



CITY COUNCIL MEETING MINUTES September 10, 2024

The scheduled meeting of the Ontario City Council was called to order by Mayor Deborah Folden at 6:00 p.m. on Tuesday, September 10, 2024, in the Council Chambers of City Hall. Council members present were Deborah Folden, Susann Mills, John Kirby, and Eddie Melendrez. Sam Baker and Penney Bakefelt were excused. Ken Hart arrived at 6:23pm.

Staff present were Dan Cummings, Tori Barnett, Corinna Hysell, Clint Benson, Kari Ott, Tatiana Burgess, Marshall Pierce, Al Haun, Andy Wood, and Eddie Alvarez.

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

AGENDA

This Agenda was posted September 6, 2024. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

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

CONSENT AGENDA

KIRBY moved, MILLS seconded, **TO ADOPT THE CONSENT AGENDA, WHICH CONSISTED OF APPROVAL OF COUNCIL MEETING MINUTES OF AUGUST 27, 2024**. Roll call vote: Mills-yes; Baker-out; Hart-out; Bakefelt-out; Melendrez-yes; Kirby-yes; Folden-yes. Motion carried 4/0/3.

PUBLIC COMMENT

Michelle Fisher, Ontario, stated: *I just have questions, and I hope I don't go too long. So I kind of went around asking different people different questions about what's going on right now with the deflection with the police and Lifeways, and nobody's here to answer my questions. So I need to know is what the state, that the people at the westside flats over by Love's, what is the final date that they have to get out of there and moved to the eastside?*

Mr. Cummings stated the property out in the flats was in the county. The city had no jurisdiction.

Ms. Fisher: *I was understanding it was city, I'm sorry. So then to work together then, people are not allowed to take their campers or vehicles into the encampment, so we need to know what to do with those items for those people.*

Mr. Cummings stated the camp the city set up did not allow for vehicles. The reason was because vehicles and people sleeping on the ground in tents, did not mix. Currently, the city did not have a place for vehicles. The county had some vacant ground, so they might be able to find some spots for campers. The law did not require the city to provide campers, and the city did not have property that could be set aside for that. The county had more property and more money than the city, so they might be able to help with that.

Ms. Fisher: *Thank you Councilor Cummings, and please don't feel like I'm trying to attack, 'cuz I'm not. So, now I'm going to ask about deflection, I hope I don't get ***** until all night though, so when I read about the*

deflection money coming to the county, it was my understanding, as it was, that the money was actually for the county, but it would go to the deflection centers, as well as maybe some to the police, so we do have more deflection centers than Lifeways, and we need to kind of be aware of that. As a community, if we want to help the community, everybody needs, and it doesn't happen at all times, you could get along, you could work it out. If we have places to send people, don't tell them there's a six wait list. A lot of times I'm hearing those wait lists and it's just so you look like you're "so darn big that you outdo everybody". Not true. I do work with Four Rivers Recovery, and we are really, really good at placing people into treatment centers. You won't have a wait with us any more than a week, if that long. We usually turn people over within three days if they need residential treatment. For the community to get better, we gotta all be better. Firm, consistent, and fair. We all gotta do the same thing. I want to help the community. You guys want to help the community, or you wouldn't be sitting there. People here want to help the community. The community needs to work together if we want to help our addicts and our homeless. I understand bad things happen, and I understand that we all have our own experiences with things that happen to us. However, we're not perfect, either. And we can look in any body's, any church, any religion, white man, black man, Hispanic, sorry if I'm doing anything wrong, every single group has a bad apple. And sometimes people just need help. Sometimes people don't want help, and that's their business, too. But if we can help, we need to help. And that's how I feel. Oh, Councilman Cummings, I did want to comment on your interview with the Argus Observer about some people from the city going out and cleaning up and getting rid of the weeds as a fire hazard. Is this correct?

Mr. Cummings stated that was correct.

Ms. Fisher: Okay. So what was reported to me, because people talk, is that they picked up a little bit of grass, of trash, and then just stood around the rest of the time. If we want to stop the fires, it needs to be done all over town. There's dead yards, dead fields, dead everything. So, don't pay your people to go out there and then not do it. I'm not sure of the whole logistics of that, but if the weeds aren't cut down, we're still waiting for another fire.

Mr. Cummings stated Public Works had been out there, and they bladed the weeds on the east side between the city's site and the residential homes. The Fire Chief applied for a grant to do more fire control in that area. However, there was no word on the grant yet. He was not aware of anyone just standing around out there. There were a few camp sites that had moved out, who left a mess. Public Works had cleaned up those individual sites, and removed the garbage. No other fire control had been done yet.

Ms. Fisher: I understand that. So on that note, I'm just going to put it out there that you've got 50 people out there now and you're, we're emptying the eastside flats, expecting them over there, so just a bug in your ear, we might need another dumpster, another port-a-potty, but I'm just suggesting putting it out there. You're going to have at least double the people now.

Mr. Cummings asked who was emptying that out? Since that was in the county, they were supposed to be dealing with those staying in the county, providing them a place. The city was only supposed to provide a spot for those within the city limits. Hopefully, the county would step up and help. If the county was making them move, sending them to the city's site, that should not be happening. They should be providing their own site for those people in the county. The city stepped up for those within the city limits, not outside, because that would overrun the city's site. He had been contacted by the state telling him they were sending more people over this way, and he told them no. The law was that if they were on a certain piece of property, that area needed to be provided for by that entity, or just leave them where they were. The city was struggling for the funds to take care of what was already being provided, and could not take on all the state and county people. He wanted to know who was telling her they were moving that site.

Ms. Fisher: Right, and that makes sense. I just hear everything from everyone, and you have to pick and choose sort of, so I'm confused at this point because I thought at the beginning you told me that eastside is county, so this is why they're thinking everybody is going to up and move to east side.

Mr. Cummings stated the east side was the city property in the city limits, and the city provided that site for those living on city streets or in the parks. The flats were in the county, and if the county was moving those people, the county needed to provide a site for them to go to.

Ms. Fisher: *Okay. Alright. I think that's what I needed. And I want to let you know that I don't usually come and just sit and say what I want and leave. I sit here because I am concerned about the community. I'm not going to say, okay, I'm here and asked for a want and now I'm leaving again. I want to see what's going on. I want to know what's going on, and how I can help.*

Mr. Cummings stated they wanted the same thing, He was just asking the county to help, and to provide places for those living in the county. Don't send them to the city because that site was not big enough for all of them.

Councilor Melendrez thanked Ms. Fisher for asking her questions, and he could tell she cared for the community, and was seeking resolution. They needed to work together to ask the county to step up, as Mr. Cummings said.

Travis Williams, Ontario, stated: *Thank you, Mayor and Council. My name's Travis Williams, District Manager for Ontario Sanitary, so I just wanted to come in and introduce myself, get to know you guys a little better. I talk to Dan quite a bit, so we thought to come in and introduce would be a good public speaking point. So, I just wanted to give a kind of update on Ontario Sanitary for everybody. Two years ago the acquisition with Waste Connections bought the business from Scott Wilson. We still have Nathan Wilson and Ryan Wilson on staff. I use Nathan probably more than he wants as far as operational stuff because he knows more than I'll ever know about the Ontario business. I ask him daily questions, so he's been a huge help, and I hope he continues to help and doesn't shy away. I hope he stays on. Kind of some staffing updates – we've hired three new drivers since the middle of July. One was a replacement driver that left two additional drivers we hired because we kind of realized we had a shortage in staffing. So, over the past two months, I would say, I know there's been some complaints about some misses and recycling problems and just basically being short-staffed, so we've addressed that. Replaced the staff, however, they are still training, so there's a little bit of a learning curve with those people, too, so we will get there. We're working towards that, getting them up to speed. We do have, right after we hired the two additional plus the one we replaced, we had two people go on leave. One was for medical leave, and one that on, he had a baby so he's spending time with his family, so we went forward and now we're back. And, unfortunately, one of those individuals that's on leave was the recycling driver, and there's only one other person who can do that recycle route, so that's where a lot of the recycling issues have been. We've utilized the Hardin Sanitation drivers to help out in Ontario, as well, which is pretty awesome of them to step up and help out because they don't know anything about the City of Ontario as far as streets and some of these areas that we service. So, that's been a learning curve as well. We're getting there, making sure we service everybody, and I just want to reiterate too that if there's ever, if you guys ever get any complaints or issues or misses that, you know, somebody calls in, let us know. Dan has my number. I've talked to him quite a few times about some issues. We want to make sure we get those people taken care of, the people that are kind of helping out, they don't know the areas very well, so it's hard to know if they missed somebody, so it's awesome that people call in and you forward that on to us so we can make sure we take care of them. I was talking to Dan about this, too. We've started some talks about reopening the transfer station. We're not there yet. It might take a little bit of time to kind of figure all that operational piece out, but we want to get there so we can provide that service to the citizens of Ontario, they have a place to go, you know if they have some extra trash that will fit in their car and they don't want to have to drive all the way to the landfill in Payette, so give that option to use that, here. Trucks – we have one new truck coming in December, two new trucks scheduled for next year, kind of updating the fleet, getting everything up to speed, so doing that. And then, on top of the trucks, I know there was some complaints about containers, not having enough containers, and not being able to satisfy, but we have containers now. We put in two large orders, and we have one more coming, as well, one more order coming, so we shouldn't have that issue going forward. And then Dan and I kind of talked about this a little bit ago. In July, 2025, the Oregon RMA kicks off. We've been kind of dealing with that and filling out some surveys and whatnot. Basically, it's the Recycling Modernization Act for the State of Oregon. And so, there's some community outreach and education that is going to need to happen to kind of inform people what can be recycled. The recycling list is going to grow, basically. So, I would like to sit down with Dan or all of you in a work session or something if we could work that out, to kind of plan some community outreach programs and some community events that we can attend and help out and get that education piece out there because it's going to be a lot more recycling than what we currently do. So, I want to make sure we get that covered. Yeah, that's basically all I wanted to come in for. Again, if you guys have any issues or concerns, please feel free to reach out. Dan, like I said, has my phone number, so feel free to reach out whenever.*



Councilor Kirby stated on their website, the calendar for garbage collection for his area, last year he had gone to their office and picked up a paper that gave him lawn the clippings calendar, and it wasn't available on the website this year.

Mr. Williams: *Ya, there was, actually today, we just had to, I'm not part of it and I'm thankful for that, but it was a photoshoot, to update our new website. We're in the process of updating that because it did get kind of pushed off to the side, nobody updated it. We've updated the yard debris dates, all that stuff, the holidays and everything, so it is getting updated currently. I would imagine probably another month before they finalize it, but we should have that, and then we're kind of nearing the end of yard debris, so that calendar's not going to help, but it'll be set for next year.*

Councilor Mills thanked Mr. Williams because one of his truck drivers had done a little damage on one of her properties, and while she had spoken with Mr. Williams on the phone, the driver did an excellent job, and was very personable. She commended them for having such good employees.

Mr. Williams: *Well, I appreciate that. I was going to ask you how that turned out. I was hoping you'd say something. I figured you'd let me know either way.*

Councilor Melendrez thanked Mr. Williams for his update. He understood that everyone was short-staffed, and he appreciated that he wanted people to contact him with any questions.

Mr. Williams: *Ya, a big part of this training piece with the new hires, like I said, some of them have never done this before, or even been in the area so they're not familiar with the area, so naturally they'll miss something and if nobody calls, we think we got everybody. It's hard to know, so calling in and, you know, even if it's a week late, somebody didn't realize and like, oh man, they missed me last week, we'll gladly credit that service. There's no reason to pay for a service that wasn't provided. So, we want to make sure we cover that.*

Mr. Cummings agreed that he and Mr. Williams talked quite a bit, and when he received a complaint and gave it to him, he was right on it every time, so he commended him for that. He was really stepping up and fixing issues. Everyone was having personnel issues, so he appreciated him responding quickly. The Wilson's had done the same before, so service was getting back to where it had been.

OLD BUSINESS

Ordinance #2828-2024: Amend Ordinance #2826-2024, Section 3(d) ODOT Conditions

Dan Cummings, City Manager, presented.

The proposed ordinance was based on a request to amend Section 3(d) of Ordinance #2826-2025, to reflect the wording required by ODOT for approval of the zone change.

On June 25, 2024, the City Council approved Ordinance #2826-2024, an ordinance for a Comprehensive Plan Map and Zoning Map amendment and Rezone of Tax Lot 3500, Map 17S47E33D from High Density Residential to General Commercial, and Tax Lot 3700, Map 17S47E33D, Tax Lots 200, 300, and 900 on Map 17S4733DD from Heavy Industrial to General Commercial zone as set forth in Action 2024-02-04-CPAMP. In Ordinance #2826-2024, certain conditions were set, one of those being Section 3(d) dealing with maximum daily traffic and the requirement of traffic studies. The city was made aware that condition 3(d) of Ordinance #2826-2024 did not cover the approval request by the Oregon Department of Transportation (ODOT) as agreed to by all parties. Therefore, at the request of ODOT, Ordinance #2826-2024, Section 3(d) was only being amended to meet the agreed upon requirements.

KIRBY moved, HART seconded, IN ACCORDANCE WITH SECTION 8.2(2) OF THE CITY CHARTER, THE CITY COUNCIL APPROVE ORDINANCE #2828-2024, AN ORDINANCE AMENDING ORDINANCE #2826-2024 TO CORRECT SECTION 3(D) TO MEET OREGON DEPARTMENT OF TRANSPORTATION (ODOT) APPROVED REQUIREMENTS, AT A SINGLE MEETING BY TITLE ONLY. Roll call vote: Mills-yes; Baker-out; Hart-yes; Bakefelt-out; Melendrez-yes; Kirby-yes; Folden-yes. Motion carried 5/0/2.



FOLDEN moved, KIRBY seconded, IN ACCORDANCE WITH SECTION 8.2(2) OF THE CITY CHARTER, THE CITY COUNCIL APPROVE ORDINANCE #2828-2024, AN ORDINANCE AMENDING ORDINANCE #2826-2024 TO CORRECT SECTION 3(D) TO MEET OREGON DEPARTMENT OF TRANSPORTATION (ODOT) APPROVED REQUIREMENTS, AT A SINGLE MEETING BY TITLE ONLY. Roll call vote: Mills-yes; Baker-out; Hart-yes; Bakefelt-out; Melendrez-yes; Kirby-yes; Folden-yes. Motion carried 5/0/2.

PUBLIC HEARING

Resolution #2024-114: Amending Building Department Permit Fees

It being the date advertised for a public hearing on the matter stated above, the hearing was declared open. There were no objections to the city's jurisdiction to hear the action. No abstentions, ex-parte contact, or declarations of conflict of interest were stated.

Tatiana Burgess, Planning Director, presented.

Resolution #2024-114 proposed to amend existing Building Department permitting fees, to comply with state regulatory requirements. The amendment was prompted by the new permitting software that the Building Department was transitioning to.

The last fee review was done in 2021, but no modifications were made to the fee schedule adopted in 2013, by Resolution #2013-115. There had been several regulatory changes that had not been addressed in the fee schedule, which resulted in incorrect permit fee calculations. The attached resolution implemented permitting fees that were consistent with state requirements and standards, as well as adding clear and concise fee descriptions to increase transparency and accountability. It was also to maintain a competitive fee schedule that was attractive to investors, developers, and taxpayers.

Current and adopted permitting fees from neighboring communities were analyzed. Among the jurisdictions reviewed were Malheur County, Harney County, Cities of LaGrande, Baker City, as well as Payette County, Idaho, and City of Fruitland, Idaho. It was worth noting that Malheur County's Building Department was the designated and contracted party to conduct all inspections in the unincorporated Malheur County area and in the cities of Vale, Nyssa, Adrian, and Jordan Valley. The Malheur County Building Department also conducted all plumbing and electrical inspections within the City of Ontario. The proposed fees were proportionate to Ontario's tax base and jurisdiction size and were lower than those of the building departments of both Malheur and Payette Counties, as well as the City of Fruitland. To create the proposed resolution, a comprehensive fee analysis was conducted under the guidance of Building Codes Division Implementation Specialist Kelly Marshall.

Notice was given to the Building Codes Division Rules Coordinator on September 5, 2024, as required per OAR 918-020-0220. Per OAR 918-050-000, municipalities were required to implement a uniform methodology to adopt permitting and inspection fees, to provide consistency in fee calculations. Where a permitted item was not covered by the methodology in those rules, a municipality could either develop a reasonable permit fee, or calculate a fee using a similar program area's methodology. The rules did not supersede or repeal the existing provisions of the state building code and related rules.

The Hearing was opened for public testimony. Opponents: None. Proponents: None. There being no Proponent and no Opponent testimony, the Hearing was closed.

HART moved, BAKER seconded, THE CITY COUNCIL APPROVE RESOLUTION #2024-114, A RESOLUTION TO AMEND BUILDING DEPARTMENT PERMIT FEES, EFFECTIVE NOVEMBER 18, 2024. Roll call vote: Mills-yes; Baker-out; Hart-yes; Bakefelt-out; Melendrez-yes; Kirby-yes; Folden-yes. Motion carried 5/0/2.

DEPARTMENT HEAD UPDATESCommunity Development: Quarterly

Tatiana Burgess, Planning Director, presented.

Fire: Quarterly

Clint Benson, Fire Chief, presented.

Councilor Melendrez thanked Chief Benson, and while he didn't know how he missed the firefighter celebration, he was glad the Mayor attended.

Mayor Folden thanked Chief Benson for all his department did in protecting the city.

HAND-OUTSMonthly Department Stats

Public Works, Fire & Rescue, Police, Code Enforcement: August 2024

Packet

V&C Board: Sep, 2024

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Mayor Folden congratulated Andy Wood, Airport Manager, for the STOL event. It had been a huge success, and was well put together. She thanked him for all he did.

Councilor Kirby stated he attended the event on Friday, and the layout was excellent. The water truck drivers (hehe) kept the dust down, and they received no complaints. The group wanted to come back in the spring next year, so that was a great thing.

- Councilor Melendrez invited everyone to attend the Americans for the Arts presentation on Monday, September 16th, 10:00-11:00 at Four Rivers Cultural Center. It would be hosted by Randy Cohen, VP, of Research at the Americans for the Arts, Washington, DC. The presentation would show the importance of arts and the economic impact it had on our community. The arts brought in millions of dollars to the community,
- Mayor Folden stated there would be a memorial 9/11 ceremony on September 11th, at 11:00 a.m. in front of the Cultural Center, and invited everyone to attend.
- Councilor Hart asked Mr. Cummings about sidewalk work on 5th. They started off strong, but now it'd slowed down. Every morning there was a cone maze to get to work, so he wanted to know when this was going to move forward towards finishing. And, who was in charge of setting up the cones after they'd been knocked over.

Al Haun, Assistant Project Manager, stated they'd held a construction meeting that day. They were pushing to get the pavement sped up. The cones, they were working on those daily. They tried to make it a "drive thru". Every time a cone was knocked over, it was set back up, and it was just knocked over again almost immediately. It was a very tight spot, and the speed had been reduced. They planned to begin the embankment project in two weeks, so there would be a delay in that area, closing down to one lane. There would be lights at each side of the overpass. He asked everyone to please be understanding and be patient. They believed the project would move quickly, and hoped for a 4-week time frame on the one lane closure.

Councilor Kirby asked again about the pole that was sitting by the water tanks. He'd asked if it was going to be moved previously, but was told no. Was there any reconsideration for that?



Mr. Haun stated it had not been reconsidered, but he could bring that up in discussion. It was outside of where the road was full-width, and it was in a swale. Maybe they could contact Idaho Power to see if it was going to be unsafe or a road hazard. There would be a six foot swale between the edge of the sidewalk and where the curb would be. At this point, the project did not consist of widening the road.

- Councilor Hart asked if any communication had been received regarding the pool.

Mr. Cummings stated no. He did not believe they'd pulled their permit. He had heard it had been put on hold for more funding, but nothing official had been received by the city.

- Councilor Hart stated he had previously brought up the TOT tax, and the city's responsibility for it because the city administered it. He thought the recipients had an obligation every so often to appear before Council to give an update on how those funds were used.

Mr. Cummings agreed. John Breidenbach planned to give a report soon, and he was working with Four Rivers Cultural Center to get someone to give an update, as well as the fairgrounds. They all used to appear before Council once a year, but that had fallen behind. He would work with them to get them all scheduled annually, at a minimum.

Councilor Hart stated they had dedicated some of the TOT tax to the Recreation District for pool maintenance, once it opened. Was the city sitting on those funds? Since it wasn't open yet, it would not be appropriate to distribute now.

Mr. Cummings stated he believed that no funds had been disbursed.

EXECUTIVE SESSION

Executive Session: ORS 192.660(2)(f)

An executive session was called at 7:03 p.m. under provisions of ORS 192.660(2)(f) to Consider Information that is Exempt from Public Discussion. Council entered into a second Executive Session at 7:25 p.m.

Executive Session: ORS 192.660(2)(i)

An executive session was called at 7:25 p.m. under provisions of ORS 192.660(2)(i) to discuss the City Manager's Annual Evaluation. The Council reconvened into regular session.

ACTION FOLLOWING EXECUTIVE SESSIONS

KIRBY moved, MILLS seconded, **THE CITY COUNCIL SUBMIT CLAIMS TO PARTICIPATE IN THE 3M, DUPONT, TYCO, AND BASF CLASS ACTION SETTLEMENTS IN THE AQUEOUS FILM-FORMING LIABILITY LITIGATION CURRENTLY CONSOLIDATED IN THE UNITED STATES DISTRICT COURT OF SOUTH CAROLINA. CITY STAFF AND LEGAL COUNSEL ARE AUTHORIZED TO TAKE THE STEPS NECESSARY TO SUBMIT CLAIMS FOR EACH CLASS ACTION SETTLEMENT.** Roll call vote: Mills-yes; Baker-out; Hart-no; Bakefelt-out; Melendrez-yes; Kirby-yes; Folden-yes. Motion carried 4/1/2.

HART moved, KIRBY seconded, **BASED UPON THE ANNUAL REVIEW OF DAN CUMMINGS, CITY MANAGER, HE RECEIVE A COLA OF 3.5%, WHICH IS IN LINE WITH OTHER NON-REPRESENTED STAFF, AND TO HAVE THAT RETROACTIVE BACK TO JULY 1, 2024, WHEN OTHER STAFF RECEIVED THEIR COLA.** Roll call vote: Mills-yes; Baker-out; Hart-yes; Bakefelt-out; Melendrez-yes; Kirby-yes; Folden-yes. Motion carried 5/0/2.

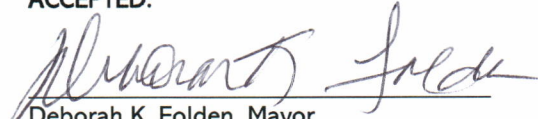
Councilor Hart commented that this represented how happy the Council was with Mr. Cummings', and what he's done for the city this last year, and it was hoped that he continued to do a good job, and to keep the Council line when necessary.



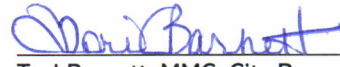
ADJOURN

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

ACCEPTED:


Deborah K. Folden, Mayor

ATTEST:


Tori Barnett, MMC, City Recorder