

City of Rainier
Regular Council Meeting Minutes
October 1, 2012
7:00 PM
Rainier City Hall
106 West "B" Street

Mayor Cole called the meeting to order at 7:00 PM.

Council Present: Mayor Cole, William Vilardi, Scott Cooper, Sloan Nelson, Mike Avent, David Sills, James Bradfield and Phil Butcher. **Council Absent:** None.

City Staff Present: Debra Dudley, City Administrator/Finance Director/Recorder; Police Chief Gregg Griffith; and Bobby Jo Brusco-Harding.

City Attorney Present: None.

Flag Salute

Additions/Deletions to the Agenda: None.

Mayor's Address: A moment of silence was observed after Mayor Cole read the names of the two service personnel who have fallen since the last council meeting.

Mayor Cole provided history regarding the EDU research committee; Council appointed a Sewer Fund Focus committee in 2010, and the City Council adopted Resolution 10-09-02 establishing multiple unit residential sewer charges for the City of Rainier. Mayor Cole stated the EDU formula is confusing and at the time he put faith in the former public works director and committee to come up with an EDU formula that worked and was acceptable by City Council. Mayor Cole added that in 2010 the EDU formula was talked about and the former public works director proposed the edu rate structure as a fair way to bill customers for wastewater. In May of 2010, a motion by Russ Moon, seconded by David Langford was passed to develop a sewer fund focus committee to discuss the sewer fund rates and options and bring the recommendations to Council. Mayor Cole added the record shows the motion approved a committee consisting of Lars Gare, City Administrator, Darrel Lockard, Public Works Director, Councilors Phil Butcher and Russ Moon. Mayor Cole said at the time Councilor David Langford was the public works liaison and he attended as well. Mayor Cole said the Council listened to the public works director and committee when they presented the EDU formula system in September for approval to the Council. Mayor Cole paraphrased the September 20, 2010 regular council meeting minutes by stating at that time Resolution 10-02-02 Establishing Multiple Unit Residential Sewer Charges EDU Rate Discussion Summary: The EDU formula in most cases will be assessed at a rate of 75% of the current base rate to all multi-dwelling units. Mayor Cole reported there was more discussion, then Russ Moon made the motion which was passed by Councilors Moon, Taylor, Christophersen,

Rainier City Council
Regular Meeting Minutes
October 1, 2012
Page 2 of 9

Butcher and Langford voting yes for the EDU formula and Councilors Nelson and Avent abstained because they had residential type properties and declared a conflict of interest. Mayor Cole said that at the time he put a lot of faith in the public works director, we hired a public works director to give us credible information. There was some properties they had to determine the number of units and in the resolution it specifically addresses the Rainier Budget Inn, the Rainier Hotel and the Rainier Senior Housing. Mayor Cole said at the time the public works director was in charge of determining how many units all of these properties had and it also says in the resolution as additional units become known, the public works director is authorized to add them to those properties which fall under the provision of the resolution using the appropriate formula as described. Mayor Cole said that in closing the City is committed to a fair system, our auditors haven't found any discrepancies, there were questions that came up this last summer and he wants to address all questions, so he put the current committee together to gather information consisting of Mr. Lahti, Councilors Sills and Bradfield, and Dr. Carter. Mayor Cole said part of the reason he is addressing this topic is that he has been following the email chain of the committee and to keep up with what is going on even though he is not on the committee. Mayor Cole said he has been reading the emails and there is friction between some of the members and he wanted to make it clear on what the committee was appointed to do; the committee is to gather information on the City's EDU system and bring back information on other EDU systems that are out there. Mayor Cole stated the City's EDU system is not perfect, if there are discrepancies, this information will help the Council make a decision on what way to go. Mayor Cole clarified the committee is not there to make decisions but to bring information back to the Council so the Council can make an informed decision based on the information that is gathered and he appreciates the extra work the committee members are doing and Mr. Lahti's commitment to attend the meetings and gather information for the committee and hopefully there will be resolution soon and then the Council can make an informed decision.

Mayor Cole said the final phase of the audit is scheduled for November, with the Auditors presenting the audit to Council in December. Mayor Cole said the work for 2011/2012 is filed and includes review in all categories, contracts, public bidding, payroll accounts, payables, court, utility billing, public meetings, etc. and there is one finalized segment in November and then they will do the review in December. Mayor Cole said if Council wishes when they come back in November we can have the auditors pinpoint a certain item if there is a concern. Dudley said this is consistent to what they do every year, interim field work in which they check all areas of the City, then they come back and do their final field work. Dudley said the audit team will do additional testing at that time that consists of reviewing year end items including the minutes and budget information.

Avent addressed Mayor Cole by asking if the utility rate review committee had to include an EDU system and Mayor Cole responded it was to gather information. Mayor Cole said we didn't want to paint ourselves into a corner that had to be an EDU system unless the Council disagrees. Avent said he has always had problems with the EDU system because it does not allow for someone to conserve on consumption.

Rainier City Council
Regular Meeting Minutes
October 1, 2012
Page 3 of 9

Mayor Cole stated there have been questions about the “A” Street project and, as thought, it is a Redco project and the drawings regarding the project are available in case those persons who asked to see them want to review them. Butcher commented there were more drawings and Dudley stated that staff provided copies of what was found but staff will continue to try to locate others.

Visitors Comments:

Michael Carter announced the utility rate committee meeting was meeting October 3rd at 6:00 PM and stated he appreciated Mayor Cole’s comments clarifying the committee was formed for fact finding. Carter said there have been a lot of emails and he hopes the committee can get back to what they are supposed to do and bring the information to the Council.

Skip Lahti stated he appreciated what Mayor Cole and Carter said but he doesn’t feel the utility rate committee is functioning properly, the last meeting was cancelled because he didn’t do his homework correctly, there was no discussion, it wasn’t brought to him, Carter just decided to cancel the meeting. Lahti said he disagreed with cancelling the meeting but his input doesn’t matter and he did his homework assignment correctly because he clarified it in the meeting and then was told that was not what they wanted. Lahti stated that nevertheless he did what the committee wanted and presented it to the entire committee. Lahti said he knows that other people haven’t completed their homework, and if they have why doesn’t he have any of the data collected by anyone else. Lahti said he shared his information and is the committee against Lahti and the citizens of Rainier. The committee is against Lahti and the citizens of Rainier. Cooper asked why Lahti was not able to work with the committee members, is there a reason this can’t be solved within the committee and why does Lahti always need to come to Council and give his interpretation of what is happening when the rest of the committee doesn’t agree with Lahti. Lahti replied that it is necessary to get it on record. Lahti said he is requesting again that the committee try to work together, work with him, and yes he has pleaded with individuals individually and privately to try to get the committee to work together. Lahti said he doesn’t know what the issue is but he would like it corrected. Lahti said he did go to the Oregon Ethics website and the Oregon Ethics law prohibits public records entities from financial gain and there are strict rules declaring a conflict of interest, not participating in discussion and abstaining from voting and this applies to all elected officials, appointed officials, employees, volunteers at all levels of local government and that includes himself. Lahti said that everybody on the committee is bound by these laws and he also found in the Rainier School District staff handbook that employees will not engage in any activity that raises a reasonable question of conflict with their duties and responsibilities as Rainier School District employees. Lahti said that knowing Carter represents one of the largest users of the water and sewer rates in Rainier he doesn’t see how Carter can represent the school district and the City at the same time, Lahti said he sees it as a conflict of interest and the right thing is for Carter to step down.

Rainier City Council
Regular Meeting Minutes
October 1, 2012
Page 4 of 9

Carter stated that Lahti missed the last part of his study on the law which is the degree of separation and personnel gain. For clarification purposes and for the record Carter said he understood that he and the committee is not making any decisions for resources and asked if that was correct and Mayor Cole said that was correct, Carter asked again if they were not allowed to make any decisions for resources and they are a fact finding committee only and Mayor Cole said that was correct. Regarding Lahti's conflict of interest comment, he (Carter) is acting as a private citizen and always clarifies his position, he does not announce his self in his official title and uses his personnel residence address. Mr. Carter further clarified that the conflict of interest accusation by Mr. Lahti has no basis, as there is no personal gain. Carter stated he has been personally threatened in the emails that were sent by Lahti to the committee and if the personal threats persist Carter is going to request the Mayor look at the committee again and reappoint someone who can work together. Carter said that Councilmember Cooper was absolutely correct; it is very difficult to work with someone who belittles people. Carter said he (Carter) was very professional in his emails, conflict of interest, no way, does he care about his community, yes he is emotional about it, he lives here, he loves this place, this is a wonderful place to live and they are trying to get fair and equitable information so the Council can make a decision. Carter said he is glad that he isn't making a decision and if he was he would resign.

Jay Watson thanked the Council for approving his request for chickens and said he currently holds a level IV wastewater treatment plant certification, level II water treatment certification, and water distribution in the State of Washington, has approximately twenty years in the field and to let him know if there is anything he can do to help.

Jan Moon stated she was representing Oliva Brothers rentals, not the Jan Moon wife of recently recalled Russ Moon. In regard to EDUs Moon said she has always said that as long as it is fair across the board and everybody is paying their fair share she is fine with it. Moon said she and other volunteers worked on the welcome to Rainier area and it currently looks horrible and needs to have the weeds pulled. Moon complimented the efforts regarding the "C" Street pocket park but stated no one sees it and everyone coming into town sees the Welcome to Rainier area and it looks like no one cares about it. Moon said she wanted to know when the streets get swept. Moon added in the Highlands area in Longview there is a beautiful walkway but Rainier can't get a riverfront walk going and the Longview streets are clean and Rainier streets have weeds growing up everywhere. Moon said she asking the City to start moving towards getting some pride in the way the community looks as you drive through, that's economic development and that's what the Redco money should be going for, to make the City look presentable. Nelson said Moon and the volunteers did a lot more of projects than the Welcome to Rainier area. Moon suggested the council members get their wives together on Saturdays or their wives get together with friends and take the projects on for a couple of years and then pass them on. In regard to the old planters around town Moon added she tried to work with the school district before and she doesn't know why it couldn't be a project in the wood shop class to build and replace the old planters or a metal shop. Carter said unfortunately a lot of the projects have been cut. Moon added it would be a great project to build a

Rainier City Council
Regular Meeting Minutes
October 1, 2012
Page 5 of 9

kayak rack for the old marina. Moon added there are so many things that could be done by working with the schools or community service. Moon said a few years ago hanging baskets were going to be donated but there was no guarantee they were going to get watered and stated the City workers in Castle Rock water the hanging baskets and we are not capitalizing on what we have. As far as the river walk Moon said there should be access points to the beach and currently there are no means for people to get to the beach. Moon asked for a Council show of hands to see how many have been to the beach off the park lately. As far as the rip rap Moon said she was lied to by a former city administrator that the rip rap was set as it was supposed to be and that is not true. Moon said the way it is you can't bring a boat into the beach and the Columbia Reader had places in our area to have a picnic but Rainier wasn't mentioned and Prescott was the only place in the Rainier area mentioned. Cooper added one more access point is getting ready to disappear due to mitigation. Moon said Chad Olsen told her access points were planned.

Nathan Soule, Eagle Scout, reminded Council he attended a Council meeting last year regarding his project, he finally got the materials and needed to know who to contact from the City since Lockard signed off on the project. Mayor Cole advised Soule to contact Dudley who would refer him to a public works contact. Soule said he wanted to start working on the project October 12th.

Avent responded to Moon by stating at the next Redco meeting or the meeting after the public was going to be invited to attend and see what projects have been set forth and maybe there is some way to pay for some of the project. Avent asked Carter to attend and see if there was some way to put some money towards the shop students and maybe some of the problems could be solved.

Steve Lovegren said he attended the February 22nd meeting regarding the water and sewer bills and was trying to find ways for people to not get their utilities shut off. He had previously requested a meeting and he has not gotten a meeting he sent email and no one responded. Lovegren said since then he has created his own non-profit business called people of rainier.com. Lovegren said it is an organization to help people find direction on getting help with certain things. As a side business Lovegren said he gets broken logs from Teevin Brothers to cut for firewood. Lovegren said the money from the firewood sales go to a bank account at the Bank of America called thepeopleofrainier.com and the money is to help people with their water and sewer bills. Lovegren said the City needs to be connected to that somehow, he asked Dudley to put a button on the list where bills are paid so people can donate money. Lovegren said he would take care of all funds and the City would be the second party on the account. Mayor Cole asked Lovegren for his email address. Bradfield clarified if the donation would be going directly to Lovegren and Lovegren said it would go directly to the account. Lovegren is putting a place on his website to directly donate but people don't know where to go to donate and if they are paying a bill they can see it and it would go to the bank checking account. Dudley said one of the things the City did in support of Lovegren and his concerns was an open house where the unemployment office, CAT and four or five state agencies attended and only one or two residents attended. Dudley stated additionally Lovegren was working with HOPE and the City was referring people to HOPE and Lovegren but she

Rainier City Council
Regular Meeting Minutes
October 1, 2012
Page 6 of 9

thought that connection was severed. Lovegren said they still call. Dudley added staff refers people who need assistance to Lovegren. Avent stated that if someone donated while paying their bill and the City was involved we would also have to be on the account. Dudley said there may be some stringent audit requirements and she would check on that. Dudley said we can notify people if they want to donate but it might be problematic to link it to the City's website. Dudley said we can put a notice stating Lovegren's website is available but we have to be careful because of audit restrictions. Cooper said to check what the legalities are to have a small box describing what his organization does with a link over to his website. Dudley said if the City is involved it would have to be audited but she will check into it. Cooper and Mayor Cole clarified the link would not be for donations but for Lovegren's website. Dudley said that we may be able to provide a link and Avent added to still check on the legalities even if the City recommends the site. Mayor Cole said he searched his email back to January, 2012 and he doesn't see any email from Lovegren who stated it was sent in February or March or probably went to junk mail. Cooper advised Lovegren to work through Dudley and between he and Dudley they would work together to see about putting it on the website. Mayor Cole advised Lovegren to call him if he doesn't receive a reply regarding emails. J. Moon asked if the PUD does something like that to help with electrical bills and Lovegren said everybody does and Dudley clarified PUD maintains the account themselves. Mayor Cole said they would look into it are not saying they can or cannot do it. Dudley said the City has a list of contacts that is given to individuals needing assistance. Lovegren said he wants the City to stop shutting water off for people who need water, he understands some do this every time but when a woman with five children calls him and says her water has been shut off it makes him mad. Lovegren said he told the City in February to call him and he will put \$50 on the account and it would save \$25 for shutting the account off. Mayor Cole said staff will call him. Lovegren said now that he is a non-profit he would like to get peoples names and knock on their door prior to their water being shut off. Dudley said staff gives those individuals Lovegren's contact information. Lovegren said the City gives people two months to pay, then another two weeks and then shut them off and put a note on the door. He would rather put the note on the door and not shut the water off. Dudley said staff actually gives those people Lovegren's contact information but has been hesitant to hand out delinquent account information. Lovegren said he wants to help but when he pays somebody's bill after it has been shut off it costs him an extra \$30 and that could help another person. Mayor Cole said he would work on that with Dudley. Lovegren said he would like to meet and discuss some ideas.

Unfinished Business:

- a. Approve September 17th Regular Meeting Minutes** – Cooper moved, Avent 2nd – **motion passed** with Nelson and Sills abstaining.

- b. View Street Update** – Mayor Cole reported the City received a bid and recommendation for around \$8,000 from Triton Lawn and Garden and other options are being looked at.

Rainier City Council
Regular Meeting Minutes
October 1, 2012
Page 7 of 9

- c. **Utility Rate Committee Update** – Carter said there is a meeting scheduled for Wednesday at 6:00, they have a lot of information people sent in and will get a summary sheet out tomorrow. Lahti asked if he could get a copy of the other material and Dudley said she is developing a packet, the material has not gone out to other people because she is going to provide hard copies.
- d. **Volley Ball Court Update** – Cooper reported the quote for sand for two courts is around \$24,000 - \$27,000 so they are going out for more quotes. Cooper said they are moving forward.
- e. **Judicial Costs** – Mayor Cole said he requested this topic be put on the agenda and it has to do with the Judge and Mayor Cole wanted everybody's thoughts on the record for the conference and organization fees. Sills said it should be paid in addition to the Judge's salary; Vilardi said the City should pay for the membership but not the conference; Nelson stated as a contractor you come prepared and the other candidates proposals included them maintaining their educations so his answer is no; Butcher agrees with Sills and stated the City pays for councilors and administrators to attend the LOC if they choose, the City pays for public works certification, the police to attend the academy and for training and these people are paid positions and he doesn't see the difference between the Judge position and the employees so he thinks the City should pay; Cooper said he was surprised the City wasn't already paying for the membership fee and the people Butcher listed are actual City employees and when we are dealing with contractors we don't pay for contractors additional education and meetings and he feels the City should pay for the membership fee but he would question the continuing education; Sills clarified with Cooper that he (Cooper) was in favor of paying the membership fee and that the conference and membership were separate; Avent said he thinks the City should pay the fee, the Judge is going to be here for two more years and is not using it for any other City and Court is one of the few departments making money, he thinks a lot of other wages have gone up, the Judge has done everything to bring the cost of that down to bring the money into the City, he attended Court and feels comfortable with the decision to pick Wardle and thinks he hasn't been paid for this service for two years and he thinks the City should pay for it; Bradfield asked if the City paid the City's attorney's dues and professional education and Mayor Cole said the City did not, as an internal employee those things are figured out by the City and as far as contractors go that has already been figured out and established and he doesn't have a problem with the fact that those fees should not be paid for a contractor. Butcher read the City charter, chapter 5, section 21 that stated the municipal judge shall be a judicial officer of the City so does that mean he is not an employee and needs clarification. Vilardi stated that when the RFP went out it specifically stated the position was for an independent contractor and is different because of that than what we used to do. Mayor Cole said he agrees with Sills. Sills stated that for someone who has been with the City for 25 years the professional courtesy should be extended to cover the total cost. Mayor Cole said it is two separate items, the conference and the membership. Bradfield asked what the cost was and Sills said in it was about \$500. Avent moved, Butcher 2nd, to approve the reimbursement request for the training. Discussion included Cooper stating it needs to be

itemized. Sills said the figures in the request total \$559.76. Bradfield said if there was plenty of money it would not be an issue and this came up after the fact of the contract. Avent asked if the money was in the budget and he is afraid that this guy is constantly gone after to save money. Butcher said in court in the 2012/2013 budget there is \$1,000 budgeted for a workshop. Bradfield clarified that a line item was created for this and Dudley said there is \$1,000 set aside, it has not been spent and the Court Clerk's training also is allocated from this line item. **The motion passed unanimously with the intent to reimburse the Judge for the membership fee and the conference.**

New Business (after council reports):

- a. **Timber Update** – Byron Rickert, Timber Consultant, stated the harvest for the 2012/2013 is completed, because of the market conditions this year the City did very well, alder, domestic fir and cedar prices were up but pulp was down generating only 2% of the harvest area instead of the usual 15%. Rickert urged the Council to contact their state representatives to allow small municipalities to export, playing catch up on the road conditions, because of the dry weather there is an opportunity this fall to extend the current road about 1700' which would access next year's harvest area. Rickert said this may go over what was budgeted for the roads this year but he thinks it will be made up on the logs removed from the right of way. Dudley said if it looks like we are going to need it money can be appropriated from contingency into that category. Dudley said if it looks like it needs to come back to Council for a vote she will bring it back. Rickert said there are two contractors that will submit bids.

- b. **Watershed Road** – Byron Rickert, Timber Consultant, stated Watershed Road is a City road to Bob Burnham's, it has partial good pavement and there is approximately 300' going down the hill where the pavement is in bad shape. Rickert said as the harvest roads were cleaned up Bob Burnham asked if the City could do anything with Watershed Road so they put down one load of crushed rock from the bottom up to the pavement and graded it but it is still not in great shape. Rickert said there are two houses that use that stretch road and next year they will hauling out of there and as far as he can tell logging hasn't created any issues.

8. Council Reports (prior to New Business):

Sills – happy to be working with Dr. Carter on the utility rate committee and they have made good progress the last meeting.

Cooper – great improvements with the IT systems now that all the desk tops are taken care of, will spend some time with the police department to make sure they are working with the same speed, and will work with Avent and Bradfield to get their IPADs completely functional.

Nelson – nothing to report.

Avent – thanked the IT tech and Cooper for getting him on line and look forward to working with Cooper and Meryl Head. Avent thanked everyone for their time and effort.

Rainier City Council
Regular Meeting Minutes
October 1, 2012
Page 9 of 9

Vilardi – thanked Cooper for his efforts and time regarding the IT project and the EDU committee.

Bradfield – thanked for the tech support and the EDU committee is moving forward.

Butcher – Banners are hanging and the City Council needs to figure out what they need to do with 12 more banners, Century Link has the franchise for some of the poles and maybe the City could work something out since they did not want to cooperate, attended the Ford Leadership graduation.

Staff Reports:

Chief Griffith – emailed everyone with a copy of the draft emergency operation plan and requested notes be made and emailed back to him. Nelson asked if we were suffering from car prowls and Chief Griffith said there were some last night on the east side and Nelson asked if some different scheduling could be implemented and Chief Griffith said he would meet with Nelson after the meeting.

Dudley – Women’s Resource Center contacted the City with thanks for approving the vintage car show sponsored by the Ol’ Pastime Tavern. Mayor Pohl invited Dudley to participate in a committee to look into medical services for the community; Dudley will keep the Council informed. Dudley wanted everyone to recognize that the public works crew is short handed and they are working diligently to provide service to our citizens. They are prioritizing their work load. . Dudley mentioned utilizing the Columbia County Corrections crew for various tasks. Dudley said the corrections crew is not to replace the City workers but to assist with projects and tasks. Records retention and organization is being addressed with shelving on the third floor. Dudley is setting up a new folder in the council shared file which will contain the City’s financial reports and stated if anyone has any questions to contact her. Nelson suggested installing a temporary wall for the third floor community room due to records and accessibility and Dudley said she would get a cost and confidential records have been pulled. Council directed Dudley to take care of that situation.

Mayor Cole announced the next meeting is October 15, 2012 at 7:00 PM and Council would be going into executive session regarding ORS 192.660(1)(a) To consider the employment of a public officer, employee, staff member or individual agent and 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. Mayor Cole announced there would be no action taken after executive session.

Meeting adjourned at 8:40 p.m.

Mayor Jerry Cole

Attested: _____
Debra Dudley, City Administrator, Recorder/Fin. Director