

**City of Rainier  
Regular Council Meeting Minutes  
September 4, 2012  
7:00 PM  
Rainier City Hall  
106 West "B" Street**

Mayor Cole called the meeting to order at 7:05 PM.

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

**Council Absent:** None.

**City Staff Present:** Debra Dudley, City Administrator/Finance Director/Recorder and Sgt. Ryan Murphy.

**City Attorney Present:** Stephen D. Petersen

### **Flag Salute**

#### **Additions/Deletions to the Agenda:**

Nelson moved, Butcher 2<sup>nd</sup>, to add to new business Approve Contract with Payne Reforestation for Herbicide Treatment of Harvest Units not to Exceed \$2080, **motion passed unanimously.**

Nelson moved, Vilardi 2<sup>nd</sup>, to add ORS 192.660(1)(a) To Consider the Employment of a Public Officer, Employee, Staff Member or Individual Agent, **motion passed unanimously.**

Sills moved, Cooper 2<sup>nd</sup>, to delete item "g" Utility Rate Update from Unfinished Business. Discussion included Sills stating there was nothing to report, Butcher said an update was needed at this time, Avent asked Curt Lahti (committee member) if he concurred with regarding no update and Lahti said he did not but would address the Council during visitors comments.

Aye: Bradfield, Sills, Vilardi and Cooper  
Nay: Avent and Butcher  
Abstain: Nelson

#### **Motion passed.**

Mayor Cole moved item "c" Judicial Services Selection to the end of the meeting after executive session.

**Mayor's Address:** A moment of silence was observed for 21 fallen service personnel since the last council meeting.

Mayor Cole appointed Michael Carter as Chairman of the Utility Rate Committee. Avent suggested hiring somebody to look at the numbers and Mayor Cole said he is not opposed to that but would like that recommendation to come from the committee if it was going to happen. Mayor Cole stated he wanted to keep the committee and the next meeting was scheduled for September 11<sup>th</sup> at 6:00 PM at City Hall.

#### **Visitors Comments:**

Curt Lahti expressed his opinion that the July 9<sup>th</sup> meeting minutes were not recorded or reported correctly. As far as the Utility Rate Committee, Lahti said he feels like he has been met with hostility and resistance since the beginning, he doesn't get email responses and there

is not a refund policy. The day of a committee meeting he received an email postponing the meeting and he emailed, unless there was a reason the majority of the people couldn't make it he considered the meeting still on so he went to City Hall and no one showed up so he sent another email, no one showed up and he was leaving City Hall. Lahti said the next day he spoke with Dudley and asked who cancelled the meeting and why and she said she couldn't speak for Bradfield or Sills but if all members couldn't attend, they should not have the meeting and that she thought Bradfield was on vacation. Lahti said he doesn't understand why the public isn't privy to the committee information and objectives, some EDUs have been applied in error and arbitrarily adjusted, credits were given without a policy in place and the current system causes gross inequities. Mayor Cole would like a report from the committee at the next meeting.

Bradfield said, until tonight he did not have an email account, we are not trying withhold anything, you know that, we've discussed it, there has not been any reluctance to do our due diligence, there's a lot of issues and we can't deal with them at all once, we all decided to focus on the fix-it part first, we will meet, discuss and be in full disclosure. As a point of record "there's not been any under the table". Avent asked Lahti if he would be able to work with the committee. Lahti responded he'd see, actions speak louder than words.

Michael Carter, Rainier School District Superintendent, expressed appreciation for the summer reading program and looks forward to another successful year of forging the relationship between the City and the school district.

#### **Unfinished Business:**

- a. **Approve August 13<sup>th</sup> Work Session Meeting Minutes** – Cooper moved, Vilardi 2<sup>nd</sup>, to approve the minutes – **motion passed** with Sills and Avent abstaining.
- b. **Approve August 13<sup>th</sup> Regular Meeting Minutes** – Vilardi moved, Nelson 2<sup>nd</sup>, Butcher asked if the City Attorney was present at 7:43 PM and Mayor Cole said he left early and Petersen confirmed he left early. The **motion passed** with Sills, Avent and Butcher abstaining.
- c. **(Moved to end of meeting).**
- d. **View Street Update** – Mayor Cole reported that public works and Ken Neal, Triton Lawn and Yard Maintenance/Excavation were there a couple of days ago and Neal is going to submit a proposal on how to fix the street.
- e. **Training Update** – Dudley said she has been in contact with a number of cities and the League of Oregon Cities (LOC) and has four potential dates identified – September 15, September 22, October 13 and October 27, which are Saturdays. The rate is approximately \$100 per hour and there is a list of criteria but Dudley wanted to check with Council regarding dates prior to her notifying other interested cities. Council advised Dudley that January 26, 2013 was a potential date for the training update.
- f. **Park & Ride Update** – Removed from agenda.
- g. **Utility Rate Committee Update** – Deleted.
- h. **Volley Ball Court Update** – Cooper met with Tina Edwards and currently the thoughts are to install a single sand court behind the tree line near the tennis courts. Cooper said

to keep in mind that if two were installed the City would have the ability to host tournaments. Cooper said the City's assistance is needed to prepare the pit, using the City's truck to haul the sand, Edwards has all the hardware and donations. Cooper said he will update Council with more details as the project progresses and a formal presentation. Avent stated he advised Edwards to make a presentation to Redco for financial assistance. Nelson suggested the group approach the City for funding.

**New Business:**

- a. **Approve Contract with Payne Reforestation for Herbicide Treatment of Harvest Units not to Exceed \$2080.** Avent moved, Cooper 2<sup>nd</sup> – **motion passed unanimously.**

**Staff Reports:**

Public Works – Dudley reported that the current temporary worker will only be available a couple of days a week so Dan Foultnier, Public Works Lead, is soliciting additional help, one worker is out on leave, leaving a staff of three instead of five which is slowing projects down, which means View Street may need to be contracted out. Dudley said the Community Corrections workers will be providing assistance. Dudley informed Council next week the crew will be working on the wastewater treatment plant deferred maintenance which will include training. The sludge from the shed at the waste water treatment plant is cleaned out and has been hauled to the tree farm. Avent said it would be a savings if we got private contractors for various projects and maybe consider that for next year.

Police Department – Sgt. Murphy reported they are currently on step three regarding emergency operations started a few months and everyone should be receiving a draft shortly and the plan is specific to the City.

Administration – Dudley reported she attended the Local Government Personnel Institute conference last week and it covered a variety of topics including collecting bargaining, arbitration, case studies with regard to employee vs. employer labor laws, claims and it was very informative. Dudley said she will be taking the training to another level making sure the City reviews their current practices so they can evaluate risks and be in compliance. Dudley congratulated Council on selecting an individual to assist with the bargaining unit contract negotiating because issues with fair labor practices were a hot topic at the conference. The public works clerical contract was ratified. We are still working on the police department contract. The LOC conference is at the end of the month and if anyone is interested she will email the registration and topic and she would encourage those who have never gone to be there. Dudley reported the server conversion is almost complete. A test environment will be set up on the server to research different rate structures. Dudley responded to Lahti's comments regarding the council minutes by stating a staff person prepares the minutes and we are very careful to capture the action items and other topics may or may not be interpretation, what one person may consider of extremely important, someone else might not. We work diligently to capture the action items, so we know what motions are made, so makes, whether they're approved, what the vote was excreta. Avent asked Dudley to make a couple of points about the minutes; he knows it's hard; we need to do the best we can.

**Council Reports:**

Sills – is excited about the goals and moving forward and first day of school.

Vilardi – good to see the planning goals.

Nelson – nothing.

Bradfield – went to reservoir now that the water is down to research future repairs, the 2<sup>nd</sup> water source for the City is extremely important and there is a lot of work to be done to the

reservoir, the top needs to be completely replaced and it is not safe. There is a breach in a pipe that can be temporarily put back together to get the water to the water treatment plant. Avent asked if there were any priorities as far as emergencies and Bradfield said there is a lot of silt just adding weight and the longer we wait the more it will cost and it means to be done now. Cooper said it might be a good time to discuss this issue with the Friends of Fox Creek. Dudley said in order to excavate that we need to get proposals and she is unsure of the required permitting.

Avent – nothing.

Cooper – thanked Council for the support regarding the volleyball court and if anyone has any problems with the IPADS let him know.

Butcher – needs clarification and wanted to make sure there were no step increases in the public works/clerical contract and under Article 17, Section 3, employees will move annually on a salary schedule based on satisfactory performance and he wanted to get that cleared up and make sure it wasn't a step increase provided down the road. Nelson said he doesn't understand what Butcher said. Butcher said the contract reads wages Article 17 wage increase is 2% increase and in Section 3, it says employees will move annually on a salary schedule based on satisfactory performance, he wants to make sure it is not a step increase the way it is worded. Avent asked Butcher if he was saying it is performance based and Butcher said yes it is performance based. Dudley said it states specifically that employees have to be satisfactory before they are eligible for an increase. Avent said that's what he remembers. Butcher said he wanted to make sure they weren't getting a step increase on top of the 2%. Butcher asked if we replied to the legislative update. Dudley asked if he was referring to the elective survey for Council and he said he left it at City Hall for Dudley.

Mayor Cole announced the next meeting is at 7:00 PM on the 17<sup>th</sup> and the Redco meeting at 6:00 PM.

Mayor Cole announced the Council was going to go into executive session and may reconvene for unfinished business item "c", Judicial Services Selection.

**Executive Session (8:15 PM) for:**

ORS 192.660(1)(a) To consider the employment of a public officer, employee, staff member or individual agent.

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.

**Regular Meeting Reconvened at 9:06 PM.  
Unfinished Business:**

**C. Judicial Services Selection** – Mayor Cole appointed Judge Charles Wardle with the mutually agreed retirement date of two years from now. Aven moved, Sills 2<sup>nd</sup>, to recognize the Mayor’s appointment of Charles Wardle with a retirement date of two years.

Aye  
Mike Aven  
Scott Cooper  
David Sills  
Sloan Nelson  
Phil Butcher  
William Vilar  
**Motion Passed**

Nay  
James Bradfield

**Meeting Adjourned: 9:10 PM.**

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Mayor Jerry Cole

Attested: \_\_\_\_\_  
Debra Dudley, City Administrator/Recorder/  
Finance Director