



## CITY COUNCIL WORK SESSION MINUTES September 6, 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, September 6, 2018, in the Council Chambers of City Hall. Council members present were Ronald Verini, Norm Crume, Dan Capron, Betty Carter, and Marty Justus. Ramon Palomo was excused.

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

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

Dan Capron led everyone in the Pledge of Allegiance.

### AGENDA

This Agenda was posted on September 4, 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 asked to move item 5A to between sections 3 and 4.

JUSTUS moved, CARTER seconded, **to ADOPT THE AGENDA AS AMENDED**. Roll call vote: Crume-yes; Carter-yes; Palomo-out; Justus-yes; Capron-yes; Verini-yes. Motion carried 5/0/1.

### SPECIAL ACTION

#### Swearing in Interim City Councilor Thomas A. Jost, Jr.

Tori Barnett, City Recorder, gave the Oath of Office to Interim City Councilor Thomas Jost. Mr. Jost was replacing the vacancy left by the resignation of Tessa Winebarger.

### PUBLIC COMMENT

Heather Cummins, Vale: *I live in Vale, however I do spend a lot of time in Ontario. I attend Treasure Valley Community College, and I really believe that the health of that institution relies heavily on the health of this city, so that is why I choose to attend today, and discuss matters pertaining to the health of the community. I have been asked to read some short comments from Jim Forrester, who is the leader of the Malheur CAN organization that is actively engaged in getting regulated cannabis businesses legal in this town, so I will start with his comments as requested. Again, these are his comments.*

*I'll start off saying I urge the Council to keep the donation from Hotbox Farms and use it as intended and not censure a business who wants to show good faith and cause in our community, especially when it comes to something for our kids. I'm sure everyone here knows the lack of quality recreation opportunities we have for our kids. The donation from Hotbox has been paid to the Splash Pad fund already, whereas some of the other donors have only made a promise to donate and invest in our kids. What I would like to emphasize that their promise is in good faith, and should not let any political agenda guide their decision. Our schools receive funds already from the state lottery and from alcohol taxes, both legal in the State of Oregon, just like cannabis. We have organizations, like the Boys & Girls Club, here in town, openly accepting and displaying sponsors involved with alcohol distribution. One even has the name beer in it, displayed on the club website, along with other sponsors. Yet some of those other sponsors are, in fact, ones who are bringing an issue up about Hotbox Farms donation. Pure hypocrisy. After following this issue*



*closely, I've seen multiple comments across many news sources, and almost all of them area in support of keeping the donation and keeping their name, the Hotbox name, on the sponsor wall. This gives me good faith that the Council will make the right decision and keep the wonderful donation made by Hotbox Farms. Keep the money, and the other donors should stick to their promise of investing in our kids too.*

*My personal comments are that as I have read the news reports, it feels as though these donors simply do not want to be associated with a legal cannabis business because of the product they sell, and I would urge the Council to remember that they sell a legal product and have just as much right as any other product sold to adults to sponsor community projects, even when they are to help children. Thank you.*

Megan Cook, Ontario: Hello. I'm Megan Cook. I'm a resident of Ontario. I am also the Chairperson of Friends of the Aquatic Center. I'm a business owner of multiple businesses in Ontario, as well, and I have two children that go public school here in Ontario. While I agree with many of the things that Heather said in her comments, I think that the actual issue at hand here is not whether or not the donation should be accepted or that donations from the marijuana industry should go towards kids' activities. I completely agree with that. It's just I agree with the fact that the schools get funds from alcohol, from lotteries, but you do not see these things publicized and advertised at the schools. That's the issue at hand. It's not that we don't want the support. We appreciate from Steven Meland very much the, and Jay Britton, for the huge donation and the support to the project, but while this is coming from light, and we're going to see this ban possibly lifted, this is going to be something that is going to be raised consistently, and I feel like it is the responsibility of you Councilors and Mayor that you have to draw a line here. This is where we need to stand and make sure that you are creating, or taking care of the responsibility of whether or not our children are going to be affected like this. Just as I've seen some of the comments where people don't think it's appropriate for kids to do it, but yet still think it's appropriate for it to be supported. It is our responsibility as adults and as of the people of our town to make sure that we are sending the clear message that we're not promoting hotboxing, or promoting smoking marijuana. It's just like a distributorship. It's just like cigarettes, back in the 80s, maybe it was the 70s, when you saw the logos start coming off of these things. It's the same thing. We're just moving in that same direction. I really encourage the Councilors to stand up here, because if we don't, then we're going to see these advertisements, because that's exactly what it is, it's an advertisement. The amount of people that are going to be seeing the name, are going to be underage children. The fact that these owners are so adamant that their business name go on there, makes it even more of an advertisement. That's all I have. Thank you.

### SPECIAL ACTION

#### Proclamation:

Mayor Verini read the Proclamation into the record:

*WHEREAS, Each September is recognized as National Preparedness Month; and WHEREAS, Oregonians have witnessed and experienced natural disasters in our own community; and WHEREAS, Every community member can take active steps to protect their families and neighbors from natural and manmade disasters; and WHEREAS, Every family and business in Ontario is encouraged to take active steps to be financially secure after a disaster; and WHEREAS, Every community member is encouraged to make sure they are properly insured against fire, flood, earthquakes, and storms; and WHEREAS, Every community member is encouraged to create a home inventory to include as part of their disaster preparedness kit. NOW, THEREFORE, BE IT RESOLVED that I, Ron Verini, Mayor of Ontario, Oregon, do hereby proclaim the week of September 16-22, 2018, as HOME INVENTORY WEEK in Ontario, Oregon, and join cities across Oregon to encourage everyone to build a home inventory of their personal property, and speak with an insurance agent to make sure they are financially prepared for a disaster.*

### OLD BUSINESS

#### Donation Acceptance of Ontario Splash Pad

Adam Brown, City Manager, presented.

Mr. Brown read a letter into the record from Friends of the Aquatic Center:



*Dear Council Members: Friends of the Aquatic Center request the Council to ask Steve Meland / Jay Breton/ Hot Box Farms, LLC be recognized as an individual donation by its owners, or in the alternative, anonymously. Out of respect for our other generous donors and, more importantly, because the splash pad is an attraction being built for the children of our community, consensus was reached that it would be inappropriate to brand the project with any businesses that cannot legally serve youth. If they do not agree to change the name, then we encourage the Council return the donation to its owners. If the Council does not act on this, we feel we will be losing other sponsors that will total more than \$40,000. Respectfully, Friends of the Aquatic Center*

Mayor Verini stated the Council had options. They could table it; they could not address it; they could officially accept the donation, which they'd already done;; or they could reject the donation.

Councilor Jost asked what it mattered where the money came from. It was a business donation. They were now saying they didn't want to put Hotbox on there, but it was no different from the gambling business downtown. If they wanted to donate money, but you didn't believe in gambling, you wouldn't take the money? If there were people who didn't believe in the hospital systems, they'd have to remove St. Al's name. The group was begging for money a few years back, now they had money, and wanted to turn certain money back. No child was going to see that on the sign and cause them to start smoking marijuana because they saw the Hotbox name. The Council should accept it – as they had – and move on.

Councilor Crume stated he was against marijuana. But with this donation, he struggled to see the issue. Gambling, selling alcohol, church organization using alcohol sale profits to fund things. The name was not there, but it was the same thing. There were no rules established on who could or could not donate. This project was for the kids and for the community. Accepting one donation but not the other, they were depriving the community of having this project happen. Marijuana was legal in Oregon. They would be hypocritical to accept money, and then not. This money was accepted, then they were told no logo. They agreed to remove the logo, then they were asked to remove their business name...excuse me, Megan, this is time for Council to talk.

Ms. Cook: *I don't think you have all the information.*

Councilor Crume continued with excuse me, Megan...anyway, it had gone back and forth. The money had been given to the city, not to Friends of the Aquatic Center or to Marty Justus, and it was accepted. He was tired of the bickering over this. Send them all to the corner and have them figure it out. The community was at stake here, not someone's pride over where the money was coming from.

Councilor Capron stated he had spoken to both sides, and agreed with both sides. Why were there no standards established in the beginning? Now they wanted the Council to make the decision.

Councilor Carter stated she had missed the meeting when this happened. She received an email indicating that an individual wasn't happy with Hotbox donating \$25K. She also informed the City Manager of the issue. This money did not go through any representative of the Friends; it came a different way before getting to the city. That's what she was not happy about. If they were going to use Hotbox, why not just use Steven's name? That conversation had happened. Megan was right – Councilor Crume didn't have all the information. She supported Steven Meland and Jay Britton in donating the \$25K, their names were fine, but she preferred that Hotbox not be. She wanted to protect the community and the children.

Councilor Justus stated if anyone wanted to read the email exchange between him, Adam, and the Friends, it was on his Facebook page. This discussion was held last March. Steven Meland and company were clients of Four Star Real Estate. He managed their properties. Nothing was being hidden about how the donation process occurred. The money was donated, a check was written, and it was given to the city, with a receipt. The Chair of the Friends was privy to the email exchanges, and she herself approached Hotbox Farms and asked for the donation. She knew where it was coming from; she knew how it happened, and she was now saying she didn't know, she thought it was just Steven, but it said Hotbox Farms.

Mayor Verini stated the public comments were finished. It was now a Council discussion.

CARTER moved, CAPRON seconded, **THAT THE COUNCIL REQUEST THE DONATORS CONSIDER RENAMING THE DONATION FROM HOTBOX FARMS TO STEVEN MELAND AND JAY BRITTON, AND REMOVE THE HOTBOX FARMS NAME.** Roll call vote: Crume-no; Carter-yes; Palomo-out; Justus-no; Capron-no; Jost-no; Verini-no. Motion failed 1/5/1.

#### **Marijuana Issues Update**

Mayor Verini stated the next meeting would be with the Planning Commission on October 8, 2018.

Adam Brown stated Mr. Cummings had submitted a draft ordinance to DLCD on August 31, 2018. There could possibly be a second Planning Commission meeting on October 15, 2018. That would be in time for Council consideration at their October 16, 2018, meeting. He also thanked Dan Cummings for all his work and time put in on this project, as well as the Ad-Hoc committee for their work.

Dan Cummings stated it had been submitted on September 1, 2018. The Ad-Hoc committee had received all the documents for review, and would be meeting next week to discuss it.

#### **NEW BUSINESS**

##### **Appointment to Diversity Advisory Committee: Angela Machuca**

Adam Brown, City Manager, presented.

CRUME moved, CARTER seconded, **TO APPOINT ANGELA MACHUCA TO THE DIVERSITY ADVISORY COMMITTEE WITH TERM OF OFFICE COINCIDING WITH THE ESTABLISHING ORDINANCE.** Roll call vote: Crume-yes; Carter-yes; Palomo-out; Justus-yes; Capron-yes; Jost-yes; Verini-yes. Motion carried 6/0/1.

##### **Public Works Contract with JACOBS**

Adam Brown, City Manager, presented.

CRUME moved, CAPRON seconded, **TO APPROVE THE AMENDED AND RESTATED AGREEMENT FOR OPERATIONS, MAINTENANCE, AND MANAGEMENT SERVICES (OMI) FOR THE CITY OF ONTRIO, OREGON, FOR A 10-YEAR CONTRACT PERIOD.** Roll call vote: Crume-yes; Carter-yes; Palomo-out; Justus-yes; Capron-yes; Jost-yes; Verini-yes. Motion carried 6/0/1.

##### **Bid Award: Snow Removal Equipment Purchase for Ontario Municipal Airport**

Adam Brown, City Manager, presented.

Snow removal equipment for the Ontario Municipal Airport was previously budgeted at \$30,000 to purchase equipment for snow removal and general upkeep of the airport grounds. After searching during the Fiscal Year 2017-2018, staff could not find the equipment needed at that price point. The city was not looking for a new piece of equipment, they were seeking used. The Budget Committee and Council authorized \$90,000 in this current year to find equipment to sustain a safely operating airport. The desire was to have a loader, with snow blower, snow pusher, and broom to meet the basic needs of the airport.

An invitation to bid was released on August 23, 2018, and advertised in the Argus Observer. The bid opening was conducted on September 9, 2018, at 9 a.m. One bid was received from Pape Machinery for \$87,103.60, and was good through September 15, 2018. The equipment offered was a 2017 John Deere 244k-II Four Wheel Drive Loader. The equipment came with a snow blower, snow pusher, and broom. It had a Quik Tatch Coupler and electrical attachment control Kit. Council must act now or the bidder may sell the equipment to another buyer; however, if the Council chose to not award the bid, the Airport Manager could negotiate with other vendors since the item was bid publicly.

Councilor Crume indicated this was not used, it was new, and had only 89 hours on it. It was a demo. Also, it was too small for the needs of the airport. They knew what type of equipment was needed, but they hadn't discussed the attachments. They also hadn't specified the size of the loader. He could not support this action.

Both Councilor Jost and Councilor Capron agreed that it was too small to do what was needed at the airport.

Councilor Justus asked that the Airport Committee review the specs before it went back out for bid.

CRUME moved, CAPRON seconded, **TO REJECT THE CURRENT BID AND DO MORE RESEARCH.** Roll call vote: Crume-yes; Carter-yes; Palomo-out; Justus-yes; Capron-yes; Jost-yes; Verini-yes. Motion carried 6/0/1.

#### DEPARTMENT HEAD UPDATES

##### Financial Report: July

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

##### Recreation Report: Quarterly

Debbie Jeffries, Recreation Director, presented. (Report attached)

#### HAND-OUTS/DISCUSSION ITEMS

##### Department Stats:

Ontario Fire & Rescue: Aug, 2018 (Attached)

Ontario Police: Jul, 2018 (Attached)

Code Enforcement: Jul, 2018 (Attached)

Public Works: Jul 2-Aug 23, 2018 (Attached)

##### Agenda

SREDA 09-05-2018 (Attached)

##### Minutes

County Court: Aug 1, Aug 8, Aug 15, 2018 (Attached)

SREDA: Aug 8, 2018 (Attached)

Public Works: 05-08-2018 (Attached)

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

Councilor Capron stated with regard to the Splash Pad donation. It was open to anybody to make a donation. For anyone who wasn't happy with the issue, leave the money in there and remove your name from the list. Taking money away on this issue only hurt the kids.

Councilor Jost voiced his desire to take the vacant position on the city's Audit Committee.

CARTER moved, JUSTUS seconded, **TO APPOINT THOMAS JOST TO A POSITION ON THE AUDIT COMMITTEE.** Roll call vote: Crume-yes; Carter-yes; Palomo-out; Justus-yes; Capron-yes; Jost-yes; Verini-out. Motion carried 5/0/2.

Councilor Justus invited everyone to the Four Star Real Estate Block Party, 5:00-8:00 p.m. that evening. There would be a band, food, and beverage. Four Star would be taking donations for the Splash Pad, and would be matching the donations. The sponsor board would read from the Citizens of Ontario. However, if someone donated and wanted their name on the list, that could be done.

Councilor Carter stated with regard to the donations at the Splash Pad, donations were made from the heart. On this issue, they were dealing with mothers. They needed to think about that, and try to understand.

Councilor Crume stated he hoped the community looked at the issue and acted for the greater good.



EXECUTIVE SESSIONExecutive Session: ORS 192.660(2)(h)

An executive session was called at 1:35 p.m. under provisions of ORS 192.660(1)(h) to discuss current or potential litigation. The Council reconvened into regular session at 1:53 p.m.

ADJOURN

CARTER moved, JUSTUS seconded, **THAT THE MEETING BE ADJOURNED**. Roll call vote: Crume-yes; Carter-yes; Palomo-out; Justus-yes; Capron-yes; Jost-yes; Verini-out. Motion carried 5/0/2.

ACCEPTED:



Ronald Verini, Mayor

ATTEST



Tori Barnett, MMC, City Recorder