

City of Rainier
Regular City Council Meeting
March 2, 2020
6:00 PM
Rainier City Hall

At 6:03PM Mayor Cole opened public hearing for 29545 Old Rainier Rd. Dangerous/Nuisance Building to accept public comment

Mayor Cole read emails of approval for abating the dangerous house from Sharon Jump of 29204 Hickory St. and Constance Budge of 29711 View St.

Martha Vanatta stated she grew up in that house and is in support of tearing it down. Vanatta stated her parents became ill and that is how the house got in bad shape and mentioned it has a brass chandelier that someone should take down

Mayor stated he went by the property and it definitely is dangerous and would hate to see anyone get hurt

Nelson noted this site has been an ongoing, long-term issue

Closed hearing at 6:08pm

Mayor called the Regular Council Meeting to order at 6:09PM

Council Present: Richard Sanders, Sloan Nelson, Robert duPlessis
James Bradfield, Mike Kreger

Council Absent: Jenna Weaver, Steve Massey

City Staff Present: Sue Lawrence, Public Works Director;
Sarah Blodgett, Office Manager

City Attorney Present: No

Flag Salute

Additions/Deletions from the Agenda- none

Mayor's Address: Mayor Cole read the names of fallen soldiers in Iran and Afghanistan and a moment of silence was observed. Mayor thanked public works staff on their hard work on 'A' street and the community for putting up with the project

Visitor Comments:

Nathan Smith, new manage of Hudson Garbage, introduced himself and gave a brief history of his prior experiences.

Dan Graham voiced his concerns about mailboxes popping up and feels the City should require people to have the receptacle on their house. Graham gave Council photos of examples of mailboxes installed that were eye sores or that were in the City's right of way. Mayor acknowledged the issue and shared his views.

Margaret who stated she lived on Townsend Rd. showed Council examples of garbage she picks up in the City on Fernhill to Townsend and stated she is the only one who cleans it up and stated that if the City allows food carts, she is going to have a ton more garbage to pick up and asked that the City does not allow food carts unless it is for an event.

Consider Approval of the Consent Agenda:

Consider Approval of the February 3, 2020 Regular Meeting Minutes-
Kreger moved, Bradfield 2nd to approve minutes as presented. - **motion passed unanimously**

Consider Approval of the February 12, 2020 Work Session Minutes-
Bradfield moved, Nelson 2nd to approve minutes as presented-**motion passed unanimously**

Unfinished Business:

a. 'A' Street Update- Lawrence stated the contractors discovered underground storage tanks while excavating and found contaminated soil which delayed things because testing was required. Lawrence noted the contractors are working on getting the sidewalks and street ready for asphalt and the underground tanks have delayed that a bit.

b. Riverfront Trail Update- Malakoff stated the Post Office owner has allowed the City on the property to do survey work and Lawrence noted we are just waiting on the engineer for scope of work and for the easements.

c. Fox Creek Update- Lawrence noted that she is waiting to here back from the engineers on the scope of work and mentioned that she has reached out to Regional Solutions team and is waiting to here back from them on whether or not the 19th is going to work for them for a meeting.

d. Small City Allotment- Lawrence stated she is still waiting to hear from engineer

e. Yance Farms Update from City Planner- Mayor Cole read City Planner, Skip Urling's update. Urling noted that Mr. Yance had stated he would install some kind of air filtration system to control the hemp smell. Urling stated he had talked to Suzie Dahl (Columbia Count Building Official) and she had said that the filtration system would require a mechanical permit and noted the City could attach conditions. Urling stated such conditions would include Mr. Yance to collect air samples prior to installation to serve as a base line, and another sample collected after installation to show the change of conditions with the filtration system installed. Urling stated that if the filtration system was not effective, and if Mr. Yance could not achieve success in filtering the odor, then the City could pursue remedy through the Nuisance Ordinance (RMC 8.15) which could result in a cease operation if not remedied.

New Business:

a. Consider Approval of MOU for Police Clerk Position- Nelson moved, Kreger 2nd to approve MOU as presented- **motion passed unanimously**

b. Food Cart Discussion- Mayor Cole noted we have been discussing this and is just bringing it back for clarification. Malakoff noted he contacted City's across the state and there has been a wide variety of processes being used. He stated Banks, Oregon has a simpler ordinance, but still with lots of requirements and it establishes zones the carts can be in. Malakoff noted he also reviewed all the specific state requirements for food carts. Malakoff noted Blodgett mentioned that Boursaw asked about City Ordinance 1058 which talks about regulations for transient merchants and stated it did not really apply to food carts. Council reviewed the legalities and issues with it being the City Administrators decision in Ordinance 1058 and setting a precedence on future requests. Boursaw asked Malakoff if he looked into how Astoria handles their food carts. Malakoff stated he did and that they issue a conditional use permit. Boursaw said St.Helens doesn't have an ordinance and Malakoff replied yes, they are treating it with conditional use permits.

Bradfield asked her what she wanted. Boursaw replied she wanted to park in Shell's parking lot certain days and not much there in summer, as she will be at other events. Nelson asked about utilities. Boursaw stated she is fully contained, dumps her sewage in Longview and she has a low decibel generator. Mayor stated a perfect scenario is an ordinance and that requires staff time. Mayor noted he would like to see a fixed area with hookups and all utilities.

Lawrence noted it may require an oil/water separator. Malakoff stated food carts are usually in very specific locations. John Harper (Shell site property owner) stated people have asked him about putting food carts on that property and stated he doesn't want to under mind brick and mortar businesses and his location is a good fit as there is not many food choices down on that end of town. Nelson noted there are three or four business owners that have been suffering due to the 'A' street construction and this may not be a good time and that we need to be very cautious and come up with an ordinance. Boursaw asked for a conditional use permit to prover herself and stated she doesn't make any food that is already made in town.

Sanders stated that he feels obligated to the community and based on conditions that weren't completely the responsibility of the restaurant owners, now is the wrong time to bring something else on and stated he feels obligated to the community that is supporting wages and taxes and that at some point we may want to look at foods cart, but feels now is not the time.

Boursaw noted that she has lived here for 26 or 27 years and she will be going down tonight to eat at Cornerstone and noted that she eats and shops at all the small businesses in Rainier as she is into making sure they survive and also said that she feels the food carts would not take away from the other businesses and that it just gives people something different once in a while.

Mayor Cole noted that for him, when he thinks of a food cart, that they just want to setup on Friday and Saturdays, which is the busiest time, and they just take the gravy as where the fixed restaurants in town don't have the option of just being open on Friday and Saturdays, they can't just pick up and go to a car show because they will make more money, and stated that for me, a food cart just comes into town, they take the gravy, they are not paying water, they are not paying sewer, they buy a business license for fifty dollars and that's it and that it is just not the perfect time right now. Mayor Cole noted that if Harper had come to him and said hey, I want to build this food cart complex with a building in the middle, tables, bathrooms and people and food carts could come and go, Mayor Cole noted he would be all over that like crazy but the scenario presented, is direct competition with other food businesses.

Mayor Cole noted that if Council said let's do it under a conditional use permit, he would agree and if they stated let's make sure we do it right with an ordinance, then he would agree on that too. Mayor mentioned that creating ordinances does take money and staff time and that is two things we don't have. Bradfield stated under circumstances with other businesses, asked Petersen are we getting our self into a legal issue if we allow this one as a trial to see if things are going to work out. Petersen stated he would have to review the information and doesn't have an answer.

Sanders stated he didn't feel it was fair to table it and that they should make a decision tonight about whether or not they we are going to proceed. Sanders recommended to vote on a motion to deny permission for the food cart to have

a conditional use permit and to invite the principals involved to come back and re-visit the topic. Nelson 2nd the motion as presented.

Discussion: Mayor said one avenue is to move this to the planning commission to let them look at it and decide next steps and stated that staff believes this should be the first reasonable step and that the planning commission usually would look at this proposal and then refer it to City Council. Bradfield stated he believes that the decision should greatly depend on what the City Attorneys recommendation is and that he does not have enough information right now to make a decision (for a temporary use of food carts). duPlessis stated that was one of his biggest concerns is that what this could lead to and does not want to rush it. Nelson stated we need to decide if we want them and if so, we need to get the planning commission involved and get something written up. Nelson also noted that council has been burnt so many times by just saying okay, let's just see what happens and then they wish they had done it differently. Nelson noted that he is admittedly against just having them temporarily and mentioned food carts do not pay for water, sewer, and if they have a generator they don't buy electricity, no franchise fees generated and stated he just does not want council to make a bad decision that the City has to recover from. Nelson stated that if we want to have food carts, then let's do it right and get the planning commission involved. After discussion, **motion passed with Bradfield voting no.**

Mayor Cole again re-iterated the possibility to have the planning commission review and decide if it is right for Rainier. Sanders motioned to bring food carts to the planning commission to decide if food carts should be allowed and their recommendations. **Discussion:** Council discussed that they don't intend for the planning commission to review for a conditional use, but instead to see if they want it to be a permitted use and then take their recommendations, if it is for moving forward with food carts, to the City Attorney for review and make his recommendations. Kreger 2nd-**motion passed unanimously**

c. Consider Approval of Planning Commission Re-Appointments-

Blodgett noted that four planning commissioners needed re-appointed and stated that they are the only four members left on the committee and explained that Steve Hov resigned last year and Al Guist just recently resigned and asked Council to make a motion to do the re-appointments and to also asked if they wanted her to try to recruit again, noting that we had no applicants in the last effort. Blodgett stated she had talked to Dudley about this and asked if Council would consider changing planning commission members required from seven to five as there has not been a full seven since she started here years ago. Mayor Cole asked what that would take, and Blodgett noted it would be an amended ordinance to change the number. After discussion of Mayor and Council, Blodgett was advised to move forward with

the ordinance amendment. Kreger motioned to re-appoint the personal who agreed to maintain their positions 2, 4, 6 and 7 to the planning commission, Sanders 2nd. Nelson asked if we approve these positions, do we have enough or do we still need to find someone? Blodgett noted that we are still one position short – **motion passed unanimously**

d. Consider Action of 29545 Old Rainier Rd. Dangerous/Nuisance

Building- City Attorney Petersen asked did we notify the owner. Blodgett replied yes. Petersen asked was the notice posted on the building. Blodgett replied yes. Petersen asked if the notice was posted in three public places in the City. Blodgett replied yes. Petersen said your options tonight are to move to abate and put a lien against the property or require the owner the fix. Petersen stated he looked at the building and doesn't think it is something the owner would want to fix. Mayor Cole asked that if we tear it down and there is a cost associated with that, Petersen stated we would file a lean against the property. Nelson noted they also have not paid their property taxes and asked when the County starts to attach, and Petersen said it is four years and then they start fore-closing in five. Nelson asked if we tear it down and lien that property and the County gets ready to sell that, will they make sure we get paid or do we get bumped. Petersen said the County gets first and the City would get second as long as there is no other liens or judgements against the property. Bradfield stated he was concerned being third in line and getting our money back and asked how we get to be first in line for payment. Nelson asked Petersen that if it sells can the City say it will not provide utilities until our lean is satisfied? Petersen said possibly, he would check into that. Petersen recommended the City to abate. Nelson motioned to abate and hire a contractor, Kreger 2nd to abate 29545 Old Rainier Rd.-**motion passed unanimously**

e. Consider Approval of CWCOG 2020 Planning Assistance Agreement-

Nelson moved, Kreger 2nd to approve the CWCOG 2020 Planning Assistance Agreement as presented- **motion passed unanimously**

f. Consider Approval of Draft Proposal Park Ordinance- Malakoff reviewed the draft copy of the Park Ordinance and stated this started with concerns of homeless camping on City property and then we discovered the City needs correct signage for cleaning up after your dog on City properties. Morris noted this ordinance defines all uses of City property and the ability to trespass people when necessary. Morris stated this ordinance would regulate public property and quiet times and would allow walkers to move through the park with out stopping during the quiet hours. Council agreed they would review the draft park ordinance and give their response to Malakoff.

g. Highway 30 Discussion- Mayor Cole read recommendation from Griffith. Mayor Cole noted that the City is receiving complaints of commercial vehicles causing safety issues on the side of Highway 30 on the East end of town. Lawrence noted that ODOT gave recommendations on this topic and noted that some businesses and residences do not have off street parking. Mayor recommended a non-commercial vehicle parking sign. Lawrence and council discussed possibly issuing them parking permits. duPlessis stated he did not like the permit parking idea. Nelson stated he recommended no commercial vehicle signs. John Harper (public input) stated that commercial vehicles would include plumbers, electricians and other smaller commercial vehicles that people use for work and park at their homes. Malakoff stated an ordinance is needed to define specifics. Nelson asked why we need an ordinance and Mayor Cole responded by what if the person asked to move says make me. It was decided to set a meeting on March 16th, 2020 to vote on parking ordinance and City Administrator discussion. Kreger motioned to direct staff to come up with and ordinance for no parking on Hwy. 30, Bradfield 2nd -**motion passes unanimously**

h. City Administrator Discussion- Mayor Cole asked Council their thoughts. Bradfield stated we need to just follow rules, laws and Oregon statutes so we are in compliance with the process. Nelson asked about how we start soliciting and Mayor talked about hiring a third party to recruit. Blodgett stated she would find the current City Administrator job description and contact recruiters for details.

Staff Reports: none

Council Reports: DuPlessis noted the signs on Veteran's Way – Relay for Life Bottle drive is shabby, and the permit is probably expired. Council asked the sign to be taken down for a while and replaced with a new one when it does go back up. duPlessis noted band, choir, and cheer awards that were received by Rainier High School students recently. Kreger asked about the Eagle Scout bench project and if they were still doing it as he had mentioned he would help. Lawrence stated she had met with him last week and duPlessis stated he would have the Eagle Scout contact Kreger. Bradfield noted he toured the water treatment plant and said it looks great and staff is taking great care of it.

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Meeting adjourned at 9:04pm

City Calendar/Announcements:

Next Meeting March 16th, 2020 at 6pm

Mayor Jerry Cole

Sarah Blodgett, Interim City Recorder