

COUNCIL MEETING MINUTES

January 17, 2012

The regular meeting of the Ontario City Council was called to order by Mayor Joe Dominick at 7:00 p.m. on Tuesday, January 17, 2012, in the Council Chambers of City Hall. Council members present were Norm Crume, Joe Dominick, Jackson Fox, Charlotte Fugate, Dan Jones, David Sullivan and Ronald Verini.

Members of staff present were Henry Lawrence, Tori Barnett, Larry Sullivan, Chuck Mickelson, and Lynsey Hansen. The meeting was recorded on tape, and the tapes are available at City Hall.

Charlotte Fugate led everyone in the Pledge of Allegiance.

AGENDA

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

CONSENT AGENDA

Councilor Crume abstained from the vote as his company had an invoice for payment on the bills.

Charlotte Fugate moved, seconded by Ron Verini, to approve Consent Agenda Item A: Approval of the Regular Minutes of 12/19/2011; Item B: Approval of the Telephonic/Electronic Minutes of 01/05/2012; Item C: Proclamation: Fire Services Appreciation Day 2012; Item D: Water Line Easement Request: Anchor Mini-Storage (SE 5th Avenue); and Item E: Approval of the Bills. Roll call vote: Crume-abstain; Fox-yes; Fugate-yes; Jones-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 6/0/0/1.

Mayor Dominick read the Proclamation into the record:

WHEREAS, the fire service members of Ontario have dedicated themselves to the protection of life and property of their fellow citizens, often at great risk to their own safety and well-being; and ***WHEREAS***, the fire service members of Ontario have continuously supported efforts to elevate the standards and training of firefighters and have been instrumental in increasing the public awareness of methods of fire protection and suppression; and ***WHEREAS***, firefighting is one of the most hazardous professions and requires extensive training, strength, endurance, courage and a selfless concern for the safety of the citizens of Ontario; and ***WHEREAS***, the contributions and sacrifices of valiant fire service members are often inadequately recognized by the public, and ***WHEREAS***, the work of fire service members deserves the attention and gratitude of all individuals in Ontario. ***NOW, THEREFORE, BE IT RESOLVED***, that I, Joe Dominick, Mayor of the City of Ontario, do hereby proclaim January 27th to be recognized as ***FIRE SERVICE APPRECIATION DAY*** as it is recognized every year on that date, and be it further resolved that the legislative assembly encourages all citizens in Ontario to recognize and honor our fire service members for their efforts to keep our citizens safe from the ravages of fire.

The Mayor asked those firefighters in attendance to introduce themselves, and to state how long they had been serving the City of Ontario. Brule Lehman-15 years; Lonnie Justus-10 years; Justen Allison-5 years; Jared Gamage-16 years; Cameron Saito-2 years; Ron Park-30 years; Paul Rangel-3 years; Jonathan Rico-4 years; Matt Smith-2 years; Gabe Gomez-5 years; Tony Klein-29 years; Frank Grimaldo, Jr.-13 years; Clint Benson-1 year; Brett Leavitt-6 years; Tyler Swanson-3 years; Yorick de Tassigny-7 years; Tom Davis-16 years; James Wick-16 years; Mark Saito-12 years; Todd Higinbotham-30 years; Mike McLean-1.5 years; and Casey Wilber-12 years.

Mayor Dominick stated Ontario was very fortunate to have this type of experience and this large a group of staff and volunteers. Everything they did was very much appreciated. With that, the Mayor was pleased to read a letter from FEMA. *"On behalf of the Federal Emergency Management Agency and the Department of Homeland Security, I am pleased to inform the City of Ontario their grant application submitted under fiscal year 2011 Assistance to Fire Fighter's Grant, has been approved."* The approved project now totaled \$340,000, for replacement of Pumper #103. The taxpayers share was 5%, in match, for \$17,000. The Council appreciated the Chief's three-year effort to get the grant approved.

PUBLIC COMMENTS

Councilor Jones asked if it was possible to step away from his chair to make a comment to the Council, the City Manager, and if the Fire Department wanted to come back in, that would be great, as a citizen and a business owner in this town. Was that possible?

Mayor Dominick stated that was possible, but reminded Councilor Jones that at all times, as they were elected officials, they wore the Council hat at all times.

Councilor Jones asked how the Mayor would like him to speak. He had an issue as a citizen of Ontario. Would they like him to speak from the podium or from his chair?

Mayor Dominick stated the podium would be fine.

Councilor Jones asked if they wanted to wait for the return of the Fire Department? It would be fair to them, because that was what he was talking about.

(Lynsey Hansen stepped out and asked the Fire Department personnel to return to the Council Chambers.)

Dan Jones, 1021 Triand Drive, Ontario, stated he was speaking that night as a citizen and as a business owner. A year and half ago, he was in the process of making the decision on whether he should run for City Council. During that process, and during that thought process of putting everything together and talking with his peers, one question kept coming back to him time and time again, and that question was would it hinder or would it affect his business. He thought about it, and discussed it with his family, and discussed it with his peers, and he decided, after going through the budget process, and learning a little bit about the city, and being intrigued with the city, he thought he'd go ahead and run for City Council. A year had gone by, of him sitting in that chair as a City Councilor, and ironically, just last week, an issue had come up that proved to him that being on the City Council had affected his business, and as a citizen, and he stood before the Council, the Mayor, the City Manager, and the Fire Department, they were going to resolve this issue.

Last week, his wife was in her office, and was on Facebook. A post came across on her wall from a Facebook friend, that from another post from a city fireman. That fireman was Mark Saito. Before they went any further, he wanted to make a statement that to him, and he was sure to the City Council, that it was running through their minds, was he working, or was he on staff? And to him as a citizen, and to him as a business owner, it didn't matter whether he was or not. They'd get into those details tomorrow. Mark Saito was posting a comment on a wall on another fireman's Facebook. Unfortunately, Mr. Jones's wife was a Facebook friend with the fireman that Mark posted to. And he'd read, he'd start with the comment that was posted on Facebook.

Mayor Dominick asked if he might interrupt with a question?

Mr. Jones asked if the Mayor interrupted other citizens?

Mayor Dominick stated he did.

Mr. Jones state alright, fair enough.

Mayor Dominick asked the City Attorney, Larry Sullivan, if they were getting close to a personnel issue?

Mr. Sullivan stated if the Mayor was asking if this was something that could be handled in Executive Session, at this point, he didn't know. He would have to find out. He was not aware of anything that would allow the Council anything other than to hear this in open session.

Mr. Jones continued with starting with the comments that were posted on Facebook. Mark Saito asked an anonymous fireman, there was no reason to bring his name up, but his picture was on the face of this wall with Mr. Jones's business behind him. Mark Saito to the anonymous fireman *"Are you doing business at Chevron?"* An hour later, Mark Saito posted another comment on this fireman's wall, that was in turn posted on Mr. Jones's wife's Facebook wall. And this was where the line was crossed. Mark Saito *"Dan Jones does not support the Fire Department. In fact, he wants to cut us back. We quit going there last year."* There's one other comment, but before he went on to that next comment, this was what was wrong with government. Threw re people in this town, and he was not standing there, he was standing there in a broader picture of supporting the businesses in this town, supporting the citizens in this town, and speaking out that the line has been crossed. There were people, and through this conversations coming back to whether he would run for City Council, there were peers of his that said to him that they would like to run, but were afraid it would cost them their business. That's wrong. There were good leaders wanting to lead, and there were good people that would be a great benefit to this town, but were afraid of the detriment that would happen to their businesses, and/or their livelihoods. He was standing there before all of them, the Fire Department, the City Council, and the City Manager, that something must be done. The next comment, there were three comments that were posted that evening on Facebook. It comes from another city employee within the Police [*sic*] Department. That employee was Julia Ramirez Rodriguez. She posted a comment, on, unfortunately, this fireman's that was caught in the middle, wall site, Facebook wall, which in turn posted on Mr. Jones's wife's Facebook wall. *"Us too, Mark; however, I had to go there today. I was running on fumes and it was the closest. Only did \$10. Will fill up elsewhere."* He would end with this. That's a cancer. That's a cancer that's right inside this department and the city, and it would grow. This was just one instance. He would hate to think, he wondered how many postings were about him from within that department and how people responded on Facebook. But, more importantly, what else was being posted with the Council, against the Council. There was no set agenda; there was no secret agenda here. All they were trying to do was work together and proceed with helping the city move down the road. When this cancer continued to grow, it decays, and it was terminal, and it must be removed. So he stood before them as a citizen and a business owner, and asked that the City Council, the Mayor, and the Police [*sic*] Department clean this up. Take care of it so he didn't have to. Thank you for your time.

Mr. Jones stated he had copies of the Facebook page if anyone wanted one.

Councilor Fox asked if it was known if the firefighter was on duty when the comments were posted.

Mr. Jones stated he had not requested the schedule yet. (He returned to the Council dais).

Mayor Dominick stated he would meet with the City Manager and would have a discussion, and would make sure to include Mr. Jones in those discussions. The issue would be worked on.

Mr. Lawrence stated they did not know any answers yet. He only learned of it on Friday.

Councilor Fox stated his agreement with Mr. Jones's comments, and brought up a very good question. What else was happening? It must be time to start looking at emails. How did he do that?

Mayor Dominick asked that the Council let him meet with the City Manager and Councilor Jones, to see what they could discover about this issue. He would report back to the Council. This was a serious issue, and it id did require looking into staff emails, then that might be one of the recommendations.

Councilor Fox verified emails were a matter of public record. Could he look at them if he wanted to?

Mr. Lawrence stated absolutely.

Councilor Fox stated he wasn't talking about personal ones.

Mr. Lawrence stated Facebook was actually blocked off the city's server. It could not be accessed with a city computer. It could be accessed with a personal cell phone.

Councilor Fox asked if there was a policy against personal cell phone use.

Mr. Lawrence stated he didn't have the facts as to where the emails came from, and there wasn't a policy against personal cell phone use.

Mayor Dominick stated he would get with the City Manager to do a review of the staff manual and the issue at hand. That would be reported back to the Council. He wanted to end the issue for now, and would give input to Council as soon as possible. He asked Councilor Jones to stay after the completion of the Council meeting so he could speak with him.

OLD BUSINESS

Ordinance #2664-2011: LID #47 Assessments (2nd and Final Reading by Title Only)

Chuck Mickelson, Public Works Director, stated Local Improvement District (LID) No. 47 was formed to install sewer and water in an area that was adjacent to the city limits, but in the county. The property within the LID has been annexed. The construction was complete, all of the property owners connected to the sewer, and all but three were connected to the city water system. The assessments were calculated and are required to be levied through the adoption of an assessment ordinance by the City Council. Staff prepared Ordinance No. 2664-2011 for Council review and approval.

In November, 2010, Council adopted Resolution 2010-152, a resolution of intent to construct sanitary sewer and water mains on Alameda and Nadine Drive; in January 2011, Council adopted the Director's Report by Resolution 2011-101; in June 2011, Council approved annexation Ordinance 2655-2011, and approved award of the construction contract to Eastern Oregon Construction; in July 2011, Council approved Resolution 2011-118 setting aside money for the construction expenses in a separate account; and on December 19, 2011, Council passed Ordinance #2664-2011 on 1st reading.

All 15 had connected to sewer; 13 out of 15 had connected to water. One homeowner had paid his account in full, and one was put \$12K down as part of sales transaction. The others would be given the opportunity to pay it off, or pay it off over 15 years with 1.5% interest.

David Sullivan moved, seconded by Norm Crume, to adopt Ordinance #2664-2011, AN ORDINANCE PROVIDING FOR AND ASSESSING THE COST OF IMPROVING NADINE DRIVE FROM ALAMEDA DRIVE WEST TO THE END OF THE CULDESAC; AND ALAMEDA DRIVE FROM SW 16TH AVENUE TO 150 FEET FROM SW 18TH AVENUE, IN THE CITY OF ONTARIO, AND MALHEUR COUNTY, OREGON, BY THE CONSTRUCTION OF WATER, SEWER AND STREET IMPROVEMENTS WITHIN THE BOUNDARIES OF LOCAL IMPROVEMENT DISTRICT NO. 47; DECLARING THE PROPORTIONATE SHARE OF THE TOTAL COST OF IMPROVING SAID WATER, SEWER AND STREETS TO BE CHARGED AND ASSESSED AGAINST EACH LOT, PARCEL, AND TRACT OF PROPERTY LIABLE FOR SUCH ASSESSMENT; AND DIRECTING THE CITY RECORDER TO ENTER SUCH ASSESSMENT AGAINST EACH LOT, PARCEL, AND TRACT OF PROPERTY LIABLE THEREFORE IN ITS PROPORTIONATE SHARE IN THE LIEN DOCKET OF THE COUNTY OF MALHEUR; AND DIRECTING THE SERVICE OF NOTICE OF SAID ASSESSMENT UPON THE OWNERS OF SUCH PROPERTY, on Second and Final Reading by Title Only. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion passed 7/0/0.

NEW BUSINESS

Resolution #2012-101: Approving Fund Exchange Agreement #28277 with Ontario and OSDOT for Chip-Sealing on Various City Streets and Purchasing Certain Equipment for Road Maintenance Purposes

Chuck Mickelson, Public Works Director, stated on the State of Oregon offered Fund Exchange programs acting by and through its Department of Transportation, in which Federal funds were exchanged for state funds at a ratio of \$94 state dollars for \$100 federal dollars. This gave the city the ability to build projects under local control instead of federal control. The process will grant the city \$124,934.46 for \$132,909 federal funds.

On April 4, 2005, the Council authorized the Mayor to sign Fund Exchange Agreement #22388, which allowed staff to construct and complete the southwest 4th Avenue and southwest 4th street signal project. On March 16, 2009, the Council adopted Resolution #2009-108 approving Fund Exchange #25415, which authorized the Mayor to sign the agreement for the design and construction of North Oregon Street and rehabilitation between Idaho Street and Northwest 1st Street; and on August 16, 2010, Council adopted Resolution #2010-131, approving Fund Exchange #27023, which authorized the Mayor to sign the agreement for chip sealing and landscaping

Ron Verini moved, seconded by David Sullivan, to adopt Resolution #2012-101, A RESOLUTION APPROVING FUND EXCHANGE AGREEMENT #28277 BETWEEN THE CITY OF ONTARIO AND THE STATE OF OREGON, ACTING BY AND THROUGH ITS DEPARTMENT OF TRANSPORTATION FOR FUND DISTRIBUTION FOR CHIP SEALING AND PURCHASE OF CERTAIN EQUIPMENT FOR ROAD MAINTENANCE PURPOSES. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

Goals and Objectives

Mayor Dominick had distributed a packet which touched on what they had discussed at the previous Thursday's study session. This information came off the League of Oregon Cities website, so it was available there at no charge to the city. There were also samples of what other city's goals were, to give an idea of what they had done. In the back of the packet were some worksheets that he was asking the Council to work on and consider. If there were any questions, please give him a call. He'd like to have them ready to go for the next study session of February 2nd. At the study session on Thursday, it was mentioned that no short term goals had been set in the past several years, nor any long term goals. Some goals needed to be set for what the Council wanted to see worked on, staff to work on, and how to move the city forward.

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Ronald Verini stated there had been a banquet on Friday to honor distinguished citizens in the community. Bob Komoto, Dr. Weber, Sandy Jensen, and Andy Bentz were all recognized. There was a special recognition for the Sonny Hansen family, and the Veteran's Advocates of Ore-Ida received the Business of the Year award. It was a sell-out crowd, with tremendous support from the community. He thanked all those who attended and for participating in the program.
- Jackson Fox read a statement into the record: *After listening to Mayor Dominick's speech at the last meeting, a presentation that, in my opinion, showed leadership, it occurred to me that we, as an elected body, and individual Councilors, are here to protect and keep the public informed. We are here to make good and informed decisions for the good of the citizens, in the same manner the head of the household would make good decisions for his family. These decisions must be made on good information. We rely on city staff or accurate and complete information. The City Manager has asked for Council direction recently. Mr. Lawrence, please give the true, accurate and complete information in the timely manner the Mayor asked for. I know that my demeanor and language seems terse at times, for which I apologize. This comes from frustration in not being able to keep the public informed in a clear and transparent manner. The audit reports clearly indicate we have been remiss in our duties. I did not take this position to be self-serving, as there is no reward except to know that I have done my best. The public's right to know trumps*

all agendas, Council and staff. I want to join with the Mayor and the Council in fulfilling our obligations in asking the tough questions and our oath of office demand we keep the public informed of the complete truth of all city finances and actions. Thank you Mr. Mayor.

Mayor Dominick stated regarding the audit, he truly hoped that was one of the number one goals for this Council, the audit work and the finances.

- David Sullivan asked for an update on what was going on over at the Goodman Oil property.

Mr. Lawrence stated they pulled the tank and did some soil assessments. That was done by the state, Katie Robertson, with some federal money as well. They were also trying to determine if there was any contamination of the soil off-site.

- Mayor Dominick offered his congratulations to Joe Saito for his receiving of the Congressional Gold Medal last week in Seattle.
- Councilor Fugate stated there would be a movie at Four Rivers Cultural Center on Sunday, about Japanese internment. Information could be obtained by calling the Cultural Center. Also, there was an opening of the photographs taken by Clink Shock and his wife, taken all over the county. That was scheduled to run Friday, from 5-7pm, in the Art Gallery.

EXECUTIVE SESSION

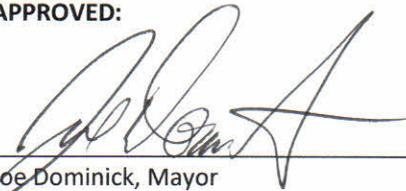
Executive Session: ORS 192.660(2)(h)

An executive session was called at 7:38 p.m. under provisions of ORS 192.660(1)(h) to discuss pending or potential litigation. The Council reconvened into regular session at 7:55 p.m.

ADJOURN

David Sullivan moved, seconded by Ronald Verini, that the meeting be adjourned. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

APPROVED:



Joe Dominick, Mayor

ATTEST:



Tori Barnett, MMC, City Recorder