COUNCIL MEETING MINUTES
October 1, 2012

The regular meeting of the Ontario City Council was called to order by Mayor Joe Dominick at 7:00 p.m. on Monday, October 1, 2012, in the Council Chambers of City Hall. Council members present were Norm Crume, Joe Dominick, Charlotte Fugate, Dan Jones, David Sullivan, and Ronald Verini. Jackson Fox was excused.

Members of staff present were Jay Henry, Tori Barnett, Larry Sullivan, Mark Alexander, Suzanne Skerjanec, Lisa Hansen, Bob Walker, Dan Shepard, Dawn Eden, Al Hann, Rick Conant, Loren Weideman, David McPheeters, Andy King, Jay Hysell, Jim Cox, James Toy, and Travis Villines. The meeting was recorded on tape, and the tapes are available at City Hall.

David Sullivan led everyone in the Pledge of Allegiance.

AGENDA

Mayor Dominick reminded everyone that item 7B was removed from the Agenda.

David Sullivan moved, seconded by Norm Crume, to adopt the Agenda as amended. Roll call vote: Crume-yes; Fox-out; Fugate-yes; Jones-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 6/0/1.

CONSENT AGENDA

David Sullivan moved, seconded by Norm Crume, to approve Consent Agenda Item A: Approval of the Regular Minutes of 09/17/2012; Item B: Ordinance #2671-2012: An Ordinance to Amend Ontario Municipal Codes 8-13-2 and 8-13-6 Regarding the System Development Charge Exemptions for Real Property that was Subject to Previous Use (Final Reading by Title Only); Item C: Resolution #2012-121: Adding to the List of Prohibited Intoxicating Chemicals; and Item D: Approval of the Bills. Roll call vote: Crume-yes; Fox-out; Fugate-yes; Jones-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 6/0/1.

PUBLIC COMMENTS

Statement read at the Thursday, September 27, 2012 Study Session; was requested that it be included in the Monday, October 1, 2012 record. Statement typed directly from written statement provided by Ms. Rolland.

To: City of Ontario Mayor Joe Dominick and City Council, Re: A Question about Respect. I'd like to make some brief remarks, and request that a copy of my written statement be submitted in the public record for the City Council meeting on October 1, 2012: About ten days ago, I was out here in front of the entrance to City Hall, and here were a good-sized group – most of them city workers – out there with signs. And their signs said "Respect is a Union contract".

And while I was there, Mayor Dominick passed by these city employees, and it was my impression, Mr. Mayor, that you were perhaps amused, or perhaps ill at ease – and as you passed by the group, I and several others heard you say to them, "Thank you for respecting me!" – as if you had no regard or could not relate to these employees.

So my question here today is to Mayor Dominick, and to each one of the members on the City Council – DO YOU APPRECIATE AND RESPECT ALL – OR ANY – OF THE CITY EMPLOYEES, who make sure Ontario's City services and departments keep operating to serve this community every day – all day long – EVERY DAY OF THE YEAR?

And I just want to ask in addition, to each member of the City Council, do you respect ALL the working people who live and work in the Ontario community? IT'S WORKING PEOPLE, whether employed at a farm or packing shed, or an insurance office or by City – who are, after all – the life-blood of this community. – They buy things, pay mortgages and rents, take care of their debts and take care of their families – which is the very bed-rock definition of RESPECT.

I seriously would like to hear each member of the Council respond individually: DO YOU RESPECT THE CITY'S PUBLIC WORKS EMPLOYEES, AND DO THE CITY COUNCIL'S RECENT ACTIONS CONVEY THE RESPECT – OR LACK OF IT – THAT EACH OF YOU HOLDS FOR THESE EMPLOYEES?

Sincerely, Ruth Rolland, City of Ontario Resident

Secondary comments from Ruth Rolland: Statement typed directly from written statement provided by Ms. Rolland. To: City of Ontario Mayor Joe Dominick and City Council

Last Thursday during the City Council Work Session, I made a statement to be entered into the Record, regarding Respect for Working People – regardless whether they do a job in a packing shed, answer the phone in an office, are employed by the City of Ontario, or whatever their job might be.

I was particularly concerned to know whether the Mayor and City Council do respect the City's Public Works employees, and indeed all the workers and working families of the City of Ontario.

I asked the Mayor and each Councilor to respond to that question, and the statements from most of them were that they absolutely do respect all workers in the City of Ontario.

I was happy to hear that most of them do respect all workers.

But then I hear that without any believable justification, the City is taking actions that will cause serious economic takeaways from the wages and benefits of the City's Public Works employees.

This does not sound like respect to me. So I must ask again for the City Council to really show you respect these dedicated City employees, ands top using the untrue claim that you have to slash their benefits – pretending that such slashes are done with the utmost RESPECT.

These employees need to take care of their families and households, and do not deserve this kind of hardship imposed on them.

Ruth Rolland, City of Ontario Resident

(Difficult to decipher this commentary) John Taggart, Ontario, provided his compliments to the condition of the Ontario Golf Course. The clubhouse was the nicest one in the area; the greens were some of the best he'd ever seen. Barb Toomey was full of energy and a great asset to the Course. *(He had more to say, but it was unintelligible.*

James Piotrowski, Boise, stated *"For the past six months, I have been working with your Public Works employees, an excellent group of people..."*

Mayor Dominick reminded Mr. Piotrowski that he could not discuss the Union contract as it was on the Agenda already.

Mr. Piotrowski stated *"I'm here to discuss some things about the city budget, not the resolution on the Agenda. The current biannual budget that you all adopted shows [??] budget of 3.9% growth over the biannual period. It also shows reductions in worker wages across the board. Generally, a growing city budget indicates growing revenues indicating a growing tax base, and, generally, additional work for city workers. The budget currently*

being enacted by this city doesn't actually make use of the funds the tax payers give you. The unrestricted general fund balance is found by the city's accountant over the last three fiscal years ranged from $2.7 to $2.9M dollars – general unrestricted fund balance. Representing over 40% of the annual balance is money that this Council hasn't budgeted as spent. Tax payers provide funding so that the city can provide city services, so the city can get work done, so the city improves quality of life. In addition to the General Fund balance, over 40% of the annual budget, money that doesn't get budgeted and spent, the city has budgeted excessive contingency funds. In Administrative Overhead, the current biannual budget calls for a $1.6M Contingency Fund. The Street Fund gave $163K; the Water Fund $1.2M; Sewer Line, $1.9M. A little over $5.7M in Contingency Funds built into this budget, together with the anticipated unrestricted General Fund balance of approximately $3M. There is over $8.5M available to the city of the course of this budget that it hasn't chosen to budget. You've taken the tax payers money, including tax dollars of these good people, and you're not choosing to spend it, nor are you choosing to give it back. I don't think it would be appropriate as someone from out of town, I can't necessarily do this myself, but maybe appropriate for your citizens to question what you're doing with tax payer dollars you're given."

David Patton, Ontario, wanted to address the rumors he had been hearing about the Golf Course closing, and people being told to clear their stuff out and to transfer their memberships to Scotch Pines in Payette. This course was so vital to this area.

Mayor Dominick stated the Golf Course budget was pretty much expended ahead of schedule. The Council did discuss the issue at length at the Thursday Study Session; however, they did NOT vote to close the Course. The last direction to staff on Thursday was for the Golf Course Manager to meet with the City Manager to formulate a plan to complete the year. The City Manager was out of town until Monday attending a conference, but the rumors started on Friday about a closure. The Council had contractual obligations to fulfill, such as cart rentals, the Concessionaire contract, etc., so it would be impossible to close it down immediately. There were also year-long membership pass holders who enjoyed golfing in the snow – and they had paid to do that.

Councilor Sullivan stated the Thursday discussion had been about how to deal with the shortfall in the short term. There had never been any indication the Council planned to close the Course permanently. That was not the belief of this Council. He believed they were trying to preserve whatever they had left in the budget, so if they closed November 1st, it could be opened as early as March 1, 2013, and still have money to start next year's season. There had never been any indication they planned to close the Course permanently, and he had never heard that be brought up in a meeting. He was very surprised and a bit upset that someone would speak on behalf of the Council, especially assuming they had been in the same meeting he had been in – that had not been what was discussed. The Council was trying to enhance the Course. They were looking at the operations, and they wanted to find a way to operate the Course more efficiently and more effectively. There were some proposals on the table, which would be shared with the public when available.

Jay Henry, City Manager, stated staff had been reviewing the budget, looking to see what they could put together, and they could definitely continue operations, as they had in years past, so it was not closing down.

NEW BUSINESS

Resolution #2012-122: Adoption of Final Implemented Offer to Local Union #670

Larry Sullivan, City Attorney, stated the City reached a formal impasse in its negotiations with the City's union employees represented by Teamsters Local 670. The City followed the collective bargaining procedures required by Oregon law, including the making of a Final Offer to Teamsters Local 670. At this point the City Council had the option of implementing all or any portion of the Final Offer. The union employees represented by Teamsters Local 670 also have the legal authority to strike. The City's labor attorney, Steven Schuback, recommends implementing all of the Final Offer to Teamsters Local 670 based on the inability of the parties to reach agreement through the bargaining process, mediation and impasse.

Dan Jones moved, seconded by Ron Verini, that the Mayor and City Council adopt Resolution 2012-122, A RESOLUTION IMPLEMENTING THE CITY'S FINAL OFFER TO TEAMSTERS LOCAL 670. Roll call vote: Crume-yes; Fox-out; Fugate-yes; Jones-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 6/0/1.

Accept Quitclaim Deed and Subordination Agreement from J.R. Supkin Corporation, dba Meadow Outdoor Advertising: NW Washington Roadway Relocation Project

Larry Sullivan, City Attorney, stated ODOT staff prepared appraisals and conducted negotiations on many of the parcels that needed to be acquired for this roadway project. A Quitclaim Deed and Subordination Agreement for the J.R. Zukin Corporation, a California corporation dba Meadow Outdoor Advertising properties, had to be accepted by the city prior to recording or closing on the property.

On July 6, 2012, 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, 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, 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.

David Sullivan moved, seconded by Charlotte Fugate, that the City Council authorize the Mayor to sign the Quitclaim Deed & Subordination Agreement from J.R. Zukin Corporation, a California corporation, dba Meadow Outdoor Advertising, accepting the property for the NW Washington roadway project. Roll call vote: Crume-yes; Fox-out; Fugate-yes; Jones-yes; Sullivan-yes; Verini-yes; Dominick-no. Motion carried 5/1/1.

PUBLIC HEARING(S)

Ordinance #2570-2012: Annexation and Rezone of Property at 45 North Dorian Drive – UGA Residential to RS-50 Single Family Residential (1st Reading by Title Only)

It being the date advertised for public hearing on the matter of Ordinance #2570-2012, the Mayor declared the hearing open. There were no objections to the city's jurisdiction to hear the action, no abstentions, ex-parte contact, and no declarations of conflict of interest.

Bob Walker, Public Works Director, stated at the September 10, 2012 Planning Commission meeting, they heard the annexation and rezone proposal for property located at 45 North Dorian Drive, also known as Tax Lot 502, Assessors Map 18S 47E 05C. The applicants, John W. Robertson and Carol Robertson, needed city utilities and were requesting annexation of their home site accordingly. This proposal was in conformance with the Comprehensive Plan.

The Planning Commission addressed the proposed annexation and the accompanying rezone from Urban Growth Area Residential to a City Zone classification of RS-50 Single Family Residential for the Robertson's 2.68 acre property, and recommended approval of the findings of fact and the proposed annexation and reclassification of the Robertson property.

The Mayor opened the hearing for public testimony.

Opponents: None.
Proponents: None.

There being no Proponent and no Opponent testimony, the Mayor declared the hearing closed.

Ron Verini moved, seconded by David Sullivan, I move that the City Council accept the Findings of Fact as presented in the staff report 2012-07-08 and approved by the Planning Commission at its September 10, 2012 meeting Roll call vote: Crume-yes; Fox-out; Fugate-yes; Jones-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 6/0/1.

David Sullivan moved, seconded by Ron Verini, that that the Mayor and City Council approve Ordinance No. 2670-2012, AN ORDINANCE ANNEXING AND REZONING Property at 45 North Dorian Drive – UGA Residential to RS-50 Single Family Residential (2 on first reading by title only. Roll call vote: Crume-yes; Fox-out; Fugate-yes; Jones-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 6/0/1.

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Ron Verini stated he and City Manager Jay Henry had attended the LOC conference last week. There were very productive sessions, and he would keep the Council updated.
- David Sullivan stated they would be bringing the golf course issues back before the community, and he encouraged everyone to participate.

ADJOURN

Ron Verini moved, seconded by Norm Crume, that the meeting be adjourned. Roll call vote: Crume-yes; Fox-out; Fugate-yes; Jones-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 6/0/1.

APPROVED:

Joe Dominick, Mayor

ATTEST:

Tori Barnett, MMC, City Recorder