

City of Rainier
Regular Meeting Minutes
November 21, 2011
7:00 PM
Rainier City Hall
1-6 West "B" Street, Rainier, OR

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

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

Council Absent: None.

City Attorney: Absent.

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

Flag Salute.

Additions/Deletions from Agenda:

None.

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.

Visitor's Comments:

Michael Carter, Rainier School District Superintendent, stated the community garden project is going well, they are in the finals for a \$20,000 grant and he hopes the City would partner with them in support of this project and this Saturday at 11:00 a.m. the Rainier Columbians are in the football semi-finals against Dayton.

Mark Overbay declined to comment at this time.

Connie Budge, 29711 View Street, Rainier, OR 97048 read (9 pages) from testimony she submitted (see Exhibit A) regarding the poor conditions of several streets and areas within the City limits i.e. View Street, West 10th, 11, 12, 13th Streets, the pocket park between Maple and Fern Hill, West "C" Street bridge, Washington Way, West "B" Street etc. and asked the Council to make View Street an agenda item for a future council meeting and notify all View Street residents of the meeting and that all citizens of the City of Rainier have a right to expect clean and orderly properties within their neighborhoods and safety from nuisance that may endanger their property or person. Budge's submittal included copies of photos of the areas she referenced in her testimony. Budge asked Council that before evaluating current and or hiring new staff or before the goal setting, would it be possible to have a meeting or group of meetings to gather input

and at least would it be possible for the Mayor and Council to carry out their duties as described in Section VII of the Public Work Director's contract that addresses goals, priorities and evaluation, to address both the conditions of View St. and the above and other like conditions?

Judith Taylor, 520 East "E" Street, Rainier, OR 97048 stated the park bathrooms are disgusting and since the park bathrooms are closed the bushes and the building smell of urine. Judith requested the Council to address putting a porta-potty at the park since the park is still being used on nice days. Mayor Cole thanked Taylor for reminding him and that he and Lockard had discussed that same issue. Mayor Cole referred to Lockard for porta-potty cost and Lockard replied it was in the \$165.00 a month range for an ADA porta-potty that would be serviced once a week. Mayor Cole requested someone to make a motion to put this issue on the agenda. Avent moved, Cooper 2nd, to add porta-potties at the park to the agenda. **Motion passed unanimously.** Mayor Cole said this would be item "f" under new business.

Unfinished Business:

- a. Approve October 21, 2011 Special Meeting Minutes. Nelson moved, Avent 2nd, **motion passed unanimously.**
- b. Approve October 31, 2011 Emergency Meeting Minutes. Nelson moved, Vilardi 2nd, **motion passed unanimously.**
- c. Approve November 7, 2011 Regular Meeting Minutes. Avent moved, Vilardi 2nd, **motion passed unanimously.**
- d. Approve November 7, 2011 Work Session Minutes. Nelson moved, Vilardi 2nd, **motion passed with Langford abstaining.**
- e. "C" Street Slippage Update. Brusco-Harding reported there had been no progress and as reported the last meeting the contractor was going on vacation, had scheduled other work and would start on the project if there was dry weather. Avent asked if Brusco-Harding knew when they were going to get started and Brusco-Harding stated she thought it would depend on the weather. Avent asked if the contractor indicated any type of time frame and Brusco-Harding replied they did not.
- f. Public Works Directors Evaluation. Mayor Cole asked Lockard if he would prefer the evaluation be in executive session or at the open meeting and Lockard said to do it in the public meeting. Mayor Cole deferred to Langford, public works council liaison, since he was the point person on the evaluation. Langford stated the evaluation should have been done a long time ago and by the City Administrator. Langford this has been going on for a long time since April and it

absolutely has to get done. Langford said it was discussed and asked at the last meeting that he (Langford) forward an evaluation form to all council members which he did and have them get back to him by Friday the 18th so he could take the weekend to review them and make a general synopsis. Langford said he received four of them, receiving two of them on or before the 18th, one he received on Saturday, the Mayor called and we communicated through email. Langford said he and Avent spoke on both Thursday and Friday and because Avent was going out of town and Langford was at work, Avent faxed it to him this morning. Langford said he came back into town this afternoon and went to City Hall around 4:30 and there were two envelopes in his box. The evaluation he received from Scott he received tonight at the Council meeting. Langford said he hasn't read the evaluations from Vilardi and Nelson he received in his City Hall box today. Langford explained the scoring formula for the evaluations; 1=not satisfactory, 2=below satisfactory/needs improvement, 3=satisfactory, 4=exceeds standards/good and 5=very satisfactory or excellent. Langford said where ratings were 1, 2 or 5 those required documentation, comments or recommendations so if you look at the numbers with the asterisks by them there was not any substantiating information with them. Langford said he took the information and crossed as much as he could and put them together and gave Lockard a copy. Langford went through the evaluation (questions and scoring) explaining each evaluated category/question and what the compiled score was for each of those categories/questions (See Exhibit B). The Public Works Evaluation Report is attached as Exhibit C.

Mayor Cole commented that he is not a public works guy but you have the wastewater and water side and Lockard is probably one of the best in the state but on the public works side, what Connie is talking about, terrible. Langford said he and Lockard have spoke about people approaching Lockard and said they want him gone and Langford understands he (Lockard) works in a hostile environment.

After going through the evaluation categories/questions and evaluation report, Langford distributed a set of goals for Lockard's November 1st through June 30th.

Lockard thanked the Council for getting the process going stating it has been long overdue. Lockard stated that as far as the priorities beyond water and wastewater it is good to hear that because he hadn't been told that before and if the communication is open to what the priorities are they will be followed, just like budget time what do they want to do with that, there are just so many man hours to get the job done so once those are established some of those issues will go away.

Lockard addressed some of the lower scores stating he would like to get some explanation what they are so he knows where they are coming from so he can try to eliminate them the next time around.

Mayor Cole opened the discussion to the Council who commented as follows:

Moon stated he tried to find a letter from the superintendent of water from the City of Longview who came over here in 2007 when the City of Rainier just about ran out of water and plant was built in the year 2000. Moon stated the Longview superintendent said there had been no maintenance and we had Veolia in here for \$1,000/day for 120 days and then the City went to OAWU where Lockard was through and he came on and helped us for three months at \$600/day and then we opened up the process for a new Public Works Director and Lockard was hired. Moon said Lockard has taken the plant from where it was almost in emergency state along with other organizations to where it is today and previously the workers had very little certifications and currently the number of certifications has almost tripled due to Lockard which is remarkable. Moon said he is very happy to have Lockard in the community and also the City's Public Works Director.

Avent stated he appreciates Lockard opening up the evaluation and trying to find out where improvements can be made and where successors are because that is how we can make the community better. Avent said he would like to give Lockard an opportunity to do that by forming a group, get the input from the other Councilors, maybe pick two other Councilors that could work with Langford to say these are some of the things we need to improve on and how do we make it better. Avent said that he envisions that if we had a City Administrator those would be the kind of things he would be doing. Avent said we talked about some of the issues Budge brought up tonight, how do we make our community better, maybe bring and organization back together to work on some of those things like a citizen work group. Avent wanted to hear comments from the other Councilors and suggested maybe Langford and a couple of other Councilors could work through that.

Nelson stated he did not get the evaluation information to Langford on Friday but did get it there this morning and he would also like those who didn't get the information to Langford to have the opportunity to comment. Nelson asked Lockard how he would like to address his comments, read it out loud tonight or give it back to Langford. Lockard said he would leave that up to the Council, he hasn't had any goals or direction in three years and if they want to go through them tonight that was fine with him. Langford explained to Lockard this was not goal setting. Nelson stated he (Nelson) was not able to get his evaluation information to Langford until this morning so he (Langford) was not able to get it into the form and Nelson would like Lockard to be able to look at it to see where

he (Nelson) feels everything lands. Nelson asked Lockard if he would like Nelson to read what he wrote directly or would he prefer Nelson give it to Langford and the rest of the group.

Cooper apologized for not getting the information to Langford in time to be compiled with the rest of the evaluation information. Cooper recommended that his, Vilardi's and Nelson's evaluation material be turned into Langford, allow him to review them and build them into the table so it reflects the entire Council's views as far as the work sheet goes. Cooper said he thinks that would be much more constructive rather than the three of them going through their information reading line by line. Nelson said he would prefer to do that if everybody wants to.

Mayor Cole asked Langford what he preferred and Langford replied it wasn't any big issue going over what they had written and if the information goes to him (Langford) he can sit down and go over the information with Lockard on a one on one basis. Langford said a deadline was set and the deadline was Friday the 18th and it has been getting delayed. Langford said he works full time and took time off from work to get it done, he doesn't have an issue taking them and sitting down with Lockard and going over them with him but as far as the way it is set up right now with the overall score there was a deadline.

Cooper agreed that Lockard was the best Rainier could ever hope for as far as sewer and water goes and complimented Lockard on having Rainier recognized as having the best tasting water in Oregon. Cooper said that a lot of the things that fall outside of that category regarding public work he (Lockard) didn't have the opportunity of having a City Administrator that was acting as a city administrator to coach Lockard or help him understand challenges that you have faced. Cooper said from his own personal experience in another organization in Rainier he was put in charge to see what they could do to fix the boat launch accumulation and that falls under public works and in calling the Marine Board and asking about that the first thing they brought up was they (the Marine Board) have had complaints regarding the sanitary pump outs being up to 100%, they mentioned the City had been giving a fair amount of money to have those replaced and they made reference to the bull rails on the dock. Cooper said the Maine Board wanted to know where they were on all that because before they would help on the continuation they needed assurance the other things needed to be addressed and completed. Cooper said he was told those hadn't been completed and the City of Rainier stood a big chance of having to pay back all the grant money they had been given. Cooper said that concerns him and he knows they have lost a fair amount of grant money from the Marine Board because of neglect. Cooper said another concern he has is the work order system and the system that is in place is not set up to be successful whether it is the police department or public works. When a work order is completed time and materials, completion and confirmation that the department responsible has communicated with the customer ensuring

that they are happy and then it comes back to City Hall. Cooper said that without City Administration putting something like that in place he thinks there should be some way to understand our success and failure rates. Cooper said that in lack of somebody as far as a City Administrator, it could be the Public Works Director's responsibility in facilitating getting a vehicle in place to accomplish that. As far as communication, Cooper said because of his job the only way he has to communicate. Cooper stated that something that is a challenge that in Lockard's contract it states that any communication from City Councilman to Lockard is supposed to go through the City Administrator, not directly to Lockard which makes it hard for them to communicate to Lockard and a couple of times he has sent emails to Lockard he has not received responses or if he isn't aware to get to City emails. Lockard stated the entire crew is set up with emails now. Cooper stated that one of his neighbors came into several council meetings regarding the lights on the sidewalk park on the bridge and right off the condominiums and over an eight week period there was nothing done to correct that and when he (Cooper) was able to pull aside one of the public works staff members they discovered there was nothing to do but flip a switch that had been turned off for Rainier Days In The Park. Cooper stated that if people are coming in to multiple council meetings seeing that as a danger when people are walking along that bridge it concerns him (Cooper) that it takes that long for something as simple as that to be taken care of. Cooper said another concern said that at a given point they had a primary and secondary water source and one of them being up at Fox Creek due to erosion has been destroyed and he (Cooper) is concerned there haven't been steps taken to correct that. Cooper doesn't know what the reason is behind that but he does know that there is a logging road being put in there right now and it might have been a good opportunity to get with the logging road company and possibly using their equipment to assess putting a water line in. Cooper said that what Budge brought in tonight speaks volumes about things other than the sewer and water in our community. Lockard said there was a bid from the engineering firm for several hundred thousand dollars regarding the water line and there needs to be a plan put together to go with that and he mentioned that before because there are a couple of other options to go with regarding placing that line and a committee needs to be formed to work on that. Cooper replied that he's not sure we need a committee but as the Public Works Director it is his (Lockard's) responsibility to move forward with that and bring recommendations to the Council. Cooper help up a list of goals made up prior to him being on Council and the list mirrors, as Cooper stated was pointed out by Mayor Cole, the list of goals the Council was going to accomplish the year before that so basically what it boils down to is asking this Council as the way it sits today to accomplish anything by committee isn't happening. Lockard said to fix that issue then an engineer has to get involved and he doesn't have that authority but if Council wants to give him that authority to pursue those he will. Cooper said he is not asking for engineers to

do that but for Lockard to bring a proposal of what Lockard needs to accomplish that goal in multiple situations. Lockard said he would do that.

Langford said that in regard to communication with Lockard, liaisons have been put in place for every department and that since we don't have a City Administrator he has no problem in receiving phone calls and passing that information on to Lockard. Cooper suggested maybe that part of Lockard's contract should be amended to state that. Mayor Cole said that when they have an administrator he thinks the contract is perfect. Cooper said the contract is being circumvented as is. Mayor Cole said that every time he speaks with Lockard he tells him to inform Langford also. Butcher confirmed there is fast communication between Lockard and Langford.

Nelson said that a lot of stuff he wrote has been brought up. One area Nelson has concerns with is planning and organization, working on and executing work, getting some of the projects taken care of like the bull rails, the pump out station and the leak at West "C" Street and Fern Hill. Nelson said that anytime there is a water situation Lockard keeps him informed and Nelson appreciates that and he appreciates Lockard's water and sewer abilities. Nelson said a concern is employee supervision, management skills, safety training for the staff. Lockard said they did some safety training and Nelson said Lockard needs to work more towards and the employees are definitely getting the training for operating the equipment but the safety side needs to be more. As far as project accomplishments Nelson's concern was the ODOT repaving grants and ongoing problems with the Marine Board. Nelson said Lockard excels in community related events such as Days In The Park, Pumpkins Festival, disabled vets and he has heard good things about Lockard's participation in the events. Nelson said that if there was one concern at the top of his list it would be the bad relations with other government agencies such as the Oregon State Fire Marshall and the two fines we received from them and the Marine Board that is ready to fine us or pull all of our grant money away for failure to respond to requests of maintenance. Lockard said the fire thing is was like two years ago and once we received it this year they were filed within five days of when we got them. Nelson said hopefully we have made some changes because the first fines that we got they sent us numerous certified letters requesting information and it is an issue that stings. As far as the Marine Board, Lockard said and Dudley went to a meeting the first one the Marine Board gave a couple of weeks ago and Dudley stated that was two weeks ago for training. Lockard said they spent a lot of money this last year fixing basic stuff that was broken and they still have a long ways to go but they are working on the discrepancies. Nelson asked if the pump out station was adequately working and Lockard replied it was not and they just found out this last week that it was a design problem so he waiting on a letter to figure out how to rework that system. Nelson asked Lockard if he would contact

the Marine Board to let them know because if he understood correctly if one more boater came to their facility and it was working and the City got one more complaint filed with the Marine Board they were going to lose all their grant money. Lockard said they know we are working on it and once he gets the summary from the people who own the equipment and what was designed wrong he will fall the Marine Board. Nelson said that as far as execution of duties from the Council some time ago the low income senior housing people came in about signs that were removed indicating private property and dogs and Council directed that those signs be put up and have those signs been put up. Lockard said the bases are in but the signs are not in. Mayor Cole said that was a miscommunication between him (Mayor Cole) and Lockard.

Vilardi said Lockard does a good job with sewer and water and did a good job getting numbers regarding the school report and keeping the water system going and no doubt he is one of the top in the field. Vilardi stated some of the other stuff seems to fall by the wayside, communication skills and he isn't thrilled with the Marine Board. Vilardi said he hasn't seen any written reports, budgetary documentation, plans and it seemed like for Rainier Days In The Park it was a hurry up and get it done when this is something we do every year even though it came out great. Vilardi said he would like to see more planning and scheduling and when the Council asks for information that is fine but he would like to see budgetary information and what is being worked with. Vilardi stated the work orders were a concern and referenced Charlene Andrews who tried to get her road fixed and kept putting in work orders so there is something there that is amiss and needs to be reworked so the people of Rainier can get things done in a timely fashion. Lockard said that on some of those he would like to point out that some of those aren't the City's responsibility so if the City wants to maintain stuff there needs to be a consensus on some of those issues and just because somebody fills out a work order doesn't mean it ours. Vilardi stated that was right but was there any follow-up and asked Lockard when a work order comes in how is it handled. Lockard said you go out and look at it and prioritize and try to make contact. Lockard said as far as the budget, the budget is what they get to work off of and he always maintains the proper budget and asked Dudley to correct him if he was wrong. Dudley replied that typically at the end of the year there has to be a budget appropriation because of overspending in some areas and under spent in other areas because being new, a new water plant, a new sewage treatment plant we were getting a feel for what it was going to cost so we have to adjust the budget as we have gone. Nelson asked Lockard what was meant by the comment about some of the work orders not being the City's responsibility and does he (Lockard) typically call the person who submitted the work order and let them know so they don't keep turning in work orders or think the City is not actually doing their job. Lockard said sometimes he does and they go out of their way to accommodate even if it isn't the City's responsibility if it is within reason and some are not a

priority to get to. Nelson said that one of the things that might be good is that when service requests do come in there is a process it goes onto regarding status. Mayor Cole said Council thinks the service request system is broken and they are looking at Lockard to come up with something else that works better for communication, etc. and Lockard said they would get it fixed. Mayor Cole said some of that communication might be coordinated with the police department and wants Lockard to come up with something that works better. Butcher agreed they were all on the same page. Vilaridi said the information needs to be recorded and have some kind of status at all times so it is not in limbo. Lockard said they would get it fixed. In regard to safety and the latest incident Vilaridi asked if all the employees were utility worker IIs and Lockard said that was correct. Vilaridi asked if they all had all their training and Lockard replied they did not. Vilaridi asked if they all had their CDLs and Mayor Cole said that some of the stuff is the employee's resistance to obtain those certain certifications. Lockard said he was going to bring those to Langford's attention to be rewritten because they are outdated. Vilaridi said they just had four tests taken with 50% completion. Lockard said Vilaridi is taking about some other licensing and they are looking into it.

Langford distributed a set of goals/projects/training containing 8 subject matters to be completed within the next fiscal year (Exhibit D) and said that doesn't mean they can't be added to or some deleted. Langford said Lockard has not had any goals set by the Council in the entire time he has been here so it needs to get going. Langford said the goals could be completed during the next nine months or getting moving forward on it. Langford said this is a list to get started. Langford said he would like to change the signature line from City Council to Mayor. Mayor Cole clarified that just because they are listed one through eight that doesn't mean how they are prioritized and Langford agreed. Cooper asked Langford if he would make #9 work orders and #10 time and material tracking. Cooper said that when they had the bark put in or when they have modifications done if they added time and materials tracking to that type of thing they would know that every two years they would have to budget for that. Lockard said that he wanted the Council to know that he didn't do things in the past without the past City Administrator aware of it and Council might not have got that information passed on to them. Cooper said this would give Lockard a much more accurate way of tracking and budgetary information.

Moon stated that in the Contract the evaluations were Mayor and City Council and he is going along with what Cooper was saying since he seems to know more about it. Cooper replied that he didn't bring that up this evening other than the communication of the contract.

Don Pucket, 511 West 2nd St., Rainier, OR 97048 asked if he could ask a question and Mayor Cole said that with an employee evaluation it is with the Council and the employee and with respect to the employee public comment during this particular communication will be kept at a low. Mayor Cole said that after he would be more than happy to take the comment.

Butcher said that Lockard has done a very good job with the water and wastewater treatment plants, getting employees trained was quite an accomplishment over the last two or three years, he read the report from Longview and the City's water treatment plant was in such poor condition the City of Longview wouldn't send their employees over here to work because it was such an unsafe environment and that boil permits needed to be put in effect immediately. Butcher said that Lockard needed to improve on the administration of paperwork and timeliness. Butcher said that going back and doing research some of the mail wasn't being stamped so we don't know if Lockard actually received the mail in a timely manner so now staff opens the mail and date stamps it and the employees are supposed to review their mail on a daily or every other day basis. Butcher stated that in regard to goal 4 there needs to be a plan of action to clean out the ditches, mowing the right-of-ways and taking care of the messes along the right-of-ways. Butcher stated that most of the time the property owners are responsible but the City needs to help out. Butcher stated that work order methodology he agrees with and a work order tracking system can be developed so it is a very workable situation so somebody can come in file a complaint and staff can look and see if Lockard has responded to it, put a time line on it for four or five days. Lockard said he would put a program together. Butcher included applying for annual SCA grants. Butcher said Lockard has become a part of the community and has a lot of respect from the community on the job he performs.

Mayor Cole stated that when Lockard came on Dwayne Barnes left and nobody really knew much about the water plant. When Longview came over to help us they basically said they didn't want anything to do with it because it was a liability. Mayor Cole said Lockard came in and turned it around and Phil Beverly, the guy who built the plant, couldn't operate the plant. Mayor Cole stated that Lockard turned the plant around and the City knew when they hired Lockard that he did not have the public works experience. Mayor Cole said that at the time we thought the City Manager would help with that like it had been handled in the past with the prior City Administrator, Chad Olsen and the previous Director of Public Works, Dwayne Barnes but that didn't happen. Mayor Cole said he is not going to tell Lockard how public works should be ran but wants Lockard to tell him how it should be ran. As an example Mayor Cole said he wants to see plans like what it would cost to replace every sign in Rainier in five years. Mayor Cole said he shouldn't have to tell Lockard this is what the plan is going to be, Lockard needs to bring the plan to him since Lockard is the public works guy and is the guy who

gets paid to do public works stuff. Mayor Cole said that in water and sewer Lockard excels and he would like to see some work on the other side of the fence and the one goal in training that does worry him is the two additional certifications in the fiscal year because then he feels like all the focus is in training, let's do some training but get out of the wastewater and water plants and get on the street. Mayor Cole said he was upset when one of the public works crew members told him that he hadn't studied for the last test and that he has a lot of stuff going on. Mayor Cole said he felt like that was a waste of money and that employee has a lot of stuff going on but maybe he should be taking those tests. Mayor Cole said when he studied and took the paramedic test he studied constantly and he paid for the test out of his pocket. Lockard said that is an option the City Council can make. Mayor Cole said that is an option or if they pass it they can be reimbursed. Mayor Cole told Lockard to come to the Council with plans, be pro-active and for City Council and Mayor our job is vision and Lockard's job is to tell Council how that vision can happen. Mayor Cole said that part of the problem lies on Lars in the fact that he didn't direct Lockard adequately. Moon said that putting the testing reimbursement should be on the agenda and Mayor Cole directed Lockard to tell them how that can be fixed. Lockard said he would look into it.

Langford said some of the goals can be carried over or modified as needed to get the job done. Nelson said that he agreed with Mayor Cole regarding the two certifications because there is such a back log of maintenance issues we don't want to see everybody in school all the time. Mayor Cole said he doesn't know what the happy medium is and Lockard said the last direction he got from Council was to train everybody as fast as he could and he is glad this communication is going on. Lockard said we do have a good start on certifications. Nelson asked that Lockard come back with goal #1 and a good modification, Cooper agreed.

Mayor Cole said his last two thoughts for the goals are the work order and time and material system and that was to check with other cities to see what type of system they are using. Mayor Cole said that would help with the intergovernmental relations also. Lockard said he would look around and thanked the Council for talking with him and now he knows what the issues are. Mayor Cole stated there were two people in the audience who jumped up and wanted to comment and for respect for Lockard he held back earlier.

Viki Overbay, no addressed on sign in sheet, stated that the message that you send by not all of the council completing a simple task by filling out an evaluation that took two weeks to complete is horrible.

Puckett said he was at the last meeting and the valuation was to October 31st and he hasn't heard anything said about the OSHA and the safety of our employees.

Mayor Cole said it was touched on in the goals. Puckett said the last issues were not touched on. Lockard said he wanted to find out who the speaker was and Puckett stated his name and that he was from Rainier. Lockard replied that the OSHA investigation is still going on and Council will have that information when it is complete. Mayor Cole asked Lockard if he turned that into the safety committee and Lockard said he did.

Budge asked Mayor Cole if she should assume View Street would not be on the list of priority goals. Langford said she should not assume that and that it would be on the list of priority goals. Budge stated she asked to have it put on the agenda. Mayor Cole stated he would be more than happy to put it on the agenda but generalized goals but it would be #4 maintenance program implemented for street right-of-way, moving and brush clearing because in all fairness to the entire community they can't focus on just that street, it is generalized as all streets but he would be more than happy to put View Street as a specific agenda item for the next meeting. Budge asked if Council knew what it was like to be in your own home and hear the rain and know it's probably going to go over the berm, flood the garage and maybe your house like it has done in the past. Budge said she has pictures of the water coming down. Budge said she knows there is a solution and she knows we can work with this. Budge said what they did didn't work and they haven't cleaned the ditches, the culverts were blocked and a very nice person went up there and got the culverts unblocked. Budge said we need to sit down and find a solution. Mayor Cole said absolutely it would be put on the list. Lockard stated we have three days of rain and he will do an evaluation of the problem. Budge said he didn't have to because she has taken pictures. Mayor Cole addressed Lockard by stating what he would be looking for between now and December 5th is to come to Council and tell them what he found. Budge stated she won't be available on December 5th and Mayor Cole said he would let her know what had happened. Budge stated she wanted to be present for the conversation so Mayor Cole asked her if she wanted to move it to a different date and asked when the next Council meeting was after the 5th and Mayor Cole replied it would be the 19th. Mayor Cole stated it seems time sensitive to him and on one hand Budge is stating we need to do it now because you are going to get flooded out then you state that is not going to work. Budge replied that what was done was in August and it only made it worse. Mayor Cole said he was just trying to be responsive to her request and Budge stated to do it on December 5th and she would try to be there. Mayor Cole gave Budge the option of December 5th or December 19th and she decided on December 5th and requested an announcement be sent to View Street residents. Mayor Cole stated that absolutely everyone would be notified on View Street. Langford stated that in the meantime they can go over and look at it. Mayor Cole said that maybe on December 5th Budge and everyone on View Street comes to the meeting and reports that it has been fixed. Budge said she has pictures and Lockard said they would come take a look at it in the next couple of

days. Mayor Cole offered to phone conference Budge if she couldn't make it to the meeting. Budge said she would drop the pictures off tomorrow. Avent stated that there have been other concerned citizens regarding different issues and is there some way they could encourage Budge's energy to spend their time bringing issues to the Council and form a street cleaning committee or active committee cleaning. Avent stated they have had Al Guist in here previously and a lot of people that have a lot of ideas and maybe a committee could be formed and they work with Lockard to head some of the things off that sometimes don't deal with because it seems like there is a lot of energy out there that could be proactive. Mayor Cole said let's try this first since we told Lockard this is broken so let's give him a chance to fix it. Avent stated he is not suggesting that this is a fix for that but he is saying that over the last year and a half people have come in that have certain things and when you have people that are willing to invest their time in our community it seems like if we could channel that energy it would be a positive asset. Nelson said that some of the people that have come in those issues will be addressed with the system. Mayor Cole agreed. Nelson asked as far as #4 could it read maintenance program implemented for streets, right-of-way, moving and brush clearing to where street maintenance could be part of the goal project. Mayor Cole asked if then maintenance program wasn't part of maintenance and Nelson said it implies that it is for simply street right-of-way and brush clearing and he wants it to be maintenance of the streets in addition to right-of-way, moving and brush clearing. Mayor Cole said maybe it should read streets, maintenance program implemented which would include right-of-way. Mayor Cole said one of the really bad streets is by the water plant and another one is off of 4th and D or E and 3rd.

A member of the audience, unidentified, that he foresees a water leak that is in front of their store (Washington Way and Rockcrest) turning into a skating rink soon. He said he doesn't know where that is going to fall as far as priority, it's been over 18 months now. Mayor Cole said that was a good question and he wishes he could say it was going to be fixed tomorrow because he has been looking at that for eighteen months. Mayor Cole said that is why he put that on the review and if something is broken he isn't asking Lockard to fix it tomorrow but he would like to have a plan of action. Mayor Cole said if Lockard gave a date of the 12th of never then at least Mayor Cole would have a date associated with the problem whereas before there wasn't even a date associated with it. Dudley suggested giving Lockard some ideas and Mayor Cole said he wasn't going to give him ideas because he's going to tell him that every time. Mayor Cole repeated that he wanted some kind of plan of action associated with the problems and he would think the work order system would help fix that.

Langford said he has written the ideas and additions down on the goal list and stated that if anyone had any additions over the next day or so to email them and

then he will forward them back to everybody and then hopefully this can get done by the end of the week.

New Business:

- a. Approve a Contract with CBR Forestry LLC. Moon moved, Langford 2nd, **motion passed unanimously.**
- b. Approve a Contract with JL & O Enterprises. Moon moved, Langford 2nd, discussion - Nelson asked what the contract acreage was involved. Dudley replied there is a map in the contract. **The motion passed unanimously.**
- c. Approve the Management Commitment Safety Letter. Mayor Cole deferred to Dudley who stated this was the first step in implementing the City's risk management work plan and there was one that was approved years ago but this would update the safety commitment letter. Dudley said this reaffirms the City, the supervisors and the workers commitment to a safe work environment. Nelson asked if it would be signed by all and Dudley replied it would be signed by the Mayor if Council approved it. Nelson asked if it shouldn't be signed by the employees as well and Dudley replied the employees would get a copy of it. Mayor Cole and Dudley added it would be a policy statement. Butcher asked if they will sign the letter and then it will be read that they signed the letter and it will be put in their personnel file. Dudley said this becomes the first step in part of the City's updated safety handbook and the employees would get the safety handbook and this is the commitment from the Council, the Mayor and administration to the City workers, they are all committing to work towards a safe work environment by all being mutually responsible to operate things safely. Nelson said that anytime anything was new where he worked they all had to sign it because this could be thrown into a handbook and it never gets read. Dudley said what she can do is send it out to all staff via email and then it would be known that everyone received it. Cooper said that emailing it would be sufficient and if they reply back by email that would be sufficient and if they bring it back in with an initialed copy that would be sufficient. Dudley said she would follow-up on it. Mayor Cole said where he works the supervisor will get a copy of it and the supervisor will sign off on it that he personally went over it with all the employees which could be another way of doing it. Langford asked if there was a way to send emails with an automatic receipt rather than giving the recipient the options. Cooper asked Dudley if she would check with the consultant to see if we have the capability and see if Office 2010 does and it might be time to move forward with the second phase of the I.T. think if we need to accomplish that goal. Cooper moved, Vilardi 2nd, to accept the management safety commitment letter with the so noted changes, **motion passed unanimously.**
- d. Risk Management Work Plan Discussion. Dudley stated that in the Council packets there was a memo from her along with an outline in regard to the risk

management coordinator work plan. Dudley said that a number of months ago it was brought to the Council that City/County Insurance Services was offering an opportunity for the City to be able to reduce the insurance by as much as 13% and in order to realize that reduction the City has to go through their best business practices which is a six step program; the personnel handbook, the safety manual program, fleet policy, sewer maintenance program, police policy best practices program and appoint and train a risk management coordinator. Dudley said she attended the risk management training and she has also included how detailed the program is and the steps that we have to go through. Dudley said we may have been a little over zealous in our attempt to get everything done, that is still our goal and what we will continue to work for and while it may not be practical to assume the City can complete everything she thinks the City needs to put the safety manual at a foremost. Dudley stated City/County Insurance Services has a new safety manual that we can implement that was developed this year so we can go ahead and download that, provide it to our staff and department heads so we can start implementing our safety program based on that. Dudley said the advantage to that program is it actually has a guideline that tells us what we have to do on a quarterly basis. Dudley gave the example of checking the fire extinguishers monthly, a walk thru of every site we have on a quarterly basis so it will help us provide that training to our safety coordinators and department heads. Dudley said she recommended we implement that immediately and then go back and pick up some of the other pieces and if she has the consensus of the Council that is what she would like to start on immediately. Lockard asked for clarification regarding the fire extinguishers and Mayor Cole said they are professionally tested once a year and then monthly a visual is done and if it is in the green there's a tag to initial and date. Dudley said the tags are supposed to be kept for audit purposes. Moon moved, Avert 2nd, discussion – Nelson asked if there was a program like in the police department where either daily or weekly they have to log on and answer questions. Dudley stated we have training available to us and she and Lockard will be discussing that in more detail. **The motion passed unanimously.**

- e. Audit Report for Expanded Scope of Work. Dudley stated that in the Council packet she included the expanded scope of work that was completed by Pauly Rogers. Dudley said it provided their findings and it was based on the concerns that were raised by Councilor Moon earlier this year. Dudley said Pauly Rogers will be here to present the regular 2010/2011 audit when they get it completed. She wanted to go ahead and provide this information because this was in addition to the regular audit and if there are any specific questions she asked the Council to contact Pauly Rogers directly or she can answers those questions. Dudley stated that as Council could see from the report there were no deffcancies in regard to the general ledger. Dudley noted that there were a couple of variances on reimbursements to former employees. Dudley said that future reimbursement

requests from the employees will be audited to make sure the City has everything they need to be in compliance. Dudley said there were no exceptions in regard to the administrator/department head payroll checks to ensure amounts were in accordance with approved salaries. Dudley stated they traced payments from the City to REDCO, there were no deficiencies except one check in 2007 was only signed by one person. We are making sure that everything is signed with dual signatures as required. Dudley repeated that if there are any questions she is available to answer those questions or if Council prefers they can call Pauly Rogers direct. Nelson stated it looks like everything was in good order.

- f. Porta Potties at the Park (added to agenda): Mayor Cole stated that Lockard came to him with a price that was \$160/month for an ADA compliant porta potty. Mayor Cole said his thoughts were that with an upcoming Council meeting he wanted to get Council input because of the cost. Mayor Cole said he doesn't have a strong opinion either way and the restroom at the boat launch is open, it's a little bit of a walk and he and Lockard felt the restroom was being used by a lot of passers by so by trying to save money would a sign stating restrooms 100 yards away are open be sufficient. Avent asked Vilardi how the research was coming for new restrooms at the park and he replied that he met with Lockard this week, has several scenarios and he turned them into Dudley. Dudley said they will be getting a bid from the prefab company and Vilardi replied they want to get a couple of bids. Vilardi asked Lockard how often the porta potty would be cleaned and Lockard replied once a week unless it was needed more often and he thought it was \$163 or \$165 a month because this time of year you don't know how many people would use it. Moon suggested it be moved to unfinished business so Lockard can get his stuff back. Mayor Cole stated the prefabs were not going to be built and Dudley stated it would probably be spring. Cooper asked if those were addition to what we already have or a replacement and Vilardi said it would be a replacement. Nelson asked what the price would be for a non ADA porta potty and Lockard replied he did not ask that because if one is implemented it should be ADA. Nelson asked if we could put a sign up that states ADA bathrooms available at the boat launch. Dudley said it was only about \$20. Mayor Cole said that he would prefer to not have the ADA person go further for the ADA accessible restroom facility. Nelson he thinks the sign is important regardless whether or not we do or do not get the portable bathroom and that just a simple sign on the door stating these bathrooms are closed these months are other facilities are available at the other two restroom facilities that are open. Lockard said he would get the sign issued. Nelson said he thinks it is a service the City should provide and made a motion to get the ADA porta potty, motion 2nd by Cooper, discussion – Langford asked if it would be paid for out of the general fund or which fund it would be taken out of. Lockard said it would come out of public properties and Dudley said that is in general fund and we have repairs and maintenance supplies so obviously if you spend it on this you don't spend it on

something else. Lockard said the next budget cycle we will find out what it hurts and if that's what the practice needs to be then we will come back and request it be put in next year's budget. Cooper suggested that whoever makes rounds around the park from the public works staff check out the porta potty once a day or so to check on the condition. **The motion passed unanimously.**

Langford moved, Avent 2nd to extend the Council Meeting to 9:15 pm, **motion passed unanimously.**

Staff Reports:

Lockard said most of his stuff was talked about earlier but he would like to get the list from Budge and there is more training and certs lined up.

Chief Griffith said there were two burglaries last month, one a resident and one a business. Griffith said that the resident suspect was taken into custody and the property back on that. Griffith said they were able to get in touch with the Sheriff's Office to set up a time for the boater safety classes and two officers are now trained regarding boats. Mayor Cole said he was not looking for answers right now but would like information brought back to the Council would be on the community/neighborhood watch program. Mayor Cole said it doesn't have to be at the next meeting.

Dudley said her report was covered in the regular meeting.

Council Reports:

Moon said he was invited to an interesting meeting last week, the new president of the Portland Western Railroad was in attendance, Foss had a representative, Teevin Bros., Columbia Pacific Bio Refinery which is the corn ethanol plant to discuss rail management. Moon said it was a very well attended meeting and the Port of St. Helens was there and a lot of good things came out of the meeting.

Avent thanked all the public for coming in and said he would get together with Budge the next day to look at the problem. Avent thanked Langford for pushing the issue because they need to continue to work on communication, there are a lot of challenges and the best way to solve them is to work through the public and ourselves. Avent said he also attended the rail meeting Moon was talking about and Moon was modest because he did call for that meeting and it was very beneficial. Avent said that as a community we need to focus on the "A" Street corridor and the impact as more and more projects move forward at the Port Westward project. Avent added that the time to mitigate that is before not after so it needs to be focused on as a community as far as the safety issues he and Mayor Cole had talked about for many years like the parking problems. Avent said he doesn't know what the next step is but meetings like that go a long way.

Cooper thanked Butcher for his involvement in the street projects that have been going on, the citizens and Budge for bringing matters to the Council's attention.

Vilardi said he met with Lockard this week on the bathrooms, apologized to Langford for not getting the information back to him in a timely manner, and thanked the public for showing up and their input.

Langford said he is glad they are moving forward on this and said he will work on the goals and forward them via email either tomorrow or Wednesday. Langford said he didn't mention during the minutes but Avent had brought up at the last Council meeting about getting Dudley's contract on the agenda and he noticed it did not make it on the agenda. Langford said he is curious if Avent still wants that and it doesn't make any difference to Langford. Mayor Cole said he decided to withhold that because he thought Lockard's would take quite a bit of time. Langford said he thinks it is important for Dudley to have stability regarding a month to month contract. Dudley asked if that meant they were going to do the evaluation and then the contract like with Lockard. Langford said that was something the Council had to discuss but he thinks it needs to be put under unfinished business. Dudley asked Mayor Cole if he had some evaluations he wanted to look at and give them to Council and Mayor said he did. Mayor Cole said if the evaluations are done the next process would be to wait for the Council to give them some kind of proposal contract wise. Vilardi suggested finishing up with Lockard's and then moving on to Dudley's. Mayor Cole said that was fine. Langford said to have somebody else do Dudley's because he didn't want to do that. Mayor Cole asked if December 5th would be enough time to bring something back regarding Lockard's contract. Langford said if he needed more time he would give a week's notice. Mayor Cole said that tentatively it would be put on for December 5th and Langford was going to sit down with Lockard and hopefully get it forwarded prior to the December 5th meeting.

Avent asked Dudley if she was patient with that and she replied she was because she had a job.

Butcher said as the "A" Street Project Manager he was invited to attend the railway meeting and some of the comments brought up were the train stopping in the middle of town and the railway president is going to try to correct that problem, also the train idling is not supposed to idle more than 15 minutes at any given time, they need to turn the engine off which the president is also going to look into. Butcher said there is a tremendous savings in fuel cost if they do that. Butcher said the railway is going to work with Foss Maritime so they (Foss) will be able to turn their trucks into the yard, get out of the yard and be able to turn anything they build in the yard. Butcher said it was a very productive give and take meeting. Butcher said that according to the paper Foss Maritime announced a project they are building for a dam at Lake Roosevelt. Moon added they are going to have eighteen new family wage paying jobs. Butcher said they also announced at the railway management meeting there is now a bulkhead permit in place and a 9

million dollar project is coming to Rainier that will bring 13 to 35 jobs plus they are changing their diesel tugs to hybrid tugs. Butcher attended the CCET (Columbia County Economic Team) meeting and Teevin won an award for expansion of the year for Columbia County, also there is a new recycling business that is going into Rainier. Butcher said that he ran into a friend of his who works out of the senator's office while attending meetings and Butcher mentioned the problem of not having enough funds to complete the "A" Street project sewer replacement and Butcher told him he was looking for some money and did he have a million dollars to which the friend replied he didn't have that much so Butcher mentioned a half of million dollars and the friend said he would email Butcher some forms and there were deadlines to meet. Butcher said they have until 11-28-11 to get that in and that Gibbs & Olson and Lockard were working on that feverishly to meet that deadline so it can get into Senator Merkley's office and maybe good things could come of it. Cooper told Butcher he did a good job.

Avent said Lockard was going to check on the right-of-way easements on the "B" Street/Highway 30 project. Lockard and Mayor Cole said ODOT was finishing up on that. Avent clarified that there was a discussion on if they change the corridor, the undergrounding and the utilities such as cable. Lockard said that was right and he talked with the phone company and they said that would be too spendy and the City's dime so they want to stay overhead. Avent asked what that cost would be and Lockard said he would call back if the Council wants to pursue that because the phone company had no interest in doing it on their own. Avent said it wasn't a question of wanting to pursue it but getting a cost and Lockard said he would get that information. Avent stated they wanted to let the PUD know by the first or second meeting in December whether they wanted this as an option or not. Nelson stated it was the first meeting.

City Calendar Announcements:

City Hall closed Thursday and Friday, November 24th and 25th with Thursday being a holiday and the employees use their vacation time on Friday. Planning Commission Tuesday, November 22nd regarding a dock at Teevin Bros., City Council work session December 5th at 6:00 PM following by a regular City Council meeting at 7:00 PM and a regular City Council meeting is scheduled for December 19th at 7:00 PM but if there is a light agenda item the second meeting might be cancelled which could make the agenda heavy for the December 5th meeting.

Meeting adjourned at 9:15 PM.

Mayor Jerry Cole

Attested: _____
Debra Dudley, Recorder