

COUNCIL MEETING MINUTES
April 19, 2010

The regular meeting of the Ontario City Council was called to order by Mayor Joe Dominick at 7:00 p.m. on Monday, April 19, 2010, in the Council Chambers of City Hall. Council members present were Norm Crume, Joe Dominick, Charlotte Fugate, John Gaskill, Susann Mills, David Sullivan and Ron Verini.

Members of staff present were Henry Lawrence, Tori Barnett, Larry Sullivan, Chuck Mickelson, Dave Stiefvater, Dawn Eden and camera operator Erika Hopper.

David Sullivan led everyone in the Pledge of Allegiance.

AGENDA

David Sullivan moved, seconded by Susann Mills, to adopt the Agenda as presented. Roll call vote: Crume-yes; Fugate-yes; Gaskill-yes; Mills-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

CONSENT AGENDA

Susann Mills moved, seconded by Charlotte Fugate, to approve Consent Agenda Item A: Approval of Minutes of regular meeting of 04/05/2010; Item B: Resolution #2010-123: Accept/Expend Grant from ODOT for Car Seats and Technician Training; Item C: Ordinance #2632-2009C: The Final Order and Findings of Fact in the Matter of Planning File 2009-04-04AZ, the Annexation of 2.34 Acres of Property into the City of Ontario and to Rezone said Property from UGA-Industrial to the City I-2 Heavy Industrial; the Property is Generally Known as Tax Lot 1500, Assessors Map 18S 47E-10, Located at 1515 SE 2nd Street, Ontario; Correction for Boston's Beef House (Final Reading); Item D: Proclamation – Public Safety Telecommunicator Week; and Item E: Approval of the Bills. Roll call vote: Crume-yes; Fugate-yes; Gaskill-yes; Mills-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

The Mayor read the proclamation into the record:

- WHEREAS,** Hundreds of dedicated telecommunicators serve the citizens of Oregon both night and day by answering their request for law enforcement, fire and emergency medical services, and by dispatching the appropriate assistance as quickly as possible; and
- WHEREAS,** The professional public safety telecommunicator is a vital link between citizens, victims and public safety providers; and
- WHEREAS,** The critical functions performed by professional telecommunicators also include those related to highway safety and many other operations performed by state and local government agencies; and
- WHEREAS,** This is the 41st birthday of the 9-1-1 call in the United States.

NOW, THEREFORE, BE IT RESOLVED, that Governor Ted R. Kulongoski does proclaim April 11-17, 2010 to be Public Safety Telecommunicator Week in Oregon, and encourages all Oregonians to join in this observance.

Mayor Dominick stated the Ontario Police Department was one of the two 9-1-1 public safety answering points in Malheur County. There were seven certified, professional Telecommunicators on staff. Melody Weir, 21 years; Tauni Thode, 14 years; Liz Amason, 13 years; Michelle Mallea, 13 years; Julie Walker, 13 years; Kathy Ross, 8 years, and Teresa Camacho, 3 years. That small group of employees staffed the 9-1-1 center 24 hours a day, 7 days a week. Last year, they answered over 60,000 phone calls, with just over 5,000 being calls for police, fire, and medical. Telecommunicators were the first person crime victims or those suffering from medical emergencies talked to. There were sometimes good endings and sometimes bad. He and the City Council thanked Ontario's Telecommunicators for their dedicated work, and encouraged the citizens of Ontario to thank them also.

NEW BUSINESS

Resolution #2010-117: Transfer Funds to Complete Golf Kitchen and Dining Room Remodel

Henry Lawrence, City Manager, stated the proposed resolution was for the approval by the City Council to authorize a reallocation of expenditures within the Golf Fund for remodeling the kitchen and dining room at the City of Ontario Golf Course Club House. The 2009-2011 Biennial Budget included \$15,000 for the range hood replacement, \$10,000 for course site improvements, and \$25,000 for the back flow device on the fire sprinkler system. The balance of the costs for the Golf Course Kitchen and Dining Room Remodel Project, \$75,000, were proposed to come from the \$227,737 Golf Fund contingency line item.

David Sullivan moved, seconded by John Gaskill, to adopt Resolution #2010-117, A RESOLUTION AUTHORIZING A REALLOCATION OF EXPENDITURES WITHIN THE GOLF FUND TO COMPLETE THE GOLF COURSE KITCHEN AND DINING ROOM REMODEL PROJECT. Roll call vote: Crume-yes; Fugate-yes; Gaskill-yes; Mills-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

Resolution #2010-121: Transfer Funds for SW 4th Street Tree Planting and Irrigation Project

Dawn Eden, Engineering Technician I, stated the proposed resolution was to transfer funds within the Public Works Street Fund operating contingency to fund the SW 4th Street Tree Planting and Irrigation Project. Sealed bids were opened on April 8, 2010, for the project, with three bids being received. The apparent lowest responsive and responsible bidder was Decker Landscaping, with a bid in the amount of \$30,785.00.

In June, 1999, Council authorized the Public Works Director to begin the process of creating LID 45, which was the improvement of SW 4th Street and Sunset Drive. A portion of LID 45 was to plant landscaping along SW 4th Street, from Southwest 11th Avenue to Southwest 18th Avenue. At that time, \$40,000 was allocated for landscaping in the 2007-2009 budget, but the funding was not carried over. The 2009-2011 budget did not specify funds for completion of the LID 45 Landscaping project.

Council could choose to not finish the project, however, landscaping was a commitment made by management staff and City Council to the businesses along SW 4th Street at the time the LID was being formed. Due to budget constraints and other factors, the project was never finished. The cost of the landscaping project was not assessed to the property owners along SW 4th Street, as the landscaping was the City's contribution to the LID.

The Operating Contingency for the Street Fund would be reduced from \$96,299 to \$56,299. The reason for the \$40,000 request was to allow for a contingency for any unknowns associated with the project. The bid was a unit price contract and the contractor would be paid by the foot for boring under the driveways in order to install the irrigation lines. The total expense would not be known until each driveway was excavated to determine what conduit existed.

John Gaskill moved, seconded by Ron Verini, to adopt Resolution #2010-121, A RESOLUTION AUTHORIZING A TRANSFER WITHIN THE STREET FUND OPERATING CONTINGENCY FOR THE SOUTHWEST 4TH STREET TREE PLANTING AND IRRIGATION PROJECT. Roll call vote: Crume-yes; Fugate-yes; Gaskill-yes; Mills-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

Resolution #2010-122: Authorize Agreement with Musgrove Engineering for Engineering Services for the Design of the City Hall HVAC and Lighting Project

Yorick de Tassigny, Facilities Manager, stated the proposed resolution would authorize the City Manager to enter into a professional services contract with Musgrove Engineering of Boise, Idaho for the provision of design services for the City Hall HVAC and lighting upgrade project. The City was successful in securing federal grant funds from the Oregon Department of Energy awarding American Recovery and Reinvestment Act federal stimulus funds from the US Department of Energy to fund this project in its entirety. The project was needed to replace dated energy systems that had surpassed their useful lives and were very inefficient in providing comfort to occupants. Previously, the Council acknowledged receipt and authorized the expenditure of a \$728,000 American Recovery and Reinvestment Act (ARRA) Energy Efficiency and Conservation Block Grant (EECBG) within the grant fund through Resolution 2010-114, dated March 1, 2010.

In November 2009, staff applied for American Recovery and Reinvestment Act of 2009 (ARRA) Energy Efficiency and Conservation Block Grant (EECBG) funding to complete a lighting and HVAC (heating, ventilating and air conditioning) upgrade at City Hall, based on a report following a level 1 energy audit of the facility. The City was awarded \$728,000, the full amount for designing and completing the project, less the estimated \$10,000 in staff time that would be required for administering the work.

The project would target the two largest energy consuming systems in the facility: Lighting and HVAC. The lighting portion of the project, estimated at \$103,000, included a complete retrofit of interior and exterior lights and fixtures.

The HVAC portion of the project, estimated at \$625,000, would seek to completely dismantle and replace the existing variable air volume (VAV) system. The City would follow the audits report's recommendation to design and install a variable refrigerant flow (VRF) system. The project would cause some disruption to the normal flow of business, but was unlikely to cause any interruption of services or lengthy displacements of staff.

In February of 2010, Staff released a Request for Qualifications for engineering services to design the project. A total of four statements of qualifications were received and reviewed by a selection committee consisting of Council members David Sullivan and Norm Crume, Deputy Public Works Director Bob Walker, Facilities Manager Yorick de Tassigny and Matt Grant, Grant Mechanical (the City's mechanical contractor). All submitting firms were deemed qualified, and the committee created a "short list" ranking of the top respondents to continue to the next phase of the process. Firms were ranked based on qualifications (ability to provide services based on the contemplated scope of work, experience of the firm and individual members, references and examples of relevant projects) as well as project understanding and approach, including schedule.

Two firms were interviewed in the second phase: CK3 (Ontario) and Musgrove Engineering (Boise). The interview provided an opportunity for each firm to demonstrate their understanding of the project through a brief presentation followed by a question and answer session. It was also a good way for the selection committee members to interact with the potential managers of the project. Emphasis was placed on the HVAC portion of the project as it represented the greatest portion of the project cost. Despite having been around for thirty years and their growing popularity, VRF systems are a relatively new technology in this region. The committee felt that the City would be best served by selecting the design firm with the highest level of expertise and documented experience with VRFs.

Musgrove Engineering was identified as the top-ranked firm based on their more extensive experience designing VRF systems, both in new construction and in retrofit installations. Of particular significance was a project similar in size they completed in a building that had to remain occupied during the work, meaning disruption had to be kept at a minimum. The committee has since requested and received a proposed fee structure which equates to a lump sum of \$73,000 for the design of the system, development of construction documents, bidding assistance and construction administration. The fee proposal and contract have been deemed acceptable and are now being brought forward to the Council for approval. Work under this contract would be funded in its entirety with federal grant funds from the Oregon Department of Energy awarding American Recovery and Reinvestment Act federal stimulus funds from the US Department of Energy.

Charles Pahlin, Musgrove Engineering, gave an overview of what work his firm would be doing during the modification to City Hall.

Mayor Dominick requested that a monthly update on the project be provided to the Council.

David Sullivan moved, seconded by Susann Mills, to adopt Resolution 2010-122, A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF ONTARIO, OREGON, AND MUSGROVE ENGINEERING OF BOISE, IDAHO, FOR PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN OF THE CITY HALL HVAC AND LIGHTING PROJECT. Roll call vote: Crume-yes; Fugate-yes; Gaskill-yes; Mills-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

Ordinance #2644-2010: Impose Mandatory Garbage Service for Repeat Nuisance Properties (1st Reading)

Larry Sullivan, City Attorney, stated the proposed ordinance would authorize the City Manager to require certain properties that have had repeated nuisance abatement notices to have mandatory garbage service. The ordinance would supplement the City's enforcement tools for nuisance abatement. If a real property address was within the definition of a "repeat nuisance property", the City Manager or his designee would be authorized to impose weekly mandatory garbage service at that address. A repeat nuisance property was one that had two or more abatement notices within a 12-month period, whether or not the property had been cleaned up within the 14 day abatement period. This was intended to target people who repeatedly waited to clean up their property until they received an abatement notice.

Changes that had been discussed at the work session would be incorporated into the ordinance prior to the second reading. One change would be to 7-1-6 now included verbiage that the property owner would also be notified if the City would be giving a notice to the utility address; it would also include language in the notice that written notices would include a statement that a failure to pay for the mandatory garbage service would result in a lien on the real property and termination of water service. Another change, following discussion of whether or not the \$10 administrative fee would be sufficient to cover the City's costs, there would be language added that would allow the Council to revise that fee by resolution. An additional change made, that had not been discussed at the study session, was with regard to the provision in the ordinance which stated if a person failed to pay for mandatory garbage service, the result would be termination of their water service. It was possible that could be contested. To avoid that, a provision had been added stating that all utility payments would be applied first to any mandatory

garbage service. The ordinance applied only to certain categories of nuisances, dealing with accumulations of garbage, debris and similar items that could be rectified by mandatory garbage service. For instance, it would not apply to weeds, storage of automobile parts, etc. The City would bill the cost of mandatory garbage service on the water and sewer bill for that address. The bill would include a \$10 per month administrative fee. Otherwise the charge would be the same amount charged by Ontario Sanitary Service. Subsection (F) of the ordinance described the circumstances under which mandatory garbage service might be terminated, including the lapse of 12 months from the last abatement notice.

If the Council approved Ordinance 2644-2010, a contract would be prepared between the City and Ontario Sanitary Service to handle mandatory garbage service, including billing and collection issues. Staff met with Scott Wilson of Ontario Sanitary Service to review a draft of the ordinance and discussed the terms of a contract, and there appeared to be no areas of disagreement about the issues. Mr. Wilson anticipated no problems for Ontario Sanitary Service in providing mandatory garbage service under the ordinance.

Henry Lawrence stated he had researched the cost to the City to incorporate this feature into Springbrook, and found it to be approximately \$450.

Norm Crume moved, seconded by Charlotte Fugate, to adopt Ordinance #2644-2010, AN ORDINANCE IMPOSING MANDATORY GARBAGE SERVICE FOR REPEAT NUISANCE PROPERTIES, with stated amendments, on First Reading by Title Only. Roll call vote: Crume-yes; Fugate-yes; Gaskill-yes; Mills-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

PUBLIC HEARING

Ordinance #2643-2010: Rezone E-5 to E-2 (Poole)(1st Reading)

It being the date advertised for public hearing on the matter of Ordinance #2643-2010, the Mayor declared the hearing open. There were no objections to the city's jurisdiction to hear the action, no abstentions, ex-parte contact, and no declarations of conflict of interest.

David Richey, Planning Director, stated the applicant, Ralph Poole, had requested a zone change to allow the approximate nine acre parcel to be subdivided into four parcels rather than remain a single ownership as with the current five acre minimum lot size. The requested zone change made the greater number of parcels possible. A partition/subdivision with attendant public utilities and facilities would have to be built in order to complete readiness for commercial activity. The change in land use had no anticipated impact on the transportation system plan.

The Mayor opened the hearing for public testimony.

Opponents: None.
Proponents: None.

There being no Proponent and no Opponent testimony, the Mayor declared the hearing closed.

Ron Verini moved, seconded by David Sullivan, to adopt the Findings of Fact as presented. Roll call vote: Crume-yes; Fugate-yes; Gaskill-yes; Mills-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

Ron Verini moved, seconded by John Gaskill, to adopt Ordinance #2643-2010, AN ORDINANCE ADDRESSING THE FINAL ORDER AND FINDINGS OF FACT FOR THE REZONE OF APPROXIMATELY 9 ACRES OF PROPERTY FROM EMPLOYMENT 5 (E-5) TO EMPLOYMENT 2 (E-2) FOR PROPERTY LOCATED AT 1030 NW WASHINGTON AVENUE, TAX LOTS 3600 AND 3700, ASSESSOR'S MAP 17S 47E-33C, PLANNING FILE 2010-02-03Z, on First Reading by Title Only. Roll call vote: Crume-yes; Fugate-yes; Gaskill-yes; Mills-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

RETURN TO NEW BUSINESS

Bid Award: SW 4th Street Tree Planting and Irrigation Project (Decker Landscaping)

Dawn Eden, Engineering Technician I, stated bids had been opened on April 8th for the Southwest 4th Street Tree Planting and Irrigation Project, with three bids being received. Bidders were Clint Decker, Decker Landscaping, for \$30,785.00; Michael King, Howard Landscaping, for \$34,222.86; and Dan Turner, Franz Witte Landscaping, for \$32,139.22. Staff's estimate for the project had been \$37,350. The apparent lowest responsive and responsible bidder was Clint Decker of Decker Landscaping. The 2009-2011 budget did not specify funds for completion of the landscaping project.

A portion of LID 45, authorized in June, 1999, was to plant landscaping along SW 4th Street, from SW 11th Avenue to SW 18th Avenue. The work consisted of construction of an irrigation system including pipe valves, drip systems, topsoil, weed barrier, 21 Chanticleer Pear trees and 24 Crimson Spire Oak trees. The entire project included traffic control, mobilization/demobilization, trees, boring and installation of conduit beneath SW 14th Avenue, irrigation, weed barrier, tree wrap, weed barrier staples, T-posts, tree ties, and tan and white decorative gravel in the beds.

Although the contract provided Decker Landscaping a month to complete the project, Mr. Decker anticipated the project would only take approximately two weeks to finish. The Chanticleer Pear trees and Crimson Spire Oak trees he found on the other side of the state were much older and more established trees than the City originally priced for this project. Staff was looking at trees that were 1.75" to 2" caliper and Mr. Decker located trees 3" caliper. Andrews Seed in Ontario was instrumental in selecting trees for this project, and the Chanticleer Pear trees and Crimson Spire Oak trees were columnar trees which were designed to not grow high into power lines or grow out over the roadway. These columnar trees would have roots that would grow downward, not growing into the sidewalk and street, causing damage to City infrastructure. Yearly maintenance cost was estimated at \$5,700 for a City employee to perform routine tree pruning and weed control.

Charlotte Fugate moved, seconded by Susann Mills, to award the Southwest 4th Street Tree Planting and Irrigation Project to Clint Decker, Decker Landscaping, the lowest responsive and responsible bidder, in the amount of \$30,785.00 and authorize the City Manager to be signatory to an agreement with Clint Decker, of Decker Landscaping. Roll call vote: Crume-yes; Fugate-yes; Gaskill-yes; Mills-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

Resolution #2010-124: Transfer Funds for Excavation and Repair at Skyline Reservoir

Chuck Mickelson, Public Works Director, stated City staff had identified the need to clean out sediment in the sediment retention pond and drain ditches along the south and west sides of the Skyline Reservoir effluent pond. Quotes were solicited from local excavation contractors for the excavation and repair work required to allow the drainage and retention system to be restored as designed. Four contractors provided proposals, received on April 1st. Steve Gerulf, Steve's Backhoe Service, was the low responsive quote for the required work.

In 1996, the City Council approved the Construction of the Skyline Reservoir and installation of the piping to send effluent from the WWTP to the Skyline Farm. In December 2004, the Council adopted a resolution to hire Holladay Engineering to design the sediment retention pond and drainage ditch to divert storm water and sediment away from the lined Skyline Reservoir. In September 2005, the Council adopted another resolution to reallocate funds from Public Works for the Skyline Storm Water Improvements Project, in the amount of \$138,000.00; Public Works staff completed the construction work.

In 1996-97, the City undertook a project to expand the capabilities for the wastewater disposal system the City used. The decision was made to send the treated effluent water from the Wastewater Treatment Plant to the Skyline Farm for storage and disposal of the water during the summer months. The pipelines, pumps and reservoirs were built and the City began sending water up to the farm for the farmers use. During the next few years it was discovered that there was excessive sedimentation/erosion entering the lined reservoir, thus causing a high maintenance expense to the City. Staff elected to complete the construction work in-house with a Public Works crew, and the sediment retention/water disposal system project was constructed. Over the course of 2009-2010, very extensive storm events filled the sedimentation pond and created erosion along the armored embankments of the drain ditches. The systems needed to be restored back to designed conditions. If approved, the Public Works fund would be reduced by \$30,000 from operating contingency, as this was an unbudgeted item.

John Gaskill moved, seconded by David Sullivan, to adopt Resolution #2010-124, A RESOLUTION AUTHORIZING A REALLOCATION OF EXPENDITURES WITHIN THE SEWER FUND FOR EXCAVATION AND REPAIRS AT THE SKYLINE RESERVOIR. Roll call vote: Crume-yes; Fugate-yes; Gaskill-yes; Mills-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Chuck Mickelson reminded the Council of the Public Hearing scheduled for the design/build project for the Fire Department storage building on Thursday, April 29th, at 2:30 p.m. Bid opening for the project was set for May 5th.

Mr. Lawrence reminded the Council that the work session on the 29th would begin at the Aquatic Center. Council would be given a tour, and then they would return to City Hall to continue the study session, and to see a presentation by Hutchison Smith Architects regarding the Aquatic Center Master Plan.

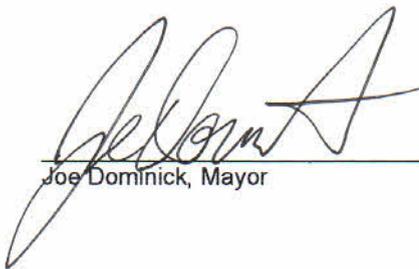
- Mr. Lawrence stated the Golf Course kitchen and dining room remodel was progressing nicely, and he encouraged the Council to go out and take a look. They hoped to install the drywall next week.
- Councilor Crume stated he was extremely dismayed to learn that the Laxson Park restrooms had been damaged. It had only been open two days.

Mr. Lawrence stated the damage was quite extensive, and the restrooms would be closed until further notice.

- Councilor Verini stated the VA van visit had been a great success. It was there for veterans and their families. Also, the wounded warrior letter writing project in the area had been a success. The letters were to be hand-delivered to Walter Reed Hospital at the end of the week.
- Councilor Gaskill stated Friday, April 23rd was the deadline to turn in applications for the City of Ontario Leadership Scholarship Award. This year, there would again be two awards, thanks to the \$750 donation of Anderson-Perry of La Grande. Also, CK3, LLC, had again donated an additional \$250 to combine with the City's existing \$500 award. Therefore, there would be two awards, for \$750 each.
- Councilor Fugate stated she had attended a conference in Salem last Saturday for the Cultural Trust Program. Those funds could be given as grants for humanities, heritage, and the arts. They had put approximately \$50,000 in the community over the past 5-6 years. Second, the Feral Cat program was going to have a yard sale May 7-8. Donations to the sale to help fund the feral cat project could be made by contacting her.
- Mayor Dominick congratulated Nyssa on the grand opening of their new Wastewater Treatment Plant.
- Mayor Dominick stated at the Ontario Chamber that day, there had been a presentation by Christi Wherry, representing the Boys & Girls Club. They needed community support both in donated time and dollars. It ran approximately \$250,000 per year to keep the doors open.
- Mayor Dominick reminded everyone of Serve Day, scheduled for Saturday, May 15th. There were 37 projects already lined up, and he encouraged everyone to participate.

ADJOURN

Ron Verini moved, seconded by John Gaskill, that the meeting be adjourned. Roll call vote: Crume-yes; Fugate-yes; Gaskill-yes; Mills-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.



Joe Dominick, Mayor

ATTEST:



Tori Barnett, MMC, City Recorder