

City of Rainier
Regular Council Meeting Minutes
October 19, 2015
7:00 PM
Rainier City Hall

Mayor Cole called the meeting to order.

Council Present: Mayor Cole, Sloan Nelson, William Vilaridi, Robert DuPlessis and Steve Massey.

Council Absent: James Bradfield, Doug Aske and Dan Smith.

City Staff Present: Debra Dudley, City Administrator, Finance Director and Recorder; and Police Chief Gregg Griffith.

City Attorney Present: Stephen Petersen.

Flag Salute.

Additions/Deletions from Agenda: None.

Mayor's Address: Mayor Cole read the names of two fallen service personnel since Council last met and a moment of silence was observed.

Chief Griffith introduced Troy Caldwell as the new police officer and Mayor Cole swore in Caldwell.

Visitor Comments:

Jeremy Wilson, 74636 Columbia River Highway, Rainier, OR 97048 encouraged Council to allow medical marijuana dispensaries in Rainier which would allow more jobs in Rainier that would pay \$12 and \$15 per hour.

Sidney Goodrich, 75862 Larson Road, Rainier, OR 97048 encouraged Council to hold off approving marijuana dispensaries until Council is informed regarding the adjoining communities and states.

Cynthia Anderson, PO Box 1199, Rainier, OR 97048 stated she lives in Clatskanie, Oregon and expressed slowing down the process of allowing dispensaries in Rainier in the strip mall area because of current heavy traffic issues in the area. Anderson added the pot industry is making a

lot of money and expressed she was really surprised to hear the workers would only be making \$12 per hour. Anderson distributed copies of an article from The Daily News regarding Daniel Butts and possible negative marijuana usage results. Anderson said she encouraged Council to wait until more information about marijuana usage is known.

Christal Flatau, PO Box 691, Rainier, OR 97048 stated medical marijuana has been legal for quite some time and recreational marijuana is a new thing, you cannot enter a dispensary unless you are legally 21 years of age, it is regulated by the OLCC, and the building she is mainly interested in is by the police department and you can see it from City Hall. Flatau stated that currently people are driving to Oregon from other states to get marijuana and she is here to help people by opening up a medical marijuana dispensary by getting the black market away from children and opening up a business where legal identification is required and you have to be a patient to donate it or purchase it.

Mayor Cole asked if any other visitors cared to comment, no one responded and Mayor Cole closed visitors comments and thanked everyone for sharing their comments.

Consider Approval of September 21, 2015 Regular Meeting Minutes: Massey moved, Nelson 2nd, to approve the minutes as presented – **motion passed unanimously.**

Unfinished Business:

a. “A” Street Update: Dudley stated there are upcoming meetings at the end of the month and she asked that they take into consideration Council’s schedule when they set the meetings. The railroad has indicated they would be providing maintenance on “A” street within the next couple of months.

b. Highway 30/”B” Street Update: Dudley said there are still a couple of things on the checklist that have to be identified, they are reviewing the plants to see if any have to be replaced and there are some arms on the light poles that have to be replaced. Dudley said the project will be closed out soon.

c. View Street Update: Nelson said he and Dudley met with several property owners on View Street and public works is planning on doing some storm drains to alleviate the water issues. Dudley added public works has also done some grading and ditch work on View Street. Nelson and Dudley said the project is moving forward.

New Business:

a. Consider Approval of Ordinance 1067 to Allow Marijuana Dispensaries Within the City Limits: Mayor Cole stated that if the ordinance passes Council will need to implement a resolution regarding fees and a business license could not be obtained until the fees are in place. Mayor Cole reviewed some of the regulations and standards of operation contained in the ordinance such as location, days and hours of operation, odor, setbacks regarding residential zones and marijuana facilities cannot be within 1,000 feet of each other. Mayor Cole said another important element in the research was signage which is contained in the ordinance. Mayor Cole said that if a facility is not in compliance a cease and desist order can be issued with a penalty not to exceed \$1,000 per violation per day for non-compliance of a cease and desist order. Mayor Cole stated the City has been working on the medical marijuana ordinance for nearly one year. Mayor Cole referenced the County moratorium and LUBA response. Mayor Cole said he also did some research on the all out ban and there are some places that qualify for that and then referenced House Bill 3400. Mayor Cole stated that before December 24, 2015 cities located in the counties that voted against Measure 91 by 55% is allowed to do an all out ban and Columbia County was not one of those counties. Petersen added he did not prepare the actual draft of the ordinance and it appears Council is informed on the matter. Mayor Cole said he used information from the League of Oregon City's for the foundation. Massey moved, Nelson 2nd, to adopt Ordinance 1067 at this time, an ordinance of the City of Rainier relating to business license regulations for marijuana facilities. Nelson added he feels like the Council's hands are somewhat tied and it is better to be able to implement some regulations at this point. Vilardi and Nelson agreed they did not want the City to be involved in legal suits involving a lot of money involved in attorney fees. Dudley said Mayor Cole met with Senator Bonamici and asked if there was anything to do to prevent this and she said the voters passed it and you as a City cannot speak for the voters who have already passed it. Massey said he feels the ordinance is palpable for everyone in Rainier. Vilardi said it is a working document that can be amended, some people are going to be happy and some are going to be upset. **Motion passed unanimously.**

Regarding amendments, Nelson stated he does not want Rainier to have a mega pot shop so he would like a square footage requirement in the ordinance limiting the facility to no more than 1600 sq. feet which would include all usable space including restrooms, storage, office, etc. Regarding hours of operation and other requirements Nelson brought up what if a business such as a daycare came in after the marijuana facility was approved, what direction should staff take? It was agreed that prior to issuing a business license to a business that would be in conflict with the marijuana facility; review of the laws addressing this would be reviewed. Mayor Cole stated the fees would be discussed at the first work session in November. Nelson moved, Massey 2nd, to amend Ordinance 1067 limiting marijuana facilities to no more than 1600 sq. feet to include all the usable space, restrooms, store rooms, office and show rooms, etc. – **motion passed unanimously.**

DuPlessis expressed concern regarding standards 4 and 5 on page 6 of Ordinance 1067 stating the 200 foot should be larger. Mayor Cole suggested amending standards 4 and 5 to remove the footage.

DuPlessis moved, Nelson 2nd, to amend Ordinance 1067, standards of operation to change numbers 4 and 5 from 200 feet to 1000 feet – **motion passed unanimously.**

Mayor Cole stated the ordinance will not go into effect until Council adopts the fees after November 1st.

b. Approve Lease With Key Finance for Police Vehicle: Nelson moved, Massey 2nd, to pay for the police vehicle outright, to not lease with Key Finance.– **motion passed unanimously.**

Council Reports:

Nelson – Chief Griffith has done research on what to do to get a sign for each end of town regarding the speed of vehicles and the police would be able to download that information. Dudley is working on a grant through the Court that might be able to help with funding. Nelson said he would report at a later date when more information is available.

Mayor Cole asked Council to think about the area where drivers are merging onto the bridge and adding a yield sign when you are driving from the Clatskanie direction and onto the bridge.

City Calendar/Announcements:

City Council Regular Meeting, Monday, November 2, 2015 at 7:00 PM.

Executive Session: ORS 192.660 (2)(h) to consult with counsel concerning legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. ORS 192.660 (2)(d) to conduct deliberations with persons designated by the governing body to carry on labor negotiations.

Mayor Cole adjourned the meeting at 8:45 PM.

Mayor Cole

Attested by: _____
Debra Dudley, City Admin./Finance Director/Recorder