

**ONTARIO CITY COUNCIL MEETING MINUTES  
Tuesday, April 21, 2015**

The regular meeting of the Ontario City Council was called to order by Mayor Ronald Verini at 7:00 p.m. on Tuesday, April 21, 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, Debbie Jeffries, Kari Ott, Mark Alexander, and Cliff Leeper. The meeting was recorded, and copies are available at City Hall.

Tessa Winebarger led everyone in the Pledge of Allegiance.

**AGENDA**

Mayor Verini informed every one of the addition of an Executive Session to the Agenda, under ORS 192.660(2)(e), dealing with Real Property.

Charlotte Fugate moved, seconded by Betty Carter, 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.

**CONSENT AGENDA**

Norm Crume moved, seconded by Charlotte Fugate, to approve Consent Agenda Item A: Minutes of the Regular Meeting of April 6, 2015; and Item B: Approval of the Bills. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

**PUBLIC COMMENT**

Judith Kirby, Ontario, did not approve of medical marijuana facilities. She supported limiting areas for facilities through zoning restrictions and only having grow sites in agricultural zones to decrease cost of public safety.

Rona Lindsey, La Grande, was in support of the medical marijuana dispensaries. She gave a handout to the City Council.

Charlotte Fugate asked if the price was set by the Legislature.

Ms. Lindsey stated the prices were set by growers. It was only tested in dispensaries, not out on the street.

Aaron Varela, Ontario, voiced his opposition to the proposed business license [sic] ordinance.

Dustin Millard, Ontario, wanted to create an industry where there hasn't been one before, and therefore supported medical marijuana facilities.

Kendra Segali, owned Oregon Alternative Medicine located on South Oregon Street, and did not believe the city should limit dispensaries.

Dustin, Graybeal, Oregon Alternative Medicine, questioned how many children used Moore Park, as it was protected by a buffer zone. He asked because he supported the medical marijuana facilities.

Flora Gibbs, Ontario, was the owner of The Happy Hippy in Ontario. They had held a 420 event, and thanked the city for those police officers who were (owner of Happy Hippy), had a 420 sale event and thanked those police officers who came by. She was in support of medical marijuana facilities.

Scott and Diane Matthews, Emmett, provided the Council with handouts with OMMP information. It read that that a facility could not be located at the same address of a grow site, NOT a tax lot, it could not have adjoining doors. He thought that the Industrial Zone would work great for marijuana facilities, but he was opposed to taxing the marijuana.

### **OLD BUSINESS**

#### **Ordinance #2700-2015: Establish OMC 22-3 -MM Facilities Business License (2<sup>nd</sup> Reading)**

Larry Sullivan, many changes were made.

Regarding proposed Ordinance No. 2700-2015, the following changes had been made subsequent to the first reading, along with data from the draft presented at the work session on April 16, 2015:

1) Section 3-12-2(A) was changed based upon the consensus reached by the Council members at the work session on April 16, 2015. Section 3-12-2(A) now provided that the only zone in which a medical marijuana facility could be located was in the C-2-H zone.

2) A new subsection (C) was added to Section 3-12-2 to address an ambiguity in the earlier draft. This change appeared in the draft reviewed by the Council at the April 16, 2015, work session. The ordinance required a medical marijuana facility to renew its license every year. If such a facility was properly located when its license was originally issued, new subsection (C) clarified that if a school or child care facility moved within 1000 feet of the medical marijuana facility, that would not disqualify it from getting its license renewed. Section 3-12-2 read as follows:

*(C) Changes in Distances. If a medical marijuana facility complies with the distance restrictions set forth in Section 3-2-12(B) at the time of its initial license application, subsequent changes in use of other structures in the area (the establishment of a new school or child care facility, for example) shall not cause a medical marijuana facility to become noncompliant with Section 3-2-12(B).*

3) As discussed in the Council work session on April 16, 2015, Section 3-22-12(B) 1. was changed to specify that the 1,000 foot location restriction applied only to a career school "attended primarily by minors".

4) Section 3-22-4(A) set out the information that must be provided in a license application, and Section 3-22-4(B) required the applicant to keep that information current even after an initial or renewal application was approved. The ordinance did not specify whether the City charged a fee for doing a background check on a new employee or volunteer who was not named in an earlier application. To address this, the following new sentence was added to Section 3-22-6: "If at any time the facility employs a new employee or volunteer not named in the last application, the facility shall pay the City a new fee of \$220 to screen that individual."

5) Typographical errors dealing with Section numbers were corrected from the draft in the first reading. At several points in the earlier draft, the Section numbers were misidentified 3-2-11 and 3-2-12, instead of 3-22-11 and 3-22-12, respectively.

Councilor Crume commented that changes would have to be made and wanted to know the steps.

Mr. Sullivan stated that changes could be made in the ordinance, and any amendments would be drafted and voted on in one to two meetings.

Charlotte Fugate moved, seconded by Tessa Winebarger, to I move the City Council adopt **Ordinance No. 2700-2015, AN ORDINANCE ADDING CHAPTER 22 OF TITLE 3 TO THE ONTARIO CITY CODE TO ESTABLISH A BUSINESS LICENSE FOR MEDICAL MARIJUANA FACILITIES, AND DECLARING AN EMERGENCY, on second reading by title only.** Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

### **NEW BUSINESS**

#### **Resolution #2015-114: Txf Funds for Recreation Purchases/Building Improvements**

Debbie Jeffries, Recreation Manager, presented.

The Ontario Recreation Department was asking for authority to purchase Turface field dirt for placement on both the Treasure Valley Community College and Ontario Middle School ball fields. This cost would be divided between the Recreation Department and Ontario High School. The TVCC dirt was in partnership with the use by the high school for the girls' softball program, and the city needed to do their share for maintenance and upkeep of the fields. The middle school dirt was in conjunction with an ongoing project with the Ontario Recreation Board. The Youth Tackle Football jerseys were old and falling apart, and simply need replacement. The Ontario Recreation Center needed to be painted internally, a few dividing walls erected, and some miscellaneous office items needed purchasing or replacement, including a new commode, office chairs, and an entrance mat.

The Recreation Department used the fields at TVCC for recreational games, and needs to contribute to the upkeep of the facility. The Recreation Center and Office has not been painted since initially constructed and was desperate need of repainting. Also, as this building was not initially designed with an office, two new walls needed to be constructed, which would include electrical outlets and networking conduits. These walls would provide a more professional appearance, while adding safety for customers, in that it would eliminate the ability for unescorted individuals from entering the storage and equipment areas. The football jerseys needed to be replaced due to normal wear and tear. She'd also like to purchase new pickleball equipment, something added this year to their list of recreational programs.

The Recreation Department received \$30K in the 2014-2015 budget from the Transient Occupancy Tax, specifically designated for supplies needed to update the city's recreational programs. Of the funds originally provided, \$6,000 had been expended for softball equipment.

The division of funds in this request would be for Turface for TVCC \$1,401; Turface for Ontario Recreation Board project \$1,000; Walls, w/electrical outlets \$3,600; Network Supplies \$1,500; Toilet \$250; Interior Paint \$2,760; Refrigerator \$500; Office furniture, white board, shelving, cabinet, miscellaneous office supplies \$5,000; Tackle Football Jerseys \$ 2,800; and Pickleball Equipment \$500. This request would reduce 001-004-871000 (*General Fund Contingency*) by \$19,311 and increase 001-025-613500 (*Supplies*) by \$19,311.

Councilor Jost asked if CH2M would be doing any remodeling.

Ms. Jeffries stated they would not; it would be done by local contractors.

Norm Crume moved, seconded by Betty Carter, that the City Council approve Resolution #2015-114, **A RESOLUTION AUTHORIZING THE PURCHASE OF RECREATION DEPARTMENT SUPPLIES FOR PROGRAMS AND BUILDING UPDATES, 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 #2015-115: Update Fees for Police Related Services**

Mark Alexander, Police Chief, presented.

The Police Department was asking to update fees for police related services, specifically criminal background checks and administrative fees for nuisance abatements. The department provided extraordinary services such as civil fingerprinting and public records. These services did have fees associated to them. They had seen an increase in requests for criminal background checks, which required staff time to research and document for the customer. There was not a fee currently associated with the criminal background checks and would propose a fee of \$25, to be set by resolution.

The Police and Finance Departments also processed nuisance abatements for properties that were non-compliant with weed control, garbage, etc. Staff time was spent identifying the nuisance, notifying the property owner and/or tenant, follow-up, coordination of abatement services, and billing/collections. There was currently an Administrative Fee set at \$100 for this process. The Police Department would like to increase that fee to \$150, to insure costs were being recovered. This fee would also be set by resolution.

Councilor Fugate asked if this check was only for local backgrounds. Were people being informed about the area being covered by the check?

Chief Alexander stated no, as that was all they requested.

Councilor Jost asked how much notice would be given.

Chief Alexander stated the fees would change the next day.

Mr. Sullivan stated, by statute, regarding any increase in fees, this action should be opened up for public comment.

There were no public comments.

Norm Crume moved, seconded by Tessa Winebarger, that the Council adopt **Resolution 2015-115 Resolution 2015-115, A RESOLUTION UPDATING FEES FOR POLICE RELATED SERVICES**. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

**Declare Golf Course Equipment as Surplus**

Tori Barnett, Interim City Manager, presented.

As the City Council had officially closed the Ontario Golf Course, it was in the best interest of the city to recycle equipment that could be utilized by other departments, and declare those items of no use to the city as surplus.

The city had equipment which was being used for the maintenance of the golf course. Since the closure of the course, those items were no longer needed there, and could be utilized by other departments, particularly the Parks and Cemetery Departments. Items which were not recycled internally could be declared surplus and sold outright. Items being transferred to other departments were not required to be declared as surplus.

If the Council elected to take no action, the equipment would stay in storage and remain unused; however, prolonged storage would reduce the value, decreasing the possibility of resale.

A list of the equipment showed the potential value of items, if known. Many items were declared as zero (\$0) value, due to age of the equipment or the listed total hours of usage. Pursuant to Section 4.11 of the adopted Financial Policies and Procedures Manual, many items were under the threshold for declaring as surplus, but in the interest of transparency, all items were listed.

Tessa Winebarger moved, seconded by Norm Crume, the Mayor and Council declare the Ontario Golf Club Equipment List as surplus, and that we authorize staff to sell it at a competitive price. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

#### **EXECUTIVE SESSION**

##### **Executive Session: ORS 192.660(2)(e)**

An executive session was called at 7:54 p.m. under provisions of ORS 192.660(1)(e) regarding real property. The Council reconvened into regular session at 9:10 p.m.

#### **BACK TO NEW BUSINESS**

##### **Gardner Capital Option Agreement**

Betty Carter moved, seconded by Norm Crume, that the Mayor and Council approve the Gardner Capital Option Agreement to lease 100 acres of the city golf course property, on condition that the acres are contiguous and do not create an island of city property excluded from the lease. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

#### **DISCUSSION/COMMENTS**

- Tori Barnett stated she hoped to bring the proposed business registration application, with amendments, before the City Council at the next meeting, hopefully in ordinance form.
- Tori Barnett stated this was bit of a touchy subject as there were mixed thoughts on the use of the Public Safety Fund, and what those funds could or should be used for. Currently, there was around \$120K in the fund, and accumulated approximately \$14K a month into the fund. There were a few items staff would like to address for purchase, maybe now, or they would be brought forward in the upcoming budget. One project related to the new lettering on the outside of City Hall, for \$4K. That identification was recommended via the ICMA study. That project was funded from a department line item that had not budgeted for such an expense, causing a shortfall. If not paid back, that line would just be over-budget. There were a few other items to discuss, but if the Council was not in favor of utilizing the fund for anything at this point, it was not necessary to continue with the request. She was fine with bringing them back for the 2015-16 budget.

Ms. Ott stated her question was whether she needed to put anything in the budget for the Public Safety Fund, such as vehicles or projects.

Ms. Barnett stated there were two or three items that were rather large ticket things. One was a software program necessary for the police department, and the other was a proposed three year purchase on a chassis. Another would be the payment for the two police cars already authorized by the Council. The first payment had been approved at the previous Council meeting.

Councilor Fugate stated she was thinking about eliminating the Public Safety Fund. It was just a slush fund that everyone dipped into and they didn't go through the budget process. All of these things should have been budgeted.

Ms. Barnett stated they would be fine putting it in the upcoming budget.

Councilor Fugate stated she wasn't proposing that, but she was thinking about it.

Councilor Tuttle agreed with Councilor Fugate. That's where it should be. Every little thing that came up, the Public Safety Fund, when they started it, was the idea to build it and use it for emergencies and those kinds of things, and they were just using it for everyday items. Pretty soon they were going to change the name of it to the Mark Alexander Fund, because it seemed like every time they met, it was something for the Police Department. He'd prefer to put it in the budget, but that was only his opinion.

Councilor Fugate thought the departments would give it more consideration if they had to take it out of Contingency.

Councilor Tuttle agreed, and stated they were only ten days away from starting the budget process. It appeared to him that to do that, it looked like they were almost avoiding that process. It should go in the budget – it should be discussed, to see what was needed.

Mayor Verini stated it also depended on the needs. If they were discussing something that was needed for public safety, whether it came from Contingency or the Public Safety Fund, was almost immaterial. The monies were going to be used for a project or a piece of equipment that was necessary to work within communications, or hiring a body, or equipment that was absolutely needed, he wasn't sure if a couple weeks would make a difference, but it might. It would depend on what the request was.

Ms. Barnett stated they would wait for budget.

Ms. Ott stated she budgeted for everything out of Contingency in the Public Safety last budget session, and wanted to know if the Council wanted her to budget any capital outlay within the Public Safety fund.

Mayor Verini stated if they had an agreement that the Public Safety Fund was not really necessary or it was being used improperly, and they wanted to go to the Contingency Fund with that money, he had no problem with doing that. Was that the suggestion?

Councilor Tuttle stated since they were close to beginning the budget process, and thought there should be an explanation to the Budget Board, not just this Council. When they reviewed the budget, and there were things they thought were needed that the budget wasn't going to reach, then they could consider the alternatives. They were not doing that at this time. It was like Councilor Fugate has stated, it was pick here, pick there, take it out of there like it was a slush fund, and that's not what it was set up for. That's what it had become, but that wasn't the purpose of it was to start with. They could change the purpose, if somebody wanted to change the purpose of what they were using that fund for, fine, but at this time they needed to take everything through the budget and see where it fell, and have discussions about it.

Mayor Verini stated putting it into the Contingency gave them more flexibility, too.

Councilor Tuttle stated he would be opposed to putting the Safety Funds into Contingency.

Councilor Fugate suggested just cancelling the Safety Fund; put it all back into Contingency.

Councilor Tuttle agreed, just do away with it, but he didn't think it should go into Contingency.

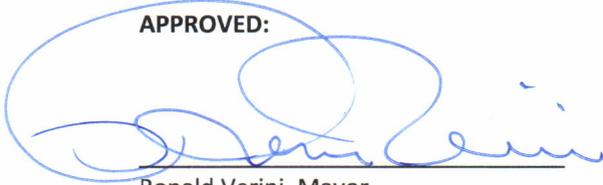
Mayor Verini stated that was what he had said. Wasn't that what Councilor Tuttle said – to cancel the Safety Fund?

Councilor Tuttle stated no, he hadn't said that. He said they should go through the budget process and if these things that were needed by the Police Department or Fire Department, that part of it, if the budget didn't stretch, then they could look back at the Safety Fund to see if they wanted to use money out of there to cover those costs. He would be totally opposed to taking the Safety Fund and putting it into Contingency.

**ADJOURN**

Charlotte Fugate moved, seconded by Norm Crume, 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.

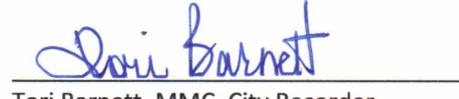
**APPROVED:**



A handwritten signature in blue ink, appearing to read 'Ronald Verini', is written over a horizontal line. The signature is stylized and cursive.

Ronald Verini, Mayor

**ATTEST:**



A handwritten signature in blue ink, appearing to read 'Tori Barnett', is written over a horizontal line. The signature is cursive.

Tori Barnett, MMC, City Recorder