



CITY COUNCIL MEETING MINUTES May 15, 2018

The scheduled meeting of the Ontario City Council was called to order by Mayor Ronald Verini at 7:00 p.m. on Tuesday, May 15, 2018, in the Council Chambers of City Hall. Council members in attendance were Ronald Verini, Norm Crume, Dan Capron, Marty Justus, Betty Carter, and Ramon Palomo. Tess Winebarger arrived at 7:08 p.m.

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

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 May 11, 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 noted a change to the Agenda. Under New Business, they would be adding C) Building Official.

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

Councilor Winebarger arrived at 7:08 p.m.

PUBLIC COMMENT

Marsha Armstrong, Ontario, read a statement into the record. Typed verbatim from provided document [Attached].

Mayor Verini, Members of the Council, and Mr. Brown,

I would like to thank each of you for your service to Ontario. I would also like to thank members of the Ontario Police Department and Ontario Fire for their honorable service to this community. My purpose here tonight is to respectfully request that you do not approve the recommendation by the budget committee to eliminate Code Enforcement. To do so would be highly irresponsible and not serve the people of Ontario. Have you looked around lately? I don't know what business owners, property owners, absentee landlords and renters are doing but it is very apparent that they aren't bending over to pull weeds, pick up their junk, secure their dogs, or take measures to quiet their dogs.

The deteriorating conditions in once nice neighborhoods are having a negative impact on property values and livability. Not too many years ago, one could drive through town and say "This looks like a nice place to live." That's not true anymore. For example, it used to be that living between West Idaho and SW 4th Avenue bordered by Verde and SW 9th Street was a good thing. Now almost every weed mentioned as unacceptable in the city code is found growing in abundance there. Barking dogs and dogs running at large abound; a peaceful evening to enjoy one's yard or company on the patio no longer exists.

Examples: The loud big black dog at 1108 SW 1st avenue barked for 3 hours on Saturday May 12. The owners were home. This dog is a continuing problem as is his fat white dog buddy. The dog at 1091 SW 2nd Ave barked for 2.5 hours on May 13. That owner has been cited but he told the judge he was getting rid of the dog. So she dismissed the complaint. He did get rid of the dog. For about 2 months. And then he brought it back. Those two dogs' barking and the barking of the smaller dogs at 1511 SW 1st avenue occur frequently every day – most often in the evenings. One house on SW 11th street between Idaho and SW 1st Avenue has 5 dogs. The city code says that a property owner can have a max of 3 dogs. Any more than that requires a kennel license. I'm sure that other neighborhoods have the same problem with inconsiderate property owners and dog owners.

The point I'm trying to make is that this city desperately needs Code Enforcement. Officer Brockett, who is doing a good job and who is very responsive to the complaints of Ontario citizens, needs more help. Who is going to take care of the weeds, the dogs, the garbage, the junk cars, and the dangerous attractive nuisances if this city doesn't have Code Enforcement? The regular OPD officers have too much to do already. If Ontario is to return to the livable city it once was, we also need a Municipal Judge who believes in a hard line code enforcement, not one who thinks the city ordinances are only a suggestion.

In conclusion, if Code Enforcement goes away, my family is considering moving to a town where citizens demonstrate a sense of civic pride and responsibility, and where city government and the municipal court do what is required by city code to protect the rights of all citizens.

CONSENT AGENDA

CARTER moved, CRUME seconded, **TO ADOPT THE CONSENT AGENDA**, which consisted of the Council Meeting minutes of April 17, 2018. Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-yes; Capron-yes; Winebarger-yes; Verini-yes. Motion carried 7/0/0.

SPECIAL ACTION

Special Recognition: Four Community Members who Repaired the Public Education Trailer and Installed Wainscoting the Council Chambers

Adam Brown, City Manager, stated the Fire Chief was going to handle this action, but was currently at the Police Memorial at the Four Rivers Cultural Center, and was running a bit late. Chief Leighton had invited Mike Bell, Marty Hysick, Dennis Miller, and Ronald Metzger. They donated their services to do the installation of the wainscoting in the Council Chambers, and also to assist with the Fire Safety House. Their work was certainly appreciated.

NEW BUSINESS

Resolution #2018-120: Support County Court Initiated Park and Recreation District

Adam Brown, City Manager, presented.

Due to projected budget cuts in the upcoming 2018-2019 budget year, the Recreation Department was presented to the Budget Committee as slated for elimination.

During the Tuesday, May 24, 2018 Budget Hearing, a local citizen, Mary Jo Evers, upon hearing of the potential elimination of both the Recreation Department and the decrease in maintenance for the parks, volunteered to spear-head the efforts to submit a Park and Recreation District to the voters, following the area outlined in the Malheur County Library District. This action would be before the voters on the November, 2018, ballot.

If this action proceeded, it would be conducted by the Malheur County Elections Office, as it encompassed land outside of the Ontario City Limits. The time frame for getting this action on the November, 2018, ballot, by a citizen or citizen group, was passed, leaving only one option for getting it on the November ballot. It MUST be initiated by the County itself.

Ms. Evers presented the request to the County Court at their May 9, 2018, regular session. The Court discussed the matter, and will be making their final decision at the May 16, 2018, meeting.

A requirement by the County Court to consider this ballot issue, prior to making their decision, was to receive a resolution by the City of City of Ontario in support of this endeavor. The support was for the new taxing district to provide recreation programming and to manage the Ontario Aquatic Center. The recommendation was only requested if the sales tax ballot initiative did not pass.

A District, should it be passed by the voters, would see the creation of the District on their property tax assessment, and would be paying 55¢ per \$1,000 of assessed property value. The median home value in Malheur County was approximately \$126,600 according to the 2016 American Community Survey conducted by the US Census Bureau. A median home owner would pay approximately \$69.63 annually, or \$5.81 per month, if this was approved.

It was crucial to pass Resolution #2018-120 immediately, as the County Court must have it in hand prior to their meeting on May 16th. If the Council passed the resolution, it would be emailed to the County Court Clerk following the Council meeting.

A Parks and Recreation District was authorized by ORS 266 as a taxing authority and legal governing body. It was anticipated that the Park and Recreation Authority would operate recreational programming and the Ontario Aquatic Center.

If the Council elected to not support the resolution, OR the County Court elected to not support the District, it would need to be conducted by the citizens, and would not be eligible for any ballot until May, 2019.

CRUME moved, PALOMO seconded, **THAT THE CITY COUNCIL ADOPT RESOLUTION #2018-120, A RESOLUTION TO SUPPORT THE ESTABLISHMENT OF THE ONTARIO PARK AND RECREATION DISTRICT, TO BE INITIATED BY THE MALHEUR COUNTY COURT. NO VOTE**

Councilor Justus verified that the Council was saying if the sales tax passed, the motion would be moot, or would they be moving forward with the Recreation District either way. If they wanted to do the Recreation District, when they approved the budget, they could keep the Rec District in that budget. Was that correct?

Mayor Verini stated yes, if they wanted to.

Councilor Winebarger stated she did not think that what was being proposed was contingent upon the sales tax, or was it?

Mr. Brown stated it was.

Councilor Winebarger stated conversations in the community were that the Recreation District was wanted regardless of the sales tax outcome.

Councilor Carter stated her agreement with Councilor Winebarger.

Mr. Brown stated the Recreation District would cost people more money. Currently, that service was being provided by the city at a lesser cost. They would go ahead to quickly open the pool and make major renovations, whereas the city's plan would be as the money was gathered, it would be pay as you go. The pool wouldn't be opened "as is", but the roof would be removed and probably have it open only in the summer where it would cash-flow. Their plan would be to restore the pool immediately and then pay debt service on it.

Councilor Carter stated she did not want to see the pool attached because she knew those phases for the aquatic center, through the Friends of the Aquatic Center, had already been written and decided.

Mr. Brown stated the financial plan for that petition was for it to include Recreation programming and the Aquatic Center.

Councilor Justus verified if the Council approved the proposed resolution that night, they were saying if the sales tax passed, the city was going to take on the responsibility of the Recreation Department as they'd done in the past. If they wanted to change that, they would have to make it different after that night. They couldn't make a resolution that they wanted the Recreation District on the ballot either way?

Mr. Brown stated they could do that, but if it expanded beyond the city limits, they didn't have the authority to put a ballot measure on that would expand beyond the city limits.

Councilor Justus agreed, but they could make a resolution that would support the County Commissioners forming a Recreation District, whether the sales tax passed or not.

Mr. Brown stated yes, they could do that.

Councilor Justus stated he would like to make that amendment to the proposed resolution.

Councilor Carter asked Councilor Justus if his resolution included the swimming pool.

Councilor Justus stated it would include the pool. The Recreation District would be all encompassing.

Councilor Carter stated she was not in agreement with that.

Councilor Winebarger called for the vote.

RETYPE MOTION:

CRUME moved, PALOMO seconded, **THAT THE CITY COUNCIL ADOPT RESOLUTION #2018-120, A RESOLUTION TO SUPPORT THE ESTABLISHMENT OF THE ONTARIO PARK AND RECREATION DISTRICT, TO BE INITIATED BY THE MALHEUR COUNTY COURT.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-no; Capron-no; Winebarger-yes; Verini-yes. Motion carried 5/2/0.



NW 4th Avenue and Verde Drive Intersection – Opportunity for Stop Control Change

Betsy Roberts, City Engineer, presented.

After review of traffic volumes and crash data for the given intersection, the City Engineer recommends the intersection be upgraded from a 2-way stop controlled intersection to a 4-way stop controlled intersection.

NW 4th Avenue was a 2-lane collector running east/west with a design hourly volume of approximately 160 vehicles per hour. Verde Drive was a 2-lane collector running north/south with a design hourly volume of approximately 280 vehicles per hour. The two roads intersected perpendicularly, with NW 4th Avenue being stop controlled. No turning lanes were provided at the intersection on either road. Both roads utilized curb and gutter with an underground storm drain system, and sidewalk adjacent to the curb. There was limited pedestrian use, on the range of two to three pedestrians crossing the intersection per hour. Traffic counts were conducted at the intersection in January of 2018.

The intersection's crash history consisted of 15 accidents from 2010 through 2017. None of these accidents were fatal. Most accidents were due to vehicles running the stop signs on NW 4th Avenue and being hit by crossing traffic on Verde Drive. Twice, a vehicle running a stop sign on NW 4th Avenue collided with a vehicle on Verde Drive, which was then pushed into the existing pump house facility on the northeast corner of the intersection; once in 2011 and again in 2017.

The City of Ontario requested that the intersection be analyzed to determine if a four way stop condition was warranted, and if a four way stop condition would help to prevent the city's pump facility from being damaged in future collisions.

Factors Warranting a Four Way Stop

The Manual of Uniform Traffic Control Devices (MUTCD) outlined the circumstances in which an intersection may warrant being converted into a four way stop controlled intersection. One factor was crash history, the other was traffic volumes. The MUTCD suggested that intersections where five or more crashes that were susceptible to correction by a multi-way stop installation were justified in being converted to multi-way stop intersections. The NW 4th Avenue/Verde Drive intersection did not meet those criteria, as it experienced one to four crashes per year, since 2010, and not all of those crashes would have been susceptible to prevention by installing a four-way stop.

Justifying a multi-way stop condition based on traffic numbers required meeting the following criteria:

1. The vehicular volume entering the intersection from the major street approaches (total of both approaches) averaged at least 300 vehicles per hour for any eight hours of an average day; and
2. The combined vehicular, pedestrian, and bicycle volume entering the intersections from the minor street approaches (total of both approaches) averaged at least 200 units per hour for the same eight hours, with an average delay to minor-street vehicular traffic of at least 30 seconds per vehicle during the highest hour; but
3. If the 85th percentile approached speed or the major-street traffic exceeded 40 mph, the minimum vehicular volume warrants are 70% of the values provided in Items 1 and 2.

Based on the traffic counts conducted in January of 2018, the NW 4th Avenue/Verde Drive intersection did not satisfy these conditions when looking at 8-hour segments, but did satisfy these conditions during peak hours. As the population increased, the intersection would increasingly approach the formalized criteria for a four-way stop. In addition, the crashes that resulted in damage to the pump facility were the type that could be susceptible to correction by installing a four way stop condition.

The city has also expressed interest in installing bollards around the pump house to provide additional protection to the facility in the event that another vehicle could impact that quadrant of the intersection. These bollards would not be considered break-away features, and would pose a significant hazard to an errant vehicle impacting them. However, the existing corridor contained multiple hazards near the roadway including power poles, trees, fences, and boulders. In addition, the bollards would be located behind the sidewalk and outside the clear zone of 14 feet assuming an edge of travel way 12 feet away from the centerline of the road. Also, considering that in the urban environment clear zone was not always a practical design criterion due to slower vehicle speeds and numerous features near the roadway, the location of these bollards, even if they were within the clear zone, would be justification to negate their installation. For these reasons, installation of the bollards was justifiable as a means to protect the city's infrastructure.

There would be minimal cost to install stop signs and temporary signage notifying public of intersection changes; this effort was not time critical; and there were no policy or legal issues associated.

CRUME moved, JUSTUS seconded, **THAT THE CITY COUNCIL APPROVE THE MODIFICATION TO THE NW 4TH AVENUE AND VERDE DRIVE INTERSECTION FROM A 2-WAY STOP CONTROLLED TO A 4-WAY STOP CONTROLLED INTERSECTION AND ADD BOLLARDS FOR INFRASTRUCTURE PROTECTION, BASED ON THE ENGINEERING ANALYSIS PROVIDED.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-yes; Capron-yes; Winebarger-yes; Verini-yes. Motion carried 7/0/0.

Building Official

Adam Brown, City Manager, began the action, and then deferred to Dan Cummings, Community Development Director.

The city had received an inquiry, a request for a plan from the state as to how the city was going to address the Building Official issue. The Attorney General's opinion was sent down to municipalities and counties, and the interpretation was that the Building Official was a function of the municipal government, and had to be done by a municipal employee. Currently, the city contracted out that service with Fruitland, Idaho, and it had worked well, but following some inquiries by Mr. Cummings, and was told that situation was not going to meet the standards the state wanted. The city had until the 24th to submit a plan to the state. Staff had looked into a few scenarios: hiring a Building Official, and if that was even affordable; they looked at going with the county. The county had not approached the city, but staff suspected the number of municipalities partnering with the county was capped at no more than three entities, so if the county was working with Vale and Nyssa already, which they were, that would negate the ability for Ontario to partner with them. There were other cities Ontario could potentially partner with, such as Baker City. That conversation had not occurred yet. There was also the option of state inspections.

Staff's paramount concern was responsiveness and economic development. Being able to have control and move projects forward quickly, ensuring efficient inspections for development. The last thing they wanted to do with a developer was get the process bogged down. The system being used by the city currently worked well, and they'd like to maintain that level of service.

Dan Cummings, Community Development Director, stated his answer to the issue had literally occurred that day at 5:00 p.m. As stated earlier, he had been negotiating with the state. They did not recognize out of state cities for the service. He was still negotiating with the state to see if they would allow it to continue, even for a short period, until someone licensed could be lined up. Trying to put on a full-time person, funding that position, as it was now, there were no funds for a Building Official.

Mr. Brown stated a fully-burdened, full-time Building Official, based on current comparisons, was around \$140K. The annual income was significantly less than that.

Mr. Cummings stated had done a three-year average, six-year average, and a seven-year average, and the results were \$69K, \$79K, \$89K. That was what was paid to the City of Fruitland. To bring in more money, the city would have to increase fees quite a bit, but increasing fees may see reduced development. But then --- Marcy Siriwardene, Planning Technician, stepped up and stated she was willing to take the classes to become a licensed Building Official. He would also step up, and not ask that anyone else be hired. Between the two of them, they'd handle everything. If it got super busy, where they might need extra help in the planning side of things - posting notices, that type of thing - they might ask for a temporary worker. But, for now, they'd handle it. He had sent another email to the state, asking to allow them to use the program currently in place with Fruitland, which was set to expire June 30th. If that was denied, staff would have to come up with someone to cover the short-term.

Mr. Cummings was asking for permission to allow Ms. Siriwardene to take the necessary classes, which were about \$800, and there was funding in their budget.

Councilor Carter asked the length of time that Marcy would be attending classes?

Mr. Cummings stated the majority of the classes were online. It was set up for two days a week online. For taking each test, she'd have to go to Salem for that. A few could be taken online. The actual Building Official test was a one-day class over in Salem, so she'd have to go there for that. As a back-up plan to that, he was also willing to do that. The plan was, he would still oversee the Building Department, but for the Building Official title, should Marcy begin having issues with some of the more difficult contractors, then he would be willing to obtain that certificate, too. Issues could probably be resolved without that having to occur, but he was willing, should the need arise. He had every confidence that Marcy would be able to handle things.

Council consensus to move forward with the plan.

HAND-OUTS/DISCUSSION ITEMS**Check Register: March 1-May 10, 2018**

No comments (Attached)

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Mayor Verini stated Chief Leighton had arrived, so he invited the four gentlemen who had been mentioned earlier, to come forward.

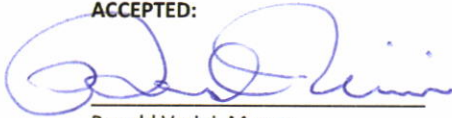
Chief Leighton these four gentlemen had been public servants, and even though they were retired, they were still giving back to their community. They had approached him about doing community events and public service events. They stepped up and remodeled the Public Education Trailer, and also installed the wainscoting around the Council Chamber walls. He still had some other ideas, too, that he'd appreciate their assistance on.

- Councilor Winebarger stated the city's Police Department had done an awesome job with the memorial service at the Cultural Center. It was very well done, and a couple of our officers actually put it together. Officer James Swank, with the assistance of Officer Chris Bolyard, prepared the whole thing, and Chief got it up and running for them.
- Councilor Capron stated he'd like to clarify a vote – he voted no on the Rec Department. He wanted the Recreation Department to go to them, but he wanted yes or no on the sales tax. He wanted them to know that he wanted to go over there. A few of those he had spoken with wanted the same thing, too.
- Councilor Capron stated this coming week-end, there were 360 people saying they were coming to cruise Ontario Saturday. They were printing logos for cars and everything. This Saturday, be careful. It would be 8:00 p.m. at Ashley's.

ADJOURN

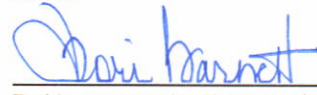
CARTER moved, JUSTUS seconded, **THAT THE MEETING BE ADJOURNED**. Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-yes; Capron-yes; Winebarger-yes; Verini-yes. Motion carried 7/0/0.

ACCEPTED:



Ronald Verini, Mayor

ATTEST



Tori Barnett, MMC, City Recorder