

COUNCIL MEETING MINUTES

December 17, 2012

The regular meeting of the Ontario City Council was called to order by Council President Norm Crume at 7:00 p.m. on Monday, December 17, 2012, in the Council Chambers of City Hall. Council members present were Norm Crume, Jackson Fox, Charlotte Fugate, Dan Jones, David Sullivan, and Ron Verini. Joe Dominick was excused.

Members of staff present were Jay Henry, Tori Barnett, Larry Sullivan, Mark Alexander, and Mike Long. The meeting was recorded on tape, and the tapes are available at City Hall.

Also present: Councilor-Elect Larry Tuttle.

Charlotte Fugate led everyone in the Pledge of Allegiance.

AGENDA

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

CONSENT AGENDA

Norm Crume recused himself from voting as his business had an invoice on the bills.

Ron Verini moved, seconded by Charlotte Fugate, to approve Consent Agenda Item A: Approval of the Regular Minutes of 11/29/2012; Item B: Meetings Calendar: Jan-Jun, 2013; and Item C: Approval of the Bills. Roll call vote: Crume-recused; Fox-yes; Fugate-yes; Jones-yes; Sullivan-yes; Verini-yes; Dominick-out. Motion carried 5/0/1/1.

PUBLIC COMMENTS/PRESENTATIONS

Ruth Rolland, Ontario, stated: *[Typed verbatim from written statement] It is disturbing to continue to attend City Council Meetings where the Councilors continue to appear like they do not know where the financials of the City are...As a matter of fact, others have spoken asking why the City Council is either not using funds appropriately or applying funds correctly. This seeming lack of knowledge has impacted how the City Council addresses employee's benefits, wages and working conditions in such a negative manner. I believe it also explains why the City Council has so little consideration of its employees and refuses to bargain over a better health plan than a high deductible plan that does not meet the needs of its employees. Most employers take into consideration the well-being and morale of their employees, and what the employer can afford, and what is it going to take to have a continuity in its workforce, not to mention, what are other communities offering their employees. However, this Council appears to not take that into consideration, and appears to be overly concerned about cutting costs for the sake of cutting costs. This approach is not fair to the City's employees or to its citizens. Furthermore, it is detrimental to the City and its citizens, not to mention that it harms employees in the long run. Decisions are being made under the guise of cutting costs, but the City has not provided a basis for these actions. The City of Ontario management staff (non-represented) has operated like a revolving door for too long. This revolving door would indicate a total lack of satisfaction by the management employees and/or that morale is so low that people do not want to stay in their jobs. They move on elsewhere. Normally, small cities serve as a training ground for represented employees, i.e. police officers, fireman, etc. to get the needed experience to move into higher paying positions elsewhere – but not Management. Management is normally made up of the people who want to live and raise their children in a particular Community. Most smaller Cities take care of their employee's with excellent benefits, and working conditions to entice the employee to stay. This is not the case with the City of Ontario. It is time the City Council*

asked themselves why they have so much turnover in their management team and why their hand selected management employees are not happy to say in their jobs. I believe, if you were being honest with yourselves, that your answer would be that the City Council and how this City is being run is a big part of the problem... Each of you are the only ones that can fix this problem...what are you going to do to resolve it?

Councilor Jones asked Ms. Rolland where she was employed.

Ms. Rolland stated she worked at Local Union #670, as their secretary, and asked if Councilor Jones had a problem with the union.

Councilor Jones stated he did not; he just asked where she worked.

DEPARTMENT HEAD UPDATES

Mark Alexander, Police Chief, stated the department was investigating a sexual assault and attempted murder to a 78 year old resident which occurred last Friday. She was being taken care of by family, and the department was still looking for a suspect. Also, they worked with the Canyon County Sheriff's Department on a composite sketch of the suspect.

Chief Alexander stated two or three months ago, the department began investigating a hit and run of an elderly woman on Alameda Drive. That offender had gone to trial last week, and received 20 years in prison for a felony hit and run.

Chief Alexander stated he hoped to have an update on the two students who had been stuck in the crosswalk by the hospital a few weeks ago sometime next week.

Mike Long, Finance Director, stated they were working on numbers for the Aquatic Center and Golf Course, and would be bringing that back to Council at the next work session. They would have to advertise for a public hearing because of the supplemental budget. The Golf Course would be exceeding their budget over the 10% threshold, and the Aquatic Center needed to recognize some additional revenue that needed to be appropriated. Councilor Sullivan had agreed to keep working with staff on the Golf Course issues.

Bob Walker, Public Works Director, stated he had met with the consultants to discuss the SDCs for data centers, and would next be presenting it to the Public Works Committee, followed by the City Council.

NEW BUSINESS

Ordinance #2672-2012: Amend OMC 8-7-4 re Installation of Sewer Back Check Devices (1st Reading)

Larry Sullivan, City Attorney, stated on April 2, 2012, the City Council approved Ordinance 2667-2012, which was a comprehensive revision of the City Code provisions dealing with sewer and water connections. Among the changes was the following sentence in subsection (O) of City Code Section 8-7-4, which read: *"The City shall require a Sewer Back Check device on all new construction or the rehabilitation of an old service connection when there is any occupied space below the elevation of the street."*

This language wrongly implies that Sewer Back Check devices were only required on old service connections when they were connected to occupied space below the level of the street. Instead, the intent of the ordinance was to require Sewer Back Check devices in any of three circumstances: 1) When there was a new sewer connection; or 2) when an old service connection was rehabilitated; or 3) whenever the City encountered a situation where there was space below the level of the street which was occupied. In other words, if during the course of a sewer inspection, City staff learned of any below-street-level space which was occupied by people, staff wanted to be able to require the installation of a Sewer Back Check device. Ordinance No. 2672-2012 revised the quoted language to fulfill this intent.

Councilor Fox asked why they would want stronger language in the ordinance.

Mr. Sullivan stated it was to protect the city on liability issues.

Bob Walker stated the cross connections were related to water systems, and this ordinance was not dealing with that.

Councilor Jones stated on item 3, was staff inspecting all below surfaces?

Mr. Walker stated no, it was on an "as found" basis.

Mr. Sullivan stated as this was only the first reading, if the Council wanted different language in the ordinance that could be done before the second reading. Another option was to table this action completely pending a review by the Public Works Committee.

Councilor Verini asked why there wasn't a backflow device off the main sewer lines of the city. That would take care of the problem, and prevent liability on the city.

Mr. Walker stated it would be in the middle of the street. For all new construction or remodeling, they were required to put in the backflow device. As a preventive measure, for the city, regarding the older, existing homes, they could be installed as found.

Councilor Verini asked if it made sense for the city to take partial responsibility and to share the costs of installation.

Mr. Walker stated they would have to do that for everything – new, old, remodels, etc.

Jackson Fox moved, seconded by Charlotte Fugate, to table this action pending a review and recommendation by the Ontario Public Works Committee. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Sullivan-yes; Verini-yes; Dominick-out. Motion carried 6/0/1.

PUBLIC HEARING

Resolution #2012-127: ROW Dedication – Dutch Bros Coffee House

It being the date advertised for public hearing on the matter of Resolution #2012-127, the Council President 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.

Larry Sullivan, City Attorney, stated Keizer Enterprises, LLC applied for and received a partition through a Hearings Officer decision which had been approved. On that plat was shown dedication of right of way on East Lane. It was necessary to accept this property as road right of way. The Hearing's Officer recommended approval of the findings of fact of the partition.

The Council President opened the hearing for public testimony.

Proponents:

Dan Cummings, CK3, representing Keizer Enterprises, stated they [Dutch Bros.] was dedicating a right of way because during the construction at the strip mall, it appeared they needed more stacking distance at the right hand turn lane, so Keizer agreed to dedicate more right of way for that. They wanted it on the plat instead of a written document. Staff approved the partition, and the action now needed was for the City to accept it.

Opponents: None.

There being no further Proponent and no Opponent testimony, the Council President declared the hearing closed.

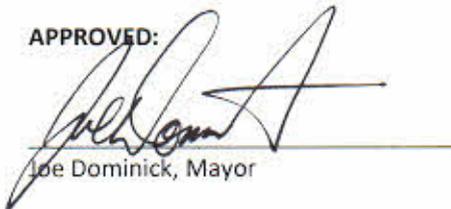
Jackson Fox moved, seconded by Ron Verini, that the City Council accept the Findings of Fact as presented in the staff report 2012-10-12PTN and approved by the Hearing's Officer on October 29, 2012. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Sullivan-yes; Verini-yes; Dominick-out. Motion carried 6/0/1.

Jackson Fox moved, seconded by Ron Verini, that the City Council adopt Resolution #2012-129, A RESOLUTION DECLARING THE NECESSITY AND INTENT FOR ACCEPTANCE OF ROAD RIGHT OF WAY FROM KEIZER ENTERPRISES, LLC. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Sullivan-yes; Verini-yes; Dominick-out. Motion carried 6/0/1.

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-out. Motion carried 6/0/1.

APPROVED:



Joe Dominick, Mayor

ATTEST:



Tori Barnett, MMC, City Recorder