MISSION STATEMENT: TO PROVIDE A SAFE, HEALTHFUL AND SOUND ECONOMIC ENVIRONMENT, PROGRESSIVELY ENHANCING OUR QUALITY OF LIFE

COUNCIL MEETING AGENDA
CITY COUNCIL – CITY OF ONTARIO OREGON
TUESDAY, FEBRUARY 18, 2020, 6:00 PM, MT

Pursuant to the Public Meetings Laws and Rules within the Oregon Revised Statutes, the City Council has the authority, ability, and standing to take action on any items on the Agenda, or add items to the Agenda, during the Study Session or Regular Meeting, as long as all public meeting notice requirements have been met.

1) CALL TO ORDER

Roll Call: Freddy Rodriguez _____ Marty Justus _____ Ramon Palomo _____ Dan Capron _____
Michael Braden _____ Norm Crume _____ Mayor Riley Hill _____

2) PLEDGE OF ALLEGIANCE

This Agenda was posted on February 14, 2020. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website at www.ontariooregon.org.

3) MOTION TO ADOPT THE AGENDA

4) PUBLIC COMMENTS Citizens may address the Council; however, Council may not be able to provide an immediate answer or response. Out of respect to the Council and others in attendance, please limit your comment to three (3) minutes. Please state your name and city of residence for the record.

5) CONSENT AGENDA

A) Minutes:
Council Meeting: 01-21-2020; 01-28-2020

6) PRESENTATIONS

A) Eastern Oregon Border Board

7) NEW BUSINESS

A) Appointment to Planning Commission

8) PUBLIC HEARING

A) Ordinance #2770-2020: Amending Planning and Zoning Codes 10A-52-245, 10A-59-10, and 10A-59-15

B) Ordinance #2771-2020: Acceptance of Private Property as Public Right-of-Way for a Public Street

9) DISCUSSION ITEMS

A) Attraction Study, Branding, and Way-finding Update

10) HAND-OUTS

A) Minutes:
County Court: 12-30-2019; 01-06-2020; 01-29-2020; 02-05-2020
PW Committee: 01-14-2020

B) Check Register: Jan 1-Feb 14, 2020

11) CORRESPONDENCE, COMMENTS AND EX-OFFICIO REPORTS

12) ADJOURN

The City Council may recess/adjourn to Executive Session under ORS 192.660(2) as follows: (a) Employment of Public Officers, Employees, or Agents; (b) Discipline of Public Officers, Employees, or Agents; (d) Labor Negotiations; (e) Real Property Transactions; (f) Exempt Public Records; (g) Trade Negotiations; (h) Litigation /Consult with Legal Counsel; (i) Performance Evaluation of Public Officers and Employees; (j) Trade Negotiations; and/or (l) Labor Negotiations.

CITY COUNCIL MEETING MINUTES
January 21, 2020

The scheduled meeting of the Ontario City Council was called to order by Mayor Riley Hill at 6:00 p.m. on Tuesday, January 21, 2020, in the Council Chambers of City Hall. Council members present were Riley Hill, Dan Capron, Norm Crume, Michael Braden, Marty Justus, and Freddy Rodriguez. Ramon Palomo was excused.

Members of staff present were Adam Brown, Tori Barnett, Larry Sullivan, Kari Ott, Steven Romero, Peter Hall, Cliff Leeper, Betsy Roberts, and Dan Beaubien.

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

Mayor Hill led everyone in the Pledge of Allegiance.

AGENDA

This Agenda was posted on January 17, 2020. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

CRUME moved, CAPRON seconded, **TO ADOPT THE AGENDA AS PRESENTED.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

PUBLIC COMMENT

Eddy Thiel, Citizen's Coalition of Ontario, invited the Council to their upcoming meeting scheduled for January 29, 2020, at 6:00 p.m. at the Four Rivers Cultural Center.

Mary Galligar, Malheur County Health Department, gave a presentation on the Hepatitis Outreach Prevention Program. *(Attached)*

CONSENT AGENDA

CAPRON moved, CRUME seconded, **TO ADOPT THE CONSENT AGENDA, WHICH INCLUDED THE NOVEMBER 19, 2019, COUNCIL MEETING MINUTES; NOVEMBER 26, 2019, COUNCIL MEETING MINUTES; DECEMBER 5, 2019, COUNCIL WORK SESSION MINUTES; DECEMBER 17, 2019, COUNCIL MEETING MINUTES; HANGAR LEASE TRANSFER 343 DELTA AND 348 CHARLIE TO JERRY TROLARD; AND RESOLUTION #2020-104, CONTRACT WITH A GRANT WRITER FOR THE SENIOR CENTER PROJECT.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

OLD BUSINESS

Bid Award Recommendation: Treasure Valley Connector Path
Betsy Roberts, City Engineer, presented.

JUSTUS moved, BRADEN seconded, **THE CITY COUNCIL AWARD THE TREASURE VALLEY CONNECTOR PATH PROJECT TO LOW BIDDER WARRINGTON CONSTRUCTION FOR A TOTAL OF $310,000, WHICH INCLUDES A $2,604 CONTINGENCY.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

Bid Award Recommendation: SE 2nd Street Sanitary Sewer and Water Extension Project
Betsy Roberts, City Engineer, presented.

CRUME moved, JUSTUS seconded, **CITY COUNCIL APPROVE THE LOW BID SUBMITTED BY WARRINGTON CONSTRUCTION FOR THE SE 2ND STREET SANITARY SEWER AND WATER EXTENSION PROJECT FOR A BUDGET OF $96,000, INCLUDING A 10% CONTINGENCY.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

NEW BUSINESS

Appointment to Airport Board
Adam Brown, City Manager, presented.

CRUME moved, JUSTUS seconded, **TO APPOINT SHAY MEYERS TO THE AIRPORT COMMITTEE TO COMPLETE THE REMAINING TERM OF JACK TERRY AND APPOINT LUKE KELLER TO THE ALTERNATE POSITION ON THE AIRPORT COMMITTEE.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

PUBLIC HEARING

Ordinance #2768-2019: An Ordinance Proclaiming the Annexation and Rezoning of a Parcel Located at 3179 SW 4th Avenue, on First Reading by Title Only
It being the date advertised for public hearing on the matter of Ordinance #2768-2019, the Hearing was declared open. There were no objections to the city's jurisdiction to hear the action, no abstentions, ex-parte contact, and no declarations of conflict of interest.

Adam Brown, City Manager, presented.

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

CRUME moved, CAPRON seconded, **THE CITY COUNCIL ACCEPTS THE FINDINGS OF FACTS AND RECOMMENDATION OF THE PLANNING COMMISSION ON PLANNING ACTION 2019-09-60AZ AND APPROVE ORDINANCE #2768-2019, AN ORDINANCE PROCLAIMING THE ANNEXATION AND REZONING OF CERTAIN TERRITORY TO THE CITY OF ONTARIO, BEING A PARCEL WITHIN THE SE¼/SE¼ SECTION 6, TOWNSHIP 18 SOUTH RANGE 47 EAST, W.M.; AND WITHDRAWING SAID TERRITORY FROM THE ONTARIO RURAL FIRE PROTECTION DISTRICT 7-302 ON FIRST READING BY TITLE ONLY.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

CRUME moved, CAPRON seconded, **TO WAIVE THE SECOND READING OF ORDINANCE #2768-2019, AN ORDINANCE PROCLAIMING THE ANNEXATION AND REZONING OF CERTAIN TERRITORY TO THE CITY OF ONTARIO, BEING A PARCEL WITHIN THE SE¼/SE¼ SECTION 6, TOWNSHIP 18 SOUTH RANGE 47 EAST, W.M.; AND WITHDRAWING SAID TERRITORY FROM THE ONTARIO RURAL FIRE PROTECTION DISTRICT 7-302.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

HAND-OUTS

Check Register: *(Attached)*
December 1, 2019 → January 17, 2020

Councilor Rodriguez asked about the expenditure for Community in Action, the $51,356.32.

Kari Ott, Finance Director, stated that was the disbursement for the CDBG program. It was a state grant, and the city was just a pass-through on the project.

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Mayor Hill asked for an update on the homelessness project, as well as upcoming the community meeting.

  Mr. Brown stated when they meet on Thursday, January 9th, he informed the Council there would be a community meeting. There was one held last Thursday. It was short notice, but it was either meet with short notice and meet again in the future, or put it off another week. Staff opted to move forward with Community in Action and Origins Faith Community. Origins was unable to attend last week, but planned to attend this week. There was a good group, of around 15 in attendance. Staff let them know there would be another meeting this week. He thought it would be good to review the responses from the poll from the strategic planning session so they would begin that at 5:30 and run up to the 7:00 community meeting start. With regard to the houses that were being outfitted, those could arrive on site as early as this week. The electric at the facility was ready for their contractor to hook up the box. After last Thursday's meeting, they had created a central place where people could located information about the shelter. They could post rules, times when intake would occur, and that type of thing. He hoped to have that up by Thursday.

  Mayor Hill asked if all 20 huts would be delivered next week.

  Mr. Brown stated no. Delivery would occur as they were completed.

  Mayor Hill asked if there had been discussion about additional lighting, cameras, fencing, etc.?

  Mr. Brown stated the fencing was ready for installation upon completion of the electrical piece; for lighting, he had contacted Idaho Power, who would be checking the lighting situation in the area, and staff had also discussed adding in two more lights to the building. Staff could also add a camera to that area.

  Mayor Hill asked if Nichols Accounting had been represented at the meeting.

  Mr. Brown stated Bob Kemble had attended, and it was expected that they would continue to participate.

  Councilor Rodriguez asked if there would be some type of conflict in the participation because of the lawsuit?

  Mr. Brown stated he did not believe so. The lawsuit just made everyone aware of the position Nichols had taken on the matter.

  Mr. Sullivan stated a lawsuit had been filed, and the Malheur Enterprise had posted a copy of the complaint online for anyone to read.

- Mayor Hill asked for an update on the River Trail.

  Mr. Brown stated the latest was that Mr. Cummings was finishing up the legal description of the parcel of property that was needed from Walmart. The city's right of way attorney was waiting on the legal description. After that, they would need an assessment done, and he had an assessor out of Baker City who did that type of properties. Once the legal description was in place, they would do the assessment. The assessment had to be produced and provided to the owner (Walmart); at that point, the Council/staff would receive a declaritory notification of necessity. That was a resolution that the city needed the property for a public purpose. That would be brought before Council as a resolution, which would trigger the timeline. That's the reason Walmart requested the city run this option as it would cause Walmart to have to react in a timely manner. Following the step, the city had to give Walmart time to negotiate the worth and price of the property. The larger piece was with Heinz-Kraft, and he had requested a conference call with them and their right of way agent because it had recently stalled. They had gotten tied up in a letter of interest that seemed to be negotiating the actual terms and the city proposed to skip the letter and enter directly into negotiating the terms. That property was different because the city was going to be gaining and giving property to them in that the city would be giving streets. It would have to be split between AmeriCold and Heinz-Kraft. That was a land swap. There was a beneficial gain to the city by giving up the property. He was moving on that.

- Mayor Hill asked if there was any update regarding SRCI?

  Mr. Brown stated that would be discussed in the upcoming Executive Session.

AGENDA AMENDMENT

Mr. Brown stated they needed to add ORS 192.660(2)(h) as a second Executive Session.

CAPRON moved, CARPON seconded, **THAT THE COUNCIL AMEND THE AGENDA TO INCLUDE EXECUTIVE SESSION ITEMB B UNDER ORS 192.660(2)(h).** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

CRUME moved, CAPRON seconded, **THAT THE COUNCIL AMEND THE AGENDA TO INCLUDE A DISCUSSION REGARDING THE ONTARIO AIRPORT AND TO DISCUSS THE COMPENSATION OF THE CITY MANAGER.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

DISCUSSION

Airport FBO Issues
Adam Brown, City Manager, stated last year staff asked Airport FBO, Tom Frazier, to have his fuel supplier pay the gas tax directly to the city. After several months of discussion with him, Mr. Frazier had Epic, his fuel supplier, begin doing as the city requested. However, Mr. Frazier changed his fuel supplier approximately four months ago, and had not paid gas tax since that time. Also, the Council had approved the extension of Mr. Frazier's contract; however, Mr. Frazier had not signed it. In addition, he believed that Mr. Frazier was behind on his lease payments for the FBO office property. He had spoken with Dan Beaubien, Airport Manager, to address these issues with Mr. Frazier last week, indicating that if the contract was not signed, the city would cut the lease, and also a payment plan to bring his arrears current. This was not the first time this situation has occurred with this particular FBO. He had the authority to enforce this, but it would most likely get ugly.

Councilor Justus stated he wanted this enforced to the letter of the law.

Mayor Hill stated it was difficult to keep an FBO out there who could make a profit. His hope was that this could be rectified and they could all move on.

Mr. Brown stated the fuel tax was how the airport was funded, so that portion was extremely important to get remedied. The lease was secondary.

Councilor Justus asked if the city could have their own FBO. Would the city be in a position to fund a manager full-time?

Mr. Brown stated yes, that was an option. In the upcoming budget, he had included a proposal to make the Airport Manager a full-time position; however, that did not mean the fund would cover it completely. It would most likely require some subsidization.

Mayor Hill has been informed that the Boise hangars were full and Nampa hangars were full. Our Airport was an asset and shouldn't be put on the back burner.

EXECUTIVE SESSION

Executive Session: ORS 192.660(2)(h)
An executive session was called at 6:55 p.m. under provisions of ORS 192.660(2)(h) to discuss current or potential litigation. The Council convened into a second executive session at 7:37 p.m.

Executive Session: ORS 192.660(2)(i)
An executive session was called at 7:37 p.m. under provisions of ORS 192.660(2)(i) to review and evaluate the performance of an officer, employee or staff member. The Council reconvened back into regular session at 8:00 p.m.

City Manager Compensation
Councilor Justus stated his preference for a full Council in attendance for this discussion. He, himself, was ready to discuss it, but thought the full Council should be present.

Councilor Capron confirmed that staff had a 1-3% max, per year.

Mr. Brown stated the non-union staff received a minimum of 3% due to the compensation plan. They placed staff where they were supposed to be, and they didn't receive anything through the study, they received the 3%.

Councilor Capron stated the minimum was 3%, so what was the maximum?

Mr. Brown stated it depended on their job. Currently, it was 3.5% under the new compensation plan. There were seven steps a non-union employee could achieve per year, and that would be under a perfect score. Each step was only .5%.

Councilor Braden stated he was fine with waiting, but there was a quorum present, and they were putting in the time and work now. He was prepared to act.

Councilor Crume stated he thought it should be all seven making the decision. It wouldn't hurt to wait for the next meeting.

Councilor Capron stated there was no guarantee they'd have all seven at the next meeting.

Councilor Braden stated he viewed it as tied to the evaluation review. Not all seven were present for that.

Councilor Capron agreed, and wanted to move forward.

Councilor Braden stated when they were discussing money and the city's key employee, having all seven Councilors present was representative. But those present were doing the work, so do it.

Councilor Capron asked what percentage Mr. Brown had received the previous year.

Mr. Brown stated he hadn't taken a raise the first year, where the Council had offered 1.5% from that year. He turned down the compensation. The following year was 2.5%. He did not want to exceed what he had given to staff, which was the 3%.

BRADEN moved, CAPRON seconded, **THAT THE CITY COUNCIL APPROVE A 3% PAY RAISE, RETROACTIVE TO DECEMBER 6, 2020, CONCLUDING THE EVALUATION PERIOD FOR CITY MANAGER ADAM BROWN.** Roll call vote: Crume-yes; Rodriguez-out; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-no. Motion carried 4/1/2.

ADJOURN

CRUME moved, CAPRON seconded, **THAT THE MEETING BE ADJOURNED**. Roll call vote: Crume-yes; Rodriguez-out; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 5/0/2.

ACCEPTED:	**ATTEST**
_______________________________	___________________________________
Riley J. Hill, Mayor	Tori Barnett, MMC, City Recorder

EMERGENCY
CITY COUNCIL MEETING MINUTES
January 28, 2020

An emergency meeting of the Ontario City Council was called to order by Mayor Riley Hill at 6:35 p.m. on Tuesday, January 28, 2020, in the Council Chambers of City Hall. Council members present were Riley Hill, Dan Capron, Norm Crume, and Ramon Palomo. Marty Justus and Michael Braden were excused; Freddy Rodriguez was absent.

Members of staff present were Adam Brown, Tori Barnett, Terry Leighton, Kari Ott, Dan Cummings, Steven Romero, Peter Hall, Cliff Leeper, Betsy Roberts, and Dan Beaubien.

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

OLD BUSINESS

SRCI Issue
Adam Brown, City Manager, presented.

Staff had been in ongoing discussion with Snake River Correctional Institute, or the Department of Justice on behalf of SRCI, all day, every day, for the past seven days. As of 5:30 p.m. that day, in an agreement on the main tenants of the contract and the price points, however, DOC didn't think they could get it executed before it expired in two days. DOC asked staff to get permission have an extension to February 14, 2020, with the intent that he would bring it back before the complete City Council next Thursday at the work session, wherein the Council could deliberate it and either approve or deny the agreement. That would give DOC another week to sign it on their end.

The alternative would be that DOC would be rushing around to create what they were calling a superciting order, which, according to them, would allow them to pay the city whatever they deemed reasonable until a contract was in place.

Staff was not worried about the superciting order as much as he believed they were close on something that probably neither side was happy about, which was usually the result of good mediation. It was an increase. At issue last week was discussing some of the past costs that the city incurred during the extensions. DOC budged a little and said they would cover the manholes, which were around the $30K range, but not the electrical panel, which was around $29K.

Mayor Hill stated his recollection was that the city spent around $80K.

Cliff Leeper, Public Works Director, stated no, that was what was budgeted, but all the repairs were completed for $29,700.

Mr. Brown stated it was a split. The city argued it was around $120 a month if amortized out, but in DOC's view, they said they'd pay for the manholes, but not the electrical piece.

Mayor Hill stated this appeared to be an opportunity. The city had extended this three separate times already. DOC could supercite, they could hold the hammer, or a gun to the head all they wanted, but it seemed to him that they should extend the contract with the provision that DOC would live by the contract from the first extension, retroactively.

Mr. Brown stated he did not believe DOC would agree to that.

Mayor Hill stated it had been three years to get this completed.

Councilor Capron verified this would be done next Thursday.

Mr. Brown stated yes. It was expected to be completed by Friday so it could be included in the Tuesday night Council meeting packet, for action at the Thursday work session.

Mayor Hill stated he had read the contract, and asked why it was a 20-year contract instead of a 10-year one?

Mr. Brown stated it was debatable, but the negotiations were painful. It was nice to not go through them all the time. However, this contract was much more flexible than the last.

Mayor Hill stated this was different than what was discussed at the last meeting.

Mr. Brown stated there were a lot more "outs". DOC would allow the city to come back if there were any costs there were not budgeted that was over $5K. Also, accumulation of separate fixes that came up to $5K.

Mayor Hill stated he read that, but he had also read that the city would bill for 20% over the standard fee for residential, but at the end of the year, if he understood it correctly, the city would have to give DOC an accounting of all the city's expenses for servicing SRCI, both water and sewer. What did that mean – where did the 20% go? Was DOC going to ask for some of that back, or at the end of the 20-year period, if the city built up a fund, DOC would see that it hadn't cost that much and twenty years down the road, DOC would say the city owed them money.

Mr. Brown stated that had been discussed. DOC didn't want to have a reconciliation at the end of the end, where the city could owe DOC, or DOC could owe the city. DOC just wanted to be able to look at the numbers throughout the contract.

Mayor Hill stated he did not see where that was addressed. At the end of the 20-year contract, what happened to that money?

Mr. Brown stated there was no payment to the state if there was an overage. DOC specifically did not want to do that.

Mayor Hill stated he did not see that in the contract.

Mr. Brown stated staff would have that pointed out when it came before the Council for approval next Thursday.

Councilor Capron verified for anything over $5K, the city could back DOC for, but DOC could still refuse, or did they have to pay?

Mr. Brown stated it was a contract opener.

Councilor Capron stated so DOC could say tough, they weren't going to pay.

Mr. Brown stated there were situations where it might be an emergency expenditure. The city would make the decision that something had to be done, and DOC could ask, but they did have to pay for it.

Mayor Hill stated had hadn't read it that way. He read it that yes, if it had to be done immediately, it could be taken care of by the city, but the city had to give DOC notice in writing. If there were certain circumstances, the city would have to let DOC know the cost and then DOC "might" pay it.

Mr. Brown stated the language in the agreement now was agreed upon by the lawyers with the intent that if it was an emergency that had to be done, DOC would be required to pay the city, regardless. The ones that were less firm were ones where it was noted that something needed to be fixed. Then they would need to talk with them.

Mayor Hill verified that was for the $5K or over?

Mr. Brown stated it was. They had originally had it at $20K, but staff was not comfortable with that number. DOC suggested the decrease to $5K, and staff was in agreement for the $5K level.

Mayor Hill stated if he understood it correctly, the second scenario, where things were not in emergency status, but did need to be fixed, then the city would have to provide paperwork to DOC, and if they didn't agree, too bad. Then it would advance to litigation. For the state, it cost nothing to litigate because they had staff attorneys, but for Ontario, they'd have to pay an attorney to litigate on our behalf, and he did not like that.

Mr. Brown stated Mr. Sullivan would be at the work session, so he'd be able to address any particulars. If Council granted him the authority to extend it under the same terms of the last extension, to February 14th, staff would be bringing it back next Thursday for deliberation.

CRUME moved, PALOMO seconded, **THAT THE CITY COUNCIL ALLOW THE CITY MANAGER TO EXTEND THE SRCI WATER AND SEWER CONTRACT THROUGH FEBRUARY 14, 2020, AT THE SAME RATE AS CURRENT.** Roll call vote: Crume-yes; Rodriguez-out; Palomo-yes; Justus-out; Capron-yes; Braden-out; Hill-no. Motion carried 3/1/3.

ADJOURN

CRUME moved, CAPRON seconded, **THAT THE MEETING BE ADJOURNED**. Roll call vote: Crume-yes; Rodriguez-out; Palomo-yes; Justus-out; Capron-yes; Braden-out; Hill-yes. Motion carried 4/0/3.

ACCEPTED:	**ATTEST**
______________________________	__________________________________
Riley J. Hill, Mayor	Tori Barnett, MMC, City Recorder

Committee/Council Liaison Appointments - 2020

Committee	Term Expires	Current Member	Applicant-Interested	Appointed
Airport				
Complete				
Budget				
Complete				
Diversity Advisory				
Complete				
Parks				
Complete				
Planning Commission				
Public Member	12/21	Craig Smith (Resigned)	Cydney Cooke	
Public Works				
Complete				
V&C				
Complete				

Airport: 4th Monday each month, 6:00 p.m. @ the Airport
Budget: As needed
Diverstiy Advisory: 2nd Tuesday each month, 5:30 p.m., @ City Hall
Marijuana Ad-Hoc: As needed, 5:30 p.m. @ City Hall
Parks: 3rd Thursday, Quarterly, 5:30 p.m. @ City Hall
Planning: 2nd Monday each month, 7:00 p.m. @ City Hall
Public Works: 2nd Tuesday each month, 3:00 p.m. @ City Shop
V&C: 1st Thursday each month, 7:00 a.m. @ Chamber Office

Please Type or Print With Blue Ballpoint

Please Type or Print with Blue Ballpoint

CITY OF ONTARIO
REQUEST FOR BOARD OR COMMISSION APPOINTMENT

Mail or personally deliver to: ***City of Ontario -- City Recorder***
444 SW 4th St., Ontario, OR 97914
(541) 889-3232 FAX (541) 889-7121

The Ontario City Council appoints individuals to numerous Boards, Committees, and the Planning Commission. Persons who wish to serve need to provide the following information.

NAME: Cooke (Last) Cydney (First,) ____ (Middle Initial)

HOME ADDRESS: P.O. Box 386 (Street) Ontario (City) 97914 (Zip Code)

TELEPHONE: 503-807-7940 (Home, Work, Cell, or Business (Include Area Code)) thegasstationscydney@gmail.com (E-mail Address)

Name of Board, Committee, or Commission for appointment requested:

1. Planning + Zoning 2. ____ 3. ____

Community Activities/Civic Organization/Boards/Committees:

Activity / Organization:	Length of Service	Position (s) Held:
Diversity Committee	1 year	Member
Friends of the Aquatic Center	6 months	Member
Make Eastern Oregon Green Again	3 years	Coordinator

Employment:

Current Employer:	Position:	Dates of Employment:
HempUSA	CFO	08/2017 - Present

Education:

BA History, Accounting Course, enrolled in a MA in Public Admin with a concentration in government management program

Please indicate why you are requesting appointment to this Board (s) /Commission (s):

Recommended by Dan Cummings

Additional Information you feel may be helpful in considering your request for appointment:

____

[signature] November 13, 2019

Signature: **Date:**

AGENDA REPORT
PUBLIC HEARING
February 18, 2020

TO: Mayor and City Council

FROM: Dan Cummings, Community Development Director

THROUGH: Adam J. Brown, City Manager

SUBJECT: ORDINANCE #2770-2020: AMENDING PLANNING AND ZONING CODES 10A-52-245, 10A-59-10, AND 10A-59-15

DATE: February 12, 2020

PROPOSED MOTION:

1. **I MOVE THAT THE CITY COUNCIL ACCEPT THE PLANNING COMMISSION FINDINGS OF FACTS AND THE RECOMMENDATION TO APPROVE ORDINANCE #2770-2020.**

2. **I MOVE THAT THE CITY COUNCIL APPROVE ORDINANCE#2770-2020 ON FIRST READING BY TITLE ONLY.**

SUMMARY:

The City Council on October 23, 2018 Approved and Adopted Ordinance #2748-2018 an Ordinance amending the City code 10A to allow certain Marijuana related operations and activities. It was later found that a current city zone E-5 was inadvertently not listed in the amendment and an error was discovered in listing of a school in the proper restricted location Section of the code. It was the intent of the Planning Commission and City Council to include all city zones and provide for the protection of certain schools within the City of Ontario and therefore these code amendments are required to fulfill the requirements as intended.

A public hearing was held in front of the Ontario Planning Commission on February 10, 2020 at which time they approved the Finding of Facts of the Planning Action 2020-01-05ZCA and sent a recommendation to the City Council to Approve Ordinance #2770-2020 an Ordinance amending Title 10A-52-245, 10A-59-10 and 10A-59-15 of the Ontario City Code that allow certain marijuana related operations and activities in certain zones under a conditional use permit and to prohibit them in all other zones not specifically noted as being allowed as a conditional use.

BACKGROUND:

On Monday October 8, 2018 the Commission acted on planning action 2018-08-15 ZCA on the creation of Chapter 10A-59 entitled “Marijuana Facilities” and amended city codes dealing with Conditional Uses and set a recommendation to the City Council who held Public Hearings on Ordinance #2748-2018 on October 16, 2018 and October 23, 2018 adopting the City codes on Marijuana Facilities.

It was later found that a current city zone E-5 was inadvertently not listed in the amendment and an error was discovered in listing of a school in the proper restricted location Section of the code. It was the intent of the Planning Commission and City Council to include all city zones and provide for the protection of certain schools within the City of Ontario and therefore these code amendments are required to fulfill the requirements as intended.

CURRENT SITUATION:

To correct the error the following amendments are being presented:

As proposed, the amendments would:

1).Amend Title 10A-52-245 UGA E-5 Conditional Uses to include the allowed Marijuana Facilities to match the same uses as the E-2 zone which is basically the same allowed uses as the E-5 except for being a 2-acre size development instead of the 5-acre development.
2).Amend Chapter 10A-59-10 by adding the E-5 zone text in two places, one in the title the other in the first paragraph.
3).Amend Title 10A-59-15 by adding the E-5 zone text in two places, one in the title the other in the first paragraph and by moving from 10A-59-15 (A) (1) (e) Malheur Education Service District (ESD) and placing it as 10A-59-15 (A) (2) (f).

The text of the specific amendments are as follows:

Section 1. Section 10A-52-205 is hereby amended by adding that portion that is underlined:

10A-52-245 - CONDITIONAL USES.

The following uses are permitted conditionally in the UGA E-5 Zone:

1. Commercial recreation facilities or RV Park;
2. Schools and college;
3. Churches;
4. Bars, taverns, cocktail lounges;
5. Dry cleaning, laundry;
6. Bed and breakfast;
7. Dwelling, multi-family mixed use ;

8. Public buildings, facilities and services;
9. Distribution centers;
10. Amusement center;
11. Marijuana Retailer as provided in Chapter 10A-59;
12. Marijuana Laboratory as provided in Chapter 10A-59;
13. Marijuana Wholesaler as provided in Chapter 10A-59;
14. Marijuana Processor Non-Flammable as provided in Chapter 10A-59; and
15. Marijuana Grow Site Medical as provided by State regulations and as provided in Chapter 10A-59.

Section 2. Section 10A-59-10 is hereby amended by adding that portion that is underlined:

10A-59-10 MARIJUANA RELATED OPERATIONS AND ACTIVITIES AS CONDITIONAL USE IN C-1, C-2 AND C-3, C-2H, E-2, E-5, I-1, and I-2 ZONES.

Unless lawfully prohibited by Section 3-23-1 and any amendments thereto imposing a ban on marijuana within the jurisdiction of the City of Ontario, the following uses if listed under being allowed by a conditional use, are conditional uses in the C-1, C-2, C-3, C-2H, E-2, E-5, I-1 and I-2 zones, as provided in Chapters 27, 29 and 33 of Title 10A: Marijuana Businesses defined in Section 10A-03-134.1.1; Marijuana Grow Sites Medical defined in Section 10A-03- 134.1.2; Marijuana processing sites defined in Section 10A-03-134.1.4; Marijuana Processor Flammable defined in Section 10A-03- 134.1.5; Marijuana Processors Non-Flammable defined in Section 10A-03-134.1.6; a Marijuana Producer Recreational defined in Section 10A-03-134.1.7; Marijuana Recreational Facility defined in Section 10A-03-134.1.8; Marijuana Retailers defined in Section 10A-03-134.1.9; Marijuana Testing Laboratory defined in Section 10A-03- 134.1.10; Marijuana Wholesalers defined in Section 10A-03-134.1.11; and Medical Marijuana Facilities defined in Section 10A-03-134.5.

Section 3. Section 10A-59-10 is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10A-59-15 MARIJUANA RELATED OPERATIONS AND ACTIVITIES GENERAL AND SPECIAL CONDITIONS IN THE C-1, C-2, C-3, C-2H, E-2, E-5, I-1 AND I-2 ZONES.

All marijuana operations and activities located in the C-1, C-2, C-3, C-2H, E-2, E-5, I-1 and I-2 zones are subject to Chapter 10B-25 ("Conditional Use Permits") of Title 10B, and to the conditions generally imposed upon conditional uses in these zones and to the application fee set by most recent fee resolution. The following special conditions shall also apply to all marijuana operations and activities:

(A) Location Restrictions. Marijuana operations and activities are prohibited in the following locations, with distances measured from the closest points of the respective lot lines:

1. within 1,000 feet of a public or private elementary or secondary school, or a career school

attended primarily by minors, including but not limited to:
a). All Ontario 8C Schools.
b). St. Peter Catholic School
c). Treasure Valley Christian School
d). Four River Community School;
~~e) Malheur Education Service District (ESD);~~

2. within 1,000 feet of a non-commercial facility used primarily for the care, education or recreation of minors existing at the time of this ordinance which are:
a). Ontario Head Start Center
b). Oregon Child Development Coalition (OCDC)
c). Malheur County Child Development Center
d). Treasure Valley Relief Nursery
e). Ontario Boys and Girls Club~~;~~
f). Any School operated by Malheur Education Service District (ESD);

PREVIOUS PLANNING COMMISSION ACTION

On Monday October 8, 2018 the Commission acted on planning action 2018-08-15 ZCA on the creation of Chapter 10A-59 entitled "Marijuana Facilities" and amended city codes dealing with Conditional Uses and set a recommendation to the City Council who held Public Hearings on Ordinance #2748-2018 on October 16, 2018 and October 23, 2018 adopting the City codes on Marijuana Facilities.

FINDINGS OF FACT

1. The City of Ontario substantive zoning regulations and administrative requirements are contained Titles 10A, 10B and 10C of the Ontario City Code.

2. Amendments to Title 10A has been initiated by the City Council in accordance with Section 10B-15, Ontario City Code.

3. Amendment actions are first referred to the Ontario Planning Commission for a public hearing and recommendation to the City Council.

4. The appropriate legal notice has been provided for this hearing.

5. The code amendments are required to fulfill the intent and requirements of the Ontario Planning Commission and City Council for Marijuana Facilities.

Conclusion:

The proposed code amendments are needed to insure compliance with the Citizens of Ontario during the original public hearing as established by the Planning Commission's recommendations and City Council Public hearings for Ordinance #2748-2018.

ANALYSIS:

A. **STRATEGIC PLAN** This fulfill the Council Strategic Plan by meeting the insuring the Desirability and Growth of the City as the Council has intended.

B. **FINANCIAL** Financial impact has been limited to staff time and recording fees.

C. **TIMING** This action is housing keeping and there is no emergency is getting this approved at this time.

D. **POLICY/LEGAL** This action is Governed by Title 10 Chapter 10B-01-05 (1) Legislative actions for Title changes

ALTERNATIVES:

Council could choose to not change the codes and leave things the way they are.

RECOMMENDATION:

Staff recommends the City Council accepts the Planning Commission Findings of Facts and approve Ordinance #2770-2020.

ATTACHMENTS:

1. ORDINANCE 2770-2020_Amending Title 10A-59

ORDINANCE NO. 2770-2020

AN ORDINANCE AMENDING TITLE 10A-52-245, 10A-59-10 and 10A-59-15 OF THE ONTARIO CITY CODE THAT ALLOW CERTAIN MARIJUANA RELATED OPERATIONS AND ACTIVITIES IN CERTAIN ZONES UNDER A CONDITIONAL USE PERMIT AND TO PROHIBIT THEM IN ALL OTHER ZONES NOT SPECIFICALLY NOTED AS BEING ALLOWED AS A CONDITIONAL USE.

WHEREAS, The City Council on October 23, 2018 Approved and Adopted Ordinance #2748-2018 an Ordinance amending the City code 10A to allow certain Marijuana related operations and activities; and

WHEREAS, It was later found that a current city zone E-5 was inadvertently not listed in the amendment; and

WHEREAS, An error was discovered in listing of a school in the proper restricted location Section of the code; and

WHEREAS, It was the intent of the Planning Commission and City Council to include all city zones and provide for the protection of certain schools within the City of Ontario.

NOW THEREFORE, The Common Council or The City Of Ontario Ordains As Follows**:**

Section 1. Section 10A-52-205 is hereby amended by adding that portion that is underlined:

10A-52-245 - CONDITIONAL USES.

The following uses are permitted conditionally in the UGA E-5 Zone:

1. Commercial recreation facilities or RV Park;
2. Schools and college;
3. Churches;
4. Bars, taverns, cocktail lounges;
5. Dry cleaning, laundry;
6. Bed and breakfast;
7. Dwelling, multi-family mixed use [when accessory to a commercial development];
8. Public buildings, facilities and services;
9. Distribution centers;
10. Amusement center;
11. <u>Marijuana Retailer as provided in Chapter 10A-59;</u>
12. <u>Marijuana Laboratory as provided in Chapter 10A-59;</u>
13. <u>Marijuana Wholesaler as provided in Chapter 10A-59;</u>
14. <u>Marijuana Processor Non-Flammable as provided in Chapter 10A-59; and</u>
15. <u>Marijuana Grow Site Medical as provided by State regulations and as provided in Chapter 10A-59.</u>

Section 2. Section 10A-59-10 is hereby amended by adding that portion that is underlined:

10A-59-10 MARIJUANA RELATED OPERATIONS AND ACTIVITIES AS CONDITIONAL USE IN C-1, C-2 AND C-3, C-2H, E-2, <u>E-5,</u> I-1, and I-2 ZONES

Unless lawfully prohibited by Section 3-23-1 and any amendments thereto imposing a ban on marijuana within the jurisdiction of the City of Ontario, the following uses if listed under being allowed by a conditional use, are conditional uses in the C-1, C-2, C-3, C-2H, E-2, <u>E-5,</u> I-1 and I-2 zones, as provided in Chapters 27, 29 and 33 of Title 10A: Marijuana Businesses defined in Section 10A-03-134.1.1; Marijuana Grow Sites Medical defined in Section 10A-03-134.1.2;

Marijuana processing sites defined in Section 10A-03-134.1.4; Marijuana Processor Flammable defined in Section 10A-03-134.1.5; Marijuana Processors Non-Flammable defined in Section 10A-03-134.1.6; a Marijuana Producer Recreational defined in Section 10A-03-134.1.7; Marijuana Recreational Facility defined in Section 10A-03-134.1.8; Marijuana Retailers defined in Section 10A-03-134.1.9; Marijuana Testing Laboratory defined in Section 10A-03-134.1.10; Marijuana Wholesalers defined in Section 10A-03-134.1.11; and Medical Marijuana Facilities defined in Section 10A-03-134.5.

Section 3. Section 10A-59-10 is hereby amended by adding that portion that is underlined and deleting the portion lined out:

10A-59-15 MARIJUANA RELATED OPERATIONS AND ACTIVITIES GENERAL AND SPECIAL CONDITIONS IN THE C-1, C-2, C-3, C-2H, E-2, E-5, I-1 AND I-2 ZONES.

All marijuana operations and activities located in the C-1, C-2, C-3, C-2H, E-2, E-5, I-1 and I-2 zones are subject to Chapter 10B-25 ("Conditional Use Permits") of Title 10B, and to the conditions generally imposed upon conditional uses in these zones and to the application fee set by most recent fee resolution. The following special conditions shall also apply to all marijuana operations and activities:

(A) Location Restrictions. Marijuana operations and activities are prohibited in the following locations, with distances measured from the closest points of the respective lot lines:

1. within 1,000 feet of a public or private elementary or secondary school, or a career school attended primarily by minors, including but not limited to:
   a) All Ontario 8C Schools
   b) St. Peter Catholic School
   c) Treasure Valley Christian School
   d) Four River Community School;
   ~~e) Malheur Education Service District (ESD);~~

2. within 1,000 feet of a non-commercial facility used primarily for the care, education or recreation of minors existing at the time of this ordinance which are:
   a) Ontario Head Start Center
   b) Oregon Child Development Coalition (OCDC)
   c) Malheur County Child Development Center
   d) Treasure Valley Relief Nursery
   e) Ontario Boys and Girls Club
   f) Any School operated by Malheur Education Service District (ESD);

Section 4. Severability. The sections, subsections, paragraphs, and clauses of this Ordinance are severable. The invalidity of one section, subsection, paragraph, or clause does not affect the validity of the remaining sections, subsections, paragraphs, and clauses.

PASSED AND ADOPTED by the Common Council of the City of Ontario this 21st day of February 2020, by the following vote:

AYES:
NAYS:
ABSENT:

APPROVED by the Mayor this 21st day of February 2020.

ATTEST:

____________________________ ____________________________

Riley J. Hill, Mayor | Tori Barnett, MMC, City Recorder

AGENDA REPORT
PUBLIC HEARING
February 18, 2020

TO: Mayor and City Council

FROM: Dan Cummings, Community Development Director

THROUGH: Adam J. Brown, City Manager

SUBJECT: **ORDINANCE #2771-2020: ACCEPTANCE OF PRIVATE PROPERTY AS PUBLIC RIGHT-OF-WAY FOR A PUBLIC STREET**

DATE: February 14, 2020

PROPOSED MOTION:

I MOVE THE CITY COUNCIL ADOPT ORDINANCE #2771-2020, AN ORDINANCE ACCEPTING A PORTION OF DOMINGUEZ, LLC, PROPERTY CURRENTLY DESIGNATED AS ASSESSOR'S MAP #18S4711B, TAX LOT #1002, AS CITY OF ONTARIO STREET RIGHT-OF-WAY AS PART OF THAT PUBLIC STREET KNOWN AS SE 13TH STREET AND SE 5TH AVENUE ON FIRST READING BY TITLE ONLY.

SUMMARY:

In cooperation with the city and the developers of the lands along a portion of the east side of their property. the developer is making a dedication for additional right of way for SE 13th Street and along the south side of their property for additional right of way for SE 5th Avenue. This is described in Attachment #1 (Ordinance 2771-2020)of this report.

BACKGROUND:

Steven Dominguez, Dominguez, LLC, is redeveloping their property known as Tax Lot 1002 on Tax Map 18S4711B at the NE corner of the intersection of SE 13th Street and SE 5th Avenue into an additional car sales lot to accompany their existing Toyota Car Sales Dealership at 313 SE 13th Street.
As part of the redevelopment of the property SE 5th Avenue was required to be reconstructed to city street standards, which required additional right of way to meet those standards.

This property is within the East Side Traffic Impact Area as well as SE 5th Avenue being listed in the project list in Area #1 of the SDC (System Development Charges) program. The City joined in with the development and used the SDC monies collected for this area to pave the street section, while the property owner constructed the curb, gutter and sidewalk portion of the project for their portion of the street construction as per SDC regulations.

CURRENT SITUATION:

Applicable Ordinance & Comprehensive Plan Criteria and Standards:

The proposed development must comply with applicable provisions of the Zoning regulations as set forth in the OMC (Ontario Municipal Code), and the City of Ontario Comprehensive Plan. Generally, unless otherwise noted, if a request is found to be consistent with the Zoning Ordinance it is considered to be consistent with the Comprehensive Plan.

A. 10B-55-70 PUBLIC STREET OUTSIDE LAND DEVELOPMENT. A public street may be created within the City Limits by deed to the City, if the deed is accepted by the City. The establishment of such street may be initiated by the City, County or State if declared essential for the purpose of general traffic circulation. The completion of any required street improvements shall be provided for in the proceedings leading to the acceptance of the street. Additional building sites created by the establishment of a deeded street shall be processed as a partition or subdivision.

10B-55-75 ACCEPTANCE OF A DEEDED STREET, PROCEDURE. An action for accepting a deeded street shall be initiated by the applicant as an application to the Council; the Council shall consider the request at a public hearing and may, by motion, accept or deny the action to accept the deed. If the council decision is to accept the deed, the Council shall accept the deed by ordinance as provided for in the City charter.

Findings: This request is for acceptance of land from “DOMINGUEZ, LLC” to serve as a City Street, specifically, for the development of SE 5th Avenue to City standards, to allow development on an adjacent parcel to the north of SE 5th Avenue and east of SE 13th Street; provision of the street is required by the OMC for the proposed new development. Dominguez, LLC has submitted a deed, which has been reviewed by Staff for compliance.

Conclusion: All applicable requirements for acceptance of private property as right-of-way for a City Street are met; the City may accept the area described in the deed as per City Code 10B-55-75. An Ordinance is provided with this report for Council approval.

ANALYSIS:

A. **STRATEGIC PLAN** The redevelopment of SE 5th Avenue and the acceptance of this deed of dedication meets the City Council Strategic Plan of Growth by improving SE 5th Avenue to improve traffic flow, as well as adding to the Lifestyle by additional retail growth and Beautification of the road section with street improvements and landscaping along the street frontage.

B. **FINANCIAL** The city provided the asphalt portion of the project thought SDC funds and will be required to maintain this street section upon completion.

C. **TIMING** This action is required in a timely manner (not urgent) so that the city has the right to maintain the section of the road within this new right of way.

D. **POLICY/LEGAL** 10B-55-75 ACCEPTANCE OF A DEEDED STREET, PROCEDURE. An action for accepting a deeded street shall be initiated by the applicant as an application to the Council; the Council shall consider the request at a public hearing and may, by motion, accept or deny the action to accept the deed. If the council decision is to accept the deed, the Council shall accept the deed by ordinance as provided for in the City charter

ALTERNATIVES:

Under city code this action is required, as are the street improvements, so staff offers no alternatives to this action.

RECOMMENDATION:

Staff recommends that the Council adopt Ordinance #2771-2020, accepting the property as described on the attached Deed as City of Ontario Road Right-of-Way.

ATTACHMENTS:

1. Ord #2771-2020 - Dominguez ROW
2. Deed of Dedication Dominguez_SIGNED

ORDINANCE #2771-2020

AN ORDINANCE ACCEPTING CERTAIN TERRITORY AS CITY OF ONTARIO STREET RIGHT-OF-WAY AND AS A PUBLIC STREET

WHEREAS, There has been submitted to the City of Ontario a request for city acceptance of certain territory that is currently private property on the Westerly and Southerly portion of Dominguez, LLC property designated as Assessor's Map 18S4711B; Tax Lot 1002, as a City of Ontario Public Street; and.

WHEREAS, Public notice of a City Council hearing on this matter was provided in accordance with the Ontario Municipal Code; and,

WHEREAS, A public hearing on this matter was held on February 18, 2020, before the City of Ontario City Council and the Council approved the request.

NOW THEREFORE, THE CITY OF ONTARIO ORDAINS AS FOLLOWS:

1. Subject Area: The following contiguous territory: That property within the City Limits of the City of Ontario, in Malheur County, Oregon, and currently known as the easternmost 30 feet of land designated as Malheur County Assessor's Map #18S4711B; Tax Lots 900, and specifically described in the deed attached to this ordinance as Exhibit "1".

2. Accepting the above described area as City of Ontario Street Right-of-way and as a Public Street: The Common Council of the City of Ontario deems it in the best interest of the public of the City of Ontario and hereby declares that the real property described hereinabove is accepted as City of Ontario Street Right-of-Way and as a Public Street to be added to the Right-of-Way of SE 13th Street and SE 5th Avenue as of the effective date of this ordinance.

3. Record. The City Clerk shall submit copies of this Ordinance to the Malheur County Clerk for recording, and shall keep in the file of this matter (1) a copy of this Ordinance, (2) a copy of the deed for the subject property, which includes the legal description, and a map depicting the boundaries of the subject area.

PASSED AND ADOPTED by the Common Council of the City of Ontario this ______ day of ____________, 2020, by the following vote:

AYES:
NAYS:
ABSENT:

APPROVED by the Mayor this _______day of _______________, 2020.

ATTEST:

______________________________ ____________________________

Riley J. Hill, Mayor Tori Barnett, MMC, City Recorder

Exhibit "A"

Sawtooth Land Surveying, LLC

P: (208) 398-8104 F: (208) 398-8105
2030 S. Washington Ave., Emmett, ID 83617

Tax Lot 1002 Right of Way Description

BASIS OF BEARING is N. 89°59'55" E., between a found brass cap marking the N1/16 corner common to Sections 10 and 11 and a found aluminum cap marking the NW1/16 corner of Section 11, both in Township 18 South, Range 47 East, of the Willamette Meridian.

A parcel of land being a portion of Tax Lot 1002 of Map 18S47E11B, which is a portion of Parcels 2 and 3 of Partition Plat 2002-13 recorded December 20, 2002, Inst No. 2002-9175 located in the NW1/4 of the NW1/4 of Section 11, Township 18 South, Range 47 East, Willamette Meridian and more particularly described as follows:

COMMENCING at an illegible brass cap marking the N1/16 corner common to Sections 10 and 11;

Thence N. 00°10'17" W., coincident with the west line of said NW1/4 of the NW1/4, a distance of 329.94 feet;

Thence N. 89°55'54" E., 30.00 feet to the easterly right of way of SE 12th Street;

Thence S. 00°10'17" E., coincident with said easterly right of way line, a distance of 268.63 feet to a 5/8" rebar with cap PLS 78150 and the **POINT OF BEGINNING**;

Thence S. 44°23'55" E., 27.79 feet to a 5/8" rebar with cap PLS 78150;

Thence S. 89°23'59" E., 223.74 feet to a 5/8" rebar with cap PLS 78150 on the east line of Tax Lot 1002;

Thence S. 00°35'11" W., coincident with said east line of Tax Lot 1002, a distance of 9.14 feet to a 5/8" rebar with no cap marking the southwest corner of said Tax Lot 1002;

Thence S. 89°59'55" W., coincident with the south line of said Tax Lot 1002 and the northerly right of way of SE 5th Avenue, a distance of 218.06 feet to a 5/8" rebar with no cap and the beginning of a curve right, having a radius of 25.00 feet;

Thence coincident with said southerly line of Tax Lot 1002, a distance of 39.20 feet along the arc of said curve, through a central angle of 89°49'48", subtended by a chord bearing N. 45°05'11" W, 35.30 feet to a 5/8" rebar with no cap;

Thence N. 00°10'17" W., coincident with the west line of said Tax Lot 1002 and said easterly right of way of SE 12th Street, a distance of 6.42 feet to the **POINT OF BEGINNING**;

Right of Way Dedication Area contains 0.06 acres more or less.

REGISTERED PROFESSIONAL LAND SURVEYOR

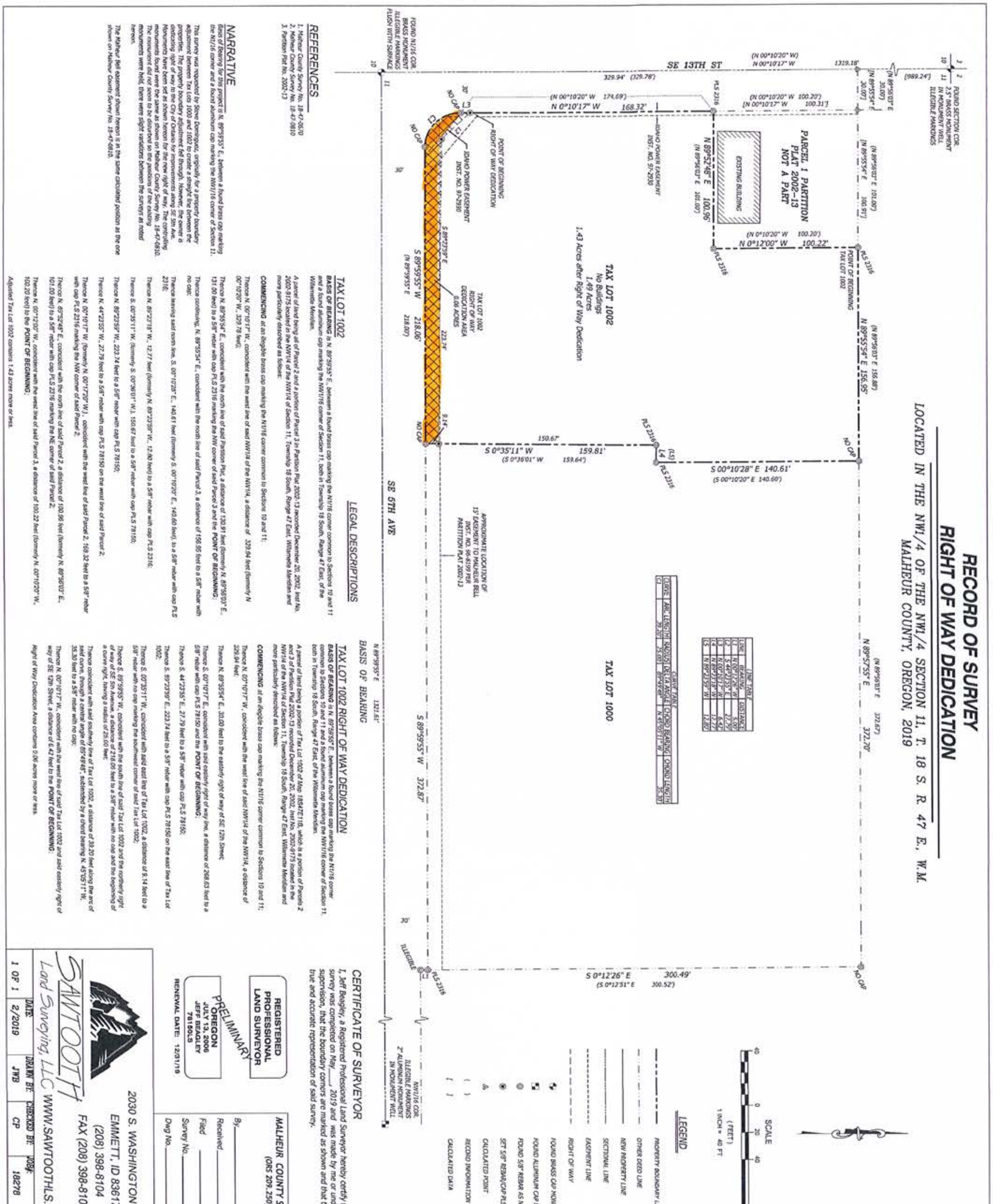
Jeff Beagley
5/8/19

OREGON
JULY 13, 2006
JEFF BEAGLEY
78150LS

EXPIRATION DATE: 12/31/19

P:\2018\18278-DOMINGUEZ TOPO-PBA-ONTARIO\Survey\Drawings\Descriptions\Tax Lot 1002 Right of Way Description.docx

Exhibit “B”


RECORD OF SURVEY
RIGHT OF WAY DEDICATION
LOCATED IN THE NW1/4 OF THE NW1/4 SECTION 11, T. 18 S. R. 47 E., W.M.
MALHEUR COUNTY, OREGON, 2019
SE 13TH ST
SE 5TH AVE
PARCEL 1 PARTITION PLAT 2002-13 NOT A PART
EXISTING BUILDING
TAX LOT 1002
No Buildings
1.49 Acres
1.43 Acres after Right of Way Dedication
TAX LOT 1000
REFERENCES
NARRATIVE
LEGAL DESCRIPTIONS
TAX LOT 1002
TAX LOT 1002 RIGHT OF WAY DEDICATION
BASIS OF BEARING
CERTIFICATE OF SURVEYOR
LEGEND
SCALE
1 INCH = 40 FT
REGISTERED PROFESSIONAL LAND SURVEYOR
PRELIMINARY
OREGON
JEFF BEAGLEY
RENEWAL DATE: 12/31/19
MALHEUR COUNTY SURVEYOR
SAWTOOTH Land Surveying, LLC
2030 S. WASHINGTON AVE.
EMMETT, ID 83617
(208) 398-8104
FAX (208) 398-8105
WWW.SAWTOOTHLS.COM
1 OF 1
2/2019
JTB
CP
18278

After Recording Return to:
City of Ontario
City Recorder
Attn: Tori Barnett
444 SW 4th Street
Ontario, OR 97914

DEED OF DEDICATION

FOR VALUE RECEIVED, **DOMINGUEZ, LLC**, an Idaho Limited Liability Company, whose current address is 5535 Elkridge Court, Fruitland, Idaho, 83619 ("Grantor"), in consideration of the sum of –Zero- dollars ($0.00) and other considerations, the receipt of which is hereby acknowledged, does hereby convey and dedicate to the **CITY OF ONTARIO,** ("Grantee"), whose address is 444 SW 4TH Street, Ontario, Oregon, 97914, A PUBLIC RIGHT OF WAY and the right to erect, construct, install, and lay and thereafter use, operate, inspect, repair, maintain, replace, and remove a permanent roadway and public utilities, such as but not limited to Sewer, Water, Gas, Electric and Communication services lines, Fixtures and Facilities over, across, and through the following described real property located in Malheur County, Oregon (the "Property"), to wit:

Described in attached Exhibit "A" and shown on attached Exhibit "B" made a part hereof.

Further, it is agreed, and made a condition herein, that the conveyed Property be dedicated for public use and in the event the Grantee fails to use or ceases to use the Property exclusively for said use, all right, title and interest in and to the Property shall revert to the Grantor through a legal Vacation process.

GRANTEE, by signing this Instrument, accepts the conveyance of the real property described herein for a public street and agrees to the terms of Grantor's Reversion and all other covenants, terms, and conditions of this instrument.

IN WITNESS WHEREOF, the Grantor has executed this instrument on this 4 day of Feb, 2020.

GRANTOR: **DOMINGUEZ, LLC** an Idaho Limited Liability Company

By: [signature]
Steve Dominguez, Member

State of OREGON)
) SS.
County of MALHEUR)

On this 4th day of February, 2020, before me, the undersigned Notary Public in and for said State, personally appeared **STEVE DOMINGUEZ**, known or identified to me to be the MEMBER AUTHORIZED TO SIGN for **DOMINGUEZ, LLC**, An Idaho Limited Liability Company and he/they executed the within instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

OFFICIAL STAMP
MARCELLA J SIRIWARDENE
NOTARY PUBLIC-OREGON
COMMISSION NO. 958530
MY COMMISSION EXPIRES JANUARY 22, 2021

Marcella J. Siriwardene
Notary Public for Oregon
My Commission expires: Jan 22, 2021

Accepted by the Common Council of the City of Ontario on this _____ day of _____________, 2020,

Pursuant to Ordinance No.______________________________

GRANTEE: **CITY OF ONTARIO**

By:____

Riley J. Hill, Mayor

Attested:______________________________

City Recorder: Tori Barnett, MMC

Exhibit "A"

Sawtooth Land Surveying, LLC

P: (208) 398-8104 F: (208) 398-8105
2030 S. Washington Ave., Emmett, ID 83617

Tax Lot 1002 Right of Way Description

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A parcel of land being a portion of Tax Lot 1002 of Map 18S47E11B, which is a portion of Parcels 2 and 3 of Partition Plat 2002-13 recorded December 20, 2002, Inst No. 2002-9175 located in the NW1/4 of the NW1/4 of Section 11, Township 18 South, Range 47 East, Willamette Meridian and more particularly described as follows:

COMMENCING at an illegible brass cap marking the N1/16 corner common to Sections 10 and 11;

Thence N. 00°10'17" W., coincident with the west line of said NW1/4 of the NW1/4, a distance of 329.94 feet;

Thence N. 89°55'54" E., 30.00 feet to the easterly right of way of SE 12th Street;

Thence S. 00°10'17" E., coincident with said easterly right of way line, a distance of 268.63 feet to a 5/8" rebar with cap PLS 78150 and the **POINT OF BEGINNING**;

Thence S. 44°23'55" E., 27.79 feet to a 5/8" rebar with cap PLS 78150;

Thence S. 89°23'59" E., 223.74 feet to a 5/8" rebar with cap PLS 78150 on the east line of Tax Lot 1002;

Thence S. 00°35'11" W., coincident with said east line of Tax Lot 1002, a distance of 9.14 feet to a 5/8" rebar with no cap marking the southwest corner of said Tax Lot 1002;

Thence S. 89°59'55" W., coincident with the south line of said Tax Lot 1002 and the northerly right of way of SE 5th Avenue, a distance of 218.06 feet to a 5/8" rebar with no cap and the beginning of a curve right, having a radius of 25.00 feet;

Thence coincident with said southerly line of Tax Lot 1002, a distance of 39.20 feet along the arc of said curve, through a central angle of 89°49'48", subtended by a chord bearing N. 45°05'11" W, 35.30 feet to a 5/8" rebar with no cap;

Thence N. 00°10'17" W., coincident with the west line of said Tax Lot 1002 and said easterly right of way of SE 12th Street, a distance of 6.42 feet to the **POINT OF BEGINNING**;

Right of Way Dedication Area contains 0.06 acres more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Jeff Beagley
5/8/19

OREGON
JULY 13, 2006
JEFF BEAGLEY
78150LS

EXPIRATION DATE: 12/31/19

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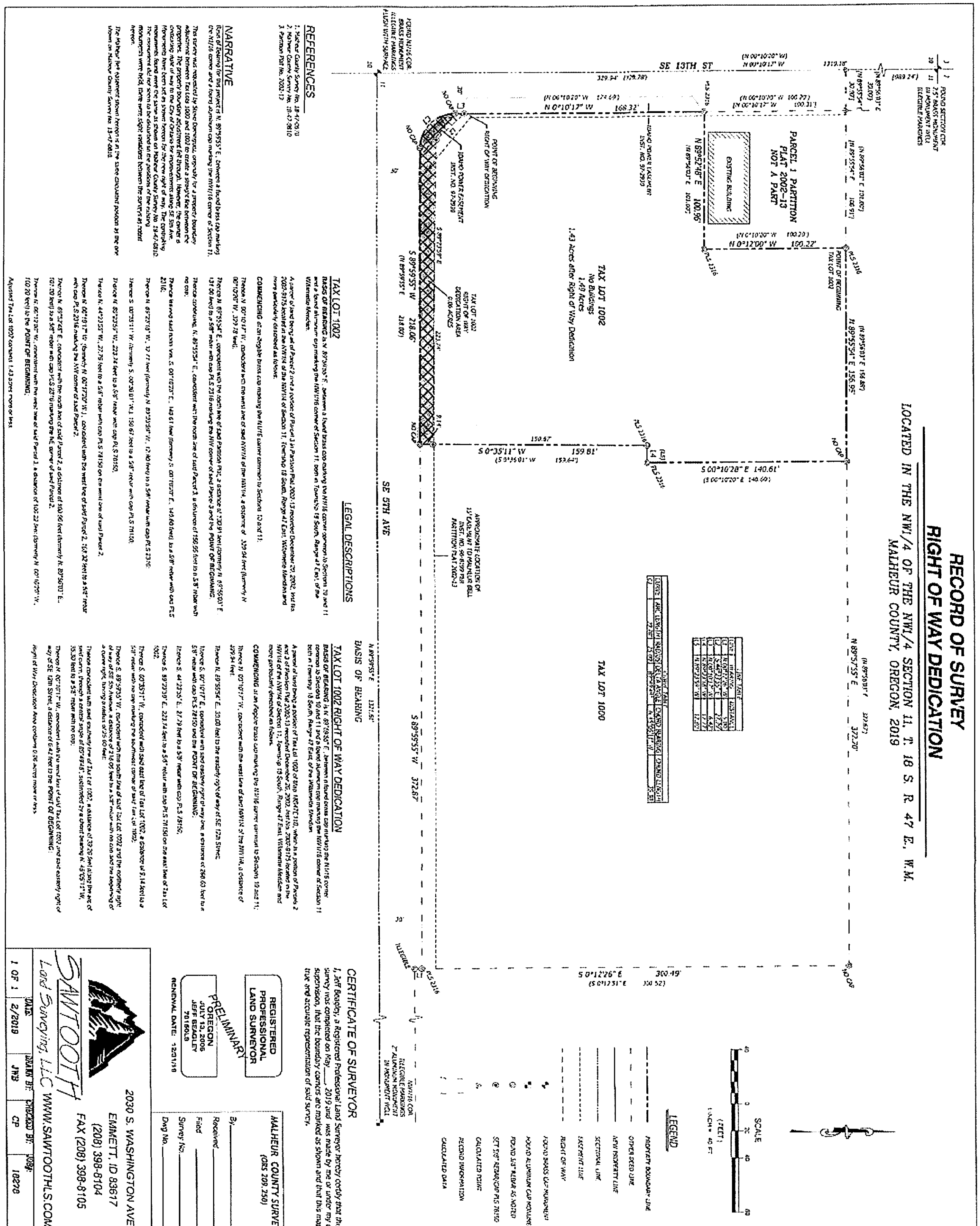
| 1

Exhibit "B"



RECORD OF SURVEY
RIGHT OF WAY DEDICATION
LOCATED IN THE NW/4 OF THE NW/4 SECTION 11, T. 18 S. R. 47 E., W.M.
MALHEUR COUNTY, OREGON, 2019
SE 13TH ST
SE 5TH AVE
TAX LOT 1002
TAX LOT 1000
LEGAL DESCRIPTIONS
REFERENCES
NARRATIVE
CERTIFICATE OF SURVEYOR
LEGEND
SCALE
SAWTOOTH
2030 S. WASHINGTON AVE.
EMMETT, ID 83617
(208) 398-8104
FAX (208) 398-8105

MALHEUR COUNTY COURT MINUTES

SPECIAL MEETING

DECEMBER 30, 2019

The Malheur County Court held a Special Meeting on December 30, 2019; Judge Joyce called the meeting to order at 9:01 a.m. in the County Court Office of the Malheur County Courthouse with Commissioner Don Hodge and Commissioner Larry Wilson present. Staff present was Administrative Officer Lorinda DuBois and County Counsel Stephanie Williams. Notice of the meeting was posted on the County website and Courthouse public bulletin board; and emailed to the Argus Observer, Malheur Enterprise, and those persons who have requested notice.

Present from the Malheur Enterprise were Pat Caldwell and Yadira Lopez.

PUBLIC HEARING – SUPPLEMENTAL BUDGET

Present for the public hearing for consideration of Supplemental Budget Resolution R19-38 were public members: George Glerup, Dirk DeBoer, Roger Corrigall, Rob Hunsucker, Joe Mendiola, Mike Walker, Todd Applegate, Jennifer Applegate, Doug Maag, Kevin Clarich, Kathy Clarich, Alfredo Rodriguez, Chris Artiach, Bonnie Christensen, Chris Christensen, Michael Amick, and Tom McElroy. Notice of the hearing was published in the Argus Observer and Malheur Enterprise. A public hearing was required as the supplemental budget will adjust the current budget fund by 10% or more of the expenditures of that fund.

Malheur Enterprise live-streamed the hearing via Facebook.

Judge Joyce opened the hearing and asked for a Staff Report. Ms. DuBois explained the supplemental budget is needed to authorize the allocation of General Contingency funds in the amount of $969,900 to the Reload/Industrial Park Project fund in the Non-Program budget.

Judge Joyce asked for proponent testimony.

Doug Maag: My name is Doug Maag, I was born and raised in this community, I have a business in town here and I'm involved in the agricultural area. I've had the privilege to serve on a lot of agricultural committees; I'm a managing member of the Snake River Sugar Company and I see this as a potential, very positive, in moving our product out of this area to where our customers are at. I pay a fair amount of taxes in this community and sometimes we have to spend money to make money. And I'm not sure if this is going to go for sure but I know there's been a committee appointed and they're going to evaluate it and I think we leave it in their hands, and everything I've seen about it I think it'd be very positive to this area. Thank you.

Mike Walker: My name is Mike Walker, 2445 Jefferson Dr., Nyssa; I'm a newcomer to the county; I purchased a farm and moved here in 2017. I'm going to read my statement: I support passage of the supplemental budget. Really the commissioners have no choice but to move ahead. Without passage this opportunity for Malheur County to participate in the wave of growth from the greater Boise area will be lost either to critics in Salem or to (inaudible) lawyers in a series of restraining orders. It's critical that long range plans to facilitate jobs and economic opportunities be supported by infrastructure development, such as the Treasure Valley Reload Center and Industrial Park. However, it's very clear that this initial land acquisition, the very first step of the project, was not well done and resulted in significant cost overruns from the County. Thus I would like to hear from the commissioners what measures to strengthen the management and execution of the project will be taken to avoid (inaudible) in the future. Three mistakes were made that were very obvious. Why was James Farmer, the owner of the 290 acre plot, allowed to remain on the economic development corporation's board of directors while negotiations to acquire his land were underway? This must be a new low point in corporate governance; certainly Mr. Farmer would've been privy to the board's siting discussions and strategies. Negotiating a fair market value under these circumstances is like playing poker and showing your opponent your hand before you make your bet. Yes it is true that someone finally woke up in February 2019 and decided that this wasn't a good idea and Mr. Farmer left the board. However, by then the purchase price had been decided, a purchase agreement had been signed, and money had changed hands via the escrow agreement. In simple terms, the cows had already left the pasture and were headed for the corn. Second, why did the county economic development director make a 3 million dollar offer for the Farmer property based on a single comparable sale? The Canadian purchase of an industrial site near Vale. When the comparable sales approach is used to evaluate fair market value of a property at least four or five comparable properties are used and not a single sale, which ultimately as later events proved wasn't even a good comparable. Basing a purchase offer on a single comparative sale was reckless. And finally, why did the purchase agreement not contain contingency clauses to protect the County in case the offer price was in serious disagreement with the appraised fair market value? Such contingency clauses are common in property purchase agreements, particularly when the fair market value may not be easy to determine. To sign a purchase agreement without protective contingency clauses was again reckless. So in summary, I support passage of the supplemental budget but let's all pull together, learn from our mistakes, and execute more effectively as the project proceeds. Thank you.

There was no further proponent testimony.

Judge Joyce asked for opponent testimony.

Jennifer Applegate: My name's Jennifer Applegate, 810 Haul Road, Vale; I don't claim to completely understand how these mistakes were made; I appreciate Mike Walker for covering absolutely all of my questions and concerns. I am opposed based on a lack of candor, honesty, and competence, based on what I can research and find out; I oppose this project move.

Dirk DeBoer: My name is Dirk DeBoer, I farm in the, did farm in the Nyssa area but I also farm very close to the land that you are purchasing. I have been opposed to that lot for the simple reason that I think the elevation between the main track and the land is considerable and a lot of money to make that land available for the railroad facility. Mr. Smith said in the meeting right across the road here that this facility will be paid for with the grant and once it's in operation the profits of this facility will be used to buy land and to build more buildings. He also said, and that's what got my (inaudible), 'I have calls every day from all over the United States and beyond', now I thought he was stretching the truth a little bit. In the two years that this facility has been in the make I haven't seen any numbers from how much it's going to cost to put this operation, to make this operation work, I just don't see the numbers to make this work. So now, we're buying land, 300 acres, when we only need seventy-something acres for this facility, so we're buying that land for $10,000 an acre, we're renting it back to the Farmer brothers for basically zero rent – all they have to do is pay the water. What kind of deal is this? Don't you put it out for bid? For farmers? There may be farmers that want to pay $200 an acre to rent this land because it's not going to be in operation this year – the facility. I just don't understand where you people are coming from. If this operation is not going to be working for several years you're wasting thousands and thousands of dollars on a land buy that they can farm for free basically. I don't understand it. And from what I understood it isn't 100% sure that the transportation board will go all the way to the end, so why are we buying all this land right now; I don't understand it so I'm opposed to it.

Joe Mendiola: My name's Joe Mendiola, 4658 S Rd G, Vale; and I just have two questions. How much money, how much taxpayer dollars are we willing to throw at this thing to make it work? And how will it benefit the average person in Malheur County? I don't understand that. The second question is: Have we dealt with the fact that U.P. says they don't have enough cars to facilitate this project? That was brought up early on. Union Pacific said they don't have enough cars to make it work and so where are we going to get those? So that's why I'm opposed to it. I think the only way you're going to benefit the people, the average people in Malheur county is take that 43 million dollars you're going to spend and send us all a check. That's why I'm opposed.

Roger Corrigall: I'm Roger Corrigall, 923 Onion Avenue; I've lived in this community most of my life and I've been involved in agriculture. And the reasons that I'm opposed is one: we're stealing from Adam to pay Paul, we do not know exactly, well we do not know for sure if all of the expenses are going to be covered by the State and is this going to come around and bite us in the back again? Are we going to have to keep adding money? It kind of seems like to me we've got a black hole. And I'm also, what's been said before, I don't think enough emphasis or enough effort went into selecting the site that we've gotten, I guess that we're stuck with. If it was my money I would purchase the land closer to the railroad, and this has been done in this community. There's several people that ship on railroads and they purchased land right next to the railroad to do that. I think that if it was at all possible we should just put the brakes on this, sit down and go back and look over everything so we know exactly what our costs are and where the money's actually going to come from. Because this thing about us having to put up the money, the County, kind of snuck up on everybody, no one in this room was aware that that was going to happen. When this thing started everybody just assumed that the State was just going to close their eyes and hand over dollars when we asked them to. And if we, as an individual, were going to borrow the money to build this, if the appraised value came up to over what we had agreed on the deal would have been over. Anyway, I think it's a bad idea, I think that we need to go back and look at a lot of things, especially who's going to provide the cars. If we decide that the farmer is going to have to provide the cars a lot of the interest from the farming area is going to disappear. And we still have not resolved the issue of how we're going to get those cars back. But anyway I think we should just slow up, sit back, and go over everything and follow the problems that have already occurred and try not to make any additional problems. One other thing, I do not think that government should enter into a business enterprise. And now I'm going to sit down.

Kathy Clarich: I'm Kathy Clarich; I've been a resident of Vale for several years but I originally came from Nyssa. And even though I think it would be great to have this railroad facility, I think we're speculating that we're going to be able to buy the rest of this ground and sale it to other people and if that was the case I even think Farmers' would have kept that ground; I think they would have just sold you just the amount that you needed for the railroad. And I don't know why we can't go back and renegotiate with them for just that purchase of that ground for the railroad reload site. I think the rest of speculation is going to cost the taxpayers even more money than what we think it's going to cost us or what we're being told it's going to cost us at this point and time. And I just don't think our County government should be in the speculation business.

George Glerup: George Glerup, 650 Ash St., Vale; I am the person that started George's Shop and Rock and the trucking business and I know that when I was in the trucking business I talked to some of the suppliers and onion people and stuff trying to get the freight out of here and taken care of it, it's quite a problem moving when you go to moving them onions like that from what I could find out. I know we had trouble in the trucking industry to do it (inaudible) it was faster than the cars and that's where they had a problem – the cars did not get there in time. So I think for the protection of the County Court and for us taxpayers it should be put up for a vote and I think that we'll see what everybody thinks because we're all going to have money in this thing. It appears to me that everybody's going to have to pay the tax and do whatever; there should be a vote by the county and all of those people that are going to help pay the bill (inaudible). I oppose it; I just don't think it's quite planned right like these gentlemen were saying and the lady there; it just doesn't appear to have been planned right. Anyway, that's my opinion. I'm against it.

There was no further opponent testimony.

Judge Joyce asked for rebuttal from the proponents.

Mike Walker: I'll just say, this is a long-term project. Development of that industrial park is going to stretch 10 to 15 years from now. We don't even have any idea the businesses that could develop and site on that property. Maybe its maintenance facilities that service autonomous trucks that drive automatically all over the United States. We need to think long-term. Boise is growing, it's growing very rapidly; some of that growth is going to come across the river. Let's take advantage of it.

Doug Maag: Some of the questions that have been brought up about the cars and in this project, I'm not on the committee, but I know some of those questions have already been answered and some of the names of the people that are involved in providing the cars cannot be talked about at this time; so there's a lot of those things that have been talked about and I know the committee has, from what I've heard, has tried to resolve all those issues. But you know, it's going to be a work in progress and I still think in my case I'm getting some of my tax dollars back by positive results that this could provide and this is an ag community and that's going to filter down to all the businesses in town and so I kind of agree with Mr. Walker there, it's a long-term project and I know there's businesses that don't even want their name brought up that would maybe locate in this facility.

It was noted that written comments were received from two individuals.

Commissioner Wilson read the comments submitted from Sarah Ray as follows:

Please submit on my behalf. I want to be clear I am not against any project that brings innovation and jobs to our county. I want the voter to understand this project and I feel these questions clearly answered will help. This is a very complex project which even to educated voters can be very confusing.

People feel as if circles are being talked around them. Please consider reading parts of this for questions to be answered as simply as possible. I'm submitting this with the most sincere intentions. I trust you to use your best judgment with the limited time available. Thanks for your consideration.

Questions that need answers:

A. The grant states that Malheur County will be responsible for $14 million to develop the property. I was told that companies who wish to be part of the site will be paying that funds.

a. How are we going to account/pay for this as a county? Will the private companies report what they are spending on the project to the county? Is the county selling shares or rights to develop the site?

b. How was the $14 million arrived at? Does the county have bids, proposals, and/or estimates?

c. What happens if the site is not developed, under developed, or modified during the roll out phase? Is the county on the hook for the $14 million?

B. The independent 3rd party contractor that conducted a feasibility study on the site.

a. What does it say about the impact on the roads due to increased traffic?

b. What are the expected jobs impact?

c. What are the expected number of businesses willing to locate here?

d. What is the expected tax revenue increase for this development?

e. Are there going to be improvements to surrounding infrastructure to account for this?

C. Does the County have records on all the work done on this potential project?

a. Are they somewhere I can read them?

D. Were other sites considered? If so, which ones? And were studies conducted on them? (We know other ones were considered.) Can the public have access to why the Ontario sites where not picked for instance? So the public can understand why Nyssa was the choice of the railroad board.

a. Did/does the grant provide funding to the County to pay for feasibility studies?

E. Has a private company been formed to control this project or are we working with one already? Who will have oversight of everything being done? How will progress be reported and disseminated to the citizens? (would this be considered the railroad board) question directed to them?

a. This is a speculative project that may have huge impacts on our county. Risk needs to be shared as well as rewards. I believe that the County needs to take a leap of faith on an important project like this. If the County does provide the $14 million what guarantees does the County have that the risk is justified?

F. Who is ultimately responsible for this decision? County elected officials?

G. Could this be put up for a bond issues? We would not need to dip into the contingency funds if a bond was issued.

H. Final thought. Since Malheur County has a billion dollar onion industry why are we the poorest county in Ontario. (*possibly intended to say Oregon)* As I thought about questions to be asked to our elected officials one thought kept coming back to my mind. We can run circles about why industries don't want to move to Oregon because of taxes or this or that. Yet frankly until hearts and minds change about how employees and their families are viewed with wages and better care nothing is going to change. Being an employer myself for almost two decades I know that has to start with ourselves. We must do better and changing the way that we think about business. Thinking about how we invest in our resource in community and the people that work for us. See instrument #2019-4741

Judge Joyce read the comments submitted by R. Thomas Butler as follows:

Members of the Malheur County Court: Please accept this letter of inquiry from an interested party to the series of financial transactions which is expected to culminate into portions of the long-anticipated agriculture industrial park presently being contemplated by Malheur County elected/appointed leaders. I am a resident of Malheur County but am currently away from home and cannot attend the 9:00 a.m. Monday, December 30 public hearing in Vale. There are a number of questions I have, but I respectfully request that the members of the County Court disclose to the public what the total anticipated costs of this project may be (beyond the total financial investment which is being committed by Oregon Department of Transportation). Specifically, I understand that there will need to be additional acquisitions of rights-of-way from private land owners as well as potential cost over-runs for utility construction costs and significant additional infrastructure installation. Will additional private lands need to be acquired through eminent domain proceedings? There is great expectation by some that "if we build it, they will come," but my concern is that there always needs to be alternative plans for repayment of amounts presently being committed from County General Fund property tax revenues. This is especially the case in light of the fact that the County Contingency Funds will be largely depleted (from previously unanticipated costs relating to this project even before there is a shovel-ready parcel. Sincerely submitted, R. Thomas Butler. Cc: Malheur Enterprise. See instrument #2019-4742

Judge Joyce asked for further comments.

Michael Amick: Michael Amick, 3821 Birch Road; I've been in this area ever since I was born, farmed and ranched, and I would probably guess that my thoughts would be similar to a lot of peoples. Originally I was for it; sounds like a great deal for the county. Come in and set up a rail facility and shipping point; it looks great, it's going to be paid by the State, can't get any better. But then we start getting all the problems; find out it costs more money – a lot more money; and then it just looks like – these last couple of letters asked a lot of questions that a lot of us would have. There's a big black hole here and how much are we going to dump into it? It just keeps building up. So I would agree with some of them that said we need to slow down, let's relook this over, make sure everything's rights and get a little bit more information to the people that are sitting here on the fence – ah it looks good but now it looks bad. I'm still on the fence, I don't know which way to go but it needs more questions answered and more possibilities looked into.

Dirk DeBoer: I just want to see numbers. I want to see figures. I saw a drawing of the facility; I have never seen any numbers of how much it's going to cost to make this thing operational. I want to see numbers. When I had a farm loan I had to write down my costs; I had to do everything. We haven't seen anything like that. I want to see numbers; not just promises and promises and promises, I want to see how many packers are really willing to ship from this facility. And they say, well we can't commit ourselves because we don't know how much it cost per hundred or to ship. Let's get some numbers together that we know how much it will cost to ship to reload. All we see is promises.

Judge Joyce asked for further comments; there were none.

The hearing was closed. The Court took a ten minute recess.

Public member John Messick joined the session.

The meeting was resumed. Judge Joyce asked Commissioner Wilson and Commissioner Hodge if they would like to address some of the questions that had been raised in the hearing.

Commissioner Wilson explained the proposed site has public road access on three sides and he did not believe that additional acquisitions of right-of way from private landowners would be needed; additional private lands do not need to be acquired through eminent domain proceedings. The largest share of utility construction and infrastructure costs should be taken from the $26 million (Connect Oregon funds). Feasibility studies performed as part of the County's application to the State for the facility revealed there is enough need for the facility and that it will be profitable.

Commissioner Wilson explained that the County is borrowing funds ($2,050,000) through the Special Public Works Fund (SPWF) for the land acquisition of the Farmer property. Two sites in Nyssa and four sites in the Ontario area were considered by the Malheur County Development Corporation (MCDC) Board for the reload facility (the selected site had to be within a reasonable distance to connect to water and sewer facilities; and the railroad indicated that the property needed to have a mile or more of rail footage); costs for the properties ranged from $10,000 an acre to $36,000 an acre (one owner would only negotiate a price if the owner's property was selected); the MCDC Board had seven criteria that was applied to all the properties and the Farmer property ranked the highest and was selected. Various studies were done, including traffic, soil compaction, environmental, and archeological; at no time has the railroad indicated that the elevation of the property won't be adequate. The Farmer property is one parcel and was offered for sale as one parcel. Additionally, Union Pacific would not consider the rail line from Cairo Junction to Vale for a rail facility. Negotiations with a potential operator of the reload facility include the issue of providing railcars.

A potential source of repayment of the Special Public Works Fund loan is the Regionally Significant Industrial Site (RSIS) program. The program allows for repayment of expenses associated with industrial improvements. A site must receive the RSIS designation before expenses are incurred. The RSIS application was submitted to the State and future anticipated industrial development expenses had to be projected in the application (approximately $14 million). For this reason, every possible development use was included in the RSIS application even though some costs may not be actually incurred.

The appraised value of the property was on farm use as the property has not been developed. The value of the property will increase as it is developed. The property was not appraised as industrial land.

Commissioner Hodge explained that future lease revenues from the facility will be used to repay the Special Public Works Fund (the funds the County is borrowing). Properties in the industrial park will also be leased or sold and those funds will be used to repay the Special Public Works Fund loan.

Commissioner Wilson noted that economic analyses were completed on the proposed project (i.e. EcoNorthwest, Tioga). The growers/shippers submitted confidential proposals on their level of intent for use of the facility; the onion growers are forming a single entity to negotiate their rates with Union Pacific.

Judge Joyce noted that the Court appointed the members of the Malheur County Development Corporation - the Board that is working on the reload facility project. The parameters of the project and the financial process have significantly changed since the legislature first appropriated the funding and everyone, including the County, has had to adapt to the changes.

Commissioner Wilson moved to approve Resolution No. R19-38: In the Matter of Fiscal Year 2019/2020 Supplemental Budget by Resolution Under Local Budget Law ORS 294.471. Commissioner Hodge seconded and the motion passed unanimously. The purpose of the supplemental budget is to allocate General Fund Contingency Funds to Non-Program to be used to purchase land for the Reload/Industrial Park Project in the amount of $969,900. See instrument #2019-4743

COURT MINUTES

Commissioner Wilson moved to approve Court Minutes of December 20, 2019 as written. Commissioner Hodge seconded and the motion passed unanimously.

RESOLUTION - CIVIL RIGHTS PROGRAM TITLE VI

Commissioner Hodge moved to approve Resolution R19-25: In the Matter of Adopting Malheur County's 2019 Civil Rights Program Title VI, Limited English Proficiency Plan for Public Transportation Services. Commissioner Wilson seconded and the motion passed unanimously. The Plan will be submitted to ODOT (Oregon Department of Transportation) in satisfaction of federal requirements. See instrument #2019-4760

PROCUREMENT POLICY FOR FEDERAL 5310 FUNDS

Commissioner Wilson moved to approve Malheur County FTA (Federal Transit Administration) Procurement Policy. Commissioner Hodge seconded and the motion passed unanimously. The policy is applicable to federal 5310 funds received for the public transportation program. See instrument #2019-4745

UPDATES TO COUNTY POLICIES 100 AND 101

Ms. Williams explained that Senate Bill 726 (2019), also known as the Oregon Workplace Fairness Act, requires that the County update polices 100 and 101. The anti-discrimination policy must be in writing and the statute of limitations for unlawful discrimination claims has been increased from one year to five years. There are restrictions on nondisclosure or no-rehire provisions in severance agreements. Additionally, sexual assault was added to the policies. Commissioner Hodge moved to approve updated County Policy 100 – Equal Opportunity; and Policy 101 – Prohibition of Harassment, Sexual Assault, Discrimination and Bullying; No-Retaliation; Complaint Procedure; Request for Accommodation (Disability and Pregnancy Related) Reporting Concerns or Violations of Other Laws. See instrument #2019-4744 and #2019-4740

AMENDMENTS TO IGA#159173

Commissioner Hodge moved to approve Third Amendment and the Fourth Amendment to Oregon Health Authority 2019-2021 Intergovernmental Agreement for the Financing of Mental Health, Addition Treatment, Recovery, & Prevention, and Problem Gambling Services Agreement #159173. The amendments revise the financial assistance award. Copies will be returned for recording.

FAIR ADVISORY BOARD

Commissioner Wilson moved to reappoint David Tschida to the Fair Board as an Advisory Member. Commissioner Hodge seconded and the motion passed unanimously.

Commissioner Hodge moved to appoint Garrett Chamberlain to the Fair Board as an Advisory Member. Commissioner Wilson seconded and the motion passed unanimously.

COURT ADJOURNMENT

The meeting was adjourned.

JOINT SPECIAL MEETING OF THE COUNTIES OF BAKER, DESCHUTES, GRANT,

HARNEY, JEFFERSON, LAKE, MALHEUR, WASCO, AND WHEELER

January 6, 2020

A Joint Special Meeting of the Baker County Board of Commissioners, Deschutes County Board of Commissioners, Jefferson County Board of Commissioners, Lake County Board of Commissioners, Wasco County Board of Commissioners, Grant County Court, Harney County Court, Malheur County Court and the Wheeler County Court was held of January 6, 2020 at 2:00 p.m. Mountain Time, at Treasure Valley Community College (TVCC), in Ontario, Oregon; that being the time and place for the meeting as set by the Secretary of State pursuant to ORS 171.060. The sole purpose of the meeting was to appoint a person to fill the vacancy in the Legislative Assembly, State Senate District 30, due to the resignation of Senator Cliff Bentz.

Present at the meeting site were: Baker County: Commissioner Bill Harvey, Commissioner Mark Bennett, and Commissioner Bruce Nichols; Deschutes County: Commissioner Philip Henderson and Commissioner Patti Adair; Grant County: Judge Scott Myers and Commissioner Jim Hamsher; Harney County: Judge Pete Runnels, Commissioner Patty Dorroh, and Commissioner Mark Owens; Jefferson County: Commissioner Mae Huston and Commissioner Kelly Simmelink; and Malheur County: Judge Dan Joyce, Commissioner Don Hodge, and Commissioner Larry Wilson.

Present at the meeting telephonically were: Deschutes County: Commissioner Anthony DeBone; Grant County: Commissioner Sam Palmer; Jefferson County: Commissioner Wayne Fording; Lake County: Commissioner Bradley Winters, James Williams, and Mark Albertson; Wasco County: Commissioner Scott Hege, Commissioner Steve Kramer, and Commissioner Kathy Schwartz; and Wheeler County: Judge N. Lynn Morley and Commissioner Rick Shaffer.

Wheeler County Commissioner Robert Ordway was absent.

The Secretary of State notified the county governing bodies that the nominees chosen to fill the vacancy by the Republican Party precinct committeepersons of State Senate District 30 were: Lynn Findley, Rod Runyon, and Eric Wattenburg; all nominees were present at the Special Meeting.

Pursuant to ORS 171.060, Malheur County Judge Dan Joyce was selected by the Secretary of State as Chair of the meeting; Chair Judge Joyce called the meeting to order at 2:00 p.m. Mountain Time, led the group in the Pledge of Allegiance, and announced the purpose of the meeting. An oral roll call was conducted. It was proposed that the manner of vote be an oral vote; the vote of each governing body was recorded and included in the written statement required by ORS 171.060(3).

Each nominee was allotted three (3) minutes to introduce themselves; each member of the governing bodies was allotted one (1) question to ask the nominees with each nominee having two (2) minutes to answer each question; and (2) minutes was allotted to each nominee to summarize their position.

Upon completion of the interviews, Chair Judge Joyce called for an oral vote. Jefferson County Administrator Jeff Rassmusen, Harney County Clerk Derrin (Dag) Robinson, and Malheur County Clerk Gayle Trotter tallied the votes. Chair Judge Joyce orally announced the results for each nominee. The nominee receiving the highest number of votes was Lynn Findley.

The written statement of appointment was signed by all governing body members present at the meeting site; it was noted that the written statement would be forwarded electronically to those participating telephonically for their signatures; and the meeting adjourned. See instrument #2019-0078

MALHEUR COUNTY COURT MINUTES

January 29, 2020

The regularly scheduled meeting of the County Court was called to order by Judge Dan Joyce at 9:00 a.m. in the County Court Office of the Malheur County Courthouse with Commissioner Larry Wilson and Commissioner Don Hodge present. Staff present was Administrative Officer Lorinda DuBois. Notice of the meeting was posted on the County website and Courthouse public bulletin board; and emailed to the Argus Observer, Malheur Enterprise, and those persons who have requested notice. The meeting was audio recorded. The agenda is recorded as instrument #2020-403

LIFEWAYS

Members of Lifeways senior leadership team and board members met with the Court. Present were: Chief Executive Office (CEO) Tim Hoekstra, Chief Operational Officer (COO) Phil Sheridan, Executive Director of Business Excellence Liz Johnsen, Executive Director of Umatilla and Malheur Counties Micaela Cathey, Board Interim Chair Dave Waldo, and Board past chair and current Finance Committee Chair Mike Hanigan. Also present for the session was Malheur Education Service District (ESD) Superintendent Mark Redmond.

The board members and senior leadership team introduced themselves.

Dave Waldo has been on the Lifeways board of directors since the inception of Lifeways.

Mike Hanigan explained that CEO Tim Hoekstra was brought on two years ago; Mr. Hoekstra is the third CEO Lifeways has had (the previous two were Greg Schneider and Judy Cordeniz). Services at every level - all parts of mental health - cannot be done by Lifeways alone, the stakeholders in the community must come together to solve the mental health problems in the community.

Phil Sheridan has been in the position of Chief Operational Officer with Lifeways for four months and has a background in clinical social work, emergency psychiatry, and for the last eight years, supporting, opening, and managing psychiatric hospitals in different parts of the country. Mr. Sheridan is passionate about access to services and bringing care to under-served areas.

Micaela Cathey is the Executive Director of Umatilla and Malheur Counties. Ms. Cathey has been with Lifeways almost seven years and started out in Malheur county. Ms. Cathey moved to Umatilla a few years ago to take on a leadership capacity there and has readily expanded those responsibilities. Focus includes clinical operations ensuring that programing is structured in a way that meets obligations and at a high caliber while also providing staff internally the guidance and support needed to excel in their roles.

Liz Johnsen is the Executive Director of Business Excellence and has been in her current role for about six months. Ms. Johnsen has been with the University of Utah, OHSU in research development, and most recently with the Family Medicine Residency in Boise as their Director of Quality and Performance Improvement; and holds a Masters degree in Industrial and Organizational Psychology. Ms. Johnsen's position with Lifeways is new to the organization and the focus is to bring the community touchpoints and feedback into the organization through a system that allows Lifeways to focus their quality and performance improvement efforts where the community would like the focus to be.

Tim Hoekstra is Lifeways Chief Executive Officer. Lifeways transformation as an organization to address internal problems and struggles started in Umatilla County approximately two years ago. As part of the efforts new interfaces with community partners, law enforcement, hospital administrators, schools, and others were formed. Nationwide, community mental health providers (CMHP) cannot solve all of the behavioral health problems by themselves; rather CMHP's have a role within a larger system of care. Schools and FQHC's (Federally Qualified Health Centers) have their role in the system of care. The best standard of practice is to use the FQHC's in the schools, providing behavioral health brief, nursing, and family practice for medical services. FQHC's bring federal dollars into the system; dollars that otherwise would not be available at the local level. Additionally, FQHC's have the added benefit of having federal malpractice protection.

Mr. Hoekstra, with input from Mr. Waldo, answered questions from Commissioner Wilson.

Mark Redmond read a letter and noted it was authorized by the various school superintendents within the county including: Adrian Superintendent Kevin Purnell, Annex Charter School Superintendent Steve Bishop, Harper Charter School Superintendent Ron Talbot, Jordan Valley Superintendent Rusty Bengoa, Nyssa Superintendent Darren Johnson, Ontario School Superintendent Nicole Albisu, and Vale Superintendent Alisha McBride.

It has come to our attention that the Malheur County Commissioners may be in the process of issuing the contract for School Based Mental Health Services (MHS13) in the near future. Under ORS 430.630(9)(a), the County Commissioners are the "local mental health authority". MHS 13 states:

County shall provide MHS 13 School-Based mental Health Services to identified K-12 schools, that are not affiliated with a School-Based Health Center providing mental health services. County shall confirm that an appropriately qualified school based mental health provider is available at identified schools. Counties shall provide appropriate levels of clinical supervision as set forth in OAR 309-019-0130 for school based mental health service providers. School Based Mental Health Services providers includes a state licensed or state Qualified Mental Health Professional (QMHP), licensed under state law to provide mental health services to children and adolescents.

School based mental health services are essential components of comprehensive learning supports. Access to school-based mental health services is linked to students' improved physical and psychological safety and reduces costly negative outcomes such as risky behaviors, disciplinary incidents, delinquency, dropout, substance abuse, and involvement with the criminal justice system. The provision of school based mental health services at the school, during the school day, will reduce the likelihood that students will need to miss school, drop out of school or have other undesirable outcomes that result in missed opportunity to remain in school, retain satisfactory academic progress, and have qualify of life.

The Superintendents of Malheur County would like to respectfully request the Malheur County Commissioners postpone this decision until the February 5, 2020 County Commissioners meeting. At that time the Superintendents are scheduled to discuss the services being provided through the County mental health contracts. Sincerely, Mark Redmond, Superintendent, Malheur Education Service District. See instrument #2020-404 for the written statement.

Mr. Hoekstra confirmed that Lifeways would also be present for the meeting on February 5th.

Judge Joyce thanked Lifeways for the Jail Diversion program; and the opportunity to visit with individual board members as needed.

County Counsel Stephanie Williams joined the meeting.

COURT MINUTES

Commissioner Wilson moved to approve Court Minutes of January 15, 2020; January 21, 2020, and January 22, 2020 as written. Commissioner Hodge seconded (to form only for January 22, 2020 as he was not present for that meeting) and the motion passed unanimously.

AMENDMENT TO LEASE OF LAND - HOLLOWAY

Commissioner Hodge moved to approve Fourth Amendment to Lease of Land for Grazing Purposes Recorded with the Malheur County Clerk as Instrument Number 2008-901; First Amendment Recorded with the Malheur County Clerk as Instrument Number2011-0042; Second Amendment Recorded with the Malheur County Clerk as Instrument Number2013-5045; Third Amendment Recorded with the Malheur County Clerk as Instrument Number2016-4523 with Jerald and Tammy Holloway. Commissioner Wilson seconded and the motion passed unanimously. The amendment expires December 31, 2022. See instrument #2020-405

SUPPLEMENTAL BUDGET RESOLUTION

Commissioner Hodge moved to approve Resolution R20-06: In the Matter of Fiscal Year 2019/2020 Supplemental Budget by

Resolution Under Local Budget Law ORS 294.471. Commissioner Wilson seconded and the motion passed unanimously. The purpose of the supplemental budget is to allocate funds from Malheur Council on Aging and Senior Services for the purchase of property for the bus barn expansion project; this will increase the Special Transportation Fund appropriations by $26,500. See instrument #2020-407

ASD BYLAWS AND BOARD APPOINTMENT

Commissioner Hodge moved to approve amended Malheur County Ambulance Service District (ASD)/Emergency Medical Services (EMS) Advisory Board Bylaws, which include the ASD Board Funding Policy as presented; and moved to appoint Anna La Rosa to the Advisory Board in the position of hospital administrator. Commissioner Wilson seconded and the motion passed unanimously. See instrument # ***

RESOLUTION ADOPTING SHERIFF'S OFFICE CONTINUITY OF OPERATIONS PLAN

Commissioner Wilson moved to approve Resolution R20-07: Recognizing and Adopting the Malheur County Sheriff's Office Continuity of Operations Plan (COOP). Commissioner Hodge seconded and the motion passed unanimously. The COOP is a blueprint for how the Sheriff's Office will operate after a pandemic or other disaster and provides an order of succession for command of the organization and plan for alternate facilities, allowing for business as usual and uninterrupted services from the organization. See instrument #2020-406

CONTRACT WITH PERS RETIREE

Ms. DuBois requested authorization to contract with Susan Salove after her retirement for the months of March and April 2020, and hours as may be needed in May, to facilitate training of the new hire through two payroll cycles and one quarterly cycle of reports. Commissioner Hodge moved to authize the contract with Susan Salove as a PERs retiree starting March 1, 2020. Commissioner Wilson seconded and the motion passed unanimously. A contract will be drafted.

Judge Joyce commented that a member of the Court may want to participate on the interview panel for the vacancy.

COURT ADJOURNMENT

Judge Joyce adjourned the meeting.

MALHEUR COUNTY COURT MINUTES

February 5, 2020

The regularly scheduled meeting of the County Court was called to order by Judge Dan Joyce at 10:30 a.m. in the County Court Office of the Malheur County Courthouse with Commissioner Larry Wilson and Commissioner Don Hodge present. Staff present was Administrative Officer Lorinda DuBois. Notice of the meeting was posted on the County website and Courthouse public bulletin board; and emailed to the Argus Observer, Malheur Enterprise, and those persons who have requested notice. The meeting was audio recorded. The agenda is recorded as instrument # 2020-512

Also present was Larry Meyer of the Argus Observer.

COURT MINUTES

Commissioner Hodge moved to approve Court Minutes of January 29, 2020 as written. Commissioner Wilson seconded and the motion passed unanimously.

AOC DUES

Commissioner Wilson moved to approve payment of Association of Oregon Counties (AOC) 2020 Membership Dues in the amount of $21,319.93. Commissioner Hodge seconded and the motion passed unanimously.

AMENDMENT - IGA #159173

Commissioner Hodge moved to approve Fifth (5th) Amendment to Oregon Health Authority 2019-2021 Intergovernmental Agreement (IGA) for the Financing of Mental Health, Addiction Treatment, Recovery, & Prevention, and Problem Gambling Services Agreement #159173; original IGA is recorded as instrument # 2019-2611. Commissioner Wilson seconded and the motion passed unanimously. Funds are removed and funds are awarded for A&D 63 Peer Delivered Services. A copy of the amendment will be returned for recording.

AMENDMENT - IGA #159822

Commissioner Wilson moved to approve Sixth (6th) Amendment to Oregon Health Authority 2019-2021 Intergovernmental Agreement (IGA) for the Financing of Public Health Services Agreement #159822; original IGA is recorded as instrument # 2019-3374 Commissioner Hodge seconded and the motion passed unanimously. Funds are added to PE 13-01 Tobacco Prevention and Education Program (TPEP); and to PE 51-01 LPHA Leadership, Governance and Program Implementation. A copy of the amendment will be returned for recording.

SCHOOL BASED MENTAL HEALTH SERVICES

Present to discuss mental health services in schools were: Malheur Education District (ESD) Superintendent Mark Redmond, ESD Student Wellness Coordinator Jennifer Suzuki, Vale School District Superintendent Alisha McBride, Nyssa School District Superintendent Darren Johnson, Harper Charter School Superintendent Ron Talbot, Ontario School District Superintendent Nikki Albisu, Ontario School District Director of School Improvement Melissa Williams, Lifeways Board Member Mike Hanigan, Lifeways Chief Executive Officer (CEO) Tim Hoekstra, Executive Director of Business Excellence Liz Johnsen, Executive Director of Umatilla and Malheur Counties Micaela Cathey, TFP Therapeutic Services Lead Administrative Assistant Lucy Banks, Juvenile Department Director Susan Gregory, Treasurer/Tax Collector Jennifer Forsyth, Planner Eric Evans, and County Counsel Stephanie Willliams. Introductions were made. Mr. Redmond explained that the County has the opportunity to accept funds through its State IGA for School Based Mental Health Services (Service Element MHS 13) and that the County can award those funds to whatever provider it chooses. (This is new funding; the State IGA has not provided funding in the past for this service element; funding is $142,857 for the 2019-2021 biennium.) The various representatives of the schools explained that Lifeways has had involvement in the schools in the past (2016-present) and various concerns arose from the partnerships such as sporadic attendance, inconsistent services, not following district policies, waivers not signed by parents, staff turnover, and lack of communication. Services have been provided in Ontario schools since 2016 but the staffing level has been inconsistent and services have been reduced. It was noted that Prevention services provided by Lifeways in the schools have been positive and supportive. Ms. Suzuki mentioned concerns with the response and followup to students who may be suicidal and that more communication is needed with the high needs students. Melissa Williams noted that the schools have a need for risk assessments and Lifeways does not provide that service. Mr. Redmond explained that in 2018 he was working with Lifeways staff on projects and concerns and then about a year ago communication ended.

Mr. Redmond requested that a proposal process be developed to include review and accountability for the service elements in the IGA between the State and County. Mr. Redmond also encouraged that representatives of the various stakeholders be involved in the development of the comprehensive local plan. The schools are currently developing a Student Success Act Plan (due April 15); mental health is a component of the Plan and funds will be designated for mental health in the various school districts as results of community surveys identify mental health as a top priority.

Mr. Hoekstra thanked those present for the input and explained that when he started with Lifeways two years ago he had considerable concerns for Lifeways in multiple areas, including Umatilla County. One of the reasons for the staff turnover the schools mentioned is that those staff members are no longer with Lifeways due to concerns with the interplay between staff and the schools. Lifeways cares about the outcomes that public health is trying to achieve; cares about what is happening in the jail, emergency departments and hospitals, schools, and the community at large in terms of safety and economic factors. Lifeways services are wide and does great things; and there is certainly areas that can be improved. An overhaul was done in Umatilla County around the relationships with the schools, not unsimilar to some of the concerns voiced today. A system redesign needs to take place in order to create a better system; schools and the FQHC (Federally Qualified Health Center) have a role in the system. The schools can use their funding to manage the more immediate and brief issues with students and their families and bring in Lifeways as a more intensive community partner around services; this is a common design in a well implemented and structured system. Mr. Hoekstra has encouraged Mr. Redmond to reach out to the ESD superintendent in Umatilla County (InterMountain ESD). The Community Mental Health Provider (CMHP) is not able to do all things; it has to be a system design. The conversation needs to be "what does the system need to look like and how do we get there".

Ms. Cathey explained that she cannot change or own what happened in previous administrations; today's session has been informative and Lifeways is invested in moving forward and finding solutions. A local behavioral health advisory committee is required by statute and this is an opportunity to develop the committee to advise the LMHA (local mental health authority), CMHP, and stakeholders, and provide a venue for a different level of accountability and a different level of conversation about priorities and how to address those areas. The funding in Service Element MHS 13 does not provide for mental health therapists (Master's level therapists) in all of the schools in Malheur County; mental health is one piece of behavioral health.

Ms. Johnsen explained that her position is centered around compliance and quality; and noted that in the 2017-2019 biennium Lifeways served 21,000 unique clients. Capitation funding must be spread across the entire system - from inpatient services to prevention services. The service element funds are intended to support what is already encountered. Lifeways also applies for the same grants as other agencies apply to. Moving forward all the partners should be reporting on the same outcomes as that is the only way all of the systems can show their value to the State and legislature.

County Counsel noted she did contact Valley Family Health Care (VFHC) about the School Based Mental Health Services service element and she has not received a response. Lifeways noted they are supportive of another entity receiving the funds and providing the services (such as the schools, ESD, VFHC). If Lifeways accepts the funds as the County's community mental health provider the funding will be used to support the services currently provided in the Ontario School District. Mr. Hoekstra reiterated that the FQHC - Valley Family Health Care - needs to be encouraged to join the conversations.

COURT ADJOURNMENT

By consensus the meeting was adjourned.

JACOBS
1551 NW 9TH STREET
ONTARIO, OREGON 97914

PUBLIC WORKS COMMITTEE MEETING MINUTES

Tuesday, January 14, 2020, 3:00 p.m. MT
** Public Works Headquarters **

Meeting called to order at 3:05 p.m. by Bernie Babcock, Public Works Committee Chairman.

Committee members present included Mr. Bernie Babcock, Mr. Scott Wilson, Mr. Pat Woodcock, and Mr. Jackson Fox (Tuttle -excused).

Others present included Cliff Leeper, Betsy Roberts and Suzanne Mulvany.

The press was notified. This meeting was recorded (the tape is available at the Public Works Headquarters); the minutes are on file at City Hall and on the city's website at *https://www.ontariooregon.org/public-works-committee.html.*

ADOPTION OF MINUTES – DECEMBER 10, 2019

RESOLUTION, ACTION &/OR MOTION:

The motion was made by Mr. Fox, seconded by Mr. Wilson to adopt the minutes of the previous meeting, December 10, 2019: Motion passed unanimously.

SRCI

BR – Simple update, we are coming close to the end of the Agreement extension and should have this back to the Council potentially on the 21st.

- Have not made many changes; putting things back together for the City Attorney
- WasteWater side:
  - Pay same in-City flat rate.
  - Pay the regular consumption rate (the out of City was a non-starter).
  - Pay the BOD and the TSS Surcharge, which is just about what SRCI pays currently.
  - Paying a SRCI specific infrastructure fee for Capital Repairs, at about $1,000 a month.
  - Plus, the siphon project sits outside all of this rate and is a contract opener.
    - Once we have siphon design and a good estimate, or possibly the bid, the contract will be reopened and SRCI will pay that amount.

BB – How does the timing of that process work? Is concerning if there was an issue or problem. Because sometimes it takes the State two budget cycles to approve money.

BR – On the siphon we've recognized that, stated that we need to get in front, and can deal with a two-year window but not much more than that. I believe they understand that.

- We do have emergency clauses in there that state:
  - If the repair is not something that we have already put into the specific infrastructure fee, and it needs to be done immediately we will do it immediately.
  - Notify them as soon as possible and
  - No arguing over the fee, if its over $5k then will be asking for money.

BB – On the design piece I'm assuming the City remains in control? BR – Yes.

BB – Is there still talk of bypassing the lift station? BR – Yes.

BR – We would still maintain the lift station even if we bypass it; Lift station has had the electrical and SCADA updated. We would construct the siphon and the lift station would be used as a backup.

SW – When you talk about an infrastructure fee - they pay to build a siphon, and continue to pay that fee, that fee would be used for repairs and maintenance on the siphon also, correct?

BR – Yes. We have all of that built in (and the siphon won't take too much). Inside the monthly infrastructure fee we have:

- Maintenance of the pumps at the lift station
- Electrical at the lift station, assuming we are maintaining that.

- A 20% contingency on top
- All are subject to the same percent increase that everyone in the City gets. The resolution now is that if they (City Council) don't say "no" to the cost increase, there is an annual cost increase so that we don't ever get behind on sewer and water fees again. Therefore, let's say the COLA for the year is 2.1% and that is auto applied to everybody's rates in the city, it applies to all of these for SRCI: The flat rate, the consumption rate, BOD and TSS charges, and the infrastructure charge as well. We did not put inflation on infrastructure as we figured we would allow all to increase as the City's rates went up.

CL – So as the NPDES permit matures and we have different thresholds of treatment that we have to address, they will be sharing in those improvements to meet the NPDES requirements.

PW – What is in the contract to make them pay…???

BR – Just the fact that the language in the contract states that both parties agree...

BB – Big concern with this long term was the cost of the lift station and some of the other items that were a million dollars or more, and the City having to assume the burden, however it sounds like those have been addressed.

BR – Yes, it has a specific line item that indicates the siphon "…is not covered in this contract right now, but it will be"

BB – What is the timeline on when they are going to sign the agreement?

BR – Not exactly sure but thinking within a couple weeks. This is the last month of the extension and we want to get it in front of the Council on the 21st. Not sure it will be signed but need to know Council is happy with it; think the DOC is in the same place, as they are Okay with it and now it's up to the Council.

PW – We previously discussed these rates and talked about if they didn't want to apply the 1.5 times the rate because they were outside of the city that we should throw these additional numbers in to get us up there; that is what we asked to send to the City Council. So, what did the City Council say to that?

BR – Believe they were okay with all of those. We presented options with outside the city and a risk premium; the DOC came back and said no. Therefore, in the end they were okay with opening the contract if needed. "You're using it, you built it, you wanted it expanded, anything like that, you're paying for it."

BR – The Water side isn't much different as both the formulas are pretty much the same. They pay the flat rate, the consumption rate, the UCF fee, which is slightly reduced from everybody else's because it covers sewer as well as water. They pay 12% instead of 17% plus they pay their infrastructure monthly charge. Therefore, its about $2,000 more on the sewer side and about the same on the water.

JF – How long do they want the contract? BR – 20 years.

BB - Sounds like things are moving forward and you have an agreement. It's very similar to where we started two years ago but better because of the Capital expenditures are moving forward, and they have agreed to cover all of those. The consensus is that there is an environmental risk, and we need to fix it sooner rather than later.

BR – They will be paying approximately $75,400 on average a month. Similar to current; however, the contract has improved due to the built-in cost escalation of the capital development fees, etc.

BB – Do like the fact that the City has the ability to open up the contract, the fact they are willing to pay for any capital development in the future, they are paying what they should be paying, and the fact that the contract has a cost escalation built in to it.

PROJECT UPDATES

- **Beck Park Bridge** – In general, they liked the idea of replacing, if there was $80k in insurance. But the upshot was that they wanted us to confirm what the insurance value would be that could be used. Adam has that info and will bring.
- **Beck Park Tennis Courts** – Just reminder that we'd not gotten any bids, therefore began negotiating with Beynon. They came back with only a cost for full replacement which was near $400k for 4 courts. So, we went back to Cascade Fence – Bill Fittje gave quick estimate based on TVCC costs (about $105k or so for repair). Bernie confirmed there were some good cost saving methods that we could use regarding the fence etc. He had good experience with Cascade Fence. We are working with them as Bill Fittje returns from PTO.

- **SE 2nd St project –** Bid was opened that day and shared preliminary results – Warrington the low. Much better than previous situation where City was believed to be required to use a Change Order through the ODOT SE 2nd Street Project. ODOT worked diligently to ensure we could go back to our own bid. Good news. Well within our budget.
- **Airport –** Warrington had been awarded this project in Dec. Council.
- **TVCC Trail –** Bid opened prior to PW meeting like SE 2nd, Warrington the apparent low bid.
- **Grants – CDBG and Biz Oregon** –shared that we are looking at going after a CDBG grant for up to $2.5M for San sewer repair. The repair is a required part of the NPDES permit in an effort to reduce Inflow and Infiltration (I/I) from the system. With I/I, we also get additional arsenic in the sewer system. Our new permit has a very low-level threshold for arsenic.

ADJOURN

The motion was made by Mr. Wilson seconded by Mr. Woodcock to Adjourn: Motion passed unanimously.

APPROVED:

[signature] 2-11-2020

Signature *Date*

(Bernie Babcock, Chairman / Scott Wilson, Vice-Chairman)

Accounts Payable

Checks by Date - Summary by Check Date

User: kari.ott
Printed: 2/14/2020 2:53 PM

Check No	Vendor No	Vendor Name	Check Date	Check Amount
ACH	PRFED	PAYROLL TAXES	01/03/2020	39.50
ACH	PRORTAX2	OREGON DEPARTMENT OF REVENUE	01/03/2020	0.26
ACH	PRORTAXE	OREGON DEPARTMENT OF REVENUE	01/03/2020	0.26
125553	&525	American Staffing, Inc.	01/03/2020	71.88
125554	130624	B & W Car Wash	01/03/2020	12.00
125555	626400	Campo & Poole Distributing, LLC	01/03/2020	3,113.22
125556	192000	CDW Government	01/03/2020	1,666.25
125557	879247	Day Wireless Systems	01/03/2020	470.00
125558	376000	Idaho Power	01/03/2020	2,052.06
125559	441140	Looks Nu, Inc.	01/03/2020	100.00
125560	151001	City of Ontario	01/03/2020	10.00
125561	642093	Red's Automotive Repair, Inc.	01/03/2020	721.34
125562	879146	Toshiba Financial Services	01/03/2020	1,721.89
125563	879007	Weidner Fire	01/03/2020	3,653.06
125564	774001	Wtechlink	01/03/2020	300.00
			Total for 1/3/2020:	13,931.72
125565	376002	Idaho Power - Payette Operations Center	01/09/2020	906.00
			Total for 1/9/2020:	906.00
125566	&525	American Staffing, Inc.	01/10/2020	256.07
125567	879130	Ani-Care Animal Shelter, Inc.	01/10/2020	1,370.08
125568	037600	AT&T	01/10/2020	22.44
125569	192273	CBA Lighting & Controls, Inc.	01/10/2020	160.43
125570	637830	Century Link	01/10/2020	476.08
125571	879268	Civic Plus	01/10/2020	7,788.00
125572	247940	Dooley Enterprises, Inc.	01/10/2020	2,249.50
125573	520400	Dorman's, Inc.	01/10/2020	4.48
125574	303800	Frank's Extinguisher Service	01/10/2020	995.00
125575	634311	Frazier Aviation, LLC	01/10/2020	425.00
125576	879191	Kristy's Custom Sewing	01/10/2020	18.00
125577	441140	Looks Nu, Inc.	01/10/2020	300.00
125578	451750	Malheur County Sheriff's Office	01/10/2020	61,598.17
125579	879301	Net Assets Corporation	01/10/2020	252.00
125580	242083	State of Oregon Department of Transportati	01/10/2020	71.15
125581	666190	Sassy Softeware Solutions, LLC	01/10/2020	468.00
125582	879424	Benjamin Henry Schlupe	01/10/2020	96.00
125583	130950	Sparklight Business	01/10/2020	312.17
125584	879425	Springbrook Software, LLC	01/10/2020	686.00
125585	&357	Larry A. Sullivan	01/10/2020	7,396.60
125586	788402	TransUnion Risk & Alternative Data Soluti	01/10/2020	50.00
125587	818000	U.S. Postmaster	01/10/2020	50.00
125588	879212	Uniforms 2 Gear	01/10/2020	873.22
125589	842030	Warrington Construction	01/10/2020	14,859.00
125590	879151	Waste-Pro	01/10/2020	40.05

Check No	Vendor No	Vendor Name	Check Date	Check Amount
			Total for 1/10/2020:	100,817.44
125591	005800	Action Medical, Inc.	01/17/2020	71.60
125592	UB*11700	HECTOR AGUADO	01/17/2020	38.78
125593	&525	American Staffing, Inc.	01/17/2020	305.49
125594	033300	Argus Observer	01/17/2020	1,546.69
125595	879087	Adam Brown	01/17/2020	148.35
125596	626400	Campo & Poole Distributing, LLC	01/17/2020	3,393.16
125597	144000	Cascade Natural Gas Corporation	01/17/2020	743.44
125598	637828	Century Link Communications, LLC	01/17/2020	177.19
125599	237002	Dell Marketing,L.P.	01/17/2020	178.94
125600	520400	Dorman's, Inc.	01/17/2020	57.80
125601	303800	Frank's Extinguisher Service	01/17/2020	111.89
125602	879448	Riley J. Hill	01/17/2020	40.00
125603	879191	Kristy's Custom Sewing	01/17/2020	24.00
125604	436000	Lindsay Eco Water	01/17/2020	7.00
125605	UB*11703	LINKED INC. (CRICKET)	01/17/2020	44.56
125606	287000	Malheur County Title Company, Inc.	01/17/2020	150.00
125607	602320	NAPA Auto Parts	01/17/2020	58.90
125608	539200	Ontario Area Chamber of Commerce	01/17/2020	200.00
125609	879012	State of Oregon Dept of Public Safety Stand	01/17/2020	40.00
125610	UB*11701	OSCAR PADILLA	01/17/2020	136.00
125611	682495	SBE Oregon, LLC	01/17/2020	1,595.09
125612	UB*11702	IZELLA SCALES	01/17/2020	111.58
125613	879447	Wesley Shaw	01/17/2020	120.00
125614	130950	Sparklight Business	01/17/2020	63.75
125615	702008	Staples Business Credit	01/17/2020	648.96
125616	863995	White Cloud Communications-Boise, Inc.	01/17/2020	120.00
125617	878992	Wolfcom Enterprises	01/17/2020	688.00
125618	879406	Rywest Homes, Inc.	01/17/2020	10,000.00
125619	879406	Rywest Homes, Inc.	01/17/2020	10,000.00
125620	596071	Ontario Volunteer Firefighters Association	01/17/2020	50.00
			Total for 1/17/2020:	30,871.17
125621	COOPJ	Jason Cooper	01/21/2020	546.00
125622	334222	Victor Grimaldo	01/21/2020	526.70
			Total for 1/21/2020:	1,072.70
125623	832852	Wells Fargo Business Elite Card	01/22/2020	6,231.53
			Total for 1/22/2020:	6,231.53
125624	010500	Tori Barnett	01/24/2020	448.00
125625	879087	Adam Brown	01/24/2020	90.85
125626	637830	Century Link	01/24/2020	751.63
125627	376000	Idaho Power	01/24/2020	2,320.38
125628	878915	Jacobs	01/24/2020	440,423.32
125629	420000	John Deere Financial	01/24/2020	15.98
125630	412500	Keller Associates, Inc.	01/24/2020	1,455.00
125631	428200	League of Oregon Cities	01/24/2020	570.40
125632	21642	Malheur County Poverty to Prosperity	01/24/2020	5,000.00
125633	528405	Oster Professional Group, LLC	01/24/2020	24,264.33
125634	879145	Silver Signet, LLC	01/24/2020	245.00

Check No	Vendor No	Vendor Name	Check Date	Check Amount
125635	288897	Verizon	01/24/2020	1,989.25
125636	854205	Veteran Advocates of Ore-Ida	01/24/2020	150.00
			Total for 1/24/2020:	477,724.14
ACH	PRAFLAC	AMERICAN FAMILY LIFE ASSURANCI	01/31/2020	774.22
ACH	PRAMERF	AMERICAN FUNDS GROUP	01/31/2020	225.00
ACH	PRCCIS	E B S TRUST	01/31/2020	72,006.55
ACH	PRCOLONI	COLONIAL LIFE	01/31/2020	1,263.38
ACH	PRFED	PAYROLL TAXES	01/31/2020	69,280.12
ACH	PRICMA	I C M A RETIREMENT TRUST 457	01/31/2020	300.00
ACH	PRNATW	NATIONWIDE RETIREMENT SOLUTIO	01/31/2020	400.00
ACH	PRORJU	OREGON DEPARTMENT OF JUSTICE	01/31/2020	1,176.00
ACH	PRORTAX2	OREGON DEPARTMENT OF REVENUE	01/31/2020	282.67
ACH	PRORTAXE	OREGON DEPARTMENT OF REVENUE	01/31/2020	20,122.72
ACH	PROSGP	OREGON SAVINGS & GROWTH PLAN	01/31/2020	2,100.00
ACH	PRPERS	OREGON PERS	01/31/2020	96,094.22
125637	&525	American Staffing, Inc.	01/31/2020	1,357.25
125638	738800	Axon Enterprise, Inc.	01/31/2020	3,582.00
125639	878960	B.P.O.E. Ontario Lodge No. 1690	01/31/2020	850.00
125640	879449	Baum Smith, LLC	01/31/2020	212.50
125641	206557	Creative Product Source, Inc.	01/31/2020	58.00
125642	333852	Graphic Impressions	01/31/2020	170.00
125643	376000	Idaho Power	01/31/2020	2,071.16
125644	392200	Interstate Business Forms	01/31/2020	1,428.00
125645	408200	J-U-B Engineers, Inc.	01/31/2020	2,957.40
125646	879191	Kristy's Custom Sewing	01/31/2020	24.00
125647	539200	Ontario Area Chamber of Commerce	01/31/2020	100.00
125648	879163	Ontario Auto Ranch	01/31/2020	46,886.00
125649	572000	Ontario Sanitary Service, Inc.	01/31/2020	313.06
125650	572210	Ontario School District 8C	01/31/2020	776.25
125651	618100	Physicians Primary Care Center, Inc.	01/31/2020	507.00
125652	879138	Stantec Consulting Services, Inc.	01/31/2020	12,819.75
125653	879007	Weidner Fire	01/31/2020	824.75
125654	UB*11705	SHERYL BRECK	01/31/2020	92.93
125655	ELIZT	Tomas Elizondo	01/31/2020	125.00
125656	&260	Four Rivers Cultural Center	01/31/2020	9,498.62
125657	UB*11704	JORGE NUNEZ	01/31/2020	73.04
125658	539200	Ontario Area Chamber of Commerce	01/31/2020	6,104.96
125659	PRLINC	LINCOLN NATIONAL LIFE INS CO	01/31/2020	350.00
125660	PRSFIRE	UMPQUA BANK	01/31/2020	360.00
			Total for 1/31/2020:	355,566.55
125661	879448	Riley J. Hill	02/04/2020	2,001.36
			Total for 2/4/2020:	2,001.36
125662	&525	American Staffing, Inc.	02/07/2020	551.32
125663	028000	Anderson Perry & Associates, Inc.	02/07/2020	20,000.00
125664	037600	AT&T	02/07/2020	21.80
125665	130624	B & W Car Wash	02/07/2020	12.00
125666	626400	Campo & Poole Distributing, LLC	02/07/2020	3,346.17
125667	879451	CDR Labor Law, LLC	02/07/2020	671.00
125668	637828	Century Link Communications, LLC	02/07/2020	67.96
125669	879247	Day Wireless Systems	02/07/2020	470.00

Check No	Vendor No	Vendor Name	Check Date	Check Amount
125670	456402	Malheur County Clerk	02/07/2020	378.00
125671	879328	Malheur County GIS	02/07/2020	20.00
125672	&509	Matsy's Restaurant & Catering	02/07/2020	60.00
125673	22427	Murrysmith, Inc.	02/07/2020	16,958.50
125674	242083	State of Oregon Department of Transportati	02/07/2020	11.00
125675	642093	Red's Automotive Repair, Inc.	02/07/2020	1,576.89
125676	879425	Springbrook Software, LLC	02/07/2020	720.00
125677	702008	Staples Business Credit	02/07/2020	326.79
125678	879146	Toshiba Financial Services	02/07/2020	1,721.89
125679	788402	TransUnion Risk & Alternative Data Soluti	02/07/2020	50.00
125680	774001	Wtechlink	02/07/2020	300.00
125681	&260	Four Rivers Cultural Center	02/07/2020	299.99
125682	UB*11707	KELLY HOUSTON M\R	02/07/2020	46.09
125683	UB*11706	DUSTIN & ZOILA MASON	02/07/2020	27.11
125684	879450	Robert Ray & Brenda Bartmess Musil	02/07/2020	10,000.00
125685	539200	Ontario Area Chamber of Commerce	02/07/2020	540.00
125686	879452	Rick Reyna	02/07/2020	37.98
			Total for 2/7/2020:	58,214.49
125687	879058	A Plus Awards	02/14/2020	28.00
125688	879130	Ani-Care Animal Shelter, Inc.	02/14/2020	1,370.08
125689	033300	Argus Observer	02/14/2020	93.60
125690	136003	Campbell Tractor & Impement, Inc.	02/14/2020	11.36
125691	144000	Cascade Natural Gas Corporation	02/14/2020	613.01
125692	637830	Century Link	02/14/2020	476.05
125693	520400	Dorman's, Inc.	02/14/2020	60.65
125694	303800	Frank's Extinguisher Service	02/14/2020	119.98
125695	634311	Frazier Aviation, LLC	02/14/2020	425.00
125696	333852	Graphic Impressions	02/14/2020	430.00
125697	360015	Home Depot Credit Services	02/14/2020	100.06
125698	878915	Jacobs	02/14/2020	447,178.30
125699	413204	Kenworth Sales Company, Inc.	02/14/2020	837.62
125700	436000	Lindsay Eco Water	02/14/2020	12.50
125701	441140	Looks Nu, Inc.	02/14/2020	130.00
125702	602320	NAPA Auto Parts	02/14/2020	751.21
125703	879301	Net Assets Corporation	02/14/2020	252.00
125704	879275	Ogletree, Deakins, Nash, Smoak, & Stewar	02/14/2020	1,629.50
125705	879012	State of Oregon Dept of Public Safety Stan	02/14/2020	40.00
125706	528405	Oster Professional Group, LLC	02/14/2020	24,264.33
125707	879145	Silver Signet, LLC	02/14/2020	151.50
125708	130950	Sparklight Business	02/14/2020	312.17
125709	702008	Staples Business Credit	02/14/2020	216.71
125710	&357	Larry A. Sullivan	02/14/2020	6,850.70
125711	878931	Tire Factory of Ontario	02/14/2020	91.80
125712	842030	Warrington Construction	02/14/2020	67,378.75
125713	879151	Waste-Pro	02/14/2020	40.05
125720	010500	Tori Barnett	02/14/2020	137.50
125721	879453	Tyler Bullington	02/14/2020	749.25
125722	879133	Community in Action	02/14/2020	19,600.00
125723	878974	Revitalize Ontario!	02/14/2020	11,925.00
125724	738001	James Swank	02/14/2020	102.50
125725	879263	Casey Walker	02/14/2020	125.00
			Total for 2/14/2020:	586,504.18

Check No	Vendor No	Vendor Name	Check Date	Check Amount
			Report Total (182 checks):	1,633,841.28