

TUESDAY, SEPTEMBER 3, 2019
CITY COUNCIL
Scappoose Council Chambers
33568 East Columbia Avenue

WORK SESSION ~ Review Scappoose Municipal Code Chapter 12.04 ~ Sidewalks
Staff: Program Analyst Huell White, 6:15 pm

Present: Mayor Scott Burge, Council President Patrick Kessi, Councilor Natalie Sanders, Councilor Joel Haugen, Councilor Josh Poling, Councilor Brandon Lesowske, City Manager Michael Sykes, Chief Norm Miller, City Recorder Susan Reeves, City Planner Laurie Oliver, Public Works Director Dave Sukau and Program Analyst Huell White.

Program Analyst Huell White explained, in front of Council is a draft amendment to Chapter 12.04 of the Scappoose Municipal Code, which covers sidewalks. He explained in the process of researching and putting together a sidewalk repair program, he and Assistant to the City Manager Alex Rains have determined that some updated language and additional provisions should be made to that part of the code. He explained there are three points here ~ update language for clarity, add curbs into the responsibility for repair, and add a section about liability. He explained in regard to providing clarity, part of that is just letting the citizens know what the responsibilities and liabilities are with sidewalks that it is their responsibility if it abuts their property, but also adding curbs. He explained curbs being the responsibility of the adjacent property owner is something that is actually in the Land Use Development Code, which was updated relatively recently but there is an inconsistency in Chapter 12.04. He explained curbs are excluded from that, they consider steps and sidewalks as it is currently written. He explained staff is recommending including curbs and driveways. He explained the new section that staff is recommending is liability for injury. He explained that is something that he came across in his research, every City that he interviewed that had some sort of sidewalk repair program made sure to call out that liability if someone gets injured on the sidewalk due to disrepair is the responsibility of the property owner. He explained that is included in Title 8 of the Scappoose Municipal Code, but it seems prudent to include anything else relevant to sidewalks in this chapter.

Councilor Poling asked if it currently the responsibility of the owner to address the curbs in a driveway or is it just not in the wording?

Program Analyst replied it is just not in the wording. He explained curbs are the continuing obligation of the property owner, if you look at the language in the Land Use Development Code.

City Manager Sykes explained it just creates consistency between the two chapters.

Councilor Haugen asked Huell, in his research, are there exemptions for earthquake or flood damage and should that be somewhere, so property owners aren't liable for Acts of God?

Program Analyst Huell White replied he hasn't actually seen that called out in any other city's sidewalk chapter. He is not sure if that is something we have in our code anywhere.

City Manager Sykes explained staff would put in a request to FEMA.

Police Chief Miller explained there would be a process for something like that.

Program Analyst Huell White explained the way these amendments are proposed, this isn't including any enforcement options. He explained the enforcement part of the code lies in Title 8. He explained this is just cleaning up language and adding some clarity, it is not necessarily saying the City is going to go out and enforce this once we update the code. He explained nothing effects the property owner immediately with this.

Councilor Poling asked Huell if the 60 days is pretty standard from what he has seen.

Program Analyst Huell White replied yes and no. He explained it seems to range from 30 to 240 days. He explained he thinks having a time frame in which a property owner needs to respond to the City, and how they intend to remedy the nuisance or fix the sidewalk, is the most important part here.

Council President Kessi replied he feels 90 days would probably be more realistic, especially depending on the time of year.

Public Works Director Dave Sukau explained one thing we could use as a leverage is the right-of-way permit. He explained maybe they pulled their permit, but their contractor is backlogged and maybe we could give them an extension if they actually pulled the permit.

City Manager Sykes explained we want to get this clear because we've been spending a lot of time talking about a sidewalk program that we are going to bring forward, probably in November and we are hoping to implement it in January. He explained we felt it was important to get this language cleaned up and taken care of so when we move forward it is clear as to what the property owner's responsibility is.

Councilor Lesowske stated to Huell you highlighted that we have a variety of sidewalks in place already, he asked if there is a buffer zone that says where the property owner has to maintain.

Program Analyst Huell White replied that is something that will have to be determined.

Public Works Director Dave Sukau explained you could assume that since a curb is not present it doesn't apply, or the language could be changed to "curbs when present". He explained if they live in a neighborhood that doesn't have it, it obviously doesn't apply.

Mayor Burge stated he thinks that makes sense.

Councilor Sanders thanked Huell for adding the "B" section that things would have to be up to code with the most recent ADA standards.

City Manager Sykes asked where do we go from here?

Program Analyst Huell White replied he will go ahead and make some of those changes and we can come back either for additional discussion or first reading.

City Manager Sykes asked Council if staff should just put this on the next agenda for consideration?

Public Works Director Dave Sukau stated, having things more consistent is very important to us.

Council President Kessi asked about the prioritizing of sidewalks.

City Manager Sykes replied they haven't worked out all the details.

Council President Kessi talked about making sure we look at what areas people are using the most.

Public Works Director Dave Sukau talked about the Safe Routes being a great program, but they had such a high match, plus they basically want you to hand over a set of drawings, so we have to be ready when that opportunity comes again.

Program Analyst Huell White stated the good news is the last he heard about the Safe Routes to School program is that it is actually sitting in Committee in Salem and they are trying to lower the match.

Council President Kessi stated one of the things that the City does a tremendous job of is leveraging money and getting grants.

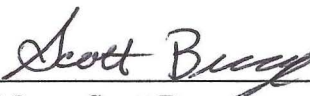
City Manager Sykes replied one of the things that would help is when you see the Senator, or our Representative, is to tell them that we need to make sure that there is no income limitation. He stated we are still a small city and we don't have enough of an industrial base to help pay for some of these improvements.

Councilor Lesowske stated he agrees with Council President Kessi that we should be very strategic and make sure the community members are involved in this, and that they are aware of the changes. He stated he is excited to see this move forward, and it is definitely overdue, and our sidewalk infrastructure is at a tipping point. He appreciates the work that staff has done to make sure we are preparing for the future of Scappoose.

Adjournment


Mayor Burge adjourned the Work Session at 6:43 p.m.

Park & Recreation Committee interview, 6:45 pm ~ applicant did not show up.



Mayor Scott Burge

Attest:



City Recorder Susan M. Reeves, MMC