



MONDAY, OCTOBER 7, 2019

INTERVIEW FOR THE PARK AND RECREATION COMMITTEE ~ 6:45 P.M.

CITY COUNCIL MEETING AGENDA

Regular meeting 7:00 p.m.

Scappoose Council Chambers

33568 East Columbia Avenue

ITEM AGENDA TOPIC	Action
Call to Order	
Pledge of Allegiance	
Roll Call	
Approval of the Agenda	
Public Comments	
1. Consent Agenda ~ September 16, 2019 Work Session minutes and September 16, 2019 City Council meeting minutes	
Presentation to Susie Wilson	
<u>Old Business</u>	
2. Ord. No. 884: An Ordinance Amending the Scappoose Municipal Code Chapter 12.12 ~ 060 (Public Right-of-Way) Intern Noah Johnson	Second Reading/Approval
3. Ord No. 885: An Ordinance Amending the Scappoose Municipal Code Chapter 12.04 (Sidewalks) Staff: Program Analyst Huell White	Second Reading/Approval
<u>New Business</u>	
4. Request to establish an outside hookup connection to the City water system by individual lands outside the City Limits ~ Jaroslay Dadaj Staff: City Manager Michael Sykes	Approval
5. Resolution No. 19-19: A Resolution of the Council of the City of Scappoose Designating an Advance Financed Reimbursement District Staff: Assistant to City Manager Alexandra Rains and City Engineer Chris Negelspach	Public Hearing/Approval
6. Trailhead Naming Recommendation Staff: Program Analyst Huell White	Approval
Announcements ~ information only	
7. Calendar City Manager, Police Chief, Councilors, and Mayor	

Adjournment

This meeting will be conducted in a handicap accessible room. If special accommodations are needed, please contact City Recorder, Susan Reeves at (503) 543-7146, ext. 224 in advance.

TTY 1-503-378-5938

**MONDAY, SEPTEMBER 16, 2019
CITY COUNCIL**

WORK SESSION: Discussion on Municipal Code 9.16.040 & 9.16.050, 6:30 pm
Staff: Police Chief Norm Miller

Present: Mayor Scott Burge, Council President Patrick Kessi, Councilor Megan Greisen, Councilor Joel Haugen, Councilor Josh Poling, Councilor Brandon Lesowske, City Manager Michael Sykes, Police Chief Norm Miller, City Recorder Susan Reeves, Legal Counsel Peter Watts and Intern Noah Johnson. Anna with the Columbia County Spotlight arrived at 6:38 p.m.

Police Chief Miller explained one of the things that keeps coming up is playing basketball or football in the streets and per our municipal code you are not allowed to. He explained citizens have come in and asked staff to look at this. He explained he brought this up to the Traffic Safety Committee about a month ago and they agreed to look at this and see if maybe we can address it. He went over the current code. He also went over the examples he provided for this work session. He would like to get Councils thoughts on this before he researches it a little bit further.

Councilor Poling explained personally he likes the idea of Tualatin's code. He is in support of kids playing outside. He explained anything that we can do and still have freedom to allow that, but have rules and restrictions as well, would be good.

Councilor Haugen asked Chief Miller what he sees is the major problem with the current language?

Chief Miller replied he doesn't see anything wrong with the current language, it is just as our City grows and subdivisions come in more and more kids are going to want to be outside playing. He explained there is a subdivision that has a pocket park and that works out great and it gets used quite a bit. He explained if you drive around the City you will see lots of basketball hoops and we don't allow them to be in the street or on the sidewalk. He explained his biggest concern is with the City streets that get a lot of traffic.

Legal Counsel Watts explained the issue that he has noticed most is with basketball, it is not playing in the street that is the biggest issue, it is the noise complaints received and there are some cities where it is the number one noise complaint they get. He stated he would draw the same conclusion that Chief Miller did, you have to look at the street and how much traffic it is getting. He explained his one concern with the code is it might be difficult for people to understand where they could put a basketball hoop. He explained the goal would be that they play in parks because it is safer. He stated there are some sports like soccer and football that are not appropriate in the streets because people are moving a lot more and if you are looking at the ball you are not looking for cars.

Councilor Haugen stated we could clean up our current code, so it covers things we want it to and is simple to understand. He stated Tualatin does a great job of their articulation, but it is pretty cumbersome.

Legal Counsel Watts asked Chief Miller if the people who brought this to your attention were wanting to be able to play basketball in the streets?

Chief Miller replied yes, and football. He explained there is actually a league in Scappoose that has been playing on the streets for several years.

Councilor Haugen asked would it help if there was a permit that was for a specified period of time ?

Chief Miller replied he is just looking for direction from Council on how they would like him to address this so he can start putting something together with Legal Counsel Peter Watts.

Councilor Haugen asked Chief Miller if that would fix his issue with people coming in if there was a permit process?

Chief Miller replied sure.

Council President Kessi talked about the obstruction of streets, the basketball hoops, and that he likes Tualatin's way of handling this. He explained the way our current code reads; it really limits kids going out with their parents and playing in the streets or playing with the neighbors. He thinks we want to have a sense of community and a lot of time we don't have a park close by for people to go play in. He explained we want to encourage people get outside of their house and he thinks it is safer for kids to be in the street than in someone's yard of a person they don't know. He thinks those are things we need to think about.

Councilor Greisen stated when this came up in the Traffic Safety Committee meeting it just seemed bizarre to them that you can't play on the street. She explained not everyone has a park accessible to them. She has a hard time saying you can't do anything in the street, and she thinks that needs to be allowed. She explained the football league seemed extremely well put together.

Chief Miller stated we didn't even know it was happening year after year until a new home owner moved in. He explained the football league was very organized.

Councilor Poling asked Chief Miller what he sees as some of the biggest issues?

Chief Miller replied traffic and parents not supervising their kids.

Councilor Lesowske stated he would ask that staff review the City code and look at adding in more ability for families and citizens to participate in some type of activities in the streets. He agrees that there are parks and we are growing our park acreage but not all kids are in proximity to a park. He feels when the kids are playing on the street it increases safety because they have parents keeping an eye on their children. He would ask staff to review and look to incorporate some type of language that permits these types of activities.

City Manager Sykes talked about when our Public Works sweeps the streets and there are basketball hoops in the streets.

Councilor Greisen asked what is the difference between having a basketball hoop in the street compared to a parked car?

Chief Miller replied the basketball hoop would be taken to a parking spot.

Legal Counsel Peter Watts asked Council if they have any thoughts as to what type of street to allow the activities on?

Councilor Lesowske replied he thinks we should be looking at streets with low vehicle counts.

Councilor Haugen replied arterials, collectors and highways would be off the table.

Councilor Poling likes the idea of moving the hoops out and then moving them back in when they are done.

Mayor Burge stated he feels you can't have anything that obstructs the street.

Councilor Greisen stated she feels we want people to be outside in the street, just simple rules to follow, you remove your equipment and stay within these boundaries, just keep it simple.

Mayor Burge adjourned the work session at 6:56 p.m.

Mayor Scott Burge

Attest:

City Recorder Susan M. Reeves, MMC

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.

Mayor Scott Burge

Attest:

City Recorder Susan M. Reeves, MMC

CITY OF SCAPPOOSE

Council Action & Status Report

Date Submitted:	October 1, 2019
Agenda Date Requested:	October 7, 2019
To:	Scappoose City Council
From:	Noah Johnson, Intern
Subject:	Amendments to Scappoose Municipal Code Chapter 12.12

TYPE OF ACTION REQUESTED:

☐ Resolution

☒ Ordinance

☐ Formal Action

☐ Report Only

ANALYSIS: Over the course of research and review, staff has determined that an amendment to the 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, has been proposed to fulfill this need.

FISCAL IMPACT: None.

RECOMMENDATION: Staff recommends that Council adopt Ordinance No. 884, adding Chapter 12.12.060 to the Scappoose Municipal Code, as presented.

SUGGESTED MOTION: N/A, second reading of the ordinance.

ORDINANCE NO. 884

**AN ORDINANCE AMENDING THE SCAPPOOSE MUNICIPAL CODE TITLE 12,
CHAPTER 12.12 (PUBLIC RIGHTS-OF-WAY)**

WHEREAS, the City of Scappoose desires the authority to enforce conditions agreed upon by a right-of-way permit holder and the City Engineer; and

WHEREAS, Title 12, Section 12.12.040, of the Scappoose Municipal Code states that City permission is required for someone seeking to use, occupy, or encroach on or in the public right-of-way, it does not address what would happen if there were a violation of the permit's conditions; and

WHEREAS, several meetings have been conducted with Scappoose City staff members and employees from other agencies to determine the need for amendments to Chapter 12.12 - Public Rights-Of-Way, including the need to add language allowing City staff to revoke a permit and assess a fine if a violation has occurred;

NOW THEREFORE, THE COUNCIL OF THE CITY OF SCAPPOOSE ORDAINS AS FOLLOWS:

Section 1. Chapter 12.12 of the Scappoose Municipal Code is hereby amended as indicated in Exhibit A, attached hereto and hereby incorporated by reference.

Section 2. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 3. This ordinance is effective 30 days after passage.

PASSED AND ADOPTED by the City Council this ____ day of October, 2019, and signed by the Mayor and City Recorder in authentication of its passage.

CITY OF SCAPPOOSE, OREGON

Scott Burge, Mayor

First Reading: September 16, 2019
Second Reading:

Attest: _____
Susan M. Reeves, MMC, City Recorder

PUBLIC RIGHTS-OF-WAY**Sections:**

12.12.010	Definitions.
12.12.020	Jurisdiction.
12.12.030	Scope of regulatory control.
12.12.040	City permission requirement.
12.12.050	Obligations of the city.
<u>12.12.060</u>	<u>Authority to revoke permit and assess fine.</u>

12.12.010 Definitions.

For the purpose of this chapter, the following definitions apply: "City" means the city of Scappoose, Oregon. "Person" means individual, corporation, association, firm, partnership, joint stock company, and similar entities. "Public rights-of-way" means and includes, but is not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements and all other public ways or areas, including subsurface and air space over these areas. "Within the city" means territory over which the city now has or acquires jurisdiction for the exercise of its powers. (Ord. 652 §1, 1997)

12.12.020 Jurisdiction.

The city has jurisdiction and shall exercise regulatory control over all public rights-of-way within the city under the authority of the city Charter and state law. (Ord. 652 §2, 1997)

12.12.030 Scope of regulatory control.

The city has jurisdiction and shall exercise regulatory control over all public rights-of-way whether the city has a fee, easement, or other legal interest in the right-of-way. The city has jurisdiction and regulatory control over each right-of-way whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means. (Ord. 652 §3, 1997)

12.12.040 City permission requirement.

Other than public vehicular and pedestrian traffic, no person may use, occupy or encroach on or in a public right-of-way without the permission of the city. The city grants permission to use rights-of-way by franchises, licenses and permits. (Ord. 652 §4, 1997)

12.12.050 Obligations of the city.

The exercise of jurisdiction and regulatory control over a public right-of way by the city is not official acceptance of the right-of way, and does not obligate the city to maintain or repair any part of the right-of-way. (Ord. 652 §5, 1997)

12.12.060 Authority to revoke permit and assess fine

The City Manager or authorized designee may revoke or suspend the right-of-way permit for failure to comply with the approved conditions of the permit. The Police Chief may also assess a fine of up to \$1500 per violation of the permit conditions.

CITY OF SCAPPOOSE

Council Action & Status Report

Date Submitted:	October 3, 2019
Agenda Date Requested:	October 7, 2019
To:	Scappoose City Council
From:	Huell White, Program Analyst
Subject:	Amendments to Scappoose Municipal Code Chapter 12.04

TYPE OF ACTION REQUESTED:☐ Resolution☒ Ordinance☐ Formal Action☐ Report Only

ANALYSIS: During the course of work researching and developing the various components of a sidewalk repair program, staff has determined that updates to Scappoose Municipal Code (SMC) Chapter 12.04 – Sidewalks should be made. Exhibit 1 shows the suggested amendments to SMC 12.04.

Per discussion and consultation with the Chief of Police and Public Works Director, 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.

FISCAL IMPACT: None.

RECOMMENDATION: Staff recommends that Council adopt the ordinance amending Scappoose Municipal Code Chapter 12.04 – Sidewalks.

SUGGESTED MOTION: N/A, second reading of the ordinance.

Request for Council Action

ORDINANCE NO. 885

AN ORDINANCE AMENDING THE SCAPPOOSE MUNICIPAL CODE TITLE 12, CHAPTER 12.04 (SIDEWALKS)

WHEREAS, the City of Scappoose desires to correct the inconsistency of language regarding sidewalks, curbs, and driveway approaches in the Scappoose Municipal Code (SMC); and

WHEREAS, Title 17, Section 17.154.070, of the SMC explicitly states that sidewalks and curbs are the continuing obligation of the adjacent property owner; however, Title 12, Section 12.04.010 did not make it clear that curbs are also under the obligation of the adjacent property owner to maintain; and

WHEREAS, a work session was held with Council on September 3, 2019 to address the need for amendments to Chapter 12.04 – Sidewalks of the SMC, and Council directed staff to propose the amendments to provide clarity in the code language regarding the obligation for sidewalk, curb, and driveway approach maintenance;

NOW THEREFORE, THE CITY OF SCAPPOOSE ORDAINS AS FOLLOWS:

Section 1. Chapter 12.04 of the Scappoose Municipal Code is hereby amended as indicated in Exhibit A, attached hereto and hereby incorporated by reference.

Section 2. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 3. This ordinance is effective 30 days after passage.

PASSED AND ADOPTED by the City Council this ____ day of October, 2019, and signed by the Mayor and City Recorder in authentication of its passage.

CITY OF SCAPPOOSE, OREGON

Scott Burge, Mayor

First Reading: September 16, 2019

Second Reading:

Attest: _____
Susan M. Reeves, MMC, City Recorder

Chapter 12.04

SIDEWALKS

Sections:

- 12.04.010 Sidewalk maintenance – Owner responsibility**
- 12.04.020 Owner's failure to maintain – Notice – Lien**
- 12.04.030 Liability for injury – Owner liability**

12.04.010 Sidewalk maintenance – Owner responsibility.

~~It is declared to be the duty of all owners of all land adjoining any street in the city to maintain in good repair the sidewalks or steps in front of said land at the cost and expense of such owners.~~
(Ord. 277 Sec. 1, 1967)

A. The owner(s) of land adjoining any street in the city shall be responsible for maintaining and repairing the sidewalks, steps, curbs and/or driveway approaches – when one or a combination of such facilities are present – adjoining or immediately adjacent to said land at the cost and expense of the owner(s).

B. Sidewalks, steps, curbs and driveway approaches shall be constructed, replaced or repaired in accordance with the city's public works design standards and, if applicable, the most recent Americans with Disabilities Act (ADA) design standards.

12.04.020 Owner's failure to maintain – Notice – Lien.

~~A. Whenever the owner of said land fails and refuses to maintain said sidewalks in good repair, the city shall have the right and privilege to give written notice to said landowner requiring him to make the repairs within a reasonable time and in the event that the landowner fails or refuses to make such repairs, the city shall have the right and privilege of making such repairs and billing the cost of such improvement to the landowner.~~

A. Whenever an owner fails and refuses to maintain in good repair the sidewalks, steps, curbs, and/or driveway approaches adjoining or immediately adjacent to their property, the city shall have the right to give written notice to the owner requiring them to make the repairs within ninety days. In the event that the owner fails or refuses to make the necessary repairs, the city shall have the right to make the repairs and to bill the full cost of the repairs, including any associated administrative overhead, to the owner.

~~B. In the event that the landowner shall owner fails or refuses to pay the bill and shall does not appeal to the city council thereon within thirty days after the date of mailing the bill postmarked date on the bill, then the amount of the cost of such repair shall become a lien upon said property and shall be dealt with as other liens on city property pursuant to Scappoose Municipal Code Chapter 3.25 – Liens.~~

12.04.030 Liability for injury – Owner liability.

A. The owner(s) of land adjoining any street in the city shall be liable for any and all damages to any person who is injured or otherwise suffers damage resulting from the defective or hazardous condition of any sidewalk, steps, curb, or driveway adjacent to said land, or by reason of the owner's failure to keep such sidewalk, curb, and/or driveway in safe condition and good repair.

Prior to request, please review the terms and conditions outlined in SMC13.04 located on our website at: <http://www.ci.scappoose.or.us/municipalcode> which includes the following key provisions;

- I have read and agree to the requirements, terms and conditions as outlined in SMC 13.04 Water Service System;

Email address: [REDACTED]

- 1) Provide a map with the following information for determination of the type of connection required;
 - a) Property location and approximate elevation at the proposed use, i.e., finished floor elevation of house.
 - b) Location and configuration of any auxiliary water sources (non-city water systems).
 - c) Location and configuration of any cross connection systems as outlined in SMC 13.04, i.e., non-drinkable water system or auxiliary systems capable of imparting contamination to the public system as a result of backflow.
- 2) Provide a statement explaining why you would like to connect to the City Water Services for City Manager review and approval;

We have a well with water not suitable for drinking and it would be very hard to filter, if at all. There also may not be enough water for everyday use.



Staff Review and Approval;

City Engineer: C. J. [Signature]

Building Official: [Signature]

Finance ^{Administrator} Director: [Signature]

Public Works Director: [Signature]

City review comments;

<i>The property has an existing water service lateral with meter box ready to install new meter. Static pressure at point of connection is 120 psi. Backflow device required to be installed after the meter and prior to connection with the domestic waterline. Verify with County plumbing official if pressure reducing valve is required. Coordinate with Liz Happala at CDC to pay fees and schedule connection, if approved. (503) 543-7184</i>

If approved by City Manager;

The applicant shall complete the following;

- 1) Attend City Council hearing to express desire to connect to the water line. Upon a 2/3 affirmative vote by Council, connection can be made subject to the conditions outlined in SMC 13.04.
- 2) Obtain a Columbia County Plumbing Permit (Submit copy to City)
- 3) Pay City of Scappoose Plumbing Permit
- 4) Pay City Water SDC Fees
- 5) Pay City Water Hookup Fees (meter set only)
- 6) Pay Time & Material Fees for installation (if service tap is required)
- 7) Pay \$1,000 outside City user fee

☐ Approved

☐ Denied

City Manager's Signature

Date: _____

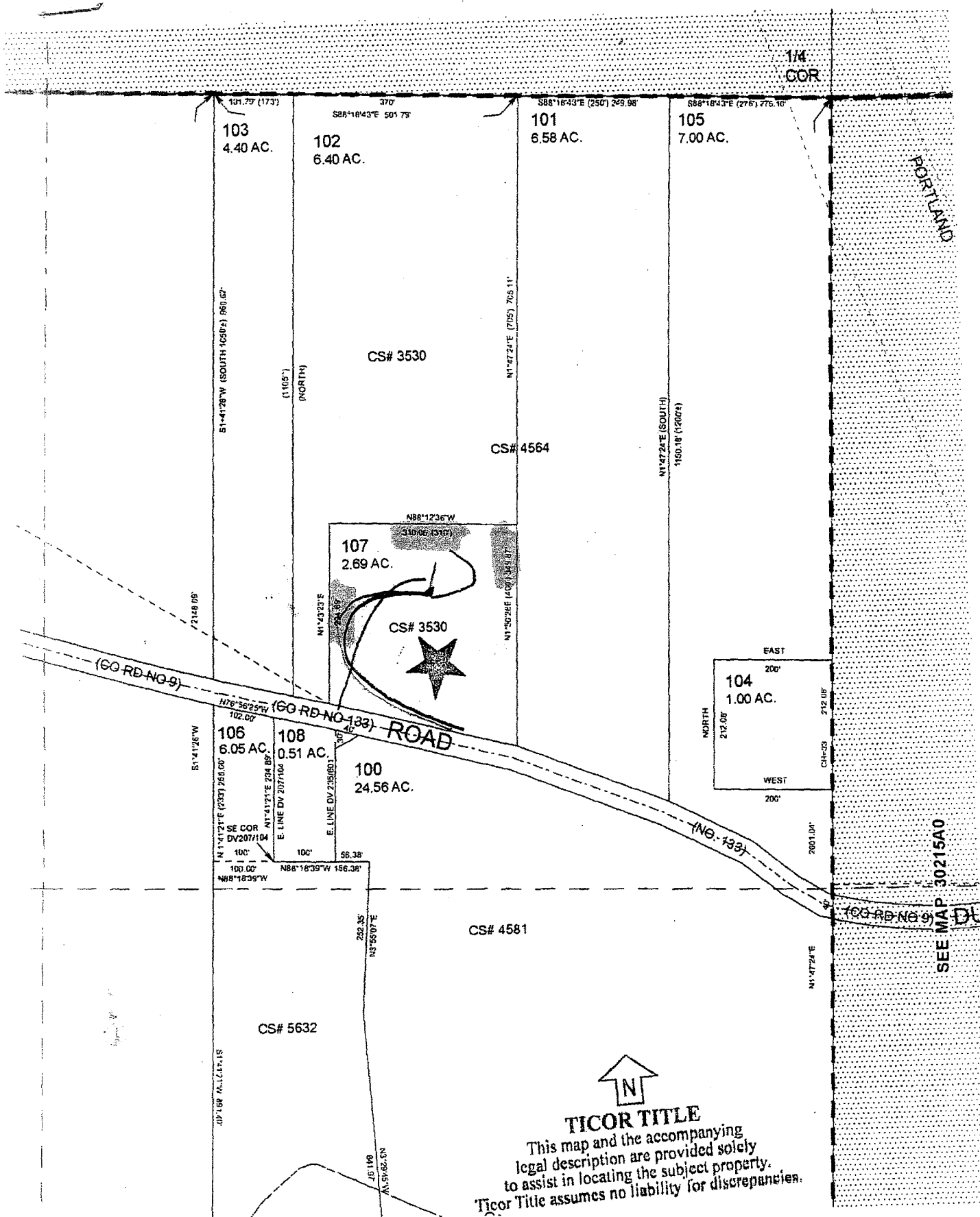
Date going before City Council: _____


☐ Approved

☐ Denied

Copy to property owner ☐

Copy to CDC ☐




TICOR TITLE
This map and the accompanying
legal description are provided solely
to assist in locating the subject property.
Ticor Title assumes no liability for discrepancies.

SEE MAP 30215A0

25

31270
80-08
NCC MTD
ADPSS
11-C5

Columbia County Community Development

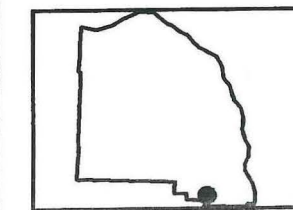
- Elevations
 - index
 - intermediate
- Flood
 - A (100 YR)
 - X (500 YR)
 - FLOODWAY
- Flood (2009)
 - FLOODWAY
 - 500 YEAR
 - A (100 YR)
 - AE
 - AO
 - X
- Roads
- Taxlot12



This map was produced using the Columbia County GIS data. The GIS data is maintained by the county to support its governmental activities. The county is not responsible for map errors, omissions, misuse or misinterpretation.

Non-conforming Use
Application

1 in. = 103 ft.

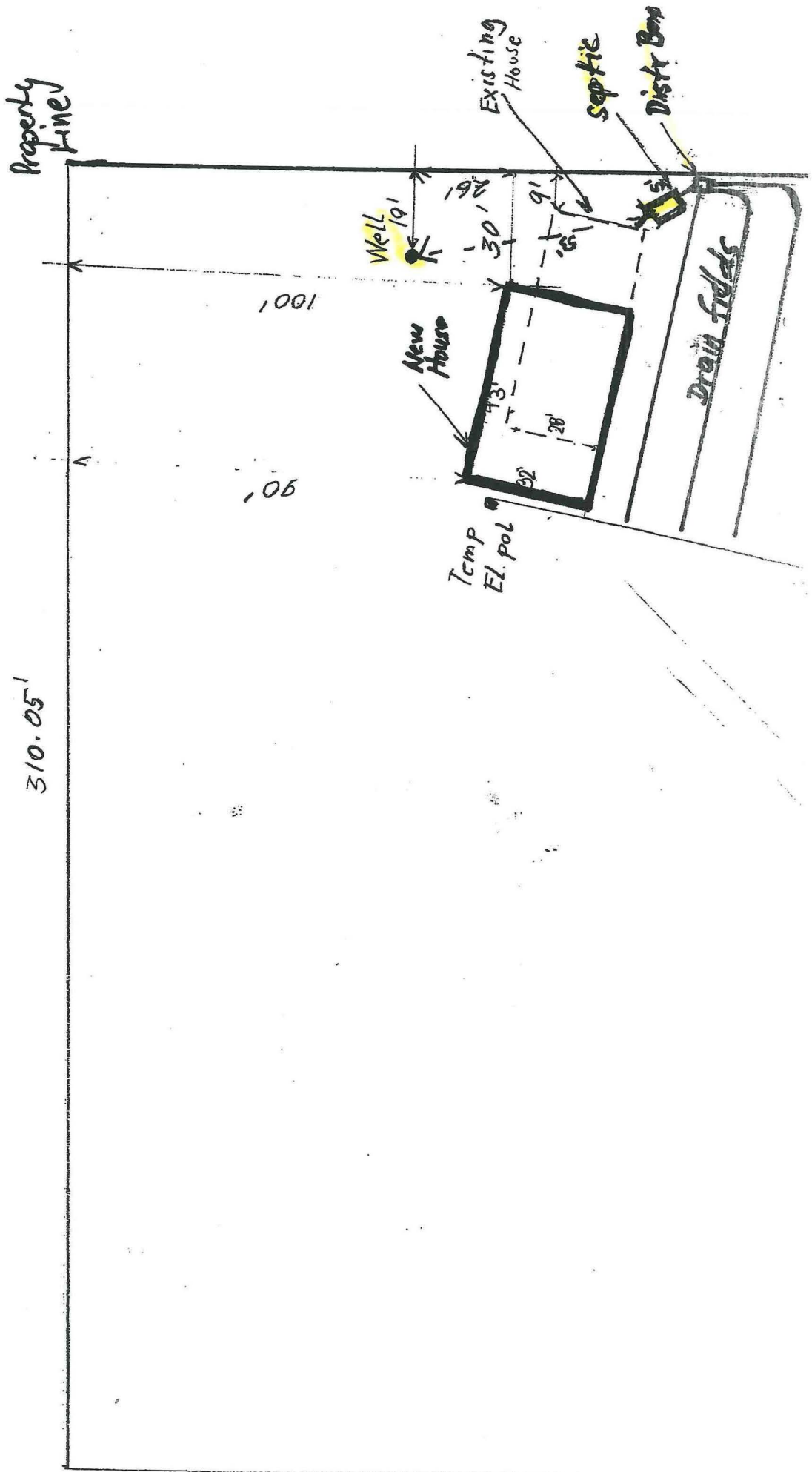


4/23/2012

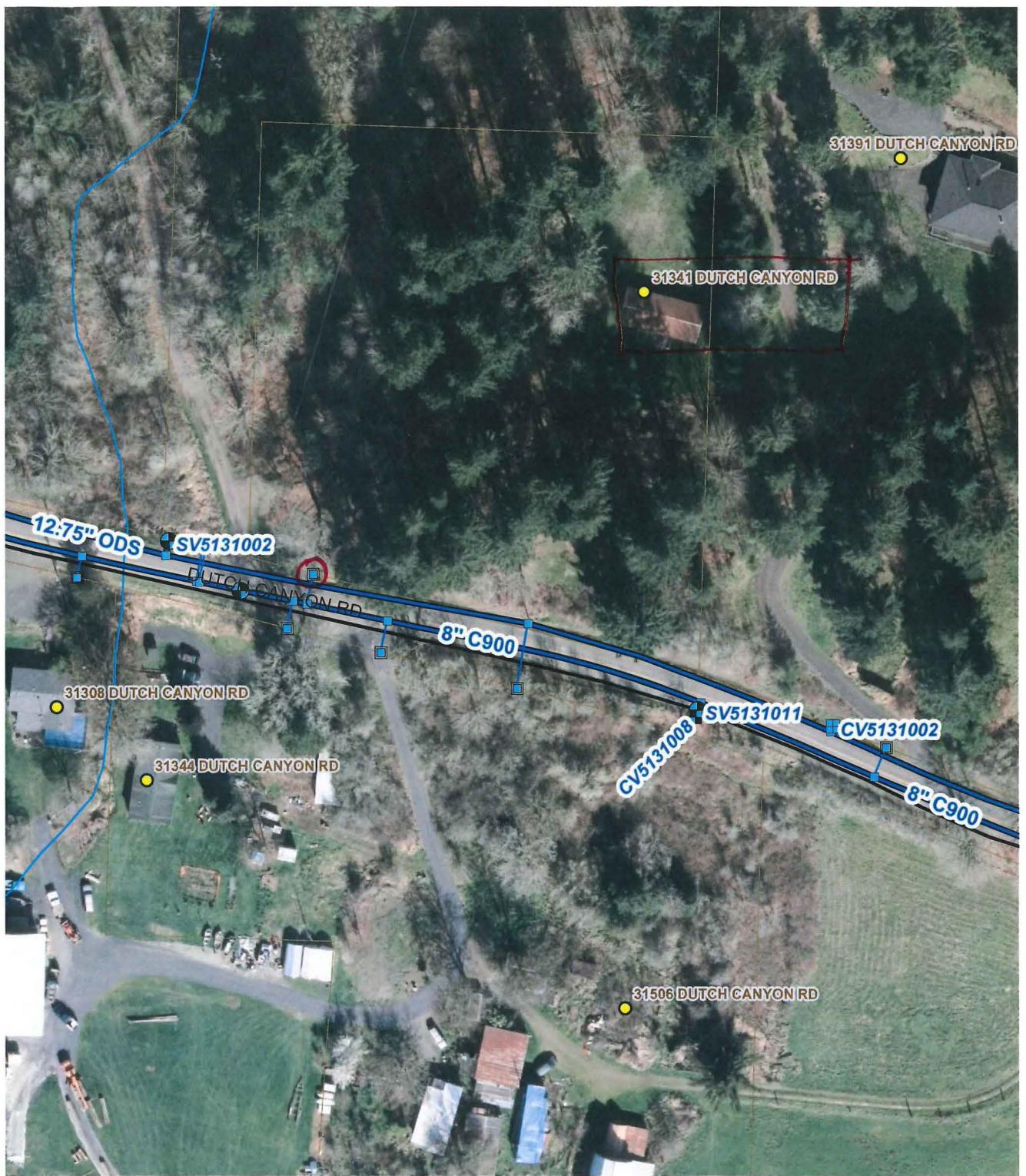


31341 Dutch Canyon Rd.
Scappoose, OR 97056

N



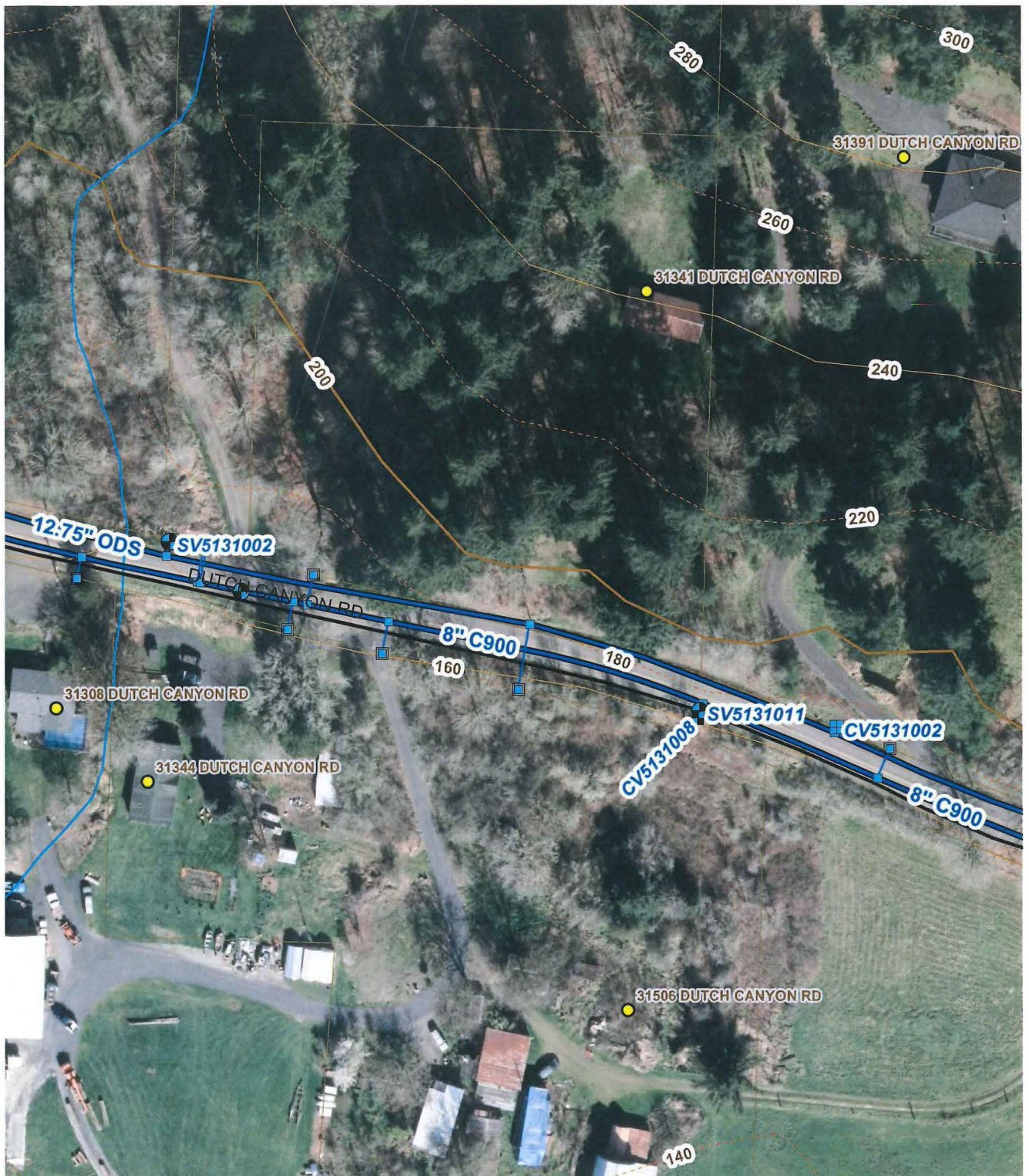
294.69'



Legend

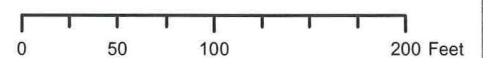
- | | |
|----------------|----------------------|
| Streets | Rivers |
| Water | City Limits Boundary |
| Sanitary Sewer | Taxlots Boundary |
| Storm Drainage | |





Legend

- | | |
|----------------|----------------------|
| Streets | Rivers |
| Water | City Limits Boundary |
| Sanitary Sewer | Taxlots Boundary |
| Storm Drainage | |



CITY OF SCAPPOOSE

Council Action & Status Report

Date Submitted:	October 2nd, 2019
Agenda Date Requested:	October 7th, 2019
To:	Scappoose City Council
From:	Alexandra Rains, Assistant to City Manager Chris Negelspach, City Engineer
Subject:	Advanced Finance Reimbursement District for the Charles T. Parker Way Wastewater Pump Station

TYPE OF ACTION REQUESTED:

☒ Resolution

☐ Ordinance

☐ Formal Action

☐ Report Only

BACKGROUND: The purpose of Advance Finance Reimbursement (AFR) Districts, as defined in Chapter 3.20 of the Scappoose Municipal Code, Section 3.20.010, "is to provide a method of financial reimbursement to developers for a share of costs incurred in installation or construction of public improvements that will benefit intervening or future property owners." Once established, the District does not necessarily have immediate impacts on the property included within its boundaries, repayment is triggered by the owner's application to connect to AFR facilities or for building permits for projects that would utilize AFR improvements. These Districts remain in effect for a total of twenty (20) years.

ANALYSIS: Scott T. Parker is the Developer of the Charles T. Parker Way Wastewater Pump Station and has applied for the establishment of an AFR District in order to recoup costs from intervening property owners in the amounts listed in Exhibit A. This project, which was completed on August 13, 2019, was installed to furnish the future area of the Scappoose Sand and Gravel property, as well as the properties listed under Exhibit A, with a sanitary sewer wastewater pump station to pump the tributary sewer effluent through existing force mains installed in the newly constructed Charles T. Parker Way and Wagner Court that connect to an existing City of Scappoose gravity sanitary sewer manhole. Raising the site to flow by gravity to the existing sanitary sewer

manhole would not be feasible, so a lift station was required. The pump station is located at the western terminus of the newly constructed Charles T. Parker Way on the south side of property currently owned by the State of Oregon for the OMIC property, see Exhibit B. It's on approximately 0.11 acres of land. It is comprised of a 72" wet well that is approximately 25' deep. A two pump (duplex) system will lift the wastewater in the wet well and pump it through valve appurtenances and existing force mains that outlet to the existing sanitary sewer manhole. The pump controls are housed in a stand-alone building adjacent to the wet well and appurtenance vaults. Power is provided by Columbia River Public Utilities District and there is a backup diesel generator sized to run both pumps. There are alarms and an auto-dialer to notify the City of Scappoose public works staff in the event of an issue.

The pump station, as designed and constructed, has been verified by the City Engineer and Department of Environmental Quality (DEQ) to accommodate the sewer load for all of the developable property within the basin. As such, those costs have been allocated to each parcel in a reasonable manner, as a percent of the total basin area.

The City Engineer has verified that all costs associated with the pump station project are reasonable and appropriately apportioned to the parcels outlined in Exhibit A; and as further depicted in Exhibit B to show the relative size and location of various parcels within the basin area properties.

At the conclusion of this evening's Advance Finance Reimbursement (AFR) Public Hearing, Council may decide to establish the AFR for the Charles T. Parker Way Wastewater Pump Station.

FISCAL IMPACT: The total cost of the Charles T. Parker Way Wastewater Pump Station is \$727,442.94. The costs have been apportioned to all property owners who will benefit from the infrastructure in the future on the basis of each parcel's geographic area (total acreage), as described in Exhibit A. In addition to their proportionate share, each property owner will be required to pay interest at 5%, plus 1% for City Administration costs, upon the anniversary of the execution of the advance finance reimbursement agreement between the Developer and the City, unless they have pre-paid their share. Several of the property owners have chosen to pay the Developer, Scott T. Parker, ahead of the establishment of the district in the amounts outlined in Exhibit A. Those owners include C.T.P. Partners LLC, the State of Oregon, Baker Rock Crushing Co and Laurel Heights LLC.

RECOMMENDATION: Staff recommends Council approve Resolution No. 19-19, establishing an AFR District in the total amount of \$727,442.94 and as apportioned to each individual property owner listed in Exhibit A.

SUGGESTED MOTION: I move Council approve Resolution No. 19-19, establishing an AFR District in the total amount of \$727,442.94 and as apportioned to each individual property owner listed in Exhibit A.

RESOLUTION No. 19-19

A RESOLUTION OF THE COUNCIL OF THE CITY OF SCAPPOOSE DESIGNATING AN ADVANCE FINANCED REIMBURSEMENT DISTRICT

Whereas, Chapter 3.20 of the Scappoose Municipal Code grants the authority to the City Council to establish Advance Finance Reimbursement Districts within the City; and

Whereas, the Developer, Scott T. Parker, constructed and installed the Charles T. Parker Way Wastewater Pump Station to serve the properties as described in Exhibits A and B; and

Whereas, the Scappoose City Council wishes to designate the Charles T. Parker Way Wastewater Pump Station, valued at \$727,442.94, that benefits the properties described in Exhibits A and B as an Advanced Finance Reimbursement; and

Whereas, the Developer apportioned the costs of the pump station to the properties identified in Exhibit A in proportion to each site's geographic area (total acreage); and

Whereas, allocating cost on the basis of total acres is an equitable means of calculating the benefit; and

Whereas, the property owners described in Exhibit A will be required to pay their proportionate cost at 5% interest plus 1% for City Administrative costs upon the anniversary of the execution of the advance finance reimbursement agreement between the City and Developer as pursuant to 3.20.100 (2) (a); and

Whereas, C.T.P Partners LLC, the State of Oregon, Baker Rock Crushing Co and Laurel Heights LLC have agreed to make direct payment to the Developer of the amounts attributed to them under Exhibit A, prior to establishment of the Advanced Finance Reimbursement District, and Developer shall have no further right to reimbursement from amounts attributed to such parties; and

Whereas, this Advance Finance Reimbursement District is applicable to both the current and any future property owners; and

Whereas, this Advance Finance Reimbursement will be immediately due and payable by current or future property owners upon their application of any building or development permit, the result of which will be the use of any advanced financed public improvement, as pursuant to SMC 3.20.100 (3); and

Whereas, the City Manager shall enter into an agreement with the Developer pertaining to the Charles T. Parker Way Wastewater Pump Station; and

Whereas, this Advance Finance Reimbursement District shall remain in effect for a period of 20 years from and after the date the advance financing agreement has been executed.

Now, therefore, be it resolved:

Section 1: The Scappoose City Council hereby designates the Charles T. Parker Way Pump Station as an Advance Finance Reimbursement District and includes the properties described in Exhibits A and B.

Section 2: This Resolution shall be effective upon passage.

PASSED AND ADOPTED by the Scappoose City Council and signed by me, and the City Recorder, in authentication of its passage on this ____ day of October, 2019.

CITY OF SCAPPOOSE, OREGON

Scott Burge, Mayor

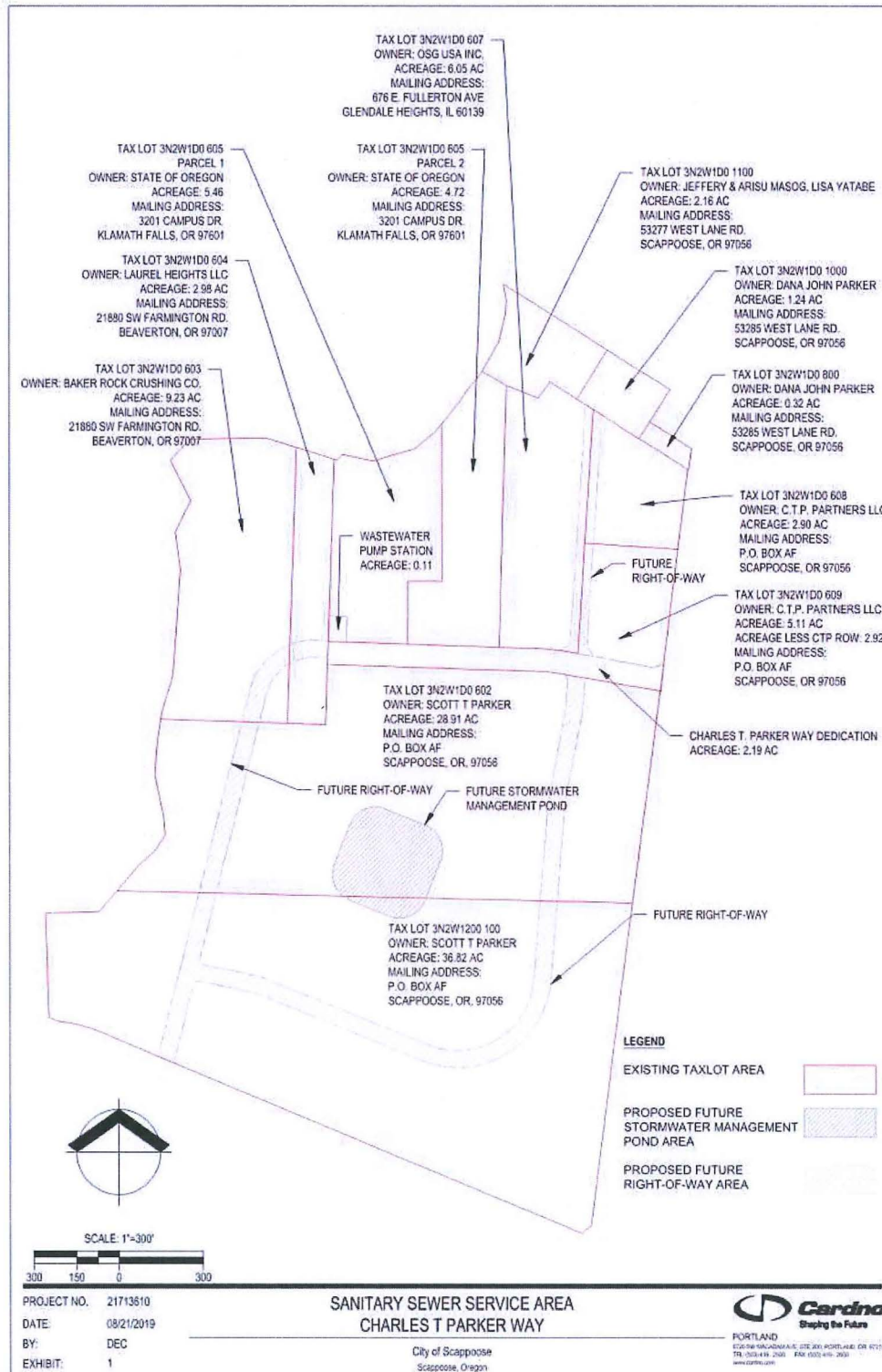
Attest: _____
Susan M. Reeves, MMC
City Recorder

Exhibit A

Charles T. Parker Way Wastewater Pump Station Advance Finance Reimbursement Obligations

SERVICE AREA (SEWER SHED)					
OWNER	LEGAL DESCRIPTION	TAX LOT NUMBER	AREA (acres)	Sewer Benefit %	Reimbursement Obligation
Scott T Parker	Parcel 1 of Partition Plat 2017-20	3N2W1200 100	36.82	35.5%	\$ 285,914.27
Scott T Parker	Parcel 1 of Partition Plat 2017-20	3N2W1D0 602	28.91	27.9%	\$ 224,491.62
C.T.P. Partners LLC	Parcel 3 of Partition Plat 2018-10 less Charles T. Parker Way dedication - 2.19 AC	3N2W1D0 609	2.92	2.8%	\$ 22,674.35
C.T.P. Partners LLC	Parcel 2 of Partition Plat 2018-10	3N2W1D0 608	2.90	2.8%	\$ 22,519.05
OSG USA Inc.	Parcel 1 of Partition Plat 2018-10	3N2W1D0 607	6.05	5.8%	\$ 46,979.40
Dana John Parker	Taxlot 800 of T. Lamberson DLC No 42	3N2W1D0 800	0.32	0.3%	\$ 2,484.86
Dana John Parker	Taxlot 1000 of T. Lamberson DLC No 42	3N2W1D0 1000	1.24	1.2%	\$ 9,628.83
Jeffery & Arisu Masog, Lisa Yatabe	Taxlot 1100 of T. Lamberson DLC No 42	3N2W1D0 1100	2.16	2.1%	\$ 16,772.81
State of Oregon	Parcel 1 & 2 of Partition Plat 2014-09 less Wastewater Pump Station Site - 0.11 AC	3N2W1D0 605	10.07	9.7%	\$ 78,195.46
Laurel Heights LLC	Parcel 1 of Partition Plat 2007-10	3N2W1D0 604	2.98	2.9%	\$ 23,140.26
Baker Rock Crushing Co.	Parcel 2 of Partition Plat 2003-19	3N2W1D0 603	9.23	8.9%	\$ 71,672.70
Subtotal			103.60	100.0%	
Future Area Not Buildable (Future Streets)			(6.37)		\$ (49,464.26)
Future Area Not Buildable (3.0' W. Lane Road ROW Dedication - deducted from T.L. 609)			(0.05)		\$ (388.26)
Future Area Not Buildable (Pond & Stormwater Management)			(3.50)		\$ (27,178.16)
Subtotal			(9.92)		
Total Area Served by Pump Station			93.68		\$ 727,442.94

Exhibit B – Charles T. Parker Way Sanitary Sewer Service Area Exhibit





SCAPPOOSE PARKS & RECREATION COMMITTEE RECOMMENDATION

Date: September 24, 2019
To: Scappoose City Council
From: Huell White, Program Analyst, SPRC Staff Liaison
Subject: Recommendation of naming new trailhead

The Scappoose Parks & Recreation Committee discussed and unanimously motioned that the new trailhead – which as of the date of this memorandum is currently under construction – to the east of the CZ Road and West Lane intersection should bear the name “Trtek Trailhead.”

The Trtek family has significant ties to Chapman Landing and Scappoose’s local community. Therefore, the Committee found it appropriate to honor the Trtek family and their contributions to Scappoose. While the Committee did explore other combinations along with “Trtek,” the specific use of the term “trailhead” maintains consistency with Columbia County’s redevelopment, rebranding, and promotion of the CZ Trail.

The Parks & Recreation Committee respectfully recommends that the City Council consider “Trtek Trailhead” as the name for the new trailhead along the CZ Trail.

Huell White, Program Analyst
9/24/2019

CITY OF SCAPPOOSE

October 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4	5
6	7 Interview for Park & Rec Comm 6:45pm City Council 7pm	8 Park & Rec Comm. & Friends of Park meeting ~ 6pm	9	10	11	12
13	14 Interviews for City Council vacancy 6pm	15	16	17 EDC ~ noon	18	19
20	21 City Council 6pm (please note start time)	22	23	24	25	26
27	28	29	30	31 Police Dept. Halloween night Hot Chocolate event, 5:30pm to 8:00pm at Scappoose High School bus turnaround		

CITY OF SCAPPOOSE

November 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4 City Council 7pm	5	6	7	8	9
10	11 Veterans Day  City Offices closed	12 Park & Rec Comm. & Friends of Park meeting ~ 6pm	13	14	15	16
17	18 City Council 6pm (please note start time)	19	20	21 EDC ~ noon	22	23
24	25	26	27	28 Happy Thanksgiving ~ City Offices closed	29 City Offices closed	30