

City Council Meeting Minutes

THURSDAY, FEBRUARY 7, 2013

CITY HALL COUNCIL CHAMBERS

CITY OF COLUMBIA CITY, COLUMBIA COUNTY, OREGON

AGENDA ITEM 1 **CALL TO ORDER/ROLL CALL:**

CONVENED:

Mayor Cheryl A. Young called the regular meeting to order at 6:00 p.m. Harold Olsen delivered the invocation and Mayor Young led the flag salute.

COUNCIL MEMBERS PRESENT:

Mayor Cheryl A. Young
Councilor Shannon Fitzgibbons
Councilor Sally Ann Marson
Councilor Casey Wheeler

COUNCIL MEMBERS ABSENT:

Councilor Josh Fromm

ALSO PRESENT:

Michael McGlothlin, Chief of Police
Micah Rogers, Public Works Superintendent
Leahnette Rivers, City Administrator/Recorder

ATTORNEY PRESENT:

Harold Olsen, City Attorney

A quorum was present and due notice had been published.

AGENDA ITEM 2 **PUBLIC HEARINGS:**

2.1 Abatement Protest Hearing: To consider Steve Bahl's letter of protest and hear testimony related to the City Council's declaration that a nuisance exists at 700 James Street, Columbia City, Oregon, because the premises are unfit for human habitation due to inadequate sanitation facilities resulting from the lack of a potable water source, and order directing the abatement of the nuisance. The property is further described by the Columbia County Assessor's Office as Tax Account No. 5121-CB-00600.

Public Hearing opened.

Leahnette explained that Steve Bahl is currently living at property located at 700 James Street. She reported that the property is under the ownership of James and Freida Bahl, who are now both deceased, and the water service was turned off due to delinquency last spring. Leahnette said Steve has attempted to put the water service in his name, but the City's Water Ordinance requires that the property owner approve an application for water service because the property owner will ultimately be held responsible for unpaid charges. Because a court of law has not yet identified a party that is responsible for 700 James Street, the City has refused to provide the water service to Steve, who has been residing within the residence without water service since December. She said Steve claims he has

been bringing in water and/or getting water from his neighbors, which is prohibited by City ordinance. Leahnette said the City believes Steve has also been utilizing the sewer service without paying for it. She said the Building Official has declared that the house is a dangerous building because it has inadequate sanitation facilities resulting from the lack of a potable water source, and the City Council has declared it to be a nuisance under the City's Nuisance Ordinance. She said the Council ordered the abatement of the nuisance, and Steve was notified of that order. She said Steve submitted a letter of protest to the City, and this hearing has been scheduled to provide the Council with an opportunity to review his letter of protest and to hear any testimony before any further action is taken.

The Mayor and City Council reviewed Steve's letter or protest, copies of which were included in the City Council meeting packet.

Harold made note that in his letter of protest, Steve suggested that he would bring in a porta-potty. Harold explained that a porta-potty would not be permitted at the residence under the City's ordinances.

Harold said one of Steve's arguments under the letter of protest is that he is the owner of the property because his parents left a will which left that property to him, but that will has never been probated and it would have to be probated in order to transfer ownership of the property to him. Harold said Steve claims that he has the authority to act on behalf of his parents estate because he has been appointed executor in the will, but the appointment of an executor in a will is merely a designation of preference by the parents, and the executor has no authority to act until the appointment is confirmed by a court. Harold said in this situation, because of the unusual circumstances, there's no guarantee that the court will appoint Steve as the executor, and even if it did there is no guarantee that Steve would end up with the property because there may be potential claims from creditors which might require the forced sale of the property to satisfy those claims. Harold said right now, James and Freida Bahl are still the owners of the property, and technically Steve may be violating criminal trespass ordinances and breaking and entering and burglary laws and statutes. Harold said he does not believe that Steve's explanation is satisfactory to avoid the declaration of a nuisance.

No comments were heard from the public.

Public Hearing closed.

AGENDA ITEM 3

CITIZEN INPUT:

Mike Simpson of Columbia City spoke about the proposed changes to the RV parking regulations. He said he attended the last meeting, and he also completed the recent survey. He expressed concern about the focus expanding from parking on the right-of-way to parking in the front, side and back yards on private property. He also said consideration is being given to the establishment of a permit process, but there's been no discussion about the cost of the permit. He also questioned who will pay the survey costs to determine the exact location of the right-of-way and the private property lines.

Randy Kerr of Columbia City expressed concerns about the City placing restrictions on the parking and storage of RVs on private property. He said the setback requirements are intended for permanent structures, and should not be applied to parking and portable items. He said parking on the right-of-way is a public property issue and should comply with the rules and regulations established, but he is not in favor of expanding the rules to limit parking on private property.

John Schaeffner of Columbia City questioned this ordinance applying to private property instead of just focusing on public property. He asked where this will end and what ordinance will be next. He said for the most part the people in his neighborhood take pride in what they do and take good care of their property.

Leahnette noted that the review was not expanded. She said the RV Parking and Storage Study Group's original review included parking and storage regulations public right-of-way and on private property. She said the Group ended up recommending changes to the regulations pertaining to the public right-of-way, but their original review involved both. She said once the changes to the regulations are made, enforcement will be time consuming and difficult, and she wants to make sure that the City Council has all of the information they need to enable them to make the right decisions about what new regulations to put into place before moving forward. She encouraged everyone to please be sure to complete the survey. She said the Council will also hold an additional public hearing before proceeding with changes.

Mike said the vision clearance requirements contained in the existing ordinances adequately address any safety concerns about RVs and boats blocking views. He said RVs and boats should not be treated differently from cars.

Jeff Crouse of Columbia City said he really looked forward to seeing the survey because he's had neighbors with 40-foot motor homes and 30-foot trailers, and outbuildings that are full, and their motor homes and trailers are parked right next to the fence, and he appreciates some consideration being given to the setback requirements. He said in the end he would like to see uniform enforcement. If the motor home doesn't fit and hangs over the curb or the utility trailer is on the street, then he just wants to see it handled in the same manner in all parts of the City.

Jaime Smith of Columbia City said that in her neighborhood the utility boxes are situated in such a way that they prevent property owners from parking their RVs next to their homes. She asked if the regulations change, would those utilities be moved underground and if so, who would pay the expense.

Lisa Galovich, Director of the Amani Center, spoke to the City Council about the Race Against Child Abuse. She said this year they are changing their course to include Columbia City because it is so beautiful and they want to draw more people from Portland to come out to this important race. She said May 25 is race day, and she referred the Council to the course map which showed the race entering Fourth Street from St. Helens via Rutherford Path, heading north to "L" Street, east to Second Street, North to "I" Street, east to The Strand, north to "E" Street, west to Highway 30 where it will cross to the bike path, north to "A" Street, and out Smith Road to Robinette, where it will turn around and head back again through Columbia City along the same route back to Rutherford Path.

Lisa said the race is will include a half marathon, 10k run, 5k run/walk, and a 1-mile walk. She said last year about 200 people participated in the race, but they've added the half marathon and professional timing, and they expect more attendance and interest each year.

Councilor Wheeler said the first time the Rotary hosted a half marathon and 10k, they had about 75 to 100 people sign up for the half marathon, and about 100 to 125 sign up for the 10k.

Chief McGlothlin said the Amani Center has been a tremendous asset for the law enforcement arena. He said they partner with law enforcement during investigations, and they are extremely competent and do a fantastic job to support the criminal prosecutions dealing with child abuse cases.

Chief McGlothlin said, due to limited man power, Columbia City will not be able to assign an officer to assist at the Highway 30 crossing at "E" Street. He said Lisa has assured him that the runners will wait and utilize the pedestrian crossing light in order to cross the highway.

Lisa said they have used Community Emergency Response Team (CERT) volunteers in the past to assist with safety issues, and they plan to utilize them as a resource again for this race, as well as Rotary volunteers.

AGENDA ITEM 4 COUNCIL REPORTS:

4.1 Parks Committee: Councilor Fitzgibbons said the City has received a \$14,000 grant under the Veterans and War Memorials Grant program from the Oregon Parks and Recreation Department.

Leahnette said the City is currently beginning the McBride Creek Trail System, which will consist of a hiking trail system looping all around the edge of the City from the north end of Highway 30 up to Ninth Street. She said the City has been acquiring property for the trail system for many years now. She said the first segment of the trail system is currently under construction at the north end of the paved bike path near Highway 30. She said the Parks Committee plans to develop a veterans memorial near the trailhead, which will consist of a sculpted stone honoring all American veterans and a Blue Star Memorial, a flag pole, memorial bricks, etc. She said the Parks Committee has solicited the support of the project from a number of community groups.

Jaime said during the summer months they've had problems with people in the woods shooting, and she asked if there will be additional patrols as a result of the trail system. Chief McGlothlin said the shooting was actually occurring further to the north of Columbia City. He said an ammunition company had a film production crew out there testing and filming their tests of various types of ordnance. He said the noise sounded like it was coming from Columbia City, but it was not.

Jeff asked what the cleared area below the bike path will be used for. Leahnette said the Parks Committee is developing a picnic area there. Jeff expressed concern about folks utilizing the area for overnight camping activities. Leahnette said the picnic area is being developed for daytime use only.

4.2 Water Source and Development Committee: Micah said he and Leahnette met today with James Nusrala of the Oregon Health Authority to complete a capacity assessment report which is tied in with the grant and loan funds we are acquiring for our water project.

4.3 Street Committee: No report.

4.4 Sewer Committee: Micah said the crew recently finished the abandonment of one of the steel septic tanks. He said the service has not been switched to a direct flow connection. He said they will be replacing another failing steel tank with a concrete tank during the next few weeks. He said one of the pumps was recently replaced at the RCE lift station. He said something has been triggering false alarms at the RCE pump station, and they have been trying to find a solution to the problem.

4.5 Audit Committee: Secretary Wheeler said the Audit Committee met recently, and the report from their meeting is in the packet.

4.6 Hazard Mitigation Planning Group: Leahnette said the minutes from the recent Hazard Mitigation Planning Group meeting are in the packet. She said the group is asking the City Council to authorize the Mayor's signature to a draft letter they have prepared to send to Dyno Nobel dated February 8, 2013.

MOVED (MARSON), SECONDED (WHEELER) AND CARRIED UNANIMOUSLY TO AUTHORIZE SIGNATURE TO THE LETTER TO DYNONOBEL AS WRITTEN.

4.7 Other Reports: Councilor Marson said the County Commissioner's will hold a public hearing on February 20th. She said apparently some landlords are collecting their tenant's garbage and disposing of it for them, and that activity is in violation to the franchise ordinance, and some changes are proposed to deal with that. She said the County Commissioner's will also hold another public hearing about the financial conditions of the CCC Rider because some of the current public transit routes may need to change.

Councilor Wheeler said the Charter Review Committee has come up with a draft City Charter which will now be sent on to legal counsel for review.

AGENDA ITEM 5 CONSENT AGENDA:

- 5.1 Minutes of the Regular City Council Meeting of January 24, 2013.
- 5.2 Financial reports for the period ending January 31, 2013.
- 5.3 Bills paid with check numbers 17079 through 17123 during the month of January 2013.
- 5.4 Activities report for the month of January 2013 from the Public Works Superintendent.
- 5.5 Activities report from the City Administrator/Recorder.
- 5.6 Appointment of Barbara Gordon to the Planning Commission.
- 5.7 Appointment of John O. Sachs and Jaime N. Smith and Ron Schlumpberger to the Comprehensive Plan Review Committee.
- 5.8 Resignation from the Planning Commission as submitted by Lisa Bush.

Leahnette asked the Council to amend the consent agenda as follows:

Strike item 5.4, amend item 5.7 to include the appointment of Ron Schlumpberger to the Comprehensive Plan Review Committee, and add Lisa Bush's resignation from the Planning Commission as item 5.8.

MOVED (MARSON), SECONDED (FITZGIBBONS), AND CARRIED UNANIMOUSLY BY ROLL CALL VOTE TO APPROVE THE CONSENT AGENDA WITH THE AMENDMENTS.

AGENDA ITEM 6 UNFINISHED BUSINESS:

None.

AGENDA ITEM 7 NEW BUSINESS:

7.1 Council Bill No. 13-664; Resolution No. 13-1072-R: A Resolution assessing unpaid water and sewer utility charges, fees and accrued interest as a lien against property described as Tax Account No. 5121-CB-00600, located at 700 James Street, Columbia City, Oregon, currently under the ownership of James L. and Freida M. Bahl.

MOVED (MARSON), SECONDED (FITZGIBBONS) AND CARRIED UNANIMOUSLY TO ADOPT COUNCIL BILL NO. 13-664.

AGENDA ITEM 8 OTHER BUSINESS:

Nuisance abatement determination - 700 James Street: Leahnette asked the City Council if, based upon the information they received in the letter of protest and upon the testimony received tonight, they were able to make a determination about whether or not a nuisance exists at 700 James Street.

Mayor Young said she does not believe any information has been provided that would change the City's position that a nuisance exists.

MOVED (FITZGIBBONS), SECONDED (MARSON) AND CARRIED UNANIMOUSLY TO DELCARE THAT A NUISANCE EXISTS AT 700 JAMES STREET BECAUSE THE PREMISES ARE UNFIT FOR HUMAN HABITATION DUE TO INADEQUATE SANITATION FACILITIES RESULTING FROM THE LACK OF A POTABLE WATER SOURCE, AND ISSUE AN ORDER DIRECTING THE ABATEMENT OF THE NUISANCE.

Comprehensive Plan Review Committee: Leahnette said she will work on scheduling the first meeting of the Committee, and asked if any other members of the Council might

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be interested in participating in the process. Mayor Young said she would be interested in participating.

Goal Setting: Leahnette said it is time to schedule the annual City Council goal setting process. It was the consensus of the Council that a Goal Setting Workshop be scheduled at the close of the next Regular Council Meeting.

Request for Porta-Potty at Community Hall event: The Council reviewed a request dated January 29, 2013, from Dan R. Sheffield to bring in a porta-potty for a weekend event they have scheduled in the Community Hall on March 30th and 31st.

MOVED (WHEELER), SECONDED (MARSON) AND CARRIED UNANIMOUSLY TO APPROVE THE REQUEST TO PLACE A PORTA POTTY AT THE COMMUNITY HALL DURING THE WEEKEND OF MARCH 30TH AND 31ST.

AGENDA ITEM 9

ADJOURNMENT:

There being no further business to come before the Council, the meeting adjourned at 7:00 p.m.

APPROVED:

Cheryl A. Young
Mayor

ATTEST:

Leahnette Rivers
City Administrator/Recorder