



CITY COUNCIL MEETING MINUTES May 10, 2022

The scheduled meeting of the Ontario City Council was called to order by Mayor Riley Hill at 6:00 p.m. on Tuesday, May 10, 2022, in the Council Chambers of City Hall. Council members present were John Kirby, Riley Hill, Michael Braden, Eddie Melendrez, Susann Mills, and Ken Hart. Sam Baker arrived at 6:25 p.m. Eddie Melendrez departed at 7:10 p.m.

Members of staff present were Dan Cummings, Tori Barnett, Terry Leighton, Kari Ott, Justin Zysk, Michael Iwai, Paul Woods, Al Haul, 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 May 6, 2022. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

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

PUBLIC COMMENTS

John Kirby: *Mr. Mayor and members of the Council, tonight I am speaking on my own as an individual, but being contacted by the public, our nation is in a period of division. Probably the worst division we've seen since the Civil War. Because of the cultural make up of this community and the surrounding towns, when people want to comment they come to their elected officials. That's me, that's you. Wanting us to help solve problems. Everybody in this conversation has got strong feelings one way or the other. I have mine. I'm totally against abortion; it's an abomination, killing our children. But as I sought to look into this, I found that we, as Councilors, can have nothing to do with it. Here is the House Bill that was passed by our state back in 2018. Essentially, it not only authorized abortion, but it authorized and mandated that all insurance companies pay for abortions by Oregon providers. It just makes it a free weekend if you will. But here it says that a public body, an officer, employee, or an agent of the body may not deprive a consenting individual the choice of terminating the individual's pregnancy; interfere with or restrict the regulation or provision of benefits, facilities, services, or information, the choice of the consenting individual to terminate the individual's pregnancy; prohibit a health care provider who acting within the scope of their healthcare, providers license, from terminating or assisting in the termination of a patient's pregnancy; interfere with or restrict in a regulation or provision of benefits, facilities, services, or information. We all come with some preconceived notions that your local elected body can intercede for you. We cannot. But I'd like this community to know that we have to take that stance as being elected officials. Also with this, as I mentioned, the Oregonian, the largest newspaper in Oregon, editorialized last week on May 8th, about this situation and talked about the fact that the Oregon Legislature has not provided for insurance for abortions, so I checked with an Idaho official today. I was unable to get a firm answer, but the answer was that Idaho probably would not be paying for abortions as it is not consistent with the feelings, the guidance, of legislature. Our local editor might follow up on that, but we're going to receive the brunt of the people from Idaho seeking abortions. We already are a provider for marijuana for all of*



Southwest Idaho. We'll now be the abortion capital. Very soon, we're going to have the issue of magic mushrooms coming up. Maybe we ought to have prostitution, and we'll have a triffecta.

Mayor Hill stated next were speakers from Ontario Sanitary Service. He wanted everyone to know that the business had donated a 40-yard dumpster for the clean up on Alameda Drive, so the city owed a debt of thanks to them for their efforts in helping clean up the community.

Scott Wilson, Ontario Sanitary Service: Mayor and members of the Council. I know all of you and you know me. I've been here for 37 years with Ontario Sanitary Service. I've kind of reached the age of retirement and it's time to make my retirement plans. I've already talked to Dan and Tori and let them know that as I retire, my intent is to sell the business and I have found a purchaser to purchase the business. Part of the purchase will require transfer of the franchise. This is kind of hard for me to do. This is a pretty big decision and it's been many months in the planning, but I'm really comfortable with the company that wishes to purchase us. They have a representative here tonight, Chris Welker, to introduce himself and introduce his company. I put a lot of time into deciding who I would sell to, and I'm real comfortable with this and I think Dan and Tori will tell you there's a few housekeeping things to be done in the franchise to make the transfer possible and then that would come before you. With that, I don't want to talk too long, I'll get upset. It's a big choice for me. This is Chris Welker, with Waste Connections, and he'll introduce himself and mention this opportunity.

Chris Welker, Waste Connections: I actually personally live in Kuna. I oversee Idaho, Montana, and Wyoming. I've been in the area about 18 months, and with Waste Connections about 10 years now. We actually bought our company out up in Alaska, where I'm originally from. So I'll be the local person. Nate will still be here for the local voice for Ontario Sanitation. Our philosophy when it comes to buying companies is we don't do what waste management does, we keep the local name, we keep the local feel. We actually met with the employees today and let them know what the intent is. We just wanted to let you guys know that we also have a good partnership with all the cities that we're in. I welcome conversations. We want to keep doing exactly what Ontario Sanitation has done. It's nice to meet everybody.

Councilor Hart asked if they had anything already in Oregon and what was the closest city in Idaho?

Mr. Welker stated the closest city was Hardin Sanitation in Payette. They had purchased Hermiston in October, 2021.

Mr. Wilson: I just wanted to add one of the things that was important to me is the name won't change on the side of the truck. All of the employees are going to stay in place doing the same thing they're doing now, and they want to keep, which is important to me, they want to keep the attitudes of folks there and the way they do business the same way we've been doing it for 40 years. That was really important in my choice of who to do this.

Councilor Melendrez: I'd like to make a statement to Councilor Kirby, a comment. If I had known we were going to bring up the topic of, I guess, the abortion or Planned Parenthood coming to Ontario, I got an email from another citizen as well asking me what I did to stop it, so it's going to be a topic, and I had no idea that it was even going to come to Ontario. I just want to make the statement that I'm pro-life and I'm pro-choice. And let me tell you how I could be both, because I've dedicated my life to serving youth and mentoring, coaching, all kinds of activities with youth, but I believe in a woman's right to choose. I think to say things like murder, or dead, when it comes to a child, it paints a wrong picture, especially for women, giving them a disservice, saying things like that because I think that when a woman makes that tough decision, it's probably a last resort, right? I think that more than being pro-life, it's one thing to be pro-life, but I believe that if you want to be pro-life you want to make somebody have their baby. It's more than just saying we're pro-life, and actually invest in our youth, invest in our schools, do a bunch of things like that, that more than just have, supporting, or having a child born to support it all the way through high school to college, for their whole adolescence. That's where I stand on that. If you want to be pro-life, be pro-life all the way, all children, from birth all the way until they graduate high school, to the start of their career. Me, I believe that decision is up to the woman, not to a man, not for me to make that decision for a woman. I can't have a baby. So



that's where I stand on that. But you paint the picture of murder and things like that, that's the wrong picture to paint for women. Thank you.

CONSENT AGENDA

HART moved, MILLS seconded, **TO ADOPT THE CONSENT AGENDA, WHICH CONSISTED OF THE CITY COUNCIL MEETING MINUTES OF APRIL 26, 2022.** Roll call vote: Mills-yes; Baker-out; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.

PRESENTATION

Insurance Option Presentation: Field Waldo Insurance

Dave Waldo, President, presented a proposal for a new insurance option.

City of Ontario Group HRA Benefit Option	Purpose	What is a Group HRA?	Current Benefit HDHP-5 (HSA) Fire/Non-union/Management 37 Employees
www.walido.com	- Create Affordable Healthcare - Cost Management - Long Term Strategy		Employees: 37 Employer 20%: \$1,000/Year 20% Contribution: \$1,000/Year 1,000 MaxOut: \$1,000/Year Total Premium to City: \$1,000
www.walido.com			
www.walido.com			
www.walido.com			
Current Benefit Copy F RX7 Plan Police 25 Employees Employees: 25 Employer 20%: \$1,000/Year 20% Contribution: \$1,000/Year 1,000 MaxOut: \$1,000/Year Total Premium to City: \$1,000	Current Benefit Cost Combined Premium CIS: \$1,751.77 HRA Cost-Benefit: \$22,330 Total Cost: \$24,081.77	All Employees On HDHP-5 Plan No HSA Combined Premium CIS: \$485,659 No HRA Contribution: HRA Pool: \$174,609	Proposed Benefit Group HRA Fire Employees: 37 Employer 20%: \$1,000/Year 20% Contribution: \$1,000/Year 1,000 MaxOut: \$1,000/Year
www.walido.com	www.walido.com	www.walido.com	www.walido.com
Proposed Benefit Group HRA Police/Non-union/Management Employees: 25 Employer 20%: \$1,000/Year 20% Contribution: \$1,000/Year 1,000 MaxOut: \$1,000/Year	Family: 1,000 MaxOut 20% Contribution: \$1,000/Year 20% MaxOut: \$1,000/Year 20% MaxOut: \$1,000/Year	Family: 1,000 MaxOut 20% Contribution: \$1,000/Year 20% MaxOut: \$1,000/Year 20% MaxOut: \$1,000/Year	Claims Filing - File online - its fast, convenient, secure - File on the go - use the mobile phone app - File at retail or fax
www.walido.com	www.walido.com	www.walido.com	www.walido.com
Group HRA Cost/Savings HRA Fee at 10% Utilization: \$157,442 HRA Police/Management at 20% Utilization: \$150,682 Current Management Premium Contribution: \$19,501 Total Cost Savings to the City: \$17,259 Design and Claims included	Broker/TPA Fee PERM: \$11 Amount: \$17,720	TPA Overhead Benefits - Wisconsin Based - Established 1987 - www.dbbenefits.com	Thank You
www.walido.com	www.walido.com	www.walido.com	www.walido.com

Mayor Hill asked what the claim cap was.

Mr. Waldo stated what the city would have...

Mayor Hill stated for an employee. If an employee had a major health problem, what was the cap?

Mr. Waldo it was \$1M or \$2M. He had not come prepared to dig into the CIS plan because they did not intend to change it.

Mayor Hill stated he also needed clarification regarding HRA at zero deductible. The savings was on the back end?

Mr. Waldo stated that was correct.



Mayor Hill asked what would make the police department want to join this program? They already had a zero deductible.

Mr. Waldo stated they did not have a zero deductible. The only people that they had tried to get to a zero deductible was the Fire Department. They had done that with the HSA. The police had a \$500 deductible currently, and \$1,500 per family with a \$5,500 maximum out of pocket. They also had one other really rich benefit. Over 30% of all the costs to health care was related to prescription drugs. Under the deductible plan, they had to meet the deductible first, but under the police plan, there was an add on benefit that allowed them to begin a small co-insurance for each prescription, \$10, \$20, or \$40. If police were moved out of that co-pay plan into the proposed plan, they would lose that benefit. The modeling done, to make them whole, would have to get down to a zero deductible. The police would then immediately begin to pay a 20% co-insurance. In effect, that put them right where they were before.

OLD BUSINESS

SE 5th Avenue Pedestrian Improvement IGA Amendment 1

Dan Cummings, Community Development Director, presented.

MILLS moved, KIRBY seconded, **THE CITY COUNCIL APPROVE AMENDMENT NUMBER 01 TO THE ODOT AGREEMENT #32970 ADDING AN ADDITIONAL \$500,000 EXCHANGE MONEY TO THE SE 5TH AVENUE PROJECT FOR A TOTAL OF \$1,404,033.31 EXCHANGE DOLLARS AND AUTHORIZE THE MAYOR TO SIGN THE AMENDMENT.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

NEW BUSINESS

Hangar Lease: John Barinaga – Alpha 369

MILLS moved, HART seconded, **THE CITY COUNCIL APPROVE THE HANGAR GROUND LEASE FOR ALPHA 369 TO JOHN BARINAGA.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

City Manager Recruitment

Dan Cummings, City Manager Pro Tem, presented.

Councilor Kirby stated at the previous meeting he spoke about the process. Before them was the beginning of that process. They'd received the offering from Prothman, for around \$20K, but more like \$50K when completely done. After the meeting, he spoke with another Councilor who voiced concerns about this. There was currently a City Manager Pro Tem who had indicated he'd like to think about being considered for the position and wanted a few months to try it out. That should be part of the process. He'd like to set a date, July 15th for example, that would be a date for which any and all applications would be submitted. That would allow the Pro Tem person to be considered. Staff could move forward with a format similar to what Prothman proposed. But whether Council gave the job to Prothman or considered other options for accepting applications like LOC or Indeed, they'd make their choice from that.

Councilor Melendrez still proposed the route he brought up at the last meeting, which was to move forward with Prothman. He understood they didn't want to rush anything, but he believed they were mischaracterizing what they were attempting to do. That proposal was exactly the opposite of what they should do. They needed to hire a professional company to look for the most qualified City Manager. He had faith in the current Pro Tem, and he could apply for the position, and he believed he'd be one of the top candidates. Councilor Kirby wanted to conduct their own search, but that could be done along *with* Prothman – do both at the same time. His proposal was to go with Prothman.

Mayor Hill stated his thoughts were similar with Councilor Kirby's in that the Council was going to wait a few months to let the Pro Tem get his feet wet, and *then* advertise.



Councilor Kirby stated his thought was to maybe use Prothman's model as an example if they wanted to do the process inhouse, or they could hire Prothman. But, set a date for applications to begin or end. That would allow them time to consider the Pro Tem as an applicant.

Councilor Hart stated he spoke with a few HR people in the community and in looking back at how long ago this position had been filled, around six years ago, a lot had changed since that time. The form before them was from March, 2015, and recruitment had changed since then. He advocated that since they had good staff, have them utilize some new tools, such as Indeed, and there were a number of other electronic tools, that were not widely used years ago. Have an update with staff regarding the job description, what Council needed to do, and then have staff seek interest for the position. That would provide Dan time to try on the shoes. He wanted a candidate pool, and he'd love Dan to be in that pool. He didn't want to say to look at only Dan; he'd like to go through the process. But have staff/Council try first to see what could come in. He'd like to have someone more local to the community, as there was a lot to be said for having someone coming here within a 50-mile radius and they'd have a better chance of that person staying because they were already in the area. He didn't want someone coming here and using Ontario as a steppingstone. He would ask that they spend the time and the work to get all the applications and job description up to date, research the pay scale, and then do their own recruitment. If that day was July 15th or the end of July, see what came out of that. If the Council was not happy with that process or there was not a strong candidate that they were comfortable with, then move to the next step. He also hoped they would receive more RFP responses. He didn't like going with only one. They had a good Pro Tem, so they didn't need to spend \$20-30K of taxpayer funds immediately. Try this process first. Prothman would always be there. He'd like to hear from Councilors Mills and Braden as they had been through the process before.

Mayor Hill stated the city had gone 26 months the last time, so two or three months wasn't such a big deal.

Councilor Braden stated he was looking for this Council to prepare and propose a plan with a finite timeline, and he believed the discussion coming forth from the leadership on the Council had delivered that. He was on board with what Councilor Hart stated. He wanted them to heavily consider Prothman. Last time he had indicated he was on board with Councilor Melendrez, but an internal search with their talented staff and the tools at their disposal was prudent. He found the timeline alright.

Councilor Mills stated she had worked with Prothman and found them to be an excellent company. However, going along with what Councilor Hart stated, they needed to move forward with what they could do now. Prothman was not going away. They could be used in the future if what the Council did want to reach out for their own candidates. This option could save the city a lot of money and she was willing to try that.

Councilor Baker stated his agreement with Councilor Hart's statement. He'd like to save the money.

Mayor Hill asked if the thought was to give staff time to prepare an advertising plan by July 15th, and then ask for that to go public. That seemed to be a good idea.

Councilor Kirby stated part of that would be the Council reviewing the job description. It had been six years since the last hiring of a City Manager. That might also give them a chance to consider other headhunter organizations.

Mayor Hill clarified Council Kirby was saying that during this 60-day period, not only would there be an advertising plan developed, but an update on the job description be completed.

Councilor Kirby wanted to move full speed ahead with everything.

Councilor Melendrez stated the way Councilor Kirby was proposing the issue regarding reviewing the applications and duties of the City Manager, was that what Prothman would be doing? Would they help with that process, instead of doing that all inhouse?



Ms. Swihart stated if Prothman were to be hired, they would do all those actions. They'd review the job description with the Council and determine what experience and qualifications the Council wanted for the position, prior to any type of advertising. That was about a two-week timeline.

Councilor Melendrez verified that Prothman would do what the Council was going to try and do on their own. He stood by his disagreement in the way the Council was proposing to go. He thought they should go with Prothman. If the Council wanted to do their own search, fine, do that. His vote would be to go with Prothman.

Consensus that staff put together a job description and advertising plan for a new City Manager to be presented to the Council at the closet meeting to July 15th or sooner.

Councilor Melendrez departed the meeting.

PUBLIC HEARINGS

Ordinance #2801-2022: Planning Action 2022-01-04RZ - A Request by the City of Ontario from the Ontario City Council Authorized by Resolution #2022-103 for a Rezone of Property from Heavy Industrial (I-2) and Light Industrial (I-1) to Public Facility for Public Use

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, and no declarations of conflict of interest.

Dan Cummings, Community Development Director, presented.

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

HART moved, BRADEN seconded, **THAT THE CITY COUNCIL APPROVE THE FINDING OF FACTS FOR THE REZONE OF THE SUBJECT PROPERTY FROM I-1 & I-2 TO PF AS SET FORTH IN ACTION 2022-01-04RZ BASED ON THE INFORMATION, FINDINGS, AND CONCLUSIONS SET FORTH IN SECTIONS I THROUGH IV OF THIS REPORT.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-out; Hill-yes. Motion carried 6/0/1.

HART moved, MILLS seconded, **THAT THE CITY COUNCIL APPROVE ORDINANCE #2801-2022, AN ORDINANCE PROCLAIMING THE REZONING OF CERTAIN PROPERTY WITHIN THE CITY OF ONTARIO AUTHORIZED BY ONTARIO CITY COUNCIL RESOLUTION #2022-103, FOR A REZONE OF PROPERTY FROM HEAVY INDUSTRIAL (I-2) AND LIGHT INDUSTRIAL (I-1) TO PUBLIC FACILITY (PF) FOR PUBLIC USE ON FIRST READING BY TITLE ONLY.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-out; Hill-yes. Motion carried 6/0/1.

KIRBY moved, BAKER seconded, **THAT THE CITY COUNCIL APPROVE ORDINANCE #2801-2022, AN ORDINANCE PROCLAIMING THE REZONING OF CERTAIN PROPERTY WITHIN THE CITY OF ONTARIO AUTHORIZED BY ONTARIO CITY COUNCIL RESOLUTION #2022-103, FOR A REZONE OF PROPERTY FROM HEAVY INDUSTRIAL (I-2) AND LIGHT INDUSTRIAL (I-1) TO PUBLIC FACILITY (PF) FOR PUBLIC USE ON SECOND READING BY TITLE ONLY.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-out; Hill-yes. Motion carried 6/0/1.

Ordinance #2805-2022: Planning Action 2022-01-03AZ - A Request by EO Investments for Annexation and Rezone of Property from UGA Commercial (UGA-C) To City General Heavy Commercial (C-2H)

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.

Dan Cummings, Community Development Director, presented.



Councilor Hart asked if this came into the city, the improvements to the road wouldn't happen immediately, right, not until it was developed.

Mr. Cummings stated that was correct. The plan would be at the time they pulled a building permit. When 800 annexed in, they deferred any improvements at that time. When Hometown Motors across the street was done, they discussed if they wanted to do their portion at the same time, and they opted to do that. It wasn't required, but they elected to do that. They installed their curb, gutter, sidewalk, and their section of pavement. It was hoped that this developer opted to do the same thing, even if they didn't have a development. He was working with the owners of 802 and 700 to maybe get a project going there. They might be able to get a good strip done on that side in the near future.

Councilor Hart stated in the Findings of Fact, it read that by being annexed the benefit was that they would develop the roadway, curbs, gutters, etc., but if it remained in the county, wouldn't those things happen as well, or not?

Mr. Cummings stated no, they wouldn't have to. If they stayed in the county, the existing 5th Avenue was developed to county standards already, so they would not be forced to do anything differently. There was no code requiring curb, gutter, or sidewalk, just the paved road section. In the city, that was in the code. Once development began, they had to bring the streets and any infrastructure up to city standards. This would bring in another piece of property that was ready to develop, and it also increased the tax base for the city.

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

MILLS moved, BAKER seconded, **THAT THE CITY COUNCIL APPROVE THE FINDING OF FACTS FOR THE ANNEXATION AND REZONE OF THE SUBJECT PROPERTY FROM UGA COMMERCIAL (UGA-C) TO CITY GENERAL HEAVY COMMERCIAL (C-2H) AS SET FORTH IN ACTION 2022-01-03AZ BASED ON THE INFORMATION, FINDINGS, AND CONCLUSIONS SET FORTH IN SECTIONS I THROUGH IV OF THIS REPORT.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-out; Hill-yes. Motion carried 6/0/1.

KIRBY moved, MILLS seconded, **THAT THE CITY COUNCIL APPROVE ORDINANCE #2805-2022, AN ORDINANCE PROCLAIMING THE ANNEXATION AND REZONING OF CERTAIN TERRITORY TO THE CITY OF ONTARIO FROM URBAN GROWTH AREA COMMERCIAL (UGA-C) TO CITY GENERAL HEAVY COMMERCIAL (C-2H), BEING A PARCEL WITHIN THE NW¼ SW¼ NW¼ SECTION 11, TOWNSHIP 18 SOUTH RANGE 47 EAST, W.M., ON FIRST READING BY TITLE ONLY.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-out; Hill-yes. Motion carried 6/0/1.

BAKER moved, KIRBY seconded, **THAT THE CITY COUNCIL APPROVE ORDINANCE #2805-2022, AN ORDINANCE PROCLAIMING THE ANNEXATION AND REZONING OF CERTAIN TERRITORY TO THE CITY OF ONTARIO FROM URBAN GROWTH AREA COMMERCIAL (UGA-C) TO CITY GENERAL HEAVY COMMERCIAL (C-2H), BEING A PARCEL WITHIN THE NW¼ SW¼ NW¼ SECTION 11, TOWNSHIP 18 SOUTH RANGE 47 EAST, W.M, ON SECOND READING BY TITLE ONLY.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-out; Hill-yes. Motion carried 6/0/1.

Ordinance #2807-2022: Planning Action 2022-03-16AZ - A Request by HEVN, LLC, for an Annexation and Rezone of Property from UGA Light Industrial (I-1) to City Light Industrial (I-1)

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.

Dan Cummings, Community Development Director, presented.

Councilor Hart stated the property, 3001, had been improved? It had curbs, gutters, etc.?



Mr. Cummings stated it did not. It was an agricultural grow at this point. The retail facilities had that requirement, but the grows were treated the same as agriculture. The owners were aware that when they pulled a permit to build a permanent structure, the city's codes would activate, and they would be required to install the infrastructure on 20th Avenue. He assumed with the expansion in the that area, they were going to probably have to construct permanent buildings, which would require the extension of sewer and water, which was currently at the intersection of the beltline, over to "this" property, connect to city sewer and water, and then improve the road section.

Councilor Hart verified the intended use of 3001 was to expand it further. In the Findings of Fact, it read *"The public will benefit by annexing and re-zoning this parcel to City I-1 through increased tax revenue, increased development along a roadway that is in need of improvements, curbs, gutter, sidewalks, extensions of water and sewer lines..."* If they intended to do that with 3001, for the new property, they actually would *not* be doing curbs, gutters, etc. Eventually they might, but their intended use, currently, the existing property was not consistent.

Mr. Cummings stated that was correct. It took a building permit for a permanent structure to activate the city codes. The Council could put that requirement in, but they'd need to treat every applicant the same way to stay out of any potential lawsuits. However, at the annexation stage, the Council did have that authority. They would need to state the reasons for doing that, and why they were not imposing the same rule on others who were annexing in.

Mayor Hill confirmed the green house was not a permanent structure.

Mr. Cummings stated it was not.

Councilor Kirby stated his concern related to odor. They were looking at tripling or quadrupling the size of the area where the marijuana was grown. There was some residential in that area. An increase in odor could cause some difficulties. How did they mitigate odor? Odor could be a problem.

Mr. Cummings agreed. However, most of the area was zoned light industrial, and the existing homes were referred to as non-conforming uses. It was hoped that at some point, the grows would be completely indoors with a ventilation system. But marijuana was not the only smell; there were more hemp grows than marijuana. In the process, though, grows were only allowed in the industrial zones. That's why they were on the outskirt portions of town, but that couldn't be done to the hemp grows.

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

BRADEN moved, KIRBY seconded, THAT THE CITY COUNCIL APPROVE THE FINDING OF FACTS FOR THE ANNEXATION AND REZONE OF THE SUBJECT PROPERTY FROM UGA I-1 TO CITY I-1 AS SET FORTH IN ACTION 2022-03-16AZ BASED ON THE INFORMATION, FINDINGS, AND CONCLUSIONS SET FORTH IN SECTIONS I THROUGH IV OF THIS REPORT. No vote.

Councilor Kirby confirmed this was just for the approval of the Findings of Fact as provided to them by the Planning Commission and staff.

Mr. Cummings stated that was correct.

Mayor Hill stated, for clarification, if the Council approved the Findings of Fact, it took away Councilor Hart's discussion as to what the Council might do regarding the improvements to or on the property, was that correct?

Mr. Cummings stated that was correct. If they wanted to put any other stipulations on this, the Council would need to do so under this portion and change the legal Findings of Fact.

Councilor Kirby withdrew his second.



Councilor Hart stated it was not his intention to have everyone in Ontario who had light industrial move to add curbs and gutters immediately. He believed the intended use of the property, expanding 3001 to the new property, would not require curbs and gutters; however, the Findings of Fact stated they would. He would be voting no on the action because he did not agree with the Findings of Fact.

Mayor Hill stated he never discussed this with the developer, but he'd bet that if the developers were contacted, they'd say they were going to build a permanent structure on the site.

Mr. Cummings stated this action was a bit different from others. There was a pre-existing facility on the property, who wanted to expand. The Council could choose to state that because of the expansion, they wanted the improvements installed. The Council could put that in the Findings of Fact, stipulating that this was adding on to an existing facility. If that was something they wanted to add, instead of denying it without a legal cause, they could add that caveat. The developers could determine if they wanted to move forward with the expansion. It sounded like they were not going to deny the action, but that if they chose to expand the system, the city would request the installation of the improvements now. The Council had the authority to impose that.

Mayor Hill asked that as Councilor Kirby had withdrawn his second to the motion, did he want to amend the Findings of Fact?

Councilor Kirby stated if they were going to amend the Findings of Fact, it needed direction from the Planning Director. He didn't want to get too loose with the language.

Mayor Hill stated it wouldn't be unreasonable to table this action to the next meeting, and then provide direction to the Planning Director for the things the Council wanted.

Mr. Cummings agreed the Council could table the motion to a date certain, giving the applicant time to discuss the issues and return with a new proposal. It would be easy to add that in and return with a motion stating the Findings of Fact and the reason behind adding in the improvements, meaning the curbs, gutters, sidewalks, and sewer and water extension to this property. The Council had that authority.

KIRBY moved, MILLS seconded, **TO TABLE THIS HEARING UNTIL THE NEXT MEETING AT WHICH TIME THE COUNCIL'S THOUGHTS COULD BE PUT INTO LANGUAGE THAT WOULD ALLOW THE COUNCIL TO HAVE IMPROVEMENTS ADDED INTO THE MOTION.** No vote.

Mayor Hill stated it appeared to him that Councilor Kirby was tabling the Findings of Fact so maybe they needed to have a consensus that the Council did not agree with the Findings of Fact as presented and were requesting they be revised.

Councilor Braden asked if they wanted to do this by consensus or vote.

Mayor Hill stated he was only commenting. Councilor Kirby could amend it, or the Council could do whatever. Councilor Kirby had stated that they needed to have some reasonable reason for doing it.

Councilor Kirby stated the Findings of Fact didn't consider the notion that the improvements needed to be added for future growth in the community.

Mr. Cummings stated Council consensus could tell staff the Council wanted a new motion and Findings of Fact to include, because of the extension of the existing facility, that they wanted the improvements added in.

Mayor Hill stated that was what he was seeking – a consensus to amend Councilor Kirby's motion so it was clear as to what staff was being asked to accomplish.



Councilor Braden stated he didn't agree with the current consensus. He believed that staff prepared the recommendation and Findings of Fact. The zoning of the property, because they owned the property next to it and were expanding, did not make a difference over whether it was an independent purchaser, somebody new, or an expansion. When they pulled the building permit, they would have to complete the improvements. He believed it was a qualified use of zoning and a legitimate Finding of Fact.

Mayor Hill stated there was a motion on the floor, and asked Councilor Kirby to repeat it.

KIRBY moved, MILLS seconded, **TO TABLE HEARING UNTIL THE NEXT MEETING AT WHICH TIME THE COUNCIL'S THOUGHTS COULD BE PUT INTO LANGUAGE BY STAFF THAT WOULD ALLOW THEM TO HAVE IMPROVEMENTS TO THE PROPERTY (TO INCLUDE CURBS, GUTTERS, SIDEWALKS, SEWER, AND WATER) ADDED INTO THE FINDINGS OF FACT MOTION.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-no; Melendrez-out; Hill-yes. Motion carried 5/1/1.

Mayor Hill stated even though the motion carried, what he believed would happen was that Mr. Cummings would speak with the developer/applicant and find out prior to the next meeting that they might agree.

Mr. Cummings stated that was correct. It was part of the process that he had to notify them of the outcome of the current meeting.

Mayor Hill stated the Council only tabled the motion.

Mr. Cummings stated the applicant could attend the next meeting and present evidence as to why they did not want to add in the improvements.

Accept Right of Way for a Portion of NW 16th Avenue, per Approved Partition Plat, Approved Under Planning Action 2022-01- 01 PTN

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.

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.

BAKER moved, KIRBY seconded, **THE CITY COUNCIL APPROVE THE DEDICATION OF THE RIGHT OF WAY FOR A PORTION OF NW 16TH AVENUE AS SHOWN ON THE PARTITION PLAT, SAID PARTITION BEING APPROVED BY AN ADMINISTRATIVE ACTION ON MARCH 6, 2022, UNDER PLANNING FILE 2022-01-01PTN, AND AUTHORIZE THE MAYOR TO EXECUTE HIS SIGNATURE ON THE FINAL PLAT ACCEPTING THE DEDICATED RIGHT OF WAY.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-out; Hill-yes. Motion carried 6/0/1.

DEPARTMENT HEAD UPDATES

Public Works: Quarterly Report

Al Haun, Senior Engineering Technician, presented.

Councilor Mills gave kudos to Public Works for going so long with no accidents.



DISCUSSION ITEMS

Airport Mowing Proposal

Justin Zysk, Airport Manager, presented.



Airport Groundskeeping



Current Situation

- Previous service provider no longer an option
- Airport mowing equipment is nonexistent/insufficient
- Informal RFQ
- **ALL OPTIONS** outside budgeted amount for this service



Equipment Options

- 132" (11 foot) pull mower
- Kubota M7060
- 74hp (64 pto)
- 192" (16 foot)
- Kubota M5-111
- 105hp (89 pto)
- Kubota M5-091
- 92hp (76 pto)



Airport Sustainability

Growth **ONTARIO**

Ontario has the potential to grow, also will make significant choices to avoid that growth and eventually

Category	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
Population	10,000	10,500	11,000	11,500	12,000	12,500	13,000	13,500	14,000	14,500
Employment	5,000	5,250	5,500	5,750	6,000	6,250	6,500	6,750	7,000	7,250
Revenue	\$1,000,000	\$1,050,000	\$1,100,000	\$1,150,000	\$1,200,000	\$1,250,000	\$1,300,000	\$1,350,000	\$1,400,000	\$1,450,000

• How is this accomplished?

- Increase revenues
- Decrease costs



Dollars and Cents

Option	10 Year Cost	Equipment Cost	Annual Savings Compared to Current Cost	Alt Time Commitment	RIS
Contract	\$181,380*	\$0	N/A	0	N/A
Cheapest up front	\$433,432	\$18,000	\$30,300	120	5.39
Alternative	\$383,843	\$66,092	\$40,300	99	1.84
Recommendation	\$389,282	\$101,130	\$40,300	48	2.52

* Could increase depending on total services contracted



Low Bidder Contract

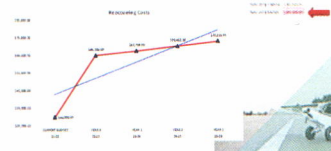
• No equipment expense

• Highest cost to city (\$348,186 more expensive than 2nd most costly option)

• Roughly \$25,100 more expensive than amount budgeted for mowing services



Low Bidder Contract

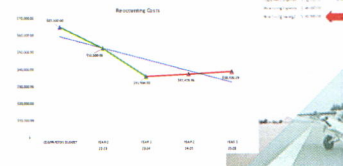


Cheapest Up-Front Cost

- Low equipment expense
- More expensive to city than recommended options
- Lowest annual savings of all equipment purchase options
- Most time consuming to Airport Manager



Cheapest Up-Front Cost

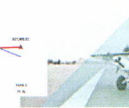
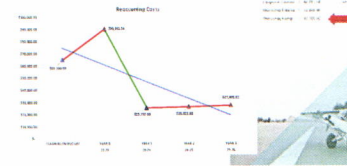


Alternative

- Cheapest equipment expense but 2X the time commitment than recommended option
- Lower recurring costs than previous service provider
- Highest annual savings



Alternative

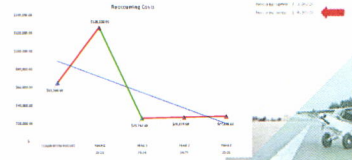


Recommendation

- Equipment utility benefits
- Lower recurring costs than previous service provider
- Highest annual savings
- Half the time commitment of the alternative option



Recommendation



Funding Options

- Airport has 10k left in current budget & 30k in upcoming budget
- Equipment lead time dependent
- Higher Marijuana Quarterly Payment (\$114,171)
- Reserved for one-time costs



Dollars and Cents at 30k Contract

Option	10 Year Cost	Equipment Cost	Annual Savings Compared to Current Cost	Alt Time Commitment	RIS
Contract	\$181,380	\$0	N/A	0	N/A
Cheapest up front	\$433,432	\$18,000	\$4,000	120	7
Alternative	\$383,843	\$66,092	\$5,300	99	12.71
Recommendation	\$389,282	\$101,130	\$5,300	48	19.51



Mayor Hill stated that in the presentation by Public Works, there was a picture of a tractor/mower, and the comment "we share with Public Works" seemed like maybe Public Works could share with the Airport, and not have the expense. Had that been looked into?

Mr. Zysk stated it had. He had reached out to Public Works. The problem was availability of the item. When he had previously asked to use the machine, one reason he had been denied was that because the equipment had to be returned quickly, making it a non-viable option for mowing when it needed mowing. He was not suggesting that was



a reoccurring issue, but if the Airport had their own equipment, they would control their own destiny. He appreciated the Council's sentiment that they did not want him, as the Airport Manager, to be doing everything. If he had someone to mow, he'd be using that person. He was very hands on regardless of the position he held, but he had been told that if they had the appropriate equipment, volunteers would be more apt to mow for him negating the need for him to fulfill that role.

Councilor Hart stated his appreciation for the time and effort committed, but he had another big concern. The Airport was going to grow and become more profitable because he was the Airport Manager, not the maintenance guy. This would be a step backwards, professionally, at the Airport. He could not support that. As noted, if he saved enough money, he might be able to get someone to help, but if Jacobs couldn't find someone to take on the contract, a nationwide company, how could Mr. Zysk find anyone? He very much wanted Jacobs to take this on. They did everything else for the city. If they could amend the contract to include the airport, they were the professionals, this was what they did, and they had the ability to do the sprinklers in the spring, and all the permits that were associated with all that stuff. He knew that everyone was struggling to find staff, but if the city bought the equipment, that was a 10-year decision and he hoped that within 10 years, Jacobs could find more people to help out. He thought this was going backwards from what earlier Councils had done for their full-time Airport Manager. What happened if the next Airport Manager was a 60-year-old person in a wheelchair and was told they would need to do the mowing. Who would the city attract to fill the position if mowing of the fields was part of the job? That was not what he thought the Council wanted to do. He very much appreciated Mr. Zysk stepping up and volunteering to do that. Also, with volunteers, he wanted to ensure the city was covered with liability insurance. On another note, since he'd been on Council, he believed they installed a grass runway, so he was frustrated because the city went down the path of adding another feature, but then the feature turned into something that had not generated any additional funding, and now there was an added expense they could not take care of. They needed to be thoughtful as they added things that they did not just add to the operating expense with no ROI. He was aware that Mr. Zysk had reached out to a few people and didn't think he'd heard back from TVCC yet. They had huge mowers. Were there other contractors that could be contacted that were doing that type of work, to see if they could provide that service? Allowing other entities to do this professionally was the way to move forward. He didn't like having to pay twice the amount budgeted, but he did not think going down the path of starting to have staff take on those duties was the way to go. It was not a good long-term strategy for the City of Ontario.

Mayor Hill stated he recently sprayed about 12 acres and controlled the weeds on that property very adequately. It wouldn't work for the entire year, but possibly spraying the weed section two or three times per year might control the property at the Airport. That might be an option as opposed to purchasing equipment.

Mr. Cummings stated at the request of Councilor Hart, he had reached out to Public Works and discussed this with them. Mr. Woods was present and could discuss that with the Council.

Paul Woods, City Engineer, stated that Public Works would be happy to put together a plan to see what they could do both this summer and, for him in his role of putting together the CIP, to really try and get something thought out with respect to the Airport. It was mowing, but it was really vector control, rodent control, and irrigation. They could not do one without the other two or there would be no success. When speaking of mowers, that was not like mowing Lion's Park. If staff took those mowers to the Airport, they'd be destroyed within the hour. A different type of mower was needed. The mower they had for mowing at Skyline and Malheur Farms, their contract required they mow frequently. If they could figure out a way to work the Airport in, that would be great, and find a way to get through the summer, and then they'd need to build into the budget, to make it sustainable, to keep the irrigation system running, rodent control, and mowing, all together. Jacobs would be happy to work with Justin on that project. All the things Jacobs did was with city equipment.

Mayor Hill asked if there was any grass mowing equipment. He believed there was about 10 acres of grass to mow on the airstrip.



Mr. Woods stated yes, for the parks. He did not think they'd want to use the mowers used on the parks, out at the Airport. They wouldn't last long as it was much rougher terrain and there were a lot of rocks.

Councilor Hart stated for an example the city had lost the pool because it had not been maintained, it deteriorated, and was gone. He commended the committee and staff for trying to find a solution to the mowing problem. He also thanked Dan Beaubien for taking the time with his personal equipment to do the mowing. However, the city needed a long-term professional strategy for out there, and the city did not want to lose the Airport like they lost the pool. He appreciated Jacobs looking into how to get this done for the long term.

Councilor Kirby stated they had handled the immediate crisis, but when would the pending crisis become immediate?

Mr. Zysk stated the area that was mowed was an area that needed to be mowed at least once, if not twice, a week, depending on rainfall. The larger area was less of a concern, however there were large enough areas that were probably around 2 foot tall. Based on what he had been told by experts, June was when the first knock down should occur. They needed to continue with weekly mowing, and then consider a complete mow of the entire 105 acres fairly quickly to ensure that the tumbleweeds did not get out of control.

Councilor Kirby verified it was weekly on the glider strip. Would a tractor with a 60-inch deck behind it work for the grassy area?

Mr. Beaubien stated that was what he used, and it took two hours, going non-stop.

Councilor Kirby stated they bought some time, but not very much.

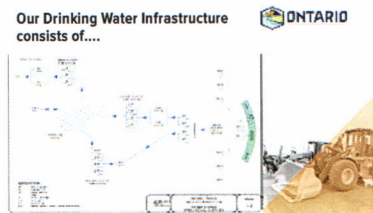
Water Conservation Plan of Action Update

Paul Woods, City Engineer, presented.



Water Conservation Plan of Action Update for the Coming Season

City Council Meeting
May 10, 2022



Our Drinking Water Infrastructure consists of....



Our Water Production & Distribution Characteristics

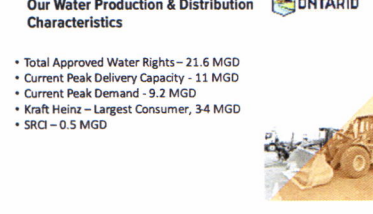
- Total Approved Water Rights – 21.6 MGD
- Current Peak Delivery Capacity - 11 MGD
- Current Peak Demand - 9.2 MGD
- Kraft Heinz – Largest Consumer, 34 MGD
- SRCI – 0.5 MGD



Current City Ordinance



Augmentation Equipment (1,000 gpm), doesn't work if both their pumps are pumping



Revisions to Current City Ordinance & Outreach Actions

- The Trigger Descriptions in the current ordinance are outdated and staff will be bringing forward new trigger definitions for Council Consideration;
- Water Conservation messaging will be included in utility bills throughout the summer;
- Information placed prominently on City Website;
- Public Notice of Water Conservation measures will be published in the local papers;
- Public Service Announcements will be pursued for both radio and television.

Messaging to Homeowners through Utility Bills

Mayor Hill stated several years ago with a water conservation action, water to trees and plants was discontinued, and many died. Water had also been terminated at the Oregon rest areas along the freeways, and that vegetation also died. Was there a way to deal with the Governor when they throw out a one size fits all, to preserve those type of things so that doesn't happen again.

Mr. Woods stated that would be a question for the City Attorney.

Looks Nu Car Wash Update

Dan Cummings, City Manager Pro Tem, presented. The proposed document had been passed around by attorneys on both sides, and the contract changes had now been approved. The final contract had been transmitted to the Looks Nu attorney on May 5th. Mr. Cummings attempted to contact that individual to see if it had been signed but had not been able to connect. He hoped that since the changes had been implemented that Looks Nu requested, it should be signed and sent back. The attorney had the Deed prepared to send to closing. He hoped to get that document and Deeds to the title company to close that project.

Snake River Trail Planning Grant

Dan Cummings, City Manager Pro Tem, informed the Council the city had been notified by the Nation Park Service that they had selected the Ontario project as one of 30 new projects that would receive assistance from June 1, 2022 to May 31, 2023. This was the planning grant, not for design. It allowed for the study to be done, and to find all the partners involved, and to get a good plan of what that should be. The plan should be used for seeking grants for construction. The Budget Committee committed \$650K for the design if grants were not awarded. There was no dollar amount attached to the award because it would be completed regardless of the cost, and the city would provide in-kind matching funds.

Insurance

Mayor Hill stated with regard to the insurance presentation earlier, who was going to discuss the proposal with the Police Union?

Chief Iwai stated half of the department has seen the presentation. The other half of officers had not yet received the presentation, but that was in the works.

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

Public Works, Police, Code Enforcement, Fire: May, 2022

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

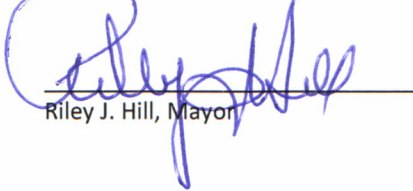
- Councilor Hart asked that at the next meeting the Council receive an update on Merchant McIntyre – where the city was with funds received from their work, and the status of their contract. The Council needed to decide if they were going to continue using them.
- Councilor Hart stated on the Ontario Promise Ad Hoc Committee, they had been meeting every other week, with another meeting this Friday. Kathy Collins was elected Chair, and he was the Liaison to the Oregon Department of Treasury, working with them on flexibility they had related to setting up the 529 Plan. She had reached out to Four Rivers Healthy Community to speak with them about helping the committee as a local nonprofit that was already established. The goal would be, per the agreement of the Council, to distribute the first round of funds to local Ontario kids this coming November/December. Anyone enrolled in the set grades in November would receive the funds in December.



ADJOURN

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

ACCEPTED:


Riley J. Hill, Mayor

ATTEST


Tori Barnett, MMC, City Recorder