



CITY COUNCIL MEETING MINUTES March 14, 2023

The scheduled meeting of the Ontario City Council was called to order by Mayor Deborah Folden at 6:00 p.m. on Tuesday, March 14, 2023, in the Council Chambers of City Hall. Council members present were Deborah Folden, Susann Mills, Sam Baker, John Kirby, Eddie Melendrez, Ken Hart, and Penny Bakefelt.

Members of staff present were Dan Cummings, Tori Barnett, Corinna Hysell, Jeremy Green, Clint Benson, Kari Ott, Casey Mordhorst, James Swank, Al Haun, Nick Tambornini, and Stephanie Cummings.

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

AGENDA

This Agenda was posted on March 10, 2023. 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; Hart-yes; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 7/0/0.

CONSENT AGENDA

KIRBY moved, MILLS seconded, **TO ADOPT THE CONSENT AGENDA, WHICH INCLUDED THE COUNCIL MEETING MINUTES OF FEBRUARY 14, 2023; LIQUOR LICENSE APPLICATION – DAMIAN'S DOWNTOWN NIGHT CLUB; AND LIQUOR LICENSE APPLICATION – EL PATRON ONTARIO LLC**. Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 7/0/0.

PUBLIC COMMENTS

Christin Hood, Ontario: Good evening, ladies and gentlemen, members of the Council, Madam Mayor. I own Oregon Trail Hobbies and Gifts on South Oregon Street in Ontario. I come to you tonight as a merchant of downtown Ontario. I recently became aware of a façade grant that evidently was available to the downtown businesses at one point in time; however, that façade grant was poorly communicated, therefore poorly utilized. As we now understand it, that façade grant has now moved its boundaries and is no longer applicable to the downtown Ontario area. On behalf of myself and the other merchants of downtown, I come to you to ask to move those boundaries of that façade grant back and literally help us clean up our street. Downtown merchants are working incredibly hard to bring a boost to the city by way of events, organizations, and its having a positive effect. We're spending a lot of our own money, especially that of Tracy Hammond of Vintage Rose, but we continuously hear from visitors about the appearance of downtown Ontario, such as the dilapidated buildings, the broken windows, the beauty shop, businesses that were closed long ago. The façade grant would go towards improving those sites. I, myself, have a piece of tin that's blown off the back of my building, it's been gone for a long time, I have an awning that needs repaired, and I have a broken light fixture that needs to be replaced out front. It's like signage for my store. So if you would consider moving that façade grant back to the downtown area, it would be appreciated. We want this to be a great place for visitors and residents alike and a view that we can all be proud of.



William Campbell, Ontario: Hello. I live on the eastern border of the Ontario Airport, and the weeds constantly come against one of my fences, they boil over, get my second pasture fence, and then into the third fence. It looks like the Romans taking Masada, as they built a ramp. As your sign at the airport will show you, you've got a stack that's going over a seven foot fence. You've got to stop it. It's like I put, two times last summer, I stacked up all the weeds off my fence into the roadway so that they would take them away, maybe. No, they brought a blower just before on the first or second of February, and just pushed it into a field. Now there's more weeds again, plus everything I stacked up last year, for them to take care of. And the time to burn anything is probably May. And this has happened since they moved the golf course on the eastern side to the main one, and then abandoned that golf course, too. Unless you've torn the field up, it's yours. You have to maintain it. You can't make the neighbors do it. I'm 72, most of the people on that row are retired, of age. They don't need to pick up your weeds. And I'd like you to do it. You've done it in the past, and then it's like, a deficit of attention. It goes away every year. So please....thank you.

Dan Cummings, City Manager, stated he had received several calls on the issue just that day, and he authorized Public Works to clean up the area. Public Works was getting employees from SRCI to assist for two days next week. Staff coordinated with the Fire Department, and they would have people to assist in cleaning up and burning it off. It should all be taken care of next week. Also, staff was proposing that portion of the airport, the east side was previously being maintained by the Airport Manager under a private contract; however, it was not being done properly. The east side was handled by Public Works, so in the upcoming budget cycle it would be proposed to the Council that all of the area be back under Public Works so they could maintain it properly, keep it sprayed, and keep the weeds down.

PRESENTATION

Introduction of New City Employees

Lt. James Swank introduced Stephanie Cummings, Evidence Technician, and Nick Tambornini, Ordinance Officer.

Proclamation: Border Town Comic Con Days

Mayor Folden read the Proclamation into the record:

CITY OF ONTARIO
MAYORAL PROCLAMATION
BORDER TOWN COMIC CON DAYS

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| WHEREAS, | With its colorful costumes, creative artistry, and imaginative storytelling, the world of comics and pop culture has captivated our hearts and imaginations for generations; and |
| WHEREAS, | And we are thrilled to celebrate its rich history and influence with Border Town Comic Con 2023; and |
| WHEREAS, | This event will showcase the talents, passion, and creativity of our local artists, writers, and cosplayers, and bring together a diverse community of comic book enthusiasts and pop culture lovers from near and far; and |
| WHEREAS, | As we gather to appreciate the wonders of this unique and vibrant world, let us also embrace the values of inclusivity, diversity, and creativity that make Ontario such a special place to call home; and |
| WHEREAS, | Let us come together in the spirit of unity, joy, and celebration on these special days. And let us continue to support and uplift our local artists and creators, who make Ontario an amazing place to be. |

NOW, THEREFORE, BE IT RESOLVED that I, Deborah K. Folden, Mayor of Ontario, Oregon, do hereby proclaim March 18 and March 19, 2023, as **BORDER TOWN COMIC CON DAYS** and invite all our citizens to join me in extending a warm welcome to all the guests and participants of the Border Town Comic Convention and urge everyone to take part in the many exciting activities, panels, and performances that this incredible event has to offer.



TVCC Nursing & Allied Health Programs (PowerPoint attached)

Dana Young, TVCC President, and Cathy Yasuda, Foundation Executive Director, presented. Please see attached PowerPoint for specific information.

OLD BUSINESS**Solar Project w/Fleet Development**

Dan Cummings, City Manager, presented.

HART moved, BAKEFELT seconded, **THE CITY COUNCIL APPROVE THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF ONTARIO AND VERDE LIGHT COMMUNITY SOLAR, LLC, AND AUTHORIZE THE MAYOR TO SIGN THE MOU.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 7/0/0.

Fire Department Ladder Truck

Clint Benson, Fire Chief, presented.

BAKEFELT moved, MILLS seconded, **TO DIRECT STAFF TO MOVE FORWARD WITH PURSUING OPTIONS FOR THE PURCHASE OF A USED LADDER TRUCK, NOT TO EXCEED \$800,000.00.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 7/0/0.

Ordinance #2820-2023: Nuisance Ordinance

Jeremy Green, City Attorney, presented. He noted that Section 4 still needed some language tweaking. Section 4 should read in its entirety: *This ordinance supersedes and replaces Title 7, Chapters 1, 2, and 2A of the code in its entirety, and supersedes and replaces all ordinances, resolutions, and/or policies in conflict with this ordinance provided however city may continue the prosecution, conviction, and/or punishment of any person who has or is in violation of Title 7, Chapters 1, 2, and 2A of the code as of the effective date of this ordinance.* That was the only change he had on the ordinance that was being presented.

Councilor Kirby stated a concern was that the judicial portion of the ordinance be given to the Justice Court. What contacts had been made with the court?

Mr. Green stated there was no Justice of the Peace who was involved in the review of any nuisance driven issues. What the committee decided was for a Hearings Officer. If the HO decision was appealed, it would be appealed to the City Council. That was done for expediency and efficiency.

Councilor Kirby stated that was not his recollection. He believed the Hearings Officer was going to be the Justice Court.

Mr. Green stated if that was true, that had been accomplished. The Hearings Officer was identified as being a layer of the appellate review, and, in lieu of the Justice of the Peace, if the Hearings Officer's decision was appealed it would come before the Council. The HO would be an independent third party, someone the city would contract with. The language in the ordinance provided was similar to what other municipalities were moving towards, that being an HO rather than a JP. The intent was captured in the ordinance.

Councilor Hart asked for clarification – if the city noticed someone and it wasn't addressed, could the city abate the property and put a lien on the property? Citizens were not so concerned about tickets; they wanted things fixed. Did the ordinance allow that? And had there been a discussion about implementing that?

Mr. Green stated yes, the city had the right of abatement. There was a procedure spelled out in the ordinance. There had been discussions internally about the process as the ordinance was being developed.



Mr. Cummings stated Section 11 addressed abatements, along with the full process.

Councilor Hart asked if there was a process in place for who would be utilized for the abatement of the property.

Mr. Cummings stated that piece was covered in the ordinance. In the past, the city had Public Works do a portion of the abatement, until it became too much, when it would then be contracted out.

Councilor Bakefelt asked if the ordinance department in the Police Department had reviewed the document.

Mr. Cummings stated they were part of the committee that reviewed everything, and the Police Chief had also reviewed it.

Councilor Mills questioned the method for noticing.

Mr. Green stated the posting at the address of the subject property was just one part of the notice process. It would also be mailed, regular and certified mail, to the registered owner. One concern raised had been about consistency with the notice process, depending upon the type of nuisance issue, and that had been revised to make it all consistent. Regarding Councilor Hart's question, if the city had the resources to abate, that would presumably be the first option. In certain situations, the city might not have the expertise to abate, for example, asbestos or some type of environmental concern. It would be best to have that contracted out. It would not be feasible for Mr. Cummings to identify how it would be addressed each time; it would be a case by case issue.

Councilor Kirby reminded everyone that there was only one ordinance officer taking care of the city, and there was going to be a backlog. Another suggestion had been to conduct this by quadrant across the city, but that would be a bad idea. They needed to get this ordinance passed and put into use, and then maybe review it quarterly or semi-annually.

Councilor Hart stated the structure in the past created a lot of fines, but he didn't know if they were doing much abatement. It seemed that they were doing a lot of fining, but not a lot of abatement, the actual taking it on and cleaning up of the properties. The expectation from the public was that the nuisances, if valid, would be cleaned up. He wanted to focus on helping the owner address it themselves, and if not that way, then the city getting it cleaned up. That could take additional resources the city did not have, especially if there was a backlog. Going into this budget, did they need to set aside funds so the clean ups could be done? Ultimately, it was the property owners responsibility, but if they didn't clean it up, the city needed to be step in. That's what the public wanted to see.

Mr. Cummings agreed, and staff would look at that during the budget preparation.

Casey Mordhorst, Public Works Director, stated previously, Public Works had done 90% of the abatements. There had been one that was too large, and the city contracted that out. He agreed that the issues would need to be handled on a case by base basis. With the amount of drug paraphernalia, he would ask that it be deferred to an environmental contractor for cleanup, similar to what was done when they did clean up along the river near the Water Treatment Plant. They were trained to deal with that type of thing, and his staff was not. They did quite a bit of homeless camp abatements.

Mr. Cummings reminded the Council that examples of the notice and other documents were in the Council packet.

Councilor Bakefelt gave a shout out to Public Works for their work with past Ordinance Officer Rick Reyna. She had done a ride along with Officer Reyna, and when he found larger items, such as a sofa or pallets, he called Public Works, and a crew was out immediately collecting the large debris.



KIRBY moved, BAKEFELT seconded, **THE CITY COUNCIL TO APPROVE ORDINANCE #2820-2023, AN ORDINANCE SUPERSEDING AND REPLACING TITLE 7, CHAPTER 1, 2, AND 2A OF THE ONTARIO MUNICIPAL CODE IN ITS ENTIRETY, COMMONLY KNOWN AS THE "ONTARIO NUISANCE ORDINANCE," WHICH TITLE 7, CHAPTER 1, 2 AND 2A ESTABLISHED DEFINITIONS OF NUISANCE, PENALTIES, AND PROCEDURES FOR ABATEMENT OF NUISANCES IN CITY OF ONTARIO; SUPERSEDING AND REPLACING ALL CITY ORDINANCES, RESOLUTIONS, AND/OR POLICIES IN CONFLICT WITH THIS ORDINANCE, AS AMENDED.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 7/0/0.

NEW BUSINESS

Appointment to Budget Board

Tori Barnett, City Recorder, presented. Three names were submitted for consideration: Norm Crume, Riley Hill, and Jackie Koehler.

FOLDEN moved, BAKEFELT seconded, **TO APPOINT NORM CRUME TO THE BUDGET BOARD. No vote.**

Mr. Crume and Ms. Koehler addressed the Council as to why they were interested in serving on the Budget Board.

Councilor Kirby stated as a point of order, the Council had addressed this issue and determined that the Mayor would appoint, and then a consensus of the Council was needed to confirm that appointment.

Councilor Hart stated he appreciated the willingness of both Mr. Crume and Mr. Hill to serve, as they both had a lot of experience, but he'd like to have new blood on the committee. He appreciated a new citizen stepping up. He'd like to see the appointment of Jackie Koehler.

Councilor Bakefelt agreed in it was nice having new people wanting to serve, but the budget was the largest item the city had, and they needed experience on the budget. It was not to discount Ms. Koehler, but she was leaning towards experience.

Following discussion, Council opted to do a roll call to name their candidate of choice for the position. Hart-Koehler; Mills-Crume; Kirby-Koehler; Baker-Koehler; Melendrez-Crume; Bakefelt-Crume; Folden-Crume.

Norm Crume was appointed to the Budget Board, effective immediately.

FBO Contract: Silverhawk

Jeremy Green, City Attorney, presented.

MILLS moved, BAKER seconded, **THE CITY COUNCIL TO APPROVE THE DOCUMENTS SUBMITTED BASED ON LEGAL REVISIONS AND CITY MANAGER APPROVAL AND AUTHORIZE THE MAYOR TO SIGN THE FINAL DOCUMENTS.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 7/0/0.

Beck-Kiwanis Park: Disc Golf Course

Casey Mordhorst, Public Works Director, presented.

HART moved, BAKER seconded, **THE CITY COUNCIL TO APPROVE THE RECOMMENDATION FROM THE PARKS COMMITTEE FOR THE INSTALLATION OF THE DISC GOLF COURSE AT BECK KIWANIS PARK.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 7/0/0.



Bid Award: Equipment Storage Building

Casey Mordhorst, Public Works Director, presented.

MILLS moved, MELENDREZ seconded, **THE CITY COUNCIL TO ACCEPT THE BIDS RECEIVED AND AWARD THE PUBLIC WORKS EQUIPMENT STORAGE BUILDING PROJECT TO PARAMOUNT IRONWORKS, LLC, FOR THE AMOUNT OF \$175,040.00.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 7/0/0.

Bid Award: MichroTech System – Storage Area Network (SANS)

Kari Ott, Finance Director, presented.

MILLS moved, BAKEFELT seconded, **THE CITY COUNCIL AWARD THE BID TO MICROTECH SYSTEMS FOR THE PURCHASE AND INSTALLATION OF THE STORAGE AREA NETWORK IN THE AMOUNT OF \$68,733.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 7/0/0.

DEPARTMENT HEAD UPDATES**Fire & Rescue: Quarterly Report**

Clint Benton, Fire Chief, presented.

DISCUSSION ITEMS**Ontario Promise/529 Plan**

Ken Hart, City Councilor, stated he wanted to place a request before Council for the next meeting. While they were making strides on getting more kids signed up for the Ontario Promise Plan, they had not had as many as they'd like. He was invited to attend the Diversity Advisory Committee meeting tomorrow night to speak with them about it. There was a new member on the committee doing more outreach. They had allocated more money than they had given out, and given the fiscal situation, he spoke with Andrew Maeda, Rec District, to see if there were any capital needs that they might have. The city was in an interesting relationship with the Rec District – they had funds from taxpayers for the pool and programs, but a lot of the programming they did happened on the city's parks. He asked Mr. Maeda to look at putting together a capital needs list for the Rec Department, specifically for Beck-Kiwanis Park. There had been a big push to try to get baseball back to Ontario, but due to a lack of facilities, the kids were going to Payette Rec, and others, and this was the first year they were actually coming back to Ontario. They would be attending the next Council meeting with a pitch for \$50K, specifically related to Beck-Kiwanis ball field. and what could be done there. The stands were less than desirable, and there were other needs as well. They had spent a lot of time and energy making the fields better. He knew that Public Works had been working with them on watering, among other things. It was a city asset, and there was a lot of hard work from the Rec Department. His request would at the next meeting would be to reallocate \$25K out of the Ontario Promise Fund, and then maybe allocate \$25K from designated park funds that could be utilized to help revitalize the Beck-Kiwanis park in partnership with the Ontario Recreation Department. The Ontario Promise was set aside to help kids, and they still wanted to help kids and get more signed up, but he felt that money was sitting dormant and it could be better utilized now to get some more investment in those fields to help kids faster than waiting for folks to sign up for scholarships.

Councilor Bakefelt added that outside of helping the kids with the park, sports tourism was a good market for this area. When teams came in, they ate in restaurants, stayed in hotels, and the city received money via the TOT. She could see with the disc golf, they might be on to something to work with the Chamber on to figure out how to market this area for sports as a niche market.



HAND-OUTSMinutes: (Attached)

County Court: 02-08-2023; 02-15-2023; 03-01-2023

Parks: 01-19-2023

Public Works: 08-16-2022

Tater Tots Trail: 01-25-2023; 02-08-2023

Department Stats (Attached)

Police, Code Enforcement, Fire, Public Works – February 2023

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Councilor Bakefelt stated everyone had probably already heard that Sheriff Wolf was retiring and recommended to the County Court to appoint Undersheriff Travis Johnson to replace him, and it appeared in the County Court minutes that that recommendation had been approved.
- Councilor Bakefelt reminded everyone that on August 8th there would be a National Night Out event. They were six months out and had raised \$3,000. She encouraged everyone to show up and get involved at the event.

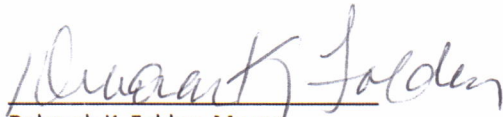
EXECUTIVE SESSIONORS 192.660(2)(e) – Real Property

An executive session was called at 8:24 p.m. under provisions of ORS 192.660(2)(e) to discuss real property. The Council reconvened into regular session at 8:43 p.m.

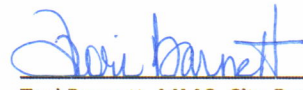
ADJOURN

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

ACCEPTED:


Deborah K. Folden, Mayor

ATTEST


Tori Barnett, MMC, City Recorder

