

**ONTARIO CITY COUNCIL MEETING MINUTES
May 16, 2016**

The regular meeting of the Ontario City Council was called to order by Mayor Ronald Verini at 7:00 p.m. on Monday, May 16, 2016, in the Council Chambers of City Hall. Council members present were Ronald Verini, Norm Crume, Tessa Winebarger, Betty Carter, Marty Justus, Larry Tuttle, and Charlotte Fugate.

Members of staff present were Tori Barnett, Mallory Mallea, Larry Sullivan, Dan Cummings, Anita Zink, Steve Mallea, Dale Cruson, Pete Morgan, Cliff Leeper, and Betsy Roberts.

The meeting was recorded and copies are available at City Hall.

Charlotte Fugate led everyone in the Pledge of Allegiance.

AGENDA

Mayor Verini stated a few items had been added to the Agenda. Under presentations, there would be a presentation to Rita Kanrich from staff and members of the Planning Commission; second, Toby Epler would be providing an update to the Council regarding the Ontario Airport, followed by John Forsyth, who would be presenting information related to insurance costs for hangar. Also, there was the addition of an executive session under ORS 192.660(2)(e), dealing with Real Property.

The Mayor also noted there could possibly be an additional executive session, under ORS 192.660(2)(a), to discuss the proposed Oster contract related to the Finance Department.

Charlotte Fugate moved, seconded by Betty Carter, to adopt the Agenda as amended. Roll call vote: Crume-yes; Winebarger-yes; Carter-yes; Justus-yes; Tuttle-yes; Fugate-yes; Verini-yes. Motion carried 7/0/0.

CONSENT AGENDA

Tessa Winebarger moved, seconded by Norm Crume, to adopt Consent Agenda items A) Minutes of Regular Meeting of May 3, 2016; B) Liquor License Application: Poker Room and Social Club; and C) Approval of the Bills. Roll call vote: Crume-yes; Winebarger-yes; Carter-yes; Justus-yes; Tuttle-yes; Fugate-yes; Verini-yes. Motion carried 7/0/0.

PRESENTATION

Planning Commission Presentation

Mayor Verini was joined by Planning Commission Chairman Ralph Poole, to present outgoing Commissioner Rita Kanrich a plaque in recognition of her 28 years on the Planning Commission. She would be missed on the Commission, as she had been a true asset in her service to the community.

Airport Grant Update

Toby Epler, J-U-B Engineers, was seeking direction from the Council on the proposed airport projects. The choice was really whether or not the Council wanted to partial out the project this year and next, or carry this year's funding over into next year, and complete the entire project, with the hopes of a matching grant of approximately \$41,000.

Consensus of Council to carry the funds forward into Fiscal Year 2017-2018 for completion of the project.

AMEND AGENDA

Marty Justus moved, seconded by Charlotte Fugate, to amend the Agenda to include executive session ORS 192.660(2)(a) for the Oster Contract discussion. Roll call vote: Crume-yes; Winebarger-yes; Carter-yes; Justus-yes; Tuttle-yes; Fugate-yes; Verini-yes. Motion carried 7/0/0.

NEW BUSINESS

Rescind Hangar Insurance Increases

Larry Sullivan, City Attorney, presented.

On March 31, 2016, the Council approved Peter Morgan Hangar Lease on condition that the liability insurance be increased from \$1M to \$2M for injury claims and to \$750,000 for property claims, and directed staff to send letters to current hangar owners requiring the same increases.

The Council's decision on March 31, 2016, to require hangar owners to increase their liability coverage, was prompted by a discussion with the City Attorney that the State of Oregon was annually increasing the tort claim limits for public bodies, including the city, and that for 2015-2016, public bodies were liable for up to \$1,635,500 for personal injury claims, and for up to \$560,000 for property damage claims. Because the city's current hangar leases required hangar owners to have insurance coverage of only \$1M for personal injury claims and \$100,000 for property damage, the city was potentially exposing its own insurance carrier to claims resulting from the negligence of hangar owners, which could result in increases in the cost of insurance for the city.

After that decision was made, John Forsyth, Field Waldo Insurance, the city's insurance agent, found out that airport hangar liability insurance in excess of \$1M was either impossible to obtain or available only at a substantially higher expense to hangar owners. Mr. Forsyth reported that information to the City Council at its work session on May 12, 2016. The Council consensus was to rescind the proposed liability insurance increases for hangar owners, in light of the fact that the city was carrying \$5M in liability coverage for the airport.

Based upon that decision, staff recommends that the Council approve the Peter Morgan Hangar Lease without requiring a liability insurance increase, and rescind its direction to staff to require current hangar owners to increase their liability insurance coverage.

Marty Justus moved, seconded by Betty Carter, that the City Council approve the 20-year hangar lease between the City and Peter Morgan without requiring an increase in liability insurance coverage. Roll call vote: Crume-yes; Winebarger-yes; Carter-yes; Justus-yes; Tuttle-yes; Fugate-yes; Verini-yes. Motion carried 7/0/0.

Charlotte Fugate moved, seconded by Marty Justus, that the City Council rescind its direction to staff to require hangar owners to increase the limits of their liability insurance coverage. Roll call vote: Crume-yes; Winebarger-yes; Carter-yes; Justus-yes; Tuttle-yes; Fugate-yes; Verini-yes. Motion carried 7/0/0.

PUBLIC HEARING

Sage Ridge Place Subdivision Final Plat Approval

It being the date advertised for public hearing on the matter of Sage Ridge Place Subdivision Final Plat Approval, the Hearing was declared open. There were no objections to the city's jurisdiction to hear the action, no abstentions, ex-parte contact, and no declarations of conflict of interest.

Dan Cummings, Community Development Director, presented.

On October 13, 2014, the Planning Commission, acting as the Hearing's Officer, approved a request for a **Subdivision Tentative Plat** as an administrative action. The subject property was located at the current north end of Reiter Drive being north of the subdivision known as Village Addition, designated as Assessor's Map #18S4704, Tax lot 1602, and Map #18S4704BC, Tax lot 100. Norm Poole Oil, Ralph Poole, and Ken Poole, the applicants, have proposed division of these two parcels into 27 new parcels for single family residential use. This land division involves the creation of streets and easements and will be a continuation of Reiter Drive.

On May 4, 2016, city staff conducted the required Technical Review Committee (TRC) meeting on the final plat and approved the plat for submission to the City Council, recommending acceptance of the dedicated right of ways as shown on the final plat.

Background information included Council approval of the annexation and rezone of the subject property in 2008, and on November 20, 2014, the Council approved Ordinance No. 2694-2014, an ordinance amending the Transportation System Plan (TSP) to reclassify Reiter Drive as a local street and eliminate its connection to Malheur Drive.

10B-55-40 TECHNICAL REVIEW OF FINAL PLAT. Upon receipt of a Final Plat the Technical Review Committee shall examine it and any accompanying documents to determine if the land division has been constructed and the plat prepared in substantial compliance with the approved tentative plan. Approval of the plat by the TRC must be in writing on a form provided by the City; such form shall be included in the record of the application.

The Public Works Director may direct field checks if he deems them advisable to verify that the plat is sufficiently correct on the ground.

If the Public Works Director finds that full conformity has not been achieved, he shall advise the Planning Official, applicant and applicant's engineer or surveyor, of changes or additions required and shall afford the applicant an opportunity to make changes or additions. The Final Plat shall not be approved until conformity has been achieved.

Findings: The submitted final plat and supplemental material was reviewed by the full TRC on May 4, 2016. The plat is in a recordable form; the Malheur County Surveyor, Fire Chief, and Planning Official have approved the plat in form and will sign the final plat once items on the Public Works "Punch List" is approved by the Public Works Department. The TRC review revealed that some required items on the City's list, known as the "Punch List", were not complete. The Public Works Department performed field checks and is still working with the applicant at the time of this report to obtain completion. If complete at the time of the hearing, the plat may be approved and the Mayor may sign; if not complete, this request for final plat approval may be approved conditionally in that the Mayor may sign the plat upon completion of the "Punch List" as instructed by the Planning Official and Public Works Department.

Conclusion: The final plat and supplemental materials have been submitted and reviewed by the TRC as required. The City maintains a "Punch List" of tasks required to be complete that must be complete in order for the plat to be signed. **CRITERION CAN BE MET AS A CONDITION OF APPROVAL**

10B-55-45 APPROVAL OF THE FINAL PLAT. Final plat approval for a land division involving the creation of streets shall be by action of the City Council at a public hearing; notice of the hearing shall be given at least 20 days prior to the hearing to the applicant, agent, and to any parties to the Administrative Decision approving the tentative plat. If the Technical Review Committee determines that the final plat and all required exhibits are in conformity with the standards of the land use decision, including all conditions of approval, the Council shall approve the plat by motion, and the Planning Official and Mayor shall sign the plat. The installation of improvements may be delayed under bond or other financing guarantee specified in the land division regulations.

Findings: Findings and conclusions from preceding sections of this report are herein included by this reference.

As noted above, the TRC determined that the final plat was not in conformance with requirements due to some unfinished work. Regardless of the status of the work, the Council could still approve the final plat, but authorize signature only upon completion of the required tasks.

Conclusion: The plat is not in conformance with requirements and may not be signed unless the work is done; however, the request may be approved conditionally.

10B-55-50 DEDICATION OF STREETS, ACCEPTANCE. Except for manufactured home subdivisions, manufactured home parks and RV parks, all streets, alleys and easements shown on the plat shall be expressly dedicated to the public and acceptance of the final plat by the city shall constitute acceptance of such platted streets, alleys and easements.

Findings: Street dedication is included with this plat; when the plat is signed and recorded, the streets become city streets.

The Hearing was opened for public testimony.

Opponents: None.

Proponents: None.

There being no Proponent and no Opponent testimony, the Hearing was closed.

Betty Carter moved, seconded by Tessa Winebarger, that the City Council approve the request for final plat approval of Sage Ridge Place Subdivision based on the information, findings of fact and conclusions contained in this report, subject to the conditions of approval, to-wit: CONDITIONS OF APPROVAL - The tasks listed on Exhibit B as the "Punch List", attached to this report and herein included by this reference, must be completed to the satisfaction of the Public Works Director in accordance with the OMC, prior to signing of the final plat. Roll call vote: Crume-yes; Winebarger-yes; Carter-yes; Justus-yes; Tuttle-yes; Fugate-yes; Verini-yes. Motion carried 7/0/0.

EXECUTIVE SESSION

ORS 192.660(2)(a)

An executive session was called under provisions of ORS 192.660(2)(a). The Council reconvened into regular session.

Oster Contract Proposal for Financial Services

Norm Crume moved, seconded by Tess Winebarger, that the City Council approve the Professional Services Contract as proposed by Oster Professional Group, CPA's, LLC, for a term of service beginning July 1, 2016. NO VOTE.

Mr. Sullivan pointed out a typo under 2.2.2, which should have the word "property" removed. Also, on page 9, under Notice to Parties, the notice to the city should go to the City Manager. Both corrections would be done prior to signing.

Norm Crume moved, seconded by Tess Winebarger, to approve the Norm Crume moved, seconded by Tessa Winebarger that the City Council approve the Professional Services Contract as proposed by Oster Professional Group, CPA's, LLC, with the word "property stricken from 2.2.2 and on Page 9, under Notice to Parties, striking out Mayor and replacing with City Manager. Roll call vote: Crume-yes; Winebarger-yes; Carter-yes; Justus-no; Tuttle-yes; Fugate-yes; Verini-yes. Motion carried 6/1/0.

EXECUTIVE SESSION

ORS 192.660(2)(d)

An executive session was called under provisions of ORS 192.660(2)(d). No action as a result of the session. Council convened into another executive session.

EXECUTIVE SESSION

ORS 192.660(2)(b)

An executive session was called under provisions of ORS 192.660(2)(b). The Council reconvened into regular session.

CITY MANAGER EVALUATION ISSUES

Tessa Winebarger moved, seconded by Betty Carter, to ratify the evaluations for Tori Barnett done the previous two years, 2014 and 2015, as correct, including the merit raises given by those evaluations. DELAYED ROLL CALL.

Councilor Justus stated, for the record, that neither appropriate or inappropriate, that that motion did not include the acknowledgement that no inappropriate behavior happened. They might be approving those evaluations, but were not saying those were done appropriately.

Councilor Tuttle stated he thought they were making a mistake, and this was not the end of it. He believed they were putting themselves in a position that they were supporting inappropriate actions. Not only on Tori's part, but the Mayor's part. This was not going to be the end of this discussion, nor the end of what's going to go on with it. He believed they put themselves in a bad position.

Mayor Verini stated it was his belief that this was an opportunity to put this behind them. He believed it was an honest mistake, which would be corrected in moving forward.

Councilor Tuttle stated once again that was the Mayor's opinion, that he put on top of anybody else that ventured out an opinion, so fine.

Mayor Verini thanked Councilor Tuttle for explaining that.

RETYPED MOTION

Tessa Winebarger moved, seconded by Betty Carter, to ratify the evaluations for Tori Barnett done the previous two years, 2014 and 2015, as correct, including the merit raises given by those evaluations. Roll call vote: Crume-yes; Winebarger-yes; Fugate-no; Justus-no; Tuttle-no; Carter-yes; Verini-yes. Motion carried 4/3/0.

Mr. Sullivan asked if there was going to be a motion for the Council to do an evaluation for the current year?

Councilor Carter stated she had been reviewing the evaluation criteria and wanted to add something about progressive discipline. Discipline was important because it helped employees understand the city's rules, requirements, and expectations, and helped shape the employee's performance. The major purpose of any disciplinary action was to correct the problem, prevent recurrence, and prepare the employee for satisfactory service in the future. Progressive discipline meant that with most disciplinary problems and repeated offenses, steps would normally be followed to correct the problem. Progressive discipline for misconduct included counseling or education, verbal warnings, written warnings, suspension, demotion, or as far as termination. There might be circumstances when one or more steps could be bypassed for certain types of employee problems, such as harassment, violence, illegal conduct, or a serious enough offense to justify suspension or termination of employment without going through the user discipline step. However, the employee warning record should be used throughout the disciplinary progress. There was a procedure to be followed, and the Council needed to keep in mind what they did now and how they did it in the future.

Tessa Winebarger moved, seconded by Betty Carter, that the City Council disregard the evaluation that was done for Tori Barnett by Mayor Verini in May, 2016, and that the Council, as a whole, did a new evaluation for Tori Barnett. Roll call vote: Crume-yes; Winebarger-yes; Fugate-no; Justus-no; Tuttle-no; Carter-yes; Verini-yes. Motion carried 4/3/0.

EXECUTIVE SESSION

ORS 192.660(2)(e)

An executive session was called under provisions of ORS 192.660(2)(e). No action was necessary based upon the session. The Council reconvened into regular session.

ADJOURN

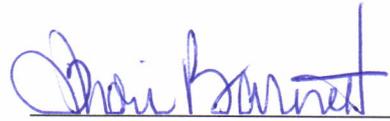
Tessa Winebarger moved, seconded by Norm Crume, that the meeting be adjourned. Roll call vote: Crume-yes; Winebarger-yes; Carter-yes; Justus-Yes; Tuttle-yes; Fugate-yes; Verini-yes. Motion carried 7/0/0.

APPROVED:



Ronald Verini, Mayor

ATTEST:



Tori Barnett, MMC, City Recorder