CITY COUNCIL MEETING MINUTES
November 17, 2020

The scheduled meeting of the Ontario City Council was called to order by Mayor Riley Hill at 6:00 p.m. on Tuesday, November 17, 2020, in the Council Chambers of City Hall. Council members present in person or attended via telephone were Riley Hill, Michael Braden, Norm Crume, Ken Hart, and Marty Justus. Michael Braden and Ramon Palomo were excused; Freddy Rodriguez arrived at 6:07 p.m.

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

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 November 13, 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, HART seconded, **TO ADOPT THE AGENDA AS PRESENTED.** Roll call vote: Rodriguez-out; Justus-yes; Palomo-out; Braden-yes; Hart-yes; Crume-yes; Hill-yes. Motion carried 4/0/3.

CONSENT AGENDA

CRUME moved, HART seconded, **TO ADOPT THE CONSENT AGENDA, WHICH INCLUDED 10-08-2020 COUNCIL WORK SESSION MINUTES; 10-20-2020 COUNCIL MEETING MINUTES; AND 10-27-2020 COUNCIL MEETING MINUTES.** Roll call vote: Rodriguez-out; Justus-yes; Palomo-out; Braden-out; Hart-yes; Crume-yes; Hill-yes. Motion carried 4/0/3.

OLD BUSINESS

Resolution #2020-144: Approving the Bid from Lawn Express in the Amount of $39,500 and to Appropriate Necessary Funding

Adam Brown, City Manager, stated five minutes ago he had just received some changes from the attorney for Lawn Express. They were sent to Mr. Sullivan but didn't know if he had reviewed them yet. It was not for an increase in money, but was some clarification of language.

Scott Windham, Lawn Express, stated the change was in the changes part of the contract, on page one. It read that *"if customer wishes to change any part of installation after this agreement is signed, but prior to the commencement of installation, which results in the additional materials and labor or labor costs for Lawn Express, or results in the late completion of the contract, set costs will be added to the remaining balance of the contract and billed as part of the original contact. Any changes in the design or contract, whether the changes result in additional time, cost, or neither, must be made in writing and signed by both parties."*

Larry Sullivan, City Attorney stated he did not understand why that provision was being made. He probably needed to speak with Mr. Windham's attorney to see what prompted the change.

Mr. Windham stated he had informed Dan [Beaubien] of the change earlier that day.

Mr. Sullivan stated he would need to speak with the other attorney to determine what they were trying to accomplish. He did not like the current wording, as it appeared to shift the burden to the city of paying for changes in design that the city didn't have control over.

HART moved, CRUME seconded, **TO TABLE THE CONTRACT WITH LAWN EXPRESS UNTIL THE CITY ATTORNEY COULD REVIEW IT IN MORE DETAIL.** Roll call vote: Rodriguez-yes; Justus-yes; Palomo-out; Braden-out; Hart-yes; Crume-yes; Hill-yes. Motion carried 5/0/2.

Commercial Land Lease: Jim Bain (#245 Ercoupe)

Councilor Hart reiterated his request for staff to contact other local airports and see how they were handling this type of issue. The Council needed to ensure there was a good lease that protected the taxpayer, but was also reasonable. He wanted to see a consistent contract that anyone could meet, and there would be no exceptions needed.

Mr. Brown stated staff had collected contract examples from other airports throughout Oregon, but they needed to make distinction between private hangar owners and commercial operators.

CRUME moved, HART seconded, **THAT THE COUNCIL TABLE THIS ACTION (COMMERCIAL LAND LEASE WITH JIM BAIN AT 245 ERCOUPE) UNTIL THE NEXT MEETING.** Roll call vote: Rodriguez-yes; Justus-yes; Palomo-out; Braden-out; Hart-yes; Crume-yes; Hill-yes. Motion carried 5/0/2.

PRESENTATION

Update on COVID in Malheur County: Sarah Poe

Presentation attached.

OLD BUSINESS

Ordinance #2782-2020: Proposed Amendment to OMC 3-9-9: Aviation Fuel Provision

Adam Brown, City Manager, presented.

CRUME moved, HART seconded, **TO APPROVE ORDINANCE #2782-2020, AN ORDINANCE AMENDING TITLE 3(9)(9) OF THE ONTARIO MUNICIPAL CODE FOR FUEL PROVISIONS ON THE ONTARIO MUNICIPAL AIRPORT, ON FIRST READING BY TITLE ONLY.** Roll call vote: Rodriguez-yes; Justus-yes; Palomo-out; Braden-out; Hart-yes; Crume-yes; Hill-yes. Motion carried 5/0/2.

NEW BUSINESS

Resolution #2020-143: Amendment to the Classification and Compensation Plan

Adam Brown, City Manager, presented.

Council request to amend the wording in the 5th Whereas clause to read *"The City Manager **will** return this position to an Assistant…"*

CRUME moved, HART seconded, **THE CITY COUNCIL APPROVE RESOLUTION #2020-143, A RESOLUTION TO AMEND THE CITY CLASSIFICATION AND COMPENSATION PLAN AS ATTACHED, WITH THE EXCEPTION OF WHEREAS CLAUSE 5, TO READ INSTEAD OF "IT IS THE INTENTION OF THE CITY MANAGER…", IT WILL SAY "THE CITY MANAGER WILL RETURN THIS POSITION TO AN ASSISTANT TO THE CITY MANAGER…".** Roll call vote: Rodriguez-yes; Justus-yes; Palomo-out; Braden-out; Hart-yes; Crume-yes; Hill-yes. Motion carried 5/0/2.

DISCUSSION ITEMS

SE 2nd EDA Grant
Adam Brown, City Manager, presented.

HAND-OUTS

Minutes: *(Attached)*
County Court 10-14-2020
SREDA 11-10-2020

EXECUTIVE SESSION

Executive Session: ORS 192.660(2)(e)
An executive session was called at 7:27 p.m. under provisions of ORS 192.660(1)(e) to discuss real property. The Council entered a second executive session at 8:29 p.m.

Executive Session: ORS 192.660(2)(h)
An executive session was called at 8:30 p.m. under provisions of ORS 192.660(1)(h) to discuss current or potential litigation. The Council reconvened into regular session at 8:50 p.m.

AMEND AGENDA

HART moved, JUSTUS seconded, to **AMEND THE AGENDA TO INCLUDE A LAND SALE AND LEASE ACTION**. Roll call vote: Rodriguez-yes; Justus-yes; Palomo-out; Braden-out; Hart-yes; Crume-yes; Hill-yes. Motion carried 5/0/2.

ADDED BUSINESS

HART moved, JUSTUS seconded, to **INSTRUCT THE COMMUNITY DEVELOPMENT DIRECTOR TO MOVE FORWARD WITH THE LEASE, WITH REQUIRE LESSEE TO PAY TAXES AND FOR IMPROVEMENTS ON THE LAND.** Roll call vote: Rodriguez-yes; Justus-yes; Palomo-out; Braden-out; Hart-yes; Crume-yes; Hill-recused. Motion carried 4/0/2/1.

HART moved, JUSTUS seconded, to APPROVE THE LEASE WITH THE MODIFICAITON

Roll call vote: Rodriguez-yes; Justus-yes; Palomo-out; Braden-out; Hart-yes; Crume-yes; Hill-recused. Motion carried 4/0/2/1.

ADJOURN

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

ACCEPTED:

Riley J. Hill

Riley J. Hill, Mayor

ATTEST

Tori Barnett

Tori Barnett, MMC, City Recorder