

**City of Rainier
Regular City Council Meeting
December 9, 2019
6:00 PM
Rainier City Hall**

Mayor Cole called the meeting to order at 6:00PM

Council Present: Mike Kreger, Richard Sanders, Sloan Nelson,
Robert duPlessis, Jenna Weaver, Steve Massey,
James Bradfield

Council Absent: none

City Staff Present: Sue Lawrence, Public Works Director;
Police Chief, Gregg Griffith; Sarah Blodgett, Office Manger

City Attorney Present: No

Flag Salute

Additions/Deletions from the Agenda- Mayor Cole requested to add Septage Receiving as agenda item e. Nelson moved, Kreger 2nd to approve adding Septage Receiving to the agenda- **motion passed unanimously**

Mayor's Address: Mayor Cole read the names of fallen service personnel in Iraq and Afghanistan and a moment of silence was observed

Visitor Comments: Robert duPlessis Jr. presented his Eagle Scout project proposal to install a Memorial Bench in memory of Ted Heacock to the Council with a handout that broke down the details of the project. Mayor Cole asked that he work with Lawrence on it to make sure it was done in compliance with public works standards. Nelson and Kreger both stated they could help with money and concrete work assistance.

Mayor Cole read a letter from Charlene Niemela regarding her concern for the community's safety if a dog park were to go into her neighborhood. Niemela stated she has concerns with possibilities of homeless people and crime.

Consider Approval of the Consent Agenda:

Consider Approval of the November 4, 2019 Regular Meeting Minutes- Kreger moved, Massey 2nd to approve minutes as presented. Weaver noted that she was not in attendance as the minutes stated- **motion passed unanimously**

Consider Approval of the November 11, 2019 Special Meeting Minutes-
Kreger moved, duPlessis 2nd to approve minutes as presented-**motion passed unanimously**

Unfinished Business:

a. Affordable/Senior Housing- none

b. 'A' Street Update-Mayor noted phase 1 is completed in front of Post Office and contractors are currently working on W 2nd to E 3rd Street. Lawrence stated we have a street light agreement from ODOT and that there is no charge for the temporary lighting, but ODOT requires the City to sign this agreement. Nelson asked if it was in the project budget. Lawrence noted it would not affect project budget and that ODOT is including it under safety. Nelson moved, Kreger 2nd to approve ODOT Agreement to Furnish, Install and Remove temporary illumination on A Street between W 2nd and E 3rd Streets-**motion passed unanimously.**

Lawrence reviewed the ODOT Contract Change Order #2 to construct temporary ACP patches to strategically restore pedestrian and functional vehicular access on A Street following railroad, utility, and drainage relocation and construction work. Lawrence explained that this was necessary as there was damage done during construction and no contractor owned up to it. The Change Order states the \$12,776.37 will be split 50/50 between Rail Safety and ODOT Enhancement. Nelson moved, Kreger 2nd to approve Change Order #2 of ODOT Contract 15156-**motion passed unanimously**

Lawrence stated ODOT Contract 15156 Change Order #1 is to reimburse the contractor for railroad flagging costs and that is was money was in the original contract, this change order just changes how the money is paid to the flaggers. Nelson stated he wanted to make sure this doesn't adversely affect the funding. Lawrence stated it won't, it just changes how they are paid. Bradfield wanted to make sure this was not a bait and switch. Kreger moved, Massey 2nd to approve ODOT Contract 15156 Change Order #1 for Reimburse Contractor for railroad protection costs.

Fox Creek- Mayor Cole stated we have a proposal, we have a cost estimate of \$7,500 for a hydraulic evaluation from Murray Smith Engineers and I am looking for approval up to \$7,500 for this study. Lawrence noted that they would look at evaluations on design of the storm drain problems, true bottle necks, why it flooded previously and tell us the capacity of the culvert. Lawrence stated the first step of the study needed is to establish a base line to see if the culvert will even hold the flow or if daylighting is required. After discussions, Sanders moved, Kreger 2nd to approve the Hydraulic Evaluation up to the amount of \$7,500.-**motion passed unanimously**

Mayor Cole stated ODOT removed the section of curb near the handicap access at the Fox Creek Bridge so the water can flow over and off of Highway 30

without backing up. A citizen asked if we had talked to ODFW and Lawrence noted it was just a sharing of information. Lawrence noted that the City has been doing daily visual inspection and maintenance on the culvert and a survey had been done and noted that there is only a 5" fall from the culvert to the highway. Lawrence stated there is a relief in the manhole/culvert in Don Pedro's parking lot which has a 2" lower elevation (system low point) and it will flood there before anywhere else. The owner and worker of the RV store voiced concerns that they feel the bottleneck is on the City's end at 'C' street and their concerns with the culvert issues causing the flooding. The RV store owner stated there had been a hydraulic study done in 1992. Lawrence noted she had never heard that. Discussion continued on who can do what to fix the problem. Nelson noted a lot of things have changed since the 1992 hydraulic study. Lawrence noted she would do a test on the flood alarm at 11am Tuesday.

Mayor Cole presented Rainier High School students with Rho Kappa National Social Studies Honor Society Chapter awards and History Club awards.

New Business:

a. Discussion of Hemp Drying Business- Mayor Cole stated a lot of questions have arisen from public and council and I just wanted to invite all partners to share information. Mayor gave background and logistics and introduced the building and business owners. Skip Urling, City Planner, stated he believed the use did not comply with the code and he denied the application as it fit in the light industrial zone and was the basis for his denial. Urling noted the application was changed to be more like a Co-op to dry his and other hemp. Urling noted the applicant could apply for a zone change or a similar use permit, but stated the applicant then had his attorney file a Temporary Restraining Order on the City. Urling stated the Mayor instructed the City Attorney not to fight the TRO. Mayor noted the applicant said he was putting in a filtration system to prevent odor as other nearby business owners had complained of the smell. Mayor stated he would brief councilors in executive session on how he came up with his decision. After a very long discussion of questions and answers regarding the process, product and complaints, Yance Farms owner stated that he would like the business to be in the City because he rather have it run on natural gas, but if he can't make it work, then he would move the drying business to his farm on Dike Rd. He stated he is currently only drying his own product until issues are resolved.

b. Consider Approval of Procurement Policy Resolution- Malakoff reviewed the draft proposal himself and Dudley have been working on for a City procurement policy resolution. Malakoff noted the policy authorized department heads to spend up to \$5,000 without pre-authorization, \$5,001-\$10,00- requires an expenditure request form to be given to the Budget Officer to confirm funding and \$10,001 and over requires City Council Approval.

Malakoff stated newly appointed department heads and other with spending authority are only allowed to spend \$1,000 without prior approval. Bradfield asked Sue if these limits would negatively impact her work. Lawrence stated no. Kreger moved, Massey 2nd to approve the Procurement Policy Resolution as presented-**motion passed unanimously**

c. Discuss revisions to Camping Ordinance #1059- Malakoff discussed citizen complaints of the RV Park. A citizen had asked the number of days that you can stay at the park be limited. Malakoff asked Council to review the draft as it will be on the agenda at the next meeting.

Mayor Cole recommended that fees need to be done in a resolution as an Ordinance is more permanent. Mayor Cole asked for a camping moratorium during the construction period as Thompson Bros. Construction is paying the City \$500 a month rent during construction.

d. Consider Approval of the CBR Agreement- Nelson moved, Kreger 2nd to approve agreement as presented-**motion passed unanimously**

e. Septage Receiving Engineering Proposal & Laboratory Equipment Purchases- Lawrence stated the City had purchased a used receiving unit from another facility and the design and layout fees from the engineers is a cost of \$16,965. Lawrence noted this would automate the billing and track processes. Kreger moved, Sanders 2nd to approve the proposal for septage unit engineering fees as presented-**motion passed unanimously**

Lawrence noted these next proposed items were budgeted. Lawrence stated they needed to replace two refrigerator sampler machines for influent and effluent as ours are significantly aged and the influent one is not working and also noted that they also need a rain gauge. Lawrence added that these samples are required by DEQ. Lawrence noted she was able to obtain the necessary quotes required. Nelson moved, Kreger 2nd to approve the purchase of two refrigerator samplers and a rain gauge for \$11,138.

Staff Reports: none

Council Reports: none

Executive Session: ORS 192.610-192-690 (2) (A) To consider employment of a public officer, employee, staff member or individual agent

City Calendar/Announcements:

Meeting adjourned time not noted. Staff not present in executive session.