

**ONTARIO CITY COUNCIL MEETING MINUTES  
Monday, December 7, 2015**

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

Members of staff present were Tori Barnett, Marcy Siriwardene, Dan Cummings, Kari Ott, Larry Sullivan, Steve Mallea, Dave Van Wagoner, and Betsy Roberts. The meeting was recorded and copies are available at City Hall.

Norm Crume led everyone in the Pledge of Allegiance.

**AGENDA**

Larry Sullivan, City Attorney, commented that the Memo of Understanding between the City, Oregon Fish & Wildlife, and Pheasant's Forever had some changes to it, per his suggestion, and the other parties had agreed. Those had been implemented into the MOU, and it was ready for signature.

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

**CONSENT AGENDA**

Norm Crume moved, seconded by Betty Carter, to approve the Consent Agenda, which included the Minutes from the Regular Meeting of November 16, 2015, a Liquor License Application for On-Premises Sales (Tacos Mi Ranchito), and Approval of the Bills. Roll call vote: Crume-yes; Winebarger-yes; Carter-yes; Jost-yes; Tuttle-yes; Fugate-out; Verini-yes. Motion carried 6/0/1.

**NEW BUSINESS**

**Ordinance #2713-2015: Repeal 2700-2015 and OMC 03-22 to Delete Requirements that Marijuana Dispensaries have a Business License (1<sup>st</sup> Reading)**

Larry Sullivan, City Attorney, presented.

On April 21, 2015, the Ontario City Council enacted Ordinance No. 2700-2015, which required medical marijuana dispensaries (referred to as medical marijuana facilities in the ordinance) to have business licenses. Ordinance No. 2700-2015 was subject to a land use appeal through the Oregon Land Use Board of Appeals (LUBA), in which the City consented to a repeal of the ordinance. This ordinance would repeal 2700-2015.

Betty Carter moved, seconded by Tessa Winebarger, that the City Council approve **Ordinance No. 2713-2015, AN ORDINANCE REPEALING ORDINANCE NO. 2700-2015 AND CHAPTER 22 OF TITLE 3 OF THE ONTARIO CITY CODE TO DELETE THE REQUIREMENT THAT MEDICAL MARIJUANA DISPENSARIES HAVE BUSINESS LICENSES**, on first reading by title only. Roll call vote: Crume-yes; Winebarger-yes; Carter-yes; Jost-yes; Tuttle-yes; Fugate-out; Verini-yes. Motion carried 6/0/1.

**Pilot Program Request: Use Road Salt During Snowfall Operations**

Betsy Roberts, CH2M/City Engineer, and Dave VanWagoner, CH2M/Deputy Public Works Director, presented.

The Public Works Department was seeking authority to conduct a pilot program where road salt would be used (in conjunction with currently-used liquid de-icer) to treat snow and ice conditions during winter storms. Cost comparisons of sand and salt were received as follows:

Initial cost/ton of sand:	\$13.00
Post-application cleanup/ton of sand:	<u>\$77.00</u>
Total cost/ton of sand:	\$90.00

Initial cost/ton of road salt:	\$85.00 ( <i>Depending upon order quantities</i> )
Post-application cleanup/ton of road salt:	<u>\$ 0.00</u>
Total cost/ton of road salt:	\$85.00

Several factors prompted this proposal. First, the use of road salt was shown to reduce winter storm vehicular accidents up to 85%. This was a considerable safety issue, as well as a fiscal savings to the traveling public. Secondly, road salt was able to leverage the limited resources of snow fighters and equipment by keeping snow and ice from bonding to the roadway, which in turn kept the roadways clear for longer periods of time. Constantly taking the time to go back over roadways treated with sand only addressed the symptoms of ice on the roadway. Using salt had the potential to completely eradicate snow and ice from the driving surface and return the pavement to a wet condition. This pilot program focused on the main arterials and downtown shopping areas. This would also serve to minimize the application of sand on the streets, which created cleanup problems both during and after the winter season. National research showed that when clean-up efforts were included in the price of sand, it was more expensive than applying road salt, \$109/ton for sand being the national average. Locally, ODOT found that number to be closer to \$90/ton, which was still more expensive than a ton of road salt at \$60-85/ton. This would also have the added benefit of saving time and money during the spring when crews typically spent several weeks cleaning sand from the streets. Not included in the above cleanup costs were the on-going time for crews to clean catch basins, storm drain lines, barrow ditches, etc.

Staff recommended using 75 tons for the pilot program. At the higher rate of \$85/ton, this would equate to \$6,375. If ordered at the same time, the price should be less. Staff also recommended utilizing funds from the budgeted \$10,000 for the liquid magnesium tank (Capital Outlay), and transferring it over to Materials & Supplies, as Public Works staff was able to procure a 10,000 gallon tank from ODOT without spending any of these budgeted funds.

Councilor Crume commented that he had received some calls from citizens expressing concern about the damage salt could, or would, do to sidewalks, as well as having an adverse effect on yard plants.

Ms. Roberts replied that there should not be any increased problem with the salt.

Mr. Van Wagoner stated that salt was not normally used in residential areas. It was predominately used on the arterial and collector roads.

Councilor Crume asked about the corrosiveness of the salt.

Mr. Van Wagoner stated the equipment was not stainless steel. While he was not an ODOT employee, he felt comfortable telling the Council that ODOT was currently looking at using salt as well.

Councilor Crume asked if the storm sewer drain pipes, that were concrete, would be damaged from the salt.

Mr. Van Wagoner answered that the salt would be diluted by the time it got to the gutters from melting the snow on the roads. In his experience, more damage was done by the Magnesium Chloride.

Larry Tuttle moved, seconded by Thomas Jost, that the City Council authorize the transfer of the Capital Outlay funds budgeted for the liquid magnesium tank to the Materials & Supplies category to enable Public Works to conduct a road salt pilot program during this winter season. Roll call vote: Crume-yes; Winebarger-yes; Carter-yes; Jost-yes; Tuttle-no; Fugate-out; Verini-yes. Motion carried 5/1/1.

**Appointment of Interim City Councilor**

Tori Barnett, Interim City Manager, presented.

There was a change in the wording for the motion, as it now needed to include *"appointment to begin upon the deployment of Thomas Jost, and ending upon his return"*.

Mr. Sullivan added that the Executive Session held last Thursday, regarding the Council discussion about the appointment, as well as the three potential appointees, was not covered by the Statute used. Upon further research, based upon the Argus Observer questioning the validity of the Session, a section was found that read the Statute utilized – ORS 192.660(2)(a) – was not for elected officials.

Councilor Thomas Jost has been called to active duty by the United States Navy. It was anticipated his deployment would begin February, 2016, and be completed by February, 2017.

Council discussed options for an interim Councilor, and directed the City Manager to post an advertisement soliciting letters of interest from community members for filling the temporary vacancy. The cut-off date for submitting letters to the city was Monday, November 30<sup>th</sup>, at 5:00 p.m. At that time, three letters of interest had been received, those being from Marty Justus, Dustin Simpson, and Ned Enyeart.

Tessa Winebarger moved, seconded by Betty Carter, to appoint Marty Justus as Interim City Councilor, whose service would begin upon the deployment of Councilor Thomas Jost, and end upon his return. Roll call vote: Crume-yes; Winebarger-yes; Carter-yes; Jost-yes; Tuttle-no; Fugate-out; Verini-yes. Motion carried 5/1/1.

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

- Ms. Barnett stated there were she was seeking approval to bring a request back to Council for utilizing funds from the Public Safety Fund. Three items/issues had presented, which qualified for those funds: Jersey barriers blocking the numerous entrances and exits at the Ontario Airport; a security camera system for use around the Recreation Department building and Aquatic Center; and fixed restroom facilities in the Police Department jail cells.

Mr. Van Wagoner stated ODOT had indicated they would be able to provide about 12 barriers for the city to use, so the actual count necessary for the city to purchase was not set yet.

Ms. Barnett further stated the city had received a grant from CIS for the improvements to the cell restrooms, in the amount of \$7500, with a 25% mandatory match. In the current budget, \$10K had been allocated for the project (reflecting the \$7500 as revenue), but it was anticipated additional funds would be necessary to complete that project, which the city would be responsible for. If given direction to proceed, she would meet with Lt. Mallea and get some quotes on the restroom project, and would gather further information on the other two requests from the necessary departments.

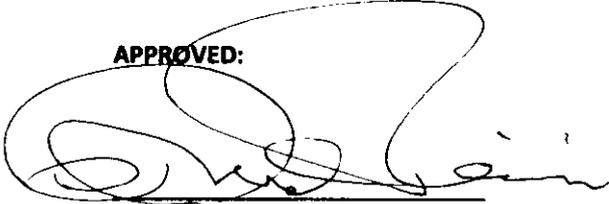
There was a consensus to move forward.

- Mr. Sullivan stated that the law dealing with public records was for the benefit of the person seeking employment. Job applications should be exempt from public record's laws but only under a case by case basis. He saw no problem releasing the applications to the City Council members.
- Councilor Winebarger stated they held the "garage sale" for the exercise equipment from the Aquatic Center last Saturday, and had brought in around \$800, which would go back into the pool fund.
- Ms. Barnett stated the Ontario Fire Department had held their annual appreciation dinner last Saturday night, where various firefighters had received awards. She had asked the Chief to invite those recipients to the next Council meeting, to be recognized for their achievements and their dedication to the Department.

**ADJOURN**

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

**APPROVED:**



Ronald Verini, Mayor

**ATTEST:**



Tori Barnett, MMC, City Recorder