



CITY COUNCIL MEETING MINUTES September 12, 2023

The scheduled meeting of the Ontario City Council was called to order by Council President John Kirby at 6:00 p.m. on Tuesday, September 12, 2023, in the Council Chambers of City Hall. Council members present were Penny Bakefelt, Susann Mills, John Kirby, and Eddie Melendrez. Deborah Folden, Ken Hart, and Sam Baker were excused.

Members of staff present were Dan Cummings, Tori Barnett, Corinna Hysell, Clint Benson, Kari Ott, Casey Mordhorst and James Swank. Also in attendance were firefighters Mark Saito, Trevor Gammage, Kyle Ervin, Brett Leavitt, Luis Gutierrez, Jonathan Rico, and Kevin Smith.

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

AGENDA

This Agenda was posted September 8, 2023. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

MILLS moved, BAKEFELT seconded, **TO ADOPT THE AGENDA AS PRESENTED**. Roll call vote: Mills-yes; Baker-out; Kirby-yes; Hart-out; Bakefelt-yes; Melendrez-yes; Folden-out. Motion carried 4/0/3.

PUBLIC COMMENT

Marie Nizich, Boise, stated: *I have been working with Coldwell Banker Bayne as a realtor for 20 years. I have an MBA in non-profit management, and I'm hoping to pose a question to the Council on behalf of some local residents that I represent, Mr. and Mrs. Lewis. So my question is: whether there is any potential change or discussion about what's occurring in the northwest corridor. So, I have been working on behalf of the Lewis' for over two years, to be able to sell quite a number of currently zoned Commercial and Industrial properties. Now, I'm sure some of you in the room know that that corridor has seen a lot of crime and has met with some pretty significant challenges, which is why I'm bringing the question to the Council today, and, of course, to Mr. Cummings, because we have worked very diligently to be able to sell quite a few number of acres within that corridor. So, there currently are three, I'll say again, improved sites. So, Mr. and Mrs. Lewis own 11 pieces of property here in Ontario, and seven of them are all within that northwest corridor, just west of Highway 201. We met with pretty significant difficulty with what we'll say are the inhabitants of that corridor, so, my question is, can we potentially open up the conversation for what we may be able to market the current properties for a zoning conversation.*

Councilor Kirby stated the Council could not answer that at the meeting, but did recommend she speak with Dan Cummings, who was also the Community Development Director. If there was a proposal from that, it could be brought before Council.

CONSENT AGENDA

MILLS moved, BAKEFELT seconded, **TO ADOPT THE CONSENT AGENDA, WHICH CONSISTED OF APPROVAL OF COUNCIL MEETING MINUTES OF JULY 25, 2023, AND AUGUST 22, 2023, AND A LIQUOR LICENSE APPLICATION FOR THE BAR AT ONTARIO ACE, INC.** Roll call vote: Mills-yes; Baker-out; Kirby-yes; Hart-out; Bakefelt-yes; Melendrez-yes; Folden-out. Motion carried 4/0/3.



PRESENTATIONS

Recognition of Firefighters: Frank Grimaldo, Jr., Mike McLean, and Jordan Watts – Life Saving Award

Fire Chief Clint Benson, read a statement: *On August 12, 2023, Ontario Fire and Rescue members Lt. Frank Grimaldo, Firefighter Mike McLean, and Firefighter Jordan Watts, responded to a report of smoke in a residence in Ontario, Oregon. Upon their arrival, the crew found smoke pouring out of the residence and immediately entered the building to find active fire in the kitchen area. Upon searching the residence, the crew found a disoriented victim still located in a bedroom. The crew moved the resident outside to safety. Additionally, five dogs and one bird were rescued during the incident. These members exemplified readiness, action, skill, and self-sacrifice in performing their duties and service to the City of Ontario. On September 12, 2023, each member was presented with a lifesaving award before the Ontario City Council.*

Chief Benson presented each Firefighter with a commemorative plaque and a lifesaving ribbon to wear on their uniforms.

OLD BUSINESS

Ordinance #2822-2023: Amend OMC 2-14 – Diversity Advisory Committee

Dan Cummings, City Manager, presented.

The Ontario City Council approved Resolution #2017-117 supporting community diversity and thereafter approved 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. Proposed amendments were brought to the City Council at both their July 7, 2023, and July 25, 2023, meetings. The action was tabled and sent back to the Diversity Committee to work on other suggested corrections. The committee met and formulated revisions based on the comments they received from the City Council and have agreed upon the changes in the version of Ordinance #2822-2023, attached to this report.

MILLS moved, BAKEFELT seconded, IN ACCORDANCE WITH SECTION 8.2(2) OF THE CITY CHARTER, 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. Roll call vote: Mills-yes; Baker-out; Kirby-yes; Hart-out; Bakefelt-yes; Melendrez-yes; Folden-out. Motion carried 4/0/3.

MILLS moved, BAKEFELT seconded, IN ACCORDANCE WITH SECTION 8.2(2) OF THE CITY CHARTER, 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. Roll call vote: Mills-yes; Baker-out; Kirby-yes; Hart-out; Bakefelt-yes; Melendrez-yes; Folden-out. Motion carried 4/0/3.

Resolution #2023-115: Purchase Moore Park Property

Dan Cummings, City Manager, presented.

Riley Hill was the current owner of a parcel of real property on a tax lot in downtown Ontario, identified as Tax Lot 5901 on Assessor Map No. 18S4703CC, located at 151 South Oregon Street at the SW corner of South Oregon Street and SW 1st Avenue. Tax lot 5901 consisted of 21,375 square feet according to the Malheur County Assessor's Office. The City of Ontario leased the property from Mr. Hill for the past 15 years and has determined it would be in the best interest of the citizens to purchase the property before utilizing any further city funds on the property towards developing and improving the park.



The city had an appraisal performed on the property, and said appraisal fair market value was determined to be \$270,000.00. Therefore, the city has determined that Mr. Hill's price of \$250,000.00 was a fair offer. The Council authorized the City Manager to finalize the negotiations with the owner and to sign a real property sales agreement.

Mr. Hill agreed to sell the property to the city for \$250,000.00, asking the Council and citizens to recognize that he was donating the \$20,000 difference. The sales agreement was approved by both parties outlining the terms of the sales and Resolution #2023-115 was before the Council to proceed with the purchase of the property. The purchase of this property was budgeted for in the FY 2023-2024 Budget. This purchase needed to be completed so the city could move forward on the required work this fall to prepare the adjacent land for planting grass.

Councilor Mills wanted to remind the community the city had already purchased the adjoining property behind the park from Looks Nu Car Wash, which would increase the overall size of the park. Several people that were working during Saturday Market had also expressed they were in favor of the purchase. When would the city take possession?

Mr. Cummings stated he would get the documents to the title company, and ask for a title report and the quickest possible closing date. The plan was to remove the top gravel, bring in topsoil, install the sprinkler system, and try to seed this fall so it had a chance to have grass growing by next spring. During next year's Farmer's Market, they wouldn't be allowed to put the market on the new area, but they would be able to place some food trucks. It should be ready for full use by the 2025 season if the seed was done this fall.

Councilor Bakefelt stated it was a great asset for the community, and she was in full support of the purchase.

Councilor Kirby asked for verification that an environmental study had been done on the property.

Mr. Cummings stated that was correct. The Phase One study confirmed that all the rubble from the previously existing hotel had been removed, and the hole that remained after the hotel cleanup was later filled with concrete and such. If the city was to build a new building on the part over that specific area, they would need an engineering study completed to ensure the compacted area would support a building. However, the city has no plans to construct a building in the area where the basement of the hotel was located. There was really not a big problem with the property, environmentally.

Councilor Bakefelt stated she had been contacted by some downtown merchants regarding the transient situation in that area. She also heard that a sign had been posted. Was that correct?

Casey Mordhorst, Public Works Director, stated yes, a sign had been posted.

Mr. Cummings stated based on the calls he received, he contact OPD and sent some officers to the area to assist in moving the unhoused, and to inform them of the new regulations that if they wanted to use the gazebo, just like any other citizen, they would have to complete the same process. The ordinance currently read that anyone who wanted to use a pavilion for more than two hours, were required to obtain a permit. That had been in place for many years. If anyone, including the unhoused, wanted to use any of the pavilions or the gazebo, for any extended period, they had to pull a permit. Without that, anyone could utilize the gazebo indefinitely, making it unusable by anyone else. For example, the Farmer's Market. They pulled a permit for their Saturday usage, which include the gazebo. The city was taking baby steps by posting signs and beginning the education process of explaining to the unhoused what the rules were. So, in response to the calls received that morning, he sent officers to the park, and the officers had no issues with the unhoused leaving. Most were already leaving. Public Works posted their signs, which explained the park rules, and when he returned later, there were only two possibly unhoused, who were packing their belongings and appeared to be moving on.

Councilor Melendrez stated he was grateful the project was getting completed. Over the past two years, he had been concerned about having any planning or investments being done to Moore Park prior to the city owning it. He wanted the citizens to know the city was going to invest a lot of money in the park. He was grateful they were moving forward with the purchase, and it would become the city's to keep and invest in.

MILLS moved, MELENDREZ seconded, **THE CITY COUNCIL APPROVE RESOLUTION #2023-115, A RESOLUTION APPROVING THE PURCHASE OF THE PROPERTY KNOWN AS MOORE PARK FOR THE AMOUNT OF \$250,000.00 AND AUTHORIZE THE CITY MANAGER TO SIGN ALL DOCUMENTS REQUIRED TO COMPLETE THE PURCHASE.** Roll call vote: Mills-yes; Baker-out; Kirby-yes; Hart-out; Bakefelt-yes; Melendrez-yes; Folden-out. Motion carried 4/0/3.

NEW BUSINESS

Ontario Sanitary Service: Request for Rate Adjustment

Mark Fulwiler, District Manager, Ontario Sanitary Service, stated he worked closely with Nathan Wilson, who was also in attendance. As the letter had indicated, he was there to request a rate increase of 8%. He was there to explain or answer any questions in regard to that request. In the contract with the city, it stated a mandatory rate increase yearly, based on a CPI formula, but they had not been before Council asking for a rate increase in over three years. In doing the math, that equated to about 15% if they went back three years. They felt 8% was fair. As written in the letter, the company had done a lot of improvements since the acquisition of Ontario Sanitary Service by Waste Connections. Over \$1M in trucks and equipment to provide the city with a safer and more efficient way to collect the trash and recycling. They were asking for the rate increase to become effective October 1, 2023.

Councilor Kirby stated it had been addressed to him the inability of citizens to get dumpsters, and it had become a sore subject, one which he, himself, had to deal with while moving residences. He had been told that the company's equipment was inadequate, and that it wouldn't meet the law for transporting the dumpsters. It had not been resolved as of two weeks ago, which was when he had requested it. In the document being extended for the rate increase, it stated that the company had to provide services, and if not, the company was to go out at their own expense to find and provide an alternative. Did Mr. Fulwiler have a response?

Mr. Fulwiler stated not specifically, other than they had, he believed, invested at least \$50-60K in lock boxes that were being delivered daily. They had delivered a dozen over the last week, eight this week so far, so they were trying to catch up. There were other sister companies in Idaho that were bringing things over.

Councilor Kirby stated he was speaking specifically about dumpsters that would be used for construction debris, yard waste, or someone moving who needed to discard their excess.

Mr. Fulwiler stated they called them lock boxes, 20 yard, 30 yard, 40 yard, containers, and they were currently stocking up on those. Specifically to Councilor Kirby, if he needed a roll off box at his home, he would make sure something happened sooner than what he had been waiting for.

Councilor Kirby stated he had something that had to be done, so he dealt with a friend with a 12 yard trailer, which he had been able to access and use. This had been a concern of the citizenry, and he believed the City Manager had also received questions concerning the same issue.

Mr. Cummings stated yes, in the past, and Nate was aware. They were having trouble getting the boxes, so it had been an ongoing issue for a while. It had been discussed, and he hoped it would be improved. The city was still receiving complaints that people could not get a drop box in a timely manner right now.

Mr. Fulwiler assured the Council they would be addressing the issue. The boxes were literally being made and delivered daily.

Councilor Melendrez thanked Mr. Fulwiler for his presentation, and asked what the 8% rate increase would equate to on a monthly service?



Mr. Fulwiler stated the most frequently utilized service was the 95-gallon receptacle, and it would increase \$1.77 per month.

Councilor Bakefelt stated her appreciation to them for supplying dumpsters for Nation Night Out, as well as dumpsters for the annual city clean up project.

MILLS moved, BAKEFELT seconded, **THE CITY COUNCIL APPROVE THE REQUEST OF ONTARIO SANITARY SERVICE UNDER SECTION 16.2 OF THE CURRENT CONTRACT FOR A RATE ADJUSTMENT OF 8%, WHICH ADJUSTMENT EQUATES TO AN ADDITIONAL \$1.77 PER MONTH FOR THE MOST FREQUENTLY UTILIZED SERVICE LEVEL, EFFECTIVE OCTOBER 1, 2023.** Roll call vote: Mills-yes; Baker-out; Kirby-yes; Hart-out; Bakefelt-yes; Melendrez-yes; Folden-out. Motion carried 4/0/3.

DEPARTMENT HEAD UPDATES

Community Development: Quarterly Report

Dan Cummings, City Manager/Economic Development Director, presented.

Marie Nizich asked if there was any consideration in lifting the 55 and older rule at Mayberry Subdivision?

Mr. Cummings stated the developer asked for that. This was a planned unit development, so that was a set requirement, and it was put in during the land use action. In Oregon, it was really tight within land use actions, rules, and regulations. The only way that restriction could be lifted was that they would have to go through the same land use public hearings, etc., again, to get that changed because it was set during the planning and zoning stage of the development. So no, there was no easy way to change it. The owner would have to bring it back through the whole process, open it up to all the neighbors to discuss it and have say so in the change.

DISCUSSION ITEM

City Hall Security

Dan Cummings, City Manager, stated as most Council was aware, the city had an incident at City Hall a few weeks back where an individual damaged seven police vehicles, which put three-quarters of the fleet out of service. Luckily, a local business immediately stepped up. Police Lt. Cooper contacted the business on Sunday, the day of the incident, and the business jumped in and was able to order or find enough glass to have on site by Monday. They put all staff on hand and got all but one of the vehicles back in service. That company was to be applauded.

Councilor Kirby confirmed it was Coley's Glass Company.

Mr. Cummings stated yes. He had asked Lt. Cooper to prepare a plaque to present to them. Coley's didn't want anything, but they were told staff wanted to recognize a community business that really stepped up and helped out the city in a very difficult time.

Mr. Cummings continued that in that process, for many years, usually with a change of Police Chief, it was brought forward that City Hall needed a secure parking area, mainly for the police. As everyone was aware, the police were usually the main target; however, all city employees were targets because of being government employees. Many people didn't care for government employees, but that was compounded when City Hall also housed the higher targeted police department. Everyone was at a higher risk than a normal business. In doing the research, if the police station was stand alone, there would be no problem. Across America, most police stations were highly secured areas for that reason – to protect their officers. But, this being City Hall, which was a portal to all the citizenry, he personally did not like the idea of a compound look for City Hall. He looked into fencing off the entire parking lot area, which would be expensive. The gating system was a problem with security fencing. The gates installed were expensive to maintain and malfunctioned a lot. His concern was having an emergency, the police needed to respond, and the gate wouldn't open! And once it had been opened manually, they wouldn't take the time to get out and close it, so security would be breached.



Mr. Cummings continued with vehicles could be replaced. His main concern was the police officers and employees of the city. He just did not see a safe way of protecting everyone. He then looked at fencing just the back parking lot, and moving all police vehicles into the section. He was only providing options. The number one option was the need to upgrade all the camera system. Some of the new cameras already purchased were very clear. The older ones, after reviewing them, and while the police probably recognized the person, if he had to select the lady on the street based on the camera shot, he wouldn't be able to do that. Unless the Council directed otherwise, and he was not seeking funding or options that evening, but he would like to have staff look into the number one option: the cost to upgrade the security cameras around all of City Hall. That would protect both employees and vehicles. He wished the 9-1-1 center was still here because those monitors would be watched 24/7/365. This attack happened on a Sunday morning, and 10 minutes prior to the attack, the last officer in the building responded to a call and 10 minutes later, this lady came into the lot and did all the damage. There was no one in City Hall to see it happen. It was a citizen who recorded it and posted it on Facebook. He thought that same person was the person who called 9-1-1, but in reality the person who did the damage called 9-1-1 and turned herself in. Something needed to be done, but the question was what. The city did not have a lot of money, and it would be quite a bit of money to install fencing around the area. His request that night was for the Council to direct staff to continue researching the project, obtain some costs, and look for any security grants. If the city wanted to truly build a fenced off system, determine the best option, and present that information to the Council. Number one for him would be trying to put together the costs of upgrading the camera system, and then possibly getting a cost to have an outside business monitoring the system, similar to an alarm company.

Councilor Kirby stated with this property, there was the parking lot used by the police, which was along 4th Avenue and the former apartment building, and then the partial parking and green lawn that was along the other side of the apartment building. There was also the public parking lot, and additional parking over at Community Development. In looking at this, they could plan for the present or plan for the future, so maybe they should look at both.

Mr. Cummings stated he had been looking towards the future. One reason the city purchased the property across the street, (Community Development office area) was because it's adjacent to City Hall, and they all knew that over time, City Hall would have to grow. He had a vision that someday, with a big bond, they'd build an entirely new complex for Administration on the property across the street, an overhead connection with an underground parking garage that would be secured, and the remodel of the existing building. They'd connect the two buildings together, utilizing the land the city already owned, and installing security options at that point. That, however, was way down the road. It had happened before. City Hall used to be a skinny two-story building down on main street, and the citizens finally approved a bond to construct the current City Hall. Ultimately that was the main goal they should be looking towards. He didn't want to spend a lot of money on something that would just be torn out.

With the back parking lot, that was one option he'd discussed with Lt. Cooper, Lt. Swank, and Chief Iwai. There was the possibility of cutting the cost down, as they could remove the grass area and trees, and then move all the police cars into that area, and fence off that area, which would also secure the evidence building and the police vehicles. Officers would still have to walk from the back door to get into the gated area, but it would at least be a secure area. If they wanted to fence off an area, that was probably one of the better options. It would have less of an impact on the public parking area and back parking where they were parking now. The problem with securing it all. The Fire Department had no choice – when it was hot, they opened up the bay doors to cool it down, and most of the time the guys were not down there. There were a lot of pros and cons, with no easy solution.

Councilor Kirby asked if administration wanted to handle this, or was he looking to establish an ad hoc committee to help out.

Mr. Cummings stated that was a decision for the Council.

Councilor Kirby stated maybe let Mr. Cummings and his team flesh out something to see whether it needed to have citizens and Councilor on an ad hoc committee. He'd like to leave it with Mr. Cummings for now.

Councilor Bakefelt asked if there were any similar incidents like the most recent one?

Mr. Cummings stated it was his understanding that this was only the second incident in the past 40 years, and the other incident was when the apartment buildings were being rented out by the owner of the property at that time, and there was a disgruntled tenant that threw something out the back window, which landed on a police car. However, just today a window had been broken out at the Community Development Center. Someone threw a rock threw a window. Unfortunately, all the security cameras were on the front and sides, so there was no video of who threw the rock. That made it a third incident. It happened last night sometime between the Planning Commission meeting and opening up this morning.

Councilor Bakefelt asked what the cost was to replace all the windows in the police vehicles.

Ms. Ott stated it was about \$3,500.

Councilor Bakefelt stated the police were at their most vulnerable when arriving at work or leaving for home, so she supported looking into making that area more secure.

Councilor Melendrez agreed. They needed to support security.

Mr. Cummings thanked them, and indicated staff would continue looking into options to present to Council.

HAND-OUTS

Minutes:

County Court: 08-16-2023; 08-23-2023; 08-30-2023

Department Stats – August, 2023:

Fire& Rescue, Public Works, Code Enforcement, Police

Packet:

Visitors & Convention Bureau 09-07-2023

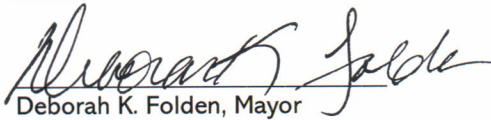
CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Councilor Mills stated on August 30th, she joined the Chamber of Commerce Leadership group on their tour of Snake River Correctional Institute. It was an all day event, and she thanked John Breidenbach for including her. It was very informative. The superintendent of the prison and his staff did an excellent job.
- Councilor Melendrez thanked Chief Benson for the tour of the Fire Department he'd gone on that day. He appreciated that the Chief was interested in what the Diversity Advisory Committee was doing, and how to get more involved.

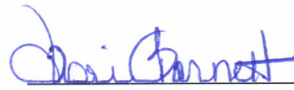
ADJOURN

MILLS moved, BAKEFELT seconded, **THAT THE MEETING BE ADJOURNED**. Roll call vote: Mills-yes; Baker-out; Kirby-yes; Hart-out; Bakefelt-yes; Melendrez-yes; Folden-out. Motion carried 4/0/3.

ACCEPTED:


Deborah K. Folden, Mayor

ATTEST


Tori Barnett, MMC, City Recorder

