

City of Rainier
Regular City Council Meeting
July 13, 2020
6:00 PM
Rainier City Hall

Mayor called the Regular Council Meeting to order at 6:00 PM

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

Council Absent: None

City Staff Present: Sue Lawrence, Public Works Director;
Sarah Blodgett, Office Manager; Gregg Griffith, Police
Chief; Debbie Dudley, Budget Officer-via phone

City Attorney Present: No

Flag Salute

Additions/Deletions from the Agenda- none

Mayor's Address: Mayor Cole thanked everyone for following covid rules and noted the Rainier Days parade was a success

Visitor Comments: None

Consider Approval of the Consent Agenda:

Consider Approval of the June 22, 2020 Regular Meeting Minutes-
Massey moved, Kreger 2nd, to approve minutes as presented. -**motion passed**
unanimously

Unfinished Business:

6a. 'A' Street Update-

- 1. Change Order #14-** Lawrence explained this change order is for a sewer main line repair at East 3rd street and Hwy 30 at East 6th Street and that is was a net reduction of \$1867.34
- 2. Change Order #15-** Lawrence explained this was for the additional costs associated with the underground vault at the hardware store and to also compensate the contractor for signs that were deleted from the project after they already purchased

them. Kreger moved, Massey 2nd to approve change orders #14 and #15 as presented-**motion passed unanimously**

Nelson asked Lawrence to have contractors come give an update as this project is going way beyond too long and the bank (InRoads) is like an island and that road needs to open. Nelson ask for timelines of when things will get done with the project and if they have consequences for not being done on time. Nelson asked if feeder streets will be done at the same time? Lawrence stated yes. Nelson re-iterated how frustrating it is that the contractors are taking so long to complete this (south) side of the street. duPlessis stated he has fielded complaints from citizens about the same issue.

b. Riverfront Trail- Malakoff stated he has a draft letter for Mayor to sign for the property owner of where the city would like the temporary easement

c. Fox Creek Update- Lawrence stated she is working on gathering addresses for partners in the project. Mayor asked Malakoff to do this to help Lawrence out

d. Small City Allotment Grants- Lawrence noted we received two grants this year and plans on doing a water line replacement & paving on west 3rd between E and F streets and then when we receive the 2021 grant, we will do waterline and paving on Fox street

e. Park Ordinance-Malakoff noted it was put on hold from covid and wanted to bring it back for review. Mayor noted we would try to get this finished up in August. Nelson recommended add “banners or ribbons” to regulation A7 and to change City Manager language to City Administrator. Weaver asked about changing park hours from 10pm to 11pm. Malakoff noted these hours were based on council discussion in February. Mayor noted walking is permissible as you are moving through the park. Mayor asked if council wants to change to 11pm, raise your hand. Kreger noted special events were excluded and after discussion it was a consensus to leave it at 10pm. Mayor asked for council to review and again and start process at the next meeting.

f. Don Pedro’s Water Leak Discussion- Lawrence noted we have been dealing with an ongoing water leak issue and have given a few adjustments. Lawrence noted that in April, public works replaced the meter and it documented the leak. Lawrence stated she sent a letter to fix it or get shut off and they found the leak and fixed it. Lawrence stated their repair bill was \$3,044. and that they owe the city is \$7,000. Lawrence is recommending council to approve a

sewer charge adjustment since the leak was going into the ground and that we did not treat the water that leaked. Lawrence noted the 2018 average sewer cost would be used and the adjustment would be \$3,663.99 and that we would not adjust the water because it was delivered. Weaver moved to adjust Don Pedro's bill by \$3663.99, Kreger 2nd to approve motion as presented- **motion passed unanimously**

New Business:

7b. NCL Service Line Warranty Program Presentation- Morris introduced Dennis Lyon of Service Line Warranty Program. Lyon gave his presentation that was summarized from the power point document provided. Nelson asked if businesses were eligible and Lyon stated it is currently not available for businesses. Mayor Cole asked if it is zero cost to the city, and if they do three mailings a year to educate residents and the city does not bill them, correct? Lyons stated correct. Mayor asked in there was a minimum participation required and Lyon stated no. Lawrence asked that if when we (city) are doing main line repairs, can residents with this coverage have their repairs done at the same time? Lyon stated yes and it is only a 30 day wait period, no inspections required. Mayor Cole stated he thinks it is a great program and NCL is backing it. Kreger moved, Massey 2nd to approve bringing forward the program and accept the contract. -**motion passed unanimously**

7b. Discussion on City Hall Office Entry Safety Remodel-Lawrence explained the city hall office entry safety remodel ideas to secure the office and that it could cost \$10-20,000 and that would also create a staff only bathroom. Blodgett gave an overview of her safety concerns regarding open access to the front office and no way to escape the office in an emergency other than the main entrance. General consensus from council was that bulletproof glass need was excessive and standard safety glass would be fine. Mayor Cole stated he rather spend more on the hallway extension, so office staff has an emergency exit. Nelson noted we don't need a fortress and not even banks have bulletproofed glass and that it (bulletproof glass) would make it not welcoming to customers. Sanders moved, Nelson 2nd to have Lawrence get estimates for staff only bathroom with an emergency exit and create a new counter window where the existing window is, and a secure door-**motion passed unanimously**

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Staff Reports: Malakoff stated he applied for a broadband grant and we should know soon if accepted and that it can be installed in about ten days.

Council Reports- Bradfield noted that due to stress of covid, vehicle prowling activity has picked up and that he has witnessed it two times.

7:32pm - 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

Meeting resumed at 7:45PM

Kreger motioned to enter into the contract with Scott Jorgensen for the City Administrator position, Massey 2nd to approve motion as presented- **motion passed unanimously**

Sanders motioned to offer Malakoff employment until the end of August 2020 with the condition of a handoff to Scott Jorgensen in September to transition Scott, Kreger 2nd to approve the motion as presented- **motion passed unanimously**

City Calendar/Announcements:

City Council Meeting August 17th at 6pm

Meeting adjourned at 7:48pm

Mayor Jerry Cole

Sarah Blodgett, Interim City Recorder



MEMO

August 13, 2020

To: Rainier City Council

From: Skip Urling, City Planner

Re: Proposed Ordinance Amending the Municipal Code Regarding the Planning Commission

Earlier this year, the Mayor directed staff to draft an ordinance reducing the size of the Planning Commission from seven to five members because of the challenges of recruiting citizens to volunteer to participate on the panel and achieving a quorum. While reviewing Rainier Municipal Code Chapter 2.15, I found a series of redundancies and contradictions and took the liberty of drafting some "housekeeping" language in addition to the panel size reduction. Highlights of the attached ordinance are as follows:

- The size of the Planning Commission is reduced from seven to five members. One position may reside outside the city limits but within the city's urban growth boundary.
- The regular meeting date of the Planning Commission will be the second Tuesday of each month at 6:00 p.m.
- A member can be removed from the Planning Commission by the City Council if he or she misses 33% of the meeting within any 12-month period, instead of 30% of the meetings.
- Standing or temporary committees are limited to two planning commissioners to avoid the formation of a quorum.
- A quorum will be three members.
- Language is included to clarify that Planning Commission members with cannot deliberate or vote on applications where they have a conflict.
- Language is included to state explicitly that the appointed secretary to prepare written minutes of planning commission meetings.

In accordance with the City Charter, notice of the public hearing on the proposed ordinance was posted at City Hall, the Post Office, and a bulletin board at a local convenient store a week prior.

Staff recommends approval.

ORDINANCE NO. 1075

AN ORDINANCE AMENDING RAINIER MUNICIPAL CODE (RMC) CHAPTER 2.15 AND ORDINANCE NOS. 706, 941, 946, 998 AND 1031

Throughout the body of this ordinance, new language appears as **bold and underscored** and deleted language appears as ~~struck through~~.

THE CITY OF RAINIER ORDAINS AS FOLLOWS:

Section 1. RMC 2.15.020 and Ordinance No. 1031 are amended as follows:

Members. The Rainier planning commission shall consist of ~~seven~~ **five** members who are not officials or employees of the city. ~~Two~~ **One** of the members may reside in the city's urban growth area or on property contiguous to the city's urban growth boundary line ~~and one of these two members or~~ may live on property ~~not~~ contiguous to the city's urban growth boundary line, ~~but within the 97048 zip code area.~~ **Members of the commission are appointed by the city council for four-year terms as current terms expire. Members may be appointed to successive terms without limitation. Any vacancies shall be filled by the city council for the unexpired portion of the term. A quorum shall consist of three members.**

Section 2. RMC 2.15.030 and Ordinance No. 706 Section 3 are amended as follows:

~~Terms. At the first meeting of the commission, the seven appointed members shall choose their term of office by lot as follows: one for one year, two for two years, two for three years, and two for four years. Immediately thereafter, the members shall notify the mayor and council in writing of such allotment. Their successors shall hold office for four years. Any vacancy shall be filled by the mayor for the unexpired portion of the term.~~

Section 3. RMC 2.15.040 and Ordinance No. 706 Section 4 are amended as follows:

~~Elections—Present and Vice President~~ **Chairman and Vice Chairman**: The commission, at its first meeting in odd years, shall elect a **Chairman and Vice Chairman** ~~president and vice president~~, who shall be members appointed by the ~~mayor~~ **City Council** and who shall hold office for two years. ~~during the pleasure of the commission.~~

Section 4. RMC 2.15.050 and Ordinance No. 706 Section 5 are amended as follows:

~~Elections—Secretary. The commission shall elect a secretary who need not be a member of the commission. The secretary shall keep an accurate record of all commission~~

~~proceedings. The commission shall on October 1st of each year make and file a report of all its transactions with the city council.~~

Section 5. RMC 2.15.060 and Ordinance No. 999 Section 2 are amended as follows:

~~Meetings. At least four members appointed by the mayor shall at all times constitute a part of such quorum. The commission may make and alter rules and regulations for its government and procedure consistent with laws of this state and with the City Charter and ordinances. It shall meet at least once a month, at such times and places as may be fixed by the commission. Special meetings may be called at any time by the president or by three members by written notice served upon each member of the commission at least three hours before the time specified for the proposed meeting.~~

Section 6. RMC 2.15.110 and Ordinance No. 941 Section 1 are amended as follows:

Meetings

A. Location. All meetings shall be held in the Rainier city council chambers, Rainier City Hall, unless otherwise directed by the chairperson and appropriate notification to the media and public is provided. All meetings shall be open to the public.

B. Date and Time. Regular meetings shall be held on the ~~fourth~~ **second** Tuesday of each month at 7:30 ~~6:00~~ p.m. for the primary purpose of conducting formal public hearings on applications and petitions properly presented to the city.

C. Rescheduling Meetings for Holidays. When a regular meeting falls on a holiday or is preempted by a city council meeting, the meeting shall be rescheduled at the discretion of the chairperson.

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D. Special Meetings and Workshops. Special meetings and workshops may be held at the discretion of the chairperson. Workshops shall be held for the development of long-range plans, updating ordinances, and other work programs deemed necessary by the planning commission or city council. No discussion of an application for development, action to recommend approval or denial of an application for development, or action to amend a long-range plan or city ordinance shall take place at a workshop.

Action to recommend approval or denial of an application for development or amend a long-range plan or city ordinance may take place at a special meeting; provided, that appropriate public notice **and public hearing** requirements are met.

E. Meeting Notice and Agenda. Written notice of all regular and special meetings or workshops shall be post-marked one week in advance of the meeting date. The notice shall include an agenda of the matters to be considered by the planning commission at the meeting.

F. Meeting Cancellation. If no matters over which the planning commission has jurisdiction are pending, a meeting may be canceled at the discretion of the chairperson.

Section 7. RMC 2.15.120 and Ordinance No. 998 Section __ are amended as follows:

Organization of the planning commission.

A. ~~Membership. The Rainier planning commission shall consist of seven members who are not officials or employees of the city. Two of the members may reside in the city's urban growth area or on property contiguous to the city's urban growth boundary line. Members of the commission are appointed by the city council for four year terms as current terms expire. Members may be appointed to successive terms without limitation.~~

B. Membership Stipulations. No more than two voting members of the commission may engage principally in the buying, selling or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation that engages principally in the buying, selling or developing of real estate for profit. No more than two members shall be engaged in the same kind of occupation, business, trade or profession.

C. Removal of Members. Planning commission members may be removed by the council at any time for failure to attend three consecutive meetings or for failure to attend ~~30~~ 33 percent or more of the meetings within a 12-month period or for any other good cause related to performance of duties. Upon request of the member proposed for removal the council shall hold a hearing on the removal before it becomes effective.

D. If Member Moves. If an in-town member moves outside the city or if an extraterritorial member moves outside the urban growth area, that shall constitute a resignation from the planning commission, effective upon the date a replacement is appointed by the council.

Section 8. RMC 2.15.140 and Ordinance 941 Section 4 are amended as follows:

Duties of the officers.

A. Chairperson. The chairperson shall preside over the meetings of the planning commission and will exercise all the powers usually incident to the office. The chairperson may create standing or temporary committees **of no more than two members**, to examine, investigate and inquire into subjects of interest to the planning commission. No standing

or temporary committee shall have the power to commit the planning commission to endorse any plan or program.

B. Vice-Chairperson. The vice-chairperson shall, in the absence of the chairperson, perform all duties of the chairperson at a regular or special meeting. In the absence of the chairperson and vice-chairperson, the members present may elect a temporary chairperson to preside at the meeting.

C. Secretary. The city recorder shall assign a nonvoting secretary to the planning commission. The secretary shall be primarily responsible for all official records, the preparation of written minutes of planning commission hearings, regular and special meetings, and shall prepare all notices of meetings requiring notice to be given to the media and the public according to the appropriate statutes or city ordinances.

Section 9. RMC 2.15.150 and Ordinance No. 941 Section 5 are amended as follows:

Operations and conducting business.

A. A quorum is required for the planning commission to conduct business. It shall consist of at least ~~four~~ **three** planning commission members of record at the beginning of a meeting. If members leave during the course of a meeting, reducing the attendance below four members, the quorum will have ceased. Action shall be by a majority of those present and voting, when those present constitute a quorum, at any regular or special meeting of the planning commission. B. Motions and Voting. All members of the planning commission may make and vote on motions to recommend approval, approval with conditions, or denial of any development proposal or amendment to a long-range plan or city ordinance. All motions shall be made in the affirmative. For matters requiring a public hearing, all motions shall be accompanied by an oral statement, by the person making the motion, of reasons and findings supporting the motion. This statement may include reference to any part or all of the planning staff's report and to testimony or evidence submitted at the hearing.

B. Motions addressing development proposals may be acted on by a majority of the planning commission present at the time of a vote on the question, provided there is a quorum present. Recommendations for approval on amendments to the text or maps of long-range plans and city ordinances require an affirmative vote by a majority of the planning commission.

C. Planning commission members must be present to vote on motions; proxy votes are not considered valid votes. The chairperson and vice-chairperson may take part in all deliberations and vote on all issues. A tie vote means the motion fails. A member may abstain from voting.

D. Where not otherwise specified in these rules of procedure, the meetings of the Rainier planning commission and the manner of conducting business shall be governed by Roberts Rules of Order

Section 10. RMC2.15.160, Ordinance 941 Section 5 and Ordinance 946 Section 1 are amended as follows:

Any member of the planning commission who, in his or her opinion, has a personal interest in any matters before the planning commission that would tend to prejudice his or her actions shall indicate such interest. In the event of a conflict, he or she shall remove him or herself from the proceedings and not participate in any of the deliberations **or vote**. In the event there is an appearance that any member could not make a fair and impartial decision because of a real or perceived interest in a matter before the commission, the member shall state the real or perceived interest, or have the interest described by other members of the commission or the audience. If there is sufficient cause or challenge to his or her ability to make a fair decision, he or she shall not participate in any of the deliberations **or vote**.

A member of a planning commission shall not participate in any commission proceeding or action in which any of the following has a direct or substantial financial interest: the member of the spouse, brother, sister, child, parent, father-in-law, mother-in-law of the member, any business in which the member is then serving or has served within the previous two years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the meeting of the commission where the action is being taken. (ORS [227.035](#))

Written minutes of meetings shall be prepared **by the secretary** for the review and approval of the planning commission at its next regularly scheduled meeting.

Section 11. RMC 2.15.170 and Ordinance 941 Section 6 are amended as follows:

A. Opening. The chairperson shall open the public hearing on the subject case by identifying and briefly describing the proposal.

B. Limitations of Speakers. The chair shall state that testimony and input will be taken in a prescribed fashion. All persons wishing to speak on the matter before the commission must first be recognized by the chairperson. For the record, that person shall state his or her name and address, and group or organization he or she represents, if any. All statements by the speaker shall be addressed to the chairperson of the planning commission. The chairperson may limit the amount of time allowed to any person or group in order to give all who wish the opportunity to speak. Speakers should keep their statements to the issue at-hand and avoid repeating information already presented. The chairperson may limit input to avoid duplication. Because public hearings are to gather information, there will be no cross-examination of speakers.

C. Presentation and Speaking Order. The presentation and speaking order shall be as follows:

1. Planner. Presentation of staff report and other materials and correspondence into the record.
2. Proponent. Presentation and statements by one representative of the proponent/applicant.
3. Members of the Public. Written and/or oral presentations or statements by the public who wish to speak for or against the application.

D. Deliberation. The public testimony portion of the public hearing is then closed. Planning commissioners can then deliberate on the application and the testimony received. Members may ask questions of both staff and any other speakers to clarify their understanding of relevant points or to gather additional information; all questions shall be posed through the chairperson who shall ask the appropriate party for answers.

E. Disposition. A motion for disposition can then be made. This motion may be to continue the hearing to gather additional information, to recommend approval, approval with conditions, or denial of the proposals.

F. Presentation to City Council. The planning commission shall present its actions in unison to the city council. Planning commission actions shall be transmitted to the city council in writing and shall include the recommendation, the tally of the vote, findings of fact if different from the planning staff report, the planning staff report, other correspondence, if any, and a summary of testimony presented to the planning commission.

~~G. Minutes. Written minutes of all public hearings shall be prepared for the review and approval of the planning commission at its next regularly scheduled meeting.~~

Passed by the City Council and approved by the Mayor this ____ day of _____, 2020.

Approved by the Mayor:

Jerry Cole, Mayor

Attest:

Title, Name

Approved as to form:

Stephen D. Petersen OSB#73235
Attorney for the City of Rainier