

CITY OF CLATSKANIE

Regular Meeting Agenda of the Clatskanie City Council
Clatskanie Council Chambers December 6th, 2023 @ 7:00 p.m.

1. Call meeting to order.
2. Pledge of Allegiance
3. Public Comment
4. Consent Agenda:
Regular meeting minutes November 1st, 2023
Action:
5. Agenda Item 2023-28: Resume hearing on Kahut-Sloan nuisance protest
Discussion:
6. Agenda Item 2023-29: Appealing a setback variance denied by the Clatskanie Planning Commission
Discussion:
7. Manager Items:
8. Finance Manager Items:
9. Public Works Items:
10. Parks & Recreation:
11. Sherriff and Code Compliance items:
12. Council Items:
13. Mayor Items:
14. Adjourn

CITY OF CLATSKANIE

Regular Minutes of the Clatskanie City Council City Council Chambers, November 1st, 2023 @ 7:00 PM

Present: Mayor Robert Brajcich, Bruce Jolma, Gary Jones, Jeff Horness, Dave True, Amanda Owen

Staff Present: Greg Hinkelman City Manager, Marci Moore, City Recorder/Finance Manager, Kelsey Seibel and Laura Schroeder, City Attorneys

1. **Mayor Brajcich** called the meeting to order at 7:00 PM
2. **Mayor** led the Pledge of Allegiance.
3. **Introduction of Public Works Director**, Marc Howatt- Cancelled
4. **Public Comment:**

Mayor recognized **Charles Evans** who complained about the timeline and cost of a records request he had submitted to the City.

Mayor recognized **Shelly Brown** of 720 NW Pine who said that the road beside Umpqua bank, which is a one-way, needs more signage and gave a description of problems they were experiencing.

Mayor recognized **Larry Reandeau** who suggested an arrow be painted.

Mayor recognized **John Lillich** who thanked the staff for the access road study he had received.

Mayor recognized **Jasmine Lillich** who agreed with the comment by Brown and gave her own account of difficulties. She also gave her support for Russell Finney-Leggroan for the City Council seat.

5.Consent Agenda: *Regular meeting minutes October 4th, 2023*

Action:

Mayor asked for corrections to the minutes. **Amanda Owen** made a motion to approve the minutes as written. **Jeff Horness** seconded. The **Mayor** called for a vote. All voted 'Aye'.

6.Agenda Item 2023-27: City Council Candidate Presentations

Mayor recognized **Robert Emminger** as the first candidate to speak. He introduced himself and said serving on the council would be a way to give back to the community.

Mayor said that he has a consolation prize for the person not winning tonight which is a seat on the Budget Committee and asked if he would be willing to serve there. He said he would.

Mayor recognized **Russell Finney- Leggroan** who spoke giving information about himself and background and his experience in being a relative newcomer to Clatskanie.

Mayor thanked the candidates. He said that in doing an open election for the vacant council seat, we will also do an open vote. He asked for a motion to vote. There was some discussion as to the procedure. **Amanda Owen** made a motion for a vote. **Mayor** asked if there was discussion. **Horness** asked about military service. **Owen** asked about prior experience in serving on a committee. **Horness** asked for more detail on job history. **Jolma** asked, in the event they did not win, would they plan on being a candidate for the next election. Both candidates answered the questions.

The **Mayor** called for a vote. The vote was True, Owen and Brajich, for Russell Finney-Leggroan. Horness, Jolma, and Jones for Robert Emminger, which was a tie. Kelsey Seibel said the chairman breaks the tie. Mayor welcomed Russell Finney-Leggroan to the Council.

Mayor administered the oath of office to Finney-Leggroan who then took his seat.

7. Agenda Item 2023-28: Hearing on Kahut-Sloan nuisance protest

Discussion:

Mayor recognized **Hinkelman** who cited Oregon Code and said there are still things in motion to bring about a positive resolution to the situation, so he asked for a continuance on the item until the December meeting.

8. Manager Items:

Hinkelman said he was contacted by our Forester, and he recommended spraying. This is in the budget so that was done. He said they are working on the sewer line easement agreement between the building project contractor on Conyers and the new owners of the insurance building. He said it is going well. He gave details. There is still a setback issue going before the Planning Commission. The new cover for the cake maker is going in. **Hinkelman** updated briefly on the Sewer Plant project planning and report on the access road. He said he is working on getting a briefing meeting together on the 16th with all parties involved.

Hinkelman reported for public works saying there was a water line break on Dike Road which was fixed. He gave detail. He reported a vehicle accident on 5th Street which took out a catch basin and a mailbox. An arrest was made. He has spoken to the driver and the owner of the mailbox. Repair costs are being put together for restitution. There are some trees on Belair that need to be removed for a cost of \$1,800.00. The crew has been doing some sidewalk work and they got their new certification in traffic flagging.

Larry Reandeau asked about the road and sidewalk construction on several intersections. **Mayor** said it is being done by ODOT for strict ADA compliance. He said the light change timing will also be made safer for pedestrians.

9. Finance Manager Items:

Mayor recognized **Moore**. She presented the October 2023 AP report. She said there were no unusual expenses to note. She pointed out a few expenses. She said she is currently working with auditors on the 2022-2023 fiscal year. She went over the General Ledger report and asked for questions. There were none.

8. Parks and Recreation items

Cyndi Warren said things are quiet. They have had the pool winterized and things are going fine.

9. Sheriff and Code Compliance Items:

Mayor recognized **Lieutenant McQuiddy**. He said the deputies have had a strong presence in town lately. He gave information on a DUI crash, and some mischief reported. He said it is mostly quiet. He talked about possible 24-hour coverage coming in the area and explained some scheduling changes and new

staff coming on soon. He asked for questions. An attendee asked about a vagrant person around the library. **Mc Quiddy** was personally aware of the person and mentioned a couple others he is watching. **Mayor** recognized **Gerry Simmons**, the compliance officer. He gave an update on properties he is working with.

10. Council Items:

Mayor recognized **Jones** who suggested, because many residents have brought the subject up to him, that we revisit alternatives in law enforcement. The possibilities of starting a new police department, the reasons the decision was made, current costs and out of the box ideas. He suggested all of these ideas be looked at again. **Jones** also said he would like to get the sign, suggested earlier, put in motion and it was discussed.

Mayor recognized **Jolma** who welcomed Russell Finney Leggroan. He said it was good to have more than one candidate for the vacancy. Finney said he was happy to be here and really cares about the town.

Mayor recognized **True** who brought up Jones's suggestion and said he thinks we could also look at different ways we could improve the law enforcement we have now. He discussed some common problems and what we had before. He gave some scheduling ideas. He elaborated. **Jones** agreed and discussion ensued.

11. Mayor items:

Mayor said that Nate Hendricks, who has asked permission to do the blue grass festival in the park, had asked for a letter of support from the City Council in order to apply for grants for funding. **Mayor** asked for a motion. **Owen** made a motion to write a letter of support for the festival. **True** seconded the motion. **Mayor** called for a vote which unanimously passed.

Mayor addressed the law enforcement issue saying part of the problem is perception. He recommends that he appoint a committee to look into all the options in detail. He asked if **Jones** and **True** would accept placement on this committee. He said the Sheriff's department does a good job. He explained some misconceptions about his own feelings on having, or not having a police force being put on Facebook. He said there had never been a motion made in council to bring back the police force and he is not against it. He elaborated. **Jones** and **True** accepted.

14. Adjourn

Mayor adjourned the meeting at 8:00 pm.



City of Clatskanie
Council Agenda Item 2023-28

Meeting Date: November 1, 2023
Subject: Kahut-Sloan violation Notice Protest
Prepared By: Greg Hinkelman, City Manager

SUMMARY:

On October 16, 2023; Marcia and William Sloan were issued a Notice of Violation regarding the issue of their dogs barking causing a nuisance in violation of City Code 5-3-4. The Sloans were given 10 days to protest the notice, which they did.

A hearing on the protest is to be held at the November 1, 2023 council meeting per city code 4-1-15.

The council needs to hear testimony from the Sloans and any complainant(s) about this matter.

Upon hearing testimony, the council will need to decide if the violation exists.

SPECIAL NOTE

Under the provision of 1-5-4A of the City code, I may request the hearing to be continued until the December meeting. The reason for a possible continuance is the tight time table of allowing the Sloans time to rebut or present evidence.

EXHIBITS:

1. The letter of notice of violation
2. The email from the Sloans protesting the Notice of Violation
3. Hearing Notice to the Sloans
4. City Code 4-1-15



CITY OF CLATSKANIE

October 16, 2023

Sent via Registered/Certified Mail

Marcia Kahut-Sloan and William T. Sloan
1070 SE Bellflower Road
Clatskanie, OR 97016

RE: Notice of Violation

Dear Marcia Kahut-Sloan and William T. Sloan:

This letter is to notify you, as the responsible party and owner of the property, that you are in violation of the Clatskanie City Code 5-3-4 for causing a nuisance at your property located at 1070 Bellflower Road Clatskanie, OR 97016. The City has received multiple complaints due to dogs barking on your property during both the day and night disturbing passersby and neighbors.

The City Code states: "A dog is a nuisance if it howls or barks in such a manner as to deprive a person of peace and quiet." City Code 5-3-4. Further, "Any violation of any code provision of this title shall be punishable by a fine not to exceed one hundred dollars (\$100.00). Each day's violation of any provision of this code constitutes a separate offense." City Code 1-4-1.

Following investigation, the City Council finds that the dogs barking on your property constitutes a nuisance consistent with the City Code 5-3-4 and is subject to abatement procedure pursuant to City Code 4-1-13(B). Accordingly, you must abate the nuisance within ten (10) days of the date of this notice. City Code 4-1-14(C)(2). Unless the nuisance is abated within ten (10) days, the City may abate the nuisance on its own, and the cost of the abatement will be charged to the person responsible. Moreover, failure to abate the nuisance may also result in the City issuing fines to you of \$100.00 per day, each day, as stated in City Code 1-4-1.

You may protest the order to abate the nuisance by giving written notice to the City Manager within ten (10) days from the date of this notice claiming that no nuisance exists. Any protest shall be referred to the City Council for hearing as part of the regular agenda at the next succeeding City Council meeting.

Sincerely,

Greg Hinkelman
City Manager

Gregory Hinkelman

From: Kahut, Marcia (Securitas) <Marcia.Kahut@NipponDynawave.com>
Sent: Wednesday, October 25, 2023 7:59 AM
To: Gregory Hinkelman
Subject: FW: Dog issue

Greg Hinkleman
City of Clatskanie
City Manager
&
Clatskanie City Council

10/23/2023

RE: Notice of Violation

Hello Council Members,

We currently are protesting the order of abate. First in that we are in our rights (Right to Farm Act) to have the dogs we do to protect our livestock. These dogs are exempt, being the fact, they are Livestock Guarding dogs. We have not had any loss of life since we started using these guarding dogs. Prior to doing so we have had losses to coyotes, cougar, and domestic dogs. These LGDs are part of our farming practices. Yes, they bark, that is their first defense of warning off predators. Predatory animals do not have a schedule with which to "attack", invade or hunt. Thus, giving to the hrs. of "barking". With the zoning of our property, we were allowed to do as we do. The case studies that were presented to allot you to fine us has no merit, it was reversed.

We do not deny that the LGDs have gone more on the defense with the RV park that now stands adjacent to our property. predators do not always walk in all fours. With Increased River traffic & river edge traffic, displacement of wildlife these LGDs have increased their protection.

We do understand that there is a great benefit to the City of Clatskanie in having the RV park now in place. It is a welcome growth benefit. These benefits are blessings to the local businesses, city government and travelers through this community.

That is why we have been working on abating the "nuisance" since we became aware that it shifted into a problem. We are more so asking for time, not so as much for the denying of a problem but for remedying it. We have contacted 11 rescue agencies within the United States, the state Humane Society, county Humane Society. None of them have room. We have gone as far as to ask our veterinarian to euthanize.

So please give us the time. We have a promising home destination for these dogs. On 10/28/23 or 10/29/23 we will be transporting these dogs to Port Angelas Washington unless the contact person back out.

Thank you
Marcia Kahut-Sloan

From: Marcia Kahut-Sloan <kahutfarm2@gmail.com>
Sent: Tuesday, October 24, 2023 7:07 AM
To: Kahut, Marcia (Securitas) <Marcia.Kahut@NipponDynawave.com>
Subject: Fwd: Dog issue

[EXTERNAL]

----- Forwarded message -----

From: **Gregory Hinkelman** <Ghinkelman@cityofclatskanie.com>

Date: Wed, Oct 18, 2023 at 4:57 PM

Subject: Dog issue

To: kahutfarm2@gmail.com <kahutfarm2@gmail.com>

Marcia – Here are the relevant pieces of information I have regarding livestock dogs:

1. The applicable Oregon Revised Statutes: 30.930; 30.932.; & 30.935
2. The Hood River Case: <https://www.animallaw.info/case/hood-river-county-v-mazzara>
3. Applicable City Code: [5-3-4: NUISANCE DOGS: \(amlegal.com\)](https://www.amlegal.com/laws/statutes/5-3-4-nuisance-dogs)

As the letter to you states" "You may protest the order to abate the nuisance by giving written notice to the City Manager within ten (10) days from the date of this notice claiming that no nuisance exists."

An email is fine as written notice. You then can make your case before the city council on November 1st. The council meeting starts at 7pm and should you send the written protest, you would be placed on the agenda to discuss the issue with the city council.

Thanks

Greg

Greg Hinkelman

City Manager

Clatskanie, Ore.

(503) 728-2622



CITY OF CLATSKANIE

October 30, 2023

Sent via Registered/Certified Mail

Marcia Kahut-Sloan and William T. Sloan
1070 SE Bellflower Road
Clatskanie, OR 97016

RE: Notice of Hearing

Dear Marcia Kahut-Sloan and William T. Sloan:

This letter is to notify you, that in light of your protest email dated October 23, 2023 the City of Clatskanie City Council will hold a hearing on your protest at the City Council meeting, Wednesday November 1st, 2023; 7:00 PM in the City Council chambers

If you have any updated information or additional testimony you would like to present, this hearing is the place to do so. The hearing falls under the Responsibility for Abatement provision in City Code; 4-1-15. That section of the City code is attached.

Sincerely,

Greg Hinkelman
City Manager

4-1-15: RESPONSIBILITY FOR ABATEMENT:**A. By Person Responsible:**

1. Within ten (10) days after the posting and mailing of the notice as provided in section 4-1-14 of this chapter, the person responsible shall remove the nuisance or show that no nuisance exists.
2. A person responsible, protesting that no nuisance exists, shall file with the city manager a written statement which shall specify the basis for so protesting.
3. The statement shall be referred to the city council as a part of its regular agenda at its next succeeding meeting. At the time set for consideration of the abatement, the person protesting may appear and be heard by the council, and the council shall determine whether or not a nuisance in fact exists, and the determination shall be entered in the official minutes of the council. Council determination shall be required only in those cases where a written statement has been filed as provided.
4. If the council determines that a nuisance does in fact exist, the person responsible shall, within ten (10) days after the council determination, abate the nuisance. (1996 Code § 8.04.170)

B. By City:

1. If, within the time allowed, the nuisance has not been abated by the person responsible, the council may cause the nuisance to be abated.
2. The officer charged with abatement of the nuisance shall have the right at reasonable times to enter into or upon property to investigate or cause the removal of a nuisance. (1996 Code § 8.04.180)
3. The city manager shall keep an accurate record of the expense incurred by the city in physically abating the nuisance, and shall include therein a charge of up to twenty five percent (25%) of those expenses for administrative overhead. (1996 Code § 8.04.180; amd. 2004 Code)
- C. Joint Responsibility: If more than one person is a person responsible, they shall be jointly and severally liable for abating the nuisance, or for the costs incurred by the city in abating the nuisance. (1996 Code § 8.04.180)