MISSION STATEMENT: TO PROVIDE A SAFE, HEALTHFUL AND SOUND ECONOMIC ENVIRONMENT, PROGRESSIVELY ENHANCING OUR QUALITY OF LIFE

COUNCIL MEETING AGENDA
CITY COUNCIL – CITY OF ONTARIO OREGON
TUESDAY, JANUARY 21, 2020, 6:00 PM, MT

Pursuant to the Public Meetings Laws and Rules within the Oregon Revised Statutes, the City Council has the authority, ability, and standing to take action on any items on the Agenda, or add items to the Agenda, during the Study Session or Regular Meeting, as long as all public meeting notice requirements have been met.

1) CALL TO ORDER

Roll Call: Freddy Rodriguez _____ Marty Justus _____ Ramon Palomo _____ Dan Capron _____
Michael Braden _____ Norm Crume _____ Mayor Riley Hill _____

2) PLEDGE OF ALLEGIANCE

This Agenda was posted on January 17, 2020. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website at www.ontariooregon.org.

3) MOTION TO ADOPT THE AGENDA

4) PUBLIC COMMENTS Citizens may address the Council; however, Council may not be able to provide an immediate answer or response. Out of respect to the Council and others in attendance, please limit your comment to three (3) minutes. Please state your name and city of residence for the record.

5) CONSENT AGENDA

A) Minutes:
11-19-2019 Council Meeting
11-26-2019 Council Meeting
12-05-2019 Work Session
12-17-2019 Council Meeting

B) Hangar Lease Transfer 343 Delta & 348 Charlie (Jerry Trolard)

C) Resolution #2020-104: Contract with a Grant Writer for the Senior Center Project

6) OLD BUSINESS

A) Bid Award Recommendation: Treasure Valley Connector Path

B) Bid Award Recommendation: SE 2nd Street Sanitary Sewer and Water Extension Project

7) NEW BUSINESS

A) Appointment to Airport Board

8) PUBLIC HEARING

A) Ordinance #2768-2019: An Ordinance Proclaiming the Annexation and Rezoning of a Parcel Located at 3179 SW 4th Avenue, on First Reading by Title Only

9) HAND-OUTS

A) Check Register: December 1, 2019 - Jan 17, 2020

10) CORRESPONDENCE, COMMENTS AND EX-OFFICIO REPORTS

11) EXECUTIVE SESSION

A) ORS 192.660(2)(i)

12) ADJOURN

The City Council may recess/adjourn to Executive Session under ORS 192.660(2) as follows: (a) Employment of Public Officers, Employees, or Agents; (b) Discipline of Public Officers, Employees, or Agents; (d) Labor Negotiations; (e) Real Property Transactions; (f) Exempt Public Records; (g) Trade Negotiations; (h) Litigation /Consult with Legal Counsel; (i) Performance Evaluation of Public Officers and Employees; (j) Trade Negotiations; and/or (l) Labor Negotiations.

CITY COUNCIL MEETING MINUTES
November 19, 2019

The scheduled meeting of the Ontario City Council was called to order by Mayor Riley Hill at 6:00 p.m. on Tuesday, November 19, 2019, in the Council Chambers of City Hall. Council members present were Riley Hill, Dan Capron, Norm Crume, Michael Braden, Freddy Rodriguez, Ramon Palomo, and Marty Justus.

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

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

Mayor Hill led everyone in the Pledge of Allegiance.

AGENDA

This Agenda was posted on November 15, 2019. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

Mayor Hill added a discussion on SRCI under Old Business.

CAPRON moved, BRADEN seconded, **TO ADOPT THE AGENDA AS AMENDED.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 7/0/0.

CONSENT AGENDA

CAPRON moved, BRADEN seconded, **TO ADOPT THE CONSENT AGENDA, WHICH INCLUDED OCTOBER 3, 2019, COUNCIL WORK SESSION MINUTES; AND OCTOBER 15, 2019, COUNCIL MEETING MINUTES.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 7/0/0.

PRESENTATION

Follow-Up ~ Emergency Homeless Shelter (Barb Higinbotham and Pastor James Vogt) *(Document attached)*
Ms. Higinbotham stated they had previously discussed refurbishing the cart storage sheds at the golf course, but found that FAA regulation prohibited that use due to the proximity to the airport runways. Therefore, a second location was being brought forward for consideration. The city owned property along North Oregon and NE 3rd Avenue, which was attached to the previous Public Works Shop location. The area was currently being used for gravel storage, among other things. There was also a Quonset hut type structure, and a portion of a home, which was believed to have plumbing. This location was also only around three blocks away from Origins Church, who were currently providing meals to the homeless. The property in question could potentially house up to eight family units and 50 single units, along with converting the Quonset hut structure to a tenting area, and the existing stone building into an office with bathrooms/showers. Community in Action was looking into the purchase of sheds, adding in insulation, covering with plywood boards, installing non-removable heaters and an outlet in each home. They would not be permanent structures, so they could be moved if the area didn't work, or was needed for another purpose. The homes would be for winter use, not during the warmer months. There would be no alcohol or drug used allowed. Homes could be for a single or multi-night use. They were still working on the other considerations, such as rules, operations, the intake process, health, food service, and safety, as well as equipment and environment. Members and/or organizations within the community had already pledged to assist in the labor to establish this project. At this point, Community in Action needed to secure a piece of property and file the paperwork to get the $150K grant from the state.

Pastor James Vogt read a letter into the record: *First of all, I want to thank Barb at Community in Action for a lot of hard work over the past couple weeks in preparing this information so quickly. We all know how urgent this need is for our community not only for those who find themselves without shelter as the days get colder, but also for the city and its responsibility to those who reside here. Origins Faith Community is glad to come alongside the community to help provide a solution to this pressing issue. However, since this has all happened very quickly, I need to be clear on the roll that we are able and willing to play. Origins is ready to partner with others to make this happen. The discussion I have heard from the council leads me to believe that you are aware of the scope and scale of this project. I believe it is unrealistic for any entity in our community to address this problem of their own accord. So, Origins will offer to work with others to help it happen. We do not currently have the financial resources or leadership bandwidth to manage this on our own. Even a partnership with Community in Action, of which we are still working out the details, is not sufficient to support this effort. At the work session, one of the Council members stated something along the lines of how they would, "Hate to see a homeless line item on the budget." With all due respect, l'm not sure that is a realistic admonition. The city has water services, and a budget line item for those services. There are transportation services and a line item for those services. lf there are to be homeless services, that the state essentially mandates we have in order to enforce ordinance on public property, then there will need to be some financial support from the city. But, there should also be support from other entities that will undoubtedly use this service. Malheur County, Vale, Nyssa, even the ldaho communities across the river will very likely refer people to our facility and should help shoulder this responsibility. Origins is glad to step into this leadership role in our community, but we want to do so with wisdom in order to ensure long term success, and we can only do this with committed partners who will come alongside us. This is a community wide issue and it will require the entire community pulling together to make a solution work well.*

Mayor Hill asked if they'd been through a PDAC meeting with the Planning Department.

Ms. Higinbotham stated they had not yet.

Mayor Hill asked if this was for winter shelter only, or was it going to be permanent, year-round.

Ms. Higinbotham stated the funding was specifically for winter shelter, and the funding started in November 1st and concluded April 30th. The $150K grant they were applying for had a specific time frame. What they did with it after April 30th was for discussion.

Mayor Hill stated the presentation had an outlet and heater in each unit. Had they spoken to Idaho Power about getting power to each unit.

Ms. Higinbotham stated there were plans to bring power to each unit. One grant requirement was to get people feeling safe and comfortable.

Mayor Hill asked about the timeline for the grant.

Ms. Higinbotham stated she had not received a really hard-fast date, but it would be in their best interest to get the submission in this week. There was still a bit of tweaking to do to the application. The state was just waiting to receive it.

Councilor Justus stated they'd be receiving $150K, which was $25K a month. There would be $50K for the unit purchasing and running power….

Ms. Higinbotham stated she had a preliminary budget, but there was $30K set aside for operational costs, which would include the cost for someone to be at the facility to conduct intakes, which was very important. The costs would also be for water, garbage, minor repairs, $10K for the installation of the power into the units. There was also the issue of insurance. Her insurance carrier was alright, with no additional costs. She'd labeled expansion costs at approximately $107K. That included purchasing the units themselves and all components associated with it.

Councilor Justus asked if it was for one night, or for the winter?

Ms. Higinbotham stated it would depend. They would not make individuals check-out during the day, so there might be some who used it for the entire winter, or some who wanted a week, a couple days, or just the night. The group also needed to determine the population priorities.

Councilor Justus stated that if they found that the $150K wasn't enough, should the City Council be prepared to subsidize the program?

Ms. Higinbotham stated not. They would ensure that what they started with on this "pilot" or "test" program stayed within the funds granted. There would also be some unknowns, but there were funds set aside for that. They also had current shelter grants they were using for hotel stays, so there was another grant that could be utilized if needed. The Council wouldn't have any costs, but Community in Action might.

Councilor Capron asked if the city would retain ownership of the property?

Ms. Higinbotham stated that had been discussed briefly, and she believed they could arrive at a plan that worked for both of them. She would actually defer that decision to the city.

Councilor Capron was also interested in the city's liability and insurance issues. If this pilot program didn't succeed, who was responsible for cleaning up the area?

Ms. Higinbotham stated she believed the city would probably ask her to take care of that.

Councilor Crume stated if the Council opted to donate that property, who would be the owner of the property? Community in Action? Origins?

Ms. Higinbotham stated that was a discussion that needed to happen between the two entities. It had not been discussed yet.

Councilor Crume stated his thought was that it would be better for the city to be free and clear of the property, to alleviate any liability. Also, the garage that was on the property, he thought there might be a working bathroom or running water at least.

Ms. Higinbotham stated she believed there was water *to* the building, but maybe not *in* it.

Councilor Crume stated that perhaps that could be a "warming hut" with a shower and restroom facilities, or laundry facilities.

Ms. Higinbotham stated she believed the best scenario would be to move forward, test it out well, and after the time frame had ended, they'd maybe have some answers to some questions that they didn't have now. There would be another opportunity to apply for additional funding, and, if it all went as they'd like for this test program, she'd like to apply for that funding to do exactly what Councilor Crume was suggesting.

Councilor Crume stated if the city "gave" the property to Community in Action, effective immediately, how would they manage it?

Ms. Higinbotham stated they would build a product that would work within the $150K, plus maybe another $20K if needed. After April 30th, they have meetings about the experience, what worked, what didn't work, and determine if it should continue.

Councilor Crume stated he had assumed that other service organizations, other churches, other local cities, were involved. Had she spoken with any of them about helping out, especially with funding, rather than just Ontario doing this.

Ms. Higinbotham stated they would be making those connections. In the past, she'd received support from Malheur County, Vale, Nyssa, Ontario, and they all seemed to understand homelessness belong to all of them. There were partners in transportation, other faith-based organizations that would supply volunteers, and this community was blessed with a lot of people who cared and were willing to step up and help out.

Councilor Rodriguez stated if it was located at the proposed location, was is possible to create a partnership with, for example, Ani-Care? He asked because he had contacted them that day and asked if they were comfortable with the shelter being next to them and if they'd be comfortable in having some volunteers from the shelter. He was told they'd be fine with that as long as they were sober and safe.

Ms. Higinbotham stated part of their goal was to provide that sense of community. They couldn't mandate or require they do that, but that was worth looking into. What people also needed to understand was that some of these people were working but had lost their housing for some reason.

Councilor Rodriguez asked what they had planned for the shed that was on the property?

Ms. Higinbotham stated the preliminary discussion surrounding the Quonset hut was they could block off the north side where the wind came in, and potentially let people go int here with tents.

Councilor Rodriguez asked about video surveillance – was that an option?

Ms. Higinbotham stated yes. There were many things that still needed looking into.

Mayor Hill thanked them all for their presentation and all their efforts for this project, but the Council really needed to also hear from staff and to hold a PDAC.

Adam Brown, City Manager, stated they had looked into the building codes, and found that they were relaxed with regard to emergency housing.

Dan Cummings, Community Development Director, stated he had spoken with the state on this issue, and had learned that as long as it was considered transitional housing, it was up to the local community as to what regulations were assigned. He would have to look into the zoning rules. That piece was currently zoned Heavy Industrial, so dwellings were not allowed other than one dwelling for a "watch" building. If this became a permanent site for this type of environment, he would bring forward a zone change.

Councilor Rodriguez stated Nichols Accounting did not like the camp being located there, and had discussed installing a fence along one side, but Nichols would be exposed. If this moved forward, Nichols would want a fence, but would that be installed and paid for by the city, Nichols, or deducted from the $150K grant?

Ms. Higinbotham stated it had been thought about, but not really discussed, so she was unsure of what the cost would be or any details associated with it. She hoped to create a positive partnership throughout all this.

Mayor Hill stated it was around $30 a running foot. But, Nichols was not going to be excited about this. He suggested they let the PDAC process move forward, and have staff make comments.

Councilor Crume asked Mr. Brown if staff had thoughts about using the property for other uses.

Mr. Brown stated the area currently housed the rock piles for winter road services, but that could be moved to the Public Works location. The Ani-Care lease had worked well to date, and it was their intent that they would not be located there long-term. Another purpose voiced by the Rural Fire Department and their Chief wanted to use that tower for training; to build a super structure under it and conduct jump and stairwell training. That part was on the East side of the middle of that road, so that would not negate the homeless shelter property on the West side of the middle of that road.

Councilor Crume stated in the event of possibly wasting the time to hold a PDAC, would the Council want to give a consensus, if the PDAC was positive, that the Council would do something with the property?

Mayor Hill stated he did not favor doing anything until they had received the PDAC report.

Councilor Crume agreed with the need, but what if the PDAC, presented to the Council, and the Council said no. If the PDAC was favorable, why waste the time?

Mayor Hill stated he didn't see where they were wasting time.

Councilor Justus stated once they had the results of the PDAC, the Council would have a whole litany of questions. He was happy with what he'd seen, and he wanted them to move forward, but he also wanted to make sure the Chiefs had looked at it and signed off, and he'd have other questions. He didn't want to give a green light before hearing the pros and cons that would come from a PDAC.

Councilor Braden asked about the timeline of holding a PDAC and getting the information before Council. Ms. Higinbotham wanted to get the application submitted that week. They were asking staff to work with these two community partners to make this emergency housing situation happen, but he was of the feeling, like Norm, they needed to give staff the green light to proceed so they could work to get the funding.

Mayor Hill stated they were not waiting for a green light from the city; they could make the application. The Council weren't the ones authorizing a PDAC.

Mr. Brown verified that Councilor Braden was referring to the application to the state for the funds (yes). They could hold a second Council meeting next Tuesday, or wait for the next opportunity, which would be December 5th.

Councilor Justus asked fi Ms. Higinbotham was going to file an application for the grant regardless of what the Council said that night.

Ms. Higinbotham stated she had to. If she didn't, they wouldn't get the funds.

Councilor Justus verified she'd be contacting Mr. Cummings to schedule a PDAC; based upon that meeting, if another meeting was warranted, he'd contact Mr. Brown, who would then contact the Council.

Mr. Brown stated yes, that was the timeline.

South Oregon ADA Crossing Alternatives *(Document attached)*
Betsy Roberts, City Engineer, presented.

Council consensus to have staff bring back some alternatives to the bid, to include using pavers or stamped, colored concrete.

OLD BUSINESS

SRCI Update
Mayor Hill stated he had requested that this item be added to the Agenda, but believed it should probably occur at the next meeting under an Executive Session.

Larry Sullivan, City Attorney, stated that statute was already on the Agenda, so SRCI could be discussed at the current meeting.

NEW BUSINESS

Liquor License Application: Balance Studio, LLC
Steven Romero, Police Chief, presented.

CAPRON moved, BRADEN seconded, **THAT THE CITY COUNCIL APPROVE THE NEW OUTLET LIMITED ON-PREMISES SALES LIQUOR LICENSE APPLICATION FOR BALANCE STUDIO, LLC.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 7/0/0.

PUBLIC HEARING

Accept Right-of-Way Along Sunset Drive and SW 7th Avenue

It being the date advertised for a public hearing on the matter of Accepting a Right-of-Way on Sunset Drive and SW 7th Avenue, the Mayor declared the Hearing 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 Hearing was opened for public testimony. Opponents: None. Proponents: None. There being no Proponent and no Opponent testimony, the Hearing was closed.

CAPRON moved, BRADEN seconded, **THAT THE CITY COUNCIL APPROVE THE DEDICATION OF THE RIGHT OF WAY FOR A PORTION OF SUNSET DRIVE AND SW 7TH AVENUE AS SHOWN ON THE PARTITION PLAT OF CHELSEY & ANDREA WARRINGTON SAID PARTITION BEING APPROVED BY AN ADMINISTRATION ACTION ON OCTOBER 9, 2019, UNDER PLANNING FILE 2019-09-63PTN AND AUTHORIZE THE MAYOR TO EXECUTE HIS SIGNATURE ON THE FINAL PLAT ACCEPTING THE DEDICATED RIGHT OF WAY.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 7/0/0.

DISCUSSION ITEMS

Proposed 2020-2021 Budget Calendar *(Attached)*

Adam Brown, City Manager, stated deadlines has been moved up, and staff would begin working on the budget for fiscal year 2020-2021 in December. Everything would be due to the Finance Department in January, 2020. The Budget Hearings were scheduled for March 10-12, 2020.

HAND-OUTS

Check Register: (*Attached)*

October 4, 2019 → November 8, 2019

Councilor Rodriguez asked about the invoice from American Staffing. Was the city still using that business?

Kari Ott, Finance Director, stated there was currently one employee being utilized from American Staffing.

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Adam Brown reminded everyone that there would be a Marijuana Ad-Hoc Committee meeting tomorrow night at 5:30pm. Also, the Diversity Advisory Committee would also be meeting tomorrow night.

- Mayor Hill stated he had met with Calvary Church, who wanted to do a theme at Moore Park on December 22nd, titled "A Hometown Christmas". He had given the Fire Chief a copy of what was going to occur and had let them know they needed to obtain an Event Permit.

- Mayor Hill stated he had been in Salem, and met with the State Recreation Department, who had looked very favorably at the application that was submitted by Mr. Brown in Bend for the proposed trail through town. They particularly liked the depth of the total plan of the river trail and connecting them together.

EXECUTIVE SESSION

Executive Session: ORS 192.660(2)(h)

An executive session was called at 7:25 p.m. under provisions of ORS 192.660(1)(h) to discuss current or potential litigation. The Council reconvened into regular session at 8:37 p.m.

ADJOURN

CRUME moved, JUSTUS seconded, **THAT THE MEETING BE ADJOURNED**. Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 7/0/0. (8:40 p.m.)

ACCEPTED:

____
Riley J. Hill, Mayor

ATTEST

____
Tori Barnett, MMC, City Recorder

CITY COUNCIL MEETING MINUTES
November 26, 2019

The scheduled meeting of the Ontario City Council was called to order by Mayor Riley Hill at 6:00 p.m. on Tuesday, November 19, 2019, in the Council Chambers of City Hall. Council members present were Riley Hill, Dan Capron, Norm Crume, Michael Braden, Freddy Rodriguez, Ramon Palomo, and Marty Justus.

Members of staff present were Adam Brown, Tori Barnett, Larry Sullivan, Terry Leighton, Kari Ott, Dan Cummings, Steven Romero, Peter Hall, Cliff Leeper, Betsy Roberts, Dallas Brockett, Bil Carter, Chris Bolyard, Sam D'Addabbo, James Swank, Jon and Laurenson.

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

Mayor Hill led everyone in the Pledge of Allegiance.

AGENDA

This Agenda was posted on November 22, 2019. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

CAPRON moved, JUSTUS seconded, **TO ADOPT THE AGENDA AS PRESENTED.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 7/0/0.

PUBLIC COMMENT

Dallas Brockett, Nyssa, stated: *Mayor and members of the Council, community members, thank you for allowing me the time to speak a little bit about the issue at hand that we have with one of our employees that is not a resident within Ontario. I just want to talk a couple bullet points really quick. I think that Mr. Bolyard is going to have a little bit more in depth detail about what we're talking about. As officers, we took an oath to uphold the Constitution, and I feel that the residency rule is unconstitutional. We have the right to live where we want and the Constitution, the 14th Amendment, reads that a state cannot deprive a person of life, liberty, or property. I know this officer to be one of the best that we have. I've seen it first-hand with our last hiring pool. We had two full-time officer openings, and we had three applicants. To have more attraction and a better pool of candidates and to have the best pool and best candidates to serve our community and our city, I think that rule that's in place, or that policy that's in place, is limiting us, big time. Not to mention the officer's safety concerns of living where you work. It's one of the things I took into account when I was buying a house three years ago. Not only that property taxes were double of what Nyssa was, the house was $20K more than it was in Ontario, but community safety. If I want to move into a community, I want it to be safe. That's the first thing I look at. So, if we have the appropriate staffing, which we don't, if we have the appropriate staffing in our police department, and the right numbers to make this community safe, I think more people would want to live here.*

Bil Carter, Ontario, stated: *Thank you, Mayor and City Council, those in the community. I have to tell you right up front that I am solely in favor of executives, high-level management, people having the requirement they live in the city. I totally concur with that. However, line staff, I have some concerns with. Because of the cost of living in this city versus the salaries, there could be some severe challenges for the line staff to actually move to this community and have a suitable life. I know that this officer has some confusion about what the requirement was for him to live here, about whether or not he had to live here as addition to employment. So, my recommendation would be that the City Council consider being logical, reasonable, and sensible, and if this is going to be a requirement for line staff, give this individual, who is a young father, an opportunity, another year, to make the transition and to be able to find suitable housing in this community. One of the problems we're going to have in this community now is the cost of housing is skyrocketing, so it's going to be very difficult for the salaries to keep up with the cost of housing.*

I'm just asking that you really consider giving this individual an opportunity to continue to serve this community versus tossing all of these resources out the window. We've gone through the training, we paid for his training, we've paid for his equipment, and all of the other requirements necessary to be an officer. Why would you want to start all over again and lose those resources that have already been invested? Thank you.

Chris Bolyard, Ontario, stated: *Good evening, my name is Chris Bolyard, and I work for the Ontario City Police Department. I am also the President of the Ontario Police Association, which is the bargaining unit for all the employees of the Ontario City Police Department. I'm here tonight with very serious concerns about Resolution #2018-112. The original idea by the citizen community was to create incentives and allow a choice for men and women who wanted to work as line officers for the Ontario City Police Department to have a choice in whether or not they lived here, but were incentives for them to live here. I believe that most of the Councilors were okay with a person having their own choice. We live in a country, and a community, where we value freedom. The freedom of speech, the freedom of association, which allows us to meet here tonight, and freedom of choice. I believe that the City Council is sending the wrong message with this resolution. What will people think when they find out that the officers were forced to move here and did not move here because they wanted to. It was not their choice. Does the city have so little faith in their community that they have to force people to live here? There was a discussion of a better community because of the resolution. There was anecdotal evidence provided to support that theory. I will tell you tonight that as President of the Association, I am in charge of our charitable contributions. When we built the fence around Project Dove, I was surrounded by men dedicated to their community that do not live within the 8C School District. The same goes for Shop with a Cop, Fish with a Cop, the Special Olympics Torch Run, I can go on and on, but I will tell you that these men and women are dedicated to you as a community no matter where they live. The charitable contributions are not just anecdotal evidence, but real tangible proof of that. It was said that people were only coming here for better pay. I came and I don't think that there would be an officer that would testify differently that we came here to be a part of the best police department in the valley. Not just in pay, but in equipment, in leadership, in co-workers, in training. Cops don't just care about pay. We don't put on bulletproof vests for a wage; we put it on for an ideal. If we are here just for the money, then why do we also have reserve officers who do not live in the 8C School District, that volunteer their time for this community? They put on the same bulletproof vest and they face the same dangers that the paid officers do, with no compensation. During testimony, the Chief of Police and the Fire Chief were against this resolution. You hired these men and pay them good wages for their expertise and their advice on matters like these. It was said by a community member that there would be police cars in neighborhoods. This is patently untrue. We are not physically able to have take home cars, nor will we ever. Further testimony from four out of the five people wanted what was originally discussed, which was to create incentives and convince new hires that this was the community where they would want to live. Some Councilors brought up the fact that officers would be moving from their established homes. You are not asking the officer, you are asking a family to take on a very stressful situation. You don't move for free. You are asking them to take on a potential financial burden, families that could be taking on a financial loss of real estate it could take years to make up even with a higher wage. You're asking children to change schools and neighborhoods. You're changing an entire family dynamic. Someone who lives outside of the valley has already made the decision to move if they are applying here. The same cannot be said when we are trying to attract a lateral from within our community at large. Our community doesn't stop at a river. We are, and always will be, intertwined with Idaho. There was a concern that this resolution would create a smaller pool to choose candidates from. I can testify that good people who want to work for OPD have not applied because of the residency requirement. After the resolution, we currently have a pool of three candidates for two positions. This is not the way that you get the best, which is what the City of Ontario deserves. This is a stark difference from before the resolution as passed. The original idea was to create incentives and create a community that not only police officers, but other middle-class professionals would want to move to. I will tell you that when I started at OPD, I lived outside of the 8C School District. I moved into the City of Ontario because I wanted to, not because I was forced to. It was not right away that I moved here, but when it was the right time financially, where my family was at in our lives, and when the right place was available, my family made the decision. I want the same thing for potential new hires. I do have faith in our community, and firmly believe that when it is the right time, other officers will make the same decision, given their freedom of choice.*

Sam D'Addabbo, Weiser, stated: *Thank you for letting me speak. The word dedication, dedication to the city, is what I've been hearing about. I have applied to the Ontario Police Department three times over a two-year period. Talk about dedication. I've shown up for work for the last eleven months, not once coming in late or calling in sick. You talk about dedication. I have come in on my days off when called by a Lieutenant or Sergeant to cover shifts.*

You talk about dedication. Every day I show up to work, put on a uniform that says Police, Ontario, Oregon. I put on a belt with a gun, I put on a bulletproof vest full of gear. During my workday, I do my best to protect the citizens of this community, putting my life on the line for people I've never even met. You talk about dedication. Even though I am a resident of Idaho, I dedicate my time, my service, and my life to this community. Dallas went over the 14th Amendment. I quoted that as well, so I won't go through that as well. Other than touching on it that it does state that any state shall not deprive any person of life, liberty, or property. If you look throughout the Treasure Valley, which we are a part of the Treasure Valley, both throughout the State of Oregon and Idaho, no other law enforcement agency has any ruling telling someone where they can or cannot live. I looked up near 100 agencies not to find a single one. You can take a police officer from anywhere in this nation and place him anywhere in this nation. That officer will enforce the statutes of that jurisdiction and protect the citizens of that jurisdiction no matter where he chooses to live. I hope the members of the City Council will make the right decision and get rid of this resolution that restricts someone's right to choose where they want to live.

Councilor Capron asked Mr. D'Addabbo if he was told when he was hired that he had six months to move here? Was that made clear to him?

Mr. D'Addabbo stated it was brought up during his face-to-face interview with the Chief at the time.

Ben Peterson, Ontario, stated: *Thank you. I was going to ask if I could have a few more minutes. I just want to really quickly touch on a few of the comments that just came up, and I do appreciate your service, I appreciate all of our police officer's service to this community, but as a resident who lives here, how are we supposed to feel when we have 40% of our cops living here. At what point are we safe when there are zero living here? Is that going to make us safer? Is that going to make a better community? I'd also like to say, how would any one of you people feel, me going into your community and telling you how you should run it? I don't see myself at a Nyssa City Council meeting telling Nyssa what's best for their community. I'm offended by that. Instead of coming to me, or any of us, and seeing the point of what is going on here, we are in such a unique situation in this community. We might have a river in between two sets of communities, but there is a stark difference between them. We are abject poverty on this side of the line, and we have got to have middle-class people like you living here with us. It's not sustainable. It's not supportable. Where do we start? I moved here from Idaho. I didn't' have to. I was a dentist in Ontario; I'm a dentist here. I can tell you that it added a tremendous amount of value to what I do, the fact that I live here, that my staff lives here, I'm a better dentists, my practice is better, because I am in this community. I have lots to show for my involvement in the community and the difference was I moved across the river. Anyone's free to take a job or not. No one is forcing anyone to move over here. You have a choice to accept the position or not accept the position. No one's forcing anybody. The safety concerns. What about the safety concerns for officers? What about the safety concerns for the residents of Ontario? I want police officers who want to live on my street. That makes me feel safe. That's what I want. Our officers are paid, from what I understand, significantly more than officers who live across the river. I have a hard time believing we have that hard of a time finding officers to live here when we pay, I would say, 30% more, is that fair, then a police officer in Payette? Anyway, I had prepared some comments, I don't' know if I'll have time to get through them all. About 75% of Ontario's Snake River Correctional Institute lives in Idaho; 60% of the Ontario School District administrators, teachers, and staff live in Idaho; TVCC similar; Ontario risks going down the same path. It has become the exception rather than normal when a new hire, taxpayer funded employee working some of the better jobs in Ontario actually lives here. Ontario City Council recognized this problem and in March, 2019, passed a resolution requiring all future employees to live in Ontario and provided financial incentives to encourage and reward those who do. I feel like this is a reasonable request. We shouldn't have any shame to say we want, we value you, we are proud of our city, we want you to be our neighbor. The statistics for the city and those of our local school district, college, and prison are astonishing and unacceptable. If we look at 8C, in the city alone, 200 employees do not call Ontario home. This lack of community connectedness hinders the community's ability to thrive and is an insult to people like me who live here and handicapps our ability to promote a positive image and to successfully pass bonds. Most important, it results in a void in our professional middle class in the community, without which this community will continue to decline. I remind you that in a standing room only meeting, this Council voted overwhelmingly in favor of a resolution requiring all future employees to live here. The Council also passed a resolution creating a financial incentive in the form of a water/sewer credit for employees who currently live within the city limits. Thirty years ago, nearly every neighborhood in Ontario had a city employee or an 8C teacher or administrator living in it. They are recognizable figures in the community and stable resources for their neighborhoods. Over the past two decades, Ontario has witnessed a mass exodus of educated, middle class families moving across the river to Idaho. The reasons for this* *exodus are many: school performance, housing, public safety, changing demographics, however, somewhere that became commonplace. In contrast, surrounding cities and school districts neighboring ours, all seem to be out-performing Ontario and have a much different make up with a vast majority of their employees in leadership living and actively involved in those communities. I just ask any of these other people who don't currently live in Ontario but work here, how would they feel if 50% of their police officers, schoolteachers, administrators, vacated. Would they be worried about it? Of course they would. It would be devastating. It's a gutting. Police officers, school principals, city employees, and the like, have been the backbone of small communities. These professionals and their families are leaders in the community, routinely involved in the community civic clubs, churches, and other community-based endeavors such as coaching, Little League, 4-H groups, so this involvement, in additional to their valuable presence as neighbors, that these leaders come to truly know and be an integral part of the community they serve. Absent that, an otherwise qualified professional simply lacks a vital component of what makes a successful long-term employee truly invested in the community, and the community misses out individual social contributions leaving a tremendous void. Ontario now struggles to fill our civic organizations, our city communities, our churches, we can't find enough coaches for extra-curricular activities. Those who would likely serve are not part of the community except during work hours, in general, that's the truth. Importantly, public servants living where they work better understand the community and culture, making them more effective in their jobs. In addition to the social impact, there's a devastating dig in the financial impact from the local wage earnings not residing in the community. The per capita income in Ontario is $27K a year. In Fruitland, it's $54K a year. Arguments have been made in opposition and they often cite policies that these policies inhibit hiring practices by excluding qualified applicants. They also argue that these individuals can be just as involved regardless of their address. This does simply not bear truth as implied in practice. Couple that with the very clear message that non-residency sends. That this community is good enough for a paycheck but not good enough for me and my family. That is nearly impossible to overcome. Arguments have also been raised concerning housing availability. To those I say, where there's a will, there's a way. I managed to find suitable housing in Ontario, and so can they. And now it is becoming even more attractive with some of the housing incentive programs being rolled out by the Eastern Oregon Economic Board and the City of Ontario. Once those programs get rolled out by the Economic Border Board, people looking to move into Ontario and build a house, from my understanding, will be given upwards of $30K for a new home. People are breaking their backs in this community to try to encourage these people to be our neighbors and live here. We want you to be our neighbors. We want you to live here. That's the bottom line. We want you here. It's not a punitive thing. No one's saying you're going to lose your job. No one's forcing you to come over here. No one's forcing you to take a job. We want to do whatever we can do to get you to live here. It has to start at the top, without a doubt. The City of Ontario must decide if you meant what you said when made residency a priority. Your decision should remain your decision today. We want our city employees to be invested in the community and to be our neighbors. I own a business here, and the fact that I live here along with my employees no doubt adds a tremendous amount of value to my practice. Why would we not want to add the same value to our city, schools, and community as well. What do we have to lose? I would also like to say that if anybody who disagrees with me wants to talk about this, some of our police officers who don't live here, I would be happy, happy, to sit down and talk to you. Thank you.*

Christopher Plummer, Ontario, stated: *Hello Board or City Council. I'm Christopher Plummer. I volunteer a lot here in town. I'm a board member of Project Dove and I work at DHS. I wanted to just come here tonight to voice my support for a homeless shelter, to use that money that's available for temporary housing to house some of our areas most in need. I've heard talk that one of the locations is near the Ani-Care Shelter. I think that's the perfect location. It's near other services that are similar in scope and I just want to really encourage you to say yes to that option and to support our areas most in need. Thank you.*

Kathy Harrod, Ontario, stated: *Good evening. I'm going to say this facetiously. I see that you are all bundled up, warm, hats, coats, comfortable. Good for you. Good for all of us. When the homeless situation was discussed a couple of weeks ago when the Airport was mentioned, I drove out there the next day and I just want to say it's totally unsuitable. That's pouring money into bad, not worth it at all. I had the privilege this afternoon of walking in the cold down to Origins Church and helping out with their program. My first day of volunteering. Served a little food and visited with people and listened, and during the process of this, just kind of kept hearing little parts of things that were going on with the family that was in there. Two children, two boys, pre-teen, I'm not sure, 10-12 somewhere in there, and they were needing a tarp because they had not place to go and it was cold and it was windy. They were "we need to find a tarp, and I'm going to call somebody". We have a homeless situation, dear people, that needs to be taken care of. I realize that, and I wish we would have had the information beforehand, what all you have to do to make this workable. I know you have to cross your t's and dot your i's; well I would* *suggest you get a pencil in each hand because this needs to be done. My final statement, question is, who is your neighbor?*

Doug Lamm, Ontario, stated: *Mr. Mayor, members of the City Council, City Manager, and invited guests. You have copies of the materials I think we sent out earlier so that you would have them. Thank you for giving us this opportunity to speak to you on this important issue. The two of us, Bob Kemble and Doug Lamm, are here to represent our business, The Nichols Accounting Group, and our landlord, North Oregon Properties. We want to thank Pam Seiders and James Vogt of Origins Faith Community, the sponsor of New Hope Day Shelter for coming to us last week to inform us of their dream and efforts to create a temporary winter homeless shelter. We also appreciate that City Manger Adam Brown came with them to represent the city's concerns. They were all very up front with us, have given this project a lot of thought, and sought our feedback and suggestions. Their proposed site for the tiny house community concept would be located kitty corner to our NE corner of our parking lot, across NE 3rd Avenue, essentially the width of a city street from our parking lot. The five of us had a good conversation. We made suggestions, raised our concerns, and were heard. We left the discussion explaining that our support or opposition would have to be a decision from our full team of owners and employees. Pam and James had left us with some materials that we shared with our team on Friday and James followed that meeting with an email. We met as a team on Monday morning to seek feedback concerns, etc. from our staff. We had a very thoughtful and thorough discussion of possible solutions, concerns, etc. We have one employee who has worked in a homeless shelter in Seattle who provided ideas and thoughts on safety. We also have folks who expressed a willingness to assist in a volunteer capacity or by serving occasionally at the meal site, etc. This would not be our first encounter with homeless impacting our business. Unfortunately, those previous encounters have not been positive. They include loitering in our entry way and client lobby and not leaving when requested; repeat customers coming into request meetings, clearly suffering from some sort of delusion; stealing of fruit, candy, and coffee we provide for our clients; sleeping in our front and back entry ways; multiple requests to use restroom facilities, use of phones, requesting water, etc., and refusal to leave when requested to; wandering the building when finding a door unlocked requiring that we keep all doors, except the manned front door, locked during business hours; defecation in our flower beds, trash left in flower beds from sleeping in flower beds; use of our outside water faucet to the point we had to lock it; and shopping carts accumulating in our parking lot. These intrusions put our front desk personnel at risk and require involvement of others when issues become out of hand. It is not a good business environment for our staff or clients. As a team, we have concluded that, while we support the concept, we cannot support the location of this proposed shelter. During our conversation with Pam, James, and Adam, other possible locations were discussed. We believe more work can and should be done between the city and New Hop to explore these other alternative sites. We suggested that any grant request suggest more than one site so that there are alternatives in the mix. We do not know if that advice as heeded in the grant process. Our business, while busy all year, has a seasonality to the work year. Our busiest season is from early December through the middle of April. Including seasonal help, we will have in excess of 50 employees across our locations. Approximately 23 of those employees work in the Ontario office at some time during the week. Our first concern is for the safety of our staff. We allow our staff to be flexible in their work hours because many of them work in excess of 60 hours per week during this time of the year. Beginning in January, the use of our office, while not quite 24 hours per day, is generally in excess of 20 hours per day because some staff arrive very early so they can leave early in the evening while other arrive at a more normal start of the work day and then work late into the evening or next morning. Many of our employees that arrive early are females and they do not limit their early access and/or late departure to only tax season. We anticipate that, regardless of who is allowed to be in the shelter, the presence of homeless in the area who are not able to be in the shelter, will increase. We anticipate that the foot traffic to and from the shelter will include folks trespassing across our property further adding to the encounters noted above. Our second concern is for the safety of our clients. Our clients are the lifeblood of our business. The Ontario office is a high client traffic location, especially as compared our other locations. The Ontario clients come and go at all times of the business day. Again, the foot traffic is a concern for the safety of our clients. Our third concern is for the financial impact the location of the shelter will have on the property of our staff and clients. Referring to two other documents provided, both indicating an increase in crime related to the presence of homeless shelters and the concentration of a population into a small geographical area. There is one from the University of Pennsylvania regarding the shelters in Vancouver, BC, and the article in the Spokesman Review regarding the shelters in downtown Spokane. We believe that the presence of a long-term shelter adjacent to our property diminishes our resale value of our building. Again, thank you for allowing us to represent our company on this matter. Sincerely, Doug Lamm and Bob Kemble.*

Councilor Rodriguez stated the incidents Mr. Lamm was referring to, such as defecating in the flower beds, was that currently occurring or was it earlier occurrences?

Mr. Lamm stated that had been in the past. It increased in the winter.

Councilor Rodriguez stated it was an active drug corridor right there, crossing the tracks.

Mr. Lamm stated it was past history.

OLD BUSINESS

Emergency Transitional Housing
Adam Brown, City Manager, presented.

Staff had conducted a PDAC with the parties involved in the proposed tiny home village to address the homelessness issue in Ontario. The findings from that meeting concluded that city ordinances and state laws allowed the city to move forward with the proposal. The grant funds had been requested, and this was the only site up for consideration. If a better site was located at a later date, the tiny homes were mobile and could be relocated. Following the first year, it was anticipated that a review of the project would be conducted to discuss the good and bad of the project. A license agreement had been created for usage of the property. To move forward, the Council needed to approve the agreement.

Mayor Hill asked what the PDAC report concluded.

Mr. Brown stated the report said that it was within the state laws and local regulations to have those types of structures in that part of the city.

Mayor Hill verified they were seeking a five-month lease.

Mr. Brown stated yes, a five-month license agreement.

Mayor Hill asked about management, control, trash, garbage, those type of things.

Larry Sullivan, City Attorney, stated the way the agreement was written, it would be the responsibility of the license holder, which would be Origins, to handle all management, monitoring, etc. The city retained the right to inspect the property upon giving reasonable advance notice. The city would not be responsible for any maintenance, upkeep, or management of the property.

Mayor Hill asked about violations of the lease.

Mr. Sullivan stated there was a 30-day termination provision in the agreement.

Mayor Hill asked that the proposed agreement be read into the record.

Mr. Sullivan read:
Premises:

- A. Owner owns property described in Exhibit A (the Property);
- B. Licensee is a religious institution operating on a not-for-profit basis;
- C. Owner is willing to grant a license (the License) for the use of the property to licensee to provide emergency shelter housing for homeless transients; and
- D. The parties wish to reduce their agreement to writing.

Agreement:
Owner and Licensee covenant, contract, and agree as follows:

1. License: Owner grant to Licensee, and Licensee accepts from Owner a License for the use of the property. The consideration for this License is the provision of emergency shelter housing, which is a community serv ice that might otherwise require the expenditure of taxpayer funds.

2. Term: The License shall be irrevocable for six months, unless terminated earlier by Owner by giving Licensee not less than thirty (30) days written notice. Renewal of the License shall be negotiated no more than ninety (90) days prior to termination.
3. Hold Harmless: To the extent of the limits of the Oregon Tort Claims Act, ORS 30.260 *et seq*, the Licensee will hold Owner harmless from any claims whatsoever, accruing after the date hereof and arising solely out of Licensee's use of the property.
    a. Use of Property: The property may be used for emergency shelter housing for homeless transients and for no other purpose. Licensee shall have exclusive use of the property for that purpose. Owner shall have the right to inspect the property at any time, subject to reasonable advance notice to Licensee.
    b. To maintain tax exempt status, Licensee shall operate the shelter on a not-for-profit basis, and shall not charge rents to any persons who are receiving temporary emergency shelter.
4. Maintenance: During the term of the License, Licensee shall have the sole responsibility to provide maintenance, safe-guarding, irrigation, and upkeep of the property.
5. Improvements: Licensee shall not install permanent improvements on the property without Owner's express written consent in advance. All improvements shall be temporary only and shall be promptly removed by Licensee at the termination of the License.
6. Site Condition: If the License is not renewed, the Licensee will return the property to the same condition present prior to tenancy.
7. Filing for Tax Exemption: The Owner shall file tax exemption documents with the Malheur County Tax Assessor's Office as deemed necessary by the County.

Councilor Crume asked if anyone had thought of the need of a fence to separate the property?

Mr. Brown stated it had been discussed, and that was part of the plan. The money would be taken from the state grant. There would be a gate large enough to drive in, and a pedestrian access at the sidewalk on the north side of 3rd, facing North Oregon.

Councilor Crume asked what protected the city against any type of lawsuit or claims.

Mr. Sullivan stated there was no such thing as no-fault liability. There would have to be some type of evidence that the city did something negligent.

Councilor Capron asked how many feet of fence they were anticipating.

Dan Cummings, Community Development Director, stated they were looking at 225 feet.

Mayor Hill asked if the city was paying for the fence.

Mr. Brown stated no, that would come out of the grant. The fence would also block off the salt shelter.

Mayor Hill stated the plan currently reflected 20 units. Was there enough money for that?

Mr. Brown stated he did not believe there would be sufficient funding for 20, it would be closer to 15.

Ms. Higinbotham stated they estimated 10-20 units.

Councilor Crume asked what the plan was to help combat potential problems the surrounding properties might encounter due to increased transient traffic.

Pastor James Vogt, Origins Faith Community, stated he had a different opinion than what the Council had received in their meeting documents. Nichols Accounting quoted headlines for areas in Spokane and Vancouver, but that hardly an apples to apples comparison. Homeless numbers and population density – Ontario was not Vancouver, BC. He understood the list of concerns and the list of incidents that Nichols had dealt with. His building was only a block away from there, and they had experienced similar incidents. But he viewed what they were proposing as a solution for those actions to cease. People needing a restroom, or water, or somewhere to sleep, would be addressed with the village. There might be an increased traffic flow, but Origins was a great example. There had been those type of incidents, but that had stopped since opening up the day shelter. The location was good because the shelter was only one block away.

Mayor Hill asked about the argument “the more you provide, the more will come”. And, how many would be allowed to reside in each unit?

Pastor Vogt stated the home was 8x10, so only one occupant per home. If the program excelled, they would be looking at larger, family-sized units.

Mayor Hill asked about a screening process. Such as addicted people vs. homeless by circumstance vs. mentally ill. Would anyone and everyone be allowed in?

Pastor Vogt stated the size of the facility vs the size of the homeless population necessitates prioritizing. Because of the nature of this project, it cannot be permanent in any way. The goal was to help transition out of homelessness.

Councilor Rodriguez believed having the village at the proposed location would not grow the activity that was already known. But giving those in need a place to stay wouldn’t prevent it, either. Both sides needed to meet in the middle. Many had voiced concerns about the danger that might be present after-hours. Was it possible to have a 24-hour individual on site, or video surveillance, vetting, or require volunteer work? That might create a safer shelter area. Were those things that Origins would be willing to work on with Nichols?

Pastor Vogt stated this was a big deal with many sides. All of the issues were not lost on them, and they were all sympathetic to their concerns. However, when speaking about cameras, or 24-hour employees, it was a tough and they needed to put it all out there. From where he stood, it felt like the City Council was asking an awful lot of his small church. They were willing to step into that role, but what was the city willing to do? There had been many parts of the discussion where Origins had been asked to commit to things, but the only thing he’d heard from the City Council was that their hands were clean and they’d have no responsibility. This project was going to need more than just his small church and some grants that Community in Action could get. This was a community wide problem. But he kept hearing from the Council that they were not paying for this, and were not paying for that, and that would come out of the grant over and over. At this rate, the grant would only be able to purchase three shelters!

Councilor Vogt agreed that the city should bear some burden, but he would be 100% behind adding in the things they’d been discussing, to ensure it was a safe area.

Councilor Vogt agreed, and believed the county should bear some responsibility, as well as some surrounding communities. He knew that employees from Fruitland had asked him for hand-outs to give to their homeless population to send them over to Origins. This was too much to put on one small group.

Mayor Hill stated he met with the City Manager and Chief of Police in Fruitland and asked about that. Both denied ever doing that. When asked what they did with their homeless population, they indicated they didn’t have services and had no problem.

Councilor Capron asked how long they intended to remain at that site? The city had expressed plans for that site for use by public safety personnel.

Pastor Vogt stated that had been addressed during the PDAC, and it could be worked around. But, currently, this was only a five-month plan.

Councilor Crume stated the problem seemed to be that no one wanted it “in their backyard”. The city had to find a space that fit most of the needs with the least amount of resistance.

Mayor Hill asked how many shelters they wanted to put in place.

Pastor Vogt stated his original plan was for 20 shelters. It kept decreasing because he kept hearing that things had to be taken out of the grant funds.

Councilor Capron asked how many shelters would be there if there were no other funds except the $150K grant.

Pastor Vogt did not know; that was Barb's data. He thought this was supposed to be a partnership, and it was a city service, so the city would step in and support it in a partnering type of way.

Councilor Justus stated if the Council approved everything that night, when would the first person be in the village?

Pastor Vogt stated he wasn't sure he wanted approval that night. This was the first he'd heard about the agreement that had been drawn up, where Origins did so many things. He hadn't even reviewed it yet.

Councilor Crume asked if any other churches had stepped up to help out.

Pastor Vogt stated one church had indicated they would take a Christmas Eve offering.

Councilor Crume asked if other organizations in town had been approached for assistance? Or the county, or other cities?

Pastor Vogt replied not yet.

Councilor Capron asked how long Pastor Vogt would need to review the proposed agreement.

Pastor Vogt stated it would be a few days.

CAPRON moved, PALOMO second, **THAT THE CITY COUNCIL RECONVENE AT THE NEXT WORK SESSION FOLLOWING REVIEW OF THE AGREEMENT BY ORIGINS.**

Councilor Justus stated he understood the need for review, but there were also things that needed to be done. The city needed to approach the county and other cities and ask for financial support. For the city to tell him to contact the other churches and to also reach out to other cities and the county, was not right.

JUSTUS moved, CAPRON second, **TO AMEND THE PREVIOUS MOTION TO INCLUDE HAVING THE CITY MANAGER REACH OUT TO OTHER MUNICIPALITIES TO SEE IF THEY WERE WILLING TO HELP.**

Councilor Rodriguez agreed the city should do the reaching out. But, couldn't that be done after the approval of moving forward.

Pastor Vogt stated his position would be to fight for helping as many people as possible. If the list of things talked about were to be deducted from the grant, that would remove homes. For example, have the city fund and install the fence. That would mean more houses would be available.

Ms. Higinbotham stated they needed to make a choice. Either move forward with the pilot program, or just keep kicking the can down the road. She needed a partnership from the city. She had it with Origins. They needed a decision.

Mayor Hill stated the issues that had been brought up were fencing, how many units, insurance, violations, and a review committee. He didn't want to lose the $150K and the chance to get something moving, but if they could work in those items, and that Nichols was on the review committee, at the end of the pilot period, it should be considered by Council. They needed to quit dragging it out.

Pastor Vogt stated for him, representing Origins, if they could sit down, with a representative from the Council, they needed to have about a six-hour meeting. There were about 25 items that needed to be talked through and get clarity. What would the city be willing to help with?

Mr. Sullivan stated they were making a motion to table the action. It didn't require a reason.

Mr. Brown stated he would not mind reaching out to the other agencies, as well as meeting with Pastor Vogt and Ms. Higinbotham to work out something more finite.

Councilor Palomo stated they were asking for between 10-20 units on that property, and they were getting $150K for the project. They needed to budget using just the $150K. If they had to cut 10 units out so they could build a fence, or whatever else, then build 10 units now.

Pastor Vogt stated his disagreement was why did they only have $150K that they came up with? If this was a community project, and it was a city service, there should be some other financial input from other entities. It shouldn't be just the money that Barb was able to get.

Councilor Braden stated what they had before them was step one in joining a partnership with the other two entities. The Council asked staff to conduct a PDAC, and a license had been created. The first step was the Council offering the partnership the license to use the city's property for the next six months. There were many other things that the City Manager stated he'd help with.

CAPRON moved, JUSTUS seconded, **TO CALL FOR THE PREVIOUS QUESTION**. Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 7/0/0.

Restated amendment: JUSTUS moved, CAPRON second, **TO AMEND THE PREVIOUS MOTION TO INCLUDE HAVING THE CITY MANAGER REACH OUT TO OTHER MUNICIPALITIES TO SEE IF THEY WERE WILLING TO HELP.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 7/0/0.

Restated motion: CAPRON moved, PALOMO second, **THAT THE CITY COUNCIL RECONVENE AT THE NEXT WORK SESSION FOLLOWING REVIEW OF THE AGREEMENT BY ORIGINS AND TO HAVE THE CITY MANAGER REACH OUT TO OTHER MUNICIPALITIES TO FIND OUT WHO WAS WILLING TO BE INVOLVED.**

Mayor Hill stated for clarification, if this was passed, the city would contact other jurisdictions, revise the agreement, give it to Origins, and have it back before the Council at the next session.

Restated motion: CAPRON moved, PALOMO second, **THAT THE CITY COUNCIL RECONVENE AT THE NEXT WORK SESSION FOLLOWING REVIEW OF THE AGREEMENT BY ORIGINS AND TO HAVE THE CITY MANAGER REACH OUT TO OTHER MUNICIPALITIES TO FIND OUT WHO WAS WILLING TO BE INVOLVED.** Roll call vote: Crume-no; Rodriguez-no; Palomo-no; Justus-no; Capron-yes; Braden-no; Hill-yes. Motion failed 2/5/0.

BRADEN moved, CRUME seconded, **THAT THE CITY COUNCIL APPROVE THE TEMPORARY LICENSE TO ORIGINS FAITH COMMUNITY IN THE AMOUNT OF $1 FOR A PORTION OF TAX PARCEL ID 18S47E03CB05700 AND 18S47E03CB04600 AS SHOWN IN THE MAP ATTACHED TO THE LICENSE AGREEMENT.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-no; Braden-yes; Hill-yes. Motion carried 6/1/0.

Council consensus (6-1, Mayor Hill against) to direct staff to attempt to get Vale, Nyssa, and Malheur County, along with other service organizations, including the churches, to try to find extra help with this project, and to work with Origins on any necessary wording on the license agreement.

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Mayor Hill stated he was contacted by the paper asking what was occurring at the golf course. The Council knew it was probably going to come to light. He had shared it with the City Manager and the City Attorney about ten days ago that there were disgruntled employees calling him and making allegations that there were activities going on out there that were not consistent with the use of the property. He wanted the Council aware of that issue.

- Councilor Capron asked if anything had been done regarding the water billing statements?

  Mr. Brown stated staff had made some adjustments. First, they were now able to itemize the items on the card. There was also concern about the security of social security numbers, but the city had stopped collecting social security numbers several years ago, and they had been purged them from the system. It was just by customer number. He had spoken with the individual who had voiced concern and explained that the worst thing that could happen was that someone would pay his bill for him. The person was pleased with the outcome.

EXECUTIVE SESSION

Executive Session: ORS 192.660(2)(h)
An executive session was called at 7:45 p.m. under provisions of ORS 192.660(1)(h) to discuss current or potential litigation. The Council reconvened into regular session at 8:45 p.m.

ADJOURN

CRUME moved, JUSTUS seconded, **THAT THE MEETING BE ADJOURNED**. Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 7/0/0.

ACCEPTED: **ATTEST**

______________________________ ______________________________
Riley J. Hill, Mayor Tori Barnett, MMC, City Recorder

CITY COUNCIL WORK SESSION MINUTES
December 5, 2019

The scheduled Work Session of the Ontario City Council was called to order by Mayor Riley Hill at 6:00 p.m. on Thursday, December 5, 2019, in the Council Chambers of City Hall. Council members present were Riley Hill, Dan Capron, Michael Braden, Norm Crume, and Marty Justus. Ramon Palomo arrived at 6:31 p.m.; Freddy Rodriguez arrived at 7:03 p.m.

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

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

Mayor Hill led everyone in the Pledge of Allegiance.

AGENDA

This Agenda was posted on December 3, 2019. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

CRUME moved, JUSTUS seconded, **TO ADOPT THE AGENDA AS PRESENTED.** Roll call vote: Braden-yes; Justus-yes; Palomo-yes; Crume-yes; Rodriguez-yes; Capron-yes; Hill-yes. Motion carried 7/0/0.

PRESENTATION

Pheasants Forever Update *(Handouts attached)*
Dave Stiefvater and Phil Milburn presented.

OLD BUSINESS

Ordinance #2754-2019: Annex and Rezone 1.33 Acres at 2319 NW 11th Street UGA I-1→I-1 (Golden) FINAL READING
Dan Cummings, Community Development Director, presented.

JUSTUS moved, CRUME seconded, **THAT THE CITY COUNCIL ACCEPTS THE FINDINGS OF FACTS AND RECOMMENDATION OF THE PLANNING COMMISSION ON PLANNING ACTION 2019-03-24AZ A REQUEST FOR ANNEXATION AND REZONE OF A PARCEL OF LAND FROM URBAN GROWTH AREA INDUSTRIAL (UGA I-1) TO THE CITY LIGHT INDUSTRIAL (I-1) ZONE AND APPROVE ORDINANCE #2754-2019 AN ORDINANCE PROCLAIMING THE ANNEXATION AND REZONING OF CERTAIN TERRITORY TO THE CITY OF ONTARIO, BEING A PARCEL WITHIN THE NW¼ SECTION 33, TOWNSHIP 17 SOUTH RANGE 47 EAST, W.M.; AND WITHDRAWING SAID TERRITORY FROM THE ONTARIO RURAL FIRE PROTECTION DISTRICT 7-302 AND THE ONTARIO RURAL ROAD ASSESSMENT DISTRICT NO. 3 ON SECOND READING BY TITLE ONLY.** Roll call vote: Braden-yes; Justus-yes; Palomo-out; Crume-yes; Rodriguez-out; Capron-yes; Hill-yes. Motion carried 5/0/2.

Homeless Project Update
Adam Brown, City Manager, presented.

Staff met that morning with Pastor Vogt and Barb Higinbotham to discuss the items from last week's meeting. This was a pilot project. It was five months in duration. A list of rules had been developed, and one of the things they'd have to do to be a part of the emergency shelter project was to participate in case management with the social workers from Community in Action. Councilor Justus had suggested taking the list of rules to the Oregon Law Center, and he agreed. The budget had been refined a bit, and the grant of $150K was locked in. They had also received some estimates, but were waiting on two more bids for turn-key shelters. The shelters came in for less than budgeted, so far. Mr. Cummings obtained a bid on the electrical installation. From Idaho Power's part, it was less than $3K. It would improve the property long-term by having a power pole installed. Community in Action would most likely use one of their contractors to extend it to each unit. One way the city could contribute was to get a backhoe on site to dig the trench for the conduit. Toilets, utilities, power, were all in the budget. The city's insurer had been asked if the facility was already covered under the current insurance, but it was not; however, they would provide a cost. He also asked if Community in Action could get a cost for insurance. Either way, it would be out of the $150K grant. The intake would be done by Community in Action at the meal site, but not during the mealtime. For priorities – sick elders first, families with children, disabled, then others.

Mayor Hill stated during the last discussion it was one person per unit. Families with children might get crowded in an 8x10 unit.

Mr. Brown stated the max per unit was two people. With the current bids, they could purchase all 20 units.

Pastor Vogt stated the turn-key units meant drop the unit, hook it up to power, and put in the bed.

Mayor Hill stated he had gone to the site and met with Mike Ybarguen. Was it going to be master metered? Were they trenching to each unit?

Mr. Brown stated it was. That was in the proposal received from Idaho Power.

Dan Cummings, Community Development Director, stated there was a pole already there with a transformer on but that needed an upgrade, which would be $1K. The connection would be underground from the pole to the corner of the project and the master pedestal would be placed there. From there, the site contractor would set one to three poles and go to each unit with a private service, most likely with a breaker at the rear of each structure. He assumed the lines would be overhead, but that would be up to the contractor who bid the project. It could end up all underground if the bid was good enough.

Councilor Capron asked about security cameras.

Mr. Brown stated it should tie it into the city's system. It was expandable and they could set alarms. Outdoor cameras were about $600. He didn't have costs for a total installation piece.

Mayor Hill asked about the $1K cost for power, after rebates, but what was it going to cost before? The list had $10K budgeted.

Mr. Brown stated the $10K included all the electric, but they might save money by doing the trenching with city staff.

Mr. Cummings stated the $1K was to upgrade the transformer, then another $1K to get the lines run and to set the base meters.

Pastor Vogt stated the $10K was for them to pay the private contractor to run power to each unit. There had been some discussion on what the city could do, such as fencing, to get this moving forward.

Mr. Brown stated the Idaho Power cost was approximately $2,500, so they had added in the other $7,500 for the private electrician to connect all the units. There was more room in the installation budget, if needed. There had been talk about other municipalities making a contribution, but he had not spoken with the other cities yet. He reached out to set up a meeting with the County Judge to discuss the permitting issue.

Mayor Hill stated aside from the construction, the city was going to issue a five-month license. When did that begin?

Mr. Brown stated the license was approved, Origins reviewed it, and it was still being hammered out. It might turn into a three-party agreement, to would include Community in Action.

Mayor Hill stated the first time they brought this forward, there were between 10-12 units, with one person per unit. Now, they were at 20 units with two per unit.

Mr. Brown stated they indicated 15 units.

Councilor Braden stated they had always said 10-20 units, and Pastor Vogt had always said he wanted to get as close to 20 as possible.

Mayor Hill stated they'd have 20 units, with two people per unit.

Pastor Vogt stated it would depend on the situation. There was room for maybe two twin beds should a parent have a child. They wanted to have that availability. If they could get 20 housing units, they'd probably also need a 21st structure for an office. If there was a person on site at all times, they'd need a place to sleep, have a phone, hang keys, etc.

Councilor Crume stated it appeared that with the $150K grant, additional funds were for city items like getting the permits waived, fencing/gating at $3K, the trenching and conduit, and security cameras at $600 each, plus installation.

Mr. Brown stated the fencing was there was because 3rd Street was currently open, and they needed to protect the south side of the city facilities. Those costs stated about were if the Council wanted to get into this project beyond just the property and assistance from the other cities.

Councilor Crume stated with this being a pilot program, would the city's old cameras be usable for this project?

Mr. Brown stated that was possible; he'd look into it. But, it wouldn't have AI.

Councilor Crume stated where the facility would be "locked-down"; was that legal?

Mr. Sullivan stated there could be a contractual relationship with the individuals agreeing to abide by that rule. Enforcement was going to be questionable. If someone wanted to leave, that could not be prevented. The remedy would be that if a rule was violated, they could not stay.

Mr. Brown stated for clarity, it wasn't that they couldn't leave, it was that if they did leave, they would not be allowed to re-enter.

Councilor Capron asked about liability on the city. The reason for this development was to house displaced people. If the city had to displace them again, what happened then?

Mr. Sullivan stated if the city wanted to deal with the homeless problem after that, then yes. The city's response could not be to keep shuffling people from one location to another, rousting them out by force. By state law, the city had to have a plan to deal with the homeless. He'd like to review the statute, but it was his understating that the city couldn't break up homeless camps and evict people from public property that had become a homeless camp if there was not an alternative place to go. Technically, that housing wouldn't be a homeless camp, because it was organized by a non-profit. It wasn't public ground were people were allowed to camp at random. He needed to research if shutting down the "village" would impose some liability on the city.

Pastor Vogt asked if there was a difference between the city displacing someone, and then Origins did an intake, screening, and someone entered into an agreement with them, by violating the agreement they couldn't stay. That didn't seem like being displaced.

Councilor Capron stated he meant if the overall village was shut down by the city.

Mayor Hill stated his appreciation for this project, but he still had concerns. How many violations was the city going to be able to withstand politically and with the neighbors if this was unruly.

Councilor Crume stated part of the remedy was the five-month pilot program.

Pastor Vogt stated that was part of the appeal of the temporary units. If they needed to be moved to a different area, it wouldn't be shuffling people around.

Mr. Brown stated staff would keep the Council informed.

NEW BUSINESS

SNJ Online: Goodfellow Project – Request for the City Council to Initiate a Vacation on Council's Own Motion
Councilor Justus declared a conflict of interest and recused himself from the action.

Dan Cummings, Community Development Director, presented.

CRUME moved, CAPRON seconded, **THAT THE CITY COUNCIL APPROVE THE REQUEST OF SNJ ONLINE FOR THE CITY COUNCIL TO INITIATE A VACATION PROCEEDING AUTHORIZED UNDER ORS 271.130, FOR VACATION OF A PORTION OF GOODFELLOW STREET AS SHOWN ON EXHIBIT "A" IN THIS REPORT.** Roll call vote: Braden-yes; Justus-abstain; Palomo-yes; Crume-yes; Rodriguez-out; Capron-yes; Hill-yes. Motion carried 5/0/1/1.

CRUME moved, CAPRON seconded, **THAT THE CITY COUNCIL REQUIRE SNJ ONLINE TO PAY THE CITY EXPENSES INCURRED FOR THIS ACTION WHICH ARE OUTLINED IN THIS REPORT.** Roll call vote: Braden-yes; Justus-abstain; Palomo-yes; Crume-yes; Rodriguez-out; Capron-yes; Hill-yes. Motion carried 5/0/1/1.

Resolution #2019-136: Receive and Expend Unexpected Police Revenues
Kari Ott, Finance Director, presented.

CRUME moved, CAPRON seconded, **THAT THE CITY COUNCIL APPROVE RESOLUTION #2019-136, A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET TO RECOGNIZE AND EXPEND UNEXPECTED POLICE REVENUES.** Roll call vote: Braden-yes; Justus-yes; Palomo-yes; Crume-yes; Rodriguez-out; Capron-yes; Hill-yes. Motion carried 6/0/1.

Ordinance #2767-2019: Amending OMC 2-5, Renaming "Parks and Recreation Board" to "Parks Committee" and Amending the Rules of the Committee, First Reading
Dan Cummings, Community Development Director, presented.

Mr. Brown stated he would like to specifically name the City Manager and Community Development Director as the ex-officio members on the Committee.

Councilor Justus asked to include some language about filling a vacancy within a set amount of time should they not be able to fill the specific club appointments, such as Rotary or Lions.

CRUME moved, CAPRON seconded, **THE CITY COUNCIL APPROVE ORDINANCE #2767-2019, AN ORDINANCE AMENDING TITLE 2, CHAPTER 5, RENAMING THE "PARK AND RECREATION BOARD" TO "PARKS COMMITTEE" AND AMENDING THE RULES FOR THE COMMITTEE, ON FIRST READING BY TITLE ONLY.** Roll call vote: Braden-yes; Justus-yes; Palomo-yes; Crume-yes; Rodriguez-out; Capron-yes; Hill-yes. Motion carried 6/0/1.

DEPARTMENT HEAD UPDATES

Fire Department Quarterly Report *(Attached)*
Terry Leighton, Fire Chief, presented.

Financial Monthly Report *(Attached)*
Kari Ott, Finance Director, presented.

Community Development Annual Report *(Attached)*
Dan Cummings, Community Development Director, presented.

Human Resources Annual Report *(Attached)*
Peter Hall, HR Director, presented.

DISCUSSION ITEMS

Beck Kiwanis Baseball Field
Mr. Brown stated staff had received a letter from Ann Schiemer requesting the sole use of the Beck-Kiwanis baseball field, and to reestablish a Little League team in Ontario. They want to have teams in Ontario, Vale, and Nyssa, but they want sole use of the property. They said they'd bring it up to Little League standards. There is also a letter from the Ontario Recreation District, who would also like to use the same field for recreational programming. He had spoken with Andrew Maeda, asking what their intended use would be. It was unclear as to why the two entities could not co-exist.

Councilor Capron stated he played Babe Ruth and Little League, and it was also important to build up the recreation department, so maybe this new Parks Committee would be a good place to start.

Councilor Crume stated it appeared that both parties wanted exclusive use of the field.

Andrew Maeda, Recreation District Executive Director, stated his letter was written in response to Ms. Schiemer's letter regarding the exclusive use of the field. The Recreation District felt if that field was going to be given exclusively to one entity, it should be a previously standing, former department of the city who handled recreational activities for the community. The District could handle running that program. He had reached out to Ms. Schiemer to work with her directly, but they hadn't been able to yet finalize an agreement to do that. They'd like the stainable program of Little League to run for a long time. That would take time to ensure it was run correctly and for long time.

Councilor Crume stated he could not locate where Ms. Schiemer had asked for exclusive use.

Councilor Justus stated if they were going to grant exclusive use, he'd prefer that go to the Recreation Department. Then let them work with Little League. He didn't want to tie up public property to a non-public entity. He wanted to know that the citizens could go to that park and play on that field. Giving exclusive use to a non-public entity would set a precedent he didn't want to set.

Mayor Hill agreed that it might be good to let this go to the newly created Park Committee.

Councilor Rodriguez asked how important exclusivity was. Would it be that difficult to share, should the other entity be willing to do that.

Mr. Maeda stated their goal in the beginning was not for exclusivity; however, when Ms. Schiemer stated she was going to ask for exclusive use of the field, and since the goal of the Recreation District was to co-exist with any programs to promote recreation in this community from youth to senior, that's what happened.

Councilor Rodriguez asked if Mr. Maeda would be willing to remove his request for exclusivity from the table.

Mr. Maeda stated he would be willing to state that if it was across the board for his department as well as Ms. Schiemer's development.

Councilor Palomo stated if they looked at the current status of the baseball field, it was a mess. It was because everyone wanted it for themselves, but no one wanted to do the teamwork and work together. He heard from Mr. Maeda and Ms. Schiemer and some other clubs in the area, and everybody wanted that field, but no one wanted to share. Until they came back with unity with all four talking about not "your" group, not "your" team, not "Little League", but *our* kids, that's what mattered. He had been listening to this forever. He had been there when Little League broke up, when everyone tore it apart, and they went to club ball, which also got torn apart. Babe Ruth got taken apart. If someone had $400, they could play baseball on a club team. Not everyone had $400. Coaching back in the day was fun, everyone loved, it, and the kids learned how to play ball. Get the old days back. Listening to what was being discussed now, until those entities united for the use of that facility, and brought a plan to the city for *our* town, for *our* community, instead of this exclusivity thing, that field would stay the way it currently was.

Mr. Maeda stated they were working with Don/Dawn? in the promotion of Ontario youth baseball through the Ontario Recreation District, as well as Carlos, who ran a club team, and Mr. Rodriguez who also ran another club team. They were all together on this. The only one missing was Ms. Schiemer.

Recommendation from the Marijuana Ad-Hoc Committee to Create an Illegal Drug Committee

Mr. Brown stated at the last Marijuana Ad-Hoc Committee they caught themselves talking about other forms of illicit drugs, such as heroin. They realized they had moved past their role of the committee, and a suggestion was made to take to the Council to create an Illegal Drug Committee. He had spoken with Chief Romero since, and they were of the mindset that it wasn't a committee that was needed.

Mayor Hill stated he been approached a few times regarding the Committee, in that the membership is represented by two members from one organization, and wanted the revisited, and maybe see a change in the committee membership. If there were any thoughts on that, bring them to the next meeting.

Bike Trail

Mr. Brown stated there had been a misunderstanding with the engineer about when to let the bids. The plan for them was to let the bids on December er19th, with an opening on January 14th, so it could be approved January 16th. They indicated the bidders didn't like to work on bids during the holidays. The bid documents were done, and the plan was to put it out on the 19th. The hope was for spring construction.

Mayor Hill stated an RFP had been sent out for Depot Park. What was the status there?

Mr. Brown stated the RFP came in lower than was needed for Council approval, so that contract had been assigned to Trademark, the same company that was doing the Wayfinding. He planned to meet with them next week.

HAND-OUTS

Minutes: *(Attached)*
County Court: 10-30-2019

Packet
V&C Board 12-05-2019 w/11-07-2019 minutes

Department Stats: *(Attached)*
Fire & Rescue: Nov 2019
Code Enforcement: Nov 2019
Police: Nov 2019
Public Works: Nov 2019

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Mayor Hill stated he was still receiving complaints about the new water bill. The term “other charges” - that term was not explained anywhere.

  Ms. Ott stated there were a certain amount of lines available on the statement, but the “other charges” was the Public Safety Fee and the Street Maintenance Fee. They had already contacted Springbrook to see what could be done, and they were told that was the amount of lines they could have on the bill.

  Mr. Brown stated that instead of saying “other”, could they change that to read Public Safety….

  Ms. Ott stated she would see if they could label it differently. They’d work to find a solution, but there were no guarantees.

- Councilor Justus stated someone wanted them to install a dog park. We had one in the East Side park. Could that be put on the city’s Facebook page?

  Mr. Hall stated absolutely.

- Mayor Hill stated at the previous Airport Committee meeting they had discussed a list of items that they were out of compliance with, procedures, etc. Would Councilor Crume please expand on that.

  Councilor Crume stated the subcommittee was working over all those details, but there were no suggestions or answers yet, that he was aware of.

  Mr. Brown stated they were working on a lot of things.

  Mayor Hill stated he recalled three procedures they were out of compliance with. The Airport Manager stated he was having trouble finding the time to address the issues, and implied that he needed some help.

  Mr. Brown stated that was a continuing issue. If the Council wanted to move that position from three-quarter time to full-time, staff would do the budget accordingly.

Mayor Hill stated the Airport Manager stated there were things that would move an airport from one category to another, but to do that certain things had to be brought up to standard, and the city was out of compliance. If the airport got into compliance, there would be grants that could be applied for.

EXECUTIVE SESSION

Executive Session: ORS 192.660(2)(h)
An executive session was called at 7:46 p.m. under provisions of ORS 192.660(1)(h) to discuss current or potential litigation. The Council reconvened into regular session at 8:31 p.m.

ADJOURN

JUSTUS moved, CRUME seconded, **THAT THE MEETING BE ADJOURNED**. Roll call vote: Braden-yes; Justus-yes; Palomo-yes; Crume-yes; Rodriguez-yes; Capron-yes; Hill-yes. Motion carried 7/0/0.

ACCEPTED:

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Riley J. Hill, Mayor

ATTEST

____
Tori Barnett, MMC, City Recorder

CITY COUNCIL MEETING MINUTES
December 17, 2019

The scheduled meeting of the Ontario City Council was called to order by Councilor President Dan Capron at 6:00 p.m. on Tuesday, December 17, 2019, in the Council Chambers of City Hall. Council members present were Dan Capron, Norm Crume, Michael Braden, and Marty Justus. Riley Hill and Ramon Palomo were excused; Freddy Rodriguez arrived at 6:07 p.m.

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

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

Councilor Capron led everyone in the Pledge of Allegiance.

AGENDA

This Agenda was posted on December 13, 2019. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

Requested removal of item 10A from the Agenda.

CRUME moved, BRADEN seconded, **TO ADOPT THE AGENDA AS AMENDED.** Roll call vote: Crume-yes; Rodriguez-out; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-out. Motion carried 4/0/3.

PUBLIC COMMENTS

Chase Muromoto, Jeremy Archie, and Jim Forrester gave a presentation on painting murals in the downtown area.

CONSENT AGENDA

JUSTUS moved, BRADEN seconded, **TO ADOPT THE CONSENT AGENDA, WHICH INCLUDED THE NOVEMBER 7, 2019, COUNCIL WORK SESSION MINUTES.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-out. Motion carried 5/0/2.

OLD BUSINESS

License Agreement for Emergency Shelter between Community in Action, Origins Faith Community, and the City of Ontario
Adam Brown, City Manager, presented.

BRADEN moved, CRUME seconded, **THAT THE CITY COUNCIL APPROVE REVISIONS TO THE LICENSE AGREEMENT BETWEEN THE CITY OF ONTARIO, ORIGINS FAITH COMMUNITY, AND COMMUNITY IN ACTION.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-out. Motion carried 5/0/2.

Ordinance #2767-2019: Amend OMC 2-5, Renaming "Park and Recreation Board" to "Parks Committee" and Amending the Rules for the Committee (Final Reading)
Dan Cummings, Community Development Director, presented.

JUSTUS moved, CRUME seconded, **THAT THE CITY COUNCIL APPROVE ORDINANCE #2767-2019, AN ORDINANCE AMENDING TITLE 2, CHAPTER 5, RENAMING THE "PARK AND RECREATION BOARD" TO "PARKS COMMITTEE" AND AMENDING THE RULES FOR THE COMMITTEE ON SECOND AND FINAL READING BY TITLE ONLY.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-out. Motion carried 5/0/2.

Airport Sewer Extension – SW 33rd Street Sanitary Sewer Extension
Betsy Roberts, City Engineer, presented.

CRUME moved, BRADEN seconded, **THAT THE CITY COUNCIL APPROVE THE LOW BID OF $59,570 FOR THE COMBINATION OF SCHEDULES A & B, SUBMITTED BY WARRINGTON CONSTRUCTION FOR THE SW 33RD STREET SANITARY SEWER EXTENSION PROJECT CONTINGENT ON FINAL REVIEW BY THE CITY ENGINEER.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-out. Motion carried 5/0/2.

Authorization to Execute Intergovernmental Agreement (IGA) between the City of Ontario and Oregon Department of Transportation (ODOT) for Transportation System Plan Update
Betsy Roberts, City Engineer, presented.

JUSTUS moved, BRADEN seconded, **THAT THE CITY COUNCIL AUTHORIZE THE CITY MANAGER TO SIGN THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE OREGON DEPARTMENT OF TRANSPORTATION AND THE CITY FOR THE EXECUTION OF THE CITY OF ONTARIO ACTIVE TRANSPORTATION UPDATE AND EAST IDAHO AVENUE REFINEMENT PLAN, ENABLING THE CITY TO RECEIVE $238,250 IN GRANT FUNDING AND TO PROVIDE MATCHING FUNDS IN THE FORM OF IN-KIND SERVICES FOR UP TO $21,900.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-out. Motion carried 5/0/2.

SE 2nd Street Sanitary Sewer and Water Main Extension Project
Betsy Roberts, City Engineer, presented.

CRUME moved, BRADEN seconded, THAT **THE CITY COUNCIL APPROVE EXPENDITURE OF UP TO $150,000 TO CONSTRUCT THE SEWER AND WATER MAIN EXTENSIONS AND SERVICE CONNECTIONS AS PART OF THE SE 2ND STREET PROJECT BY KNIFE RIVER CONTRACTORS.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-out. Motion carried 5/0/2.

NEW BUSINESS

2020 City Meetings Calendar
Adam Brown, City Manager, presented.

BRADEN moved, JUSTUS seconded, **THAT THE CITY COUNCIL ADOPT THE CALENDAR FOR 2020.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-out. Motion carried 5/0/2.

Housing Incentive Program: Rywest Homes Application
Kari Ott, Finance Director, presented.

BRADEN moved, JUSTUS seconded, **THAT THE CITY COUNCIL APPROVE THE APPLICATION BY RYWEST HOMES AT 1488 WEST IDAHO AVENUE FOR THE ONTARIO HOUSING INCENTIVE PROGRAM IN THE AMOUNT OF $10,000.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-out. Motion carried 5/0/2.

Hangar Lease Transfer: 374 Alpha (Travis Hart)
Dan Beaubien, Airport Manager, presented.

JUSTUS moved, BRADEN seconded, **THAT THE CITY COUNCIL APPROVE THE LEASE TO TRAVIS HART FOR HANGAR 374 ALPHA AS PRESENTED.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-out. Motion carried 5/0/2.

Hangar Lease Transfer: 120 Juliet (Jack Walker)
Dan Beaubien, Airport Manager, presented.

BRADEN moved, CRUME seconded, **THAT THE CITY COUNCIL APPROVE THE LEASE TO JACK WALKER FOR HANGAR 120 JULIET AS PRESENTED.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-out. Motion carried 5/0/2.

Hangar Lease Transfer: 215 Golf (Shawn Coleman)
Dan Beaubien, Airport Manager, presented.

BRADEN moved, JUSTUS seconded, **THAT THE CITY COUNCIL GRANT THE LEASE TO SHAWN COLEMAN FOR HANGAR 215 GOLF AS PRESENTED.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-out. Motion carried 5/0/2.

Lien Forgiveness
Adam Brown, City Manager, presented.

This property was located on Fortner Street, and had been discussed with the Council on previous occasions. There had been vagrancy, trespassing, a murder, and 61 cases associated with the home over the past several years. The owner was mostly absent, and at one point there had been some confusion over ownership. There were $66K in fines due against the property. The owner wanted to sell, but couldn't sell with those liens attached. The owner proposed to the city that the total due be decreased to $10K. He was asked for a copy of the sale document to see the selling price, but the owner didn't want to disclose that information; however, the owner asked the buyer to speak with the City Manager. The owner indicated he planned to renovate the property for his daughter. Some options were to forgive some of the liens, foreclose, or let it go to foreclosure through property tax delinquency. Because the owner had not been willing to share the sell documents, staff was not in favor of writing off the liens.

Mr. Sullivan stated they could say this property, whatever the outcome was going to be, was something that was within the City Manager's ability to decide and the Council could give that authority to him.

CRUME moved, BRADEN seconded, **THAT THE CITY COUNCIL GIVE THE CITY MANAGER THE AUTHORITY TO DEAL WITH THIS PROPRTY ISSUE TO THE BEST OF HIS ABILITY, INCLUDING, BUT NOT LIMITED TO, A FORECLOSURE OF THE LIEN.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-out. Motion carried 5/0/2.

Strategic Planning Update
Adam Brown, City Manager, asked if the Council wanted to table this as there were two Councilors absent.

Council consensus to table the presentation until the next meeting when there was a full Council present.

City of Ontario 2020 Sanitary Sewer Improvements
Betsy Roberts, City Engineer, presented.

BRADEN moved, CRUME seconded, **THAT THE CITY COUNCIL APPROVE THE KELLER & ASSOCIATES DESIGN TASK ORDER FOR OVER 14,000 LINEAR FEET OF SANITARY SEWER REHABILITATION FOR AN AMOUNT OF $127,400 AND NOT TO EXCEED $151,200 WITHOUT CITY MANAGER APPROVAL.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-out. Motion carried 5/0/2.

Ordinance #2769-2019: Adopting Temporary Oregon Structural Specialty Code Provisions for the City of Ontario Building Regulations OMC 4-1-1
Dan Cummings, Community Development Director, presented.

BRADEN moved, CRUME seconded, **THAT THE CITY COUNCIL APPROVE ORDINANCE #2769-2019, AN ORDINANCE ADOPTING TEMPORARY OREGON STRUCTURAL SPECIALTY CODE PROVISIONS FOR THE CITY OF ONTARIO BUILDING REGULATIONS OMC 4-1-1 AND DECLARING AN EMERGENCY, ON FIRST READING BY TITLE ONLY.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-out. Motion carried 5/0/2.

BRADEN moved, CRUME seconded, **THAT THE CITY COUNCIL WAIVE THE SECOND READING OF ORDINANCE #2769-2019, AN ORDINANCE ADOPTING TEMPORARY OREGON STRUCTURAL SPECIALTY CODE PROVISIONS FOR THE CITY OF ONTARIO BUILDING REGULATIONS OMC 4-1-1, AND DECLARING AN EMERGENCY.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-out. Motion carried 5/0/2.

Energy Savings Performance Contract
Adam Brown, City Manager, presented.

Consensus to continue to move forward at no cost to the city.

HAND-OUTS

Check Register: (*Attached*)
November 2019 → December 12, 2019

Minutes:
County Court – 12-04-2019
Public Works Committee – 11-12-2019

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Councilor Rodriguez read a letter into the record: *I just want to say thank you to all of the city hall staff and all departments for doing such an amazing job over the years, and most importantly, last year. Without all of your hard work and dedication, the city would fall apart. That goes from everyone from committees and groups like marijuana and budget committee to folks in our very strong public safety sector, which I am very proud to call our city's own. It was a very productive and educational first year for me. I met a lot of constituents with very hopeful and positive requests and concerns; some, not so hopeful, which taught me the most in terms of community needs. I found that one year just scratches the surface of time needed to better our city. I am very hopeful for the following year on Council to continue to work alongside all of you knowing we are such a great team and ready to accurately, safely, and cautiously continue to rebuild Ontario. Lastly, I know we up here on Council don't always agree on issues, and we butt heads from time to time, but that doesn't mean I don't respect you all for the immense contributions you all give to our city through civic dedication and love for our positive and productive future for Ontario. I am honored to have worked this first year alongside you all. I look forward to healthy, productive, and spicy debates in what will be another historic year in 2020 for Ontario. Thank you all, and Merry Christmas.*

- Mr. Brown stated there was a water trail that was put in the 2018 Parks Plan for the Malheur River. The trail was the water, and all that was needed was a place to put in and take out. The place to get on the river was at Malheur Farms near the city's lagoon system. There was a corner where the pivot couldn't reach, so it was the perfect location for a trailhead. This could be done for very low cost. The challenge was locating a place to get off the river. Looking at the Idaho Power substation on the other side of the highway. He spoke with Idaho Power asking for permission to use that area as a place to place an offramp. That would provide a 2-mile trail to kayak, paddle, float, canoe, and it would be low cost. He had received the go ahead from Idaho Power last week.

- Councilor Capron reminded everyone that 2020 was an election year for the Council. There would be three seats open this year. Packets would be available next year, around June.

ADJOURN

CRUME moved, BRADEN seconded, **THAT THE MEETING BE ADJOURNED**. Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-out. Motion carried 5/0/2.

ACCEPTED: **ATTEST**

________________________________ ____________________________________

Riley J. Hill, Mayor Tori Barnett, MMC, City Recorder

AGENDA REPORT
CONSENT AGENDA
January 21, 2020

TO: Mayor and City Council

FROM: Daniel Beaubien, Airport Manager

THROUGH: Adam J. Brown, City Manager

SUBJECT: HANGAR LEASE TRANSFER 343 DELTA & 348 CHARLIE (JERRY TROLARD)

DATE: January 16, 2020

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE THE LEASE TO JERRY TROLAND FOR HANGAR SPACE 343 DELTA AND 348 CHARLIE AS PRESENTED.

SUMMARY:

Hangar 343 Delta/348 Charlies has been purchased and the owner is seeking a new lease with the City of Ontario.

BACKGROUND:

Hangar leases with the City of Ontario are finalized by the City Council.

CURRENT SITUATION:

Jerry Trolard has purchased Hangar 343 Delta/348 Charlie from Dale and Cheryl Cruson and now is required to have a lease with the city.

ANALYSIS:

A. **STRATEGIC PLAN** This meets the categories on the Strategic Plan of Desirability, Lifestyle, and Growth.

B. **FINANCIAL** A continued lease with the city means no loss in revenue.

C. **TIMING** The purchase has already taken place, so the required lease transfer should take place as soon as possible.

D. **POLICY/LEGAL** It is the responsibility of the city to grant a lease to those with a hangar at the Ontario Municipal Airport as long as they maintain ownership and remain in good standing. Following the city of Ontario resolutions, all hangar owners must have a signed lease agreement.

ALTERNATIVES:

The city could choose not to grant the lease.

RECOMMENDATION:

Staff recommends the lease be granted to Jerry Trolard for Hangar 343 Delta/348 Charlie.

ATTACHMENTS:

1. Jerry Trolard Hangar Lease 2019
2. Jerry Trolard Map 2020
3. Jerry Trolard Insurance 2020
4. Jerry Trolard Bill of Sale 2019

LEASE AGREEMENT
HANGAR #348 CHARLIE/343 DELTA

THIS AGREEMENT made and entered into this **5th day of December, 2019**, by and between the **City of Ontario, Oregon, a municipal corporation**, hereinafter referred to as "Landlord" and **Jerry Trolard**, hereinafter referred to as "Tenant."

WITNESSETH:

WHEREAS, Landlord is the owner of certain real property known and operated as the Ontario Municipal Airport; and

WHEREAS, Tenant desires to lease certain real property for airplane storage and hangar use.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein it is agreed as follows:

1) Landlord lease to Tenant and Tenant leases from Landlord the real property described in Exhibit "A," attached hereto and by this reference incorporated herein, for a period of **TWENTY (20) years**, commencing on the **5th day of December, 2019**. If the lease is not in default, unless either party shall give written notice prior to each anniversary date of this lease, and subject to Landlord's receipt from Tenant of the annual lease payment, the lease term will automatically renew for a successive ten-year term. A decision by Landlord to give Tenant written notice that Landlord does not intend to extend the ten year term of this lease shall be based upon Landlord's need to utilize the subject property for other airport or aircraft purposes.

2) Tenant shall pay to the Landlord as yearly rent the sum of **FOURTEEN POINT FIVE (15.44¢)** cents per square foot of the property described in Exhibit "A", subject to the rights of Landlord to escalate said rental amount as more specifically provided for hereinafter. The parties hereto covenant and agree that the total area of the property described in Exhibit "A" is **2,592 square feet** for the purposes of determining the annual rent herein. The annual rental amount shall be paid on or before the **15th day of August each year and is payable each year in advance**.

3) It is mutually understood and agreed between the parties hereto that the rental amount may be adjusted upward or downward annually in the sole discretion of the Common Council of the City of Ontario. Such adjustment may be made in any year and shall be effective for the balance of the lease term or until further adjustment, if any. Adjustments to the rent shall not be made more frequently than one adjustment per year and each yearly adjustment shall not be an amount greater than 6% of the then existing rent.

4) The property shall be used to build an airplane hangar to be used primarily as storage of one or more airplanes. Any such construction shall be completed solely with Tenant's labor and at Tenant's expense.

5) Any new construction or improvements made on the property are to be approved in writing prior to commencement of either, and the same to be constructed and operated in conformity with all ordinances and regulations of the City.

6) The Tenant will keep and maintain all structures on the leased property in a constant state of good repair, and will refrain from storing any airplane parts, equipment, or debris outside buildings and will keep the premises in a clean, sightly condition. Any aircraft hangar located on the leased premises shall have operative doors. It is mutually understood and agreed between the parties hereto that the building inspector of the City of Ontario shall have the right to inspect the premises periodically. In the event the building inspector of the City of Ontario deems any structure upon the leased premises not to be in compliance with any applicable statute, ordinance, rules or regulation or this agreement the Tenant agrees to correct such non-complying item at the Tenant's sole expense.

7) The Lessee covenants and agrees to spray or otherwise control weeds located on and around the leased premises.

8) The color of paint used in all new construction and in the painting of any and all structures shall conform to the airport color scheme as adopted by the Airport Committee.

9) The Tenant shall not use leased land for any purposes other than those authorized herein without the written consent of the Landlord.

10) The Landlord reserves the right to further develop the airport or landing area of the airport as it sees fit.

11) The Landlord reserves the right, but not the obligation to maintain and keep in repair the landing area of the airport and all public facilities of the airport.

12) This lease shall be subordinate to the provisions of any existing or future agreement between the Landlord and the United States relative to the operation or maintenance of the airport, the execution of which has been or may be required as a condition precedent to the expenditure of federal funds for the development of the airport.

13) During the time of war or national emergency, the Landlord shall have the right to lease the landing area or any part thereof to the United States government for military or naval use, and if such lease is executed, the provisions of this instrument insofar as they are inconsistent with the provisions of the lease to the government shall be suspended.

14) Except with respect to activities for which the Landlord is responsible, the Tenant shall pay as due all claims for work done on and for services rendered or material furnished to the leased premises and shall keep the premises free from any liens. If Tenant fails to pay such claims or to discharge any lien, Landlord may do so and collect the cost as additional rent. Any amount so added shall bear interest at the rate of 12% per annum from the date expended by Landlord and shall be payable on demand. Such action by Landlord shall not constitute a

waiver of any right or remedy which Landlord may have on account of Tenant's default.

Tenant may withhold payment of any claim in connection with a good-faith dispute over the obligation to pay, so long as Landlord's property interests are not jeopardized. If a lien is filed as a result of non-payment, Tenant shall, within ten days after knowledge of the filing, secure the discharge of the lien or deposit with Landlord cash or a sufficient corporate surety bond or other security satisfactory to Landlord in an amount sufficient to discharge the lien plus any costs, attorney fees and other charges that could accrue as a result of a foreclosure or sale under the lien.

15) The Tenant shall obtain Commercial General Liability Insurance in a responsible company, with limits of $1,000,000 each occurrence with a $2,000,000 General Aggregate. Such insurance shall cover all risks arising directly or indirectly out of Tenant's activities on or any condition of the leased premises whether or not related to an occurrence caused or contributed to by Landlord's negligence, shall protect Tenant against the claims of Landlord on account of the obligations assumed by Tenant under the provisions of the indemnification paragraph contained herein, and shall protect Landlord and Tenant against any and all claims of third persons. **Tenant is required to provide a copy of current insurance coverage to the city.**

For purposes of compliance with this section, the landlord may provide sufficient insurance, naming the tenant as an additional insured. Should the landlord be unable to obtain liability and property damage insurance which provides adequate coverage, the tenant shall be responsible for such coverage as specified above. In the event the landlord provides said insurance, landlord makes no representations, warranties or assurances that said coverage is adequate for the purposes of protecting tenant. The purpose of said insurance is solely for the protection of landlord and nothing in this paragraph is intended to waive the limits as established in the Oregon Tort Claims Act, ORS 30.260 et seq., as it applies to landlord.

Should the landlord be required to pay additional or increased rates, the City shall have a right to surcharge the tenants in an amount in excess of the annual rental rate as defined in Section 3 of this agreement sufficient to reimburse the City.

16) No part of the leased property may be assigned to any third person without the prior written consent of the Landlord. This provision shall apply to all transfers by operation of law and to transfers to and by trustees in bankruptcy, receivers, administrators, executors and legatees. No consent in one instance shall prevent the provision from applying to a subsequent instance. The Landlord shall consent to a transaction covered by this provision when withholding such consent would be unreasonable in the circumstances.

17) The following shall be events of default:

a) Failure of Tenant to pay any rent or other charge within thirty (30) days after it is due.

b) Failure of Tenant to comply with any term or condition or fulfill any obligation of the lease (other than the payment of rent or other charges) within fifteen (15) days after written notice by Landlord specifying the nature of the default with reasonable particularity. If the default is of such a nature that it cannot be completely remedied with the fifteen (15) day period, this provision shall be complied with if Tenant begins correction of the default within the fifteen (15) day period and thereafter proceeds with reasonable diligence and in good-faith to effect the remedy as soon as practicable.

c) Insolvency of Tenant; an assignment by Tenant for the benefit of creditors; the filing by Tenant of a voluntary petition in bankruptcy; and adjudication that Tenant is bankrupt or the appointment of a receiver of the properties of Tenant; the filing of an involuntary petition of bankruptcy and failure of the Tenant to secure a dismissal of the petition within thirty (30) days after filing; attachment of or the levy of execution on the leasehold interest and failure of the Tenant to secure discharge of the attachment or release of the levy of execution within thirty (30) days. If Tenant consists of two (2) or more individuals or business entities, the events of default specified in this paragraph shall apply to each individual unless within thirty (30) days after an event of default occurs the remaining individuals produce evidence satisfactory to Landlord that they have unconditionally acquired the interest of the one causing the default. If the lease has been assigned, the events of default so specified shall apply only with respect to the one then exercising the rights of Tenant under the lease.

18) In the event of a default, the lease may be terminated at the option of the Landlord by notice in writing to Tenant. The notice may be given before or within thirty (30) days after the running of the grace period for default and may be included in a notice of failure of compliance given under the provisions of paragraph 17(b) above set forth. If the property is abandoned by Tenant in connection with a default, termination shall be automatic and without notice.

19) If the lease is not terminated by election of Landlord or otherwise, Landlord shall be entitled to recover damages from Tenant for the default.

20) If the lease is terminated for any reason, Tenant's liability for damages shall survive such termination, and Tenant shall vacate the property immediately and shall remove all improvements and buildings constructed on the leased premises and shall perform any necessary clean-up or other work required to lease the property in its original condition. Any improvements not removed within ninety (90) days after the termination of this agreement shall become the property of the Landlord. Landlord may re-enter, take possession of the premises and remove any persons or property by legal action or by self-help with the use of reasonable force and without the liability for damages.

21) The foregoing remedies shall be in addition to and shall not exclude any other remedy available to Landlord under applicable law.

22) Waiver by either party of strict performance of any provision of this lease shall not be a waiver of or prejudice the party's right to require strict performance of the same provision in the future or of any other provision.

23) If suit or action is instituted in connection with any controversy arising out of this lease, the prevailing party shall be entitled to recover in addition to the costs such sum as the court may adjudge reasonable as attorney fees, including attorney fees upon appeal.

24) Any notice required or permitted under this lease shall be given when actually delivered or when deposited in the United States mail as certified mail, addressed as follows:

To Landlord: City of Ontario
444 SW 4th Street
Ontario, Oregon 97914

To Tenant: Jerry Trolard
1331 John Day Hwy.
Vale, Oregon 97918
541-473-3392

or to such other address as may be specified from time to time by either of the parties in writing.

25) Subject to the above-stated limitation on transfer of Tenant's interest, this lease shall be binding upon and inure to the benefit of the parties, their respective successors and assigns.

26) If the Tenant fails to perform any obligation under this lease, the Landlord shall have the option to do so after fifteen (15) day's written notice to the Tenant. All of the Landlord's expenditures to correct the default shall be reimbursed by the Tenant on demand with interest at the rate of 12% per annum from the date of expenditure by the Landlord.

27) In construing this lease, it is understood that the Landlord or Tenant may be more than one person; that if the context so requires, the singular pronoun shall be taken to mean and include the plural, the masculine, the feminine and the neuter, and that generally all grammatical changes shall be made, assumed and implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed as of the date and year first above written.

CITY OF ONTARIO, OREGON ATTEST

______________________________ ______________________________

Riley Hill, Mayor Tori Barnett, MMC, City Recorder

TENANT TENANT

________________________________ ______________________________

Jerry Trolard

Exhibit "A"

Hanger Lease

City of Ontario
Municipal Airport,
Malheur County,
Oregon

OP ID: LO

ACORD

EVIDENCE OF PROPERTY INSURANCE

DATE (MM/DD/YYYY) 01/14/2020

THIS EVIDENCE OF PROPERTY INSURANCE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE ADDITIONAL INTEREST NAMED BELOW. THIS EVIDENCE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS EVIDENCE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE ADDITIONAL INTEREST.

AGENCY — PHONE (A/C, No, Ext): 541-889-8219
The Insurance Group, Inc.
P. O. Box 718
Ontario, OR 97914-0718
Lauri Ovitt

FAX (A/C, No): 541-889-7415 — E-MAIL ADDRESS:

CODE: — SUB CODE:

AGENCY CUSTOMER ID #: TROLJE1

COMPANY
United Heritage
PO Box 5555
Meridian, ID 83680-5555

INSURED
Jerry&Margaret(Kitty) Trolard
1331 John Day Hwy
Vale, OR 97918

LOAN NUMBER:

POLICY NUMBER: HF-417689-003

EFFECTIVE DATE	EXPIRATION DATE	CONTINUED UNTIL TERMINATED IF CHECKED
07/11/19	07/11/20	☐

THIS REPLACES PRIOR EVIDENCE DATED:

PROPERTY INFORMATION

LOCATION/DESCRIPTION
Lot 25 Fishermans Cove
Adrian, OR 97910

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS EVIDENCE OF PROPERTY INSURANCE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

COVERAGE INFORMATION

COVERAGE / PERILS / FORMS	AMOUNT OF INSURANCE	DEDUCTIBLE
HO Form: 01		
A. Dwelling Amount	45200	1000
D. Loss of Use Amount	4520	
Liability	100000000	

REMARKS (Including Special Conditions)

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

ADDITIONAL INTEREST

NAME AND ADDRESS
Wayne F & Jeanne CK Newbill
3745 Lamont Rd
Meridian, ID 83642

X MORTGAGEE
☐ LOSS PAYEE
☐ ADDITIONAL INSURED

LOAN #

AUTHORIZED REPRESENTATIVE
Lauri Ovitt

EVIDENCE OF PROPERTY INSURANCE
PROPERTY SCHEDULE

DATE(MM/DD/YY) 01/14/2020

PROPERTY INFORMATION

LOCATION/DESCRIPTION

343 Delta Runway
Ontario Municipal Airport
Ontario, OR 97914

PROPERTY INFORMATION

LOCATION/DESCRIPTION

PROPERTY INFORMATION

LOCATION/DESCRIPTION

PROPERTY INFORMATION

LOCATION/DESCRIPTION

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PROPERTY INFORMATION

LOCATION/DESCRIPTION

PROPERTY INFORMATION

LOCATION/DESCRIPTION

ATTACH TO EVIDENCE OF PROPERTY APPLICATION

GENERAL BILL OF SALE

This agreement has been made on December 5, 2019

(Hereinafter the "Agreement Date") in the County of Malheur, in the State of Oregon between the following:

PURCHASER. The individual Jerry Trolard and individual ____________ of 1331 John Day Hwy. **Vale, Oregon 97918**

(Hereinafter the "Buyer")

SELLER. The individual Dale E. Cruson and individual Cheryl L. Cruson of 375 Outlook Drive, Ontario, Oregon 97914

(Hereinafter the "Seller")

PURCHASE PRICE. The buyer agrees to pay $1250.00 which includes County taxes and Municipal Lease, to the Seller in exchange for the possession and ownership of the following described property.

PROPERTY DESCRIPTION. Concrete slab for the construction of a hangar located between Charlie and Delta taxiways at the Ontario Municipal Airport. Property address is 343 Delta Runway and 348 Charlie Runway.

ADDITIONAL TERMS AND CONDITIONS. Seller guarantees that all taxes, leases and encumbrances are paid and has the whole right to sell this property free and clear.

Buyer and Seller acknowledge that the Property is being sold without any representations ("AS IS") and that after the sale the Seller shall not have any liability other than the details in this Bill of Sale.

Buyer Signature Jerry Trolard

Jerry Trolard

Co-Buyer Signature ____________________

Seller Signature Dale Cruson

Dale E. Cruson

Co-Seller Signature Cheryl L. Cruson

Cheryl L. Cruson

AGENDA REPORT
CONSENT AGENDA
January 21, 2020

TO: Mayor and City Council

FROM: Kari Ott, Finance Director

THROUGH: Adam J. Brown, City Manager

SUBJECT: RESOLUTION #2020-104: CONTRACT WITH A GRANT WRITER FOR THE SENIOR CENTER PROJECT

DATE: January 17, 2020

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE RESOLUTION #2020-104: A RESOLUTION TO CONTRACT WITH A GRANT WRITER FOR THE SENIOR CENTER PROJECT.

SUMMARY:

Attached is Resolution #2020-104.

BACKGROUND:

As discussed at the Council meeting on January 9, 2020, the Senior Center building is in need for multiple repairs on the building and parking lot. The City of Ontario is eligible to apply for a grant from the Community Development Block Grant (CDBG) Program which could fund the necessary improvements with no match required.

CURRENT SITUATION:

The City of Ontario desires to contract with a grant writer in order to submit a CDGB grant application to the State of Oregon. The Mayor and the City Manager talked to an individual who agreed to write the grant for $2,000.

ANALYSIS:

A. **STRATEGIC PLAN** This strengthens the Lifestyle strategy; this is a great way to work with community partners to provide safe amenities for senior citizens.

B. **FINANCIAL** The city currently has no funds budgeted for this project so the attached resolution will appropriate $2,000 from the General Fund Contingency.

C. **TIMING** The CDBG grant application deadline is in the spring of 2020. Due to this fact, it would be beneficial to get the funding approved as soon as possible.

D. **POLICY/LEGAL** A resolution approved by the City Council is required to expend the funds as per ORS 294.

ALTERNATIVES:

The Council could take no action on this matter; however, the city wouldn't be able to fund a grant writer for the Senior Center Project.

RECOMMENDATION:

Staff recommends the Council approve Resolution #2020-104.

ATTACHMENTS:

1. RES 2020-104_CC_SENIOR CENTER GRANT WRITER

RESOLUTION 2020-104

A RESOLUTION TO CONTRACT A GRANT WRITER FOR SENIOR CENTER PROJECT

WHEREAS, The City of Ontario would like to help the senior center in Ontario, Oregon with some necessary building repairs; and

WHEREAS, The City has access to a Community Development Block Grant and could apply for this grant as a sponsor; and

WHEREAS, The City would like to contract with a grant writer to write the Community Development Block Grant to submit to the state; and

WHEREAS, The City desires to modify the 2019-2020 General Fund contingency budget in order to fund the project.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Ontario City Council to approve the following adjustments to the fiscal year 2019-2020 budget:

Line Item	Item Description	FY 19-20 Budget	Amount of Change	Adjusted Budget
GENERAL FUND				
001-004-871000	Contingency	$275,930	($2,000)	$273,950
001-004-615550	Contract Services	$ -	$2,000	$2,000

EFFECTIVE DATE: Effective immediately upon passage.

PASSED AND ADOPTED by the Common Council City Council of the City of Ontario this _____ day of ____________, 2020, by the following vote:

AYES:

NAYES:

ABSENT:

APPROVED by the Mayor this _____ day of ______________, 20___.

____

Riley J. Hill, Mayor

ATTEST:

____

Tori Barnett, MMC, City Recorder

AGENDA REPORT
OLD BUSINESS
January 21, 2020

TO: Mayor and City Council

FROM: Betsy Roberts, City Engineer

THROUGH: Adam J. Brown, City Manager

SUBJECT: BID AWARD RECOMMENDATION: TREASURE VALLEY CONNECTOR PATH

DATE: January 15, 2020

PROPOSED MOTION:

I MOVE THE CITY COUNCIL AWARD THE TREASURE VALLEY CONNECTOR PATH PROJECT TO LOW BIDDER, WARRINGTON CONSTRUCTION FOR A TOTAL OF $310,000, WHICH INCLUDES A $2,604 CONTINGENCY.

SUMMARY:

Bids for the Treasure Valley Connector Path were opened on January 14, 2020. Three responsive bids were received. To move forward with the project, the City Council needs to approve the bid so that it can be awarded to initiate the construction phase.

BACKGROUND:

City staff worked closely with Treasure Valley Community College during the development of the city's updated Parks Master Plan to include a segment of pathway around the west and south edges of the campus. The pathway runs along Park Boulevard from the end of the sidewalk at SW 9th Avenue, south to SW 14th Avenue and then east along SW 14th Avenue to SW 14th Street. The project is one part of a larger system planned in the Parks Master Plan.

CURRENT SITUATION:

Contract documents were completed, the project has been advertised for two weeks, and bid(s) have been received and opened. Three bids were received:

- Granite Excavation $341,078.00
- Desert View Construction $339,279.00
- Warrington Construction $307,396.00

The low bid on the project is from Warrington Construction. Public Works staff conducted a review of the bid and it conforms with requirements. Carrying a 10% contingency is also recommended - this has been rounded to approximately $30,000.

ANALYSIS:

A. **STRATEGIC PLAN** This project supports the strategic plan's desirability goal. Specifically under the Create More Things To Do strategy when of the activities is to "Establish trails and community gathering places). It is an amenity that will be tied together with other future trail systems and city attractions to enhance the livability of the community.

B. **FINANCIAL** The available existing budget is $300,000 and the remaining amount can come out of the $29,828 for capital projects in the Bike Path/Trail department. The amount requested with a small contingency is $310,000. This amount can be covered by the Recreation Trail Program Grant received from the Oregon Parks and Recreation Department, along with money set aside for planning for the city's north-south trail, as well as the unallocated funds currently available in the Bike Reserve.

C. **TIMING** The city needs to spend the grant funding in a timely manner. Prices will only continue to go up, so this project should move forward now.

D. **POLICY/LEGAL** This item requires Council approval before the City Manager can sign on behalf of the city.

ALTERNATIVES:

The Council can choose not to award the project, in which case the grant funding might be lost and the project would not be accomplished.

RECOMMENDATION:

Staff recommends the Council award the project to Warrington Construction with a 10% contingency for a budget of $310,000.

ATTACHMENTS:

None

AGENDA REPORT
OLD BUSINESS
January 21, 2020

TO: Mayor and City Council

FROM: Betsy Roberts, City Engineer

THROUGH: Adam J. Brown, City Manager

SUBJECT: BID AWARD RECOMMENDATION: SE 2ND STREET SANITARY SEWER AND WATER EXTENSION PROJECT

DATE: January 15, 2020

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE THE LOW BID SUBMITTED BY WARRINGTON CONSTRUCTION FOR THE SE 2ND STREET SANITARY SEWER AND WATER EXTENSION PROJECT FOR A BUDGET OF $96,000 INCLUDING A 10% CONTINGENCY.

SUMMARY:

Bids for the SE 2nd Street Sanitary Sewer and Water Extension project were opened on January 14, 2020. Two bids were received.

BACKGROUND:

The Project Area runs along SE 2nd Street from SE 5th Avenue to SE 14th Avenue The city received grant funding from Oregon Department of Transportation (ODOT) to improve SE 2nd Street from SE 5th Avenue to SE 14th Avenue, but the ODOT grant did not cover water or sewer line extension, meaning the city must pay for the extension of water and sewer (storm sewer is covered by ODOT) in the project footprint. The water main extends the majority of the length of the west side of SE 2nd Street through the project area but does not access the east side of the street where growth may occur in the near future. Sewer does not currently extend north on SE 2nd Street past about SE 12th Avenue. Staff recommend extending sanitary sewer main north up SE 2nd to approximately 500 linear feet south of the intersection with SE 9th Avenue and providing watermain access across SE 2nd at several key locations.

A bid was put out in the fall of 2019, but was stopped when ODOT felt that because it was in the footprint of the large ODOT project, it should be conducted by the contractor selected for the ODOT project. Through negotiation and pressure from the City Council, ODOT changed their position and allowed the city to take back the bidding process. The only caveat being that the work needs to be completed by February 21, 2020.

CURRENT SITUATION:

Public Works staff put out an informal bid to three licensed contractors. Two bids were received:

- Knife River $152,360.00
- Warrington Construction $ 87,380.00

To move the construction process forward, the City Council needs to approve the low bid by Warrington Construction, so that the contract can be executed.

ANALYSIS:

A. **STRATEGIC PLAN** Growth:Extension of water and sewer prepares the city for future growth. Desirability:Because the water and sewer mains would be installed in advance of growth, construction will not be required later to provide service to new businesses. Reducing or eliminating construction disruption is certainly desirable. Beautification: Roadway improvement that is not later damaged by additional construction maintains the good looks of infrastructure.

B. **FINANCIAL** The available budget is $160,000. Of that, Jacobs had a Design Task Order for $8,800. The low bid is $87,380, with a contingency of 10%; that becomes $96,000. This makes a total of $104,800 that might be spent out of the $160,000 budget.

C. **TIMING** Timing is critical. The project must be completed by February 21st in order to be out of the construction footprint for the General Contractor for the ODOT project.

D. **POLICY/LEGAL** Council approval is required.

ALTERNATIVES:

The Council could choose not to approve this low bid. If not, the project would not get completed which could result in digging up the new pavement when service is needed in the area.

RECOMMENDATION:

Staff recommends approving a budget of $96,000 for SE 2nd Street project and the award of the project to Warrington Construction.

ATTACHMENTS:

None

Committee/Council Liaison Appointments - 2020

Committee	Term Expires	Current Member	Applicant-Interested	Appointed
Airport (Alternate)				
Public Member	12/23	Vacant	Luke Keller	
			Shay Meyers	
Budget				
Complete				
Diversity Advisory				
Complete				
Parks				
Complete				
Planning Commission				
Complete				
Public Works				
Complete				
V&C				
Complete				

Airport: 4th Monday each month, 6:00 p.m. @ the Airport
Budget: As needed
Diverstiy Advisory: 2nd Tuesday each month, 5:30 p.m., @ City Hall
Marijuana Ad-Hoc: As needed, 5:30 p.m. @ City Hall
Parks: 3rd Thursday, Quarterly, 5:30 p.m. @ City Hall
Planning: 2nd Monday each month, 7:00 p.m. @ City Hall
Public Works: 2nd Tuesday each month, 3:00 p.m. @ City Shop
V&C: 1st Thursday each month, 7:00 a.m. @ Chamber Office

APPOINTEE
ROLES AND RESPONSIBILITIES FOR INDIVIDUALS
SERVING ON STATUTORY BOARDS, COMMITTEES AND THE PLANNING COMMISSIONS

Introduction

The City of Ontario uses various appointments to boards, committees, and the Planning Commission to advise the City Council. Each varies in terms of:

1) the duties of the individuals appointed;
2) the length of the appointment;
3) compensation, if any, that is to be received;
4) whether City Councilors may serve as voting members;
5) the date and time of meetings and the number of meetings per year

Appointment Process

1) Nomination - A person can be nominated for the position at a City Council meeting.

2) Solicitation – The opening is advertised in the local media for all positions.

3) Application – Each individual must completes an application form – whether they are nominated or solicited. The forms are available in City Recorder's Office and on the City's internet website www.ontariooregon.org

Completed applications are submitted to the City Recorder's Office – 444 SW 4th St., Ontario, OR 97914; fax # 541-889-7121.

Applicant Requirements

Potential nominees to boards and commissions should:

- Have an interest in the board or commission they are applying for
- Be willing to become knowledgeable about the particular board or commission
- Be committed and willing to serve as a representative of the City on the board or commission
- Have no conflict of interest in regard to the board or commission they are applying for
- Apply or accept a nomination willingly, and not out of a sense of obligation
- Be available on the dates/times of the meetings of the particular board or commission. Attendance at meetings is encouraged. The determination of unexcused absences shall be made by the respective committee. A recommendation for removal from office shall be forwarded to the City Council. This Section shall not apply to statutory boards which have other procedures for removal of members

<u>Roles and Responsibilities</u> - The roles of individuals appointed to various boards and commissions vary depending on the statutory nature of the appointment.

1) Some board or commission appointments serve only in an **advisory capacity** while other positions may be both **advisory and policy management**. The statutes govern the nature of the role of the board or commission.

   a) **Advisory Boards** - Boards and commissions which are advisory in nature function as a sounding board to the agency director or management personnel. The board member is appointed to solicit feedback from the community and to advise the management staff on such issues as program priorities, the success of the agency in meeting stated objectives and to provide assistance to management staff in addressing issues and concerns which may develop in relationship to the agency functioning in the community. Separating an advisory role from a policy management role is a fine line which may have to be defined by mutual agreement between the board and management staff. The internal day-to-day management and operation of an agency is not the function of an advisory board unless the management staff solicits input. If the operation, management and performance is below desired levels (assuming it is known what those levels are), the advisory body has an obligation to provide feedback to the management staff and actively seek resolution of the deficiencies.

   b) **Advisory and Policy Management Boards -** Boards or commissions which have both advisory and policy management responsibilities, such as hiring the agency director, performing evaluation of management, approving contracts, and approving and reviewing budgets, require a more active role on the part of appointed board members. Such boards or commissions require the appointee to gain an in-depth understanding not only of the financing arrangements but of the operating policies and guidelines which contribute to the operation of the agency. However, the day-to-day management of the agency remains with the management staff.

2) After Appointment:

   a) Once appointed, board and commission members have the responsibility to become familiar with the goals and objectives of the agency, and any state and/or county statutes which guide the operation of the agency and its financing arrangements. Some agencies have a complex financing arrangement with federal, state and local funds involved. Developing a knowledge base of the financing arrangement is important if the board member is to fulfill their role as a contributing member to the advisory body.

   b) Appointees should be mindful that they are serving as a representative of the City on the board or commission.

   c) Appointees should come prepared to meetings. Board members should take the time to become familiar with the agency, its challenges, problems and programs. In addition, gaining operational knowledge of the financial condition is paramount to becoming an effective board member.

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CITY OF ONTARIO
REQUEST FOR BOARD OR COMMISSION APPOINTMENT

Mail or personally deliver to: *City of Ontario -- City Recorder*
444 SW 4th St., Ontario, OR 97914
(541) 881-3232 FAX (541) 889-7121

The Ontario City Council appoints individuals to numerous Boards, Committees, and the Planning Commission. Persons who wish to serve need to provide the following information.

NAME: Keller (Last) Lucas (First,) J (Middle Initial)

HOME ADDRESS: 1947 5th ave West (Street) Vale (City) 97918 (Zip Code)

TELEPHONE: 541-212-4681 (Home, Work, Cell, or Business (Include Area Code)) Luke.keller@simplot.com (E-mail Address)

Name of Board, Committee, or Commission for appointment requested:

1. Airport advisory Committee
2.
3.

Community Activities/Civic Organization/Boards/Committees:

Activity / Organization:	Length of Service	Position (s) Held:
Vale Alumni association	2	Board member
Burnt River Snowmobile Club	2	Secretary/Treasure
Malheur Co. Search and Rescue	10	Member-board member

Employment:

Current Employer:	Position:	Dates of Employment:
Simplot Grower Solutions	Crop Advisor	3/4/2004 to current

Education:

Some college

Please indicate why you are requesting appointment to this Board (s) /Commission (s):

I would like to be involved in the future of the airport, as I am a pilot. I hope to see growth of aviation and I believe there are economic benefits to the area.

Additional Information you feel may be helpful in considering your request for appointment:

Signature:

Date: January 10, 2020

Submit Reset

APPOINTEE
ROLES AND RESPONSIBILITIES FOR INDIVIDUALS
SERVING ON STATUTORY BOARDS, COMMITTEES AND THE PLANNING COMMISSIONS

Introduction

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(541) 889-3232 FAX (541) 889-7121

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NAME: Myers (Last) shay (First,) ____ (Middle Initial)

HOME ADDRESS: 725 canyon three rd (Street) Ontario (City) 97914 (Zip Code)

TELEPHONE: 2084053017 (Home, Work, Cell, or Business (Include Area Code)) shay@owyheeproduce.com (E-mail Address)

Name of Board, Committee, or Commission for appointment requested:

1. Ontario Airport Commitee
2.
3.

Community Activities/Civic Organization/Boards/Committees:

Activity / Organization:	Length of Service	Position (s) Held:

Employment:

Current Employer:	Position:	Dates of Employment:
Owyhee Produce, LLC	GM	2005-Present

Education:

BA- Spanish

Please indicate why you are requesting appointment to this Board (s) /Commission (s):

Additional Information you feel may be helpful in considering your request for appointment:

Signature: **Date:** January 10, 2020

Submit Reset

AGENDA REPORT
PUBLIC HEARING
January 21, 2020

TO: Mayor and City Council

FROM: Dan Cummings, Community Development Director

THROUGH: Adam J. Brown, City Manager

SUBJECT: **ORDINANCE #2768-2019: AN ORDINANCE PROCLAIMING THE ANNEXATION AND REZONING OF A PARCEL LOCATED AT 3179 SW 4TH AVENUE, ON FIRST READING BY TITLE ONLY**

DATE: December 9, 2019

PROPOSED MOTION:

1. **APPROVAL:**
A) I MOVE THE CITY COUNCIL ACCEPTS THE FINDS OF FACTS AND RECOMMENDATION OF THE PLANNING COMMISSION ON PLANNING ACTION 2019-09-60AZ AND APPROVE ORDINANCE #2768-2019, AN ORDINANCE PROCLAIMING THE ANNEXATION AND REZONING OF CERTAIN TERRITORY TO THE CITY OF ONTARIO, BEING A PARCEL WITHIN THE SE¼/SE¼ SECTION 6, TOWNSHIP 18 SOUTH RANGE 47 EAST, W.M.; AND WITHDRAWING SAID TERRITORY FROM THE ONTARIO RURAL FIRE PROTECTION DISTRICT 7-302 ON FIRST READING BY TITLE ONLY.
B) I MOVE TO WAIVE THE SECOND READING OF ORDINANCE #2768-2019, AN ORDINANCE PROCLAIMING THE ANNEXATION AND REZONING OF CERTAIN TERRITORY TO THE CITY OF ONTARIO, BEING A PARCEL WITHIN THE SE¼/SE¼ SECTION 6, TOWNSHIP 18 SOUTH RANGE 47 EAST, W.M.; AND WITHDRAWING SAID TERRITORY FROM THE ONTARIO RURAL FIRE PROTECTION DISTRICT 7-302.
2. **DENIAL:**
I MOVE THAT THE CITY COUNCIL DENY THE REQUEST FOR ANNEXATION AND REZONE OF THE SUBJECT PROPERTY AS SET FORTH IN ACTION 2019-09-60AZ AND ORDINANCE #2768-2019, BASED ON THE FOLLOWING REASONS AND FINDINGS OF FACTS: (STATE REASONS AND FINDINGS).

SUMMARY:

The applicant owns a parcel of land, known as 18S4706D, tax lot 200. The applicants wish to annex and rezone the property into the city to connect to city services due to a failing septic system. If approved, this will result in the annexation of 0.85 acres of land into the city and a rezone from Urban Growth Area Residential (UGA R) to City Single Family Residential (RS-50).

BACKGROUND:

This request for annexation and rezone needs a recommendation for approval or rejection from the Planning Commission to the City Council. The Ontario Municipal Code (OMC) designates the Planning Commission as the decision making body for a request for rezone, without City Council participation. The OMC designates the City Council as the decision making body for a request for annexation, without Planning Commission participation. State Law requires an Ordinance be adopted by the local governing body to accomplish a rezone. The city's governing body is the City Council, and they are the only body that may adopt an ordinance; therefore, a request for rezone should go before the Council for a final decision. Staff feels that the best procedure is consistency with State Law; therefore, this matter needs a recommendation from the Planning Commission, and then will be forwarded to the City Council for their decision.

The Malheur County Planning Commission, under County Planning Action 2019-09-001, and the City of Ontario Planning Commission, under City Planning Action 2019-08-57CPAMD, held a joint Public Hearing on the Comprehensive Plan Amendment and Map Change on Thursday October 24, 2019, on this property to bring the property into the Ontario Urban Growth Boundary (UGA) and rezone the land from exclusive farm use to UGA Residential. The Ontario Planning Commission sent a favorable recommendation to the Malheur County Court and the Ontario City Council to move the property into the City of Ontario UGA and rezone the property UGA Residential.

On Tuesday November 7, 2019, the Malheur County Court and the Ontario City Council held a joint Public Hearing on the above referenced Comprehensive Plan Amendment and Map Change. Both the Court and the Council approved the recommendation of the Planning Commission and finding of facts and approved Malheur County Ordinance #221 and the City of Ontario Ordinance #2766-2019 amending the Comprehensive Plans and Maps of Malheur County and the City of Ontario.

On January 13, 2020, at a Public Hearing, the Planning Commission heard testimony on Planning Action 2019-09-60AZ for Sherri Reif Hart and made a motion to approve the Findings of Facts as presented. The Commission then sent a recommendation for the City Council to approve the request for the Annexation into the city and rezone from Urban Growth Area Residential (UGA R) to City Single Family (RS-50) zone.

CURRENT SITUATION:

This request for annexation and rezone needs a recommendation for approval or rejection from the Planning Commission to the City Council. The Ontario Municipal Code (OMC) designates the Planning Commission as the decision making body for a request for rezone, without City Council participation. The OMC designates the City Council as the decision making body for a request for annexation, without Planning Commission participation. State Law requires an ordinance be adopted by the local governing body to accomplish a rezone.

The city's governing body is the City Council, and they are the only body that may adopt an ordinance; therefore, a request for rezone should go before the Council for a final decision.

Staff feels that the best procedure is consistency with state law; therefore, this matter needs a recommendation from the Planning Commission, and then will be forwarded to the City Council for their decision.

The proposed development must comply with applicable provisions of the OCC (City of Ontario Zoning Ordinance as set forth in the Ontario City Code), and the City of Ontario Comprehensive Plan. Generally, unless otherwise noted, if a request is found to be consistent with the Zoning Ordinance it is considered to be consistent with the Comprehensive Plan.

1. ***Rezone:***
1. *Section 10B-20-30 REQUIRED FINDINGS, DECISION CRITERIA. In preparing findings to support a quasi- judicial zoning map amendment decision, the following findings shall be addressed except when alternatives are set forth or where a required findings clearly does not apply to the current action:*
    1. *The zoning map amendment is in conformance with statewide planning goals and guidelines.*
    2. *The zoning map amendment is in conformity with the acknowledged comprehensive plan.*
    3. *The applicant has demonstrated a mistake or error in the original zone designation or the applicant has demonstrated a change in physical, social or market conditions generally effecting the area which make the proposed change appropriate.*
    4. *A public need is demonstrated for this zoning at this location and is not the granting of a special privilege for a single property or small group of properties.*
    5. *The property effected by the change is adequate in size and shape to facilitate its use and development as permitted under the new zoning classification.*
    6. *The property effected by the proposed change of zone is properly related to streets and public facilities and with services adequate to meet the demands of the uses allowed in the new zone.*
    7. *The proposed zoning map change will not result in adverse effects upon surrounding properties or surrounding uses from dust, noise, vibration, odor, heat, glare, lighting, or discharges into the air, water or land.*

Findings of fact based on the answers and information given in the application made a part hereof:

1. The City of Ontario Municipal Code Implements policies contained in the City of Ontario Comprehensive Plan, which conforms to the Statewide Planning Goals; if a proposed rezone meets all criteria and standards contained in the OMC, the request will be consistent with Comprehensive Plan Polices and therefore conform to the Statewide Planning Goals.

2. The subject property is currently zoned UGA Residential (UGA R) and the request is to rezone to the companion City Single Family Residential (RS-50) Zone that is the same zone as per the City Comprehensive Plan Amendment under City Ordinance #2766-2019. The requested zone allows basically the same use as the UGA zone, and is reflected in the Comprehensive Plan. No Comprehensive Plan amendment is necessary for this rezone; therefore, the proposal is consistent with, and conforms to, the Comprehensive Plan
3. The applicants have requested annexation into the City of Ontario concurrent with the request for rezone; a City Zone must be applied to the property once within City Limits. The existing zone is not a mistake, and there is no need to demonstrate a change in conditions in the surrounding area; the change in zone is necessary and appropriate.
4. This request is legally necessary due to the annexation of the property; granting of this request is not a special privilege and no public need has to be demonstrated. That being said, the applicant existing septic system failed creating a public health issue and under current State, County and City regulations need to connect to City services which requires annexation and rezoning.
5. The subject property is adequate in size and shape for the proposed use to be rezoned from UGA Residential (0.85 Acres) to City RS-50 Single Family Residential (minimum of 5,000 square feet.
6. The property owner of tax lot 200 is requesting annexation and rezoning to resolve the public health issue. City Water and Sewer is available adjacent to the property on the south side of the property in SE 4th Avenue and has already been allowed under an emergency health approval to connect to city sewer and water contingent on the annexation and rezone of the property. **Of which the property owner executed and recorded all the required irrevocable consent forms needed prior to connection to the city service**s (Instrument #2019-3308).
7. Uses allowed by the current zone are basically identical to the proposed zone. No significant difference in allowed uses will occur as a result of the rezone. Requirements in the OMC applicable to uses in the Industrial zone will ensure that impacts from dust, noise, vibration, odor, heat, glare, lighting, or discharges into the air, water or land are minimized.

Conclusion: The proposed rezone is consistent with all applicable criteria and standards.

B. ***Annexation:***

1. *10B-45-10 INITIATION OF ACTION. When a person, authorized by statute, wishes to extend the city's boundaries, an application on forms supplied by the city shall be filed with the Planning Director and which include: annexation consent forms, by the property owners, and by tenants if required by law or court decision; request for a change in zoning map designation, or plan change if required; request for other quasi-judicial action if required; fees, and other exhibits and requirements for a quasi- judicial action as set forth in this Title. All land use actions associated with the annexation shall be consolidated, as feasible, and one fee paid.*
2. *Oregon Revised Statute 222.125: Annexation by consent of all owners of land and majority of electors; proclamation of annexation. The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS222.120 when all of the owners of land in that territory and not*

less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.

Findings based on the answers and information given in the application made a part hereof:

1. The applicants have paid the fees and provided the proper application with signatures as well as recorded (Inst. #2019-3308) all consent forms required for this action.
2. The property is annexable because it lies inside the Urban Growth Boundary (Malheur County Ordinance #221 and City Ordinance #2766-2019) and is contiguous with current city limits on the East, South and Southwest sides of the property.
3. The property is currently zoned for Residential use in the Urban Growth Area; the requested zone, City Single Family Residential (RS-50), is consistent with contiguous property.
4. Findings from preceding sections of this report are herein included by this reference. A change to the comprehensive plan map or text is not necessary to annex the property; however, the annexation of the property must be consistent with all applicable Comprehensive Plan Policies.
5. Annexation would benefit the city by increasing tax revenue, and, provides for more affordable housing within the City of Ontario.

Conclusion: All criteria and standards applicable to a request for annexation have been met. The property may be annexed.

A request for annexation and rezone of property may be recommended for approval or denial by the Planning Commission to the City Council if all applicable decision criteria and standards are found met, or able to be met through appropriate conditions of approval. In this case, findings must be made by the Planning Commission that the specific criteria are either met able to be met through conditions of approval, or not met; options and discussion are provided under "**Findings:**" and "**Conclusion:**" for each criterion. **All** of the criteria and standards must be met in order for the request to be recommended for approval.

CONDITIONS OF APPROVAL:

1. The approval of the annexation and rezone granted herein is valid for a period of one year from the date the decision of the Council is final; that final decision date shall be the date of expiration of the 21-day period for appeal to LUBA as required by Oregon Revised Statute and as noted in the Notice of Decision for this request.
2. The owner will sign a lien causing any unpaid Utility bill to be a lien against the property.

ANALYSIS:

A. **STRATEGIC PLAN** This action meets the goals of the City Council Strategic Plan for providing the Lifestyle of the community to the property, Desirability of more developed lands and adds Growth to the city and tax base.

B. **FINANCIAL** Annexation will benefit the city by increased tax revenue and utility services from a parcel of property that has already had the benefits of the city due to its location adjacent to the city.

C. **TIMING** Time is of the essence as this property was allowed to connect to city sewer and water due to a health issue, and requires annexation and rezoning to meet the City Code.

D. **POLICY/LEGAL** The quasi-judicial Zoning Map amendment procedures are designed and authorized to adjust zone boundaries and create new zoning classifications on the official Zoning Map within areas on the land use plan indicated for the uses allowed by the map change. Such changes shall be in conformity with the land use goals of the state. The decision of the Planning Commission shall be the final decision of the city unless an appeal is filed as authorized by this Title. (LANGUAGE IN 10B-10-05 SUPERSEDES THIS LANGUAGE) WHICH IS: The ultimate decision-making authority for legislative actions and zone changes brought under the provisions of this Title shall rest with the City Council. Certain actions of the Planning Commission are in the form of a recommendation to the City Council. The land use actions for which the Commission provides only a recommendation to the Council are amendments of the comprehensive plan and zoning ordinances or Zoning Map.

ALTERNATIVES:

1. The Council could, by motion, based on public testimony or need for more clarification, refer this matter back to the Planning Commission.
2. Deny the request for annexation and Ordinance #2768-2019 based on the following reasons and Findings of Facts: (list reasons and findings):
3. Table and continue this item to a future date certain meeting, to obtain clarification on issues raised at this Public Hearing.

RECOMMENDATION:

Staff recommends that the City Council accepts the recommendation and Conditions of Approval from the Planning Commission on Planning Action 2019-09-60AZ by Sherri Reif Hart and approve Ordinance #2768-2019.

ATTACHMENTS:

1. Ord #2768-2019

2. PCSRpt-1-13-20_2019-09-60AZ_Sherri Reif Hart-AnnexRezone

ORDINANCE #2768-2019

AN ORDINANCE PROCLAIMING THE ANNEXATION AND REZONING OF CERTAIN TERRITORY TO THE CITY OF ONTARIO, BEING A PARCEL WITHIN THE SE1/4SE1/4 SECTION 6, TOWNSHIP 18 SOUTH RANGE 47 EAST, W.M.; AND WITHDRAWING SAID TERRITORY FROM THE ONTARIO RURAL FIRE PROTECTION DISTRICT 7-302.

WHEREAS, There has been submitted to the City of Ontario by Sherri Reif Hart, a written request for annexation and rezoning to the City signed by 100% of the owners of land within the affected territory to be annexed; and

WHEREAS, All of the owners of land in that territory have consented in writing to the annexation of their land in the territory and have filed a statement of their consent with the legislative body of the City recorded under County Instrument #2019-3308; and

WHEREAS, The City Charter does not expressly require the City to submit a proposal of annexation of territory to the electors of the City; and

WHEREAS, All the owners have requested the lands to be rezoned from UGA Residential (UGA-R) to City Single Family Residential(RS-50); and

WHEREAS, The City desires to withdraw the land to be annexed from the ONTARIO RURAL FIRE PROTECTION DISTRICT 7-302, pursuant to ORS 222.120(5) and has received assent from the Districts to do so;

WHEREAS, The City desires NOT to withdraw the land to be annexed from the ONTARIO RURAL ROAD ASSESSMENT DISTRICT No. 3, pursuant to ORS 222.120(5) until such time as SW 4th Avenue is developed to City Street Standards;

NOW THEREFORE, THE CITY OF ONTARIO ORDAINS AS FOLLOWS:

1. <u>Annexation Area</u>. The following contiguous territory be and the same is hereby annexed: The property legally described and mapped in the attached Exhibits "A" and "B" respectively.

2. <u>Rezoning</u>. That based on the Planning Commission findings and recommendation in Planning Action 2019-09-60AZ, the lands as shown and described in the attached Exhibits "A" and "B" be rezoned from UGA Residential (UGA-R)to City Single Family Residential (RS-50).

3. <u>Withdrawing above described area from Ontario Rural Fire Protection District 7-302</u>. The Common Council of the City of Ontario deems it in the best interest of the public of the City of Ontario and hereby declares that the real property described hereinabove is withdrawn from the Ontario Rural fire Protection District No. 7-302 on the effective date of this annexation pursuant to ORS 222.120(5).

4. <u>Withdrawing above described area from Ontario Rural Road Assessment District No. 3</u>. The Common Council of the City of Ontario deems it is not in the best interest of the public of the City of Ontario to withdraw the property from the Ontario Rural Road Assessment District No. 3 until such time that SW 4th Avenue is developed to City Street Standards.

5. <u>Record</u>. The City Planner shall submit to the Oregon Secretary of State (1) a copy of this Ordinance, (2) a copy of the statement of consent of the landowner in the territory annexed; and (3) Shall send a description by metes and bounds, or legal subdivision, and a map depicting the new boundaries of the City within 20 days of the effective date of annexation to the Malheur County Assessor, Malheur County Clerk and the State Department of Revenue.

PASSED AND ADOPTED by the Common Council of the City of Ontario this ______ day of ____________, 2020 by the following vote:

AYES:
NAYS:
ABSENT:

APPROVED by the Mayor this _______day of _______________, 2020.

ATTEST:

_______________________________ Riley J. Hill, Mayor

____________________________ Tori Barnett, MMC, City Recorder

Exhibit "A"
Property Description for Annexation/Rezone
City Action No. 2019-09-60AZ

Land in Malheur County Oregon, within the SE1/4SE1/4, Section 6, Twp. 18 S., R. 47 E., W.M., more particularly described as follows:

Beginning at the East One Sixteenth (1/16) corner (SW corner of the SE1/4SE1/4, Section 6) between Section 6 and Section 7;
thence N. 02^{0} 29' 52" W., coincident with the West Boundary of said SE1/4SE1/4, a distance of 290.50 feet;
thence N. 87^{0} 51" 26" E., parallel with the South Boundary of said SE1/4SE1/4, a distance of 147.85 feet;
thence S. 03^{0} 19' 00" E., a distance of 290.56 feet, to a point on the South Boundary of said SE1/4SE1/4;
thence S. 87^{0} 51" 26" W., coincident with said South Boundary, a distance of 152.00 feet to the Point of Beginning.

(Basis of Bearings for this description are from the Record of Survey filed under Survey No. 18-47-0863)

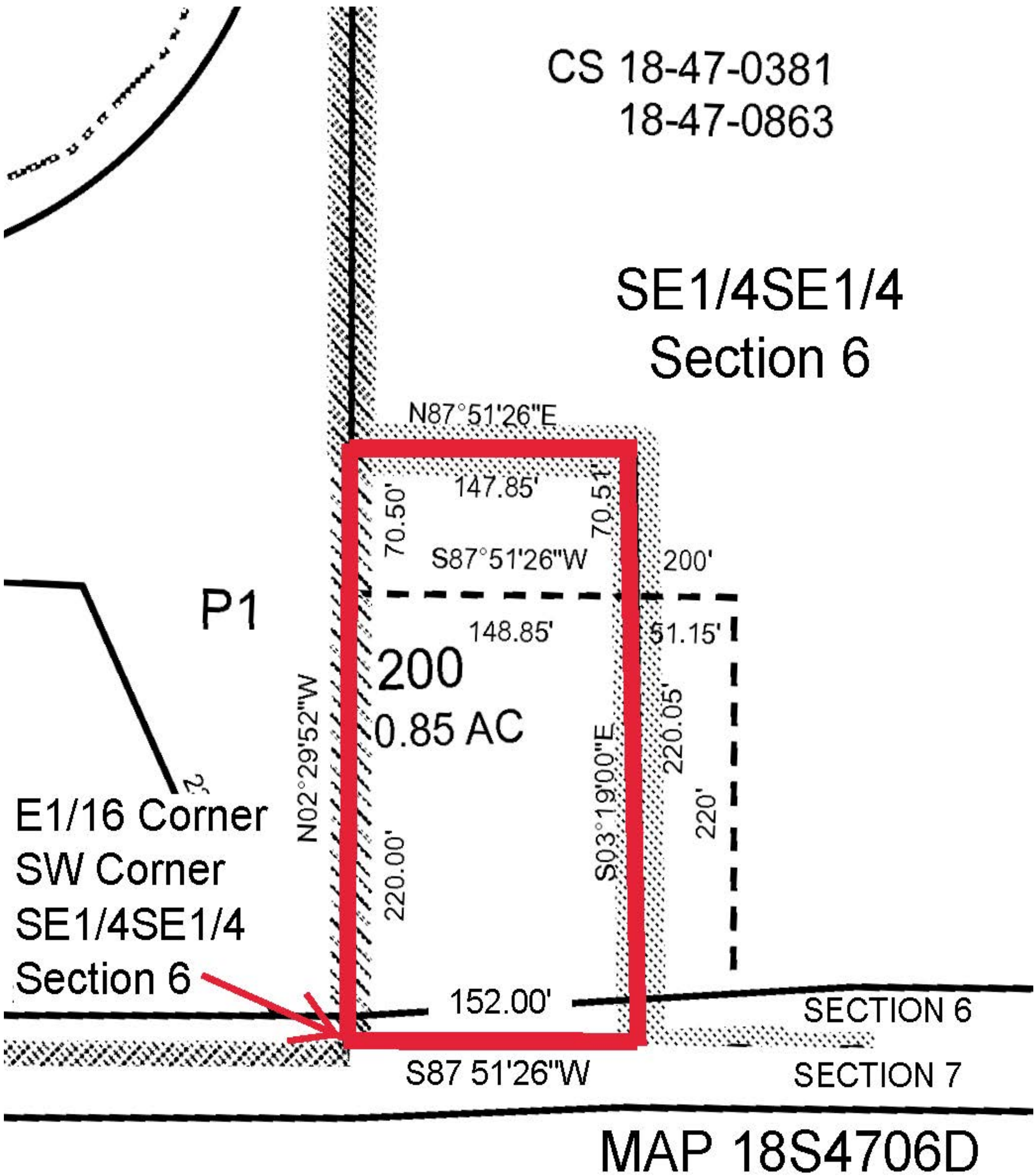
Map 18S4706D Tax Lot 200 Reference No. 7685

END OF DESCRIPTION

Exhibit “B”

Subject property

MAP 18S4706D Tax Lot 200



PLANNING COMMISSION AGENDA REPORT

Monday, January 13, 2020

I. GENERAL INFORMATION:

TO: Ontario Planning Commission Members

FROM: Dan K. Cummings, Community Development Director

SUBJECT: **ACTION 2019-09-60AZ:** A request for **Annexation and Rezone** of a parcel of land being located at 3179 SW 4th Avenue. If approved, this action will result in the Annexation of 0.94 acres of land into the City of Ontario; and, the rezoning of the subject property from Urban Growth Area Residential (UGA R) to the City Single Family Residential (RS-50) Zone. The applicant is Sherri Reif Hart.

LEGAL DESCRIPTION: The subject property is designated as Assessor's Map #18S4706D; Tax Lot #200, Assessor Reference #7685.

APPLICANT/AGENT: Sherri Reif Hart
3179 SW 4th Avenue
Ontario, OR 97914
208-452-4000

PROPERTY OWNER: Sherri Reif Hart
3179 SW 4th Avenue
Ontario, OR 97914

REPORT DATE: December 7, 2019

II. SUMMARY & BACKGROUND:

The applicant owns a parcel of land, known as 18S4706D, tax lot 200. The applicants wish to annex and rezone the property into the City to connect to city services due to failing septic system. This application, if approved, will result in the annexation of 0.85 acres of land into the City and a rezone of the property from Urban Growth Area Residential (UGA R) to City Single Family Residential (RS-50).

This request for annexation and rezone needs a recommendation for approval or rejection from the Planning Commission to the City Council. The Ontario Municipal Code (OMC) designates the Planning Commission as the decision making body for a request for rezone, without City Council participation. The OMC designates the City Council as the decision making body for a request for annexation, without Planning Commission participation. State Law requires an Ordinance be adopted by the local governing body to accomplish a rezone. The City's governing body is the City Council, and they are the only body that may adopt an Ordinance; therefore, a request for rezone should go before the Council for a final decision. Staff feels that the best procedure is consistency with State law; therefore, this matter needs a recommendation from the Planning Commission, and then will be forwarded to the City Council for their decision.

III. PREVIOUS PLANNING COMMISSION ACTION:

The Malheur County Planning Commission under County Planning Action 2019-09-001 and the City of Ontario Planning Commission under City Planning Action 2019-08-57CPAMD, held a joint Public Hearing on the Comprehensive Plan Amendment and Map Change on Thursday October 24, 2019 on this property to bring the property into the Ontario Urban Growth Boundary (UGA) and rezone the land from exclusive farm use to UGA Residential. The Ontario Planning Commission sent a favorable recommendation to the Malheur County Court and The Ontario City Council to move the Property into the City of Ontario UGA and rezone the property UGA Residential.
On Tuesday November 7, 2019 the Malheur County Court and the Ontario City Council held a joint Public hearing on above mention Comprehensive Plan Amendment and Map Change and approved the recommendation of the Planning Commission and finding of facts and approved Malheur County Ordinance #221 and the City Ordinance #2766-2019 amending the Comprehensive Plans and Maps of Malheur County and the City of Ontario.

IV. Applicable Ordinance & Comprehensive Plan Criteria and Standards:

The proposed development must comply with applicable provisions of the OCC (City of Ontario Zoning Ordinance as set forth in the Ontario City Code), and the City of Ontario Comprehensive Plan. Generally, unless otherwise noted, if a request is found to be consistent with the Zoning Ordinance it is considered to be consistent with the Comprehensive Plan.

A. Rezone

1. *Section 10B-20-30 REQUIRED FINDINGS, DECISION CRITERIA. In preparing findings to support a quasi- judicial zoning map amendment decision, the following findings shall be addressed except when alternatives are set forth or where a required findings clearly does not apply to the current action:*

    a. *The zoning map amendment is in conformance with statewide planning goals and guidelines.*

    b. *The zoning map amendment is in conformity with the acknowledged comprehensive plan.*

    c. *The applicant has demonstrated a mistake or error in the original zone designation or the applicant has demonstrated a change in physical, social or market conditions generally effecting the area which make the proposed change appropriate.*

d. *A public need is demonstrated for this zoning at this location and is not the granting of a special privilege for a single property or small group of properties.*

e. *The property effected by the change is adequate in size and shape to facilitate its use and development as permitted under the new zoning classification.*

f. *The property effected by the proposed change of zone is properly related to streets and public facilities and with services adequate to meet the demands of the uses allowed in the new zone.*

g. *The proposed zoning map change will not result in adverse effects upon surrounding properties or surrounding uses from dust, noise, vibration, odor, heat, glare, lighting, or discharges into the air, water or land.*

Findings of fact based on the answers and information given in the application (see applicant's narrative) made a part hereof:

a. The City of Ontario Municipal Code Implements policies contained in the City of Ontario Comprehensive Plan, which conforms to the Statewide Planning Goals; if a proposed rezone meets all criteria and standards contained in the OMC, the request will be consistent with Comprehensive Plan Policies and therefore conform to the Statewide Planning Goals.

b. The subject properties are currently zoned UGA Residential (UGA R) and the request is to rezone to the companion City RS-50 (Single Family Residential) Zone that is the same zone as per the City Comprehensive Plan under Ordinance #2766-2019. The requested zone allows basically the same use as the UGA zone, and is reflected in the Comprehensive Plan. No Comprehensive Plan amendment is necessary for this rezone; therefore, the proposal is consistent with, and conforms to, the Comprehensive Plan.

c. The applicants have requested annexation into the City of Ontario concurrent with the request for rezone; a City Zone must be applied to the property once within City Limits. The existing zone is not a mistake, and there is no need to demonstrate a change in conditions in the surrounding area; the change in zone is necessary and appropriate.

d. This request is legally necessary due to the annexation of the property; granting of this request is not a special privilege and no public need has to be demonstrated. That being said, the applicant existing septic system failed creating a public health issue and under current State, County and City regulations need to connect to City services which requires annexation and rezoning.

e. The subject property is adequate in size and shape for the proposed use to be rezoned from UGA Residential (0.85 Acres) to City RS-50 Single Family Residential (minimum of 5,000 square feet.

f. The property owner of tax lot 200 is requesting annexation and rezoning to resolve the public health issue. City Water and Sewer is available adjacent to the property on the south side of the property in SE 4th Avenue and has already been allowed under an emergency health approval to connect to city sewer and water contingent on the annexation and rezone of the property. **Of**

which the property owner executed and recorded all the required irrevocable consent forms needed prior to connection to the city services (Instrument #2019-3308).

g. Uses allowed by the current zone are basically identical to the proposed zone. No significant difference in allowed uses will occur as a result of the rezone. Requirements in the OMC applicable to uses in the Residential zone will ensure that impacts from dust, noise, vibration, odor, heat, glare, lighting, or discharges into the air, water or land are minimized.

Conclusion: The proposed rezone is consistent with all applicable criteria and standards.

B. Annexation:

1. *10B-45-10 INITIATION OF ACTION. When a person, authorized by statute, wishes to extend the city's boundaries, an application on forms supplied by the city shall be filed with the Planning Director and which include: annexation consent forms, by the property owners, and by tenants if required by law or court decision; request for a change in zoning map designation, or plan change if required; request for other quasi-judicial action if required; fees, and other exhibits and requirements for a quasi-judicial action as set forth in this Title. All land use actions associated with the annexation shall be consolidated, as feasible, and one fee paid.*

2. *Oregon Revised Statute 222.125: Annexation by consent of all owners of land and majority of electors; proclamation of annexation. The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.*

Findings based on the answers and information given in the application made a part hereof:

1. The applicants have paid the fees and provided the proper application with signatures as well as recorded (Inst. #2019-3308) all consent forms required for this action.

2. The property is annexable because it lies inside the Urban Growth Boundary (Malheur County Ordinance #221 and City Ordinance #2766-2019) and is contiguous with current city limits on the East, South and Southwest sides of the property.

3. The property is currently zoned for Residential use in the Urban Growth Area; the requested zone, City Single Family Residential (RS-50), is consistent with contiguous property.

4. Findings from preceding sections of this report are herein included by this reference. A change to the comprehensive plan map or text is not necessary to annex the property; however, the annexation of the property must be consistent with all applicable Comprehensive Plan Policies.

5. Annexation would benefit the city by increasing tax revenue, and, provides for more affordable housing within the City of Ontario.

Conclusion: All criteria and standards applicable to a request for annexation have been met. The property may be annexed.

V. SUMMARY CONCLUSIONS AND PLANNING COMMISSION DECISION

A request for annexation and rezone of property may be recommended for approval or denial by the Planning Commission to the City Council if all applicable decision criteria and standards are found met, or able to be met through appropriate conditions of approval. In this case, findings must be made by the Planning Commission that the specific criteria are either met, able to be met through conditions of approval, or not met; options and discussion are provided under "**Findings:**" and "**Conclusion:**" for each criterion. **All** of the criteria and standards must be met in order for the request to be recommended for approval.

VI. SUGGESTED MOTIONS FOR APPROVAL/DENIAL

A. Approval needs two motions:

1. I move that the Planning Commission Accept and Approve the Findings of Facts as set forth in **ACTION 2019-09-60AZ** be recommended for **APPROVAL** to the City Council, based on the information, findings and conclusions set forth in Sections I through IV above.

2. I move that the request for Annexation of the subject properties into the City of Ontario, and the request for Rezone of the subject properties from UGA Residential (UGA R) to City Single Family Residential (RS-50), as set forth in **ACTION 2019-09-60AZ** be recommended for **APPROVAL** to the City Council, based on the information, findings and conclusions set forth in Sections I through IV above, subject to the conditions of approval as set forth in Section VII of this report

B. Denial:

1. I move that the request for Annexation of the subject properties into the City of Ontario, and the request for Rezone of the subject properties from UGA Residential to City Single Family, as set forth in **ACTION 2019-09-60AZ** be recommended for **DENIAL** to the City Council, based on the information, findings and conclusions stated below: (List reasons for denial).

VII. CONDITIONS OF APPROVAL:

1. The approval of the annexation and rezone granted herein is valid for a period of one year from the date the decision of the Council is final; that final decision date shall be the date of

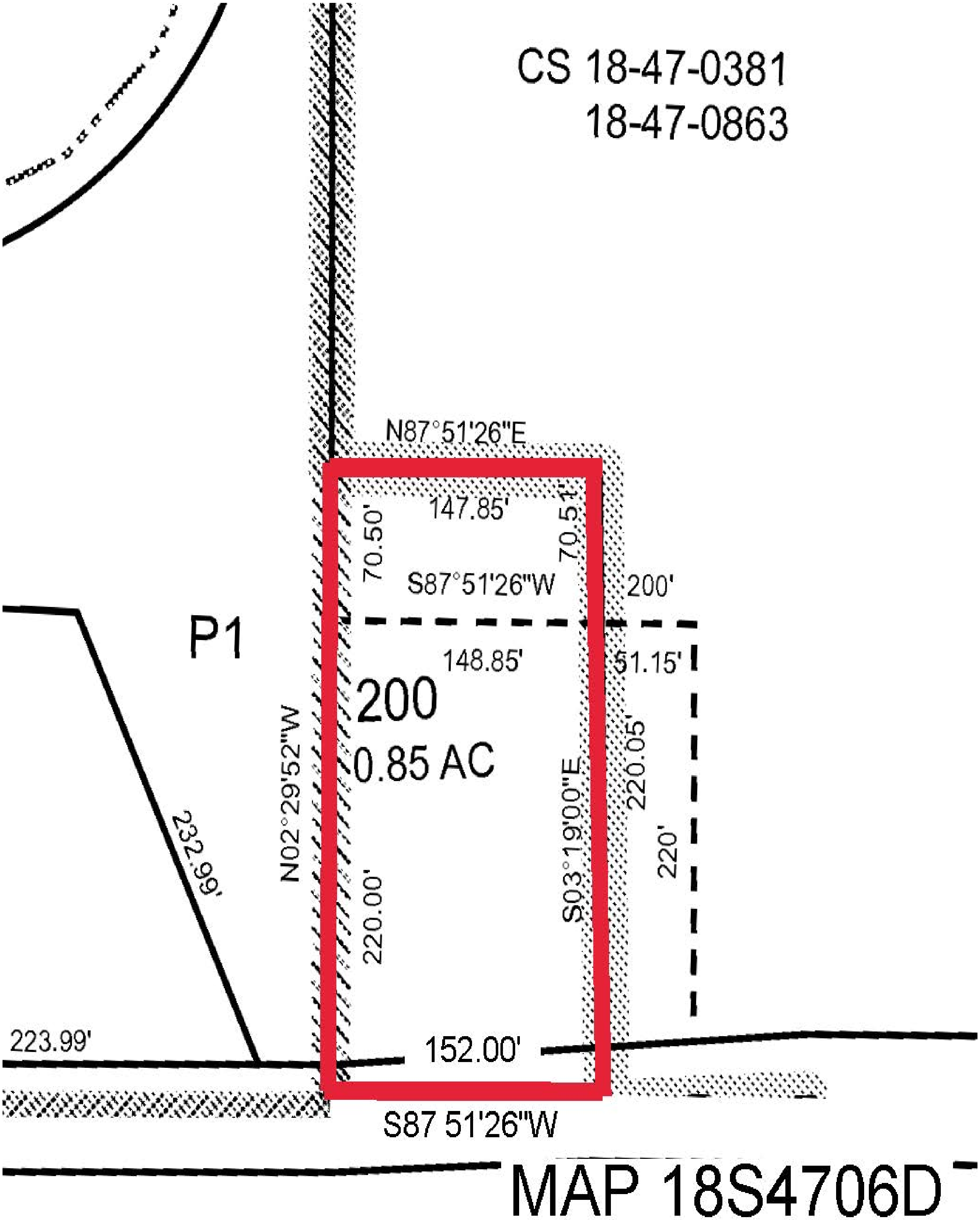
expiration of the 21-day period for appeal to LUBA as required by Oregon Revised Statute and as noted in the Notice of Decision for this request.

2. The owner will sign a lien causing any unpaid Utility bill to be a lien against the property

VIII. Exhibits:

Exhibit "A" Tax Map
Exhibit "B" Zoning Map Before
Exhibit "C" Zoning Map After
Exhibit "D" Consent Forms
Exhibit "E" Legal description of property.

Exhibit “A”



CS 18-47-0381
18-47-0863
N87°51'26"E
147.85'
70.50'
70.51'
S87°51'26"W
200'
P1
148.85'
51.15'
200
0.85 AC
N02°29'52"W
S03°19'00"E
220.05'
220'
232.99'
220.00'
223.99'
152.00'
S87 51'26"W
MAP 18S4706D

Exhibit "B"
Before Annexation & Rezone

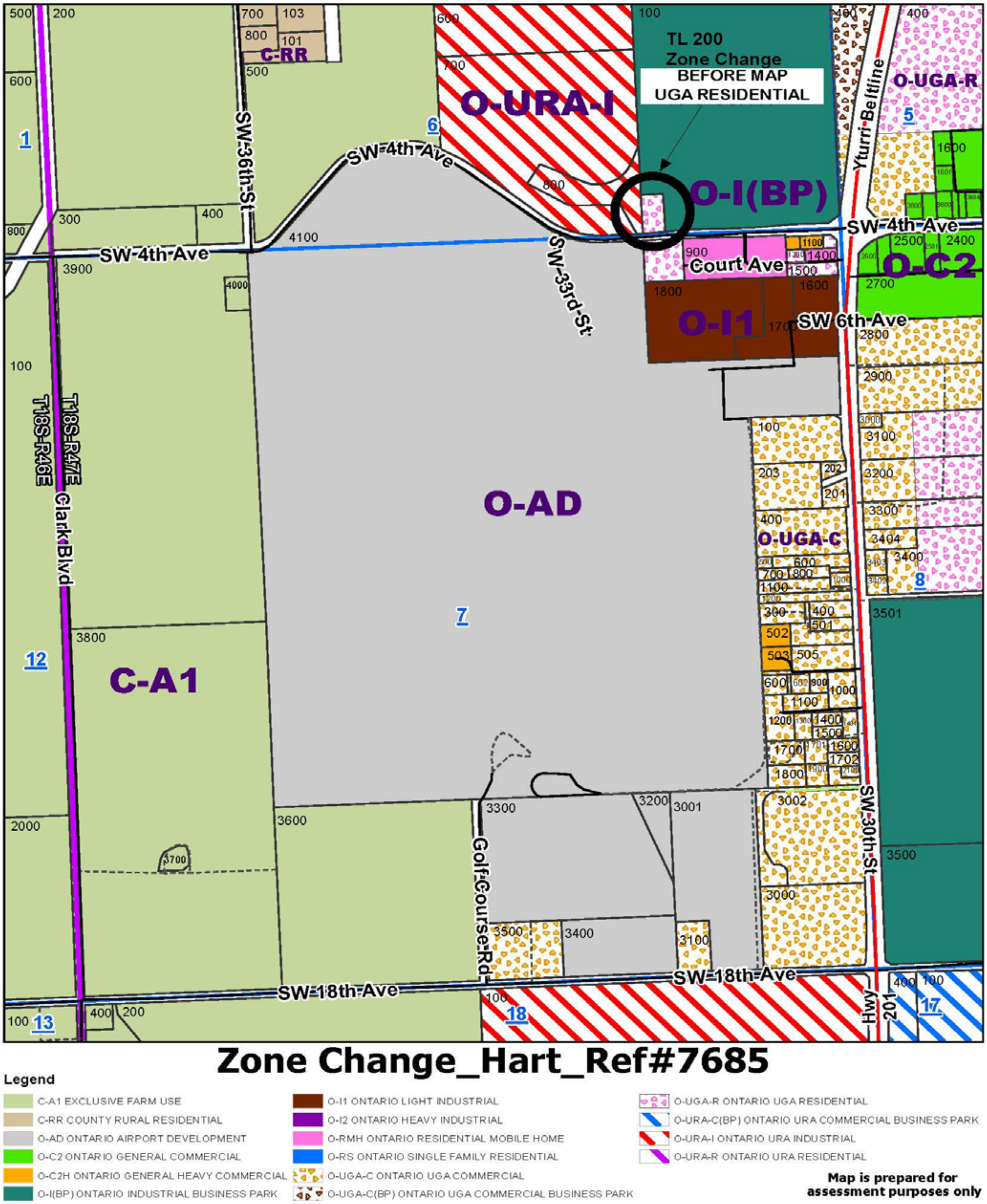


Exhibit "C"
After Annexation & Rezone

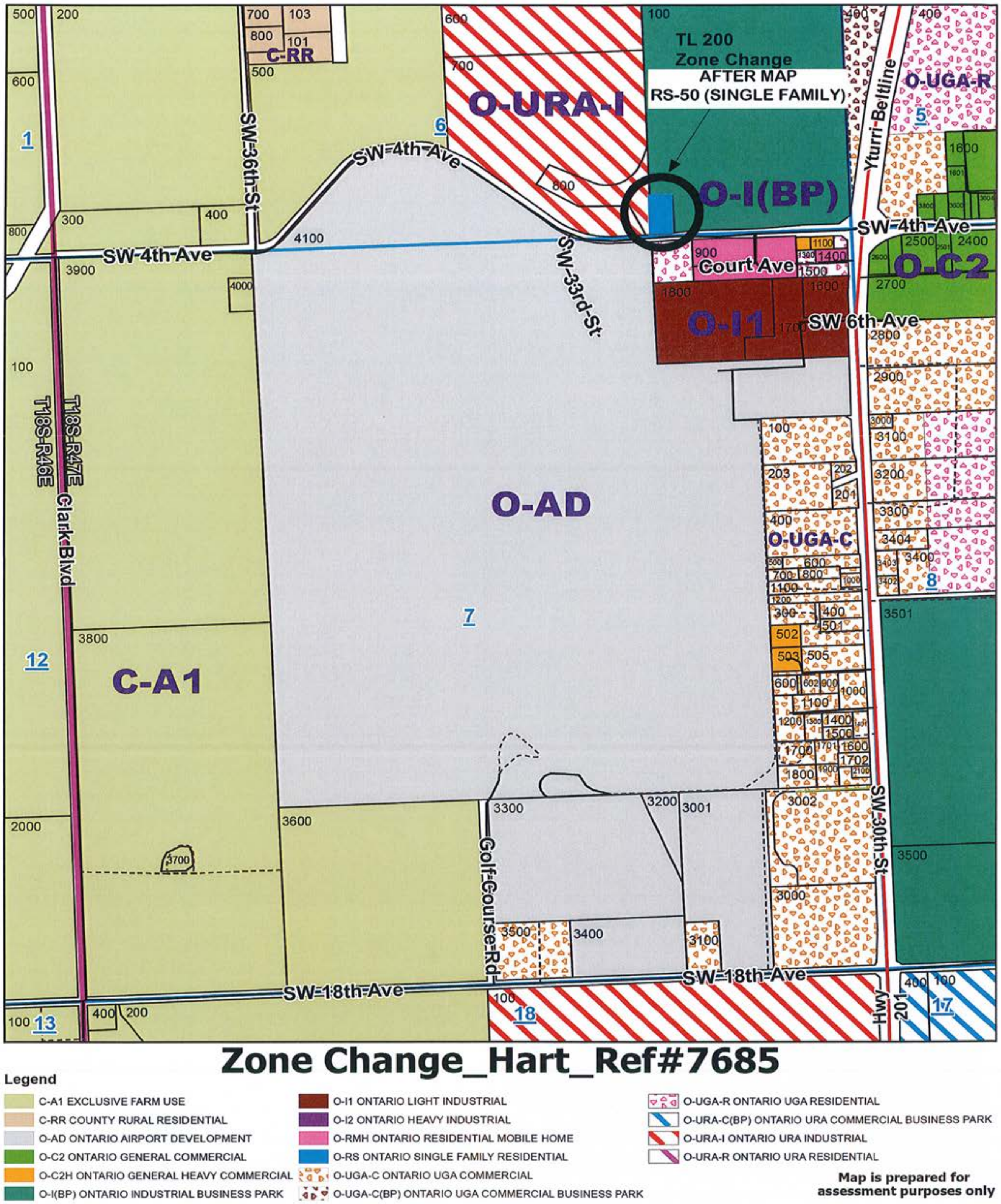


Exhibit "D-1"

MALHEUR COUNTY, OR
DCONSENT ANNEX
2019-3308
09/03/2019 02:14 PM
Cnt=1 Pgs=4
Total:$107.00
00057954201900033080040040
I, Gayle V. Trotter, County Clerk for Malheur County, Oregon certify that the instrument identified herein was recorded in the Clerk records.
Gayle V. Trotter - County Clerk

After Recording Return to:
Malheur County Planning Dept.
Malheur County Court House
251 "B" Street West Suite 12
Vale, OR 97918

AFFIDAVIT OF
CONSENT TO ANNEXATION BY PROPERTY OWNER(S)

1. In accordance with ORS 222.170 it is hereby represented and stated that the undersigned is/are the owner(s) of either the legal and/or equitable title to the real property herein described.
2. The undersigned irrevocably consents to the the Comprehensive Plan Map Amendment, the reclassification of the property from EFU to UGA Residential and to be annexed to the City of Ontario without an election being held within the territory to be annexed, at such future time as all legal requirements for annexation have otherwise been met and at the discretion of the City. This irrevocable consent to annexation is an instrument affecting the title and possession of the real property described herein.
3. All terms and conditions herein imposed shall run with the land and shall be binding upon and inure to the benefit of the successors in interest of owner. Upon any sale or division of the property as herein described the terms of this consent shall apply separately to each parcel and the owner of each parcel shall succeed to the obligations imposed on owner by this consent.
4. The below signatures on the original consent were filed in the office of the County & City Clerk in accordance with the State Statute. The undersigned parties are all the property owners within the lands referenced below.

Description: Land in Malheur County Oregon, within the SE1/4SE1/4, Section 6, Twp. 18 S., R. 47 E., W.M., As described on Attachment "A" and shown on Attachment "B" attached hereto and made a part hereof.

By: Sherri Reif Hart

Sherri Reif-Hart
Sherri Reif Hart

STATE OF OREGON)
) ss.
County of Malheur)

The foregoing instrument was acknowledged before me this 3rd day of September, 2019, by Sherri Reif Hart.

OFFICIAL STAMP
TATIANA BURGESS
NOTARY PUBLIC-OREGON
COMMISSION NO. 983738
MY COMMISSION EXPIRES FEBRUARY 25, 2023

Notary Public for the State of Oregon
My Commission expires: 02-25-2023

Exhibit "D-2"

SEPARATE AGREEMENT MAKING CONSENT IRREVOCABLE

Owner: Sherri Reif Hart

On this day I (We) executed a consent to the County & City application of a Comprehensive Plan Map Amendment and rezoning of the property from EFU to UGA Residential and the annexation of the lands into the City of Ontario, for the below described property. The one-year period for the validity of my consent under ORS 222.173 is hereby waived.

Description: Land in Malheur County Oregon, within the SE1/4SE1/4, Section 6, Twp. 18 S., R. 47 E., W.M., As described on Attachment "A" and shown on Attachment "B" attached hereto and made a part hereof.

By:

Sherri Reif Hart

Sherri Reif Hart

____

STATE OF OREGON)
) ss.
County of Malheur)

The foregoing instrument was acknowledged before me this 3rd day of September, 2019, by Sherri Reif Hart.

OFFICIAL STAMP
TATIANA BURGESS
NOTARY PUBLIC-OREGON
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MY COMMISSION EXPIRES FEBRUARY 25, 2023

Notary Public for the State of Oregon
My Commission expires: 02-25-2023

Page 2- CONSENT TO ANNEXATION BY PROPERTY OWNER(S)_ Sherri Reif Hart

2019-3308 Page 2 of 4
MALHEUR COUNTY, OREGON

Exhibit “D-3”

Exhibit “A”
Property Description

Land in Malheur County Oregon, within the SE1/4SE1/4, Section 6, Twp. 18 S., R. 47 E., W.M., more particularly described as follows:

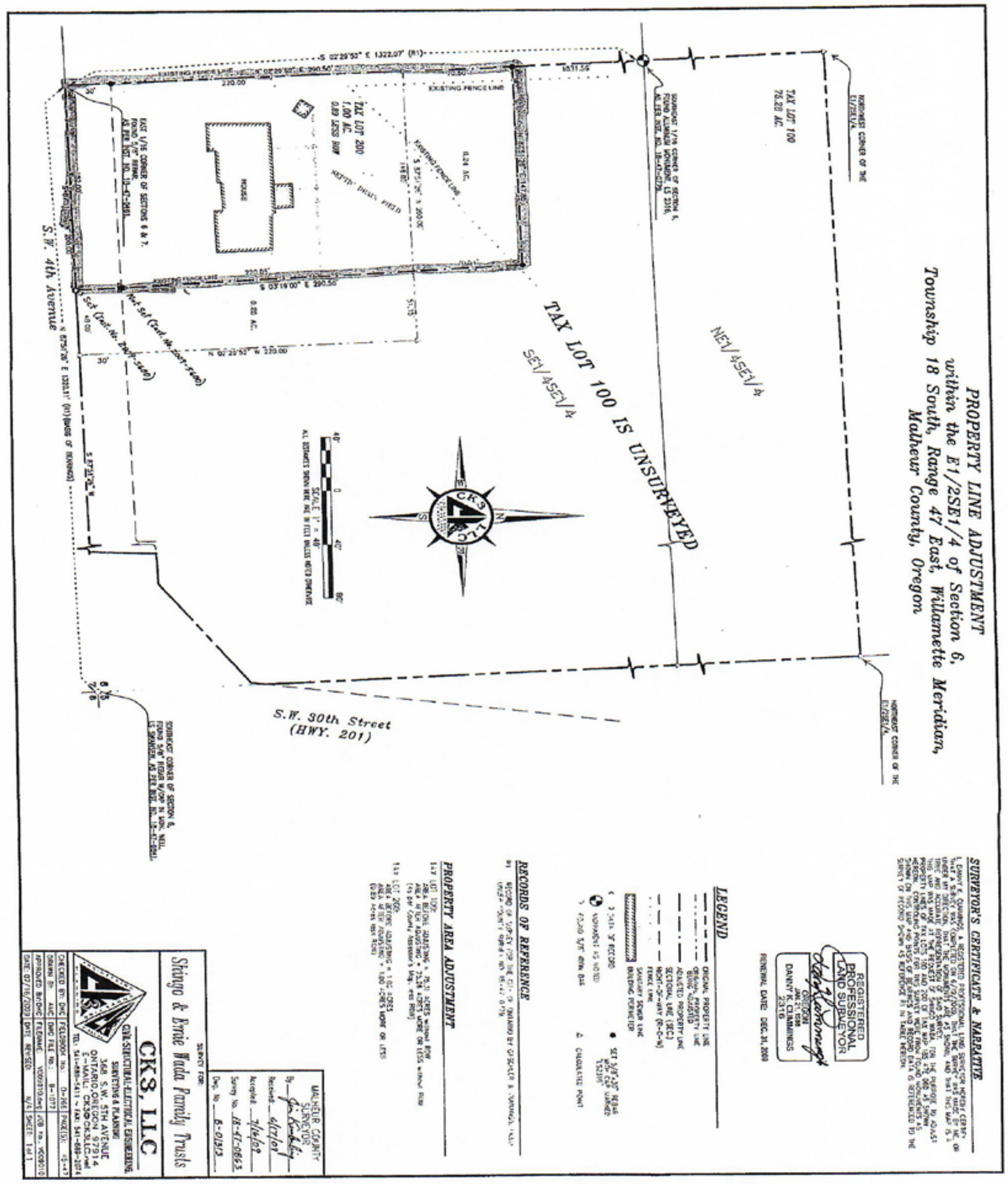
Beginning at the East One Sixteenth (1/16) corner (SW corner of the SE1/4SE1/4, Section 6) between Section 6 and Section 7;
thence N. 02° 29’ 52” W., coincident with the West Boundary of said SE1/4SE1/4, a distance of 290.50 feet;
thence N. 87° 51” 26” E., parallel with the South Boundary of said SE1/4SE1/4, a distance of 147.85 feet;
thence S. 03° 19’ 00” E., a distance of 290.56 feet, to a point on the South Boundary of said SE1/4SE1/4;
thence S. 87° 51” 26” W., coincident with said South Boundary, a distance of 152.00 feet to the Point of Beginning.

(Basis of Bearings for this description are from the Record of Survey filed under Survey No. 18-47-0863)

Map 18S4706D Tax Lot 200 Reference No. 7685

Exhibit “D-3”

Exhibit “B”
Map of Property



Page 2- CONSENT TO ANNEXATION BY PROPERTY OWNER(S)_ Sherri Reif Hart

2019-3308 Page 4 of 4
MALHEUR COUNTY, OREGON

Exhibit “E”

Annexation
Property Description
Sherri Reif Hart

Land in Malheur County Oregon, within the SE1/4SE1/4, Section 6, Twp. 18 S., R. 47 E., W.M., more particularly described as follows:

Beginning at the East One Sixteenth (1/16) corner (SW corner of the SE1/4SE1/4, Section 6) between Section 6 and Section 7;
thence N. 02^{o} 29’ 52” W., coincident with the West Boundary of said SE1/4SE1/4, a distance of 290.50 feet;
thence N. 87^{o} 51” 26” E., parallel with the South Boundary of said SE1/4SE1/4, a distance of 147.85 feet;
thence S. 03^{o} 19’ 00” E., a distance of 290.56 feet, to a point on the South Boundary of said SE1/4SE1/4;
thence S. 87^{o} 51” 26” W., coincident with said South Boundary, a distance of 152.00 feet to the Point of Beginning.

(Basis of Bearings for this description are from the Record of Survey filed under Survey No. 18-47-0863)

Map 18S4706D Tax Lot 200 Reference No. 7685

Accounts Payable

Checks by Date - Summary by Check Date

User: kari.ott
Printed: 1/17/2020 10:43 AM

Check No	Vendor No	Vendor Name	Check Date	Check Amount
125445	637830	Century Link	12/02/2019	764.01
125446	376000	Idaho Power	12/02/2019	1,724.59
125447	879315	State of Idaho Unclaimed Property	12/02/2019	457.32
125448	718100	State of Oregon Department of State Lands	12/02/2019	3,996.31
125449	583450	State of Oregon Dept of Corrections	12/02/2019	2,950.00
125450	879146	Toshiba Financial Services	12/02/2019	2,051.63
125451	288897	Verizon	12/02/2019	1,987.95
			Total for 12/2/2019:	13,931.81
125455	&419	Ontario Lions Club	12/05/2019	14,000.00
125456	&419	Ontario Lions Club	12/05/2019	3,000.00
			Total for 12/5/2019:	17,000.00
125457	879058	A Plus Awards	12/06/2019	170.50
125458	879026	Accela, Inc.	12/06/2019	672.00
125459	&525	American Staffing, Inc.	12/06/2019	399.83
125460	028000	Anderson Perry & Associates, Inc.	12/06/2019	15,800.00
125461	879192	Annas Consultants, Inc.	12/06/2019	441.72
125462	130624	B & W Car Wash	12/06/2019	24.00
125463	21409	Big Sky Sportswear	12/06/2019	1,186.50
125464	626400	Campo & Poole Distributing, LLC	12/06/2019	4,438.76
125465	879247	Day Wireless Systems	12/06/2019	470.00
125466	520400	Dorman's, Inc.	12/06/2019	32.89
125467	634311	Frazier Aviation, LLC	12/06/2019	425.00
125468	420000	John Deere Financial	12/06/2019	22.48
125469	436000	Lindsay Eco Water	12/06/2019	12.00
125470	456402	Malheur County Clerk	12/06/2019	117.00
125471	879225	Malheur Media, LLC	12/06/2019	325.00
125472	477523	Municipal Code Corporation	12/06/2019	380.03
125473	879301	Net Assets Corporation	12/06/2019	300.00
125474	879163	Ontario Auto Ranch	12/06/2019	204.19
125475	572000	Ontario Sanitary Service, Inc.	12/06/2019	313.06
125476	614087	PORAC LDF	12/06/2019	345.00
125477	642093	Red's Automotive Repair, Inc.	12/06/2019	596.30
125478	879145	Silver Signet, LLC	12/06/2019	170.00
125479	878977	Snake River Valley Chief's Associaton	12/06/2019	65.00
125480	702008	Staples Business Credit	12/06/2019	159.55
125481	878931	Tire Factory of Ontario	12/06/2019	1,180.00
125482	788402	TransUnion Risk & Alternative Data Soluti	12/06/2019	50.00
125483	854205	Veteran Advocates of Ore-Ida	12/06/2019	60.00
125484	863995	White Cloud Communications-Boise, Inc.	12/06/2019	525.00
125485	774001	Wtechlink	12/06/2019	600.00
125486	UB*11694	CASSANDRA ANGULO MONTES	12/06/2019	60.75
125487	UB*11689	TORINA BURNETT	12/06/2019	6.18
125488	&260	Four Rivers Cultural Center	12/06/2019	20,696.14

Check No	Vendor No	Vendor Name	Check Date	Check Amount
125489	UB*11691	MARIA GUERRERO	12/06/2019	79.57
125490	MONSONKI	Kenneth Monson	12/06/2019	74.98
125491	539200	Ontario Area Chamber of Commerce	12/06/2019	16,248.51
125492	UB*11688	CHRISTOPHER/CASSAUNDRA PEREZ/	12/06/2019	70.53
125493	UB*11693	HEIDI SWEENEY	12/06/2019	107.68
125494	UB*11690	LARRY TUTTLE	12/06/2019	197.59
125495	UB*11692	KELLY WOLERY	12/06/2019	130.78
			Total for 12/6/2019:	67,158.52
ACH	PRFED	PAYROLL TAXES	12/13/2019	600.60
ACH	PRORTAX2	OREGON DEPARTMENT OF REVENUE	12/13/2019	3.61
ACH	PRORTAXE	OREGON DEPARTMENT OF REVENUE	12/13/2019	47.13
ACH	PRPERS	OREGON PERS	12/13/2019	1,031.85
125496	&525	American Staffing, Inc.	12/13/2019	260.57
125497	879130	Ani-Care Animal Shelter, Inc.	12/13/2019	1,370.08
125498	037600	AT&T	12/13/2019	22.44
125499	144000	Cascade Natural Gas Corporation	12/13/2019	744.27
125500	637830	Century Link	12/13/2019	476.10
125501	879446	Emmett Fire Department	12/13/2019	52.00
125502	284000	Farmers Supply Co-Op	12/13/2019	199.90
125503	879059	Help Them to Hope	12/13/2019	2,500.00
125504	878915	Jacobs	12/13/2019	442,331.09
125505	500400	Norco, Inc.	12/13/2019	100.15
125506	539200	Ontario Area Chamber of Commerce	12/13/2019	125.00
125507	528405	Oster Professional Group, LLC	12/13/2019	24,264.33
125508	879166	Pitney Bowes Global Financial Services, Ll	12/13/2019	953.25
125509	368050	Robb Enterprises	12/13/2019	1,200.00
125510	672453	SeaWestern Fire Fighting Equipment	12/13/2019	3,046.00
125511	130950	Sparklight Business	12/13/2019	458.65
125512	702008	Staples Business Credit	12/13/2019	96.23
125513	&357	Larry A. Sullivan	12/13/2019	2,545.00
125514	879151	Waste-Pro	12/13/2019	40.05
			Total for 12/13/2019:	482,468.30
125515	&525	American Staffing, Inc.	12/20/2019	332.45
125516	626400	Campo & Poole Distributing, LLC	12/20/2019	3,677.93
125517	879209	Elite Extrication & Equipment	12/20/2019	6,785.00
125518	879191	Kristy's Custom Sewing	12/20/2019	6.00
125519	583401	State of Oregon Department of Environmen	12/20/2019	9,333.00
125520	642093	Red's Automotive Repair, Inc.	12/20/2019	500.69
125521	689005	Chad Sombke, Ph.D., PC	12/20/2019	400.00
125522	130950	Sparklight Business	12/20/2019	63.75
125523	738002	Symbol Arts, LLC	12/20/2019	268.00
125524	878931	Tire Factory of Ontario	12/20/2019	36.00
125525	832852	Wells Fargo Business Elite Card	12/20/2019	5,180.89
125526	879133	Community in Action	12/20/2019	51,356.32
125527	UB*11697	OWYHEE TOP SHELF	12/20/2019	170.00
125528	UB*11688	CHRISTOPHER/CASSAUNDRA PEREZ/	12/20/2019	67.92
125529	UB*11599	CITLALLI RAMIREZ	12/20/2019	94.23
125530	UB*11699	ANGELA RODRIGUEZ	12/20/2019	73.24
125531	738001	James Swank	12/20/2019	93.98
125532	UB*11696	T 3 WIRELESS LLC	12/20/2019	45.26
125533	UB*11698	CURTIS WADE	12/20/2019	4.72
125534	UB*11695	MICHAL BEEMAN	12/20/2019	1,105.28

Check No	Vendor No	Vendor Name	Check Date	Check Amount
			Total for 12/20/2019:	79,594.66
125535	637830	Century Link	12/27/2019	754.07
125536	336725	Core & Main	12/27/2019	18,172.00
125537	253897	Dustbusters, Inc.	12/27/2019	5,002.23
125538	270205	Emergency Responder Services, Inc.	12/27/2019	390.00
125539	376000	Idaho Power	12/27/2019	2,307.23
125540	408200	J-U-B Engineers, Inc.	12/27/2019	21,088.00
125541	22427	Murrysmith, Inc.	12/27/2019	14,818.81
125542	572000	Ontario Sanitary Service, Inc.	12/27/2019	313.06
125543	&690	Oregon City/County Management Associati	12/27/2019	422.07
125544	589200	Oregon Mayors Association	12/27/2019	139.00
125545	642093	Red's Automotive Repair, Inc.	12/27/2019	1,077.86
125546	879138	Stantec Consulting Services, Inc.	12/27/2019	62,096.22
125547	288897	Verizon	12/27/2019	1,987.95
125548	&260	Four Rivers Cultural Center	12/27/2019	13,005.85
125549	539200	Ontario Area Chamber of Commerce	12/27/2019	9,013.06
			Total for 12/27/2019:	150,587.41
125550	818000	U.S. Postmaster	12/30/2019	1,500.00
			Total for 12/30/2019:	1,500.00
ACH	PRAFLAC	AMERICAN FAMILY LIFE ASSURANCE	12/31/2019	774.22
ACH	PRAMERF	AMERICAN FUNDS GROUP	12/31/2019	225.00
ACH	PRCCIS	E B S TRUST	12/31/2019	70,925.64
ACH	PRCOLONI	COLONIAL LIFE	12/31/2019	1,427.45
ACH	PRFED	PAYROLL TAXES	12/31/2019	65,152.65
ACH	PRICMA	I C M A RETIREMENT TRUST 457	12/31/2019	300.00
ACH	PRNATW	NATIONWIDE RETIREMENT SOLUTIO	12/31/2019	400.00
ACH	PRORJU	OREGON DEPARTMENT OF JUSTICE	12/31/2019	1,176.00
ACH	PRORTAX2	OREGON DEPARTMENT OF REVENUE	12/31/2019	269.59
ACH	PRORTAXE	OREGON DEPARTMENT OF REVENUE	12/31/2019	17,666.46
ACH	PROSGP	OREGON SAVINGS & GROWTH PLAN	12/31/2019	2,100.00
ACH	PRPERS	OREGON PERS	12/31/2019	89,525.14
125551	PRLINC	LINCOLN NATIONAL LIFE INS CO	12/31/2019	350.00
125552	PRSFIRE	UMPQUA BANK	12/31/2019	360.00
			Total for 12/31/2019:	250,652.15
ACH	PRFED	PAYROLL TAXES	01/03/2020	39.50
ACH	PRORTAX2	OREGON DEPARTMENT OF REVENUE	01/03/2020	0.26
ACH	PRORTAXE	OREGON DEPARTMENT OF REVENUE	01/03/2020	0.26
125553	&525	American Staffing, Inc.	01/03/2020	71.88
125554	130624	B & W Car Wash	01/03/2020	12.00
125555	626400	Campo & Poole Distributing, LLC	01/03/2020	3,113.22
125556	192000	CDW Government	01/03/2020	1,666.25
125557	879247	Day Wireless Systems	01/03/2020	470.00
125558	376000	Idaho Power	01/03/2020	2,052.06
125559	441140	Looks Nu, Inc.	01/03/2020	100.00
125560	151001	City of Ontario	01/03/2020	10.00
125561	642093	Red's Automotive Repair, Inc.	01/03/2020	721.34
125562	879146	Toshiba Financial Services	01/03/2020	1,721.89
125563	879007	Weidner Fire	01/03/2020	3,653.06

Check No	Vendor No	Vendor Name	Check Date	Check Amount
125564	774001	Wtechlink	01/03/2020	300.00
			Total for 1/3/2020:	13,931.72
125565	376002	Idaho Power - Payette Operations Center	01/09/2020	906.00
			Total for 1/9/2020:	906.00
125566	&525	American Staffing, Inc.	01/10/2020	256.07
125567	879130	Ani-Care Animal Shelter, Inc.	01/10/2020	1,370.08
125568	037600	AT&T	01/10/2020	22.44
125569	192273	CBA Lighting & Controls, Inc.	01/10/2020	160.43
125570	637830	Century Link	01/10/2020	476.08
125571	879268	Civic Plus	01/10/2020	7,788.00
125572	247940	Dooley Enterprises, Inc.	01/10/2020	2,249.50
125573	520400	Dorman's, Inc.	01/10/2020	4.48
125574	303800	Frank's Extinguisher Service	01/10/2020	995.00
125575	634311	Frazier Aviation, LLC	01/10/2020	425.00
125576	879191	Kristy's Custom Sewing	01/10/2020	18.00
125577	441140	Looks Nu, Inc.	01/10/2020	300.00
125578	451750	Malheur County Sheriff's Office	01/10/2020	61,598.17
125579	879301	Net Assets Corporation	01/10/2020	252.00
125580	242083	State of Oregon Department of Transportati	01/10/2020	71.15
125581	666190	Sassy Softeware Solutions, LLC	01/10/2020	468.00
125582	879424	Topper Schlupe	01/10/2020	96.00
125583	130950	Sparklight Business	01/10/2020	312.17
125584	879425	Springbrook Software, LLC	01/10/2020	686.00
125585	&357	Larry A. Sullivan	01/10/2020	7,396.60
125586	788402	TransUnion Risk & Alternative Data Soluti	01/10/2020	50.00
125587	818000	U.S. Postmaster	01/10/2020	50.00
125588	879212	Uniforms 2 Gear	01/10/2020	873.22
125589	842030	Warrington Construction	01/10/2020	14,859.00
125590	879151	Waste-Pro	01/10/2020	40.05
			Total for 1/10/2020:	100,817.44
			Report Total (162 checks):	1,178,548.01