

**CITY COUNCIL MEETING MINUTES****June 3, 2021**

The scheduled meeting of the Ontario City Council was called to order by Mayor Riley Hill at 6:00 p.m. on Thursday, June 3, 2021, in the Council Chambers of City Hall. Council members present were Riley Hill, Ken Hart, John Kirby, Eddie Melendrez, Michael Braden, Sam Baker, and Freddy Rodriguez.

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, Erik Hartley, Paul Woods, James Swank, and Rick Reyna.

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 June 1, 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, KIRBY seconded, **TO ADOPT THE AGENDA AS PRESENTED**. Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

CONSENT AGENDA

HART moved, BRADEN seconded, **TO APPROVE THE CONSENT AGENDA, WHICH INCLUDED A LIQUOR LICENSE APPLICATION FOR JACKSON'S FOOD STORES, INC.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

EXECUTIVE SESSION

Moved to last item on Agenda; possibly wouldn't be needed.

PUBLIC COMMENT

Marty Justus, Ontario, stated: *Good evening, Mayor and Council. I'm here to express my dismay. I'm going to read a statement. You all have now been provided the evidence that shows the Mayor and Council President conspired to use their elected positions to do me both personal and professional harm. Not only did this behavior occur while I was a sitting member of this Council but has continued after I left. Two elected officials using their elected positions to intentionally besmirch, damage my person, my reputation, and my livelihood. These two individuals hold the two highest elected positions in our city. They represent us to the rest of the county, the state, and the country. Are these they type persons you want our fellow citizens to say you support or respect or hold in high regard? You chose not to take action when I first came to you. Given what has been exposed in the last few weeks, do you still feel the same way? You may not be able to remove them, but you can certainly use your voice to say that their actions were wrong, that their actions have not only embarrassed themselves, but our city, and our governing body. You as individual Councilmen can be clear: their conduct is unbecoming of their office. That their conduct has left a dark cloud over this, and the previous Council and they should resign. I ask you to do this not for me, I ask you to do this*



for our city, Elected officials should be held to the highest standard. Turning a blind eye to this outrageous behavior only gives these two and future elected officials a passport to carry on with the same shameful behavior. I ask you; do you have the courage to show the leadership that is required of you at this moment? Rest assured no matter what you decide to do, I will not be silenced. You can choose support liars and lies from the dais, and I will continue to tell the truth from where I stand rather it is from my office, my residence or right here in city council chambers. I will make sure that their outrageous and illegal behavior is broadcasted far and wide. Thank you.

Tammy Vogt, Ontario, stated: Mayor Hill, Adam Brown, City Council, hello. My name is Tammy Vogt and I'm a resident of Ontario. I have come here tonight to call for Mr. Rodriguez to resign his position as Councilor for the City of Ontario. A few months ago, Mr. Rodriguez publicly tried to discredit an organization and community-service event that I lead. Community Serve Day as served this city for over a decade, mobilizing thousands of volunteers to care for their neighbors and for the city we call home. This action taken by Mr. Rodriguez, while libelous and egregious, are not why I involved myself in the recall effort. The reasons are greater. It is difficult for me to take this stand tonight, but not as difficult as it has been for those who have experienced abuse at the hands of words of Mr. Rodriguez. Mr. Rodriguez says that the constituents must vote and claims that to resign at this point would circumvent 10,500 citizens. The reality is that when Mr. Rodriguez was voted into office, it was with the votes of 1,147 citizens. Over 500 citizens have now signed a petition declaring their loss of confidence in Mr. Rodriguez's leadership and call for his resignation. If Mr. Rodriguez truly has the heart of the city in mind, he will take this message, save the city thousands of dollars, not to mention time and effort, and do what is best for the city and step down from this position. Mr. Rodriguez claims he is the victim of false information and believes there's no proof to substantiate the claims against him. But the proof is in the testimony of those who have been harmed. The proof is in the restraining order of another victim of domestic abuse. The proof is in the documented history of domestic abuse prior to him coming to this position that was not made aware to the public at the time of his election. The proof has been on public display in this very room and broadcasted to our city. I stand today with these victims; I stand with those who have suffered literally at his hands; I stand with the women in our community, counting myself, who feel unsafe having a man at this level of community leadership with this history of domestic violence. This Pride Month, I stand with Marty Justus. I would stand with him just because he's a fellow citizen in my community, and does not deserve the treatment he has received, but I also stand with him because I call him friend. Those of you who know me, including Freddy, know that I am not an unkind person. I do not take this stand out of hate or malice. Though I am sure he will not believe it, I take this stand out of concern not only for the victims of this abuse and for my city, but even for Freddy himself. It is my sincere hope he will take responsibility for his actions and get the help he needs. I own a home here in Ontario and I've been a citizen of this community for decades. I've raised my family here, and believe Ontario has a great deal to offer; however, the chaos this situation has created is not healthy for our community and is a distraction from the work we need to be doing to create a place more and more people call home. I believe that leadership comes with responsibility, responsibility that should not be taken lightly. I believe that character and leadership go together and speak loudly to the identity of a community. We need to do better, Ontario, we are worth it. Thank you for the opportunity to speak.

Cydney Cooke, Ontario, stated: As most of you know, or a few of you know, I actually voted for a lot of you guys up there, except for Hart of course, and Mayor Hill. You know, I voted on black; I should have put my vote on red, but I'm not a gambler. Anyway, I want to clear up a few facts and that's why I'm here. Yes, I am the Chief Petitioner of the Recall of Freddy Rodriguez. No, I am not single, so there is no way me and Councilman Rodriguez have ever been anywhere alone as his post on his recent social media insinuates. Now that that is out of the way, let's talk some hardcore facts. Domestic abuse is wrong. Restraining orders are proof. Multiple court appearances are proof. Mandatory classes for said behavior is proof. Bullying community members in any way is wrong, but it is even worse when it's coming from a city official that you trusted and put your vote into. And like I said, the only two up there that I did not vote for myself is Riley Hill and Mr. Hart. I pay property taxes in this town, and so I, like any other property owner, should get a say in whose pockets my money goes into, and not into a city leader with these shiny credentials, I'm sorry – City Council President. And to make matters worse, we actually have to pay another \$10,000 to have a formal election to remove him. Hasn't he been in all of our pockets enough? The form of liberalism Mr. Rodriguez is seeking is sought after in Portland and not in the conservative Ontario, where we believe in working boots in the mud every day for hours, and we do not freely give away anything. Please resign, but if not, it's up to

you Ontario. Register to vote and keep watching your tax dollars be wasted every week he remains in office. That goes for you too Councilors and Mayor. That's your money sitting up there beside you. I'm pretty sure you have better ways for it to be spent. Have a nice evening. Vote yes to charter revisions and vote yes to recall Freddy Rodriguez. Have a good night.

Michael Castro-Shrader, Ontario, stated: Good evening everybody. Just a little background. I'm a retired law enforcement officer. I've worked for county, state, fellow government, private sector. I've worked in six different states throughout the country. I've lived in more rural type of environments than more populated areas. I ended up moving into Ontario in the fall of 1989. I bought my first house here in Ontario in 1991, and I still own the house. It's off of SW 11th Street behind Treasure Valley Community College. Basically, it wasn't too long after I moved in, and I'm old-school, I introduced myself to my neighbors to get to know them. I think that's good policy all around. I started having issues with one neighbor in particular. I went to them and talked to them about it several times. Wasn't getting anywhere so I basically told them that I'm going to report it to the City of Ontario because there's ordinances I know. So, I did that. That went on for umpteen times, got frustrated, talked to numerous people in the city, Patrol Officers, Ordinance Officers, some of you know I've been here before the City Council concerning this. This is probably my fifth City Council I've come to since I've moved here in '86, I've lost count. I've gone through now two City Managers, three Police Chiefs, numerous acting, numerous Patrol Officers, Ordinance Officers, and basically the City of Ontario has a problem, has started to improve concerning enforcement of ordinances. And some people may not think that's a big deal and chances are you probably live in a neighborhood or have neighbors who are responsible, respect their neighbors, follow the ordinances, whether it's dogs off leash, barking day and night, loud music day and night, from residents in the bars, weeds, motor vehicle violations, just a whole number of issues. Basically, like I said, I've done everything in my power to try to get the city to actually enforce their ordinances, and with my background, I've worked with all kinds of different local agencies when I lived and worked in these different states and communities at the city level, county level, state level, and I've never seen a city unwilling to enforce their ordinances. I'm not going to get into a lot of detail, but there's all kinds of reasons for that. Some of you probably know that based on some of my past testimony. I have talked with numerous people in the current City Council, as well as some of the city personnel. Based on the last couple years, I think the city is moving in the right direction when it comes to enforcing ordinances. I see some improvements with our Chief Romero and Adam Brown, and I want to congratulate the previous City Council. I know some of you are members from the previous City Council, concerning trying to make changes and make our community a safer place and the quality of life for its citizens. I know a lot of people have brought out and say why can't we bring in people from other, retire here, people raising their families, well part of it is the quality of life. The city does not want to enforce their ordinances. Again, that's changing, but unfortunately based on what I have seen and heard, I keep informed by newspaper as well as what's going on here locally as well as with state issues and federal issues, but the city is addressing civil penalties and things like that and based on what I've seen and heard it sounds like the city is going backwards and wants to throw a lot of stuff that previous City Councils or city staff or Ordinance Officers have done and they were asked to do this by previous City Council, previous Mayors, previous city staff, and basically I'm kind of getting the sense, and you can correct me if I'm wrong, but basically based on what I've seen in the paper and heard is you've got like a dozen or so people who have long-term fines that have been civil fines and they have been warned and informed and it sounds like some people on the City Council want to just give them amnesty and reduce the fines. Well, that isn't fair to the rest of the citizens who actually respect our neighbors and follow the city ordinances and that gives the wrong message to these people. When you address that, I would recommend that you don't make a quick decision on it; you personally look at each individual case and see the particulars what was all involved in it, how long it's been going on, how long they have been warned, why didn't these people respond. Heck, I understand you have one person who acknowledged he got the letter from the city but didn't open it up because he knew, he was afraid, he knew that things were going to get tougher on him. Well, come on, let's be real. You're sending the wrong message. We're supposed to be a nation of rule of law, and I don't mind giving people a warning or two, but why, with what my neighbors and I have had to live with, with some particular neighbors that the city allowed to go on and on, is just outrageous. Basically, I have copies for all the City Council and the Mayor and some significant staff of past things that were addressed concerning various city ordinances and the civil lawsuit situation that the city ended up pursuing to try to present some of these people who continuously ignore and violate the ordinances, whether it's businesses or private landowners or rental owners. So, I'm going to provide a copy to Tori, and she's going to distribute to you after the meeting for those who maybe



hadn't seen those in the newspaper and I recommend you read those to get refreshed of what the history is, what the staff has done in the past in the city. I haven't always agreed with different people but based on what I've seen in the last couple years, I think the city's going in the right direction when it comes to be more serious about enforcing the ordinances. I implore you to really think hard and support the people concerning that. I wouldn't rush the decisions concerning significant matters with the charter revision when it comes to public safety and that and considering the amnesty you're considering, I think the City Council and the Mayor really need to look at each case individually and do some research or ask. I'm sure you've asked the City Manager, maybe the Police Chief, what the background is, the particulars. But I think you need to look at each case and if it's obvious that these people have been warned and just ignored it and allowed it to happen, just giving them amnesty or just a slap on the wrist is not going to help matters.

Mayor Hill reminded everyone to keep their statements to three minutes.

Samuel Castonguay, Ontario, stated: *Members of the Council and Mr. Mayor, good to see you here tonight. I'm here to just acknowledge that this wonderful town that we live in resides on the ancestral territory of the Northern Piute and Western Shoshone Bannock tribes. I sit on the Park Committee who gives recommendations to you guys, and we've had this conversation. We really feel like we'd like to incorporate this into our meetings. It's become very commonplace around the nation in public meetings or private. It is simple acknowledgement at the beginning of the meeting to acknowledge the ancestral territories. It's the least we can do in the position that we live in in this wonderful nation. We pledge the flag at every meeting that we attend, and we have regular things that we do. I think that this is by far one of the least things we can do for the indigenous peoples that still reside among us today. They are not a dead people, they are living people around us, and on reservations. So that's all I really had to say, but I would really encourage the City Council to adopt some formal language before somebody asks you to. Do it on your own before somebody comes and says hey you need to do this. As a Park Committee member, I'd like to adopt language ourselves and the Committee has asked me to just simply come to you guys to let you know we're having the conversation and will take recommendations from City Manager Brown after this. Thank you. Have a good evening.*

Mayor Hill jumped to item 11B on the Agenda, Status of North Dorian Drive LID, as there were individuals present who wished to speak on the issue.

Status of North Dorian Drive LID: Mr. & Mrs. Gehrman

Dan Cummings, Community Development Director, presented.

There was a septic system failure for a property owner, Paul and Stacey Gehrman, who resided on Dorian Drive. The city's ordinance stipulated they had to annex into the city to hook into the city sewer and water system. At the director of the current Council, staff had been directed to not issue any deferments unless necessary to remedy any half streets. Dorian Drive was brought before Council for staff review to research how to get Dorian Drive improved. Normal process was that when one property owner needed or wanted to improve their section of street, staff attempted to contact all property owners to see if there was interest in joining an LID. In an LID, the city would get the funding, had the road improvements constructed, and everyone would be apportioned their share. On this project, it was split into two sections: North Dorian Drive from Idaho North, and Dorian Drive South from Idaho to SW 4th Avenue. If a majority on one side or the other, it could be broken out. If both sides were interested, the entire street would be done. In contacting the property owners, a majority of them said no, and many were in the audience that evening to speak directly to Council; however, they were also there in support of the Gehrman's. The value that the Public Works Engineering Department put on the project was \$555 a running foot, with a total project cost of \$2.284M, divided amongst the property owners. Some areas were pretty substantial in cost. Many saw the need for the project, but no one wanted to do it under an LID. There was also the possibility of a private LID which would keep the costs lower. Some were there to speak, but he'd also received two letters which he'd provided to Council.

Councilor Melendrez asked for an explanation on what an LID was.

Mr. Cummings stated it was a Local Improvement District, where the city borrowed the money at a low interest rate, who then had the street constructed, with a majority of the property owners willing to join in and willing to pay their share of the project. Under the action, the property owner could have up to 20 years to pay their portion of the debt. It was costlier to have the city do the project because it would then involve prevailing wage and other fees. It was much less expensive to do the construction under a private contract.

Councilor Melendrez stated in the letter submitted by property owner Sammy Castonguay, it was asked why the work wasn't done when the street was originally constructed. Could he answer that, something about a DIA.

Mr. Cummings a DIA, a Deferred Improvement Agreement, was what the Gehrman's might ask for regarding their project. If they signed a DIA, it meant they would pay their share if and/or when the remaining street was done. In Mr. Castonguay's letter, he asked why the city didn't force completion of the street when initially constructed with the water and sewer lines, at that time the only way to do that would have been to form an LID. No one could expect the developer to install it all. The reason there was water and sewer there was because it was necessary to get to their development. The city had an ordinance that for public safety reasons an LID could be forced and after construction could assess the property owners their share. Ontario has chosen not to force people unless there was an emergency.

Councilor Melendrez asked about the situation with the Gehrman property.

Mr. Cummings stated that was based on a statement from the State of Oregon DEQ, which was handled by the Malheur County Environmental Health for all septic tanks and issues. The state rule was that if a property was in the Urban Growth Boundary and were within 300 feet of a city sewer, you had to hook up. City code read that if you hooked into city services, you had to annex into the city. The sewer line ran directly in front of their property. That caused the state law to kick in and the county had to enforce it, causing the city to enforce it. Anyone within that 300-foot area had no choice. The state did not waive that.

Councilor Melendrez asked what happened if no one wanted the LID, or a private build? Was it then forced?

Mr. Cummings stated the sewer was there and if they didn't agree to hook up, they wouldn't have a septic system. The state would not waive, so the home would become condemned for being unsafe because there was no septic system. The Gehrman's had already hooked into the system and had signed the documents to be annexed into the city. This current action was dealing with the road construction in front of their home. Council had directed staff to not waiver on developing half streets. He was seeking direction from the Council on how they wanted to proceed.

Councilor Kirby stated there were several scattered pieces of property in that area that were not annexed into the city.

Mr. Cummings agreed there were parcels that were still in the county mixed in with those annexed into the city. Everything South of Idaho was in the city, and only four on the other side were not in the city.

Councilor Melendrez stated that once done, some of those costs like \$57K, \$81K, were those the property owner shares of the project?

Mr. Cummings stated yes. One high cost was \$163K, which belonged to Gary Woods, and Charles Oakes' was \$172K. On the south side, there were property owners who would have to dedicate right of way, or with an LID it would be purchased and assessed back. One property had a carport that would be lost. Overall, in his opinion, the LID was out.

Councilor Melendrez asked if the property value would improve with the street improvements.

Mr. Cummings stated some might. Some people knew they would eventually be responsible for installing a street, but many did not. Hopefully, sellers informed buyers of that potential cost and might reduce the cost of the property because of that.

Councilor Hart asked the group to consider doing a private LID and could the city pay a substantial portion of those costs because it benefited not only the property owners, but the overall City of Ontario. Would that cost be a lien on the property?

Mr. Cummings stated for the city to do any portion, it would have to be broken down into two separate pieces of the project because city money could not be mixed with private money.

Stacey Gehrman, Ontario, stated: *My name is Stacey Gehrman and I reside at 2150 Antiquity Way, Ontario, Oregon. At present my husband and I are in the throes of annexing to the city. This is because our septic drain field failed, and Oregon State law says we must annex. I'm here because this isn't just about our situation. I am here to speak on behalf of the citizens who reside on Dorian Drive and whose property has frontage on that street. The city proposes to widen Dorian and the Planning and Zoning requires the residents who own frontage property to pay for the paving, sidewalks, curbs, and gutters. The reasoning behind this, presented by only one of the city council members, is that the street is unsafe due to a short stretch of open irrigation ditch. To my knowledge there has never been an accident on this street, or accidents involving the ditch. If anything, it keeps what traffic there is from going any faster than they do. If there have been accidents, we would like to see the police reports. One of the property owners with an open ditch utilizes the ditch as intended to drain the flood irrigation he uses to irrigate and maintain his pasture. Covering the ditch will keep him from enjoying the use of his property. If special pipe is used to allow him to continue to use the ditch as intended, he will be expected to, again, bear the cost, and his property is in the county. We feel this is especially unfair to him. The city proposed a Limited Improvement District (LD) which ostensibly would help the residents pay for this required construction. However, the cost quoted was \$500 per running foot which is simply not affordable. The letter outlining the LID was only sent to, as I understand it, 3 people on Dorian who happen to own the most frontage. The problem is that this huge cost will affect all those who must pay for their frontage whether it is 100 feet, or more or less. 100 feet of frontage will cost \$50,000. Some residents are on fixed income and the past year has been extremely hard on businesses, so owners are compromised financially. It takes time for recovery to occur for both businesses and private individuals. This is a time of economic and financial stress. If the property owner can't pay the costs of the construction, then the city places a lien on the property which results in interest which compounds and the property quickly becomes unsaleable. In the face of economic adversity, the city may be forcing people out of their homes and there are few if any places to buy or rent if they are even able to sell because of the additional cost to owning a home with frontage on Dorian. There is also another consideration. Drainage for city run off water has suddenly become a concern. The Environmental Protection Agency has stated that cities can no longer drain run off into irrigation canals and the irrigation companies have sent letters to the City of Ontario saying this will no longer be allowed. Ontario has done this for, I think, as long as the city has had run off. At present the city has no plan as to how they will handle this situation. As I understand the city will have to provide a settlement pond similar to a sewage pond and provide processing for the runoff water. If Dorian is paved from NW 4th Ave to SW 4th Ave it will keep the drainage from sinking into the ground as it does now and create a drainage problem. Because Waterford Estates subdivision had installed sidewalks, curbs and gutters and had put a drainage system in place when it was developed, the other side of the street is supposed to mirror the appearance for standardization in the city. This is again complicated by the lack of a city drainage plan going forward. Or perhaps that is why the cost is so high; and we as property owners pay the price. In talking with our neighbors on both North and South Dorian I was also reminded that one of the reasons Dorian was not widened when the Dorian Place, Waterford Estates, and Wellsprings were put in was that the city did not want Dorian to become a thoroughfare as it is a residential neighborhood. The city did not want it to become a route to the Yturri Beltline but wanted Verde to be that access. Dorian is still a residential neighborhood and the neighbors do not want the street widened. Doing so will make it more problematic for them to access the street from their driveways, creating a safety hazard. It also turns it into a thoroughfare which is used more by people other than the immediate neighbors and as such 14 property owners of whom 2 are still in the county, and I understand there might be another one, would be made to bear the cost of the project which is used by many more citizens. There's a list of all the citizens on Dorian attached to your copy. An*

option for the City of Ontario would be to delay this widening project until the undeveloped properties are developed at which time the costs would be spread upon the houses being built as was done in Waterford Estates and other subdivisions in the city. Here I'd like to inject something else. If you look around this city, you look at the Tuttle Subdivision, at NW 4th, and Dorian, back in there, that developer was not required to put in the sidewalks, gutters, curbs. They just weren't, and that's why all these people are hanging out all down Dorian because that developer was not made to do his part. And that happened on down the street, too. If you look at the subdivisions around this city, there are many where the developers were not held to account. I understand that we want to do better, but I'm just saying, there are precedents all over this city. It should also be put on hold until the drainage plan for the city as a whole is determined so the taxpayers won't incur further expense in replacing newly installed concrete and paving as changes are made. Hopefully, in future some grant monies will become available for city infrastructure as it was in the past and some of Ontario's problematic streets like Alameda Drive, which has open ditches on both sides and no sidewalks south of Alameda School on either side of the road and there's a school there and others can be addressed in an equitable way. In regard to our own small section of 91 feet which I was told would cost \$45,500, and I understand that has gone up now, I hope you will agree that this is an exorbitant amount for a property owner to pay. We use our property only as a residence. If the project is delayed, we hope that our small section can be delayed also or that we can have time to find what the cost of a private contractor will be and that it would be possible to give that money to the city to be used in the future when the street is widened at no further cost to us. And I would like to point out that in my discussions with neighbors up and down the street, and I've noted the ones that I wasn't able to speak to personally, that they, none of them knew that they would be liable for this kind of cost. Many people said oh I figured they'd widen that street sooner or later, but they didn't know that they, what was that, \$2.8M for this street, amongst 14 property owners, some of them who are on limited income and disability? I'm sorry, but there's a lot of things in the city code, but unless you use the city code for light reading, you're not going to know this stuff. Things like *** law where if your house burns down and your streets not paved and your street doesn't have sidewalks, then the insurance company says I'll pay you for your house that burned down, and then, oh my gosh, you've got another \$100K to fix the street. People don't know. Thank you. Signed by: Paul and Stacey Gehrman, 2150 antiquity Way; Rich Trimble 60 North Dorian (He is in the County and uses the ditch for irrigation run off); Deb Hill and Janet Pook 190 North Dorian; Ron Cornett 194 North Dorian; Wes and Doris Atkinson 276 North Dorian; Ned and Janet Enyeart 2189 NW 2nd Avenue; Ana Leos 2185 NW 3rd Avenue; Larry Matsumura 141 South Dorian; Charles Oakes 33 South Dorian; Sammy Castonguay 41 North Dorian; Dean and Vicky Solterbeck 182 South Dorian; Zac Mills - property next to Solterbeck's which is used as storage area and is fenced in. Unable to reach Martha Snyder at corner of Idaho and Dorian. 2A97 W. Idaho Avenue; Unable to reach Mr. and Mrs. Fry - they are still in the county; and unable to reach owner of property on corner of Dorian and SW 4th Avenue formerly used by Steve's Hometown Motors.)

Mr. Cummings stated under an LID, it took a simple majority, over 51% of the people. That's why when he contacted the property owners, he looked at the largest piece of property. It was not the number of people; it was the front footage. If 51% or more of the street frontage landowners wanted an LID, they could force it to occur.

Mr. Sullivan stated according to city code 8-2-5, it read, in part: Written remonstrances of the owners of two-thirds (2/3) of the frontage of the property to be specially affected by such improvement can defeat the proposed improvement. That meant it would take 2/3 of the owners of the current footage if somebody wanted the LID and had more than 1/3 of the front footage, they could force everyone else to participate in an LID. However, it seemed for this action, there was clearly more than 2/3 of the owners of the front footage who were opposed to the LID. Therefore, the Council has no right to force anyone to participate in an LID. The only issue for the Council would be whether to require the Gehrman's to build out their half street now or allow them to defer it.

Mayor Hill stated it was now an issue for Council discussion.

Wes Atkinson, Ontario, stated: I live on Dorian. By the way, it's nice to meet you Mr. Mayor, since I only live about a block away from you and I've been there for three years. I guess the biggest concern that I have on this is the property owner is the one who is still liable for the street, the sidewalk, the curbs, that's what I understand. And I sit there, because I'm retired, and I sit there every day and I must watch 150 cars go down Dorian, probably 70% of those cars



are out of state cars. I don't know why, and this is where I'm confused, why am I, a homeowner on Dorian, responsible to build and maintain a street for out of state vehicles. Anybody have an answer to that?

Mayor Hill stated he shared everyone's sentiments. Being a developer, they typically had to install everything so everyone in the subdivision would have shared in the cost. For it to fall to one person because the city hadn't forced the developer to complete it all, he understood the frustration.

Mr. Atkinson: *The other thing is, I'm going to step out from behind the podium for just a moment and show the Council something, then I'll step back. But in my case, my wife's case, I looked hard at this thing, \$67,760. Does anybody see \$67,760 in my pocket? It's not tonight, it's not tomorrow, it's not next year either. My next question is: where do we go with this? The only way I can see is even after forming a tax, the city or it's going to have to be in the form of toll road, but not where these few homeowners share this burden for a throughfare that's not a throughfare. My God, it really only goes from 4th to 4th; it doesn't go across town. It's just a short distance. No, I'm not for it; never will be. I guess that's about all I have to say. I thank you guys for your time.*

Paul Gehrman, Ontario, stated: *My wife and I been there on that property for 31 years. Regarding it being unsafe, in the 31 years that I've lived there, I have never seen a vehicle in the ditch. The only place I've seen an accident are right at the t-intersection at the distribution box for the irrigation company, and another one into a fence on the brick house that's on the corner. Those are the only two accidents I've seen. I worked for OSP for 40 years and I was up and down that street for a long time. We've already put out our money for over 600 feet of sewer line and water line to our house. We also installed a fire hydrant on our property which helps not only our house, but also our neighbor. We're trying to help. Thank you.*

Mayor Hill stated this would be brought back to the next Council meeting.

Larry Kitamura, Ontario, stated: *Thank you Mayor and Councilmen. I live in Ontario. I was born in Ontario at Holy Rosary Hospital; it was called in 1959. I farm, along with my brother Rick, and we rent this property for Murakami Farms since 1986 and it's the south end of the airport. For years, they rented 12.6 acres from city and the same rent from 1986 to the time they expanded the airport. When they extended the airport, Alan Daniels, son of a doctor, local doctor, and I talked to him. I removed the fence line and some cement ditches we were irrigating on to help the airport. I thought this is a great thing. I'm all for Ontario. Adam Brown's first year here in 2016, he said I'd like to get some rent for that land, and I said okay, no problem, I want to support Ontario. I didn't realize what I was signing; it was a mistake. Murakami had an agreement with the city. All that's gone now. That's fine because I signed the lease. I'm here to ask for more time. I got a summons in March, if I didn't get out, if I did a default, they were going to sell my equipment on the property of 12.5 acres, they were going to sell it and it was going to cost me to remove it. So here I am at Charles Oakes' law office about some other matters, and I said Charles, I need help on this summons. He goes, I'm not a litigator, I'm a state tax attorney. I go, I don't want a litigator, I don't want to fight this, I just want to make it right. You know Adam Brown and Mr. Sullivan? He goes yes, I get along with them. I go good, let's get me some time. Earlier this year, I thought I had time until end of July. I need the end of the season. I want to take care of our crops. I have over 2,000 acres that we farm and we're short help. I came here dirty not out of disrespect; I'm running out of time. I just need more time. I'll be out there, but please don't sell my equipment and put me into default. When I talk about Ontario, I said you like Tater Tots, ya, look at Ore-Ida, that's Ontario, Oregon, that's where I'm from. I used to raise potatoes for them. I'm proud of Ontario, I want to see Ontario succeed. Please help me. I need time to move our equipment.*

Mayor Hill stated Mr. Kitamura had "end of season"; please define that.

Mr. Sullivan stated there was an active lawsuit concerning this issue. Mr. Oakes represented himself to him that he was representing Mr. Kitamura. The Council had held two executive sessions dealing with working out a settlement and he had given Mr. Oakes a written agreement for that settlement which he'd never responded to. Before negotiating directly with Mr. Kitamura, he needed to contact Mr. Oakes to confirm if he was representing Mr. Kitamura or not. He suggested the Council not comment on this issue.

Mr. Kitamura: *I've got five or six hours with Mr. Oakes. I'd rather give the money to the city.*

Mr. Sullivan asked Mr. Kitamura if Mr. Oakes had shown him the settlement agreement.

Mr. Kitamura: *We talked about. He says I got to do this, or I'll be in default. I go, I don't want to be in default, that's why I'm here at this meeting, but I need time. That's why I'm asking the Council to give me time. I'd appreciate it. The first meeting with Charles Oakes, maybe I shouldn't talk about this, but he said, there's nothing about rent, this is about getting off the property. That's fine, we'll get off. Then the rent came up, the past rent. The last time I paid rent was 2017, \$800 for the fireman's fund. My brother Grant, he now owns Murakami Farms, he paid \$1,200. I thought it was done, so the last four years I haven't heard one thing about having to pay rent until I got this summons in March. I need time. Once again, I need time to get my equipment off. No problem, I'll get my equipment off. I'll sign something like that, but I don't think we need attorneys. I don't want to pay any more attorney fees. I want to pay the city.*

Mr. Sullivan stated he would speak with Mr. Kitamura out of Chambers, with Council approval.

Mr. Kitamura: *So, we're good?*

Mayor Hill stated they would speak in the hall and the Council would address the issue at the next meeting.

Mr. Kitamura: *Okay, thank you, thank you for your time.*

Norma Ramirez, Ontario, stated: *Good evening everyone. Thank you, Council, and thank you Ontario community for the opportunity to speak with you today. I'm here speaking on behalf of Euvalcree, a local non-profit to ask for a letter of support for a developing initiative to support our vulnerable communities. Over the last year, Euvalcree has expanded its programming and services to eight counties in Eastern Oregon, working from five offices with a team of 39 members serving, on average, 1,200 community members through the various programs and services. Our focus areas include housing, environment, health care, immigration, education, community, and economic development. The initiative we have come to ask for the letter of support for is the program administered by the Oregon Community Foundation, Project Turnkey, which is state-funded program to acquire hotels and motels to be repurposed to support housing efforts throughout the state. Euvalcree applied and was approved as a Phase II organization which allows us to move into the due diligence process for the acquisition of the property. As part of the request, the project advisory committee is asking organizations to receive written support for the project from its prospective communities. We are here to ask for support for the project, in which we will acquire a hotel to be used to support communities in need of temporary, transitional, and long-term housing. We have received letters of support and are working with GOBI and DHS to support existing clients in need of this shelter. Those individuals include families in the self-sufficiency programs who are unable to get into permanent housing because of the housing shortage. We would also be able to provide housing to the 300 foster children and state-appointed guardians in Malheur County who have been removed from their current environments and are in-between homes and, of course, to victims of domestic violence and sex trafficking. Our goal is to operate the facility in the most casual, incognito, and convenient way to reduce all, if any, affect it may have on the commercial components of the area, while providing a safe environment for the impacted vulnerable community so that they may lead a normal, productive life. We are establishing a working group to which we hope the city will assign a liaison, to ensure we are able to take advantage of this opportunity, benefit our community, and continue to grow in a positive way. Recently passed legislative measures that have made it easier to repurpose these buildings to be used for the intended purpose. Some of these bills are HB2006 for use as an emergency shelter, and HB3261 for conversions of hotels and motels. We hope the City Council will join us in the effort to support these communities and we are not asking for any financial investment, other than the request for a simple letter of support. We are happy to answer any questions and look forward to the opportunity of bridging these gaps and removing these barriers. Thank you.*

Mayor Hill stated it was a noble cause to assist the homeless in the area, but she hadn't identified the location of the building she was speaking about.



Ms. Ramirez: *We have one identified but at the moment we would not like to make that go public until we have secured the facility, at which point we would then be open with the hotel. But we are in current conversations with a local hotel.*

Mayor Hill verified there had been no conversations with surrounding owners of the property.

Ms. Ramirez: *Not at the moment, but that is definitely something we can do if this proceeds.*

Councilor Melendrez stated his first thought was to do it, but it could put them in a pickle with the residents and people around the area who might be angry with the Council for supporting it. He wanted to hear more about that but was in favor for more housing for those in need.

Councilor Kirby stated they had participated in a review with LOC on HB2006, and the way he understood it was that the state had given them the right to do it anyway, the Council was just a formality. Was that true?

Ms. Ramirez: *We are requesting support to at least move forward with the funding so that we receive the funding to acquire the hotel and to ensure that the community is onboard with this project. I wouldn't see it as a formality; we would like it to see that we're requesting support from the city because we don't want to go through venue of making it seem like it's something we're going to do anyway because that would look negative not just on us, but on our community as well. I wouldn't encourage that mentality.*

Councilor Kirby stated that might be his mentality because that was how he understood that bill. The state gave them the right to take over a hotel in the heart of the east area where all the motels were located with no affirmation from other motels, nor the major businesses that surround it. That did not sit well with him.

Gustavo Morales, Ontario, (via Zoom) stated: *Thank you Mayor and Councilmen. I did want to clarify one point that was brought up. Our intention with the property is not necessarily to help homeless. Our goal is to leverage this property to help individuals who are in needDepartment of Human Services, working with them. These hotels are intended to provide a temporary shelter for individuals and children who are being removed from their home because of the existing environment is not appropriation for them so they can be relocated into more permanent housing, because we have more than 300 children in the foster care system just in Malheur County and because of the housing shortage, it is very, very difficult for the Department of Human Services to find temporary housing for these children as they're being transferred from one home to another. In addition to helping foster children, we are working with 15 families who are also in the self-sufficiency program with Department of Human Services who are unable to access permanent housing because of the housing shortage itself. Our goal is not to help, our target population is not homeless; our target population is existing community members who have found themselves in a predicament and are between places and between homes. What we're trying to do is allow our community members to continue to contribute to our society and to our economy while giving them a safe base and shelter while they find a more permanent location within our community. We want to ensure that all our community members have access to services and resources and that we're not pushing community members out who are strongly contributing, and we don't want the children and the future of our community members to grow up in an environment that is less than ideal. We want to make sure that these children transition into a positive place and a positive location so that they can be contributors of our communities.*

Councilor Kirby stated the state sought to override the city's process. That night there had been a room full of citizens complaining about the Council getting ahead of them; the state was taking the authority away from the city, where there would be due process and allow the citizens and the property owners who surrounded that motel to speak. It could be a good thing, but the due process and the interest of those property owners was being bypassed by the State of Oregon. As a Councilor, he needed to object. While they wouldn't identify the property, he knew which one it was, but as a city, they should object to the current process and allow the process of land planning, and participation by the citizenry, to take place as it should.

Mr. Morales: *Can I ask a clarifying question, Mr. Councilman? I'd just like a clarifying question. It should be relatively simple. So, one of the best things about our community is the democracy and being able to work with our local jurisdictions and our elected leaders to be able to change processes to make them more efficient and relative for our community, just like we can reform state, we can reform our local communities and our elected leaders allow us to change those ordinances to best serve our communities. So my question, because due diligence now allows us the ability to move forward with projects such as these, are you, I need clarification on whether your comment regarding due diligence is because the state gave the authority, or that you don't want to help foster children and individuals who, because of unfortunate circumstances, whether they lost their home in a fire or a flood, and don't have a place to stay, are able to access much needed assistance.*

Councilor Kirby stated they would always work with him to accommodate the needs of the citizenry with what assets were available, but the state was allowing this organization to come to this community, take over a property that produced income and was in the middle of a retail center, and change the nature of that center without citizen input, and that was wrong.

Mayor Hill stated until the site was revealed to the Council, he would not comment on it. No decision would be made, and he did not believe the Council could produce a letter of support until more details were provided about the project and the program.

Councilor Melendrez asked to receive the documents related to this action so he could better understand what was being asked.

Ms. Ramirez: *We can definitely do that.*

PRESENTATION

Proposed City Charter Amendments

Councilor Ken Hart presented.

Councilor Hart thanked all the members of the committee and city staff for their participation and assistance. They held two public hearings, one at the beginning of the process, and one at the end, along with three work sessions. The proposed charter amendments were now ready for Council review and discussion. The committee compared the existing charter against the model charter provided by the League of Oregon Cities. They went through the charter line by line looking for any needed or requested changes, along with a few other new suggestions that were not in the current charter. He was now ready to present the recommendations of the committee.

Section 3.8 – Council: President

Recommendation: Add the following: *By majority vote, the Council can remove the Council President as President and appoint another.*

Section 4.1 – City Manager: Appointment and Qualifications.

Recommendation: *Changes the voting requirement for Council to remove the City Manager from a two-thirds vote to a majority vote.*

Councilor Braden stated the model charter read “simple majority” not “super majority”, but many of the proposals presented were a super majority. There was no uniformity, and he was unsure of the reasons behind the shift.

Councilor Hart stated this particular one was to align. They could discuss the others as they were brought forward.

Section 4.2 – City Manager: Vacancy.

Recommendation: Replaces the current section with the following: *When the manager is temporarily disabled from acting as manager or when the office of the manager becomes vacant, the Council must appoint a manager pro tem. The manager pro tem has the authority and duties of manager, except that a pro tem manager may appoint or remove employees only with Council approval.*

Section 5.2 – Municipal Judge: Appointment.

Recommendation: Replaces the current section with the following: *A majority of the Council may appoint and remove a Municipal Judge. A Municipal Judge will hold court in the city at such place as the Council directs. The court will be known as the Municipal Court.*

Councilor Hart stated the committee wanted the Council to delve a bit deeper into Section 5.2 regarding what the impact of the proposed change could be.

New Sub-Section Under Section 5 – City Attorney.

Recommendation: Currently, there is no section regarding the City Attorney. The following will be added as section 5.5: *The office of City Attorney is established as the chief legal officer of the city government. A majority of the Council must appoint and may remove the attorney. The attorney may appoint, supervise, and may remove any employees who work in and for the City Attorney's Office.*

Section 6.5 – Offices: Vacancies.

Recommendation 1: Creates an additional point under 6.5(1) which outlines the circumstances under which an office becomes vacant. The language added states: *Ceasing to reside in the city.*

Recommendation 2: Additionally, 6.5 would include the process by which *a two-thirds majority of the entire Council could expel a member of Council for disorderly conduct in Council. This action would require notice and a hearing by the Council.* The detail of this recommendation requires additional research and consultation from the City Attorney.

New Section – Sales Tax

Recommendation: Would add the following language: *Any proposal to implement or increase a city sales tax shall be referred to the voters by the Ontario City Council and that referral to the voters shall occur in November of a U.S. Congressional election year.*

New Section – City Fees

Recommendation: Would add the following language: *Any proposal to implement or increase fees or other local taxes (except for a retail sales tax which is governed separately in this Charter) must be affirmed by a two-thirds vote of the entire Council.*

New Section – Future Charter Revisions

Recommendation: *Adds language which requires the Council to have an ad hoc committee review the City Charter every 10 years.*

Councilor Hart stated an additional item that had been discussed related to how the Council would decide to move this item forward to the voters. It could be done in pieces, or it could be done as one item. The committee's recommendation was to have it go as one item.

Councilor Hart stated an item he had proposed to the committee related to creating zones when electing Councilors. He asked staff to research over the past ten years where the elected bodies had come from in Ontario. He noted that the area around May Roberts hadn't had anyone on the Council during that ten-year period. His idea had been that every election year, there would be representatives from specific zones, but the Mayor position would remain at large. However, it was determined that Ontario was currently not big enough for that.



Councilor Rodriguez asked how they would determine the zones without jerrymandering occurring?

Councilor Hart stated there were already zones established for the city, which the county used.

Councilor Rodriguez asked if those zones could be manipulated in a voting situation.

Councilor Hart stated they could create a specific committee for determining the zones, or it could be passed to the county.

Councilor Rodriguez stated he believed there had only been two Councilors from the east side of Ontario, ever.

Mayor Hill stated there was a recommendation on the list that the City Attorney, a professional, be hired and fired at the will of the Council. He spoke with the committee twice, and the opinions varied as to why the Council wouldn't have the hiring capacity of other professionals, such as department heads. It seemed to him that would make sense. The committee had a different conclusion, but it was split. He was not suggesting the Council fire them, but he was suggesting the Council do the hiring. There were rumors on social media that the Mayor was seeking to grab power and wanted the authority to hire and fire every employee in the city, which was false. The Argus reported it correctly when they reported on his comments. It seemed that the Council had no authority after hiring a City Manager. The Manager had the authority to hire and fire at will, whoever he wanted, and the Council had no say on who that would be. That made them just figureheads on the dais unless they had some say in who was going to run the city. He wanted the Council to consider that.

Councilor Hart stated the committee had considered not the Mayor's concept but did consider the concept of hiring and firing of the Police Chief. That had been his idea. There was a lot more focus on police and policing efforts, and they as a Council were the ones held accountable if the police force was not doing what the public believed they should be doing. However, the recourse was through the City Manager, not directly with the Chief. Following that discussion with the committee, comments were like did the Chief want to have seven bosses instead of one, so ultimately there was not support for the hiring and firing of the Police Chief directly by the City Council. But there had been no debate about the inclusion of the City Council in selection of department heads.

Councilor Melendrez stated the City Manager doing the hiring and firing of city employees was for checks and balances. He believed it was good to have it set up that way. It was tough having more than one person directing a person on what to do.

Mayor Hill wasn't suggesting seven bosses, but they should have some say in who ran the city.

Councilor Braden stated on Section 6.5, Offices, Vacancies, using two-thirds of the entire Council to expel a member of Council for disorderly conduct in Council. He had discussed that with the Malheur Enterprise in a call with Les. He felt the need to justify the Council not being able to or having the authority to remove Councilmembers because they were elected officials, who often had disagreements with other Councilors. They were appointed by the citizens at large, and he didn't want any amount of majority to be able to remove one of those elected officials. He very strongly disagreed with the proposed policy. He would be happy to meet with Councilor Hart later to see where the recommendation came from, why, and what other cities used it. He was open to it but didn't agree with it.

Mayor Hill stated he had the same thoughts. The electors brought them in, and the electors should remove them.

Councilor Braden didn't want the Council to have that power. That was not something they should be doing.

Councilor Hart stated when that was first recommended, it was disorderly conduct or inattention to duties. After speaking with the City Attorney, the response was that inattention to duties was vague, so that was pulled; however, it was noted that disorderly conduct was found more in statutes, something where there was established criteria that could be utilized.



Councilor Braden stated the new section on sales tax, *any proposal to implement or increase a city sales tax shall be referred to the voters by the Ontario City Council and that referral to the voters shall occur in November of a U.S. Congressional election year.* Not having been in on the discussions, so he wanted to know if that tied up other areas of tax that might be considered sales tax. Was a sales tax defined by statute? He was specifically speaking of cannabis tax and fuel tax. Where those considered a sales tax?

Mr. Sullivan stated it would apply to fuel tax because a city could have a local fuel tax; however, they couldn't have a local cannabis tax. A tax derived from the sales of a product was a sales tax.

Councilor Hart stated the discussion was strictly a reaction to the retail sales tax that had been passed by a previous Council which had not got to a vote of the people.

OLD BUSINESS

Resolution #2021-115: Commemorating the NESEI Soldiers in the 442nd Infantry Regiment Combat Team

Councilor John Kirby presented.

KIRBY moved, BAKER seconded, **THE CITY COUNCIL ADOPT RESOLUTION #2021-115, A RESOLUTION OF THE ONTARIO, OREGON CITY COUNCIL RECOGNIZING THE LEGACY OF SERVICE, COURAGE, AND SACRIFICE OF THE NISEI SOLDIERS IN THE 442nd INFANTRY REGIMENTAL COMBAT TEAM (RCT), THE 100th BATTALION, AND THE MILITARY INTELLIGENCE SERVICE DURING WWII.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

NEW BUSINESS

Merchant McIntyre Contract Renewal

Adam Brown, City Manager, presented.

BRADEN moved, RODRIGUEZ seconded, **THAT THE CITY COUNCIL APPROVE AN EXTENSION OF SERVICES FOR MERCHANT MCINTYRE THROUGH JUNE 30, 2022.** Roll call vote: Rodriguez-yes; Baker-yes; Kirby-yes; Hart-no; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/1/0.

Delinquent Utility Billing Accounts to Collections

Kari Ott, Finance Director, presented.

BRADEN moved, BAKER 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-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

DEPARTMENT HEAD UPDATES

~~Fire & Rescue: Quarterly Report (Document attached)~~

~~Terry Leighton, Fire Chief, had to leave the meeting; no presentation given.~~ Presentation moved to next Council meeting.

Finance: Monthly Report (Document attached)

Kari Ott, Finance Director, presented.

Community Development: Quarterly Report (Document attached)

Dan Cummings, Community Development Director, presented.



DISCUSSION ITEMS**Youth Advisory Council**

Peter Hall, Assistant City Manager/HR Manager, stated under the goal of Education on the Strategic Plan, Council created an activity which would add local students to committees and boards that were appointed by the Mayor. Staff was seeking further direction. Staff had done some research and found an ordinance for a Youth Advisory Council. It ran for a few years, and a Councilor who was a teacher championed that committee. When his term on the Council was over, the committee did not continue. His question was if the Council wanted to see the past YAC reactivated, or would they prefer to follow the Strategic Plan with more like a student taking part in each committee or board, or maybe a hybrid of both.

Mayor Hill stated it was good to involve youth early. They would not be voting members, and the Council could also learn from the students.

Councilor Rodriguez stated he'd like to see the Youth Advisory Committee reactivated, and have those students interact with the other established city committees. And also, maybe have those students switch around on the committees to learn something about all of them.

Councilor Melendrez was in full support of reactivating the committee. One of the main reasons he ran for a seat on the Council was in support of the youth. He wanted to make sure the voices of the youth were represented, and that they didn't lose interest because they were not feeling their voices were being heard.

SE 5th Avenue Pedestrian Improvements: Contract for Engineering Services, Keller Associates

Paul Woods, City Engineer, stated the city received a grant from ODOT in 2019, for \$912K for pedestrian improvements on SE 5th. They'd also received notification that the city would be receiving an additional \$849K from ODOT for the same project. They'd have just under \$1.8M to spend. Staff wanted to initiate the project design and phasing, having selected Keller & Associates to do the work. They had a proposal that had been vetted with him, Adam Brown, and Dan Cummings to begin the work of design, project concept and phasing for \$51,055. Mr. Brown had the authority to approve it under the rules of budgeting, so they would be moving forward on that unless there were objections from the Council.

Resolution #2021-117: GASB 54

Kari Ott, Finance Director, stated in 2011, municipalities were required to provide a resolution to take the fund balances from the year before and say what they were for during the next year. This was an annual requirement, and it was done as part of the budgeting process.

Resolution #2021-118: Clean Up End of Year

Kari Ott, Finance Director, stated during the year there were a few items that were not expected. For example: , Dispatch contract came in higher than expected; Police and Code Enforcement weren't fully staffed through the year so the expenses are less than budgeted; Street Fund beginning balances and Gas Tax Revenues are lower than expected; an additional transfer from the General Fund is necessary; Legal services were higher than budgeted; Springbrook costs were a little higher than budgeted; Building received higher revenues than budgeted; accordingly more would need paid to the state; Unexpected pass-through funding received and paid out; FAA grant ended up in 2020-2021; Utility bank charges were higher due to Heinz paying with a credit card; Sewer electricity higher due to paying for SRCI power and then billing for it; Unexpected grant for Airport Master Plan received; and Skate Park restrooms grant and expenditures were higher than anticipated.

Resolution #2021-119: Master Fee Schedule

Kari Ott, Finance Director, stated every year staff attempted to provide a master fee schedule to put them all into one document. Department Heads and departments in general reviewed the existing document and recommended any changes, if necessary. Proposed changes since last year, including any adding some missing data, included the Airport Commercial Usage Agreement Annual Fee of \$1,000; Columbarium for a reduced fee for Perpetual Care and



Maintenance: \$400 decreased to \$150 in city rate and \$450 decreased to \$150 out-of-city rate. This would create an incentive to buyers to purchase a niche as opposed to a land plot; the water meter fees, already in place, just formalizing and adding to schedule, were 3/4" meter \$1,115, 1" meter \$1,465, 1 1/2" meter \$5,840, and 2" meter \$6,415. There are no recommended increases in fees for 2021-2022.

Mayor Hill questioned the frozen meter fee of \$50. It wasn't the resident's fault if a meter froze. Why would they be charged? Also, why were there so many different fees at the cemeteries? That should be reviewed and simplified.

Proposed Change in Meeting Dates

Councilor Ken Hart requested the Council consider two changes to the Council's Rules and Procedures. Section 2, Meetings – that be changed to read that regular meeting will normally convene on the 2nd and 4th Tuesdays of the month at 6:00 p.m. in the Council Chambers, and the Work Session paragraph be deleted. Section 16, Special Committees – it appeared that it conflicted with the current charter. He like to strike out "replaced" to conform to the City Charter, the Mayor's functions, the Mayor shall appoint the Council committees provided by the rules of the Council. In the current Rules, it appeared that the Council selected the committee members, providing input and consent, but ultimately, according to the charter, that was a conflict. He'd like that cleaned up by staff and present a resolution to the Council to change the Rules and Procedures.

Mr. Brown asked for Council direction. Was the proposal to change the meeting for the remainder of the year to the 2nd and 4th Tuesdays? The calendar he had distributed showed how that would fall under the proposal. The schedule was prepared in January, and staff worked around potential conference conflicts, such as LOC. Was this ready to move forward, or would there be additional discussion? He'd like a formal vote or consensus because it would be a legislative move to change Council policy.

Councilor Hart was asking that it be an action item at the next meeting.

Mr. Sullivan stated those were the same nights the Vale City Council met, and he was also City Attorney for the City of Vale; therefore, he would only be able to attend the first hour of the Ontario City meetings.

Councilor Baker asked if it would help staff if they gave an extra week to get this done?

Mr. Brown stated it was currently designed for about 10 days between the Work Session and the first formal Council meeting. The third meeting was not always held.

Councilor Kirby stated this was being suggested as Councilor Hart had been elected to sit on another committee, which he fully supported, but that meeting conflicted with the current Council meeting schedule. However, it affected more than just the Council – there was Public Works, the Airport Committee, and others – that needed to meet and provide information to the Council. He'd like more input from staff on this proposal.

Councilor Baker asked it was going to place undue stress on staff. It appeared the new schedule would provide staff more time to prepare for both meetings.

Mr. Brown stated it wasn't more stress; they just needed to make sure everything aligned with as little conflicts to other meetings as possible.

LOST SOUND RECORDING FOR REMAINDER OF MEETING

Civil Penalties Update

Council direction to create a Code Enforcement Review Ad-Hoc Committee and to advertise for community members to apply to sit on the committee.

Ordinance #2791-2021: Amend OMC 2-8-5 re Public Works Committee

Bring back to July 6, 2021, meeting for action under Old Business.

Homeless Services

Bring back to July 6, 2021, meeting.

Municipal Court

Bring back to July 6, 2021, meeting.

SE 2nd and SE 3rd Street Noise Issue: Update

Bring back to July 6, 2021, meeting.

HAND-OUTS

Minutes: *(Attached)*

County Court: 5/5/21; 5/12/21; 5/19/21; 5/26/21

Public Works Committee: 3/5/21; 4/13/21

Monthly Department Stats *(Attached)*

Fire & Rescue, Public Works, Code Enforcement, Police: May 2021

Packet: *(Attached)*

V&C Board Meeting 6/4/21

Check Register *(Attached)*

June 2, 2021

EXECUTIVE SESSION

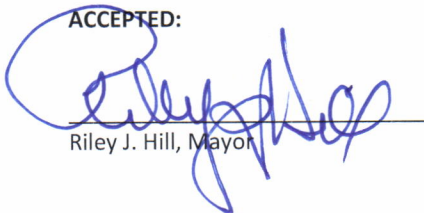
EXECUTIVE SESSION: ORS 192.660(2)(h)

Not held.

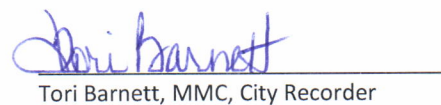
ADJOURN

HART moved, BAKER 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