

City of Rainier
Regular City Council Meeting
September 8, 2020
6:00 p.m.
Rainier City Hall

Mayor Jerry Cole called the Regular Council Meeting to order at 6 p.m.

Council Present: Sloan Nelson, Robert duPlessis
Jenna Weaver, Richard Sanders
Mike Kreger

Council Absent: James Bradfield

City Attorney Present: No

City Staff Present: W. Scott Jorgensen, City Administrator; Sue Lawrence, Public Works Director; Gregg Griffith, Police Chief

Flag Salute

Additions/Deletions from the Agenda: Councilor Robert duPlessis said his son was present to give an update on his Scout Project. Cole said it could be done under visitor comments. Cole said that Police Chief Gregg Griffith had an item for new business.

Councilor Mike Kreger moved to add those items to the agenda. That motion was seconded by Councilor Steve Massey and adopted unanimously.

Public Works Director Sue Lawrence said she wanted to add the bid award for the riverfront trail to the agenda.

Council President Sloan Nelson moved to add that item to the agenda. That motion was seconded by Kreger and adopted unanimously.

Cole said he wanted to move the first new business item up on the agenda. The business owner was notified that he must evacuate his home in Colton due to fire.

New Business: Merrill Thomas introduced himself as the owner of Today's Herbal Choice. Cole said Thomas had a question about moving the business from its current space that's adjacent to the church to the other end of the strip mall. Thomas had also asked about being able to open the business on Sundays. Cole said he reviewed Ordinance 1068. One part specifies that a dispensary must be over 200 feet away from a church. Another says that if it's located within 1,000 feet, it must be closed on Sundays, Christmas Eve and Christmas. The dispensary has been in business for four years. The church has never had a complaint and has a good relationship with the dispensary. Chief Griffith hasn't reported any problems at the dispensary. Cole said the council was concerned about quality of

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life issues when the ordinance was adopted. If it moves to the other end of the strip mall, it will be over 300 feet from the church. Would the council be willing to correct the ordinance to consistently say 200 feet or 1,000 feet? Kreger said dispensaries are governed like liquor stores. The city should have the same rules applied for both so it isn't favoring one business over another. Massey asked if there were any similar distance restrictions for liquor stores. Cole said there are not.

Councilor Richard Sanders moved to remove the clause establishing the 200-foot rule.

Cole said he recommends doing so that the ordinance is consistent.

Thomas said his business will remain closed on Christmas Eve, Christmas and Easter.

Kreger seconded the motion.

Nelson asked if Thomas spoke with anyone from the church about this. Thomas replied that he had. Cole said that the 200-foot rule matches the intent of what council wanted when the ordinance was adopted. Thomas said he wanted to make improvements to his building that he estimates will cost around \$127,000. Allowing him to be open extra hours should cover those costs in about two and a half years. Cole said council is just trying to clean up the language in the ordinance. Sanders agreed and said it's in conflict now. duPlessis asked if the zoning for the business would be affected by setbacks. Cole said it would not.

The council voted unanimously to adopt the motion.

Thomas said that there is 11,000 square feet empty on the other end of the building. It's a storage facility now. He wants to section it off and create a bigger showroom floor for the dispensary. Cole asked what the proposed square footage would be. Thomas said the total would be 3400 square feet. Kreger said the dispensary showroom is one of the smallest he's ever seen. Cole said the council could adjust the allowable square footage of the showroom area. Sanders said that it could be changed to allow 1600 square feet of retail space. Thomas said that the Oregon Liquor Control Commission (OLCC) refers to it under their regulations as a consumer sales area.

Kreger moved to change the language in the ordinance to allow for 1600 square feet of consumer sales area. That motion was seconded by Sanders.

duPlessis said he had a concern about the potential for a large marijuana-related warehouse in the strip mall. City Administrator W. Scott Jorgensen said that the

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OLCC regulates retail and processing facilities differently. Kreger said those regulations call for 1,000 feet of separation between retail and processing facilities.

The council voted unanimously to adopt the motion.

Cole said Thomas had also requested a change to the allowed hours of operation so the dispensary can be open until 9 p.m. He suggested that the ordinance be amended to follow what is allowed by the state. Kreger said the state regulations allow for operating hours of 8 a.m. to 10 p.m.

Sanders moved to amend the ordinance to match the state standard. Massey seconded the motion.

duPlessis asked about the hours of operation for adjacent businesses. Thomas said the smoke shop is open until 9. Nelson said the deli is open until 10.

The council voted unanimously to adopt the motion.

Mayor's Address: Cole said that the A Street Project has been completed. A ribbon-cutting ceremony is scheduled for 11 a.m. on October 10. Sen. Betsy Johnson is scheduled to be the keynote speaker. Jorgensen said that since a quorum of councilors will be attending, he will post notice of it as a public meeting. Sanders asked about the location. Cole said it will be at the plaza. Public Works Director Sue Lawrence said it will be between 1st and 3rd streets.

Visitor Comments: Michael Self stated his objection to the way that the partition plan for the property next to him was handled. Nobody reached out to him. Sanders said the city's e-mail system was in the process of being migrated at the time. Self said the fire hydrant across the street from him has not been fixed for years and the fire department says it's undersized if two more homes are added to the area. He received a letter earlier in the day stating that the approval was based on a Geotech report from 2018 that he feels is incomplete. The city signed off on a permit and shouldn't have. City staff was unaware of how much an appeal of the decision would cost. Jorgensen said he will work with Self on this and asked him to stop by city hall the following afternoon. Self said there are many issues on the west side of town, including drugs, homelessness and crime.

Robert duPlessis, Jr. said he completed his Scout project in August. He thanked the city's public works staff and Kreger. There will be a dedication ceremony the following Saturday at 9 a.m.

Consider Approval of the Consent Agenda:

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Consider Approval of the August 17, 2020 Regular Council Meeting Minutes- Kreger moved to approve the minutes. That motion was seconded by Massey and adopted unanimously.

6. Unfinished Business:

- a. **“A” Street Update-**Cole said the final walk through was completed. He wants to remove the item as an agenda placeholder.
- b. **Riverfront Trail Update-**Cole said the city is working on obtaining easements and bids for the project’s first phase. It will consist of getting the trail from the post office to Fox Creek, with the goal of putting a bridge across it. Lawrence said she received five bids. The city has a budget of \$100,000. She recommends the \$92,680 bid submitted by LCD Excavation. Nelson asked about the status of easements. Lawrence said they’re in process. She estimates that construction can begin in October and met with representatives of the Eagles Lodge. Cole said he is confident that the city will be able to obtain the necessary easements.

Kreger moved to accept LCD Excavation’s bid. That motion was seconded by Massey and adopted unanimously.

- c. **Park Ordinance-**Griffith said he found the draft ordinance acceptable.

Sanders moved to approve the draft ordinance. duPlessis seconded.

duPlessis asked if the marina and beach area are considered public parks. Cole confirmed that they are. duPlessis asked if people currently come to the city to reserve its park facilities. Cole said it’s done on a first-come, first-serve basis. Lawrence said there have been issues with people leaving garbage at the park. Sanders suggested that information on how to make park reservations be added to the city’s website. Nelson suggested having signage urging people to pick up after themselves. Cole said the main issues in the park were loitering and camping, and the ordinance will help the police department enforce against that. duPlessis said those were his biggest concerns.

The council voted unanimously to adopt the ordinance.

- 7. New Business-**Griffith said Ordinance 1053 discusses fishing in designated areas. He got a call from a woman who was upset that there is not a designated fishing area on the dock. The city can mark part of the dock area off or put up signs. Massy said kids like fishing there. Nelson said people can fish from there

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but have to accommodate boats. Griffith said that doesn't match the ordinance. Cole said he wants to put the ordinance in front of the council for consideration. The council can ask Griffith to monitor the situation. Councilor Jenna Weaver said the council should look at the ordinance. Lawrence said the city should check with the Oregon State Marine Board.

8. Unfinished Business:

Fox Creek Update-Lawrence said she's working with officials from the Department of Environmental Quality to try and obtain funding for a study of Fox Creek. There needs to be a lead agency. She needs direction from council for the city to be the lead agency so the study can be done. Nelson asked if it locks the city in as the lead agency for the project. Lawrence said it wouldn't. It would only make the city the lead agency for the study, which should cost around \$84,000. Weaver asked if there were any other entities that are willing to be the lead agency. Lawrence said there are not.

Kreger moved to approve the city becoming the lead agency for the scope of work study. That motion was seconded by Sanders and adopted unanimously.

8. Staff Report-Lawrence said there are options for funding a Water Master Plan, including loans and grants. The city is required to do one. She can draft the scopes of work and has a pre-approved letter for a grant. Sanders asked about funding sources. Lawrence said there were multiple sources available. Sanders suggested that it be included as a new business agenda for the October council meeting. Jorgensen said it was his first day as city administrator. Staff would like a dedicated break room and he wants to make that a priority. He has a ridealong scheduled with the police department for the following day and plans to reach out to individual councilors once he gets settled.

9. Council Reports-Weaver said she spoke with residents near the plaza. They want to see speed bumps installed around there. Nelson announced his resignation from council because he bought a house outside of city limits. Kreger said the city may want to think about what to do with its annual tree lighting in light of COVID-19. duPlessis thanked the public works department for helping his son with his Scout project. Cole said the city has a new librarian. The library should be re-opened in a couple of weeks. He's requesting that the new school district administrator get the library board back together.

10. City Calendar/Announcements-Cole set the next council meeting for October 5. The ribbon cutting ceremony for the A Street project is scheduled for October 10.

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Nelson adjourned the meeting at 7:31 p.m.

Mayor Jerry Cole

W. Scott Jorgensen, City Administrator