

COUNCIL MEETING MINUTES
July 6, 2010

The regular meeting of the Ontario City Council was called to order by Mayor Joe Dominick at 7:00 p.m. on Tuesday, July 6, 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, Mike Kee, Mark Alexander, Chuck Mickelson, and camera operator Delaney Kee.

David Sullivan led everyone in the Pledge of Allegiance.

AGENDA

David Sullivan moved, seconded by Charlotte Fugate, 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

Ron Verini moved, seconded by John Gaskill, to approve Consent Agenda Item A: Approval of Minutes of regular meeting of 06/21/2010; Item B: Liquor License Application: New Outlet – Jolts & Juice Company; and Item C: 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.

OLD BUSINESS

Dog Shelter Contract with Ani-Care Animal Shelter

Larry Sullivan, City Attorney, stated in June, 2010, Council discussed the initial draft of the Contract prepared by Ani-Care, and directed him to redraft the Contract in light of issues raised by the Council. On June 19th, the Council tabled review of the revised Contract until Ani-Care's attorney had an opportunity to review and comment on the revisions. Ani-Care's attorney, Charles Oakes, reviewed the draft of the Contract prepared by the City Attorney and requested changes in that draft, as requested via email. Those changes were now incorporated into the proposed Contract.

John Gaskill moved, seconded by Susann Mills, that the Mayor and City Council approve the Dog Shelter Contract with Ani-Care Animal Shelter, LLC. Roll call vote: Crume-yes; Fugate-yes; Gaskill-yes; Mills-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

Ordinance #2647-2010: Amend OMC 3-16 re: Dealers of Regulated Property (1st Reading)

Mark Alexander, Police Captain, stated Title 3, Chapter 16, of the Ontario Municipal Code had been adopted in October, 2003, through Ordinance #2515-2003, established regulations for dealers of regulated property. The police department now believed it necessary to amend the ordinance to add desired language and new procedures.

Dealers of regulated property purchased various types of property from the general public, which was later sold back to the general public. Criminals involved with stolen property sought out those types of businesses in order to dispose of the property for cash. Criminals were less apt to use businesses that employed good practices such as video surveillance, customer identification and property documentation. It was common for criminals involving stolen property to travel to neighboring cities or even neighboring states to sell stolen property to these types of businesses.

Dealers of regulated property were required to submit reports of transactions to the police department. Reports were required to contain information such as the date of transaction, identity of the person making the transaction and a full description of property that was purchased by the business.

Police department staff, Telecommunicators from the 9-1-1 Center, would compare transaction reports to reports by crime victims of stolen property. OMC 3-16 required dealers of regulated property to hold property from transactions for a ten-day period in order to get comparisons complete. Police department staff had recently been inundated by the amount of transaction reports received and it had been impossible to complete the comparisons within the 10-day period. Several Idaho cities have pawnshops, which also take in property from the general public. The number of records they were tasked in reviewing had also inundated other law enforcement agencies.

Due to the popularity of these types of businesses across the nation, there had been the evolvement of businesses that would assist police agencies with the receipt, storage and comparison of property transactions. These were subscription-based services that police agencies initiated and then provided to dealers of regulated property within their jurisdiction. Dealers of regulated property were able to submit their transactions on-line immediately following the transaction. Subscribing police agencies were then able to search property and suspects within a database in order to solve crimes. There were cases of recovered property and arrests made within hours of a theft due to these types of services.

The police department would like to modify language in OMC 3-16 to help address issues involving Dealers of Regulated Property concerning employee requirements, business and record keeping practices, and violations of the ordinance. The two primary changes were that in addition to keeping written records, dealers of regulated property would also submit electronic records of transactions, if requested by the police department. Second, the timeframe for holding property would increase from 10 days to 14 to allow the police department to review stolen property records. These proposed changes further directed how a private business operated. The proposed changes would require additional time by the dealer of regulated property to complete electronic transaction submissions. The proposed changes increased the time property was taken in until that property could be put out for sale.

The desired subscription for services that would assist with the receipt, storage and comparison of property transactions would cost approximately \$1400 per year.

Susann Mills moved, seconded by David Sullivan, that the Council adopt Ordinance #2647-2010, AN ORDINANCE AMENDING ONTARIO MUNICIPAL CODE 3-16 REGARDING DEALERS OF REGULATED PROPERTY WITHIN THE CITY OF ONTARIO, 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.

NEW BUSINESS

Resolution #2010-136: Approving a Local Agency Agreement for Fund Distribution for the Northwest Washington Avenue Realignment between the City of Ontario and the State of Oregon, Acting by and through its Department of Transportation, and Authorized by the Oregon Jobs and Transportation Act of 2009, Known as House Bill 2001

Chuck Mickelson, Public Works Director, stated the Oregon Jobs and Transportation Act of 2009 provided funding for preservation and modernization projects chosen by the Oregon Transportation Commission. During the planning for the Yturri Beltline and the North Ontario Interchange, discussion was held on the realignment of Northwest Washington Avenue. This agreement provided \$4.5 million for the completion of design, acquisition of right of way, and construction of a realigned Northwest Washington to North Oregon and the extension of Park Boulevard to the recently acquired city property. The one clause in the agreement that would control the schedule on the project, under Paragraph 5, read:

"5. The Agreement is contingent upon issuance and sale by the State Treasurer, of the bonds authorized by Section 61 of House Bill 2001, 2009 Legislative Assembly (Oregon Laws 2009, Chapter 865) in an amount sufficient to fund this Project. The Agreement is effective and work may begin upon execution of this Agreement, but ODOT's obligation to make Project payments is contingent upon the issuance and sale of such bonds. ODOT will notify Agency when such sale has occurred and the JTA funds are available."

The City did budget for sewer and water extension to the new city property on Park Boulevard, and that construction was anticipated to begin this summer once right of way/easement issues were resolved.

In 2001, the Oregon Department of Transportation and the City of Ontario entered into an agreement, #697, where Ontario accepted maintenance responsibility for West Idaho, including the underpass, SW 2nd Street, SW 4th Avenue and North Oregon Street. ODOT agreed to pay the City \$490,000 for future maintenance of those facilities, and the agreement superseded prior agreements made in 1975 and 1979. All right, title, and interest in the above-mentioned streets would be transferred to Ontario upon completion of the Yturri Beltline. The agreement addressed various other elements, including underpass lighting system maintenance, traffic signal maintenance, signage, snow removal, and power costs for signals.

In 2006 through 2007, the City Council approved projects to realign Northwest Washington to North Oregon, and Ontario hired the firm of CH2M Hill to prepare plans and specifications for the project. Funding for the acquisition of right of way and construction of the realignment was not clearly identified at that time. In 2009, the Council approved Resolution 2009-126, with approved Amendment No. 1 with ODOT to Agreement No. 23255 also known as Cooperative Agreement OR 201 North Ontario Interchange Bridge #08635, an agreement transferring Northwest

Washington to the City of Ontario. In return, ODOT paid the City of Ontario \$375,200 for the realignment of the intersection of Northwest Washington and North Oregon and the construction of curb, gutter and sidewalks along Northwest Washington.

Since the early 1990's, ODOT and Ontario have been discussing various transportation related issues within and adjacent to the City. During this period of time, ODOT has reconstructed East Idaho, rebuilt the overpass over I-84, reconstructed the freeway ramps leading to East Idaho, constructed the Yturri Beltline bypass around the City, reconstructed the North Oregon overpass and ramps, constructed an overpass over the railroad on SW 18th Avenue and other miscellaneous projects. As noted above, in 2001 Ontario formally agreed to take maintenance and operational responsibility for West Idaho, the railroad underpass, SW 2nd Street, SW 4th Avenue, and North Oregon Street. Resolution 2009-126 provided for Ontario to take responsibility for Northwest Washington Street from North Oregon to the Yturri Beltline, which was about 1,500 feet in length. The following significant issues were addressed in the amendment:

- ODOT contributed \$375,200 to the City for improvements or realignment. Should the City not use these funds for the Northwest Washington improvements or realignment, they must be returned to ODOT.
- City accepts responsibility for all maintenance, power costs and repair responsibilities over this section of roadway.
- ODOT retains access control on the transferred right of way.

This current proposed agreement provided \$4.5 million to the City of Ontario for finalizing the design, acquisition of right of way and construction of the realignment of Northwest Washington and construction of Park Boulevard to the city property. In addition, the City could use the \$375,200 as part of the project. This agreement provided \$4,875,200 for the realignment of Northwest Washington. Primary expenses for the City included the costs for new sewer and water lines that were necessary to serve the area, and ongoing maintenance of the newly constructed infrastructure.

Charlotte Fugate moved, seconded by Ron Verini, that the City Council adopt Resolution #2010-136, A RESOLUTION APPROVING A LOCAL AGENCY AGREEMENT FOR FUND DISTRIBUTION FOR THE NORTHWEST WASHINGTON AVENUE REALIGNMENT BETWEEN THE CITY OF ONTARIO AND THE STATE OF OREGON, ACTING BY AND THROUGH ITS DEPARTMENT OF TRANSPORTATION, AND AS AUTHORIZED BY THE OREGON JOBS AND TRANSPORTATION ACT OF 2009, ALSO KNOWN AS HOUSE BILL 2001. Roll call vote: Crume-yes; Fugate-yes; Gaskill-yes; Mills-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

Resolution 2010-137: Acknowledging Receipt and Authorizing Expenditure of ODOT Project Funding for the Northwest Washington Avenue Realignment Project within the City's Grant Fund

Chuck Mickelson, Public Works Director, stated the proposed resolution was in conjunction with the above-addressed Resolution #2010-136, and identified new project-specific grant funds from ODOT with 100% funding, no match required. The agreement stated that any project costs over and above the \$4.5M were to be paid by the City. The City's Grant Fund budget needed to be adjusted to reflect the ODOT grant revenues and to identify the project expenditures. This would not result in any change in contingency balances.

John Gaskill moved, seconded by Ron Verini, that the Council adopt Resolution #2010-137, A RESOLUTION ACKNOWLEDGING RECEIPT AND AUTHORIZING EXPENDITURE OF ODOT PROJECT FUNDING FOR THE NORTHWEST WASHINGTON AVENUE REALIGNMENT PROJECT WITHIN THE CITY'S GRANT FUND. 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

- Chief Mike Kee stated for next year, they needed more notification out and better enforcement on the fireworks ban in the parks and on school property.
- Henry Lawrence reminded the Council of the next work session on the 15th, and issues up for discussion would be the budget forecast and the police staffing issues. Also, a packet would be delivered to the Council on Friday of the forecast and two different years of audits just received. This would allow the Council additional time to review the documents prior to discussion. Further, he was drafting a letter to the Burns-Paiute Tribe, inviting them to give a presentation to the Council. He was looking at the 22nd, which was an off Thursday for any regular meetings.

Councilor Sullivan stated he would like to see the Thursday meetings stay consistent, and to try and not hold "special" meetings. He would like to keep those to a minimum.

Mr. Lawrence stated the other option was the regular meeting on the 29th.

Mayor Dominick stated they wanted to be careful not to overload any one meeting. At times, it was more productive to hold a special meeting than to have a 4-hour one. The main goal was to give the Tribe options for meeting dates.

- Councilor Verini stated they would be having the Treasure Valley Car and Bike show on July 24th in the Kinney & Keele parking lot. It would also encompass Red Apple, Farmer's Supply Co-Op, and all the way up to the Auto Zone.
- Councilor Mills requested an update on the Fire Station building.

Mr. Mickelson stated the contract with MVCI was issued, had been signed, and the Notice to Proceed was issued on July 1st. They were working closely together, and he expected to have a packet of information, including the site plan, soon. They had gone out into the field last week to discuss the lay-out of the building, and he expected to receive drawings and a significant number of submittals in the next week. The Fire Chief had already selected his colors.

- Tori Barnett stated there were 4 spots up for election/re-election this coming November, and packets were available in her office.
- Mayor Dominick suggested to the Council that if they had any budget questions, get them to Mr. Lawrence prior to the study session so they could be researched.

ADJOURN

John Gaskill 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.

ATTEST:



Joe Dominick, Mayor



Tori Barnett, MMC, City Recorder