

ONTARIO CITY COUNCIL MEETING MINUTES
Monday, August 17, 2015

The regular meeting of the Ontario City Council was called to order by Mayor Ronald Verini at 7:00 p.m. on Monday, August 17, 2015, in the Council Chambers of City Hall. Council members present were Ronald Verini, Norm Crume, Charlotte Fugate, Betty Carter, Tessa Winebarger, Thomas Jost, and Larry Tuttle.

Members of staff present were Tori Barnett, Larry Sullivan, Marcy Siriwardene, Pete Morgan, Mark Alexander, Dan Cummings, Kari Ott, Betsy Roberts and Cliff Leeper. The meeting was recorded, and copies are available at City Hall.

Thomas Jost led everyone in the Pledge of Allegiance.

AGENDA

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

CONSENT AGENDA

Betty Carter moved, seconded by Thomas Jost, to **approve the Consent Agenda item A: Approval of Minutes of Regular Meeting of 08/03/2015; and Item B: Approval of the Bills.** Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

PUBLIC COMMENT

John Briedenbach, Ontario Chamber of Commerce, was concerned about the cleanliness of the City of Ontario. He was appreciative of CH2M cleaning the alley recently near the Chamber of Commerce and would like to have more frequent cleaning of Idaho Street and Oregon Street, especially in the underpass area.

OLD BUSINESS

Resolution #2015-142: Allowance for Bad Debts and Write Offs Policy

Kari Ott, Finance, presented.

The proposed resolution was to establish an Allowance for Bad Debts and Write Offs Policy. The City Council had authority to establish and modify the Financial Policies and Procedures as needed, to bring policies into compliance with current laws and needs of the City of Ontario.

The 2013-2014 Audit reflected a deficiency due to a lack of policy to write-off uncollectible utility billing accounts. The attached policy should remove this significant deficiency from the Audit as it provided the processes that would be followed in order to write off uncollectible accounts.

The Council discussed this policy at the July 30, 2015 Work Session and the August 3, 2015 Council meeting; however, the action was tabled pending the inclusion of additional information regarding returning accounts that had previously been written off. The attached policy addressed that issue.

Charlotte Fugate moved, seconded by Norm Crume, that the City Council **approve RESOLUTION 2015-142, A RESOLUTION APPROVING ALLOWANCE FOR BAD DEBTS AND WRITE OFFS POLICY.** Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

NEW BUSINESS**Bid Award: Wastewater Collection System Improvements**

Betsy Roberts, CH2M Engineer, presented.

The Wastewater Collection System was evaluated, resulting in segments in various locations around the city identified for replacement. Plans and drawings were made detailing the replacement project. Five of the replacements were bid as either pipe bursting or dig and replace and the other four were bid as dig only. Money was budgeted for replacement of these segments in the amount of \$520,000. Bids were opened August 4, 2015 for the Wastewater Collection System Improvements. Three bids were received, summarized in the below table.

Cascade Pipeline – Meridian Idaho	\$494,032.50
Granite Excavation – Cascade Idaho	\$536,514.55
Titan Technologies – Boise Idaho	\$575,322.00

The apparent low bid submitted for the Wastewater Improvements came from Cascade Pipeline for \$494,032.50. From the amount remaining, [\$25,967.50], \$1,195.34 paid for the advertisement of the bid in the Argus Observer, Idaho Statesman and Daily Journal of Commerce. The amount left, [\$24,772.16] would serve as a contingency for the project.

Charlotte Fugate moved, seconded by Norm Crume, that the Mayor and City Council **award the Wastewater Collection System Improvements 2015 Bid to the apparent low bidder, Cascade Pipeline Corporation of Meridian, Idaho for \$494,032.50.** Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

Bid Award: Aquatic Center Survey Company

Charlotte Fugate, City Councilor/Committee Chair, presented.

The Pool Committee has held several meetings, and was now ready to move forward with the market survey, as recommended by the YMCA. This survey would be designed to determine what the community would like to see in its aquatic center, such as if there was interest in a child-care room, or better seating for spectators; did the citizens support a splash park, or would they like to see a concession stand. Bids were solicited, and only two were returned. The apparent low bidder was Moore Information, Inc., who also offered the survey in Spanish.

Moore Information, Inc.	\$14,500
Strategic Research Associates	\$19,500

The Aquatic Fund could pay the \$14,500 from line item 125-008-615550 (Contract Services) which had received \$36,287 during the budget process.

Tessa Winebarger moved, seconded by Norm Crume, the Mayor and City Council **award the Aquatic Center Community Survey Bid to Moore Information, Inc., for \$14,500.** Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

Councilor Jost asked when the project would begin.

Councilor Fugate answered that the committee would get together with the survey committee concerning the survey and was projected to begin in the next week or so.

CH2M HILL Amendment No. 1 to Contract with City of Ontario – FY15-16

Tori Barnett, Interim City Manager, presented.

CH2M HILL has requested approval of proposed Amendment No. 1 to the existing Agreement for Operation, Maintenance, and Management Services for the City of Ontario. The initial contract expired June 30, 2015, and the proposed Amendment No. 1 would be retroactive to July 1, 2015. CH2M HILL was requesting a 2.90% escalation from the previous contract, which equated to an increase of \$139,183, for a total overall fiscal cost of \$4,938,598.

Staff met with CH2M HILL staff to go over the proposed Amendment, and was given the opportunity to submit requests for additions, deletions, or changes to the existing Agreement. Following that meeting, as well as Council input from the August 13, 2015, Work Session, the issues addressed and/or amended were:

- Clearer verbiage on responsibilities, i.e. “they” became specifically either CH2 or the City, throughout the entire Agreement.
- Appendix A, Section A.6, was deleted in its entirety and replaced with the following: “Capital Expenditures” ~~means any expenditures for (1) the purchase of new equipment or facility items that cost more than Fifteen Thousand Dollars (\$15,000); or (2) Repairs that cost more than Fifteen Thousand Dollars (\$15,000); or (3) expenditures that are planned, non-routine, and budgeted by Owner.~~ shall mean any expenditure for a capital improvement which the City elects to or is required to pay under its Capital Improvement Fund for either new equipment or facilities, or for non-routine expenditures which are planned and budgeted for.
- Section D.7 was added to include the physical address of the Ontario Airport.
- Appendix H, Section H.1, was amended to include the Recreation Building for custodial services, and the Ontario Golf Course for building inventory tracking.
- A.1.32 has been amended to read “CH2M HILL shall mark all public collection lines and pressure lines ~~according to~~ with a margin of error of 2 feet of each side of the locate, in accordance with the Oregon Administrative Rules, Chapter 852, Division 1, as defined in the Oregon Utilities Coordinating Council Standards Manual.
- A.1.46 has been amended to read ~~fifth (5th)~~ second (2nd) business day, (with regard to responding to work orders for water distribution and meter reading). Any Work Order received after 3:30 p.m. will be considered received on the next business day.
- A.1.57.4 has been added: City and CH2M HILL agree that the Base Fee set forth in Appendix E is based upon an assumption of four (4) major snow events (of two (2) inches or more of snow) per year. In the event that the number of major snow events exceed four (4) events, the Parties agree to negotiate, in good faith, additional compensation.
- A.1.57.5 has been amended, in part, to read: The lane-miles of primary routes ~~is 33.693~~ and secondary snow (collector) routes ~~total 23.877~~ is 41.5.
- A.1.57.6 has been amended to read: Selected residential streets, which shall be mutually agreed upon by CH2M HILL and the City, will be plowed by CH2M HILL when snow accumulation is six (6) inches or more, within a twenty-four (24) period. Residential snow routes total approximately ~~66.63~~ 170 lane miles.
- A.1.57.7 has been amended to read: Stakes are provided or delivered from the City, at no charge, to the disabled and elderly who are unable to clear the berm at their homes. CH2M HILL will clear the driveway at the curb of any residential structure displaying such a stake located on a primary or secondary route, as soon as possible when snow is removed from residential streets. such primary or secondary route.

- A.1.64 has been amended to read: Installation and maintenance of traffic signals is currently performed by The State of Oregon Department of Transportation (ODOT). CH2M HILL shall coordinate with ODOT, when requested. CH2M HILL will not be responsible for any damages caused by ODOT or its contractors for performing repairs on or around City traffic signals.
- A.1.67.3 has been added: Any work which requires the certification of a traffic engineer shall not be considered within the scope for this Section 11.1.1 and shall be considered an Out of Scope service.
- A.1.68.5 has been added: Any project requiring an engineering stamp shall not be considered within the scope of this Section B.11.2 and shall be considered an Out of Scope service.
- A.1.84.6 has been deleted: ~~Maintain City's security cameras. Any replacement or repairs of the Camera shall be considered a Repair. Cameras are located at City Hall, WT Plant, WW Plant and the Golf Course as listed in Appendix H.1. HAS BEEN ADDED BACK IN TO CONTRACT UNDER B.14.1.6.~~
- A.1.89.1 has been amended, in part, to read: CH2M HILL shall inspect, monitor and manage the work of CH2M HILL's subcontractors City contractors, and vendors providing services related to the Services.
- A.1.90.3.2 has been amended, in part, to read: Flower beds and rock areas ~~must~~ shall be sprayed and weeded as necessary by CH2M HILL.
- A.1.90.6 has been amended to read: Leaves shall be raked, gathered, and removed from the sites set forth on Appendix H, including all bed areas and between shrubs, by CH2M HILL beginning October 15 with timing as mutually agreed to by the City and CH2M HILL until November 15.
- A.1.105 has been amended, in part, to read: Inspect, monitor and manage the work of CH2M HILL's City's subcontractors, and vendors providing maintenance services.
- A.1.112 has been removed in its entirety, as it is an exact duplicate of A.1.107 (regarding cemetery operations).
- A.1.113 has been removed in its entirety (regarding accepting payments at the cemetery).
- New Section added B.18 Weed Abatement:
 - B.18.1 CH2M HILL shall provide weed abatement services to the height prescribed by City Code, as directed by City, on private property which the City has determined are in violation of the City's codes, rules, and regulations.
 - B.18.2 CH2M HILL shall be provided with a police escort in performing all work on private property. The police escort shall assess the site prior to a CH2M HILL employee performing weed abatement services on the property, and shall remain with the CH2M HILL employee until all of the abatement work is completed.
 - B.18.3 City shall, to the fullest extent allowable by law, indemnify CH2M HILL.
- New Section added B.19 Municipal Airport Facilities Maintenance:
 - B.19.1 CH2M HILL shall perform grounds maintenance for the municipal airport, described in Appendix D.7, including weed abatement to the height specified by City Code of the grounds, mowing, and snow removal in accordance with the FAA standards for annual airplane operations for over 10,000 and less than 40,000 in annual airplane operations, as set forth in the table below.

- New Section added to Appendix C - **Table 1-2. Clearance Times for Non-Commercial Service Airports**

<i>Annual Airplane Operations</i> (includes cargo operations)	<i>Clearance Time¹ (hour)</i>
<i>40,000 or more</i>	<i>2</i>
<i>10,000 – but less than 40,000</i>	<i>3</i>
<i>6,000 – but less than 10,000</i>	<i>4</i>
<i>Less than 6,000</i>	<i>6</i>
<p><i>General: Although not specifically defined, Non-Commercial Service Airports are airports that are not classified as Commercial Service Airports [see Table 1-1, general note]. Footnote 1: These airports may wish to have sufficient equipment to clear 1 inch (2.54 cm) of falling snow weighing up to 25 lb/ft³ (400 kg/m³) from Priority 1 areas within the recommended clearance times.</i></p>	

- Appendix B deleted in entirety – replaced by new Appendix B
- Appendix E deleted in its entirety – replaced by new Appendix E

Councilor Jost ask about the police escort and who would be there.

Ms. Barnett answered it would be Dallas and it would only be for occupied property.

Councilor Tuttle asked who Dallas was.

Chief Alexander stated Dallas was the Ordinance Officer, however, his preference for Dallas’s title would be Code Enforcement Officer.

Mayor Verini asked to include that modified language in the contract.

Norm Crume moved, seconded by Charlotte Fugate, that the City Council **approve Amendment No. 1 to the CH2M HILL Agreement for Operations, Maintenance, and Management Services for the City of Ontario, dated August, 2015, and that the Mayor be authorized to execute the Amendment with the medication of the working verbiage of Police Officer changed to Code Enforcement Officer. [No vote]**

Councilor Tuttle asked who and/or what OMI was, with regard to the signature block on the Contract.

Cliff Leeper, CH2M HILL, Ontario Public Works Director, stated that OMI was the parent company of CH2M, and reminded them this was just an amendment to the original agreement, not a new contract.

[Restated motion for the record and vote]

Norm Crume moved, seconded by Charlotte Fugate, that the City Council **approve Amendment No. 1 to the CH2M HILL Agreement for Operations, Maintenance, and Management Services for the City of Ontario, dated August, 2015, and that the Mayor be authorized to execute the Amendment with the medication of the working verbiage of Police Officer changed to Code Enforcement Officer.** Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

FAA Application for Federal Assistance 2015 – Ontario Airport Projects

Pete Morgan, Airport Manager, presented. OR Toby Epler, P.E., J-U-B Engineers, Inc., presented.

A FAA Grant Application was required as part of the FAA process. A FAA Application for Federal Assistance allowed the FAA to issue an FAA Grant to the city to fund the Airport Improvement Project. Once the FAA Grant Application was accepted, the city would be required to accept the FAA Grant Offer to receive the funding. In 2009, 2011, and 2013, the City Council approved FAA Application for Federal Assistance for FAA projects.

The FAA Application for Federal Assistance requested \$196,371 of FAA funding, which was 90% of the project. The city would be responsible for 10%, which equated to \$21,819. This figure was originally presented as a cost estimate of \$105,557, with a city match of \$10,557; however, the FAA has imposed a few new regulations and requirements, including a new GIS stipulation, which accounted for the increase.

Betty Carter moved, seconded by Charlotte Fugate, that the City Council **authorize the City Manager to sign the FAA Application for Federal Assistance, as well as accept and sign the FAA Grant Offer upon receipt, to receive FAA funding for the FY 2015 Ontario Airport FAA Airport Improvement Project (AIP)**. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

Ordinance #2705-2015: OMC 7-1-1 and 4: Nuisance and Health Regulations (1st Reading)

Mark Alexander, Police Chief, presented.

The Police Department would like to amend Municipal Code Title 7, Chapter 1, Sections 1 and 4 relating to Nuisance and Health Regulations in order to be more effective.

Nuisances such as weeds, garbage and debris became unsightly, created fire hazards, reduced property values, and inhibited attempts of economic development. On occasion, owners were not proactive in property care and in some cases, it went unaddressed. Ontario City Code identified noxious weeds and weeds over 10" as a nuisance. City code also defined a variety of conditions left upon a property as a nuisance.

Currently, the Code Enforcement Officer could notify a property owner or person in charge that a nuisance existed and give them specified days to remove the issue. If not addressed, the City had the authority to abate the nuisance and charge the property owner or person in charge for costs incurred.

In the second quarter of 2015, Ontario Code Enforcement Officers issued 270 abatement notices, but only had to complete (17) seventeen actual abatements. Staff time was spent preparing the notices and confirming compliance. Even with compliant property owners or persons in charge, second or subsequent notices were being sent each year.

Currently, the Code read that upon receiving an abatement notice or an assessment of fees, a property owner or person in charge could file an appeal, to be heard before the Ontario Municipal Court. Proposed Ordinance #2705-2015 provided language changes and procedures to assess an administrative fee for second and subsequent abatement notices sent to the same person in charge of property after an initial abatement notice, and also changed appeals to be heard before a the City Manager or Designee, before going to a Hearings Officer, eliminating the involvement of the Ontario Municipal Court.

Property owners or persons in charge would receive a bill for second or subsequent abatement notices. This would initially result in more work for the Code Enforcement Officers and Finance Department for collections and liens. The city might see an increase in appeals and sustain costs for hearings.

Tessa Winebarger moved, seconded by Norm Crume, the Council **adopt Ordinance #2705-2015, AN ORDINANCE AMENDING ONTARIO MUNICIPAL CODE TITLE 7, CHAPTER 1, SECTIONS 1 AND 4, RELATING TO NUISANCE AND HEALTH REGULATIONS, on First Reading by Title Only**. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

Ordinance #2706-2015: Renew Cascade Natural Gas Franchise Agreement

Larry Sullivan, City Attorney, presented.

The City of Ontario had a current franchise agreement with Cascade Natural Gas Corporation (Cascade NGC), which was a ten-year agreement beginning October 1, 2005, and expiring on September 30, 2015. The current agreement included a 5% franchise fee paid to the city and charged against the gross revenues earned by Cascade NGC.

Under Oregon law, Cascade NGC paid a 3% franchise fee from its own profits, and passed on to its customers the remaining 2% franchise fee. Therefore, for each \$100 charged by Cascade NGC to an Ontario customer for natural gas, the customer paid an extra \$2, representing the 2% franchise fee passed on to that customer by Cascade NGC.

Based upon prior discussions with the Council to set a uniform franchise fee of 7% for all utilities whenever possible, Ordinance No. 2706-2015 increased the Cascade NGC franchise fee from 5% to 7%, effective on October 1, 2015. If approved by the Council, this would increase the portion of the fee passed on to Ontario customers from 2% to 4%. The maximum franchise fee that could be set under Oregon law was 8%. Section 8 [Page 5] of the proposed Franchise Agreement authorized the city to increase the franchise fee to that amount upon 90-days' notice to Cascade NGC.

Section 13 [Page 7] reduced the franchise term from 10 years to five, but it included an automatic renewal for an additional five years. This gave the city the opportunity to renegotiate the franchise agreement after five years if it chose to do so.

Cascade NGC had not reviewed the proposed Agreement. If the Council approved a first reading of Ordinance No. 2706-2015, the City Attorney recommended postponing the second reading until Cascade NGC had given preliminary approval to the Agreement. If Cascade NGC requested any changes, they could be incorporated into the Agreement prior to the second reading.

An emergency clause was added to Ordinance No. 2706-2015 to insure that it was effective when the current franchise agreement expired on September 30, 2015.

Charlotte Fugate moved, seconded by Betty Carter, the City Council **approve Ordinance No. 2706-2015, An Ordinance Granting A Natural Gas Franchise To Cascade Natural Gas Corporation, And Declaring An Emergency, on first reading by title only.** Roll call vote: Crume-no; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-no; Carter-yes; Verini-yes. Motion carried 5/2/0.

City Manager Vacancy

Ron Verini, Mayor, presented.

Mayor Verini called the City Manager hiring company, Slavin, last Friday, and wanted to move forward by having a telephonic meeting at the next work session or prior to the next work session. He asked Ms. Barnett to set up a meeting with Paul Wenbert for the evening of Monday August 31, 2015. He wanted the Council to get together a job description and to get some ballpark figures on the City Manager salary.

Mr. Sullivan stated that there may need to be a contract signed before the Slavin representative would fly to Ontario.

Charlotte Fugate moved, seconded by Larry Tuttle, to sign a contract with Slavin Management Consultants, hiring them as the consultants for the City Manager search. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

CORRESPONDENCE, COMMENTS, EX-OFFICIO REPORTS

Norm Crume stated he done a drive-around the city, looking at properties for code enforcement items and the city was a bit behind in weed abatement.

Mr. Leeper presented Councilor Crume with a potted weed, as Councilor Crume had been very displeased to see it residing in the City Hall parking lot. It has now gone to a new home. Also, the abatement issue was being addressed, and it was hoped that an improvement would be noticed shortly.

ADJOURN

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

APPROVED:



Ronald Verini, Mayor

ATTEST:



Tori Barnett, MMC, City Recorder