

**ONTARIO CITY COUNCIL MEETING MINUTES  
Monday, May 5, 2014**

The meeting of the Ontario City Council was called to order by Mayor LeRoy Cammack at 7:00 p.m. on Monday, May 5, 2014, in the Council Chambers of City Hall. Council members present were LeRoy Cammack, Norm Crume, Jackson Fox, Charlotte Fugate, Dan Jones, Larry Tuttle, and Ron Verini.

Members of staff present were Tori Barnett, Larry Sullivan, Al Higinbotham, Marcy Skinner, Kari Ott, Alan Daniels, Mark Alexander, and Mary Domby. The meeting was recorded, and copies are available at City Hall.

Norm Crume led everyone in the Pledge of Allegiance.

**AGENDA**

Charlotte Fugate moved, seconded by Ron Verini, to adopt the Agenda as amended. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

**CONSENT AGENDA**

Charlotte Fugate moved, seconded by Dan Jones, to approve the Consent Agenda as amended - Item A: Minutes of the Council Meeting of April 21, 2014; and Item B: Approval of the Bills. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

**PUBLIC COMMENT**

Joseph English, Ontario: stated his thanks to Marcy, Dwayne, and the city for their help on this issue so far. His problem was that he had property located in an area zone Duplex, but he felt the neighbors next to his property were violating the code, by having multiple families residing in a duplex. There were also problems with it being a drug house, a registered sex offender had been located there, and there was harassment towards his tenant. He was fixing up his rental property, and he wanted clarification. He asked that the city look into the situation at 863 SW 1<sup>st</sup>, which was his rental, and the problem properties were 833, 831, and 831 #2. He had written a letter about this problem, and he was asking that the matter be looked into.

Sherry Reeves, Ontario: stated her concerns with regard to the privatization of the Public Works Department with CH2MHill. There were articles on CH2MHill surrounding bad business dealings. She wondered if the savings would outweigh the problems. She stated CH2MHill was known to take advantage of small cities, so this should be researched more.

**NEW BUSINESS**

**Appointment to Budget Board and Planning Commission (David Mizuta/Ralph Poole)**

Tori Barnett, City Recorder/Interim City Manager, stated due to the resignation of Bob Quinn, there was currently an opening on the Budget Board. Due to the resignation of Mike Allen, there was currently an opening on the Planning Commission. Appointments to this board were made by the City Council.

To remain on track with overlapping terms of service on Board, these appointments would be to complete the existing term on record for the individual resigning. David Mizuta would complete the term of Bob Quinn (December, 2016), and Ralph Poole would complete the term of Mike Allen (December 2015).

To not appoint Mr. Mizuta would leave one vacancy on the Budget Board, and the city was nearing the time necessary to enter into Budget Hearings. The appointment of Mr. Poole would leave one vacancy still on the Planning Commission. However, it was the Council's prerogative to appoint or not appoint both Mr. Mizuta and Mr. Poole, or to direct staff to advertise for the vacancy.

Ron Verini moved, seconded by Norm Crume, to appoint David Mizuta to the Budget Board and Ralph Poole to the Planning Commission with a term of appointment coinciding with those established by ordinance. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

**Resolution #2014-115: Rescinding Minimum Selling Price for the Stelling Property**

Larry Sullivan, City Attorney, stated the city owned vacant industrial land known as the Stelling Property, which the city originally purchased in 1993 for \$115,000. In 2006, the Council enacted Resolution 2006-138, which declared the Stelling Property as surplus property and fixed a minimum acceptable sale price for the property of \$20,000 per acre. In 2007, a lift station was constructed on a ½ acre parcel of the property, and the city arranged to have the property divided into separate tax lots. The lift station sat on Tax Lot 6400 and should be retained by the city. The remaining Tax Lots 6401, 6402, 6403 and 6404, were vacant land which the County listed as containing 87.45 acres. Between 2009 and May 5, 2013, the land below the bench, consisting of approximately 74.72 acres, was subject to a series of option contracts with CDH Consulting, which unsuccessfully marketed it as a data center.

Since 2007 the city has done nothing substantial to establish a new market value for the Stelling Property. It remained a viable location for industrial development, because of the availability of city water and relatively low cost power.

Jack Fox moved, seconded by Larry Tuttle, that the City Council approve Resolution #2014-2015, A RESOLUTION RESCINDING THE MINIMUM SALE PRICE FOR THE STELLING PROPERTY. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

**Resolution #2014-116: Transfer Funds for Airport and Finance Department**

Kari Ott, CPA, Finance, stated this item was to adjust the following: To transfer \$28,000 from General Fund contingency to Finance Department Contract Services to cover the contract with G.W. Wilber, CPA's; and to increase the FAA Airport Improvement Grant for \$40,676 unexpected additional funds to be received and expended in 13-14. On April 7, 2014, the Council approved the contract with G.W. Wilber, CPA's.

The budgeted appropriations in the General Fund contingency would be reduced by \$28,000 and General Fund Finance Department Contract Services would be increased by \$28,000. The budgeted amounts in FAA Airport Improvement Grant revenue and FAA Airport Improvement Grant expenditures would be increased by \$40,676.

Norm Crume moved, seconded by Jackson Fox, that the City Council adopt Resolution #2014-116, A RESOLUTION AUTHORIZING THE CONTRACTED SERVICES IN THE FINANCE DEPARTMENT AND TO ADJUST THE AIRPORT IMPROVEMENT PROGRAM GRANT. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

**Ordinance #2691-2014: Amend OMC 9-2-2-, and P&Z 10A-57-95; Add 9-1-1A, Regarding Diagonal Parking (1<sup>st</sup> Reading)**

Larry Sullivan, City Attorney, stated this proposed ordinance was to establish guidelines and procedures for implementing diagonal parking at various commercial locations in the city. Staff found that diagonal parking in certain commercial areas of the city might increase the availability of parking without causing traffic flow problems. This began as a pilot program installing diagonal parking in the streets designated as avenues in the downtown C-3 Central Commercial zone.

Currently the City Code did not deal with diagonal parking, except to authorize the City Manager to do it. Staff submitted that it would be helpful to establish guidelines to follow in creating diagonal parking areas.

Proposed Ordinance No. 2691-2014 allowed the Public Works Director to create diagonal parking areas within the city's Commercial zones, subject to certain checks and balances described in the ordinance. The City Council would not be involved, unless there was an appeal to the Council of a decision made either by the Public Works Director or the City Manager.

At its meeting on April 24, 2014, the Public Works Committee recommended that the Council enact the proposed ordinance.

Jackson Fox moved, seconded by Norm Crume, that the City Council approve a first reading by title only of Ordinance No. 2691-2014, AN ORDINANCE AMENDING CITY CODE SECTIONS 9-2-2 AND 10A-57-95, AND ADDING SECTION 9-3-1A REGARDING DIAGONAL PARKING. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

**Resolution #2014-117: Records Unanticipated Motel Occupancy Tax Revenues, Increases Appropriations, and to Install One Panic Door Close Control in Fire Department Truck Bay**

Kari Ott, CPA, Finance, stated the fire department would like to install an emergency bay door close button to close all open bay doors from one location. On June 27, 2013, the Council directed staff to work toward 9-1-1 consolidation with Malheur County.

The Council approved 26.5% of Motel Occupancy Tax Revenues to be earmarked for public safety, and funds began to be allocated to the public safety reserve in January 2014. Staff was asking to appropriate these funds for expenditure.

During normal fire duties and emergency responses, bay doors were in the open position. In the past, Ontario Dispatch had the capability to close all bay doors from the dispatch center to secure the station. With the move to the Malheur County Dispatch Center, staff no longer had the capability of closing all bay doors from one location in a timely manner, providing needed station security. The fire department would like to install an emergency close button, so that staff could immediately close all open bay doors with the push of one button installed in a central location.

A cost estimate was obtained to purchase and install one Red Emergency Button, for \$1,400.00. There were currently no known funding sources for the installation of this equipment; therefore, staff was requesting to proceed with the purchase and installment of the equipment, allocating the purchase from Capital Outlay in the Public Safety Reserve.

This would increase Public Safety Reserve budgeted revenues by \$30,000 and would increase capital outlay by \$1,400 and contingency by \$28,600.

Norm Crume moved, seconded by Charlotte Fugate, that the Council adopt Resolution #2014-117: A RESOLUTION TO RECORD PUBLIC SAFETY RESERVE UNANTICIPATED MOTEL OCCUPANCY TAX REVENUES, INCREASE CONTINGENCY AND TO AUTHORIZE THE PURCHASE AND INSTALLATION OF AN EMERGENCY DOOR CLOSE BUTTON. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

Larry Tuttle and Jackson Fox wanted to hear the presentation from Mark Alexander regarding OPD rifle replacement at the next City Council work session.

**Septage Facility Proposed Contract**

Larry Sullivan, City Attorney, stated at the Thursday work session, there had been discussion about a draft contract for the septage receiving service that was being worked on. There had been an original draft that Bob Walker had sent to him, and he made revisions. During that discussion, it was suggested that because of the possible role CH2MHill might be playing in the future with respect to the administration of that contract, they should be entitled to review the proposed contract. CH2MHill did review it, and had made some comments. One from Mike Moon to

him, dated May 2<sup>nd</sup>, showed a number of bullet points that CH2MHill had concerns about with respect to the contract. The primary issue they had was with the 24-hour, seven day a week coverage that would allow septage haulers to use the facility anytime, regardless of whether or not any employee was on staff that would be monitoring the load. If there were particular points in the contract the Council wanted to discuss, he could do that, to some extent. There were a lot of technical aspects of the agreement, like with the particular effluents that were allowed or not allowed, and those came from the work done by Bob Walker. Mr. Daniels might be able to address those pieces.

Mayor Cammack stated CH2MHill had some legitimate concerns.

Alan Daniels, Public Works Director, stated a major concern was the PH of loads, but there was a continuous in-line PH monitor, so they would know if something was out of whack that was discharged. Also, there was a camera system which would monitor the area, which was in this year's CIPs. Then, with staffing levels, there wasn't someone at a counter out there at the WWTP, at all times, to let people in. At some other sites, there had been some issues and they were raising their rates. He believed Boise was increasing to 13¢ a gallon. The system was designed to be accessible at all times, which was the reason for the card-lock and designated keys, and that was probably where the revenue would be generated. But, there were issues that went beyond physically running the facility.

Mayor Cammack stated there was an in-line PH meter, but if there was no one there to watch it, what would occur?

Mr. Daniels stated it was recorded.

Mayor Cammack stated if a hauler came in with a load of contaminate that should not be in the system...

Mr. Daniels stated the only way to know would be after the fact.

Mayor Cammack stated that could potentially be a disaster.

Mr. Daniels agreed. He wasn't an expert, but he didn't know how they would know what would be in the truckload, except for testing, but you couldn't test every load coming in prior to dumping, for all the things that could be a problem. One issue could be if someone picked up industrial waste. He believed that was probably CH2MHill's primary concern. If a major contaminate was put in the system, it could shut down the entire lagoon system.

Councilor Jones stated this came from the debate at the beginning. The city had spent a lot of money for this automated system, and that couldn't be monitored. One hauler could destroy the entire lagoon.

Mayor Cammack asked if the outlet was above or below the surface.

Mr. Daniels stated it went right into the main receiving...

Mayor Cammack asked if it could be seen, as it was leaving the truck.

Mr. Daniels stated no, not really.

Mayor Cammack stated regarding the PH problem, if someone was there watching it, at least they'd have that piece dealt with, but that wouldn't take care of all of it.

Mr. Daniels agreed, but it probably wouldn't hit all the major concerns.

Councilor Crume asked about an alarm on the system, to shut down the PH meter.

Mr. Daniels stated that could probably be done. He didn't know if PH was going to be a major problem, but it could be one of the indicators. This was why CH2MHill was balking on this, because one wrong load could cause major problems.

Councilor Jones stated they needed to respect the concerns of CH2MHill.

Councilor Fugate asked what could be done. If they couldn't see what was being dumped, what could they do?

Mr. Daniels wasn't sure. Many of the other facilities were not 24-hour; they required someone on site.

Councilor Fugate stated if they were standing there watching it come in, they still wouldn't know what it was.

Mr. Daniels stated that was correct. It went from a closed truck to a pipe, through a fitting.

Councilor Jones stated there was less of a chance of, if the vehicles were being inspected, a visual inspection alone would help reduce the risk of contamination. That was one safeguard, having the person there. He had been in favor of visually inspecting the loads from the beginning. He was very concerned about what could happen out there. Boise had already shut down. The only two facilities right now were Nampa and Caldwell, and soon to be Ontario. The phone was already ringing.

Mr. Daniels stated one thing to consider would be to allow limited access to just known haulers. The city could be very restrictive about after-hours usage. One major event, with a lot of port-a-potties in use, with only a 2,000 truck, that hauler would need service. There might be a way to arrive at a compromise for the few local "knows" in the area, with an individual contract with each.

Councilor Fox asked about bonding.

Mr. Sullivan stated they would have to have a large liability insurance policy. The bonding wasn't as much, around \$15K.

Councilor Fox stated the way the facility was designed; it would hit the first pond. If it contaminated that, was there enough money to make them dredge that out? Was the system even designed to do that?

Mr. Daniels stated it would depend. It could be really bad.

Mr. Sullivan stated the liability was \$1M.

Councilor Tuttle asked what they were talking about, regarding dollars and cents. What did "really bad" mean?

Mr. Daniels stated if they closed down certain ponds, could the city continue to put waste into it, and what would that do the city residents, during the time the main pond was down.

Councilor Fox confirmed it was the first pond, no matter what.

Mr. Daniels stated that was correct. He believed what was done in Payette, was it was taken to a large truck, and then the truck was probably tested before going to the Nampa facility.

Councilor Fox asked if the Mayor was asking for action.

Mayor Cammack stated no, it was just up for discussion.

Councilor Fox recommended sending it to the Public Works Committee.

Mayor Cammack stated he believed it was going to require some technical assistance.

Councilor Jones stated this was one of the reasons that CH2MHill was important to the city, with their expertise on another division of Public Works, it warranted their value. To him, with this situation, he would rely on their expertise.

Councilor Crume stated it was obvious they brought out some things that were not presented to the Council before. The idea of the 24-hour service was for convenience and money, but he didn't recall hearing of any possibility of any of these other issues being brought forward.

Mr. Daniels stated he believed in order to be a functional 24-hour facility they would need a separate holding prior to entering the main pond.

Councilor Crume stated even during the day, if the only monitoring was for PH that still didn't show what was in the load.

Mr. Daniels stated there was also the risk of things going through the pipes and into the lift stations. There was always some degree of risk. Some outfits would actually dump directly into a manhole.

Mayor Cammack asked that this item be placed on the next Public Works Committee agenda.

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

- ✓ Councilor Fugate asked if the problem with Channel 11 had been looked into.  
Ms. Barnett stated they were working with Cable One. It was not a city or 8C issue.
- ✓ Councilor Fox asked for the cost accounting for the septage receiving plans up to date. Also, he wanted it known that the city was not discussing privatization of services.

**ADJOURN**

Norm Crume moved, seconded by Ron Verini, that the meeting be adjourned. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

**APPROVED:**

  
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LeRoy Cammack, Mayor

**ATTEST:**

  
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Tori Barnett, MMC, City Recorder