

**MONDAY, JULY 21, 2025**

**CITY COUNCIL MEETING AGENDA**

**REGULAR MEETING 7:00PM**

**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=mtQip42Re6I & www. outube.com/watch?v=m60q363-ZTg.

**Call to Order**

Mayor Backus called the July 21, 2025 City Council meeting to order at 7:00pm.

**Pledge of Allegiance**

**Roll Call**

Joseph A. Backus Mayor Benjamin Burgener City Manager

Tyler Miller Councilor President Chris Fluellen Police Chief

Jeannet Santiago Councilor Susan M. Reeves City Recorder/HR

Kim Holmes Councilor Laurie Oliver Joseph Community Development Director

Marisa Jacobs Councilor

**Excused:** Councilor Joel Haugen

**Remote:** Public Works Director Dave Sukau (left at 7:34pm); and Alicia Heiges (joined at 7:13pm).

**Approval of the Agenda**

Councilor Santiago moved, and Council President Miller 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 Jacobs, aye.

**Public Comment ~ Items not on the agenda**

Mayor Backus presented a plaque to Andrew Lafrenz, previously on the Council.



In special recognition of Andrew Lafrenz Scappoose City Council for your outstanding service, dedication and commitment to the Citizens of Scappoose January 2023 ~ June 2025. Thank you, Andrew!

Mayor Backus thanked Andrew for his service.

Stu Beutler, Scappoose, explained he is here due to lack of concern from the City dealing with the contractors for their houses. He stated his main complaint is the contractors are going to be contractors but the lack of concern from the City regarding his house vibrating. He explained the City Engineer said it was his foundation. He got a company to come out and look at his foundation and he was told they can’t find anything wrong with his foundation, as it is so solid. He explained he went back to the City Engineer and stated he has a complaint with that too because they were draining Rick Waters property which is back of his property. He asked the City Engineer before he signed off on the permit, have him fix this, you know, work with it and so they really didn't do anything. So, the Engineer told him, well, you're going to have to go sue your neighbor. He stated well the City permitted it. He explained the City Engineer stated “well, I have no codes to get there.” He stated with a plan review for the City of Portland, he knows if you want to do something, you do it. So the engineer could have done something if he wanted to. So then going back to the vibration and stuff, this has been going on over a year. He asked, “don't you guys care about the way our houses fall apart?” He stated they're vibrating. He stated a simple thing; he called the County and asked if they could just put a slow sign up because where they put the two roads together when they redid the water tower, ten years ago, maybe fifteen to twenty years ago, the trucks come through there and if they would just slow down, it wouldn't vibrate his house. He explained his daughter says “Dad, they're shaking the house.” They are just running a track hoe across the property where they're putting the new development in. He just wishes there would be a little bit more concern from that. He stated then also the fireworks. He wishes they would do something about the fireworks. They used to have a police officer come by and patrol and then the last five years they just don't do anything at all. He called 911. He went and asked his neighbor if he could comply and knock it off and he replied yes, he will knock it off, but he did it anyway, but the police did come by this time. He just wishes they would do something more about that. He stated the overall thing is why are we building the City up so much too. Is it for pensions? Is it all about that money or how come we're not making more of a livable City versus, you know, just packing people in more. He is paying $5000 a year in taxes and it seems like you could care less about him. That's his main complaints. He wishes they could do something about it or someone respond back and say, hey, we've done something, we're working behind the scenes. He explained he has talked to the city manager, super nice guy, love ya, but nothing seems to get done. He stated maybe there is stuff behind the wheels that least respond back and say, hey, we're working on it, got some roadblocks, whatever it takes. Much appreciated to feel like you're part of the community versus like this entity, like the government, it's all about pensions and their wages and were just a bunch of…. we're the conduit to the money, is how you feel.

Mayor Backus thanked Stu and explained he will talk with the City Manager and see if we can come up with some answers for you. He is hoping there are some answers that maybe Stu doesn’t know about that we've been working on.

Timothy Watkins, Scappoose, stated good evening, everybody. He explained his concerns are the same as Stu as far as the vibration. He stated it is starting to settle in his house. He explained it seems like the walls are separating from the floor. Who knows what's going on underneath. He is just wondering, like, who's going to be responsible if he has damage under there for this? He hasn’t had an engineer anyone come out yet, so those are some of his concerns and his back doors are now are sticking and won't even close all the way. So he has to lift it up to close it. As a matter of fact there's an earthmover parked right along his fence line, as we speak. He explained his mother-in-law is there all day but they are at work so they don't get the brunt end of it until 20 or 30 minutes after they get home. So it's not so bad for them, but you know, his mother lives there and she's like it's like really loud and today was the loudest she's ever heard it. He explained he didn't hit on this, but Stu brought up a good thing about the fireworks. It supposed to be quiet, but he knows they're shooting off illegal fireworks, because those are really loud as well. He stated those are his concerns on the property back there. He just doesn't want to be responsible for having to rebuild his foundation. He just moved in the house three years ago and what brought him out to Scappoose was the field in the backyard in the first place, the view, but now it's gone. He can accept that, that's not a problem, but it's just hard to deal with foundation problems in the future, that's all, and how that would be addressed later on.

Councilor Jacobs asked Mr. Watkins if this is related to the water treatment plant construction or is in relation to the housing?

Timothy Watkins replied both.

David & Teresa Archerd, Scappoose, explained they live right across the street, on Keys Road from the big construction. He stated first of all, which is way off the subject, he wanted to thank Council for actually doing the Pledge of Allegiance, that was way cool. He stated you don't see that anymore. He explained he has is pictures of all the damage so far to his house.
He read a memo to the Mayor and Council: Our beautiful home at 52290 SW KEYS RD is breaking apart in the walls, the ceilings, the light fixtures coming out of the ceiling, the concrete cracking, the stone work breaking, moldings coming apart,...EVERYWHERE because for Horrible vibrations caused by the relentless construction of the Huser project across the street.

I have less than 3 things hung on the walls of my home since I love the look of custom painted (custom created paint just for us) walls with a clean uncluttered look. These walls that have beautiful rounded corners in the hallways and now are full of cracks, cracks that go all the away to the 12' ceilings - and we see these cracks getting larger by the day! I get to see white sheet rock dust and paint on the hardwood floors and the carpeted hallways, in the bathroom and the bedroom almost every day. There's not 3 days goes by that we don't vacuum up this sheetrock debris. Nails in the ceiling in our master bedroom and master bathroom aren't just starting to come out of the ceiling they are falling completely out from the earthquake like vibrations that happen daily from the CAT tractors treads and pounding of the buckets and blades. I've put the nails back in, with some chalking and still they come back out. But now the vibrations (THAT I HAVE ON VIDEO) shaking the house all the way to the other side of the house shaking milk in the refrigerator, water glasses on the table, drape cords literally moving in the air back and forth is taking its toll on our home and our very lives! I had to take my wife into the ER for migraines that would not stop! This construction is destroying our house, and our health - our metal status is past the breaking point. I'm a self-labeled perfectionist that is to a point that Even the paint in our house is custom mix I created and had made for us. I say all that because of this - I pressure wash my driveway all the time - wash my cars ALL THE TIME – some points 3 or 4 times a week! - and I assure you, I couldn't stand a crack in that concrete that I take photos of my first place ISCA winning show cars all the time to prove there were never any cracks **in** that driveway and never a crack in the garage floor that WAS perfect - now it too has a 4 foot crack going through it. So I ask you - Who's coming over to perfectly repair our house because of all of this? This is thousands of dollars of damage to a home we loved in our super quiet little piece of Oregon of which I've live in OR my entire life of 65 years. This year I retired and my first year of retirement has been a living hell watching my house fall apart before my eyes. No way on earth to open our windows from all the dust and dirt, no way to relax and read a book as my pages wiggle before my eyes while wearing earplugs in the basement! You have taken the very peace and quiet away that I've worked 50 years for to see one day - and that sweet taste of the first days of retirement that are now so bitter with a destroyed house I can Never get back. How can you give that back to us? How can you make my house I worked so hard to have perfect inside the same again. You have no clue at all how bad the Huser Project has destroyed my wife's life and mine. No clue at all. None.

David and Teresa Archerd

(end of memo)

David Archerd stated he can go on and go on literally. Even when he thinks about it he starts
getting so upset that, like he said, this is one of the reasons he didn't get an A, is because when things he’s passionate about and he feels that he’s probably just going to be speaking to just going to go off on the wayside, it it's kind of upsetting because nobody has to live through it. He is there every single day to the point that his wife gets migraine so bad for it and he had to take her into the ER two weeks ago because their house is shaking so bad as she walked into the bathroom and the nail fell on her head as she was leaning towards the mirror. That's after the light fixture came out of the ceiling. This is how bad their house shakes. It is literally, they have to get in the car and drive away just to keep their sanity. It is insane and now he looks like he said, every time he comes in there he goes why? This House was just sitting here and the day he bought it the real estate guy goes, man, I love the decoration they put in the front yard, those deer almost look real. He replied “they are”, and the four deer stood up. That was in his front yard. Now he sees the deer maybe about every two or three weeks because there's a creek behind his house. He is just here to say this construction has destroyed his way of life, their retirement. There is thousands upon thousands of dollars damage to their house. Who is going to cover this, please don't say his insurance because he already found that out when the County's tree hit their house how bad they can skate out of that. He stated the County didn't cover it. He found out if you don’t sue the County in 300 days there was a law that after that they are scott free. He was left with a $81,000 bill. So he is not going to let this happen this time. He stated you need to somehow figure out why this is happening and stop it from happening before the house comes down on top of us. He stated he can give anybody that wants the videos for any of this. He explained he left his e-mail and can send you all these pictures, all the insane amount of videos he has, you won't like it.

Mayor Backus asked if he could you leave some pictures with City Manager Ben, just so he can look at them later.

David Archerd stated even though you have signs up there for the truck drivers, not to use Jake brakes, guess what they can't read?

Mayor Backus stated good information, thank you. He explained typically, we'll take all your information, and we'll talk and hopefully we can get back something, pool our information and get back to you all. Thanks again.

James Mier, Scappoose, explained he has a lot to say so he is going to talk quick. He explained if you're familiar with the Huser project he lives on the southeast corner of it right where everything comes in and enters. He has pictures right here of quarter inch cracks in his walls, an 8th inch crack running the span of his 14 foot wide living dining room ceiling. Okay, this is just some of them. His kitchen counter now has a 3/16th inch crack on one side and has sunken a 1/4 inch. His house was built in 1931. It has wood on wood on the ground foundation. The damage that that construction is doing is not his fault. He is so perturbed at people that work for this City and please take it as personally as you can feel like it, because imagine somebody walking up to your house and whacking it with a car or a truck and doing it day after day after day after day and the City officials, officials who are supposed to protect you and supposed to stand up for you, say sorry, there's nothing we can do, they're following their permits, they're within their permits. He stated “Well, I tell you what, they're not within their permits.” This is just some of the dust. He is going to put everybody on notice right now he has three cameras up and they record 24/7 of all the BS that's going on over there. He stated to someone in the audience did you forget to mention the green space back there where they have, what he understood to have, a protective frog and the spring doesn't flow anymore.

David Archerd stated (from the audience) there's a stream that's behind his house that he wasn’t even allowed to walk down there.

James Mier stated he has contacted the City people, the people who work for the City, and the response was first, oh crap, this ain't good, we might have to stop construction and see what's going on. He stated suddenly a week later, It's oh, we can't do nothing, sorry, you're going to have to contact them. And they say, well, he has to contact the owner and the owner said, well, he has to contact the construction company and he has to contact the City and the city says he has to contact the owner and it's a big circle. Well, you know what, this is ruining his house, beyond repair. Right now, a conservative estimate is going to be about $100,000. His entire upstairs needs to be rebuilt, not counting the bottom. So you know, because he does have ring cameras that record everything, the conversation with the lead over there is yeah, dude, you're sitting on a bowl of Jello. The seismic activity caused by their equipment is measuring over a 4.0 earthquake, and when you have that for two 300 seconds a week or a day imagine what that does to your house that was not built for seismic standards, because it was built, you know, almost 100 years ago. He stated he apologizes for his attitude, but he has tried and he’s tried and he’s tried to talk to specific people, and he doesn’t want to call them out, but dagnammit man. He has talked to Chris a number of times and it's like, sorry, can't do nothing for you. You people work for the residents, not for construction companies coming in and building things. First off, you work for the residents, not for them and when they're coming in, wronging so many residents, he knows of at least six different people now seven, who have complaints about cracking in their house and if this is the first you've heard about it, that's a shame, because he has been talking about this for over a year. His question to all of you is what are you going to do about it? Why do we have to come down here and beg and plead for our City Council, who represents us, to actually represent us? Why? He stated pictures if you'd like. This dust, this dust goes on every day. These cracks, these cracks were not there when he moved in, and they weren't there two years ago. He painted the entire house. He knows that house, like the back of his hand.

Mayor Backus replied he appreciates it.

James Mier stated you don't understand, Sir. You can say I appreciate it, but you don't. You can't possibly comprehend unless you have somebody coming up to your house and literally freaking hitting it with a hammer and hitting it with a car everyday, and there's nothing you can do about it because he can't call the police, he can't talk to his City. All he can do is hire an attorney and try to sue them. That's his only recourse.

Mayor Backus replied yeah, he doesn’t know what the only recourse is. He stated we've heard you guys tonight and I'm sure we're all interested. We have members on this Council that live close by too, and we're all Scappoose City residents. He stated this isn't our job.

James Mier stated he understands this is volunteer work for you and he appreciates it. However, the frustration point, he has had stuff literally shaking off his shelves. He has now bought a big pod and packed up things from his upstairs and things from his dining room, his China hutch, part of his wine collection. He has some other collections that he packed up because he is afraid that his living room's going to fall. He has a three inch drop in his roof.
Now it goes from the edge and it goes down like 3 inches. This is real and this is because of the construction and whatever is because of the makeup of our ground around it. This is not just our imagination, and explained he beseeches you and he prays that you all hear them tonight and you actually take some action and represent us. He stated he is begging man, this is insanity.

Mayor Backus stated thank you. We'll have to end the public comment for now.

James Mier stated he has had conversations with City officials, with all parties involved with the construction, from George Dunkel to Dave Cady, to Bruce, with David Weekly, several people at IE Construction, which is the construction company actually doing the work and when he spoke to the head at IE Construction in Reno his quote was, after saying all that he had to say and whatnot, his quote was “Go ahead and sue us, we are the big fish. We are a national company, we are going to tie you up in court for ten years and you’re not going to get nothing.” He stated that is their attitude, sir. That is what they are up against. 1,000,000 companies against families just trying to survive and live a life with their house. He stated thank you all for your time and he really hopes you have heard them.

Mayor Backus stated thank you all and we are now closing public comments.

**Consent Agenda ~ June 16, 2025 City Council meeting minutes; and Reappointment of Brian Rosenthal and Christine Collins to the Economic Development Committee**

Councilor Holmes moved, and Councilor Santiago seconded the motion to approve the Consent Agenda ~ June 16, 2025 City Council meeting minutes; and Reappointment of Brian Rosenthal and Christine Collins to the Economic Development Committee. Motion passed (5-0). Mayor Backus, aye; Council President Miller, aye; Councilor Santiago, aye; Councilor Holmes, aye; and Councilor Jacobs, aye.

**New Business**

**Public Works Vehicle Purchase**

Public Works Director Dave Sukau went over the staff report for the purchase of one new vehicle for the Public Works Department. The City of Scappoose Public Works Department is in need of an additional dump truck for everyday operations. Staff had initially budgeted $190,000 for the purchase of this vehicle, having built in contingency while expecting the quotes to come in closer to $125,000. City staff reached out to several dealerships and received three quotes for the purchase of a Ford F-550 with a dump truck body, a plow, and a sander. Other brands were evaluated, but a comparable model was not available in a gasoline version. Gasoline is preferred because City staff does not drive the extended distances required by modern diesel vehicles to provide proper regeneration of the emission systems. City staff were pleased to discover that the quotes for the vehicle and the requested upgrades were lower than anticipated. Those quotes are listed below:

|  |  |
| --- | --- |
| Newberg Ford | $120,049.51 |
| Titus-Will Ford | $106,175.00 |
| Northside Ford | $97,204.66 |

Northside Ford provided the lowest bid at $104,076.11, with a government discount that brought the total to $97,204.66. This includes the base price of the vehicle, plus the upfitting and additions requested by the City. Staff recommends Council approve the purchase of the Ford F-550 dump truck for the price of $97,204.66.

Council President Miller moved, and Councilor seconded the motion that Council approve of the purchase of the Ford F-550 dump truck for the price of $97,204.66.

Councilor Holmes asked if this was in the budget?

Public Works Director Dave Sukau replied yes.

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

**Resolution No. 25-11: A Resolution of the Council of the City of Scappoose Authorizing the City Manager to Make Application to DLCD to the TGM Grant Program to Update the TSP**

Community Development Director Laurie Oliver Joseph went over the staff report. Scappoose is growing and must account for that growth by updating its adopted 2016 Transportation System Plan (TSP). More specifically, the TSP update will need to:

* Plan for transportation improvements for lands not already included in the current TSP due to a UGB expansion that is expected to be adopted later this year.
* Integrate population and job growth projections as a result of an updated Economic Opportunities Analysis and Housing Capacity Analysis (to be adopted at the same time as the UGB expansion).
* Update the Capital Improvement Project list to reflect projects that have recently been completed and to add needed projects.
* Create an Industrial Benefit Zone to establish a funding mechanism to support transportation infrastructure to serve the City’s industrial acreage.
* Review and update the City’s streetscape standards within the downtown overlay to encourage mixed-use development along with multi-modal transportation options that connect the city center to the City’s growing trail system.

The City has an opportunity to apply for the Transportation and Growth Management grant program to fund an update to the current TSP. The grant is due on July 31, 2025. The grant request will be for $250,000. There is a grant match requirement of 11.5% of requested funds, for a total grant match of $28,613. The City will provide an in-kind match of labor and supplies during the project rather than a cash match. Quarterly reports that document staff and volunteer time spent on the project will be submitted in order to demonstrate the in-kind match is being met. The Advisory Committee volunteer hours also count towards the in-kind match amount. Staff recommends that Council adopt Resolution 25-11, a resolution of the Council of the City of Scappoose authorizing the City Manager to make application to the Department of Land Conservation and Development’s TGM grant program to update the City’s TSP, as written.

Councilor Santiago moved, and Councilor Jacobs seconded the motion to approve Resolution No. 25-11: A Resolution of the Council of the City of Scappoose Authorizing the City Manager to Make Application to DLCD to the TGM Grant Program to Update the TSP. Motion passed (5-0). Mayor Backus, aye; Council President Miller, aye; Councilor Santiago, aye; Councilor Holmes, aye; and Councilor Jacobs, aye.

**Resolution No. 25-12: A Resolution of the Council of the City of Scappoose Authorizing the**

**City Manager to Make Application to DLCD to the TGM Grant Program to Develop a Downtown Strategic Plan**

Community Development Director Laurie Oliver Joseph went over the staff report. A major focus of the Economic Development Committee in recent years, and an adopted 2025 – 2026 City Council priority, is to develop a Downtown Strategic Plan. With a completed Downtown Strategic Plan, the City will be well positioned to implement Urban Renewal projects related to the downtown area and to seek grant funding to bring the Plan to life in the coming years, establishing a new vibrancy to Scappoose’s downtown core. The Plan will:

* Review and potentially make updates to the downtown overlay boundary and code language around design/aesthetic requirements.
* Assess parking standards in the downtown core and make recommendations for potential reductions to parking requirements for businesses and assess the potential for a public parking lot.
* Make recommendations on attracting and retaining businesses, as well as supporting entrepreneurs and start-ups.
* Propose incentives to encourage redevelopment in focus areas of downtown leading to mixed-use development that will encourage and support economic development.
* Update streetscape standards for the downtown area with an increased focus on connecting the city center to the City’s growing trail network.

The City has an opportunity to apply for the Transportation and Growth Management grant program to complete a Downtown Strategic Plan. The grant is due on July 31, 2025. The grant request will be for $150,000. There is a grant match requirement of 11.5% of requested funds, for a total grant match of $17,250. The City will provide an in-kind match of labor and supplies during the project rather than a cash match. Quarterly reports that document staff and volunteer time spent on the project will be submitted in order to demonstrate the in-kind match is being met. The Advisory Committee volunteer hours also count towards the in-kind match amount. Staff recommends that Council adopt Resolution 25-12, a resolution of the Council of the City of Scappoose authorizing the City Manager to make application to the Department of Land Conservation and Development’s TGM grant program to develop a Downtown Strategic Plan, as written.

Council President Miller moved, and Councilor Santiago seconded the motion to approve Resolution No. 25-12: A Resolution of the Council of the City of Scappoose Authorizing the City Manager to Make Application to DLCD to the TGM Grant Program to Develop a Downtown Strategic Plan also known as the Downtown Improvement Plan. Motion passed (5-0). Mayor Backus, aye; Council President Miller, aye; Councilor Santiago, aye; Councilor Holmes, aye; and Councilor Jacobs, aye.

**Resolution No. 25-13: A Resolution Declaring Planning Department Surplus Property**

Community Development Director Laurie Oliver Joseph went over the staff report. Consideration of Resolution 25-13 for declaring surplus property of the Planning Department.

Scappoose Planning Department has identified surplus personal property, a 1999 Jeep Wrangler, that no longer reliably meets the Department’s needs. Pursuant to Resolution 24-01, Section J., Disposal of Surplus Property, a declaration of surplus property made by the City Council is required before the City may auction, donate, or dispose of such property. Staff recommends that the property be disposed of via public auction. Revenue from auctioned items will add revenue to the Planning Department’s budget. Staff recommends that Council adopt Resolution 25-13 – A Resolution Declaring Planning Department Surplus Property.

Councilor Holmes moved, and Councilor Jacobs seconded the motion to approve Resolution No. 25-13: A Resolution Declaring Planning Department Surplus Property. Motion passed (5-0). Mayor Backus, aye; Council President Miller, aye; Councilor Santiago, aye; Councilor Holmes, aye; and Councilor Jacobs, aye.

**Resolution No. 25-14: A Resolution Declaring a Vacant Position on the City Council for the City of Scappoose**

Mayor Backus explained Council needs to declare a vacant position so they can fill the vacancy.

Council President Miller moved, and Councilor Santiago seconded the motion to approve Resolution No. 25-14: A Resolution Declaring a Vacant Position on the City Council for the City of Scappoose. Motion passed (5-0). Mayor Backus, aye; Council President Miller, aye; Councilor Santiago, aye; Councilor Holmes, aye; and Councilor Jacobs, aye.

Mayor Backus talked about opening it up effectively immediately with interviews being on September 2.

**Consideration of Resolutions 25-15, 25-16, 25-17, 25-18, 25-19, and 25-20 for the Purpose of Establishing an Official Compensation Package for Certain Public Officials**

City Manager Benjamin Burgener went over the staff report. Background: The Oregon Government Ethics Commission (OGEC) recently issued a letter opinion clarifying that under ORS 244.040, a public body—including a city, county, or special district—may not provide food and beverages to its employees, elected officials, or appointed officials unless those items are expressly included as part of the individual's official compensation package.

This restriction applies to many routine practices common in local government, including but not limited to:

* Meals provided during governing body or staff meetings held over the lunch or dinner hour;
* Volunteer appreciation events for appointed board or commission members;
* Team-building activities where food or beverages are served;
* Holiday celebrations or retirement events that include food, beverages, or small gifts.

OGEC clarified that ORS 244.040(2)(a) creates an exception for benefits that are expressly made part of a public official’s compensation package, as determined by the public body. In other words, a city may continue to offer food and beverages if such items are formally adopted as part of the official compensation policy. Given the broad scope of OGEC’s opinion, this interpretation may also apply to non-monetary items such as City-logo pens, hats, or other tokens often distributed to public officials. As a result, the City must formalize these practices through an adopted policy. The City of Scappoose wishes to continue its longstanding practice of providing limited food, beverages, and other incidental items to elected officials, appointed officials, and employees without creating the risk of an ethics violation for those individuals.

To ensure compliance, the City Council must adopt formal policies applicable to each category of public official:

* City employees
* Appointed officials (e.g., board and commission members)
* Elected officials (e.g., city councilors)

Under Oregon government ethics laws, elected officials may not participate in decisions where they have an actual conflict of interest, meaning a financial interest for themselves, their relatives, or household members is at stake (ORS 244.020). When voting on policies that would constitute “official compensation,” such as food and beverages, these conflicts must be carefully managed. Conflicts of interest under ORS Chapter 244 are personal to each public official, and as such, the City Attorney is not permitted to provide individual legal advice to council members regarding their specific circumstances. However, the City Attorney may offer general recommendations regarding a resolution voting structure that aligns with prior guidance issued by the OGEC. A copy of that OGEC guidance is attached to this staff report for reference. If individual council members have questions about how the ethics laws apply to their personal situation, they are strongly encouraged to consult directly with OGEC or obtain guidance from independent legal counsel.

Resolution Voting Structure:

1. Resolution 25-15 – Mayor Official Compensation Package
	* Who may vote: All councilors *except* the mayor.
	* Mayor must declare: An actual conflict of interest and refrain from discussion or vote.
	* Councilors may consider declaring a potential conflict of interest if they have any intention of running for mayor in the future.
2. Resolution 25-16 – Official Compensation Package for Council Seats held by Jeannet Santiago and Kim Holmes
	* Who may vote: The mayor and all councilors *except* Jeannet Santiago and Kim Holmes.
	* Councilors Jeannet Santiago and Kim Holmes must declare: An actual conflict of interest and refrain from discussion or vote.
3. Resolution 25-17 – Official Compensation Package for the Council Seat held by Joel Haugen and the Vacant Council Seat.
	* Who may vote: The mayor and all councilors *except* Joel Haugen and the vacant seat.
	* Councilor Joel Haugen must declare: An actual conflict of interest and refrain from discussion or vote.
4. Resolution 25-18 – Official Compensation Package for Council Seats held by Marisa Jacobs and Tyler Miller
	* Who may vote: The mayor and all councilors *except* Marisa Jacobs and Tyler Miller.
	* Councilors Marisa Jacobs and Tyler Miller must declare: An actual conflict of interest and refrain from discussion or vote.

Resolutions 25-19 and 25-20: City Employees and Other Public Officials:

Policies affecting city employees and appointed officials can be adopted by council without conflict, as these do not create financial impacts for voting council members.

**Resolution No. 25-15: A Resolution Establishing an Official Compensation Package for the**

**Mayor for Food, Beverages and Other City-Related Items**

Mayor Backus declared a conflict of interest.

Council President Miller moved, and Councilor Santiago seconded the motion to approve Resolution No. 25-15: A Resolution Establishing an Official Compensation Package for the Mayor for Food, Beverages and Other City-Related Items. Motion passed (4-0). Council President Miller, aye; Councilor Santiago, aye; Councilor Holmes, aye; and Councilor Jacobs, aye. Mayor Backus, abstained.

**Resolution No. 25-16: A Resolution Establishing an Official Compensation Package for the City Councilor Positions with Terms Expiring in 2026, Currently Held by Jeannet Santiago and Kim Holmes, and Applying to any City Councilors Subsequently Holding those Positions, for Food, Beverages and Other City-Related Items**

Councilor Santiago and Councilor Holmes declared a conflict of interest.

Councilor Jacobs moved, and Council President Miller seconded the motion to approve Resolution No. 25-16: A Resolution Establishing an Official Compensation Package for the City Councilor Positions with Terms Expiring in 2026, Currently Held by Jeannet Santiago and Kim Holmes, and Applying to any City Councilors Subsequently Holding those Positions, for Food, Beverages and Other City-Related Items. Motion passed (3-0). Mayor Backus, aye; Council President Miller, aye; and Councilor Jacobs, aye. Councilor Santiago, abstained; and Councilor Holmes, abstained.

**Resolution No. 25-17: A Resolution Establishing an Official Compensation Package for the City Councilor Position Currently Held by Joel Haugen, the City Councilor Position Currently Vacant, and Applying to any City Councilors Subsequently Holding those Positions, for Food, Beverages and Other City-Related Items**

Councilor Jacobs moved, and Councilor Holmes seconded the motion to approve Resolution No. 25-17: A Resolution Establishing an Official Compensation Package for the City Councilor Position Currently Held by Joel Haugen, the City Councilor Position Currently Vacant, and Applying to any City Councilors Subsequently Holding those Positions, for Food, Beverages and Other City-Related Items. Motion passed (5-0). Mayor Backus, aye; Council President Miller, aye; Councilor Santiago, aye; Councilor Holmes, aye; and Councilor Jacobs, aye.

**Resolution No. 25-18: A Resolution Establishing an Official Compensation Package for the City Councilor Positions with Terms Expiring in 2028, Currently Held by Marisa Jacobs and Tyler Miller, and Applying to any City Councilor any Subsequently Holding those Positions, for Food, Beverages and Other City-Related Items**

Council President Miller and Councilor Jacobs declared a conflict of interest.

Councilor Holmes moved, and Councilor Santiago seconded the motion to approve Resolution No. 25-18: A Resolution Establishing an Official Compensation Package for the City Councilor Positions with Terms Expiring in 2028, Currently Held by Marisa Jacobs and Tyler Miller, and Applying to any City Councilor any Subsequently Holding those Positions, for Food, Beverages and Other City-Related Items. Motion passed (3-0). Mayor Backus, aye; Councilor Santiago, aye; and Councilor Holmes, aye. Council President Miller, abstained; and Councilor Jacobs, abstained.

**Resolution No. 25-19: A Resolution Establishing an Official Compensation Package for City of Scappoose Employees for Food, Beverages and Other City-Related Items**

Councilor Jacobs moved, and Councilor seconded the motion to approve Resolution No. 25-19: A Resolution Establishing an Official Compensation Package for City of Scappoose Employees for Food, Beverages and Other City-Related Items. Motion passed (5-0). Mayor Backus, aye; Council President Miller, aye; Councilor Santiago, aye; Councilor Holmes, aye; and Councilor Jacobs, aye.

**Resolution No. 25-20: A Resolution Establishing an Official Compensation Package for City of Scappoose Public Officials for Food, Beverages and Other City-Related Items**

Councilor Jacobs moved, and Councilor Santiago seconded the motion to approve Resolution No. 25-20: A Resolution Establishing an Official Compensation Package for City of Scappoose Public Officials for Food, Beverages and Other City-Related Items. Motion passed (5-0). Mayor Backus, aye; Council President Miller, aye; Councilor Santiago, aye; Councilor Holmes, aye; and Councilor Jacobs, aye.

**Announcements – information only**

**Calendar**

Mayor Backus went over the calendar.

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

City Manager Burgener reminded the Council the LOC Conference is open for registration. He gave an update on the Meissner property donation. He gave an update on the basalt well. He explained discussions continue on Luma Vista.

Chief Fluellen gave an update on the Police Department. He also gave an update on the charging station issues/concerns that have been brought to Council.

Community Development Director Laurie Oliver Joseph explained she wanted to acknowledge that she heard the complaints at the beginning of the meeting. She will work with City Manager Burgener and her department to see what they can do. She has been aware of the ongoing issues but let them talk internally then they will connect with Mayor Backus. She talked about the agenda item that will be before the Council at the next couple meetings.

Councilor Jacobs thanked the residents that came in today and expressed their issues and challenges they are having with the development, the Huser property, as probably the water treatment property as well. She hears you, she emphasizes with you and we will get back to you.

Councilor Holmes thanked City Manager Burgener for the good, thoughtful discussion this evening on the work session. She looks forward to continuing working on that. She will be meeting with Chief Fluellen tomorrow to chat through her experiences with Net Certified Citizen in Portland for the Emergency Planning and she looks forward with sharing that experience to see where they can go.

Councilor Santiago gave some highlights of the EDC meeting. She explained the Scappoose Library has so many programs and currently they have a reading program with 40 kids. She talked about reviewing the Charter and possibly changing the mayor’s term to four years with possibly a stipend. She appreciates the residents that came and spoke about the issues, and she felt the frustration and her heart was breaking this whole time. She hopes we can help them with some type of resolution. She gave an update on the CET meeting. She thanked Kim and Marisa for their work and research for the work session.

Mayor Backus read an email from Councilor Haugen. He is in agreement with the content for the work session. He is wondering about recruiting a High School Junior or Senior in September to serve as Student Representative to the Council. Mayor Backus feels the Council probably needs to talk about that a little more. He would also like to include a debrief of this year's Adventure Fest at one of the August meetings.

Council President Miller wanted to reiterate the community members coming in and sharing their experiences with the development that is going up on Keys and it is his hope that their homeowner’s insurance will step in because that is probably going to be the quickest path to actually getting things fixed for them.

Mayor Backus thanked the 50-year Committee, and he is looking forward to hearing their information and feedback. He thanked the Meissner family for their donation of the park land.

Council President Miller moved, and Councilor Holmes seconded the motion to go past 9:00pm, if needed. Motion passed (5-0). Mayor Backus, aye; Council President Miller, aye; Councilor Santiago, aye; Councilor Holmes, aye; and Councilor Jacobs, aye.

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

Mayor Backus read the Executive Session statement and went into Executive Session at 8:54pm.

**Open Session**

Mayor Backus came back into open session at 10:00pm.

**Adjournment**

Mayor Backus adjourned the meeting at 10:00pm.

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 Mayor Joseph A. Backus

Attest:

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City Recorder/HR Susan M. Reeves, MMC