

**City of Rainier
Regular Meeting Minutes
September 19, 2011
7:00 p.m.
Rainier City Hall
106 West "B" Street**

Meeting called to order by Mayor Jerry Cole at 7:00 p.m.

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

Council Absent:

City Staff Present: Darrel Lockard, Greg Griffith, Darlene Lavelle, Halya Ricker and Debbie Dudley

City Attorney Present: Steve Petersen

Visitors Present: Michael Carter, Angie Cooper, Jewell Lavelle, Mitch Ricker, Brian King, Debbie Hazen, Clatskanie Chief and Marqise Allen, Longview Daily News

Flag Salute

Additions/Deletions from the Agenda:

Motion by Cooper, 2nd by Vilardi to add contributing \$1,250.00 to the Columbia County Economic Team to the agenda.

Passed Unanimously

Motion by Cooper, 2nd by Vilardi to delete the forensic audit discussion from the agenda. Discussion Summary; Moon; I'd like to turn in these signatures that were received by the City, hand those to you, and would like to proceed with the forensic audit. Cooper; how many signatures did you get? Moon, almost a 100. Cole; have these been validated as City residents or are they just general? Moon; general. Avent; what I would ask, we are doing an audit here in a couple of weeks to finish up what we have already had, could we have Mr. Moon's concerns brought up with the current auditors and see if those questions get answered, if not then bring this back, is that a possibility? Cooper; sure. Cole; I'm sure you can ask them to go as broad as you want. Cooper; I actually spoke with Pauly, Rogers and asked them that same thing since they were going to be doing an audit within weeks, and they stated we can direct them to increase the sampling, investigate anything, it's a matter of us making a statement to them to examine deeper. Moon; we're not looking for any fraud; we're just looking for where the money is. Vilardi; forensic is usually associated with fraud; I would like to know what agenda you're following, what this petition is? Moon; there's other people in the community that are interested in finding out where the money is. Vilardi; why wasn't this discussed with Council? Avent; we're going through the expense now, if the questions aren't answered to Russ's concern, we can bring it back, give the auditors the authority to look at areas, let them tell us if we need to go further, I don't know enough information to make a decision, maybe those concerns can be addressed. Could we authorize Pauly Rogers to set down with any Council member that has concerns?

Rainier City Council
Regular Meeting Minutes
September 19, 2011
Page 2

Cole; we'll get information from Pauly Rogers before they get the green light, I don't want them bombarded with individual Council members.

Nelson; I think we need to make sure, as we have been reminded in the past that we act as a group, not individuals and if someone in the group wants to voice exactly what they are looking for, voice it and as a group we'll ask them to do that.

Langford; that's the pot calling the kettle black.

Nay: Moon, Avent, Langford

Aye: Butcher, Cooper, Nelson, Vilardi

Motion Passed

Motion by Cooper, 2nd by Vilardi to delete the Public Works Director's contract from the agenda. Discussion Summary; Cooper; delete due to the union contract negotiations. Moon; what does his contract have to do with the union, he's not a union member, it's an individual contract. Langford; the contract was supposed to be taken care of in July, there is no need to delay it, if there's questions stand up and ask them.

Nay: Moon, Langford

Aye: Butcher, Cooper, Nelson, Vilardi, Avent

Motion Passed

Mayor's Address:

A moment of silence was observed for our fallen soldiers.

I would like to remind the Council about the Council Rule's adopted September 20, 2010. I would like to raise your awareness on 3.2, Council etiquette, no Council Member will ever chastise, denigrate or criticize any City Employee, the Mayor, members of the public or fellow Council members during an open Council meeting. If attempts to deal with personnel problems in private two-way conversations fail, then the Council Member shall petition the Mayor to convene a full Council Executive Session to deal the problem. In no case shall a Council Member deal with any City employee personnel problems except through the Mayor or the City Administrator. The chain of command must be observed. Be nice, we can disagree, those 15 names I just read died so we can disagree. We need to keep order when we disagree, no name calling, no chastising.

I'm providing copies to everybody, please read it. One thing we haven't done is appoint a Sergeant of Arms. I will entertain a motion for a nomination for a Sergeant of Arms.

Motion by Cooper, 2nd by Nelson to nominate Bill Vilardi as Sergeant of Arms. The term will end January 2012.

Passed Unanimously

Visitor Comments: Michael Carter; as a citizen I appreciated you admonishing the Council on conduct, at the last meeting I was appalled, people were calling each other names and telling people to shut up, I don't think there's a place for that publicly, I think you have rules and policies, we thank you for your service, it's a difficult job, I don't envy any of you, also I appreciate you following the agenda items, not adding things at the last minute, because at the last meeting we had things blindsided to everybody in the public and I think it's important we kept everything public, in executive session if you want to yell at each other feel free to do so, publicly we thank you for your professionalism and service, it a difficult job, thank you for your service, if there is anything we can do please let us know. Invited everybody to the high school football game, they are paying tribute to Ronald Regan.

Rainier City Council
Regular Meeting Minutes
September 19, 2011
Page 3

Allen Harrison; I am the owner of the deli store, I would like to know what the protocol is, there has been a leak next to the handicap parking spot, it's been there for 1 ½ months, I have spoken to a few people, it seems like it would be in the City's interest to fix this.

Motion by Avent, 2nd by Cooper to approve the September 6, 2010 Regular Meeting Minutes as presented.

Passed Unanimously

"C" Street- Moved to Executive Session

Motion by Nelson, 2nd by Vilardi to terminate further action on the proposed Ordinance to Prohibit Smoking within 25 feet of any Front Facing Building Entrance in the CBD Zone. Discussion Summary; there were 31 responses, 7 in support, 24 opposed.

Langford; requested the opportunity to review the survey responses, Moon; requested that the individual making the motion not have a business downtown that smoking is involved in. Nelson; withdrew his motion, Butcher; restated the motion, Moon 2nd the motion. Langford; disagreed with business owners voting more than once and mentioned there are surveys not signed. Dudley; explained that all business owners and property owners were given the opportunity to vote for each property location. Butcher; the state already has a law with the owner responsible, why would you want to pass a City Ordinance and take the owners responsibility out, I don't understand that and pay the police department to enforce the ordinance on top of it. It doesn't make good logic to me. Moon; call for the question.

Aye: Moon, Cooper, Butcher, Nelson, Vilardi,

Nay: Langford

Abstain: Avent

Motion Passed

Langford; Mike why are you abstaining? Mike, it might be an issue.

Update on Rivers Edge Mobile Home Park:

Dudley; the gas issue has been resolved, working with Lockard on rate structure and SDC's. The company has requested that the SDC's be amortized, when the final numbers are available we will bring back for Council action.

Motion by Nelson, 2nd by Cooper to accept the bid from TFT Construction for the SCA/ARRA grant paving project in the amount of \$80,279, pull the additional money from the Timber Fund. Discussion Summary; the extra amount was not budgeted, the budget is an estimate and can be adjusted, concern about incurring additional expenses.

Failed Unanimously

Motion by Avent, 2nd by Moon to accept the reduced bid from TFT Construction for the SCA/ARRA grant paving project in the amount of \$49,990.

Passed Unanimously

Update on Redefining Organizational Structure:

Cole; I've obtained more names of companies who provide the service that I am researching, one thing I was thinking of was have a committee to do a model one what

Rainier City Council
Regular Meeting Minutes
September 19, 2011
Page 4

we might be looking for, what works for us. Langford; what is the goal, are you going to change from City Administrator to another thing, if we do go that route, that requires a vote of the citizens, that's not something we can make a decision on, my opinion is we stay with a City Administrator, if we start now, by the time the debt runs out we can have the entire process completed so we have a new City Administrator. Cole; I'm going to stop you right there, your crossing that line into the City Administrator discussion over organizational structure, your talking about the hiring process. Langford; I think it's combined, we need to figure out what we're going to do, we need to move forward instead of sitting on our thumbs. Dudley; the code identifies a Recorder not a City Administrator, so it's not going to require a vote of the people to make any changes. Butcher; LOC can help. Cooper; the LGPI can also help. Avent; we need to get the process started. Cole; this item will be placed on the next agenda.

Motion by Moon, 2nd by Langford to approve the contribution to Columbia County Economic Team in the amount of \$1,250.00.

Passed Unanimously

“B” Street Update:

The engineer is hopeful the bids may come in under the projection. The City needs to prioritize what in the scope of work will be if we need to reduce the project, what component of the project to remove and what, if funding allows to add back in.

The topic was moved to the next work session, to allow for more comprehensive discussion.

Motion by Butcher, 2nd by Avent to allow Dale Gallien to use Watershed Street and one of the spur roads that run from Watershed Street, during his timber harvest. Mr. Gallien will be required to sign a hold harmless agreement, fix the road to the same condition as before his use, concurrence with Bryon Ricket and purchase a bond for the road repair.

Passed Unanimously

Staff Reports:

Lockard – need to work on a sludge disposal plan, staff is attending training this week and next, what is the status of my contract, Avent; what timeline are we looking at to get the projects done? Lockard; the next 60 to 90 days. Nelson; have we looked at the water leak down at the deli store, when are we going to get to it? Lockard; we have other higher priorities; it has not been a top priority.

Dudley – working on getting the resolution for Conrad Wood, rates and requirements, scheduling training for online bill pay, lastly we have been receiving some inquiries and concerns about the City raising taxes, how I've addressed this is explained that the City is not authorized to raise City taxes unless it goes to a vote of the people.

Council Reports:

Vilardi – I'm upset over the whole petition, certain Council members want to take it upon themselves to have their own agenda, that's not the majority of this Council, we need to make it known that the newspaper has been misinformed about the specifics on that also, maybe we should contact them and get another article written in the paper if we can, I don't know what we can do about it now.

Nelson – I concur and would like to remind everybody on Council, we're in litigation it would be nice not to see numbers and things in the paper, those actions do more harm than good.

Rainier City Council
Regular Meeting Minutes
September 19, 2011
Page 5

Avent – would like to get the rest of the Council to support looking at the way we account for vacation pay, if we have a department head that comes in for an hour and in gone the rest of the day, how's that reported, come up with a policy.

Cooper – I concur with Bill, Sloan and Mike on all three of the items.
Butcher – City/County dinner on the 27th ant the Elks Lodge.

ORS 192.660(2)(h) Consult with counsel concerning legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

Meeting Adjourned at 8:45 p.m.

Jerry Cole, Mayor

Attested: _____
Debra Dudley, Recorder