COUNCIL MEETING MINUTES
March 22, 2010

The regular meeting of the Ontario City Council was called to order by Mayor Joe Dominick at 7:00 p.m. on Monday, March 22, 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, Larry Sullivan, Chuck Mickelson, Alan Daniels, Lynsey Hansen, and camera operator Erika Hopper.

Susann Mills led everyone in the Pledge of Allegiance.

AGENDA

Mayor Dominick stated there were two requested changes to the Agenda. Item 4.5 would need to be added to allow for a Mayoral Recognition action, and Larry Sullivan requested that Item C from the Consent Agenda be placed under New Business.

Ron Verini moved, seconded by Susann Mills, to adopt the Agenda as amended. 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 Charlotte Fugate, to approve Consent Agenda Item A: Approval of Minutes of regular meeting of 03/01/2010; Item B: Proclamation-Sexual Assault Awareness Month-April; Item C: Resolution #2010-116: Deed Relinquishing Title of Property to Marlow Pounds and a Deed Conveying Title from Marlow Pounds for Real Property in Malheur County to Become the Site for the Murakami Sanitary Sewer Lift Station; and Item D: Approval of the Bills. Roll call vote: Crume-yes; Fugate-yes; Gaskill-yes; Mills-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

Mayor Dominick read the proclamation into the record:

WHEREAS, sexual assault affects every person of Oregon as a victim-survivor or as a family member, friend, neighbor, employer, or co-worker of a victim-survivor; and

WHEREAS, it is estimated that 1 out of 6 adult women in Oregon has been the victim of forcible rape sometime in her lifetime; and

WHEREAS, it is important to recognize that sexual violence is preventable; and

WHEREAS, it is important to encourage healthy, non-violent interactions and diminish aspects of society that promote and support sexual violence; and

WHEREAS, it is important to broaden the scope and increase the effectiveness of sexual violence prevention efforts through partnerships; and

WHEREAS, it is important to recognize the compassion and dedication of the individuals who provide services to survivors and work to prevent sexual violence; and

WHEREAS, every individual and community in Oregon has the ability to help eliminate sexual violence by working together to promote social change.

NOW, THEREFORE, BE IT RESOLVED, that I, Joe Dominick, Mayor of the City of Ontario, do hereby proclaim the month of April 2010 as **SEXUAL ASSAULT AWARENESS MONTH** and encourage the citizens of Ontario to join in this observance.

PRESENTATION: Recognition-Mayor's Certificate to Frank Maloney
Mayor Dominick stated he and the Council had been discussing community service and helping your neighbors to make Ontario a better place. That evening, he wanted to recognize one individual whose service went beyond the norm. That person's acceptance of everyone in the community was incredible. He had leaned a lot from that person over the past three years – about helping others, and how important it was to help your neighbor. That person was instrumental in creating a winter shelter for the homeless, keeping the food pantry filled, coordinating three meals per week for the needy, and offering needed space for a parenting class to help young families become better parents and citizens. In between, he ran a church and helped his wife raise a family. In his style, he would say he had a lot of help, and it wasn't just him, but without his leadership and progressive thinking, these community events would not be successful. It was with great respect and friendship that he presented the Mayor's Certificate of Appreciation to Ontario First Christian Church Pastor Frank Maloney.

PUBLIC COMMENT
Carolyn Turner, Census Representative, encouraged all citizens to get their 2010 census document completed and returned. She also presented the two delegates from Japan with tote bags.

Representatives from the Osakasayama, Japan, Sister City delegation were introduced; Keigo Nakamura, Public Relations and Story Writer, and Jun Kawagishi, Recycling Specialist, were in attendance.

NEW BUSINESS

Funding for SREDA
Henry Lawrence, City Manager, stated this issue had been before the Council previously, with a presentation given by representatives from SREDA. The issue before the Council was to fund, for at least this first year, the amount of $10K to help with economic development and regional marketing efforts. All the cities and counties involved were being asked for funds, representing approximately $1 per capita, with the total not to exceed $10K per entity. If the Council wanted to continue this support, the issue would need to be addressed in the next budget cycle.

Councilor Crume stated he wanted to see yearly updates from SREDA on their progress.

Mr. Lawrence stated that shouldn't be a problem; plus Councilor Sullivan would be representing the Council and City as a member of the SREDA board.

David Sullivan moved, seconded by John Gaskill, to authorize the expenditure of $10,000 to support the regional economic development and marketing activities of the Snake River Economic Development Alliance (SREDA) on behalf of the City of Ontario, funded from the existing Administration budget identified as the following line items: Economic Development Travel and Dues for $3,000 and Economic Development Marketing for $7,000, with the payment made no earlier than July 1, 2010. Roll call vote: Crume-yes; Fugate-yes; Gaskill-yes; Mills-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

Approval to Expend Remaining Grant Funds: AIP 3-4-10044-008
Alan Daniels, Airport Manager/Economic Development Director, stated the attached contract was a revision of the City's current contract with Kimley-Horn. The first contract was limited to $60,030 of the FAA grant of $124,168. (FAA Grant AIP 3-41-0044-008 accepted by Resolution No. 2009-104). The proposed revision would allow for the use of the remainder of that FAA grant, to continue the engineering work on the long lead-time item for the anticipated airport improvement project that included overlaying the runway, taxiway, ramp and adding new ramp area. The full cost of the project was expected to be approximately $4.4 million dollars. In anticipation of major construction at the airport funded by Connect Oregon 2 or 3 and by FAA funds, the long lead time items needed to be started as soon as possible. The State of Oregon agreed and gave Ontario written approval to begin (ODOT Grant Agreement number 24941) and indicated the funds spent would be applied to the City's matching requirements. The FAA agreed, and had already awarded the City $124,168 of the $775,000 allocated for the project. By starting now, when and if the airport moved into a funded position, the project would not be delayed by long lead-time items. Currently, the environmental requirements had been signed off and other work had been completed. This proposed second contract would supersede the first contract with Kimley-Horn and would be amended for the entire project if and when full funding was received. The proposed contract would be paid out of the FAA reimbursement grant at 95%, which the City had already accepted.

Charlotte Fugate moved, seconded by Susann Mills, that the City Council approve expending the remaining grant funds from Kimley-Horn for engineering services for Airport Improvement Project 3-41-0044-008. Roll call vote: Crume-yes; Fugate-yes; Gaskill-yes; Mills-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

Ordinance #2638-2010: Amend OMC 4-5 Regulating Maintenance Standards for Buildings; Defining Dangerous Buildings; and Revising Penalties and Procedures for Enforcement of Maintenance Standards in Compliance with Senate Bill 915 (Final Reading)

Larry Sullivan, City Attorney, stated proposed Ordinance #2638-2010 was a substantial revision of Title 4, Chapter 5 of the Ontario Municipal Code, the "Ontario Residential Maintenance Code." The proposed 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.

At the Council work session on February 25, 2010, there was a discussion about making revisions in Ordinance #2638-2010, including revisions suggested in a memorandum written by Dan Cummings of CK3 and circulated among the Councilors. Revisions were made to Section 4-5-3 revising the definition of "Building" to partially incorporate a definition suggested in Dan Cummings' memorandum; deleting the definition of "Street" as that word no longer appeared in the ordinance; Section 4-5-4 deleted subsection 4-5-4(B) "Alteration", because it created an ambiguity as to whether the ordinance applied to unaltered buildings existing before the enactment of the ordinance. The remaining paragraph of Section 4-5-4 was revised to clarify that the ordinance applied to existing structures as well as new ones; it now stated that it applied to all structures, including those "now existing, under construction or to be constructed."; Section 4-57(B)(2) was revised to require that residential homeowners replace broken windows rather than boarding them over; Section 4-5-7(C)(7) was reorganized and revised to eliminate the requirement that all buildings have gutters and downspouts; and Section 4-5-7(C)(16) was revised to require that basement windows would protect against entry by stray and feral animals, including cats as well as rodents.

Susann Mills moved, seconded by Norm Crume, to approve Ordinance #2638-2010, AN ORDINANCE REGULATING MAINTENANCE STANDARDS FOR BUILDINGS; DEFINING DANGEROUS BULDINGS; AND REVISING PENALTIES AND PROCEDURES FOR ENFORCEMENT OF MAINTENANCE STANDARDS IN COMPLIANCE WITH SENATE BILL 915, on Second and Final 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.

Ordinance #2640-2010: Amend OMC 9-3 to add Section 2(B) and Amend P&Z Code 10-57-16(B) Restricting Motor and Recreational Vehicle Parking in Front Yards and Setting Fines for Parking Violations (1st Reading)

Larry Sullivan, City Attorney, stated the proposed ordinance would restrict the parking of motor vehicles in the front yards of houses; imposed the same restrictions on the parking and storage of recreational vehicles; and corrected an error created by a previous ordinance in setting fines for parking violations.

The Council discussed placing restrictions on front yard parking in several work sessions, during which the Council reviewed draft language for a possible ordinance. Ordinance 2640-2010 was the product of those discussions. It added a front yard parking restriction as a new subsection (B) of City Code Section 9-3-2 reading that "*a motor vehicle may be parked temporarily on the lawn in the front yard of a dwelling unit solely for loading, unloading, or washing. With that exception, a motor vehicle may be parked in the front yard of a single or multi-family dwelling unit only on a driveway directly connected to a curb cut on the street, or in a parking space that is adjacent to the driveway, and that is located behind the public sidewalk or sidewalk area. The driveway and any adjacent parking space shall be on a prepared surface consisting of concrete, gravel, brick, asphalt or their equivalent, but not dirt or vegetation. The front yard is that portion of the front yard setback extending from the sides of the principal dwelling unit to the street in front of the dwelling unit.*"

Violations of the ordinance would be handled as parking violations rather than through a 14-day nuisance abatement procedure, which was an alternative discussed in previous work sessions. The same parking restriction was added to subsection (B) of Section 10A-57-16 of the Planning and Zoning Development Standards, governing the storage of recreational vehicles. The proposed ordinance also renumbered the subsections of Code Section 9-3-2 for clarity.

During a review of City Code Section 9-3-2, it was discovered that an error had been made in a previous ordinance, #2622-2008, in setting the penalties for parking violations under Section 9-3-2. The earlier ordinance erroneously eliminated the penalty for all but one of the parking violations in 9-3-2. Ordinance 2640-2010 corrected that error by creating a new Section 9-3-10 that allowed the Council to set by resolution the penalties and fees for all violations in Title 9, Chapter 3, including the parking violations in Section 9-3-2.

Councilor Gaskill voiced his opinion on the proposed ordinance, in that it would appear there were more urgent issues before the City, and considered this particular ordinance very low on the priority list.

David Sullivan moved, seconded by Norm Crume, to approve Ordinance #2640-2010, AN ORDINANCE AMENDING ONTARIO MUNICIPAL CODE 9-3, ADDING SECTIN 2(B), AND ONTARIO PLANNING AND ZONING CODE 10-57-16(B) RESTRICTING MOTOR AND RECREATIONAL VEHICLE PARKING IN FRONT YARDS AND SETTING FINES FOR PARKING VIOLATIONS, on First Reading by Title Only. Roll call vote: Crume-yes; Fugate-yes; Gaskill-no; Mills-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 6/1/0.

Ordinance #2641-2010: Amend OMC 5-3 Add Section 2 Prohibiting the Use of Fireworks in City Parks and on Public School Grounds (1st Reading)

Larry Sullivan, City Attorney, stated the proposed ordinance was developed at the request of the Fire Department, and was intended to prohibit the use of fireworks in City parks or on school grounds without a valid permit. The ordinance was intended to protect bystanders from injuries caused by the use of fireworks and other combustible materials, such as those that had been caused by spectators discharging fireworks in Beck Kiwanis Park and on May Roberts school grounds during the City's annual July 4th fireworks display. Violation of the ordinance would be a Class A infraction under the City Code, which currently carried a penalty of $722. Persons with a valid permit issued by the State Fire Marshall would be exempt from the ordinance, as would those persons who were authorized by the City or by 8C School District. For instance, police or fire training exercises would be exempt, as would the use of combustible chemicals by a teacher during chemistry class.

Councilor Mills wanted to see signs posted at the parks and schools outlining the prohibiting ordinance.

Councilor Fugate asked that the signs also included the fines which would be imposed if the ordinance was violated.

Susann Mills moved, seconded by John Gaskill, to approve Ordinance #2641-2010, AN ORDINANCE AMENDING ONTARIO MUNICIPAL CODE 5-3, ADDING SECTION 2, PROHIBITING THE USE OF FIREWORKS IN CITY PARKS AND ON PUBLIC SCHOOL GROUNDS, 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.

Ordinance #2639-2010: Inland Development Franchise Agreement (Final Reading, as Amended)

Larry Sullivan, City Attorney, stated this was the second reading of the Inland Development Corporation franchise agreement. He had been contacted by James Deason, the attorney for Inland Development Corporation, via email, on March 17, 2010, requesting revisions in the ordinance. After review, he had approved the requested changes, which appeared in the marked up copy of the ordinance. One change was the required amount of the insurance requirement from $3M to $2M. The other change was to include the word "public" in front of the rights-of-way throughout the ordinance.

John Gaskill moved, seconded by Ron Verini, to adopt Ordinance #2639-2010, AN ORDINANCE GRANTING INLAND DEVELOPMENT CORPORATION THE RIGHT TO MAINTAIN A GENERAL TELECOMMUNICATIONS BUSINESS IN THE CITY OF ONTARIO AND TO USE THE PUBLIC RIGHTS OF WAY OF THE CITY OF ONTARIO FOR ITS TELECOMMUNICATIONS OPERATIONS, on Second and Final Reading by Title Only, as amended. 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

- Henry Lawrence introduced the City's new Code Enforcement Officer, Lynsey Hansen.
- Councilor Verini stated the community resource and volunteer fair would occur on March 31st, from 10-3 at the Four Rivers Cultural Center. It was a group of organizations coming from Idaho and Oregon who were resources for people in need, and to provide a chance for those interested in volunteering with those organizations an opportunity to learn about them. US military veterans were strongly encouraged to attend the fair.
- Councilor Sullivan stated he would be bringing a golf course update to the Council at the next meeting. He was hoping to have a package ready regarding the development of the clubhouse. He also wanted Kenny [Gather] to attend to give an update on the sales and progress of the course.
- Mayor Dominick wanted the Council to know that for their next session, they would be discussing the possibility of the Mayor and Council passing a resolution in support of the bond that the 8C School District was running. That information would be to them ahead of time.
- Mayor Dominick officially welcomed to Ontario all the guests from Osakasayama, Japan – Daiju, Ayuna, Nana, Yuka, Miki, Nonoka, Mikuri, Saki, Ayumi, Hiroya, Saori, Midori, Shizuka, Keigo, and Jun. They had arrived last Friday, and nearly 70 people attended the welcoming reception at the Cultural Center. They entire delegation was being kept busy, and he thanked everyone in the community for their help. He also thanked the Argus Observer for their great coverage of events.

ADJOURN

John Gaskill moved, seconded by Susann Mills, 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