

**MONDAY, SEPTEMBER 16, 2019**  
**CITY COUNCIL MEETING AGENDA**  
**Regular meeting 7:00 p.m.**  
**Scappoose Council Chambers**  
**33568 East Columbia Avenue**

**Call to Order**

Mayor Burge called the City Council meeting to order at 7:00 p.m.

**Pledge of Allegiance**

**Roll Call**

Scott Burge	Mayor	Michael Sykes	City Manager
Patrick Kessi	Council President	Norm Miller	Police Chief
Megan Greisen	Councilor	Susan M. Reeves	City Recorder
Joel Haugen	Councilor	Noah Johnson	Intern
Josh Poling	Councilor		
Brandon Lesowske	Councilor		

Legal Counsel Peter Watts

Press: Anna Del Savio, Columbia County Spotlight

**Excused:** Assistant to City Manager Alexandra Rains and Program Analyst Huell White

**Approval of the Agenda**

Councilor Haugen moved, and Council President Kessi seconded the motion to approve the agenda. Motion passed (6-0). Mayor Burge, aye; Council President Kessi, aye; Councilor Greisen, aye; Councilor Haugen, aye; Councilor Poling, aye and Councilor Lesowske, aye.

**Public Comments**

Chrissy Marquardt, Executive Director of the South Columbia County Chamber, explained she wanted to come this evening to introduce herself. She explained she will be trying her best to attend City Council meetings on a pretty consistent basis. She thanked Council.

Council welcomed Chrissy and thanked her for attending.

**Consent Agenda ~ September 3, 2019 City Council meeting minutes and September 3, 2019 Work Session minutes**

Councilor Haugen moved, and Councilor Poling seconded the motion that Council approve the September 3, 2019 City Council meeting minutes and September 3, 2019 Work Session minutes. Motion passed (6-0). Mayor Burge, aye; Council President Kessi, aye; Councilor Greisen, aye; Councilor Haugen, aye; Councilor Poling, aye and Councilor Lesowske, aye.

## **New Business**

### **Chapman Landing Release of Deed Restriction**

City Manager Sykes explained in order for the City to execute the Quitclaim Deed with the Frederick R. Bernet Revocable Trust that was approved by City Council on August 5, 2019, the City must release the existing deed restriction on the portion of Chapman Landing depicted in Exhibit A, that requires it be used as a public park or for public recreation purposes. The transfer of ownership of this parcel from the City to the Bernet Family will square the property boundary, making a clear demarcation between the public and private parcels, prevent trespassing on private property and allow the City to construct a fence running east/west along the new property line. The release of this deed restriction will not apply to the portion of Chapman Landing that will remain under the ownership of the City. There is a map in the staff report that shows the area. Staff recommends Council authorize the City Manager to execute the Chapman Landing Release of Deed Restriction.

Council President Kessi asked if there is a current survey?

City Manager Sykes replied yes, the County had it all surveyed.

Legal Counsel Peter Watts talked about people not really being able to tell where the park property ends and where the neighboring property starts. He stated as part of being a good neighbor he thinks the thought of both parties would be to put up a small fence so then people will know where the City park ends.

Councilor Greisen moved and Council President Kessi seconded the motion that Council authorize the City Manager to execute the Chapman Landing Release of Deed Restriction. Motion passed (6-0). Mayor Burge, aye; Council President Kessi, aye; Councilor Greisen, aye; Councilor Haugen, aye; Councilor Poling, aye and Councilor Lesowske, aye.

### **Ord. No. 884: An Ordinance Amending the Scappoose Municipal Code Chapter 12.12 ~ 060 (Public Right-of-Way)**

City Manager Sykes explained Noah has worked with us all summer and has attended every one of our staff meetings and has been a real asset to the City staff. He explained this is Noah's last week. He just wanted to acknowledge his excellent contribution to the City this past summer.

Intern Noah Johnson explained the City currently has a process for people who want to do road work in the City's public right-of-way, which they can apply for a permit and then depending on what type of work they are doing it is approved and reviewed by the City Engineer. He explained at that point if they applied for it, they can have a partial or full road closure, but it has to be in the traffic safety plan and reviewed and approved by the City. He explained the related language to this is in Scappoose Municipal Code Chapter 12.12 Section 040 under the title City Permission Requirement. He read the current language. He explained there was an issue about a month ago where some contractors were doing some pavement work in the City's public right-

of-way and they applied for a permit, but they did not request permission to close the road. He explained towards the end of the project, they decided the road needed to be closed down without requesting permission or alerting the City at all. He explained over the course of research and review, staff has determined that an amendment to Scappoose Municipal Code (SMC) Chapter 12.12 Public Rights-of-Way should be made to allow the City to have more regulatory control within the public right-of-way. Exhibit 1 shows the suggested amendments to SMC 12.12. Per discussion with the Chief of Police, City Engineer, and City Attorney, language that allows designated officials to enforce the approved conditions of the issued right-of-way permits should be added to Chapter 12.12 for safety. Currently, applicants seeking permission to do work in the City's right-of-way have to apply for a permit to be reviewed by the City Engineer, but the City has no authorization to enforce the approved conditions. Staff recommends adding a new section, 12.12.060 - Authority to revoke permit and assess fine, to fulfill this need. Staff recommends that Council adopt Ordinance No. 884, adding Section 12.12.060 to the Scappoose Municipal Code, as presented.

Mayor Burge opened the Public Hearing at 7:12 p.m. and closed due to no one wanting to speak on this matter.

Councilor Haugen thanked Noah for his good work and hopes he comes back to do more work like this.

Councilor Lesowske stated he would be curious if there were other issues like what Noah talked about.

Police Chief Miller replied yes there have been incidents other than that one. He stated Noah did a great job on this and he is very proud of him.

Legal Counsel Peter Watts stated he too wanted to express that Noah did a great job. He explained Noah helped draft language, language that helps give us maximum flexibility to deal with whatever situation comes to us. He was just really impressed with Noah's work.

Mayor Burge asked if the fine is high enough.

Police Chief Miller replied remember you will be revoking the permit; you are halting operations and that is huge.

Councilor Poling stated Noah did a really nice job on this. He asked is there nothing that allows any revocation of the permit at this point?

Legal Counsel Peter Watts replied this really contemplated that someone would follow all the terms of the permit. He stated it really assumes the best about people and unfortunately not everyone follows the terms of the permit, so this actually gives us enforcement ability.

Council President Kessi asked if there was an example where we would not revoke the permit but want to have a fine?

Chief Miller replied yes.

Legal Counsel Peter Watts replied he feels this would allow us to include an assessment without either suspension or revocation. He explained we can wordsmith it to make it clearer.

Noah Johnson explained the way it was written was in addition to the other authorizations, the City Officials can assess a fine of \$500, if needed.

Council President Kessi agrees that \$500 is probably light for that sort of work, he would say \$1,500 is more in the category of getting someone's attention.

Legal Counsel Peter Watts replied it is not consistent with our current fine schedule.

Mayor Burge talked about having tiers for fines and that would make more sense and allow Council to adjust the fines as needed.

Legal Counsel Peter Watts explained we could eliminate the first part of the second sentence that ends in permit; it simply says the Police Chief may assess a fine of up to \$500 per violation of the permit conditions. He explained if you want to instead refer to the fee schedule, we can switch that \$500 to a reference in the fee schedule.

Councilor Poling also likes the idea of not having to go back later on and change it.

Mayor Burge stated if we want the flexibility in the future to adjust everything in our code it seems better to refer to the fee schedule versus hard written into the code.

Legal Counsel Peter Watts explained he agrees with the point that several Councilors have made, which is that in order to get someone to not do this a higher fine might be appropriate. He explained if Council agrees with what that amount might be, we can put it in the ordinance then look at the code for consistency and better describe the different levels of fines, then the whole thing could be amended, and this would be a part of that.

Mayor Burge stated he likes \$1,500.

Councilor Haugen moved and Council President Kessi seconded the motion that Council Ordinance No. 884, adding Section 12.12.060 to the Scappoose Municipal Code, as amended.

Mayor Burge read the title for the first time ~ Ordinance No. 884: An Ordinance Amending the Scappoose Municipal Code Title 12, Chapter 12.12 (Public Rights-Of-Way).

**Ord No. 885: An Ordinance Amending the Scappoose Municipal Code  
Chapter 12.04 (Sidewalks)**

City Manager Sykes explained we are just making sure our code is consistent.

Police Chief Miller explained language including curbs should be included in Chapter 12.04. The Land Use Development Code includes sidewalk and curb maintenance “as the continuing obligation of the adjacent property owner” (17.154.090 B) – staff recommends including curbs to 12.04 for consistency. Additionally, the amendments to 12.04 include a new section, 12.03.030 – Liability for injury – Owner liability, has also been proposed.

Mayor Burge opened the public hearing at 7:27 pm and closed it due to no one wanting to speak on this matter.

Councilor Haugen asked does this cover the railroad ownership?

Legal Counsel Peter Watts replied this theoretically would cover all property owners including the railroad but sometimes railroads have special rules that sometimes makes enforcement of these sort of things difficult. He stated there is no easy answer.

Councilor Poling moved, and Councilor Greisen seconded the motion that Council adopt Ordinance No. 885: An ordinance amending Scappoose Municipal Code Chapter 12.04 – Sidewalks.

Mayor Burge read the title for the first time ~ Ordinance No. 885: An Ordinance Amending the Scappoose Municipal Code Chapter 12.04 (Sidewalks).

### **Announcements ~ information only**

#### **Calendar**

Mayor Burge went over the calendar.

#### **City Manager, Police Chief, Councilors, and Mayor**

City Manager Sykes explained there is a copy of the department report in front of Council. He explained he wanted acknowledge Huell White for submitting and receiving some grants. He explained one grant was for visitor amenities for the entrance of the new trailhead of Crown Zellerbach. He explained the Sauerkraut Festival went really well. He gave an overview of PCC. He explained the County received a grant to develop a kiosk along the Crown Zellerbach Trail.

Chief Miller explained this Saturday, is the Out of the Dark Suicide Prevention Walk. He thanked Anna with the Columbia County Spotlight for the story she did on the walk.

Councilor Poling stated the Sauerkraut Festival was awesome.

Council President Kessi thanked City Manager Sykes for having the Sauerkraut Festival on the Council Goal list and making it happen.

Councilor Greisen said it was great to see the Scappoose booth at the Sauerkraut Festival.

Councilor Haugen stated he stopped at a food booth Saturday around 2pm and they were sold out.

Councilor Lesowske thanked all those involved in the Sauerkraut Festival. He said to Michael, Chief and their team keep up the good work.

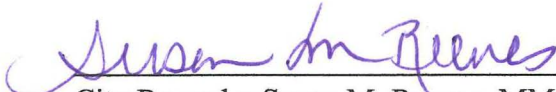
Mayor Burge talked about having an event right by the Highway that draws people in.

### **Adjournment**

Mayor Burge adjourned the meeting at 7:41 p.m.

  
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Mayor Scott Burge

Attest:

  
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City Recorder Susan M. Reeves, MMC