

COUNCIL MEETING MINUTES

July 9, 2012

The regular meeting of the Ontario City Council was called to order by Mayor Joe Dominick at 7:00 p.m. on Monday, July 9, 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, Tori Barnett, Larry Sullivan, Lisa Hansen and Mark Alexander. The meeting was recorded on tape, and the tapes are available at City Hall.

Charlotte Fugate 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.

COUNCILOR COMMENT

Councilor Jones stated a few weeks back, Riley Hill was putting together a fund-raiser for Representative Cliff Bentz, and he contacted Councilor Jones because he knew there was going to be leftover food and beverage from the event. Mr. Hill suggested having a fund-raiser for Dusty Simpson. They put the word out, and on Saturday night they gathered at Mr. Hill's residence, where they ate, drank, and got out their checkbooks. Dusty's mother, Debbie, made the comment "*thank God he's alive*", and being a parent and grandparent, that stuck with him. He wanted Dusty to know that he was a very important part of the volunteer fire department, they needed him to get well, and they needed him to get back to work. Councilor Jones presented Dusty with a check for \$2,830, to help with his recovery costs.

CONSENT AGENDA

Charlotte Fugate moved, seconded by Ronald Verini, to approve Consent Agenda Item A: Approval of the Regular Minutes of 06/18/2012; Item B: Liquor License Application: Spuds & Suds Change of Ownership; Item C: Ordinance #2668-2012: Amend OMC 7-1 re: Nuisance and Health Regulations (Final Reading); Item E: Funding Recommendation: Industrial Lands Study; Item F: Funding Recommendation: Transit 2012/13; and Item G: Approval of the Bills. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

PUBLIC COMMENT

Debbie Blackaby, Chair, Project Dove/The Unique Boutique, stated they had found another way to do some fundraising, as 99.9% of their needs were met through donations. They currently had two stores, and in an effort to cut expenses, nearly \$15K, they were going to consolidate their two stores into one, keeping the site at 189 South Oregon (beside Four Rivers Heating and Cooling). The problem they were faced with was that large amounts of donations needed to be dropped off behind the building, along an alley that only allowed a one-way flow, which caused a potential traffic hazard. They wanted the alley vacated to allow the drop off of donations, without causing traffic issues.

Councilor Verini asked if the problem was the telephone pole at the end of the alley.

Ms. Blackaby stated both the power pole at the end, and some cement blocks. Around the pole, when Salon Salon was there, their cars were parking in the drive through. With Salon Salon now gone, it was open, and they were able to use it. It was definitely hard to maneuver. As soon as a new business came in, they'd be blocked again.

Councilor Fugate asked if that was the park owned by Mr. Hill.

Mayor Dominick stated yes, and it was leased by the city.

Councilor Fox stated that piece was vacated and previously was an alley. The surrounding properties just "used" it.

Ms. Blackaby stated the plat map she had obtained showed it was an alley once, but wasn't anymore.

Councilor Sullivan stated it had been vacated in 1997.

Larry Sullivan, City Attorney, stated when that piece was vacated, the title in the land became owned by adjoining property owners. The city didn't have the ability to vacate. The land owners could rededicate that alley back to the city, and the city would have to accept. The other option for the city was that they could condemn that piece of land.

Councilor Jones stated with regard to the grass line of the park, didn't that gravel belong to the park?

Mr. Mickelson stated yes. When that alley was vacated, there was about 40 more feet to the edge of the gravel that belonged to Mr. Hill. Without significantly affecting park, they could come down and turn a bit into the gravel and exit out onto SW 1st Street. A deal had to be made with Mr. Hill to make that happen. The vacated piece was currently grass.

Mr. Sullivan stated they could discuss in executive session the proposal by Mr. Hill in respect of ownership of the park. That would be discussed later in Executive Session.

NEW BUSINESS

Accept Warranty Deed: Riley Hill re: NW Washington Relocation Project

Chuck Mickelson, City Manager, stated ODOT staff prepared appraisals and conducted negotiations on many of the parcels that needed to be acquired for this roadway project. The Warranty Deed for the Riley Hill property needed to be accepted by the city prior to recording or closing on the property.

On July 6, 2010, the Council approved Agreement No. 26720 with ODOT accepting \$4.5 million for the relocation of NW Washington and constructing Park Boulevard to NW 16th Avenue. On November 15, 2010, the Council approved Agreement No. 26720-01 with ODOT which was an amendment authorizing the expenditure and reimbursement of funds for the above project. On March 7, 2011, the Council approved Agreement No. 27027 with ODOT authorizing the ODOT right of way staff to proceed with appraisals and acquisition of properties for the NW Washington and Park Boulevard roadway project. On July 18, 2011, the Council approved Agreement No. 27027-01 with ODOT which was an amendment clarifying how funds would be paid by ODOT for the appraisals and acquisition costs.

Jackson Fox recused himself from the action, based on a potential conflict of interest.

David Sullivan moved, seconded Ron Verini, that the Ontario City Council authorize the City Manager to sign the Warranty Deed from Riley Hill accepting the property for the NW Washington roadway project. Roll call vote: Crume-yes; Fox-recuse; Fugate-yes; Jones-yes; Sullivan-yes; Verini-yes; Dominick-no. Motion carried 5/1/0/1.

Bid Award: North Park Boulevard Sewer and Water (11WAT-10)

Chuck Mickelson, City Manager, stated as the design of the NW Washington Avenue project progressed, it was discovered that there needed to be water and sewer systems installed to accommodate the development and expansion of the North Interchange area. By completing the North Park Boulevard Sewer and Water project the backbone of the underground infrastructure would be in place for future development of the area. Another reason for the proposed improvements was to accommodate water and sewer systems for the new city shop. Currently the city shop was on a well for water and a septic system for the sanitary sewer. When this project was completed, the city shop would be able to connect to the city's sewer and water system.

FINANCIAL IMPLICATIONS:

CIP Project	2012 Bid Amount	FY 11-13 Budget
11WAT-10 N. Park Blvd Infrastructure Improvement 030-087-719130	\$179,232.50	\$325,000 \$288,925 (Avail)

Bids were opened on June 20, 2012, for the North Park Boulevard Sewer and Water project. The bid amounts were as follows:

CONTRACTOR	TOTAL
SCHMIDT CONSTRUCTION COMPANY, INC.	179,232.50
EASTERN OREGON CONSTRUCTION	232,044.00

Councilor Jones asked where the funding would come from.

Mr. Mickelson stated it was a budgeted item, coming out of the sewer and water fund.

Charlotte Fugate moved, seconded by Ron Verini, that the City Council award the contract for the North Park Boulevard Sewer and Water Project to Schmidt Construction Company, and to authorize the City Manager to be signatory to the Contract Agreement. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

Industrial Lands Committee Proposal

Chuck Mickelson, City Manager, stated the cities of Ontario, Nyssa, Vale, as well as Malheur County, passed resolutions indicating support for more industrial land in the county. An ad hoc "Industrial Lands Committee" had met several times, and had identified possible additional lands south and west of Ontario that could be considered for inclusion in Ontario's city limits and Urban Growth Area. Due to the complexities of Oregon's land use laws and policies, it was nearly impossible for a small community such as Ontario to accomplish a change such as this without outside professional help. Estimates had been made that the cost of a consultant could range from \$75,000 to \$100,000.

It had been suggested that the city initially contract with Greg Winterowd of Winterbrook Planning to assist Ontario in developing the scope of the project before going out for a formal Request for Proposal. Mr. Winterowd was familiar with the Ontario area having successfully brought the Wada property into the Ontario city limits.

In a previous meeting with the City Council, the concern was expressed by Councilman Sullivan that the city was wasting time with this effort if the property owners affected were not willing sellers and willing to participate. Contacts had been made with several of the major property owners and they had indicated a willingness to participate in the process. However, none were willing to give a firm commitment on a sale until an offer was made; the correct zoning was in place, etc.

Comments were also made by the Council that residential land needed to be made available for future housing stock. There was substantial available residential zoned land currently in the city and urban growth boundary. As this study went forward, additional residential lands needed to be considered. This was not a budgeted project, funds would have to be allocated by the City Council from one of the city's contingency accounts. Three possible sources of funding were:

- General Fund Contingency-available balance \$1,529,651
- Stelling Property Fees paid by CDH Consulting \$75,000
- Ontario Economic and Community Enhancement Small Grant Fund. Balance sheet dated 6/15/12 \$299,970 less \$20,000 for transit funding = \$279,970

Dan Jones moved, seconded by Jackson Fox, that the City Council authorize the City Manager to sign an agreement with Winterbrook Planning for no more than \$6,500 to develop the scope and work plan for adding industrial lands to the City of Ontario to be funded from the Ontario Economic and Community Enhancement Small Grant. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

IGA w/TVCC for Maintenance of Landscape Triangle at SW 4th Street

Chuck Mickelson, City Manager, stated the landscape triangle at the intersection of SW 4th Street and SW 11th Avenue has been maintained by Mr. Dan Gray for many years. He had taken a great deal of pride in maintaining the site. TVCC would like to take over the responsibility of maintenance as it provided a key point of entry into the college's sports complex. The college intends to install two signs on the site. The term of the agreement was through June 30, 2015 with automatic renewals outlined in the agreement.

The City had been providing water to the site and would continue to do so under this agreement. The city would also provide street signage and striping as necessary.

Mayor Dominick wanted verification that the flag pole would remain.

Mr. Mickelson stated he would confirm that. Also, he recommended removing Section 5.5 of the agreement in its entirety.

Norm Crume moved, seconded by Jackson Fox, that the Council approve the IGA with Treasure Valley Community College for the landscaping triangle at the intersection of SW 4th Street and SW 11th Avenue and authorize the City Manager to sign the agreement. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Chuck stated Bob Walker had an operation last week, but everything went well and he was now home.
- Jackson Fox gave kudos to Riley Hill and Dan Jones for putting together a fund-raiser to assist Dusty Simpson with his medical costs.

Mayor Dominick also thanked them for the fund-raiser done on behalf of Representative Cliff Bentz.

- Norm Crume voiced his appreciation for the 4th of July fireworks.
- Charlotte Fugate congratulated the transit system for their award.

EXECUTIVE SESSION(S)

Executive Session: ORS 192.660(2)(a)

An executive session was called at 7:32 p.m. under provisions of ORS 192.660(1)(a) to consider employment of an officer, employee, staff member, or agent. The Council reconvened into regular session at 7: 45 p.m.

Executive Session: ORS 192.660(2)(e)

An executive session was called at 7:46 p.m. under provisions of ORS 192.660(1)(e) to discuss real property. The Council reconvened into regular session at 8:01 p.m.

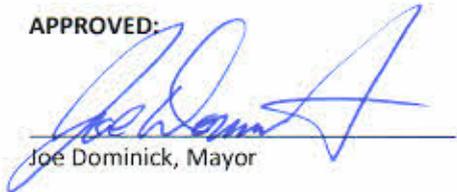
Executive Session: ORS 192.660(2)(h)

An executive session was called at 8:02 p.m. under provisions of ORS 192.660(1)(h) to discuss potential or current litigation. The Council reconvened into regular session at 8: 32 p.m.

ADJOURN

Jackson Fox moved, seconded by David Sullivan, 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