

**City of Rainier
Regular Meeting Minutes
January 23, 2012
Rainier City Hall
106 West "B" Street
Rainier, OR 97048**

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

Council Present: Mayor Jerry Cole, Phil Butcher, William Vilardi, Scott Cooper and Sloan Nelson.

Council Absent: Mike Avent.

City Attorney: Absent

City Staff Present: Debbie Dudley and Gregg Griffith.

Flag Salute

Mayor's Address: Mayor Cole read the names of 13 additional service personnel since the last council meeting and a moment of silence was observed.

Visitors Comments:

Al Guist, 109 West "D" Street, Rainier, OR 97048 stated he turned in a slippage problem in front of his house one year ago and nothing has been done and Lockard looked at it and told Guist it was TV'd two years ago and nothing was wrong with it then but the first step would be to TV it again since we have our own TV to make sure there is not a problem and the second step would be to look in the manhole to see if there was something wrong there and when Guist asked Lockard if he had done that he said to the best of his knowledge it was fine. Guist added if there is a break in the manhole or a seam is loose or gone the water could be going through there and it should be checked. Guist stated the ground continues to settle and his wife fills the cracks and has done that for quite a while. Guist stated Lockard said he didn't know what to do and suggested Guist go to the Council and see what they think could be done and possibly get an Engineer to look at it. Vilardi asked how big of an area is involved and Guist said it follows a sewer line down the street and there is probably at least ten feet where the cracks run vertical along with the street. Guist said he has videoed water gushing out of the hills, the bottom of the bank where the street ends and it was coming out to the point Guist thought there was a leak but then it went away, it comes and goes. Guist said he thinks the water is following the sewer line down the hill and when you put crushed rock around the outside of it and you have clay throughout the rest of the street it is going to take the easiest way down the hill. Guist said without the other steps he is guessing that is what is happening and he would guess some kind of drain line needs to be installed to channel the water where it needs to go and not erode the street and stop in front of the house. Guist said a year or two ago he wrote a simple solution to the problem and that would be at East 2nd and East "D" Street the line turns that services the whole east end of town including

City of Rainier
Regular Council Meeting Minutes
January 23, 2012
Page 2 of 10

the water treatment plant, it turns comes down “D” Street which is one of the steeper hills, goes in front of Guist’ house and goes across Tygret’s property to a manhole and then goes out to “C” Street. Guist said a simple fix would be to go to East 2nd Street, take it out to “C” Street and dig one block of sewer line and cap off the one coming down the hill and then you would have three houses on it. Mayor Cole asked Guist that based on a hunch that he (Guist) has who would pay for that when the Public Works Director says he doesn’t think it is City related or caused and Guist is saying it is City related and suggesting hiring an engineer and what if the engineer says it is just surface water. Guist clarified that was Lockard’s suggestion, not his. Mayor Cole asked who would pay for that just because Guist thinks it’s a certain direction. Guist said it is City property. Mayor Cole said based on the public works guy he says there is no problem. Guist said the public works guy doesn’t deny there is a problem he doesn’t know how to go about fixing it or know what to do about it. Nelson said it would be nice to get it cameraed and find out if Lockard has had it cameraed to make sure it is not a leak from the City’s line. Mayor Cole said it was at 0 cost. Butcher asked if there was a city work order and Guist said he put out a work order last year and this year. Butcher said he would follow up on that. Guist said we have our own TV camera and Sloan said the City would have it cameraed and see where we go from there. Vilardi added we need to see what’s going on before anything can be done. Mayor Cole directed Dudley to take care of it.

As a second matter, Guist said he was glad to see the City’s snow plow out for the first time but wondered why his tax dollars were being wasted by sending the plow 8 miles out of town to Walker Road and then the City truck ended up in a ditch putting the driver in harms way and it was the first time the public works driver ever operated it. Guist added that because the truck was stuck and a tow truck had to be called, whoever sent the plow truck out there should be paying for it not the City because it is a waste of tax dollars. Cooper stated they were aware of it and were dealing with it. Mayor Cole said those same questions have already been asked.

Unfinished Business:

- a. Approve January 9, 2012 Work Session Minutes. Nelson moved, Vilardi 2nd, to approve the minutes. **Motion passed unanimously.**
- b. Approve January 9, 2012 Regular Meeting Minutes. Cooper moved, Butcher 2nd, to approve the minutes. **Motion passed unanimously.**
- c. “B” Street Update. Mayor Cole attested that “B” Street is moving along and they met with ODOT the other day. Dudley added that the City Attorney is reviewing an agreement for the right-of-way acquisition with ODOT. Mayor Cole said he asked them to investigate the bid date. Dudley said they are hoping to have construction started by summer.

City of Rainier
Regular Council Meeting Minutes
January 23, 2012
Page 3 of 10

- d. “C” Street Slippage Update. Mayor Cole said the sidewalks have been done and it is weather pending at this point and the grass will be put down this spring. Guist added he was disappointed the City did not have representation at the site while the work was being done to be sure it was up to specs and code. Dudley said the County inspector was at the site on numerous occasions. Guist said the sidewalk is not in a straight line.
- e. Gibbs & Olsen Billing for “B” Street Town Hall Meetings. Dudley said she talked to Carol and Gibbs & Olsen who is going to be talking to President to see if the City can get some relief on that charge and Dudley will report on the status at the next meeting.
- f. Designate a Cowlitz-Wahkiakum Council of Governments Representative. Carried over to the next meeting or a later date. Mayor Cole suggested any Council member attend the CWCOG meetings until the City has designated an actual representative and to keep this on as old business.
- g. Goal Setting. At the last meeting Council talked about setting goals for the City Administrator position. Dudley suggested leaving this item on the agenda as unfinished business until it is formalized.

New Business:

- a. Presentation by Waste Connections on a Recycling Proposal for the City of Rainier. Mayor Cole stated that he and Dudley had met with Hudson Garbage and the County about possibly trying to get a curbside recycling program implemented. Jason Kirschenmann, from Hudson Garbage Service stated he is also working with the county and to be able to provide this service in the city limits also could keep the cost down so they are working with the county and making a proposal to the Council as well. Kirschenmann said that each customer would have a 95 gallon cart collected every other week and explained the information on the cart that Kirschenmann brought with him as part of the presentation. Kirschenmann said that most customers who use the recycling correctly see a reduction in their regular garbage service. Kirschenmann said neighborhoods stay cleaner with the recycling carts because items that customers are trying to recycle in bags and such do not get blown around by the wind. Kirschenmann said they estimated a \$4.00 per month cost to the customers. Kirschenmann said if this was something the Council wanted to move ahead with they could return in May with an actual cost and six to eight weeks after approval they can start the program after notifying customers of the new program with a schedule of collection. Kirschenmann said if they can do this in the residential areas the commercial customers are going to benefit because currently commercial customers recycle cardboard but if the new program is approved the commercial customers will be recycling a lot more items. Roy Weedman said he just got approval

City of Rainier
Regular Council Meeting Minutes
January 23, 2012
Page 4 of 10

from the County Commissioners to educate customers on recycling and how to reduce their garbage. Nelson asked Kirschenmann that when Kirschenmann previously made a presentation a cost of the truck was mentioned, Kirschenmann said the price does not include a truck and they would be using a pre-existing truck and clarified there would not be a purchase of a truck. Cooper said he lives in a condominium and they use a dumpster to which Kirschenmann said there would probably be two to three carts and Weedman added that would be part of his education. Nelson clarified that the proposal would continue to use the receptacles that the customer owns and offer the recycling bin every other week. Mayor Cole asked for clarification on the cost for garbage and Kirschenmann said that one can a week monthly is \$17.89 and two cans is \$29.98. Mayor Cole asked about the cost for customers who are on an every other week pickup and Kirschenmann stated the cost would be \$14.92. Mayor Cole asked if anyone in the audience had any questions and Don Puckett, 511 West 2nd Street, Rainier, Oregon 97048 wanted clarification on the cost and there have been two increases in garbage service and he asked if those increases were going to come back to them. Weedman said there is a yearly CPI increase and that will continue indefinitely. Mayor Cole stated that to do the recycling it would be \$4.00 per month and Mayor Cole, using his household as an example, said he has two cans picked up every week, four pick-ups a month and it cost him \$29.00 a month and with the recycling and his garbage it would be \$32.00 per month. Mayor Cole said if the recycling program was implemented he would be able to go to one can once a week and it would bring it down to around \$21.00. Weedman added the CPI increase was passed by the County Commissioners and the rate increases have nothing to do with tonnage. Vilardi asked if the recycling for the garbage service could be optional or was it optional. Cooper moved, Vilardi 2nd, to move forward with the recycling garbage program. Mayor Cole reiterated that the vote to approve the recycling would be in May, after more information was received. Cooper asked if a town hall meeting would be appropriate and Mayor Cole said that before May they could advertise a meeting for the public to attend to ask questions and get information on the recycling program. Dudley suggested scheduling the meeting during a work session. Mayor Cole suggested the first meeting in, that would give people some time to think it over. Mayor Cole said if customers call the City they would encourage them to call Hudson Garbage Service. Butcher asked if there would be an option to opt out and opt in with the recycling program and was told there wasn't an option and that it would be included with the garbage service. Butcher clarified whether or not you wanted the recycling service or not you would be required to pay the \$4.00 and was told that is how it works. Mayor Cole added there is an opt in or opt out and that would be whether or not you signed up for garbage service. The motion passed unanimously. Mayor Cole asked if there were any more questions and someone from the audience asked if a customer was choosing not to recycle would Hudson lose money even though the customer is paying more and the answer was no but Hudson would not offer an opt out to the recycling program.

- b. Presentation by CT Consulting for a One Day Planning Session. Caryn Tilton, owner of CT Consulting, PO Box 394, Welches, and Oregon 97067 stated Butcher asked her to make a presentation to the Council. Tilton distributed a packet of information that included information on governing capability, accountability and succession planning, policy development, strategic planning, performance management and city manager review system and explained the contents of the packet. Tilton said she recommends the first year of implementing the program and changes is a practice year and a six month review. Cooper asked for Dudley's input and stated he feels the Council is a group of people who want to make things better but they really don't know how to accomplish that. Mayor Cole asked what the cost was and Tilton replied it was \$2,000 for the day, Mayor Cole asked if it would be another \$2,000 in six months and Tilton replied that fee would be less. Dudley asked for the names of other municipalities Tilton had provided service to. Tilton stated Wood Village, Boring Fire District, City of Tillamook, Happy Valley and Sunnyside, Washington and others. Mayor Cole asked what the fee was for executive evaluation and Tilton said it is \$65 person and \$10 per respondent. Mayor Cole said his suggestion would be to wait until the council vacancies are filled to move forward, Cooper agreed, and it would give time to follow-up with references. Dudley asked how in depth was the strategic planning during the one day session. Tilton said she assists in developing a strategic plan but the strategic plan in this case is an annual performance plan. Cooper asked if department heads are included in the program and Tilton said it's good to have department heads present to set objectives. Dudley asked if Tilton has worked with the League of Oregon Cities (LOC) and she said she has. Dudley asked Tilton what the difference was in Tilton's training and the LOC's training and Tilton stated she thought they talked more broadly about goals and responsibilities where her program is more of a hands on program. Cooper asked Dudley to get more information and report back. The session would take place until after the open Council positions were filled.
- c. Appoint the Council Selection Committee and Discuss Duties for the Committee. Dudley informed the Council that an ad was ran for the selection panel/committee and the requirements to serve on the committee, as voted on at the last meeting, included being a registered voter for the State of Oregon, reside in the City limits, cannot be an employee, has not served in an official capacity for 18 months, and must be available for the January 30th date. Dudley stated that currently the selection committee applicants are Al Guist, Shirley Bartholomew, Dearl Taylor, Steve Massey, Erin O'Connell, Michael Carter and Brian Abel. Dudley asked for Council direction regarding Brian Abel serving on the selection committee and being a council candidate. The Council elected not to have one person on both. Mr. Abel chose to continue as a council candidate. Dudley recommended basic fundamentals for the selection committee; the selection committee will individually rank the

City of Rainier
Regular Council Meeting Minutes
January 23, 2012
Page 6 of 10

candidates with the top ranked candidates being referred to the City Council for final selection, all candidates will be asked the same questions and the questions will be distributed to the selection committee the morning of the interviews. Dudley stated that currently there are eleven candidates for the two open positions and the applications for the positions close at 5:00 PM on January 25th so we could receive more. Dudley stated that at the last meeting Council discussed interviewing council candidates on January 30th. However with the amount of candidates it's not feasible to do the interviews in one evening and we want to give everyone equal opportunity with the selection committee having enough time to give a comprehensive interview to each candidate. Dudley also stated that since the position didn't close until January 25th, the soonest date to notify the candidates would be January 26th and it wouldn't be fair to them to give them only four days to arrange their schedule. She recommended either interviewing on a couple of different dates or on a weekend. Cooper added he thinks Council should also be involved in the interview process of the eleven candidates along with the selection committee. Mayor Cole said he doesn't think that the entire Council needs to be involved with the initial selection but suggested a couple of council members be nominated. Nelson said he doesn't think it is good to have Council involved with the selection committee and then look at them again. Mayor Cole said he would like the selection committee to be community based rather than council based. Mayor Cole suggested two council members be on the selection committee and Cooper and Vilaridi volunteered. Dudley said another option is to interview the candidates, meet as a group and select as a group. Council agreed it would be better to interview individually. Dudley asked Council how many candidates they wanted the selection committee to bring forward and she suggested at least four or five and Council agreed to four. Dudley asked the Council if they wanted to approve the questions or want her to put something together. Council agreed upon seven questions for the initial interview. Mayor Cole suggested that with all committees there is a chance the correct candidate is not picked and it has always been important to him they are elected officials. Mayor Cole said the charter states if there is a vacancy it is for the rest of the term and there are quite a few years left on the terms that are currently open. Mayor Cole said he feels these appointments are until the next regular election which is what they did last time and the person appointed to the council position has to be on the ballot at the next election. Mayor Cole said maybe Council needs to look at changing the Charter which has been talked about previously. Mayor Cole said he wants the eleven candidates to know that this is an appointment until the next regular election so if you don't get picked you can get on the ballot later. Dudley said the City does have a number of positions that are going to be open at the next election and she will be discussing that process in February. Butcher said there is one other person that wanted to volunteer for the selection panel and Dudley said that it closed today at 5:00 PM so if we were going to extend that we would need to extend that for everybody. Nelson said and Cooper agreed it would be better to do the interview on one day rather than two days. Dudley

suggested trying to get interviews set up for the next weekend. Nelson moved, Vilardi 2nd, that Cooper and Vilardi would be on the selection committee along with Al Guist, Shirley Bartholomew, Dearl Taylor, Steve Massey, Erin O'Connell and Michael Carter, the selection committee would refer the four highest ranking candidates to Council, and seven questions would be asked in the interview process. **The motion passed unanimously.** Mayor Cole added that if you can't get the interviews done by the 6th you have until the 21st.

- d. Discuss Contracting Services with LGPI. Dudley said there was information provided in the packet from Steven Schuback a labor relations attorney. Dudley said she was asked to get a cost on bringing someone in to assist with the contracts and contract negotiations. The cost as detailed in the price quote is dependant on how many sessions it takes to come to an agreement. Dudley stated in Schuback's proposal, he comes in for all day, half the day would be for public works/clerical and half the day would be for the police bargaining unit. Dudley said one of the advantages in working with a labor attorney is knowing that everything is done legally. Nelson moved, Cooper 2nd, to accept the proposal from LGPI for labor negotiating. **The motion passed unanimously.**

- e. Reappoint/Approve Planning Commission Terms. Cooper moved, Vilardi 2nd, to reappoint the planning commissioners who terms have expired as outlined in the memo from Brusco-Harding, Planning Clerk. **The motion passed unanimously.** Dudley reminded the Council, at Brusco-Harding's request, of possible ex-parte contact regarding land use decisions made by the Planning Commission that could be appealed to the Council. Mayor Cole added it is not totally illegal but Councilors would have to declare it and if the conflict is excessive it might seem unfair.

Staff Reports:

Griffith – nothing to report.

Lockard – absent. Butcher said he gave Dudley some literature on the “A” Street project, Butcher said he didn't know anything about the snow plow until this afternoon.

Dudley – the minutes are on the website and we are continuing to update so the website is more eye appealing, the utility bill that went out included comments from Mayor Cole and information to utility customers regarding online payments.

Council Reports:

Nelson – asked Dudley to request a report from the Librarian. Nelson asked Griffith to give the Council some statistics on what they are doing. Griffith replied that he had provided information to the Mayor and Dudley and Cooper asked to receive the information. Nelson added that Mayor Cole, Dudley and he met with the railroad previously and he (Nelson) brought up to the President of the railroad about the train stopping on “A” Street and they were unaware the train stopped on “A” Street and Nelson was assured the railroad would

City of Rainier
Regular Council Meeting Minutes
January 23, 2012
Page 8 of 10

stop that practice. Nelson said he talked to Bob Burnham with the Friends of Fox Creek and they are, along with the Boy Scouts, are going to be going down to the lower end of Fox Creek caging off some of the trees and replacing some trees that have been eaten by Beaver. Nelson stated that Mayor Cole was informed about and he said that was a project that had been ongoing. Mayor Cole said they talked about it and they didn't need to come to Council to talk about it because it was just maintenance. Nelson reminded the Council of the potential impact on the community as far as increased rail traffic and there is going to be a meeting with the Port of St. Helens in Clatskanie.

Vilardi – nothing.

Butcher – the City got another grant and he gave the information to Dudley. It is a \$20,000 as a service transportation grant. Butcher said he thinks there is more money in SAC grants and Dudley said they will be applying for additional money. Butcher said there should be some updates in the middle of February from the senate sub-committee regarding the “A” Street grant and he relayed that information to Dudley.

Cooper – nothing.

Butcher added that he'd like to see more financial reports, twice a month for some things, we are going into the budget system and we need to know where we are, how do we stack up year to date. Dudley said it is really difficult to get a clear picture until the close of the month. We currently provide monthly reporting, but if you do it twice a month you don't have a clear picture of where you are at. Butcher said monthly would be fine. Council reminded Butcher that the monthly financials reports were provided at the last meeting. Butcher said it was not understandable and asked if they understood these numbers. Nelson did and Vilardi offered to help Butcher look at them. Butcher said that voting on a budget he wants to know where we are at regarding the City and he can't make a sound decision on a number that he is guessing at. Nelson said everyone on this Council needs to make sure they do understand and if they don't they need to find their way into Debbie's office. Dudley said she provides additional information when asked and Butcher asked for information which was provided. If there are questions to let her know, she is available to meet at any time. Dudley said the budget variance report Council received shows where the City is at and staff is watching it closely, we are at where we need to be but variables do happen. Dudley added that if Council has questions or if they want to see more detail to contact her. Some of you want a snap shot; you don't want pages and pages of documentation. Dudley said she is trying to accommodate all Council member requests; typically what they received last time was eleven pages. Cooper said he has always had good luck just coming in and setting down with Debbie and saying are we at. Dudley said she and Butcher have met several times and have added more information, unfortunately for some it makes it more difficult. She likes the one page report indicating show income or loss. Cooper suggested that the way Council is structured now you might actually want to skinny that down some which is what she just

City of Rainier
Regular Council Meeting Minutes
January 23, 2012
Page 9 of 10

mentioned, I'm not sure we need nearly as much information as you're giving us. Butcher said that things are coming up and where do we stand overall.

Mayor Cole apologized for not being at the last meeting due to his work schedule and a council president is either selected or reappointed at the first meeting of the year. Mayor Cole said Council could reappoint Butcher or maybe somebody else wants to do it but it is something Council does at the first of the year. Cooper motioned, Nelson 2nd, to reappoint Butcher as Council President for another year. During discussion Nelson conveyed interest but it was alright with him if Butcher wanted to be Council President. **The motion passed with Butcher abstaining.**

Cooper suggested Council appoint liaisons. Discussion included waiting for the council vacancies to be filled. Mayor Cole said he unofficially appointed Butcher as the public works liaison but at this time he entertains a motion to appoint Butcher as the public works liaison. Vilardi moved, Cooper 2nd, to appoint Butcher as the public works liaison. **The motion passed unanimously.**

Mayor Cole said his other appointment was Scott Cooper as the police department liaison. Mayor Cole said with Cooper's technology knowledge he feels Cooper would be able to help the police department. Nelson moved, Vilardi 2nd, to appoint Cooper as the police department liaison. **The motion passed unanimously.**

Mayor Cole reminded all liaisons positions because there was confusion in the past, that the liaison is just that, the information should be filtered through the city administrator, the liaison should be notified, but they are not the yes or no person and now that we have an official city administrator now let's let her do her job. Cooper stated he agreed. Mayor Cole added that during the six months we are going to try to make up the funds for the absent city administrator there was some decision making by the liaisons and himself and now everything goes through Dudley as the City Administrator. Mayor Cole suggested council members do ride alongs with the police department and public works.

City of Rainier
Regular Council Meeting Minutes
January 23, 2012
Page 10 of 10

Calendar:

The City/County Dinner was moved to 0124/2012; currently Dudley and Butcher will be attending. Avent will be going on behalf of the Port. Dudley said the interviews for January 30th will be rescheduled. Mayor Cole said there is a city council work session on the 6th with the regular work session at 7:00 PM on the 6th. Due to President's Day on February 20th the regular meeting will be Tuesday, February 21st. Dudley said on February 9 from 2:00 PM to 4:00 PM there is an open house that City Hall is hosting in the Council Chambers. This is an informational seminar for individuals that are having financial difficulty and to provide information to low income families on what assistance is available. It is hosted by the City, the Library, H.O.P.E., Community Action Team and Cardinal Services and there will be a representative from the Oregon Department of Employment available at 3:00 PM.

Executive Session convened at 9:05 pm.

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.

The regular meeting reconvened and was adjourned at 9:25 PM.

Mayor Jerry Cole

Debra Dudley, Recorder/Finance Director
Interim City Administrator