

**City of Rainier
Regular Meeting Minutes
December 5, 2011
Rainier City Hall
106 West "B" Street
Rainier, OR 97048**

Meeting called to order by Mayor Cole at 7:00 PM.

Council Present: Mayor Jerry Cole, Phil Butcher, Sloan Nelson, Russ Moon, Bill Vilardi, Mike Avent and David Langford.

Council Absent: Scott Cooper.

City Attorney Present: Steve Petersen

City Staff Present: Chief Gregg Griffith, Darrel Lockard, Debbie Dudley and Bobby Jo Brusco-Harding.

Flag Salute

Additions/Deletion from Agenda: Moon moved, Nelson 2nd, to add employment agreements to the agenda since this would probably be Moon's last council meeting and he is concerned about the employment agreements and how the council has spent quite a bit of money on that and he has some thoughts on that. **Motion passed unanimously.**

Butcher stated he wanted to add the Redco/City agreement with USG whenever it does get finalized. Avent said Butcher brought that up to him earlier but Avent started thinking that still might be executive session and Nelson said it was. Mayor Cole stated they were not ready to do that yet. Petersen stated they are still waiting for the agreement from USG's attorney so there is nothing to report. Mayor Cole said that when that is finalized a motion will be made to accept the agreement. Butcher said he was thinking they might want their down payment by the first of the year and he is concerned with the time frame.

Mayor's Address: Mayor Cole read the names of fallen soldiers since the last council meeting and a moment of silence was observed.

Visitor's Comment:

Michael Carter, Rainier School District Superintendent, announced that on January 5th there will be a dinner at the school at 6:30 PM with proceeds to help with the memorial for Chief Painter.

Larry Wagel, 1405 17th Avenue, Longview, WA stated that EGT has spent \$200,000,000.00 on a grain elevator and their parent company is Bungi which made about 2-1/2 billion dollars worth of profits and what they want to do is break the longshoremen's union. Wagel stated that one of the ways to break the union is the cost of

court fines. Wagel stated that if the longshoremen's union can be broke any union can be broke and then the living standards will go down for people along the entire west coast. Wagel said the reason he was at the meeting was in case there were problems at the EGT site he doesn't want the Rainier Police Department in Longview breaking up a strike so he requested the Council to direct all of the Rainier Police Department officers to not go to Longview if there is a problem at the grain elevator because it would be participating in breaking the best union in the world. Wagel said he hoped the Council would make a motion to that effect.

David Devine, 24275 Warren Road, Rainier, OR 97048 stated he has been observing the Council the last few months, has listened to the public comments and he wanted to say he appreciates all the Council members including the two who are the object of the special election. Devine said there has been good times and dysfunctional times and the reason could be personalities and since the City does not have a City Administrator. Devine stated that removing the two men doesn't fix the problem but would only remove the critical diversity that exists on the Council and that is the diversity of opinion. Devine stated he wasn't at the meeting when a derogatory comment was made to the Mayor by Moon but he was at the meeting when Moon gave an apology to the Mayor, the press and the residents.

Unfinished Business:

- a. Approve November 21, 2011 Regular Meeting Minutes: Avent moved, Butcher 2nd, to approve the minutes. Motion passed unanimously.
- b. View Street Discussion: Mayor Cole deferred to Lockard who stated Avent and he went to View Street and talked to some of the residents there and has come up with some options. Lockard stated he has some issues regarding water flow that is a big concern. Lockard said it would cost just short of \$1800 to install storm drain system along Budge's side of View Street. Lockard stated Avent is looking at some other options but they haven't been able to finalize those options.

Mayor Cole asked the View Street meeting attendees if they wanted to comment or had any input regarding the problems. Mr. and Mrs. Eddy, 29641 View Street stated that drainage is the biggest problem and when there is a heavy rain a small creek develops into their walkway. Mrs. Eddy stated it is currently across the road.

Avent said Connie Budge had put together a lot of information on what they had talked about and they met with Bob Hoard who had some ideas that was gone over with Lockard. Avent said there were a lot of different ways to correct the problem and he feels the next step should be for Lockard to meet with the City Engineer or somebody who does roadwork to look at some options and ideas on

what kind of costs would be involved both as a long term fix and a temporary fix if a temporary fix is what has to be done for the winter. Avent stated maybe something broader in the spring or summer when the road conditions are better but at least address the water issue until it can be permanently fixed.

Mayor Cole asked Budge if she was present for the walk through with Lockard and Avent and if she was what her take on the situation was. Connie Budge, 29711 View Street, Rainier, Oregon 97048 said that she really appreciates the support that has come from members of the Council and from Lockard. Budge said she thinks that some of the other people on the street have some other issues. Budge said that when you talk about the water running down the south side of the road and those kinds of things when Craig Smith tried to take care of the potholes this summer while he was ran the water truck up and down four times before he started taking the potholes out, just an idea of what it looks like in front of her house (presented photos). Budge described that in front of her garage is not where it broke the berm last year and she indicated after the berm was put in it can be seen where they tried to build it up to keep it up and she indicated that on the south side of the road the ditch has not been taken care of since 2008. Budge stated that when there was some building done on the north side in 2008 and there was a geotechnical report at that particular time, a lot of people had some concerns of what was going to happen with the runoff but also the road and some of the comments that came back at the time of the hearing had to do with the vulnerability of View Street during and after construction; is the gravel road and potholes along with the addition of heavy equipment in the area that caused the adjacent property to shake and can she be reassured the company or private builders will be responsible for the liability for any problems that might arise from their work. Budge read another comment from Pam and Mr. Russell who could not attend tonight's meeting is that they are very concern that View Street is going to turn into a very muddy road. Budge said that Guy and Peggy Burbach who live on View Street in response to those in an attempt to build directly across the street is the drainage from the property and there are trees and debris blocking the ditch causing overflow that continues, these are serious issues that need to be addressed before building. Budge said this was on December 27, 2008. Budge said it continues. Budge said the first time she remembers being with Lockard was 11-4-08 when it had been about a year and he came up and said it would be addressed and he would be glad to. Budge said on 2-17-2010 she and Lockard had a conversation and he said he would talk to the Council about it, Budge said she knows there are other priorities, she knows they think she is only talking about potholes but it has been talked about and talked about. Budge said that on 6-24 Lockard and she talked about it and that is when they came up and started the potholes. Budge said that this year on 2-15-11 she came home and had five inches of standing water in her garage. Budge said she was promised on that day

there would be somebody there, Budge said 2-16-11 and 2-17-11 came and went and nobody showed up. Budge stated that on 2-18-11 between 10:00 and 11:00 she felt it was time to call City Hall and was told that somebody would be up there, they came up and brought her some gravel, they tried to get the ditch cleared out on the south side of the road, they did what they could spending about two hours and Budge was told they would be back to work on the street. Budge said she didn't hear from them for a month and there was going to be another meeting with the Mayor. Budge said she decided on 3-16-11 that she was going to get her own road builder to take care of the road and the Mayor told her very nicely that he would like to go talk to that road builder with her which he did. Budge said the Mayor made a decision to talk to the road builder and decided that something was going to be done about the road.

Mayor Cole said that "he" talked to Craig and that's what got moving on there and Budge said that it didn't get moving until August. Budge said she knows it is a problem that can be fixed and there are other priorities but she is not the only one who is driving on the potholes.

Budge said there have been near automobile accidents because of the condition of View Street and she does not want to see accidents occur or children get injured because of the road condition. Budge said in short term she would like to see some of the water on the south side gone and they could get together with Lockard and come up with a good solution.

Mayor Cole stated that a lot of fixes that are happening are just band aids and he is not suggesting or saying yes or no but one option because it always is about money but you have to look at the big fix and that is making that road right. Mayor Cole stated there are a lot of View Street people attending the meeting and would the people that live on the road be willing to being assessed to fix it.

Someone from the audience said that would depend because things are pretty tight right now and Mayor Cole replied that things are pretty tight everywhere. Mayor Cole said another street that reminds him of View Street is Lewis Road and that one is bad too. Mayor Cole stated he is not saying one is worse than the other but the people on Lewis Road would like their street paved too. Mayor Cole said he is not condoning the option but asking if it is even an option. Avent asked if the Council could get some numbers prior to asking the View Street residents to pay, maybe there could be some cost sharing. Mayor Cole asked if that was an option worth exploring and the Eddy's replied it was if it got the road fixed. Mayor Cole said there might be a half dozen home owners state they would not pay a dime and if everybody said that it would not be an option to look at.

Budge said that one of things to consider is there are two different streets involved and the reason why View Street was only put in to go up to Burback's place and the other street is Hickory and one of the original plans when Hickory was being developed was that it connected up to Old Rainier Road and that would have taken a lot of the traffic off if they would have gone ahead with that. Budge added that would have taken a lot of the traffic off of View Street which was originally built for the number of houses. Mayor Cole said that earlier there was some talk out in the hallway and he asked Budge if she knew the history of that street. Mayor Cole said that typically in a perfect world a developer comes in, brings it up to proper specs and then the City takes it. Budge said View was a platted street and she thinks that Hickory was also. Budge stated that in January of ____ Margaret Parmer brought in the documentation that Hickory wasn't a platted City street, but View Street was. Budge said there used to be houses there.

Nelson said a good approach to this would be to see if a county road person because of their specialty to meet with Lockard, go look at it and that person is going to have different ideas than anyone in the room and see what he would suggest and if it was a county road how would they handle it. Nelson said they have a limited budget and they might be willing to give the City some ideas. Nelson said he feels that should be the City's next approach and get the ditches cleaned so they will drain.

Avent added that get a contractor to get an ultimate cost. Nelson supported getting an expert's suggestion. Mayor Cole added that what he wants to do in addition to that is that View Street stays on the agenda under unfinished business until there is a solution and it is fixed, the same as "B" Street and the "C" Street slippage. Mayor Cole said it might just be an update from Lockard but it is on the radar. Mayor Cole directed Lockard to bring the Council a plan for View Street, the sky's the limit plan to what can we do to fix it tomorrow to make it safe. Mayor Cole said he was hoping that the Craig Smith idea would take care of it but it didn't. Lockard added that a lot of the problem was that the proposed deal for the \$1800.00 would take that drainage away from Connie's house and the one just west of her and that's next one up where most of the water comes and it has the possibility of flooding.

Budge said she was sorry but when she talked to Mr. Smith he told her that he was up there to do potholes and he didn't have enough money to do any drainage. Lockard said this was different and this was something he has done since they had talked, putting a drain in front of her spot and where the down spouts from the neighbor's comes down to catch the water before it comes across her property.

Unidentified members of the audience added they were also having drainage issues.

Budge said they need to sit down and talk about all the problems with View because there are more problems that just her frontage. She suggested they all get together not at a Council meeting and discuss all the issues and then talk with somebody like the road master or road builder from Weyerhaeuser so we can find out what all of our problems are. Budge said that if the View Street people get together with the Public Works Director they can come up with a plan. Mayor Cole asked Lockard if he wanted to facilitate something like that and Lockard said he would. Mayor Cole stated that the fix isn't going to be curb, gutter and sidewalk but the fix is going to be safe, water not standing.

Brusco-Harding asked if that was going to be View and Hickory and Mayor Cole said it should be and added there are a few remonstrance agreements for these streets and Mayor Cole directed her to get those together. Nelson explained remonstrance agreements to the audience stating that when some of the area was developed the City told the developers they couldn't put a house in because we want you to pave the section of property in front of your home and the way it was able to get developed was some of the developers, not all of them, signed a remonstrance agreement that says that at any time the City decides to pave it that you will pay your share. Nelson said not all of them have them. Mayor Cole asked Brusco-Harding to pull all that stuff together regarding remonstrance agreements.

Budge asked Mayor Cole who would be in charge of pulling all the group together and who would be the liaison, public works, another council member or would it rest on the citizens. Mayor Cole replied that he was going to let it rest on Lockard. Budge asked if Lockard would be contacting them to set up a meeting. Lockard said there was plenty of time to meet prior to the holidays and December 12, 2011, 7:00 PM at City Hall was set for the meeting with the View Street and Hickory Street residents. Lockard said a letter would be sent to people residing on those streets announcing the meeting. Nelson thanked Budge for getting this issue brought together and Mayor Cole thanked the View Street meeting attendees.

- c. "B Street Scope of Work. Mayor Cole stated that during the work session there was some discussion on power lines which was pretty short so they moved the discussion that were all the extra little things that were eliminated to prioritize the items to put back in and the consensus was that the lights are the number one priority, followed by stamping. Nelson moved, Vilardi 2nd, to notify or inform the engineers they would like to continue with the project minus the undergrounding and to include illuminations and stamping.

Nay: Moon **Motion Passed.**

Nelson asked who was going to notify them and Mayor Cole replied that Lockard would since he is the contact person for the project. Mayor Cole advised Lockard that there was a motion and a second that passed to go ahead and eliminate the undergrounding of the utilities and include lights and the stamping back into the project. Mayor Cole asked Lockard if he would be able to notify them and Lockard said he would tomorrow.

- d. "C" Street Slippage Update. Mayor Cole referred to Brusco-Harding who stated there had been a couple of emails to and from Kynsi Construction and they were on vacation and would get back to me when they returned. Nelson thanked Brusco-Harding for keeping the Council updated.
- e. Approve the Agreed Upon Procedure Report. Dudley stated she provided the report at the last meeting but she wanted to make sure that we had complied with everybody's request. The Dudley again presented the agreed upon procedures report that the City had commissioned by Pauly Rogers and Company to do. This report was for additional work and identified specific areas which addressed some questions that had come up. Dudley said she wanted to make sure all questions were answered on the information Pauly Rogers provided. Dudley asked the Council if anyone had any questions on the information. Nelson said he thought it was great and, hopefully, it cleared up all the questions for the financing and monies and it seems like it was pretty thorough. Vilardi agreed with Nelson.

Dudley asked if the Council wished to accept the report. Nelson and Vilardi said yes and Mayor Cole called for a motion. Nelson moved, Vilardi 2nd, to accept the report by Pauly Rogers. Butcher said he thought the audit was going to cover more regarding office procedures such as time cards and things of that nature but apparently it didn't. Butcher added that as far as the report goes he doesn't see anything wrong with what's requested.

Nelson added he was glad it was done and hopefully if anybody has anymore questions this answer's those questions that continue to come up about accountability and funds for the City.

Dudley stated that one of the things she wanted to mention is that this is addition to the City's regular audit. Dudley stated that when we receive our regular audit we will have the auditors present the audit. Dudley stated that this was a specialized review based on what we asked them to do. The annual audit they do for us is actually a state requirement. Dudley added the City is in compliance with our audit requirements. One of the things the auditors look at during the regular audit is the records of the City in its entirety; three independent auditors come in that are certified public accountants and the process takes approximately two

weeks. Dudley said they come in and do the field work, what happens is they audit the full year by sample testing. Which means they will ask us for several full month's documentation that will include everything we have done in regard to accounts payable, accounts receivable, court transactions, payroll, planning, they review all our budget transactions, they review our financial reporting, our compliance with regard to budget law and as Lockard can attest, our compliance with public contracting. Dudley said that everything we do within our organization is subject for review by the auditors. Dudley said that obviously they don't review every single transaction but they do a very in depth testing. Dudley said the auditors check the signers on the checking account to make sure they are authorized signers, they review all the checks to make sure they have dual signers, we print off in the accounts payable an entire register for the full year so there is a lot of in depth procedure that goes into the auditing process.

Butcher said that going into some further stuff into the audit this was our annual audit, every councilor received an email from these people requesting that we submit information that we wanted looked at and we could submit our report to them and they would look at it as part of the annual audit which was included every year we have to do that. Butcher said our report annual audit is filed with the Secretary of State and he looked back to the year of 2006 and since 2006 we have an audit number on file with the Secretary of State so we have not incurred any additional costs that he knows of as far as the annual audit goes. Butcher said he wanted to clear up that misinformation that is out there being spread around.

Moon stated that also after this audit didn't we find a check for \$151,321.00 that was paid from the City to Redco. Dudley said yes, the auditors did note that particular check had only one signature instead of the required two. Moon said that was written in 2007 and Dudley said that was correct.

Butcher read from the audit report that one payment was made from the City of Rainier to REDCO in the amount of \$151,321. Butcher said it was deposited on June 29, 2007 and the check written to REDCO was only signed by 1 person.

Dudley said it is an in depth process we go through annually so she wanted to assure anyone out there if they wanted to come in and participate they are more than welcome. Dudley added we will have an in depth review from our auditors when they present the annual audited financial statement. **The motion passed unanimously.**

New Business:

- a. Approve Resolution #11-12-01 Authorizing David Stocker to Sign the Extended Enterprise Zone Agreement. Mayor Cole said that in the council packets there is

an email from David regarding the Rightline expansion. Mayor Cole stated they are in the enterprise zone and they want to try to use that. Nelson moved, Avert 2nd, to approve resolution #11-12-01 authorizing David Stocker to sign the extended enterprise zone agreement for Rightline Equipment. Nelson said this is a great thing for the community to see a business that employs many people spending money to make their facility more cost effective. Nelson said Rightline is our neighbor but not in the City limits and do not pay city taxes but for us to be able to help them expand is a good thing. **The motion passed unanimously.**

- b.** Employment Agreement. Mayor Cole gave the floor to Moon since this was an item he wanted added to the agenda. Moon said there are four individual employment agreements; one for public works, the chief, the city administrator and financial director recorder and these questions that will follow are not pointing a finger at anyone they are just asking for some clarification and see what's happened in the past. Moon said we have had problems with Mr. Gare's contract with his evaluation and performance and that didn't seem to be done in the contract, it said it had to be done by the 21st and those didn't happen and we ended up and one thing ends up going to another and a severance package that we have to pay. Moon said we have a lot of senior citizens that haven't had a pay raise for three years and this year we get a 3.6 raise but of course Medicare prescription drugs eats most of that up so we don't really get a raise and the City raised the sewer rates .3% and it just seems like it just one thing after another that the citizens are getting taxed pretty heavily. Moon said that because of the contract with Lockard one thing led to another, there are ill feelings, hostile work environment all because this contract wasn't followed so now we have hopefully there will be a new contract for Lockard that will do better than the last one did. Moon said the police chief, he (Moon) had the pleasure of working with the Mayor and on May 16th the Chief of Police employment agreement was approved by City Council and it passed unanimously and that is exactly the way the Charter states. Moon said the Charter states that in Chapter 3, Section 11 that compensation for services for each City officer and employee shall be whatever amount the council fixes so council is the one that is in charge of that and then we move down to the last agreement is the finance director and the recorder and that agreement is currently on a month to month basis but before that there happened to have been four raises in fourteen months totaling near 19% interest and so that equals about \$11,700.00 so you take that agreement there's \$11,000.00 there and you have another amount with the City Administrator during that same period of time his salary went up 13%, that was \$9700.00 and the Public Work's Director's went up \$6200.00 so that is over \$27,824.00 in pay raises without council approval and if you go to the documents you will notice that you have authorized by and approved by and that jumps around between the City Administrator and the Mayor. Moon said only Council can do this and this is what concerns him, the

money that we spent and tax payers just don't have the where for all to be able to, when you have 10.2% unemployment in Columbia County and the law of the City is the Charter and you should abide by the Charter.

Avent asked if there was an unauthorized approval of an increase without the council would that be legal or would it be non legal. Petersen said he would have to look at more of the facts that what he just heard right now to give a legal opinion on that.

Mayor Cole said he would like to remind everybody that we have had this discussion twice before, the first time was May 17, 2010 and employee compensation was discussed and we went through it and basically what he got from that there was a disagreement on how it was being run and the disagreement was "is it agreed during the budget process or is it agreed when it comes up". Mayor Cole said at the end of that discussion in May, 2010 and we actually discussed it again in June and July, 2010. My point is we've discussed this before there was consensus on how Council would like to do it and we have been doing it that way and again that is May 17, 2010 and in the June 7th meeting, Councilor Moon believes procedures were being followed. Mayor Cole said he is not disagreeing at all and if Council wants to approve those when they come up let's make sure that happens and you can see that happened with the Chief of Police's contract and he attests that will happen if that's the way Council wants to do it that is the way it will be done.

Moon stated that's because it was July, that is when his contract came up, all these contracts are annual. Mayor Cole said he is not disagreeing with Moon. Moon stated he does not recall voting on this as the Charter states, the Charter is the law of the City and he doesn't recall voting on this.

Nelson said he remembers sitting in this very circle and where Cooper usually sits Ms. Taylor brought up that very comment and he doesn't remember how long ago that was but there was quite a battle over that and he remembers it very vividly now but he doesn't know if everybody on this Council completely understood what she was trying to say but that very point this has been, Judith how long ago was this. Judith Taylor who was sitting in the audience said it was May or June. Mayor Cole said he had that information here and it was at the July meeting where there was a motion to reconsider the administrative salary freezes. Nelson said that Judith said this is crazy that we are approving wages as a budgetary practice. Taylor said she was told by the City Administrator and Mr. Langford and Mr. Moon both agreed that because it was in the budget therefore it happened automatically and she had a problem with that.

Mayor Cole said that if the Council wants to move in that direction where they want to approve each and every one and that is fine. Mayor Cole said there hasn't been a vote on that; they didn't vote yes we're voting to approve one at a time. Mayor Cole said there was a disagreement on whether the pay raises are approved in the budget process or pay raises are approved for each employee at the given time. Mayor Cole said it was gray. Mayor Cole said there were a lot of opinions.

Avent asked what happens to a raise that goes on before the budget, so there is no budget and a raise is given, you can't use that argument that it was in the budget because it is before the budget is presented.

Judith Taylor said we did vote to freeze wages, it was done at a City Council meeting after this came up, she was at a meeting and there were just four councilors and Mr. Moon made a motion to rescind the wage freeze for administrative staff so everybody would automatically get their raise. Mayor Cole said that was right. Taylor said she walked out of that meeting to keep that from happening. Mayor Cole said that was July 19th.

Avent said he had a question and said that a group was formed to deal with that issue and what was their recommendation. Mayor Cole said that group consisted of Vernae at the time and that was the one where she came back June 17th and (Nelson interrupted and said the group was Avent, himself, Langford and Vernae Christophersen). Mayor Cole said that was when Moon reminded the Council that Christophersen reviewed the Charter and the existing personnel policy and believes the procedures are being followed.

Moon said that doesn't say that you are following the Charter and here is a memorandum from Chad Olsen that states council decides, council decides on all of these things when we are negotiating with the union and then it says whatever Council decides. Moon said you mean that I would sit here and give someone in this position within fourteen months I would vote to give them 18.5% raise, that is ridiculous, I would never do that.

Mayor Cole said that is what you did, Taylor said you did and Moon stated oh I did? Mayor Cole said he was not going to argue with Moon it's in the minutes. Mayor Cole asked Moon what he wanted to do with the employee agreement since he wanted it on the agenda. Moon said he wanted it on there, he wanted to bring all this information out and he wants to make darn sure that if something comes up this never happens again. Moon said this is the only time it happened and you have been here for over ten years and this should not have happened. Mayor Cole said that is not what Moon said a year ago. Moon said he did not say that, he would never give somebody an 18.5% raise. Mayor Cole said you made a

motion with the contract attorney where you wanted to give him a \$900.00 raise after we already gave him a raise. Mayor Cole stated you are saying never and that he was not going to argue about it with him because he is just trying to grandstand. Moon said there you go again trying to cover it up.

Dudley said there was a meeting that was conducted with some of the involved employees and the finance director is still the lowest paid management position. Additionally there were other raises given that exceeded this percentage but if you recall there were some joint meetings that happened and we had agreed to reduce wages if it was uniformly applied. Moon said that your individual employment agreement that you signed was that just anybody sign states in there in the agreement that you will have an annual evaluation and there would be raise on an annual basis and it doesn't state in there that there are going to be four, if it is an annual contract there would not be four raises in one year. Dudley stated she does not believe there were four raises in one year, this is blind siding staff, and she'd be more than happy to review it in depth but like she said she doesn't have that in front of her and this is something that happened three years ago. Moon said he does have it in front of him, right here, it's all right here. Dudley informed Moon she thinks we are in violation of Council rules 3.2. Moon said whatever.

Avent said the thing is where do we go from here to make sure we don't have this misunderstanding. We thought that our work group was going to meet with all the employees that had the increases, is that something that is still on or off the table. Mayor Cole said to Avent that he (Avent) was part of that work group so why doesn't he tell him (Mayor Cole). Avent said that is what he is asking and Mayor Cole said that is what he is asking him since Avent was part of that work group. Avent said don't you give direction? Avent said he can give you the decision that we come up with. Avent stated Nelson was in that work group too, it wasn't just him, is that we are looking for is a recommendation from that work group, it was always put on the back burner.

Nelson said he would like to visit this topic further and he was passionate about that work group. Nelson said if you want to get back together and we can revisit those things that is great but he doesn't think this is the time or the place to deal with it right now.

Moon asked Nelson if he voted for an 18.5% raise and Nelson replied it was in the budget and Moon again asked if he voted for an 18.5% raise and Nelson said it was in the budget, that was the process and it was discussed and has been done that way. Moon said that is not how it has always been done. Moon said that also if you take and lump it up in the budget you don't know who is getting those

salaries. Nelson said he knew that and that it was said that they didn't like that process.

Mayor Cole said that after all those discussions we decided at that time that they will each individual be voted on because it was just too gray. Moon said but it's always been done and Mayor Cole said he's not going to sit here and accuse Moon of anything, Moon interrupted and said he was not accusing anybody, Mayor Cole said Moon had a whole different tune before, because you have a right to change your mind and somewhere along the line you changed your mind or you can't remember and he's not going to accuse Moon either way. Moon referred something about Gingrich or Romney and Mayor Cole said he was not going to accuse him either way but whatever Moon wanted to do today was fine. Moon said it was not today.

Avent asked what the policy was because what Moon was saying is there's old documentation that increases were not approved through the budget. Mayor Cole said the way he takes it is the consensus of the Council is that all raises need to be approved whether they are in the budget or not. Moon said that is exactly what this says. Mayor Cole said that is what we decided to do.

Other New Business – Gibbs & Olson, Inc. Invoice:

Mayor Cole reminded the Council about him bringing up that anything over \$300.00 Staff has to come to him to approve it. Mayor Cole said there is a bill from Gibbs & Olson for \$2,234.55 for engineering for the "B" Street Highway 30 project for work accomplished: obtain and review plan copies for "B" Street (Hwy. 30); attend Town Hall meeting at City of Rainier for proposed Hwy. 30 enhancements. Mayor Cole stated he looked in the meeting minutes and it was never officially approved for them to come down. Mayor Cole said he doesn't know and then he asked Dudley if it was a Redco thing thinking that Redco may be approved them to come down. Mayor Cole said anyway he is looking at a bill for \$2,234.00 that he didn't feel comfortable signing because he didn't know who approved it. Nelson asked if that comes out of our budget or does it come out of the "B" Street Enhancement budget. Mayor Cole replied that technically you write the check. Nelson said it is our money but he is questioning what pot it comes out of. Dudley stated if the City pays it; it is going to come out of the City pot because we already had an engineer there that was paid for out of the "B" Street. Lockard said he might have called them, they are still investigating and it may be a typo thinking it is "A" Street, not "B" Street. Dudley said it was "B" Street. Lockard said it should be double checked. Dudley said they are working on "A" Street and she thinks that is through Redco. Mayor Cole stated he was looking to see who approved it. Butcher said it might be for "A" Street for sewer repair. Lockard said he thinks it maybe for the "A" Street project but mislabeled

the title. Brusco-Harding stated that someone from Gibbs & Olson was sitting next to her at one of the "B" Street town hall meetings. Mayor Cole clarified it was one of the "B" Street meetings. Mayor Cole asked if anybody knows. Avent said he thinks we had that discussion at one of the Redco meetings about the projects. Avent said we might want to check with Redco because isn't that what was in the "A" Street project is what Avent asked Butcher. Avent said he knows we had authorized some money for some engineering on the Redco project. Butcher added that when Weatherford was here there wouldn't have been any street work so it wasn't necessary so he doesn't know what this is. Butcher looked at the invoice and clarified, along with Mayor Cole, that it was for the town hall meeting.

Mayor Cole said he was wondering who approved and asked if anybody contacted them and had them come out. Butcher said he didn't remember doing that. Langford said he wasn't even at the meeting. Mayor Cole said he didn't go to that one either. Mayor Cole asked Avent if he contacted them and Avent said no. Mayor Cole asked Moon if he had Gibbs & Olson come out at all and Moon replied no, not his project. Mayor Cole asked Butcher to look into it and we won't pay it until we hear back from him.

Staff Reports:

Chief Griffith reminded Council about donut day.

Lockard reported that Thursday afternoon he got letters back regarding water rights extension pending a review in the middle of January we should have a two year extension on the water rights and at that time we need to go after permanent water rights and we will have two years to work towards that so they don't mess with the water rights of the Columbia River anymore and that is the only one that is in question. Lockard said we want to consolidate some of the water rights for Nice Creek, Fox Creek and as long as nobody has any objection or protests we will have a two year extension on that.

Lockard said there is a system in place regarding work orders and we will keep Council posted on that.

Lockard reported that he (Lockard) has done everything he could regarding Al Guist's driveway. Lockard said he is surprised Guist isn't at the meeting and recommended Guist bring the matter to Council and Lockard said he thinks Guist has other issues than just the sewer line going down. Mayor Cole stated he asked Guist if he wanted it put on the agenda and Guist never contacted him. Lockard said he knows Guist has a loud voice in the community so they may be hearing from him.

Dudley thanked everybody who participated and attended the tree lighting ceremony, it was a great success and we are already talking about what we can do for next year to improve upon it. Dudley said that one of the we have done between the City and the Chamber, sponsored by the Chamber, is they have extended the deadline for home and business decorations to December 20th, applications are at City Hall and Country Insurance.

Dudley reminded Council that the automated bill pay is up and running and there will be a link on the website but if you call in Staff will get you set up. Dudley said we are working on the website and we are trying to get all the minutes added to the website, there will be another link for minutes. Dudley said that everything that the City does is public record other than executive session so if anyone wants to review any of our documents they are available.

Mayor Cole asked Petersen if there was any reason for executive session tonight and Petersen stated no executive session was needed reported on the USG/Redco Rainier and hopefully there will be an agreement drafted and out by the end of next week. Nelson asked Petersen if the schedule is light would he recommend that Council deal with that at the next meeting. Petersen said he would have to see what's going on and then talk to the Mayor.

Council Reports:

Moon – said he gave his.

Avent – due to the current recall issue, Avent wanted to thank Moon and Langford for the years of hard work, effort and dedication to the community.

Nelson – thanked Budge for grabbing Hickory and View Street by the horns and he thanked the residents of those two streets for coming to the meeting and stated we will work towards coming up with a solution.

Vilardi – thanked everyone for showing up and it was good input.

Langford – stated at the last council meeting they went thru Lockard's evaluation and goals and he was asked to revisit the goals and sent them out on Tuesday to the Mayor and the other six Councilors and he only received two responses but no input on whether or not they even looked at the email or the goals so the emails he sent out to the Mayor has a list of goals and he got zero response from any other Councilors.

Butcher – thanked Devine for his statements, Moon for his hard work and dedication to the citizens of Rainier and bringing some resolution to the USG issue, and countless hours of research putting things together for the Council and got rid of some attorneys who were milking the system so hopefully we can put this behind us around the first of the year. Butcher thanked Langford for his public works involvement.

No executive session.

Mayor Cole adjourned the meeting at 8:20 PM.

Mayor Jerry Cole

Attested: _____
Debra Dudley, Recorder