CITY COUNCIL MEETING MINUTES
August 21, 2018

The scheduled meeting of the Ontario City Council was called to order by Mayor Ronald Verini at 7:00 p.m. on Tuesday, August 21, 2018, in the Council Chambers of City Hall. Council members in attendance were Ronald Verini, Norm Crume, Dan Capron, Tess Winebarger, Marty Justus, Betty Carter, and Ramon Palomo.

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

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

Tessa Winebarger led everyone in the Pledge of Allegiance.

AGENDA

This Agenda was posted on August 18, 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-out; Capron-yes; Winebarger-yes; Verini-yes. Motion carried 6/0/1.

Councilor Justus arrived back at 7:06 p.m.

PUBLIC COMMENT

Bruce Tuttle, Ontario, stated: *Thank you, Mayor and Council. My name is Bruce Tuttle. I reside in Ontario, Oregon for the last 74 years. I would like the Council to find the specs on THC of marijuana back in 1980 versus what it is today. I can give you approximate. 4% back in the 80s, 30-33% today, and we need to get this to the paper, we need to get it to the people. We need to tell them that this is not just a little simple drug, or, if I can call it drug, but it is a drug today, and I think we need to get this out to the public. This is a hard drug. Those of you that think it isn't, prove it to us. Thank you.*

John Kirby distributed a Minority Report to the Council, he had prepared along with Andrew Peterson. Council accepted the document into the formal record of the meeting.

CONSENT AGENDA

WINEBARGER moved, CAPRON seconded, to adopt the Consent Agenda, which included Work Session minutes of February 8, 2018; Special Telephonic Council Meeting minutes of July 9, 2018; Work Session minutes of July 12, 2018; Council Meeting minutes of July 17, 2018; and Special Council Meeting minutes of August 7, 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

Departure of Councilor Tessa Winebarger

Mayor Verini presented Ms. Winebarger with a plaque, which read:

Montessa "Tess" Winebarger, Ontario City Councilor, January 1, 2015 – August 31, 2018.

Audit Committee, Budget Committee, Hospital Facility Authority, Local Contract Review Board, Planning Commission Ex-Officio, Sister City Liaison, Four Rivers Cultural Center Liaison, Friends of the Aquatic Center Member, League of Oregon Cities Board Member

In recognition and with deep appreciation for the hard work, dedication, and many contributions rendered in service to the people and the community of Ontario, Oregon.

Thank you for your support on behalf of city employees, and for always having the courage to make bold statements, drawing attention and opening discussions about important, and sometimes controversial, issues.

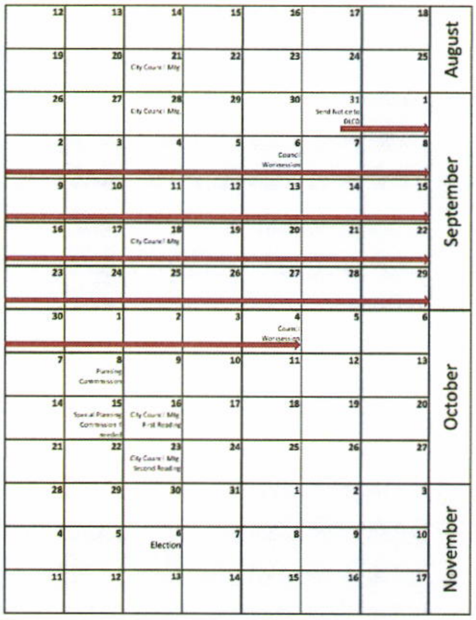
A special thank you for your service on the League of Oregon Cities Board. Your commitment to providing a voice not just for Ontario, but all of Eastern Oregon, has had, and will continue to have, a positive impact on activities across the state.

We extend to you our deepest gratitude, the Ontario City Council, 2018.
Councilor Winebarger presented each sitting Councilor, incoming Interim Councilor, and city Department Heads with a small gift.

OLD BUSINESS

Marijuana Update/Timeline Actions
Adam Brown, City Manager, presented.

Marijuana Ordinance Fastest Track for Completon by November Election



The city's Marijuana Ad-Hoc Committee had some recommendations for the Council.
Should the City Council require a 2 year residency for any business owner with more than a 51% ownership to operate a dispensary in Ontario.
Ad Hoc Committee supports this requirement.
Notes: Attorney's initial reaction was that he believes it could be done going forward, but not looking backward.
Should the city council require that a business owner be required to operate in another state before being able to operate a store in Ontario?
Ad Hoc Committee does not support this policy
Buffer Zones:
Ad Hoc Committee supports for 1,000 foot buffer from retail to parks/recreation.
Ad Hoc Committee supports no buffer from retail to church and daycare.
Ad Hoc Committee supports 500 foot buffer from retail to residential.
Ad Hoc Committee supports a 1,000 foot retail to retail buffer zone.
Time:
Ad Hoc Committee supports following the state hours of operation.
Taxation and Licensing:
Ad Hoc Committee supports city business license for medical grows within the city.

Ad Hoc Committee supports taxation at highest possible local level (currently 3%).
Ad Hoc Committee supports all business licenses pay $5,000. Motion passes 7-0
Ad Hoc Committee supports a no cost registration for all medical grows. Motion passes 7-0
Advertising:
Ad Hoc Committee supports prohibiting billboard advertising in the city.
Where:
Ad Hoc Committee supports non-flammable processing should be allowed in all zones other than residential. Flammable processing should be allowed in just industrial zones. Motion passes 7-0
Ad Hoc Committee supports allowing all wholesalers in the commercial and industrial Zones. Motion passes 7-0
Ad Hoc Committee supports indoor and outdoor grows in industrial zones. Motion passes 7-0
Ad Hoc Committee supports that we allow both indoor and outdoor grows of medical marijuana. Motion passes 7-0
Revenue:
~~*Ad Hoc Committee supports the city council be allowed to spend money as they see fit to educate children and parents. Motion passes 6-1;*~~
Ad Hoc Committee recommends the City Council create a committee involving professionals from all sides of this situation that has the greatest potential to benefit the largest portion of our community. 4-2

Dan Cummings, Community Development Director, stated the Council directed staff to start the process of amending Title 10A-58 and to bring the Council a schedule to amend Title 10A, all dealing with medical marijuana facilities to allow certain marijuana related operation and activities. This direction was given in case the pending marijuana initiative on the November ballot was approved by the voters.

Chapter 10B-15 Legislative Amendment Procedures required amendments to Title 10A be initiated by the City Council. Amendment actions would first be referred to the planning Commission for a public hearing and recommendation to the City Council. To initiate this action, staff provided a proposed motion.

CRUME moved, PALOMO seconded, **THAT THE CITY COUNCIL DIRECT STAFF TO MOVE FORWARD WITH THE AMENDMENTS TO TITLE 10A, TO ALLOW CERTAIN MARIJUANA RELATED OPERATIONS AND ACTIVITIES AND TO REGULATE THESE ACTIVITIES, IN THE EVENT THAT THE EXISTING BAN UNDER TITLE 3 CHAPTER 23 IS LIFTED BY THE VOTE OF THE PEOPLE.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-yes; Capron-yes; Winebarger-yes; Verini-yes. Motion carried 7/0/0.

NEW BUSINESS

Treasure Valley Community College Multi-Use Pathway Design

Adam Brown, City Manager, and Betsy Roberts, City Engineer, presented.

Mr. Brown stated this report provided for the survey and design of the TVCC trail improvements. The TVCC Connector trail improvements would link more regions of the TVCC campus and the rest of the community. Phase 1 included paving nearly 6,000 feet of 10-foot wide trail. The segments of path explored in Phase 1 would be along SW 14th Avenue, generally from SW 4th Street to Park Boulevard, then north along Park Boulevard to SW 9th Avenue to connect to the existing sidewalk. The third leg of the triangle connected back through the campus sports field, running past the new residence hall and the southern end of the campus at SW 14th Avenue.

By connecting to existing sidewalks on Park Boulevard at SW 9th Avenue on the north and SW 4th Avenue on the south, the new pathway connects the campus to the rest of the community. The cross campus path would be at the decision of TVCC as to whether they want that route through campus or not. This new path would provide walking, running, or biking for all of the community to enjoy. This pathway project is identified in the recently updated Parks Master Plan.

Currently TVCC pedestrian paths lacked connectivity with the community. On the west side of the college along Park Boulevard and SW 14th Avenue, the path would be paved in asphalt and a new curb and gutter would be constructed. This would create a more formalized path for community residents and students walking along the road to ensure they were better protected from vehicles. A new asphalt paved path would be explored for construction near the residence hall and down toward the south end of campus; this section of path would run through the existing lawn. Any landscaping disturbed during construction would be replaced back to its original condition. City staff would like to have the design for this pathway completed so that it was available when construction funding might become available. Trails were an important aspect for making the community more attractive and livable.

The total construction cost of the phase one TVCC trail improvements was estimated to cost approximately $165,000 to do all three legs of the project. The construction costs generally included landscaping, excavation, asphalt paving, base course, curb and gutter. The estimated cost for this effort was $16,300, which broke down to $6,800 for survey efforts by on-call surveyor, CK3, and $9,500 for in-house design by Jacobs. The Bike Reserve fund currently sat at $104,718. Design and survey costs would come out of the Bike Reserve fund, leaving a remaining $88,418 in that fund. Staff's goal was to conduct a survey this fall and design over the winter so that the construction documents could be available for construction in the spring or as funds became available. Not adding the pathways would not improve the alternative transportation connectivity throughout the campus or the community.

CARTER moved, WINEBARGER seconded, **THAT THE CITY COUNCIL APPROVE DESIGN AND SURVEY FOR PHASE 1 OF THE TREASURE VALLEY COMMUNITY COLLEGE (TVCC) TRAIL PROJECT FOR $16,300.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-yes; Capron-yes; Winebarger-yes; Verini-yes. Motion carried 7/0/0.

Bid Award - Ontario Splash Pad Phase 1 (Restroom)
Adam Brown, City Manager, and Betsy Roberts, City Engineer, presented.

Construction of the restrooms was part of phase one of the Ontario Aquatic Center Master Plan. Completion of this portion of the Phase One was essential to opening the facility.

The Splash Park idea was started by a group of citizens in March, 2016, wanting to reopen the pool. Through numerous public outreach events, input was gathered from the citizens and school aged children and the concept of the splash pad was born. The Friends of the Aquatic Center had raised a significant amount of money through a variety of fundraisers and had been awarded a grant from the State of Oregon to help fund the restroom construction effort for the Splash Pad.

The restrooms for the Splash Pad were required by the State of Oregon in order to proceed with the development of the Splash Pad Phase One. Very recently, the Oregon State Parks and Recreation awarded a grant of nearly $300,000 to the city to help fund the building of the restrooms and other parts of the Splash Park project. The restrooms were put out to bid over the past month, and two bids were received. The low bid was submitted by Holcomb Construction, Inc. in the amount of $154,720.00 and the second, submitted by Snake River Construction & Excavation, LLC, in the amount of $203,452.00. Both bids were reviewed and found to be responsive, and both were within the amount estimated.

The Holcomb Construction Inc. bid, in the amount of $154,720.00, would be paid out of the Oregon State Parks and Recreation Grant. No additional funds from the City were needed. Approval by the Council to award this project needed to occur quickly so that work could commence as soon as possible. The fall construction window was starting to shrink staff wanted to move quickly to take advantage of that window. This has been out to bid and was advertised in the Argus Observer and on public bid forums. Not moving forward on this aware would require rebidding, which would take additional time and it was likely the bid amount would not change.

WINEBARGER moved, CARTER seconded, **THAT THE CITY COUNCIL APPROVE THE AWARD OF THE BID FOR THE BUILDING OF THE RESTROOMS FOR THE ONTARIO AQUATIC CENTER PHASE 1 SPLASH PARK BUILDING ADDITION TO HOLCOMB CONSTRUCTION, INC. FOR $154,720.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-yes; Capron-yes; Winebarger-yes; Verini-yes. Motion carried 7/0/0.

SRCI Wastewater Agreement Extension
Adam Brown, City Manager, and Larry Sullivan, City Attorney, presented.

The Department of Corrections (DOC), which operated the Snake River Corrections Institute (SRCI), was proposing a second one-year extension of the 20 year agreement that terminated in September of 2017.

Following the last extension of the agreement in August of 2017, negotiations ceased until the spring of 2018 when DOC was once again able to come to the table. The timeliness of the extension was important because of the failures of the lower lift station, which were under-engineered and had failed multiple times. The lower lift station only served SRCI. The city had made repeated attempts to notify DOC that there was an imminent danger that had to be addressed. Since the extension in August 2017, the city had spent $50,000 in studying alternatives and making temporary repairs to the lower lift station. More repairs were required to make the facility environmentally safe and fail proof.

The Department of Justice assisted the Department of Corrections in preparing the extension of the contract. They had also been helpful in accelerating the negotiations over the past three weeks. The Council expressed a desire to document their continued concerns for the collection system from SRCI to the Wastewater Treatment Plant. In addition to approving the extension, the Council asked staff to prepare a letter to the Department of Corrections reiterating its concerns about the collection system.

The estimated cost to rebuild the preferred reconstruction alternative was $1.68 million. The wastewater fund was not currently sufficient to bear that cost. That cost would need to be built into the rate system going forward or the state would need to pay for that cost up front to keep the service cost low. The city prepared and shared a 10-year forecast of capital needs for SRCI. Staff believed the state recognized the urgency and was willing to continue to negotiate in good faith. Only the City Council can approve the extension with the State of Oregon. The State of Oregon had the authority to force the city to continue to provide service to the prison.

State statute allowed the state to force the city into mediation to determine a reasonable rate. It was the sentiment of staff from both the state and the city that they could work forward now to negotiate a rate without the time constrictions of mediation.

WINEBARGER moved, CAPRON seconded**, THAT THE CITY COUNCIL APPROVE THE WASTEWATER EXTENSION AGREEMENT FOR THE SNAKE RIVER CORRECTIONS INSTITUTION AND AUTHORIZE THE MAYOR TO SIGN A LETTER STATING THE ONTARIO CITY COUNCIL'S CONCERNS ABOUT THE LOWER LIFT STATION.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-yes; Capron-yes; Winebarger-yes; Verini-yes. Motion carried 7/0/0.

Resolution #2018-124: Establishing a $5 Public Safety Fee
Kari Ott, Finance Director, presented.

The City Council recognized the need to maintain services that safeguarded, facilitated, and encouraged the health, safety, and welfare of the residence and businesses of the city. The Public Safety Fee was not intended to fund public safety in its entirety. It would be used to maintain public safety services.

The City was in need of a funding mechanism to preserve the current police department staffing levels. The City Manager proposed a public safety fee and the budget committee approved a $5 public safety fee listed as a separate line on the water on the sewer bills. The public safety fee would preserve two police officer positions.

The proposed resolution would set the public safety fee as a monthly $5 fee to each dwelling unit and nonresidential unit. Staff believes this fee, at a monthly charge of $5, would bring in $217,500 annually. If the Council opted to not adopt the proposed resolution, the city could not collect a fee, and lack of funding would cause two police officers to be cut from the 2018-2019 budget. This should be approved as soon as possible to start bringing revenue into the city to fund public safety; however, ORS 294.160 required an opportunity for public comment on fees.

CRUME moved, JUSTUS seconded, **THAT THE CITY COUNCIL ADOPT RESOLUTION 2018-134, A RESOLUTION ESTABLISHING PUBLIC SAFETY FEES.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-yes; Capron-yes; Winebarger-yes Verini-yes. Motion carried 7/0/0.

Resolution #2018-125: Certain Fees and Charges Not Subject to Limitations of Article IX, Section 11b, of the Oregon Constitution (Measure 5)
Kari Ott, Finance Director, presented.

After Resolution 2018-134 Establishing Public Safety Fees was approved by the City Council, the Council needed to consider approving Resolution 2018-135. Resolution 2018-135 classified the public safety fee imposed by Resolution 2018-134 not subject to Measure 5 limitations. This also certified that a publication would be published in the newspaper to give notice of the adoption of this resolution. This should be approved as soon as possible after approval of Resolution 2018-134.

CRUME moved, CARTER seconded, **THAT THE CITY COUNCIL APPROVE RESOLUTION 2018-135, A RESOLUTION CLASSIFYING CERTAIN FEES AND CHARGES AS NOT SUBJECT TO LIMITATIONS OF ARTICLE IX, SECTION 11B OF THE OREGON CONSTITUTION (MEASURE 5).** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-yes; Capron-yes; Winebarger-yes Verini-yes. Motion carried 7/0/0.

HAND-OUTS/DISCUSSION ITEMS

Check Register: June to August 16, 2018
No comments (Attached)

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

Councilor Justus stated he wanted to discuss the Business Loan Fund. He wanted the Council to consider asking the Business Loan Committee to update its policies. One, the interest rate should be market instead of below; and two, they should consider a residency requirement. If they were going to be consistent with residency requirements, that should be a part of the Business Loan Fund. I'd like the Council to ask the Committee to update their policies and procedures.

Councilor Crume stated he'd like to ask the Committee members if they had any requests for the Council.

Councilor Carter stated they needed to be careful with how they boxed themselves in every time something came up where a person would have to live within this community. Also, were they truly prepared to support a larger community with no housing?

Councilor Crume stated thanked Mr. Brown for his work on the trail system. However, he feared there could be some in the community who would not understand what could be done with "free" money and cooperation from within the community. He wanted to make sure everyone knew where the money was coming from. It was from the State of Oregon, not local taxpayers.

Councilor Winebarger reminded everyone that there was a city ordinance which prohibited bike riding on sidewalks. That needed to be reviewed, in order for bike riding on the proposed trail system. There were several outdated ordinances that needed to be reviewed.

Councilor Capron stated one year ago was the eclipse. Everyone worked together, and made it a great event.

Councilor Carter informed everyone that Verna Pike was the replacement for Maggie Wood on the Citizens on Patrol group.

The Council thanked Councilor Winebarger for her service on the Council.

ADJOURN

WINEBARGER moved, VERINI seconded, **THAT THE MEETING BE ADJOURNE**D. 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

Tori Barnett, MMC, City Recorder