



CITY COUNCIL MEETING MINUTES November 14, 2023

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

Members of staff present were Dan Cummings, Tori Barnett, Corinna Hysell, Clint Benson, Jason Cooper, Al Haun, Casey Mordhorst, Andy Woods, and Michael Iwai.

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

AGENDA

This Agenda was posted November 9, 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, KIRBY seconded, **TO ADOPT THE AGENDA AS PRESENTED**. Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 7/0/0.

CONSENT AGENDA

HART moved, BAKEFELT seconded, **TO ADOPT THE CONSENT AGENDA, WHICH CONSISTED OF APPROVAL OF COUNCIL MEETING MINUTES OF OCTOBER 25, 2023**. Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 7/0/0.

PRESENTATIONS

Appreciation Award: Coley's Glass

Jason Cooper, Police Lieutenant, stated: *On Sunday August 27, 2023, several patrol vehicles were vandalized and had to be removed from service due to the extent of damage. I met with Charlotte Coley at her residence and explained to her what had happened. I anticipated meeting with her the following morning when the business opened to order replacement windshields. Without pause or hesitation, Charlotte immediately requested vehicle information from me and ultimately began ordering replacements, with the majority arriving the following day. Coley's Glass worked tirelessly throughout Monday and completed work Tuesday. The City would like to recognize our locally owned & operated business, Coley's Glass, for going "above and beyond" to effectively get our Patrol Cars back in service. It is with great pleasure to recognize Coley's Glass for their efforts and present them with this appreciation plaque, for Carol & Charlotte Coley.*

Appreciation Award: Veronica Riojas

Mike Iwai, Police Chief, stated Ms. Riojas had worked in various departments throughout her multi-year employment with the city, with her last position as a Police Support Specialist in the Ontario Police Department. She had now moved on to a position with the Oregon State Police. He thanked her for her service to the City of Ontario.

OLD BUSINESSProfessional Services Contract: Merchant McIntyre Grant Writers

Dan Cummings, City Manager, presented.

For the past several years, the city has contracted with Merchant McIntyre & Associates for grant writing service with some results. Currently, the city has been operating on a one-year contract with Merchant McIntyre that was set to expire November 30, 2023. If the Council wanted to continue with their service past the current expiration date, an extension of the contract would be required. A one-year contract with Merchant McIntyre & Associates would be \$78,000, or \$6,500 per month. A decision needed to be made prior to the expiration of the current contract on November 30, 2023, if that was the direction the Council wanted to take. This would allow staff to continue to have Merchant McIntyre work on the federal grants.

Brent Merchant and Clay Boothby, both of Merchant McIntyre, provided updates to the Council on what they had already done, and also planned to do.

MILLS moved, BAKEFELT seconded, **THE CITY COUNCIL DECLINE TO APPROVE AN EXTENSION OF THE CONTRACT WITH MERCHANT MCINTYRE & ASSOCIATES AT THIS TIME.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 7/0/0.

NEW BUSINESSResolution #2023-117: DEQ Civil Penalty

Casey Mordhorst, Public Works Director, presented.

On September 3, 2022, the 12" force main from the WWTP to Skyline Farms broke. After getting the pump shut down and the valves closed, approximately 400,000 gallons of treated wastewater effluent had flowed into the Malheur River. All required notifications were made to the state agencies. The pipe was repaired and filled to make sure all issues had been repaired. Oregon DEQ inspected the site after the repair was made while completing the WWTP NPDES Permit Audit. On November 30, 2022, the city was notified they were in violation of an Unpermitted Discharge to the Malheur River from the pipe break on September 3, 2022. The City Manager appealed their decision, ultimately having no effect on the violation. The city received a Notice of Civil Penalty Assessment and Order dated September 26, 2023, for the unpermitted discharge of 400,000 gallons of treated wastewater effluent into the Malheur River. The Civil Penalty for this violation stood at \$11,200.00.

During the summer months, the treated wastewater effluent was pumped from the WWTP to the Skyline Farm and was stored for irrigation. The city was permitted to discharge into the Snake River from November 1st to March 31st each winter based on the NPDES permit with Oregon DEQ. The line that conveyed the treated effluent was a 12" ductile iron pipe to withstand the high pressure required to pump to the Skyline Farm. This pipe was installed in 1998. The Skyline Farm is a tool that allows the city to use the treated effluent and not have to build additional lagoons to store the effluent until the winter months each year. The use of Skyline Farm kept the cost of wastewater disposal down and manageable for the citizens of Ontario.

The city would need to pay the civil penalty of \$11,200 as soon as this action was approved. Staff looked into trying to fight this decision further and determined the cost of fighting the penalty could easily go above the cost issued by DEQ in the enforcement. Ultimately, this was an unpermitted discharge to the Malheur River and the city would more than likely have to pay the civil penalty anyway.

MELENDREZ moved, MILLS seconded, **THE CITY COUNCIL APPROVE RESOLUTION #2023-117: TO APPROPRIATE FUNDS FOR DEQ CIVIL PENALTY AND PAY THE CIVIL PENALTY OF \$11,200 TO OREGON DEQ FOR THE UNPERMITTED DISCHARGE OF APPROXIMATELY 400,000 GALLONS OF TREATED WASTEWATER EFFLUENT INTO THE MALHEUR RIVER.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 7/0/0.

Resolution #2023-118: Surplus Property (Rescue One Unit and Ladder Truck #109)

Clint Benson, Fire Chief, presented.

During the 2022-2023 and 2023-2024 budget processes, the City Council/Budget Committee approved the purchase of a new Rescue One unit and a used ladder truck. With the purchase of the new trucks, the old units were no longer needed. The 2009 Rescue One unit and Ladder Truck 109 needed to be declared surplus in order to sell the equipment. The Ontario Fire Department would like to advertise and open up the opportunity to advertise and sell the 2009 Rescue One unit and Ladder Truck #109. This would give the city the opportunity to get revenue from equipment no longer needed by the city.

KIRBY moved, BAKEFELT seconded, **THE CITY COUNCIL APPROVE RESOLUTION #2023-118: A RESOLUTION DECLARING THE 2009 RESCUE ONE UNIT AND LADDER TRUCK 109 SURPLUS PROPERTY IN ORDER TO OBTAIN BIDS TO SELL THE VEHICLES.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 7/0/0.

Project Award: City Hall Elevator Modernization

Al Haun, Assistant Project Manager, presented.

The elevator at City Hall was used to provide access to the second floor, including the Council Chambers, and was a critical asset to City Hall. If the elevator were to cease working, City Council meetings would have to be held at a different location, in order to provide access to all citizens. The components were outdated and no longer available for replacement if something failed. Annual inspections have been completed and the permit was renewed annually.

Staff advertised bids for the elevator modernization project and received one bid from TK Elevation Corporation for \$122,639.19. After working with the company, they were able to provide the city a \$4,000 factory rebate if they could get the project started. This brought the cost down to \$118,639.19 to replace the outdated components that were no longer available to replace. This project was budgeted in the FY 23-24 CIP for \$115,000, and would be used, along with some of the HVAC funds in the CIP to cover the remaining costs of the project. This project would be started as soon as all contract documents were signed and a notice to proceed was issued, with a proposed schedule to begin this fall.

MILLS moved, HART seconded, **THE ELEVATOR MODERNIZATION PROJECT BID BE ACCEPTED AND AWARDED TO TK ELEVATOR CORPORATION FOR THE AMOUNT OF \$118,639.19 AND APPROVE THE CITY MANAGER TO SIGN ALL RELATED DOCUMENTS.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 7/0/0.

SPECIAL ACTION**Latinos in Action: Ontario Promise**

Corinna Larson, Ontario High School Social Studies teacher/Varsity Basketball Coach, stated she was the supervisor for the Latinos in Action club at the school, and they had created a PowerPoint presentation for the Council regarding the Ontario Promise Program. Selected to speak were students Berto, Alondra, and Gissell.

DEPARTMENT HEAD UPDATE**Finance: Monthly Report**

Kari Ott, Finance Director, was not in attendance. Council had the document for review, and asked no questions about the provided information.

HAND-OUTSMinutes:

County Court: 10-25-2023

Check Register

October, 2023

Department Stats – October, 2023:

Fire& Rescue, Public Works, Code Enforcement, Police

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Councilor Melendrez thanked Chief Iwai and Ordinance Officer Nick Tambornini for taking on the chore for himself to continue to learn about the unhoused needs in Ontario. He learned a lot every day.
- Councilor Melendrez thanked Public Works because he spent around seven hours raking leaves and when he returned home, all the leaves had been picked up. He appreciated whoever set that action in motion way back when.
- Councilor Bakefelt stated she was working, as Neighborhood Watch and partnering with the Four Rivers Cultural Center, to put out a series of training classes. The first would probably be for self-defense, and there would be other types of classes, probably three to four in a series, probably offered in March. Working with the police department and the officers would be teaching, and she was also getting more people from outside that arena. She would have more information later, but she was very excited about the partnership with the Cultural Center and Neighborhood Watch, through the police department.
- Mr. Cummings stated staff was able to place one ADA porta-potty at the unhoused site. It would start being serviced three days a week. The company would be monitoring that, and informing staff if they needed to do that more or less. He wanted the public to know that everyone would inform the unhoused that if the facility was vandalized or it became a collection site for garbage, Port-a-Pros would remove the restroom, and not provide any at all. There was no other service in this area, so the word needed to be shared to monitor the facility, and to take care of it, or it would be removed. That included the dumpster, as well. If it was abused by the unhoused, or it was being used by the non-unhoused, that would also be removed. Essentially, the unhoused needed to take some responsibility in keeping those two things monitored. He planned to go to the site at least once a week, as did the police department and public works. The departments were working together to monitor the restroom and the dumpster. A couple Councilors had also volunteered to keep watch, so hopefully staff could provide some services and the unhoused would be able to be more comfortable at the site.
- Mr. Cummings stated the next Council meeting landed on Tuesday, November 28th, Thanksgiving was the week before, which meant all the reports and agenda prep would need to be done during Thanksgiving week, so he was proposing the Council cancel the 28th meeting. He asked staff to get everything on this current meeting, and for things that had to wait, those would be on the December 12th meeting. It would take a consensus of the Council to cancel a meeting.

Council consensus to cancel the City Council meeting scheduled for November 28, 2023.

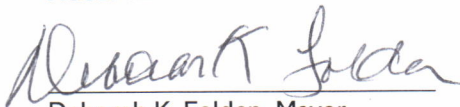
- Ms. Barnett stated she had only heard from three Councilors about their attendance at the Breakfast with Santa event on Friday, December 1st, 7:00 a.m., Elk's Lodge. She needed a headcount to submit to the Chamber. She'd heard from Councilors Hart, Mills, and Kirby, along with Mayor Folden. Anyone else?

Councilors Melendrez and Bakefelt stated they would attend. Councilor Baker politely declined.

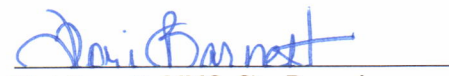
ADJOURN

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

ACCEPTED:


Deborah K. Folden, Mayor

ATTEST


Tori Barnett, MMC, City Recorder