

City of Rainier
Regular Meeting Minutes
October 17, 2011
7:00 p.m.
Rainier City Hall
106 West "B" Street

Meeting called to order by Council President Phil Butcher at 7:01 p.m.

Council Present: President Phil Butcher, Sloan Nelson, Russ Moon, and David Langford.

Council Absent: Mayor Jerry Cole, Bill Vilardi, Scott Cooper and Mike Avent.

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

City Attorney Present: Stephen Petersen

Additions/Deletions from the Agenda: Nelson stated he wasn't comfortable voting on something that has a lasting impact. Nelson stated that he thinks the court clerk needs more council involvement than four council members. Item h. Court Clerk was tabled.

Moon stated that item f. Approve Scope of Work for the "B" Street Project hasn't had the business people involved in yet, Gibbs & Olsen and the City Attorney. Nelson said he would like to see the Council move forward tonight as far as involving more people rather than wait another two weeks. Moon moved to get more people involved. Butcher asked if that was alright with everybody.

Mayor's Address: None.

Visitors Present: Dudley stated that Rachael Barry-Dame, Executive Director of the Women's Resource Center called and was going to try to attend the meeting. If she was not present she requested Dudley to provide the following information to the Council on her behalf. Dudley read from a September 20, 2011 press release provided by Barry-Dame that the Women's Resource Center is partnering with the Ol' Pastime Tavern to provide a fund raiser for the Columbia County Women's Resource Center. Dudley read the following: Come out and enjoy bingo every Friday night at the Ol' Pastime in Rainier to benefit the work of the Resource Center. From 6 to 8 pm on Fridays the Ol' Pastime is hosting charitable Bingo games with the kick off on Friday, September 30. October is Domestic Violence Awareness Month. All of the fun and prizes are back, so come out for fun and help us work for healthy relationships! Additionally, the CCWRC provided information which includes a 2011 service report. Dudley stated that Barry-Dame sent her apology for not being able to attend the meeting. Butcher stated the Women's Resource Center is a very good cause.

Dudley announced, on behalf of Mayor Cole, that the Chief Painter Memorial Sign event will be held on October 24th at 10:00 a.m. at the city park and everyone is invited.

Unfinished Business:

- a. Moon moved, Langford 2nd, to approve the September 19, 2011 regular meeting minutes. **Motion passed unanimously.**
- b. Langford moved, Butcher 2nd, to approve the October 3, 2011 work session minutes. **Motion passed unanimously.**
- c. Moon moved, Langford 2nd, to approve the October 3, 2011 regular meeting minutes. **Motion passed unanimously.**
- d. “C” Street Slippage update. City Attorney Petersen said he was comfortable with the City going forward with the project with the documentation that is sent back and forth with their attorney. Petersen deferred status to Brusco-Harding who stated a few weeks ago she emailed Petersen that Mayor Cole was not going to sign the agreement between Kynsi Construction and the City until the hold harmless agreement with the property owner was signed. Brusco-Harding stated she emailed Petersen’s office about one week or so on the hold harmless status and hadn’t received a response. Petersen stated there are letters going back and forth and the agreement needs to be signed. Petersen said he feels comfortable with the documentation he has and he will put his malpractice on it. Dudley asked if there was a hold harmless or not and Petersen replied that there is a letter of understanding because they didn’t want to sign a hold harmless. Petersen said that with what he has he feels comfortable since council has already okayed it. Dudley asked Petersen if the motion that the City needed a hold harmless should be rescinded. Butcher asked Petersen if a motion was needed to change that. Petersen said to go ahead with it. Dudley clarified a motion based on Petersen’s input. Petersen said he would put his malpractice on it. Nelson asked if they make the motion tonight to approve at Petersen’s recommendation they move forward or where are they at? Brusco-Harding said that once the letter of understanding is signed to please let her know so Mayor Cole can sign the agreement between Kynsi and the City. Petersen said he would do that. Nelson asked if a motion was needed for that and Petersen said he would say so. Nelson moved, Moon 2nd, to move forward with the project and authorize the Mayor to sign the agreement between the City and Kynsi without the hold harmless on the “C” Street project per the City’s legal council’s advice. No discussion.
Passed unanimously.
- e. Redefine Organizational Structure Update. Tabled, Dudley stated the internship application through Portland State and Oregon State has been submitted and there are job postings at both sites. Also working on identifying other agencies to help with the project.

f. Approve Scope of Work for the “B” Street Project. Moon said there wasn’t any input from all the business owners and the engineering firm and he knows that in talking with people in Clatskanie they should get on that right away so they can try to make a decision by the next meeting. Lockard said he has had several phone conversations and interviews regarding “B” Street over the last week and more information will be coming. Lockard said it looks like the scope is getting shorter. Nelson asked if someone could be the spearhead on the open house for the project and invite business owners to City Hall. Moon said he’d get a hold of Gibbs & Olson for the Town Hall meeting and Nelson asked if all the property owners have been invited to that meeting. Butcher asked if a town hall meeting was needed or did council need to schedule a work session. Nelson said he thought they needed to open it up to get public input on the proposal. Moon said the drawings will be at the Town Hall meeting. Nelson asked if Moon could get the town hall meeting scheduled within two weeks and have it just prior to the council meeting so they could get approval and move the project along. Moon said he could do that and see how City Hall was doing on the business owners. Moon said when the business owners are contacted they should be given different dates so they have a choice. Dudley clarified with Moon the business owners should be “B” Street. Moon asked for a status on the easements and Butcher and Dudley said that Tom Weatherford, ODOT, was working on that. Nelson stated that business owners and property owners should be notified of the Town Hall meeting. Moon said that all the way from East 3rd to West 2nd. Nelson said the people who need to be notified should be those affected by the entire design because in case the City decides to fund the entire project. Butcher said that would involve WH Pacific and Gibbs & Olson. Butcher stated this item would be moved to the November meeting and asked Moon if he could give an update at that time. Moon said he was going to contact people involved in the Clatskanie project to see what challenges they experienced. Deborah Hazen, Clatskanie Chief Newspaper, stated that the Rainier project was for sidewalk beautification and that Clatskanie’s project was totally driven by ODOT to improve Highway 30 which involved accesses so the two projects are totally different. Moon said the business people he talked to in Clatskanie made comment that they had a group of people that kept up on the project. Butcher said that he emailed a copy of a resume for a project manager to all the councilors.

g. Public Works/Clerical Contract Negotiation Update/Approval. Langford asked if they all got that in an email. Dudley said they were emailed the actual contract this morning and as Mayor Cole stated at the last meeting there were two changes; an extension of one year and the other was a freeze for the CPI. Nelson clarified with Dudley from the time it expired and Dudley replied that was correct, July to June 30. Butcher said they need to make a motion to approve or accept the agreement. Langford said he thought they did that at the last meeting when the authority was given. Dudley stated the authority was given to the Mayor to negotiate that portion but there was no formal motion made to accept the proposal. Langford moved, Butcher 2nd, to approve the contract. No discussion. **Passed unanimously.**

h. Approve Hiring the Court Clerk as a City Employee. This item was tabled for the next meeting as Unfinished Business.

New Business:

a. Discuss City Sign Ordinance – Banners. Dudley stated Councilor Langford brought to her attention that the City has some banners that are out of compliance. Dudley stated that after further review when she and Brusco-Harding drove through town there are more than just a couple banners. Dudley deferred to Brusco-Harding who stated that the issue is confusing and she would recommend the banner portion of the sign code be reviewed by the Planning Commission for clarification and the Planning Commission would make a recommendation to the City Council. Dudley stated the banner portion addresses special events, limited time, etc. and is somewhat ambiguous. Brusco-Harding stated that there were several businesses displaying banners. Nelson asked Langford what two businesses he was concerned about and Langford said he didn't actually come up with any two but there were signs around town and he had talked with Lars about this before he left and Lars was going to send letters out to businesses around town notifying them they were out of compliance with the sign ordinance. Langford said the ordinance is pretty basic and read from the zoning code and Langford said a letter should be sent to the businesses that have banners displayed for more than the ninety days. Dudley stated that some of the banners which may not be in compliance include churches and the Little League. Brusco-Harding said that unfortunately the enforcement criteria is an issue. Dudley asked if the Council wanted them to send out letters to all the effected parties prior to reviewing the banner section of the sign code. Dudley said that with regard to enforcement she couldn't imagine that the City would send the police department out to remove banners from private properties. Moon moved, Butcher 2nd, to send the banner issues back to the Planning Commission before any letters are sent out and also the enforcement, who is going to enforce this. Butcher added that the recommendations would be sent to the City Council. Brusco-Harding stated the next Planning Commission meeting was going to be held sometime in late November.

Passed unanimously.

Executive Session: There was no executive session.

Staff Reports:

Chief Gregg Griffith – no report.

Darrel Lockard, Public Works Director – There was a job injury today, a crushed leg, no broken bones, bruises, not sure what all the details are but will get a report of that in the staff meeting.

Lockard said that as far as “B” Street he reported earlier that there have been several conference calls with several entities last week and he recommends considering having it cameraed to see if there are any issues.

As far as “C Street they are just about done with that and there is a lot of fill. Lockard is running issues down with Conrad, they want to tap into an 8” for future development and Lockard requested Council input. Nelson asked what size line had been approved. Lockard said Council approved a 4” line and an 8” line actually triples the flow, not doubles it. Nelson stated the flow shouldn’t change and Lockard there are some issues with the flow and what he understands there could be five times the flow of what he was presented and there are some issues that need to get ironed out. Lockard said that when Dave Qualman was at the council meeting not everything word for word was in the minutes so he is going to go back and listen to the tape to see what the flow was. Nelson said he thought it was just strictly rain. Lockard said it is storm water and that if the Council wants to go with storm water but if the Council wants to let them build for future development that is not what the system is for. Lockard said how much we want to take is the question. Nelson clarified that the only thing that has changed is the size, 4” vs. 8” but it is still just the water off the buildings and the parking lot. Lockard said they are looking at future development and that is why they want to put in an 8” line. Nelson stated that if they wanted to in the future they would have to come to the Council and state that and if they want to put bore an 8” pipe rather than a 4” pipe. Lockard said that is correct and that is not what Council had previously agreed to so that is why he is bringing it to Council again. Lockard said he hasn’t ran down all the background conversations that has gone with that. Nelson said that nothing has changed other than if they decide they want to put in another piece of equipment and then at that time the 8” line may be adequate. Lockard said that part of the reason for the 4” is so they can maintain flow and if you put an 8” in there you can overflow the plant because of the significant increase. Dudley stated they do have a clause in the resolution that says that for emergencies we can shut them off. Lockard said it goes beyond all the conversations and agreements they had before, they were wanting to tie into a 4” line and now they are pushing for an 8” line and the conversations have gone from 10 gallons a minute, to 30 gallons a minute and at the end of last week it was 50 gallons a minute. Lockard said he needs to review the tapes and see what was presented to the Council and what was approved. Moon asked if they needed to make a motion until it was researched. Langford said he spoke with Lockard and an 8” line was not approved, a 4” line was approved and there is nothing to be put on hold if they want to increase the line they need to come back to Council. Dudley said the motion did not include a size. Langford said the implied content was to hook up to the existing 4” line. Dudley asked Lockard if we were only going to accept storm water and Lockard replied that was correct. Lockard said that the first set of plans turned in were for

a 4" line to tie in to Teevin Bros.' 4" line and the County and Lockard said they had to tie into their own 4" line, not to another company's line so now out of the clear blue they want to put in an 8" on the third set of plans and Lockard wanted to inform Council there are issues.

Lockard said that Clatskanie PUD was checking into the savings with issues to test a pump and are switching it over on the energy draws on the second pump, however due to Clatskanie PUD's vacation schedules and Lockard's vacation schedule they would start downloading the data and potentially they can save 60% to 70% of the cost for the various speed drives in the control room at the water plant which is the \$33,000 that was talked about several months ago.

Butcher said that if Conrad wanted to go to an 8" line maybe they could absorb the cost of a new sewer plant.

Lockard said that raw water sewage is less than 1% but it is actually less than one tenth of 1% and even though they are talking about storm water most of the money is not for the solids so if you are just looking at rain water versus sewer there is not a lot of difference as far as solids as far as treating it.

Steve Petersen, City Attorney – no report.

Debra Dudley, Finance Director/Human Resource Director - Dudley stated she attended the Chamber of Commerce meeting last Thursday and they are working on various ideas and with businesses in town to take advantage of the cruise ships that come into town. Dudley reported that Utilize I.T. was at City Hall last week to provide website training to the staff, it's relatively easy to go in and do editing, we will be adding forms, we had some items that needed to be corrected and we are looking forward to having a more user friendly and updated website.

Dudley, has posted an advertisement with Oregon State and Portland State Universities for the reorganization and surveys for the staff and wages, etc. Provided financial reports and stated that she has been working with Butcher on what he would like to see on the financial reports.

Moon said he talked with Gregory from Pauly Rogers and he mentioned that the money that he (Moon) has been talking about with the IGA is in the general fund and Dudley had mentioned that to make that clear that we could put that \$600,000.00 to \$700,000.00 into an unappropriated or special fund and have you decided which one your going to use. Dudley stated that's totally dependant upon what the Council wants to do and she believes the City is somewhat on hold until the negotiation is final. Moon asked Dudley if she would be able to have all that taken care of and which way the budget would be best and where to put that. Dudley replied as discussed previously depending on the outcome of the litigation if there is a settlement on behalf of the City we will need to do a

supplemental budget to encompass the amount of the potential settlement to show that expenditure.

Council Reports:

Moon – no comment.

Langford – Based on his (Langford's) comment from the last meeting regarding chlorine, Lockard went back and checked the chlorine the day before, the day of and the day after and they said they had no chlorine and it came back at acceptable levels. Langford said that also that day a public works crew member tested the levels up stream and down stream and again the levels were acceptable. Langford said that acceptable is .2 and we were .5. Langford said he wanted to clarify that information. Lockard added that the information regarding the chlorine was from a former disgruntled employee and Lockard wanted that on the record and what he has quoted to the Clatskanie Chief is incorrect information. Lockard said there was an issue a while back with bacteria coming back positive and before the state had called us the City had taken three samples. Nelson asked if there were any fines and Lockard stated we did not. Smith stated there was a bad sample taken regarding the bacteria. Lockard said the former employee likes to stir the pot. Moon said that Guist said that someone in the state said something regarding the chlorine level and the state person denied stating what Guist quoted. Lockard said the former employee cleaned his hot tub and the cleaning solution does not have the same chlorine criteria and all the facts he wrote to the Clatskanie Chief were not all there. Butcher asked what his certifications were in water treatment and Lockard stated he had level 1 but he never was certified in the water plant which requires a level 2 with a filter endorsement.

Nelson – no comment.

Butcher – David Stocker of the Columbia County Economic Director is having an annual meeting and he wants to know what two or three things the City of Rainier is especially proud of in the last year and he wants to compile a report for Columbia County. Moon suggested Foss, Teevin Bros and the seventeen acre community garden.

Announcements - Butcher:

Work Session Meeting Monday, November 7, 2011 at 6:00 PM.

Regular City Council Meeting Monday, November 7, 2011 at 7:00 PM.

Office closed for Veterans Day on Friday, November 11, 2011.

Regular City Council Meeting Monday, November 21, 2011 at 7:00 PM.

Office closed for Thanksgiving Day Thursday and Friday, November 24 & 25, 2011.

Langford asked if City Hall was closed on Columbus Day and Dudley replied, "no."
Langford asked what holiday is being given up for the day after Thanksgiving and

Dudley replied that employees use a vacation day, if somebody chooses not to take a vacation day, they can come in and work but the main office will be closed. This is consistent with what has been done in the past and has the Mayors approval.
Langford asked how that provides service to the community and Dudley said if the office is closed, it does not provide service and that is why we are announcing it in advance.

Moon requested Butcher to announce that at Wednesday at 6:00 PM the 19th at City Hall there is a REDCO meeting.

Meeting adjourned at 7:50 pm.

Phil Butcher, Council President

Attested: _____
Debra Dudley, Recorder