

**ONTARIO CITY COUNCIL MEETING MINUTES**  
**Monday, May 18, 2015**

The regular meeting of the Ontario City Council was called to order by Mayor Ronald Verini at 7:00 p.m. on Monday, May 18, 2015, in the Council Chambers of City Hall. Council members present were Ronald Verini, Norm Crume, Charlotte Fugate, Thomas Jost, Larry Tuttle, and Betty Carter. Tessa Winebarger was excused.

Members of staff present were Larry Sullivan, Marcy Siriwardene, Sydney Pratt, Mark Alexander, Corinna Hysell, Pete Friedman, Dave VanWagoner and Dan Shepard. The meeting was recorded, and copies are available at City Hall.

Thomas Jost led everyone in the Pledge of Allegiance.

**AGENDA**

Mayor Verini stated there had been two changes to the Agenda: First, the addition of Item K: Proposed Zone Changes, and the removal of Item E: Resolution 2015-120, which dealt with the replacement purchase of Fire Department Brush Truck "102", which had been discussed and acted upon at the Thursday, May 14, 2015, Work Session.

Norm Crume moved, seconded by Charlotte Fugate, to adopt the Agenda as amended. Roll call vote: Crume-yes; Winebarger-out; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 6/0/1.

**CONSENT AGENDA**

Charlotte Fugate moved, seconded by Norm Crume, to approve Consent Agenda Item A: Minutes of the Regular Meeting of May 4, 2015; and Item B: Approval of the Bills. Roll call vote: Crume-yes; Winebarger-out; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 6/0/1.

**PUBLIC COMMENT**

Flora Gibbs, Ontario, thanked the City Council for their hard work on the medical marijuana ordinances.

Judith Kirby, Ontario, responded to Mayor Verini's letter in the Sunday paper. She appreciated the letter and was in support of the Ontario Aquatic Center. She would like to see the city do a fundraiser to support the pool. A bond should also be a consideration.

**OLD BUSINESS**

**Ordinance #2701-2015: Amending Title 10A to Permit Medical Marijuana Facilities as a Conditional Use in the C2H Zone and Prohibit Them in All Other Zones (Final Reading).**

Larry reported that there had been no changes since First Reading.

Proposed Ordinance #2701-2015 would Amend Title 10A adding a new chapter 10A-58 entitled "Medical Marijuana Facilities" and providing general and specific conditions for the establishment of those uses; Amend Chapter 10A-03 to adding a new section 10A-03-134.5 to provide a definition for a medical marijuana facility; Amend Title 10A by prohibiting medical marijuana facilities in all zone districts unless explicitly designated as a conditional use in specific zone districts; and Amend Chapters 10A-31 to designate medical marijuana facilities as a

conditional use in the C-2H ( Heavy General Commercial) zone district. On May 4, 2015, the Council passed Ordinance #2701-2015 on First Reading.

Charlotte Fugate moved, seconded by Larry Tuttle, to adopt Ordinance #2701-2015, **AN ORDINANCE AMENDING TITLE 10A ("THE ZONING TITLE") OF THE ONTARIO CITY CODE TO PERMIT MEDICAL MARIJUANA FACILITIES AS A CONDITIONAL USE IN THE C-2-H ZONE AND TO PROHIBIT THEM IN ALL OTHER ZONES** on Second and Final Reading by Title Only. Roll call vote: Crume-yes; Winebarger-out; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 6/0/1.

### NEW BUSINESS

#### **Intergovernmental Agreement Amendment: 911 Services for FY 2015-16**

Mark Alexander, Police Chief, presented.

On July 1, 2014, the city entered into an Intergovernmental Agreement with Malheur County for 911 services. An amendment for 2015-2016 IGA has been prepared for those services between the City of Ontario and Malheur County. Part of that agreement identified the cost for services and a formula for how that cost was determined.

During recent User Board meetings, a new formula was developed that reduced the cost to the city. For Fiscal Year 2015-16, the cost for 911 services was reduced to \$203,415 down from \$237,090, for a decrease of \$33,670. An amendment to the IGA was prepared and required the signature of the Mayor in order to be executed.

Norm Crume moved, seconded by Charlotte Fugate that the City Council **authorize the Mayor to sign the amendment to the Intergovernmental Agreement for 911 services between the City of Ontario and Malheur County for FY 2015-2016.** Roll call vote: Crume-yes; Winebarger-out; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 6/0/1.

#### **Resolution #2015-117: Receive/Expend Grant Funds for Ontario Fire and Police Departments**

Mark Alexander, Police Chief, presented.

The Police Department received two unexpected and unanticipated grants. The first was a Justice Assistance Grant (JAG) under the Wrongful Conviction Project. Police agencies received funding to establish or enhance their video surveillance equipment when used to record interviews of suspects, witnesses, and victims of crime. The Department was awarded \$1,100 to purchase a digital video recorder that was in need of replacement. There was no match required for this grant.

The second was a Law Enforcement Body Camera grant through City Insurance Services. This grant paid 50% of the purchases for body cameras up to \$1,000. The Department had utilized body cameras for several years and recently had been replacing cameras due to age.

The Fire Department received \$4,548.24 from the Ambulance Service district to purchase an Aztek rappelling system.

In order to recognize and expend the unexpected funds, a budget change through resolution action was required. It was proposed that the revenues and expenditures be recognized within the city's General Fund for the Police and Fire Departments.

Thomas Jost moved, seconded by Betty Carter, to adopt **RESOLUTION 2015-117, A RESOLUTION ACKNOWLEDGING RECEIPT OF GRANT FUNDS AND APPROPRIATING EXPENDITURES WITHIN THE GENERAL FUND.** Roll call vote: Crume-yes; Winebarger-out; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 6/0/1.

**Resolution #2015-118: Establish Public Safety Fund Use Criteria/Parameters**

Larry Sullivan presented.

On October 10, 2013, the Council approved allocating 26.5% of Motel Occupancy Tax to establish and provide revenue to a Public Safety Fund. On May 4, 2014, the Council reviewed a template provided by staff, with suggested parameters for the fund; however, the action was tabled to the following meeting.

The Public Safety fund had been utilized by both the Fire and Police Departments for expenditures since the inception of the fund. There were currently no guidelines to support or decline proposed expenditures. Council desired to establish guidelines for use of the funds. Any changes to the criteria would be done by resolution action.

The proposed criteria would have to be met before consideration of any fund expenditure from the Public Safety Funds. The proposed guidelines included 1) Was the request included in any previous budget proposals and if so, why was the request not in the current budget; 2) Were there any other funding sources available?; 3) Were there any opportunities for coordination with another department or agency for the purchase?; 4) A description of the priority for the purchase, and what impact would it have on the safety of the community?; 5) What was the magnitude for the project? Meaning, who would receive benefit from the project; 6) Development, and utilization, of a form to be completed so there was written record of the request; and 7) Designating that the Finance Department would track the usage of the funds, and would transfer the funds approved to the appropriate department to ensure accurate and accountable records. Currently, the Public Safety Fund reflected a balance of approximately \$130,000. The Fund received monthly revenues of approximately \$14,000, based upon 26.5% of the Motel Occupancy Tax.

Norm Crume moved, seconded by Charlotte Fugate that the City Council adopt **RESOLUTION #2015-118, A RESOLUTION ACCEPTING THE PROPOSED CRITERIA AND PARAMETERS FOR THE USE OF FUNDS FROM THE PUBLIC SAFETY FUND**. Roll call vote: Crume-yes; Winebarger-out; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 6/0/1.

**Resolution #2015-119: Establishing a Reimbursement District for Jeff Petry for Installation of Sanitary Sewer and Storm Sewer Improvements**

Dan Shepard, CH2M, Engineering Technician III, presented.

Jeff Petry was the owner of 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 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 public utilities to the edge of his property, which serviced both his property and four adjacent properties. Mr. Petry would like to be reimbursed for the portion of the utilities used by his neighbors, and requested that a Reimbursement District be formed. The Director's Report had been adopted on March 16, 2015, and the informational public hearing occurred on May 4, 2015. The Director's Report had been amended to reflect accurate numbers; however that change had no effect on the reports linear foot assessments or the charges attributed to the properties in the district.

Mr. Petry's cost of improvements totaled \$75,779.00. According to Ontario Municipal Code, there would be 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 minus the improvements along Mr. Petry's property and a portion of the total construction engineering costs. The \$44,712.01 was to be paid by the other affected property owners.

Betty Carter moved, seconded by Norm Crume, that the City Council adopt **RESOLUTION 2015-119, A RESOLUTION ESTABLISHING A REIMBURSEMENT DISTRICT IN FAVOR OF JEFF PETRY FOR INSTALLATION OF SANITARY SEWER AND STORM SEWER IMPROVEMENTS, AND ALLOCATING THE COSTS ON A LINEAR FOOT FRONTAGE BASIS**. Roll call vote: Crume-yes; Winebarger-out; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 6/0/1.

**Resolution #2015-121: Update to Child Protection Zones**

Mark Alexander, Police Chief, presented.

On June 4, 2012, the Council passed Ordinance #2665-2012, which modified and renewed Municipal Code Title 7, Chapter 6, Sections 1 and 2 relating to Child Protection Zones. The proposed resolution would modify the current list of Child Protection Zones established under said ordinance. Section 2 (A) of said ordinance allowed additional protection zones to be added by resolution.

On occasion, locations need to be amended due to inapplicability, address changes, or requests to be added. This proposed resolution added Eastside Kiwanis Park, Four Rivers Community School, Fruit of the Spirit Daycare, Malheur County Child Development Center, Oregon Child Development Coalition and St. Peters Catholic School.

Charlotte Fugate moved, seconded by Norm Crume, that the Mayor and City Council approve RESOLUTION 2015-121, **A RESOLUTION MODIFYING AND ADDING TO THE LIST OF CHILD PROTECTION ZONES**. Roll call vote: Crume-yes; Winebarger-out; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 6/0/1.

**Resolution #2015-122: Install Irrigation System at Sunset Cemetery**

Dan Shepard, CH2M, presented.

The Public Works Department would like to install an underground irrigation system at Sunset Cemetery, facilitating more efficient use of water and staff's time. Above ground hand lines currently had to be moved to irrigate. Currently, Sunset Cemetery had to be irrigated by manual means. Staff proposed that the installation of an underground system at the cemetery would allow a more efficient irrigation of the grounds without moving irrigation pipe throughout the cemetery. Also, installation of an underground irrigation system would address efficiencies and reduce staff time required to irrigate the cemetery. In turn, this would allow staff time to focus on other tasks throughout the city. Installation of an underground irrigation system should be completed as soon as possible to address the growing season and to prevent impacts to the city's cemetery during warm summer months. In addition, the proposed pipeline used at Sunset Cemetery was compatible with the pipes used at Beck Kiwanis Park.

On May 6, 2015, this request was presented to the Budget Committee, who reviewed the request and voted to pass it back to the Council, indicating the purchase should come out of the cemetery Perpetual Maintenance Trust Fund. The purchase of the irrigation system would require the transfer of \$25,000 from the Cemetery Fund to install the system.

Mayor Verini asked if the funds were transferred from the Cemetery Fund into Parks, would Parks pay the Cemetery?

Sydney Pratt, Finance Accounts Receivable/Payroll, stated it might, depending on the value.

Norm Crume moved, seconded by Thomas Jost, that the City Council adopt **RESOLUTION #2015-122: A RESOLUTION TO PURCHASE AN UNDERGROUND IRRIGATION SYSTEM AT SUNSET CEMETERY**. Roll call vote: Crume-yes; Winebarger-out; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 6/0/1.

**Resolution #2015-123: Enterprise Zone Boundary Change**

Phil Schauers, Malheur County Economic Development Department, presented.

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 on July 1, 2010. 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 now requesting a change in the boundary of the Malheur County Enterprise Zone that would add the area indicated in the map as Exhibit A. Public notice of the change in the boundary of the enterprise zone was sent to the Argus Observer newspaper. In addition, a special notification was sent to affected taxing districts about the Malheur County Enterprise Zone expansion on May 1, 2015, meeting the 21-day notice requirement. A public meeting would be held by Malheur County on May 27, 2015, 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.

The change in the boundary of the Malheur County Enterprise Zone would allow the property described in Exhibit A, to be eligible for a property tax abatement. The applicant's business activity must fall under qualifying business activity outlined in Oregon's enterprise zone program.

Norm Crume moved, seconded by Charlotte Fugate that the City Council adopt **Resolution #2015-123: A RESOLUTION REQUESTING A CHANGE IN THE BOUNDARY OF THE MALHEUR COUNTY ENTERPRISE ZONE**. Roll call vote: Crume-yes; Winebarger-out; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 6/0/1.

**Resolution #2015-124: Approve Malheur County Enterprise Zone IGA**

Phil Schauers, Malheur County Economic Development Department, presented.

The City Council was being asked to pass and sign an Intergovernmental Agreement (IGA) regarding the Malheur County Enterprise Zone. The IGA would simplify the application process for applicants. The IGA would not create any additional administrative work for the City of Ontario.

Currently when an applicant in Ontario applied for the Malheur County Enterprise Zone and would like to receive an extended abatement, all four zone sponsors were required to pass resolutions. Due to the fact that several of the sponsors meet only once a month, this can lengthen the approval process. The IGA (once approved by all four sponsors) would require only the city and county where the business activity was to occur to pass resolutions. For example, if an Ontario business is applying for the zone, the cities of Nyssa and Vale would not be required to pass resolutions.

Norm Crume moved, seconded by Thomas Jost that the City Council adopt **RESOLUTION #2015-124: A RESOLUTION ADOPTING THE INTERGOVERNMENTAL AGREEMENT FOR ENTERPRISE ZONE MANAGEMENT**. Roll call vote: Crume-yes; Winebarger-out; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 6/0/1.

**Ordinance #2702-2015: Establish OMC 4-3 re: Business Registration (1<sup>st</sup> Reading)**

Charlotte Fugate moved, seconded by Betty Carter, to table **Ordinance #2702-2015, until a full Council was present**. Roll call vote: Crume-yes; Winebarger-out; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 6/0/1.

**Proposed Zone Changes**

Pete Friedman, Interim Planning Administrator, presented.

The city's substantive zoning regulations and administrative requirements were contained in Titles 10A and 10B of the Ontario City Code. Amendments to Titles 10A and 10B could be initiated by motion by either the City Council or the Planning Commission.

Staff was directed to prepare certain amendments to the Airport District zone. Notice of amendments to the city's zoning regulations was required to be sent to the Department of Land Conservation and Development in advance of any city action. As such, staff concluded this was an opportune time to propose a few other amendments that addressed problematic issues or were of a housekeeping nature.

In summary, the proposed amendments were: 1) add a definition for utility facility; 2) identify a utility facility as a conditional use in the Airport District (AD) zone; 3) amend the off street parking requirements for restaurants, bars and nightclubs; 4) provide for standards for shared parking as a method of providing required off street parking; 5) amend the front yard setbacks for properties located along certain local streets; and 6) amend the number of days for notice to the Department of Land Conservation and Development.

Councilor Tuttle stated it might sound like an odd mix - restaurants, bars, and nightclubs, but he also knew from past history that churches had the same problem with parking requirements. Had Mr. Friedman looked into that, the square footage of churches and what those parking requirements were? He was aware of a couple instances where that had come into play, and they had a difficult time.

Mr. Friedman hadn't, but he would. Staff could look at it, but it wouldn't necessarily be brought forward.

Charlotte Fugate moved, seconded by Norm Crume, that the City Council direct staff to provide appropriate notice to the Department of Land Conservation and Development, and to continue processing the amendments as required by the Ontario City Code. Roll call vote: Crume-yes; Winebarger-out; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 6/0/1.

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

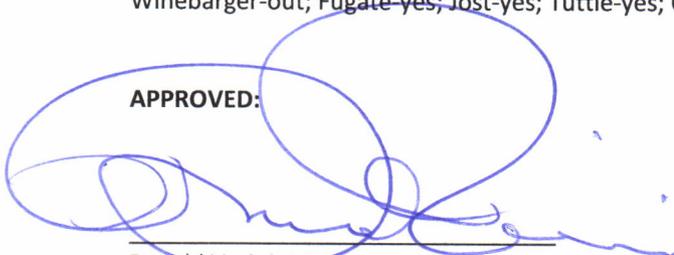
- Councilor Fugate shared some complaints about knee-high weeds that were under ODOT jurisdiction.

Mayor Verini asked Chief Alexander to speak with ODOT about spraying for weeds.

#### ADJOURN

Norm Crume moved, seconded by Betty Carter, that the meeting be adjourned. Roll call vote: Crume-yes; Winebarger-out; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 6/1/0.

**APPROVED:**



Ronald Verini, Mayor

**ATTEST:**



Tori Barnett, MMC, City Recorder