



CITY COUNCIL MEETING MINUTES July 26, 2022

The scheduled meeting of the Ontario City Council was called to order by Mayor Riley Hill at 6:00 p.m. on Tuesday, June 14, 2022, in the Council Chambers of City Hall. Council members present were John Kirby, Riley Hill, Michael Braden, Ken Hart, Eddie Melendrez, Susann Mills, and Sam Baker.

Members of staff present were Dan Cummings, Tori Barnett, Terry Leighton, Justin Zysk, Kari Ott, May Swihart, Casey Mordhorst, and Alex Cisneros.

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 July 22, 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 added action item 7B) Looks Nu Carwash to the Agenda.

HART moved, MILLS seconded, **TO ADOPT THE AGENDA AS AMENDED** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

CONSENT AGENDA

KIRBY moved, MILLS seconded, **TO ADOPT THE CONSENT AGENDA, WHICH CONSISTED OF THE CITY COUNCIL MEETING MINUTES OF JULY 12, 2022.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

OLD BUSINESS

Renewal of Contract with Oster Professional Group (OPG)

Dan Cummings, City Manager Pro Tem, presented.

KIRBY moved, MILLS seconded, **THAT THE CITY COUNCIL APPROVE THE PROFESSIONAL SERVICES AGREEMENT WITH OSTER PROFESSIONAL GROUP (OPG) LLC AND AUTHORIZE CITY MANAGER PRO TEM DAN CUMMINGS TO SIGN THE CONTRACT.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

Resolution #2022-129: Transfer Funds – Purchase Ballistic Protection Vests

Kari Ott, Finance Director, presented.

MELENDREZ moved, HART seconded, **THE CITY COUNCIL APPROVE RESOLUTION #2022-129: A RESOLUTION TO APPROPRIATE FUNDING FOR POLICE BALLISTIC PROTECTION EQUIPMENT.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.



Resolution #2022-130: Donation to Ontario Boxing Club

Kari Ott, Finance Director, presented.

MELENDREZ moved, BRADEN seconded, **THE CITY COUNCIL APPROVE RESOLUTION #2022-130: A RESOLUTION TO APPROPRIATE FUNDING FOR A DONATION TO THE ONTARIO BOXING CLUB.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

Ordinance #2811-2022: OMC 8-11-18 Water Shortage Emergency Code Revisions

Casey Mordhorst, Public Works Director, presented.

MILLS moved, HART seconded, **THE CITY COUNCIL APPROVE ORDINANCE #2811-2022, AN ORDINANCE ADOPTING THE PROPOSED MODIFICATIONS TO THE CITY'S WATER SHORTAGE EMERGENCY ORDINANCE AS PRESENTED.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

NEW BUSINESS**Airport Pavement Rehabilitation FAA Grant Agreement**

Justin Zysk, Airport Manager, presented.

KIRBY moved, MILLS seconded, **THE CITY COUNCIL TO APPROVE THE AIRPORT IMPROVEMENT PROGRAM PROJECT NO. 3-41-0044-021-2022 GRANT AGREEMENT AND AUTHORIZE THE CITY MANAGER PRO TEM TO SIGN THE AGREEMENT.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

NU LOOK CAR WASH DEMOLITION

BRADEN moved, HART seconded, **THE COUNCIL DIRECT CITY MANAGER PRO TEM AND THE CITY ATTORNEY TO AMEND THE CONTRACT WITH LOOKS NU FOR THE DEMOLITION WORK UP TO AN AMOUNT NOT TO EXCEED \$24,440, WHICH INCLUDES THE REMOVAL OF THE CANOPY AND STRUCTURAL POLES.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

PUBLIC HEARING**Ordinance #2812-2022: Annexation and Rezoning of Certain Territory to the City of Ontario from Urban Growth Area (UGA) Residential (UGA-RS50) to City Single Family Residential (RS-50)**

It being the date advertised for public hearing on the matter of Ordinance #2812-2022, the Hearing was declared open. There were no objections to the city's jurisdiction to hear the action, one abstentions, no ex-parte contact, and one declaration of conflict of interest.

Mayor Hill recused himself due to a conflict of interest.

Dan Cummings, Economic 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.

MILLS moved, KIRBY seconded, **THAT THE CITY COUNCIL APPROVE THE FINDING OF FACTS AND RECOMMENDATION OF THE PLANNING COMMISSION FOR THE ANNEXATION AND REZONE OF THE SUBJECT PROPERTY FROM UGA RESIDENTIAL (UGA-RS50) TO CITY SINGLE FAMILY RESIDENTIAL (RS-50) AS SET FORTH IN ACTION 2022-05-22AZ BASED ON THE INFORMATION, FINDINGS, AND CONCLUSIONS SET FORTH IN THIS REPORT.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-recuse. Motion carried 6/0/0/1.



KIRBY moved, MELENDREZ seconded, **IN ACCORDANCE WITH SECTION 8.2(2) OF THE CITY CHARTER THE CITY COUNCIL APPROVE ORDINANCE #2812-2022, AN ORDINANCE PROCLAIMING THE ANNEXATION AND REZONING OF CERTAIN TERRITORY TO THE CITY OF ONTARIO FROM URBAN GROWTH AREA (UGA) RESIDENTIAL (UGA-RS50) TO CITY SINGLE FAMILY RESIDENTIAL (RS-50), BEING A PARCEL WITHIN THE NW¼, SECTION 5, TOWNSHIP 18 SOUTH, RANGE 47 EAST, WILLAMETTE MERIDIAN AS SET FORTH IN ACTION 2022-05-22AZ, AT A SINGLE MEETING BY TITLE ONLY.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-recuse. Motion carried 6/0/0/1.

MILLS moved, KIRBY seconded, **IN ACCORDANCE WITH SECTION 8.2(2) OF THE CITY CHARTER THE CITY COUNCIL APPROVE ORDINANCE #2812-2022, AN ORDINANCE PROCLAIMING THE ANNEXATION AND REZONING OF CERTAIN TERRITORY TO THE CITY OF ONTARIO FROM URBAN GROWTH AREA (UGA) RESIDENTIAL (UGA-RS50) TO CITY SINGLE FAMILY RESIDENTIAL (RS-50), BEING A PARCEL WITHIN THE NW¼, SECTION 5, TOWNSHIP 18 SOUTH, RANGE 47 EAST, WILLAMETTE MERIDIAN AS SET FORTH IN ACTION 2022-05-22AZ, AT A SINGLE MEETING BY TITLE ONLY.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-recuse. Motion carried 6/0/0/1.

Mayor Hill returned to the dais.

Ordinance #2814-2022: Psilocybin Ban

It being the date advertised for public hearing on the matter of Ordinance #2814-2022, the Hearing was declared open. There were no objections to the city's jurisdiction to hear the action, no abstentions, no ex-parte contact, and no declarations of conflict of interest.

Dan Cummings, City Manager Pro Tem, 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, MILLS seconded, **IN ACCORDANCE WITH SECTION 8.2(2) OF THE CITY CHARTER, THE CITY COUNCIL TO APPROVE ORDINANCE #2814-2022, AN ORDINANCE BANNING PSILOCYBIN RELATED BUSINESSES IN THE CITY OF ONTARIO, INCLUDING PRODUCT MANUFACTURERS AND SERVICE CENTER OPERATORS AT A SINGLE MEETING BY TITLE ONLY.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

BAKER moved, KIRBY seconded, **IN ACCORDANCE WITH SECTION 8.2(2) OF THE CITY CHARTER, THE CITY COUNCIL TO APPROVE ORDINANCE #2814-2022, AN ORDINANCE BANNING PSILOCYBIN RELATED BUSINESSES IN THE CITY OF ONTARIO, INCLUDING PRODUCT MANUFACTURERS AND SERVICE CENTER OPERATORS AT A SINGLE MEETING BY TITLE ONLY.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

Resolution #2022-131: Psilocybin Ban

It being the date advertised for public hearing on the matter of Resolution #2022-131, the Hearing was declared open. There were no objections to the city's jurisdiction to hear the action, no abstentions, ex-parte contact, and no declarations of conflict of interest.

Dan Cummings, City Manager Pro Tem, presented.

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



KIRBY moved, MILLS seconded, **THE CITY COUNCIL TO APPROVE RESOLUTION #2022-131, A RESOLUTION APPROVING REFERRAL TO THE ELECTORS OF THE CITY OF ONTARIO THE QUESTION OF PROHIBITING PSILOCYBIN RELATED BUSINESS IN THE CITY, INCLUDING PSILOCYBIN PRODUCT MANUFACTURERS AND SERVICE CENTER OPERATORS.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

DEPARTMENT HEAD UPDATES

Finance: Monthly Report (Attached)

Kari Ott, Finance Director, presented.

Councilor Hart asked what the ending fund balance was. It did not look like the city received all the marijuana revenue as budgeted.

Ms. Ott stated that was correct; however, there were still more payments to come in that would be in the last fiscal year.

Councilor Hart verified they'd be accrued then, but the amount was unknown.

Ms. Ott stated yes. The city had just received one payment of approximately \$700K. It was less than prior payments, but it was cyclic.

Councilor Hart stated once those came in, if there were any additional payments to pay down the PERS debt early, those would be made. That was the one thing that was easy for the city to hold and not actually do. Was that correct?

Ms. Ott stated the city could only make one payment per year.

Airport: Semiannual Report (Attached)

Justin Zysk, Airport Manager, presented.

Councilor Hart asked if the grass runway was usable?

Mr. Zysk stated it was. It had been used every week by the gliders. There was also a group from Nampa that utilized it.

Councilor Hart stated when they held the discussion about the mowing contract, Mr. Zysk mentioned that one of the things that could be done was to add it to a directory, so people knew one was located there. Was that something he was still thinking of pursuing?

Mr. Zysk stated the last correspondence he received from the engineer was a template to send to the FAA. Based on his conversation with the engineer, they might have to slow that down. Recently, the FAA started to recognize grass runways that were operating closely, the RSA, based on the safety area offset of an active paved runway. He was still looking into how they'd regulate the grass strip within an RSA, and it was debatable on how far they were going to go. It was something that he would continue to pursue.

Councilor Hart asked if they were in jeopardy of losing it, or just not being able to list it as something offered.

Mr. Zysk stated it would not be taken away.

Mr. Cummings stated the FAA just hadn't sanctioned it, but the FAA was now working on some regulations to allow it. Before it was just no, and it wouldn't be sanctioned. But they were now working towards that.



DISCUSSION ITEMS**New Public Works Dump Truck Funding**

Mayor Hill stated he had asked this item to be added to the agenda because it came up as a subject in budget hearings. Now they were around \$200K in the contingency and it was just now the beginning of a new year. They already approved \$20K+ for some ballistic vests. There was also a market decline in marijuana revenue. There was only 150K miles on the current truck. He spoke with two different people about it, who told him \$50K could put in a new motor/transmission, and then it should be fine. He believed they should repair the old truck. There was \$175K in that line, and that would put \$125K back into contingency.

Councilor Kirby stated his agreement with that. It had been discussed extensively during the budget process. They could get a rebuilt truck back in service more quickly than purchasing a new one. There was also the downturn in marijuana funds.

Casey Mordhorst, Public Works Director, stated it was not just the motor and transmission on the truck that had an issue. The hydraulic system on the trucks now were not the same as a construction site dump truck. The trucks did not have PTO style hydraulics; they were on 100% of the time. If they were going to retrofit this truck, at a minimum, they needed to do hydraulics, and last year's price was \$26K. That eliminated the cables, and they'd go to hydraulic valves. They had purchased the truck in used condition. With \$50K, they might be able to do both things, but he believed there was \$225K in the budget.

Mayor Hill stated he thought it was \$175K.

Ms. Ott stated there was \$225K budgeted.

Mr. Mordhorst stated if they could at least keep \$50K or \$75K to modify the current truck, they could get by; however, in the future it would be on the CIP list.

Mayor Hill stated there was 150K miles on the truck and he had spoken with guys that had millions of miles on their trucks and never touched them, but he did appreciate Mr. Mordhorst's concerns.

Councilor Melendrez asked what the dump truck was used for.

Mr. Mordhorst stated it was used for everything – chip sealing, hauling asphalt, hauling concrete, dirt, materials to and away from projects, and snow and ice removal. Primarily this truck was used at the airport.

Councilor Melendrez asked about funding for a new truck.

Mr. Mordhorst stated it would be the \$225K with the trade in of the used truck they were discussing.

Councilor Baker asked how many trucks were currently in the fleet.

Mr. Mordhorst stated there were three 10-yard trucks, and two 5-yard trucks.

Councilor Baker asked if this one was included in that total.

Mr. Mordhorst stated it was.

Councilor Baker stated if this was down for a certain amount of time, would that affect performance?

Mr. Mordhorst stated no; he'd just have to coordinate that with MetroQuip. He couldn't even get a chassis price until next November for next year.



Councilor Kirby suggested that Mr. Mordhorst return at the next meeting with firm figures. Then if the Council opted to alter the budgeted amount, they'd have stronger numbers to work with.

Mr. Mordhorst stated he would do that.

HAND OUTS

Minutes: County Court *(Attached)*

June 29, 2022; July 13, 2022

Check Register *(Attached)*

June, 2022

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Mayor Hill stated with regard to the old golf course clubhouse, was there anything the Council needed to be aware of?

Mr. Cummings stated no. He had been contacted by the renter, and they were working towards a solution. Hopefully, they'd have something resolved. They were in arrears on their lease and some other things that were supposed to be paid but were not. He was putting everything together and would then meet with the renters. They did want out of their lease, but he was working on the best way to do that.

- Councilor Hart stated with regard to the highlighted items on the check register, were those for the Border Board?

Ms. Ott stated they were.

- Councilor Mills stated with regard to Merchant McIntyre, staff was going to check into alternative companies that might be qualified for applying for grants for Oregon and federal funds. Was that done?

Mr. Cummings stated staff continued to seek those but would be putting together an RFP. The Mayor had a contact, whose information he had shared with Dan. They were lobbyists, and did not really do this, but felt they had some options.

- Councilor Braden stated he received an invitation to the ordinance review committee; could he receive an update on when and what would be happening?

Mr. Cummings stated the city attorney had written up the draft ordinance, and those had been reviewed with staff. They looked like they would work, so the first review with the committee had been scheduled. If the committee was agreeable with the proposed changes, it would be presented to Council for approval.

Councilor Kirby asked to have the draft ordinance ahead of the meeting.

Mr. Cummings stated that could be done.



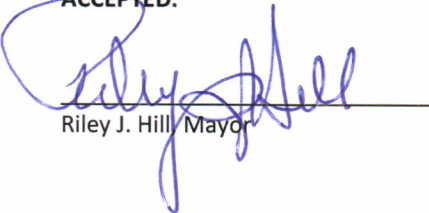
- Councilor Hart asked about the recruiting process for the police department since the removal of the residence issue.

Ms. Swihart stated there was one internal applicant, and the results of that had not be posted yet. If that did not move forward, it would be opened back up externally.

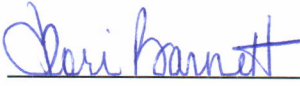
ADJOURN

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

ACCEPTED:


Riley J. Hill, Mayor

ATTEST


Tori Barnett, MMC, City Recorder