

**MISSION STATEMENT: TO CREATE A HEALTHY, SAFE, DIVERSE, AND PROSPEROUS CITY
BY ENGAGING COMMUNITY MEMBERS TO DEVELOP AN ENRICHED QUALITY OF LIFE.**



**COUNCIL MEETING AGENDA
CITY COUNCIL – CITY OF ONTARIO OREGON
TUESDAY, DECEMBER 15, 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 ____ Ken Hart ____
Michael Braden ____ Norm Crume ____ Mayor Riley Hill ____

2) PLEDGE OF ALLEGIANCE

This Agenda was posted on December 11, 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) Meeting Minutes:
City Council 11-05-2020
City Council 11-17-2020
City Council 11-24-2020

6) PRESENTATIONS

- A) Ontario Chamber of Commerce: Helping Businesses

7) OLD BUSINESS

- A) CARES Act Funding
- B) Approval of the Property Line Adjustment Deed between the City of Ontario and Iliad Media Boise, LLC (formerly FM IDAHO CO., LLC) to Complete the Contract Requirements of the NW Washington Avenue Project
- C) City Manager Compensation

8) NEW BUSINESS

- A) Resolution #2020-148: Supplemental Budget for Carryover Projects
- B) Resolution #2020-149: Prioritization of In-Person Education
- C) Request for City Council to Initiate a Vacation on Council's Own Motion - Requested by the Community Development Director and Ray Miller Representing, Property Owners, Regarding a Portion of SE 1st Street

9) PUBLIC HEARING

- A) Ordinance 2783-2020 an Ordinance Vacating all that Portion of SE 7th Avenue as Shown on the Partition Plat 2009-06 Filed Under Malheur County Plat Records Under Instrument No. 2009-4928 Dated June 25, 2009, on First/Second Reading by Title Only
- B) Ordinance #2781-2020: Acceptance of Private Properties as Public Right of Ways for Public Streets - First/Second Reading by Title Only and Declaring an Emergency

- 10) DISCUSSION ITEMS**
 - A) Water and Sewer Waivers for Restaurants and Bars
- 11) HAND-OUTS**
 - A) Check Register: October - December 9, 2020
- 12) CORRESPONDENCE, COMMENTS AND EX-OFFICIO REPORTS**
- 13) EXECUTIVE SESSION**
 - A) ORS 192.660(2)(e)
- 14) ADJOURN**



CITY COUNCIL MEETING MINUTES November 5, 2020

The scheduled meeting of the Ontario City Council was called to order by special guest Bea Hart at 6:00 p.m. on Thursday, November 5, 2020, in the Council Chambers of City Hall. Council members present or attended via telephone were Riley Hill, Michael Braden, Norm Crume, Freddy Rodriguez, and Marty Justus. Ramon Palomo was excused.

Members of staff present in person or via telephone were Adam Brown, Tori Barnett, Peter Hall, Dan Cummings, Terry Leighton, Steven Romero, Kari Ott, Al Cablay, and Dan Beaubien.

Members of the County present for the Joint Public Hearing were Dan Joyce, Don Hodge, and Eric Evans.

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

Bea Hart led everyone in the Pledge of Allegiance.

AGENDA

This Agenda was posted on November 3, 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, BRADEN seconded, **TO ADOPT THE AGENDA AS PRESENTED**. Roll call vote: Rodriguez-yes; Justus-yes; Palomo-out; Braden-yes; Crume-yes; Hill-yes. Motion carried 5/0/1.

SPECIAL ACTION

Swear in Ken Hart

Tori Barnett, City Recorder, swore in Ken Hart as the individual selected by the City Council to fill the Council seat vacated by the resignation of Dan Capron. Councilor Hart took his seat at the Council dais.

JOINT PUBLIC HEARING WITH COUNTY

Ordinance #2780-2020: Amending the City of Ontario Comprehensive Plan and Zoning Maps by Changing the Zoning Designation of a Portion of Property Commonly Identified as Map 18S47E05AA, Tax Lot 301 (Curtis) from Ontario Residential/UGA(ORS/UGA) to Ontario Light Industrial/UGA(OLI/UGA), Planning Action 2020-08-32AZ, on First Reading by Title Only and Declaring an Emergency

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

Eric Evans, Malheur County Planning Director, presented.

A zone change was proposed for the property as shown on the map attached as Exhibit A-1 of the application. The overall affect was to adjust the property in a way which reflected the current use, and to bring the property into the Ontario URA/UGB and ultimately annex the property into the City of Ontario in order to alleviate a public health risk



created by a failing onsite wastewater treatment system on the property. The owners of the property intended to connect to Ontario's water and sewerage system.

Use/Surrounding Uses. The subject property (Tax lot 301) was 42,456 square feet and would be adjusted to 14,908 square feet, since approximately 1966 had been used for a single-family residential dwelling. Tax lot 300 was currently zoned Ontario Light Industrial/UGA. Tax lot 301 was zoned Ontario Residential/UGA. Both parcels (tax lots 300 and 301) were surrounded by Light Industrial to the north and Residential to the south and were committed to these uses.

Analysis for Compliance with State and Local Regulations. A portion of the property would be rezoned from Ontario Urban Growth Area Residential (O-RS/UGA) to Ontario Urban Growth Area Light Industrial (O-I1/UGA). It was further anticipated that the property would be annexed into the Ontario City limits. In addition to the requirements under Oregon's statewide goals and administrative rules, Malheur County and the City of Ontario had criteria in their zoning ordinances that must be met in order for the proposal to be approved. County and city provisions were addressed in Section III. Because the plan amendment and zone change affected land within the county's jurisdiction and the City of Ontario, both the county and city governing bodies must approve the zone change and amendment to the UGA. This request was being processed subject to the procedures for a quasi-judicial land use hearing contained in Chapter 11 of the Malheur County Code, and the Urban Growth Area Joint Management Agreement between the City of Ontario and Malheur County.

Applicable City and County Criteria and Standards:

1. The applicable criteria can be found in **Ontario Planning and Zoning Development Standards 10B-20-30: REQUIRED FINDINGS, DECISION CRITERIA:**

- a. The Zoning Map amendment is in conformance with Statewide planning goals and guidelines.

Proposed Finding: Statewide land use goals and implementing OARs applicable to this request are addressed in Section IV.

- b. The Zoning map amendment is in conformity with the acknowledged Comprehensive Plan

Proposed Finding: The Malheur County Comprehensive Plan states, "The county will work with the cities of Ontario, Nyssa, and Vale in establishing and amending urban growth boundaries and joint management agreements." Malheur County and the City of Ontario have an ongoing relationship in order to jointly manage lands in the UGB, pursuant to the Ontario Joint Management Plan. Both Malheur County and the City of Ontario agree that the rezone and simultaneous property line adjustment in order to realign the UGA will correct a mistake in the original lot configurations.

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

Proposed Finding: Both Malheur County and the City of Ontario agree that Tax lot 301 has a portion which is irrevocably committed to a commercial or industrial use (the other use is residential). Rezoning said portion along with a property line adjustment will align the properties to their current uses.



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

Proposed Finding: The residence on the subject property has a failed onsite wastewater treatment system which in itself has a negative effect on the groundwater of the area. By annexing it into the City of Ontario, urban level facilities will be provided having a net positive affect on the groundwater in the area and alleviate a public health threat.

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

Proposed Finding: The Property is currently 42,456 square feet and has 165 feet of street frontage. The City of Ontario has established a minimum lot size of 5,000 square feet and each lot must have 50 feet of street frontage. The Property is more than adequate in size and shape to facilitate its use and development.

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

Proposed Finding: The Property is located adjacent to N Verde Drive. There is both water and sewer.

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

Proposed Finding: This proposal will have no impact on any of the surrounding uses with respect to dust, noise, vibration, odor, heat, glare, lighting, or discharges into the air, water or land. The Property is already developed as a single-family dwelling and will continue to be zoned residential. This criterion is not applicable.

2. The applicable criteria can be found in **Malheur County Code 6-10-7: COMPLIANCE WITH COMPREHENSIVE PLAN:**

In considering an amendment to the text or the zoning maps, the Planning Commission and County Court shall determine the following:

- A. That the proposed change is consistent with the Comprehensive Plan.

Proposed Finding: The Malheur County Comprehensive Plan states, "The county will work with the cities of Ontario, Nyssa, and Vale in establishing and amending urban growth boundaries and joint management agreements." Malheur County and the City of Ontario have an ongoing relationship in order to jointly manage lands in the UGB, pursuant to the Ontario Joint Management Plan. Both Malheur County and the City of Ontario agree that the rezone and simultaneous property line adjustment in order to realign the UGA will correct a mistake in the original lot configurations.



- B. That the level of development in other locations has reached the point whereby additional land is needed for the proposed use(s), and that the area of the proposed change can best meet such needs.

Proposed Finding: Both tax lots 301 and 300 are part of the UGB. The realignment of the zoning designations and subsequently the property lines, will allow for tax lot 301 to be cleanly annexed into the City, thereby eliminating a split zoned parcel.

- C. That adequate rural services are available and will not be overburdened.

Proposed Finding: The resulting property (tax lot 301) will remain Ontario O-RS/UGB and then be annexed into the City of Ontario. Thereafter, the Property will connect to City water and sewer services. Urban services will be provided and will not be overburdened. Public facilities are stubbed to and extend beyond the Property. This criterion is not directly applicable, as the proposal is to provide urban services to the site.

- D. That amendments to the text or zoning map which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the transportation system plan. This shall be accomplished by one of the following:

1. Limiting allowed land uses to be consistent with the planned function of the transportation facility;
2. Amending the transportation system plan to ensure that existing, improved or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the transportation planning rule; or
3. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.

A text or zoning map amendment significantly affects a transportation facility if it:

1. Changes the functional classification of an existing or planned transportation facility;
2. Changes standards implementing a functional classification system;
3. Allows types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or
4. Would reduce the level of service of the facility below the minimum acceptable level identified in the transportation system plan. (Ord. 125, 6-20-2000)

Proposed Finding: The Property is currently 42,456 square feet and has 165 feet of street frontage. It currently has a home which was constructed in 1966. No new development is proposed with this amendment. This proposal will not impact transportation facilities.

Applicable Statewide Planning Goals and Oregon Administrative Rules.

- A. Goal 1 – Citizen Involvement:

Proposed Finding: This Goal is met through the required quasi-judicial process including public notice and public hearings. The process provides the opportunity for citizens to be involved by allowing them to comment and present testimony or evidence on the proposed amendment.

- B. Goal 2 – Land Use Planning:

Proposed Finding: Both properties are already in the Ontario UGB, and have previously been through an exception process. This Goal is not applicable.



C. Goal 3 – Agricultural Lands:

Proposed Finding: Both properties are already in the Ontario UGB, and have previously been through an exception process. This Goal is not applicable.

D. Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces:

Proposed Finding: No identified natural resources have been identified on the subject property.

E. Goal 6 – Air, Land and Water Quality:

Proposed Finding: No negative impacts to air, land, water or other resources have been identified through this process. The residence on the subject property has a failed onsite wastewater treatment system which in itself has a negative effect on the groundwater of the area. By annexing it into the City of Ontario, urban level facilities will be provided having a net positive affect on the groundwater in the area.

F. Goal 7 – Areas Subject to Natural Hazards:

Proposed Finding: No known natural hazards have been identified on the Property. The subject property is outside the 100 and 500 year floodplains.

G. Goal 8 – Recreation:

Proposed Finding: No current recreational lands or properties are being affected by this UGB expansion.

H. Goal 9 – Economic Development.

Proposed Finding: Goal 9 requires cities to provide an estimate of the approximate number, acreage and site characteristics needed to accommodate industrial and other employment uses to implement plan policies. This goal is not applicable as the property is to be zoned residential.

I. Goal 10 – Housing:

Proposed Finding: Tax lot 301 has an existing single-family dwelling. The proposed property will not be used for any additional housing.

J. Goal 11 – Public Facilities and Services:

Proposed Finding: The subject property sites a single-family dwelling. Adequate public facilities and services are stubbed to the Property. The UGB expansion would not change public services provided by the City of Ontario.

K. Goal 12 – Transportation:

Proposed Finding: This action will not create additional average daily trips and will not trigger a traffic impact analysis under the Malheur County or City of Ontario Transportation System Plans. New access to the Property is not needed. The Property has a driveway access/frontage on N. Verde Drive. A safe, convenient and economic transportation system consisting of developed and maintained county roads and city streets serve the Property.



L. Goal 13 – Energy:

Proposed Finding: Additional energy services are not expected with this zone change. The use of Ontario public utilities on the Property will be more energy efficient.

M. Goal 14 – Urbanization:

Proposed Finding: The subject property currently contains a single-family dwelling, and is already zoned and committed to urban uses. This Goal is not applicable.

DLCD 35 Day Notice: Notice to Department of Land, Conservation and Development was submitted on September 17, 2020.

Property Owner Notice: Notice to all property owners within 750 feet from subject property was mailed on October 1, 2020.

Legal Notice: Notice was published in the Ontario Argus Observer on or before October 2, 2020.

Hearing Dates: Joint Malheur County/City of Ontario Planning Commissions: October 22, 2020; Joint Malheur County Court/Ontario City Council: November 5, 2020.

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

JOYCE moved, HODGE seconded, **THAT THE MALHEUR COUNTY COURT ACCEPT AND APPROVE THE FINDINGS OF FACT AS SET FORTH IN COUNTY PLANNING ACTION 2020-09-003 AND THE CITY PLANNING ACTION 2020-08-032AZ BASED ON THE INFORMATION AND FINDINGS AND CONCLUSIONS, SET FORTH IN THE STAFF REPORT.** Motion carried 2/0/1.

JOYCE moved, HODGE seconded, **THAT THE REQUEST FOR A ZONE CHANGE FROM ONTARIO ORS/UGB TO ONTARIO OLI/UGB TO INCLUDE A PORTION OF PROPERTY COMMONLY IDENTIFIED AS MAP 18S47E05AA TL 301 AND 300 THEREBY AMENDING THE ONTARIO URBAN GROWTH AREA BOUNDARY UGA/UGB AS SET FORTH IN THE COUNTY PLANNING ACTION 2020-09-003 AND CITY PLANNING ACTION 2020-08-032AZ BE APPROVED BASED ON THE INFORMATION, FINDINGS, AND CONCLUSIONS SET FORTH IN THE STAFF REPORT AND THE ADOPTION OF THE MALHEUR COUNTY ORDINANCE #226, AN ORDINANCE AMENDING THE MALHEUR COUNTY COMPREHENSIVE PLAN AND THE ZONING MAPS BY CHANGING THE ZONING DESIGNATION OF A PORTION OF THE PROPERTY COMMONLY IDENTIFIED AS MAP 18S47E05AA, TAX LOT 301, FROM ONTARIO RESIDENTIAL TO UGA/ORS-UGA TO ONTARIO LIGHT INDUSTRIAL UGA OLI/UGA AND DECLARING AN EMERGENCY.** Motion carried 2/0/1.

HART moved, CRUME seconded, **THAT THE CITY COUNCIL ACCEPTS THE RECOMMENDATION OF THE PLANNING COMMISSIONS AND THE FINDINGS OF FACTS AS OUTLINED IN THE COUNTY PLANNING ACTION 2020-09-003 AND CITY PLANNING ACTION 2020-08-32AZ AMENDING THE ONTARIO URBAN GROWTH AREA/BOUNDARY (UGA/UGB) AND ZONE CHANGE FROM ONTARIO ORS/UGA TO ONTARIO OLI/UGA, BEING A PORTION OF TAX LOT 301 MAP 18S47E05AA.** Roll call vote: Rodriguez-yes; Justus-yes; Palomo-out; Hart-yes; Braden-yes; Crume-yes; Hill-yes. Motion carried 6/0/1

BRADEN moved, CRUME seconded, **THAT THE CITY COUNCIL APPROVE ORDINANCE #2780-2020, AN ORDINANCE AMENDING THE CITY OF ONTARIO COMPREHENSIVE PLAN AND ZONING MAPS BY CHANGING THE ZONING DESIGNATION OF A PORTION OF PROPERTY COMMONLY IDENTIFIED AS MAP 18S47E05AA, TAX LOT 301, FROM ONTARIO RESIDENTIAL/UGA (ORS/UGA) TO ONTARIO LIGHT INDUSTRIAL/UGA (OLI/UGA); AND DECLARING AN EMERGENCY.** Roll call vote: Rodriguez-yes; Justus-yes; Palomo-out; Hart-yes; Braden-yes; Crume-yes; Hill-yes. Motion carried 6/0/1



CRUME moved, BRADEN seconded, **THAT THE COUNCIL WAIVE THE SECOND READING OF ORDINANCE #2780-2020, AN ORDINANCE AMENDING THE CITY OF ONTARIO COMPREHENSIVE PLAN AND ZONING MAPS BY CHANGING THE ZONING DESIGNATION OF A PORTION OF PROPERTY COMMONLY IDENTIFIED AS MAP 18S47E05AA, TAX LOT 301, FROM ONTARIO RESIDENTIAL/UGA (ORS/UGA) TO ONTARIO LIGHT INDUSTRIAL/UGA (OLI/UGA) AND DECLARING AN EMERGENCY.** Roll call vote: Rodriguez-yes; Justus-yes; Palomo-out; Hart-yes; Braden-yes; Crume-yes; Hill-yes. Motion carried 6/0/1.

CONSENT AGENDA

CRUME moved, JUSTUS seconded, to adopt the Consent Agenda, which included the Hangar Lease Transfer: Dorroh to Shenk (#362 Bravo); and Housing Incentive Program: Cooper. Roll call vote: Rodriguez-yes; Justus-yes; Palomo-out; Hart-yes; Braden-yes; Crume-yes; Hill-yes. Motion carried 6/0/0.

OLD BUSINESS

Resolution #2020-142: Homeless Shelter Siting

Adam Brown, City Manager, presented.

BRADEN moved, JUSTUS seconded, **THE CITY COUNCIL APPROVE RESOLUTION #2020-142, A RESOLUTION DESIGNATING THE PROPERTY AT PROPERTY MAP TAX LOT ID 18S47E03CB04600 AT 122 NW 3RD AVENUE ONTARIO FOR USE AS A TEMPORARY EMERGENCY WINTER SHELTER SITE.** Roll call vote: Rodriguez-yes; Justus-yes; Palomo-out; Hart-yes; Braden-yes; Crume-yes; Hill-yes. Motion carried 6/0/1.

Barb Higinbotham, Community in Action, clarified the address of the temporary shelters was 123 NW 3rd Avenue.

BRADEN moved, JUSTUS seconded, **THE CITY COUNCIL APPROVE RESOLUTION #2020-142, A RESOLUTION DESIGNATING THE PROPERTY AT PROPERTY MAP TAX LOT ID 18S47E03CB04600 AT 123 NW 3RD AVENUE ONTARIO FOR USE AS A TEMPORARY EMERGENCY WINTER SHELTER SITE.** Roll call vote: Rodriguez-yes; Justus-yes; Palomo-out; Hart-yes; Braden-yes; Crume-yes; Hill-yes. Motion carried 6/0/1.

Mr. Brown stated the Council did a budget appropriation of \$10K for homeless services for FY 2021, and this was an opportunity to designate that appropriation to the Community in Action project. There had been a brief discussion on this item previously at the Tuesday Agenda prep, so it was open to Council discretion. From his perspective, he believed this was the best opportunity to serve the homeless in this emergency transitional shelter. There were other organizations that were doing things for the homeless, but this was a good one to invest in. The Council could appropriate all of it, or just a portion.

CRUME moved, BRADEN seconded, **THAT THE CITY COUNCIL DESIGNATE A PORTION OF THE 2020-2021 HOMELESS SERVICE BUDGET OF \$5K TO COMMUNITY IN ACTION TO SUPPORT THE TEMPORARY WINTER SHELTER.** Roll call vote: Rodriguez-no; Justus-yes; Palomo-out; Hart-yes; Braden-no; Crume-yes; Hill-yes. Motion carried 4/2/1.

NEW BUSINESS

Proposed 2021-2022 Budget Calendar

Peter Hall, Human Resources Manager, presented.

This item was for review only, and to please provide any date conflicts. The item would be back for approval at a subsequent meeting.

Mayor Hill asked that the new budget show the details behind the snapshot, so they didn't have to go back and forth through the entire document. He wanted it all in one place.



Commercial Land Lease: Jim Bain (#245 Ercoupe)

Dan Beaubien, Airport Manager, presented.

Mayor Hill stated the lease read that it was a requirement to have a 2-way radio, but it didn't read that it had to work, or that you used it when landing or taking off.

Mr. Beaubien agreed that it should read that an individual must have *and use* a 2-way radio.

Councilor Crume noted the agreement read there was a \$100K policy for damages to the property from chemical spills, etc., but after seeing pictures of a previous spill that was currently dealing with some legal action. That amount appeared low.

Larry Sullivan, City Attorney, stated if the goal was to protect the city from a Tort Claim, \$100K was sufficient coverage because it was equal to the amount a city could be held liable for for property damage, but if it was an issue of having to get the site cleaned up to get rid of the contamination, and that was going to be the city's responsibility, he agreed the amount should be higher, to reflect the actual potential cost of conducting a clean-up. He believed they should rewrite the section for all the leases, to remove the specific dollar amounts and only reflect what was necessary to protect the city from liability claims, but then to also change that to refer specifically to the city's ability to require the Lessee to pay for the clean-up.

Councilor Crume stated the copy of the insurance policy provided for this lease stated that. How did they move forward with the necessary changes in wording?

Mr. Sullivan stated they would need to speak with the carrier to see the cost of an increase in coverage. It was his opinion the action should be tabled to allow time to work on the language and speak with the insurance provider. It would also provide the Lessee time to speak with his own insurance carrier to discuss the potential increase in cost to have the amount of coverage.

Jim Bain, Lessee, stated his \$100K on the insurance certificate was chemical drift liability. There was a \$1M premise liability coverage on the certificate already.

Mr. Sullivan stated if Mr. Bain had the \$1M premise that included not just liability, but also property damage, and the \$1M wasn't limited to just personal liability, but included property damage, that would be fine.

Councilor Crume stated the policy that had been provided for their review stated the wording was "chemical property damage for \$100K".

Mr. Sullivan stated that would then limit it to that amount, which appeared low. Chemical property damage meant damage caused by chemicals coming into contact with the ground. He could contact the carrier to verify the meaning, and research getting more coverage and obtaining a quote for Mr. Bain. He still believed it should be tabled pending further review.

Mr. Bain stated his insurance just updated (November 10th) and on his new certificate it reflected \$1M in premise liability.

Mr. Sullivan asked Mr. Bain to provide a copy of the policy. He stated if the Council wanted to approve the Lease subject to his review of the terms of the insurance, that was an option. If he could verify there was more than \$100K coverage available to deal with chemical spills, he could give an okay to the Lease.

Councilor Hart asked if they could extend the lease 30 days on a temporary basis to allow for time to review the issues, and also keep Mr. Bain in compliance.



Mr. Sullivan stated the Council approve a 30-day oral lease to Mr. Bain based upon the same language in the lease that already existed on the property. If the Council opted to extend it, he was also going to work on Paragraph 19 in the lease. He did not want that to be the template for future leases. That was the section on dealing with defaults or violations under the lease.

HART moved, RODRIGUEZ seconded, **TO TEMPORARILY EXTEND THE EXISTING LEASE FOR 30 DAYS TO PROVIDE COUNSEL TIME TO RESERCH INSURANCE AND OTHER MATTERS.** Roll call vote: Rodriguez-yes; Justus-yes; Palomo-out; Hart-yes; Braden-yes; Crume-yes; Hill-yes. Motion carried 6/0/1.

CRUME moved, JUSTUS seconded, **THAT THE CITY COUNCIL TABLE THE JIM BAIN LEASE FOR 2020 UNTIL THE FOLLOWING MEETING WHEN LEGAL STAFF CAN CORRECT SOME ISSUES, INCLUDING THE USE OF A 2-WAY RADIO, PARAGRAPH 19, AND INSURANCE ISSUES.** Roll call vote: Rodriguez-yes; Justus-yes; Palomo-out; Hart-yes; Braden-yes; Crume-yes; Hill-yes. Motion carried 6/0/1.

Proposed Amendment to OMC 3-9-9: Aviation Fuel Provision

Dan Beaubien, Airport Manager, presented.

Mr. Brown stated this was an issue that, if Council approved the process, would be brought back in ordinance form at the subsequent meeting.

Bid Award: Irrigation System for Grass Runway at Airport (Lawn Express)

Dan Beaubien, Airport Manager, presented.

Mayor Hill stated in reviewing the bids, one bid was around \$59K, and another \$37K; those were significant differences. That caused concern. He researched materials, and those were over \$30K. At the end of the contract, it gave an out, where it read *"will make reasonable effort to bid the materials to compete. Customer acknowledges that there may be differences between the bid and the final price. Customer agrees to pay the full amount of invoice by amount expressed"*, so it was not a \$37K bid. Further, the cost of services for installation, \$37K, *subject to changes according to the actual cost of materials and additional labor.* Finally, *"payments, 50% upfront"*, and generally in contracts, a contractor could receive a draw for materials. In addition, the lien rights were as required by the Idaho Construction Lien Law.

Mr. Beaubien stated he had received a new contract with new costs. The conduit was not included in the original bid. Based on that addition, the bid was \$39,500. He also amended the signature block to reflect the City Manager's signature. He informed the Council that Lawn Express (Scott Windham) had pared down his costs because he felt very passionate about the project and wanted to make sure it was completed.

Scott Windham, Lawn Express, stated the \$39,500 was the total cost for the project. The verbiage was written in such a way that if Mr. Beaubien wanted to add additional work that had not been included in the original bid, that would be covered by that language.

Mayor Hill stated it should be clearly explained what the \$39,500 was covering, and a copy of the plan should be attached to the contract.

Mr. Brown stated his recommendation to table this action until the next meeting. It required a budget amendment.

Councilor Crume asked about a guarantee on the system. This would be a whole new system that would be used for several months.



Mr. Windham stated it was on a well so they could energize it. He was also going to winterize it himself this year as part of the contract. If there were issues with it, he would fix it for nothing.

Mr. Sullivan suggested he meet with Mr. Windham to address some of these issues, and then return at the next meeting with an action item.

HART moved, JUSTUS seconded, **TO TABLE THE CONTRACT FOR THE IRRIGATION SYSTEM ON THE GRASS RUNWAY AT THE AIRPORT UNTIL NEXT TUESDAY'S MEETING.** Roll call vote: Rodriguez-yes; Justus-yes; Palomo-out; Hart-yes; Braden-yes; Crume-yes; Hill-yes. Motion carried 6/0/1.

Right of Way Easement from Ontario to Cascade Natural Gas for a Gas Line (Planning Action 2020-06-25EASE)

Dan Cummings, Community Development Director, presented.

Kyle McCauley, Cascade Natural Gas, provided an overview of the action.

CRUME moved, BRADEN seconded, **THE CITY COUNCIL APPROVE THE 40 FEET WIDE RIGHT OF WAY EASEMENT FOR A GAS LINE OVER AND ACROSS THE PARCEL OF LAND WITHIN THE SE¼SW¼, SW¼SE¼ OF SECTION 29, T19S R47E AND THE NE¼NW¼, NW¼NE¼, SW¼NE¼, SE¼NW¼ OF SECTION 32, T17S R 47E AND AUTHORIZE THE MAYOR TO SIGN THE DOCUMENT SHOWN AS ATTACHMENT 1 OF THIS REPORT.** Roll call vote: Rodriguez-yes; Justus-yes; Palomo-out; Hart-yes; Braden-yes; Crume-yes; Hill-yes. Motion carried 6/0/1.

Update Certification of Authority for SBE Solar Panels

Peter Hall, Human Resources Director, presented.

BRADEN moved, CRUME seconded, **THE CITY COUNCIL AUTHORIZE CITY MANAGER ADAM BROWN TO ACT AS REPRESENTATIVE BETWEEN IDAHO POWER COMPANY AND THE CITY REGARDING THE OREGON SOLAR PHOTOVOLTAIC PILOT PROGRAM ENERGY SALES AGREEMENT.** Roll call vote: Rodriguez-yes; Justus-yes; Palomo-out; Hart-yes; Braden-yes; Crume-yes; Hill-yes. Motion carried 6/0/1.

DEPARTMENT HEAD UPDATES

Finance: Monthly Report *(Attached)*

Kari Ott, Finance Director, presented.

Public Works: Quarterly Report *(Attached)*

Al Cablay, Public Works Director, presented.

DISCUSSION ITEMS

Airport Taxiway Project Update

Dan Beaubien, Airport Manager, stated the Airport Taxiway and Hold Apron at the end of Runway 33. He had received calls from individuals who wanted to construct hangars. He was hoping the new taxiway would see the construction of new hangars. This project had a very narrow window. It appeared the paving would be on hold until spring. It was FAA funded, so the entire project had to be exact. There were some water lines that were shown on a map but were not actually there. The new pipes were laid where the maps stated they should be located.

Mr. Brown complimented staff for all their work on this project.

Airport Master Plan



Adam Brown, City Manager, stated the city had been notified they were awarded a \$200K grant from the Border Board towards the Airport Master Plan, so he wanted to be moving forward on that. A meeting had been scheduled on Monday with Toby Epler, Airport Engineer, but he was seeing Council authorization to prepare the work order agreement and whatever budgetary work needed to be completed. He was hoping to be one of the Border Board's first successes. Staff believed this would substantially help in the development of the Airport. It had a match requirement, which they had already determined would come out of next year's budget. This was a project that would span over two fiscal years.

Council consensus to begin the process.

Engineering Project to Plan for Future Infrastructure and Grant Funding *(Attached)*

Adam Brown, City Manager, stated the state made an investment in the Yturri Beltline, which was a multi-million-dollar project. There was another state investment with the railroad overpass by 18th Avenue. There was the truck route on SE 2nd Street that was currently under construction and nearing completion. The city was actively seeking an EDA grant to complete the rest of that project from 5th Avenue to Idaho Avenue. It was believed there would be an infrastructure package coming out from Washington, DC. The city did not have a shovel-ready project currently. Part of the Strategic Plan was to extend utilities to strategic areas. The one near the Navarrete property was around 2,300 linear feet from where the water and wastewater ended to the property. Last month, the city had a major visit, and now another interest from the state for the property. Having those utilities stubbed out to the location was an advantage for the city. That would be one of the lower cost actions. A larger cost would be getting to the Treasure Valley 200 site. There was water and sewer near the Airport along the Yturri Beltline. That would be a larger project to engineer. He had informed one of the prospects that Ontario was going through a Renaissance, that it was recreating and rebranding itself, and there were a lot of great projects that were visible. He was asking for authority to move forward with the engineering design, to work with Public Works to obtain estimates for either site, or both. Council consensus to have the City Manager bring some options and estimates to the Council.

HAND-OUTS

Monthly Department Stats *(Attached)*

Public Works
Fire & Rescue
Police
Code Enforcement

Chief Romero stated for clarification on Measure 110, it was going to reclassify crime. Drug-related misdemeanors would be reduced, which included heroin, cocaine, methamphetamines, mushrooms, LSD, everything specified under Schedule 4 of drugs, was now being viewed basically the same as a traffic violation. People possessing hard drugs, the police would be handling them in the same way as if they'd been stopped for through a red light or stop sign. It was also going to bring new challenges to public safety. What the community could expect to see: there would be an increase in illicit drug ingestion in public places. Public safety would be responding to calls from restaurants and stores due to people acting bizarrely, people stealing, people approaching patrons, people fighting. Prior to 110, it had been handled. There had been the fear of criminal sanctions or repercussions if caught by the police with those drugs in a public place. Once legalized next year, the police were going to respond, but if there was less than the criminal amount, a person could have it, be under the influence, and the police would write a ticket. That would result in a civil administrative court process and have two options. One, pay \$100 and walk away; or two, not pay the \$100 and agree to have someone perform an assessment as to the level of drug addiction. The State of Oregon had one of the worst records for drug addiction recovery services. That was common knowledge. Oregon was also known for being one of the top four in the country for drug addiction. This was a huge win for California, Washington, Idaho, and any other state near Oregon who were combatting the homeless drug addiction problem. Those people were going to move to Oregon. When defense attorneys were fighting against a measure, that should



tell the people something. The biggest impact would be on juveniles. Court sanctioned treatment was now eliminated. Social services were stretched too thin.

Mr. Sullivan stated he had not studied the measure to see to what extent the language cleared out any opportunities for the city to address the problems that might arise, that might not be directly connected with punishing drug addicts, but there might be other solutions the city could implement through ordinance language that would give the city some enforcement authority. He would meet with Chief Romero to discuss that.

Councilor Rodriguez asked if it would be feasible, through working with Community in Action, where they implemented a rule that to live or be housed in the homeless shelters, a person would need to have the evaluation done instead of paying the \$100 fine. Was that an option, or would the state not allow that?

Mr. Brown stated that was not a government run program, so they could essentially write their own rules, and that was already one of their rules.

Mr. Sullivan confirmed that, and it appeared as something doable. If someone was applying for a benefit and were required to meet certain criteria to receive those benefits, that was not something that was contrary to the measure. They could condition the receipt of benefits on certain levels of performance by the individuals who requested them.

Dan Cummings stated another measure that had passed was regarding mushrooms. It was his understanding cities could not opt out like they had for marijuana. If they wanted to opt out, they had to put it on a ballot for a vote of the residents. It was going to bring another group of facilities, so he would be returning to the Council with recommendations on dealing with the mushroom facilities. He was thinking of using the same buffers as they had for the marijuana providers.

Minutes: *(Attached)*

Airport Committee 08-24-2020

ADJOURN

CRUME moved, JUSTUS seconded, **THAT THE MEETING BE ADJOURNED**. Roll call vote: Rodriguez-yes; Justus-yes; Palomo-out; Hart-yes; Braden-yes; Crume-yes; Hill-yes. Motion carried 6/0/1.

ACCEPTED:

ATTEST

Riley J. Hill, Mayor

Tori Barnett, MMC, City Recorder





CITY COUNCIL MEETING MINUTES November 17, 2020

The scheduled meeting of the Ontario City Council was called to order by Mayor Riley Hill at 6:00 p.m. on Tuesday, November 17, 2020, in the Council Chambers of City Hall. Council members present in person or attended via telephone were Riley Hill, Michael Braden, Norm Crume, Ken Hart, and Marty Justus. Michael Braden and Ramon Palomo were excused; Freddy Rodriguez arrived at 6:07 p.m.

Members of staff present in person or via telephone were Adam Brown, Tori Barnett, Dan Cummings, Peter Hall, Terry Leighton, Steven Romero, Kari Ott, Larry Sullivan, Al Cablay, Betsy Roberts, and Kevin Mullin.

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 November 13, 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, HART seconded, **TO ADOPT THE AGENDA AS PRESENTED**. Roll call vote: Rodriguez-out; Justus-yes; Palomo-out; Braden-yes; Hart-yes; Crume-yes; Hill-yes. Motion carried 4/0/3.

CONSENT AGENDA

CRUME moved, HART seconded, **TO ADOPT THE CONSENT AGENDA, WHICH INCLUDED 10-08-2020 COUNCIL WORK SESSION MINUTES; 10-20-2020 COUNCIL MEETING MINUTES; AND 10-27-2020 COUNCIL MEETING MINUTES**. Roll call vote: Rodriguez-out; Justus-yes; Palomo-out; Braden-out; Hart-yes; Crume-yes; Hill-yes. Motion carried 4/0/3.

OLD BUSINESS

Resolution #2020-144: Approving the Bid from Lawn Express in the Amount of \$39,500 and to Appropriate Necessary Funding

Adam Brown, City Manager, stated five minutes ago he had just received some changes from the attorney for Lawn Express. They were sent to Mr. Sullivan but didn't know if he had reviewed them yet. It was not for an increase in money, but was some clarification of language.

Scott Windham, Lawn Express, stated the change was in the changes part of the contract, on page one. It read that *"if customer wishes to change any part of installation after this agreement is signed, but prior to the commencement of installation, which results in the additional materials and labor or labor costs for Lawn Express, or results in the late completion of the contract, set costs will be added to the remaining balance of the contract and billed as part of the original contract. Any changes in the design or contract, whether the changes result in additional time, cost, or neither, must be made in writing and signed by both parties."*

Larry Sullivan, City Attorney stated he did not understand why that provision was being made. He probably needed to speak with Mr. Windham's attorney to see what prompted the change.

Mr. Windham stated he had informed Dan [Beaubien] of the change earlier that day.



Mr. Sullivan stated he would need to speak with the other attorney to determine what they were trying to accomplish. He did not like the current wording, as it appeared to shift the burden to the city of paying for changes in design that the city didn't have control over.

HART moved, CRUME seconded, **TO TABLE THE CONTRACT WITH LAWN EXPRESS UNTIL THE CITY ATTORNEY COULD REVIEW IT IN MORE DETAIL.** Roll call vote: Rodriguez-yes; Justus-yes; Palomo-out; Braden-out; Hart-yes; Crume-yes; Hill-yes. Motion carried 5/0/2.

Commercial Land Lease: Jim Bain (#245 Ercoupe)

Councilor Hart reiterated his request for staff to contact other local airports and see how they were handling this type of issue. The Council needed to ensure there was a good lease that protected the taxpayer, but was also reasonable. He wanted to see a consistent contract that anyone could meet, and there would be no exceptions needed.

Mr. Brown stated staff had collected contract examples from other airports throughout Oregon, but they needed to make distinction between private hangar owners and commercial operators.

CRUME moved, HART seconded, **THAT THE COUNCIL TABLE THIS ACTION (COMMERCIAL LAND LEASE WITH JIM BAIN AT 245 ERCOUBE) UNTIL THE NEXT MEETING.** Roll call vote: Rodriguez-yes; Justus-yes; Palomo-out; Braden-out; Hart-yes; Crume-yes; Hill-yes. Motion carried 5/0/2.

PRESENTATION

Update on COVID in Malheur County: Sarah Poe

Presentation attached.

OLD BUSINESS

Ordinance #2782-2020: Proposed Amendment to OMC 3-9-9: Aviation Fuel Provision

Adam Brown, City Manager, presented.

CRUME moved, HART seconded, **TO APPROVE ORDINANCE #2782-2020, AN ORDINANCE AMENDING TITLE 3(9)(9) OF THE ONTARIO MUNICIPAL CODE FOR FUEL PROVISIONS ON THE ONTARIO MUNICIPAL AIRPORT, ON FIRST READING BY TITLE ONLY.** Roll call vote: Rodriguez-yes; Justus-yes; Palomo-out; Braden-out; Hart-yes; Crume-yes; Hill-yes. Motion carried 5/0/2.

NEW BUSINESS

Resolution #2020-143: Amendment to the Classification and Compensation Plan

Adam Brown, City Manager, presented.

Council request to amend the wording in the 5th Whereas clause to read *"The City Manager will return this position to an Assistant..."*

CRUME moved, HART seconded, **THE CITY COUNCIL APPROVE RESOLUTION #2020-143, A RESOLUTION TO AMEND THE CITY CLASSIFICATION AND COMPENSATION PLAN AS ATTACHED, WITH THE EXCEPTION OF WHEREAS CLAUSE 5, TO READ INSTEAD OF "IT IS THE INTENTION OF THE CITY MANAGER...", IT WILL SAY "THE CITY MANAGER WILL RETURN THIS POSITION TO AN ASSISTANT TO THE CITY MANAGER..."**. Roll call vote: Rodriguez-yes; Justus-yes; Palomo-out; Braden-out; Hart-yes; Crume-yes; Hill-yes. Motion carried 5/0/2.



DISCUSSION ITEMSSE 2nd EDA GrantHAND-OUTS**Minutes:** *(Attached)*

County Court 10-14-2020

SREDA 11-10-2020

CORRESPONDENCE, COMMENTS AND EX-OFFICIO REPORTS

-

EXECUTIVE SESSION**Executive Session: ORS 192.660(2)(e)**

An executive session was called at 7:27 p.m. under provisions of ORS 192.660(1)(e) to discuss real property. The Council entered a second executive session at 8:29 p.m.

Executive Session: ORS 192.660(2)(h)

An executive session was called at 8:30 p.m. under provisions of ORS 192.660(1)(h) to discuss current or potential litigation. The Council reconvened into regular session at 8:50 p.m.

AMEND AGENDA

HART moved, JUSTUS seconded, to **AMEND THE AGENDA TO INCLUDE A LAND SALE AND LEASE ACTION**. Roll call vote: Rodriguez-yes; Justus-yes; Palomo-out; Braden-out; Hart-yes; Crume-yes; Hill-yes. Motion carried 5/0/2.

ADDED BUSINESS

HART moved, JUSTUS seconded, to **INSTRUCT THE COMMUNITY DEVELOPMENT DIRECTOR TO MOVE FORWARD WITH THE LEASE, WITH REQUIRE LESSEE TO PAY TAXES AND FOR IMPROVEMENTS ON THE LAND**. Roll call vote: Rodriguez-yes; Justus-yes; Palomo-out; Braden-out; Hart-yes; Crume-yes; Hill-recused. Motion carried 4/0/2/1.

HART moved, JUSTUS seconded, to APPROVE THE LEASE WITH THE MODIFICATION

Roll call vote: Rodriguez-yes; Justus-yes; Palomo-out; Braden-out; Hart-yes; Crume-yes; Hill-recused. Motion carried 4/0/2/1.

ADJOURN

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



ACCEPTED:

ATTEST

Riley J. Hill, Mayor

Tori Barnett, MMC, City Recorder





CITY COUNCIL MEETING MINUTES November 24, 2020

NO RECORDING – MINUTES TRANSCRIBED BY USE OF NOTES.

The scheduled meeting of the Ontario City Council was called to order by Mayor Riley Hill at 6:00 p.m. on Tuesday, November 24, 2020, in the Council Chambers of City Hall. Council members present in person or attended via telephone were Riley Hill, Michael Braden, Norm Crume, Ken Hart, and Freddy Rodriguez. Marty Justus and Ramon Palomo were excused.

Members of staff present in person or via telephone were Adam Brown, Tori Barnett, Terry Leighton, Steven Romero, Kari Ott, Larry Sullivan, Al Cablay, 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 November 23, 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, HART seconded, **TO ADOPT THE AGENDA AS PRESENTED**. Roll call vote: Rodriguez-yes; Justus-out; Palomo-out; Braden-yes; Hart-yes; Crume-yes; Hill-yes. Motion carried 5/0/2.

OLD BUSINESS

Resolution #2020-144: Approving the Bid from Lawn Express in the Amount of \$39,500 and to Appropriate Necessary Funding

Adam Brown, City Manager, presented.

Larry Sullivan, City Attorney, stated his main issue was with the lack of warranty. A five-year warranty had been added; however, Mr. Windham's attorney disagreed, and only wanted a one-year warrant. Following research on the issue, he was unable to locate any five-year warranty requirements.

Council agreed to move forward with the one-year warranty.

CRUME moved, HART seconded, **THE CITY COUNCIL APPROVE RESOLUTION #2020-144: A RESOLUTION APPROVING THE BID FROM LAWN EXPRESS IN THE AMOUNT OF \$39,500 AND TO APPROPRIATE NECESSARY FUNDING, WITH THE INCLUSION OF A ONE-YEAR WARRANTY FOR PARTS AND LABOR**. Roll call vote: Rodriguez-yes; Justus-out; Palomo-out; Braden-yes; Hart-yes; Crume-yes; Hill-yes. Motion carried 5/0/2.



CORRESPONDENCE, COMMENTS AND EX-OFFICIO REPORTS

- Councilor Crume stated he had been asked to sit in on a PDAC that was to discuss the Ontario Airport; however, the meeting was not open to the public. He had made the City Manager aware of the request but did not feel comfortable sitting in on the meeting without the support of the Council.

Council supported Councilor Crume's attendance at the PDAC.

ADJOURN

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

ACCEPTED:

ATTEST:

Riley J. Hill, Mayor

Tori Barnett, MMC, City Recorder





**AGENDA REPORT
OLD BUSINESS
December 15, 2020**

To: Mayor and City Council
FROM: Kari Ott, Finance Director
THROUGH: Adam J. Brown, City Manager
SUBJECT: CARES ACT FUNDING
DATE: November 30, 2020

PROPOSED MOTION:

NO MOTION NECESSARY.

SUMMARY:

CARES Act funding is Federal Funding that allocated to the City by the State of Oregon. This funding is required to be spent by December 31, 2020.

BACKGROUND:

\$337,611.41 of CARES Act Funding was allocated to the City. These funds are required to be spent between March and December 2020. A budget was approved by the council in the fall of 2020. The City Council had a discussion on budget amendments during the December 10, 2020 work session. Some of the suggested expenditures were approved, others were put off in order to attempt to get some funding to local businesses.

CURRENT SITUATION:

Since the work session December a few expenditures were made. They are as follows:

For Local Businesses:

Patio Heaters 12 purchased and 12 more to purchase \$7,604

Propane Tanks to be purchased 48 \$2,688

Tents with a wall and leg weights \$4,963

American Legion \$3,798 (Air Handler & electrostatic sprayers)

Meals on Wheels for waiting list \$17,029

Veteran's Advocates \$5,000 (freezers are empty, this will purchase food

for 29 families of four)

Police Training Facility \$26,600 in process of ordering everything

PPE has been ordered for approximately \$2,400

With all expenses, there is approximately \$73,979 remaining. Some additional needs are as follows:

Electrostatic sprayers for businesses & faith based organizations \$6,000

Veterans Advocates \$5,000 (additional meals)

American Legion \$3,904 (computer for telework, plexi glass etc.)

Traffic Control Supplies for pop-up testing \$5,000

Fire & Police Overtime \$21,318

PPE \$7,000

CinA Utility & Rent Assistance - All \$45k has been spent, \$10k additional

Air purifiers for City Hall (4) \$2,400

Police & Fire wages \$13,357

If all of the above items were purchased all the CARES act funding would be utilized.

ANALYSIS:

- A. **STRATEGIC PLAN** No direct strategic impact.
- B. **FINANCIAL** \$73,979 will need to be spent before December 31, 2020.
- C. **TIMING** These expenses are required to be incurred on or before December 31, 2020.
- D. **POLICY/LEGAL** No formal resolution is required since budget has already been appropriated.

ALTERNATIVES:

None Noted.

RECOMMENDATION:

Staff recommends the city council discuss the CRF expenses in order to allow staff to make sure to spend the remaining funds.

ATTACHMENTS:

None



**AGENDA REPORT
OLD BUSINESS
December 15, 2020**

To: Mayor and City Council

FROM: Dan Cummings, Community Development Director

THROUGH: Adam J. Brown, City Manager

SUBJECT: **APPROVAL OF THE PROPERTY LINE ADJUSTMENT DEED BETWEEN THE CITY OF ONTARIO AND ILIAD MEDIA BOISE, LLC (FORMERLY FM IDAHO CO., LLC) TO COMPLETE THE CONTRACT REQUIREMENTS OF THE NW WASHINGTON AVENUE PROJECT**

DATE: December 1, 2020

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE THE PROPERTY LINE ADJUSTMENT DEED BETWEEN THE CITY OF ONTARIO AND ILIAD MEDIA BOISE, LLC TO COMPLETE THE CONTRACT REQUIREMENT OF THE NW WASHINGTON STREET PROJECT AND AUTHORIZE THE MAYOR TO SIGN THE DEED.

SUMMARY:

As part of the NW Washington Avenue project the State of Oregon, authorized by the Ontario City Council, negotiated the purchase of Right Of Way (ROW) for the NW Washington Avenue Project across portions of FM IDAHO CO., LLC (now renamed to Iliad Media Boise, LLC) properties.

As part of the negotiations the city agreed to deed back the remainder of other lands of the city adjacent to their lands as well as vacate the unused portions of street right of way between the two properties.

BACKGROUND:

In 2009 Oregon Department of Transportation (ODOT) awarded the City of Ontario \$4.5 million in Job and Transportation Act (JTA) funds for a Project named the "NW Washington Re-alignment Project".

In August of 2010 the City of Ontario entered into an agreement to have ODOT negotiate the purchase of lands needed for the construction of the NW Washington Project. As part of the negotiations the unused lands and right of ways were required to be vacated and exchanged.

As part of the agreements made during this period a portion of the unused property purchased was agreed to be deeded to FM Idaho CO., LLC (Now Iliad Media Boise, LLC) along with vacated portion of streets between the two properties.

Also in the agreement any other surplus property not needed for this project was to be returned to ODOT of which has been done but to make some of these land usable some unused portion of street right of way needs to be vacated, as well as property line adjustments to complete the transactions.

The Ontario City Council held a public hearing on November 9, 2017, in the City Council Chambers concerning the proposed vacation of the street right of way being a portion of North Park Boulevard, a portion of Hollars Street, and a portion of "B" place within Blocks 5 and 6 of the Corrected Plat of Oregon and Western Colonization CO Subdivision Second Addition, Malheur County, Oregon and initiated the vacation action.

City staff, at the instruction of the City Council, contacted the property owners affected by the vacations and received the required consent to vacate, which are attached and made part of the record.

On April 5, 2018, at a Public Hearing the City Council approved the street vacations under Planning Action 2017-12-20VAC and approved Ordinance #2738-2018.

The Community Development Director acting as the Hearings Office approved the property line adjustment under Planning Action 2018-04-08PLA, being a post adjustment to adjust and create the three parcels shown as parcels 1, 2 and 3, Tax Lots 1500, 1600 and 1601 (Attachment #2) deeded back to ODOT as per the agreement under Deed Instrument #2015-4182 and a portion of North Oregon Street right of way under Deed Instrument #2015-4183, as well as adjust the portion of Tax Lot 1500 into Iliad Media Boise, LLC lands, Tax Lot 1400.

CURRENT SITUATION:

This is the third and final step in completing the property line adjustment on the FM Idaho property after the completion of the street vacation. Therefore, to complete the city's obligation under the NW Washington Avenue Project Agreement, the attached property line adjustment deed Attachment #1 of this report requires approval and filing with the Malheur County Records Deed Records.

ANALYSIS:

- A. **STRATEGIC PLAN** This action is part of the Strategic Plan as following completion of the property line adjustment and creation of the adjusted tax lots, the city hopes to request ODOT deed the parcel shown as Tax Lot 1500 back to the city to be used as a trailhead for the River Trail.

- B. **FINANCIAL** The cost to the city will be the recording of the Property Line Adjustment Deed, anticipated to be \$117.00.
- C. **TIMING** This process needs to be completed as soon as possible as Iliad Media Boise, LLC has a potential buyer for this property and is waiting on this process to be completed so that they can move forward with the sale.
- D. **POLICY/LEGAL** This process needs to be approved to complete the agreement between the City of Ontario and FM Idaho.

ALTERNATIVES:

Staff is not recommending any alternatives as any other alternatives would be a breach of contract between the City of Ontario, the State of Oregon (ODOT) and FM Idaho CO., LLC

RECOMMENDATION:

Staff recommends the City Council approve the Property Line Adjustment Deed and authorize the Mayor to sign the deed.

ATTACHMENTS:

- 1. PLA BS DEED City Ontario to Iliad Media Boise LLC
- 2. SR Attachment # 2_PLA Deed-12-15-2020

Until a change is requested, all tax statements shall be sent to:
Iliad Media Boise, LLC
C/O Jim Miles
5660 E Franklin RD, Suite 200
Nampa, ID 83687

After recording return to:
City of Ontario
Tori Barnett, City Recorder
444 SW 4th Street
Ontario, OR 97914

**BARGAIN and SALE DEED
(Property Line Adjustment)**

CITY OF ONTARIO, a municipal corporation of the State of Oregon, whose current address is 444 SW 4th Street, Ontario, Oregon 97914, being the Grantor, hereby grants, bargains, and conveys to **Iliad Media Boise, LLC, an Idaho Limited Liability Company (aka FM IDAHO CO., LLC an Oregon Limited Liability Company)**, whose current address is 5660 Franklin Road, Ste 200, Nampa Idaho, being the Grantee, all their rights, title and interest in and to the real property described as follows:

See Attached Exhibit “A”

TO HAVE AND TO HOLD, the premises and its appurtenances unto the Grantee and the Grantee's successors and assigns forever.

“BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON’S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7 CHAPTER 8 OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010”.

This Deed is granted to effect a property line adjustment as defined by ORS 92.010. No new parcels are created by this Deed.

The true and actual consideration for this conveyance is: Contract obligation

The original parcel owned by Grantor is described in Warrantee Deed, Instrument No. 2012-1321, excepting deed 2015-4182.

The original parcel owned by Grantee is Deed No. 2004-6418, excepting deed 2012-3555.

Descriptions of the adjusted parcels are as follows:

- (1) A description of Grantors parcel, as adjusted after this property line adjustment deed, is described in Exhibit B, attached.
- (2) A description of Grantee parcel, as adjusted after this property line adjustment deed, is described in Exhibit C, attached.

Dated this ____ day of _____ 2020.

Grantor: **CITY OF ONTARIO, a municipal corporation of the State of Oregon,**

Riley J. Hill, Mayor

Tori Barnett, City Recorder

STATE OF OREGON)
) SS
COUNTY OF MALHEUR)

The foregoing instrument was acknowledged before me this ____ day of _____, 2020,
By the above-named Riley J. Hill, Mayor and Tori Barnett, City Recorder.

Notary Public-Oregon

My commission expires: _____

Exhibit A
(Legal Description of adjusted parcel)
(Was part of Tax Lot 1500, Map 17S47E33D)

Adjusted Parcel:

Land in Malheur County, Oregon, as follows;

A parcel of land lying in Lot 3, Block 3, CORRECTED PLAT OF OREGON AND WESTERN COLONIZATION CO SUBDIVISION SECOND ADDITION, Malheur County,./Oregon and being a portion of that property described in that Warranty Deed to the City of Ontario, recorded April 16, 2012 Instrument No. 2012-1130, Malheur County Deed Records, EXCEPTING Parcels 2 and 3 of Quitclaim Deed 2015-4182; the said parcel being that portion of said property lying Southerly of a line parallel with and 50.00 feet Southerly of the "W" center line of relocated N.W. Washington Avenue and Easterly of a line parallel with and 30.00 feet Westerly of the "O" center line of relocated N.W. 9th Street. ALSO all that portion of Vacated "B" Place vacated under Ordinance No. 2738-2018 adjacent to the above property.

The "W" center line of relocated N.W. Washington Avenue is described as follows:

Beginning at Engineer's center line Station "W" 125+23.07, said station being 797.53 feet South and 1650.74 feet East of the West one quarter corner of Section 33, Township 17 South, Range 47 East, W.M., Malheur County, Oregon; thence on a 980.00 foot radius curve left (the long chord of which bears South 87° 45' 47" East, 367.66 feet) 369.85 feet; thence on a 3,500.00 foot radius curve right (the long chord of which bears North 85° 58' 04" East 554.41 feet) 554.99 feet; thence South 89° 29' 22" East 964.86 feet; thence on a 580.00 foot radius curve right (the long chord of which bears South 67° 41' 56" East 430.61 feet) 441.17 feet; thence South 45° 54' 31" East 1,038.27 feet to Engineer's Station "W" 158+92.22.

The "O" center line of relocated N.W. 9th Street is described as follows:

Beginning at Engineer's center line Station "O" 48+00.00, said station being 1,533.88 feet North and 793.36 feet East of the South one quarter corner of Section 33, Township 17 South, Range 47 East, W.M., Malheur County, Oregon; thence North 1° 43' 03" West 200.00 feet to the center line of N.W. Washington Avenue at Engineer's Station "O" 50+00.00 equals "W" 143+65.58; thence continuing North 1° 43' 03" West 191.42 feet; thence on a 200.00 foot radius curve left (the long chord of which bears North 25° 02' 18" West 158.35 feet) 162.81 feet; thence on a 1,145.92 foot radius curve left (the long chord of which bears North 51° 13' 01" West 114.27 feet) 114.32 feet to Engineer's center line Station "O" 54+68.55.

Bearings are based on the Oregon Coordinate System of 1983(91) south zone.

Exhibit B
(Grantor's Parcel After Property Line Adjustment)

The only remaining Grantor's property lies within the Right of Way described as NW Washington Avenue and NW 9th Street within this document.

Exhibit C
(Grantee's Parcel After Property Line Adjustment)
(Tax Lot 1400, Map 17S47E33D)
Also Shown on attached Exhibit "A"

Land in Malheur County, Oregon, as follows;

A parcel of land lying in Lot 4, Block 3, CORRECTED PLAT OF OREGON AND WESTERN COLONIZATION CO SUBDIVISION SECOND ADDITION, Malheur County,./Oregon and being a portion of that property described in that Deed, recorded September 13, 2004 Instrument No. 2004-6418, Malheur County Deed Records, EXCEPTING Parcel 1 of Warranty Deed 2012-3555; the said parcel being that portion of said property lying Southerly of a line parallel with and 50.00 feet Southerly of the "W" center line of relocated N.W. Washington Avenue and Easterly of a line parallel with and 30.00 feet Westerly of the "O" center line of relocated N.W. 9th Street.

ALSO all that portion of Vacated "B" Place vacated under Ordinance No. 2738-2018 adjacent to the above property.

TOGETHER WITH a parcel of land lying in Lot 3, Block 3, CORRECTED PLAT OF OREGON AND WESTERN COLONIZATION CO SUBDIVISION SECOND ADDITION, Malheur County,./Oregon and being a portion of that property described in that Warranty Deed to the City of Ontario, recorded April 16, 2012 Instrument No. 2012-1130, Malheur County Deed Records, EXCEPTING Parcels 2 and 3 of Quitclaim Deed 2015-4182; the said parcel being that portion of said property lying Southerly of a line parallel with and 50.00 feet Southerly of the "W" center line of relocated N.W. Washington Avenue and Easterly of a line parallel with and 30.00 feet Easterly of the "O" center line of relocated N.W. 9th Street.

ALSO all that portion of Vacated "B" Place vacated under Ordinance No. 2738-2018 adjacent to the above property.

The "W" center line of relocated N.W. Washington Avenue is described as follows:

Beginning at Engineer's center line Station "W" 125+23.07, said station being 797.53 feet South and 1650.74 feet East of the West one quarter corner of Section 33, Township 17 South, Range 47 East, W.M., Malheur County, Oregon; thence on a 980.00 foot radius curve left (the long chord of which bears South 87° 45' 47" East, 367.66 feet) 369.85 feet; thence on a 3,500.00 foot radius curve right (the long chord of which bears North 85° 58' 04" East 554.41 feet) 554.99 feet; thence South 89° 29' 22" East 964.86 feet; thence on a 580.00 foot radius curve right (the long chord of which bears South 67° 41' 56" East 430.61 feet) 441.17 feet; thence South 45° 54' 31" East 1,038.27 feet to Engineer's Station "W" 158+92.22.

The "O" center line of relocated N.W. 9th Street is described as follows:

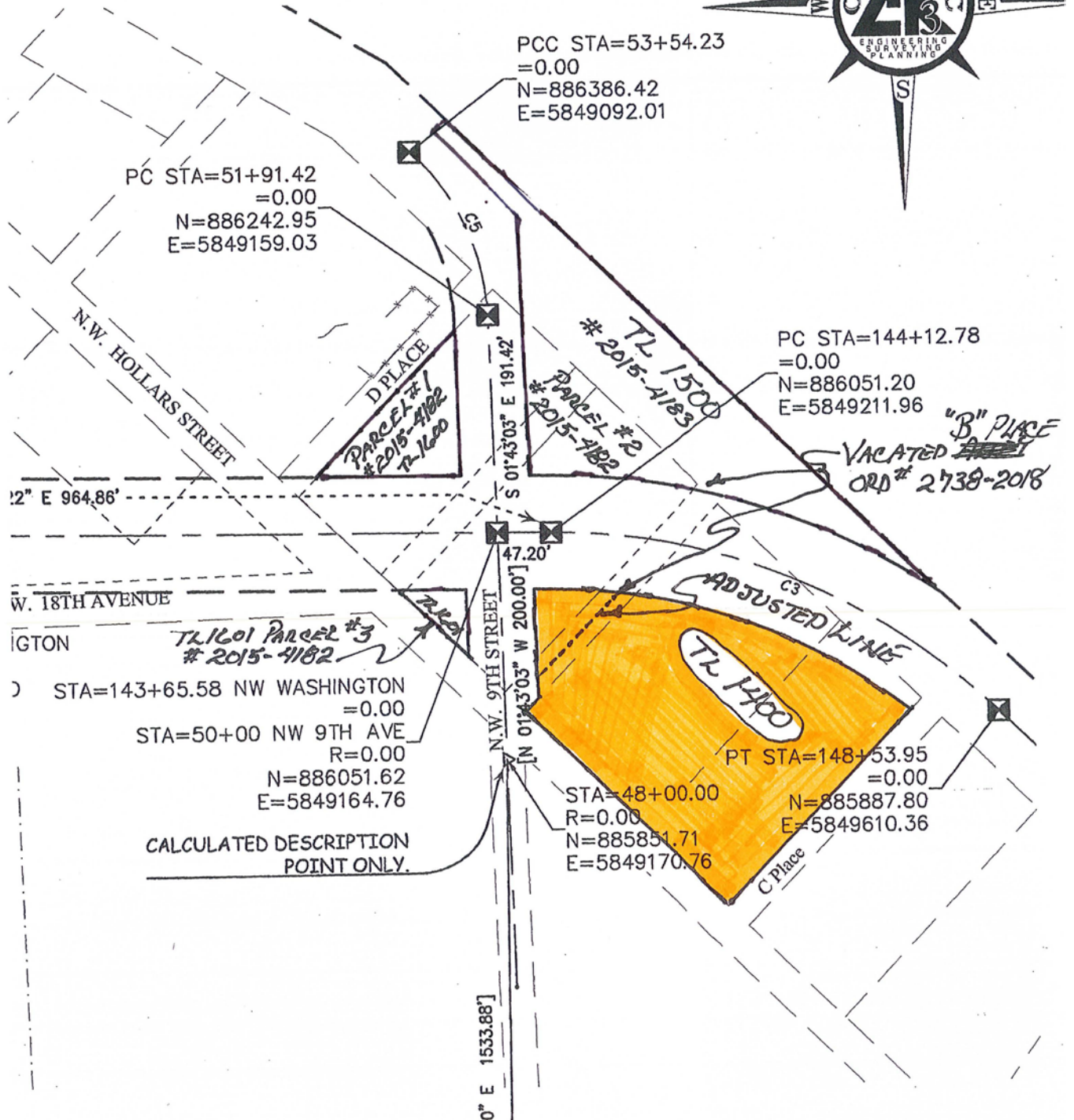
Beginning at Engineer's center line Station "O" 48+00.00, said station being 1,533.88 feet North and 793.36 feet East of the South one quarter corner of Section 33, Township 17 South, Range 47 East, W.M., Malheur County, Oregon; thence North $1^{\circ} 43' 03''$ West 200.00 feet to the center line of N.W. Washington Avenue at Engineer's Station "O" 50+00.00 equals "W" 143+65.58; thence continuing North $1^{\circ} 43' 03''$ West 191.42 feet; thence on a 200.00 foot radius curve left (the long chord of which bears North $25^{\circ} 02' 18''$ West 158.35 feet) 162.81 feet; thence on a 1,145.92 foot radius curve left (the long chord of which bears North $51^{\circ} 13' 01''$ West 114.27 feet) 114.32 feet to Engineer's center line Station "O" 54+68.55.

Bearings are based on the Oregon Coordinate System of 1983(91) south zone.

End of Descriptions

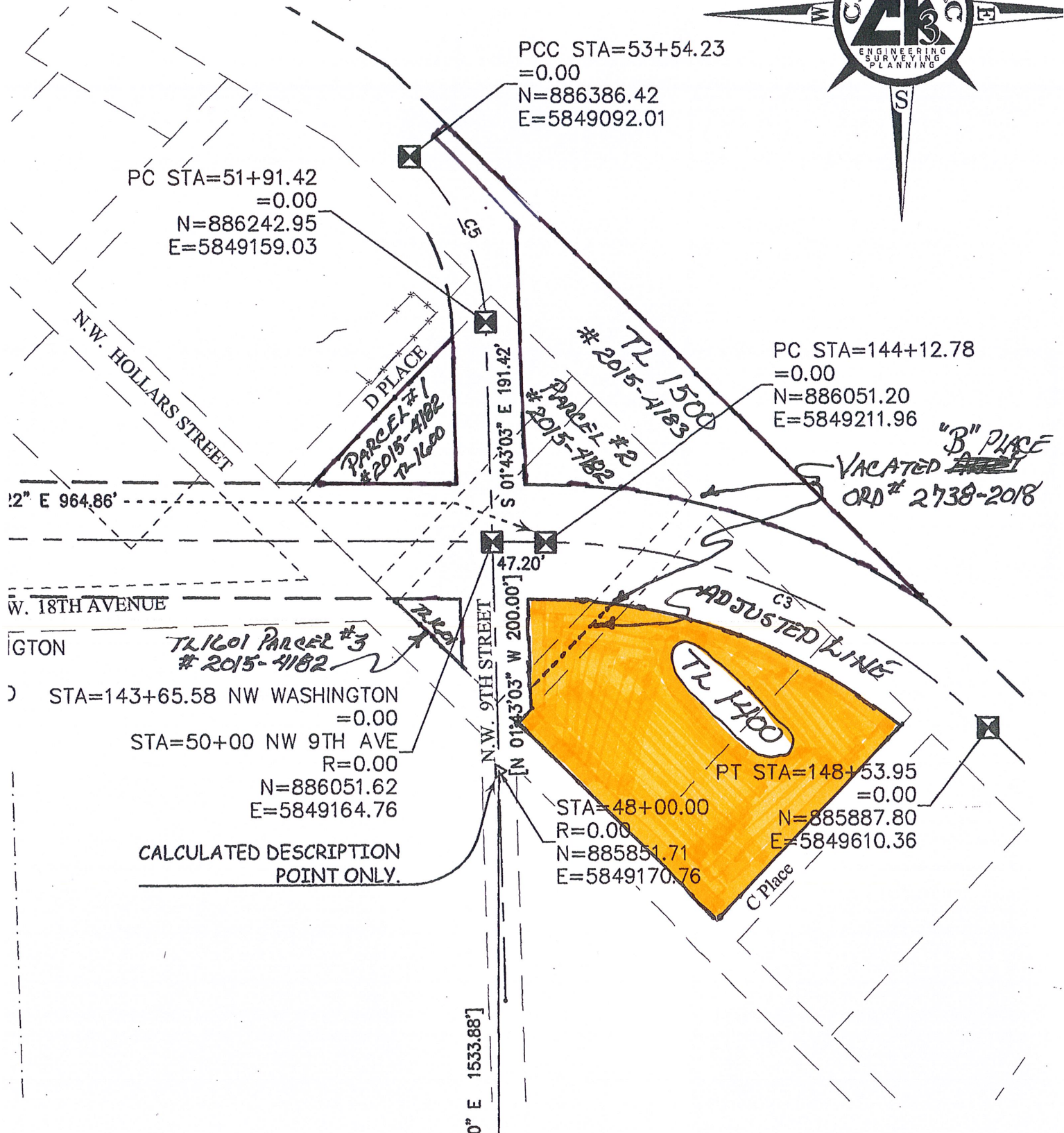
Exhibit "A"

CITY OF ONTARIO PLANNING ACTION
2018-04-08 PLA



RECORD OF SURVEY 17-47-0269

CITY OF ONTARIO PLANNING ACTION
#2018-04-08 PLA



RECORD OF SURVEY 17-47-0269



**AGENDA REPORT
NEW BUSINESS
December 15, 2020**

To: Mayor and City Council

FROM: Kari Ott, Finance Director

THROUGH: Adam J. Brown, City Manager

SUBJECT: RESOLUTION #2020-148: SUPPLEMENTAL BUDGET FOR CARRYOVER PROJECTS

DATE: December 9, 2020

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE RESOLUTION #2020-148: A SUPPLEMENTAL BUDGET TO APPROPRIATE FUNDS FOR CARRYOVER PROJECTS AND CORRECT SEWER ADMINISTRATIVE SERVICES.

SUMMARY:

Attached is Resolution #2020-148.

BACKGROUND:

The city held budget meetings in March 2020 and officially adopted the budget in April 2020. The city is on the modified accrual basis of accounting which can make it difficult to estimate project expense timing. Due to this, there are a few projects that weren't completed by June 30, 2020, and need to carry over to the 2020-2021 budget year.

CURRENT SITUATION:

The detail of the projects not completed at June 30, 2020, and carried over to 2020-2021 are as follows:

- Fiber Lines Extension at the Airport \$16,244 remaining budget
- Grant Writer \$65,000 (10 months)
- Playground Match \$10,000
- CDBG Grant \$13,000
- Water Master Plan \$4,125
- WTP Solids Removal \$37,500

Another budget adjustment needs to be made to correct an error. The Sewer Fund annually

budgets for administrative services of \$218,361. This was inadvertently left off the budget. This comes from the indirect cost allocation plan.

ANALYSIS:

- A. **STRATEGIC PLAN** No direct impact on strategic plan.
 - B. **FINANCIAL** Additional appropriations in the funds are as follows:
 - General Fund \$91,244
 - Grant Fund \$13,000
 - Water Fund \$41,625
- There will be a line item transfer from Contingency to appropriated expense of \$218,361 for the Sewer Fund.
- C. **TIMING** Approval of this resolution would allow the projects to be completed.
 - D. **POLICY/LEGAL** A formal resolution approved by the City Council is required to expend funds per ORS 294.

ALTERNATIVES:

- A. Take No Action - The Council could take no action on this matter.

RECOMMENDATION:

Staff recommends the City Council approve Resolution #2020-148.

ATTACHMENTS:

- 1. Resolution #2020-148 CARRYOVER ITEMS



RESOLUTION #2020-148

A SUPPLEMENTAL BUDGET TO APPROPRIATE FUNDS FOR CARRYOVER PROJECTS AND CORRECT SEWER ADMINISTRATIVE SERVICES

- WHEREAS,** The City held budget meetings in March 2020 and adopted the budget in April 2020; **and**
- WHEREAS,** There were projects budgeted to be completed in 2020, but didn't get completed before the end of the year; **and**
- WHEREAS,** Projects consist of a grant, fiber lines, grant write, playground match, water master plan and WTP solids removal; **and**
- WHEREAS,** It was discovered that administrative services expense was inadvertently left off the 2021 budget; **and**
- WHEREAS,** The City desires to modify the 2020-2021 budget in order to appropriate the funding.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Ontario City Council, to approve the following adjustment to the fiscal year 2020-2021 budget:

Line Item	Item Description	FY 20-21 Budget	Amount of Change	Adjusted Budget
GENERAL FUND				
001-004-713200	Fiber Lines	\$ -	\$16,244	\$16,244
001-004-615550	Contract Services	\$4,733	\$65,000	\$69,733
001-020-714123	Playground Match	\$ -	\$10,000	\$10,000
001-000-406000	Available Cash on Hand	\$2,013,564	\$91,244	\$2,104,808
GRANT FUND				
010-000-458110	Comm Development Block Grant	\$ -	\$13,000	\$13,000
010-038-714195	CDBG Grant Expenses	\$ -	\$13,000	\$13,000
WATER FUND				
105-160-719282	Water Master Plan	\$ -	\$4,125	\$4,125
105-160-719231	Solids Removal	\$ -	\$37,500	\$37,500
105-000-406000	Available Cash on Hand	\$ 1,496,533	\$41,625	\$1,538,158
SEWER FUND				
110-165-69330	Administrative Services	\$ -	\$218,361	\$218,361
110-165-871000	Operating Contingency	\$2,835,991	(\$218,361)	\$2,617,630

EFFECTIVE DATE: Effective immediately upon passage.

PASSED AND ADOPTED by the City Council of the City of Ontario this 15th day of December 2020, by the following vote:

AYES:

NAYES:

ABSENT:

APPROVED by the Mayor this 15th day of December, 2020.

Riley J. Hill, Mayor

ATTEST:

Tori Barnett, MMC, City Recorder



RESOLUTION #2020-149

A RESOLUTION REQUESTING THAT THE GOVERNOR STRONGLY CONSIDER HAVING IN-PERSON INSTRUCTION FOR AT LEAST PART OF THE KINDERGARTEN THROUGH 12TH GRADE PRIMARY EDUCATION

- WHEREAS,** A letter was sent to Director Gill and Governor Kate Brown on December 2, 2020 from elected officials from the City of Bend and Deschutes County; **and**
- WHEREAS,** The Ontario City Council supports the spirit of the letter to return kids to in-person education; **and**
- WHEREAS,** Communities have enhanced protocols, testing, and requirements to allow kids to receive in-person instruction; **and**
- WHEREAS,** Data shows that elementary schools do not significantly contribute to the spread of COVID-19; **and**
- WHEREAS,** The City Council of Ontario supports our schools and would like to see kids be able to participate in-person.

NOW THEREFORE, BE IT HEREBY RESOLVED the Ontario City Council requests that Governor Kate Brown allow at least elementary school students to participate in in-person instruction and that the state develop protocols and standards for allowing youth to be safely instructed in the classroom.

EFFECTIVE DATE: Effective immediately upon passage.

PASSED AND ADOPTED by the City Council of the City of Ontario this 15th day of December, 2020, by the following vote:

AYES:

NAYES:

ABSENT:

APPROVED by the Mayor this 15th day of December, 2020.

Riley J. Hill, Mayor

ATTEST:

Tori Barnett, MMC, City Recorder

December 2, 2020

Governor Kate Brown
State of Oregon

Director Colt Gill
Oregon Department of Education

VIA EMAIL ONLY

Dear Governor Brown and Director Gill,

Thank you for your tireless advocacy on behalf of Central Oregonians. We are confident that your efforts since March have saved countless lives and mitigated the spread of COVID-19. Without your leadership, we would surely be in an even direr situation.

We are writing to formally request that you further prioritize in-person K-12 education in Oregon, by overhauling current criteria for school reopening to recognize improved scientific understanding of COVID spread among children and opportunities to contain infection through screening and testing. Please consider (1) allowing elementary school students to return to in-person instruction on January 4, 2021, and (2) mobilizing available resources over the next 30 days toward a systematic testing approach focused on testing/screening students, teachers, and staff who choose to participate in in-person learning to prevent major outbreaks in schools and communities.

Our community, like most of Oregon, is encountering the darkest hour of the pandemic to date. But there is no more important institution in our community than education. We see this as an opportunity to refocus on centralized proactive testing as a way forward out of the current phase of the pandemic. Families and teachers have supported these measures across the country.¹ This is a dynamic public health crisis. The science is young and challenging for us as policymakers to digest and act on quickly. But data now show that elementary schools do not significantly contribute to spread of COVID-19.²

To that end, we ask that you:

- Centralize and emphasize community testing of students, teachers, and staff at elementary schools, striving to match or exceed New York City Department of Education goals of testing 20% of students, teachers, and staff who choose to participate in in-person school on a monthly basis.
- Open K-5 elementary schools on January 4, 2021, independent from county test positivity or county case rate, in consultation with public health authorities.
- Allocate and advocate for funding to ensure schools are as safe as possible for children and safe workplaces for teachers and staff, including ensuring that schools have the funding necessary to reduce class sizes in order to meet spacing and other health and safety requirements and funding for solutions and measures for teachers and staff unable to work in the classroom.

¹ <https://twitter.com/UFT/status/1333178897521729538?s=20>

² See attached Letter of Dr. Kate Broadman of October 13, 2020, compiling data; <https://www.nytimes.com/2020/11/29/nyregion/schools-reopening-partially.html> ("mounting evidence has shown that elementary schools in particular can be relatively safe, as long as strict safety protocols are followed.")

- Continue and strengthen, as needed, science-based restrictions and contact tracing on gatherings, businesses, and other sources of the spread of COVID-19 that have resulted in significant outbreaks.
- Implement measures to ensure older children can return to school safely as soon as possible after January 4, 2021.
- Prioritize opportunities for vaccination for teachers and staff as vaccines become available.

Kids from all backgrounds are suffering disproportionately from the lack of in-person education. But school closures are exacerbating the privilege gap, which is particularly concerning in communities like ours, where we struggle to serve our most vulnerable kids and families. Workers and small businesses and families who depend on them will also continue to struggle if we fail to open schools, both now (as parents stay home to teach their children) and in the future (as we fail to adequately educate a generation of Oregonians). Solving the current and growing *economic* crisis hinges on whether we can meet the current *public health* crisis.

You have been presented with an exceedingly difficult situation and led us admirably. We owe it to Central Oregon children and teachers to act on the data now available to us—to pivot from “treating schools like they are uniquely dangerous, when in fact they are uniquely essential.”³ We are confident that working together, if this effort proves misguided, we can nimbly adapt as Oregonians have done throughout this pandemic. Thank you for your leadership.

Sincerely,

Sally Russell, Mayor of Bend
 Anthony Broadman, Bend City Councilor-elect
 Melanie Kebler, Bend City Councilor-elect
 Megan Perkins, Bend City Councilor-elect
 Rita Schenkelberg, Bend City Councilor-elect
 Gena Goodman-Campbell, Bend City Councilor
 Justin Livingston, Bend City Councilor
 Bruce Abernethy, Bend City Councilor
 Chris Piper, Bend City Councilor
 Bill Moseley, Bend City Councilor
 Barb Campbell, Bend City Councilor
 Phil Chang, Deschutes County Commissioner-elect
 Rep. Cheri Helt, HD 54
 Carrie Douglass, Chair, Bend-La Pine School Board
 Amy Tatom, FNP, Bend-La Pine School Board
 Caroline Skidmore, Bend-La Pine School Board
 Julie Craig, Bend-La Pine School Board
 Shimiko Montgomery, Bend-La Pine School Board
 Katy Brooks, CEO, Bend Chamber

³ *Id.* at 1.

Attachment 1

October 13, 2020, Letter

Dear Governor Brown, Superintendent Gill, and OHA Director Allen,

I am writing as a pediatrician to express my grave concern regarding the severe harm to Oregon's children from prolonged school closures and to plead with you to think seriously about these harms as you weigh potential changes to our state's school-reopening metrics. As a physician, I believe strongly in public health measures to mitigate the risk of COVID-19 to our communities; but as an advocate for children, it pains me to see misguided measures such as this that cause irreparable harm to so many children with little benefit. We are treating schools like they are uniquely dangerous, when in fact they are uniquely essential. We owe it to children and teachers to do better.

As you know, with any public health measure, we must weigh risks and benefits. In the case of school closures, that analysis simply does not hold up in favor of keeping schools closed. The ongoing harm is severe, not just educationally, but in terms of both mental and physical health – social isolation, increased anxiety and depression (even leading to suicidal thinking or suicide attempts), lack of access to adequate nutrition and to safe places/ people. Every day in the office, I hear how my patients and their families are suffering, including the parents who are also teachers struggling to manage their jobs remotely; but what truly terrifies me is that the kids who are likely to be suffering the most (from abuse, neglect, and other issues) are often not even being seen.

Meanwhile, the potential benefits of school closure in terms of controlling the COVID-19 pandemic are likely to be quite small. There is growing evidence that schools can be opened safely, without significant risk to teachers and staff, or significant risk of increasing community spread¹. Numerous European countries reopened months ago with hygiene measures in place that are similar to those proposed by our state and have found no corresponding increase in infections²; similarly, schools in many US states have now been open for several weeks without a corresponding surge in infections.^{3,4,5} So far, data shows that school infection patterns for K-12 tend to mirror what is happening in the community at large, rather than contributing to spread. There is the additional consideration of what kind of COVID-19 virus spread we might actually be *causing* when schools are closed, and families instead resort to unregulated homeschool "pods" and informal childcare arrangements where the type of hygiene measures that have been so successful in other countries are not being implemented. Because of this lack of oversight of those situations, I would suggest that there is likely a significant degree to which school closures might increase rather than decrease viral spread.

Currently in my home county of Deschutes, adults can visit bars, gyms, and nail salons, and kids can attend indoor play areas and trampoline zones, not to mention childcare in their actual school building. Yet the one service that remains closed – that we are treating as an after-thought – is education. This is a completely backwards and is a catastrophic disservice to our students and teachers. There are numerous documented examples throughout the country of outbreaks linked to

restaurants and bars.⁶ Our state cites a lack of evidence of outbreaks related to restaurant or bars in Oregon as the basis for inaction, but in fact our state is not contact-tracing patients' visits to these places – if you don't look for it, you certainly won't find it. Meanwhile, schools remain closed without any evidence to suggest they would be high-risk.

I feel we have two options now as a state, if we truly believe in education as a right for all Oregon children. We must either set achievable metrics, in which schools are not held to a different metric than every other aspect of society (perhaps mirroring what Washington and California have done, with county case thresholds of 75 cases per 100,000 population per week in Washington⁷, or 49 cases per 100,000 per week in California⁸); OR we must treat schools as a priority by closing nonessential services like bars and beauty salons until schools can open. Otherwise, we endanger the potential of an entire generation of children.

Sincerely,
Kate Broadman, MD
Bend, Oregon

References

1. Oster E. "Schools Aren't Super-Spreaders." Published Oct 9, 2020. *The Atlantic*. <https://www.theatlantic.com/ideas/archive/2020/10/schools-arent-superspreaders/616669/>
2. Birnbaum M, Morris L, and Arles Q. "Europe stays committed to in-person classes as school outbreaks remain rare." Published Sept 27, 2020. *Washington Post*. https://www.washingtonpost.com/world/europe/coronavirus-outbreaks-schools-europe/2020/09/27/0dd19bf6-ff48-11ea-b0e4-350e4e60cc91_story.html
3. Meckler L, and Strauss V. "Feared coronavirus outbreaks in schools yet to arrive, early data shows." Published Sept 23, 2020. *Washington Post*. https://www.washingtonpost.com/education/feared-covid-outbreaks-in-schools-yet-to-arrive-early-data-shows/2020/09/23/0509bb84-fd22-11ea-b555-4d71a9254f4b_story.html
4. Fraser J, Stucka M, Bloch E, et al. "Florida schools opened en masse, but a surge in coronavirus cases didn't follow, a USA TODAY analysis finds." Published Sept 28, 2020. *USA Today*. <https://www.usatoday.com/story/news/investigations/2020/09/28/florida-schools-reopened-en-mass-feared-covid-surge-hasnt-followed/3557417001/>
5. Devine, R. "No Link Between School Reopenings and Surge in Coronavirus Cases." Published Oct 7, 2020. NBC San Diego <https://www.nbcsandiego.com/news/local/no-link-between-school-re-openings->

[and-surge-in-coronavirus-cases/2420478/?fbclid=IwAR0ZJqN4myz-OZ-82vfAT53bz8-cpiIU34m7m-Kt1ar6rq2wjB-WenoXIqM](#)

6. Stone W. "How Bars Are Fueling Coronavirus Outbreaks." Published Aug 18, 2020. NPR. <https://www.npr.org/sections/health-shots/2020/08/18/902328016/how-bars-are-fueling-covid-19-outbreaks>

7. Washington Governor's Office. "Inslee announces education recommendations for 2020-2021 school year." Published Aug 5, 2020. *Medium* <https://medium.com/wagovernor/inslee-announces-education-recommendations-for-2020-2021-school-year-4d510fe16f4>

8. Blume H, and Willon P. "When can schools reopen under new state rules? It's all about color tiers and waivers." Published Aug 29, 2020. *LA Times* <https://www.latimes.com/california/story/2020-08-29/when-can-schools-reopen-under-new-state-rules-its-all-about-color-tiers-and-waivers>



**AGENDA REPORT
NEW BUSINESS
December 15, 2020**

To: Mayor and City Council

FROM: Dan Cummings, Community Development Director

THROUGH: Adam J. Brown, City Manager

SUBJECT: REQUEST FOR CITY COUNCIL TO INITIATE A VACATION ON COUNCIL'S OWN MOTION - REQUESTED BY THE COMMUNITY DEVELOPMENT DIRECTOR AND RAY MILLER REPRESENTING, PROPERTY OWNERS, REGARDING A PORTION OF SE 1ST STREET

DATE: November 28, 2020

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE THE REQUEST OF THE COMMUNITY DEVELOPMENT DIRECTOR AND RAY MILLER FOR THE CITY COUNCIL TO INITIATE A VACATION PROCEEDING AUTHORIZED UNDER ORS 271.130, FOR VACATION OF A PORTION OF SE 1ST STREET AS SHOWN ON ATTACHMENT "1" IN THIS REPORT.

I MOVE THAT THE CITY COUNCIL REQUIRE THE ADJACENT PROPERTY OWNERS TO PAY THE CITY EXPENSES INCURRED FOR THIS ACTION WHICH ARE OUTLINED IN THIS REPORT.

SUMMARY:

Ray Miller is the owner of Tax Lot 7500, Tax Map 18S4703CD, at 135 SE 1st Avenue; Bhagwan Petel is the owner of Tax Lot 7400, Tax Map 18S4703CD, at 92 East Idaho Avenue; and Baker Packing Company is the owner of Tax Lot 7700, Tax Map 18S4703CD, at 153 SE 1st Street, all shown on Attachment "1" of this report.

The Community Development Director was contacted by Mr. Miller representing the adjacent property owners who have been having issues with homeless and transit people living in the street and vandalizing the adjacent properties. They are requesting that the city vacate the portion of SE 1st Street between the North right of way line of SE 1st Avenue North to the South right of way line of East Idaho Avenue.

The owners state that they feel it is in the best interest of the city to vacate this property to help the police department control the issues, as the police cannot trespass the people causing the issues due to it be a public street right of way.

BACKGROUND:

The Right of Way for this section of SE 1st Street was platted as part of Wilson's Supplemental Plat to the City of Ontario.

ORS 271.130 Reads:

“Vacation on council’s own motion; appeal. (1) The city governing body may initiate vacation proceedings authorized by ORS 271.080 and make such vacation without a petition or consent of property owners. Notice shall be given as provided by ORS 271.110, but such vacation shall not be made before the date set for hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages. Provision for paying such damages may be made by a local assessment, or in such other manner as the city charter may provide.”

CURRENT SITUATION:

The Community Development Director confirmed the Public Works Department and Fire Department could see no issues with the vacation of this right of way as long as the city retained a 20-foot wide emergency response vehicle and construction vehicle easement within the vacated right of way. The easement must be 10 feet either side of the street center line.

The city has no public utilities within this section of right of way as shown on Attachment "2" and there is no need of a wider easement than stated above.

During the formal vacation process, city staff will contact the utility companies to ensure there are no other public utilities within this section of right of way, or any need to retain any other easements.

ANALYSIS:

- A. **STRATEGIC PLAN** This request is in harmony with the city's Strategic Plan as it helps in controlling issues that occur while maintaining the desirability of living and working in Ontario.
- B. **FINANCIAL** The property owner has agreed to pay for all the application, advertising, and recording fees, which are are \$667.00.

City staff has agreed to process the request which will require staff time.

- C. **TIMING** This action is required in order to initiate the vacation process. The formal vacation action will be brought back to the Council at a later date.

- D. **POLICY/LEGAL** “Vacation on Council’s own motion; appeal. (1) The city governing body may initiate vacation proceedings authorized by ORS 271.080 and make such vacation without a petition or consent of property owners. Notice shall be given as provided by ORS 271.110, but such vacation shall not be made before the date set for hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages. Provision for paying such damages may be made by a local assessment, or in such other manner as the city charter may provide.”

ALTERNATIVES:

The Council could choose not to allow the vacation of SE 1st Street and leave things as they currently stand.

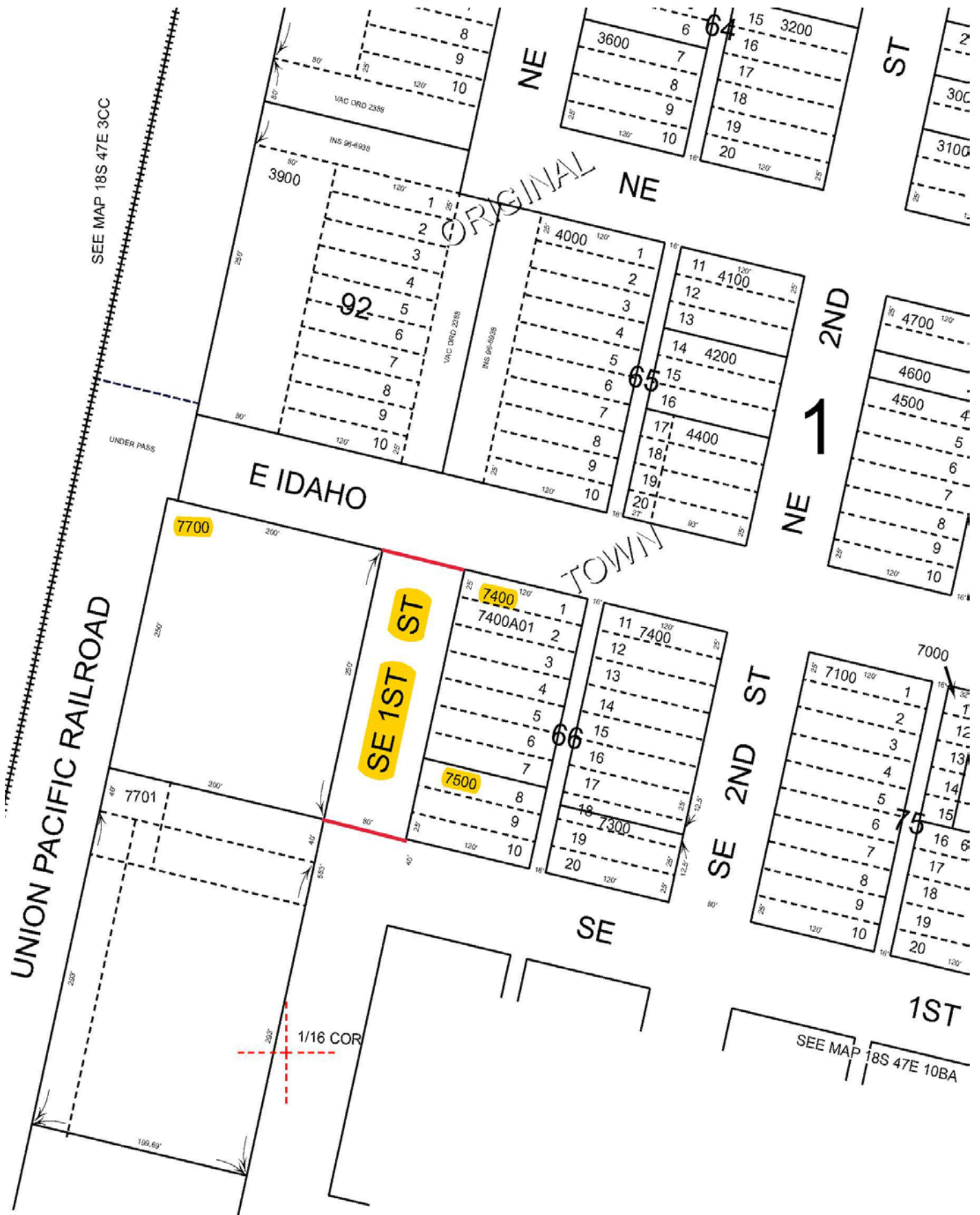
RECOMMENDATION:

Staff feels it is in the best interest to vacate this portion of the right of way to help control the issues and allow for trespassing of unauthorized people in the stated location.

ATTACHMENTS:

1. Attachment 1
2. Attachment 2

Attachment “1”



Attachment "2"





**AGENDA REPORT
PUBLIC HEARING
December 15, 2020**

To: Mayor and City Council

FROM: Dan Cummings, Community Development Director

THROUGH: Adam J. Brown, City Manager

SUBJECT: **ORDINANCE 2783-2020 AN ORDINANCE VACATING ALL THAT PORTION OF SE 7TH AVENUE AS SHOWN ON THE PARTITION PLAT 2009-06 FILED UNDER MALHEUR COUNTY PLAT RECORDS UNDER INSTRUMENT NO. 2009-4928 DATED JUNE 25, 2009, ON FIRST/SECOND READING BY TITLE ONLY**

DATE: November 27, 2020

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE ORDINANCE #2783-2020 (ATTACHMENT "1") AN ORDINANCE VACATING ALL THAT PORTION OF SE 7TH AVENUE AS SHOWN ON THE PARTITION PLAT 2009-06 FILED UNDER MALHEUR COUNTY PLAT RECORDS UNDER INSTRUMENT NO. 2009-4928 DATED JUNE 25, 2009 AND AS SHOWN ON ATTACHMENT "2" IN THIS REPORT. ON FIRST READING BY TITLE ONLY.

IF AN UNANIMOUS VOTE IS RECEIVED:

I MOVE THE CITY COUNCIL WAIVE THE SECOND READING OF ORDINANCE #2783-2020, AN ORDINANCE VACATING ALL THAT PORTION OF SE 7TH AVENUE AS SHOWN ON THE PARTITION PLAT 2009-06 FILED UNDER MALHEUR COUNTY PLAT RECORDS UNDER INSTRUMENT NO. 2009-4928 DATED JUNE 25, 2009 AND AS SHOWN ON ATTACHMENT "2" IN THIS REPORT. ON SECOND AND FINAL READING BY TITLE ONLY.

SUMMARY:

Jeff Rice and John Magnuson, managing member of Rocking R Investments, LLC, are the owners of Tax Lots 1100, 1300 and 1500, Tax Map 18S4710A, and Pete Whitehead, managing member of Ontario Mobile Home Park, LLC, is the owner of Tax Lot 1200, Tax Map 18S4710A, as shown on Attachment "3" of this report.

The Community Development Director contacted Mr. Rice and Mr. Whitehead to discuss the development of lands adjacent to SE 5th Avenue and the development of SE 10th Street with the upcoming SE 5th Avenue Sidewalk Project, and the three road intersections onto SE 5th

that do not meet separation requirements. They have agreed that it would be in the best interest of both the city and the developer to vacate the undeveloped right of way of SE 7th Avenue as shown on Attachment "2", in exchange for Rocking R Investment, LLC, dedicating new right of way for SE 6th Avenue. This would allow for better street circulation, as well as being able to eliminate two of the street connections onto SE 5th Avenue, Attachment "5", as the property develops.

BACKGROUND:

On June 25, 2019, a Partition Plat No. 2009-06 (Attachment "2") was recorded with the Malheur County Clerk dedicating right of way for a section of SE 7th Avenue, as well as right of way for SE 10th Street for future connection to Claude road.

It is not clear why SE 7th Avenue was created at the current location as Ontario code will not allow the existing mobile homes in the existing park on Parcel 2 to access onto this future street as they all face an interior street within the park. Further, the extension of the street would interfere with the existing use of the land to the east, nor will it meet the intersection separation with the extension of Sierra Drive from the West.

Claude Road currently connects to SE 5th Avenue approximately 500 feet west of the bridge over Interstate 84, approximate 80 feet east of a private gravel road access, and approximately 260 feet east of the intersection of SE 5th Avenue and SE 10th Street (Exhibit "4"). These existing connections make it unsafe by not having the proper separation as well as the close distance to the overpass bridge for sight clearance issues.

ORS 271.130 Reads:

"Vacation on Council's own motion; appeal. (1) The city governing body may initiate vacation proceedings authorized by ORS 271.080 and make such vacation without a petition or consent of property owners. Notice shall be given as provided by ORS 271.110, but such vacation shall not be made before the date set for hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages. Provision for paying such damages may be made by a local assessment, or in such other manner as the city charter may provide."

On January 9, 2020, at the City Council workshop the City Council instructed staff to initiate the vacation proceedings.

CURRENT SITUATION:

In preparation of the upcoming SE 5th Avenue sidewalk project and better development of the properties fronting on SE 5th Avenue, it is the Community Development Director's opinion that the citizens would be better served by a street connection at the location shown on Attachment "4" and labeled as SE 6th Avenue, which will allow for connecting Claude Road to

SE 10th Street before connecting to SE 5th Avenue.

The owner is willing to dedicate the new right of way required for the proposed SE 6th Avenue, as well as pay for the fees associated with this action.

The Community Development Director contacted the owner of the adjacent lands, 3 Y D, LLC, to inquire if they wanted to participate in the dedication of right of way for SE 5th Avenue, SE 10th Street, and the new right of way for SE 6th Avenue. They have agreed to participate in dedicating right of way. Attachment "5".

The owner of Rocking R Investment, LLC, who are the owners of Tax Lot 1100, filed a Partition Plat under Planning Action 2020-09-35PTN being Partition Plat 20-13, which dedicated a portion of the new right of way for SE 6th Avenue under the vacation agreement. Attachment "6".

Rocking R Investment, LLC, and 3 Y D, LLC, performed a property line adjustment under Planning Action 2020-10-39PLA to straighten out the property line between the two properties in preparation of the dedication of right of way for SE 5th Avenue, SE 10th Street and SE 6th Avenue.
Attachment #5.

ANALYSIS:

- A. **STRATEGIC PLAN** This request is in harmony with the City Council Strategic Plan in providing for future growth in a more efficient manner and desirability for business to develop sooner.
- B. **FINANCIAL** The property owners have agreed to pay for the application, advertising, and recording fees.

City staff agreed to process the request and work with the owner in preparing the new right of way deed and descriptions required.

- C. **TIMING** This action is time sensitive as a sale of the property is pending on Tax Lots 1300 and 1500.
- D. **POLICY/LEGAL** "Vacation on council's own motion; appeal. (1) The city governing body may initiate vacation proceedings authorized by ORS 271.080 and make such vacation without a petition or consent of property owners. Notice shall be given as provided by ORS 271.110, but such vacation shall not be made before the date set for hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages. Provision for paying such damages may be made

by a local assessment, or in such other manner as the city charter may provide.”

The City has received sign consent to vacate from all affected adjacent property owners. New right of way is being dedicated to replace the right of way in a location that better fits the development of all adjacent properties.

ALTERNATIVES:

Staff believes that there are no other alternatives that benefit the citizens and the owners of the properties in the area.

RECOMMENDATION:

Staff believes it is in the best interest to move the street location to the north and recommends the City Council approve the vacation under Ordinance #2783-2020.

ATTACHMENTS:

1. Ordinance 2783-2020
2. Attachment 2 (1)
3. Attachment 3 (1)
4. Attachment 4 (1)
5. Attachment 5
6. Attachment 6
7. IDAHO POWER LETTER_City of Ontario SE 7th Ave Vacation (699)
8. Email Cascade Natural Gas_ Street Vacation



ORDINANCE NO. 2783-2020

AN ORDINANCE VACATING ALL THAT PORTION OF SE 7th AVENUE AS SHOWN ON THE PARTITION PLAT 2009-06 FILED UNDER MALHEUR COUNTY DEED PLAT RECORDS UNDER INSTRUMENT NO. 2009-4928 DATED JUNE 25, 2009 AND DECLARING AN EMERGENCY

- WHEREAS,** The Ontario City Council held a public hearing on January 9, 2020, in the City Council Chambers concerning the proposed vacation of the street right of way being all that portion of SE 7th Avenue as shown on the Partition Plat 2009-06 filed under Malheur County Plat Records under Instrument No. 2009-4928, dated June 25, 2009 and initiated the vacation action; and
- WHEREAS,** The Ontario City Council held a public hearing on December 15, 2020, in the City Council Chambers concerning the proposed vacation of the street right of way being all that portion of SE 7th Avenue as shown on the Partition Plat 2009-06 filed under Malheur County Plat Records under Instrument No. 2009-4928, dated June 25, 2009; and
- WHEREAS,** Hearing no objections to the proposed vacations at said public hearing, the Common Council found that the vacation of said property will not prejudice the public interest;
- WHEREAS,** This vacation proceeding must be completed before the owners can complete a sale of the properties, and an emergency passage of this Ordinance is hereby declared to avoid additional delays in closing of the sale of the properties.

NOW THEREFORE, THE CITY OF ONTARIO ORDAINS AS FOLLOWS:

Section 1. The following described street right-of-way is hereby vacated:

1. All that portion of SE 7th Avenue as shown on the Partition Plat 2009-06 filed under Malheur County Plat Records under Instrument No. 2009-4928, dated June 25, 2009.

Vacated street portions are shown on attached Exhibit "A" made a part hereof.

With the following reservations:

- The City hereby reserve a 10 feet wide Public Utility Easement for access, operation, inspection, repair or replacement, alteration, additions, and protection of public utilities within the East 10 feet and the South 10 feet of the vacated portions of above said street right of ways for public utilities including but not limited to the City of Ontario, Cable One, Cascade Natural Gas Company, Century Link and Idaho Power Company.
- No permanent structure(s) other than for utility purposes shall be erected within the limits of the said easement.

Section 2. An emergency having been declared; this Ordinance shall take effect immediately upon passage.

PASSED AND ADOPTED by the Common Council of the City of Ontario this _____ day of December, 2020.

AYES:

NAYS:

ABSENT:

APPROVED by the Mayor this _____ day of December 2020.

ATTEST:

Riley J. Hill, Mayor

Tori Barnett, MMC, City Recorder

Exhibit "A"

CERTIFICATE OF COUNTY RECORDER

STATE OF OREGON
COUNTY OF MALHEUR } SS

I, hereby certify that this instrument was filed at the request of Alan & Christine Bowditch & Deborah R. Delong Buckle's Investment Co.
at 4:54 minutes past 12 o'clock p. m. on the 25 day of June 2009.

In my office and was duly recorded as follows: Sub No. 85
Fee \$ 36 Instrument No. 2009-4928

Deputy Clerk Deborah R. Delong
Malheur County Clerk

APPROVALS

I have reviewed this plat and find it complies with ORS Chapter 32 and ORS 208.250.

Malheur County Surveyor Don Kunkling Date 6/25/09

All wet stream lines and other special assessments for purposes to law have been assessed and collected.

I have reviewed this plat and find it complies with the regulations of the City of Ontario, Malheur County, Oregon and the provisions of the public, where applicable, laws of public use purposes.

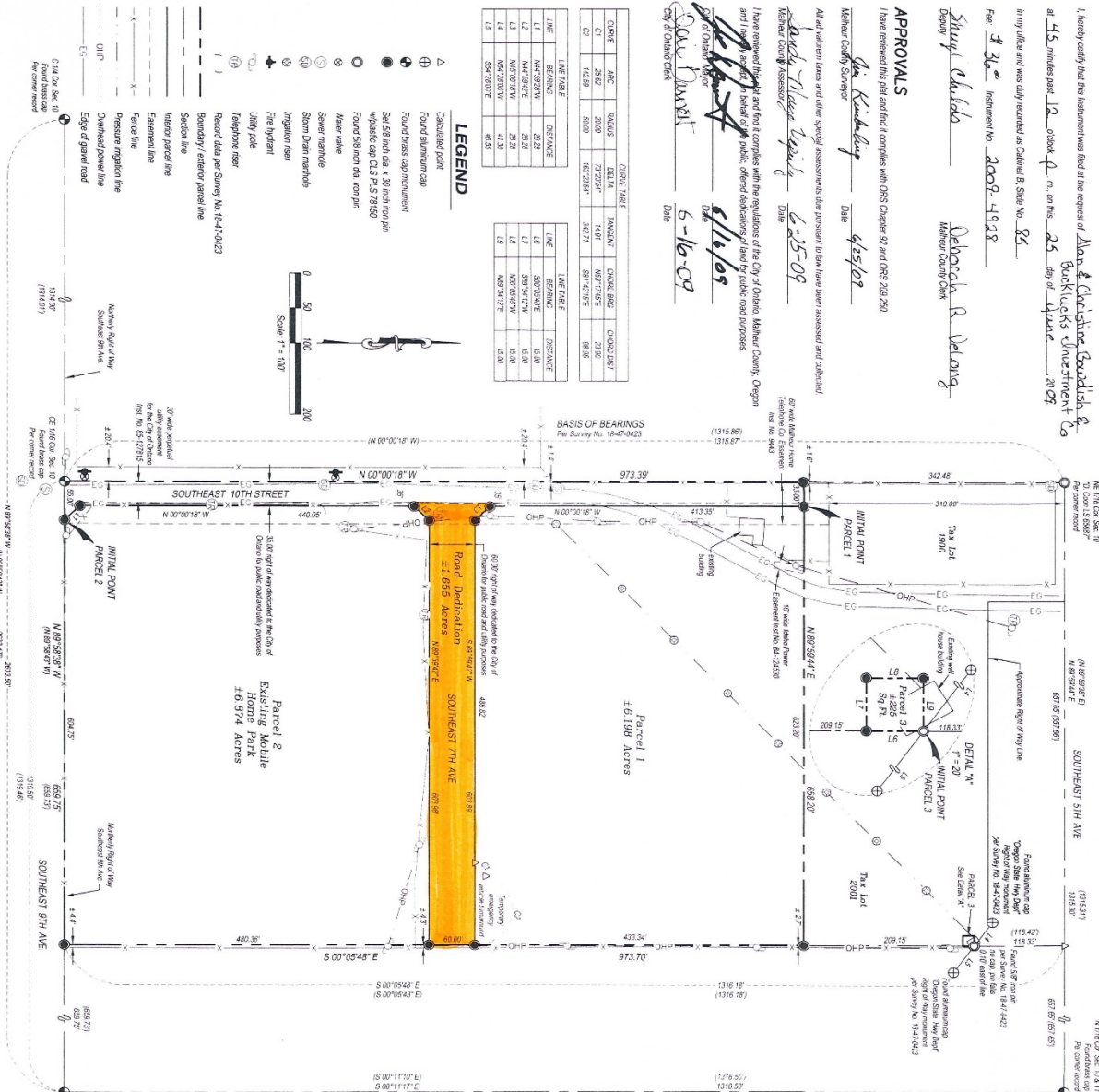
City of Ontario Clerk Don Kunkling Date 6/16/09

City of Ontario Clerk Don Kunkling Date 6-16-09

COURSE	LENGTH	COURSE	LENGTH	COURSE	LENGTH
C1	23.62	C2	23.62	C3	23.62
C4	142.39	C5	50.00	C6	102.234
C7	142.39	C8	50.00	C9	102.234
C10	142.39	C11	50.00	C12	102.234
C13	142.39	C14	50.00	C15	102.234
C16	142.39	C17	50.00	C18	102.234
C19	142.39	C20	50.00	C21	102.234
C22	142.39	C23	50.00	C24	102.234
C25	142.39	C26	50.00	C27	102.234
C28	142.39	C29	50.00	C30	102.234
C31	142.39	C32	50.00	C33	102.234
C34	142.39	C35	50.00	C36	102.234
C37	142.39	C38	50.00	C39	102.234
C40	142.39	C41	50.00	C42	102.234
C43	142.39	C44	50.00	C45	102.234
C46	142.39	C47	50.00	C48	102.234
C49	142.39	C50	50.00	C51	102.234
C52	142.39	C53	50.00	C54	102.234
C55	142.39	C56	50.00	C57	102.234
C58	142.39	C59	50.00	C60	102.234
C61	142.39	C62	50.00	C63	102.234
C64	142.39	C65	50.00	C66	102.234
C67	142.39	C68	50.00	C69	102.234
C70	142.39	C71	50.00	C72	102.234
C73	142.39	C74	50.00	C75	102.234
C76	142.39	C77	50.00	C78	102.234
C79	142.39	C80	50.00	C81	102.234
C82	142.39	C83	50.00	C84	102.234
C85	142.39	C86	50.00	C87	102.234
C88	142.39	C89	50.00	C90	102.234
C91	142.39	C92	50.00	C93	102.234
C94	142.39	C95	50.00	C96	102.234
C97	142.39	C98	50.00	C99	102.234
C100	142.39	C101	50.00	C102	102.234

LEGEND

- Calculated point
- Found aluminum cap
- Found brass cap monument
- Set 58 inch dia. x 30 inch iron pin
- Set 58 inch dia. x 30 inch iron pin
- Found 58 inch dia. iron pin
- Found 58 inch dia. iron pin
- Water valve
- Sewer manhole
- Storm drain manhole
- Fire hydrant
- Utility pole
- Telephone pole
- Record data per Survey No. 18-47-0423
- Boundary / exterior parcel line
- Section line
- Interior parcel line
- Easement line
- Pressure migration line
- Overhead power line
- Edge of gravel road
- City of Ontario Sec. 10
- Found brass cap
- Per corner record



PARTITION PLAT NO. 2009 - A.

A PORTION OF THE W1/2 SE1/4 NE1/4
SECTION 10 T. 18 S. R. 47 E., W.M. 4
ONTARIO, MALHEUR COUNTY, OREGON, 2009

DECLARATION

We, Alan Bowditch and Christine Bowditch and the Buckle's Investment Co. do hereby declare that we have caused this partition to be prepared in accordance with Oregon Revised Statutes Chapter 32. Further, we hereby declare that the public interest is served by this partition. We are hereby declaring to the public that the partition is for the purpose of an emergency vehicle turnaround area and across a portion of Parcel 1 at the eastern end of Southeast 7th Ave as shown herein. The assessment shall include the right of ingress and egress for the purpose of maintenance, repair, improvement and replacement. The assessment shall immediately terminate upon the expiration of Southeast 7th Ave right-of-way to the east of upon the recorded date of an accepted plat of said parcel with an acceptable emergency vehicle turnaround.

Alan Bowditch Christine Bowditch
Alan Bowditch Christine Bowditch

Don Kunkling
Don Kunkling

ACKNOWLEDGEMENT

STATE OF OREGON
COUNTY OF MALHEUR } SS

I, Don Kunkling, County Clerk, do hereby certify that this instrument was filed at the request of Alan & Christine Bowditch & Deborah R. Delong Buckle's Investment Co. at 4:54 minutes past 12 o'clock p. m. on the 25 day of June 2009.

In witness whereof, I have hereunto set my hand and official seal the day last above written.

Don Kunkling
Don Kunkling

ACKNOWLEDGEMENT

STATE OF OREGON
COUNTY OF MALHEUR } SS

I, Don Kunkling, County Clerk, do hereby certify that this instrument was filed at the request of Alan & Christine Bowditch & Deborah R. Delong Buckle's Investment Co. at 4:54 minutes past 12 o'clock p. m. on the 25 day of June 2009.

In witness whereof, I have hereunto set my hand and official seal the day last above written.

ACKNOWLEDGEMENT

STATE OF OREGON
COUNTY OF MALHEUR } SS

I, Don Kunkling, County Clerk, do hereby certify that this instrument was filed at the request of Alan & Christine Bowditch & Deborah R. Delong Buckle's Investment Co. at 4:54 minutes past 12 o'clock p. m. on the 25 day of June 2009.

ACKNOWLEDGEMENT

STATE OF OREGON
COUNTY OF MALHEUR } SS

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ACKNOWLEDGEMENT

STATE OF OREGON
COUNTY OF MALHEUR } SS

I, Don Kunkling, County Clerk, do hereby certify that this instrument was filed at the request of Alan & Christine Bowditch & Deborah R. Delong Buckle's Investment Co. at 4:54 minutes past 12 o'clock p. m. on the 25 day of June 2009.

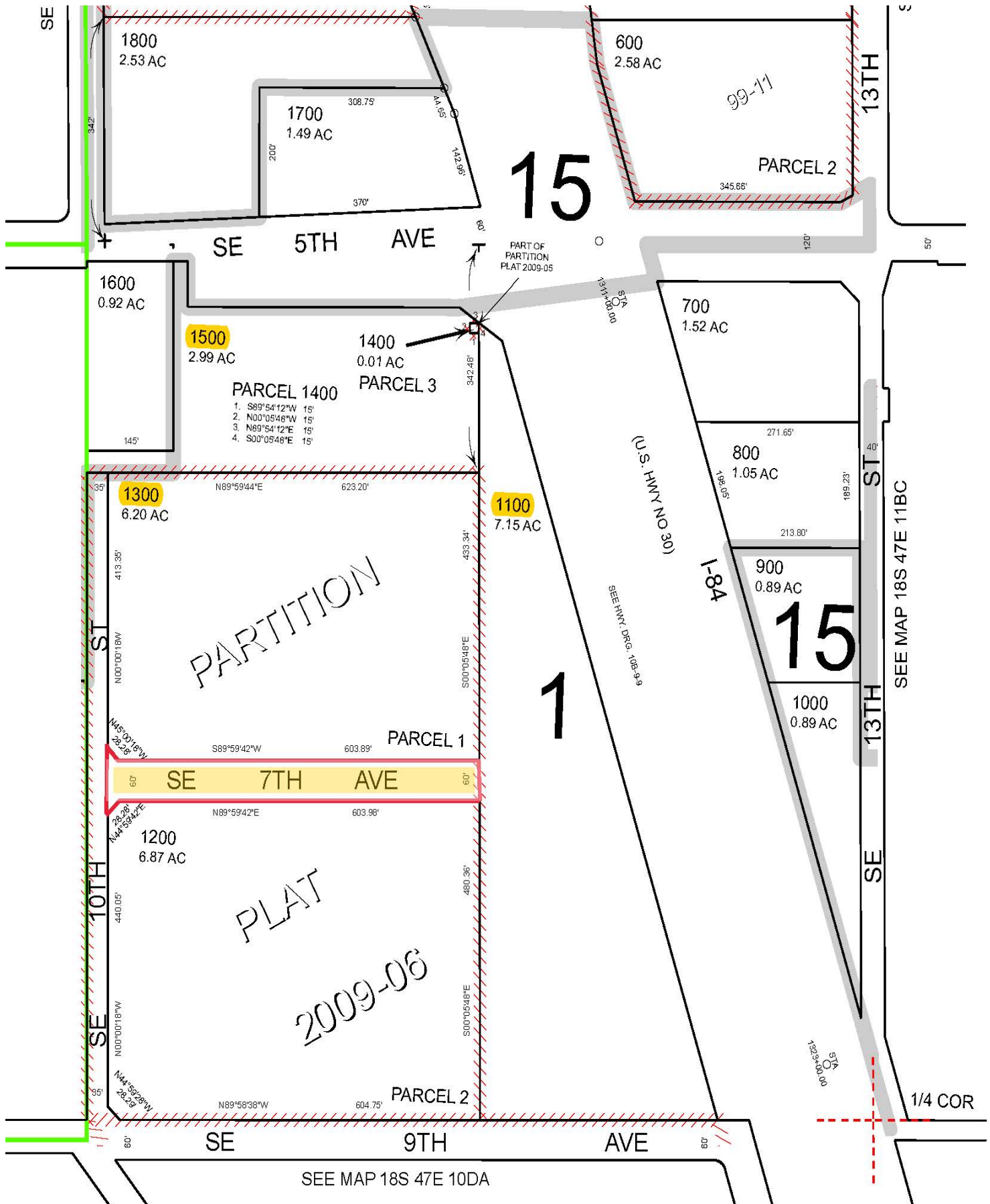
ACKNOWLEDGEMENT

STATE OF OREGON
COUNTY OF MALHEUR } SS

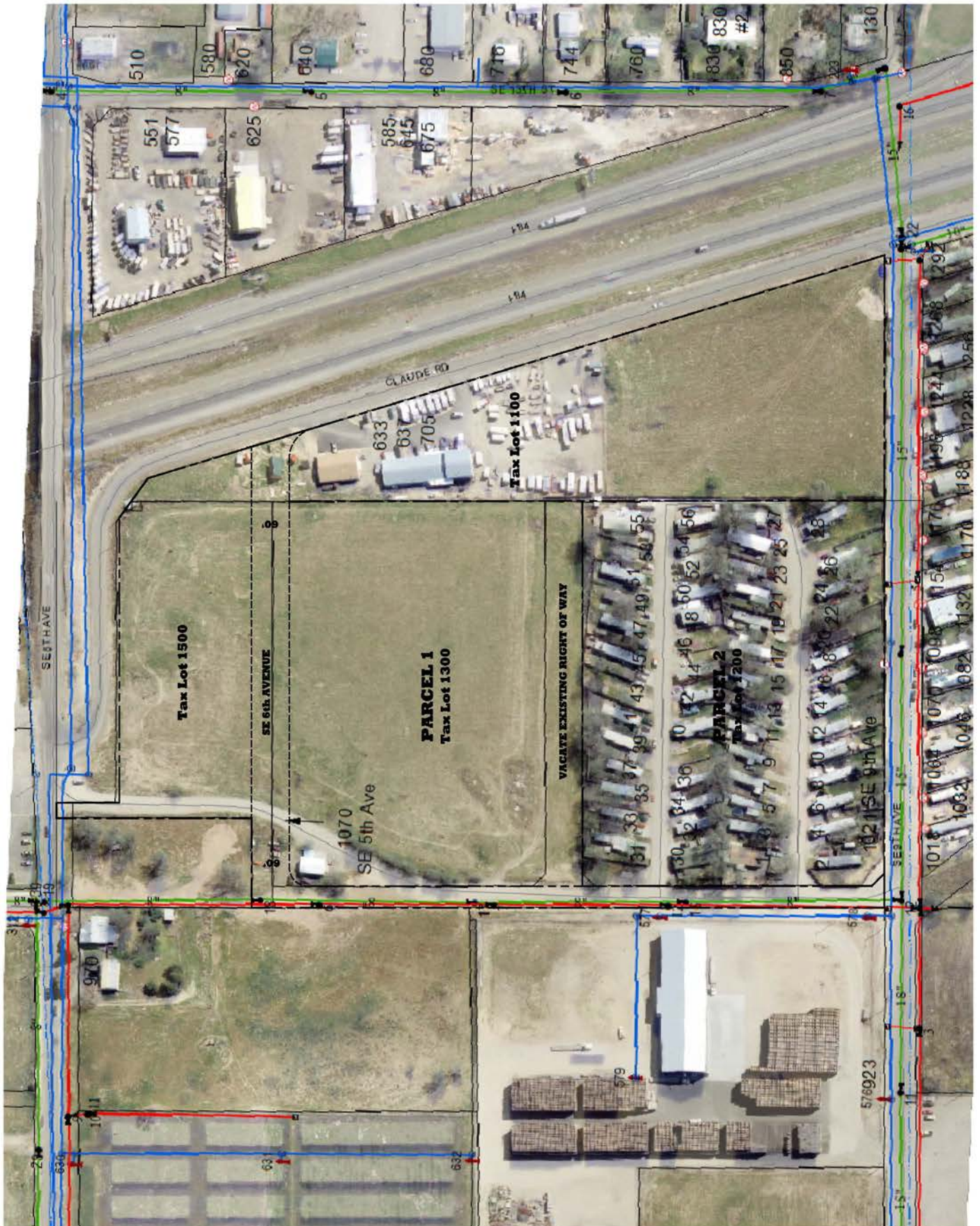
I, Don Kunkling, County Clerk, do hereby certify that this instrument was filed at the request of Alan & Christine Bowditch & Deborah R. Delong Buckle's Investment Co. at 4:54 minutes past 12 o'clock p. m. on the 25 day of June 2009.

Ordinance #2783-2020: ROW Vacation SE 7th Avenue

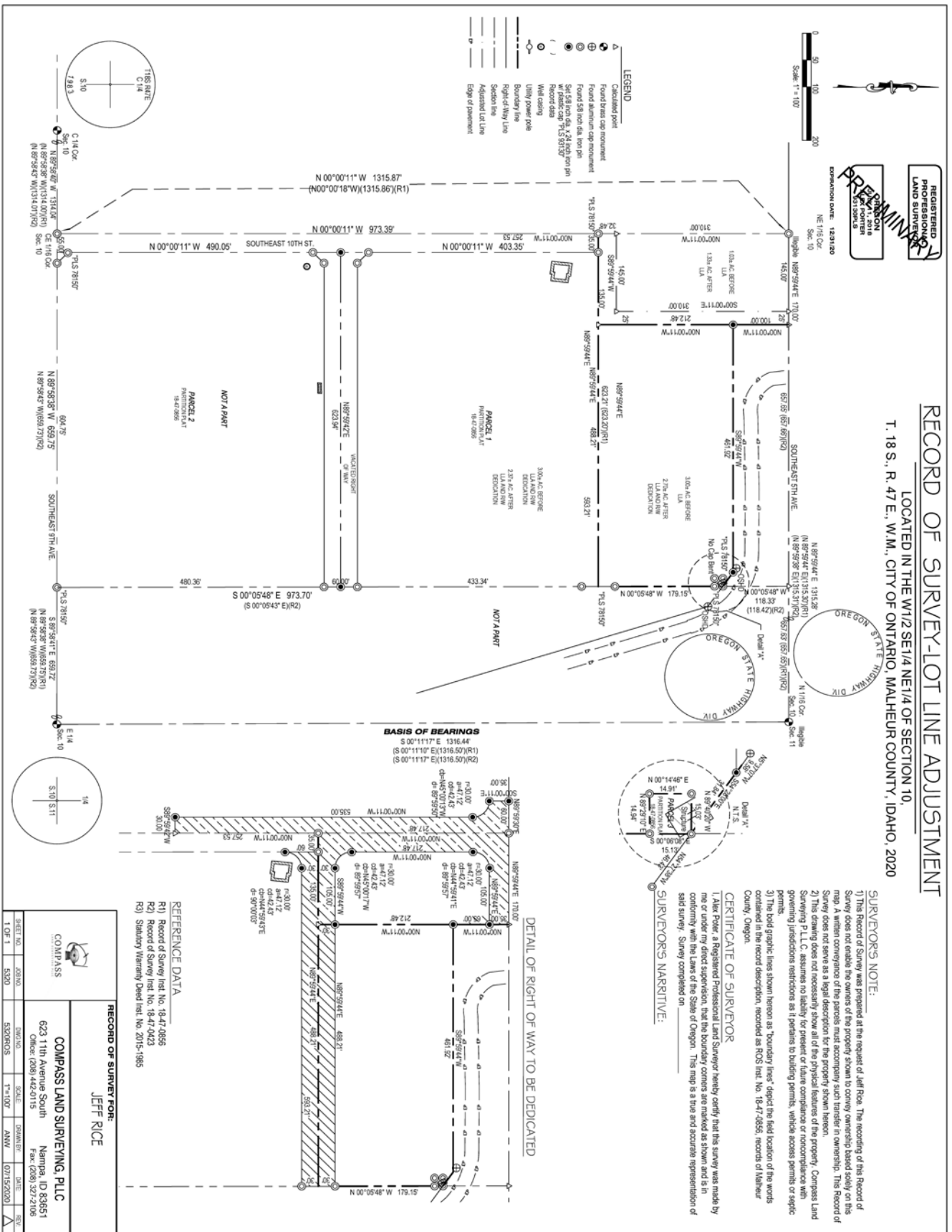
Attachment "3"



Attachment "4"



Attachment “5”



Attachment "6"

Tab B Slide 114

REGISTERED PROFESSIONAL LAND SURVEYOR
ALEX PORTER
JULY 11, 2018
EX. 12523

EXPIRATION DATE: 12/31/20

RECORD OF SURVEY PARTITION PLAT NO. 20-13

A PORTION OF THE E1/2SE1/4NE1/4
OF SECTION 10, T. 18 S., R. 47 E., W.M.,
CITY OF OREGON, MALHEUR COUNTY, OREGON
2020

DECLARATION & DEDICATION

State of Oregon } ss
County of Malheur }
I, Jeff Rice, Surveyor,
do hereby certify that the above described land is
being partitioned and surveyed in accordance with Oregon Revised Statutes,
Chapter 22.
We hereby dedicate to the public for road purposes the Right-of-Way as shown hereon.

Owner
John Magnuson

ACKNOWLEDGMENT

STATE OF OREGON }
COUNTY OF MALHEUR }
On this day of November the year 2020, before me, John Magnuson, Notary Public for the County of Malheur, Oregon, personally appeared, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

In witness whereof, I have hereunto set my hand and notarial seal the day last above written.

John Magnuson
Notary Public for
Malheur County, Oregon
Commission expires January 23, 2021



SURVEYORS NOTE:

1) This Record of Survey was prepared at the request of Jeff Rice. The recording of this Record of Survey does not enable the owners of the property shown to convey ownership based solely on this map. A written conveyance of the new parcels must accompany such transfer in ownership. This Record of Survey does not serve as a legal description of the property shown hereon.
2) This Survey does not necessarily show all of the physical features of the property. Compass Land Surveying, LLC assumes no liability for present or future completion of the property boundaries with governing jurisdiction restrictions as to partitions to building permits, vehicle access permits or septic permits.
3) The bold graphic lines shown hereon as "Boundary Lines" depict the field location of the words contained in the record description, recorded as Warranty Deed Instrument No. 2015-1986, records of Malheur County, Oregon.

CERTIFICATE OF SURVEYOR

I, Alex Porter, a Registered Professional Land Surveyor, hereby certify that this survey was made by me or under my direct supervision, that the boundary corners are marked as shown and is in conformity with the laws of the State of Oregon. This map is a true and accurate representation of said survey. Survey completed on 11/12/2020.

PARTITION PLAT No. 20-13



Malheur County, OR 2020-4367
Plat 1 Page 1
Total \$115.00

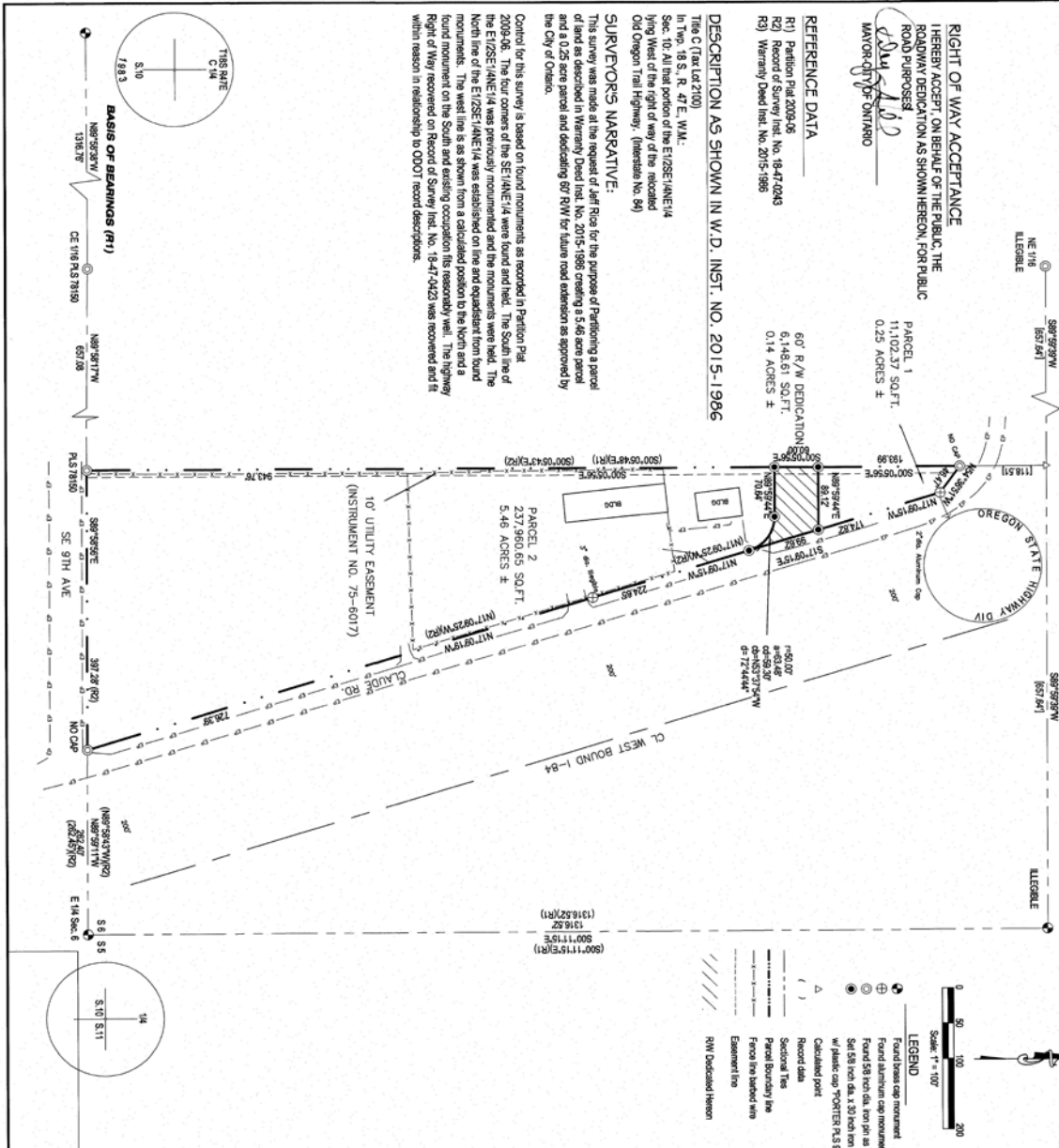
PARTITION APPROVALS OF PLANNER AND ASSESSOR
CITY PLANNER APPROVAL
David Johnson
Survey No.: 18-47-0888
DWA. No.: B-01797

MALHEUR COUNTY SURVEYOR
By: Jeff Rice
Received: 10/16/2020
Filed: 11/16/2020

RECORD OF SURVEY FOR:

COMPASS LAND SURVEYING, PLLC
623 11th Avenue South
Nampa, ID 83651
Office (208) 442-0115 Fax (208) 327-2106

COMPASS
SHEET NO. 2020 JOB NO. 520808 SCALE: 1"=100' DRAWN BY: ADP DATE: 11/11/2020



RIGHT OF WAY ACCEPTANCE
HEREBY ACCEPT, ON BEHALF OF THE PUBLIC, THE
ROAD DEDICATION AS SHOWN HEREON, FOR PUBLIC
ROAD PURPOSES.
DATE: 11/12/2020
MAJOR CITY OF OREGON

REFERENCE DATA
B1. Partition Plat 2020-05
B2. Record of Survey Instrument No. 18-47-0243
B3. Warranty Deed Instrument No. 2015-1986

DESCRIPTION AS SHOWN IN W.D. INST. NO. 2015-1986
T10C (Tax Lot 2100)
In Twp. 18 S., R. 47 E., W.M.
Sec. 10. A lot portion of the E1/2SE1/4NE1/4
lying West of the right of way of the recorded
Oregon Trail Highway, (Interstate No. 84)

SURVEYORS NARRATIVE:

This survey was made at the request of Jeff Rice for the purpose of Partitioning a parcel of land as described in Warranty Deed Instrument No. 2015-1986 creating a 5.46 acre parcel and a 0.23 acre parcel and dedicating 60' ROW for future road extension as approved by the City of Oregon.

Control for this survey is based on found monuments as recorded in Partition Plat 2020-05. The corners of the SE1/4NE1/4 were found and tied. The South line of the E1/2SE1/4NE1/4 was established on line and aqueduct from found monuments. The west line is as shown from a calculated position to the North and a found monument on the South and existing occupation the recently well. The highway Right of Way recovered on Record of Survey Instrument No. 18-47-0423 was recovered and fit within reason in relationship to ODOT record descriptions.



BASEIS OF BEARINGS (P1)
N89°59'33"W
1316.75'
CE 11th AVE
627.00'
N89°59'17"W
627.00'
PL 37th AVE
627.00'

1788.3



BASEIS OF BEARINGS (P1)
N89°59'33"W
1316.75'
CE 11th AVE
627.00'
N89°59'17"W
627.00'
PL 37th AVE
627.00'

1788.3

December 7, 2020

Sent Via E-Mail: dan.cummings@ontariooregon.org

Dan Cummings, PLS
Community Development Director
444 SW 4th Street
Ontario, OR 97914

Re: Ordinance 2782-2020 Vacating a portion of SE 7th Ave

Dear Dan:

This is in response to the request received by Idaho Power Company (IPC) on December 4, 2020, regarding the possible vacation of a road right-of-way shown in the attached document known as the "Right-of-Way" (Exhibit A).

IPC's records indicate that the Company does maintain electrical facilities within the Right-of-Way near the east 5 feet of the Right-of-Way. We must retain all existing rights related thereto, and accordingly, Idaho Power requires that any vacation of the Right-of-Way by the City of Ontario reserve to Idaho Power the continued right to operate, maintain, repair, replace, or otherwise modify or add to Idaho Power's facilities within the Right-of-Way, including the right of ingress and egress thereto.

In the event the City of Ontario approves the vacation and abandonment of the Right-of-Way, please send to my attention a copy of the executed ordinance vacating the Right-of-Way.

Thank you once again for providing Idaho Power Company the opportunity to review and comment upon the subject petition for vacation.

Sincerely,



Chris Jacky
Real Estate Specialist
Land Management and Permitting Department
Corporate Real Estate
Idaho Power Company

208-388-2699
cjacky@idahopower.com

From: [McCauley, Kyle](#)
To: [Dan Cummings](#)
Cc: [Blank, Micah](#); [Rojahn, Kim](#); [Gingerich, Richard](#)
Subject: RE: Street Vacation
Date: Wednesday, December 09, 2020 4:58:46 PM
Attachments: [image001.png](#)
[image002.png](#)

Hello Dan,

After locating our gas main and investigating its location we would like a 10 foot utility easement for the south side of the proposed vacating of the right of way of Southeast 7th Ave. This will protect us and will protect other utilities that are in that area.

Thanks

-

Kyle McCauley

Field Operations Coordinator, Sr.



218 SW 19th Ave
Ontario, OR 97914

Ontario Office: 541-823-4010
Cell: 541-709-6316
Fax: 541-881-1510
Email: kyle.mccauley@cngc.com

From: Dan Cummings <dan.cummings@ontariooregon.org>
Sent: Friday, November 27, 2020 3:50 PM
To: asmith@idahopower.com; Jennifer.Hardcastle@cableone.biz; John Eden <john.w.eden@odot.state.or.us>; Kim.Rojahn@cngc.com; Kyle.McCauley@cngc.com; ncapps@geo-comm.com; RCaldwell2@idahopower.com; Richard.Gingerich@cngc.com; ruralroad3@gmail.com; shad.bowers@centurylink.com; swilson@srvinet.com; Terence.Alsup@sparklight.biz
Subject: Street Vacation

**** WARNING: EXTERNAL SENDER. NEVER click links or open attachments without positive**

sender verification of purpose. DO NOT provide your user ID or password on sites or forms linked from this email. **

To All,

The City of Ontario is planning on Vacating a portion of SE 7th Avenue (see attached report and exhibits) at their December 15, 2020 Council meeting. This is an undeveloped right of way that was dedicated in a Partition Plat and there is no know utilities developed within the right of way and therefore no utility easements are being reserved in the right of way. New right of way (see report) will be granted in a better location that will work much better than the existing location.

If there is someone in your origination that did not receive this email would like this notification, please forward it to them and let me know and I will add them for future notifications.

Please contact me with any questions or concerns.

DAN K. CUMMINGS, PLS

Community Development Director

City of Ontario

(541) 881-3222





**AGENDA REPORT
PUBLIC HEARING
December 15, 2020**

To: Mayor and City Council

FROM: Dan Cummings, Community Development Director

THROUGH: Adam J. Brown, City Manager

SUBJECT: ORDINANCE #2781-2020: ACCEPTANCE OF PRIVATE PROPERTIES AS PUBLIC RIGHT OF WAYS FOR PUBLIC STREETS - FIRST/SECOND READING BY TITLE ONLY AND DECLARING AN EMERGENCY

DATE: November 28, 2020

PROPOSED MOTION:

I MOVE THE CITY COUNCIL ADOPT ORDINANCE #2781-2020, AN ORDINANCE ACCEPTING CERTAIN TERRITORY AS CITY OF ONTARIO STREET RIGHT OF WAYS AND AS PUBLIC STREETS, FIRST READING BY TITLE ONLY AND DECLARING AN EMERGENCY.

I MOVE THE CITY COUNCIL WAIVE THE SECOND READING OF ORDINANCE #2781-2020 AN ORDINANCE ACCEPTING CERTAIN TERRITORY AS CITY OF ONTARIO STREET RIGHT OF WAYS AND AS PUBLIC STREETS.

SUMMARY:

The city, in corporation with property owners in the development of properties, started a street vacation process under Planning Action 2020-01-01VAC. That action is now formally being vacated under City Ordinance #2783-2020 for the vacation of a portion of SE 7th Avenue. The new street right of ways were required to be granted to establish right of way for SE 6th Avenue to meet connectivity requirements of the City Code.

BACKGROUND:

The city received a request for the acceptance of certain territory that is currently private property over and across portions of property owned by "Rocking R Investments, LLC", designated as Assessor's Map 18S4710A, Tax Lots 1300, 1500, as City of Ontario public streets for portions of SE 10th Street and SE 6th Avenue.

The city received a request for the acceptance of certain territory that is currently private property over and across portions of "3 D Y, LLC" property designated as Assessor's Map 18S4710A, Tax Lot 1600 and Assessors Map 18S47AC, Tax Lot 100, as a City of Ontario public street for portions of SE 10th Street, SE 5th Avenue, and SE 6th Avenue.

A portion of right of way for SE 6th Avenue was dedicated on Partition Plat 20-13 under Planning Action 2020-09-35PTN and filed under Malheur County Plat Records under Instrument No. 2020-4367.

CURRENT SITUATION:

Public notice of a City Council hearing on this matter was provided in accordance with the Ontario Municipal Code.

This action fulfills the conditions of approval for vacation of SE 7th Avenue under Ordinance #2782-2020 to grant the needed street right of way for connectivity requirements.

The property owners have submitted right of way dedication deeds included within this report as Attachments 2 and 3.

The proposed development must comply with applicable provisions of the Zoning regulations as set forth in the Ontario Municipal Code (OMC), 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 “ROCKING R INVESTMENTS, LLC”, to serve as a city street, specifically a portion of SE 6th Avenue and land from “3 D Y, LLC” to serve as a city street, specifically a portion of SE 10th Street, SE 5th Avenue and SE 6th Avenue, to allow development of Public Improvement. The Owners of the properties have submitted deeds, which have been reviewed by staff for compliance. It has been requested and determined that due to economic development reasons and development of the subject’s properties and for the timely completion of the requirements of street vacation and other planning actions, that an emergency exists for the need to accept this right-of-way as an emergency reading.

Conclusion: All applicable requirements for acceptance of private property as right-of-way for a city street are met; the city may accept the areas described in the deeds as per City Code 10B-55-75. Proposed Ordinance #2781-2020 is provided with this report for Council approval. A request for an emergency passage of this ordinance is based upon economic reasons and timely completion of the several Planning actions within this development area of the properties.

ANALYSIS:

- A. **STRATEGIC PLAN** This action meets the City Council Strategic Plan by allowing for uniform Growth, as well as Desirability for businesses to develop in a timely manner.
- B. **FINANCIAL** At this time there is no financial impact to the city as the property owners have agreed to pay all fees associated with this action and the street construction will be done at time of development of the properties.
- C. **TIMING** Timing is of the essence as there are numerous planning actions contingent on these dedications, as well as pending sales of the properties for new development.
- 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:

Staff is not recommending any alternatives for this action due to Council commitments under the street vacation action, as well as several Land Use Actions for a partition under Action 2020-09-35PTN and Property Line Adjustment under Action 2020-10-39PLA..

RECOMMENDATION:

Staff recommends the City Council adopt Ordinance #2781-2020 accepting the right of ways as dedicated.

ATTACHMENTS:

- 1. Ord #2781-2020 Dedication of ROW_Rocking R-3YD LLC
- 2. Deed of Dedication Rocking R_SIGNED
- 3. Deed of Dedication 3 Y D LLC_SIGNED



ORDINANCE NO. 2781-2020

AN ORDINANCE ACCEPTING CERTAIN TERRITORY AS CITY OF ONTARIO STREET RIGHT-OF-WAYS AND AS PUBLIC STREETS AND DECLARING AN EMERGENCY

- WHEREAS,** The City in corporation with property owners in the development of properties started a street vacation process under Planning Action 2020-01-01VAC and is formally being vacated under City Ordinance #2783-2020 for the vacation of a portion of SE 7th Avenue, of which new Street Right of Ways were required to be granted to establish right of way for SE 6th Avenue to meet connectivity requirements of the City Code; and
- WHEREAS,** There was submitted to the City of Ontario a request for city acceptance of certain territory that is currently private property over and across portions of property owned by “Rocking R Investments, LLC” designated as Assessor’s Map 18S4710A; Tax Lots 1300, 1500, as City of Ontario Public Streets for portions of SE 10th Street and SE 6th Avenue; and
- WHEREAS,** There was submitted to the City of Ontario a request for city acceptance of certain territory that is currently private property over and across portions of “3 D Y, LLC” property designated as Assessor’s Map 18S4710A; Tax Lot 1600 and Map 18S47AC; Tax Lot 100 as a City of Ontario Public Street for portions of SE 10th Street, SE 5th Avenue and SE 6th Avenue; and
- WHEREAS,** A portion of right of way for SE 6th Avenue was dedicated on Partition Plat 20-13 under Planning Action 2020-09-35PTN and filed under Malheur County Plat Records under Instrument No. 2020-4367; and
- WHEREAS,** Public notice of a City Council hearing on this matter was provided in accordance with the Ontario Municipal Code; and
- WHEREAS,** This action fulfills the conditions of approval for vacation of SE 7th Avenue under Ordinance #2782-2020 to grant the needed street Right of Way; and
- WHEREAS,** A Public Hearing on this matter was held on December 15, 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 and Urban Growth Area of the City of Ontario, in Malheur County, Oregon, and being portions of land within lands designated as Malheur County Assessor’s Map #18S4710A; Tax Lots 1300, 1500 and 1600 and Map #18S4710AC; Tax Lot 100, and specifically described in the deeds attached to this ordinance as Attachment “1” and Attachment “2”.

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-Ways and as a Public Streets to be added to the Right-of-Way of "SE 10th Street SE 5th Avenue and SE 6th Avenue" as of the effective date of this ordinance.
3. Record. The City Recorder 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 deeds for the subject properties, which includes the legal description depicting the boundaries of the subject area.
4. Emergency Passage. Because these rights of ways are a requirement of the condition of approval for both Ordinance #2782-2020 Street Vacation and Planning Actions 2020-09-35PTN and 2020-10-39PLA, which were both approved by Hearings Officer for the City of Ontario, and because the City of Ontario extends the utmost effort to accommodate the needs of property owners in the community and recognizes the economic value to the community, the Council declares an emergency to exist and this ordinance shall be effective immediately upon passage at the second reading.

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

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, **ROCKING R INVESTMENTS, LLC**, whose current address is 637 Claude Road, Ontario, Oregon 97914 ("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 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 in Attached Exhibit "B"

SUBJECT TO all existing easements of record.

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 2 day of December, 2020.

GRANTOR:

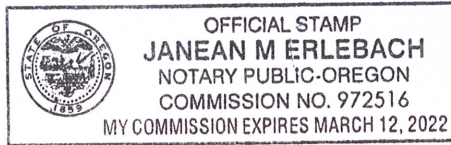
ROCKING R INVESTMENTS, LLC

By: John Magnusen
John Magnusen, Member

State of OREGON)
 SS.
County of MALHEUR)

On this 2 day of December, 2020, before me, the undersigned Notary Public in and for said State, personally appeared **John Magnusen**, known or identified to me to be the a Member for **ROCKING R INVESTMENTS, LLC**, 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.



Janean M. Erlebach
Notary Public for Oregon
My Commission expires: March 12, 2022

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 Hill, Mayor

Attested: _____
City Recorder: Tori Barnett, MMC

Exhibit "A"



Client: Jeff Rice
Date: 11/18/2020
Job No.: 5320

Rocking R Right of Way Dedication

Land in Malheur County, Oregon, as follows;

In Township 18 South, Range 47 East, W.M., a portion of the S1/2NE1/4 of Section 10 described as follows;

Commencing at a found illegible 5/8 inch diameter iron pin marking the Northeast 1/16 corner of said section 10, from which the Northeast corner of the S1/2NE1/4 bears N. 89°59'53" E. a distance of 1315.28 feet, thence, along the North line of said S1/2NE1/4, N. 89°59'53" E. a distance of 170.00;

Thence S0°00'11" E., a distance of 312.48 feet to the POINT OF BEGINNING;

Thence N89°59'44" E. a distance of 488.21 feet;

Thence S0°05'48" E. a distance of 60.00 feet,

Thence S89°59'44"W., a distance of 593.20 feet.

Thence Southwesterly 47.12 feet along the arc of a curve to the left having a radius of 30.00 feet, a delta angle of 90°00'03", and a long chord which bears, S44°59'43"W. a distance of 42.43';

Thence N0°00'11"W., a distance of 60.00 feet;

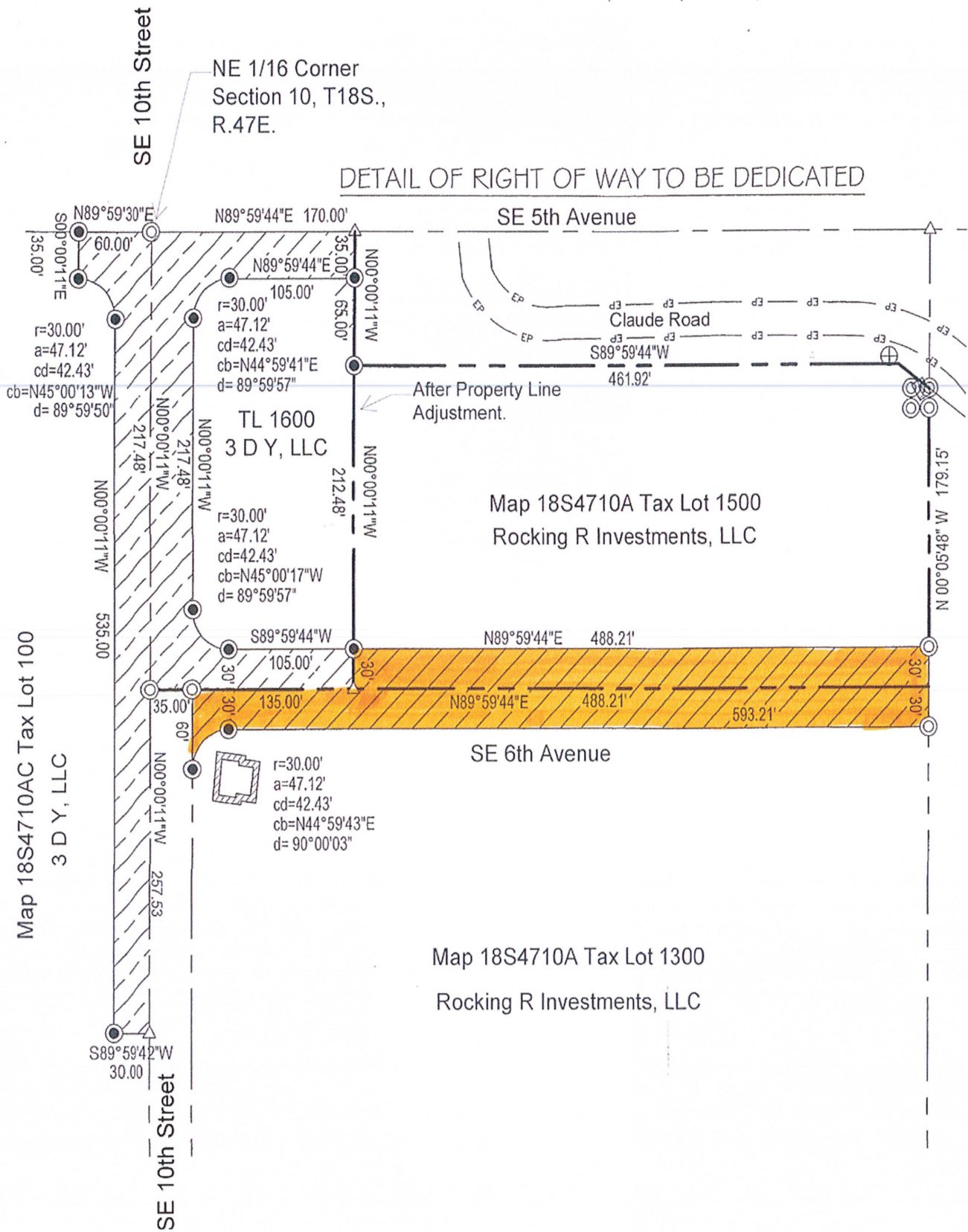
Thence N89°59'44"E., a distance of 135.00 feet;

Thence N0°00'11"W., a distance of 30.00 feet to the POINT OF BEGINNING;

This parcel contains ±0.77 acres (33,535 square feet) more or less.

Exhibit “B”

Land within the NE1/4 Section 10, T.18S., R.47E., W.M.



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, **3 D Y, LLC**, whose current address is 44 NE 3rd Street, Ontario, Oregon 97914 ("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 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 in Attached Exhibit "B"

SUBJECT TO all existing easements of record.

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 8 day of Dec, 2020.

GRANTOR:

3 D Y, LLC, LLC

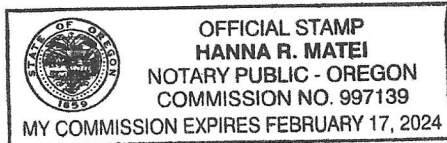
By: 
Dale Yee, Member

By: _____

State of OREGON)
 SS.
County of MALHEUR)

On this 8th day of Dec, 2020, before me, the undersigned Notary Public in and for said State, personally appeared **Dale Yee**, known or identified to me to be the a Member for **3 D Y, LLC, LLC**, 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.



Hanna R. Matei
Notary Public for Oregon
My Commission expires: 02/17/2024

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 Hill, Mayor

Attested: _____
City Recorder: Tori Barnett, MMC

Exhibit "A"



Client: Jeff Rice
Date: 11/18/2020
Job No.: 5320

3 D Y LLC Right of Way Dedication

Land in Malheur County, Oregon, as follows;

In Township 18 South, Range 47 East, W.M., a portion of the S1/2NE1/4 of Section 10 described as follows;

BEGINNING at a found illegible 5/8 inch diameter iron pin marking the Northeast 1/16 corner of said section 10, from which the Northeast corner of the S1/2NE1/4 bears N. 89°59'53" E. a distance of 1315.28 feet, thence, along the North line of said S1/2NE1/4, N. 89°59'53" E. a distance of 170.00;

Thence S0°00'11" E., a distance of 35.00 feet;

Thence S89°59'44" W. a distance of 105.00 feet;

Thence Southwesterly 47.12 feet along the arc of a curve to the left having a radius of 30.00 feet, a delta angle of 89°59'57", and a long chord which bears, S44°59'41"W. a distance of 42.43';

Thence S. 0°00'11" E. a distance of 217.48 feet,

Thence Southeasterly 47.12 feet along the arc of a curve to the left having a radius of 30.00 feet, a delta angle of 89°59'57", and a long chord which bears, S45°00'17"E. a distance of 42.43';

Thence N89°59'44"E., and distance of 105.00 feet;

Thence S0°00'11" E., a distance of 30.00 feet;

Thence, S89°59'44" W., a distance of 170.00 feet;

Thence S0°00'11"E., a distance of 257.53 feet;

Thence S89°59'42"W., a distance of 30.00 feet;

Thence N0°00'11"W., a distance of 535.00 feet;

Thence Northwesterly 47.12 feet along the arc of a curve to the left having a radius of 30.00 feet, a delta angle of 89°59'50", and a long chord which bears, N45°00'13"W., a distance of 42.43 feet;

Thence N0°00'11"W., a distance of 35.00 feet;

Thence N89°59'30"E., a distance of 60.00 feet to the POINT OF BEGINNING.

This parcel contains ±0.93 acres (40,387 square feet) more or less.

623 11th Ave. South, Nampa, ID 83651 • T. (208) 442-0115 • C. (208) 608-2510 • rgray.cls@gmail.com

Accounts Payable

Checks by Date - Summary by Check Date

User: kari.ott
Printed: 12/9/2020 4:56 PM



Check No	Vendor No	Vendor Name	Check Date	Check Amount
126527	&525	American Staffing, Inc.	10/02/2020	508.54
126528	130624	B & W Car Wash	10/02/2020	21.00
126529	192000	CDW Government	10/02/2020	2,083.76
126530	637830	Century Link	10/02/2020	776.17
126531	183201	CK3, LLC	10/02/2020	650.00
126532	376000	Idaho Power	10/02/2020	2,021.66
126533	420000	John Deere Financial	10/02/2020	4,384.06
126534	572000	Ontario Sanitary Service, Inc.	10/02/2020	313.06
126535	583401	State of Oregon Department of Environmen	10/02/2020	714.00
126536	879371	Oregon Pump Company	10/02/2020	801.52
126537	642093	Red's Automotive Repair, Inc.	10/02/2020	290.58
126538	716553	Saint Luke's	10/02/2020	92.00
126539	788402	TransUnion Risk & Alternative Data Soluti	10/02/2020	50.00
126540	288897	Verizon	10/02/2020	1,991.42
126541	418400	Waxie Sanitary Supply	10/02/2020	48.18
126542	774001	Wtechlink	10/02/2020	300.00
Total for 10/2/2020:				15,045.95
126543	&525	American Staffing, Inc.	10/09/2020	1,011.67
126544	879130	Ani-Care Animal Shelter, Inc.	10/09/2020	6,660.00
126545	033300	Argus Observer	10/09/2020	477.20
126546	037600	AT&T	10/09/2020	22.69
126547	879494	Bruneel, LLC	10/09/2020	1,122.83
126548	637830	Century Link	10/09/2020	480.69
126549	637828	Century Link Communications, LLC	10/09/2020	139.93
126550	520400	Dorman's, Inc.	10/09/2020	54.16
126551	634311	Frazier Aviation, LLC	10/09/2020	425.00
126552	360015	Home Depot Credit Services	10/09/2020	42.47
126553	879191	Kristy Lynn Janti	10/09/2020	42.00
126554	428200	League of Oregon Cities	10/09/2020	60.00
126555	879417	LS Networks	10/09/2020	1,136.74
126556	456402	Malheur County Clerk	10/09/2020	112.00
126557	477523	Municode	10/09/2020	468.59
126558	879301	Net Assets Corporation	10/09/2020	396.00
126559	878931	Tire Factory of Ontario -DO NOT USE / A	10/09/2020	104.45
126560	242083	State of Oregon Department of Transportati	10/09/2020	1.40
126561	601808	Pacific Steel	10/09/2020	1,051.00
126562	642093	Red's Automotive Repair, Inc.	10/09/2020	228.69
126563	879145	Silver Signet, LLC	10/09/2020	825.00
126564	130950	Sparklight Business	10/09/2020	173.42
126565	879292	StormWind, LLC	10/09/2020	1,580.00
126566	879151	Waste-Pro	10/09/2020	40.05
Total for 10/9/2020:				16,655.98
ACH	878915	Jacobs	10/14/2020	93,707.12

Check No	Vendor No	Vendor Name	Check Date	Check Amount
			Total for 10/14/2020:	93,707.12
126567	879145	Silver Signet, LLC	10/16/2020	118.00
126568	879309	Denison's Publishing, Inc.	10/16/2020	45.00
126569	879488	Teresa Erlebach	10/16/2020	220.00
126570	UB*11798	MARK ALEXANDER	10/16/2020	165.83
126571	033300	Argus Observer	10/16/2020	192.40
126572	036800	Atlas Business Solutions, Inc.	10/16/2020	537.60
126573	879497	Gus Bezates	10/16/2020	8,525.00
126574	626400	Campo & Poole Distributing, LLC	10/16/2020	2,346.59
126575	144000	Cascade Natural Gas Corporation	10/16/2020	32.67
126576	192000	CDW Government	10/16/2020	771.34
126577	879247	Day Wireless Systems	10/16/2020	470.00
126578	UB*11797	GARY HOOD	10/16/2020	102.27
126579	879496	iWorQ Systems, Inc.	10/16/2020	41,625.00
126580	408200	J-U-B Engineers, Inc.	10/16/2020	3,798.19
126581	436000	Lindsay Eco Water	10/16/2020	7.00
126582	441140	Looks Nu, Inc.	10/16/2020	210.00
126583	879225	Malheur Media, LLC	10/16/2020	196.00
126584	879464	Merchant McIntyre Associates, LLC	10/16/2020	13,000.00
126585	602320	NAPA Auto Parts	10/16/2020	32.07
126586	501200	Norm's Auto Electric	10/16/2020	169.89
126587	527000	Ontario Animal Hospital	10/16/2020	252.50
126588	516494	State of Oregon Department of Transportati	10/16/2020	2,571.61
126589	528405	Oster Professional Group, LLC	10/16/2020	24,822.42
126595	UB*11796	JIM SKOURAS	10/16/2020	65.48
126596	879425	Springbrook Holding Co.,LLC	10/16/2020	1,103.00
126597	&357	Larry A. Sullivan	10/16/2020	2,025.40
126598	879146	Toshiba Financial Services	10/16/2020	1,721.89
126599	863995	White Cloud Communications-Boise, Inc.	10/16/2020	2,058.20
			Total for 10/16/2020:	107,185.35
126600	879486	David Geoffrey Hill	10/20/2020	28,500.00
126601	879486	David Geoffrey Hill	10/20/2020	1,038.00
			Total for 10/20/2020:	29,538.00
126602	832852	Wells Fargo Business Elite Card	10/22/2020	4,702.21
			Total for 10/22/2020:	4,702.21
126603	&525	American Staffing, Inc.	10/23/2020	519.36
126604	626400	Campo & Poole Distributing, LLC	10/23/2020	2,703.71
126605	303800	Frank's Extinguisher Service	10/23/2020	157.47
126606	879486	David Geoffrey Hill	10/23/2020	1,000.00
126607	376000	Idaho Power	10/23/2020	2,580.36
126608	382005	Interpath Laboratory, Inc.	10/23/2020	1,327.10
126609	408200	J-U-B Engineers, Inc.	10/23/2020	2,370.60
126610	440000	L.N. Curtis and Sons	10/23/2020	484.86
126611	451750	Malheur County Sheriff's Office	10/23/2020	57,614.32
126612	451650	Malheur County Tax Collector	10/23/2020	62.16
126613	610100	Malheur Memorial Health Clinic	10/23/2020	400.00
126614	233397	State of Oregon Health Authority	10/23/2020	4,125.00
126615	642093	Red's Automotive Repair, Inc.	10/23/2020	107.10

Check No	Vendor No	Vendor Name	Check Date	Check Amount
126616	666052	SAIF Corporation	10/23/2020	2,587.39
126617	879145	Silver Signet, LLC	10/23/2020	99.00
126618	863995	White Cloud Communications-Boise, Inc.	10/23/2020	514.55
126619	120497	Boys & Girls Club of the Western Treasure	10/23/2020	20,000.00
126620	UB*11799	TAMIE CAPRON	10/23/2020	21.44
126621	UB*11757	MARYLOU DE LA CRUZ	10/23/2020	106.89
126622	UB*11800	OTONEIL RODRIGUEZ*	10/23/2020	57.21
Total for 10/23/2020:				96,838.52
ACH	878915	Jacobs	10/28/2020	44,205.60
Total for 10/28/2020:				44,205.60
ACH	878915	Jacobs	10/30/2020	864,507.92
126623	&525	American Staffing, Inc.	10/30/2020	497.72
126624	033300	Argus Observer	10/30/2020	858.97
126625	738800	Axon Enterprise, Inc.	10/30/2020	4,865.00
126626	879449	Baum Smith, LLC	10/30/2020	250.00
126627	879494	Bruneel, LLC	10/30/2020	135.80
126628	637830	Century Link	10/30/2020	792.32
126629	879133	Community in Action	10/30/2020	45,000.00
126630	&289	DLT Solutions, LLC	10/30/2020	13,603.91
126631	376000	Idaho Power	10/30/2020	1,592.02
126632	879191	Kristy Lynn Janti	10/30/2020	12.00
126633	440000	L.N. Curtis and Sons	10/30/2020	60.00
126634	879417	LS Networks	10/30/2020	1,130.16
126635	451593	Malheur Council on Aging & Community S	10/30/2020	15,000.00
126636	879464	Merchant McIntyre Associates, LLC	10/30/2020	6,500.00
126637	22427	Murrysmith, Inc.	10/30/2020	1,385.00
126638	572000	Ontario Sanitary Service, Inc.	10/30/2020	313.06
126639	718000	State of Oregon Employment Department	10/30/2020	99.33
126640	879498	Oregon Precision Firearms Training, LLC	10/30/2020	1,005.00
126641	879138	Stantec Consulting Services, Inc.	10/30/2020	9,711.68
126642	729500	Storage On Site	10/30/2020	3,000.00
126643	288897	Verizon	10/30/2020	1,897.97
Total for 10/30/2020:				972,217.86
ACH	PRAFLAC	AMERICAN FAMILY LIFE ASSURANCE	10/31/2020	774.22
ACH	PRAMERF	AMERICAN FUNDS GROUP	10/31/2020	225.00
ACH	PRCCIS	E B S TRUST	10/31/2020	72,825.23
ACH	PRCOLONI	COLONIAL LIFE	10/31/2020	1,210.25
ACH	PRFED	PAYROLL TAXES	10/31/2020	67,303.74
ACH	PRICMA	I C M A RETIREMENT TRUST 457	10/31/2020	300.00
ACH	PRNATW	NATIONWIDE RETIREMENT SOLUTIO	10/31/2020	400.00
ACH	PRORJU	OREGON DEPARTMENT OF JUSTICE	10/31/2020	732.00
ACH	PRORTAX2	OREGON DEPARTMENT OF REVENUE	10/31/2020	265.27
ACH	PRORTAXE	OREGON DEPARTMENT OF REVENUE	10/31/2020	19,950.68
ACH	PROSGP	OREGON SAVINGS & GROWTH PLAN	10/31/2020	7,116.49
ACH	PRPERS	OREGON PERS	10/31/2020	95,378.24
126644	PRLINC	LINCOLN NATIONAL LIFE INS CO	10/31/2020	600.00
126645	PRSFIRE	UMPQUA BANK	10/31/2020	360.00
Total for 10/31/2020:				267,441.12

Check No	Vendor No	Vendor Name	Check Date	Check Amount
126646	&525	American Staffing, Inc.	11/06/2020	984.62
126647	032000	Andrews Seed Co., Inc.	11/06/2020	332.34
126648	037600	AT&T	11/06/2020	22.80
126649	130624	B & W Car Wash	11/06/2020	6.00
126650	879494	Bruneel, LLC	11/06/2020	1,406.30
126651	626400	Campo & Poole Distributing, LLC	11/06/2020	2,937.86
126652	637828	Century Link Communications, LLC	11/06/2020	127.82
126653	879062	Compass Minerals America, Inc.	11/06/2020	2,143.95
126654	520400	Dorman's, Inc.	11/06/2020	26.01
126655	879499	Grass Roots Ontario, LLC	11/06/2020	780.00
126656	UB*11803	JOSE HUERTA	11/06/2020	33.92
126657	UB*11802	SHERRELL JANAY	11/06/2020	158.21
126658	UB*11801	LOUIS LASHBROOK	11/06/2020	99.34
126659	UB*11805	BRIANNA MARTINEZ TORRES	11/06/2020	158.29
126660	879301	Net Assets Corporation	11/06/2020	468.00
126661	527000	Ontario Animal Hospital	11/06/2020	180.00
126662	642093	Red's Automotive Repair, Inc.	11/06/2020	258.49
126663	716553	Saint Luke's	11/06/2020	494.00
126664	UB*11804	DALE & WANDA SCHEER	11/06/2020	54.45
126665	UB*11806	SLEEP INN - SIDHU AND JASSAL LLC	11/06/2020	617.84
126666	879425	Springbrook Holding Co.,LLC	11/06/2020	1,160.00
126667	702008	Staples Business Credit	11/06/2020	520.96
126668	788402	TransUnion Risk & Alternative Data Soluti	11/06/2020	56.70
126669	879212	Uniforms 2 Gear	11/06/2020	446.16
126670	823500	Vale Electric, Inc.	11/06/2020	363.08
126671	879151	Waste-Pro	11/06/2020	40.05
126672	774001	Wtechlink	11/06/2020	300.00
Total for 11/6/2020:				14,177.19
126673	879503	Business Oregon	11/12/2020	36,480.00
126674	879503	Business Oregon	11/12/2020	135,000.00
126675	879504	Zions Bank Corporate Trust	11/12/2020	272,973.70
126676	879504	Zions Bank Corporate Trust	11/12/2020	248,479.69
126677	879501	State of Oregon Department of Environmen	11/12/2020	24,617.00
Total for 11/12/2020:				717,550.39
126678	&525	American Staffing, Inc.	11/13/2020	64.92
126679	879494	Bruneel, LLC	11/13/2020	3,726.40
126680	144000	Cascade Natural Gas Corporation	11/13/2020	220.69
126681	637830	Century Link	11/13/2020	480.69
126682	879062	Compass Minerals America, Inc.	11/13/2020	9,245.29
126683	879247	Day Wireless Systems	11/13/2020	470.00
126684	253494	Durham Gravel Works, Inc.	11/13/2020	6,425.00
126685	270285	Enhanced Telecommunications & Data, Inc	11/13/2020	97.00
126686	879465	Ergon Asphalt & Emulsions, Inc.	11/13/2020	3,720.00
126687	&260	Four Rivers Cultural Center	11/13/2020	19,257.08
126688	634311	Frazier Aviation, LLC	11/13/2020	425.00
126689	436000	Lindsay Eco Water	11/13/2020	23.50
126690	441140	Looks Nu, Inc.	11/13/2020	140.00
126691	456402	Malheur County Clerk	11/13/2020	107.00
126692	879502	Doug Merrell	11/13/2020	63.72
126693	879495	Norbryhn Equipment Company	11/13/2020	6,240.00
126694	539200	Ontario Area Chamber of Commerce	11/13/2020	14,944.77
126695	242083	State of Oregon Department of Transportati	11/13/2020	6.20
126696	516494	State of Oregon Department of Transportati	11/13/2020	193.85

Check No	Vendor No	Vendor Name	Check Date	Check Amount
126697	528405	Oster Professional Group, LLC	11/13/2020	24,822.42
126698	642093	Red's Automotive Repair, Inc.	11/13/2020	68.05
126699	130950	Sparklight Business	11/13/2020	173.42
126700	&357	Larry A. Sullivan	11/13/2020	1,705.00
126701	879146	Toshiba Financial Services	11/13/2020	1,721.89
126702	879233	Utopic Software	11/13/2020	1,295.00
Total for 11/13/2020:				95,636.89
ACH	PRFED	PAYROLL TAXES	11/17/2020	2,670.62
ACH	PRORTAX2	OREGON DEPARTMENT OF REVENUE	11/17/2020	14.55
ACH	PRORTAXE	OREGON DEPARTMENT OF REVENUE	11/17/2020	363.13
ACH	PRPERS	OREGON PERS	11/17/2020	3,548.41
ACH	PRFED	PAYROLL TAXES	11/17/2020	235.50
ACH	PRORTAX2	OREGON DEPARTMENT OF REVENUE	11/17/2020	1.54
ACH	PRORTAXE	OREGON DEPARTMENT OF REVENUE	11/17/2020	17.50
ACH	PRPERS	OREGON PERS	11/17/2020	597.52
Total for 11/17/2020:				7,448.77
126703	&525	American Staffing, Inc.	11/20/2020	108.20
126704	032198	Apparatus Equipment & Service, Inc.	11/20/2020	3,363.40
126705	879494	Bruneel, LLC	11/20/2020	931.60
126706	879455	Carquest Auto Parts	11/20/2020	418.86
126707	336725	Core & Main	11/20/2020	1,780.00
126708	879499	Grass Roots Ontario, LLC	11/20/2020	780.00
126709	UB*11808	DIANA M HERRERA	11/20/2020	57.01
126710	376000	Idaho Power	11/20/2020	2,778.68
126711	879191	Kristy Lynn Janti	11/20/2020	20.00
126712	405945	Jeremy Jones	11/20/2020	125.00
126713	879300	Kussmaul Electronics	11/20/2020	442.98
126714	UB*11807	CHRIS MORETTO *	11/20/2020	134.31
126715	&537	Michael Pratt	11/20/2020	120.00
126716	368050	Robb Enterprises	11/20/2020	47.94
126717	879145	Silver Signet, LLC	11/20/2020	99.00
126718	879138	Stantec Consulting Services, Inc.	11/20/2020	1,869.50
126719	774300	T-N-T Signs & Graphics	11/20/2020	225.00
126720	879212	Uniforms 2 Gear	11/20/2020	870.22
126721	418400	Waxie Sanitary Supply	11/20/2020	122.28
126722	879505	Wildside Wraps, LLC	11/20/2020	72.00
126723	879128	Life Flight Network	11/20/2020	1,711.00
126724	832852	Wells Fargo Business Elite Card	11/20/2020	7,676.72
Total for 11/20/2020:				23,753.70
ACH	PRAFLAC	AMERICAN FAMILY LIFE ASSURANCE	11/30/2020	774.22
ACH	PRAMERF	AMERICAN FUNDS GROUP	11/30/2020	225.00
ACH	PRCCIS	E B S TRUST	11/30/2020	72,920.32
ACH	PRCOLONI	COLONIAL LIFE	11/30/2020	1,210.25
ACH	PRFED	PAYROLL TAXES	11/30/2020	68,926.93
ACH	PRICMA	I C M A RETIREMENT TRUST 457	11/30/2020	300.00
ACH	PRNATW	NATIONWIDE RETIREMENT SOLUTIO	11/30/2020	400.00
ACH	PRORJU	OREGON DEPARTMENT OF JUSTICE	11/30/2020	732.00
ACH	PRORTAX2	OREGON DEPARTMENT OF REVENUE	11/30/2020	275.90
ACH	PRORTAXE	OREGON DEPARTMENT OF REVENUE	11/30/2020	19,951.89
ACH	PROSGP	OREGON SAVINGS & GROWTH PLAN	11/30/2020	7,116.49

Check No	Vendor No	Vendor Name	Check Date	Check Amount
ACH	PRPERS	OREGON PERS	11/30/2020	99,014.70
ACH	878915	Jacobs	11/30/2020	449,726.35
ACH	878915	Jacobs	11/30/2020	19,586.70
126725	PRLINC	LINCOLN NATIONAL LIFE INS CO	11/30/2020	600.00
126726	PRSFIRE	UMPQUA BANK	11/30/2020	360.00
Total for 11/30/2020:				742,120.75
ACH	PRFED	PAYROLL TAXES	12/01/2020	182.94
ACH	PRORTAX2	OREGON DEPARTMENT OF REVENUE	12/01/2020	1.19
ACH	PRPERS	OREGON PERS	12/01/2020	397.32
Total for 12/1/2020:				581.45
126727	879506	Lawn Express	12/03/2020	19,750.00
Total for 12/3/2020:				19,750.00
126728	UB*11823	ROGER ALLEN DC*	12/04/2020	54.21
126729	&525	American Staffing, Inc.	12/04/2020	535.59
126730	879449	Baum Smith, LLC	12/04/2020	750.00
126731	626400	Campo & Poole Distributing, LLC	12/04/2020	3,648.99
126732	UB*11799	TAMIE CAPRON	12/04/2020	63.74
126733	UB*11809	JOSE CARDOZO	12/04/2020	95.99
126734	637830	Century Link	12/04/2020	722.19
126735	190220	Commercial Tire, Inc.	12/04/2020	2,356.24
126736	879062	Compass Minerals America, Inc.	12/04/2020	2,480.53
126737	UB*11824	GLEN CROSBY	12/04/2020	40.59
126738	UB*11810	ECHANIS DISTRIBUTING	12/04/2020	136.73
126739	UB*11817	MARK & KATHY ENYEART	12/04/2020	42.24
126740	UB*11811	BRUCE ERLEBACH	12/04/2020	80.45
126741	UB*11791	FOUR RIVERS AUCTION	12/04/2020	44.26
126742	UB*11822	EVELYN GALLAHER	12/04/2020	18.23
126743	UB*11813	TYLER GASSIN	12/04/2020	84.83
126744	360015	Home Depot Credit Services	12/04/2020	169.00
126745	UB*11552	HOMELAND FIREWORKS INC	12/04/2020	49.70
126746	368200	Hughes Fire Equipment, Inc.	12/04/2020	122.98
126747	376000	Idaho Power	12/04/2020	1,590.32
126748	UB*11814	IDLE WHEELS VILLAGE	12/04/2020	1,510.06
126749	UB*11816	MIKE JARAMILLO	12/04/2020	60.02
126750	413204	Kenworth Sales Company, Inc.	12/04/2020	223.96
126751	UB*11737	MERAKI SPA	12/04/2020	70.00
126752	879464	Merchant McIntyre Associates, LLC	12/04/2020	6,500.00
126753	UB*11820	OWNITX	12/04/2020	114.29
126754	UB*11812	RED LION INN & SUITES	12/04/2020	97.20
126755	UB*11815	RYWEST HOMES	12/04/2020	2.14
126756	UB*11821	WILLIAM SINCLAIR	12/04/2020	9.61
126757	UB*11819	STEVE'S HOMETOWN TOYOTA	12/04/2020	91.80
126758	UB*11818	BRUCE TUTTLE	12/04/2020	130.90
126759	288897	Verizon	12/04/2020	1,955.36
Total for 12/4/2020:				23,852.15
126760	480000	911 Supply	12/08/2020	1,126.00
126761	559200	Allied Business Solutions, Inc.	12/08/2020	7,349.00
126762	&525	American Staffing, Inc.	12/08/2020	324.60

Check No	Vendor No	Vendor Name	Check Date	Check Amount
126763	037600	AT&T	12/08/2020	23.05
126764	130624	B & W Car Wash	12/08/2020	6.00
126765	879326	The Biz Zone	12/08/2020	142.62
126766	626400	Campo & Poole Distributing, LLC	12/08/2020	3,042.20
126767	637828	Century Link Communications, LLC	12/08/2020	146.72
126768	247940	Dooley Enterprises, Inc.	12/08/2020	772.00
126769	520400	Dorman's, Inc.	12/08/2020	14.41
126770	01503	Riley Hill	12/08/2020	1.00
126771	716050	The Idaho Statesman	12/08/2020	920.00
126772	879191	Kristy Lynn Janti	12/08/2020	6.00
126773	408200	J-U-B Engineers, Inc.	12/08/2020	22,023.82
126774	21847	Vernon L. Keffer	12/08/2020	700.00
126775	436000	Lindsay Eco Water	12/08/2020	7.00
126776	879417	LS Networks	12/08/2020	1,130.16
126777	&088	Memorial Monuments, Inc.	12/08/2020	7,000.00
126778	879173	Tonia Montgomery	12/08/2020	434.00
126779	572000	Ontario Sanitary Service, Inc.	12/08/2020	313.06
126780	516780	Oregon Building Officials Association	12/08/2020	395.00
126781	642093	Red's Automotive Repair, Inc.	12/08/2020	585.95
126782	716553	Saint Luke's	12/08/2020	506.00
126783	879425	Springbrook Holding Co.,LLC	12/08/2020	1,109.00
126784	738001	James Swank	12/08/2020	50.99
126785	738002	Symbol Arts, LLC	12/08/2020	135.00
126786	788402	TransUnion Risk & Alternative Data Soluti	12/08/2020	50.00
126787	879007	Weidner Fire	12/08/2020	169.92
126788	879470	Western Treasure Valley Rotary Club	12/08/2020	513.00
126789	774001	Wtechlink	12/08/2020	300.00
Total for 12/8/2020:				49,296.50
126790	033300	Argus Observer	12/09/2020	60.00
126791	626400	Campo & Poole Distributing, LLC	12/09/2020	1,156.64
126792	637830	Century Link	12/09/2020	480.73
126793	634311	Frazier Aviation, LLC	12/09/2020	425.00
126794	413204	Kenworth Sales Company, Inc.	12/09/2020	255.92
126795	422140	Kinney Industries, Inc.	12/09/2020	1,528.54
126796	22427	Murrysmith, Inc.	12/09/2020	5,841.00
126797	602320	NAPA Auto Parts	12/09/2020	65.96
126798	879301	Net Assets Corporation	12/09/2020	432.00
126799	500400	Norco, Inc.	12/09/2020	2,013.58
126800	516780	Oregon Building Officials Association	12/09/2020	300.00
126801	879166	Pitney Bowes Global Financial Services, LI	12/09/2020	953.25
126802	130950	Sparklight Business	12/09/2020	96.44
126803	879138	Stantec Consulting Services, Inc.	12/09/2020	925.00
126804	&357	Larry A. Sullivan	12/09/2020	2,835.00
126805	879507	Synagro Technologies, Inc.	12/09/2020	184,425.40
126806	879151	Waste-Pro	12/09/2020	40.05
126807	451593	Malheur Council on Aging & Community S	12/09/2020	17,029.44
Total for 12/9/2020:				218,863.95
Report Total (316 checks):				3,560,569.45