CITY COUNCIL MEETING MINUTES
January 23, 2024

The scheduled meeting of the Ontario City Council was called to order by Council President John Kirby at 6:00 p.m. on Tuesday, January 23, 2024, in the Council Chambers of City Hall. Council members present were Penny Bakefelt, Ken Hart, Susann Mills, John Kirby, and Sam Baker. Mayor Deborah Folden and Eddie Melendrez were excused.

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

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

AGENDA

This Agenda was posted January 19, 2024. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

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

CONSENT AGENDA

HART moved, BAKER seconded, **TO ADOPT THE CONSENT AGENDA, WHICH CONSISTED OF APPROVAL OF COUNCIL MEETING MINUTES OF JANUARY 9, 2024.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-out; Folden-out. Motion carried 5/0/2.

NEW BUSINESS

Grant Management Task Order for Jacobs to Implement Safe Streets for All Grant
Marshall Pierce, City Engineer, presented.

The City of Ontario committed to establishing a Comprehensive Safety Action Plan that was aimed at eliminating traffic fatalities and severe injuries in its community in the next five years. In August of 2022, the City Council passed a resolution that pledged the city to work towards the goal of zero deaths in the community and was awarded a Safe Streets for All (SS4A) Grant of $280,000 in February 2023.

Jacobs Engineering was selected to perform grant administration based on qualifications and knowledge gained through assisting the city with the grant application. The Scope of Work included overall project, technical consultant supervision, community outreach coordination, and grant program reporting as required in the Agreement between the City of Ontario and the Federal Highway Administration (FHWA) for the preparation of a Comprehensive Safety Action Plan.

MILLS moved, BAKEFELT seconded, **THE CITY COUNCIL APPROVE THE GRANT MANAGEMENT TASK ORDER FOR $50,000 WITH JACOBS ENGINEERING FOR IMPLEMENTATION OF THE SAFE STREETS FOR ALL GRANT 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-out. Motion carried 5/0/2.

Rural Fire Contract: Extending Addendum #13
Clint Benson, Fire Chief, presented.

In early January 2024, staff became aware that Addendum #13 to the City/Rural Fire Services Contract expired June 30, 2023. Ontario Rural Fire Protection District continued to pay quarterly payments of $51,828.25 ($207,313 annually) per Addendum #13. After discussions with the City Manager, an extension to Addendum #13 was drafted and presented to the Ontario Rural Fire Protection District (ORFPD) at their January 11, 2024, board meeting. The ORFPD board unanimously voted to approve the extension as presented, and Chairperson Monty Culbertson signed the extension that evening. The ORFPD has been very supportive of the City of Ontario by assisting with the purchase of its new ladder truck through a monetary contribution of $76,000. This important partnership continues to be strong and effective, with both sides working together to provide fire protection to the citizens. This extension of Addendum #13 would be valid until June 30, 2024. Per Addendum #13, members of the City Council and ORFPD Board would meet soon to discuss the next contract extension/addendum, to ensure that this important partnership continues.

This action extended Addendum #13 (dated June 28, 2022) to the original contract (dated February 3, 1999). The city was currently operating under an assumed extension and under the same terms as Addendum #13; however, a contract extension was needed as soon as possible.

BAKEFELT moved, MILLS seconded, **THE CITY COUNCIL APPROVE THE CONTRACT EXTENSION TO ADDENDUM #13.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-out; Folden-out. Motion carried 5/0/2.

Resolution #2024-101: Opening a Portion of Airport Way
Dan Cummings, City Manager, presented.

On March 21, 2016, under Resolution #2016-109, for the safety of the Ontario Municipal Airport, the City Council closed several private and public access roads leading into the Airport, one of which was Airport Way. At that time, Airport staff and the Airport Committee were informed that unauthorized vehicles had been accessing the city airport property and driving across restricted areas. This could have resulted in vehicle contact and/or accidents with aircraft. At the request of the Airport Committee and the recommendation of the Federal Aviation Administration (FAA) based upon safety issues, it was determined that access points onto the airport property needed to be gated and/or blocked to restrict unauthorized access onto the property. The proposed closures and gated areas were presented to the Airport Committee at that time, who unanimously gave support for staff to take action before the City Council for closing multiple roads, one of which was Airport Way.

A portion of Airport Way was constructed to city street standards and was ready to be reopened to public access and public right of way.

BAKER moved, MILLS seconded, **THE CITY COUNCIL APPROVE RESOLUTION #2024-101, A RESOLUTION REOPENING A PORTION OF AIRPORT WAY FROM THE CENTERLINE OF HIGHWAY 201 (SW 30TH STREET) GOING WEST FOR 710 FEET.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-out; Folden-out. Motion carried 5/0/2.

Resolution #2024-102: Appropriate Funds for EPA Invoice
Kari Ott, Finance Director, presented.

On November 27, 2023, the city received a letter addressed to the previous City Manager demanding reimbursement of costs incurred by the EPA for the Airport Pesticides Sites located at the Ontario Municipal Airport. EPA had performed a site evaluation and cleanup of the Airport property where Beck's Spray Operations were performed.

The current City Manager contacted EPA and received an extension to the deadline for payment to the end of January 2024 in order to get Council approval to make payment. The demand for payment was $48,770.87. The General Fund beginning fund balance ended up approximately $228,371 over the 2023-2024 budget, so this deduction for payment would reduce this surplus to approximately $179,600. Payment needed to be made by January 31, 2024, to avoid additional penalties and interest. The city was required to pay the invoice or incur penalties; however, the Council could choose a different funding source if desired.

HART moved, BAKEFELT seconded, **THE CITY COUNCIL APPROVE RESOLUTION #2024-102: A RESOLUTION APPROPRIATING FUNDS TO PAY THE $48,770.87 ENVIRONMENTAL PROTECTION AGENCY INVOICE FOR AIRPORT CLEANUP OPERATIONS.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-out; Folden-out. Motion carried 5/0/2.

Resolution #2024-103: Supplemental Budget to Appropriate Fire Department Donations
Kari Ott, Finance Director, presented.

The Ontario Fire Department received three local donations as follows: Ontario V.F.W. Post 5452 - $300; American Legion Post #67 - $300; and American Legion Auxiliary Unit #67 - $50. The department would like to spend these donations on some minor fire equipment and a resolution was needed to appropriate funds.

HART moved, BAKEFELT seconded, **THE CITY COUNCIL APPROVE RESOLUTION #2024-103: A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET TO APPROPRIATE UNEXPECTED FIRE DEPARTMENT DONATIONS.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-out; Folden-out. Motion carried 5/0/2.

Approval of CDBG Grant Documents for New Water Intake Engineering Design
Casey Mordhorst, Public Works Director, presented.

The City Council authorized submittal of a CDBG grant application for a new Water Intake Engineering Design Project in 2023, and held a public hearing prior to the grant application submittal. Business Oregon notified the city that the grant application was successful, and documents were required to be approved to initiate the project.

BAKER moved, MILLS seconded, **THE CITY COUNCIL AUTHORIZE THE CITY MANAGER TO SIGN AND APPROVE ALL COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) DOCUMENTS FOR THE NEW WATER INTAKE ENGINEERING DESIGN.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-out; Folden-out. Motion carried 5/0/2.

DEPARTMENT HEAD UPDATE

Finance Department: Monthly Report
Kari Ott, Finance Director, presented.

DISCUSSION ITEMS

Appoint Two City Councilors for Rual Contract Review: Mon. Feb 19th, or Thu. Feb 29th, 12:00pm
Councilor Kirby stated he had already spoken to Councilor Bakefelt at the agenda prep meeting, and had since spoken with everyone else regarding this action.

Chief Benson stated historically the committee consisted of two rural board members, two members from the Council, the City Manager, and the Fire Chief. He also noted on the suggested dates that February 19th was a recognized holiday; however, any dates would work. It would be to discuss how things were going regarding the current contract, as well as looking towards the new contract that would begin July 1, 2024. It helped him create a budget on the rural side, along with prepping for the city side. It was a good meeting to have. The dates listed were flexible, and did not have to occur on either of those dates; they were just suggestions. The actual purpose of this discussion was to get the names of the two Councilors that would serve on the board. The two from the Rual Board would be Monty Culbertson and Mike Derrick.

Councilor Kirby stated he had spoken with the Council, and each of them were busy, but Councilor Mills had agreed to serve. He confirmed that the City Manger would also be on the committee.

Mr. Cummings stated yes. The group historically was compromised of the City Manager, Fire Chief, two members from the Rural Board, and two City Councilors.

Councilor Kirby stated that Councilor Baker had agreed to serve. If there was a conflict with either of the Councilors, he would serve as the alternate.

Ms. Barnett confirmed the Councilors appointed were Councilor Baker and Councilor Mills.

Councilor Kirby stated yes, with him as the alternate.

Councilor Bakefelt stated she had expressed an interest in serving on that committee.

Councilor Kirby stated Vince was a member of public safety for the city, and to avoid any conflict he was, for that purpose, not nominating her. That was to protect her.

Councilor Bakefelt stated she did not see why that would be a conflict.

Councilor Kirby stated okay, but it was his call. That's what he was choosing to do.

Chief Benson stated he would work with Mr. Cummings on scheduling the meeting with all parties.

PUBLIC COMMENTS

Adeline Almaraz, Ontario, stated: *I've been here about six years. My comment was, I live right across May Roberts school, and we've been having problems at school zones. There's so much traffic going on, and it's safety, is what's really I'm concerned about, kids and stuff. You know, like in the morning it's not too bad, but like after school, yeah, there's a lot of traffic. And, you know, last year a little girl almost got ran over. I live right across the street. And, actually, I'd like to clean the town, I also had a question about that, too. Hopefully, it'll get better. The alleyways maybe need cleaning. That's all I got.*

HAND-OUTS

Check Register
December, 2023

Minutes:
County Court 01/03/2024; 01/08/2024; 01/10/2024

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Mr. Cummings stated staff was seeking clarification. In previous meetings, the Council directed that all applicants for the Diversity Advisory Committee go before that committee for a recommendation to the Council. At that same meeting, the discussion was also to send Public Works Committee applications to the PWC for recommendation. Also, at that time, the Airport Committee had multiple applications, so Council had those applications sent to the Airport Committee for recommendation. The DAC did not meet due to a quorum issue, so there was no recommendation from them. The PWC did not have a quorum, so there was no recommendation from them. The two applicants for that committee did not attend that meeting. Was the ruling from the Council that they wanted all applications to go before all the committees for a recommendation, or was the Council being selective on that action. Then, did staff hold up the appointments from being filled, waiting for recommendations? That's where this action currently sat. With regard to the PWC, there were two vacancies, but since they had not met, there was no recommendation. He had mentioned that to Councilor Hart, who stated the spots should just be filled, but it was Mr. Cummings' opinion that was not a good reason to fill it because there were applications. Some were very specialized committees, and the PWC was one of those. In the past, he'd served on committees that the Council just appointed whoever applied, and he had seen people leave committees because they were tired of trying to work with people who had no background for that particular committee. He brought that up because staff needed clarification. Did Council want all applicants sent to the various committees for recommendation, and then if the committee did not meet and could not provide a recommendation to the Council, did staff continue to hold up the process, or bring them forward to the Council for review?

Councilor Hart stated from what he remembered, on the DAC, the reason for sending applicants to the committee was because there was a criteria, which he believed was inappropriate, and this Council should not pick people based on their race or their economic status. They pick people. They, themselves, had a criteria that they'd like to ensure they had a diverse committee. If they wanted to put people in boxes, they could do that. That was the reason, he believed, the Council wanted those applications to go back to the committee for recommendation. Those applications would come to back to Council with a recommendation to support or deny the appointment. The overall power to appoint lay with the Mayor and City Council. He did not think they should ever give that authority to the committees. He thought that in the last meeting, related to Public Works Committee, there were three applicants, with two from Ontario and one from Fruitland. He had raised a concern that there was no one in attendance who applied.

Mr. Cummings stated only one of the applicants lived in the Ontario city limits. One lived in Payette, the other in Malheur County.

Councilor Hart stated the address was Ontario, so the question was that since no one knew one of the applicants, just because someone applied did not mean the Council had to agree, but it would be nice to interview. He thought they were asking the applicants to attend the current meeting so the Council could have a discussion with the applicant, and maybe ask questions. It was a very technical committee, and they wanted to make sure that they were appointing people that fit the committee. He was not asking to go back to the committee. It was up to the Council to make those decisions. He also did not want to blindly appoint someone. He believed it was respectful if they did appear before the Council, as they had taken the time to apply for a position, so they could explain why they were seeking appointment. He did know two of the PWC applicants, Pat Woodcock and Scott Wilson, so he could vote because he knew them, but the other candidate, he did not know. If she was still interested, he'd like her to come to the Council meeting so they could meet her and speak with her.

Mr. Cummings stated that was the basis for seeking clarification. If the Council wanted to get the applicants, but did not want to hold up the appointments, staff would know that and could take them to the committees. If they didn't meet or did not provide a recommendation, staff would bring that back to the Council at their next meeting. He agreed, the Council made the final decision. Ms. Barnett had just told him that Ms. Koehler, along with Mr. Woodcock, had been invited to the Council meeting. The clarity he was seeking was what did the Council want staff to do? For the first part, did they want all the applicants to go to all the committees, when possible? If they did not meet, therefore giving no recommendation, then they all came to Council? Was that the direction of the Council?

Councilor Kirby stated the problem he had was, especially with the DAC, that could be a legal issue.

Mr. Cummings stated the direction for that particular committee was clear. The Council was clear on that they wanted those applicants to go before the DAC first. The DAC had originally wanted the power to actually appoint, but the Council said no to that. The DAC was clear; he wanted clarification on the other city committees.

Councilor Kirby stated for other committees, they typically used the current format. But, he didn't know how other cities did their appointments. He thought there should be some uniformity in committee structure and the way it was processed by the Council.

Ms. Barnett asked what Councilor Kirby wanted. Was he asking her to seek input from other Oregon cities on how they conducted their committee appointments.

Councilor Kirby stated he didn't know. Maybe the League of Oregon Cities might have something written that addressed the issue.

Ms. Barnett stated she could look into that, and she would also do a listserv request to City Recorders, asking how their particular city handled committee appointments.

Councilor Hart stated it wasn't on the agenda, but his intent was to vote to put Pat Woodcock on the Public Works Committee, to ensure they had a quorum. Regarding Mr. Wilson, he had withdrawn his name, and the other applicant had not attended the current meeting. Since the Mayor was not in attendance, did they have to wait, or did that authority rolled to Councilor Kirby as the President acting in her stead? He did not want to see the action slow down. It was hard enough to get people to volunteer for the committees. He'd like to see the appointment of Mr. Woodcock move forward if they could.

Mr. Cummings stated that regarding a person currently on the committee, unless they officially resigned, not just their term ending, that person continued in their seat until the Council replaced them. So, regarding Pat Woodcock, since he had asked for reappointment, and he was a current sitting member, he continued to sit in the position until the Council removed him, or he resigned the seat. It appeared the Council would like the other applicant to appear before them so she could be interviewed, to see if she met the qualifications they were seeking for apposition on that committee. The invitation will be issued to Jackie Koehler. When they acted on the other position, the Council needed to officially reappoint Mr. Woodcock to serve another term.

Councilor Baker asked who was currently sitting on the Public Works Committee.

Ms. Barnett, with the help of Mr. Mordhorst, stated it was Jake Galeener, Al Christiani, Jackson Fox, and Pat Woodcock.

Councilor Baker stated all those people were busy, and it was hard to meet.

Ms. Barnett stated only two showed up to the last meeting, until the very end when a third did show up online, but the meeting was basically over.

Mr. Cummings stated legally, technically, the PWC was really a seven member committee, not five. When the Council changed it from seven to five members, they did it by resolution; however, an ordinance cannot be changed by a resolution. The PWC was established by ordinance and, therefore, could only be discontinued or modified by another ordinance. He was going to fix that. While it had been operating with only the five members, he wanted to fix it to get it done correctly. He intended to also add the wording that any future changes to the committee size as established by ordinances could be done by resolution. Was the Council amenable to that action?

Council consensus to do so.

Councilor Mills stated she had visited with people who might be qualified or had questions about serving on a committee who resided in the county. They wanted to know if they could serve. Was that actually an issue?

Mr. Cummings stated it was his understanding that when reviewing applications, they gave weight to those who resided within the city limits, then the county, then the state, then anywhere. That was his understanding based on prior discussions, but did not know if that was still the way they wanted to operate. What was the actual criteria when they wanted to start weighing residency issues on committees.

Councilor Baker stated his agreement with Councilor Hart's position. They'd like to have people from this community, but sometimes that doesn't work out, but he would like the most qualified person in the position. For example, the Public Works Committee – there was a lot of background needed, and a person who had that, that helped.

Councilor Kirby asked about someone who lived in, for example, Fruitland, but had a business or property in Ontario?

Councilor Hart stated they didn't want to codify anything. Everyone would vote their own way. If he was going to either oppose or support someone, he owed it to that person to say why. He wasn't looking to tie the Council's hands. They needed flexibility to appoint as needed.

Mr. Cummings stated the Budget Committee required those members to reside within the city limits.

Councilor Mills stated if those she had spoken with, if they were extremely qualified for a committee, was there a reason they could not apply?

Mr. Cummings stated no, there was no reason not to apply. It was encouraged. It was then up to the Council to make the selections, and they all worked to get the best people into those positions.

Councilor Baker stated as discussed earlier, some of the committees continually struggled to get a quorum. Getting four to attend a seven person committee meeting would be awesome. He understood there would be qualifications and standards, but if they were qualified with outstanding knowledge, he had no problem with where they came from, as long as it wasn't too far south.

Ms. Barnett remined them there was also one vacancy on the Parks Committee, for a citizen at large.

Councilor Baker stated his appreciation that all three candidates for the Airport Committee vacancies had attended a previous Council meeting, to introduce themselves and to allow the Council the opportunity to ask questions.

Mr. Cummings stated he believed he understood the direction to go in.

ADJOURN

HART moved, BAKER seconded, **THAT THE MEETING BE ADJOURNED**. Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-out; Folden-out. Motion carried 5/0/2.

ACCEPTED:	**ATTEST**
Deborah K. Folden, Mayor	Tori Barnett, MMC, City Recorder