

ONTARIO CITY COUNCIL MEETING MINUTES
Monday, June 16, 2014

The regular meeting of the Ontario City Council was called to order by Mayor LeRoy Cammack at 7:00 p.m. on Monday, June 16, 2014, in the Council Chambers of City Hall. Council members present were LeRoy Cammack, Norm Crume, Jackson Fox, Charlotte Fugate, Dan Jones, and Larry Tuttle. Ron Verini participated by telephone.

Members of staff present were Tori Barnett, Larry Sullivan, Al Higinbotham, Marcy Skinner, Kari Ott, Mark Alexander, and Alan Daniels. The meeting was recorded, and copies are available at City Hall.

Norm Crume led everyone in the Pledge of Allegiance.

AGENDA

Council was asked to amend the Agenda to include proposed Resolution #2014-123, a resolution prepared by Finance to authorize budget transfers related to the 9-1-1 consolidation with Malheur County, and for Public Works vacation and sick time buy-outs due to the CH2M Hill contract.

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

CONSENT AGENDA

Charlotte Fugate moved, seconded by Jackson Fox to approve Consent Agenda Item A: Minutes of the Council Meeting of June 2, 2014; Item B: Meetings Calendar: Jul-Dec, 2014; and Item C: Approval of the Bills. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

NEW BUSINESS

Resolution #2014-121: Establishing Policies on Ending Fund Balance per GASB54

Kari Ott, Finance, stated this action was to establish fund balance policies to comply with GASB pronouncement 54. The City Council elected and reserved the authority to establish and modify commitments of ending fund balance pursuant to GASB 54 requirements. The City Council also elected to commit the 2013-2014 ending fund balance for specific uses in 2014-2015.

Dan Jones moved, seconded by Larry Tuttle, that the City Council adopt Resolution #2014-121, **A RESOLUTION ESTABLISHING POLICIES RELATED TO ENDING FUND BALANCES FOR 2013-2014 PURSUANT TO GASB 54 REQUIREMENTS**. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

SRO Contract with 8C School District

Mark Alexander, Police Chief, stated the Police Department would like to enter into a contract with the Ontario 8C School District to provide two SRO's for the 2014-2015 school year. There was 176 days of school in the 2014-2015 school year. The Council had approved this same contract since 2011.

The Department partnered with the 8C School District to provide SRO's over the past several years. The level of service and associated costs had fluctuated, depending upon budget conditions.

The School District budgeted money to fund two SRO's for the 2014-2015 school year. The Police Department prepared a contract outlining the services and associated costs. The School District would pay the city fully burdened wages for actual hours performed by SRO's, up to \$125,000. The city would provide equipment and training for the officers, as well as any payroll costs that exceeded \$125,000.

Charlotte Fugate moved, seconded by Norm Crume, that the Council authorize the City Manager and Police Chief to sign a contract with 8C School District to provide two School Resource Officers for the 2014-2015 school year. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

Proposed Lawsuit to Extend Reiter Drive ROW

Larry Sullivan, City Attorney, stated this action item was for the Council to decide whether to authorize the City Attorney to file a lawsuit for a right-of-way across a vacant lot at the end of Reiter Drive. The City Attorney hoped to obtain a default judgment with no trial.

Norm Poole, Inc. was planning a new subdivision, Pine Ridge Place, and proposed to extend Reiter Drive to the subdivision. The plan had received tentative approval from the city and county. Reiter Drive was dedicated to the city in the 1970s when the city approved the Village Addition Plat Map. On the Plat Map, Reiter Drive terminated at the south boundary of Parcel A on the Map. There was a notation at the bottom of the Plat Map which read: *"Parcel 'A' shall be retained by present owner until the City of Ontario requires it for a public right-of-way"*. The city and county failed to require the developers of the Village Addition to formally dedicate the right of way across Parcel A when the Plat Map was approved. Therefore, the present owner named in the Plat Map continued to have an ownership interest in Parcel A after the Plat Map was approved.

If authorized by the Council, a civil complaint would be filed in Malheur County Circuit Court asking the Court to declare that the city needed Parcel "A" for a right of way and that a judgment should be entered dedicating Parcel A to the city for an extension of Reiter Drive and other right of way purposes. The defendants in the lawsuit would be the persons that claimed any ownership interest in Parcel A.

With one exception, the owners of Parcel A, the original developers, were either deceased or their whereabouts unknown. When the Village Addition Plat Map was approved in the 1970s, the developers who owned the underlying land were Ivan Getman, Maureen Getman, Floyd Blankenbaker, Michael Fisher and Ray L. Tarter.

Ivan Getman and his ex-wife, Maureen Getman (Maltsberger) were deceased, and no probate was done of their estates. The City Attorney had been in contact with the last wife of Ivan Getman and a daughter of Maureen Getman and they did not oppose the city's effort to acquire a right of way across Parcel A. However, they had no legal authority to execute deeds to Parcel A because none of the Getman heirs had been appointed as personal representative of the Getman estates.

The whereabouts of Floyd Blankenbaker and Michael Fisher were unknown. The City Attorney wrote a letter to an address in Virginia that might have been used by Floyd Blankenbaker, but received no reply to the letter.

Ray L. Tarter was living in Meridian, Idaho, and did cooperate by signing a quitclaim deed to the city, so it would not be necessary to join him as a party in the litigation.

Malheur County treated Parcel A as tax exempt property until now, so no one had been paying taxes on it. However, after researching the ownership issue, the Assessor was putting it back on the tax rolls until the city's litigation was concluded and the Court put Parcel A into the city's name.

Assuming that no one opposed the city's complaint and that the city was able to acquire a default judgment dedicating Parcel A to the city, the City Attorney estimated that the total cost of the litigation would be around \$3,000. That included the attorney fee (approximately \$1,500), the publication of summons in the newspaper, the cost of a title report and various recording fees.

Councilor Fox asked why the city would be required to pay the \$3,000.

Mr. Sullivan stated it was because this action was a correction of an error by the city.

Dan Jones moved, seconded by Charlotte Fugate, that the Mayor and City Council authorize the City Attorney to file a lawsuit in Malheur County Circuit Court to acquire Parcel "A" in the Village Addition subdivision for an extension of Reiter Drive and other right of way purposes. Roll call vote: Crume-yes; Fox-no; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 6/0/1.

Resolution #2014-123: Transfer Funds to Cover 9-1-1 Consolidation Legal Expenses and Public Works Vacation and Sick Buy-Out due to the City's Contract with CH2M Hill:

Kari Ott, Finance, stated this action was necessary to transfer funds to provide legal services for the 9-1-1 consolidation, as well as for vacation/sick buyout in the Public Works fund, both under the current budget year. The Council was in the process of consolidating 9-1-1 services with Malheur County requiring legal services; also a contract was signed with CH2M Hill requiring vacation buyouts by June 30, 2014.

The proposed resolution would reduce the 9-1-1 fund personnel services by \$15,000 and increase the 9-1-1 fund materials and services by \$15,000. It would also reflect a decrease of \$45,325 from Public Works fund materials and services and increase the Public Works und personnel services by \$45,325.

Norm Crume moved, seconded by Dan Jones, that the City Council adopt Resolution #2014-123, **A RESOLUTION AUTHORIZING THE BUDGET TRANSFERS NECESSARY TO EXPEND FUNDS FOR 9-1-1 FUND LEGAL SERVICES AND PUBLIC WORKS VACATION/SICK BUYOUTS**. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

PUBLIC HEARING(S)

Resolution #2014-120: Receive State Revenues

Kari Ott, Finance, stated this resolution was to declare the city's election to receive state revenues, pursuant to ORS 221.770.

The City of Ontario Budget Committee held public hearings on May 20, 21, and 22, 2014. The 2014-2015 annual budget contained revenue sharing from the State of Oregon. The City Council held a public hearing on June 16, 2014 giving the citizens an opportunity to comment on the use of State Revenue Sharing, pursuant to ORS 221.770. If passed, the city would be able to share in State Revenues that were shared with cities throughout Oregon.

Jackson Fox moved, seconded by Dan Jones, that the City Council adopt Resolution #2014-120, **A RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES** for fiscal year 2014-2015. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

Resolution #2014-122: Adopt Fiscal Year 2014-2015 Annual Budget

Kari Ott, Finance, stated this resolution was to adopt and appropriate the budget; impose taxes upon taxable property; and categorize the taxes imposed.

The City of Ontario Budget Committee held public hearings on May 20, 21, and 22, 2014 and approved the 2014-2015 annual budget. The City Council held a public hearing on June 16, 2014, giving the citizens an opportunity to comment on the annual budget for 2014-2015. If adopted, the resolution would appropriate the annual budget in the amount of \$27,201,632.

Councilor Jones verified that the proposed budget included the budget cuts made by staff spoken about at the Thursday work session.

Ms. Ott indicated it did include the cuts made by staff.

Mayor Cammack suggested that a question be placed on the November ballot to the community concerning the Golf Course funding, which would allow the community that chance to give feedback.

Mr. Sullivan explained that it would be possible to have an advisory question on the ballot that the voters could vote on, but it would not be binding to the City Council.

Councilor Fox believed it was not germane to the action being voted on currently, which was the proposed adoption of the 2014-15 budget.

Councilor Verini thought that it was important for the overall budget voting. He was in support of posing the question to the public on the ballot.

Councilor Fox disagreed, and stated this was not proper procedure.

Mr. Sullivan agreed. They had deviated from the original action and motion. The subject should be discussed at a later time.

Dan Jones moved, seconded by Jackson Fox, that the City Council adopt Resolution #2014-122, **A RESOLUTION TO ADOPT AND APPROPRIATE THE ANNUAL BUDGET FOR 2014-2015, IMPOSE THE TAXES UPON TAXABLE PROPERTY, AND CATEGORIZE THE TAXES IMPOSED FOR THE FISCAL YEAR 2014-2015.** Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

Councilor Crume asked that the idea of taking the golf course funding issues to a vote of the people be placed on the next Agenda.

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Mayor Cammack recognized three Boy Scouts in attendance, and thanked them for coming. He also recommended the Council cancel the first meeting in the month of July due to possible absences. A special meeting might need to be held for the Police/Fire ICMA study either the last part of June or first of July.
- Tori Barnett stated HR had been working with CH2MHill to get all the paperwork done for implementation on July 1. Also, beginning June 27th, there would be a county wide burn ban.
- Chief Alexander stated he had Fish with a Cop coming up, along with a meeting scheduled for speaking of possible ways to help the homeless in our area.

ADJOURN

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

APPROVED:



LeRoy Cammack, Mayor

ATTEST:



Tori Barnett, MMC, City Recorder