

**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, JANUARY 10, 2023, 6:00 PM, MT**
[Zoom Link](#)

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: Susann Mills ____ Sam Baker ____ John Kirby ____ Ken Hart ____ Michael Braden ____
(Penny Bakefelt) ____ Eddie Melendrez ____ Mayor Riley Hill ____ (Mayor Debbie Folden) ____

2) PLEDGE OF ALLEGIANCE

This Agenda was posted on January 6, 2023. 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) Adoption of 2023 Fiscal Year City Meetings Calendar
- B) Adoption of County Meeting Minutes: June 28, 2022; December 13, 2022; December 27, 2022

6) NEW BUSINESS

- A) Outgoing Mayor and City Councilors
- B) Swear In New Mayor and Councilors
- C) Selection of Council President
- D) Altruistic Recovery - Introduction and Letter of City Support

7) DISCUSSION ITEMS

- A) Request Representative Owens and Senator Findley Continue to Pursue a Higher Local Split on Dispensary Revenue for Cities like Ontario

8) HAND-OUTS

- A) December 2022 Department Stats: Public Works, Fire, Police, Code Enforcement
- B) Minutes: County Court 11-30-2022; 12-07-2022; 12-14-2022; 12-21-2022

9) CORRESPONDENCE, COMMENTS AND EX-OFFICIO REPORTS

10) ADJOURN

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

The City of Ontario does not discriminate in providing access to its programs, services and activities on the basis of race, color, religion, ancestry, national origin, political affiliation, sex, age, marital status, physical or mental disability, or any other inappropriate reason prohibited by law or policy of the state or federal government. Should a person need special accommodations or interpretation services, contact the City at 889-7684 at least one working day prior to the need for services and every reasonable effort to accommodate the need will be made.

January 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 CITY HALL CLOSED	3 AIRPORT 6PM CITY HALL	4 C.O.P.'S 6PM TRAINING CENTER	5 V&C 7AM CHAMBER OFFICE	6	7
8	9 PLANNING 6PM CITY HALL	10 COUNCIL 6PM CITY HALL	11	12	13	14
15	16 CITY HALL CLOSED	17 PUBLIC WORKS 3PM CITY HALL	18	19 PARKS 6:00PM CITY HALL	20	21
22	23	24 COUNCIL 6PM CITY HALL	25	26	27	28
29	30	31				

February 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 C.O.P.'S 6PM TRAINING CENTER	2 V&C 7AM CHAMBER OFFICE	3	4
5	6 AIRPORT 6PM CITY HALL	7	8	9	10	11
12	13 PLANNING 6PM CITY HALL	14 COUNCIL 6PM CITY HALL	15	16 PARKS 6:00PM CITY HALL	17	18
19	20 CITY HALL CLOSED	21 PUBLIC WORKS 3PM CITY HALL	22	23	24	25
26	27	28 COUNCIL 6PM CITY HALL				

March 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 C.O.P.'S 6PM TRAINING CENTER	2 V&C 7AM CHAMBER OFFICE	3	4
5	6 AIRPORT 6PM CITY HALL	7	8	9	10	11
12	13 PLANNING 6PM CITY HALL	14 COUNCIL 6PM CITY HALL	15	16 PARKS 6:00PM CITY HALL	17	18
19	20	21 PUBLIC WORKS 3PM CITY HALL	22	23	24	25
26	27	28 COUNCIL 6PM CITY HALL	29	30	31	

April 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3 AIRPORT 6PM CITY HALL	4	5 C.O.P.'S 6PM TRAINING CENTER	6 V&C 7AM CHAMBER OFFICE	7	8
9	10 PLANNING 6PM CITY HALL	11 COUNCIL 6PM CITY HALL	12	13	14	15
16	17	18 PUBLIC WORKS 3PM CITY HALL	19	20 PARKS 6:00PM CITY HALL	21	22
23	24	25 BUDGET 6PM PLACE: FRCC	26 BUDGET 6PM PLACE: FRCC	27 BUDGET 6PM PLACE: FRCC	28	29
30						

May 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1 AIRPORT 6PM CITY HALL	2	3 C.O.P.'S 6PM TRAINING CENTER	4 V&C 7AM CHAMBER OFFICE	5	6
7	8 PLANNING 6PM CITY HALL	9 COUNCIL 6PM CITY HALL	10	11	12	13
14	15	16 PUBLIC WORKS 3PM CITY HALL	17	18 PARKS 6:00PM CITY HALL	19	20
21	22	23 COUNCIL 6PM CITY HALL	24	25	26	27
28	29 CITY HALL CLOSED	30	31			

June 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1 V&C 7AM CHAMBER OFFICE	2	3
4	5 AIRPORT 6PM CITY HALL	6	7 C.O.P.'S 6PM TRAINING CENTER	8	9	10
11	12 PLANNING 6PM CITY HALL	13 COUNCIL 6PM CITY HALL	14	15 PARKS 6:00PM CITY HALL	16	17
18	19	20 PUBLIC WORKS 3PM CITY HALL	21	22	23	24
25	26	27 COUNCIL 6PM CITY HALL	28	29	30	

July 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3 AIRPORT 6PM CITY HALL	4 CITY HALL CLOSED	5 C.O.P.'S 6PM TRAINING CENTER	6 V&C 7AM CHAMBER OFFICE	7	8
9	10 PLANNING 6PM CITY HALL	11 COUNCIL 6PM CITY HALL	12	13	14	15
16	17	18 PUBLIC WORKS 3PM CITY HALL	19	20 PARKS 6:00PM CITY HALL	21	22
23	24	25 COUNCIL 6PM CITY HALL	26	27	28	29
30	31					

August 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2 C.O.P.'S 6PM TRAINING CENTER	3 V&C 7AM CHAMBER OFFICE	4	5
6	7 AIRPORT 6PM CITY HALL	8 COUNCIL 6PM CITY HALL	9	10	11	12
13	14 PLANNING 6PM CITY HALL	15 PUBLIC WORKS 3PM CITY HALL	16	17 PARKS 6:00PM CITY HALL	18	19
20	21	22 COUNCIL 6PM CITY HALL	23	24	25	26
27	28	29	30	31		

September 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4 CITY HALL CLOSED	5 AIRPORT 6PM CITY HALL	6 C.O.P.'S 6PM TRAINING CENTER	7 V&C 7AM CHAMBER OFFICE	8	9
10	11 PLANNING 6PM CITY HALL	12 COUNCIL 6PM CITY HALL	13	14	15	16
17	18	19 PUBLIC WORKS 3PM CITY HALL	20	21 PARKS 6:00PM CITY HALL	22	23
24	25	26 COUNCIL 6PM CITY HALL	27	28	29	30

October 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 AIRPORT 6PM CITY HALL	3	4 C.O.P.'S 6PM TRAINING CENTER	5 V&C 7AM CHAMBER OFFICE	6	7
8	9 PLANNING 6PM CITY HALL	10 COUNCIL 6PM CITY HALL	11	12	13	14
15	16	17 PUBLIC WORKS 3PM CITY HALL	18	19 PARKS 6:00PM CITY HALL	20	21
22	23	24 COUNCIL 6PM CITY HALL	25	26	27	28
29	30	31				

November 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 C.O.P.'S 6PM TRAINING CENTER	2 V&C 7AM CHAMBER OFFICE	3	4
5	6 AIRPORT 6PM CITY HALL	7	8	9	10 CITY HALL CLOSED	11
12	13 PLANNING 6PM CITY HALL	14 COUNCIL 6PM CITY HALL	15	16 PARKS 6:00PM CITY HALL	17	18
19	20	21 PUBLIC WORKS 3PM CITY HALL	22	23 CITY HALL CLOSED	24 CITY HALL CLOSED	25
26	27	28 COUNCIL 6PM CITY HALL	29	30		

December 2023

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4 AIRPORT 6PM CITY HALL	5	6 C.O.P.'S 6PM TRAINING CENTER	7 V&C 7AM CHAMBER OFFICE	8	9
10	11 PLANNING 6PM CITY HALL	12 COUNCIL 6PM CITY HALL	13	14	15	16
17	18	19 PUBLIC WORKS 3PM CITY HALL	20	21 PARKS 6:00PM CITY HALL	22	23
24	25 CITY HALL CLOSED	26 COUNCIL 6PM CITY HALL	27	28	29	30
30						



CITY COUNCIL MEETING MINUTES

June 28, 2022

The scheduled meeting of the Ontario City Council was called to order by Mayor Riley Hill at 6:00 p.m. on Tuesday, June 28, 2022, in the Council Chambers of City Hall. Council members present were John Kirby, Riley Hill, Michael Braden, Eddie Melendrez, Ken Hart, and Susann Mills. Sam Baker was excused.

Members of staff present were Dan Cummings, Tori Barnett, Terry Leighton, Justin Zysk, May Swihart, Casey Mordhorst, Al Haun, Paul Woods, and Mike Iwai.

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

Noah Herrera led everyone in the Pledge of Allegiance. Noah attended Cairo Elementary and hoped to be Mayor one day.

AGENDA

This Agenda was posted on June 24, 2022. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

MILLS moved, MELENDREZ seconded, **TO ADOPT THE AGENDA AS PRESENTED**. Roll call vote: Mills-yes; Baker-out; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.

PUBLIC COMMENT

Andrew Kressly, Ontario: *I'm here to talk about the reimbursement district.*

Mayor Hill stated the slip that had been submitted indicated he wanted to speak on 8C, so he asked that Mr. Kressly hold off until the public hearing later on in the meeting.

Ron Hanks, Meridian, Idaho: *Mayor Hill, I'd like to talk about the Ontario Airport, and I have submitted a letter which I'll read from if you don't mind. Dear Mr. Cummings, we were recently informed that the Ontario Airport Commission has been discussing the future status and funding of the grass strip at the Ontario Airport (ONO) and this letter is being forwarded to you and the ONO Airport Manager for consideration. As founder and President of the Aero Head Soaring Club based at the Ontario (ONO) Airport, my experience encompasses over 50 years in aviation including five years as Dean of CTE at TVCC where their aviation program has been significantly engaged at ONO with Frazier Aviation, Silverhawk Aviation, and the City of Ontario. The AHSC was established at ONO in 2019, is a standing member of the Soaring Society of America and now consists of 15 members with 7 gliders, tow plane, and a leased hangar. The grass runway and adjacent ramp area provides a significant safety margin for our members as it allows them to position, launch, and retrieve gliders without conflict with general aviation aircraft that rely upon the central paved runway on the airport. The recent article published in the Ontario newspaper was concerning as it misquoted ONO Airport Manager, Justin Zysk, citing utilization of the grass runway as 8 landings per year. In contrast, the AHSC is predicting that AHSC glider/tow plan operations may make of 150 takeoffs and landings on the grass runway this season alone. From a practical business perspective, we understand the financial consideration that the grass runway entails, including cost of maintenance, time required, and oversight needed when weighing against annual utilization and community interest. AHSC contributes to the airport and City of Ontario through fuel purchases, rents, and taxes and most certainly relies upon the grass runway as an important part of our operation. As such, we encourage you*



to not only continue funding maintenance of the grass strip, but also encourage you continue to improve its condition. We are in hopes that the Commission will accept this input as part of your decision-making process, and we reach out to offer our support and our help to make the greater Ontario Airport succeed as a model for future airport operations in the Northwest USA. Any questions? Okay, I'd like to turn to Dan.

Dan Beaubien, Ontario: I've been on both sides of this. There are a dozen pilots in this room tonight. One of their planes is up here in this picture on the grass runway. We read the article, and it was kind of concerning. I thought oh my gosh, they're considering maybe not having that, and that would be a bad move. I know people from Nevada to Texas that are talking about Ontario's grass runway, honestly, and I have a lot of connections in the aviation field, STOL competitions, and things like that. There's quite a bit going on. I'll read my letter real quick, and then attempt to answer things afterwards if you have any questions. This is from the EAA, Experimental Aircraft Association, Snake River Valley Chapter 837 regarding the grass runway at the Ontario Municipal Airport. The EAA, at its regular meeting held June 15, 2022, was apprised of the City of Ontario's discussion of the grass runway as it was publicized in the Argus Observer. We would like to make known that our local EAA chapter, the Nampa EAA chapter, the Soaring Club, along with pilots, OSU Extension Aviation Program, past airport managers, and the public are in full support of the grass runway located on the field. It serves as a support runway in emergencies, a safety runway for glider operations, as well as the preferred runway for the back country flyers. It is currently being used by Kitfox of Homedale, Idaho, the Carbon Cubs from Caldwell, Idaho, the gliders from Nampa and Payette, in addition to local pilots. This grass runway makes the Ontario Municipal Airport truly unique. There is not another like it for over one hundred miles. There are other grass and dirt runways that are remote, but do not have fuel, an aircraft mechanic, weather information, Life Flight operations, a Fixed Base Operator with pilot lounge, or hangar space. We are the only one. Realizing that the City of Ontario would like to see greater use to justify the upkeep, the local EAA Snake River Valley Chapter 837 would like to offer its assistance to the City of Ontario. We greatly appreciate the time and effort devoted to this grass runway thus far, from its dedication and opening until now. Many airports are just now getting back to full use since the beginning of the pandemic closures. We had eighteen flights using the grass runway just last Saturday, in addition to local pilots. Planning for the future is something all of us are doing to the best of our abilities. Now that gatherings are allowed and vents can be planned, we would like to join the City of Ontario in promoting the grass runway. We, the undersigned, are in total support of the grass runway and the Ontario Municipal Airport. Any questions?

Mayor Hill stated he had been a proponent of the airport and was instrumental in the getting the full time manager out there, but it always boils down to money. How could the city sell that the grass runway benefited Ontario financially?

Mr. Beaubien stated the circumference of 200 miles, and he'd mentioned people from Texas and Nevada needed to know it was here. It was not currently on the city's website. Aviation things were out there. They could do a better job, and the EAA would help with that. They could draw twice the crowd for a STOL event as attended the boat races. And that would bring in revenue.

Councilor Hart asked if there was a date set for that, (STOL event) or was it still in planning stages?

Justin Zysk, Airport Manager, stated the earliest would be fall of 2023. Those type of events were booked fairly quickly.

Mr. Beaubien stated it would be one of three in the entire Northwest. Ontario being one of the three.

Councilor Mills stated she was not familiar with the grass strip, so was it in dire need of being renovated, was it watered, was it seeded?

Mr. Beaubien stated the strip had been placed as a memorial for a young boy that helped them at the airport. He passed away, and they added \$30K+ for an irrigation system. It needed to be mowed, which came down to who,



where, and who paid. It was being used, and he had mowed it himself many times. It was a nice strip, fairly level. It needed some touch-up, some new seed, and just maintained. If the community got behind it, it would be fantastic.

Councilor Kirby stated he was the Airport Committee Liaison. Their intent was to get a mowing contract because the contract they had with the previous company bowed out due to costs. Having the Airport Manager do the mowing was not a solution. In the meantime, Mr. Beaubien used his own equipment and mowed the area a couple times, and his fuel was provided. The intent of the Council was to keep and maintain the airport, but they were in a budget process, which as normally followed to the dollar. The city was not abandoning them. The contract let out was for mowing of the grass strip, along with the golf course area, as well as critter abatement, and some weed spraying. He knew the group wanted to protect what they had, but so did the Council.

Councilor Mills thanked those in attendance. It was important for the Council to support the airport as much as they could. She believed there was some way to work together to find solutions for the mowing and the expenses related to taking care of it.

Councilor Hart reminded them that the city had contracted this year with an outside source, but the intent was to utilize the city's inhouse folks with Jacobs. It made sense so it was done professionally. The Council appreciated Mr. Beaubien stepping up and doing that, but there were liability issues with that. He believed they were on the right path. Having Justin step up and do the mowing was not the highest and best use of the Airport Manager.

Tom Frazier, Ontario: *I'd like to just add that one of the primary reasons that the grass strip is out there is when Dan Beaubien was the Airport Manager, we were looking for ways to grow and develop the airport. At that point in time, and it still is, one of the largest, fastest growing segments of general aviation is the back country big tire aircraft. As we analyzed that, we thought gee whiz, if we had a grass strip here, we could increase fuel sales; with the increase of fuel sales, it generates income from fuel flowage for the City of Ontario. That was their primary reason that we were looking for that. With competitions like the STOL competition, the granddaddy of the STOL competition is the high desert, which is out in the middle of absolutely nowhere, it's hard to get to. There was, this last fall, at that competition, there was over 1,000 airplanes and over 3,000 people there. So you take that, and you put it someplace like Ontario, Oregon, and the intent originally was to have this as one of the big three, which would be the High Sierra, Reno, and Ontario, Oregon. That would be the three big competitors. And if you noticed up here, you'll see that the number one competitor in the United States, top left hand corner there, Steve Henry, you'll also notice at the bottom left there, that's Core Robin, he's one of the Flying Cowboys. There is some tremendous interest as Dan mentioned here. The Ontario Airport and hosting events here, I think there's a tremendous opportunity. It just needs to be capitalized on and it has to be a concentrated effort between the City of Ontario and the airport. Thank you.*

CONSENT AGENDA

KIRBY moved, MILLS seconded, **TO ADOPT THE CONSENT AGENDA, WHICH CONSISTED OF THE CITY COUNCIL MEETING MINUTES OF JUNE 14, 2022, AND EXECUTIVE SESSION MINUTES OF JUNE 14, 2022.** Roll call vote: Mills-yes; Baker-out; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.

ADDITIONAL PUBLIC COMMENT

Michael Padilla, Ontario: *Thank you for the opportunity to be heard. I'm currently the Safety and Prevention Supervisor for the Ontario School District. I come to you with 23 years of law enforcement background, both as a School Resource Officer and a Juvenile Probation Officer. I've also had two decades as a boxing coach. I recently proposed a program to the Ontario School District, which they are willing to adopt. Unfortunately, my timing, due to budgets and those kind of things, as we're all very familiar with, they're not willing to accept the program at this time. They're willing to take on the needs and expectations of what that program would be for the 23-24 school year and then continuing on forward. What I'm here simply to ask is, I've already met with, I'm sorry, excuse me, the Malheur County representative, and I have another meeting with them in the morning. What I'm here simply to do is to ask if the city would consider startup funding. What we're looking at is purchasing equipment, a boxing ring, in*



my 20 years of experience, it's opening up an opportunity for young people that really don't have, not everybody's involved in football, or basketball, or those type of programs. It's the type of program that not only develops self-esteem, opens up opportunities, and I'm here to lay testament that it changes lives. It changed mine. As a young man, I had a young man come into my world when I was a young man of 12 years old and involved me in a boxing program and it changed my life considerably. It opened up opportunities for me to travel, to compete, to win some golden gloves titles, and now I'm here to give my knowledge back to the community. I currently have 32 middle school and high school aged youth that are interested in the program. And I'm not one that likes to procrastinate, and I don't want to have to wait another year to get this process started. The county has been very generous in already offering us a ring that was already in their possession. The school district has found us a facility that we can put the program together on school property, which is part of the school program. But, like I said, right now it's time is of the essence. With my history of working with high risk youth, and as a Juvenile Probation Officer and previous police officer, we lack a lot of opportunity for our young people here. There's a big drug problem, that I think everybody is aware of; there is not a lot of opportunities. There are young people that just don't fit the mold with football or basketball or tennis. Not only is this a sport that builds self-esteem and self-confidence and the desire to compete, it is also one that, like I said, it's an opportunity for young people. It's not for everybody, but it's an opportunity that's shown a big interest. Part of this funding would be to support us with a boxing ring. My future plans are to bring events to our community. Obviously people in our community deal with poverty, we deal with the type of issues with our families as well. If they have children who compete or are part of the program, they can't travel to go watch their kids compete. I plan on bringing those opportunities here to our community, not only would it benefit us financially within the program, but it gives an opportunity for the families for the families to be involved in what their youth are doing. So that's simply what I'm here to do. I'm here to ask, to see if the city would consider a \$6,000 donation. I'm also going to ask in the morning, and I have an appointment with the county to consider the same, to see if they will match the city's contribution, if you guys decide that's something that you'd like to donate to.

Mayor Hill asked if this would be free to all comers, would there be a fee?

Mr. Padilla stated it depended. Normally he'd like to have no cover charge. The Council needed to understand that part of the contribution was that they had to be part of USA Boxing. He was a certified coach, a gold level coach, with USA Boxing already. Also, he had the pleasure and privilege of coaching and training a professional athlete that sits on your school board currently. He could make testament to the type of opportunities this opened up. He would guess there would be certain events, such as tournaments, that took more than one day, so there was travel included in those things, and he thought the program would benefit a \$5-\$10 cover charge on occasion, but for the most part, when putting together a Smoker or some type of invitational within the community, it was something he'd like to offer at no cost if they were able to do that. He did have some buy-in from Four Rivers Cultural Center, and he had access onto school property where they could put those type of events together. Currently, he needed a competition ring, boxing gloves, and the things needed for this type of sport to keep it safe. That's what he was there to do.

Mayor Hill asked if this was affiliated in any way with the Boys & Girls Club.

Mr. Padilla stated it was stand alone. Eventually, it would be adopted by the school district, who would eventually fund it. They took his proposal, but they'd have to wait another year to get started, and he didn't want to do that, not with the interest level from the youth and the community. He restated that he had 32 kids ready to move right now. It wasn't just about the sport; it was about the mentoring, too, and the team comradery, and keeping the kids drug-free and keeping their grades up, having accountability and responsibility. It was like no other sport. If a person wasn't committed to the art of boxing – hit or be hit type of thing – and the effort was not put into it, it could be painful. His job was to teach young people how to be good sports, and to teach their sport when it came to competitive competition of amateur boxing. It was also one of the safest sports, despite people looking at it as being abrasive and combative. It was safer – statistically – than playing football. He was not reinventing the wheel, but just opening up an opportunity for the youth.

Mayor Hill stated if the Council wanted to move forward, they'd put it on for discussion at the next meeting.

Councilor Melendrez stated he had history with working with Mr. Padilla and working with him at the Juvenile Department. He did a lot of great work for the community and the youth. The boxing program could help a lot of kids stay out of trouble, stay off the streets, and stay off drugs. He confirmed with Mr. Padilla that it would be a one-time contribution, and then the school would take over any further funding.

Mr. Padilla stated that was correct.

Councilor Hart stated his request would be that for the next meeting the Council receive something in writing showing the overall plan and maybe showing a commitment from the school district. With the district going to a 4-day school week starting next year, there were going to be a lot more kids with more time on their hands, especially on Friday.

Mr. Padilla stated unlike the other sports, boxing could be a 12-month program. The doors would be open year round.

Councilor Hart stated the Council would want to make sure this program was available to all the kids, hopefully for free. That would allow the Council to get even stronger behind it. Charging to watch an event was one thing, but to ensure there was no barrier for kids in the community, as many were in poverty, so that would go a long way.

Mr. Padilla stated the support they were looking was to pay for the membership, when travel was involved, there would be access to transportation through the system, and access to funding. Eventually, that would pay for whatever the needs were. Under the USA Amateur Boxing umbrella, their liability was covered. It was a very structured program, very disciplined, and there would be some travel involved as they excelled in competing, he'd be able to take them out of this area.

Councilor Braden stated he recognized the Council could request an official letter, documents surrounding the program, what they were seeking. Mr. Padilla was asking for support before he went before the county tomorrow, so he wanted to move that the City of Ontario sponsor the Ontario Boxing Program for \$6,000.

Mayor Hill stated he did not think they could do that because it was not on the Agenda.

Councilor Braden stated they were under Old Business and the Council could make a motion, if allowed by the Mayor.

Mayor Hill stated he would need to defer because he didn't think they could spend money without it being published to the public. He did not recall this item being discussed before. He wasn't opposed to the motion, but he wanted to ensure it was done correctly. What would the Council like to do? Did they want to amend the Agenda?

Councilor Kirby stated there was a small grant program through the V&C, maybe up to \$5K, so maybe that was a route to go.

Councilor Hart stated he didn't know if that fell under tourism, but they'd done a lot of things to make things fit under that umbrella. Mr. Padilla had his support, however, as part of the Council there was that piece of making sure they were tied to the school district, and they had some skin in the game.

Mr. Padilla stated his goal was to get the program started before school started.

Councilor Hart stated the next meeting of July 12th would provide ample time to move forward.

Mr. Padilla stated yes. If he could get verbal support, it would sure put pressure on the county.

Council gave consensus to support the action.



BRADEN moved, MELENDREZ seconded, **TO AMEND THE AGENDA TO ADD ITEM 7D, SUPPORT AND POTENTIAL MOTION FOR ONTARIO BOXING.** Roll call vote: Mills-no; Baker-out; Kirby-no; Hart-no; Braden-yes; Melendrez-yes; Hill-no. Motion failed 2/4/1.

Mayor Hill stated this action would be before the Council at the next meeting.

Councilor Braden stated as his initial motion had no grounds, he officially withdrew it.

Mr. Padilla thanked the Council for the opportunity to be heard.

Dan Cummings, City Manager, suggested to Mr. Padilla that he contact John Breidenbach to discuss the program, to see if it might be eligible for funding from the V&C.

OLD BUSINESS

Downtown Attraction Update: GGLO

Mark Cindell, GGLO, presented.

Mayor Hill stated he had not reviewed the January-December timeframe. Prior to COVID, the property was offered to churches during the Christmas season for them to hold events, which proved to be successful. What would happen to that if the city owned the property?

Mr. Cindell stated he did not believe so. For another area (Indian Creek Plaza) there were celebrations that crossed cultures and holidays.

Mayor Hill stated it was more around true Christian events – would those be precluded?

Mr. Cindell stated that would something that needed to be reviewed from a legal standpoint. From their experience, there had been nothing precluded.

Councilor Kirby stated his concern about the location of the trees. If they wanted shade, they needed to flip the design.

Mr. Cindell agreed. They were looking at different options for shade.

Councilor Melendrez asked if this was the plan they were moving forward with, or were there other plan?

Mr. Cindell stated anything was possible. The one presented had the consensus of the people they'd heard back from on their choice.

Councilor Hart stated he believed that part of the issue was that the current gazebo was too small, and needed to be improved to have the ability to include a stage.

Mr. Cindell stated that was correct. It was fine for now, but it would be outgrown.

Councilor Kirby asked if this would be coming back to the committee?

Mr. Cummings stated he believed they were looking for a consensus on moving forward, but they could take it back to the committee for more discussion.

Councilor Hart stated with regard to Looks Nu Car Wash, that deal was done but the building had not been removed.



Mr. Cummings confirmed all agreements were in place. The contractor missed his window for removing the gas station and asphalt; however, staff negotiated to leave the canopy in place.

Councilor Hart stated an issue raised by Councilor Mills was being uncomfortable expending funds until the city obtained the rest of Moore Park. That needed to be resolved before investing more.

Mayor Hill voiced his agreed. He was also surprised at the total expense of the project.

Councilor Eddie stated he had voiced in the beginning that he was uncomfortable investing a lot of money into something the city did not own. He'd like an update on where that situation was.

Mr. Cummings stated he had provided a proposal to the current owner and was waiting for a response.

Rural Fire Contract Renewal

Dan Cummings, City Manager Pro Tem, presented.

Mayor Hill stated they had met with the Rural Board three times, and those meetings went well, arriving at the proposed agreement.

KIRBY moved, MELENDREZ seconded, **THE CITY COUNCIL APPROVE ADDENDUM #13 OF THE RURAL FIRE PROTECTION DISTRICT AGREEMENT TO PROVIDE FIRE SUPPRESSION AND OTHER SERVICES.** Roll call vote: Mills-yes; Baker-out; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.

MILLS moved, KIRBY seconded, **THAT THE CITY COUNCIL APPROVE THE CODIFIED AMENDMENT OF THE RURAL FIRE PROTECTION DISTRICT AGREEMENT TO PROVIDE FIRE SUPPRESSION AND OTHER SERVICES REFLECTING ADDENDUMS #1-13.** Roll call vote: Mills-yes; Baker-out; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.

City Manager Recruitment

May Swihart, HR Manager/Assistant to the City Manager, presented.

Mayor Hill stated they needed to move on this as expeditiously as possible. He was not in favor of any more postponements.

MELENDREZ moved, BRADEN seconded **THAT THE COUNCIL HIRE THE RECRUITING FIRM THAT HAD BEEN SUGGESTED BY THE HR MANAGER, TO CONDUCT THE CITY MANAGER RECRUITMENT AS PROPOSED.** Roll call vote: Mills-yes; Baker-out; Kirby-no; Hart-no; Braden-yes; Melendrez-yes; Hill-no. Motion failed 3/3/1.

HART moved, BRADEN seconded, **THAT THE CITY COUNCIL APPROVE THE CITY MANAGER RECRUITMENT MATERIALS AS WRITTEN OR AMENDED AND ADVERTISE FOR THE CITY MANAGER POSITION IN AN AMOUNT NOT TO EXCEED \$1,600.** No vote.

Councilor Melendrez stated his belief in what staff had presented, but there were a lot of unknowns, so he'd be voting no on the motion.

Councilor Kirby stated there were things that had be accomplished, so he would assume the remainder of the process would continue. The proposed motion seemed to indicate it would be advertised, but to do nothing else.

Councilor Hart stated to clarify his motion, it would be to go through the process as outlined by staff to advertise and begin the overall process.



Ms. Swihart stated the motion also approved the recruitment materials as written. Mayor Hill asked if the motion immediately started the process.

Ms. Swihart stated it did, yes.

Mayor Hill stated this was a two-month process, so at the end of those two months, they'd have a decision.

Ms. Swihart stated if they approved everything presented, she'd post this week.

Councilor Hart stated to clarify, he strongly suggested anyone who had amendments or changes they believed needed to be made, read it, and send to Ms. Swihart. If it was significant, he assumed that would be brought to Mr. Cummings and/or the Council for discussion.

Mayor Hill wanted it clear – were they staring now? Just amend to include the completion time of 60 days.

HART moved, KIRBY seconded, to amend the previous motion to read **THAT THE CITY BEGIN THIS PROCESS WITH THE GUIDE THAT IT BE COMPLETED WITHIN 60 DAYS. THE RECRUITMENT PROCESS BY AUGUST 15, 2022, WITH INTERVIEWS TO BEGIN AFTER THAT.** Roll call vote: Mills-yes; Baker-out; Kirby-yes; Hart-yes; Braden-yes; Melendrez-no; Hill-yes. Motion carried 5/1/1.

HART moved, BRADEN seconded, **THAT THE CITY COUNCIL APPROVE THE CITY MANAGER RECRUITMENT MATERIALS AS WRITTEN OR AMENDED AND ADVERTISE FOR THE CITY MANAGER POSITION IN AN AMOUNT NOT TO EXCEED \$1,600 AND THE APPROVAL OF THE GANT CHART.** Roll call vote: Mills-yes; Baker-out; Kirby-yes; Hart-yes; Braden-yes; Melendrez-no; Hill-yes. Motion carried 5/1/1.

NEW BUSINESS

Resolution #2022-123: Accept Abstract of Votes – May 2022 Primary Election

HART moved, MILLS seconded, **THE CITY COUNCIL ADOPT RESOLUTION #2022-123: A RESOLUTION ACCEPTING THE ABSTRACT OF VOTES FOR THE MAY 17, 2022, PRIMARY ELECTION.** Roll call vote: Mills-yes; Baker-out; Kirby-no; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.

Resolution #2022-124: End of Year Clean Up

Kari Ott, Finance Director, presented.

Dan Cummings, City Manager Pro Tem/Community Development Director, stated the fees had not increased, had actually not been done since 2013. It was reviewed every year but believed with the economics and the efficiency of the department, they had been able to increase revenue without increasing fees.

Mayor Hill stated the funds that were generated by fees, had to stay in the building department.

MILLS moved, KIRBY seconded, **THE CITY COUNCIL ADOPT RESOLUTION #2022-124: A RESOLUTION TO ADOPT A SUPPLEMENTAL BUDGET TO RECOGNIZE UNEXPECTED REVENUES AND TO TRANSFER BUDGETED APPROPRIATIONS FOR UNEXPECTED ITEMS.** Roll call vote: Mills-yes; Baker-out; Kirby-no; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.

Resolution #2022-125: Ferric Chloride Cost Increase

KIRBY moved, MELENDREZ seconded, **THE CITY COUNCIL ADOPT RESOLUTION #2022-125: A RESOLUTION TO APPROPRIATE FUNDING FOR UNEXPECTED FERRIC CHLORIDE COST INCREASES.** Roll call vote: Mills-yes; Baker-out; Kirby-no; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 6/0/1.



PUBLIC HEARING**Ordinance #2806-2022: Annexation and Rezone of Property from UGA Commercial Business Park to City Industrial Business Park I(BP), UGA Residential to City Single Family Residential (RS-50) and UGA Commercial (UGA-C) to City General Commercial (C-2)**

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

Dan Cummings, Community Development Director, presented.

The Hearing was opened for public testimony. Proponents: Jim Echanis.

Proponent: Jim Echanis, Ontario, stated: *Mr. Mayor, members of the City Council, city staff, and city residents. I'm a property owner that's adjacent to this proposed annexation and I'm totally all for it. My wife and I have lived in Ontario for about 45 years, and we've had the luxury of having the city limits on our back fence line for a majority of that time, as we do right now. I met with the developer, and he's given me assurances that he wants to build a quality development, which I think Ontario really needs. He indicated to me that he wants to put in a development that's a combination of the size of homes and the types of homes that are in the Waterford Estates Subdivision, and also across between the Plaza Subdivision, which is adjacent to the south. So anyway, I'm all for this. I have a line to stay in touch with the developer because I want to be a good neighbor for him and with him and his development and I would like to have you graciously approve this annexation for the City of Ontario because I think it'll be a real shot in the arm for it. Thank you.*

Opponents: None.

There being no further Proponent and no Opponent testimony, the Hearing was closed.

KIRBY moved, MELENDREZ seconded, **THAT THE CITY COUNCIL APPROVE THE FINDING OF FACTS AND RECOMMENDATION OF THE PLANNING COMMISSION FOR THE ANNEXATION AND REZONE OF THE SUBJECT PROPERTY FROM UGA COMMERCIAL BUSINESS PARK TO CITY INDUSTRIAL BUSINESS PARK I(BP) BEING 14.86 ACRES, UGA RESIDENTIAL TO CITY SINGLE FAMILY RESIDENTIAL (RS-50) BEING 36.44 ACRES AND UGA COMMERCIAL (UGA-C) TO CITY GENERAL COMMERCIAL (C-2) BEING 5.16 ACRES AS SET FORTH IN ACTION 2022-03-13AZ BASED ON THE INFORMATION, FINDINGS, AND CONCLUSIONS SET FORTH IN THIS REPORT.** Roll call vote: Mills-yes; Baker-out; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-recuse. Motion carried 6/0/1.

HART moved, KIRBY seconded, **IN ACCORDANCE WITH SECTION 8.2(2) OF THE CITY CHARTER I MOVE THAT THE CITY COUNCIL APPROVE ORDINANCE #2806-2022 AN ORDINANCE PROCLAIMING THE ANNEXATION AND REZONE OF THE SUBJECT PROPERTY FROM UGA COMMERCIAL BUSINESS PARK TO CITY INDUSTRIAL BUSINESS PARK I(BP) BEING 14.86 ACRES, UGA RESIDENTIAL TO CITY SINGLE FAMILY RESIDENTIAL (RS-50) BEING 36.44 ACRES AND UGA COMMERCIAL (UGA-C) TO CITY GENERAL COMMERCIAL (C-2) BEING 5.16 ACRES AS SET FORTH IN ACTION 2022-03-13AZ , AT A SINGLE MEETING BY TITLE ONLY.** Roll call vote: Mills-yes; Baker-out; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-recuse. Motion carried 6/0/1.

HART moved, KIRBY seconded, **IN ACCORDANCE WITH SECTION 8.2(2) OF THE CITY CHARTER I MOVE THAT THE CITY COUNCIL APPROVE ORDINANCE #2806-2022 AN ORDINANCE PROCLAIMING THE ANNEXATION AND REZONE OF THE SUBJECT PROPERTY FROM UGA COMMERCIAL BUSINESS PARK TO CITY INDUSTRIAL BUSINESS PARK I(BP) BEING 14.86 ACRES, UGA RESIDENTIAL TO CITY SINGLE FAMILY RESIDENTIAL (RS-50) BEING 36.44 ACRES AND UGA COMMERCIAL (UGA-C) TO CITY GENERAL COMMERCIAL (C-2) BEING 5.16 ACRES AS SET FORTH IN ACTION 2022-03-13AZ, AT A SINGLE MEETING BY TITLE ONLY.** Roll call vote: Mills-yes; Baker-out; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-recuse. Motion carried 6/0/1.



Ordinance #2809-2022: Withdrawing Certain Property from the Rural Road District and Rural Fire District

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

Dan Cummings, Community Development Director, presented.

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

MILLS moved, BRADEN seconded, **IN ACCORDANCE WITH SECTION 8.2(2) OF THE CITY CHARTER, I MOVE THE CITY COUNCIL APPROVE ORDINANCE #2809-2022, AN ORDINANCE REMOVING CERTAIN REAL PROPERTY FROM THE RURAL ROAD ASSESSMENT DISTRICT NO. 3 AND ONTARIO RURAL FIRE PROTECTION DISTRICT 7-302, BEING PARCELS WITHIN THE NW¼ NE¼ SECTION 10, TOWNSHIP 18 SOUTH, RANGE 47 EAST, WILLAMETTE MERIDIAN.** Roll call vote: Mills-yes; Baker-out; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-recuse. Motion carried 6/0/1.

Harrah Heights Reimbursement District

Mayor Hill recused himself from this action as he had a direct conflict of interest. Council President Hart conducted the Hearing.

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

Casey Mordhorst, Public Works Director, presented.

Councilor Kirby asked if this was the standard operating procedure for oversizing and developing projects such as this?

Mr. Mordhorst state it was. If a zone required extensions of utilities to serve the development, it was in the city code that the developer could request the city to create a Reimbursement District to recoup the costs of the improvements.

Mr. Cummings stated the code was based on state law, which regulated if this could be done. If it was not in the code, it was difficult for a developer to go back because it would have to be done at the state level. That code had been revised a few years ago that the developers only had five years to recapture; after that, money went directly to the city. The Council determined that was not fair to the developer, and the five years was extended to 25 years.

Councilor Hart asked for an explanation regarding Lot #400, and who owned that Lot?

Mr. Mordhorst stated for Lot #400, the developer requested the first year to be interest free, so August 1, 2022 to August 1, 2023, there would be zero interest on that lot. It belonged to the Nazarene Church.

Councilor Hart stated the developer could do that. Was that unique?

Mr. Mordhorst stated if the developer requested it, it was up to the Council if they accepted it. Also, the total cost was based on the contractor's invoice.

Councilor Hart asked if the 7% of what was paid by the developer?



Mr. Mordhorst stated it was the total project cost, a one-time payment. The Hearing was opened for public testimony.

Proponents: None.

Opponents:

Tim Brewer, Pastor, Ontario, Nazarene Church, stated: *Council Chair, thank you for taking the time to hear my opinion. I'm a resident of Ontario and also Lead Pastor of Ontario Nazarene Church, and I'm here speaking on their behalf today. I am asking that the City Council delay the payments of this money, without interest, until, or if, we ever hook up to the system. And I've spoken to two others who are present who represent three of the other properties who would agree with this motion asking for the delay. But I speak on behalf of Ontario Nazarene. It really doesn't make sense for us, at all, for this infrastructure. We have no intention of building on the west side of this property. And I'm just going to give you a picture of the property, a design of the properties. (Hand out). Again, we have no intention of building on the west side of this property. One of the reasons we purchased the 4.5 acres in 2008 was to develop it into community use. At this point in time, it's used by the Recreation District, it's used by CHAMPS sports for the homeschooling program, and it's used by our neighbors, as well. In addition, I don't have any answer to this in particular, but in addition, if you were to drive off of Sunset onto our west parking lot, you will see a significant dip that goes down into that parking lot. I don't know how deep that pipe was laid, but it could very well not have been laid deep enough so that if we ever did build on that, we would have to use a pump to be able to get up into that in order to get whatever waste that we would have. But we have no intention, it's not even on the plate to talk about building on that west side. Number two – we have no intention of building on the east side of this property, but if we did, it would probably be in our best interest to connect with the housing development that is north of us. That water line and that sewer line are very close to that edge of the property. We wouldn't go all the way down Sunset to connect with that, as well. Simply put – there is just no benefit to us at any time, and \$15K is a lot of money. I don't know if this makes any significant difference, but my understanding is those properties that are being charged are county properties. I know ours is. That side is a county property. I don't know if that makes any difference in the process. I do want to communicate that I am grateful for a new housing development in Ontario. I absolutely am thankful for that. We need new residents in our community; however, I would encourage the city leaders to find new ways to inform residents of their responsibilities for infrastructure prior to the building of new housing developments. I do not believe that a notice came to my office telling me that a new housing development was being built and that I would need to be responsible for a portion of the infrastructure. All I've received was a bill. If it wasn't for the fact that the developer stopped by my office prior to the arrival of that bill, I would not have even been aware of it. And I know that my residents, my neighbors, that's exactly what happened to them. So imagine, you come home from work, and you've got a \$15K bill that you knew nothing about, or for some of our friends, \$32K, because they own two of the properties in the area. I would like to encourage a couple of things for the city on behalf of this. One, in the future, I would also encourage a cover letter with the information being sent out. The cover letter should explain what is being asked in layman's terms, so we can all understand the clear steps that need to be taken if the building is to be disputed. I had to have one of our lay leaders contact the city to find out what this all meant for us. So we get a bill, doesn't clearly understand what we're going to be, why are we responsible, but just what do we need to do about it, and I would say, in the future, the letters that come out from the city need to explain all that as well. Well, again, thank you for listening to my concerns. I want to reiterate my request: I would ask that the City Council delay the payments on the infrastructure, without interest, until, or if, we hook up to the system. I appreciate your consideration on this matter.*

Andrew Kressly, Sunset Drive, Ontario, stated: *Thank you Council. I'm here on behalf of my Grandmother, who owns said property, Tax Lot 100, and she also owns Tax Lot 200, across the street, which is not subject to this sewer line because they are in the city already. We are in the county. My Grandmother is 85 years old, and you can imagine what she felt like when she got a bill for \$16,100 with no advance warning, no meetings of do they want this subdivision, do they have \$16K just laying there to pay for a sewer line that right now they're not using? My comments are sort of the same as his (pointing to Pastor Brewer) is we ask to defer payment until we are annexed into the city or until the property is sold.*



James King, Sunset Drive, Ontario, stated: *I just have, I didn't say I was going to speak, but I have the property right across the street from Kressly, and I received nothing, no notice, that any part of Sunset Drive was coming into the city limits at any time, and I, too, agree with Tim Brewer that there's no benefit to the sewer line in the middle of the road for me. I don't intend to ever hook up to it, but I think that if I understand the state law, though, that allows these kinds of things to occur and I am retired and my wife is a retired schoolteacher, and we're on a limited income and it will be a very considerable amount of money to come up with, \$16,156. I understand that it's already been financed by Mr. Hill, Mayor Hill, and we're just reimbursing him. One question that I had was is it just the sewer line that goes straight down Sunset Drive, or does part of the cost go into his subdivision and down around that cul-de-sac? I didn't see any numbers that on how Warrington Construction, they're the ones that put in that really excellent sewer line there, and they did some damage to the sides of the road. Mr. Brewer mentioned how far down his parking lot was, but we've got virtual drainage ditches on part of our property where it wasn't there before, but Warrington Irrigation did come back and repaired our driveway. But that was all I had to say. I would like to, if it's possible, to be considered to not pay until we hook up to the sewer or if we are forced to be annexed in to Ontario, and to not pay interest. Thank you.*

Mr. Mordhorst stated none of the costs were factored in, anything that turned off Sunset to the west. Specifically from the Sterling [sic] run-on pipe on Sunset.

Councilor Melendrez asked what options were available, or what was the precedent for delaying payment?

Mr. Cummings stated the developer had presented his request and the Council had now heard testimony. The Council had the power to, in the past, the Council had set the terms to when they hooked up, but they did that before because it was believed that was what the code and laws said; however, the code actually read that "you'll pay your share at the time it's put in if it is beneficial to your land". The Council had heard testimony that, for example the Kings, that they did not plan to ever come into the city, and would probably never need that sewer line, but since they resided within the city's Urban Growth Boundary, if their septic system failed, the state would not allow their septic system to be redone. State law read that if you were within the city's UGB, and were within 300 feet of a city sewer line, you MUST hook up. He understood them stating they didn't ever want to, but if their septic system failed, they would have to annex in and hook up to the sewer system. There was a benefit to their property. The Council had also heard the statement from the Nazarene Church that they did not intend to ever do that, but things could change. It might not always belong to the church. There was a benefit to that property. The parking lot Pastor Brewer spoke of, was on a different tax lot, clear to the east side of the property. Currently, the church used it as a ballfield. He believed the sewer line was deep enough to serve that west side property. If they tried to serve the west side of Tax Lot 400, by bringing sewer from the far side of the property, it would cost a lot more than \$14K. For the person who claimed to never having received a notice, when the subdivision plat was done, notices were sent out by proper notice to all property owners, so if they resided within 100 feet of the subject property, a notice was sent.

Pastor Brewer: *Would that notice have inferred that we would then incur an infrastructure charge?*

Mr. Cummings stated it would not. It was stated that the subdivision....

Pastor Brewer: *That's my problem. Again, you come home and get a \$15K bill, that's not right. And that's why I'm saying there needs to be a change in the procedure so that if there's a possibility that there's going to be an infrastructure charge to a connecting property, in that initial letter that ought to be highlighted and bold so they have a reason to show up to the meeting, 'cuz I would just be celebrating the fact that a new housing complex was coming in to Ontario, yay!, but I wasn't going to be celebrating a bill.*

Mr. Cummings stated that raised a good point. Something done during the Preliminary Design Advisory Committee (PDAC) a portion of the development was asking the developer if they were going to be asking for recapture. Then, when the preliminary notices were mailed, a notice would go to the property owner at that time, making them aware a development was happening, and the developer would most likely be asking for recapture on the infrastructure.



Pastor Brewer: *How can you get billed for something you did not know about? How can you get billed for something you did not know that a cost was going to be accrue to you? Because had I known that, we probably would have been here during the development of the property. That's my question to the Council.*

Councilor Hart asked how they would make that change? Was that done through an ordinance, resolution, or something the Planning Department would do?

Mr. Cummings stated he would write that into the policy portion of land development. To put it in the code, as this was a land use action, so to do so would be a lot of time and money. They could initiate it faster by adding it as a policy. Between Public Works and Planning, they'd ensure people were aware of it ahead of time. However, even at the time of the subdivision, had they known and could have attended the meeting, and had time to plan for it, it was allowed by state law to get the development or subdivision denied. But it would give notice that an action was coming forward. At the staff level, that would be installed in the policy.

Riley Hill, Developer, stated about eight years ago, he was in the same situation. He was unaware that no one had been notified; however, he received a bill for \$38,200 in the mail. He wasn't happy, but he had to pay it, and he did. That didn't make anyone feel better, but it was the way the system worked.

Councilor Melendrez stated for a hypothetical, the property Lot 300, the septic tank went out and it was within that 300 feet radius, they would have to become part of the city and connect to the sewer line? If the subdivision was not there and Mr. King had to connect and bring a line to Lot 300, would have Lots 100 and 200 have to do?

Mr. Cummings stated using King's property as an example, if the subdivision did not go in, the sewer was halfway through Lot 200, where it was now, had the development not occurred, the Kings' would be required to annex into the city, which was also expensive, and not only hook into sewer, but also water, as it was required to do both. The Kings would have to extend the sewer line from the manhole down to the south property line, and they would have to be the ones to do the recapture against the Davis property. If the Nazarene Church had a house there that had a septic failure, they'd be the one having to bring the sewer line all the way down, and they'd be asking Pennington, King, and Davis to pay their share. It was all about who had to pay the bill.

Garry Kressly, Ontario, stated: *I have something I'd like to say. What I have here is a copy of the first certified letter that was sent from the City of Ontario. These figures were felonious from the beginning. We had to go out and do our own measurements to get this corrected. I called Mr. Cummings myself. He had to come out and look. Is this the way that you people run your business? You've got to be kidding me. Are you serious? You can't be serious. I'll let you pass this around. This says four manholes, and now all of a sudden it's three.*

Mr. Cummings stated when that was first put together, staff believed the sewer line ended at manhole #34...

Mr. Kressly: *We "thought"?*

Mr. Cummings stated yes, and this was his mistake. He went on the map and thought it ended there and then ended at manhole #51. The footage was basically the same, so it jived what Warrington had. The design plans included another manhole, so the breakdown had the four manholes. Mr. Kressly contacted him, told him something was wrong, that when Bob Davis had to hook up due to septic failure, the understanding was they tried to help him out and stopped at the beginning. However, by the beginning number the only difference, the big change, staff removed off the cost of the manhole because he had not been informed they were not required to install the fourth manhole. That was his error. When corrected, it added cost the Mr. Hill and removed cost to Lot 200.

Mr. Kressly: *I appreciate all of you listening to me, but it's just highly upsetting when you get a certified letter from the City of Ontario and the figures are not correct. That needs to be stopped also, because it makes me wonder how*

many people in the past haven't come forth to the meetings and been hammered out of thousands of dollars. How many times has that happened in the past? Do you people know? No. Nobody does. Thanks.
There being no Proponent and no further Opponent testimony, the Hearing was closed.

BRADEN moved, KIRBY seconded, **THE CITY COUNCIL APPROVE THE CREATION OF THE HARRAH HEIGHTS REIMBURSEMENT DISTRICT AS DESCRIBED BY THE PUBLIC WORKS DIRECTOR'S REPORT AND DIRECT STAFF TO BRING BACK AN ORDINANCE CREATING THE ADVANCE FINANCING DISTRICT.** Roll call vote: Mills-yes; Baker-out; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-recuse. Motion carried 5/0/1/1.

DISCUSSION ITEMS

Merchant McIntyre Contract Extension

Brent Merchant, Merchant McIntyre, presented.

Consensus to bring this back at the next meeting for discussion and update.

DEPARTMENT HEAD UPDATES

Finance: Monthly Report *(Attached)*

Kari Ott, Finance Director, presented.

Community Development: Quarterly Report *(Attached)*

Dan Cummings, Community Development Director, presented.

DISCUSSION ITEMS

Police Officer Recruitment *(Slides Attached)*

Michael Iwai, Police Chief, presented.

Consensus to bring back to a later meeting.

HAND OUTS

Minutes: County Court *(Attached)*

06-08-2022; 06-15-2022

Letters of Support: Ontario Municipal Airport *(Attached)*

Attached.

Check Register: May, 2022 *(Attached)*

ADJOURN

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

ACCEPTED:

ATTEST

Riley J. Hill, Mayor

Tori Barnett, MMC, City Recorder





CITY COUNCIL MEETING MINUTES December 27, 2022

The scheduled meeting of the Ontario City Council was called to order by Mayor Riley Hill at 6:00 p.m. on Tuesday, December 27, 2022, in the Council Chambers of City Hall. Council members present were John Kirby, Riley Hill, Michael Braden, Ken Hart, Susann Mills, Sam Baker, Eddie Melendrez.

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

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 December 23, 2022. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

BAKER moved, MILLS seconded, **TO ADOPT THE AGENDA AS PRESENTED**. Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

PUBLIC COMMENT

Susanne Berg, Ontario, stated: *So I've never spoken at City Council before. I found myself in a unique situation not yesterday Monday, but the Monday prior. I had my water shut off. Never in my life have I had a utility shut off. I can tell you I'm a hard worker, I'm a bill payer, try to follow the rules. Well I missed my November payment. When I called to find out what happened, because I thought maybe there was actually a broken pipe, I was told that I received a letter in the mail, which I hadn't quite yet, and that I hadn't paid my bill. So I promptly paid the late fee and paid whatever needed to be done to get my water turned back on, but the reason why I'm here today is not because of my water – that will not be a problem every again, for me – but the fact that it was a problem for me, I feel like that's something that the city should address. I feel like the current policy is not a good policy. The lady that I spoke to was very kind, but she said there was nothing she could do, she said you need to talk to the City Council, I said well I'll do that, I will do that. She said that there is a 45-day leniency, but, you know, for someone that misses a bill, I actually work 60+ hours a week. I work a lot. I missed my bill. I'm the bill payer in the house, so if I miss it, it doesn't get done that month. If you miss one bill payment, the very next bill you are in short danger of being shut off. I missed my November payment, but I made my December the moment it came in the mail, I saw that I had a payment and I paid it. Well as it turns out, my bill pay didn't get there quick enough. I brought "this" (blue letter) because I wanted to show the City Council, "this" is my shut off notice. It was received on the 23rd of December. A full week after my water was actually already shut off. To me, I actually, in my job I care for elderly, I'm the administrator at a memory care facility, I feel like this is horrendous. If somebody missed their bill and had their water shut off the week before Christmas in freezing cold weather, you have serious problems. So I just want to be in front of you and I want to propose that you take this seriously. Like I said, it's never going to be a problem for me again. There are other people this is going to be a problem for. You know, the lady that I spoke to, she said I hate sending notices in December, I hate shutting it off, and she mentioned that they don't have manpower. Well she had manpower to come shut my water off, she also had manpower to turn it back on the next day. I think there's manpower to make some different policies, different changes. I don't know what that is. I thought of a couple ideas. You know, I'm happy to pay a fee.*



If I don't pay my bill, I'm happy to pay a fee, and I think most people would do so, most people would be happy to do so, but there's plenty of different ways, but just shutting the water off, without even receiving the notice, that really did not feel well at all. I'm actually really calm right now. I was not very calm when I got home at 5:30 at night and I had no water. It was not a good, my husband did not have a very happy wife. So, anyway, that's all I wanted to say. I don't have any complaints. I'm a happy Ontario citizen. We'll be here for a while, but I'd love to see this change for other people 'cuz it kind of stinks. Thank you.

Dan Cummings, City Manager, confirmed staff would check into it.

CONSENT AGENDA

MILLS moved, KIRBY seconded, **TO ADOPT THE CONSENT AGENDA, WHICH INCLUDED A LIQUOR LICENSE CHANGE OF OWNERSHIP-THE GROCERY OUTLET.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

NEW BUSINESS

City Commitment to Valley Family Health Network Planning Grant

Councilor Ken Hart presented. He indicated he was currently the Interim CEO of Valley Family Health, but there was no conflict with this proposed action.

KIRBY moved, MELENDREZ seconded, **THE CITY COUNCIL TO GIVE THEIR COMMITMENT TO VALLEY FAMILY HEALTH'S APPLICATION FOR A HRSA-23-036 NETWORK PLANNING GRANT AND AUTHORIZE THE MAYOR TO SIGN THE COMMITMENT LETTER ATTACHED.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

PUBLIC HEARING

Appeal of Planning Commission Decision to Uphold the Hearing Officer Denial of a Conditional Use Under Planning Actions 2022-07-27CUP and 2022-09-31A being Planning Action 2022-11-33A, Scott Inc.

Garrett Chrostek, City Attorney, stated the Public Hearing was cancelled due to a Writ of Mandamus being filed with the Malheur County Circuit Court, who took jurisdiction over the matter. A new notice would be sent of if the city regained jurisdiction. Was the Council interested in going into an executive session to discuss the Writ further?

Council consensus to not hold an executive session.

ADJOURN

BRADEN moved, HART seconded, **THAT THE MEETING BE ADJOURNED.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Braden-yes; Melendrez-yes; Hill-yes. Motion carried 7/0/0.

ACCEPTED:

ATTEST

Riley J. Hill, Mayor

Tori Barnett, MMC, City Recorder





CITY OF ONTARIO
Oath of Office

STATE OF OREGON)
County of Malheur) ss.
City of Ontario)

*I, **DEBORAH K. FOLDEN**, hereby swear on my oath to honestly, faithfully, and impartially discharge the duties of **MAYOR** of the City of Ontario, and that I will honor, respect, and support the laws and the Constitution of the State of Oregon, the United States of America, and the Charter and Ordinances of the City of Ontario. I recognize this position as a symbol of public faith and trust and accept this self-imposed obligation as my responsibility and take this oath freely and upon my honor.*

Signed: _____

Sworn to before me this 10th day of January, 2023.



Tori Barnett, MMC, City Recorder



CITY OF ONTARIO
Oath of Office

STATE OF OREGON)
County of Malheur) ss.
City of Ontario)

*I, **PENNY BAKEFELT**, hereby swear on my oath to honestly, faithfully, and impartially discharge the duties of **CITY COUNCILOR** of the City of Ontario, and that I will honor, respect, and support the laws and the Constitution of the State of Oregon, the United States of America, and the Charter and Ordinances of the City of Ontario. I recognize this position as a symbol of public faith and trust and accept this self-imposed obligation as my responsibility and take this oath freely and upon my honor.*

Signed: _____

Sworn to before me this 10th day of January, 2023.



Tori Barnett, MMC, City Recorder



CITY OF ONTARIO
Oath of Office

STATE OF OREGON)
County of Malheur) ss.
City of Ontario)

*I, **KENNETH HART**, hereby swear on my oath to honestly, faithfully, and impartially discharge the duties of **CITY COUNCILOR** of the City of Ontario, and that I will honor, respect, and support the laws and the Constitution of the State of Oregon, the United States of America, and the Charter and Ordinances of the City of Ontario. I recognize this position as a symbol of public faith and trust and accept this self-imposed obligation as my responsibility and take this oath freely and upon my honor.*

Signed: _____

Sworn to before me this 10th day of January, 2023.



Tori Barnett, MMC, City Recorder



CITY OF ONTARIO
Oath of Office

STATE OF OREGON)
County of Malheur) ss.
City of Ontario)

*I, **SUSANN MILLS**, hereby swear on my oath to honestly, faithfully, and impartially discharge the duties of **CITY COUNCILOR** of the City of Ontario, and that I will honor, respect, and support the laws and the Constitution of the State of Oregon, the United States of America, and the Charter and Ordinances of the City of Ontario. I recognize this position as a symbol of public faith and trust and accept this self-imposed obligation as my responsibility and take this oath freely and upon my honor.*

Signed: _____

Sworn to before me this 10th day of January, 2023.



Tori Barnett, MMC, City Recorder



**AGENDA REPORT
NEW BUSINESS
January 10, 2023**

To: Mayor and City Council
FROM: Council President Ken Hart
THROUGH: Danny K. Cummings, City Manager
SUBJECT: **ALTRUISTIC RECOVERY - INTRODUCTION AND LETTER OF CITY SUPPORT**
DATE: December 29, 2022

PROPOSED MOTION:

- 1. I MOVE THE CITY COUNCIL GIVE THEIR SUPPORT TO ALTRUISTIC RECOVERY AND AUTHORIZE THE MAYOR TO SIGN THE ATTACHED LETTER OF SUPPORT.**
- OR**
- 2. I MOVE THE CITY COUNCIL DENY SUPPORT TO ALTRUISTIC RECOVERY.**

SUMMARY:

Annette Volk, Idaho Director, Altruistic Recover, will present.

BACKGROUND:

CURRENT SITUATION:

ANALYSIS:

- A. **STRATEGIC PLAN**
- B. **FINANCIAL**
- C. **TIMING**
- D. **POLICY/LEGAL**

ALTERNATIVES:

RECOMMENDATION:

Staff makes no recommendation on this action.

ATTACHMENTS:

1. Letter of Support Altruistic Recovery 01-10-2023



City of Ontario

Ontario City Council

444 SW 4th Street

Ontario, OR 97914

Voice (541)881-3223

Fax (541)889-7121

January 10, 2023

RE: Letter of Support for Altruistic Recovery

To Whom It May Concern:

The Ontario City Council submits this letter in support of Altruistic Recovery as they seek grant funding to improve access and add additional supports for our community and the vulnerable population we all serve. Altruistic Recovery has been an added asset to our community bringing additional low barrier treatment opportunities to include mental health treatment, substance use treatment, and a certified DUII program to name a few options they offer to our community. Altruistic Recovery seeks to ensure all of their services are trauma informed and meet the needs of the people they serve.

Altruistic Recovery has also added Medication Assisted Treatment (MAT) to provide more access to this level of care, and to support clients seeking treatment for Opioid and Fentanyl use. Altruistic Recovery will be able to provide additional support and services such as Peer Recovery services and more outreach to the community should they be awarded additional funding opportunities.

The City Council supports Altruistic Recovery in providing services in this community, allowing clients to get the care they need locally. The Council is aware of the need for additional services in this frontier community. Community members routinely require additional support, such as mental health and substance use treatment, and our rural area lacks adequate services in these fields. Additional funding for Altruistic will provide them the opportunity to expand services.

This letter of support is provided in hopes of bringing additional services to this community for individuals seeking and requiring the care described above. Please consider awarding this small business the grant funding they are seeking.

Sincerely,

Common Council of the City of Ontario
By and Through its Mayor Deborah K. Folden

Jacobs Public Works Department Monthly Report December 2022



December 2022 Prepared by Jacobs for: CITY OF ONTARIO/PUBLIC WORKS DEPARTMENT

Monthly Business Review

Public Works Department

Contents:

- ENGINEERING DEVELOPMENT REVIEW SUMMARY
- WATER TREATMENT PLANT AND DISTRIBUTION SYSTEM SUMMARY
- WASTEWATER TREATMENT PLANT AND COLLECTION SYSTEM SUMMARY
- OPERATIONS MAINTENANCE SUMMARY
- FACILITIES, CEMETERIES & PARKS
- APPENDIX



December Business Review

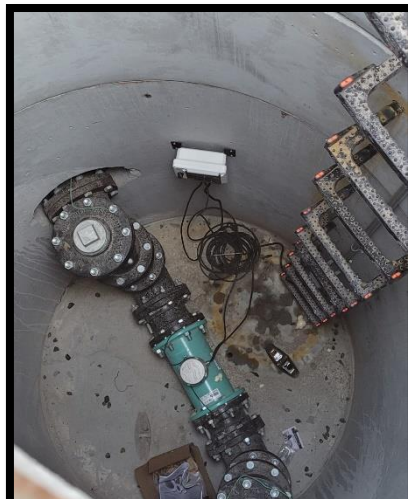
DEVELOPMENT REVIEW

ACTIVITIES DECEMBER 2022

- Issued 6 ROW Permits
- Issued 1 New Address to Commercial lot
- Attended 1 PDAC meetings to discuss the addition of an RV Park
- Attended 2 PDAC meetings to discuss the addition of Residential Housing
- Attended 1 PDAC meeting to discuss the relocation of a school
- Attended the Jacobs monthly safety meeting
- The SRCI sewer line upgrade project is nearly finished and waiting on the pressure transmitter to be delivered and installed
- Multiple plan reviews for new construction
- Multiple construction inspections of water, sewer, sidewalks, and street sections
- Updating utility mapping with new water and sewer lines due to new construction



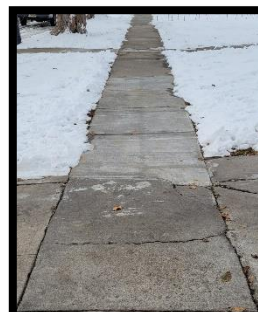
Chlorine residual after water main repair at SW 3rd Ave and SW 4th St.



McCrometer used for wastewater flows



Storm Swale



Broken sidewalk, submitted for Sidewalk Incentive Grant Program

December Business Review

WATER: TREATMENT PLANT AND DISTRIBUTION SUMMARY

ACTIVITIES DECEMBER 2022

- Water treatment staff run diagnostic checks (jar testing) weekly to ensure that the chemical dosing is correct for the river water quality
- Monthly Bacterial samples taken
- Crews adjusting the chemical delivery systems
- 7 water services turned on customer request
- 4 water services shut off customer request
- 20 water services turned on/off read only customer request
- 64 water services shut off for non-payment
- 52 water services turn on for payment received
- 11 water services checked for 0 consumption
- 6 water services checked for high consumption
- 9 water services check and verified off from the non-payment list
- 3 water services checked for leaks customer request
- 5 water services shut off for leaks customer request
- 8 water services turned on and verified leaks repaired by customer
- 1 water meter changed out due to non-functioning
- 1 water meter was frozen and thawed out

WATER: TREATMENT PLANT AND DISTRIBUTION SUMMARY

ACTIVITIES DECEMBER 2022

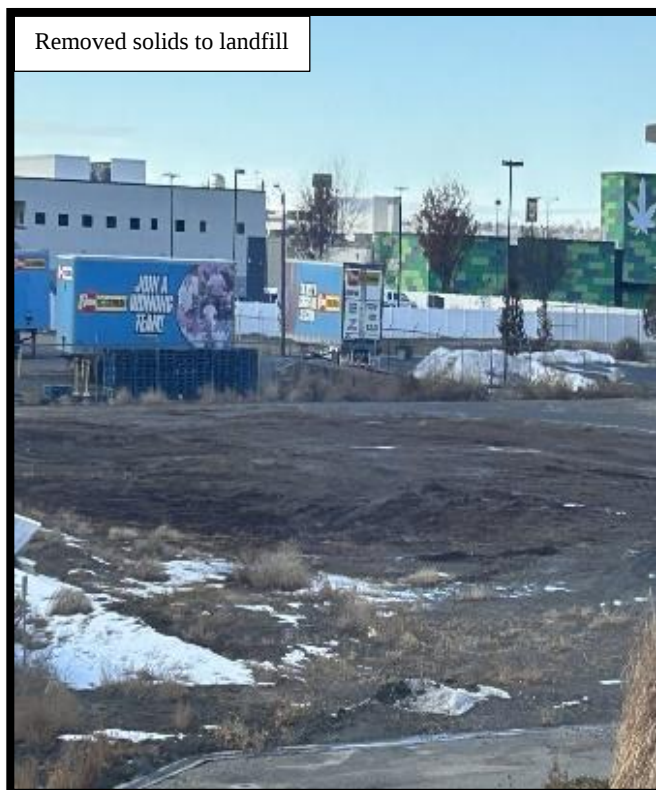
Inspected and repaired WesTech Filter #1



Installed new media in WesTech #1 Filter

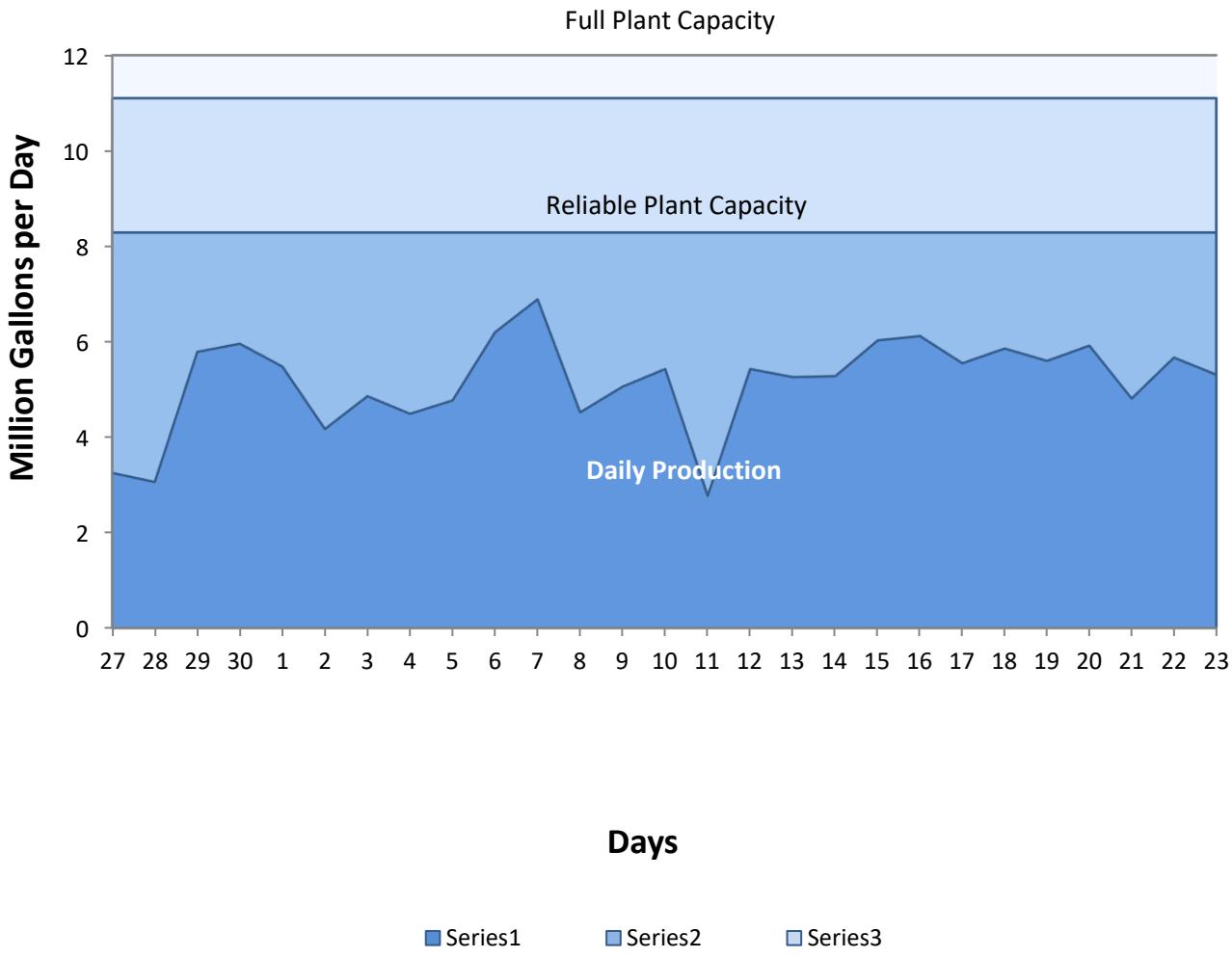


Removed solids to landfill



WATER TREATMENT PLANT PRODUCTION VS. CAPACITY

Demand vs. Availability Nov 27-Dec 31, 2022



December Business Review

WASTEWATER TREATMENT PLANT AND COLLECTION SYSTEM SUMMARY

ACTIVITIES DECEMBER 2022

- All sampling per the 2019 NPDES permit have been taken.
- All OSU covid 19 samples sent to lab
- Continued training of Adam Blancher, our new operator
- Assisted in WesTech Media installation
- Completed fix to MicroClor Line #2
- Completed grating and guarding for Malheur irrigation pump and pit.
- New Phone service was installed and is working at WWTP



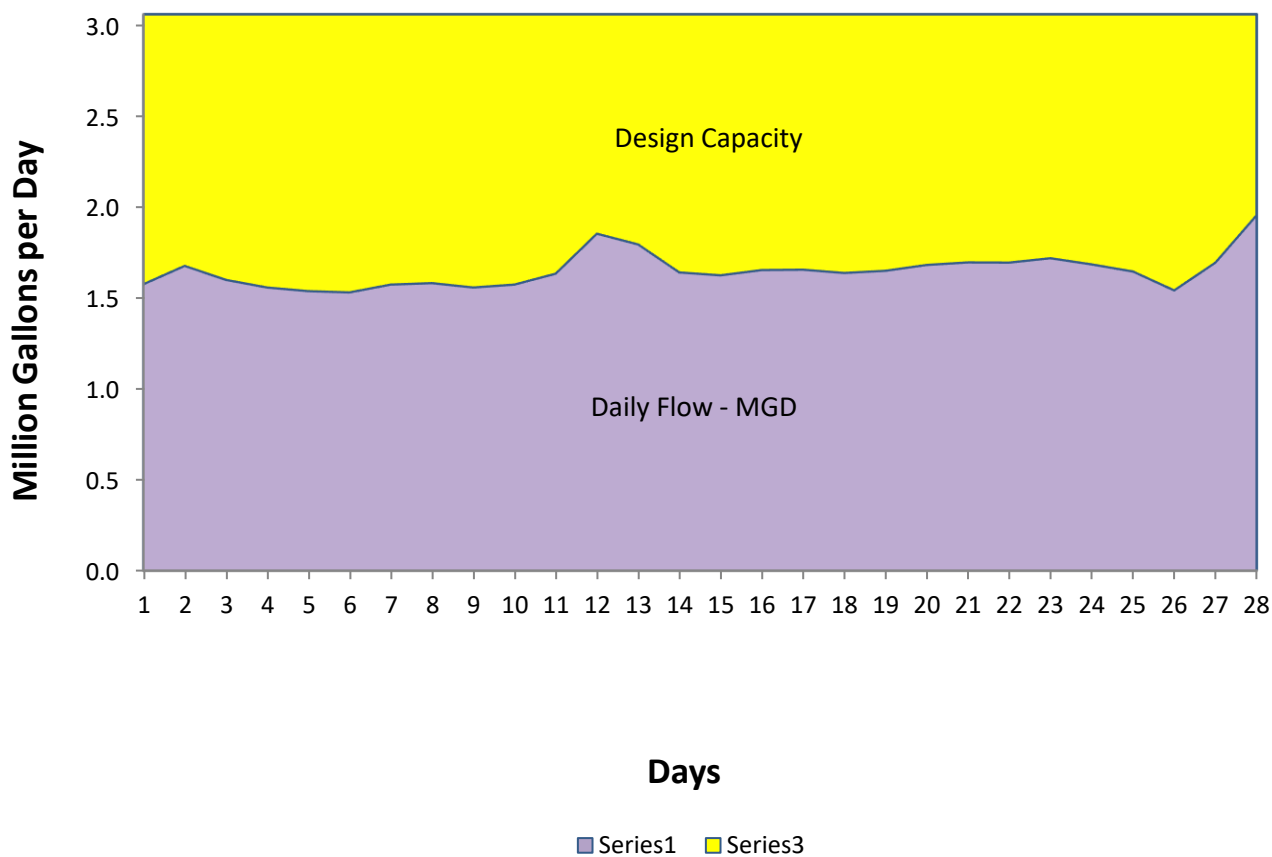
WASTEWATER: TREATMENT PLANT AND COLLECTION SYSTEM SUMMARY



WASTEWATER TREATMENT PLANT

ACTIVITIES DECEMBER 2022

Wastewater Treatment Flows Nov 30 - Dec 27 , 2022



December Business Review

OPERATIONS MAINTENANCE: BUILDINGS, PARKS, CEMETERIES AND STREETS SUMMARY

ACTIVITIES DECEMBER 2022

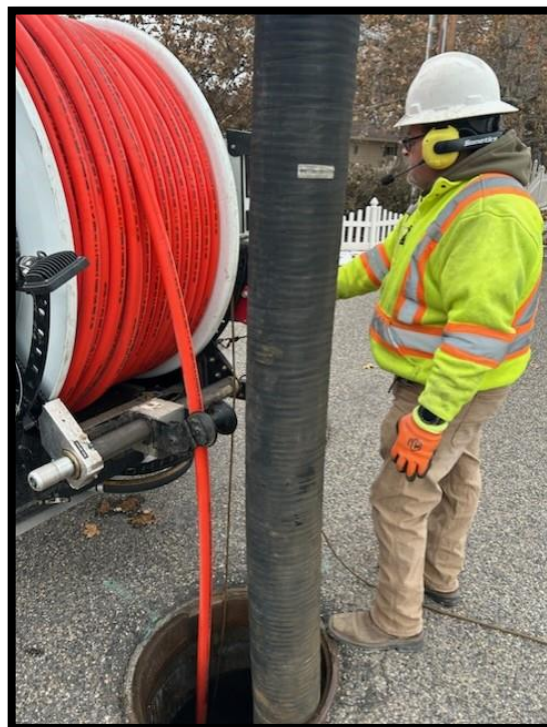
- Completed fall leaf pick up
- Continued a full town sweeping, due to the delayed falling of the leaves this will continue as soon as we can start sweeping again
- Installed the Holiday banners and lit decorations downtown and underpass
- Set up traffic control for the Holiday parade December 3rd
- Removed snow and ice for multiple events throughout the month on the primary and secondary routes in town
- Plowed the airport, runway, taxiway parking and hanger roads 2 times due to snow amounts of 3 inches
- Snow and ice equipment maintenance after each event, ensuring all equipment is ready for the next storm
- Burned the brush pile at the WWTP to make room for this next round of tree trimming
- Sign repair due to vehicle damage and private snow removal equipment
- Repaired a water main leak at the Middle school, coupler blew a gasket and was replaced
- Stockpile 1100 ton of 3/8" chips as they were delivered for the chip seal project in June
- Pothole repair throughout town as needed
- Cleaned catch basin grates off due to snow melt during rain events
- Cleaning sanitary sewer lines with the CCTV contractor
- 37 utility locates completed



December Business Review

**OPERATIONS MAINTENANCE: BUILDINGS, PARKS, CEMETERIES AND
STREETS SUMMARY**

ACTIVITIES DECEMBER 2022



December Business Review

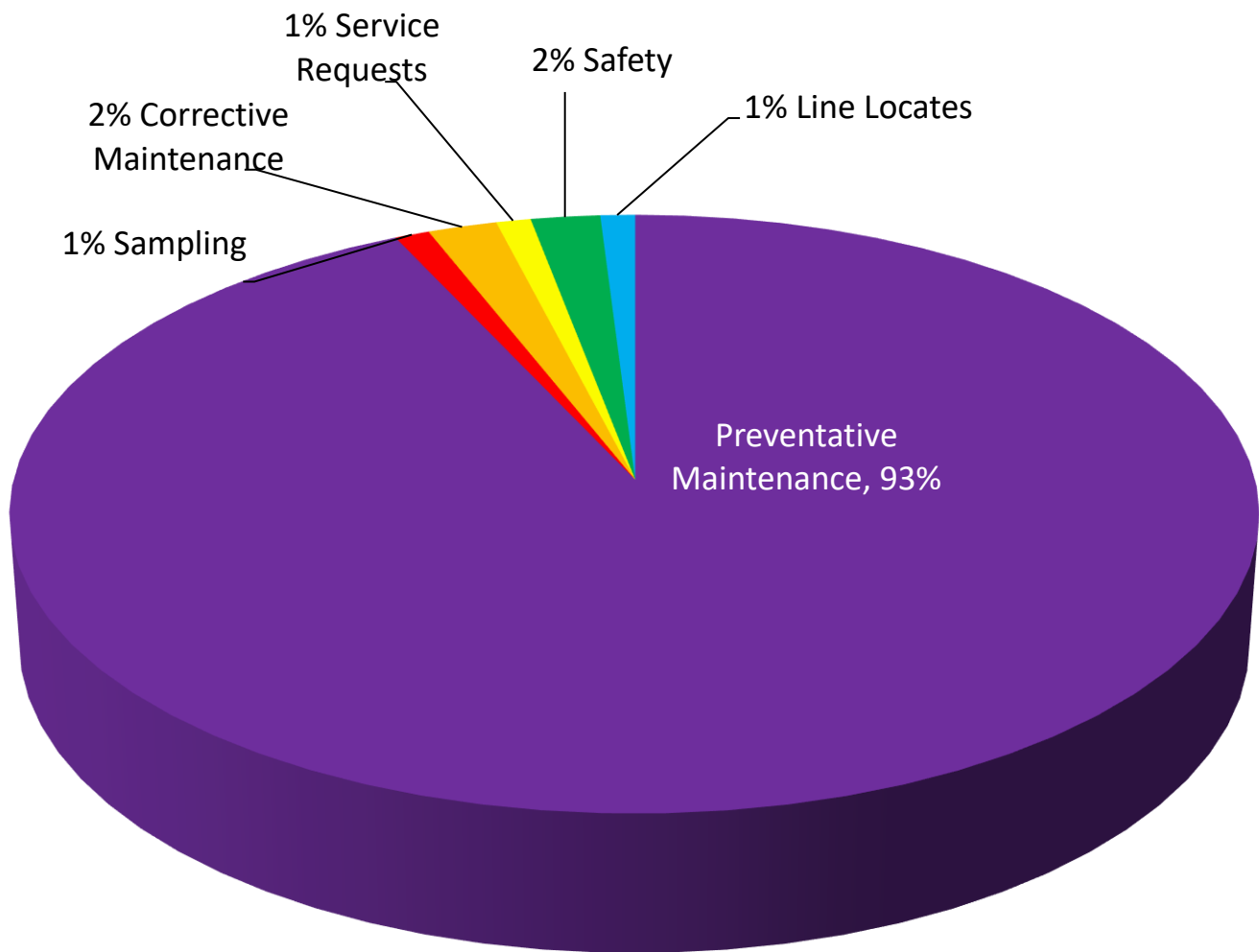
FACILITIES, CEMETERIES, AND PARKS SUMMARY

ACTIVITIES DECEMBER 2022

- 5 burials at Evergreen Cemetery, and 1 at Sunset Cemetery
- Mulching leaves as the snow melts off in spots
- Assembling new picnic tables, and repairing wooden tables
- Acquired a bid to replace the roofs at the wastewater plant
- Decorated the tree at Lions Park
- Remove snow off of the sidewalks and de-ice them as needed
- Removed the trash cans in the parks and downtown
- Continue with mower and weed eater repairs



OPERATIONS MAINTENANCE: BUILDINGS, PARKS, CEMETERIES AND STREETS SUMMARY



APPENDIX

PUBLIC WORKS DEPARTMENT

The City of Ontario Public Works Department consists of five Divisions that include Administration, Engineering, Water Treatment and Distribution, Wastewater Treatment and Operations (Streets, Stormwater, Buildings, Parks and Cemeteries). The Department has 30 FTEs (full-time equivalent) employees. This service is provided via a Public-Private Partnership with Jacobs Engineering Group, INC.

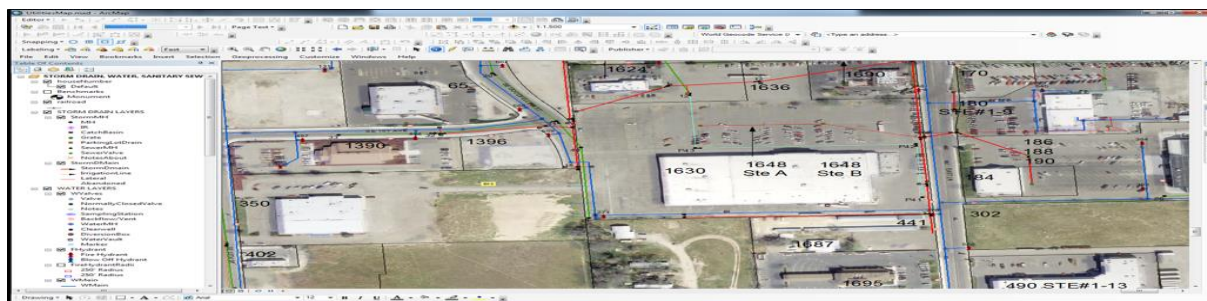
Public Works maintains a water system that complies with the EPA and Division of Health requirements. Staff also maintains the Wastewater Collection system and Wastewater Treatment facilities to meet DEQ standards. These same employees provide sewer and water line construction and maintenance to the City's transportation system (i.e.: streets, sidewalks, bicycle paths, storm-sewer systems, and other infrastructure within the city).

ADMINISTRATION

The Administration Division is responsible for the delivery of all of the contractual obligations and oversees the financial, human resource and all resource management processes. The Administrative Staff evaluate the needs for contracted services, implementing necessary service agreements, developing energy management strategies, and formulating short- and long-term programs and plans in conjunction with City Administration (City Management and City Council).

ENGINEERING

The Engineering Division Department works with other utilities, developers, and property owners in addressing utility issues, public improvements, subdivision development, local improvement districts and other municipal projects. The Department also maintains a set of Standard Specifications for providing uniform procedures for the installation. The staff reviews and approves construction plans for subdivisions, partitions, streets, sanitary sewer, water lines, and storm drainage construction projects. They also design projects, prepare bid documents, and provide project management for Public Works Capital Improvement Program (CIP) project improvements.



December Business Review

The Geographic Information System (GIS) database is maintained by Engineering Department staff. The department also provides support to the city by creating, analyzing, and maintaining the city's geographical digital data. They provide updates to the record maps for all city utilities, right-of-way, easements, land division plots, and city base maps.

OPERATIONS MAINTENANCE

Public Works maintains more than 122 lane miles of improved streets and more than 9 miles of alleys and is responsible for resurfacing, repairing, and maintaining the streets, installing, and maintaining street signs and markings, tree trimming, and repairing all established pavement markings. This Division also completes excavation and repair of deteriorating streets, gravel road grading, street sweeping, crack sealing, chip sealing, snow removal and sanding during the winter months, and weed control along the alleys. Public Works assist Ontario Chamber of Commerce by placing Holiday decorations on streetlights during the season.

ONTARIO PUBLIC WORKS MAINTAINS MORE THAN
122 LANE MILES OF IMPROVED STREETS 9 MILES OF
ALLEYS CHIP SEALS LAST A MINIMUM OF 8 YEARS, AND
PUBLIC WORKS CHIP SEALS 7 MILES PER YEAR 56 MILES
OF STORM DRAIN COLLECTION LINES, AND 1,450 CATCH
BASINS

As part of the annual Street Maintenance Program, crews chip seal street surfaces in the summer months to protect them from water and weather damage and to keep them in good condition. Chip seal roadway treatments help to maintain the existing pavement, delaying further aging resulting from water and sun,

and provides a moisture barrier to existing pavements by sealing surficial cracks. A chip seal application provides substantial savings to taxpayers and can last 8 to 10 years with just minimal roadway maintenance required. The city chip seals approximately 10 miles of streets per year.

The Ontario Park system consists of both active and passive recreational areas. There are four neighborhood parks, one community park, one large urban park, and numerous special use sites in the park system. In total, the City owns 13 park and recreational areas representing more than 1,012 acres of land. The city also owns the Wayne King Skateboard Park. There are two municipally owned and operated Cemeteries – Evergreen and Sunset Cemeteries. The Operations Division is responsible for the operation and maintenance of those areas. Included in their responsibilities are all municipal buildings. This includes general maintenance and repair work, the implementation of preventative maintenance programs, and the administering of service contracts (janitorial, HVAC, electrical, elevator, etc.). This division is also charged with the oversight of facility-related projects, including remodels and systems upgrades.

WATER TREATMENT PLANT

Water treatment plant staff is responsible for treatment of the city's drinking water supply. They must reliably produce high-quality water in adequate volume to meet city needs. Besides the daily laboratory checks, there are monthly, quarterly, and yearly reports.

There are two sources of water for Ontario's estimated 11,090 residents: 80 percent comes from the Snake River and 20 percent comes from wells. Two plants treat the City's water. One is a conventional filtration plant and the other is an up-flow clarifier. The steps for treatment are flocculation, sedimentation, filtration, and disinfection, which meet the compliance of the Oregon Health Authority (OHA).

The Oregon Health Authority requires an operator be on duty 365 days a year. Ontario customers account for 3,845 water services, not including Snake River Correctional Institute (SRCI).

THE WATER TREATMENT PLANT HAS A RELIABLE CAPACITY OF 8.3 MGD AND A MAXIMUM CAPACITY OF 11 MGD.

APPROXIMATELY 80 PERCENT OF WATER COMES FROM THE SNAKE RIVER, THE OTHER 20 PERCENT FROM WELLS.

MAINTAINS 80 MILES OF WATER MAINS.

The Water Treatment Plant has a reliable capacity (capacity with the largest pump out of service) of 8.3 Million Gallons Per Day (MGD) and a maximum capacity of 11 MGD. The water treatment plant average production is 6 MGD and the City's largest industrial user, Heinz Frozen Foods, uses an average of 2.2 MGD of that water.

The City retains surface and groundwater rights permits for a combined total of 38.23 cubic feet per second (cfs), 24.71 MGD for municipal use. One hundred percent (100%) of the City's potable water is treated and disinfected at the water treatment plant. The plant has an original 8-MGD design capacity based on the optimum filter loading rates. The City expanded its treatment capacity in 2006, through the addition of two adsorption clarification and filtration tanks.

Water Distribution System include maintenance and repair of approximately 97 miles of water lines and 3,625 services that include service installations, mainline installation, meter reading, maintenance of more than 600 fire hydrants, and valve exercising of more than 1,700 water valves.

WASTEWATER TREATMENT PLANT

The wastewater treatment plant collects wastewater from the entire city and SRCI. The prison accounts for approximately 16 percent of the flow to the plant.

Wastewater treatment plant operators use a conventional treatment system of aerated lagoons and secondary chlorination treatment. Effluent from the treatment process is used to irrigate forage crops during the growing season. Nine lift stations transport sanitary sewer waste to the Wastewater Treatment Plant. Wastewater is screened and the flow measured at the headworks. Five cells (lagoons) with 25 mechanical aerators assist with biological treatment. Onsite generation of chlorine is used for disinfection.

*PUBLIC WORKS MAINTAINS 78 MILES OF SANITARY
SEWER LINES THROUGHOUT CITY LIMITS*

Average discharge volume is approximately 1.5 MGD. Winter discharge is to the Snake River from November through March. Summer discharge is land applied to approximately 353 acres of cropland at the Skyline Farm. Sewer collection duties include maintenance and repair of approximately 78 miles of sanitary sewer lines within the city. Responsibilities include constructing new pipelines, cleaning all gravity sanitary sewer lines, repairing or replacing sanitary sewer lines as needed, providing line locations for all water and sewer lines, and maintaining eight lift stations plus a bar screen and one lift station from SRCI. The city has approximately 56 miles of storm drain collection lines and 1,450 catch basins throughout city limits. Duties include storm drain maintenance and repair, cleaning of approximately 11 miles of storm drain lines, and cleaning the catch basins.



December 2022 ACTIVITY REPORT



November 2022



Emergency Medical:

(Types of medical calls responded to: Falls with injury, fall lift assists, medical emergencies, medical alarms, assaults, etc.)

CITY	194
RURAL	11

8 of these emergency calls required back-up crews to be called in to respond to 2nd call.

Hazmat Team Calls:

1

Fire Related Emergency Calls:

(Types of fire related calls responded to: Rescue calls, building fires, vehicle fires, smoke detector/fire alarm activation, unauthorized burning, etc.)

	TOTAL	General	Mutual Aid
CITY	16	2	0
RURAL	3	3	1

TOTAL CALLS FOR MONTH

CITY	210
RURAL	14



November 2022



Firefighter Training:

- Weekly department-wide training:
 - 11/29 Vehicle Decontamination
 - 12/06 Fire case study review – Boyd St fire – LAFD
 - 12/13 RIT Training
 - 12/21 Family night – families of our firefighters joined us for a night of Christmas fun.
- Members attended the SRV Chief's meeting

Inspections:

- Tour and investigation at Fry Foods
- Nascosto Apartments
- Planned Parenthood
- Walmart

Permits Issued:

City Open Burns 0

City Burn Barrels 0

Rural Open Burns 13

Rural Burn Barrels 1

Department Updates

We have hired a new career firefighter, Kyle Ervin to replace Chief Benson's open spot. He will begin mid January.



November 2022

Community Involvement:

12/3 Winter Wonderland Parade

Our department showed Ontario pride at the Winter Wonderland Parade having almost our entire fleet participating.

We had around 20 Firefighters and their families walking and riding in the parade.





November 2022

12/2 Breakfast with Santa. Chief Benson, Charlotte and some of their children joined Santa for breakfast at the Elks Lodge.



12/3 Garrett Waddell receives award. Part time firefighter, Garrett Waddell received the Firefighter of the Year Award from the American Legion. At the same ceremony, multiple checks were awarded to Ontario Fire Department.





November 2022



12/15 Help Them to Hope.

Firefighters Watts, Rico, T Gammage, Gutierrez, Barrera, Admin assistant Charlotte and Associate Marty spent a large portion of the day delivering food and toy boxes to families in Ontario in association with Help them to Hope. They made over 30 deliveries.



12/20 Family Christmas Delivery.

Firefighter Mondragon nominated a family in his neighborhood who needed some help with Christmas. The Department and the Association raised over \$600 for the family providing them with toys, clothes, shoes, and warm weather clothes. The two boys were excited to see the trucks and took a ride with the crew.





November 2022
Major Incidents:

12/12 HWY 95 MP 3

Ontario Hazmat team responded to a single vehicle motor vehicle crash where a semi had crashed onto its side and was leaking diesel from a saddle tank into Succor Creek. OSP were first on scene and deployed absorbent socks downstream. When Hazmat Crew arrived on scene, they deployed absorbent booms across the creek to further absorb the leaking fuel.



12/19 266 Goodfellow St – Red Lion

R1 responded to a pull station activation in the pool chemical room. While enroute, it was confirmed that there was a fire in the dryer. R1 was able to extinguish and contain the fire upon arrival.

12/24 602 Stanton Blvd – Fry Foods

Crews responded to Fry foods for a fire alarm. Upon arrival, flames could be seen from the loading dock. R1 requested a general alarm and mutual aid. Crews were able to get the fire under control quickly. It was discovered that the fire most likely started in the door due to electrical heat tape.





November 2022



CODE ENFORCEMENT

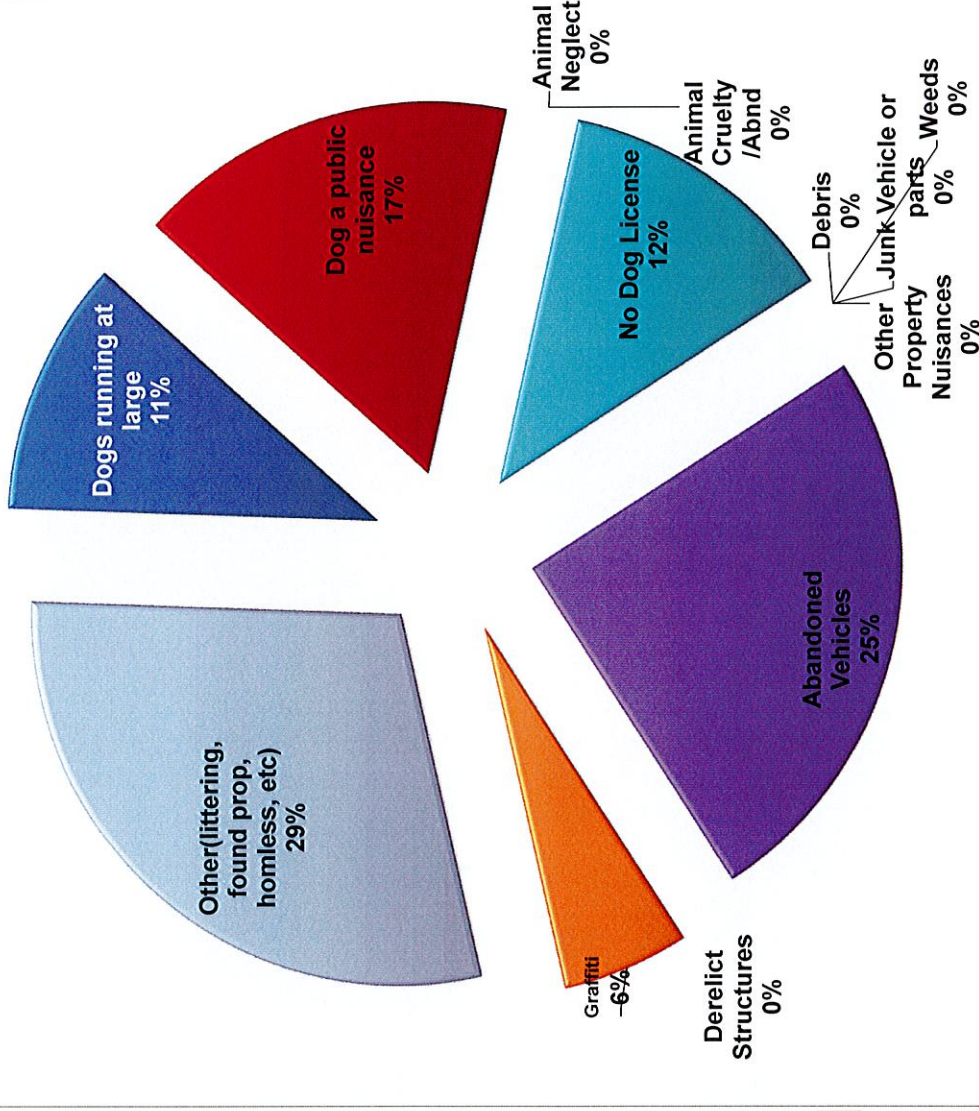
DECEMBER: 2022 Stats

Ontario Police Department

Violation	Dec-23	Column1
Dogs running at large	8	
Dog a public nuisance	12	
Animal Neglect	0	
Animal Cruelty /Abnd	0	
No Dog License	9	
Debris	0	
Weeds	0	
Junk Vehicle or parts	0	
Other Property Nuisances	0	
Abandoned Vehicles	18	
Derelict Structures	0	
Graffiti	4	
Other (littering, found prop, homeless, etc)	21	
Dogs taken to (Fetch This Kennel)	0	
Civil Penalties Issued	0	
C.P. Amount Sent	\$0	
Total Parking Citations	2	
Total Violations	74	
Total Cases	74	



Notes: CODE ENFORCEMENT HAS BEEN MAKING MORE VERBAL CONTACT WITH PROPERTIES THAT HAVE VIOLATIONS ABATEMENTS ARE BEING DONE /WITH NO CIVIL PENALTIES BEING SENT AT THIS TIME. CODE ENFORCEMENT HAS BEEN VERY LUCKY AND HAVE BEEN GETTING COMPLIANCE FROM THE BUSINESS AND RESIDENCE WITH CLEANING UP THEIR PROPERTIES.





Police Stat Report

DECEMBER 2022

Activity	2022 October	2022 November	2022 December	YTD 2022	PRIOR YTD 2021
Calls for Service	1320	1200	1053	14772	16606
Case Activity	879	739	671	9434	10349
Murder	0	0	1	1	3
Manslaughter	0	0	0	1	1
Robbery	1	1	0	16	18
Sex Crimes	7	1	5	67	60
Burglary	16	9	9	146	173
Assault	17	4	16	154	143
Arson	2	0	0	4	5
UUMV / Auto Theft	5	0	6	74	108
Arrests	111	75	88	1109	1193
Arrests w/Use of Force	1	1	0	21	25
Gang Related Cases	5	0	5	39	48
Graffiti	7	1	4	53	73

Death Investigations	4	4	6	35	26
SRO Cases	27	11	8	86	172
Thefts	68	79	43	862	793
Traffic Stops	90	111	86	1267	992
Cited Traffic/Parking	53	61	40	982	1068
Traffic Crashes	46	32	30	443	513
Alarms	16	40	38	347	339

MALHEUR COUNTY COURT MINUTES

November 30, 2022

The regularly scheduled meeting of the County Court was called to order by Judge Dan Joyce at 9:00 a.m. in the County Court Office of the Malheur County Courthouse with Commissioner Ron Jacobs present. Commissioner Don Hodge was absent. Members of the media, public, and staff had the opportunity to join the meeting electronically or in-person. Notice of the meeting was posted on the County website, Courthouse bulletin board, and emailed to the Argus Observer, Malheur Enterprise, and those persons who have requested notice. The meeting was audio recorded. The agenda is recorded as instrument # [2022-5569](#)

PROJECT DOVE - FUNDING REQUEST

Project Dove board members Roger Findley, Betty Clark, Tony Lopez and Executive Director Terry Basford met with the Court and requested funding in the amount of \$220,000 for Project Dove (Domestic Violence Eliminated). Project Dove maintains a 24-hour shelter for victims of domestic violence, sexual assault and human trafficking in Malheur County (10 shelter rooms and 4 transitional units). Ms. Basford provided the Court an informational handout about Project Dove and discussed the information. Project Dove also plans to request ongoing funding from marijuana taxes from the City of Ontario. Those present answered questions from the Court members. See instrument # [2022-5572](#) for the written request and informational handout.

COURTHOUSE OFFICE SPACE

Maintenance Supervisor Don Dalton met with the Court. Mr. Dalton explained that the Courthouse break-room had recently flooded and will need to be repaired. Additionally, there has been ongoing discussions about the need for additional office space for the IS Department. Previously, the Budget Committee approved the allocation of funds to possibly carve off a portion of the Tax Office for additional office space. Mr. Dalton proposed remodeling the current break-room location into additional office space for the IS Department as those two locations currently are adjoined and only separated by a wall; and carving off a portion of the Tax Office for a break-room/meeting room. It was also determined that office space cannot be added in the juvenile detention area; however, the server room could be moved to that area. The Court requested that input be solicited from Treasurer/Tax Collector Jennifer Forsyth.

COURT MINUTES

Commissioner Jacobs moved to approve Court Minutes of November 9, 2022 as written. Judge Joyce seconded and the motion passed.

SUPPLEMENTAL BUDGET RESOLUTION

Judge Joyce moved to approve Resolution R22-27: In the Matter of Fiscal Year 2022-2023 Supplemental Budget by Resolution Under Local Budget Law ORS 294.471. Commissioner Jacobs seconded and the motion passed. The purpose of the supplemental budget is to allocate Health Department funds that were not anticipated when the adopted budget was prepared; the funds are for future Health Department building repairs. See instrument # [2022-5571](#)

MALHEUR MEMORIAL HEALTH DISTRICT - REQUEST FOR FUNDING

Malheur Memorial Health District board member Larry Wilson met with the Court to followup on the District's request for ARPA funding. Ms. DuBois confirmed that payroll documentation had been received. Commissioner Jacobs moved to approve allocation of \$150,000 to Malheur Memorial Health District from the County's ARPA funding. Judge Joyce seconded and the motion passed.

MALHEUR COUNTY DEVELOPMENT CORPORATION (MCDC) BOARD

Judge Joyce moved to appoint Ralph Poole and Jim Maret to the Malheur County Development Corporation board. Commissioner Jacobs seconded and the motion passed. See instrument # [2022-5576](#) for written correspondence from MCDC.

ASSESSOR'S OFFICE REMODEL PROJECT

Ms. DuBois and Assessor Dave Ingram discussed a proposed remodel project with the Court. The project includes new furniture and a new layout that would be better use of the existing space and provide more space between work stations. Estimated cost of the project is \$66,500. After discussion, Commissioner Jacobs moved to authorize the project as presented. Judge Joyce seconded and the motion passed.

EMPLOYMENT AGREEMENT- DENNIS, MILLER, SKERJANEC

Commissioner Jacobs moved to approve the following employment agreements: Accounting Specialist/Malheur County Road Department - employment of PERS retiree Employment Agreement with Shelly Dennis, recorded as instrument # [2022-5573](#); Child Support Specialist/Malheur County District Attorney's Office - employment of PERS retiree Employment Agreement with Teresa (Teri) Miller, recorded as instrument # [2022-5574](#); and Equipment Operator/Malheur County Road Department - employment of PERS retiree Employment Agreement with James "Jim" Skerjanec, recorded as instrument # [2022-5575](#). Judge Joyce seconded and the motion passed.

LIQUOR LICENSE APPLICATION

Judge Joyce moved to recommend that the Oregon Liquor Control Commission (OLCC) Liquor License Application for Spur 95 Saloon, LLC (Applicant)/Spur 95 Saloon (Business Name/Address: 5586 Highway 95 Spur) for Full On-Premises be granted. Commissioner Jacobs seconded and the motion passed.

AMENDMENT - IGA #171838

Commissioner Jacobs moved to approve Amendment Number 1 to State of Oregon Intergovernmental Grant Agreement #171838. Judge Joyce seconded and the motion passed.

PUBLIC HEARING - SUPPLEMENTAL BUDGET

Judge Joyce opened the public hearing for consideration of Resolution R22-28. The public hearing was necessary in order to allocate additional State and hold over funds in the CVSO Fund that were not anticipated when the adopted budget was prepared; these are funds for activities approved by State Veterans' Services. No public comments were received. Judge Joyce closed the hearing. Commissioner Jacobs moved to approve Resolution R22-28: In the Matter of Fiscal Year 2022/2023 Supplemental Budget by Resolution Under Local Budget Law ORS 294.471. Judge Joyce seconded and the motion passed. See instrument # [2022-5570](#)

SHERIFF'S OFFICE

Undersheriff Travis Johnson and Lieutenant Rich Harriman met with the Court and provided additional information on the Sheriff's Office report management, computer aided dispatch, jail management and civil software system proposed upgrade project. Also present electronically was Sherri Remington with Tyler. Bids were initially solicited from three companies - Mark 42, Flex - Motorola, and New World-Tyler. Mark 42's product was not that impressive, received mostly negative marks on the survey that was conducted, and did not follow through with the Sheriff's Office. Full day presentations by Flex- Motorola and New World-Tyler were given. Specific detailed quotes were requested from both Motorola and Tyler. The Sheriff's Office has determined that the New World - Tyler product is their number one choice. Oregon State Police will be using Tyler for their CAD (computer aided dispatch) services. New World - Tyler initial cost for county and cities (hardware, software, licensing, training, installation, and data conversion) is \$745,896; and the annual maintenance fee starts out at \$87,440. Flex- Motorola initial cost is \$699,284. The Sheriff's Office is requesting the County leverage its ARPA funding and purchase the New World system for the County and cities. The reoccurring annual maintenance fee would be shared by all users. There may be a possibility of applying for grant funding to assist with the initial cost through Border Board. If the Court approves funding for the project it will take 12-15 months to complete.

COURT ADJOURNMENT

Judge Joyce adjourned the meeting.

MALHEUR COUNTY COURT MINUTES

December 7, 2022

The regularly scheduled meeting of the County Court was called to order by Commissioner Ron Jacobs at 9:00 a.m. in the County Court Office of the Malheur County Courthouse with Commissioner Don Hodge present. Judge Dan Joyce was absent. Members of the media, public, and staff had the opportunity to join the meeting electronically or in-person. Staff present in the meeting room were Administrative Officer Lorinda DuBois and IS Director Joshua Kreger; also present was Commissioner-elect Jim Mendiola. Notice of the meeting was posted on the County website, Courthouse bulletin board, and emailed to the Argus Observer, Malheur Enterprise, and those persons who have requested notice. The meeting was audio recorded. The agenda is recorded as instrument # [2022-5629](#)

SHERIFF'S OFFICE - SOFTWARE UPDATE

IS Director Joshua Kreger noted that he has a meeting scheduled next week with Tyler regarding the needed servers for the software upgrade project; the hardware for the upgrade project may be approximately \$145,000. Commissioner Jacobs moved to approve the software upgrade project as presented previously by Undersheriff Johnson and Lieutenant Harriman with New-World Tyler product. Commissioner Hodge seconded and the motion passed. The hardware and annual maintenance costs will be discussed and decided on at a later date by the entities using the software program.

STF/STIF ADVISORY COMMITTEES

Malheur Council on Aging and Community Services (MCOA&CS) Transportation Manager Brittany White met with the Court. Ms. White explained that Senate Bill 1601 (2020) repeals the Special Transportation Fund (STF) and no later than July 2023 its funding will be consolidated with the Statewide Transportation Improvement Fund (STIF). As such, the local Special Transportation Fund Advisory Committee needs to be dissolved; and the STIF bylaws need to be updated. Additionally, Susan Robinett needs to be appointed to the STIF Advisory Committee (other members of the advisory committee were previously appointed as both the STF and STIF advisory committees have been active). Ms. White answered questions from the Court members.

Commissioner Hodge moved to approve Resolution R22-25: Resolution Dissolving Special Transportation Fund Advisory Committee. Commissioner Jacobs seconded and the motion passed. See instrument # [2022-5630](#)

Commissioner Jacobs moved to approve Amended and Restated Bylaws of the Malheur County Statewide Transportation Improvement Fund (STIF) Advisory Committee. Commissioner Hodge seconded and the motion passed. See instrument # [2022-5632](#)

Commissioner Jacobs moved to appoint Susan Robinett to the Malheur County Statewide Transportation Improvement Fund (STIF) Advisory Committee. Commissioner Hodge seconded and the motion passed.

NOVEMBER CHECK REGISTER

Commissioner Hodge moved to approve the Accounts Payable register for November 2022. Commissioner Jacobs seconded and the motion passed.

PIONEER HEALTH DISTRICT

Pioneer Nursing Home Health District (aka Pioneer Place) Board of Directors Dennis Buttice, Karlene Keller, Kerri Wenger, Kathy Judy, and John Nalivka met with the Court; also present were Pioneer Place staff members Chelsey Ross and Lexi Browning. Mr. Buttice explained that the Health District is requesting additional funds from the County's ARPA funding (\$150,000 was allocated to the Health District in August 2022; previous requests were for \$900,000 in February 2022 and an amended request of \$750,000 in June 2022). Staffing continues to be problematic for the facility; currently two-thirds of the staff is agency staff and the cost is triple to five times the cost of a regular employee. After discussion, the District requested an additional \$300,000 (approximately one month of payroll costs) from the County's ARPA funding. The Court took the request under advisement.

Additionally, the District is requesting \$1,100,000 from the County's LATCF funding (Local Assistance and Tribal Consistency Fund). Ms. DuBois explained that \$12 million was appropriated under the American Rescue Plan Act of 2021 under the LATCF program. The LATCF program is for revenue sharing counties (Malheur County is a PILT county) for use on governmental purposes other than lobbying activity. The purpose of the LATCF program is to serve as a general revenue enhancement program. Commissioner Hodge explained that the County needs to evaluate its needs and associated costs as it pertains to the governmental services the County provides. Currently, the Court has not allocated funds for entities outside of the County umbrella and does not have an application process or criteria for outside entities to apply for funding. There is no deadline for the County to expend the LATCF funds; reporting requirements for the funds are currently unknown. See instrument # [2022-5631](#) for the written request.

PUBLIC COMMENTS

Arnold Tropf gave comments concerning the need for law enforcement and dispatch to keep the community safe.

ONTARIO RECREATION DISTRICT

Ontario Recreation District Executive Director Andrew Maeda met with the Court and requested support of LC-1465 (2023 Regular Session). LC 1465 is a legislative concept authorizing issuance of lottery bonds for distribution to the Ontario Recreation District to facilitate the construction and project management of the Ontario Community Recreation Center. Mr. Maeda prepared a resolution supporting LC-1465 for the Court's consideration. Mr. Maeda provided information on the Ontario Community Recreation Center project. Commissioner Hodge moved to approve Resolution R22-30: A Resolution in Support of LC-1465. Commissioner Jacobs seconded and the motion passed. See instrument # [2022-5633](#)

COURT ADJOURNMENT

Commissioner Jacobs adjoined the meeting.

MALHEUR COUNTY COURT MINUTES

December 14, 2022

The regularly scheduled meeting of the County Court was called to order by Judge Dan Joyce at 9:00 a.m. in the County Court Office of the Malheur County Courthouse with Commissioner Don Hodge and Commissioner Ron Jacobs present. Members of the media, public, and staff had the opportunity to join the meeting electronically or in-person. Staff present in the meeting room was Administrative Officer Lorinda DuBois; also present was Commissioner-elect Jim Mendiola. Notice of the meeting was posted on the County website, Courthouse bulletin board, and emailed to the Argus Observer, Malheur Enterprise, and those persons who have requested notice. The meeting was audio recorded. The agenda is recorded as instrument # [2022-5704](#)

MALHEUR WATERSHED COUNCIL

Meeting with the Court from Malheur Watershed were Executive Director Ken Diebel and Small Grants Coordinator Kelly Weideman. An annual written report was provided to the Court members. During the 2021-2022 period the Council received more than \$1,673,000 in grant funding with landowners matching at least an additional \$1,400,000. Irrigation improvement projects continue to be important as drought conditions continue to be prevalent. The Small Grant Team receives \$100,000 in OWEB funds each biennium to subsidize projects with \$10,000 or less per project; increased funding would be extremely beneficial. Commissioner Jacobs expressed appreciation to the Watershed Council and their work in the community; Commissioner Jacobs inquired if the Council was familiar with the Rivers Democracy Act and if they had had any input into it. Mr. Diebel explained he is familiar with the Act but the Council is a 501(c)(3) and supposed to stay out of political matters other than providing education. See instrument # [2022-5705](#) for Malheur Watershed Council's written annual report.

CROSSING PERMIT

Commissioner Hodge moved to approve Crossing Permit #44-22 to Idaho Power Company for installation of a new pole and transformer on Loop Road #647. Commissioner Jacobs seconded and the motion passed unanimously. The original permit will be kept on file at the Road Department.

COURT MINUTES

Judge Joyce moved to approve Court Minutes of November 30, 2022 as written. Commissioner Jacobs seconded and the motion passed. (Commissioner Hodge was not present on November 30, 2022.)

Commissioner Hodge moved to approve Court Minutes of December 7, 2022 as written. Commissioner Jacobs seconded and the motion passed. (Judge Joyce was not present on December 7, 2022.)

EMPLOYMENT AGREEMENT - DALTON

Commissioner Jacobs moved to approve Maintenance Supervisor - employment of PERS retiree Employment Agreement with Don Dalton. Commissioner Hodge seconded and the motion passed unanimously. See instrument # [2022-5706](#)

EMPLOYMENT AGREEMENT - HARRIMAN

Commissioner Hodge moved to approve Lieutenant Malheur County Sheriff's Office - employment of PERS retiree Employment Agreement with Richard Harriman. Commissioner Jacobs seconded and the motion passed unanimously. See instrument # [2022-5707](#)

EMPLOYMENT AGREEMENTS - NEW AND CORDER

Commissioner Hodge moved to approve Temporary Employment Agreement to Perform Duties of a Dispatcher - Malheur County Sheriff's Office with Charlotte New and Temporary Employment Agreement to Perform Duties of a Dispatcher - Malheur County Sheriff's Office with Ashley Corder. Commissioner Jacobs seconded and the motion passed unanimously. See instrument # [2022-5708](#) and # [2022-5709](#)

PROPOSED TRUANCY ORDINANCE

Malheur Education Service District (ESD) Superintendent Mark Redmond met with the Court to provide information on a proposed County truancy ordinance and answered questions from the Court members; also present was Vale School District Superintendent Alisha McBride and Levi Anderson from Department of Human Services. Nyssa School District Superintendent Darrin Johnson later joined the session. Mr. Redmond reviewed an 2021-2022 Accountability Details Report for Vale High School with the Court; the Regular Attenders is the category of students that attend school at least 90% of the time and this category is rated a Level 2. Chronic absenteeism is high in the various school districts within the County. Schools currently notify parents when students are absent; attendance letters are sent; attendance goals are written on Section 504's and IEP's. The schools work closely with the Health Department, Department of Human Services and Lifeways to provide support and wraparound services. Truancy Court has existed for many years through the Justice Court under Oregon state statute and administrative rule; the proposed ordinance would refer the student and responsible adult to Justice Court for Chronic Absenteeism; and under appropriate circumstances the responsible adult could be referred to the District Attorney's Office for prosecution in Circuit Court/Juvenile Court under ORS 163.577(1)(c).

Mr. Anderson noted that he has been involved in truancy court at Justice Court and there are a wide variety of reasons of why kids don't make it to school, but for the most part, as long as the child and family are doing their best to circumnavigate whatever is getting in the way of their absenteeism then schools and other partners are flexible as much as the state allows that flexibility. The proposed ordinance is a way to remind families of their responsibilities to have kids in school and to help them become aware of the resources from community partners and the programing available to them.

Lifeways and the Malheur County District Attorney have expressed support for the proposed ordinance.

Commissioner Jacobs expressed concern with having the ability to issue fines under the proposed ordinance and the impact that

may have on families who are possibly already troubled. Commissioner Jacobs stated that he personally wanted the school boards to be informed of the proposed ordinance and have input on it; as well as the city councils and law enforcement.

School Resource Officers will be able to assist the schools with enforcement of the ordinance; a violation of the ordinance is a civil infraction, is no more financially burdensome than the criminal state statute and there are ways to reduce the fine written in the ordinance.

If the ordinance is adopted, schools will probably not be ready to implement it until the 2023-2024 school year.

Commissioner Hodge requested to see the attendance letters the schools send to parents.

See instrument # [2022-5710](#) for the handout referenced by Mr. Redmond.

PUBLIC HEARING - SUPPLEMENTAL BUDGET

Judge Joyce opened the public hearing for consideration of Resolution R22-29. The public hearing was necessary in order to allocate Local Assistance and Tribal Consistency Funds (LATCF) that were not anticipated when the adopted budget was prepared; these are Federal funds intended to augment and stabilize revenues for revenue sharing counties and may be used for governmental purposes. No public comments were received. Judge Joyce closed the hearing. Commissioner Hodge moved to approve Resolution R22-29: In the Matter of Fiscal Year 2022/2023 Supplemental Budget by Resolution Under Local Budget Law ORS 294.471. Commissioner Jacobs seconded and the motion passed unanimously. See instrument # [2022-5711](#)

MCDC - REQUEST FOR FUNDING

Malheur County Development Corporation (MCDC) Board President Grant Kitamura, Board member Jason Pearson, Officer to the Board Greg Smith, Project Manager Brad Baird from Anderson Perry, and Ryan Bailey met with the Court.

Grant Kitamura: I'm Grant Kitamura, President of MCDC, and we just came back to revisit the request from November 2nd for \$2 million to complete Track C of our project. With me are Jason Pearson, a board member, Brad Baird from Anderson Perry who is the project chairman, an Ryan Bailey from Gregory Smith & Company. We're here to field any questions; I think we attempted to answer your questions from November 2nd and we were wondering if you had any more?

Commissioner Hodge: I've got some questions. Brad, explain to me on this sheet where it says, where to secure the \$4.5 million to cover the final plan of \$3.67 million, budget overage of \$0.4 million. What's that mean?

Brad Baird: The original funding for the project with all the different expenditures that have occurred, we're concerned that we're a little bit overextended. We still have yet to figure that out, there's some bills that need to come in and we're tracking it, but it's looking like we may be slightly overspent.

Commissioner Hodge: Okay. Then, and the contingency of \$0.4 million?

Brad Baird: We prepared that when we presented this to ODOT. Any funding agency wants you to have, still have 10% contingency even though we're pretty sure we know what it's going to cost. It's really standard for any budget plan to have a 10% contingency for unknowns and things that might occur.

Commissioner Hodge: But under these circumstances should that maybe be cut out of there?

Brad Baird: You know, I wasn't going to add it, but only because we're pretty sure we're out of the ground for the most part, we think we're pretty safe, but funding agencies - they want to see it in the plan. They said, any plan you have needs to have a contingency. So we put it in there at their request. And it's wise, obviously, if we don't need it, it won't be spent, but it's wise to plan for that, because there could be something come up that we don't know about.

Commissioner Hodge: Okay, then a couple other questions I had. The \$2 million is pretty self-explanatory for what we've talked about. Other funding. That \$1 million. Now I know that was, I think, Ryan, that was Greg had mentioned that. Now I want to know what, I want an explanation on that \$1 million, not just \$1 million shown there and say other funding, I want to know where it's coming from and what it is.

Greg Smith: So, County Commissioners, I oversee certain programs that benefit all of Eastern Oregon through my private contractual relationships, and what I would share with you is that the County is willing to invest in itself and if the Border Board is willing to invest in itself, then I will feel compelled to do my best to bring an additional \$1 million forward for the Development Corporation, not the County, to consider.

Commissioner Hodge: Okay, but wheres that \$1 million come from? From you personally?

Greg Smith: No, I have other funding streams and it would be a funding stream brought forward by a partner, who, at this point in time doesn't care to be announced, simply because they don't want to be front page of a paper until they know what the entire sources uses of funding for the entire project look like.

Commissioner Hodge: Okay, so on that, is that \$1 million a loan?

Greg Smith: It may be, it may be a forgivable loan, it may be a loan that's based upon repayment based upon usage of the facility, it could be a loan that's based upon future sale of assets. It will not be a grant. It will be a loan, but that will be something for the Development Corporation to consider.

Commissioner Hodge: And it would be to the Development Corporation or to the onion growers?

Greg Smith: Maybe to either one, we'd have to see how we play through that. I would encourage the Commission to realize that that is a final source of financing and that sequentially the County, you know, is asking, is being asked to invest in itself. The Border Board is being asked to invest in itself, and then at that point, regional partners are willing to step up, and to try to assist with any last source needs.

Commissioner Hodge: Okay, thank you. And then my other question was, the Border Board, the \$1.5 million, as I understand, I think there has been a request to the Border Board, or an application made, is that accurate?

Grant Kitamura: Commissioner, I can answer that, for the record, this is Grant Kitamura. I attended a meeting and made a request and they said they didn't have the mechanism in place yet and they would like to be able to go forward with putting a mechanism in place for that type of request.

Commissioner Hodge: Now mechanism, explain mechanism, they don't have a category to put it into yet?

Grant Kitamura: I would guess it's something like that, I'm not sure what that meant. They had no way of considering it I think. You know, I'm sure they're just like we know, they're heavily controlled or overseen by the State and they cannot, they have to have protocol in place prior considering or approving a request like that. And that's what they were going to work on, they said they would, I think the chairperson did as well as the executive and they plan to go forward with putting some mechanisms in place.

Commissioner Hodge: Okay, that answers a few of my questions.

Commissioner Jacobs: I would like Brad maybe to explain the difference, right now you're saying that the Track C can be completed for \$2 million, and initially, Track C was bid at one time for substantially more. Can you explain why it can be completed now than what it was initially?

Brad Baird: Yeah, most definitely, and what I did, and you'll have to forgive the sketch, this is not to scale, but this will really help understand why it's less expensive now compared to how it was originally bid, and I'll walk you through this picture; it's hard to describe this so I thought I'd draw a picture. If you look at this, what you see is, you see the mainline on the right hand side in black, so the black area was the mainline and slope into the slew, Tracks A and B are added a little bit distance from the mainline and so there's an open spot of fill there...

Commissioner Jacobs: And A and B are completed at this point?

Brad Baird: Right, yeah. The way that it was originally bid, so this originally bid, if you ignore this hash part, they had added, they being RailPros, in their design, had added all this fill in between and had Track C out there a ways.

Commissioner Hodge: Point to that thing again

Brad Baird: They added all this fill...

Commissioner Hodge: Okay, that in the red

Brad Baird: Yeah, and had Track C way out here on its own, and the reason for that was they were going to allow all this space for future tracks, if you want to expand it you can start stacking up a few more tracks in there. But this, when we looked at it, it's like, Wow, that's a lot of fill and a lot of ballast, because they all had the sub ballast up here on the project and when we realized that there's a lot of budget challenges with this project with everything trying to get done, we modified this and we moved Track C over adjacent to B. And so, if you look at this picture, basically all of the red hashmarked earthwork went away because we were able to take this Track C wedge and move it against here. So you can see visually, it's not quite to scale, but that probably cut the earthwork by three quarters, number one. Number two, the sub ballast went away, because we're not going to fill all that area in. And then, number three, we went ahead and filled in the bottom part of C when we were doing A and B to get out of the wetlands, that's the blue hatched. So visually, if you see this whole wedge of work, now we only have to do this little tiny corner over here to bring C up out of the water and finish it.

Commissioner Hodge: So how far does that have to come up?

Brad Baird: This kind of insinuates half, I remember being out there and I could see the rip rap out of the water, it looked to me like it was about 10 feet; that was a visual about two months ago.

Commissioner Hodge: And that's material that has to be brought in, it can't be taken from what's out there already?

Brad Baird: No, we can use material that's out there. We used a lot of material that was out there to build A and B; A and B weren't all fill. It was all fill done in the water of course and then we had to use some fill above that, but as the site continued to dry out through the summer we were able to use some onsite material. We had it stacked all over, we were wind-rowing it and drying it. If you ever went by there was a lot of operations to try to get the existing material dry enough to use and what, because it was really wet, obviously. And once it got dry enough to where it meets optimal compaction we used it. So there's a lot of existing material in A and B that's been compacted, tested, approved and blessed by the railroad. So our plan is to do the same thing...

Commissioner Hodge: And there's some left that can be moved to C?

Brad Baird: Yeah, we can peel off the top wet part and get down to some drier material. Of course, as the winter progresses that might get harder and harder, but, we're hoping if we can get on this timely, that, yeah, we do not want to be bring in material from outside, it will cost more. We want to try to use the onsite materials the best we can.

Commissioner Jacobs: But this material will be compacted and tested regularly?

Brad Baird: Oh yeah. No matter what we use, whether it was from outside or inside, you take a sample of it, send it to the lab, they run a proctor, they tell you what your maximum dry density is for compaction and then you have to compact it to say 92% or whatever the specs say...

Commissioner Hodge: So it's certified or whatever they call it?

Brad Baird: Yeah, everything we've done out here has been tested and certified to date, and it will continue to be obviously...

Commissioner Hodge: And that's acceptable to the railroad and RailPros and all of those people?

Brad Baird: Yeah, what they do after we test it and get it all compacted appropriately, then you actually go out and proof roll it, you just take before you get to the sub ballast part, you take a loaded dump truck or a water truck, something really heavy, and you observe it and drive the thing real slow, and then if there's any areas that show a little deflection you repair them...

Commissioner Hodge: And then we've got signed certificates or what it is, it shows that that's passed all of that stuff?

Brad Baird: Yeah. And we'll do the same thing obviously with C because it has to work, and then the railroad, when we're all done, then we tell them it's ready, because they don't want to come out until we tell them it's ready, and then they'll come out and watch it themselves. And often that's RailPros, but it's different RailPros than the people that design this. RailPros has different divisions in their company and they act as the railroad in a lot of capacities and so they'll come out and bless it on behalf of the railroad once it's all ultimately done.

Commissioner Hodge: And again, you said A and B are completely done.

Brad Baird: Yeah, they're just not connected on the ends. Well, let me back up, B is connected to A; A is not connected on the ends

Commissioner Jacobs: To UP

Brad Baird: Yeah. That'll be connected, UP is currently on schedule to do that toward the end of March, there's an exact date, can't remember, it's in the 20's, but they're scheduled to come out and start their connections the end of March.

Commissioner Jacobs: So I've heard two different terms, RailPros and RailWorks. Are they something separate?

Brad Baird: Yeah. Sorry if I've confused them. RailPros is the outfit that designed all this rail. And then they have a division amongst their company that pretty much acts as the railroad. Separate from them, totally different company, is RailWorks; that's the company that's building all the tracks out there, so they're not associated with RailPros, obviously it's their business so they've got rail in their name. RailPros is the designers and the railroad rep. RailWorks is the contractor building the track; and they're still out there, they're supposed to wrap up toward the end of December, so they're getting close. They probably will wrap up by Christmas, and then they'll have to come back and do some things a little later.

Commissioner Jacobs: Because you haven't completed Track D, only because the building needs to be, the foundation of the building needs to be out there.

Brad Baird: Yeah exactly. Track D has been built up right up to the building but we stopped, we didn't want to build it past the building and then come in to build the foundation and undermine it. So they stopped so the foundation can get put in and then they'll come back and finish that little bit, and hopefully, obviously, if we're successful with this funding request they can also start working on C when they come back as well.

Greg Smith: I think it's really important as we look at this project, we help put it into context. We were sharing with Commissioner Jacobs here, a week or two ago, information about the sister project to the one here in Nyssa. The project over at Millersburg received \$24 million compared to our \$26 million. They ended up beginning their project on real estate that was zoned industrial for outright use, with industrial utilities already to the site, with rail spurs already located to the site. They ended up, as part of their purchase of the real estate, acquiring a 60,000 square foot industrially zoned building that was used for moving heavy wood products. And at the end of the day, the County ended up, Linn County, making an additional \$12 million investment. And so, even with that investment, and with a two, effectively, a two year head start, because if you folks will recall, we had to go and identify a location, we had to go in and get the land use changed, we had to go through all the permitting from cultural and archeological to soil compaction etc. And they just announced in early November that their project is ready to proceed forward. So even with the two year head start, their project is significantly more expensive than ours and really has not proceeded any faster than ours. And so, while that's nothing more than a Trivial Pursuit fact, it's one I think that the public should keep in mind. Thank you Judge.

Judge Joyce: I have a question for you Greg or Brad. So can you give us a little bit of an overview on our meeting with ODOT in Salem and the particulars in your words and the reason for that meeting? That would be helpful, I think, for the Commissioners here and this listening body, I think that was very educational for one.

Greg Smith: Sure. I don't have the exact date in front of me, but about a month ago, the Judge - representative from the County Court, Anderson Perry, the Development Corporation, including our President Grant Kitamura, and representatives from the Department of Transportation, came together to effectively update one another. What the Department of Transportation was looking for was, What do future plans look like, knowing that the Oregon Legislature had already committed to \$26 million, had put in another \$3 million for a water line, had put in \$3 million to the Border Board that didn't proceed forward, and now an additional \$3 million from the State for project development. And so we sat down, we walked through with them exactly where we believed we were. Brad did an excellent job of rolling out the budget, sharing with the folks at ODOT, which included a deputy director, and then also Erik Havig, CeeCee, etc., the usual players. And we sat down, and we walked through the timeline, the budget, what we anticipated potential revenue sources being to complete the project. At the end of the day, they asked us to put in writing what we had communicated with them. Your team and the Development Corporation worked very hard, kudos go out to Ryan, along with Anderson Perry and the folks at RailPros, we have submitted that; we're waiting for final response, but at the end of the day, the meeting was extraordinarily productive, it was well received, everyone felt as if we were rowing in the same direction, and at the end of the day, you know, ODOT wants to make sure that taxpayer dollars are being utilized appropriately. And at the end of the day, we needed to make sure ODOT knew where we were and that, you know, in terms of industrial development, it's never a final product, you're always going to be making improvements and I think we all got on the same page Judge.

Brad Baird: The budget information that you were looking at was presented to them and then we followed up with the written, they wanted a written plan of what data you want on agendas, and when are you pursuing this fund, and so we did prepare a

written plan, submitted this, and a few other things. I made copies of what we submitted to ODOT, this went in on December 4th.

Commissioner Hodge: And they understand, and I'm going by mainly what I've read in the paper, that we still could be \$6-8 million short of getting this total project completely done? And that we would like, we and I'm saying we, I mean all of us here, we would like them to step up and help bridge that gap or put that money in?

Brad Baird: Yeah, this shows them that in the two column handout, it's the same thing you were shown earlier Commissioner that's also in that pile there. There was a left-hand column of the full project and a right-hand column, and they did differ by about \$6 million. And so, this right-hand column was what we were showing them, the bare minimum to get the site functional. The left-hand column shows them more money that is still needed. And we did mention to them that there will need to be pursuit of additional funds to equip the building and things of that nature and pave the road. There's a few other things on that left-hand column, equip the building, pave the road, and a little bit more rock on the road, those were the last three items that still need some pursuit, but you could function without the roads paved but obviously it'd be a lot nicer if they were paved.

Commissioner Hodge: Yeah, and we've got this far and we would like to see this thing completed.

Brad Baird: So there are some challenges yet funding wise, but obviously, every effort gets us closer and they understood that.

Greg Smith: So County Commission, if I may just kind of interject here. I want to repeat myself. Please understand, the ongoing investments in a facility of this nature are going to be ongoing. We still need to bring sewer to the site. We're going to need to make accommodations for fiber in the future. We're going to want to extend other roads. We're going to want to bring in additional rail spurs. We're going to want to take wetlands and turn those into attractive public spaces. And so, this project, once you get started, never has an ending. And so that's the nature of industrial development. The Port of Portland can't just start up PDX and walk away. And so, what the County effectively did is, it made the decisions five, six years ago, five years ago, that they wanted to be in the industrial development industry, and so you're seeing the initial investments that go into that decision. But future commissioners, decades from now, are going to be having conversations about what do we want our industrial development lands to look like? How do we want to expand them? How do we want to maintain them? I just want to make sure I get that on the record. And then second thing, Judge and Commissioners, I want to get on the record, is please know that \$1 million funding source is a gesture of collaboration and in no way will that funding source come available if it's, unless there's collaboration between the County and regional partners. And so, if at any point in time you feel that's a bad move for the County, don't hesitate to raise your hand, because there's other opportunities and in no way do those regional partners want to interject themselves in a project that they're unwelcome. Thank you.

Judge Joyce: One final thought or question, in that meeting it was made apparently clear that the only one that can hook up these tracks is UP. Is that correct?

Brad Baird: Yeah, UP will not, and it's a control thing, they don't want anybody working on the main line but them. They insist that any project of this nature, they, with their crews and their staff do the actual switch connections on the main line. That makes sense, it affects their business. They're scheduled to come at the end of March and do the final connections on each end for Track A.

Commissioner Jacobs: They're only going to do that if Track C is completed - is that correct?

Brad Baird: It doesn't have to be completed by the time they do the connections, but it has to be, they have to know we're completing it. We understand now that Track C has to be constructed for them to even consider the site for use. So it's important that it gets built. We always understood that it had to be built, but we had delayed it, pending finding more money. But we now understand that it has to be built for them to even show up to start using it. So that's the critical nature of this request, as we mentioned last time, because it has to be funded at this point.

Judge Joyce: So one of the other things, the emphasis of this project from the get go, from say like 2014, 15, or whatever has been all product leaving Malheur county. There's been nothing said about product coming in, and so without that rail hooked up you couldn't bring anything in even if you didn't need the building, period.

Brad Baird: You bring up a very good point Judge. This rail system is designed to handle a unit train if not more, and it needs to be completed with everything that was designed to be able to do that. But it was also designed, not just for this project, it's designed to serve the entire industrial park. So, obviously, if you get future tenants they may want to do their own little spur over to their parcels, but, the whole unit train setup will be used by future tenants. So, it's good to recognize that this investment is significant, I mean it's going to open up hundreds of remaining acres for future use, both coming and going, for the industrial development. So it's a very, very significant investment for Malheur county.

Commissioner Hodge: Yes, and with that said, if that opens up the industrial park, with what you just said about, say, there happens to be an off spur, that's at the expense of the company, or whoever comes in and buys that, or gets that. It's not the County's expense.

Brad Baird: Right, and it's good to note, too, that it doesn't have to be specifically right on this site. You could take off from Track A north of the site and work in the property to the north, there's all kinds of options for expansion.

Commissioner Jacobs: I would like to also add that I've had conversations with potential companies that maybe would like to utilize this industrial park, and they've indicated that the only way it would work for them is to complete Track C as well. So, I think it is very important, from a number of standpoints that we complete this.

Greg Smith: So one of the things I would encourage the Commission to do is as we proceed forward and as we get close to completion, we should do a two part appraisal on the property. One is to determine from the \$2 million or so that the County has put into the project from the original acquisition and that original appraisal to determine what the new value of that property is to the County. And then second, they have, and I'm gonna get the term incorrect but hang with me, effectively, opportunity

appraisals in which you can bring in outside entities who can look at the investments that have been made and can share with you what the economic value is to the County. I think those will be two powerful tools for the County to have in the future, especially as they go about negotiating future transactions. And you know, at some point, if I can assist in that, just let me know.

Brad Baird: The only one other thing I'd like to add, as you know, we're bidding the foundation slabs and erection of the existing building; this is the bid package that actually bids tomorrow, and it bids here locally at Ryan and Greg's new office.

Judge Joyce: What time?

Brad Baird: Two o'clock local time

Commissioner Hodge: Is that at the Goodfellow building?

Brad Baird: Yeah. And it will be handled just like every other bid, anybody can come, bids will be received, we'll read them aloud. So it's just like all of the bid openings. The only thing we did a little different on this one is we did allow them to email it in because with, you know, you'd hate to have a storm and have the freeway closed and you lose your best bidder because they can't drive over the mountain for some reason or can't get it shipped. So we will allow emails to be received and then they have to follow it up with the paper so we have a sealed bid. But yeah, whatever we receive by that time, we'll open it up and read them aloud. They're either on the computer if we get them emailed, or by hand if they're delivered. But, where I was going with this is, if we can get, hopefully we get a good bid and it's within the funding amount, and we can get going on this. This will happen in the Spring and crowding up to the summer, so obviously, this is December 14th today, and I mean before you know it we're going to be in January, and there's six months between January and June. It's ridiculous to think about this but we are actually getting, time is of the essence for getting this done by next summer. And so where I was going with this is, Track C, we really need to figure out, we need to start on it is what I'm trying to say.

Commissioner Hodge: Is there a timetable on how long it would take them to put in Track C?

Brad Baird: Yeah, I think they can get it done, obviously if we tell them to start real soon they can get it done by June. The problem with six months of construction, I really think it will take 2 to 3, but we have a couple months of winter in there too, and so it's hard to know exactly how that'll effect it. The point I'm trying to make here and I know we're making a request for funds and I don't want to push too hard, but we really, time is getting to be of the essence with Track C is the point I'm trying to make. We're running out of time to be able to get it built appropriately prior to next summer concurrently with the building getting built and a few other things that we hope to happen as well. It is getting critical on time so we really hope you can consider that along with this request.

Ryan Bailey: If I could add something, for the record, Ryan Bailey, MCDC. One thing that we have talked to UP about, it may have been mentioned before, is, if this site is served by the rail it may fit in to, I believe it's called an opportunity site. And it can be listed through, I believe it's Union Pacific's website, because of the access it has to rail. And so it'd be a great tool for the County to market their land to a very, very broad audience. So that would be something, obviously we'd have to have Track C and be in compliance with the ITA, but that would be another benefit to the County.

Greg Smith: I would add, that runs right on the mark, that economic audit, and again, I'm not using the correct term that it was referencing plays right in line with the posting of this property on Union Pacific's industrial real estate site, and it'll be interesting, if you folks choose to go that route, to see how this project compares with other locations. My guess is that it's going to compare very, very well. Final thought (inaudible) I'll just stay quiet on this, gang, keep in mind we have a strong need to put in wastewater lines to accommodate industrial development. I hope the County doesn't feel like it's been put in a corner in terms of requesting resources from the state of Oregon. During Legislative Days last week, Representative Gomberg, Representative Marsh, Representative Owens and myself presented a \$125 million concept to the House Small Business and Economic Development Committee. The package was originally created by the Speak of the House. And so, please make sure you're visiting with Representative Owens if you have any industrial needs. I think there's a tremendous opportunity for you to access some dollars.

Judge Joyce asked for further questions from the Court members; there were none.

Judge Joyce: All right, I'll make the motion we forward the \$2 million to MCDC to finish this line and get UP to hook up.

Commissioner Hodge: I'll second it.

Judge Joyce: Second. Discussion.

Commissioner Jacobs: There's a number of things that I would like to see. I would like that it's known that we are only going to supply the money to complete Track C. If it's less than \$2 million then that's all you're going to get. But we won't go over \$2 million. The other thing is, we'd like to see MCDC continue to try to secure additional funding in the future, as well, we will as well, the County, to complete this project. And then, the third thing is, I would like to make sure that, I would like the invoices sent to the County before any bills are payed, for the completion of Track C so that we can review those invoices prior to payment.

Greg Smith: Commissioner, may I ask clarification? We can send you all invoices, or we can send them as they relate to Track C. Do you have any thoughts on how you'd like that done?

Commissioner Jacobs: Yes, I would only like to see the ones for Track C at this point; that's enough for me to keep track of.

Brad Baird: All that's fine, perfect, no problem.

Greg Smith: Okay, on top of it.

Ryan Bailey: With that, just to be sure, do, we'll probably email them to you, do we need to wait for just an emailed response back? Do we need a signature acknowledgement?

Commissioner Jacobs: What would be your preference Lorinda?

Lorinda DuBois: Yes, there would have to be something from the Court.

Ryan Bailey: Just an email acknowledgement - would that work? If they respond and say, Yeah we're okay with it, can we proceed forward?

Commissioner Jacobs: To sign off on the invoices?

Multiple: okay, okay

Judge Joyce: Works for you?

Commissioner Jacobs: Yeah.

Judge Joyce: Okay. Vote, all those in favor.

Judge Joyce, Commissioner Hodge, Commissioner Jacobs: Aye.

See instrument # [2022-5730](#) for the sketch referenced by Brad Baird and instrument # [2022-5731](#) for the referenced email to ODOT.

MALHEUR COUNTRY HISTORICAL SOCIETY - FUNDING REQUEST

Meeting with the Court from Malheur Country Historical Society were John Taggart and Bonnie Christensen. Malheur Country Historical Society purchased the First Bank building on Main Street, Vale and it is on the National Register of Historic Buildings. The building was built in 1901; the building needs extensive repairs to the roof and interior. The Historical Society is seeking funding to assist with the restoration of the building and requested the County contribute \$250,000 to the project. The Historical Society plans to use part of the building as a storage and repair area for the Stone House Museum after repairs are completed.

Ms. DuBois explained that the County is slated to receive Local Assistance and Tribal Consistency Funds (LATCF) and is currently evaluating its infrastructure needs and associated costs. Currently there is not an application process for entities to apply for this funding from the County.

See instrument # [2022-5712](#) for the handout given to the Court regarding the project.

AUDIT

John Russell of Zwygart John & Associates, Certified Public Accountants, met with the Court and reviewed the County's 2021-2022 Audit. Zwygart John & Associates audited the cash basis financial statements of the government activities, the business-type activities, each major fund, and the aggregate remaining fund information of Malheur County for the year ended June 30, 2022, and the related notes to the financial statements. Funds with expenditures over appropriations were DA Enforcement and 911 Fund. See instrument # [2022-5732](#) for the complete audit. The audit will also be placed on the County website.

COURT ADJOURNMENT

Judge Joyce adjourned the meeting.

Intergovernmental Agreement (IGA) between Malheur County and Vale School District #84 for School Resource Deputy Services is recorded as instrument # [2022-5713](#)

MALHEUR COUNTY COURT MINUTES

December 21, 2022

The regularly scheduled meeting of the County Court was called to order by Judge Dan Joyce at 9:00 a.m. in the County Court Office of the Malheur County Courthouse with Commissioner Don Hodge and Commissioner Ron Jacobs present. Members of the media, public, and staff had the opportunity to join the meeting electronically or in-person. Also present was Commissioner-elect Jim Mendiola. Notice of the meeting was posted on the County website, Courthouse bulletin board, and emailed to the Argus Observer, Malheur Enterprise, and those persons who have requested notice. The meeting was audio recorded. The agenda is recorded as instrument # [2022-5789](#)

SHERIFF'S OFFICE - SOFTWARE UPDATE

Undersheriff Travis Johnson and Lieutenant Rich Harriman met with the Court and provided an update on the Sheriff's Office software upgrade project. A 911 User's Board meeting was recently held and all agencies are in agreement that they wish to go with the Motorola-Flex product rather than New World-Tyler as previously approved by the Court. There were several factors that played into the decision. Five neighboring jurisdictions are currently using Motorola-Flex, and five other neighboring jurisdictions are strongly looking at Motorola-Flex; Motorola-Flex has an option called Insight which allows communication and sharing of data with other Motorola-Flex neighboring jurisdictions. (Motorola-Flex has offered to comp Insight, with the exception of implementation fees.) Neighboring Canyon County, Nampa Police Department, and Owyhee County all have Insight. An updated quote from Motorola-Flex was received and essentially some of the annual fees will be prepaid for the next several years. Motorola's annual maintenance fee is significantly lower than Tyler's. Lt. Harriman and Undersheriff Johnson answered questions from the Court members. Hardware costs are still being determined; Ontario may apply for funding from Border Board to assist with server costs. Commissioner Hodge moved to amend the motion of December 7, 2022 to approve the software upgrade project with the vendor determined by the Sheriff's Office and the IS Department. Commissioner Jacobs seconded and the motion passed unanimously.

PROPOSED RESOLUTION FOR DOUBLE TIME COMPENSATION FOR OVERTIME IN JAIL AND DISPATCH

Lt. Harriman reviewed a resolution he drafted authorizing double overtime for hours deputies work beyond 40 per week in the jail and dispatch. Lt. Harriman explained that both the jail and dispatch center have experienced catastrophic staffing shortages; funds for the program are in the Personal Services budgets due to the shortage of staff in the jail and dispatch; and the program would sunset at the end of the fiscal year, or when the Personal Services budgets for the respective divisions are nearing depletion. The proposal is offered as a sign of appreciation for the hundreds of hours of overtime that many deputies have worked, and as an incentive to keep pushing through while the Sheriff's Office is in the final stretch to getting up to full staff again. The Sheriff's Employees Association's attorney is drafting a memorandum of understanding regarding the double time compensation program. The proposal will be reviewed with Administrative Officer Lorinda DuBois. The Court expressed appreciation to those working overtime to keep the jail and dispatch center operating.

COURT MINUTES

Commissioner Jacobs moved to approve Court Minutes of December 21, 2022 as written. Commissioner Hodge seconded and the motion passed unanimously.

TREASURE VALLEY PARAMEDICS (TVP) RATE INCREASE

Treasure Valley Paramedics notified the County of the need to increase their fees. TVP's last fee increase was in 2016. The County's contract with TVP requires TVP to notify the County sixty days in advance of a fee increase; the County may, in its discretion, hold a hearing on any fee increase. Commissioner Jacobs moved to acknowledge TVP's sixty (60) day notification of the fee increases; no hearing will be held. Commissioner Hodge seconded and the motion passed unanimously.

APPROVAL OF AUDIT

Commissioner Hodge moved to approve the County's audit for the year ended June 30, 2022. Commissioner Jacobs seconded and the motion passed unanimously. The audit was presented to the Court last week, December 14, 2022.

JAIL NARCOTICS DETECTION SYSTEM

Commissioner Jacobs moved to approve the purchase of a ION SCAN 600 Narcotics Detection System for the jail with ARPA funds. Commissioner Hodge seconded and the motion passed unanimously. The quoted amount for the purchase is \$41,030.

JAIL KITCHEN EQUIPMENT

Commissioner Hodge moved to approve purchase of jail kitchen equipment with ARPA funds (range, mixer, dishwasher, and mobile heated cabinet). Commissioner Jacobs seconded and the motion passed unanimously. The quoted amount for the purchases is \$45,927.

EMPLOYMENT AGREEMENTS - SPEELMAN, AMASON, WEIR

Commissioner Hodge moved to approve the following employment agreements: Sergeant/Malheur County Sheriff's Office - employment of PERS retiree Employment Agreement with Robert "Bob" Speelman; Temporary Employment Agreement to Perform LEDS Entry/Dispatcher Duty - Malheur County Sheriff's Office with Liz Amason; and Temporary Employment Agreement to Perform Duties of a Dispatcher (Excluding 911) - Malheur County Sheriff's Office with Melody Weir. Commissioner Jacobs seconded and the motion passed unanimously. See instrument # [2022-5790](#), # [2022-5791](#), and # [2022-5792](#).

GRAZING LEASE - HOLLOWAY

Commissioner Jacobs moved to approve Fifth Amendment to Lease of Land for Grazing Purposes Recorded with the Malheur County Clerk as Instrument Number [2008-901](#); First Amendment Recorded with the Malheur County Clerk as Instrument

Number [2011-0042](#); Second Amendment Recorded with the Malheur County Clerk as Instrument Number [2013-5045](#); Third Amendment Recorded with the Malheur County Clerk as Instrument Number [2016-4523](#); Fourth Amendment Recorded with the Malheur County Clerk as Instrument Number [2020-0405](#). Commissioner Hodge seconded and the motion passed unanimously. See instrument # [2022-5793](#)

COURT ADJOURNMENT

Judge Joyce adjourned the meeting.