

**City of Rainier**  
**Regular Council Meeting Minutes**  
**January 5, 2015**  
**7:00 PM**  
**Rainier City Hall**

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

**Council Present:** Mayor Cole, James Bradfield, William Vilardi, Doug Aske, Dan Smith and Robert DuPlessis.

**Council Absent:** Sloan Nelson.

**City Staff Present:** Debra Dudley, City Administrator/Finance Director/Recorder; James Dahlquist, Public Works Supervisor; and Police Chief Griffith.

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

**Flag Salute.**

**Additions/Deletions to the Agenda:**

Vilardi moved, Massey 2<sup>nd</sup>, to add property inspector as item d, unfinished business – **motion passed unanimously.**

**Mayor's Address:**

Mayor Cole reminded Council of Chief Painter's death four years ago today in the line of duty and a moment of silence was observed.

Attorney Petersen swore in Mayor Cole and then Mayor Cole swore in Robert DuPlessis, James Bradfield, and Daniel Wayne Smith as council members.

**Elect Council President:** Mayor Cole stated Councilor Nelson was interested in continuing as Council President. Mayor Cole asked if other council members were interested and none was expressed interest. Vilardi moved, Massey 2<sup>nd</sup>, to elect Sloan Nelson to Council President – **motion passed unanimously.**

**Appoint New REDCO Board Members:** Mayor Cole stated appointments are made by the Mayor and confirmed by Council. Mayor Cole appointed City Council as REDCO Board members. Vilardi moved, Bradfield 2<sup>nd</sup>, to confirm the appointment – **motion passed unanimously.**

HOPE Presentation by Police Department: Chief Griffith stated the annual Cops for Donuts fund raiser raised \$2978.50 for HOPE.

Mayor Cole read the names of three fallen military personnel since Council last met and a moment of silence was observed.

**Visitor Comments:**

Darrel Whipple, 76439 Alston-Mayger Road, Rainier, OR 97048, on behalf of Friends of Fox Creek, inquired if the Department of State Lands issued fines against the City and, if so, what is the City's response for not getting a proper permit for digging up sediment behind the dam. Whipple asked if the City has hired or trained spawn surveyors to check the watershed up to the dam in the absence of Friends of Fox Creek volunteers who have been excluded from the watershed by City Council. Mayor Cole stated all those questions are under legal review at this time. Dudley added that from the waterfall to the dam is not an area that has been looked at for fish habitat, but Friends of Fox Creek have always been able to access the area from the gate downstream. Whipple said they currently review that area. Whipple said since there are fish in the stream this year it would behoove the City to know if they are further up in the watershed. Bradfield clarified with Whipple that Friends of Fox Creek are not excluded from the gate upstream but it takes permission and access granted. Whipple said he is not aware of that policy and Bradfield reiterated everyone has to get permission to go past the gate. Mayor Cole added that Friends of Fox Creek had permission at one time and recently Friends of Fox Creek was all over the dam and reservoir area which is the reason permission now has to be granted. Mayor Cole explained until the City can figure out how to keep people out of the area which is dangerous to the general public and the liability is the reason permission has to be granted on a case by case, entry by entry basis, for the area from the gate upwards. Whipple said he understood the liability issues and Friends of Fox Creek is determined not to put the City in a libelous situation. Smith added that if someone was going to be allowed access a representative from the City should accompany them. Mayor Cole encouraged Whipple to come up with an idea to make it work and get together with Bradfield regarding the ideas. Whipple referred to the public records he has requested and not received and Dudley stated they are under attorney/client privilege and once they are released Whipple will receive them.

**Approve Consent Agenda Items:**

December 1, 2014 Regular Meeting Minutes: Vilardi moved, Massey 2<sup>nd</sup>, to approve the minutes as presented – **motion passed unanimously.**

Financial Reports: Dudley stated she added a target column identifying the major funds and it shows that the target amount is 42%. Revenues exceeding 42%, shows we're above our target. If we are above 42% in expenditures that means we have exceeded our expenditures for this period, however the variances could level out during the next period. Dudley stated the categories indicate the City is where we need to

be, the revenue in general fund shows a significant variance because we have received money from the property taxes. Dudley reviewed the account information with Council. Massey moved, Vilardi 2<sup>nd</sup> to accept the financial reports – **motion passed unanimously.**

**Unfinished Business:**

**a. Senior Center Maintenance Update:** Dahlquist stated any pipes close to the outside walls were wrapped and openings in the structure were partially closed.

**b. “A” Street Update:** Dudley stated waiting for DEA analysis.

**c. Highway 30/”B” Street Update:** Mayor Cole stated the project was moving forward and Dudley added the start date is depending on the weather. They have to start by April and it will be done this fiscal year. Dudley said the State added some additional funding because the bid came in a little higher than what was available so to get the project done. The State added approximately \$143,000 to allow the project to get completed and includes the lighting. Dudley said once started the project should be completed in approximately 30 days. Mayor Cole informed the new council members the history of this project.

**d. Property Inspection, NW Quality Homes:** Greg McFeron reported on his structural inspection on five buildings at the wastewater treatment plant.

**New Business:**

**a. Consider Approval of Contract Renewal for CBR Forestry, LLC for Watershed Management:** Massey moved, Vilardi 2<sup>nd</sup>, to approve the contract renewal – **motion passed unanimously.**

**b. Consider Approval of Agreement with Contractor Brian Parvi for Commercial Firewood Removal as Recommended by CBR Forestry, LLC –** Aske moved, Vilardi 2<sup>nd</sup>, to approve the agreement – **motion passed unanimously.**

**c. Consider Approval of Operation Services Contract for the Water Treatment Plant:** Pursuant to ORS 244.120(2)(b)(A)(B) Conflicts of Interest, Smith read the following: “I Daniel Wayne Smith, Councilman for the City of Rainier, am declaring an actual conflict of interest on this agenda item. Item C, consider approval of operation services contract for the water treatment plant. The nature of the actual conflict is I will be the individual providing service under this contract and will receive monetary compensation upon approval of the contract. I will refrain from participating as a public official in any discussion or debate on the issue out of which the actual conflict arises or from voting on the issue.” Smith then excused himself from the room while Council discussed the contract. Mayor Cole explained that up until recently the City contracted with Scott Shulda for the water and sewer plant operation.

Massey moved, Vilardi 2<sup>nd</sup>, to approve the contract. Mayor Cole said when a City employee is certified the contract will cease. **Motion passed unanimously** with Smith not present.

**d. Consider Approval of Operation Services Contract for the Sewer Treatment Plant:** Mayor Cole explained the contract proposed is between the City and Vern Ressler. Vilardi moved, Massey 2<sup>nd</sup>, to approve the contract – **motion passed unanimously**.

**e. Consider Resolution #15-01-01 Authorizing Columbia County Animal Control to Enforce Ordinances Relating to the Control and Welfare of Animals within the City Limits:** Mayor Cole stated they have been providing this service since 2006 and the ordinance would make it official. Vilardi moved, Massey 2<sup>nd</sup>, to approve the resolution – **motion passed unanimously**.

**f. Consider Resolution #15-01-02 Setting Regular Meetings:** Mayor Cole said the resolution would set the meetings for the first and third Mondays. Massey moved, DuPlessis 2<sup>nd</sup>, to approve the resolution. Mayor Cole stated if agendas are light the meeting can be moved to the first or second meeting. **Motion passed unanimously**.

**g. Consider Resolution #15-01-03 Setting Work Session Meetings:** Mayor Cole explained work sessions would be on the first Monday of the month. Vilardi moved, Aske 2<sup>nd</sup>, to approve the resolution – **motion passed unanimously**.

**h. Consider Resolution #15-01-04 Declaring the Clatskanie Chief as the Newspaper of Record:** Vilardi moved, Massey 2<sup>nd</sup>, to approve the resolution – **motion passed unanimously**.

**i. Appoint 2015/2016 Budget Officer:** Mayor Cole appointed Debra Dudley as the budget officer. Aske moved, Vilardi 2<sup>nd</sup>, to approve the appointment – **motion passed unanimously**.

#### **Staff Reports:**

Dahlquist – Heavy maintenance at the water treatment plant, continued maintenance and repair at the wastewater treatment plant, was advised by the marine board the City is off probation, all the items in the property inspection report have been addressed except for building 5, started rehab at the park bathrooms, replaced culvert on 1<sup>st</sup> Street, ditching on Debast, graveled along the paved streets to prevent the shoulders from washing away, and deiced three times.

Chief Griffith – nothing not covered in Mayor's address. Mayor Cole stated the deli store was broken into twice over the last month.

Dudley – will find out on the 8<sup>th</sup> if the City is eligible to apply for funding through the marine board and the parks district. The Port of St. Helens has introduced a partnership program where funds are committed to help local municipalities and with Council’s concurrence she will apply for the partnership and use the “A” Street project as the City’s project. Council concurred.

**Council Reports:**

Mayor Cole – City/County dinner in Vernonia on Tuesday and soup dinner and silent auction for HOPE at the United Methodist Church.

**City Calendar/Announcements:** Next regularly scheduled meeting on January 20, 2015 with a potential the meeting could be cancelled.

**Executive Session:** ORS 192.660(2)(h) to 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 adjourned the meeting after executive session at 8:43 AM.

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

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