



CITY COUNCIL MEETING MINUTES January 19, 2021

NO SOUND RECORDING UNTIL DOUG STIPE WAS ALREADY SPEAKING.

The scheduled meeting of the Ontario City Council was called to order by Mayor Riley Hill at 6:00 p.m. on Tuesday, January 19, 2021, in the Council Chambers of City Hall. Council members present in person or by call-in were Riley Hill, Freddy Rodriguez, Michael Braden, Ken Hart, Eddie Melendrez, and John Kirby. Sam Baker arrived at 6:47 p.m.

Members of staff present in person or by call-in were Adam Brown, Tori Barnett, Dan Cummings, Terry Leighton, Steven Romero, Kari Ott, Larry Sullivan, Al Cablay, and Laura Reyes.

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 15, 2021. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

HART moved, BRADEN seconded, **TO ADOPT THE AGENDA AS PRESENTED.** Roll call vote: Rodriguez-yes; Baker-out; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.

PUBLIC COMMENT

Doug Stipe:...and things that went good and what we need to do, and Jerry Elliott mentioned to me that he would like to maybe do some changes in our lease to try to better utilize the upper properties on the Skyline Farm because some of them fields on the upper part have irrigation systems on them and had not been used in the past. Used, but not thoroughly. And I said to Jerry, I said no, I would rather I fulfill my obligation to the City of Ontario with the agreement we made, but what I would like to do is raise winter wheat for a crop up there and handle it just like all the other crops that you raised up there, it cannot go into the food chain production. It has to go to livestock feed. And Jerry said I don't see any problem with that. So, in the fall of 2015, I planted winter wheat. We grew that winter wheat 2016 and harvested in the summer of 2016 and then we planted winter wheat again, the fall of 2016 for the next year's crop 2017. I don't remember the exact date, but sometime maybe February or March, the Wastewater Department came to me and told me I had to destroy my wheat crop up there because it was not okayed with the DEQ. So, we did. We did destroy our wheat crop up there and replanted again with a different crop. So, anyway, that is why I withheld rent for 2017. Then, in 2018, I withheld rent again, and the reason for withholding rent in 2018 was because the reservoirs were not filled. When I say reservoirs, I'm talking about the Skyline Reservoir and the lagoons. That's where the water comes from to irrigate the property on the Skyline Farm. It's wastewater. Anyway, the reservoirs were not filled to full capacity. Every year, and when I say this, I'm going back to 2016 because 2015, when I came on, was kind of late due to the previous renter not fulfilling his contract and leaving early, so we were late getting going that year. Anyway, every year in March me and one of the personnel from the Wastewater Department would get together and we would evaluate the incoming flows coming into the wastewater facility and where the reservoir levels are at that time. The reason we would do that, we wanted to target full reservoirs, lagoons, and reservoirs, to have the maximum irrigated irrigation water available for the Skyline Farm. Typically, in this area, and this is a lot of the dates we would target for, would be April 15th, because that's most the time when we start



irrigating. So, we needed to have full pools to have as much irrigation water as possible by April 15th. In 2018, the reservoirs were not filled to a safe capacity. After I had brought it to their attention that it would financially be a big detriment by not having these reservoirs full, I begged and pleaded to have them full and they didn't get filled. That is why I withheld the rent for 2018. Now, there was also damages from our running short of water in 2019. I paid the full rent in 2019 and because the city, well, I'll just back up here. 15, 16, and 17 we were partners. Worked good together, things fell apart in 18. 19 great partners, great working relationship, everything went good so I felt that even though I took a loss again in 19, they did everything they could to work with me, so I was very appreciative then. Anyway, that is why I withheld rent to the City of Ontario. Thank you.

Mayor Hill stated the Council could not negotiate with him, but how much did he withhold in 2017 and 2018.

Mr. Stipe stated in 2017 he withheld \$12,500, which was half of the rent, and in 2018 he didn't pay anything.

Mayor Hill asked the reasoning behind not paying anything was because there hadn't been enough water to water the crops?

Mr. Stipe stated no. There was some crop, but production was cut short because they began to run out of water in late June. By July, it was bad. In early July, they had to shut down. They did some regrouping and in late July tried to go again, but they were unable to get the crop to wake up again with the small amount of water they had.

Peggy Hawkins, Fruitland: *Good evening. I understand we're having a pool thing tonight, so I was asked to talk about my experiences with the pool. I guess I would start as a child. My mother was afraid of the water, so she made sure we all had swimming lessons, which is vital, I think, for children to have, and right now I feel we have a whole generation of kids that are never going to have swimming lessons 'cuz they don't have the opportunity to go to other cities. It's so important that USA Swimming had done a "Make a Splash" program and I had the swim team here in Ontario and they approached us. They will go into your community; they will find sponsorships; and they would give free programs or free lessons to children. They do that in the Boise YMCA area and like in the State of Florida, they cut the drowning rates in half the first year that they offered this, so it's a nationwide program and they've had a huge success and it's really important to have swimming lessons in a local community. Water is also great for rehab. I have had to use it for a back injury. I have used it for knee injuries. In 2017, due to snowmageddon, I developed lymphoma because I've had cancer, and I totally forgot you're not supposed to be doing continuous activities, lifting heavy things, snow's not light, so I had to go to physical therapy and the first thing they did was send me to the water because water compresses. It gets the circulatory system moving, flowing, it's great for the body, so it's really good for seniors who have arthritis, can't do like, some of them can't even walk, but they can get in the water and they can exercise. It's good for the joints, good to keep the heart pumping, moving, so I know Ontario, before they shut down, had a huge water aerobics program in the morning. They had a couple of really big classes in the evening. They had a really big class, so there's a lot of seniors right now who are losing out on good exercise. Lastly, I would like to talk about coaching. Ken's children swam on my swim team, I coached for 20+ years. Tori's daughter swam on my swim team; I think she might have even helped me coach! There are so many kids that don't do team sports, aren't very coordinated, so they're not good at running, not good at soccer, but love the water. It's just a good program. Whether they wanted to be competitive or not, I think it teaches them really good life skills, how to set goals, how to achieve those goals, how to work hard to get what they want. I still have kids that come to me and thank me for pushing them beyond their comfort limits so they know as they get older, this is what, I can do this. I even had one child that thanked me for having swim team available after school because she had gang members that wanted her to come with them and do drugs, and she said, this gives me an out. This is saving my life. It was really important for her, and she loved the competition and when we moved to Payette, she went over there, too. I would love – I had to quite doing swim team in Payette because their water was getting too hot and it was getting very dangerous. You can't have hot water and compete at the same time, so unfortunately, I've had to give up the swim team. I still have my 501c3 for a USA Team, so if and when we ever get the pool back up, we've got money in our account. I'm still keeping what I need to be able to get swim team back up and running. Hopefully, you'll help support the pool and get it back into our community and get people back in the water where they should be. Thank you.*



(Hard to hear on Zoom, bad echo)

Bob Kemble: Good evening. Sorry I couldn't be there in person. I'm a business owner in Ontario. When the swimming pool was in existence, it was a very big part of our family's life. Three of my four children learned to swim there. Not only did my children learn to swim, they were part of the swim team and traveled all around the Treasure Valley and beyond to represent Ontario in swim meets. (Could not understand what he was saying) Overall, supported the Aquatic Center.

Jackson Fox, Ontario: Honorable Mayor and Councilors, in 2017, seven Councilors enacted a sales tax in an obvious effort of non-transparency without a vote of the people. Only seven people. This action enraged citizens and a non-profit group was formed to gather enough signatures for a referendum to enable the citizen's voices to be heard. More than enough signatures were gathered, thus forcing a vote of the people. At that point, Oregon law referred the drafting of the ballot measure language to those same seven Councilors to create language and place it on the ballot for an up or down vote. Acting with the same low-level of public concern, those same seven Councilors, with the help of staff, created reverse language. A no vote would mean support of the sales tax. This was either illegal or improper verbiage according to Oregon law. A lawsuit had to be filed against the City of Ontario to force proper language on the ballot. The sales tax was defeated in 2018 by nearly a two to one vote of the citizens. In my opinion, this kind of non-transparent improper action treats the people of Ontario like lesser citizens. The action taken by the Council in 2017 should have never happened. I believe the only way to ensure that future Councils do not attempt to surpass the citizens on such an important matter as imposing a local sales tax, I rise to present a written petition to the Council to consider an amendment to the City Charter. The City Charter should be amended to require a direct vote of the citizens of Ontario if a sales tax should ever be considered in the future. It is unfortunate that this step is necessary; however, given the actions of those seven members of the Council and city staff to disregard the will of the people, and react to the will of the people, not with acceptance but with further deceit, makes an amendment to the Charter necessary. Honorable Mayor and Council, I thank you and I'll leave that petition with you.

Mayor Hill read Mr. Fox's petition into the record: I am requesting that the Ontario City Council consider an amendment to the City Charter to require any further reconsideration of a local sales tax to be decided by a vote of the citizens of Ontario. When was the last time the Charter was amended or adopted?

Councilor Kirby stated it was 35 years ago, and 31 years prior to that.

Mr. Fox asked when it was last amended.

Larry Sullivan, City Attorney, stated it hadn't been done since he had been there. It required an election.

Mr. Fox stated it was voted on at the last odd year election. The Charter amendment he was speaking of would have limited it to a 1% sales tax. The City of Ontario put it on the ballot.

Mr. Sullivan stated it wasn't amended; it failed.

Mayor Hill stated he did not believe it was amended.

Adam Brown, City Manager, stated the ballot language was that if it passed, then it would also include a Charter amendment to restrict it from raising any more beyond the 1%, to a vote of the people.

CONSENT AGENDA

HART moved, BRADEN seconded, **TO ADOPT THE CONSENT AGENDA, WHICH INCLUDED 12-03-2020 COUNCIL WORK SESSION MINUTES; 12-15-2020 COUNCIL MEETING MINUTES; HOUSING INCENTIVE PROGRAM: BK CONSTRUCTION, INC. (20-2021); HOUSING INCENTIVE PROGRAM: BK CONSTRUCTION, INC. (21-2021); AND HOUSING INCENTIVE PROGRAM: BK CONSTRUCTION, INC. (22-2021).** Roll call vote: Rodriguez-yes; Baker-out; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.



PRESENTATIONOntario Recreation District Pool Renovation Presentation (Attached)

Andrew Maeda, Recreation District Director, gave a PowerPoint presentation to the Council.

Councilor Members, Mayor, my name is Andrew Maeda. I'm the Director for the Ontario Recreation District. I'm here on behalf of the entire Recreation District. The Ontario Recreation District is a full committee, and the community members of Ontario. I'm here to night to present to you the good news about the Ontario Aquatic Center Renovation Project. As many of you know about this facility, the Ontario Aquatic Center, built in 1982-83, very similar to what you'll see in Baker City, Oregon, was built at the time as a state-of-the-art facility. It included a nematically controlled HVAC, beautiful laminated inside which make the building immaculate. It's much larger than a normal pool. Within the pool itself is much deeper, which costs a lot more at the time. That being said, that actually helps us now, which I'll explain in a little bit. This facility provided decades of opportunities for our community, from learning to swim, to team, to simple open swim. The benefits to this across the board were amazing for our community. This facility impacted our community in ways that we most likely did not recognize at the time and maybe don't recognize today as to why we are where we are. Unfortunately, in 2013, this facility was closed. That was a tough decision that our Council had to make at the time because this facility faced years of deferred maintenance. This included deferred maintenance on the mechanical room, in the pool itself, within the staffing and operations, and unfortunately the funding in the budget for it. When this pool was built the understanding of the future costs and maintenance and operations wasn't known. It wasn't known that in 2020 it was estimated to be about \$500,000 for an indoor pool. And that was only expected to go higher. Those things unfortunately were unknown at the time, and most likely were unable to be seen at that time. So unfortunately, this pool was closed and with that, the many programs that our community members benefited from.

Since the creation of the Ontario Recreation District, this has been our primary focus of this project. Within this project, we've created a pool committee. This pool committee was formed by our community members, not by any one specific that we pursued, but actually a committee that had formed prior to me even being hired on or brought here. These are committee members that are from this community. They are in small businesses, they are in our schools, they're in our community every single day. They see the ins and outs as they interact with our community members every single day. Once we formed this committee, our goal was to create rules, guiding laws, as to when we pursued this project, we made sure that we're staying within these guiding laws, so we didn't let our own opinions, our own thoughts of what we personally wanted, to become part of this project. We wanted to make sure it served our community. Those guiding laws include local business support, community transparency, cost efficiency, we want to make sure this is a good faith effort, and at the end of the day, we want to make sure that we let our community know, as we pursued this project, it's for them. After establishing these laws, we jumped into the research, which many of you know, and have served on previous pool committees or Friends of the Aquatic Center, is a lot, from studies to assessments, information, all the way back to when it was first built in '82-'83, to the original pool, which was an outdoor for our community, everything that went into that. Many pool committees came and gone between now and then. They pursued many different options, different approaches to this project, different assessments, trying to understand the complexities of this project, which there are many.

From that, we created a project scope, which was, in our most recent survey, Option #6 for our community, which included an outdoor pool with a breezeway. It was a close first to the indoor pool option, and the uniqueness to this survey was that we included information that was tied to the maintenance and operations of this facility, not simply what does our community want, with the understanding that if we pursued this option, that this cost was associated with and these are the potential pros and cons with that. That survey pushed us to that outdoor pool option, with a breezeway within that. This allowed us to maintain and operate this facility partially, which drops the cost of operations dramatically. Something you will see, or are seeing currently in the Payette pool, and many indoor pools around our country, is closures because of the maintenance and operation cost with aquatic facilities. As they continue to rise, we want to make sure that we learn from previous decisions that were made for this facility, and what we learned from the aquatic trends reports is that we need to pursue an outdoor pool option to make sure that

we can maintain the facility from the Recreation District's budget every single year. Again, that goes into our sustainability guiding law.

We pursued community partnerships because at the end of the day that's what this facility is for. To making sure that one, that this facility is built, that we get as many people from our community inside to benefit from it, from Saint Alphonsus to TVCC, to our school district and hopefully our city. That means our city staff, that means our school district students, our TVCC students, that means our rehab personnel, as many people can benefit from this facility as possible, and the goals of this partnership is to make sure that we have our community benefitting from it as much as possible to keep this facility up and running as long as possible. Again, within our sustainability.

Our future operations are tied in with the YMCA. That's a goal that we are pursuing right now in speaking with the YMCA and trying to learn as much as we can about operations so that once the doors open, we can hit the ground running. We don't have this learning curve with aquatic centers that tend to cost a lot of money when it comes to operations and maintenance.

Currently, our estimated cost for this project is \$2.77M, with a 10% built in at \$3.125M project. So again, our rough estimate right now. This does not include a guaranteed maximum price from the general contractor or construction manager which we are in the process of hiring. It is a rough estimate of \$3.125M.

The benefits of the project, again, across the board and to your face you probably understand the majority of them, from essential life skills like learning how to swim for our youth, or just swimming in general, to our health and wellness benefits that are tied into our community. Some of the things that might not be known when it comes to the benefits to our community are things that we see every single day and they might go over our head. Something as simple as we do have a larger population of our community Latino community members, that's anywhere between 34-44% of our community. Within that, there is a 50% higher chance for Latino children to develop childhood obesity, a stat from the Oregon Health Authority, as well as the fact that our county, in relation to the rest of the state, leads in death due to heart disease. This is a preventable disease. A disease that we can prevent through healthy, regular exercise, but unfortunately those habits start as a youth, they start as a child. It starts at a young age. Instead of being reactive to these problems, or these health diseases, we want to be proactive. Teach children the importance of healthy exercise. Nutrition, understanding and instilling those habits in the youth in order for those habits to grow and develop as they grow older and become adults and seniors. As well as opportunities that we see in how they impact our senior population and our adults. This is something that across the board our Recreation District feels very highly is important to our community, which is adult and senior programs. We do serve a lot of youth programs; that's a primary focus of ours, and that's been the primary focus of the Recreation Department, but our focus is also adults and seniors. A large portion of our community that really does need an opportunity to have access to a facility they can exercise in. Also, a facility they can exercise in with low impact on their bones and joints. Unfortunately, if we dig ourselves a hole and we are being reactive to the health diseases, we are having to be reactive to things like heart disease, things like obesity. In order to be proactive, in order to be able to combat that, we need exercise opportunities that limit impact on our bones and joints. Swimming, in general, is just that. A great cardiovascular exercise that limits impact on our bones and joints for the beginning.

The benefits for the City of Ontario are very well known. In looking at the City of Ontario's Strategic Plan, we looked at our five areas of Desirability, Lifestyle, Growth, Beautification, and Education, and we had a hard time figuring out where this wouldn't fit into that. From simply more things to do to improving existing infrastructure of our community. A facility that sits in the middle of our town, right along a major road, in a major park for our community, that sits empty every single day. Every single day that I arrive to work, I look at a facility that I once learned how to swim in, I used to work out in in the old school way that they used to have when I was in high school, but it was still a place I could go to exercise. Me, by myself. If that doesn't speak to the habits that you can develop in a youth, then I'm not sure what does.

The need: a major study done in Australia, which was done in a rural, low-income community, was done on a community that had an existing pool and closed in 2007. From this, this study cited multiple benefits to that

community: socio-economic benefits, a safe and secure community space, which we'll note in a YMCA study from our survey that we'll show you in a minute, and just general health and social benefits for the community. This study ultimately showed not only the health benefits that it had for the community in offering those youth the opportunity to learn how to exercise correctly and healthily, but also give them a safe community space to go. The benefits that we tend to ignore about social inclusion sometimes aren't as aware, but I believe many of us grew up in visiting a public pool, visiting a public pool, or going to these events with our friends. The social developments that come along with a facility that you can go to with your friends, you go to because your friends are there, or you go to to interact with your friends, are things that we tend to ignore. We don't necessarily see as important in our community because it's not necessarily a result, but they do result as people grow older. They don't learn how to communicate well. They don't learn how to interact with their peers well. In fact, they tend to ignore. They're more likely to stay at home, be away from people. These are benefits they noted in this study as important to their community, aside from the health benefits. A facility that anyone in our community can visit, regardless of your socio-economic background. A facility that no matter what your family makes, or where you come from, or anything about you that makes you different from your peers, you can visit and enjoy with your friends and family.

The need: this was a very obvious fact that started jumping out at us as we looked through these surveys that were given to the community. These surveys, one utilized for the current City of Ontario Parks Master Plan, a survey done by Ballard-King, and one done by Moore. The Master Plan survey notes that 77.3% of community members, in relation to the rest of the options above it, gymnasium, shelters, sand volleyball, basketball courts, etc., outstandingly was voted by our community as important and something we should pursue immediately. Within the Ballard-King study at the very bottom, it was at 69% of individuals in our community believed that improvements to the Rec Center/Aquatic facility, should be a priority to our community over other improvements. And in a survey done by Moore that was not about the pool, 50% of individuals cited the Ontario Aquatic Center or the pool in their response as a needed improvement to our community.

A survey done most recently in Fruitland, Idaho, which included community members from Nyssa, Vale, Ontario, Payette, Weiser, and New Plymouth. This survey is done by the YMCA not to identify if they should come and build a YMCA for your community; that's not what they do. But they want to understand if your community truly needs what that facility will offer. As we all know, the YMCA offers things like a pool, weight room, exercise rooms, aerobic rooms, that facility, though, to the YMCA, offers more to that community than just a building where you can come exercise in. It offers these benefits, and in their survey's, they don't look at do you want a pool, they don't ask you do you want a weight room; do you want a place to exercise, they ask you is it important to you that your community has a safe and secure community space, and how satisfied are you with it. From that survey, they identified these top three areas as our community, meaning those responding to the survey, identified as important overall to our community. A service engaging the entire family; a place to practice positive health habits; and a safe and secure community space for our citizens, conveniently located on one of the largest parks in town, right in the center of town, along one of the busiest roads in town.

Finally, a survey done by the Ontario Recreation District, we included this question with our survey regarding the options that we were going to pursue for our project. This included a question of should the Ontario Recreation District receive funding from the City of Ontario for this project? Of our respondents, 83% believe the ORD should receive funding for this. 7% did not believe we should receive funding for this. 10% of the respondents did not want the city involved for fear of mismanagement of funding. This presents a unique situation that is very apparent on my return to Ontario and in my position currently with the Recreation District is the relationship with our community and the City of Ontario. I'm not separating recreation from that, even though we are separate, we are still viewed as the same. I understand we are separate, but people still view the Recreation District the same as the City of Ontario. With that, I've become very aware of the relationship that people have with us, whether that's we used the wrong language in explaining something, whether we maybe don't share the information that they want to see, or we haven't told them everything that they want to hear, or they weren't given all the information they wanted. That relationship exists because of that transparency that we believe is important to us. This is a relationship that we also note is between the City of Ontario and its community and residents.

Councilor Rodriguez asked if any of the comments from the 83% that the city should be involved?

Mr. Maeda: *Some of the comments included if they have the funding, they should. Why not? A lot of them cited words the most recent tax on dispensaries and believing that that money was designated for this. I think there was a miscommunication on the voting of the approval of the Ontario Recreation District and that tax, in that that tax money would go to the Ontario Recreation District and that's not the case, obviously.*

Mr. Maeda continued: *What we're asking for today is a three-year commitment of \$900,000, meaning \$300,000 every year for the next three years, and following that, year four, \$50K every year after that. And lastly, a successful partnership between the Ontario Recreation District and the City of Ontario. This money, we believe, primarily the three-year commitment of \$900,000, is important to the Recreation District in getting this project done. A project that has been long-standing in our community for quite a while and in making sure, in the annual commitment of \$50K, that we can continue to improve this facility for our community and ensure that nothing like this ever happens again. We hope that the City of Ontario understands this, and I ask you Councilors to truly speak with our community members about this.*

These are current project for the City of Ontario has within their Strategic Plan, totaling \$475,000. Areas that address your Strategic Plan within Education, Lifestyle, Beautification, Growth, and Desirability.

So, I am here today as the Director of the Ontario Recreation District, but also as a community member of Ontario. Born and raised here, and returned here, having left to pursue a degree in exercise science and understanding the importance of health in our life. Having family members who are no longer here, very close to me who have died because of a poor relationship with health and exercise. I'm here to again ask you to give our community a safe community space where they can safely visit, recreate, improve their own personal health, and social benefits from that. We also talk about our community as having a tremendous amount of potential and with the current relationship that I see, or the relationship that previously existed with our city, I truly believe that's not the case. In speaking with many of you about this project, it's very obvious that our community is improving because of our city efforts, because of the individuals in this room, and I truly believe that's the case. And I also want to be able to stand up and explain the improvements that our community has seen because of our City Councilors, and because of our Mayor. And this project, I believe, is a perfect opportunity for the City of Ontario and the Ontario Recreation District to give the community a very big asset that has been missing for the last seven to eight years; to improve the relationship that we have with our community members; and to truly change that potential for these added benefits.

Thank you for your time; any questions?

Councilor Rodriguez stated that Mr. Maeda and Peggy Hawkins had spoken towards risk and the health of youth, to keep youth safe from gangs, so was there going to be, maybe in the future, any type of compressive low-income or migrant program, to truly encompass all of the community? There were some in the community who would not even have money for the Splash Park. If the city were to designate funds, he wanted to have a say in how those cracks were sealed to keep the youth from falling through cracks. Or what about at-risk youth?

Mr. Maeda stated yes, and there was another program they were aware of which was that all the 2nd graders in the community were taken through a learn-to-swim program. They have also created a youth scholarship fund, which would provide money for the youth to participate in the offered programs. Currently, they worked with Work Source Oregon, which was out of Burns, to identify at-risk youth in the community and give them specific jobs during the summer, to be exposed to professionally developed projects. That could be with police or fire, BLM, just to get them involved and provide them skills for future employment.

Councilor Rodriguez reiterated there were some youth in the community who would not be able to pay at all for participating in activities. Would there be any type of option to provide something for no-cost?

Mr. Maeda stated yes; the sports scholarship fund was for youth to participate free of cost.



Councilor Melendrez stated for the youth who could not pay, was Mr. Maeda saying there would be some way to "earn" the scholarship, or was it just given?

Mr. Maeda stated earning a scholarship hadn't been viewed; it was more of the individual receiving the funds would be asked to provide a thank you and photo to whichever business provided funds. That let the businesses know they had impacted a youth within the community.

Councilor Melendrez stated he wanted every child to be able to attend and not have to pay, but there was something to be said for earning it. He remembered going to the Payette pool in his youth and they all got a bag of cans gathered up to raise the money to go. That also taught life skills. He had experience with running a non-profit boxing club for three years, and the first year was free. After that, he charged a small fee, and he realized that those who paid the fees stuck around longer and were more dedicated, which surprised him. But the kids who received a free ride didn't stick around.

Mayor Hill stated in the survey put out, he indicated that 80% said the city should provide money, was that survey done with just residents of the City of Ontario, or was it sent out to a broader audience?

Mr. Maeda stated he believed a broader audience could have been a part of it, but most, if not all, of the individuals on the survey were from Ontario, unless they chose to be anonymous.

Mayor Hill asked if it was explained to them in the survey that the City of Ontario previously provided \$200K, but now those funds had been absorbed into the budget. Also, was it explained the Rec District now had a \$650K budget?

Mr. Maeda stated they made it clear about their budget for the Aquatic Center. Not \$650K, more \$600K, but out of that, 50% (or \$300K) of that would go towards the pool. They also wanted to continue offering other recreational programs, not just a pool. Rec sports was the majority of their programs.

Councilor Rodriguez confirmed that the Rec District had enough money to make this project happen, but didn't have enough money to make it happen now, or within the next three years.

Mr. Maeda stated they had enough money to maintain and operate the facility. He did not believe the tax base the Recreation District initially pursued would have made sense to pursue a tax base that would cover a \$3M project when they would only need a portion of that to maintain the facility afterwards. If they were to pursue this project on their efforts alone, it would be another ten years for them to reach the project number of \$3.12M from the \$300K budget. At that time, they could probably include additional inflation of maybe 1.75%, which would be another two years, or \$600K on top of construction. That was being optimistic, so maybe 12-15 years from now, if the Recreation District tried to pursue this on their own. The idea would be that the District would maintain and operate the facility on their efforts alone. This was an opportunity for the city to be a part of the project in a different way, more than just financially.

Councilor Hart thanked Mr. Maeda for appearing before them and let him know they had done a fantastic job with the resources they'd been given. He also wanted to let everyone know that his wife was still the Treasurer for the OSCAR swim team, but there was no compensation involved. He and Andrew had spoken, so his comments wouldn't be a surprise. Someone made some good points on Facebook previously that he wanted to bring out. Where did the funding from the Rec Center come now? Where did the funding come from?

Mr. Maeda stated their funding was from a tax base.

Councilor Hart asked where that tax base was.

Mr. Maeda stated it was the community members of Ontario, which matched the Ontario School District boundary.



Councilor Hart stated the citizens of Ontario were paying the Rec District now, through taxes, and he gladly paid that. One reason he supported it was because he wanted the city to have to have a pool and thought if they could put money separate from the city directly to the Rec District, \$600K a year would sure give a chance to get the programs up and running along with reopening the pool. The money that the city would give the Rec District came from the citizens of Ontario. This was all citizen of Ontario money, and it would be giving additional money from the same taxpayers that were already paying the tax base for the District. That was one of his concerns. Had they considered debt at all to build the facility?

Mr. Maeda stated yes, they had. In looking at loan options for this, over the next three years, the Rec District would be able to put \$1M towards the project, maybe a bit more. A \$2.5M loan outside of that, in looking at general estimates from local banks, could run around \$88K-\$115K a year to pay off the loan. That, in addition to what he previously explained, was the maintenance and operations, which was the biggest worry with any pool. Currently, they were looking to structure their maintenance and operations off an outdoor facility in Pendleton, who were subsidized between \$150-200K a year. If the District were to include the loan payoff, that would reach, or exceed, the \$300K limit for the Aquatic Center. That would lead to worry of deferred maintenance. In looking at loan options again, with a city contribution and a \$2.5M approach, would be to pursue a \$625K loan, which would be between \$22K-36K a year, which would be within the annual budget. That could be considered towards the end of the project. That was not being removed from the table in order to close the project, but when it was a \$2.5M loan, that was something they were risking the facility. His concern was bringing back the facility only to see it close again.

Councilor Hart appreciated the comments because right now, money was cheap. They'd all love to see the pool open tomorrow, and what a great way to help the local economy to get that going. The City of Ontario has debt, a significant amount of PERS debt to pay back employees for their retirement benefits. They had to be careful. If they were taking money away from paying down city debt because the Rec District was afraid of debt, so he wanted to use as much money as possible to pay of the existing debt for existing obligations. He wanted to do something, and he wanted to support the pool, but the citizens of Ontario were already significantly helping to get the pool open through their current tax base. As the Mayor noted, there were way for the city, if it would help the District leverage money from Fruitland or Nyssa or a city that didn't have a pool, some of those others to say if they could get that city to pitch in an amount, maybe they could get a match from another city. He wanted to support in some way, but really thought they had to look at debt as a way to get the pool open and operating.

Councilor Kirby stated there was a Transient Occupancy Tax in Ontario, who supported the V&C who ran a majority of their operation, other than dues, through that. When he was on the Cultural Center Board, they had the opportunity to go to the voters to ask for an additional 1% that was administered by the city, collected from the motels, for the Cultural Center. He was looking for \$50K per year to assist in maintenance and operation of the pool, that would be something that was not taxing the citizens of Ontario, but those who were passing through. If they were to ask for an additional ½% on that tax, authorized by the voters, that would give operational money. The V&C and the Cultural Center were two entities that were visibly benefited by that type of tax. Also, that tax was very restrictive in that it had to be used for tourism. There were a few things that would qualify for that. Everyone was looking at the marijuana tax, and there was only one state in the union that didn't have legal marijuana of any type, and that was Idaho. Should Idaho ever fall, the cash cow that Ontario had would be gone.

Mayor Hill stated that cash cow, with Ballot Measure 110, which limited the return to cities and counties to \$44M, so the city would not be getting a lot of money.

Mr. Maeda stated those were fair points. But the cash cow being referenced, was said to be used on something that wouldn't be there long term. The goal of the "gift" from the city would be for the instance. Regarding the TOT, the pool committee felt that pursuing the community for an increase of any type of tax during this pandemic, or any type of bond, was a bad idea.

Mayor Hill asked what other grants they had applied for?



Mr. Maeda stated there were two sub-committees on the pool committee. One was working on gifts, the other focusing on grants. Some grants had been moved over to be used for Covid relief or the Black Lives Matter movement. Locally, the Border Board, would follow the completion of the construction document phase of the design. They would be pursuing Fruitland and Nyssa because of their major interest in a facility like this, but also because they didn't offer them in their areas. The goal would be to seek a donation with the understanding that their citizens would receive either a discounted or in-district rate to use the facility. They were also looking at the major businesses in Ontario that had foundations or grants, like Walmart, Home Depot, Simplot, WinCo, Albertson's/Kroger, and McDonalds. There were also some banks who were big on giving back to their communities.

Introduction: Chamber of Commerce and Visitors & Conventions Bureau

John Breidenbach, Chamber of Commerce CEO, briefly explained the role of the Chamber of to the Council.

Malheur County Health Department: Vaccination Distribution Update

Terry Leighton, Fire Chief, stated he had been involved with the COVID actions since the beginning. Recently, drive-through vaccine stations had been done at Station 2. Last week, they provided 461 vaccines to the community. The week before, it was 100. This coming Thursday, there would be another 100 vaccines available. The problem was in that rules were constantly changing. There were also other entities, such as Saint Alphonsus and Valley Family Health Care, providing vaccines. Some stations were sign ups; others, first come, first served. This Thursday, beginning at 8:45 a.m. would be first come, first served. He, himself, had received both his shots, and had very little reaction.

OLD BUSINESS

ADOPTION OF 2021 CITY MEETINGS CALENDAR

HART moved, BRADEN seconded, **TO APPROVE THE 2021 CITY COMMITTEE MEETINGS CALENDAR AS PRESENTED.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

COMMITTEE/COUNCIL LIAISON APPOINTMENTS TO CITY BOARDS

Mayor Hill recommended the following appointments: Lee Newman: Budget Board; Pat Woodcock: Public Works Committee; Ruben Hernandez: Planning Commission; Councilor Melendrez: Planning Commission Liaison; Councilor Ken Hart: V&C Board Councilor Representative.

BRADEN moved, HART seconded, **THAT THE COUNCIL APPROVE THE MAYOR'S COMMITTEE APPOINTMENTS OF LEE NEWMAN TO THE BUDGET BOARD; PAT WOODCOCK TO THE PUBLIC WORKS COMMITTEE; AND RUBEN HERNANDEZ TO THE PLANNING COMMISSION.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

Mayor Hill appointed Councilor Melendrez as the Planning Commission Liaison and Councilor Ken Hart as the V&C Board Councilor Representative.

NEW BUSINESS

LOBBYIST FOR MARIJUANA BILLS

Adam Brown, City Manager, presented.

He and the Mayor had been speaking with legislators, and they recommended that there be someone on the city's behalf in Salem to follow the bills and to reach out to legislators to ensure they received the attention they needed to be successful. He reached out last week to the other City Managers across Oregon and received a response back from other managers who said they, or their Councilors, might be interested in helping pay for that lobbyist expense. One had their own lobbyist who they had high confidence in. Through contacts the Mayor had with Representative Owens and Senator Findley, he was recommended a name, too. Staff wanted to bring the question to Council as to if they wanted to have a lobbyist to follow the Bills – HB114 and HB115 – and the one Ontario would do jointly with

the two cities he had been contacted by would be HB115. For HB114 there were potential partners because that included the entire Salem and Portland metro statistical area. They would have a strong interest in pursuing that Bill. He had not contacted those cities yet but did know the manager in Salem. He'd also reach out to Portland.

Mayor Hill asked Mr. Brown to explain the Bills. One Bill had been introduced by Representative Owens, for a statewide increase of up to 10%, a local option tax.

Mr. Brown stated that was House Bill115.

Mayor Hill stated HB114 was a carve out. It would carve out Ontario area with the metropolitan statistical area including Boise, and the other side of the state also included Portland/Vancouver WA area. Ontario was not getting their fair share of the money because the issue was based on population of the town where sold versus the statistical area that was being sold to.

Councilor Hart asked how the city would pay for the lobbyist.

Mr. Brown stated they could use the marijuana money to fund it. They could also use General Fund Contingency money. There were enough funds in either area to fund to cover the estimated cost.

Councilor Rodriguez asked for complete copies of both Bills.

ADDENDUM TO THE COMMERCIAL LAND LEASE EAA: #315 & #317 GOLF

Dan Cummings, Community Development Director, presented.

BRADEN moved, KIRBY seconded, **THE CITY COUNCIL APPROVE THE ADDENDUM TO THE LEASE AS PRESENTED FOR EAA AT #315 & 317 GOLF AT THE ONTARIO MUNICIPAL AIRPORT AT THE CORRECTED AMOUNT OF 24,444 SQUARE FEET.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

PUBLIC HEARING(S)

REQUEST TO TABLE THE ADVERTISED MEETING ON PLANNING ACTION 2020-01-02CPAMD-ZCA: A REQUEST BY THE CITY OF ONTARIO TO AMEND TITLE 10 OF THE ONTARIO MUNICIPAL CODE, ADDRESSING THE STATE REQUIREMENTS OF OREGON HOUSE BILL 2001 REGARDING REQUIREMENTS ON DUPLEXES, ACCESSORY DWELLING UNITS, AND MANUFACTURED HOMES

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

Dan Cummings, Community Development Director, presented.

BRADEN moved, KIRBY seconded, **THE CITY COUNCIL TABLE THE ADVERTISED MEETING ON PLANNING ACTION 2020-01-02CPAMD-ZCA: A REQUEST BY THE CITY OF ONTARIO TO AMEND TITLE 10A OF THE ONTARIO MUNICIPAL CODE, WHICH ADDRESSES THE STATE REQUIREMENTS WITHIN OREGON HOUSE BILL 2001. CHANGES WILL COMPLY WITH REQUIREMENTS ON DUPLEX PROVISIONS, ACCESSORY DWELLING UNITS, AND OF MANUFACTURED HOMES TO A TIME UNCERTAIN.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

ORDINANCE #2784-2021: PLANNING ACTION 2020-11-41RZ AMENDING THE CITY OF ONTARIO COMPREHENSIVE PLAN AND ZONING MAP FROM GENERAL COMMERCIAL (C-2) TO HIGH DENSITY RESIDENTIAL (RM-10) ZONE CLASSIFICATION FOR A PROPERTY BEING A PART OF TAX MAP 18S47E09BA IDENTIFIED AS TAX LOT 4202; BEING A PORTION LOTS 29 THROUGH 32 OF BLOCK 6 OF THE VILLA PARK ADDITION TO THE CITY OF ONTARIO FIRST/SECOND READING BY TITLE ONLY

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

Dan Cummings, Community Development Director, presented.

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

BRADEN moved, HART seconded, **THAT THE CITY COUNCIL ACCEPTS THE RECOMMENDATION OF THE PLANNING COMMISSION AND THE FINDINGS OF FACTS AS SET FORTH IN ACTION 2020-11-41RZ, AND THE CITY COUNCIL APPROVE ORDINANCE #2784-2021 APPROVING SAID REZONE, ON FIRST READING BY TITLE ONLY, AN ORDINANCE AMENDING THE CITY OF ONTARIO COMPREHENSIVE PLAN AND ZONING MAP FROM GENERAL COMMERCIAL C-2 TO HIGH DENSITY RESIDENTIAL RM-10, ZONE CLASSIFICATION FOR A PROPERTY BEING A PART OF TAX MAP 18S47E09BA IDENTIFIED AS TAX LOT 4202, BEING A PORTION LOTS 29-32 OF BLOCK 6 OF THE VILLA PARK ADDITION TO THE CITY OF ONTARIO.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

BRADEN moved, RODRIGUEZ seconded, **THAT THE CITY COUNCIL WAIVE THE SECOND READING OF ORDINANCE #2784-2021 A REQUEST FOR REZONE OF THE SUBJECT PROPERTIES FROM GENERAL COMMERCIAL C-2 TO HIGH DENSITY RESIDENTIAL RM-10, AS SET FORTH IN PLANNING ACTION 2020-11-41RZ, ORDINANCE #2784-2021 AN ORDINANCE AMENDING THE CITY OF ONTARIO COMPREHENSIVE PLAN AND ZONING MAP FROM GENERAL COMMERCIAL C-2 TO HIGH DENSITY RESIDENTIAL RM-10, ZONE CLASSIFICATION FOR A PROPERTY BEING A PART OF TAX MAP 18S47E09BA IDENTIFIED AS TAX LOT 4202, BEING A PORTION LOTS 29-32 OF BLOCK 6 OF THE VILLA PARK ADDITION TO THE CITY OF ONTARIO.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

DISCUSSION ITEMS

EXTEND CONTRACT WITH MERCHANT MCINTYRE *(list attached)*

Adam Brown, City Manager, stated the Council, as part of the pandemic response, hired Merchant McIntyre for an initial three-month period. When that period expired, they had made some applications and asked what the city wanted them to do. The Council continued the contract for an additional three months. It had now been six months, and he had created a list of projects they'd been working on. They had met with all the departments and Council to establish a list of needs. They had been attempting to develop a strategy for addressing those needs. A list had been distributed to the Council of the grants that had been applied for which was attached to the minutes.

Councilor Braden asked if any of the grants had cash-flowed yet.

Mr. Brown stated no. The only one they'd actually applied for to date was the Our Town Grant. The EDA ones were being massaged and having meeting with the Director of the EDA.

Councilor Kirby asked if the city was paying an up-front contractual fee.

Mr. Brown stated it was a monthly fee of \$6,500. It was difficult to judge on a short-term basis. He recommended giving it a year.



Councilor Hart stated \$52K over eight months with nothing to show. He would have a hard time supporting a renewal.

Mayor Hill stated he had done extensive work with the government, and nothing happened in a year.

Councilor Braden asked if it was feasible to see a list of approved grants or grant applications by June 30, 2021?

Mr. Brown stated yes.

ACTING CITY MANAGER

Mayor Hill stated the Charter read that the Council was the one who appointed the Acting City Manager in the absence of the City Manager. That hadn't been traditionally done.

Larry Sullivan, City Attorney, stated he read the Charter provision, and it read that when the City Manager was absent from the city and the narrowest construction of that was that he was outside the city limits. If he traveled to Idaho, the City Council had to appoint a pro-tem manager. He did not believe that was what the charter intended. He believed the phrase "absent from the city" was intended to mean that he was not in a position to exercise any decision-making authority on behalf of the city and someone else, who had that decision making authority, needed to be appointment so the Council had someone to call upon to manage the day-to-day affairs. He construed it to mean an extended absence or an absence in which even a week-long camping trip outside of cell phone range would probably qualify. That would be the time to invoke the Charter provision, not when he crossed the river.

Mayor Hill stated he believed they would all think that was reasonable, but the point that was brought to his attention was that when the City Manager appointed an acting City Manager, that was outside the Charter.

Mr. Sullivan agreed, but if the City Manager said he was going to be gone and wanted to have Dan Cummings step in and make decisions if he were unable, he agreed that the Council would do. One way to deal with that was if the City Manager was going to be gone, "this" is the City Council's first choice to have act as the replacement while he was unavailable. Then that person would automatically become the acting City Manager.

Mr. Brown stated he was unsure where the Council wanted to go with this, but to construe it like that and want to exercise it like that, would be completely unorthodox from any practical application he'd seen over three states and twenty years of city management. Some may have noticed that he didn't always select the same person, because he wanted all the department heads have the experience. That selection was based on how long he would be out or the potential for something to happen. He had been out of the area over the weekend, but there was somewhere he read that required him to let the Council know when he was leaving and to appoint someone. That was why every time he was out, he sent a notice to the Council. That person would not have a lot of rights to make changes. The direction was to hold the fort down.

Mayor Hill stated he understood his arguments, but if the Council decided, as asked, to review the City Charter, that might be something that needed to be addressed in the Charter.

Councilor Kirby stated the Charter was 35 years old, and 31 years before that, but this year's a prime example of how governments were acting or not acting due to Covid. Everyone had gone electronic. He questioned quorums, voting, was there a contractual obligation they were entering and it was being done electronically, those provisions were not in the Charter. They needed to establish a review. Everyone was redoing their Charter. What he had been seeing on Facebook was that the Council wanted to change the Charter so they could run the City Manager out of town, which was distressing. The city had changed and the method by which business was conducted was definitely changed. Why not review the Charter- it was time.

Mayor Hill ensured Mr. Brown that was never his goal. He had told him that personally and was not stating it publicly.

Mr. Brown stated if that was the direction of the Council, he supported that.

Councilor Hart stated it might be a matter of semantics. The term “acting” City Manager, and it was a term that had been used. Maybe that’s where they needed to make a tweak. Maybe say, while I’m out of town, Dan has the phone. Word it that way until they could review the wording. That meant the City Manager was out, but they knew was going to deal with something that occurred.

Councilor Rodriguez stated he would like to see the same person step in every time, the one with the most experience, not one who was just learning. Using different people could create inconsistencies in service to Council. He was all for sharing the experience for the staff, but he felt consistency was what they would expect from a municipal staff.

Mayor Hill stated the Charter continued to come up, so would the Council like that item added to the next Agenda for discussion or direction.

Councilor Braden asked what the precedent was for a city updating its Charter.

Mr. Sullivan stated Ontario was about one version behind in terms of what other cities had done. The LOC had created a new model Charter that was distributed a few years ago, which might warrant a review. There were some anachronisms and other oddities in the current Charter. The Council had to recognize they had no authority at all to change the Charter. It was a vote of the people. The Council would have to have him draft the language to go before the voters and the changes would have to be such that the average person reading it understood it.

Mayor Hill stated initiation would come from the Council, who would recommend different changes and give instructions to the City Manager or attorney to rewrite that. It would then go before the voters for their approval or denial.

Councilor Kirby stated there should be citizen input in the draft.

Councilor Hart asked to have it on the Agenda for the next meeting. He would like to see a timeline on how it would occur, so maybe staff could look into that.

Mr. Brown stated it was typical to have some type of citizen committee involved; a committee that would include a few of the Councilors as well, who would make a recommendation to the Council as a whole. On a side note, the term “acting City Manager” was not in the Charter. It read “pro-tem manager”.

Mayor Hill asked that the Council be provided a model Charter.

Council consensus to have the item placed on the next Agenda.

HAND-OUTS

SDC Annual Report (Attached)

Check Register: Dec 1-2020 / Jan 13, 2021 (Attached)

Minute:

SREDA 01-05-2021; County Court 01-06-2021

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS



- Mr. Brown stated the new Airport Manager had started that day. He would have him at the next meeting.
- Mayor Hill stated Council had received a letter from Sandra Shelton, Director of the Malheur County on Aging, where she thanked the Council for their donation as it would assist many seniors in the community.
- Mayor Hill stated on the last check register, the city had submitted their payment of \$482K for the PERS contribution for this quarter. The city was \$10.6M behind about two years ago and were now about \$16M or more behind.

Kari Ott, Finance Director, stated she had review it that day and between the side payments made last year, and the measurement date of June 30, 2019, the city was approximately \$11M behind.

Mr. Brown stated that was due to the Council's diligence in paying down the debt.

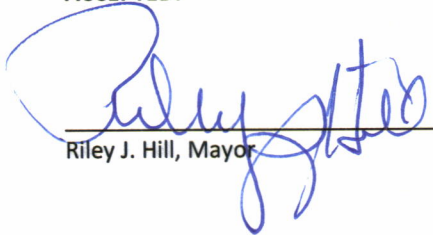
- Mayor Hill stated the city had received a grant for \$950K that Nyssa couldn't use, and he recalled being told that the \$950K could only be used on a pedestrian bridge and some work on 5th. Now there were other negotiations going on that the city was not a party to. The state was now negotiating with Anderson-Perry to cover a mistake. The state was saying maybe take some of the \$950K to fix that error. That could result in not enough money to build the pedestrian bridge. If Anderson-Perry didn't step up and get it taken care of, the city should reexamine their relationship with them.

Mr. Cummings stated he had been in contact with Anderson-Perry, and told them of the Council's feelings about the errors there. Anderson-Perry committed to him that they were going to step up and take care of that, but before they did they were negotiating with ODOT and the contractor because they did not believe it was 100% their fault. When that was brought up at the SEACT and NEACT meetings, ODOT made the comment they had placed \$24K aside to take care of some of that issue on SE 2nd. The next day he sent an email to Anderson-Perry verifying that ODOT had set some money aside to take care of that, but the Council was not going to be happy if that was where the money came from. Anderson-Perry reassured him that they were still negotiating with the contractor and ODOT and told him it would NOT come out of those funds.

ADJOURN

BRADEN moved, RODRIGUEZ seconded, **THAT THE MEETING BE ADJOURNED**. Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

ACCEPTED:



Riley J. Hill, Mayor

ATTEST



Tori Barnett, MMC, City Recorder