

**COUNCIL MEETING MINUTES  
February 1, 2010**

The regular meeting of the Ontario City Council was called to order by Mayor Joe Dominick at 7:00 p.m. on Monday, February 1, 2010, in the Council Chambers of City Hall. Council members present were Norm Crume, Joe Dominick, Charlotte Fugate, John Gaskill, Susann Mills, David Sullivan and Ron Verini.

Members of staff present were Henry Lawrence, Tori Barnett, Chuck Mickelson, Mike Kee, Yorick deTassigny, Bob Walker, Dave Walters, and camera operator Erika Hopper.

David Sullivan led everyone in the Pledge of Allegiance.

Ron Verini moved, seconded by Susann Mills, to adopt the Agenda as presented. Roll call vote: Crume-yes; Fugate-yes; Gaskill-yes; Mills-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

**CONSENT AGENDA**

Susann Mills moved, seconded by John Gaskill, to approve Consent Agenda Item A: Approval of Minutes of regular meeting of 01/19/2010; Item B: Resolution #2010-107: Receipt of ODOT Traffic Safety Grant for Bike Safety Program; and Item C: Resolution #2010-108: Receipt of ODOT Grant for Speed Enforcement. Roll call vote: Crume-yes; Fugate-yes; Gaskill-yes; Mills-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

**PUBLIC COMMENT**

Yorick deTassigny, Facilities Maintenance Manager, stated he had applied for a grant from the Oregon Department of Energy. The application had been successful, and the City of Ontario would be receiving a grant in the amount of \$728,000, to replace the heating and cooling system at City Hall, as well as the entire lighting system. It was estimated there would be a savings of approximately \$12,000 annually in electricity. There was about \$100,000 for lighting; the remainder was for the HVAC portion.

**NEW BUSINESS**

**Approval of the Bills**

Mayor Dominick recused himself from voting as his business would be receiving payment if approved.

John Gaskill moved, seconded by Charlotte Fugate, to approve the bills. Roll call vote: Crume-yes; Fugate-yes; Gaskill-yes; Mills-yes; Sullivan-yes; Verini-yes; Dominick-abstain. Motion carried 6/0/0/1.

**Resolution #2010-105: Declaration of Surplus Property – Firearms**

Dave Walters, Ontario Police Sergeant, stated the Ontario Police Department often took possession of guns. Many times the guns had been used in crimes and the courts forfeited them to the department. Other times someone might find an abandoned gun, and would turn it into the department for safe keeping; or, citizens simply gave guns to the department because they no longer wanted them. In previous years, the surplus guns had been traded with reputable, licensed gun dealers for equipment that could be used by the department. The department once again had enough surplus guns to purchase needed equipment for the Patrol Division. Legal notice was placed in the Argus Observer regarding the surplus resolution, inviting anyone with a claim for a firearm to contact the police department. Also, a notice of surplus property would be placed in three separate public locations for 30 days. The combined value of the 50 surplus weapons had an approximate value of \$3,000.

Ron Verini moved, seconded by Susann Mills, to adopt Resolution #2010-105, A RESOLUTION DECLARING THE ATTACHED LIST OF FIREARMS AS SURPLUS PROPERTY, AND FURTHER AUTHORIZING THE POLICE DEPARTMENT TO USE THOSE SURPLUS FIREARMS IN A TRADE WITH A LICENSED FIREARMS DEALER TO OBTAIN EQUIPMENT FOR THE DEPARTMENT. Roll call vote: Crume-yes; Fugate-yes; Gaskill-yes; Mills-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

**Resolution #2010-106: Authorize Carry-Forward of Project Expenditures within the Reserve Fund; Public Works for Capital Improvements Projects Wat-2 and Wat-3**

Bob Walker, Deputy Public Works Director, stated he had spoken to the Council in December, discussing the financial need to increase the available cash on hand and the project budgets for Wat-2 and Wat-3 in the 09-11 budget. Two well rehabilitation projects were approved in the 2007-2009 Biennial Budget; inspection and rehabilitation of Wells #1 and #2, and inspection and rehabilitation of Wells #4 and #6. The 2009-2011 Biennial Budget included capital project carry-forward budgets based on estimated project completion schedules. In 2009, following a TV inspection of Wells #1 and #2, it was determined that rehabilitation would be questionable due to the condition of the casings. Consequently, a 6-inch pilot hole was drilled in the vicinity of Wells #1 and #2 during the spring of 2009 in order to properly design a new production well. Public Works staff projected a budget carry-forward for the remainder of the project in the amount of \$40,000 in the 2009-2011 Biennial Budget to complete the project. This was done based on the assumption that \$60,000 of the \$100,000 project would be expended by June 30, 2009. However, only \$16,292 of the original \$100,000 project budget was actually expended within the 2007-2009 Biennial Budget period. Based upon the testing of the pilot well, a new well (#15) was designed, and construction began in late September of 2009. It was now necessary for the remaining project funds that were not carried forward to the 2009-2011 Biennial Budget, specifically \$43,708, to be identified within the Reserve Fund Available Cash and appropriated to complete the project, WAT-2 New Well #15. This would put the full project budget (\$100,000 less the \$16,292 expended less the \$40,000 already budgeted as carry-forward) back into the 2009-2011 Biennial Budget as originally approved.

The rehabilitation of Wells #4 and #6 remained unchanged in the 2007-2009 Biennial Budget, with only \$1,428 of the \$60,000 project budget being expended by June 30, 2009. Public Works staff projected a budget carry-forward for the remainder of the Wells #4 and #6 project in the amount of \$20,000 in the 2009-2011 Biennial Budget to complete well inspections. This was done based on the assumption that \$40,000 of the \$60,000 project would be expended by June 30, 2009. However, only \$1,428 of the original \$60,000 project budget was actually expended within the 2007-2009 Biennial Budget period.

Based upon the work completed for Wells #15 and #16, staff believed that this project funding would better serve the City if utilized for the rehabilitation of Wells #1 and #2 to use as additional water sources immediately adjacent to the new Wells #15 and #16. To accomplish this, it would be necessary for the remaining project funds that were not carried forward to the 2009-2011 Biennial Budget for what was originally the Well #4 and #6 Project, \$38,572, be identified within the Reserve Fund Available Cash and appropriated to complete the project, WAT-3 Well #1 and #2 Rehabilitation. This would put the full project budget (\$60,000 less the \$1,428 expended less the \$20,000 already budgeted as carry-forward) back into the 2009-2011 Biennial Budget as originally approved.

To date, Wells #15 and #16 had been drilled, test pumped, and the submersible pumps had been installed. All that remained for these two projects to be completed was the installation of the piping to inter-tie to the treatment plant; the installation of the required flush piping; the installation of the required power cables and SCADA equipment; and the installation of the existing buildings over both wells.

The recommended changes to the budget would result in Wells #4 and #6 not being completed during the 2009-2011 Biennium as they are located on the opposite side of the Water Treatment Plant. It would be proposed that the 2009-2011 Biennial Budget include projects that could be completed within the same vicinity, specifically Wells #1, #2, #15 and #16. In order to complete the new Well #15, the Available Cash and the Project WAT-2 expense needed to be increased by \$43,708. To complete the rehabilitation of Wells #1 and #2, the Available Cash and the Project WAT-3 expense needed to be increased by \$38,572.

John Gaskill moved, seconded by Charlotte Fugate, to adopt Resolution #2010-106, A RESOLUTION AUTHORIZING A CARRY-FORWARD OF PROJECT EXPENDITURES WITHIN THE RESERVE FUND, PUBLIC WORKS DEPARTMENT, FOR CAPITAL IMPROVEMENT PROJECTS WAT-2 AND WAT-3. Roll call vote: Crume-yes; Fugate-yes; Gaskill-yes; Mills-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

**Resolution #2010-109: Receive PetSmart Charities Grant for Feral Cat Program**

Mike Kee, Ontario Police Chief, stated he wanted to provide an overview again, even though the resolution had been approved at the work session last Thursday. For the TNR program, at the end of last week, they had trapped 75 feral cats, and had returned the majority. A few died from anesthesia or were ill and had to be euthanized. There were still another seven colonies identified, with 122 cats. The average expense per cat was \$45. Elizabeth Lyon, on behalf of the Ontario Feral Cat Trap-Neuter-Return Project, applied for a grant through PetSmart Charities for funds to expand the program, and last week they had been notified that the grant had been approved in the amount of \$19,960 over the course of two years. In each of the two years, \$9,980.00 would be expended and would provide \$7,875.00 for the spay/neuter of 162 free-roaming cats at an average cost of \$48.61; \$555.00 for 8 traps at an average cost of \$69.33; and \$1,550.00 for materials for 62 winter shelters at an average cost of \$25.00. The organization felt confident that they had the necessary infrastructure to expand the current program and to expend not only the \$10,000 originally budgeted, but also the annual \$9,980 that was now available from PetSmart Charities.

Mayor Dominick, on behalf of the entire Council, thanked Chief Kee, and especially Ms. Lyons, for their work on applying for, and receiving, the grant from PetSmart. Because of their work, the program would continue to be successful. He also thanked PetSmart for their grant in support of the program.

**Ordinance #2638-2010: Amend OMC 4-6 Regarding Maintenance Standards for Buildings; Defining Dangerous Buildings; Revising Penalties and Procedures for Enforcement of Maintenance Standards in Compliance with Senate Bill 915 (First Reading)**

Henry Lawrence, City Manager, stated the proposed ordinance was a substantial revision of Title 4, Chapter 5, of the Ontario City Code, the "Ontario Residential Maintenance Code." The ordinance expanded the Chapter to set maintenance standards for all buildings in Ontario, not just residences; it authorized the Building Inspector to regulate all dangerous buildings, not just substandard residences; and it changed the penalties and procedures for building code violations, to bring the City Code into compliance with a new state law governing the enforcement of building code violations.

Currently, there were a number of buildings in Ontario that were in a state of disrepair. The current City Code did not impose maintenance standards for nonresidential buildings. Staff and Council discussed expanding the scope of the Code to allow the Building Inspector to take remedial action against all building owners and occupants who allowed their buildings to fall into a state of disrepair. The proposed ordinance addressed those issues.

Ordinance 2638-2010 also addressed Senate Bill 915, which the Oregon legislature enacted in 2009, effective January 1, 2010. SB915 restricted the penalties imposed by cities for building code violations and it required cities to follow certain procedures in assessing penalties. The current version of City Code Title 4, Chapter 5, was not in compliance with SB915 in certain respects, which would be corrected by Ordinance 2638-2010. The League of Oregon Cities prepared a model ordinance to deal with the requirements of SB915, and Ordinance 2638-2010 adapted the language of the model ordinance to Chapter 5.

Norm Crume moved, seconded by Susann Mills, to approve Ordinance #2638-2010, AN ORDINANCE REGULATING MAINTENANCE STANDARDS FOR BUILDINGS; DEFINING DANGEROUS BUILDINGS; AND REVISING PENTALTIES AND PROCEDURES FOR ENFORCEMENT OF MAINTENANCE STANDARDS IN COMPLIANCE WITH SENTATE BILL 915, as amended in Draft #5, on First Reading by Title Only. Roll call vote: Crume-yes; Fugate-yes; Gaskill-yes; Mills-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

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

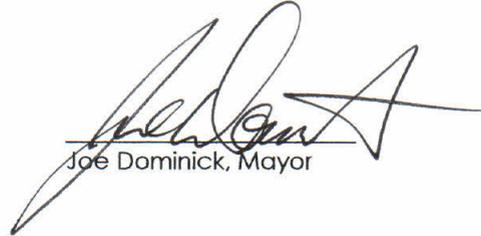
- Mayor Dominick announced that there were still some committees in the City that had vacancies, namely the Airport Committee, the Business Loan Fund Committee, the Compensation Committee, the Public works Committee, and the Recreation Board. Anyone interested in serving, please submit a letter of interest to the City Recorder or any City Councilor.
- Chief Kee distributed a quarterly report to the Council regarding the activity in the Ontario Police Department.

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- Henry Lawrence reminded the Council of the special study session scheduled for Thursday, February 4<sup>th</sup>, at noon. The Council would be hearing a presentation by Waldo Insurance about the different options for health insurance. On February 11<sup>th</sup>, a regular study session, staff would bring back the lawn parking ordinance for further discussion and discussion. On Thursday, February 25<sup>th</sup>, at noon, SREDA would be sending a representative to speak with the Council at the study session. They would also be back on that following Monday, March 1<sup>st</sup>, to request financial support.
- Mayor Dominick reminded everyone that 13 student delegates from Ontario's Sister City, Osakasayama, Japan, would be in town March 19-April 1, and there was still a need for six host families. They were also looking for people interested on serving on the committees, or to join them on their tours. The students were 15-21 years of age.
- Mayor Dominick stated Ontario was a great community, and urged everyone to support local businesses. He encouraged the citizens to shop in Ontario. The City continued to be committed to being business-friendly.

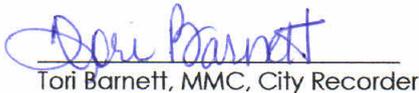
**ADJOURN**

Ron Verini moved, seconded by David Sullivan, that the meeting be adjourned. Roll call vote: Crume-yes; Fugate-yes; Gaskill-yes; Mills-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.



Joe Dominick, Mayor

ATTEST:



Tori Barnett, MMC, City Recorder