

**City of Rainier**  
**Regular City Council Meeting**  
**September 25, 2017**  
**7:00 PM**  
**Rainier City Hall**

Mayor Cole called the meeting to order

**Council Present:** Mike Kreger, James Bradfield, Sloan Nelson, Robert duPlessis,

**Council Absent:** Jenna Weaver, Steve Massey

**City Staff Present:** Debra (Debbie) Dudley, City Administrator/Finance Director/Recorder

**City Attorney Present:** No

**Flag Salute.**

**Additions/Deletions from the Agenda:** Debbie stated under New Business, agenda items 7c and 7g needed to be deleted as she has not received the documentation supporting the approval of the resolutions.

**Mayor's Address:** Mayor Cole reported that there were no fallen service persons names to read.

**Visitor Comments:** Don Reynolds of 214 West 6<sup>th</sup> street stated one of the benefits of the home when buying it was the water line easement running through the front yard. Reynolds stated the easement stated that water free of charge shall be furnished in perpetuity, to supply one family living on said land for household purposes subject to the general rules regulating the use of water. Reynolds stated that about two years ago he started getting charged for sewer and that the easement was dated to 1907 and now after one hundred and eight years he is getting charged for sewer. Reynolds noted that the renters moved out in May and no one has been living there and it has had very minimal usage. Reynolds asked how the City was going to differentiate for water used inside versus outside the house pertaining to the sewer charges. Reynold stated he is going to being putting the house for sale and is going to inform the new owners of what has happened and who his lawyer is. Mayor Cole asked Reynolds what is his suggestion that would be fair was. Reynolds state that for one hundred and eight years it has been free of charge and noted he has a very tight driveway and he cannot get his boat out and if the water line was not where it is, he could have carved himself out a spot to park his boat. Nelson noted it is interesting how Reynolds house was even selected, as he (Nelson)

owns several properties that have utility easements on them and he pays water and sewer. Nelson stated that he thinks that when Reynolds easement was created, that there was no sewer there and Nelson feels that it is only fair to the rest of the residents that Reynolds' house pays for sewer. Debbie stated Reynolds is paying a base charge and if the house is vacant he can have the utilities turned off and there would be no fees. Mayor Cole stated he viewed it as the sewer and water are two separate utilities. Reynolds noted he would advise the new owners to talk to a lawyer. Mayor Cole explained to him that you run across things like this and when you find things that aren't right you just don't keep doing the wrong thing, you have to fix it. Mayor Cole stated the fair thing to do is to figure out how to charge that property for sewer and the City will continue to abide by the no charge water agreement, but the agreement says nothing about sewer. Debbie explained how the City bills the sewer charges and that in fairness to Mr. Reynolds, the City did not go back and access fees from when he became the owner, but when the error was discovered. Mayor Cole stated he did not have the answer right now but offered to sit down with Reynolds, Darlene and Debbie and figure out if he is getting fairly or unfairly charged. Mr. Reynolds stated he rather have the water line moved out of his front yard and into the street where it belongs and then he could get his parking space back.

**PUBLIC HEARING: Elk Mountain Property Solutions Annexation**

Mayor Cole opened the Public Hearing at 7:19pm. Mayor Cole asked for public comment or testimony. Dennis O'Brien of Elk Mountain Property Solutions explained that they own three separate tax lots and one is in the City and the other two are in the County and they want all the tax lots in the City so they can have City utilities. Dennis noted the lots are off of Washington Way below Harbor View Drive and across the street from Bridgeview Deli. Hearing no other public comments, Mayor Cole closed the Public Hearing at 7:21pm.

**Consider Approval of the Consent Agenda:**

Consider Approval of the August 21, 2017 Regular Meeting Minutes- Kreger moved, Bradfield 2<sup>nd</sup> to approve minutes as presented. Nelson asked for clarification regarding abstaining from the conflicts of interest in the minutes. Mayor Cole noted that Nelson could still approve the agenda; Debbie added that he was abstaining just for that motion and she made it very clear in the minutes that he was abstaining as a property owner in that area- **motion passed unanimously**

**Financials-** Mayor Cole asked council if they had reviewed the financials Debbie included in their packets. Debbie summarized the financial documents and provided answers to the audit questions.

Nelson moved, Kreger 2<sup>nd</sup> to approve financials as presented-**motion passed unanimously**

**Unfinished Business:**

a. Affordable / Senior Housing – Debbie stated that the site that they were looking at was determined by the architect to not be feasible. Debbie noted they may have a silent partner who has offered the developer a piece of property just north of the original proposed site.

b. ‘A’ Street Update- Mayor Cole noted that he and Debbie have been having monthly meetings with ODOT, DEQ, IFA and everything is moving along. Mayor Cole noted the financing is going through. Debbie stated it has been determined that the water portion of the project is just replacing a fire hydrant and the total amount needed is about \$10,000. Debbie noted the City would not get a loan and the funding would come out of capital improvements. Mayor Cole mentioned the possibility of all the DEQ funds paying the contractor be filtered through ODOT as a money saving strategy. Mayor Cole noted the ‘A’ Street Plaza funding should be a snap, surveying should be getting done, and that the City attorney Stephen Petersen is working on the easements. Bradfield asked if everything goes according to schedule, when is ‘A’ Street Plaza going to be shovel ready. Mayor Cole stated they could start as early as next spring. Mayor Cole noted PUD is looking into undergrounding the power from El Tapatio clear down to the dentist office by the marina.

c. Sinkhole Update- Mayor Cole asked if the City was reimbursed. Debbie stated that the IFA Grant of \$171,000 is on the agenda for approval.

**New Business:**

a. **Consider Approval of the IFA Grant-** Kreger moved, Nelson 2<sup>nd</sup> to approve IFA Grant as presented- **motion passed unanimously**

b. **Consider Approval of the CSWCD Payment Request-** Debbie stated in order to capture the grant money, we will provide copies of the invoices from CSWCD and the City will then send the invoices to IFA to get the reimbursement. Kreger moved, Nelson 2<sup>nd</sup> to approve the CSWCD payment request. Nelson asked about digging out in front of the grates and wanted to make sure we are doing whatever we need to do to keep it clear. Nelson asked that the City get a to do list from CSWCD on maintaining the Fox Creek culvert. Debbie mentioned that the CSWCD will be back planting plants as part of the culver replacement project. **-motion passed unanimously**

c. ~~Consider Approval of Resolution 17-09-01, DEQ loan~~ DELETED

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d. **Consider Approval of Hadaller Logging Agreement-** Mayor Cole noted this is the logging company that has been working for the City for about five years.

Mayor Cole noted he checked out the logging going on in the watershed and checked out the dam and it is full and the water line is connected. Debbie stated the dam is full and ready to go if the City needs it. Kreger moved, duPlessis 2<sup>nd</sup> to approve Hadaller Logging Agreement as presented-**motion passed unanimously**

e. **Consider Approval of Ordinance #1073 Elk Mountain Property Annexation-** Nelson moved, Kreger 2<sup>nd</sup> to approve Ordinance #1073 as presented-**motion passed unanimously**

f. **Consider Approval of the American Tower Extension-** Mayor Cole noted there were two options to choose from. Council discussed the lease and the options. Nelson moved, Kreger 2<sup>nd</sup> to approve the American Tower Extension Option 2 and use the fifty thousand dollar signing bonus and add it to the City's property acquisition fund - **motion passed unanimously**

g. ~~Consider Approval of Resolution 17-09-02, IFA Plaza Loan~~ DELETED

**Staff Reports:** Debbie stated she met with John Zakariassen regarding new Homeland Security cyber security measures with regards to municipalities. Debbie stated John evaluated our systems and eventually Homeland Security will set a parameter of what they want all cities to have as a minimum. Nelson asked where we are with the security measures the police department recommended at all our City locations. Debbie stated she would check into the status. Mayor Cole asked about the cameras at the transient tie up and Debbie stated they are online and Centerlogic is working on getting them live on our website. Nelson asked for an update on the next agenda for an update on the security recommendations and where we are at with those.

**Council Reports:** none

**City Calendar/Announcements:** City Council Work Session is Monday October 2, 2017 at 6:00pm. Debbie stated she will make sure every property owner on 'A' street will have notification of this meeting.

Next Regular City Council Meeting is Monday October 16, 2017 at 7pm

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Staff went into executive session at 7:55pm

**Executive Session: ORS 192.660 (2) (h) to consult with council concerning legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.**

Mayor Cole adjourned Regular meeting City Council Meeting at 8:35pm

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Mayor Cole

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Debra Dudley, City Administrator /Finance  
Director/Recorder