

COUNCIL MEETING MINUTES
March 21, 2011

The regular meeting of the Ontario City Council was called to order by Mayor Joe Dominick at 7:00 p.m. on Monday, March 21, 2011, in the Council Chambers of City Hall. Council members present were Norm Crume, Joe Dominick, Jackson Fox, Charlotte Fugate, David Sullivan, and Ron Verini. Dan Jones was excused.

Members of staff present were Henry Lawrence, Tori Barnett, Larry Sullivan, Bob Walker, Mark Alexander, and Dave Stiefvater. Due to construction at City Hall, the meeting was unable to be video taped or televised.

Norm Crume led everyone in the Pledge of Allegiance.

AGENDA

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

CONSENT AGENDA

Councilor Fox asked who saw and/or reviewed the bills prior to them being presented to the Council for payment.

Mr. Lawrence indicated that he saw them after they had been reviewed in the finance department. Following approval by the Council, checks were disbursed the next day.

Councilor Fox stated that seemed a bit backwards. He didn't just want to blindly approve the bills.

Mr. Lawrence stated no check would be mailed without review and approval by the Council.

Councilor Fox stated there seemed to be some duplicate billings; for example, to Grant Mechanical.

Mr. Lawrence stated that was for regular maintenance, per a contract with Grant Mechanical.

Councilor Fox stated there were others with duplicated payments, it seemed.

Mayor Dominick stated they were duplicated payments, they were split payments between various departments. Looking at the "who" charged to line, there might be several paying into one lump payment.

Councilor Fox stated he had been hearing that the Aquatic Center didn't even know if it would remain open, yet \$11K had been spent on an architect.

Mr. Lawrence stated that had been done under Council direction, and the issue would be brought before the Budget Committee and the Council as how to pay for the necessary renovations.

Charlotte Fugate moved, seconded by David Sullivan, to approve Consent Agenda Item A: Approval of Minutes of Regular Meeting of 03/07/2011; Item B: Approval of Minutes of Telephonic Meeting of 03/15/2011; Item C: Ordinance #2654-2011: Request for Street Vacation; Portion of SW 2nd Avenue between SW 4th Street and SW 6th Street as Proposed by Ontario 8C School District (Final Reading); and Item D: Approval of the Bills. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-out; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 6/0/1.

PRESENTATION

Pheasants Forever Update

Dave Stiefvater presented an updated to the Council on the activities with Pheasants Forever. He thanked the Council for their support on the various projects.

NEW BUSINESS

Ordinance #2656-2011: Repealing OMC 3-10-1 (1s Reading)

Larry Sullivan, City Attorney, stated the proposed ordinance was a housekeeping item, to repeal an ordinance that conflicted with the Telecommunications chapter of the Ontario City Code. Section 3-10-1 of the Ontario City Code was originally enacted in 1951 and amended in 1960. It imposed a 2% annual tax on the local gross revenues of telephone companies operating in the City limits. In 1996, comprehensive federal legislation was enacted that severely limited the authority of municipalities to tax telecommunications carriers, including telephone companies. After the passage of that federal legislation, the City enacted various code provisions consistent with the 1996 Telecommunications Act. Those provisions were in Chapter 2 Title 3 of the City Code, and authorized the City to charge fees for the use of the City rights of way. Section 3-10-1 conflicted with those provisions of the City Code and should be repealed. None of the franchise agreements that the City had with telecommunications carriers referred to Code Section 3-10-1, and the repeal of that ordinance would not have any legal effect on those franchise agreements.

Charlotte Fugate moved, seconded by Ronald Verini, that the City Council enact Ordinance #2656-2011, AN ORDINANCE REPEALING SECTION 3-10-1 OF THE ONTARIO CITY CODE, on First Reading by Title Only. Roll call vote: Crume-yes; Fox- yes; Fugate-yes; Jones-out; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 6/0/1.

Ontario Golf Course Pro-Shop Consignment Agreement

Larry Sullivan, City Attorney, stated David Boles of Flagstick Golf Center in Fruitland, Idaho, sent a letter to Henry Lawrence in which he proposed to stock the Golf Course Pro Shop with merchandise. The proposed Agreement was based on that proposal. It was referred to as a consignment agreement because the inventory would continue to be owned by Mr. Boles until it was sold by the City's golf course staff. Under the Agreement, the City would retain 15% of gross merchandise sales and disburse the rest to Mr. Boles.

David Sullivan moved, seconded by Jackson Fox, that the City Council approve the Ontario Municipal Golf Course Pro Shop Consignment Agreement with David Boles. Roll call vote: Crume-yes; Fox- yes; Fugate-yes; Jones-out; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 6/0/1.

Engineering Design Agreement with Anderson-Perry for SE 2nd Street

Bob Walker, Deputy Public Works Director, stated the proposed Agreement with Anderson-Perry and Associates of La Grande, Oregon provided for the preparation of plans and estimates for the rehabilitation/reconstruction of SE 2nd Street from East Idaho Avenue to SE 18th Avenue. That roadway was the number one priority within the City for reconstruction, and completion of the plans would enable the City to be in a position to take advantage of potential state or federal funding. In June, 2009, staff received budget approval for the design.

The proposed project was to provide the engineering design for rebuilding SE 2nd Street from East Idaho Avenue to SE 18th Avenue, bringing it up to a standard that would allow the street section to hold up to the truck traffic load it was currently supporting.

At present, SE 2nd Street was experiencing deterioration of the structural integrity of the street section due to inadequate road base material and pavement depth that was needed to support the loading it currently was receiving. The roadway was built many years ago with inadequate sub-grade, sub-base, and pavement for the

current truck weight limits. By rebuilding the section of street, the north /south freight route would become more user accessible and user friendly and would be built to withstand the volume of traffic that was traveling on it for local business and access to the south bypass. The design would provide for upgrades to the existing utilities (sewer, storm and water), replacement of curbs, gutters and sidewalks, and the installation of an upgraded road section along SE 2nd Street.

On December 22, 2010, staff received formal responses to the RFP for this project from six firms: Anderson-Perry Associates of La Grande, Oregon; CH2M-Hill of Boise, Idaho; Engineering and Waste Solutions of Boise, Idaho; Ferguson Surveying and Engineering, of Mt. Vernon, Oregon; Holladay Engineering of Payette, Idaho; and Keller Associates of Meridian, Idaho. Chuck Mickelson, Bob Walker, Bret Turner and Norm Crume each reviewed the proposals. Each of the firms presented an excellent proposal and it was obvious that each of them could be successful in preparing the plans and specifications. However, after ranking each of the firms on schedule, resumes (qualifications of the personnel to be assigned to the project), references and similar projects completed, along with locations where the work would be completed, the committee unanimously selected Anderson Perry as the highest ranked firm based on their proposal.

The project would be designed to Federal Highway Administration and ODOT standards. Anderson-Perry and Associates had significant experience in preparing plans and specifications to those standards and performed very effectively in the Phase 1 of North Oregon Street project. CK3 would conduct the surveying for the project.

The project needed to be designed, regardless of whether or not the City was successful in securing funding. Without the design, which made it a "Shovel Ready" project, it would be difficult to obtain stimulus funds. Consequently, the street would continue to deteriorate due to truck loading, weathering and water damage. The City was required to maintain the City streets in a serviceable condition. If the street was not built to a serviceable standard, it would be a continuous maintenance issue, resulting in more costs to the taxpayers.

Approval of the Agreement with Anderson Perry would be for a lump sum amount of \$143,000. The project was included in the 2009 – 2011 budget as STR-7 in the amount of \$175,000. When and if the project was approved for construction funding, there would need to be an amendment to the proposed Agreement for completion of the specifications, preparation of an environmental study, if needed, and other additional services during construction, including an inspection.

Councilor Fox asked if there was any other funding available, or were they counting on stimulus money?

Mr. Walker stated the Street Fund was poor, but the proposed project was the #1 priority in the City. A piece of 5th to Idaho had deteriorated. They had done a temporary seal coat, but the truck traffic beat that road up. There were also issues with the storm drain. The goal was to have the design run from Idaho to 18th. If there was no stimulus money, a developer coming in would have to have it designed.

Mr. Lawrence stated the days of stimulus money was probably over. When the project first started, the intent was to attract more stimulus money for roads and infrastructure. Other grants could eventually come along. The City needed to be ready with shovel ready designs. Staff would be searching for funds for the project – they were being very pro-active.

Councilor Fox stated his concern was spending \$143K on old information.

Councilor Crume stated the engineering design would be completed and would then sit on a shelf until a developer came in. Would the City be reimbursed those costs?

Mr. Sullivan stated they couldn't unless it was part of an SDC.

Mr. Walker stated there would be SDCs charged on the overall development.

Mr. Lawrence stated the City could not a Development Agreement with themselves.

Councilor Fox asked if a developer came in and there wasn't a design already done, that developer could sign a recapture agreement that when the City fulfilled all the requirements, the developer would pay.

Mr. Sullivan agreed there would be that type of agreement.

Mr. Walker stated that would already set. He believed the design was practical and necessary.

Councilor Sullivan asked if there was a total cost estimate on construction or mechanical work for the project?

Mr. Walker stated there was not, but they could review similar construction for some numbers.

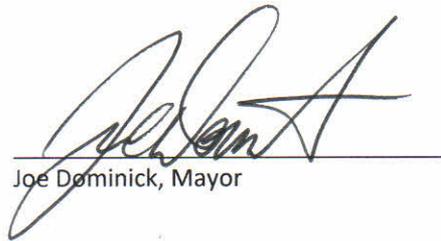
Jackson Fox moved, seconded by Norm Crume, to table the action to the April 4, 2011 Council meeting. Roll call vote: Crume-yes; Fox- yes; Fugate-yes; Jones-out; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 6/0/1.

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Consensus to hold a neighborhood meeting with the residents involved in proposed LID #47 (Nadine Drive and a portion of Alameda Drive) on Monday, March 28, 2011, beginning at 6:00 p.m. in the City Hall Council Chambers. The Public Works Committee would also be invited to attend the meeting.
- Tori Barnett reminded the Council the Statement of Economic Interest forms had gone out by the state, and they should all be receiving them. They could either be returned directly, or brought in for certified mailing. Due to the state in April.
- Councilor Verini stated the Veteran's van would be in front of Veteran's Advocates of Ore-Ida on Thursday, March 24th from 11:00 – 3:30 p.m. Also, the Sgt. Josh Brennan Memorial Dedication was set for Saturday, March 26, beginning at 11:30 a.m. in Nyssa (110 North 2nd Street).
- Councilor Fox stated with regard to the Council Rules and Procedures, he had some examples he wanted to see reviewed and/or placed in the Ontario rules. He had some samples from other Oregon cities, and a piece from Seaside's rules had some good sections. Also, wanted to see a reference to the Council's use of Robert's Rules of Order placed in the rules.
- Councilor Sullivan asked for a complete copy of Ordinance #2521-2003.
- Councilor Crume asked to have Ordinance Officer Lynsey Hansen attend the next meeting to provide an update on the parking on lawns situation. Seems to be continuing to happen.
- Councilor Fugate stated she had asked for, and received, some information from Idaho on how to combat gangs and she would be contacting Representative Bentz to ask for his help on getting something going in Oregon. Also, last Saturday the 1000 cranes project had been held, and well over the 1000 cranes had been constructed. The cranes were a symbol of hope, and were wishes for peace and prosperity.
- Mayor Dominick stated the students from Osakasayama were having a great time, and the charms trail seemed to be one highlight of their trip. Regarding the cranes, he had someone drop another 30 off at his office.

ADJOURN

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



Joe Dominick, Mayor

ATTEST:



Tori Barnett, MMC, City Recorder