

**ONTARIO CITY COUNCIL MEETING MINUTES**

**July 1, 2013**

The regular meeting of the Ontario City Council was called to order by Council President Dan Jones at 7:00 p.m. on Monday, July 1, 2013, in the Council Chambers of City Hall. Council members present were Norm Crume, Jackson Fox, Charlotte Fugate, Dan Jones, Larry Tuttle, and Ron Verini.

Members of staff present were Jay Henry, Tori Barnett, Larry Sullivan, Mike Long, Mark Alexander, and Marcy Skinner. The meeting was recorded, and copies are available at City Hall.

Norm Crume led everyone in the Pledge of Allegiance.

**AGENDA**

Councilor Jones asked to add an appointment to the Public Works Committee to the Consent Agenda.

Norm Crume moved, seconded by Charlotte Fugate, to adopt the Agenda as amended. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes. Motion carried 6/0/0.

**CONSENT AGENDA**

Ron Verini moved, seconded by Charlotte Fugate, to approve Consent Agenda Item A: Minutes of the Regular Meeting of June 17, 2013; Item B: Approval of the Bills; and Item C: Appointment of Ron Commesser to the Public Works Committee. NO VOTE.

Councilor Tuttle stated on the bill for Anderson-Perry, that was a part of the engineering for the river intake, correct?

Mr. Henry stated that was correct. That project came in under budget by quite a bit.

Councilor Fox stated he thought the original question was why was the city using an engineering firm when there was an engineer on staff.

Mr. Henry stated he didn't know the answer to that, but he would find out.

Councilor Tuttle asked what the yardage was on the screen.

Mr. Henry stated he didn't know, but he would get back to them with an answer.

Councilor Tuttle confirmed that Bellows moved the portable screen out there, and then city staff operated it?

Mr. Henry stated that was correct, to his knowledge. He knew there had been a complaint that one of the areas where they were receiving what was supposed to be clean fill from the city, wasn't clean. So the city had to pick up what had been dumped and attempt to make it better.

Councilor Tuttle asked how the process worked.

Mr. Henry stated he didn't know the process, but it appeared that it was screened at a separate site from where it was being dumped. He could find out.

Councilor Tuttle stated the CK3 bill was part of the Washington project, correct?

Mr. Henry stated that was correct.

*[Retyped for record]*

Ron Verini moved, seconded by Charlotte Fugate, to approve Consent Agenda Item A: Minutes of the Regular Meeting of June 17, 2013; Item B: Approval of the Bills; and Item C: Appointment of Ron Cornmesser to the Public Works Committee. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Tuttle-yes; Verini-yes; Jones-yes. Motion carried 6/0/0.

#### **DEPARTMENT HEAD UPDATE**

Mike Long, Finance Director, stated staff had previously discussed with Council the possibility of converting to SAIF for Workers' Compensation coverage, and he found that by doing so, the city would save not only overall, annual, but also \$4,000 discount by paying the amount in full now as opposed to monthly. It would run \$82,861 for the full year, if paid in full now.

Charlotte Fugate moved, seconded by Norm Crume, to approve the payment of \$82,861 to SAIF, for payment in full, at a savings discount of \$4,000. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Tuttle-yes; Verini-yes; Jones-yes. Motion carried 6/0/0.

#### **PUBLIC COMMENT**

*[Copied from hand-out]*

Fred King, Ontario, stated *"My name is Fred King, and I have been an Ontario resident for about six years. My wife and I found a beautiful home three blocks from the high school, two blocks from St. Alphonsus and three blocks from the Ontario Aquatic Center. It was a perfect place for me to retire and for my wife Wanda to finish her teaching career. We moved here from the northern Klamath County area where the nearest towns were 112 miles south to Klamath Falls, 50 miles North to Bend, 55 miles west to Oakridge, and 200 miles east to Burns. We were glad to move to an actual town. Then came City Council politics. Kathy Daly, Parks and Recreation Director, asked for some of the users of the pool to go to the City Council meeting and tell why the Aquatic should stay open. Some of us did. There were about seven or eight that spoke on behalf of the Aquatic Center. After we were finished, Mr. Dan Jones said "Now that all of the fuzzy wuzzys had their say, let's get back to city business. I find that remark rude, crass and insulting. A lady who also attended the meeting later remarked "can you believe Dan Jones said that after we spoke." No, I couldn't, but after attending some other city council and budget meetings I can believe Dan Jones said that. I've witnessed Mr. Jones be rude to Norm Crume, and Charlotte Fugate. At the last council meeting when two snake river transit riders spoke on keeping the funding for the Snake River Transit System Mr. Jones did not pay any attention to the two speakers, he shuffled some papers and around in front of him and either acted to read or read them while ignoring the speakers. Why would anybody want to make any comments to the council. Next, this last debacle about the still-vacant mayor seat. The three radicals, Jones, Fox and Tuttle want someone to mirror their far right views and Virini, Fugate, and Crume are the more moderate three council members. There will be no compromise between these factions, most of you know that. TVCC accountant Darin Bell has put in his application for mayor. Dan Jones and Larry Tuttle both said he was not a qualified candidate. I thought this was the City Council decision. Maybe Virini, Crume, and Fugate thought he was. Dan Jones wants Andi Bentz to be mayor. Sorry he did not apply. Why isn't Darin Bell qualified, because of no experience. I'm sorry but the city council is the bottom of the barrel when it comes to politics. You have to start somewhere. Also Darin is employed by TVCC, that means He is in the field of education, OH NO that probably means he is a liberal or moderate. We can't have that in this City Council. He might think for himself and not be a peon for Mr. Jones. Quote Mr. Jones. I'm the president of the council. I'm going to decide that we do not interview him. Sig Hiel."*

*[Copied from hand-out]*

Ruth Rolland, Ontario, stated *"Ontario's leaders are elected. Your role, I would think, is to uplift the City as a great town for people to live in – where people already living here in Ontario mention to others, such as people visiting our city, "You know what I like about living in Ontario?" You would think that the elected leaders would consider –*

*carefully – the impact on all the residents of the city, who voted for, or against you. Because people are noticing how you handle the decisions that affect every one of them. Whenever each of you votes on an issue before the Council, Ontario’s citizens would hope that you consider, with an eye to the current and future quality of life for the residents, will your vote be for the good of your constituents, or does it do harm to Ontario’s citizens. If it harms the citizens, it harms the City. And in the bigger picture, do each your votes on an issue harm, or enhance, the city’s image among neighboring communities around the region. A city’s leaders have a power to give a city a reputation that can reach across counties, and if negative, can linger a long, long time. Last work session, I observed a display of self-promoting, small-minded resistance to any kind democratic process by certain council members. I heard certain city council members criticize and discount a community-minded citizen who volunteered to step forward to serve the City, if the Council would accept him. This is not what Ontario’s citizens want their town to be known for. As a matter of fact, I request the minutes of last Thursday’s City Council Work Session be placed in the record of tonight’s City Council meeting, along with my own comments. Ontario’s citizens deserve City leaders who actually like the citizens they govern – all the citizens –including the ones who need and use the bus system, and the ones who want, and need and use a quality City Pool. People who live here, and visitors who come to Ontario for shopping and medical care, and yes, also the people who work here – they all deserve to feel like they have value and are regarded with respect by Ontario’s City Council. Again this evening, there are City of Ontario Public Works employees and their supporters outside in the heat carrying signs. In much the same way as there rest of the community, they feel that, during their last contract negotiations, the City’s leaders dealt with them unfairly and with no respect. They are still waiting for fairness from City Council. An implemented working contract is not fairness.”*

#### **DISCUSSION ITEM**

##### 9-1-1

Councilor Jones stated that issue had been discussed at the Work Session, and had been turned over to the Sheriff’s Department to develop a proposed contract.

Councilor Crume confirmed that when the contract was completed for a review, it would go before the Council for a vote.

Ms. Sullivan stated yes.

Councilor Verini stated he believed the safety of the community was at risk. He was not opposed to the consolidation of the two centers, but he was opposed to the swiftness of the action. They were not positive on the \$200K+ that they supposedly would be saving, since that was what was planned to be placed in OPD for personnel, and they didn’t really know if it would be there when it was needed. Also, he was not pleased about the possibility of a dangerous situation that they placed themselves in when all the questions had not been addressed as to having City Hall manned 24-hours a day. Sheriff Wolfe mentioned a situation where a woman was accosted in the City Hall parking lot before she was safely inside the building, but the ones who had come to City Hall for protection and had been let in, would probably outnumber that one incident. The risk of having a prisoner confined without a solid game plan in case of fire, health issues, multiple prisoners, women detained, juveniles, had been, at least, settled by a camera for surveillance, with the camera going into Vale. There was even the possibility of even having the Finance Director cover for OPD since he had a concealed weapons permit, and would be willing to get trained, but what would happen when he wasn’t around? In a rush to push this through, they would be putting the citizens at risk, and setting the city up for major lawsuits. The Council needed to cross their T’s and dot their I’s first. He was not in favor of pushing this through at this time. The question he had to the City Manager, to the Police chief, to the Fire Chief, was, was there a solid plan in place to cover the safety of the prisoners and the citizens, and if there was, he’d like to see it before the vote was actually taken.

**NEW BUSINESS**

**Renewal of Treasure Valley Paramedics Dispatch Services Agreement**

Mark Alexander, Police Chief, stated the Ontario Police Department would like to renew the Dispatch Services Agreement with Treasure Valley Paramedics. In May 2010, the Council approved a three-year contract with TVP.

The Ontario 9-1-1 PSAP Center provides dispatch services for Treasure Valley Paramedics. The Police Department maintained a contract with Treasure Valley Paramedics, beginning in 2000. The current contract expired July 1, 2013. The Police Department would like to renew the contract. Under the contract, Treasure Valley Paramedics would pay \$967 per month starting July 1, 2013. A 10% increase would be imposed each year. The proposed contract, based on the Thursday discussion regarding possible consolidation, would be in effect until June 30, 2014 or upon consolidation with Malheur County.

Mr. Sullivan stated a sentence had been deleted that previously obligated the city to attempt to assure that Malheur County would accept the same rate structure after consolidation. That obligation had been removed. The negotiations would be between Malheur County and Treasure Valley Paramedics, without any obligation or involvement by the city.

Chief Alexander stated addressed in section 4D of the proposed contract was the action that would occur if the consolidation with Malheur County took place prior to the end of the contract.

Jackson Fox moved, seconded by Larry Tuttle, the City Council authorize the City Manager to sign the revised contract for the Dispatch Services Agreement with Treasure Valley Paramedics, effective July 1, 2013 through June 30, 2014, or until the City ceases to provide dispatch services due to a 9-1-1 consolidation with Malheur County. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Tuttle-yes; Verini-yes; Jones-yes. Motion carried 6/0/0.

**CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS**

- Councilor Verini stated the 234<sup>th</sup> Army Band would be playing at the Four Rivers Cultural Center. Tickets were free, but were required for admittance. There was a limit of 500 tickets and last time it was done, it was sold out with standing room only. Tickets were available from the Chamber of Commerce, Veteran's Advocates of Ore-Ida, or the Cultural Center.
- Councilor Jones wished everyone a safe Independence Day. Please cherish the celebration and recognize the importance of the day for everyone.

**PUBLIC HEARING**

**Annexing Horning Way and Crest Way**

It being the date advertised for public hearing on the matter of the proposed annexation of Horning Way and Crest Way, the Council President declared the hearing open.

Larry Sullivan, City Attorney, stated as directed by the Council, staff scheduled a public hearing for July 1, 2013, concerning the Crest Way and Horning Way annexation. ORS 222.120 required a public hearing to allow "...the electors of the city [to] appear and be heard on the question of annexation." The Council could open the hearing up for comments from people who were not electors (registered voters) in the City, if the Council chose to do so.

Under Oregon law, if sufficient consents were signed by property owners and electors within an area to be annexed, a City could proceed with an annexation without calling for an election among the electors in the annexation area. The consents had to be signed prior to the public hearing. Staff anticipated that there would be a sufficient number of consents signed before the hearing to avoid calling for an election.

Based upon prior discussions with the City Council about the annexation requirements that would be imposed on Crest Way and Horning Way land owners, staff included the following agreements by the City into the consent forms given to land owners:

*The City of Ontario has agreed that the City shall not require the owner to connect to City sewer and water services until requested to do so by the owner; that future City sewer and water connection charges will not include any charges for the cost of a previously constructed lift station known as the Regional Lift Station serving the area; and that the City shall not require the owner to pay for any street extensions or expansions as a condition of annexation.*

If the Council moved forward with the annexation based upon these consents, the City would have to honor the agreements as part of the annexation process.

If, at the end of the public hearing, the Council wished to proceed with the annexation, it could direct staff to proceed with the annexation as a formal land use action. Staff would draft an annexation and rezone ordinance for the annexation area and schedule public hearings through the City's land use process. The annexation and rezone would have to be approved by the Planning Commission before coming back to the Council. Staff would also have to obtain deeds from the County deeding Crest Way and Horning Way to the City as part of the annexation, because those streets were owned by the County. The County informally agreed to deed these streets to the City as part of the annexation process.

If there were insufficient consents signed before the July 1, 2013, public hearing, staff would discuss various options with Council at that time.

Councilor Jones asked if there were any comments from the public with regards to this action. Seeing and hearing none, the public testimony portion was closed and opened for Council discussion.

Marcy Skinner, Planning Technician, stated with regard to the Reeve property, she had issued a letter to them which outlined that they would be allowed to keep the pets they currently had, which exceeded the number established by ordinance for dogs and chickens. That property and owner name would also be specifically mentioned in the annexation ordinance.

Mr. Sullivan stated the section relating to the Reeves' would authorize them to keep the animals they currently had on that property, as long as they didn't replace those animals with other animals.

Councilor Fugate stated about six months ago during another land issue discussion, they talked about little islands that weren't conforming with city limit regulations, and the requirement of having anyone coming into the city have sewer and water connections. Why weren't they doing that with this group?

Councilor Tuttle stated sewer and water was already there. They put it in themselves.

Councilor Jones stated they had the option to hook up whenever they wanted, but the stub was at the sidewalk.

Councilor Fox stated that subdivision met all city codes; however, not all were hooked to water, but most were hooked to sewer. Even after they were annexed, the ones that were hooked only to sewer, or only to water, would continue to pay the 175% surcharge until they hooked into both, was that correct?

Mr. Sullivan stated that wasn't the way he read it. The city charged the surcharge only for properties that were outside the city limits. Once they were inside the city limits, they wouldn't be paying that surcharge. That was how he read the ordinance.

Councilor Jones stated the surcharge only came from when they were hooked up.

Councilor Fox stated some were hooked up, but not hooked up to sewer or not hooked up to water. He agreed with Councilor Fugate on this issue.

Mr. Sullivan stated he hadn't thought about it in connection to this annexation. There was nothing in this language that obligated the city to offer the in-city rate, other than the fact that they would be in the city limits. He wasn't certain, but the city had the legal right to require them to pay the outside city rate once annexed in. His assumption was that once inside the city limits, they automatically qualified for the in-city rate, whether or not they were hooked up to both sewer and water.

Councilor Jones stated there was also an issue of this annexation never being finished. They were compensating a few things to get this completed. This wasn't a normal procedure – more like housekeeping.

Councilor Crume stated when someone paid more than a normal bill it was because they were hooked up to either water and/or sewer but lived outside the city limits, and they didn't pay city taxes. With being annexed, if they were hooked up to neither, one, or both, they paid the normal rate because they would be paying city taxes. It should be the homeowner's decision on whether or not to hook up.

Norm Crume moved, seconded by Jackson Fox, that the City Council proceed with the Horning Way and Crest Way annexation as a formal land use action. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Tuttle-yes; Verini-yes; Jones-yes. Motion carried 6/0/0.

#### **CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS**

- Mike Long stated they needed a formal vote on Dan Jones as a signatory on the checks for the City of Ontario. The bank required documentation.

Councilor Jones stated he would only sign if the City Manager was unable to sign the checks. The back-up signatory would be the Mayor, or Council President in this case.

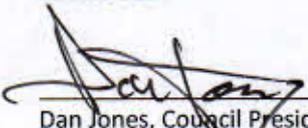
Mr. Sullivan stated the Financial Policies Manual stated there would be three signors – the City Manager, the Mayor, and the Finance Director. The only consent required was for Councilor Jones to sign as acting Mayor.

Charlotte Fugate moved, seconded by Ron Verini, to add the Council President have signing authority on city checks. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Tuttle-yes; Verini-yes; Jones-yes. Motion carried 6/0/0.

#### **ADJOURN**

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

**APPROVED:**

  
\_\_\_\_\_  
Dan Jones, Council President

**ATTEST:**

  
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Tori Barnett, MMC, City Recorder