

**City of Rainier**  
**Work Session Meeting Minutes**  
**November 5, 2012**  
**6:00 PM**  
**Rainier City Hall**  
**106 West "B" Street**

Mayor Cole called the meeting to order at 6:00 PM.

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

**Council Absent:** Phil Butcher.

Dudley introduced Kevin Patching, Public Works Foreman, complimented the public works crew and stated that they are prioritizing tasks. Avent asked Patching the status of his water and sewer certifications. Patching stated he is a level II across the board and the most important thing to get is the cross connection specialist and the first opportunity is in February and it will be about a year or two before he gets the level III wastewater but everything else is level II and is working on transferring certifications to Oregon.

**Agenda:**

Mayor Cole suggested addressing strategic planning (item a.) after compliance review: utility rate resolutions (item b.).

Dudley informed Council that she had met with Darrel Whipple, and he disclosed that Bob Burnham, Friends of Fox Creek, closed the gate on Fox Creek Dam, Bob thought a vandal had opened the gate. City staff had open the gate to prevent the Dam from filling up this winter, so next summer the sediment/silt could be removed. The gate can not be opened now due to seasonal restrictions. The City may not be in a position to remove the sediment/silt next year as a result of this. Dudley stated that the City and Friends of Fox Creek do try to work closely together and Avent questioned why Burnham did not contact the City.

**Compliance Review: Utility Rate Resolutions** – Dudley stated there needs to be clarification on the EDU rate structure. She wanted to address issues with Council prior to moving into the next phase of correcting any discrepancies based on the information that was provided by the former EDU committee. Dudley stated if you go back through the minutes and resolutions everything talks about multiple unit residential properties however, after auditing the work sheets provided by the former public works director it was discovered that some of the properties listed on the work sheet are not residential properties, they are businesses. Dudley stated, in her opinion the intent was clear; it was to address a rate

**Rainier City Council**  
**Work Session Minutes**  
**November 5, 2012**  
**Page 2 of 4**

structure for multiple dwelling units. She believes the worksheet they provided is not in compliance with the resolution. Dudley said one of the issues from the work sheet is properties that have a business below and one apartment complex above. Dudley stated in her opinion that does not constitute a multiple dwelling residence. Avent asked for an example and Dudley explained one of the dental offices has one apartment above them and they are included in the EDU calculation. If you read the resolution, the work sheet doesn't appear to comply with the resolution. Before she makes any changes she wanted to bring it to Council for consensus. Avent added there is a work group that has been working on EDUs and it seems EDUs is the most efficient manner so why should they waste a lot of time. Dudley replied if someone is being incorrectly charged it needs to be corrected. Dudley added the City may or may not keep the EDU rate structure. In her opinion it should not be kept and there are several members of the committee who don't care for the EDU program. The City has been charging, in her opinion, EDU rates to individuals that should not have been included in that rate structure. Avent clarified that Dudley's request is to remove those individuals from the EDUs and Dudley replied that was correct. Mayor Cole added they might be getting a refund and Dudley said they will be getting a refund. Mayor Cole stated he advised Dudley to make it right even though the work group is still active if there is a discrepancy with the current work practice to make it right. Avent said there will probably have to be a discussion on a commercial rate and Dudley said the EDU committee is looking at different types of structures but in reviewing the documentation for compliance, there are some properties where EDU charges are incorrectly being applied. Dudley said she will bring the information back to Council so they will be informed on who is affected and what the refund amounts are. Additionally Dudley informed the Council that the math calculation in the resolution for the Rainier Hotel is incorrect and will need to be corrected. Dudley reiterated she does not want to do anything without Council's concurrence. Avent said that as Nelson was saying there are actually two bills there. Nelson stated he has been taking a lot of heat over the entire hotel thing and he didn't vote on it before, he doesn't plan on voting on anything regarding it again, whatever the bill winds up being he will pay like he's paid before. Whatever happens he will be out of it, so whatever is the right number, send him the bill and he will pay it. Dudley said that as we become aware of inconsistencies, they need to be corrected, an audit is being completed, and all of the EDU customers have received letters and account histories explaining the situation. Cooper said that was fine and to go ahead and make the corrections.

**Strategic Planning** – Dudley said she and Nelson attended the Diking District meeting last week and Nelson explained the issues by stating that due to the Hurricane Katrina flooding an engineering firm sued the Army Corps of Engineers because they stated a public agency should not be competing with a private agency for that type of work meaning the Army Corps of Engineers has always certified dikes and a company too the Corps to court and one and said they should not be doing that work and that it should go out to bid to private companies. Nelson added that during the Katrina issues it was stated that the dikes needed to be certified in a certain amount of time and how often which changed the dynamics. Nelson added the Diking District never used to have to pay to have the dike certified and now they are looking and \$500,000 to \$1,000,000 and it was only going to be certified for year or two with issues on the time frame of the certification. Nelson said the time frame on these issues has been changed and if

**Rainier City Council**  
**Work Session Minutes**  
**November 5, 2012**  
**Page 3 of 4**

the dike is not certified within the time frame everything behind the dike becomes floodway which means everything built has to be built above the dike which most places are at least 16' and if it is floodway fences can't be built because a fence would deter the water flow in the event of a flood. Nelson stated that if a federal partner became involved then a back door means could be used around the law suit, the City of Kelso used HUD because there is a lot of low income housing so HUD partnered with the Diking District and the Army Corps of Engineer was able to certify the dike because they were a federal partner. Nelson added there are many Diking Districts in Columbia County, the dike in Scappoose has been certified because of the airport, Port Westward is in phase II because of all the cash and the Port of St. Helens contributing funds to make it happen, Clatskanie has seven different diking districts and one of them has filed for phase I which means that if you haven't started the process, the County has already remapped everything but just has stamped it approved meaning everything from the tire center area everything from there westward is considered flood so the Diking District met to say they have to begin at least phase I so they voted to partner with the Columbia County Federal Agency Soil and Water Conservation District and the partnership requires a 5% federal match so the Soil and Water Conservation District said they will be the partner up to 5% which is \$10,000 to get phase I started and it holds back the rezoning. Nelson said he suspects at some point the Diking District is going to come to the City and ask for help and for the City all the potential high tax revenues and growth is in the Diking District and it is to the City's best interest to guide the Diking District through the process. The Diking District is made up of volunteers that meet twice a year and this is a very large project that they don't have special training to get through that process. Nelson believes that this is an important issue and wants the City to assist the Diking District with Dudley as a resource person for the district. Cooper and Bradfield as council representatives have asked to be included in the district's meetings; Cooper was disappointed that they have not contacted them. Dudley said she would like to schedule a meeting with the President, Ryan Blaylock, but at the minimum with Todd Dugdale, Cooper and Bradfield so the City has understands what it can do to assist the diking district. Cooper said FEMA told him they are close to mapping this out and it will be a done deal so he doesn't think the City can sit back and count on volunteers to have the best interest at heart and to move this thing forward. Dudley said we have to make sure there is progress; the consultant that BPA has hired to negotiate the transaction is willing to assist with regard to what needs to be done. The big push is phase I and once phase I is completed that will allow us to move into phase II and that is where the Corps of Engineers will be used for the dike certification. Dudley and Nelson added that one of the advantages is if they are able to negotiate a successful deal with the church property and another property owner they will buy up 25% of the dike land and flood it. Avent said he would like to look at the asset base on both the UGB and what we have in the flood plains so if the zoning is changed the property value is going to plummet. Nelson said they have full intentions of rebuilding the dike behind the area that they buy, the pumping system would be rebuilt and clean out all of the sloughs. Dudley said one of the other issues the Diking District faces is when the inspection was done, the deficiencies listed in the report need to be addressed. Cooper said he brought that up to the Corps and was told those do not need to be addressed to be able to move forward Cooper directed Dudley to get the meeting together sooner than later.

Dudley reported the wall has been built upstairs, with a double door; both the mechanical room and the community room are now secured.

**Rainier City Council  
Work Session Minutes  
November 5, 2012  
Page 4 of 4**

Nelson said there is currently somebody on staff that is a very skilled carpenter so it might be beneficial to the City to see if that person could put down a sub floor in that space. Dudley said we'll get cost estimates. Dudley said the entire wall project was done for under \$400, the mechanical room flooring was around \$1300, so having someone on staff with those skills is beneficial. Mayor Cole directed Dudley to get the sub floor done.

Dudley said she spoke with Nelson and Vilardi about having the temp worker see if the park restrooms are salvageable. Nelson added he and Avent previously had the conversation and it was determined if they owned them they would fix them would be more cost effective.

Mayor Cole adjourned the meeting.

\_\_\_\_\_  
Mayor Cole

Attested: \_\_\_\_\_  
Debra Dudley, City Admin., Recorder, Fin. Dir.