

**ONTARIO CITY COUNCIL MEETING MINUTES  
Monday, July 15, 2013**

The meeting of the Ontario City Council was called to order by Council President Dan Jones at 7:00 p.m. on Monday, July 15, 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, Mark Alexander, Mike Long, and Bob Walker. The meeting was recorded, and copies are available at City Hall.

Charlotte Fugate led everyone in the Pledge of Allegiance.

**AGENDA**

Council consensus to add three items to the Agenda: The appointment of Ron Cornmesser to the Public Works Committee as Item 7B; Ordinance #2681-2013: Amend OMC 2-3-6 regarding the Golf Committee as Item 7C; and the possible appointment of Darin Bell to the Budget Board as 7D.

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

**CONSENT AGENDA**

Charlotte Fugate moved, seconded by Norm Crume, to approve Consent Agenda Item A: Minutes of the Regular Meeting of July 1, 2013; Item B: Liquor License Application – Change of Ownership “Tha Other Bar”; and Item C: Approval of the Bills.

Bob Walker, Public Works Director, stated that a question about the pivot repair invoice had been asked at the Thursday Work Session and he had indicated it was for repair work at the Malheur Farm, but it was, in fact, at Skyline Farms.

Councilor Jones voiced concern about the appearance of delayed payments to vendors, and asked why that was.

Mr. Henry stated he would look into it. He let the Council know that he and Finance Director Mike Long were looking into some options for getting payments out to vendors more timely.

Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Tuttle-yes; Verini-yes; Jones-yes. Motion carried 6/0/0.

**DEPARTMENT HEAD UPDATES**

Mike Long, Finance Director, stated he distributed a draft credit card policy, and would like some feedback from the Council on the draft. He would be incorporating the changes into the Financial Policy.

Mr. Long also distributed a report on the SDC's. He wasn't sure when the Council had received an update, so he had covered 2009 to current. It was broken down by SDCs for water, sewer, and transportation.

Mr. Long stated he had received the last invoice for payment on the fire pumper, for just over \$29K. That needed to be approved and sent off for the final payment. He asked that the item be added to the bills for approval.

Norm Crume moved, seconded by Larry Tuttle, to amend the Agenda to include the payment of \$29,296.35 for the final payment of the Fire Department Pumper. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Tuttle-yes; Verini-yes; Jones-yes. Motion carried 6/0/0.

Charlotte Fugate moved, seconded by Norm Crume, to remit payment in the amount of \$29,296.35 for the final payment on the Fire Department Pumper. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Tuttle-yes; Verini-yes; Jones-yes. Motion carried 6/0/0.

Mr. Long stated the Auditors were at City Hall today, and would be back tomorrow. They were prepping for the upcoming full audit.

Jay Henry, City Manager, stated on Thursday, July 25<sup>th</sup>, there would be an LCDC round table in Burns, and the Council was invited to attend. He, along with Alan Daniels, would be going.

Mr. Henry reminded the Council of the upcoming LOC Conference.

Ms. Barnett added that if they registered before the end of July, the registration costs were lower.

Mr. Henry stated he had just returned from attending the OCCMA Conference. The seminars and classes were very interesting, such as Public Employee Unions, Background Performance Reviews, Emerging Financial Trends for 2015, Mentoring and Professional Development, How to Increase the Odds of You and Your Organization Avoiding an Ethical Crisis, and Developing and Maintaining an Effective Working Relationship with the City Council. There had also been a special class led by the State's Budget Officer, who addressed the State's budget.

Mr. Henry stated staff was currently interviewing for the positions of Wastewater and Water Superintendent, as well as for the Facilities Manager. They had conducted some phone interviews to save on travel costs, and the first few looked fairly good. They would be doing more on Tuesday. Face-to-face meetings would be conducted the following week. He hoped to fill those positions quickly.

Mr. Henry stated that Kit Kamo, SREDA, had ads for our area which would be going out in the Site Selection magazine for businesses looking for data centers.

Councilor Jones asked for an update on the installation of the playground equipment at the park.

Mr. Henry stated Public Works was short-staffed right now, but the Public Works Director had instructed them to finish up on what was needed by the city, and then get together with the Rotary Club to get the project completed. It was hoped it would be done within the month. They had a great group of volunteers, but they definitely wanted to ensure it was installed correctly. Also, Mike Long was tracking the costs incurred by the city for the project, so Council would be able to see those.

Mr. Walker stated that following his discussion with Mr. Henry, he had contacted John Bishop, Jay Hysell, and had meted out a plan for getting the project completed. He was making this a top priority, and hoped to have the excavation done within the next two weeks.

Councilor Jones asked that the Council be kept updated. Regarding the WWTP interviews, would the Council know before the position was filled, or offered, or would they just be notified when the individual was hired.

Mr. Henry stated he would make an announcement to the Council. His job was to hire Department Heads, but the Council would certainly be kept updated. This position was below a Department Head. He hoped to have the person on staff within four weeks.

**PUBLIC COMMENT(S)**

[Copied from hand-out]

Ruth Rolland, Ontario, (See handout from Ruth) *Anyone who has been following the business of City Council over the past few months can't help but feel frustrated and even embarrassed by the problems in our City Council. We have letters in the Argus suggesting recall elections. Many of you also saw the newspaper story about last Thursday's City council Work Session. The newspaper story accurately described what happened at Thursday's meeting. I was there. It was a public meeting. In words spoken by certain City council members, solid Ontario citizens have been publicly criticized and disparaged, simply for stepping forward – as they community-minded citizens they are – to volunteer their time, their energy, their service to restore some balance to the functioning of City Council. Frankly the city council is out of sync with their Mission. Their Mission has been sidetracked – or perhaps hijacked is the right word. Personal ambitions seem to block out the voices calling for FAIRNESS. In fact, the City Council seems to be out of sync with the people of Ontario. This is a community of working people and families, who want the City to support a way of life that is all about COMMUNITY – human relationships – education opportunities, decent jobs that pay decent wages, well-planned streets to attract thriving small merchants, and city-supported bus lines and swimming pool, because these are the things that enable the fabric of the community to grow strong and enduring, and make it attractive to draw new visitors, residents and new business owners. The voices of Ontario's citizens are calling for fairness, and cooperation, to make decisions that are for the common good of the people living and working in the community. Everybody working and living in Ontario has a stake in Ontario's City Council finding its way back to its real purpose, which should be based in the intrinsic value of every man, woman and child who lives, works or visits our City. I must point out that the employees of the City have also endured unfair treatment from this City Council when their last Labor Contract was negotiated. City of Ontario Public Works employees and their supporters are carrying signs again outside City Hall this evening. Just like everyone else in the City, what they want is simply fairness from City Council. They are looking for a mutually negotiated labor contract that conveys and supports mutual RESPECT between the City's leaders and the Public Works employees.*

Councilor Jones stated that the city was looking for some volunteers to assist them in putting together the playground equipment for Rotary Park. He asked that Ms. Rolland approach the Public Works members of the union to see if they would be interested in assisting in that project. It would be a great project, and it would be great if they could all work together to get the project completed over one weekend.

Ms. Rolland stated she had no authority to make that commitment.

Councilor Jones noted that he understood that, but was just asking her to ask that group to come forward to help. If that wasn't possible, okay, but he asked that she at least ask them.

Ms. Rolland stated she would note the request, and perhaps follow-up with Councilor Jones personally.

**NEW BUSINESS**

**Bid Award: McLeran Well Drilling, LLC – Municipal Well #17 (13WAT-02)**

Bob Walker, Public Works Director, stated this project was originally approved in the 2011-2013 Budget for \$125,000. Due to other priorities, this project was not started until the city contracted with Anderson-Perry in 2012 to assist in preparing plans, specifications and assisting with the bidding of the project. Staff had spent approximately \$11,500 from the previous budget and had \$112,500 available in the 2013-2014 Budget.

When staff eliminated the 1.5 MGD source of supply from the Idaho Concrete Company gravel pit, it was decided to replace this supply with additional well sources. Staff had since added Wells #15 and #16 which added approximately 0.8 MGD to the supply. This proposed project would add an additional 0.7 to 0.9 MGD to the supply which would result in an overall additional well supply of 1.5 to 1.7 MGD which would completely replace the supply from the Idaho Concrete gravel pit.

The bid opening for the project was done June 27, 2013, and McLeran Well Drilling of Payette was the sole Bidder at a bid cost of \$64,826. The Engineer's estimate was \$70,837. Staff had previously worked with McLeran, and had been very satisfied with their work. This would leave \$47,674 to complete the equipping of the well, connecting into the system, and to pay for remaining engineering costs.

Charlotte Fugate moved, seconded by Norm Crume, that the Council award the bid to McLeran Well Drilling, LLC, for Municipal Well #17, in the amount of \$64,826, and authorize the City Manager to execute the Agreement. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Tuttle-yes; Verini-yes; Jones-yes. Motion carried 6/0/0.

**Appointment to Public Works Committee: Ron Cornmesser**

Councilor Jones stated he made the recommendation to appoint Mr. Cornmesser to the committee due to Mr. Cowperthwait leaving the area.

Norm Crume moved, seconded by Charlotte Fugate, to appoint Ron Cornmesser to the Public Works Committee, effective immediately, to complete the term vacated by Gerald Cowperthwait; term to expire December, 2015. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Tuttle-yes; Verini-yes; Jones-yes. Motion carried 6/0/0.

**Ordinance #2681-2013: Amend Ontario Municipal Code 2-3-6 regarding Ontario Golf Committee (1<sup>st</sup> Reading)**

Larry Sullivan, City Attorney, stated on June 4, 2013, the Golf Committee recommended to the Council that City Code Section 2-3-6 be amended to allow the duties of the Golf Committee to be determined by Council resolution rather than being set forth specifically in the City Code. This would allow the Committee to address current issues with the Golf Course without amending the Code. Staff recommended that the ordinance also allow those duties to be determined by motions approved by the Council.

Jackson Fox moved, seconded by Ron Verini, that the City Council approve Ordinance #2681-2013, AN ORDINANCE AMENDING CITY CODE SECTION 2-3-6 CONCERNING THE DUTIES OF THE GOLF COMMITTEE, on First Reading by Title Only. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Tuttle-yes; Verini-yes; Jones-yes. Motion carried 6/0/0.

Councilor Crume commented that he had spoken with a member of the Committee, and there seemed to be a lot of questions regarding their role. It appeared from what he had heard that many of the members didn't feel there was a lot they could – or should – be doing. They didn't feel, with it being under private ownership, that there was much they could do. This change in the ordinance would clear up some of those issues.

**Appointment to Budget Board: Darin Bell**

Councilor Jones stated in his conversation with Mr. Bell, he asked him to consider the vacancy on the Budget Board. He would be a great asset, and it would be a good starting point for him. The committee would be much more active with Mr. Long on board. He appreciated Mr. Bell's request to serve, and hoped to get him appointed.

Ron Verini moved, seconded by Norm Crume, to appoint Darin Bell to the Budget Board, effective immediately, to complete the term vacated by Amanda Anderson; term to expire December, 2014. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Tuttle-yes; Verini-yes; Jones-yes. Motion carried 6/0/0.

**DISCUSSION ITEMS**

**Mayor Vacancy:**

Councilor Jones stated he had met with former City Councilor Susanne Mills for two hours, and he asked her if she would consider either a Councilor seat or the Mayor's seat. She did have interest. They visited about a lot of things, and her request was that the next step for her would be to individually visit with each Councilor. She would then get back with Dan if she was still interested. He asked that the Council take this offer seriously. He asked each Councilor to contact her, to visit with her, before the next Council Work Session, and they would bring this matter up for discussion. He was very optimistic following his conversation with her in that there might be a solution to the Mayor vacancy issue. Was everyone in agreement?

Councilor Fox stated he was good with it.

Councilor Tuttle stated yes.

Councilor Crume gave it a thumbs up.

Councilor Fugate stated sure.

Councilor Jones stated he would leave it up to Council to make their own appointments with Ms. Mills. He looked forward to the discussion. However, that being said, they might need to set a different date for the next meeting, set for August 5<sup>th</sup>, as some would be out of town. They might not even have a meeting, but he hoped to know for sure by the end of the week.

Councilor Fugate stated when former Mayor LeRoy Cammack voiced an interest in filling the Mayor position, he asked to meet with both Councilor Jones and Councilor Verini, but it was her understanding that Councilor Jones wasn't willing to do that. Why was it okay to move forward with his candidate, Ms. Mills, but not Mr. Cammack?

Councilor Jones stated it was because at that time, Councilor Verini indicated that he wasn't interested in the position. Councilor Jones contacted Ms. Mills, who had an interest. If Councilor Fugate wanted him to visit with Mr. Cammack...

Councilor Fugate stated it might be a moot point, as it had been over a month ago.

Councilor Jones asked what Councilor Fugate wanted him to do.

Councilor Fugate wanted to know why Councilor Jones hadn't been willing to visit with Mr. Cammack, but he was asking them to visit with Susann Mills, who was Councilor Jones' choice for Mayor?

Councilor Jones stated he was trying to find a solution to the issue. To put this to rest and move on so they could do business in this town.

Councilor Fugate stated her hope they could do that.

Councilor Verini stated he thought the process for the Mayoral appointment was bumpy at best. All of them on the Council had different ideas as to how they wanted to move forward in the selection process. When they brought to the community the idea people could submit letters of interest for the position, at that time people like Ms. Mills should have come forward, just like other recommendations that were brought forward. They were doing themselves and the city a disservice when they hand-picked individuals they felt were suitable for the position for Mayor or Councilor without going through the process of opening it up to the community. He felt that Mr. Bell had tremendous qualifications, and they sidestepped him and did a disservice to the community by not interviewing him. Thinking about Ms. Mills, she would be a quality candidate, but he also thought the process should be opened up to the community. They should not just select one person that anyone on the Council picked. Open it back up to the community.

Councilor Crume stated he was thrilled with the idea that someone else would do it, but that was before thinking about what Councilor Fugate brought up. Ms. Mills would be a great candidate, but he thought Mr. Cammack would, too, or, maybe Mr. Bell or Ms. Anderson. They should all be put into the equation. To be fair, they should have all four come before the Council to speak with them. If a candidate rose up from that four, great. It was the fairest way to handle it.

Councilor Jones suggested starting off the process with visiting with Ms. Mills. They would bring that up at the next Work Session, and there would be a discussion on how to move forward. Ms. Mills had stepped forward and if they didn't want to contact her, that was their right, but put it back on the Agenda for the next Work Session. He strongly encouraged they contact her, and it would be discussed in a few weeks, but it would be a consensus.

Councilor Verini stated they should see right now if it was a consensus to contact Ms. Mills. Speaking for himself, he didn't believe it was fair to the rest of the people, so no.

Councilor Fox stated he was okay with talking to her.

Councilor Tuttle stated he would talk with her.

Councilor Crume stated he could speak with her, but he didn't think it was fair unless the other people were added in.

Councilor Jones asked for a yes or no.

Councilor Crume stated he felt they should visit with all three, so it was a no.

Councilor Fugate stated it was no for her.

Councilor Jones asked what exactly had failed?

Councilor Crume stated what failed was the lack of fairness. Ms. Mills could very well be his pick, and he had loved working with her for the two years they were on Council together, but it wasn't fair to pick one person out when three other people made suggestions. Two people wrote letters, and two expressed interest. As a group, they should interview all four, and then select from those four. Ms. Mills could be the one selected, or Myrna Anderson, or Darin Bell, or LeRoy Cammack, he didn't care, but it had to be agreed on by the Council as a group.

Councilor Jones stated Ms. Mills wouldn't do that, so she was out. She stepped forward, and she would not put herself through a group interrogation. Right or wrong, she wouldn't come forward. He would ask her, but that was a comment that she made to him, so he would assume she'd step back. Everyone needed to give it some thought, and they'd bring it back up in two weeks, and go from there.

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

- Larry Sullivan stated with regard to the old Armory building, there were ways to move forward on this action. The current zoning didn't allow the type of activity being proposed [Gymnastic Academy], as it was zoned Public Facility. One way to rectify that was to change the PF zone designation to allow for the public agency to lease it out with a purpose compatible with the neighborhood. Marcy Skinner, Planning Technician, had spoken with Grant Young, DLCD, about doing a zoning change, going from PF to Commercial, but Mr. Young pointed out that the Land Use Planning Rules would require that a traffic study be done, among other things, making it a fairly expensive process. The state made it clear they wouldn't spend the money. The proposed business would be required to front those costs. He planned to work with Ms. Skinner to take it before the Planning Commission and the Council for some additional options. That wouldn't get before the Council soon enough to deal with the Armory situation, but it would allow PF zones to deal with problems like this, allowing some flexibility. Unless the Council opposed this, he would move forward, however, it wouldn't make it back in time to help the Gymnastic Academy.
- Councilor Verini stated he had visited both the Golf Course and the Aquatic Center, and noted that people were excited about what was happening. Not only did the Golf Course look good, but the excitement of the people working there made all the difference. When he entered the pool, it was comfortable, and the place was packed. They were having fun! Also, they also had three events coming up: on July 23<sup>rd</sup> at 7:00 p.m., the Army Band would be at the Four Rivers Cultural Center. It was a free event, but you were still required to obtain a ticket. On July 26<sup>th</sup>, it was the anniversary of the American's with Disabilities Act, and there would be a procession from the Train Station to City Hall. He believed it would be 10 or 11 a.m. Finally, on July 27<sup>th</sup>, the Veterans would be having a Car and Bike Show at Lion's Park.

- Councilor Fox stated he would like two items placed on the next Agenda. He wanted to file against former Finance Director Rachel Hopper's Bond, as well as the former City Manager's Bond. He would be handing out a packet in a moment that described \$10M worth of the city's financial problems, which had been proven by Mike Long. If anyone found a disputable number, let them know. He had spoken with both Mike Long and Jay Henry about this, and they were looking for a clean place to start. They couldn't do that until they knew exactly where they were financially. He again proposed a Forensic Audit. He also believed they should file a claim or claims with the city's bonding agencies against both Rachel's and Henry's bond, the reasons being self-explanatory in the list of financial anomalies and misspent money. They needed to be aware of time lines for filing against the bonds.

Councilor Jones asked that it be added to the next Agenda for further discussion.

- Councilor Fugate stated when she had been cleaning up her files, she found an issue that she didn't recall being resolved. What was the status of the Fire Training Facility?

Mr. Henry stated staff had researched it and found that the land they wanted to build on wasn't city property. They had been directed to speak with the county. City staff had looked into it, and it would involve some costs and liability for the city, more than worth the benefit, and that's where they were at. It was the property out by Love's Truck Stop, and it was not within the City Limits. The city owned it, but it was in the county. Also, there were DEQ problems associated with the landfill site, and staff did not recommend moving forward.

Councilor Fox stated he was led to believe by the Fire Chief that the project had been dropped. He suggested following up with the Chief on this issue.

Justin Alison, Volunteer President, stated they were not under the impression that was the situation. They thought the site was still an option. They had both the Volunteer Association and the Friends of the Fire Department working on this, but the Friends was expensive to keep open. They were looking to close that down and then maybe working something out with the volunteers. They were not there yet. The last they heard was that the site was still an option for them, so maybe the Council had more information than they did.

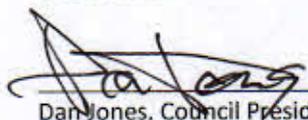
Mark Saito, Firefighter, stated they were looking at the piece of land that *wasn't* on the landfill.

Mr. Henry suggested they meet with the Fire Chief to find out where they were at on the project.

**ADJOURN**

Jackson Fox moved, seconded by Norm Crume, 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:**

  
Tori Barnett, MMC, City Recorder