



CITY COUNCIL MEETING MINUTES November 5, 2020

The scheduled meeting of the Ontario City Council was called to order by special guest Bea Hart at 6:00 p.m. on Thursday, November 5, 2020, in the Council Chambers of City Hall. Council members present or attended via telephone were Riley Hill, Michael Braden, Norm Crume, Freddy Rodriguez, and Marty Justus. Ramon Palomo was excused.

Members of staff present in person or via telephone were Adam Brown, Tori Barnett, Peter Hall, Dan Cummings, Terry Leighton, Steven Romero, Kari Ott, Al Cablay, and Dan Beaubien.

Members of the County present for the Joint Public Hearing were Dan Joyce, Don Hodge, and Eric Evans.

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

Bea Hart led everyone in the Pledge of Allegiance.

AGENDA

This Agenda was posted on November 3, 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, BRADEN seconded, **TO ADOPT THE AGENDA AS PRESENTED**. Roll call vote: Rodriguez-yes; Justus-yes; Palomo-out; Braden-yes; Crume-yes; Hill-yes. Motion carried 5/0/1.

SPECIAL ACTION

Swear in Ken Hart

Tori Barnett, City Recorder, swore in Ken Hart as the individual selected by the City Council to fill the Council seat vacated by the resignation of Dan Capron. Councilor Hart took his seat at the Council dais.

JOINT PUBLIC HEARING WITH COUNTY

Ordinance #2780-2020: Amending the City of Ontario Comprehensive Plan and Zoning Maps by Changing the Zoning Designation of a Portion of Property Commonly Identified as Map 18S47E05AA, Tax Lot 301 (Curtis) from Ontario Residential/UGA(ORS/UGA) to Ontario Light Industrial/UGA(OLI/UGA), Planning Action 2020-08-32AZ, on First Reading by Title Only and Declaring an Emergency

It being the date advertised for public hearing on the above stated matter, the Hearing was declared open. There were no objections to the county's or city's jurisdiction to hear the action, no abstentions, ex-parte contact, or any declaration of a conflict of interest.

Eric Evans, Malheur County Planning Director, presented.

A zone change was proposed for the property as shown on the map attached as Exhibit A-1 of the application. The overall affect was to adjust the property in a way which reflected the current use, and to bring the property into the Ontario URA/UGB and ultimately annex the property into the City of Ontario in order to alleviate a public health risk



created by a failing onsite wastewater treatment system on the property. The owners of the property intended to connect to Ontario's water and sewerage system.

Use/Surrounding Uses. The subject property (Tax lot 301) was 42,456 square feet and would be adjusted to 14,908 square feet, since approximately 1966 had been used for a single-family residential dwelling. Tax lot 300 was currently zoned Ontario Light Industrial/UGA. Tax lot 301 was zoned Ontario Residential/UGA. Both parcels (tax lots 300 and 301) were surrounded by Light Industrial to the north and Residential to the south and were committed to these uses.

Analysis for Compliance with State and Local Regulations. A portion of the property would be rezoned from Ontario Urban Growth Area Residential (O-RS/UGA) to Ontario Urban Growth Area Light Industrial (O-I1/UGA). It was further anticipated that the property would be annexed into the Ontario City limits. In addition to the requirements under Oregon's statewide goals and administrative rules, Malheur County and the City of Ontario had criteria in their zoning ordinances that must be met in order for the proposal to be approved. County and city provisions were addressed in Section III. Because the plan amendment and zone change affected land within the county's jurisdiction and the City of Ontario, both the county and city governing bodies must approve the zone change and amendment to the UGA. This request was being processed subject to the procedures for a quasi-judicial land use hearing contained in Chapter 11 of the Malheur County Code, and the Urban Growth Area Joint Management Agreement between the City of Ontario and Malheur County.

Applicable City and County Criteria and Standards:

1. The applicable criteria can be found in **Ontario Planning and Zoning Development Standards 10B-20-30: REQUIRED FINDINGS, DECISION CRITERIA:**

- a. The Zoning Map amendment is in conformance with Statewide planning goals and guidelines.

Proposed Finding: Statewide land use goals and implementing OARs applicable to this request are addressed in Section IV.

- b. The Zoning map amendment is in conformity with the acknowledged Comprehensive Plan

Proposed Finding: The Malheur County Comprehensive Plan states, "The county will work with the cities of Ontario, Nyssa, and Vale in establishing and amending urban growth boundaries and joint management agreements." Malheur County and the City of Ontario have an ongoing relationship in order to jointly manage lands in the UGB, pursuant to the Ontario Joint Management Plan. Both Malheur County and the City of Ontario agree that the rezone and simultaneous property line adjustment in order to realign the UGA will correct a mistake in the original lot configurations.

- c. The applicant has demonstrated a mistake or error in the original zone designation or the applicant has demonstrated a change in physical, social or market conditions generally effecting the area which make the proposed change appropriate.

Proposed Finding: Both Malheur County and the City of Ontario agree that Tax lot 301 has a portion which is irrevocably committed to a commercial or industrial use (the other use is residential). Rezoning said portion along with a property line adjustment will align the properties to their current uses.

- d. A public need is demonstrated for this zoning at this location and is not the granting of special privilege for a single property or small group of properties.

Proposed Finding: The residence on the subject property has a failed onsite wastewater treatment system which in itself has a negative effect on the groundwater of the area. By annexing it into the City of Ontario, urban level facilities will be provided having a net positive affect on the groundwater in the area and alleviate a public health threat.

- e. The property affected by the change is adequate in size and shape to facilitate its use and development as permitted under the new zoning classification.

Proposed Finding: The Property is currently 42,456 square feet and has 165 feet of street frontage. The City of Ontario has established a minimum lot size of 5,000 square feet and each lot must have 50 feet of street frontage. The Property is more than adequate in size and shape to facilitate its use and development.

- f. The property affected by the proposed change of zone is properly related to streets and public facilities and with services adequate to meet the demands of the uses allowed in the new zone.

Proposed Finding: The Property is located adjacent to N Verde Drive. There is both water and sewer.

- g. The proposed Zoning map change will not result in adverse effects upon surrounding properties or surrounding uses from dust, noise, vibration, odor, heat, glare, lighting, or discharges into the air, water or land.

Proposed Finding: This proposal will have no impact on any of the surrounding uses with respect to dust, noise, vibration, odor, heat, glare, lighting, or discharges into the air, water or land. The Property is already developed as a single-family dwelling and will continue to be zoned residential. This criterion is not applicable.

2. The applicable criteria can be found in **Malheur County Code 6-10-7: COMPLIANCE WITH COMPREHENSIVE PLAN:**

In considering an amendment to the text or the zoning maps, the Planning Commission and County Court shall determine the following:

- A. That the proposed change is consistent with the Comprehensive Plan.

Proposed Finding: The Malheur County Comprehensive Plan states, "The county will work with the cities of Ontario, Nyssa, and Vale in establishing and amending urban growth boundaries and joint management agreements." Malheur County and the City of Ontario have an ongoing relationship in order to jointly manage lands in the UGB, pursuant to the Ontario Joint Management Plan. Both Malheur County and the City of Ontario agree that the rezone and simultaneous property line adjustment in order to realign the UGA will correct a mistake in the original lot configurations.

- B. That the level of development in other locations has reached the point whereby additional land is needed for the proposed use(s), and that the area of the proposed change can best meet such needs.

Proposed Finding: Both tax lots 301 and 300 are part of the UGB. The realignment of the zoning designations and subsequently the property lines, will allow for tax lot 301 to be cleanly annexed into the City, thereby eliminating a split zoned parcel.

- C. That adequate rural services are available and will not be overburdened.

Proposed Finding: The resulting property (tax lot 301) will remain Ontario O-RS/UGB and then be annexed into the City of Ontario. Thereafter, the Property will connect to City water and sewer services. Urban services will be provided and will not be overburdened. Public facilities are stubbed to and extend beyond the Property. This criterion is not directly applicable, as the proposal is to provide urban services to the site.

- D. That amendments to the text or zoning map which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the transportation system plan. This shall be accomplished by one of the following:

1. Limiting allowed land uses to be consistent with the planned function of the transportation facility;
2. Amending the transportation system plan to ensure that existing, improved or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the transportation planning rule; or
3. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.

A text or zoning map amendment significantly affects a transportation facility if it:

1. Changes the functional classification of an existing or planned transportation facility;
2. Changes standards implementing a functional classification system;
3. Allows types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or
4. Would reduce the level of service of the facility below the minimum acceptable level identified in the transportation system plan. (Ord. 125, 6-20-2000)

Proposed Finding: The Property is currently 42,456 square feet and has 165 feet of street frontage. It currently has a home which was constructed in 1966. No new development is proposed with this amendment. This proposal will not impact transportation facilities.

Applicable Statewide Planning Goals and Oregon Administrative Rules.

- A. Goal 1 – Citizen Involvement:

Proposed Finding: This Goal is met through the required quasi-judicial process including public notice and public hearings. The process provides the opportunity for citizens to be involved by allowing them to comment and present testimony or evidence on the proposed amendment.

- B. Goal 2 – Land Use Planning:

Proposed Finding: Both properties are already in the Ontario UGB, and have previously been through an exception process. This Goal is not applicable.



C. Goal 3 – Agricultural Lands:

Proposed Finding: Both properties are already in the Ontario UGB, and have previously been through an exception process. This Goal is not applicable.

D. Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces:

Proposed Finding: No identified natural resources have been identified on the subject property.

E. Goal 6 – Air, Land and Water Quality:

Proposed Finding: No negative impacts to air, land, water or other resources have been identified through this process. The residence on the subject property has a failed onsite wastewater treatment system which in itself has a negative effect on the groundwater of the area. By annexing it into the City of Ontario, urban level facilities will be provided having a net positive affect on the groundwater in the area.

F. Goal 7 – Areas Subject to Natural Hazards:

Proposed Finding: No known natural hazards have been identified on the Property. The subject property is outside the 100 and 500 year floodplains.

G. Goal 8 – Recreation:

Proposed Finding: No current recreational lands or properties are being affected by this UGB expansion.

H. Goal 9 – Economic Development.

Proposed Finding: Goal 9 requires cities to provide an estimate of the approximate number, acreage and site characteristics needed to accommodate industrial and other employment uses to implement plan policies. This goal is not applicable as the property is to be zoned residential.

I. Goal 10 – Housing:

Proposed Finding: Tax lot 301 has an existing single-family dwelling. The proposed property will not be used for any additional housing.

J. Goal 11 – Public Facilities and Services:

Proposed Finding: The subject property sites a single-family dwelling. Adequate public facilities and services are stubbed to the Property. The UGB expansion would not change public services provided by the City of Ontario.

K. Goal 12 – Transportation:

Proposed Finding: This action will not create additional average daily trips and will not trigger a traffic impact analysis under the Malheur County or City of Ontario Transportation System Plans. New access to the Property is not needed. The Property has a driveway access/frontage on N. Verde Drive. A safe, convenient and economic transportation system consisting of developed and maintained county roads and city streets serve the Property.

L. Goal 13 – Energy:

Proposed Finding: Additional energy services are not expected with this zone change. The use of Ontario public utilities on the Property will be more energy efficient.

M. Goal 14 – Urbanization:

Proposed Finding: The subject property currently contains a single-family dwelling, and is already zoned and committed to urban uses. This Goal is not applicable.

DLCD 35 Day Notice: Notice to Department of Land, Conservation and Development was submitted on September 17, 2020.

Property Owner Notice: Notice to all property owners within 750 feet from subject property was mailed on October 1, 2020.

Legal Notice: Notice was published in the Ontario Argus Observer on or before October 2, 2020.

Hearing Dates: Joint Malheur County/City of Ontario Planning Commissions: October 22, 2020; Joint Malheur County Court/Ontario City Council: November 5, 2020.

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

JOYCE moved, HODGE seconded, **THAT THE MALHEUR COUNTY COURT ACCEPT AND APPROVE THE FINDINGS OF FACT AS SET FORTH IN COUNTY PLANNING ACTION 2020-09-003 AND THE CITY PLANNING ACTION 2020-08-032AZ BASED ON THE INFORMATION AND FINDINGS AND CONCLUSIONS, SET FORTH IN THE STAFF REPORT.** Motion carried 2/0/1.

JOYCE moved, HODGE seconded, **THAT THE REQUEST FOR A ZONE CHANGE FROM ONTARIO ORS/UGB TO ONTARIO OLI/UGB TO INCLUDE A PORTION OF PROPERTY COMMONLY IDENTIFIED AS MAP 18S47E05AA TL 301 AND 300 THEREBY AMENDING THE ONTARIO URBAN GROWTH AREA BOUNDARY UGA/UGB AS SET FORTH IN THE COUNTY PLANNING ACTION 2020-09-003 AND CITY PLANNING ACTION 2020-08-032AZ BE APPROVED BASED ON THE INFORMATION, FINDINGS, AND CONCLUSIONS SET FORTH IN THE STAFF REPORT AND THE ADOPTION OF THE MALHEUR COUNTY ORDINANCE #226, AN ORDINANCE AMENDING THE MALHEUR COUNTY COMPREHENSIVE PLAN AND THE ZONING MAPS BY CHANGING THE ZONING DESIGNATION OF A PORTION OF THE PROPERTY COMMONLY IDENTIFIED AS MAP 18S47E05AA, TAX LOT 301, FROM ONTARIO RESIDENTIAL TO UGA/ORS-UGA TO ONTARIO LIGHT INDUSTRIAL UGA OLI/UGA AND DECLARING AN EMERGENCY.** Motion carried 2/0/1.

HART moved, CRUME seconded, **THAT THE CITY COUNCIL ACCEPTS THE RECOMMENDATION OF THE PLANNING COMMISSIONS AND THE FINDINGS OF FACTS AS OUTLINED IN THE COUNTY PLANNING ACTION 2020-09-003 AND CITY PLANNING ACTION 2020-08-32AZ AMENDING THE ONTARIO URBAN GROWTH AREA/BOUNDARY (UGA/UGB) AND ZONE CHANGE FROM ONTARIO ORS/UGA TO ONTARIO OLI/UGA, BEING A PORTION OF TAX LOT 301 MAP 18S47E05AA.** Roll call vote: Rodriguez-yes; Justus-yes; Palomo-out; Hart-yes; Braden-yes; Crume-yes; Hill-yes. Motion carried 6/0/1

BRADEN moved, CRUME seconded, **THAT THE CITY COUNCIL APPROVE ORDINANCE #2780-2020, AN ORDINANCE AMENDING THE CITY OF ONTARIO COMPREHENSIVE PLAN AND ZONING MAPS BY CHANGING THE ZONING DESIGNATION OF A PORTION OF PROPERTY COMMONLY IDENTIFIED AS MAP 18S47E05AA, TAX LOT 301, FROM ONTARIO RESIDENTIAL/UGA (ORS/UGA) TO ONTARIO LIGHT INDUSTRIAL/UGA (OLI/UGA); AND DECLARING AN EMERGENCY.** Roll call vote: Rodriguez-yes; Justus-yes; Palomo-out; Hart-yes; Braden-yes; Crume-yes; Hill-yes. Motion carried 6/0/1



CRUME moved, BRADEN seconded, **THAT THE COUNCIL WAIVE THE SECOND READING OF ORDINANCE #2780-2020, AN ORDINANCE AMENDING THE CITY OF ONTARIO COMPREHENSIVE PLAN AND ZONING MAPS BY CHANGING THE ZONING DESIGNATION OF A PORTION OF PROPERTY COMMONLY IDENTIFIED AS MAP 18S47E05AA, TAX LOT 301, FROM ONTARIO RESIDENTIAL/UGA (ORS/UGA) TO ONTARIO LIGHT INDUSTRIAL/UGA (OLI/UGA) AND DECLARING AN EMERGENCY.** Roll call vote: Rodriguez-yes; Justus-yes; Palomo-out; Hart-yes; Braden-yes; Crume-yes; Hill-yes. Motion carried 6/0/1.

CONSENT AGENDA

CRUME moved, JUSTUS seconded, to adopt the Consent Agenda, which included the Hangar Lease Transfer: Dorroh to Shenk (#362 Bravo); and Housing Incentive Program: Cooper. Roll call vote: Rodriguez-yes; Justus-yes; Palomo-out; Hart-yes; Braden-yes; Crume-yes; Hill-yes. Motion carried 6/0/0.

OLD BUSINESS

Resolution #2020-142: Homeless Shelter Siting

Adam Brown, City Manager, presented.

BRADEN moved, JUSTUS seconded, **THE CITY COUNCIL APPROVE RESOLUTION #2020-142, A RESOLUTION DESIGNATING THE PROPERTY AT PROPERTY MAP TAX LOT ID 18S47E03CB04600 AT 122 NW 3RD AVENUE ONTARIO FOR USE AS A TEMPORARY EMERGENCY WINTER SHELTER SITE.** Roll call vote: Rodriguez-yes; Justus-yes; Palomo-out; Hart-yes; Braden-yes; Crume-yes; Hill-yes. Motion carried 6/0/1.

Barb Higinbotham, Community in Action, clarified the address of the temporary shelters was 123 NW 3rd Avenue.

BRADEN moved, JUSTUS seconded, **THE CITY COUNCIL APPROVE RESOLUTION #2020-142, A RESOLUTION DESIGNATING THE PROPERTY AT PROPERTY MAP TAX LOT ID 18S47E03CB04600 AT 123 NW 3RD AVENUE ONTARIO FOR USE AS A TEMPORARY EMERGENCY WINTER SHELTER SITE.** Roll call vote: Rodriguez-yes; Justus-yes; Palomo-out; Hart-yes; Braden-yes; Crume-yes; Hill-yes. Motion carried 6/0/1.

Mr. Brown stated the Council did a budget appropriation of \$10K for homeless services for FY 2021, and this was an opportunity to designate that appropriation to the Community in Action project. There had been a brief discussion on this item previously at the Tuesday Agenda prep, so it was open to Council discretion. From his perspective, he believed this was the best opportunity to serve the homeless in this emergency transitional shelter. There were other organizations that were doing things for the homeless, but this was a good one to invest in. The Council could appropriate all of it, or just a portion.

CRUME moved, BRADEN seconded, **THAT THE CITY COUNCIL DESIGNATE A PORTION OF THE 2020-2021 HOMELESS SERVICE BUDGET OF \$5K TO COMMUNITY IN ACTION TO SUPPORT THE TEMPORARY WINTER SHELTER.** Roll call vote: Rodriguez-no; Justus-yes; Palomo-out; Hart-yes; Braden-no; Crume-yes; Hill-yes. Motion carried 4/2/1.

NEW BUSINESS

Proposed 2021-2022 Budget Calendar

Peter Hall, Human Resources Manager, presented.

This item was for review only, and to please provide any date conflicts. The item would be back for approval at a subsequent meeting.

Mayor Hill asked that the new budget show the details behind the snapshot, so they didn't have to go back and forth through the entire document. He wanted it all in one place.



Commercial Land Lease: Jim Bain (#245 Ercoupe)

Dan Beaubien, Airport Manager, presented.

Mayor Hill stated the lease read that it was a requirement to have a 2-way radio, but it didn't read that it had to work, or that you used it when landing or taking off.

Mr. Beaubien agreed that it should read that an individual must have *and use* a 2-way radio.

Councilor Crume noted the agreement read there was a \$100K policy for damages to the property from chemical spills, etc., but after seeing pictures of a previous spill that was currently dealing with some legal action. That amount appeared low.

Larry Sullivan, City Attorney, stated if the goal was to protect the city from a Tort Claim, \$100K was sufficient coverage because it was equal to the amount a city could be held liable for for property damage, but if it was an issue of having to get the site cleaned up to get rid of the contamination, and that was going to be the city's responsibility, he agreed the amount should be higher, to reflect the actual potential cost of conducting a clean-up. He believed they should rewrite the section for all the leases, to remove the specific dollar amounts and only reflect what was necessary to protect the city from liability claims, but then to also change that to refer specifically to the city's ability to require the Lessee to pay for the clean-up.

Councilor Crume stated the copy of the insurance policy provided for this lease stated that. How did they move forward with the necessary changes in wording?

Mr. Sullivan stated they would need to speak with the carrier to see the cost of an increase in coverage. It was his opinion the action should be tabled to allow time to work on the language and speak with the insurance provider. It would also provide the Lessee time to speak with his own insurance carrier to discuss the potential increase in cost to have the amount of coverage.

Jim Bain, Lessee, stated his \$100K on the insurance certificate was chemical drift liability. There was a \$1M premise liability coverage on the certificate already.

Mr. Sullivan stated if Mr. Bain had the \$1M premise that included not just liability, but also property damage, and the \$1M wasn't limited to just personal liability, but included property damage, that would be fine.

Councilor Crume stated the policy that had been provided for their review stated the wording was "chemical property damage for \$100K".

Mr. Sullivan stated that would then limit it to that amount, which appeared low. Chemical property damage meant damage caused by chemicals coming into contact with the ground. He could contact the carrier to verify the meaning, and research getting more coverage and obtaining a quote for Mr. Bain. He still believed it should be tabled pending further review.

Mr. Bain stated his insurance just updated (November 10th) and on his new certificate it reflected \$1M in premise liability.

Mr. Sullivan asked Mr. Bain to provide a copy of the policy. He stated if the Council wanted to approve the Lease subject to his review of the terms of the insurance, that was an option. If he could verify there was more than \$100K coverage available to deal with chemical spills, he could give an okay to the Lease.

Councilor Hart asked if they could extend the lease 30 days on a temporary basis to allow for time to review the issues, and also keep Mr. Bain in compliance.

Mr. Sullivan stated the Council approve a 30-day oral lease to Mr. Bain based upon the same language in the lease that already existed on the property. If the Council opted to extend it, he was also going to work on Paragraph 19 in the lease. He did not want that to be the template for future leases. That was the section on dealing with defaults or violations under the lease.

HART moved, RODRIGUEZ seconded, **TO TEMPORARILY EXTEND THE EXISTING LEASE FOR 30 DAYS TO PROVIDE COUNSEL TIME TO RESERCH INSURANCE AND OTHER MATTERS.** Roll call vote: Rodriguez-yes; Justus-yes; Palomo-out; Hart-yes; Braden-yes; Crume-yes; Hill-yes. Motion carried 6/0/1.

CRUME moved, JUSTUS seconded, **THAT THE CITY COUNCIL TABLE THE JIM BAIN LEASE FOR 2020 UNTIL THE FOLLOWING MEETING WHEN LEGAL STAFF CAN CORRECT SOME ISSUES, INCLUDING THE USE OF A 2-WAY RADIO, PARAGRAPH 19, AND INSURANCE ISSUES.** Roll call vote: Rodriguez-yes; Justus-yes; Palomo-out; Hart-yes; Braden-yes; Crume-yes; Hill-yes. Motion carried 6/0/1.

Proposed Amendment to OMC 3-9-9: Aviation Fuel Provision

Dan Beaubien, Airport Manager, presented.

Mr. Brown stated this was an issue that, if Council approved the process, would be brought back in ordinance form at the subsequent meeting.

Bid Award: Irrigation System for Grass Runway at Airport (Lawn Express)

Dan Beaubien, Airport Manager, presented.

Mayor Hill stated in reviewing the bids, one bid was around \$59K, and another \$37K; those were significant differences. That caused concern. He researched materials, and those were over \$30K. At the end of the contract, it gave an out, where it read *"will make reasonable effort to bid the materials to compete. Customer acknowledges that there may be differences between the bid and the final price. Customer agrees to pay the full amount of invoice by amount expressed"*, so it was not a \$37K bid. Further, the cost of services for installation, \$37K, *subject to changes according to the actual cost of materials and additional labor.* Finally, *"payments, 50% upfront"*, and generally in contracts, a contractor could receive a draw for materials. In addition, the lien rights were as required by the Idaho Construction Lien Law.

Mr. Beaubien stated he had received a new contract with new costs. The conduit was not included in the original bid. Based on that addition, the bid was \$39,500. He also amended the signature block to reflect the City Manager's signature. He informed the Council that Lawn Express (Scott Windham) had pared down his costs because he felt very passionate about the project and wanted to make sure it was completed.

Scott Windham, Lawn Express, stated the \$39,500 was the total cost for the project. The verbiage was written in such a way that if Mr. Beaubien wanted to add additional work that had not been included in the original bid, that would be covered by that language.

Mayor Hill stated it should be clearly explained what the \$39,500 was covering, and a copy of the plan should be attached to the contract.

Mr. Brown stated his recommendation to table this action until the next meeting. It required a budget amendment.

Councilor Crume asked about a guarantee on the system. This would be a whole new system that would be used for several months.



Mr. Windham stated it was on a well so they could energize it. He was also going to winterize it himself this year as part of the contract. If there were issues with it, he would fix it for nothing.

Mr. Sullivan suggested he meet with Mr. Windham to address some of these issues, and then return at the next meeting with an action item.

HART moved, JUSTUS seconded, **TO TABLE THE CONTRACT FOR THE IRRIGATION SYSTEM ON THE GRASS RUNWAY AT THE AIRPORT UNTIL NEXT TUESDAY'S MEETING.** Roll call vote: Rodriguez-yes; Justus-yes; Palomo-out; Hart-yes; Braden-yes; Crume-yes; Hill-yes. Motion carried 6/0/1.

Right of Way Easement from Ontario to Cascade Natural Gas for a Gas Line (Planning Action 2020-06-25EASE)

Dan Cummings, Community Development Director, presented.

Kyle McCauley, Cascade Natural Gas, provided an overview of the action.

CRUME moved, BRADEN seconded, **THE CITY COUNCIL APPROVE THE 40 FEET WIDE RIGHT OF WAY EASEMENT FOR A GAS LINE OVER AND ACROSS THE PARCEL OF LAND WITHIN THE SE¼SW¼, SW¼SE¼ OF SECTION 29, T19S R47E AND THE NE¼NW¼, NW¼NE¼, SW¼NE¼, SE¼NW¼ OF SECTION 32, T17S R 47E AND AUTHORIZE THE MAYOR TO SIGN THE DOCUMENT SHOWN AS ATTACHMENT 1 OF THIS REPORT.** Roll call vote: Rodriguez-yes; Justus-yes; Palomo-out; Hart-yes; Braden-yes; Crume-yes; Hill-yes. Motion carried 6/0/1.

Update Certification of Authority for SBE Solar Panels

Peter Hall, Human Resources Director, presented.

BRADEN moved, CRUME seconded, **THE CITY COUNCIL AUTHORIZE CITY MANAGER ADAM BROWN TO ACT AS REPRESENTATIVE BETWEEN IDAHO POWER COMPANY AND THE CITY REGARDING THE OREGON SOLAR PHOTOVOLTAIC PILOT PROGRAM ENERGY SALES AGREEMENT.** Roll call vote: Rodriguez-yes; Justus-yes; Palomo-out; Hart-yes; Braden-yes; Crume-yes; Hill-yes. Motion carried 6/0/1.

DEPARTMENT HEAD UPDATES

Finance: Monthly Report *(Attached)*

Kari Ott, Finance Director, presented.

Public Works: Quarterly Report *(Attached)*

Al Cablay, Public Works Director, presented.

DISCUSSION ITEMS

Airport Taxiway Project Update

Dan Beaubien, Airport Manager, stated the Airport Taxiway and Hold Apron at the end of Runway 33. He had received calls from individuals who wanted to construct hangars. He was hoping the new taxiway would see the construction of new hangars. This project had a very narrow window. It appeared the paving would be on hold until spring. It was FAA funded, so the entire project had to be exact. There were some water lines that were shown on a map but were not actually there. The new pipes were laid where the maps stated they should be located.

Mr. Brown complimented staff for all their work on this project.

Airport Master Plan



Adam Brown, City Manager, stated the city had been notified they were awarded a \$200K grant from the Border Board towards the Airport Master Plan, so he wanted to be moving forward on that. A meeting had been scheduled on Monday with Toby Epler, Airport Engineer, but he was seeing Council authorization to prepare the work order agreement and whatever budgetary work needed to be completed. He was hoping to be one of the Border Board's first successes. Staff believed this would substantially help in the development of the Airport. It had a match requirement, which they had already determined would come out of next year's budget. This was a project that would span over two fiscal years.

Council consensus to begin the process.

Engineering Project to Plan for Future Infrastructure and Grant Funding *(Attached)*

Adam Brown, City Manager, stated the state made an investment in the Yturri Beltline, which was a multi-million-dollar project. There was another state investment with the railroad overpass by 18th Avenue. There was the truck route on SE 2nd Street that was currently under construction and nearing completion. The city was actively seeking an EDA grant to complete the rest of that project from 5th Avenue to Idaho Avenue. It was believed there would be an infrastructure package coming out from Washington, DC. The city did not have a shovel-ready project currently. Part of the Strategic Plan was to extend utilities to strategic areas. The one near the Navarrete property was around 2,300 linear feet from where the water and wastewater ended to the property. Last month, the city had a major visit, and now another interest from the state for the property. Having those utilities stubbed out to the location was an advantage for the city. That would be one of the lower cost actions. A larger cost would be getting to the Treasure Valley 200 site. There was water and sewer near the Airport along the Yturri Beltline. That would be a larger project to engineer. He had informed one of the prospects that Ontario was going through a Renaissance, that it was recreating and rebranding itself, and there were a lot of great projects that were visible. He was asking for authority to move forward with the engineering design, to work with Public Works to obtain estimates for either site, or both. Council consensus to have the City Manager bring some options and estimates to the Council.

HAND-OUTS

Monthly Department Stats *(Attached)*

Public Works

Fire & Rescue

Police

Code Enforcement

Chief Romero stated for clarification on Measure 110, it was going to reclassify crime. Drug-related misdemeanors would be reduced, which included heroin, cocaine, methamphetamines, mushrooms, LSD, everything specified under Schedule 4 of drugs, was now being viewed basically the same as a traffic violation. People possessing hard drugs, the police would be handling them in the same way as if they'd been stopped for through a red light or stop sign. It was also going to bring new challenges to public safety. What the community could expect to see: there would be an increase in illicit drug ingestion in public places. Public safety would be responding to calls from restaurants and stores due to people acting bizarrely, people stealing, people approaching patrons, people fighting. Prior to 110, it had been handled. There had been the fear of criminal sanctions or repercussions if caught by the police with those drugs in a public place. Once legalized next year, the police were going to respond, but if there was less than the criminal amount, a person could have it, be under the influence, and the police would write a ticket. That would result in a civil administrative court process and have two options. One, pay \$100 and walk away; or two, not pay the \$100 and agree to have someone perform an assessment as to the level of drug addiction. The State of Oregon had one of the worst records for drug addiction recovery services. That was common knowledge. Oregon was also known for being one of the top four in the country for drug addiction. This was a huge win for California, Washington, Idaho, and any other state near Oregon who were combatting the homeless drug addiction problem. Those people were going to move to Oregon. When defense attorneys were fighting against a measure, that should



tell the people something. The biggest impact would be on juveniles. Court sanctioned treatment was now eliminated. Social services were stretched too thin.

Mr. Sullivan stated he had not studied the measure to see to what extent the language cleared out any opportunities for the city to address the problems that might arise, that might not be directly connected with punishing drug addicts, but there might be other solutions the city could implement through ordinance language that would give the city some enforcement authority. He would meet with Chief Romero to discuss that.

Councilor Rodriguez asked if it would be feasible, through working with Community in Action, where they implemented a rule that to live or be housed in the homeless shelters, a person would need to have the evaluation done instead of paying the \$100 fine. Was that an option, or would the state not allow that?

Mr. Brown stated that was not a government run program, so they could essentially write their own rules, and that was already one of their rules.

Mr. Sullivan confirmed that, and it appeared as something doable. If someone was applying for a benefit and were required to meet certain criteria to receive those benefits, that was not something that was contrary to the measure. They could condition the receipt of benefits on certain levels of performance by the individuals who requested them.

Dan Cummings stated another measure that had passed was regarding mushrooms. It was his understanding cities could not opt out like they had for marijuana. If they wanted to opt out, they had to put it on a ballot for a vote of the residents. It was going to bring another group of facilities, so he would be returning to the Council with recommendations on dealing with the mushroom facilities. He was thinking of using the same buffers as they had for the marijuana providers.

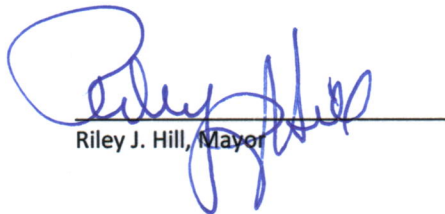
Minutes: *(Attached)*

Airport Committee 08-24-2020

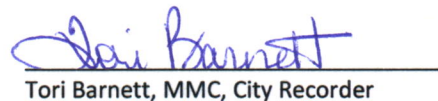
ADJOURN

CRUME moved, JUSTUS seconded, **THAT THE MEETING BE ADJOURNED**. Roll call vote: Rodriguez-yes; Justus-yes; Palomo-out; Hart-yes; Braden-yes; Crume-yes; Hill-yes. Motion carried 6/0/1.

ACCEPTED:


Riley J. Hill, Mayor

ATTEST


Tori Barnett, MMC, City Recorder

