



**MONDAY, NOVEMBER 4, 2024
CITY COUNCIL MEETING
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=4F9tEPN96o0 & www.youtube.com/watch?v=uZtEfUxllaA.

Call to Order

Mayor Backus called the November 4, 2024 City Council meeting to order at 7:00 pm.

Pledge of Allegiance

Roll Call

Joseph A. Backus	Mayor	Benjamin Burgener	City Manager
Kim Holmes	Councilor	Chris Fluellen	Interim Police Chief/LT
Andrew Lafrenz	Councilor	Susan M. Reeves	City Recorder
Marisa Jacobs	Councilor	Laurie Oliver Joseph	Community Development Director

Remote: Council President Tyler Miller; Councilor Jeannet Santiago; Legal Counsel Ashleigh Dougill; Mike Maggi; Marty Marquis; Max Bondar; and Steve Puls.

Approval of the Agenda

Mayor Backus explained he would like to ask, if possible, that we move public comment, if we have any, to after new business.

Councilor Holmes moved, and Councilor Santiago seconded the motion to approve the agenda with moving public comments after New Business.

Councilor Jacobs asked what is the reasoning for doing that?

Mayor Backus stated he just felt if there are any comments because we have the first reading of

issues on remand, provides an analysis of the issues brought forward during written and verbal public testimony during the remand proceedings and provides findings to support the approval of the consolidated application, based on the applicable approval criteria. Council is not required to deliberate or hold any further public hearings or accept any further testimony on this application, as that was delegated to the Hearings Officer and that process has concluded. The adoption of the ordinance is a formality to implement the Hearings Officers decision on this matter. Staff recommends that the Council adopt Ordinance 920, thereby approving the Buxton Ranch consolidated application (SB1-22, ZC1-22, CU1-22, SLDP 1-22, 2-22, 3-22 and 4-22) and accept the findings and Conditions of Approval, as presented.

Mayor Backus explained the public hearing for this application was held by a hearings officer on September 30, 2024, so no additional hearings will be held. Council is the authority to approve ordinances, so tonight he will read an opening statement, then he will entertain a motion on Ordinance 920. He asked if any Councilor wishes to declare any appearance of bias, ex-parte contact or conflict of interest regarding this matter?

Councilor Lafrenz explained his home and property are in close proximity upstream of the proposed development. This ordinance may result in a detriment to himself and his property, so he has been advised to recuse himself. He left the Council Chambers at 7:12pm.

Councilor Jacobs explained she understands there could be actions or outside factors that could contribute to a possible appearance of bias in this matter. However, she does believe that she is able to weigh all the facts in the situation and determine that despite any potential appearance of bias she can render a neutral decision on this ordinance with respect to ex-parte contacts during the last course of the year that she has been a City Councilor she has had probably about two dozen individuals approach her at different points in time inquiring on this project and her position has remained fairly neutral. In terms of any conflict, perceived conflicts of interest she lives within a block distance of where this development will take place. She stated you could argue either way that it could financially benefit her with the new housing development, and you can argue that she will financially be negatively impacted by the new development so either way there is a perception there whether it's real or not, is simply just a (couldn't hear what she said).

Council President Miller explained during the course of this topic that's going on now for quite some time, there has been one-way ex-parte contact from Mr. Haugen to a number of Councilmembers. He has received emails from him however he has not replied back to those emails.

Councilor Holmes explained she has received similar emails from on the Friends of Floodplain distribution email list and asked multiple times to be removed from that list but that was the extent of her communication. She also received a text message from Joel Haugen last week

encouraging her to abstain from voting tonight until a hydrology report could be completed. She does not think those ex-parte communications will affect her ability to be impartial. She will also note that she has property that adjoins the property. She also doesn't believe that she has a financial benefit or detriment if that property were to be developed.

Mayor Backus explained as Councilor Holmes and to the degree Council President Miller he has received emails over the course of possibly the last year from Joe Haugen as a member of Friend of the Floodplain, but he believes that he can vote fairly on this topic.

Councilor Santiago explained she too has received the emails, but there is no bias for her.

Mayor Backus asked does any party wish to challenge any Council members impartiality or legal capacity to participate in this matter. He stated seeing none he will entertain a motion on this matter.

Councilor Holmes moved, and Councilor Santiago seconded the motion that the Council approve Ordinance 920, thereby approving the Buxton Ranch consolidated application (SB1-22, ZC1-22, CU1-22, SLDP 1-22, 2-22, 3-22 and 4-22) and accept the findings and Conditions of Approval, as presented.

Mayor Backus read the title for the first time ~ Ordinance 920, Ordinance No. 920: An Ordinance Relating to Land Use on Remand from LUBA; Amending the Scappoose Zoning Map, Adopting and Implementing the Hearings Officer Final Order, and Approving the "Buxton Ranch" Planned Development, Subdivision, Conditional Use, and Sensitive Lands Development Permits.

Mayor Backus explained this will come back on November 14, 2024 Council agenda for a second reading of the ordinance and to vote on the matter.

Public Comments ~ There were no public comments.

Announcements – information only

Calendar

Mayor Backus went over the calendar.

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

Interim Chief/LT Fluellen gave an update on the Police Department and the Halloween event.

Councilor Lafrenz came back into the room at 7:20 pm.

Councilor Jacobs stated tomorrow is election day and she hopes everyone has voted. She hopes that we have peace and acceptance over the couple of days after the election.

Councilor Santiago echoed what Councilor Jacobs stated about voting and having peace and acceptance after the election. She gave an update on the last EDC meeting.

Councilor Holmes gave an update on the 50-Year Plan. She stated if you haven't yet got your ballot in yet, please do so. It is a very important duty that we all have. She stated she does appreciate that in Scappoose, where we might not see eye to eye on things, she thinks we realize we have more things in common than not most often.

Council President Miller explained if you haven't voted yet, please get your ballot in, your vote matters. He explained regarding the Buxton Development this has been a long-drawn-out process and he just wanted to thank staff for all their dedication and professional standards and making sure the City abides by the law and our ordinances.

Mayor Backus explained he will echo everyone's comment about voting. He thanked Interim Chief Fluellen and City Manager Burgener for assisting with the six 3rd grade classes. He talked about the letters that all the students wrote. He explained the students wrote down what they would like to see at the parks, and the number one item was a zip line. He explained he did attend the LOC Small City Meeting, which the City of Scappoose will be hosting the meeting in February.

Executive Session ~ ORS 192.660(2)(d) Labor Negotiations

Mayor Backus read the Executive Session statement and then went into Executive Session at 7:26pm.

Present: Mayor Backus; Councilor Holmes; Councilor Lafrenz; Councilor Jacobs; City Manager Burgener; and Interim Police Chief/LT Fluellen.

Remote: Council President Miller; Councilor Santiago.

Open Session

Mayor Backus came out of Executive Session and into open session at 8:02pm.

Present: Mayor Backus; Councilor Holmes; Councilor Lafrenz; Councilor Jacobs; City Manager Burgener; Interim Police Chief/LT Fluellen; and City Recorder Susan Reeves.

Remote: Council President Miller; Councilor Santiago; Marty Marquis; Steve Puls; Joel Haugen; and Brittney.

SPOG Collective Bargaining Agreement

City Manager Burgener explained staff's recommendation is to approve the contract as written.

Mayor Backus explained he appreciates all the hard work on this.

Council President Miller moved, and Councilor Jacobs seconded the motion that Council adopt the SPOG Collective Bargaining Agreement as written. Motion passed (6-0). Mayor Backus, aye; Council President Miller, aye; Councilor Santiago, aye; Councilor Holmes, aye; Councilor Lafrenz, aye; and Councilor Jacobs, aye.

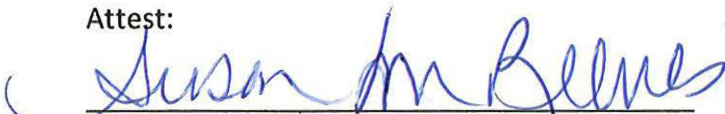
Adjournment

Mayor Backus adjourned the meeting at 8:05pm.



Mayor Joseph A. Backus

Attest:


City Recorder Susan M. Reeves, MMC