



CITY COUNCIL MEETING MINUTES August 10, 2021

The scheduled meeting of the Ontario City Council was called to order by Mayor Riley Hill at 6:00 p.m. on Tuesday, August 10, 2021, in the Council Chambers of City Hall. Council members present were Riley Hill, Ken Hart, John Kirby, Eddie Melendrez, Michael Braden, and Sam Baker.

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

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 August 6, 2021. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

Staff request to include Resolution #2021-131, a resolution creating a Code Enforcement Review Ad Hoc Committee.

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

PUBLIC COMMENTS

Jack Franklin, Ontario, stated: *I live on NW 2nd Street in Ontario. I've lived there for 58 or 59 years in the same house, so I'm well aware of what goes on on that street. I have spoke to the City Council and every Chief of Police we've ever had many times about the traffic on the street, the speed of the traffic on that street. About 80% of the people drive like regular people. The rest of them are crazy. They rip down the street, they don't slow down for the intersections, I've sat and watched them many times roll through those intersections at 30 miles an hour and not even touch a brake. It's plumb crazy. I'm surprised we haven't had a lot more wrecks. And the reason we don't is because the old timers like myself that live down there, watch out for them. I have spoke many times about patrol industries, which I realize is not going to happen, I've been told by the Chief and the patrolmen that it's not going to happen, and I've suggested speed bumps. They don't want to put in speedbumps because of the street sweeper and the snowplow, which are non-existent. Really and truly. We've had the snowplow down there once last winter, and I think when we had the big snow we had, it was twice down there. The street sweeper, once a month. All they have to do is put up a sign that says "bump" like they do up at the college where they have speed bumps in front of the cemetery there is two nice speed bumps. They are not large speed bumps; they're just little ones, but I'll guarantee you that it'll slow them down. I think they're worried about the parts falling off their cars. Even the motor bikes run faster than the street sweeper, which is sensible down there. I'm talking about bicycles with motors on them. Motorcycles, they're like Evel Knievel, most of them. Some of them are sensible. But I really think that some inexpensive, nailed down speed bumps on that street would solve the problem. I can't think they cost a lot of money. It'd be a lot cheaper than having patrolmen down there, which, like I said, is not going to happen. So, I would appreciate it if something were done about this before they kill somebody. There have been some wrecks down there. Not real bad ones, but I have seen a car upside in the vacant lot, which has now got a building on it, but it was struck from the intersection and knocked the car clear out of the intersection. This was years ago. But something could be done about this to make it*



a lot safer. The street is about three or four blocks long with no cross streets. It's a very wide street and it's just an ideal place to really get on it. Those kids do. It's not necessarily just kids, but people who don't have any respect for others. Thank you kindly for your time.

CONSENT AGENDA

KIRBY moved, HART seconded, **TO ADOPT THE CONSENT AGENDA, WHICH INCLUDED COUNCIL MEETING MINUTES OF JUNE 29, 2021, AND JULY 6, 2021.** Roll call vote: Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/0.

NEW BUSINESS

Resolution #2021-130: Appropriating Funding for the Traffic Analysis of East Idaho Avenue

Paul Woods, City Engineer, presented.

HART moved, KIRBY seconded, **THE CITY COUNCIL APPROVE RESOLUTION #2021-130: A RESOLUTION TO APPROPRIATE FUNDING FOR THE TRAFFIC ANALYSIS OF EAST IDAHO STREET AND TO AWARD THE CONTRACT TO JACOBS ENGINEERING FOR PERFORMANCE OF THE WORK.** Roll call vote: Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/0.

Parks Committee Recommendation for Improvements at Lanterman Park

Adam Brown, City Manager, presented.

MELENDREZ moved, KIRBY seconded, **THE CITY COUNCIL APPROVE THE LETTER REQUESTING THE ADDITION OF A SAND VOLLEYBALL COURT AT LANTERMAN KIWANIS PARK, AMENDING THE PARKS MASTER PLAN TO ADD THE LETTER AS AN ADDENDUM TO THE PLAN, AND APPROVING THE USE OF THE SERVICE CLUB PARK MATCH PROGRAM IN AN AMOUNT NOT TO EXCEED THE \$10,000 RESERVE.** Roll call vote: Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/0.

Parks Committee Recommendation for Improvements at Beck Kiwanis Park

Adam Brown, City Manager, presented.

MELENDREZ moved, BRADEN seconded, **THE CITY COUNCIL ACCEPT AND APPROVE THE LETTER REQUESTING THE ADDITION OF A DISC GOLF COURSE AND DOG RUN TO BECK KIWANIS PARK AND AMEND THE PARKS MASTER PLAN BY ADDING THE LETTER AS AN ADDENDUM TO THE PLAN.** Roll call vote: Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/0.

IT Services Agreement

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

BRADEN moved, HART seconded, **THE CITY COUNCIL ACCEPT THE PROPOSED AGREEMENT WITH MICRO TECHNOLOGY SYSTEMS, INC. FOR TECHCARE SERVICES FOR FOUR MONTHS AT A RATE OF \$8,850 PER MONTH.** Roll call vote: Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/0.

Resolution #2021-131: Create Code Enforcement Review Ad Hoc Committee

BRADEN moved, KIRBY seconded, **THAT THE CITY COUNCIL APPROVE RESOLUTION #2021-131, A RESOLUTION TO CREATE A CODE ENFORCEMENT REVIEW AD HOC COMMITTEE.** Roll call vote: Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/0.

Requests for Appointment to City Boards: Diversity Advisory; Airport; Code Enforcement Review

Mayor Hill appointed Billy Carter to the Diversity Advisory Committee, and Brianna Lemmon to the alternate spot on the Airport Committee.

Council determined they would wait until the next meeting to appoint members to the Code Enforcement Review Ad Hoc Committee and directed staff to invite the applicants to the meeting.

PUBLIC HEARINGS**ORDINANCE #2792-2021: AMENDING THE CITY OF ONTARIO ZONING MAP FROM SINGLE FAMILY RESIDENTIAL (RS-50) TO PLANNED DEVELOPMENT RESIDENTIAL (PD) FOR A PROPERTY KNOWN AS TAX LOTS 3200 AND 3500 ON TAX MAP 18S47E09CC AND STREETS ADJACENT THERETO**

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

Dan Cummings, Community Development Director, presented.

Councilor Hart stated the slide and staff presentation included "veterans", but now the paperwork no longer said it.

Mr. Cummings stated that was not a criterion. The 55-years or older was a requirement that once put in, there were state requirements that had to be followed. Veterans was something that the developer wanted to happen. She had been in contact with several veterans who wanted a small home on a small lot. But they would have to be 55 or older. It was a senior park.

Mayor Hill asked if the street section was 30 feet of paved street?

Mr. Cummings stated it was.

Mayor Hill asked if a duplex was one or two units.

Mr. Cummings stated a duplex counted as two units, so two of the proposed 36.

Mayor Hill asked if the enforcement of these issues, would those be deed restrictions or homeowners?

Mr. Cummings stated it would be a homeowner's association. In a planned development, if the HOA did not enforce those rules, the city had the right to go in and require the enforcement. The HOA had no rights to change any of the regulations. If they wanted something changed, they had to go back through a public hearing process with the city to get the ordinance changed. That would require going through the Planning Commission and the City Council.

Mayor Hill stated if the City Council were to approve the action, there would have to be an HOA established first.

Mr. Cummings stated yes, and it would be approved by staff based on the set conditions. However, if the Council wanted it back to them, that could be done.

Mayor Hill asked the minimum size of a home.

Mr. Cummings stated it had not been specified, but it had been designed and laid out from 800 square feet to 1200 square feet. The developer recognized that none of the homes would qualify for the city's housing incentive unless they found a lot that had a minimum size of 1250 with a two-car garage. She was not trying to build a regular subdivision and was more concerned with keeping the cost down for the seniors to afford. It was not prohibited. The lots met the normal 5,000 square foot lot.

Mr. Cummings stated duplex units would be allowed in the development, which followed state law. That could not be prohibited and would count as two units for the overall count of 36. It could also be a townhouse. Further, an additional requirement was that all buildings within the development be limited to single story construction.

Councilor Hart stated one component was “affordable”, and that was not a condition of the CCRs. The intent of the developer was for it to be affordable, but they didn’t have to be. It could be market rate.

Mr. Cummings stated they were trying to keep the cost down to keep the development down so they could sell the lots as reasonable as possible. If someone wanted to build a 1,000 square foot mini mansion for \$300K, that could be done. The developer was not doing the construction; it would be open to any contractor to build the homes.

Councilor Kirby asked if there would adequate space on the lots should someone want to park an RV?

Mr. Cummings believed it would be difficult. That would be a regulation that the developer could impose. Those would need to be addressed in the CC&Rs.

Councilor Baker asked what the consensus was from the participants in the Planning Commission public hearing. Was it well received?

Mr. Cummings stated there were some concerns voiced from the general public who lived in that area. They were in attendance and would be speaking. He hoped that some concerns had already been addressed.

Mayor Hill asked, since it was a private street, if it would be a condition of the HOA that a fund be created so that later on that street could be repaired as needed?

Mr. Cummings stated that was a normal requirement and would be addressed. It would be a condition of the CC&Rs so everyone was aware of the monthly fee and what that money would be used for.

The Hearing was opened for public testimony.

Proponents:

Cindy Bryant, Developer, stated: *Many of you, hearing Dan and many of you, I’m sure, read the notes from the last Planning and Zoning meetings. I’m just requesting that you do like he mentioned, the property, really just to try and meet the needs of the community. So, it’s already set up to be a subdivision and there are many people, probably even some sitting in here, that would agree that my plan is not the highest and best return on investment plan, but it is something that I feel the community needs. That we need something so that we can be looking out for the seniors that either live in the county, they want to retire, sell the farm, they want to sell the big house with the big yard, and they don’t want to have to leave the community. I’ve been around for a long time and that is generally what you see. Unless they have family in the area, they have to move to another community, and it would be nice to build a house someplace where they could downsize and live comfortably. Really, this community, we need small lots, small houses, the single level was always my idea, that’s why I wasn’t opposed to the recommendation or number five or six, whatever it was, again, it’s not, you build up. That’s how you make your money, but that isn’t the plan, that isn’t the idea because this is really for the seniors. The veteran’s thing, I have a soft spot for them. I have all kinds of family members that are veterans and so that was something that along the road, I realized that yes, it’s not state mandated, or federal, so I would have to remove that part. It would be the HOA, the CC&Rs, it would all be 55 and older. Really, with the affordable, the costs of everything going they way they are, that’s a constant conversation, but the affordable that I’m really referring to is energy efficient. Yes, I would love to have the houses be inexpensive, but really overall, the plan is for them to be energy efficient. Moving out of a house maybe off of 3rd Street that was built in the ‘40s that they spent \$500 a month in the winter to heat, now they can live in a house that’s more affordable. I’m working pretty closely with an energy trust and one of the statistics that came up is over 50% of our Malheur County residents really struggle with utility bills. That just kind of rang true with what it is I’m trying to do. The other thing that was just brought to my attention is looking at the city website, this plan really just kind of fits in*

with the city strategic plan – desirably, to be able to stay in the community; lifestyle, we all know the lifestyle that we can lead here in Ontario; beautification, and then growth. Again, it's a small, little chunk, but it would help increase the tax base. That, I would think, would be helpful to the city. Overall, the plan with what I'm trying to do is in hopes that this does go forward, but it doesn't go to a developer necessarily that's going to build townhomes or apartment complexes or even twenty great big houses with public streets, which is, people have come to me wanting to purchase it for that reason, and I have turned it down because I feel so passionately about doing this. But, in hopes with this plan, I was hoping that if it's successful I would like to be able to use this as a pilot to be able to take this over to some of our other rural communities, like Baker City or even across the river, to be able to show them that, look, this is something that we established a project in Ontario with seniors, a little over four acre property and it's been a great success. Do you have any questions?

Opponents:

Craig de Boer, Ontario, stated: I got a letter early spring about this development coming about. We showed up. The person that's doing this did not show up that night. So, the Planning and Zoning, and Dan, they floored that meeting for the proposal until July 12th. We did not receive a notice about this until July 15th. So, there was a snide comment that was made from the committee that if we were interested in what was going on, we should have attended the meeting and stayed for the whole thing. I thought that was pretty asinine. I brought the letter here that states the meeting was July 12, 2021; this letter is dated July 15, 2021, about the meeting, this proposed meeting. To me, that's pretty poor planning. There were several people here for that meeting. The person was here for that meeting that night and she's here again tonight. My hats off to her for trying this and doing this or wanting to do this. I think there is better ways to do it. I don't think that there should be 36 homes in there, even with duplexes or complexes or whatever. I'm glad there's no two-story. That just is disastrous to the backyard. There are things that nobody in the neighborhood knew anything about this until it was brought to the committee. Then the gal, she says she's from here. She doesn't even live in Ontario, so I don't know that she has a lot of, I think she has interest in Ontario, investment interest, but not the personal interest that goes on in everyday life in Ontario. That particular property, if it's private, the police can't go in there to regulate anything, the city ordinance can't go in there unless it's mandated by somebody. If she gets to the point where here CC&Rs, from what I understand, change, she can change the rules and put her daughter in the house, from what I've been told. There was just a lot of things that don't add up to this. There's traffic, it's bad enough as it is on Alameda; traffic bad enough on SW 12th Street, as Jack said earlier about the police and maintaining law and order, you put that many more cars coming in and out, it's just going to be insane. But my biggest complaint was how the city can do something like this and think nobody gives a crap. I just, I don't know what the legalities are, but I know it isn't right. So hopefully you guys can figure it out and I know the Planning and Zoning won't change their minds. They've made their decision, but hopefully you guys take strong look at it and figure out something worthwhile. Thank you.

June Krasznavolgyi, Ontario, stated: Mr. Mayor, Councilmen, I have a cane here and hopefully everyone can hear me. This stretch of land is environment. There are rabbits, there's turkeys, and it's just nice. I did send a letter to Mr. Cummings with my strong objection. We all here are going to be building on our land until we can't raise crops and I just, we have lived there in excess of 50 years, and I just hate to see more growth in that area. Good Heavens, there's barren land all over the place. Why come into a community and build all over the place? Thank you.

There being no further Proponent and no further Opponent testimony, the Hearing was closed.

Mayor Hill stated to Mr. Cummings that he was somewhat concerned about enforcement on HOAs or city enforcement. Mr. de Boer's thoughts about police getting in or responding, that would not be an issue, but the enforcement of the HOA and whether enough money was put aside to maintain the streets, that concerned him. Also, if this were RS-50, how many units could be put in?

Mr. Cummings guesstimated 20-25. Regarding enforcement, it was always difficult with CC&Rs.

Mayor Hill verified the city accepted responsibility for the water and sewer?

Mr. Cummings stated yes. The entire 35-foot would be a public utility easement and the city would be approving and taking over the sewer and water lines as city lines.

Councilor Melendrez asked for clarification on what an HOA or a CC&R were.

Mr. Cummings stated an HOA was a Homeowner's Association that had to be formed to enforce the CC&Rs. CC&Rs were restrictions put in a subdivision, along with fees to cover things, such as street maintenance. The HOA would pay to maintain the streets, to plow the snow, landscaping, that type of things.

Councilor Melendrez asked about the earlier question about changing the age restrictions.

Mr. Cummings stated any condition for approval – and that was one of them – were in an ordinance, so for any of those to change, it would have to come back before the Planning Commission and the City Council requesting those changes in a new ordinance. But, before that could even occur, they had to have a majority of the HOA request the change.

Mayor Hill asked, for example, if some grandparents live in the subdivision and had to adopt their grandchild, what then?

Mr. Cummings stated they would have to move out. They could own the home still but could not live there with the grandchild.

Councilor Melendrez stated they had talked about the number of homes projected, but if were sold to a regular developer, how many could they fit on there?

Mr. Cummings stated his estimate was 20 or 25. But that was because it would now fall under city regulations such as sidewalks on both sides of the street, which would also be city required width.

Councilor Hart stated with the concern raised about lack of notice on the second meeting. Was that a snafu in the mail, or had he received other complaints?

Mr. Cummings stated the legality of it was, his department mailed out the advertisement for the first Planning Commission meeting, which was following formal state rule. At that meeting, since it was tabled to the next meeting, the public was informed what date it would table to, which met state law. All those in attendance were noticed that the meeting would be on that date. At the second meeting the question came up about how the neighbors who were not in attendance would know about the Council meeting. The state law mandated that it was the requirement of the people to attend the meeting if they cared, so they were put on notice as to when this current Council meeting would take place. He understood Mr. de Boer's concern, but Mr. Cummings, at the cost of the city, sent out another notice to all the property owners telling them about this Council meeting. He assumed that all those who received his first notice, also received the second notice. That second notice advertising this current meeting was not a requirement, but he had done it as a courtesy. The law had been followed. There had also been proper signage placed on the property and was still there.

KIRBY moved, BRADEN seconded, **THAT THE CITY COUNCIL ACCEPT THE RECOMMENDATION OF THE PLANNING COMMISSION AND APPROVE THE FINDINGS OF FACTS WITHIN THE STAFF REPORTS AND ESTABLISHED BY THE PLANNING COMMISSION AND HEREBY APPROVES AND ESTABLISHES THE CONDITION OF APPROVAL RECOMMENDED BY THE PLANNING COMMISSION.** Roll call vote: Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/0.

KIRBY moved, BRADEN seconded, THAT THE CITY COUNCIL APPROVE ORDINANCE #2792-2021 AN ORDINANCE AMENDING THE CITY OF ONTARIO ZONING MAP FROM SINGLE FAMILY RESIDENTIAL (RS-50) TO PLANNED DEVELOPMENT RESIDENTIAL (PD) FOR A PROPERTY KNOWN AS TAX LOTS 3200 AND 3500 ON TAX MAP 18S47E09CC AND STREETS ADJACENT THERETO. Roll call vote: Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/0.

KIRBY moved, BRADEN seconded, THAT THE CITY COUNCIL WAIVE A SECOND READING OF ORDINANCE #2792-2021, AN ORDINANCE AMENDING THE CITY OF ONTARIO ZONING MAP FROM SINGLE FAMILY RESIDENTIAL (RS-50) TO PLANNED DEVELOPMENT RESIDENTIAL (PD) FOR A PROPERTY KNOWN AS TAX LOTS 3200 AND 3500 ON TAX MAP 18S47E09CC AND STREETS ADJACENT THERETO. Roll call vote: Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/0.

RESOLUTION #2021-126: CITY COUNCIL TO DECLARE CERTAIN REAL PROPERTY, BEING A PORTION OF THE PROPERTY KNOWN AS THE SUNSET DRIVE WATER TANK PROPERTY, AS SURPLUS LAND AND NO LONGER NEEDED FOR PUBLIC USE AND APPROVING THE SALE OF SAID REAL PROPERTY

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

Dan Cummings, Community Development Director, presented.

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

HART moved, BRADEN seconded, THE CITY COUNCIL APPROVE RESOLUTION #2021-126: A RESOLUTION OF THE ONTARIO CITY COUNCIL DECLARING CERTAIN REAL PROPERTY, BEING A PORTION OF THE PROPERTY KNOWN AS THE SUNSET DRIVE WATER TANK PROPERTY, AS SURPLUS LAND AND NO LONGER NEEDED FOR PUBLIC USE AND APPROVING THE SALE OF SAID REAL PROPERTY. Roll call vote: Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/0.

HART moved, BRADEN seconded, THE CITY COUNCIL AUTHORIZE THE CITY MANAGER TO SIGN ALL THE DOCUMENTS REQUIRED TO COMPLETE THIS SALE INCLUDING THE DEED TO TRANSFER TITLE. Roll call vote: Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/0.

RESOLUTION #2021-128: CITY COUNCIL APPROVING THE SALE OF REAL PROPERTY, LOT 5 STELLING SUBDIVISION

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

Mayor Hill declared a conflict of interest, handed the action over to the Council President, and stepped down from the dais.

Dan Cummings, Community Development Director, presented.

The Hearing was opened for public testimony.

Opponents:

Linda Henderson, Ontario, stated: *I'm not sure I'm an opponent as much as I just have questions about all of this. In the notice of public hearing, it states that it's farmland and you just said that it's some industrial. Is there a difference?*

Mr. Cummings stated yes. Currently, the ground was basically farm and range land. But to develop it, it had to develop as industrial.



Ms. Henderson: *So it's no longer zoned agricultural.*

Mr. Cummings stated agricultural was allowed in the heavy industrial zones.

Ms. Henderson: *But not taxed as agricultural.*

Mr. Cummings stated no because it belonged to the city. Once the sale was completed, it would return to the tax rolls.

Ms. Henderson: *My point was, because it said farmland and I'm aware that if you take off a chunk to build a house, it's subject, the piece of property is now subject to ten years back taxes and I was trying to figure out how that was going to work in this instance, but it sounds as if it's not.*

Mr. Cummings stated it was already in the city, and that was actually a county requirement, not a city one.

Ms. Henderson: *I thought it was a state requirement.*

Mr. Cummings stated it was for county property.

Ms. Henderson: *Okay, okay. And in the notice, it also says the purchaser intends to develop the property. Could you define develop?*

Mr. Cummings stated the purchaser planned to install a couple facilities that met code, but he had not submitted specific items, not was he required to do that.

Ms. Henderson: *But it doesn't sound as if housing is...because it's industrial. Okay.*

Mr. Cummings stated the purchaser was in attendance, who indicated he would be willing to answer any questions.

Joel Ruiz, Ontario, stated: *I own Ruiz Enterprises and we were thinking of taking a big chunk for our company.*

Ms. Henderson: *I apologize, as an English major, I kind of wanted to know what these words meant because they're subject obviously to lots of interpretations. So, I don't really have any objections to this. It was more I have questions, but I also have a question, if I may, going back to the new business with the Park Committee projects. Are the parks under the purview of the Recreation Department or are they funded differently?*

Councilor Hart appreciated her questions but believed she should speak to the City Manager during a break. This public hearing needed to remain germane to what was being discussed.

Ms. Henderson: *Okay. Then, good luck!*

There being no further Proponent and no further Opponent testimony, the Hearing was closed.

BAKER moved, KIRBY seconded, **THE CITY COUNCIL APPROVE RESOLUTION #2021-128 A RESOLUTION OF THE ONTARIO CITY COUNCIL APPROVING THE SALE OF REAL PROPERTY BEING LOT 5 OF THE STELLING SUBDIVISION.** Roll call vote: Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-abstain. Motion carried 5/0/0/1.

KIRBY moved, BAKER seconded, **THE CITY COUNCIL AUTHORIZE THE CITY MANAGER TO SIGN ALL THE DOCUMENTS REQUIRED TO COMPLETE THE SALE OF THE PROPERTY INCLUDING THE DEED TO TRANSFER TITLE TO THE PROPERTY.** Roll call vote: Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-abstain. Motion carried 5/0/0/1.

Mayor Hill returned to the dais.

DEPARTMENT HEAD UPDATES

Public Works: Quarterly Report (Document attached)

Al Cablay, Public Works Director, presented.

DISCUSSION ITEMS

Storm Drain and Street Sweeping

Al Cablay, Public Works Director, presented. *Two matters: first of all, the street sweeping question. I think one of the questions or matter that needed to be settled was street sweeping being done more frequently or as often before our public-private partnership with the city and Jacobs and there really, I'm not sure, from my experience, that the answer is no. If anything, it's more frequent. We're a little more sensitized to it just to give you an idea. We, per the contract that we have with the city, we currently sweep the city three times, at a minimum, each year. We do it in three cycles. Cycle one, which is from February and March; then cycle two which is May through July; and cycle three which is October through December. In those times, we also hit the downtown area entirely and the underpasses two to three times a month. In times past, and we do that with two operators operating two machines, they are also part of another crew as well, but keep in mind, in times past what we can recollect from folks that were part of the city crews back then, they had one operator operating one street sweeper five days a week during three-quarters of the year, unless it's either snowplow or icy. In my experience, I believe we're sensitive to street sweeping as any community that I've ever managed in Public Works. That being said, the other matter was in regard to flooding and how that relates to the basins being cleaned and that sort of issue. When I was responding in the brief chat that I had with the Argus, in regard to the basins that are cleaned, we do clean them, we have almost 1,500 basins that we clean, I believed there is the matter of the undersized storm drains that the basins feed. So, the basins are clean, but what happened when this deluge that we just experienced, that amount of rain in that short duration of time, our system was not handled, hasn't been handled, and we have a 2003 Storm Water Master Plan that identified those areas. The mapping that I allude to in that chat that I had with the Argus was to give new homeowners, folks like myself, that say these are areas that you ought to be cognizant of in traveling where there's flooding and that sort of thing, did not mean to be anything more than something that would be helpful, and as I've done in other communities as well. So, with that, I don't know if there's anything more to address. City Engineer and I spoke a little bit about daylighting some of the Storm Water Master Plan, but that was a 2003 Keller and Associates study. Perhaps that's a chat for another time if the Council would like to see what was brought up back then and what has been done since that, since that Master Plan was brought before the Council.*

Councilor Kirby stated after the storm, he drove 4th Avenue and some back streets, and where it might have previous flooding, it was clean. He believed they'd made progress in that area.

Councilor Melendrez asked how the youth work crew was doing overall.

Mr. Cablay replied they had been both a joy and welcome relief. They were A+.

State Park Land Acquisition for Tater Tots Trail (Document attached)

Adam Brown, City Manager, presented.

Council consensus to lease the easement, not take ownership of the park.

ARPA Budget (Document attached)

Adam Brown, City Manager, presented.

Parks Committee Report *(Document attached)*

Adam Brown, City Manager, presented.

Councilor Melendrez asked to fill the vacancy on the Parks Committee as the Council representative.

PERS Assumed Rate of Return *(Document attached)*

Adam Brown, City Manager, presented.

Staff would like to proceed with paying off the \$1.5M of the amount budgeted soon, so it could be included in any upcoming pre-actuarial studies or the final for the next biennium. The funds were already budgeted, so if he received the consensus from the Council, staff would prepare the check for signature.

Council consensus to expend the funds.

Mayor Hill asked if the city had to narrow it down, what was the city's obligation? Was the 30% of the \$35M what the city owed?

Mr. Brown stated it was \$15M.

Water Sampling Information *(Document attached)*

Kim Lord, Water Superintendent, presented.

This memorandum was intended to inform city leadership of a regulatory activity involving the city's drinking water system and certain households within the community. The Oregon Health Authority implemented on behalf of the Environmental Protection Agency certain provisions of the federal Safe Drinking Water Act called the Lead and Copper Rule. In 1986, EPA published a regulation to control lead and copper in drinking water. This regulation was known as the Lead and Copper Rule (also referred to as the LCR). Since 1986 the LCR had undergone various revisions. The rule required public drinking water systems to monitor drinking water at customer taps to determine if there was lead or copper exposure. If the action level for lead or copper was exceeded, the system must also inform the public about steps they should take to protect their health such as replacing certain fixtures or service lines under their control. The sampling occurred every three years and the Oregon Health Authority provided a list of homes that fit the sampling criteria, generally homes built between 1982 and 1989. The city then reached out to homeowners within the approved subset and requested that homeowners voluntarily participate in the sampling. Staff delivered the sample bottles in person to sample participants, answered any questions, and picked up the samples after collection. Sample results were shared with each homeowner. The city previously conducted this sampling without any issues. Staff would be reaching out to approximately 30 households to conduct this sampling, many of whom participated previously. The intent of this memorandum was to daylight this activity in case members of the public contacted city leadership regarding this program.

HAND-OUTS**Monthly Department Stats** *(Attached)*

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

Packet: *(Attached)*

V&C Board Meeting 08/05/2021 w/ 07/01/2021 Minutes

Minutes: *(Attached)*

County Court: 07/07/2021; 07/12/2021

SREDA: 08/03/2021



CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Councilor Hart stated the V&C Committee approved the grant to the STOL drag races at the airport for \$2,500. However, the proposal that was submitted alluded that the event could make money, so the committee asked that if they took in over \$2,500, they would pay back the \$2,500 to the V&C account.

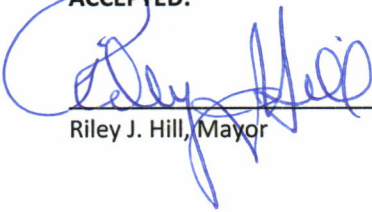
EXECUTIVE SESSION

An executive session was called at 9:21 p.m. under ORS 192.660(2)(h) to discuss current or potential litigation. Council returned to regular session at 10:13 p.m.

ADJOURN

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

ACCEPTED:



Riley J. Hill, Mayor

ATTEST



Tori Barnett, MMC, City Recorder