



CITY COUNCIL MEETING MINUTES June 28, 2022

The scheduled meeting of the Ontario City Council was called to order by Mayor Riley Hill at 6:00 p.m. on Tuesday, June 28, 2022, in the Council Chambers of City Hall. Council members present were John Kirby, Riley Hill, Michael Braden, Eddie Melendrez, Ken Hart, and Susann Mills. Sam Baker was excused.

Members of staff present were Dan Cummings, Tori Barnett, Terry Leighton, Justin Zysk, May Swihart, Casey Mordhorst, Al Haun, Paul Woods, and Mike Iwai.

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

Noah Herrera led everyone in the Pledge of Allegiance. Noah attended Cairo Elementary and hoped to be Mayor one day.

AGENDA

This Agenda was posted on June 24, 2022. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

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

PUBLIC COMMENT

Andrew Kressly, Ontario: *I'm here to talk about the reimbursement district.*

Mayor Hill stated the slip that had been submitted indicated he wanted to speak on 8C, so he asked that Mr. Kressly hold off until the public hearing later on in the meeting.

Ron Hanks, Meridian, Idaho: *Mayor Hill, I'd like to talk about the Ontario Airport, and I have submitted a letter which I'll read from if you don't mind. Dear Mr. Cummings, we were recently informed that the Ontario Airport Commission has been discussing the future status and funding of the grass strip at the Ontario Airport (ONO) and this letter is being forwarded to you and the ONO Airport Manager for consideration. As founder and President of the Aero Head Soaring Club based at the Ontario (ONO) Airport, my experience encompasses over 50 years in aviation including five years as Dean of CTE at TVCC where their aviation program has been significantly engaged at ONO with Frazier Aviation, Silverhawk Aviation, and the City of Ontario. The AHSC was established at ONO in 2019, is a standing member of the Soaring Society of America and now consists of 15 members with 7 gliders, tow plane, and a leased hangar. The grass runway and adjacent ramp area provides a significant safety margin for our members as it allows them to position, launch, and retrieve gliders without conflict with general aviation aircraft that rely upon the central paved runway on the airport. The recent article published in the Ontario newspaper was concerning as it misquoted ONO Airport Manager, Justin Zysk, citing utilization of the grass runway as 8 landings per year. In contrast, the AHSC is predicting that AHSC glider/tow plan operations may make of 150 takeoffs and landings on the grass runway this season alone. From a practical business perspective, we understand the financial consideration that the grass runway entails, including cost of maintenance, time required, and oversight needed when weighing against annual utilization and community interest. AHSC contributes to the airport and City of Ontario through fuel purchases, rents, and taxes and most certainly relies upon the grass runway as an important part of our operation. As such, we encourage you*



to not only continue funding maintenance of the grass strip, but also encourage you continue to improve its condition. We are in hopes that the Commission will accept this input as part of your decision-making process, and we reach out to offer our support and our help to make the greater Ontario Airport succeed as a model for future airport operations in the Northwest USA. Any questions? Okay, I'd like to turn to Dan.

Dan Beaubien, Ontario: *I've been on both sides of this. There are a dozen pilots in this room tonight. One of their planes is up here in this picture on the grass runway. We read the article, and it was kind of concerning. I thought oh my gosh, they're considering maybe not having that, and that would be a bad move. I know people from Nevada to Texas that are talking about Ontario's grass runway, honestly, and I have a lot of connections in the aviation field, STOL competitions, and things like that. There's quite a bit going on. I'll read my letter real quick, and then attempt to answer things afterwards if you have any questions. This is from the EAA, Experimental Aircraft Association, Snake River Valley Chapter 837 regarding the grass runway at the Ontario Municipal Airport. The EAA, at its regular meeting held June 15, 2022, was apprised of the City of Ontario's discussion of the grass runway as it was publicized in the Argus Observer. We would like to make known that our local EAA chapter, the Nampa EAA chapter, the Soaring Club, along with pilots, OSU Extension Aviation Program, past airport managers, and the public are in full support of the grass runway located on the field. It serves as a support runway in emergencies, a safety runway for glider operations, as well as the preferred runway for the back country flyers. It is currently being used by Kitfox of Homedale, Idaho, the Carbon Cubs from Caldwell, Idaho, the gliders from Nampa and Payette, in addition to local pilots. This grass runway makes the Ontario Municipal Airport truly unique. There is not another like it for over one hundred miles. There are other grass and dirt runways that are remote, but do not have fuel, an aircraft mechanic, weather information, Life Flight operations, a Fixed Base Operator with pilot lounge, or hangar space. We are the only one. Realizing that the City of Ontario would like to see greater use to justify the upkeep, the local EAA Snake River Valley Chapter 837 would like to offer its assistance to the City of Ontario. We greatly appreciate the time and effort devoted to this grass runway thus far, from its dedication and opening until now. Many airports are just now getting back to full use since the beginning of the pandemic closures. We had eighteen flights using the grass runway just last Saturday, in addition to local pilots. Planning for the future is something all of us are doing to the best of our abilities. Now that gatherings are allowed and vents can be planned, we would like to join the City of Ontario in promoting the grass runway. We, the undersigned, are in total support of the grass runway and the Ontario Municipal Airport. Any questions?*

Mayor Hill stated he had been a proponent of the airport and was instrumental in the getting the full time manager out there, but it always boils down to money. How could the city sell that the grass runway benefited Ontario financially?

Mr. Beaubien stated the circumference of 200 miles, and he'd mentioned people from Texas and Nevada needed to know it was here. It was not currently on the city's website. Aviation things were out there. They could do a better job, and the EAA would help with that. They could draw twice the crowd for a STOL event as attended the boat races. And that would bring in revenue.

Councilor Hart asked if there was a date set for that, (STOL event) or was it still in planning stages?

Justin Zysk, Airport Manager, stated the earliest would be fall of 2023. Those type of events were booked fairly quickly.

Mr. Beaubien stated it would be one of three in the entire Northwest. Ontario being one of the three.

Councilor Mills stated she was not familiar with the grass strip, so was it in dire need of being renovated, was it watered, was it seeded?

Mr. Beaubien stated the strip had been placed as a memorial for a young boy that helped them at the airport. He passed away, and they added \$30K+ for an irrigation system. It needed to be mowed, which came down to who,

where, and who paid. It was being used, and he had mowed it himself many times. It was a nice strip, fairly level. It needed some touch-up, some new seed, and just maintained. If the community got behind it, it would be fantastic.

Councilor Kirby stated he was the Airport Committee Liaison. Their intent was to get a mowing contract because the contract they had with the previous company bowed out due to costs. Having the Airport Manager do the mowing was not a solution. In the meantime, Mr. Beaubien used his own equipment and mowed the area a couple times, and his fuel was provided. The intent of the Council was to keep and maintain the airport, but they were in a budget process, which as normally followed to the dollar. The city was not abandoning them. The contract let out was for mowing of the grass strip, along with the golf course area, as well as critter abatement, and some weed spraying. He knew the group wanted to protect what they had, but so did the Council.

Councilor Mills thanked those in attendance. It was important for the Council to support the airport as much as they could. She believed there was some way to work together to find solutions for the mowing and the expenses related to taking care of it.

Councilor Hart reminded them that the city had contracted this year with an outside source, but the intent was to utilize the city's inhouse folks with Jacobs. It made sense so it was done professionally. The Council appreciated Mr. Beaubien stepping up and doing that, but there were liability issues with that. He believed they were on the right path. Having Justin step up and do the mowing was not the highest and best use of the Airport Manager.

Tom Frazier, Ontario: *I'd like to just add that one of the primary reasons that the grass strip is out there is when Dan Beaubien was the Airport Manager, we were looking for ways to grow and develop the airport. At that point in time, and it still is, one of the largest, fastest growing segments of general aviation is the back country big tire aircraft. As we analyzed that, we thought gee whiz, if we had a grass strip here, we could increase fuel sales; with the increase of fuel sales, it generates income from fuel flowage for the City of Ontario. That was their primary reason that we were looking for that. With competitions like the STOL competition, the granddaddy of the STOL competition is the high desert, which is out in the middle of absolutely nowhere, it's hard to get to. There was, this last fall, at that competition, there was over 1,000 airplanes and over 3,000 people there. So you take that, and you put it someplace like Ontario, Oregon, and the intent originally was to have this as one of the big three, which would be the High Sierra, Reno, and Ontario, Oregon. That would be the three big competitors. And if you noticed up here, you'll see that the number one competitor in the United States, top left hand corner there, Steve Henry, you'll also notice at the bottom left there, that's Core Robin, he's one of the Flying Cowboys. There is some tremendous interest as Dan mentioned here. The Ontario Airport and hosting events here, I think there's a tremendous opportunity. It just needs to be capitalized on and it has to be a concentrated effort between the City of Ontario and the airport. Thank you.*

CONSENT AGENDA

KIRBY moved, MILLS seconded, **TO ADOPT THE CONSENT AGENDA, WHICH CONSISTED OF THE CITY COUNCIL MEETING MINUTES OF JUNE 14, 2022, AND EXECUTIVE SESSION MINUTES OF JUNE 14, 2022.** Roll call vote: Mills-yes; Baker-out; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.

ADDITIONAL PUBLIC COMMENT

Michael Padilla, Ontario: *Thank you for the opportunity to be heard. I'm currently the Safety and Prevention Supervisor for the Ontario School District. I come to you with 23 years of law enforcement background, both as a School Resource Officer and a Juvenile Probation Officer. I've also had two decades as a boxing coach. I recently proposed a program to the Ontario School District, which they are willing to adopt. Unfortunately, my timing, due to budgets and those kind of things, as we're all very familiar with, they're not willing to accept the program at this time. They're willing to take on the needs and expectations of what that program would be for the 23-24 school year and then continuing on forward. What I'm here simply to ask is, I've already met with, I'm sorry, excuse me, the Malheur County representative, and I have another meeting with them in the morning. What I'm here simply to do is to ask if the city would consider startup funding. What we're looking at is purchasing equipment, a boxing ring, in*



my 20 years of experience, it's opening up an opportunity for young people that really don't have, not everybody's involved in football, or basketball, or those type of programs. It's the type of program that not only develops self-esteem, opens up opportunities, and I'm here to lay testament that it changes lives. It changed mine. As a young man, I had a young man come into my world when I was a young man of 12 years old and involved me in a boxing program and it changed my life considerably. It opened up opportunities for me to travel, to compete, to win some golden gloves titles, and now I'm here to give my knowledge back to the community. I currently have 32 middle school and high school aged youth that are interested in the program. And I'm not one that likes to procrastinate, and I don't want to have to wait another year to get this process started. The county has been very generous in already offering us a ring that was already in their possession. The school district has found us a facility that we can put the program together on school property, which is part of the school program. But, like I said, right now it's time is of the essence. With my history of working with high risk youth, and as a Juvenile Probation Officer and previous police officer, we lack a lot of opportunity for our young people here. There's a big drug problem, that I think everybody is aware of; there is not a lot of opportunities. There are young people that just don't fit the mold with football or basketball or tennis. Not only is this a sport that builds self-esteem and self-confidence and the desire to compete, it is also one that, like I said, it's an opportunity for young people. It's not for everybody, but it's an opportunity that's shown a big interest. Part of this funding would be to support us with a boxing ring. My future plans are to bring events to our community. Obviously people in our community deal with poverty, we deal with the type of issues with our families as well. If they have children who compete or are part of the program, they can't travel to go watch their kids compete. I plan on bringing those opportunities here to our community, not only would it benefit us financially within the program, but it gives an opportunity for the families for the families to be involved in what their youth are doing. So that's simply what I'm here to do. I'm here to ask, to see if the city would consider a \$6,000 donation. I'm also going to ask in the morning, and I have an appointment with the county to consider the same, to see if they will match the city's contribution, if you guys decide that's something that you'd like to donate to.

Mayor Hill asked if this would be free to all comers, would there be a fee?

Mr. Padilla stated it depended. Normally he'd like to have no cover charge. The Council needed to understand that part of the contribution was that they had to be part of USA Boxing. He was a certified coach, a gold level coach, with USA Boxing already. Also, he had the pleasure and privilege of coaching and training a professional athlete that sits on your school board currently. He could make testament to the type of opportunities this opened up. He would guess there would be certain events, such as tournaments, that took more than one day, so there was travel included in those things, and he thought the program would benefit a \$5-\$10 cover charge on occasion, but for the most part, when putting together a Smoker or some type of invitational within the community, it was something he'd like to offer at no cost if they were able to do that. He did have some buy-in from Four Rivers Cultural Center, and he had access onto school property where they could put those type of events together. Currently, he needed a competition ring, boxing gloves, and the things needed for this type of sport to keep it safe. That's what he was there to do.

Mayor Hill asked if this was affiliated in any way with the Boys & Girls Club.

Mr. Padilla stated it was stand alone. Eventually, it would be adopted by the school district, who would eventually fund it. They took his proposal, but they'd have to wait another year to get started, and he didn't want to do that, not with the interest level from the youth and the community. He restated that he had 32 kids ready to move right now. It wasn't just about the sport; it was about the mentoring, too, and the team comradery, and keeping the kids drug-free and keeping their grades up, having accountability and responsibility. It was like no other sport. If a person wasn't committed to the art of boxing – hit or be hit type of thing – and the effort was not put into it, it could be painful. His job was to teach young people how to be good sports, and to teach their sport when it came to competitive competition of amateur boxing. It was also one of the safest sports, despite people looking at it as being abrasive and combative. It was safer – statistically – than playing football. He was not reinventing the wheel, but just opening up an opportunity for the youth.

Mayor Hill stated if the Council wanted to move forward, they'd put it on for discussion at the next meeting.

Councilor Melendrez stated he had history with working with Mr. Padilla and working with him at the Juvenile Department. He did a lot of great work for the community and the youth. The boxing program could help a lot of kids stay out of trouble, stay off the streets, and stay off drugs. He confirmed with Mr. Padilla that it would be a one-time contribution, and then the school would take over any further funding.

Mr. Padilla stated that was correct.

Councilor Hart stated his request would be that for the next meeting the Council receive something in writing showing the overall plan and maybe showing a commitment from the school district. With the district going to a 4-day school week starting next year, there were going to be a lot more kids with more time on their hands, especially on Friday.

Mr. Padilla stated unlike the other sports, boxing could be a 12-month program. The doors would be open year round.

Councilor Hart stated the Council would want to make sure this program was available to all the kids, hopefully for free. That would allow the Council to get even stronger behind it. Charging to watch an event was one thing, but to ensure there was no barrier for kids in the community, as many were in poverty, so that would go a long way.

Mr. Padilla stated the support they were looking was to pay for the membership, when travel was involved, there would be access to transportation through the system, and access to funding. Eventually, that would pay for whatever the needs were. Under the USA Amateur Boxing umbrella, their liability was covered. It was a very structured program, very disciplined, and there would be some travel involved as they excelled in competing, he'd be able to take them out of this area.

Councilor Braden stated he recognized the Council could request an official letter, documents surrounding the program, what they were seeking. Mr. Padilla was asking for support before he went before the county tomorrow, so he wanted to move that the City of Ontario sponsor the Ontario Boxing Program for \$6,000.

Mayor Hill stated he did not think they could do that because it was not on the Agenda.

Councilor Braden stated they were under Old Business and the Council could make a motion, if allowed by the Mayor.

Mayor Hill stated he would need to defer because he didn't think they could spend money without it being published to the public. He did not recall this item being discussed before. He wasn't opposed to the motion, but he wanted to ensure it was done correctly. What would the Council like to do? Did they want to amend the Agenda?

Councilor Kirby stated there was a small grant program through the V&C, maybe up to \$5K, so maybe that was a route to go.

Councilor Hart stated he didn't know if that fell under tourism, but they'd done a lot of things to make things fit under that umbrella. Mr. Padilla had his support, however, as part of the Council there was that piece of making sure they were tied to the school district, and they had some skin in the game.

Mr. Padilla stated his goal was to get the program started before school started.

Councilor Hart stated the next meeting of July 12th would provide ample time to move forward.

Mr. Padilla stated yes. If he could get verbal support, it would sure put pressure on the county.

Council gave consensus to support the action.



BRADEN moved, MELENDREZ seconded, **TO AMEND THE AGENDA TO ADD ITEM 7D, SUPPORT AND POTENTIAL MOTION FOR ONTARIO BOXING.** Roll call vote: Mills-no; Baker-out; Kirby-no; Hart-no; Braden-yes; Melendrez-yes; Hill-no. Motion failed 2/4/1.

Mayor Hill stated this action would be before the Council at the next meeting.

Councilor Braden stated as his initial motion had no grounds, he officially withdrew it.

Mr. Padilla thanked the Council for the opportunity to be heard.

Dan Cummings, City Manager, suggested to Mr. Padilla that he contact John Breidenbach to discuss the program, to see if it might be eligible for funding from the V&C.

OLD BUSINESS

Downtown Attraction Update: GGLO

Mark Cindell, GGLO, presented.

Mayor Hill stated he had not reviewed the January-December timeframe. Prior to COVID, the property was offered to churches during the Christmas season for them to hold events, which proved to be successful. What would happen to that if the city owned the property?

Mr. Cindell stated he did not believe so. For another area (Indian Creek Plaza) there were celebrations that crossed cultures and holidays.

Mayor Hill stated it was more around true Christian events – would those be precluded?

Mr. Cindell stated that would something that needed to be reviewed from a legal standpoint. From their experience, there had been nothing precluded.

Councilor Kirby stated his concern about the location of the trees. If they wanted shade, they needed to flip the design.

Mr. Cindell agreed. They were looking at different options for shade.

Councilor Melendrez asked if this was the plan they were moving forward with, or were there other plan?

Mr. Cindell stated anything was possible. The one presented had the consensus of the people they'd heard back from on their choice.

Councilor Hart stated he believed that part of the issue was that the current gazebo was too small, and needed to be improved to have the ability to include a stage.

Mr. Cindell stated that was correct. It was fine for now, but it would be outgrown.

Councilor Kirby asked if this would be coming back to the committee?

Mr. Cummings stated he believed they were looking for a consensus on moving forward, but they could take it back to the committee for more discussion.

Councilor Hart stated with regard to Looks Nu Car Wash, that deal was done but the building had not been removed.

Mr. Cummings confirmed all agreements were in place. The contractor missed his window for removing the gas station and asphalt; however, staff negotiated to leave the canopy in place.

Councilor Hart stated an issue raised by Councilor Mills was being uncomfortable expending funds until the city obtained the rest of Moore Park. That needed to be resolved before investing more.

Mayor Hill voiced his agreed. He was also surprised at the total expense of the project.

Councilor Eddie stated he had voiced in the beginning that he was uncomfortable investing a lot of money into something the city did not own. He'd like an update on where that situation was.

Mr. Cummings stated he had provided a proposal to the current owner and was waiting for a response.

Rural Fire Contract Renewal

Dan Cummings, City Manager Pro Tem, presented.

Mayor Hill stated they had met with the Rural Board three times, and those meetings went well, arriving at the proposed agreement.

KIRBY moved, MELENDREZ seconded, **THE CITY COUNCIL APPROVE ADDENDUM #13 OF THE RURAL FIRE PROTECTION DISTRICT AGREEMENT TO PROVIDE FIRE SUPPRESSION AND OTHER SERVICES.** Roll call vote: Mills-yes; Baker-out; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.

MILLS moved, KIRBY seconded, **THAT THE CITY COUNCIL APPROVE THE CODIFIED AMENDMENT OF THE RURAL FIRE PROTECTION DISTRICT AGREEMENT TO PROVIDE FIRE SUPPRESSION AND OTHER SERVICES REFLECTING ADDENDUMS #1-13.** Roll call vote: Mills-yes; Baker-out; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.

City Manager Recruitment

May Swihart, HR Manager/Assistant to the City Manager, presented.

Mayor Hill stated they needed to move on this as expeditiously as possible. He was not in favor of any more postponements.

MELENDREZ moved, BRADEN seconded **THAT THE COUNCIL HIRE THE RECRUITING FIRM THAT HAD BEEN SUGGESTED BY THE HR MANAGER, TO CONDUCT THE CITY MANAGER RECRUITMENT AS PROPOSED.** Roll call vote: Mills-yes; Baker-out; Kirby-no; Hart-no; Braden-yes; Melendrez-yes; Hill-no. Motion failed 3/3/1.

HART moved, BRADEN seconded, **THAT THE CITY COUNCIL APPROVE THE CITY MANAGER RECRUITMENT MATERIALS AS WRITTEN OR AMENDED AND ADVERTISE FOR THE CITY MANAGER POSITION IN AN AMOUNT NOT TO EXCEED \$1,600.** No vote.

Councilor Melendrez stated his belief in what staff had presented, but there were a lot of unknowns, so he'd be voting no on the motion.

Councilor Kirby stated there were things that had be accomplished, so he would assume the remainder of the process would continue. The proposed motion seemed to indicate it would be advertised, but to do nothing else.

Councilor Hart stated to clarify his motion, it would be to go through the process as outlined by staff to advertise and begin the overall process.

Ms. Swihart stated the motion also approved the recruitment materials as written. Mayor Hill asked if the motion immediately started the process.

Ms. Swihart stated it did, yes.

Mayor Hill stated this was a two-month process, so at the end of those two months, they'd have a decision.

Ms. Swihart stated if they approved everything presented, she'd post this week.

Councilor Hart stated to clarify, he strongly suggested anyone who had amendments or changes they believed needed to be made, read it, and send to Ms. Swihart. If it was significant, he assumed that would be brought to Mr. Cummings and/or the Council for discussion.

Mayor Hill wanted it clear – were they staring now? Just amend to include the completion time of 60 days.

HART moved, KIRBY seconded, to amend the previous motion to read **THAT THE CITY BEGIN THIS PROCESS WITH THE GUIDE THAT IT BE COMPLETED WITHIN 60 DAYS. THE RECRUITMENT PROCESS BY AUGUST 15, 2022, WITH INTERVIEWS TO BEGIN AFTER THAT.** Roll call vote: Mills-yes; Baker-out; Kirby-yes; Hart-yes; Braden-yes; Melendrez-no; Hill-yes. Motion carried 5/1/1.

HART moved, BRADEN seconded, **THAT THE CITY COUNCIL APPROVE THE CITY MANAGER RECRUITMENT MATERIALS AS WRITTEN OR AMENDED AND ADVERTISE FOR THE CITY MANAGER POSITION IN AN AMOUNT NOT TO EXCEED \$1,600 AND THE APPROVAL OF THE GANT CHART.** Roll call vote: Mills-yes; Baker-out; Kirby-yes; Hart-yes; Braden-yes; Melendrez-no; Hill-yes. Motion carried 5/1/1.

NEW BUSINESS

Resolution #2022-123: Accept Abstract of Votes – May 2022 Primary Election

HART moved, MILLS seconded, **THE CITY COUNCIL ADOPT RESOLUTION #2022-123: A RESOLUTION ACCEPTING THE ABSTRACT OF VOTES FOR THE MAY 17, 2022, PRIMARY ELECTION.** Roll call vote: Mills-yes; Baker-out; Kirby-no; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.

Resolution #2022-124: End of Year Clean Up

Kari Ott, Finance Director, presented.

Dan Cummings, City Manager Pro Tem/Community Development Director, stated the fees had not increased, had actually not been done since 2013. It was reviewed every year but believed with the economics and the efficiency of the department, they had been able to increase revenue without increasing fees.

Mayor Hill stated the funds that were generated by fees, had to stay in the building department.

MILLS moved, KIRBY seconded, **THE CITY COUNCIL ADOPT RESOLUTION #2022-124: A RESOLUTION TO ADOPT A SUPPLEMENTAL BUDGET TO RECOGNIZE UNEXPECTED REVENUES AND TO TRANSFER BUDGETED APPROPRIATIONS FOR UNEXPECTED ITEMS.** Roll call vote: Mills-yes; Baker-out; Kirby-no; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.

Resolution #2022-125: Ferric Chloride Cost Increase

KIRBY moved, MELENDREZ seconded, **THE CITY COUNCIL ADOPT RESOLUTION #2022-125: A RESOLUTION TO APPROPRIATE FUNDING FOR UNEXPECTED FERRIC CHLORIDE COST INCREASES.** Roll call vote: Mills-yes; Baker-out; Kirby-no; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.

PUBLIC HEARING**Ordinance #2806-2022: Annexation and Rezone of Property from UGA Commercial Business Park to City Industrial Business Park I(BP), UGA Residential to City Single Family Residential (RS-50) and UGA Commercial (UGA-C) to City General Commercial (C-2)**

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

Dan Cummings, Community Development Director, presented.

The Hearing was opened for public testimony. Proponents: Jim Echanis.

Proponent: Jim Echanis, Ontario, stated: *Mr. Mayor, members of the City Council, city staff, and city residents. I'm a property owner that's adjacent to this proposed annexation and I'm totally all for it. My wife and I have lived in Ontario for about 45 years, and we've had the luxury of having the city limits on our back fence line for a majority of that time, as we do right now. I met with the developer, and he's given me assurances that he wants to build a quality development, which I think Ontario really needs. He indicated to me that he wants to put in a development that's a combination of the size of homes and the types of homes that are in the Waterford Estates Subdivision, and also across between the Plaza Subdivision, which is adjacent to the south. So anyway, I'm all for this. I have a line to stay in touch with the developer because I want to be a good neighbor for him and with him and his development and I would like to have you graciously approve this annexation for the City of Ontario because I think it'll be a real shot in the arm for it. Thank you.*

Opponents: None.

There being no further Proponent and no Opponent testimony, the Hearing was closed.

KIRBY moved, MELENDREZ seconded, **THAT THE CITY COUNCIL APPROVE THE FINDING OF FACTS AND RECOMMENDATION OF THE PLANNING COMMISSION FOR THE ANNEXATION AND REZONE OF THE SUBJECT PROPERTY FROM UGA COMMERCIAL BUSINESS PARK TO CITY INDUSTRIAL BUSINESS PARK I(BP) BEING 14.86 ACRES, UGA RESIDENTIAL TO CITY SINGLE FAMILY RESIDENTIAL (RS-50) BEING 36.44 ACRES AND UGA COMMERCIAL (UGA-C) TO CITY GENERAL COMMERCIAL (C-2) BEING 5.16 ACRES AS SET FORTH IN ACTION 2022-03-13AZ BASED ON THE INFORMATION, FINDINGS, AND CONCLUSIONS SET FORTH IN THIS REPORT.** Roll call vote: Mills-yes; Baker-out; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-recuse. Motion carried 6/0/1.

HART moved, KIRBY seconded, **IN ACCORDANCE WITH SECTION 8.2(2) OF THE CITY CHARTER I MOVE THAT THE CITY COUNCIL APPROVE ORDINANCE #2806-2022 AN ORDINANCE PROCLAIMING THE ANNEXATION AND REZONE OF THE SUBJECT PROPERTY FROM UGA COMMERCIAL BUSINESS PARK TO CITY INDUSTRIAL BUSINESS PARK I(BP) BEING 14.86 ACRES, UGA RESIDENTIAL TO CITY SINGLE FAMILY RESIDENTIAL (RS-50) BEING 36.44 ACRES AND UGA COMMERCIAL (UGA-C) TO CITY GENERAL COMMERCIAL (C-2) BEING 5.16 ACRES AS SET FORTH IN ACTION 2022-03-13AZ, AT A SINGLE MEETING BY TITLE ONLY.** Roll call vote: Mills-yes; Baker-out; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-recuse. Motion carried 6/0/1.

HART moved, KIRBY seconded, **IN ACCORDANCE WITH SECTION 8.2(2) OF THE CITY CHARTER I MOVE THAT THE CITY COUNCIL APPROVE ORDINANCE #2806-2022 AN ORDINANCE PROCLAIMING THE ANNEXATION AND REZONE OF THE SUBJECT PROPERTY FROM UGA COMMERCIAL BUSINESS PARK TO CITY INDUSTRIAL BUSINESS PARK I(BP) BEING 14.86 ACRES, UGA RESIDENTIAL TO CITY SINGLE FAMILY RESIDENTIAL (RS-50) BEING 36.44 ACRES AND UGA COMMERCIAL (UGA-C) TO CITY GENERAL COMMERCIAL (C-2) BEING 5.16 ACRES AS SET FORTH IN ACTION 2022-03-13AZ, AT A SINGLE MEETING BY TITLE ONLY.** Roll call vote: Mills-yes; Baker-out; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-recuse. Motion carried 6/0/1.



Ordinance #2809-2022: Withdrawing Certain Property from the Rural Road District and Rural Fire District

It being the date advertised for public hearing on the matter stated above, the Hearing was declared open. There were no objections to the city's jurisdiction to hear the action, no abstentions, and no ex-parte contact, and one declaration 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.

MILLS moved, BRADEN seconded, **IN ACCORDANCE WITH SECTION 8.2(2) OF THE CITY CHARTER, I MOVE THE CITY COUNCIL APPROVE ORDINANCE #2809-2022, AN ORDINANCE REMOVING CERTAIN REAL PROPERTY FROM THE RURAL ROAD ASSESSMENT DISTRICT NO. 3 AND ONTARIO RURAL FIRE PROTECTION DISTRICT 7-302, BEING PARCELS WITHIN THE NW¼ NE¼ SECTION 10, TOWNSHIP 18 SOUTH, RANGE 47 EAST, WILLAMETTE MERIDIAN.** Roll call vote: Mills-yes; Baker-out; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-recuse. Motion carried 6/0/1.

Harrah Heights Reimbursement District

Mayor Hill recused himself from this action as he had a direct conflict of interest. Council President Hart conducted the Hearing.

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, one abstention, no ex-parte contact, and one declaration of conflict of interest.

Casey Mordhorst, Public Works Director, presented.

Councilor Kirby asked if this was the standard operating procedure for oversizing and developing projects such as this?

Mr. Mordhorst state it was. If a zone required extensions of utilities to serve the development, it was in the city code that the developer could request the city to create a Reimbursement District to recoup the costs of the improvements.

Mr. Cummings stated the code was based on state law, which regulated if this could be done. If it was not in the code, it was difficult for a developer to go back because it would have to be done at the state level. That code had been revised a few years ago that the developers only had five years to recapture; after that, money went directly to the city. The Council determined that was not fair to the developer, and the five years was extended to 25 years.

Councilor Hart asked for an explanation regarding Lot #400, and who owned that Lot?

Mr. Mordhorst stated for Lot #400, the developer requested the first year to be interest free, so August 1, 2022 to August 1, 2023, there would be zero interest on that lot. It belonged to the Nazarene Church.

Councilor Hart stated the developer could do that. Was that unique?

Mr. Mordhorst stated if the developer requested it, it was up to the Council if they accepted it. Also, the total cost was based on the contractor's invoice.

Councilor Hart asked if the 7% of what was paid by the developer?

Mr. Mordhorst stated it was the total project cost, a one-time payment. The Hearing was opened for public testimony.

Proponents: None.

Opponents:

Tim Brewer, Pastor, Ontario, Nazarene Church, stated: *Council Chair, thank you for taking the time to hear my opinion. I'm a resident of Ontario and also Lead Pastor of Ontario Nazarene Church, and I'm here speaking on their behalf today. I am asking that the City Council delay the payments of this money, without interest, until, or if, we ever hook up to the system. And I've spoken to two others who are present who represent three of the other properties who would agree with this motion asking for the delay. But I speak on behalf of Ontario Nazarene. It really doesn't make sense for us, at all, for this infrastructure. We have no intention of building on the west side of this property. And I'm just going to give you a picture of the property, a design of the properties. (Hand out). Again, we have no intention of building on the west side of this property. One of the reasons we purchased the 4.5 acres in 2008 was to develop it into community use. At this point in time, it's used by the Recreation District, it's used by CHAMPS sports for the homeschooling program, and it's used by our neighbors, as well. In addition, I don't have any answer to this in particular, but in addition, if you were to drive off of Sunset onto our west parking lot, you will see a significant dip that goes down into that parking lot. I don't know how deep that pipe was laid, but it could very well not have been laid deep enough so that if we ever did build on that, we would have to use a pump to be able to get up into that in order to get whatever waste that we would have. But we have no intention, it's not even on the plate to talk about building on that west side. Number two – we have no intention of building on the east side of this property, but if we did, it would probably be in our best interest to connect with the housing development that is north of us. That water line and that sewer line are very close to that edge of the property. We wouldn't go all the way down Sunset to connect with that, as well. Simply put – there is just no benefit to us at any time, and \$15K is a lot of money. I don't know if this makes any significant difference, but my understanding is those properties that are being charged are county properties. I know ours is. That side is a county property. I don't know if that makes any difference in the process. I do want to communicate that I am grateful for a new housing development in Ontario. I absolutely am thankful for that. We need new residents in our community; however, I would encourage the city leaders to find new ways to inform residents of their responsibilities for infrastructure prior to the building of new housing developments. I do not believe that a notice came to my office telling me that a new housing development was being built and that I would need to be responsible for a portion of the infrastructure. All I've received was a bill. If it wasn't for the fact that the developer stopped by my office prior to the arrival of that bill, I would not have even been aware of it. And I know that my residents, my neighbors, that's exactly what happened to them. So imagine, you come home from work, and you've got a \$15K bill that you knew nothing about, or for some of our friends, \$32K, because they own two of the properties in the area. I would like to encourage a couple of things for the city on behalf of this. One, in the future, I would also encourage a cover letter with the information being sent out. The cover letter should explain what is being asked in layman's terms, so we can all understand the clear steps that need to be taken if the building is to be disputed. I had to have one of our lay leaders contact the city to find out what this all meant for us. So we get a bill, doesn't clearly understand what we're going to be, why are we responsible, but just what do we need to do about it, and I would say, in the future, the letters that come out from the city need to explain all that as well. Well, again, thank you for listening to my concerns. I want to reiterate my request: I would ask that the City Council delay the payments on the infrastructure, without interest, until, or if, we hook up to the system. I appreciate your consideration on this matter.*

Andrew Kressly, Sunset Drive, Ontario, stated: *Thank you Council. I'm here on behalf of my Grandmother, who owns said property, Tax Lot 100, and she also owns Tax Lot 200, across the street, which is not subject to this sewer line because they are in the city already. We are in the county. My Grandmother is 85 years old, and you can imagine what she felt like when she got a bill for \$16,100 with no advance warning, no meetings of do they want this subdivision, do they have \$16K just laying there to pay for a sewer line that right now they're not using? My comments are sort of the same as his (pointing to Pastor Brewer) is we ask to defer payment until we are annexed into the city or until the property is sold.*

James King, Sunset Drive, Ontario, stated: *I just have, I didn't say I was going to speak, but I have the property right across the street from Kressly, and I received nothing, no notice, that any part of Sunset Drive was coming into the city limits at any time, and I, too, agree with Tim Brewer that there's no benefit to the sewer line in the middle of the road for me. I don't intend to ever hook up to it, but I think that if I understand the state law, though, that allows these kinds of things to occur and I am retired and my wife is a retired schoolteacher, and we're on a limited income and it will be a very considerable amount of money to come up with, \$16,156. I understand that it's already been financed by Mr. Hill, Mayor Hill, and we're just reimbursing him. One question that I had was is it just the sewer line that goes straight down Sunset Drive, or does part of the cost go into his subdivision and down around that cul-de-sac? I didn't see any numbers that on how Warrington Construction, they're the ones that put in that really excellent sewer line there, and they did some damage to the sides of the road. Mr. Brewer mentioned how far down his parking lot was, but we've got virtual drainage ditches on part of our property where it wasn't there before, but Warrington Irrigation did come back and repaired our driveway. But that was all I had to say. I would like to, if it's possible, to be considered to not pay until we hook up to the sewer or if we are forced to be annexed in to Ontario, and to not pay interest. Thank you.*

Mr. Mordhorst stated none of the costs were factored in, anything that turned off Sunset to the west. Specifically from the Sterling [sic] run-on pipe on Sunset.

Councilor Melendrez asked what options were available, or what was the precedent for delaying payment?

Mr. Cummings stated the developer had presented his request and the Council had now heard testimony. The Council had the power to, in the past, the Council had set the terms to when they hooked up, but they did that before because it was believed that was what the code and laws said; however, the code actually read that "you'll pay your share at the time it's put in if it is beneficial to your land". The Council had heard testimony that, for example the Kings, that they did not plan to ever come into the city, and would probably never need that sewer line, but since they resided within the city's Urban Growth Boundary, if their septic system failed, the state would not allow their septic system to be redone. State law read that if you were within the city's UGB, and were within 300 feet of a city sewer line, you MUST hook up. He understood them stating they didn't ever want to, but if their septic system failed, they would have to annex in and hook up to the sewer system. There was a benefit to their property. The Council had also heard the statement from the Nazarene Church that they did not intend to ever do that, but things could change. It might not always belong to the church. There was a benefit to that property. The parking lot Pastor Brewer spoke of, was on a different tax lot, clear to the east side of the property. Currently, the church used it as a ballfield. He believed the sewer line was deep enough to serve that west side property. If they tried to serve the west side of Tax Lot 400, by bringing sewer from the far side of the property, it would cost a lot more than \$14K. For the person who claimed to never having received a notice, when the subdivision plat was done, notices were sent out by proper notice to all property owners, so if they resided within 100 feet of the subject property, a notice was sent.

Pastor Brewer: *Would that notice have inferred that we would then incur an infrastructure charge?*

Mr. Cummings stated it would not. It was stated that the subdivision....

Pastor Brewer: *That's my problem. Again, you come home and get a \$15K bill, that's not right. And that's why I'm saying there needs to be a change in the procedure so that if there's a possibility that there's going to be an infrastructure charge to a connecting property, in that initial letter that ought to be highlighted and bold so they have a reason to show up to the meeting, 'cuz I would just be celebrating the fact that a new housing complex was coming in to Ontario, yay!, but I wasn't going to be celebrating a bill.*

Mr. Cummings stated that raised a good point. Something done during the Preliminary Design Advisory Committee (PDAC) a portion of the development was asking the developer if they were going to be asking for recapture. Then, when the preliminary notices were mailed, a notice would go to the property owner at that time, making them aware a development was happening, and the developer would most likely be asking for recapture on the infrastructure.

Pastor Brewer: *How can you get billed for something you did not know about? How can you get billed for something you did not know that a cost was going to be accrue to you? Because had I known that, we probably would have been here during the development of the property. That's my question to the Council.*

Councilor Hart asked how they would make that change? Was that done through an ordinance, resolution, or something the Planning Department would do?

Mr. Cummings stated he would write that into the policy portion of land development. To put it in the code, as this was a land use action, so to do so would be a lot of time and money. They could initiate it faster by adding it as a policy. Between Public Works and Planning, they'd ensure people were aware of it ahead of time. However, even at the time of the subdivision, had they known and could have attended the meeting, and had time to plan for it, it was allowed by state law to get the development or subdivision denied. But it would give notice that an action was coming forward. At the staff level, that would be installed in the policy.

Riley Hill, Developer, stated about eight years ago, he was in the same situation. He was unaware that no one had been notified; however, he received a bill for \$38,200 in the mail. He wasn't happy, but he had to pay it, and he did. That didn't make anyone feel better, but it was the way the system worked.

Councilor Melendrez stated for a hypothetical, the property Lot 300, the septic tank went out and it was within that 300 feet radius, they would have to become part of the city and connect to the sewer line? If the subdivision was not there and Mr. King had to connect and bring a line to Lot 300, would have Lots 100 and 200 have to do?

Mr. Cummings stated using King's property as an example, if the subdivision did not go in, the sewer was halfway through Lot 200, where it was now, had the development not occurred, the Kings' would be required to annex into the city, which was also expensive, and not only hook into sewer, but also water, as it was required to do both. The Kings would have to extend the sewer line from the manhole down to the south property line, and they would have to be the ones to do the recapture against the Davis property. If the Nazarene Church had a house there that had a septic failure, they'd be the one having to bring the sewer line all the way down, and they'd be asking Pennington, King, and Davis to pay their share. It was all about who had to pay the bill.

Garry Kressly, Ontario, stated: *I have something I'd like to say. What I have here is a copy of the first certified letter that was sent from the City of Ontario. These figures were felonious from the beginning. We had to go out and do our own measurements to get this corrected. I called Mr. Cummings myself. He had to come out and look. Is this the way that you people run your business? You've got to be kidding me. Are you serious? You can't be serious. I'll let you pass this around. This says four manholes, and now all of a sudden it's three.*

Mr. Cummings stated when that was first put together, staff believed the sewer line ended at manhole #34...

Mr. Kressly: *We "thought"?*

Mr. Cummings stated yes, and this was his mistake. He went on the map and thought it ended there and then ended at manhole #51. The footage was basically the same, so it jived what Warrington had. The design plans included another manhole, so the breakdown had the four manholes. Mr. Kressly contacted him, told him something was wrong, that when Bob Davis had to hook up due to septic failure, the understanding was they tried to help him out and stopped at the beginning. However, by the beginning number the only difference, the big change, staff removed off the cost of the manhole because he had not been informed they were not required to install the fourth manhole. That was his error. When corrected, it added cost the Mr. Hill and removed cost to Lot 200.

Mr. Kressly: *I appreciate all of you listening to me, but it's just highly upsetting when you get a certified letter from the City of Ontario and the figures are not correct. That needs to be stopped also, because it makes me wonder how*

many people in the past haven't come forth to the meetings and been hammered out of thousands of dollars. How many times has that happened in the past? Do you people know? No. Nobody does. Thanks.
There being no Proponent and no further Opponent testimony, the Hearing was closed.

BRADEN moved, KIRBY seconded, **THE CITY COUNCIL APPROVE THE CREATION OF THE HARRAH HEIGHTS REIMBURSEMENT DISTRICT AS DESCRIBED BY THE PUBLIC WORKS DIRECTOR'S REPORT AND DIRECT STAFF TO BRING BACK AN ORDINANCE CREATING THE ADVANCE FINANCING DISTRICT.** Roll call vote: Mills-yes; Baker-out; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-recuse. Motion carried 5/0/1.

DISCUSSION ITEMS

Merchant McIntyre Contract Extension

Brent Merchant, Merchant McIntyre, presented.

Consensus to bring this back at the next meeting for discussion and update.

DEPARTMENT HEAD UPDATES

Finance: Monthly Report (Attached)

Kari Ott, Finance Director, presented.

Community Development: Quarterly Report (Attached)

Dan Cummings, Community Development Director, presented.

DISCUSSION ITEMS

Police Officer Recruitment (Slides Attached)

Michael Iwai, Police Chief, presented.

Consensus to bring back to a later meeting.

HAND OUTS

Minutes: County Court (Attached)

06-08-2022; 06-15-2022

Letters of Support: Ontario Municipal Airport (Attached)

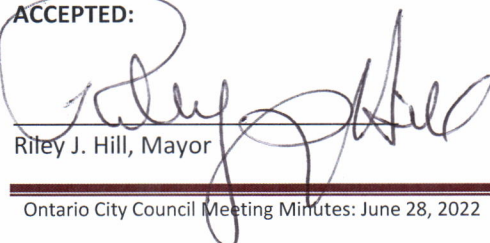
Attached.

Check Register: May, 2022 (Attached)

ADJOURN

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

ACCEPTED:


Riley J. Hill, Mayor

ATTEST


Tori Barnett, MMC, City Recorder