

COUNCIL MEETING MINUTES

May 7, 2012

The regular meeting of the Ontario City Council was called to order by Mayor Joe Dominick at 7:00 p.m. on Monday, April 16, 2012, in the Council Chambers of City Hall. Council members present were Norm Crume, Joe Dominick, Jackson Fox, Charlotte Fugate, David Sullivan and Ronald Verini. Dan Jones was excused.

Members of staff present were Chuck Mickelson, Tori Barnett, Larry Sullivan, Lisa Hansen, Al Higinbotham, Mark Alexander, Alan Daniels, Bob Walker, Dan Shepard, and Anita Zink. The meeting was recorded on tape, and the tapes are available at City Hall.

Norm Crume led everyone in the Pledge of Allegiance.

AGENDA

Ron Verini moved, seconded by Norm Crume, 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

Charlotte Fugate moved, seconded by Ron Verini, to approve Consent Agenda Item A: Approval of the Regular Minutes of 04/16/2012; Item B: Liquor License Approval: New Ownership (JRL Enterprises); Item C: Resolution #2012-106: Receive/Expend ACTS Oregon Traffic Safety Funds for Teen Driver Safety Program; and Item D: Approval of the Bills. Roll call vote: Crume-yes; Fox-no; Fugate-yes; Jones-out; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 5/1/1.

NEW BUSINESS

Excellence in Leadership Award

Charlotte Fugate, City Councilor, stated the City of Ontario developed the City Government Award for Excellence in Leadership in 1998, with the first award being presented in May, 1999. This award was established to recognize student leaders for outstanding service to school and community. In previous years, the recipient received a commemorative plaque, along with a \$500 stipend for use towards books, housing, or tuition. This year, thanks to a generous \$250 donation from CK3, LLC, the total award was \$750.

To qualify for this award, the applicant had be a member of good standing in the senior class at Ontario High School; be a student with post-graduation plans for schooling or career development; and be a student who demonstrated leadership in a variety of settings. The students had to complete an application, which outlined their accomplishments, as well as complete an essay outlining why they felt they should receive the award. Also, at least one letter of recommendation had to accompany the application.

Representatives from the City Council, Ontario High School, and the City of Ontario, reviewed the applications and selected the most deserving recipient. All applications submitted this year were from outstanding students, making the selection a very difficult task. However, there were always those who seemed to stand out, and this year was no exception. This year's recipient represented involvement within the community and school, and exemplified what this City should see from its high school graduates. This year's Leadership Award was awarded to Paul D. Erlebach.

Mr. Erlebach thanked the representatives who had selected him to receive the award, and indicated his plans to attend Oregon State University, with future plans to go into the medical field.

Resolution #2012-105: Receive/Expend Malheur County ASD Funds to Purchase New Holmatro Rescue Cutter

Al Higinbotham, Fire Chief, stated the Malheur County Ambulance Service District contributed \$5,559.00 to Ontario Fire and Rescue for the purchase of a new Holmatro rescue cutter. As the total price was \$5,971.00, the Ontario Rural Fire District would pay the \$412.00 difference.

Charlotte Fugate moved, seconded by Norm Crume, to adopt Resolution #2012-105, A RESOLUTION ACKNOWLEDGING RECEIPT OF MALHEUR COUNTY ASD FUNDS AND APPROPRIATING EXPENDITURES FOR A NEW HOLMATRO RESCUE CUTTER. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-out; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 6/0/1.

Resolution #2012-107: Support of Additional Industrial Land in UGB

Alan Daniels, Airport Manager/Community Development Director, stated staff was directed to work with the Industrial Lands Committee in exploring the option of increasing available industrial lands, which could lead to new industry coming to Ontario. The first step for the committee was to come before the cities of Ontario, Nyssa, and Vale, and Malheur County Court, to determine if support was there for this action to continue.

At least two large companies had looked into locating in or near Ontario, but opted to go elsewhere as they required larger portions of land than were available. The committee determined if there was at least one site of at least 150 acres, and another of 1,000+ acres, near each township, it would be a much better draw for new industry to the area. Currently, Oregon has only one 1,000+ acre industrial site, which had proven to be successful.

There were no financial implications at this time; however, it would be necessary to hire a consultant to complete the process. By doing this project in conjunction with Vale, Nyssa, and Malheur County, there was an economy of scale, and state funding was much more likely.

Ron Verini moved, seconded by Jackson Fox, to adopt Resolution #2012-107, A RESOLUTION SUPPORTING THE INDUSTRIAL LANDS COMMITTEE EXPLORING THE ADDITION OF INDUSTRIAL LANDS TO THE URBAN GROWTHBOUNDARIES OF VALE, NYSSA, ONTARIO, AND POTENTIAL COUNTY SITES. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-out; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 6/0/1.

Airport Commercial Lease Agreement - FBO Operations: Frazier Aviation

Alan Daniels, Airport Manager/Community Development Director, stated this was a commercial lease with Frazier Aviation, who bought out Merle Maine's business, Ontario Aviation. The purpose was for a Fixed Base Operator (FBO) business, and included the main office and the two hangars next to it. The lease would be \$1,367.07 per year, plus a \$1,000.00 commercial use fee, at the current rate.

Councilor Sullivan asked why they didn't go with a shorter term on the lease.

Mr. Daniels stated it had to do with financing. He had just used the standardized lease.

Councilor Sullivan asked if that was the case with this lease? He suggested 5-year renewals. A \$1,000 per year, for 20 years, didn't make sense.

Mr. Daniels stated he did not know about the financing, but he reminded the Council that the City didn't own the facility, just the ground.

Councilor Sullivan stated he would be more comfortable with a shorter lease. The Council had no experience with the Frazier operations, and it might not operate to full satisfaction of the Council. If this lease was renewable every year, then take out the 20-year reference.

Mr. Daniels stated they had put in the 20-year lease so they could get financing.

Councilor Sullivan stated Mr. Daniels had just said he didn't know about the financing.

Mr. Daniels stated he didn't know about the financing.

Councilor Sullivan stated until the Council knew, or Frazier represented that to the Council, why was the city even moving forward under that assumption?

Mr. Daniels stated the Council made that assumption on all the leases.

Councilor Sullivan stated he hadn't.

Mr. Daniels stated it was a resolution by the Council.

Councilor Sullivan verified it was done by *this* Council?

Mr. Daniels stated it was, for the standardized lease.

Councilor Sullivan stated he didn't recall voting on a standardized lease. This was the first time he'd seen it.

Mayor Dominick stated there was a standard lease for the hangars, but those are looked at on an individual basis, but they had not done an FBO one.

Mr. Daniels stated they had done it with Flying W Aviation, as well as the different spray companies.

Councilor Sullivan stated again he wanted a shorter lease.

Mr. Sullivan stated his agreement that is was inconsistent.

Councilor Sullivan stated there were contradictions in the lease itself.

Councilor Verini stated this needed a more in-depth discussion. It was imperative that the Council look at what was put into the buildings. No one would put a lot of money into a lease for only one year.

Councilor Sullivan stated he wasn't saying to go to a yearly lease, but he also didn't think they needed to go to a 20-year lease. Maybe a 5-year, renewable.

Mr. Daniels stated the reason the Council did the resolution several years ago was to allow people to get financing, such as Life-Flight. The city didn't own any buildings, only the bare ground.

Mayor Dominick stated this needed further discussion.

Mr. Daniels stated the lease needed to be standard and consistent.

Councilor Sullivan stated the length of the lease didn't have to be standard. The Council could make a standard lease, but would still have the option of choosing the duration of the lease based on the city's expectations.

Councilor Fugate wanted to make sure this came back to the next study session.

Councilor Verini reminded Mr. Daniels to speak with Frazier Aviation about these new developments.

Councilor Sullivan verified this wasn't just the least of the property with the building, it was a lease of airport land to use as the FBO. They kept referring to them purchasing the building, but that was just part of it. They were also leasing lands that weren't included in the land lease itself – was that correct?

Mr. Daniels stated they were leasing a footprint of the building.

Councilor Sullivan asked where they were going to put the rental cars, in the building?

Mr. Daniels stated no.

Councilor Sullivan stated then the lease included more than just a building footprint. He wanted that specified in the lease, then, too, exactly what it included. There seemed to be some confusion.

Joe Dominick moved, seconded by David Sullivan, to table the action until the May 17, 2012 study session, pending further research on questions raised, and to include hard copies of a new lease, including one for 5-years. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-out; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 6/0/1.

Resolution #2012-110: Replace 9-1-1 Recording Equipment

Mark Alexander, Police Chief, stated the recording equipment for the Ontario 9-1-1 center was failing and was in need of replacement. In December of 2003, the Council authorized the replacement of the current equipment under an Economic and Community Enhancement Grant.

The City of Ontario has recorded emergency service telephone and radio transmissions since the introduction of 9-1-1 in 1988. Recordings were necessary for criminal matters and had been invaluable for the prosecution of countless crimes. Recording telephone and radio transmissions also protected police, fire and medical agencies from civil litigation.

The current recording equipment was deteriorating. The hard-drive was unreliable and would fail at some point. Recent recordings had been unavailable due to hard-drive failures. The DVD drive failed last year and was not replaced due to cost. The current operating system is Windows 2000 and is obsolete for upgrades and certain maintenance.

Current equipment was purchased in December of 2003, when the previous recording equipment began to fail, purchased under an Economic and Community Enhancement Grant. The grant was utilized due to the lack of other funding sources and the elimination of 9-1-1 Reserve Funds that had been established for equipment replacement. There are currently no known funding sources for the replacement of this equipment.

Bids were obtained from three vendors: Wes Tek Marketing, Gem State Communications and VPI. The lowest bid came from Wes Tek Marketing, at \$17,228. Staff was asking to proceed with the replacement of the equipment, allocating the purchase from Contingency Funding and awarding the bid to Wes Tek Marketing.

Councilor Fugate asked about a warranty.

Chief Alexander stated some could be done remotely, others, the company would have to be on site. He would also research a maintenance agreement.

Norm Crume moved, seconded by Ron Verini, to adopt Resolution #2012-110, A RESOLUTION AUTHORIZING THE REPLACEMENT OF 9-1-1 RECORDING EQUIPMENT, ALLOCATING THE PURCHASE FROM CONTINGENCY FUNDING AND AWARDING THE BID PURCHASE TO WES TEK MARKETING. 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

- Bob Walker stated he had received some proposals to work the Skyline Farm property. He would be seeking advice on the project.
- Chief Higinbotham reminded everyone about, and invited everyone to, the Fireman's Breakfast on Saturday, May 12th, at Station One.
- Chief Alexander stated with regard to the other person suspected of being involved in the attempted murder case they were working on, that person had been arrested that day in Canyon County. The tentative court dates for the trial were scheduled to begin in October in Baker County.
- Chuck Mickelson stated the East Idaho paving project was supposed to start that day, beginning with the grinding. It was scheduled to take several weeks, but would mostly be done in the evenings, and would go from the Snake River bridge to SE 4th Street.
- Councilor Verini stated there would be an art show featuring one-of-a-kind artwork by the SRCI Veteran's Association, sponsored by the Veteran's Advocates of Ore-Ida, at the Four Rivers Cultural Center, running May 14-26th. The proceeds would go towards the veterans in the community.
- Councilor Crume stated he and Councilor Fugate had spoken with Chief Alexander about getting Council consensus on giving the Chief direction on bringing back the ordinances regarding lawn parking, weeds, etc. They seemed to have trouble with enforcement.

Chief Alexander stated there were language issues with regard to parking in front yards, and he also needed help on the weed complaints. Definitely, a discussion on the issues would be beneficial. He didn't have a good answer right now on how to handle it. Some things were working, others were not. He would provide examples for discussion.

Council consensus to bring it back for discussion.

- Councilor Crume reminded everyone about Serve Day this week-end. Everyone should show up for assignment at 9:00 a.m. in front of the Origins Church on East Lane. They could use more volunteers. It was a worthy cause, and had been occurring for the about four years.

- Councilor Fugate stated that two homes in her neighborhood that had been foreclosed on by the banks holding the mortgage. One kept the lawn mowed and cleaned-up, but the other, not so much. There was about 2-foot of grass and weeds growing. When she researched who the other lien holder was, she tracked it down to a real estate company. Following a conversation with an individual with that company, he wanted to appear before the Council, to maybe devise something with more teeth for requiring upkeep on those types of homes.

Councilor Sullivan asked if the weeds could be cut down, and the cost added to the utility bill.

Mr. Sullivan stated the City could lien the property, but there was no authority to place the charge on the utility bill.

Councilor Fugate stated the big problem was in identifying who the bank was. Some took better care than others. She was asking for Council consensus to invite the real estate person to the next session.

Council consensus to invite him.

- Mayor Dominick thanked the Fire Chief and the entire Ontario Fire and Rescue Department for letting him stick his nose in on the practice burn at the home behind City Hall last week-end. It was great to see the City's fire team in action, and the guys were awesome. There had been no hesitation in entering the building and in tackling the fire. It was a great day to be Mayor. On June 9th, the building would be burned to the ground.

EXECUTIVE SESSION(S)

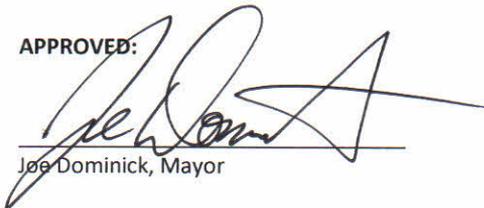
An executive session was called at 7:51 p.m. under provisions of ORS 192.660(1)(d) labor negotiations. Council reconvened into regular session at 8:53 p.m.

An executive session was called at 8:54 p.m. under provisions of ORS 192.660(1)(e) real property. Council convened into the second executive session at 9:27 p.m.

ADJOURN

Joe Dominick moved, seconded by Ron Verini, 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.

APPROVED:



Joe Dominick, Mayor

ATTEST:



Tori Barnett, MMC, City Recorder