

**ONTARIO CITY COUNCIL MEETING MINUTES**  
**Tuesday, February 16, 2016**

The regular meeting of the Ontario City Council was called to order by Mayor Ronald Verini at 7:00 p.m. on Tuesday, February 16, 2016, in the Council Chambers of City Hall. Council members present were Ronald Verini, Norm Crume, Tessa Winebarger, Betty Carter, Marty Justus, Larry Tuttle, and Charlotte Fugate.

Members of staff present were Tori Barnett, Mallory Mallea, Al Higinbotham, Kari Ott, Larry Sullivan, Dan Cummings, Marcy Siriwardene, Steve Mallea, Pete Morgan, Cliff Leeper, and Betsy Roberts.

The meeting was recorded and copies are available at City Hall.

Betty Carter led everyone in the Pledge of Allegiance.

**AGENDA**

Mayor Verini stated there were a few changes to the Agenda. Under Section 7, they would not have the presentation, as it was removed at the Thursday work session. Under New Business, Section 8, they needed to add Item E, the Request to Disband the Ontario Aquatic Center Committee; and Item F, Bid Award for the East Side Reservoir.

Charlotte Fugate moved, seconded by Tessa Winebarger, to adopt the Agenda as amended. Roll call vote: Crume-yes; Winebarger-yes; Carter-yes; Justus-yes; Tuttle-yes; Fugate-yes; Verini-yes. Motion carried 7/0/0.

**CONSENT AGENDA**

Betty Carter moved, seconded by Marty Justus, to approve the Consent Agenda, which included the Minutes from the Regular Meeting of February 1, 2016; a Liquor License Application for 2<sup>nd</sup> and Vine; the 2016 Budget Calendar; and Approval of the Bills. Roll call vote: Crume-yes; Winebarger-yes; Carter-yes; Justus-yes; Tuttle-yes; Fugate-yes; Verini-yes. Motion carried 7/0/0.

**DEPARTMENT HEAD UPDATE**

Dan Cummings, Community Development Director, informed the Council that he had been told by Kit Kamo, SREDA, that a firm was looking for a large site in Oregon, possibly Ontario, and could potentially set a site visit towards the end of March.

**NEW BUSINESS**

**Resolution #2016-105: Receive/Expend Donation to OPD \$425**

Steve Mallea, Acting Police Chief, presented.

The Police Department was the recipient of unanticipated donations, in the amount of \$425, and was necessary to accept the funds into miscellaneous revenue in order to expend them. They'd like to purchase a supply of plastic police badges, which were distributed to kids when contact was made with them. They could get about 500 badges. It was \$250 from the VFW, \$100 American Legion, and \$75 from American Legion Auxiliary.

Tessa Winebarger moved, seconded by Betty Carter, that the City Council **approve Resolution #2016-105: Authorizing the Receiving and Expenditure of Funds Donated to the Police Department**. Roll call vote: Crume-yes; Winebarger-yes; Carter-yes; Justus-yes; Tuttle-yes; Fugate-yes; Verini-yes. Motion carried 7/0/0.

**Ordinance #2715-2016: OMC 3-12 re Social Gambling (1<sup>st</sup> Reading)**

Larry Sullivan, City Attorney, presented.

Social games were not allowed in Oregon unless authorized by local jurisdictions. ORS 167.121 allowed cities to decide whether or not to allow social gaming and allowed cities to set restrictions by ordinance. Chapter 12 of Title 3 of the City Code allowed social games to be conducted only by charitable, religious, and fraternal organizations that obtained 501(c)(3) tax exempt status by the IRS. They were also required to obtain a license from the City. The reference chapter had not been amended since 1978.

At the work session on January 28, 2016, a local business requested that the City Council amend the City Code to allow it to conduct social gaming as part of its business. After discussion, the Council consensus was to direct the City Attorney to develop a commercial gaming ordinance for further discussion by the Council.

Proposed Ordinance No. 2715-2016 amended the current Code sections to allow commercial businesses to conduct social gaming essentially on the same terms as were currently allowed for charitable, religious and fraternal organizations. The current City Code provisions limited the age of social gaming customers to 18 years of age or older, and imposed various restrictions on the time and manner of operation. The current Code required a license from the City, and the payment of a license fee established in the Code. None of those provisions had been changed by Ordinance No. 2715-2016, except that the amount of the fee has been deleted so the fee could be set by resolution of the Council.

Ordinance No. 2715-2016 made the commercial gaming license an annual license only. The ordinance required that a license applicant pay an application fee as well as a separate license fee, which was to be set by resolution. The current Code allowed the City to revoke or suspend a license, which was unchanged in Ordinance No. 2715-2016. Ordinance No. 2715-2016 also included a new civil penalty for violating the social gaming rules in the City Code.

Ordinance No. 2715-2016 amended only a few of the City Code provisions dealing with social gaming. A full copy was included in the meeting packet.

The City attorney reviewed a number of commercial social gaming ordinances from around Oregon, and the restrictions currently in the City Code were typical restrictions imposed by other cities. One exception was Bend, which removed most restrictions in 2011. A copy of the Bend ordinance was included for the Council's review in case the Council wanted to use the Bend ordinance as a model.

Another city, Junction City, didn't require nonprofit organizations to have a license before conducting social gaming. The Ontario Police Department didn't actively enforce the social gaming license for nonprofits. Nonprofits, in recent years, had been inconsistent in obtaining gaming licenses before conducting social games. Acting Police Chief Mallea informed the City Attorney that the Police Department would not object if the City Council decided to require a license for commercial social games only, but not for charitable social games.

Ordinance No. 2715-2016 was reviewed and approved by the Police Department and Planning Department.

After checking with the Oregon Lottery, it was found that there were no restrictions on video lottery also having social gaming as long as the retail outlet was obeying all local regulations. Other counties, Vale, and Nyssa, had an ordinance for social gaming, and had restrictions similar to the ones being discussed.

Councilor Fugate asked about conducting a Public Hearing before acting on this ordinance.

Tori Barnett, Interim City Manager, stated as this was the First Reading, they could hold a Public Hearing prior to final adoption, if that was the direction the Council wanted to go.

Councilor Justus asked if any thought had been given yet as to what the fees might be.

Mayor Verini stated that piece would be dealt with after the ordinance was adopted.

Councilor Justus asked if a license was required, shouldn't that be part of the ordinance.

Mr. Sullivan stated yes, and the amount of the fees would be set by resolution.

Councilor Winebarger asked if they had video poker, would the age limit be changed in the resolution.

Mr. Sullivan stated the city had an obligation to abide by the age laws for video poker, which was 21.

Mayor Verini verified that was set by the state, not local.

Mr. Sullivan stated that was correct. It was, however, at the Council's discretion to amend the age limit for social gaming. That could be changed to 18.

Councilor Crume stated the individuals who originally presented this action to the Council, were planning to serve alcohol in their establishment, so no one under 21 would be allowed.

Mr. Justus asked if there would be clear definition of "Social Gaming".

Mr. Sullivan stated it was the definition as established by state law.

Councilor Fugate asked if they could limit the number of businesses who would have social gaming.

Mr. Sullivan stated yes. The state gave authority to cities to set conditions.

Councilor Fugate asked if that would be by ordinance or resolution.

Mr. Sullivan stated it would be set by ordinance.

Councilor Fugate verified there would be a Public Hearing held prior to the final reading of this ordinance.

Mr. Sullivan stated that was correct. Also, a few errors had been noted in the draft, and would be taken care of prior to final reading.

Larry Tuttle moved, seconded by Tessa Winebarger, that the City Council approve **Ordinance No. 2715-2016, AN ORDINANCE AMENDING CHAPTER 12 OF TITLE 3 OF THE ONTARIO CITY CODE TO ALLOW LICENSED COMMERCIAL SOCIAL GAMING, on first reading by title only.** Roll call vote: Crume-yes; Winebarger-yes; Carter-yes; Justus-yes; Tuttle-yes; Fugate-yes; Verini-yes. Motion carried 7/0/0.

#### **Revised BLM Airport Ground Lease**

Larry Sullivan, City Attorney, presented.

The Bureau of Land Management (BLM) had been occupying a city building on approximately 1.5 acres of land at the Ontario Municipal Airport since June 1, 2015, without a lease. City staff negotiated a proposed 20-year lease with an annual lease payment of \$14,000, retroactive to June 1, 2015.

The Council, by consensus, rejected an earlier draft of the lease at its December 17, 2015, work session, because it had contradictory provisions for maintaining the building and for making alterations. The lease documents were substantially revised by the federal government. Those revisions were noted in the document entitled "Ontario, OR Vale District SEAT Base Bureau of Land Management Lease Agreement LEASE NUMBER L16PL00007."

Under Section 6 of the revised lease, the city was responsible for the exterior of the building, including HVAC and sewer/septic systems. The BLM was responsible for maintaining the building interior, plus any alterations made by the BLM, plus any damage caused by the BLM's negligence.

Section 12 "Alterations" provided that none could be made with the city's approval of the plans in advance, and that the BLM had to make the alterations in a workmanlike manner.

Section 13 "Waiver of Restoration" allowed the BLM to remove any of its fixtures at the end of the lease as long as it left the premises in a clean and orderly condition acceptable to the city. In addition, this Section would not require the BLM to restore the building to the same unaltered condition it was in at the beginning of the lease. Therefore, it was important that staff, when reviewing the BLM's plans, made sure that any approved alterations would not lower the value of the building for other uses after the lease expired, or cause the city to incur substantial costs in restoring the building. That would be a reasonable basis for rejecting any planned alterations.

An error by BLM had been noted upon submission to the city, and a correction would be requested prior to the city signing.

Charlotte Fugate moved, seconded by Norm Crume, that the City Council approve the BLM Airport Lease, retroactive to June 1, 2015. Roll call vote: Crume-yes; Winebarger-yes; Carter-yes; Justus-yes; Tuttle-yes; Fugate-yes; Verini-yes. Motion carried 7/0/0.

#### **Proposed Fire Contract with Rural Board**

Al Higinbotham, Fire Chief, presented.

The City of Ontario and Ontario Rural Fire Protection District #7-302 had been working together by contract since 1959. The current contract would expire at midnight on June 30, 2016. A review process consisting of Mayor Verini, Councilor Crume, City Manager Barnett, and two Rural Board members was conducted January 20, 2016 to negotiate renewal of services and costs of the Agreement. As a result of the meeting, the consensus was to continue the contract for FY 16-17 through 20-21, with a 0% increase for the cost of service. In exchange for the freeze, the Rural Board agreed to provide up to \$20K toward the upgrade to the fire radio system. This was in addition to the \$111,572.00 annual payment from the District, as well as the multitude of other "extras" the Board contributed to the department every year, above and beyond the contractual obligation. The renewal would be done through Amendment #12.

The contract had been renewed repeatedly over the past 50 years of service. Going back to FY 2007-08, there was a 1% increase, but from FY 2008-2016, it had been frozen at the \$111,572. This was due to the additional monies received from the Board with relation to the construction of Station Two at the Ontario Airport.

If approved as presented, the Ontario Rural Fire Protection District agreed to pay the City of Ontario \$111,572.00 per year in quarterly payments, for five years of service, beginning July 1, 2016, and ending June 30, 2021. This reflected an increase of 0% over the last 5 years, with the basis of the freeze addressed previously.

Tessa Winebarger moved, seconded by Norm Crume, that the Council approve the Fiscal Year's 2016-2017 through 2020-2021 contract Addendum #12 between the City of Ontario and Ontario Rural Fire Protection District #7-302 with a 0% increase in cost of service. Roll call vote: Crume-yes; Winebarger-yes; Carter-yes; Justus-no; Tuttle-yes; Fugate-yes; Verini-yes. Motion carried 6/1/0.

Chief Higinbotham thanked the Council, but added that he needed some type of consensus to move forward with the radio equipment.

Ms. Barnett stated the Council could give authority by consensus, but a resolution would be back before Council at the next meeting to pay for the project.

Councilor Justus asked when they would begin.

Chief Higinbotham stated they wanted it all installed and running before June 30, 2016.

Council consensus to move forward.

**Request to Disband Ontario Aquatic Center Committee (Hand-Out)**

Charlotte Fugate, Committee Chair, presented.

The Ontario Aquatic Center Committee would like to disband the Council-established Committee.

The Committee met on Thursday, February 11, 2016, to discuss various options for the Committee, and believed it to be in the best interest of both the City and the Committee to operate independently from the City.

The Committee would like to aggressively seek ways to generate revenue, hold fund-raisers, solicit donations, and travel to various entities operating an aquatic center similar in nature and size to Ontario. By not being a city-recognized or established committee, there was more opportunity to do these things spontaneously.

Councilor Tuttle asked if this was the Committee that had been established a few years ago.

Councilor Fugate stated it was only about a year old.

Mayor Verini stated it was similar to the actions being taken by the Downtown Revitalization Committee, that was a 501 (c)3 organization, and they had been very successful. The pool committee would still be working with the city, but this would provide them more latitude to go out for a capital campaign, among other things.

Councilor Fugate agreed, and it would eliminate the need to give a notice for meetings, so things could be done at a moment's notice, and it would be easier to speak to private organizations.

Councilor Tuttle asked who would have oversight of the funds.

Councilor Fugate stated all donations would be deposited with the city, into a designated line item for pool revenues.

Councilor Carter asked if the committee could still seek funding from the city.

Mayor Verini stated it was just like the Downtown group.

Councilor Crume stated the intent was to have the committee bring recommendations back to the city.

Councilor Justus disagreed; instead of another city committee, it would now be the citizens advising the Council.

Councilor Crume asked if meant that the committee couldn't approach the Council and/or city, asking them to do X-Y-Z.

Councilor Justus stated any citizen could appear before the Council, for any reason.

Councilor Winebarger stated the whole disbandment was so they could expand and work on fundraising, and get more citizen involvement.

Mayor Verini, with some add-ins by Councilor Justus, stated the similarities again with the Downtown Revitalization project, whereby they could ask for money for a project, financial matters were run through a 501(c)3, with city oversight.

Mayor Verini asked if they'd considered seeking 501(c)3 status.

Councilor Fugate stated they had not.

Councilor Carter reminded them that they'd already expended funds for a design for the pool. Could they seek additional funds from the city?

Mr. Sullivan yes, but as a non-appointed Committee, the Council lost the right of expectation for the Committee to come before them. Example- the Library. When it broke off and became a Library District, they no longer presented anything to the Council.

Mayor Verini voiced his preference to see an organization formed, as he'd find it more comfortable to work with a 501(c)3.

Mr. Sullivan stated a non-profit under 501(c)3 status would not be subject to the public records statutes, as they would be considered a private organization.

Norm Crume moved, seconded Marty Justus, that the City Council accept the recommendation of the Aquatic Center Committee, and disband the Committee, effective immediately. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Justus-yes; Tuttle-no; Carter-yes; Verini-yes. Motion carried 6/1/0.

**Bid Award: East Side Reservoir 3B Replacement Project (Hand-Out)**

Betsy Roberts, CH2M, City Engineer, presented.

On December 8, 2014, the issue of the leaking reservoir was brought before the Council as a request to conduct a structural review in January of 2015. Council approved the review and the evaluation was completed and a written report provided.

The following items summarized the findings of the investigation: Nearly all of the pre-stressing wires exposed exhibited no corrosion and were in good condition; A moderate amount of cracking in the exterior shotcrete (exterior face of wall) was observed and a small number of locations were found where the shotcrete exhibited a hollow sound (characteristic of delamination or subsurface cracking); Local light corrosion was observed on wires observed near a previously repaired crack (stained wires with no section loss); The exterior wall coating has failed in areas where water seepage was present; The coating on the roof slab was weathered, notably the south side where the sunlight exposure was greatest; and There was significant interior liner separation from the reservoir over much of the floor and concentrated areas on walls.

Based on the investigation, CH2M prepared a contract document based on the following repairs and actions to be performed: Removal and reinstallation of the interior lining with investigation of interior concrete and shotcrete surfaces; Repair of the leaking crack at the diaphragm joint on the south east side. (Options for repair included, but are not limited to, Epoxy crack injection, Hydrophobic grout injection, Flexible tape waterstop, or Consultation with concrete repair contractor to be performed during design phase of the repair project). Further actions would include: Repairing the exterior coating at select locations on the walls and entire roof slab; Contractor to provide thorough sounding of the interior and exterior surfaces of the walls to check for delaminations; and Repair of any interior concrete and shotcrete surface deficiencies.

On March 2, 2015, the final design process and associated fee was presented to the Council. Based on recommendations in the report, Council approved the \$20,000 expenditure for design, with construction planned for colder months, taking advantage of reduced water needs. Council decided to move forward with repairs, with an overall budget of \$180K, in Project Line Item: 030-087-719218.

On February 11, 2016 at 3 PM, three bids for the East Side Reservoir 3B Repairs project were received and opened.

No.	Bidder	Total Bid Amount
1	ProTech Coatings, Inc.	\$230,496.74
2	Purcell P&C, LLC	\$441,790.00
3	Leewens Corporation	\$1,277,183.00

The apparent low bid from ProTech Coatings, Inc. was reviewed and appeared to be in order, but the bidder hadn't submitted his bid bond on the provided bid form. However, after review, it appeared that the bid bond form used by the contractor adequately covered the information required on the provided form.

CH2M staff spoke with both the low and the high bidders. Staff then engaged CH2M staff from the NW region coatings group, requesting information or familiarity with any of the bidders. Northwest coatings specialist and long-time CH2M employee, Jerry Duppong, was familiar with both bidders #2 and #3. Mr. Duppong noted that the high bidder (Bidder #3) more typically bid on large industrial work. Through conversations with Bidder #3, staff felt the bidder might not have fully understood the concrete repair portion of the project, as his numbers were extremely high for this type of work. Mr. Duppong noted that Bidder #2 was a large firm and a higher bid was not a surprise, but he was somewhat surprised that both of these larger firms bid on this size project. Mr. Duppong was the technical specialist for the design team on this project.

Comparison between Bidder #1 and #2 showed consistent differences. Bidder #2 was generally about twice the unit price for the concrete work.

The professional engineer who designed the project was able to speak with a reliable contact in the coatings profession who had done extensive work with Bidder #1 and received a good report about the company. His reports matched with the findings of our research. Because Bidder #1 did not identify any subcontractors for the concrete work or the paintings and coatings work, staff requested that they immediately provide the required submittal information regarding their staff's qualifications for those elements of work to help evaluate the bids. They did so, and staff completed the review of their qualifications, finding that their staff met the requirements of the contract documents.

At this time, staff believes there are two viable options for the city -

**One, the city could reject all bids and re-advertise the project in the fall (new fiscal year),** but this option potentially allowed for at least one known, qualified contractor who did not bid to submit a bid. However, it also increased the risk that the current low bidder, who also appeared qualified, might not return to bid again. Bid prices could easily escalate or decrease.

**Two, the city could award to the apparent low bidder and conduct the work now.** This option allowed for the work to be completed this fiscal year in the spring, prior to high water needs, as planned with a qualified contractor. However, the bid price was beyond the budgeted amount and had to be reconciled with the Utility Capitalization Fund (UCF).

The City Engineer and design team recommend Option 2, to award the bid at this time and allocate the additional needed funds. Staff believed the low bid contractor, ProTech Coatings, was a qualified contractor and the bid numbers were reasonable. Staff did not believe that there would be significant savings on the bid if the project were rebid in the fall, and the city would incur additional advertising and engineering costs to revise the advertisement to bid and then re-advertise. If the Council awarded the project as recommended, staff anticipated a contract could be signed within two weeks and construction started between two and three weeks from now, with substantial completion by the end of April.

The UCF budget of \$180,000 was less than the amount identified in the bid by approximately \$64,400. This funding would need to be allocated to the project. Currently, there was \$1,647,475.00 in the UCFund. Staff was requesting \$87,400 from UCF Contingency to complete the project, an amount which included the remaining design fee, plus a 10% construction contingency.

It was difficult to determine the severity of the damage or repairs necessary, as most was hidden behind the existing liner. When they established their budget for this, they believed it would be between a Class 4 and Class 3. A feasibility study had been done, but they had not advanced any further.

Councilor Tuttle stated he was concerned about the bidder had not submitted his bid bond on the provided form. In many cases that would be classified as a no-bid. Was that correct?

Ms. Roberts stated they had the authority to determine if that was significant or not. After reading through all the information on the bid bond form, on his compared to staff's, he..

Councilor Tuttle verified staff's form was not used.

Ms. Roberts stated that was correct, he had not.

Councilor Tuttle stated there was the possibility that the second bidder could come back and complain.

Ms. Roberts stated that was a possibility, yes. She'd never seen that occur.

Mr. Sullivan stated a public body did have the right to determine that a bid was in compliance because any variations are insignificant. A public body had more leeway to do that, than to reject a bid due to a minor problem. Normally, that wouldn't be the type of thing that would create a lot of exposure to the city. It's possible, and he hadn't reviewed the bid documents, but since the second highest bidder was wildly over budget, that bidder would have no expectation that the city would award it to that bidder. At that point, the city could simply state there was no money to award it to the second highest bidder. There wouldn't be a gain to challenging that.

Councilor Justus asked how old the tank was.

Ms. Roberts stated she believed it was from around the 1970s. They just passed the 15-year warranty on it. There were repairs done in 2000, and more in 1995. It had problems.

Councilor Justus stated it was basically a concrete tank, with a plastic liner in it. Not a bladder, a liner.

Ms. Roberts stated that was correct.

Councilor Justus stated they were going to open it up, remove the liner, sandblast the tank, put a new coat on it, and hopefully it would resolve all these issues.

Ms. Roberts stated they'd also patch any cracks. There was no evidence of corrosion in the areas they were looking at.

Councilor Justus asked how many tanks were in the city, and were they all currently being used?

Ms. Roberts stated there were five, and they were all used.

Councilor Carter asked if all the tanks were the same age.

Ms. Roberts stated no, there were some newer ones. This particular tank had been a real problem.

Councilor Justus verified a new tank would be outrageously expensive.

Ms. Roberts stated for \$1.2M, that's what they thought with that high bid. They didn't need a "new" tank, just this one fixed.

Councilor Fugate asked why the estimate was \$50K higher than what was estimated by staff?

Ms. Roberts stated she had tried to explain that, but it was just a tough deal. One, they carried forward a budget that was before they came on staff, and she had missed the carry-over when they were reviewing one fiscal year into the next, so there was almost \$15K in design fee that hit the \$180K, that shouldn't be hitting the \$180K, that she had originally thought it had all been spent in the previous fiscal year, but it had not been. So they had to take that out. She didn't know why they were on the low end, as opposed to high.

Councilor Fugate stated if they took the entire wrap off...

Ms. Roberts stated if they could have done that, they would have known better about the cost.

Councilor Fugate stated if they estimated “x” amount of cracks, and there weren’t as many as estimated, would there be some type of savings?

Ms. Roberts stated yes, they’d pay less, because it’s all by unit price. They believed they had a relatively conservative estimate of how much patching and crack work might need to be done. Lining it was a pretty solid number.

Councilor Justus asked if they got into the project, and found it would exceed, what was worst case scenario. When do they say “put the lid back on it.”

Ms. Roberts stated they were pretty much there. Once they took the lid off, they had to get it back. She had asked for 10% contingency. She was asking for \$87K to come from the UCF to be put in with the other funds, to cover everything. She was hoping that number was significantly more than would be needed, but she wanted to be prepared. The city needed that tank, up and running.

Councilor Tuttle wanted to be clear – CH2 did not do the estimate on the repair of this tank, correct? This was carried over, done by...

Ms. Roberts stated it was a carry-over, but they added another \$30K....

Councilor Tuttle stated he understood that, but they hadn’t done the original estimate.

Ms. Roberts stated no, but she wasn’t sure they would have estimated much differently.

Mr. Sullivan asked if when they spoke of a unit price, did that mean that the highest bidder was proposing a higher cost to the city per unit, or they were proposing that there would be a lot more cracks than the lowest bidder thought.

Ms. Roberts stated it was a higher cost per unit. Staff provided how many units, for example, 20,000 LF of cracks to fill. The main place for the significant difference was in the concrete cost, even between bidder one and the middle bidder, the middle bidder was about double on the concrete work.

Mr. Sullivan stated if the Council approved the low bid, and a contract was signed in the near future, how many months would it be before there would be a clear idea on the level of repair work needed?

Ms. Roberts stated it would be around two or three weeks.

Councilor Crume stated they had discussed a warranty before, would there be a warranty on this new work?

Ms. Roberts stated yes. They had requested, and required, a three-year warranty. On the earlier 15 year warranty, many said they’d not bid on that.

Councilor Crume asked if CH2 had done any research on the durability of the liner that would be placed.

Ms. Roberts stated the liner was based on a recommendation from CH2.

Norm Crume moved, seconded by Charlotte Fugate, that the City Council authorize a Notice of Award to ProTech Coatings, Inc. for the East Side Reservoir 3B Repairs project, and authorize staff to move forward with finalizing a contract with ProTech Coatings, Inc. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Justus-no; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 6/1/0.

**CORRESPONDENCE, COMMENTS, EX-OFFICIO REPORTS**

Councilor Winebarger asked if they were going to discuss the plan for the SWOT and for the State of the Utility meeting?

Mayor Verini stated he didn't believe it was planned for discussion, but he believed Tori was working on that with Councilor Justus.

Ms. Barnett stated they were looking at during the day, during the week, and doing a 9-5 meeting, with Public Works doing their State of the Utilities piece first, and then going into the SWOT portion.

Councilor Tuttle asked the status of the City Manager search.

Ms. Barnett stated Slavin Consulting Services, the city's selected recruitment firm, would be on site on Tuesday, February 23, at 1:30 to discuss the candidates they believed were suitable for Council review and interviewing.

On the Police Chief, there were several resumes received, and interviews were being scheduled.

Ms. Barnett submitted a list of items gathered from Police, Fire, and General, which outlined problems facing the departments or the city, that new rules and regulations were being placed by FEMA, OSHA, various entities, needed to be corrected, or not only could there be fines imposed, but the potential was there for litigation due to substandard, non-compliant, outdated, or damaged equipment, which could cause harm to staff or citizen. The list was quite varied, and covered things such as replacement Tasers, a new telephone system throughout city buildings, protective vests, a silent panic button for the two buildings where many times there was a lone employee (*generally female*), some out of date fire gear, i.e. helmets, turnouts, etc. surveillance cameras located externally on the Recreation Building, barriers at the Airport, etc. She would be meeting with both Chiefs to establish a priority list, with accompanying costs and an explanation regarding the need, and that would be brought back to the Council at the next meeting.

Councilor Winebarger asked if any of the items had been previously budgeted for, or why hadn't they been. These things were essential – they couldn't be cut out.

Ms. Barnett stated most, if not all, had been budgeted for at some point, but when staff was asked to tighten up the budget, each Department Head removed things at their discretion; however, removal didn't negate the need for the item. Staff was simply trying to meet the request of the Council for budget purposes. The items still had to be replaced.

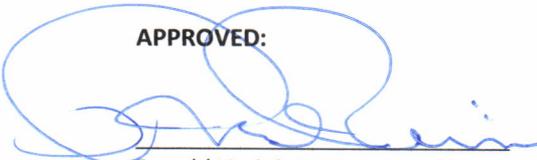
Councilor Justus stated he heard what she was saying, but his concern was that asking for those things, his expectation from her would be to figure out how to pay for that. He wanted to see a funding source.

Ms. Barnett stated she had an answer ready - while understood it was a delicate subject, she firmly believed that the items on the three lists were all eligible for payment from the Public Safety Fund, and that would be her recommendation at the next meeting.

**ADJOURN**

Tessa Winebarger moved, seconded by Betty Carter, that the meeting be adjourned. Roll call vote: Crume-yes; Winebarger-yes; Carter-yes; Jost-Yes; Tuttle-yes; Fugate-yes; Verini-yes. Motion carried 7/0/0.

**APPROVED:**



Ronald Verini, Mayor

**ATTEST:**



Tori Barnett, MMC, City Recorder