

**MISSION STATEMENT: TO PROVIDE A SAFE, HEALTHFUL AND SOUND ECONOMIC ENVIRONMENT,
PROGRESSIVELY ENHANCING OUR QUALITY OF LIFE**

AGENDA
CITY COUNCIL - CITY OF ONTARIO, OREGON
Tuesday, April 21, 2015, 7:00 p.m., M.T.

- 1) **Call to order**
Roll Call: Norm Crume _____ Tessa Winebarger _____ Charlotte Fugate _____ Thomas Jost _____
Larry Tuttle _____ Betty Carter _____ Mayor Ron Verini _____

2) **Pledge of Allegiance**

This Agenda was posted on Wednesday, April 15, 2015. Copies of the Agenda are available at the City Hall Customer Service Counter and on the city's website at www.ontariooregon.org.

3) **Motion to adopt the entire agenda**

4) **Consent Agenda: Motion Action Approving Consent Agenda Items**

- A) Approval of Minutes of Regular Meeting of 04/06/2015 1-13
B) Approval of the Bills

- 5) **Public Comments:** Citizens may address the Council; however, Council may not be able to provide an immediate answer or response. Out of respect to the Council and others in attendance, please limit your comment to three (3) minutes. Please state your name and city of residence for the record.

6) **Department Head Updates: Thursday**

7) **Old Business**

- A) Ordinance #2700-2015: Establish OMC 22-3 - MM Facilities Business License (2nd) 14-23

8) **New Business**

- A) Resolution 2015-114: Txf Funds for Recreation Purchases/Building Improvements 24-26
B) Resolution 2015-115: Update Fees for Police Related Services 27-29
C) Declare Golf Course Equipment as Surplus (Hand-Out Thursday)

9) **Hand-Outs/Discussion Items**

- A) Proposed Business Registration Application (Ordinance #2701-2015) - **DRAFT**
B) Minutes: County Court (04/01/15; 04/08/15)
C) OPD Code Enforcement Quarterly Report (Jan-Mar 2015)
D) Financials

10) **Public Hearing:**

- A) Informational Public Hearing for Anchor Ministorage LLC Reimbursement District 30-38

11) **Correspondence, Comments and Ex-Officio Reports**

12) **Adjourn**

ONTARIO CITY COUNCIL MEETING MINUTES
Monday, April 6, 2015

The regular meeting of the Ontario City Council was called to order by Mayor Ronald Verini at 7:00 p.m. on Monday, April 6, 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, Kari Ott, Mark Alexander, Jerry Elliott, Dave Van Wagoner, Betsy Roberts, Cliff Leeper, and Mark Saito. The meeting was recorded, and copies are available at City Hall.

Charlotte Fugate led everyone in the Pledge of Allegiance.

AGENDA

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 March 16, 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

William Lopez, Ontario, apologized for his behavior at a previous Council meeting. He had been in a great deal of pain at the time. He invited the Council to an event that would provide information to the Council and Police Chief. He distributed flyers [*copy attached*], and voiced his support for medical marijuana facilities.

Macie Saito, Ontario, invited everyone to attend the annual Treasure Valley Christian School Baked Potato Dinner. It would be held on April 18, 2015, beginning at 5:00 p.m. and it was \$10 for adults and \$5 for children.

Scott Matthews, Emmett, Idaho, wanted to comment on the city attempting to implement spot zoning. At the March 2nd meeting, he had been asked what his zone was, and that confused him. He was told to contact Planning and Zoning to find out his zone, but he knows what his zone is. He gave an answer to them, and they corrected it. That was spot zoning. Footage is from a dispensary that was on their list of questioning for footage to a residence, footage to a child-care center. They knew where he was at. He was registered for almost a year. His renewal was this month. Those footages didn't apply for them. That's spot zoning. Council put in there that they can't have a facility on the same tax lot as a smoke room or a grow site. He was a registered grow site for over two years. They knew where that was at. The surprising one was the smoke room, because it was actually a medication room for Idaho patients. Ron [Verini], Mark Alexander and he had a conversation a while back, and that was one of Mark's concerns, was the Idaho patients. He took the time to call Salem and spoke about the medication room. It would be were an Idaho patient could come in, get their medication, take their medication in our town, where it was legal, and their caregiver could give them a ride back. The medication wasn't taken across. But, in the ordinances they were trying to change, they didn't want a dispensary on the same tax lot as a smoke room or a grow room. There were several other state laws that were in question. Extending the moratorium, the spot zoning, and he believed this current "emergency" meeting was in question. Ron and Charlotte [Fugate] both had mentioned several times that this should have been done six or eight months ago. Three and a half weeks before he could open, the Council was having an emergency meeting to incorporate a business license for medical marijuana facilities, basically to extend it past May 1st. They had six to eight months to start talking about this. They'd been at the meetings, been invited, asked what did they need to do? It didn't happen. He believed it was morally wrong,

and it was unfair to the medical patients in this community. Lastly, about the work session last Thursday, Nicole, the school Superintendent, and Lindsey, he had read the comments in the paper, represented the Drug Free Coalition, after reading it, he thought she was for the dispensary. A dispensary, as they'd talked about before, it joined the growers and the patients. He spoke in Vale to the Superintendent, about kids bringing marijuana to school. With their facility, and the tracking devices they had to have with state ordinance, they could track every plant, every grower, track the plant to what exactly it produces from seed to sale. They could track all the patients. If a child brought in marijuana, go to the parents first. If the parent was a medical patient, they could find out how much product that patient was getting every week. If they were getting a pound a week, they were in business. It was time to look at them. If that parent was only getting four or five grams, it was for medical purposes. Then they'd need to look at the kid, or maybe look at the parent to lock up the product. On the edibles, he agreed. They were not going to do that type of edibles. That's probably something they should have talked about. He did not like the edible program in the packaging, but Oregon was looking into that. They would not do that. They would not allow that, and he wouldn't either. It was child proof packaging. His facility gave good access to the patients, it controlled the growers, and the packaging, and the testing. He believed the Council needed to vote no on this business license, and they needed to go back and vote no on extending the moratorium. Thank you.

Dan Capron, Ontario, opposed all dispensaries. The people coming into Ontario because of the marijuana would not be good people.

Judith Kirby, Ontario, stated she had spoken with the Oregon Health Authority and found some information the Council might like to have: #1, if they allowed dispensaries, they couldn't be grow sites. Dispensaries had to be legal residents of Oregon, but growers did not have to be, nor did consumers. But, if consumers came here with a medical card, they could not legally cross the state line. They had to consume it in Oregon. If they crossed the state line, they were committing an illegal act. The city could not tax, fine, or in any way increase the cost of medical marijuana to cover the costs of the city. The only option was to implement business restrictions and licensing. Rules about so much money per person, as they'd discussed last Thursday, was not going to fly. They were also told that they should wait and have OLCC help with this. There were 40 bills in the Oregon Legislature currently, and it was felt that something was going to come out of the Legislature before they ended, and it would possibly be medical marijuana being merged with OLCC, recreational, and that OLCC would take charge because the Oregon Health Authority did not have the staff to do it. She supported a ban, as she felt that had more legal footing, and she didn't want to spend \$1M chasing their tails because there was no way to enforce it once opened.

John Kirby, Ontario, provided a list of grow sites he was aware of: On 4th Avenue, Four Seasons Gardening Supply, 329 South Oregon, was gardening supplies to "grow your own"; Old School was a place to purchase paraphernalia; a supposed dispensary to go next to the Holland Sew Shop; the Center Twin Theater had a grow site inside; the forklift building, 315 North Oregon was a grow site; 420Ville at 432 North Oregon; the building he occupied, the former JIM building, was a proposed grow site; Blankenship, was a grow site; the building next to Dunbrasky Pediatric Clinic – that was *children* – was a grow site; the Happy Hippy behind K-Mart, was a paraphernalia shop. The Council was discussing an Urban Renewal Project, but there was one on the way. It wasn't how he'd like to see his city. He wasn't against sick people, and people in pain suffered, but risking the entire city to help a few people in pain was not a good idea. It was the law, it would come, but they needed to control it. Right now, they needed to clamp down on this, slow it down, and let the Legislature work. His comments from Thursday's work session were more true today than they had been then. The grow sites were what was out of control. They could not account for that. Most was leaving the state, much was going underground. Ontario already had four or five in town. It was all confidential information – the Police Chief couldn't get some information. Many of the Council had a platform of Public Safety – that's why they were elected, and *this* was public safety. He and his wife had been up and down the streets, and among the citizenry that ran businesses in town, he'd not found one person in favor of this. The Council had a task in front of them, but they only thing they had as a tool, was that business license. And, if that was their only tool, use it, and let the Legislature work.

Jeff Pace, Ontario, wanted to remind the City Council of how the County voted: 2 to 1 in opposition to the Measure. Ontario didn't need the bad influence of marijuana facilities, and there would be unintended consequences. He, too, had constant pain, due to an accident, but he still felt that this not something Ontario needed.

Aaron Varela, Boise, stated that per Measure 91, there couldn't be a ban or moratorium on marijuana.

Stormy Ray, Ontario, spoke about the ban on medical marijuana facilities. She supported medical marijuana.

Mike Blackaby, Ontario, stated he'd been in the City of Ontario for generations. He is a business owner and is concerned with having marijuana. There are problems in the school district with children who have marijuana from parents who have marijuana cards, and many insurance carriers would not cover these facilities. Times changed, and Ontario has changed, and they needed other businesses here, but not medical marijuana. He didn't believe it could be controlled, and thought it was a very bad idea.

Teresa Symands, Vale, stated her support medical marijuana to get her medicine, and voiced her agreement with the comments from the earlier speakers, who stated their support.

NEW BUSINESS

Resolution #2015-112: Request to Lease-Purchase Two Patrol Cars

Mark Alexander, Police Chief, presented.

In October, 2013, the Council approved allocating 26.25% of Motel Occupancy Tax to a Public Safety Reserve Fund.

The Police Department needed to replace two patrol cars. Funding for the purchase was proposed to come from the Public Safety Reserve Fund. The Department utilized patrol cars to respond to emergencies and for patrol purposes, and the vehicles needed to be safe and reliable. Currently, there were two (2) 2008 Dodge Chargers that were in need of replacement. Both were purchased in January, 2008, for \$22,470, which had not included the costs associated with equipment and installation. These below vehicles were intended to be taken out of service and replaced during both the FY 2013-14 and FY 2014-15 budget processes, but this action was not taken due to budget constraints.

Vehicle #64 had approximately 111,000 miles with a lifetime repairs and maintenance cost of \$12,478. Recent repairs included a water pump, ignition coil, overhead light repairs, front end parts, fuel pump, brakes, and a wiper delay switch. The most recent repair cost was \$3,263. The vehicle had also experienced engine and engine management repairs and/or replacement needs in 2013.

Vehicle #65 had approximately 123,000 miles with a lifetime repairs and maintenance cost of \$9,459. Recent repairs included front end parts, fuel pump, brakes, and overhead repairs. Recent repair costs sat at \$2,047. Last week, a shutter was noticed in the transmission when engaging it into gear, so the vehicle will likely require some type of transmission repair in the near future.

The Police Department obtained quotes for a three-year capital lease-purchase of patrol cars. The initial cost of two (2) fully equipped cars was quoted at \$64,190, with yearly payments at \$22,051. The Department would like to begin the replacement process now, utilizing funds from the Public Safety Fund for the first year, and allocating funds for the subsequent two years, beginning with the FY 2015-16 budget process.

If the Council declined this purchase as presented, there were other options available. Funding did not have to be taken from the Public Safety Reserve Fund and could be allocated from another funding source, or the proposal would be before them during the FY 2015-16 budget process as a CIP.

Councilor Tuttle asked why this proposal wasn't in the budget.

Chief Alexander stated it had been, as a CIP.

Councilor Tuttle voiced his opinion that this action should go before the Budget Committee, and requested through the upcoming budget.

Charlotte Fugate moved, seconded by Tessa Winebarger, to approve **Resolution #2015-112, A RESOLUTION AUTHORIZING THE LEASE-PURCHASE OF TWO (2) POLICE PATROL VEHICLES FROM THE PUBLIC SAFETY RESERVE FUND.** Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-no; Carter-yes; Verini-yes. Motion carried 6/1/0.

Resolution #2015-113: Child Protection Zones Update

Mark Alexander, Police Chief, presented.

The proposed resolution would modify the current list of Child Protection Zones established under Ordinance #2665-2012. Section 2 (A) of that ordinance allowed additional protection zones to be added by resolution. Modifications were done by addition (*underlined*), deletion (*lined through*), or correction (*underlined*). 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.

Locations needed to be amended due to inapplicability, address changes, or requests to be added. This resolution eliminated Treasure Valley Community College dorms, changed the address of the Boys and Girls Club of Western Treasure Valley, and added both the STAR Center and Giggles and Grace Early Learning Center.

Councilor Tuttle asked if this was a complete list? Wasn't there a park on the East Side? That wasn't listed. Also, on the old Lindbergh School, he had the Oregon Child Development Coalition; didn't they have children there?

Chief Alexander replied that he thought it was, but Councilor Tuttle's comment was correct. Regarding OCDC did not want to be included on the list. Not every entity which had the option to be included, took that option. Some facilities offered services to parents who were registered sex offenders. So not all locations where children were located, chose to be on the protected list. He didn't have that in writing, but he could obtain that. He was waiting on some other schools, and he believed they would want to be listed, so he'd be back with another update, which would also include the Eastside Kiwanis Park.

Norm Crume moved, seconded by Charlotte Fugate, that the Council adopt **Resolution 2015-113, A RESOLUTION MODIFYING AND ADDING TO THE LIST OF CHILD PROTECTION ZONES.** Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

ORDINANCE #2700-2015: ESTABLISH OMC 22-3-MM FACILITIES BUSINESS LICENSE

Larry Tuttle, City Attorney, presented.

The City Council directed staff to prepare a business license ordinance regulating medical marijuana dispensaries, referred to in the ordinance as "medical marijuana facilities", which was the term used in the Oregon statutes. Ordinance No. 2700-2015 was taken substantially from sample ordinance language prepared by the League of Oregon Cities.

Ordinance No. 2700-2015 required applicants to submit detailed information about the nature of the business for which the license was being sought, along with a \$500 application fee. It authorized the city to conduct background checks on applicants, business associates and employees of the business. It gave the City Manager the authority to grant, deny, suspend and revoke licenses, with a right of appeal to the City Council. Any license granted was in effect for one year and must be annually renewed for an additional \$500 fee.

The ordinance established standards of operation for the business intended to minimize the impact of the business on the neighborhood. It included zoning language that was also included in the draft zoning ordinance being presented to the Planning Commission for a public hearing on April 13, 2015. The purpose of including the same zoning language in Ordinance No. 2700-2015 with an emergency clause was to allow it to be effective by May 1, 2015, in the event that any medical marijuana dispensaries attempted to open on that date despite the City Council's extension of the moratorium until August 1, 2015. If that occurred, the city would be in a position to challenge that business not only based on the city's extension of the moratorium, but also based upon the restrictions established by Ordinance No. 2700-2015.

Persons violating the terms of the license were subject to license suspensions and revocations, civil penalties, public nuisance abatement and other civil remedies, including injunctions.

Following the Thursday work session, some changes had been incorporated. Some language changes were made for clarification.

Page 1, third Whereas from the bottom, the Council requested that the word “potentially” be inserted on the second line.

Last Whereas clause on the bottom of page one, explicitly included a reference to the moratorium passed by Council via Ordinance 2699-2015, and pointed out that the language in that moratorium went into effect on May 1, 2015; it extended the moratorium to August 1, 2015, and made it explicit that if the Council passed this current licensing ordinance, it would be subject to that moratorium; therefore the licensing ordinance wouldn't go into effect until the moratorium had expired.

Page 3, 3-22-4, License Application: second line under subparagraph a), the original sentence read “applications for new and renewed licenses must be submitted to the City Manager”. He added the phrase “...on forms provided by the city”.

Page 4, 3-22-5, Ordinance Determination: the draft from Thursday read that the City Manager had twenty days to issue a license; that had been changed to 25, based on discussion from Thursday.

Subsection b), under Denial, 3), the previous draft read that “the applicant, principals, employees, volunteers, or persons with a financial interest in the facility, who had been convicted of a non-injury motor vehicle felony”. He hadn't discussed that language with the Police Chief. That was language he'd developed. But, following emails between he and the Chief, he suggested that they use the current language from the Oregon Administrative Rules by OHA, and that only denied a license to somebody who had been convicted of a felony for the manufacture or delivery of a Schedule One or Schedule Two Controlled Substance. The language had now been added. That would apply to an applicant, as well as anyone else associated with that business.

Page 4, bottom, Application Fee, 3-22-6, they had discussed the appropriateness of the original \$500 application fee. That had been raised to \$1200 application fee for facilities with five or fewer employees, and an additional \$220 per each individual over the five.

In that same sentence, he added “non-refundable” application fee. It first read a “license” fee, but by changing it to application, the intent was to ensure that if the city denied the application, it would not result in a refund of the fee. It wasn't a license fee, it was an application fee.

Councilor Fugate verified that he was saying if the application was not approved, no money would be refunded.

Mr. Sullivan stated that was correct. That was because all the work would have been done to determine qualification for a license or not. But, the Council could change that. They could make an application fee separate from a license fee.

Page 7, subsection m), in the resolution passed last month, there had been a number of restrictions included in an exhibit attached to that resolution. Exhibit M was one of those, and he had omitted putting it into the ordinance. It was now added. It dealt with blight.

Page 7, third line from the bottom, Location of Facility: Chief Alexander and he had spoken about different types of licenses that were issued by the State of Oregon for child care facilities. Some were certified, some were registered, and some were titled a recorded facility. That facility had a loose application process. Therefore, #6 had been changed to read “within 1,000 feet of a certified or registered child care facility”.

Mayor Verini stated on Page 7, 3-22-12, Location of Facilities, there was also a map prepared, which showed the restricted dispensary areas around the schools and parks.

Councilor Fugate stated the map, the two red circles showed the two dispensaries that had a license. They had to be 1,000 feet from each other. She took the C-2, General Commercial code, [zone], and had those marked. She was proposing that they allow dispensaries only in the designated C-2 areas.

Mayor Verini stated regarding 1-8 on Page 7, what fell within those proposed restricted dispensary area?

Councilor Fugate stated there was a buffer zone around all Ontario schools and parks. She removed the residential buffer because it was not an issue if they dealt with only a C-2 zone. They didn't butt up against any residential areas. The two blue circles were the new additions for protection – Pilgrim Lutheran Day Care and the Star Center. Dispensaries would be limited to only the green shown on the map. It also included the two dispensaries listed.

Mayor Verini verified this meant that #1, within 1,000 feet of a public or private elementary or secondary school, that would remain; #2, within 1,000 feet of a non-commercial facility used primarily for care, education, recreation of minors, such as Head Start, Boys and Girls Club, but not including non-licensed childcare facilities; #3, within 1,000 of a public park, public playground; #4, within 1,000 feet of another medical marijuana facility; #5, the 200 feet of a residential zone was removed because of the type of commercial zone being discussed; #6, within 1,000 feet of a certified or registered child care facility, licensed by the State of Oregon; #7, should be the restriction of the same tax lot as the smoking club or marijuana grow site. He'd defer to Mr. Sullivan. Was that a state law or rules?

Mr. Sullivan replied that the marijuana grow site was; the smoking club was language that many other cities added. It was not mandated by the state. The grow site was mandated. For clarification, of the two red rectangles with the red circles around them, the one on the Southern end of town, was not in the C-2 zone. It was in the C-3 zone, the downtown commercial. Actually, neither facility was zoned correctly – i.e., in the C-2 zone.

Councilor Fugate agreed, and they were not going to allow the one in the downtown area; but the other one on North Oregon, they were working on rezoning that property. It would then qualify.

Mr. Sullivan stated staff hadn't been working on that, as no direction had been given.

Councilor Fugate stated there had been a meeting with Planning and Zoning that day, and they were working on that.

Mayor Verini asked what they were going to do about #7. The marijuana grow site was in.

Councilor Fugate stated grow sites weren't marked on the map; she didn't know where any were located.

Mr. Sullivan stated the cities didn't receive information about the grow sites. He didn't believe they had any way of knowing where official grow sites were located.

Mayor Verini stated if they were running a medical marijuana dispensary, they couldn't have a grow site, via the state rules.

Councilor Crume asked how they'd verify locations.

Mr. Sullivan stated people seemed to find them. When they applied for a license, they'd have to certify that they weren't a grow site, and they'd have to maintain that status. If they were granted the business license, and then were discovered to be a grow site, the city could revoke their license.

Councilor Crume stated there was a problem, then, because one facility certified by the state, was a grow site, and was stating it wasn't the law.

tax lot. If it was on an adjoining tax lot, it wasn't a problem, and there was no restriction in the ordinance that made it a problem if it wasn't on the same tax lot. There was no requirement that it be a certain distance from a grow site. It just couldn't be on the same tax lot.

Mayor Verini stated they were following the state rules on that.

Councilor Fugate stated yes, but with the exception of a smoking club.

Councilor Tuttle asked for a definition of a smoking club.

Mayor Verini believed it was a medicine dispensary location.

Mr. Sullivan stated there were also regulations the state imposed on whether you could enter a place, and just have a spot to smoke anything – tobacco, marijuana, etc., and it was intended to not have a dispensary be a location where there was someplace set aside to consume, by smoking, any type of anything.

Councilor Crume asked how a hookah bar would be legal, where most businesses had smoking indoors was illegal. Mr. Sullivan stated that state imposed some regulations that indicated where they could locate a hookah bar, and those were very strict. But, there were ways to become licensed as a hookah bar in Oregon, but it was very limited. This would not permit that to be on the same site as a dispensary.

Mayor Verini asked if the Council added working such as "a place to consume medical marijuana, or the product used to eliminate whatever suffering occurs in an individual that has a medical marijuana card", rather than putting in a smoking club, would that suffice for a good definition to allow ingestion of product?

Mr. Sullivan stated they hadn't discussed that yet, but on Page 6, Section 3-2-11, subsection e), all of that would be prohibited in a dispensary under that standard of operation. If they wanted to change one, they'd need to change the other.

Mayor Verini stated if they approved the license, instead of scattering the product to more locations, it would be under better control and/or regulations, if located on site, for the consumption of the medicine.

Mr. Sullivan stated they be increasing the likelihood that people with medical marijuana cards, who used the dispensary, would be coming out of that dispensary under the influence of that marijuana.

Mayor Verini stated they'd had an earlier discussion stating if that was the case, the patient would be ingesting the product, and having a caregiver. He didn't think someone wouldn't want to be intoxicated and driving.

Councilor Fugate stated since the health department was supervising the dispensaries, if OLCC was handling this, they'd fine anyone who consumed the product on the premises and left without supervision or someone to take care of them, the dispensary would be liable if there was an accident, or something. That wasn't in this law.

Mr. Sullivan stated there was a regulation that dealt with on-site consumption. He believed the only way that was authorized, was if it was consumption by an employee who had a medical marijuana card that was authorized to consume marijuana while employed.

Councilor Jost confirmed that, under 333-008-1200.

Mayor Verini confirmed that read "consumption and ingestion inhalation or topical application of usable marijuana, anywhere on the premise of the registered facility, except that employee of a registered facility who is a patient may consume usable marijuana during his or her work shift on the premise of a registered facility as necessary for his or her medical condition." Therefore, #7, instead of a smoking club, it would be operation of registered facilities under that 1200 – that would be b).

Mr. Sullivan stated they could remove the words "smoking club", and leave in the language that appeared on Page 6, under e). But, that regulation didn't deal with tobacco products, so that would be added.

Councilor Fugate stated they were licensing for marijuana dispensaries – why are they talking about grow sites in this?

Mr. Sullivan replied they weren't, except to the extent that they were mirroring the state regulations. If anyone submitted an applicator to the city, confirmed to the OHA, but also to the city, that they weren't going to have a grow site in the same location as the dispensary. The city could then revoke the license, instead of just complaining to the OHA. The city had the right to impose restrictions stricter than what the state imposed.

Mayor Verini asked if it was the consensus of the Council to keep the language the same?

Unanimous consensus to keep language the same.

Mayor Verini asked if it was the consensus of the Council to agree with Councilor Fugate to restrict facility locations to the C-2 zone only, in compliance to the designated rules lines out on Page 7, numbers 1-4, 6-8 (3-2-12 Location of the Facility), and with the 200 feet removed due to irrelevance.

Councilor Fugate stated the one dispensary that was located in the downtown corridor would not be eligible to stay there.

Councilor Crume stated it was relevant. He saw plenty of residential areas, and he could see people in those areas being upset. There were a lot of homes butting up against the C-2 zone. He tried to find a better solution than the 200 feet, but couldn't. They should stay at the same level the state deemed necessary for 1,000 from any school, they should afford the same protection for the kids in their own homes.

Councilor Fugate stated that was what this proposal would do.

Councilor Crume replied not from their homes.

Councilor Fugate the state didn't need residential.

Councilor Crume agreed, and wanted to add that to it as a restriction. They, as a Council, should provide the same protection for their homes, as the state deemed necessary for the schools. He might be outvoted, but that was his stance.

Mr. Sullivan stated if they reviewed the handout, titled proposed restricted dispensary areas, every place that was green, was an authorized dispensary area, if they eliminated the 200 foot residential buffer.

Councilor Fugate agreed – and that's exactly what she meant. Was there a better suggestion?

Councilor Crume stated yes, 1,000 feet from residential.

Councilor Fugate stated that would eliminate any dispensaries.

Councilor Crume stated he was trying to protect the citizens who voted no. They could outvote him.

Mayor Verini stated on SW 4th, the area under discussion, where was Councilor Crume talking about?

Councilor Crume stated it was behind D&B. It was obvious where all the houses were, on *both* sides.

Mayor Verini stated they weren't opening a dispensary there.

Mr. Sullivan stated anyone could. There were no restrictions – they'd have the legal right to do that, under the state dispensary law.

Mayor Verini disagreed. They had the buffer zones overlapping that property, which wiped out that whole piece.

Councilor Crume stated that was about six blocks long. Each square was about a block and there were six of them. If they didn't have protection for their own families and homes, anywhere close to what the state required, they'd catch major grief.

Councilor Fugate stated that Mr. Kirby had provided them statistics, and there were listed 519 patients in Malheur County, which was only about 5% of the entire population. She didn't think they should cut off 5% of the populations. They should have the right to a dispensary. The majority of the patients were between 30-39 years of age, and 55-65, more than the younger generation. The 18-19 year age group, was only .8%. The demographics being looked at, for the age groups, 30-39 or 55-65, were the majority of the medical marijuana card holders. They weren't potheads and dopers and young kids going out and smoking behind the barn. What was the solution?

Councilor Winebarger asked for clarification – in looking at Section A, under 3-2-12, where it gave the C-2, C-2H, and C-3, she wanted to eliminate the C-2H and C-3 and the Urban Growth Area?

Councilor Fugate stated yes.

Mr. Sullivan stated he hadn't realized they were eliminating the UGA C-3, which they could do, but there were commercial areas outside the city limits. If they eliminated UGA C-3 so they wouldn't be authorizing any outside the city limits. Was that the goal?

Councilor Fugate stated yes. They'd have control and it was designated to a certain area of the community. Her goal was to know where they were located, and have the ability to enforce what needed enforcement. The State of Oregon foisted this on us, and it had to be dealt with. Sticking their heads in the sand, and doing nothing, was a terrible injustice to the community and the citizens.

Mayor Verini stated instead of the 200 foot for residential zones, bring it down to 20 feet. That first property owner would be protected from a dispensary. To bring 1,000 feet would eliminate all of the locations, and not accomplish what they needed to.

Councilor Tuttle stated 20 feet was nothing. It needed a 200 foot minimum. That 20 feet wouldn't provide any protection.

Councilor Fugate asked what they were protecting? What was the goblin?

Councilor Tuttle stated if they had a primary residence and you didn't want a dispensary next to you, that's what you were protecting. You were protecting the place you lived, and that was important to a lot of people. That 20 feet wouldn't do anything, but 1,000 was a bit too much.

Councilor Winebarger asked if that wouldn't be like that for any business? If she had a Head Start going in next door to her residence, but she didn't want the noise from the children, wouldn't it be the same concept?

Councilor Tuttle stated there were restrictions on any business going into anywhere, but particularly on ones which would abut residential areas. This wasn't new or unfounded.

Councilor Winebarger asked why they would need to "protect" our homes from this, when everyone had different views on it. Some might like it, some might not.

Councilor Jost stated he lived in a protected zone, but while 1,000 feet might be too much, 200 feet was not enough. Maybe they should look at between 400-500 feet.

Councilor Fugate stated the zones were already established. It was already a C-2 zone. She marked off the portions of the buffers that were outside the established zones.

Councilor Crume reminded the Council about the ⁹ spice shops, all Hell broke loose with the businesses and residences in the area, and they acted to ban spice. The green area (C-2) was a location of one of those shops, and

the surrounding businesses threw a fit. It was over by Custom Truck.

Mayor Verini stated this was apples and oranges. They weren't discussing pot shops. This was not recreational marijuana. This was medical marijuana dispensaries. They were discussing locations that were limited to the number of people that were actually able to enter the locations. If there were only 500+ in Malheur County who had the cards, and 200 for Idaho, they were limited on the number of people who were going to those locations. Not just any person could enter and purchase recreational marijuana.

Councilor Carter stated she expected the population to grow, the medical marijuana card holders.

Mayor Verini stated he didn't think it would as big a deal as some thought. With recreational marijuana, people would be able to grow their own in their homes.

Councilor Winebarger asked what the difference would be if it was dispensed by a regular pharmacy?

Councilor Crume stated a pharmacy would take a check, credit card, and the money collected went into a bank. A medical marijuana dispensary couldn't do any of those things. The pharmacy wasn't breaking federal law, and a medical marijuana dispensary was, especially if product was taken over the state line.

Councilor Fugate asked about limiting the number of dispensaries allowed within the Ontario city limits, like maybe only two?

Mayor Verini stated he had no issue with that, but they still had to regulate where they'd be located. If they weren't about to pass this that evening, didn't it open the city up after May 1st for any dispensary to go anywhere?

Mr. Sullivan stated there were two Council meetings before May 1st. The Council could engage in a debate, develop a consensus as to direction on this, pass on first reading, with the understanding it would be back for debate and potential second reading on April 20th, and it would still be in effect by May 1st. If passed on an emergency reading, on the second reading, it eliminated the 30-day waiting period. If done that way, there was a ban in place, if the ban was challenged, with a business license ordinance also in effect on May 1st, even if a court was to rule against the city on the ban, there would still be a business license that a dispensary had to comply with.

Mayor Verini verified there was another opportunity to pass this on the emergency basis, eliminating the 30-day waiting period, but if they didn't pass it, there would be a problem.

Mr. Sullivan stated they would need four people in agreement. There had also been some misinformation that had been in a letter, which indicated you had to have a unanimous vote in order to pass an ordinance on emergency, but that was incorrect. If an ordinance was passed on an emergency basis, it just had to be four of the seven in favor. If they didn't pass anything that evening, on first reading, and they had to vote on something at the next meeting, in order to pass it in one meeting, *that's* when it had to be unanimous. Things from the meeting could be changed for the next meeting. Only requirement there was that the changes had to be clearly identified.

Mayor Verini suggested keeping the suggestions in there, including the 200 foot buffer for residential, and Councilor Fugate's suggestion of the C-2 zone only, and to get this passed on first reading.

Councilor Jost reminded the Council he'd be out for the next work session *and* the Council meeting.

Mayor Verini asked if he could participate by phone.

Councilor Jost believed he would be able to do that.

Councilor Tuttle voiced his approval in moving forward.

Councilor Winebarger asked for a new, larger map, showing all the changes discussed.

Norm Crume moved, seconded by Charlotte Fugate, that the City Council approve **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 FIRST READING BY TITLE ONLY, WITH SECTION 3-2-12(A) AMENDED TO ALLOW MEDICAL MARIJUANA FACILITIES IN C-2 ZONES ONLY.** Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

Bid Award: WWTP Dike Manhole Replacement (Warrington Construction)

Betsy Roberts, CH2M HILL, City Engineer, presented.

Six manholes along the center dike at the Wastewater Treatment Plant had suffered significant damage from corrosive gas that formed in sanitary sewer mains. Council approved the engineering design of the project at the December 15, 2014 Council meeting. Money was budgeted for replacement of the manholes in the amount of \$65,000. Bids were opened March 12, 2015 for the Wastewater Treatment Plant Dike Manhole Replacement Project. One bid was received, in the amount of \$138,800, from Warrington Construction Corporation of Oregon.

The bid submitted for the replacement of the six manholes was more than double the budgeted amount originally identified for the project. Budgeting was developed for this project prior to the arrival of CH2M; it seemed apparent from the budget amount that the team conducting the budgeting assumed that city staff would perform the work. The original budget likely was only intended to cover materials and possibly some sewage bypass support. After CH2M arrived, it was concluded that the depth of manhole replacement, the proximity to major power lines, and the challenging soil conditions (structural dike, with ground water) made this a project that needed to be bid out to a specialized contractor. It was felt that the condition of the manholes was at a critical juncture and the project should not be delayed.

CH2M is recommending that the City Council award the project to the apparent low bidder, Warrington Construction Corporation of Oregon. The contract documents contained a Value Engineering clause which could be engaged once the contract had been awarded. In preliminary discussions with the apparent low bidder, it appeared possible to reduce the construction cost through a modification of construction practices, though details had not yet been discussed. CH2M was recommending the City Council direct CH2M to work through a value engineering proposal with the selected contractor and move forward with construction as quickly as possible under the modified system. Because of the timing, CH2M was recommending the City Council conditionally approve the bid amount as a maximum not to exceed amount so that construction could begin immediately after Public Works review and approval of the value engineering proposal. It was anticipated that at least some cost savings would be realized, though the total amount would not be understood until after the project was awarded and discussion could begin with the contractor.

The current low bid resulted in an additional cost of \$73,800 to the current budgeted amount of \$65,000 without a reduction to the bid price based on value engineering. Total bid: \$138,800.

Councilor Crume asked how Ms. Roberts felt about the bid and whether it was in the ball park or not.

Ms. Roberts replied that that it was a good bid, was in the ball park, and the liner had a lifespan of 50 years.

Councilor Jost asked where it was in the budget.

Kari Ott, Finance, stated it came from capital overlay, but it might take away from some of the other projects.

Betty Carter moved, seconded by Larry Tuttle, that the Mayor and City Council award the Dike Manhole Replacement Project to the apparent low bidder, Warrington Construction Corporation of Oregon, and direct CH2M to begin negotiations with the contractor regarding a value engineering proposal that could result in a cost savings on the project. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

Notice to Proceed: Well #17 Engineering (Anderson-Perry)

Betsy Roberts, CH2M HILL, City Engineer, presented.

Anderson Perry & Associates were part of the On-Call Professional Services pool selected by the City of Ontario in the spring of 2014. They assisted in the drilling of Well 17, which was completed in the fall of 2013. However, the no pump, control system, or power was installed and the well was not tied into the existing raw water delivery system.

The City of Ontario needed to equip Well No. 17 with a well pump, motor, piping, controls, and a well pump station so that the well could be incorporated into the city's raw water delivery system. CH2M staff and crews would complete some of the pump station work, while professional engineering design effort would be completed by Anderson Perry. Those parts of the work that could not be conducted by staff would be put out to bid (electrical work, for example). The scope of work was based on previous collaboration efforts between city staff and Anderson Perry. Detailed design effort by Anderson Perry was described in the Work Order. This new production well was important to the city to help maintain its reliable water source as the high demand summer months approached.

The City Council could choose to not authorize the Notice to Proceed for Anderson Perry & Associates, Inc., and postpone needed improvements. If authorization was denied, options would include either "No Action" where no improvements would be designed at all or a Request for Proposal (RFP) could be developed and selection of a qualified engineering firm would follow.

Work would be billed on a lump sum basis. Anderson Perry would manage the work identified to the budgeted amount (\$13,500), which would not be exceeded without prior written authorization from the city.

Charlotte Fugate moved, seconded by Norm Crume, that the City Council authorize a Notice to Proceed for Professional Engineering Services for the Design of Well 17 System Connection. 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

Charlotte Fugate brought up a proposal to direct staff to look into the steps necessary, along with potential costs, to rezone a block of property along Oregon Street from I-2 to C-2.

Jerry Elliot presented some information on issues related to Skyline Farms. He recommended the city enter into a contract with Doug Stipe, and asked Council authority to have a 5-year agreement written up by Larry Sullivan. The city had a working history with Mr. Stipe, and the soil management plan was to keep a minimum disturbance of the soil. He would put amendments into the soil starting next year. Darrel Alred was the other bidder.

Larry Tuttle asked about weed issues.

Jerry Elliott stated that had occurred before his time.

Larry Sullivan stated the weed abatement issue would be in the lease language.

There was a consensus to proceed. Weed control and costs would be explained more.

Tori Barnett had been working on a general business registration application, and a template was in their packet. She asked for Council review and comments by the next meeting, so she could potentially bring back an enacting ordinance. A secondary sheet, which would be internal only, would note the zone and other applicable licenses issued, among other items, which would be incorporated into a data base that she would maintain.

Charlotte Fugate asked if the business license would be listed on the city website.

Tori Barnett stated that the business would have the option of being on the city's website. There was a section on the application for that designation. Also, upon completion and acceptance of the application, a window cling, similar to those issued for Chamber of commerce membership, would be issued for display in their window or another prominent place in the business.

Norm Crume asked that the section requesting the driver's license information be deleted. He also wanted to ensure the money collected for this were to be for administrative costs only.

Tori Barnett agreed, and indicated this would not be a money maker. Revenue for this would be placed in a specific line item, which Kari would establish, and would be solely for the collection and future expenditures related to this project, such as postage or the clings. This was not a "license" to operate a business, but merely a "registration" for business identification.

Tori Barnett stated she hoped to bring action back to the Council at the next meeting to declare the golf course equipment as surplus so items could be disposed of.

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:

ATTEST:

Ronald Verini, Mayor

Tori Barnett, MMC, City Recorder

AGENDA REPORT – OLD BUSINESS

April 21, 2015

TO: Mayor and City Council

FROM: Larry Sullivan, City Attorney

THROUGH: Tori Barnett, Interim City Manager

SUBJECT: 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 -SECOND READING

DATE: April 13, 2015

SUMMARY:

Attached is the following document:

- Ordinance No. 2700-2015

PRIOR COUNCIL ACTION:

April 6, 2015 Council approved first reading with changes to Section 3-12-2(A).

BACKGROUND:

Proposed Ordinance No. 2700-2015 has the following changes from the first reading:

- 1) Section 3-12-2(A) has been changed to conform to the motion amending that Section that was passed by the Council at first reading On April 6, 2015. Section 3-12-2(A) now provides that the only zone in which a medical marijuana facility may be located is in the C-2 zone.
- 2) A new subsection (C) was added to Section 3-12-2 to address an ambiguity in the earlier draft. The ordinance requires 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) clarifies that if a school or child care facility moves within 1000 feet of the medical marijuana facility, that does not disqualify it from gets its license renewed. Section 3-12-2 reads 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).

RECOMMENDATION:

Staff recommends the Council approve a second reading of Ordinance No. 2700-2015.

PROPOSED MOTION:

I move the City Council approve 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.

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

- WHEREAS,** Enrolled Oregon Senate Bill 1531 (2013) authorizes Oregon cities to impose reasonable restrictions on the operation and location of medical marijuana facilities, sometimes known as dispensaries; and
- WHEREAS,** Under Oregon law, local governments may regulate the operation and location of certain types of businesses within their jurisdiction except when such action is specifically preempted by state law; and
- WHEREAS,** Although the State of Oregon has passed legislation authorizing medical marijuana facilities and providing criminal immunity under state law, the operation of those facilities remains illegal under federal law; and
- WHEREAS,** The City Council has home rule authority to decide whether, and under what conditions, certain commercial conduct should be regulated within the City and subject to the general and police powers of the City, except when local action has been clearly and unambiguously preempted by state statute; and
- WHEREAS,** The City's licensing and regulatory system should not be construed to constitute an authorization to engage in any activity prohibited by law nor a waiver of any other license or regulatory requirement imposed by any other provisions of City ordinance or local, regional, state or federal law; and
- WHEREAS,** The City Council wants to regulate the operation of medical marijuana facilities in the City in ways that protect and benefit the public health, safety and welfare of existing and future residents and businesses in the City; and
- WHEREAS,** The City Council finds that the presence of medical marijuana facilities within the City of Ontario may potentially result in adverse social and economic impacts, increased crime incidents, and physical deterioration in the general areas of such businesses; and that regulations applicable to such facilities are necessary to protect minors and to preserve the character, safety and stability of residential areas that are in proximity to such commercial businesses; and
- WHEREAS,** The Oregon Health Authority has issued permits to several businesses to operate medical marijuana facilities within the City, and it being necessary for the health, safety and welfare of the residents of the City, an emergency is hereby declared to authorize this Ordinance to take effect immediately upon passage; and
- WHEREAS,** Notwithstanding the emergency passage of this ordinance, the City Council intends that Ordinance 2699-2015, which becomes effective on May 1, 2015, and which extends the City's moratorium on medical marijuana facilities until August 1, 2015, prohibits the issuance of any licenses under this Ordinance 2700-2015 until the expiration of the moratorium.

NOW THEREFORE, The Common Council For The City Of Ontario Ordains As Follows:

Section 1. The following Chapter 22 is hereby added Title 3 of the Ontario City Code and is entitled “Mandatory Business Licenses for Medical Marijuana Facilities”:

CHAPTER 22 MANDATORY BUSINESS LICENSES FOR MEDICAL MARIJUANA FACILITIES

3-22-1 DEFINITIONS

1. City Manager means the City Manager or the designee of the City Manager authorized to handle any matters arising under this Chapter on the City Manager’s behalf.

2. Marijuana or medical marijuana means all parts of the plant Cannabis family Moraceae, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination. As used in this Chapter, “marijuana” or “medical marijuana” refers to marijuana dried, produced, processed, kept, stored, delivered, transferred, dispensed or otherwise provided for the exclusive benefit of and use by a person to mitigate the symptoms or effects of a person’s debilitating medical condition as defined in ORS 475.302.

3. Medical marijuana facility means a facility designed, intended or used for purposes of delivering, dispensing, or transferring marijuana to Oregon medical marijuana registry identification card holders pursuant to ORS 475.300-475.346. The facility includes all premises, buildings, curtilage or other structures used to accomplish the storage, distribution and dissemination of marijuana.

4. Operator means a person who owns, operates or otherwise has legal responsibility for a facility and who meets the qualifications established by the Oregon Health Authority and has been approved by the Oregon Health Authority to operate a medical marijuana facility.

5. Principal means members, partners or corporate officers, and all stockholders holding more than 10 percent of the voting stock for any applicant who is not a natural person.

6. Registration identification card means a document issued by the Oregon Health Authority that identifies a person authorized to engage in the medical use of marijuana, and the person’s designated caregiver, if any.

3-22-2 LOCAL LICENSE REQUIRED

Medical marijuana facilities must possess a valid license issued under this Chapter to operate within the City. The license required by this Chapter facilitates the registration and the City’s oversight of a medical marijuana facility. The license required by this Chapter should not be construed to constitute an authorization to engage in any activity prohibited by law nor a waiver of any other regulatory or license requirement imposed by any other provision of City ordinance or local, regional, state or federal law.

3-22-3 STATE REGISTRATION REQUIRED

To be eligible to apply for a license under this Chapter, medical marijuana facilities must be registered with the Oregon Health Authority and authorized by state law to operate.

3-22-4 LICENSE APPLICATION

(A) Contents of Applications. Applications for new and renewed licenses must be submitted to the City Manager on forms provided by the City. A separate application must be submitted for each proposed facility. The initial or renewal application must include the following information:

1. Certification that the proposed facility is registered at that location as a medical marijuana facility with the Oregon Health Authority pursuant to ORS 475.314.
2. The applicant's name, residence address, and date of birth, with photo identification such as a driver's license or other government-issued identification.
3. The names and residence addresses of:
 - a. Any person or legal entity that has an ownership interest in the facility, including all principals of the applicant;
 - b. Any person or legal entity with a financial interest that has loaned or given money or real or personal property to the applicant, or principal of the applicant, for use by the proposed facility within the preceding year;
 - c. Any person or legal entity that has leased real property to the applicant for use by the facility and any person who manages that property; and
 - d. Any person who is anticipated at the time of the application to be an employee or volunteer at the proposed facility.
4. The business name.
5. The address and telephone number of the proposed facility.
6. The mailing address for correspondence about the license.
7. A detailed description of the type, nature and extent of the business.
8. The proposed days and hours of operation.
9. A detailed description of the proposed accounting and inventory system of the facility.
10. Certification that the facility has met all applicable requirements of the City development code and sign code.
11. Certification that all applicable taxes and fees have been paid.
12. A complete application for a criminal background check for the applicant, and all principals, persons with a financial interest, employees, and volunteers of the proposed medical marijuana facility.
13. The names of at least three natural persons who can give an informed account of the business and moral character of the applicant and principals.
14. The signature, under penalty of perjury, of the applicant, if a natural person, or otherwise the signature of an authorized agent of the applicant, if the applicant is other than a natural person.

15. Other information deemed necessary by the City Manager to complete review of the application.

(B) Information Shall be Kept Current. All information provided in an initial or renewal application must be kept current at all times, including after a license is issued. Each licensee shall notify the City Manager in writing within ten business days of any change in the information provided to obtain the license.

3-22-5 LICENSE DETERMINATION

(A) Determination. Within 25 days after receiving a complete application and application fee for a medical marijuana facility license, the City Manager will issue the license if the City Manager finds that the facility is registered as a medical marijuana facility with the Oregon Health Authority pursuant to ORS 475.314 and that all other requirements under this Chapter have been met.

(B) Denial. In addition to denial for failure to meet the requirements of this Chapter, the City Manager may deny a license if:

1. The applicant made an untrue, misleading, or incomplete statement on, or in connection with, the application for the license or a previous application for a license;
2. Notwithstanding the federal Controlled Substances Act, the applicant fails to meet all requirements of local, state, and federal laws and regulations, including, but not limited to, other permitting or licensing requirements and land use regulations; or
3. The applicant, principals, employees, volunteers, or persons with a financial interest in the facility have been convicted of a felony for the manufacture or delivery of a Schedule I or Schedule II controlled substance.

(C) An applicant may appeal the City Manager's denial of a license in accordance with Section 3-22-13(B). Any aggrieved person may appeal the City Manager's issuance of a license in accordance with Section 3-22-13(B).

3-22-6 APPLICATION FEE

An initial license application and a renewal application must be accompanied by a nonrefundable application fee in the base amount of \$1,200 for a facility with five or fewer employees and volunteers. For facilities with more than five employees and volunteers, the fee shall be the base fee plus \$220 for each additional employee or volunteer. The City Council may revise the fee amount from time to time by resolution of the Council.

3-22-7 DISPLAY OF LICENSE

The license issued under this Chapter must be prominently displayed at all times in an easily visible location inside the facility.

3-22-8 TERMINATION OF LICENSE

(A) Termination. A license terminates automatically one year from the date of issuance, unless a license renewal application has been approved.

(B) Renewal. A license may be renewed for additional annual terms as provided by this Chapter.

(C) **Renewal Application.** Renewal applications shall be submitted, with the required application fee, to the City Manager not less than 30 days prior to the expiration date of the existing license.

(D) **Termination Due to Change in Law.** A license terminates automatically if federal or state statutes, regulations or guidelines are modified, changed, or interpreted in such a way by state or federal law enforcement officials as to prohibit operation of the facility under this ordinance.

(E) **Surrender.** A licensee may surrender a medical marijuana facility license by delivering written notice to the City that the licensee thereby surrenders the license. A licensee's surrender of a license under this section does not affect the licensee's civil or criminal liability for acts the licensee committed before surrendering the license.

3-22-9 TRANSFERABILITY

Licenses issued under this Chapter shall not be transferred to any other person. The City Manager may waive this restriction and authorize a transfer if it is to a limited liability company, corporation or partnership in which the names of principals have been included in the most recent license application for the facility and the City has already completed criminal background checks on those principals.

3-22-10 INDEMNIFICATION

(A) **Waiver.** By accepting a medical marijuana facility license issued under this Chapter, the licensee waives and releases the City, its officers, elected officials, employees, volunteers and agents from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of a facility owner or operator, principal, person or legal entity with a financial interest in the facility, person or entity that has leased real property to the facility, employee, volunteer, client or customer for a violation of federal, state or local laws and regulations.

(B) **Indemnification.** By accepting a medical marijuana facility license issued under this Chapter, the licensee(s), jointly and severally if there is more than one, agree to indemnify and hold harmless the City, its officers, elected officials, employees, volunteers, and agents, insurers, and self-insurance pool against all liability, claims, and demands on account of any injury, loss, or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the medical marijuana facility that is the subject of the license.

3-2-11 STANDARDS OF OPERATION

(A) **Registration and Compliance with Oregon Health Authority Rules.** The facility's registration as a medical marijuana facility under ORS 475.314 must be in good standing with the Oregon Health Authority, and the facility must comply with all applicable laws and regulations administered by the Oregon Health Authority for facilities.

(B) **Compliance with Other Laws.** The facility must comply with all applicable laws and regulations, including, but not limited to, the building and fire codes.

(C) **Registry Identification Card Required.** All persons allowed within the facility, except employees of the City performing their official duties, must have a valid registry identification card and be in compliance with rules adopted by the Oregon Health Authority.

(D) **Sales in Facility.** Sales or any other transfers of marijuana on the facility premises must occur inside the facility building and must be conducted only between the facility and individuals with registry identification cards.

(E) **On-Site Use.** Marijuana and tobacco products must not be smoked, ingested, consumed or otherwise used on the premises of a medical marijuana facility.

(F) **On-Site Manufacturing.** Manufacturing or production of any extracts, oils, resins or similar derivatives of marijuana is prohibited at a facility. Use of open flames or gases in the preparation of any products is prohibited at a facility.

(G) **Outdoor Storage.** Outdoor storage of merchandise, raw materials or other material associated with the facility is prohibited.

(H) **Secure Disposal.** The facility must provide for secure disposal of marijuana remnants or byproducts; marijuana remnants or by-products shall not be placed within the facility's exterior refuse containers.

(I) **Home Occupation.** A facility may not be operated as a home occupation.

(J) **Screening from Public.** All transactions shall occur within the interior of the facility, out of the view of the public. All doorways, windows and other openings shall be located, covered or screened in such a manner to prevent a view into the interior from any exterior public or semipublic area. Walk-through windows, drive-through windows or other outside delivery systems are prohibited.

(K) **Objectionable Odors.** The facility must use an air filtration and ventilation system which, to the greatest extent feasible, confines all objectionable odors associated with the facility to the premises. For the purposes of this provision, the standard for judging "objectionable odors" shall be that of an average, reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor is made and the odor is detected.

(L) **Permanent Structure.** The facility shall be located in a permanent building, not in a trailer, cargo container or motor vehicle.

(M) **Blight.** The facility shall have an exterior consistent with other buildings on abutting lots in the neighborhood so as not to cause blight.

(N) **Security Devices.** A facility must install and maintain all security devices required by the Oregon Health Authority.

(O) **Lighting.** A facility must maintain adequate outdoor lighting over each exterior exit.

(P) **Hours of Operation.** No facility shall have operating hours earlier than 10 a.m. or later than 7 p.m. of the same day.

(Q) **Payment of Marijuana Tax.** Unless waived by the City, the operator of the facility shall comply with the provisions of Chapter 21 of Title 3 of the City Code regarding payment of a tax on marijuana.

3-2-12 LOCATION OF FACILITY

(A) **Zone Location.** A medical marijuana facility shall be located only within the C-2 land use zone described in Title 10A, Chapter 29 of the City Code.

(B) Location Restrictions. A medical marijuana facility is prohibited in the following locations, regardless of zone, with distances measured from the closest points of the respective lot lines:

1. within 1,000 feet of a public or private elementary or secondary school, or a career school;
2. within 1,000 feet of a non-commercial facility used primarily for the care, education or recreation of minors, such as a Head Start school or a Boys and Girls Club, but not including child care facilities that are neither registered or certified by the State;
3. within 1,000 feet of a public park, public playground, public recreation center or public facility;
4. within 1,000 feet of another medical marijuana facility;
5. within 200 feet of all residential zones, including those designated in Chapter 11 (RS-50), Chapter 13 (RD-40), Chapter 17 (RM-10), Chapter 19 (R-MH), Chapter 23 (TRO) and Chapter 52 (UGA-R) of Title 10A;
6. within 1,000 feet of a certified or registered child care facility licensed by the State of Oregon;
7. on the same tax lot as a smoking club or marijuana grow site; or
8. any combination of the above.

(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).

3-22-13 ENFORCEMENT AND PENALTIES

(A) Revocation or Suspension of License. The City Manager may deny, suspend or revoke a license issued under this Chapter for failure to comply with this Chapter, for submitting falsified information to the City or the Oregon Health Authority, or for noncompliance with any other City ordinances or state law.

(B) Appeal of Issuance, Denial, Revocation or Suspension. Any person aggrieved by the City Manager's issuance, denial, suspension or revocation of a license may appeal it to the City Council by delivering a written notice of appeal to the City Manager within 30 days of the date of the denial, suspension or revocation. The appeal shall be heard by the City Council in a public meeting scheduled within 60 days of the date that the notice of appeal is delivered to the City Manager. The appellant shall be given at least a five day notice of the public meeting, and shall be entitled to appear and be heard. The City Council's decision on the appeal shall be final.

(C) Civil Penalty. In addition to the other remedies provided in this section, any person or entity, including any person who acts as the agent of, or otherwise assists, a person or entity who fails to comply with the requirements of this Chapter or the terms of a license issued under this Chapter, who undertakes an activity regulated by this Chapter without first obtaining a license, who fails to comply with a cease and desist order issued pursuant to this Chapter, or who fails to comply with state law commits an unclassified civil violation which shall be processed according to the procedures established in Chapter 4 "General Penalty" of Title 1 of this Code.

(D) Public Nuisance. Any premises, house, building, structure or place of any kind where medical marijuana is grown, processed, manufactured, sold, bartered, distributed or given away in violation of state law or this Chapter, or any place where medical marijuana is kept or possessed for sale, barter, distribution or gift in violation of state law or this Chapter, is a public nuisance. The City may institute an action in circuit court in the name of the City to abate, and to temporarily and permanently enjoin, such nuisance. The court has the right to make temporary and final orders as in other injunction proceedings. The City shall not be required to give bond in such an action.

(E) Remedies not Exclusive. The remedies provided in this section are not exclusive and shall not prevent the City from exercising any other remedy available under the law, nor shall the provisions of this Chapter prohibit or restrict the City or other appropriate prosecutor from pursuing criminal charges under City ordinance or state law.

Section 2. Severability. The sections, subsections, paragraphs, and clauses of this Ordinance are severable. The invalidity of one section, subsection, paragraph, or clause does not affect the validity of the remaining sections, subsections, paragraphs, and clauses.

Section 3. An emergency having been declared, this ordinance shall take effect immediately upon passage.

PASSED AND ADOPTED by the Common Council of the City of Ontario this _____ day of _____, 2015, by the following vote:

AYES:

NAYS:

ABSENT:

APPROVED by the Mayor this _____ day of _____, 2015.

ATTEST:

Ronald Verini, Mayor

Tori Barnett, MMC, City Recorder

AGENDA REPORT

April 21, 2015

TO: Mayor and City Council

FROM: Debbie Jeffries, Recreation Manager

THROUGH: Tori Barnett, Interim City Manager

SUBJECT: RESOLUTION 2015-114: A RESOLUTION AUTHORIZING THE PURCHASE OF RECREATION DEPARTMENT SUPPLIES FOR PROGRAMS AND BUILDING UPDATES

DATE: April 13, 2015

SUMMARY:

Attached is the following document:

- Resolution #2015-114

The Ontario Recreation Department would like 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 is in partnership with the use by the high school for the girls' softball program, and the city needs to do their share for maintenance and upkeep of the fields. The middle school dirt is in conjunction with an ongoing project with the Ontario Recreation Board. The Youth Tackle Football jerseys are old and falling apart, and simply need replaced. The Ontario Recreation Center needs to be painted internally, a few dividing walls erected, and some miscellaneous office items need purchase or replacement, including a new commode, office chairs, and an entrance mat.

BACKGROUND:

The Recreation Department uses 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 is desperate need of repainting. Also, as this building was not initially designed with an office, two new walls need to be constructed, which will also have electrical outlets and networking conduits inserted. These walls will provide a more professional appearance, while adding safety for customers, in that it will eliminate the ability for unescorted individuals from entering the storage and equipment areas. The football jerseys need to be replaced due to normal wear and tear.

FINANCIAL IMPLICATIONS:

The Recreation Department received funds in the 2014-2015 budget from the Transient Occupancy Tax that were specifically designated for supplies needed to update the city's recreational programs. Of the \$30K originally provided to the Recreation Department through the 14-15 budget process, \$6,000 was previously expended for softball equipment.

The amount the recreation department would like to expense is as follows:

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
Pickleball Equipment \$500

Resolution #2015-114 will reduce 001-004-871000 (*General Fund Contingency*) by \$19,311 and increase 001-025-613500 (*Supplies*) by \$19,311.

RECOMMENDATION:

Staff recommends the City Council approve Resolution #2015-114.

PROPOSED MOTION:

I move 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.

RESOLUTION #2015-114

A RESOLUTION AUTHORIZING THE PURCHASE OF RECREATION DEPARTMENT SUPPLIES FOR PROGRAMS AND BUILDING UPDATES

WHEREAS, the Council approved \$30,000 Transient Occupancy Tax revenues to be allocated to the Recreation Department in the 2014-2015 budget; and

WHEREAS, the Recreation Department previously budgeted to spend \$6,000 of this additional funding allocated to replace and update recreational equipment; and

WHEREAS, the Recreation Department needs some updates to the building and other supplies.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Ontario City Council, to approve the following adjustments to the fiscal year 2014-2015 budget:

Line Item	Item Description	FY 2014-2015 Budget	Amount of Change	Adjusted Budget
GENERAL FUND				
001-004-871000	Operating Contingency	\$991,076	(\$19,311)	\$971,765
001-025-613500	General Supplies & Maintenance	\$9,355	\$19,311	\$28,666

EFFECTIVE DATE: Effective immediately upon passage.

PASSED AND ADOPTED by the City Council of the City of Ontario this ____ day of _____ 2015, by the following vote:

- AYES:
- NAYES:
- ABSENT:

APPROVED by the Mayor this ____ day of _____, 2015.

ATTEST:

Ronald Verini, Mayor

Tori Barnett, MMC, City Recorder

AGENDA REPORT

April 21, 2015

TO: Honorable Mayor and City Council Members

THRU: Tori Barnett, Interim City Manager

FROM: Chief Mark Alexander

SUBJECT: RESOLUTION #2015-115: A RESOLUTION UPDATING FEES FOR POLICE RELATED SERVICES

DATE: April 6, 2015

SUMMARY:

Attached is the following document:

- Resolution #2015-115

The Police Department would like to update fees for police related services, specifically criminal background checks and administrative fees for nuisance abatements.

BACKGROUND:

The Police Department provides extraordinary services such as civil fingerprinting and public records. These services have fees associated to them. There has been an increase in requests for criminal background checks, which requires staff time to research and document for the customer. We do not have a fee associated to criminal background checks and would propose a fee of \$25 set by resolution.

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

FINANCIAL IMPLICATIONS:

A fee of \$25 for criminal background checks would be established along with an increase from \$100 to \$150 for Nuisance Abatement administrative fees.

ALTERNATIVE:

The Council may vote to leave costs as they are or propose different rates.

RECOMMENDATION:

Staff recommends that the Council adopt Resolution 2015-115.

PROPOSED MOTION:

I move that the Council adopt Resolution 2015-115, A RESOLUTION UPDATING FEES FOR POLICE RELATED SERVICES.

RESOLUTION NO. 2015-115

**A RESOLUTION CREATING AND UPDATING FEES FOR
POLICE RELATED SERVICES**

WHEREAS, Certain services are provided by municipalities exclusively to individuals for their benefit or due to their actions; and

WHEREAS, Those services generally require additional staff time to perform; and

WHEREAS, Fees are charged for those services and are established or updated by resolution.

NOW THEREFORE, BE IT HEREBY RESOLVED by the City Council for the City of Ontario:

A fee of \$25 shall be established in attempt to recover the costs of providing criminal backgrounds to individuals.

A fee of \$150 shall be adopted for the administration of property nuisance abatements.

EFFECTIVE DATE: Effective immediately upon passage.

PASSED AND ADOPTED by the City Council of the City of Ontario this ____ day of _____ 2015, by the following vote:

AYES:

NAYES:

ABSENT:

APPROVED by the Mayor this ____ day of _____, 2015.

Ron Verini, Mayor

ATTEST:

Tori Barnett, MMC, City Recorder

AGENDA REPORT – PUBLIC HEARING
April 21, 2015

TO: Mayor and City Council

FROM: Cliff Leeper, Ontario Public Works Director

THROUGH: Tori Barnett, City Manager Pro-Tem
Betsy Roberts, Ontario City Engineer
Dan Shepard, Engineering Technician III

SUBJECT: INFORMATIONAL PUBLIC HEARING FOR ANCHOR MINISTORAGE LLC REIMBURSEMENT DISTRICT

DATE: April 13, 2015

SUMMARY:

Attached are the following documents:

- Exhibit “A” – Map of participating properties
- Exhibit “B” – Resolution #2015-111
- Attachment “1” – Director’s Report

Jeff Petry owns Anchor Mini Storage, a storage rental business located on the south side of SE 5th Avenue. He developed Anchor Mini Storage in 2011 and installed public utilities which service 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 to do so, a Reimbursement District was formed. The Director’s Report for Reimbursement District was presented at the City Council meeting March 2, 2015. An Informational Public Hearing is required within 45 days after the report is presented and it was set for April 20, 2015. At the informational public hearing, any person shall be given the opportunity to comment on the Reimbursement District. Because formation of the Reimbursement District does not result in an assessment against property or lien against property, the public hearing is for informational purposes only and is not subject to mandatory termination because of remonstrances. Notices of the public hearing were sent out ten (10) days prior to any public hearing.

PREVIOUS COUNCIL ACTION:

March 16, 2015 Adopted Resolution #2015-111 adopting the Public Works Director’s Report and Creating a Reimbursement District in favor of Anchor Mini Storage LLC for installation of sanitary sewer and storm sewer improvements on SE 5th Avenue.

BACKGROUND:

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 5th Avenue. As there was no sanitary sewer or storm sewer along this portion of SE 5th 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.

FINANCIAL IMPLICATIONS:

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

ACTION:

None required. An Informational Public Hearing is required within 45 days after the report is presented. At the hearing, any person can speak on the action. As the formation of the District does not result in an assessment or lien against property, the public hearing is for informational purposes only and is not subject to mandatory termination because of remonstrances.

SE 5th Ave Reimbursement District 2015-1

Exhibit B



END OF DISTRICT

BEGINNING OF DISTRICT



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

WHEREAS, Jeff Petry, on behalf of Anchor Mini-Storage, LLC (Developer) has extended the sanitary sewer main and storm sewer main line along SE 5th Avenue from SE 10th Street to the western edge of his property at Anchor Mini Storage 18s 47e 10AC TL 200; and

WHEREAS, Said sanitary sewer and storm sewer extension is available to serve adjoining property owners who did not participate in the cost of construction of the extensions; and

WHEREAS, Developer has applied for an Reimbursement District to be formed in order that Developer may recoup some of the expense of the main line extensions and payment of said reimbursement fees, as designated for each property within the Reimbursement District, is a precondition of receiving any City permits applicable to development of that parcel; and

WHEREAS, Cliff Leeper, the City's designated Public Works Director, submitted to the City Council a report dated March 16, 2015, making the recommendations required by Ontario City Code Section 8-15-4 for the establishment of a Reimbursement District.

NOW, THEREFORE, BE IT RESOLVED by the Ontario City Council, as follows:

- 1) The March 16, 2015, Public Works Director's Report for the Jeff Petry/Anchor Mini Storage SE 5th Avenue Reimbursement District, as set forth in Attachment 1, is approved.

- 3) The Public Works Director shall set a Public Hearing on the formation of a Reimbursement District within 45 days of the date of his report and not later than April 30, 2015, as required by Ontario City Code Section 8-15-6(A).

- 3) Not less than 10 days prior to the hearing date, the Public Works Director shall give the Developer and all owners of property within the proposed Reimbursement District notice of the public hearing as required by City Code Section 8-15-6(B).

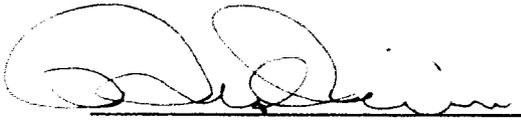
EFFECTIVE DATE: Immediately upon passage.

Passed and adopted by the Ontario City Council this 16th day of March, 2015, by the following vote:

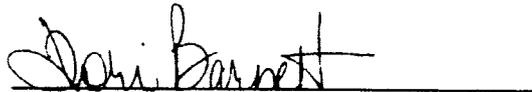
Ayes: Fugate, Winebarger, Crume, Verini, Jost, Carter, Tuttle
Nays: None
Absent: None

Approved by the Mayor this 16th day of March, 2015.

ATTESTED:



Ronald Verini, Mayor



Tori Barnett, MMC, City Recorder

Director's Report
For the Jeff Petry/Anchor Mini Storage
SE 5th Avenue Reimbursement District
City of Ontario, Oregon
March 21, 2015

The Ontario Municipal Code 8-15-3 requires the development of a Director's Report once a written application is filed with the Public Works Director to request that the City establish a Reimbursement District. The public improvement must be of a size greater than that which would otherwise ordinarily be required in connection with an application for a building permit or development permit or must be available to provide service to property other than property owned by the Developer, so that the public will benefit by making the public improvements. Ordinance 2572-2005 establishing provisions for creation and administration of reimbursement districts was passed on October 17, 2005. The content of the Director's report is as follows:

1. Director's Report Summary
2. A written description of the location, type, size and cost of each public improvement which is to be eligible for reimbursement.
3. A map showing the boundaries of the proposed Reimbursement District, the tax account number of each property, its size and boundaries.
4. A map showing the properties to be included in the proposed Reimbursement District, the zone for the properties, the linear front footage and square footage of said properties, or similar data necessary for calculating the apportionment of the cost of the public improvement, the property owned by the developer and the names and mailing addresses of owners of other properties to be included in the proposed Reimbursement District.
5. The actual or estimated cost of the public improvement.

Director's Report Summary:

Project Scope

The Reimbursement District consists of the construction of sanitary sewer and storm mainlines along SE 5th Avenue from the intersection of SE 10th Street to the western edge of Developer's property as described in Exhibit A. Developer, at his own expense in connection with the development of Developer's property, has constructed an 8 inch sanitary sewer mainline and a 12 inch storm sewer mainline extension, benefitting surrounding property owners who did not participate in the cost of the extensions. Upon completion of the 8 inch sanitary sewer and 12 inch storm sewer extensions, Developer dedicated said facility to the City of Ontario for public use, but has applied for a reimbursement district for the purpose of reimbursement of a proportionate amount of the cost of construction from other customers who may later connect to and utilize said sanitary sewer and storm sewer main lines. City Council has passed Ordinance No. 2572-2005, forming a Reimbursement District and is willing to administer a Reimbursement Agreement wherein property owners who at a later date connect to the above described sanitary sewer and storm mainlines Developer constructed will pay a proportionate share of the construction.

Financing

The Developer has financed all of the cost of the Public Improvements, thereby making sanitary sewer and storm sewer service available to the affected properties, other than that owned by the Developer.

Proposed Reimbursement District Boundary and Size

The proposed Reimbursement District boundary consists of four tax lots along SE 5th Avenue.

Map and Tax Lot	Name	Linear Feet 12" Storm Sewer	Linear Feet 8" Sanitary Sewer	Zoning
18s 47e 10 TL 1305	H2MK, LLC	321 lf	337 lf	Commercial UGA
18s 47e 10 TL 1310	H2MK, LLC	26.21 lf	26.21 lf	Commercial UGA
18s 47e 10 TL 1302	H2MK, LLC	272.25 lf	272.25 lf	Commercial UGA
18s 47e 10AC TL 100	3 D Y, LLC	330 lf	330 lf	Commercial UGA
Developer				
18s 47e 10AC TL 200	Anchor Mini	330 lf	330 lf	Gen. Heavy Com.
TOTALS		1,279.46 lf	1,295.46 lf	

Actual Cost of the Public Improvements

The table below shows the actual cost of the Public Improvements serving the area of the proposed Reimbursement District and the portion of the cost for which the Developer should be reimbursed for each Public Improvement.

8" Sanitary Sewer	Construction Engineering	½ Application Fee	Subtotal	Divided by Total LF	Total Sanitary Sewer per LF
\$30,736.50	\$2,305.24	\$75.00	\$33,116.74	1,295.46 lf	\$25.56

12" Storm Sewer	Construction Engineering	½ Application Fee	Subtotal	Divided by Total LF	Total Storm Sewer per LF
\$25,042.50	\$1,878.19	\$75.00	\$26,995.69	1,279.46 lf	\$21.10

Map and Tax Lot	Name	Sanitary Sewer per LF	LF Property Frontage	Total Sanitary Sewer
18s 47e 10 TL 1305	H2MK, LLC	\$25.56	337.00 lf	\$8,614.96
18s 47e 10 TL 1310	H2MK, LLC	\$25.56	26.21 lf	\$669.93
18s 47e 10 TL 1302	H2MK, LLC	\$25.56	272.25 lf	\$6,958.71
18s 47e 10AC TL 100	3 D Y, LLC	\$25.56	330.00 lf	\$8,434.80
TOTAL				\$24,678.40

Map and Tax Lot	Name	Storm Sewer per LF	LF Property Frontage	Total Storm Sewer
18s 47e 10 TL 1305	H2MK, LLC	\$21.10	321.00 lf	\$6,773.10
18s 47e 10 TL 1310	H2MK, LLC	\$21.10	26.21 lf	\$553.03
18s 47e 10 TL 1302	H2MK, LLC	\$21.10	272.25 lf	\$5,744.48
18s 47e 10AC TL 100	3 D Y, LLC	\$21.10	330.00 lf	\$6,963.00
TOTAL				\$20,033.61

Total Sanitary Sewer Reimbursement	Total Storm Sewer Reimbursement	Grand Total Owed to Developer
\$24,678.40	\$20,033.61	\$44,712.01

Map and Tax Lot	Name	Total Sanitary Sewer Reimbursement	Total Storm Sewer Reimbursement	Grand Total per Public Improvement
18s 47e 10 TL 1305	H2MK, LLC	\$8,614.96	\$6,773.10	\$16,225.95
18s 47e 10 TL 1310	H2MK, LLC	\$669.93	\$553.03	\$1,288.22
18s 47e 10 TL 1302	H2MK, LLC	\$6,958.71	\$5,744.48	\$13,381.09
18s 47e 10AC TL 100	3 D Y, LLC	\$8,434.80	\$6,963.00	\$16,219.50
	TOTAL	\$24,678.40	\$20,033.61	\$44,712.01

Annexation

The four properties that did not participate in the construction costs are currently outside City limits. City policy has required that property be annexed into the city in order to receive sewer service. According to 8-7-4 Use of Public Sewer Restricted (M) No Sewer Connection Outside City: There shall be no properties outside the City connected to the City sewer lines, except by special permission of the Council.

Actual Costs

The Reimbursement District reimbursement amount is **\$44,712.01**. OMC 8-15-5A states a reimbursement fee shall be computed by the City for all properties within the Reimbursement District, excluding property owned by or dedicated to the City or the State of Oregon, which have the opportunity to use the Public Improvements, including the property of the Developer. The reimbursement fee shall be calculated separately for each Public Improvement. The Developer shall not be reimbursed for the portion of the reimbursement fee computed for the Developer’s own property. Right of way for the other properties has been donated. The Developer donated additional required right of way at no charge to the City.

OMC 8-15-5B states the cost to be reimbursed to the Developer shall be limited to the cost of construction engineering, construction and off-site dedication and/or acquisition of right of way property. Construction engineering shall include surveying and inspection costs and shall not exceed seven and one-half percent (7.5%) of eligible Public Improvement construction costs. Costs to be reimbursed for right of way property shall be limited to the reasonable market value of land or easements purchased by the Developer from a third party in order to complete the Public Improvements.

Methods of Assessment

There are several ways to consider and determine “benefits derived” when assessing property within a reimbursement district. Common methods include cost per linear foot of property abutting the improvement, cost per square foot to a property to a depth of 150 feet (Ontario code 8-7-3 (F)) or on a share and share a-like basis if the benefit is considered approximately equal for each parcel.

In this reimbursement district, staff is recommending a cost per linear foot of property abutting the improvement.

The assessment shall be calculated as follows:

Twenty-five and fifty-six cents (\$25.56) multiplied by the length, in feet, of the frontage of the parcel(s) in question as measured along SE 5th Avenue adjacent to the sanitary sewer mainline, twenty-one and ten cents (\$21.10) multiplied by the length, in feet, of the frontage of the parcel(s) in question as measured along SE 5th Avenue adjacent to the storm sewer mainline, plus accrued simple interest at a rate of five point five percent (5.5%) per annum, starting March 16, 2015. The reimbursement finance fee shall be in addition to any other connection charges in effect at the time the connection is made.

City Standards

Staff has determined the Public Improvement along SE 5th Avenue has met City Standards, and it is fair and in the public interest to create a Reimbursement District.

Discussion/Information /Hand-Out Items

City Council Meeting
April 21, 2015



City of Ontario
 444 SW 4th Street
 Ontario, OR 97914
 Voice (541)889-7684
 Fax (541)889-7121
www.ontariooregon.org

CITY OF ONTARIO BUSINESS REGISTRATION APPLICATION

Required by Ontario Municipal Code ****_**_****

Initial Fee: \$25
Renewal Fee: \$10
Non-Compliance Penalty: \$100+\$10 per day

Type: **Initial**
 Renewal
 Change
 Temporary (30-day limit)

All fees/penalties are non-refundable/non-transferable

Fee Exempt

If you believe your business is exempt from payment of fee, please submit the completed application along with a statement and/or paperwork to support your request for exemption.

Application Received Date: _____ Amount Paid: _____ Check/Cash/MO/DC/CC

Please complete application in full. Incomplete or illegible applications may be rejected.

The registration shall follow the calendar year. First year will be pro-rated; subsequent years, renewals will be due by January 15th. Window clings will be issued upon completion and accepted applications. The clings shall be placed in a window or displayed within the business where patrons can see it.

BUSINESS NAME: _____

BUSINESS ADDRESS: _____

BUSINESS TELEPHONE: _____ HOURS/DAYS OF OPERATION: _____

BUSINESS EMAIL: _____ BUSINESS WEBSITE: _____

GENERAL DESCRIPTION OF BUSINESS: _____

COMMERCIAL STORE-FRONT OR IN-HOME BUSINESS: _____

BUSINESS OWNER NAME: _____

BUSINESS OWNER ADDRESS: _____

BUSINESS OWNER PHONE: _____ BUSINESS OWNER EMAIL: _____

PROPERTY OWNER NAME (IF DIFFERENT THAN ABOVE): _____

PROPERTY OWNER ADDRESS: _____

PROPERTY OWNER PHONE: _____ PROPERTY OWNER EMAIL: _____

ALTERNATE CONTACT(S) IN CASE OF EMERGENCY (NAME, ADDRESS, PHONE, EMAIL): _____

(IF THERE ARE MORE ALTERNATE CONTACTS, PLEASE USE A SEPARATE SHEET OF PAPER AND ATTACH TO THIS APPLICATION)

MAY WE PUT YOUR BUSINESS INFORMATION ON OUR CITY DIRECTORY/CITY WEBSITE? YES NO

MAY WE SHARE YOUR BUSINESS INFORMATION WITH THE ONTARIO CHAMBER OF COMMERCE? YES NO

HAVE YOU MADE ANY SUBSTANTIAL CHANGES TO YOUR FLOOR PLAN SINCE INITIAL APPLICATION OR LAST RENEWAL: YES NO

PLEASE PROVIDE A COPY OF YOUR FLOOR PLAN TO EMERGENCY SERVICES.

IS THERE A BASEMENT: YES NO

IS THERE A SECOND (OR HIGHER) STORY: YES NO

ROOF ACCESS LOCATION: _____

KNOX BOX: YES NO IF YES, LOCATION: _____ FIRE SUPPRESSION SYSTEM: YES NO

AED: YES NO IF YES, LOCATION(S): _____

ALARM: YES NO IF YES, TYPE(S): _____

ALARM COMPANY/PHONE: _____

DOES YOUR FACILITY CONTAIN HAZARDOUS MATERIALS: YES NO

IF YES, HAVE THE HAZARDOUS MATERIALS BEEN REPORTED TO THE OREGON STATE FIRE MARSHALL'S HAZARDOUS SUBSTANCE INFORMATION SYSTEM: YES NO

DOES ANYONE RESIDE ON THE PREMISES: YES NO IF YES, PLEASE NOTE LOCATION ON FLOOR PLAN (*SEE ABOVE REQUEST).

ANIMALS ON PREMISES: YES NO TYPE(S): _____

I declare under penalty of perjury that the statements made herein are made in good faith and to the best of my knowledge are true, correct, and complete.

SIGNED: _____

DATE: _____

PRINTED NAME: _____

TITLE: _____

Please submit the completed Application, with required payment, to Ontario City Hall, 444 SW 4th Street, Ontario, Oregon, 97914. For questions, please call 541.889.7684.

THANK YOU

LICENSES OR PERMITS REQUIRED: No person shall engage in or carry on any trade, business, profession, or activity within the limits of the city for which a license or permit is required by this title, or by any ordinance of the city, without a current, valid license or permit required for that trade, business, profession, or activity.

UNLAWFUL TO DISPLAY INVALID LICENSE OR PERMIT: It shall be unlawful to display, wear, or assert the validity of a license or permit required by the city of Ontario where such permit or license has been denied, revoked, expired, or otherwise invalidated.

UNLAWFUL CONDUCT: It shall be unlawful for a business to operate in the City of Ontario while violating any City Ordinance, State Statute or Federal Law.

PENALTY: A violation of this section shall be a Class A Violation. In addition to such penalty, any person violating any provision of this chapter shall be subject to any and all other applicable administrative, criminal, and/or civil penalties. Each day upon which a violation of this section continues or occurs may be deemed a separate and distinct violation.

MALHEUR COUNTY COURT MINUTES

APRIL 1, 2015

County Court met with Judge Dan Joyce presiding with Commissioner Don Hodge and Commissioner Larry Wilson present. Staff present was Administrative Officer Lorinda DuBois.

Also present was Larry Meyer of the Argus Observer.

ASSESSOR'S OFFICE

County Assessor Dave Ingram met with the Court and presented the Assessment and Taxation grant application which partially funds the office. Commissioner Hodge moved to approve Grant Application Resolution to the Department of Revenue. Commissioner Wilson seconded and the motion passed unanimously. By approving the resolution, the County agrees to appropriate the budgeted dollars based on 100% of the expenditures certified in the grant application in the amount of \$894,006.

Mr. Ingram also told the Court that the GIS Specialist has absorbed the duties of the part-time Cartographer position.

COURT MINUTES

Commissioner Hodge moved to approve Court Minutes of March 11, 2015 as written. Commissioner Wilson seconded and the motion passed unanimously.

AMENDMENT - IGA NO. 9753

Commissioner Wilson moved to approve Amendment #1 to State of Oregon, The Early Learning Division, 2013-2015 County Health Families Oregon Department of Education Medicaid Administrative Activities Intergovernmental Agreement, Healthy Start Agreement No. 9753. Commissioner Hodge seconded and the motion passed unanimously. A copy will be returned for recording.

ENTERPRISE ZONE APPLICATIONS

Commissioner Hodge moved to approve Resolution R15-8: A Resolution Approving the Enterprise Zone Applications for a Five Year Tax Exemption on New Investments for Norm Poole Oil, Inc. and Campo Oil Company, Inc. Commissioner Wilson seconded and the motion passed unanimously. Malheur County, along with the cities of Ontario, Vale and Nyssa are sponsors of the Malheur County Enterprise Zone. The County Court supports a five year tax exemption for certain property taxes within the Enterprise Zone for Norm Poole Oil, Inc. and Campo Oil Company, Inc. as requested in their Oregon Enterprise Zone Authorization Applications of August 2014 and as approved by the County Assessor. See instrument # 2015-1087

BUDGET TRANSFER

Commissioner Hodge moved to approve Resolution No. R15-6: In the Matter of Fund Transfers Under Local Budget Law ORS 294.463. Commissioner Wilson seconded and the motion passed unanimously. See instrument #2015-1090

CONTRACT - GLENN BROTHERS CONSTRUCTION

Commissioner Hodge moved to approve Contract with Glenn Brothers Construction Inc. for the Partial Remodel of State Court Offices Malheur Circuit Court, 2nd Floor. Commissioner Wilson seconded and the motion passed unanimously. See instrument #2015-1091

AMENDED ORDER FOR SALE

Commissioner Hodge moved to approve Amended Order GO-06-15 For the Sale of Properties Acquired by the County. Commissioner Wilson seconded and the motion passed unanimously. The market value and minimum bid for Ref. #9814 was adjusted in the amended Order. See instrument #2015-1103

CIRCUIT COURT

Trial Court Administrator Kim Migliaccio met with the Court. Ms. Migliaccio explained that there is asbestos that must be removed in connection with the Circuit Court remodel project. Ms. Migliaccio requested the Court pay for the asbestos removal as it will help to bring the building up to code.

Maintenance Supervisor Don Dalton and County Counsel Stephanie Williams joined the session.

The asbestos removal will be approximately \$6500; the State has agreed to provide \$100,000 for the remodel project; and the total for the project, with furniture, is approximately \$157,000.

It was explained that asbestos has been found in various locations of the courthouse throughout the years; the asbestos does not require removal unless it is going to be disturbed.

After discussion, Commissioner Hodge moved to deny the request as the asbestos removal is directly related to the remodel project. Commissioner Wilson seconded and the motion passed unanimously.

ROAD DEPARTMENT

Road Department Supervisor Richard Moulton met with the Court and presented several Crossing Permits for their consideration. Commissioner Wilson moved to approve Crossing Permits #03-15 to Gary and Kathy DeLong for installation of pipe on 9th Avenue E #742; #04-15 to Oregon Telephone Corp for installation of telephone cable on 4th Street #3089; #05-15 to Mike Schaffeld for installation of irrigation pipe on North Road G #613; #06-15 to John E. Witty for installation of irrigation pipe on Big Bend Road #1104; and #07-15 to Allen Kemble for irrigation related purposes on Echo Drive #770. Commissioner Hodge seconded and the motion passed unanimously. Original permits will be kept on file at the Road Department.

Mr. Moulton also explained the Bridge Foreman may retire in the near future; Mr. Moulton requested authorization to fill the vacancy in the event of the retirement (the position will be changed to an Equipment Operator). By consensus, the Court authorized the request.

SUPPLEMENTAL BUDGET HEARING

Commissioner Hodge opened the public hearing for consideration of Supplemental Budget Resolutions No. R15-5 and No. R15-7. (Judge Joyce was momentarily out of the room .)

Ms. DuBois explained that Resolution 15-5 allocates the spending of additional C.A.M.I. grant funds (\$73,021) which were received but not anticipated when the adopted budget was prepared; and Resolution R15-7 allocates the spending of \$100,000 in additional State funds which were received but not anticipated when the adopted budget was prepared for the purpose of remodeling the State Circuit Court offices.

No public comments were received. The hearing was closed.

Commissioner Wilson moved to approve Resolution No. R15-5: In the Matter of Fiscal Year 2014/2015 Supplemental Budget by Resolution Under Local Budget Law ORS 294.471; and Resolution No. R15-7: In the Matter of Fiscal Year 2014/2015 Supplemental Budget by Resolution Under Local Budget Law ORS 294.471. Commissioner Hodge seconded and the motion passed unanimously. See instrument [#2015-1089](#) and [#2015-1088](#)

COURTHOUSE COOLING SYSTEM

Maintenance Supervisor Don Dalton met with the Court regarding the courthouse cooling system. The chiller is currently operating after approximately \$7400 worth of repairs; last cooling season it required approximately \$6500 worth of repairs. Additionally, the bottom of the cooling tower has rusted out and has been patched. It is hoped that the system will continue to function through the current cooling season; however, Mr. Dalton would like to proceed with ordering a new system in order to have it on standby. There is a 10-12 week lead time on a new system. The new systems are air cooled chilling systems and would be an enclosed unit on the roof. Funds have been budgeted for the project for several years and there are sufficient funds in the Courthouse HVAC line-item for the project. The total for the project is approximately \$148,000. The system has a 30 year life expectancy. The consensus of the Court was for Mr. Dalton to proceed with the project as he had explained it.

COUNTY FAIR

Fair Manager Janeen Kressly and Board Members Helen Thomas and Prudi Sherman met with the Court. Ms. Kressly explained that diligent efforts continue on the financials for the Fair. Predictions show that at the end of June 2014 there should be an approximate \$33,000 on hand and the budget out of the red. It was noted that the caretaker position remains vacant.

Ms. Kressly has been in contact with County staff for assistance with weed control at the fairgrounds; the County cannot solely maintain the weed control but is willing to provide help where possible. Estimates were obtained for lawn care; estimates for the lawn care were more than the yearly caretaker salary. Ms. Kressly is working with Sgt. Kepinger to schedule the work crew at the fairgrounds as much as possible when events are scheduled to take place on the grounds.

Work is ongoing in preparation for this years fair including; submitted an Oregon Community Foundation grant application for Fair premium monies; will be applying for an Ontario V&C grant for entertainment; rodeo sponsorship letters, fair contracts, and

fair award letters have been sent; working on the Fair book and entertainment; and ordering fair ribbons.

Numerous events are scheduled to be held at the fairgrounds throughout the remainder of the year. A letter from the Fair Board has been drafted and the Board is considering placing it in the newspapers. The letter thanks the community for supporting the fairgrounds and asks for financial donations and continued support in keeping the fairgrounds available for use by all.

Ms. Kressly also told the Court of her plans to retire at the end of 2015.

OWYHEE RIVER AIRSTRIPS

Bill Miller, Larry Taylor and Bill Ables, members of the Idaho Aviation Association, met with the Court regarding the two closed airstrips along the Owyhee River. Also present was Bob Bement and Sheriff Wolfe. Mr. Miller explained that aviators would like to have the airstrips reopened at Birch Creek Ranch and Morrison Ranch. The BLM's Wild and Scenic Rivers Management Plan (RMP) banned aircraft landings and closed the shoreline airstrips. However, the RMP continues to provide river access, including vehicles and ATVs, by foot, and horseback trails. Floater put-ins and take-outs are still allowed. Only access by aircraft was disallowed. It was noted though that the airstrips are still on aviation charts.

Mr. Miller has researched BLM's documents of the plan which shows public involvement by many individuals, river users, and concerned organizations, however, no aviation representatives were included or invited to participate in the RMP development. Mr. Miller, Mr. Ables, and Mr. Taylor represent several northwest pilot associations and individual pilots and have proposed that the BLM re-open the RMP for an amendment to reconsider its ban on aircraft access to the river and to include aviation organizations and individuals in the process. Mr. Miller has been in contact with Vale BLM District Manager Don Gonzalez regarding the request.

Sheriff Wolfe noted that having the airstrips open would be advantageous in emergency response situations and that a lot of the search and rescue incidents are in that part of the Owyhee's. The Court members offered their support for the proposal.

DETENTION AGREEMENT - MARION COUNTY

Juvenile Department Director Linda Cummings met with the Court and presented the agreement with Marion County for detention services. Commissioner Hodge moved to approve Juvenile Detention Facilities Intergovernmental Cooperation Agreement with Marion County. Commissioner Wilson seconded and the motion passed unanimously. A copy will be returned for recording.

CHECK REGISTER

Accounting Specialist Judy Bond met with the Court and offered to answer any questions the Court members had about the check register for January and February 2015; there were no questions and the Court signed the register for those two months.

COURT ADJOURNMENT

Court was adjourned.

MALHEUR COUNTY COURT MINUTES

APRIL 8, 2015

County Court met with Judge Dan Joyce presiding with Commissioner Don Hodge and Commissioner Larry Wilson present. Staff present was Administrative Officer Lorinda DuBois.

Also present were Larry Meyer of the Argus Observer and John Braese of the Malheur Enterprise.

FIRST PUBLIC HEARING - PAPA ORDINANCE 209

Judge Joyce opened the first public hearing regarding Ordinance No. 209 for a Post Acknowledgment Comprehensive Plan Amendment (PAPA) to increase the aggregate site on tax lot 6701 from an 8.47 acre parcel to a 72 acre parcel, assessor's map 19S43, in the Comprehensive Plan Goal 5 Resource Inventory as a significant aggregate site. The applicant is Dave and Linda Woolfolk; the Property Owner is Carman Lovell. Notice of the hearing was published in the Argus Observer. A hearing was held before the Planning Commission on March 26, 2015; no public comments or public agency testimony were received at the hearing.

Judge Joyce opened the hearing and asked for any abstentions, potential or actual conflicts of interest, exparte communications or site visits from the members of the Court; there were none. Judge Joyce asked for any objections to the jurisdiction of the hearing or any objections to any member of the County Court hearing the matter; there were none.

Judge Joyce asked for a staff report.

Planner Alvin Scott gave his staff report as follows: Action number one is a post acknowledgement plan amendment to include a site on the Malheur County Comprehensive Plan Goal 5 Resource Inventory as a significant aggregate site, Planning Department file #2015-03-010. The second action is a conditional use approval for aggregate mining and processing, Planning Department file #2015-03-011. A meeting was held before the Planning Commission March 26, 2015. The owner is Carman Lovell, and the applicant is Dave and Linda Woolfolk. The requested action is a Post Acknowledgment Plan Amendment (PAPA) to include the 72 acre subject site in the Malheur County Comprehensive Plan Goal 5 Resource Inventory as a significant aggregate site. Action Two is conditional use approval for aggregate mining in the Exclusive Range Use zone. The staff report addressing approval criteria for the conditional use aggregate mining is attached (*referred to attachment is within the report in the planning department's file*). The following site information is applicable to both applications. Tax lot 6701, Section 29, T.19S., R.43., W.M. The proposed site is approximately 12 miles west and one mile south of Vale. Zoning is Exclusive Range

Use. The parcel size is approximately 72 acres. The current parcel use is an existing aggregate site. The surrounding use is dry pasture. Access is an entrance from US HWY 20. There are no applicable sanitation requirements; there is no fire protection available; there are no known natural hazards; and the State Watermaster could not find water rights associated with this parcel. The parcel is adjacent to a pre-existing aggregate site located on it that received a conditional use permit approval previously.

There was no public agency testimony or public comments.

Judge Joyce closed the hearing. The second/final hearing will be held April 22, 2015.

COURT MINUTES

Commissioner Wilson moved to approve Court Minutes of April 1, 2015 as written. Commissioner Hodge seconded and the motion passed unanimously.

SREDA INVOICE

Consensus of the Court was to authorize payment of Snake River Economic Development Alliance (SREDA) 2014-2015 invoice in the amount of \$4500.

AOC DUES

Commissioner Hodge moved to approve payment of AOC 2015 Dues in the amount of \$18,195.69. Commissioner Wilson seconded and the motion passed unanimously.

LETTER OF SUPPORT - VALE

Commissioner Wilson moved to approve the Court support the City of Vale's application for a grant for improvements at the Vale swimming pool. Commissioner Hodge seconded and the motion passed unanimously. See instrument #2015-1178

AMENDED ORDER

Commissioner Hodge moved to approve Amended Order for the Sale of County Properties Acquired by the County, Order No. GO-07-15. Commissioner Wilson seconded and the motion passed unanimously. The amended order corrects the legal

description of Ref. #18758. See instrument # 2015-1179 The original Order No. GO-04-15 was recorded as instrument # 2015-647; the First Amended Order No. GO-06-15 was recorded as instrument # 2015-1103.

EXTENSION AGENTS UPDATE

OSU Extension Agents Stuart Reisch, Sergio Arispe, and Bill Buhrig met with the Court and provided updates on activities of the Extension Office over the last year.

Agent Barbara Brody: - Non-traditional 4-H & FCH

- Family & Community Health (FCH)

Supplemental Nutrition Assistance Program Education. Nutrition education, physical activity, and healthy living programs serving low-income families in Malheur County. Received \$47,000 in grant funds to support local programs.

OSU Moore Family Center Healthy Community Grant. \$25,000 grant to promote an increase in the consumption of whole grains through outreach and education.

Food Hero. The Foodhero.org website is the go-to-site for quick, tasty, health recipes and helpful tips.

- Non-Traditional 4-H Programs

STEM (Science, Technology, Engineering, and Math)

SMILE (Science & Math Investigative Learning Experiences)

Aviation

Entrepreneurship

Financial Literacy

Healthy Living

Horticulture

Teen Leadership

Approximately \$20,000 in grant funds to support non-traditional local 4-H programs and youth camp experiences was received in 2014; \$69,000 in grant funds to support FCH programming for youth and families in Malheur County was received. The Teens as

Teachers Youth Advocates for Health received the top award in Oregon for 4-H Community Service; and the Nyssa SMILE Native Plant Outdoor Garden was recognized by the National Association of 4-H Agents as the Western Region Excellence in Natural Resources/Environmental Education program.

Agent Sergio Arispe - Livestock and Rangeland

Critical issues include Juniper Encroachment, Invasive Weeds, Fire, Endangered or Sensitive Species, High Winter Feed Costs, and Drought.

2014 Livestock and Rangeland Extension Programs included:

- Cooperative Rangeland Monitoring related to the Candidate Conservation Agreement with Assurances (CCAA). Two Extension workshops were held with 35 participants and 4 ranchers certified to submit utilization records to BLM.
- Marginal Protection Program for Dairy Farms. One Extension workshop was held and 7 dairy producers learned how to use a new online tool.
- Beef Quality Assurance (BQA) Workshop. Had 26 BQA certifications.
- Calving School. Had 23 participants

2015 Livestock and Rangeland Extension Programs:

- Livestock & Rangeland Video Library. A video library of 3-5 minute videos, created in partnership with partnering agencies and private landowners.
- Comprehensive Ranch Management Planning. Provides beef cattle producers and agency professionals with tools to collect and evaluate production records.
- Rangeland & Watershed Management. Collaboration with Malheur Watershed Council to teach management strategies focusing on economic viability while considering watershed health.
- Post-Fire Grazing. A Field Day will be held in the Fall addressing grazing policies and practices after fire.

2014 Livestock and Rangeland Research Programs:

- Reducing Winter Feed Costs. Enhancing the nutritional value of dry forages by ensiling with onion slurry: An unconventional strategy to create alternative feedstuffs for beef cattle. Received an Agricultural Research Foundation Grant of \$12,500; and Top Onions donated \$25,000.
- Knowledge of and Attitudes about the Candidate Conservation Agreement with Assurances (CCAA) in Eastern Oregon. Lessons learned from interdisciplinary conservation efforts.

2015 Livestock and Rangeland Research Programs:

- Completion of the Reducing Winter Feed Costs/ onion slurry research project.
- Continuation of the CCAA project.
- Rehabilitating the sagebrush steppe ecosystem after fire.

- Post-fire plant communities and the impacts of grazing in the high desert.

Melissa Sherman - Traditional 4-H Programs

- 2015 Statistics: 277 register 4-H members; 49 volunteers; and 36 clubs
- Cloverbuds has 53 registered participants with clubs in Ontario, Adrian and Vale. These numbers have significantly increased in the past two years.
- A Livestock Educational Series has been taking place. The January 19th session had 38 participants; the March 23rd session had 30 participants; and the third session is scheduled for May 16th.
- Three 2015 Spring Break Day Camps were held. The Photography Day Camp had 18 participants; Crossfit Kids had 8 participants; and Dog Day Camp had 10 participants.
- Several other opportunities are planned for the next few months including: A Cloverbud Day Camp; A Special Needs Livestock Show; New Level Livestock Camps; and the County Fair.

Bill Buhrig - Crops

- Cereals trials/tour last June in Parma
- Watershed quality endeavors
- Annual Farm Fest in July
- Pesticide collection held in October with over 10,500 pounds collected from approximately 25 producers
- Organic Production Seminar held in December
- Farm Bill
- Soil Symposium held in February with 185 attendees
- Climate Trends Workshop in March
- Pumpkin project continues
- Have two trials relating to remote irrigation moisture monitoring
- Getting the land rental bulletin and cost of production updates together
- Exploring quinoa - so far hasn't been very successful
- Herbicide and insecticide trials for alfalfa seed
- Met with various 4-8 grade teachers/ Soil Health is a part of the STEM curriculum
- Participation on the OWEB Region 5 Review Team
- Developing a Tractor Safety Training program
- Recently contacted by NIDIS - National Integrated Drought Information System, they are interested in doing work in the Pacific Northwest

Stuart Reitz - Cropping Systems

- Extension staff goals are to support the growers and the community. Growers in the agriculture field may encounter problems in various areas including insects, nematodes, weeds, economics, abiotic factors, food safety, pathogens, and horticulture.

- Various research projects have been completed related to the Food Safety Modernization Act and in support of the onion industry
- Pest Management Issues
- New/Renewed Pesticide Registrations for local growers
- Various Training Classes/Workshops with over 300 persons receiving recertification credits for their pesticide licenses and 30 individuals trained for taking their pesticide exams
- Extension Office received over \$400,000 in the past year in various grants and agreements; and had 9 student workers
- On-farm and Home advising is provided
- Education is an important component of the Extension Office in various areas such as 4-H/FCH, Pesticide education and recertification, school talks and participation in the Owyhee Field Day

COURT ADJOURNMENT

Court was adjourned.

Ontario Police Code Enforcement Quarterly Report
 Quarter: January-March 2015



Description	Total Offenses	Total Citations
Total Activity	233	N/A
Current Cases for Follow-up	106	N/A
Weed Complaints	6	0
Parking Violations/Abandoned Vehicles	99	46
Parking Front Yard	4	4
Garbage Complaints	20	0
Junk and Vehicles on Property	58	2
Littering	2	0
Dogs at large	64 (17 UTL)	2
Dog a nuisance	11	0
Vicious Dogs	0	0
Cruelty to Animal	4	0
Dogs Taken to Ani Care	24	N/A
Total Court Appearances	1	N/A
Abatement Notices Sent	84	N/A
Abatements Completed	4	N/A
Billing Sent	\$880.90	N/A
Revenues Received	\$	N/A