

City of Rainier
Regular Council Meeting Minutes
September 17, 2012
7:00 PM
Rainier City Hall
106 West "B" Street

Mayor Cole called the meeting to order at 7:07 PM.

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

Council Absent: Sloan Nelson and David Sills.

City Staff Present: Debra Dudley and Ryan Murphy

City Attorney Absent: Stephen D. Petersen.

Flag Salute

Additions/Deletions to the Agenda:

Vilardi moved, Butcher 2nd, to add surplus property as new business item e – **motion passed unanimously.**

Mayor Cole, for consideration of those involved, stated item d. under new business would be addressed prior to item a.

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

Visitor's Comments: Curt Lahti, member of the utility rate committee, asked Council for a discount regarding the cost of information he would like from City Hall. Mayor Cole stated if the request is from the committee as a whole there would be no cost. Lahti added the committee voted and said he would have to pay for this research material. Mayor Cole added that if an individual council member requested information they would have to pay for it, however if it was requested for the council as a whole there would be no cost. Lahti stated he is volunteering on his own to do the research and the fees are high. Avent added that if someone is volunteering to be on a committee and they need additional information that person should receive a discount or not be charged. Mayor Cole said it would have to be a vote by council if a discount was implemented and it needed to be an agenda item.

Avent moved, Butcher 2nd, to add discounts for requested information for individuals who are participating on a volunteer basis as agenda item f. Discussion included Butcher stating as a city council member and Council President he has requested information and failed to get the information and in the performance of his duties he had to vote on a budget with numbers that were based on 2010 and when he asked for the numbers of what was done last year it is now the middle of September and he still doesn't know what was done last year for water, sewer, the court system and all of a sudden he has to pay for information. Cole asked Butcher to limit the debate to the issue of adding this item to the agenda. Bradfield said he was on the EDU committee and if Lahti wants the information as an individual there is going to be a cost and one of the things the committee decided is because they are in fix it mode right now, the information needed right now is to help the situation get fixed, when we go phase II as a committee the information may be requested and it would be available at no charge. Bradfield added he feels sure that as the committee goes to Phase II that information or whatever information the committee feels needs to be available will be, feels it's a waste right now to go through that.

Cooper added that the committees are formed to function as committees and council needs to support the committee, if the committee doesn't feel it is necessary he agrees.

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Avent added that every board he has worked on and as an elected official any information requested by the elected official has not had a charge, he knows we changed our policy. Avent said he has asked for information before and has always received it in a timely fashion and questioned if council now had to pay for it. Mayor Cole explained the difference in requesting information as a councilor or an individual.

Motion failed – Avent and Butcher voted aye and Vilardi, Cooper and Bradfield voted nay.

Mayor Cole commented it could be added to a future agenda.

Randall Christophersen, 616 East “D” Street, Rainier, OR 97048 stated there is a city owned cedar tree hanging over his house and he would like permission to remove the tree at no cost to the City. Dudley was directed to contact Christophersen and she stated Christophersen was to sign a waiver.

Charles Wardle thanked the council for appointing him as the municipal judge for the next two years and was under the impression that he was going to have a contract, requested the City pay for his membership in the Oregon Municipal Judges Association (OMJA) and his attendance at two conferences. Avent asked what the cost was and Wardle said the fee to the OMJA is \$95.00 and conference fees. Cooper asked if Wardle could get the cost information to Dudley the next day so she could email the council and they could make a decision. Wardle encouraged the council to attend court sessions.

Unfinished Business:

- a. **Approve September 4th Work Session Meeting Minutes** – Avent moved, Vilardi 2nd, to approve the minutes – **motion passed unanimously.**
- b. **Approve September 4th Regular Meeting Minutes** – Vilardi moved, Avent 2nd, to approve the minutes – **motion passed** with Butcher voting nay.
- c. **View Street Update** – Dudley advised the City was waiting on bids and the individual who looked at the project presented two different ideas for addressing that issue and as soon as she gets the information she will bring it to Council and looking at subcontracting the project.
- d. **Utility Rate Committee Update** – Due to Committee Chairperson, Dr. Michael Carter’s absence, Bradfield updated the Council by stating there are a lot of issues to sort out and the current focus is to collect information to analyze properly, the EDU system, they are developing a process to analyze it so they can look at it clearly and appropriately and come up with fix actions to correct it if that is what they need to do, they are in a fix it mode and will present it to Council as soon as they have recommendations.
- e. **Volley Ball Court Update** – Cooper reported the project is moving forward, the court location has been identified, Redco is interested in assisting with the funding, need to get information on the price and quantity of sand and asked Council if they would support public works digging the court pits and dump truck usage. Mayor Cole said he thought that was already discussed and supported. Avent stated the sand hauling would be a huge savings expense.

New Business:

d. Approve the Request by the Division of State Lands for Approval of a Draft Quit Claim Deed - Presentation by Mark Houghton and Gene Henley on behalf of Foss and Glenn Grette of Grette Associates regarding the mitigation for the waterfront expansion of their facility located at 611 East “A” Street in Rainier. Because of the expansion there is an obligation with the state to improve a like property on state owned property wetlands which is the area by Fox Creek. The

vegetation would be maintained so the residents in the nearby condos would maintain their view without blockage. The condominium owners would be allowed reasonable access to trim the vegetation. Language in the permits states there would be a fence that would be focused on the western and southern side of the location to prevent vegetation damage and erosion. The fence will eventually be removed and does not connect to the river; it is basically to protect the west and south edges. There has been some misinformation that the plan would prevent the public's access to the Columbia River which is not a fact, the fence line would not prevent access to the river. Cooper asked how was Fox Creek going to be crossed and was told it could be done when the water was down, depending on the water levels. The Division of State Lands (DSL) is the land owner and issued the permit to Foss. There has been ongoing dialogue with the condominium home owners association regarding trimming the vegetation and provided the project moves forward there has been \$10,000 set aside in an escrow account earmarked for the home owners association for the use of trimming and maintaining the mitigation site to the degree that it is used or not used over a seven year period with interest that the intent per DSL is that the home owners will be made an offer to purchase the property. Foss would like the City Council to work with the DSL to resolve any ownership issues and would like to have a continued dialogue for future projects to keep Rainier growing and advancing. Bradfield asked if a bridge could be erected over Fox Creek for easier crossing and Cooper said that area never goes under water. Mayor Cole stated that Foss and DSL both sent letters asking if there were any future additions to the project. The current plan doesn't allow Foss to do anything else than what is described, however it doesn't bar anything in the future that would be in support of the community and with DSL approval Foss would support the effort and it could possibly include financial participation. Avent moved, Butcher 2nd, to approve the request by the Division of State Lands for Approval of a Draft Quit Claim Deed – **motion passed with Cooper abstaining due to his condominium ownership.**

- a. **Consider a request by Jay and Melinda Watson to keep Poultry within the City limits.** Dudley said that at one point the Watson's had roosters but the roosters are now gone. Cooper moved, Avent 2nd, to approve the request. For all approved requests of this type there is a right to rescind. Chief Griffith said there is an enforcement section in the ordinance allowing the police department to issue citations – **motion passed unanimously.**
- b. **Consider a Request by the Rainier Days in the Park Committee to Store an Equipment Trailer on City Property** – Avent moved, Cooper 2nd, to approve the request – **motion passed unanimously.**
- c. **Approve Resolution 12-09-01 Adopting the State of Oregon's Record Retention Schedule** – Mayor Cole said there are a lot of old records in question at City Hall and he and Dudley were conversing on retention and decided following the State's guidelines and bring that idea to Council. Dudley said this will be helpful in organizing records and will be in compliance with state statute. Vilardi moved, Bradfield 2nd, to approve Resolution 12-09-01. Cooper offered assistance and Avent expressed concern on getting rid of important historical records. Dudley assured Council that the state guidelines would be followed. Dudley added this would not include Redco records – **motion passed unanimously.**
- e. **Surplus Property:** Dudley stated a resident is interested in purchasing 55 gallon plastic barrels and the City cannot sell them unless they are declared surplus property. Mayor Cole said they would be advertised so anyone could submit a bid. Dudley said the barrels will be stickered indicating they are for non potable use because they were used for non-toxic chemicals. Avent moved, Cooper 2nd, to authorize the City Administrator to declare the barrels surplus property. Mayor Cole and Council added that Dudley prepare a list of surplus

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property such as the police cars and advertise that in November the City will have a surplus sealed bid auction – **motion passed unanimously.**

Staff Reports:

Chief Griffith – nothing to report.

Dudley –

“B” Street Project - Has been conversing with Tom Weatherford from ODOT and is meeting with him tomorrow. As discussed, the property acquisitions are higher than originally anticipated and she and Weatherford will be going through the financial budget for the project and they may need to bring it back to Council for approval to scale back the project.

Dike Certification – Met with John Slape and Terri Deaton, they are moving that ahead and there is an opportunity to work through the Army Corps of Engineers so they don't have to pay millions of dollars to have it recertified and the recertification is going to benefit Rainier because the dike is in our Urban Growth Boundary.

“A” Street Rail Meeting – Mayor Cole, Nelson, Dudley and others attended the meeting to talk about the improvements and a couple of the things that came up at the meeting was this was the same road we had been down before but one of the things to be understood is that this is a multi-faceted project involving the City, state rail, state transportation and railroad and if they don't sign a contract for increased rail traffic they are not going to have the funds to commit to the “A” Street project.

Contract Negotiations – Meeting scheduled for October regarding the police contract and hopefully it will be soon to resolution.

State Transportation Improvement Program (STIP) – Attended meeting, the program is being revised to streamline projects which mean that any transportation projects whether new or improvement the City can apply through the state for special STIP funding. The funds are used up until 2014 so anything we want to do will have to be for the 2015 cycle.

Transportation System Plan (TSP) – In order to get any state grant funding for the traffic signal at West 6th Street the signal has to be identified in the City's TSP and that is being researched and if it is not in the TSP it will have to be revisited.

Utility Rate Committee – Complimented the committee for the volunteer involvement.

Watershed Improvements – Met with Byron Rickert, Timber Consultant, and discussed the best course to take if there were improvements at the watershed for the dam.

3rd Floor Mechanical Room – Door installed with lock and the room will be utilized for organized document storage.

Server Upgrade – Complete, with the exception of some printers not working.

Fox Creek Area – Community workers did the weed eating. Darrel Whipple, Friends of Fox Creek, assisted.

Dudley reminded Council she has an open door policy and if they need any information let her know what they want and she will make sure they get it.

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Council Reports:

Vilardi – Concerned about Councilman chastising staff during open public meetings for no good reason, it's not proper etiquette, not ethical and it is against Council rules, stated right in the rules If you have a problem with anything Debbie is providing, talk with her personally and iron that out and stated he was surprised that the Council President was not aware of this rule already. Vilardi suggested that if the Council President has any issues with Debbie, you speak with her directly and not bring them up, as the Council President has done before, in council meetings.

Cooper – thanked Dudley for ordering the new WIFI equipment and stated Dudley will be checking with Century Link to ensure the City is getting the best possible service per what we are paying. Cooper stated he and Bradfield would like to meet and attend the meetings with the Dike Board. Cooper requested Dudley obtain a dike meeting schedule for he and Bradfield.

Avent – Invited Council to the November Redco meeting to see the list of projects, what monies are available after the USG settlement, the direction for the community and invite the community for coffee and donuts. The meeting would be on Monday, November 19th, 6:00 PM and they want to get copies of all the Redco projects they worked on over the years for dialogue with the community. Avent said the date may change because it is critical that Mayor Cole be present for the meeting and the meeting date may be a conflict with Mayor Cole's work schedule. Avent said this may entail more than one meeting. Complimented the police department and asked the Chief to let the police department know they are appreciated. Along with the Redco funding there is money put aside for Redco shortfalls and he feels the projects such as the damn need to be nailed down prior to the funds evaporating.

Bradfield – Realizes that as a council most of the time we are like minded and from time to time there will be opposing ideas, complimented Vilardi on his statement regarding council conduct and reminded everyone that they all need to be very mindful on how they speak to each other, no one has the right to be abusive to anybody and it is right that the code of conduct be re-established. Asked if everyone agreed to that, consensus of the council was yes. Mayor Cole said the code of conduct has been adopted and it is in the council rules. Dudley stated she would put it on the council shared drive.

Butcher – Apologized for being abusive, hasn't been himself for the past couple of weeks, that is still no excuse and his conduct was out of line and he does apologize. Butcher was contacted by Mark Siegel from Senator Merkley's office regarding a grant that was going on the docket about placing the sewer lines and storm water drains on "A" Street on the docket in Washington D.C. Butcher got with Carol Ruiz who wrote the language for that at no cost and hopefully that goes through.

Mayor Cole announced the regular meeting was concluded and Council was going to go into Executive Session regarding 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 and there would be no action after executive session.

Mayor Jerry Cole

Attested: _____
Debra Dudley, City Administrator, Recorder/
Finance Director