



 ORIGINAL

CITY COUNCIL JANUARY 19, 2016 MINUTES  
REGULAR MEETING 7:00 PM  
City Hall, 1001 Bridge St. Vernonia OR 97064

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**Mission Statement**

The City of Vernonia pledges to be an ethical and responsive government using community collaboration to foster leadership and a vision for civic improvement while providing a safe, peaceful, economically viable community.

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**1. Call to Order and Pledge of Allegiance – Mayor Parrow**

Mayor Parrow called the meeting to order at 7:03pm.

In attendance: Councilors Seager, Tierney, Hult, and McNair.

**2. Additions or Removal of Agenda Items**

Councilor Hult asked if council would like to give a parting gift to the Interim City Recorder as a gesture of gratitude for stepping in during our time of need. Council directed staff to purchase a card and \$25 gift card for Mr. Welch.

Councilor McNair motioned to approve the agenda as written. Councilor Seager seconded, motion passed.

**3. Mayor Report**

A. Letter from Barbara Peterson

Council discussed the letter from Barbara Peterson and what was discussed at the December 7<sup>th</sup> Council Meeting in regards to her water leak. The decision to forgive 5% of her bill rather than 50% was due to the fact that it took 5 months to detect and fix the leak rather than the usual quick fix for leaks. Council will not revisit the issue and stands by their decision. Council directed staff to write a letter to Barbara explaining their decision.

B. Library Board Recommendation Letter for Haley Ayres

Council reviewed Haley Ayres' application and the letter of recommendation. Mayor Parrow appointed Haley Ayres to the Library Board.

C. Committee Member Application for Haley Ayres

**4. Presentations**

**5. Councilor Committee Meeting Reports**

Councilor McNair reported on the Cemetery Committee meeting that was held on Thursday, January 14. The tool shed at the cemetery is being prepared to be demolished in preparation for the lot line adjustment. Once the shed is demolished, Don Wallace will perform the lot line adjustment so the house can be sold. GIS Annalist Fousek attended the meeting as well and gave an update on the cemetery mapping. The committee is extremely thankful for all of his work. The Cemetery Committee would like to request that the cemetery gate be closed overnight. Council consensus was to have a joint effort between city staff and the police force to open and close the gate. The balance for cemetery beautification is currently \$6267, and \$9347 is in the general fund.

**6. Topics from the Floor/Audience Participation**

David Mile, Portland Oregon – Presented on Lincoln School per attached Email to Josette

Mr. Jack Harvey, 968 4<sup>th</sup> Avenue – Would like to thank the current Police Chief and Council members for doing such a great job.

**7. Consent Agenda for Approval**

A. Library Board Meeting Minutes for December 1<sup>st</sup>, 2015

Councilor Seager made a motion to approve the Minutes from the December 1<sup>st</sup>, 2015 Library Board Meeting as written., Councilor Hult seconded the motion, motion passed.

B. City Council Meeting Minutes for January 4, 2016

Councilor Seager made a motion to approve the Minutes from the January 4<sup>th</sup>, 2016 City Council Meeting as written., Councilor Hult seconded the motion, motion passed.

C. City Council Work Session Minutes for January 11, 2016

Councilor Seager made a motion to approve the Minutes from the January 11<sup>th</sup>, 2016 City Council Work Session as written., Councilor Hult seconded the motion, motion passed.

## 8. Unfinished Business

### 9. New Business

A. Approve Contract between COV and IFA

City Administrator Mitchell explain to Council that the duty tonight is to have Council approve the contract and authorize Mayor Parrow to sign it. They then need to approve the authorized signature page and designate who will be authorized signers for CDBG Funds.

Councilor McNair motioned to approve the contract with IFA and authorize Mayor Parrow to sign it. Motion seconded by Councilor Hult, motion passed. Councilor McNair requested that these documents be sent to councilors at least a week prior to council meetings to allow for more time to review.

Councilor Hult motioned to approve the authorized signature page designating Councilor Tierney, Finance Director Handegard, and City Administrator Mitchell as authorized signers. Councilor Seager seconded, motion passed.

B. Designating the Certifying Officer for CDBG Project C15008

Councilor Seager moved that Randall J. Parrow, Mayor of Vernonia be the certifying officer for the CDBG Grant Project C15008. Councilor Tierney seconded the motion, motion carried.

C. Adopt City of Vernonia Excessive Force Policy

City Administrator Mitchell explained to Council that the IFA CDBG requirements require the City of Vernonia to adopt an Excessive Force Policy. Administrator Mitchell read the attached policy aloud to Council. Councilor McNair moved to adopt the Excessive Force Policy as outlined, Councilor Tierney seconded, motion passed.

D. Request to Amend Conservation Easement –Lincoln School

The City has received two letters requesting the City Council agree to amend the Conservation Easement for the Lincoln School property. Councilor Tierney would like to address the fact that the letter from David Mile's attorney is completely different than what is portrayed on his website. She would like to know what his true intent is. Mr. Mile responded that the website portrays the ideal market for marijuana. In theory, this wouldn't be a reality for 18-24 months. Mr. Mile is launching a virtual brand for marijuana much like Sam Adams beer. There is a surplus of growers which is creating a market opportunity for his business. They would like to continue marketing the idea and do not intend to offend neighbors to the property.

Councilor Tierney pointed out that at the previous Council Meeting Mr. Mile had presented the intention of having a grow operation as well as retail and a hospitality room. Mr. Mile responded that this is a distant reality if it is allowed. This is what is presented on the website but is not a current reality as they will abide by rules/laws. Their intent for 2016 is to be licensed for 48 plants maximum with a viewing area while using the building to hold meetings and conferences.

Two attorneys were present at the meeting; Ross Day, who represents Bud Dow and Vincent Sliwoski who represents David Mile of Vernonia Brands, LLC. Ross Day addressed Council and suggested that Council not adopt new language for the Easement and instead that he work with Mr. Cleaveland, the cities attorney, to come up with language that will work for all parties involved and then present it to Council. He addressed Councils concern regarding excessive traffic due to the business by reminding them that when the zoning for the building was changed they put a 1000 cars/day limit. If the intent was to have more, they would need a variance.

Councilor McNair had a question for Mr. Day. He stated that while the State of Oregon legalized marijuana, it is still against Federal law. He asked if Mr. Day could give an example of another product that

would fit this scenario. Mr. Day stated that the first thing that comes to his mind is gambling. Gambling is illegal across state lines but the law allows states to decide whether or not they will legalize it.

Mayor Parrow asked for clarification that the Zone change and the Conservation Easement were done at different times. Councilor Tierney and Mr. Day confirmed that the two were done at different times as the Zone change was contingent on the Conservation Easement.

Councilor Seager would like to address the fact that he is hearing people refer to some of the Easement language as “boiler plate language” but the cities attorney does not think it is such as it was put in there for a purpose. He also stated that we are preparing to allow a marijuana grow operation at the Lincoln School, in a residential area, and he does not think the residents in the area would like it. He stated that if he were on Council at the time he is not sure that he would have voted to change the zoning to commercial in the first place. Mr. Day explained that he worked with Mr. Cleaveland to draft the easement and that he got the language for it in large part from the Oregon Water Shed Enhancement Board. He feels that it is “boiler plate language” and that for the most part it isn’t relevant in this instance. Ultimately it is up to the grantor and the grantee if they want to change the easement. In regards to growing at the location, it is legal to grow in a residential neighborhood anyway. Councilor Seager agreed that this was the case, but that only 3 plants are allowed, not a commercial grow operation containing 48 plants. Councilor McNair stated that the issue isn’t the number of plants, the issue is that cannabis is still federally illegal and we need to decide if we are going to allow it. We need to set feelings aside and address the issue from a legal standpoint. As long as the building use falls within the commercial zoning guidelines, then it is legal according to state law.

Councilor Hult brought up the fact that if we allow recreational marijuana businesses per Measure 91 and the OLCC, then we are going against current city ordinances that prohibit breaking federal law. City Administrator Mitchell notified council that the ordinance actually states that it is up to the cities discretion if they would like to issue licenses for these businesses. Councilor Hult’s understanding of why this easement was requested in the first place was to protect the building from being tore down, not discourage possible businesses. She would like to see new businesses brought to Vernonia to provide revenue, but is concerned that Mr. Mile is not being completely honest with Council. Mr. Mile reiterated that the website portrays what their eventual goal is, not current reality.

Councilor Tierney pointed out that when the zoning for the building was changed, the Planning Commission had recommended against it. The whole reason that the conservation easement was put in was to appease the planning commission. Councilor McNair reminded council that the task at hand is to discuss amending the conservation easement, not the zoning of the property or the use.

Vince Sliwoski, the attorney representing David Mile of Vernonia Brand LLC, addressed council on the federal law issue. He stated that although cannabis is a schedule 1 controlled substance, law enforcement cannot enforce federal law prohibiting it in states where it has been legalized. There was recently a court case in California that was thrown out attempting to shut down a medical marijuana dispensary as the current Department of Justice said that federal funds cannot be used to enforce the federal cannabis law in states where it is legalized. Councilor McNair expressed his disbelief that this could be so cut and dry. He believes that the next Department of Justice could take a different stance and enforce the federal law.

Mr. Sliwoski then addressed Councils concern that there was intent to have an indoor smoking club at the school. He said that that cannot happen as the Indoor Clean Air act will not allow it. Councilor Tierney explained that even though that is the case now, she is concerned that that may change in the future. She would like to see Time, Place, and Manor restrictions put in place to restrict marijuana related businesses. City Administrator Mitchell let Councilor Tierney know that this will be addressed at the February 1<sup>st</sup> City Council Meeting.

Council majority was to table the discussion until the February 1<sup>st</sup> City Council Meeting. In the meantime, city staff was directed to have Ruben Cleaveland, The City of Vernonia’s Attorney bring back proposed conservation easement language to the next Council Meeting. Council would also like to have Mr. Cleaveland work with Mr. Day to draft language for Time, Place, and Manor restrictions. Mayor Parrow requested that Mr. Cleaveland be on the phone at the next Council Meeting to discuss possible federal law issues.

## 10. Business from Departments

### Police Department-Chief Conner

ODOT has reviewed the intersection at Bridge Street and Mist Drive. Unfortunately, it does not meet criteria for an ODOT project. Officer Pesio has a scheduled academy graduation date of May 13

### City Administration- Josette Mitchell

City Administrator Josette Mitchell gave her report. See attached report and Monthly Department Update.

- Wastewater Treatment Plant - Council discussed the Linear Trail at the Waste Water Treatment Plant and whether or not to raise it to its original height from before the project. Council consensus was to direct the contractor to raise the trail 3ft back to the original height of 620ft above sea level.
- COV Timber Project - Councilor McNair asked for clarification on what is being done with the slash at the COV Timber Harvest project and how it is being piled. City staff to inquire with the contractor.
- Anderson Park - City Administrator Mitchell notified Council of the terrible situations the new park hosts at Anderson Park are having to deal with. She would like to propose a thank you gift for them. Council consensus was to direct city staff to purchase a card and \$100 gift card visa for the new hosts as a gesture of our gratitude. Councilor Seager would like to explore the possibility of changing the park host payment from 5% to 10% of the camp fees. This would help us to retain good park hosts.

Bill Sword addressed Council and would like to make sure the new Anderson Park hosts know not to dump limbs/grass clipping in the river above the bridge. The old hosts were doing so but the new hosts are burning debris.

### City Financial-Angie Handegard

-Quarterly Report - Finance Director Handegard presented her report.

## 11. Ordinances/Resolutions

## 12. Correspondence

## 13. Items from Mayor, Councilors, City Administrator

Councilor McNair toured Airport Park with Mr. Laird and Mr. Mitchell to discuss the blowdowns from the storms at the park. He will be presenting at the next Council Meeting.

Councilor Seager will be absent from the January 25<sup>th</sup>, 2016 Council Work Session.

Councilor Tierney would like to inquire about recycling at the parks.

Mayor Parrow would like to thank Councilor Tierney for stepping in for him at the last City Council Meeting.

Police Chief Conner would like Council to consider the odor ramifications of the Lincoln School Project.

## 14. Action Items Summary – City Administrator

City Administrator Mitchell Action Items:

1. Staff will organize the opening and closing of the gate at Vernonia Memorial Cemetery (request of Cemetery committee)
2. Staff will print out/send all contracts/agreements for Council review at least a week ahead of meeting dates
3. Staff will send a response letter to Barbara Peterson outlining the process of determination for the forgiveness of water leak consumption. Informing her that the Council's decision stands.
4. The majority of Council would like City legal to bring to the Feb. 1<sup>st</sup> meeting a proposed amendment to the Conservation Easement for Council consideration.
5. Council would like Legal staff to discuss Federal law and the ramifications of recent court case determinations.

6. Council would like Legal Staff to return with time, place, and manner restrictions related to Marijuana business at the Feb. 1<sup>st</sup> meeting.
7. Council directed staff to purchase gift card for Interim City Recorder.
8. Councilor McNair/Mayor offered their accounts for Sewer Rate study scenarios.
9. Staff will develop cost analysis of concrete bump outs at proposed new crosswalk, staff will send cost to Council for an opinion.

These Minutes were approved at the February 1<sup>st</sup>, 2016 City Council Meeting.

  
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Stephanie Borst, City Recorder

  
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Randall J. Parrow, Mayor

### **Adjournment**

Mayor Parrow adjourned the meeting at 9:12pm

**\*\*\*AMERICANS WITH DISABILITIES ACT NOTICE\*\*\***

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