



CITY COUNCIL WORK SESSION MINUTES April 5, 2018

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

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

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

Ramon Palomo led everyone in the Pledge of Allegiance.

AGENDA

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

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

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

PUBLIC COMMENT

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

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

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



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

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

PRESENTATION

Certified Local Government

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

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

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

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

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

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

Council consensus to have staff pursue this further.

Veteran's War Memorial Grant

Cydney Cooke, stated: *The opportunity I've brought forth is the Veteran's War Memorial Grant, and this is the opportunity for the city to add a Veteran's Memorial Park. I understand that we are trying to allocate funds to redo our parks, and with this grant, that would give us some capital for doing that, for either one park, or multiple parks. This slide show is not concrete; it's just ideas. It would be for the Council to decide if we even want to move forward with this grant. The opportunity is to commemorate fallen veterans in the community. Something that the Veteran's Advocates do very well. It would also bring patrons into the community, and it was a chance to unify all citizens. The big issue, I feel, with Ontario, is the citizens don't feel like they're a part of the Council; the Council feels like citizens aren't listening, and vice-versa, so I feel this park would be able to bring everybody together because I feel everybody knows somebody who was a veteran, is a veteran, or is currently enlisted, so this would be an opportunity to bring all those people together and give them the respect that they deserve. We could reconstruct the park, or multipole parks, in Ontario. We also received money from donated sources, such as Auto Ranch to help with the park equipment, so that could be written in on the grant as well. This was a chance to be transparent with the community about the grant. I make that point clear just because doing the form there was the issue of explaining how money was allocated for certain things, and citizens weren't really understanding that you can't just put money everywhere, so I feel like this is an opportunity to reiterate that to them with the transparency of the actual grant that we would be applying for that this is not money being taken out of anybody's pockets or being taken out of the General Fund. It was money being given to us by the state. The deadline is approaching; the deadline is April 25th, so this is very rushed. That's why I need to talk to Veteran's Advocates, as well as Dan Cummings to pick out the right park, how many parks, just to get the ball rolling so they could break ground maybe this year. I'm thinking more towards the summer, mid to late summer. What is needed is a vote from the City Council to even pursue the grant; a letter of participation from the Veteran's Advocates; the parks in which we want to redo; a vicinity map of park boundary maps; and then just the property number. Those are all the requirements that the grant asks. Ideas, again, these are ideas, nothing is concrete. I really want to talk with Veteran's Advocates, Tammy, just get everybody on board for exactly how we want to run this. Veteran's, as well as talk to other veteran organizations, just so, to make sure that everybody is included. It needs to be a real big community effort. So, a Veteran's Memorial Wall so that everybody in the*



city can recruit somebody, or refer somebody to put on the wall, dedicate some benches that other people want to actually donate to help us with this. We want to make sure that they feel included, as well as a final resting place for the current Lion's Park Memorial. I'm part of the Friends of the Aquatic Center Board, and with the new Splash Pad and everything else, they'd have to remove the current Memorial. This would be the perfect opportunity to do both things. Just make Ontario beautiful, as well as, I'm thinking a red/white/blue theme, red/white/blue equipment, red/white/blue patriotic basketball court. The actual park I had in mind was the one near May Roberts on 4th Street and 4th Avenue. Just because how big it is. Lion's Park is a huge park, but with the Aquatic Center expanding, we need another big statement park, such as Lion's Park, for families to enjoy. I also thought about adding parking spaces so that everybody would not have to park directly in the street. I feel like that's a big hazard. I'm not sure. But planting fruit trees, shrubbery, just making it really nice, making it something that everybody in the community wants to take care of. Those who visit, the children, the families in the community who frequent parks very often, I feel like that is something that one of the amenities that this town does have and does offer people as a thing to do and a place to go currently, so we just need to revamp and revitalize that, as just a start for the entire city, as well as adding an American flagpole just to further commemorate the fact that this will be a Veteran's Memorial Park. I feel like that's a standard, to show our patriotism, and then update the bathrooms. Another idea is an example of a red and blue slide system. Nothing has been set in stone yet, but this is something that we need to act on soon so that we can get the blueprints and everything done and really just bring this community back together.

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

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

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

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

Council consensus to move forward.

SREDA

Kit Kamo, stated: I handed out a little packet of information on your desk. My name is Kit Kamo, I'm with Snake River Economic Development Alliance, and we're a private non-profit partnership between city, counties, and private businesses and our role is to help market the region of three counties and two states to help encourage businesses to come and do business here. We also work with several of our businesses in doing their expansions. Sometimes they run into a hurdle, they're looking for some financing or they're having some issues, so we try to help them get through that process. We work very closely with Dan Cummings and Adam Brown. As well as the Chamber of Commerce. We also do some other things where we are asked to pool together a bunch of data and information on projects. Dan has requested some from me in the past. We've been working with Idaho Power on a project, so we're able to help do that. The Ontario Chamber called me the other day, they had some consultant out of Portland looking for information on Ontario. I was able to pull that together and send that back. So, we do help with retail, any kind of industrial, we've been helping, there's some downtown buildings that were empty. We've been working with those owners when they call and reach out to us and try to keep the city in the loop, as well, as we work as partners. The other thing that we like to continue working on, we've helped promote some of your industrial lands that you have around the city. We would love to be able to do that at a little higher level with the city staff and so I'll be working with Adam on that particular request. We did, Ontario did miss out on a wonderful opportunity with a company. I just kind of fell through the cracks during legislative session. We would have done anything we could've to get it done, but it wasn't our call at the time, so we're working with the city to try and smooth out some of the procedural activities. I've also met with your Airport Manager, just briefly, and would love to see more things happen out at the airport. You have some exciting plans out there, there's some possibilities, several years ago we worked with your committee a little bit on the drones, and those type of entities that goes all the way to Portland, and Redmond, I mean Pendleton and Redmond, so I still think there's opportunities out there. We run across companies



that are interested in that type of location because it's airport related. So I would like to do a little bit more work with your Airport Committee, as well. In your packet I have our actual board members. As you can see, there are there are three members from Ontario, City Council, and employees that are on our board, and then you can see the membership that we have. Behind that, the second piece is the SREDA Wins. What we did – a lot of people don't understand what kind of projects we work on. We work on everything from the little tiny one person project to maybe a large one, so we put together some of those wins that kind of show the breadth of projects we work on. These aren't all in Ontario. Some of them are in Ontario, some of them are in Weiser, or other places. The projects we being working with entrepreneurs that are starting out, a lot of times we'll use the Small Business Development Center at the college, to work with them, because they're specialized in that area. So we use our partners in the area quite a bit. Then the final one is a report card that we do quarterly that kind of has our historical data. It shows the number of proposals we work on, the number of site visits we have, business expansion opportunities, and other things that we do on a quarterly basis. Below that, we have some of the projects listed, and they're always listed with a project code. For example, if a this businessman said hey, I'm going to do a big expansion, but I don't want my neighbors or competition to know, we would let him give a code name to that so we could work on the project without everybody knowing until he's ready to announce that. That's why the projects usually have a code name. That kind of give you a quick update and most of you I run into all the time, but feel free to reach out to me if there's questions or comments or if you have a friend in California that wants to move up, we can help him do that, because there is still a great deal of interest in moving out of Southern California. Any questions from anyone? I love our continued partnership with the city; it's been great. Ontario has so many opportunities it's just very exciting to work with you. Thank you very much.

AGENDA CHANGE

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

NEW BUSINESS

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

Adam Brown, City Manager, presented.

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

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

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

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

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

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

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

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

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

Councilor Winebarger stated it would look worse if they waited.

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

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

Council consensus to move forward now.

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

OLD BUSINESS

Ordinance #2724-2017: Amending OMC title 2, Chapter 12, Section 10(A) Regarding Airport Leases-FINAL READING

Adam Brown, City Manager, presented.

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

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

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

Adam Brown, City Manager, presented.

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

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



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

Councilor Capron confirmed that included businesses registrations.

Mayor Verini stated it would include those.

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

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

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

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

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

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

Dan Cummings, Community Development Director, presented.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Council consensus to move forward on the action.

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

NEW BUSINESS

Appointment to Diversity Advisory Committee

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

Adam Brown, City Manager, presented.

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



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

Resolution #2018-118: Establishing Derelict Structure Fees; Setting Appeal Fee

Kari Ott, Finance Director, presented.

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

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

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

MONTHLY DERELICT STRUCTURE FEES

Fees per structure

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

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

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

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

PUBLIC HEARING

Acceptance of Public Right-of-Way on a Partition Plat, and Authorizing the Mayor to Execute the Final Plat: Brian and Donya Babcock, a Portion of Fortner Street and a Portion of NW 11th Avenue

It being the date advertised for public hearing on the matter of Acceptance of Public Right-of-Way, the Hearing was declared open. There were no objections to the city's jurisdiction to hear the action, no abstentions, ex-parte contact, and no declarations of conflict of interest.

Dan Cummings, Community Development Director, presented.

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

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



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

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

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

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

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

The Hearing was opened for public testimony.

Proponents:

None.

Opponents:

None.

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

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

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

It being the date advertised for public hearing on the matter of the Ordinance #2738-2018, the Hearing was declared open. There were no objections to the city's jurisdiction to hear the action, no abstentions, ex-parte contact, and no declarations of conflict of interest.

Dan Cummings, Community Development Director, presented.

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



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

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

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

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

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

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

The Hearing was opened for public testimony.

Proponents:
None.

Opponents:
None.

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

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



DEPARTMENT HEAD UPDATES**Financial Report: February, 2018**

Kari Ott, Finance Director, presented. (Report attached)

HAND-OUTS/DISCUSSION ITEMS**Department Stats**

Ontario Fire & Rescue: Mar, 2018 (Attached)

Ontario Police: Feb, 2018 (Attached)

Code Enforcement: Feb, 2018 (Attached)

Packet

V&C Meeting: 04-05-2018

Agenda

SREDA: 04-04-2018 (Attached)

Minutes

SREDA: 03-06-2018

Planning Commission: 03-05-2018

Public Works Committee: 02-20-2018

County Court: 02-28-2018; 03-14-2018 (Attached)

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

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

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

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

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

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

Mayor Verini stated the PAC had just received another 100 signs, so more Yes signs would be showing up. If anyone knew of an area that needed signs, let them know.

Councilor Justus stated it would help a lot if her request for a sign was put on the Citizens for a Better Ontario Facebook page. That would generate more momentum. Put an address on there, and he'd personally deliver the sign.

Councilor Capron stated he had heard that calls were coming in about No signs being stolen.

Dan Cummings stated he had received a call from Larry Tuttle asking about sign regulations, because he wanted to put up a bigger sign. He mentioned that his group had put up 20 signs in his neighborhood, and overnight they were stolen. He let him know the signs had to be on private property, not in the public right of way.



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

Mr. Cummings stated he did not know.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

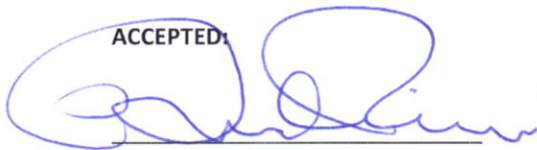
EXECUTIVE SESSION

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

ADJOURN

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

ACCEPTED:



Ronald Verini, Mayor

ATTEST



Tori Barnett, MMC, City Recorder