

**City of Rainier
Regular Meeting Minutes
October 3, 2011
7:00 p.m.
Rainier City Hall
106 West "B" Street**

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

Council Present: Mayor Cole, Phil Butcher, Sloan Nelson, Russ Moon, Scott Cooper, William Vilardi and David Langford.

Council Absent:

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

City Attorney Present:

Flag Salute:

Additions/Deletions from Agenda:

Motion by Cooper, 2nd by Vilardi, to delete item F since it was discussed in the work session and more information is going to be provided. Avent asked if there was some kind of a time frame to look at it and Cooper replied it would be at the next meeting. Langford said he felt it should be discussed now since there are council present at the regular meeting that were not present at the work session. The motion failed.

Mayor's Address:

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

Mayor Cole assigned Langford and Vilardi as an exploratory work group to discuss the Public Works Director's contract with Darrel Lockard to see what his thoughts are regarding his contract.

Visitors Comments:

Paul Langner, Teevin Bros. Land & Timber Co., 29191 Dike Road, Rainier, Oregon 97048 stated that Teevin Bros. has been recently been receiving noise complaints and the police have been called out regarding the noise complaints. Langner said there has been some concerns that people may misunderstand what is going on since they (Teevin) has had a debarker in place for 15 months now and it isn't making any more noise than it ever has yet all of a sudden they are receiving noise complaints. Langner extended an invitation to council and anyone else to listen to the debarker. Langner stated they have not been operating after 11:30 at night for at least a month and doesn't anticipate operating after 11:30 at night through all of first quarter of next year. Langer stated they were approved for a second debarker; however that will not be installed for at least a

year. Mayor Cole said he was going to take Langner up on the invitation. Langner said about once every three weeks they will have trucks going in and out until 2:00 a.m. Langford said Langner has been worked very hard and he knows that Teevin is very open to the public to know what's going on. Mayor Cole said that Teevin's responsiveness to complaints is very good and he commended them.

Amanda Younger and Mike Kreger stated the Pumpkin Festival planning was going well, they have t-shirts for sale and they would like council approval to have a truck or treat parade at 3:00 p.m. for this year's festival on October 29th. Cooper moved, Avent 2nd, to approve the parade request. Nelson clarified with Younger that candy would not be thrown during the parade. Younger asked if Sherman Brothers could park a flatbed truck in the park overnight and it would be used for the festival. **The motion passed unanimously.**

Robert DuPlessis, 111 East "C" Street, Rainier, Oregon 97048 asked what the update was of the "C" Street slippage because he was under the impression a couple of months ago the project was moving forward and then at the last council meeting he heard there was a litigation issue again. Mayor Cole stated that if no one minded he would address item "C" of Unfinished Business now to give DuPlessis and update. Mayor Cole stated the project is moving forward and the City is in the process with the City Attorney of working out a hold harmless agreement. Mayor Cole said the property owner has submitted a check over \$20,000 to go towards the project. Mayor Cole said the project is moving forward but not quite as fast as he had hoped.

Unfinished Business:

- a. Approve September 6, 2011 work session meeting minutes. Cooper moved, Butcher 2nd, **the motion passed with Langford abstaining.**
- b. Approve September 19, 2011 regular meeting minutes. Nelson moved, Cooper 2nd, to approve the minutes. Langford said the minutes were not included in his packet and he didn't have time to review them, Dudley said they were in his box. Nelson offered to withdraw the motion. The motion failed and the minutes will be added to the agenda for the next meeting.
- d. Rivers Edge Mobile Home Park Update. Dudley stated she knows Lockard has been in contact with the consultant and the engineer and will provide additional information at the next meeting. Langford said he knows Lockard has spoke with them.
- e. Update on SCA/ARRA Grant. Mayor Cole stated that West 2nd and West 3rd were paved as part of that grant and about \$9,000 was left over because the bids came in under and they are researching whether the \$9,000 can be rolled over to next year's project.

f. Redefine Organization Structure Update. Cooper stated when the City Administrator was terminated there was a lot of discussion as best how to proceed and it was decided to take a look our governmental structure, wages, staffing, and benefits to see how the City compares to other Oregon cities of similar size. Cooper stated the LOC (League of Oregon Cities) recommended the LGPI (Local Government Personnel Institute) for this and they suggested contacting retired City Administrators to see if they could offer these types of services, we haven't got any names from the LOC yet. Cooper stated the LGPI came back with a proposal on how they would study Rainier, the staff, the positions, job descriptions, and contracts. The Council has in front of them the LGPI proposal. Cooper stated that part of the intent was just to see what all would be involved in doing something like this and the cost of the study. Cooper said the cost on the complete proposal from LGPI would be \$23,146 which is spendy but it does give the City a good template and good source for an RFP. Dudley will be contacting Oregon State University and Portland State University to see if their internship programs could offer assistance with this project. Cooper mentioned PSU helped 911 do their study. Cooper said he and Dudley will pursue these ideas. Cooper said he would like Council to go through the information and see if there are things they would like to know about, are there things they don't really care about, suggest additions and deletions, then the Council could agree on a scope of work for the project. Avent said it comes down to money and funds, where we are with the \$21,000 they were to come up with in the budget. Dudley stated the purpose of this proposal was to facilitate a discussion and the scope of work includes more than the organizational restructuring. It also includes, as discussed previously, providing the City with help negotiating the union contract, using an outside agency to do a comparison with other municipalities with regard to salaries, benefits, etc. All of this is included in the information from LGPI which is a very comprehensive proposal. Dudley added that the council can pick and choose different components of the proposal. Additionally staff is checking on funding sources, grant programs, and internship programs through the universities. Langford stated he was concerned with the time frame involved being 12 months down the road for a city administrator.

g. Approve Scope of Work for the "B" Street Project. Dudley stated Tom Weatherford from ODOT attended the work session to talk about components of the project. Dudley stated that a month ago WH Pacific was at the meeting and provided their recommendation on what to take out of the project due to a potential funding shortfall. The Council needs to identify what components to take out of the project and what the priority is to put back, if the bids come in under the engineering estimate. Nelson asked if there would be a problem if we hold them up a month. Dudley stated that in talking with Weatherford the City has at least a month to make a decision. Nelson said that will give the City more opportunity to decide on a direction and Avent agreed. Mayor Cole said that if bids come in under, what is the priority to put components back in the project? Dudley said based on WH Pacific's recommendation at the last meeting, potential items were identified as things to remove and if the bids come in under or if there is additional funding the City needs to prioritize what to put back in. Mayor Cole asked out of all the

things that are being eliminated what would be the number one thing to put back in and lighting was discussed. Moon said he didn't have enough information and Avent stated lighting was a priority but he would like to study it more. Mayor Cole said the stamping would make it look good and Cooper said that some trees would be a priority. Dudley said the full scope of the project included 55 trees and the reduced scope is 35 trees. Cooper was concerned about the maintenance. Butcher said that Weatherford said they are running a couple of months behind so there is some leeway and he wanted the City to figure out a project leader for Highway 30. Dudley said ODOT would like a staff person as a contact and a "drop dead date" was identified for the project to be out to bid by October, 2012, so it is imperative to get the decisions made. Mayor Cole asked what the time frame was for a contact person. Dudley replied that they have been sending emails to her, she reviews them and insures that actions item are being completed and provides copies to the Mayor. Langford stated and moved the project manager needs to be the Public Works Director. Cooper agreed. Mayor Cole said that to show good faith and to show ODOT the City is moving forward he suggested Lockard be named as the staff contact, Project Manager. Cooper 2nd the motion. **The motion passed unanimously.** Dudley said she will contact Weatherford with that information and Mayor Cole stated if they need another contact person he would be that person, with Lockard being the staff contact person. Mayor Cole asked if anyone else would be interested and Langford said he would and he would work with Lockard. Mayor Cole advised Dudley to cc him and Langford and Langford would keep Dudley in the loop in case there is any time sensitive information, but they would technically make Langford the Council contact person. Motion by Cooper, 2nd by Vilaridi for Langford to be the council contact person. **The motion passed unanimously with Langford abstaining.** Butcher said that when the City did the wastewater treatment plant they had a consultant review the steps and processes and asked if they were going to have a consultant this time. Dudley said that ODOT normally fulfills that function and when we get closer we can ask for ODOT's recommendation, an outside consultant may increase the cost significantly. Butcher said he would like to see the Council appoint someone independent of ODOT to look at the project, maybe a retired ODOT person that could provide some guidance. Mayor Cole stated that if Butcher could find someone like that to let Council know. Cooper said he would recommend that by next meeting to decide what Council doesn't want in the project and what they would like to add back in. Mayor Cole said to carry the scope of the project over to the next meeting as unfinished business and for Council over the next two weeks decide what they would like to see and to check with other people like neighbors.

h. Public Works/Clerical Contract Negotiation Update. Mayor Cole said he would give an update in Executive Session.

i. Discuss Pauly, Rogers and Company Scope of Work. Dudley provided the following memo; As discussed at our September 19th meeting, our independent Certified Public Accountants will be here during the week of October 10th to complete their annual audit

for the fiscal year of 2010/2011. They were here during the week of May 23rd, for the first phase of this annual process.

In response to citizen concerns and to restore public confidence in the City, the City Council and City Employees and after concurring with Greg Koberlein from Pauly, Rogers and Company, I am recommending that the City expand the auditing engagement to encompass, at a minimum, the following areas:

The additional engagement items which will include the following tests performed with respect to transactions between the City of Rainier and REDCO from 2007 – present.

1. Obtain data dump directly from City accounting records and review expenditures for payments made to the following:
 - a. REDCO
 - b. Rainier Economic Development Council
 - c. Cash
 - d. Administrator/Department Heads
2. Review supporting documentation for expenditures noted in above testing.
 - a. Review invoice or Purchase Order for proper authorization.
 - b. Examine cancelled checks to ensure they are signed in accordance with City policy.
 - c. Review all Administrator/Department Head payroll checks for accuracy to ensure amounts are in accordance with approved salary.
3. Trace payments made from the City of Rainier to REDCO.
 - a. Review REDCO bank statements to ensure that amounts were properly received.
 - b. Review cancelled checks to ensure they are signed in accordance with City policy.
 - c. Compare payments made to Intergovernmental Agreement for accuracy.

Please identify any additional areas to be included in the expanded scope of work by completing the “Governing Body Questionnaire” that all members of the City Council received on May 23rd by email from the auditors. This questionnaire provided an opportunity for the Council to identify or express concerns directly to the auditing firm. I have attached a copy for your convenience.

Requesting authorization to proceed with the additional services, not to exceed \$5,000, without prior approval.

Discussion Summary; Mayor Cole asked when the work would be started and completed? Dudley replied that the auditors were here for almost a full week on May 23rd, during that period they tested the payables, receivables, looked at every bank statement reconciliation, looked at every month’s payroll, the 941’s which are the federal payroll tax reports and they also looked at the payables register for the full year. Dudley explained how they select random months for review and follow the transaction from the beginning to the end, receipts, the entries into Springbrook, the bank statements, etc. When they return on October 10th they will finish up the testing and start preparing the annual financial statements, they audit our financial records and prepare the audited annual financial statement. It may take approximately 30 days to prepare the final report.

Dudley has asked the CPA's to come back and present the completed report to the Council. Moon asked if the financials and the audits had been completed for 2008, 2009, 2010 and 2011. Dudley said 2008 thru 2010 had been completed and 2011 is what they are working on. Moon said he would like to see those, 2009 and 2010. Dudley asked for any other questions and said the expanded scope of work will clarify issues from the last Council meeting and she feels it is an important step to restore the public's confidence. Mayor Cole asked if everyone was happy with the expanded scope of work and if they saw anything they would like added. Moon said that with that statement they probably better go back to 2007 where all this started. Dudley asked if that meant the expanded scope of work because it was already included. Moon said no, the annual financial and the audit. Dudley said the proposal is to go back to 2007 through current period. Moon said he wants to see 2007 and 2008. Dudley said she would have thought they would have received them and asked if anyone else wanted copies, no one else requested a copy. Mayor Cole said they had already received them. Dudley said she would make sure Councilor Moon received the copies. Nelson asked if the additional scope of work was to be accomplished for less than \$5,000. Dudley said yes, when she spoke with Greg from Paul, Rogers he estimated they could do it for a couple of thousand. Cole; alright if everybody is happy with the expanded scope we'll move on to new business. Dudley; May I have a motion please to except the expanded scope. Cooper moved, Avent 2nd, to accept the expanded scope of work for Pauly Rogers and Company. **The motion passed with Langford voting nay.**

New Business:

a. Approve Resolution to Extend Workers Compensation to Volunteers. Nelson moved, Vilardi 2nd to approve the resolution. Butcher asked what the cost was, Dudley said she wasn't sure but we do not have a choice if we are going to have police reserves. This subject came up when she discovered we were allowing individuals to work off their fines through a court work release program. Dudley said the cost is not significant. **The motion passed unanimously.**

b. Community Garden Discussion – Pastor Carolyn Bowers. Bowers explained she and Jan Reed have been working on this project as a community garden and they are now working with School Superintendent, Michael Carter, who has been working simultaneously for a school garden. Bowers said there is a ten acre plot near the school that will be developed into a school garden and a portion of that will be set aside for a community garden. Bowers said about 20 rows will be set aside for a community garden and about 8 of those rows will be set aside for HOPE. Bowers said details are being worked out with a community garden board. Bowers said the community garden will be all volunteers with the idea to give kids some outdoor activity and where does their food comes from. Bowers said where the City could help is promotion and maybe it could be promoted in the water bills and on the City website as they get further along in the process. Bowers said when they get further along, probably January, they will be back to

give an update status. Moon asked Bowers that at the update if there is anything else needed could they let the City know. Avent thanked Bowers and Reed for their efforts.

c. Approve Resolution setting Conrad Wood Products Rate for One Year. Langford moved, Moon 2nd to approve the resolution. **The motion passed unanimously.**

d. Approve Contract with Payne Reforestation for the Application of Herbicide in the Harvested Area. Langford moved, Avent 2nd, to approve the contract. **The motion passed unanimously.**

e. Accept the Recommendation From CBR Forestry LLC (Byron Rickert) to Delay Timber Harvest From This Fall Until Spring 2012. Moon moved, Langford 2nd, to approve the recommendation. **The motion passed unanimously.**

f. Consider Release of TFT Construction, Inc. From the 2006 Subdivision Maintenance Bond Requirement for the Riverfront Estates Phase 2. Nelson moved, Moon 2nd, to approve the release. **The motion passed unanimously.**

Staff Reports:

Mayor Cole asked Langford if he had spoke with Lockard about anything he wanted brought up. Langford stated they talked about the \$9,000 on the project and also about a chlorine issue that was not a leak in response to a citizen report. Langford stated the tests came back correct within the correct amounts and there haven't been any problems with the water plant with chlorine. Langford said Lockard will be back for the next meeting.

Mayor Cole reminded everyone that gets calls, complaints and positive things from the community members regarding departments to make sure to FYI Langford and Mayor Cole and to make sure communication is there since Langford is the liaison for Public Works. Langford said that whoever is a department liaison should be contacted and everyone try to communicate.

Chief Griffith stated that last week Officer Larson and Sgt. George from the Sheriff's Office received life saving awards from the Marine Board. Chief Griffith stated a couple of Reserve Officers helped out at the last high school football game for peacekeeping purposes and their time will be reimbursed. Griffith said he is in the process of forming a reserve association, non-profit, so the money they get can go into an account for vests and other equipment.

Dudley said she attended a meeting last Thursday with some of the other agencies within Columbia County to look at various ways to save money. One of areas being explored is co-op purchasing. Michael Carter from the school district had headed up co-op purchasing for fuel and at this point they are checking with the state to see if the state has a program. We are also looking at other types of supplies to see if everybody can use one

vendor to purchase their paper products, fuel, etc. for a significant savings. More information will be provided at a later date. Dudley said that one of the other things and she is sure that Lockard is working on this too that as an agency we do work through the state purchasing program, to purchase various types of products since they have already identified the lowest bidder. Dudley addressed the comments from Councilor Langford about the smoking survey data being manipulated. Dudley stated that staff had disclosed that the survey was going to be sent to all businesses in the CBD zone. Business owners with multiple businesses were not excluded. Dudley said that even if the multiple business owners were excluded there were more votes in opposition than in favor.

Council Reports:

Langford – none.

Vilardi – none.

Nelson – none.

Cooper – searching for a new web host for the City’s website because the present webmaster has become nonresponsive. Dudley said the individual who used to serve the City has joined the City and is not available. Dudley said she has a couple of prospects and she will get together with Cooper regarding them.

Avent – attended the LOC conference and met a lot of interesting people and has some contacts for Cooper regarding websites. Also met some veterans and told them the City has an advocate for veterans. If anyone has any questions about the classes he attended he encouraged them to contact him.

Butcher – “A” Street is being televised and the sewer is full of rocks but the lines weren’t broke. The rocks were pumped out and he understands there are rocks showing up at the sewer plant. Submitted some safety audit information.

Executive Session:

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.

ORS 192.660(2)(d) To conduct deliberations with persons designated by the governing body to carry on labor negotiations.

Meeting adjourned at 8:45 p.m.

Mayor Jerry Cole

Attested: _____
Debra Dudley, Recorder