# CITY COUNCIL MEETING MINUTES
## December 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, December 10, 2024, in the Council Chambers of City Hall. Council members present were Deborah Folden, Susann Mills, Ken Hart, John Kirby, Sam Baker, and Penny Bakefelt. Eddie Melendrez was excused.

Staff present were Dan Cummings, Tori Barnett, Corinna Hysell, Clint Benson, Jason Cooper, Tatiana Burgess, Marshall Pierce, Kari Ott, Casey Mordhorst, and Andy Wood.

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

## AGENDA

This Agenda was posted December 6, 2024. 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-yes; Hart-yes; Bakefelt-yes; Melendrez-out; Kirby-yes; Folden-yes. Motion carried 6/0/1.

## CONSENT AGENDA

Councilor Kirby asked to move item Consent Agenda item 4C, Utility Billing Write-offs, to New Business.

KIRBY moved, HART seconded, **TO MOVE UTILITY BILLING WRITE-OFFS TO NEW BUSINESS.** Roll call vote: Mills-yes; Baker-yes; Hart-yes; Bakefelt-yes; Melendrez-out; Kirby-yes; Folden-yes. Motion carried 6/0/1.

HART moved, BAKEFELT seconded, **TO ADOPT THE CONSENT AGENDA, AS AMENDED, WHICH CONSISTED OF THE COUNCIL MEETING MINUTES OF NOVEMBER 12, 2024; A LIQUOR LICENSE CHANGE OF OWNERSHIP: BREWSKY'S BROILER; AND THE 2025 MEETINGS CALENDAR.** Roll call vote: Mills-yes; Baker-yes; Hart-yes; Bakefelt-yes; Melendrez-out; Kirby-yes; Folden-yes. Motion carried 6/0/1.

## PRESENTATIONS

### Malheur Works Youth Program Update

Brian Bond, Youth Workforce Coordinator, gave a PowerPoint presentation.

Councilor Bakefelt asked Mr. Bond if they had any students that were interested in law enforcement or fire?

Mr. Bond stated yes. Every year it changed, but they initially tried to get a position sponsored, then it was presented to the schools, which he would begin doing in January/February. If he met up with a student that there was no position offered for, he would attempt to find something. Last year there had been a position for Vale Fire & Ambulance for an interested student. He understood there would be some limitations, such as some positions had an age requirement, but he worked with the students to make sure they understood why a position might not be open to them.

Councilor Hart stated that Valley Family was a participant this year, and it had been awesome. He was excited to see how they could grow their own in the community to fill the need here. He voiced his appreciation for the program and for them working with Valley Family.

## OLD BUSINESS

**PERS Payment Update**
Kari Ott, Finance Director, presented.

She would be giving an update on what was happening with the rates because of the side accounts, as well as the employer incentive fund that had been under discussion. They had discussed how the side account had benefited the city on what the current PERS payment would be otherwise. The new rates had just been released, that would begin in July 2025, and the rates were actually reduced because of the PERS side account payment. The rates had been reduced by 18.99%. That was not the percentage of the drop in rates; they could take the rates and subtract 18.99%, and that's what the city would be paying. For instance, Tier 1 and Tier 2, they would have been paying 51.45%, just the employee portion, and because of the side account, it was only 32.42%. That was a huge amount that they would have been paying otherwise. Currently, in 23-24, the city budgeted $498,689 for PERS, and in 24-25, it was $356,480 budgeted. That totaled $855,169 that had been budgeted to pay to a PERS side account. According to the state, because the net pension unfunded actuarial liability was 376% of payroll, the city would be able to apply when the new program was opened. The application period was scheduled to begin on April 1, 2025. That would allow the city to match up to 25% of those payments. If the city took the whole payment into that program, there would be a $213,792 payment from the state that would also go into the city's side account. That would give the city $1,068,962 that could go into the city's side account. A few other things: the money in the side account did accrue interest, so depending on the market, that determined the earnings. Last year, in 2023, the city earned 6.24%. The discount rate that PERS used for the calculation was 6.9%. That was just a basic, general overview, to open this up for discussion as to when they wanted the PERS payment made, such as did they want a payment made now, or wait until April.

Councilor Kirby thought it might be smart to go into next spring, catching the entire amount to get the multiplier, but had she done the math to see if they made the $498,000 now, then do the balance next spring. Then they'd see what the benefits or consequences were.

Ms. Ott stated they would just get the match. The city would only get a match for the $300K instead of the nearly $500K.

Councilor Kirby confirmed that all those monies, that +/-$800K, was budgeted.

Ms. Ott stated yes. One was budgeted in 23-24, and then they had determined they would roll that forward into the PERS side account fund. Then in 24-25 was what had been approved in the budget this year. Those had all been budgeted funds to pay down PERS. Some came from Water and Sewer and Storm, as that was the Public Works portion when Jacobs was contracted instead. The rest was from the General Fund, so it was pretty much marijuana tax dollars. Something else to note was when they made their rates, the actuarial study that would be December 2025 so there would be sufficient time to put it in then to be calculated into that. If they put it in in April, it should still go into the calculation of the new rates for the next biennium after that.

Councilor Hart stated at the agenda meeting, there was an email that referenced April, but was it a done deal, it was for sure being done, or was that just a plan. In reading the email, it did not appear it was funded yet. The state had their own financial issues, and this was going to take state funds.

Ms. Ott stated she took the same thing away from that email. They expected it to be funded by then, but she thought if it wasn't funded or didn't start, the city could still make their payment then, which wouldn't affect the rates going forward. If the Council wanted to wait until March, even April, and the state said they weren't funded yet, the city could make a decision then, too, if they wanted to pay right then rather than wait. It was definitely up the Council for the timing.

Councilor Hart asked if the window in April was for a set time – did she know how long that window was?

Ms. Ott stated it started April 1st through June, and it appeared that would be the first time. People with UALs that are high enough, like Ontario, would be able to make the application and payment then. Then, beginning in July, it would be open to everyone, until the funding is depleted.

Councilor Hart asked if she knew how much the funding was. He asked because the Council would have another budget session in a few months, and the city was still receiving marijuana money. He assumed there might be additional money next year in the budget cycle that they would possibly be able to put into this program.

Ms. Ott stated it was first come, first served. But, as an option, because the beginning balance came in higher than expected from last year, because the marijuana tax was a lot higher, so if the Council wanted to budget additional money this year, they could do a supplemental budget and use some of those funds.

Councilor Hart verified the window was not closed. As they neared the end of this fiscal year, June, 2025, they might have additional funds that could be used to maybe add another $100,000 or $200,000 into that side account.

Mr. Cummings stated they couldn't really do that in the new budget because they couldn't spend new budget money. But, in the new budget, if they waited, and they decided to add another $xxx into that account, in April, when it would be done, as they had to do it when they made the application, if the Council wanted, and the Budget Committee agreed, they would have to utilize reserves. Then they'd reimburse the reserves when the new budget money came in. But, it wasn't going to hurt the city to wait because they were not going to do the calculations until the end of the year. Paying now didn't make any difference, except the city wouldn't get the benefit of the 25%.

Ms. Ott stated the state was trying to get $25M into that program. Sports betting was where the money was coming from.

Councilor Hart stated there were a few options. One, don't do anything, and continue to hold the funds and wait until April. Two, they could put the entire amount in, which was around $890,000, which was what had been budgeted this year and last year. Then they'd be done with it. Third, they set aside money in 23-24, and that had not been allocated yet. He was fearful, because life happened, and if that money was there, it was easy to use for something else. He hated to not take advantage of that additional 25%, but it was important, as they kept waiting, he feared that something could change, and they didn't do what they should do. He leaned towards paying now, in this calendar year, the 23-24 amount of $498,689, since that had been budgeted over 18 months ago, and that still allowed the $300K from this year and maybe any additional reserves that could be paid in April, to take advantage of those other programs. He feared that until the state actually allocated the $25M, that might not materialize as the state attempted to balance their own budget. There might be a lot less money for some of the programs. The State of Oregon was going to have to look at a lot of other programs to figure out how to fund some of them. That was the direction he would support.

Councilor Kirby spoke with some members of the legislature last week, and there was concern that with what's occurring with the federal budget, and with the State of Oregon relying on some past budgeting practices, particularly with the kicker, match money might not appear. The city could be basing their decision on ghost money. He tended to agree with Councilor Hart, that the city would be better off fulfilling the commitment as budgeted.

Councilor Bakefelt voiced her agreement with Councilor Hart's assessment.

Mayor Folden agreed with Councilor Hart, as well.

HART moved, BAKER seconded, **THAT THE CITY COUNCIL ALLOCATE THE $498,689 BUDGETED IN 2023-24, AND INSTRUCT STAFF TO PAY THOSE FUNDS TO THE SIDE ACCOUNT BEFORE THE END OF CALENDAR YEAR 2024.** Roll call vote: Mills-yes; Baker-yes; Hart-yes; Bakefelt-yes; Melendrez-out; Kirby-yes; Folden-yes. Motion carried 6/0/1.

## NEW BUSINESS

**Utility Billing Write-Offs**
Mayor Folden recused herself from this action due to a Conflict of Interest.

Kari Ott, Finance Director, presented.

The list of utility billing write-offs in the packet were all over four months old, or hadn't been collected on in over four months. Those were proposed to be sent to collections. Staff tried to do this procedure annually, but this list was about 18 months in duration.

Councilor Hart verified they wrote them off to get them off the books, but there was still a chance they might collect something because they were being sent to a collection agency.

Ms. Ott stated that was correct. Also, no fees were paid to the agency ahead of the collection. If any funds were collected, the agency retained a portion, and the city received the remainder. It also helped clean up the city books, and prevented inflating actual revenues as it looked like there might be more money coming in, but realistically that was not going to happen. It kept it clean for the audit, and it took Council approval for internal control.

Councilor Bakefelt asked if the list were businesses or residents that did not currently have power?

Ms. Ott stated there was no water or sewer. This list also showed the date filed was when the service was shut off. From that point, there had been no activity or payment. The city continued to send out bills until the account was officially removed from the books. Also, before actually being shut off, staff did courtesy calls, to hopefully avoid an actual shut off.

Councilor Mills stated in the past, what was the percentage of the collections they'd written off? She noted there was one written off in 2023. What was the percentage collected on those?

Ms. Ott stated it wasn't much. Maybe 10%, at the most, but probably lower than that. That was of the ones sent out for collection.

Councilor Mills asked if she could recall how much had been written off in 2023.

Ms. Ott stated they hadn't been written off in about 18 months, so what was before them was 18 months of write offs. Overall, compared to the total revenues of around $7.5-8M a year, she believed their write offs were fairly small. After being shut off, the account accrued interest for a while, but that was about it. The city did not receive a lot back. They did receive some money from the collection agency, but the accounts weren't very large. Also, if an account was sent to collections, it was flagged in the system, so if someone tried to create another utility account, the full amount would have to be paid to collections before the city would set up another account.

BAKEFELT moved, HART seconded, **THAT THE CITY COUNCIL APPROVE THE LIST OF UTILITY BILLING WRITE OFFS AS PRESENTED, AND AUTHORIZE SENDING THE APPLICABLE ACCOUNTS TO COLLECTIONS.** Roll call vote: Mills-yes; Baker-yes; Hart-yes; Bakefelt-yes; Melendrez-out; Kirby-yes; Folden-recused. Motion carried 5/0/1/1.

**Recreation District/Aquatic Center: New Swimming Pool IGA**
Dan Cummings, City Manager, presented.

At the previous meeting, members of the Recreation Board made a presentation to the Council, giving an update on the status of activities. They also made a request, for the purpose of building a new pool in a different area, that the city provide additional ground to the recreation facility that had previously been deeded to the District. During that meeting, Council asked the Board to work with Mr. Cummings to determine how that might work, as the Council didn't want to deed the property over until they were sure the pool would be built in that area. He created an Intergovernmental Agreement (IGA), as had occurred for the first recreation area. The city didn't deed that property over until the Recreation District was formed and functioning. This was the same format.

When the pool was closed, the city created a committee to review the options of how to get the pool reopened, or if there even were any options. The dollar amount then continued to increase, as was currently occurring. The city had no funds, the funds couldn't be raised, and no way to maintain the pool, so the committee recommended the construction of the splash pad, providing the community some type of water facility. The city received a grant for that construction, and turned it over to the Recreation District. During that process, under the City Code, the splash pad required more parking. Since the pool was closed, the city opted not to put in more parking, and would address additional parking when the pool was either reopened or rebuilt. However, the issue now was that the District was having a difficult time getting funding the build the pool, much less any additional parking. In the discussions surrounding the new IGA, based on Council consensus, was how they could do that and still protect the codes, ensuring the citizens understood that they were doing the best they could, and instead of just saying they didn't have to, they allowed a deferment with all development in town to a certain point. He was trying to be clear to the public that even though there might not be any additional parking built right away, it would be in the agreement that it only deferred. How that occurred would be discussed as funding was located. The Board voted on the proposed IGA and had three requested changes, which he now presented to Council. Two of the three changes were that they wanted to add "or similar proposal by the Recreation District" put in a clause, and he had not issues with that addition. They also added a section, where the new pool was addressed regarding funding, which was a good add. The city had a clause which stated the District would design the parking lots. Then when they went out for bids, whether for a new pool or remodeling the existing, those would be as schedules. The contractors would bid the main piece, and then the schedules. That way, for example, if the main bid came in under budget, and maybe Schedule One, as well, then only Schedule One would be awarded. If all three Schedules came in under budget, then all three could be awarded. If no Schedules were within the budget, the main piece could be constructed while the city would work with the District on figuring out the parking situation.

The District had one clause where they wanted to change the Schedule from "when" to "if". His issue he saw with that was through interpretation. It could be read to mean "if" the District chose to put the Schedules out for bid. The "when" meant the Schedules would be. It could be a play on words, but it was wishy-washy. It was a Council decision, but he received direction from the Council that they wanted the parking out for bid, to determine if there was sufficient funding or not. If not, the decision would be made on how to proceed at that time.

He recommended adding in those two changes, but leave the "when" in place. If the District bid out the old area, the IGA would not be needed. The District would just need to figure out the parking situation. However, it was smart to have the IGA either way as it provided the Planning Department and the city the ability to defer the parking. It's not that it wouldn't have to be constructed at some point, just as it would for any other developer in town, but the same offer would be made to them.

On the maps presented to the Council that evening, Schedule One as adding on to the existing parking; Schedule Two adding parking along the new area in the park; and Schedule Three was adding more parking along the East side of that. It was not sufficient parking for the size of the facility, but it was closer. An issue mentioned to the District Board when they mentioned construction of a gym, a gym along required an additional 160 parking stalls. If a gym was approved, leaving the existing building and saying it was now a gymnasium, by the Planning Code, you aren't supposed to swap this building for that unless that building was torn down. Constructing a gym opened created a big issue due to the parking requirement. The Board talked about reconfiguring the existing parking lot and adding parking in front of the existing building, but when he tried to refigure that lot, there was no way to gain more from it because of the width. It was set up for one-way traffic. Trying to change the angle of the parking stalls required wider travel lanes; however, they could gain about 13 stalls by removing the grass in front of the building and reconfiguring the entrance in some way. Otherwise, they couldn't get as many stalls. If the District wanted to put all of the Schedules out, they could pick which ones fit best into the budget, if any did. Overall, staff was trying to give authorization to move forward, to be able to build with the parking being deferred until additional funding could be obtained.

Council Hart stated the District would be paying for the engineering.

Mr. Cummings stated yes, that was the request. The city needed the District to get the parking designed. He thought they should stick with one, two, and three, and not include number four. He had offered to meet with any civil engineer they selected, so he could give some ideas on how to get that designed.

Mr. Cummings continued that if the Council decided not to give the District more ground, they would revert to Option 3. This was because the District had stated one cost of removing the roof escalated due to the need for a crane large enough to lift the beams. One problem was that it would destroy the tennis courts. The other option which raised the price was wanting a guarantee and bonding so if when removing the beams and roof, the pool would not be damage. But, he knew that with that addition of that ask, it increased the prices. The contractor would not want to take the risk, nor would the bonding company, if the money was not there to actually fix the pool. It was his opinion that they should put all the safeties in, let them pull the roof and beams, and if the pool was damaged, that would be less expensive to fix. Option 3 would be to remove the roof and to build the pool, and if the tennis courts were damaged, then turn those into parking. The tennis courts could be placed somewhere else for less than construction of a pool.

Mr. Cummings was not leaning any particular way, but wanted to give the Council the information, stressing the importance of following the city codes regarding parking, which would be required from other developers in the city.

Councilor Kirby stated this was negotiating with another taxing body. There was an IGA presented to them, but earlier that day a new version had been distributed. Did that mean that the Council was accepting the recommendation of this new version, or if they didn't like it, they voted it down? He would not be voting in favor if the language was changed. There were developers who would construct half a street, put things in subdivisions that may never see a return or reimbursement on, but with another taxing district…and he was aware the community wanted a pool, but was the city abandoning its ability to be certain that would happen, by changing a word? He did not know what the District was expecting from the Council. He was also frustrated with why the District's architect did not inform them about parking from the beginning. It appeared to be a surprise at the previous meeting that parking would be required. Further, the District had an elected Board of Directors, who were elected by the public, and were all upstanding people, but other than Megan [Cook], no one else had any type of construction background. He suggested the District or Board reach out to get some volunteer experienced contractors in building and bidding to assist them, besides just the architect. For him, the major impediment was if and when, and if those stayed, he would vote no.

Councilor Mills stated she met with Megan and Andrew [Maeda] prior to the meeting, who discussed their new plans of wanting to move the pool and building a gym. At that last meeting, she was taken aback as she was unaware of a gymnasium. During the discussion, it was clarified by Megan that at the last meeting she had stated that they wanted to take the land from the memorial statue down to along the fence to 9th Street, but that was incoorec.t Megan explained to her that was wrong. The location of it, she was concerned because she asked about the parking, and Andrew stated they had 80 spots currently, and were going to add 30 more, or enough to meet the parking requirement. What she noticed about the Lion's Park was that it had more activities than any other city park for community attendance. The ones she attended just this year, for the parking the streets were all full, lots were full, so she questioned that with even 35 more, if there was a gym, and parents coming and going, or people using the pool and the splash park, was that additional 35 spots, or however many were added, was that going to be sufficient. Also, she wondered about taking more of the park, when attending the functions she heard from several people that the events were growing larger, and one entity had even said they wished the park had more room. Was the city going to take away from what they already had taking place in the park by building a gym? However, her largest concern was that it was stated by Andrew that the District was $780,000 short of building the pool, as it was, or reconstructing it, so if they built a new pool, wouldn't they need to have more engineering or studies done on how pool was going to be installed? That seemed like more expense. She was concerned about tearing out the tennis courts. They were well used. Andrew stated to her that they were going to be resurfaced. But she didn't know how that would occur if they put a heavy crane on them? She suggested and asked why they could not just use the parking lot for the crane. The answer she received was that it wouldn't reach over to get the walls or beams or something. She felt they needed to raise the money that was first established or first agreed upon, to make the pool that way it currently was, instead of building a different pool and leaving that building that was the old pool, and this was in Andrew's words to her, that would sit there vacant at least up to five years due to funding. To her, that was not what the community had in mind when they wanted the Recreation Department to revamp the pool, was not let that structure sit vacant for five years and build a new structure. They weren't sure how many years out, then build a gym. To her, that would create a lot more parking problems, and there was really not a lot of area around there for parking. She felt they were creating more problems for the city to handle in the future.

Mr. Cummings stated, referring to Option 3, he only gained 44 parking stalls by using all the tennis court area and everything in front of the building. He wanted to know where they were getting the 30 new parking spots.

Andrew Meada, Recreation District Manager, stated: *I just want to thank you for allowing me to speak here. Just back up one big, giant step. I understand the concerns with parking. I think it's 100% valid to explore those options, for sure. I think the exact design of the exact specific parking with the fact that this IGA is simply for us to look into it, so I think that we are getting ahead of ourselves a little bit in worrying about us abandoning the previous project, or not using the previous building, or putting a new pool on adjacent to the splash park or….this IGA is simply allowing us to investigate. If that cost that we did receive was $1M less than the $4M guaranteed maximum price we got for the original project, is even accurate. We, if we go through with this, is a whole different step, a whole different story, this IGA is simply allowing us to move forward with some initial designs that will allow us to get semi-accurate numbers on can we move forward with this project, and would it actually save our taxpayers money, which, at the end of the day, is our goal with this, is to try to get an outdoor pool for our community, and we would love to use the existing space, as we stated in most of our meetings with all of you. That's still not a plan that we've abandoned. It's still a fund-raising goal that our District has recently committed thousands towards an additional consultant to help us with funding for that. But, not out of the question is all this. This is simply an IGA to allow us to even look into an alternative plan. The reason for having the similar proposal by the Recreation District on there is because that was the three items that we have on this IGA is what my Board agreed to. So it was important that, while it was changed between the interaction between me and Dan, it was important to keep what our Board approved so that I don't have to take this then back to our Board again for another approval, or a rereview and readjustment, which would then, I guess, our Board wouldn't approve that. So the idea was to, again, include what our Board wanted to make sure we had in there. The "when" or "if", at the end of the day, I don't think that is something we have to keep in there. From the perspective of us, I think this is simply just a misunderstanding. I think Dan is having the same thought that we are having, and that is that we are now being held responsible for doing the parking, regardless, and so we wanted to have "if" in there, instead. However, from what I just heard from Dan, from his explanation of having "when" in there instead of "if", then that makes complete sense to me, as long as that's the agreement by Council, as well.*

*And then the section regarding I guess specific parking. We looked at our existing parking space, and specifically the square footage of Schedule One and Schedule Two, which amounted just over 10,000 additional square feet. Our parking lot, adding the additional square footage of the landscaping in front of our building, up to the sidewalk, which is on the west side of our property, that section there was 14,000 square feet. So, adding an additional 14,000 square feet to our existing parking spot right there, and then reconfiguring that, we took the same exact square footage out of the parking lot from a much larger area, Walmart, and placed there to look at what the possibility was. So that gave us 23 stalls across four sections within that 33,250 square foot section. Of course, we wouldn't be able to use all 23 of those in each section because we need to have space for that one-way traffic to go down and back, plus, we would lose two stalls per handicapped, which we would be required to have four, for that section of space because there would be over 75 stalls in that location. Again, I can't, I'm not going to say that that is 100% what's going to be able to fly there, but I do think it's important that we have alternative options on there, because our feedback from Councilmembers was that we didn't want to eat into more of Lion's Park, especially for parking. I think the feedback from John at the last Council meeting, in that he proposed the possibility of having an outdoor pool adjacent to the splash park. Would it interfere with those events; however, I think having three additional parking spots in there when we may only need one, which is Schedule Three, would be our alternative option, is to see how many we can fit into our existing space by not only adding to it, but also reconfiguring it, and utilizing the existing off-site parking, as well, to meet that need first, before we start chucking away at more and more of Lion's Park overall.*

Mr. Cummings stated his agreement with Mr. Maeda. Hearing his explanation, he was only saying maybe. Them asking for another option, he saw no problem with that. That would give them a little more flexibility. He had only provided the drawing of parking in front of the building, so they'd have something to see. It was around 13 stalls. He researched for a way to add it all together, but the one-way traffic made that difficult. That was not saying it couldn't be done. The District just wanted it added that there were options. And his design was only approximate. Until it was designed, there was no way to know the exact number. Basically, it appeared Mr. Maeda was alright leaving "when", and he was alright adding in the other three options. The reason for stressing this was because every time he worked with a developer who tried to put in minimum parking for their businesses, he couldn't force anymore, but he did tell them all that if they expected their business to grow, sufficient parking had to be provided.

Mr. Cummings stated had taken the plan that was in the agreement to the Parks Committee, and specifically asked the Lion's Club, and they no problems. They knew a pool would help that area. Parks was not against the layout, and didn't think granting a little more would hurt the park. Council heard from John Breidenbach, Ontario Chamber CEO, stated that little bit wouldn't hinder the operation of the events that occurred in Lion's Park, but did have major concerns. When they talked about allowing a gym in the future, if that happened, that was going to be a wreck. A gym, by itself, needed 180 parking stalls. When talking about a gym, they were pretty much saying they would be asking for more ground in the future for that gym. There had been confusion in the past about that, so he wanted it clear. He did know that John had an issue with losing that much of the park.

Mayor Folden stated basically they were discussing if they Council was going to approve the IGA between the city and the Recreation District for construction of an outside pool. They were not stating it was going to be in the existing building.

Mr. Maeda: *I would just like to add on there that if the motion did include the adjustments I represented in the IGA, tonight.*

Mr. Cummings stated, for clarification, an IGA was not necessary if they went back to the existing pool. The IGA was to give the District more ground and documenting the parking. If the District chose to go back to remodeling the pool, they didn't need a new IGA. All they would need to know was that when the submitted their plans, they had to submit plans to address the parking issue. That might or might not take more ground.

Mayor Folden stated the public wanted a pool, and she wanted to support it. She had mixed emotions about it, but it was very much wanted.

Councilor Hart stated, for verification, the land would only be given if the District proceeded with the pool. If there was no outdoor pool, then an IGA would not go forward. And, only the land that was given was just for the pool, because that additional parking, Council was saying here's the land, and you have to pay for the engineering, but the city did not give them any additional ground for additional parking. The city, if that parking would go into the District, that would be a separate agreement? The city would probably keep that parking, and maintain it. The city wasn't doing anything related to that except for asking the District to pay for the engineering of how much it would cost. Was that accurate? The city was not giving the District any additional land for any additional parking. The only land being given was just for the pool.

Mr. Cummings stated the pool, and, if the District chose to extend the parking. He kept the west portion under the city because of what Councilor Hart just said. The city would be helping by saying if the District got the parking lots constructed, recognizing they wouldn't be use 100% of time only be recreation. During the winter when an outdoor pool would be closed, others would benefit from the parking. If the new parking was on city property, the city would look at maintaining those because it was a benefit to the whole park, not just the District. If the District opted to not build a new pool there and returned to the other, the IGA wouldn't mean anything. It was documenting for the record to alleviate any future confusion that for the public's sake, the city was deferring the parking or building the parking, one of the two, to meet city codes.

Mayor Folden stated for public events in the park, they parked near Burger West, and as Rick was handicapped, it was very difficult to get there. The park did need additional parking.

Mr. Cummings stated if the Council opted to move forward with the IGA, they needed to ensure the motion included "as amended", so he could make the requested changes by Mr. Maeda.

Councilor Kirby stated the Council was entering into a contract to do something that he understood what they were actually doing. Was this an actual contract? Was the city giving to get, or getting to give, that created a contract? The District was seeking authority to see if it was the responsible thing to come up with another area to build a pool, but they wanted a commitment from the city, to look. Was that correct?

Mr. Cummings stated the IGA gave a commitment by the city, telling the District they could have that piece of ground if they acquired the funding to build the pool. It was a contract binding the city to that.

Councilor Hart stated his reason for proposing to accept it, the District didn't want to spend the money or go through the time and energy, if the city wasn't going to give them the land. The District was being a good steward of the taxpayer money they were overseeing, so why would they spend the time and energy if the city wasn't interested in giving them the land. He wanted to give the District the flexibility to study it, and they might go back to the original plan, or do something different. The city still hadn't given them the $250K because the District was required to begin construction before those funds would be released. The city had other pieces that could be utilized, but he wanted to give the District the flexibility to analyze what was best, so they could move forward.

Councilor Bakefelt verified that agreeing to let them study the three schedules, was the city indirectly saying that if that all came into the budget, the city was agreeing to give them the land?

Mr. Cummings stated no. The IGA was agreeing to give the District the piece of ground for where they want to build a new pool. The city was also saying, by asking them to design the parking lot area, the area just above the splash park. That was the only piece of ground being discussed, to deed over to the District if the District built a new pool. The parking areas Council was asking the District to design, and get bids for, those bids could be reviewed. The IGA was saying that if the parking did not come in the budget now, the city would consent for the District to move forward to build the pool in that specific area, while finding funding for the parking. It was a Deferred Improvement type agreement. It was unknown how long it would take to secure funding for parking, but that would never be known if the District didn't at least try. They needed it in their bid, their proposal, so everyone could see the results. The District could then go back to the community asking for more funds, or come back to the city asking them to assist in constructing the parking lots. Those were all options, but nothing was in the agreement.

Councilor Bakefelt stated the end result was that thy would need more property for parking, at some point.

Mr. Cummings stated it was up to the city whether they kept the parking, or deeded that property over.

Councilor Hart stated they already mentioned that more parking was needed to have the events already being held at the park. But, he wasn't necessarily ready to say he wanted to give more of the park away. He wondered if there were other options, maybe shuttling people from different parking lots like Valley Family or the Plaza Inn, which were across the street. Maybe there were other options. When they had been in the agenda prep meeting, staff emphasized that the Council needed to make sure planning was being planned for, and this get some engineering done to see what it might look like. This Council, or a future Council, would have to decide if they wanted to pull that trigger for the parking. He was not sure if he was there yet, or that he was ready to lose more of the park, to take out grass and lay down asphalt. There might be some other options to look at. But this was a shot across the bow, anymore development in this area, the city was going to really have to look at the parking situation because the city was not in compliance.

Mr. Cummings stated that was correct, but, to be clear, they could not use other people's parking if it wasn't during off-times. Using the parking lot across the street would only be counted and used if there were different operating hours. The locations Councilor Hart mentioned also operated during the daytime, just like the pool would be doing, so it could not be counted. If another piece of property was purchased offsite, it was in the code that they would be allowed to use that offsite parking, but only for employees, not participants. By code, parking had to be on the same development site in order to be counted. With regard to Councilor Bakefelt's question, the proposed IGA was to allow the District to move forward, looking at designing a new outdoor pool without wasting their money, just to have the city say no later. The IGA gave a little guarantee.

Ms. Cook stated the city was also getting something out of this. The District was designing parking for the city, and was paying for it. There was give and take.

Councilor Kirby stated the contract was rather loose on the default clause. He found the structure of the entire thing a bit haywire. He needed convincing to think differently.

HART moved, FOLDEN seconded, **THE CITY COUNCIL APPROVE THE INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN THE CITY OF ONTARIO AND THE ONTARIO RECREATION DISTRICT FOR THE CONSTRUCTION OF AN OUTDOOR SWIMMING POOL AS PRESENTED AND AUTHORIZE THE MAYOR TO SIGN THE AGREEMENT UPON ACCEPTANCE AND SIGNING BY THE RECREATION DISTRICT, AS AMENDED.** Roll call vote: Mills-no; Baker-no; Hart-yes; Bakefelt-yes; Melendrez-out; Kirby-no; Folden-yes. Motion failed 3/3/1.

Mr. Cummings stated as the action failed, it would come back in January.

**Letter of Support: Edge Performance Sports**

Dan Cummings, City Manager, presented.

Edge Performance Sports has been a long-standing business within the City of Ontario and is in need of expanding their facility to handle the growth of their business. Edge was applying for a grant from the Eastern Oregon Boarder Board for expansion of their facility on North Oregon Street. They have requested a letter of support from the city.

MILLS moved, KIRBY seconded, **THE CITY COUNCIL APPROVE THE LETTER OF SUPPORT OF THE GRANT REQUEST BY EDGE PERFORMANCE SPORTS AND AUTHORIZE THE MAYOR TO SIGN THE LETTER OF SUPPORT.** Roll call vote: Mills-yes; Baker-yes; Hart-yes; Bakefelt-yes; Melendrez-out; Kirby-yes; Folden-yes. Motion carried 6/0/1.

**Appointment to Planning Commission**

Tori Barnett, City Recorder, presented.

With Council consensus, Mayor Folden appointed Al Christiani to the vacant position on the Planning Commission.

**Resolution #2024-115: Abstract of Votes – 2024 General Election**

Tori Barnett, City Recorder, presented.

Every two years, the city participated in a General Election for three City Councilor positions, and every four years for the position of three Councilors and the Mayor. This year, November 5, 2024, an election was held for the positions of three Councilors, with three candidates being elected. The City Council now needed to adopt the proposed resolution accepting the results of the election, through the Abstract of Votes, as provided by the county.

BAKEFELT moved, MILLS seconded, **THE CITY COUNCIL ADOPT RESOLUTION #2024-115, A RESOLUTION ADOPTING THE ABSTRACT OF VOTES FOR THE NOVEMBER 5, 2024, GENERAL ELECTION.** Roll call vote: Mills-yes; Baker-yes; Hart-yes; Bakefelt-yes; Melendrez-out; Kirby-yes; Folden-yes. Motion carried 6/0/1.

**Bid Award: Old Water Treatment Plant Floc Mechanism Replacement Project (Desert View Construction)**
Marshal Pierce, City Engineer (Jacobs), presented.

The City of Ontario's Old Water Treatment Plant flocculation and conveyor equipment was over 40 years old and was showing its age. The bid opening for the plant equipment replacement project occurred on October 9, 2024. Only one bid was received, in the amount of $1,687,243 including a $100,000 construction contingency. With deduct bid alternates one and two, the updated bid amount for award was $1,455,643. After additional good-faith negotiations with the contractor, additional savings were found that amounted to $112,000. The plan would be to issue a deduct Change Order in this amount after bid award, for a revised contract amount of $1,343,443. However, the city really needed the bid alternates awarded to obtain the proper equipment. As this project spanned over two fiscal years, the city would need to allocate an additional $296,975 for this project for next fiscal year of 2025/2026.

The work would be funded by city funds and was over budget for this fiscal year. Staff proposed to award the remaining amount next fiscal year as a construction change order. The city would need to allocate appropriate funds. The project needed to be awarded before the end of the year. Not moving forward with this project risked the water treatment capacity and quality for Ontario residents.

MILLS moved, HART seconded, **THE CITY COUNCIL TO APPROVE THE BID AWARD TO THE LOWEST RESPONSIVE BIDDER, DESERT VIEW CONSTRUCTION, FOR $1,455,643, AND AUTHORIZE THE CITY MANAGER TO SIGN ALL DOCUMENTS.** Roll call vote: Mills-yes; Baker-yes; Hart-yes; Bakefelt-yes; Melendrez-out; Kirby-yes; Folden-yes. Motion carried 6/0/1.

**Safe Drinking Water State Revolving Loan Fund: Water Treatment Plant**
Marshal Pierce, City Engineer (Jacobs), presented.

At Council on April 9, 2024, it was moved to proceed with the SDWSRLF application to fund a new 3 MG storage tank and booster pump station at the Water Treatment Plant, replacing the two aging Eastside tanks and booster pump station located on SE 5th Avenue. The city subsequently applied and presented the project to Business Oregon and the IFA Board (Infrastructure Finance Authority), and it was approved. Loan agreement documents were delivered to the city in November and were ready for city signature.

Staff was proposing to move forward with signing loan agreement documents for the SDWSRLF and the Water/Wastewater Financing Program for execution for the support, the design, permitting, and construction of a new 3 MG storage tank and booster pump station located at the existing Water Treatment Plant. The improvement is a component of the city's overall Drinking Water Master Plan approved by the Oregon Health Authority in 2021. The location of the project was at the city's Water Treatment Plant at 1900 SE 5th Avenue. The project benefited residents throughout the City of Ontario. If the Council opted to not pursue the loan funds, the existing Eastside storage tanks would continue to degrade, and storage capacity would not be increased to accommodate future growth.

The loan was broken into three components: A $3,129,383 principal forgiveness loan, a $2,870,617 30-year loan at 2.77% interest, and a $1,670,000 Water/Wastewater Financing Program 30-year loan at 3.47% interest. If this action was approved, a budget resolution would be brought to the Council to approve the capital improvements budget.

MILLS moved, HART seconded, **THAT THE CITY COUNCIL APPROVE THE LOAN AGREEMENT DOCUMENTS FOR THE SDWSRLF AND THE WATER/WASTEWATER FINANCING PROGRAM FOR EXECUTION FOR THE SUPPORT, DESIGN, PERMITTING, AND CONSTRUCTION OF A NEW 3 MG STORAGE TANK AND BOOSTER PUMP STATION LOCATED AT THE EXISTING WATER TREATMENT PLANT.** Roll call vote: Mills-yes; Baker-yes; Hart-yes; Bakefelt-yes; Melendrez-out; Kirby-yes; Folden-yes. Motion carried 6/0/1.

**Task Order Amendment: Traffic Control for East Lane**
Marshal Pierce, City Engineer (Jacobs), presented.

The current design included a high level concept for traffic control, with a final plan being submitted by the construction contractor during the submittal process. However, after meeting with ODOT, a full traffic control plan was desired due to the nature of the work and the traffic counts observed at the East Lane/Idaho intersection. This should streamline the construction process.

This project was funded with ODOT exchange funds. Providing a traffic control plan now might be cheaper than putting it on the contractor later. Either way, this was a cost that would be required.

Staff would like to bid this project in February, 2025. A Task Order Amendment this year would allow JEG to get started and complete the plan before the bid period next year. Not signing this amendment would likely halt the project and impact the city's relationship with ODOT.

KIRBY moved, MILLS seconded, **THAT THE CITY COUNCIL APPROVE THE EAST LANE DESIGN TASK ORDER AMENDMENT IN THE AMOUNT OF $10,000 TO PROVIDE A FULLY APPROVED TRAFFIC CONTROL PLAN, AND AUTHORIZE THE CITY MANAGER TO SIGN ALL DOCUMENTS.** Roll call vote: Mills-yes; Baker-yes; Hart-yes; Bakefelt-yes; Melendrez-out; Kirby-yes; Folden-yes. Motion carried 6/0/1.

## PUBLIC HEARING

**Ordinance #2831-2024: Annexation of 6.958 Acres of Properties on Assessor's Map 18S47E33 and Rezoning from Urban Growth Area Light Industrial to City Light Industrial**
It being the date advertised for public hearing on the matter of Ordinance #2831-2024, the Hearing was declared open. There were no objections to the city's jurisdiction to hear the action, no abstentions, no ex-parte contact, and no declarations of conflict of interest.

Tatiana Burgess, Planning Director, presented.

The applicants/owners owned parcels of land, known as Tax Map 17S47E33C, Tax Lots 2301, 2400, 2500, 2600, 2700, 2800, 2801, 2900, 3000, 3100, 3200, 3300, 3301 and 3400. Said Tax Lots were currently zoned UGA Light Industrial, and they would like to annex said parcels, and rezone to City Light Industrial as shown in this report. The total subject area that was being proposed for annexation was approximately 6.958 acres and included the rights-of-way along NW 18th Avenue, NW 13th Street, NW Washington Avenue, and US Hwy 201. The subject parcels were properties owned in fee title, by multiple parties: The Sullivan Group (Tax Lots 2400, 2500, 2600, 2700, 2800, 2801, 2900), HEVN LLC (Tax Lot 3300), Malheur County (Tax Lots 2301, 3000, 3301) and the Oregon Department of Transportation (ODOT) (Tax Lots 2301, 3000, 3301).

The applicant initiated this request originally back in 2021, as they desired to develop more of the property, owned by The Sullivan Group LLC and HEVN LLC, and to facilitate a subsequent replat of the privately-owned subject parcels. It was agreed that the properties owned by Malheur County and ODOT would be included in this annexation, to make the city limit expansion more coherent and provide for contiguous zoning expansion, without creating a zoning gap along US Hwy 201.

Required notices were sent to adjoining landowners, the Rural Fire Protection District, Rural Road Assessment District, Warmsprings Irrigation District, and published in the Argus Observer on November 6th, 2024.

A Planning Commission hearing was held on November 18, 2024. No objections were received by the Planning Department. Via a unanimous vote at that meeting, it was recommended by the Planning Commission that the City Council approve this annexation.

All new proposed development must comply with applicable provisions of the OCC (City of Ontario Zoning Ordinance as set forth in the Ontario City Code), and the City of Ontario Comprehensive Plan. Generally, unless otherwise noted, if a request was found to be consistent with the Zoning Ordinance, it was considered to be consistent with the Comprehensive Plan. The planned development was an approved zoning under the comprehensive plan.

A. Rezone 1. Section 10B-20-30 REQUIRED FINDINGS, DECISION CRITERIA. In preparing findings to support a quasi- judicial zoning map amendment decision, the following findings shall be addressed except when alternatives are set forth or where a required finding clearly does not apply to the current action:

a. The zoning map amendment is in conformance with statewide planning goals and guidelines.

b. The zoning map amendment is in conformity with the acknowledged comprehensive plan.

c. The applicant has demonstrated a mistake or error in the original zone designation, or the applicant has demonstrated a change in physical, social or market conditions generally affecting the area which make the proposed change appropriate.

d. A public need is demonstrated for this zoning at this location and is not the granting of a special privilege for a single property or small group of properties.

e. The property affected by the change is adequate in size and shape to facilitate its use and development as permitted under the new zoning classification.

f. The property affected by the proposed change of zone is properly related to streets and public facilities and with services adequate to meet the demands of the uses allowed in the new zone.

g. The proposed zoning map change will not result in adverse effects upon surrounding properties or surrounding uses from dust, noise, vibration, odor, heat, glare, lighting, or discharges into the air, water or land.

Findings:

Explain how the proposed zoning map amendment is in conformance with statewide planning goals and guidelines. The City of Ontario, Malheur County and the State of Oregon have all agreed upon the Comprehensive Plan and Map. Within that map, the proposed annexation will expand City of Ontario's Light Industrial zoned land inventory in a harmonious way, as the subject area is directly adjacent to City Light Industrial zoned land to the east.

Due to the minimum parcel size limitations of properties within the urban growth area, the annexation would not only allow for a more functional reconfiguration of the subject properties, but would also allow for a better use for future developments consistent with the Light Industrial zone and promote economic growth and development of Ontario, Malheur County, and the State of Oregon.

2. Explain how the proposed zoning map amendment is in conformance with the Acknowledged Comprehensive Plan.

The property was within the City of Ontario UGA and the annexation and rezoning of the property was in compliance to the acknowledged Comprehensive Plan. The annexation would not render a change on allowed uses. The property zone would change from the Light Industrial zone within the Urban Growth Area, to the Light Industrial Zone within the City limits. The principal permitted and conditional uses would remain the same.

3. As applicant, you must explain how there has been a mistake or error in the original zone designation or a change in physical, social or market conditions generally affecting the area, which makes this proposed zone change appropriate.

The applicants requested zone change from UGA-Zone to City Zones did not imply that there had been a mistake or an error in the original zone. In fact, this request for annexation and zone change only showed that the original zone designation of UGA zones was done with future thought of economic growth in mind. What had changed was the growth and development around the subject area and the desire to potentially expand a Light-Industrial approved use. A proposed subsequent action would be a replat, to reconfigure existing property lines to eliminate ownership on both sides of NW Washington, which would make better use of the property overall and avoid having unutilized lands.

4. As applicant, you must show a public need is demonstrated for this zoning at this location and is not the granting of a special privilege for a single property or small group of properties.

The public would benefit by annexing and re-zoning this parcel into the city limits through increased tax revenue, increased development, and potential improvement the roads, curb, and gutter. This would also benefit the public by attracting businesses and employees at this location. The rezoning of the UGA Light Industrial to City Light Industrial, which matched the Comprehensive Plan, would allow for better use of the area. All surrounding properties were also zoned Light-Industrial, and the annexation would keep the proposal consistent with overall use of the area.

5. Explain how the property affected by the change, if approved, is adequate in size and shape to facilitate its use and development as permitted under the new zoning classification.

The minimum parcel size in the Light Industrial zone, once annexed, is 7,500 sq. ft. The total proposed annexation area is 6.958 acres, more or less, including rights-of-way, which is sufficient to reconfigure the subject property and still meet the required minimum parcel size, as needed for a use consistent with the Light-Industrial zone.

6. Explain how the property affected by the proposed change of zone is properly related to streets and other public facilities and with services adequate to meet the demands of the uses allowed in the new zone. This shall explain how this proposal will not absorb a disproportionate share of public facilities, utilities and general assets.

The parcels far exceed the minimum parcel size for each zoning area and will be able to be developed into large developments as planned in the comprehensive plan. The surrounding infrastructure is capable of handling traffic and expansion of services for future potential development of parcels. As part of the UGA the property has been part of the City Transportation Master Plan, Water Master Plan, Waster Water Master Plan and the City Storm Water Master Plan and therefore, has been approved to provide city services to the properties.

The properties, depending on their location, will each have access to existing rights-of-way: NW 13th Street, NW 18th Avenue, NW Washington Avenue, or Yturri Beltline (US Hwy 201).

7. Explain how the proposed change in zoning will not result in adverse effects upon surrounding properties or surrounding uses from dust, noise, vibration, odor, heat, glare, lighting, or discharges into the air, water or land.

The property is part of the city approved zoning and has been approved for the type of zoning once brought into the City limits and is in harmony with the surrounding developed property zoned accordingly and will not result in any adverse effects to the adjacent properties zoned the same.

The principal permitted uses will remain the same, and consistent with the Light-Industrial zone.

Summary Conclusions:

a. Based on the findings above, the City of Ontario Municipal Code Implements policies contained in the City of Ontario Comprehensive Plan conform to the Statewide Planning Goals; generally, if a proposed rezone meets all criteria and standards contained in the OMC, the request will be consistent with Comprehensive Plan Policies and therefore conform to the Statewide Planning Goals. As this proposal meets the criteria in the above section, this proposal is consistent with Statewide Planning Goals. **CRITERION IS MET**

b. The findings 2 above show that the request is within goals and conformance of the Acknowledged Comprehensive plan. Therefore, this proposal has demonstrated to be consistent with the Comprehensive Plan. **CRITERION IS MET**

c. The information in finding 3, indicates that there has been no mistake, and the request is consistent with the Comprehensive Plan. Therefore, there is no mistake, and the request follows the comprehensive plan and approved zoning and demonstrates that this criterion is met. **CRITERION IS MET**

d. As noted in finding 4, rezoning from the UGA zones to City zones would not be considered as the granting of a special privilege for a single property or group of property owners as it is providing for the same zoning as the comprehensive plan and is the same zoning of the lands adjacent to these properties. **CRITERION IS MET**

e. As noted in the findings 5, the subject property size is adequate to demonstrate consistency with this criterion. **CRITERION IS MET**

f. As noted in the finding 6 above, the properties are properly related to streets and public facilities within the public streets and the existing uses and services demonstrate that uses allowed in the proposed zone are provided. **CRITERION IS MET**

g. In the finding 7 above, that while the impact on surrounding properties will be low, with the proposed change in zoning, compliance with present City of Ontario ordinances will be essential in eliminating these issues. The permitted uses will remain the same and be subject to change due the annexation. **CRITERION IS MET**

Final Conclusion: **ALL CRITERIA ARE MET**

Annexation:

1. 10B-45-10 INITIATION OF ACTION. When a person, authorized by statute, wishes to extend the city's boundaries, an application on forms supplied by the city shall be filed with the Planning Director and which include: annexation consent forms, by the property owners, and by tenants if required by law or court decision; request for a change in zoning map designation, or plan change if required; request for other quasi-judicial action if required; fees, and other exhibits and requirements for a quasi- judicial action as set forth in this Title. All land use actions associated with the annexation shall be consolidated, as feasible, and one fee paid.

2. Oregon Revised Statute 222.125: Annexation by consent of all owners of land and majority of electors; proclamation of annexation. The legislative body of a city need not call or hold an election in the city or in any contiguous territory proposed to be annexed or hold the hearing otherwise required under ORS 222.120 when all of the owners of land in that territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory and file a statement of their consent with the legislative body. Upon receiving written consent to annexation by owners and electors under this section, the legislative body of the city, by resolution or ordinance, may set the final boundaries of the area to be annexed by a legal description and proclaim the annexation.

Findings:

1. The applicants have paid the fees and provided the proper application with signatures.
2. The property is annexable because it lies inside the Urban Growth Boundary and is contiguous with the current city limits.
3. The property currently has three different UGA zones in the Urban Growth Area and the companion requested City zones are consistent with contiguous property.
4. Findings from preceding sections of this report are herein included by this reference. A change to the comprehensive plan map or text is not necessary to annex the property; however, the annexation of the property must be consistent with all applicable Comprehensive Plan Policies.
5. Annexation would benefit the city by increasing tax revenue, and by providing more potentially developable residential land.

Final Conclusion: All criteria and standards applicable to a request for annexation have been met. The properties may be annexed.

SUMMARY CONCLUSIONS AND PLANNING COMMISSION DECISION

A request for annexation and rezoning of property may be recommended for approval or denial by the Planning Commission to the City Council if all applicable decision criteria and standards are found met, or able to be met through appropriate conditions of approval. In this case, findings must be made by the Planning Commission that the specific criteria are either met, able to be met through conditions of approval, or not met; options and discussion are provided under "Findings:" and "Conclusion:" for each criterion. All the criteria and standards must be met in order for the request to be recommended for approval.

At the Planning Commission Public Hearing on November 18, 2024, the Planning Commission approved the findings of facts as presented and made a recommendation to the City Council to approve action 2024-10-13AZ. The Hearing was opened for public testimony. Opponents: None. Proponents: None. There being no Proponent and no Opponent testimony, the Hearing was closed.

KIRBY moved, BAKEFELT seconded, **THE CITY COUNCIL APPROVE THE FINDING OF FACTS AND RECOMMENDATION OF THE PLANNING COMMISSION FOR THE ANNEXATION AND REZONE OF 6.958 ACRES OF THE SUBJECT PROPERTIES FROM UGA LIGHT INDUSTRIAL (UGA I-1) TO CITY LIGHT INDUSTRIAL ZONE (CITY I-1) AS SET FORTH IN ACTION 2024-10-13AZ BASED ON THE INFORMATION, FINDINGS, AND CONCLUSIONS SET FORTH IN THIS REPORT.** Roll call vote: Mills-yes; Baker-yes; Hart-no; Bakefelt-yes; Melendrez-out; Kirby-yes; Folden-yes. Motion carried 5/1/1.

FOLDEN moved, KIRBY seconded, **IN ACCORDANCE WITH SECTION 8.2(2) OF THE CITY CHARTER, THAT THE CITY COUNCIL APPROVE ORDINANCE #2831-2024, AN ORDINANCE PROCLAIMING THE ANNEXATION AND REZONE OF 6.958 ACRES OF THE SUBJECT PROPERTIES FROM UGA LIGHT INDUSTRIAL (UGA I-1) TO CITY LIGHT INDUSTRIAL ZONE (CITY I-1) AS SET FORTH IN ACTION 2024-10-13AZ, AT A SINGLE MEETING BY TITLE ONLY.** Roll call vote: Mills-yes; Baker-yes; Hart-no; Bakefelt-yes; Melendrez-out; Kirby-yes; Folden-yes. Motion carried 5/1/1.

Because the action was not passed unanimously, the second reading would come back before Council at the January 14, 2025, meeting.

## DEPARTMENT HEAD UPDATE

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

**Community Development: Quarterly Report**
Tatiana Burgess, Planning Director, presented.

**Fire: Quarterly Report**
Clint Benson, Fire Chief, presented.

**Public Works: Quarterly Report**
Casey Mordhorst, Public Works Director, presented.

## HAND-OUTS

**Monthly Department Stats**
Public Works, Fire & Rescue, Police, Code Enforcement

Councilor Bakefelt asked Chief Cooper, referring to the OPD stats, in October there were six arsons; the gang-related activities appeared to be on the increase; there were more traffic crashes; and the SRO cases were up. Did he have any information why?

Chief Cooper stated the traffic crashes were close to the 2023 year to date. There was an increase of 43 to 50 from September to October, but it had since decreased in November. For the SRO cases, this month the department was able to get Officer Llamas back into the school. This was due to one of the police recruits moving out of the FTO program and filling his own shifts. The department back-filled the SRO, which was reflected in the increased activity at the school. Regarding gang-related statistics, from last year to this year, was down from 27 to 16, so there were some gang-related cases, but not a significant increase. Overall, it was down from last year.

**Minutes**
Parks 08-15-2024; Airport 11-04-2024; County Court 11-20-2024

**Check Register**
November, 2024

## CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

Councilor Bakefelt stated January was the kick-off for National Night Out meetings. She was putting everyone on notice, and was asking everyone to step up and help out again. She had mentioned at a previous meeting that the group raised $2,000 at the Haunted Woods. Since it was successful, they might consider doing that again next year.

Councilor Hart hoped that Councilor Baker would return for the meeting in January for his last meeting, but if he didn't, he let him know he would be missed.

Councilor Hart stated beginning of the year, he'd like a list from staff on where the city was at with a few items: the fuel tax, studying that.

Mr. Cummings stated Public Works was working on it.

Mr. Pierce stated the project had been finalized, and last week finished developing the unit pricing, so they were going to compare the unit prices with the project list, to determine some project estimated costs. He believed it would be presented at the first meeting in January, 2025.

Councilor Hart asked about the traffic light cameras.

Mr. Cummings stated he had researched that when he attended the League of Oregon Cities conference. He asked two vendors to contact him, but he had not heard from them as yet. He had discussed it with Chief Cooper, and they were still looking into the pros and cons. The process in Oregon was to do a study if there was a true need. One firm he spoke with stated they would conduct that study at their own cost. Under Oregon law, if it appeared feasible, they had to post signs notifying the public of the possible intention of the installation of camera light cameras for enforcement purposes. This firm stated just doing that got 70-80% compliance. Then the firm would return and install the system, at no cost to the city. That was just one particular firm. He asked if there was 80% compliance, resulting in 20% tickets, how was that affordable? The cost was approximately $250K per intersection for this system. The firm replied that even at 20%, with Oregon ticket fines for running red lights, they still made money. The city was not viewing it as a revenue generator, so he liked the idea of the study and installation for free, but it was not truly free. Under Oregon law, a camera had to see both the front and back license plates, as well as the person in the car, and the lights, and the timing. That would be reviewed, and if they believed there was a citation that should be issued, that was sent to the police department. The company did not issue citations. Now it was necessary to have enough staff to review those, who determined if a ticket would be issued. With current staffing in OPD, there was not enough manpower to do that process. However, it was still being investigated, and options were being reviewed. He didn't care so much for the other firm, because they required a lot of money just to come look at it.

Councilor Hart asked about the airport cameras for the tails.

Councilor Kirby stated that had been discussed at an Airport Board meeting. Currently, that wasn't being supported, but they were looking into the rest.

Andy Wood, Airport Manager, stated the cameras were going to be located in other areas around the airport, to better utilize the five that were there.

Councilor Bakefelt stated she had worked as a judge for the holiday parade, and there had been a great presence by police and fire. She was impressed by the number of floats this year, more than previously, and the number of people in attendance. The energy in this city was great. Kudos to the attendees, and to the staff who worked it.

Mayor Folden stated the parade, and the festival was also successful, and she thanked all who helped.

Mr. Cummings stated he'd been told there were 36 floats, which was the most that had ever been in the parade. He apologized for missing the parade, but he was giving a presentation to the PLSO.

## ADJOURN

BAKEFELT moved, MILLS seconded, **THAT THE MEETING BE ADJOURNED**. Roll call vote: Mills-yes; Baker-yes; Hart-yes; Bakefelt-yes; Melendrez-out; Kirby-yes; Folden-yes. Motion carried 6/0/1.

**ACCEPTED:**

Deborah K. Folden

Deborah K. Folden, Mayor

**ATTEST:**

Tori Barnett

Tori Barnett, MMC, City Recorder