

City of Rainier
Regular Council Meeting Minutes
November 2, 2015
7:00 PM
Rainier City Hall

Mayor Cole called the meeting to order.

Council Present: Mayor Cole, James Bradfield, Sloan Nelson, Robert DuPlessis, Steve Massey and Doug Aske.

Council Absent: William Vilardi and Dan Smith.

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

City Attorney Absent: Stephen Petersen.

Flag Salute.

Additions/Deletions to the Agenda:

Aske moved, DuPlessis 2nd, to add approval of Ordinance 1070 to item b., New Business. Mayor Cole explained it is a housekeeping matter that adds definitions to Ordinance 1067. **Motion passed unanimously.**

Nelson moved, Massey 2nd, to add Contracting for Services Operation and Maintenance Between City of Rainier and Dan Smith as item d., New Business – **motion passed unanimously.**

Aske moved, Massey 2nd, to add Radar Signs as item e., New Business – **motion passed unanimously.**

Mayor's Address: Mayor Cole read the names of 8 fallen service personnel for the month of October and a moment of silence was observed.

Mayor Cole congratulated Kansas City for winning the World Series.

Visitors Comments:

Isaac Bell, 75384 Valley Lane, Clatskanie, OR, a member of the National Honor Society (NHS), stated the NHS was offering to do an impactful project for the City. Mayor Cole stated he would meet with the NHS to discuss potential projects or events.

Consider Approval of the October 19, 2015 Regular Meeting Minutes: Massey moved, Nelson 2nd, to approve the minutes – **motion passed unanimously.**

Unfinished Business:

a. “A” Street Update: Dudley stated she participated in a telephone conversation meeting, there is a new conceptual plan that was done in September and as soon as she gets it she will post it on the website and email it to Council. Dudley added they are trying to simplify the project by having one engineer do multiple tasks.

b. Highway 30/”B” Street Update: Dudley reported that there are some outstanding items under review, once everything has been resolved the project will be closed out.

c. View Street Update: Dudley said Public Works is reviewing the materials list for the project.

New Business:

a. Consider Approval of ORS 1069 a Franchise Agreement with Astound Broadband, LLC: Vic Petersen, VP Major Project Implementation for Astound Broadband, also known as Wave Broadband, distributed information and stated they are a well-established cable TV operator in Washington and Oregon and are rapidly becoming a telecommunications company primarily fiber based. Petersen stated their initial build will be coming across the Lewis and Clark Bridge as a joint project with Century Link, Comcast and Sprint. Petersen added Century Link has had a cable tied to the bridge for several years because their original cable was bored under the river and dredged up years ago, and it has taken several years to get their permits. Petersen said their new project is to bring new fiber optics to existing cell phone towers that will allow the carriers on those towers such as Verizon, T-Mobile, AT&T and U.S. Cellular to expand their cellular band width requirements for their customers. Petersen said they don’t build cell towers but just connect the fiber to them. Petersen said they also service government, schools, health care facilities and tech businesses. Petersen said they are currently considering residential services but that is something they could consider at some point and that would require a different sort of franchise. Mayor Cole asked if their service could benefit Rainier in the market industry and Petersen said it would and they have a sales department and marketing group that could work with local jurisdictions to provide services. Petersen stated the routes would go from east to west on Highway 30 and off the highway on the utility lines. Petersen said the map indicates them on top of the hill outside of the City but that could change and they could be mostly along Highway 30. Petersen added once the fiber is anywhere in the City it is a relatively simple process to bring the fiber to existing businesses. Petersen stated the network will be 2500 to 3000 miles of fiber connecting the Canadian border to the Bay area. Petersen said they are starting in Clatskanie and going west and work in and around Portland. Petersen said they are looking for a franchise with the City of Rainier which would help the City grow. Mayor Cole said he reviewed the franchise agreement and asked if sometime City Hall could be connected to the system, as part of the franchise agreement and that could

also work as a marketing tool for Wave. Petersen said they do trade for services. Petersen said the construction team will lay the fiber and then the marketing team will market businesses along the route. Petersen said it will be on existing poles and if there are not existing poles it will go underground. Mayor Cole said that one of our needs and wants for the community is a fast internet service to attract businesses and individuals and Petersen said this would provide that service. Regarding a franchise fee Nelson asked if any of the current cell towers that would be served would benefit the City financially. Petersen said currently they are not contracted with any of the cell towers within the City of Rainier and the one that is closest is directly across the river but once the fiber is here every cell phone carrier is a customer. Mayor Cole said he realized Petersen wants the franchise agreement approved and done but he wanted to negotiate some sort of trade because, as discussed previously with Council, wireless internet service would benefit those who tie up at the transient dock and also individuals who visit the park. Dudley said the City Attorney reviewed the agreement and recommended a couple of changes. Petersen said they do not need permits tomorrow but they cannot take ownership until the permits are in place. Mayor Cole and Council decided to postpone a decision until the next meeting and Ordinance 1069 will be on next month's agenda as Old Business.

b. Consider Approval of Ordinance 1068 to Amend Ordinance 1067 Relating to Marijuana Dispensaries Restrictions Within the City Limits: Mayor Cole stated the language in Ordinance 1068 would amend Ordinance 1067 as follows: page 1, definition 2, added language that marijuana dispensary facilities cannot exceed 1,600 square feet in size. This would avoid marijuana super stores. Mayor Cole said that if there happens to be a couple of marijuana facilities in the industrial way area the church rule would apply and the 400' rule was changed to 1,000 feet along with closure dates and hours. Nelson moved, Massey 2nd, to approve Ordinance 1068 – **motion passed unanimously.**

Consider Approval of Ordinance 1070 to Amend Ordinance 1067 Adding Definitions: Mayor Cole explained the definitions went from 4 to 19. Bradfield, referring to #8, said he did not understand the products derived from marijuana. Mayor Cole said the verbiage was obtained from the League of Oregon Cities definitions of medical and recreational marijuana. Mayor Cole said the City is not regulating hemp. Mayor Cole added the City is trying to stay legal and use other roads that have been tested and would not be surprised to see additional amendments to Ordinance 1067 since the matter is a work in progress. Mayor Cole said outdoor and warehouse grow operations and could be addressed in the future by Council. Mayor Cole stated he wanted to go on record that he has had conversations regarding taverns vs. marijuana facilities and his answer has been that taverns have been in the United States for 250 years and marijuana has been only 5 years, it is a new train of thought for the community and it is a work in progress. Massey moved, Aske 2nd, to approve Ordinance 1070 – **motion passed unanimously.**

c. Consider Approval of Resolution #15-11-01 Setting Licensing Fees for Marijuana Dispensaries: Mayor Cole said after research the business license fee is \$5,000, with \$5,000 due

annually at the anniversary date of every year there after. Massey moved, Aske 2nd, to approve the resolution. Nelson suggested using some of the money to facilitate a grant for alcohol and drug prevention programs. **Motion passed unanimously.**

d. Contract for Services Operation and Maintenance Between City of Rainier and Daniel Wayne Smith: Mayor Cole explained this is a cross connection service for the water plan. Dudley said this is an additional program the City has to have in place according to the Water Resources Department until a City personnel is licensed within 6 months. Nelson moved, Massey 2nd, to approve the contract – **motion passed unanimously.**

e. Radar Signs: Nelson said he and Chief Griffith met with the state regional radar sign person. Nelson referenced the packet information that indicated the location for placement of the signs. Nelson added the signs are solar, can be placed by public works with the highway department's approval and can keep record as far as traffic counts doing the speed limit and going over and under the posted speed. Nelson stated that Dudley has applied for a grant through the Port to purchase the two signs as well as some landscaping. Nelson said he called the Port and asked if Rainier won the grant would the Port reimburse the City if the City purchased the signs in advance. Nelson said the Port told him that in certain circumstances that has happened in the past. Nelson said the cost is \$8720.00 for the two signs. Bradfield asked if there was any warranty and Nelson said the City would have to sign an agreement with the Highway Department that if the City does not take care of the signs and they quit working the Highway Department has the right to remove the signs. Aske moved, Massey 2nd, to approve the purchase of the radar signs and have public works install them – **motion passed unanimously.**

Staff Reports: None.

Council Reports: None.

City Calendar/Announcements:

Mayor Cole said there is a City/County Dinner on November 18, 6:00 PM, at USG that will include a tour and catered dinner. Mayor Cole said that based on agenda items and Thanksgiving, the next Council meeting is scheduled for December 7th at 7:00 PM.

Mayor Cole adjourned the meeting at 8:40 PM.

Mayor Cole

Attested by: _____
Debra Dudley, City Administrator, Fin. Director/Recorder