MISSION STATEMENT: TO PROVIDE A SAFE, HEALTHFUL AND SOUND ECONOMIC ENVIRONMENT, PROGRESSIVELY ENHANCING OUR QUALITY OF LIFE

COUNCIL MEETING AGENDA
CITY COUNCIL – CITY OF ONTARIO OREGON
TUESDAY, APRIL 17, 2018, 7:00 PM, MT

Pursuant to the Public Meetings Laws and Rules within the Oregon Revised Statutes, the City Council has the authority, ability, and standing to take action on any items on the Agenda, or add items to the Agenda, during the Study Session or Regular Meeting, as long as all public meeting notice requirements have been met.

1) CALL TO ORDER

Roll Call: Tessa Winebarger _____ Dan Capron _____ Marty Justus _____ Ramon Palomo _____
Betty Carter _____ Norm Crume _____ Mayor Ron Verini _____

2) PLEDGE OF ALLEGIANCE

This Agenda was posted on April 13, 2018. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website at www.ontariooregon.org.

3) MOTION TO ADOPT THE AGENDA

4) PUBLIC COMMENTS Citizens may address the Council; however, Council may not be able to provide an immediate answer or response. Our of respect to the Council and others in attendance, please limit your comment to three (3) minutes. Please state your name and city of residence for the record.

5) CONSENT AGENDA

A) Adoption of Council Meeting Minutes: February 27, 2018
B) Adoption of Council Meeting Minutes: March 27, 2018
C) Adoption of Council Work Session Minutes: April 5, 2018

6) OLD BUSINESS

A) Resolution #2018-119: Support Application for a Grant for a War Memorial Fountain at Lanterman Kiwanis Park; Agreement between the City of Ontario and Cydney Cooke Incorporated for Administration of the Grant

7) NEW BUSINESS

A) Ordinance #2740-2018: Amend Ontario Municipal Code 3-25-3; Adding 3-25-3(Q) Regarding Exemption of Precious Metals, Coins, Currency, and Bullion from the 1% Sales Tax, on First Reading by Title Only
B) Snake River Correctional Institute Lower Lift Station Emergency Repairs

8) HAND-OUTS/DISCUSSION ITEMS

A) Budget Committee Opening

9) CORRESPONDENCE, COMMENTS AND EX-OFFICIO REPORTS

10) ADJOURN

The City Council may recess/adjourn to Executive Session under ORS 192.660(2) as follows: (a) Employment of Public Officers, Employees, or Agents; (b) Discipline of Public Officers, Employees, or Agents; (d) Labor Negotiations; (e) Real Property Transactions; (f) Exempt Public Records; (g) Trade Negotiations; (h) Litigation /Consult with Legal Counsel; (i) Performance Evaluation of Public Officers and Employees; (j) Trade Negotiations; and/or (l) Labor Negotiations.

The City of Ontario does not discriminate in providing access to its programs, services and activities on the basis of race, color, religion, ancestry, national origin, political affiliation, sex, age, marital status, physical or mental disability, or any other inappropriate reason prohibited by law or policy of the state or federal government. Should a person need special accommodations or interpretation services, contact the City at 889-7684 at least one working day prior to the need for services and every reasonable effort to accommodate the need will be made.

CITY COUNCIL MEETING MINUTES
February 27, 2018

The scheduled meeting of the Ontario City Council was called to order by Mayor Ronald Verini at 7:00 p.m. on Tuesday, February 27, 2018, in the Council Chambers of City Hall. Council members present were Ronald Verini, Norm Crume, Dan Capron, Ramon Palomo, Betty Carter, and Marty Justus. Tessa Winebarger was excused.

Members of staff present were Adam Brown, Tori Barnett, Larry Sullivan, Kari Ott, Terry Leighton, Cal Kunz, and Cliff Leeper.

The meeting was recorded and copies are available at City Hall.

Betty Carter led everyone in the Pledge of Allegiance.

AGENDA

This Agenda was posted on February 23, 2018. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

Council direction to move New Business before Old Business, and to change New Business A to New Business B, and New Business B to New Business A.

CRUME moved, PALOMO seconded, **TO ADOPT THE AGENDA AS AMENDED.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-yes; Capron-yes; Winebarger-out; Verini-yes. Motion carried 6/0/1.

NEW BUSINESS

Resolution #2018-112: Residency Requirement and Incentives for Residency Within the City of Ontario
Adam Brown, City Manager, presented.

This was a resolution requiring residency for certain positions employed by the City of Ontario and incentives for other employees to live in the city. Many in the community voiced beliefs that more city employees should live within the city boundaries or within the immediate area. The Ontario City Council was addressed by a local business owner at their February 8, 2018, meeting and took up discussion on the topic in their meeting. The Council's consensus was to bring a resolution back that would require high level positions with the city to live within the city boundaries and to provide an incentive available to all employees to live within the city.

By City Charter, the City Manager, Police Chief, and Fire Chief were required to live within the city boundaries, and all three currently met that requirement. It was his recommendation that all Department Heads should live within the city boundaries, or at least within the Urban Growth Area.

Discussions with the city's labor attorney convinced him that while the city could require new police officers and firefighters to live within the city limits because they were not yet covered by the union, it would likely be challenged by the unions, and the Employee Relations Board (ERB) would very likely rule in favor of the union members right to reside wherever they wanted.

The Council appeared to be amenable to offering an incentive for employees to live in the city. An incentive with no General Fund impact and minimal city financial impact would be to offer a credit of up to $50 on a city employee's water and sewer account. The enacting resolution would read that the credit would not exceed the amount of the monthly utility bill. This would only be available for employees receiving water and sewer service from the city.

The city's current employee's residence was shown below as a percentage:

Where Employees Live	Percentage
Employees in Ontario Plus 97914	52%
Employees in Ontario	45%
Fire Personnel in Ontario	73%
Police Personnel in Ontario	30%
Living in Oregon	67%

The financial impact was the cost of providing the incentive. The Council had the option of setting a point at which the incentive would cease. For example, when 75% of employees lived within the city, the incentive would go away. This, however, would likely dis-incentivize employees who were thinking about moving if they thought it would only be a temporary incentive.

If every employee were to reside within the city, the total cost of providing an incentive would be $28,200, which would be split between the Water and Sewer Fund. The cost of providing the incentive for employees who currently lived in the city would be $11,400.

It was within the city's power to require Department Heads to live in the City of Ontario boundaries and to offer incentives for other employees to live within the city. It was recommended that the 97914 zip code be used for *"living within the city"*; however, the incentive would only apply to employees getting water and/or sewer service from the city.

If the Council opted to take no action on this issue, Department Heads should still be hired from within the city, but no incentives would be made to draw other employees into the city limits.

Councilor Capron asked, when they went out to hire someone, moving forward, would something be said about wanting that individual to live in the city? What could they legally do?

Mr. Brown stated that was how the conversation needed to go, that we wanted people who wanted to live in the city. He wouldn't be opposed to making that a preference. The candidate who might be close with another candidate for a position, would have a preference, particularly with law enforcement. That had a benefit to the city, having a local presence for officers, and firefighters, too.

Councilor Justus stated he thought that they were not just asking for the managers to live in the city, but asking that all employees live in the city. That included police and fire. Was that not correct?

Mr. Brown stated the discussion held was that they could go down the road of requiring or asking police and fire to have residency, but that it would likely be challenged, based on the cases heard by the Employee Relations Board in Oregon, and that they'd likely be successful in making that a mandatory term of bargaining. It was done in other states, and other states had been successful, but based on case law in Oregon, he didn't believe they'd be successful. He didn't have a problem, either, of including administrative staff that were not represented, going forward. He believed they could find for the very few, maybe five employees that were administrative, not department heads, but he had no issues with including them in the resolution. He wanted people to live in the city.

Councilor Justus verified it cost the city $136K for one police officer? And a full-time firefighter was about $92-93K?

Mr. Brown stated that those were actually closer together; he didn't have the exact numbers with him.

Councilor Justus stated for him, for the city to spend that kind of money on both fire and police, understanding they wanted the best, the city was close to being the highest paid place for fire and police. He really wanted the city's police and fire to live within the city limits, because of the cost. Someone said that we want the best, and he told them the city was offering the best pay, so that should bring the best here. For him, he wanted to include the fire and police personnel. If they wanted to sue the city because they didn't want to live within the Ontario city limits, that was understandable, and they had that right, but for him, he wanted them to live here. He was good with giving them a discount on the water bill, too, for living here, but because of the amount of money it cost the city, knowing that entry-level firemen and policemen did not receive the $136K in their pocket, that was the cost for everything. That's what the citizens were paying for these people to work here. He wanted them here.

Councilor Crume asked Mr. Brown for his best guess if the city followed Councilor Justus's suggestion to require all employees – new hires – to live within the city limits, or within the 97914 area, if it came to union negotiation time, and they wanted to bargain for it, did he have a clue on how that might turn out?

Mr. Brown stated based on the best legal advice he had, the union would win in Oregon.

Councilor Crume stated if they had to bargain for it, what would the city have to bargain? Would the union be able to stop it completely or would they ask for more money for the requirement, or how would that play out?

Mr. Brown stated it was possible they could ask for more money, but he guessed they'd probably just say they didn't want that requirement placed on them.

Councilor Crume stated if they didn't try something, nothing was gained, but if they tried something, it could mean a change in the resolution.

Mr. Brown stated yes, and there would be the cost of litigation expense, too. They would lose nothing by passing a resolution that stated all employees were required to live in the 97914 zip code area. All *future* hires.

Councilor Crume stated if they did that, it wouldn't cost anything, unless they decided to fight a lawsuit from whichever union filed against it. At that time, the Council could discuss if they wanted to back off or fight it.

Mr. Brown stated it could be changed easily enough, if that was the direction the Council wanted to go.

Councilor Crume stated his agreement with Councilor Justus's idea. He would like to see something where Department Heads had to live within the city limits, and the remaining employees should live within the 97914 zip code area. He did want to hear what the citizens in attendance had to say on the matter.

Councilor Palomo voiced his agreement with Councilors Justus and Crume. If it was challenged, they'd deal with that, then.

Councilor Carter stated she was also in agreement.

Councilor Crume asked if they wanted to make the resolution for inside the city limits, or for all other employees besides Department Heads (mandatorily, they'd be in the city limits), but for new hires, should it be within the city limits, or should it be in the 97914 area, or the 8C School District, or what?

Mayor Verini stated he wanted further discussion,. He had no problem with the Department Head positions, hired after February 27, 2018, to be required to live in the city; and, if the employees receive a promotion, then they'd have a requirement over the next twelve months to also live in the city. But, he had a challenge with police and fire because, if he wasn't mistaken, many of the recent hires were hired from police departments in the local area, like just across the river, or down the road. So, they might have a situation that while there were people living in the community, had established homes, established residence with their families, and now, if they wanted to join the Ontario Police Department, they had to pull up roots in Nyssa, or Fruitland, and he thought they might get less people applying for jobs here at OPD, that had already been trained. He was referring to new hires.

Councilor Crume stated then how about trying this – and he wanted to hear from both Chief Kunz and Chief Leighton, to give their opinions on the issue – give it a try, see what it did to the employment pool in the future. They could always make changes to the resolution. Nothing ventured, nothing gained.

Councilor Capron stated if he was paid $30K more a year, he'd ask where they wanted him to move. Name the town, he'd go. If to make that much money he was required to live there, he'd go. It wasn't that big a deal. You just make a place a home. If someone said they'd pay him that much to live in Burns, Oregon, well "hello Burns!".

Councilor Carter stated they were looking at this as something favorable for this community.

Councilor Palomo stated even if they had fewer applicants, they'd get the ones who wanted to be here.

Cal Kunz, Police Chief, stated he had heard things back and forth, and he did think there were pros and cons to this action. As far as hiring, when he hired someone, he looked at it as someone who would outlast him, so some who were being hired might work for this city for 20-30 years, so when they were searching for somebody, they wanted the most qualified candidate to fill that position. They had hired the last several laterals. One huge benefit was that they already had the police training and experience, and they were normally on the road within a month. Hiring someone fresh, they usually had to go through the state academy, and it could take a year for that person to be on the streets, rather than a month. He thought the lateral pool would get much smaller, because there were people established maybe a mile outside the city, so it might limit the potential candidates. It would pretty much do away with laterals, or decrease it quite a bit. It was a big commitment to pick up roots for someone who was literally only a mile away. It was a crap shoot when hiring, but the bigger pool for potential hires, the better chance to get someone who was going to be successful for the next 20 or 30 years. Regarding dedication to the city, personally, when he first got hired with the Salt Lake City Police Department, he was the first class that had to live within the city. He signed a document agreeing, and he got the job. Within about a year, there was a union fight and the city decided to do away with that requirement. He stayed living in the city for another couple years; moved outside the city after that, and as far as dedication to the Salt Lake City Police Department, he have 21+ years of his life dedicated to that organization and that city. He didn't believe he felt any different depending where he drove to at the end of his shift. Looking at the officers here now, there were some that lived in Idaho, some here, some county, and these were some of the best cops he'd ever seen. Whether they lived here, there, or wherever, they were all committed to this community and he'd seen, over the past two years, a commitment beyond what they could expect for their employees. It was the person you got to bring into our community that had a passion for this community, not necessarily what their zip code was.

Terry Leighton, Fire Chief, stated his last employee was a very dedicated employee to Ontario Fire for over ten years. But he did, and does, live in Fruitland. He was one that they wanted to work here very bad. Another thought he had on it was definitely if it was anything, he agreed with living in this community. He wanted to move here when he got the job because he wanted to be involved. But, a big portion of his staff *was* part of this community. They grew up in this community, but lived outside the city limits. For 97914, they'd still have the people as part of Ontario, and they very much were, but a big part of his staff lived right across the street from the city limits. He thought they'd lose the opportunity to have a lot of good staff, people that were committed here. A lot of staff were volunteers, that had given many years, and they were ones that were being groomed and mentored to be part of the department, but to not be able to give them a job, would hurt a lot. He understood the commitment, but there was also the commitment to a lot of the firemen for a lot of years. It would be hard to not hire any of them after so many years of training being provided to them.

<u>Dr. Ben Peterson:</u> *I want to thank everybody for having me back and considering this topic, as I think it is critical to the future of Ontario. I want to thank everybody who showed up here tonight to support this idea to try to make this a better place for all of us to live. I just have to say, from my experience, I could not disagree with our Police Chief more. I have lived in Fruitland. I'm a dentist in Ontario. I did just as good a job as a dentist when I was in Ontario, as I did when I lived in Fruitland. In fact, I definitely do a better job now that I live in Ontario. When I lived in Fruitland, just by the fact that I was more connected to the people I was serving. I was aware of their individual situations, I was a resource, I'm a resource for my neighbors across the street, they know where to find me my patients. They know who I am; they know where to find me if there's a problem. For a police officer in particular, that was pretty critical. Some things that I've been able to do since moving to Ontario: bought a house; stabilized the neighborhood. Every time we don't have a police officer living in the neighborhood, or a teacher, or a principal, it creates instability in that neighborhood. Nine times out of ten, a house that came up for sale in Ontario, people were shaking in their boots, wondering what in the hell we're going to get. It's never a lateral thing in Ontario. Every time they pull a police officer or some middle class people in this community, instead of having a police car parked across the street from one of us, we have something we have to pay more money to police for. And I know that the city has a study that was done that specifically says that is does increase public safety if you have police officers living in your community and parking cars in the community. And here we are in a community, we're begging to have people like our police officers living with us. We pay them a tremendous amount of money. They can stabilize our communities, make them safer, they can buy a home, they can vote for a school bond, hold an elected position in the community, pay property taxes, promote our local schools, have children who go to our local schools, lead clubs, go to church, donate to churches, these are all things they can't do when they're not part of the community, and they don't do. And I'll tell you, working on school bonds and the baseball field, those projects. You cannot find one dollar and one minute of time that was ever donated by a teacher or administrator who did not live in Ontario. If you go look, who are our coaches at school? Who coaches after school? Of our teaching staff, about half live in Ontario, and half live across the river. Almost every single coach we have lives in Ontario. It's human nature. Look at someone's rental property compared to their home residence. We need these people living with us. We spend a tremendous amount of money paying them to be here, and their presence makes our community more stable and it makes it much safer. So I completely disagree with our Police Chief. I hope you guys do what you originally talked about and try to have these people live here to set an example not just for, set an example that we can then apply to our public school system, which is probably the worst offender, and then on to the either the prison or the college, and I think this would completely change the landscape of this community. Thank you very much.*

<u>Bruce Tuttle:</u> *My name is Bruce Tuttle, and I'm a former Council member. I was born in this town and I would like to see this town grow. I don't know if I'm going to die here, but I don't want to see Ontario die. I think we need all the people, administration, I do agree with the Chief, if you got a new hire and he has to live somewhere in the 97914, fine. If he's an administrator, he needs to be in the city limits. He needs to pay the taxes. We need them. We don't have a pool; we don't have this, and we don't have that. We're not going to get it until we make a statement. If you don't want to live in Ontario, don't apply for the job. If we can get a lateral hire from a police officer that we know is going to be good for Ontario, good for the citizens, then let's hire him and say, "you know, can you ease into the 97914", but if you are an administrator, you should have a form that says you're going to. If we have to make that fight at some time, they say "no, we're not going to do that", then let's*

take it up at that time. I think that everything that we do, I heard by the grapevine that there are great incentives for building a house in Ontario; there's great incentives for buying a house in Ontario, tax wise and permit wise, and everything that you have to do to have a new build in Ontario. I heard this not through the newspaper, but through word of mouth. I think if we have these things going on that are positive to Ontario, we need it in our newspaper. If we're not going to get it in our newspaper, change the name to The Fruitland Observer. Thank you very much.

Michelle Grimaldo: *I am Michelle Grimaldo, and for the record, I am married to an Ontario City Police Officer. So, what a tough issue. Tough, tough, tough. I understand the goal behind it to grow Ontario, the city, the commitment to the city. I can tell ya, attacking police and fire is not the way to go. If you've ever been involved in a mutual aid situation where we need every community around us, regardless of whether they're across the river or not, you'd know that's the way to go. However, the idea of having administrators in our schools and in our city, if we can encourage them to live within 97914, I might be in to that, if we can figure out how to make it happen. But strong arming them to do that, I'm just not a fan of that. I don't think that's wise in any way. So many of our community organizations in this area, in the Treasure Valley, focus on it's a river, not a wall, and I think that this policy violates that. It's a river, not a wall. We need everyone within the radius to accomplish so many of things that we accomplish. We pursue economic development beyond mutual aid and that's a big deal. If you've ever gotten a call at 2:00 a.m. to say hey Payette, we've got a fire in Ontario, we need your resources, and they're there within 15 minutes, ya, it's a river, not a wall. Economic development, we pursue that through SREDA together across the river. Again, I understand what we want to accomplish by having administrators live in Ontario, and maybe we can get to that, but demanding it or strong arming it is not the way to go.*

Niki Cutler: *My name is Niki Cutler, and like Michelle, my husband is a police officer here in Ontario. I agree and disagree with that a little bit on the fact that please be clear when we talk about our police officers. My husband and I both, we moved to Ontario, I was a teacher here at the time, and he came on the police force we moved here to be part of our community. There have been multiple discussions in that time of moving out of city limits. It's hard to raise a family when you're a police officer and you live in town. It's hard to have people follow your kids home. It's hard to have your house targeted, and to have people arrested with your address in their pocket. All of which has happened in the six years since my husband's been a police officer here. We never wanted to leave Ontario; we still don't. But please be very clear on the city limits and the zip code issue, especially when you're talking about the people who do live with some of the people that aren't as savory in our community that do have a way of finding things out and realizing that some part of the reason people are officers in a city away from where they live is to keep their families safe, and to keep them out of that spotlight. So please, consider that when making your decision.*

Randy Bower: *My name is Randy Bower. I agree with Ben. I think we need the tax revenue. We need the people living here. It's, I guess, if we post our speed limits and said hey these speed limits are suggestions, nobody would follow them. They need to be enforced. They need to live here. They need to live in our community. They're living in other communities. They're working here because they're getting paid more money. They can live here. There's housing. I agree with Niki. I think they should have some latitude. We're in a farming community. I live outside the city limits. I have acreage. I have horses. I have animals. You can't have those in the city limits. So I think there should be some latitude of where they could live, within this 979, this community here, so they can have acreage, and they can have animals if they wanted to, where they couldn't inside the city limits. We have superintendents, we have a lot of people that don't live here in this community, and I just think it's crazy. I was born in Boise, but I've lived here my whole life. I moved back to this area. My wife's a school teacher. We've planted roots. Kids go to this school. I went to this school. I graduated from the high school. This town, when I was here, was different. Fruitland, Gayway Junction, was kind of the seedy area of town, and it's just kind of flipped. Everybody wants to go there. I don't get it. I don't know if it's cheaper taxes or what it is, but we need to draw more people, there's no growth. There's no growth. You see the houses going over there, and they have a few subdivisions over here where there's just a few brand new homes that are being built in this community, and I just don't get it. I don't understand how come we can't get them here and live here and be a part of it and have some pride in the community. I know it's tough for new hires, but if you just said, hey, this is where you have to live, and give them a grace period and say you've got to figure it out and get it done, you have so much time to sell your house and move to this community, but they need to be here. They need to be part of this community. This is our community. They can't vote, they can't pay taxes, they can't do those things. They can't come here and be a part of the City Council because they don't live in this state. They live in a different state. And it's the State of Idaho, not the State of Oregon. We live here. This is our community. We take pride in it, and we want those people to live here and be a part of this community.*

Councilor Capron asked Dr. Peterson if when he first wrote this up, was he pushing for everybody in the city or was he pushing for the administration of the city, and everyone else just in 97914? What was his goal?

Dr. Peterson: *Originally, it was just administrators and the top brass, department heads, and then creating incentives for rank and file, within the confines of the 8C School District boundary. This has kind of evolved beyond that, which I'm great with. I just think from a public safety standpoint, as many police officers that we can get in the community, the better. I love it. On a street where my office is, we have a Malheur County Sheriff's officer and she parks her car in her driveway. It's nice to see. I think as many police officers and I definitely understand the concerns that Niki brought up, without a doubt, but I would venture to guess that a majority of our police officers live in Fruitland or Payette. You could live a lot further away from Ontario and still be in the 8C district boundaries. If these people were living in Boise, I'd understand that, but I don't think that's the case. I think most of* *the Fruitland Police Officers live in Fruitland, the majority, so it's kind of contradictory. 8C school district boundaries are what I envisioned.*

Councilor Crume asked if anybody knew what the boundary difference was between 8C and 97914.

Councilor Capron stated growing up, he lived on Morgan Avenue. It was a Vale school district with an Ontario address, the 97914. The name changed to Arabian. That went down on the west side of the Butte. It was still 97914 in part of that.

Dan Cummings, Economic Development Director, stated he wasn't sure exactly where the 8C boundary was, but Imperial Avenue was one border. Years ago, in '73, he lived on the south side, so he was in the Nyssa school district, but he had an Ontario address of 97914. He was supposed to have sent his kids to Nyssa, but they were too young for school at that time. He didn't know if the 97914 would be the answer, because 97914 went clear to Annex, so they'd need to include the people in Annex in that.

Councilor Justus asked if the Library District mirrored the school district.

Mr. Cummings stated it did.

Councilor Crume stated if they were to do something of this nature, moving forward, to have all new hires live within the 8C district, in the resolution they'd have to add a time frame for them to move here, correct?

Mr. Brown stated yes. He'd also sent an alternative amendment to the resolution, if the Council wanted to do that. It read the zip code, but they could change that to the school boundaries, if that was what Council wanted. It also said, which was something he worked with Dr. Peterson on, the language would be six months for new hires, and twelve months for promotions, or vice-versus. He had emailed it.

Councilor Palomo stated he knew they were talking about the police officers, when they started this, everyone that was already employed was grandfathered in, correct? Anything moving forward would be affected. Whoever was already here, wherever they were living, that stayed the same.

Councilor Carter stated they were grandfathered in, but with a promotion it would change.

Mr. Brown confirmed that was correct. His amendment addressed the promotion.

Mayor Verini read the amendment to the audience: "All Department Head positions hired after February 27, 2018, which are not contracted out, shall be required to live within the city limits and all employees are required to live within the 97914 zip code, within six months of the commencement of employment. Existing city employees who are promoted to Department Head positions shall also be required to comply with the terms hereof within twelve months of said promotion. Failure to comply shall be deemed a voluntary termination of employment."

Councilor Crume stated there had been a recommendation that they could have a $50 utility incentive for each employee who lived within the city. Would that be included in the amendment, or would that wording have to be added in?

Mr. Brown stated it was in a subsequent paragraph in the resolution. The Council would only be amending that first section.

Councilor Justus asked if someone was eligible for rehire, and they lived outside the city limits, and they applied, and the city wanted to rehire them, that applicant would be subject to residency.

Mr. Brown stated yes.

Councilor Justus stated they had to look at the city from a point of weakness, not a point of strength, because that was where the city was. They needed, as a Council, to show that they wanted the city to grow, and they wanted the people that benefited from the city's tax dollars, that they cared about that and wanted them here. He wanted the Council to say that city employees, including police and fire, had to come into the city limits. He understood that as they grew, and the whole idea was for them to grow, they could amend that. When they had a strong, three police officers living within the city limits, and one that didn't, it was a different position then they were in now. Right now, it was one police officer inside and four outside the city limits. It's because of the policies that had been set forth in the past, and not wanting to confront it. The Council was in a position now to say Ontario Strong, Ontario First, and if it was going to be said, then SAY it, and not be weak about it. Ontario Strong, Ontario First. That was his position.

Councilor Crume asked how to propose a motion with those changes.

Councilor Capron asked if the city would be hit with the same lawsuit if they said 8C compared to the city.

Mr. Brown stated yes. He believed it would be challenged either way. That was based upon a conversation with the union attorney. The real issue was out of state. He had included the numbers of employees living out of the state for Council. Some were in Nyssa, some toward Vale. But they would all be grandfathered in. It wasn't necessarily about growing it, but more about making it stronger. Ontario didn't have to be Boise; they just wanted to make our community stronger.

CAPRON moved, CRUME seconded, **THAT THE CITY COUNCIL APPROVE RESOLUTION #2018-112, A RESOLUTION REQUIRING RESIDENCY FOR ALL DEPARTMENT HEAD POSITIONS HIRED AFTER FEBRUARY 27, 2018, WHICH ARE NOT CONTRACTED OUT, SHALL BE REQUIRED TO LIVE WITHIN THE CITY LIMITS AND ALL EMPLOYEES ARE REQUIRED TO LIVE WITHIN THE 8C SCHOOL DISTRICT WITHIN SIX MONTHS OF THE COMMENCEMENT OF EMPLOYMENT. EXISTING CITY EMPLOYEES WHO ARE PROMOTED TO DEPARTMENT HEAD POSITIONS SHALL ALSO BE REQUIRED TO COMPLY WITH THE TERMS HEREOF WITHIN TWELVE MONTHS OF SAID PROMOTION. FAILURE TO COMPLY SHALL BE DEEMED A VOLUNTARY TERMINATION OF EMPLOLYMENT.** No vote....

Councilor Justus verified that this resolution stated Department Heads would live within the city limits, and employees would live within 8C, excluding Oster and CH2. They weren't requiring all the new hires to come into the city; they were just requiring all new hires to come into 8C.

VOTE: Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-no; Capron-yes; Winebarger-out; Verini-yes. Motion carried 5/1/1.

New Draft NPDES Permit for Wastewater Discharge
Betsy Roberts, City Engineer, and Paul Woods, Woods Consulting, presented.

The City of Ontario's wastewater discharge permit, known as the National Pollutant Discharge Elimination System or NPDES permit, expired in 2008. NPDES permits were authorized for 5-year terms and permit holders were required to apply for renewal every 5 years. The City filed for renewal of the NPDES permit in 2007 and the Oregon Department of Environmental Quality administratively extended the prior permit conditions every year since 2008.

DEQ recently completed a draft NPDES permit for the city's Wastewater Treatment Facility, the first since 2008. A draft of the permit was provided to the city on January 26, 2018, and comments on the draft permit would be due to DEQ by March 16, 2018. After receiving comments from the city, DEQ would provide public notice of the permit and allow 35 days for public comment. After the public comment period, DEQ would then take a final action on the permit.

Once the permit was issued by DEQ, the city or other third parties would have the right to appeal any conditions of the permit. Providing comments to DEQ as requested in advance of issuing the draft permit for public comment would not legally bind the city regarding a future decision to appeal or not appeal the permit once a final action was taken by DEQ. However, the pre-draft comments to DEQ from the permit holder typically provided arguments consistent with the issues raised on appeal.

In the event that the city appealed the final permit, the new permit essentially remained in affect during the appeal process, including the schedule of compliance deadlines. If the appeal was upheld, a new permit would be issued; if it was denied, the permit and original compliance deadlines remained as written.

The new NPDES permit would include for the first time new effluent limits for new pollutants. The most notable were the new final effluents limit for arsenic and hydrogen sulfide. According to DEQ staff, Ontario would be the first municipal Wastewater Treatment Facility in the State of Oregon to have a final effluent limit for arsenic at this low concentration. Identification and elimination of the sources of arsenic in wastewater required more study and investment in the elimination of arsenic from the wastewater collection system. However, even with these efforts further treatment would be needed and the city's current aerated lagoon treatment system did not have the capability of meeting the new final effluent limit. The city would need to undertake extensive study to determine how to comply with the limit and final compliance might exceed the affordability criteria for the community in achieving final compliance.

The draft permit provided a 15-year schedule of compliance to attain the final effluent limit for arsenic, but a number of interim tasks had to be completed in accordance with a set timeline. The schedule of compliance provided an opportunity for the city to comply with the final effluent limit for arsenic through a variance application once more data was collected in the future.

A point of contention between city staff and DEQ staff remained in the fact that the final effluent limit for arsenic imposed on the city would do nothing to achieve the final water quality standard for the Snake River without dramatic efforts to address other sources of arsenic. The city's wastewater flow was less than 0.1% of the total river flow in the Snake River and DEQ had no resources allocated for addressing non-point source pollution from arsenic. Without additional efforts to reduce other sources of arsenic, the city would be potentially spending millions of dollars without any measureable improvement in arsenic concentrations in the Snake River. City staff requested that the schedule of compliance be tied to equal efforts to reduce arsenic from other sources.

In June 2010, the Environmental Protection Agency disapproved the Oregon Department of Environmental Quality's water quality criteria over concerns that the criteria were not sufficiently protective for people who consumed fish from waters within the state. DEQ revised the state's water quality criteria through rulemaking and published the new criteria in June 2011. EPA then approved the new criteria. A detailed information sheet produced by DEQ was attached for informational purposes.

There were numerous implications of the new water quality criteria that had impacted the draft NPDES permit for the city, including greater monitoring and reporting and study requirements. However, the greatest concern was the new pollutant limits for arsenic, copper and mercury. These pollutants were bio-accumulative toxins that aggregated in fish tissue. The pollutant with the greatest impact to the wastewater treatment process was arsenic. The new discharge criteria for arsenic was lower than the current drinking water standard and arsenic removal was not achievable with the current aerated lagoon treatment system.

In June 2016, DEQ notified the city that a new NPDES Permit was being drafted and it would include new limits as required by the new state water quality criteria. Immediately, staff engaged with DEQ in an effort to convey the concerns of the city and to have those concerns reflected in the issuance of the new NPDES permit.

The initial request from the city was to delay issuance of the new NPDES permit in order to allow the city time to undertake studies and assessments to determine if the city was able to comply with the final effluent limit for arsenic or if a variance was appropriate. After completion of the studies, the city would update the 2007 NPDES permit renewal application and a new NPDES permit would be issued with certainty as to how the city would achieve compliance with the final effluent limit for arsenic. DEQ rejected this request on the grounds that DEQ was under a court order to reduce the statewide backlog of NPDES permits.

The city inquired of DEQ staff as to the appropriateness of different variance options as a path to final compliance. The first inquiry was for use of an intake credit for water supply withdrawn from the Snake River and treated as drinking water. An intake credit was outlined in DEQ guidance as a potential method of compliance. The response to date has been that the intake credit would not apply to concentrations of arsenic water withdrawn from the Snake River (4-6ppm), but rather the credit would only apply to concentrations of arsenic introduced into the drinking water system (1-2ppm). The application of an intake credit in this manner does not provide a method of compliance for the final effluent limit for arsenic for the City. The second request was for a site-specific background condition and this too was rejected. The final inquiry was for a variance based on affordability criteria and DEQ acknowledged that this may be applicable depending on the results of future study and analysis.

City staff also inquired as to viability of achieving the water quality standard in the Snake River given the magnitude of non-point source contributions and flow modification of the river. Under the Clean Water Act, there was a provision to modify a water quality standard through a Use Attainability Study. DEQ's response to date was that DEQ was not pursing a Use Attainability Study and efforts to do so would be borne by watershed stakeholders. The success of Use Attainability Studies in modifying water quality standards was extremely limited and expensive to undertake. DEQ also has indicated that there were no financial resources allocated to DEQ to develop a Total Maximum Daily Load (TMDL) which was a plan to achieve the water quality standard through pollutant load allocations to point and non-point sources.

NPDES: A special permit issued by the Environmental Protection Agency (EPA) that monitors discharge of certain pollutants.
TMDL: The maximum amount of pollutant that a body of water can receive while still meeting water quality standards.
NON-POINT SOURCE: A source of pollution that issues from widely distributed or pervasive environmental elements.
POINT SOURCE: A localized and stationary pollution source.

As background, regarding inorganic arsenic levels in system:

Location	Inorganic Arsenic Level (ug/l)
River (background)	3.8
Well Water (background)	4.6
WTP Effluent	1.5
Influent to WWTP (end of collection system)	3.9
WWTP Effluent	6

The proposed permit contained the following substantive changes from the 2004 permit:

Schedule A – The following changes to the effluent limits in Schedule A are described below:

Parameter	Limit type	Old Limit	New Limit	Comment
BOD5	Average Weekly	1150 lb/day	1100 lb/day	Updated calculations
TSS	Average Weekly	3600 lb/day	3300 lb/day	Updated calculations
pH		Between 6 and 10	Between 6 and 9	To reflect Basin Standard
Total Residual Chlorine	Daily Max	0.1 mg/l	0.02 mg/l	To reflect ambient concentrations
Total Residual Chlorine	Average monthly	0.04 mg/l	0.01 mg/l	To reflect ambient concentrations
Ammonia: Interim Limit	Daily Max		30.1 mg/l	Per compliance schedule
Ammonia: Interim Limit	Average monthly		11.7 mg/l	Per compliance schedule
Ammonia: Final Limit	Daily Max		9.8 mg/l	Per compliance schedule
Ammonia: Final Limit	Average monthly		5.5 mg/l	Per compliance schedule
Arsenic: Interim Limit	Daily Max		11.0 ug/l	New limit
Arsenic: Interim Limit	Average monthly		7.6 ug/l	New limit
Arsenic: Final Limit	Daily Max		2.5 ug/l	New limit
Arsenic: Final Limit	Average monthly		2.1 ug/l	New limit
Sulfide Hydrogen Sulfide: Interim Limit	Daily Max		160.3 mg/l	New limit
Sulfide Hydrogen Sulfide: Interim Limit	Average monthly		59.5 mg/l	New limit
Sulfide Hydrogen Sulfide: Final Limit	Daily Max		3.42 mg/l	New limit
Sulfide Hydrogen Sulfide: Final Limit	Average monthly		1.97 mg/l	New limit

In addition to the changes to the facility's effluent limits, the following changes were reflected in **Schedule A** of the permit.

- Mixing Zone: a regulatory mixing zone was granted to the facility.
- Biosolids: requirements for the facility to develop and submit a bio-solids management plan and land application plan to the department for review were included in the Schedule. Additionally, the Schedule included biosolids management requirements and pollutant limits.
- Chlorine usage: the schedule describes the chlorine based effluent disinfection system and the effluent limits.
- Mercury Minimization Plan: the schedule included a requirement for the permittee to conduct monitoring and then develop and implement a plan to identify sources of mercury, reduce the inputs into the collection system and quantify the improvements in effluent quality.

Schedule B – The following changes were reflected in Schedule B of the permit:

- Electronic reporting: the permittee is directed to submit various reporting data electronically
- Effluent Monitoring: the permit includes the direct requirement to monitor the effluent for a series of priority pollutants rather than relying upon application requirements
- Ambient Monitoring: the permit includes requirements for the permittee to perform ambient characterization monitoring
- Mixing Zone: the permittee will conduct a mixing zone study and submit a report to the department
- Pre-treatment: the permittee will conduct a Significant Industrial Users Survey as a general permit requirement and no-longer as part of a compliance schedule
- Mercury Minimization: the permittee will develop a mercury minimization program and submit to the department for approval. The permittee will monitor the mercury concentration in the effluent and report the mass loading rate of mercury to the receiving waterbody
- Biosolids: the permittee will conduct a Bio-solids depth and mapping survey to quantify sludge depths and determine level of treatment cell effectiveness. The permittee will conduct biosolids monitoring in support of the facilities approved biosolids monitoring plan
- Analytical Limits: the permittee is required to meet minimum analytical limits, where indicated, for all required monitoring
- Temperature: the permittee will monitor and report the effluent for temperature
- Conventional parameters: the permittee will monitor the concentration of alkalinity, hardness and total dissolved solids in the effluent and in the receiving waterbody upstream of the outfall
- Copper and Aluminum: Ambient, mixed and effluent data to support the development of site-specific water quality criteria and determination of reasonable potential.

Schedule C – The permittee will implement a series of tasks described in the Compliance Schedule to accomplish the following tasks:

- Ammonia: design and construct an in-stream diffuser as to meet effluent limits for ammonia
- pH: design and construct a pH treatment system to meet effluent limits for pH
- Arsenic: develop and implement an arsenic minimization program
- Arsenic and Hydrogen Sulfide: develop and implement a facility plan to address excess concentration of arsenic and hydrogen sulfide in the effluent

Schedule D – The following changes are reflected in Schedule D of the permit:

- I&I: the permittee is directed to develop and implement an Inflow Removal Program
- Mixing Zone: as described in Schedule B and C, the permittee will conduct a mixing zone study and submit a report to the department
- Emergency Response: the permittee is directed to develop and maintain an Emergency Response and Public Notification Plan
- Biosolids Management: the permittee is directed to develop and maintain a Biosolids Management Plan
- Land Application: the permittee is directed to develop and maintain a Land Application Plan
- Solids Transfers: the permittee is directed to manage transfers of wastewater solids according to the requirements described in the permit
- Hauled Waste: the permittee is directed to manage the acceptance of hauled wastes according to the requirements described in the permit
- Recycled Water Use Plan: the permittee is directed to update the plan and submit to DEQ for approval by the end of the second year of the permit term.

The new NPDES permit for the City of Ontario will require considerable investment in order to attain compliance. An estimate of additional costs above the current base condition is provided below:

NEW COSTS (ESTIMATED) IN FIRST PERMIT CYCLE	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5
PH CONTROL SYSTEM INSTALLATION AND OPERATION MIXING	$10,000	$100,000	$5,000	$5,000	$5,000
ZONE STUDY DIFFUSER		$50,000			
	$5,000	$50,000			$50,000
POLLUTANT SOURCE REDUCTION PROGRAM (ARSENIC, I/I)			$50,000	$250,000	$250,000
WATER QUALITY MONITORING	$60,000	$40,000	$50,000	$50,000	$50,000
BIOSOLIDS MONITORING & MANAGEMENT PLAN	$10,000	$10,000	$25,000	$10,000	$10,000
MERCURY MINIMIZATION PLAN	$10,000	$5,000	$5,000	$5,000	$5,000
TOTAL	$95,000	$255,000	$135,000	$320,000	$370,000

Total over 5-year Term **$1,175,000**

NEW COSTS (ESTIMATED) IN SECOND PERMIT CYCLE	YEAR 6	YEAR 7	YEAR 8	YEAR 9	YEAR 10
PH CONTROL	$5,000	$5,000	$5,000	$5,000	$5,000
WATER QUALITY MONITORING	$50,000	$50,000	$50,000	$50,000	$50,000
BIOSOLIDS MONITORING AND REPORTING	$10,000	$10,000	$10,000	$10,000	$10,000
POLLUTANT SOURCE REDUCTION PROGRAM (ARSENIC)	$250,000	$250,000	$250,000	$250,000	$250,000
FACILITY PLAN STUDY OUTLINE	$25,000				
FACILITY PLAN (TECHNICAL & FINANCIAL ANALYSIS)		$350,000	$250,000		
FACILITY PLAN PUBLIC OUTREACH AND PARTICIPATION			$50,000	$50,000	
PRELIMINARY ENGINEERING TO SECURE FINANCING				$100,000	$100,000
OBTAIN FINANCING					$125,000
DEBT SERVICE RESERVE FOR NEW DEBT FINANCING		$100,000	$250,000	$250,000	$500,000
TOTAL	$340,000	$765,000	$865,000	$765,000	$1,040,000

Total over 5-year Term **$3,775,000**

Estimate for third 5-year period

The final compliance pathway for arsenic cannot be determined at this time but we know the three most likely pathways to compliance are as follows:

- Elimination of arsenic sources sufficient to obtain the limit without treatment;
- Additional wastewater storage infrastructure sufficient to eliminate discharge to the Snake River; or
- New wastewater treatment infrastructure to remove arsenic.

The costs for compliance could range from $25-$75 million in improvements that would need to be financed over as long a period as possible in order to keep rates below EPA's affordability criteria of 2% of Median Household Income. In the event the required improvements could not be implemented without exceeding the affordability criteria, the city would be eligible for a variance in complying with the water quality standard for arsenic.

The response to DEQ was due by March 16, 2018.

A final decision on whether to appeal any provision of the new NPDES permit would follow final action on the permit by DEQ.

CRUME moved, CARTER seconded, **THE CITY COUNCIL AUTHORIZE THE CITY MANAGER TO PROVIDE WRITTEN COMMENTS TO THE OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) OUTLINING THE CITY'S CONCERNS ON THE DRAFT NPDES PERMIT FOR THE CITY'S WASTEWATER TREATMENT OPERATIONS.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-yes; Capron-yes; Winebarger-out; Verini-yes. Motion carried 6/0/1.

OLD BUSINESS

Discussion of Resolution #2005-127: A Resolution Establishing Fees and Charges for Sewer Use Regulations, Sewer Service Rates and Charges, and Disposal of Septic Tank Sludge TABLED

Adam Brown, City Attorney, stated this discussion item had been brought forward by Council Carter.

Councilor Carter asked to table this issue to the next Work Session. Council concurred.

Discussion of Service Load and Impacts on Service Delivery at City Hall

Adam Brown, City Manager, presented an oral report.

The irony of this item was that he hadn't had time to put together the presentation that said he didn't have time to do everything the Council wanted him to do. Staff had been extremely busy. He had spoken to several Councilors about the challenges being faced for covering the front desk. Staff interviewed a temp yesterday, and that individual would be starting next Tuesday, for about 20 hours a week. There had been great participation from other departments who had loaned personnel for a day, from three different departments. However, even with that, there was the challenge to keep up with the financial work that needed to be done for the city. The temp person would help a lot, but there were some big items coming up. Budget season felt like a full-time job by itself, on top of what else was going on, and was upon them currently. They were not fully staffed to make that happen, so that was going to be difficult. For the committees, they had established with good intention and they were of great value, but it would be difficult to handle between now and June, or whenever the adoption of the budget was complete, those being the Marijuana Ad Hoc Committee and the Diversity Advisory Committee. Staff was looking at things that maybe they didn't have to be involved with and trying to prioritize things to meet deadlines.

Mayor Verini stated they wanted to move the city forward but there wasn't enough personnel to put it all together. It was his understanding, following a conversation with Mr. Brown, that staff would like the Marijuana Ad Hoc Committee and the Diversity Advisory Committee placed on hold until there was enough personnel to manage things.

Mr. Brown stated it would be when the budget process was completed. There were some community volunteers with DAC that were offering some assistance in running that committee, but it would still require staff attendance and follow-through.

Mayor Verini asked, with the addition of a part-time front desk person, and possibly setting the MAHC and DAC to the side, temporarily, would staff have the ability of keeping the front desk open every day, or did they need to cut back there?

Mr. Brown stated he believed they could keep the front open every day. He was grateful for the Council allowing staff to try different things, to see what would work. Staff had attempted to not fill that position, but it wasn't working. It posed challenges if they were to close any additional hours because of appointments to meet staff, and the door would need to be unlocked. He would hate to reduce the hours more than they already had been. But, Council needed to be aware that there was a lot going on and staff had full plates, and they were attempting to get by without filling the position. If the Council was amendable to postponing the kick-off of those two committees, that would be very helpful.

Mayor Verini stated they needed to get a press release out; he noted that the reporter covering for the Argus had already departed.

Councilor Capron asked the dates of the budget meetings.

Mr. Brown stated the budget calendar had been set for mid to late April. They also needed to wait until after the election to see which budget would be approved. The budget would be adopted in June.

Councilor Capron verified the committees would be moving forward in late June or July.

Mayor Verini stated the suggestion was to postpone those two committees until June, after the budget process was finished, and authorize the hiring of a front desk person.

Mr. Brown stated there was no action needed on the personnel, as that was within his authority.

Council consensus to postpone the activation of the Marijuana Ad Hoc Committee and the Diversity Advisory Committee.

HAND-OUTS/DISCUSSION ITEMS

(All items attached)

Agenda

Airport Committee: 02/26/2018
V&C Board: 03/01/2018
Planning Commission: 03/05/2018

Minutes

V&C Board: 02/01/2018
Planning Commission: 11/06/2017
Public Works Committee: 11/14/2017 and 01/09/2018
County Court: 02/07/2018

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

Councilor Capron stated on the budget process, due to Kari's maternity leave, had Oster replaced her? Were they contractually obligated to replace her? Who had been doing the budget work?

> Mr. Brown stated they had not, and it was behind. He would have to take a much more active role. He would review the contract to see the provisions.

Councilor Capron stated it was Lent, so Knights of Columbus Fish Fry down at Kirkpatrick Hall behind the Catholic Church. All you could eat fish, homemade macaroni and cheese, deep-fried mushrooms, French fries, homemade coleslaw, homemade clam chowder, and all the beer you could drink for $10. Every Friday until Good Friday.

Councilor Crume commented to both Chiefs. Regarding his decision on the employee residency resolution, he totally heard their concerns and believed part of their concerns were correct. It would shorten up the candidate pool. However, he also believed, strongly, nothing ventured, nothing gained. Ontario would be a stronger community if more city employees who worked here, or were paid by the tax payers, lived and helped promote this community. He was willing to try something. Part of him felt he shouldn't tell someone where to live, but the city had suffered for several years because people didn't want to live here, and didn't, so it was an attempt to try something new.

Councilor Crume stated from the Airport Committee, one issue they'd be looking at, if someone built a hangar in a new area, there were multiple expenses for doing that. One was whether it needed water and sewer, and that had been a problem in the past. In some areas, they'd reached a solution; however, another issue had been a taxiway from the hangar to the runway. That was a huge expense to put down asphalt. That had created some problems for people to spend that type of money. And, the city hadn't had money to afford to build, either. An issue brought up was the original positioning that was in the CIP program to relocate the ag pilots down on the south end of the runway. That might not be the best idea because of the noise pollution area near several homes. A recommendation made by the committee was to look at other areas on the airport, like the northwest side. It was possible that a different area to locate the ag pilots and their operation area could be found. In that Master Plan, there was also plans for the extension of taxiways to move the airplanes in and out of that area. Possibly, the new area, that money could be used to utilize that area and/or to help other new hangars hook into those areas where it wasn't just gravel. There was some possibilities a new area could be looked at to where the Master Plan and FAA money could be used in a better way of tracking new hangars and new people to the area. None of that had been figured out – it was all in discussion.

Councilor Crume stated Mr. Brown had been working with TVCC and Silverhawk Aviation to get some things done, with regard to their hangar and where they were at with the city maybe purchasing hangars to lease out or sell.

Councilor Justus stated Citizens for a Better Ontario were meeting at 1475 NW 6th Avenue on March 1, at 6:00 p.m. Yes, they'd be talking sales tax. Don't come if you didn't support it.

> Mayor Verini stated it was not a public meeting; it was private.

Councilor Justus stated Revitalize Ontario had a very successful mixer last Wednesday, and thanked everyone for their support.

Councilor Carter voiced her pleasure at the status of the Splash Pad. The ground breaking was great, even though very windy.

Councilor Palomo stated there were Girl Scout cookies on sale. Please stop buy their booth and give some support. Booths were everywhere, including Kinney & Keele, Wal mart, and Red Apple.

Mayor Verini asked for an update on Tom Frazier and the FBO situation.

> Mr. Brown stated Mr. Frazier had assigned it to his attorney, who was working with the City Attorney. That building did fill a necessary hole in the aviation program coming to Ontario. It was one of many pieces that needed to fall into place. Staff had met with Silverhawk Aviation, representatives from TVCC, and the Airport Manager. He wasn't at liberty to reveal much, but they were moving fast. They had to have a presence at the Ontario Airport for two years before they could get established or accredited. They asked how quickly the city could supply water and sewer, and were told they'd have it before the building was even built. Also, staff had retooled the hangar build project to something that could compute out better financially. He could see why the city hadn't had any new hangars. Even though they were highly sought after, they were expensive to build and the return on them was extremely marginal. However, they wouldn't see the airport grow unless they had more hangars. He was dong the math on the issue, to see if they could make the financing work, and what the rents would need to be to make the finances work. They had switched to a project that would require much less infrastructure, and would be more bricks and mortar on pavement that was already there.

Mr. Brown stated staff met with BLM's upper management from Burns, along with local management, and they had big ideas for Ontario. Staff told them we'd do whatever was needed to make that happen.

Mr. Brown stated the park charette that evening had been fun. He thanked those who were able to attend. Wasn't a large attendance, but he'd talked to a lot of people. Most of his time was after hours, not on city time.

Councilor Carter stated with regard to the residency requirements and the incentive resolution they'd passed earlier, she'd just received a text asking if the Council would consider doing an impact study to see the effects on police and fire personnel. She'd be interested in pursuing that option.

> Mr. Brown stated he didn't think it was a study that they could conduct; he believed, it would be something they needed to let play out a little and report back on regular intervals. There wouldn't be another retirement until next year, but there was also one person who could potentially go this year.
>
> Mayor Verini stated this action was not set in stone; the resolution could be amended. If the Council and/or staff saw challenges, adjustments could be made.

Councilor Carter stated they'd always considered Ontario a border town, so they'd always allowed and had the whole "we're not a wall" thing, so were they going to now become that wall? They needed to be open-minded and positive about which direction this would take the city.

Mr. Brown stated if they wanted the full effect of officers present in the neighborhoods, maybe they needed to consider officers being able to take home cars. Visibility was one of the aspects. There were not currently enough cars for every officer to drive one home, but there might be enough for those who currently resided in Ontario. If they already lived in the city, it would be a very minimal expense. It was his understanding that officers shared vehicles (red team with a blue team member).

Chief Leighton stated he had two fire departments, and one was outside of the city limits. A large part of their funding came from people outside the limits. The SRCI contract came into play, too.

Chief Leighton suggested that for those committees that were being put on hold, the members should hear it before reading about it in the paper. He agreed with the public notice, but if he were a member, he'd appreciate notification.

Council agreed and Mayor Verini asked Mr. Brown to put something together.

Councilor Crume gave kudos to OPD for the two huge arrests that had been made recently. Two thumbs up!

ADJOURN

JUSTUS moved, CAPRON seconded, **THAT THE MEETING BE ADJOURNE**D. Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-yes; Capron-yes; Winebarger-out; Verini-yes. Motion carried 6/0/1.

ACCEPTED:	**ATTEST**
______________________________	______________________________
Ronald Verini, Mayor	Tori Barnett, MMC, City Recorder

CITY COUNCIL MEETING MINUTES
March 27, 2018

The scheduled meeting of the Ontario City Council was called to order by Mayor Ronald Verini at 5:30 p.m. on Tuesday, March 27, 2018, in the Council Chambers of City Hall. Council members in attendance were Ronald Verini, Norm Crume, and Dan Capron. Councilors present by phone were Betty Carter and Marty Justus. Ramon Palomo and Tess Winebarger were excused.

Members of staff present were Adam Brown, Tori Barnett, Kari Ott, Dan Cummings, and Terry Leighton.

The meeting was recorded and copies are available at City Hall.

Dan Capron led everyone in the Pledge of Allegiance.

AGENDA

This Agenda was posted on March 26, 2018. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

CRUME moved, CARTER seconded, **TO ADOPT THE AGENDA AS PRESENTED.** Roll call vote: Crume-yes; Carter-yes; Palomo-out; Justus-yes; Capron-yes; Winebarger-out; Verini-yes. Motion carried 5/0/2.

NEW BUSINESS

Resolution #2018-117: Adoption of Ontario Parks & Recreation Master Plan
Adam Brown, City Manager, presented. (Plan attached)

The Parks and Recreation Master Plan that he had distributed yesterday was an update from the one that had been passed in 2002, which was required in order to submit the Oregon Local Government Grant Program on Friday. The city needed to have a revision of a current plan with the grant submission. He did not envision this as a final document; it still needed some polishing. They also needed to discuss the various sections in ensuring it aligned with the City Council's priorities.

The feedback received through the charrette and the online survey was that the top three things were the pool being reopened, and trails, followed by updated playground equipment. There was a strategy built in the document that spoke to utilizing public entities for trail development, to do it efficiently and economically. Listening to the citizens, the trails were really where the city should focus energy, going forward in the parks system. The city had some great parks, and they were being better maintained than they were in 2002. But, the equipment was still old.

Dan Cummings, Community Development Director, stated he wanted the Council, and the citizens, to recognize what Adam had accomplished. He took on this project that was last updated in November, 2003. Besides having seven staff members and seven park members to work on the Master Plan, they hired a consultant for $50K to do the last update. Adam had done the same thing, in-house. It was very important for the citizens to recognize that through Adam's leadership, he'd basically saved the city $50K. That was at 2003 dollars. In today's market, it would probably be more like $70-80K. This wouldn't have gotten done because the city didn't have the funds to do it, had it not been for the leadership of Adam Brown.

JUSTUS moved, CAPRON seconded**, THAT THE CITY COUNCIL ADOPT RESOLUTION #2018-117, A RESOLUTION ADOPTING THE ONTARIO PARKS AND RECREATION MASTER PLAN.** Roll call vote: Crume-yes; Carter-yes; Palomo-out; Justus-yes; Capron-yes; Winebarger-out; Verini-yes. Motion carried 5/0/2.

Architectural Services Agreement with Seder Architecture
Adam Brown, City Manager, presented.

On January 16, 2018, the City Council approved Resolution #2018-106, a resolution in support of parks planning. On March 21, 2018, the Council approved Resolution #2018-116, a resolution in support of the application to the Oregon Parks and Recreation Department for development of restroom facilities for the proposed Splash Pad area.

The City of Ontario had been working with Seder Architecture on the design and development of the proposed Splash Pad at Lion's Park. The attached Agreement encompassed the continuing steps necessary to bring this project to fruition. The Agreement specifically addressed, under Proposed Flexible Services 2), *Further Development design and construction documents for new Restroom addition.* The City Manager continued engagement with Seder Architecture under his purchasing authority. Seder Architecture was acquired in the initial phases of design by the Friends of the Aquatic Center. It was in the city's best interest to continue services with Seder Architecture.

The proposed Splash Pad would require restrooms to facilitate the needs of the Splash Pad users. The Agreement allowed for continued design of the Splash Pad site, coordination of architectural activities, and final design of the facility. Three single-occupant restrooms would meet all ADA and other regulatory requirements.

The proposed fee established by Seder Architecture had a maximum not-to-exceed amount of $18,000. Payment would be taken from the Friends of the Aquatic Center Capital Fund. The city would like to have the Agreement approved as timely as possible, to ensure the overall project remained on track. The city could take qualifications for other architects; however, that would slow down the project and delay opening of the Splash Pad. The Council must approve an Agreement with Mr. Seder as the contracting body for the City of Ontario.

CRUME moved, CAPRON seconded, **THAT THE CITY COUNCIL APPROVE THE ARCHITECTURAL SERVICES AGREEMENT WITH SEDER ARCHITECTURE FOR THE ONTARIO AQUATIC CENTER PHASE ONE SPLASH PARK PROJECT, AND AUTHORIZE THE CITY MANAGER TO SIGN SAID AGREEMENT.** Roll call vote: Crume-yes; Carter-yes; Palomo-out; Justus-yes; Capron-yes; Winebarger-out; Verini-yes. Motion carried 5/0/2.

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

Councilor Carter stated she had gone by Alvarado Jewelers that day, and they had a concern about the next door business related to parking. They wanted to know if there were any police officers doing any type of checking on that situation, especially cars parked in the handicapped areas. There were only two spaces there for that. She told them that she would address it at the current meeting. Maybe they needed some police presence in that area.

> Mayor Verini stated the social club was mainly open at night, except for weekends, correct?
>
> Mr. Brown stated he also thought it was only a night business, but after driving by, he noticed a heavy parking load at different times. He was unaware of any parking limits in the downtown area.
>
> Councilor Carter stated there was a 3-hour time limit on parking.
>
> Mr. Brown stated he would have the police department drive around there.
>
> Mayor Verini stated they could also ask staff or a police officer to go in and mention to the owner that an issue was being discussed so maybe they could tell their patrons.
>
> Councilor Justus stated part of the problem was that there were signs down there that stated 3-hour parking, but they were like six inches wide, and long, and a foot long. They were not conspicuous. Then, there wasn't anyone enforcing the parking hours, and hadn't for a number of years. It was about educating people.
>
> Councilor Carter stated if the 1% sales tax passed, they'd have more of a police presence.
>
> Mr. Brown stated he would have Public Works look into getting better signs.

Councilor Capron wished everyone a Happy Easter.

Mayor Verini stated on Thursday, the 29th, there would be a forum at Four Rivers Cultural Center that was being promoted by Malheur Enterprise for the one penny tax. It was scheduled to begin at 5:30, running until 8:00. Concurrent to that, at Eastside Park, the Kiwanians would be having a presentation with a sign being dedicated to the park. They'd also be discussing future developments for the park.

Mayor Verini stated on the 31st, in the mobile home park behind/beside D&B, there would be an open house to discuss the 1% sales tax. It would be an informational meeting. Please tell anyone and everyone to go.

Mr. Brown thanked the Council for their flexibility in meeting at 5:30 that evening, and having the opportunity to approve the Plan.

ADJOURN

CAPRON moved, CARTER seconded, **THAT THE MEETING BE ADJOURNE**D. Roll call vote: Crume-yes; Carter-yes; Palomo-out; Justus-yes; Capron-yes; Winebarger-out; Verini-yes. Motion carried 5/0/2.

ACCEPTED:	ATTEST
______________________________	__________________________________
Ronald Verini, Mayor	Tori Barnett, MMC, City Recorder

CITY COUNCIL WORK SESSION MINUTES
April 5, 2018

The scheduled Work Session of the Ontario City Council was called to order by Mayor Ronald Verini at 12:00 p.m. on Thursday, April 5, 2018, in the Council Chambers of City Hall. Council members present were Ronald Verini, Norm Crume, Tess Winebarger, Dan Capron, Betty Carter, Ramon Palomo, and Marty Justus.

Members of staff present were Adam Brown, Marcy Siriwardene, Larry Sullivan, Kari Ott, Terry Leighton, Jason Cooper, Dan Cummings, Cliff Leeper, and Dallas Brocket.

The meeting was recorded and copies are available at City Hall.

Ramon Palomo led everyone in the Pledge of Allegiance.

AGENDA

This Agenda was posted on April 3, 2018. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

Mayor Verini stated there were some changes for the Agenda. Under Presentations, please add B) Cydney Cooke; and C) Kit Kamo, SREDA. Under Old Business, new A) Discussion and Action regarding the extension of water for Mr. and Mrs. Roulston. Further, add new 11) Executive Session under ORS 192.660(2)(h).

WINEBARGER moved, CARTER seconded, **to ADOPT THE AGENDA AS AMENDED.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-yes; Capron-yes; Winebarger-yes; Verini-yes. Motion carried 7/0/0.

PUBLIC COMMENT

Tyler Graham, Boise, Idaho, stated: *We own the Gold and Silver Store here on Old Main Street, South Oregon, 264 South Oregon Street. I just wanted to address the letter that I sent to all the Councilors, as well as the Mayor, about exempting precious metals, coins, and currency under the new sales tax. My reason for wanting to have those items exempted is just due to the very slim profit margin it incurs with those items. When we sell one ounce gold coin, as explained in the letter, about a 2% profit margin, so adding any sales tax to those items would take us out of the realm of competitiveness with our other dealers in Idaho. For example, Money Metals Exchange in Eagle, you could go to their website and buy a one ounce gold coin for $49 over the current gold price. That's what we sell them for, too, but after adding a tax to the item, it would be about another $20 per coin, and in the volume that we're moving bullion and providing it to the citizens of Ontario and surrounding areas, we just need to have those items exempted so we can still be competitive or else we probably would be forced to move out of Ontario, unfortunately. And we're starting our 10th year in business, May of 2018, or excuse me, our 11th year of business, so we've been here for 10 full years. We provide a really good service to a lot of the citizens of the area, and we bring a lot of outlying citizens to Ontario to buy and sell to us. I just hope that you'll consider exempting those items being precious metal, bullion, gold, silver, platinum, radium, rare coins, such as collectable coins, coin collections, things like that, that people invest in for their future. And we have currency as well. Is there any questions for me about that?*

Mayor Verini stated he believed they'd all received the letter. He had spoken with the City Manager about this issue, and he would be following through with this, but this gave the Council a chance to ask any direct questions.

Councilor Justus stated it was his understanding that Mr. Graham would be for the sales tax as long as his precious metals were exempted?

Mr. Graham stated not so much in support, but not in not support. He wasn't against it, but wasn't so much for it. He didn't live in Ontario, nor did he do much shopping here. It wouldn't affect him personally, other than the business side of things. He did understand why the city was implementing it.

Mayor Verini stated they would have this item on the Agenda later in the meeting.

PRESENTATION

Certified Local Government

Kayla Kirksey, Economic Development Coordinator, Revitalize Ontario! presented a PowerPoint document. (attached). Her presentation was in relation to a Historic Preservation ordinance.

Larry Sullivan, City Attorney, requested that he and Dan Cummings receive a copy of the ordinance. He needed to ensure it fit smoothly within the current zoning standards. It might be easier to repeal the existing ordinance, replacing it with the new one.

Mayor Verini stated the word "historic" meant different things to different people. What would designate a historic building timewise, or was there?

Ms. Kirksey stated it was supposed to be 50 years or older, but it was up to the Commission to develop the guidelines.

Councilor Capron asked how many pieces of property were being looked at.

Ms. Kirksey stated there were two in the National Register already, so they'd be automatically added to the Register, those being the Creek House and the Train Depot. There were another five to 10 properties that had been identified for further research. An inventory had been done in July, 2015, so there was a list developed which reflected about 100 properties that would be old enough for consideration.

Council consensus to have staff pursue this further.

Veteran's War Memorial Grant

Cydney Cooke, stated: *The opportunity I've brought forth is the Veteran's War Memorial Grant, and this is the opportunity for the city to add a Veteran's Memorial Park. I understand that we are trying to allocate funds to redo our parks, and with this grant, that would give us some capital for doing that, for either one park, or multiple parks. This slide show is not concrete; it's just ideas. It would be for the Council to decide if we even want to move forward with this grant. The opportunity is to commemorate fallen veterans in the community. Something that the Veteran's Advocates do very well. It would also bring patrons into the community, and it was a chance to unify all citizens. The big issue, I feel, with Ontario, is the citizens don't feel like they're a part of the Council; the Council feels like citizens aren't listening, and vice-versa, so I feel this park would be able to bring everybody together because I feel everybody knows somebody who was a veteran, is a veteran, or is currently enlisted, so this would be an opportunity to bring all those people together and give them the respect that they deserve. We could reconstruct the park, or multipole parks, in Ontario. We also received money from donated sources, such as Auto Ranch to help with the park equipment, so that could be written in on the grant as well. This was a chance to be transparent with the community about the grant. I make that point clear just because doing the form there was the issue of explaining how money was allocated for certain things, and citizens weren't really understanding that you can't just put money everywhere, so I feel like this is an opportunity to reiterate that to them with the transparency of the actual grant that we would be applying for that this is not money being taken out of anybody's pockets or being taken out of the General Fund. It was money being given to us by the state. The deadline is approaching; the deadline is April 25th, so this is very rushed. That's why I need to talk to Veteran's Advocates, as well as Dan Cummings to pick out the right park, how many parks, just to get the ball rolling so they could break ground maybe this year. I'm thinking more towards the summer, mid to late summer. What is needed is a vote from the City Council to even pursue the grant; a letter of participation from the Veteran's Advocates; the parks in which we want to redo; a vicinity map of park boundary maps; and then just the property number. Those are all the requirements that the grant asks. Ideas, again, these are ideas, nothing is concrete. I really want to talk with Veteran's Advocates, Tammy, just get everybody on board for exactly how we want to run this. Veteran's, as well as talk to other veteran organizations, just so, to make sure that everybody is included. It needs to be a real big community effort. So, a Veteran's Memorial Wall so that everybody in the* *city can recruit somebody, or refer somebody to put on the wall, dedicate some benches that other people want to actually donate to help us with this. We want to make sure that they feel included, as well as a final resting place for the current Lion's Park Memorial. I'm part of the Friends of the Aquatic Center Board, and with the new Splash Pad and everything else, they'd have to remove the current Memorial. This would be the perfect opportunity to do both things. Just make Ontario beautiful, as well as, I'm thinking a red/white/blue theme, red/white/blue equipment, red/white/blue patriotic basketball court. The actual park I had in mind was the one near May Roberts on 4th Street and 4th Avenue. Just because how big it is. Lion's Park is a huge park, but with the Aquatic Center expanding, we need another big statement park, such as Lion's Park, for families to enjoy. I also thought about adding parking spaces so that everybody would not have to park directly in the street. I feel like that's a big hazard. I'm not sure. But planting fruit trees, shrubbery, just making it really nice, making it something that everybody in the community wants to take care of. Those who visit, the children, the families in the community who frequent parks very often, I feel like that is something that one of the amenities that this town does have and does offer people as a thing to do and a place to go currently, so we just need to revamp and revitalize that, as just a start for the entire city, as well as adding an American flagpole just to further commemorate the fact that this will be a Veteran's Memorial Park. I feel like that's a standard, to show our patriotism, and then update the bathrooms. Another idea is an example of a red and blue slide system. Nothing has been set in stone yet, but this is something that we need to act on soon so that we can get the blueprints and everything done and really just bring this community back together.*

Mayor Verini asked Ms. Cooke to address the administration fees and how that worked within the equation of the grant itself, because she'd be writing the grant.

Ms. Cooke: *As a grant writer, it's part of the administrative cost because I would be helping with the planning, project managing, doing anything that Adam needed me to do, or Dan Cummings would ask or any of the Council, just to make sure that we did this grant, and that we break ground and that the community actually sees everything pulled together. I want to be the force to drive this.*

Mayor Verini stated he was intimating that the administrative fee would not come from the city, it was coming out of the grant itself. The cost to the city would be nil.

Adam Brown, City Manager, stated Ms. Cooke brought it to staff of her own choice, and presented it them. The deadline was approaching fast, but it was an opportunity that she didn't want the city to pass up. If it was Council direction to move forward, staff could bring it back on the 17th.

Council consensus to move forward.

SREDA

Kit Kamo, stated: *I handed out a little packet of information on your desk. My name is Kit Kamo, I'm with Snake River Economic Development Alliance, and we're a private non-profit partnership between city, counties, and private businesses and our role is to help market the region of three counties and two states to help encourage businesses to come and do business here. We also work with several of our businesses in doing their expansions. Sometimes they run into a hurdle, they're looking for some financing or they're having some issues, so we try to help them get through that process. We work very closely with Dan Cummings and Adam Brown. As well as the Chamber of Commerce. We also do some other things where we are asked to pool together a bunch of data and information om projects. Dan has requested some from me in the past. We've been working with Idaho Power on a project, so we're able to help do that. The Ontario Chamber called me the other day, they had some consultant out of Portland looking for information on Ontario. I was able to pull that together and send that back. So, we do help with retail, any kind of industrial, we've been helping, there's some downtown buildings that were empty. We've been working with those owners when they call and reach out to us and try to keep the city in the loop, as well, as we work as partners. The other thing that we like to continue working on, we've helped promote some of your industrial lands that you have around the city. We would love to be able to do that at a little higher level with the city staff and so I'll be working with Adam on that particular request. We did, Ontario did miss out on a wonderful opportunity with a company. I just kind of fell through the cracks during legislative session. We would have done anything we could've to get it done, but it wasn't our call at the time, so we're working with the city to try and smooth out some of the procedural activities. I've also met with your Airport Manager, just briefly, and would love to see more things happen out at the airport. You have some exciting plans out there, there's some possibilities, several years ago we worked with your committee a little bit on the drones, and those type of entities that goes all the way to Portland, and Redmond, I mean Pendleton and Redmond, so I still think there's opportunities out there. We run across companies* *that are interested in that type of location because it's airport related. So I would like to do a little bit more work with your Airport Committee, as well. In your packet I have our actual board members. As you can see, there are there are three members from Ontario, City Council, and employees that are on our board, and then you can see the membership that we have. Behind that, the second piece is the SREDA Wins. What we did – a lot of people don't understand what kind of projects we work on. We work on everything from the little tiny one person project to maybe a large one, so we put together some of those wins that kind of show the breadth of projects we work on. These aren't all in Ontario. Some of them are in Ontario, some o them are in Weiser, or other places. The projects we being working with entrepreneurs that are starting out, a lot of times we'll use the Small Business Development Center at the college, to work with them, because they're specialized in that area. So we use our partners in the area quite a bit. Then the final one is a report card that we do quarterly that kind of has our historical data. It shows the number of proposals we work on, the number of site visits we have, business expansion opportunities, and other things that we do on a quarterly basis. Below that, we have some of the projects listed, and they're always listed with a project code. For example, if a this businessman said hey, I'm going to do a big expansion, but I don't want my neighbors or competition to know, we would let him give a code name to that so we could work on the project without everybody knowing until he's ready to announce that. That's why the projects usually have a code name. That kind of give you a quick update and most of you I run into all the time, but feel free to reach out to me if there's questions or comments or if you have a friend in California that wants to move up, we can help him do that, because there is still a great deal of interest in moving out of Southern California. Any questions from anyone? I love our continued partnership with the city; it's been great. Ontario has so many opportunities it's just very exciting to work with you. Thank you very much.*

AGENDA CHANGE

Mayor Verini asked for Council agreement to move the consideration of exempting precious metal, bullion, coins, and currency from the sales tax up from New Business to now, before they addressed Old Business.

NEW BUSINESS

Consideration of Exempting Precious Metal Bullion, Coins, and Currency from Sales Tax

Adam Brown, City Manager, presented.

It had been brought to the Council's attention that Precious Metal Bullion, Coins & Currency, was not taxed in Idaho and was not exempted in the Ontario Sales Tax Ordinance.

The sale of precious metal bullion or the sale of monetized bullion was exempted from taxation in the State of Idaho. The City of Ontario had shops that sold precious metal bullion. If the local tax were to include a 1% tax on precious metal bullion sales, it would create a competitive disadvantage for shops in Ontario.

Council was being asked to consider an amendment to the ordinance that was passed in the fall of 2017 and that now waited for the vote on the ballot in May. The Council's strategy all along had been to maintain a competitive advantage where one existed, not to lose a competitive advantage. While the city did not have a competitive advantage in this case, it would definitely lose equivalency with Idaho if it were to tax precious metal bullion coins.

The financial impact was not calculated or included in the report offered by the FCS Group. It was under a North American Industry Classification System (NAICS) code that was not included in the retail analysis provided by the FCS group. This action would have no impact on the projections offered by the city.

The Council could amend the ordinance at any time. If the Council wanted to exempt precious metal bullion, coins, and currency, the City Manager could work with staff to amend the sales tax ordinance; it was at the Council's discretion to include or exclude items in the sales tax ordinance. If left unchanged, precious metal bullion would be included in the retail sales tax because it had not been specifically excluded.

CRUME moved, WINEBARGER seconded **THAT THE CITY COUNCIL DIRECT THE CITY MANAGER TO PREPARE AN AMENDMENT EXCLUDING PRECIOUS METAL, BULLION, AND CURRENCY FROM THE SALES TAX ORDINANCE.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-yes; Capron-yes; Winebarger-yes Verini-yes. Motion carried 7/0/0.

Mr. Sullivan asked for verification of Council intent. Did the Council want to wait until after the vote before the ordinance was presented to Council?

Councilor Justus stated they needed to wait until after the election. There was a very strong “no tax” contingent, who were looking for anything the city did, to emphasize and make a bigger deal that it was.

Councilor Capron stated they could justify it because they were listening to the needs of the city.

Councilor Winebarger stated it would look worse if they waited.

Councilor Crume stated the intent of the Measure was to not put anyone in a financial bind, such as cars, anything licensed, etc., but they’d never heard of this before. Had it come earlier under the spirit of what had been done, they would have added it then.

Councilor Carter stated she didn’t want anyone to think it was “another” secret. That perception was already out there, and she didn’t want to feed into it.

Council consensus to move forward now.

Mr. Sullivan verified the amendment would be contingent upon passage of the sales tax.

OLD BUSINESS

Ordinance #2724-2017: Amending OMC title 2, Chapter 12, Section 10(A) Regarding Airport Leases-FINAL READING
Adam Brown, City Manager, presented.

As the City Recorder had been reviewing and archiving documents, it was discovered that this particular ordinance had not come forward for a final reading. This was the ordinance when the Airport Committee asked the City Council to approve lease renewals without going through the Committee.

CARTER moved, PALOMO seconded, **THAT THE COUNCIL APPROVE ORDINANCE #2724-2017, AN ORDINANCE AMENDING TITLE 2, CHAPTER 12, SECTION 10(A) OF THE ONTARIO MUNICIPAL CODE, on Second and Final Reading by Title Only.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-yes; Capron-yes; Winebarger-yes Verini-yes. Motion carried 7/0/0.

Resolution #2018-115: To Require Good Financial Standing with the City to be Appointed to a City Board or Committee and Cause for Removal from a City Board or Committee
Adam Brown, City Manager, presented.

The City Council requested the City Manager present a resolution requiring community members to be in good financial standing to serve on boards and committees. To further expound, the City Council requested a resolution to discuss whether individuals who were behind on payments to loans, fees, or utility payments should be allowed to continue serving in positions that recommend policy to the City Council. Further, at the Agenda review meeting on Tuesday, it was determined that it would be good to extend that to business that the city dealt with, or businesses that did work for the city, that they should also should be in good financial standing, having paid their fees and their bills. The resolution had been amended to include not only good financial standing as an individual to serve on boards and committees, but also to, as a business, to be able to do business, this would give those with purchasing power the ability to go to another vendor.

This might promote community members serving on boards and committees to become current on their obligations with the city; however, the financial impact was minimal. Staff had not done a search on current members serving on boards and committees, but this could be done very easily at any time. There was no time motive for this resolution. This was a policy decision that could only be made by the Ontario City Council.

There had been members in the past, serving on committees and boards, who had not been current with payments owed to the city. Taking no action would allow those individuals to continue to make policy recommendations to the City Council.

Councilor Capron confirmed that included businesses registrations.

Mayor Verini stated it would include those.

Councilor Justus asked about a situation such as he, Marty Justus, was in good standing with the city, but Four Star Real Estate, his business, was not. Would that exclude him from being on the Council?

Mr. Brown stated a lawyer would probably break that down to individual parts; who the city was doing business with.

Mr. Sullivan stated no, in this example, Four Star was a separate legal entity. Anyone who operated a business as a separate legal entity would not be disqualified from serving, based on the current resolution. That resolution could be changed to include the principal of any business. However, the city had a legal obligation when it accepted bids to accept the bid from the lowest responsible bidder, and if they were going to change the procurement policy to incorporate this into it, it was going to mean that the lowest responsible bidder would also include any bidder that wasn't delinquent with the city. The resolution language would have to be followed on any public bidding the city would do.

Mr. Brown stated the definition of responsible would include being current with your financial obligations with the city. The procurement policy should be reviewed.

JUSTUS moved, CARTER seconded, **THAT THE COUNCIL APPROVE RESOLUTION #2018-115, A RESOLUTION REQUIRING COMMUNITY MEMBERS AND BUSINESSES TO BE IN GOOD FINANCIAL STANDING WITH THE CITY AND HOLD NO UNPAID DEBTS TO THE CITY TO BE APPOINTED TO BOARDS AND COMMITTEES OR TO DO BUSINESS WITH THE CITY.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-yes; Capron-yes; Winebarger-yes Verini-yes. Motion carried 7/0/0.

Extension of Water for 2601 NW 4TH Avenue [Ryan and Lindsay Roulston]

Dan Cummings, Community Development Director, presented.

At the last Council meeting, there was an annexation action, and the recommendation was not to just allow these people to extend and hook into sewer, but also water. It was Council's recommendation was that city should get involved with assisting in getting utilities installed. At that meeting, Council directed staff to return with the cost of doing so. Last night, he had met with Mr. and Mrs. Roulston, and they discussed what had transpired. They were shocked and upset that they were going to lose their home due to the cost. He assured them that they'd find a solution. Working with Public Works, they determined that the approximate cost to extend the city sewer and water would be water around $23-24K and sewer around $21-22K. He calculated out, based on the front footage of the Roulston property, what would be their share of those utilities; it was approximately $22K, if the city's estimates were correct. The issue that arose was that they were already in the process of designing the sewer line that they paid for, put it out for bid, and had received bids back. Their fear would be that the city would take over the project, and that they'd be displaced for several more months. They already had a contract set to begin work on Monday.

The bids received for the action were around $19-20K. The cost was close to what their proportionate share would be. Staff was proposing to allow the Roulstons to continue on their own with the installation of the sewer line, and get it hooked up. Then sign an agreement that once the city had the water extended out to their location, they would hook up to the city water system. He informed the Roultons that if this action was allowed, they would not be allowed to do a recapture fee on it. The city would install the water and assess the other property owners and collect the water fees at that time. The Roulstons were in agreement with that proposal. They would still have costs for regular hook-up fees, etc., which would be around $3K, but that's what anyone would pay. They would have to hire a contractor to hook the house to the meter.

His request to the Council was for the Council to allow the proposed Agreement to happen. The sewer would be installed at the homeowner's expense, and that would be their share of the costs of the water at a later time. There would be no cost to them for the main line of the water.

Councilor Crume asked if there was any guess as to when the city might install the water line.

Mr. Cummings stated he had met with the City Manager and the Public Works Director on this prior to bringing it to Council. Since the homeowner already had the design of the sewer, the design of the water would be simple. Since it was under a dollar amount threshold, Public Works didn't have to bid it. Staff could select the contractor, and try to use the same contractor already doing the work. In doing so, if the contractor currently doing the sewer work was low bid, the city would be getting best price. There was a chance water and sewer could occur at the same time, but if not, a time table hadn't been set. He would ensure that in the Agreement they signed that they agreed to connect to water whenever it was put in out there. This family had been displaced since last November, and staff would like to get them connected to the city's system as soon as possible.

Councilor Justus stated, for clarification, the sewer line ended two parcels down from the subject property, so they would pay the $20K for their contractor to dig a trench down to the current line stub-out.

Mr. Cummings stated yes. They would begin at where the sewer and water ended at the property that the city didn't get an agreement on, taking it all the way to the end of their property, which would go through that property, plus a little bit into the next piece.

Councilor Justus verified the $20K would cover the costs associated with the sewer, plus the cost of bringing the water. The city would be paying the cost of running the water to their property, not to connect, just bring the line to their property, for around $20K. If they were required to hook up once the line was available, why not collect the $3K now?

Mr. Cummings stated the city would. When they ordered the water meter to hook into the line, they would pay the $3K.

Councilor Justus stated no, he was saying that they were putting that out, the city was saying they would pay the city to connect to the water in the future. He was saying yes, they would, but it would be paid for now. Pay the $3K now, so when it was there, they couldn't say they couldn't because they didn't have the $3K connection fee. If they paid up front, when the water line was run out there, they had no reason not to hook in. The city was committing to $21K to bring water out to their property, so he didn't think the $3K was unreasonable.

Mr. Cummings stated they'd still need the Agreement.

Mr. Brown stated this was what the city had proposed before was that they pay 50% of the sewer line and 50% of the water line. The analysis confirmed those costs were similar. They were ready to pay 100% of the sewer line right now, which would roughly be the same as paying 50/50 for the two lines. He was unsure if the current ordinance allowed for the collection of a water tap prior to there being a line to connect to.

Councilor Carter asked if staff would be pursuing other residents in that area.

Mr. Cummings stated staff needed to be in contact with the other property owners.

Council consensus to move forward on the action.

Mr. Sullivan asked that Mr. Cummings review OMC 8-7-3, to ensure there was nothing in the proposed deal that would conflict with that code.

NEW BUSINESS

Appointment to Diversity Advisory Committee

Councilor Palomo stated that the applicant Jeaneth Mendoza was his sister-in-law.

Adam Brown, City Manager, presented.

This was the last seat open on the Diversity Advisory Committee. He was hoping to kick that off following budget.

PALOMO moved, CAPRON seconded, **THAT THE CITY COUNCIL APPOINT JEANETH MENDOZA TO THE DIVERSITY ADVISORY COMMITTEE, WITH TERM OF OFFICE COINCIDING WITH THE ESTABLISHED ORDINANCE.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-yes; Capron-yes; Winebarger-yes Verini-yes. Motion carried 7/0/0.

Resolution #2018-118: Establishing Derelict Structure Fees; Setting Appeal Fee
Kari Ott, Finance Director, presented.

With approval by the Council, the city would have authority to begin charging registration fees for derelict structures on a monthly per structure fee schedule. The proposed resolution also set the fee for filing an appeal.

The Ontario City Council approved Ordinances #2733-2017 and #2736-2018, which addressed the registration of derelict structures. Ordinance #2736-2018 also authorized the City Council to establish the fees by resolution.

Based on the Salem ordinances, staff proposed the following fee structure:

MONTHLY DERELICT STRUCTURE FEES
Fees per structure

First 6 months	$250 per month
Months 7-12	$500 per month
Months 13-18	$750 per month
Thereafter	$1,000 per month

Late payment penalty:	$100 per month
Appeal fee	$250

This resolution would allow the city to charge registration fees for derelict structures, and set penalties and appeal fees. This action should be approved as soon as possible to enable the city to collect fees from derelict buildings. The passage of a fee was subject to ORS 294.160(1) which provided: *"The governing body of a city, county or other unit of local government shall provide an opportunity for interested persons to comment on the enactment of any ordinance or resolution prescribing a new fee or a fee increase or an increase in the rate or other manner in which the amount of a fee is determined or calculated."*

CAPRON moved, WINEBARGER seconded, **THE CITY COUNCIL ADOPT RESOLUTION #2018-118, A RESOLUTION ESTABLISHING DERELICT STRUCTURE FEES AND SETTING APPEAL FEE.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-no; Capron-yes; Winebarger-yes Verini-yes. Motion carried 5/1/1.

PUBLIC HEARING

Acceptance of Public Right-of-Way on a Partition Plat, and Authorizing the Mayor to Execute the Final Plat: Brian and Donya Babcock, a Portion of Fortner Street and a Portion of NW 11th Avenue
It being the date advertised for public hearing on the matter of Acceptance of Public Right-of-Way, the Hearing was declared 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.

Dan Cummings, Community Development Director, presented.

The Council was being asked to accept the right of way for widening a portion of the existing right of way of Fortner Street and widening a portion of the existing right of way of NW 11th Avenue as shown on the final plat of Brian and Donya Babcock.

On January 13, 2018, the Hearing's Officer approved a request for a Partition Tentative Plat as an administrative action under Planning file 2017-12-19PTN for the creation of two parcels (one new). The subject property was located at 1006 Fortner Street, designated as Assessor's Map #18S4703BB, Tax lot 600. The partition was approved for two parcels and this land division involved the creation of right of way for the widening of the right of way of a portion of Fortner Street and widening of a portion of NW 11th Avenue as shown on the Tentative and Final Plat.

On March 13, 2018 Brian C. & Donya S. Babcock submitted a request for the approval of the Final Plat based on the approval of the Tentative Plat approved on January 13, 2018. This Plat was being presented to the City Council at a Public Hearing to accept the dedication of right of way for road purposes for the streets known as Fortner Street and NW 11th Avenue.

Findings: The submitted final plat and supplemental material was reviewed by the Technical Review Committee (TRC) on March 14, 2018. The plat was in a recordable form and met the requirements set forth in the tentative plat approval and the required dedication of right of way met the requirements set forth in the approval of the tentative plans.

Conclusion: The final plat and supplemental materials were submitted and reviewed by the TRC as required and met the conditions set during the Tentative Plat approval.

At this time there were no financial implications associated with this action as no new road sections were needed or were being required to be constructed. The request was filed on March 14, 2018 by the applicant. The 20-day notice to the affected persons and agencies were sent 20 days prior to the hearing as required by law, setting the Public Hearing date for right of way acceptance as April 5, 2018. Under 10B-55-45, land division involving the creation of streets, the City Council, at a Public Hearing, shall approve the final plat by motion accepting the public right of way, and the Mayor and Planning Official shall sign the plat.

The Council could opt to not accept the right of way offered for dedication and instruct the applicant to remove the portions of streets offered for dedication from the final plat and resubmit the plat for approval by the Planning Official for recording without the dedication of additional right of way.

The Hearing was opened for public testimony.

Proponents:
None.

Opponents:
None.

There being no Proponent and no Opponent testimony, the Hearing was closed.

WINEBARGER moved, CRUME seconded, **THAT THE CITY COUNCIL APPROVE THE DEDICATION OF THE RIGHT OF WAY FOR A PORTION OF FORTNER STREET AND A PORTION OF NW 11TH AVENUE AS SHOWN ON THE FINAL PARTITION PLAT OF BRIAN AND DONYA BABCOCK SAID PARTITION BEING APPROVED BY AN ADMINISTRATION ACTION ON JANUARY 13, 2018, UNDER PLANNING FILE 2017-12-19PTN, AND AUTHORIZE THE MAYOR TO EXECUTE HIS SIGNATURE ON THE SAID FINAL PLAT ACCEPTING THE DEDICATED RIGHT OF WAY.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-yes; Capron-yes; Winebarger-yes Verini-yes. Motion carried 7/0/0.

<u>Ordinance #2738-2018: An Ordinance Vacating a Portion of the Street Right-of-Way of a Portion of North Park Boulevard, a Portion of Hollars Street, and a Portion of “B” Place, Declaring an Emergency, on First Reading by Title Only</u>

It being the date advertised for public hearing on the matter of the Ordinance #2738-2018, the Hearing was declared 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.

Dan Cummings, Community Development Director, presented.

In 2009, the Oregon Department of Transportation (ODOT) awarded the City of Ontario $4.5 million in Job and Transportation Act (JTA) funds for a project titled the “NW Washington Re-alignment Project”. In August of 2010, the City of Ontario entered into an agreement to have ODOT negotiate the purchase of lands needed for the construction of the NW Washington Project. As part of the negotiations, the unused lands and right of ways were required to be vacated and exchanged.

As part of the agreements made during this period, it was agreed that a portion of the unused property purchased was to be deeded to FM Idaho along with vacated portions of streets. Also in the agreement, it stated that any other surplus property not needed for this project would be returned to ODOT, which had been done, but to make some of these lands usable some unused portion of street right of way needed to be vacated as shown on the Vacation Area Map.

The Ontario City Council held a Public Hearing on November 9, 2017, in the City Council Chambers concerning the proposed vacation of the street right of way being a portion of North Park Boulevard, a portion of Hollars Street, and a portion of "B" Place within Blocks 5 and 6 of the Corrected Plat of Oregon and Western Colonization CO Subdivision Second Addition, Malheur County, Oregon and initiated the vacation action.

City staff, at the instruction of the City Council, contacted the property owners affected by the vacations and received the required consent to vacation, which would be part of the record. This was the second step in the process. The third and final step was to complete the property line adjustment on the FM Idaho property after the completion of the street vacation. For the preservation of the public health, peace, safety and welfare of the City of Ontario, an emergency existed and the street vacations were needed to go into force and effect immediately upon its passage and approval by the Mayor.

ODOT and Love Travel Stops agreed to pay for the document recordings required to complete this process through the remaining funds in the JTA Project and to help city staff in completing this process. This action, along with the required Public Hearings for the vacations and property line adjustment, needed to be completed as soon as possible so that this project could be closed out. *"Vacation on Council's own motion; appeal. (1) The city governing body may initiate vacation proceedings authorized by ORS 271.080 and make such vacation without a petition or consent of property owners. Notice shall be given as provided by ORS 271.110, but such vacation shall not be made before the date set for hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages. Provision for paying such damages may be made by a local assessment, or in such other manner as the city charter may provide."*

Consent of all adjacent property owners were obtained and were included as part of the record.

The Council could choose not to move forward with the vacations and adjustments and make an agreement with FM Idaho for repayment of the agreed upon lands. Further, the Council could not to declare an emergency and approval on First Reading by Title Only.

The Hearing was opened for public testimony.

Proponents:
None.

Opponents:
None.

There being no Proponent and no Opponent testimony, the Hearing was closed.

CARTER moved, JUSTUS seconded, **THAT THE CITY COUNCIL APPROVE ORDINANCE #2738-2018, AN ORDINANCE VACATING A PORTION OF THE STREET RIGHT OF WAY OF A PORTION OF NORTH PARK BOULEVARD, A PORTION OF HOLLARS STREET, AND A PORTION OF "B" PLACE WITHIN BLOCKS 5 AND 6 OF THE CORRECTED PLAT OF OREGON AND WESTERN COLONIZATION CO SUBDIVISION SECOND ADDITION, MALHEUR COUNTY, AND DECLARING AN EMERGENCY, ON FIRST READING BY TITLE ONLY.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-yes; Capron-yes; Winebarger-yes Verini-yes. Motion carried 7/0/0.

DEPARTMENT HEAD UPDATES

Financial Report: February, 2018
Kari Ott, Finance Director, presented. (Report attached)

HAND-OUTS/DISCUSSION ITEMS

Department Stats
Ontario Fire & Rescue: Mar, 2018 (Attached)
Ontario Police: Feb, 2018 (Attached)
Code Enforcement: Feb, 2018 (Attached)

Packet
V&C Meeting: 04-05-2018

Agenda
SREDA: 04-04-2018 (Attached)

Minutes
SREDA: 03-06-2018
Planning Commission: 03-05-2018
Public Works Committee: 02-20-2018
County Court: 02-28-2018; 03-14-2018 (Attached)

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

Councilor Capron asked about the junk cars on some property just northeast of City Hall. One plate had expired in 1993; there were two car frames with the engines still in them; there was a large tanker truck with expired tags and flat tires. It was Ultimate Lawn Care. Could something be done? Also, at Ontario Car Wash, there was a large pile of dirt and some vehicles.

> Mr. Brown stated yes; they just needed to give the address to Code Enforcement.

Councilor Winebarger stated Serve Day was April 28th. Was the city planning on participating, or providing project ideas?

> Mr. Brown stated yes. One was to paint the Recreation Building. They also were looking at cleaning up the trail at Beck-Kiwanis Park.

Councilor Winebarger stated with regard to the large “Vote No” signs around town, she loved the little “One Cent Makes Sense” signs, but the no sales tax signs were much larger. What could be done to get more Vote Yes signs out? Could they be placed on city property? There were a lot of No signs going up in places they probably shouldn’t be.

> Mayor Verini stated the PAC had just received another 100 signs, so more Yes signs would be showing up. If anyone knew of an area that needed signs, let them know.
>
> Councilor Justus stated it would help a lot if her request for a sign was put on the Citizens for a Better Ontario Facebook page. That would generate more momentum. Put an address on there, and he’d personally deliver the sign.
>
> Councilor Capron stated he had heard that calls were coming in about No signs being stolen.
>
> Dan Cummings stated he had received a call from Larry Tuttle asking about sign regulations, because he wanted to put up a bigger sign. He mentioned that his group had put up 20 signs in his neighborhood, and overnight they were stolen. He let him know the signs had to be on private property, not in the public right of way.

Mayor Verini asked if the thefts had been reported to OPD.

Mr. Cummings stated he did not know.

Councilor Capron stated the newspaper should report that crime was so bad they couldn't even keep the No Sales Tax signs from being stolen.

Councilor Justus stated the PAC had one more large banner (Norm) that could be put on his business. They had just put out two 2x5 banners on the SE side of town; one at 183 East Idaho, and one at 532 East Idaho. They had a big presence out there. The group was always looking for more donations, too.

Councilor Crume asked the City Manager if he could use the graffiti machine during Serve Day. If yes, could staff make sure it was ready to go, and also provide him a list of the sites needing cleaned up.

Councilor Crume stated he might be reading it incorrectly, but in looking at this reprint of some fodder off the No Sales Tax website, the wording was located near the bottom of the website, which stated *"city officials have been leading us to believe there is a $900K budget shortfall. Sounds like a massive deficit. Services ending, close the Recreation Department, terrible things will happen, the sky is falling. In speaking to members of the Budget Committee, the facts seem to differ greatly. What is greatly happening is city officials have a large wish list, lots and lots of wishes are on the list, some items we really need, mixed with many things that are only pipe dreams, called sacrificial budget items. The intent of city staffers is by always asking for more than is needed, it's likely some luxury items will be approved."* The way he took that statement, in the only words he could use, was that it sounded like there were one or more Judases on the Budget Committee. He didn't know if he was reading that correctly, but he would like to hear some other opinions. It alarmed him that they could possibly have people on the Budget Committee that were telling people that the city was screwing the public. Was he reading that right?

Councilor Winebarger stated in looking at that website, there were a lot of comments on the site that were not great. The website could be nasty. All of the things on that website that weren't true, she wondered if the statement was not a true statement. She didn't believe it. There were several comments on the website that were absolutely not true.

Councilor Justus stated they were not basing their information on facts at all. Citizens for a Better Ontario was doing everything fact-based. They were not spreading any falsehoods. That was the only way they could combat it. Combat falsehood with truth.

Councilor Winebarger stated she tried to stay active in the discussions answering questions where she could, and she noticed that talking with other young individuals, college students, all were against the sales tax initially, but as soon as you could answer their questions, they were getting the right answer. She was doing her best to respond to questions that came up on her feed. A lot of people weren't angry, they weren't stating what the city was doing wrong, they were asking questions about alternatives. She had received good energy from answering questions, explaining things, telling them where to find the answers, directing them to minutes, and she was getting a lot of good responses from that.

Councilor Justus stated if someone didn't want to put their name to it, it just couldn't be believed. He had been willing to quote Larry Tuttle for his voting record. He made sure he did that. He posted who he was, and everybody knew who he was.

Councilor Crume stated it was interesting that it was implied that Adam's wages were way too high, but Larry Tuttle absolutely 100% voted for that wage. That was the ultimate hypocrisy.

Councilor Capron stated there was also the union wages, or the starting police wage, but going back to the voting record and it showed that Jackson Fox and Larry Tuttle both voted yes on most of them.

Councilor Crume stated it was either that, or they were absent.

Councilor Palomo stated they needed to hold their heads up, keep doing what they were doing. They were being honest and transparent; "they" obviously weren't being transparent. When talking with people, when they asked questions, giving the real information really changed some perceptions.

Councilor Crume stated to Mr. Sullivan that a claim was made in the first paragraph that it was illegal for him to write the Ballot Measure the way he did. If he hadn't seen the website yet, he should. It was full of absolute wrong, but he wanted to verify that statement so he could speak to other people about it.

Councilor Carter added they were also claiming there was a lawsuit based on the illegal Ballot Title.

Councilor Winebarger stated someone posted an actual copy of what was presented, and she was happy to tell them that it was not a suit, it was a petition. She posted the definition of the two, when they were trying to spread that, and that was very public on the Malheur Enterprise site. She had subsequently been blocked. The website was votenosalestax.com.

Councilor Carter stated she had been speaking with a couple earlier and they would be voting for the sales tax, and one concern was that at the top the city had maintain the police force, etc., and they weren't comfortable with the language, and depending on who was reading it, it could be interpreted in different ways. They were also not comfortable with the "or add a $9 fee", as well as the "add a $4 fee". They felt it could be interpreted as the city was bullying or demanding. Maybe staff and the Council could be gentler with how things were written. They also said that when they spoke with people, even some Councilors, that they were a little aggressive, and they wished that would not happen. They were in support of the tax, and would vote for it, but wanted everyone mindful of how things were being presented.

Mayor Verini stated when the list was initially put together, they hadn't had a lot of that language in there. The state requested that language be added.

Councilor Carter stated she was aware of that, and she passed that along to the couple, but could they have used "or"? Could it have been phrased differently, or did they really have to have that there.

Mr. Brown stated the language read "cut positions <u>or</u> add a fee". It read "decreasing staff by four officers or add a $9 fee"; same thing with the fire fighter section: "eliminate one fire fighter or add a $4 fee". That was the wording passed by the state.

Mr. Sullivan stated the statute required that the City Attorney draft the Ballot language, and provided a very limited amount of time to do it once the signatures were verified. He believed it was only a 14-day period to draft that. He submitted it, and Ballot Titles got challenged all the time. The attorney that prepared the petition for the challenge, his Title came back with language that he requested appear in the Ballot Title in the Question section. He read it, researched it and the law, and agreed with that attorney that his language was better than his for the Ballot Title and the Question, but not for the Summary. They ended up going through a fairly lengthy process, negotiating the language for the Summary. Eventually, before a court hearing happened, they reached an agreement on the language. Ultimately there was a lawsuit that, it was a lawsuit. It was a petition that was filed, but the issue was settled. There wasn't any finding by a court that there was any illegality in the city's Ballot Title as presented. There was a process of compromise and the language that was ultimately approved was language that both sides were satisfied with.

Mr. Brown stated they had an interest in compromising; otherwise, they would have gone all the way to the hearing. It was just another mediation.

Councilor Crume confirmed that the statement that the Ballot Title was illegal was incorrect.

Mr. Sullivan stated there was never any determination that anything was illegal. He actually preferred their wording over what he had created.

Councilor Winebarger quoted from their website *"This would make their jobs easier. The jobs not supposed to be easy".* It's not. They weren't elected to sit there and twiddle their thumbs; they were elected to make the hard decisions, and it was not easy.

Councilor Capron reminded them that they were all still there; that none of *them* had resigned…..

Councilor Justus stated Four Rivers Prep was part of the meatball challenge at 2nd and Vine on Saturday, from 4-7pm. They would win. The $25 benefitted Project Dove in Ontario.

Councilor Justus stated he had attended the last Public Works meeting, and he asked that Public Works make a recommendation to the City Council to look into creating a Cemetery District. They did not know if they had the authority to do that. He wanted to give Adam the authority to Public Works that they could make a recommendation regarding cemeteries to the city.

Mr. Brown stated he didn't believe that the cemeteries were under the Public Works Committee responsibility, but he would double check.

Mr. Cummings stated that since parks were under Public Works, and if he remembered the Public Works Committee establishing ordinance, if the Council wanted the Committee to review it, it was his opinion that in that ordinance for the PWC, that the Council had the authority to ask them to look at anything under the Public Works umbrella.

Councilor Carter stated she knew they had a sign made for Laxson Park, and it was taken down during the construction of the basketball courts, and it's never reappeared. She'd look into that.

Councilor Palomo stated Code Enforcement wasn't there, but he hoped they were speaking with the citizens on the East side of town, because there were some houses getting cleaned up and redone, some weeds taken down, and it was looking a lot cleaner out there.

Councilor Palomo stated they just needed to keep feeding information to the community on the tax situation. Give the truth and be transparent.

Councilor Justus stated they were doing small groups with the Citizens for a Better Ontario. Stephen and Rochelle Meyer were hosting a house party next Tuesday, and were inviting 10-15 people. Anyone who wanted the same thing, to have someone from Citizens attend and bring the facts, they'd be happy to comply.

Mayor Verini stated Charlene Pelland had also put together a function at her home for the mobile home park, and Councilor Palomo and Alfredo spear-headed a function at Eastside Park for that community. They were impressed with the turn-out. There was information about the 1% sales tax available, but it was also about signing up new voters. They even had representation from the Somalian community.

Mr. Sullivan stated the City Code allowed the Public Works Committee to provide guidance to the Council on any matter that the Council asked them to.

Mr. Brown stated it didn't specifically mention that as one of their responsibilities, but it left it open that Council could request guidance.

Councilor Winebarger remembered discussing the districts before, but couldn't recall why they hadn't moved forward.

Councilor Justus said they should ask them about both a Cemetery District *and* a Recreation District.

Council consensus to have the Public Works Committee look only into a Cemetery District.

Mr. Sullivan stated the Oregon Court of Appeals upheld the Grants Pass ordinance prohibiting outdoor marijuana grows. If someone wanted to grow, they could grow indoor only. That could be appealed up to the Oregon Supreme Court, and the decision could be reversed. But the ordinance had passed the first level of appellate review.

Mayor Verini stated when the Marijuana Ad Hoc Committee convened, they could research that.

Councilor Capron asked if that would count for indoor grows exhausting to the outside?

Mr. Sullivan stated in reading the decision, the city had the right to regulate all of that. They couldn't ban the growing, but cities were entitled to impose reasonable restrictions and the way the state law was written, it didn't prohibit a city from banning an outdoor grow. That would also include the right to keep indoor grows from having ventilation systems that caused the odor to escape into the neighborhood.

Councilor Carter stated she received an email from Andy Nishihara, asking about Public Works. He was in Grants Pass, and as Ontario had privatized the Public Works operation, he wondered if Ontario had time for a Q&A on the process. She told him she'd contact the Mayor and City Manager about it.

Councilor Winebarger stated she had heard from a few people that there was an issue on the website with accessing the business loan application. It wasn't working on the website. She had tried to open it, but couldn't.

Mr. Brown reminded everyone about blocking the dates off for the Budget meetings. Also, he asked whoever could attend to try to make the Strategic Planning session on the 18th. It was scheduled to run 4-6pm

EXECUTIVE SESSION

An Executive Session was called under ORS 192.660(2)(h). Council reconvened into Regular Session. No action was taken as result of the Executive Session.

ADJOURN

WINEBARGER moved, CAPRON seconded, **THAT THE MEETING BE ADJOURNED**. Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-yes; Capron-yes; Winebarger-yes Verini-yes. Motion carried 7/0/0.

ACCEPTED: **ATTEST**

______________________________ __________________________________

Ronald Verini, Mayor Tori Barnett, MMC, City Recorder

AGENDA REPORT
OLD BUSINESS
April 17, 2018

TO: Mayor and City Council

FROM: Tori Barnett, City Recorder

THROUGH: Adam J. Brown, City Manager

SUBJECT: **RESOLUTION #2018-119: SUPPORT APPLICATION FOR A GRANT FOR A WAR MEMORIAL FOUNTAIN AT LANTERMAN KIWANIS PARK; AGREEMENT BETWEEN THE CITY OF ONTARIO AND CYDNEY COOKE INCORPORATED FOR ADMINISTRATION OF THE GRANT**

DATE: April 17, 2018

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE RESOLUTION #2018-119, A RESOLUTION AUTHORIZING THE CITY OF ONTARIO TO APPLY FOR A LOCAL GOVERNMENT GRANT FROM THE OREGON PARKS AND RECREATION DEPARTMENT FOR DEVELOPMENT OF A WAR MEMORIAL FOUNTAIN AT LANTERMAN KIWANIS PARK AND DELEGATING AUTHORITY TO THE CITY MANAGER TO SIGN THE APPLICATION.

ADDITIONALLY I MOVE THAT THE CITY COUNCIL APPROVE AN AGREEMENT BETWEEN THE CITY OF ONTARIO AND CYDNEY COOKE INCORPORATED FOR GRANT WRITING AND ADMINISTRATION SERVICES FOR THE WAR MEMORIAL GRANT.

SUMMARY:

Cyndey Cooke, Cydney Cooke Incorporated, brought the city a proposal to write and administer a grant for a war and veterans memorial grant. City staff recommends working with Cyndey Cooke Incorporated to write and administer a grant for a memorial fountain at Lanterman Kiwanis Park.

BACKGROUND:

Ms. Cooke proposed a grant opportunity to the City of Ontario at the April 5, 2018, Work Session, to receive a grant for and to construct a veterans and war memorial at a city park. After reviewing all of the parks in the Parks Master Plan with Ms. Cooke, staff identified a potential partnership with the Kiwanis Club and their vision for Lanterman Kiwanis Park.

The Master Plan for Lanterman Kiwanis Park includes a fountain. The fountain can be used as a war and veterans memorial which would add meaning and significance to the park. This also becomes a mutually beneficial project for the Kiwanis Club and our veteran service organizations such as the VFW, American Legion, County Veterans Office, and Veteran Advocates of Ore-Ida.

CURRENT SITUATION:

The grant application is due by April 25, 2018. Ms. Cooke will prepare the grant application and submit it to the Oregon Department of Parks and Recreation. If awarded, it is proposed that Ms. Cooke, by agreement, will administer the grant for costs allowed under the grant agreement. This will allow work to proceed according to the Parks Master Plan without having to encumber staff time that is scarce.

ANALYSIS:

A. **FINANCIAL** A 10% match requirement is needed for the grant. Donations could be raised for the matching portion of the grant through both the City of Ontario and the Kiwanis Club.

B. **TIMING** Timing is critical as the grant deadline is due on April 25, 2018.

C. **POLICY/LEGAL** The City Council must express support for the project to meet the application requirements. Also, the City Council must approve the agreement between Cydney Cooke Incorporated and the City of Ontario.

ALTERNATIVES:

Take No Action - The grant will not be submitted.

RECOMMENDATION:

Staff recommends approval of Resolution #2018-119, and the agreement with Cydney Cooke, Inc.

ATTACHMENTS:

1. Reso #2018-119 Support and Authorize Application for War Memorial Grant_4 2018
2. VWM_Grant_Information2018
3. PRES_WS_VMP Presentation_1 4 2018
4. Ariel Map of Map of Lanterman Kiwanis Park
5. Contract_CC_Grant Writing Agreement with Cydney Cooke INC_4 17 2018

RESOLUTION #2018-119

A RESOLUTION IN THE MATTER OF AUTHORIZING THE CITY OF ONTARIO TO APPLY FOR A VETERANS & WAR MEMORIALS GRANT FROM THE OREGON PARKS AND RECREATION DEPARTMENT FOR THE DEVELOPMENT OF A MEMORIAL FOUNTAIN AT LANTERMAN KIWANIS PARK AND DELEGATING AUTHORITY TO THE CITY MANAGER TO SIGN THE APPLICATION

WHEREAS, the Oregon Parks and Recreation Department is accepting applications for the Veterans & War Memorials Grant Program; and

WHEREAS, the City of Ontario desires to participate in this grant program to the greatest extent possible as a means of providing needed park and recreation acquisitions, improvements and enhancements; and

WHEREAS, the grant would provide an opportunity for the City of Ontario to collaborate work with the Ontario Kiwanis club on a project that meets our joint vision for the park; and

WHEREAS, a fountain was included in the 2018 Parks Master Plan for Lanterman Kiwanis Park; and

WHEREAS, the City of Ontario will work with local donations to meet the match requirement; and

WHEREAS, the City of Ontario has a strong history of recognizing the sacrifices of veterans; and

WHEREAS, the City of Ontario will provide adequate funding for on-going operations and maintenance of this park and recreation facility should the grant funds be awarded.

NOW, THEREFORE, BE IT RESOLVED BY THE ONTARIO CITY COUNCIL OF THE CITY OF ONTARIO AS FOLLOWS:

Section 1: The City Council demonstrates its support for the submittal of a grant application to the Oregon Park and Recreation Department for development of a memorial fountain at Lanterman Kiwanis Park.

Section 2: This Resolution shall be effective following its adoption by the City Council.

PASSED AND ADOPTED by the Ontario City Council this 17th day of April, 2018.

AYES:

NAYS:

ABSENT:

APPROVED by the Mayor this 17th day of April, 2018.

ATTEST:

______________________________ ______________________________

Ronald Verini, Mayor Tori Barnett, MMC, City Recorder

VETERANS & WAR MEMORIALS GRANT 2018

OREGON PARKS AND RECREATION DEPARTMENT

The Veterans' and War Memorials Grant Program was created and established to provide funding assistance to local governments for the construction and restoration of veterans' and war memorials. The program will help honor Oregon's soldiers and veterans by commemorating their service to the country.

Grants must be submitted through the Oregon Parks and Recreation Department Grants Online program.

FINANCIAL INFORMATION: Awards have ranged $14,000-$80,000. $150,000 is available to award.

MATCH: The Veterans' and War Memorial Grant program provides, subject to the availability of funds, for up to 80 percent funding assistance with a minimum of 10 percent cash. Match may include budgeted funds, donated funds, value of equipment use, donated materials, volunteer labor, planning or any combination thereof. The project sponsor may provide the remaining match by planning work done prior to project authorization or planning, construction, or restoration work performed following project authorization. Planning work includes research, design, engineering, environmental, and site survey for any construction or restoration project.

BUDGET INFORMATION: Bids and estimates strengthen the grant request when applicable.

GRANT REPORTING AND PAYMENT: Awarded projects will be the subjects of binding agreements between the State and the applicants. Grant funds are dispersed on a reimbursable basis. Details of payment arrangements and grant reporting is included in the Veterans and War Memorials Grant Guidelines.

GRANT TIMELINE:
Deadline – April 25, 2018 (11:59pm)
Notification – June 20, 2018
Work can begin with signed agreements – July 1, 2018
Grant completion and final reporting deadline – April 30, 2020

ELIGIBILITY, CRITERIA AND PRIORITIES:
ELIGIBILITY

- ORGANIZATIONS: Local government entities and Federally recognized tribes in Oregon are eligible to apply. The governmental entity must partner with veteran organization. Local governmental entities include cities (municipal corporations); counties (political subdivisions); metropolitan service districts, park and recreation districts, and port districts. Partner veteran's organizations must meet the following criteria:
  A. Represent veterans of the Armed Forces of the United States of America;
  B. Were established for the purpose of supporting or recognizing veterans;
  C. Have an established membership, that includes officers, and bylaws; and

D. Are physically located in Oregon or have a Chapter that is physically located in Oregon.

- SITE/LOCATION: To be eligible for a grant, veterans' and war memorials must be placed on public property in Oregon owned and controlled by a government entity. A government entity is a body of government, whether district, local, state, federal, or Tribal that owns or leases the property on which the project is to reside. The property can be owned by a government entity that is not the applicant, when there is an agreement in place between the two.

  The named government entity must agree to the memorial's siting and maintenance for not less than 25 years from completion of the project.

  For a construction project, an applicant must demonstrate that the government entity that owns or controls the public property will accept the memorial on that site. For a restoration, an applicant must demonstrate the government entity that owns or controls the public property will authorize restoration activities on the memorial.

- PROJECTS: The types of eligible projects include construction of a new memorial or restoration of an existing memorial. A memorial is a monument or place designated to commemorate or preserve the memory of wars involving the United States of America or to honor veterans of the Armed Forces of the United States of America. Maintenance projects are NOT eligible for grants.

CRITERIA:
- The capability of the applicant to carry out the proposed project.
- The effectiveness of the proposed project to recognize veterans and/or wars.
- The level participations of veteran organization partners in the project.
- The level of commitment to long term maintenance of the memorial.

PRIORITIES:
- Projects with a well-prioritized, clearly explained work plan with an appropriate level of detail and realistic cost estimates.
- Geographic diversity.
- Project readiness, including matching dollar share in-hand.
- Projects that are part of a long range plan.

REVIEW: The Grant Review Committee will review all grant requests and make funding recommendations to the OPRD Director.

REGISTER ON TO APPLY ONLINE: Visit the OPRD: Grants Online at www.oprdgrants.org to request an account and receive your login. Please use the instructions for OPRD: Grants Online which can be found at http://www.oregon.gov/oprd/HCD/FINASST/Pages/grants.aspx .

APPLICATION SUBMISSION: Once you have a login, you will be able to submit your application. You can enter information, save, log out, log back in, enter more, etc. as many times as you would like before you submit. Instructions for OPRD: Grants Online visit our website.
http://www.oregon.gov/oprd/HCD/FINASST/Pages/grants.aspx

APPLICATION QUESTIONS: The following questions will appear on the online application.

- Brief Project Description – Please limit this to 80 words and be specific.
- Finance – Please see the OPRD: Grants Online instructions for more detail.
    - Project Budget - use categories: contractor/consultant; volunteer time; employee; travel; materials & equipment; printing, publication, design, etc.; other.
    - Funding Source - use categories: organizational funds (include staff time, operations, donations), in-kind donations, volunteer time (volunteer time must match the volunteer time in expenses). Enter matching grants individually.
    - Budget narrative
        - What is your organization's financial need for this project?
        - How firm is your match – have funds, volunteers and in-kind donations been committed for this project?
        - How will in-kind donations be used for the project?
- Project Description – What are the primary goals and objectives? What is the timeline? If the If the project includes removing and replacing an existing memorial, explain the need to remove the original memorial and the public engagement and decision making process.
- Partner Veteran Organization – Provide information about the organization, how its mission is to serve veterans and the way the organization is involved in the project.
- Project Need and Value – What veterans or war does this recognize and how does it accomplish this? How is the memorial unique in the community? Does it recognize veterans who would otherwise go unrecognized? How does it different from other veteran and war memorials in your community?
- Project Specifications – List specific activities – quantity and scope. Describe how the memorial will be restored or constructed? If the project is a restoration, does the work plan follow standards that promote the long-term preservation of the memorial?
- Project Management - Describe who will do the work and who will manage the project.
- Community Support and Organization Support – Does this project have support and involvement of the local community? What organizations are involved? In what way are veteran organizations or veterans involved in the project? Include letters of commitment.
- Long Term Commitment to Maintenance – Describe long-term plan for care and maintenance of the memorial. Who will provide the maintenance and what is the anticipated cost?
- Photos and work plans are required.

ASSISTANCE:

Grant questions and OPRD: Grants Online assistance: Kuri Gill, kuri.gill@oregon.gov, 503-986-0685.

VETERAN'S MEMORIAL PARK

2018 Veterans/ War Memorial Grant

OPPORTUNITY

- Commemorate fellow fallen Veterans in the community
- Bring patriotism into the community; a chance to unify all citizens
- Reconstruct a park or multiple parks in Ontario w/o the possible funds from 1% tax.
  - Use money received from donated sources for parks as well.
- A chance to be transparent with the community about the Veterans/War Memorial Grant. (To explain when grants are received they are allocated to a specific thing.)

DEADLINE IS APPROACHING

April 25th,2018 11:59PM

WHAT IS NEEDED?

City Council vote

Letter of Participation from Veteran Advocate IDA/OR

Pick park(s) in mind for before photos

Vicinity Map

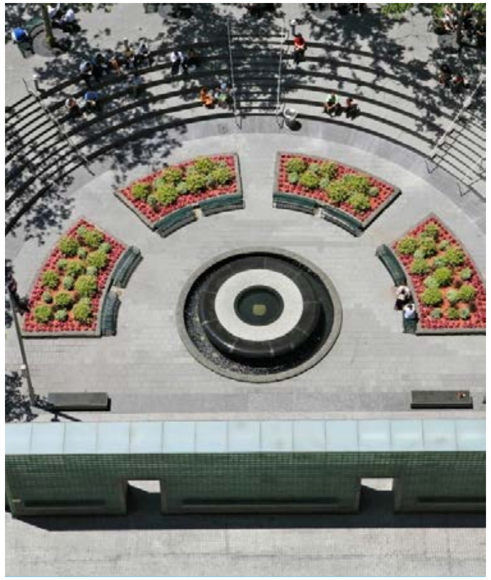
Park Boundary Map

Property Deed/Easement/Lease Agreement

VETERAN PARK IDEAS

- Veterans Memorial Wall
- Dedicated cement benches
- Final resting place of current Lions Park Memorial
- Red, White and Blue theme
- Red and Blue Playground System
- Area for smaller children
- Repainted Patriotic Basketball court w/ new nets
- Parking spaces: Handicap Parking, Expected Mother
- Plant fruit trees, shrubbery
- American Flag Pole
- Update Bathroom

CAN YOU SEE IT?




Eastside Park
Google

INDEPENDENT CONTRACTOR AGREEMENT

THIS INDEPENDENT CONTRACTOR AGREEMENT (the "Agreement") dated this 17th day of April, 2018

BETWEEN:

The City of Ontario of 444 SW 4th Street, Ontario, OR 97914
(individually and collectively the "Client")

- AND -

Cydney Incorporated of P.O. Box 386, Ontario, OR 97914
(the "Contractor")

BACKGROUND:

A. The Client is of the opinion that the Contractor has the necessary qualifications, experience and abilities to provide services to the Client.

B. The Contractor is agreeable to providing such services to the Client on the terms and conditions set out in this Agreement.

IN CONSIDERATION OF the matters described above and of the mutual benefits and obligations set forth in this Agreement, the receipt and sufficiency of which consideration is hereby acknowledged, the Client and the Contractor (individually the "Party" and collectively the "Parties" to this Agreement) agree as follows:

Services Provided

1. The Client hereby agrees to engage the Contractor to provide the Client with the following services (the "Services"):
    - Write Veterans Memorial Grant for the City of Ontario and the Veteran Advocate of ORE/IDA..

2. The Services will also include any other tasks which the Parties may agree on. The Contractor hereby agrees to provide such Services to the Client.

Term of Agreement

3. The term of this Agreement (the "Term") will begin on the date of this Agreement and will remain in full force and effect until the completion of the Services, subject to earlier termination as provided in this Agreement. The Term of this Agreement may be extended with the written consent of all Parties.

Performance

4. The Parties agree to do everything necessary to ensure that the terms of this Agreement take effect.

Currency

5. Except as otherwise provided in this Agreement, all monetary amounts referred to in this Agreement are in USD (US Dollars).

Compensation

6. The Contractor will charge the Client for the Services as follows (the "Compensation"):
    - The Clients agree to pay the Contractor 6% of the grant the Client is awarded from the direct efforts of the Contractor.

7. Invoices submitted by the Contractor to the Client are due within 30 days of receipt.

8. In the event that this Agreement is terminated by the Client prior to completion of the Services but where the Services have been partially performed, the Contractor will be entitled to pro rata payment of the Compensation to the date of termination provided that there has been no breach of contract on the part of the Contractor.

9. The Contractor will not be reimbursed for any expenses incurred in connection with providing the Services of this Agreement.

Penalties for Late Payment

10. Any late payments will trigger a fee of 5.00% per month on the amount still owing.

Confidentiality

11. Confidential information (the "Confidential Information") refers to any data or information relating to the business of the Client which would reasonably be considered to be proprietary to

the Client including, but not limited to, accounting records, business processes, and client records and that is not generally known in the industry of the Client and where the release of that Confidential Information could reasonably be expected to cause harm to the Client.

12. The Contractor agrees that they will not disclose, divulge, reveal, report or use, for any purpose, any confidential information which the Contractor has obtained, except as authorized by the Client or as required by law. The obligations of confidentiality will apply during the term of this Agreement and will survive indefinitely upon termination of this Agreement.

Ownership of Intellectual Property

13. All intellectual property and related material, including any trade secrets, moral rights, goodwill, relevant registrations or applications for registration, and rights in any patent, copyright, trademark, trade dress, industrial design and trade name (the "Intellectual Property") that is developed or produced under this Agreement, is a "work made for hire" and will be the sole property of the Client. The use of the Intellectual Property by the Client will not be restricted in any manner.

14. The Contractor may not use the Intellectual Property for any purpose other than that contracted for in this Agreement except with the written consent of the Client. The Contractor will be responsible for any and all damages resulting from the unauthorized use of the Intellectual Property.

Return of Property

15. Upon the expiry or termination of this Agreement, the Contractor will return to the Client any property, documentation, records, or Confidential Information which is the property of the Client.

Capacity/Independent Contractor

16. In providing the Services under this Agreement it is expressly agreed that the Contractor is acting as an independent contractor and not as an employee. The Contractor and the Client acknowledge that this Agreement does not create a partnership or joint venture between them, and is exclusively a contract for service. The Client is not required to pay, or make any contributions to, any social security, local, state or federal tax, unemployment compensation, workers' compensation, insurance premium, profit-sharing, pension or any other employee benefit for the Contractor during the Term. The Contractor is responsible for paying, and complying with reporting requirements for, all local, state and federal taxes related to payments made to the Contractor under this Agreement.

Notice

17. All notices, requests, demands or other communications required or permitted by the terms of this Agreement will be given in writing and delivered to the Parties at the following addresses:

or to such other address as either Party may from time to time notify the other, and will be deemed to be properly delivered (a) immediately upon being served personally, (b) two days after being deposited with the postal service if served by registered mail, or (c) the following day after being deposited with an overnight courier

a. The City of Ontario
444 SW 4th Street, Ontario, OR 97914
b. Cydney Incorporated
P.O. Box 386, Ontario, OR 97914

Indemnification

18. Except to the extent paid in settlement from any applicable insurance policies, and to the extent permitted by applicable law, each Party agrees to indemnify and hold harmless the other Party, and its respective directors, shareholders, affiliates, officers, agents, employees, and permitted successors and assigns against any and all claims, losses, damages, liabilities, penalties, punitive damages, expenses, reasonable legal fees and costs of any kind or amount whatsoever, which result from or arise out of any act or omission of the indemnifying party, its respective directors, shareholders, affiliates, officers, agents, employees, and permitted successors and assigns that occurs in connection with this Agreement. This indemnification will survive the termination of this Agreement.

Modification of Agreement

19. Any amendment or modification of this Agreement or additional obligation assumed by either Party in connection with this Agreement will only be binding if evidenced in writing signed by each Party or an authorized representative of each Party.

Time of the Essence

20. Time is of the essence in this Agreement. No extension or variation of this Agreement will operate as a waiver of this provision.

Assignment

21. The Contractor will not voluntarily, or by operation of law, assign or otherwise transfer its obligations under this Agreement without the prior written consent of the Client.

Entire Agreement

22. It is agreed that there is no representation, warranty, collateral agreement or condition affecting this Agreement except as expressly provided in this Agreement.

Enurement

23. This Agreement will enure to the benefit of and be binding on the Parties and their respective heirs, executors, administrators and permitted successors and assigns.

Titles/Headings

24. Headings are inserted for the convenience of the Parties only and are not to be considered when interpreting this Agreement.

Gender

25. Words in the singular mean and include the plural and vice versa. Words in the masculine mean and include the feminine and vice versa.

Governing Law

26. This Agreement will be governed by and construed in accordance with the laws of the State of Oregon.

Severability

27. In the event that any of the provisions of this Agreement are held to be invalid or unenforceable in whole or in part, all other provisions will nevertheless continue to be valid and enforceable with the invalid or unenforceable parts severed from the remainder of this Agreement.

Waiver

28. The waiver by either Party of a breach, default, delay or omission of any of the provisions of this Agreement by the other Party will not be construed as a waiver of any subsequent breach of the same or other provisions.

IN WITNESS WHEREOF the Parties have duly affixed their signatures under hand and seal on this 4th day of April, 2018.

The City of Ontario

Per:______________________________ (Seal)

Cydney Incorporated

Per:______________________________ (Seal)

AGENDA REPORT
NEW BUSINESS
April 17, 2018

TO: Mayor and City Council

FROM: Tori Barnett, City Recorder

THROUGH: Adam J. Brown, City Manager

SUBJECT: **ORDINANCE #2740-2018: AMEND ONTARIO MUNICIPAL CODE 3-25-3; ADDING 3-25-3(Q) REGARDING EXEMPTION OF PRECIOUS METALS, COINS, CURRENCY, AND BULLION FROM THE 1% SALES TAX, ON FIRST READING BY TITLE ONLY**

DATE: April 12, 2018

PROPOSED MOTION:

I MOVE THE CITY COUNCIL ADOPT ORDINANCE #2740-2018, AN ORDINANCE AMENDING SECTION 3-25-3 OF TITLE 3, CHAPTER 25, OF THE ONTARIO MUNICIPAL CODE TO ADD SUBSECTION (Q) REGARDING THE EXEMPTION OF COLLECTION OF THE 1% SALES TAX ON PRECIOUS METALS, COINS, CURRENCY, AND BULLION, ON FIRST READING BY TITLE ONLY.

SUMMARY:

The City Council adopted Ordinance #2729-2017 on September, 2017, implementing the collection of a 1% sales tax. Citizens of Ontario filed a Petition in opposition of the ordinance, placing the action on the May 15, 2018, ballot.

The Petition stayed Ordinance #2729-2017, pending results of the election.

BACKGROUND:

At the April 5, 2018, Council Work Session, an Ontario business owner spoke before the Council, and requested the exemption of precious metals, coins, currency, and bullion from being subjected to the collection of the 1% sales tax, stating sales of the product only saw about a 2% profit. Adding any sales tax to those items would take his business of the realm of competitiveness with dealers in Idaho.

Council directed staff to bring an ordinance forward which would amend the sales tax enacting ordinance, to include the exemption. The ordinance was created and reviewed by the City Attorney. It is now before the Council for review, discussion, and action.

CURRENT SITUATION:

The document is ready for reading by Council. Changes can be made during the reading at the discretion of the Council if comments are received from the public, or there are suggested changes from the Council.

Should the sales tax ballot measure be defeated in the May 15th election, the amendment will become moot.

ANALYSIS:

A. **FINANCIAL** With an approximate profit margin of 2% on product, the exemption would not prove a significant loss to monies collected through the 1% sales tax. This exemption would not change the revenue estimate for the sales tax since it was not included in the consultant's report.

B. **TIMING** A second reading should be calendared for the May 3, 2018, Council Work Session. If approved on final reading, the earliest the ordinance amendment would go into effect is June 3, 2018.

C. **POLICY/LEGAL** An existing ordinance can only be amended by another ordinance. The City Council is the approving authority for ordinances. The action requires two readings.

ALTERNATIVES:

The Council could choose to not amend the ordinance, leaving precious metals, coins, currency, and bullion subject to collection of the 1% sale tax.

RECOMMENDATION:

Staff recommends adoption of Ordinance #2740-2018 on First Reading.

ATTACHMENTS:

1. Ord 2740-2018 OMC 3-25-3(Q) Exempt Precious Metals from Tax

ORDINANCE #2740-2018

AN ORDINANCE AMENDING SECTION 3-25-3 OF TITLE 3, CHAPTER 25, OF THE ONTARIO MUNICIPAL CODE TO ADD SUBSECTION (Q) REGARDING THE EXEMPTION OF COLLECTION OF THE 1% SALES TAX ON PRECIOUS METALS, COINS, CURRENCY, AND BULLION

WHEREAS, Ordinance #2729-2017, enacted September 26, 2017, established a 1% sales tax on the sale of retail goods with the City of Ontario; and

WHEREAS, Parts of Ordinance #2729-2019, including sections establishing and imposing a sales tax, are subject to a referendum election on May 15, 2018 ("the Sales Tax Measure") to approve or disapprove the imposition of a sales tax; and

WHEREAS, Section 3-25-3 of Title 3, Chapter 25, establishes those goods that would be exempt from collection of the 1% tax; and

WHEREAS, The sales of gold, bullion, precious metals and coins are exempt from sales tax in Idaho, and requiring Ontario sellers of those goods to pay a 1% sales tax would put them at a competitive disadvantage and eliminate or substantially reduce their profit margins; and

WHEREAS, This amendment of Section 3-25-3 is contingent upon voter approval of the Sales Tax Ballot Measure.

NOW THEREFORE, THE CITY OF ONTARIO ORDAINS AS FOLLOWS:

Section 1. Section 3-25-3 of Title 3, Chapter 25, of the Ontario Municipal Code shall be amended by adding the following new subsection (Q):

*****

(Q) Precious metals, bullion, coins, and currency.

Section 2. EFFECTIVE DATE: 30 days following final adoption by the City Council, and contingent upon voter approval of the Sales Tax Measure on May 15, 2018.

PASSED AND ADOPTED by the Common Council of the City of Ontario this ______ day of ____________, 2018, by the following vote:

AYES:
NAYS:
ABSENT:

APPROVED by the Mayor this _______day of _______________, 2018.

ATTEST:

______________________________ ______________________________

Ronald Verini, Mayor Tori Barnett, MMC, City Recorder

AGENDA REPORT
NEW BUSINESS
April 17, 2018

TO: Mayor and City Council

FROM: Betsy Roberts, City Engineer

THROUGH: Adam J. Brown, City Manager

SUBJECT: SNAKE RIVER CORRECTIONAL INSTITUTE LOWER LIFT STATION EMERGENCY REPAIRS

DATE: April 13, 2018

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE A SOLE SOURCE CONTRACT WITH ADVANCED CONTROL SYSTEMS (ACS), THE CITY'S SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) PROVIDER, FOR UP TO $75,000 TO CONDUCT EMERGENCY REPAIRS SERVICES AT THE SRCI LOWER LIFT STATION. AUTHORIZATION OF THE CONTRACT AND AMOUNT IS BASED ON ACCEPTANCE BY THE CITY MANAGER AND CITY ENGINEER, WHO WILL REVIEW THE SCOPE AND FEE AS SOON AS IT IS AVAILABLE.

ADDITIONALLY I MOVE THAT THE CITY COUNCIL BILL THE STATE OF OREGON DEPARTMENT OF CORRECTIONS FOR 100% OF THE MANHOLE REPLACEMENT AND LINING, AND THE REPAIRS AT THE LOWER LIFT STATION AS RECOMMENDED BY THE PUBLIC WORKS COMMITTEE.

SUMMARY:

The Snake River Correctional Institute (SRCI) Lower Lift Station has had two significant failures in the past month and needs to be repaired on an emergency basis. Additionally, the Public Works Committee has met and agreed to recommend to the Council that the City should request full funding of the repair from the Department of Corrections (DOC), because this lift station serves the DOC solely.

BACKGROUND:

ACS has been the City's sole proprietor for SCADA services. They provide a company specific product, monitor the SCADA system remotely and respond to emergency situations. They work closely with Vale electric when the services of an electrician are required in conjunction with ACS's control work. For this reason, the work identified needs to be considered a sole source contract.

CURRENT SITUATION:

There have been two raw sewage near spills at the Snake River Correctional Institute (SRCI) Lower Lift Station in the past month. On March 16th there was a total loss of all power, such that even the generator was not tripped. Fortunately, the alarm did sound at 10:30 PM. Public Works staff reacted immediately and averted a spill. Staff contacted ACS and Vale Electric to provide support, to attempt to restore power to the site and keep the pumps functioning. Staff, ACS, and Vale were at the site all night running the pumps and evaluating and monitoring the situation. Somewhere through the night, they found the bad connection and were able to restore power. At that time, ACS and Vale made wire connections that had been broken and replaced the main breaker. The Lift Station worked sufficiently for about 2 weeks as more significant repairs were discussed.

However, on March 29th at 2:30 PM, pumps once again shut down. This time, the team found eight (8) broken wires on the terminal. This resulted in all communications out of the wetwell being severed. That meant there was no signal from “floats” in the wetwell to the control panel to tell the pumps to either start up or shut down. Public Works staff immediately contacted Vale Electric to repair the wiring.

Over this past summer, the City Engineering staff reviewed the SRCI Lift Station and found the electrical system to be in very poor condition. Staff developed an evaluation report and provided that to the City and the Public Works staff. The report suggested alternatives for improvements ranging from minimal repairs to full replacement with a siphon system. After review, the Public Works staff recommended to the Council that, at the least, the City should conduct the minimal electrical repairs. This recommendation was prepared prior to the two incidents noted above. The repair budget was going to be put into the coming fiscal year, but obviously needs to be tapped into now.

When this situation, and the Capital Improvement Program (CIP), was brought before the Public Works Committee for discussion, the Committee felt that the DOC should be responsible for making improvements on infrastructure used solely by them and made the following motion:

> *The motion was made by Mr. Hill seconded by Mr. Wilson that the Public Works Committee recommend to the City Council, and it be put on the next agenda, that they bill the State of Oregon Prison System for 100% of the Manhole replacement and lining, and the Repairs at the Lower Lift Station: Mr. Bernie Babcock – Yes; Mr. Riley Hill – Yes; Mr. Scott Wilson – Yes: Motion Passed 3-0-2 (Woodcock-absent, one vacant).*

The manhole replacement and lining work refers to a project identified in the current CIP to replace the frames and lids for 37 manholes along the gravity sewer line that conveys sewage from the SRCI to the City’s wastewater treatment plant. The new frames and lids would be epoxy coated and could cost up to $1,000 for each manhole.

Current activities include:

The Public Works staff is working with Vale Electric and ACS to determine a cost to conduct the needed emergency electrical and controls repairs.

<u>ANALYSIS:</u>

A. **<u>FINANCIAL</u>** Financial information is not yet available, but is estimated to be less than $85,000 for the emergency repairs at the SRCI. There is funding available in the Wastewater Fund.

   Line Item: 110-165-719317

B. **<u>TIMING</u>** This is an emergency situation, so work will be conducted immediately as parts and final quotes are provided and scope is agreed upon.

C. **<u>POLICY/LEGAL</u>** No policy. The work is propriety and the majority will be conducted by the City’s

SCADA provider, ACS.

<u>ALTERNATIVES:</u>

This is an emergency situation, so there is really no good alternative.

<u>RECOMMENDATION:</u>

Staff recommends that the City Council approve the motion and allow the City Manager to authorize the expenditure of up to $75,000 to provide emergency electrical and communications repair services at the SRCI Lower Lift Station.

Furthermore, the Public Works Committee recommends the City Council "…*bill the State of Oregon Prison System for 100% of the Manhole replacement and lining, and the Repairs at the Lower Lift Station.*"

<u>ATTACHMENTS:</u>

None