



CITY COUNCIL WORK SESSION MINUTES December 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, December 6, 2018, in the Council Chambers of City Hall. Council members present were Ronald Verini, Norm Crume, Thomas Jost, Dan Capron, Betty Carter, and Ramon Palomo. Marty Justus arrived at 1:12 p.m.

Members of staff present were Tori Barnett, Larry Sullivan, Dan Cummings, Kari Ott, Terry Leighton, Cliff Leeper, Peter Hall, and Debbie Jeffries.

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

Thomas Jost led everyone in the Pledge of Allegiance.

AGENDA

This Agenda was posted on December 4, 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 asked to add a short presentation by John Forsyth, Field-Waldo Insurance, following Public Comments.

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

PRESENTATION

John Forsyth, Field-Waldo Insurance, presented a Stewardship Report, dated July 1-December 1, 2018.

Council asked Mr. Forsyth to come back following the new Mayor and Councilors taking office, so they were made aware of the statistics, too.

OLD BUSINESS

Moore Park Lease Renewal

Larry Sullivan, City Attorney, presented.

An original five (5) year lease was approved in 2003. At the expiration of that lease in 2008, another five (5) year lease was approved by the City Council with the option of extending it another five (5) years. Thus the second lease expired in 2018 and needed to be approved by Council to continue as a city park.

The lease expired on the 18th of May 2018. Minor changes and clarifications were made to the lease respecting maintenance and use of the entire parcel of land. The City Council requested staff to make changes to the lease with the lease holder's approval to allow the same off ramps to the contract that the Lessor has. The Lessor agreed to the changes. The park was home to the Ontario Saturday Market during the summer, an outdoor farmers and crafter's market. The Saturday Market was a popular event that added vitality to the downtown on the weekend.

The lease was for one dollar (\$1.00) per year. Even though the lease expired on May 18, 2018 the city continued its use as a park over the summer. Only the City Council has the authority to approve land leases between the city and another entity. Taking no action would have the property reverting to the landlord and would become taxable. Maintenance of the property would fall back on the landlord. The City of Ontario would need to remove it from the Parks Master Plan, and would have no say in what was placed on the site.

CRUME moved, PALOMO seconded, **TO APPROVE THE LEASE AGREEMENT BETWEEN RILEY J. HILL AND THE CITY OF ONTARIO FOR A PERIOD OF FIVE (5) YEARS**. Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Jost-yes; Justus-out; Capron-yes; Verini-yes. Motion passed 6/0/1.

Ordinance #2746-2018: Extenet Systems, LLC, Franchise Agreement (Final Reading)

Larry Sullivan, City Attorney, stated there had been no changes since the first reading other than a numbering issue that had been corrected.

CARTER moved, CAPRON seconded, **THAT THE CITY COUNCIL APPROVE ORDINANCE #2746-2018, AN ORDINANCE GRANTING A NON-EXCLUSIVE TELECOMMUNICATIONS FRANCHISE TO EXTENET SYSTEMS, LLC, ON FINAL READING BY TITLE ONLY.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-out; Capron-yes; Jost-yes; Verini-yes. Motion carried 6/0/1.

NEW BUSINESS**Resolution #2018-144: Abstract of Votes~ November 6, 2018 General Election**

Tori Barnett, City Recorder, presented.

Pursuant to state statute, the City Council was required to adopt a resolution accepting the Abstract of Votes as provided by the County Clerk, reflecting the results from an election.

Every two years, the city participated in a General Election for the positions of City Councilor, and every four years for the position of Mayor. This year, November 6, 2018, an election was held for the positions of three Councilors and the Mayor. Further, Measure 23-61: Allows Marijuana-related businesses, imposes 3% recreational marijuana sale tax, was on the ballot for voter consideration.

State statute required the City Council to adopt a resolution accepting the results of the election, as provided by the county. The Abstract of Votes for the November 6, 2018, General Election were received from the Malheur County Clerk on November 26, 2018.

This resolution needed to be adopted prior to January 1, 2019. Adoption of a resolution by the City Council reflecting the results of an election is a requirement under state statute. The Council could opt to not adopt the resolution, which went against the state requirement. This would not alter the results of the election as presented by the Malheur County Elections Clerk.

CRUME moved, CARTER seconded, **THAT THE CITY COUNCIL ADOPT RESOLUTION #2018-144, A RESOLUTION ADOPTING THE ABSTRACT OF VOTES FOR THE NOVEMBER 6, 2018, GENERAL ELECTION.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-out; Capron-yes; Jost-yes; Verini-yes. Motion carried 6/0/1.

Resolution #2018-145: Establish 2018-2019 Planning Fees

Dan Cummings, Community Development Director, presented.

The city may occasionally need to update fees to keep up with current financial obligations and increases in expenses. It was a more streamlined function when this is done by resolution. The current fees were last updated in 2007. On October 23, 2018, the City Council adopted Ordinance #2744-2018 amending Chapter 10B-02-55 to allow fees to be updated by resolution. The proposed resolution would update the Planning Application Fees for Fiscal Year 2018-2019, keeping the fees in line with financial obligations and increases in expenses.

Adopting the new fees would help in staying current with the ever rising increases in expenses and would add needed general revenue funds to help offset these increasing costs. Timing was important to charge the new fees before the end of 2018. The adoption of this resolution is a State and City Code legal requirement for the city to charge the updated fees. The City Council could not adopt Resolution #2018-145 and leave the fees at the current rate.

CRUME moved, CAPRON seconded, **THE CITY COUNCIL APPROVE RESOLUTION #2018-145: A RESOLUTION ADOPTING PLANNING APPLICATION FEES FOR THE 2018-2019 FISCAL YEAR.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-out; Capron-yes; Jost-yes; Verini-yes. Motion carried 6/0/1.

Resolution #2018-146: Establish a Social Media Policy

Peter Hall, Human Resources Manager, presented.

Social media platforms provided the City of Ontario with effective communication tools. The city already used social media platforms such as Facebook and intended to expand its presence to additional platforms. However, the Employee Policy Manual had no established social media policy. The City Manager worked with the city's Leadership Team to develop a social media policy. This policy needed to be adopted by the City Council before it could be implemented.

Cities were adding social media policies to address the increasing presence of social media use in the public sector. Policies typically addressed usage, retention, and violation. These sections could cover a variety of topics which ultimately provided guidelines and protections to the city, city employees, and members of the public using social media pages hosted by the city.

The City of Ontario used the social media platforms Facebook, Nextdoor, and JustServe and planned to use additional platforms to help communicate with the public; however, the city currently had no social media policy.

The City Manager researched the topic of social media policies and used a sample policy provided by City/County Insurance Services (CIS) as a template. The city leadership team discussed the policy and made additions and changes to the original template to create a final draft of the policy which is tailored to the needs of the city. The City Council needed to authorize the inclusion of a social media policy in the City of Ontario, Oregon Personnel Policy Manual before it can be implemented.

Implementing this policy would have no financial impact. Although there were no official deadlines to implement this policy, implementation would afford the city the protections and guidelines provided therein. The City of Ontario currently had no social media policy. The Council had the option to of not implementing a social media policy, or could request changes to the current draft of the social media policy for future review and authorization.

CARTER moved, PALOMO seconded, **TO APPROVE RESOLUTION #2018-146, A RESOLUTION ESTABLISHING A SOCIAL MEDIA POLICY.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-out; Capron-yes; Jost-yes; Verini-yes. Motion carried 6/0/1.

Ontario Sanitary Rate Change

Dan Cummings, Community Development Director, presented.

Ontario Sanitary communicated with the city on October 1st to request a rate change. Mandatory and Discretionary Rate changes were allowed within their Franchise Agreements. The most recent franchise agreement with Ontario Sanitary was September 1, 2008. While the franchise agreement offered mandatory and discretionary rate changes, Ontario Sanitary had only requested rate changes three times; 2006, 2008, and 2016. The normal period to request changes in the fee schedule was May 1st.

Over the last six months, the tipping fee for the current Clay Peak Landfill had increased by \$2 per ton, a 12% increase. The former tipping fees were \$18.00 per ton. The new rate was \$20 per ton. It still remained the most economical site to haul waste to.

The Franchise Agreement allowed Ontario Sanitary to raise the rates annually, by a formula which added the Per Capita Personal Income for Malheur County to the Consumer Price Index and then divided by 2. The city's numbers varied a little, but both illustrated the same point. Ontario Sanitary could have imposed mandatory rate changes of between 9% and 11.4% over the last four years. Only one change was made in the four preceding years.

Mandatory rate changes could be made September 1 of each year. Discretionary rate changes could be made in on May 1st of each year. Because this was off cycle, the Council had to approve the change. Ontario Sanitary was requesting a rate change of 2% to cover increases in tipping fees. Additionally, they were increasing the disposal cost by \$2 per ton, passing on the increase from the landfill.

This would impact the city government and citizens very minimally. This could be done through the mandatory increase, but would have to wait until May. The past year's mandatory formula was 5.5%. A discretionary rate increase should be requested in May of each year to be effective in the following July after a sixty-day notice. There was a clause on page 21, paragraph 3, of the Agreement that provided an exception. *"Unless a governmental unit has raised the cost of providing service or there has been a substantial increase in costs not covered in the preceding adjustment,..."* The Council had the authority to approve rates now because of an increase in the governmental unit that was not covered in the preceding adjustment. Rather than use the mandatory increase in May, the Council could approve an increase off cycle. The requested change was far less than the mandatory rate change. Taking no action would likely result in a mandatory rate change requested in May which would become effective in July.

CAPRON moved, JOST seconded, **THAT THE ONTARIO CITY COUNCIL APPROVE THE CHANGE IN THE RATE SCHEDULE TO INCREASE SOLID WASTE DISPOSAL COSTS BY 2% AND TIPPING FEES ON CONTAINER DISPOSAL BY \$2 PER TON.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-out; Capron-yes; Jost-yes; Verini-yes. Motion carried 6/0/1.

AGENDA AMENDMENT

CRUME moved, PALOMO seconded, **TO AMEND THE AGENDA TO ADD RESOLUTION #2018-147, REGARDING THE ONTARIO SANITARY SERVICE RATE CHANGE.** Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-out; Capron-yes; Jost-yes; Verini-yes. Motion carried 6/0/1.

NEW BUSINESSResolution #2018-147: Amend Discretionary Fees for Ontario Sanitary Service

CRUME moved, CARTER seconded, TO ADOPT RESOLUTION #2018-147, A RESOLUTION AMENDING DISCRETIONARY FEES FOR ONTARIO SANITARY SERVICE. Roll call vote: Crume-yes; Carter-yes; Palomo-yes; Justus-out; Capron-yes; Jost-yes; Verini-yes. Motion carried 6/0/1.

DEPARTMENT HEAD UPDATESFinancial Report: Period Ended October 31, 2018

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

Recreation Report: Quarterly

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

HAND-OUTS/DISCUSSION ITEMS2019-2021 Governor's Budget

(Report attached)

Letter to LOC re: Rent Control and Various Other Issues (See later in minutes)

Item tabled as Councilor Justus was not in attendance.

Agenda

SREDA: 10-05-2018 (Attached)

Minutes

SREDA: Sep 5, Oct 30, 2018 (Attached)

County Court: Nov 7, Nov 14, 2018 (Attached)

Packet

V&C Board: 12-06-2018

Department Stats:

Public Works: Nov, 2018 (Attached)

Ontario Fire & Rescue: Nov, 2018 (Attached)

Code Enforcement: Oct, 2018 (Attached)

Ontario Police: Oct, 2018 (Attached)

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- ✓ Tori Barnett, City Recorder, reminded the Council that the Council meeting on December 18th would begin at 5:30 to allow attendance at the social for the outgoing Mayor and Councilor which was set to begin at 7:00p.m.
- ✓ Councilor Crume stated he would like to see a letter go the federal route with regard to the issues associated with the NPDES permit. Council asked Cliff Leeper, Public Works Director to prepare a letter for their review.
- ✓ Councilor Capron stated the postings had gone out regarding committee appointments, and stated the members didn't always feel involved or listened to. He reminded the Council of the importance of these committees and the volunteers who stepped up to serve on them, and encouraged the Council to really listen to their input.

Letter to LOC re: Rent Control and Various Other Issues

Councilor Justus stated he worked closely with the renter's association, and the biggest issues they were going to run into in the city was with rent control, as the majority of the rental units were owned by individual owners. If a regulatory burden was placed on the owners, they were going to sell. The city was already very low on rental units, and if they reduced it by that much more, there would be a serious housing shortage. They needed to carve Eastern Oregon out of those restrictions.

Mayor Verini asked that they get something solid that had been written about this. They needed to see the facts, which would help them determine what they could do as a Council, but they'd also need to include Cliff Bentz and Lynn Findley, in this discussion, as well as the Boarder Board.

Mr. Sullivan stated he had done some research, as did Dan Cummings, and neither of them were able to find anything in any news item that dealt with any steps that were now being taken by the State of Oregon to adopt a state law that imposed rent control on a statewide basis. There was an adopted law in Oregon that forbade cities from adopting rent control. That provision was subject to a bill in the 2017 legislature to abolish that preemption so that individual cities could adopt it. That bill passed the Oregon House, but it never passed the Senate. The current status of that law was that there was no statewide rent control and there was a law that prevented individual cities from establishing rent control. Someone needed to research on what was making this a matter of public interest right now.

Mayor Verini agreed. He had also done some research and was unable to locate anything about this issue and why it was suddenly of interest.

ADJOURN

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

ACCEPTED:



Ronald Verini, Mayor

ATTEST



Tori Barnett, MMC, City Recorder