

**City of Rainier**  
**Regular City Council Meeting**  
**September 10, 2018**  
**7:00 PM**  
**Rainier City Hall**

Mayor Cole called the meeting to order

**Council Present:** Jenna Weaver, Steve Massey, Sloan Nelson, Mike Kreger

**Council Absent:** Robert duPlessis, James Bradfield

**City Staff Present:** Debra (Debbie) Dudley, City Administrator/Finance Director/Recorder

**City Attorney Present:** No

**Flag Salute**

**Additions/Deletions from the Agenda:** none

**Mayor's Address:** none

**Visitor Comments:** Suzie Dahl, Columbia County Building Official, stated that when they went to the online e-permitting this year, the State came out and went through everything and told the County that Rainier is part of the Columbia County Building Department and that the process has been done illegally through the state and Suzie noted that the County did not know that. Suzie noted that they have taken back the permit process to the County. Suzie stated that the City of Rainier does not have their own building official which means that the County is the Building Department and so that is why it is back at the County and they always have had it, they just did not process it correctly. Debbie re-iterated that basically what it means to our citizens, is that they can no longer come in to City Hall and get permits over the counter. Suzie agreed and stated they would need to bring their plans to the City for planning approval prior to going to the County for application. Nelson asked if we would not be handling any permits and Suzie stated that is correct, the County will administer all of the building permit process. Suzie stated if we wanted to have our own building program, then we would have to have our own Building Official per the state guidelines. Suzie stated that the City can hire a Building Official and share with other jurisdictions. Suzie noted that next year the State is eliminating third party inspectors. Mayor Cole noted we were already using the County in that we accepted applications for them and now they just go straight to the County. Suzie stated that funds are not supposed to go through the City, but that they have to go through the County since they provide the budget and they get audited by the State. Nelson asked how the planning was

now going to work for the City. Suzie stated the City's planning does not change as the City's planning and zoning is not the same as the County's. Suzie stated the applicants will still come to the City to have the planning signed off on.

Pat Trap introduced himself explaining he did not have the privilege of going through the election process, as he was appointed Port Commissioner for the Port of Columbia County and stated he is just getting out the best he can to put his face out there.

Debbie introduced Sue Lawrence and explained the City is negotiating with her for the position of Public Works Director

**Consider Approval of the Consent Agenda:**

**Consider Approval the August 6, 2018 Regular Meeting Minutes & Financials-** Massey moved, Weaver 2<sup>nd</sup> to approve August 6, 2018 Regular Meeting Minutes as presented-**motion passed unanimously**

**Unfinished Business:**

**a. Affordable/Senior Housing-** none

**b. 'A' Street Update-** Debbie stated that an ODOT representative agreed to accept the language, as the City requested, that the City "shall not direct" but is allowed to communicate with ODOT's contractors during the project and the representative countered on the other item of the City requesting a two year agreement with an automatic one year renewal and they countered with four years and Debbie recommends countering with three years. Debbie stated that as she explained, that if the City has an issue with the sewer main line, the City may have to do an emergency repair and that would require the City to tap into the DEQ loan funds and this agreement currently covers that entire project.

**c. 'A' Street Plaza Update-** Nelson noted a lot has been done and there is a lot to be done. Nelson stated he is disappointed and has asked Debbie to hold onto the retainer. Nelson explained the irrigation is still not working properly. Nelson stated it is nice down there and he has received a lot of positive comments. Nelson noted that Chase from AES said he is still waiting for the cabling along the river walk as well as some light poles and power to the light poles. Nelson noted we need to get the post back up as he has seen kayakers driving over the curb and down through the sand to launch their kayaks. Nelson noted a lot of the plants are not getting watered and are dead. Debbie noted the plants have a year warranty. Nelson noted he did not like the tall

grasses in the front they planted and would like to see them replaced with a low growing shrub that the City could maintain more easily.

**New Business:**

a. **Consider Declaration of Surplus Property** – Mayor Cole stated the City has an old bridge at Fox Creek, and it hasn't crossed for about twenty years and stated he was told it can't be engineered to go across Fox Creek so it really is surplus property. Mayor Cole stated that the High School is interested in the bridge as Michael Carter asked if the City gave it to the school, he would facilitate in removing it at no cost to the City. Massey motioned, Kreger 2<sup>nd</sup> to Declare the Old Fox Creek Bridge Surplus Property-**motion passed unanimously**. Nelson questioned if there was any proper channels we need to go through. Debbie noted no, it does not have a value and it is going to another public entity.

b. **Review ORS 9.55.020**- Mayor Cole noted that ACLU (American Civil Liberties Union) sent the City a letter asking them to immediately repeal its anti-panhandling ordinance, stating it is a violation of people's rights to ask for help. Debbie noted that she reached out and the Cities of Corvallis and Harrison received language a couple of years ago from ACLU with language suggestions based on then recent court decision. Debbie stated the language prohibits panhandling aggressive actions, for example the pan handler cannot touch the solicited person, they can't block access, and they can't follow the people they solicit. Debbie noted our City Ordinance isn't overly restrictive however it does state you can't harass and you cannot accost somebody. The City is committed to insuring we do not violate anyone's rights and that we are careful not to infringe on anybody's rights and are sensitive to the ACLU view and that the City will review for legal compliancy. Mayor Cole suggests since we are in the process of investigating it, that we place a moratorium on enforcement of any our anti-panhandling ordinance. Debbie stated the City Ordinance only states "no person shall accost another in a public place to solicit alms". Debbie and council agreed this not currently a problem in Rainier. Kreger noted that we do need to maintain some control as he has seen false panhandlers that are driving new vehicles.

**Staff Reports:**

Sue stated Public Works is looking into the replacement of a sewer line on East 1<sup>st</sup> street where slippage has occurred and moved the sewer line. Nelson asked if we were doing it in house and Sue stated no, because of the depth and the potential that the soil has to slip, she stated she would not recommend our staff doing the work. Sue stated the City has had some storm  
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lines tv'd and checked and they are working on a storm drain by the fire station that has a sinkhole area to repair. Nelson asked if when they ran a camera in that area, if they looked near the old school. Debbie noted they are going to do that area at a later date. Sue noted she is having quarterly cleanings on sewer lines that they have had issues with and also lift stations. Sue noted that ten homes have been selected to perform lead and copper testing's on and this is done every three years. Nelson asked about bio-solids. Sue replied that a majority of our bio-solids have been land applied and what we have left, we are not able to apply to the sites we have available and that we are having testing been done to look at having it hauled to Copper Butte Landfill. Sue stated we do not want to have to do this, but we do not have the storage available to store it. Sue noted that to the best of her knowledge of what has been cleared, the City has used up all the land we have to spread bio-solids on at least for this year. Debbie mentioned the City has funds in the budget for bio-solid disposal. Debbie noted that Sue implemented rules and limits for the sept age haulers to follow, limiting the volume of what they can dispose per day which balances out what we bring in over the week and helps with plant function. Mayor Cole asked if we should charge a higher rate for the amount above the limit. Sue recommended that an evaluation be done on what it cost to treat per pound of waste and charge accordingly.

### **Council Reports:**

Nelson noted that John and Nina Phillips that own Hometown Pizza want to do a trunk or treat and use the new plaza parking lot center section. It would be on Sunday, October 28<sup>th</sup> from 2-5pm and wanted to get the okay from the City. Mayor Cole said events just need to go through staff. Nelson recommended communication of the business down there so that staff and all the businesses are aware of the events being planned for the Plaza area.

### **City Calendar/Announcements:**

Debbie noted that it is the City's turn to host the next City/County Dinner and asked for suggestions. Nelson stated he would like to have it at the Senior Center so they could capture some revenue. Debbie stated she would ask Jan at the Senior Center and asked for dates. After discussion, it was decided Debbie would check into hosting it on November 27<sup>th</sup>.

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Mayor Cole noted that on September 22<sup>nd</sup>, the Chamber is having a benefit for Hope. Kreger stated it was called Seeds of Hope said he would go to the event and noted it was to create awareness. Kreger stated so far they have twelve sponsors, there will be an auction, and Shawn Clark's band will be playing. Kreger noted it starts at 6pm.

Kreger asked about the trailer at the bottom of Washington Way that people are living in. Debbie stated we are looking into different codes from other cities and that currently our code states that to temporary stay in an RV requires the individual to apply for a conditional use permit. Debbie noted we are looking into an ordinance that assess a penalty to the property owner as this is the only way we will be able to enforce the code with any effectiveness. Debbie stated currently the only action we can take is civilly. Council members stated that this is and growing problem as we are seeing several RV's around town being lived in.

Regular City Council Meeting October 15<sup>th</sup>, 2018 at 7pm

**Executive Session: ORS 192.610-192.690 (2) (a) To consider employment of a public officer, employee, staff member or individual agent, (2) (d) To conduct deliberations with persons designated by the governing body to carry on labor negotiations.**

Debbie announced her retirement in January of 2019. Council directed Mayor Cole to negotiate a compensation package with Debbie to include providing interim administrative assistance.

Mayor Cole adjourned Regular meeting City Council Meeting at 8:35pm

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Mayor Cole

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Debra Dudley, City Administrator /Finance  
Director/Recorder