COUNCIL MEETING MINUTES
May 21, 2012

The regular meeting of the Ontario City Council was called to order by Mayor Joe Dominick at 7:00 p.m. on Monday, May 21, 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 Chuck Mickelson, Larry Sullivan, Suzanne Skerjanec, Bob Walker, and Mark Alexander. The meeting was recorded on tape, and the tapes are available at City Hall.

Jackson Fox led everyone in the Pledge of Allegiance.

AGENDA

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

CONSENT AGENDA

Norm Crume and Joe Dominick abstained due to a conflict as both had a payment to their businesses on the bills.

Charlotte Fugate moved, seconded by Ron Verini, to approve Consent Agenda Item A: Approval of the Regular Minutes of 05/07/2012; Item B: Appointment to Recreation Board: Kathy Pennington; Item C: Resolution #2012-111: Impose and Categorize Taxes for the Second Half of the 2011-13 Biennial Budget Period; and Item D: Approval of the Bills. Roll call vote: Crume-abstain; Fox-yes; Fugate-yes; Jones-yes; Sullivan-yes; Verini-yes; Dominick-abstain. Motion carried 5/0/0/2.

OLD BUSINESS

Airport Commercial Lease Agreement - FBO Operations: Frazier Aviation

Alan Daniels, Airport Manager, stated the Council had a proposed FBO Contract before them, one for a 5-year lease, another for a 20-year lease. These were the latest revisions to the proposed FBO lease with Frazier Aviation previously discussed with the Council.

This was a commercial lease with Frazier Aviation, which bought out Merle Maine's Ontario Aviation. The purpose was for an FBO business. The lease included the main office, two hangars next to it, plus designated parking. In previous meetings to review the proposed lease, Councilors directed staff to expand the definition of FBO services; to prepare an alternative five year lease instead of a 20 year lease; and to identify the parking lot size being leased. Those changes were made, as well as other revisions that were intended to eliminate ambiguities, conflicts and redundancies in the previous drafts. Also, 1,520 square feet of designated parking was added to the lease. The five-year and 20-year versions of the lease were identical, except for the references on the first page of each lease to the length of the lease term. The lease would be $1,557.78 per year (subject to annual adjustments of up to 6%) plus the annual $1,000.00 commercial use fee.

Norm Crume moved, seconded by Ron Verini, that the City Council approve the 20 year commercial lease agreement with Frazier Aviation, Inc. for an FBO business, which includes the main office, two hangars at the airport and designated parking. Roll call vote: Crume-yes; Fox-no; Fugate-yes; Jones-yes; Sullivan-no; Verini-yes; Dominick-yes. Motion carried 5/2/0.

NEW BUSINESS

Contract Award: Skyline Farms SCADA Repairs for Pivot Meters (ACS)

Bob Walker, Public Works Director, stated an analysis of the Pivot Flow Meters and related Telemetry System at the Skyline Farm demonstrated several issues that needed to be addressed for proper operation in a manner consistent with the NPDES Reuse Permit requirements. This Permit required the city to report daily flow totals for each pivot separately as well as a total monthly flow. This report was provided to ODEQ each month and annually. False reporting could result in penalties and fines

for the City. Currently, the Pivots had reporting errors showing both higher and lower values than actual flows; the meters at Pivot 2 and Pivot 6 were both stuck at approximately 320gpm and were consequently not reporting accurate readings; and all Pivot meters required a radio system upgrade due to the non-supported telemetry (SCADA) being out of service and no longer supported by the manufacturer.

The proposal from ACS for $9,000 would correct the above described issues and bring the city into compliance with the NPDES Reuse Permit requirements. The project was for $9,000 and would be paid for from funds available in Project 11SEW-13, Parallel Force Main, which was complete and had an unexpended balance of $43,933.09.

Ron Verini moved, seconded by Charlotte Fugate, that the City Council authorize the Interim City Manager to enter into a Contract with ACS for the SCADA Repairs to the Pivot Meters at the Skyline Farms. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

Ordinance #2665-2012: Amend OMC 7-6-1, 2 – Police Regulations re: Child Protection Zones (1st Reading)

Mark Alexander, Police Chief, stated the Police Department would like to amend Municipal Code Title 7, Chapter 6, Sections 1 and 2 relating to Child Protection Zones in order to be more effective. On April 21, 2003, Ordinance 2510-2003 was adopted by the Ontario City Council establishing Municipal Code Title 7, Chapter 6; on July 21, 2003, Ordinance 2519-2003 was adopted by the Ontario City Council to update the definition of Convicted Sex Offender; on August 4, 2003, Resolution 2003-142 was adopted by the Ontario City Council establishing thirteen Child Protection Zones within the City of Ontario; and on March 20, 2006, Resolution 2006-104 was adopted by the Ontario City Council reauthorizing the extension of Title 7, Chapter 6 and the identification of Child Protection Zones.

In 2003, the ordinance establishing Child Protection Zones was established. Public areas where children congregate and convicted sex offenders could have unsupervised access to those children would qualify to be designated as Child Protection Zones. Certain convicted sex offenders would then be banned from those locations upon receiving notice of their exclusion. Those in violation of being at those protection zones committed the crime of Trespass.

Thirteen locations were identified as Child Protection Zones and were established by Resolution.

Currently, only qualifying sex offenders receiving notice are those who were under the control of Malheur County Community Corrections. Notice was not being given to those not under the control of Community Corrections or who moved into the area. Internal procedures needed to be created to make these regulations viable.

The identification of qualifying sex offenders under ORS 163.175 and ORS 163.395 was problematic for those who provided notice to Convicted Sex Offenders. Staff was requesting changes in the language that defined a Convicted Sex Offender under these two laws. Additional laws for sex crimes against children had also evolved since the creation of the ordinance. Staff wanted to add ORS 163.432 and ORS 163.433 to the definition of Convicted Sex Offender.

The ordinance required review by the Council of the Child Protection Zones and possibly even the ordinance itself. The required review was approximately 14 months overdue. Staff was recommending changes in language to eliminate the review process and have it done internally by the Police Department on an as-needed basis.

Additional staff time and materials would be required to provide notice and maintain documentation identifying those notice has been provided to.

Charlotte Fugate moved, seconded by Jackson Fox, that the Council adopt Ordinance #2665-2012, AN ORDINANCE AMENDING ONTARIO MUNICIPAL CODE TITLE 7, CHAPTER 6, SECTIONS 1 AND 2, on first reading by title only. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

Resolution #2012-108: State Revenue Sharing

It being the date advertised for public hearing on the matter of Resolution #2012-108, the Mayor declared the hearing 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.

Chuck Mickelson, City Manager, stated staff was requesting approval from the Council declaring the City's election to receive State revenues for the State's 2012-2013 Fiscal Year. An Oregon Revised Statute required that municipalities formally declare their intention to receive State Revenue Sharing Funds on an annual basis. This election can be done by resolution action. Adoption of this resolution would allow the City to receive allotted funds during the second half of its biennial budget. The Council was asked to adopt a similar resolution during June of 2011 for the first year of the 2011-2013 biennial budget. It was

anticipated that the city would receive approximately $95,000 in revenue sharing revenues during the second year of its biennial budget.

The Mayor opened the hearing for public testimony.

Opponents: None.
Proponents: None.

There being no Proponent and no Opponent testimony, the Mayor declared the hearing closed.

David Sullivan moved, seconded by Jackson Fox, that the Council adopt Resolution No. 2012-108, A RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

EXECUTIVE SESSION

An executive session was called at 7:51 p.m. under provisions of ORS 192.660(1)(e) real property. Council reconvened into regular session at 8:47 p.m.

REGULAR SESSION

Charlotte Fugate moved, seconded by Ron Verini, that the City Council authorize the City Manager to sign the Third Amended Purchase and Sale Agreement with Chris Hardin of CDH Consulting. Roll call vote: Crume-yes; Fox-no; Fugate-yes; Jones-no; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 5/2/0.

EXECUTIVE SESSION

An executive session was called at 8:55 p.m. under provisions of ORS 192.660(1)(e) real property. Council reconvened back into regular session at 9:45 p.m.

ADJOURN

Norm Crume moved, seconded by Ron Verini, 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