CITY COUNCIL MEETING MINUTES
January 21, 2020

The scheduled meeting of the Ontario City Council was called to order by Mayor Riley Hill at 6:00 p.m. on Tuesday, January 21, 2020, in the Council Chambers of City Hall. Council members present were Riley Hill, Dan Capron, Norm Crume, Michael Braden, Marty Justus, and Freddy Rodriguez. Ramon Palomo was excused.

Members of staff present were Adam Brown, Tori Barnett, Larry Sullivan, Kari Ott, Steven Romero, Peter Hall, Cliff Leeper, Betsy Roberts, and Dan Beaubien.

The meeting was recorded, and copies are available at City Hall.

Mayor Hill led everyone in the Pledge of Allegiance.

AGENDA

This Agenda was posted on January 17, 2020. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

CRUME moved, CAPRON seconded, **TO ADOPT THE AGENDA AS PRESENTED.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

PUBLIC COMMENT

Eddy Thiel, Citizen's Coalition of Ontario, invited the Council to their upcoming meeting scheduled for January 29, 2020, at 6:00 p.m. at the Four Rivers Cultural Center.

Mary Galligar, Malheur County Health Department, gave a presentation on the Hepatitis Outreach Prevention Program. *(Attached)*

CONSENT AGENDA

CAPRON moved, CRUME seconded, **TO ADOPT THE CONSENT AGENDA, WHICH INCLUDED THE NOVEMBER 19, 2019, COUNCIL MEETING MINUTES; NOVEMBER 26, 2019, COUNCIL MEETING MINUTES; DECEMBER 5, 2019, COUNCIL WORK SESSION MINUTES; DECEMBER 17, 2019, COUNCIL MEETING MINUTES; HANGAR LEASE TRANSFER 343 DELTA AND 348 CHARLIE TO JERRY TROLARD; AND RESOLUTION #2020-104, CONTRACT WITH A GRANT WRITER FOR THE SENIOR CENTER PROJECT.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

OLD BUSINESS

Bid Award Recommendation: Treasure Valley Connector Path
Betsy Roberts, City Engineer, presented.

JUSTUS moved, BRADEN seconded, **THE CITY COUNCIL AWARD THE TREASURE VALLEY CONNECTOR PATH PROJECT TO LOW BIDDER WARRINGTON CONSTRUCTION FOR A TOTAL OF $310,000, WHICH INCLUDES A $2,604 CONTINGENCY.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

Bid Award Recommendation: SE 2nd Street Sanitary Sewer and Water Extension Project
Betsy Roberts, City Engineer, presented.

CRUME moved, JUSTUS seconded, **CITY COUNCIL APPROVE THE LOW BID SUBMITTED BY WARRINGTON CONSTRUCTION FOR THE SE 2ND STREET SANITARY SEWER AND WATER EXTENSION PROJECT FOR A BUDGET OF $96,000, INCLUDING A 10% CONTINGENCY.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

NEW BUSINESS

Appointment to Airport Board
Adam Brown, City Manager, presented.

CRUME moved, JUSTUS seconded, **TO APPOINT SHAY MEYERS TO THE AIRPORT COMMITTEE TO COMPLETE THE REMAINING TERM OF JACK TERRY AND APPOINT LUKE KELLER TO THE ALTERNATE POSITION ON THE AIRPORT COMMITTEE.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

PUBLIC HEARING

Ordinance #2768-2019: An Ordinance Proclaiming the Annexation and Rezoning of a Parcel Located at 3179 SW 4th Avenue, on First Reading by Title Only
It being the date advertised for public hearing on the matter of Ordinance #2768-2019, the Hearing was declared open. There were no objections to the city's jurisdiction to hear the action, no abstentions, ex-parte contact, and no declarations of conflict of interest.

Adam Brown, City Manager, presented.

The Hearing was opened for public testimony.
Opponents: None. Proponents: None. There being no Proponent and no Opponent testimony, the Hearing was closed.

CRUME moved, CAPRON seconded, **THE CITY COUNCIL ACCEPTS THE FINDINGS OF FACTS AND RECOMMENDATION OF THE PLANNING COMMISSION ON PLANNING ACTION 2019-09-60AZ AND APPROVE ORDINANCE #2768-2019, AN ORDINANCE PROCLAIMING THE ANNEXATION AND REZONING OF CERTAIN TERRITORY TO THE CITY OF ONTARIO, BEING A PARCEL WITHIN THE SE¼/SE¼ SECTION 6, TOWNSHIP 18 SOUTH RANGE 47 EAST, W.M.; AND WITHDRAWING SAID TERRITORY FROM THE ONTARIO RURAL FIRE PROTECTION DISTRICT 7-302 ON FIRST READING BY TITLE ONLY.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

CRUME moved, CAPRON seconded, **TO WAIVE THE SECOND READING OF ORDINANCE #2768-2019, AN ORDINANCE PROCLAIMING THE ANNEXATION AND REZONING OF CERTAIN TERRITORY TO THE CITY OF ONTARIO, BEING A PARCEL WITHIN THE SE¼/SE¼ SECTION 6, TOWNSHIP 18 SOUTH RANGE 47 EAST, W.M.; AND WITHDRAWING SAID TERRITORY FROM THE ONTARIO RURAL FIRE PROTECTION DISTRICT 7-302.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

HAND-OUTS

Check Register: (*Attached)*
December 1, 2019 → January 17, 2020

Councilor Rodriguez asked about the expenditure for Community in Action, the $51,356.32.

Kari Ott, Finance Director, stated that was the disbursement for the CDBG program. It was a state grant, and the city was just a pass-through on the project.

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Mayor Hill asked for an update on the homelessness project, as well as upcoming the community meeting.

  Mr. Brown stated when they meet on Thursday, January 9th, he informed the Council there would be a community meeting. There was one held last Thursday. It was short notice, but it was either meet with short notice and meet again in the future, or put it off another week. Staff opted to move forward with Community in Action and Origins Faith Community. Origins was unable to attend last week, but planned to attend this week. There was a good group, of around 15 in attendance. Staff let them know there would be another meeting this week. He thought it would be good to review the responses from the poll from the strategic planning session so they would begin that at 5:30 and run up to the 7:00 community meeting start. With regard to the houses that were being outfitted, those could arrive on site as early as this week. The electric at the facility was ready for their contractor to hook up the box. After last Thursday's meeting, they had created a central place where people could located information about the shelter. They could post rules, times when intake would occur, and that type of thing. He hoped to have that up by Thursday.

  Mayor Hill asked if all 20 huts would be delivered next week.

  Mr. Brown stated no. Delivery would occur as they were completed.

  Mayor Hill asked if there had been discussion about additional lighting, cameras, fencing, etc.?

  Mr. Brown stated the fencing was ready for installation upon completion of the electrical piece; for lighting, he had contacted Idaho Power, who would be checking the lighting situation in the area, and staff had also discussed adding in two more lights to the building. Staff could also add a camera to that area.

  Mayor Hill asked if Nichols Accounting had been represented at the meeting.

  Mr. Brown stated Bob Kemble had attended, and it was expected that they would continue to participate.

  Councilor Rodriguez asked if there would be some type of conflict in the participation because of the lawsuit?

  Mr. Brown stated he did not believe so. The lawsuit just made everyone aware of the position Nichols had taken on the matter.

  Mr. Sullivan stated a lawsuit had been filed, and the Malheur Enterprise had posted a copy of the complaint online for anyone to read.

- Mayor Hill asked for an update on the River Trail.

  Mr. Brown stated the latest was that Mr. Cummings was finishing up the legal description of the parcel of property that was needed from Walmart. The city's right of way attorney was waiting on the legal description. After that, they would need an assessment done, and he had an assessor out of Baker City who did that type of properties. Once the legal description was in place, they would do the assessment. The assessment had to be produced and provided to the owner (Walmart); at that point, the Council/staff would receive a declaritory notification of necessity. That was a resolution that the city needed the property for a public purpose. That would be brought before Council as a resolution, which would trigger the timeline. That's the reason Walmart requested the city run this option as it would cause Walmart to have to react in a timely manner. Following the step, the city had to give Walmart time to negotiate the worth and price of the property. The larger piece was with Heinz-Kraft, and he had requested a conference call with them and their right of way agent because it had recently stalled. They had gotten tied up in a letter of interest that seemed to be negotiating the actual terms and the city proposed to skip the letter and enter directly into negotiating the terms. That property was different because the city was going to be gaining and giving property to them in that the city would be giving streets. It would have to be split between AmeriCold and Heinz-Kraft. That was a land swap. There was a beneficial gain to the city by giving up the property. He was moving on that.

- Mayor Hill asked if there was any update regarding SRCI?

  Mr. Brown stated that would be discussed in the upcoming Executive Session.

AGENDA AMENDMENT

Mr. Brown stated they needed to add ORS 192.660(2)(h) as a second Executive Session.

CAPRON moved, CARPON seconded, **THAT THE COUNCIL AMEND THE AGENDA TO INCLUDE EXECUTIVE SESSION ITEMB B UNDER ORS 192.660(2)(h).** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

CRUME moved, CAPRON seconded, **THAT THE COUNCIL AMEND THE AGENDA TO INCLUDE A DISCUSSION REGARDING THE ONTARIO AIRPORT AND TO DISCUSS THE COMPENSATION OF THE CITY MANAGER.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

DISCUSSION

Airport FBO Issues

Adam Brown, City Manager, stated last year staff asked Airport FBO, Tom Frazier, to have his fuel supplier pay the gas tax directly to the city. After several months of discussion with him, Mr. Frazier had Epic, his fuel supplier, begin doing as the city requested. However, Mr. Frazier changed his fuel supplier approximately four months ago, and had not paid gas tax since that time. Also, the Council had approved the extension of Mr. Frazier's contract; however, Mr. Frazier had not signed it. In addition, he believed that Mr. Frazier was behind on his lease payments for the FBO office property. He had spoken with Dan Beaubien, Airport Manager, to address these issues with Mr. Frazier last week, indicating that if the contract was not signed, the city would cut the lease, and also a payment plan to bring his arrears current. This was not the first time this situation has occurred with this particular FBO. He had the authority to enforce this, but it would most likely get ugly.

Councilor Justus stated he wanted this enforced to the letter of the law.

Mayor Hill stated it was difficult to keep an FBO out there who could make a profit. His hope was that this could be rectified and they could all move on.

Mr. Brown stated the fuel tax was how the airport was funded, so that portion was extremely important to get remedied. The lease was secondary.

Councilor Justus asked if the city could have their own FBO. Would the city be in a position to fund a manager full-time?

Mr. Brown stated yes, that was an option. In the upcoming budget, he had included a proposal to make the Airport Manager a full-time position; however, that did not mean the fund would cover it completely. It would most likely require some subsidization.

Mayor Hill has been informed that the Boise hangars were full and Nampa hangars were full. Our Airport was an asset and shouldn't be put on the back burner.

EXECUTIVE SESSION

Executive Session: ORS 192.660(2)(h)

An executive session was called at 6:55 p.m. under provisions of ORS 192.660(2)(h) to discuss current or potential litigation. The Council convened into a second executive session at 7:37 p.m.

Executive Session: ORS 192.660(2)(i)
An executive session was called at 7:37 p.m. under provisions of ORS 192.660(2)(i) to review and evaluate the performance of an officer, employee or staff member. The Council reconvened back into regular session at 8:00 p.m.

City Manager Compensation
Councilor Justus stated his preference for a full Council in attendance for this discussion. He, himself, was ready to discuss it, but thought the full Council should be present.

Councilor Capron confirmed that staff had a 1-3% max, per year.

Mr. Brown stated the non-union staff received a minimum of 3% due to the compensation plan. They placed staff where they were supposed to be, and they didn't receive anything through the study, they received the 3%.

Councilor Capron stated the minimum was 3%, so what was the maximum?

Mr. Brown stated it depended on their job. Currently, it was 3.5% under the new compensation plan. There were seven steps a non-union employee could achieve per year, and that would be under a perfect score. Each step was only .5%.

Councilor Braden stated he was fine with waiting, but there was a quorum present, and they were putting in the time and work now. He was prepared to act.

Councilor Crume stated he thought it should be all seven making the decision. It wouldn't hurt to wait for the next meeting.

Councilor Capron stated there was no guarantee they'd have all seven at the next meeting.

Councilor Braden stated he viewed it as tied to the evaluation review. Not all seven were present for that.

Councilor Capron agreed, and wanted to move forward.

Councilor Braden stated when they were discussing money and the city's key employee, having all seven Councilors present was representative. But those present were doing the work, so do it.

Councilor Capron asked what percentage Mr. Brown had received the previous year.

Mr. Brown stated he hadn't taken a raise the first year, where the Council had offered 1.5% from that year. He turned down the compensation. The following year was 2.5%. He did not want to exceed what he had given to staff, which was the 3%.

BRADEN moved, CAPRON seconded, **THAT THE CITY COUNCIL APPROVE A 3% PAY RAISE, RETROACTIVE TO DECEMBER 6, 2020, CONCLUDING THE EVALUATION PERIOD FOR CITY MANAGER ADAM BROWN.** Roll call vote: Crume-yes; Rodriguez-out; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-no. Motion carried 4/1/2.

ADJOURN

CRUME moved, CAPRON seconded, **THAT THE MEETING BE ADJOURNED**. Roll call vote: Crume-yes; Rodriguez-out; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 5/0/2.

ACCEPTED:

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Riley J. Hill, Mayor

ATTEST

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Tori Barnett, MMC, City Recorder