

City of Rainier
Regular Council Meeting Minutes
September 3, 2013
7:00 PM
Rainier City Hall
106 West "B" Street

Mayor Cole called the meeting to order at 7:00 PM.

Council Present: Mayor Cole, James Bradfield, William Vilardi and Steve Massey. (Sloan Nelson arrived prior to Additions/Deletions).

Council Absent: Judith Taylor, David Sills and Scott Cooper.

City Staff Present: Debra Dudley, City Administrator/Finance Director/Recorder; and Officer Manning.

City Attorney Present: Stephen D. Petersen.

Flag Salute

Mayor Cole announced Councilmember Sloan Nelson would be arriving shortly and when a quorum was present the meeting would address additions/deletions to the agenda.

Mayor's Address: Mayor Cole read the names of seven service personnel who have lost their lives in the line of duty since council last met and a moment of silence was observed.

Visitor's Comments:

Invited visitor, Pastor Steve Stecker, addressed his concerns regarding the adult entertainment business currently in Rainier and like future businesses and requested the City consider regulations, licenses and ordinance that would restrict the impact and lower the impact of the sexually oriented businesses that may come to Rainier in the future and have a bearing on the existing businesses.

Invited visitor, Dan Jacobsen, updated Council on the recent canoe paddle that included a stop in Rainier. Jacobsen stated he started working on the first 50 yards of the riverfront trail this summer and, if the City would like, he volunteered to start working on the next 50 yards. Initially his inspiration came from converting the old ramp to a kayak launching area. He is still committed to that and there are five posts in the ground for shade sails he will put up. Mayor

Cole stated the poles Jacobsen used for the shade sales is all reclaimed wood and Council thanked Jacobsen.

Additions/Deletions from the Agenda:

Nelson moved, Vilardi 2nd, to add city hall painting bids to the agenda – **motion passed unanimously**. Mayor Cole added this topic as New Business, item g., to the agenda.

Vilardi moved, Massey 2nd, to add the country music festival to the agenda – **motion passed unanimously**. Mayor Cole added this topic as New Business, item h., to the agenda.

Nelson moved, Vilardi 2nd, to add an executive session regarding ORS 192.660 to consult with counsel concerning legal rights and duties of a public body with regard to current litigation or litigation likely to be filed – **motion passed unanimously**. Mayor Cole added the executive session as the last item on the agenda.

Unfinished Business:

a. Approve August 19, 2013 Regular Meeting Minutes: Vilardi moved, Massey 2nd, to approve the minutes – **motion passed unanimously**.

b. Highway 30/"B" Street Update: Mayor Cole stated it was discussed during the work session.

c. Street Improvement Update: Mayor Cole stated the project was moving forward.

New Business:

a. Third Read of Ordinance #1059 Regarding City of Rainier Dry RV Camp Rules: Mayor Cole stated they have been posted for the last several months and this is the 3rd read.

b. Third Read of Ordinance #1060 Regarding Regulation Allowing Chickens Within City Limits: Mayor Cole read a written statement from Bobby Jo Brusco-Harding requesting Council to consider the amount of chickens being allowed from five chickens to two chickens with no roosters. Mayor Cole stated this was the only comment received regarding the ordinance, the ordinance does not allow roosters and the ordinance has been posted around City Hall for two or three months.

c. Adopt Ordinance #1059 Regarding City of Rainier Dry RV Camp Rules: Vilardi moved, Massey 2nd, to adopt Ordinance #1059 – **motion passed unanimously** with no discussion.

d. Adopt Ordinance #1060 Regarding Regulation Allowing Chickens Within City Limits:

Vilardi moved, Nelson 2nd, to approve the ordinance. Bradfield stated he did not want Brusco-Harding's comments to go unrecognized. He does not know how many people are negative regarding the chicken ordinance, and if the chickens become a problem he wants Council to address the issue and fix it. Mayor Cole said the meat of the ordinance is if it becomes a problem, and the last requests have been for 7 chickens, and the one before that was for 20 chickens and this ordinance clearly puts a stop to that. Nelson added he is in favor of the ordinance but not in favor of how close it was decided to have the location of the coop to the neighbor's property and thinks Council might be making an error there but he will support Council's decision. **Motion passed unanimously.** Mayor Cole added if it becomes a problem the ordinance can be amended regarding setbacks and Massey added if we receive complaints it can be changed.

e. Approve Agreement with Althof Construction for Road Improvements on 010 Road (Reservoir Road) as Recommended by our Consultant CBR Forestry:

Nelson moved, Massey 2nd, to approve the agreement, then Nelson amended the motion and Massey 2nd the amended motion to add: not to exceed \$5,000 – **motion passed unanimously.**

f. Approve Agreement with Althof Construction for Hauling Silt From Dam, as

Recommended by our Consultant CBR Forestry: Nelson moved, Bradfield 2nd, to approve the agreement with Althof Construction for hauling silt from the dam, not to exceed \$5,000. Massey clarified with Mayor Cole 50 cubic yards is the amount of silt. **Motion passed unanimously.**

g. City Hall Painting Bids: Mayor Cole advised the City received one bid and the

recommendation from the consultant, Curran-McLeod, Inc., is to reject the bid. Bradfield moved, Massey 2nd, to reject the City Hall painting bid per Curran-McLeod Inc. consulting engineer recommendation as indicated in section 2. Bradfield stated one bid was received and they appeared to be qualified. Pat Curran advised that because of the lead based paint the project has become expensive; there is no way to get around it. The person who submitted the bid is a subcontractor and, in the spirit of keeping things fair so there is clarity as to the reason for rejection of the bid, the bid process should be reopened so those who have already bid can be asked to clarify and others who want to submit a competing bid have an opportunity to do so. Bradfield said that one bid does not give the citizens of Rainier the best financial results for their money and as good stewards Council needs the bids to be more competitive and give everyone a second chance to submit a better proposal. **Motion passed unanimously.**

h. Country Music Festival at Park: Susan Roberts, representative for the music festival, distributed a basic layout of the proposed festival, thanked the Council for giving them the opportunity to have the festival in Rainier, with collections for the local food bank, and \$500 going to the Wounded Warrior Project. Roberts added there will be 20 bands over the two day festival period, a motorcycle rally, an off road truck show, kid activities, and commercial food vendors. All of the additional activities will be free to the general public. There will be a memorial for military personnel who have fallen and a beer garden. Several businesses in the area are willing to provide the services for the beer garden but the location is still an issue with the first option being the baseball field. They plan to speak with the Little League and offer them a donation in exchange for the use of the field and assure that it will be left in good condition. Roberts requested the City's help regarding alcohol in the park and stated the festival organizers will provide property security. Roberts stated that by using the baseball field it would be easier to monitor beer garden attendees. Roberts said an additional request would be for staff to campout overnight as a security measure for their equipment. She was informed city staff would not be available. Mayor Cole stated he has talked with the festival organizers as a contact for the City and one of the questions has been the beer garden and maybe because of permit process needed, they have missed the opportunities. Mayor Cole suggested the organizers propose the beer gardens as an alcohol in the park trial, if they get their permits, but approval needs to be a council decision. Mayor Cole added, the national acts are not free and in order to give a good donation to the Wounded Warrior project, pay staff and all the acts, the margins are tight.

Nelson asked if they had done other public shows and Dave Mack, an organizer representative, said they had an event in Sherwood where approximately 45,000 people and 1,500 custom cars attended and that show has been around for about 15 years with concerts and beer gardens and there have not been any problems. Mack added they have done shows at the Expo Center and the Oregon Convention Center. Mack stated he is part of the Oregon Fairs Association and also Oregon Event Festivals Association, and did the Beach Boy concert car show. Mayor Cole said a retainer had not been discussed but insurance was discussed and Mack added they are getting a bid on insurance and have had \$1,000,000 insurance in the past but anything over \$1,000,000 they have had trouble with because of the cost. Mayor Cole added the City's minimum is \$2,000,000. Mayor Cole said the big question is a deposit retainer for damages and Mack said it would depend on how much it is. Nelson added that when there have been events at the park sprinklers and sprinkler heads get broken and we want to support these kinds of events but because we are not going to get paid for the use of the park the City would need some type of assurance that if anything did get broke, the City would be able to replace it. Mack said a deposit would depend on the amount and in other venues that is what the event insurance is for in case something gets broken or damaged. Dudley added the City usually asks for \$2,000,000 in liability insurance.. Mack added most event insurances deal with liability and when they were at

the convention center, if they were liable for something like a fire, the event organizer insurance would be liable for it. Mayor Cole directed Dudley to work with Mack on the insurance. Dudley asked about clean-up and if the event organizers had staff personnel to clean-up. Roberts said they are arranging for volunteers and will take care of the garbage. Mack added they have used Clark County and Clackamas County fairgrounds and they can testify the area was probably cleaner after the event than before the event. Mayor Cole requested Mack provide Dudley with references. Vilardi asked how many people would attend this event realistically and Dave said Rainier is a little city, they are hoping Longview, St. Helens and more will come and they are going to advertise heavily on KUKN and other radio stations, they are going to have national ads and are expecting 1,500 to 5,000 people. Parking was discussed and Roberts added there would be a \$10 general admission fee with two cans of food for the food bank and VIP seating would be available for \$35 for a two day pass. Mayor Cole stated he told them one of the big things is a trial period with the beer garden and where they proposed it. Mayor Cole added even if it was a yes from city council to approve the beer garden the only way they would consider the proposed location would be if they had the okay from Little League and a donation to the League could help. Roberts added the infield would not be affected at all and they would fence off the outfield area.

Stecker reminded Council the reason for not allowing alcohol in the park was because the citizens went before the Council not that many years ago and did not want alcohol in the park. Mayor Cole stated he told them the same thing and also that the entire City Council had changed since then and it was a Council decision. Nelson said he is supportive of the park being used for events of this size but would like some assurance of what Dudley and Public Works suggest in the event there are damages and would also like confirmation of the insurance requirements to be met. Nelson stated if the beer gardens were to happen a permit should be obtained from the OLCC which could take some time. Mayor Cole stated he did not know if there was enough time to get it all done. Mack added that when he has previously done beer gardens a local bar pours and provides all the licensing. Nelson clarified that an events license is required; they would have to come back to Council to sign it. Mayor Cole said it is a scramble and the Days In The Park liquor license is acquired several months in advance. Vilardi said he would like the entire Council's feedback on it. Mayor Cole told Mack and Roberts if they move forward on the permit it needs to be brought back to the next Council meeting for consideration. Dudley asked if the clean-up and garbage were going to be by volunteers and Roberts stated there would be at least 25 for wrapping up and hopefully more than that. Dudley asked Roberts if they were going to order a dumpster and porta-potties and Roberts said they would. Dudley clarified with Roberts that there is no power available and Roberts said they would be using generators. Dudley advised Roberts and Mack that she could be the contact and they needed to provide the information for the event.. Nelson said he wants to make sure there is a retainer, insurance requirements have

been met and confirmation by Chad Womack, City insurance agent, that the insurance policies are sufficient. Mayor Cole stated, for now the answer is “no” on the beer garden and Nelson added that regardless, if they want to have a beer garden somewhere, the permit has to be filed sooner than later. Mayor Cole said the beer garden was not a deal breaker for them and Roberts and Mack agreed. Nelson reiterated the liquor permit would have to go before Council no matter where the beer garden would be located in the City. Mayor Cole suggested moving forward as if Mack has the okay because the application still needs to be brought before City Council for approval and he understands that the Council present tonight was all Council members approval for a trial period and at the next Council meeting the application could be sitting in front of them and they could still say no and added that waiting for the next council meeting before making a final decision would also give opportunity for citizens to come in a say it is a good or bad idea.

Staff Reports:

None.

Council Reports:

None.

City Calendar/Announcements:

Mayor Cole announced the next regular meeting is Monday, September 16th at 7:00 PM.

Executive Session: ORS 192.660(2)(h) to consult with counsel regarding legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

The meeting adjourned at 8:10 PM.

Mayor Jerry Cole

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