

City of Rainier
Budget Hearing & Regular Council Meeting Minutes
June 18, 2012
7:00 PM
Rainier City Hall
106 West "B" Street

Flag Salute

Mayor Cole opened the budget hearing at 7:05 PM for public comment.

Council Present: Mayor Cole, Scott Cooper, Phil Butcher, William Vilardi, James Bradfield, Mike Avent and Sloan Nelson.

Council Absent: David Sills

Staff Present: Debra Dudley, Bobby Jo Brusco-Harding, Greg Griffith, and Peter Manning.

City Attorney Present: Stephen D. Petersen

Discussion: Butcher stated he wanted to make sure there were no water or sewer rate increases in the budget. Butcher said the overtime in the public works department is prorated and it is too high of a dollar figure in the budget and he wanted to know what the difference is, the percentage that was applied to the court system because he wasn't sure but he thought the council agreed roughly on a 10% to 18%. Cooper asked Butcher for clarification and Butcher wanted to know what the percent of budget cuts to the court and is it in line with everything. Butcher said the water and sewer rates were his biggest concern and what percentages were used because there are two, 3.1 and 4.7.

There was no public comment.

Mayor Cole closed the budget hearing at 7:07 PM and the regular meeting commenced.

Agenda Additions/Deletions: Cooper moved, Avent 2nd, to add the City Attorney, Steve Petersen to draw up an IGA for the monies that were going to go to Redco each year, the \$75,000, just to make sure for future activities that whatever the City or Redco does it will be in place. Avent asked if there was a time line and Cooper said he would like to see it at the next council meeting - **motion passed unanimously and it was added at New Business, item h.**

Avent moved, Vilardi 2nd, to add "A" Street proposal request - **motion passed unanimously and it was added as New Business, item i.**

Mayor's Address: Mayor Cole read the names of 13 fallen service personnel since the last council meet and a moment of silence was observed. Mayor Cole thanked the council, staff and budget committee members for their work on the budget.

Visitor's Comments: None.

Unfinished Business:

- a. **Approve June 4, 2012 Regular Meeting Minutes** – Avent moved, Vilardi 2nd, to approve the minutes as presented – **motion passed unanimously.**
- b. **View Street Update** – Dudley said there have been some priority water leaks to take care of, the material for View Street is here and as soon as time allows it will be done before the bad weather arrives.
- c. **“C” Street Slippage** – Mayor Cole said this item will stay on the agenda until the barriers are removed and the equipment is moved. Dudley stated the contractor will not be paid the retainage until the project is completed. Brusco-Harding added the property owner owes the City money for consultant fees.
- d. **Pocket Park Update** – Mayor Cole said the project is complete and Nelson reported that approximately 30 people came together to make the project happen and the neighborhood has scheduled themselves for watering duties for the new park. Nelson said he hopes this is a catalyst for motivating other groups and the pocket park group, via Nelson, presented Council with a thank you card for supporting the project and cards were sent to all who contributed to the project including the city public works crew.
- e. **Training Update** – Dudley provided the Council with a list of training topics and asked the Council to review the information and select their top five priorities and get the information to her as soon as possible. Dudley said that once council gets the information back to her she will contact the other agencies for their priority training categories and try to put together a schedule. Dudley said that Chief Griffith has providing information on NIMS and is the lead on the emergency management training (NIMS), a lot of the training is available online and some of it requires a certified trainer. Dudley said that Elaine Churchill of Columbia County Emergency Management has offered to assist with training and if the Council wants to participate there are certain levels of certification that are required in case of an emergency. Dudley said that Churchill can provide training and will help with the online material. Dudley said this needs to be scheduled and get done because the City is lacking in this area. Dudley said once that schedule is out she will notify the council in case they want to participate. Chief Griffith added that currently we are out of compliance and Dudley and Chief Griffith stated that by getting it done may help get grants.
- f. **Park & Ride** – Mayor Cole asked Petersen if there was any movement and Petersen said he needed another week or two and he will have a report for the Council at the next meeting.

- g. Judicial Services** – Dudley and Mayor Cole stated they thought Judge Wardle would be attending the meeting. Dudley advised the Council she had emailed them and provided information in the packets about the contracted services from other agencies. Avent said he talked to the Judge and he told Avent he hasn't heard anything from the City. Mayor Cole said he was supposed to come to the meeting. Avent added that the City was supposed to give the Judge what the dollar amount. Dudley advised the council that the information sent to all council members was also sent to him. Mayor Cole added everything we got he got too and Mayor Cole said he saw him on the email. Avent stated he wondered if the Judge hadn't seen it because he said he hasn't heard anything from the City. Avent said he asked Judge Wardle if he got the proposal and Judge Wardle said he hadn't heard anything from the City. Avent said he might have misunderstood the Judge. Cooper added that he thinks that they are making the decision with the Court and it is based on a financial business decision and he (Cooper) and Dudley have spoken to judges and the rates differ between different cities. The City may have a judge that is willing to step in and help Rainier and we don't have a lot of qualifications for the different possible candidates, we don't know the services that are being offered by all the different candidates so Cooper said he wanted to make a motion to send out an RFP to likely candidates to consider being the judge for Rainier including Judge Wardle and that way everybody gets a shot and emotion is removed. Cooper added that when the qualifications are received that the police chief be invited to go over the qualifications of the candidates and a decision is made on who the judge is going to be. Cooper moved, Vilardi 2nd, to send out RFPs for the judge position to qualified candidates. Discussion included Butcher stating the amount of income the court is taking in per month and what are we projected to drop off too, is it going to be a slight decrease or are we just jumping off into the dark and what percentage did we apply to the court system in the budget cuts, 10% across the board to all departments, what was the percentage that was applied to the judicial services. Dudley said she would get back to Butcher on that and she knows that finance and administration had a 43% decrease because positions were combined. This year we focused on trying to get to a status where the revenues and expenditures offset each other and we are still short from that in the general fund. With regard to the court income, about two-thirds of the revenue is currently coming from past due accounts, we have significant past due accounts and when that stream ends is anybody's guess. Butcher asked if there was any kind of report that could be developed indicating this financial data. Dudley said the court uses a software program called Magic. Butcher said he would be curious to find out how the money in the majic software is distributed to the state and to the City and we need to have some kind of accounting process before we can make a financial basis decision which Scott Cooper has mentioned regarding this position. Cooper said he would strongly disagree and when you look at the fact that we are spending \$24,000 plus a year when we could be spending \$4500 a year why would Butcher want to spend the tax payers money on those additional costs when our present judge and present court clerk agreed what they are doing in 20 hours a week could be done in one day a month.. Vilardi stated there are cities three and four times the size of

Rainier and they have court 8 hours, once a week. Butcher asked if council was taking into account the different seminars and other things that the judge goes out and spends his time on, staying up to date with the current laws in the State of Oregon. Mayor Cole and Cooper stated they didn't want to pay for those anymore. Butcher said if you don't want the court system that was fine and Cooper said we will have a court system. Butcher said that regardless of what the decision is he still requests financial information in regards to the Court and if he needs to do a public records request he can do that. Avent said he doesn't know how the Court system works here and as far as efficiencies it sounds like there are other ways we can do it to be more sufficient but at the meeting with the Judge it sounded like he was receptive to match that and Avent wanted to know if there was anything that the Council doesn't know about as far as performance, has the service been good and reliable for the last 25 years, is this strictly driven by the cost of the service and not by the quality of the service. Butcher agreed with Avent and Mayor Cole said it was strictly driven by the cost. Vilardi said to do the comparable, Scappoose spends \$1400 a month and we are talking \$350.00 per court day. Avent stated that was why he was asking if this was only about cost and not quality of service and Vilardi said no. Mayor Cole stated with this kind of RFP it is not necessarily low bid but who would be the right person for the job and Judge Wardle is not out of the running, other council members agreed. Petersen said that St. Helens is three days a week and Dudley said they are 16 hours a week; they have gone from three days to two days. Avent said if the decision is to go out for an RFP could we get some guaranteed numbers because he (Avent) talked to the city administrator from Scappoose on the cost and he said that it is all inclusive and if they want different things they have separate arrangements for that and Avent wants to make sure that if they move on something that has worked for 25 years regardless of the cost it sounds like there are some inequities to work through and he thinks from his discussion with Mayor Cole and the Judge it sounded like the Judge had a willingness to participate with that. Avent said he wants to make sure that whatever those services are they don't come back a year later and go now it's going to be \$1200 or \$1400 and then it's much more than that and the services are much less. Avent said we've got something right now that is making a profit and serving the community well. Cooper added that in regard to the RFP that is why we want them to submit the proposal to the Council because it's great when somebody does it for \$350 but they are going to have to list what services are included in that. Cooper said the services would be compared with the dollar amount and that is why he would like the Chief to be involved in that process and possibly Steve Petersen would be involved in the process. Petersen added he agreed but he felt rather than ask the question state what they want in the RFP and if there is a trial what would they charge because if you send out the request people would know what they are basically bidding on. Mayor Cole agreed. Cooper stated that they need to move forward in making that decision before they go out for the RFP and possibly Dudley, the Chief and Petersen discuss it. Mayor Cole said he thinks in a few days time the RFP could be figured out and to advertise the RFP it needs to include the information they are looking for. Petersen said maybe Judge Wardle would do it for \$450 and Avent said at

the meeting he got that same feeling. Mayor Cole said he anticipated Judge Wardle attending tonight's meeting and added he was supposed to let them know. Butcher directed a point to Nelson stating the contract that was mailed out under professional dues and fees it states that the City shall pay for dues and fees, the City shall pay dues for membership in the OMJA, the City shall pay for registration, travel and lodging and subsistent expenses for the OJPAOMJA conference and municipal judge's conference so you are not really escaping those fees if you develop a contract for the judge. Mayor Cole said that the RFP needs to be formulated. Roll call was taken on the motion:

Aye	Nay
Bradfield	Butcher
Nelson	Avent
Cooper	
Vilardi	

Motion passed.

Mayor Cole added that as far as the RFP goes he asked Chief Griffith and Cooper to assist Dudley with that and he asked both Butcher and Avent if they wanted to be involved in the RFP since they had both voted nay and they both declined because they didn't have time. Mayor Cole asked Bradfield if he was interested in assisting with the RFP and Bradfield said he would help. Mayor Cole said it was Dudley, Bradfield, Cooper, Chief Griffith and if Petersen could think of anything to be included he advised Petersen to send Dudley an email and Petersen said okay.

Nelson said that he thinks that as a Council they have to realize that budget times are hard, decisions have to be made, it is not personal but they have to look at cost savings wherever they can.

New Business:

- a. Consider Request from Paul Jones to Widen Driveway by Removing 7 Feet of City Curb** – Nelson moved, Vilardi 2nd, to approve the request by Paul Jones. Mayor Cole said he wanted it noted it needs to meet standards. Brusco-Harding said Jones was aware of the permit involved. **Motion passed unanimously.**
- b. Consider Resolution 12-06-01 Transferring Appropriations** – Butcher moved, Vilardi 2nd to consider the resolution. Dudley stated that general fund ended up having additional attorney fee costs, transferring \$9,000 from contingency into the attorney classification because of USG and other issues which will cover the additional expense, we anticipate being at budget next year. Dudley added the street fund expenditure is specific to the \$40,000 "C" Street project. When we entered into this project it wasn't a budgeted item, we recognized we could do an appropriation

transfer, part of it the \$23,124 was paid by the property owner, the rest was paid by the City, the Capital Sewer Improvement had a \$1,215 capital item that was the remaining consultant fee for the wastewater treatment plant project that Dudley discovered had not been paid and that was paid out of contingency also. Dudley asked for questions and Butcher moved, Vilardi 2nd, to make the transfer for appropriations – **motion passed unanimously.**

- c. **Consider Resolution 12-06-02 to Receive State Revenue Sharing Money for Fiscal Year 2012/2013** – Dudley said this allows us to receive state revenue sharing money. Avent moved, Vilardi 2nd, to approve the resolution as presented – **motion passed unanimously.**
- d. **Consider Resolution 12-06-03 Declaring the Tax Levy and General Obligation Bond** – Dudley explained it is consistent with prior years and the resolution is necessary for the City to pass the tax levy and certify with the county and this includes the property taxes as well as the general fund obligation – Nelson moved, Butcher 2nd to approve the resolution – **motion passed unanimously.**
- e. **Consider Resolution 12-06-04 Adopting the Budget and Making Appropriations** – Dudley said this is to adopt the current budget and make the spending appropriations, this process is by which they formalize the budget and authorizes the expenditures – Butcher moved, Avent 2nd, not to approve Resolution 12-06-04. Butcher said that his reason is that he would like to have some answers and make sure there are no water and sewer increases built into the budget, has that been figured into the budget or are they going to adopt it as a later rate, he wants some assurances that has not transpired. Dudley said that as discussed at the numerous workshops and budget committee meetings, there was a CPI adjustment in the water and the sewer rate; however those adjustments must be done by resolution. In the event Council chooses not to raise the rates by CPI which must be passed by a resolution, council simply does not pass that resolution, thereby there would be no rate increase. Avent clarified with Dudley that what she was saying was that if they approved the budget tonight do those increases go into effect. Dudley said they do not; Council has to pass a resolution in order to increase the rates. Dudley said that if there were no CPI rate increase, we would reduce the contingency amount in each fund. The budget document identifies the CPI increase separately, the other expenditures would be okay but we would reduce the contingency in the water and sewer fund. Butcher said that there were two CPI numbers floating around and Dudley said the 3.1 was for wages, the 4.1 was CPI (consumer price index) for the utility through the Bureau of Labor and Industries. Dudley said she will provide updated information to Council, any rate adjust is a decision made by Council, they can choose to make the total CPI adjustment, make half of it or none of it because it is totally a Council decision by resolution. Vilardi clarified with Dudley that passed the resolution adopting the

budget will not affect sewer and water rates and Dudley said it will not affect the rates until a resolution is passed to raise the rates. Avent asked when that would take place and Dudley said that the budgeted amount reflects July, but it is up to the council. Butcher said the built in overtime in the public works department of about \$23,000 to \$25,000 roughly and he can't approve overtime in that amount. Dudley said in case Butcher wasn't aware the public works is required to be on standby in the event of an emergency, water leak, sewer leak, issues at the park, when they are called out the overtime reflects the call out to handle the emergencies and it also reflects the standby time. Dudley added we ask these people to be available to respond twenty-four seven. Vilardi added they are also there to respond to the sludge and Dudley added we have sludge haulers that bring in the sludge that can't get here by 4:30 so not only do we charge them, they have to pay a callout time of \$50 to dump after hours but the offset is that we do have to pay overtime. Avent asked if the overtime was cut 10% like in all the departments or did Dudley leave it at the same amount and Dudley said it was left at an estimate and standby is one of the things being discussed in contract negotiations. Butcher said last year there was a \$5,000 on overtime item last year in the sewer fund and this year it is \$10,000 and it looks like we are mandating free overtime. Avent asked Dudley for clarification and she responded by stating last year \$10,000 was proposed and the budget committee reduced it to \$5,000. Dudley reminded everyone that overtime has to be approved, if it is an emergency we have to have the latitude for the individuals to be called out and the overtime is controlled by schedules. Just because it is budgeted doesn't mean it gets spent. Avent asked Butcher what he would recommend and Butcher said \$8,000 to \$10,000. Butcher questioned the cut in lab supplies and chemicals stating last year \$17,000 was budgeted and this year there is \$30,000 in the budget. Dudley stated the budget that was completed last year was the first year the plant was up and operational and we discovered through the budget process that line item was seriously under budgeted because the cost of running the plant is significantly more than the prior plant and that number is based on what we spent last year. The expenditure is consistent with what was the actually spent, with a reduction from what we paid this year by eliminating buying a bug that we don't need, we saved about \$6,000 in next year's budget from this year's budget by reducing the cost of a product that we determined did not serve a purpose. Mayor Cole asked for a vote for all those not approving the budget. Butcher voted aye. Mayor Cole asked for a vote for all those not in favor of passing the budget – Avent, Nelson, Cooper, Vilardi and Cooper voted nay – **motion failed.**

Vilardi moved, Cooper 2nd, to approve Resolution 12-06-04 adopting the budget and making appropriations. Avent stated he was concerned regarding the possible CPI rate increases and Cooper said he agreed. Dudley said there are things like fuel and power that are not controllable. Avent said he thought the Council would do everything they could to keep the costs down. Dudley reminded everyone that during the budget process at the work sessions and budget committee meetings we also

disclosed a debt service in the sewer treatment plant that will be paid off in three years and there will be a significant savings at that point. Dudley asked them to consider not undermining the gains that have been made to bring those two enterprise funds to being self-sufficient and allowing a reserve in the case of an emergency. Avent said at some point in time to really get an idea of what we need as a reserve fund and capital fund. Avent suggested using Bradfield's expertise. Nelson said it would have been nice to have this dialogue with the budget committee and during the workshops. Bradfield said the budget we are looking at is a work in progress as we move forward in time and we have to make adjustments we will make those adjustments and if there are some line items that are too much we will know that soon enough. Bradfield said the bad thing is it is really tight and we don't want to make mistakes because we are asking the public to foot the bill. Bradfield said he is comfortable with the budget, it's not perfect but it is close. Bradfield said that no line item has to be spent and if it doesn't so much the better so if we have a really nice easy winter next year and the overtime isn't spent we will have a great savings but we don't have any control over that. Bradfield said it is a good and honest budget and he is in favor of the budget. Butcher said he wants to go on record for cutting the police chief's staff, Chief Griffith brought up a very good point that if you cut the police clerk you have to pull the officers off the street but he is happy with the budget and he agrees with Bradfield that the budget is a work in progress and we've done a good job, it is a working document and we need to set some standards, the overtime is not a free time. **The motion passed unanimously.**

- f. **Consider Resolution 12-06-05 Increasing Annual Launch Pass** – Cooper moved, Bradfield 2nd, to increase the annual launch pass. Dudley stated there is a change to the existing launch pass, previously it allowed a discount for disable veterans and this proposal allows a discount for all veterans. **Motion passed with Avent abstaining.**
- g. **Discuss Records Request Policy** – Dudley explained the policies in the packet, one from Columbia County and one from the Port of St. Helens. Dudley said the purpose of the records request policy is to make sure we are in compliance with Oregon State statute and she would like authorization to move ahead and develop a policy based on Columbia County and the Port of St. Helens and she will bring it back to the next meeting with a resolution adopting a records request policy. Nelson moved, Vilardi 2nd, to give direction to Dudley to come back to the Council with a records request policy – **motion passed unanimously.**
- h. **IGA/Redco Request for the City Attorney to Perform Work** – Avent explained this was from a Redco meeting that we need to get the annual contribution from the City to Redco so they can meet their obligation to USG drawn up. Mayor Cole suggested Redco and the City each pay for half. Cooper moved, Avent 2nd, to direct Petersen to write up an IGA between Redco and the City for the \$75,000 annual

payment and at the same time make a request to Redco for splitting the cost of the IGA – **motion passed unanimously**. Petersen said since we have had one in the past it will be easy to draft one.

- i. **“A” Street Request for Car Show Benefitting the Women’s Resource Center on July 29th** – Mayor Cole explained some of the details are still in the works and the request is to use the north side of “A” Street from 8AM to 5PM to hold a classic car show that would go from the Ol’Pastime Tavern to the recreational boat docks. Mayor Cole asked if this would affect any businesses and Nelson said it also talks about Foss and depending on the volume of cars that enter it might extend down there and the only places open on that side of the street on Sundays are the Ol’Pastime Tavern and pizza place. Mayor Cole suggested getting permission from the Bank of American also. Nelson stated the Ol’Pastime Tavern has been partnering with the Women’s Resource Center for awhile now and this is another way to bring some people down on “A” Street and if there is a huge turnout they may also be on the opposite side of the street down from the insurance office but they will not adversely affect the Cornerstone or the hardware store because of the parking. Avent moved, Vilardi 2nd, to approve the request. Avent asked Chief Griffith if he had any suggestions or problems with the idea and he said it should be fine. Mayor Cole stated he did not want to pay overtime for public works to put up signs and Nelson stated the request states they would do all that themselves. **Motion passed with Nelson abstaining.**

Staff Reports:

Chief Griffith – Police car was involved in an accident last week that involved a stop on a stolen vehicle and it is being repaired.

Public Works Reports – Dudley said they were working today with an individual from Water Resources doing an audit and once the results are received Council will be notified. Working on the park, have authorization to use the Columbia County Work Crew coming in on the 22nd and 29th assisting public works to get issues in the park ready and are exploring the ability to use them on a more regular basis like once a month to do odds and ends regarding tasks that aren’t usually done by our public works department. Mayor Cole there are sidewalks that need to be exposed and maybe that could be included.

Administration – Dudley thanked Council for passing the budget and we are all very dedicated in making sure we are responsible and frugal with the citizen’s money and we want to make sure we continue providing the high level of service the citizens are used to seeing – that is our goal.

Council Reports:

Vilardi – park is looking good, town is looking good, public works crew is hustling to get things done and it shows, thanked Dudley for all the nice reports and the information she supplies to Council, he knows she juggles a lot of balls in the office and wears lots of different hats and is doing an exemplary job and she is doing a wonderful job.

Nelson – agreed with Vilardi on everything he said and it is refreshing when someone comes up to you asking if you are on City Council and it is usually positive rather than negative things that are brought to his attention, it is a different atmosphere than it has been in the past, Dan Leno of J & R Sales contacted Nelson a couple of weeks ago and Leno is donating six aggregate garbage cans with the lids to the City and Nelson has talked to public works about putting them in the park. Mayor Cole asked Dudley to send Leno a thank you note. Nelson stated Leno decided to do that because he recently has a store front remodel and he felt that the City was easy to work with in regards to the building permit process and this was his thank you.

Cooper – Another business where he was having dinner last night let Cooper know how easy it was to work the City as far as building permits. Cooper said that a pier on the outboard side is damaged and Dudley said that public works let her know and it is on the schedule to be repaired and when Bergerson comes in to do the other work it will be repaired also.

Avent – Thanked the group for the work on the pocket park and Leno regarding the garbage cans and he was thinking that there could be a work session to honor all contributions throughout the year and document it somehow so it remains a permanent item for people to see in the future. It would be nice if once a year at a meeting those people would be honored. He was a little bit disappointed that at the last meeting he let Council know there was going to be a strategic plan for the Port and we keep talking about rail issues and he was the only one from Rainier that was at the meeting. Avent said this was a good opportunity for people to give input. Nelson and Mayor Cole thanked Avent for attending that meeting.

Bradfield – With good weather coming it would be a good time to look at Fox Creek and commit to opening the flood gate and get it drained down and see what kind of repairs are required for getting things set up so we can start utilizing the free gravity water so we are not paying for the pump station. Bradfield said he has a couple of volunteers to help and will talk with Dudley to see what permits are required to go forward with the release of water. It is good working with everybody.

Butcher – Agreed with Avent and what he said about the presentation about the Port of St. Helens and Scott Jensen is going to forward him a copy of the power point and Butcher will get that to any council members who would like it. Butcher said he knows Dudley has done a very fine job preparing the budget and has a lot of paperwork and she has done a good job of putting the numbers together while running everything else. Butcher said he has mentioned the website in the past and Nelson is still shown as Council President on the website. Dudley said the website has been changed and thanked Butcher for the reminder. Dudley suggested everyone be prepared to have their picture taken at the next meeting and need to have updates to the bios. Cooper asked Dudley to put that on the next work shop agenda as the first item.

City Calendar Announcement:

City County Dinner tomorrow night hosted by City of Clatskanie, next Rainier City Council Meeting is July 9th at 7:00 PM due to the 4th of July holiday and it will be decided if there will be another meeting in July, plan on it but if there really isn't a bunch of agenda items July 9th might be the only July meeting. There will be another hearing on curbside recycling on July 9th and the County will be attendance.

Executive Session:

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

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

Regular meeting reconvened.

Meeting adjourned at 9:35 PM.

Mayor Cole

Attested: _____
Debra Dudley, City Admin. /Recorder/Finance Director