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CITY COUNCIL February 22, 2016
WORKSESSION 7:00 PM MINUTES
City Hall, 1001 Bridge St. Vernonia, OR 97064

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.

AGENDA

Call to Order -- Mayor Parrow

Mayor Parrow called the meeting to order at 7:11pm.

In Attendance: Mayor Parrow & Councilors Hult, Tierney, and McNair.

Additions or Removal of Agenda Items

Councilor Hult made a motion to approve the agenda as written. The motion was seconded by Councilor Tierney, motion passed.

New Business

- Discussion Regarding Alleys and Courtyards

City Administrator Mitchell notified council that code enforcement has been having issues with people dumping debris into the alley ways that have not been maintained. City staff would like to look into creating a checklist for maintaining the Alleys. There are currently two that have come to the Cities attention as being problematic up on OA Hill; The alley between Arkansas Ave and Louisiana Ave and the alley between Arkansas Ave and Mississippi Ave. The City is currently exploring two different options for diverting the water into existing ditches. Mayor Parrow expressed concern as to whether or not the ditches could handle the load. City Administrator Mitchell stated that they would only divert into ditches that could handle it.

GIS Annalist Fousek clarified for council that undeveloped alleys and right of ways are those that are still grass or dirt and are not used. Developed alleys and right of ways are gravel or pavement and are regularly used by motor traffic. Council then identified several undeveloped alleys and roads in the city and whether or not they were public right of ways or privately owned. Two of particular interest were the alley way between Jefferson Avenue and Park Drive which was discovered to be privately owned, and what was discovered to be an undeveloped portion of Columbia Street between 1st and 2nd Avenue on Corey Hill.

Councilor McNair's main concern is that people are misguided in thinking that the undeveloped alleys belong to the adjoining land owners. He doesn't think those homeowners should be allowed to build anything into the right of way, which has been allowed in the past. GIS Annalist Fousek stated that the right of way belongs to the public and cannot be privately owned without asking for it to be vacated, which he doesn't recommend. This is a perfect example of why it is a good idea for homeowners to get permits as it will educate them on what their rights are. There are currently homeowners whom are encroaching on the Right of Ways and they would have to vacate if the city ever needed the space. City Administrator Mitchell stated that they have not been encouraging use of the right of ways. Mayor Parrow is in

agreement that right of ways should not be encroached upon. Councilor Tierney is concerned that forcing people to vacate the areas would create bad blood.

Council then discussed the Downtown Alleyways. One issue that has come to the Cities attention is the alley between Black Bear and the grass lot. The employees of the business have been turning people away who have wanted to sit there if they weren't purchasing from them. The business owner told Mrs. Mitchell that the reason for not allowing people to sit there was due to the OLCC prohibiting it. She checked with the OLCC and they stated that it wasn't an issue as long as no alcohol was being consumed there. The area with the pavers, where the tables are, is actually a public alley. The area was improved as part of the Ford Family Foundation's pocket park project. The area between the Blue House and the Learning Center was also an issue until the Seniors started renting the Learning Center building and came to an agreement with the Blue House owner to share the space.

Council discussed the possibility of charging for use of the area or making the business owner vacate the space. Councilor McNair would like to find ways for the city to benefit from the space. City Administrator Mitchell's fear was that in that case, the property owner would ask for it to be vacated. Mr. Fousek stated that he doesn't believe that the City can charge for the space as it belongs to the public and if it were to be vacated, it would revert back to the original owner. He proposes that the city create an agreement for allowed uses of the space and that it must remain available for use by the public.

Council recommends having a memorandum of what the allowed use for the alley next to black bear is. City staff to send a memorandum to the owner stating that it is a public right of way and that the public can use it. Councilor Hult is concerned that the public is being prohibited from using the space. GIS Annalist Fousek stated that it is difficult for the public to access it as there is a bench limiting access to the space which would need to be removed. City Administrator Mitchell will look into what rights the city has for vendor rentals in this kind of space.

Another property that has been identified as a problem is the Winningham property on Jefferson Ave. The structure was built sometime in the 80s and sits on 4 separate lots including the cities property and was never permitted. City staff has asked the owner to remove the structure. Unfortunately, these building codes and ordinances have not been enforced in the past and people have been living in the building. Councilor Tierney stated that instances like this, where the violation is a nuisance and has received complaints, should be enforced. Councilor McNair mentioned that he doesn't think that enforcing the code should be left up to interpretation, but rather consistently enforced based on what's written in the ordinance. City Administrator Mitchell explained that code enforcement is following Title 3 Public Protection and this property has had complaints about garbage and rodents.

Mrs. Mitchell would like direction from Council on how to enforce these code violations. Currently, Code Enforcement is enforcing the code on any current violations, not those that are grandfathered from say, 80 years ago. For example, there are homes that are encroaching on neighbor's properties but the city isn't going to force anyone to demolish their homes. Mr. Fousek stated that we won't make people move homes but that we need to enforce these ordinances as they are here to provide public protection.

Council directed staff to inventory properties that are encroaching on right of ways. City staff will create a list of alleys that need to be maintained and separate in order of urgency. Staff will identify the location of these alleys and what is needed to improve or maintain the alley.

Council then discussed Terry LaChapelle's property and the history of the cities easement on the property. City Administrator Mitchell stated that the property owner was not letting city workers onto the property until it was discovered by the cities attorney that there was a prescriptive easement after 20 years for the utility lines. The most recent issue with the property



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was on Christmas Eve when Roto-Rooter found an issue on the property with the sewer line. City staff is currently working on a plan to fix the problem once the weather is better.

City Administrator Mitchell identified for Council the location of a sewer line that runs under eight houses between Bridge Street and the Lake. Public Works Foreman Burch asked John Forester about the pipe when he was here giving an estimate for the feasibility study for the new Spencer Hill Sewer. Eventually this pipe will be decommissioned and replaced with a new sewer line that goes straight down and feeds into the Lakeview Drive line.

City Administrator Mitchell gave council a quick update on the Airport Park blow downs. She stated that due to the market falling a week and a half ago, city staff and the parks committee have decided to postpone logging at the park. In the mean time they are approaching local wood workers whom may be interested in the blow down timber.

Councilor Tierney would like desired outcomes clearly identified for future work sessions. Council consensus to postpone the March 14th work session until after Budget is completed. At that time Council would like to discuss what the allowed uses are for the cities FEMA properties.

Adjournment

Mayor Parrow adjourned the 9:08

These minutes were approved at the March 7th, 2016 City Council Meeting.

Stephanie Borst, City Recorder

Randall J. Parrow, Mayor