

**City of Rainier
Regular Meeting Minutes
July 5, 2011
7:30 p.m.
Rainier City Hall
106 West "B" Street**

Meeting called to order by Mayor Jerry Cole at 7:30 p.m.

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

Council Absent:

City Staff Present: Lars Gare, Gregg Griffith, Wayne Smith, Patti Stanley, Bobby Jo Harding, Darrel Lockard and Debbie Dudley

City Attorney Present:

Visitors Present: Robert Lucas, Ron Lucas, Jason Kirschenmann, Hudson Garbage Service and Debbie Hazen, Clatskanie Chief

Flag Salute

Additions/Deletions from the Agenda:

Motion by Langford, 2nd by Moon to move item "D" Executive Session up to "A".

Aye: Moon, Langford, Butcher

Nay: Vilardi, Nelson, Cooper, Avent

Motion Failed

Mayor's Address:

A moment of silence was observed for our fallen soldiers. Mayor Cole announced that Rainier Days in the Park starts on Thursday at 3:00 p.m.

Visitor Comments:

None

Motion by Langford, 2nd by Butcher to approve the June 20th, 2011 Regular Meeting Minutes as presented.

Passed Unanimously

Motion by Langford, 2nd by Moon to approve the June 23rd, 2011 Regular Meeting Minutes as presented.

Passed Unanimously

"C" Street Slippage Discussion Summary:

Robert and Ron Lucas addressed the Council on the "C" Street issue. In a meeting with the City Administrator and City Attorney, they offered to share in the cost of the repair to the retaining wall and sidewalk with a 50/50 split. Each party is responsible for their own engineering costs. They have received 2 bids and are waiting for the third. The current cost projections are under \$50,000, using the City's engineered plan. The item will be brought back to the next meeting and will include the third bid.

Motion by Moon, 2nd by Cooper to approve the request from Hudson Garbage Service for a Pass-Thru Rate Increase for garbage service.

Aye: Moon, Cooper, Butcher, Vilardi, Nelson

Nay: Avent, Langford

Motion Passed

**Developing an Ordinance Prohibiting Smoking Within 25 Feet of Any Building
Discussion Summary:**

Langford requested the Ordinance based on citizen complaints, clarified that the ordinance would be for the Central Business District.

Nelson; why would the City impose a law that could be detrimental to already struggling business owners, the City needs to invite the businesses in for comment.

Avent; some businesses don't have sufficient area to even comply with the 25 foot restriction, Cooper; talked with Hector at El Tapito, Hector feels that this could be detrimental to his business and questioned why the City would make things more difficult for the businesses. Vilardi; currently the State has jurisdiction and is responsible for enforcement, if changed the enforcement would become the City's burden.

Motion by Moon, 2nd by Cooper to check with Rainier businesses for their input about increasing the no smoking to 25 feet in the Central Business District before Council takes action on a new Ordinance and check with the Police Department about enforcement.

Passed Unanimously

Library Issue Discussion Summary:

Gare; The City received one response to the RFP from the Rainier School District, their proposal is not an improvement from where we are at now, it is for less hours and more money. Gare has not rejected or accepted the District's proposal. Gare responded to the Union about their concern over the RFP and requested direction from Council about whether to re-advertise or drop the RFP. Avent with concurrence from the Council asked Gare to consult with the City Attorney about the validity of the RFP as it relates to the Union. Vilardi; talked with Carter, the District has not received any response from the City about the proposal and is willing to negotiate the proposal.

City Administrator Comments Regarding Proposed Executive Session:

Gare; was on vacation Thursday and Friday, "on Friday...I was informed that this item had been added to the agenda...I think I'm being blindsided...I had no input from anyone what so ever about this in advance, I don't know what the specific subjects are...for the past few month I have been attempting to operate in a very hostile work environment". "I'm being put in a position here...if I do this publicly my reputation's at stake, if I do it privately then the conversation takes a different slant...no indication from anyone here that there's any willingness to work out any issues...problems... because I don't know what they are, having said that, I'm inclined to do this publicly, I want it on the record. That's not a threat that's the way I want it."

Cole; "I wanted to make sure you had that option". At this time we will open it up for anyone who wants to take the floor.

Motion by Nelson, 2nd by Cooper to support a vote of no confidence and to terminate the City Administrators employment effective immediately.

Discussion Summary: Most of the Councilors confirmed that they like Gare on a personal basis.

Langford complained that he had not been included in the contract committee meeting with Gare and that there is no basis for this vote; he believes Council has not provided direction to Gare.

Cooper; doesn't believe that the contract committee or the committee meetings have any bearing on this action, the City needs someone to direct the department heads, needs someone to monitor things that are going on in the City, "I'm not going to list individual items, we ask for things, we wait for things, we wait for things, and we never really get a good answer on those things...two weeks ago we asked for a \$26,000 cut...the department heads haven't all met and touched this...concerned that we've spent \$9,600 for bark... and obligated ourselves to \$4,600 more when we're looking at how we can cut \$26,000, why didn't this get brought to us, why did it just show up as something we bought..." "I shouldn't have to ask him (Gare) something in a City Council meeting and then go ask him in private."

Avent; "I'm looking for somebody that wants to be a part of Rainier", "issues that I have...calls from the State saying why aren't your City guys getting back to me on funds that are available for black topping and stuff like that, I say call the City and they say they've done that and now we're calling you...our direction should come as a group not individuals and we give that direction here, there are a number of instances that we bring stuff up and it doesn't get dealt with...lack of confidence in the job getting done."

Cole; suggested review of goals set in December 2010, is most disappointed in the lack of progress on the community room. Gare; "the person that was taking charge of that dropped out". Gare believes he has provided recommendations toward achieving the goals listed and the City is moving forward on these goals. He does not have control if the Council chooses not to follow his recommendations or if the City does not have the funding to move forward on projects.

Butcher; "need leadership...somebody who gets behind a project, somebody who's got a lot more interest in the City of Rainier...turn over a new leaf...try to restart this whole thing".

Langford; "Gare has obtained a residence here; he uses his vacation every other weekend to go home". He has been a victim of the falling housing market and "working under what he considers a hostile environment" so why would he sell and move. How is the City going to pay his severance?

Avent; "we keep talking about this hostile work environment...if somebody asks a question and continues to ask the questing I don't consider that to be a hostile work environment". If Lars is renting a house here, why doesn't he rent the other house, move his family and be a part of this community.

Vilardi; "frustration about things not getting done"... "need better management"... "time for a change".

Aye: Nelson, Cooper, Avent, Vilardi

Nay: Moon, Langford, Butcher

Langford pointed out Ordinance #2.35.030 Removal, "may remove an appointive officer from office upon a two-thirds concurrence of such action by council" that's five votes.

Mayor Cole called for a 10 minute break to review Ordinance #2.35.030.

Mayor Cole reconvened meeting at 8:45 p.m.

**Motion Failed due to Rainier City Code Title 2, Chapter 2.35, Section 2.35.030
Mayor Cole will confer with Legal Counsel to confirm his ruling.**

This issue will be brought back to the Council for further discussion after consulting with the City Attorney.

Avent; can you make another motion, can you make a motion to change the Ordinance, “there is a vote of no confidence by the majority”, “this Council better think about it... are you representing the people” “this City right now is in crisis, you’ve got a person that has lost the confidence of the majority of this Council and for what ever reason we’re not dealing with it, and any Council member that can’t put their own petty thing aside and vote for the maintenance of this City, is to me...an issue that we’ve got to deal with.

Langford; “I concur with you, both sides”.

Cole; I don’t know the answers; I hope you understand process is important; I’ll get the answers and bring them back to you. The motion passed but the Ordinance appears to over-ride the motion.

Gare; the Ordinance has stood since 1952, the 5 to 2 vote is a good idea, this 4 to 3 business needs to stop, you don’t change the code because you don’t like the outcome.

Motion by Avent, 2nd by Cooper to place the City Administrator on paid administrative leave. Discussion Summary; Council has not done evaluations, not a good use of the public’s money, make up a list of what needs to be fixed, no confidence vote based on three years of performance history. Cole questioned why the School District’s Library proposal had not been opened, then distributed the proposal to each Council Member. Gare stated that he reviewed the proposal on the School District website and that the details of the proposal shouldn’t be discussed in case the City decides to advertise for more proposals. The Council was reminded that the proposal is on the District website.

Nay: Langford, Moon, Butcher, Vilardi

Aye: Avent, Nelson, Cooper

Motion Failed

Staff Reports:

Lockard – What authority do I have in making repairs in the Park, are we supporting Days in the Park or not? Vilardi; if over \$5,000 you are suppose to get quotes.

Lockard; “we went out to three different places”. Avent; things need to be budgeted.

Cooper; we asked Lars to work with the department heads to cooperatively work together to find ways to save money. Lockard; yes or no?

Griffith – New Police Reserve Officer on staff, a fishing pole will be raffled with proceeds going to the Ralph Painter Memorial Fund.

Gare- Not a micro-manager, I have a long experience in leadership and management, I have good people so that means I don’t have to breath down their necks, my job is working with them, my style may not be what you prefer, but we get good results, I take exception to the comment about not living here, I live here. I don’t want to be an absentee landlord.

Council Reports:

Langford – Recognized the employees of Rainier that served in the armed forces; Lockard, Gare, Griffith, Smith, and Borders. Lots of improvement needed, it's Council's responsibility. The vehicles in the lot that the City owns next to the Eagles need to have the 2 hour parking enforced.

Vilardi – The bathroom at the park needs work, we need to identify the project.

Nelson – The Little League may be coming to REDCO to partner for the bathroom improvement project. I hope the message was received the majority of the Council is not happy; "Lars, I would hope that you would get together and say how can I make this better".

Cooper - Thanked Cole & Willie Thayer for their work on Rainer Days, everything is coming together, will say what he thinks and be honest with everybody, a lot of discontent, need to get the City headed in a positive direction, whatever it takes to accomplish that, need to move forward and be a team.

Meeting Adjourned at 9:30 p.m.

Jerry Cole, Mayor

Attested: _____
Debra Dudley, Recorder