



**MONDAY, OCTOBER 16, 2017**

**Executive Session ~ ORS 192.660(2)(e) Real Property Transactions, at 6:30 p.m.**

**CITY COUNCIL MEETING AGENDA**

**Regular meeting 7:00 p.m.**

**Scappoose Council Chambers**

**33568 East Columbia Avenue**

<b>ITEM AGENDA TOPIC</b>	<b>Action</b>
<b>Call to Order</b>	
<b>Pledge of Allegiance</b>	
<b>Roll Call</b>	
<b>Approval of the Agenda</b>	
<b>Public Comments</b>	
<b>1. Consent Agenda ~ October 2, 2017 City Council Work Session minutes and October 2, 2017 City Council meeting minutes</b>	
<b><u>Old Business</u></b>	<b>Second Reading/Approval</b>
<b>2A. Ordinance No. 865: An Ordinance of the City of Scappoose Amending Scappoose Municipal Code 12.16 Regulating Municipal Parks</b>	
<b>2B. Ordinance No. 866: An Ordinance of the City of Scappoose Amending Scappoose Municipal Code 12.20 Regulating the Skate Park</b>	
Staff: Chief Norm Miller and Assistant to City Manager Alexandra Rains	
<b>Announcements ~ information only</b>	
<b>3. Calendar</b>	
<b>City Manager, Police Chief, Councilors, and Mayor</b>	
<b>Adjournment</b>	

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, OCTOBER 2, 2017**

**WORK SESSION TO DISCUSS WASTEWATER FACILITY MASTER PLAN, 6:00 PM**

**Scappoose Council Chambers  
33568 East Columbia Avenue**

Mayor Burge called the Work Session to order at 6:00 p.m.

**Present:** Mayor Scott Burge, Council President Mark Reed, Councilor Rich Riffle, Councilor Patrick Kessi, Councilor Megan Greisen, Councilor Natalie Sanders, City Manager Michael Sykes, City Recorder Susan Reeves, Legal Counsel Shelby Rihala, Public Works Director Dave Sukau, Treatment Plant Supervisor Kevin Turner, and Carollo Consultants Bhargavi Ambadkar and Bob Eimstad.

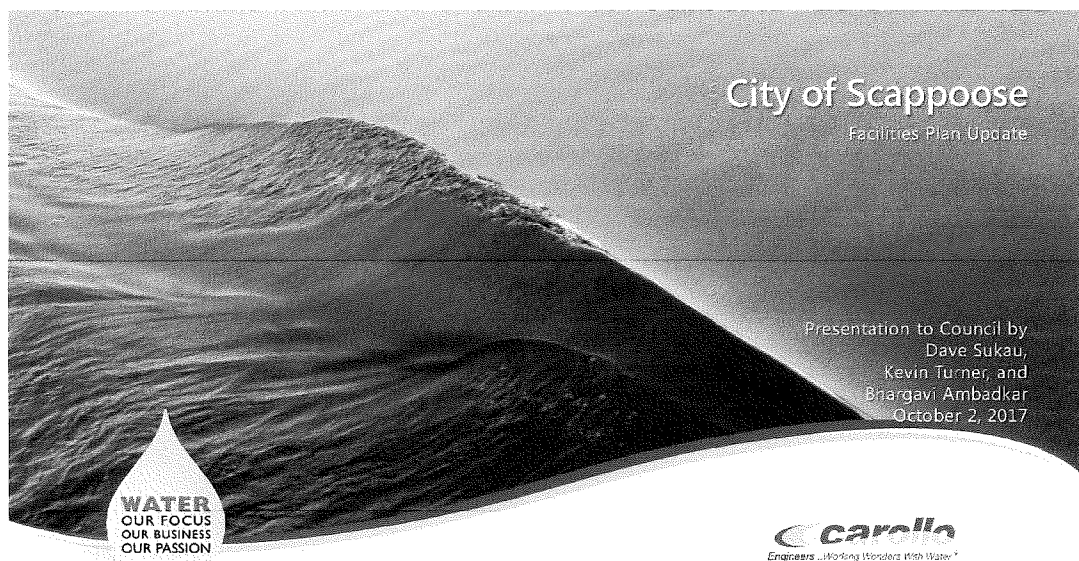
**Also present in audience:** Assistant to City Manager Alexandra Rains and Treatment Plant Supervisor Darryl Sykes.

Treatment Plant Supervisor Kevin Turner explained the plant's major upgrade was in 1992, and the last master plan update was in 1998. He explained in October of 2015 we started the master plan process. In February of 2017 we changed focus a bit and got Carollo on board, and here we are with the treatment portion only. He explained there were some issues with the original modeling flow data for the collections portion, so we are going to redo the flow testing this winter and then probably have completion of that by spring of next year, and then wrap it up sometime in the summer.

Carollo Consultant Bob Eimstad introduced Bhargavi, and explained she has done most of the work on this project, but they have both been involved since it started. He explained they have put together a plan that they feel meets the City's needs over the longer term. He explained they have developed an update to the facility plan that meets and aligns with the Council's goal and identifies what's required to develop a long term comprehensive community vision, in other words, a completed wastewater master plan, and working to address aging infrastructure now. He stated the City's treatment is in need of an upgrade, not just for capacity, but also to address some deficiencies in lack of investments over the years that need to be made to bring it up to date and simplify operations and make it a more reliable facility. He stated their objectives were to provide capacity to accommodate growth, so you have some growth projections that have been developed for the City, so they want to make sure that they have planned to provide capacity to treatment. He explained the planning period goes out to 2035, and they will show how the wastewater flows are going to change over that period of time. He explained regulatory requirements always change so we need to make sure, and a lot of times we can anticipate how they are going to change, new regulations come out, so wastewater discharges are regulated by the Clean Water Act, which is Federal Legislation. He explained a lot of that is delegated to the Oregon Department of Environmental Quality, so there is both Federal and State regulations that have to be met. He explained the Treatment Plant has a discharge permit that gets renewed every five years, sometimes longer. He explained the City has some facilities that are at the end of their useful life, and equipment that has been in service for a long time that needs to be replaced may not have adequate capacity. He stated we also need to look at what is out there right now and

make sure that if they are going in and doing and upgrade to the Treatment Plant they are also replacing process's and equipment that are well past the end of their useful life.

Carollo Consultant Bhargavi Ambadkar and Carollo Consultant Bob Eimstad went over the power point ~



**The Facilities Plan Update aligns with Council goals and identifies what is required to:**

- Develop a Long Term Comprehensive Community Vision
  - Complete Wastewater Master Plan
- Address Aging Infrastructure Now
  - Capacity upgrade: Wastewater treatment and collections

*Journal of Interpersonal Violence* 27(12)

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Figure 1

- [illegible]

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Bhargavi Ambadkar continued to go over the power point.

### Anticipated growth within the UGB

- 56% of growth on Average Dry Weather basis
  - Increase in population
  - New industrial growth – metallurgy, light/heavy industrial customers
  - Commercial – hotels
  - Institutional – community college

Flow Parameter	Current	Year 2035
Average Dry Weather Flow, mgd	0.66	0.96
Peak Instantaneous Flow, mgd	4.0	5.6

### Treatment facility evaluation included:

- Regulatory scenarios
- Condition assessments
- Hydraulic assessments
- Process assessment
- Liquids and solids stream evaluations

Mayor Burge stated in regards to OMIC he doesn't think their flow is going to be the same as a normal industrial site. He explained he thinks we would want to focus in on how what they are doing is different than an industrial model, because they would be doing research and development so the flow would be different.

Bob Eimstad replied that is a good point. He explained it is hard to have a category called industry and assign a flow for that particular business. He explained so what they have done is tried to fine tune this a little bit more to identify exactly what types of development is going to take place and what type of activity is going to take place. He stated in fact they have scaled that back a bit from what the original assumptions were, as to how much flow and load you would have coming from those particular areas. He stated they have done a lot of planning for other communities that have similar types of activities going on, either existing or planned so they can look at that and come up with the kind of numbers per acre for different type of development.

Public Works Director Dave Sukau replied he thinks we are going in the right direction on numbers, at this point.

Bob Eimstad stated their goal has been to be reasonably conservative, but not make it so big that it's capacity is never used. He stated they don't want the City building things they don't need.

Bhargavi Ambadkar explained they came up with unit flows for each, whether it is industrial or commercial, that is reasonable and comparable to other communities within Oregon and SW Washington.

### Regulatory Requirements

- Mass load limitation
- Blending
- Temperature
- Ammonia toxicity
- Endocrine disrupting compounds
- Technology based nutrient limits
- Priority persistent pollutants
- Greenhouse gases
- Biosolids usage and disposal

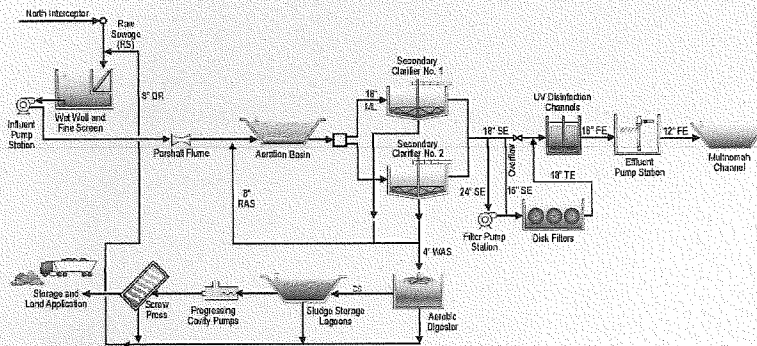
Bhargavi Ambadkar explained for the City it looks like the ammonia toxicity item that might be effected and the limit might be less than 5 milligrams per liter is what they are expecting, which is well within the treatment plants reach.

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## Existing Treatment Processes



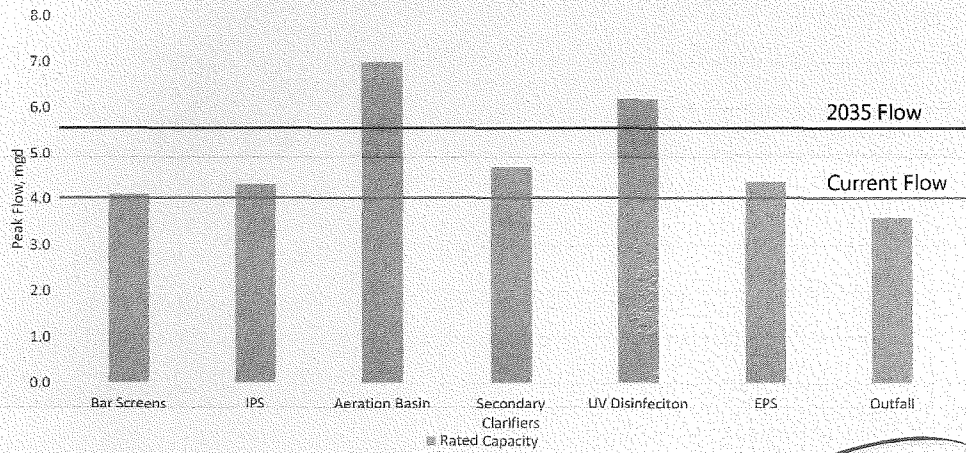
Bhargavi Ambadkar and Bob Eimstad went over the capacity needs. Bob explained in order to have a reliable treatment plant you need to have capacity when things break down. He stated when you only have one of something and it breaks down, you have to scramble in order to keep things up and running.

Bhargavi Ambadkar stated in addition to the capacity needs, there are condition issues. She went over the slide that shows just a brief summary of issues at the treatment plant.

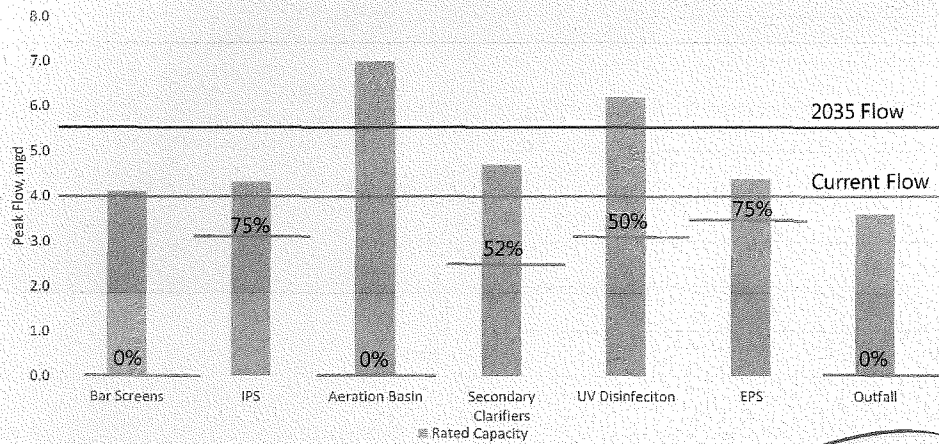
## Condition Assessment

- Influent Pumping Station
  - Pumps at the end of their useful life
  - Severe leaks
  - HVAC system does not meet current code
- Secondary clarifiers
  - Wiring to drive mechanisms
- UV Disinfection
  - At the end of its useful life
  - Seals leaking
- Effluent Pumping Station
  - Pumps at the end of their useful life
  - Difficult to remove pumps for maintenance
- Aerobic Digester
  - Some diffusers are plugged
  - No backup for sludge pump
- SCADA
- WWTP Office

## Hydraulic Capacity Needs



## Available Redundancy in the System





## Solids Process

- Aerobic digester needed to meet Class B biosolids requirements
- Currently undersized – 12 days average SRT
- Need 15 days SRT

### Treatment Facility Capital Improvement Plan:

CIP Project Phase	Cost, \$	Project Period
<b>Immediate Phase (Condition Improvements)</b>	<b>\$1,321,000</b>	<b>2018 - 2019</b>
Spring Lake Lift Station	\$272,000	
UV Disinfection	\$617,000	
Aerobic Digester	\$433,000	

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Spring Lake Lift Station	\$272,000	
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Aerobic Digester	\$433,000	
<b>Phase 1</b>	<b>\$12,117,000</b>	<b>2020 - 2022</b>
Headworks and Influent Pumping	\$5,500,000	
UV Disinfection (Addition of second channel)	\$1,686,000	
Effluent Pumping Station	\$537,000	
Outfall	\$2,171,000	
Hydraulic Improvements	\$520,000	
Operational Improvements	\$1,700,000	

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Secondary Clarifier with RAS/WAS pumping Upgrades	\$4,590,000	

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<b>Phase 2</b>	<b>\$4,590,000</b>	<b>2026 - 2028</b>
Secondary Clarifier with RAS/WAS pumping Upgrades	\$4,590,000	
<b>Phase 3</b>	<b>\$2,487,000</b>	<b>2033 - 2035</b>
Aerobic Digester	\$2,487,000	

**Total CIP Cost = \$20.5 M**

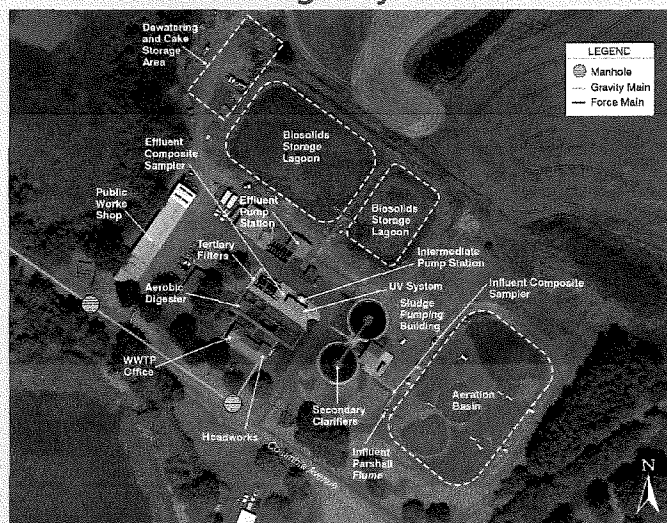
Mayor Burge asked if all of the dollar amounts are in today's dollars?

Bhargavi Ambadkar replied yes. She explained they could add an inflation amount, like 2 or 2.5% if Council would like to see that.

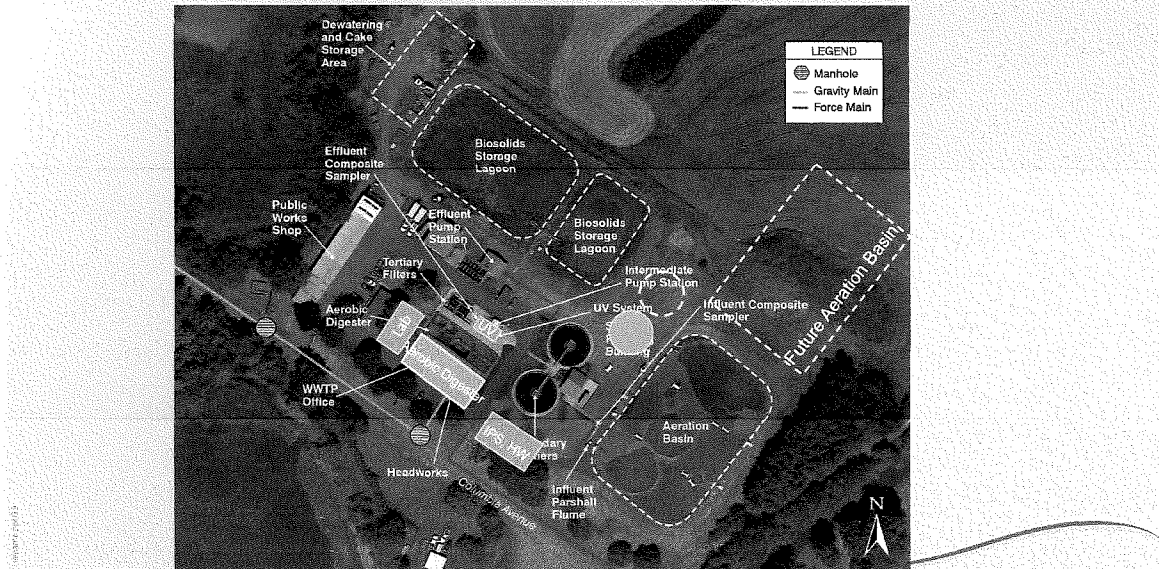
Councilor Kessi asked how fast does technology change in these facilities?

Bhargavi Ambadkar replied there are several technologies to treat the sludge. She explained the City has the aerobic digester, which is typically used in conjunction with the type of aeration basin that the City has.

## Treatment facilities strategically located on existing site:



## Treatment facilities strategically located on existing site:



## Call to Action

- Council to Adopt Facility Plan Update

City Manager Sykes explained one of the things we have talked about is having Steve Donovan take a look at the capital improvement costs and to discuss what is appropriate for SDC's, and what's not and figure out how that might affect our SDC's and bring that information back to Council.

Treatment Plant Supervisor Kevin Turner explained there is a work session scheduled for November with Steve Donovan to go over the information.

City Manager Sykes explained the good news in all of this is a year ago we had a consultant look at our needs for the facility and they came back with a number around 43 million for improvements. He explained Carollo came back with 20.5 million, which is a lot more achievable than what we were facing. He stated to Bhargavi and Bob he appreciates the quality of their work.

Councilor President Reed asked how do we compare with other cities?

Bhargavi Ambadkar replied she thinks a lot of communities are facing similar challenges.

Mayor Burge adjourned the Work Session at 6:56 pm.

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Mayor Scott Burge

Attest:

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City Recorder Susan M. Reeves

**MONDAY, OCTOBER 2, 2017**

**CITY COUNCIL MEETING**

**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**

**Moment of Silence**

Mayor Burge asked for a moment of silence in memory of the victims from the shooting that occurred on October 1, in Las Vegas.

**Roll Call**

**City Council Members Present:**

Scott Burge	Mayor
Mark Reed	Council President
Rich Riffle	Councilor
Patrick Kessi	Councilor
Megan Greisen	Councilor
Natalie Sanders	Councilor

**Staff Present:**

Michael Sykes	City Manager
Norm Miller	Police Chief
Susan M. Reeves	City Recorder
Alexandra Rains	Assistant to City Manager

Press: Courtney Vaughn, Spotlight

**Legal Counsel** Shelby Rihala

**Excused:** Councilor Joel Haugen

Also present in the audience: Public Works Director Dave Sukau.

**Approval of the Agenda**

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

**Public Comments**

There were no public comments.

**Consent Agenda ~ September 18, 2017 City Council Work Session minutes & September 18, 2017 City Council meeting minutes**



Councilor Riffle moved, and Council President Reed seconded the motion to approve the Consent Agenda ~ September 18, 2017 City Council Work Session minutes & September 18, 2017 City Council meeting minutes. Motion passed (6-0). Mayor Burge, aye; Council President Reed, aye; Councilor Riffle, aye; Councilor Kessi, aye; Councilor Greisen, aye, and Councilor Sanders, aye.

## **New Business**

### **Ordinance No. 865: An Ordinance of the City of Scappoose Amending Scappoose Municipal Code 12.16 Regulating Municipal Parks**

Chief Miller stated myself, Assistant to City Manager Alexandra Rains, Public Works Director Dave Sukau, Field Services Supervisor Doug Nassimbene and AmeriCorps RARE Participant Garrett Peterson were asked by City Manager Sykes to look at the regulations for the parks, since we are improving the parks. He went over the proposed updates.

Councilor Greisen asked about letter T ~ No fires are permitted. She asked if there can still be barbeques?

Chief Miller replied a barbeque is not considered a fire. He stated we are talking about no open flames.

Councilor Kessi stated could we clarify that by saying excludes everything but barbeques.

Chief Miller replied it could be amended to add barbeques.

Mayor Burge opened the public hearing at 7:07 p.m., and closed the public hearing due to no one wanting to speak on this matter.

Mayor Burge talked about the section regarding hours, and he doesn't necessarily think they would need to come back to Council for approval of extended hours. He thinks the City Manager could take care of that versus the Council. He stated if someone doesn't like it they can come to the Council. He stated that would be under 12.16.020, section A and section 11.

Council President Reed asked if we have signage reflecting some of this?

Chief Miller replied yes, we will.

Mayor Burge asked can we also have CIS look at any signs we put up?

Chief Miller replied certainly.

Councilor Riffle moved, and Councilor Greisen seconded the motion to approve Ordinance No. 865, as presented.

Mayor Burg read the title of Ordinance No. 865, for the first time.

## **Ordinance No. 866: An Ordinance of the City of Scappoose Amending Scappoose Municipal Code 12.20 Regulating the Skate Park**

Chief Miller explained years ago there was a work session regarding the skate park and one of the things that came out of it was to allow bicycles and scooters in the skate park. He explained to this date we have not had any problems with everybody out there. He explained they felt they should take the step forward in Ordinance No. 866 and permit bicycles and scooters to be used in the skate park, just so it is on the books.

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

Councilor Riffle moved, and Council President Reed seconded the motion to approve Ordinance No. 866, as presented.

Mayor Burg read the title of Ordinance No. 866, for the first time.

### **DLCD Technical Assistance Grant ~ Resolution No. 17-29**

Assistant to City Manager Alexandra Rains went over the staff report. She explained Scappoose City Council identified as a 2017-2018 Goal the exploration of the potential use of Urban Renewal, as a method to promote economic development and fund capital improvements such as infrastructure. Staff has completed their initial research on Urban Renewal and hosted several presentations on the topic over the last few months, both for the Economic Development Committee and for a joint Council/Economic Development Committee work session. Following the joint work session, Council expressed interest in completing an Urban Renewal Feasibility Study to definitively determine whether or not an Urban Renewal District would be an appropriate tool for the City. Aspects of this study would include, but not be limited to, determination of district boundaries, district project lists and demand projections. In order to assist with financing this Study, staff is pursuing a Department of Land Conservation and Development Technical Assistance Grant. She explained the City has \$12,500.00 available in the Economic Development Committee fund to be used as match for the Technical Assistance Grant. The City is requesting a grant award of \$22,480.00 from the program.

Council President Reed moved, and Councilor Kessi seconded the motion that City Council approve Resolution No. 17-29, thereby authorizing the City Manager to apply for the Department of Land Conservation and Development Technical Assistance Grant. Motion passed (6-0). Mayor Burge, aye; Council President Reed, aye; Councilor Riffle, aye; Councilor Kessi, aye; Councilor Greisen, aye, and Councilor Sanders, aye.

### **Permission for Rotary to use Park outside of Park hours ~ 12.20.040 Hours of operation.**

The skate park shall be open during the summer (May 1 through September 30) between the hours of seven a.m. and ten p.m., and during the winter (October 1 through April 30) between the hours of eight a.m. and seven p.m. except by approval of the Scappoose City Council.

Mayor Burge stated the dedication for the fountain at Heritage Park will be on Saturday, October 7, starting at 6:30 p.m. He is requesting the park be open until 10:00 p.m. for this event. Councilor moved, and Councilor seconded the motion to extend the park hours for the dedication on October 7, 2017, until 10:00 p.m.

Councilor Kessi moved, and Councilor Riffle seconded the motion to extend the park hours on October 7, 2017, until 7:00 p.m. for the dedication of the fountain in Heritage Park. Motion passed (6-0). Mayor Burge, aye; Council President Reed, aye; Councilor Riffle, aye; Councilor Kessi, aye; Councilor Greisen, aye, and Councilor Sanders, aye.

Mayor Burge stated it is going to be a great event.

### **Announcements ~ information only**

#### **Calendar**

Mayor Burge went over the calendar.

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

City Manager Sykes stated before Council is his report. He stated things are going really well. He explained the playground equipment for Miller Park will be arriving around October 9, and staff is hoping to get that installed sometime in November.

Members from Boy Scout Troop 294 are present this evening.

Chief Miller explained the Scappoose Police Department will be doing their annual Halloween Night ~ Hot Chocolate event again this year by Scappoose High School. He explained the School Resource Officer Troy Gainer will be doing Halloween safety in the schools. He explained on December 9 the Scappoose Police will be doing their annual Donut Day.

Councilor Kessi went to the League of Oregon Cities conference. He asked if there is any way to get the local recycler to offer recycling every week instead of every other week.

City Manager Sykes replied we could look into that.

Councilor Riffle also attended the League of Oregon Cities conference. He stated there was a session on meeting laws, and he learned that if Council takes notes the City Recorder needs to know where they are kept. He also talked about emails and how to handle them, and how they should be kept on the server.

Councilor Greisen explained School Resource Officer Troy Gainer is going to come talk with their Moms of Preschoolers group regarding Halloween Safety. She also explained the Park & Rec Committee has a couple of openings. She thanked Alexandra Rains and Dave Powers for presenting the whole Vista Park plan to apply for the RTP Grant.

Assistant to City Manager Alexandra Rains explained, what the RTP Committee said is they really liked the park overall, but they wanted to see a fully developed idea and they really wanted to see that trail plan even if that was part of phase two. The RTP Committee explained there was a National Parks Services Program that could help pay to put that plan together and they would write a letter of recommendation to help us get into that program, and then they invited us to reapply to their program once we have that in place.

Councilor Sanders stated she is excited and happy to see the speed limit changed to 25 mph on Old Portland Road. She asked how does that work, in regards to the limit changing?

Chief Miller replied it was a little over a year ago, he and City Engineer Chris Negelspach took on a project to try and change the speed to 25 mph. He explained the 25 mph speed limit starts just north of Dutch Canyon to Highway 30. He explained they are stopping people for speeding but not issuing citations yet. He explained he and Public Works Director Dave Sukau met and they are working on placing more speed limit signs out there so when drivers come off of side streets they will see the speed limit signs.

Council President Reed stated one of the things he has also wanted to do on this Council is to give the citizens and the tax payers something tangible, something that they can see, or something they can participate in, they can touch, or they can be a part of. He stated we are looking at a 20 million dollar plus challenge, over the next 20 years, most of which people aren't going to really care about, they are not going to see it, and probably not going to care about it, at least until their toilet doesn't flush, and then they are going to care. He stated it is really good, and he knows a lot was done with donations, but it is really good to see that we are going to open something up this weekend that people can see, they can participate in, and they can touch and actively be a part of something we have worked a long time to make happen. He is really glad to see it.

Mayor Burge awarded the CIS Gold Safety Award to City Manager Sykes. He explained the City of Scappoose received this award for not having any injuries during the fiscal 2016/2017. Mayor Burge stated with everything the City is doing it is really nice to see there weren't any injuries that required lost time.

Mayor Burge stated he also attended the League conference. He explained he attended a presentation which talked about if we charge for use of city facilities, we are no longer protected by some of the recreational immunities, so it is something to consider when we are talking about fees. He stated in some areas it is limited, the maximum a city can charge. He explained it was a CIS presentation and he thinks that we should be able to download it off the LOC website.

Mayor Burge stated he is looking forward to the fountain dedication. He agrees with Council President Reed that when Gary Liao first came in here and pitched the proposal about the fountain, we were excited then, and now it is almost finished, and it turned out to be incredible. He stated the fountain is unique. He is not sure if people realize this is the first piece of public art work that Michael Curry has ever done. He thinks everyone is going to be thrilled when they see not only the water, but the sounds and light that the fountain is going to provide.

## **Adjournment**

Mayor Burge adjourned the meeting at 7:37 p.m.

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Mayor Scott Burge

Attest:

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City Recorder Susan M. Reeves, MMC

DRAFT

## ORDINANCE NO. 865

AN ORDINANCE OF THE CITY OF SCAPPOOSE AMENDING SCAPPOOSE MUNICIPAL  
CODE 12.16 REGULATING MUNICIPAL PARKS

**WHEREAS**, the City of Scappoose recently completed the Heritage Park  
Redevelopment Project and has additional park projects pending; and

**WHEREAS**, City Council wishes to update Park Rules in anticipation of increased park  
use in the community.

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

**Section 1.** Chapter 12.16.020 and Chapter 12.16.040 of the Scappoose Municipal Code shall  
be amended to read as shown on the attached Exhibit A (additional language underlined and  
deleted language ~~stricken~~).

**Section 3.** Severability. If any provision of this ordinance or the application thereof to any  
person or circumstances is held invalid, such invalidity shall not affect other provisions or  
applications of the ordinance which can be given effect without the invalid provision or application,  
and to this end the provisions of this ordinance are severable. This City Council hereby declares  
that it would have adopted this ordinance irrespective of the invalidity of any particular portion  
thereof and intends that the invalid portions should be severed and the balance of the ordinance  
be enforced.

CITY OF SCAPPOOSE, OREGON

DRAFT

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Scott Burge, Mayor

First reading: October 2, 2017

Second reading:

Attest: \_\_\_\_\_

Susan M. Reeves, MMC  
City Recorder



## Exhibit A

### Recommended Changes to Municipal Code Chapters 12.16.020 & 12.16.040

#### Chapter 12.16 Municipal Parks

##### 12.16.020 Rules and Regulations.

A. Municipal parks shall be open for public recreation during the summer (May 1 through September 30) between the hours of seven a.m. and ten p.m., except for the Dog Park which shall close at nine p.m., and during the winter (October 1 through April 30) between the hours of eight a.m. and seven p.m. except by approval of the City Manager Scappoose City Council.

I. No overnight camping is allowed in municipal parks except by approval of the City Manager Scappoose City Council.

N. Bicycles, roller skates, skateboards and other types of nonmotorized vehicles must be used safely and in compliance with all posted rules, with the exception of Heritage Park, where bicycles, roller skates, skateboards and other types of non-motorized vehicles are prohibited.

T. No fires are permitted except for barbecues. only in designated fire rings or cookers. No other open fires are permitted on municipal properties.

W. Any peace officer may exclude any person who violates any applicable provision of law from any or all city parks for a period not to exceed 120 days. For purposes of this chapter, "applicable provision of law" includes any applicable provision of this chapter, or of any city ordinance, including criminal laws and vehicle codes, or any rule, regulation, order or permit issued by the director of parks or the city council on recommendation of the parks committee, or any applicable federal or state law or regulation.

(1) Written notice shall be given to any person excluded from any city park(s). Such notice shall specify the dates and places of exclusion. It shall be signed by the issuing party; warning of consequences for failure to comply shall be prominently displayed on the notice.

(2) A person receiving such notice may appeal to the chief of police, to have the written notice rescinded or the period shortened. The appeal notice shall specify the relief sought and the reason for said relief. An appeal must be filed with the chief of police within five days of receiving notice. This is a jurisdictional requirement. The police chief or designee (i.e., a hearing officer) shall uphold the exclusion if, upon de novo review, the preponderance of the evidence convinces the chief or designee that, more likely than not, the person in fact committed the violation, and if the exclusion is otherwise in accordance with law. If an appeal of the exclusion is timely filed under this section, the effectiveness of the exclusion shall be stayed, pending the outcome of the appeal. If the exclusion is affirmed, the remaining period of the exclusion shall be effective immediately upon issuance of the written decision.

(3) Nothing in this section shall be construed to authorize the exclusion of any person lawfully exercising free speech rights or other rights protected by the Constitution of the state of Oregon or the Constitution of the United States of America. However, a person engaged in such protected

activity who commits acts that are not protected, but that violate applicable provisions of law, shall be subject to exclusion as provided by this section.

(4) This section is in addition to and not in lieu of any other ordinance or law. No person shall enter or remain in any park at any time during which there is in effect a notice of exclusion issued under this section excluding that person from the park (i.e., violation is trespass). Trespass is a class C misdemeanor.

(5) Any person found to have violated any provision of this ordinance shall be guilty of a violation punishable by a fine determined by the court not less than fifty dollars plus court assessments, nor more than two hundred fifty dollars plus court assessments. Assessments shall be charged by the court in the amount of fifteen percent of the established fine to reimburse the city for costs of enforcement.

X. (1) The city council may set fees for the use of parks and recreational facilities. Such fees shall provide for the equitable sharing of the costs of operating city parks and recreational facilities considering the fact that taxes paid by city residents are used to support the parks and other recreational facilities while nonresidents do not contribute financially to their support. Fees may be assessed to cover costs that can be attributable to benefiting individuals or groups.

(2) Fees for use of parks and recreational facilities may be set by resolution adopted by the city council after first receiving a recommendation from city staff.

#### 12.16.040 Off-Leash Area.

A. A fenced off-leash area, depicted in Figure 12.16.1 has been designated in Veterans Park on the north side of the bridge to provide dog owners with an area to exercise dogs. The following provisions apply to the use of the off-leash area:

11. The Dog Park shall be open for public recreation during the summer (May 1 through September 30) between the hours of seven a.m. and nine p.m. and during the winter (October 1 through April 30) between the hours of eight a.m. and seven p.m. except by approval of the City Manager.

DRAFT

## ORDINANCE NO. 866

AN ORDINANCE OF THE CITY OF SCAPPOOSE AMENDING SCAPPOOSE MUNICIPAL  
CODE 12.20 REGULATING THE SKATE PARK

**WHEREAS**, the City of Scappoose currently prohibits the use of bicycles and scooters in the Scappoose Skate Park; and

**WHEREAS**, the City of Scappoose recently completed the Heritage Park Redevelopment Project and has additional park projects pending; and

**WHEREAS**, City Council wishes to allow the use of bicycles and scooters in the Scappoose Skate Park and to update the Park Rules in anticipation of increased park use in the community.

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

**Section 1.** Chapter 12.20.030 and Chapter 12.20.070 of the Scappoose Municipal Code shall be amended as shown on the attached Exhibit A (additional language underlined and deleted language ~~stricken~~).

**Section 2.** Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

CITY OF SCAPPOOSE, OREGON

DRAFT

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Scott Burge, Mayor

First reading: October 2, 2017

Second reading:

Attest:

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Susan M. Reeves, MMC  
City Recorder

## **Exhibit A**

### **Recommended Changes to Municipal Code Chapters 12.20.030 & 12.20.070**

#### **Chapter 12.20 Scappoose Skate Park**

##### 12.20.030 Prohibited Activities.

A. Only skateboards, non-motorized bicycles, non-motorized scooters and roller skates or roller blades are allowed to be used. ~~Bicycles~~, Motorcycles, ~~scooters~~ and motorized vehicles are prohibited.

# CITY OF SCAPPOOSE

## October 2017

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 Work Session 6:00pm City Council 7pm	3	4	5	6	7 Fountain Dedication ~ Heritage Park 6pm to 8pm
8	9	10	11	12 Planning Commission meeting 7pm	13	14
15	16 Executive Session 6:30pm City Council 7pm	17	18	19 EDC ~ noon  Park & Rec Committee mtg 6pm	20	21
22	23 Housing Needs Analysis Open House 6pm to 8pm	24	25	26	27	28
29	30	31 Police Dept. Halloween night Hot Chocolate event, 5:30pm to 8:30pm at Scappoose Middle				

# CITY OF SCAPPOOSE

## November 2017

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6 Work Session 6:00pm City Council 7pm	7	8	9 Planning Commission meeting 7pm	10 City offices closed	11 Veterans Day 
12	13	14	15	16	17	18
19	20 Work Session 6:00pm City Council 7pm	21	22	23 City Offices closed ~ Thanksgiving	24 City Offices closed	25
26	27 Watts House lighting event	28	29	30		