



CITY COUNCIL MEETING MINUTES September 28, 2021

The scheduled meeting of the Ontario City Council was called to order by Mayor Riley Hill at 6:00 p.m. on Tuesday, September 28, 2021, in the Council Chambers of City Hall. Council members present in person or by call-in were Riley Hill, Sam Baker, John Kirby, Susann Mills, and Ken Hart. Michael Braden and Eddie Melendrez were excused.

Members of staff present in person or by call-in were Adam Brown, Tori Barnett, Dan Cummings, Terry Leighton, Steven Romero, Kari Ott, Larry Sullivan, Al Cablay, Paul Woods, and Marc Berg. Larry Sullivan departed the meeting at 7:04 p.m.

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 September 24, 2021. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

KIRBY moved, HART seconded, **TO ADOPT THE AGENDA AS PRESENTED**. Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Braden-out; Hart-yes; Melendrez-out; Hill-yes. Motion carried 5/0/2.

CONSENT AGENDA

MILLS moved, HART seconded, **TO ADOPT THE CONSENT AGENDA, WHICH INCLUDED COUNCIL MEETING MINUTES OF AUGUST 10, 2021; HANGAR LEASE: ALTITUDE DEVELOPMENT, LLC (TYLER FRAZIER) – 220 GOLF; HOUSING INCENTIVE PROGRAM: ERNESTO JUAREZ (37-2021); AND HOUSING INCENTIVE PROGRAM: BK CONSTRUCTION (38-2021)**. Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Braden-out; Hart-yes; Melendrez-out; Hill-yes. Motion carried 5/0/2.

PRESENTATION

COVID 19 Update: Malheur County Health Department (Report Attached)

Sarah Poe, Director, presented; also present was Angie Sillonis.

Merchant McIntyre Update (Report Attached)

Brent Merchant, Principal, Merchant McIntyre, presented; also present was Will Hoing, Vice President.

Councilor Hart asked how long the pipelines of dollars would be out there, and how long did they see the city continuing to use their services?

Mr. Merchant stated they hadn't anticipated many of these streams of dollars being available at all. He expected the stimulus dollars would be going away but was confident infrastructure dollars would be moving forward. Many of the programs already targeted were already in annual budgets. As far as needing their services, part of their job was to work themselves out of partnerships when those partners were able to do the work themselves.



City Manager Update *(Report Attached)*

Adam Brown, City Manager, presented.

OLD BUSINESS**Evergreen Cemetery North Gate Access – Update and Final Report** *(Report Attached)*

Al Cablay, Public Works Director, presented.

KIRBY moved, HART seconded, **THE CITY COUNCIL RECEIVE AND FILE THE UPDATE AND FINAL REPORT AND RECOMMEND OPTION A WHICH IS TO REMAIN OPEN 24/7 AT THE EVERGREEN CEMETERY NORTH GATE ACCESS.**

Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Braden-out; Hart-yes; Melendrez-out; Hill-yes. Motion carried 5/0/2.

Resolution #2021-133: Adopting a Supplemental Budget to Appropriate Funding for the Ameresco Energy Savings Project

Adam Brown, City Manager, presented.

Councilor Baker asked if there was any way to retrofit the existing poles. He had received some comments about spending money unnecessarily on the poled.

Mr. Wyeth stated yes, it was technically possible, but it was not their understanding it was a goal of the project.

Councilor Hart stated the proposed resolution read \$50K from the downtown attraction, and that was the parklet, correct?

Kari Ott, Finance Director, stated that was correct.

Mayor Hill asked if they knew what the difference in cost might be.

Mr. Crawford stated he did not know but could provide it if wanted.

Mr. Brown stated he received a separate price quote of about \$314K just for the poles and light heads, which did not include construction. Of the \$447K light project, about \$115K was actually for LED lighting in all the facilities and parking lots. That's where the energy savings was.

Councilor Hart stated these funds were one-time funds from marijuana, and they had done good work by paying down the PERS debt. The public was seeing the impact of more traffic in the community, and being able to assist in beautifying the downtown justified the expenditure. It wasn't his first priority, but they were doing a good job of supporting other priorities.

Mayor Hill asked if there was a drip system to the plants? What exactly did the poles provide?

Mr. Crawford stated the selected poles had different bells and whistles. Some had outriggers for hanging flowers or flags. They could also install Wi-Fi routers or outlets. The outlets had been selected for running lights. The current poles could not be retrofitted for the outlets. The current selection did not have the drip tube, but that could be done. At this time, no Wi-Fi was planned, but there were holes in the poles for that.

Mr. Brown stated there was a separate project for getting water to the poles. They could have cameras on them as well. There were a number of options.

Mayor Hill was asking about the options available now, but that not all selected, so they could upgrade without having to change the poles.

Councilor Baker verified if was \$117K to change the lightbulbs?

Mr. Brown stated yes, but that was an approximate number. That was for the exterior and interior lights, saving the city about \$15K16K a year. Also, they would not need to change the bulbs every 3-5 years as was necessary currently.

Mr. Crawford stated replacing the poles was significant.

Councilor Baker stated that with all this moving of money to accommodate other things, and being down on revenues with the marijuana money, he was just trying to be frugal.

HART moved, KIRBY seconded, **THE CITY COUNCIL APPROVE RESOLUTION 2021-133 TO ADOPT A SUPPLEMENTAL BUDGET TO FUND THE AMERESCO PROJECT AND APPROVE PAYMENT OF \$35,340 TO AMERESCO FOR THE ENERGY AUDIT FEE AND AUTHORIZE \$447,700 FOR THE DOWNTOWN DECORATIVE STREET LIGHT PROJECT; \$78,315 FOR SEWER FLOW PACE PUMPING IMPROVEMENTS; AND \$80,000 IN WATER TREATMENT PLANT ENGINEERING DESIGN FOR PUMPING AND MOTOR CONTROL IMPROVEMENTS AND AUTHORIZE THE MAYOR TO SIGN.** Roll call vote: Mills-yes; Baker-no; Kirby-yes; Braden-out; Hart-yes; Melendrez-out; Hill-yes. Motion carried 4/1/2.

Ordinance #2796-2021: Business Registrations Amendment

Adam Brown, City Manager, presented.

Councilor Hart stated currently there was a fee structure with penalties, but it was not being enforced. It was important to have this information, so this should be continued to get business information to public safety. Removing this made the city more attractive. He spoke with John Breidenbach who was asking to establish a breakfast group to have local business owners come in to discuss what could be done better, be it at the city or county level.

Kirby: major concern was public safety which he'd addressed with the chief. They wanted to keep this successful for everyone.

Mayor Hill read the proposed ordinance: *WHEREAS, The City of Ontario has a business registration to improve the public safety of property and notify business owners of public safety issues; and WHEREAS, The City Council has reviewed the costs and benefits of the program and determined that the cost to businesses of annual renewal is burdensome; and WHEREAS, The City does not have the resources to enforce current regulations prescribed by City Code with regard to non-compliance; and WHEREAS, The City Council wishes to relieve businesses of the annual process and associated fee. NOW THEREFORE, BE IT HEREBY RESOLVED by the Ontario City Council to adopts the amended language for Title 3, Section 4 General business registration in attachment A.*

HART moved, KIRBY seconded, **THE CITY COUNCIL APPROVE ORDINANCE #2796-2021 AMENDING TITLE 3 CHAPTER 4 GENERAL BUSINESS REGISTRATION.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Braden-out; Hart-yes; Melendrez-out; Hill-yes. Motion carried 5/0/2.

HART moved, KIRBY seconded, **THE CITY COUNCIL WAIVE THE SECOND READING OF ORDINANCE #2796-2021 AMENDING TITLE 3 CHAPTER 4 GENERAL BUSINESS REGISTRATION AND ADOPT CHANGES AS PRESENTED.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Braden-out; Hart-yes; Melendrez-out; Hill-yes. Motion carried 5/0/2.

Ordinance #2797-2021: Transient Room Tax for RV Parks and Transient Lodging Intermediaries

Mayor Hill read the proposed ordinance: *WHEREAS, The City of Ontario has a transient room tax to improve which supports public safety, roads, and economic development activities; and WHEREAS, The City Council has reviewed existing Ontario Municipal Code and deemed that the transient room tax is not applied equally across transient housing services; and WHEREAS, The City desires all providers of transient housing to be treated the same. NOW THEREFORE, BE IT HEREBY RESOLVED by the Ontario City Council to adopts the amended language for Title 3, Section 11 Transient Room Tax in attachment A.*



HART moved, KIRBY seconded, **THE CITY COUNCIL APPROVE ORDINANCE #2797-2021 AMENDING THE ONTARIO MUNICIPAL CODE TITLE 3, SECTION 11 TRANSIENT ROOM TAX.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Braden-out; Hart-yes; Melendrez-out; Hill-yes. Motion carried 5/0/2.

HART moved, BAKER seconded, **TO WAIVE THE SECOND READING OF ORDINANCE #2797-2021 AND APPROVE ORDINANCE #2797-2021 AMENDING THE ONTARIO MUNICIPAL CODE TITLE 3, SECTION 11 TRANSIENT ROOM TAX.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Braden-out; Hart-yes; Melendrez-out; Hill-yes. Motion carried 5/0/2.

NEW BUSINESS

New Hangar Lease: William Dan Penn – 140 Golf

Dan Cummings, Community Development Director, presented.

KIRBY moved, MILLS seconded, **THE CITY COUNCIL APPROVE THE HANGER LEASE OF 140 GOLF TO WILLIAM DAN PENN.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Braden-out; Hart-yes; Melendrez-out; Hill-yes. Motion carried 5/0/2.

New Hangar Leases: Greg Guymon & Alexander Heap – 141, 143, 145, 147, 149, and 151 Beechcraft

HART moved, MILLS seconded, **THE CITY COUNCIL APPROVE THE HANGER LEASES OF 141, 143, 145, 147, 149 AND 151 BEECHCRAFT TO GREG GUYMON AND ALEXANDER HEAP.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Braden-out; Hart-yes; Melendrez-out; Hill-yes. Motion carried 5/0/2.

New Hangar Leases: Alexander Heap – 153, 155, 157, and 159 Beechcraft

Councilor Baker asked if the hangars would be sublet.

Mr. Cummings stated yes; these would be leased to individuals who wanted a hangar but couldn't, or didn't want, to build themselves.

HART moved, KIRBY seconded, **THE CITY COUNCIL APPROVE THE HANGER LEASES OF 153, 155, 157 AND 159 BEECHCRAFT TO ALEXANDER HEAP.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Braden-out; Hart-yes; Melendrez-out; Hill-yes. Motion carried 5/0/2.

Request Contract Extension #2 with Ontario Rural Fire Protection District for Negotiations

BAKER moved, HART seconded, **THE CITY COUNCIL APPROVE EXTENSION #2 OF THE AGREEMENT WITH THE RURAL FIRE PROTECTION BOARD.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Braden-out; Hart-yes; Melendrez-out; Hill-yes. Motion carried 5/0/2.

Mr. Brown stated with the illness of Councilor Braden, it was possible he would be unable to participate in the negotiations and asked that another Councilor might need to replace him.

Councilor Baker stated he would be willing to be the alternate to the negotiations if Councilor Braden was unable to attend.

Resolution #2021-132: Airport Security Fence Improvements

Dan Cummings, Community Development Director, presented.

Councilor Hart asked where the additional funding would be taken from.

Mr. Cummings stated it would be taken from contingency.



BAKER moved, MILLS seconded, **THE CITY COUNCIL APPROVE RESOLUTION #2021-132: A RESOLUTION TO APPROPRIATE NECESSARY FUNDING FOR AIRPORT SECURITY FENCING IMPROVEMENTS.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Braden-out; Hart-yes; Melendrez-out; Hill-yes. Motion carried 5/0/2.

Ordinance #2795-2021: Cable One/Sparklight Proposed Franchise Agreement Renewal

Adam Brown, City Manager, presented.

HART moved, KIRBY seconded, **THE CITY COUNCIL APPROVE ORDINANCE #2795-2021, AN ORDINANCE GRANTING TO CABLE ONE, INC. THE RIGHT TO MAINTAIN A CABLE COMMUNICATIONS SYSTEM IN THE CITY OF ONTARIO AND TO USE THE RIGHTS OF WAY OF THE CITY OF ONTARIO FOR ITS BUSINESS OPERATIONS.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Braden-out; Hart-yes; Melendrez-out; Hill-yes. Motion carried 5/0/2.

HART moved, BAKER seconded, **THE CITY COUNCIL WAIVE THE SECOND READING OF ORDINANCE #2795-2021, AN ORDINANCE GRANTING TO CABLE ONE, INC. THE RIGHT TO MAINTAIN A CABLE COMMUNICATIONS SYSTEM IN THE CITY OF ONTARIO AND TO USE THE RIGHTS OF WAY OF THE CITY OF ONTARIO FOR ITS BUSINESS OPERATIONS.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Braden-out; Hart-yes; Melendrez-out; Hill-yes. Motion carried 5/0/2.

PUBLIC HEARING

Ordinance #2794-2021: Planning Action 2021-04-15AZ - A Request by Kathryn M. Blackmon for the Annexation and Rezone of Property from Urban Growth Area Residential (UGA-R) to City Single Family Residential (RS-50) to Allow Connection to City Services, and Withdrawing Said Territory from the Ontario Rural Fire Protection District #7-301 (769 North Park Boulevard)

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, 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, KIRBY seconded, **THAT THE CITY COUNCIL APPROVE THE FINDING OF FACTS AND THE PLANNING COMMISSION RECOMMENDATION FOR THE ANNEXATION AND REZONE OF THE SUBJECT PROPERTY FROM URBAN GROWTH AREA RESIDENTIAL (UGA-R) TO CITY SINGLE FAMILY RESIDENTIAL (RS-50), AS SET FORTH IN ACTION 2021-04-15AZ 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; Braden-out; Hart-yes; Melendrez-out; Hill-yes. Motion carried 5/0/2.

HART moved, KIRBY seconded, **THAT THE CITY COUNCIL APPROVE ORDINANCE #2794-2021, AN ORDINANCE PROCLAIMING THE ANNEXATION AND REZONING OF CERTAIN TERRITORY TO THE CITY OF ONTARIO FROM URBAN GROWTH AREA RESIDENTIAL (UGA-R) TO CITY SINGLE FAMILY RESIDENTIAL (RS-50), BEING A PARCEL WITHIN THE SW¼ NW¼ SECTION 4, TOWNSHIP 18 SOUTH RANGE 47 EAST, W.M.; AND WITHDRAWING SAID TERRITORY FROM THE ONTARIO RURAL FIRE PROTECTION DISTRICT #7-302, ON FIRST READING BY TITLE ONLY.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Braden-out; Hart-yes; Melendrez-out; Hill-yes. Motion carried 5/0/2.

HART moved, KIRBY seconded, **THE CITY COUNCIL WAIVE THE SECOND READING OF ORDINANCE #2794-2021, AN ORDINANCE PROCLAIMING THE ANNEXATION AND REZONING OF CERTAIN TERRITORY TO THE CITY OF ONTARIO FROM URBAN GROWTH AREA RESIDENTIAL (UGA-R) TO CITY SINGLE FAMILY RESIDENTIAL (RS-50), BEING A PARCEL WITHIN THE SW¼ NW¼ SECTION 4, TOWNSHIP 18 SOUTH RANGE 47 EAST, W.M.; AND WITHDRAWING**



SAID TERRITORY FROM THE ONTARIO RURAL FIRE PROTECTION DISTRICT #7-302, BY TITLE ONLY Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Braden-out; Hart-yes; Melendrez-out; Hill-yes. Motion carried 5/0/2.

HART moved, KIRBY seconded, **THE CITY COUNCIL APPROVE THE DEFERMENT OF THE STREET IMPROVEMENTS FOR NORTH PARK BOULEVARD UNTIL IT IS DETERMINED TO BE NEEDED OR AT THE TIME OF FURTHER DEVELOPMENT OF THE PROPERTY.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Braden-out; Hart-yes; Melendrez-out; Hill-yes. Motion carried 5/0/2.

DEPARTMENT HEAD UPDATES

Finance: Monthly Report *(Attached)*

Kari Ott, Finance Director, presented.

Financial Forecast *(Attached)*

Kari Ott, Finance Director, presented.

Ms. Ott stated she had just received the data from the state she'd been waiting for. The city received \$885K this quarter for marijuana tax, resulting in just over \$3M for last fiscal year. There would not be the shortage as anticipated.

Community Development: Quarterly Report *(Attached)*

Dan Cummings, Community Development Director, presented.

Mr. Cummings added that the city had applied for a DEQ grant for the old landfill for a study to use for future park. Last year didn't make it; this year made the list and found out this morning that the city received \$100K. The city was about a month out before receiving the award, but good on the city!

DISCUSSION ITEMS

NE Traffic Signs Update

Al Cablay, Public Works Director, stated staff had been in contact with David Herrera, who was requesting that the no parking signs also include what hours parking would be prohibited. They were also requesting more signs than originally anticipated; however, the additional signs would be paid for by the city.

Councilor Kirby asked if staff was keeping in contact with those individuals who were spearheading this action?

Mr. Cablay stated he was not but believed Councilor Melendrez was.

Councilor Kirby asked if the business was aware of the proposed hours.

Mr. Cablay stated staff would research which time frame would be best. Also, he anticipated that Councilor Melendrez planned to remain involved.

HAND OUTS

Check Register *(Attached)*

August, 2021

Monthly Department Stats *(Attached)*

Code Enforcement: August, 2021

Minutes *(Attached)*

County Court 09-08-2021; 09-13-2021

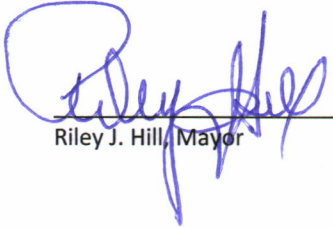


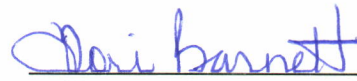
EXECUTIVE SESSIONExecutive Session: ORS 192.660(2)(h)

An Executive Session was called at 8:24 p.m. under provisions of ORS 192.660(2)(h) for current or potential litigation. The Council adjourned the session at 8:28 p.m.

ADJOURN

HART moved, MILLS seconded, **THAT THE MEETING BE ADJOURNED**. Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Braden-out; Hart-yes; Melendrez-out; Hill-yes. Motion carried 5/0/2.

ACCEPTED:

Riley J. Hill, Mayor**ATTEST**

Tori Barnett, MMC, City Recorder