

**ONTARIO CITY COUNCIL MEETING MINUTES  
Monday, March 16, 2015**

The regular meeting of the Ontario City Council was called to order by Mayor Ronald Verini at 7:00 p.m. on Monday, March 16, 2015, in the Council Chambers of City Hall. Council members present were Ron Verini, Norm Crume, Tessa Winebarger, Charlotte Fugate, Thomas Jost, Larry Tuttle, and Betty Carter.

Members of staff present were Tori Barnett, Larry Sullivan, Marcy Siriwardene, Mary Domby, Kari Ott, Mark Alexander, Debbie Jeffries, Dan Shepard, and Cliff Leeper. The meeting was recorded, and copies are available at City Hall.

Larry Tuttle led everyone in the Pledge of Allegiance.

**AGENDA**

Mayor Verini stated an addition to the agenda, as a result from an earlier Executive Session, with regard to the golf course.

Charlotte Fugate moved, seconded by Norm Crume, to adopt the Agenda as amended. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

**GOLF COURSE ACTION**

Mayor Verini stated as a result of a consensus from the earlier Executive Session, he was seeking a motion to cease negotiations with TJ Gomez and to consider the Ontario Golf Course officially closed.

Norm Crume moved, seconded by Charlotte Fugate, that the City Council cease negotiations with TJ Gomez Golf, and consider the golf course closed. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-no; Carter-no; Verini-yes. Motion carried 5/2/0.

**CONSENT AGENDA**

Charlotte Fugate moved, seconded by Betty Carter, to approve Consent Agenda Item A: Minutes of the Regular Meeting of March 2, 2015; Item B: Approval of Agricultural Aircraft Loading Facility: Bain Aviation, Inc.; and Item C: Approval of the Bills.

Mayor Verini stated there was a request to speak on the Bain Aviation action. He'd like to hear from the speaker prior to taking the vote on the Consent Agenda.

*Brian Beck: I'm here to represent Beck's Spray Service. We'll be in competition with Mr. Bain. We've been out at the airport for 32 years now, and more or less wanted to come talk to you guys not about trying to keep competition off the airport, just some issues that we foresee coming. The one thing, I've been out at the airport for many, many, many years, and I wanted to ask Mr. Bain how he was going to access his load pad, the whole dust thing. Is that possible that we might find out how you're going to that? I mean, physically, how do you get your airplane from the paved taxiway to your load facility.*

*Mr. Bain: It's my intention, after surveying the area, to enter on the west side of where you guys are at, and were my facility will be at.*

Mr. Beck: *So through the jet parking.*

Mr. Bain: *Correct.*

Mr. Beck: *Okay. We were just concerned mostly, if you were going to enter from the east, 'cuz I don't know how you're going to get there if there's a jet parked on the tarmac.*

Mr. Bain: *Not from the jet parking, per se, but from the taxiway. As you look on the map, the fire department has considered it an ercoupe taxiway. From that taxiway on the north side, of the area where I'm going to set up at, I'll enter right there on that corner, or from the north side, just to the west of where my tanks are set up now.*

Mr. Beck: *Okay, so you're going to be on the east side.*

Mr. Bain: *Yes. I'm trying to stay away from you guys as much as I can. Initially, I had the thought of entering where you guys enter your pad, but there's a blast issue. Greg's got a taxiway right here, and a load pad right here, and there's a hydrant right about here. There's a light pole over here. Where I'm trying to set-up is 100 feet from this area. This area now is paved. There's a taxiway that comes off here, you've got a taxiway here, and there's grass in here. It's my intention to come in this taxiway, enter right here, and swing around. There's going to be a blast issue when I come out of here. I can come out and go this way, and turn around right here and go back. There's various ways to mitigate the issue. Does that answer your question?*

Mr. Beck: *Yes. This would be a significant issue if you were to go this way, for both you and I.*

Mr. Bain: *Exactly. I'm going to have a blast issue, too, from you guys coming back because I'm going to be right there, but I feel that I'm about 100 feet here, the airplane's going to be about 150 feet to the center of this path.*

Mr. Beck: *Okay. That answers that question. As long as it's not coming between us. That would be a significant issue. I have one more thing I'd like to raise, and that has to do with our lease agreement. We would feel that Mr. Bain should put a permanent pad in, instead of a temporary pad. If he were to put asphalt in, are you guys familiar with the big master plan everybody keeps talking about? The whole point of that was to get everybody to the south, to open that up for the jet traffic and that type of stuff. In our lease agreement, and in Mr. Bain's lease agreement, I'm going to read you one of our lease agreements, Section 10, it says "the city agrees to require, to the extent that it can legally do so, that any other individual or firm desiring to use the Ontario Municipal Airport for the commercial purposes which are in competition with the Beck's Spray Service activities, therein shall be required to furnish and provide all facilities, buildings, services, and investment acceptable to the city commiserate with those furnished by Beck's Spray Service with respect to all of Beck's Spray Service commercial operation therein, and not necessarily specified in this agreement." I'm sure the Co-Op has the same language in theirs, and I don't think that's ambiguous to a temporary load pad. We have done improvements to ours, in the 90's all the way up, with the understanding that if somebody were to come in and compete against us, they would be required to do the same stuff that we had to do. That was just one of the things we kind of wanted to bring up.*

Mayor Verini asked Mr. Sullivan how the city could move forward on this action, or could they?

Larry Sullivan, City Attorney, stated he recommended first taking the Bain Aviation contract from the Consent Agenda, and placing it under New Business. That would provide the avenue for staff to report the issues raised by Mr. Beck. It might require an amendment to the motion.

Mayor Verini agreed, and pulled the Approval of the Bain Aviation action from the Consent Agenda and placed it as the new first item on New Business.

Councilor Tuttle stated he felt it was an inadequate staff report, and that they should give staff and legal counsel an opportunity to review this before considering it again.

Mayor Verini stated that was what they planned to do.

Councilor Tuttle stated they weren't if they were just moving it on this Agenda.

Mr. Sullivan stated once it was in new business, if someone wanted to make the motion to table the action, that's where it would be done.

Charlotte Fugate moved, seconded by Betty Carter, to approve the Consent Agenda as amended. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

#### **PUBLIC COMMENT**

William Campbell, Ontario: Ladies and gentlemen, I live outside city limits by a couple steps, but my problem is generated from the airport and the golf course. We get tumbleweeds in the max, sometimes seven, eight feet overrunning my property, through my first pasture fence, my second pasture fence, and my third. I have a neighbor who has the same problem, and it goes through Baker's, Merle Maine's place, and it would be nice, I've been working on it for nine years, to try and get somebody to do something. It's almost like anarchy by the city. It would be nice if you would do something. Now Lyle [sic], your Airport Manager, did send me a letter saying that he's reviewed my letters, and he is going to try and work on the problem. That was last year. And included are this year's weeds, which were picked up last week, and this is a new batch this week. And we have better things to do with our lives than to pick up your weeds. And the fire hazard is major. If you've ever seen a tumbleweed burn, one will give you a nice flame, but a pile like that will be a ten to twelve foot flame, very quickly. Gasoline is very similar. So we'd like you to consider doing something about it. I've written letters, I've called, and I'm mad, actually.

Mayor Verini asked the City Manager if she'd seen the pictures.

Tori Barnett, Interim City Manager, stated she had not. She also indicated that she had not had any conversations with Mr. Campbell either.

Mr. Campbell stated he had written to her office, at least five letters, but he'd never had a response.

Ms. Barnett asked if he sent them to her, or the City Manager?

Mr. Campbell stated it was to the City Manager.

Ms. Barnett asked how long ago?

Mr. Campbell stated it was last spring. He hadn't started his letter writing yet this year.

Ms. Barnett informed Mr. Campbell that the city was currently in the process of dealing with the tumbleweed problem.

Mr. Campbell asked if they wanted copies of the letters.

Mayor Verini indicated that Mr. Campbell should provide Ms. Barnett copies of the letters, along with his contact information.

Aaron Varela, Boise: *I just wanted to introduce myself and my intentions to open up a recreational dispensary in this area or possibly Ontario. I know you guys are looking at certain things in regards to the medical, in terms of zoning, planning, and so forth. I met with the Planning Department, and based on some possibilities, I have some ideas in terms of where and such, and I'd like to see if you guys have any other guidance of course, once it gets a*

*little closer. Also, I know that not everybody, obviously, like what I do, or like what I want to do, but if you guys have suggestions, obviously constructive ones, just give me an idea of what they are, maybe those are things I can incorporate into his business, and try and work with you guys in that aspect. There's a couple things I wanted to quickly read to you, so you kind of have an idea. One of the FAQs on the OLCC website, the Oregon Liquor Control Commission, had to do with, basically it said "what if my city/county wants to go dry", in terms of recreational marijuana via Measure 91. The answer stated reads that Measure 91 states that local governments may not prohibit licenses in their jurisdiction, except via general elections. Measure 91 allows local governments to adopt time and place and manner of restrictions to regulate a public nuisance. So if you look on the second page, my information is there. Underneath that, is taken directly from Measure 91, so you guys have an idea. Once you have the general election vote next November, 2016, if you decide to do so, then it can't go any place until the next January of 2017. Something to keep in mind. By all means, I'd rather work with you guys. Just tell me what you want me to do or what you'd like and so forth and we'll go from there.*

#### **DEPARTMENT HEAD UPDATES**

Mark Alexander, Police Chief, in continuation with the marijuana dispensary discussions, he wanted to propose to the Council, in an informal manner. They were aware of his feelings on dispensaries, and he wanted to formally ask the Council for the consideration of a ban on medical and recreational dispensaries. This was to see where the Council was on this issue. They were going to have the LOC webinar next week, and there were going to be other cities that would be looking to challenge some of the language in the laws, but that could be something the Council wanted to table this until they knew what LOC planned to do.

Mayor Verini polled the Council on the option of a ban. Councilor Fugate was not interested in a ban. Councilor Winebarger stated her agreement with Councilor Fugate. Councilor Crume stated maybe. It would depend on what happened. He was on the fence. Councilor Jost stated no. Councilor Carter stated she wanted to give it some thought. Councilor Tuttle stated yes. Mayor Verini stated no. As they didn't seem to have a consensus either way, they'd just wait and see.

#### **OLD BUSINESS**

##### **Ordinance #2699-2015: Amend Ontario Municipal Code Section 3-2-2 by Extending the Moratorium on Medical Marijuana Facilities until August 1, 2015 (Final Reading)**

Larry Sullivan, City Attorney, presented. Only change was adding language setting the extension to August 1, 2015.

In 2014, the Oregon legislature passed Senate Bill 1531, authorizing local governments to place a one-year moratorium on the licensing of medical marijuana dispensaries within their jurisdictions. The one year moratorium would expire on May 1, 2015.

There were bills pending in the 2015 Oregon legislative session dealing with the state and local regulation of marijuana which, if passed, could affect the regulation of medical marijuana dispensaries by Oregon cities. At the work session on February 12, 2015, the consensus of the Council was to extend the moratorium through August 31, 2015. Ordinance No. 2699-2015 accomplished that. Stephanie Williams, the attorney for Malheur County, informed the City Attorney that the County would honor that moratorium in the Ontario Urban Growth Area outside the City Limits. On March 2, 2015, the Council approved the First Reading of Ordinance No. 2699-2015, amending the termination date to August 1, 2015.

Charlotte Fugate moved, seconded by Norm Crume, that the City Council approve **Ordinance No. 2699-2015, AN ORDINANCE AMENDING CITY CODE SECTION 3-20-2 BY EXTENDING THE MORATORIUM ON MEDICAL MARIJUANA FACILITIES UNTIL AUGUST 1, 2015, on Second and Final Reading by Title Only**. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-no; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 6/1/0.

**NEW BUSINESS**

**Approval of the Agricultural Aircraft Loading Facility: Bain Aviation, Inc.**

Larry Sullivan, City Attorney, stated that it was his understanding from Ms. Barnett that Mr. Bain acknowledged that the current draft of the Lease that was currently before the Council, should have language in place dealing with setting down some asphalt as part of a dust abatement.

Mr. Bain stated that over by the Life Flight area, they put in some asphalt grindings, and he was looking into a green solution like that, as opposed to a hard asphalt. The airport he had had a \$500K engine in it. That stuff flying around ate his engine, so it was in his best interest to take care of it. He was going to find a solution, so word it how it needed to work.

Mr. Sullivan stated if there was a motion to table the approval of the lease until additional language was inserted , was that going to create problems for his business?

Mr. Bain stated it had already been two months. He started with a meeting with the Planning Department, and it was now getting critical. He had to find a solution.

Mr. Sullivan stated the next meeting would be April 6<sup>th</sup>.

Mr. Bain stated that would be a problem, and he'd have to look for other solutions for his business.

Mr. Sullivan stated another suggestion would be that since the Council did not have a final draft, they could approve the Lease subject to the City Attorney's review and amendment. Under those circumstances, he'd add the language discussed, and then the City Manager would sign off.

Councilor Crume asked about Mr. Beck's issues, related to the non-permanent situation.

Mr. Sullivan stated that Ms. Barnett indicated to him that staff was familiar with that, (she had stepped out to speak with Mr. Campbell about the tumbleweed issue). She'd be able to tell them staff's position on that. Upon her return, he informed her they had been discussing the issues raised by Mr. Beck with respect to having each one of the commercial operators out there subject to the same requirements. Mr. Beck was concerned that Mr. Bain was not being subjected to the same conditions as on the other operators.

Ms. Barnett stated she was not aware of the actual date of the contract with Mr. Beck, but Mr. Bain's contract was a template of the current language, between Mr. Beck's contract date and new contract verbiage, so it was quite possible some of the language had changed over the years.

Mr. Beck stated his contract was signed in the early 90's. He was looking for a current contract.

Ms. Barnett stated the city had done some transitioning, and one of the departments was now being handled by CH2M HILL. That department was previously in charge of the airport documents. She was working with them in getting airport documents back over to the city.

Mr. Beck stated Mr. Bain's contract was similar to the same language as his, other than it didn't say Beck's Spray Service.

Ms. Barnett asked if Mr. Beck was saying there was something in Mr. Bain's contract that wasn't in his, or vice-versa?

Mr. Beck stated his contract refereed to him by name, as Beck's Spray Service.

Ms. Barnett asked if Mr. Beck would be more comfortable if where in Mr. Bain's contract is currently read "Lessee", it was changed to his actual name?

Mr. Beck stated no, he was just saying it was essentially the same wording.

Mr. Sullivan stated it was about him being held to the same requirements.

Mr. Beck stated yes, if he wanted to operate, then they needed to all be on board. They put in money for cement, and containment, as opposed to just putting out a temporary thing.

Ms. Barnett stated it was her understanding from the Airport Manager, was that the master plan indicated that, within a few years, the goal was to move the applicator businesses to a different location. Mr. Bain had met with both the PDAC, and the Airport Committee, and had been told what to do and where he would be located. He met with the appropriate groups, explained what he wanted to do, and asked where he could go, and he was told by both those groups where his location would be because within those proposed three years, the hope was to move the applicators to a new location at the airport. Staff did not feel comfortable asking someone to invest that large amount of money when the potential was there to move in a short period of time.

Mr. Beck asked why he couldn't just move over there now.

Ms. Barnett stated according to the Airport Manager, the area where they were hoping to move the applicators out to, was not ready. That was on the city, looking for funding from the FAA, or some other source, to get that ready to have those businesses located in that area. That was the reason for the allowance of the temporary action. They had signed back in the 90's, and the master plan had changed subsequent to that, but Mr. Bain coming in, the temporary gave him the opportunity move when it was time, or, if he doesn't wish to stay, he could leave after that year. That was the information she had learned as a result of both the PDAC and the Airport meetings. She understood that he had invested quite a bit of money in the 90s, and now there was someone coming in....

Mr. Beck stated he didn't mean to argue, but the area where'd they be going was all old golf course. It wasn't like it was anything but weeds before.

Ms. Barnett stated it was her understanding they were waiting to run some lines out in the area – water, etc.

Mr. Sullivan stated this wasn't a contract issue. The provision that Mr. Bain was obligating himself to follow, was the same contract provision that earlier aerial applicators had to sign. That was an issue of administration of the contract, following signature, and how staff would interpret that provision to impose that same requirement on Mr. Bain. That wasn't a Council decision as part of the contract approval. However, there could be Council direction given to staff with respect to interpretation of the contract, if the Council wanted to move forward, subject to the City Attorney's review.

Mayor Verini stated there were two issues. Approving the contract, subject to review, and secondarily was the complaint that one operator had against the other. That had to be handled internally. For the Council, it was either table it, or approval subject to the City Attorney review.

Councilor Tuttle stated it was a disagreement by Mr. Beck as to why he had to provide a certain layout for his business, and why Mr. Bain didn't. It wasn't between Mr. Bain and Mr. Beck, it was between Mr. Beck and the city. Until they resolved Mr. Bain's requirements, he wasn't comfortable approving the contract. If Mr. Bain ended up having to do more per his contract than originally anticipated, he might not want to remain.

Mayor Verini stated it was also a matter of one operator coming in on a permanent basis in the 90s, and a new operator coming in on a temporary basis, going permanent shortly. It didn't make sense for the temporary operator...

Councilor Tuttle stated they were not in agreement.

Mayor Verini asked if there was a legal problem with Mr. Bain going in on a temporary basis and not putting a permanent slab down.

Mr. Sullivan stated there wasn't a problem facing the Council. There was an issue that Mr. Bain might have to deal with if the city were to change its requirements in the way that was interpreted. That would be between Mr. Bain and staff, if Council approved the contract, and Mr. Beck, as well. First issue was if the Council approved Mr. Bain's contract; they'd go forward from that point.

Councilor Crume stated that being as Liaison to the Airport Committee, what they meant was that where the master plan had provisions for in the future to have the spray pilots in a different area, the vote of the Airport Committee was unanimous that it made no sense to have a new aerial applicator pay the investment today in a place where they'd have to move from "tomorrow". They arrived at that decision, for common sense reasons. They came up with the temporary provision to allow the gentleman to operate at a lesser expense by having a temporary containment system to get by, knowing full well that in one to three years, he'd have to pay the large investment of making the change. He'd be paying twice, and it made no sense to ask him to pay the big dollars now, and then again in a few years. It made no sense to anyone on the Committee. In listening to the discussion that evening, it still made no sense. The money to complete the area they wanted to move the applicators to would be coming from the FAA through a grant program, allocated over time. It wasn't an overnight thing. He didn't see any reason to not approve the contract, to allow Mr. Bain to operate. He understood Mr. Beck's position, but they had changes coming, that they all were aware of, and when it came, Mr. Beck would have to move to the new area, too, and it would have the cost there.

Greg Back stated he put in a pad in Parma several years ago, and it ended up running around \$25K. He paid for a sump, the concrete, and to get the water. In Weiser, they just rented a spot. They went in, drilled a well, and the cost was borne by him. If they adhered to the master plan, the city didn't have to provide all that stuff for Mr. Bain. The operators should buy that for themselves. They wouldn't have electricity, but they had generators. They'd used those for years in Weiser. He was where he was, because back in the '60s, they laid a pad and it didn't have a sump in it, so he went in there with a jack hammer, and took care of it. It was all him –no help from the city at all.

Councilor Crume stated he didn't believe the city had any intention of help out anybody. They were trying to adhere to the master plan.

Mr. Beck said fine, then why not start? The master plan was approved in 2007, but it had just been sitting there.

Councilor Crume disagreed. They had done runway extensions and redone the taxiway. It was a year-to-year thing, and it was all laid out as to what would be done, when, and how the FAA money came in. That was allocated out through JUB Engineers, who wrote the grants and brought the money. There was a timetable for this, and he believed that move would be done within three years.

Mr. Beck stated according to the 2007 master plan, everything was supposed to be accomplished by 2018. If they were worried about providing Mr. Bain water, there were two wells out there, which they'd only need to uncap.

Mr. Bain stated the water issue related to fire hydrants.

Mr. Beck stated it was going to be a long time before they built a fire hydrant on the southeast end of the airport.

Mayor Verini stated the issue before them concentrated around the pad, and that should be taken care of by staff and their interpretation of the contract.

Mr. Beck read from his contract *“Ground Lease Agreement – Allocation to operators for lease agreements will be made in accordance to the master plan layout, and the land use plan adopted by the city for the development of the airport.”*

Mr. Varelo stated if he had to spend “X” to do a permanent structure, and it cost 25% of “X” to do the temporary, have him put all of “X” into a fund, held by the city. 25% was put towards the temporary, and the other 75% would be used for the move.

Mayor Verini stated staff should be working on the communication between Mr. Beck and Mr. Bain. The Council needed to focus on the issue before them – the temporary location. The Airport Committee agreed that this could be accomplished as a temporary action.

Charlotte Fugate moved, seconded by Norm Crume, to approve the contract with Bain Aviation subject to the amendments made by the City Attorney. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-no; Tuttle-no; Carter-no; Verini-yes. Motion carried 4/3/0.

**Resolution #2015-106: Transfer Funds – Purchase Recreation Softball Equipment**

Debbie Jeffries, Recreation Manager, presented.

The Ontario Recreation Department wanted to purchase girls softball equipment to replace outdated, broken, and worn out equipment. It had been several years since this equipment was updated. Specific equipment included catcher protective gear, bats, and softballs. The Department currently had very old girls softball equipment that got repaired and pieced together every year to make it work. Softball rules required that catchers wear protective gear, which included a chest protector, leg guards, and a helmet/face mask. The bats were severely outdated, and there was the need to continually update softballs, both to meet current standards and to keep stock on hand.

The Department would like to purchase 10 dozen softballs-\$459.90, 35 sets of catchers gear-\$3,950.65, and 40 softball bats-\$1,500. Resolution #2015-106 will reduce 001-004-871000 (General Fund Contingency) by \$6,000 and increase 001-025-613500 (Supplies) by \$6,000

The Recreation Department received funds in the 2014-2015 budget from the Transient Occupancy Tax that were specifically designated for equipment and supplies needed to update the city’s recreational programs. No additional requirements to utilize the revenues were budgeted by the Recreation Department at the time the budget was approved.

Councilor Jost confirmed the equipment would cover all age groups.

Ms. Jeffries indicated that was correct.

Thomas Jost moved, seconded by Charlotte Fugate, that the City Council approve Resolution #2015-106, **A RESOLUTION AUTHORIZING THE PURCHASE OF GIRLS SOFTBALL EQUIPMENT IN THE GENERAL FUND RECREATION DEPARTMENT**, utilizing funds allocated from the TOT for such expenditures in the department’s 2014-2015 budget. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

**Resolution #2015-110: Receive/Expend ODOT Car Seat Grant**

Mark Alexander, Police Chief, presented.

On average, 90% of child safety seats in Oregon were either improper for the age of the child, installed incorrectly or under recall. Proper safety seat fitment reduced injuries and saved lives in the event of a motor vehicle crash.

The Oregon Department of Transportation provided grant funding for the purchase of child safety seats and technician training to help with this problem. The Ontario Police Department had been a recipient of that grant funding for several years. ODOT grants were designed to start in October and were operational until September of the following year. Awards were commonly given several months after the start period.

Once a month, a fitting station was conducted under the direction of the police department in order to assure that motorists had the correct child safety seat and they were being used correctly. Grant funded child safety seats were used during those fitting stations.

The police department received a \$2,500 grant during ODOT's 2013-14 grant period. It was the intent of the police department to expend all the funds and receive reimbursement during the city's FY 2013-14 budget cycle. The police department has now been awarded a \$2,500 grant for ODOT's 2014-15 grant period. It was discovered that \$234.00 from the 2013-14 grant project was billed after July 1, 2014 and therefore applied during the city's FY 2014-15 budget.

Resolution 2015-110 accomplished two things. First, it recognized expenditures and reimbursed revenue from the 2013-14 ODOT grant that had been applied to the city's FY 2014-15 budget. It also recognized expenses and revenue from ODOT's 2014-15 grant expected to be spent and reimbursed during the city's FY 2014-15 budget cycle. The Council could decline the grant award for 2014-15, but for housekeeping purposes would need to recognize the expenditures and revenue reimbursements from the ODOT 2013-14 grant. It was proposed that the grant revenues and expenditures for supplies be budgeted as an increase within the city's Grant Fund.

Councilor Jost asked if the car seat program was done in Ontario.

Chief Alexander stated yes, the training was done at Ontario City Hall.

Tessa Winebarger moved, seconded by Betty Carter, that the Council adopt **Resolution 2015-110, A RESOLUTION ACKNOWLEDGING RECEIPT OF ODOT TRAFFIC SAFETY FUNDS AND APPROPRIATING EXPENDITURES FOR CHILD PROTECTION SEATING, TECHNICIAN TRAINING AND TRAINING SUPPLIES WITHIN THE GRANT FUND.** Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

**Resolution #2015-111: Adopting Public Works Director's Report, Creating a Reimbursement District in Favor of Jeff Petry/Anchor Mini Storage for Installation of Sanitary Sewer and Storm Sewer Improvements on SE 5<sup>th</sup> Avenue, and Setting a Public Hearing Date**

Dan Shepard, Engineering Technician, CH2M HILL, presented.

In 2011, Jeff Petry, developer and Anchor Mini Storage owner, approached the City of Ontario regarding building a storage rental business located on the south side of SE 5<sup>th</sup> Avenue. As there was no sanitary sewer or storm sewer along this portion of SE 5<sup>th</sup> Avenue, he was required to bring the utilities to the edge of his property and form a Reimbursement District to seek reimbursement from the benefitting properties.

Jeff Petry currently owns Anchor Mini Storage, a storage rental business located on the south side of SE 5<sup>th</sup> Avenue. Mr. Petry developed Anchor Mini Storage in 2011 and installed public utilities which serviced both his property and four adjacent properties [18s47e 10D001 TL 1305 (H2MK, LLC); 18s47e 10D001 TL 1310 (H2MK, LLC); 18s47e 10D001 TL 1302 (H2MK, LLC); and 18s47e 10AC TL 100 (3DY, LLC)]. Mr. Petry would like to be reimbursed for the portion of the utilities used by his neighbors, and to do so, a Reimbursement District must be formed.

Establishing a resolution accepting the Director's Report regarding the proposed Reimbursement District, and setting a public hearing date, were the next steps in the creation of a Reimbursement District in favor of Jeff Petry for installation of sanitary sewer and storm sewer improvements on SE 5<sup>th</sup> Avenue. The Director's Report identified the location, costs of construction, costs of individual assessments, and various other items required to create a reimbursement district.

The City Council could choose to deny formation of a Reimbursement District, putting the entire cost of improvement on the developer, Mr. Petry.

Mr. Petry's cost of improvements totaled \$75,779.00. According to the Ontario Municipal Code, there was no reimbursement for design engineering, financing costs, permits or fees, land, or easements dedicated by the developer. The cost proposed to reimburse was \$44,712.01, which was the balance of \$75,779.00 less the improvements along Mr. Petry's property and a portion of the total construction engineering costs.

Betty Carter moved, seconded by Larry Tuttle, that the City Council adopt **Resolution 2015-111, A RESOLUTION ADOPTING THE PUBLIC WORKS DIRECTOR'S REPORT FOR A REIMBURSEMENT DISTRICT IN FAVOR OF JEFF PETRY/ANCHOR MINI-STORAGE FOR INSTALLATION OF SANITARY SEWER AND STORM SEWER IMPROVEMENTS AND ALLOCATING THE COSTS ON A LINEAR FOOT FRONTAGE BASIS AND SETTING A PUBLIC HEARING**. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

**Request to Proceed: Youth Related Public Safety Award Program and Community Enhancement Award Program**

Mark Alexander, Police Chief, presented.

The Police Department would like to propose community award programs for youth related public safety accomplishments and community enhancement improvements.

There were non-profit entities in Ontario who did incredible work at helping make the city safe and to reduce juvenile crime. The dividends those groups provided were of great benefit to both the police department and the city. Their work should be recognized and supported.

Police staff was requesting an annual monetary grant or award to those with proven results in helping reduce juvenile crime. The award would help further their operations and serve as a way to be recognized by the city.

Staff proposed entities submit a simple application indicating their work and results for a specified timeframe. Applications would be reviewed and awarded by the Ontario Public Safety Board. Further, staff believed funding for this program should come from the Public Safety Reserve Fund as opposed to General Fund tax dollars.

The department would also like to propose a community enhancement award program to groups or entities who made a substantial improvement to a property or location within the City of Ontario. Groups who could show they made the improvements through donated time and materials would be eligible for the annual award.

Guidelines for the program would be set by Council. Considerations could include the amount of investment put into a project, both in number of hours and the overall benefit to the city. The goal would be to have various entities or groups competing and improving several properties within the city on a yearly basis. The award would be minimal compared to the return on the investment.

It was being proposed the funding for this project come from Economic Development funds or the Public Safety Reserve Fund. It was believed they could tie property improvement to crime prevention, which lead to more economic development. Proposal for the project would not exceed \$5,000/year unless the Council felt differently.

Mayor Verini stated at the work session, it had been proposed that it be a yearly award, so if the Council elected to move forward on this action, whoever made the motion would need to include that wording. He believed this was a tremendous asset to the community.

Councilor Tuttle stated he had reservations about spending tax dollars on public awards; how would that be justified?

Chief Alexander explained his proposal was that the funds come from the Public Safety Fund because youth were tied to that. It was funded through the TOT, not General Fund dollars.

Councilor Tuttle agreed, but that still offset funds from somewhere else. Also, he didn't like that every time someone came around they picked out of the Safety Reserve Fund. His idea, when that Fund was established, was in the hope that they would accumulate enough money...for instance, when Chief Alexander presented to the Budget Committee last year and asked for two police cars, it was cut from his budget. But, if they accumulated enough money, when they were in that type of situation, the money was there to spend on law enforcement. He didn't think that was the place to take the funds. He had reservations about spending tax dollars for public awards. He saw nothing wrong with plaques and commendations, etc., but to spend \$5,000 for that, he didn't think that was right.

Mr. Sullivan verified that the Chief would appear before Council again with guidelines. Could he wait until those were determined before designating where the funds would be taken from?

Chief Alexander stated he was looking for ways for the city to show support for the youth, and secondarily, he was always looking for ways to improve the city. These were just two ideas he had. Maybe the expenditure would better fit in another line, maybe Economic Development. This was all preliminary. Also, the \$5,000 was just a number – nothing was set. He could move forward on the guidelines if the Council just gave him the go ahead. He didn't need an actual vote by the Council.

Mayor Verini thought that it would be great for the community and supported it. The \$5,000 wasn't excessive, and it could be pieced out over the year, not all for one project.

Councilor Crume thought it was a great idea, and believed the Public Safety Fund was good for that, but not Economic Development.

Chief Alexander stated he mentioned it as an option because cleaning up the city ultimately helped reduce crime.

Councilor Crume stated he was in favor of this project, conceptually, but wasn't sure about where the funding would come from.

Mayor Verini stated where the money came from wasn't as important as determining if they wanted to support the project, and direct the Chief to move forward. That had to be decided by Council first.

Mayor Verini asked for Council consensus: Fugate-sure; Winebarger-definitely; Crume-yes; Verini-yes; Jost-yes; Carter-yes; Tuttle-said yes, but held back until he was able to review the guidelines. He agreed with the rhetoric, and had nothing against it. The Boys & Girls Club was a great thing and an asset to this community, and non-profits did good things. But, he wasn't sure that if they went out and did these projects that they needed to be rewarded with cash. He agreed to pursue it, to see where they landed.

**Oregon Child Development Coalition Storm Sewer Easement/Release of Easement Agreement**

Dan Shepard, Engineering Technician, CH2M HILL, presented.

The Oregon Child Development Coalition (OCDC), located at 482 SE 3<sup>rd</sup> Street, would like to construct some additional classrooms at their facility; however, existing utility easements over the vacated street and alley rights of way limited their ability to locate those buildings. OCDC requested that the city relinquish these easements and accept smaller easements that covered a storm sewer main on their property. On September 6, 1949, the Council passed Right of Way Vacation Ordinance No. 1012.

The OCDC operated out of the former Lindbergh Elementary School building. To accommodate construction of the school right of way for portions of SE 4<sup>th</sup> Avenue and SE 4<sup>th</sup> Street, an alley were vacated (Ordinance #1012). City utilities, water, sanitary and storm sewer were left in place and a blanket easement was kept covering the vacated right of ways. Buildings were allowed to be constructed over the water main and sanitary sewer main. Both of those had since been rerouted back to the right of way. The storm sewer was not built over and was allowed to

remain in place inside the blanket easement. Where the street right of way was vacated, the easements that remained were 80-foot wide. OCDC would like to construct some additional class rooms on their site, but were limited in their location because Ontario Municipal Code prevented them from being in the easements.

The 80-foot wide easement restricted OCDC from using their lot. The storm sewer main could be adequately covered in an easement that was 20-foot wide, being ten-foot on each side of the main. The process to achieve this was for the city to relinquish its blanket easement on the original 80-foot easement and to have OCDC dedicate a new 20-foot wide easement. The alley in Block 88 would be vacated. This location was under part of the OCDC building where the water and sanitary sewer mains were. The vacation of this portion of the easement would not have an effect on any other utility. It would allow OCDC space to locate their new classrooms on site.

Councilor Tuttle asked if a PDAC had been held. Was the parking addressed?

Mr. Shepard stated yes, a few years ago. He believed the parking would have been, but he didn't recall right off hand.

Councilor Tuttle stated there were a tremendous amount of cars at that location. That would be a concern of his, but had no objection to the proposed action. He assumed they wouldn't be relying on a two-year old PDAC.

Mr. Shepard stated he hoped for a new PDAC, as there had been staff changes among other things. OCDC hadn't submitted a request for a permit yet, so he believed it warranted another PDAC.

Norm Crume moved, seconded by Betty Carter, that the Mayor and Council relinquish its easements detailed in Exhibit A of the attachment [to the action], and accept the easement detailed in Exhibit C of the attachment [to the action]. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

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

- Mayor Verini stated at the Chamber of Commerce Forum, it was presented to him that the Snake River Region SCCA, the Boise area Auto Cross, had been doing autocross events for a number of years, at the Expo Idaho and at Mountain Home Municipal Airport. The MHMA was going through some construction, so the Autocross group wanted to move their event from MHMA to Ontario's airport. The request was to meet with the Airport Manager, the FBO, and some representatives of the Airport Committee, through KSRV [sponsor] to put this together for our city. This was not a race, but an event of skill. Was the Council interested in pursuing this? Consensus to move forward.

**ADJOURN**

Norm Crume moved, seconded by Ron Verini, that the meeting be adjourned. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

**APPROVED:**



Ronald Verini, Mayor

**ATTEST:**



Tori Barnett, MMC, City Recorder