

COUNCIL MEETING MINUTES

March 5, 2012

The regular meeting of the Ontario City Council was called to order by Mayor Joe Dominick at 7:00 p.m. on Monday, March 5, 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, Al Higinbotham, Larry Sullivan, Lisa Hansen, Mark Alexander, Chuck Mickelson, Bob Walker, Yorick de Tassigny, Dan Shepard, Lonnie Justus, Justin Allison, Gary Gibbs, Todd Higinbotham, Mark Saito, Tauni Thode, and Lynsey Hanson. The meeting was recorded on tape, and the tapes are available at City Hall.

David Sullivan led everyone in the Pledge of Allegiance.

AGENDA

Mayor Dominick added item 8D to New Business – Acceptance of City Manager Resignation.

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

CONSENT AGENDA

Charlotte Fugate moved, seconded by Ron Verini, to approve Consent Agenda Item A: Approval of the Regular Minutes of 02/21/2012; and Item B: Approval of the Bills. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

PUBLIC COMMENTS

Clayton Kramer, Ontario, rural fire board member, stated after 22 years, Carl Judy would be stepping down from the Rural Board, as he had moved to Vale. They would be hosting a party at Fire Station Two, on Wednesday, March 7, beginning at 6:30, and everyone was invited to attend the gathering.

Charlene Pellan, Ontario, stated she was there on behalf of Military Child Education Coalition, the Army National Guard, and the Veteran Advocates of Ore-Ida, to invite everyone to attend the public engagement in Ontario on Wednesday, April 18, from 9-4, at the John Brown Armory. Seven of them were privileged to attend a statewide engage in Salem last October, resulting in Ontario being selected to host the first of several regional engagements for the Coalition. The purpose was to bring together approximately 100 key leaders in order to develop community specific action plans that would enhance the support of the military children, many of who have parents on their second deployment, or who had experience grief or loss as a result of injury, death, or illness. The City Council had been identified as community leaders, who had a key interest in the well-being of this community's families and children. It was believed they had both the interest and ability to help the community create home front support for the military families. It was not their intent to add additional work to busy schedules, but to involve them in the collaborative planning and development of systems, policies and programs that could be integrated throughout this community. Save the date notices would be sent out, followed by a written invitation asking for an RSVP. It was a tremendous honor to be the first city to host this public engagement, and she encouraged them all to attend.

Kevin Good, New Plymouth, Idaho, stated he was there on behalf of the Ontario State Race scheduled for March 31 and April 1, 2012. A section of downtown Ontario would be blocked off for a portion of the race; however, they had been getting some opposition from some downtown merchants. He had read the permit, and didn't know if they needed 100% buy-in from the downtown merchants. That was why they were there before the Council that night.

Mayor Dominick received statements from two who could not make meeting.

First, from John Breidenbach, Chamber Director, wrote: Unfortunately, I will be unable to attend this evening. I'd like the Council to know that Ontario Chamber is in favor of the bicycle race and tour of Ontario, to be held March 31 and April 1. For your information, the Ontario V&C Grant Board has awarded a grant for this event to the local promoters.

Second, from Malheur County, Bill Lawrence, in summary, Malheur County supported the event, and based on the planning letter, the road department was concerned about available parking, but they would be using private ground off the roadway. They wished for a successful event, and indicated they would provide a sheriff.

Mayor Dominick stated he was in support of the event, but he hadn't spoken to the other Councilors. He had received a Petition from David Eldridge in opposition, and there were numerous signatures on it. A copy of the Petition would be incorporated into the record by this reference. In answer to Mr. Good's question about permitting, that would be processed through the Planning Department, and a response would be provided shortly.

Vickie Hienz, Ontario, after they were apprised of the Petition, they were surprised. It didn't make sense. Michael and Todd had spoken with many of the downtown merchants, and they all seemed to be on board, except for Mr. Eldridge. In trying to find out what had occurred between that talk and now, she spoke to one who had signed the petition, who indicated she was approached and had been given some definite misinformation about what was going on. She said was she aware of the race that would close the downtown area off. She said no. Mr. Eldridge told her how much money he would lose. She asked him if there were any local people involved. He told her no. Well, Jolts was in the bike business, it was natural that they would be spoken to, and her son-in-law was also an avid biker, and Jolts was a major sponsor. The truth was not presented accurately. It was an opportunity for people to come to Ontario, and for the downtown area to be showcased. It was an amazing opportunity. The process had to be taken, of course, but in light of the fact of who she spoke to, and another who had spoken, had been given false information on this issue. If there was something more they needed to do to make sure the Council realized that when the facts were presented, the outcome might be different.

Mayor Dominick stated both the Public Works Director and City Manager were in attendance at this meeting, and they could help make sure the correct permits were issued, and that the factual information was put out.

Mr. Lawrence stated he hadn't received the application yet, and it would need to include a specific route.

Councilor Sullivan asked which streets would be shut down.

Todd Heinz, Ontario, stated the course would begin on Depot Lane, head South to 4th Avenue, down 4th Avenue, right on 1st, then another right on 3rd, come back to Oregon, left on Oregon, down to 2nd, right on 2nd, back to Depot Lane.

Councilor Sullivan asked about traffic flow, if those areas were tied up.

Mr. Heinz stated they would be shut off, but monitored. Traffic would be accessible through there on a monitored basis. There would be breaks in the race every couple of minutes. The back parking lots would be controlled. This area was blocked off for Octoberfair every year; the biggest difference was blocking Depot Lane for this. Businesses shouldn't be hampered. And, there would be side-street parking available.

Councilor Sullivan stated he was concerned about traffic going through town.

Mr. Heinz stated they would be going an alternate route, maybe the truck route on 2nd.

Councilor Sullivan verified 2nd Avenue would be open. Would they submit a plan that showed all that? Did the people who signed the petition know all that?

Mrs. Heinz stated no, they were just told that the streets were going to be shut down. They didn't even know what the route was.

Councilor Verini stated this was brought before the V&C Board, and it was extremely well planned out. The Board thought the advantage of having it for Ontario would be tremendous, both to watch and participate. It was a boost for the community, and for the downtown businesses. Many who were coming for the race had probably never been to Ontario, let alone in the downtown area.

Mayor Dominick verified the sidewalks would remain open.

Mr. Heinz stated yes. It was a true community event. It would be great for kids, parents, cyclists.

Councilor Crume asked if this event was both Saturday and Sunday?

Mr. Heinz stated just downtown Saturday. They could also push back the time to 2:30, ending about 9pm. They could bring out large floodlights to put on major corners, if necessary.

Mayor Dominick stated they needed to get their application in ASAP, so Public Works and the City Manager could have plenty of time to review.

Gary Fugate, Ontario, stated he was saddened to learn the city would be losing Henry, because he felt he was one of the finest City Manager they'd had in a very long time. It was very difficult to get City Managers. He believed he knew the reasons, but without getting into a lot of details, it saddened him that they would be losing Henry. He thanked him for his service, but he wanted to go a step further than that. He didn't like what happened to cause Henry to leave, and it was going to cost this city a great deal of money to get somebody else. He thought it cost the city \$31K the last time this happened. And that was just the simple, direct costs. It was a lot more than that. So he'd like to see the city keep a totaling of every cost associated with getting a new City Manager, if and when they did, publish that in the paper, and send the bill to the ones who were the approximate cause for this loss of our City Manager.

Justin Alison, Fire Department, thanked the Council for their support at the 33rd Annual Fireman's Ball last Saturday night. It was the largest they've had in their history. They had probably doubled the amount of money they had ever raised. It had been overwhelming for him as the Chairman, to walk in the door and see the line from one corner to the other, and it stayed that way for an hour. A lot of the people in attendance at the Council meeting had been there, and he expressed his appreciation for their attendance.

Mayor Dominick stated he didn't have to reveal names, but he understood there was a blue fire helmet that went for a large amount.

Mr. Allison stated the Boise State University helmet was auctioned off for \$1,800.

NEW BUSINESS

Bid Award: Cleaning and Inspecting Water System Reservoirs

Bob Walker, Deputy Public Works Director, stated in 2011, the Council adopted the 2011-2013 biennial budget that included \$25,000 for CIP 13WAT-05 "Reservoir Cleaning". Construction bids were opened on January 31st, 2012 for the Cleaning and Inspection of Water System Reservoirs and Water Plant Clear Wells Project. H2O Solutions, LLC., of Bellevue, Washington, was the apparent lowest responsive and responsible bidder with a total project bid of \$14,950.00. The Public Works Department would like to award the contract to H2O Solutions LLC for that amount.

| CLEANING & INSPECTION OF WATER SYSTEM RESERVOIRS AND WTP CLEAR WELLS | |
|---|-----------------|
| Contractor | Bid |
| H2O Solutions, LLC., Bellevue, WA | \$14,950 |
| Liquivision Technology Diving Services, Klamath Falls, OR | \$20,250 |
| Clear Water Robotics, LLC., Nampa ID | \$43,800 |
| Associated Underwater Services, Inc., Spokane, WA | \$92,840 |
| Idaho Extreme Dive Team, Kuna, ID | \$149,100 |

Councilor Fugate asked if this would cause a bad taste to the water.

Mr. Walker stated it would not.

Charlotte Fugate moved, seconded by Ron Verini, that the City Council authorize the City Manager to sign the Contract with H2O Solutions for the Reservoir Cleaning Project. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

Resolution #2012-103: ADA Lift at Aquatic Center

Yorick de Tassigny, Facilities Manager, stated the revised 2010 Department of Justice Americans with Disabilities Act (ADA) regulated the means of entry and exit of public pools. Under the new requirements, the city was obligated to install a pool lift for the main swimming pool at the Ontario Aquatic Center (OAC) to render it accessible. The deadline for compliance was March 15, 2012. Compliance with this and all other applicable ADA regulations were to be part of the OAC renovation project.

The ADA required public accommodations to provide goods and services to people with disabilities on an equal basis with the rest of the general public. The goal was to afford every individual the opportunity to benefit from our country's businesses and services and to afford our businesses and services the opportunity to benefit from their patronage. As this related to public pool facilities, the goal was to provide access to every swimming pool so that people with disabilities would have a greater opportunity to enjoy water-based activities.

The main swimming pool at the OAC was the programming priority and fell under ADA requirements for smaller pools (those under 300 linear feet of pool wall). Only one primary means of access was required, and it had to be either a swimming pool lift or a sloped entry. The purchase and installation of the pool lift would meet the requirement.

As an added service, staff would also be ordering an additional anchor base to be installed at the training pool, as well as a caddie for transporting the lift between pools. This would provide access to the second pool in the facility. It was determined that access to the hot tub was not readily achievable due to its elevated deck. Providing access to the hot tub would create undue burden on the city at this time. This would be addressed in any future plans for the OAC.

Staff requested three informal bids for the purchase of a pool lift, additional anchor, arm rest assembly, caddie and cover. The results were as follows:

| Vendor | Bid Price |
|-------------------------|------------|
| Ontario Floors To Go | \$6,595.81 |
| Lincoln Equipment, Inc. | \$5,682.70 |
| Gem Gunite Pools | \$5,836.00 |

The Council could elect to not move forward with the purchase of the ADA-compliant lift at this time, and decide to make other provisions to comply with the new regulations. The city would be subject to penalties for non-compliance after the March 15, 2012 deadline.

Councilor Verini verified this would not affect any modifications or remodeling of the pool in the future.

Mr. de Tassigny stated that was correct. All the ADA issues would have been noted in the proposed remodel.

Councilor Jones asked who would fine them if this was not in compliance by the 15th?

Mr. de Tassigny didn't know for sure who the enforcement agency was, but someone who wanted to use the facility could trigger a complaint.

Councilor Jones stated since there was a budget issue with the pool, maybe they could get an extension for 3-6 months. Was that possible? It didn't make sense to put in a lift, for even only \$5K. Had anyone even looked into getting an extension?

Mr. de Tassigny stated it was his understanding that to get a reprieve would be difficult. He hadn't approached the enforcement body about an extension. From what he had read, it didn't appear they were flexible.

Councilor Verini stated this was a great project, especially for the ADA.

Councilor Jones asked why they wouldn't even try for an extension. They were going to have to discuss the entire center in six months. They were going to be over-budget at the Aquatic Center very shortly, as they had anticipated it be closed for renovations. He would like to have the extension request at least tried for. Also, why had this only come forward on Thursday? He couldn't make an informed decision in 10 days.

Councilor Verini stated he didn't see a problem with it.

Councilor Fox stated he understood from the way it was explained at the study session, the city would be liable, opening the city up for a liability issue with the existing equipment. Was that it? He agreed with Councilor Jones on this issue.

Mr. Sullivan stated a liability claim was a possibility. More likely there would be an enforcement action, but it did create a liability issue, too.

Mr. de Tassigny stated the new lift offered other features, such as the person using the lift could operate it themselves, instead of needing assistance.

Councilor Sullivan stated they were stepping into a dangerous area. He hated to wait, especially on something like this. It would expose the city, even if they weren't fined for being non-ADA compliant. It would be wise to move forward.

Councilor Fox stated he still didn't get it. Was the city out of compliance?

Mr. de Tassigny stated as of March 15, 2012, the city would be out of compliance. Being out of compliance, opened them up for liability claims.

Councilor Crume asked when the lift would be delivered.

Mr. de Tassigny believed it was available – it didn't have to be built.

Ron Verini moved, seconded by Charlotte Fugate, that the City Council pass Resolution No. 2012-103, A RESOLUTION TO AUTHORIZE THE PURCHASE OF AN ADA COMPLIANT POOL LIFT FOR INSTALLATION AT THE ONTARIO AQUATIC CENTER, and to award the bid to Lincoln Equipment, Inc. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-no; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 6/1/0.

Accept Resignation of City Manager

Mayor Dominick stated they needed to formally accept the resignation of City Manager Henry Lawrence. On February 29th, he had received a letter, as well as a phone call, from Mr. Lawrence, announce his upcoming resignation. As a member of the community had commented about it, he was also not happy with it either, but things being as they were, the Council needed to accept it.

David Sullivan moved, seconded by Dan Jones, to accept the resignation of Henry Lawrence. Roll call vote: Crume-no; Fox-yes; Fugate-yes; Jones-yes; Sullivan-yes; Verini-no; Dominick-no. Motion carried 4/3/0.

Mr. Lawrence stated it had been an honor and a privilege to serve the community, and he thanked them for the opportunity.

Councilor Sullivan thanked Mr. Lawrence for his service.

Councilor Fugate stated that Mr. Lawrence would be missed.

Councilor Verini stated Mr. Lawrence had made this town a better place to live. He thanked him and wished him the best.

Mayor Dominick stated it was with regret that the Council accepted Mr. Lawrence's resignation. He had worked hard and was very successful in improving the city's image. Under his direction, the Department Heads had city employees' working efficiently and harder than ever before. They were purchasing within or under their budgets. There had been a few mistakes, but everyone was human. Also, under Henry's management, the city of Ontario had the best balanced budget he had seen in his 15 years of political activity. It had all been down with teamwork, but it also took a good manager and leader.

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Al Higinbotham stated the benefit dance was last Saturday, and on behalf of the department, he expressed thanks to the entire business community who supported them through donations for both the live and silent auctions, as well as to the citizens for the support.
- Al Higinbotham stated on behalf of the entire Fire Department staff, Henry Lawrence would be missed, and they appreciated all his support. It had been an honor and a privilege to have worked with Henry Lawrence over the past 3+ years.
- Chuck Mickelson pointed out the East Idaho construction project had started. They would be coming from the bridge towards East Lane, taking out the sidewalk. There would be another turn lane from Idaho onto East Lane, and that would be re-signaled at East Lane and East Idaho. The schedule was posted on the city's website, and would be updated every two weeks. ODOT was managing the project, and the city

was partnering, putting in about \$899K in it, with ODOT putting about \$1.5M in. The pavement would be ground down between the Snake River Bridge and 4th Street, and a new inlay put in. They estimated completion in August. There would be some disruptions, but they were working with contactors to have them do the grinding and paving at night.

- Yorick de Tassigny stated there were still some issues with the new HVAC system, but there would be some people here next week to look into that. Overall, the project was complete.
- Councilor Verini stated reminded them again about the Military Child Education Coalition. It was important for the community and the children.
- Mayor Dominick stated the Sister City delegation from Osakasayama would be here Tuesday, March 13th, starting with a welcome reception at Four Rivers Cultural Center at 6:00 p.m. Five young ladies would be here, enjoying all-day events during the entire two weeks they were here. Also, will be a delegation from Ontario going to Osakasayama in July. Cost would be airfare, as they would be hosted in their city.
- Mayor Dominick voiced his congratulations to the Fire Department for an outstanding Fireman's Dance.

EXECUTIVE SESSIONS

Executive Session: ORS 192.660(2)(e)

An executive session was called at 8:00 p.m. under provisions of ORS 192.660(2)(e) to discuss real property. The Council convened into regular session at 8:03 p.m.

Executive Session: ORS 192.660(2)(a)

An executive session was called at 8:03 p.m. under provisions of ORS 192.660(2)(a) to consider employment of an officer, employee, staff member, or agent. The Council convened into regular session at 8:45 p.m.

AMEND AGENDA

Charlotte Fugate moved, seconded by Jackson Fox, to amend the Agenda to include the appointment of an Interim City Manager. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

Appoint Interim City Manager

Mayor Dominick offered the position of Interim City Manager to Public Works Director Chuck Mickelson, through the date of August 1, 2012. The offer would be at an hourly rate of \$70 per hour, fully burdened total of \$86.76, which would include the Workers' Compensation Employee Taxes, 6% PERS, addition of health insurance, (dental coverage), the addition of the Deferred Compensation that all Department Heads received. There was no full health insurance because Mr. Mickelson was on a different insurance, so the city would not pay his full insurance. That was the hourly amount. The other part as the knowledge of the Council that vacation days of April 1-15 would not be cancelled, the ability to bring in additional part-time help for the Public Works Department, and with a last day of July 31, 2012, or when a new City Manager was on board, whichever came first.

Councilor Crume asked if the scheduled vacation be at the current rate, or the new rate?

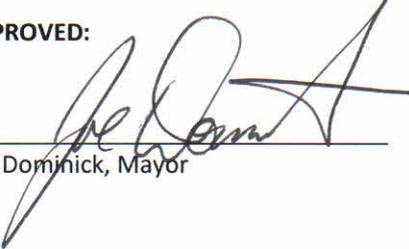
Mr. Mickelson stated as an hourly employee, there would be no vacation or sick time pay.

David Sullivan moved, seconded by Charlotte Fugate, to appoint Chuck Mickelson as Interim City Manager, effective upon the departure of Henry Lawrence, through the appointment of a new City Manager or July 31, 2012, whichever came first, at the agreed upon rate as stipulated above. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

ADJOURN

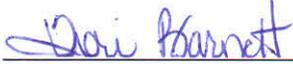
David Sullivan moved, seconded by Jackson Fox, that the meeting be adjourned. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

APPROVED:



Joe Dominick, Mayor

ATTEST:



Tori Barnett, MMC, City Recorder