

**ONTARIO CITY COUNCIL MEETING MINUTES
Monday, March 17, 2014**

The meeting of the Ontario City Council was called to order by Mayor LeRoy Cammack at 7:00 p.m. on Monday, March 17, 2014, in the Council Chambers of City Hall. Council members present were LeRoy Cammack, Norm Crume, Jackson Fox, Charlotte Fugate, Dan Jones, Larry Tuttle, and Ron Verini.

Members of staff present were Jay Henry, Tori Barnett, Larry Sullivan, Alan Daniels, Bob Walker, Jay Hysell, Kari Ott, Cara Wilber, Mary Dombay, and Mark Alexander. The meeting was recorded, and copies are available at City Hall.

Larry Tuttle led everyone in the Pledge of Allegiance.

AGENDA

Ron Verini moved, seconded by Jackson Fox, to adopt the Agenda as presented. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

CONSENT AGENDA

Norm Crume recused himself from voting as his business had an invoice on the bills.

Jackson Fox moved, seconded by Ron Verini, to approve Consent Agenda Item A: Minutes of the Council Meeting of February 18, 2014; Item B: Minutes of the Council Meeting of February 27, 2014; and Item C: Approval of the Bills. Roll call vote: Crume-recuse; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 6/0/0/1.

PUBLIC COMMENT

Flora Gibbs, Ontario: *I am here, to just hopefully kind of see tonight, I do know that you folks are considering the banning of the medical marijuana facilities in Ontario, Oregon. And I understand all that, and I do appreciate you guys at least are looking into it and checking it out. I do not know if any of you have even seen the Bill, seen the rules and regulations, looked at it or even read it. If not, I did bring a copy for you folks to have, so that you can see what it all entails. The reason why I am here is because I would like open a medical marijuana facility here in Ontario, Oregon, in the city limits. I plan to do it correctly, and by the law. Every dot, every T will be crossed. I have a landlord, two landlords actually, who are willing to back me up and rent me a space next to the business where I have a business at now here in Ontario, Oregon, at the East Lane Plaza. I have been researching, I have been watching, since 2010, since this has all gone into effect. I see where your concerns are, and I appreciate that, and I have a lot of the same concerns that you folks do. I worry about whether or not this is a joke – I don't believe it is. I believe that this is medication that patients here in Malheur County, in Ontario, Oregon, need. I do believe they need a safe passage, one that is going to be done correctly and by the book. I have a lawyer, Mr. Paul Looney[?], who has been guiding me and showing me and making sure that I do follow the rules and regulations and make sure that everything is in order the way it should be. I have also had people from Colorado, who own businesses up there that are facilities. I know that Colorado is different. I know that Washington is different. I know that Ontario is different, and Malheur County is different. We have done everything to make sure we do it correctly. That's why it's taken us a little bit longer. From what I can see, there is revenue to be made here for our town and our community, which we greatly, greatly need; for example, the swimming pool and our golf course. There are also children in this community that could use a little help. I believe that we can do that, if we do it together as a community. I also believe that if we stick together as a community and give us a chance to make sure this is done correctly, we will be successful. I also have the concern about the Idaho residents who do own medical marijuana*

cards. I have talked to my lawyer about this, and as an owner of a facility, we are able to limit those patients, because in Idaho it is not legal at all, so do know that concern and we are addressing that concern. My other thing is, I would just really like you guys to really thing about it. Look over the rules and regulations that have been put in place. It's going to cost me about \$50,000 to \$60,000 just to make sure that everything is in order and in place before I can even open and even then, the authority must come in and check everything out before I can be allowed to be open. As another step, I would like to open and before I do, invite the City Council, invite Chief Alexander, and also Mr. Breidenbach from the Chamber of Commerce, so that you folks can see that this is going to be run correctly, professionally, and totally up to par. That's all I have tonight.

Joe Recla, Ontario: I've known Flora for over 25 years, and when her and Chuck came to me and my partner wanting to rent a space to open The Happy Hippy, based on our relationship and what I knew of them, I let them open the store. They have paid their rent on time for over five years, and if you rent space, that's golden. They have done everything that the lease requires of them. They've dotted their I's and crossed their T's. They've been good neighbors. A year or so ago, they came and asked my partner and I about opening a medical marijuana dispensary. Based on our relationship and what I've seen them do in the past, we said we would allow them to do that in our center. They have made application to the state; they've been approved to open a medical marijuana dispensary and we support them in that. Now, I've looked on the Oregon Liquor Commission Control Board website, and Ontario has 50 liquor licenses. There are 90 liquor licenses in Malheur County. I know it's a big county, so we wouldn't want people to go a long way to be able to purchase their liquor; however, if the City of Ontario goes forward and bans a dispensary, since Malheur County has, the closest place that we are aware of that they would be able to go to get medical marijuana, would be Bend, Oregon, 260 miles, great inconvenience. Because the city has the capacity to ban medical marijuana dispensaries doesn't necessarily mean that they have to. What I'm asking is that you take a long, serious look at the issues that will be around it, and know that these people, the Gibbs, will do it according to the law, and I trust them in that. That's all I have. Thank you.

NEW BUSINESS

ICB Account Signatures

Mary Domby, Assistant Finance Director, stated the city needed to make changes to the signatories on the ICB bank accounts. Currently they were Michael Long, Dan Jones, and Jay Henry. Financial Policy stated that the Mayor or City Manager and the Finance Director shall be the authorized signors on the bank accounts, and the bank requires minutes of a meeting stating approval of the changes to signatories. On July 1, 2013, the Council approved adding Council President Dan Jones to have signing authority while the Mayor's position was vacant. Staff was recommending the replacement of Dan Jones and Mike Long with LeRoy Cammack, Mayor, and Mary Domby, Assistant Finance Director, as signatories on the ICB accounts.

Charlotte Fugate moved, seconded by Jackson Fox, that the City Council approve the removal of Dan Jones and Michael (Mike) Long from the ICB banking accounts, replacing them with LeRoy Cammack and Mary Domby as signatories for the city. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

Resolution #2014-108: Authorizing the Emergency Repairs to the Storm Drainage Mainline

Kari Ott, CPA, Finance Department, stated this resolution was to transfer \$30,000 from the Sewer Fund to the Storm Sewer Fund to cover the necessary emergency repairs to the storm drainage mainline. On February 27, 2014, the Council approved these expenditures at the work session, following the report presented by Public Works. This proposed resolution would reduce the Sewer Fund contingency by \$30,000 and increase the Storm Sewer Fund by \$30,000 to cover the expense of these repairs.

Jackson Fox moved, seconded by Norm Crume that the City Council adopt Resolution #2014-108, A RESOLUTION AUTHORIZING THE EMERGENCY REPAIRS TO THE STORM DRAINAGE MAINLINE. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

Resolution #2014-109: Designating Hearings Officer for Certain Land Use Planning Matters

Larry Sullivan, City Attorney, stated City Code Sections 10B-1-20 and 10B-04-05 required that certain land use proceedings be conducted by a Hearings Officer. Section 10B-1-25 authorized the Hearings Officer to make the final decision in the following land use actions: conditional uses; variances; temporary use permits; non-conforming use exceptions; development permits; partitions; and subdivisions. The Hearings Officer's decisions on these matters were subject to appeal to the Planning Commission.

City Code required the Hearings Officer to be designated by resolution of the City Council; however, the Council had never formally done so. Generally, the city hired a Hearings Officer as an independent contractor. Mike Pratt had been used in the past. An alternative would be to use a member of city staff to act as Hearings Officer. Typically that would be the person designated as the city's Planning Official or Planning Director (the City Code used both titles interchangeably). This was what most Oregon cities did. In some cases under the City Code, no formal hearing was required before the Hearings Officer made an administrative decision. The Code authorized the Hearings Officer to make administrative decisions based upon the materials submitted by the applicant, subject to appeal to the Planning Commission.

The city currently had a contract with Dan Cummings to act as the city's local Planning Official. If the Council adopted Resolution #2014-109, Dan Cummings, as Planning Official, would also act as Hearings Officer unless he had a conflict or was otherwise disqualified. In that case, Resolution #2014-109 authorized the City Manager to select a Hearings Officer for a particular case, with the consent of the City Council. Unless the Council designated an alternate Hearings Officer, the Planning Commission would have to make the final decision.

Ron Verini moved, seconded by Charlotte Fugate, that the City Council adopt Resolution #2014-109, A RESOLUTION DESIGNATING A HEARINGS OFFICER FOR CERTAIN LAND USE PLANNING MATTERS. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

Resolution #2014-111: Requesting a Change in the Boundary of the Malheur County Enterprise Zone

Alan Daniels, Public Works Director, stated in 2010, the County of Malheur, the City of Ontario, the City of Vale, and the City of Nyssa successfully applied for an enterprise zone, which was designated as the Malheur County Enterprise Zone by the Director of the Oregon Economic and Community Development Department. The designation of an enterprise zone did not grant or imply permission to develop land within the zone without complying with all prevailing zoning, regulatory and permitting processes and restrictions of any and all local jurisdictions, nor did it indicate any public intent to modify those processes or restrictions, unless otherwise in agreement with applicable comprehensive land use plans. This Enterprise Zone and the tax exemption that it offered for new investments in plant and equipment by eligible business firms were critical elements of local efforts to increase employment opportunities, to raise local incomes, to attract investments by new and existing businesses and to secure and diversify the local economic base.

Officials of the County of Malheur, the City of Ontario, the City of Vale, and the City of Nyssa were requesting a change in the boundary of the Malheur County Enterprise Zone that would add a particular dedicated area. Public notice of the change in the boundary of the enterprise zone appeared in the Argus Observer newspaper and a public meeting was held by Malheur County on March 12, 2014, in conjunction with the adoption of the resolution, to hear the response of the citizenry to the proposed change in the Malheur County Enterprise Zone requested herein. No written or oral testimony from the public was made, and special notification was sent to affected taxing districts about the Malheur County Enterprise Zone expansion at least 21 days prior to the hearing on March 12, 2014. The change in the boundary of the Malheur County Enterprise Zone would allow the property to be eligible for certain tax benefits, which might be necessary to attract large businesses to the local area.

Norm Crume moved, seconded by Charlotte Fugate, that the City Council adopt Resolution #2014-111, A RESOLUTION REQUESTING A CHANGE IN THE BOUNDARY OF THE MALHEUR COUNTY ENTERPRISE ZONE. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

Ordinance #2688-2014: Amend OMC 6-1 Relating to Discharge of Weapons (1st Reading)

Mark Alexander, Police Chief, stated the Police Department would like to amend the Ontario Code relating to discharge of weapons in order to allow for rodent control on city properties. Currently, Ontario Municipal Code Title 6, Chapter 1 prohibited the discharge of pellet or BB guns within the City Limits.

The Ontario Golf Course suffered extensive damage from ground squirrels and efforts to reduce rodent numbers have been unsuccessful. Common to this area was shooting of ground squirrels for rodent control. BB or pellet guns could be a safe and effective way of control. Golf course management also believed there could be revenue opportunities by allowing for such rodent control.

Ordinance #2688-2014 provided a waiver process to discharge BB or pellet guns on city property for rodent control. The city could have the option to impose conditions such as time period, specific location, requirements for notice of the activity occurring, oversight required for those discharging, reporting of activity and disposal of such animals once destroyed. He would meet with the golf course Concessionaire to amend the contract to release the city from liability, property damage, or injury while exercising this ordinance.

Councilor Tuttle stated if they would require a change in the contract, for liability purposes, shouldn't that be included in the ordinance?

Mr. Sullivan stated first, for this ordinance to be drafted, it would have to be requested by the City Manager, then to the Police Chief, and that wasn't going to happen until that contract had been modified. Then it would come back to the Council for approval of the contract modification.

Larry Tuttle moved, seconded by Jackson Fox, that the City Council adopt Ordinance #2688-2014, AN ORDINANCE AMENDING ONTARIO MUNICIPAL CODE TITLE 6, CHAPTER 1, SECTION 21, relating to weapon offenses, on First Reading by Title Only. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

CH2MHill Proposal for Public Works Operations

Alan Daniels, Public Works Director, stated the city went out for a Request for Qualifications for operations for Public Works, and had received only one response, that being CH2MHill. They had been in town last week, taking a tour of operations. Their request was that Council discuss it, and determine if the Council would like to give a scope and price with their operations. It was the Council's decision on how much, if any, they wanted CH2MHill to come back with a price on.

Mayor Cammack stated he had been impressed with the presentation of CH2MHill last week. The Council needed to decide the next step. Some options would be to say the city was okay as it was, and they didn't need to go with CH2MHill, or they could decide to ask CH2MHill to go to the next step with the city, which would be getting financial information from them that the Council could analyze to see how it would fit current operations, to see if it would be the right thing to do. Third, decide what would be encompassed in that step, if they went that direction. That could be a number of things. They started out this process being interested in their expertise in water and wastewater treatment, but they also had expertise in all Public Works areas. The Council could elect to look at any, or all, or any combination of those and ask for their quotes on what the charge would be.

Councilor Fox stated he was interested in looking into all aspects.

Councilor Jones stated since the City Manager asked for an RFQ on the full Public Works, and based on the quality of CH2MHill's presentation, they needed to move forward quickly and look at the entire Public Works operation, and then have CH2MHill propose the operation, with a breakout in that proposal of water, wastewater, and all other divisions, including streets, parks, and cemeteries. The Council could then analyze the entire project and move forward. They also needed to include a time line, and ensure that staff was instructed to work with CH2MHill.

Mr. Henry stated his recommendation would be that they were here now; they were mobilized to look at it and provide a quote on the overall operations. He would like to see the quote broken down departmentally, and not tie the city into anything, allowing the rejection by the Council of any or all of the proposals or sub-proposals.

Councilor Verini stated it made sense to look at the total picture, which would provide economies of scale, with the breakdown of individual units, such as water, wastewater, etc. Taking on the entire picture would be cheaper for CH2MHill, than operating only pieces.

Councilor Crume asked if that could be done. The Council wanted prices for all the Public Works departments, and then cut it up, if necessary.

Mike Moon, CH2MHill Regional Manager, stated they should be able to do that.

Councilor Fugate asked if, when they received the reports from CH2MHill, would the Council have a budget to compare it to, what the costs were now?

Mayor Cammack stated they had last year's budget, and this year's budget as to where they were right now, and the new budget was being developed. There would be numbers for comparing.

Mr. Moon stated it would take five to six weeks to complete the project, with due diligence and scale of economy. It was correct that the more pieces CH2MHill had, it would be less expensive for the city. Regarding Councilor Fugate's question, they were basing off the 2013 city's budget, looking and comparing to that, and looking at where they would be in 2014, best guess, moving forward.

Mayor Cammack asked if they would be okay with May 1st?

Mr. Moon stated it would be tight, but he would request that date.

Councilor Fugate wanted it on record that her daughter works for CH2MHill in Boise.

Jackson Fox moved, seconded by Dan Jones, that the City Council direct the labor attorney to provide proper notice to the city's unions, March 18th, concerning CH2MHill's proposed operations as we proceed with the financial details with CH2MHill, by May 1, 2014. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0. *(Council okay with using Steven Schuback).*

Mayor Cammack reiterated that this was a long way from a done-deal. It was something they were looking at, they were cognizant of some apprehension about this, and they were going to help and work through it. If they moved forward with it, they'd make it work.

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

****Councilor Jones stated he had heard rumblings that the City Manager was moving his office, was that true?**

Mr. Henry stated they had been thinking about moving down to the end of the hall where he would have room for meetings. Many times the Council Chambers were used, and couldn't be used for department head meetings. This way, they could hold the meetings in his office. It was not as nice, but it was larger.

Councilor Jones suggested holding off on that until the City Manager's review.

Council consensus to hold off on the move.

**Mayor Cammack reminded everyone that the visitors from Osakasayama, Japan, would be at City Hall on Wednesday. There would be five high school students on the trip this year.

**Councilor Fox stated the Public Works Director had provided him with some hours on the tree removal and replanting on Verde Drive, but what he had asked for was the cost accounting – there were no money figures provided.

Alan Daniels stated he would get that to Councilor Fox, in the next few days.

** Councilor Fox stated he believed the Council should proceed with the City Manager evaluation process. He saw no reason to hold an executive session over it. He was willing to say anything he had to say about it in public. He'd like to hear what the Council thought. Mr. Henry had asked for an open session.

Council consensus to move forward on the evaluation process.

**Councilor Verini read a statement into the record: *I feel it is appropriate to call to your attention that the murder that has occurred in the parking lot of our hospital should be an awakening of sorts to the challenges that our first responders have in this community. It is imperative that we, as a community, step up and look closer at how many officers are on the beat. Do we need a gang officer? Captain? And when the results of our evaluation for our first responders come in, do we attempt to implement the recommendations as needed? We need to support our Police Chief and his men, as I know they are some of the best in the nation and with the right tools and manpower they might be able to be more proactive. Our community needs to also look, very hard, at the fact with the 9-1-1 consolidations to Vale, our City Hall is no longer manned at night to open its doors for those seeking help. It is great hope that the phone that is picked up at City Hall and answered at the 9-1-1- Center in Vale will provide the help for the person here, in time. It is also important to understand that it is not only the reaction of crimes like these that we have to address. We, as a community, need to understand that our aquatic center, Boys & Girls Club, golf course, playgrounds, parks, ball fields, Poverty to Prosperity programs, Fish and/or Shop With a Cop, our schools, including TVCC, and the many other functions for our youth and adults are vital to curb crime in our community. Your involvement in local government and local community efforts will make a difference. Do not expect any one group, such as the City Council alone, to make this city safer. It takes you and your neighbors.*

EXECUTIVE SESSION

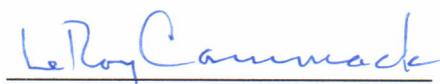
Executive Session: ORS 192.660(2)(h)

An executive session was called at 7:44 p.m. under provisions of ORS 192.660(2)(h) regarding pending or potential litigation. The Council reconvened into regular session at 8:39 p.m. No action as a result of the executive session.

ADJOURN

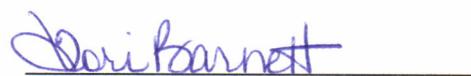
Ron Verini moved, seconded by Larry Tuttle, that the meeting be adjourned. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

APPROVED:



LeRoy Cammack, Mayor

ATTEST:



Tori Barnett, MMC, City Recorder