COUNCIL MEETING MINUTES
February 7, 2011

The regular meeting of the Ontario City Council was called to order by Mayor Joe Dominick at 7:00 p.m. on Monday, February 7, 2011, in the Council Chambers of City Hall. Council members present were Norm Crume, Joe Dominick, Jackson Fox, Charlotte Fugate, Dan Jones, and David Sullivan. Ronald Verini was excused.

Members of staff present were Henry Lawrence, Tori Barnett, Al Higinbotham, Chuck Mickelson, Mark Alexander, and camera operator Delaney Kee.

Charlotte Fugate led everyone in the Pledge of Allegiance.

AGENDA

David Sullivan moved, seconded by Jackson Fox, to adopt the Agenda as amended. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Sullivan-yes; Verini-out; Dominick-yes. Motion carried 6/0/1.

CONSENT AGENDA

Charlotte Fugate moved, seconded by Norm Crume, to approve Consent Agenda Item A: Approval of Minutes of regular meeting of 01/18/2011; Item B: Approval of Minutes of Special Meeting of 01/13/2011; Item C: Golf Course Restaurant Concessionaire Lease; and Item D: Approval of the Bills. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Sullivan-yes; Verini-out; Dominick-yes. Motion carried 6/0/1.

PRESENTATION

Mayor Dominick and Fire Chief Al Higinbotham presented a framed, signed picture of the new Fire Substation #2 to Mid-Valley Construction, Inc., for their work on the substation.

Tom Frazier, Tyler Frazier, Tim Hursh and Rehelio Sanchez, thanked the Council for the opportunity to bid and to construct the substation. They hoped to work with the City on projects in the future.

NEW BUSINESS

Appointments to City Committees

Mayor Dominick stated terms of service for various City committees expired at the end of every fiscal year. Below was a listing of which committees had vacancies, and the names of those who had submitted letters of interest, desiring to serve on the individual committees. Dale Cruson for the Airport Committee; Amanda Anderson and Paul Bentz for the Budget Committee; Earl Cheatham and Glenn Dwyer for the Golf Committee; Michael Rudd and Travis Curry for the Planning Commission; Riley Hill, Larry Tuttle, Bernie Babcock, Bill Toombs, and Bob Moore for the Public Works Committee; Maggie Wood for the Recreation Committee; and Doug Dean and Cheryl Cruson for the V&C Board.

The Public Works Committee was the only committee, which had more letters of interest than vacancies. The Council would need to select four of the five applicants to appoint.

Those appointed to the Airport Committee, the Budget Committee, the Golf Committee, and the Planning Commission would have terms that would expire on December 31, 2014. Those appointed to the Public Works Committee, Recreation Board, and V&C Board would have terms expiring December 31, 2013.

Jackson Fox moved, seconded by Dan Jones, move to appoint Riley Hill, Larry Tuttle, Bernie Babcock and Bill Toombs, to the Public Works Committee, term of service to December 31, 2013. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Sullivan-yes; Verini-out; Dominick-yes. Motion carried 6/0/1.

David Sullivan moved, seconded by Jackson Fox, to appoint Dale Cruson to the Airport Committee, term of service to December 31, 2014; Amanda Anderson and Paul Bentz to the Budget Committee, term of service to December 31, 2014; Earl Cheatham and Glenn Dwyer to the Golf Committee, term of service to December 31, 2014; Travis Currey and Michael Rudd to the Planning Commission, term of service to December 31, 2014; Maggie Wood to the Recreation Board, term of service to December 31, 2013; and Doug Dean and Cheryl Cruson to the V&C Board, term of service to December 31, 2013. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Sullivan-yes; Verini-out; Dominick-yes. Motion carried 6/0/1.

PUBLIC HEARING

Resolution #2011-102: LID #47 - Nadine Drive

It being the date advertised for public hearing on the matter of Resolution #2011-102, the Mayor declared the hearing open. There were no objections to the city's jurisdiction to hear the action, no abstentions, and no conflict of interest or ex-parte contact declared

Chuck Mickelson, Public Works Director, stated the purpose of the hearing was to present the Director's Report to the affected property owners and to take testimony on the content of the Report. The Report identified the location, estimated costs of construction, estimated costs of individual assessments, preliminary construction drawings and various other items required to create a local improvement district.

On August 12, 2010, during a Council Study Session, staff recommended that the Council adopt Resolution 2010-138 with the intent to create a local improvement district to extend sewer lines into the area. The Council deferred action on the resolution in order to hold an additional meeting with the property owners. On September 9, 2010, during a neighborhood meeting, the Council directed staff to do an additional survey to determine the interest in forming an LID for sewer only, for sewer and water, and for those opposed to any LID. On October 28, 2010, during a Council Study Session, Council directed staff to prepare a resolution declaring the intent to create the LID and to leave the Calvary Chapel Church property and the Michael Derrick property out of the proposed LID. On November 22, 2010, the Council adopted Resolution 2010-152, which was the intent to create LID #47 to construct water and mains on Alameda Drive from SW 16th Avenue 615 feet south, and on Nadine Drive from Alameda Drive to the west terminus of Nadine. On January 11, 2011, the Council adopted Resolution 2011-101, a resolution adopting the Public Works Director's Report for LID #47 and setting a public hearing date of February 7, 2011.

With respect to dealing with the Director's Report and taking testimony at a public hearing, Ontario City Code 8-2-4 (Notice of Hearing) stated: *After the Council has approved the Public Works Director's report as submitted or as amended by the Council, it shall direct the City Recorder to cause to be published once each week for two (2)successive weeks in a newspaper of general circulation, printed and published in the City, a notice stating: (A) That the report, or amended report, of the Public Works Director, as approved by the Council, is on file in the City Recorder's office, subject to examination, giving the date, no earlier than ten (10) days immediately following the first publication of notice when any objections thereto will be considered by the Council at a public hearing which will be the date of the first publication of said notice. (B) That written remonstrances may be filed against the proposed improvement in the office of the City Recorder not later than the scheduled time for the Council hearing*

of objections to the proposed improvement.(C) That the improvement will be abandoned for at least six (6) months if there is presented a valid remonstrance of the owners of two-thirds (2/3) of the frontage of the property to be specially affected by such an improvement.(D) A description of the boundaries of the district to be specially benefited by the improvement and a description of the project in general terms.(E) The estimated total cost of the improvement which is to be paid for by special assessment of benefited properties. The Council may in its direction, direct the City Recorder, upon the basis of the Council-approved Director's report, to advertise for bids and *designate the time at which such bids shall be open, which time may be the time of the aforesaid hearing; provided that no such contracts shall be let before said public hearing or after any valid remonstrance to the Council-approved Director's report has been made as herein provided and providing that in the letting of any such contract, provisions of Section 8-2-6 herein shall be followed by the Council.*

Regarding OMC 8-2-5 (Hearing): *At the aforesaid hearing the Council shall hear oral objections to the proposed improvement and shall consider any written remonstrances thereto. Written remonstrances of the owners of two-thirds (2/3) of the frontage of the property to be specially affected by such improvement shall defeat the proposed improvement, in which event no further action to effect the improvement shall be taken for at least six (6) months. "Owner" shall have the meaning for this purpose that it is given and defined herein. If the Council, after hearing objections and considering any remonstrances, finds that there is not a sufficient remonstrance, it may proceed with the improvement.*

The Mayor opened the hearing for public testimony.

Proponents: None.
Opponents: None.

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

Norm Crume moved, seconded by Jackson Fox, that the City Council adopt Resolution 2011-102, A RESOLUTION TO PROCEED WITH CONSTRUCTION IMPROVEMENTS IN CONNECTION WITH LOCAL IMPROVEMENT DISTRICT #47. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Sullivan-yes; Verini-out; Dominick-yes. Motion carried 6/0/1.

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Chief Higinbotham stated that on Saturday, March 5th, the annual Volunteer Firefighter's BBQ and Dance would be held. Tickets were available from any firefighter for $25 per couple. Raffle tickets were also being sold - $1 each or 6 for $5 - and among the items up for raffle were a 40" HD television, two $250 gift certificates for the Diamond Gallery, a $100 gift certificate to the Co-Op, and they were working on a 4-day trip to Las Vegas. The event would be held at the armory, with dinner and dancing beginning at 7:00p.m.

- Mayor Dominick stated the exchange students from Ontario's Sister City – Osakasayama, Japan, would be here March 16-26. They were still seeking host families, and were busy planning special activities for the students to participate in. There would be airplane rides at the Ontario Airport, they would have the opportunity to go golfing, and the downtown merchants were doing the charms trail. Last year, 15 students had come over, but this year there would only be five – four girls and one boy. Anyone interested in hosting a student, or with thoughts on an activity could contact the Mayor at this office

- Mayor Dominick stated they would be discussing the appointments of Council liaisons at the next study session. He asked the Councilors to let him know what you were interested in serving on.

  Councilor Fugate asked the difference between the internal and external appointments.

Mayor Dominick explained the internal assignments were to the various departments within City hall, such as Administration, Fire, Finance, etc. The external appointments were to the various City boards, such as the Golf Committee, or the Planning Commission.

- Chuck Mickelson provided an update from the public hearing held by DEQ that afternoon. Approximately 40/50 people had attended, and there had been good representation from the council. The City needed to stay engaged in the issue. It was statewide, and they were working with some very knowledgeable people on this. The entire issue was being driven by the EPA and the state. Staff would work diligently to keep the rates down for the ratepayers.

- Councilor Fugate stated she had a conversation with Kit Kamo, the Director for SREDA, and Kit had indicated that she was working on getting projects only for Idaho. Councilor Fugate felt that statement should be researched.

ADJOURN

David Sullivan moved, seconded by Jackson Fox, that the meeting be adjourned. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Sullivan-yes; Verini-out; Dominick-yes. Motion carried 6/0/1.

Joe Dominick, Mayor

ATTEST:

Tori Barnett, MMC, City Recorder