

**SPECIAL CITY COUNCIL MEETING**  
**Monday, July 13, 2020, 6:00 p.m.**  
**Scappoose Council Chambers**  
**33568 East Columbia Avenue**

**Call to Order**

Mayor Burge called the special meeting to order at 6:00 p.m.

**Roll Call**

**Present:** Mayor Scott Burge, City Manager Michael Sykes, Assistant City Manager Alexandra Rains, City Planner Laurie Oliver Joseph and City Recorder Susan Reeves.

**Remote (via phone):** Council President Patrick Kessi, Councilor Megan Greisen, Councilor Joel Haugen, Councilor Josh Poling, Councilor Brandon Lesowske, Councilor Pete McHugh, and Legal Counsel Peter Watts.

**Approval of the agenda**

Mayor Burge explained we will be removing the Executive Session.

Councilor Haugen moved, and Councilor McHugh seconded the motion to approve the agenda as amended. Motion passed (7-0). Mayor Burge, aye; Council President Kessi, aye; Councilor Greisen, aye; Councilor Haugen, aye; Councilor Poling, aye; Councilor Lesowske, aye and Councilor McHugh, aye.

**Request by Matthew Van Loo and Judy Bright for connection to City sewer services**

City Planner Laurie Oliver Joseph thanked Mayor Burge and Council for being available tonight. She went over the staff report. She explained the Mayor of Scappoose received a letter (**Exhibit A**) from Matthew Van Loo and Judy Bright, owners of property located at 33946 E Columbia Ave, on June 29, 2020 which stated that their septic system had failed and requested that the City allow them to connect to City sewer service as soon as possible since they are having to pump their septic tank every 3 – 4 days at a cost of \$375 per service call. The Van Loo/Bright property is just outside of City limits (but is abutting City limits) and is within the Urban Growth Boundary.

**Analysis:** Scappoose Municipal Code (SMC) Chapter 13.12 – Sewer Service System, states the following:

*13.12.100 Limits of hookup--City limits. It is declared to be the policy of the city that there will be no sewerage hookups to property outside the city limits of the city.*

And,

13.12.090 Revision and modification of rules, regulations and charges. *The city council may from time to time as the occasion may demand or require, and in the council's sole discretion within the requirements of state statutes, and the city charter, make such modifications, revisions and additions to the rules and regulations as may be deemed necessary and in the interest of the city. Rates and charges for sewer service, connection charges, cost of side sewers, and extensions of sewers shall be revised as necessary and required in the general public interest and to meet financial obligations relating to the construction, maintenance, repair and efficient operation of the entire system.*

It is clear that the Municipal Code prohibits connection to City sewer services to properties outside of City limits; however, Section 13.12.090 gives Council the sole discretion to modify the rules for sewer services (within the requirements of state statutes and the City charter) when it is deemed necessary and in the interest of the City to do so.

In conformance with ORS 222.115, a City may enter into a contract with a landowner whereby a landowner consents to eventual annexation of their property in exchange for extraterritorial City services, in this case, sewer services.

After discussions with the City Attorney, City Manager, Assistant City Manager, City Engineer, Public Works Director, and the City Planner, there was consensus that this matter should be forwarded to Council for a decision on whether or not to allow early connection to City sewer as long as the property owners entered into an annexation agreement in conformance with ORS 222.115.

City Attorney, Peter Watts, drafted the attached annexation agreement (**Exhibit B**) which specifies that the property owners have 90 days in which to submit their application for annexation, and would be required to pay half their annexation fee at the time of execution of the annexation agreement, with the other half due at the time the annexation petition is received. In exchange for signing the agreement, the owners would be allowed to connect to City sewer services once the applicable permits (plumbing and right of way) had been issued.

City Planner Oliver-Joseph has had discussions with the owners, and they are in support of this approach and have already delivered to her a signed annexation application and the first half of the annexation fee, in conformance with the annexation agreement. The annexation application is not complete yet, as they will need to hire a consultant to draft the burden of proof narrative showing compliance with the annexation approval criteria; however, their intent is clear – they wish to annex into the City to receive sewer service.

City Planner Laurie Oliver Joseph explained staff recommends that Council direct the City Manager to enter into an annexation agreement with the owners allowing early connection to City sewer services, in conformance with ORS 222.115, using discretion given to Council by Section 13.12.090 of the SMC.

Councilor Lesowske asked about Exhibit A where it stated they are not requesting to be annexed into the City. He stated it initially seems that they didn't think they needed to, but it sounds like now they are aware and are willing to annex.

City Planner Laurie Oliver Joseph replied that is correct. She explained once the property owners learned of the requirement to be in City limits before they could connect to sewer and staff explained that, then they understood and were willing to annex into the City limits which is evident because they already submitted their application.

City Manager Sykes explained if they don't hook up to City sewer their house really has no value because their lot is too small to replace the sewer system and their septic tank is on an adjoining property. He stated this really is a health hazard and this action tonight helps us mitigate this issue in a substantial way.

Council McHugh asked about the cost to do this process.

City Planner Laurie Oliver Joseph explained the annexation cost is \$4,000, which they have already paid half of that. She explained as far as the other costs they will have system development charges (sdc's) to pay for their sewer connection, along with hook up (time and material fee) for Public Works to make the connection, and then fees for the annexation consultant they hired.

Councilor Haugen moved, and Council President Kessi seconded the motion that Council direct the City Manager to enter into an annexation agreement with the owners allowing early connection to City sewer services, in conformance with ORS 222.115, using discretion given to Council by Section 13.12.090 of the SMC.


Mayor Burge explained he received this email and he forwarded it to staff. He thinks it is the right thing to do.

Motion passed (7-0). Mayor Burge, aye; Council President Kessi, aye; Councilor Greisen, aye; Councilor Haugen, aye; Councilor Poling, aye; Councilor Lesowske, aye and Councilor McHugh, aye.

Council President Kessi stated he thinks this is an important issue and he is glad that staff put things together and moved ahead in a quick manner so we could do this for the homeowner.

**Adjournment** ~ Mayor Burge adjourned the Special Council meeting at 6:14 p.m.

  
Mayor Scott Burge

Attest   
City Recorder Susan M. Reeves, MMC