

**ONTARIO CITY COUNCIL MEETING MINUTES**

**Tuesday, September 3, 2013**

The meeting of the Ontario City Council was called to order by Council President Dan Jones at 7:00 p.m. on Tuesday, September 3, 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, Mark Alexander, Mike Long, Bob Walker, Dan Shepard, Brad Howlett, and Marcy Skinner. The meeting was recorded, and copies are available at City Hall.

Jackson Fox led everyone in the Pledge of Allegiance.

**AGENDA**

Ron Verini moved, seconded by Jackson Fox, to adopt the Agenda as presented. 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 August 19, 2013; and Item B: Approval of the Bills. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Tuttle-yes; Verini-yes; Jones-yes. Motion carried 6/0/0.

**DEPARTMENT HEAD UPDATES**

Bob Walker, Public Works Director, stated staff would be placing the pea gravel around the new playground equipment at Laxson Park next week. Also, they had received a very nice thank you letter regarding the project.

Mike Long, Finance Director, handed out an amendment to go with the proposed Credit Card Policy, which could be discussed in more detail when that issue was brought up under New Business. It specified recommended uses, not recommended uses, and those uses that were specifically prohibited. He also attached a list of staff members to be included in the count for cards, with the caveat it could only be increased by the Council.

**PUBLIC COMMENT(S)**

Kit Kamo, SREDA, expressed her thanks for the excellent job city staff had done working with her. They had worked on several large projects, and city staff had jumped in to help. SREDA had responded to a large RFP involving a company that needed rail access, utilities, a large plot of land, and the city stepped up and helped. The county also provided information, along with Representative Cliff Bentz. It might be several years out, but it was moving forward. Regarding Select Onion north of town, the city again stepped in and got the information ready for distribution. She and Alan [Daniels] met with the state with regard to how to market the new 200 acre area. They were looking at data centers, food processing plants, etc. She would be attending a number of trade shows over the next several months to market the property. A seed company inquired about existing buildings, and a natural fiber plant who made food containers had been speaking with the locals. She also met with a gentleman about the mall. He would be coming back at the end of the month to visit more. The Mushroom Plant in Vale sold, and they hoped to get something going there. Tomorrow would be the SREDA Board Meeting, 7AM, in Weiser. Next month was Nyssa. They were routing the meetings throughout the different communities. Everyone was invited to attend.

Sarah Poe, Lifeways, promoted two events this month. Hands Around the Park, was celebrating its 10<sup>th</sup> Anniversary, and would be the biggest event to date. It would be September 19<sup>th</sup>, from 6-8 pm at Lion's Park. They would be hosting a BBQ, having a live band, great activities for the kids, and some great speakers. Please try and attend. Second, on Tuesday, September 24<sup>th</sup>, there would be a Positive Community Norms Training, which dealt with targeting 18-25 year olds at high risk for drinking; however, this was applicable to everyone. It was an approach to improving health and safety. There would be three different sessions: 9-11, 1-3, 5-7, all hosted by Four Rivers Cultural Center.

[Copied from hand-out]

Ruth Rolland, Ontario, stated *"Yesterday was Labor Day, a national holiday set aside to honor and recognize those who do the work that gets things done. The work each of us does has significance and value. There is dignity and honor in every kind of work. The honor is the opportunity to make things or accomplish tasks that are useful and provide some benefit to other people. The work we each perform connects us to one another. It's the backbone of the social contract. There is no community and no nation that can exist without exchanges of work of every kind – each contributing what they find the opportunity to contribute. At one time or another, each of us contributes our backs and our hands, or at other times, our creativity and intelligence and natural talents. And everyone in the community benefits. We all become connected and contributing to the life and health of our community. At times, some make judgments that certain workers are less worthy or have less dignity than other workers. At the most basic and deepest level, every human being has the value and dignity which we each carried with us into this world. Accordingly, every citizen and worker in the City of Ontario deserves fair treatment and respect within their families, within the community and within their work lives. If you neglect any of Ontario's citizens, families and workers, Ontario's future suffers. Supporters of the Ontario Public Works Employees are outside City Hall again this evening, carrying signs, calling on the City Council and City Manager to end the unfairness to Ontario's Public Works employees. It is their hope that the City Council will decide it's time to say to these employees that you recognize they have a good reason to feel disrespected by the City Council. The Public Works employees want a chance to finish the negotiations that City Council disrupted when they voted to impose the City's Implemented Offer. The Public Works employees want a chance to reach a mutual, fair conclusion to the negotiation of their labor contract."*

#### **OLD BUSINESS**

##### **Ordinance #2682-2013: Annex & Rezone City Shop (Final Reading)**

Norm Crume moved, seconded by Larry Tuttle, that the City Council adopt Ordinance #2682-2013, A CITY ZONING ORDINANCE PROCLAIMING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF ONTARIO; AND WITHDRAWING SAID TERRITORY FROM THE ONTARIO RURAL FIRE PROTECTION DISTRICT; AND WITHDRAWING SAID TERRITORY FROM THE ONTARIO RURAL ROAD ASSESSMENT DISTRICT. THE PROPERTY IS TAX LOT #3100; FIVE ACRES LOCATED AT 1151 NW 9<sup>TH</sup> STREET AND OWNED AND USED BY THE CITY FOR ITS CITY SHOP, ASSIGNING CITY ZONING, AND REZONING TAX LOT #3400, AN ADJOINING 2.81 ACRE PARCEL, BOTH WITHIN THE ASSESSORS MAP 17S4733D, on Second and Final Reading by Title Only. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Tuttle-yes; Verini-yes; Jones-yes. Motion carried 6/0/0.

##### **Ordinance #2683-2013: Annex & Rezone Horning Way and Crest Way (Final Reading)**

Charlotte Fugate moved, seconded by Norm Crume, that the City Council adopt Ordinance #2683-2013, A CITY ZONING ORDINANCE PROCLAIMING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF ONTARIO; AND WITHDRAWING SAID TERRITORY FROM THE ONTARIO RURAL FIRE PROTECTION DISTRICT; AND WITHDRAWING SAID TERRITORY FROM THE ONTARIO RURAL ROAD ASSESSMENT DISTRICT; THE PROPERTY IS KNOWN AS THE VERDE DRIVE, HORNING WAY AND CREST WAY NEIGHBORHOOD, WITHIN THE ASSESSORS MAP 18S4705AA, INCLUDING APPROXIMATELY 7.37 ACRES OF PRIVATE LAND AND THOSE ADJOINING STREETS, AND ASSIGNING CITY SINGLE FAMILY RESIDENCE, RS-50, ZONING, on Second and Final Reading by Title Only. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Tuttle-yes; Verini-yes; Jones-yes. Motion carried 6/0/0.

**Ordinance #2684-2013: Amend OMC 9-3 re: Parking in Front Yards (Final Reading)**

Ron Verini moved, seconded by Larry Tuttle, that the Council adopt Ordinance #2684-2013, AN ORDINANCE AMENDING ONTARIO MUNICIPAL CODE TITLE 9, CHAPTER 3, on Second and Final Reading by Title Only. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Tuttle-yes; Verini-yes; Jones-yes. Motion carried 6/0/0.

**Tree Maintenance Agreement w/Meadow Outdoor Advertising**

Marcy Skinner, Planning Technician, stated the city was approached by Meadow Outdoor Advertising with a proposal to eradicate the diseased trees along East Idaho Avenue. The project was estimated to run approximately \$24,150, and Meadow Outdoor Advertising was requesting the city contribute \$10,000 towards the project. The Public Works Director suggested the city's contribution be half the cost of the concrete work and the base material installation which would be \$5,000.

The project included the removal of ten Green Ash street trees in a row on the north side of East Idaho Avenue from the KFC/A&W Restaurant (#1639) to the Verizon store (#1671). These trees were recently evaluated from an Arborist and were found to be in a poor, diseased condition. The Arborist report was on file with the Planning Technician. Since being planted, the trees and shrubs surrounding the diseased trees have been sprayed and maintained by the City of Ontario.

Costs of the removal of trees, replanting of a better species, stamping concrete, and regular maintenance would be saved. It had been calculated that the total maintenance cost per year saved would be \$689 per year.

John Lehman, Meadow Outdoor Advertising, summarized the three proposed options. For both Meadow and the landowners, any of the three options would work, and there were pluses and minuses for each. For Option 1, there was a higher cost to the city, around \$5-10K, but there was less clean-up to maintain. For Option 2, it was all concrete, and was favored by Meadow as it cleared up the businesses view. That would take no more than \$5K from the city due to less cost. A negative for that option would be that it might not fit in with the city's ordinances, the green and growing section, and the possibility of the need for a variance. For Option 3, it was just replacing the trees, but it did clear up the business view, and there was no cost to the city because there would be no concrete. A negative was that the while the ground cover would be maintained by the city, it was not quite as sanitary as the stamped concrete proposed in Option 1 and Option 2. Once approved, it would be maintained by Meadow. This was an Agreement that would be moving and flowing with different parts. If down the road it wasn't working, the Agreement could be easily amended.

Councilor Verini asked if they had ever considered elimination of the ground cover and going with all concrete?

Mr. Walker stated the city ordinance required 6% landscaping and 65% of that 6% had to be green and growing. Going all concrete would require a variance through the Planning & Zoning Commission, and then to the Council for final approval.

Councilor Verini asked if Option 1, just the stamped concrete and trees, met that requirement.

Ms. Skinner stated the city proposed the stamped concrete due to maintenance of what was currently there. ODOT did the work in front of Panda Express, and it was very clean, as well as green and growing. That had been proposed to Meadow.

Mr. Walker stated Meadow would also maintain the trees in front of Panda.

Councilor Fugate asked if the Arborist checked the other trees on Idaho.

Mr. Lehman stated he did look at the others. He took some samples across the street, and those were in the same bad condition. They were all planted around the same time, and suffered from the beetle infestation. This was a start to getting rid of the sick trees up Idaho Avenue.

Councilor Tuttle asked about the right-of-way.

Mr. Walker stated the right-of-way was owned by ODOT, but the city maintained landscaping.

Councilor Tuttle asked about the watering system.

Mr. Lehman stated the current system in place would need to only be slightly upgraded, and would cost maybe \$250.

Mr. Walker stated the main irrigation line was already there. The trees and shrubs irrigated out of that main line. Actual costs to reconnect the lines to the trees would be about \$250.

Councilor Jones verified they could remove the damaged greenery, and not disrupt the irrigation lines.

Mr. Walker stated the irrigation line was on the street side of the project. According to Jay Hysell, [Parks and Cemeteries employee], the main irrigation line would not be disrupted. The feeder lines would be disturbed and those would need to be re-hooked.

Councilor Jones asked about a long, low pressure drip line.

Mr. Walker there would only be seven trees that needed to hook in.

Councilor Jones verified this proposed \$5K or \$10K had not been budgeted.

Mr. Walker stated it was in the Public Works budget, where they had \$75K budgeted under capital projects for concrete replacement, so this funding would come from that line.

Councilor Jones asked who would be doing the tree removal – city crews?

Mr. Lehman stated Meadow Advertising would be doing it.

Councilor Fox stated he liked Option 3, as it didn't cost the city any money, other than the \$250 for the water line.

Jackson Fox moved that the City Council approve the Agreement between the City of Ontario and Meadow Outdoor Advertising, for the maintenance and replacement of the trees, using Option 3, trees along East Idaho Avenue, in the immediate vicinity of 1657 East Idaho Avenue, and maintain the seven [7] to East Lane, North, based upon contract review by the City Attorney. *Motion died for lack of second.*

Norm Crume moved, seconded by Ron Verini, that the City Council contribute \$5K towards the East Idaho Avenue Street Replanting and Maintenance Agreement with Meadow Outdoor Advertising, including Option 1, which was to remove the trees already there, and to install seven [7] climate appropriate trees, install metal tree wells, remove all ground cover and install stamped concrete. *[No vote yet]*

Councilor Jones stated he believed it was too many trees for a commercial area. Were they confident those could be managed to not block their properties? His least favorite was Option 1.

Mr. Lehman stated he would prefer all concrete too, but seven [7] trees maintained like those in front of Panda would be healthier, and it was a good option.

Councilor Fox asked if ODOT did the work in front of Panda.

Ms. Skinner stated yes.

Councilor Fox asked if it was ODOT or the developer.

Ms. Skinner stated she believed it was ODOT.

Mr. Walker stated that was part of the street project done with ODOT, so they installed those trees.

Councilor Jones asked about the next project coming on Idaho.

Mr. Walker stated this pretty much went down to where they put in the concrete section. The city's right-of-way extended from there to the underpass.

*[Retyped Motion for the record]*

Norm Crume moved, seconded by Ron Verini, that the City Council contribute \$5K towards the East Idaho Avenue Street Replanting and Maintenance Agreement with Meadow Outdoor Advertising, including Option 1, which was to remove the trees already there, and to install seven [7] climate appropriate trees, install metal tree wells, remove all ground cover and install stamped concrete. Roll call vote: Crume-yes; Fox-no; Fugate-yes; Tuttle-yes; Verini-yes; Jones-yes. Motion carried 5/1/0.

### NEW BUSINESS

#### **Bid Award: Police Evidence Room Remodel – Sather Construction \$24,500**

Mark Alexander, Police Chief, stated historically, the Ontario Police Department stored evidence in up to four separate locations, some being off-site. Items such as guns, drugs, cash and valuables were kept in areas exposed to heat and cold, and were susceptible to theft or tampering. The Department seized evidence that might go to the crime lab, might be held for trial or might be returned to the owner. Evidence relating to assault or sexual assault cases had to be kept for extended periods of time. Evidence relating to death cases was kept permanently.

Several years ago, the Police Department obtained an apartment building behind City Hall for a single location for evidence storage and processing. The facility was better secured and was under video surveillance. It was very convenient for officers to locate, transport, deliver or return items of evidence since it was kept in close proximity to the Police Department. Very crude measures were taken to remove walls in the building in order to make the space effective for storage. This worked for the Department, but with the knowledge there were safety measures lacking. There was a location with exposed and/or substandard flooring, areas of exposed electrical wiring and a lack of ventilation. The storage of drugs, clothing, and materials with blood produced harmful airborne spores for those working in the facility. Through the years, storage needs have increased as well.

The Police Department had the ability to utilize a neighboring apartment to help with storage and health and safety issues. Cost estimates were obtained to upgrade and encompass the two units into one facility in the amount of \$34,900. The Budget Committee approved a CIP in the amount of \$17,500 to do half the project (one apartment unit) in the 2013-2014 FY.

Invitations for bids were advertised for the project. Only one bid was received, from Sather Construction LLC, in the amount of \$24,500. It's been realized that the project would require more work in the first phase than in the second. It was anticipated the entire project would ultimately be within the cost estimate. A meeting was held with the contractor and staff was comfortable with the proposal and scope of work. Some cost saving solutions were also been identified. \$17,500 was designated for the project in the FY 2013-14 Police Budget. It was proposed the remaining \$7,000 would come from the General Fund Administration Building and Maintenance line item. Not funding this project would result in storage space for evidence continuing to decline. The safety of those who worked in the facility was jeopardized and the integrity of evidence that was crucial to criminal investigations became a negative focus during trial. The facility does not meet best practices and was very likely violating OSHA rules, which could result in fines.

Ron Verini moved, seconded by Norm Crume, that the City Council award the bid to Sather Construction LLC in the amount of \$24,500 for the first phase of the Police Department evidence room remodel and authorize the City Manager to sign a large purchase order in that amount. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Tuttle-yes; Verini-yes; Jones-yes. Motion carried 6/0/0.

Councilor Fugate asked how that type of project was tracked.

Mr. Long stated \$17,500 was from the Police budget, and the other \$7K was from Building Maintenance. Next year, when the budget was prepared, instead of the \$17,500, it would be the remainder of the project costs. It would come out of Administrative Overhead. It was not coming out of Contingency.

**Appointment of Mayor**

Councilor Crume stated on Thursday, the Council had conducted interviews for the position of Mayor. He was pleased that people stepped up, and sat through the interview process. Both candidates did an honorable job, and he was glad that he'd been a part of it.

Councilor Verini stated he had been impressed with both candidates, and also impressed with the Council in working as a team to come up with a solution to break the stalemate on some issues facing the city.

Ron Verini moved, seconded by Norm Crume, that the Council select LeRoy Cammack to fill the vacant position of Mayor, until the end of the term in December 2014. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Tuttle-yes; Verini-yes; Jones-yes. Motion carried 6/0/0.

Tori Barnett, City Recorder, administered the Oath of Office to Mr. Cammack, who then took his seat at the Council dais.

**Credit Card Policy**

Councilor Fox stated he brought this issue forward because the past two audits stated they needed to decrease the number of cards issued to staff. He believed they needed more time on the policy, but would like to see action on the numbers of cards issued, because 93 was absurd. He recommended using the list provided by the Finance Director, with an additional seven cards to be issued at the City Manager's discretion. He wanted, however, to discuss the policy in more detail.

Mr. Long stated the policy was under review, and he asked for revisions and comments on the draft. He would bring it back before the Council for discussion.

Councilor Verini stated the City Manager had already pulled in 55 of the 93 cards. He was prepared to discuss whether the number of cards being talked about was sufficient to handle the city's business, but wondered if they were being premature.

Mr. Henry stated there were several grey areas. For instance, in the Fire Department, the HazMat Coordinator wasn't a department head, but he traveled a lot for the Fire Department, with costs being reimbursed by the state, so there were benefits to that person having a card. However, there were some who already stated they didn't want, or need, a card, and would rather a line employee, such as someone who did supply ordering, actually have the card. He agreed that 93 were way too many cards, but he also didn't want to see the purchasing abilities curtailed. There were a lot of efficiencies in ordering on line as opposed to leaving the job to make a purchase.

Councilor Verini stated they needed to find a good number, and he didn't think it was advantageous now to select, arbitrarily, a number of cards, if they didn't know how many were truly needed to run the city. Bringing in 54 cards already was commendable, and they were working on a credit card policy. How long would it be until they could arrive at an actual, true number?

Mr. Henry stated the policy would outline how to request a card, it would address the limit, and who the person was getting the card. He took this very seriously. Staff was working on this daily, and would welcome any Council guidance. Once the Council approved the policy, then they could pull in ALL the cards, and reissue based on the new policy.

Councilor Fox stated it had been 2½ years since the audit initially came out. They had dragged their feet long enough. The Auditors recommended department heads only. He had already spoken with two different CPAs, who agreed with him.

Councilor Tuttle stated part of the policy should be the number of cards they'd have. He didn't want to pass a policy that didn't include the number of cards issued. It was better to err on the conservative side, and then work through it. He wanted to know who actually had a card. When the policy was approved, the numbers needed to be designated.

Councilor Fugate stated the Council had had Mr. Long's proposed policy for over a month. He had asked for recommendation from the Council, but it appeared only two or three Councilors had responded.

Mr. Long stated he had also forwarded a copy to the Auditors, asking for their review and comments, and those had been incorporated into the proposed policy the Council had been given.

Councilor Crume stated it was obvious there was a problem with too many cards, and it had been acknowledged. On the surface, it seemed like it should be the Council's job to designate; however, they hired a City Manager to do a job. The Council was to set policy, and the City Manager to carry them out. Let the City Manager run the city as he saw fit. It would be up to the Council to watch the City Manager handle it. It was going back to micromanaging. In reality, for the city to do business, they relied on the City Manager to run the city efficiently, with guidance from the Council. Allow the City Manager to determine if a department needed zero, five, or whatever number of cards.

Mayor Cammack asked if nine cards would work.

Mr. Henry stated that was not his personal recommendation, because it was broken down by department. After speaking with the department heads, they had arrived at 24 cards.

Councilor Fox didn't agree with that number. It went against the Auditor's recommendation. They were not there to make this easy to spend the taxpayer's money; they were there to guard against anything going wrong with that money.

Councilor Jones stated this had been discussed last Thursday, to identify the number of cards issued, with a chance to review, tweak, or whatever, the policy.

Jackson Fox moved, seconded by Dan Jones, to leave active the nine credit cards that were listed on staff's approved number of cards, as well as seven others at the City Manager's discretion, and disable all other cards. Roll call vote: Crume-no; Fox-yes; Fugate-no; Jones-yes; Tuttle-yes; Verini-no; Cammack-yes. Motion carried 4/3/0.

Mayor Cammack stated his yes vote was with the understanding that in the future, as they continued their discussions regarding this issue, it may be that that wasn't the correct number of cards. They needed a number to start with, and that was it.

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

- Councilor Verini reminded everyone that Patriot Day was September 11<sup>th</sup>. Also, he offered thanks to Darin Bell and LeRoy Cammack for going through the Mayoral appointment process, and complimented the Council for a job well done. Congratulations to both the city and staff.

Councilor Tuttle thanked Mr. Bell and Mr. Cammack for stepping forward.

Councilor Jones stated to Mr. Bell that he should stay involved, and he expected to see his name for an open seat on the Council next year. Congratulations to Mr. Cammack; he looked forward to working with him.

Councilor Crume also thanked the two candidates for their interest. The Council was not always going to agree, but he didn't care. There were seven members now, and they wouldn't be deadlocked. He also encouraged Mr. Bell to stay involved.

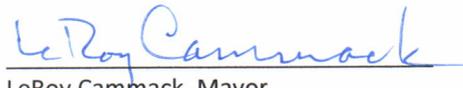
Councilor Fugate thanked Mr. Bell for going through the process. Next fall, the Mayor position would be open. Thank you also to LeRoy. She was glad it all worked out. Thank you to the entire Council for making it happen.

Mayor Cammack stated his appreciation for the cooperation and help, and for the Council allowing him the opportunity. He was looking forward to it, and believed they would accomplish many good things.

**ADJOURN**

Jackson Fox moved, seconded by Ron Verini, 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