CITY COUNCIL MEETING MINUTES
February 8, 2022

The scheduled meeting of the Ontario City Council was called to order by Mayor Riley Hill at 6:00 p.m. on Tuesday, February 8, 2022, in the Council Chambers of City Hall. Council members present were Riley Hill, Sam Baker, John Kirby, Michael Braden, Susann Mills, Eddie Melendrez, and Ken Hart.

Members of staff present were Adam Brown, Tori Barnett, Jeremy Green, Terry Leighton, Kari Ott, Justin Zysk, Dan Cummings, Jason Cooper, Paul Woods, Casey Mordhorst, Steve Bartol, May Swihart, and Marc Berg.

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

Mayor Hill led everyone in the Pledge of Allegiance.

AGENDA

This Agenda was posted on February 4, 2022. 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: Mills-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

CONSENT AGENDA

KIRBY moved, MILLS seconded, **TO ADOPT THE CONSENT AGENDA, WHICH CONSISTED OF THE CITY COUNCIL MEETING MINUTES OF JANUARY 25, 2022.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-Yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

PRESENTATION

City Manager's Monthly Presentation *(Attached)*
Adam Brown, City Manager, presented.

Councilor Melendrez asked about the path that went behind the Reel Theater. That trail would be for pedestrians to travel from the railroad crossing to behind Commercial Tire?

Mr. Brown stated it wasn't a trail, but a six-foot sidewalk from the railroad crossing east of South Oregon Street, up though SE 5th and past the RV Park, over the bridge, which they could not widen, and then down by the Reel Theater all the way to Goodfellow.

Councilor Melendrez asked if the sidewalk would be on both sides of the street.

Mr. Brown stated this project would get a sidewalk on one side, the south side, for the full stretch, and then some places that could be filled on the other side as budget allowed.

Councilor Melendrez asked about the trail that went behind the Fairgrounds. Which streets had he indicated could potentially be a problem?

Mr. Brown stated when he spoke with the previous Fairgrounds manager, she was excited to have the path traverse through or around the Fairgrounds perimeter, and the Fairgrounds had a sliver of land that went all the way up to "here" and "this" was the city's Public Works Shop, "this" part should be easy to navigate without having to acquire too much right of way, but "this" part, the trail options were going to be either in front of someone's home or if it was feasible to use alleys. That's why they needed the planner; to show the best route to connect those public properties with Lion's Park.

Councilor Melendrez asked what the size of the sidewalk would be.

Mr. Brown stated it would most likely be a 10–12-foot asphalt trail.

Councilor Melendrez stated with the hangars going up at the airport, what was the benefit to Ontario.

Mr. Brown stated it moved the city's airport to being more sustainable. The more leases, which gave some money for the ground lease, as an average hangar was $200 annually, but those hangars also paid property taxes, where the city received a portion. In looking at income from taxes and ground leases, it helped the airport be more sustainable. It didn't matter where the people came from, they paid rent to Ontario. Also, for every gallon of fuel purchased, 7¢ to 9¢ cents was paid to the city, depending on fuel type.

Councilor Melendrez stated with sustainability, where were they at now, and what did they hope to get to?

Mr. Brown sated sustainably was part of the Master Plan. The city was running a $30K subsidy to the airport currently, but when looking at the return on investment of what that pushed into the community for business, that $30K produced a lot more than was spent. However, the goal would be to have it self-sustaining.

Mayor Hill stated with the development of BLM in a few years, that would push the airport closer to being self-sustaining.

Mr. Brown agreed. The ground lease was approximately eight acres at $50K a year.

Councilor Mills stated with regard to the street poles downtown, how many were being replaced, and was there a plan for those being replaced or could they be recycled to areas that needed lighting.

Ms. Brown stated there were 21 poles being replaced, which were all the poles on South Oregon and SW 1st Street. Those were all connected to the same meter. For the poles Idaho Power operated, the city paid a flat fee for the pole and type of lights. Now, the city would be paying the actual cost and would be using LED lights. The poles belonged to Idaho Power, who planned to reuse them. He'd like to see if they could be used on the SE 5th Avenue project; however, Idaho Power could add lights to the exiting poles on SE 5th.

OLD BUSINESS

Resolution #2022-103: Approving the Use of City Property at 55 NE 2nd Avenue as a Training Facility and Removing the Surplus Property Status

MELENDREZ moved, MILLS seconded, **THE CITY COUNCIL APPROVE RESOLUTION #2022-103, A RESOLUTION APPROVING THE USE OF THE CITY PROPERTY AS A PUBLIC SAFETY FACILITY LOCATED AT 55 NE 2ND AVENUE KNOWN AS TAX LOTS 5600, 5700, 5800, AND 6301, ASSESSOR'S MAP 18S47E03CB AND REMOVING THE SURPLUS LAND STATUS ON THE PROPERTY ESTABLISHED UNDER RESOLUTION #2014-126.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

Approval of Contract with MicroTech for IT Services
Adam Brown, City Manager, presented. In response to some concerns, MicroTech had agreed to spend a half day every Wednesday on site. The proposed contract would go through the end of fiscal year 2023.

Councilor Kirby asked if the onsite provision of the four hours every week was in the contract? If not, he'd like that in the motion, so it was guaranteed.

Mr. Brown stated it was not.

KIRBY moved, HART seconded, **THE CITY COUNCIL APPROVE THE AGREEMENT FOR INFORMATION TECHNOLOGY SERVICES WITH MICRO TECHNOLOGY SYSTEMS, INC., PROVIDED THAT MICROTECH HAVE AN ONSITE PRESENCE OF FOUR HOURS EACH WEEK.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

NEW BUSINESS

Committee Appointments
Riley Hill, Mayor, stated he had spoken with the City Attorney last week, who indicated that language as written was insufficient, ambiguous, and he could argue the point either way, if the Mayor could appoint or if the Council had authority to oversee it. To be safe and cautious, he would let the Council deal with it until they received language from the Attorney.

Mayor Hill stated for the Airport Committee, two members wanted to remain on the Committee, but switch positions.

Councilor Hart reiterated his concern that neither member resided in Ontario, or even in Oregon.

Mayor Hill stated he shared those concerns, but it was difficult to fill positions at times, and these individuals knew about airports and airplanes.

With Council concurrence, Jim Bain would move to the alternate position, and Bill Hager would move into a regular member position.

Mayor Hill stated for the Budget Committee, there was a vacancy due to the resignation of Stephen Meyers, and with Council concurrence, he'd like to appoint David Armstrong to fill the position. Mr. Armstrong had served on the Committee before, and the comments by Norm Crume that he had not reappointed him originally because he dared vote against him on an issue was unfounded and untrue.

Mayor Hill stated for the Diversity Advisory Committee there were two vacancies, and one application, Freddy Rodriguez, for appointment.

Councilor Kirby stated this was delicate and no one wanted to speak on it, but the people of Ontario had spoken. Voters removed Mr. Rodriguez from his position as a City Councilor, and although he might have some strong ties on the current Council, the people, by their vote, told the Council they did not want him to be a part of city government. He was opposed to appointing Mr. Rodriguez to the committee.

Councilor Hart stated he was also opposed to appointing Mr. Rodriguez to the Diversity Advisory Committee.

Councilor Melendrez stated he, too, was opposed to the appointment, and thanked Councilor Kirby for his comments. He was in full agreement.

Councilor Braden stated the input of Councilor Kirby resounded greatly with him. He knew that Mr. Rodriguez had the heart and a desire to serve, but they had encountered some difficulties and the citizens asked that he not serve, so that should be honored, and Council should not appoint him to the committee.

Mayor Hill agreed that Mr. Rodriguez wanted to serve the community, but it also appeared there was currently a lawsuit taking place that could involve both he and Mr. Rodriguez, so he would defer on this. It appeared there was a consensus to leave the position open.

Mayor Hill stated for Parks there was one vacancy and one applicant. Mike Pratt had submitted his application to fill the role representing the Lion's Club. Council consensus to appoint Mr. Pratt to the position.

Mayor Hill stated for the Public Works Committee, there was one vacancy and two applicants. Jake Galeener was a current member who was seeking reappointment, and Cydney Cooke was seeking the same position. It had always been his position that they needed someone to serve on this committee who knew about public works. He knew Mr. Galeener had experience in public works issues, so that was his choice for the position.

Councilor Melendrez asked if someone had to have experience, or what experience would be necessary to be on the Public Works Committee.

Mayor Hill stated no experience necessary, but the analogy was like putting him on a computer committee; it would be a waste of time, and when Ms. Cooke spoke at the previous meeting, he did not see the hint of any experience in public works functions.

Councilor Braden stated this was a contested position, and it was harder because they didn't know both candidates to a high degree of confidence. Ms. Cooke spoke to them at a previous meeting, and had an impassioned plea to serve because she loved her community, and he knew she worked hard to serve her community and to be plugged in. A lack of experience was not a disqualifier because he hadn't known anything about being a City Councilor when he ran for office, so giving people a chance was good. However, it was his personal opinion that when someone had served well and resubmitted an application, he would like to reappoint that individual. For this case, that would be Mr. Galeener. He heard Ms. Cooke, and he appreciated what she said, but based on Mr. Galeener having served well, he leaned towards reappointment of Mr. Galeener.

Councilor Mills stated what Councilor Braden said was to the point, but sometimes they needed to give people a chance. She'd like to see Ms. Cooke, if she was interested in getting on the Public Works Committee, attend those meetings.

Mayor Hill appointed, with Council consensus, to reappoint Jake Galeener to the Public Works Committee.

Acceptance of Public Utility Easement Sunset II Development
Dan Cummings, Community Development Director, presented.

MILLS moved, KIRBY seconded, **THE CITY COUNCIL ACCEPT THE PUBLIC UTILITY EASEMENT AS SHOWN ON ATTACHMENT 1 AND AUTHORIZE THE MAYOR TO SIGN THE PUBLIC UTILITY EASEMENT AND FURTHER INSTRUCT THE CITY RECORDER TO RECORD SAID EASEMENT WITHIN THE MALHEUR COUNTY CLERK'S LAND RECORDS.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-Yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

Acceptance of Public Utility Easements in the River Point RV Park Development
Dan Cummings, Community Development Director, presented.

BAKER moved, KIRBY seconded, **THE CITY COUNCIL ACCEPT THE PUBLIC UTILITY EASEMENTS AS SHOWN ON ATTACHMENT 1 AND AUTHORIZE THE MAYOR TO SIGN THE PUBLIC UTILITY EASEMENT AND FURTHER INSTRUCT THE CITY RECORDER TO RECORD SAID EASEMENT WITHIN THE MALHEUR COUNTY CLERK'S LAND RECORDS.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-Yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

Amendment #2 to SE 2nd Street Improvement Project
Paul Woods, City Engineer, presented.

HART moved, MILLS seconded, **THE CITY COUNCIL APPROVE AMENDMENT NUMBER 2 TO THE LOCAL AGENCY MULTIMODAL TRANSPORTATION ENHANCEMENT PROGRAM FOR THE SE 2ND STREET PROJECT AND AUTHORIZE THE MAYOR TO SIGN.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-Yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

"If I Were Mayor" Contest
May Swihart, HR Director/Assistant to City Manager, presented.

Mayor Hill confirmed that all the public schools, the charter school, St. Peters, and homeschooled students were all eligible to compete.

Ms. Swihart stated yes, they were.

HART moved, KIRBY seconded, **THE CITY COUNCIL APPROVE THE "IF I WERE MAYOR" PROGRAM WITH A BUDGET OF $1,500. *No vote.***

Mayor Hill asked where the funds were going to be taken from – was it marijuana funds?

Ms. Swihart stated the funds would be taken from the Council's Professional Development budget.

Councilor Braden asked how the local winners be promoted, or have the community made aware of that accomplishment. What was the follow through on the end of the winners being recognized locally?

Ms. Swihart stated they would be featured in the local newspaper, and on the city's website and Facebook page. Also, the winner in each category would move on to the state competition sponsored by the Oregon Mayor's Association.

Mayor Hill asked who the judges for the contest would be.

Ms. Swihart stated that would be Mayor Hill and any staff who he wanted to assist.

Mr. Brown stated staff would be there in support, and the Mayor could also ask other Councilors to judge.

Councilor Kirby stated they owed it to the community to acknowledge future leaders.

HART moved, KIRBY seconded, **THE CITY COUNCIL APPROVE THE "IF I WERE MAYOR" PROGRAM WITH A BUDGET OF $1,500.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-Yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

Councilor Braden voiced his desire to be the Mayor's assistant volunteer as a judge. It was a great program, and he'd like to be involved.

Letter of Support for RTCA Grant
Adam Brown, City Manager, presented.

HART moved, KIRBY seconded**, THE CITY COUNCIL APPROVE THE LETTER OF COMMITMENT BY THE CITY OF ONTARIO FOR THE RECREATION, TRAILS, AND CONSERVATION ASSISTANCE (RCTA) PROGRAM.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-Yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

PUBLIC HEARING

Ordinance #2802-2022: Vacating all that Portion of Street Right of Way of SE 1st Street Lying Between East Idaho Avenue and SE 1st Street Lying West of Block 66 and East of the Original Railroad Property within the Original Townsite of the City of Ontario as Shown on Attachment 1
It being the date advertised for public hearing on the matter of Ordinance #2802-2022, the Hearing was declared open. There were no objections to the city's jurisdiction to hear the action, no abstentions, no 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.

KIRBY moved, MILLS seconded**, THE CITY COUNCIL APPROVE ORDINANCE #2802-2022: AN ORDINANCE VACATING ALL THAT PORTION OF STREET RIGHT OF WAY OF SE 1ST STREET LYING BETWEEN EAST IDAHO AVENUE AND SE 1ST STREET LYING WEST OF BLOCK 66 AND EAST OF THE ORIGINAL RAILROAD PROPERTY WITHIN THE ORIGINAL TOWNSITE OF THE CITY OF ONTARIO AS SHOWN ON ATTACHMENT 1 HEREIN, ON FIRST READING BY TITLE ONLY.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-Yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

MILLS moved, KIRBY seconded**, THE CITY COUNCIL WAIVE THE SECOND READING OF ORDINANCE #2802-2022, AN ORDINANCE VACATING ALL THAT PORTION OF STREET RIGHT OF WAY OF SE 1ST STREET LYING BETWEEN EAST IDAHO AVENUE AND SE 1ST STREET LYING WEST OF BLOCK 66 AND EAST OF THE ORIGINAL RAILROAD PROPERTY WITHIN THE ORIGINAL TOWNSITE OF THE CITY OF ONTARIO AS SHOWN ON ATTACHMENT 1 HEREIN. *No vote.***

Mr. Cummings noted an error on the motion, wherein it should read "SE 1st Avenue" NOT "SE 1st Street". He asked the motion be corrected and restated. The first "street" reference was correct; the second "street" reference should be amended to "avenue".

KIRBY moved, MILLS seconded**, THE CITY COUNCIL APPROVE ORDINANCE #2802-2022: AN ORDINANCE VACATING ALL THAT PORTION OF STREET RIGHT OF WAY OF SE 1ST STREET LYING BETWEEN EAST IDAHO AVENUE AND SE 1ST AVENUE LYING WEST OF BLOCK 66 AND EAST OF THE ORIGINAL RAILROAD PROPERTY WITHIN THE ORIGINAL TOWNSITE OF THE CITY OF ONTARIO AS SHOWN ON ATTACHMENT 1 HEREIN, ON FIRST READING BY TITLE ONLY.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-Yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

KIRBY moved, HART seconded**, THE CITY COUNCIL WAIVE THE SECOND READING OF ORDINANCE #2802-2022, AN ORDINANCE VACATING ALL THAT PORTION OF STREET RIGHT OF WAY OF SE 1ST STREET LYING BETWEEN EAST IDAHO AVENUE AND SE 1ST AVENUE LYING WEST OF BLOCK 66 AND EAST OF THE ORIGINAL RAILROAD PROPERTY WITHIN THE ORIGINAL TOWNSITE OF THE CITY OF ONTARIO AS SHOWN ON ATTACHMENT 1 HEREIN.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-Yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

AMENDMENT TO AGENDA

Councilor Kirby read a statement he had submitted and wanted to add the action to the agenda. *Councilors Braden and Kirby met with Chairman Sullivan of the Ad Hoc Committee after the budget meeting and concurred that the committee's review should be limited to Title 7, Health and Sanitation, Chapter 1 to Chapter 7-7-5, and also Ontario Code 1-5, Civil Penalties. Please add this to the agenda for the Council meeting.* The full ordinance was a phone book and they needed to narrow their review in order to get through it.

KIRBY moved, HART seconded, **TO AMEND THE AGENDA AND ADD THIS STATEMENT FOR CONSIDERATION, TO WIT THE AD HOC COMMITTEE'S REVIEW SHOULD BE LIMITED TO TITLE 7, HEALTH AND SANITATION, CHAPTER 1 TO CHAPTER 7-7-5, AND ALSO ONTARIO CODE 1-5, CIVIL PENALTIES.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-Yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

Code Enforcement Review Ad Hoc Committee's Review Parameters
KIRBY moved, BRADEN seconded, **THAT THE AD HOC COMMITTEE'S REVIEW SHOULD BE LIMITED TO TITLE 7, HEALTH AND SANITATION, CHAPTER 1 TO CHAPTER 7-7-5, AND ALSO ONTARIO CODE 1-5, CIVIL PENALTIES.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-Yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

Councilor Braden reiterated the size was that of a phone book, and they were trying to determine the scope at the meeting. They reviewed their resolution that had been passed by the Council outlying what the committee was to work on, and it was ambiguous. By limiting the scope to what Councilor Kirby had presented, it was around 12 pages to review instead of over 150. It was most relevant and narrowed down so they could get some guidance out of the committee.

DEPARTMENT HEAD UPDATES

City Recorder: Annual Report *(Attached)*
Tori Barnett, City Recorder, presented.

Police: Quarterly Report *(Attached)*
Jason Cooper, Police Lieutenant, presented.

Councilor Hart asked with regard to the SRO cases, did Lt. Cooper have any insight as to the reasons for the significant increase in cases?

Lt. Cooper stated part of that was attributed to some of the Covid issues; otherwise, he'd just be speculating.

Councilor Mills asked where the stray dogs were taken now. Was there a facility?

Lt. Cooper stated not currently. It was something being worked on. In the past, they'd used a fostering business across the river to temporarily house some dogs, but he'd defer to Mr. Brown on anything further.

Mr. Brown stated it was something that needed exploring. He'd received a call from someone interesting in helping the city with the dog situation. They'd been relying on something that was probably not good for the long term.

Councilor Mills asked how the gang problem was going.

Lt. Cooper stated it was active. With regard to the graffiti problem, it hadn't slowed down, but more just maintained. There were gang activity in Ontario, and this year there had been some shootings and other incidents the department believed were gang related. They all knew that with gang activity came drugs and guns violations, along with person and property crimes, so it was active. It hadn't been as visible in the recent past, but there was still a presence.

Councilor Mills stated when they arrested someone, was that person transported to the Malheur County Jail?

Lt. Cooper stated it was based on stipulations or guidelines that were in the hands of the County Sheriff's Office. They dictated who they would lodge or hold people who were waiting for court.

Councilor Mills asked if anyone had ever been turned away, and for what reasons?

Lt. Cooper stated capacity and the Covid situation. Depending on how that was controlled and mitigated within the facility would weigh in on the Sheriff's Office decision to lodge or not lodge.

Councilor Hart stated it appeared there were 13 patrol officers listed on the flow chart. Was the department fully staffed with those 13?

Lt. Cooper stated they were fully staffed, but something to consider with recruits – they were not filling work shifts. They were assigned to an FTO. Until those recruits were on their own, the department was down those two work shifts. There were a couple officers on light duty due to injuries, so they were not fully staffed as far as shift coverage.

Councilor Hart asked how long until those two recruits were on shift.

Lt. Cooper stated with Officer Cisneros, he was hired mid-May of 2021, and he had no police experience prior to being hired by Ontario. That process was to get a person hired and off to the Police Academy, and Covid has really played a factor in that, but the academy training was a four-month process. Depending on how the officer advanced with his training dictated when they'd be out on their own. Officer Cisneros was doing well, and they anticipated it would be a month or two and he'd be out on his own. Officer Mitchell wouldn't be going to the Academy until March 21st. After his four-month training, he'd be paired with a FTO, and how he progressed there could take six to eight weeks, sometimes longer. It depended on the recruit.

Councilor Hart verified there was currently one opening.

Lt. Cooper stated that was to backfill an officer that was going to be retiring soon. The department was trying to get ahead of things since it was a long process, especially with someone who did not have any police experience or was not already certified as an officer.

Councilor Hart stated if they found someone with the background or was certified, they could hit the ground quicker.

Lt. Cooper stated yes, it significantly reduced the time period to get them out on their own. If they hired someone from outside of Oregon that was certified, they'd have to attend a required two-week training at the Academy.

Mayor Hill asked the cost for sending a recruit to the Academy. Who paid for that?

Lt. Cooper stated that was funded by DPSST. The recruits were housed in the DPSST dorms, and because where Ontario was located vs where the Academy was located, that was provided at no cost to the city. There were transportation costs. He did not have an actual dollar amount, but it was minimal.

Chief Bartol stated the state legislature was who funded the Academy. That budget had been reduced a little over the past few years, but what cities paid for was wages while the officer was there.

Councilor Kirby stated that prior to Covid, officers attending court took a significant amount of time off the streets, so how did service to the court affect their ability to provide service to the city?

Lt. Cooper stated with Grand Jury proceedings, they used to require the officer to drive to Vale to testify; but now, the officers could testify from the police department via iPad. If they were off duty, they could testify from home through Facetime. With court testimony for an actual trail, it still required the officer to drive to the Courthouse to testify.

DISCUSSION ITEMS

Drug Education Funding

Adam Brown, City Manager, stated the City budgeted $5,000 for the current fiscal year for drug education funding. Proposals for using the funding were received and the Council could make the determination as to what the best use of the budgeted funds should go to. The Marijuana Ad Hoc Committee previously made a recommendation to the Council that funds be appropriated from local marijuana tax revenues for drug education. When the recommendation was made, it was anticipated that the funding would be used to support an agency already doing drug education to expand their efforts. Funds were budgeted in the 2020-2021 fiscal year but went unspent. For the 2021-2022 fiscal year, $5,000 was appropriated for drug education and had not yet been awarded to an entity providing these services. Thanks in large part to the print media, the issue of these funds not getting spent spurred the conversation between our community partners and the city.

City staff conversed with Altruistic, Lifeways, and the Malheur County Prevention Coalition. Altruistic was a private behavioral health and social service provider specializing in addiction and substance use disorder, and they proposed to use the funds to provide an educational curriculum for three target populations, which included local primary schools targeted towards the acute and chronic effects of marijuana use on developing brains, a program directed towards TVCC students about the impacts of chronic use, and lastly, young pregnant and nursing mothers. Lifeways proposed two programs for funding consideration. The first was to run a sticker shock program working with the dispensary owners to educate youth on the harmful impacts of THC on developing young people. The second program was to expand the Tobacco, Marijuana, and E Cigarette (TMEC) courses in Ontario. The Malheur County Prevention Coalition (MCPC) submitted a request for support for a motivational and educational speaker coming to Four Rivers Cultural Center called Tall Cop. The speaker would have two speaking engagements. One would be aimed at parents and the other was targeted at professionals in law enforcement, education, government, treatment providers, and counselors.

The Council and Budget Committee budgeted $5,000 toward illegal drug education and it was their desire that it be used to prevent illegal and unhealthy drug use. The education program from Altruistic requested $5,000; the TMEC program from Lifeways requested $4,800 to $5,000; the Sticker Shock program from Lifeways requested $5,890; and the Tall Cop Program from MCPC identified a funding gap of $5,505. While it had been initially anticipated that the award would go to Lifeways, since they already had a drug education program, other entities have expressed interest in the funding, so staff believed the Council should decide where the funding was to be spent. If the Council wanted to approve multiple programs, additional funds would need to be appropriated if the awards were in excess of $5,000. Those funds could be taken from contingency funds, which currently had a balance of $145,650.

Staff was unclear as to whether the dispensaries would be willing partners to the Sticker Shock Program; therefore, staff recommended the education program from Altruistic for $5,000, the TMEC program run by Lifeways for $5,000, and the Tall Cop program for $5,505 run by MCPC all be funded by tapping the contingency budget for an additional $10,505.

Council direction to bring this item back for action at the next Council meeting.

Outstanding Leases

Kari Ott, Finance Director, stated the first page was similar to last quarter. There were three outstanding debts: one, the Frazier Aviation hangar lease; two, Dave Patchett hangar lease, and staff had been told that would be paid soon; and third, the Leavitt storage lease. The Council also asked for some additional information on the Leavitt lease, so she had prepared a spreadsheet reflecting the activity of that lease. From June 2018 to December 2018, the lease was at $1,167 monthly, so $8,169 for that timeframe; February 2019 to current, the invoice was set at $140 a month because they reduced the space they were using. There was some past due interest charges of $897.24. The overall total was $14,106; they'd made payments of $6,422, so their current balance was at $7,684.53. She'd also created and provided an amortization schedule that Council approved with the initial lease, prior to reducing the rent to $140, and Leavitt's agreed to pay that; however, then Covid hit which resulted in less payments coming in. The last payment had been in October, 2021.

Mr. Brown asked staff to review the Leavitt lease. When the Leavitts were unable to fulfill their goal of turning those sheds into storage units, the said they'd make a note with the city and pay on the lease. They had paid $6K+. That was property they had never been able to collect any rent on; however, they had paid for the one unit they converted and were using themselves. He recommended the Council consider eliminating the remainder of the lease.

Councilor Hart asked if the Council did that, would the Leavitts remove their things, vacate, and return it back to the city.

Mr. Brown stated they had already returned it back to the city, and only wanted to rent the one they had finished, at a rent of $140 monthly.

Mayor Hill verified they were asking for a month-to-month rental agreement, for $140 a month.

Mr. Brown stated that was correct. That was for the one unit they continued to use.

Councilor Mills asked how long the lease was for.

Mr. Brown stated in 2016 Council instructed staff to do something to get some money out of that side of the airport property. He wrote an RFP and received a proposal from the Leavitts to turn those cart barns into storage facilities. They entered into a lease in 2018. They came back to the Council in 2019, stating they were not going to be able to do the project. They hadn't converted any over to rent out, just the one they used for their own things. But they acknowledged they'd signed a lease with the city, and they intended to pay the lease out. To date, they'd paid almost the full amount the lease included, minus penalties and fees.

Councilor Mills asked the expiration date of the lease.

Mr. Brown stated it went through the end of 2020.

Councilor Mills asked if it was just continuous.

Ms. Ott stated she thought it was month-to-month continuous.

Councilor Braden stated it was a lease agreement that was either 12 or 24 months. It was more than month-to-month. It was a formal proposal that had a length of time that was quite long. For their consideration to be relieved of that agreement, that's when they, as a Council, converted the lease to a promissory note. The city took the property back, but the Leavitts owed to a certain point, and that was what the promissory note was based on.

Mr. Brown stated it was to terminate in February, 2022.

Ms. Ott stated they were sporadically making payments. Last one was October, 2021. If the Council was considering forgiving the remaining, something to consider was that they'd paid $6,422, and they could easily forgive penalties and interest, but they were not current on their $140 monthly payments, either.

Councilor Mills stated they needed to be careful about setting a precedent about paying things back. She had a concern about that.

Mayor Hill stated they were not taking any action now, but he wanted to offer to Council that staff create a one-time payment settlement resolution and that would be done. Council consensus to do that.

HAND OUTS

Minutes *(Attached)*
County Court: 01-19-2022

Department Monthly Stats *(Attached)*
Fire & Rescue, Police, Public Works, Code Enforcement: January 2022

CORRESPONDENCE, COMMENTS AND EX-OFFICIO REPORTS

- Mayor Hill stated he had been looking at Boys State, which had been suspended last year, but they were moving forward with it this year. Deadline for applications was June 6, 2022, and the cost was $350 per person. He suggested to add that on the next agenda to discuss how they wanted to do that.

  Councilor Kirby asked about Girls State; had they been combined?

  Mayor Hill stated it had not been combined, but the American Legion Auxiliary put on Girls State. The American Legion handled Boys State.

- Mayor Hill asked when the Rural Fire District would be meeting again.

  Terry Leighton, Fire Chief, stated he sent some dates to the negotiators at the beginning of the week. He'd heard back from one, who indicated any of the proposed dates would work; he planned to do a follow-up with the other negotiator tomorrow. He spoke with him briefly on Thursday, and it did not appear there would be conflicts with the dates. He'd get that confirmed and get the dates to both the Mayor and Councilor Braden. It would be within the next two weeks that he anticipated they meet.

- Councilor Hart stated he had a letter from Malheur Council on Aging and Community Services. He wasn't going to read the entire letter, but provided excerpts: *they were anticipating opening their dining room, which would be for congregate dining twice a week for various seniors and guests. They brought in guest speakers to present helpful information. The dining room floor was concrete and desperately needed to be replaced. They had an installer who gave a bid for a solid, vinyl flooring, to replace the original concrete. The new flooring would improve sanitation and reduce trip hazards for diners, as well as others who used the space for meetings and small events.* He'd like to get Council consensus to give this to the City Manager to see if, as part of the upcoming budget process, there had been money set aside in the past to fund different groups who made requests, and this would be the appropriate place to consider this request when they reviewed next year's budget. It would be for $7,500. The total was $10K, but they believed they had a grant for $2,500. As a question to the City Manager, as they'd done this for the Fairgrounds on their fence, the money had been provided, but had they done the fence? In the last conversation with the Chair, he indicated that if it wasn't done, they needed to return the money. He'd like a follow up on that. If it could be done this fiscal year, great, but if not... He thought the person who had agreed to do the fencing had backed out.

Mr. Brown stated he knew the gates had been done, but the fence was a different project. He'd look into it.

Mayor Hill stated he and Councilor Kirby had attending a session of the seniors, and they lived hand to mouth. They provided a good service for the community, but they didn't have that much income. It was a good thing to consider.

- Councilor Hart stated he had reached out to Garden Answer, and they were interested and excited to see if there was a way to help. One thing that had been brought up was that on the bulb outs downtown, was there water going there?

  Mr. Brown stated part had been prepped for water, and part of the project there was funding for in the current year, was to get water to the bulb outs and the power poles for the hanging plants.

  Councilor Hart asked if that would come to the Council in the budget process? They would need to have water, was Aaron's strong suggestion, if the city was going to do anything. Pots were one thing, but to plant anything the operational cost would be significant and that was not what he thought they wanted to do. Or, if there was another option of putting in colored brick or something. Councilor Hart's request, as they worked on the budget, was to have a plan.

  Mr. Brown stated staff had hoped to bring the water to the planters and the bulb outs, and there was a budget of approximately $75,000. Last year, they worked with Andrews Seed, and they tried lavender and one other flower, planted in the fall, and they wanted to see if it would winter over and survive the watering schedule that was done with everything else. That's what happened on 1st Avenue and South Oregon. Those plantings did well, but they were still researching ways to eliminate needing the watering truck multiple times during the week. They were trying to align it with the installation of the new light poles which had drip irrigation lines built in.

- Councilor Hart read a letter that had been submitted by Norm Crume, who requested it be read out loud: *To all Ontario City Council members regarding the Ontario committee member appointments,* which was already spoken to earlier that evening. *Council, this is being presented to you for the Mayor's action on appointing city committee members, I say city committee members and not the Mayor committee members. The Charter states that the Mayor shall preside at Council meetings and shall have a vote on all matters before the Council. The Mayor shall have the authority to enforce the rules of the Council and determine the order of business under those rules. The Mayor shall appoint the Council committees provided by the rules of the Council. The Mayor shall have no veto power and shall sign all ordinances passed by the Council. The Mayor shall function as Councilor unless specifically designated otherwise within the sections referencing "Mayor." It is important to see it says committees and not members and more importantly it says provided by the rules of the Council. Also, it says enforce the rules of the Council. Committees are created first by ordinance and then by the members and are advertised to see who wants to hold a position on the committee as outlined in the Council rules and made into law by the ordinance. Resolution 2019-132 Rules and Procedure of the Ontario City Council, it notes under special committees that when the Council determines that a board, commission, task force, or citizen's committee is needed, the following procedure shall be used,* and it lists a, b, c, d, e, and f straight out of their Council rules. *It has been argued that the section says the Mayor shall appoint the Council committees provided by the rules of the Council, gives the Mayor the authority to appoint members while ignoring the portion of the Charter section saying provided by the rules of the Council is not following the complete code/charter, nor the intent of the code, when without a doubt the Council rules are very clear it is the Council who shall interview and select the members of the committees and it is very clear in the ordinances forming the Committees who shall select the* *members. On two of them it is the Council, and the others are with consent of the Council. Any other interpretation of the city codes is not only a Mayor trying to have total control, but also shows a lack of respect for the opinion of his fellow Council members. And any Council that allows such action to continue and not follow the intent of the City Code relating to Committees, they are not following their sworn oath of office to obey and protect the laws of the City of Ontario and that especially goes for the Mayor.* Submitted by the group for fair representation for Ontario Citizens. It listed six or seven people who signed the letter.

Mayor Hill stated that had been discussed earlier with the City Attorney, who said the language was so vague that he couldn't argue the case in either direction. That was going to be straightened out.

Councilor Braden stated as the actual names had been requested to be read with the letter, he stated the signatures came from Ron Verini, past Mayor; Dan Capron, past Council President; Charlotte Fugate, past City Councilor; Norm Crume, past Council President; Marty Justus; LeRoy Cammack, past Mayor; John Gaskill, past City Councilor; Bruce Hunter, ex-budget committee member; and John Freeburg, Airport Committee.

EXECUTIVE SESSIONS

Executive Session: ORS 192.660(2)(i)

An executive session was called at 8:13 p.m. under provisions of ORS 192.660(2)(i) to conduct the City Manager's Annual Evaluation. The Council returned to regular session at 8:43 p.m.

AFTER EXECUTIVE SESSION

City Manager Evaluation

BRADEN moved, HART seconded, **TO APPROVE A 2.5% RAISE IN WAGE FOR THE CITY MANAGER, RETROACTIVE TO EVALUATION DATE OF DECEMBER 1, 2021.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

ADJOURN

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

ACCEPTED:

Riley J. Hill, Mayor

ATTEST

Tori Barnett, MMC, City Recorder