



CITY COUNCIL MEETING MINUTES April 11, 2023

The scheduled meeting of the Ontario City Council was called to order by Mayor Deborah Folden at 6:00 p.m. on Tuesday, April 11, 2023, in the Council Chambers of City Hall. Council members present were Deborah Folden, Susann Mills, John Kirby, Ken Hart, and Penny Bakefelt. Sam Baker arrived at 6:02 p.m.; Eddie Melendrez was excused.

Members of staff present were Dan Cummings, Tori Barnett, Corinna Hysell, Clint Benson, Kari Ott, Casey Mordhorst, Michael Iwai, Paul Woods, and Andy Wood.

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

AGENDA

This Agenda was posted on April 7, 2023. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

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

CONSENT AGENDA

MILLS moved, KIRBY seconded, **TO ADOPT THE CONSENT AGENDA, WHICH INCLUDED THE COUNCIL MEETING MINUTES OF MARCH 28, 2023**. Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-out; Folden-yes. Motion carried 6/0/1.

PUBLIC COMMENTS

Kristy Rodriguez, Housing Authority of Malheur County: *Good evening, Madam Mayor and Council. I just wanted to give you guys an update as far as a project that we've been working diligently with the city on with Planning and Development. We have applied to get Project Turnkey Funds from Oregon Community Foundation. Community in Action actually applied for the funding, and it's supposed to be a turnkey project, but it's going to come over to the Housing Authority. It is transitional housing; however, we have worked very, very hard with this project. We have asked the Oregon Community Foundation for about \$4.5M to \$4.8M and the project is going to be located at 949 North Oregon. It's where Mills rental apartments used to be at. We will have a lot of services, wrap around services. I will have somebody there on site 24 hours a day, and we should have word back from the Oregon Community Foundation by this Thursday in regards to grant funding. If that gets approved, then we would actually sign and close on the project by next week. Funds will then be transferred over to us and we will begin construction rehab on the project. So, no big changes to the building itself, but there will be internal renovations done for these folks that are considered needing the transitional housing. If we need any other extra funds, then, obviously, we would address that with new Executive Order that's coming through to Malheur County. That is a need right now in our area. So, I figured I'd just update you all on what is going on with our community right now. Thank you.*

Mr. Cummings added that they planned to do a major remodel, but were not adding to the footprint. They would be remodeling all the units to bring them up to code. They also planned to remove a back carport storage area to provide more parking. It looked to be a good project in a good area, and it was correctly zoned. The Planning and Zoning Department supported the project.

OLD BUSINESS

Ordinance #2820-2023: Amend OMC 7-1, 2, 2A Nuisances (Final Reading)

Dan Cummings, City Manager, presented.

Tori Barnett, City Recorder, read the specific changes into the record.

6. Derelict Structures.

6.2 *Order to Vacate Buildings or Structures.* If the City Manager determines that a Building or Structure is in violation of Section 6.1, the City Manager may order that a "no trespassing" and/or placard be posted on the Building or Structure ~~(containing the~~ which placard will contain any information required under Section 10.3 which the City Manager determines applicable) and order that (a) the Building or Structure be vacated, and/or (b) the Owner register the Building or Structure under Section 7.1. The Owner and/or Occupant may appeal the City Manager's order under Section 12.1.

10. Public Nuisances.

10.4 *Method of Service.* Any notice (including orders) required under this Ordinance will be (a) personally delivered to the Owner(s) and Occupant(s), if any, (b) sent to the Owner(s) and Occupant(s), if any, by first class mail to their last known residence or business address, and/or (c) posted at the Premises. Any notice issued in substantial compliance with this Section 10.4 will be effective from and after the date the notice is issued. All notices served in accordance with this Section 10.4 will be considered served (delivered) on the date of personal service or posting or three days after the date of mailing. Failure of the Owner(s) or Occupant(s) to receive such notice or an error in the name or address of an Owner(s) or Occupant(s) will not render the notice void (i.e., the notice will be sufficient). Refusal to accept any notice provided under this Ordinance via registered or certified mail will not be deemed to, and will not, render the notice invalid.

11. City Abatement and Procedures.

11.2 *Abatement Procedures - Assessment of Costs.* After City's abatement, the police department will send to the Owner(s) and Occupant(s) a notice (billing notice) identifying the total cost and expense of abatement, including the administrative overhead fee. If the total cost and expense of abatement and administrative overhead are not paid within thirty (30) days after notice, the police department will file with the Hearings Officer an itemized statement of costs and expenses and administrative overhead fee and set the matter for public hearing. The police department will notify the Owner(s) and Occupant(s) of the public hearing no less than ~~ten (10)~~ fifteen (15) days before the scheduled hearing.

13. Violations and Penalties.

13.1 *Warnings.* The City Manager and/or police department may issue warnings, citations, and/or orders to any Person violating this Ordinance.

Councilor Mills questioned under Section 10.4, why the word "and: was underlined.

Ms. Barnett stated it was underlined because the word "and" had been added to the sentence.

Councilor Kirby stated he was still curious about the judicial end of this. Was the city prepared to put this into action either through having the city's own magistrate or having the Justice Court deal with it.



Mr. Cummings stated that had been discussed with the City Attorney. The ordinance read that the city would have a Hearings Officer. It had not been defined in the ordinance because who that person would be would be up to the Council, whether they had a Hearings Officer or assigned it to the courts.

MILLS moved, BAKEFELT seconded, **THE CITY COUNCIL APPROVE ORDINANCE #2820-2023, AN ORDINANCE SUPERSEDING AND REPLACING TITLE 7, CHAPTERS 1, 2, AND 2A OF THE ONTARIO MUNICIPAL CODE IN ITS ENTIRETY, COMMONLY KNOWN AS THE "ONTARIO NUISANCE ORDINANCE," WHICH TITLE 7, CHAPTERS 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, ON FINAL READING.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-out; Folden-yes. Motion carried 6/0/1.

NEW BUSINESS

Eastern Oregon Real Estate, LLC: Utility Upsize Costs

Casey Mordhorst, Public Works Director, presented.

BAKEFELT moved, KIRBY seconded, **THE CITY COUNCIL APPROVE THE UTILITY UPSIZE COSTS AND APPROVE THE PAYMENT TO EASTERN OREGON REAL ESTATE, LLC, IN THE AMOUNT OF \$140,668.36 AND AUTHORIZE THE CITY MANAGER TO SIGN.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-out; Folden-yes. Motion carried 6/0/1.

Resolution #2023-105: Airport Clubhouse Property Taxes

Dan Cummings, City Manager, presented.

HART moved, BAKER seconded, **THE CITY COUNCIL APPROVE RESOLUTION #2023-105: A RESOLUTION TO APPROPRIATE FUNDS TO PAY THE \$29,642.69 BACK PROPERTY TAXES FOR THE CLUBHOUSE.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-out; Folden-yes. Motion carried 6/0/1.

Resolution #2023-106: Ontario Airport Land Lease Rates

Dan Cummings, City Manager, presented.

MILLS moved, KIRBY seconded, **THE CITY COUNCIL APPROVE RESOLUTION #2023-106, A RESOLUTION ESTABLISHING ONTARIO AIRPORT LAND LEASE RATES.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-out; Folden-yes. Motion carried 6/0/1.

Airport Clubhouse Lease and Additional Land Lease

Dan Cummings, City Manager, presented.

HART moved, BAKEFELT seconded, **THE CITY COUNCIL APPROVE THE LETTER OF COMMITMENT AND AGREEMENT ATTACHED TO THIS REPORT OUTLINING THE BASIC TERMS OF THE LEASES, BETWEEN THE CITY OF ONTARIO AND CYA HOLDINGS, LLC, FOR THE LEASE OF THE ONTARIO AIRPORT CLUB HOUSE AND ASSOCIATED LANDS AND AN ADDITIONAL ADJACENT ONE (1) ACRE LAND LEASE FOR THE CONSTRUCTION OF A NEW STORAGE BUILDING AND AUTHORIZE THE CITY MANAGER TO SIGN THE TWO LEASES ONCE THEY ARE DEVELOPED BY THE CITY MANGER AND REVIEWED BY THE CITY ATTORNEY.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-out; Folden-yes. Motion carried 6/0/1.



Acceptance of Department of State Lands Easement: Ontario Outfall Pipe Project

Dan Cummings, City Manager, presented.

MILLS moved, HART seconded, **THE CITY COUNCIL ACCEPT THE EASEMENT FROM THE DEPARTMENT OF STATE LANDS FOR THE ONTARIO OUTFALL PIPE PROJECT AND AUTHORIZE THE MAYOR TO SIGN THE EASEMENT.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-out; Folden-yes. Motion carried 6/0/1.

DEPARTMENT HEAD UPDATES**Police: Quarterly Report**

Mike Iwai, Police Chief, presented.

HAND-OUTS**Minutes:** *(Attached)*

Diversity: 01-18-2023; 02-15-2023

County Court: 03-29-2023

Check Register *(Attached)*

February, 2023

Department Stats *(Attached)*

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

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Mayor Folden read a statement: *The Ontario Kiwanis Club will sponsor an evening workshop to educate voters on how to get involved in the political process so they can participate in the visit of the Oregon Legislature's Ways and Means committee April 28. This workshop at Four Rivers Cultural Center on April 19th will help area residents learn about how government committees work, assist residents to sign up register to give testimony, oral and written. Learn how decisions made by these committees impact their daily lives. The event begins at 6:30 pm and runs until 8:00 pm in the Museum Theater at Four River Culture Center. There is no cost. For more information contact Sarah Ray Groberg, 541-350-8404.*
- Dan Cummings stated as Council was aware, there was a Tater Tot Ad Hoc Committee that the Council had created for the Snake River Tater Tot Trail. This weekend, Friday and Saturday, both, there would be a charette at the Cultural Center. The design teams would be in attendance; there would be people from the National Park Service; landscape architects and engineers, and they would be there to take public comments. There would be open to the general public to come, see the maps with the proposed trails, and provide input back to the committee and attendees about what they thought the trail should look like. This was planning only, not design or building. Many people erroneously thought they were ready to begin the build, but this was strictly the planning process. The grant was provided to the city to get a plan completed so that in the future, when the city was ready to proceed with engineering and construction grants, there was a document to support the request. He'd like to see the Council in attendance to give the committee input into what the Council would like to see happen with that trail. Friday began at 1:00 p.m. with a tour of the route occurring the first few hours of the route, and it was all day Saturday, with the presentation from 4-6pm.



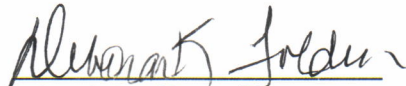
EXECUTIVE SESSIONORS 192.660(2)(e) – Real Property

An executive session was called at 7:22 p.m. under provisions of ORS 192.660(2)(e) to discuss real property. The Council reconvened into regular session at 7:54 p.m.

ADJOURN

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

ACCEPTED:


Deborah K. Folden, Mayor

ATTEST


Tori Barnett, MMC, City Recorder