



SCAPPOOSE *Oregon*

Monday, October 6, 2025

City Council Meeting minutes 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=wZ6Ceh6KUcg.

Call to Order

Mayor Backus called the October 6, 2025 City Council meeting to order at 7:04pm.

Pledge of Allegiance

Oath of Office for Councilor John E. Riutta ~ Reaffirmed by Mayor Backus

Congratulations Councilor Riutta!

Roll Call

Joseph A. Backus	Mayor	Benjamin Burgener	City Manager
Tyler Miller	Council President	Chris Fluellen	Police Chief
Joel Haugen	Councilor	Susan M. Reeves	City Recorder/HR
Marty Marquis	Councilor	Laurie Oliver Joseph	Community Development Director
John E. Riutta	Councilor	Ashleigh Dougill	Legal Counsel

Tyler Ferreira Student Representative

Excused: Councilor Jeanett Santiago; and Councilor Kim Holmes.

Remote: Alicia Heiges; NJ Johnson (left and came back at 8:24pm); Citizen (left at 8:25pm); and Anonymous Citizen (left at 8:13pm).

Approval of the Agenda

Councilor Haugen moved, and Council President Miller seconded the motion to approve the agenda. Motion Passed (5-0). Mayor Backus, aye; Councilor President Miller, aye; Councilor Haugen, aye; Councilor Marquis, aye; and Councilor Riutta, aye.

Public Comment ~ Items not on the agenda

Colleen DeShazer, Warren, spoke to the Council this evening regarding recognizing October as Domestic Violence Awareness Month. She explained through a very disturbing series of events she decided to help volunteer with this. She explained she is actually a survivor of domestic violence. She explained this cause is very important to her and she decided to take all of her skills from her public elected official days and really hit this hard. She sent Council an email and she really wants to encourage them to look at the statistics and that's just the tip of the iceberg. She stated the numbers of domestic violence in our State alone is staggering. Here in Columbia County alone we have had two murders in the last couple of years. She explained now that she is going through this process she is finding more holes than she thought she would ever find within our statutory system, our legal system, specifically regarding not revictimizing. Her call to action will be to focus on that, not funding, really grassroots, starting to lift up sweeping legislative change that protects the victims not the perpetrators, as well as strong education for those in positions like yourselves to start recognizing what domestic violence really is and see past the bruises. She explained they will be having an awareness walk on October 18 and she really wants to encourage all of them to show up in person. She stated it is about showing as a community that you actually support these domestic victim survivors.

Mayor Backus and Council thanked Colleen.

Consent Agenda ~ September 15, 2025 City Council work session minutes; September 15, 2025 City Council meeting minutes; and reappointment of Alternate EDC Member Brenda Michael

Council President Miller moved, and Councilor Marquis seconded the motion to approve Consent Agenda ~ September 15, 2025 City Council work session minutes; September 15, 2025 City Council meeting minutes; and reappointment of Alternate EDC Member Brenda Michael. Motion Passed (5-0). Mayor Backus, aye; Councilor President Miller, aye; Councilor Haugen, aye; Councilor Marquis, aye; and Councilor Riutta, aye.

Old Business

Ordinance No. 923: An Ordinance of the City Of Scappoose Amending Scappoose Municipal Code Chapter 13.24 Regulating System Development Charges for Residential Fire Sprinklers

Motion Passed (5-0). Mayor Backus, aye; Councilor President Miller, aye; Councilor Haugen, aye; Councilor Marquis, aye; and Councilor Riutta, aye.

Mayor Backus read the title for a second time ~ Ordinance No. 923: An Ordinance of the City of Scappoose Amending Scappoose Municipal Code Chapter 13.24 Regulating System Development Charges for Residential Fire Sprinklers.

New Business

Proclamations

Hispanic Heritage Month

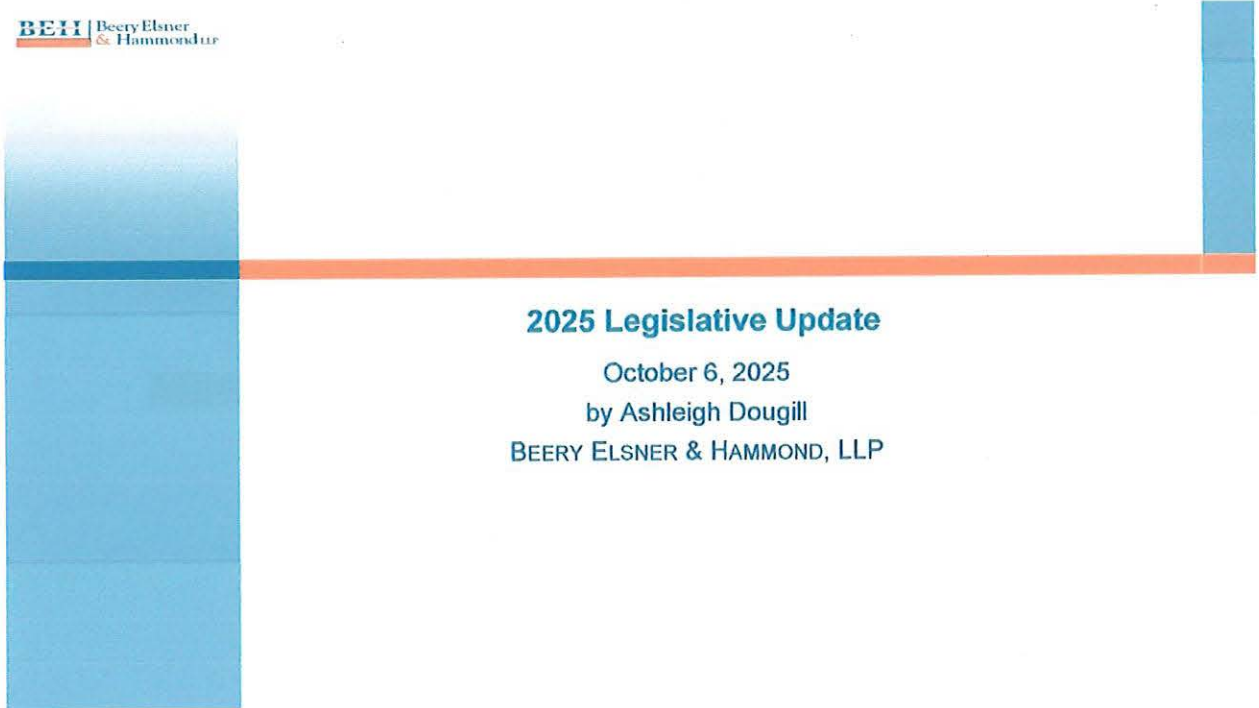
Mayor Backus read the Hispanic Heritage Month Proclamation.

Recognizing October 13, 2025, as Indigenous Peoples' Day

Mayor Backus read the Recognizing October 13, 2025, as Indigenous Peoples' Day Proclamation.

2025 Legislative Update

Legal Counsel Ashleigh K. Dougill went over the handout in the packet. Mayor Backus, Council, Staff and Legal Counsel Ashleigh Dougill discussed the 2025 Legislative Update in more detail.

A decorative graphic consisting of a large blue rectangle on the left, a thin orange horizontal bar extending from its right side across the middle of the page, and a smaller blue rectangle on the right. The text "2025 Legislative Update" is centered below the orange bar.

2025 Legislative Update

October 6, 2025

by Ashleigh Dougill

BEERY ELSNER & HAMMOND, LLP

Legislative Session Refresher

- 2025 legislative session: January 28 - June 27, 2025.
- 3,466 bills, memorials, and resolutions were introduced (record numbers).
- 640 bills passed.
- The Governor's priorities included: housing expansion, behavioral health funding, education accountability, dedicated funding for combating wildfires, and a transportation funding package.
- LOC's take-home message from 2025: "We made progress, but we are not done."

General Legislative Highlights

- SB 179: Recreational Immunity. *Passed.*
- HB 3556/HB 3962: TLT Flexibility. *Failed.*
- HB 3634: Water and Wastewater Operator Training. *Failed.*
- SB 593: Public Camping T-P-M Clarifications. *Failed.*
- HB 3991: Transportation package. *Just Passed (Sept. 29).*

General Government Bills

- **SB 175**: Makes the previously temporary changes (designating walking, running, and cycling as recreational activities) to immunity for landowners who allow the public to use their land for recreational purposes permanent.
 - Operative: May 19, 2025.
 - Effect: Addresses the loophole created by 2023 case law.
- **SB 243**: Permits local governments to prohibit firearms in public buildings used for official meetings.
 - Operative: 91st day following adjournment sine die.
 - Effect: Provides City with local control over firearms in public meeting areas.
- **HB 2460**: Clarifies existing process for appeals from municipal court.
 - Operative: January 1, 2026.
 - Effect: Provides the City and its municipal court with more clarity regarding the municipal court appeals process.
- **HB 2688**: Amends the definition of "public works" in the context of prevailing wage to require prevailing wage for fabrication, assembly, preconstruction or construction that is bespoke, performed offsite, performed specifically for and in accordance with PW project specifications, or that becomes part of a PW project, and performed on specific systems or components.
 - Operative: July 1, 2026.
 - Effect: Expands prevailing wage applicability for local projects. Legislative history indicates an intent for this bill to only apply to in-state manufactures, meaning that out of state purchasing is incentivized.

Employment Related Bills

- **SB 731**: If an employer offers a pay differential for multilingual fluent employees, it must offer that same pay differential to employees who are proficient in ASL.
 - Operative: January 1, 2026.
 - Effect: Requires additional pay considerations if the City already offers pay differentials.
- **SB 808**: Employers shall give hiring preference to current and former members of the Oregon National Guard.
 - Operative: January 1, 2026.
 - Effect: In addition to previously required veteran hiring preferences, hiring staff must give preference to National Guard members.
- **SB 906**: Employers shall provide employees with a written statement of all pay deductions. This statement will be reviewed annually.
 - Operative: January 1, 2026.
 - Effect: City must produce a written statement regarding pay deductions and provide this statement to all employees.
- **SB 915**: Employers must provide 10 weeks of unemployment benefits to employees who are participating in a lawful strike.
 - Operative: January 1, 2026.
 - Effect: Oregon is the first state to provide this to striking workers. This will have significant impacts on cities statewide, particularly cities with unions, and encourage and protect staff when striking.

Employment Related Bills Continued

- **SB 968:** Employers may collect wage over-payment if detected within a year of the payment. This applies to salary and wages, not overpayment related to benefits.
 - Operative: January 1, 2026.
 - Effect: Sets time limits for wage overpayment collection and describes administrative procedure to do so.
- **HB 2944:** The Employment Relations Board (ERB) will impose civil penalties on public employers for repeat or subsequent violations of certain requirements of the public employees collective bargaining act (PECBA).
 - Operative: January 1, 2026.
 - Effect: Raises stakes for City compliance with PECBA during collective bargaining.
- **HB 3187:** Employers may not require or request disclosure of an applicant's age or date of birth, or when the applicant attended or graduated from an educational institution, before the initial interview or before making a conditional offer.
 - Operative: 91st day following adjournment sine die.
 - Effect: Restricts questions that staff in hiring positions may ask candidates.

Elected and Appointed Official Related Bills

- **SB 983:** Elected officials may vote on budgets that contain stipends or compensation for the official or their relative without violating ethics laws.
 - Operative: June 26, 2025.
 - Effect: OGEC provided an opinion that voting on such a budget may result in an ethics law violation. This bill corrects that potential conflict.
- **HB 3136:** Amends statutory requirements for planning commission members to narrow member restrictions. Restriction that no more than two voting members engage in buying, selling, or developing real estate now limited to commissions with five or fewer members.
 - Operative: 91st day following adjournment sine die.
 - Effect: Scappoose planning commission consists of eight members; therefore, this real estate restriction will arguably no longer apply to the planning commission

Land Use Bills

- **SB 83**: Repealed the wildfire risk maps. Instructs the state fire marshal to create a model code, or otherwise the City may establish defensible space standards and use home hardening standards from the ORSC.
 - Operative: July 24, 2025.
 - Effect: More local flexibility when it comes to wildfire planning and risk mitigation.
- **HB 2095**: Sections 58-63 require local governments to allow residential treatment facilities or residential homes within the UGB on lands zoned for residential, commercial, employment, industrial uses, public lands (except parks), where adjacent to an existing or pending crisis stabilization center, or where property is owned by a public body. Limited exceptions apply.
 - Operative: June 30, 2025.
 - Effect: Staff should review and revise development code to ensure these facilities are appropriately added permitted uses.
- **SB 1099**: Requires local governments to allow preschool or pre-kindergarten education on land where places of worship are allowed.
 - Operative: June 3, 2025.
 - Effect: Staff should review development code permitted uses to ensure these schools are permitted wherever places of worship are permitted.
- **HB 3580**: Requires local governments to allow child care centers outright on lands zoned for multiunit residential or institutional uses; expands child care center definition and density. Requires local code update by Jan. 1, 2027.
 - Operative: 91st day following adjournment sine die.
 - Effect: Staff should review development code permitted uses to ensure child care centers are permitted in appropriate zones.

Land Use Bills Continued

- **SB 974**: (1) Establishes timelines for engineering plan review, (2) expands limited land use definition, and (3) prohibits application of residential design standards to housing development unless a multifamily structure development or fewer than 20 residential units.
 - Operative: Dependent on Section.
 - Effect: Significant local impacts. (1) Staff should be familiar with new timelines for engineering plan review and should evaluate review process with neighbor agencies and legal counsel. (2) Further expansion of LLU definition likely removes further review authority from elected and appointed officials and limits the local review process. (3) Staff should review development code to understand residential design standards and understand where application is prohibited.
- **HB 2133**: Governor's bill. (1) permits greater middle housing density, (2) expressly requires tree codes to be clear and objective, (3) removes certain middle housing land division requirements and makes process generally simpler and quicker for developers, (4) amends expedited land division process and declares ELDs to be land use decisions.
 - Operative: Dependent on Section (Bill is 53 sections long).
 - Effect: Generally simplifies path to locally develop middle housing; limits ability to regulate tree removal in context of residential development locally.
- **HB 2658**: Limits City authority to require infrastructure improvements as a condition of approval.
 - Operative: For Scappoose, effective January 1, 2031.
 - Effect: Will restrict City's ability to require infrastructure improvements in very limited circumstances.

Land Use Bills Continued

- **SB 448**: Enacts technical fixes to SB 1537 (2024).
 - Operative: 91st day following adjournment sine die.
 - Effect: Minimal impact to the City, but staff should be aware of the interplay between SB 48 and SB 1537 when completing applicable land use processes.
- **HB 2347**: Enacts technical fixes to HB 2001/2889, HB 4064, and SB 1537.
 - Operative: 91st day following adjournment sine die.
 - Effect: Minimal impact to the City, but staff should be aware of the interplay between bills when completing applicable land use processes.
- **SB 1129**: Requires DLCD to update its urban reserve administrative rules by January 1, 2026.
 - Operative: May 27, 2025.
 - Effect: May ease the local urban reserve process for the City, if it were to pursue this in the future. However, this will likely come into effect too late to impact your current review process.
- **HB 2235**: Permits LCDC to adopt rules requiring local governments to issue land use decisions on lots (1) lawfully established, (2) within the UGB, (3) residentially zoned, (4) within a certain size and slope range, (5) not protected for natural resources or hazards, and (6) that are vacant or partially vacant. Rules must be adopted by Jan. 1, 2027. Permits DCBS to establish preapproved building plans or approve plans submitted by developers and coordinate with LCDC.
 - Operative: June 24, 2025.
 - Effect: This rulemaking may have significant impacts on the City's residential zones and local control over development within these areas.

Land Use Bills Continued

- **HB 3031**: Creates a \$10 million housing infrastructure financing program within the OBDD, which may finance improvements to transportation, water, wastewater, and stormwater related to housing development.
 - Operative: July 1, 2025.
 - Effect: May provide local funding for infrastructure development in connection with housing development.
- **HB 3144**: Prohibits recorded instruments affecting real property and governing documents regulating housing that prohibit manufactured dwelling development, prefabricated structure development, ADUs, and middle housing.
 - Operative: 91st day following adjournment sine die.
 - Effect: Minimal impact, though staff should be aware of this prohibition when reviewing land use and building permit submissions.
- **HB 3505**: Prohibits local governments from imposing new or increased SDCs on residential development for installing a certain sprinkler system or the increased capacity of a water meter for the sprinkler system.
 - Operative: 91st day following adjournment sine die.
 - Effect: Minimal, limited impacts to local SDC collection.

Questions?

- Additional resources:

- DLCD land use legislative summary:
https://www.oregon.gov/lcd/NN/Documents/2025_Legislative_Report.pdf
- LOC general legislative summary:
https://www.oregon.gov/loc/application/files/4317/5924/0348/2025_Legislative_Session_Summary_FINAL_DRAFT_-12.pdf
- ODOT general legislative summary:
<https://www.oregon.gov/odot/About/GR/2025%20Legislative%20Summary.pdf>

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9-1-1 CCOM Infrastructure Issues

Council President Miller stated he wanted to make a full disclosure because he is on the Board of Directors as of this year for the 911 District, along with four others that are elected throughout the District and they each represent a specific zone of people. He does want to point out that his responsibility as both a City Councilor and Elected Board Member is first to the people. There's no conflict here, his opinion and the comments that he is going to make here tonight are from his seat here on the City Council and for the interest of our community here in Scappoose. He wants to be clear because there's been some comments, that none of his comments or his scrutiny, he guesses you would call that, is at line level staff. We all very much so appreciate all the 911 call takers, dispatchers and everybody that works in that industry. It's a very stressful job and none of the comments are, like he said, criticisms that he might point out tonight. He explained the history of this is, this goes back about three years when Alex Rains was the City Manager and even previous to Chief Fluellen's time too. He explained in about 2012/2013 the District hired their first consultant and that consultant's job was to basically tell them what they needed to do to the radio system to improve it for responder safety and of course public safety. The consultant that they paid hundreds of thousands of dollars to came back with multiple recommendations and there was very few of the things that he had recommended at that time years ago that they actually did. There's been another consultant that was hired since then as well to the tune of additional hundreds of thousands of dollars. Here we are years later, with the current radio system being very old and it's degrading significantly because it has not been properly maintained. This is all while they have had millions of dollars in the equipment reserve fund specifically earmarked for this type of equipment. The issue with Scappoose specifically has been very, very poor radio connection. In

fact, he can speak to this firsthand. Having been a first responder for six years, the coverage in the Scappoose area to include inside the city limits is by far the worst out of any place in the county and outline areas and it's always been that way. He will, of course, invite Chief Fluellen to make any comments that he would like to make about this, but we have a real problem because in our schools we have a complete lack of reliable radio coverage and Chief Fluellen can comment on that too. Everything that he is hearing is there is no real solution in site. He explained at the last meeting they transferred 1.2 million from the equipment reserve fund to the general fund for the 911 District and that it left after the transfer a little bit over \$3.5 million in the equipment reserve fund. It's not an issue of a lack of funding. He really can't explain what the issue is because he doesn't understand it himself and he is only one member of the Board. The point being is we have to find a resolution for Scappoose because it is jeopardizing the safety of our public and it's jeopardizing our employees' safety as well. There are some different options that we can review to try to get the 911 District to take action on the Scappoose issues that could be looked at a number of ways. We could collaborate on that and try and get another meeting with them. However, when Brian Burright was the Interim Director, we had three to five meetings where we thought we were actually making traction and that improvements were going to take place and we spent several months having those meetings and then nothing ever happened. This is a repeated cycle year after year where we have meetings where we think we're going to get somewhere and nothing happens. He does have some different options here that he will weigh out, but I would like to give City Manager Burgener and Chief Fluellen time to comment if they want to.

Chief Fluellen stated thank you for the opportunity to allow him to speak. He explained first he'll start off as an end user. He stated we have a great relationship, he believes, with our Columbia County 911 partners, but as he has been on record saying for quite some time, there are issues within the southern part of the County, with the radio coverage, not being able to hear dispatchers at times and the dispatchers not being able to hear us. He has talked about this for roughly the past year or two, and it is something that needs to be fixed. He would like to definitely be able to do this with our partners. He also thinks they should talk to Chief Pricher as he has an insight too as another first responder organization at South County, and we need a solution. He has worked in three different States and by far this has been the worst that he has worked at, and he just wants to make sure we can hopefully move forward with a solution very soon. He has an active role now with the Advisory Committee. He explained his concerns are for his department, along with the community that they serve as well. He wants to make sure that we can communicate during emergencies and it's a very, very important part of our job. He explained our radio system is probably one of the most important pieces they have on them to communicate with, not just with our dispatchers, but our fellow officers too, out in the field when coordinating an incident or operation as well.

Mayor Backus, Council and staff discussed this in more detail.

Council President Miller stated we do know that there are two different radio sites that are needed to really resolve the issues in Scappoose. That is completing the Pisgah Home radio site that they started and one in the Grant Watts area because that also covers Dutch Canyon and

Scappoose Vernonia Highway and also at the same time offers the in-building coverage in the school for school safety. He stated getting to the potential solutions in Chapter 403 of the ORS covers government communication districts or emergency communications in Oregon and 403.160 specifically talks about what's called mediation of disputes. He printed out a copy of the ORS for Council. In summary, what the ORS says is that if there is a conflict between a governing body such as a City, County Board of Commissioners, etc., they can submit a mediation request to the Oregon Department of Emergency Management, which is kind of the governing authority of 911 in the State of Oregon. Then there is a mediation process that the City could go through with the 911 District. He thinks at first another meeting with the City Manager, the Chief, and of course he is happy to be in that meeting too just because he knows the technical side of it too, would be the most appropriate first step because the 911 Director is new. He thinks we need to try to get them to commit to a plan and we need to have an MOU in place that gives us some confidence that some things are going to change, something is going to happen and knowing that money is a concern too, and he is willing to provide resources to be able to do this too, but he does think that perhaps we can start looking for some grants to help out as well. Betsy Johnson had given the 911 District, he believes she said \$2500 to help with their political action committee, however after her many failed attempts to talk to the new Executive Director and get some traction she called them and told them she wanted her money back. So, she is completely discouraged by what's going on there as well, which he thinks says a lot. He explained he brings that up because he thinks that our relationship with Betsy and the City, historically to him, has been very positive and she has helped us out a lot. He thinks Betsy is a person that if we went to her and told her that we were going to perhaps run point for trying to get money to fund these things that need to happen, for at least Scappoose that she would be all in, and she would help us do that. He explained that is his opinion anyway, he doesn't know that for sure but just talking to her and knowing her actions historically, he thinks that she would help with that. He explained his opinion is that we should try to regroup the new Executive Director for 911, to try to get some commitments to make the actual needed solid improvements and if not, we could submit the request for mediation under the 403.160 and we could potentially have facilitated mediation to get to that same place that we would hopefully just be able to not have to go to and do that directly with the 911 Director, but that option is there if we want to do that. He doesn't have the confidence that the 911 District on their own can go and look for alternative funding through grants and other means. Just knowing our staff and the way that we take care of things here at the City of Scappoose, he would feel much more confident that we would be able to get this done if we were directly involved and had an understanding and cooperation with the 911 District that establishes what we're going to do, who's going to do it and when. He explained this does need to be a priority because it is causing safety issues to our staff and our public and it needs to be resolved. He stated it has been going on too long.

Legal Counsel Dougill explained as far as the mediation process, she thinks it is great that you're thinking of trying to do an MOU first, because it does say you have to try to resolve your dispute in accordance with the written agreement first. She thinks that's a really good option to try first and foremost before going to mediation.

Mayor Backus thanked Council President Miller. He explained he does think this is very important, it's the safety of our community. He stated we are a team; we all work together. He would like the City to really try to work with the 911 District and see what we can do to help. He explained coming up with the MOU would be good. He stated it's very important for our officers and our citizens to be safe. He stated hopefully we can all come together and work together and then if you feel that we can't, you bring it to us and give us our options.

City Manager Burgener stated as far as going forward at this point from the Council is the direction right now just to start with that extra meeting, are you wanting to put resources in time because is this going actually to apply for grants or just to send them their way because that different time commitment between both of those. Some of those grants that we've looked at in the past are pretty extensive for time. He asked for now is it let's just have that other meeting? Is the Council wanting the 911 Director to come present to Council?

Councilor Haugen stated from his perspective watching this over the years, he thinks we need to have that meeting and determine whether or not it's repairable. If it's repairable then then there's one plan and if it is not repairable, then there's another.

Mayor Backus would like to see what the 911 Districts plan is.

Council President Miller explained there is nothing in the ORS that requires them to provide a radio system for the first responders, but historically they have done it, so there is that.

The consensus was to have the 911 Director come to Council and give an update.

Announcements – information only

Calendar ~ Mayor Backus went over the calendar.

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

City Manager Burgener stated it was nice to see all those who attended the League of Oregon Cities. He gave an update on Luma Vista.

Police Chief Fluellen gave an update on the Police Department.

Community Development Director Laurie Oliver Joseph explained she applied for two grants, and the City received funding for a TSP update in the amount of \$250,000, which is excellent for the City.

Student Representative Ferreira gave an update on attending the League of Oregon Cities conference, which he was able to pin Scappoose on the map. He explained he was able to attend a student delegate workshop where he met Mikayla, who is the advisor to Hillsboro's YAC (Youth Advisory Council). He is planning on attending Hillsboro's and possibly Happy

Valleys YAC meeting to try and get a better grasp of what their youth involvement is within their communities.

Councilor Riutta thanked Mayor Backus for reiterating his oath. He also thanked the Council and said he will do his very best to live up to the trust that has been put in him.

Councilor Marquis explained he was privileged to attend the League of Oregon Cities conference. He was impressed by the amount of enthusiasm and excitement that a conference about city government could generate, which kind of surprised him. He had a great time and said thanks for sending him.

Councilor Haugen talked about Student Representative Ferreira not having a City email.

City Manager Burgener replied City Recorder Reeves can work on that.

Councilor Haugen explained Colleen DeShazer shining a spotlight on domestic violence, which he thinks is really good and he is glad she did that. He hopes we can support that as much as we can.

Mayor Backus replied it looks like City Recorder Reeves already came up with a proclamation that could be read at the next meeting.

Councilor Haugen gave an overview of the Run with Neil that occurred last weekend. He stated it was a marvelous event. He feels it would be really good to have a City presence there and he thinks that would be a positive thing to do next year. He talked about a handout he gave Council that reviews the different generations. He stated if we keep in mind that there are different views and different context he thinks we can be more productive and more successful in our interactions with the public. He talked about a session that he attended at the LOC conference regarding civility and interacting with people responsibly.

Council President Miller stated he wanted to thank Colleen for coming and talking about the Domestic Violence Awareness Walk on October 18.

Mayor Backus explained Council has received a Planning Commission application, which he will contact the applicant. He stated it was a great Run for Neil event. He said the LOC conference was good. He thanked Legal Counsel and staff for all they do.

Adjournment ~ Mayor Backus adjourned the meeting at 8:44 pm.



Mayor Joseph A. Backus

Attest:



City Recorder/HR Susan M. Reeves, MMC

