians lived in this area for at least 4,000 years, but Native Americans have been in this area much longer. The bones of Kennewick Man were carbon dated to be 8,900 to 9,000 years old. Sagebrush sandals found at Fork Rock State Park were dated to be 9,000 to 13,000 years old.

When we planted the trees on our property, we found many cobble stone tools that were used by Native Americans (See Attachment 1).

I have no idea when Native Americans first moved to this area, but I do know that Native Americans make up most of this area's history.

One of the requirements of this donation is that there be a monument with a plaque that will contain a short statement similar to the following:

This nature preserve and park
Are dedicated to the Native Americans,
Who lived on this land for thousands
Of years in harmony with nature.

DEED RESTRICTIONS

The city will not sell, trade, donate or use this land in any way other than a children's playground and nature preserve. A nature preserve is defined as an area set aside to protect the plants, animals, and natural communities, which are found on it or be restored in the future.

The area will have paths or trails for the enjoyment, education, exercise and positive mental health aspects of the citizens, who use the preserve.

SUMMARY

In summary, the reason our family is willing to donate this property to the city at no cost is that we strongly believe that a nature preserve is the highest and best use for this land.

A nature preserve is not a park with manicured lawns and trimmed trees. It is a natural area where birds and other forms of wildlife feel at home and share their lives with the area residents, who have trails and benches to have access to the area. It is a preserve where people can relax, walk their dogs

and maintain their physical and mental health. The preserve is also a place that will lower the temperature of the neighborhood during a heat wave.

Nature preserves are also places where area residents should be given the opportunity to maintain the area by volunteering their time.

A children's park with play equipment for young children at the front area of the nature preserve will attract more people to the area and will provide needed physical activity.

Sincerely,

Duane J. Meissner

Duane J. Meissner 5/31/24
Elizabeth A. Meissner

Elizabeth A. Meissner 5/31/24

Dear Mr. Meissner,

1

It was a pleasure meeting you and your son last week. Your property is truly an island of ecological and archaeological significance within a space of impactful modern human disturbance. As I mentioned previously, as an Oregon Department of Forestry and State of Oregon employee I may not offer opinions, advice, recommendations, etc. on the items we discussed, but I am able to put you in contact with someone who will likely be able to discuss things further with you.

Thus, please meet Briece - emailed here and his phone number is: 503-879-2084. He is a member of the Grand Ronde Confederation of Tribes and would be your best local contact. If you have any additional questions concerning communications with Briece please let me know. He is an outstanding individual personally and an asset in stewardship for the Confederated Tribes of the Grand Ronde.

Finally, I would like to thank you for serving as a biology teacher for your long career. I have no doubt you impacted many lives in very positive ways.

Respectfully,

Deanna

Deanna N. Grimstead, Ph.D.

(she/her - Safe Space)

Tribal Government Policy Coordinator & Archaeologist

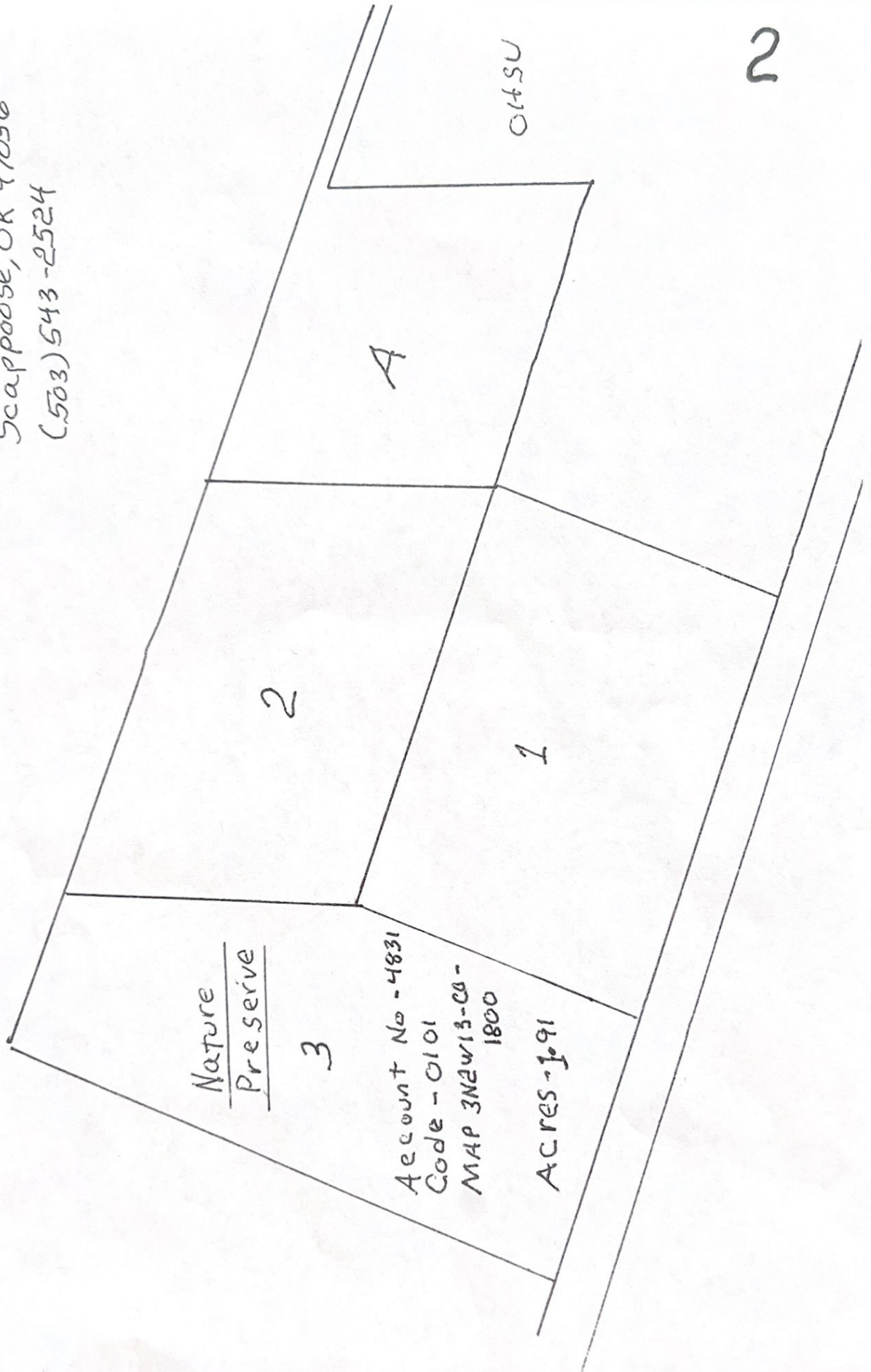
Oregon Department of Forestry

Cell: 971-375-2093

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LinkedIn: <https://www.linkedin.com/in/deanna-grimstead-027847208>

Duane Meissner
33287 SW Dutch Canyon Rd.
Scappoose, OR 97056
(503) 543-2524



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CITY OF SCAPPOOSE

5.

July 2024						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 Council work session 6pm - Council meeting 7pm	2	3	4 City Offices closed	5	6 Scappoose Farmers Market 9 am - 2pm
7	8	9	10	11 Planning Commission 7pm	12	13 Scappoose Farmers Market 9 am - 2pm
14	15 URA 6pm - Council meeting 7pm	16	17	18 EDC noon Parks & Rec 6pm	19	20 Scappoose Farmers Market 9 am - 2pm
21	22	23	24	25 No Planning Commission	26	27 Scappoose Farmers Market 9 am - 2pm
28	29	30	31			

CITY OF SCAPPOOSE

August 2024

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2 Movies in the Park	3 Scappoose Farmers Market 9 am - 2pm
4	5 Council work session 6pm - Council meeting 7pm	6	7	8 Planning Commission 7pm	9 Movies in the Park	10 Scappoose Farmers Market 9 am - 2pm
11	12	13	14	15 EDC noon Parks & Rec 6pm	16 Movies in the Park	17 Scappoose Farmers Market 9 am - 2pm
18	19 URA 6pm - Council meeting 7pm	20	21	22 Planning Commission 7pm	23 Movies in the Park	24 Scappoose Farmers Market 9 am - 2pm
25	26	27	28	29	30	31