

City settles law suit out of court

A lawsuit filed against the City of Vernonia on April 1, 2009, has been settled out of court. The lawsuit, filed by Fred and Susanne Oviatt, asked for \$319,946.43 as a result of an injury to Susanne Oviatt allegedly caused by the O-A Hill sidewalk. The injury occurred in April of 2007, after the city constructed a sidewalk approximately six inches higher than the walkway to the Oviatt's house. The lawsuit indicated that, on more than one occasion prior to the injury, the Oviatts had discussed the problem with the city, which took no action to remedy the problem.

The settlement on October 26, 2009, stated that, "In exchange for payment of \$30,000 by City to Oviatt, Oviatt will dismiss its claims against City and agrees to a resolution of all claims and controversies by Oviatt arising out of the underlying lawsuit currently on file in the Columbia County Circuit Court, under Case No. 09-2441, entitled: Susanne Oviatt v. City of Vernonia."

OSU Woodland Information Night

Woodland owners interested in learning how to keep their land healthy are invited to attend Woodland Information Night, Thursday, January 14, at 6:30 p.m. at the OSU Extension Service office in St. Helens.

This free program will provide tips on dealing with noxious weeds, protecting wooded property from fire, planting trees, and other issues of interest to small acreage woodland owners. Attendees will find out about the various sources of assistance available to help them achieve their goals and take care of their woodland and associated wildlife, water, and other resources.

For more information, contact the OSU Extension Service, 503-397-3462.

Council sees preliminary flood reduction measures

The December 21 Vernonia City Council meeting started with a presentation by HDR Engineering of work that's been done on flood modeling. It tested some potential flood reductions measures, such as removing or reducing the size of the sewer lagoons, to see what impact could be obtained. The information is preliminary and HDR wanted to know where the council would like more work done. They will return to council in a few months with more information based on further modeling. At that time, there should be more detailed information that can be used for project planning.

Police Chief Frank Grace told council that information was sent, Dec. 21, to the Dis-

trict Attorney on four adults and six juveniles involved in the theft of 16 laptops from Vernonia Middle School and other crimes in the last year.

Grace also reported that DPSST recommends closure on the complaint regarding Captain Kay, "Captain Mike Kay is exonerated in my opinion," Grace finished. City Administrator Bob Young added that, "In the paper, it said the reason for the \$5,500 lawyer's fees wasn't specified, but that was from the accusations against Mike Kay," and he wanted to make it "very clear."

Young continued, regarding the water bill problem discussed last month (Don Waters water shutoff), the bill has been paid and, "is on track." Young

also said, "Joann and the staff have gone out of their way to work with people, I commend them for their efforts."

The agenda for the January 4 meeting was short. Young told council he is proposing a contract for \$6,900 with Engenium, Inc. for an economic development and strategic plan. Council asked if the money was available in the budget and Young told them it was. The final report is expected to be available in mid-February.

Young also reported that he is having Jim Johnson (former Interim City Administrator) provide him with a report on staffing and workflow.

There were executive ses-

sions at both the December 21 and January 4 meetings, but council took no action and made no statements after reconvening the public meetings following the closed sessions.

In other business, council;

- accepted the resignation of Liz White from the Library Board.

- unanimously approved the first batch of flood property acquisitions as presented by Dan Brown of the Unmet Needs Committee.

The next council meeting is scheduled for Tuesday, February 19 (due to Martin Luther King Jr. Day on Monday), at 7:00 p.m. at City Hall.

Kay misconduct was prior to Jan 1, 2001, so no DPSST action on complaint

The Department of Public Safety Standards and Training (DPSST), has completed their review of a complaint regarding Captain Mike Kay of the Vernonia Police Department. DPSST recommended taking no action again Kay.

DPSST's response letter gave the background of the complaint as "In 1998 domestic violence assault charges were brought against Mr. Kay along with a temporary restraining order. Ultimately Mr. Kay was acquitted of the assault charges. Later in that year (1998) and into 1999, there were three alleged violations of the restraining order by Mr. Kay. In January 2000, Mr. Kay went on trial for contempt of court and was found guilty of one of the three violations asserted. In February 2000, Mr. Kay was sanctioned for a single count of Contempt of Court, his sanction was suspended and he was placed on probation. In May 2001, court action indicated a Probation Violation and in June 2001 this was dismissed."

DPSST determined that the Contempt of Court ruling met the criteria for Misconduct but indicated that OAR 259-008-

0070(7)(b) specifies that the Department will not take action on a conviction constituting discretionary disqualifying misconduct that occurred prior to January 1, 2001.

The final analysis by the DPSST Professional Standards Unit was, "Based on the totality of circumstances, I do not believe Mr. Kay's conduct rises to the level of violation of the established moral fitness standards, as defined in OAR 259-008-0070, nor do I believe the Department would prevail in a contested case hearing." The other portions of the complaint filed with DPSST were referred back to Vernonia Police Chief Frank Grace who stated at the December 21 City Council meeting, "...Kay is exonerated in my opinion."

A tort claim on an unrelated case has been filed by a Vernonia resident against the Vernonia Police Department, naming officers Dalrymple and Kay, for illegal detainment, assault and battery, and illegal search. A tort claim is the official notice that a lawsuit is planned against a public body or a public employee.

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