

City of Rainier
Regular Council Meeting Minutes
March 5, 2012
Rainier City Hall
106 West "B" Street
Rainier, OR 97048

Mayor Cole called the meeting to order at 7:24 PM.

Council Present: Mayor Cole, Sloan Nelson, James Bradfield, Bill Vilardi, Mike Avent, Scott Cooper, David Sills and Council President Phil Butcher.

Council Absent: None.

City Staff Present: Debbie Dudley, Wayne Smith, Dan Foultnr, Darlene Lavelle, Gregg Griffith, Patricia Stanley and Bobby Jo Brusco-Harding.

City Attorney Present: Steve Petersen

Flag Salute: Boy Scout Mark Ontiveros led the flag salute.

Agenda Additions/Deletions:

Addition - Little League Equipment Use Discussion to New Business as "h".

Addition - Cooper moved, Nelson, 2nd to add attorney comments from the work session.

Motion passed unanimously. Mayor Cole added this as the first item under Unfinished Business.

Addition – Public Works liaison to Mayor's Address.

Mayor's Address:

Mayor Cole read the names of nine service personnel who have fallen since the last council meeting and a moment of silence was observed.

The Council accepted Butcher's verbal resignation as public works liaison.

Mayor Cole asked Bradfield if he would be interested in the public works liaison position and Bradfield said he is interested. Cooper moved, Avent 2nd, to appoint James Bradfield as the public works liaison. **The motion passed unanimously.**

Visitors Comments:

Al Guist, 109 West "D" Street, Rainier, OR 97048 stated public works tested the first couple steps on the ground slipping on West "D" Street and the tests came back negative. Guist said the problem is water coming down the hill and causing the soil to move. Guist suggested council consider a geo tech engineer look at the situation. Guist said the hillside is clay and there is a big sewer line embedded in rock and water is going to follow the rock before it goes into the clay, it continues to settle and said he would show

any of the councilors who wanted to look at it. Guist stated that since it is a City street and it is going to continue to be a problem.

Unfinished Business:

Attorney Comments from Work Session: Mayor Cole deferred to City Attorney, Steve Petersen, who reported to Council that through the efforts of Council, Darrel Lockard and his attorney there is a mutual understanding to end Darrel Lockard's employment agreement effective today, subject to Council's motion to approve and subject to written documents that he (Petersen) and Nelson (Lockard's attorney) will prepare. Nelson moved, Cooper 2nd, to accept the severance agreement as recommended by legal counsel. **The motion passed unanimously.**

- a. Approve February 21, 2012 Regular Meeting Minutes. Cooper moved, Avent 2nd, to approve the minutes. **The motion passed unanimously.**
- b. View Street Update – Smith reported the equipment was here and a time needs to be scheduled for installation of the pipe.
- c. “B” Street Update – Dudley referenced a letter in the council packets from Petersen. Dudley reported she spoke with Weatherford of ODOT and they will set up a meeting next week to discuss the right of way agreement. The Council will need to be involved because the cost of the property right-of-way acquisition is higher than originally anticipated. There is a possibility of needing to scale the project down. Avent asked if anyone has approached the property owners to see if any of them would be willing to deed the property and Dudley replied that ODOT was going to undertake that project but that will be discussed when they get together. Dudley added that Weatherford recommended a meeting with the council when he has firmer numbers; there is a recommendation for a change order on W& H Pacific due to additional work performed. Avent said it might be good for some of the council members to approach the property owners to see if they would deed those properties. Dudley reported that the City had spent around \$30,000 in the acquisition previously. Dudley said the new estimate comes in about \$80,000 more than what was originally anticipated. Cooper suggested Dudley give Avent the names of property owners for contact. Dudley stated the other agreements are all up to date and this is agreements is outstanding due to pending issues.
- d. “C” Street Slippage Update – No changes.
- e. Council Training – Dudley referenced the training information in the packet and asked the council members to email her with their request for specific training areas. The training can be customized to include various topics or follow the guideline presented by Tilton Consulting. Dudley stated the League of Oregon

Cities offers a lot of good information and that Mayor Cole has suggested planning a training seminar with other cities to defray the cost. Nelson suggested the training location might be split to accommodate other participating cities. Council directed Dudley to contact other cities to see if they would be interested. Mayor Cole suggested using the Rainier Senior Center and the training would be a few months away.

New Business:

- a. Approve the Intergovernmental Agreement for Motor Carrier Safety Assistance Program Federal Fiscal Year 2012 #28314 – Chief Griffith stated this is the same thing as before but ODOT requested it be signed again. Nelson moved, Vilardi 2nd, the **motion passed unanimously**.

- b. Approve the 2012 Dockage Permit & Agreement with American Cruise Lines, Inc. - The schedule was discussed, Dudley added that the City is in compliance with the rent amount as it relates to the OBM grant. Bradfield expressed concern over the condition of the dock and what modifications or needs the cruise line might have. Cooper suggested getting the dock spiffed up and getting all the repairs done. Nelson asked if any other places the cruise ship moors had been contacted regarding rates and Brusco-Harding she checked a year or two ago but did not check this year. Cooper moved, Butcher 2nd, the **motion passed unanimously**.

- c. Approve the Library Board Recommendations – Dudley deferred to Patricia Stanley, City of Rainier librarian, who stated the library board recommendations are in the council packet and the library board voted not to extend the library card fee waiver for out of city residents and as an exception the library board voted to authorize the librarian to grant hardship waivers to residents who cannot afford the cost of a library card. Stanley explained this was in place in the past prior to implementing the two year waiver and she was authorized to grant the waivers for those who could not afford the fee for the library card. Nelson asked how Stanley determined whether or not someone could afford the library card fee and she replied it was very informal. Stanley stated it is not just an automatic waiver but could be based on the patrons comment at the time the fee is discussed. Nelson asked how many waivers had been granted in the past and Stanley replied maybe ten or twelve a year. Stanley added that patrons have gotten use to not having to pay the fee for the past couple of years and she has been letting people know that when their library cards come due for renewal the fee maybe reinstated and there hasn't been any fuss from anyone about that. Stanley said the library board recommended Marcia Roberts, Richard Nick and Megan Keplinger be appointed as members of the library board. Stanley stated the library board discussed an overdue policy presented by the librarian and although the board

voted to approve the policy as presented she and Dudley discovered there were a few things that needed to be addressed before council approval so they are taking it back to the library board for further discussion. Dudley added that one of the things that needs to be addressed is the minimum amount before accounts are referred to collection. Stanley stated the library board accepted Janet Wade's resignation. Avent moved, Vilardi 2nd, to approve the library board recommendations regarding the fee waivers, the library board appointments and Wade's resignation. **The motion passed unanimously.**

- d. Discuss Little League Banner Request - Nelson said he asked the Little League President if there was anything they needed from the City and one of the concerns they had was selling banners to their sponsors and put those banners on the outside of the fence in the back of the field. Nelson said Little League had been told in the past that was not acceptable because of the visual obstructions of the river, park and trail. Nelson was told the banners would be off of the ground so weed eating would not be an issue and they would not be any taller than the outside of the fence. Mayor Cole said he would like to see something more concrete in writing to what they are proposing. Mayor Cole said he wants the banners to look professional and come down when the season is over and he would like to see that in writing. Mayor Cole said he would like it on the next meeting agenda as unfinished business. Avent asked if that could be a topic at the next work session and if somebody advertised they would be dealing with that issue. Mayor Cole said another issue is does it meet the sign code and Dudley referred to Brusco-Harding who stated she spoke with Don Mathison, City Planner, regarding the Little League banners and the City's sign code application and Mathison informed her he didn't see any problem with the banners, no application would be needed and he strongly suggested keeping the banners on the inside of the fence. Mathison said that with Little League it would be tradition and no application is needed. Nelson said that because time is ticking away and in an effort to move forward, the banners would be made of vinyl and a certain size. Mayor Cole suggested they approve it with the specifications at the next meeting that way if it is approved tomorrow they can start selling. Nelson clarified that tonight Council is okay with the signs, however there may be input with the size. Cooper said he wouldn't have a problem with the selling but before they hang the first banner or obligate themselves to one that they come back with the specifications. Avent said to make it for a year as a trial period because it's the people's park not just Little League's park so if next year we hear a lot of complaints we give them a one year usage and see if it works. Cooper moved, Vilardi 2nd, to accept the Little League sign program with the specs to come at a later date. Bradfield asked if the banners were going to be affixed to the fence and Nelson said they would be. Nelson said he would make sure someone from Little League is at the next meeting with the specs. **The motion**

passed unanimously. Dearl Taylor, 520 East “E” Street, Rainier, Oregon commented that Little League has two buildings currently at the park and it was his understanding they were supposed to be there for the season and then come out. Mayor Cole said the gentleman who owns the snack shack kind of signed it over to the City. Nelson said that Little League may be coming to the City with a proposal about actually constructing something on a permanent basis. Avent said that was a good point because if they make commitments and don’t live up to them that’s an important thing. Taylor commented he supports Little League but nobody else in town is allowed to put anything permanent in the park and they do block the view. Mayor Cole said that was a valid point. Mayor called for a **vote again and the motion passed unanimously.**

- e. Discuss Parking During Little League Season - Nelson said Little League wanted a clear definition of what was acceptable for parking during their events and hopefully Chief Griffith will be able to help with that. Nelson said that in years past parking was pretty much on both sides of the street and last year several people got tickets for parking on the no parking side of the street. Chief Griffith said he has seen children run back and forth across the street between cars and it is an unsafe situation and the way it has been done is not safe and not a good idea. Chief Griffith suggested a couple of different options without parking on the railroad side of the street and one option is takes in consideration an easement and to install a sidewalk and make a crosswalk between the two fields. Mayor Cole said the easement might encroach on that area. Chief Griffith said another option is to have them park on the other side of the sewer treatment plant for overflow parking and the third option is to have additional parking behind the marina parking lot, the barricades could be removed and people be allowed to park there during Little League season. Chief Griffith said it is closer and has a lot more room. Chief Griffith said that maybe one of the businesses would be willing to donate some rock money for that area. Mayor Cole said he would have to think about it because there is a park plan out and a big parking lot back there is not part of the park plan. Avent asked about the street between Lucas’ and the dental clinic as far as parking. Chief Griffith said you are not legally allowed to cross the railroad tracks with foot traffic. Mayor Cole showed Chief Griffith another area and Chief Griffith commented tires might sink in and Mayor Cole said he doesn’t like the idea of people driving in the park. Mayor Cole stated Chief Griffith’s recommendation was to not allow people to park on the other side of the street because it is unsafe so let’s just see how it goes. Mayor Cole said this is not an action item because there is already no parking.
- f. Consider Recommending the Granting of a Liquor License for Bridgeview Cafe - Avent moved, Cooper 2nd. **The motion passed unanimously.**

- g. Review and/or Approve “B” Street Agreements – already discussed.
- h. Little League Equipment Use Discussion – Chief Griffith stated that someone has given the Little League permission to use the City lawnmower to work on the field and Chief Griffith wanted to check with council to make sure they are okay with that, Sergeant Murphy would be the person using the mower. Foultnier said Little League has used City equipment in the past. Mayor Cole said he wants to make sure they are insured for that and Chief Griffith said he talked with Dudley earlier about that. Dudley said the City has a volunteer release of liability form. Avent said insurance is an important item but if we open it up to Little League then we might have to let other agencies use the equipment. Smith volunteered his time to help and Mayor Cole stated that until we can figure out a volunteer policy if they are a city employee he doesn't see a problem. Chief Griffith asked if Council was okay with Sgt. Murphy using the equipment if he signs the volunteer paper. Mayor Cole said he doesn't have a problem with people using the equipment with the betterment of the park and there could be some union issues. Mayor Cole said the City needs a policy regarding usage of City equipment. Dudley said we can get the volunteer forms signed but she needs to check with City/County Insurance about using the equipment.

Mayor Cole said that he wanted to put another item on the agenda but until the attorney item was taken care of he wasn't comfortable adding it until that one was taken care of. Mayor Cole added that currently in public works there is nobody in charge and if Council would put it on the agenda Dan Foultnier has the most seniority and if Council could figure out a way to make Foultnier foreman he would be the go to guy calling the shots. Mayor Cole said we need a go to guy and Council would put that on the agenda they could discuss it. Cooper moved, Vilardi 2nd, to add the discussion of making Dan Foultnier public works foreman on the agenda. **The motion passed unanimously.**

- i. Discussion on Dan Foultnier as Public Works Foreman – Mayor Cole said he foresees it as an interim position and asked Foultnier if he was interested in that position and Foultnier said he is interested in the position. Mayor Cole added that as a foreman he would be compensated as such on an interim basis. Avent asked that if and once a department head was hired would Foultnier go back. Mayor Cole said yes or maybe the department head or the council would say at that time that we need a foreman. Avent added that a department head might want the ability to hire a foreman. Mayor Cole said that was right and we don't know. Cooper said that he thinks Foultnier could be made interim until the department head position is filled and however we choose to fill that it would be the department head's choice on how to proceed. Avent wanted to make that clear and it isn't fair to Foultnier to say you are going to get that

position. Mayor Cole clarified with Foultnier that the position could go away at anytime. Foultnier said he understood and whatever they decide now has to be run by the union representative. Mayor Cole said that was right but what this would do now is give the council authorization to talk to the union and negotiate it. Cooper suggested to Dudley to get a hold of the contract negotiations group to take care of that negotiation for them. Mayor Cole said that with an interim position it doesn't have to go through the group. Nelson moved, Vilardi 2nd to enter into discussion and approval with the union to make Foultnier the interim public works foreman. Bradfield asked if there is a difference between foreman and crew leader. Mayor Cole said that was a different classification. Butcher added there is a lead person and also a public works foreman for the utility workers. Bradfield asked if the city had a lead already and Mayor Cole said that with the amount of responsibility we are talking about without there being a public works director right now there is a lot of responsibility and he feels it should be a foreman position. Bradfield asked if the foreman position was in the bargaining unit and if you are in the bargaining unit you are also in a position to lead, make decisions as to crew direction and that puts the person in the bargaining unit in somewhat of a precarious situation. Mayor Cole said that as a member of the bargaining unit he can direct the crew on what to do but what he can't do is take away their pay, he can't give them time off without pay and he can't fire them. Bradfield asked Foultnier if that put him in a strange position being a foreman in the bargaining unit and Foultnier replied that the crew we have gets along really well. Foultnier said he is sure it can be ironed out as we work through the union and he doesn't want to leave the union. Cooper said that basically we are trying to designate somebody in charge and if he is made lead he is still going to be the senior person. Mayor Cole said he thought that with the amount of responsibility Mayor Cole sees for Foultnier he wanted to make him a foreman rather than lead because it says a little bit more. Cooper said cautions because council tends to emotionally jump into these things a little further than we should. Mayor Cole said he was not being emotional about it. Mayor Cole said they have done similar things with supervisory positions within the union. Avent said that maybe we could make him a lead and find out where we are out and there is a meeting in a couple of weeks and we would know what the union position is. Cooper added Foultnier could start building the relationship with Dudley and the front office on work orders. Mayor Cole said he sees a big difference in lead position responsibilities versus foreman position responsibilities. Avent said we could make him a lead and then discuss it at the next meeting. Nelson moved, Cooper 2nd, to withdraw his motion. **The motion passed unanimously.** Cooper moved, Vilardi 2nd, to make Foultnier the lead over public works on an interim basis and have the discussion with the union. Bradfield asked if it could be added that the lead versus the foreman and the lead is basically until any issues get

worked out and once that is resolved it could be brought back to the council if there is a need. **The motion passed unanimously.** Mayor Cole added it was important that there was some sort of supervision. Mayor Cole, Avent and Nelson complimented the existing public works crew. Bradfield said he received a very informative tour from Foultners and Smith.

Staff Reports:

Chief Griffith – Columbia Enforcement Narcotics Team was involved in a case that involved a search warrant in Gresham that involved arrests and heroin.

Dan Foultners – Trying to get a handle on everything and get back in control, met with Scott Schulda regarding the water treatment plant and Schulda is encouraging the crew to get their testing done. There is an inventory on the street signs and bidding tomorrow on the marina bull rails.

Dudley – There was some discussion at the last meeting regarding goals and she wanted to give council a heads up on what some of the outstanding issues and projects are. She provided an extensive list detailing items that are being worked on, with some of the items having very specific deadlines. Dudley added some of the things must be done promptly, with one of the outstanding items being the Oregon Marine Board Audit; the City has until March 15th to address a number of issues in the audit or face possible financial consequences. Dudley added that the audit addresses outstanding maintenance issues from prior years. She will work with the public works crew to provide a maintenance schedule so the City can address what needs to be done, have a schedule and cost. She will make sure the City reconnects with OMB and improves our relationship. Dudley said there is water permits that need worked on, and there's the NPDS permit Foultners has started on and is due by July 1, 2012. Cooper added that on the goals it seems like too many times Council finds out what the lead time is on various permits, contracts and agreements and he would like to see those items in a staff report. Dudley complimented Foultners and Smith on starting the process of developing a central report that will identify all reports and their due dates for the wastewater and water plants. Mayor Cole complimented Smith in regard to the documentation paperwork regarding a recent issue. Mayor Cole stated asked if council had any questions regarding the list and to contact Dudley if they needed further explanation.

Council Reports:

Bradfield – Toured the City, Fox Creek and the reservoir and feels we are in good hands. Would like to see the City have use the water up there, it is an asset and figuring out how to get that done will be a challenge. Dudley reported that process has been started.

Avent – Liked that idea also. Asked if anyone had a problem with him and Nelson meeting with a federal judge on the 12th.

Cooper – Working to finalize phase II i.t. issues. We need to get productive email up and running. Thanked the public works crew for a great job.

Nelson – Put the application sign in front of City Hall in the building and there is a metal post in the ground that sticks up and he thought it might be an option to contact the sign person to build another sleeve that would slip into that slot and a picture of the City’s logo on both sides and then the side could stay up all the time, the cost was \$175. Cooper said that would be a nice idea. The pocket park on Fern Hill and West “C” Street has gained a lot of momentum and he would like that on the agenda for the next meeting. Nelson complimented Dudley and said that on Saturday he received a call from her saying that she had been working on some other projects and hadn’t got the packets out to Council but visited him on Saturday to make sure he was prepared and Nelson wanted everyone to know that the Council has somebody who has been putting in a lot of time. Vilardi - thanked Dudley for putting in a tremendous amount of time with the transition we have been going through, thanked the public works crew for taking care of things and keeping things going and as long as he has been on Council there is a different feel now, people are starting to gel, the office is starting to gel, public works is starting to gel, Council is starting to gel and this is what everyone has been working on to accomplish. Vilardi thanked the public for their patience and everyone’s vitality has been renewed for wanting to get something done in the City and it’s a good feeling and we are on the right course. Mayor Cole added that from his position listening to the debates there’s been some differences, issues have been voted on and when we are done everyone is leaving united and from where he sits the council members are doing a really good job. Butcher added he has the same sentiments and can now sleep at night knowing council had a unanimous decision on those things.
Sills – nothing that hasn’t been said.
Butcher – nothing more than previously commented.

City Calendar/Announcements:

The next City Council regular meeting is March 19th at 7:00 PM.
Amber Northwest will be at that meeting also.
Mayor Cole stated the presentations could start at 6:00.

Mayor Cole announced is no need for the two ORS executive sessions on the agenda.

The meeting adjourned at 8:50 PM.

Mayor Cole

Attested: _____
Debra Dudley, Interim City Administrator/
Finance Director/Recorder