

COUNCIL MEETING MINUTES
Ontario City Council
March 4, 2013

The joint meeting of the Ontario City Council and the Ontario Planning Commission was called to order by Council President Dan Jones at 7:00 p.m. on Monday, March 4, 2013, in the Council Chambers of City Hall. Council members present were Norm Crume, Jackson Fox, Charlotte Fugate, Dan Jones, Larry Tuttle, and Ron Verini.

Members of staff present were Jay Henry, Tori Barnett, Bob Walker, Larry Sullivan, Mark Alexander, Mike Long, Todd Higinbotham, Dan Shepard, and Travis Villines. The meeting was recorded on tape, and the tapes are available at City Hall.

Dan Jones led everyone in the Pledge of Allegiance.

AGENDA

Council consensus to add 2013-109 to new business, as well as the Winterbrook Contact Agreement, and to flip-flop numbers 10 and 11.

Ron Verini moved, seconded by Charlotte Fugate, to adopt the Agenda as amended. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes. Motion carried 6/0/0.

CONSENT AGENDA

Norm Crume moved, seconded by Jackson Fox, to approve Consent Agenda Item A: Approval of the Joint Council/Planning Commission Minutes of 02/19/2013; Item B: Approval of the Study Session (LCRB) Minutes of 02/17/2013; and Item C: Approval of the Bills. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes. Motion carried 6/0/0.

ADDITIONAL AGENDA ITEMS

Winterbrook Contract: Agreement for Consulting Services

Jay Henry, City Manager, stated staff was looking for approval from the Council to utilize their services as they moved forward. The city was currently annexing some property by the airport and golf course, which would be both an annexation and a zone change. It would be an ongoing contract as the city was currently without a Planning Director. Staff had stepped up, but there were times when technical expertise was needed. The fee of approximately \$35K was based upon a piece of the Planner's salary no longer being expended.

Charlotte Fugate moved, seconded by Ron Verini, that the Council accept the Contract Agreement between the City of Ontario and Winterbrook. Roll call vote - Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes. Motion carried 6/0/0.

Winterbrook Request for Additional Reimbursement

Jay Henry, City Manager, stated this funding request was based upon additional meetings necessary to complete the industrial lands annexation into the city. Winterbrook had expended \$3,500 and was asking to be reimbursed.

Charlotte Fugate moved, seconded by Norm Crume, to approve the additional payment of \$3,500 to Winterbrook. Roll call vote - Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes. Motion carried 6/0/0.

PUBLIC COMMENTS

(From written statement)

Carter Fritz, OHS ASB President, stated "Thank you members of the council, to our city staff, and citizens of the great city of Ontario. Allow me to introduce myself - my name is Carter Fritsch, I am a longtime resident of Ontario and I currently have the humble honor of serving as the Associated Student Body President for our own Ontario High School. But tonight I'm not here to talk about academics or our school system, those are doing just fine. I'm here to talk about an opportunity that has presented itself to we the citizens of Ontario. A few weeks ago, we were all somewhat taken aback by our former Mayors abrupt resignation from his position on this council, by the manner in which he did so, and the alleged reasons for his resignation of service from this position. As a concerned citizen of the community, I couldn't help but wonder why a person in such a position would choose abdication rather than leadership, but such considerations are in truth only a thing of the past. However, as is generally the case in any public upset - whether close to home or even at a national level - we have been presented with a chance to re-evaluate our perspective on the way we think about the governance of our city, and how we want to move forward for the betterment of Ontario and its citizens. Today the biggest national news is generally all focused on the newest piece of political turmoil in Washington DC, and is usually a slew of he-said-she-said bickering in which not much gets done and the American people bear the brunt of the lack of productivity and compromise. While we here in Ontario don't share the obvious barriers of partisanship and political gridlock found in our nation's capital, the two situations are in fact similar in that they both open up a considerably rare opportunity to heal, to re-assess our situation, and to move forward in our common beliefs of compromise and respect for our varied perspectives and opinions. Every day in our schools and our communities, students from all walks of life come together to work and learn together for the achievement of common goals of education and knowledge we all know to be valued in society. Even within our leadership team, we recognize that not one person's opinion or priorities can be more valued than another's, and that our work must always be focused on building the best experience of student life for the constituents, the students, who gave us the chance to do that great work. When you get right down to it, it seems to me that this is very much like the work that must be done as an elected leader of our city as a whole. Tonight I didn't come looking for radical change or more public upset for this council that serves our community, but merely to ask that you all consider this opportunity and the idea that comes with it. As Councilor Verini put it very simply in an editorial in the Argus Observer not long ago, (quote) "... realized that this step has given our community a chance to heal and move forward with a new sense of direction." (close quote) In my humble opinion, this is the idealism and purposeful thinking that our city should embrace upon its journey forward, such that our community will, in the long run, remain a safer, stronger, more unified place for our citizens of today, and for generations in the future who will someday have to take up the torch of leadership from the work that this council does today. On behalf of OHS and its students, thank you for your continued service to our community, and thank you for your constant work for progress and development that truly makes Ontario one of the greatest cities in the state of Oregon. Thank you. Carter Fritsch, Associated Student Body President, Ontario High School.

Ruth Rolland, Ontario, stated: I have lived in Ontario for more than 30 years. Everybody here has an agenda. Four days ago, during the City Council session, Mr. Fugate made sharp remarks about his concerns about what direction and agenda this City Council plans to shift to now. Will it be balanced and serve Ontario's citizens, or be narrow and heavy-handed, much like a certain former Mayor. After Mr. Dominick's abrupt resignation, City Council finds themselves with a curious opportunity to choose not only whom among them will be Ontario's new Mayor, but the City Council also holds the unusually larger power, if they chose to do so, to add a new City Council member without being encumbered by what Ontario citizens want their new Councilor to represent and pursue on behalf of people of the city. I would hope that everybody here fosters a whole variety of agendas that are unified in their goal to improve Ontario as a place where families can live well, businesses can do well, all workers and families are respected and can make decent wages, and visitors like what they find here, and continue to come back for many reasons, even to start up their own businesses or to move here and live here. I speak tonight because my wish is to open some ears to hear, and to open some minds to recognize how the Council's decisions and pursuits affects how Ontario is perceived by a significant portion of your constituents, and by anyone in the region who is considering whether to relocate their family or bring their business into Ontario, Oregon. I would hope that the Council will take stock in some past actions they've taken, which have caused unfair and undeserved injury to Ontario city workers, both the represented and non-represented workers. Regarding the city's new CIS high-deductible health insurance for city employees, I talked to city retirees who were also forced to change over to the CIS health insurance, and

they were offended and angry about it, and there was a public works employee who recently learned through his pharmacy that his CIS health insurance would not pay for the test strips he needs for his blood sugar monitor. The city's CIS insurance plan will only pay for a particular kind of test strips, so he has to buy a new monitor to use test strips CIS will pay for. And guess what? CIS won't pay for the new monitor that the insurance forced him to buy. The fact is that the high-deductible CIS plan is not the only health plan offered by CIS. City-County Insurance Services also offers better quality health plans that would have much better served all our city's employee's family health needs. Or the Oregon Teamster Health Insurance that was taken from the police and public works employees could have been continued. Last December, a Councilor lamented during a City Council meeting that this new CIS plan has ended up doing much less than he thought it would to get any savings to the city. Apparently, he didn't ask many critical questions of the labor consultant the Council hired to represent City Council for union negotiations. Maybe CIS health insurance was the consultant's idea, I don't know. Others have spoken recently about why the City Council has either not used funds appropriately, or has applied funds incorrectly. Up to now, the seemingly lack of knowledge about the city's budget has impacted how the City Council has addressed employee's benefits, wages, and working conditions in such a negative manner. I believe it also explains why the City Council has had so little consideration of its employees, and refuses to bargain over a better health plan than a high-deductible plan that does not meet the needs of the employees and retirees. Most employers take into consideration the well-being and moral of their employees, and what the employer can afford and what it was going to take to have continuity in its work force. Not to mention, what are other communities offering their employees? Up to now, this Council appears to have not taken these things into consideration...

Councilor Jones interrupted Ms. Rolland, stating he didn't know if he was out of line, but she needed to state the facts. She had been before them for ten weeks, or ten sessions, and she continued to say the same thing. He might have to ask her to step down. She could finish her statement, but he was giving her a warning. Every week, every time that she spoke, she was not stating the facts correctly. He was going to challenge her on that. She could finish her comments, but he was asking her that next time she spoke, in two weeks, to get her facts straight and maybe try for something a little positive.

Ms. Rolland asked to finish her statement.

Councilor Jones agreed to let her finish.

Ms. Rolland continued: Most employers take into consideration the well-being and moral of their employees, and what the employer can afford and what it was going to take to have continuity in its work force. Not to mention, what are other communities offering their employees? Up to now, this Council appears to have not taken these things into consideration, and....

Councilor Jones addressed Ms. Rolland, and stated he was going to ask her to sit down because she was not stating the facts. They had taken those things into consideration.

Ms. Rolland asked to finish her statement.

Councilor Jones stated no, and asked her to take her seat.

Ms. Rolland replied she respectfully asked to read the last four paragraphs; they were very short.

Councilor Jones gave permission to read the last four.

Ms. Rolland continued: I believe that how the City Council has run this city over the past several years has caused all the city's employees, and all the city's tax-payers, to suffer negative consequences. My hope is this is about to change. We've seen losses in city employees moral, diminished regard within the region for Ontario, and significant monetary...new city managers and other city staff replacement. I repeat that my hope is that the tone of the City Council will change in a positive way. That's what Ontario citizens want from you, because each of you on the City Council are the only ones who can fix these problems. So my question is – what are you going to do about it?

OLD BUSINESS

Ordinance #2675-2013: Amending OMC 3-11-4 re: TOT Distribution (1st Reading)

Tori Barnett, City Recorder, stated at the February 4, 2013, Council meeting, staff brought before Council proposed Ordinance #2675-2013, an ordinance which would amend Ontario Municipal Code 3-1-4, in regards to the existing ordinance for the Transient Occupancy Tax. At that meeting, following lengthy discussion, the Council moved to table the action pending review of the proposed ordinance by the Public Works Committee, and the receipt of the City's audit from Oster.

The complete motion read: *Dan Jones moved, seconded by Jackson Fox, to table this amendment for 30 days allowing the Public Works Committee to discuss the issue and to allow the receipt of the audit from Oster. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-out; Verini-yes; Dominick-yes. Motion carried 6/0/1.*

Due to the language of the motion, the proposed ordinance was required to come back before Council at the March 4, 2013 meeting; however, while the Public Works Committee had met and discussed the ordinance, and was ready with a recommendation to the Council, the audit has not been distributed to the Council. That being the case, staff was asking Council to again table the action, either setting it for a specific date, setting it for a specific Council meeting, or again stating language that would allow staff to bring the proposed ordinance back before Council when all requests for information were met.

Councilor Jones asked Mr. Long how long it would be until Finance could provide a scenario, if the City were to pay back the funds. He would like to see a few ideas for paying it back, including the impact it would have on the General Fund. Could that be back before Council within the next 45 days?

Mr. Long stated he could probably have something ready within the next two weeks, most likely by the next work session.

Councilor Fugate reiterated that they needed to see the full impact on the General Fund.

Councilor Jones stated he wanted the Finance Director to present a performa. Was that being worked on?

Mr. Henry stated the Finance Director had a list of projects.

Councilor Jones asked for a timeline. The audit was one step, but they also needed to analyze the impact.

Mr. Henry stated there would be a report provided by the next work session.

Norm Crume moved, seconded by Charlotte Fugate, that the Council table Ordinance #2675-2013 until after review of the audit, a recommendation and/or comments from the Public Works Committee, and financial impact numbers from the Finance Director. Roll call vote: Crume-yes; Fox-no; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes. Motion carried 5/1/0.

Committee Appointments

Tori Barnett, City Recorder, stated at the February 19, 2013, staff brought this action to Council for appointment, but due to the resignation of the Mayor at that meeting, the Council tabled this issue until the March 4th meeting, as these appointments are to be made by the Mayor, with Council consensus.

Larry Sullivan, City Attorney, stated he didn't know what the outcome would be on the appointment of the Mayor, but the Council President did have the Mayor's powers as in the absence of the Mayor, so he could make the appointment. Maybe include a timeframe in the motion.

Councilor Verini suggested making appointments to those committees where there were no questions, such as the V&C Committee, and then discuss the others.

Councilor Jones stated he wanted to meet and speak with the applicants, so he would take the next two weeks, until the next works session and/or Council meeting, to make contact. The Planning Commission, Audit Committee, and the Public Works Committee, were very important committees, and he just didn't know the applicants. He would have that done and ready for the next meeting.

Dan Jones moved, seconded by Larry Tuttle, that the issue be tabled until March 18th. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes. Motion carried 6/0/0.

NEW BUSINESS

Declare Mayor's Position as Vacant

Larry Sullivan, City Attorney, stated due to the resignation of Joe Dominick at the February 19, 2013 Council meeting, the Council needed to officially declare the seat vacant.

Jackson Fox moved, seconded by Norm Crume, that the City Council formally declare the set of Ontario City Mayor vacant, effective February 19, 2013. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes. Motion carried 6/0/0.

Discussion on Council Vacancies

Council President Jones opened up the action for discussion on the vacant Mayor position.

Councilor Fugate nominated Ron Verini for the position of Mayor. She read a statement into the record: *Ron served in the Air Force in Vietnam, and attended the New York Institute of Financial Management and joined the Lehman Brothers. Upon retiring, he moved to Florida to take care of his ailing mother. Upon her death, he came to the northwest to intern her in Seattle. He was tired of the humidity and hassle of Florida, and the family had vacationed in the Treasure Valley for many years, so on his way back, he stopped to check out Ontario. He liked the climate, the people, and the town. Within a week, he had bid on the old Arment House, and brought not only himself, but his brother to settle in our city. In the years he has lived here, he's set up Veteran's Advocates organizations in Ontario, opened facilities in Nyssa and Baker, serving all veteran's with their needs. He joined the Council in 2008, and has served the community for the last six years, longer than any other Councilor on this Board. Because of Veteran's Advocates he attends most of the functions in the city already, from Chamber meetings, to ribbon cuttings, meetings of many organizations in the community. The Mayorship would just be an extension of what he's already doing. He has attended LOC, (League of Oregon Cities) conferences since he started serving on our Council, attending the Mayor's meetings to ascertain the challenges of other communities. He has developed relationships with many of the politicians who work in our community and surrounding towns, the state representatives, and also nationally. Mrs. Walden makes quilts for the care packages that his organization sends to Walter-Reed. He attends the Police Board and all the planning meetings and so many others in the city and the county. If you have not read the commentary in last Monday's Argus, I will read the heading of his opinion piece: A Time for Ontario to Heal and Move On. I truly believe that, and I trust Ron to bring us together as a cohesive Council to serve the people of Ontario. Thank you.*

Councilor Verini stated his appreciation for the comment.

Charlotte Fugate moved that Ron Verini be appointed into the position of Mayor.

Councilor Crume stated prior to voting on a nomination, he had a set of questions to ask both Councilor Verini and Councilor Jones, who he believed was also vying for the position.

Councilor Fox asked why, didn't Councilor Crume didn't know them, or where they stood?

Councilor Crume stated he did, but it was about who was the best fit for the Mayor, and after excluding himself, he wanted to make sure those who wanted the position were qualified.

Question #1: Tell us about your communication skills with the public and the Council.

Councilor Verini stated he was the chairman of Veteran's Advocates of Ore-Ida, and they made a lot of presentations in the community, for both veteran's rights and the rights of the community. On the Council, he attended the Chamber of Commerce meetings weekly, where he spoke on many issues before the Council. He took opportunities to talk about the city when he attended different events, local or across the state. He certainly was excited to live here, and chose this area for his retirement. He had a leg up, because he wasn't born here, but chose it. Moving forward, he had the capability of presenting ideas to the community, and also had the time and effort to do it throughout the state.

Councilor Jones stated everyone knew his communications skills. He got right to the point. There was no beating around the bush. He was not afraid to disagree, and would also agree to disagree. He was pretty straight forward.

Question #2: How would he deal with tough decisions facing the Council?

Councilor Jones stated he would just like he'd already been doing. He had been on the Budget Committee for five years, which led him to being on the Council. He would tackle the issue and work through it. Sometimes the issues weren't popular, but he had the ability to rationalize the issue, and move forward.

Councilor Verini stated it was not so much dealing with decisions facing the Council, but in dealing with the Council and the ability to temper the mood on the Council and to set a direction for them all to work together as a team. They didn't all have to agree, but they were all on the Budget Committee, and they all had to make tough decisions. They, as individuals, brought the best of themselves to the meetings. The Council now had a chance to move forward and to excel with many decisions in the community. Having Mike Long join as the Finance Director brought a tremendous amount to the front line. Instead of making decisions in a vacuum, they could make good decisions. With his temperament and disposition, he could move the Council forward.

Question #3: What did he envision for the future of Ontario?

Councilor Verini stated he would strive for all of them to sit down as a community to set a vision for Ontario. They had been through some tough times – they had a pool issue that was ever growing; they had decisions that were coming before the city regarding education; and TVCC spoke at the Chamber meeting about the poverty to prosperity resolution. Bottom line, they, as a Council, and a community, had to think hard about the vision they had for Ontario. They had never, since he had been on Council, sat with the community about where the city was going in the future. They should, as a group, take that challenge and create a vision for the city and the community.

Councilor Jones stated in order for Ontario to succeed, it would require leadership. The community was looking for leadership to set the pace, and to lead Ontario into the future. There were some exciting things coming, and Ontario could be one of the largest data base centers in the western United States. They needed to work on that. Ontario was poised for being a distribution center due to the freeway and the railroad. Working through those would be a challenge, but doable. Ontario had been through some tough times, and they might not have handled it all correctly, but with new staff, it was moving forward. People were coming in looking for opportunity, and they were not getting a good view of the city. Attitudes were changing, but with the state of the country, state, county, and city, many things were coming up that would put hard decision making before them. The leadership of the Council and the city staff set the pace and tone for Ontario. In five years, this would be a different town.

Councilor Verini added that Councilor Jones brought up a very important fact. They, as a Council, especially after the resignation of Joe Dominick, forged forward and actually took the bull by the horns and approved the industrial lands project. They, as a Council, were extremely excited about moving that forward. Councilor Jones stated it eloquently – there was that opportunity now.

Question #4: Was he willing to listen to a different point of view? Give an example.

Councilor Jones stated the question was too open ended.

Councilor Crume suggested using an example of something that had happened at a Council meeting.

Councilor Jones stated he was in favor of paying the TOT back to Streets, but was willing to wait to analyze the impact on the General Fund and that impact could possibly change his mind. But, as of today, he was in favor of paying it back where it belonged.

Councilor Verini stated he was not in favor of paying it back, but that didn't mean he couldn't change his mind. The reasoning behind it was simple - the TOT was given to the city and to the taxpayers. The Council inadvertently, or mistakenly, put it into the General Fund instead of Streets. With that said, that General Fund money was used for the betterment of the citizens. In speaking with the Public Works Director, and riding around the city and seeing the quality of the streets, it would be a disservice to the community to be forced to pay that money back, especially over a short period of time. If they all agreed it should be paid back, give it a period time that it wouldn't hurt the city's progress, then yes, that might make sense, but to select a period of seven or eight years certain, they would then be doing a tremendous amount of damage to the city. It was approximately \$300K per year. They had corrected the problem, and it was now going back to Streets. If they did that at the same time as having to make a payment of \$300K, it would be difficult to move forward with quality of living issues - be it the pool, or general services of the community. They had already reaped the benefits of that money for the citizens, but moving forward, they had to be careful. If he could be convinced it wasn't right, or legal, he would cross that bridge then. Right now, he was on the opposite side of Councilor Jones, but with an open mind.

Councilor Jones stated that was what separated he and Councilor Verini. First, there were repercussions when rules weren't followed. The TOT was startling. He respected Councilor Verini's opinion, but disagreed. They had to stop and regroup. The job of the Council and Mayor was to ensure they followed the City Charter and they played by the rules. He was willing to wait to review the numbers, but they would have to be dramatic to change his mind. The Streets Department was the poorest department in the city, and it needed to be cleaned up. They needed to pay it back to streets, improve the streets, and get back to following the rules.

Question # 5: How would he be a team player?

Councilor Verini stated he was a team player. In taking a look at the overall picture of the city, at the diversity on the Council, and putting them together, team player meant different things to different people. It didn't mean they had to be on the same wavelength. They could have a difference of opinion on the TOT, but because they were going forward with a clean slate, especially with budget and all the facts and figures, they would be able to, all of them, be able to work out their issues and move forward as a team.

Councilor Jones stated maybe in the past the Council had been too much of a team player. The Mayor had been too much of one, getting involved too much with city staff. Did he want team of the city, of the Council, or of the staff? He had changed his mind on issues before. Working with the City Manager was a team effort, and even if he disagreed, he would show support in running the city. The team part was misunderstood and misdefined on what a team was and how the Council got involved.

Councilor Verini wrote down a saying - he wondered sometimes how come there could be so many currents in such a little pond, and then in reflecting upon the importance of each one, to produce the strength of a wave. That was how they moved forward - so many different currents on the Council, producing reflection of how to move forward as a city.

Question #6: How would it be a more cohesive Council if he were Mayor?

Councilor Jones stated it would be to redefine the position of Mayor. Get back to what the Mayor should be doing. It's a wonder the city wasn't in a lawsuit. The Mayor was a Councilor – one of seven votes. They needed to back up and give staff room to breathe, to work, and do their jobs. It was the Council's responsibility to make sure procedures were done correctly. It wasn't as big a deal as it was thought to be.

Councilor Verini stated the position of Mayor was the activities of the Council. Councilor Jones expressed it well in that the position was only one of seven. When Joe [Dominick] stepped down, it gave the Council the chance to relook at what they were doing up there, as a Council, and gave them the ability to move forward with a solid direction. The position of Mayor not only ran the meeting, but also represented them in the community, at ribbon cuttings, giving speeches, or representation at trainings – that was important to remember when thinking of who to put in the Mayor position. There was much more than just running the Council meetings. Much more communication in the community was needed, and with the staff. He had a leg up because he already had a good relationship with staff. He had a chance to move forward with a more cohesive Council and a more civil Council.

Question #7: What kind of meeting skills did he have to move the Council forward?

Councilor Verini stated he didn't know if he had any more than any other Councilor. The rules were set regarding how the Council was supposed to run. The Council had a Charter to follow. They needed the flexibility to take it all with a grain of salt, but at the same time to know the rules of order. If he was running a meeting and he was off base, the one person who would step in was Councilor Jackson. He was sure if he was out of order, Councilor Fox would put him back on track. Each of them had special skills. Councilor Jones was more outspoken, but they all the chance to move this Council forward.

Councilor Jones stated he had the ability to get stuff done. They needed to shorten the meetings, focus on the agenda, keep order, and follow the Charter.

Question #8: How would he build a good working relationship with staff?

Councilor Jones stated he would step back, play by the rules, work with the City Manager, and down through the City Manager to the Department Heads. They had an excellent crew, from the employees to the Department Heads. They were very fortunate. The more he got to know them, they were excellent. There was a new City Manager, getting the feel for the city. It was his job to allow that person to do his job, and to support him, and to support the city staff and employees. They were paying the City Manager, so let him do the job. It wasn't the Mayor's job, or the Council's job, it was to support him and follow the rules.

Councilor Verini stated he believed he already had a good relationship with staff. Councilor Jones mentioned the rules to move forward. The Council determined who was managing the city on a daily basis – the City Manager. The Council gave the City Manager direction, but there was one part he wanted to mention, somewhere along the line they had to pull together and actually talk about the non-reps and the union, and bring them together. The unions and the non-reps would be more comfortable moving forward as a team.

Question #9: Did he have the necessary time to devote to being Mayor?

Councilor Verini replied absolutely, without question. He had the luxury of being the Chair of Veteran's Advocates of Ore-Ida, headquartered right across the street. Because of his 70+ volunteers, his workload over there could be picked up by the volunteers, giving him the chance to serve this community as Mayor. Looking at the functions he attended anyway, such as the Chamber meetings each week, that gave him a pulse on the city with the business community. Since his appointment to the Council, he had attended every LOC meeting, including attendance in the Mayor's session over the past two years, and had been accepted well. He had the time, the capability, and the demeanor to be Mayor.

Councilor Fox stated about six weeks ago, when the Council was preparing to elect a Council President, Councilor Verini told him then that he didn't have time, and didn't want to be Council President. What had changed?

Councilor Verini replied it was the same situation as when he spoke with Councilor Jones earlier, he had said he didn't have time to devote to Mayor, but now they both saw the need to step up into that position. So, he had since cleared his table so he could step in.

Councilor Jones stated he would make the time. There was a year and eight months to cover the seat. It was a challenge for him to step up and he'd do his best in the position. But, he wanted to prove, also, that a person who was a business owner, who was active, and busy, could be a successful Mayor. Elections were coming up, there were committees to fill, and he wanted to set an example, that someone could sit in that seat, and run a business, maintain a family, maintain his personal life, lead as a Mayor, and be successful, to set an example for others to come forward in the future to fill the seats. Yes, he was concerned about his time management, but he believed he was up to the challenge. They'd know in a year and half if he pulled it off. It was a great opportunity to set the stage and the example.

Question #10: How did he propose to resolve the issues surrounding the Ontario Aquatic Center?

Councilor Jones stated everyone knew his position on the Aquatic Center. He had spoken up a lot about it. The frustration he had was that there was no plan for the Center. Maybe it was the city's inability to operate an enterprise, such as the Golf Course. That facility [pool] – right now, as it was, was done. The Budget Committee two years ago made a recommendation to put it out for a vote, but a majority of the Council declined that recommendation. It didn't go before the people, to see what they wanted. There was almost \$2M worth of renovations needed. He questioned how the department was set up. He brought up many times that the Recreation Department should have its own department, not under the Aquatic Center. He was for an aquatic center, but that there could be some type of aquatic center down the road, but they could not continue to push this aside. They needed to tackle it head on. They needed to determine if they were going to shut it down temporarily. No one had presented him a plan that would show the pool running successfully. Until they had that plan in place, he could no support a \$2M renovation, or the way it was being run currently – and that included the Recreation Department and the Golf Course. He was very concerned. He was not afraid to say it couldn't continue. They had to have change. There were ways to acquire an aquatic center. He was very concerned about the Center, and until a plan was brought forward, it was hard to support.

Councilor Verini stated the Aquatic Center was a quality of life issue. They might have to re-explore those issues, whether it be through a vote of the people, or much like they did with the golf course, maybe partner with another organization, to make it successful. It was a very important part of community. He had heard rumblings about the Payette pool having problems, like ours, but we, as a city, could figure out how to move forward, with not only the budget, but also the qualities of the issues they tackled every day. The pool was a very important part of this community, for economic development for one thing, being able to offer that was important. Maybe they could temporarily continue to operate with band-aid fixes for now, keeping the pool open, but there would be a time when the infrastructure would fail, and something drastic might have to be done. But in the meantime, much like the Golf Course, there could be new life coming down the road.

Councilor Jones stated the difference between the Golf Course and the Aquatic Center was that the capital improvements were done and paid for at the Golf Course, but none were done at the Aquatic Center. That was a huge difference between the two enterprises. Even if a YMCA or something came in to look at the pool, the city would still have a major renovation regardless of whether or not an outside entity came in to partner. Those were apples to oranges. The difference between he and Councilor Verini, was that Councilor Verini's position was that they could work around something, nurture it, get everyone involved, but this had been going on for over six years, and leadership needed to take hold of it and get it taken care of.

Councilor Verini stated the Council had an opportunity to think outside the box. What they had done in the past hadn't worked. With new vision each Council had, they might arrive at an idea to move them forward, whether it be the city, the pool, or the Council.

Question #10: How would they work to resolve the TOT issue? Since they had both already spoken on the issue, with Councilor Verini not in favor of paying it back, what would he do to take care of the streets? If the Council chose to not pay back the \$2.4M to streets, how would he fund the streets?

Councilor Verini stated they had already approached that problem. They had redirected the dollar amount that was going into General Fund back to into Streets. Looking at the city in general, the streets were not in bad shape. Certainly, improvements always could be made, but to jeopardize the city as a whole to pay back that particular money over a short period of time, wasn't prudent or fiscally responsible. If they wanted to pay it back, pay it back over a period of time that made sense to keep the city whole in moving forward, and to not destroy the city's General Fund. That was the prudent thing to do. This was where he and Councilor Jones differed. They could approach it, work through it, and arrive at a solution.

Councilor Fox stated a few years ago, a study was done that identified over \$8M of street repairs needed. So he was taking exception to what Councilor Verini said, saying it was okay to take \$2.4M away from Streets.

Councilor Verini didn't say the streets were all good,, he said they were not in bad shape. If they put in a \$6M budget in Streets, they would find ways to spend it. The quality of the streets was good, and the fact that they had fixed the error was the first step. Over the next few years, following that redirection back into Streets, the improvements could be made.

Councilor Crume stated, if he understood Councilor Jones, he would like to see the city pay back the \$2.4M, meaning approximately \$550K less in the General Fund each year, so how would he move the city forward, funding the current city services, with a \$550K reduction in the General Fund?

Councilor Jones stated that was hard to answer without numbers from the Finance Director, which was one reason the action had been previously tabled. It came back to abusing or misleading what the TOT was for. They couldn't continue to go down that road. The Streets needed it. They weren't building something new with the \$2.4M – Streets needed the funds. With the work of the Finance Director and staff, they would get the numbers for them to analyze and work through. Yes, there would be cuts – there would have to be, and there better be. They would make that decision when they looked at the numbers. He believed the city budget would be able to handle it. They were looking at between \$25K and \$30K a month as payback. It would just be a readjustment of funds. Put the money back where it belonged, and let the Street Department pick up a couple projects for the upcoming budget and get to work.

Councilor Crume asked where he would make cuts.

Councilor Jones stated he couldn't answer that question until he saw the numbers. They could debate this issue, and dance around it, just like they did with the Aquatic Center. Now they were dancing around the TOT issue. Until he saw the financial impact, from the Finance Director, on what they could do – there were going to be cuts. Did he want him to say it? Did he want him to say cuts would be in the Fire Department and the Police Department? He didn't know. It wasn't an intelligent answer. They would look at the numbers, they would make an intelligent decision, and they would move forward.

Councilor Tuttle confirmed that Councilor Crume used the amount of \$550K?

Councilor Crume guessed at \$550K per year. Last year, the TOT added up to \$308K, so rounding it off to \$300K per year. It was his understanding that the TOT was miss-funded for about ten years, at approximately \$250K per year.

Mr. Long stated it had been nine years.

Councilor Tuttle stated that was about \$2.4M approximately.

Councilor Crume stated those two numbers added together was approximately \$550K per year. That was the \$300K that was not going into General Fund anymore, plus, if they paid it back, there was an additional \$250K per year, over a nine or ten year period, if that was the way it was repaid.

Councilor Fox asked why they would add those two numbers together, instead of just shortening the TOT?

Councilor Crume stated he wasn't shortening the TOT, he was shortening the General Fund by \$550K a year, if that's the way they chose to do it.

Councilor Fox stated the General Fund never deserved it.

Councilor Crume stated the General Fund wouldn't have that amount to spend, as they moved forward.

Question #11 - Why did he want to be Mayor, and why would he be a good Mayor for Ontario?

Councilor Verini stated the biggest reason was the fact that ever since he had been on the Council, since 2008, as the years passed, the discrepancies on the Council increased, the demeanor and the disposition of the Council became volatile. He wanted to do this because he felt this Council, as a group, had the capability of moving forward. With his temperament and disposition, they could do that to a great extent.

Councilor Jones stated he was fiscally conservative, took the position as a responsibility as a citizen of this town, as a business owner in this town. There were many things coming before them - some challenges, some positives. He believed he had the ability to make decisions, understand the numbers, and he could direct, lead, and support the city, the staff, and the Council.

Councilor Crume thanked everyone for their time, and truly believed it had been important for everyone. He hoped that he had come across as unbiased.

Charlotte Fugate moved, seconded by Norm Crume, to appoint Ron Verini as Mayor. Roll call vote: Crume-yes; Fox-no; Fugate-yes; Jones-no; Tuttle-no; Verini-yes. Motion failed 3/3/0.

Resolution #2013-106: Request Change in Boundary of Malheur County Enterprise Zone

Jim Jensen, Malheur County Economic Development Director, has asked this action be removed from the Agenda. He anticipated bringing it back before Council at the March 18, 2013 meeting.

Charlotte Fugate moved, seconded by Jackson Fox, to table Resolution #2013-106 to the next City Council meeting. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes. Motion carried 6/0/0.

Resolution #2013-107: Accept Easement for Public Water Main Crossing the Property of 8C School District at Aiken Elementary School

Dan Shepard, stated 8C School District had added class rooms to Aiken School, 1297 West Idaho Avenue. A water main was constructed on the development site to provide potable water and fire service to the development. Water mains, fire hydrants and meters were to remain under control and jurisdiction of the city. The easement gave the City of Ontario the authority to maintain and repair this water main and meters as necessary. Utility easements were very common for larger businesses. Having these easements in place also provided the business with adequate utility and fire service. The City of Ontario requested a 20-foot wide utility easement for the water main at Aiken School and the District accepted conveyance of the described easement for a water main and agreed to the terms of the City.

Norm Crume moved, seconded by Charlotte Fugate, that the City Council accept Resolution #2013-107, **A RESOLUTION ACCEPTING AN EASEMENT FOR A PUBLIC WATER MAIN CROSSING THE PROPERTY OF 8-C SCHOOL DISTRICT AT AIKEN SCHOOL**. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes. Motion carried 6/0/0.

Resolution #2013-108: Denying Loren Weideman's Gainsharing Claim

Larry Sullivan, City Attorney, stated on August 16, 2004, the Council adopted Gainsharing Resolution #2004-130; on August 17, 2009, the Council adopted Resolution #2009-120, rescinding Resolution #2004-130; and on February 6, 2012, in response to a demand letter from Loren Weideman's attorney, the Council passed a motion to temporarily reform the Gainsharing Committee to evaluate Mr. Weideman's claim in accordance with the gainsharing guidelines established through Resolution #2004-130.

The timeline for Mr. Weideman's Gainsharing claim was as follows:

- In 2004, the City Council passed a Gainsharing resolution creating a policy and guidelines for Gainsharing;
- In August, 2005, a City employee, Swen Peterson, quit after taking a new job elsewhere. A large portion of his City job during the irrigation season (approximately six months of the year) was to maintain the irrigation works (pumps, etc.) on land that the City was leasing to farmer Doug Stipe;
- When Swen Peterson quit, Loren Weideman sent an email to Scott Trainor suggesting that the City should not hire an employee to replace Peterson but should renegotiate Doug Stipe's lease to have Mr. Stipe handle the operation and maintenance of the irrigation system. He noted in the email that his suggestion was similar to what the City had done in its Skyline Farms operation;
- On August 29, 2005, Scott Trainor emailed him that it was a good idea and "we'll be getting back with you to have you share the idea with the Gainsharing Committee". According to Scott Trainor's subsequent recollection, he did not convene the Gainsharing Committee because Mr. Weideman failed to give him a proposal with sufficient details to implement it;
- In December, 2005, the lease with Doug Stipe was renegotiated by City personnel, and no employee was hired by the City to replace Swen Peterson;
- Sometime thereafter, Loren Weideman prepared a formal Gainsharing proposal. The exact date is unknown, but it appears from an email that Loren Weideman's wife wrote to Scott Trainor that the formal proposal was prepared around August, 2006;
- In 2007, Scott Trainor quit without resolving the Gainsharing claim made in Mr. Weideman's proposal and without convening the Gainsharing Committee. No action was taken on it thereafter;
- In 2009, the Gainsharing resolution was rescinded by the City Council.
- On February 6, 2012, in response to a demand letter from Mr. Weideman's lawyer, J. David Coughlin, the City Council re-formed the Gainsharing Committee to evaluate Mr. Weideman's Gainsharing written proposal.

Resolution 2004-103 created the following guidelines ("Gainsharing Guidelines") to determine which ideas were eligible for Gainsharing [see paragraph no. 1 below]; which were ineligible [see paragraph no. 2 below]; and the procedure for Gainsharing submissions [see paragraph no. 3 below]:

1. Eligible Ideas. Any unique, innovative/creative proposal that is created, researched, and developed by an employee(s) that results in:
 - a. Cost savings to the City over a multi-year period. These savings must be measurable in actual, hard dollar figures; and,
 - b. Equivalent or increased customer service, to either internal or external customers; or,
 - c. Recognition of missed revenue opportunities within existing revenue streams (example: quicker billing of accounts receivable, showing earlier receipts and possibly increased interest earnings).

2. Ineligible Ideas. The following are ideas which are generally considered to be ineligible for gainsharing bonuses:
 - a. Concepts that provide for one-time savings.
 - b. Non-unique ideas that merely "piggyback" off of existing policies, practices, or normal operating procedures (example: going out to bid for services).
 - c. Anything that, at the discretion of the City Manager or Gainsharing Committee, does not seem to fit the overall spirit of this policy.

3. Process:
 - a. Employee(s) develop concept idea and provide a written submittal to City Manager. If developed as a team, the written submittal must include all the names of the team involved in creation and development of the idea.
 - b. City Manager reviews concept and determines whether the idea should be developed further.
 - c. If the idea has merit, then the City Manager gives approval to further development of the concept to the Employee(s).
 - d. Employee(s) fully research idea, develop necessary information, develop implementation strategy (timelines, procedures, costs, etc.), and provides a written and oral presentation to a "Gainsharing Committee", made up of the City Manager, Finance Director, Applicable Department Head, and Council-member.
 - e. The Gainsharing Committee determines feasibility of final concept and, if feasible, provides a recommendation to approve. All proposals that come before the Gainsharing Committee, whether approved or not, shall be presented to the City Council and the Council shall have final approval authority.

On February 25, 2013, as required by the Council, the temporarily re-formed Gainsharing Committee met for the purpose of evaluating Mr. Weideman's Gainsharing claim and making a recommendation to the City Council as required under paragraph 3.e. of the Gainsharing Guidelines. The Gainsharing Committee unanimously passed a motion to recommend to the City Council that Mr. Weideman's claim be denied. The Committee also passed a motion to adopt findings of fact and conclusions of law, which were included in Resolution #2013-108 as Exhibit 1. The timeline set forth in this staff report was included as Exhibit 2 to the Resolution.

In December, 2012, the city attorney interviewed a current employee, Andy King, as well as two former employees, Steve Gaschler and Ken Rawson, about the impact of Swen Peterson's leaving on the remaining staff. Those interviews supported Findings of Fact #5 and #7 that were made by the Gainsharing Committee. That memorandum was included as Exhibit 3 to the Resolution.

The City's original lease in 2004, along with the 2006 addendum, was attached to the Resolution as Exhibit 4.

At the City's invitation, Loren Weideman attended the Council work session on February 28, 2013, at which Mr. Weideman's wife, Kelly Weideman, made an oral presentation and submitted an additional exhibit, a 2009 memorandum from Public Works engineer Bob Walker to City Manager Henry Lawrence, which was now marked as Exhibit 5 to the Resolution. At that presentation, Mrs. Weideman told the Council that Loren Weideman had talked with Doug Stipe about whether he was willing to renegotiate his lease. As a result of that presentation, the City attorney recommended striking a portion of Finding of Fact #9, as shown in revised Exhibit 1 to the Resolution.

Kelly Weideman stated the Council talked about paying back the TOT because it was the right thing to do, and there were rules to follow. That sentiment applied to this action. Just because it no longer existed, didn't mean it didn't happen. She reminded them about the things they talked about - the decision was not about whether they agreed with the resolution, or if the city could afford it, that wasn't the issue. There was a resolution, the city didn't follow through, and it had been in limbo for seven years. Was the city going to do the right thing, or choose not to deal with it and wipe it away? They weren't talking about \$2.4M, but she would like to see the Council follow the rules and apply them to this issue.

Councilor Fox stated it didn't appear Mr. Weideman followed through and met the burden of the program.

Mrs. Weideman stated this had gone on for seven years, and it was 3½ years ago that it came before the Council. When employees sought information, they didn't have access. He [Loren] had spoken with the farmer, and Scott Trainor, but not Steve Gaschler, right before those two left. But, things were chaotic, and they didn't address it before they left. It took an entire year just to get the fully burdened wage information from Human Resources.

Councilor Fox understood her comments on the time line, but he didn't see where it was fully explained on how to implement this practice. It appeared that this guy said to just not hire someone. It didn't tell the remaining steps about implementation. The gainsharing program specifically addressed the whole picture.

Mrs. Weideman stated to have an employee be able to tell the city, or the City Manager, to have him be able to lay out a complete outline of how it would happen, it wasn't logical to think an employee could do that. He didn't get all the information he needed from other parties. In seeking out the information from those who had it, it wasn't readily available or it was not provided.

Councilor Fox stated if he couldn't follow it through...

Mrs. Weideman stated if management wasn't willing or able to provide missing information, it didn't make sense that he would lose because of that.

Councilor Fox stated he understood, and he was a rule follower, but they had to follow all the rules or they didn't meet the burden.

Mrs. Weideman stated they placed a burden that no employee would be able to follow.

Councilor Fox stated he didn't see where he met the burden of the gainsharing program.

Mrs. Weideman stated she didn't understand how they could think he would be able to do that.

Councilor Fox stated he didn't know how to implement it either, but he could only go on what documents he had. Just because he recommended to not hire a replacement employee, he still needed to address all the rules.

Mrs. Weideman stated the proposal did have information, more than just saying not to hire. But Loren's ability to outline an implementation strategy wasn't possible. Plus, there was 7.5 years of changing leadership and management. Within months of making the suggestion, the idea was implemented, and money was saved by the city. That was pretty crappy.

Councilor Crume stated on Line 2 , sub-paragraph B, of the gainsharing policy, it read that a "*...non-unique idea that merely piggy-backed off existing policies, practices, or normal operating procedures, were ineligible ideas.* The Findings of Fact and Conclusions of Law, first paragraph, stated that "*...the idea that Mr. Wiedeman's suggested in his email on August 26, 2005, to Scott Trainor was not unique. It relied on and specifically referred to a procedure that the city had already implemented with another farm tenant in the city's 1998 Lease with Skyline Application Systems.*" Didn't that void Mr. Weideman's claim?

Larry Sullivan stated if the Council made that Finding of Fact, there was substantial evidence to support that Finding by the Council, and that would serve as a basis for denying Mr. Wiedeman's gainsharing claim.

Charlotte Fugate moved, seconded by Ron Verini, that the City Council adopt Resolution #2013-108, **A RESOLUTION DENYING LOREN WEIDEMAN'S GAINSHARING CLAIM.** Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes. Motion carried 6/0/0.

Ordinance #2677-2013: Amend OMC 6-2 re: Animals, Dogs, and Fowl (1st Reading)

Mark Alexander, Police Chief, stated the Police Department would like to amend Municipal Code Title 6, Chapter 2 relating to Animals, Dogs and Fowl in order to allow residents to keep domestic fowl on their property. On February 14, 2013, after receiving a citizen request, Council agreed to changes in city code to allow domestic fowl on properties within the City of Ontario.

Ontario Municipal Code Title 6, Chapter 2 regulated the ownership of certain animals along with dogs and fowl. City Code currently prohibited the ownership of domestic fowl within the City of Ontario. The Police Department and Council heard from residents who would like to keep domestic fowl for butcher or for collection of eggs. The Police Department was open to this with the exception of roosters due to the noise they created and as long as animals did not run at large. Also, the Police Department did not desire requirements for permits to keep domestic fowl.

At the request of the Council, he had done some research into the issue of Avian Flu, but found that there were steps in the ordinance to address that. There would be a roof required on the cages, and the birds had to be contained to avoid contact between the chickens and wild birds. If bird flu was contracted, it was addressed in the Malheur County Emergency Management Plan. Also, there had been concern about the conditional use permit, and that section had been stricken from the ordinance.

Charlotte Fugate moved, seconded by Larry Tuttle, that the Council adopt Ordinance #2677-2013, **AN ORDINANCE AMENDING ONTARIO MUNICIPAL CODE TITLE 6, CHAPTER 2**, on first reading by title only. Roll call vote: Crume-yes; Fox-no; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes. Motion carried 5/1/0.

UbiquiTel Water Tower Lease Amendment #1

Jackson Fox moved, seconded by Norm Crume, to table this matter pending a recommendation from the Public Works Committee on the action. Roll call vote: Crume-yes; Fox-yes; Fugate-no; Jones-yes; Tuttle-yes; Verini-yes. Motion carried 5/1/0.

Resolution #2013-109: From Poverty to Prosperity

Councilor Jones read the resolution into the record:

A RESOLUTION OF THE ONTARIO CITY COUNCIL ENDORSING "MALHEUR COUNTY: FROM POVERTY TO PROSPERITY"

WHEREAS, "Malheur County: From Poverty to Prosperity" is a grassroots plan, driven by volunteers, an advisory committee, action committees, and private businesses leaders in a county-wide effort to build upon, broaden, and enhance economic development and create prosperity for our citizens that is productive, inclusive, and sustainable; and

WHEREAS, the public sector/local government, as a leader and integral partner, must be fully engaged and supportive of the plan for its success and lasting impact; and

WHEREAS, "Malheur County: From Poverty to Prosperity" is a five-prong focus, with separate action committees and action plans, on each of the following: Career Technical School; Expansion Industrial Land; Utilization of Natural Resources; Retain Local Businesses; and Expand Agriculture Traded Sector

NOW, THEREFORE, BE IT RESOLVED by the Ontario City Council as follows:

The Ontario City Council endorses "Malheur County: From Poverty to Prosperity" and will actively engage and integrate it into its legislative, planning, zoning, educational, transportation, and economic development activities.

Jackson Fox moved, seconded by Norm Crume, to adopt Resolution #2013-109: **A RESOLUTION OF THE ONTARIO CITY COUNCIL ENDORSING "MALHEUR COUNTY: FROM POVERTY TO PROSPERITY"**. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes. Motion carried 6/0/0.

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Mark Alexander stated he was working on a Strategic Plan for the Ontario Police Department - where they were, and where they should be going. He would be having a public meeting on March 20th, beginning at 6:00 p.m., in the Collins Room at the Cultural Center. He invited the Council and the public to attend.
- Larry Sullivan informed the Council he would bring an ordinance back that would implement a procedure for enforcing the Council provision that allowed the Council to declare a vacancy if a Councilor violated the Charter. He hadn't brought that back to the Council yet, and he wanted to confirm the Council wanted him to continue on, or maybe the issue could be dropped.

Councilor Verini stated they could probably stop the procedure.

Councilor Fox stated that would stop the procedure to tell them if the Charter was valid. He didn't understand why they couldn't just use the verbiage that was in the Council Rules.

Mr. Sullivan stated it didn't set forth the procedure that would need to be followed, that would ensure it met the requirements of the Oregon Constitution. If the Council wanted to implement that Charter provision, there had to be a formal procedure adopted that addressed the requirements under the Oregon Constitution.

Councilor Verini stated they weren't going forward with the whole review of the Charter; it was just a very small piece. If they wanted to review the entire Charter, that was one thing, but under the circumstances, due a whole review or pull it.

Councilor Crume stated he didn't see a hurry for this, for obvious reasons, but his concern was what if somewhere down the road, this came up again. When Mr. Sullivan had time, maybe he could go ahead because the validity questions were still there.

Mr. Sullivan stated he could keep it on his "to do" list, if there was no pressing reason to complete it now.

Councilor Fugate stated they could end up spending \$10-15K to find out. She didn't know if they needed to know that badly.

Mr. Sullivan stated it might not even be challenged. If the Council enacted an ordinance and the Circuit Court was asked to confirm the procedure, and there were no opposition, the judge could legalize the action. In that way, it wouldn't cost nearly that amount of money.

Councilor Fox stated maybe they could discuss it at the next study session, or for a future Council discussion.

Councilor Verini stated they were also talking about the possibility of reviewing the entire charter.

Councilor Crume stated since nothing was pressing, maybe follow Councilor Verini's idea to review the whole Charter, maybe in the future. If something came up, then move on it then.

Councilor Fox stated he wanted to discuss it at the next work session. He didn't want anyone to think the city's Charter was unconstitutional under Oregon law.

Council consensus to discuss at the next work session.

- Councilor Verini thanked everyone for attending the meeting. It was the fullest house in a long time, and the community interest was tremendous.

- Councilor Fox stated he wanted to find the disconnect with the Public Works Committee. They met two weeks ago, but the Council stated they had not heard of a recommendation regarding the TOT. Was it staff, or the resignation of the Mayor, or?

Bob Walker stated the PWC had met, the issue of the TOT had been discussed, and the Chair (Riley Hill) was supposed to attend the Council meeting to give a presentation. He wasn't sure what had happened.

Dan Cummings, PWC member, stated it showed that the action had been tabled, or Mr. Hill would have been there to discuss it.

Councilor Fox wanted a report on the item from the Public Works Committee.

Mr. Walker stated that was supposed to be the presentation by Mr. Hill.

Mr. Sullivan stated if he recalled correctly, the motion made was for a number of things to take place, one being to get a recommendation by the Public Works Committee. The action could then come back before Council. Then the recommendation of the PWC would become part of the record.

Councilor Fox stated somehow they needed to ensure the PWC recommendations made it into the Council packets.

- Councilor Fox stated if the city wasn't going to proceed criminally on the Rachel Hopper matter, it was his opinion they should proceed civilly and send her a bill for the credit card charges, the differences in Dan Norris's report, and everything else that added up. Send her an invoice and ask to be paid.

Mr. Sullivan stated he could do that, if that was the direction the Council wanted him to take.

Councilor Jones asked that it be added on the Agenda for March 14th.

- Councilor Tuttle stated when they discussed the water tower and the UbiquiTel lease, it was his understanding that property was supposed to be declared surplus. If it was, so were the towers.

Bob Walker stated in 2006, he requested demolition prices on the water towers. In July 2010, then Public Works Director Chuck Mickelson again asked for demo prices for the two towers. That was put in as a CIP for the current budget to take the towers down, but those were cut from the budget. He contacted those agencies that had provided bids, and Isler Demolition, Inc. stated they could remove both towers, but they wanted the scrap. That would run about \$80K to \$100K, provided there was no lead based pain abatement necessary. If, when the towers were cut with torches and lead based pain was located, requiring an abatement, it would increase the cost 5x that amount, per tower, so up to \$400-500K.

Councilor Fox asked staff to verify it had been declared surplus property.

Councilor Tuttle stated there would be no reason to get into a long term lease with UbiquiTel.

Mr. Sullivan stated a declaration of surplus property would have had to be done by resolution, and he wasn't sure if that had ever been formally done. It might have been "understood" that once Public Works moved, that would happen, but he knew he hadn't prepared one.

Councilor Tuttle asked if the zone change had been completed.

Mr. Sullivan stated yes, on that one piece. There needed to be a review of all public property to ensure the proper zones were being utilized. Public facility would be restrictive.

Councilor Jones asked to have that issue brought back to the next works session.

- Councilor Crume stated spring was coming, so serve day was coming up. This would be the sixth year, and if anyone knew of properties that needed revitalization, or if anyone wanted to donate time to help out, contact him. Serve Day 2013 was scheduled for May 11th.
- Councilor Fugate stated the feral cat project would be having its annual yard sale (their only fund-raiser), and they were looking for donations for the sale. The Project had trapped over 1,700 cats in 2½ years, and it was really a community service. But, they were running out of funds, and needed help. Contact her with questions, or the OPD ordinance officer.
- Councilor Jones stated this coming Friday, out at the Golf Course, Ed Meyer, of Rodinator Company, was donating some machines, he [Chevron] was donating propane, and NORCO was donating oxygen, and they were going to be taking care of gopher issues. They were also looking for help with identifying and flagging some holes. Thursday they would be identifying the holes, and Friday they would be blowing the holes.
- Councilor Jones thanked those in attendance for coming to the meeting that night. It had been a good debate.

EXECUTIVE SESSION

ORS 192.660(2)(a)

An executive session was called at 9:35 pm under provisions of ORS 192.660(2)(a) to consider employment of an officer, employee, staff member, or agent. The Council reconvened into regular session at 11:25 pm.

ADJOURN

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

APPROVED:



Dan Jones, Council President

ATTEST:



Tori Barnett, MMC, City Recorder