CITY COUNCIL MEETING MINUTES
April 12, 2022

The scheduled meeting of the Ontario City Council was called to order by Mayor Riley Hill at 6:00 p.m. on Tuesday, April 12, 2022, in the Council Chambers of City Hall. Council members present were John Kirby, Riley Hill, Michael Braden, Eddie Melendrez, and Ken Hart. Sam Baker arrived after roll call; Susann Mills arrived at 6:06 p.m.

Members of staff present were Adam Brown, Tori Barnett, Terry Leighton, Kari Ott, Justin Zysk, Dan Cummings, Paul Woods, Casey Mordhorst, Michael Iwai, 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 April 8, 2022. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

Mayor Hill asked to add item 4F under Consent Agenda: Approve Settlement Agreement Drafted by the City Attorney and CIS.

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

CONSENT AGENDA

HART moved, KIRBY seconded, **TO ADOPT THE CONSENT AGENDA, WHICH CONSISTED OF THE CITY COUNCIL MEETING MINUTES OF MARCH 22, 2022; LIQUOR LICENSE APPLICATION: COWBOYS BAR & GRILL; LIQUOR LICENSE APPLICATION: RED APPLE MARKETPLACE; HOUSING INCENTIVE PROGRAM: ALLEN THOMPSON (47-2022); AND HOUSING INCENTIVE PROGRAM: POOLE (44-2022); AND APPROVAL OF THE AGREEMENT DRAFTED BY THE CITY ATTORNEY AND CIS.** Roll call vote: Mills-out; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.

PRESENTATION

Terry Leighton, Fire Chief, recognized five firefighters who had served 25+ years with the Ontario Fire Department, and thanked them for their service. Tom Davis 25 years; Jim Wick 25 years; Jared Gammage 25 years; Allen Montgomery 30 years; and Kevin Smith, 35 years.

DISCUSSION

Adam Brown, City Manager, stated this was an issue where the Mayor wanted to appoint a few Councilors to meet with the City Attorney regarding fees.

Mayor Hill, and Councilors Hart and Melendrez would be the group to meet with the City Attorney to discuss rates, projects, etc.

PUBLIC COMMENTS

Cindy Bryant, Mayberry Subdivision: *So, I'm here, City Council, Mayor, asking about a request of funds with the ARPA, American Rescue Plan Act. Just kind of a recap: I made copies and Tori probably gave them to you guys, so just kind of a recap, the subdivision is the Mayberry Subdivision that I'm doing. It's a planned development that was previously approved by the city for a 36-unit, 55+, with the focus on affordable, energy-efficient single-level living, and it is here within the city limits, down here on the corner of Alameda and Butler/18th. The development is targeted towards the large senior population in Ontario and the greater area. While not typical single-family housing, these smaller more energy efficient lots and floor plans fit the model for the retirees moving to town to simplify their lives, whether it's snowbirds or someone just needing something a little bit less to deal with when it comes to yards. One of the things I'm working on is seeing that those who want to have a zero scape so not having not water bills in the summertime. I guess just to point out that the streets, since it is private, the streets won't be a burden on the city. The request is for the funds, I'm not 100% on how you guys go about that, but in my research on it I find that this is specifically what it's meant for, so I'm asking, or requesting, for $80K, which if you take that over the units, it's just a little over $2,200 per unit and I want to be able to use those funds to go towards the city's sewer, the infrastructure, which is the city sewer and water specifically. Just, I guess, pointing out that it's also a project all of these houses are going to be taxable units, so this isn't, I don't have any other government funding coming in. This is all me doing this and so just whatever assistance I can get would be greatly appreciated. Any questions?*

Mayor Hill stated when he began developing in Ontario, the city would cut the street, install the gravel if you bought the gravel, and they would install a water line if you bought the pipe. It was a help. He threw that out for Councilor knowledge. Were there any Council thoughts, or put it on a future agenda?

Adam Brown stated he spoke with them prior about this project, as well as Ms. Bryant, and advisors from the Small Business Development Center seeking guidance on what to present to the Community Development office so they could bring back a recommendation to the Council. It is an approved use of the ARPA money, Innovating Housing Solutions was something that was approved, and that had also been discussed in some Strategic Planning sessions.

Councilor Hart asked if they had allocated all the ARPA funds in the budget.

Mr. Brown stated they arrived at a rough outline of the ARPA funds, so it was far from being spent. But yes, it was allocated. There were some last-minute changes that were set aside for housing items. It was under Council discretion.

Councilor Kirby stated when they'd awarded the $10K allocation, that was on a lot-by-lot basis, where this was a subdivision. It was less than $10K per lot, but he wondered if there were rules that governed that type of allocation.

Mayor Hill asked how were the ARPA funds allocated? After looking at that, then at an upcoming meeting, the Council could determine what they wanted to do.

OLD BUSINESS

Resolution #2022-112: Leavitt Lease and Promissory Note Closeout
Adam Brown, City Manager, presented.

Councilor Mills stated she had a problem with the city forgiving a lot of money that was owned to the city. She didn't' mind helping people, but when a contract was signed, or a Promissory Note, she felt like that should be followed. There were a lot of people that had hardships, and she didn't know how the Council decided who they would forgive or not forgive. She believed that this contract, this lease, should be paid in full. That was how it should be handled.

BRADEN moved, MELENDREZ seconded, **THE CITY COUNCIL APPROVE RESOLUTION #2022-112 ACCEPTING A ONE-TIME PAYMENT OF $500 TO SATISFY THE 2019 PROMISSORY NOTE BETWEEN THE LEASER AND LESSEE ON THE CONDITION THAT THEY CATCH UP ON PAYMENTS FOR THE LEASED UNIT.** No vote.

Councilor Braden stated he'd typically agree with Councilor Mills regarding a Promissory Note being a signed promise to pay; however, this couple met with him regarding their hardship, and he referred them to the City Manager after hearing the details of their request. The primary reason he felt comfortable forgiving this was because they were behind in what was promised lease payments based on their revenue projections of converting the golf cart units into storage units. They never materialized any of that revenue, but they felt the right thing to do was to sign the Promissory Note. The $7,000 they agreed to pay, they didn't get a single dollar for that. They were private citizens and he felt it was a hardship he felt worthy of bringing before the Council.

RESTATED MOTION:
BRADEN moved, MELENDREZ seconded, **THE CITY COUNCIL APPROVE RESOLUTION #2022-112 ACCEPTING A ONE-TIME PAYMENT OF $500 TO SATISFY THE 2019 PROMISSORY NOTE BETWEEN THE LEASER AND LESSEE ON THE CONDITION THAT THEY CATCH UP ON PAYMENTS FOR THE LEASED UNIT.** Roll call vote: Mills-no; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/1/0.

Renewal of Contract with Oster Professional Group (OPG)
Adam Brown, City Manager, requested to table this action because there had been some comments received from the City Attorney related to some changes they'd like to see in the contract. Staff hoped to have those worked through by this meeting, but that was not accomplished.

BAKER moved, MELENDREZ seconded, **THE CITY COUNCIL TABLE THE RENEWAL OF THE CONTRACT WITH OSTER PROFESSIONAL GROUP TO THE NEXT MEETING.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

Resolution #2022-111: Release of Code Enforcement Fines and Liens
Adam Brown, City Manager, presented.

KIRBY moved, BRADEN seconded, **THE CITY COUNCIL APPROVE RESOLUTION #2022-111, A RESOLUTION REMOVING ALL UNPAID CODE ENFORCEMENT FINES AND LIENS AGAINST REAL PROPERTY.** No vote.

Councilor Hart reminded everyone that they'd been working on this action for quite a while, and the ad hoc committee was working hard to help Council get a new process in place. This action allowed the city to clean the slate and move forward. In the budget process this year, they allocated additional staff resources to the police department to assist with the paperwork portion. Some might think the Council did not believe this was an important issue in our community, but that was incorrect. It was absolutely important. They needed to address these issues in our community, but they needed a clean slate to do that. He voiced his appreciation to staff for getting to this point.

RESTATED MOTION:
KIRBY moved, BRADEN seconded, **THE CITY COUNCIL APPROVE RESOLUTION #2022-111, A RESOLUTION REMOVING ALL UNPAID CODE ENFORCEMENT FINES AND LIENS AGAINST REAL PROPERTY.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

Rural Fire District Extension
Adam Brown, City Manager, presented.

MILLS moved, HART seconded, **THE CITY COUNCIL APPROVE EXTENSION #4 TO THE ONTARIO RURAL FIRE PROTECTION DISTRICT.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

NEW BUSINESS

Federal RAISE Planning Grant Application
Paul Woods, City Engineer, presented.

Councilor Hart verified if the city received the grant, we would have to match $100,000.

Mr. Woods stated they'd asked that they represent they could commit up to that amount. There was no match requirement, but a match would increase the chances of receiving the award. In the upcoming budget, they'd put aside $100,000 for a grant match, so this was just representing up to that amount. It was only if awarded.

Councilor Braden stated at this point, the city had funded two studies, and this was a partnership for two sides of the river. The city was also committing, potentially, $100,000. When could the city plan to see financial contributions from the neighboring vested parties?

Mayor Hill stated he had two bound copies of the studies, and he was going to take those to the City Councils of Fruitland and Payette, as well as the county. Mr. Woods would be doing a one-page synopsis of the project. The Mayor planned to carry the ball on this project.

Mr. Brown stated the Fruitland City Administrator told him they had sent letters to their state and federal legislators in support of this project.

Councilor Hart asked if the financial impact a benefit to both sides of the river.

Mr. Woods stated the benefits in terms of dollars, using the federal benefit cost analysis guidelines that were not specific to a location, but, in the study, it was indicated that the secondary benefits of the bridge would be to develop 755 acres of residential development, 310 acres of employment land that would add 3,000 housing units and 2,300 jobs in Ontario.

Councilor Hart stated that was a good ROI.

Mr. Woods stated those were not monetized in the ratios he listed but were listed as secondary benefits.

Mayor Hill stated this would never happen unless both states contributed to the project. It had to be an effort between Idaho and Oregon. He had spoken with Congressman Bentz about this, and Congressman Fulcher's office about this, and they were trying to help us out.

HART moved, BRADEN seconded, **THE CITY COUNCIL AUTHORIZE THE SUBMISSION OF A FEDERAL RAISE PLANNING GRANT APPLICATION FOR A NEW MOBILITY CONNECTION BETWEEN ONTARIO AND FRUITLAND ALONG WITH THE CITY'S COMMITMENT OF MATCHING FUNDS IN THE AMOUNT OF $100,000 SHOULD THE GRANT BE AWARDED TO THE CITY.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

Amendment #5 to the Agreement with Operations, Maintenance, and Management Services w/Jacobs
Casey Mordhorst, Interim Public Works Director, presented.

Mayor Hill asked Mr. Mordhorst to expand on the chemicals issue.

Mr. Mordhorst stated the overall costs in general increased exponentially more than most costs. It was not necessary the chemicals, when budgeted for this year, they carried their base fee from last year forward. That way they weren't increasing their base fee amount, which would then compound yearly. Jacobs was treating the chemicals going forward as they did with the repairs budget. They'd track them, and once they reached the 80% spent threshold, they would contact the City Manager. Anything over 110% they'd invoice the city. Jacobs had contracted out at 16¢ a pound for Ferric, but it had gone as high as 79¢, and they were recently able to receive bulk loads of Ferric from Kamara for 43¢ a pound. With Jacobs, they had a list of preferred providers for chemicals, materials, parts, etc., and they always purchase from those vendors.

MILLS moved, KIRBY seconded, **THE CITY COUNCIL AUTHORIZE AMENDMENT NUMBER 5 TO THE AGREEMENT FOR OPERATIONS, MAINTENANCE, AND MANAGEMENT SERVICES WITH OPERATIONS MANAGEMENT INTERNATIONAL, INC. (CH2M HILL), NOW MORE COMMONLY REFERRED TO AS JACOBS, AND AUTHORIZE THE MAYOR TO SIGN.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

Bid Award: Beck Park Bathroom Rehabilitation
Paul Woods, City Engineer, presented.

Councilor Mills stated she had read in the proposal about the five-foot sidewalk that went around the building; was that updating all the handicapped items? Did he feel the sidewalk was a necessity?

Mr. Woods stated they did. They wanted to ensure this project was ADA compliant, and that would help achieve that. They had it in there as a possible deduct, but it was important to the ADA compliant component of the project.

BRADEN moved, HART seconded, **THE CITY COUNCIL AWARD THE BID FOR THE BECK PARK BATHROOM REHABILITATION TO HOLCOMB CONSTRUCTION IN THE AMOUNT OF $134,500 AND AUTHORIZE THE MAYOR TO SIGN THE DOCUMENTS.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

Resolution #2022-108: GASB 54
Kari Ott, Finance Director, presented.

HART moved, BRADEN seconded, **THE CITY COUNCIL APPROVE RESOLUTION #2022-108, A RESOLUTION ESTABLISHING POLICIES RELATING TO ENDING FUND BALANCES OF 2021-2022.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

Housing Incentive Program: BK Construction (45-2022)
Mayor Hill recused himself from this action due to a conflict of interest. He sold this lot to the developer.

BRADEN moved, KIRBY seconded, **THE CITY COUNCIL APPROVE THE APPLICATION BY BK CONSTRUCTION AT 1652 SKOOKUM DRIVE FOR THE ONTARIO HOUSING INCENTIVE PROGRAM IN THE AMOUNT OF $10,000.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-recused. Motion carried 6/0/0/1.

Councilor Baker asked how much money remained in the housing incentive fund.

Mr. Brown stated during the budget process, they had replenished some of that with ARPA funds.

Ms. Ott agreed, stating they had put in an additional $150K.

Councilor Braden estimated it had roughly $200K.

Councilor Baker asked if the money wasn't used, could it be moved into another project.

Mr. Brown stated yes. It was currently in the Revolving Loan Fund, so it could be used for business loans, also.

Housing Incentive Program: BK Construction (46-2022)
Mayor Hill recused himself from this action due to a conflict of interest. He sold this lot to the developer.

MILLS moved, KIRBY seconded, **THE CITY COUNCIL APPROVE THE APPLICATION BY BK CONSTRUCTION AT 1651 SKOOKUM DRIVE FOR THE ONTARIO HOUSING INCENTIVE PROGRAM IN THE AMOUNT OF $10,000.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-recused. Motion carried 6/0/0/1.

Mayor Hill returned to the dais.

Award of Engineering Contract for Water Treatment Plant Floc Mechanism Rehabilitation
Paul Woods, City Engineer, presented.

MELENDREZ moved, MILLS seconded, **THE CITY COUNCIL AWARD AN ENGINEERING TASK ORDER TO MURRAYSMITH INC. IN THE AMOUNT OF $21,344 FOR ENGINEERING SERVICES TO ANALYZE REPLACEMENT AND REHABILITATION OPTIONS FOR THE FLOCCULATION SYSTEM IN THE CITY'S WATER TREATMENT SYSTEM AND AUTHORIZE THE CITY MANAGER TO SIGN.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

PUBLIC HEARING

Resolution #2022-107: Approving the Sale of Real Property, Lots 1 and 4 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, and no ex-parte contact. Mayor Hill declared a potential conflict of interest and stepped from the dais; Council President Hart conducted the hearing.

Dan Cummings, Community Development Director, presented.

Councilor Mills had an issue with the city selling this property. She did not agree with selling city assets.

Mr. Cummings stated this property had been for sale since 2006. The city had received some offers, but nothing panned out. The city would like to get it back on the tax rolls. There was a party ready to purchase for the fair market value price.

Councilor Mills asked if it had been appraised.

Mr. Cummings stated no.

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

MELENDREZ moved, BRADEN seconded, **THE CITY COUNCIL APPROVE RESOLUTION #2022-107: A RESOLUTION OF THE ONTARIO CITY COUNCIL APPROVING THE SALE OF REAL PROPERTY BEING LOTS 1 AND 4 OF THE STELLING SUBDIVISION.** Roll call vote: Mills-no; Baker-yes; Kirby-yes; Hart-no; Braden-yes; Melendrez-yes; Hill-abstain. Motion carried 4/2/0/1.

KIRBY moved, BRADEN seconded, **THE CITY COUNCIL AUTHORIZE THE COUNCIL PRESIDENT 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: Mills-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-abstain. Motion carried 6/0/0/1.

Resolution #2022-109: State Revenue Sharing
It being the date advertised for public hearing on the matter stated above, 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.

Kari Ott, Finance 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 ADOPT RESOLUTION #2022-109, A RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES FOR THE FISCAL YEAR 2022-2023.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

Resolution #2022-110: Adopt City of Ontario 2022-2023 Annual Budget
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, no ex-parte contact, and no declarations of conflict of interest.

Kari Ott, Finance 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.

MILLS moved, KIRBY seconded, **THE CITY COUNCIL ADOPT RESOLUTION #2022-110, A RESOLUTION TO ADOPT AND APPROPRIATE THE ANNUAL BUDGET FOR 2022-2023, IMPOSE THE TAXES UPON TAXABLE PROPERTY, AND CATEGORIZE THE TAXES IMPOSED FOR THE FISCAL YEAR 2022-2023.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

DEPARTMENT HEAD UPDATES

Police Department: Quarterly Report
Mike Iwai, Police Chief, presented.

DISCUSSION ITEMS

Measure 109: Psilocybin Program Initiative
Dan Cummings, Economic Development Director, presented.

In November 2020, Ballot Measure 109 ("M109") was passed, which directed the Oregon Health Authority ("OHA") to license and regulate the manufacture, transportation, delivery, sale, and purchase of psilocybin products. M109 imposed a two-year development period (January 1, 2021 to December 31, 2022) for OHA to create policies, procedures, and infrastructure needed for the provision of "psilocybin services." This legislation was the first of its kind in the United States.

OHA must submit findings and recommendations for rules and regulations pertaining to the Act's implementation and administration on or before June 30, 2022. OHA may begin receiving applications for the licensing of persons to manufacture psilocybin products, operate psilocybin service centers, facilitate psilocybin services, and test psilocybin products on and after January 2, 2023.

Oregon Measure 109, the Psilocybin Program Initiative, was on the ballot in Oregon as an initiated state statute on November 3, 2020. It was approved, authorizing the Oregon Health Authority (OHA) to create a program to permit licensed service providers to administer psilocybin-producing mushroom and fungi products to individuals 21 years of age or older. Ballot Measure 109 directed the Oregon Health Authority to regulate the manufacture, delivery, purchase, and consumption of psilocybin, a psychoactive component found in certain mushrooms, at licensed psilocybin service centers. A person would be allowed to purchase, possess, consume, and experience the effects of psilocybin only at a licensed psilocybin service center during a psilocybin administration session with a licensed psilocybin service facilitator. The measure also directed the OHA to issue, renew, and revoke licenses in compliance with the measure. The measure established the Oregon Psilocybin Advisory Board to advise and make recommendations to the OHA regarding psilocybin, including recommendations regarding the requirements, specifications, and guidelines for providing psilocybin services to clients, public health and safety standards, industry best practices, education, and training.

Currently, psilocybin was a Schedule I drug, a substance having no currently acceptable medical use within the US. However, the FDA granted psilocybin a breakthrough therapy designation for treatment resistant depression and major depressive disorder under the direction of physicians and scientists.

The measure provides for an initial two-year development period during which the OHA will not issue any licenses. During the two-year development period, the Advisory Board also will submit findings and recommendations to the OHA regarding the safety and efficacy of using psilocybin to treat mental health conditions, which findings the OHA will examine, publish, and distribute publicly. During the two-year development period, existing law regarding the manufacture, delivery and possession of psilocybin will not be affected by the measure. After the two-year development period, the measure allows a client who is at least 21 years of age to purchase, possess, consume, and experience the effects of psilocybin at a licensed psilocybin service center during a psilocybin administration session with a licensed psilocybin service facilitator.

The measure does not legalize the purchase, possession, and consumption of psilocybin outside of a licensed premises. The measure established licensure eligibility criteria and directed the OHA to establish education and training standards for psilocybin service facilitators, provided that a facilitator need not be a currently licensed physician.

The measure required that psilocybin products be tested in a licensed laboratory and packaged and labeled in compliance with specified requirements.

The measure allows the OHA to discipline licensees for noncompliance with the provisions of the measure, and to take any action to prevent the diversion of psilocybin to an unlicensed person or entity.

The measure requires the OHA to track the sale and transfer of psilocybin products through a state tracking system.

The measure imposes a sales tax on the retail sale of psilocybin products at a rate of 15 percent (15%) of the retail sales price.

Psilocybin service centers are not allowed to be located (a) within an area zoned exclusively for residential use, or (b) within 1000 feet of a public or private elementary school. The Act provides an exception to this rule if the service center is not located within 500 feet of a school and there is a physical or geographical barrier capable of preventing children from "traversing to the premises of the service center." If a school (within 1000 feet of a service center) is established after a license has been issued, the service center may remain open at that location

Currently, the Oregon Psilocybin Services Section ("OPSS") is in a development period to create a framework for training, licensing, and enforcing certain psilocybin legislation. Draft rules have been released, but not yet adopted, which provide some insight as to how training programs and testing will be managed. Generally, the Act provides that any TPM restrictions, conditions, or limitations must be reasonable. In general, these reasonable regulations will function very similarly to TPM regulations for marijuana businesses. The Legislative Assembly will have sole control over the regulation of licensure for the manufacture or sale of psilocybin. Section 79 expressly states that provisions of the Act "are paramount and superior to and fully replace and supersede any municipal charter amendment or local ordinances inconsistent with the provisions of the Act." Consequently, a city or county has no authority to grant local licenses or impose an additional tax and/or fee on the manufacture or sale of psilocybin products. The governing body of a city or county may adopt by ordinance (to be referred to the electors of the city or county) to prohibit the establishment of any one or more of the following: (a) psilocybin product manufacturers that hold a license issued under Section 23 (manufacturing license); (b) psilocybin service center operators that hold a license issued under section 26 (service center license); or (c) any combination of the two. The Act essentially presumes all cities and counties are "opting in" to permitting psilocybin services unless local voters "opt out" by vote in a general election. Cities and counties may refer this to voters as early as this November.

Staff asked the current City Attorney for a summary of the legislation and their conclusions are presented in the attached Memorandum dated April 6, 2022.

The financial effect on local government for conducting required land use compatibility assessments for licensee applicants and adoption of any pertinent ordinances is unknown at this time.

The Oregon Health Authority will prescribe forms and adopt rules and regulations necessary for the implementation of Measure 109 by December 31, 2022. The Oregon Health Authority will begin receiving applications for the licensing for the manufacture of psilocybin products, the operation of psilocybin service centers, the facilitation of psilocybin services, and testing of psilocybin products by January 2, 2023. If Council would like to impose any regulations or refer an ordinance to the voters, it is advised to do so before January 2, 2023.

Council action is required if it elects to have an ordinance sent to the electors to prohibit or allow the establishment of licensed psilocybin facilities in the city or county.

Council could elect to do nothing and let the current city codes regulate the time, place and manner of the facilities for the type of facility.

Mayor Hill asked if this went to a vote before the citizens, and it passed, could the city still invoke the time, place, and manner?

Mr. Cummings stated yes.

Mayor Hill asked if the city could prohibit, or was it prohibited by legislation, to tax it? Could the city impose a tax on it?

Mr. Cummings stated it was very clear that could not happen.

Councilor Kirby stated they were all talking about something they really didn't know anything about. It was his opinion this was the western part of the state telling us rural folks we're not very smart. He wanted to protect his community, so these discussions needed to be started. Without preparing, these could spring up anywhere. They needed buffer zones and other things to keep this away from the children. He wanted to see something established that would allow the community to prepare for something like this, and to provide an opportunity to educate the citizens. The citizens needed to know this could not be taxed like marijuana could.

Mayor Hill stated so the citizens of Ontario could make a decision on what they want to do, should this go on the ballot for the next election?

Mr. Cummings stated November was the earliest it could be on the ballot. His suggestion was like what had been done before, to have staff suggest time, place, and manner, and have those close to ready to move on. If the ban failed in November, the city would have things ready to enact before the election results went live in January, 2023.

Councilor Hart confirmed this was restricted to Oregonians only.

Mr. Cummings stated he was not sure.

Garret Chrostek, City Attorney's office, stated he was not aware of any residency requirement in the legislation.

Councilor Hart stated Ontario would become the destination for the State of Idaho for psilocybin. He joined Councilor Kirby in his opposition to this and wanted the city to do all they could to get this on the ballot to see what the citizens of Ontario wanted. Also, to be prepared for it were to pass, to ensure it was done as safely as possible for our community.

Mr. Cummings asked if Councilor Hart was thinking they needed to put together an ad hoc committee? It was a treatment center, so he'd view it as a medical facility, and currently medical facilities could go in anywhere in a commercial zone and high-density residential zones. That was the area that had him concerned. If there was no ban, they had to be placed somewhere. These were treatment centers, so if the Council didn't put anything else in there, he'd have to allow them in the same zone that any of the city's clinics were allowed.

Mayor Hill stated if the city prescribed the time, place, and manner…

Mr. Cummings agreed, it could be restricted to say those commercial areas, but also do like they did with the marijuana issues, put a buffer in. They could use the same theory.

Mayor Hill stated they could do a consensus without a formal motion as this was just a discussion item.

Councilor Kirby's suggestion was for Dan Cummings research the precedent that had been set by the previous ad hoc committee and maybe provide the Council with a structure they could look at prior to the establishment of an ad hoc committee.

Councilor Hart asked if it was too early, or were they waiting for OHA to develop guidelines? Did they need more clarity from them before moving forward? What did he recommend?

Mr. Cummings stated he recommended moving forward. They could treat it like the marijuana rules. Put the same rules in place, or beef them up like the residential. He suggested they start there, and he'd do the same work he did with marijuana. Show what those buffers would be, what would be in and what would be out so the Council could make an informed decision about the buffer zones. If the public didn't put the ban in place, that meant they wanted it, so then how much did they want it. That gave staff the opportunity, if those different scales, 250, 500, 1,000, whatever, then produce the maps to show what was left, then the citizens had something to give input on. They could say yes or no to the size of buffers.

Mayor Hill stated without the Council taking a position on it, no matter what it needed to go to a vote of the citizens. Council should follow Mr. Cummings' recommendations. He was not sure what type of guidelines he needed to put something together so they could form an ad hoc committee. Did he need help with that? Some Councilors?

Mr. Cummings stated he'd want at least one or two Councilors to be on the committee. He knew of one local gentleman who was thinking about putting one in, so he assumed he'd want to be on the committee. Otherwise, just advertise and have the Council determine how many members and how many pros and cons.

Mayor Hill stated they should maybe put it on the agenda for next time, advertise for an hoc committee, and Council could determine how many should be appointed.

Councilor Braden asked if they'd come to consensus on drafting this for placing on the ballot for the citizens to elect to prohibit these services.

Mayor Hill stated it would be November, so they had time. It was his understanding they were waiting for the rules and regulations to come out.

Councilor Hart suggested they add it to the agenda soon so the Council could take a formal stand, as they would be who determined if they wanted it on the ballot or not. If Council opted to not place it on the ballot, it was a done deal unless the citizens wanted to place something on the ballot. The Council could determine what they wanted to do, and that would allow, if the public wasn't happy with the Council's actions, they could force a referendum.
Mayor Hill stated they should take it up at a future meeting, to decide if it should go on the ballot or not, and then speak about an ad hoc committee.

Downtown Attraction Update by GGLO
Mark Sindell, GGLO, and Michael Lipko, GGLO, presented. *(See attached survey results)*

HAND OUTS

Minutes: County Court *(Attached)*
Mar 16, Mar 23, Mar 30, 2022

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

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Councilor Kirby stated this area was in a serious drought and saw other jurisdictions coming forward with recommendations on use of water. He thought they should be proactive and come up with recommendations on best use of water, like local irrigation be on an odd/even situation to help conserve water. He'd like to see Public Works, and the Fire Department, develop a program that the city could initiate for water conservation.

- Councilor Melendrez stated with regard to the Parks Committee, he was still not sure about the ownership of Moore Park. The city owned one side, but the Mayor owned the other side. He was still not comfortable investing a lot of money into something the city did not own. He had made that statement before the Council and also at some Parks meetings. He didn't know if it would be discussed later, but for Moore Park to be finished, most of the attractions should be on the city side; that's what he thought it should be.

EXECUTIVE SESSIONS

Executive Session: ORS 192.660(2)(a)
An executive session was called at 8:26 p.m. under provisions of ORS 192.660(2)(a) to discuss employment related to the City Manager position. The Council entered into a second executive session at 8:58 p.m.

Executive Session: ORS 192.660(2)(d)
An executive session was called at 8:58 p.m. under provisions of ORS 192.660(2)(d) to discuss Labor Negotiations. The Council returned to regular session at 9:19 p.m.

ACTION FOLLOWING EXECUTIVE SESSION

City Manager Pro Tem Appointment
HART moved, BAKER seconded, **TO ENGAGE DAN CUMMINGS AS CITY MANAGER PRO TEM UNTIL THE NEXT MEETING WITH THE PROVISION THAT A CONTRACT BE PRESENTED FOR REVIEW AND COUNCIL APPROVAL.** No vote –

Councilor Braden asked if they needed to convene an emergency meeting to approve the contract.

Mayor Hill suggested Mr. Cummings' be retained until the next meeting and he might be canned after that.

Councilor Braden verified this was interim employment, and the Council would review the contract.

Councilor Baker stated that was correct.

Councilor Hart stated if there were any problems…

Mr. Cummings asked if it was appropriate to give the Council a copy of his proposed contract?

Mayor Hill stated that was not necessary that evening.

Restated Motion:
HART moved, BAKER seconded, **TO ENGAGE DAN CUMMINGS AS CITY MANAGER PRO TEM UNTIL THE NEXT MEETING WITH THE PROVISION THAT A CONTRACT BE PRESENTED FOR REVIEW AND COUNCIL APPROVAL.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

IAFF Contract Approval
KIRBY moved, MILLS seconded, **TO APPROVE RESOLUTION #2022-113 APPROVING AMENDMENTS TO THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF ONTARIO AND IAFF LOCAL 3464.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Mayor Hill reminded everyone this was the City Manager's last meeting, and there would be a going away function on Wednesday, April 20th, and everyone was encouraged to attend, and to speak about him. He offered a round of applause for Mr. Brown's work with the city.

- Councilor Melendrez thanked Mr. Brown for his time with the city and was sad to see him go. He treasured all the conversations they'd had over the past year, but more than that, his time with Adam and Adam's son with the boxing program, it was just really hard to see him go. He knew that everyone had to go on for better opportunities and for their families, but he wanted to highlight a few things that Adam had done. There were too many to say in one setting, but his strong relationship with the community partners like 8C School District, TVCC, Chamber of Commerce, and the relationship with city staff and public works and city partners, especially the great employees he'd hired, with diverse backgrounds, the equity and inclusion that he also brought to the city, he respected that. Some of the other stuff, like the housing incentive program, with over 50 single family homes being built, some work with the splash pad, the Treasure Valley Connector, the Beck-Kiwanis tennis courts collaboration with Four Rivers Community School, the airport improvements. He could go on and on, but just his talks with him, sometimes they disagreed, but they were able to respectfully hear each other's point of view and Adam gave him a lot of great advice. Many times when he wanted to step down from Council because it was tough, he would have a talk with Adam, and it always gave him strength to keep going. There were many times that he needed that. It was an honor to meet him and to know him. Thank you for that.

- Councilor Kirby stated it had been a pleasure working with Adam. He had finally just met Angie. It had been a pleasure to know them both. He wished him nothing but the best and he was going to turn his nephew and brother-in-law onto him because they were both there. He hoped everything worked for him as he left our community and started his work in Keizer. Thank you.

- Councilor Hart stated when he met with Adam and said he was having a hard time on the Council and was thinking of stepping down, Adam said it was a good idea. He got a completely different piece of advice from Adam. He was joking….it had been a pleasure to work with him, and enjoyed working with him a lot more when he was at the hospital than the city. It had been tougher, but he'd done an awesome job for the City of Ontario. His professionalism, he'd raised the bar on professionalism for the city and he thought any future City Managers. They knew what a true professional was, and it would be hard to fill his shoes. Thank you.

- Mayor Hill stated he was going to save all his comments for next week. But, thank you Adam.

ADJOURN

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

ACCEPTED:

Riley Hill

Riley J. Hill, Mayor

ATTEST

Tori Barnett

Tori Barnett, MMC, City Recorder