



## CITY COUNCIL MEETING MINUTES July 17, 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, Tess Winebarger, and Ramon Palomo. Betty Carter arrived at 7:21 p.m.

Members of staff present were Adam Brown, Tori Barnett, Dan Cummings, Terry Leighton, Larry Sullivan, Cal Kunz, 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 July 13, 2018. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website [www.ontariooregon.org](http://www.ontariooregon.org).

Mayor Verini noted a change to the Agenda. Under Executive Session, they would be adding B) ORS 192.660(2)(h).

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

### PUBLIC COMMENT

Mary Ann Peterson, Ontario, stated: *I'm a resident of Ontario. My husband and I have lived in Ontario since 1975. We've watched the steady decline of our town over recent years. There are properties in almost every neighborhood that are neglected and rundown, affecting the quality of our lives, not to mention reducing property values. Some people have given up and left. For those of us who have decided to remain here, this is a huge issue. We want the city to know that it is very important to us that ordinances are enforced and we want accountability and some sort of follow-up for it. Thank you.*

Richard Watts, Ontario, stated: *Thank you very much. My issue is failure of the city to enforce parking ordinances in residential areas. On any given day, across the street from my residence, there are eight to 12 vehicles parked in the driveway or on the street. Three to four of them have temporary permits. One has expired December of 2017, parked in the driveway, flat tires, it has not moved. That is in violation of the ordinances. There are several other vehicles with permits expired or not. On numerous occasions an ordinance officer has gone through our neighborhood and drove right by that house. It takes him less time to drive through our neighborhood .....he never slows down, he doesn't stop, he doesn't wave. As for the Chief of Police, when I step out on my front porch, he drives by without waving, he drives by those cars every day that have been parked there for eight to 12 months. My question is, why can't the Police Department see the issue and rectify it? Thank you very much. I'm at 146 SW 25<sup>th</sup> Street, Ontario, Oregon.*

Susan Kurth, Ontario, stated: *I water the downtown pots and in doing so, I get a really close-up personal look at the streets, and the streets are just beyond dirty. I have pictures of very full storm drains that are full of trash and one of them smells like death today, this morning. If we got a big rain, would those drain? Would they back-up? What businesses would be damaged by that? So, I've got pictures here that I can show you, I'll pass them to you down and then you can show them around, but what is it? I've been told that the ordinance folks, I don't know the new company that owns that, says they're going to be cleaned as needed, and what is their judgement on that, as needed? How did they decide on that? Does anybody know, the as needed cleaning? Do you know, Adam, how they based that decision on?*

Adam brown, City Manager, stated there was, but it was better to leave the question and they could give her a better answer.

Ms. Kurth continued: *Okay, I did my, we pay employees to go work on those pots and the maintenance of the pots, which we enjoy doing. Part of our maintenance is picking up massive amounts of trash, which, if you'd look in the back of our pick-up right now, I haven't cleaned it out yet from today's trash, but we have all kinds of things, interesting things, that we pick out of those pots. And then we also blow off the sidewalks and sweep up as much as we can when we trade out the flowers in the pots, so we try to do our part in taking care of the cleanliness of our city, but there again, the yellow paint on the no parking zones of the curbs is almost worn off on a lot of the places. I don't know, how often do those get repainted?*

Cliff Leeper, Public Works Director, stated it was done yearly.

Ms. Kurth continued: *Yearly, okay, so if they need it more than yearly, is there a criteria for that?*

Mr. Brown told her to call the city.

Mr. Kurth continued: *Okay, I will do that. I'll pass these pictures around. This is just today's garbage. There's a picture of a storm drain that's almost to the top with trash. I don't think that'll drain properly if there comes a big rain, which you know how we have those gully washers. There's lots and lots of trash. It's almost like, put on some surgical gloves to take care of it because there's drug paraphernalia, there's needle stuff, there's all kinds of really interesting things. I'll pass this around and let you look at it, and then you guys be the judge on if you think they might need to be cleaned. Thank you.*

#### CONSENT AGENDA

WINEBARGER moved, CRUME seconded, **TO ADOPT THE CONSENT AGENDA**, which consisted of the Council Meeting minutes of June 19, 2018. Roll call vote: Crume-yes; Carter-out; Palomo-yes; Justus-yes; Capron-yes; Winebarger-yes; Verini-yes. Motion carried 6/0/1.

#### OLD BUSINESS

##### Code Enforcement Verbal Report

Cal Kunz, Police Chief, stated: *I appreciate the opportunity to come before you and speak on ordinance for a moment. As you know, a couple weeks ago with the new fiscal year, Code Enforcement staff has been downsized by 33%. We have a big hurdle to overcome with ordinance in general, and having less staff is going to make that even more difficult; however, I did want you to know that we have discussed with the City Manager, as well as Officer Brockett, just going forward basically what our game plan is going to be, and I wanted to share that with you if I could. First off, we have to prioritize, always in police work, whether it's code enforcement or police work in general, and that is something that we'll have to continue here with ordinance. There's basically the four priority levels, the way we look at it. First would be life/safety. We get a lot of dangerous animals or animal bites, or, for that matter, animals trapped in vehicles or locked in vehicles and whatnot, so anything that's possible life/safety is still going to be our number one priority. After that, we want to be responsive to our citizens. When our citizens have concerns about ordinance issues, they come to us. I think their expectation is to have the police department address it or at least look at their issue in some way, so the second prong is whenever we have a complaint either from the members of the Council who see an issue or a problem, that would be a second level priority, or, as I said, the citizens. The third, at that point, would be, if there's time, we start getting proactive, the main thoroughfares, obviously, within the city where most cars are traveling, people are coming into our city, we want to do everything we can to keep those within ordinance and if we keep those parts of the city kept up. Then after that we have the four quadrants that we look at for the city and we do try to take a look at all four of them throughout the year whenever we can so we can equally enforce codes throughout the city. A few hurdles, I'll tell you right now that makes it kind of difficult to get proactive. When we did have the second ordinance officer, that was kind of the proactive prong of code enforcement. It was before my time where that second one came about, but from what I understand, it was to be more proactive, and I think that helped with that. Graffiti was one of the big things at the time to help abate that quicker and get rid of that in our city. When it comes to just one code enforcer, some of the hurdles that we do have, we have the one officer, and he is call responsive. He does get those calls not only about the animals throughout the day, but also throughout the day from citizens. It's rare that a day goes by that I'm not going to him with a problem or two from the community. It's a bit of an overwhelming job for one person. There's no doubt about that. When we look at ordinance problems, to actually follow through with an ordinance problem, it's a process. There's a problem, we identify it, generally it goes that the officer will go out, make contact, and try to resolve the problem. If he can't make contact with the actual owner, then often it's posting a notice, saying that this is an issue, and you have so many days to follow-through, there's that follow-through period, and now that we have the civil penalties, "x" amount of days it gets to the point that those are assessed. There are certified letters to be sent. There's follow-up, and in each stage of the follow-up there are pictures to be taken for evidence, there's a report to be written, and there's follow up reports to be written. It's quite a process, so I realize myself that driving around the city, there's lots of code issues, but every time we see a problem, to actually address the problem, there are steps that we have to take and when you have to go through so many steps to make a good case, it does take time, it does take a lot of documenting, so it is, for example,*



*I talked to Officer Brockett the other day, and this month he's trying to catch up on follow-up work. He has 60 cases this month that he's trying to follow-up. This process I spoke of, the letters the follow-through, the photos, the taking reports, he's doing that this month, as well as July is a hot month and we're getting a lot more calls about dogs and animal problems and life/safety issues, so he's pulled away from that to deal with those priorities. It's a very tasking and difficult job, there's no doubt about it, but we have not given up by any means. We're going to try to be as aggressive as we can. We're going to be using any time that we have to be proactive, but I definitely wanted to let the Council now that we do have a priority system. We're going to follow that to the best of our ability. I don't have a perfect answer. I wish I did. A lot of it boils down to staff, just needing more staff to do all these steps in the process to abate these issues. For example, I spoke with Chief Huff in Fruitland, a little over a year ago, and asked him how many ordinances officers they had, and he told me, pretty quickly, he said that we have two full-time, and he said they had a really hard time keep going up with the demands over there. Obviously, with Ontario, our plate is full and at this point we have one, so we're going to continue to do the best we can, there's no doubt about it. I'm open for any questions or suggestions.*

Councilor Winebarger asked how civil penalties were progressing.

Chief Kunz stated that was an important tool for the department. The civil penalties was doing what they had hoped. It was getting voluntary compliance. People were now calling in, instead of ordinance calling them. They were telling them they were working on the issues, and would be done by a certain date. It was still in its infancy, but they were already seeing a lot more voluntary compliance. They did have the Hearings Officer set up, and there were two issues set for hearings. It gave more leverage to the department, which was what they wanted – the voluntary compliance and responsibility. When he spoke of the importance of following up on cases, when he spoke with Officer Brockett, the number of cases was going to decrease. With 33% less staff, the numbers would go down, but he was shooting for quality cases – documenting them properly in case they went to hearing, they would have a good, solid, strong case.

Councilor Capron asked if people were being cited as soon as it was possible?

Chief Kunz stated it depended on what the case was.

Councilor Capron asked what the policy was on writing parking tickets?

Chief Kunz stated when they were addressing the parking problems, they were call responsive on those, so citizen generated complaints.

Councilor Capron stated he had several citizens ask if they could help with paperwork or filing, help with graffiti, etc.

Chief Kunz stated regarding paperwork, that had to be the officer. But for graffiti, if there were volunteers for cleaning that up, that would be a very positive thing.

Councilor Capron stated on his drive from his home to City Hall that night, he counted over 10 properties with out of control weed issues. Was there any type of priority list for dealing with issues along the main thoroughfare?

Chief Kunz stated yes, that was their game plan going forward, to hit the main areas first.

Councilor Justus asked if Chief Kunz could tell him that out of all the cases on the books, how many were in each quadrant of the city? If there were 60 cases on the books, and the city had four quadrants, to him, there should be 15 citations in every quadrant. If they were using the main thoroughfares, there should be 15 on East Idaho, 15 on West Idaho, etc. He drove around the city on a regular basis, and he didn't see the city being handled fairly by code enforcement. He understood the department was short-staffed, and he also understood that a budget stopped on June 30<sup>th</sup>, so there had been 1.5 Code Enforcement Officers until that date, so for all of this to happen in the last 17 days, well, it didn't. The mall was atrocious until five days ago, but it was taken care of now. The department had reserve officers, there were police officers, what was it going to take? They had to decide what they had to do, and how to get it done. From his perspective as a citizen, and also as a Councilor, if Dallas was 60 cases behind and could only get to 15, the citizens needed to know that so they could step up and help. Everyone in that room knew the city didn't have any money, but they had to find a way to get this done. He was there to help with that, not to hit anyone over the head about it.

Councilor Crume asked, with regard to the civil penalties, had any fines actually been collected?

Chief Kunz stated he would have to defer to the Finance Department for that. The police department was getting a lot more cooperation, and the civil penalties caught attention.

Councilor Justus asked if they were to fund a full-time ordinance department the way it should be staffed, how much would that cost?

Mr. Brown stated approximately \$160K.

Chief Kunz thanked everyone for their comments.

#### NEW BUSINESS

##### Marijuana Legal and Land Use Current Status Presentation by City Attorney and City Planner

Larry Sullivan, City Attorney, presented.

Mr. Sullivan stated he had presented an outline to the Council. The goal of the presentation was to anticipate as many questions as the Council might have with respect to the ongoing marijuana initiative petitions, what impact those would have on the city if they passed, what was the process involved if the Petitioners obtained enough signatures to get the issue on the ballot, what regulatory steps could the city take if it appeared the Petition might end up on the ballot, were there things the Council could do, and what happened if both initiatives passed. If the city didn't take any independent steps to regulate either one of those businesses, what did Oregon law do with respect to regulating those businesses.

##### *1) What are the two marijuana initiative petitions trying to accomplish?*

- a) Two similar initiative petitions pending: the "Eyler" initiative and the "Archie" initiative.
- b) Both reverse the city's ban on all marijuana-related businesses to allow:
  - i. Medical marijuana dispensaries
  - ii. Recreational marijuana outlets
  - iii. Recreational marijuana wholesalers
  - iv. Recreational marijuana processors
  - v. Recreational marijuana producers (i.e. growers)
- c) Both impose 3% tax on recreational marijuana sales
- d) Both require marijuana businesses to have special city-issued licenses
- e) Zoning:
  - i. Archie initiative allows marijuana businesses in all commercial zones other than Neighborhood Commercial (C- I).
  - ii. Eyler initiative prohibits dispensaries in residential zones but does not address other zones except to say that marijuana businesses are allowed within the city limits. It does not say "everywhere" within city limits.

##### *2) What happens if a petition gets the required number of signatures?*

- a) The petitioners have two years (until June or July, 2020, depending on the City Recorder approval date) to get the required signatures.
- b) Once the City Recorder receives certification from the County Clerk that an initiative has sufficient signatures, she "files" it at the next meeting of the City Council, for Council review.
- c) The City Council then has two options: either approve the initiative; or do a separate referral. The referral would be an ordinance created by the Council to be placed on the ballot instead of the initiative.
- d) To get on the November 6, 2018, ballot, the petitions must have sufficient signatures to be certified by the County clerk and be approved by the City Council 90 days before the election (i.e. by no later than August 8, 2018).
  - i. The last regular meeting of the Council before the 90 day deadline is on July 24, 2018, so the petitioners must obtain County certified signatures before then, unless the Council agrees to hold a special meeting between July 24 and August 8, 2018.
  - ii. If the petitioners obtain enough signatures but miss the 90 day deadline, the initiative will be placed on the May or November, 2019, general election ballot.

##### *3) If either initiative is approved by the voters, will this allow the City to impose the 3% sales tax?*

- a) Oregon law does not explicitly say that the 3% marijuana sales tax can be imposed through the initiative process. There is no case law dealing with the 3% tax.
- b) ORS 475B.491 allows cities to impose the 3% tax only by a referral to the voters.
- c) The Oregon Constitution gives voters broad authority to make state and local legislation through the initiative process.

- d) If the voters approve the 3o/o tax through initiative, in the City Attorney's opinion this is not prohibited by ORS 475B.491, because the tax is being imposed by the voters, not by the city. In the City Attorney's opinion the City has the same right to enforce the 3% tax approved by the voters through an initiative as it does when the 3% tax is imposed through a referral.
  - i) To be safe, the City Council could approve a separate referral of the 3% tax for the November 6, 2018, ballot, as long as it does so 80 days before the election (i.e. by no later than August 16, 2018). This could be done as late as the regular meeting on August 14, 2018, once the Council knows whether either petition received enough signatures to get on the November 6, 2018, ballot.
  - ii) Alternatively, instead of approving one of the initiatives for the November ballot, the Council could do a referral instead, to overturn the city's marijuana ban and impose the 3% tax. The City Council could do this without endorsing the referral. Doing so would clearly comply with ORS 475B.491.
  - iii) Doing either i) or ii) would avoid possible litigation over a 3% tax approved only through the initiative process.

*4) What right does the City have to impose limits on marijuana businesses more restrictive than those in the initiatives?*

- a) Oregon law allows cities to impose reasonable regulations on marijuana businesses related to time, place and manner of operation. ORS 475B.426 and 475B.928.
- b) If Ontario's ban is overturned by initiative, the City cannot impose conditions that effectively prevent the operation of marijuana businesses within the city limits.
- c) In the City Attorney's opinion the City could not limit the absolute number of marijuana businesses in the City, because any such limit would be arbitrary.
- d) The effect of a successful initiative would be to add a new ordinance to the City Code, effective 30 days after the election. In the City Attorney's opinion the City Council may amend that ordinance to impose reasonable regulations authorized under ORS 475B.426 and 475B.928, including zoning limitations enacted in compliance with state law.
- e) Dan Cummings, Community Development Director, will present several zoning recommendations to the Council after the City Attorney's Sullivan's presentation

*5) May the City Council enact ordinances imposing reasonable regulations on marijuana businesses in anticipation of the passage of one or more of the initiatives?*

- a) Yes, with qualifications concerning the Archie initiative (discussed below).
- b) Archie Initiative- If the Archie initiative passes, medical and recreational dispensaries would be explicitly allowed in the C-2, C-3, and C-2-H zones, unless the city imposes further restrictions on those businesses after November 6, 2018. In the City Attorney's opinion, the City Council could change the zoning provisions of the Archie initiative only after November 6, 2018, the date of the election. If the City Council passed a zoning ordinance before November 6, 2018, that was inconsistent with the Archie initiative, the courts would likely give precedence to the more recently enacted ordinance (the Archie initiative) in resolving inconsistencies.
- c) Eyler initiative- In the City Attorney's opinion, the City Council could impose reasonable zoning restrictions on marijuana businesses in anticipation of the passage of the Eyler initiative, as long as the city's restrictions were not otherwise inconsistent with the Eyler initiative (because any inconsistencies would be resolved in favor of the Eyler initiative). To have those restrictions be effective on December 6, 2018 (30 days after the election), the city would have to begin working on those in the immediate future in order to satisfy the State of Oregon's notice and hearing requirements for land use regulations.
- d) If the Eyler initiative passes, and if the city does not enact any zoning provisions in anticipation of its passage, the only restrictions on the location of the marijuana businesses (other than medical marijuana dispensaries governed by the Zoning Code restrictions enacted in 2015) would be those imposed by state law and those in the City Zoning Code governing non-marijuana business retail outlets, wholesalers and agricultural processors and producers.

6) What happens if both initiatives pass?

It would be the City Council's responsibility to reconcile the two initiatives and remove redundant and inconsistent provisions by amending them just as it amends other ordinances.

7) If either initiative passes, what restrictions would be imposed by Oregon law on marijuana businesses in Ontario if the city does not impose additional restrictions?

- a) Recreational and medical dispensaries are prohibited within 1,000 feet schools, unless there is a physical barrier (like a river, for example) between the dispensary and the school and the dispensary is at least 500 feet from the school
- b) Medical and recreational dispensaries and processors are prohibited in residential zones.
- c) Medical marijuana dispensaries cannot locate within 1,000 feet of another dispensary.  
This does not apply to recreational marijuana dispensaries, which are allowed to be within 1,000 feet of other dispensaries. Cities may impose the 1,000-foot rule by ordinance, but cannot impose a greater distance between dispensaries.
- d) Medical marijuana dispensaries cannot locate at a grow site.
- e) Before issuing any recreational marijuana license, the OLCC must request a statement from the city that the requested license is for a location where the proposed use of the land is a permitted or conditional use. If the proposed use is prohibited in the zone, the OLCC may not issue a license.

Dan Cummings, Economic Development Director, stated his statement did not mean that the city was advising the ban be lifted. He was giving advice as to what the city should do in case the ban was lifted.

Mr. Cummings had created two maps. First, the existing "Residential 200" buffer zone. He took the existing ordinance enacted by the Council for medical marijuana, with the buffer zones that the Council, and the citizens, at that time, provided input for. It followed the state law for a 1,000 foot buffer between all schools, and the city included the 1000-foot buffer around all parks and public places, to protect the youth. On map #1, the blue circles were the buffer zones. The original map only showed the C-2H zone, which was orange on the hanging wall map, or the lime green on map #1. He reviewed both initiatives, Eyler and Archie, and created a map that showed the 1000 foot buffer around schools and parks, and the original 200 feet from a residential area. Then he added, in color, what areas would be allowed. He had them include C-1, C-2, and C-2H, and C-3 zones. After the buffer zones were added in, the only areas left open for dispensaries were in the C-2 and C-2H zones, which were the lime green and green on the map.

At the Ad-Hoc meeting last week, a member asked what would happen if, some areas along SW 4<sup>th</sup> Avenue were too close to residential, what it would look like if the buffer zone was increased to 400 feet. That was reflected on the second map. All other buffer zones remained the same. That didn't affect much on the Eastside, where most of the C-2H zoned areas were located, but it eliminated areas on SW 4<sup>th</sup> Avenue. Some remained, but it eliminated the majority.

The Council could reduce the impact on the community by the buffer zones, which the city was allowed to do. If the Council opted to regulate by buffers, he would like to eliminate the conditional use opportunity. It would only be authorized as an outright use.

Secondly, as stated by Mr. Sullivan, medical marijuana had a 1000 foot restriction between businesses; however, recreation did not. His recommendation would be to not put a restriction in and let the businesses do just like any other retail business, leave it to supply and demand.

Third, he had made the map based upon commercial zoning. He would be highly recommending that they add in Heavy Industrial, to limit grows to the industrial zones, but to also allow a dispensary in the Heavy Industrial. Any commercial business could operate in an industrial zone if it serviced that industry. It would be growing and processing. Some operations grow their own marijuana, and also have a retail store.

The C-3 area that was wanted, was the downtown area. It had a park on Oregon Street, and it also had Depot Park. That made it a restricted area. In speaking to the Petitioner that wanted in the C-3 zone, he expressed his concerns about locating downtown had to with the standing pedestrian traffic. Adjacent business owners would not be happy if that was allowed and blocks of people were lined up. The Petitioner suggested writing the regulation to include that all customers had to be indoors, not lingering and lining up outside. If the customers exceeded the authorized occupancy, they would need to leave. They'd need to release the buffer zones from the parks and not affect the rest of it.

Councilor Winebarger asked about excluding certain zones, like unless it was in a C-3 zone.

Mr. Cummings stated the C-3 zone was different, including different regulations and requirements. Yes, it could be done, but he didn't believe it would be good move on the part of the city.

The process for change would be a land use action, and that would require a notice to DLCD 35 days before the first public hearing; then notify the Planning Commission 20 days ahead of the first hearing, but that could be in conjunction with the 35 days. Then a second public hearing, which would be in front of the City Council, followed by a second reading by the Council. Then, a 30-day wait from the final reading to active. It was a minimum of a 3-month process.

Councilor Capron stated if they approved the map, it didn't mean it was final. As an example, if Four Rivers School moved next year, and the property reverted back to whatever it was before, and a dispensary opened up in the zone, and a school moved back into the area, the dispensary would not have to close or move.

Mr. Cummings stated he hadn't addressed anything in the UGA, because it was not currently in the city. Right "here" was the E-2 and "this" was E-5, which was in the UGA, but "this" piece right "here" was in the city limits and was zoned Employment Zone 2, which allowed almost everything that was in the C-2, the C-2H, and Light Industrial, so that area would be available; however, whatever went in there would have to be a 2-acre development site. The buffer was to the property line, not the building.

Steve Meland, Chairman, Marijuana Ad-Hoc Committee, stated: *Recently the Council sent a few different questions to us, two of them specifically, so I'll just repeat those questions for everybody and then I'll go ahead and give you guys our official recommendation. First question was should it be a requirement to have owned a dispensary in another state prior to establishing one in Ontario? The second question for us to discuss was should there be a requirement that there's a two-year residency for any owner owning 51% or more of the marijuana dispensary in Ontario? Essentially, do you have to have one in as state previously, and do you have to live here for two years.*

*On the first question, the requirement to have operated a dispensary in another state, we did not pass a recommendation to the Council. However, for the requirement to have a 2-year residency in Ontario before establishing a dispensary in the city, the committee did want to send back a recommendation that you should have to be a resident for two years to own 51% or more of a cannabis dispensary in Ontario.*

*Those were the only two questions that I had, unless there are any other questions for me today.*

Councilor Justus asked if the committee recommended that it be 51% for the forever. To own a marijuana dispensary ever, they had to have 2-years residency?

Mr. Meland: *No, I should clarify. The question came to us posed as a two year requirement, so for the first, no, I take that back. It was the 3-year requirement. For the first three years, the residency would be required for anyone that has 51% ownership, or more, for the first three years of operation.*

Mr. Sullivan verified it was not a preexisting condition that anyone, when they applied, they've been a resident for two years?

Mr. Meland: *That was actually, in fact, the recommendation. That was the question that we got posed, and the recommendation went back that it would be a prerequisite for issuance of a license, that you have lived in Ontario for two years.*

Mr. Sullivan stated it was not that whoever owned the business for the first three years after the business opened, 51% would have to be owned by someone who was a current resident. That wasn't what....

Mr. Meland: *You would have to, in fact, I believe under the way the question was posed to us.*

Mr. Brown stated the committee discussion was because they wanted the money to stay local rather than somebody living in Idaho and making a business in Ontario. That hasn't been run up the legal ladder.

Mr. Sullivan stated the chances of getting challenged could be significant, but he didn't think the city would lose. The city could offer a reasonable basis for wanting to impose that. It would be clearer if it wasn't two years prior to the application being made. It was more difficult to justify why someone who lived in the city limits for only one year wasn't qualified to make an application, whereas someone who had lived in the city for two years, was. It would be clearer if the requirement was that once the application was submitted, the person operating the business had to be an Ontario resident or a majority owner for the first three years.

Councilor asked when the Petitioners had to have all their signatures? The next Council meeting would be the 24<sup>th</sup>, so they'd have to have all the signatures by then, and have them certified? Or, the Council would have to agree to hold a special meeting.

If the Council didn't agree to hold a special meeting, and they got their signatures after that, it wouldn't go on the ballot until May.

Mr. Sullivan stated he was going to double-check the May date. That was for regular initiatives, but there be part of the marijuana law that only allowed that to be voted on at a November General Election. If that's the case, it wouldn't be on the ballot until November, 2020.

Mayor Verini stated the Council had to decide if they were amenable to holding a special meeting, if necessary. What was the latest date the Council could convene to ensure the Initiative was on the November 2018 ballot?

Tori Barnett, City Recorder/Elections Official, stated it would be August 7<sup>th</sup>. She had to have everything to the County Clerk, ready for the ballot, on August 8<sup>th</sup>.

Mayor Verini stated the Council needed to determine if they were would be willing to hold a special meeting if the Petitioners could not meet the deadline of the 24<sup>th</sup>.

Councilor Crume stated everyone knew he was against marijuana, but he would not stand in the way of getting this on the ballot.

Councilor Palomo asked how hard was it to get the number of necessary signatures?

(Voice) It wasn't a matter of getting the necessary signatures, it was a matter of getting them all certified by the county by the 24<sup>th</sup>.

Mayor Verini asked for a consensus to call a special meeting, if needed. Consensus roll call: Capron-yes; Winebarger-yes; Crume-yes; Justus-yes; Carter-yes; Palomo-yes; Verini-yes. Unanimous consensus to hold a special meeting if necessary.

#### **HAND-OUTS/DISCUSSION ITEMS**

##### **SDC Summary – Annual Report**

No comments (Attached)

##### **Check Register: May-July 13, 2018**

No comments (Attached)

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

- ✓ Councilor Capron stated he was going on vacation, so a special meeting during that time, he'd participate by phone.
- ✓ Councilor Winebarger stated some of the staff of the League of Oregon Cities was in town for the Small Cities Network, and she would be joining them after this meeting concluded, so if anyone had any questions or issues she wanted her to take to them, speak now.

#### **EXECUTIVE SESSION(S)**

##### **Executive Session: ORS 192.660(2)(e)**

An executive session was called at 8:54 p.m. under provisions of ORS 192.660(2)(e) to discuss real property transactions. The Council convened into a second Executive Session at 10:17 p.m.

##### **Executive Session: ORS 192.660(2)(h)**

An executive session was called at 10:17 p.m. under provisions of ORS 192.660(2)(h) to discuss current or potential litigation. The Council reconvened into regular session at 10:25 p.m.

#### **ADJOURN**

WINEBARGER moved, CARTER 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