CITY COUNCIL MEETING MINUTES
December 14, 2021

The scheduled meeting of the Ontario City Council was called to order by Mayor Riley Hill at 6:00 p.m. on Tuesday, December 14, 2021, in the Council Chambers of City Hall. Council members present in person or by call-in were Riley Hill, Sam Baker, John Kirby, Michael Braden, Susann Mills, Eddie Melendrez, and Ken Hart.

Members of staff present in person or by call-in were Adam Brown, Tori Barnett, Terry Leighton, Kari Ott, Dan Cummings, Paul Woods, Al Cablay, Larry Sullivan, Steve Bartol, May Swihart, and Marc Berg.

The meeting was recorded, and copies are available at City Hall.

Mayor Hill led everyone in the Pledge of Allegiance.

AGENDA

This Agenda was posted on December 12, 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: Mills-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

PUBLIC COMMENTS

Ron Dillon: *Thank you; I apologize for not getting in soon enough with Tori to get on the Agenda, but I'll make this very quick. I just wanted to give you a quick update on, I officially give up on trying to get a bond for the Sprint Boat Race. The gal I'm working with today, who's been in the bond business for 25 years said I've never seen anything like it. She said I have no idea why this seems such a pain in the neck, but somehow, they got embroiled with the City of Olympia, Washington, getting advice from them on how to bond me with the City of Ontario. No idea why, but after they talked to the City of Olympia, the cost went up five times what I was going to pay. So, I just want, for the record, the next time a guy like me comes along, please don't advise him that a bond is cheap or easy to get. It's horrendous, and I still don't have one after two months. I do have, I do appreciate and acknowledge that Mayor Hill was instrumental in getting the cost reduced if I just brought you cash. There were those who wanted me to bring you $25,000 cash, which would have really hammered me. Thanks to Mayor Hill and some others, I only have to bring you $5,000 cash, so I want to give that to you right here and right now because I'm just done with the bond thing. It's wearing me out. I'm done, so here's your cash. (Cash given to City Recorder, who gave it to Finance Director). Alright, beyond that, I have hired an environmental engineer. You may know him, some of you, his name's Bart Barlow. He lives in La Grande. He's trying to get me a letter to present to you right away that says the project does not need a 1,200-seat permit, but regardless, it does need a storm water plan, which he's working on. So that's coming. We'll be able to check that box off, so we're just trying to get re-energized and get going again on this thing so we can be ready for the first event in May. Thank you for your time.*

Mayor Hill stated for the record that never had he ever advocated for a Mayor-run city. One thing he had asked for was that the Council have a say in the hiring of department heads. That was it. Never a strong Mayor or a Mayor-run city. He did not know who put that on social media, but it was misinformed. The Council could attest that he had never asked for that to change to the Charter to do that.

Eddy Thiel: *I'm here tonight representing the Citizen's Coalition of Ontario, of which we now have over 1,100 members and it's growing every day, and I'm here regarding the Charter revisions. What we want to do is make you aware that we did a poll of that particular revision, which I understand you want, 99% of the people polled were against it. Therefore, my team and I will back the citizens, and we're asking that you do not put this on the ballot. If you do so, then we have to whatever we have to do to back the citizens and go for a no vote. That's it. Thank you.*

Chris Artiach: *Thank you for what you said, sir, because that changed my mind from when I got here. That changed my whole outlook coming up here. Because why fix something that's not broken? Adam's doing a hell of a job. He puts his all into this. I know Riley, you've got tons of sh** going on in town. You're always talking about I've got so much going on, I'm so tired, so why put one more thing on your plate when you're doing what you need to do? Adam's doing his job. When you see it causing commotion, why? We're the City of Ontario; we're not one individual. We need to get this kind of sh** taken care of. We've got other problems in this town that we need to fix before we need to fix this. That's all.*

Norm Crume: *Good evening, everybody. The first thing I wanted to say is I am damn glad I don't have to come here every week, or every two weeks. It's a pleasure to only come here once in a while. I, too, want to speak about the Charter, and one particular issue that is the issue of the Council hiring department heads. When I was elected real close to 13 years ago, the Mayor at that time had a lot of those same tendencies. It wasn't "legal" to be done at that time, but he had that desire to get involved with hiring employees. That influenced me to think the same way. I thought that it was a good thing. The whole issue was not trusting the City Manager to hire proper employees. Serving the amount of time that I did up there, which I hope you folks can realize how many hours I spent up there, I learned that that type of not just attitude but the desire to be involved all the time, was not the right way to go. I've seen the headaches and the discontent that it created within the City Manager and employees, and I just beg of you to please not go ahead with this. I've seen the damage that it can do when the politicians inject their will into hiring employees and what it means to me is that you don't trust the City Manager to do the job. That's what it says to me as a citizen, and I've seen it. I know that's what the intent was 13 years ago. So I ask you to please not do this. I think it'll create a big problem. I personally believe that if this is enacted, I believe that you could lose some staff and City Manager, and I don't believe that new potential hires, whether it be a City Manager or employees for whatever position, I don't know that they'd want to be put in that, between that rock and a hard spot. That's my personal opinion. I'm just voicing it. I don't have the right to say yes or no up there. I'm just telling you what my feelings are. But I've lived it with a past Mayor and I see, was wrong. It took me a while, it wasn't overnight. So enough of that. One thing, on a lighter side, I want to thank you folks for putting out the program for the grant for the security systems here in Ontario for businesses. I think, Ken, you were instrumental in doing that. When I seen that it convinced me to move ahead to do that to my business because I've had quite a bit of problem, and I can say that within the first two weeks of putting that system in, we've got two different people stealing from neighbor and from myself. One person that was attempting to saw the camera, and it was you're on Candid Camera incident and the second one was stealing until he looked up and saw the cameras. His face was just dead center in the camera and turned around and split. The one thing I want to say, though, is I believe there needs to be more follow-through with victims of crime here within the city. I do understand that it is a time constraint with the police department. The police have an awful lot to do. I think it would behoove you folks to kind of look into that and see what can be done in the future for more police time to be able to do more things. The issue that I had, the two officers that came up to me were extremely professional and did an excellent job of looking at my video and taking care of it and getting things done. What didn't happen was the follow though. On the last one, where the incident where the guy actually stole stuff from me, I tried two different times and left messages on the guy's personal phone line extension to find out what was done, what transpired, and I've gotten no response. I think customer service goes a long way, whether it's in a business like mine, a medical center, or City Hall. I just think that people deserve to have that, that courtesy. I know that it's a time problem and staffing problem, or at least that's part of it, so I'd like to see if you guys can look into that. Thank you very much and yes, I went over my time, so thank you for not cutting me off.*

Mayor Hill read a letter into the record: *Dear City Council, as a voting resident in the City of Ontario, I so not support a Mayor-run city. The advantages of a City Manager-run city are as follows: the Manager serves as a go-between that separates the politics from city administration; the City Manager can oversee all city staff, while carrying out the policies of the city governing board. As our city, Ontario, continues to grow, the City Manager will have the time to handle the complexities of a growing city; the City Council has the time to oversee local policies and budgets, while the Manager handles the administrative tasks on a day-to-day basis. As a retired schoolteacher from the Parma School District, this was how our school board handled issues/items. Our Superintendent oversaw the day-to-day administrative tasks without elected school board handling the policies. Our staff moral was important to our Superintendent, and he became our mediator between the board and staff. This made for a pleasant/enjoyable work environment. Please consider the staff when you make your decision. Thank you, Naoma Armstrong, Ontario, Oregon.*

Mayor Hill reiterated he never, ever, advocated for a Mayor-run city, only a voice on the Council in selecting department heads.

CONSENT AGENDA

MILLS moved, KIRBY seconded, **TO ADOPT THE CONSENT AGENDA, WHICH INCLUDED CITY COUNCIL MEETING MINUTES OF OCTOBER 26, 2021; NOVEMBER 9, 2021; NOVEMBER 23, 2021; 2022 MEETINGS CALENDAR; HOUSING INCENTIVE PROGRAM: RYWEST HOMES (42-2021); DOWNTOWN ATTRACTION DESIGN WITH GGLO; AND NORTH SOUTH TRAIL ODOT AGREEMENT.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

PRESENTATION

City Manager Update *(Attached)*
Adam Brown, City Manager, presented.

PUBLIC INPUT

The Ontario City Council is considering placing an increase to the Transient Lodging Tax of 1% on the May 2022 ballot for a vote of the citizenry. The funds will specifically be dedicated to supporting the operations of the Ontario Aquatic Center and the Malheur County Fair Grounds.

Mayor Hill read a letter into the record: *To Ontario City Council members, and Ontario general public. We are the developers of the brand-new Riverside RV Park behind Kirley's Restaurant. We are proud to make such a large investment here in Ontario, and it will serve 179 RVers with a safe and clean community, that includes a 4,000 square foot clubhouse, 80-inch TV, fireplace, kitchen, laundry, office, package delivery, storage, etc., as well as a dog run, two pickle ball courts, hot dog gathering areas, and more all inside a fenced neighborhood. Its' expected most RVers staying with us will be permanent residents of Ontario. If you study our layout, you'll see only about 25 pull through spaces targeted for those staying for just a night or two, while the rest of the spaces are designed for month to month stays. As such, we would like to suggest that the TOT would apply only to those RVers who pay us a nightly fee, much like folks who stay in hotels. For those RVers that pay monthly, we suggest that they not be subject to the TOT, much like folks who rent an apartment, townhouse, or home for a month or more. One of our primary focuses of building this park is providing an affordable place to live, although this tax won't affect us as owners, it certainly will affect the residents. We hope that the city will help in protecting affordable housing, especially with the inflated costs prevalent in every aspect of housing. We are sorry that we could not be there in person to present our concerns and thoughts about the tax, but we are available for further discussion, should anyone contact us. Sincerely, Michael Fife and Paul Hilbig, and signed by Mike Hanigan.*

Bob Boyd: *Thank you for giving me a moment to talk to you and I have it written down, I'm sure it'll be okay. Last time I gave you a handout that I typed up and this time it's handwritten. Since we're so used to computers, my handwriting is really bad, so if I stop or anything, it's not because I can't read, just that I can't read the writing on this paper. I'm here asking for your support of the 1% increase in the TOT tax for the City of Ontario. A TOT tax does not come from income, sales, or property. The money comes from those who lodge within the city limits of Ontario. In other words, unless you are planning to stay in a hotel within the City of Ontario limits, it is of no cost to you. TOT tax money acquired by the city, is not just free money. It must fit the parameters that require the money to be used to attract visitors to the town. Presently, the Cultural Center receives over 2% TOT money. This helps provide needed funds for the maintenance and the long-term operation of the Cultural Center and helps provide or retain this vital attraction to our town. The recent TOT proposal is intended to help maintain and operate both the aquatic center and the fairgrounds, only. As in the case of the aquatic center, we will have a pool, but when, of course, depends on the acquisition of funds. However, to keep the pool operating, funds need to be set aside. Pools operate at a loss. If you do not have the ability to provide maintenance funds for tracking such a pool, and to maintain the fairgrounds, you risk the possibility of them being lost. To me, this is common sense. Funds to help maintain a future pool and fairgrounds at no cost to citizens in Ontario is too good not to pursue. I didn't, the letter you had that you read just before, I don't know how that lodging is to work. I was just thinking this is for the Holiday Inn, the Best Western, and those. I don't know if that's something that could be negotiated or whatever. But I just repeat, anytime, and I didn't really know what a TOT tax was until recently, but anytime you say tax, as we know in this town, it's like, damn it, no, for whatever reason. This is not coming out of sales, it's not an increase in sales tax, it's not affecting property taxes, it's not affecting income taxes, it's only for those that are lodging in hotels and every city does this. You'll know if you stay at any hotel, it's okay, I thought it was $89.99, why am I paying $97.00? It's because, and it's a huge benefit to do that. A lot of the huge stadiums that have been built, used to be built that way. Football stadiums, baseball stadiums, and so on, and you could say that's a big cost to the hotels and so on, but it's bringing people in. The pool, the fairgrounds Cultural Center, those bring people, help bring people to Ontario, and it gives us some life. If it's not coming out of our pocket, it just seems like, I don't see how you could oppose that. Thank you for your time. If you have questions at all to me, glad to answer them.*

Mayor Hill stated for clarification, the TOT was being considered for the RV parks. That's why those earlier comments were appropriate.

Councilor Hart stated the Council had already acted and asked the City Manager to speak to it.

Adam Brown, City Manager, stated as a Council, they had addressed that issue a few months back, and there had been an ordinance change to where it did apply to the RV park, but only for tenants that stayed less than 30 days. It was exactly how they preferred it for the RV park.

OLD BUSINESS

Charter Amendment: Transient Lodging Tax 1% Increase Proposal

Ken Hart, Councilor, thanked Mr. Boyd for speaking and his leadership with the Rec District. It was important to note that if this passed, those funds would go to a publicly elected board to oversee and help maintain the pool. He hoped the pool was critical to Ontario, and the city being able to do this action would help with ongoing operations for that facility. He also wanted to acknowledge the Mayor. As Councilor Hart had drafted this action and was seeking support, the Mayor reminded him that this concept was for the Council to vote on, and, if successful, it would move forward to the next step, which would be a vote of the people in May. In speaking with the members of the Rec District and the County Fair Board Chair, they both agreed that it was a good idea. It gave them a chance to go to the public to speak of the importance of raising those funds. $90K was estimated to go annually to help with operations of the pool, and $30K would go annually to the Malheur County Fairgrounds or the Sage Event Center. He strongly supported this and hoped others on the Council would support the motion to increase the tax and send it to the voters for their final say.

HART moved, MILLS seconded, **THE CITY COUNCIL ACCEPT THE BALLOT LANGUAGE AND AMENDMENTS AS PRESENTED BY THE CITY ATTORNEY TO ADD A BALLOT MEASURE FOR VOTE BY THE ELECTORATE AT THE NEXT GENERAL ELECTION IN MAY 2022 TO INCREASE THE TRANSIENT LODGING TAX FROM 9% TO 10% FOR THE PURPOSE OF FUNDING OPERATIONS AT THE ONTARIO AQUATIC CENTER AND DESERT SAGE EVENT CENTER.** No vote.

Larry Sullivan, City Attorney, stated he submitted this draft to the City Manager, but had not had an opportunity to discuss it with him. There were a few provisions he wanted to make the Council aware of, because it might be something the Council wanted to discuss prior to voting on the resolution. First, the wording of subsection B, Section 2, which was the proposed ordinance that would be adopted. In Subsection A of that ordinance, it included a section, second Subsection A, that read *"prior to pool construction, the Ontario Recreation District shall place the funds in a reserve account to be retained in that account until construction is completed and the pool is open to the public."* An issue discussed with the Mayor previously was the question of what happened if the pool was not built. One way to deal with that, instead of having the money go to the Ontario Recreation District immediately after the tax was collected, to say that the City of Ontario shall place the funds in a reserve account to hold until construction. The city would retain control of the funds until the pool was built. That decision could be unpopular with the Rec District Board, and it might need some discussion, but it was important to be aware of it. The second issue he wanted to be sure of, and it might be true, but he hadn't double-checked whether the appropriate recipient of the 25% going towards the Sage Event Center should be Malheur County or the Event Center Board. It might be more suitable to have the funds go to them.

Mayor Hill stated his thoughts to keep the money under the control of the city was the smart way to handle the funds. If it was passed by the voters, they were being trusted to handle it.

Councilor Melendrez asked for some clarification. If the pool was not constructed, and that money was already collected and was being held by the city, what would happen to those funds?

Mayor Hill stated it would be up the Council.

Councilor Melendrez stated the citizens might not be happy with that.

Councilor Kirby stated when fundraising, when seeking funds from foundations or other organizations, they would seek match money. If the city held the funds for the Rec District, they should allow it to be held as an asset for them, so they could use as match money. To deprive them of that opportunity and refer to it as city money, would be wrong. Also, the county did not give the fairgrounds to exist. There was controversy there, because he did not believe the fairgrounds much or any operating funds, so it might be better to give those funds to their board.

Mr. Sullivan stated this did not have to be filed with the county until after February 22, 2022. This measure could be considered by the Council for a bit longer still, rather than having to vote that evening.

KIRBY moved, BRADEN seconded, **TO TABLE THIS ACTION TO THE FIRST MEETING IN JANUARY 2022**. Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-no; Braden-yes; Melendrez-no; Hill-yes. Motion carried 5/2/0.

Ordinance #2799-2021: Planning Action 2021-07-28AZ - A Request by Gold Thumb Investments, LLC for the Annexation and Rezone of Property from Urban Growth Area Industrial (UGA-I) to City Light Industrial (I-1)
Dan Cummings, Community Development Director, presented.

MILLS moved, MELENDREZ seconded, **THE CITY COUNCIL APPROVE ORDINANCE #2799-2021, AN ORDINANCE PROCLAIMING THE ANNEXATION AND REZONING OF CERTAIN TERRITORY TO THE CITY OF ONTARIO FROM URBAN GROWTH AREA INDUSTRIAL (UGA-I) TO CITY LIGHT INDUSTRIAL (I-1), BEING A PARCEL WITHIN THE SW¼ NW¼ SECTION 33, TOWNSHIP 17 SOUTH RANGE 47 EAST, W.M., ON SECOND READING BY TITLE ONLY.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-no; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/1/0.

Mr. Sullivan stated he had to depart for another meeting, but wanted to thank the City Council and city staff for all their work together. He'd been with us since 2007, and it had been the highlight of his legal career to work with everyone, and thanked them all for the support provided over the years.

Resolution #2021-138: Residency Policy
Adam Brown, City Manager, presented.

KIRBY moved, MELENDREZ seconded**, THE CITY COUNCIL APPROVE RESOLUTION #2021-138: REVISIONS TO THE CITY'S RESIDENCY POLICY.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. No vote.

Councilor Baker asked for calcification; would this require residency within the 8C boundary, or the city boundaries.

Mr. Brown stated other than department heads, employees could live within the city boundaries or the 8C School District. Department heads were required to live within the city limits.

Councilor Melendrez asked for clarification on the wage paid to, for example, a Police Officer, regarding like size cities, like what an Officer in Ontario was paid compared to Portland or Salem. How did the work?

Mr. Brown stated the reason the Council felt this action was relevant was because the wages paid by the City of Ontario were benefitted by the State of Oregon's requirement to compare Ontario wages with not those cities next door such as Payette, Fruitland, or Washington County, but with like size communities across Oregon. One of the Ontario comparables set by negotiation was Astoria. Totally opposite sides of the state, an entirely different community, but that was one of the benchmarks. The Council believed that employees who benefitted by the laws of the State of Oregon, which drove up salaries compared to the region, that money should be put back into the local economy.

Restated Motion:
KIRBY moved, MELENDREZ seconded**, THE CITY COUNCIL APPROVE RESOLUTION #2021-138: REVISIONS TO THE CITY'S RESIDENCY POLICY.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

Resolution #2021-139: Update on Airport Construction Power / Airport Power Lines
Dan Cummings, Community Development Director, presented.

HART moved, MELENDREZ seconded**, THE CITY COUNCIL APPROVE THE PROJECT IN THE NOT-TO-EXCEED AMOUNT OF $65,000 FOR THE CONSTRUCTION OF POWER LINES TO THE TWO HANGER PAD AREAS AS SHOWN ON ATTACHMENTS 1 AND 2 OF THIS REPORT.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

HART moved, MELENDREZ seconded**, THE CITY COUNCIL APPROVE THE RECAPTURE OF THE COST OF INSTALLING THE MAIN POWERLINES TO THE TWO HANGER PAD AREAS AT THE FULL COST OF THE INSTALLATION AT A PROPORTIONAL RATE PER BUILDING PAD FOR THE 19 BUILDING PADS.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

HART moved, MILLS seconded**, THE CITY COUNCIL APPROVE RESOLUTION #2021-139: A RESOLUTION TO APPROPRIATE NECESSARY FUNDING FOR AIRPORT POWER LINES.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

Charter Amendments: Charter Review Ad Hoc Committee Proposal

Ken Hart, Councilor, stated before them was the language from legal counsel to adopt what would be presented on the May 2022 ballot, which would make changes to the City Charter. Noted in the summary were the different sections the Charter Review Committee addressed. The proposal was passed unanimously by the Committee, and was now before Council for discussion, and asking the Council to take it to the voters. He appreciated the City Attorney getting this before Council, but in reading the proposed summary, understanding there was a limit of 75 words, he believed it was important to be accurate. He believed there was a section missing where a proposed change would be. Section 4.1 would be changed. Currently, the removal of the City Manager was by super majority, by two-thirds, and the committee had voted to have it in alignment with the Oregon standard, which was removal by just a majority vote. However, that would add 16 words. He suggested amending the changes in Section 5.2, which was changes and procedures of the duties of the Municipal Judge, and Section 5.3, allowed the Council to appoint or remove temporary Municipal Judges. He suggested that the language that went before the voters, if this motion passed, would be to add Section 4.1, allows for the removal of City Manager by a majority vote of the Council, which added those 16 words, and then remove from the current draft, Section 5.2 and Section 5.3, and put in its place Section 5.2 and Section 5.3, changes related to Municipal Judges. This was not taking from the substance from the Committee, but just a summary of what would be presented to the voters. This did not affect any other sections proposed for change.

HART moved, BRADEN seconded, **THAT THE COUNCIL CHANGE THE BALLOT MEASURE LANGAGUE THAT WAS BEFORE THEM AND ADD SECTION 4.1: ALLOWS FOR THE REMOVAL OF THE CITY MANAGER BY A MAJORITY VOTE OF THE COUNCIL; REMOVE CURRENT SECTION 5.2 AND REMOVE CURRENT SECTION 5.3; AND ADD SECTION 5.2 AND 5.3: MAKE CHANGES TO MUNICIPAL JUDGES.** No vote.

Councilor Kirby stated there were items that were in and items out, and it was confusing, specifically 4.3(f), which dealt with the Council taking the authority from the City Manager to hire department heads. If Section 4.3(f) was going to be changed, why wasn't that in the ballot title?

Councilor Hart stated that would be under a separate vote, for a separate amendment. The Committee had voted unanimously for that provision to be separate. That provision was not agreed to by the Committee.

Councilor Kirby stated it was listed on the Agenda as the next item for discussion or action, so why not attack that first to determine if it would be part of the whole?

Councilor Hart stated it had already been discussed and voted on that if that went to the voters, it would be taken under separately. He did not want the overall charter to fail because that had been added in. Therefore, that would be a separate line to be discussed by the Council to determine if it would even be presented to the voters. His proposal was for two separate issues to be presented to the voters.

Councilor Kirby stated that was not the way he understood the motion before. So, if it was two items, the 4.3(f), if it existed, would be a separate vote.

Mayor Hill stated that was his understanding.

Councilor Melendrez asked Councilor Hart to explain the difference between the majority and the super majority.

Councilor Hart stated as currently written in the charter, it was two-thirds, so it would take five of the seven members. The model charter by the League of Oregon Cities reflected a majority vote, so four of the seven.

Restated motion:
HART moved, BRADEN seconded, **TO ADD SECTION 4.1 IN THE SUMMARY THAT READ TO ALLOW FOR THE REMOVAL OF THE CITY MANAGER BY A MAJORITY VOTE OF THE COUNCIL; COMBINE SECTIONS 5.2 AND 5.3 IN ORDER TO SAVE SOME OF THE WORD COUNT ALLOWEABLE IN THE SUMMARY TO READ SECTION 5.2 AND SECTION 5.3 MAKES CHANGES TO MUNICIPAL JUDGES.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

HART moved, KIRBY seconded**, THE CITY COUNCIL ACCEPT THE BALLOT LANGUAGE AS AMENDED AND AMENDMENTS AS PRESENTED BY THE CITY ATTORNEY IN CONFORMANCE WITH THE CHARTER AD HOC REVIEW COMMITTEE AND CITY COUNCIL RECOMMENDATIONS TO BE SUBMITTED TO THE COUNTY FOR VOTE BY THE ELECTORATE AT THE NEXT GENERAL ELECTION IN MAY 2022.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

Charter Amendment: Council Involvement in Hiring of City Department Heads
Ken Hart, Councilor, presented. The Committee discussed the concept of having the City Council involved in hiring of department heads, which was not currently the case. Those were at the discretion of the City Manager. There had been extension discussions and public comment had been given. The Mayor spoke on it, advocating on the idea and concept of the City Council being involved in that decision. Following a long debate the Committee voted it down, and it was not adopted. As the Chair of the Committee, he would uphold that decision and oppose this additional charter amendment.

Mayor Hill stated previous City Manager's had involved the Council in discussion and interviews, but the current Manager opted to not do that. Now when a new department head showed up, they knew nothing about them or their background. He thought it was closer to the electorate when the Council, instead of someone who was not elected, made those decisions. He wanted at least a review by the Council.

HART moved, BAKER seconded**, THE CITY COUNCIL APPROVE AMENDMENTS TO THE CITY CHARTER TO HAVE THE CITY COUNCIL HIRE DEPARTMENT HEADS WITH THE INVOLVEMENT OF THE CITY MANAGER.** No vote.

Councilor Kirby stated this had obviously been a move by the Mayor. The Council was a changing legislative body, and because the seats were always changing, and seeing how this was handled across the state, as well as stated by the League of Oregon Cities, this action would be breaking ranks. Hiring was done by the City Manager. He hoped that a Councilor might sit on the interviews, but he was content for the City Manager to make that move. This was worded backwards, with the "involvement" of the City Manager. The Manager built their own team, and it was working. He was a member of that Committee, as was Councilor Hart, and Councilor Mills had been a citizen on the Committee at the time. The Committee chose to leave it as it was, and that's the way it should remain.

Councilor Mills stated she was a member of the Committee, and when this issue was raised, she made the statement that they hired a City Manager to hire the department heads and the employees of the city, and she believed it should stay that way. That was part of the job description when hired. She believed it worked, but also believed that in talking with the City Manger when he was hiring the Airport Manager, he had other department heads join with him in the review and interview process. It was not just his decision. She believed the Councilor Kirby's suggestion of a Councilor sitting in on the interview, or possibly relaying to the Council about the applicants, would be a good idea. The obligation of hiring department heads and employees should remain with the City Manager.

Mayor Hill stated three department heads had departed over the past year, and they never knew when the City Manager would depart. That left the Council with that staff, which he was not arguing with that staff, but like Councilor Hart stated, being asked what was going on at City Hall and not knowing the answer made them look like idiots because they were not involved in the process.

Councilor Melendrez stated he understood the Mayor's thoughts, but when he made the comment about having department heads leaving, he didn't tell the whole story. People needed to know why those people left. It could be the Council that drove them away.

Mayor Hill verified the vote was on the language.

Councilor Hart stated the motion was to send the action to the voters.

Councilor Kirby stated for clarification, a yes vote would send the action to the voters, and a no vote would end it. There would be no changes to the current charter on this section.

Councilor Hart stated if it did go to the voters, it would be a separate vote. There was a vote for the big changes to the charter, and a separate vote for just this one item.

Mayor Hill stated the Council must have approved putting this on the ballot, or it wouldn't be before them now.

Councilor Hart stated the Council had requested that staff and the City Attorney to draft it for presentation to the Council. It had never been approved, nor had the others.

Councilor Melendrez stated the way he had been told, if the Council was unhappy with the City Manager, that was the Council's issue, and their duty to deal with that. Do that instead of taking the power from the Manager.

Mayor Hill stated they were only talking about the hiring process, not terminating.

Councilor Melendrez understood that, however, when the Mayor made the earlier comment about three department heads leaving, when the Council was not happy with the job being done by the City Manager, then that was where the Council got involved, to remove the City Manager.

<u>Restated Motion</u>
HART moved, BAKER seconded**, THE CITY COUNCIL APPROVE AMENDMENTS TO THE CITY CHARTER TO HAVE THE CITY COUNCIL HIRE DEPARTMENT HEADS WITH THE INVOLVEMENT OF THE CITY MANAGER.** Roll call vote: Mills-no; Baker-yes; Kirby-no; Hart-no; Braden-no; Melendrez-no; Hill-yes. Motion failed 2/5/0.

NEW BUSINESS

Housing Incentive Program: Greystone Builders (43-2021)

Mayor Hill recused himself from the action as there was a direct conflict of interest. Chairman Hart conducted this action.

KIRBY moved, BAKER seconded**, THE CITY COUNCIL APPROVE THE HOUSING INCENTIVE APPLICATION BY RILEY HILL/GREYSTONE BUILDERS FOR PROPERTY LOCATED AT 2331 ANDREW AVENUE, LOT 48, WATERFORD SUBDIVISION.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart – yes; Braden-yes; Melendrez-yes; Hill-abstain. Motion carried 6/0/0/1.

Mayor Hill returned to the dais.

American Rescue Plan Act Award for Airport
Adam Brown, City Manager, presented.

KIRBY moved, MELENDREZ seconded**, THE CITY COUNCIL APPROVE THE AGREEMENT WITH THE FEDERAL AVIATION ADMINISTRATION TO RECEIVE FUNDS FROM THE AMERICAN RECOVERY PLAN ACT AND AUTHORIZE THE CITY MANAGER AND CITY ATTORNEY TO EXECUTE THE DOCUMENTATION TO RECEIVE THE GRANTS.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-Yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

Award of Engineering Design Contract for North Park Boulevard Extension
Paul Woods, City Engineer, presented.

BAKER moved, KIRBY seconded, **THE CITY COUNCIL APPROVE THE ENGINEERING DESIGN CONTRACT FOR ANDERSON PERRY & ASSOCIATES, INC. IN THE AMOUNT OF $20,000 TO COMPLETE THE FINAL ENGINEERING DESIGN FOR WATER, SEWER, STREET AND STORM WATER IMPROVEMENTS TO EXTEND NORTH PARK BOULEVARD NORTH FROM MALHEUR DRIVE TO ITS CURRENT TERMINUS AND AUTHORIZE THE CITY MANAGER TO SIGN THE CONTRACT.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-Yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

Resolution #2021-140: Solar Renewable Energy Credits
Mayor Hill recused himself from the action as there was a direct conflict of interest. Chairman Hart conducted this action.

Adam Brown, City Manager, presented. Ryan Sheehy, Fleet Development, provided further comments.

KIRBY moved, MILLS seconded, **THE CITY COUNCIL APPROVE RESOLUTION #2021-140, A RESOLUTION ALLOWING CITY STAFF TO WORK WITH FLEET DEVELOPMENT TO RESEARCH, DRAFT, AND SUBMIT AN APPLICATION FOR THE OREGON COMMUNITY RENEWABLE ENERGY PROGRAM GRANT FUND ON BEHALF OF THE VERDE LIGHT COMMUNITY SOLAR PROJECT, TO BRING COMMUNITY ENERGY BENEFITS AND COST SAVINGS TO ONTARIO.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-abstain. Motion carried 6/0/0/1.

Opioid Lawsuit Settlement Opt-In
Adam Brown, City Manager, presented.

MILLS moved, KIRBY seconded, **THE CITY COUNCIL AUTHORIZE THE CITY MANAGER TO EXECUTE DOCUMENTS ALLOWING THE CITY OF ONTARIO TO OPT INTO THE SETTLEMENT OF THE OPIOID LAWSUIT.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

Request for Extension #3 of Rural Board Contract
Mayor Hill stated this had not been completed in the first meeting, and the extension expired. They needed to approve another extension.

BAKER moved, KIRBY seconded, **THE CITY COUNCIL APPROVE EXTENSION #3 OF THE AGREEMENT WITH THE RURAL FIRE PROTECTION BOARD.** 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 #2800-2021: PLANNING ACTION 2021-09-29AZ: A REQUEST BY BILL MILLS OF MML, LLC FOR THE ANNEXATION AND REZONE OF PROPERTY FROM URBAN GROWTH AREA EMPLOYMENT ZONE 2 ACRES (UGA-E-2) TO CITY EMPLOYMENT ZONE 2 ACRES (E-2) TO ALLOW CONNECTION TO CITY SERVICES AND FURTHER DEVELOP THE PROPERTY

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.

Mayor Hill opened the hearing for Public testimony. There being no Opponents or Proponents for this action, the Mayor declared the hearing closed, and asked for direction or a motion from the Council.

MELENDREZ moved, MILLS seconded, **THAT THE CITY COUNCIL APPROVE THE FINDING OF FACTS FOR THE ANNEXATION AND REZONE OF THE SUBJECT PROPERTY FROM URBAN GROWTH AREA EMPLOYMENT ZONE 2 ACRES (UGA-E-2) TO CITY EMPLOYMENT ZONE 2 ACRES (E-2), AS SET FORTH IN ACTION 2021-09-29AZ 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-yes; Hill-yes. Motion carried 7/0/0.

MELENDREZ moved, KIRBY seconded, **THAT THE CITY COUNCIL APPROVE ORDINANCE #2800-2021, A REQUEST FOR ANNEXATION AND REZONE OF THE SUBJECT PROPERTY FROM URBAN GROWTH AREA EMPLOYMENT ZONE 2 ACRES (UGA-E-2) TO CITY EMPLOYMENT ZONE 2 ACRES (E-2), AS SET FORTH IN ACTION 2021-09-29AZ BE RECOMMENDED FOR APPROVAL TO THE CITY COUNCIL, BASED ON THE INFORMATION, FINDINGS, AND CONCLUSIONS SET FORTH IN SECTIONS I THROUGH IV OF THIS REPORT ON FIRST READING 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.

HART moved, MELENDREZ seconded, **THAT THE CITY COUNCIL WAIVE THE SECOND READING OF ORDINANCE #2800-2021, A REQUEST FOR ANNEXATION AND REZONE OF THE SUBJECT PROPERTY FROM URBAN GROWTH AREA EMPLOYMENT ZONE 2 ACRES (UGA-E-2) TO CITY EMPLOYMENT ZONE 2 ACRES (E-2), AS SET FORTH IN ACTION 2021-09-29AZ BE RECOMMENDED FOR APPROVAL TO THE CITY COUNCIL, 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-yes; Hill-yes. Motion carried 7/0/0.

ACCEPT RIGHT OF WAY FOR A PORTION OF SUNSET DRIVE AND SKOOKUM DRIVE, PER APPROVED PLAT OF HARRAH HEIGHTS SUBDIVISION, APPROVED UNDER PLANNING ACTION 2021-04-18 SUB

Mayor Hill recused himself from the action as there was a direct conflict of interest. Chairman Hart conducted this action.

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.

Councilor Hart opened the hearing for Public testimony. There being no Opponents or Proponents for this action, the Councilor declared the hearing closed, and asked for direction or a motion from the Council.

KIRBY moved, MELENDREZ seconded, **THAT THE CITY COUNCIL APPROVE THE DEDICATION OF THE RIGHT OF WAY FOR A PORTION OF SUNSET DRIVE AND SKOOKUM DRIVE AS SHOWN ON THE PLAT OF HARRAH HEIGHTS SUBDIVISION, SAID SUBDIVISION BEING APPROVED BY AN ADMINISTRATIVE ACTION ON AUGUST 10, 2021, UNDER PLANNING FILE 2019-04-18SUB AND AUTHORIZE THE COUNCIL PRESIDENT TO EXECUTE HIS SIGNATURE ON THE FINAL PLAT ACCEPTING THE DEDICATED RIGHT OF WAY.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Braden-yes; Hart-Yes; Melendrez-yes; Hill-abstain. Motion carried 6/0/0/1.

Mayor Hill returned to the dais.

DEPARTMENT HEAD UPDATES

Finance: Monthly Report *(Attached)*
Kari Ott, Finance Director, presented.

Public Works: Quarterly Report *(Attached)*
Al Cablay, Public Works Director, presented.

DISCUSSION ITEMS

Continuation with Contracted Financial Services
Adam Brown, City Manager, stated the city's contract with Oster Professional Group (OPG) expired and a contract renewal had been prepared. Prior to negotiating that contract, he wanted to ensure the Council wanted to continue the relationship with OPG. It had been working for the city for the past seven years, but the contract was between the Council and OPF. What was the direction of the Council?
Mayor Hill stated he'd like to see any changes or escalations in the contract.

Mr. Brown stated if he was given direction to proceed, the Council would see the proposed renewal.

Councilor Hart stated he had no issues with them, and thought they were doing a great job; however, he had not yet been contacted by the auditors regarding the audit. He was on the Audit Committee, and he wanted to speak with the auditors to get their feedback before moving forward with the renewal. He was unaware of any other members had been contacted.

Councilor Braden stated he had been contacted by phone in October. They had discussed various items, including the $600K discrepancy that had been brought forward to the Council at a previous meeting. The auditors gave a very good report for the past several years and gave Oster Professional Group very positive support.

Councilor Hart stated he was flummoxed as to why they had not reached out to him. He had his cell phone with him all the time but had never received a call. It would be helpful to contact the committee

Ms. Ott stated she could also provide him a direct number to the auditors, if that would help.

Councilor Hart asked when they'd received the next full audit.

Ms. Ott stated she would finish the financial statements tomorrow, and then the audit had to be done by December 31st, so she hoped they'd be contacting them soon.

Councilor Hart asked Ms. Ott to email the auditor's contact information to both him and Councilor Mills. Who was the auditor firm?

Ms. Ott stated it was Connected CPAs in La Grande.

HAND OUTS

Department Monthly Stats: *(Attached)*
Fire & Rescue, Public Works, Police - November 2021

Check Register: *(Attached)*
October and November, 2021

CORRESPONDENCE, COMMENTS AND EX-OFFICIO REPORTS

- Councilor Hart asked to clarify on the TOT, it was tabled because the Council needed additional information. He wanted to make clear who was working on that. As he heard it, there were two concerns. As Mr. Boyd departed, he asked him to get a consensus from the Rec Board if they had a strong feeling on them keeping those funds, or the city keeping those funds, until a pool is constructed. Mr. Boyd would let Councilor Hart know of the response, and Councilor Hart would disperse that information to the Council. They could then clarify if the city should keep those funds until the pool was opened, when the funds would be disbursed. Secondly, who did the Council feel most comfortable with the money for the fairgrounds. He wanted to ensure who would be following up on that. Would they ask the Fair Board? Was it a question for the county?

  Mr. Brown stated he would take on that responsibility.

- Mayor Hill stated he was still concerned about the money and the administrative payout the city was doing and the purge. They were two different issues, but he never received a clear picture of what was occurring, or when the issue would be resolved, or how it was going to be solved.

  Mr. Brown asked Interim Chief Bartol to provide an update.

  Chief Bartol stated the last week he'd been there had centered around information gathering, getting to know the principal players, and trying to grasp what needed to be done. There were two issues – one, the internal investigations related to the property room; secondly, bringing the property room up to best practices standards. The purge was part of bringing the property room into best practices and standards. The audit inventory was completed, and he recently provided that information to the investigators who needed that data to move the investigation forward. That was in progress. The second piece, bringing the property room up to standards based on the recommendations following the OACP audit and review, would be an ongoing thing. Part of that would require him to request additional funding for the proposal for an additional FTE, which might be one solution to get additional resources into the property room for the ongoing maintenance once caught up to standards. There could be some infrastructure issues such as software to purchase to ensure management of the property room was done properly; the current RMS was not specifically designed for evidence management, it was designed for records and tied into the county's criminal data base, with just a portion allocated for evidence management. In his experience, he found that records management systems often just added a component for evidence management, but it was not specifically designed for that. Oftentimes, they were better served with a program separate from that. Staff was exploring options for that extra software. There was a standard software that many police departments used across the state, one being his former agency. They'd had great success with it, and it had been recommended by two different vendors who specialized in audits and reviews on property rooms. He would be watching a demo of that later in the week. Overall, they had jump started the investigation portion of the problem and were steadily moving forward on determining how they could comply or implement the recommendations of OACP.

Mayor Hill stated this was not put Chief Bartol on the spot, and while he understood about the purging and all that was being worked on, and while he appreciated that, but now they'd had a few officers on administrative leave for several months. Those two issues – purging and the admin leave seemed to be unrelated issues. How could they solve the second one so they could get their police force up to where it needs to be?

Chief Bartol stated that the next day they were meeting with labor attorneys and the insurance company to discuss the strategy moving forward on those particular labor issues.

- Councilor Mills wanted to welcome the new employees to the city. She was sure the Council would be making the rounds to meet them all.

- Mayor Hill stated a few weeks back he and Councilor Hart had lunch with Congressman Bentz, who went over the list of monies that were available from the infrastructure bill and asked them to look into that. Subsequent to that, he informed the City Manager about things they wanted to do, and he came listed out the five things based on the discussion from earlier. He responded to him within 90 minutes with things he requested. With that discussion, he was again contacted by Congressman Bentz's office to put a paper together for him to review. He listed those things forwarded to him, along with a storm sewer grant that there was a study done in the master plan that ran about $4M. Another thing on a different list provided by Congressman Bentz was an electrical grid, and based on that he had lunch with Mike Ybarguen, Idaho Power, to look into fixing the city's grid or including the substations. Other items money was listed for were infrastructure for internet services and they also needed to speak about dark fiber. He was asking for a paper be written for submission to Congressman Bentz, which he'd already started working on, but wanted Council consensus to continue. Council consensus to continue moving forward.

EXECUTIVE SESSIONS

EXECUTIVE SESSION: ORS 192.660(2)(a)

An executive session was called at 9:23 p.m. under provisions of ORS 192.660(2)(a) to consider employment of an agent (City Attorney). The Council entered a second session at 10:40 p.m.

EXECUTIVE SESSION: ORS 192.660(2)(d)

An executive session was called at 10:40 p.m. under provisions of ORS 192.660(2)(d) to discuss labor issues (Fire/IAFF). The Council reconvened back into regular session at 11:02 p.m.

ACTION FOLLOWING EXECUTIVE SESSIONS

HART moved, BRADEN seconded, **THAT THE COUNCIL INSTRUCT THE CITY MANAGER TO REACH OUT TO BLJ LAWYERS AND FINALIZE AN EMPLOYMENT AGREEMENT WITH THEM FOR LEGAL SERVICES FOR THE CITY OF ONTARIO BEGINNING JANUARY 1, 2022.** Roll call vote: Mills-yes; Baker-no; Kirby-no; Braden-yes; Hart-yes; Melendrez-yes; Hill-no. Motion carried 4/3/0.

ADJOURN

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

ACCEPTED:

Riley J. Hill, Mayor

ATTEST

Tori Barnett, MMC, City Recorder