

CITY OF PILOT ROCK

Council Meeting

February 2, 2016

7:00 PM

A. Called to Order

Having a quorum the Regular Council meeting was called to order by Mayor Carnes at 7:00 PM. Council members present were Deacon Perkins, Terry Womack, Jim Hinkle, Raymond Doherty, Ray Corwin and Bob Deno. Also present were Teri Porter. Citizens present were Don and Linda Hill, Danita Beers, Norma Hoisington, ML Slabick, Legaya Bernabe, Holly Jo Beers, Travis Severe, John R. Taylor, Lorain Green, Brad Baird, Jadon Herron, Linda Woodfin, Leonard Burgess, Elsie and Michael Tester and Pastor Jeffers.

B. INVOCATION

Pastor Jeffers gave the invocation.

C. PLEDGE OF ALLEGIANCE

D. EXECUTIVE SESSION

Council went into executive session at 7:05 pm. Councilors present were Deno, Doherty, Perkins, Hinkle, Womack and Mayor Carnes. Staff Teri Porter and Steve Draper. Harley Jeffers of the interview board. Phil Wright of the EO.

Council returned to regular session at 7:37 pm. **On a motion by Councilor Hinkle and seconded by Councilor Deno, Council agreed to return to executive session under ORS 192.660(2)(a) employment of a public officer, at the end of this regular session. All present voted yes.**

E. APPEARANCE OF INTERESTED CITIZENS

Citizen Dani Beers addressed Council with a concern regarding the flooding in front of her house caused by the rain runoff off the bridge and the road. The excess water has caused a sink hole in front of her house which has also affected the sidewalk and the walk inside her fence. The berm that was put in last year in an effort to divert the water is not effective, the water comes over it. Steve stated that he would like to take a look at it while it's raining and how the water is channeling, to see the best way to resolve the issue. Mrs. Beers asked that the gravel in front of her house to be bladed as well as anything that can be done to eliminate the water coming off the bridge. Norma Hoisington agreed that it is an issue. She stated that her entire yard can be under water at times. Councilor Perkins and Womack were asked to take a look at it and they confirm that it is a concern. Steve stated that he will take a look at during the next rain.

F. PRESENTATIONS

None.

G ACTION ITEMS

G-1 City to Maintain Drive on Tester Property

On a motion by Councilor Perkins and seconded by Councilor Hinkle, Council agreed to table the issue until the Tester's are present. All present voted yes.

CITY OF PILOT ROCK

Staff presented Council with a proposed agreement to be entered into with the Testers regarding maintenance of the drive, provided that they continue to allow neighbors to use it. Elsie and Michael Tester stated that while they were willing to allow the use, they have since found out from their insurance company that they would be liable if anyone were to get hurt while using the drive and that allowing such a use would increase their insurance rate. So they are no longer inclined to allow the public to use the drive. Council agreed and no further action was needed. The Testers were asked to work with the Police Department, as we make people aware and educate them that they must discontinue the use of the drive. The Tester's agreed.

G-2 DEQ Letter

Jadon Herron and Brad Baird or Anderson Perry (A&P) (Engineers of Record), were present to discuss with Council the current status of the Waste Water Facility Plan (WWFP) and the DEQ review letter dated December 30, 2016.

The following was discussed:

Cost and Estimate Calculations-

1. Cost estimates are determined using a data base of bid technicians gathered from various projects as well as feedback from staff. If there is something abnormal they do their best to determine the closest cost.
2. There is a 10% contingency built in that the funding agencies want them to build into the cost.
3. There is a 5% error contingency for unknown fees.
4. These are the closes possible estimates available at the time. Anderson Perry is hired to get as close as they can.
5. The actual cost comes into play when we go out and bid it.

Change in cost to relocate the OHV Park-

1. The original estimate was \$175,000 but the plan has it at \$200,000.
2. A&P relied heavily on Steve and anyone who may know something about the bike pit and the costs associated with moving it.
3. They used the cost of what was spent to date to get it in its current condition.
4. If bids come in below the estimate, that is what we will pay.
5. It was hard to determine whether the added cost (\$25,000) will add to the overall cost of option #1, as everything is in flux as new information is available.
6. At the One Stop, we will ask the agencies to run the numbers with and without the \$200,000, to relocate the OHV park.

Recap and DEQ Warning Letter (dated March 6, 2014):

1. Currently we have a 2 cell lagoon system that is permitted under a WPCF permit which allows us to discharge wastewater in 2 ways, either by seepage or evaporation.
2. All raw sewer water comes into the primary lagoon which is about 4ft of water, where it is treated. Once the lagoon reaches a certain depth of water it spills over into the secondary lagoon. Primary lagoon holds the water and treats it. The secondary lagoon is where it begins to seep out.
3. The permit requires that you monitor the ground water wells in the vicinity of the lagoons to make sure you are not degrading or contaminating the ground water in the area with anything bad.
4. In December of 2013 and Jan 2014 there were exceedances of fecal coliform in a downstream monitoring well. Fecal coliform is an indicator or Human pathogens in the water.

CITY OF PILOT ROCK

5. The test are done quarterly.
6. Based on those exceedances DEQ issued the city a warning letter, dated March 6, 2014. Stating that Pilot Rock has had exceedances, basically saying something is not working right and we need to look at improvements to prevent further degradation to ground water.
7. Referring to the warning letter from DEQ. The letter very specifically stated that the City needed to evaluate alternatives to address the exceedances of the fecal coliform in the monitoring wells. It was based on preventing further degradation to the ground water.
8. Based on the warning letter A&P developed options to prevent that seepage and protect the quality of the ground water.
9. Figure 4-2 was passed out which is an aerial view of the existing WWTP.
1. The initial concern was ground water hits downstream at the secondary lagoon which is meant to leach.
10. The options in the plan had allowed for lining the secondary lagoon.
11. By lining the secondary lagoon, the issue now becomes what to do with all the water that use to leach. That is what the various options in the WWFP were addressing to prevent seepage out of the secondary lagoon then discharge that water appropriately. (options addressed possibilities of storing it and irrigating, evaporation etc.)
12. The original letter of March 2014 had specific language to address exceedances in the levels of coliform. It was based on preventing further degradation to the ground water.
13. Initially there was no plan to line the primary lagoon as they did not feel it was an issue.
14. It is typical for the primary lagoon to be full and the secondary to be nearly empty, because it is working properly as it is meant to seep.

DEQ Review Letter (dated Dec. 30, 2015):

1. The WWFP was provided to IFA and DEQ and they each had comments regarding the plan.
2. IFA had a few comments that are easily addressed.
3. DEQ letter had comments that need to be addressed.
4. "The primary cell has been identified as having a very high likelihood of being hydraulically connected to Birch Creek". Meaning any water seeping out of the primary lagoon would most likely end up in Birch Creek one way or another.
5. "Under this circumstance no seepage is allowed to the creek under the City's current permit". Right now we have a WPCF permit that allows seepage out of the lagoons. The review letter is now saying that is not allowed.
6. Engineered liners constructed today are allowed some very small seepage, about 1/300 inch per day. The comments state that no seepage is allowed, yet even with an engineered liner you will get some seepage. DEQ recognizes that.
7. If the lagoon was not hydraulically connected to Birch Creek and it was not impacting ground water quality, DEQ would allow seepage of up to 1/8 of an inch per day without being concerned. But the concern is because the lagoon is close to Birch Creek we could be seeping water into Birch Creek.
8. The WPCF permit that we are operating under right now allows seepage out of our lagoons and has ever since the lagoon was constructed. There is nothing new about the seepage coming out.
9. DEQ wants the primary lagoon lined and yet the warning letter states that they are concerned with ground water quality and are concerned with the lagoons being hydraulically connected to Birch Creek.
10. Lining the primary lagoon will cost upwards of \$1 million.
11. Because of these conflicts A&P feel it would be a good idea to sort out exactly what DEQ wants and requires, before suggesting we spend over \$1million.

CITY OF PILOT ROCK

12. None of the options cost estimates include the \$1 million+ expense to line the primary lagoon. As this was not a requirement stated in the warning letter. A&P responded to the warning letters direction to address exceedences.
13. A&P completed the plan thinking that the original premise that DEQ wanted to address was the impacts to the shallow ground water that was obviously coming from the secondary lagoon which is suppose to leak.
14. Now we are being told based on this review letter DEQ has basically agreed with everything in the plan but now they want to add lining the primary lagoon.
15. A&P does not feel there is enough evidence to support spending \$1m because we really don't think it is doing anything.
16. At the start of this project A&P conducted an evaporation test for their own purposes. This test showed that the primary lagoon might be leaking 1/16th to 1/32nd of an inch a day. They were looking for a ball park estimate to determine if this was a concern that needed to be evaluated in the different options for the feasibility study. Prior to the review letter 1/8th of an inch per day was acceptable.
17. There is a varying degree of difference in those figures just based on the way you analyze the data and the different assumptions you can make.
18. Although this test was not intended for DEQ use and they acknowledge that it was not done to their standards, they are none the less, basing their requirements on this test, using the results as evidence that the primary lagoon being located next to the creek must be lined. This needs to be worked out with DEQ.
19. A&P's position is that they don't think it is doing any harm. A&P suggests that before we say that sure Pilot Rock will spend another \$1M, we need to ask them why, what is the premise for them wanting us to do that. With all the data you can make a case either way, nothing is that concrete.
20. Pilot Rock is already spending millions to address the problem outlined in the warning letter, does DEQ really want Pilot Rock to spend another \$1m for something that may not be contributing at all to the degradation of the ground water.
21. Lately DEQ is really pushing to 0 leakage, the conditions are harder now than they were we started.
22. A&P suggests that we stand our ground and meet with DEQ to make sure that they really have a good premise to require the City to do this before we just fold.
23. The rest of the facility plan is still good this is a new component that DEQ has added.
24. Councilor Deno stated that he spoke with Gary Reinhardt who helped to build the lagoon back in the 50's and he figures it is almost a foot of clay that was put in to line the lagoon. He said Mr. Reinhardt would write a letter to support what was done at the start of the lagoon.
25. DEQ's statement that the primary and secondary MAY be hydraulically connected to Birch Creek, is a ridiculous statement. It is now and has always been hydraulically connected that is obvious. Why now has it become an issue.
26. A&P suggest meeting with DEQ along with Councilors and staff. The rules say one thing then the letters says another. Let's all come together before anyone spends \$1m that may not need to be spent.
27. A&P will draft a letter to DEQ. They will send to City to sign and forward onto DEQ requesting a meeting.
28. It is best to have this meeting in the DEQ office in Pendleton as it is easier to get it scheduled. They may be willing to come out here but it will be harder to get that scheduled. The meeting could be open to the public but suggests that staff, a couple of Councilors, the Mayor and Brad attend to work out the issues and report back to Council in a public meeting.

CITY OF PILOT ROCK

29. It might delay things by 2-4 months because it takes time to get the meeting set up and the process. A&P will work with the City to get the meeting with DEQ set up.
30. A&P and Steve would like to do another evaporation test, but this is the wrong time of year to do it.
31. Councilor Perkins felt that worst case scenario we may need to start over. Use of the old mill pond on the hill, but the review letter suggests there may be potential for contamination there. Brad stated that there have been several environmental studies done at that property and the property has "No Further Action" documented. The cost of another study is already figured into the plan. All options need to be engineered all those cost estimates are in there.
32. Councilor Doherty has concerns regarding these changing rules, that perhaps after we spend all the money line the lagoons, then 5 years later DEQ states the lagoon cannot be near the creek. Doherty also has concerns regarding flood issues. He is not comfortable spending money on any option leaving the lagoons by the creek.
33. Standley stated that in '81 the lagoon has been a hot issue about leakage ground contamination and water. In the 90's there were test wells drilled around one down gradient and one right between the two lagoons on the creek side and one up gradient. Standley and Draper met with Masonite to discuss creating Mt. Judy as a permanent wood waste landfill. There were concerns regarding the future creation of a lagoon in the vicinity of Mt. Judy. An area next to the gun club was excavated out and the dirt used to cap Mt. Judy. Why wasn't that considered as a location for the lagoon. Since that is what the plan was back in the 80's or 90's. DEQ was aware that there were plans to put it there so probably why they want us off the creek. Steve stated DEQ was working with International Paper.
34. Standley addressed the 30,000 gal. a day inflow, that is 10m gallons a year that are being treated that shouldn't be there. Can they directly pump raw sewage into an area for evaporation without treatment. (1:52) If you do have to relocate the primary lagoon or line it, what are you going to use in the interim? It was explained that you would have to use your secondary lagoon to be able to hold your water. Further discussion considered the permits and process.

OHV Park Relocation:

1. Citizens stated that they do not feel the citizens should be responsible to relocate the bike pit. Ask if Council approves of including the cost to move the bike pit in the option. If not take it off the table now before we get too far down the road.
2. The City accepted the donated property with the intent of putting the lagoons up there. The bike pit came after.
3. A&P explained that the reason the cost to relocate the OHV park is included in the estimate, is because common practice that if something of value is impacted by the project, that item should be replaced, so the value of the item is included in the cost. Brad worked with Steve to determine the assessed value of relocating the OHV park. A&P has no opinion regarding the issue with the OHV park, it is up to Council.
4. Citizens stated that when the bike pit was put in, there was to be no cost to the City. There is no benefit to downtown business. If we must borrow that amount why not put the money into infrastructure. It does not benefit the town.

Work Session and One Stop:

1. A&P stated that we need to proceed with the One Stop all the math is done for all the options, with the liner, without the liner and with and without the bike pit relocation.
2. Is it ok to go to the One Stop without a clear choice of what option. Will submit all options. It does not matter what option. The only issue is the cost.
3. Funding criteria changes yearly, but won't change drastically.

CITY OF PILOT ROCK

4. The One Stop is the big piece of information we need.
5. Councilor Perkins recommended a work session so that Council can work out the details, talk it over and see where we want to go with it.
6. There was discussion that perhaps first attending a One Stop then the meeting with DEQ would be beneficial and then set up a work session.
7. We need to generate a list of questions to bring to DEQ. **On a motion by Councilor Perkins and seconded by Councilor Doherty, Council agreed to have a work session prior to the One Stop. All present voted yes.** Council agreed to meet on Monday the 8th at 6pm. Work session is open to the public.

G-3 Approve Conditional Use for RV Storage at Hardware Store

On a motion by Councilor Deno and seconded by Councilor Womack, Council approved the conditional use permit allowing RV storage, with the condition that the RV's be parked parallel, 5 feet apart and not to be placed on the areas indicated on the plot plan. All present voted yes.

H. INFORMATION ITEMS

H-1 Department Head Report

CITY HALL:

1. Receiving several concerns regarding dogs at large.
2. Attended the Small Cities meeting in Athena on January 20th. We heard from Senator Hansel, and discussed funding and grant opportunities available to the cities.
3. I have received the properly notarized deed for the property at the foot of the stairs and will record this week.
4. I will be attending the CIS Conference in Salem, February 22-26.
5. Have received a public records request from Collins and Collins Law for November 21, 2006, minutes.
6. Met with Councilor Corwin to go over books.
7. Have contacted CIS regarding police dept. review. They do not feel they have the staff to do it annually but perhaps every 2-3 years.
8. I have contacted BOLI with the question regarding required residency and they tell me it is not unusual for municipalities to have a requirement that city officials reside within city limits. If there is a legitimate, non-discriminatory reason for doing this (response times, on-call shifts, etc.).
9. Have received notice from Oregon Governmental Ethics Commission, stating that the SEI (Statement of Economic Interest) will be filed electronically this year. I will give you more information as it becomes available to me.
10. Have received a letter from Umatilla County asking if Cities are interested in helping to support a full time (rather than part time) Emergency Management Director. The cities who participate will benefit from a director who would coordinate activities should there be an emergency within the city. I will find out more about this topic and may present as an action item at a future Council meeting.

POLICE:

1. Phase 1 of the Field Training Evaluation Program is underway with officer Badal. Thus far, he is performing acceptably however; this is an extensive process that will take time.
2. Finding many homes without addresses on them. Citizens are encouraged to place their house numbers on the front of their home, preferably under a porch light. This is for their own safety, should they need emergency service.
3. Chief Roberts will be meeting with the school district to evaluate their current safety procedures. He will be advising them on areas that need improvement and helping to facilitate implementation of policies.

CITY OF PILOT ROCK

Cpl. Lehnert added to his report: Welcomed Officer Badal back from his recent graduation from the Police Academy. After a congratulatory applause Cpl. Lehnert stated he will be going through the field training process. and congratulated him on his graduating from the Police Academy.

Regarding the recent lock down at the school: Cpl. Lehnert stated that Chief Roberts will be visiting all the school districts regarding lock down issues. He stated that our schools did well in handling the situation.

PUBLIC WORKS:

1. Repair to lift station. Found 2 large mop heads.
2. #2 Well is wired up and running.

I CONSENT CALENDAR

Bills Total: \$27,177.45

On a motion by Councilor Deno and seconded by Councilor Doherty, Council agreed to accept the consent calendar. All present voted yes.

J COUNCIL COMMENTS

Councilor Perkins asked if we can get the letters off the reader board above City Hall. Steve said he would take care of it.

Councilor Perkins asked where we are with the progress on the replacement of the stairs to the School. Teri stated that the deed would be recorded tomorrow. Steve said he will be contacting the asbestos abatement company in Walla Walla. He has arranged a meeting with the school to determine what their portion of the cost will be. Councilor Deno asked about grants to help pay for it. Steve stated that half of the ODOT grant that we received to redo Main St. can go toward the stairs project.

K. EXECUTIVE SESSION:

Council went back into executive session at 9:05 pm. Councilors present were Deno, Doherty, Perkins, Hinkle, Womack and Mayor Carnes. Staff Teri Porter and Steve Draper. Harley Jeffers of the interview board. Bill Caldera. Phil Wright of the EO.

Council came out of executive session at 9:50

On a motion by Councilor Hinkle, Council agreed to offer the Pilot Rock Chief of Police position to William Caldera pending a background check and direct staff to enter into negotiations for a contract with William Caldera to be brought back to Council for final approval. All present voted yes.

K. ADJOURNMENT

Council agreed to adjourn at 9:55 PM.

APPROVED _____

ATTEST _____