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, JANUARY 15, 2019, 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: Freddy Rodriguez _____ Marty Justus _____ Ramon Palomo _____ Dan Capron _____
Michael Braden _____ Norm Crume _____ Mayor Riley Hill _____

2) PLEDGE OF ALLEGIANCE

This Agenda was posted on January 11, 2019. 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. Out 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) Minutes for Adoption:
October 23, 2018 Council Meeting
November 8, 2018 Study Session
November 20, 2018 Council Meeting
December 18, 2018 Council Meeting

6) OLD BUSINESS

A) Approval of Right of Way Agreement with Oregon Department of Transportation for SE 2nd Street Project
B) Resolution #2019-101: Support for Legislation Allowing Ontario to Increase the Marijuana Tax Above the State Limited Amount of 3%
C) Resolution #2019-103 and Resolution #2019-104: Legislative Positions
D) Lease Cancellation and Promissory Note from Golf Course Cart Barn Lease

7) NEW BUSINESS

A) Appointment of Council Members as Committee Liaisons
B) Letter of Support for LIFT Grant Application

8) HAND-OUTS/DISCUSSION ITEMS

A) Firefighter SCBA Packs - Joint Purchase
B) Check Register November 1, 2018 to January 7, 2019
C) Proposed 2019-2020 Budget Calendar

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.

CITY COUNCIL MEETING MINUTES
October 23, 2018

The scheduled meeting of the Ontario City Council was called to order by Mayor Ronald Verini at 7:00 p.m. on Tuesday, October 23, 2018, in the Council Chambers of City Hall. Council members present were Ronald Verini, Norm Crume, Dan Capron, Ramon Palomo, Thomas Jost, Betty Carter, and Marty Justus.

Members of staff present were Adam Brown, Corinna Hysell, Cal Kunz, Dan Cummings, and Peter Hall.

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

Marty Justus led everyone in the Pledge of Allegiance.

AGENDA

This Agenda was posted on October 19, 2018. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

CARTER moved, PALOMO seconded, **TO ADOPT THE AGENDA AS PRESENTED.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-yes; Capron-yes; Jost-yes; Verini-yes. Motion carried 7/0/0.

PUBLIC COMMENT

All letters read into the record by Dan Cummings, Community Development Director, were transcribed verbatim from the letters.

10-21-2018
Members of the City Council
I'm writing today to express my disappointment and frustration in the recent proceedings regarding marijuana dispensary planning and zoning. After reviewing the extensive investigation by the Ontario Marijuana Ad Hoc Committee and the Planning Commission, as well as hearing feedback from business owners and scores of citizens, the City Council has continued to move forward in a reckless and irresponsible manner. **The concerns and recommendations of both experts and citizens are being ignored, and I'm afraid the consequences for our city will be far-reaching.**

I believe Ontario has the potential for a bright future with a vibrant community and thriving businesses. I believe that future could include marijuana dispensaries – it's entirely possible. But the actions of the City Council have led me to believe that these two things are now mutually exclusive: the City Council has inexplicably chosen the interests of one industry over their citizens and existing business owners.

The City Council has seemed to plow forward as a break-neck speed on this issue, begging the question: are their ulterior motives at work? The Council has ignored recommendations from both the Ad Hoc Committee and the Planning Commission, even while the citizens have yet to vote in November regarding legalizing marijuana in Ontario. Business owners have raised legitimate concerns and even proposed compromises and workarounds. The Council, at every turn, has chosen to ignore the voices meant to represent the will of Ontario's residents, and instead favored a special interest group looking to capitalize on our city's lack of regulation. This kind of preference raises concerns of integrity: the City Council appears to have chosen monetary benefit over its citizens.

Marijuana dispensaries may well bring all the revenue and economic benefits to our area their proponents say they will. But the City Council has chosen not to give us all time to see if the promises pan out. Instead, against all recommendations, they've moved forward with a plan that gives us very little regulatory control. As others have pointed out, it's much wiser to begin higher regulations now and reduce them as needed than to invite a free-for-all and deal with the consequences later.

I'm an Ontario business owner and hope to raise my family here for many years. Today, I feel city leadership has prioritized an outside interest group and their pocketbooks over my family's future. I feel business owners who've been here for decades are being shouted down by an industry that *may* have benefits for the community – but may not. Ontario struggles to attract new residents, and a downtown area full of marijuana dispensaries is highly unlikely to alleviate this issue.

On a Friday night, I'd like to be able to walk the streets of downtown with my kids and feel that it's a safe, wholesome, family-friendly area. I'd like to be able to go out to dinner and support local businesses. I'd like to imagine a future where my kids want to live here and raise their own families here. Without proper oversight and regulation, I can see this future becoming more unlikely by the minute.

My strong recommendation to the Council is to reconsider and, if necessary, vote again on two specific issues: the 1,000-foot buffer around parks, including the two downtown parks, and the issue of residential buffers. When I've discussed this issue with other residents and business owners, these are their two major concerns. Downtown business owners want the family-friendly feel of downtown to be preserved and residents want their neighborhoods safe. These two buffers are specific steps the City can take to prevent dispensaries form having a negative impact on Ontario's community.

Listen to the many voices urging for careful, responsible, cautious progress. Without caution, the City Council risks more than losing the trust and respect of its citizens. It risks losing it citizens themselves as they choose family-friendly, more prosperous places to live.

Sincerely,
Max Twombly
****
October 23, 2018
Mayor Verini and Ontario City Council

I am writing this letter to you all because I will be out of town Tuesday night so I cannot appear personally at the Ontario City Council meeting.

I am also writing this as a Planning Commission member and I want this letter to reflect that I am not representing any sentiment from any other member of the Planning Commission.

I am writing to you to express my disappointment and amazement over several of your votes last Tuesday night when having your first reading on the establishment of buffers around certain zones in Ontario when placing marijuana establishments. The Planning Commission spent many hours thoughtfully listening and discussing the placement of marijuana facilities in Ontario, as I know the council did. To have the Council make decisions that appear to be a complete reversal of some of our recommendations was very disappointing. The votes by the council appear to favor only a few potential new businesses while ignoring our current citizen's and business owner's concerns.

I speak specifically on one of your decisions to not consider the downtown parks as such. The Council approved a Parks Master Plan earlier this year and considered the Moore Park and the Depot Park as "Parks" in that Master Plan. I fail to see any logic in your most recent complete reversal in your decision to not treat the downtown parks as all other parks in Ontario. We also heard testimony from several downtown businesses who wanted to preserve the historic downtown core area as is. The Planning Commission felt there were plenty of locations in their recommendations for permitted areas to allow for several marijuana retail outlets in town.

I ask that you reconsider your position on the definition of the parks in downtown and treat them as all other parks in Ontario and implement the 1,000 foot buffer around them. Zone C-3 does not need to allow for marijuana operations. If the demand for additional retail operations is so great in the future, the Council could certainly readdress the decision at a later date.

Thank you for your consideration. Respectfully submitted, Ralph Poole, Ontario Planning Commission member
****
10-22-2018
My name is Judith Kirby. I live at 1612 Idaho Ave. Ontario, Oregon

I have taken my grandchild to Ontario Renewal Group events with activities for children and to Saturday Market at Moore Park at least eight times. The Moore Park is a signed park that is in the city's master plan. I observed a birthday party this summer at the railroad park. You do have a legal right to exclude retail marijuana sales downtown due to the presence of the parks, as found by the planning commission. There is a developmental school run by the ESD at the Social Security Office and a Mennonite School out on the boulevard. As long as they are where they are, you by law, you can't allow retail marijuana to be 1000 feet from those facilities. While I do support zoning restrictions for marijuana related businesses if the ban is lifted. I do not want retail marijuana downtown or on fourth avenue. I do not want our citizens to have to be exposed any more than they have to, to impaired drivers, and I do not want small downtown business owners to have more limitation of parking, increased littering, or persons loitering. Our downtown needs some help, but one thing they need is the city to clean the streets regularly and continue watering the planters. There are already at least three other sites being developed for retail sales if the ban is lifted and the old Sizzler could still be purchased and developed without affecting residents homes or businesses. You can make marijuana retailers numbers limited if you chose wise land planning. If too many marijuana retailers are allowed, some people have already indicated that they will move. This will make it harder for those who can't afford to, or chose to stay to make a living in Ontario.

I do not understand why the city paid money to mail alerts to property owners to write and testify before the Land Planning meeting, used resident's time who came to testify, and then used the Land Planning members time, and then disregarded their opinions. I also do not understand why the city used two of older residents time of once a week for five months and then disregarded the findings of this committee with no knowledge of points they had found that would be best for our community when it took both opposing sides thoughts into account. (Some of this process was interfered with by Steve Mehlin and Mr. Justus trying to buy up every piece of land, but two pieces were bought out from under Mr. Mehlin and Mr. Justus.)

Your zoning should also affect where marijuana is now being grown now in Ontario, much of which is breaking the rules of the city and the state. Persons do not want grows near their residences as the product stinks, and some are allergic to it.
****
10-22-2018
To be read into the record during city council meeting 10-23-2018
To the Mayor and city council of Ontario,

I am writing this letter to let you know that I oppose the sale of marijuana in downtown Ontario. I have operated my furniture business for over fifty five years in the same location in downtown Ontario.

I believe the retail environment is tough enough in this day and age and we don't need to make it more difficult. It is my belief that allowing recreational pot sales to be conducted in downtown Ontario would be a very poor decision, and will have no positive benefits for the many business that over the years have put large investments of both time and money into. As a matter of fact I believe that my property value and the Value of MY business will be decreased if such Sales are permitted.

I believe that Parking for the existing business downtown will all but vanish, making it harder for my customers to come and do business. I also believe that the clientele that recreational pot sales would bring into downtown would be detrimental to all the business downtown. All one needs to do is go watch the traffic and clientele in Huntington Oregon for one day, to see that this is nothing we want in downtown Ontario.

For these reason and many more. I implore you the City council to use whatever means available to you to stop any and all marijuana sales in the Downtown area on Ontario.

Thank you
David Eldredge
****
October 21, 2018
To Whom it May Concern:

We have been in business almost 30 years in Ontario. We love the community here. We have raised four sons and one daughter in Ontario. We have cherished our years working along side the people in this little eastern Oregon town. We have met people from all over and have felt an extreme community bond to eastern Oregon and western Idaho.

We completely disagree allowing the sale and purchase of marijuana in our little town! We feel it will hurt our community and certainly hurt our business. We are happy with this little community and feel that we will have unpleasant and unwanted exposure of cannabis for our family, our patrons and all of our friends here in Ontario. We don't feel that you can ever put a price tag on the damage that illicit drug use can and will do our community here in Ontario.

The City Council needs to understand that quality of life in Ontario will simply dissolve if this is passed. We urge you to consider all of the other aspects of our businesses, families, friends, patrons, and all else who live and come to this little community. It shouldn't ALWAYS be about money, but to some people, it's ALWAYS about money!

Sincerely,
Salvador & Romelia Sanchez
****

10/23/2018
To the Ontario City Council,

I am writing to encourage you to reconsider the proposed boundaries presented to you by the Marijuana Ad Hoc Committee. I believe this committee's recommendation of boundaries represents both those who want to see dispensaries and those who do not. This committee did the work of listening to citizens as they developed their proposal.

Two years ago, my husband and I chose to purchase a home here in Ontario because we believed the city of Ontario was beginning to make intentional moves to improve Ontario. Moves such as the "O Positive" campaign in the schools; developing incentives for city employees who live in Ontario; and even the upholding of the ban on recreational dispensaries a few years ago. At this point in time, we are beginning to question our decision. We question it because it appears that (specific issue being put aside) the city council is not willing to heed a recommendation that comes from a committee who has done the work of listening to citizens. This is not a characteristic of a community in which we desire to live.

Please consider how the Marijuana Ad Hoc Committee has managed to work to a middle ground in a very divisive issue and listen carefully to their recommendation. Should the ban be lifted with the November 6th vote, I would appreciate know that we have a city government which listens to its citizens. Accepting their proposed boundaries would display that the city council and government is willing to work toward a common good and not just follow the money.

I would like to thank you for your time and service for our community.

Respectfully submitted,
Reverend Chaconne (Connie) Blastock
****
October 22, 2018
From: Charla Wheeler
Crest Way
PO Box 87
Ontario, OR

To: Planning Commission and City Council, Ontario, OR

My husband and I have three generations of our family living in Ontario. I have recently read the "Mission Statement" for the Ontario City Council.

"To Provide a Safe, Healthful and Sound Economic Environment, Progressively Enhancing Our Quality of Life"

If we as a community choose to invite Marijuana dispensaries into our neighborhoods, we will be relying on the City Council and Planning and Zoning Commission to provide the best guidelines that will allow these new businesses and also protect our children and families with safe, healthful, and sound environments. Those of us residents and citizens who have chosen to educate ourselves on this subject recognize the wisdom and necessity of learning from the experiences of other communities that have already welcomed these businesses. It is very important that we go slowly and cautiously enough to maintain a balanced approach.

The buffer zones recommended by the AdHoc committee make the best sense. It will be much easier to relax or adjust these zones as businesses progress, if all goes as well as promised. It will be difficult, if not impossible, to attempt to enlarge these buffer zones if our community begins to realize the negative impacts that have been the experience of other communities, specifically those in the state of Colorado and many communities in Western Oregon, also including the Huntington region.

We will be watching carefully to see how our council members vote on this issue. We look to you to protect the interests of Ontario residents, citizens, and families over and above the as-yet-unrealized promises of easy money from outside sources.

Please include the larger buffer zones recommended by the AdHoc committee; these proposed new businesses are not similar to other businesses, such as banks, family restaurants, or beauty shops. Our zoning laws should reflect that awareness.
****
10/23/2018
Mr. Cummings, please forward the message below to the City Council for tonight's meeting regarding proposed marijuana business regulations. Thank you.

To the Ontario City Council:

My name is Russ Belville. While I currently reside in Portland, Oregon, I grew up in the Treasure Valley. I attended grade school in Fruitland; graduated high school in Nampa; attended Boise State University; worked in Payette, Weiser, and Ontario; and served in the Idaho National Guard in Caldwell.

I'm writing to you today about the impending passage (I believe) of a municipal initiative to end the ban on legal marijuana businesses in Ontario. Specifically, I am concerned about the recommendations made by the Planning & Zoning Committee and the Ad Hoc Committee to regulate the operations of Ontario's future marijuana businesses.

I left the Treasure Valley in 2003 for two reasons: economic opportunity and medical marijuana. I worked in various information technology positions in Idaho, but my medical need for cannabis forced me to leave my family behind. There were no jobs in my field outside Boise, but I could find better paying jobs in Portland and avoid criminal prosecution for my medical use of marijuana.

My entire family still resides in the Treasure Valley. I still bleed blue for my Boise State Broncos. For fifteen years, I have watched from afar as nieces and cousins grew up and graduated. Idaho's marijuana prohibition kept me in Oregon. Eastern Oregon's failing economy kept me in Portland.

Now, beginning my fifties, I am excited at the prospect of an economic revitalization in Ontario that could bring me back within easy driving distance of my loved ones. My parents are in their seventies, enjoying he great outdoors of Idaho in their RV. They, too, have discovered the benefits of medical marijuana for the rigors of old age, using cannabis-infused lotions and CBD capsules.

The recommendations made by the committees, however, could seriously impact the economic revival promised by legal marijuana businesses and the 3 percent local tax that comes with them. How and where these marijuana businesses are situated makes all the difference in whether other Ontario businesses benefit. If they are regulated without forethought, Ontario gets more downsides and fewer benefits. And, if you'll pardon my selfishness, the decisions you make today could very well determine whether I can afford to return to the Treasure Valley to retire.

The consideration of so-called "buffer zones" around marijuana businesses is my primary concern. I've never really understood why these marijuana businesses are only safe if they are a certain distance from a school or park. Within 500 feet of Ontario Middle School and the Boys & Girls Club, there is grocery store selling beer and wine. Within 1,000 feet, there is a Riet-Aid pharmacy selling over-the-counter cough syrup and prescription drugs. Unlike marijuana shops, kids can walk right into those places without anybody checking their ID.

I applaud the council in rejecting the first reading of the recommendation for 1,000-foot buffer zones around two downtown parks leased by the city. Clearly, such a buffer would eliminate the entire downtown for marijuana businesses. The benefit for other businesses from the increased foot traffic would be lost. Shops would be forced to locate in the far east end of the city, encouraging shoppers to get their marijuana and nothing else while in Ontario.

Today, I read that the owner of one of the parks, Moore Park, is attempting to metaphorically extort the council by amending the renewal of the city's lease to be nullified if any marijuana business opens within 1,000 feet. While it is shocking that someone running for mayor of the city would resort to strongarm tactics to subvert the democratic process, it is not surprising.

Proponents of these ridiculous buffer zones present them as the only defense against a downtown core overrun by an "undesirable element." The reality is far more mundane – take it from a fifteen-year resident of a city with hundreds of marijuana businesses. The people shopping there are older and mainstream, their IDs are checked at a locked door and again inside during the sale, the storefronts are clean and attractive, and the nearby restaurants, stores, and shops all do more business.

The proposal of a 1,000-foot buffer zone from a marijuana business to a park or school is purely a form of cultural bigotry. Indeed, across S Oregon St. from Moore Park is Long's Sport Pub, selling liquor by the shot. Across SW 1st St. Is Mackey's Steakhouse & Pub, doing the same. Across SW 2nd Ave. is Little Palomino Food & Spirits. Across SW 1st Ave. is Stockman's Market, selling cigarettes, beer, and wine. You literally cannot leave Moore Park from any direction without encountering a business that sells alcohol and tobacco.

I believe the council should seriously consider maintaining the exclusion of the downtown parks from any proposed buffer zones, regardless of any threat to nullify the lease of Moore Park. We are talking about $750,000 to one million dollars from a 3 percent marijuana tax versus whatever proceeds the city gains from a weekly farmer's market and the costs of maintaining the park. Let this hopefully-losing mayor candidate pay for the upkeep on his patch of grass while all the downtown businesses benefit from the increased foot traffic that legal marijuana businesses will bring.

Furthermore, the council should consider rolling back any proposed buffer zones until they match whatever is required for the sales of alcohol and tobacco in the city. What possible reason, aside from bigotry, justified treating these three legal products any differently?

Ontario is in a unique position to benefit from the legal sales of marijuana, thanks to its border location. Those marijuana shoppers area already coming to Oregon, it's just a question of whether their dollars keep driving 30 miles up the interstate to Huntington, whether they take the eastern Ontario exit and drive past most the city, or whether they take the western Ontario exit and spend time and money rebuilding the downtown economy.

Ontario should enact the most marijuana-business-friendly regulations possible. Bring as much investment and opportunity to the eastern Treasure Valley as possible. Position marijuana businesses to benefit other businesses. Maximize the economic impact of legal marijuana for Ontario.

Thank you for your consideration. I hope your decisions make it possible to return home to my family.

Russ Belville
Owner – Delta-9 House & Studios
Portland, Oregon
****
10/23/2018
To the City Council of Ontario;

I am writing again to urge you to reject recommendations from the Planning Committee and the Ad-Hoc Committee that would unnecessarily reduce economic opportunity in Ontario by instituting extreme buffer zones around the placement of legal marijuana businesses.

The proposal of these buffer zones would seriously limit where marijuana businesses could operate. Not only would the entire Ontario downtown be off-limits, but most, if not all businesses would have to operate in the far east end on the city.

This is not fair to retail commercial property owners who have seen their storefronts go empty for years in Ontario. In addition to locking out other downtown businesses from the benefits of increased foot traffic, there are few available and suitable properties on the east side to set up a new business.

If businesses are going to be legal in Ontario, why would we work to put so many roadblocks in the way of their success? Don't we want to maximize the tax revenue we receive from these businesses? Don't we want them to create more jobs and have their workers paying payroll taxes, too? Why would we divert all those shoppers away from our downtown that so desperately needs more foot traffic?

I am a medical marijuana patient and have been a citizen advocate on the legislature for two decades. Our state passed a bill – HB 3460 – that first created retail access for medical marijuana. Gov. Kate Brown signed it with the intent of "providing safe and reasonable access to patients" for marijuana. Since then, we have legalized recreational marijuana, and those shops are not providing much of the retail access for patients.

Whether the average cannabis consumer must drive to the east end of town isn't too much worry, but for the sick or disabled person who needs marijuana as medicine, every 100 feet is another burden to overcome. Every buffer from a school, park, or residence just places the source of a patient's medicine farther away and creates another burden for an already-burdened patient.

I ask you to please maintain the stance you took on the first reading of these recommendations. Keep any proposed buffer zones low, lower, or eliminate them. Keep exempting the downtown parks from any buffer zones so that the downtown businesses can benefit from a neighboring marijuana business, even if that means losing the lease on Moore Park. I'm sure the benefits from a 3% marijuana tax and from hundreds of extra downtown visitors a day will outweigh the costs of maintaining someone else's private property.

Thank you,
Lori Duckworth, Board Member – Compassionate Oregon
****
10/23/2018
This note is to voice my ongoing concern, as outlined in a previous letter, as to the planning process for potential marijuana sales in Ontario. The existence of such businesses in the downtown area will present a set of issues that overlap with, but are not the same as other potential downtown businesses. For the reasons set forth in my earlier letter and those set forth in the

additional letter provided to you today by Shawna Peterson, I urge you to reconsider the direction you are taking on this issue and follow well-considered plan sent to you by the Planning Commission.

Respectfully,
Tim Helfrich
****
October 22, 2018
To whom it may concern:

If our community votes to approve the opening of marijuana dispensaries, And the current location known as the "Competition appliance store" sells to become a downtown dispensary store my concern is that this new business will generate an extreme amount of vehicle traffic and parking.

There is a concern about sufficient parking to accommodate that level of business, and all current businesses.

I do not feel that such new business should be allowed to block off any amount of controlled parking spaces.

As a downtown store owner this could cause extreme detriment to my business as well as other businesses not having parking available to our customers.

I am not against the store itself I am against preferential parking for this store.

Thank you,
Victor and Rosairo Machuca
Graphixwear owners
****
To the Mayor and members of the Ontario City Council:

I was born and raised in Ontario, and am a retired teacher and now I can honestly say I am so disappointed and angered by the recent (jumbled) of recreational marijuana operations in downtown Ontario. You have lost my trust and respect. Thank you to Mr. Crume and Mr. Capron for standing up for the Ontario residents. You two gentlemen listened to the citizens.

Dixie Peterson
****
October 23, 2018
Shawna Peterson
163 Sears Drive
Ontario, OR 97914

Via email to dan.cummings@ontariooregon.org
Ontario City Council
c/o Dan Cummings

Dear City Council Members:

It is disappointing that we are having this discussion after the hard work of your Planning Commission, Community and Economic Development Director, and the Ad Hoc Committee. Their exhaustive look into the planning and zoning issues concerning recreational marijuana in our city was work to be commended, even if I ultimately did not agree with every conclusion reached. Yet their advice went unheeded and their work was discredited and discarded by the Council. So here we go again.

You have and will hear from many about the various problems with the proposed scheme for dispensaries in downtown Ontario that would result from the action at your last Council meeting if that is ultimately adopted. I proudly stand with them, including Manny & Laurie Alvarado, Megan Cook, Time Helfrich and Vickie Heinz. I also take great pride in the fact that you are hearing from us as businesses with a combined presence in the heart of downtown Ontario for well over 100 years. We all actually call Ontario home, as well, which the Council thought was important earlier this year when you put new rules in place requiring residency for City employees. All but one of you voted in favor of that and that nay was only because he wanted even stricter requirements. So, I find it very troubling that the same Council would not listen to your Planning Commission, City staff, or the very committee you formed to navigate this issue. Worse yet, you have put the interests of non-local, prospective dispensary owners over the wishes of those of us actually living here and who have bene proudly contributing to Ontario's downtown and beyond for more than a collective century. But that is exactly the course you have set.

Equally disappointing is that the troubling inconsistencies does not end there. Earlier this year, you voted unanimously to adopt the City's Parks and Recreation master Plan that you are not dismantling. In that, you recognized "the need to have parks as a place to recreate, come together as a community, exercise, host fundraisers and get people outdoors is important to the community." This begs the question why today you seem to be taking the position that greenspace in the downtown area is unimportant. It is not a simple question of whether children use the park, but one of a vision for downtown.

The plan you all voted in favor of reads: It is recommended that the City acquire Moore Park and add amenities such as a gazebo facing South Oregon where the decorative wagon was. A Gazebo will provide necessary seating and shade for pedestrians shopping downtown. City of Ontario Parks and Recreation Master Plan, page 6-29.

Your Master Parks Plan additionally provides:
Downtown Park Site SU-17. This existing park is located at the corner of SW 1st Avenue and SW 1st Street. This site is owned by a private individual, but is leased to the city. The site is essentially a urban plaza (green space) located in downtown Ontario. Facilities at the site are limited to a picnic area and open lawn area. Overall, the facility is in fair condition but requires additional development. It is recommended that a master plan be prepared for the long-range development of this site. However, prior to any long-term investment in this site, the city should consider purchasing this site. Some potential facilities that should be considered as part of the design program include:

- Interactive fountain
- Picnic area
- Paved area for displays, seating
- Formal gardens
- Landscaping
- Public art/sculpture

Railroad Depot Park Site SU-18. The Railroad Depot and Grounds are located between SW First Avenue and SW Second Avenue adjacent to the railroad. This site has been developed through private donations with some assistance from the city. Facilities at the site are limited to historic railroad depot, picnic area and parking area. The restoration of the depot is currently in the second phase of rehabilitation. Subsequent phases will include the renovation of the third floor of the building and improvements to the surrounding grounds. It is recommended that the city assist the non-profit group in the development of the depot grounds. City of Ontario Parks and Recreation Master Plan, page 6-29.

What a difference six short months makes. Again, after months of hard work by volunteers and your City staff, and voluminous input from the community, the promises of a vibrant future for an Ontario replete with amenities attractive to the young families we so desperately need is being tossed aside in hopes for a too-good-to-be-true windfall from making Ontario a marketplace for out-of-town pot entrepreneurs and a destination for out-of-state pot purchasers. If you stay your course on downtown dispensaries, you are essentially dedicating these downtown green spaces with the potential to enhance our community to a waiting area for pot buyers.

I urge you to be deliberate and cautious representatives of your constituents. Have you carefully analyzed the traffic impact on other downtown businesses, including parking issues and foot traffic? Have you looked into the capacity of Idaho Avenue, especially at the intersection with Oregon Street at the entrance to downtown? It is nearly impossible to turn left onto Oregon Street now. Will the tax windfall you are drooling over be enough to pay to expand that roadway? Shouldn't that be done before opening the floodgates, if so? Have you looked at additional traffic control signals downtown to safely manage pedestrian crossings? Have you spoken with code and law enforcement to determine whether the promises of no lines, no litter, and no parking logjams are realistic? Or, is that how you envision our downtown parks, that you are arbitrarily labeling as "not parks," being put to good use? Are they to become a gathering place for pot visitors? We need only look to the vehicle and foot traffic, the lines around the block, and the portable toilets now occupying downtown Huntington to anticipate what needs to be investigated further before we invite the same here. But that work simply has not been done.

It is my sincere hope, and my ask of you as a citizen of Ontario with a downtown business, that you adopt the recommendations of the Planning Commission or more stringent regulations. I implore you, for me and my family and every family trying to make Ontario their home, to take a pause and give this the critical thought it deserves.

Sincerely,
Shawna Peterson

Charlotte Fugate, Ontario: *I wanted to talk about Revitalize Ontario in perspective to the infrastructure of the downtown. If you add a 1,000 foot restriction buffer to the parks, you will eliminate all of the downtown for dispensaries. If you allow no restrictions, you will bring many investments to the downtown buildings. Any new buildings purchased would have to be brought up to code, current code, so the new value of the buildings would add to the property tax for the city and would improve the value of the downtown. We are close to finalizing the CLG, which is a Certified Local Government entity, and when we do that we will have more money for construction downtown. The merchant's voted against the 1% sales tax, so now this is your* *last chance to upgrade hundred year old buildings. We miss the street sweepers (can't understand end of sentence). There are many counties that have dispensaries and they do not have problems. You'd be surprised at how many grey-haired ladies are buying salve for their arthritic –ridden hands. (Something else said that wasn't clear). Thank you.*

Bret Moore, Payette: *I just wanted to discuss the influx of drugs that are going to come into Idaho. That's what concerns me. Plus, I also work here in Ontario. Where I work, there's going to be a dispensary right across the street. We're already planning on some of those people coming in. The problem is, on the federal form, those people can't buy a gun anyway, so they don't need to come in. I retired from corrections in 2018. I cannot say anything positive about any drug. Sure, they might have some kind of medicinal marijuana that's helping a lot of people; that's understandable. Me, myself personally, I have not seen anything ever positive happen with any drug. I have a kid in prison right now because of drugs. I hate drugs. They have nothing good, there's nothing good in a community. If it was good, Colorado would be booming. If it was good, Portland wouldn't look like a piece of crap. But it does, and it's because of the drugs. The money that is going to be coming in here, you're not going to be able to give enough to that Police Chief to fix the problems it's going to cause. The medicinal stuff, that's fine. That's good for people. It's going to draw an element here that is going to include Mara Salvatrucha, Nuestra Familia, Southside, the Mexican Mafia, and a lot of other dirty gangs you don't want to see in here. They are going to be here, or their people will be here, and it's going to get pegged in my state too. There are so many Ada County and Canyon County plates coming through this area. They're not coming here to shop at the Oregon Market. They're coming here to shop and get their drugs and go home. I think it's a mistake to even have it here, but if you're going to have medicinal marijuana, it better be controlled somehow. But you're not going to be able to control it enough. The actual money that is funding this is coming from the same liberal, radical left that is destroying our western culture and everything about us. You need to think about what you're doing. Thank you.*

Cheryl Cruson, Ontario: *Good evening Mayor and Council people. My husband and I have lived in the area for the last 42 years. Born and raised here, and we moved back here and purchased two or three businesses. We are property owners and business operators, and we have been contributing to this community for the last 42 years. We own seven tax lots that we pay taxes, however, we're not able to vote because we live just outside the city limits. So our address says Ontario, Oregon, but we can't have a say in what happens. I do have an opinion, and I would just like to go on record against marijuana; however, if it gets voted in, we'd like to make a plea for the buffer zoning. We own a toy and hobby store and it's not too far from the Competition building. I don't want the kids that come to my store to have to be around the element that's going to be with the marijuana store. Right next door is a family restaurant, and kids are going in there with their families. The parks are behind our store and just down the street from our store, and I think you need to consider parking, loitering, and the element that it's going to bring in. A lot's been said tonight that I agree with. I'm not as eloquent as Shawna, and the first letter that Dan read said it all, so please consider your actions. Thank you very much.*

Jahmel Cooke, Ontario: *Thank you Council for your work. I just wanted to say I like the way your votes went in the last meeting, and I just wanted to show support for those votes. I would've preferred a 150 foot residential buffer, and that's just to allow more competition. After seeing those maps, when we voted in the Ad-Hoc Committee, we didn't know that there would be so much black on the map. Talking and actually seeing it was totally different. Seeing the small areas that would be allowed, you do have to take into consideration that we're not just talking about retail marijuana when you talk about marijuana coming to town. Wholesalers, processors, everybody had to be in these small areas that we are allocating. I do want to impress on the Council to think about the ancillary businesses that would go into that same area having the same buffers placed on them. Also, about downtown, I just wanted to say that downtown areas, for the most part, are geared towards adults. I feel like the downtown area currently is geared towards adults. I frequently go down there. I would love to take an evening and (unintelligible end of sentence). I think that a dispensary could attract the right kind of clientele to make that happen and to revitalize downtown. Thank you.*

Katie Donahue, Idaho: *Good evening. Thank you for hearing me again. I was here last week and I really want to commend you on being so brave and making such a bold decision in regards to the dispensaries and the boundaries because I'm kind of sad listening tonight because what I seem to be hearing is we don't want those people. No one wants to just come out and say it, is we don't want those people on our streets, and I'm one of those people. My daughter is in the seventh grade; she's at the top of her class; she wants to be an astronaut. I do not want her to utilize marijuana when she grows up; however, regardless of where it's legal or where it is, it's my job as a mother to educate her to not touch those things because she's not ill and she has a future that she doesn't need to ruin. Now before I lived in Gem County, I lived in Malheur County. I lived in Jordan Valley, and I cattle-ranched for quite some time, so I do feel a connection to Oregon, to Eastern Oregon, and I've been on quite a few cattle drives with people who have said they wished they could just draw that line over Idaho, because Idaho is an island of sanity in a sea of insanity. I know children who can't go to the park because they're busy having seizures that medical marijuana stops. My daughter plays with kids who utilize cannabis oil for their diseases. This whole we don't want those people, we don't want it around our business, it's really sad, and as far as loitering, all of those things are illegal anyway. You can't just go outside someone's good business and sit there and smoke a bowl, 'cuz that's loitering and that's already against the law. So as far as these rezoning and zoning, I think it's just fine, and I think the market will settle itself out. So what I'm hearing in this City Council is that people think they're better than other people and they don't want it around their 4th Streets, they don't want it around their six figure income, and that's really sad. That's really sad because what a way to stand up for adversity and teach your children to accept everyone, even the children who need CBD oil, which is what I advocate for a majority, is the children and* *if you don't think Colorado is booming, maybe on a recreational level they're not, but Johns Hopkins University is currently studying medicine being made by men in Colorado. So I'm sorry if you have failed your children on drugs, but marijuana has saved me from overdosing on opioids. It has made me the best mom I can be, and I guarantee when my daughter is sitting on a decathlon this year, her pothead mom is going to be sitting there cheering her on because she's not going to grow up and utilize cannabis. She's perfectly healthy and she doesn't need it. Thank you for your time.*

Aaron Boshart, Ontario: *I'm speaking to you again today to discuss the residential buffer as it affects the C-2H Heavy Commercial Zone. As I have stated previously, it is clear the citizens of Ontario do not want dispensaries near their homes. I want to speak in support of the Council decision to apply a 200 foot residential buffer in this zone. This residential buffer still clearly limits dispensary operations to the C-2H Zone and the east side of town. I want to urge the Council to maintain this decision as further limiting dispensary operations in this area will push them to areas of town where citizens do not want them. If the citizens vote in support of lifting the ban in November, the city has an obligation to provide at least one area of town for this industry to thrive. I also want to just point out that there's some misinformation about the timeline of marijuana businesses opening here in Ontario. The OLCC has made it very clear that due to a backlog of marijuana license applications, that no licenses in the area can be issued until June or July. Thanks.*

Laurie Alvarado, Ontario: *My husband and I have owned a store in downtown Ontario for the last 15½ years. It's an old bank building with a lot of vintage charm and my many windows allow me viewpoints of the downtown and I'd like to share a little of that with you. I park near the Train Depot so that my customers can take advantage of the parking outside of my store. It's a novel idea that unfortunately some of my business owner neighbors don't understand. I have large trees on the south side of my building that provide shaded parking for my customers during the summer, or my neighbors, whoever arrives there first. I have a large sidewalk that I see many m idle school students using about 3:00 o'clock when they're getting out of school. It's a direct route from the middle school to the east side of town, and it's fun to see them in their school uniforms. Kitty-corner from my store is a large group of mailboxes for the downtown. Do you realize how much traffic is at that corner from business owners picking up their mail? Grant, when he was at Quisenberry's, would have to walk to that corner even though, the corner right there at The Competition, even though the Post Office was right next door to him. The Post Office has to save money. To the west of me is Jolts-n-Juice, so I can see their pad filled with bicycle parking. There's a group of bicyclers that meet there on Tuesdays, Wednesdays, and Thursdays, and they ride even if it's 100° outside. It's fun to the vacationer license plates that visit Jolts. I also see many license plates visiting other downtown establishments. The Old School Smoke Shop and the Ontario Poker Social Room offers services that not allowed in Idaho. So I see countless 1E and 2C Idaho license plates parking downtown. On the south side of my building, is a new handicapped park. Unfortunately, I see many cars park there without the handicapped placard in their window. The FedEx and UPS trucks double-park on that corner daily. Also on that busy side street, I have a large semi-truck that would double-park once a week. He blocks the handicapped parking and the rest of all those parked on 3rd Avenue. He delivers a pallet about six feet high, bags of soil. I really don't have time to tell you anymore, but here's my point. Downtown is busy. It's got a lot of traffic. Just using the crosswalk between my store and Jolts is scary. If a large 4-wheel drive vehicle is parked in the first parking spot, I lean out beyond the truck's bumper to make eye contact with that oncoming driver. Also, the large 4x4 diesel trucks that make lots of noise through that downtown corridor of tall buildings, you have to accelerate to make that noise, so pedestrians can scramble out of the way as you rev your engine. I'm not even going to go into distracted cell phone drivers. We don't need line ups around the block to add to the traffic and parking stress. We don't need impaired drivers visiting the downtown corridor buying whatever they can't buy in Idaho. Please protect and keep the downtown like a genuine downtown. Please consider the domino effects that dispensaries could potentially cause if allowed in that downtown corridor. Thank you.*

Jeremy Archie, Portland: *I am the guy that was thinking about downtown and the parks. Someone told me to talk about what's leased, what's owned, and even after hearing Katie and Shawna Peterson, all I can say is you've heard both sides very extensively. I think last week, when you had a chance to hear lead points from the advisory committee speak, John Kirby made a reference that there were a certain amount of "them" driving through our city. I noticed the dialog kind of kicked up from there. I just want to point out that when people are talking about this city, and who is local and who is not, I think it goes beyond that. If the vote passes November 6th, it's not a "them" and "us", it's a we. Cohesively, by state law, given the opportunity to do business here, people have to co-exist. I understand that some people are against it, and I'm obviously for it. I think that there is a lot of potential that's been overlooked and I don't want to overlook the local's concerns by any means, but I personally, when I look at that downtown, regardless of debating the amount of square footage or parking, etc., coming from a city like Portland, maybe it's that I'm 6'2" and 230 pounds, but I don't feel in any form of danger at a crosswalk. People stop, they wave, and it's regardless of whether or not I'm a cannabis guy. I'm a normal guy. I'm like everyone else. I just happen to work in this industry as it evolves and focuses all over the state. I don't want to lease and leave. I want to buy the building. I want to own the building. I want to engage with my neighbors. I want to pay taxes, and be respectful. I want to do everything I can. Whether or not these parks are looked at as leased, it's a zero buffer, or guys vote tonight to do whatever, the point is if it does pass in November, it's not a "them" and "us". It's a we. I think people need to realize that. Thank you.*

Riley Hill, Ontario: *There's something I want to show you. (Handed out something). I'm the owner of the Moore Hotel property. I've been accused as a blackmailer, we're going to have a showdown here, but I want to talk to you here in a non-confrontational manner, and discuss what we really have going on here. What's going on here right now is the voters are going* *to decide on November 6th whether we're going to have marijuana in town or not have marijuana in town. We're talking about a land use issue right now. A land use issue that is going to affect the people in the downtown corridor area. If I were to put a subdivision in, or change the use of some property from Commercial to Residential, or so forth, you would have to put out notices to the people in a certain distance around that property, let them come down, speak, make a decision, and then after that happened, there's a chance for people to appeal to LUBA. I don't see that happening here, so we are at a land use issue. We're not talking about marijuana right now, or whatever that may be. You already know my position on marijuana, and I really want to…I paid for this park, I paid for the improvements myself. I wanted a nice place for downtown and it has been a nice downtown gathering area for quite a while. For, I think, at least 15 years, maybe a little bit longer, leased to the city for $1 a year. I want to continue doing that, but, having said that, it doesn't appear that the Council has listened to the Ad-Hoc Committee, or listened to the Planning Commission, and they have given more credence to my very good friend Dan Cummings in his presentation, and he is my good friend. I don't know why that would carry more weight than what the downtown business owners have, what the Committees have done, so I do want to lease the park back, but I want to have a 1,000 foot radius. Having said all that, something that's been said before, let's take, we don't know what's going to happen on November 6th, so let's take the safe approach and let's say, okay, we're going to include that park because it's in the Master Plan, let's put in the 1,000 foot radius, then, if the city wants to pass this, then down the road, they can relax those regulations. They have that option. But, if you open it up now and decide you don't like that, what's going to happen downtown, you can't reverse that because it's all grandfathered in. So, I urge you take the very safe approach. I'm going to show you something. This is yesterday. This isn't medical marijuana. I'm going to show you this stuff. This came yesterday. My property that I have something to do with…this isn't parceled. Right here, you see this stuff is parceled in, and right here, a little part of this other deal, at the same place, and I'm not going to say where it is right now because the Police are investigating. This guy found a way to keep the doctor away with the apple a day, I don't want to get high here, he got his, whatever you do with this stuff, you got the apple here to hold it and then you have the pipe here to deal with it. This came from very close to the park. Very, very close. If you go to the next one, it's all from the same household. You start with marijuana and then you move it up. You want to see in here? In here we got needles, we got syringes, we got all kinds of stuff.*

<u>Brad Bartolome, Ontario</u>: *I do have a financial interest in the cannabis industry. I do personally support a 500 foot buffer, and additionally do support a 1,000 buffer for retail to retail. I want to put a couple of rumors to rest. I think I can officially put them to rest. I feel close to both sides of this room. There is no monopoly out there, and counting those in the room right now, I think there's six players right now, land owners in the industry, and then some outlying people that are just coming into the process. There's a ton of people in the room here tonight. The city asked me several months ago to be part of that Ad-Hoc; I said I would. I found out who I was going to be working with. It was Steve Meland with Hotbox, and then there were some conservative people like Dr. Peterson and John Kirby. Having said those names, collectively the battle was the bulk of the conversations that took place between the conservatives and the pros were those four people. Some didn't attend the meetings, but those four diligently did. I also am in favor of keeping this Ad-Hoc Committee going, regardless of the vote. I did hear that Andrew Peterson did resign from the Ad-Hoc Committee, and I wish that he would reconsider and jump on board if this Committee is still in existence. We all voted, unanimously, between four of us, 500 residentially, 1,000 retail to retail, and we took that to the Planning Commission. They were very uneducated and didn't know a damn thing about the industry. They voted zero across the board, putting a dispensary on every single block. They didn't understand. They weren't educated. Some of you guys aren't educated on it either. Please get educated; do due diligence. Please use the Ad-Hoc. We work hard for you guys. 1,000 foot buffer retail to retail. You can always move that buffer. You can't move it the other way. You know what I'm talking about. You've asked us when we started the Ad-Hoc to protect the city; we've done that, generously. We didn't really want it, the 500 foot buffer, we said we'd play along. We've given a lot. I think Mr. Peterson and Mr. Kirby would concur. We did give a lot to this Ad-Hoc Committee. I did want to say thank you to Mr. Ron Verini for your service, hard work, and diligence. It was appreciated. Betty Carter, thank you for your efforts. Thank you very much.*

<u>Glen Banner, Ontario</u>, stated he meant no disrespect to anyone, and then read a letter into the record: *Shame on our city council!!! By a 4 to 2 vote last Tuesday night (Oct. 16) they sold us right down the river. How unfortunate and short sighted that vote was. Kudos to Capron and Crume for voting 'no' and standing up for the people of our town, many of whom testified before the planning commission earlier how important it was to keep our downtown core "clean." They care! The rest voted 'yes.' "Citizen in-put" was totally ignored and the vote was to declare two city parks as "non-parks." We really thought better of Carter and Palomo. With the other two (Jost and Verini) it was pretty much expected. (Note – Thankfully, Justus, to his credit, had recused himself due to conflict of interest.) We had the perfect out, not to do this. Railroad Park will always be a park and Moore Park could just as easily be gifted to the city for a permanent park as to be sold. Not likely, but could happen! Instead the council chose not to count them as parks (because they are used less) and eliminate them as a "buffer zone" to protect our downtown core. How sad! Why not take away the buffer zone from around a school or two and we could just have dispensaries all over town? (Please excuse the sarcasm there.) This city council will soon be changed as new people come in. Then we will have even less chance to prevent things like the above from happening. The choice for the kind of city councilors we really need has dwindled to only a couple. Please help us avoid all the chaos by voting 'NO' to maintain the ban!*

<u>John Kirby, Ontario</u>: *Mr. Mayor and members of the City Council, tonight Councilor Justus could not have said it any better in the Argus. We need to listen to each other. We started this Ad-Hoc Committee, which I was a member, for us to listen to each other and try and come to some consensus. I can tell you this was a hard deal because we all came with our own point of view and*

vested interest. We spent almost five months, every week, talking to each other. We yelled, we voted things down, we brought them up, we voted again, and we brought what we thought was something that we could bring this industry if the vote passes, we're going like this, politically, but we had a common goal that if this does pass, that we would have something that we could all live with. So then we brought it to the city Planning Commission, and they, for the most part, echoed what we did. They changed the one buffer on distance between retail and dispensaries, which we didn't care for, but we were asked by you to listen to the people. We did! And it was hard. I will say that Councilors Crume and Capron came to our meetings from time to time to listen. You had staff there when Dan was not able to take minutes, the Fire Chief, or the Police Chief, or the City Manager took minutes. They saw our ernst that we were trying to do the bidding of your request. We come down here last week, and you basically spit in our face. You try and form another Ad-Hoc Committee, and you request to listen to the people, I don't think you're going to get too many hands raised. I think you need to reconsider what happened, 'cuz I can tell you both from the marijuana side, as well as the opponents, the people that I represent, were both stunned when you walked out of here last week. You didn't make anybody happy. Maybe that's what you planned. You're all my friends, but you didn't listen to us. You asked us to listen for you. We did. Dan has given has given you his wise counsel from time to time, but we didn't' always agree with him, because we didn't feel it was a good interest of the community. His head is going up and down, because we didn't always agree. If nothing else, I ask that you reconsider your actions from last week, and listen to the people. They're here tonight. You really missed at the Planning Commission, the heart of the testimony. The people have spoken, and I want you to listen. They want buffers, they want this end of one part of town, they don't want their homes next to it. If we have too many dispensaries, they won't be successful. If you're going to get money off this thing, you better have successful dispensaries. We looked around towns all over this state, and I'm out of time, so good night.

<u>Tim Brewer, Ontario:</u> *City Council, I'd like to share with you my concerns with removing the buffering zones if the marijuana initiative passes. As you know, two years ago, 70% of our town said that they didn't want marijuana being sold in our area. That said, if this initiative passes on November 6th, at best, our community will be vital. Setting the buffer zones allows the City Council to assess, and to measure the impact before opening up a large portion of the community to dispensaries. It would allow you to measure the impact upon law enforcement, upon the medical community, upon our junior high and high school students that may be impacted by it. This decision has serious implications, and I really believe you haven't thought it through. I do not understand why you did not accept the recommendation that came from City Planning and the Ad-Hoc Committee. You chose them to do this, then you didn't listen to it. Mayor Verini, this is not a stab at you, but at a community meeting about the 1% tax, you made the statement, and you made it loud and strong, you don't trust us. This is why we don't trust the City Council. You said that, because you don't listen. That's what these people have said. They're bringing the best recommendation to you. I'm concerned that you're being reactive. Those who support removing the buffer zones believe that this a golden egg to support the community. I believe that you are making this decision based on economics, and not thinking about the social or moral implications of bringing these dispensaries to our community. Is it a big deal to start small and expand as the City Council sees benefit? Do you really believe that the people who want to put these dispensaries in different areas of the buffer zones, aren't going to show up six months from now, or a year from now? Sure they are. There's millions of dollars at stake. But, stepping back gives you the opportunity to take the time to assess what this can do to our community. This is your legacy. Listen to that. This is your legacy. If you can look at us tonight, and with 100% guarantee and with conviction and passion, say that this will not impact our community in a negative way, then vote yes. Remove the buffer zones. But if you have doubt, if you wonder if it will impact our law enforcement, our junior high students, our high school students, our children, and our families, then take a step back. Set up measureable assessments of how it will impact these different areas, and six months or year later, come back and evaluate it. That means that we walk into this with our eyes wide open. I think that's the best kind of decision you can make. Thank you for listening.*

<u>Pat Carter, Ontario</u>: *Your decision tonight will have consequences affecting the entire valley, not just people. Portland has one shop for 2,250 people. Gresham has one shop for 11,500 people, and now….. as many as 20 pot businesses in Ontario? If this initiative passes, we could become the cannabis capital of Oregon, possibly…..pot shops per capita, as Portland, Salem, Eugene, Gresham…crime statistics are monitored by ….. companies, and are watched closely by potential businesses and families considering relocation. April 2017, Dr. ** and the Ohio State University …. on social work published a three year study of Long Beach and Denver. The study reveals that property crimes increased in areas spatially adjacent to dispensaries, on per mile and further by 100 cases per mile. The study hypothesized that the security hired by the dispensaries gave a measure of protection equaling about a block and a half. Dispensaries have bars on windows, maybe security cameras, and multiple rooms people must pass through before they can buy their product. Can you name one other business compelled to take these precautions against their own customers? How many pot shop customers can you really think will go to Eldredge and buy a recliner? Or Alvarado's and buy jewelry? HVAC to get their furnace fixed? Blackaby's for insurance? Protect the businesses we already have or you risk losing them to the other side of the river, too. First impressions matter. Is a pleasant, but cared for city without malls and a splash pad worth the worst scenario you can think of? Compare that to shopping centers, or areas proposing several pot shops. Increased numbers of homeless and the likelihood of people high acting out. We won't get a second chance to make that first impression. We need to restore the buffers. Many of our citizens feel like they have nothing to gain if the initiative passes, and an awful lot to lose. Buffers really matter to them. I've heard countless times, "we'll probably sell our home and leave Ontario if this initiative passes, and we are overrun with dispensaries and pot shops". They are frustrated and irritated that the self-serving group is determined to change Ontario in a city with west side values. These good neighbors, as we've been told, have stolen most of the opposing signs, challenged people with sign in their yards, and told them "you're too old to know*

anything; you're stuck in the '50s; it's time you changed; you're going to die pretty soon anyway, and it's our turn; I feel sorry for you, you're ignorant". Your citizens have raised their families here, volunteered here, bought homes here, are reliable, hard-working, honest, and can pass an employee drug test. They are people cities and employers compete for. If the initiative passes, and you double-down on your buffers tonight, you will lose more good people than you will ever gain back. Fix the buffers.

<u>William Esbensen</u>: *Thank you Mayor and Council members, and thank you for allowing me to speak tonight. I just want to point out a couple things. Right now, as I stand before you, you have 30 states that have some form of medical marijuana. We have nine states with full recreational marijuana sales. Two states are coming up in November, in two weeks, for full recreational sales, and two other states for marijuana. The cannabis industry is not going anywhere. The genie will not fit back into the bottle. Having safe access to a regulated market is the best way to approach cannabis use. It puts money into the communities. According to the Department of Justus, teenage use is down for the first time. Opiate deaths are down by 20% in communities that have access to marijuana, and as you all know, Ontario has a bad opiate problem and a methamphetamine problem. 12,500 jobs have been created since House Bill 3460 passed. We estimate 50 to 100 jobs will happen right here in Ontario. That's without the ancillary businesses. Now, not all of those people will probably be from Ontario; a lot will be from Malheur County, but will live here. Some of them won't. That's just part of it. That's with every business in this community, there's a lot of Idahoans that come here to work. A lot of Idahoans that come here to shop, not for marijuana, but for other things. The buffer zones that have been talked about during these meetings, with the 500 and 1,000 foot ones, are just not what the legislative intended for reasonable access, so we have patients within this community that live on the west side of town, that don't have access to a car or a ride through a bus system or something, and they would have to travel six, seven, eight miles to the other side of town, the busiest side of town, and we're gonna congest more people to that side of town. It just doesn't make any sense to have safe, reasonable access for medical marijuana patients. The downtown area is 30% empty right now, just from what I've understood and looked at, and it needs revitalized. There's people there that are willing to put money into these buildings and buy some of these buildings and revitalize them to your guy's codes and such. It's not a bad thing to have this cannabis industry in Ontario. Thank you.*

<u>Dennis Carter</u>: *I have two issues that I want to talk to you about tonight. One is the downtown area and their recognition of the downtown park. You've pretty well covered it, and I think you need to listen to your downtown business people related to that issue. Those are parks that you maintain, that are used, and you should be proud to have as parks. They should be recognized as parks just as you do the other parks. You should put that park back in. You need to listen to your downtown business people. The second part is the timing of this action that you are thinking about taking tonight. You have a ballot issue that's going to be up in a couple of weeks. That ballot issue will not change what happens with the medical marijuana. All the issues that people talk about are not affected by that ballot issue. The ordinance that you're considering assumes that the ballot issue will pass. It eliminates the, what you now have for medical marijuana, and replaces it with a combination of medical and recreational marijuana. If that ballot issue fails, you now have a very confusing ordinance that mixes it all up. It mixes up what's legal with what's not legal. My encouragement to you tonight is to address the issue of the downtown area and what you would do in your ordinance, but to table passing an ordinance until you find out what happens in the ballot issue. It isn't like you won't have time to address the issue, and you've already discussed and done all the things that you need to in order to put something in place. If you need a thing resolved there is conflict on tonight, you can table the rest. Once the ballot is voted on, you have plenty of time to implement this before anything can really happen. The ballot won't even be certified for a little while. During that period of time, you're going to know how it came out. You can certainly take your action during that time. I would encourage you to table this tonight, finish it up later, you've heard everybody for now for three weeks, and you certainly can even say we're going to table it, we're going to vote on it after the ballot issue and when that's done, we're not really going to go through and have everybody talk all over again, but you can do that if you want to. I'm done. I just encourage you to table it tonight.*

<u>NEW BUSINESS</u>

<u>Ordinance #2748-2018: Land Use Action #2018-08-15ZCA, Amending Title 10A ("the Zoning Title") of the Ontario City Code to Allow Certain Marijuana Related Operations and Activities in Certain Zones under a Conditional Use Permit and to Prohibit Them in all Other Zones not Specifically Noted as Being Allowed as a Conditional Use; Adoption of Ordinance #2748-2018 on Second and Final Reading by Title Only</u>

Councilor Marty Justus declared a conflict of interest.

Dan Cummings, Community Development Director, presented.

The State of Oregon by legislative enactment has established a process for the licensing and registration of certain marijuana facilities and dispensaries. Currently, the city zoning regulations do not address or allow these uses. An Initiative has been put on the November 6, 2018, ballot in an effort to remove the current marijuana ban within Ontario city limits. The City Council directed staff to draft appropriate regulations and standards governing the time, manner, and place where marijuana facilities and dispensaries could be allowed within the Ontario city limits should the ban be overturned by a vote of the people.

On Monday April 13, 2015, the Planning Commission acted on planning action 2015-03-06 ZCA on the creation of Chapter 10A-58 entitled “Medical Marijuana Facilities”. In 2018, the Ontario City Council established a Marijuana Ad Hoc Committee to review the effects and impacts to the City of Ontario due to the legalization of marijuana in the State of Oregon. When a local initiative and referendum to remove the ban that the City of Ontario placed on the operations and activities of marijuana was put up for a November 6, 2018, vote, the Council asked the committee for recommendations on regulations and standards governing the time, manner and place of marijuana operations and activities within the city limits. The Committee, comprised of five members who were pro-marijuana and two members who were anti-marijuana, met in several public meetings and formulated their recommendations for buffer setbacks. It is noted some of the recommendations were not addressed in these planning codes and would be addressed in the business licensing codes when and if the ban was lifted.

Staff created documents for presentation to the Ontario Planning Commission, including the document which included the Ad Hoc Committee recommendations, along with existing buffer setbacks established under Title 10A-58. Staff also presented recommended buffer setbacks. Others were recommended by both the Ad Hoc Committee and city staff and previously established under Chapter 10A-58.

The Planning Commission met in a Public Hearing on October 8, 2018, and sent the following recommendations to the Ontario City Council for approval:

Amendment actions are first referred to the Ontario Planning Commission for a Public Hearing and recommendation to the City Council; those recommendations were made in the following motions by the Planning Commission:
Amendment actions were first referred to the Ontario Planning Commission for a Public Hearing and recommendation to the City Council; those recommendations were made in the following motions by the Planning Commission:

a) I move that the Planning Commission recommend under Section 9, 10A-59-15 (A) (5) {in the C-1, C-2 & C-3 zones} a **350** foot buffer from another marijuana recreational facility.
b) I move that the Planning Commission recommend under Section 9, 10A-59-15 (A) (6) {in the C-1, C-2 & C-3 zones) a 500 foot buffer from all residential zones as noted in the text of Exhibit “A”.
c) I move the Planning Commission recommend under Section 9, 10A-59-15(B)(3) and 10A-59-25(B)(3) {ALL ZONES} the parking requirement of Option A.
   I. 10A-57-75 (4) one space for each employee and one for each 300 square feet as per text in Exhibit “A”.
   II. 10-57-75(6) one space for every 300 square feet of gross space.
   III. Other (state):
   IV. I move that the Planning Commission recommend under Section 9, 10A- 59-25 (A) (5) {in the C-2H, E-2, I-1 & I-2 zones} a **0** foot buffer from another marijuana recreational facility.
d) I move that the Planning Commission recommend under Section 9, 10A-59-25 (A) (6){in the C-2H, E-2, I-1 & I-2 zones} a **500** foot buffer from all residential zones as noted in the Text of Exhibit “A”.
e) State any other motions: **I move we recommend to the City Council to include the city leased parks designated as Moore Park and Depot Park in the 1000 foot buffer requirement.**
f) I move that the Planning Commission accept the above Findings of Fact, the above motions, and the amended Exhibit “A”, and recommend to the City Council the approval and adoption of the proposed amendments to the Ontario Zoning Ordinance establishing the location and standards for the establishment of marijuana operations and facilities within the City of Ontario.

The Ontario City Council met and conducted a Public Hearing on an ordinance amending Title 10a (“the Zoning Title”) of the Ontario City Code to allow certain marijuana related operations and activities in certain zones under a Conditional Use Permit and to prohibit them in all other zones not specifically noted as being allowed as a conditional use. After the presentation of the staff report and hearing the recommendations from the Planning Commission, the action was opened up for public comment. Following public comment, the Hearing was closed and the following motions were made by the Council:

1. I move that the City Council approve under Section 9, 10A-59-15 (A) (5) {in the C-1, C-2 & C-3 zones} a **350** foot buffer from another marijuana recreational facility.
2. I move that the City Council approve under Section 9, 10A-59-15 (A) (6) {in the C-1, C-2 & C-3 zones) a **200** foot buffer from all residential zones as noted in the text of Exhibit “A”.
3. I move the City Council approve under Section 9, 10A-59-15(B)(3) and 10A-59-25(B)(3) {ALL ZONES} the parking requirement of Option A.
   A. 10A-57-75 (4) one space for each employee and one for each **300** square feet as per text in Exhibit “A”.
   B. 10-57-75(6) one space for every **300** square feet of gross space.
4. I move that the City Council approve under Section 9, 10A- 59-25 (A) (5) {in the C-2H, E-2, I-1 & I-2 zones} a **350** foot buffer from another marijuana recreational facility.
5. I move that the City Council approve under Section 9, 10A-59-25(A)(6){in the C-2H, E-2, I-1 & I-2 zones} a **200** foot buffer from all residential zones as noted in the
Text of Exhibit “A”.

6. I move City Council to not include the city leased parks designated as Moore Park and Depot Park in the 1000 foot buffer requirement.

CRUME moved, seconded by PALOMO, **THAT THE CITY COUNCIL ACCEPT THE ESD SCHOOL AS A BUFFER ZONE OF 1,000 FEET FOR THE POSSIBLE MARIJUANA DISPENSARIES ACTION**. Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-yes; Capron-yes; Jost-yes; Verini-yes. Motion carried 7/0/0.

10/23/2018 Dan, This email is [to] provide some history with the property located at 885 SW 30th Street in Ontario. The property is zoned Ontario UGA-C2. Ontario Planning and Zoning Development Standards (10A-53) would be the zoning regulation the County would use for land use regulations for this property. Currently, the property is being used as a private school. Schools would be considered a condition use in this zone. The school has not applied for a conditional use permit from Malheur County. At this point, they are violating Malheur County's Code, but we have not received complaints and therefore have not taken any action. At one point the board which oversees the school was looking for alternative sites. I do not know if they have found a suitable site. Thank you, Eric Evans, REHS, Planning Director, Malheur County Planning & Zoning

CAPRON moved, seconded by JOST, **THAT THE CITY COUNCIL APPROVE UNDER SECTION 9, 10A-59-15 (A)(5) {IN THE C-1, C-2 & C-3 ZONES} A 1,000 FOOT BUFFER FROM ANOTHER MARIJUANA RECREATIONAL FACILITY.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-recused; Capron-yes; Jost-yes; Verini-yes. Motion carried 6/0/0/1.

CAPRON moved, seconded by JOST, **THAT THE CITY COUNCIL APPROVE UNDER SECTION 9, 10A-59-15 (A)(6) {IN THE C-1, C-2 & C-3 ZONES) A 500 FOOT BUFFER FROM ALL RESIDENTIAL ZONES AS NOTED IN THE TEXT OF EXHIBIT "A".** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-abstained; Capron-yes; Jost-yes; Verini-yes. Motion carried 6/0/0/1.

JOST moved, seconded by CARTER, **THAT THE CITY COUNCIL APPROVE UNDER SECTION 9, 10A-59-25 (A)(5) {IN THE C-2H, E-2, I-1 & I-2 ZONES} A 1,000 FOOT BUFFER FROM ANOTHER MARIJUANA RECREATIONAL FACILITY.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-recused; Capron-yes; Jost-yes; Verini-yes. Motion carried 6/0/0/1.

CARTER moved, seconded by PALOMO, **THAT THE CITY COUNCIL APPROVE UNDER SECTION 9, 10A-59-25(A)(6) {IN THE C-2H, E-2, I-1 & I-2 ZONES} A 500 FOOT BUFFER FROM ALL RESIDENTIAL ZONES AS NOTED IN THE TEXT OF EXHIBIT "A".** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-recused; Capron-yes; Jost-yes; Verini-yes. Motion carried 6/0/0/1.

JOST moved, seconded by CARTER, **THAT CITY COUNCIL APPROVE A 1,000 BUFFER AROUND ANY PARK DESIGNATED AS A CITY PARK IN THE CITY'S MASTER PLAN.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-recused; Capron-yes; Jost-yes; Verini-yes. Motion carried 6/0/0/1.

PALOMO moved, seconded by JOST, **THAT THE CITY COUNCIL APPROVE ORDINANCE 2748-2018, DIRECTING STAFF TO MAKE THE AMENDMENTS MADE TONIGHT TO TITLE 10A ("THE ZONING TITLE") OF THE ONTARIO CITY CODE TO ALLOW CERTAIN MARIJUANA RELATED OPERATIONS AND ACTIVITIES IN CERTAIN ZONES UNDER A CONDITIONAL USE PERMIT AND TO PROHIBIT THEM IN ALL OTHER ZONES NOT SPECIFICALLY NOTED AS BEING ALLOWED AS A CONDITIONAL USE, ON SECOND AND FINAL READING BY TITLE ONLY.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-recused; Capron-yes; Jost-yes; Verini-yes. Motion carried 6/0/0/1.

Councilor Justus returned to the Council dais.

Ordinance #2744-2018: Amending 10B-02-55 of the Planning and Zoning Code to Authorize Changes in Planning and Zoning Fees by Resolution

Councilor Marty Justus declared a conflict of interest on this action.

Dan Cummings, Community Development Director, presented.

The City needs to update the fees to keep up with current financial obligations and increase in expenses. It was more streamlined when done by resolution. The proposed amendment would keep all fees uniform by resolution by amending City Code 10B-02 to allow fees to be updated by resolution action.

After the recent update to city fees through Resolution #2018-124, it was discovered that the Planning and Land Use Action Application Fees where still set by ordinance.

All other fees having been updated through Resolution #2018-124 and the proposed ordinance amendment would comply with the amended fees.

Staff was requesting the adoption of Ordinance #2744-2018 through an emergency action.

JOST moved, JUSTUS seconded**, THAT THE CITY COUNCIL APPROVE ORDINANCE #2744-2018, AN ORDINANCE AMENDING SECTION 10B-02-55 OF THE PLANNING AND ZONING DEVELOPMENT CODE TO AUTHORIZE CHANGES IN PLANNING AND ZONING FEES BY COUNCIL RESOLUTION ON FIRST AND SECOND READING BY TITLE ONLY ON EMERGENCY PASSAGE.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-yes; Capron-yes; Jost-yes; Verini-yes. Motion carried 7/0/0.

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

Councilor Justus reminded everyone of the haunted house at the old City Shop on Friday and Saturday night. They were looking for volunteers.

Several Councilors and the Mayor thanked the community for their attendance at the meetings and for participating in the issue facing them all with regard to marijuana.

ADJOURN

CRUME moved, CARTER seconded, **THAT THE MEETING BE ADJOURNE**D. Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-yes; Capron-yes; Jost-yes; Verini-yes. Motion carried 7/0/0.

ACCEPTED:

____
Riley J. Hill, Mayor

ATTEST

____
Tori Barnett, MMC, City Recorder

CITY COUNCIL WORK SESSION MINUTES
November 8, 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, November 8, 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.

Members of staff present were Adam Brown, Tori Barnett, Larry Sullivan, Cal Kunz, Kari Ott, Terry Leighton, Dan Cummings, Betsy Roberts, Cliff Leeper, and Peter Hall.

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 November 6, 2018. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

Adam Brown, City Manager, stated staff had added an Executive Session to the Agenda.

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

PUBLIC COMMENT

Jennifer Long, stated: *So I guess a lot of us are probably here for the marijuana conditional use permit process. I didn't see it on the Agenda, so…will it be discussed today?*

Mayor Verini stated it was not on the Agenda; however, for one of the Executive Session on the Agenda, marijuana would be discussed. With the agreement of Council, he'd like to open the public comments to hear any comments from those in attendance.

Jennifer Long, Baker City, stated: *My husband and I have a dispensary in Sumpter, Oregon, and we're looking at the possibility of opening in Ontario. I notice an issue with the line that's been coming and trying to figure out how to handle the Conditional Use Application process. I used to be a Planner for Baker City, and I was also a Planner for Baker County, so I did some research on my own to find out if I could provide some sort of help in the matter. The city of Santa Rosa, California, has gone through this exact same process and they developed a policy on how to handle basically the competitive areas that have 1,000 foot buffers. I forwarded that document to Mr. Sullivan and Mr. Cummings and I believe they'll be able to share that with you, if that might be an option to figure out how to handle the permits. Basically, there's an application window where all applications will be received; they'll be reviewed to see if there is competing locations. The ones that aren't competing move forward. The ones that are competing locations go through a ranking system with points assigned to determine if they fit the neighborhood well, if the owners were of good standing, and so forth. It's a seven page document that Santa Rosa created. It's very well thought out. I think it might be a very good example for Ontario to be able to use.*

Kandy Mocaby, Payette, stated: *My comment is also regarding dispensaries, and I was wondering, in Executive Session, will you be discussing cannabis dispensaries today in Executive Session?*

Mayor Verini stated they would.

Ms. Mocaby continued: *Okay. And then I was wondering, when would that, what's the time frame in which that might be announced to the public or letting us know what decisions have been made?*

Mayor Verini stated it would be right after the meeting.

Larry Sullivan, City Attorney, stated it would be at the discretion of the Council. They would be discussing some alternatives available to the Council. The Council could choose to make a decision after the Executive Session, or postpone making a decision until they had a chance to think of the options. It would then go to the next meeting.

Ms. Mocaby continued: *So, perhaps today, or at the next Council meeting, that would be announced? Okay. And then my final comment would be that we realize, by rumor, that there are folks from out of state, as well as folks that would be applying for the cannabis dispensary application, or applications, that would be maybe have additional funding or are more fortunate to have several properties that are purchased and would be turning in several applications for a dispensary location. I'm just wondering if the City Council could please hear the public and the local people to allow them, to allow us, to have a chance at having a cannabis dispensary as well. So, maybe, if somebody has 10 applications in, wouldn't it be fair to allow others to have an application, and for those folks to have one application to be process along with other folks' single application, and then start taking additional applications? Finally, I am disabled. I'm a grower. We're interested in a dispensary. We had one here in the City of Ontario that was medical. We speculated on it in 2015. We, and 420Ville, were the first dispensaries to be licensed and approved for the City of Ontario, and we both had the dispensaries set up. The City of Ontario opted out, so we lost that funding and we'd like to try again this time. We hope that you will give us all a fair chance. Thank you for your time.*

Aaron Varela, Boise, stated: *In the State of Massachusetts, their medical program, they had people submit for so many applications per county, and it was done on a points system. Also, I was curious, you said that you would have an answer after this session, or were you waiting until the next session?*

Mayor Verini stated they wouldn't know until after the Executive Session.

NEW BUSINESS

Resolution #2018-138: Establish Lieutenant Position in Police Department
Cal Kunz, Police Chief, presented.

In June, 2018, the City Council adopted the fiscal year 2018-2019 budget, which reflected funding the police force staff at the same levels as budgeted in 2017-2018. The Ontario Police Department was requesting authorization to establish the position of Lieutenant, to allow them to promote an existing full-time police officer into the new position, and to promote an existing officer into a Sergeant position. This would keep the department at the current staffing level.

The Ontario Police Department had historically been understaffed, and had been without a Lieutenant or Captain position for several years. Through departmental savings and the delay of replacing an officer who resigned in 2017-2018, the Department believed there were enough budgeted funds to create the Lieutenant position and promote a new Sergeant from within.

Historically, the Captain/Lieutenant positions had been the supervisors to the Sergeants. This allowed the Chief to oversee all day to day operations, seek opportunities for cutting costs, and research grant options. The Chief would also work with the Lieutenant on improving established policies and procedures.

The increase in cost for a Lieutenant would be approximately $3,424.27, and a Patrol Officer to Sergeant would be approximately $15,500. The Department would be in a position to absorb this increase as there was currently an unfilled position in the Department, resulting in a savings of $8,956 each month. To date, there had been a savings of $35,824. (Jul-Oct, 2018). The Department would like to move on this as quickly as possible to get the promotion process started, and get an individual into the position.

JOST moved, CARTER seconded, **THAT THE CITY COUNCIL APPROVE RESOLUTION #2018-138, A RESOLUTION ESTABLISHING THE POSITION OF ONE FULL-TIME LIEUTENANT POSITION AND ELIMINATING ONE FULL-TIME POLICE OFFICER POSITION IN THE ONTARIO POLICE DEPARTMENT.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-yes; Capron-yes; Jost-yes; Verini-yes. Motion passed 7/0/0.

Resolution #2018-139: Shop with a Cop Grant
Kari Ott, Finance Director, presented.

For several years, the Ontario Police Department had participated in Shop with a Cop, a program to work with high-risk kids during the Christmas season. Law enforcement officers teamed up with kids and shopped for presents for the child and their family. The program was being administered by Help Them to Hope. The grant funds were not budgeted and a resolution was necessary to make an adjustment to do so.

$2,500 would be appropriated within the Grant Fund to pay for the Shop with a Cop program. The Ontario Police Department would like to appropriate the funds as soon as possible as the holiday season was approaching quickly. The Council could take no action on this matter; this would cause the funds to be returned to Walmart and the Shop with the Cop program would not happen in 2018.

CAPRON moved, JUSTUS seconded, **THAT THE COUNCIL CITY COUNCIL ADOPT RESOLUTION #2018-139, A RESOLUTION TO RECOGNIZE SHOP WITH A COP GRANT FUNDS RECEIVED AND EXPENDITURE OF THOSE FUNDS.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-yes; Capron-yes; Jost-yes; Verini-yes. Motion passed 7/0/0.

Ordinance #2745-2018: Beekeeping in City Limits
Adam Brown, City Manager, presented.

Backyard beekeeping occurred throughout many local communities across the state and country. Beekeeping even occurred in metropolitan environments. Municipal regulation of beekeeping practices had trended towards unrestricted allowance. State House Bill 2653, passed in 2015, required local government to *"review existing ordinances and determine whether to adopt new ordinances relating to residential beekeeping within three years of the effective date of this 2015 Act ."* The expiration of that time was January 1, 2019. Ontario has not reviewed their ordinance yet.

Current city ordinance prohibited beekeeping within the city limits in Section 6-2-19-(A). This prohibition was, generally speaking, obsolete with current best practices in municipal communities, particularly ones surrounded by agricultural communities. As we can all attest, just because the city prohibited bees, did not mean that we don't have bees in our community. Bees know no boundaries. Bees can travel several miles to find pollen. The Oregon State University Extension Office Foreword to the model bee ordinance acknowledged that honeybees were non-aggressive. Most honeybees were not aggressive unless they felt threatened. Sustainweb.org stated that *"it is estimated that one third of the food that we consume each day relies on pollination mainly by bees, but also by other insects, birds and bats."* Bees were an important part of Ontario's agricultural economy.

There were people everywhere, including in our community, who were allergic to bee stings. There were also people who were allergic to wasps, yellow jackets, or other animals that stung. Prohibiting residential beekeeping would not eliminate the danger of bee stings. It was important to acknowledge this fact in a review of the ordinance. Modern medicine had greatly reduced the lethal effects of an allergic reaction to bee stings. Many insurances covered the cost for an individual, with any lethal allergy, to carry an EpiPen that could prevent anaphylactic shock. Conversely, local honey was also widely known as a way to help people overcome allergies to local plants. It was a natural anti-histamine that could be effective for a wide range of respiratory diseases, ranging from asthma to chronic sinus infections.

Bees were an important part of the agricultural community that surrounded the City of Ontario. Beekeeping within the city would not only benefit the city, but would have even more benefits to our agricultural community and economy. Staff reviewed the Model Beekeeping Ordinance for Oregon Cities produced by the League of Oregon Cities and Oregon State University Extension Service. The model ordinance provided an adequate balance of regulation and freedom for hobby beekeepers within a municipal setting.

This would generate very little revenue as only beekeepers with more than five hives would be required to pay a registration fee commensurate with Oregon State Law. The fee, which could not be higher than the state fee, would be $10 annually plus $.50 per hive, only for persons with more than five hives. The modest fees collected would be attributed to the general fund. By state law, the city had to review this ordinance by January 1, 2019. The city was not required to change their current law, only review the law. ORS §602.045 stated that a local government could: 1. Adopt ordinances consistent with the best practices described in ORS §602.035; and 2. Charge a reasonable fee for registering hives in residential areas. The fee that a local government charged for registering hives in residential areas might not exceed the amount charged under State Department of Agriculture rules for the registration of colonies that were subject to fees under ORS §602-.090 (3). Taking no action would still be adhering to the State law requiring local governments to review their policies and ordinances. Beekeeping would continue to be banned within the City of Ontario.

JUSTUS moved, CAPRON seconded, **THAT THE ONTARIO CITY COUNCIL APPROVE ORDINANCE #2745-2018, AN ORDINANCE ALLOWING BEEKEEPING WITHIN THE CITY LIMITS OF THE CITY OF ONTARIO UNDER RESPONSIBLE BEST PRACTICES, ON FIRST READING BY TITLE ONLY.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-yes; Capron-yes; Jost-yes; Verini-yes. Motion carried 7/0/0.

Commercial Land Lease: Bain Aviation

Dan Beaubien, Airport Manager, presented.

Jim Bain, dba Bain Aviation, Inc., had been working out of the airport as an agricultural applicator since 2015 with a land lease for his spray operation. The lease expired two years ago and even though payments had been made to the City of Ontario in good faith during that time, it was necessary to update the lease agreement. The last lease was for a period of one year with the anticipation of moving all agricultural operators to a new location. Since the new location had not been an option for pilots and might not be until possibly 2021, it was appropriate at this time to grant the new lease.

The increase in rate would bring in additional revenue to the City of Ontario. Because of the lapse, it was prudent to grant the lease as soon as possible ensuring the security of being able to conduct a business at the Ontario Municipal airport.

CAPRON moved, CARTER seconded, **THAT THE CITY COUNCIL APPROVE THE LEASE AS PRESENTED FOR JAMES BAIN.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-yes; Capron-yes; Jost-yes; Verini-yes. Motion carried 7/0/0.

Moore Park Lease Renewal

Adam Brown, City Manager, presented.

The lease for Moore Park in downtown Ontario had expired. A new lease must be approved for the property to continue use as a city park. An original five (5) year lease was approved in 2003. At the expiration of that lease in 2008, another five (5) year lease was approved by the City Council with the option of extending it another five (5) years. Thus the second lease expired in 2018 and must be approved by Council to continue as a city park.

The lease expired on the 18th of May 2018. Minor changes and clarifications had been made to the lease respecting maintenance and use of the entire parcel of land. The park was home to the Ontario Saturday Market during the summer, an outdoor farmers and crafters market. The Saturday Market was a popular event that added vitality to the downtown on the weekend.

The lease was for one dollar ($1.00) per year. The lease expired on May 18, 2018. The city had continued its use as a park over the summer. If the Council took no action, the property would revert to the landlord and would become taxable. Maintenance of the property would fall back on the landlord. The City of Ontario would need to remove it from the City Parks Master Plan. The city would have no say about what went on at the site.

Councilor Justus stated if the city was signing a five year lease, there needed to be a five year lease for both parties. If he wanted a 30-day right to rescind, the city would right of first refusal. If the city doesn't buy, the cost of the improved sidewalk would need to be paid back to the city.

Council concurrence with changes; Councilor Crume did not concur.

Mr. Sullivan stated he would make contact with Mr. Hill.

Letter of Support for Rail Station
Adam Brown, City Manager, presented.

The Nyssa City Council and Malheur County applied for a land use change through the Department of Land Conservation and Development. The entirety of the land proposed for rezoning to industrial purposes to be added to the City of Nyssa had been questioned by other parties. It had been proposed that only a portion of that property be rezoned to industrial use at this time. The County and City of Nyssa would have to go back to the Department of Land Conservation and Development at a later date to rezone the remaining land. The Malheur County Court had requested the support of the City of Ontario. In consultation with the County Court, staff had drafted a letter of support on behalf of the City Council of Ontario.

This letter of support came with no financial commitment. The City of Ontario would benefit from the transload facility by housing workers and providing retail needs for other employees all over the county. The timing was imperative as the public comment period was wrapping up shortly. Any letters of support must be submitted quickly to be considered in the State's decision. A letter of support was not required by the City Council. The application might be successful without the support of the Ontario City Council; however, the letter of support strengthened the request.

CAPRON moved, CARTER seconded, **THAT THE CITY COUNCIL APPROVE THE LETTER OF SUPPORT TO THE MALHEUR COUNTY COURT AND THE NYSSA CITY COUNCIL FOR THE MALHEUR COUNTY TRANSLOAD FACILITY ZONING REQUESTS AND AUTHORIZE THE MAYOR TO SIGN THE LETTER ON BEHALF OF THE ONTARIO CITY COUNCIL.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-yes; Capron-yes; Jost-yes; Verini-yes. Motion carried 7/0/0.

Change to Airport Operations Manual – Section 1.7(B)
Dan Beaubien, Airport Manager, presented.

The Airport Committee passed a motion to make a change in the Standard Manual of Airport Rules and Regulations. Under 1.7 Minimum Standards, New Construction part B, it currently read: *All new hangers shall be of metal or masonry construction*. In order to use wood in the construction of new hangers the wording would change to: *All new hangers shall have the exterior be of metal or masonry construction and have a full concrete slab floor. Wood construction is allowed.* There were contractors who would like to build hangers but are limited to the more expensive materials. Two hangers were being looked at being built but the cost of not allowing wood in the construction was too much of a deterrent to proceed.

JUSTUS moved, PALOMO seconded, **TO CHANGE THE WORDING IN THE ONTARIO MUNICIPAL AIRPORT'S OPERATION MANUAL AS PRESENTED.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-yes; Capron-yes; Jost-yes; Verini-yes. Motion carried 7/0/0.

Bid Award: Boise River Fence Project at Ontario Municipal Airport
Adam Brown, City Manager, presented.

The FAA awarded a grant to provide a partial perimeter fence and security gates at the Ontario Airport in an effort to help the city better protect the assets within the Airport's boundaries. After the approval from the FAA to move forward with the fence grant, a contractor bid was put out. Boise River Fence was the sole bidder for the project. The City Council must officially award the contract to Boise River Fence. The project cost was set at $386,026.00. The FAA would provide $347,423.00, and the State of Oregon would contribute $22,700.00, leaving the city responsible for only $15,903.00 to finish the total cost. Timing was important as the project was underway.

CARTER moved, CAPRON seconded, **THAT THE CITY COUNCIL APPROVE THE BOISE RIVER FENCE CONSTRUCTION PROJECT AT THE ONTARIO MUNICIPAL AIRPORT.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-yes; Capron-yes; Jost-yes; Verini-yes. Motion carried 7/0/0.

Noncollectable Delinquent Account Write-Offs
Kari Ott, Finance Director, presented.

As required by the Allowance for Bad Debts and Write-Offs policy, the Council was required to approve accounts to write-off before they were written off and/or sent to collections. There were two accounts proposed to write-off.

South Georgia Equipment owed the City $7,500 for rent of the old city shop. The City Attorney looked into this company and believed it would be best to send this account to collections to attempt to collect funds. This was a good size account and the collections agency would have motivation to work to collect. The second was for Gillingham on LID 45 loan with an outstanding balance of $35,684.33. The city had a lien on the property, but the money was not owed personally. Larry Gillingham quit paying the loan in 2008 and the county foreclosed in 2012. After the city received the notice to lien holders from the county, nothing was done and the county sold the property to Namba Farms in 2015. According to the City Attorney, there was no way to collect this money so it just needed written-off the books.

CAPRON moved, JOST seconded, **TO APPROVE THE WRITE-OFF OF THE GILLINGHAM LID 45 LOAN AND SOUTH GEORGIA EQUIPMENT RENT OWED AND TO SEND THE SOUTH GEORGIA EQUIPMENT ACCOUNT TO COLLECTIONS.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-yes; Capron-yes; Jost-yes; Verini-yes. Motion carried 7/0/0.

DEPARTMENT HEAD UPDATES

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

Jacobs/Public Works Report: Quarterly
Cliff Leeper, Public Works Director, presented. (Report attached)

Airport: Quarterly Report
Dan Beaubien, Airport Manager, presented. (Report attached)

Community Development: Quarterly Report
Dan Cummings, Community Development Director, presented. (Report attached)

HAND-OUTS/DISCUSSION ITEMS

Financial Policies
Kari Ott, Finance Director, presented. (Policy attached)

Agenda
Public Works Committee 11-14-2018

Department Stats:
Public Works (Attached)
Ontario Fire & Rescue: (Attached)
Ontario Police (Attached)
Code Enforcement (Attached)

Minutes
County Court: Sep 25, Sep 26, Oct 3, Oct 17, 2018 (Attached)
SREDA: Oct 30, 2018 (Attached)

EXECUTIVE SESSION

Executive Session: ORS 192.660(2)(d)
An executive session was called at 1:43 p.m. under provisions of ORS 192.660(1)(d) to discuss negotiating strategy with the fire union. The Council convened into a second Executive Session.

Executive Session: ORS 192.660(2)(h)
An executive session was called under provisions of ORS 192.660(1)(h) to discuss current or potential litigation. The Council reconvened into regular session at 1:51 p.m.

CARTER moved, PALOMO seconded, **TO AMEND THE AGENDA TO INCLUDE RESOLUTION #2018-140.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-yes; Capron-yes; Jost-yes; Verini-yes. Motion carried 7/0/0.

Resolution #2018-140: Marijuana Application Process for Conditional Use Permits
Larry Sullivan, City Attorney, stated this resolution set the procedure for the city to accept and process marijuana retail conditional use applications. The procedure was set forth in Exhibit 1, attached to the resolution, which was a letter set for the signature of Dan Cummings. That would go into the procedure in detail. Some points to bring forward: the date had been added as of November 9, 2018, when it would be distributed to people in line, and those people would have until November 10, 2018, to submit a preliminary application that was referred to in the letter; the date in numbered paragraph 2 within which time the applicants had to submit a final conditional use application would be 9:00 a.m. on January 2, 2019; no conditional use applications would be accepted by the city until January 2, 2019, because the ordinance would not go into effect until January 1, 2019. The purpose of the procedure was not to change the ordinance language; it was intended as a supplement to the procedure that was briefly referred to in the ordinance. In a dispute, the ordinance language would control. There had been inserted a priority number on Exhibit 1. Mr. Cummings would sign off on the letter. Tomorrow he would give a copy of the letter to everyone standing in line in front of the Development building.

Mr. Sullivan stated there was an error - this would be distributed tomorrow, so applicants would have until Tuesday, November 13, 2018, at 5:00 p.m., to submit their application. This was due to the holidays. Subparagraph C, page 2, in the letter would be amended to reflect that change.

CRUME moved, CARTER seconded, **THAT THE COUNCIL APPROVE RESOLUTION #2018-140, A RESOLUTION APPROVING A PROCEDURE FOR THE ACCEPTING AND PROCESSING OF APPLICATIONS FOR MARIJUANA RETAIL APPLICANTS FOR CONDITIONAL USE PERMITS.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-yes; Capron-yes; Jost-yes; Verini-yes. Motion carried 7/0/0.

ADJOURN

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

ACCEPTED: **ATTEST**

______________________________ ___________________________________

Riley J. Hill, Mayor Tori Barnett, MMC, City Recorder

CITY COUNCIL MEETING MINUTES
November 20, 2018

The scheduled meeting of the Ontario City Council was called to order by Mayor Ronald Verini at 7:00 p.m. on Tuesday, November 20, 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. Thomas Jost was excused.

Members of staff present were Adam Brown, Tori Barnett, Cal Kunz, Dan Cummings, Terry Leighton, Kari Ott, Larry Sullivan, Cliff Leeper, Betsy Roberts, Debbie Jeffries, and Peter Hall.

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 November 16, 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 added item 7C New Business: Marijuana Update; and item 10A Correspondence: December 18, 2018, Council meeting.

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

PUBLIC COMMENT

Aaron Varela, Boise, stated: *I just want to make a couple comments regarding things that have happened over the last few weeks. I know one City Council member did recuse himself from one of the votes, but they definitely did speak a lot about other things pertaining to marijuana, which they probably should recuse themselves at times, as well. And also, last, was it two Thursdays ago when you guys had a meeting, I can't remember if he was in that meeting, the closed door session for a couple hours. That may not have been the best to do that, at least from my perspective and pertaining to everybody sitting outside the planning department, and also on that, it's kind of interesting how you guys put us in a situation that we were breaking city law, or city codes, to be out there, which I didn't really appreciate being put in that position. So that was rather interesting. And I know you guys are thinking about putting a residency requirement in. I'm just curious if you guys have talked to OLCC, or if that's anything they have a say in or anything like that, being required to live in the city. I have no interest in doing what I'm going to say, but I've been told by at least one person, if not a few others, that they are submitting some stuff to come after the city for certain things, so you guys might want to entertain this. That's all.*

John Kirby, Ontario, stated: *The morning after the election I got a call from the Argus Observer, and like many of you, I'd been up most of the night, and I didn't shoot across the bow, I destroyed the ship. I want to publicly apologize to Dan Cummings for my remarks. I've done so personally; I've talked to several of the City Council, and it was a hard election to go through, and when you personally invest yourself, and I'm not a good loser, don't like it, I haven't necessarily changed my opinions, but you've got a good man in our Planning Department, and I wronged him. So, I feel as though that was done publicly, and I need to make a public apology, and I do so tonight. Thank you.*

Dan Cummings thanked Mr. Kirby for his apology, and accepted it.

CONSENT AGENDA

CRUME moved, CAPRON seconded, **TO ADOPT THE CONSENT AGENDA**, which included October 4, 2018, Work Session Minutes and October 16, 2018. Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-yes; Capron-yes; Jost-out; Verini-yes. Motion carried 6/0/1.

OLD BUSINESS

Ordinance #2745-2018: Beekeeping
JUSTUS moved, CARTER seconded, **THAT THE ONTARIO CITY COUNCIL APPROVE ORDINANCE #2745-2018, AN ORDIANCE ALLOWING BEEKEEPING WITHIN THE CITY LIMITS OF THE CITY OF ONTARIO UNDER RESPONSIBLE BEST PRACTICES BY TITLE ONLY ON THE SECOND READING.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-yes; Capron-yes; Jost-out; Verini-yes. Motion carried 6/0/1.

Resolution #2018-142: Updating the Financial Policies and Procedures Manual
CRUME moved, CAPRON seconded, **THAT THE CITY COUNCIL ADOPT RESOLUTION #2018-142, A RESOLUTION TO UPDATE THE FINANCIAL POLICIES AND PROCEDURES MANUAL.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-yes; Capron-yes; Jost-out; Verini-yes. Motion carried 6/0/1.

NEW BUSINESS

Bid Award: Ontario Aquatic Center Splash Pad Site Work
Adam Brown, City Manager, presented.

CRUME moved, CARTER seconded**, THAT THE CITY COUNCIL TABLE THIS ACTION.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-yes; Capron-yes; Jost-out; Verini-yes. Motion carried 6/0/1.

Recreation District Transition Plan
Adam Brown, City Manager, presented.

Unanimous consensus of the Council to move forward with the suggestions presented regarding the Recreation District.

Marijuana Update
Larry Sullivan, City Attorney, presented.

Unanimous consensus of the Council to move forward with the suggestions presented regarding the Marijuana licensing requirements.

HAND-OUTS/DISCUSSION ITEMS

Newly Elected Officials Orientation Session from the League of Oregon Cities
Mr. Brown encouraged the incoming Mayor and Councilors to attend one of the sessions offered.

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

*Councilor Justus invited everyone to the Four Star Real Estate Holiday Mixer on Wednesday, December 5, 2018, at Romio's Restaurant, beginning at 5:00pm.

*Councilor Justus asked the Mayor, City Manager, and City Attorney if he had ever contacted them with regard to the marijuana issues. Hearing them all state no, he directed his further comments to Aaron Varela, who was in the audience and had made a public comment earlier in the meeting. He prided himself on ethics. He thought he had a conflict, and he asked the City Attorney if he had a conflict, he advised if he should vote or not, should he be part of the discussion. He wanted to be just as public in his response to Mr. Varela, as he had been public by his accusations towards him.

*Mr. Brown requested that the Council meeting of December 18th be started at 5:30pm to allow attendance at a social gathering at the Cultural Center at 7:00pm honoring the outgoing Mayor and Councilors.

Unanimous consensus of the Council to begin the December 18th meeting at 5:30pm.

*Councilor Capron suggested moving the Agenda Prep meeting from 10:00am to 5:30pm to allow more Councilors the opportunity to attend.

PUBLIC HEARING

Resolution #2018-141: Revenue Bonds (Trinity Health)

It being the date advertised for public hearing on the matter of Resolution #2018-141, 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.

Tori Barnett, City Recorder, presented.

The Hearing was opened for public testimony.

Opponents: None.
Proponents: John Kirby stated he was the Board Chair for Saint Alphonsus Medical Center, Ontario. So you know, and if you look around, we've, over the past two years, spent over $50M enhancing the medical facilities of this community with the improvements at the hospital. If you haven't had the opportunity to go on a tour, I would urge you to contact myself or Ken Hart. This looks as modern a hospital as you're going to find anywhere in the United States. Also, with the health facility here that used to be the mall at the bottom of the hill, and also our Fruitland facility, but we are working to provide first-class medical care for this community and at this point, I think we are doing so. Thank you.

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

CRUME moved, seconded by CARTER, **THAT THE CITY COUNCIL ADOPT RESOLUTION #2018-141, THAT THE CITY COUNCIL APPROVE RESOLUTION #2018-141, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, OREGON, CONCERNING REVENUE BONDS (TRINITY HEALTH CREDIT GROUP), SERIES 2019MI, ISSUED BY THE MICHIGAN FINANCE AUTHORITY.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-yes; Capron-yes; Jost-out; Verini-yes. Motion carried 6/0/1.

ADJOURN

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

ACCEPTED: **ATTEST**

_______________________________ ___________________________________
Riley J. Hill, Mayor Tori Barnett, MMC, City Recorder

CITY COUNCIL MEETING MINUTES
December 18, 2018

The scheduled meeting of the Ontario City Council was called to order by Mayor Ronald Verini at 5:30 p.m. on Tuesday, December 18, 2018, in the Council Chambers of City Hall. Council members present were Ronald Verini, Norm Crume, Dan Capron, Ramon Palomo, Thomas Jost, Betty Carter, and Marty Justus.

Members of staff present were Adam Brown, Tori Barnett, Jason Cooper, Dan Cummings, Terry Leighton, Kari Ott, Larry Sullivan, Cliff Leeper, Betsy Roberts, and Peter Hall.

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

Norm Crume led everyone in the Pledge of Allegiance.

AGENDA

This Agenda was posted on December 14, 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, PALOMO seconded, **TO ADOPT THE AGENDA AS PRESENTED.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-yes; Capron-yes; Jost-yes; Verini-yes. Motion carried 7/0/0.

CONSENT AGENDA

CRUME moved, CAPRON seconded, **TO ADOPT THE CONSENT AGENDA, WHICH INCLUDED A) NOVEMBER 27, 2018, COUNCIL MEETING MINUTES, AND DECEMBER 6, 2018, WORK SESSION MINUTES; AND B) MEETINGS CALENDAR: JANUARY-DECEMBER, 2019.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-yes; Capron-yes; Jost-yes; Verini-yes. Motion carried 7/0/0.

PRESENTATION

Presentation of plaques to outgoing Councilors Thomas Jost, Betty Carter, and Mayor Ronald Verini.

NEW BUSINESS

Hangar Lease Transfer: 107 India (Ben Wigley, Jr. to David Koeppen)
Adam Brown, City Manager, presented.

Dave Koeppen purchased Hanger 107 India from Ben Wigley, Jr. and would like the lease with the City of Ontario to be put in his name. As hanger properties changed hands at the airport, it was the responsibility of the new owner to bring that change to the attention of the Airport Manager. He would then present that new ownership to the City Council so that hanger leases could be updated.

CARTER moved, CAPRON seconded**, THAT THE CITY COUNCIL GRANT THE LEASE OF HANGER 107 INDIA TO OWNER DAVE KOEPPEN AS PRESENTED.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-yes; Capron-yes; Jost-yes; Verini-yes. Motion carried 7/0/0.

Update Mutual Aid Agreement Between City and Oregon Department of Transportation
Betsy Roberts, City Engineer, presented.

The Oregon Public Works Emergency Response Cooperative Assistance Agreement was up for renewal. The Mutual Aid Agreement enabled public works agencies to support each other during an emergency and provided the mechanism for immediate response to the requesting agency when the responding agency determined it could provide the needed resources and expertise. The agreement set up the documentation needed to seek maximum reimbursement possible from federal agencies.

Public works agencies in Oregon could sign the Agreement or cancel their participation as they wished. The Oregon Department of Transportation maintained the list of all parties on the Agreement list and sent an updated list out whenever an agency was added or removed from the list. Any agency could cancel its participation at any time by giving written notice. The Agreement remained in effect for five years after the date that the parties execute the Agreement. The City of Ontario and local Oregon Department of Transportation have maintained an excellent relationship over the years, and had continually supported each other – responding quickly in support of snow, flood or other situations which required the aid of large pieces of equipment and additional manpower.

The city's previous agreement expired on February 13, 2018, and was due for renewal if desired by the Council. Because the current agreement had expired, immediate action was recommended.

CRUME moved, PALOMO seconded**, THAT THE CITY COUNCIL APPROVE THE OREGON DEPARTMENT OF TRANSPORTATION PUBLIC WORKS EMERGENCY RESPONSE COOPERATIVE ASSISTANCE AGREEMENT.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-yes; Capron-yes; Jost-yes; Verini-yes. Motion carried 7/0/0.

SE 5th Avenue Intergovernmental Agreement Review
Betsy Roberts, City Engineer, presented.

She pointed out two corrections that needed to be addressed. First, the matching funds should be at 11.27%, not 10.27%. Second, the total funds should be up to $146K, not $95K, as they needed to allow for a contingency.

Continuing on, she stated the city was awarded the grant for SE 5th Ave last year. The action required today was the signing of the Intergovernmental Agreement (IGA) with the State of Oregon. The IGA was an agreement that secured grant funding from the State of Oregon for up to $904,033.06 for the SE 5th Ave Street Project. By signing the IGA, the city committed to spending the required matching funds, at 11.27%. Matching funds could be used from the city's Fund Exchange Account.

The SE 5th Avenue corridor was an extremely well-used route for pedestrians and cyclists to move across I-84 to access work, home, and shopping. The SE 5th Ave Project would construct a 6-foot-wide multi-use path, ADA ramps, and intersection improvements, including storm drainage. The project would also cover embankment widening, retaining walls, and new guardrail installation on the existing overpass. This would allow for necessary pedestrian safety and access across I-84. Currently, SE 5th Avenue did not have continuous pedestrian or bicycle access along SE 5th Avenue, ADA accessible ramps, or sidewalks for safe pedestrian travel across I-84. By signing the IGA, the Council would allow the project to move forward with grant funding, using State Fund Exchange dollars for match.

At the identified match rate, the City needs to cover approximately $101,885. Because the City is responsible for any amount over the total budget, we recommend including a 5% contingency, at $45,000. Typically, a 10% contingency is included, but because this is a shared grant situation, and contingency is built into the grant funding already, we do not want to over-inflate this amount. The total recommended budget for the City would then be: $146,000. This leaves over $581,000 in the Fund Exchange account for the SE 2nd Street project. As can be seen, the fund grew significantly this past year and is anticipated to continue to grow at this rate over the coming years. Urban Area: Ontario; 2016 Ending: $388,827.00; 2017 Allocation: $139,112.00; 2018 Allocation: $199,958.68; Current Balance: $727,897.68.

CARTER moved, PALOMO seconded**, THAT THE CITY COUNCIL APPROVE THE MAYOR TO SIGN THE INTERGOVERNMENTAL AGREEMENT BETWEEN OREGON DEPARTMENT OF TRANSPORTATION AND THE CITY OF ONTARIO, COMMITTING THE CITY TO PROVIDE MATCHING FUNDS FOR THE PROJECT UP TO $146,000. .** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-yes; Capron-yes; Jost-yes; Verini-yes. Motion carried 7/0/0.

CORRESONDENCE, COMMENTS, EX-OFFICIO REPORTS

The Council thanked the outgoing Mayor and Councilors for their service. It had been great working with all of them.

EXECUTIVE SESSION

Executive Session: ORS 192.660(2)(e)
An executive session was called at 5:59 p.m. under provisions of ORS 192.660(1)(e) to real property issues. The Council convened into a second Executive Session at 7:06 p.m.

Executive Session: ORS 192.660(2)(i)
An executive session was called at 7:06 p.m. under provisions of ORS 192.660(1)(i) to discuss labor negotiation issues. The Council reconvened into regular session at 7:12 p.m.

AMEND AGENDA

JOST moved, CARTER seconded, **TO AMEND THE AGENDA TO ADD RESOLUTION #2018-148 REGARDING THE FIREFIGHTER UNION CONTRACT.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-yes; Capron-yes; Jost-yes; Verini-yes. Motion carried 7/0/0.

NEW BUSINESS – CONTINUED

Resolution #2018-148: Approve the Collective Bargaining Agreement with IAFF for Jan 1, 2019~Dec 31, 2021
JOST moved, JUSTUS seconded, **TO APPROVE RESOLUTION #2018-148, A RESOLUTION APPROVING A COLLECTIVE BARGAINING AGREEMWNT WITH LOCAL 3464, INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, FOR A TERM FROM JANUARY 1, 2019, THROUGH DECEMBER 31, 2021.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-yes; Capron-yes; Jost-yes; Verini-yes. Motion carried 7/0/0.

EXECUTIVE SESSION

Executive Session: ORS 192.660(2)(d)
An executive session was called at 7:15 p.m. under provisions of ORS 192.660(1)(d) to review and evaluate the performance of an officer. The Council reconvened into regular session at 7:29 p.m.

JUSTUS moved, JOST seconded, **TO APPROVE A PAY RAISE FOR THE CITY MANAGER IN THE AMOUNT OF 5% OVER WHAT HE SHOULD HAVE RECEIVED LAST YEAR IF HE HADN'T TURNED DOWN THE COST OF LIVING ALLOWANCE.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-yes; Capron-yes; Jost-yes; Verini-yes. Motion carried 7/0/0.

ADJOURN

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

ACCEPTED:

____
Riley J. Hill, Mayor

ATTEST

____
Tori Barnett, MMC, City Recorder

AGENDA REPORT
OLD BUSINESS
January 15, 2019

TO: Mayor and City Council

FROM: Betsy Roberts, City Engineer

THROUGH: Adam J. Brown, City Manager

SUBJECT: APPROVAL OF RIGHT OF WAY AGREEMENT WITH OREGON DEPARTMENT OF TRANSPORTATION FOR SE 2ND STREET PROJECT

DATE: January 9, 2019

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE THE AGREEMENT WITH THE OREGON DEPARTMENT OF TRANSPORTATION (ODOT) ALLOWING ODOT TO WORK ON THE CITY'S BEHALF TO SECURE RIGHT OF WAY FOR THE SE 2ND STREET PROJECT FOR UP TO $75,000.

SUMMARY:

The City of Ontario received a grant from ODOT to improve SE 2nd Street south from East Idaho Street. The pavement and sidewalk improvements will require the purchase of some right of way. As with past ODOT funded projects, this agreement allows ODOT to work on the city's behalf to secure necessary right of way for the project.

BACKGROUND:

The city signed an Intergovernmental Agreement (IGA) with ODOT on October 18, 2016, to initiate the SE 2nd Street Project. After that, ODOT engaged an engineering consulting firm to develop the design for the project. The consultant has nearly completed the design. The next phase of the project is to secure right of way. The final phase is then construction. That phase is anticipated to start in 2020.

CURRENT SITUATION:

To continue moving the project forward, the city and ODOT need to execute the attached Right of Way Agreement.

ANALYSIS:

A. **FINANCIAL** The original IGA states the city's financial responsibility for the project is 15.86% of the total project cost.

Total Project Cost	$3,439,058
ODOT Responsibility	$2,893,500
City Responsibility	$545,558

The $75,000 identified in the Right of Way Agreement is included as a portion of the city's responsibility. The city can use its State Fund Exchange dollars to fund the project match. Currently, the city has a balance of $727,897.68 in the Fund Exchange. This money is available as the match for both this project and the SE 5th Avenue project. Recently the city's annual increase has been approximately $200,000.

B. **TIMING** To keep the project moving forward and ensure we can meet the state's timeline for Right of Way purchase, the Agreement needs to be signed as soon as possible.

C. **POLICY/LEGAL** Council approval is required.

ALTERNATIVES:

A. Approve the Right of Way Agreement now and the project will continue moving forward as planned.

B. Do not approve the Right of Way Agreement, and the project will be halted. This action could result in potential loss of the grant funding.

RECOMMENDATION:

Staff recommends that the City Council approve the Right of Way Agreement with ODOT.

ATTACHMENTS:

1. RW_Services_Agreement_Final_Ontario

INTERGOVERNMENTAL AGREEMENT
FOR RIGHT OF WAY SERVICES
SE 2nd Street: SE 14th Ave-E Idaho Ave

THIS AGREEMENT is made and entered into by and between the STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State"; and CITY OF ONTARIO, acting by and through its elected officials, hereinafter referred to as "Agency," both herein referred to individually or collectively as "Party" or "Parties."

RECITALS

1. By the authority granted in Oregon Revised Statute (ORS) 190.110, 283.110, 366.572 and 366.576, state agencies may enter into agreements with units of local government or other state agencies for the performance of any or all functions and activities that a Party to the agreement, its officers, or agents have the authority to perform.

2. By the authority granted in ORS 366.425, State may accept deposits of money or an irrevocable letter of credit from any county, city, road district, person, firm, or corporation for the performance of work on any public highway within the State. When said money or a letter of credit is deposited, State shall proceed with the Project. Money so deposited shall be disbursed for the purpose for which it was deposited.

3. That certain SE 2ND Street is a City Street under the jurisdiction and control of Agency and Agency may enter into an agreement for the acquisition of real property.

4. N/A, is a part of the state highway system under the jurisdiction and control of the Oregon Transportation Commission (OTC).

5. This Agreement shall define roles and responsibilities of the Parties regarding the real property to be used as part of right of way for road, street or construction of public improvement. The scope and funding is further described in Local Agency Agreement Multimodal Transportation EnhanceProgram (MTEP) Agreement number 30860. Hereinafter, all acts necessary to accomplish services in this Agreement shall be referred to as "Project."

6. As of this time there are no local public agencies (LPAs) certified to independently administer federal-aid projects for right of way services. Therefore, State is ultimately responsible for the certification and oversight of all right of way activities under this Agreement (except as provided under "Agency Obligations" for LPAs in State's certification program for consultant selection).

NOW THEREFORE, the premises being in general as stated in the foregoing Recitals, it is agreed by and between the Parties hereto as follows:

TERMS OF AGREEMENT

1. Under such authority, to accomplish the objectives in Agreement No. 30860, State and Agency agree to perform certain right of way activities shown in Special Provisions - Exhibit

A, attached hereto and by this reference made a part hereof. For the right of way services State performs on behalf of the Agency, under no conditions shall Agency's obligations exceed a maximum of $75,000.00, including all expenses, unless agreed upon by both Parties.

2. The work shall begin on the date all required signatures are obtained and shall be completed no later than December 31, 2020, on which date this Agreement automatically terminates unless extended by a fully executed amendment.

3. The process to be followed by the Parties in carrying out this Agreement is set out in Exhibit A.

4. It is further agreed both Parties will strictly follow the rules, policies and procedures of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, ORS Chapter 35 and the "State Right of Way Manual."

STATE OBLIGATIONS

1. State shall perform the work described in Special Provisions - Exhibit A.

2. With the exception of work related to appraisals, State shall not enter into any subcontracts for any of the work scheduled under this Agreement without obtaining prior written approval from Agency.

3. State shall perform the service under this Agreement as an independent contractor and shall be exclusively responsible for all costs and expenses related to its employment of individuals to perform the work under this Agreement including, but not limited to, retirement contributions, workers compensation, unemployment taxes, and state and federal income tax withholdings.

4. State's right of way contact person for this Project is Tim Rynearson, Region 5 Right of Way Manager, 3012 Island Avenue, La Grande OR 97850, Phone: 541-963-1359, Email: Timothy.W.Rynearson@odot.state.or.us, or assigned designee upon individual's absence. State shall notify the other Party in writing of any contact changes during the term of this Agreement.

AGENCY OBLIGATIONS

1. Agency shall perform the work described in Special Provisions - Exhibit A.

2. Agency certifies, at the time this Agreement is executed, that sufficient funds are available and authorized for expenditure to finance costs of this Agreement within Agency's current appropriation or limitation of current budget. Agency is willing and able to finance all, or its pro-rata share of all, costs and expenses incurred in the Project up to its maximum.

3. Agency's needed right of way services, as identified in Exhibit A, may be performed by qualified individuals from any of the following sources:

a. Agency staff,
b. State staff,
c. Staff of another local public agency, as described in ODOT's Right of Way Manual and approved by the State's Region Right of Way Office;
d. Consultants from State's Full Service Architectural and Engineering (A&E) Price Agreement 2 Tier Selection Process. Tier 2 procurements must be requisitioned through State's Local Agency Liaison (LAL) with solicitation process administered by State Procurement Office. Forms and procedures for Tier 2 process are located at: http://www.oregon.gov/ODOT/CS/OPO/docs/fs/tier2guide.doc;
e. *Appraiser services procured by Agency from State's Qualified Appraiser List (on line at http://www.oregon.gov/ODOT/HWY/ROW/Pages/index.aspx);
f. *Other right of way related services procured by Agency from any source of qualified contractors or consultants.

* Selections may be based on price alone, price and qualifications, or qualifications alone followed by negotiation. **Federally funded procurements** by Agency for right of way services must be conducted under State's certification program for consultant selection and must comply with requirements in the LPA A&E Requirements Guide (and must use the State's standard A&E Contract Template for LPAs which may be modified to include State-approved provisions required by Agency). **State and local funded procurements** by Agency must be in conformance with applicable State rules and statutes for A&E "Related Services" (and Agency may use its own contract document).

4. If Agency intends to use Agency staff, staff of another local public agency, consultants (except for consultants on State's Qualified Appraiser List), or contractors to perform right of way services scheduled under this Agreement, Agency must receive prior written approval from State's Region Right of Way Office.

5. The LPA A&E Requirements Guide and A&E Contract Template referenced above under paragraph 3 are available on the following Internet page: http://www.oregon.gov/ODOT/CS/OPO/Pages/ae.aspx#Local_Public_Agency_(LPA)_Consultant_Templates_and_Guidance_Docs.

6. Agency or its subcontractor will strictly follow the rules, policies and procedures of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, ORS Chapter 35 and the "State Right of Way Manual."

7. Agency represents that this Agreement is signed by personnel authorized to do so on behalf of Agency.

8. Agency's right of way contact person for this Project is Dan K. Cummings, Community Develpoment Director, 444 SW 4th Street, Ontario OR 97914, Phone: (541) 881-3222, Email: Dan.Cummings@ontariooregon.org, or assigned designee upon individual's absence. Agency shall notify the other Party in writing of any contact information changes during the term of this Agreement.

PAYMENT FOR SERVICES AND EXPENDITURES:

1. In consideration for the services performed by State (as identified in the attached Exhibit A), Agency agrees to pay or reimburse State a maximum amount of $75,000.00. Said maximum amount shall include reimbursement for all expenses, including travel expenses. Travel expenses shall be reimbursed to State in accordance with the current Oregon Department of Administrative Services' rates. Any expenditure beyond federal participation will be from, or reimbursed from, Agency funds. Payment in Agency and/or federal funds in any combination shall not exceed said maximum, unless agreed upon by both Parties.

2. Agency agrees to reimburse salaries and payroll reserves of State employees working on Project, direct costs, costs of rental equipment used, and per-diem expenditures.

GENERAL PROVISIONS:

1. This Agreement may be terminated by either Party upon thirty (30) days' notice, in writing and delivered by certified mail or in person, under any of the following conditions:

    a. If either Party fails to provide services called for by this Agreement within the time specified herein or any extension thereof.

    b. If either Party fails to perform any of the other provisions of this Agreement or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice fails to correct such failures within ten (10) days or such longer period as may be authorized.

    c. If Agency fails to provide payment of its share of the cost of the Project.

    d. If State fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow State, in the exercise of its reasonable administrative discretion, to continue to make payments for performance of this Agreement.

    e. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or State is prohibited from paying for such work from the planned funding source.

2. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the Parties prior to termination.

3. Agency acknowledges and agrees that State, the Oregon Secretary of State's Office, the federal government, and their duly authorized representatives shall have access to the books, documents, papers, and records of Agency which are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts, and transcripts for a period of six (6) years after final payment. Copies of applicable records shall be made available upon request. Payment for costs of copies is reimbursable by State.

4. Agency shall comply with all federal, state, and local laws, regulations, executive orders and ordinances applicable to the work under this Agreement, including, without limitation, the provisions of ORS 279B.220, 279B.225, 279B.230, 279B.235 and 279B.270 incorporated herein by reference and made a part hereof. Without limiting the generality of the foregoing, Agency expressly agrees to comply with (i) Title VI of Civil Rights Act of 1964; (ii) Title V and Section 504 of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS 659A.142; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.

5. All employers that employ subject workers who work under this Agreement in the State of Oregon shall comply with ORS 656.017 and provide the required workers' compensation coverage unless such employers are exempt under ORS 656.126. Employers Liability insurance with coverage limits of not less than $500,000 must be included. Both Parties shall ensure that each of its subcontractors complies with these requirements.

6. If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 ("Third Party Claim") against State or Agency with respect to which the other Party may have liability, the notified Party must promptly notify the other Party in writing of the Third Party Claim and deliver to the other Party a copy of the claim, process, and all legal pleadings with respect to the Third Party Claim. Each Party is entitled to participate in the defense of a Third Party Claim and to defend a Third Party Claim with counsel of its own choosing. Receipt by a Party of the notice and copies required in this paragraph and meaningful opportunity for the Party to participate in the investigation, defense and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to that Party's liability with respect to the Third Party Claim.

7. With respect to a Third Party Claim for which State is jointly liable with Agency (or would be if joined in the Third Party Claim), State shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by Agency in such proportion as is appropriate to reflect the relative fault of State on the one hand and of Agency on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of State on the one hand and of Agency on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. State's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if State had sole liability in the proceeding.

8. With respect to a Third Party Claim for which Agency is jointly liable with State (or would be if joined in the Third Party Claim), Agency shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and

reasonably incurred and paid or payable by State in such proportion as is appropriate to reflect the relative fault of Agency on the one hand and of State on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of Agency on the one hand and of State on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. Agency's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if it had sole liability in the proceeding.

9. The Parties shall attempt in good faith to resolve any dispute arising out of this Agreement. In addition, the Parties may agree to utilize a jointly selected mediator or arbitrator (for non-binding arbitration) to resolve the dispute short of litigation.

10. When federal funds are involved in this Agreement, Exhibits B and C are attached hereto and by this reference made a part of this Agreement, and are hereby certified to by Agency.

11. When federal funds are involved in this Agreement, Agency, as a recipient of federal funds, pursuant to this Agreement with the State, shall assume sole liability for Agency's breach of any federal statutes, rules, program requirements and grant provisions applicable to the federal funds, and shall, upon Agency's breach of any such conditions that requires the State to return funds to the Federal Highway Administration, hold harmless and indemnify the State for an amount equal to the funds received under this Agreement; or if legal limitations apply to the indemnification ability of Agency, the indemnification amount shall be the maximum amount of funds available for expenditure, including any available contingency funds or other available non-appropriated funds, up to the amount received under this Agreement.

12. The Parties hereto agree that if any term or provision of this Agreement is declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the Parties shall be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid.

13. This Agreement may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.

14. This Agreement and attached exhibits and Agreement No. 30860 constitute the entire agreement between the Parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either Party unless in writing and signed by both Parties and all

necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of State to enforce any provision of this Agreement shall not constitute a waiver by State of that or any other provision.

THE PARTIES, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

Signature Page to Follow

CITY OF ONTARIO, by and through
it's City Council

By ______________________________
Riley J. Hill, Mayor

Date ____________________________

By ______________________________
Adam Brown, City Manager

Date ____________________________

APPROVED AS TO LEGAL SUFFICIENCY

By ______________________________
Larry Sullivan, City Attorney

Date ____________________________

<u>**Agency Contact:**</u>
Dan K. Cummings
Community Development Director
444 SW 4th Street, Ontario OR 97914
Phone: (541) 881-3222
Email: Dan.Cummings@ontariooregon.org

<u>**State Contact:**</u>
Timothy W. Rynearson
Region 5 Right of Way Manager
3012 Island Avenue, La Grande OR 97850
Phone: 541-963-1359
Email:
Timothy.W.Rynearson@odot.state.or.us

STATE OF OREGON, by and through
its Department of Transportation

By ______________________________
State Right of Way Manager

Date ____________________________

APPROVAL RECOMMENDED

By ______________________________
Region 5 Right of Way Manager

Date ____________________________

By ______________________________

Date______________________________

APPROVED AS TO LEGAL SUFFICIENCY

By <u>(insert N/A if not applicable)</u>
Assistant Attorney General

Date____________________________

APPROVED
(If Litigation Work Related to Condemnation is to be done by State)

By <u>(insert N/A if not applicable)</u>
Chief Trial Counsel

Date____________________________

SPECIAL PROVISIONS EXHIBIT A
Right of Way Services

THINGS TO BE DONE BY STATE OR AGENCY

1. Pursuant to this Agreement, the work performed on behalf of the Agency can be performed by the Agency, the Agency's consultant, the State or a State Flex Services consultant, as listed under Agency Obligations, paragraph 3 of this Agreement. The work may be performed by Agency staff or any of these representatives on behalf of Agency individually or collectively provided they are qualified to perform such functions and after receipt of approval from the State's Region 5 Right of Way Manager.

2. With the exception of work related to appraisals, State shall not enter into any subcontracts for any of the work scheduled under this Agreement without obtaining prior written approval from Agency.

Instructions: Insert either: State, Agency, or N/A on each line.

A. Preliminary Phase

1. State shall provide preliminary cost estimates.
2. State shall make preliminary contacts with property owners.
3. Agency shall gather and provide data for environmental documents.
4. Agency shall develop access and approach road list.
5. Agency shall help provide field location and Project data.

B. Acquisition Phase

1. General:
    a. When doing the Acquisition work, as described in this Section, State shall provide Agency with a status report of the Project as needed.
    b. Title to properties acquired shall be in the name of the State.

2. Legal Descriptions:
    a. Agency shall provide sufficient horizontal control, recovery and retracement surveys, vesting deeds, maps and other data so that legal descriptions can be written.
    b. Agency shall provide construction plans and cross-section information for the Project.

c. Agency shall write legal descriptions and prepare right of way maps. If the Agency acquires any right of way on a State highway, the property descriptions and right of way maps shall be based upon centerline stationing and shall be prepared in accordance with the current "ODOT Right of Way & Rail/Utility Coordination Contractor Services Guide" and the "Right of Way Engineering Manual." The preliminary and final versions of the property descriptions and right of way maps must be reviewed and approved by the State.

d. Agency shall specify the degree of title to be acquired (e.g., fee, easement).

3. Real Property and Title Insurance:

a. State shall provide preliminary title reports*,* if State determines they are needed*,* before negotiations for acquisition commence.

b. State shall determine sufficiency of title (taking subject to). If the Agency acquires any right of way on a State highway, sufficiency of title (taking subject to) shall be determined in accordance with the current "State Right of Way Manual" and the "ODOT Right of Way & Rail/Utility Coordination Contractor Services Guide." Agency shall clear any encumbrances necessary to conform to these requirements, obtain Title Insurance policies as required and provide the State copies of any title policies for the properties acquired.

c. Agency shall conduct a Level 1 Initial Site Assessment, according to State Guidance, within Project limits to detect presence of hazardous materials on any property purchase, excavation or disturbance of structures, as early in the Project design as possible, but at a minimum prior to property acquisition or approved design.

d. Agency shall conduct a Level 2 Preliminary Site Investigation, according to State Guidance, of sufficient scope to confirm the presence of contamination, determine impacts to properties and develop special provisions and cost estimates, if the Level 1 Initial Site Assessment indicates the potential presence of contamination that could impact the properties.

- If contamination is found, a recommendation for remediation will be presented to State.

e. Agency shall be responsible for proper treatment and cost of any necessary remediation.

f. Agency shall conduct asbestos, lead paint and other hazardous materials surveys for all structures that will be demolished, renovated or otherwise disturbed. Asbestos surveys must be conducted by an AHERA (asbestos hazard emergency response act) certified inspector.

4. Appraisal:

a. State shall conduct the valuation process of properties to be acquired.

b. State shall perform the Appraisal Reviews to set Just Compensation.

c. State shall recommend Just Compensation, based upon a review of the valuation by qualified personnel.

5. Negotiations:

a. State shall tender all monetary offers to land-owners in writing at the compensation level shown in the Appraisal Review. State shall have sole authority to negotiate and make all settlement offers. Conveyances taken for more or less than the approved Just Compensation will require a statement justifying the settlement. Said statement will include the consideration of any property trades, construction obligations and zoning or permit concessions. If State performs this function, it will provide the Agency with all pertinent letters, negotiation records and obligations incurred during the acquisition process.

b. State and Agency shall determine a date for certification of right of way and agree to cosign the State's Right of Way Certification form. State and Agency agree possession of all right of way shall occur prior to advertising for any construction contract, unless exceptions have been agreed to by Agency and State.

c. State agrees to file all Recommendations for Condemnation at least seventy (70) days prior to the right of way certification date if negotiations have not been successful on those properties.

6. Relocation:

a. State shall perform any relocation assistance, make replacement housing computations, and do all things necessary to relocate any displaced parties on the Project.

b. State shall make all relocation and moving payments for the Project.

c. State shall facilitate the relocation appeal process.

C. Closing Phase

1. State shall close all transactions. This includes drawing of deeds, releases and satisfactions necessary to clear title, obtaining signatures on release documents, and making all payments

2. State shall record conveyance documents, only upon acceptance by appropriate agency.

D. Property Management

1. State shall take possession of all the acquired properties. There shall be no encroachments of buildings or other private improvements allowed upon the State highway right of way.

2. State shall dispose of all improvements and excess land consistent with State prevailing laws and policies.

E. Condemnation

1. State may offer mediation if the State and property owners have reached an impasse.

2. State shall perform all administrative functions in preparation of the condemnation process, such as preparing final offer and complaint letters.

2. State shall perform all legal and litigation work related to the condemnation process, including all settlement offers. (Therefore, prior approval evidenced by Chief Trial Counsel, Department of Justice, signature on this Agreement is required. Where it is contemplated that property will be obtained for Agency for the Project, such approval will be conditioned on passage of a resolution by Agency substantially in the form attached hereto as Exhibit D, and by this reference made a part hereof, specifically identifying the property being acquired.)

4. When State shall perform legal or litigation work related to the condemnation process, Agency acknowledges, agrees and undertakes to assure that no member of Agency's board or council, nor Agency's mayor, when such member or mayor is a practicing attorney, nor Agency's attorney nor any member of the law firm of Agency's attorney, board or council member, or mayor, will represent any party, except Agency, against the State of Oregon, its employees or contractors, in any matter arising from or related to the Project which is the subject of this Agreement.

F. Transfer of Right of Way to State

When right of way is being acquired in Agency’s name, Agency agrees to transfer and State agrees to accept all right of way acquired on the State highway. The specific method of conveyance will be determined by the Agency and the State at the time of transfer and shall be coordinated by the State’s Region Right of Way Manager. Agency agrees to provide the State all information and file documentation the State deems necessary to integrate the right of way into the State’s highway system. At a minimum, this includes: copies of all recorded conveyance documents used to vest title in the name of the Agency during the right of way acquisition process, and the Agency’s Final Report or Summary Report for each acquisition file that reflects the terms of the acquisition and all agreements with the property owner(s).

G. Transfer of Right of Way to Agency

When right of way is being acquired in State’s name, State agrees to transfer and Agency agrees to accept all right of way acquired on the Agency’s facility, subject to concurrence from FHWA at the time of the transfer. The specific method of conveyance will be determined by the State and the Agency at the time of transfer and shall be coordinated by the State's Region Right of Way Manager. If requested, State agrees to provide Agency information and file documentation associated with the transfer.

For purposes of Exhibits B and C, references to Department shall mean State, references to Contractor shall mean Agency, and references to Contract shall mean Agreement.

EXHIBIT B (Local Agency or State Agency)

CONTRACTOR CERTIFICATION

Contractor certifies by signing this Contract that Contractor has not:

(a) Employed or retained for a commission, percentage, brokerage, contingency fee or other consideration, any firm or person (other than a bona fide employee working solely for me or the above Contractor) to solicit or secure this Contract,

(b) agreed, as an express or implied condition for obtaining this Contract, to employ or retain the services of any firm or person in connection with carrying out the Contract, or

(c) paid or agreed to pay, to any firm, organization or person (other than a bona fide employee working solely for me or the above Contractor), any fee, contribution, donation or consideration of any kind for or in connection with, procuring or carrying out the Contract, except as here expressly stated (if any):

Contractor further acknowledges that this certificate is to be furnished to the Federal Highway Administration, and is subject to applicable State and Federal laws, both criminal and civil.

DEPARTMENT OFFICIAL CERTIFICATION

Department official likewise certifies by signing this Contract that Contractor or his/her representative has not been required directly or indirectly as an expression of implied condition in connection with obtaining or carrying out this Contract to:

(a) Employ, retain or agree to employ or retain, any firm or person or

(b) pay or agree to pay, to any firm, person or organization, any fee, contribution, donation or consideration of any kind except as here expressly stated (if any):

Department official further acknowledges this certificate is to be furnished to the Federal Highway Administration, and is subject to applicable State and Federal laws, both criminal and civil.

Exhibit C
Federal Provisions
Oregon Department of Transportation

CERTIFICATION OF NONINVOLVEMENT IN ANY DEBARMENT AND SUSPENSION

Contractor certifies by signing this Contract that to the best of its knowledge and belief, it and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any Federal department or agency;

2. Have not within a three-year period preceding this Contract been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (federal, state or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery falsification or destruction of records, making false statements or receiving stolen property;

3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

4. Have not within a three-year period preceding this Contract had one or more public transactions (federal, state or local) terminated for cause or default.

Where the Contractor is unable to certify to any of the statements in this certification, such prospective participant shall submit a written explanation to Department.

List exceptions. For each exception noted, indicate to whom the exception applies, initiating agency, and dates of action. If additional space is required, attach another page with the following heading: Certification Exceptions continued, Contract Insert.

EXCEPTIONS:

Exceptions will not necessarily result in denial of award, but will be considered in determining Contractor responsibility. Providing false information may result in criminal prosecution or administrative sanctions.

The Contractor is advised that by signing this Contract, the Contractor is deemed to have signed this certification.

II. INSTRUCTIONS FOR CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS–PRIMARY COVERED TRANSACTIONS

1. By signing this Contract, the Contractor is providing the certification set out below.

2. The inability to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The Contractor shall explain why he or she cannot provide the certification set out below. This explanation will be considered in connection with the Department determination to enter into this transaction. Failure to furnish an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the Department determined to enter into this transaction. If it is later determined that the Contractor knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government or the Department may terminate this transaction for cause of default.

4. The Contractor shall provide immediate written notice to the Department if at any time the Contractor learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

5. The terms "covered transaction", "debarred", "suspended", "ineligible", "lower tier covered transaction", "participant", "person", "primary covered transaction", "principal", and "voluntarily excluded", as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the Department's Program Section (Tel. (503) 986-3400) to which this proposal is being submitted for assistance in obtaining a copy of those regulations.

6. The Contractor agrees by entering into this Contract that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transactions with a person who is debarred, suspended, declared ineligible or voluntarily excluded from participation in this covered transaction, unless authorized by the Department or agency entering into this transaction.

7. The Contractor further agrees by entering into this Contract that it will include the Addendum to Form FHWA-1273 titled, "Appendix B--Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transactions", provided by the Department entering into this covered transaction without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List published by the U. S. General Services Administration.

9. Nothing contained in the foregoing shall be construed to require establishment of a system of records to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government or the Department, the Department may terminate this transaction for cause or default.

III. ADDENDUM TO FORM FHWA-1273, REQUIRED CONTRACT PROVISIONS

This certification applies to subcontractors, material suppliers, vendors, and other lower tier participants.

- Appendix B of 49 CFR Part 29 -

Appendix B--Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion--Lower Tier Covered Transactions

Instructions for Certification

1. By signing and submitting this Contract, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this Contract is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction", "debarred", "suspended", "ineligible", "lower tier covered transaction", "participant", "person", "primary covered transaction", "principal", "proposal", and "voluntarily excluded", as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules

implementing Executive Order 12549. You may contact the person to which this Contract is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this Contract that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this Contract that it will include this clause titled, "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transaction", without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the nonprocurement list.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion--Lower Tier Covered Transactions

a. The prospective lower tier participant certifies, by entering into this Contract, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal department or agency.

b. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall submit a written explanation to Department.

IV. EMPLOYMENT

1. Contractor warrants that he has not employed or retained any company or person, other than a bona fide employee working solely for Contractor, to solicit or secure this Contract and that he has not paid or agreed to pay any company or person, other than a bona fide employee working solely for Contractors, any fee, commission, percentage, brokerage fee, gifts or any other consideration contingent upon or resulting from the award or making of this Contract. For breach or violation of this warranting, Department shall have the right to annul this Contract without liability or in its discretion to deduct from the Contract price or consideration or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift or contingent fee.

2. Contractor shall not engage, on a full or part-time basis or other basis, during the period of the Contract, any professional or technical personnel who are or have been at any time during the period of this Contract, in the employ of Department, except regularly retired employees, without written consent of the public employer of such person.

3. Contractor agrees to perform consulting services with that standard of care, skill and diligence normally provided by a professional in the performance of such consulting services on work similar to that hereunder. Department shall be entitled to rely on the accuracy, competence, and completeness of Contractor's services.

V. NONDISCRIMINATION

During the performance of this Contract, Contractor, for himself, his assignees and successors in interest, hereinafter referred to as Contractor, agrees as follows:

1. Compliance with Regulations. Contractor agrees to comply with Title VI of the Civil Rights Act of 1964, and Section 162(a) of the Federal-Aid Highway Act of 1973 and the Civil Rights Restoration Act of 1987. Contractor shall comply with the regulations of the Department of Transportation relative to nondiscrimination in Federally assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are incorporated by reference and made a part of this Contract. Contractor, with regard to the work performed after award and prior to completion of the Contract work, shall not discriminate on grounds of race, creed, color, sex or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. Contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices, when the Contract covers a program set forth in Appendix B of the Regulations.

2. Solicitation for Subcontractors, including Procurement of Materials and Equipment. In all solicitations, either by competitive bidding or negotiations made by Contractor for work to be performed under a subcontract, including procurement of materials and equipment, each potential subcontractor or supplier shall be notified by Contractor of Contractor's obligations under this Contract and regulations relative to nondiscrimination on the grounds of race, creed, color, sex or national origin.

3. Nondiscrimination in Employment (Title VII of the 1964 Civil Rights Act). During the performance of this Contract, Contractor agrees as follows:

   a. Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, sex or national origin. Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, sex or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notice setting forth the provisions of this nondiscrimination clause.

   b. Contractor will, in all solicitations or advertisements for employees placed by or on behalf of Contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, sex or national origin.

4. Information and Reports. Contractor will provide all information and reports required by the Regulations or orders and instructions issued pursuant thereto, and will permit access to his books, records, accounts, other sources of information, and his facilities as may be determined by Department or FHWA as appropriate, and shall set forth what efforts he has made to obtain the information.

5. Sanctions for Noncompliance. In the event of Contractor's noncompliance with the nondiscrimination provisions of the Contract, Department shall impose such agreement sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:

   a. Withholding of payments to Contractor under the agreement until Contractor complies; and/or

b. Cancellation, termination or suspension of the agreement in whole or in part.

6. Incorporation of Provisions. Contractor will include the provisions of paragraphs 1 through 6 of this section in every subcontract, including procurement of materials and leases of equipment, unless exempt from Regulations, orders or instructions issued pursuant thereto. Contractor shall take such action with respect to any subcontractor or procurement as Department or FHWA may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided, however, that in the event Contractor becomes involved in or is threatened with litigation with a subcontractor or supplier as a result of such direction, Department may, at its option, enter into such litigation to protect the interests of Department, and, in addition, Contractor may request Department to enter into such litigation to protect the interests of the State of Oregon.

VI. DISADVANTAGED BUSINESS ENTERPRISE (DBE) POLICY

In accordance with Title 49, Code of Federal Regulations, Part 26, Contractor shall agree to abide by and take all necessary and reasonable steps to comply with the following statement:

DBE POLICY STATEMENT

DBE Policy. It is the policy of the United States Department of Transportation (USDOT) to practice nondiscrimination on the basis of race, color, sex and/or national origin in the award and administration of USDOT assist contracts. Consequently, the DBE requirements of 49 CFR 26 apply to this Contract.

Required Statement For USDOT Financial Assistance Agreement. If as a condition of assistance the Agency has submitted and the US Department of Transportation has approved a Disadvantaged Business Enterprise Affirmative Action Program which the Agency agrees to carry out, this affirmative action program is incorporated into the financial assistance agreement by reference.

DBE Obligations. The Department and its Contractor agree to ensure that Disadvantaged Business Enterprises as defined in 49 CFR 26 have the opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds. In this regard, Contractor shall take all necessary and reasonable steps in accordance with 49 CFR 26 to ensure that Disadvantaged Business Enterprises have the opportunity to compete for and perform contracts. Neither Department nor its contractors shall discriminate on the basis of race, color, national origin or sex in the award and performance of federally-assisted contracts. The Contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of such contracts. Failure by the Contractor to carry out these requirements is a material breach of this Contract, which may result in the termination of this Contract or such other remedy as Department deems appropriate.

The DBE Policy Statement and Obligations shall be included in all subcontracts entered into under this Contract.

Records and Reports. Contractor shall provide monthly documentation to Department that it is subcontracting with or purchasing materials from the DBEs identified to meet Contract goals. Contractor shall notify Department and obtain its written approval before replacing a DBE or making any change in the DBE participation listed. If a DBE is unable to fulfill the original obligation to the Contract, Contractor must demonstrate to Department the Affirmative Action steps taken to replace the DBE with another DBE. Failure to do so will result in withholding payment on those items. The monthly documentation will not be required after the DBE goal commitment is satisfactory to Department.

Any DBE participation attained after the DBE goal has been satisfied should be reported to the Departments.

DBE Definition. Only firms DBE certified by the State of Oregon, Department of Consumer & Business Services, Office of Minority, Women & Emerging Small Business, may be utilized to satisfy this obligation.

CONTRACTOR'S DBE CONTRACT GOAL

DBE GOAL __0__ %

By signing this Contract, Contractor assures that good faith efforts have been made to meet the goal for the DBE participation specified in the Contract for this project as required by ORS 200.045, and 49 CFR 26.53 and 49 CFR, Part 26, Appendix A.

VII. LOBBYING

The Contractor certifies, by signing this agreement to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress in connection with this agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U. S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

The Contractor also agrees by signing this agreement that he or she shall require that the language of this certification be included in all lower tier subagreements, which exceed $100,000 and that all such subrecipients shall certify and disclose accordingly.

FOR INQUIRY CONCERNING DEPARTMENT’S DBE PROGRAM REQUIREMENT CONTACT OFFICE OF CIVIL RIGHTS AT (503)986-4354

AGENDA REPORT
OLD BUSINESS
January 15, 2019

TO: Mayor and City Council

FROM: Adam J. Brown, City Manager

THROUGH: Adam J. Brown, City Manager

SUBJECT: RESOLUTION #2019-101: SUPPORT FOR LEGISLATION ALLOWING ONTARIO TO INCREASE THE MARIJUANA TAX ABOVE THE STATE LIMITED AMOUNT OF 3%

DATE: January 11, 2019

PROPOSED MOTION:

I MOVE THAT THE CITY COUNCIL APPROVE RESOLUTION #2018-101, A RESOLUTION REQUESTING SPECIAL LEGISLATION ALLOWING ONTARIO TO COLLECT UP TO 18% IN A LOCAL OPTION TAX ON MARIJUANA OR 15% MORE THAN THE 3% CAPPED LOCAL MARIJUANA TAX AUTHORIZED BY THE STATE OF OREGON.

SUMMARY:

Mayor Hill has worked to create a bill for consideration by the Oregon Legislature that would allow Ontario to tax marijuana sales at a rate higher than the current 3% local option cap. He is requesting Council support for this bill.

BACKGROUND:

Marijuana dispensaries were legalized by Ontario voters in the November 2018 general election. The law became effective on January 1, 2019. Applications for dispensaries were accepted on January 2nd, the first business day of the new year.

CURRENT SITUATION:

We know that because of Ontario's unique position on the border of Idaho where marijuana sales are not legal we will see a significant volume of retail patronage greater than what Oregon residents near Ontario would provide alone. Yet, the state formula for dispersing the local share (which is 10%) of the state collected marijuana taxes is based on the population of those who live in the city and the number of licenses in the city.

In a brief from local resident Bill Johnson, the state will collect an estimated $3.6 million from Ontario retail shops of which 10% should go back to the local government. The 10% share of that tax that would go to the local government is $360,000 per year. Instead, it is estimated that Ontario will get significantly less than that number.

Mayor Hill is proposing legislation that the City of Ontario be allowed to increase the tax above the current state limit of 3% to as much as 18%.

ANALYSIS:

A. **FINANCIAL** This would obviously be a significant increase in local revenue. Given the opportunity to calculate the elasticity of demand we can figure out the tax benefit on this change for Ontario. We can accomplish this very quickly over the next week.

B. **TIMING** The last opportunity for bills to be submitted to the state legislature is January 19, 2019. The Council needs to approve a resolution at the meeting on January 15th for the city's support to be accompanied with the bill.

C. **POLICY/LEGAL** It is very likely that the legislature would not approve this bill without the support of the Ontario City Council. Mayor Hill has garnered support from Representative Findley and Senator Bentz and is seeking support from the County Commission.

ALTERNATIVES:

Take No Action - Taking no action would show the Council's lack of support or indifference to the tax policy on marijuana.

Revise Tax Policy Recommendation - The City Council could express support for the tax legislation, but consider changing the maximum amount of local tax being proposed below or beyond 18%. After a brief review of the literature it appears that this tax rate could be absorbed by the industry. The City Manager and Assistant to the City Manager would like some time to put together a brief review of the economics studies on taxation policies.

The current proposal includes a formula for the use of tax proceeds. The recommended formula could be changed by the City Council. The formula takes away discretion from the City Council and future City Councils. One item not currently included in the proposal is place making strategies such as a trail system and improvements to downtown such as benches, planters, and sidewalk improvements.

The Council could consider not including the spending formula in the legislation giving the Council flexibility to apply the funds yearly. Alternatively, the Council could allow full discretion for the first 3% and then tie any additional percentages of tax to be targeted to the listed priorities in the draft resolution. I do believe paying down PERS as fast as responsibly able is a good strategy for the city. If PERS was fully funded the City would have an additional $1,000,000 per year to put towards services.

RECOMMENDATION:

The City Manager recommends convening the marijuana ad hoc committee prior to next Tuesdays council meeting to get feedback from the citizen committee. The City Manager will work with the Assistant to the City Manager to create an issue brief based on academic studies of the economic impact of marijuana taxation. The City Manager supports using a significant portion of the revenue to pay down PERS obligations.

ATTACHMENTS:

1. Res_CC_Marijuana-1
2. Reso #2019-101 Increase Tax on Marijuana REDLINE COPY Proposal v4
3. Reso #2019-101 Increase Tax on Marijuana Proposal v4 no red line

RESOLUTION #2019-

A RESOLUTION TO INCREASE THE LOCAL TAX OR FEE ON THE PRODUCTION, PROCESSING, OR SALE OF MARIJUANA ITEMS (RECREATIONAL) IN ONTARIO

WHEREAS, subject to voter approval, ORS 475B.491 allows a city to adopt an ordinance, imposing up to a 3 percent tax or fee on the sale of marijuana items by a marijuana retailer within a city's geographical boundaries; and

WHEREAS, in November 2018, voters within the geographical boundaries of the City of Ontario approved the production, processing, wholesaling and retailing of marijuana, as well as a 3 percent local tax on the sale of marijuana items; and

WHEREAS, the City seeks approval from the State Legislature to increase the local tax on marijuana items to 18 percent for Ontario by order of the Ontario City Council; and

WHEREAS, this resolution is strongly supported by Malheur County, special districts, non-profit organizations, businesses, Poverty to Prosperity, and the Eastern Oregon Border Economic Development Region Board (which letters are attached); and

WHEREAS, even at a local tax rate of 18 percent, altogether marijuana would face a maximum tax rate of 35 percent in Ontario (including the 17 percent Oregon state tax), which is more reasonable and lower than nearby State of Washington's 37 percent excise tax; and

WHEREAS, the economics of Ontario are different than anywhere else in the State as the City is slowly recovering from the recession, our economy continues to struggle, and our residents are some of the poorest in the State; and

WHEREAS, the geographical location of Ontario is different than anywhere else in the State because we border Idaho; and

WHEREAS, based on data and information gathered from the dispensaries located in Huntington, Oregon, a very large portion of Ontario marijuana customers will hail from Idaho and the Treasure Valley, where marijuana is not legal. For Idaho residents, the benefits of a reliable marijuana supply, of high quality, a more consistent product, and the ability to avoid shady dealers outweigh convenience and risk a trip to

Oregon. *(ulega/ weed, Idaho customers breathe life into tiny Oregon town, irk Otter", Idaho Statesman, March 4, 2017);* and

WHEREAS, with 660,000 people, the Treasure Valley, which starts at the Oregon/Idaho border and runs east along Interstate 84., is home to the biggest population center in the region; and

WHEREAS, the legalization of marijuana in Ontario will increase demands upon our already struggling social programs, roads and public facilities to the detriment of our quality of life and create additional hardships for our families and businesses continuing to compete in a disadvantaged environment due to our status as a border community; and

WHEREAS, a 3 percent local marijuana tax rate is grossly insufficient to preserve or improve our community well-being (social, economic, cultural, environmental, physical structure); and

WHEREAS, the funds from the proposed 18 percent local marijuana tax in Ontario will be earmarked:

10% for roads, water, sewer, and storm drainage;
10% for homeless and veteran housing/ community kitchens;
10% for detectives employed by the Ontario Police Department. Detectives must live/reside in Ontario for the safety and welfare of its citizens; and
70% to pay down Ontario PERS obligation currently estimated at $10,500,000. *Thereafter, (when PERS obligation is paid) 35% for infrastructure consisting of roads, water., sewer, and storm drainage and 35% to establish a loan fund for housing rehabilitation in low Income and declining Ontario neighborhoods.*

WHEREAS, the purpose of allocating marijuana tax dollars for specific and particular purposes as set out above is to avoid an over dependence upon the marijuana funds to support basic government functions and services or to balance Ontario's general fund budgets; and

WHEREAS, an increased local tax rate to cannabis businesses/consumers will support the needs of low-income and homeless residents and families without increasing costs to the very households we are working hard to serve.

NOW, THEREFORE, BE IT RESOLVED by the Ontario City Council as follows:

1. The City implores Governor Kate Brown and the Oregon State Legislature to increase the local recreational marijuana tax to 18 percent in Ontario by order of the Ontario City Council.

2. If marijuana is legalized in Malheur County or other cities within Malheur County, the local recreational marijuana tax within these geographical boundaries must also be 18 percent and established by order of the Malheur County Court or applicable City Council.

EFFECTIVE DATE: Immediately upon passage.

PASSED AND ADOPTED by the Ontario City Council this 16th day of January, 2019, by the following vote:

Ayes:

Nays:

Absent:

APPROVED by the Mayor this 16th day of January, 2019.

ATTESTED:

___________________________________ ____

Riley Hill, Mayor | Tori Barnett, MMC, City Recorder

Proposal 4

RESOLUTION #2019-101

A RESOLUTION TO INCREASE THE LOCAL TAX ~~OR FEE~~ ON THE ~~PRODUCTION, PROCESSING, OR~~ RETAIL SALE OF RECREATIONAL MARIJUANA ITEMS ~~(RECREATIONAL)~~ IN ONTARIO

WHEREAS, subject to voter approval, ORS 475B.491 allows a city to adopt an ordinance, imposing up to a 3 percent retail sales tax ~~or fee~~ on the sale of marijuana items by a marijuana retailer within a city's geographical boundaries; and

WHEREAS, in November 2018, voters within the geographical boundaries of the City of Ontario approved the production, processing, wholesaling and retailing of marijuana, as well as a 3 percent local tax on the sale of marijuana items; and

WHEREAS, the City seeks approval from the State Legislature to increase the local tax on retail marijuana items to a maximum of 18 percent for Ontario by ~~order~~ referral to the electors for approval;~~-of the Ontario City Council;~~ - and

WHEREAS, this resolution is strongly supported by Malheur County, special districts, non-profit organizations, businesses, Poverty to Prosperity, and the Eastern Oregon Border Economic Development Region Board (which letters are attached); and

WHEREAS, even at a local tax rate at the maximum ~~of~~ 18 percent, altogether marijuana would face a maximum tax rate of 35 percent in Ontario (including the 17 percent Oregon state tax), which is more reasonable and lower than nearby State of Washington's 37 percent excise tax; and

WHEREAS, the economics of Ontario are different than anywhere else in the State of Oregon as the City is slowly recovering from the recession, our economy continues to struggle, and our residents are some of the poorest in the State~~;~~, with a median income of $31,182 and a state average of $57,652; and

WHEREAS, the geographical location of Ontario is different than anywhere else in the State because we border Idaho; and

WHEREAS, based on data and information gathered from the dispensaries located in Huntington, Oregon, a very large portion of Ontario marijuana customers will hail from Idaho and the Treasure Valley, where marijuana is not legal. For Idaho residents, the benefits of a reliable marijuana supply, of high quality, a more consistent product, and the ability to avoid shady dealers outweigh convenience and risk a trip to Oregon. *(~~ulega/~~Legal weed, Idaho customers breathe life into tiny Oregon town, irk Otter", Idaho Statesman, March 4, 2017);* and

WHEREAS, with ~~660,000~~ 709,845 people, the Treasure Valley, which starts at the Oregon/Idaho border and runs east along Interstate 84., is home to the biggest population center in the region; and

WHEREAS, the legalization of marijuana in Ontario will increase demands upon our already struggling social programs, roads and public facilities to the detriment of our quality of life and create additional hardships for our families and businesses continuing to compete in a disadvantaged environment due to our status as a border community; and

WHEREAS, a 3 percent local marijuana tax rate is ~~grossly~~ insufficient to cover expected additional costs related to the sale of recreational marijuana ~~preserve or improve our community well-being~~ (social, economic, cultural, environmental, physical structure); and

WHEREAS, the funds from the proposed ~~18 percent~~ new local marijuana tax in Ontario increase, in the amount ~~it~~ exceed~~s~~ing the current 3 percent approved tax, ~~will~~ could -be earmarked for, but not limited to items impacted by the additional needs from marijuana in our community:

+~~70~~50% More than half of the proceeds would be used to pay down Ontario's PERS obligation, currently estimated at $10,~~5~~900,000. *Thereafter, (when PERS obligation is paid) the appropriation would go towards critical needs such as housing at the discretion of the budget committee. ~~35% for infrastructure consisting of roads, water., sewer, and storm drainage and 35% to establish a loan fund for housing rehabilitation in low Income and declining Ontario neighborhoods.~~*

~~10%~~ The remaining amount, not used for ~~for~~ PERS, would be used for the extension and maintenance of roads, water, sewer, and storm drainage; ~~10% for~~ homeless and veteran housing, and ~~/~~ community kitchens; child education about the impacts of marijuana; and additional ~~10% for~~ police~~detectives~~ employed by the Ontario Police Department who ~~. Detectives~~ must live/reside in Ontario as defined by Resolution #2018-112 for the safety and welfare of its citizens; and

WHEREAS, the City Manager will put together a staff report, present it to the Budget ~~Board~~Committee for recommendations, then to the City Council to approve a budget for the purpose of allocating marijuana tax dollars for specific and particular purposes as set out above ~~is~~ to avoid an over dependence upon the marijuana funds to support basic government functions and services or to balance Ontario's general fund budgets; and

WHEREAS, an increased local retail tax rate to cannabis businesses/consumers will support the needs of low-income and homeless residents and families without increasing costs to the very households we are working hard to serve.

NOW, THEREFORE, BE IT RESOLVED by the Ontario City Council as follows:

~~1.~~ The City implores Governor Kate Brown and the Oregon State Legislature to increase the local retail recreational marijuana tax up to 18 percent in Ontario by ~~order of the Ontario City Council~~ referral to electors for approval.

~~2. If marijuana is legalized in Malheur County or other cities within Malheur County, the local recreational marijuana tax within these geographical boundaries must also be 18 percent and established by order of the Malheur County Court or applicable City Council.~~

EFFECTIVE DATE: Immediately upon passage.

PASSED AND ADOPTED by the Ontario City Council this 16th day of January, 2019, by the following vote:

Ayes:

Nays:

Absent:

APPROVED by the Mayor this 16th day of January, 2019.

ATTESTED:

______________________________	____________________________________
Riley Hill, Mayor	Tori Barnett, MMC, City Recorder

Proposal 4

RESOLUTION #2019-101

A RESOLUTION TO INCREASE THE LOCAL TAX ON THE RETAIL SALE OF RECREATIONAL MARIJUANA ITEMS IN ONTARIO

WHEREAS, subject to voter approval, ORS 475B.491 allows a city to adopt an ordinance, imposing up to a 3 percent retail sales tax on the sale of marijuana items by a marijuana retailer within a city's geographical boundaries; and

WHEREAS, in November 2018, voters within the geographical boundaries of the City of Ontario approved the production, processing, wholesaling and retailing of marijuana, as well as a 3 percent local tax on the sale of marijuana items; and

WHEREAS, the City seeks approval from the State Legislature to increase the local tax on retail marijuana items to a maximum of 18 percent for Ontario by referral to the electors for approval; and

WHEREAS, this resolution is strongly supported by Malheur County, special districts, non-profit organizations, businesses, Poverty to Prosperity, and the Eastern Oregon Border Economic Development Region Board (which letters are attached); and

WHEREAS, even at a local tax rate at the maximum 18 percent, altogether marijuana would face a maximum tax rate of 35 percent in Ontario (including the 17 percent Oregon state tax), which is more reasonable and lower than nearby State of Washington's 37 percent excise tax; and

WHEREAS, the economics of Ontario are different than anywhere else in the State of Oregon as the City is slowly recovering from the recession, our economy continues to struggle, and our residents are some of the poorest in the State, with a median income of $31,182 and a state average of $57,652; and

WHEREAS, the geographical location of Ontario is different than anywhere else in the State because we border Idaho; and

WHEREAS, based on data and information gathered from the dispensaries located in Huntington, Oregon, a very large portion of Ontario marijuana customers will hail from Idaho and the Treasure Valley, where marijuana is not legal. For Idaho residents, the benefits of a reliable marijuana supply, of high quality, a more consistent product, and the ability to avoid shady dealers outweigh convenience and risk a trip to

Oregon. *(Legal weed, Idaho customers breathe life into tiny Oregon town, irk Otter", Idaho Statesman, March 4, 2017);* and

WHEREAS, with 709,845 people, the Treasure Valley, which starts at the Oregon/Idaho border and runs east along Interstate 84., is home to the biggest population center in the region; and

WHEREAS, the legalization of marijuana in Ontario will increase demands upon our already struggling social programs, roads and public facilities to the detriment of our quality of life and create additional hardships for our families and businesses continuing to compete in a disadvantaged environment due to our status as a border community; and

WHEREAS, a 3 percent local marijuana tax rate is insufficient to cover expected additional costs related to the sale of recreational marijuana (social, economic, cultural, environmental, physical structure); and

WHEREAS, the funds from the proposed new local marijuana tax in Ontario increase, in the amount exceeding the current 3 percent approved tax, could be earmarked for, but not limited to items impacted by the additional needs from marijuana in our community:

+50% More than half of the proceeds would be used to pay down Ontario's PERS obligation, currently estimated at $10,900,000. *Thereafter, (when PERS obligation is paid) the appropriation would go towards critical needs such as housing at the discretion of the budget committee.*

The remaining amount, not used for PERS, would be used for the extension and maintenance of roads, water, sewer, and storm drainage; homeless and veteran housing, and community kitchens; child education about the impacts of marijuana; and additional police employed by the Ontario Police Department who must live/reside in Ontario as defined by Resolution #2018-112 for the safety and welfare of its citizens; and

WHEREAS, the City Manager will put together a staff report, present it to the Budget Committee for recommendations, then to the City Council to approve a budget for the purpose of allocating marijuana tax dollars for specific and particular purposes as set out above to avoid an over dependence upon the marijuana funds to support basic government functions and services or to balance Ontario's general fund budgets; and

WHEREAS, an increased local retail tax rate to cannabis businesses/consumers will support the needs of low-income and homeless residents and families without increasing costs to the very households we are working hard to serve.

NOW, THEREFORE, BE IT RESOLVED by the Ontario City Council as follows:
The City implores Governor Kate Brown and the Oregon State Legislature to increase the local retail recreational marijuana tax up to 18 percent in Ontario by referral to electors for approval.

EFFECTIVE DATE: Immediately upon passage.

PASSED AND ADOPTED by the Ontario City Council this 16th day of January, 2019, by the following vote:

Ayes:

Nays:

Absent:

APPROVED by the Mayor this 16th day of January, 2019.

ATTESTED:

__________________________________ ____

Riley Hill, Mayor

Tori Barnett, MMC, City Recorder

RESOLUTION #2019-103

A RESOLUTION OPPOSING STATE REGULATED RENT CONTROL

WHEREAS, Rent control will not impact supply, which is the true nature of the problem and the true fix to the issue; and

WHEREAS, Under rent control responsible owners and financial institutions tend to withdraw their connection with properties subject to administrative control; and

WHEREAS, Incentives for new construction will do more for rent pricing than imposing controls on rents; and

WHEREAS, Rent control shifts burdens to owner occupied units because of depreciation based on value retention; and

WHEREAS, Rent control could lead to abandonment of existing rental property by landlords.

NOW, THEREFORE, BE IT RESOLVED by the Ontario City Council as follows: The City implores Governor Kate Brown and the Oregon State Legislature to reject any attempt to impose rent control across the State of Oregon.

EFFECTIVE DATE: Immediately upon passage.

PASSED AND ADOPTED by the Ontario City Council this 15th day of January, 2019, by the following vote:

Ayes:

Nays:

Absent:

APPROVED by the Mayor this 15th day of January, 2019.

ATTESTED:

______________________________ Riley J. Hill, Mayor

______________________________ Tori Barnett, MMC, City Recorder

RESOLUTION #2019-104

A RESOLUTION REQUSTING OPOSITION TO SPEAKER TINA KOTEK'S PROPOSAL TO ELIMINATE SINGLE FAMILY RESIDENTIAL ZONING IN CITIES WITH POPULATION GREATER THAN 10,000

WHEREAS, Speaker Tina Kotek has expressed her intention to propose legislation that will eliminate single family zoning in cities with populations exceeding 10,000; and

WHEREAS, Ontario has a population above 10,000; and

WHEREAS, This removes a city's authority to determine the best methods for meeting the housing needs of current and future residents; and

WHEREAS, This impact's a city's broader ability to plan for the development and financing of public facilities; and

WHEREAS, One size fits all solutions to housing supply will have diverse impacts on cities across the state.

NOW, THEREFORE, BE IT RESOLVED by the Ontario City Council as follows: The City implores Governor Kate Brown and the Oregon State Legislature to reject any attempt to eliminate the single family zoning or impose greater state level local planning control.

EFFECTIVE DATE: Immediately upon passage.

PASSED AND ADOPTED by the Ontario City Council this 15th day of January, 2019, by the following vote:

Ayes:

Nays:

Absent:

APPROVED by the Mayor this 15th day of January, 2019.

ATTESTED:

______________________________ ____________________________________

Riley J. Hill, Mayor Tori Barnett, MMC, City Recorder

AGENDA REPORT
OLD BUSINESS
January 15, 2019

TO: Mayor and City Council

FROM: Adam J. Brown, City Manager

THROUGH: Adam J. Brown, City Manager

SUBJECT: LEASE CANCELLATION AND PROMISSORY NOTE FROM GOLF COURSE CART BARN LEASE

DATE: January 14, 2019

PROPOSED MOTION:

I MOVE TO APPROVE A REVISED LEASE AGREEMENT AND PROMISSORY NOTE WITH MERVE AND PATSY LEAVITT.

SUMMARY:

A lease agreement was entered into on June 13, 2017 with Merve and Patsy Leavitt for the golf cart sheds on the airport property. The intent was to renovate the barns into self storage units and lease them for profit.

BACKGROUND:

The lease agreement was entered into on June 13, 2017 and was to end on June 12, 2022. The first year of rental was waived giving the tenant an opportunity to renovate the existing buildings into storage units. The lease rate beginning on July of 2018 was to be $1,167 per month.

CURRENT SITUATION:

The Leavitt's began communicating with me this summer around the time their first lease payment was due. They communicated that they were not as far along as they had hoped to be, but they were still trying to make it work.

They have continued to communicate their progress throughout the fall. After meeting with them early in December, they expressed that they did not think they would be able to make it work and asked for an amicable break of the lease in which they would pay back what was owed and also continue to lease some of the space for personal use.

At the council's work session, the council requested that the lease rate be set at 6% and offered the tenant the ability to stretch the term of the repayment. The City Manager discussed the matter with the tenant and they were agreeable and appreciative of the change.

ANALYSIS:

A. **FINANCIAL** As per the council's direction and acceptance by the tenant, the lease terms have been revised to reflect a 6% interest rate and a 36 months amortization schedule. The payment on the promissory note will be $233.67 per month beginning in March. They will lease 4 bays on each side of the building. One bay has been opened up to what were 6 bays.

B. **TIMING** It is in the interest of both parties to agree on a termination and new agreement. The City will explore other opportunities immediately to generate revenue from the existing property and improvements.

C. **POLICY/LEGAL** The Council is required to approve the lease and promissory note.

ALTERNATIVES:

Take No Action - Taking no action will delay us in exploring additional opportunities.

RECOMMENDATION:

The City Manager recommends the council approve the lease and promissory note.

ATTACHMENTS:

1. Promissory_Leavitt_1 14 2019
2. Schedule_CC_amortization 6% $233.67 36 month schedule_1 14 2019
3. Lease Rev_CC_Leavitt_1 14 2019
4. Lease Exhibit A-COLOR r1

PROMISSORY NOTE

$7,681.12 **Date:________________________, 2019**

FOR VALUE RECEIVED, we promise to pay to the order of the CITY OF ONTARIO, 444 SW 4th Avenue, Ontario, OR 97914, or at such other place as the holder hereof may from time to time designate in writing, the sum of Seven Thousand Six Hundred Eighty-One Dollars and Twelve Cents in lawful money of the United States, with interest thereon at the rate of 6 percent per annum from this date until paid, in monthly installments of not less than $233.67 per month, including interest, commencing on March 1, 2019, and on the 1st day of each month thereafter, until the entire sum, principal plus interest, is paid in full within three years of the date set forth above; if any monthly installment is not so paid within 15 days of the date it is due, the whole sum of principal and interest shall become immediately due and collectible at the option of the holder of this note. If this note is placed in the hands of an attorney for collection, we agree to pay the reasonable fee and expenses of such attorney even though no suit or action is instituted. Such fees and costs may, at the option of the holder, be added to the principal balance of this note. In case suit or action is instituted to collect this note, we promise to pay such additional sum as the trial court may adjudge reasonable as attorney fees in said suit or action, and any appellate court upon appeal of such suit or action.

Note: The unpaid balance of the Note may be paid at any time <u>without penalty</u>.

____
MERVIN LEAVITT

____
PATSY LEAVITT

Leavitt's Golf Course Lease

Compound Period .... : Monthly

Nominal Annual Rate .... : 6.000 %

CASH FLOW DATA

	Event	Date	Amount	Number	Period	End Date
1	Loan	03/01/2019	7,681.12	1		
2	Payment	04/01/2019	233.67	36	Monthly	03/01/2022

AMORTIZATION SCHEDULE - Normal Amortization

	Date	Payment	Interest	Principal	Balance
Loan	03/01/2019				7,681.12
1	04/01/2019	233.67	38.41	195.26	7,485.86
2	05/01/2019	233.67	37.43	196.24	7,289.62
3	06/01/2019	233.67	36.45	197.22	7,092.40
4	07/01/2019	233.67	35.46	198.21	6,894.19
5	08/01/2019	233.67	34.47	199.20	6,694.99
6	09/01/2019	233.67	33.47	200.20	6,494.79
7	10/01/2019	233.67	32.47	201.20	6,293.59
8	11/01/2019	233.67	31.47	202.20	6,091.39
9	12/01/2019	233.67	30.46	203.21	5,888.18
2019 Totals		2,103.03	310.09	1,792.94	
10	01/01/2020	233.67	29.44	204.23	5,683.95
11	02/01/2020	233.67	28.42	205.25	5,478.70
12	03/01/2020	233.67	27.39	206.28	5,272.42
13	04/01/2020	233.67	26.36	207.31	5,065.11
14	05/01/2020	233.67	25.33	208.34	4,856.77
15	06/01/2020	233.67	24.28	209.39	4,647.38
16	07/01/2020	233.67	23.24	210.43	4,436.95
17	08/01/2020	233.67	22.18	211.49	4,225.46
18	09/01/2020	233.67	21.13	212.54	4,012.92
19	10/01/2020	233.67	20.06	213.61	3,799.31
20	11/01/2020	233.67	19.00	214.67	3,584.64
21	12/01/2020	233.67	17.92	215.75	3,368.89
2020 Totals		2,804.04	284.75	2,519.29	
22	01/01/2021	233.67	16.84	216.83	3,152.06
23	02/01/2021	233.67	15.76	217.91	2,934.15
24	03/01/2021	233.67	14.67	219.00	2,715.15
25	04/01/2021	233.67	13.58	220.09	2,495.06
26	05/01/2021	233.67	12.48	221.19	2,273.87
27	06/01/2021	233.67	11.37	222.30	2,051.57
28	07/01/2021	233.67	10.26	223.41	1,828.16
29	08/01/2021	233.67	9.14	224.53	1,603.63
30	09/01/2021	233.67	8.02	225.65	1,377.98
31	10/01/2021	233.67	6.89	226.78	1,151.20

Leavitt's Golf Course Lease

	Date	Payment	Interest	Principal	Balance
32	11/01/2021	233.67	5.76	227.91	923.29
33	12/01/2021	233.67	4.62	229.05	694.24
2021 Totals		2,804.04	129.39	2,674.65	
34	01/01/2022	233.67	3.47	230.20	464.04
35	02/01/2022	233.67	2.32	231.35	232.69
36	03/01/2022	233.67	0.98	232.69	0.00
2022 Totals		701.01	6.77	694.24	
Grand Totals		8,412.12	731.00	7,681.12	

Last interest amount decreased by 0.18 due to rounding.

2017 LEASE TERMINATION AND
STORAGE UNIT RENTAL AGREEMENT

Landlord: City Of Ontario
Ontario, OR 97914
(541) 881-3223 (City Manager)

Tenant: Mervin And Patsy Leavitt
444 SW 4th Ave P.O. Box 746
Ontario, OR 97914
(208) 741-1528 (cell)

Recitals:

A. On or about June 13, 2017, Landlord and Tenant entered into a five year Storage Facility Lease Agreement ("2017 Lease") of all the storage units at the former Ontario Golf Course, a copy of which 2017 Lease is attached as Exhibit "1".

B. Tenant is in default of said 2017 Lease and desires to terminate it, and to lease one storage unit from Landlord instead.

C. Landlord is willing to terminate the 2017 Lease and rent to Tenant one storage unit on the terms set forth herein.

Agreement:

1. 2017 Lease Termination. The 2017 Lease is hereby terminated.

2. Settlement of 2017 Lease Claims. In full settlement of Landlord's claims against Tenant for default of said 2017 Lease, Tenant shall sign a promissory note ("Note") payable to Landlord in the amount of $_____________, a copy of which is set forth as Exhibit "2" attached hereto. Tenant shall make all installment payments on the due dates set forth in the Note until the unpaid balance of the Note is paid in full.

3. Storage Unit Lease. Landlord hereby leases to Tenant one 40x30 ft. storage unit ("Storage Unit") located as set forth in the map attached hereto as Exhibit "3" on the terms and conditions set forth herein.

4. Term. The Storage Unit Lease shall commence on __________________, 2019, and continue on a month to month basis until terminated as provided herein.

5. Rent. The rent shall be $140 per month payable on or before the ________ day of each month.

6. Default. If Tenant fails to pay the rent due under this Agreement within 15 days of the due date, or if Tenant fails to pay any installment payment on the Note when due, Landlord may deny access to the Storage Unit until paid in full. Whenever the rent is in arrears more than 30 days after the due date, Landlord may remove any property in the Storage Unit and relet it to a new tenant.

7. Lien. Landlord shall have a lien on any property placed in the Storage Unit and shall have the right to sell the property at public or private sale or as provided by law.

8. Use. Tenant shall not keep in the storage space any explosive, inflammable, hazardous or illegal substances or any animals or pets. Tenant shall not assign or sublet the storage space. Landlord shall have the right to enter the storage space for inspection or repairs. Tenant shall make no alterations to the storage space without the written consent of Landlord.

9. "As Is". Tenant has been in possession of the Storage Unit since June 13, 2017, and accepts the Storage Unit in its present condition, "As Is". Landlord shall have no obligation to make any repairs or improvements to the Storage Unit, which shall be Tenant's sole responsibility.

10. Liability. This Agreement is made on the express condition that, while Landlord shall exercise reasonable care in the operation of the premises, Landlord shall not be liable for any loss or damage to Tenant.

11. Casualty. In the event the premises are damaged by fire or other casualty, and are rendered untenantable, either party may cancel this Agreement.

12. Termination. This agreement may be terminated by either party upon the giving of written notice at least 30 days prior to the end of any rental month.

IN WITNESS WHEREOF, the parties have executed this lease the __________day of _________________, 2019.

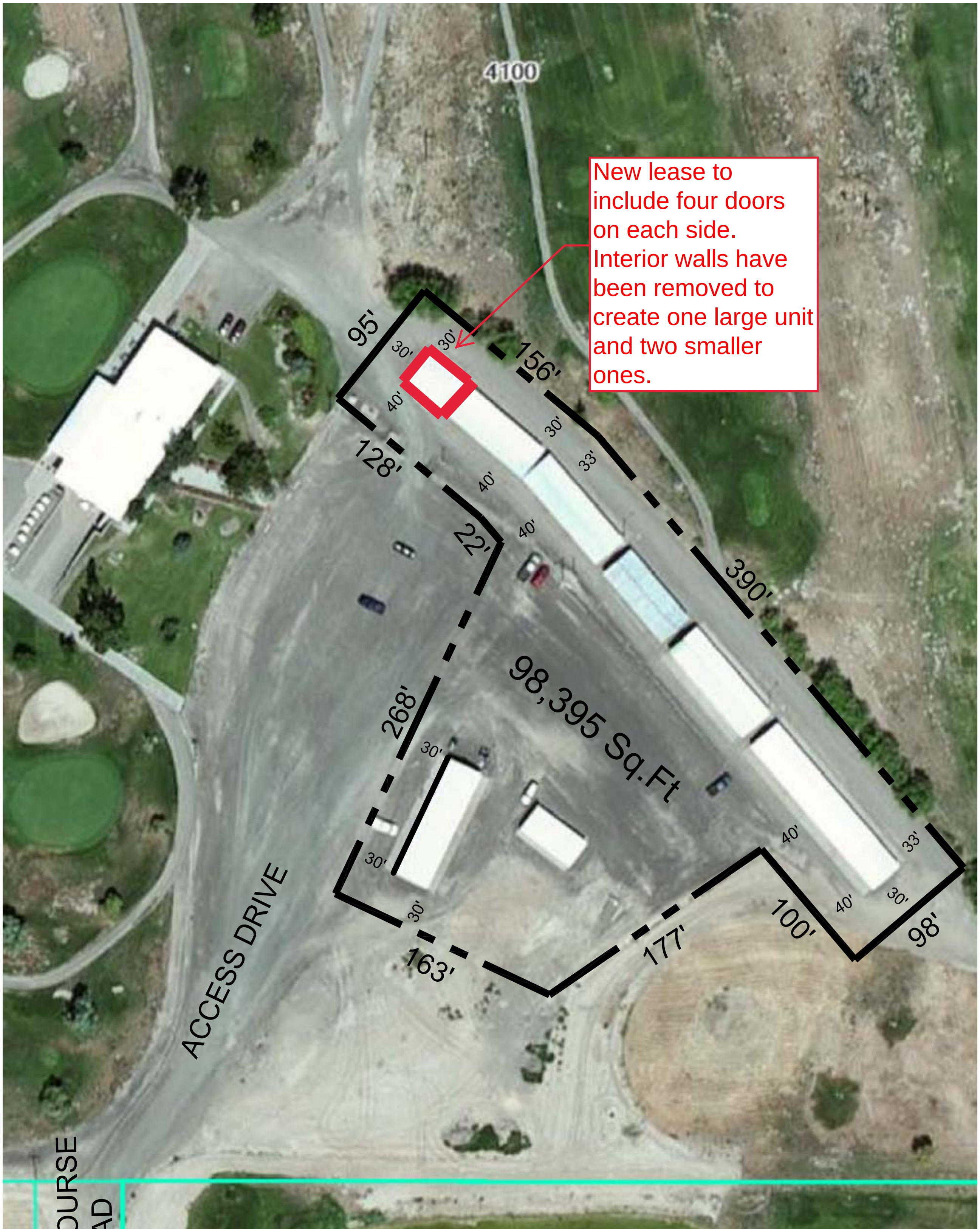
LANDLORD:
City of Ontario
By:

____
Adam Brown, City Manager

TENANT:

______________________________ ______________________________
Mervin Leavitt Patsy Leavitt

Exhibit "A"



Land in Section 7, T18S, R47E.,
Ontario Airport Property,
City of Ontario, Malheur County, Oregon

NTS

Committee/Council Liaison Appointments - 2019

Committee	Term Expires	Current Member	Applicant-Interested	Appointed
Airport				
Councilor	None	Norm Crume	Norm Crume	
Public Member *(Alternate)*	12/2020	Vacant		
Diversity Advisory				
Councilor	None	Vacant	Freddy Rodriguez	
Public Member	12/19	Vacant		
Marijuana Ad-Hoc				
Councilor	None	Dan Capron		
Parks & Recreation				
Councilor	None	Ramon Palomo	Ramon Palomo	
Public Member	12/2019			
Public Member	12/2020			
Public Member	12/2020			
Planning Commission				
Councilor	None	Vacant	Ramon Rodriguez	
Public Works				
Councilor	None	Marty Justus		

Airport: 4th Monday each month, 6:00 p.m. @ the Airport
Diverstiy Advisory: 2nd Tuesday each month, 5:30 p.m., @ City Hall
Marijuana Ad-Hoc: As needed, 5:30 p.m. @ City Hall
Parks & Recreation: 3rd Wednesday, Quarterly, 3:30 p.m., @ Rec Center *(May change after June 30, 2019)*
Planning: 2nd Monday each month, 7:00 p.m. @ City Hall
Public Works: 2nd Tuesday each month, 3:00 p.m. @ City Shop

AGENDA REPORT
NEW BUSINESS
January 15, 2019

TO: Mayor and City Council

FROM: Adam J. Brown, City Manager

THROUGH: Adam J. Brown, City Manager

SUBJECT: LETTER OF SUPPORT FOR LIFT GRANT APPLICATION

DATE: January 8, 2019

PROPOSED MOTION:

I MOVE THE CITY COUNCIL AUTHORIZE THE MAYOR TO SIGN A LETTER OF SUPPORT FOR AN APPLICATION FOR THE STATE LIFT GRANT.

SUMMARY:

The city has been working collaboratively with partners Euvalcree, Agile Homes, and Malheur Federal Credit Union to create a new subdivision of affordable homes. Euvalcree will be submitting an application on behalf of our partnership.

BACKGROUND:

The city has been working with its non-profit partner Euvalcree, a local builder, and a local bank to put together a way for a new subdivision to be built with affordable starter homes. We've worked with these partners to remove barriers to construction. Homes would be sold before they were built. Buyers will be vetted with our non-profit partner and banker.

The LIFT grant will enable us to bring down the price of the home to put it in the reach of additional people from our community.

CURRENT SITUATION:

We have an owner occupied vacancy of 4.4% and a rental vacancy rate of 3.5%. A homeowner vacancy rate under 5% creates a sellers market that drives up prices. This has made it very difficult for members of our community with a low median income of just over $31,000 to purchase homes. Affordable home ownership can be cheaper than renting, of which we are also in low supply.

ANALYSIS:

A. **FINANCIAL** In working with this group over the last six months it was originally planned that the city would offer its housing incentive program of $10,000 per home. If the state LIFT grant is received, these houses would not be eligible for the city incentive. If it is not awarded, the group would apply for the housing incentive program incentive.

   The city and this work group anticipate working with the Eastern Oregon Economic Development Board to request a loan to develop the property which can be paid off with the sale of each property once their funding becomes available. We would like to operate this like a revolving loan fund to eliminate development costs in areas of the city.

B. **TIMING** The application is going to be submitted to the State by the end of the month.

C. **POLICY/LEGAL** The city's support for this application demonstrates the partnership we have participated in for the last six months.

ALTERNATIVES:

Take No Action: Our non-profit partner can still make application for the project,but it will not be as strong of an application.

RECOMMENDATION:

The City Manager recommends that the city authorize the mayor to sign a letter of support for the LIFT grant application.

ATTACHMENTS:

1. Ltr_CC_Support

City of Ontario
444 SW 4th Street
Ontario, OR 97914
Voice (541)881-3223
Fax (541)889-7121

January 11, 2019

To Whom it May Concern,

I am writing this letter on behalf of the Ontario City Council to express our support for the Local Innovation and Fast Track (LIFT) Program grant request for the City of Ontario. The City of Ontario has been working collaboratively with the applicant Euvalcree, a local banker, and a local builder over the last 6 months to come up with a strategy for building affordable stick built single family homes.

We are working with a builder who constructs high quality homes that are extremely energy efficient. The City is working on acquisition of a property for the new subdivision. Our partner, Euvalcree will be working with the bank to pre-qualify families for homeownership so that the builder has units sold before the construction begins. Our banker is providing entry level mortgages for our families.

Vacancy rates in Ontario are at a historical low. Homeownership vacancy rates are at 4.4%, which means they are only off the market for 14.6 days. Rental vacancy rates are at 3.5%. When property vacancy rates are below 5 percent, it creates a landlord/seller market driving up prices. Our city median income of $31,112 pales in comparison to the county at $37,112 and the State of Oregon at $56,119. We would greatly appreciate the States support on this very important project for Ontario.

Sincerely,

Mayor Riley J. Hill

Accounts Payable

Checks by Date - Summary by Check Date

User: kari.ott
Printed: 1/7/2019 1:34 PM

Check No	Vendor No	Vendor Name	Check Date	Check Amount
123832	879058	A Plus Awards	11/02/2018	57.00
123833	005800	Action Medical, Inc.	11/02/2018	70.35
123834	&525	American Staffing, Inc.	11/02/2018	867.85
123835	037600	AT&T	11/02/2018	21.51
123836	130624	B & W Car Wash	11/02/2018	21.00
123837	626400	Campo & Poole Distributing, LLC	11/02/2018	3,993.19
123838	637828	Century Link Communications, LLC	11/02/2018	81.18
123839	183201	CK3, LLC	11/02/2018	3,137.50
123840	364000	Clarion Inn	11/02/2018	93.50
123841	216000	D & B Supply Company	11/02/2018	44.44
123842	879247	Idaho Communications, LLC	11/02/2018	470.00
123843	879191	Krisy Lynn Janti	11/02/2018	36.00
123844	451750	Malheur County Sheriff's Office	11/02/2018	56,707.50
123845	879173	Tonia Montgomery	11/02/2018	10.00
123846	602320	NAPA Auto Parts	11/02/2018	110.45
123847	572000	Ontario Sanitary Service, Inc.	11/02/2018	306.94
123848	582200	Oregon Association Chiefs of Police	11/02/2018	22.00
123849	368050	Robb Enterprises	11/02/2018	41.98
123850	879330	Sawtooth K9, LLC	11/02/2018	1,000.00
123851	788402	TransUnion Risk & Alternative Data Soluti	11/02/2018	140.25
123852	879212	Uniforms 2 Gear	11/02/2018	1,032.10
123853	288897	Verizon	11/02/2018	972.34
123854	879007	Weidner Fire	11/02/2018	3,178.59
123855	863995	White Cloud Communications-Boise, Inc.	11/02/2018	2,005.00
123856	878992	Wolfcom Enterprises	11/02/2018	175.00
123857	774001	Wtechlink	11/02/2018	300.00
123858	UB*11517	LARRY & DEBI DOWNS	11/02/2018	79.02
123859	&260	Four Rivers Cultural Center	11/02/2018	20,668.57
123860	879324	Merri Gammage	11/02/2018	213.22
123861	UB*11516	ROSA GARZA @ retail	11/02/2018	12.67
123862	879155	Chief Cal Kunz	11/02/2018	300.00
123863	UB*11518	JOY LANDALUCE	11/02/2018	110.32
123865	UB*11520	JAMES & SHIRLEY MATHEWS	11/02/2018	26.83
123866	539200	Ontario Area Chamber of Commerce	11/02/2018	16,223.26
123867	UB*11519	LINDA WILLIAMS	11/02/2018	68.28
			Total for 11/2/2018:	112,597.84
123868	&525	American Staffing, Inc.	11/08/2018	1,184.36
123869	028004	Anderson Excavating, LLC	11/08/2018	22,943.75
123870	130950	Cable One	11/08/2018	298.94
123871	878915	CH2M Hill OMI	11/08/2018	425,110.47
123872	520400	Dorman's, Inc.	11/08/2018	12.81
123873	634311	Frazier Aviation, LLC	11/08/2018	425.00
123874	412500	Keller Associates, Inc.	11/08/2018	1,380.00
123875	436000	Lindsay Eco Water	11/08/2018	7.00
123876	879301	Net Assets	11/08/2018	156.00

Check No	Vendor No	Vendor Name	Check Date	Check Amount
123877	570350	Ontario Rock & Landscape	11/08/2018	465.00
123878	879149	ProForce Law Enforcement	11/08/2018	2,969.04
123879	878931	Tire Factory of Ontario	11/08/2018	732.00
123880	879146	Toshiba Financial Services	11/08/2018	1,694.39
123881	879151	Waste-Pro	11/08/2018	30.00
			Total for 11/8/2018:	457,408.76
123882	879335	American Solutions for Business	11/14/2018	238.75
123883	&525	American Staffing, Inc.	11/14/2018	990.33
123884	879130	Ani-Care Animal Shelter, Inc.	11/14/2018	1,370.08
123885	033300	Argus Observer	11/14/2018	882.00
123886	879336	Boise River Fence, Inc.	11/14/2018	211,851.90
123887	144000	Cascade Natural Gas Corporation	11/14/2018	144.72
123888	637830	Century Link	11/14/2018	513.18
123889	206557	Creative Product Source, Inc.	11/14/2018	147.50
123890	634311	Frazier Aviation, LLC	11/14/2018	425.00
123891	344128	City of Fruitland	11/14/2018	236.16
123892	440000	L.N. Curtis and Sons	11/14/2018	355.00
123893	470102	Motorola Solutions, Inc.	11/14/2018	103.20
123894	879163	Ontario Auto Ranch	11/14/2018	73.68
123895	516494	State of Oregon Department of Transportati	11/14/2018	10,962.24
123896	240100	State of Oregon Dept of Consumer & Busir	11/14/2018	4,226.72
123897	528405	Oster Professional Group, LLC	11/14/2018	23,812.00
123898	&357	Larry A. Sullivan	11/14/2018	2,275.00
123899	878957	Valli Information Systems, Inc.	11/14/2018	1,962.33
123900	UB*11507	MARK BERGAM	11/14/2018	44.24
123901	879133	Community in Action	11/14/2018	30,026.00
123902	UB*11528	EAGLE VISTA PROPERTIES LLC	11/14/2018	0.68
123903	UB*11522	MARK GRIM	11/14/2018	147.24
123904	UB*11524	ROGER HENDON	11/14/2018	67.27
123905	UB*11525	STEPHEN & VICKIE JAUSSI	11/14/2018	152.62
123906	UB*11530	LANETT BLAYLOCK & LAMB	11/14/2018	93.80
123907	UB*11523	BONNIE LARSEN	11/14/2018	37.28
123908	UB*11403	OREGON PARTNERS LLC	11/14/2018	100.37
123909	UB*11404	OREGON PARTNERS LLC	11/14/2018	100.37
123910	UB*11527	LINDA\GERALD TAYLOR &	11/14/2018	63.06
123911	UB*11526	MAXINE & KENNETH TERAMURA &	11/14/2018	75.87
123912	UB*11521	RAIMUNDO & TAMARA URIARTE	11/14/2018	8.97
123913	UB*11529	ALAN WOOD	11/14/2018	118.79
123914	589500	State of Oregon Mortuary & Cemetery Boa	11/14/2018	508.00
123915	589500	State of Oregon Mortuary & Cemetery Boa	11/14/2018	104.00
123916	816602	Bank of New York Mellon	11/14/2018	250,356.51
123917	816602	Bank of New York Mellon	11/14/2018	270,219.18
124080	832852	Wells Fargo Business Elite Card	11/14/2018	15,039.23
			Total for 11/14/2018:	827,833.27
ACH	PRFED	PAYROLL TAXES	11/15/2018	3,767.84
ACH	PRORTAX2	OREGON DEPARTMENT OF REVENUE	11/15/2018	21.52
ACH	PRORTAXE	OREGON DEPARTMENT OF REVENUE	11/15/2018	430.76
ACH	PRPERS	OREGON PERS	11/15/2018	4,330.28
			Total for 11/15/2018:	8,550.40
123918	COOPJ	Jason Cooper	11/26/2018	220.50

Check No	Vendor No	Vendor Name	Check Date	Check Amount
123919	405949	Jon Esplin	11/26/2018	220.50
123920	334222	Victor Grimaldo	11/26/2018	220.50
123921	072400	Dave Walters	11/26/2018	220.50
			Total for 11/26/2018:	882.00
123922	130950	Cable One	11/27/2018	63.75
123924	626400	Campo & Poole Distributing, LLC	11/27/2018	4,358.60
			Total for 11/27/2018:	4,422.35
123925	879332	Ag Equipment Southwest Corp	11/28/2018	41,000.00
123926	UB*11534	SHANE ALLISON	11/28/2018	33.94
123927	&525	American Staffing, Inc.	11/28/2018	1,377.08
123928	144000	Cascade Natural Gas Corporation	11/28/2018	170.19
123929	UB*11280	LARRY & SHARON CHANDLER	11/28/2018	107.63
123930	183201	CK3, LLC	11/28/2018	3,342.50
123931	879062	Compass Minerals America, Inc.	11/28/2018	2,208.46
123932	UB*11533	JAMES DUPUIS	11/28/2018	76.95
123933	UB*11538	TERRY EVANS	11/28/2018	18.08
123934	UB*11535	FRANK FELDER	11/28/2018	157.00
123935	UB*10953	LORI & TERRY HENDERSON	11/28/2018	117.35
123936	UB*11537	LESLIE HUERTA	11/28/2018	86.05
123937	376000	Idaho Power	11/28/2018	582.30
123938	408200	J-U-B Engineers, Inc.	11/28/2018	17,688.26
123939	UB*11532	NICOLETTE MARTINEZ	11/28/2018	86.01
123940	UB*11536	ALICIA RAMOS	11/28/2018	95.66
123941	UB*11531	DAVID REISE	11/28/2018	67.15
123942	702008	Staples Business Credit	11/28/2018	612.69
			Total for 11/28/2018:	67,827.30
ACH	PRAFLAC	AMERICAN FAMILY LIFE ASSURANCI	11/30/2018	2,146.28
ACH	PRAMERF	AMERICAN FUNDS GROUP	11/30/2018	400.00
ACH	PRCCIS	E B S TRUST	11/30/2018	60,670.68
ACH	PRFED	PAYROLL TAXES	11/30/2018	63,183.63
ACH	PRNATW	NATIONWIDE RETIREMENT SOLUTIO	11/30/2018	250.00
ACH	PRORJU	OREGON DEPARTMENT OF JUSTICE	11/30/2018	947.00
ACH	PRORTAX2	OREGON DEPARTMENT OF REVENUE	11/30/2018	253.59
ACH	PRORTAXE	OREGON DEPARTMENT OF REVENUE	11/30/2018	17,384.68
ACH	PROSGP	OREGON SAVINGS & GROWTH PLAN	11/30/2018	2,075.00
ACH	PRPERS	OREGON PERS	11/30/2018	76,820.44
123943	PRICMA	I C M A RETIREMENT TRUST 457	11/30/2018	150.00
123944	PRIDCHIL	IDAHO CHILD SUPPORT RECEIPTING	11/30/2018	411.00
123945	PRLINC	LINCOLN NATIONAL LIFE INS CO	11/30/2018	350.00
123946	879337	Quick Loan	11/30/2018	553.42
123947	PRSFIRE	UMPQUA BANK	11/30/2018	360.00
123948	PRUTCH	UTAH, OFFICE OF RECOVERY SERVIC	11/30/2018	716.00
123949	879058	A Plus Awards	11/30/2018	191.25
123950	&525	American Staffing, Inc.	11/30/2018	1,790.25
123951	878981	Arano Sports Group, LLC	11/30/2018	350.00
123952	033300	Argus Observer	11/30/2018	192.40
123953	130624	B & W Car Wash	11/30/2018	6.00
123954	192000	CDW Government	11/30/2018	837.54
123955	637830	Century Link	11/30/2018	719.90
123956	364000	Clarion Inn	11/30/2018	59.50

Check No	Vendor No	Vendor Name	Check Date	Check Amount
123957	879062	Compass Minerals America, Inc.	11/30/2018	2,209.12
123958	879247	Idaho Communications, LLC	11/30/2018	470.00
123959	376000	Idaho Power	11/30/2018	3,257.27
123960	441140	Looks Nu, Inc.	11/30/2018	55.00
123961	539200	Ontario Area Chamber of Commerce	11/30/2018	40.00
123962	572000	Ontario Sanitary Service, Inc.	11/30/2018	525.19
123963	572210	Ontario School District 8C	11/30/2018	474.38
123964	110805	State of Oregon Bureau of Labor & Industri	11/30/2018	250.00
123965	583450	State of Oregon Dept of Corrections	11/30/2018	590.00
123966	593410	Oregon Recreation & Park Association	11/30/2018	175.00
123967	686822	Sprint	11/30/2018	52.10
123968	879138	Stantec Consulting Services, Inc.	11/30/2018	5,995.50
123969	702100	Staples Credit Plan	11/30/2018	186.91
123970	738002	Symbol Arts, LLC	11/30/2018	550.00
123971	878957	Valli Information Systems, Inc.	11/30/2018	197.68
123972	288897	Verizon	11/30/2018	1,520.49
123973	879338	Kay Stinson	11/30/2018	250.00
123974	738001	James Swank	11/30/2018	93.98
123975	738500	Taggart & Taggart Office of Law	11/30/2018	250.00
			Total for 11/30/2018:	247,961.18
123976	879332	Ag Equipment Southwest Corp	12/07/2018	194.74
123977	879130	Ani-Care Animal Shelter, Inc.	12/07/2018	7,560.00
123978	626400	Campo & Poole Distributing, LLC	12/07/2018	3,512.99
123979	637828	Century Link Communications, LLC	12/07/2018	93.92
123980	308040	Fruitland Electric, Inc.	12/07/2018	2,646.00
123981	879191	Krisy Lynn Janti	12/07/2018	60.00
123982	420000	John Deere Financial	12/07/2018	99.22
123983	412500	Keller Associates, Inc.	12/07/2018	690.00
123984	879301	Net Assets	12/07/2018	228.00
123985	&357	Larry A. Sullivan	12/07/2018	5,617.50
123986	774300	T-N-T Signs & Graphics	12/07/2018	418.00
123987	788402	TransUnion Risk & Alternative Data Soluti	12/07/2018	140.00
123988	879212	Uniforms 2 Gear	12/07/2018	1,630.80
123989	879151	Waste-Pro	12/07/2018	230.00
123990	774001	Wtechlink	12/07/2018	300.00
123991	&260	Four Rivers Cultural Center	12/07/2018	19,783.22
123992	879141	Skyler Johnson	12/07/2018	108.58
123993	539200	Ontario Area Chamber of Commerce	12/07/2018	15,420.84
123994	UB*11539	PVPM &	12/07/2018	135.35
123995	738500	Taggart & Taggart Office of Law	12/07/2018	250.00
			Total for 12/7/2018:	59,119.16
123996	&525	American Staffing, Inc.	12/14/2018	1,455.94
123997	879130	Ani-Care Animal Shelter, Inc.	12/14/2018	1,370.08
123998	130950	Cable One	12/14/2018	362.69
123999	879062	Compass Minerals America, Inc.	12/14/2018	2,049.95
124000	253897	Dustbusters, Inc.	12/14/2018	5,074.77
124001	634311	Frazier Aviation, LLC	12/14/2018	425.00
124002	333852	Graphic Impressions	12/14/2018	90.00
124003	879340	Gray's West & Company	12/14/2018	1,100.00
124004	879059	Help Them to Hope	12/14/2018	2,500.00
124005	01503	Riley Hill	12/14/2018	1.00
124006	879191	Krisy Lynn Janti	12/14/2018	15.00
124007	436000	Lindsay Eco Water	12/14/2018	12.00

Check No	Vendor No	Vendor Name	Check Date	Check Amount
124008	441140	Looks Nu, Inc.	12/14/2018	45.00
124009	602320	NAPA Auto Parts	12/14/2018	113.61
124010	583401	State of Oregon Department of Environmen	12/14/2018	100,491.00
124011	516494	State of Oregon Department of Transportati	12/14/2018	997.01
124012	528405	Oster Professional Group, LLC	12/14/2018	23,812.00
124013	614087	Peace Officers Research Association of Cal	12/14/2018	297.00
124014	879166	Pitney Bowes Global Financial Services, Ll	12/14/2018	953.25
124015	642093	Red's Automotive Repair, Inc.	12/14/2018	205.20
124016	368050	Robb Enterprises	12/14/2018	1,270.22
124017	878931	Tire Factory of Ontario	12/14/2018	1,571.00
124018	879146	Toshiba Financial Services	12/14/2018	2,113.26
124019	878957	Valli Information Systems, Inc.	12/14/2018	1,952.23
124020	037600	AT&T	12/14/2018	21.51
124021	637830	Century Link	12/14/2018	513.38
124022	583401	State of Oregon Department of Environmen	12/14/2018	978.00
124023	878926	Jared Cutler	12/14/2018	24.99
124024	UB*11542	CHRISTINE ELORDI	12/14/2018	45.98
124025	UB*11541	RUBEN FAVELA	12/14/2018	37.47
124026	UB*11540	PAUL HAWKER	12/14/2018	33.68
124027	596071	Ontario Volunteer Firefighters Association	12/14/2018	300.00
124028	738001	James Swank	12/14/2018	48.99
			Total for 12/14/2018:	150,281.21
124029	626400	Campo & Poole Distributing, LLC	12/21/2018	3,611.06
124030	144000	Cascade Natural Gas Corporation	12/21/2018	1,076.75
124031	184000	Claire Bowers Claire's Automotive	12/21/2018	2,745.07
124032	364000	Clarion Inn	12/21/2018	51.00
124033	879331	Cues, Inc.	12/21/2018	8,970.00
124034	376000	Idaho Power	12/21/2018	2,782.72
124035	382005	Interpath Laboratory, Inc.	12/21/2018	225.75
124036	879191	Krisy Lynn Janti	12/21/2018	39.00
124037	405685	Jim's Refrigeration Service	12/21/2018	104.00
124038	879300	Kussmaul Electronics	12/21/2018	457.73
124039	440000	L.N. Curtis and Sons	12/21/2018	693.80
124040	456402	Malheur County Clerk	12/21/2018	229.00
124041	477523	Municipal Code Corporation	12/21/2018	1,385.09
124042	879142	Oregon Association of Municipal Recorders	12/21/2018	60.00
124043	879138	Stantec Consulting Services, Inc.	12/21/2018	15,560.92
124044	842030	Warrington Construction	12/21/2018	312,667.31
124045	UB*11543	DON CAIN & GARRETT GRIFFTH	12/21/2018	4.10
124046	UB*11545	MIRIAM EDEN	12/21/2018	99.60
124047	405945	Jeremy Jones	12/21/2018	101.73
124048	UB*11544	BRITT PAYNE	12/21/2018	112.14
124081	832852	Wells Fargo Business Elite Card	12/21/2018	4,088.34
			Total for 12/21/2018:	355,065.11
124055	&525	American Staffing, Inc.	12/28/2018	749.48
124056	637830	Century Link	12/28/2018	719.90
124057	878915	CH2M Hill OMI	12/28/2018	419,958.93
124058	184000	Claire Bowers Claire's Automotive	12/28/2018	471.87
124059	364000	Clarion Inn	12/28/2018	69.62
124060	879327	Coastline Equipment Company	12/28/2018	94,986.00
124061	363999	Holcomb Construction, Inc.	12/28/2018	107,986.50
124062	879247	Idaho Communications, LLC	12/28/2018	470.00
124063	376000	Idaho Power	12/28/2018	1,868.83

Check No	Vendor No	Vendor Name	Check Date	Check Amount
124064	420000	John Deere Financial	12/28/2018	34.07
124065	539200	Ontario Area Chamber of Commerce	12/28/2018	120.00
124066	583401	State of Oregon Department of Environmen	12/28/2018	9,062.00
124067	879012	State of Oregon Dept of Public Safety Stan	12/28/2018	40.00
124068	T242	State of Oregon Secretary of State	12/28/2018	350.00
124069	686822	Sprint	12/28/2018	52.10
124070	878957	Valli Information Systems, Inc.	12/28/2018	206.31
124071	288897	Verizon	12/28/2018	1,470.82
124072	UB*11547	BALDOMERO CORONA JR	12/28/2018	86.19
124073	879341	Andrew Cox	12/28/2018	1,288.00
124074	&260	Four Rivers Cultural Center	12/28/2018	12,360.13
124075	879318	Peter Hall	12/28/2018	1,195.01
124076	539200	Ontario Area Chamber of Commerce	12/28/2018	8,696.93
124077	UB*11546	BRENT WALTERS	12/28/2018	76.20
124078	240100	State of Oregon Dept of Consumer & Busir	12/28/2018	280.00
124079	684622	Marcy Siriwardene	12/28/2018	255.00
			Total for 12/28/2018:	662,853.89
ACH	PRAFLAC	AMERICAN FAMILY LIFE ASSURANCI	12/31/2018	2,146.28
ACH	PRAMERF	AMERICAN FUNDS GROUP	12/31/2018	400.00
ACH	PRCCIS	E B S TRUST	12/31/2018	65,486.00
ACH	PRFED	PAYROLL TAXES	12/31/2018	65,422.85
ACH	PRNATW	NATIONWIDE RETIREMENT SOLUTIO	12/31/2018	250.00
ACH	PRORJU	OREGON DEPARTMENT OF JUSTICE	12/31/2018	947.00
ACH	PRORTAX2	OREGON DEPARTMENT OF REVENUE	12/31/2018	261.44
ACH	PRORTAXE	OREGON DEPARTMENT OF REVENUE	12/31/2018	17,943.38
ACH	PROSGP	OREGON SAVINGS & GROWTH PLAN	12/31/2018	2,075.00
ACH	PRPERS	OREGON PERS	12/31/2018	78,889.17
124049	PRICMA	I C M A RETIREMENT TRUST 457	12/31/2018	150.00
124050	PRIDCHIL	IDAHO CHILD SUPPORT RECEIPTING	12/31/2018	411.00
124051	PRLINC	LINCOLN NATIONAL LIFE INS CO	12/31/2018	350.00
124052	879337	Quick Loan	12/31/2018	49.78
124053	PRSFIRE	UMPQUA BANK	12/31/2018	360.00
124054	PRUTCH	UTAH, OFFICE OF RECOVERY SERVIC	12/31/2018	716.00
			Total for 12/31/2018:	235,857.90
124082	879332	Ag Equipment Southwest Corp	01/04/2019	4,000.00
124083	&525	American Staffing, Inc.	01/04/2019	592.90
124084	033300	Argus Observer	01/04/2019	192.40
124085	130624	B & W Car Wash	01/04/2019	6.00
124086	626400	Campo & Poole Distributing, LLC	01/04/2019	2,462.10
124087	879191	Krisy Lynn Janti	01/04/2019	66.00
124088	879225	Malheur Media, LLC	01/04/2019	505.98
124089	&509	Matsy's Restaurant & Catering	01/04/2019	849.60
124090	602320	NAPA Auto Parts	01/04/2019	150.85
124091	572000	Ontario Sanitary Service, Inc.	01/04/2019	306.94
124092	572210	Ontario School District 8C	01/04/2019	115.00
124093	626654	The Police and Sheriffs Press, Inc.	01/04/2019	32.50
124094	642093	Red's Automotive Repair, Inc.	01/04/2019	516.60
124095	702008	Staples Business Credit	01/04/2019	447.42
124096	788402	TransUnion Risk & Alternative Data Soluti	01/04/2019	140.50
124097	774001	Wtechlink	01/04/2019	300.00
			Total for 1/4/2019:	10,684.79

Check No	Vendor No	Vendor Name	Check Date	Check Amount
			Report Total (288 checks):	3,201,345.16

2019-2020 BUDGET CALENDAR

Departments prepare requested budget documents	**January 4, 2019**
Preliminary Budget Committee Meeting	**January 29 – 30, 2019**
Departments turn in budget documents to Finance Department	**February 1, 2019**
Budget narrative and performance measures completed	**February 8, 2019**
Finance Department prepares requested/proposed budget	**February 1 – February 15, 2019**
Review budget between Finance Director, City Manager, and Assistant to City Manager	**February 15, 2019**
Proposed budget reviewed with departments	**February 15 – March 1, 2019**
Budget priorities with City Council	**March 7, 2019**
Publish first notice of Budget Committee Meeting (5 – 30 days before meeting)	**April 8, 2019**
Proposed budget made available to Budget Committee and Public	**April 9, 2019**
Publish second notice of Budget Committee Meeting (5 days before meeting)	**April 15, 2019**
Budget Committee Meetings (Budget Committee approves budget; Budget Committee approves state revenue sharing)	**April 23, 24, 25, 2019**
Prepare budget summary	**May 7, 2019**
Publish budget summary and notice of Budget Hearing (5 – 30 days before hearing)	**May 14, 2019**
Public Hearing by City Council	**May 21, 2019**
City Council adopts budget, makes appropriations, imposes taxes, and categorizes taxes, election to receive state revenues	**May 21, 2019**
Certify taxes to County Assessor	**By July 15, 2019**
File budget document with County Clerk	**By September 30, 2019**