



CITY COUNCIL MEETING MINUTES August 24, 2021

The scheduled meeting of the Ontario City Council was called to order by Mayor Riley Hill at 6:12 p.m. on Tuesday, August 24, 2021, in the Council Chambers of City Hall. Council members present were Riley Hill, Sam Baker, John Kirby, Eddie Melendrez, Michael Braden, and Ken Hart.

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

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 August 20, 2021. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

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

Signing of \$1.5 Million PERS Debt Paydown

Mayor Hill stated he had a check made out to the Public Employees Retirement System for \$1.5M, which the city was going to execute to pay down the city's arrears in the retirement system. That would likely save the city \$250K the following year.

PUBLIC COMMENTS

Kristi Kraft, Special Olympics, Idaho, stated: *We also serve Eastern Oregon athletes. I thought I would stop by tonight and just share with you some things that we're doing here in this community to raise money for our local athletes. We are hosting a charity golf tournament. Local law enforcement, we work together with local law enforcement, who, the law enforcement torch run, it's an initiative called the Law Enforcement Torch Run and they raise money for Special Olympics athletes. We will be putting on a golf tournament on September 18th at Scotch Pines Golf Course in Payette. We're looking for businesses to support us by donating raffle items, auction items, put together a team, sponsor a hole, around \$100, donate raffle baskets, anything like that would be helpful. You can reach us at www.specialolympicsidaho.org and I can also, I have cards available if somebody wants to just reach out directly to me as well. Thank you.*

Richard Watts, Ontario, stated: *Thank you Mr. Mayor and City Council. I have been a resident of Ontario for 23 years. I've seen the good and the bad in Ontario, and right now it appears that the code enforcement is an issue. I personally think that enforcement of the codes is not the issue. The issue, from my perspective, is what happens once a violation is detected, citation issued, fines assessed. I think we're having a problem assessing the fines. Now I don't know the whole story, but that appears to be the issue. So I'd like to be on your committee because I think the committee, combined with the police department, city officials, the Council, and the Mayor, can put together a comprehensive, constructive, and positive program to address code enforcement issues. Thank you for your time.*

Ann Schiemer, Ontario, stated: I've been a resident of Ontario for 45 years. In fact, I might as well have been a resident my whole life. I was born in the Payette Memorial Hospital and lived here my entire life. I, like the gentleman before me, I've seen the good and bad in Ontario, seen the good and bad in the whole valley, but right now, if you came into Ontario, there is not one entrance to the City of Ontario that you can be proud of coming into, that would give you any positive attitude about the way we are in Ontario. You drive down and it's horrible, it's almost disgusting, and it isn't because we don't have code enforcement, because we have great people doing code enforcement. The problem is that the code is not being enforced. You get a fine, you're told to do something, and then it sits, or it's not equitable. Somebody says 'cuz I gotta pay all this, or I have to pay all this. We need to sit down, if we're going to have a code enforcement, it needs to be something that, no different then if you got a ticket for speeding. That's the fine, that's what you're going to pay. It's not so outlandish that you're going to end up getting bankruptcy because of it. But you need to know that you have been punished because you're not maintaining your lot. I've been an insurance agent for four years. I have inspected hundreds of properties – land, buildings, and everything – and the hardest thing to tell somebody is you know what, your insurance is going to cost you three times as much because you don't take care of it. Or you won't find an insurance company to insure because it's in such crap condition. Over the weekend, the little grey house straight down the street from here burned. It's been a joke around here for everybody that lived here in the area, when's it going to get torched? Well, you know, I wish you'd just let it burn to the ground because it then it would have just been a lot. Now that's a code enforcement issue. When's it going to get torn down and going to get cleaned up because it didn't get cleaned up when it was there before. We have, where I live on SW 11th, 12th, and Locust, we have generally one lane of traffic because we have RVs, we have trailers, we have crap all over the place so you can barely get through the roads, and those are things that don't help us. I like Ontario, I like living here, but I like to be proud of it, and if you're going down the street and five houses look good and you've got one that's bad, that's the one you see, and it's time that we cleaned up. It's time that we got our pride back in the City of Ontario. My degree is in Criminology and Criminal Justice. I interned with Judge Terry Thompson in truancy, juvenile, code enforcement, and vehicular sections. I truly believe that I could help, and I know how to read a code manual because I took Jeff Milton's classes when I was taking my courses. But I just think it's time that Ontario became proud of itself again, and one way we can do it is to clean up our streets, clean up our city, and make it a place where people genuinely want to work, want to live, and don't want to just drive through and say wasn't that a mess. Thank you.

Penny Bakefelt, Ontario, stated: Good evening, Mayor, City Council, and staff. I live over on Arata. I've applied to be on the position for the ad hoc code enforcement review committee and I have a past affiliation with working with questioning county commissions up in Washington County, Oregon, and I've been involved in a lot of different organizations throughout the years. I just like to get involved in my city where I live and be part of seeking better solutions. So that's what I'm about, so I'd like to be considered. Thank you.

Gabriele Astle, Ontario, stated: I'm also applying for the ad hoc committee. I've lived in Ontario since 1986. I have been involved with Citizens on Patrol for the last three years and in patrolling the city have logged numerous pieces of property that don't look very beautiful. If we want our city to look appealing, it needs to start with the citizens. We need to have fair and enforceable standards for our city if we want to attract people and businesses to move here. We want the citizens to feel proud of our city and feel safe. I've always prided myself on living in Ontario, so let's clean up our city in a fair way, one that we can all be proud of.

Norm Crume, Ontario, stated: Good evening, Mayor and Council. Lived in Ontario for 66 years. What I want to talk to you folks about tonight is a couple different issues. Starting out with proposed changes or some that were proposed or brought forward on the charter. The first thing that I want to go over is the possibility of the Council hiring department heads. When I first got on the Council, the Mayor at that time had a lot of those same type of ideas. He was criticized around the city for being a micro-manager and honestly, I believed what he said and in what he was doing. I was manipulated, so my bad. But after spending 12 years, I learned what works and what doesn't. Having political influence with the staff members is absolutely the most God-awful thing that you folks could ever dream of doing. It will ruin this body of work, your staff members here. I believe that if you guys go through with this that you will lose much of the staff that you have. That's up to them, not to me, but that's just my own belief. So, along with that, the other part that didn't make it through the ad hoc committee, and I put this through as a suggestion, is the Mayor only selecting committee members. Now I lived through this issue, I had ten years of three different Mayor's



that never pushed the issue. Come to find out when the current Mayor was elected, that was pushed to where only the Mayor selects the committee members. I was astonished by that, but there again, my bad, I didn't know what the charter said. But I will say is that the prior three Mayors didn't ever push that. In fact, two of them today told me with their blessing that they wouldn't have and didn't and they think it's absolutely wrong to have that in there. I am here to suggest to you folks to add that to your charter changes that it should be all of the Council equally appointing charter [sic] members. What can happen is, it's human nature that when you're sitting up there, and I know this by being up there for twelve years, that you want other people to vote along with you. I found out the hard way, the long way, that having seven independent minds up there and the ability to listen to different people's ideas was what made the city the best. It wasn't Norm's idea, or the next person's idea, It was the collective bargaining of everybody together that made the best ideas go forward for the community. I urge you to add that into your discussion. Next, is code enforcement or thereof the lack of, and I'm kind of surprised so many people talked about this, when I was on the Council I pushed for this real hard. I've got a piece of property near my home that I've turned in twice that the owner is a habitual offender for years and years, and last year was the best that that property was ever taken care of. I believe it was taken care of three times, if I'm not mistaken, and this year, not once, though it's been turned in by me twice. I'm not here to complain to code enforcement people at all. I'm here to complain to you folks for letting it get into this situation. People are complaining all over town of the looks of this city, and the lack of code enforcement. Now, I'm going to state a word here that we hear a lot on tv, and it might surprise somebody, but the Council actually defunded the police last year, or this year. And what I mean by that, the revenue stream for public safety was eliminated. There was a \$5 bill put on the water bill that was eliminated, that brought in about \$250K a year. That financed one patrolman and one extra code enforcement. With the change, four of us getting off the Council, that was turned around and eliminated and so we no longer have two code enforcement officers. It's my belief, I've always said for year, that code enforcement needed three officers out there, if not maybe four. What it did, it defunded one patrolman and one code enforcement, and the patrolman was reinstated by extra taxes from property taxes, the extra revenue there. I'm delighted to hear that \$250K is being saved by the money turned in for the PERS, the mandate there that we have, so I encourage you....

Mayor Hill reminded Mr. Crume that there was a big agenda that evening.

Mr. Crume: I've been criticized by you numerous times for talking too long; I'm trying to do this as fast as I can sir. I urge you, strongly, to look at that and try to make this city better instead of cutting and defunding the police. Thank you.

Eddie Thiel, Ontario, stated: Thank you. My name is Eddie Thiel. I'm from Ontario and I am the founder of the Citizens Coalition of Ontario. I'm glad you guys all came out for this, and I want to thank you for letting us be heard. I'll try to make this fast. I wrote it all down. I want to thank Norm for that; I agree with him. Secondly, David Armstrong is here somewhere, and he has a letter, hopefully, that he reads, and I totally agree with this. I wrote this letter before I found out that he wrote a letter and I decided okay, what the heck, I'm going to read it. This is more to point and real what we've been posting on Facebook, what's really happening here. Mine is a little different; it's a little off the cuff. So, I understand the charter – I'm going to read it - revision will be presented tonight for a vote, possibly from the Council. One of the revisions is the primary reason I am here tonight. This is the revision where Mayor Hill wants it to change from the City Manager doing the hiring of staff, to the Council. Basically, making it a Mayor-run city. Did a little research, by the way, and you can Google it. And if you check it out, you'll find it doesn't work. The current charter forbids the Council from interfering at any level with the hiring of department heads. Really important. Why? The reason is so elected officials do not push to have their friends fill positions who may have undo influence in the discharge of their duties. And it happens, and it's happening. Department heads need to be able to do their jobs without political influence and/or coercion. I'm going to become Mayor and I want you my assistant manager. My concern is getting a Council and/or Mayor that has an agenda that benefits them. And then possibly every four years, we have a new Mayor with their own agenda. Really. And with this power they can apply pressure to their then chosen City Manager to fire department heads and replacing them with their own hires. This is just not okay, really. To me this promotes corruption. And we, as citizens, can't do anything until another revision or recall. And that continues down the road. Right now, amongst the citizens of Ontario, there is a lack of trust in our Council due to not on this move; but other issues, such as the loss of the Ordinance Officer. We have one, even though for our city we

should have three. Fruitland has two; Weisser has two. It's disgusting. The Mayor suing the city, just to name a couple of things, \$500. Suing the city? Costing the city over \$7,000 in lawyer fees. Pay the damn fine, right? Okay. Sorry. There is an overall feeling that already there is a buddy system established that seems to be aiding certain people's agendas. And it's happening. So, please reject this revision and get rid of the Mayor-Council hiring of staff. I know this was not originally the plan of the committee, until the Mayor pushed for this. What does that tell us? If this passes, then we, as citizens, only have one recourse, and that is to spend a lot of time, energy, and money to educate the voters who are not totally informed. So, we can get the vote that we need, which is a no vote on the ballot. That's what we need. This can't go on. I need to remind you who you work for. We voted you in. You're our employee. You work for us. So please, listen. There's one other thing that really upsets me here. We have some real men at the top: Adam Brown – one of the best City Managers I've ever had in this town as long as I've been here, and I've been here a long time. I read his evaluation, and all the stuff he's done for us, it's amazing. Why would he stay? Thank you.

David Armstrong, Ontario, stated: I wrote a letter to the City Council, and I don't want to read all of it just because there's a lot of formalities that are not necessarily for that part, but I'm here to talk about the charter. The Ad Hoc Committee made a recommendation for the charter and then the Council decided that they should add some more to it, and I happened to read that this morning in the red-lined version of the PDF. I am going to tell you I believe we should reject the addition to the charter of the Council weighing on department heads. I'm going to give you some reasons for that. First: the Council is elected for governance, not for management. Overlapping those two things can lead to some real interesting problems and if you study those issues, those problems, they become really quite nasty. With this, though, there is an increase of the Council's power, and this will increase the responsibility of those department heads to come and report to not only Adam Brown as the City Manager, but also to the Council. That vastly increases their political nature of those positions, the political nature of those positions. If you've reported to five bosses, some of you in this room have, it's not fun. Okay? I've done it. Increasing the political pressure on these positions will make it harder in the future to hire department heads. That's going to be the nature of that. However, you know, a counter argument might be power's not a bad thing; sometimes it's helpful. I want you to look around the room and say would you give this to the most inept among you that get elected? It's not about today; it's not about how good you are today. It's about what happens when the Council you don't like, the people you don't like, are sitting in this room and they're now in the process. Point five: cities with a City Manager have better efficiency. That's just, it's been shown economically by multiple studies. By the way, we all, as residents, see probably a pricing premium of our homes in that. It's averaged about \$10K in cities with a City Manager instead of the Mayoral-Council kind of form get a \$10K increase on their home properties. Finally, I'm going to tell you something. The Ad Hoc Charter made a recommendation; by changing that, do you really want to look eroding some of that trust. I mean, we talk all the time about how do we build trust, how do we build committees, if we reject that, I think we reject some of the trust that we've built in there. Thank you guys for your time. Thank you for hearing my comments. I trust you guys will make the right decision.

CONSENT AGENDA

HART moved, BAKER seconded, **TO ADOPT THE CONSENT AGENDA, WHICH INCLUDED COUNCIL MEETING MINUTES OF JULY 27, 2021.** Roll call vote: Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/0.

COUNCIL CANDIDATES

Mayor Hill stated it was his understanding that they would hear from each candidate, take some time to digest it all, and make an appointment at the next Council meeting.

Councilor Kirby stated they'd had several withdraw their names from consideration, and he believed there was an elephant in the room that needed to be considered. He wanted to hear what the candidates had to say because it something that would lay on the Council. That elephant was diversity. Two women of color had withdrawn their names, and another older female who had been attending the meetings since January due to her interest in what has going on. Among the candidates remaining, there were two women and two men, and one of the men was of



color. This was a time for the Council to consider diversity. He wanted to hear what the candidates had to say about this issue. The normal argument in a redneck community was that they wanted the most experienced person, and these were all qualified individuals. He wanted each candidate to address how they would consider – would they weigh race, cultural background, ethnicity, against experience, training, skills, and knowledge? He hoped the Mayor would allow each of them to address that.

Councilor Melendrez asked Councilor Kirby for a clearer explanation of what he was asking.

Councilor Kirby stated that Councilor Melendrez wasn't a redneck. They lived in a conservative community, and he knew there were those who would say that they didn't want someone of color. The people might want race and ethnicity considered in the choice that the Council made. He believed the Council needed to hear how the candidates would consider that as one of them would be sitting on the dais. There were currently six men sitting on the dais currently, and that was a lot of testosterone. Five old fat white guys and one Hispanic. Was that really reflective of the community?

Councilor Melendrez stated he identified as Mexican, not Hispanic. When Councilor Kirby mentioned race and ethnicity vs. experience and knowledge, a person of color could have all that, too.

Councilor Kirby stated it could completely right or left, too. They, as a community, it was time to address the issue publicly.

Councilor Melendrez asked who all had withdrawn from consideration, and who remained?

Tori Barnett, City Recorder, stated they had started with seven and were now down to four. Cydney Cooke, Adrianna Contreras, and Margaret Hess withdrew, leaving the four candidates before them that evening.

James Grissett: So, I guess first, Mr. Kirby, to address your question. Diversity over experience over ethnicity over sexuality, it's a big question, right, especially in a small town, especially if you've been on the other side of the coin, right? The flip side. I don't really think there's a right or wrong. If I was up there, I would try to be open-minded and look at the whole picture. I would look at all aspects of it, right? Experience, education, background, what they've done within the community and for the community and if there could be any bias, right? With the corruption and the different conversations, I've heard the community speak about, would definitely weigh heavy. So, in these times with, as a minority, everybody talking about minorities, it is frustrating. Being on the flip side, and we want to be seen as that person with experience. The color of the skin, or sex, gender, shouldn't matter, but it does. So should it be taken into consideration? I would say a little bit. Should it be the only, the main determining factor? No. I don't know if that helped answer my perspective on it, but I would weigh in on it. As a minority, looking up at the Council, I'm not represented. I don't feel that I would be represented by that or any of the laws. As a resident that's been here over 13 years, I don't see it. That's one of the reasons why I decided to run. I know moving on to the two-minute speech, there's a lot about the city...I come from a diverse background. My skillset, my work-career, you start out doing any and everything you can. Through the years, I went to TVCC; I earned a degree here. I worked in Idaho at Internet Truckstop for years, helped them with a new building, to build that. I finally got in a position in my life where I'm no longer on that side of the line. Looking at being on the other side, I looked at the community. When I was at TVCC, I was in Phi Beta Kappa, the Honor Society, and our Honors topic was The Democratization of Information: Power, Peril, and Promise. We talk about code enforcement in the community – what is a community? Where is our community? When I plow my snow, I take my plow and I plow an entire block, because the guy next door, who I don't talk to, I don't know why he didn't plow his, but if I'm able to help, I'm going to help, I'm going to help my neighbor. I'm not going to be so concerned on why he's not doing it, but how I can do it to help him. When I had the opportunity to start building on North Oregon, everybody told me now, right? You're stupid, don't do it. I see it as an opportunity to help bring up that area, not only the area, but the people in the area. If everything else is building and you're stuck in a rut, you're on that side and you have no way to step over, all you need is that little light, that little glimmer, and as soon as I did that, I worked with code enforcement, I worked with the Chief, I worked with the Fire Department, I worked with the city, everybody to try to help bring that up, and it's coming up. The neighbors are happy. You can

see the pride in ownership. It's slow, it's a slow progress from the four-plex, now we're doing the townhouses, and the tri-plex. That was one of the reasons why I decided to go for the City Council. We looked at the traffic, we looked at what is going on in our city. We know talking to the City Manager I pulled out statistics, or to the police, most of the people that come in the city are from the other side of the river. Our resources are utilized heavily, the city, the police, we have no way to recoup that so how do we bring the city up? How do we get the millennials to come and stay? How do we get the pot smokers, the marijuana users who come and buy it and then take it illegally across the river, how do we get them to buy a condo? How do we get them to buy a house here and use the recreational and become a member of our community? How do we do that? I don't know all the answers, but I'm trying to help build a place where we can. That's one of the reasons why I put my name in the hat, and I would like to be a part of the team that kind of comes up those ideas. We have to find our community, every one of us in this community needs to help each other to bring the community back up. Sorry, I don't remember her name, but she talked about North Idaho, and it's true. I understand that the state owns the Eastern side so the money that's recovered, or the money from the building, helps the streets and the public works redo the streets. North of that, when we come into the city, we have the grants from the city to redo the buildings. We have home incentives, you can get up to \$50K in incentives to build new homes in the city, but when you come in, what do we see? How do we get businesses to invest in the city and in the buildings, and how do we find funds to redo the streets that are dilapidated? How can we make it so that when somebody comes to the new trailer park that they're building, 100+ units, not trailer park, but RV park, how do we get it to when they come in, they're like wow, this city is nice, this city is really changing? I don't know the answers. I have thoughts and opinions that I would like to put forth and be on the Council that would make that happen.

McShane Erlebach: Council and Mayor, thank you for allowing me to be here. Born and raised in this fine city. I moved away for work after college, and I moved my family back here. I've visited and worked in about 49 out of 50 states, so I've been in every little town in this lovely nation. I know Mr. John Kirby and quite a few of these gentlemen out here and their outstanding commitment to the community. As per the diversity statement, again, that kind of shoots me down for the spot if that's the first thing to come out of the Council's eyes there, but diversity should be a quality. We should be looking for the quality of the correct person to be on this board, that is going to steer the city to a future where our kids want to move here, not move away, that we do want these people that are moving from out of town, the Californians or wherever you want to say it, come to this town. We need to thrive with the businesses, make opportunities here that make people want to stay. We've got a splashpad, awesome! We have a bike and skateboard park that needs to be better. There are smaller towns with better things for our youth to grow up and experience. We need to focus more on those opportunities and that will bring better businesses, better paying jobs, a community that cares more. We don't have to worry, everybody's out here with code enforcement. Yes, there is, it does cost money. You own a home, you just paid \$330K for a townhome and now you have to put money into it and put money into the community around you. We need to be able to build that fortune for the people and that opportunity for our citizens so that they have it and they can be proud to go home to their nice house and that their kids are going to stay there, their kids want to go to the college here. I'll keep it short and sweet, but that is what I would like to help with, the hope that my kids want to stay and say this is a great community and I don't want to move away. Thank you for your time.

Susann Mills: The answer to your question, Councilor Kirby, is, in my mind, when I look at someone, I don't see color. I see a human being, and I think everyone should be treated equally. That's how we were born into this world. Unfortunately, things and times have changed all of that, and we treat each other differently, but in my perspective, looking at someone in hiring or anything else, I believe background references, personal interviews, are the key to getting the people that are most qualified. Anyway, thank you Mayor, Councilors, staff, and citizens. My name is Susann Mills. I'm applying for the City Council position. I've lived in Ontario at the same address for 44 years. I was born in Portland, Oregon; I moved to Boise, Idaho, in my early years. Later I moved to a small town called Midvale, Idaho. I was there until the middle of my senior year. I then moved to Weiser, and I graduated there with honors. I was going to attend college, but due to a horrific car accident in my family, I chose business school. I finished three months early. I was hired by as a secretary for the president of the school. I later went to work for an aluminum company, where I met my future husband. He did not work for the aluminum company, but I met him during that time. We relocated to Ontario, Oregon. He started Ontario Photocopy. Businesses that I've worked in in Ontario



during my first years here were Blackaby Insurance, Action Chrysler, Dr. Isom, and we had a restaurant called Manhattan Bistro. I babysat two years in my home, 12 children. During that time, I also sold Lund's Lights and I had three area reps under my supervision. We started our business in 1985 called Mills Manor Apartments, which we still own and operate today. My husband and I have two children. I have two stepchildren, eight grandkids, two great-grandkids. I was elected to Ontario City Council in 2006, and served four years, two years as Council President. I served on city committees to hire managers, Police Chief, Public Works employees, and various committee community functions. I was liaison to the Recreation Department, the Fire Department, and the Police Department. My desire to be considered for this position comes from my experience, my business knowledge, my interaction with businesses and people to make Ontario a good place for us to live, our children, and our grandchildren. I just want to state that what I feel I can do for Ontario is also listed on the questionnaire that you handed out to us. Thank you.

Charlotte Cablay: Good evening, Mayor and Council. My name is Charlotte Cablay and I have lived here in Ontario for just about one-year, next month, and my husband and I came here last fall because he is employed with the Jacobs company, and he currently serves as the Director for Public Service for Ontario. I mention that because it has come up as a question as to whether I would be an objective Councilor because of that, and I would say that my husband and I are individual people. We don't always see eye to eye on things, but we do talk about things, and pray about things, and we either come to an agreement, or we agree to disagree. If such issues come before the Council where it might be a problem, I would simply recuse myself from that issue. To address the diversity issue, Councilor Kirby, I think that it's all well and good that we all are educated and have business experience, but I think, too, that in some cases, people need people-people. They need someone that they can talk to, community with, and feel that they are heard and understand. They don't necessarily care where you worked last year, or where you got your degree or what it's in, they just want to express their needs and concerns and have the city address it. I definitely think that we have to take all things into consideration when selecting a Councilor. Like a couple of people, I decided to seek this position for diversity issues. I, too, noticed that there are a bunch of men looking out at us and that perhaps a woman would not be welcome, or maybe even someone else more diverse would not be welcome, but I would say that it is imperative for the growth of this city to have better diversity on the Council. I think that a new person to the city and to the Council that can see things from a different perspective, sometimes we get jaded, and we don't see things. We get set in our ways. We don't want to make changes, but I think that sometimes you need somebody in there that's going to shake it up a little bit and have some changes made because change is what helps us to grow, and I would hope that a community could see that that is what I want for this community. Like I said, we've been here a short time, but I've had a number of my family visit. They all think that it's a great city. They love where we live. They're happy that we're happy here. We never were thinking about where we are going to land after retirement. You know, I'm pretty happy here right now and something big would have to happen to change my mind. I want to be a part of the community. I've joined the Rotary; I'm part of Revitalize Ontario! and as I'm getting more and more settled, I'm looking into more ways to give service to the community and to the people. Thank you.

PRESENTATIONS

National Recovery Month and Hands Around the Park

Judy Trask, Paula Olvera, Jennifer Schaffer, invited the Council and everyone watching and/or listening to attend the 18th Annual Hands Around the Park event on Thursday, September 16, 2021, from 4:30-6:30 p.m. at Rotary Laxson Park.

Councilor Melendrez stated he had worked with this team for a number of years, and they did amazing work. It was an honor to have them in our community. He thanked them all for their service.



OLD BUSINESSCharter Amendments

Councilor Hart thanked the members of the committee for their time. The committee met every other week and completed the process. A presentation was given to the Council, and he thanked Larry Sullivan for getting it back to them in legislative language. It was now open for discussion and debate to determine what would be approved and submitted to the voters in May, 2022.

Mayor Hill stated several comments had been made about one of his issues, which was about the Council being involved in the hiring of department heads. Previous City Managers involved the Council in that process; however, the current City Manager had not, and made all the selections with no input from the Council. He didn't purport that the Council should have any firing power or that a department head should work directly for the Council. He believed the Council should be involved in the hiring of a department head, not managing them, not firing them, not bringing them in front of the Council. If the City Manager quit, he was blessed with his hires, but a new City Manager coming in did not have the privilege of hiring his own staff. He would have to take up the staff already in place, but the Council remained. The Council was elected to take the town in the direction the citizens wanted to go. He was proposing that the Council have a say in who was hired as a department head and would take a step toward making that a separate item on the ballot. Let the citizens decide if they wanted the Council involved in the hiring of department heads. Not the firing of, not the management of, simply the selection of.

Councilor Melendrez asked for clarification. He attended one meeting where it had been discussed. Someone mentioned having seven bosses, and he'd had more than one boss. The Mayor responded that he only wanted to have input, but at the next meeting, the City Attorney asked for verification on what was being asked. It seemed what was being said and what was being asked were two different things. Was the vote that the Council would have authority to hire and fire, or just input on hiring only.

Larry Sullivan, City Attorney, stated in Section 4.3 on page 4, the language in subsection "F" read *"that for all employees except department heads, the City Manager shall have sole authority to make hiring and firing decisions. As to department heads, the Council shall have the sole authority to make the final hiring decision"*. It gave the Council more than just a voice in the hiring process, as it was the Council who had the ultimate hiring decision making authority. That was under this draft of the charter.

Councilor Melendrez stated they had already seen two staff members leave. What he'd seen over the past seven months, the environment could be toxic, sometimes from citizens, sometimes from Council. There were times he didn't even want to come to Council, but he'd been elected to represent the community. Imagine being an employee, approaching the podium, and they were just grilled by the Council. The Council was the policy makers, and he was a part of that. They needed to trust the employees to enforce, or perform the duties, of the policies set by the Council. He was against the Council being involved in the hiring of Department Heads. Of course, it would be nice to be able to provide input on hiring or firing, but it went both ways. The Council rotated in and out every two years, too. For example, he'd like to have input on the legal issues the Mayor was involved in with the police department's ordinance issues. The Mayor could not tell him that action would not influence his decision making, especially in hiring or firing members of law enforcement.

Councilor Kirby stated it was his understanding that the Council could cause an exception of Section 4.3(F) to be voted on separately from the major body of the charter changes.

Mayor Hill stated that was he meant to indicate, but with that, it still wasn't exactly as he wanted it. He wanted the City Manager involved in the selection process. The Council could vote on it, but they were not going to interview the candidates. The City Manager would handle that. He thought the Council should have a say. He thought it good to carve out that section and make it a separate item on the ballot so the citizens could decide.

Councilor Kirby stated the citizens on the committee gave a good counsel to the Council, but it was changed when it arrived before Council.

KIRBY moved, NO second, **THE CITY COUNCIL APPROVE THE CHARTER AMENDMENT BALLOT LANGUAGE AS REQUESTED BY THE CITY COUNCIL, PRESENTED BY THE CITY ATTORNEY, AND WITH THE AMENDMENTS AS STATED, EXCEPTING SECTION 4.3(F) TO BE VOTED ON BY ITSELF, TO BE PUT ON THE MAY 2022 BALLOT.** Died for lack of second.

Councilor Hart proposed two votes. One vote similar to what Councilor Kirby suggested, stripping two sections out, Section 4.3 and 3.5, and approving everything else that was before the Council. Vote on that portion, taking that to the voters in May, 2022. Then, take a separate vote to see if the Council wanted to place the other language, that specifically related to 4.3 and 4.5, which related to the issue raised, on a stand-alone basis. But the Mayor had also mentioned that he was not happy with the language being presented. Did that need to be reworked, have further discussion, or?

Mayor Hill stated the City Manager the individuals would be working for him directly. In the selection process, the City Manager needed to be involved, not just the Council. That should be reflected in the language.

Mike Miller, Ad Hoc Committee member: *I just had a question about putting to the voters. How many common people, or any person, would understand that language that you're talking about and go before a vote and get a decent outcome. I don't think most people would even understand it. And my feeling is, we pay a City Manager a six-figure income with benefits. He should guide the ship. I wouldn't like seven or eight people being my boss. It's important to get new people into this valley, in Ontario, and hire quality people like Adam; it's going to discourage them. That's my opinion.*

Councilor Hart stated his agreement with Mr. Miller; that's why he was trying to get it off the charter as a separate action. He did not know if it would make it on its own. The committee had done a lot of good work. Most folks that he'd spoken with liked the proposed changes and wanted to see it on the ballot. He was truly worried about the provision, which was why he wanted it pulled out and let the Council decide if there was enough support to put it as a stand-alone piece.

Councilor Melendrez stated he agreed with Mr. Miller, too. That's why he hadn't seconded Councilor Kirby's motion.

Susann Mills, Ad Hoc Committee member: *I was on that committee for the charter. I brought up during the committee meeting that our City Manager is hired to do the job of hiring and firing the department heads. We pay him good money. I don't know why we're taking away his duties. It seems like all the time I was on City Council and even now, that if it's not broken, why fix it? And if it's broken, you're going to have to explain to me better why it has to be changed. And so I feel that maybe in certain circumstances the Council needs to be addressed with the hiring of someone, or maybe as they did when I was on City Council, they had committees that helped interview different people for different departments and it worked out really well. I just don't yet get why we want to have the City Council hire and fire the department heads when I feel it's the City Manager's job and that's what he was hired for.*

Mayor Hill stated there was no firing in this motion.

HART moved, KIRBY seconded **THE CITY COUNCIL APPROVE THE CHARTER AMENDMENT BALLOT LANGUAGE AS REQUESTED BY THE CITY COUNCIL, AND PRESENTED BY THE CITY ATTORNEY, TO BE PUT ON THE MAY 2022 BALLOT EXCEPT FOR SECTIONS 4.3 AND 4.5 WHICH SHALL NOT BE CHANGED AND THAT THE AMENDMENTS BE PRESENTED AS ONE CONSOLIDATED VOTE TO VOTERS.** Roll call vote: Baker-no; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-no. Motion carried 4/2/0.



Mayor Hill asked how they wanted to address the two sections that had been removed.

Councilor Hart asked if the Mayor was comfortable with the language, or did he want it changed.

Mayor Hill wanted it changed. The City Manager dealt with those people on a daily basis. The City Manager might leave, and the incoming City Manager had to deal with the who the previous City Manager had hired, and the Council had not say over that. The City Manager needed to be involved in the hiring, but also the Council.

Councilor Hart asked for a general idea of the edits for that section, and then to bring it back before Council for review. They'd then ask for support to move it forward as another amendment to the charter for the 2022 May ballot.

Mr. Sullivan stated in section 4.3(f), it currently read *"for all employees except department heads, the City Manager shall have sole authority to make hiring and firing decisions."* The second sentence is the key sentence up for discussion. It could read something like *"As to department heads, the Council shall have the sole authority to make the final hiring decision considering the advice and recommendation of the City Manager."*

Mayor Hill stated that was fine with that if the City Attorney could arrive at the necessary language.

Councilor Braden stated to Susann Mills, Mike Miller, Ken Hart, the Council leaned heavily on the ad hoc committee, and they put in many evenings of good, hard work. He'd read all the minutes, and the changes made. He questioned Councilor Hart and felt comfortable with all the changes. This was not a rubber stamp. The committee did awesome work, and he thanked them for getting them a good product. Oh, and Jaime Taylor, who was also in the audience.

Bid Award: Wayfinding Contract

Adam Brown, City Manager, presented.

MELENDREZ moved, KIRBY seconded, **THE CITY COUNCIL AWARD THE WAYFINDING BID TO ACSM IN THE BASE AMOUNT OF \$242,986 WITH THE ABILITY TO EXTEND SERVICES FOR TWO ADDITIONAL YEARS IF BUDGETED BY THE ONTARIO CITY COUNCIL.** Roll call vote: Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/0.

Sprint Boat Race

Adam Brown, City Manager, presented.

MELENDREZ moved, BRADEN seconded, **THE CITY COUNCIL APPROVE THE CONTRACT BETWEEN THE CITY OF ONTARIO AND R&R PROMOTIONS LLC FOR HOSTING EVENTS ON THE AIRPORT GROUNDS WITH ALL PROCEEDS GOING TO THE AIRPORT FUND, INCLUDING A RECLAMATION BOND BE PROVIDED, AND THE CITY NOT BE RESPONSIBLE FOR PROVIDING THE WATER.** Roll call vote: Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/0.

Resolution #2021-119: Master Fee Schedule

Kari Ott, Finance Director, presented.

KIRBY moved, BAKER seconded, **THE CITY COUNCIL APPROVE RESOLUTION #2021-119: A RESOLUTION ADOPTING A MASTER FEE SCHEDULE FOR THE 2021-2022 FISCAL YEAR.** Roll call vote: Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/0.

NEW BUSINESS**Appointments to Committees: Airport; Code Enforcement Review**

Adam Brown, City Manager, presented.

Mayor Hill **APPOINTED BILL HAGER TO THE AIPORT COMMITTEE, ALTERNATE SPOT.** Council concurred.

Regarding the Code Enforcement Review Ad Hoc Committee, Mayor Hill recommended David Sullivan and Susann Mills as two appointments.

Councilor Kirby stated the application of Susann Mills was a wild card as she was also a candidate for the vacant City Council position.

HART moved, BRADEN seconded, **THAT THE AD HOC COMMITTEE BE COMPRISED OF TWO CITY COUNCILORS AND FIVE MEMBERS OF THE PUBLIC THAT LIVE IN ONTARIO.** Roll call vote: Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/0.

Councilor Mills withdrew her application to serve on the Code Enforcement Ad Hoc Committee.

Mayor Hill asked for two representatives from the Council.

Councilor Kirby stated he would serve.

Councilor Braden stated he would serve.

HART proposed that Mr. Watts, Ms. Schiemer, Ms. Bakefelt, Ms. Sullivan, and Ms. Astle be appointed to the Ad Hoc Committee.

BAKER moved, KIRBY seconded, **TO CLOSE THE NOMINATIONS.** Roll call vote: Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/0.

Council consensus **TO APPOINT ANN SCHIEMER, DAVID SULLIVAN, GABRIELE ASTLE, PENNY BAKEFELT, AND RICHARD WATTS TO THE CODE ENFORCEMENT REVIEW AD HOC COMMITTEE.**

Solar Lease Assignment to Ruiz

Dan Cummings, Community Development Director, presented.

Mayor Hill recused himself declaring a conflict of interest, handed the gavel to Council President Hart, and stepped down from the dais.

BRADEN moved, KIRBY seconded, **THAT THE CITY COUNCIL APPROVE THE REQUEST TO ASSIGN THE LEASE THE CITY OF ONTARIO MADE TO FLEET DEVELOPMENT, LLC DATED NOVEMBER 24, 2020, AND ASSIGN IT TO J. RUIZ ENTERPRISES, LLC AND AUTHORIZE THE COUNCIL PRESIDENT TO SIGN THE ASSIGNMENT OF LEASE.** Roll call vote: Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-abstain. Motion carried 5/0/0/1.

Mayor Hill returned to the dais.

Bid Award: City Engineering and Surveying Contract to CK3, LLC, for Design Plans and Specification for Street and Storm Water Improvements to Dorian Drive between NW 4th Avenue and West Idaho Avenue

Paul Woods, City Engineer, presented.

KIRBY moved, BRADEN seconded, **THE CITY COUNCIL AWARD A CIVIL ENGINEERING AND SURVEYING CONTRACT TO CK3, LLC IN THE AMOUNT OF \$65,240 FOR DESIGN PLANS AND SPECIFICATIONS TO FACILITATE STREET AND STORM WATER IMPROVEMENTS TO DORIAN DRIVE BETWEEN NW 4TH AVENUE AND WEST IDAHO AVENUE.** Roll call vote: Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/0.

Bid Award: Engineering Contract to Keller Associates for Tapadera Lift Station Final Design

Paul Woods, City Engineer, presented.

BRADEN moved, BAKER seconded, **THE CITY COUNCIL AWARD AN ENGINEERING CONTRACT AMENDMENT TO KELLER ASSOCIATES IN THE AMOUNT OF \$99,300 FOR THE TAPADERA LIFT STATION FINAL DESIGN AND BIDDING SERVICES.** Roll call vote: Baker-yes; Kirby-yes; Braden-yes; Hart-no; Melendrez-yes; Hill-yes. Motion carried 5/1/0.

Resolution #2021-136: Unexpected Street Revenues – Dorian Drive and Airport Way Projects

Kari Ott, Finance Director, presented.

BRADEN moved, KIRBY seconded, **THE CITY COUNCIL APPROVE RESOLUTION #2021-136: A RESOLUTION TO APPROPRIATE UNEXPECTED STREET REVENUES FOR EXPENDITURE AND APPROPRIATING EXPENDITURES FOR DORIAN DRIVE AND AIRPORT WAY PROJECTS.** Roll call vote: Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/0.

Bid Award: Engineering Contract to Murrysmith, Inc., for Wastewater Outfall Diffuser Final Engineering Design and Permitting

Paul Woods, City Engineer, presented.

BRADEN moved, BAKER seconded, **THE CITY COUNCIL AWARD AN ENGINEERING CONTACT TO MURRYSMITH, INC. IN THE AMOUNT OF \$93,298 FOR ENGINEERING DESIGN PLANS AND SPECIFICATIONS AND PERMITTING OF IMPROVEMENTS TO THE CITY'S WASTEWATER TREATMENT OUTFALL TO THE SNAKE RIVER.** Roll call vote: Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/0.

Bid Award: Cultural Monitoring Contract to ARH Archaeology and Architectural History for Support of the CDBG Sewer Line Replacement Project

Paul Woods, City Engineer, presented.

BRADEN moved, MELENDREZ seconded, **THE COUNCIL TERMINATE THE PRIOR CONTRACT AWARD TO BLUE MOUNTAIN CONSULTING AND AWARD A NEW CONSULTING CONTRACT IN THE AMOUNT OF \$32,786 TO ARH ARCHAEOLOGY AND ARCHITECTURAL HISTORY FOR CULTURAL MONITORING SERVICES TO SUPPORT THE CDBG SEWER LINE REPLACEMENT PROJECT.** Roll call vote: Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/0.

DEPARTMENT HEAD UPDATES**Finance: Monthly Report** *(Attached)*

Kari Ott, Finance Director, presented.



DISCUSSION ITEMS**Homeless Shelter at the Airport**

Mayor Hill stated because they had promised the people of the city that the Council would explore options for providing homeless shelters, he had taken this on. He had been out to the location two years previously to look at the possibility. He wrote a few letters to the FAA, who told them that if the city did that on their own, without doing an application, it would jeopardize any grants the city might receive, so that didn't move forward. The FAA representative stated the city would have to go through a process, submitting a formal application. It was the FAA reps view that it would be incompatible. In asking why motorboat and motorcycle races would be compatible, but temporary homeless shelters would not be, he responded that it just was. Mayor Hill asked what if the politicians wanted it to happen, and the FAA rep said he couldn't comment on that. That was how it was left. This was something that the city would have to do something at some point, and this was one avenue to look into. There were 135 storage units out there that would be going to waste, and he didn't want the city to spend money to purchase other property when there was already property available. The 135 units were larger than the huts that were being provided currently. It seemed logical. There was even bus servers out there already. It would be a Council decision on whether or not to pursue it. The Airport Committee was not in favor of the action.

Councilor Kirby stated it angered him that Ontario was becoming the backyard. It was because of what happened in Boise. The federal standard for homelessness was set by Martin v. Boise. Because Oregon provided better benefits, everyone was being sent here. Ontario had marijuana with no fines, the state would take care of you, and now Ontario even had shelters. He didn't believe this community deserved that. It would make Ontario worse. There was truly no place in Ontario to place a homeless area. He was against the Airport for several reasons, as was the Airport Committee. There was no good answer, but he was sure waiting for one.

Councilor Hart stated in the City Manager's update last weekend, he had voiced concerns about the homeless in the parks and having difficulty in moving them on.

Mayor Hill asked Mr. Sullivan to provide the timeframe and obligation that the city was facing regarding the homeless issues.

Mr. Sullivan stated he could not answer that currently but would provide a report.

RECORDER BATTERY DIED – REMAINDER OF MEETING MINUTES TRANSCRIBED THROUGH NOTES.

Transient Occupancy Tax for RV Parks

Adam Brown, City Manager, presented. Council direction to move forward.

Downtown Attraction Study Update

Adam Brown, City Manager, presented.

HAND OUTS**Check Register: July 2021** (Attached)

July 2021

Minutes (Attached)

County Court 07-28-2021; 08-11-2021



CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORT

- Councilor Kirby commented on the departure of Assistant City Manager/HR Manager Peter Hall and thanked him for all he'd done for the city. He wished him well.
- Councilor Braden thanked all the candidates who submitted letters of interest in serving on the Code Enforcement Review Ad Hoc Committee.
- Mayor Hill stated he'd like to see the Council Rules and Procedures reviewed and possibly amended.
- Mayor Hill asked about a pending lawsuit.

Mr. Brown stated that would be discussed in the executive session.

AMEND AGENDA

BRADEN moved, HART seconded, **TO AMEND THE AGENDA TO ADD AN EXECUTIVE SESSION**. Roll call vote: Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/0.

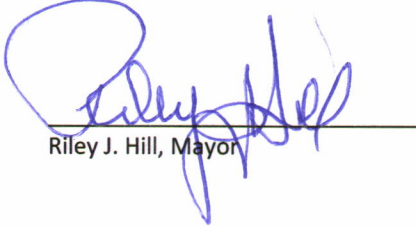
EXECUTIVE SESSION**Executive Session: ORS 192.660(2)(h)**

An executive session was called at 9:43 p.m. under provisions of ORS 192.660(2)(h) to discuss current or potential litigation. The Council reconvened into regular session at 10:29 a.m.

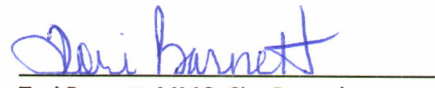
ADJOURN

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

ACCEPTED:


Riley J. Hill, Mayor

ATTEST


Tori Barnett, MMC, City Recorder