



CITY COUNCIL MEETING MINUTES

April 8, 2021

The scheduled meeting of the Ontario City Council was called to order by Mayor Riley Hill at 6:00 p.m. on Thursday, April 8, 2021, in the Council Chambers of City Hall. Council members present or attended via telephone were Riley Hill, Michael Braden, Ken Hart, John Kirby, Freddy Rodriguez, and Eddie Melendrez. Sam Baker was excused.

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

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

Riley Hill led everyone in the Pledge of Allegiance.

AGENDA

This Agenda was posted on April 6, 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; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.

PUBLIC COMMENT

Marc Garcia, Ontario: stated: *First of all, thank you for your time today. This will be quick and sweet, sweet and short. This is for the northeast neighborhood. It's been an issue for some time, the noise, and the semi-trucks over by Americold and Ore-Ida. It's pretty noisy because they park in front of residences and places of habitation so even the places that are businesses over there still had an issue with the noise or the semi-trucks blocking the traffic, parking in the middle of the street. It's been an issue for along time. The good thing is, one thing is how noisy is it? Well, it's very, very noisy, so from about two blocks away it's about 70 decibels. For comparison, 87 decibels is a vacuum cleaner in your home. Even with the best situation, the houses, the triple-plane glass, they're so close and the wall they're next to is all concrete going up about over 20 feet. It just echoes back into the neighborhoods. The other thing is really, if you're thinking about that like long term, there is some damage to hearing, anything over 60 decibels. It's 24/7. Last night they were waking up at 2:00 a.m., 3:00 a.m., trucks coming in, jack-knifing, air-braking, stuff like that. It's really just asking the city to maybe put some places where they could park away from those paces. And we have the space. So, the other question you may ask is how much will this cost? Really, there's no cost to it. Just paint. If there's any signage that needs to go up, we can pay for it, like we can donate that. Now I've been talking to Americold since last summer and I included the email from a Supervisor there. They are open to this; they just need direction. They're very cooperative. It isn't a cost or impact to them in any way. I think that's the biggest thing. We kind of worry because they are a big employer in Ontario, but they're on board. I mean, they want to be good neighbors. They're not just a local company anymore. They're pretty much a national/international company being Heinze and Americold. So, they want to do a public service, they want to do the right thing. It's just us directing them. I think there's a map there and I have a PowerPoint I'll email you, probably tomorrow, or tonight, and it's going to be seen a little bigger. You can see the first picture, there's three semis, there's a multi-family there with children housing. There's nobody parking back on 6th and 3rd Avenue North. Right? There's plenty of parking, but they never park there. They're always parking right by the office. It's not necessary. They're getting called by dispatch, by radio. Is there a reason for them to park there three or four days and then take off? There are other places they could park.*



I just want to bring that situation up. The other thing is the speeding on those roads too. I think if you added speedbump – again, we can pay. The residents are willing to pay the money, I'm willing to pay the money to put a speedbump in there. But basically, signage and addressing the issue. Today, I got pretty much everybody to sign, and I emailed that over to Tori. She can probably share with you guys, requesting that you guys are looking at right now. Basically, to put signage up. I think that's going to go a long way to tell people who are not from the community or Treasure Valley who are truck driving in there that the city cares about what's going on, the behavior as it happens there. I think that sometimes we get people from Texas or California driving in; they're speeding through there, they don't care, they will park in your yard, they will crash into your fence, they will take down your stop sign, stuff like that. Just respectful to people. There are kids there. The first thing I did when I pulled into town today, sure enough there's a kid on a bike, maybe five years old, and there's a semi-truck speeding, not paying attention, looking at his phone, trying to find the office. I don't think that's necessary. I think we can do a lot just by doing that. So, I'll finish up real fast. Short term, what happens, or long term, what happens. If we don't do anything about it, we're still disadvantaging basic community. They got zones commercial industrial even though it's one of the older neighborhoods in town. They were never asked to be zone commercial, but we're okay with it. We understand Americold and Ore-Ida have to operate. We're perfectly fine with that. We're just asking for some city to kind of guide them, the truck and traffic in that area at little. I think a little bit of paint, signage, will go a long way. It's very low cost for the quality of life for everybody there. Other benefits are there's no impact to Americold operations. It's very low cost, and you also have improved traffic and safety. That's pretty much it. Again, I talked to Americold, and it seemed like they were going to cooperate. Thank you so much for your time. (Document attached)

Mayor Hill thanked Mr. Garcia for his presentation. It was clear he'd put some effort into this and there was neighborhood participation, and rarely did the city have someone come in and say they were willing to participate in the costs. He asked for a consensus from the Council to ask the Chief and the City Manager to look into these issues.

Council consensus to have the Chief and City Manager look into the items outlined by Mr. Garcia.

Marty Justus, Ontario, stated: *So, I wasn't sure if any of you saw the Malheur Enterprise the week of March 24th, so I just wanted to come in and read that editorial to you so that's part of the city record for perpetuity. An Editorial, Malheur Enterprise, March 24, 2021. Members of the Ontario City Council must break their silence over Councilor Freddy Rodriguez. They must lead, not dodge. They must show they care about safeguarding the community and its citizens. Community leadership demands more than showing up for Council meetings and reading briefing papers. As public officials, Councilors carry the weight of authority, and it's not just their legal duty. They are expected to exemplify the best of the community – to exhibit integrity, morality, and courage in facing sometimes hard choices. Being a community leader means always acting in the best interests of all. Every citizen should feel Councilors represent them. Community leaders must inspire confidence that they are selfless in duty, articulate in decisions, and forthright in conduct. In the Rodriguez instance, Councilors have abstained. They may dismiss the Rodriguez imbroglio as some personal issue of no import to city government. Nonsense. Any issue that riles citizens and disrupts city functioning matters. They may conclude that attending to Rodriguez's behavior is not their job, that is a task left to voters. Nonsense again. And they may argue they have limited legal authority to do anything. That's escapism. The legal limits are clear. They can't arbitrarily "fire" Rodriguez from his Council seat. They can't impeach him. Councilors even lack technical authority to take away his title as Councilor President. But nothing in the City Charter or state law or the U.S. Constitution bars each Councilor and the Mayor from using their political and moral authority, vested in any public official. They can speak if they want. They are muzzled only by their own fear or excuses. At a minimum, the Council could act for the community to get at the truth of several matters. It could deputize investigators to address those issues swirling around Rodriguez. These include: Residency. There is the issue about where the Councilor lives. He testified under oath that he lives in a travel trailer with his daughter. Another witness said it's parked outside city limits. Rodriguez has made the claim he went from homeless this year to simultaneously having residences in the country and in the city. Citizens expect Councilors to live in town. Political Pressure: The Councilor turned directly to Police Chief Steven Romero for help getting back a dog he had given away. Rodriguez may have tried to use his official city position, perhaps indirectly, to get special treatment from the police. Citizen Attack: Rodriguez used his Council seat to slander a citizen, making the vile accusation that the individual was a child*

molester. Rodriguez justified his remark by saying he heard it from a friend. That's not evidence and he knows that, given his experience with the justice system. Domestic Violence: Rodriguez said an arrest for spousal battery in 2003 in California resulted in a year-long domestic abuse coursework.

Mayor Hill stated they had read the article and it had been worked over to death. That was one person's opinion in the paper. They also had an opinion from legal counsel what the Council...

Mr. Justus stated: *I'm going to finish my statement, Mayor. I'm going to finish this if you don't mind. I'm going to put it into the city record. A 2010 arrest in Idaho for domestic battery led to a 12-week program called "Men's Healthy Relationship" and dismissal of the charge. A second 2010 arrest in Idaho for domestic battery resulted in a 52-week domestic battery treatment program. And in June 2020, a state judge found Rodriguez was a credible threat to an Ontario woman, restraining the Councilor from going near her. The city generally has a duty to confront all domestic violence, a persistent threat for many women in Ontario and Malheur County. Rodriguez tends to blame others for his trouble, to abdicate responsibility. That's his weakness. That weakness – abdicating responsibility – shouldn't be echoed by Ontario Councilors. They can act. They can each speak up. They can tell the community what they stand for – and what they won't tolerate. They can act individually and collectively. No legal authority to remove Rodriguez as President? Perhaps. But they have the political authority to speak one by one calling on him to resign the post. Nothing – nothing – prevents that. They can speak up on behalf of domestic violence victims. They can clearly condemn, not condone, any and all such abuse. Councilors Ken Hart and Michael Braden provided statements to the Enterprise generally doing so – but haven't spoken directly to the public during Council sessions. They can speak up against abuse of citizens who brave the spotlight and Rodriguez's wrath by appearing before Councilors. They should go on the record about the potential recall – do they support that or not? But the strongest signal they can send to the community – and Rodriguez – is to unite, one by one, for a call for Rodriguez to resign. Nothing – nothing – prevents Mayor Riley Hill or Councilors John Kirby, Eddie Melendrez, Sam Baker, Ken Hart, or Michael Braden from doing so. More is at stake than Rodriguez's reputation or conduct. Getting citizens involved in local government is a challenge. Getting citizens to have faith in government is essential to progress, stability, and popular support. That is all at risk in this moment. The Councilors can either rise to meet the moment with courage, or they can let their silence continue to erode community trust and support in Ontario's city government. Thank you. (Document attached)*

Councilor Rodriguez commented to Mr. Justus that it was his clear knowledge and understanding, based on what numerous people had indicated to him, that the very competent and extremely efficient Malheur County Sheriff's Department already investigated all of the things he'd stated that had been alleged about him committing in Malheur County. Months later, no arrest, no nothing. What did that tell him?

Mr. Justus stated that told him that the city....

Mayor Hill stated there would be not back and forth. They'd both made a statement, so it was done. The City Attorney had already presented the Council with their options.

CONSENT AGENDA

KIRBY moved, BRADEN seconded, **TO ADOPT THE CONSENT AGENDA, WHICH INCLUDED COUNCIL MEETING MINUTES OF FEBRUARY 4, 2021; FEBRUARY 16, 2021; AND FEBRUARY 23, 2021; AND HOUSING INCENTIVE PROGRAM: RYWEST HOMES (29-2021).** Roll call vote: Rodriguez-yes; Baker-out; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.



PRESENTATIONBLUEBIRD EXPRESS CAR WASH (Attached)

John Fery, Operating Partner, stated: *Thank you guys for having me. I have to admit, I've never presented to this many people outside of my employees, but they're paid to listen to me, so I appreciate your guys' consideration. What brings me here is two studies that we've gotten done, but before we get into that, I thought I'd give you guys a little bit of background on Bluebird 'cuz not many people know a whole lot about us other than we have a bunch of pretty lights, soap, and a lot of whirly things, and a lot of people in bow ties. When I was 16, I started a detailing company as kind of a way to have a flexible summer job. Turns out I really liked that, and I was pretty busy. So, the next summer I hired my brother – don't tell the labor board, he was 12 - he now actually is the operations manager for Bluebird. Anyway, every summer we'd hire more and more kids because we got busier and busier and business and when I went off to college, my brother ran it remotely, or managed it remotely and when I got out of college, I was given the opportunity to kind of get back into the car wash business. Needless to say, I love it, and it kind of hooked me. I had my first wash in Denver and then we rebranded and created a new model, the Bluebird model, and Ontario is actually the first community that got to see that model. Jumping back into kind of why I'm here, so there's two professional and independent studies done on water usage in car washes and trying to figure out what we are here to talk about today. The conclusion of that is that the way that the sewer is billed to the wash is great for most organizations, but for the car wash it's actually overbilling for services that aren't provided by the sewer. To dive in, I jumped a little bit to the background, we are a family-owned company. We joined in 2019 when we opened. Our system is one of the largest, most environmentally friendly systems in the nation and our water reclamation system is actually one of the biggest in the U.S. One of the ways that we're able to be environmentally friendly was we recycled all of our water, and I'll kind of go into that for you. Despite being promised a five-year exemption by Greg Smith on our taxes before we started construction, which you can read about. The Enterprise did a lot of fun stuff on it. We've really worked hard to be a really positive and supporting member of the community. We employed anywhere from 10 to 15 people, we do guaranteed hours, medical insurance, 401K, 10 days PTO, our starting wage is \$14 an hour, we have a leadership program, tons of bonuses, and - we are proud of this – we never laid one person off during Covid for Covid related issues. That was something that was really important to me. The reason I bring it up is that we are very loyal to our people and again to this community. Each year we donate thousands of dollars to every organization out there. The last two years we've been doing a fundraiser for Giggles and Grace through our Tunnels of Terror, please come if you've never come. I think you'll really enjoy it. When you look at the demographics of who we draw from, we draw from about actually a 50-mile radius. Our customers come 50 miles to come into the community and use our services. Let's get into the nerdy stuff on car washing. What we do is we take the city water, then we soften it through a 3-tier industrial water softener, some of that water goes to a reverse osmosis system, to get that water clarity, and then we combine it with our biodegradable soap to wash your cars and do all the pretty things to make it shiny. What most people don't know is that we actually have to balance the pH of your car and we have to balance the pH of the water before it goes into our reclamation system. So, it's really important if you're a water nerd because if you balance water, it won't go septic, it won't smell, but also the finish of your car is perfect. Once the water goes through the wash, it's all collected and goes into a 20,000-gallon water reclamation system. The idea is that solids go to the bottom, the oils go to the top, the good waters in the middle, we pull that and recycle it. While the water is in there, we treat it with ozone so it's oxygenating it and constantly cycle it to keep it fresh, no bacteria growing, and pH balanced. Every few months we spend about \$3-5K pumping all the mud, the solids, out of the bottom and then that gets disposed of and recycled and reused sometimes for fill dirt and stuff like that. Any excess water that's not carried out by vehicle or evaporates goes through the sand and oil interceptor – which we pump that as well - and then it goes to the sewer. Generally, in just as good of shape as it was received. Those are all the big-picture things. Bringing into the two different studies that are attached in the hand-out. Since we've opened in 2019, using the facts and averages from the study, we've been overcharged by over \$17,700 and all that's doing is taking the average figures of how much water is lost to evaporation and carry-out and applying it to the sewer bill to show how much water was actually not returned to the sewer. In most circumstances how much water you use really goes into how much water goes back to the sewer. We have a really large discrepancy of how much water actually goes back to the sewer that we're being charged for. I know we're weird. Car washing is just its own little thing, but it's really important that we discuss some possible solutions. To dive into those things, evaporation, everyone in the study does things a lot differently than we do from the standpoint of they're smaller, they use less*

blowers, and no heat. We use 20 15-horsepower blowers, and two 1,000,000 BTU heaters and that's why we can achieve a finish unlike most people, which also means we have a tremendous amount of evaporation. In the summer it's 115° in the blower room. All the water, when you come into the blower room, gone. We like clean shiny dry cars, and that's one of the ways we achieve it. Most of the car washes in the study use about 7-10 and no heat. The other one is carry-out. Our highly processed, filtered, and treated water gets trapped in pickup beds, door jams, and trunk lids. If you opened your car door and saw a little water running between the seams and the exterior, this is what they call the carryout. On average, between the carryout and the evaporation, the different studies have found that about 6.3 gallons of water, on average, are carried out with the vehicle or they evaporate during that process. That equals – depending on how much fresh water you used – about 21%. That's where we get the figure of \$17K. The current billing structure was great for most organizations, but it's really unfair to the carwashes because we're being billed for a service that we're not using. If you guys want to go to page 3, just to walk you through really quickly, the table, they show the freshwater GPV (gallons per vehicle) and they show it that in the E&C (evaporation and carryout) and then the percentage. For reference, and why this is important is we use way less fresh water than all these organizations so the figures of 21% should be conservative. Here's what we're proposing, and I'd love your feedback in understanding how the process goes. We're proposing that we don't get repaying of the \$17K, but what we'd like to do is be able to have an adjustment factor for the water billing and how much we are billed on sewer. That would be on average if we used the averages, it would be 21% less because we are not giving that water back to the sewer, not to mention all the work we put into processing the water before we give it back. That is all I have. Are there questions?

Mayor Hill thanked him for his presentation. He asked the Council, because it was new to them, to maybe get a consensus to ask the City Manager and the Public Works Department to study this and present a recommendation to them.

Council consensus to have the City Manager and Public Works Department study the proposal and present a recommendation to the Council.

2019-2020 Audit (Attached)

Chelsie Hewitt, Owner/Member, Connected Professional Accountants, presented.

Skyline and Malheur Farms (Attached)

Paul Woods, City Engineer, gave a Power Point presentation.

OLD BUSINESS

Bid Award: Wayfinding System

Adam Brown, City Manager, presented.

HART moved, KIRBY seconded, **THAT THE CITY COUNCIL TABLE THE BID AWARD FOR THE WAYFINDING SYSTEM UNTIL COUNCIL RECEIVED CLARIFICATION.** Roll call vote: Rodriguez-yes; Baker-out; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.

NEW BUSINESS

Resolution #2021-110: Bid Award for Cultural Monitoring

Peter Hall, Assistant City Manager/HR Manager, presented.

KIRBY moved, BRADEN seconded, **THE CITY COUNCIL APPROVE RESOLUTION #2021-110, A RESOLUTION REQUESTING TO AWARD CULTURAL MONITORING SERVICES TO BLUE MOUNTAIN CONSULTING AT A RATE OF \$1,108.80 PER DAY AND NOT TO EXCEED \$16,632.** Roll call vote: Rodriguez-yes; Baker-out; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.



Liquor License Application: The Devil's Playground, LLC

Steven Romero, Police Chief, presented.

BRADEN moved, KIRBY seconded, **THE CITY COUNCIL APPROVE THE LIMITED ON-PREMISES LIQUOR LICENSE APPLICATION FOR THE DEVILS PLAYGROUND LLC.** Roll call vote: Rodriguez-yes; Baker-out; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.

Delinquent Utility Billing Accounts to Collections

Kari Ott, Finance Director, presented.

HART moved, BRADEN seconded, **THE CITY COUNCIL APPROVE THE LIST OF UTILITY BILLING WRITE OFFS AS PRESENTED AND AUTHORIZE SENDING THE APPLICABLE ACCOUNTS TO COLLECTIONS.** Roll call vote: Rodriguez-yes; Baker-out; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.

Application for Appointment to Airport Committee: Justin Kearns

Mayor Hill stated he was not familiar with the applicant but noted the phone number and address were in Nampa, Idaho.

Councilor Kirby stated he had attended the previous Airport Committee meeting, and he believed that the only current member with an Ontario address was Gary Taylor. It had been discussed about the various city committees that there be city residency or possibly within the school district. But with this one, there was vested interest in aircraft ownership or being in the industry that provided that service. They were working on a Master Plan that was proposed to increase the capacity and there was a lot going on. What was before them currently had not been presented prior to the Airport Committee. He thought it was possible that Mr. Kearns be put on the committee, but maybe have some review of the policy as it pertained to the Airport Committee as to who could be a member.

Mr. Brown stated in reviewing the Airport Committee, there were four members with an Ontario address, one Vale, one Nyssa, and one Weiser.

Councilor Hart stated the argument that just because someone had a plane in Ontario, they could be on the committee, he didn't agree with. He would ask, before considering people who didn't live at least in the school district and paid taxes, see if there were others, or ask the Airport Manager, to get some folks from Ontario. If, and/or when that route was exhausted, then reconsider others.

Councilor Kirby was not opposed to that; he just thought a review of the overall policy should be done.

Council consensus that instead of rejecting the application, it would be put in abeyance until they had the opportunity to study the policy for the airport and what they wanted to do regarding appointment people to committees.

DEPARTMENT HEAD UPDATES**Finance: Monthly Report** *(Document attached)*

Kari Ott, Finance Director, presented.

Police: Quarterly Report *(Document attached)*

Steven Romero, Police Chief, presented.



DISCUSSION ITEMS**Memorial Day Activity**

Councilor Rodriguez wanted to speak about the hydrant repainting project he'd been involved with over the past few years. Last year it was taken out by COVID; they'd still painted, but not as many as they'd have like to. This year, on Saturday, May 15th, they'd be gathering at 11:00 a.m. at Lion's Park to paint. The day they were doing it this year – May 15th – was also Peace Officer Memorial Day. They would be painting from 11:00-3:00, and around 3:30 they would be doing a commemoration of local, state, and federal peace officers who had died or been disabled in the line of duty with a moment of silence. They were also working on putting together a bar-b-que to feed the local officers. After the year this nation had endured, officers being put in danger, it would be a positive gesture for Ontario to show the dedicated, honorable, and community-driven law enforcement officers and their fellow fallen brothers and sisters this love. They were still looking for teams or individuals to sign up to help paint. He was also working with local businesses to fund the bar-b-q and to provide some painting equipment. He was looking to acquire some PPE, so they were covered on that end. He would appreciate some participation and direction from the city's own police department. He also encouraged the Mayor, other City Councilors, and city staff to participate and attend. Anyone interested could contact him directly. There was a Facebook page about the painting project.

18th Avenue River Crossing in the Transportation Plan

Mayor Hill stated he was seeking to amend the Transportation Plan to include a river crossing on 18th Avenue. He had thought about the Ontario underpass – what if a truck went through there and wrecked or there was a fire, and the crews could not get through. The railroad already closed off the 6th crossing. He was concerned about fire and safety issues on the other side of the tracks. Also, the traffic that had picked up on Idaho Avenue over the past year. It was significant. The city needed another route. He was asking the Council to consider that and for the Public Works and Community Development Departments consider that and put it in the Transportation Plan. Further, the Fruitland City Council was going to address this issue at their meeting on Monday night. They had already been thinking along those lines. He had also already spoken to both Senator Merkley and Senator Wyden's office and let them know this would be brought up to the Council for discussion.

Paul Woods, City Engineer, stated the Transportation System Plan was scheduled to go before the Planning and Zoning Commission this coming Monday.

Dan Cummings, Community Development Director, stated they have to handle it at a different meeting as it was too late to add it to the upcoming meeting. It would be out of the scope of the consultant who was doing the project. He recommended that staff get together and review it. That crossing had been in the Master Plan quite some time ago. To get it in the Master Plan, it would have to have some type of cost associated with it. It would really be giving them two bridges – one over I-84 that continued over the Snake River, the other met up with the downtown street, giving two ways into Idaho. It would just be an addendum or an addition to the Master Plan.

Council consensus to proceed with getting this action in the Master Plan.

Ordinance Truck to Airport

Mayor Hill stated he had noticed the Ordinance truck sitting in the parking lot, and the Council had added into the budget the funds to purchase another truck for the Airport. It seemed that the city should be able to change the decals on the Ordinance truck and the airport could purchase it from the General Fund and the city could keep \$25K in the treasury. He'd like to see it on the next agenda if the Council supported his idea.

Mr. Brown stated staff had spoken with Chief Romero about the condition of the truck, and it was in great condition, with about 50K miles on it.

Councilor Braden like the idea. The extra Ordinance truck sitting there, and during the Budget Committee meetings one thing that had not passed was \$14K for a fence to the Malheur County Fairgrounds. He'd like to consider using some of the truck savings to fund the request for the Fairgrounds fencing.



Hangar Incentive Program

Mr. Brown stated this had been discussed with the Airport Manager. It had been discussed with the Airport Committee last Monday, who supported the proposal going before Council. This was for hangar development at the Airport. The more ground leases, the more sustainable. Airplane hangars paid a ground lease and purchased fuel. They were still discussing the size of the issue and were just seeking permission to review it further.

Mayor Hill asked if they were looking at it monetarily, or forgiveness of the ground lease for a few years, or was it all still open?

Mr. Brown stated it was open, but any of those would be possible. The hangar renters paid a ground lease, but also a city and county tax on property improvements.

Golf Course Clubhouse Lease

Mr. Brown stated there needed to be corrections to the lease. It had been revised last year when their business model changed. They initially intended to put up large greenhouses and do seedlings for the farmers to plant. That didn't make sense in the current environment in their business model, so they let the city know they didn't need the land. The lease had been revised to eliminate the nine acres down to one acre, but there were script errors in the contract, however, the version submitted by them to the city did not match the communication that had occurred between them. It was enough of an error that he believed it needed to be set before Council for approval. The intent was all there, but he didn't feel comfortable just making the changes.

Another piece of the issue was that they were behind in rent, possibly three months. Staff had been speaking with them about several different issues, but the Mayor wanted this brought to the Council's attention. Delinquency notices had been sent, but it was now to the point that it could be considered if they city wanted to enforce the contract regarding delinquency.

Mayor Hill stated he drove out there and saw several doors blown off of the golf storage units and were beginning to fall into severe disrepair. He continued to think that was a good location for the homeless population.

Councilor Hart stated they needed to be consistent regarding enforcement of contracts. It could become awkward being questioned about enforcing some, but not all. As a government, it was important to abide by city contracts, as well as those who were in contracts with the city. It seemed it should be the default to enforce the contracts.

Mayor Hill agreed, also because the city spent \$84K upgrading the facility.

Malheur River Trail

Mr. Brown stated there had not been any funds put into the water trail, but someone had been working on determining how to place a dock, but he hadn't heard back. Now, in speaking with DEQ yesterday, following a conversation they had with the Argus Observer, it was determined that the Malheur River had problems. It was not bad where the other tributaries entered into it, but from there down to the Snake, DEQ was worried about the bacteria levels at that point. DEQ had a list of rivers, which a link would be sent to him, to see which they were. The Trail could easily be moved near the Water Plant where there was already a natural trailhead. Last week, he reached out to the Snake River Water Trail Association, and it was mostly comprised of organizations in Idaho, but there were some upstream in Oregon. He had been seeking support from them in going after grant monies. He was told they'd like them to be part of the Association, which could be a benefit to the city. As of today, it would be easy to move that project over to the Snake River, just south of the Water Plant. There was a natural take-out at the state park, where the city wouldn't have to do anything to it.

Councilor Hart asked if was an absolute that this shouldn't be done, or was it more that they needed additional research?

Mr. Brown stated he was told by DEQ that it should not be used for the water trail.



American Rescue Plan Act

Mr. Brown stated Councilor Hart had asked this be added to the Agenda for discussion. He had distributed some documents about two different items. First, the document titled "Frequently Asked Questions". There were questions about ARPA (American Rescue Plan Act). The first four questions gave the city additional guidance, and the understanding was that half of the funds would come quickly, but the other half farther off. Four areas, first, respond to the pandemic where it's negative economic impacts including assistance to households, small businesses and non-profits, or aid to impacted industries such as tourism, travel, and hospitality. Second, for premium pay to eligible workers performing essential work as determined by recipient government during the pandemic, providing up to \$13 an hour above regular wages; Third, for the provision of government services to the extent of the reduction in revenue due to the pandemic. Regarding that particular item, Ontario had not been affected much, but there were communities across the US who had been; fourth, to make necessary investments in water, sewer, or broadband infrastructure. That was probably one of the best ones the city had funded recently, the engineering of the Treasure Valley 200 and the Navarrette utility extension. They were making the community more resilient, which was one of the governor's priorities or principles, as outlined in the criteria for American Rescue Plan Funds. He believed the city's allocation was \$2.240950M. In thinking about this, with broadband, the city had it here but there were some opportunities to incentivize the four companies that were already here, none of which blanketed the city. But also, the fund the implementation or match for other governmental funds for extending utilities. Also, with the first one, if Council wanted, that could be added under the travel and hospitality industries, it was possible that could be used for Wayfinding implementation.

Mayor Hill stated they were also waiting to see if the city were going to receive a grant to out on 2nd, and the match of that would be \$1.6M.

Mr. Brown stated yes, and the city currently had \$800K in the 2021-22 budget, and they'd need to find another \$800K in the 2022-23 budget. This match could cover the local match.

Mayor Hill stated it was in the county, so the county should participate in that match.

Mr. Brown stated that day a meeting had taken place with the Regional Solutions Team, who was reaching out for requests for the state's share of the ARPA funds. There were \$2.6B coming to Oregon from ARPA. The state would be using a lot for their own projects, but they were considering other projects. The guidelines for how to spend it would be included in the principles and the 10-point economic recovery plan. By next Wednesday, they wanted the city to submit projects they'd like to submit, with only one to two projects per community. But they wanted them shovel ready. The city's most shovel ready was SE 2nd Street. Also, the funds had to be expended by 2024. He believed that was doable. There was an opportunity to use that money to match the federal money that was going to be a 20/80 split. Given the short deadline for the two projects, he'd like to submit the water plan and the road project.

Mayor Hill stated if they took \$2.3B divided by the Oregon population, multiplied by 12,000 Ontario residents, what did that equate to? Ontario needed to ask for their share.

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Mayor Hill stated he had people asking him, so he wanted to add Business Requisition on the Agenda for discussion.
- Mayor Hill stated they had discussed the magistrate court a few times, so he'd like to have that come back for discussion.
- Mayor Hill asked for an update on two grant the city had received. It appeared that around \$68K came in for the trail design, and \$150K for the airport. This showed that the money being expended for Merchant McIntyre was giving results.

Mr. Brown stated he would put the Business Registration on the next Agenda for discussion. Regarding the funds, the city was notified they would be receiving the Oregon Community Pass grant, federal money run through Oregon Parks & Recreation, the Oregon Bike Pedestrian Trail was recommending funding by the Oregon Commission on Transportation. It would go to the OCT in May for approval, then the city would receive official notice, but they had already published notice of their recommended funding projects and Ontario was on there. That was \$75K with a \$10K match. That was the project that would connect the trail that came across from the state park over the highway and ended by the Horseshoe Restaurant. This would connect that near the Public Works Shop, Beck Park, the Fairgrounds and find a way to connect that to Lion's Park. That would create a trail from the state park to the end of 14th and 4th. Also, the city had received \$150K for the Master Plan, which already had the city's share budgeted, which was around \$30K. The \$150K for the airport was a surprise as it was not in the regular five-year funding plan.

- Mayor Hill stated the city had all the land under control for the Tater Tot Trail except for one piece that was over by Ore-Ida that Americold had an issue that needed solving. What was the status on that?

Mr. Brown stated Community Development had been working on that and was in constant contact with them. He, himself, had reached out to Americold and was able to speak with the General Manager. His recollection was that Americold had asked for some amendments and then passed it back to Heinz. That was shared with Community Development.

Dan Cummings, Community Development Director, contacted them because the attorneys for Heinze were telling him that it was Americold holding things up. He contracted the Heinze attorney who told him that it was back with Heinze, and they were working on finalizing it. Her understanding was that it was good enough to let Americold sign the consent, but Americold was not signing anything until they had the agreement with Heinze in place. It was not back in the Heinze ballpark.

Mayor Hill informed them all that the city was not eligible for any grants, state, or federal money until they had control of the entire trail.

Mr. Cummings stated there were other benefits to getting this completed. In the agreement with Heinze to vacate those roads, they were going to have to construct 5th Street, from 3rd to 2nd, which was currently a gravel road. Heinze would develop that and connect it as a city street and improve their gravel parking lot. That was all in the agreement. That would clean up a lot of that area and provide better traffic flow. Getting this project done would help with a lot of the truck traffic that had been addressed earlier in the meeting by a resident of the area. He would stay on top of the situation.

- Councilor Melendrez stated he was interested in looking into some type of forgiveness programs for fines. In the five-year strategic plan, it had talked about a sentiment to make people pay, but it hadn't worked out. He'd like to see it discussed again.

Mr. Brown stated staff would bring that back on a future Agenda.

HAND-OUTS

Minutes: (Attached)

County Court: Mar 10, 2021; Mar 17, 2021

Monthly Department Stats (Attached)

Fire & Rescue, Police, Public Works, Code Enforcement



EXECUTIVE SESSIONS**EXECUTIVE SESSION: ORS 192.660(2)(e)**

An executive session was called at 8:33 p.m. under provisions of ORS 192.660(2)(e) to discuss real property. The Council entered into a second executive session at 8:52 p.m.

EXECUTIVE SESSION: ORS 192.660(2)(a)

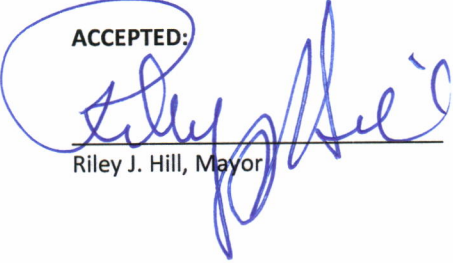
An executive session was called at 8:52 p.m. under provisions of ORS 192.660(2)(a) to discuss a contracting agent. The Council entered into a third executive session at 8:59 p.m.

EXECUTIVE SESSION: ORS 192.660(2)(h)

An executive session was called at 8:59 p.m. under provisions of ORS 192.660(2)(h) to discuss current or potential litigation. The Council reconvened back into regular session at 10:06 p.m.

ADJOURN

HART moved, KIRBY seconded, **THAT THE MEETING BE ADJOURNED.** Roll call vote: Rodriguez-yes; Baker-out; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.

ACCEPTED:
Riley J. Hill, Mayor**ATTEST**
Tori Barnett, MMC, City Recorder