

**MISSION STATEMENT: TO CREATE A HEALTHY, SAFE, DIVERSE, AND PROSPEROUS CITY
BY ENGAGING COMMUNITY MEMBERS TO DEVELOP AN ENRICHED QUALITY OF LIFE.**



**COUNCIL MEETING AGENDA
CITY COUNCIL – CITY OF ONTARIO OREGON
TUESDAY, JULY 25, 2023, 6:00 PM, MT
[Zoom Link](#)**

Pursuant to the Public Meetings Laws and Rules within the Oregon Revised Statutes, the City Council has the authority, ability, and standing to take action on any items on the Agenda, or add items to the Agenda, during the Study Session or Regular Meeting, as long as all public meeting notice requirements have been met.

1) CALL TO ORDER

Roll Call: Susann Mills _____ Sam Baker _____ John Kirby _____ Ken Hart _____
Penny Bakefelt _____ Eddie Melendrez _____ Mayor Deborah Folden _____

2) PLEDGE OF ALLEGIANCE

This Agenda was posted on July 21, 2023. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website at www.ontariooregon.org.

3) MOTION TO ADOPT THE AGENDA

4) CONSENT AGENDA

- A) Adoption of Council Meeting Minutes: July 11, 2023
- B) Liquor License - Jacksons Food Stores, Inc.
- C) Liquor License - Chipotle Mexican Grill, Inc.

5) PUBLIC COMMENTS Citizens may address the Council; however, Council may not be able to provide an immediate answer or response. Out of respect to the Council and others in attendance, please limit your comment to three (3) minutes. Please state your name and city of residence for the record.

6) OLD BUSINESS

- A) Ordinance #2822-2023: Amend OMC - Diversity Advisory Committee

7) NEW BUSINESS

- A) Bid Award: Airport Fencing Project (Boise River Fence)

8) DEPARTMENT HEAD UPDATE

- A) Finance: Monthly Update

9) HAND-OUTS

- A) June 2023 Check Register
- B) Minutes:
County Court 07-12-2023
Public Works 06-20-2023

10) CORRESPONDENCE, COMMENTS AND EX-OFFICIO REPORTS

11) ADJOURN

The City Council may recess/adjourn to Executive Session under ORS 192.660(2) as follows: (a) Employment of Public Officers, Employees, or Agents; (b) Discipline of Public Officers, Employees, or Agents; (c) Labor Negotiations; (d) Real Property Transactions; (e) Exempt Public Records; (f) Trade Negotiations; (g) Litigation [Current or Potential]/Consult with Legal Counsel; (h) Performance Evaluation of Public Officers and Employees; (i) Trade Negotiations; and/or (j) Labor Negotiations.

The City of Ontario does not discriminate in providing access to its programs, services and activities on the basis of race, color, religion, ancestry, national origin, political affiliation, sex, age, marital status, physical or mental disability, or any other inappropriate reason prohibited by law or policy of the state or federal government. Should a person need special accommodations or interpretation services, contact the City at 889-7684 at least one working day prior to the need for services and every reasonable effort to accommodate the need will be made.



CITY COUNCIL MEETING MINUTES July 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, July 11, 2023, in the Council Chambers of City Hall. Council members present were Deborah Folden, Susann Mills, John Kirby, Ken Hart, Penny Bakefelt, and Sam Baker. 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, Al Haun, and Andy Wood.

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

AGENDA

This Agenda was posted on July 7, 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 move Consent Agenda Item 4B, Appointment to Diversity Advisory Committee: Mario Grimaldo, to New Business, Item 6D. Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-out; Folden-yes. Motion carried 6/0/1.

KIRBY moved, MILLS seconded, **TO ADOPT THE AGENDA AS AMENDED**. Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-out; Folden-yes. Motion carried 6/0/1.

CONSENT AGENDA

HART moved, MILLS seconded, **TO ADOPT THE CONSENT AGENDA, WHICH INCLUDED APPROVAL OF COUNCIL MEETING MINUTES OF JUNE 27, 2023**. Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-out; Folden-yes. Motion carried 6/0/1.

PUBLIC COMMENT

Dan Burks, Ontario: *Members of the Council, Madam Mayor, thank you for giving me the time to speak. I got a couple different things to speak about today. I'll get through them as quickly as possible. One, you guys signed a proclamation for a Mr. Tom Pierce. Tom Pierce day will be July 29th. We are going to host a barbeque here at Lion's Park. Everybody is invited to come and join with us in celebrating the birthday of a World War II veteran, one of our greatest generation. Again, that's July 29th, and it'll be from 11-1. Also, I'd like to thank each of you. I've gotten different text messages, emails, and phone calls for my election to the high office ??? Commander for the State of Oregon. If all goes well, I will be looking at being the next Commander, which in 104 years, I'll only be the second Commander out of Ontario. Doesn't end there. I'm already being groomed by our past National Commander to become one of our next national officers, so, if that happens, I will be the only one to ever come out of Ontario as a national officer, so we have great aspirations there.*

Moving on, we have spoken to you previously about a Veteran's Committee and you asked me to put together a list of names of individuals who would be on this committee. The purpose of this committee is to join different organizations and different programs that the VA has with its citizens of this area and some of those that are kind of without homes at the moment, and getting them together with some assistance. There are literally hundreds of programs out there to help out these individuals, and, unfortunately, I'm not the one out there hitting the streets every day, so I think we combined a list of individuals that will greatly, be great assets of



this endeavor. First and foremost, we have Connie Tanaka, who is our Malheur County Veteran's Services Officer; Stacey Vasquez who is our Military and Family Readiness Specialist, working here out of the armory; Chief Michael Iwai; Dana Castellani, from the Boys & Girls Club; Annette Volk, Altruistic; Origins Church, at the current moment our contact is Denise Baker, but they said they would like to have a presence there; Tess Shellenbarger, from TFP Therapeutic Services; Sarah Ray, from Sarah's Care, Inc., and Jessica Figueroa, Project Dove. The reason we went to these different individuals is because if we stuck only within the veteran's organization, we wouldn't know anything other than what we already know, which is not nearly enough. So, hopefully, with our reach to these individuals, we'll be able to help out individuals in the City of Ontario. With your permission, we'd like to go ahead and start holding our meetings.

Ellen Sheffield, Ontario: *I wanted to come and talk to you about the plan for the homeless people that, what are we calling that, the homeless housing area, where there's houses, but an area. I think that is a terrific idea. I have often wondered why there wasn't something, as a wealthy city, we couldn't do for some people who are homeless. I think I read correctly in the paper you plan to put access to water and porta-potties out there. I think that's a wonderful idea. I read in the paper where somebody was wondering who is going to keep an eye on these folks, and I don't remember who wrote in, but somebody said, everybody will be keeping an eye on them. It seems like such a wonderful thing to have people who will help people who have managed to lose their home, lose their place that they rent, and are stuck out there. Not everybody has a place to land. A bunch of these people, I've read a study done in LA, that many of them have had health emergencies, as well as maybe being unable to care for themselves. I'm just tickled to death. I thought maybe I'd better come down here and show you before you get inundated with a whole bunch of people saying not in my backyard. I just want you to know there are a few of us that think this is a terrific idea. Good on ya!*

NEW BUSINESS

Ordinance #2819-2023: Amend OMC 2-14 – Diversity Advisory Committee

Dan Cummings, City Manager, presented.

On April 6, 2017, the City Council approved Resolution #2017-117, supporting community diversity; on July 18, 2017, the Council adopted Ordinance #2728-2017 establishing a Diversity Advisory Committee under Title 2, Chapter 14, of the Ontario Municipal Code.

The Ontario Diversity Advisory Committee determined that some of the wording within Title 2, Chapter 14, of the Ontario Municipal Code was outdated and changes were needed to amend the existing ordinance. If the Council elected to not approve the proposed changes, the current language in OMC 2-14 would remain in place. Proposed changes were: "socio economic" would become "socioeconomic"; remove "The committee shall be reflective of the City demographics including to the best degree possible age"; add "Committee appointments shall not discriminate on the basis of race, color, religion (creed), gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation, or military status"; regarding appointments to the committee, add "...Mayor with consensus of the..."; and under prohibited acts, change *his to their, he has to they have, and he is to they are*.

BAKEFELT moved IN ACCORDANCE WITH SECTION 8.2(2) OF THE CITY CHARTER, I MOVE THE CITY COUNCIL APPROVE ORDINANCE #2822-2023, AN ORDINANCE AMENDING ORDINANCE #2728-2017, AMENDING TITLE 2, CHAPTER 14 OF THE ONTARIO MUNICIPAL CODE BY REMOVING THE WORDS LINED THROUGH AND ADDING THE WORDS THAT ARE UNDERLINED IN THE ATTACHED ORDINANCE #2822-2023, AT A SINGLE MEETING BY TITLE ONLY. No second to the motion.

Councilor Kirby asked why the committee existed. He wasn't against it, but most things that were related to the committee would be done by the city's Human Resources Manager. Maybe Mr. Sunseri could answer that. To him, the committee did not have a mission. It appeared there was a committee with nothing to do.

Antonio Sunseri, DAC member, stated he was appointed to the committee just last year. It was his understanding they were created to advise the Council on a range of issues related to diversity. It was meant to be community output, not input from staff.



Councilor Kirby stated he could not recall the committee making a recommendation to the Council. Had any been made to HR?

Mr. Sunseri stated in the past, before his time on the committee, the committee wrote a letter of recommendation when there was an appointment to be made. The committee also introduced some training.

Councilor Kirby confirmed the committee had a function.

Mr. Sunseri stated yes, they did.

Councilor Hart stated it read that *the Diversity Advisory Committee shall review policy, advocate for opportunities, and report back to the City Council on these matters at regular intervals*. That would be a request from him, except for that one letter, he was not aware of any reviewing of policies, or any updates here. One of the Councilors sat on the committee, so he'd look to Councilor Melendrez to give the Council updates on what the committee was doing. Also, he had a concern, as the request was there to add language that read *"committee appointments shall not discriminate on the base of race, color, or religion..."* And then in the next paragraph, *"...members must represent more than two different ethnicities, cultures, generations..."*, so it sounds like they couldn't discriminate, and the very next sentence said you could. If they had only Spanish people apply, they couldn't put all Spanish people on the committee, so they'd have to discriminate in order to meet the guidelines that had been established in their own bylaws. Had this been run past legal counsel? His concern was it seemed to conflict itself in that they were specifically saying they wouldn't discriminate, but then in the next section it appeared they had quotas.

Mr. Sunseri stated he would have no problem running it by legal.

Councilor Hart stated there was a request for appointment; was the committee checking the boxes of how many people in different cultures there were? Who was tracking all those categories that were supposed to be represented?

Mr. Sunseri stated he was not sure. The Council and Mayor appointed the members to the committee.

Councilor Hart stated it would be the job of the Council to ensure...when looking at the current application by Mario Grimaldo, he did not know the answers to the questions, so he did not know what boxes he could be placed in. He was not an advocate of putting people in boxes. This had been passed by earlier Councils. He would ask to table this until they had more information, and maybe have some other members attend a meeting, or when Councilor Melendrez was back, to hear from him, to ensure the Council had their eyes open on what they were trying to accomplish.

Councilor Bakefelt asked if maybe it read *"....the committee shall be reflective of the city's demographic..."* and then go into committee appointments.

Councilor Hart stated they'd have to have a matrix of everyone who was on the committee, and how they identified themselves. He was not sure her suggestion met his concerns.

Councilor Bakefelt rescinded her motion.

HART moved, MILLS seconded, **TO TABLE THIS ISSUE (ORDINANCE #2822-2023) UNTIL THE NEXT COUNCIL MEETING.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-out; Folden-yes. Motion carried 6/0/1.

Bid Award: Record Steel Construction Incorporated for New Water Supply Treatment Plant Improvements Project

Paul Woods, City Engineer, presented.

The City of Ontario had a Water System Master Plan, which was approved by the Oregon Health Authority in 2021, that guided the expansion of the city's water supply system. The highest priority project in expanding the system under the Water System Master Plan was the addition of one additional filtration unit similar to the two existing filtration units. In 2022, the city negotiated the direct purchase of the new Westech Filtration Cassette to match the two existing filtration units. The unit was scheduled for delivery to the city in August. The city hired Consor Engineering to put together a design and bid package for installation of the new unit. The bid package was advertised both locally and regionally. Record Steel Construction, Incorporated, was the sole responsive bidder. Staff and Consor Engineering reviewed the bid and found the costs to be appropriate. Staff recommended awarding the bid to Record Steel Construction, Incorporated, in the amount of \$1,554,710, and to authorize approval of up to \$155,000 in contingency expenditures during construction.

The 2021 engineering cost estimate and 2022-23 CIP budget for the project was \$1,750,000; however, the total cost of the project with this bid award would be \$2,330,398. Following receipt of that amount, Public Works staff consulted with the Finance Director and determined there were sufficient funds to award the project as proposed with a 10% contingency.

Awarding the project was urgently needed in order to take delivery of the Westech Filtration Cassette in August to allow the work to be done between September and April prior to the peak demand for next year.

KIRBY moved, BAKEFELT seconded, **THE CITY COUNCIL APPROVE THE BID AWARD TO RECORD STEEL CONSTRUCTION, INCORPORATED, AS THE LOWEST RESPONSIVE BIDDER FOR THE NEW WATER SUPPLY TREATMENT PLANT IMPROVEMENTS PROJECT IN THE AMOUNT OF \$1,554,710 AND AUTHORIZE APPROVAL OF UP TO \$155,000 IN CONTINGENCY EXPENDITURES DURING CONSTRUCTION AND AUTHORIZE THE CITY MANAGER TO SIGN ALL CONTRACT RELATED DOCUMENTS AND CHANGE ORDERS.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-out; Folden-yes. Motion carried 6/0/1.

Contract Award: Consor Engineering for Engineering Services during Construction for Installation of the Westech Cassette for the Water Treatment Facility

Paul Woods, City Engineer, presented.

The City of Ontario had a Water System Master Plan approved by the Oregon Health Authority in 2021 that guided the expansion of the city's water supply system. The highest priority project in expanding the system under the Water System Master Plan was the addition of one additional filtration unit similar to the two existing filtration units. In 2022, the city negotiated the direct purchase of the new Westech Filtration Cassette to match the two existing filtration units. The unit was scheduled for delivery in August. The city hired Consor Engineering to put together a design and bid package for installation of the new unit. The bid package was advertised both locally and regionally. Record Steel Construction, Incorporated, was the sole responsive bidder. If the bid was awarded to Record Steel Construction by Council action prior to this action, staff seeks approval of a task order for Consor Engineering in the amount of \$143,972 to serve as the Engineer of Record during construction of the project. Staff worked with the Finance Director to ensure the contract was within the city's ability to fund the task order.

MILLS moved, KIRBY seconded, **THE CITY COUNCIL APPROVE A TASK ORDER FOR CONSOR ENGINEERING IN THE AMOUNT OF \$143,972 TO SERVE AS THE ENGINEER OF RECORD DURING CONSTRUCTION OF THE WATER TREATMENT PROJECT AND AUTHORIZE THE CITY MANAGER TO SIGN ALL DOCUMENTS.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-out; Folden-yes. Motion carried 6/0/1.

Appointment to Diversity Advisory Committee: Mario Grimaldo

HART moved, BAKEFELT seconded, **TO APPOINT MARIO GRIMALDO TO THE VACANT POSITION ON THE DIVERSITY ADVISORY COMMITTEE.** 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**Ontario Police: Quarterly Report**

Mike Iwai, Police Chief, presented. Chief Iwai also introduced employees Officer Rick Reyna, Officer Jordan Williams, Officer Gabriel Galicia, Police Records Specialist Veronica Riojas, and Code Enforcement Officer Nick Tambornini. Some had been with the department for a bit, but had not been presented to Council.

Councilor Mills stated it appeared that now only requiring a 45-minute response time for police seemed to be helping the applicant pool. Was that the reason behind so many applicants this round?

Chief Iwai stated that was part of it.

Councilor Mills asked if the police responded to non-profit organizations if drugs were found at an event?

Chief Iwai stated there were organizations that worked around folks with substance abuse, and it depended upon the circumstance. It would be on a case by case basis. That being said, if drugs were found, they should contact law enforcement because they knew how to properly destroy it. Was there something specific she was referring to?

Councilor Mills stated yes, there had been drugs found at the Elk's in the women's restroom. The police were called, but did not respond. Staff didn't know what to do.

Chief Iwai stated given those circumstances, the department would not respond. Most likely, they'd tell them to destroy it.

HAND-OUTS**Minutes:**

County Court: 06-21-2023

Department Stats:

Code Enforcement, Police, Public Works, Fire

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Councilor Bakefelt mentioned the section on the County Court Minutes where it indicated that Ani-Care would accept canines in Malheur County, but not within the city limits.
- Councilor Kirby stated he had been contacted by Pastor Brewer asking how to get out to the unhoused location, thinking the churches might want to band together to provide something the city could not.

Mr. Cummings stated he had been contacted by Pastor Brewer who indicated several churches would like to meet, so a meeting would be set to see what services could be provided. Fencing was scheduled to begin next Monday.

ADJOURN

BAKEFELT 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:

ATTEST

Deborah K. Folden, Mayor

Tori Barnett, MMC, City Recorder





**AGENDA REPORT
CONSENT AGENDA
July 25, 2023**

To: Mayor and City Council

FROM: Michael Iwai, Police Chief

THROUGH: Danny K. Cummings, City Manager

SUBJECT: **LIQUOR LICENSE - JACKSONS FOOD STORES, INC.**

DATE: July 18, 2023

PROPOSED MOTION:

I MOVE THE CITY COUNCIL TO APPROVE THE CHANGE OF OWNER OFF-PREMISES LIQUOR LICENSE APPLICATION FOR JACKSONS FOOD STORES, INC.

SUMMARY:

The business located at 653 East Idaho Avenue, Ontario, Oregon, completed the “Change of Owner” liquor license sales through the Oregon Liquor Control Commission.

All necessary paperwork has been completed. The Oregon Liquor Control Commission office is awaiting approval and recommendation from the Ontario City Council.

BACKGROUND:

The application forms have been filled out appropriately and required fees have been paid. All permit and license requirements have been met through the Oregon Liquor Control Commission, as well as through the City of Ontario Planning Department.

CURRENT SITUATION:

Pilot Travel Centers, LLC, currently holds an Off-Premises liquor license at 653 East Idaho Avenue, Ontario, Oregon. They have sold Pilot Travel Center #232 (Extra Mile) to Jacksons Food Stores, Inc. The business will operate under the name of Jacksons #243. The Oregon Liquor Control Commission requires a “Change of Ownership” application to change the liquor license ownership records for this establishment. Once this step is completed, the location will have the necessary license under the new owners, which will require renewal on a yearly basis.

ANALYSIS:

- A. **STRATEGIC PLAN** This application is a general action item showing an ownership change of an already established business within the City of Ontario. Therefore, it does not have a direct effect on the city's current strategic plan.
- B. **FINANCIAL** There is no financial impact of this action.

- C. **TIMING** Approval is required to show new owners of this establishment.
- D. **POLICY/LEGAL** All legal steps have been followed to completion, with no negative feedback.

ALTERNATIVES:

Not approve the license application.

This has no true effect on the process, as the Oregon Liquor Control Commission may take the city's objections to the action into consideration, but are not obligated to do so. They are the ultimate authority on the issuance of the license.

RECOMMENDATION:

Staff recommends that the City Council approve the Change of Ownership off-premises liquor license for Jacksons Food Stores, Inc.

ATTACHMENTS:

None



**AGENDA REPORT
CONSENT AGENDA
July 25, 2023**

To: Mayor and City Council

FROM: Michael Iwai, Police Chief

THROUGH: Danny K. Cummings, City Manager

SUBJECT: **LIQUOR LICENSE - CHIPOTLE MEXICAN GRILL, INC.**

DATE: July 19, 2023

PROPOSED MOTION:

I MOVE THE CITY COUNCIL TO APPROVE THE NEW OUTLET LIMITED ON-PREMISES LIQUOR LICENSE APPLICATION FOR CHIPOTLE MEXICAN GRILL, INC.

SUMMARY:

Chipotle Mexican Grill, located at 1657 East Idaho Avenue, Ontario, Oregon completed the “New Outlet Limited On-Premises” liquor license sales application.

The State of Oregon Liquor Control Commission has updated the licensing procedure. Applications now come to the local government for endorsement before completing the application process through the State of Oregon Liquor Control Commission office in Salem.

All necessary paperwork has been submitted to the City of Ontario. The Oregon Liquor Control Commission office is awaiting approval and recommendation from the Ontario City Council.

BACKGROUND:

Chipotle Mexican Grill, Inc., located at 1657 East Idaho Avenue, Ontario, Oregon has applied for a New Outlet Limited On-Premises liquor license. The application forms have been filled out appropriately and required fees have been paid. All permit and license requirements have been met by the City of Ontario Planning Department.

CURRENT SITUATION:

Chipotle Mexican Grill, Inc., is requesting to add the sale of alcohol to their restaurant. To obtain this privilege, the Oregon Liquor Control Commission requires Chipotle Mexican Grill, Inc., to complete the “New Outlet – Limited On-Premises” application. Once this step is completed, the location will have the necessary license which will require renewal on a yearly basis.

ANALYSIS:

- A. **STRATEGIC PLAN** This meets the Council's adopted Strategic Plan for Lifestyle and Growth. Under Lifestyle, with the approval of this license, Chipotle Mexican Grill will offer beer and wine on their restaurant menu. Chipotle Mexican Grill also has the potential to bring more visitors to the city, creating additional revenue which supports the Strategic Plan goal of Growth.
- B. **FINANCIAL** There is no financial impact of this action.
- C. **TIMING** Approval is required prior to allowing the sale of alcohol at this location.
- D. **POLICY/LEGAL** All legal steps have been followed to completion with no negative feedback.

ALTERNATIVES:

Not recommend the license application.

This has no true effect on the process, as the Oregon Liquor Control Commission may take the city's objections to the action into consideration but are not obligated to do so. They are the ultimate authority on the issuance of the license.

RECOMMENDATION:

Staff recommends that the City Council approve the limited on-premises new outlet liquor license for Chipotle Mexican Grill, Inc.

ATTACHMENTS:

None

After recording, return to:
City of Ontario
Attn: City Recorder
444 SW 4th Street
Ontario, OR 97914



ORDINANCE NO. 2822-2023

**AN ORDINANCE AMENDING ORDINANCE #2728-2017,
AND AMENDING TITLE 2, CHAPTER 14 OF THE ONTARIO MUNICIPAL CODE**

- WHEREAS,** The Ontario City Council ("Council") approved Resolution #2017-117 supporting community diversity; and
- WHEREAS,** the Council approved Ordinance #2728-2017 creating the Diversity Advisory Committee under Title 2, Chapter 14; and
- WHEREAS,** the Ontario Diversity Advisory Committee has determined that Title 2, Chapter 14, of the Municipal Code is outdated, and in need of amending; and
- WHEREAS,** the Council has agreed Title 2, Chapter 14, of the Municipal Code is outdated, and in need of amending to meet current standards; and
- WHEREAS,** by adoption of Ordinance #2822-2023, the Council hereby amends Title 2, Chapter 14, of the Ontario Municipal Code.

NOW, THEREFORE, the City of Ontario ordains as follows:

Title 2 Chapter 14 of the Ontario Municipal Code shall be amended by removing the words lined through and adding the words that are underlined as follows:

Chapter 14 – Diversity Advisory Committee ~~Draft~~

2-14-1 Diversity Advisory Committee established.

A Diversity Advisory Committee is established composed of seven (7) members representative of varying area cultures and ~~socio-economic~~ socioeconomic circumstances. Consideration for broad representation reflective of the community shall be the primary factor in selection of the committee members. Recommendations from community associations that represent diverse populations shall be an additional contributing factor for selection of committee members.

Committee appointments shall not discriminate on the basis of race, color, religion (creed), gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation, or military status.

~~The committee shall be reflective of the City demographics including to the best degree possible age.~~ Membership must represent more than two (2) different ethnicities, cultures, generations, genders, and/or ~~socio-economic~~ socioeconomic statuses. No one ethnicity, culture, or ~~socio-economic~~ socioeconomic status shall be represented by more than fifty percent (50%) of the committee membership.

2-14-2 Term(s) of office.

All seats shall be filled through an open application process with final selection by the Mayor with consensus of the City Council. Upon establishment of the committee, members will serve staggered terms: Three (3) members will serve three (3) year terms, two (2) members will serve two (2) year terms, and one member will serve a single year term.

Following the first staggered term, each appointed member shall serve three (3) year terms running from January 1st to December 31st.

2-14-6 Duties and responsibilities.

The Diversity Advisory Committee shall elect a Chair, Vice-Chair, and Secretary on an annual basis for one year terms. The Chair shall serve no more than three (3) consecutive terms.

The Diversity Advisory Committee serves to provide a means of intentional communication between the community's diverse cultures and communities with the city's elected and appointed officials. The committee also provides representatives that the city's varying area cultures and ~~socio-economic~~ socioeconomic circumstances can contact issues, concerns, and problems which relate to the city. This enhanced communication will assist in the development of a stronger community that is respectful of all nationalities, races, genders, ethnic groups, ages, and socioeconomic classes and cultures.

The Diversity Advisory Committee shall review policy, advocate for opportunities (e.g. grants or projects), and report back to the City Council on these matters at regular intervals.

2-14-9 Members—Prohibited acts.

A member of the Diversity Advisory Committee shall not participate in any committee proceeding or action in which the following has a direct or substantial financial interest:

A member or ~~his~~ their spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which ~~he has~~ they have been serving or has served in the previous two (2) years or any business with which ~~he is~~ they are negotiating for or has an arrangement or understanding concerning a prospective partnership or employment, any actual or potential interest shall be disclosed at a meeting of the committee where the action is being taken.

PASSED AND ADOPTED by the City Council of the City of Ontario this _____ day of July, 2023, by the following vote:

AYES:

NAYES:

ABSENT

APPROVED by the Mayor this _____ day of July, 2023.

Deborah K. Folden, Mayor

ATTEST:

Tori Barnett, MMC, City Recorder



**AGENDA REPORT
NEW BUSINESS
July 25, 2023**

To: Mayor and City Council

FROM: Casey Mordhorst, Public Works Director

THROUGH: Danny K. Cummings, City Manager

SUBJECT: **BID AWARD: AIRPORT FENCING PROJECT (BOISE RIVER FENCE)**

DATE: July 18, 2023

PROPOSED MOTION:

I MOVE THE CITY COUNCIL TO ACCEPT THE BIDS FOR THE AIRPORT FENCE PROJECT AND AWARD THE PROJECT TO BOISE RIVER FENCE FOR THE AMOUNT OF \$140,242.00 AND APPROVE THE CITY MANGER TO SIGN ALL DOCUMENTS.

SUMMARY:

The fence on the west side of the airport was budgeted in the FY 23-24 CIP budget for the amount of \$150,000. Staff advertised the project and received four (4) bids on July 13, 2023. Boise River Fence was the low bid at \$140,242.00. This will improve security on the west side of the airport and stop animals and trespassers from getting onto the property.

BACKGROUND:

The west side of the airport is not secured to standards. There is a large section where the fencing has not been completed and allows animals and people to get access to the airport. This project will secure the west side of the airport and stop unwanted animals and people, potentially causing a safety incident with aircraft utilizing the airport.

CURRENT SITUATION:

The west side of the airport is not secured to standards. There is a large section where the fencing has not been completed and allows animals and people to gain access to the airport. The fence on the west side of the airport was budgeted in the FY 23-24 CIP budget for the amount of \$150,000. Staff advertised the project and received four (4) bids on July 13, 2023. Boise River Fence was the low bid at \$140,242.00. This will improve security on the west side of the airport and stop animals and trespassers from getting onto the property.

ANALYSIS:

- A. **STRATEGIC PLAN** None.
- B. **FINANCIAL** The fence was budgeted in the FY 23-24 Airport CIP budget and the low bid fits the budget.

C. **TIMING** if approved, this project will start this summer and be completed by winter.

D. **POLICY/LEGAL** The City Council is required to approve the bid.

ALTERNATIVES:

If not approved, the safety of the pilots and patrons using the airport could be at risk.

RECOMMENDATION:

Staff recommends accepting the bids received and awarding the Airport Fence Project to Boise River Fence for the amount of \$140,242.00 and approving the City Manager to sign all documents required.

ATTACHMENTS:

1. DOC071323-07132023124935
2. BOISERIVERFENCE-07172023152805

ONTARIO MUNICIPAL AIRPORT FENCING PROJECT 2023

PROJECT: BIDDER LIST – BID OPENING

MEETING DATE: 07/13/2023 10:00 AM

FACILITATOR: Al Haun

LOCATION: 1551 NW 9th Street, Ontario

[illegible]

AGREEMENT

THIS AGREEMENT is by and between (Owner)

City of Ontario

And Boise River Fence
(Contractor).

Owner and Contractor, in consideration of the mutual covenants set forth herein, agree as follows:

WORK

Contractor shall complete the Work as specified or indicated in the Contract Documents. The Work is generally described as follows:

This will consist of installing 7-foot-tall, 11 Gauge cyclone fencing with schedule 40 posts, installation of a 16-foot-wide gate, and the removal and enclosing of an existing 16-foot-wide gate section at 1345 Golf Course Road.

1. Supply all material, and perform grading, and labors to construct 4,959 lineal feet of 7-foot-tall, 11 Gauge cyclone fencing with schedule 40 posts.
2. Supply all material, and perform grading, and labor to install 16 feet wide (2 – 8 ft gates) 7-foot-tall, 11 Gauge cyclone fencing cyclone gate panels with schedule 40 posts
3. Supply all material and perform grading and labor to close a 16 feet wide opening in existing fence with 7-foot-tall, 11 gauge cyclone fencing and schedule 40 posts.
4. Deductive Alternates- Items 2 and 3 are deductive alternates and could be removed from the project if funding is not adequate.
5. Reduction of scope of work – Reduce overall footage from the project if funding is not adequate.

CONTRACT TIMES

Time of the Essence: Time limits for Milestones, if any, Substantial Completion, and completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.

Dates for Substantial Completion and Final Payment: The Work shall be substantially completed on or before the dates provided in the table below and completed and ready for final payment in accordance with Paragraph 15.06 of the General Conditions as shown in the Table below.

Project Element	Substantial Completion and Final Completion Dates
Ontario Municipal Airport Fencing	Completion for construction must be achieved by end of business day on November 30 th , 2023.

Liquidated Damages: Contractor and Owner recognize that time is of the essence for this Agreement and that Owner will suffer financial loss if the Work is not completed within the times specified in Contract Times above, plus any extensions thereof allowed in accordance with the General Conditions. The parties also recognize the delays, expense, and difficulties involved in proving in a legal or arbitration proceeding the actual loss suffered by Owner if the Work is not completed on time. Accordingly, instead of requiring any such proof, Owner and Contractor agree that as liquidated damages for delay (but not as a penalty), Contractor shall pay Owner Liquidated

Damages as shown in the table below for each day that expires after the time specified herein for each day that expires after the time specified herein for Substantial and Final Completion until the Work is complete.

Project Element	Liquidated Damages
Ontario Municipal Airport Fencing 2023	Final Completion – \$100/day

CONTRACT PRICE

Owner will pay Contractor for completion of the Work in accordance with the conformed Bid, which is included as an exhibit to this Agreement.

PAYMENT PROCEDURES

Submittal and Processing of Payments: Contractor shall submit Applications for Payment in accordance with Article 15 of the General Conditions. Applications for Payment will be processed by Engineer as provided in the General Conditions.

Progress Payments and Retainage: Owner will make progress payments on account of the Contract Price on the basis of Contractor's Application for Payment on the date of each month as established in the preconstruction conference during performance of the Work as provided herein. All such payments will be measured as defined in the Bid Form. Prior to Final Completion, a 5 percent retainage will be held from progress payments, as well as the aggregate of payments previously made and less such amounts as Engineer may determine or Owner may withhold, including but not limited to liquidated damages, in accordance with Article 14 of the General Conditions.

Final Payment: Upon final completion and acceptance of the Work in accordance with Paragraph 14.07 of the General Conditions, Owner will pay the full retainage and the remainder of the Contract Price as recommended by Engineer.

INTEREST

Monies not paid when due as provided in Article 14 of the General Conditions shall bear interest at the rate of 1/2 percent per annum.

CONTRACTOR'S REPRESENTATIONS

In order to induce Owner to enter into this Agreement, Contractor makes the following representations:

- Contractor has examined and carefully studied the Contract Documents and the other related data identified in the Bidding Documents.
- Contractor has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.
- Contractor is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, and performance of the Work.
- Contractor has carefully studied: (1) reports of explorations and tests of subsurface conditions at or contiguous to the Site and drawings of physical conditions relating to existing surface or subsurface structures at the Site (except Underground Facilities) if any, which have been identified in the Supplementary Conditions
- Contractor has considered the information known to Contractor; information commonly known to Contractors doing business in the locality of the Site; information and observations obtained from visits to the Site; the Contract Documents; and Site-related reports and drawings identified in the Contract Documents, with respect to the effect of such information, observations, and documents on 1) the cost, progress, and performance of the Work; 2) the means, methods, techniques, sequences, and procedures of construction to be employed by Contractor, including any specific means, methods, techniques, sequences, and procedures of construction expressly required by the Contract Documents; and 3) Contractor's safety precautions and programs.

- Based on the information and observations referred to above, Contractor does not consider that any further examinations, investigations, explorations, tests, studies, or data are necessary for the performance of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract Documents.
- Contractor is aware of the general nature of Work to be performed by Owner and others at the Site that relates to the Work as indicated in the Contract Documents. Contractor has given Engineer written notice of conflicts, errors, ambiguities, or discrepancies that Contractor has discovered in the Contract Documents, and the written resolution thereof by Engineer is acceptable to Contractor.
- The Contract Documents are generally sufficient to indicate and convey understanding of terms and conditions for performance and furnishing of the Work.

CONTRACT DOCUMENTS

Contents: The Contract Documents that are attached to this Agreement (except as expressly noted otherwise) consist of the following:

- This Agreement
- General Conditions as included in the Idaho Standards for Public Works Construction (most current edition)
- Supplementary Conditions (pages 28 to 31, inclusive)
- Specifications as included in the Idaho Standards for Public Works Construction (most current edition) and as listed in the table of contents of the Project Manual
- Drawings consisting of sheets with each sheet bearing the following general title: "Ontario Municipal Airport Fencing 2023, Ontario, Oregon"
- Addenda (numbers 0 to 0, inclusive)
- Exhibits to this Agreement (enumerated as follows)
 - Contractor's Bid
 - If applicable, documentation submitted by Contractor prior to Notice of Award

The following which may be delivered or issued on or after the Effective Date of the Agreement and are not attached hereto:

- Notice to Proceed
- Work Change Directives
- Change Order(s)

There are no Contract Documents other than those listed above in this Article. The Contract Documents may only be amended, modified, or supplemented as provided in Paragraph 11.01 of the General Conditions.

MISCELLANEOUS

Terms used in this Agreement will have the meanings stated in the General Conditions and the Supplementary Conditions:

- **Successors and Assigns:** Owner and Contractor each binds itself, its partners, successors, assigns, and legal representatives to the other party hereto, its partners, successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in the Contract Documents.
- **Severability:** Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and remaining provisions shall continue to be valid and binding upon Owner and Contractor, who agree the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

- **Assignment of Contract:** No assignment by a party hereto of any rights under or interests in the Contract shall be binding on another party hereto without the written consent of the party sought to be bound; and, specifically but without limitation, monies that may become due and monies that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment shall release or discharge the assignor from any duty or responsibility under the Contract Documents.
- **Contractor's Certifications:** Contractor certifies that it has not engaged in corrupt, fraudulent, collusive, or coercive practices in competing for or in executing the Contract. For the purposes of this paragraph:
 - "corrupt practice" means the offering, giving, receiving, or soliciting of anything of value likely to influence the action of a public official in the bidding process or in Contract execution;
 - "fraudulent practice" means an intentional misrepresentation of facts made (a) to influence the bidding process or the execution of the Contract to the detriment of Owner, (b) to establish Bid or Contract Price at artificial noncompetitive levels, or (c) to deprive Owner of the benefits of free and open competition;
 - "collusive practice" means a scheme or arrangement between two or more Bidders, with or without the knowledge of Owner, a purpose of which is to establish Bid prices at artificial, noncompetitive levels; and
 - "coercive practice" means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the bidding process or affect the execution of the Contract.

IN WITNESS WHEREOF, Owner and Contractor have signed this Agreement in triplicate. One counterpart each has been delivered to Owner, Contractor, and Engineer. All portions of the Contract Documents have been signed or identified by Owner and Contractor or on their behalf.

This Agreement will be effective on _____, 20__ (which is the Effective Date of the Agreement).

Owner: _____ Address for giving notices: _____

By: _____

Title: _____

[CORPORATE SEAL]

(If Owner is a corporation, attach evidence of authority to sign. If Owner is a public body, attach evidence of authority to sign and resolution or other documents authorizing execution of this Agreement.)

Attest: _____ Address for giving notices: _____

Title: _____

CONTRACTOR: Boise River Fence

By: [Signature]

Title: Estimator License no.: 209698

(where applicable)

[CORPORATE SEAL]

Agent for services or process:

evidence of authority to sign and resolution or other documents authorizing execution of this Agreement.)

Attest: Mark Newman

Title: President

Address for giving notices: Tony@boiseriverfence.com

CONTRACTOR: _____

By: _____

Title: _____

License no.: _____

(where applicable)

[CORPORATE SEAL]

Agent for service or process: _____

Attest: _____

(If Contractor is a corporation, a partnership, or a joint venture, attach evidence of authority to sign.)

Title: _____

END OF SECTION

**CITY OF ONTARIO
GENERAL FUND - DEPARTMENT REVENUE
FOR THE PERIOD ENDED
JUNE 30, 2023**

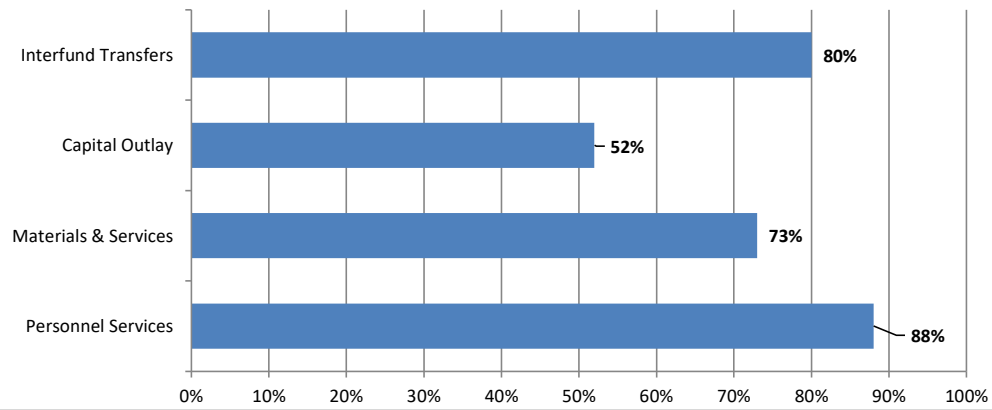
DEPARTMENT	BUDGET	ACTUAL	% REALIZED	COMMENTS
GENERAL FUND BEGINNING FUND BALANCE	3,860,050	3,860,050	100.0%	
Parks	2,000	1,160	58.0%	
Parks & Recreation	2,000	1,160	58.0%	
Fire	269,572	285,609	105.9%	
Code Enforcement	45,300	9,214	20.3%	
Police	199,850	155,813	78.0%	
Dispensary Business License	111,600	99,860	89.5%	
Public Safety Total	626,322	550,496	87.9%	
Interest	24,500	143,491	585.7%	
State Revenue Sharing	154,031	120,235	78.1%	
Administrative Services	497,148	497,148	100.0%	
Other General Revenues	8,485	40,529	477.7%	
Donations	-	-	#DIV/0!	
Property Taxes	4,242,967	4,214,945	99.3%	
Alcohol Bvg License & Fee	226,233	195,990	86.6%	
Cigarette tax	8,862	7,947	89.7%	
Marijuana tax	3,500,000	1,451,987	41.5%	
Franchise Fees	1,608,362	1,431,320	89.0%	
Cemetery	55,000	49,525	90.0%	
General Government Total	10,325,588	8,153,118	79.0%	
Planning & Zoning	4,000	4,982	124.6%	
Community development	4,000	4,982	124.6%	
GENERAL FUND REVENUE TOTALS	\$ 10,957,910	\$ 8,709,757	79.5%	
YTD CURRENT YEAR PROFIT(LOSS)				\$ (1,746,169)
YTD BUDGET BENCHMARK				100.0% -20.5%

**CITY OF ONTARIO
GENERAL FUND - DEPARTMENT EXPENDITURES
FOR THE PERIOD ENDED
JUNE 30, 2023**

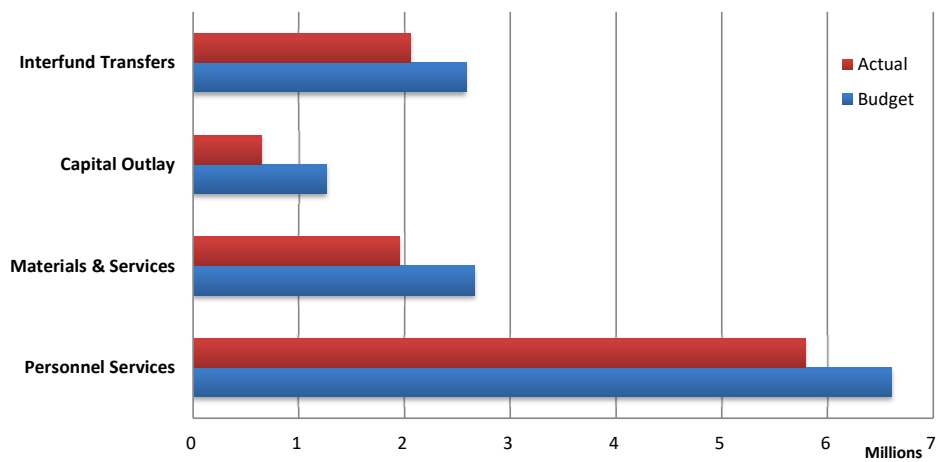
DEPARTMENT	BUDGET	ACTUAL	% EXPENDED	COMMENTS
Parks	532,383	255,495	48.0%	
Parks & Recreation	532,383	255,495	48.0%	
Fire	2,049,801	1,797,578	87.7%	
Code Enforcement	150,577	54,244	36.0%	
Police	4,640,316	4,144,774	89.3%	
Police reserves	3,275	164	5.0%	
Public Safety Total	6,843,969	5,996,760	87.6%	
Administration	532,881	472,614	88.7%	
City Council	34,461	23,327	67.7%	
Business Registration	1,100	519	47.1%	
Cemetery	225,848	164,590	72.9%	
Finance	259,476	257,739	99.3%	
Technology	246,699	164,545	66.7%	
General Government Total	1,300,465	1,083,333	83.3%	
Community development	214,474	83,542	39.0%	
Community Development	214,474	83,542	39.0%	
Administrative Overhead	1,198,600	935,491	78.0%	
Non-Departmental Contributions	469,269	72,135	15.4%	
Other Total	1,667,869	1,007,625	60.4%	
Operating Transfers Out	2,554,171	2,029,171	79.4%	
GENERAL FUND TOTALS	\$ 13,113,331	\$ 10,455,926	79.7%	
YTD BUDGET BENCHMARK			100.0%	 20.3%

**CITY OF ONTARIO
GENERAL FUND - DEPARTMENT EXPENDITURES
FOR THE PERIOD ENDED
JUNE 30, 2023**

% Expended by Category



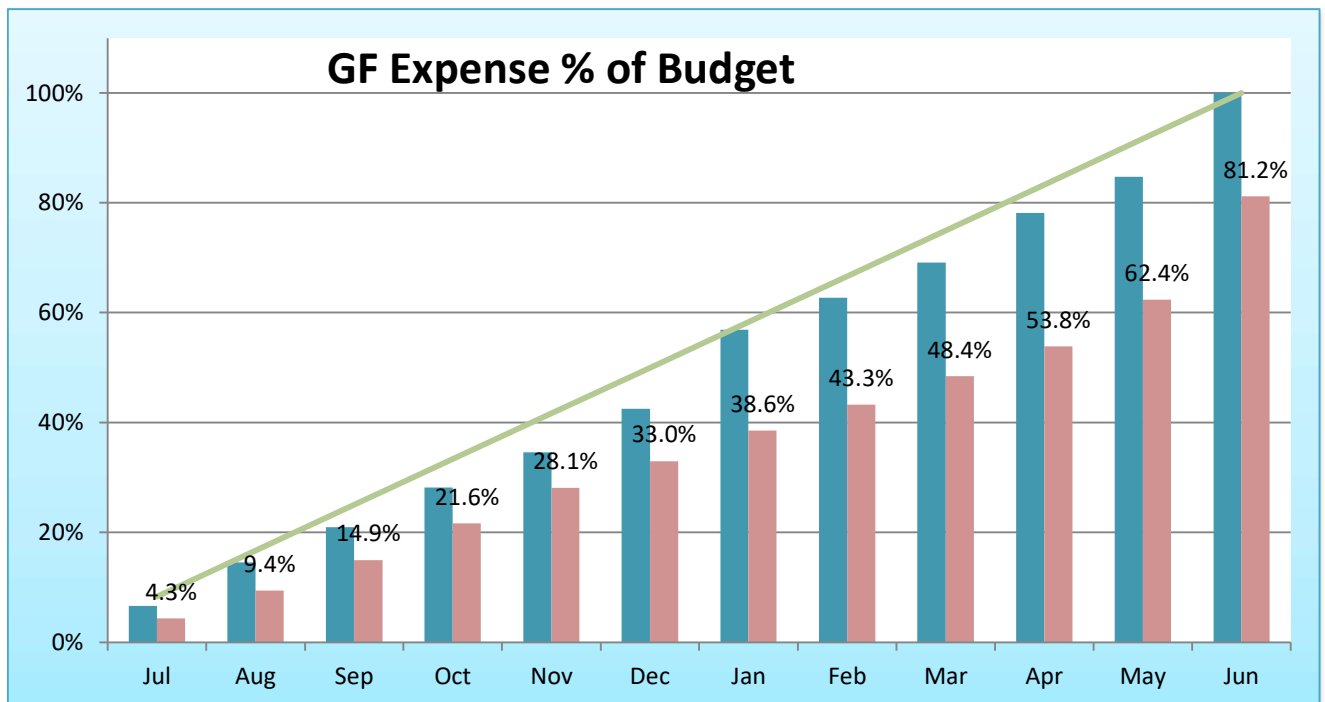
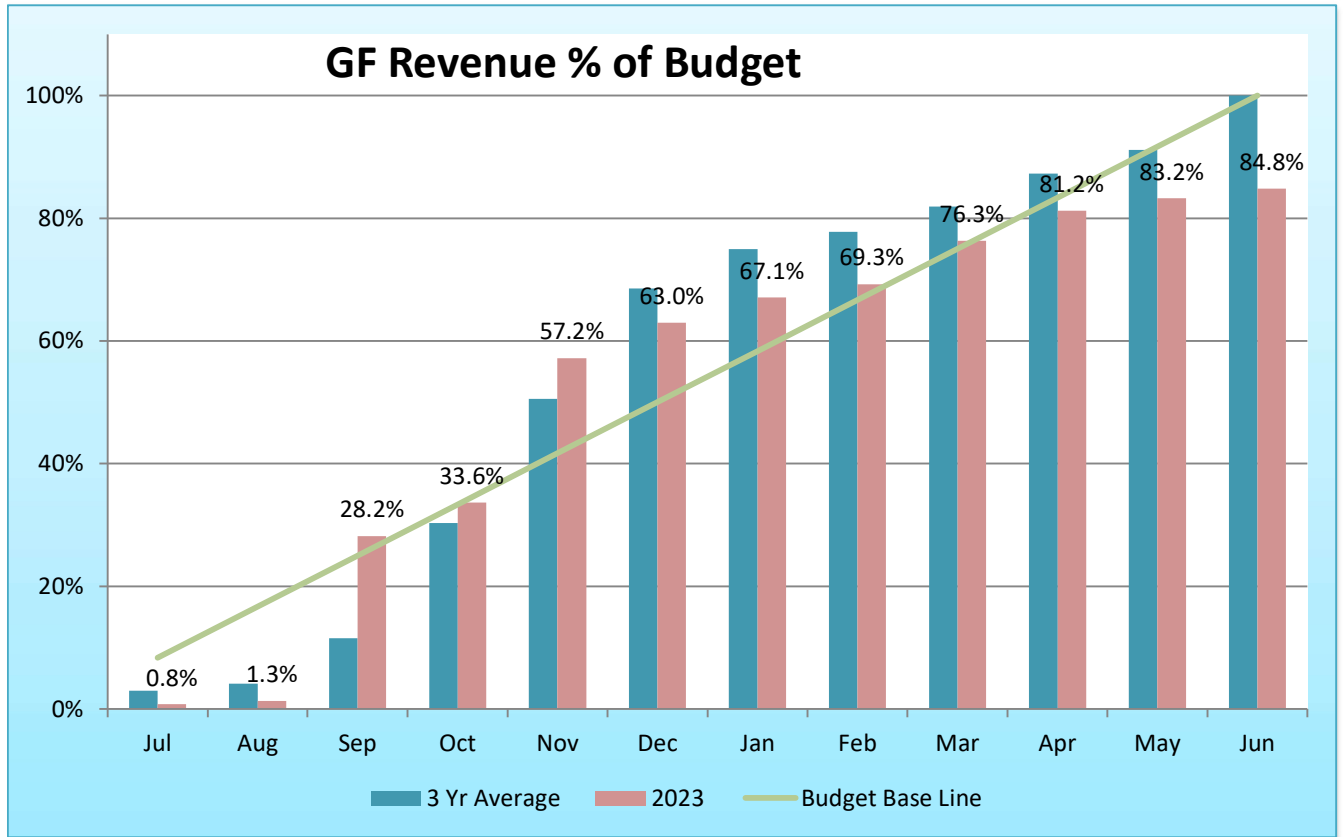
Budget to Actual by Category



**CITY OF ONTARIO
GENERAL FUND - LEGAL SERVICES
AS OF JUNE 30, 2023**

LEGAL EXPENSES		
JULY	\$	3,052
AUGUST		18,109
SEPTEMBER		26,816
OCTOBER		20,800
NOVEMBER		13,462
DECEMBER		15,389
JANUARY		24,493
FEBRUARY		21,250
MARCH		23,825
APRIL		17,133
MAY		12,716
JUNE		14,200
TOTAL		<u>\$ 211,243</u>
BUDGETED AMOUNT	\$	215,000
<i>originally \$80,000</i>		
(OVER) UNDER BUDGET AMOUNT	\$	3,757

**CITY OF ONTARIO
GENERAL FUND
FOR THE PERIOD ENDED
JUNE 30, 2023**



**CITY OF ONTARIO
OTHER FUNDS - EXPENDITURES
FOR THE PERIOD ENDED
JUNE 30, 2023**

DEPARTMENT/FUND	REVENUES				EXPENDITURES		
	BUDGET	ACTUAL	% REALIZED		BUDGET	ACTUAL	% EXPENDED
002 Marijuana Enforcement Fund	32,040	27,137	84.7%		32,040	27,137	84.7%
010 Grant Fund	3,277,241	3,175,048	96.9%		3,277,241	1,392,508	42.5%
027 Building Fund	688,073	884,130	128.5%		259,947	231,722	89.1%
030 Capital Projects Fund	5,697,154	6,685,469	117.3%		3,904,318	1,643,982	42.1%
031 SDC Fund	794,798	874,147	110.0%		794,798	-	0.0%
045 Street Fund	5,780,664	3,872,592	67.0%		5,780,664	2,515,438	43.5%
050 Trust Funds	1,020,542	1,119,855	109.7%		1,020,542	601,870	59.0%
055 Reserve Funds	5,384,159	6,284,083	116.7%		4,296,910	2,568,205	59.8%
060 Revolving Loan Fund	449,164	424,456	94.5%		449,164	150,000	33.4%
105 Water Fund	5,368,979	6,367,651	118.6%		4,626,458	3,513,466	75.9%
110 Sewer Fund	7,289,650	7,222,568	99.1%		6,274,182	4,665,974	74.4%
115 Storm Sewer Fund	463,840	509,237	109.8%		170,225	120,116	70.6%
120 Airport Fund	987,972	406,234	41.1%		987,972	351,151	35.5%
125 Aquatic Fund	1,029	-	0.0%		1,029	-	0.0%

Comments:

YTD BUDGET BENCHMARK

100.0%

Accounts Payable

Checks by Date - Summary by Check Date

User: kari.ott
Printed: 7/18/2023 9:25 AM



Check No	Vendor No	Vendor Name	Check Date	Check Amount
130373	879512	Acorn to Oaks, Inc.	06/02/2023	7,191.50
130374	007140	Liz Amason	06/02/2023	192.00
130375	130624	B & W Car Wash	06/02/2023	21.00
130376	879451	CDR Labor Law, LLC	06/02/2023	589.00
130377	637828	Century Link Communications, LLC	06/02/2023	77.92
130378	22427	Conсор North America, Inc.	06/02/2023	11,087.45
130379	879408	Sam D'Addabbo	06/02/2023	206.50
130380	363999	Holcomb Construction, Inc.	06/02/2023	5,840.00
130381	376000	Idaho Power	06/02/2023	65.11
130382	392000	Interstate Electric Supply	06/02/2023	14.05
130383	412500	Keller Associates, Inc.	06/02/2023	26,129.50
130384	879363	Danielle Llamas	06/02/2023	108.50
130385	451600	Malheur County Administration Office	06/02/2023	200.00
130386	&509	Matsy's Restaurant & Catering	06/02/2023	90.00
130387	879464	Merchant McIntyre Associates, LLC	06/02/2023	6,500.00
130388	461607	MicroTechnology Systems, Inc.	06/02/2023	31,232.93
130389	240100	State of Oregon Dept of Consumer & Busir	06/02/2023	5,745.16
130390	879551	Painter Holdings & Business Ventures, Inc.	06/02/2023	7.00
130391	879393	PortaPros, LLC	06/02/2023	69.00
130392	879626	Silverhawk Properties Oregon, LLC	06/02/2023	425.00
130393	879764	T&Z Hardware, Inc.	06/02/2023	40.63
130394	879553	Training & Employment Consortium	06/02/2023	390.00
130395	788402	TransUnion Risk & Alternative Data Soluti	06/02/2023	75.00
130396	879635	Western Building Maintenance, Inc.	06/02/2023	4,657.08
130397	428195	Leads Online, LLC	06/02/2023	2,329.00
130398	879627	State of Oregon Department of Environmen	06/02/2023	873.60
130399	666052	SAIF Corporation	06/02/2023	121,172.48
130400	879576	Trio Systems, LLC	06/02/2023	473.00
Total for 6/2/2023:				225,802.41
130401	879585	Deere & Company	06/05/2023	23,930.12
130402	879012	State of Oregon Dept of Public Safety Stan	06/05/2023	46.25
Total for 6/5/2023:				23,976.37
130406	UB*12107	JAMES ANDERSON	06/08/2023	93.40
130407	032000	Andrews Seed Co., Inc.	06/08/2023	8,237.97
130408	037600	AT&T	06/08/2023	23.66
130409	879583	Benson's Trophies & Plaques, Inc.	06/08/2023	70.00
130410	879637	Bryant Lovlien & Jarvis PC Attorneys at L	06/08/2023	12,716.34
130411	626400	Campo & Poole Distributing, LLC	06/08/2023	12,517.57
130412	637830	Century Link	06/08/2023	526.41
130413	879769	Janice Enoki	06/08/2023	475.00
130414	879771	Lisa Fabela	06/08/2023	20.00
130415	UB*12110	FASTENAL CO-01ORONT	06/08/2023	36.41
130416	879770	Michelle Graves	06/08/2023	250.00

Check No	Vendor No	Vendor Name	Check Date	Check Amount
130417	UB*12108	SUMMER HALL	06/08/2023	75.46
130418	360015	Home Depot Credit Services	06/08/2023	117.29
130419	UB*12106	EMILY MAEDA	06/08/2023	33.35
130420	&509	Matsy's Restaurant & Catering	06/08/2023	30.00
130421	481607	National Association of School Resource O	06/08/2023	450.00
130422	UB*12094	NEW AGE AIRCRAFT SERVICES	06/08/2023	22.54
130423	242083	State of Oregon Department of Transportati	06/08/2023	53.85
130424	879498	Oregon Precision Firearms Training, LLC	06/08/2023	1,300.00
130425	642093	Red's Automotive Repair, Inc.	06/08/2023	664.47
130426	UB*12109	BATTEN DOWN LLC DBA SEARS HOM	06/08/2023	2.90
130427	689005	Chad Sombke, Ph.D., PC	06/08/2023	1,000.00
130428	130950	Sparklight Business	06/08/2023	109.20
130429	729500	Storage On Site	06/08/2023	85.00
130430	854205	Veteran Advocates of Ore-Ida	06/08/2023	75.00
130431	879733	Waste Connections of Oregon, Inc.	06/08/2023	313.06
Total for 6/8/2023:				39,298.88
130432	879469	SBRK Finance Holdings, Inc.	06/09/2023	27,365.35
Total for 6/9/2023:				27,365.35
ACH	878915	Jacobs Engineeering Group, Inc.	06/15/2023	23,247.96
130433	879721	American Road Maintenance, Inc.	06/15/2023	50,844.41
130434	033300	Argus Observer	06/15/2023	81.50
130435	879773	BKI Border Farms, Inc.	06/15/2023	17,580.00
130436	879494	Bruneel, LLC	06/15/2023	1,079.59
130437	144000	Cascade Natural Gas Corporation	06/15/2023	89.81
130438	879757	Dirty Girl Construction, LLC	06/15/2023	2,352.94
130439	284000	Farmers Supply Co-Op	06/15/2023	6,231.42
130440	879641	Garrett's Dry Cleaning, LLC	06/15/2023	71.13
130441	879774	Greelight Baseball Performance, LLC	06/15/2023	25,000.00
130442	UB*12112	CARLA GUTSHALL	06/15/2023	20.13
130443	879772	Ronald and Gloria Hughes	06/15/2023	500.00
130444	376000	Idaho Power	06/15/2023	2,018.66
130445	441140	Looks Nu, Inc.	06/15/2023	413.00
130446	442770	Sarah Rodriguez	06/15/2023	25,000.00
130447	456402	Malheur County Clerk	06/15/2023	112.00
130448	461500	MetroQuip, Inc.	06/15/2023	78,000.00
130449	UB*12111	ANDREA NAVARRETE	06/15/2023	109.60
130450	879301	Net Assets Corporation	06/15/2023	210.00
130451	516494	State of Oregon Department of Transportati	06/15/2023	168.05
130452	528405	Oster Professional Group, CPA's PC	06/15/2023	25,925.08
130453	366010	PipeCo Irrigation Supply	06/15/2023	65.63
130454	879166	Pitney Bowes Global Financial Services, LI	06/15/2023	882.93
130455	642093	Red's Automotive Repair, Inc.	06/15/2023	74.23
130456	879775	Chana Ruiz	06/15/2023	4,900.00
130457	879776	Anthony Salomone	06/15/2023	6,000.00
130458	879469	SBRK Finance Holdings, Inc.	06/15/2023	1,439.00
130459	879682	Schneider Tree Service & Construction, LL	06/15/2023	7,000.00
130460	702008	Staples Business Credit	06/15/2023	371.76
130461	879720	Total Package Enterprises, LLC	06/15/2023	29.99
130462	879339	UGSI Solutions Company	06/15/2023	13,700.00
130463	879680	US Bank Equipment Finance	06/15/2023	1,497.00
130464	879777	Vale Heritage Reflections Mural Society	06/15/2023	8,100.00
130465	879151	Waste-Pro	06/15/2023	80.10
130466	802400	Union Pacific Railroad Company	06/15/2023	539.15

Check No	Vendor No	Vendor Name	Check Date	Check Amount
			Total for 6/15/2023:	303,735.07
ACH	832852	Wells Fargo Business Elite Card	06/20/2023	10,584.57
			Total for 6/20/2023:	10,584.57
130467	879058	A Plus Awards	06/22/2023	32.00
130468	879240	Advanced Control Systems, LLC	06/22/2023	19,067.64
130469	033300	Argus Observer	06/22/2023	76.51
130470	183201	CK3, LLC	06/22/2023	7,905.00
130471	216000	D & B Supply Company	06/22/2023	76.78
130472	879736	Desert Sage Event Center	06/22/2023	4,033.83
130473	&260	Four Rivers Cultural Center	06/22/2023	33,096.30
130474	376000	Idaho Power	06/22/2023	1,647.80
130475	879191	Kristy Lynn Janti	06/22/2023	32.00
130476	412500	Keller Associates, Inc.	06/22/2023	32,645.00
130477	879655	M2 Construction	06/22/2023	276,996.25
130478	539200	Ontario Area Chamber of Commerce	06/22/2023	27,481.36
130479	642093	Red's Automotive Repair, Inc.	06/22/2023	125.37
130480	879715	Signs and Designs 2 Fit	06/22/2023	575.00
130481	878977	Snake River Valley Chief's Associaton	06/22/2023	1,275.00
130482	879764	T&Z Hardware, Inc.	06/22/2023	23.29
130483	879553	Training & Employment Consortium	06/22/2023	270.00
130484	879122	Uline	06/22/2023	959.45
130485	879778	Andrew Wood	06/22/2023	56.85
			Total for 6/22/2023:	406,375.43
ACH	PRFED	PAYROLL TAXES	06/28/2023	474.92
ACH	PRORTAX2	OREGON DEPARTMENT OF REVENUE	06/28/2023	21.76
ACH	PRORTAXE	OREGON DEPARTMENT OF REVENUE	06/28/2023	20.36
ACH	PRPERS	OREGON PERS	06/28/2023	730.70
			Total for 6/28/2023:	1,247.74
130488	033300	Argus Observer	06/29/2023	288.00
130489	130624	B & W Car Wash	06/29/2023	15.00
130490	879779	Maria Guadalupe Carrillo	06/29/2023	6,000.00
130491	637830	Century Link	06/29/2023	675.29
130492	879780	Peggy Daugherty	06/29/2023	6,000.00
130493	UB*12113	HAPPY VALLEY GOODS & SERVICES	06/29/2023	136.55
130494	UB*12071	PAMELA HEROLD	06/29/2023	137.40
130495	360015	Home Depot Credit Services	06/29/2023	191.10
130496	376000	Idaho Power	06/29/2023	3,908.73
130497	879781	Sterling Johnston	06/29/2023	6,000.00
130498	408200	J-U-B Engineers, Inc.	06/29/2023	23,555.80
130499	583450	State of Oregon Dept of Corrections	06/29/2023	2,760.00
130500	602113	Paint Pro's	06/29/2023	3,840.00
130501	702008	Staples Business Credit	06/29/2023	157.00
130502	879764	T&Z Hardware, Inc.	06/29/2023	16.97
130503	288897	Verizon	06/29/2023	1,217.89
130504	879653	FileOnQ	06/29/2023	650.00
130505	509600	Northwest Insurance Group, Inc.	06/29/2023	3,539.00
			Total for 6/29/2023:	59,088.73

Check No	Vendor No	Vendor Name	Check Date	Check Amount
ACH	PRAFLAC	AMERICAN FAMILY LIFE ASSURANCE	06/30/2023	810.75
ACH	PRAMERF	AMERICAN FUNDS GROUP	06/30/2023	150.00
ACH	PRCCIS	E B S TRUST	06/30/2023	75,447.88
ACH	PRCOLONI	COLONIAL LIFE	06/30/2023	793.12
ACH	PRFED	PAYROLL TAXES	06/30/2023	75,150.78
ACH	PRNATW	NATIONWIDE RETIREMENT SOLUTION	06/30/2023	500.00
ACH	PRORJU	OREGON DEPARTMENT OF JUSTICE	06/30/2023	767.48
ACH	PRORTAX2	OREGON DEPARTMENT OF REVENUE	06/30/2023	3,285.58
ACH	PRORTAXE	OREGON DEPARTMENT OF REVENUE	06/30/2023	20,147.72
ACH	PROSGP	OREGON SAVINGS & GROWTH PLAN	06/30/2023	7,658.73
ACH	PRPERS	OREGON PERS	06/30/2023	107,759.22
ACH	PRFED	PAYROLL TAXES	06/30/2023	237.51
ACH	PRORTAX2	OREGON DEPARTMENT OF REVENUE	06/30/2023	6.58
ACH	PRORTAXE	OREGON DEPARTMENT OF REVENUE	06/30/2023	30.82
ACH	PRPERS	OREGON PERS	06/30/2023	219.29
130486	PRLINC	LINCOLN NATIONAL LIFE INS CO	06/30/2023	600.00
130487	PRSFIRE	UMPQUA BANK	06/30/2023	675.00
Total for 6/30/2023:				294,240.46
Report Total (151 checks):				1,391,715.01

MALHEUR COUNTY COURT MINUTES

July 12, 2023

The regularly scheduled meeting of the County Court was called to order by Judge Dan Joyce at 9:00 a.m. in the County Court Office of the Malheur County Courthouse with Commissioner Ron Jacobs and Commissioner Jim Mendiola present. Members of the media, public and staff had the opportunity to join the meeting electronically or in-person. Notice of the meeting was posted on the County website, Courthouse bulletin board, and emailed to the Argus Observer, Malheur Enterprise, and those persons who have requested notice. The meeting was audio recorded. The agenda is recorded as instrument # [2023-2052](#)

CROSSING PERMITS

Commissioner Jacobs moved to approve Crossing Permit # 27-23 to Idaho Power Company to upgrade a pole and transformer on Clark Boulevard #857; and Crossing Permit # 28-23 to Idaho Power Company to install a bank of 3 overhead transformers on Morgan Avenue #926. Commissioner Mendiola seconded and the motion passed unanimously. Original permits will be kept on file at the Road Department.

MINUTES

Commissioner Jacobs moved to approve Court Minutes of June 28, 2023 as written. Commissioner Mendiola seconded and the motion passed unanimously.

IGA - JCP BASIC

Commissioner Jacobs moved to approve State of Oregon Intergovernmental Agreement Juvenile Crime Prevention (JCP) Basic Services with Oregon Youth Authority. Commissioner Mendiola seconded and the motion passed unanimously. The agreement terminates June 30, 2025; funding is not to exceed \$95,507. A copy will be returned for recording.

AMENDMENT - DEPT OF ENERGY

Commissioner Jacobs moved to approve Amendment No. 2 to Intergovernmental Agreement No. 19-035 (recorded as instrument # [2019-3634](#)) with Department of Energy. Commissioner Mendiola seconded and the motion passed unanimously. The termination date of the IGA is extended to June 30, 2025. A copy will be returned for recording.

IGA - DD PROGRAM

Commissioner Jacobs moved to approve State of Oregon Intergovernmental Grant Agreement for the Financing of Community Developmental Disabilities (DD) Program Services with Oregon Department of Human Services, Agreement Number 180108, eXPRS Contract Number 157833. Commissioner Mendiola seconded and the motion passed unanimously. The term of the agreement is July 1, 2023 through June 30, 2025; services will be provided through Lifeways. A copy will be returned for recording.

INDUSTRIAL PARK/RELOAD FACILITY - WEEDS

Commissioner Jacobs explained he had attended the Malheur County Development Corporation (MCDC) board meeting held on June 29, 2023 and it was mentioned in the meeting that the weeds on the reload facility property and industrial park property need attention (the ground that is not being farmed, where construction is to take place, and where material is stockpiled). Commissioner Jacobs met with Farmer's farm manager and drove the property. There is concern about trying to use a tractor to knock down the weeds and spray due to the stockpiled material and mounds of dirt. It was determined that it would be better to spray using a drone. It was estimated to be approximately \$20 per acre. MCDC has indicated they will pay for the cost on their property and Farmers will pay for their 5 acres. Simplot was contacted and can provide the spray service using a drone. The Court had no objections to the proposal. Commissioner Jacobs will coordinate the spray project.

COURT ADJOURNMENT

Judge Joyce adjourned the meeting.



PUBLIC WORKS COMMITTEE MEETING MINUTES

Tuesday, June 20, 2023, 3:00 p.m. MT

The scheduled meeting of the Public Works was called to order by Chairman Scott Wilson at approximately 3:00 p.m. on Tuesday, June 20, 2023, in the Council Chambers of City Hall. Committee members present in person or attended via Zoom were Scott Wilson, Pat Woodcock, and Al Christiani; Fox and Galeener were excused.

Others present in person or via Zoom were Casey Mordhorst, Suzanne Mulvany, Alicia Cardozo, and Dan Cummings.

AGENDA

The press was notified; this Agenda was posted on June 16, 2023. Copies of the agenda and minutes are available at the Public Works Headquarters and on the city's website at www.ontariooregon.org.

THE MOTION WAS MADE BY MR. CHRISTIANI, SECONDED BY MR. WOODCOCK TO ADOPT THE AGENDA AS PRESENTED: MOTION PASSED UNANIMOUSLY.

ADOPTION OF MINUTES – MAY 16, 2023

RESOLUTION, ACTION &/OR MOTION:

THE MOTION WAS MADE BY MR. CHRISTIANI, SECONDED BY MR. WOODCOCK TO ADOPT THE MINUTES OF THE PREVIOUS MEETING, MAY 16, 2023: MOTION PASSED UNANIMOUSLY.

OPERATION UPDATES

- **SAFE ROUTES TO SCHOOL PROJECT** – started this week.
 - Still working with 3 utility companies to relocate 2 phone peds, 2 cable boxes and a power pole for the Alameda portion.
 - Starting on the backside of Alameda on 12th working on College Green Drive.
 - Grant Funded through ODOT.
 - Scaled back from original due to funding – focused on Alameda section for this go around.
 - May go back to see if ODOT has any funding in the future to complete the rest.
 - May Roberts section was most expensive essentially from Idaho to May Roberts due to the grades in yards and building retaining walls, etc.
- **ANNUAL CHIP SEAL PROJECT** – SW 4th
 - Wednesday and Thursday of next week the 28th & 29th of June.
 - Starting at SW 9th Street going all the way to 201.
 - To take 2 days, slower due to traffic and traffic control.
- **WATER TREATMENT PLANT EXPANSION PROJECT** – adding the 3rd pod to the WesTech
 - Bid opening tomorrow morning at 10:00 a.m.
 - Had possible 6-7 contractors pick up packets on QuestCDN.
 - Only one showed up to the pre-bid meeting.
- **OUTFALL DIFFUSER PROJECT** –
 - Awarded to Ballard Marine.
 - Working on scheduling a pre-construction meeting.
 - Must be done by September 30th, 2023.
 - Materials are on order and getting timelines on when they should receive it.
 - Working with them on a modification to the scope on the manholes.

- **NORTH PARK BLVD** – from the Public Works Shop to Malheur Dr.
 - Still working on the final design.
 - Essentially designed to be shelf-ready for when there is Grant funding available.
 - Anderson Perry sent us 90% drawings.
 - There are a lot of utility relocations, in-fill and a significant elevation drop.
- **BLM WAY** – Airport, Final design
 - Dan is working with the BLM on the lease agreement.
 - Expecting about a year or two max to finish.
 - Will have to demo old golf course shop, a small brick building.
- **SE 5TH AVENUE PEDESTRIAN IMPROVEMENT** –
 - Keller is still working with ODOT on the bridge detail.
 - Finished the SE 10th Street intersection.
 - Had a meeting with ODOT a few weeks ago, and believe Dan got their bridge engineer to look at allowing us to add on to the bridge.
 - To be running some calculations to see if it can stand building a south sidewalk about 3-4 feet wider.
- **WASTEWATER FACILITY PLAN** – still working on.
 - The Collection portion is done.
 - Finishing up the Treatment portion.
 - When finished will bring forward for review.
- **CCTV PROJECT** – Done
 - Had the entire system videoed.
 - After reviewing all footage, we have about 36,000 feet of pipe that has problems i.e., holes, roots, I&I, etc. (Inflow & Infiltration)
 - Working to put together another CDGB project ~ 12 to 15,000 feet of pipe; listing all the I&I sections. Anything that will help us with arsenic removal.
 - We have a variation of pipes i.e., clay, concrete, a/c... (Continued discussion)
- **5-YEAR PROGRESS REPORT** – Water Conservation Management Plan
 - Submitted to the State in December.
 - Received letter back stating they have accepted it and that it was done extremely well.
 - Next due in 2026.
- **SE 9TH AVE FENCING PROJECT** – Kendall Acres Pit Property
 - New potential homeless site.
 - To cut a road into it so there is access for emergency services.
 - Extensive fence work to be done.
 - Install fencing around the pond to protect the existing wetlands.
 - Included in the Parks Master Plan to be a future city park.

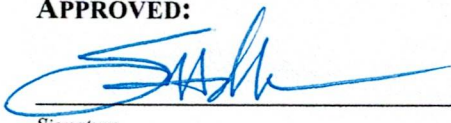
NEXT REGULARLY SCHEDULED MEETING

TUESDAY, JULY 18, 2023

ADJOURN 3:40 PM

Christiani moved; Woodcock seconded **TO ADJOURN**: Motion passed unanimously.

APPROVED:



Signature

(Scott Wilson, Chairman / Jake Galeener, Vice-Chairman)



Date