# COUNCIL MEETING MINUTES
## August 16, 2010

The regular meeting of the Ontario City Council was called to order by Council President Susann Mills at 7:00 p.m. on Monday, August 16, 2010, in the Council Chambers of City Hall. Council members present were Norm Crume, Charlotte Fugate, John Gaskill, Susann Mills, David Sullivan and Ronald Verini. Mayor Joe Dominick was excused.

Members of staff present were Henry Lawrence, Tori Barnett, Larry Sullivan, Mike Kee, Chuck Mickelson, and camera operator Hailey Skinner.

Ronald Verini 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-out. Motion carried 6/0/1.

### ***CONSENT AGENDA***

Ronald Verini moved, seconded by Norm Crume, to approve Consent Agenda Item A: Approval of Minutes of regular meeting of 08/02/2010; Item B: Proclamation: American Legion Month, September, 2010; and Item C: Approval of the Bills. Roll call vote: Crume-yes; Fugate-yes; Gaskill-yes; Mills-yes; Sullivan-yes; Verini-yes; Dominick-out. Motion carried 6/0/1.

Council President Mills read the Proclamation into the record:

**Whereas,** The American Legion was chartered by The Congress of The United States of America on September 16, 1919; and

**Whereas,** Since its founding the American Legion and its nearly three million members have continually exhibited a deep sense of pride in community and ensured a strong America by serving veterans, their families and the children of our nation; and

**Whereas,** The American Legion was responsible for the creation of the original GI Bill, enabling millions of veterans to obtain assistance in education and home loans; and

**Whereas,** The American Legion was instrumental in the passage of legislation creating the Department of Veterans Affairs; and

**Whereas,** The American Legion continues to work for a constitutional amendment to protect the American flag from desecration; securing mandatory funding for adequate operation of the Veterans Affairs Medical facilities; and operates a Family Support Network for families of active duty military personnel and members of the National Guard and Reserves; and

**Whereas,** The more than 25,000 Legionnaires belonging to the 120 Posts across Oregon, along with the 10,000 members of the Sons of The American Legion and American Legion Auxiliary statewide, collectively volunteer thousands of hours to assist our veterans and their communities; and

**Whereas,** Ontario American Legion Post 67 strongly supports veterans, their families and our community at large.

**Therefore, be it resolved** that the Ontario City Council hereby proclaims **SEPTEMBER 2010 AMERICAN LEGION MONTH** throughout the City of Ontario and encourages citizens to celebrate the many contributions made by members of the American Legion, Department of Oregon over the past 91 years.

## NEW BUSINESS

***Liquor License Application: New Outlet (Limited On-Premises Sales) Anderson***

Councilor Sullivan recused himself from the action, declaring a conflict of interest.

Mike Kee, Police Chief, stated Ellen and Richard Anderson, under the trade name of A-Lot-A-Beers, completed the "New Outlet" application process for "Limited On-Premises Sales" liquor license privileges through the Oregon Liquor Control Commission for their business located at 105 SE 2nd Street, Ontario, Oregon. Initially, the applications had been approved and forwarded back to the city by the OLCC. Prior to bringing the matter to the City Council, Richard Anderson was arrested by the Oregon State Police for Driving Under the Influence of Intoxicants. That matter has not been adjudicated. If convicted this could have a very serious impact on the holder of an Oregon Liquor License. The OLCC also did not consider a liquor license violation, which was reported to them in 2007 by the Ontario Police Department concerning Ellen and Richard Anderson's current business. The OLCC now will be looking into both matters. If the city denies support for the license, the matter will go back to the Liquor Commission and they will look at the entire application again. In the end, the OLCC may issue a license whether or not the city supports it. Staff's recommendation, based on the above information, was to deny the application at this time, pending further investigation by OLCC.

Larry Sullivan, City Attorney, stated the city had run up against the time allowed for responding to the application. Further, the OLCC could move forward without a recommendation by the Council.

Bob Moon, attorney for the Andersons, provided a background on the Andersons, and indicated that Mr. Anderson would be asking for a diversion on the DUII, and if granted, and Mr. Anderson complied and completed the requirements of the diversion, the issue would not show on his record.

Mr. Sullivan stated the Council could write a letter to OLCC indicating there was no recommendation for approval or denial by the Council for the application; however, by statute, OLCC would have to treat that as a favorable recommendation.

Ronald Verini moved, seconded by Charlotte Fugate, that based on the information the Council had received that evening, the Council neither deny nor approve the City's support for the application at this time. Roll call vote: Crume-yes; Fugate-yes; Gaskill-yes; Mills-yes; Sullivan-abstained; Verini-yes; Dominick-out. Motion carried 5/0/1/1.

Councilor Gaskill recommended that when the notice was returned to OLCC, a letter outlining the reasons why the Council took the action they did.

***Bid Award: SW 4th Avenue Sanitary Sewer Extension Project***

Chuck Mickelson, Public Works Director, stated a new Fire Station Storage Building was to be built on city property near the intersection of SW 4th Avenue and SW 33rd Street. The building would be used for storage of fire trucks, hazardous materials response vehicles with trailers, and various other pieces of fire equipment. The design-build contract was awarded to MVCI, LLC and the project was currently under construction. The project provided for the approximate 805 feet of 8-inch sanitary sewer line that was needed to accommodate and provide sewer service to the building. On June 7, 2010, the Council approved Resolution #2010-118, authorizing the reallocation of $90K within the Sewer Fund to extend sewer services on SW 4th Avenue and SW 33rd Street.

On August 4, 2010, bids were opened for the extension project. Eastern Oregon Construction, Ontario, was the apparent lowest responsive and responsible bidder at $55,046.00 for the project, which consisted of construction of approximately 805 lineal feet of 8-inch diameter sanitary sewer main including pipe, manholes, services, and surface restoration. Eastern Oregon Construction's bid came in under the engineer's estimate of $90,000.

| Southwest 4th Avenue Sanitary Sewer Extension Bid Results | |
|---|---|
| COMPANY | TOTALS |
| MVCI, LLC | $65,984.05 |
| CASCADE PIPELINE CORPORATION | $78,295.00 |
| LURRE CONSTRUCTION | $84,255.00 |
| **EASTERN OREGON CONSTRUCTION** | **$55,046.00** |
| WARRINGTON CONSTRUCTION | $88,769.00 |
| G. LOWELL LEWIS CONSTRUCTION INC | $98,519.00 |
| ENGINEERS ESTIMATE | $90,000.00 |

David Sullivan moved, seconded by John Gaskill, to award the SW 4th Avenue Sanitary Sewer Extension Project to Eastern Oregon Construction, the lowest responsive and responsible bidder, in the amount of $55,046.00 and authorize the City Manager to be signatory to an agreement with Eastern Oregon Construction. Roll call vote: Crume-yes; Fugate-yes; Gaskill-yes; Mills-yes; Sullivan-yes; Verini-yes; Dominick-out. Motion carried 6/0/1.

***Resolution #2010-131: Approve Fund Exchange Agreement #27023 between Ontario and ODOT for Fund Distribution for Phases of Chip Sealing and Landscaping on Various City Streets***

Chuck Mickelson, Public Works Director, stated the State of Oregon offered Fund Exchange Programs acting by and through its Department of Transportation, in which federal funds were exchanged for state funds at a ratio of $94 state dollars for $100 federal dollars. That gave the city the ability to build projects under local control instead of federal control. The City of Ontario had been granted the opportunity to exchange $110,185 state dollars for $117,218 federal dollars. On April 4, 2005, the City Council authorized the Mayor to sign Fund Exchange Agreement #22,388, which allowed staff to construct and complete the SW 4th Avenue and SW 4th Street Signal Project. On March 16, 2009, the City Council adopted Resolution #2009-108 approving Fund Exchange #25,415, which authorized the Mayor to sign the agreement for the design and construction of North Oregon Street and rehabilitation between Idaho Street and NW 1st Street.

Charlotte Fugate moved, seconded by John Gaskill, to adopt Resolution #2010-131, A RESOLUTION APPROVING FUND EXCHANGE AGREEMENT #27023 BETWEEN THE CITY OF ONTARIO AND THE STATE OF OREGON, ACTING BY AND THROUGH ITS DEPARTMENT OF TRANSPORTATION FOR FUND DISTRIBUTION FOR ALL PHASES OF THE CHIP SEALING AND LANDSCAPING ON VARIOUS CITY STREETS. Roll call vote: Crume-yes; Fugate-yes; Gaskill-yes; Mills-yes; Sullivan-yes; Verini-yes; Dominick-out. Motion carried 6/0/1.

***Resolution #2010-138: Intent to Construct a Sanitary Sewer Main on Alameda Drive from SW 16th Avenue to SW 18th Avenue and on Nadine Drive from Alameda Drive to the West Terminus of Nadine Drive and to Create a Local Improvement District***

Chuck Mickelson, Public Works Director, stated following discussion at the work session, Council believed it appropriate to have a further discussion with the neighborhood to discuss the extension of water, along with the sanitary sewer and any other improvements the Council considered for the area. It had been decided to set a public meeting so the Council could discuss the extension of utilities into their neighborhood. He had drafted a letter to the owners in the neighborhood, and once a date had been established by Council, they would move forward on that.

Mr. Sullivan stated he had provided a supplemental staff report to the Council and at the end of the report was a proposed motion based on the discussion at the work session.

David Sullivan moved, seconded by Charlotte Fugate, to table the adoption of Resolution #2010-138 until after the Council has an informational meeting with the residents of the local improvement district identified in the proposed resolution. Roll call vote: Crume-yes; Fugate-yes; Gaskill-yes; Mills-yes; Sullivan-yes; Verini-yes; Dominick-out. Motion carried 6/0/1.

Council consensus to hold a neighborhood meeting for the residents of the proposed LID site on Thursday, September 9th, beginning at 7:00 p.m.

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

- Henry Lawrence reminded everyone that Chief Mike Kee had resigned as Chief, and would be taking on the position of City Manager in Baker City. His last day with Ontario would be Tuesday, August 31st.

- Councilor Sullivan stated he had attended the Golf Course Committee meeting last week, and everything was going well. They were still looking for a concessionaire. On Friday, Steve's Hometown Dealership was hosting a wine tasting and silent auction at the course, beginning at 6:00 p.m. The money raised would all go towards various charities. Following that, on Saturday, they would be hosting a golf tournament.

- Chuck Mickelson stated with regard to the Fire Station Storage Building, the concrete had been poured, and the building was laid out. The footings and foundation had been poured, and the plumber had been out to the site, starting to put the pipes in. The slab would be prepared for pouring later in the week, and the interior slab poured next week. The structure was supposed to be delivered on site on the 23rd or 24th.

- Chuck Mickelson gave an update on the damage to the underpass produced by last week's storm.

- Councilor Mills informed everyone that she had decided not to run for re-election, and thanked everyone for all their assistance over the last four years.

***ADJOURN***

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

Joe Dominick, Mayor

ATTEST:

Tori Barnett, MMC, City Recorder