

**ONTARIO CITY COUNCIL MEETING MINUTES  
Tuesday, January 21, 2014**

The Council held an Executive Session under ORS 192.660(2)(d) at 6:00 p.m., which concluded at 6:54 p.m.

The meeting of the Ontario City Council was called to order by Mayor LeRoy Cammack at 7:00 p.m. on Tuesday, January 21, 2014, in the Council Chambers of City Hall. Council members present were LeRoy Cammack, Norm Crume, Charlotte Fugate, Dan Jones, Larry Tuttle, and Ron Verini. Jackson Fox was excused.

Members of the Planning Commission present were Michael Rudd, Rita Kanrich, Cindy McLeran, Craig Smith, and Ed Susman. Max Twombly and Mike Allen were absent.

Members of staff present were Jay Henry, Tori Barnett, Larry Sullivan, Al Higinbotham, Mark Alexander, Alan Daniels, Mike Long, Marcy Skinner, and Anita Zink. The meeting was recorded, and copies are available at City Hall.

Charlotte Fugate led everyone in the Pledge of Allegiance.

**AGENDA**

Ron Verini moved, seconded by Charlotte Fugate, to adopt the Agenda as presented. Roll call vote: Crume-yes; Fox-out; Fugate-yes; Tuttle-yes; Verini-yes; Jones-yes; Cammack-yes. Motion carried 6/0/1.

**CONSENT AGENDA**

Charlotte Fugate moved, seconded by Ron Verini, to approve Consent Agenda Item A: Minutes of the Regular Joint Meeting of January 6, 2014; Item B: Liquor License Application: New Outlet – Bert’s Growler Garage (1635 SW 4<sup>th</sup> Avenue); and Item C: Approval of the Bills. Roll call vote: Crume-yes; Fox-out; Fugate-yes; Tuttle-yes; Verini-yes; Jones-yes; Cammack-yes. Motion carried 6/0/1.

**JOINT PUBLIC HEARING – OLD BUSINESS**

**Ordinance #2687-2013: Amend the UGA to Include 270 Acres for Rail-Dependent Industrial Use; Amend Comprehensive Plan; Apply I-2 Zone; Annex the 278 Acre Site Final Reading**

It being the date advertised for public hearing on the matter of Ordinance #2687-2013, the hearing was declared open. Mike Rudd, Planning Commission Chair, opened the hearing for public testimony. There were no objections to the Commission’s jurisdiction to hear the action, no abstentions, ex-parte contact, and no declarations of conflict of interest.

Larry Sullivan, City Attorney, stated after opening the December 16, 2013 Public Hearing and taking public testimony, the Council continued the Public Hearing related to this Comprehensive Plan Amendment package to January 21, 2014. As approved in the motion to continue, the January 21, 2014 public testimony would be limited to discussion of Exhibit 4, Appendix D.

On December 16, 2013 the Planning Commission and City Council continued the public hearing related to the Comprehensive Plan Amendment package as set forth in Action 2013-10-08CPAMD and Exhibit 1 (Planning Commission Staff Report). This package included a) Expansion of the Ontario Urban Growth Area (UGA) to include approximately 248 tax lot acres and 22 acres of right-of-way (Alameda Street and Island Avenue) and railroad (Oregon Eastern and Union Pacific) to meet identified rail-dependent industrial land needs; b) Assignment of an

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Industrial Comp Plan designation with a 50-acre minimum parcel size to the 248-acre industrial site to meet site suitability requirements for rail-dependent industrial users; c) Amendment of the Comp Plan (including the 2007 Urbanization Study) to update factual information, tables and policies related to targeted rail-dependent industrial users and land needs; d) Amendment of the Ontario Transportation System Plan (TSP) to designate SW 4<sup>th</sup> Street south of SW 18<sup>th</sup> Avenue as a major collector street and address and mitigate for transportation impacts from the proposed UGA expansion; e) Annexation of the rail-dependent industrial site to the City of Ontario consistent with Ontario Municipal Code, Title 10B-45-10; and assign the City Heavy Industrial (I-2) zone to the 248-acre site; and f) Annexation of four intervening tax lots (28.1 acres) and approximately 2.3 acres of SW 4<sup>th</sup> Street right-of-way between the industrial site and the existing city limits and assign Heavy Industrial (I-2) zoning to the annexed parcels.

However, property owners in the proposed annexation areas had not signed consent forms prior to the January 21, 2014 hearing date. Without annexation, the City could not assign city zoning (proposed as City Heavy Industrial – I2) to the proposed site and intervening properties. However, the proposed rail-dependent industrial site could be rezoned to county zoning (UGA Heavy Industrial – I2). Staff revised Exhibit 4 – Map 5 to show UGA Heavy Industrial zoning for the proposed expansion area, and no proposed annexation of tax lots.

After taking testimony on items not presented in the December 16, 2013 hearing (as indicated in the continuance motion, this limits testimony to the TIS for rail-industrial properties), staff recommends adoption of the proposed UGA expansion, Comprehensive Plan Amendments, and TSP amendments: a) Expansion of the Ontario Urban Growth Area (UGA) to include approximately 248 tax lot acres and 22 acres of right-of-way (Alameda Street and Island Avenue) and railroad (Oregon Eastern and Union Pacific) to meet identified rail-dependent industrial land needs; b) Assignment of an UGA Heavy Industrial Comp Plan designation/zoning district with a 50-acre minimum parcel size to the 248-acre industrial site to meet site suitability requirements for rail-dependent industrial users; c) Amendment of the Comp Plan (including the 2007 Urbanization Study) to update factual information, tables and policies related to targeted rail-dependent industrial users and land needs; and d) Amendment of the Ontario Transportation System Plan (TSP) to designate SW 4<sup>th</sup> Street south of SW 18<sup>th</sup> Avenue as a major collector street and address and mitigate for transportation impacts from the proposed UGA expansion.

Marcy Skinner, Planning Technician, stated the city had received the Traffic Study from Lancaster Engineering, and that was now incorporated into the ordinance. Staff was still gathering the Consent to Annexation forms, so that piece of this action would be conducted at a later date.

Chairman Rudd stated at the meeting on December 16, 2013, there had been a question about taxes. In response, at the Industrial Lands meeting, David Ingram indicated there would be a small charge for the change, but the taxes wouldn't change until the use changed. Also, there had been a question about the 30-foot shortage in getting to the railroad because of a road that was there. Was there a map that showed they went all the way to the railroad?

Mr. Sullivan stated it would be part of the Urban Growth Area.

Proponents: None

Opponents: None

There being no Proponent and no Opponent testimony, the Chairman declared the hearing closed.

Mike Rudd moved, seconded by Cindy McLeran, that the Planning Commission recommend that the City Council adopt Ordinance #2687-2013, based on the information, findings and facts as set forth in Action 2013-10-08CPAMD and the Planning Commission and City Council staff report, and to approve the request to rezone those properties identified in Exhibit 4-Map 5 (January 2014) to UGA Heavy Industrial. Roll call vote: Allen-out; Kanrich-yes; McCleran-yes; Smith-yes; Susman-yes; Twombly-out; Rudd-yes. Motion carried 5/0/2.

Mr. Sullivan stated the Charter required that the Title be read in full. Also, if the First Reading passed unanimously, the Council could waive the Second Reading. So, this could be adopted after the First Reading, and it would be effective 30 days after adoption or by co-adoption by the County, whichever occurred last.

Dan Jones moved, seconded by Norm Crume, that the City Council adopt Ordinance #2687-2013, AN ORDINANCE AMENDING THE ONTARIO COMPREHENSIVE PLAN, INCLUDING THE COMPREHENSIVE PLAN MAP AND TEXT, THE ONTARIO URBANIZATION STUDY, THE ONTARIO URBAN GROWTH BOUNDARY, AND THE ONTARIO TRANSPORTATION SYSTEM PLAN, based on the information, findings and facts as set forth in Action 2013-10-08CPAMD and the Planning Commission & City Council staff report, and to approve the request to rezone those properties identified in Exhibit 4-Map 5 (January 2014) to UGA Heavy Industrial, on First Reading by Title Only. Roll call vote: Crume-yes; Fox-out; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 6/0/1.

Dan Jones moved, seconded by Norm Crume, to waive the second reading on Ordinance #2687-2013, AN ORDINANCE AMENDING THE ONTARIO COMPREHENSIVE PLAN, INCLUDING THE COMPREHENSIVE PLAN MAP AND TEXT, THE ONTARIO URBANIZATION STUDY, THE ONTARIO URBAN GROWTH BOUNDARY, AND THE ONTARIO TRANSPORTATION SYSTEM PLAN. Roll call vote: Crume-yes; Fox-out; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 6/0/1.

#### **OLD BUSINESS**

##### **Tour of Ontario Bike Rally**

Jay Henry, City Manager, stated the promoters and business owners came to a satisfactory conclusion by changing the route of the race. No action by the Council necessary.

#### **NEW BUSINESS**

##### **Resolution #2014-104: Purchase Radio Repeater System**

Al Higinbotham, Fire Chief, stated the Fire Department would like to purchase radio repeater equipment that was needed to move toward 9-1-1 consolidation with Malheur County. The Request for Bid was due on January 6, 2014, and only two quotes were received out of the four requested. Staff received quotes from White Cloud Communications and Gem State Communications; however, Gem State Communications could not provide an option that offered what was needed to meet the ISO/NFPA requirements, which were required in the specifications; therefore, Gem State was eliminated from the bidding process. Cost estimates had been obtained to purchase and install a new repeater system at Fire Station #2, in the amount of \$13,080.30. There were currently no known funding sources for the replacement of this equipment.

The Fire Department currently had a radio repeater located at the water tower off of Foothill Drive. The Ontario Dispatch Center transmitted from City Hall to the repeater for fire department calls for service, including paging of all firefighters. This repeater was also used for emergency scene radio transmissions, which included the use of portable radios.

Once the dispatch center was moved to the Sheriff's Department in Vale, the repeater site on Foothill Drive would be in the shadow of Malheur Butte. This prevented clear radio and paging radio transmissions from the Malheur County Sheriff's Dispatch Center radio tower on Rhinehart Butte. Once consolidation occurred, it would be imperative that information and calls for service be given by radio transmissions, including paging and portable radio transmissions.

The fire department would like to install a new repeater system at Fire Station #2. This location was in clear line of site with Rhinehart Butte and a central location for all fire department radio transmissions. Station #2 also had emergency power available for the repeater which the Foothill site did not currently have. This location would enhance all radio transmissions and paging capabilities ensuring firefighter safety and responses.

Councilor Fugate stated until this repeater was installed, was there good communication with Vale.

Chief Higinbotham stated no, it was sketchy.

Charlotte Fugate moved, seconded by Norm Crume, that the Council adopt Resolution #2014-104: A RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF A RADIO REPEATER SYSTEM, ALLOCATING THE PURCHASE FROM EQUIPMENT REPLACEMENT CONTINGENCY FUNDING IN THE AMOUNT OF \$13,080.30. Roll call vote: Crume-yes; Fox-out; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 6/0/1.

#### **Board/Commission/Committee Appointments**

Tori Barnett, City Recorder, stated every January, there were vacancies to be filled and/or reappointments to be made for the various city Boards. The following were the vacancies and expressions of interest in serving: Airport Board - 2 Vacancies - Two letters received - Christ Droege and Jack Terry both requested reappointment; Golf Committee - 2 Vacancies - Two letters received – one new, one requesting reappointment: John Schram sought reappointment; Robert Myers sought appointment; Planning Commission - 1 Vacancy - One letter received – Craig Smith requested reappointment; Public Works Committee - 3 Vacancies - Two letters received – Bernie Babcock and Riley Hill both requested reappointment; Recreation Board - 2 Vacancies - Two letters received – one new, one reappointment. Jeremy Roberts requested reappointment; Debbie Schaffeld sought appointment; and V&C Bureau Board - 2 Vacancies - Two letters received – Doug Dean and Cheryl Cruson both sought reappointment.

Norm Crume moved, seconded by Charlotte Fugate, to appoint Chris Droege and Jack Terry to the Airport Board; John Schram and Robert Myers to the Golf Committee; Craig Smith to the Planning Commission; Bernie Babcock and Riley Hill to the Public Works Committee; Jeremy Roberts and Debbie Schaffeld to the Recreation Board; and Douglas Dean and Cheryl Cruson to the V&C Board. Expiration of terms will coincide with those established by ordinance. Roll call vote: Crume-yes; Fox-out; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 6/0/1.

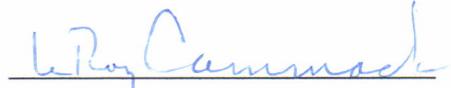
#### **CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS**

- ✓ Mayor Cammack stated he had distributed a sample City Manager evaluation form. If the Council would please review, mark up, and return to him by the end of the week, he would take the suggestions and incorporate them into one form.
- ✓ Councilor Fugate stated the Feral Cat Project had now neutered/spayed 1970 casts since inception, and she believed they'd hit over 2000 this year. The project had made a vast improvement in the community, and she thanked everyone for their work and commitment.
- ✓ Councilor Jones wished Councilor Fugate a happy birthday!
- ✓ Mike Long stated the audit presentation to the Council would be Tuesday, February 4, 2014, at 10:00 in the Council Chambers. That would be followed that evening with a full Budget Committee budget review.
- ✓ Alan Daniels thanked everyone for their aggressive work on the industrial lands expansion.

**ADJOURN**

Larry Tuttle moved, seconded by Ron Verini, that the meeting be adjourned. Roll call vote: Crume-yes; Fox-out; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 6/0/1.

**APPROVED:**



LeRoy Cammack, Mayor

**ATTEST:**



Tori Barnett, MMC, City Recorder