

**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, APRIL 11, 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 \_\_\_\_\_  
Penny Bakefelt \_\_\_\_\_ Eddie Melendrez \_\_\_\_\_ Mayor Deborah Folden \_\_\_\_\_

**2) PLEDGE OF ALLEGIANCE**

This Agenda was posted on April 7, 2023. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website at [www.ontariooregon.org](http://www.ontariooregon.org).

**3) MOTION TO ADOPT THE AGENDA**

**4) CONSENT AGENDA**

A) Approval of Council Meeting Minutes: March 28, 2023

**5) 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.

**6) OLD BUSINESS**

A) Ordinance #2820-2023: Amend OMC 7-1, 2, 2A Nuisances - Final Reading

**7) NEW BUSINESS**

- A) Eastern Oregon Real Estate, LLC: Utility Upsize Costs
- B) Resolution #2023-105: Airport Clubhouse Property Taxes
- C) Resolution #2023-106: Ontario Airport Land Lease Rates
- D) Airport Clubhouse Lease and Additional Land Lease
- E) Acceptance of Department of State Lands Easement: Ontario Outfall Pipe Project

**8) DEPARTMENT HEAD UPDATE**

A) Police: Quarterly Report

**9) HAND-OUTS**

- A) Minutes: Diversity Advisory Committee 01-18-2023; 02-15-2023  
Minutes: County Court 03-29-2023
- B) February 2023 Check Register
- C) Monthly Department Stats: Public Works, Police, Code Enforcement, Fire

**10) CORRESPONDENCE, COMMENTS AND EX-OFFICIO REPORTS**

**11) EXECUTIVE SESSION**

A) ORS 192.660(2)(e): Real Property

**12) POSSIBLE ACTION FOLLOWING EXECUTIVE SESSION**

**13) 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; (c) Labor Negotiations; (d) Real Property Transactions; (e) Exempt Public Records; (f) Trade Negotiations; (g) Litigation [Current or Potential]/Consult with Legal Counsel; (h) Performance Evaluation of Public Officers and Employees; (i) Trade Negotiations; and/or (j) 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.



## CITY COUNCIL MEETING MINUTES March 28, 2023

The scheduled meeting of the Ontario City Council was called to order by Mayor Deborah Folden at 6:00 p.m. on Tuesday, March 28, 2023, in the Council Chambers of City Hall. Council members present were Deborah Folden, Susann Mills, John Kirby, Eddie Melendrez, Ken Hart, and Penny Bakefelt. Sam Baker arrived at 6:06 p.m.

Members of staff present were Dan Cummings, Tori Barnett, Corinna Hysell, Clint Benson, Kari Ott, Casey Mordhorst, Al Haun, Paul Woods, Michael Iwai, Marcy Siriwardene, and Jen Braden.

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

### AGENDA

This Agenda was posted on March 24, 2023. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website [www.ontariooregon.org](http://www.ontariooregon.org).

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

### CONSENT AGENDA

MILLS moved, BAKEFELT seconded, **TO ADOPT THE CONSENT AGENDA, WHICH INCLUDED THE COUNCIL MEETING MINUTES OF MARCH 14, 2023**. Roll call vote: Mills-yes; Baker-out; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 6/0/1.

### PUBLIC COMMENTS

Randall Lanais, Four Rivers Recovery: *I just wanted to take a couple minutes of your time. I opened up Four Rivers Recovery here in Ontario. We are an out-patient recovery center to help people struggling with substance abuse. Basic classes, one on ones, just basic stuff. What I'm trying to add – mental health and MAT, which is Medicated Assistant Treatment. It's a huge task, but I'm going to try to see what we can do, maybe to cut down on some wait times from other agencies. We'd love to work with the community. It's not about, to me it's more about the community then anything else, helping pull people up is something I'm passionate about and I'm just looking forward to helping and maybe add some of that human element back into it. I do have some, if you guys want to take a look at them, some pamphlets. We're there at the Family Eye Center, where the old Family Eye Center used to be. It's a great building, good staff. We're just trying to get started, get come clients, and make this thing work. Thank you.*

### SPECIAL ACTION

#### **Joint Meeting with Ontario Planning Commission Regarding the Ontario North-South Connector Trail Plan**

The Planning Commission meeting was called to order at 6:05 pm in the Council Chambers of City Hall. Commission members present were Blu Fortner, Mike Allen, Antonio Sunseri, John Breidenbach and Max Twombly. Ralph Poole was excused. James Grissett attended online.



The meeting was recorded on tape and the tape is on file at the City Community Development Center. The Agenda for this meeting was emailed on or before March 21, 2023. Copies of the Agenda were available at the City Community Development Center.

**Adoption of Agenda**

BREIDENBACH moved, FORTNER seconded, **TO ADOPT THE AGENDA AS PRESENTED**. Roll call vote: Fortner-yes; Allen-yes; Grissett-yes; Sunseri-yes; Breidenbach-yes; Twombly-yes; Poole-out. Motion carried 6/0/1.

**North-South Connector Trail Plan**

Nick Foster presented a Power Point presentation on the North-South Connector Trail Plan.

Commissioner Fortner asked if maintenance costs had been factored into the budget of the newly proposed trail.

Mr. Foster said that only the estimated construction costs had been determined at that time.

Commissioner Allen asked if the proposed trail would affect any adjacent property owners.

Mr. Foster stated that only one section of right of way would affect property owners.

Commissioner Grissett asked about the amount of public input and the number of people who responded to the public meetings on the trail.

Mr. Foster answered that there were many avenues of advertising used; social media, flyers, and even door to door advertising. Only one person questioned did not want any trails.

Commissioner Breidenbach stated that he spoke to several commercial business owners who didn't want to take the effort to participate in the trail meetings.

Commissioner Fortner asked if there would be any trash receptacles placed along the route.

Mr. Foster said that trash receptacles were factored into the project cost estimate.

Councilor Hart asked if we had the funds to maintain the trail since the current trail near where he lived was an eyesore.

Commissioner Breidenbach stated that a big request that he would get from new visitors was for a place to ride their bikes, walk, and take their dogs. He thought that the new design was a good design.

**Motion to Adjourn**

BREIDENBACH moved, FORTNER seconded, **THAT THE MEETING BE ADJOURNED**. Roll call vote: Fortner-yes; Allen-yes; Grissett-yes; Sunseri-yes; Breidenbach-yes; Twombly-yes; Poole-out. Motion carried 6/0/1.

**NEW BUSINESS****Bid Award: Chip Seal Oil**

Casey Mordhorst, Public Works Director, presented.

HART moved, MELENDREZ seconded, **THE CITY COUNCIL ACCEPT THE CHIP SEAL OIL BIDS AND AWARD THE PROJECT TO ALBINA ASPHALT FOR AN AMOUNT NOT TO EXCEED \$80,000**. Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 7/0/0.



**Resolution #2023-103: Reallocate Funds to Ontario Recreation District for Repair Work on the Beck-Kiwanis Baseball Field**

Andrew Maeda, District Manager, presented a PowerPoint presentation. *(Attached)*

Kari Ott, Finance Director, presented.

Councilor Kirby stated he would feel more comfortable if the actual amount of \$50K was in the motion.

KIRBY moved, MELENDREZ seconded, **THE CITY COUNCIL APPROVE RESOLUTION #2023-103: A RESOLUTION TO REALLOCATE FUNDS, IN THE AMOUNT OF \$50K, TO ONTARIO RECREATION DISTRICT FOR REPAIR WORK ON THE BECK-KIWANIS BASEBALL FIELD.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 7/0/0.

**Resolution #2023-104: Transfer Funds – SANS Equipment Purchase**

Kari Ott, Finance Director, presented.

Mr. Cummings stated staff would be coming back to Council on a semi-related issue, that being a server had gone down. The SANS purchase before them, the Storage Area Network, crashed, and that was being replaced. The old system would be used as a backup for redundancy, which the city did not currently have. Last week, the police server crashed. There were three different servers, so staff was looking into the status of all three. Were they all three the same age? Replace this one and have another crash? Staff would be coming back to Council after meeting with IT to determine the best replacement process.

Chief Iwai informed the Council the SANS was not just for police; it was the entire storage network for the city. The servers were three separate servers. Also, the department could not integrate the new evidence module without the upgrade to the system.

MILLS moved, MELENDREZ seconded, **THE CITY COUNCIL APPROVE RESOLUTION #2023-104: A RESOLUTION TO APPROPRIATE FUNDS FOR THE STORAGE AREA NETWORK SYSTEM.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 7/0/0.

**DEPARTMENT HEAD UPDATES****Finance – Monthly Report**

Kari Ott, Finance Director, presented.

**Community Development – Quarterly Report**

Dan Cummings, Community Development Director, presented.

**HAND-OUTS****Minutes:** *(Attached)*

County Court: 03-08-2023; 03-15-2023

Public Works: 02-21-2023

Parks: 02-16-2023





**CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS**

- Councilor Bakefelt stated that May 6<sup>th</sup> was the Chocolate & Wine Walk downtown; April 1<sup>st</sup> was the Spring Fling downtown; she now had Save the Date flyers for the Nation Night Out event; she attended the Osakasayama student greeting here at City Hall; she attended the Center Ball; they held the first homeless ad hoc committee to review TPMs; she did a ride along with Sgt. Laurenson and Officer Phillips, and encouraged the Council to take advantage of that; her next stop was Public Works.
- Councilor Mills congratulated Chief Iwai on the completion of the National FBI Academy training program.

Chief Iwai stated it was a great experience and thanked the Council and Mr. Cummings for allowing him to attend. He also thanked Lt. Cooper and Lt. Swank for covering the department during his absence. He encouraged anyone who had the opportunity to take it.

- John Breidenbach stated the Visitors & Conventions Bureau Board meeting will be held April 13<sup>th</sup> because he would be out of town during the original date.
- Dan Cummings stated, through an invitation from the Public Works Department, staff would like to do a ribbon cutting for the restrooms at Beck-Kiwanis Park, similar to what they did for Goodfellow. It had taken almost three years of budgeting to get the money together to get those bathrooms upgraded at the park. They were ready to open those up. The ribbon cutting would be April 11<sup>th</sup> at 11:00 a.m. at the park. They'd like to have the Mayor and Council present, along with the general public. Right after the cutting, they'd open the doors for use.

Councilor Baker suggested inviting former Council Michael Braden to the ribbon cutting, as he had been instrumental in fighting to get this project done.

**ADJOURN**

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

**ACCEPTED:****ATTEST**

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Deborah K. Folden, Mayor

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Tori Barnett, MMC, City Recorder



**AGENDA REPORT  
OLD BUSINESS  
April 11, 2023**

To: Mayor and City Council

FROM: Dan Cummings, City Manager

THROUGH: Dan K. Cummings, City Manager

SUBJECT: **ORDINANCE #2820-2023: AMEND OMC 7-1, 2, 2A NUISANCES - FINAL READING**

DATE: April 6, 2023

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**PROPOSED MOTION:**

**I MOVE THE CITY COUNCIL TO APPROVE ORDINANCE #2820-2023, AN ORDINANCE SUPERSEDING AND REPLACING TITLE 7, CHAPTER 1, 2, AND 2A OF THE ONTARIO MUNICIPAL CODE IN ITS ENTIRETY, COMMONLY KNOWN AS THE "ONTARIO NUISANCE ORDINANCE," WHICH TITLE 7, CHAPTER 1, 2 AND 2A ESTABLISHED DEFINITIONS OF NUISANCE, PENALTIES, AND PROCEDURES FOR ABATEMENT OF NUISANCES IN CITY OF ONTARIO; SUPERSEDING AND REPLACING ALL CITY ORDINANCES, RESOLUTIONS, AND/OR POLICIES IN CONFLICT WITH THIS ORDINANCE, ON FINAL READING.**

**SUMMARY:**

The Ontario City Council (the "Council") has determined that Title 7, Chapters 1, 2, and 2A of the Code is outdated, difficult to administer, and must be amended. By adoption of this Ordinance #2820-2023, the Council hereby supersedes and replaces Title 7, Chapters 1, 2, and 2A of the Code in its entirety.

**BACKGROUND:**

The Council finds and declares that conditions tending to (a) reduce the value of private property, (b) promote blight and deterioration, (c) create a hazard to the health and safety of minors, and (d) create a harborage for pests that may be injurious to public health, safety, and general welfare and by adoption of this Ordinance #2820-2023, the Council hereby supersedes and replaces Title 7, Chapters 1, 2, and 2A of the Code in its entirety.

At their March 14, 2023 meeting, the Council approved Ordinance #2820-2023 on First Reading, but subsequent to that passage, there were some requested changes from the Police Chief. After review by the City Attorney, those changes were inserted into the ordinance. The changes are reflected in Section 6.2, 10.4, 11.2, and 13.1, and will be read into the record by the City Recorder.

**RECOMMENDATION:**

Staff recommends the City Council approve Ordinance #2820-2023 on Final Reading.

**ATTACHMENTS:**

1. Nuisance Ordinance (redline) (01575165xB6300)



## ORDINANCE NO. 2820-2023

**AN ORDINANCE SUPERSEDING AND REPLACING TITLE 7, CHAPTERS 1, 2, AND 2A OF THE ONTARIO MUNICIPAL CODE IN ITS ENTIRETY, COMMONLY KNOWN AS THE “ONTARIO NUISANCE ORDINANCE,” WHICH TITLE 7, CHAPTERS 1, 2, AND 2A ESTABLISHED DEFINITIONS OF NUISANCE, PENALTIES, AND PROCEDURES FOR ABATEMENT OF NUISANCES IN CITY OF ONTARIO; SUPERSEDING AND REPLACING ALL CITY ORDINANCES, RESOLUTIONS, AND/OR POLICIES IN CONFLICT WITH THIS ORDINANCE**

- WHEREAS,** Title 7, Chapters 1, 2, and 2A of the Ontario Municipal Code (the “Code”), commonly known as the Ontario Nuisance Ordinance, establishes definitions of nuisance and certain penalties and procedures for abatement of nuisances; and
- WHEREAS,** the Ontario City Council (the “Council”) has determined that Title 7, Chapters 1, 2, and 2A of the Code is outdated, difficult to administer, and must be amended; and
- WHEREAS,** the Council finds and declares that conditions tending to (a) reduce the value of private property, (b) promote blight and deterioration, (c) create a hazard to the health and safety of minors, and (d) create a harborage for pests may be injurious to the public health, safety, and general welfare; and
- WHEREAS,** by adoption of this Ordinance No. 2820-2023, the Council hereby supersedes and replaces Title 7, Chapters 1, 2, and 2A of the Code in its entirety.

**NOW, THEREFORE,** the City of Ontario ordains as follows:

1. Findings. The above-stated findings are hereby adopted.
2. Short Title. This Ordinance No. 2820-2023 will be known as the “Nuisance Ordinance” and will be cited and referred to herein as this “Ordinance.”
3. Nuisance Definitions, Penalties, and Procedures for Abatement Established. City hereby establishes the nuisance definitions, penalties, and procedures for nuisances and nuisance abatement set forth in the attached Exhibit A (which Exhibit A will be deemed part of this Ordinance).
4. Supersede and Replace. This Ordinance supersedes and replaces Title 7, Chapters 1, 2, and 2A of the Code in its entirety, and supersedes and replaces all ordinances, resolutions, and/or policies in conflict with this Ordinance; provided, however, City may continue the prosecution, conviction, and/or punishment of any person who has or is in violation of Title 7, Chapters 1, 2, and 2A of the Code as of the effective date of this Ordinance.
5. Interpretation; Severability; Errors. All pronouns contained in this Ordinance (and any variations thereof) will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The word “or” is not exclusive. The words “include,” “includes,” and “including” are not limiting. Any reference to a particular law, rule, regulation, code, or ordinance includes the law, rule, regulation, code, or ordinance as now in force and hereafter amended. The provisions of this Ordinance are hereby declared to be severable. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or

portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance. This Ordinance may be corrected by order of the Council to cure editorial and/or clerical errors.

**PASSED AND ADOPTED** by the Common Council of the City of Ontario this \_\_\_\_ day of \_\_\_\_\_, 2023, by the following vote:

AYES:

NAYES:

ABSENT:

**APPROVED** by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Deborah K. Folden, Mayor

**ATTEST:**

\_\_\_\_\_  
Tori Barnett, MMC, City Recorder

Exhibit A  
Nuisance Definitions, Penalties, and Procedures for Abatement

1. Definitions. Unless the context requires otherwise, the following terms and phrases have the meanings assigned to them below:

“Abandoned Structure(s)” means a vacant Building or Structure that is an Attractive Nuisance.

“Abate” or “abatement” means the removal, remediation, and/or correction of conditions deemed a violation of this Ordinance and/or completion of improvements needed to effect a rehabilitation of the subject property consistent with maintaining safe and habitable conditions.

“Ash(es)” means the residue of the combustion of solid fuels.

“Attractive Nuisance(s)” means Buildings, Structures, and/or Premises that is/are in an Unsecured, derelict, and/or dangerous condition so as to potentially constitute an attraction to minors, vagrants, criminals, and/or other unauthorized persons, and/or enable persons to resort thereto for the purpose of committing an unlawful act.

“Boarded” means the securing of an Unoccupied Building or Structure against entry by placement of material such as plywood, boards, and/or other similar material over openings (e.g., windows, doors, etc.).

“Building(s)” means any Structure designed for habitation, shelter, storage, trade, manufacture, business, education, and/or other similar purposes.

“Building Code” means the specialty building, plumbing, electrical, structural, and other codes applicable within City.

“Building Official” means the Building Code administrator (or his or her designee).

“Bulk Solid Waste(s)” means discarded bedding, mattresses, furniture, Junk, Yard Debris, uprooted tree stumps, demolition or construction debris, and/or other non-putrefactive and nonhazardous materials not placed in a Container, or too large to be placed in a Container.

“City” means City of Ontario, an Oregon municipal corporation.

“City Manager” means City’s then-appointed city manager (or his or her designee).

“Code” means City’s municipal code and ordinances, including, without limitation, the Building Code.

“Container(s)” means any container approved by the City Manager for storage of Solid Waste.

“Corrosive Substance(s)” means any salt and/or other substance which has a corrosive effect.

“Council” means City’s then-elected legislative body.

“Deterioration” means a lowering in the quality, condition, and/or appearance of a Building or Structure, characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, and/or any other evidence of physical decay, neglect, excessive use, and/or lack of maintenance.

“Derelict Structure(s)” means a Building or Structure that is Unfit for Human Habitation, poses an Imminent Hazard, and/or is detrimental to public health, safety, and/or general welfare due to one or more of the following conditions: (a) is Unoccupied and Unsecured; (b) is Partially Constructed; (c) is an Abandoned Structure or Attractive Nuisance; (d) in a condition of Deterioration; and/or (e) has an Infestation of Pests.

“Dry Vegetation” means dry vegetation, including, without limitation, grass, weeds, and/or shrubs, that may be a fire hazard.

“Dwelling Unit(s)” or “Dwelling(s)” means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. As used in this Ordinance, “Dwelling Unit” or “Dwelling” includes, without limitation, as the context requires, single family dwellings, duplexes, triplexes, condominiums, mobile homes, multi-family dwellings, and single units therein.

“Extermination” means the control, elimination, and removal of Pests by one or more of the following: (a) eliminating harborage places; (b) removing or making inaccessible materials that serve as food; (c) poison spraying, fumigating, and/or trapping, and/or (d) any other Pest elimination method approved by the City Manager.

“Food Waste(s)” means all waste from meats, fish, shellfish, grains, fruits, and/or vegetables which attends or results from the storage, preparation, cooking, handling, selling, and/or serving of food for human consumption. “Food Waste(s)” includes, without limitation, excess, spoiled, and/or unusable food or dairy products, meats, fish, shellfish, grains, fruits, vegetables, breads and dough, incidental amounts of edible oils, and organic waste from food processing. “Food Waste(s)” does not include large amounts of oils and meats which are collected for rendering, fuel production, and/or other reuse applications and/or dead animals not intended for human consumption or animal excrement.

“Fowl” means a duck, goose, chicken, pigeon, parrot, and other like bird.

“Garbage” means all classes of putrefactive and easily decomposable animal and vegetable matter, including, without limitation, wastes produced from the handling and preparation of food, and containers originally used for foodstuffs.

“Hazardous Thicket(s)” means vines or other thickets that (a) conceal trash, debris, or Junk, (b) create a harborage for people involved in criminal activity and/or products used for unlawful activity, and/or (c) encroach upon the public right-of-way and/or private property of another in a manner that may be hazardous.

“Hearings Officer” means the person or persons appointed by the City Council to serve as the nuisance enforcement hearings officer.

“Imminent Hazard(s)” means any condition of Deterioration that places public health, safety, and/or welfare in high risk of peril, when the peril is immediate, impending, and/or on the point of happening.

“Indoor Fixture(s)” means any item that is designed for use indoors and/or otherwise protected from environmental elements, including, without limitation, heating, plumbing, and electrical fixtures.

“Indoor Furnishing(s)” means any item that is designed to be used indoors and/or otherwise protected from environmental elements, including, without limitation, upholstered furniture, indoor appliances, and indoor carpet.

“Infestation(s)” or “Infested” means the presence of Pests in large numbers that are harmful or bothersome within or adjacent to a Building or Structure or upon a Premises.

“Junk” means articles of personal property that have outlived their usefulness in their original form, or articles of personal property that have been discarded and are no longer used for their manufactured purpose, regardless of value. “Junk” includes, without limitation, the following: (a) derelict motor vehicle (i.e., any used motor vehicle without a vehicle license or with an expired license); (b) neglected motor vehicle (i.e., any motor vehicle that is missing critical parts required for the normal and legal operation of the vehicle, but has all of its body parts intact, including fenders, hood, trunk, glass, and tires); (c) wrecked motor vehicle (or part thereof) (i.e., any motor vehicle that is dismantled or partially dismantled, or has a broken or missing window or windshield, or lacks a wheel or tire); (d) machinery (or parts thereof) that are inoperative, worn out, and/or in a state of disrepair; (e) appliances (or parts thereof) that are inoperative, worn out, and/or in a state of disrepair; (f) worn out or dilapidated Indoor Fixtures or Indoor Furnishings (or parts thereof); (g) Bulk Solid Waste; and/or (h) Solid Waste

items that are of a type or quantity inconsistent with normal and usual use such as wood, metal, scrap, and/or other similar items.

“Keep” or “Keeping” means to provide food or shelter of a permanent or semi-permanent nature.

“Legally Occupied” means the use and Occupancy of a Premises for a purpose authorized by law. A Premises will be considered “Legally Occupied” if the Premises is maintained in good order, is temporarily vacant, and the Owner is seeking, in good faith, to Let the Premises.

“Let for Occupancy” or “Let” means to permit, provide, or to offer possession or Occupancy of a Dwelling Unit, Building, Structure, or Premises pursuant to a lease, permit, agreement, or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of land.

“Livestock Animal(s)” means a horse, cow, mule, sheep, goat, hog, potbellied pig, and/or any variation of pigs, and/or other like animal, but not including a dog, cat, household pet, rabbit, and/or other like animal.

“Noxious Vegetation” means (a) weeds more than ten (10) inches in height, (b) grass more than ten (10) inches in height, (c) dead Dry Vegetation or Rank Vegetation, (d) poison oak, poison hemlock, and poison ivy, (e) Hazardous Thickets, (f) puncturevine or “goathead” and all noxious weeds, regardless of height, identified in Malheur County’s noxious/invasive weed list, and/or (g) other rank, noxious, and/or dangerous vegetation that is a health, fire, and/or traffic hazard because it impairs the view of a public right-of-way (including, without limitation, all traffic signs and signals, street light and/or name signs), obstructs access of the public right-of-way, and/or otherwise makes use of the public right-of-way hazardous and/or creates a fire hazard to the public right-of way and/or other property. “Noxious Vegetation” does not include agriculture crops, endangered riparian grasses that have not come to seed, and/or wet land grasses that are neither a fire nor a traffic hazard.

“Occupancy” means the purpose for which a Building, Structure, or Premises is used or intended to be used.

“Occupant(s)” means any person living or sleeping in a Building or Structure, or having possession of a space within a Building or Structure or possession of a Premises.

“Owner(s)” means (a) the Person recorded in the official records of the state, county, or City as holding title to Premises, (b) any Person who has purchased or otherwise acquired a Premises but whose ownership is not yet reflected in the official records of the state, county, or City, (c) a trustee, executor, administrator, guardian, or mortgagee in possession and having control of the Premises, (d) a Person who has care and control of a Premises in the case of the absence or disability of the Person holding title thereto, and/or (e) a lessee, tenant, or licensee in possession.

“Partially Constructed” means an occupied or vacant Building or Structure that has been left in a state of partial construction for more than six months, or that has not been completed prior to the expiration of any building permit.

“Person(s)” means a natural person, partnership, corporation, limited liability partnership, limited liability company, co-operative, governmental entity, association, and/or other entity in law or fact.

“Pest(s)” means animals detrimental to humans or human concerns including, without limitation, insects, rodents, rats, or vermin.

“Premise(s)” means a lot, or parcel of land, including any Buildings or Structures located thereon.

“Private Place” means any place other than a Public Place.

“Public Place” means a building, way, place, and/or accommodation, whether publicly or privately owned, open and available to the general public.



“Rank Vegetation” means any vegetation existing in a state of uncontrolled growth or without commonly recognized vegetation maintenance or management practices applied.

“Remediation” means the elimination and/or correction of a condition, including, without limitation, repair, replacement, restoration, and/or removal.

“Rubbish” means worthless, discarded material, including, without limitation, cardboard, plastic, glass, paper, rags, sweepings, wood, rubber, leather, and similar waste materials that ordinarily may accumulate on a Premises.

“Skilled Manner” means executed in a proper manner, consistent with generally accepted standards of construction and maintenance (e.g., generally plumb, level, square, in line, undamaged, without marring adjacent work).

“Solid Waste(s)” means all waste, in solid, semisolid, and/or liquid form, including, without limitation, the following: (a) Garbage, Rubbish, trash, Ashes, street refuse, waste paper, corrugated material, and cardboard; (b) commercial, industrial, demolition, and construction wastes; (c) Food Waste; (d) small dead animals; (e) infectious waste as defined in ORS 459.386(4); and (f) other wastes. “Solid Waste(s)” does not include sewage, sewage sludge, and/or sewage hauled as an incidental part of a septic tank or cesspool cleaning service or materials that are used for fertilizer, for compost or composting, and/or for other productive agricultural or horticultural purposes.

“Structure(s)” means (a) that which is built or constructed, (b) an edifice or Building of any kind, including mobile or manufactured homes and mobile outbuildings, and/or (c) any work that is built up as an addition to or fixture on a Premises.

“Unfit for Human Habitation” means a Building or Structure the City Manager determines in disrepair or suffers from lack of maintenance, is unsanitary, is Pest Infested, contains filth and contamination, and/or lacks Ventilation, illumination, sanitary, and/or heating facilities, such that habitation would be injurious to the health, safety, and/or welfare of the Occupant(s).

“Unoccupied” means not Legally Occupied.

“Unsecured” means unlocked and/or otherwise open to entry.

“Ventilation” means the natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

“Waste Tire(s)” means a tire not suitable for its original intended purpose because of wear, damage, or defect.

“Wild or fur-bearing animal(s)” means all wild animals, and other animals raised for the fur, such as chinchillas, mink, snakes, wolves, and other similar animals, exotics, and hybrids.

“Wholly enclosed” means a Building or Structure containing a roof and having four exterior walls (which may be pierced only by windows, vents, and/or customary entrances and exits) constructed in a manner as to obscure from a person’s view from any street or adjacent property the contents within the Building or Structure.

“Yard Debris” means all vegetative waste generated from property maintenance and/or landscaping activities, including, without limitation, grass clippings, leaves, hedge trimmings and small tree branches, but excluding tree stumps and other similar bulky woody materials.

Where terms are not defined in this Ordinance and are defined in the state building, plumbing, and/or mechanical codes, such terms will have the meanings assigned to them in those codes. Terms not otherwise defined in this Ordinance or in the state building, plumbing, and/or mechanical codes will have ordinarily accepted meanings. Whenever the words “Dwelling Unit,” “Dwelling,” “Premises,” “Building,” or “Structure” are used in this

Ordinance, they will be construed as though they were followed by the words “or any part thereof.”

2. Scope; Intent; Application.

2.1 Scope of Ordinance. The provisions of this Ordinance are intended to protect the public health, safety, and general welfare by (a) regulating existing Buildings, Structures, and Premises, whether residential or nonresidential, (b) establishing minimum requirements and standards for Buildings, Structures, and Premises for protection from the elements, life safety, hazards, and for safe and sanitary maintenance, (c) identifying responsibility of Owners and Occupants, and (d) administration, enforcement, and penalties.

2.2 Intent. The provisions of this Ordinance will be construed to secure and ensure public health, safety, and general welfare insofar as they are affected by the continued Occupancy and maintenance of Buildings, Structures, and/or Premises. Existing Buildings, Structures, and Premises that do not comply with the provisions of this Ordinance will be altered, repaired, improved, and/or remediated to provide a minimum level of health, safety, and maintenance as required herein.

2.3 Application; Responsibility. Nothing in this Ordinance will be construed to relieve a Person from complying with any federal, state, and/or local laws, regulations, and/or ordinances, including any other provisions of the Code, and/or the requirement to obtain all necessary permits and approvals. Unless otherwise provided, the City Manager is responsible for the enforcement of all provisions of this Ordinance. The City Manager may appoint such officers, technical assistants, inspectors, consultants, contractors, and/or employees as necessary or appropriate for administration of this Ordinance. Without otherwise limiting the immediately preceding sentence, the City Manager is authorized to designate and delegate all the City’s Manager’s authority under this Ordinance to another City employee during the City Manager’s temporary absence or disability. Where conditions or prohibitions under this Ordinance are regulated by the Building Code, the Building Official will be responsible for making such determination and taking appropriate action as provided therein.

2.4 Modifications; Failure to Obey. Where there are extreme hardships involved in carrying out the provisions of this Ordinance, the City Manager will have the right to vary or modify such provisions upon application of an Owner or Occupant, provided that the intent of the law is observed and that the public health, safety, and general welfare is assured. It is unlawful for any Person to refuse to obey any City Manager order issued in the discharge or apparent discharge of the City Manager’s duties under this Ordinance. It is no defense to a prosecution for a violation of this Ordinance that the City Manager lacked legal authority to issue the order, provided the City Manager was acting under color of official authority.

3. Maintenance and Repairs.

3.1 Required Maintenance. All systems, devices, and safeguards required under this Ordinance or by a previous statute or code applicable to the Building, Structure, and/or Premises at the time the Building, Structure, and/or Premises was erected or altered will be maintained in good working order, thus insuring the health and safety of all inhabitants.

3.2 Skilled Work Required. All repairs, maintenance work, alterations, improvements, and/or installations which are caused directly or indirectly by enforcement of this Ordinance will be executed and installed in a Skilled Manner.

4. Junk.

4.1 Outside Storage Prohibited. Unless otherwise specifically allowed by law, it is unlawful to store items of personal property out-of-doors or outside of a Building or Structure that is not Wholly Enclosed.

4.2 Outside Storage Exceptions. Notwithstanding the prohibition under Section 4.1, the following items of personal property may be stored outside of a Building or Structure: (a) firewood that is stacked and useable (i.e., “useable” firewood is wood that is not rotted and cut to lengths intended to fit a lawful fireplace or wood stove on the subject Premises); (b) construction material if the construction material is (i) stored in a manner intended to protect its utility and prevent Deterioration, and (ii) the construction material is reasonably

expected to be used for construction on the subject Premises; (c) open storage of materials directly associated with the primary activity of a business if (i) the business is a permitted, special, or conditional use within any commercial or industrial zone, and (ii) the materials are safely stacked, bundled, or otherwise source-separated and remain in the stream of commerce with an articulable future use; and/or (d) all other items of personal property which are of a type, condition, and quantity consistent with their normal and intended use (e.g., barbeque grills, lawn furniture, and Solid Waste disposal Containers).

4.3 Keeping Junk Prohibited. No Person will deposit or Keep Junk within a public right-of-way or out-of-doors on any Premises within City or in a Structure that is not Wholly Enclosed.

4.4 Keeping Junk Exceptions. Notwithstanding the prohibition under Section 4.3, the following Junk may be deposited or kept out-of-doors on Premises within City: (a) any wrecked, neglected, and/or derelict motor vehicle (or parts thereof) kept in a motor vehicle wrecking business licensed by City; (b) any derelict or neglected motor vehicle displayed by a business offering new and used motor vehicles for sale in a commercial or industrial zone; (c) any wrecked motor vehicle stored outside an approved enclosure at a business offering "motor vehicle repair" as defined in the Standard Industrial Classification Manual as Industry Group No. 753, provided that no more than eight vehicles in an industrial zone or four vehicles in a commercial zone will be kept outside of an approved enclosure at any one time; (d) any neglected and/or derelict vehicle stored at a business offering "motor vehicle repair" as defined in the Standard Industrial Classification Manual as Industry Group No. 753; (e) recyclable Solid Waste that has been source separated and collected in conformance with this Ordinance; (f) "recyclable materials" or "source separated" Solid Waste kept at a scrap and waste material establishment as defined in the Standard Industrial Classification Manual as Industrial Group No. 5093, operating in compliance with all applicable laws and where the materials or Solid Waste are enclosed by a sight obscuring fence or otherwise stored in a manner conforming with applicable zoning ordinances or in a Container; and/or (g) any Waste Tire kept for storage, collection, transportation, and/or disposal by a Person licensed for that purpose by the State of Oregon.

4.5 Abatement of Junk Motor Vehicles. Abatement of Junk motor vehicles from private or public property is subject to the abatement provisions of this Ordinance.

## 5. General Exterior Building and Structure Maintenance.

5.1 General Maintenance and Repair. The exterior of Buildings and Structures will be maintained in good repair so as not to be in a state of Deterioration, and in a sanitary condition so as not to pose a threat to the public health, safety, and/or general welfare.

5.2 Exterior Surfaces. All wood and metal surfaces, including, without limitation, window frames, doors, door frames, cornices, porches, siding, and trim on Buildings and Structures, will be maintained in good condition so as not to be in a state of Deterioration.

5.3 Street Numbers. Each Building or Structure to which a street number has been assigned will have the street number displayed in a position adjacent to or directly above the Building's or Structure's main entrance and on the side of the Building or Structure closest to and easily observed and readable from the public right-of-way of the street (i.e., the street which is the Building's or Structure's address of record). All numbers will be in numerals, at least four inches high and one-half inch stroke for residential Buildings and Structures and six inches high and one-half inch stroke for commercial Buildings and Structures.

5.4 Foundation Walls. All foundation walls will be maintained free from large open cracks and breaks and will be kept in such condition to prevent the entry of Pests.

5.5 Exterior Walls and Windows. All Building and Structure exterior walls will be free from holes, breaks, and/or loose or rotting materials and will be maintained in good condition so as not to be in a state of Deterioration. The use of tarps or similar material for emergency repair will not exceed three months in any two-year period. Every window, door, and frame will be kept in sound condition, good repair, and weather tight. Where windows and doors have been sealed by plastic or other materials for weather proofing, the materials will be maintained in a Skilled Manner. Any window and door screens will be maintained in a Skilled Manner.

5.6 Roofs and Drainage. Roof and flashing will be sound, tight, and not have defects that admit rain into the Building or Structure. Roof drainage will be adequate to prevent dampness or Deterioration in the walls or interior portion of the Building or Structure. Roof drains, gutters, and down spouts will be free from obstructions and maintained in good repair so as not to be in a state of Deterioration. Any non-residential Building or Structure having originally been designed for and fitted with gutters and downspouts will continuously be maintained with such devices, in proper working condition, and maintained so as not to be in a state of Deterioration. The use of tarps or similar material for emergency repair will not exceed three months in any two-year period.

5.7 Decorative Features. All cornices, belt courses, corbels, terra cotta trim, wall facings, and similar decorative features on a Building or Structure will be maintained in good repair with proper anchorage and in a safe condition so as not to be in a state of Deterioration. When any non-residential Building or Structure is found to be missing a decorative feature, the City Manager may require the missing decorative feature to be replaced with a similar material of similar size, shape, color, and texture.

5.8 Accessory Structures. All accessory sheds, fences, walls, and other similar structures will be erected in a Skilled Manner and maintained in a structurally sound condition and in good repair so as not to be in a state of Deterioration. Accessory structures covered by the Building Code will fall under the jurisdiction of the Building Official.

## 6. Derelict Structures.

6.1 Derelict Structures Prohibited. Derelict Structures on any Premises are hereby declared to be a public nuisance and violation of this Ordinance.

6.2 Order to Vacate Buildings or Structures. If the City Manager determines that a Building or Structure is in violation of Section 6.1, the City Manager may order that a "no trespassing" and/or placard be posted on the Building or Structure (~~containing the~~ which placard will contain any information required under Section 10.3 which the City Manager determines applicable) and order that (a) the Building or Structure be vacated, and/or (b) the Owner register the Building or Structure under Section 7.1. The Owner and/or Occupant may appeal the City Manager's order under Section 12.1.

6.3 Prohibited Habitation. No Person (which includes any Occupant) will inhabit a Derelict Structure or Building or a Building or Structure ordered vacated by the City Manager. No Owner will allow any Person to inhabit a Derelict Structure or Building or a Building or Structure ordered vacated by the City Manager.

6.4 Removal of Placard Prohibited. The City Manager will remove a placard whenever the conditions causing the order to vacate the Building or Structure have been eliminated. No Person will deface or remove a placard without approval of the City Manager.

6.5 Temporary Safeguards. Notwithstanding any other provision contained in this Ordinance providing otherwise, if the City Manager determines that a Building or Structure poses an Imminent Hazard, the City Manager may order and/or cause to be performed any necessary or appropriate work (including, without limitation, fencing the subject Premises, boarding openings, and/or other abatement) to render the Building or Structure temporarily safe and secure, whether or not proceedings to abate the hazard have been instituted. In addition to temporary safeguards, the Owner and/or Occupant will cause all other actions to be taken that the City Manager deems necessary or appropriate to render the Building or Structure temporarily safe and secure.

## 7. Derelict Structure Registration and Fees.

7.1 Registration. If the City Manager determines that a Building or Structure is a Derelict Structure, the Owner must register the Building or Structure within ten (10) days after the City Manager's issuance of an order to register. Registration will be made on forms provided by the City Manager. Information required to be provided on the registration form will include, among other things, identification of the Derelict Structure's location and ownership, expected duration of vacancy, Owner's plan for regular maintenance during the period of

vacancy, a plan for the Derelict Structure's re-Occupancy and use, and Owner's Remediation (or demolition) plan. Any change in the information required to be provided under this Section 7.1 will be given to the City Manager no more than thirty (30) days after the date of such change. When all conditions creating the Derelict Structure have been corrected (remediated), the Owner will contact the City Manager and request an inspection to determine compliance.

7.2 Derelict Structure Fees. An Owner who, after receipt of the order under Section 7.1, fails to register the Derelict Structure within the required time set forth in the order, or registers the Derelict Structure but allows the Derelict Structure to remain in a derelict condition, will pay a monthly Derelict Structure fee (which fee will be established by Council resolution from time to time). Payment of the fee is due on the fifteenth (15<sup>th</sup>) day each month. Any payment that is more than thirty (30) days past due will be considered delinquent and subject to a penalty of \$100.00. If any fee is delinquent for more than ninety (90) days, or if the Owner fails to timely register the Derelict Structure, the city attorney, on request of the City Manager, may file an action in the Malheur County Circuit Court for recovery of all delinquent fees and penalties due under this Section 7.2. All fees imposed under this Section 7.2 must be paid prior to issuance of any permit required for the demolition, alteration, or repair of the Derelict Structure. Notwithstanding anything contained in this Section 7.2 providing otherwise, the City Manager may, upon a showing by the Owner of undue economic hardship, (a) defer payment of the fees imposed under this Section 7.2 on an Owner-occupied residential Building or Structure deemed a Derelict Structure, and (b) issue a permit for the demolition, alteration, or repair of the Derelict Structure.

7.3 Refund of Derelict Structure Fees. The City Manager will refund Derelict Structure fees imposed under Section 7.2 if the following conditions are met: (a) a timetable for Remediation of the conditions or demolition of the Derelict Structure has been submitted by the Owner and approved by the City Manager; (b) all required permits have been obtained for repair or demolition of the Derelict Structure; (c) Remediation of the conditions or demolition of the Derelict Structure is completed within the time set forth in the permits or any approved extension; and (d) the Owner has provided written authorization for City to enforce all applicable trespass and illegal camping ordinances, if any, and laws.

## 8. Remediation.

8.1 Remediation Order. In addition to, and not in lieu of, the abatement remedies provided under Section 11 of this Ordinance and receivership authority under Section 13.4, the City Manager may file notice with the police department to set a public hearing before the Hearings Officer to seek an order for Remediation of the conditions creating a Derelict Structure.

8.2 Remediation Hearing Notice. Upon the police department's receipt of the hearing notice, the police department will set the matter for prompt public hearing before the Hearings Officer and will, no less than fifteen (15) days prior to the hearing, cause notice to be served in the manner provided under Section 10.4. Notice will also be posted on or near the Derelict Structure. Failure of the Owner(s) or Occupant(s) to receive notice or an error in the name or address of the Owner(s) or Occupant(s) will not render the notice void and in such case, the notice will be sufficient. Refusal to accept the registered or certified mail will not be deemed to, and will not, render the notice invalid.

8.3 Remediation Hearing. At the hearing, the City Manager will present whatever information, evidence, or testimony the City Manager may deem relevant to support of the City Manager's determination. During the hearing, the Owner(s) and Occupant(s) will be afforded an opportunity to rebut (or refute) the City Manager's determination. Any information, opinion, testimony, or evidence may be received which the Hearings Officer deems material, relevant, and probative of the matters in issue. The Owner(s) and Occupant(s) may represent themselves or be represented by legal counsel provided that such legal counsel is admitted to the practice of law in the State of Oregon.

8.4 Remediation Order. The Hearings Officer will order the conditions creating the Derelict Structure be remediated if the City Manager demonstrates, by a preponderance of the evidence, that the Building or Structure is a Derelict Structure. In determining whether the conditions are such that Remediation is necessary, the Hearings Officer will determine whether the Building or Structure is in a condition Unfit for Human Habitation,

or in a condition that is an Imminent Hazard, based on the number and extent of the following factors: (a) dilapidation; (b) disrepair; (c) structural defects; (d) defects increasing hazards of fire, accident, and/or other calamity (e.g., parts standing or attached in such manner as to be likely to fall and cause damage or injury); (e) uncleanness or Infestations of Pests; (f) condition of sanitary facilities; (g) presence of a public nuisance; (h) history of unlawful activity in or around the Building or Structure; and/or (i) any other factors the Hearings Officer deems appropriate under the applicable circumstances.

8.5 Failure to Remediate Derelict Structure. If Remediation is not commenced and completed within the timeframe identified in the order for Remediation, the City may, in addition to all other rights and remedies provided under this Ordinance and applicable law, cause the Remediation to be performed and the cost thereof assessed as a lien against the Premises upon which the Derelict Structure is located. City's abatement may include, without limitation, demolition of the Derelict Structure, removal of property, and/or site cleanup. The cost of abatement and a twenty-five percent (25%) charge for administrative overhead will be assessed. If more than one Person is responsible for a nuisance, each responsible Person will be jointly and severally liable for correcting the violation and all costs and expenses incurred by City in abating the nuisance.

## 9. Miscellaneous Violations.

9.1 Pest Infestation Prohibited. All Premises will be kept free from Pest Infestation. Pest Infestations will be promptly exterminated in a manner that will not be injurious to human health. After Extermination, proper precautions will be taken to prevent re-Infestation.

9.2 Noxious Vegetation; Dry Vegetation Prohibited; Trees. No Owner will cause or permit Noxious or Rank Vegetation or Dry Vegetation upon Premises or in the right-of-way of a street abutting any Premises. In addition to, or in lieu of, any other enforcement action authorized by law, the City Manager may cause a violation of this Section 9.2 to be corrected in the same manner as a public nuisance pursuant to Section 11. No Owner of any Premises that abuts upon any street or sidewalk will permit trees or bushes on his or her Premises to interfere with street or sidewalk traffic. An Owner of Premises that abuts upon a street or sidewalk must Keep all trees and bushes on his or her Premises and on the adjoining parking strip trimmed to a height of no less than eight feet (8') above the sidewalks and no less than ten feet (10') above the streets. No Owner will allow to stand any dead or decaying tree that is a hazard to the public, persons, or property on or near the Owner's Premises.

9.3 Unenumerated Nuisances. The acts, conditions, and/or objects specifically enumerated and defined under this Ordinance are declared nuisances. Nuisances will be abated in accordance with this Ordinance. In addition to the nuisances specifically enumerated under this Ordinance, any condition, thing, substance, and/or act that is determined by the City Manager to be injurious or detrimental to the public health, safety, and/or general welfare is declared a nuisance and subject to the abatement procedures provided under this Ordinance, including, without limitation, Section 11.

## 10. Public Nuisances.

10.1 Public Nuisance Prohibited. A public nuisance is any thing, condition, and/or act which is or may become a detriment or menace to the public health, safety, and/or general welfare. No Person will cause, permit, and/or maintain a public nuisance on public or private property.

10.2 Specific Public Nuisances. The following are specifically declared to be public nuisances, which list is not exclusive:

10.2.1 Accumulation, exposure, and/or deposit of any Garbage, Rubbish, Bulk Solid Waste, and/or Solid Waste on any public way or private street, alley, and/or lot, and/or into a stream, well, spring, brook, ditch, pond, river, and/or other inland waters within City, and/or the placing of such substances in such position that high water or natural seepage will carry the same into such waters.



10.2.2 Any physical condition of a Premises considered an Attractive Nuisance, including, without limitation, abandoned wells, shafts, basements (i.e., that portion of a Building or Structure which is partly or completely below grade), and unguarded machinery.

10.2.3 An abandoned, unattended, and/or discarded icebox, refrigerator, and/or other container accessible to children which has an airtight door or lock which may not be released for opening from the inside.

10.2.4 Dangerous pilings and unprotected excavations.

10.2.5 Any Premises that has unsanitary plumbing fixtures, or plumbing fixtures that permit the spillage of effluent outside of an approved sanitary sewer system, and/or the escape of sewer odors and gases.

10.2.6 Maintenance of Premises which are in such a state or condition as to cause an offensive odor.

10.2.7 Accumulation of feces or manure (whether in piles, heaps, and/or otherwise) unless enclosed in Containers capable of excluding flies and maintained in such a manner or condition that offensive odor is not emitted therefrom.

10.2.8 Burning of any Garbage, Rubbish, rubber, cloth, and/or any other thing, the burning of which, or the smoke emitted from such burning, creates an offensive odor.

10.2.9 Accumulation of stagnant water in which mosquitoes may breed.

10.2.10 Violation of Section 4 by Keeping more than five cubic yards of Junk on any residentially zoned property or by Keeping four or more neglected or wrecked motor vehicles on any residentially zoned property.

10.2.11 Violation of Section 6, "Derelict Structures." Violation of Section 9.1, "Pest Infestation." Violation of Section 9.2, "Noxious Vegetation."

10.2.12 Any Building or Structure that is in a condition that poses an Imminent Hazard.

10.3 Notice of Public Nuisance. If the City Manager has reasonable grounds to believe that a violation of Section 10.1 has occurred, a notice of public nuisance and order will be served to the Owner(s) and Occupant(s), if any, in any manner provided under Section 10.4. A notice of public nuisance and order will be in writing (English and Spanish) and include the following information: (a) description of the Premises sufficient for identification; (b) a short and plain statement of the reason(s) why the notice and order is being issued; (c) a correction order allowing a reasonable time for the repairs and improvements required to bring the Premises into compliance with this Ordinance; (d) a statement that City may abate the nuisance pursuant to this Ordinance and that the Person responsible will be responsible for the costs and expenses of such abatement; (e) a statement of the right to appeal the notice of public nuisance and order; (f) a short and plain statement of the appeal procedure; and (g) a statement that if a notice of appeal is not filed within the time allowed, the Person will have waived the right to review of the notice of public nuisance and order.

10.4 Method of Service. Any notice (including orders) required under this Ordinance will be (a) personally delivered to the Owner(s) and Occupant(s), if any, (b) sent to the Owner(s) and Occupant(s), if any, by first class mail to their last known residence or business address, and/or (c) posted at the Premises. Any notice issued in substantial compliance with this Section 10.4 will be effective from and after the date the notice is issued. All notices served in accordance with this Section 10.4 will be considered served (delivered) on the date of personal service or posting or three days after the date of mailing. Failure of the Owner(s) or Occupant(s) to receive such notice or an error in the name or address of an Owner(s) or Occupant(s) will not render the notice void (i.e., the notice will be sufficient). Refusal to accept any notice provided under this Ordinance via registered or certified mail will not be deemed to, and will not, render the notice invalid.

10.5 Recording Violation. City may record a notice of violation with the Malheur County Clerk. Failure to record a notice of violation will not affect the validity of the notice as to Persons who receive the notice. If a notice of violation is recorded, a satisfaction of notice of violation will be recorded if and when the Premises is brought into compliance.

11. City Abatement and Procedures.

11.1 City Abatement. If the nuisance or other Ordinance violation has not been abated within the time prescribed by the abatement order, the City Manager may cause the nuisance or violation to be abated or corrected. The City Manager, or a person authorized by the City Manager, may enter upon the Premises to abate or correct the violation or nuisance. The City Manager will maintain an accurate record of costs and expenses incurred correcting the nuisance or violation and will include an administrative overhead fee in an amount of twenty percent (20%) of the actual cost and expense of correction.

11.2 Abatement Procedures - Assessment of Costs. After City's abatement, the police department will send to the Owner(s) and Occupant(s) a notice (billing notice) identifying the total cost and expense of abatement, including the administrative overhead fee. If the total cost and expense of abatement and administrative overhead are not paid within thirty (30) days after notice, the police department will file with the Hearings Officer an itemized statement of costs and expenses and administrative overhead fee and set the matter for public hearing. The police department will notify the Owner(s) and Occupant(s) of the public hearing no less than ~~ten (10)~~fifteen (15) days before the scheduled hearing.

11.3 Hearing – Cost Assessment. The Hearings Officer will review the itemized statement and declare the correctness of such statement. The amount determined correct by the Hearings Officer will be assessed and declared a lien against the subject Premises. Interest on the amount of assessment due will accrue interest at the rate of nine percent (9%) per annum from the date the lien is recorded.

11.4 Summary Abatement. The abatement procedures provided under this Ordinance is not exclusive. City may use any other procedures for abatement authorized by law. The general procedures set forth under this Ordinance may be used in conjunction with other abatement actions or procedures. Collection of abatement costs, fees, and penalties are in addition to any other remedies, civil or criminal, available to City under applicable law.

12. Appeals.

12.1 City Manager Reconsideration. Any Person affected by a notice or order of the City Manager (or Building Official) under this Ordinance may request reconsideration by filing a request with the City Manager. The request must be received by the City Manager within ten (10) days after the effective date of the notice or order. The request for reconsideration must be in writing and include (a) the name, address, and telephone number of the Person requesting reconsideration, (b) a copy of the notice or order being requested for reconsideration, and (c) a statement that the Person desires that the City Manager reconsider the notice or order. The City Manager may grant or deny the request for reconsideration by summary order. The City Manager's response to the request for reconsideration must be served in accordance with Section 10.4.

12.2 Appeal to Hearings Officer.

12.2.1 Any Person affected by a notice or order of the City Manager (or Building Official) may appeal the notice or order to the Hearings Officer by filing a notice of appeal with the police department, subject to the provisions of this Section 12.2. A Person will not file an appeal with the Hearings Officer unless and until the Person has filed a request for City Manager reconsideration under Section 12.1 (and, if applicable, the City Manager has responded to the request for reconsideration). Filing a notice of appeal will stay all proceedings for abatement until final disposition of the appeal.



12.2.2 The notice of appeal must be filed within ten (10) days after the date the City Manager's response to the request for reconsideration is delivered to the Person. A copy of the notice of appeal to the Hearings Officer must be filed with the City Manager. A notice of appeal that is filed after the period provided for filing an appeal will be dismissed by the Hearings Officer as untimely. Failure to appeal as provided in this Section 12.2 is a waiver of all right to review the notice or order; the City Manager's notice or order (and determination) will be final and conclusive.

12.2.3 The notice of appeal must be in writing and include (a) the name, address, and telephone number of the appellant, (b) a copy of the notice or order being appealed, (c) a statement that the appellant wishes to appeal the notice or order, and (d) the basis for the appeal, stating with specificity why the notice or order was issued in error, based on one or more of the following: (x) City failed to follow the procedures prescribed in this Ordinance and that failure prejudiced the appellant in respect to some substantial right; (y) no violation exists on the Premises that are the subject of the notice or order; and/or (z) the time for or method of compliance required in the notice or order is impossible to comply with or, because of circumstances specific to the appellant or Premises, would cause an unreasonable and undue hardship.

12.2.4 The hearing upon the appeal will be limited to the reasons the notice or order was issued in error, as set forth in the notice of appeal. The appellant will be afforded the opportunity to provide evidence or a statement in opposition to the notice or order, and the appellant will be afforded the opportunity to cross-examine any witness presenting testimony. The City Manager will be afforded the opportunity to present any evidence, argument, or statement in support of the notice or order, and City will be afforded the opportunity to cross-examine any witness presenting such testimony.

12.2.5 The Hearings Officer will provide a written decision within twenty (20) days after the hearing. The Hearings Officer's decision will include findings and conclusions supporting a decision which either (a) affirms the notice or order as given, (b) modifies the notice or order, or (c) rescinds the notice or order. Upon a final disposition ordering abatement of a nuisance, and unless another period for compliance is provided in the Hearings Officer's decision, the Person responsible for abatement will have a period equal to that specified in the original notice, commencing from the date of the final disposition, in which to abate the nuisance prior to action by City.

### 12.3 Appeal of Hearings Officer's Decision or Order.

12.3.1 An appeal of the Hearings Officer's determination must be initiated by filing a notice of appeal with the police department, subject to the provisions of this Section 12.3. A Person will not file an appeal with the Council unless and until the Person has obtained the decision of the Hearings Officer. Filing a notice of appeal will stay all proceedings for abatement until final disposition of the appeal.

12.3.2 The notice of appeal must be filed with the Council within ten (10) days after the Hearings Officer has issued and delivered his or her decision. A copy of the notice of appeal to the Council must be filed with the City Manager. A notice of appeal that is not timely filed will be dismissed as untimely. Failure to appeal as provided in this Section 12.3 is a waiver of all appeal rights to the Council; the Hearing Officer's determination will be final and conclusive.

12.3.3 The notice of appeal must be in writing and include (a) the name, address, and telephone number of the appellant, (b) a copy of the decision being appealed, (c) a statement that the appellant wishes to appeal the decision, and (d) the basis for the appeal, stating with specificity why the Hearing Officer's decision is incorrect.

12.3.4 The Council hearing upon the appeal will be limited to the reasons the Hearing Officer's decision is incorrect, as set forth in the notice of appeal. The appellant will be afforded the opportunity to provide evidence or a statement in opposition to the decision, and the appellant will be afforded the opportunity to cross-examine any witness presenting testimony. The City Manager will be afforded the opportunity to present any evidence, argument, or statement in support of the decision, and City will be afforded the opportunity to cross-examine any witness presenting such testimony.

12.2.5 The Council will provide a written decision within twenty (20) days after the hearing. The Council's decision will include findings and conclusions supporting a decision which either (a) affirms the Hearing Officer's determination, (b) modifies the Hearing Officer's determination, or (c) rescinds the notice or order. Upon a final disposition ordering abatement of a nuisance, and unless another period for compliance is provided in the Council's decision, the Person responsible for abatement will have a period equal to that specified in the original notice, commencing from the date of the final disposition, in which to abate the nuisance prior to action by City. The decision of the Council is final and conclusive.

13. Violations and Penalties.

13.1 Warnings. The City Manager [and/or police department](#) may issue warnings, citations, and/or orders to any Person violating this Ordinance.

13.2 Violations. Violation of this Ordinance is an infraction and is punishable by a fine of no less than \$100.00 and no more than \$1,000.00, which sums may be amended by Council resolution from time to time. The second and subsequent violation of the same provision of this Ordinance in any one-year period is punishable by a fine of no less than \$250.00 and no more than \$2,000.00. In addition to any other rights or remedies provided under this Ordinance, City may file a civil action to recover unpaid fees, fines, and costs, including, without limitation, City's reasonable attorney fees and other fees, costs, and expenses incurred by City to enforce this Ordinance. Any lien imposed pursuant to this Ordinance will accrue interest at the rate of nine percent (9%) per annum from the date the lien is recorded.

13.3 Separate Violations. Each violation will constitute a separate offense. Continuing violations of the same offense will not constitute a separate offense for each day the violation occurs. The rights and remedies imposed under this Ordinance are in addition to, and not in lieu of, any other rights and remedies available to City. If any provision of this Ordinance is violated by a firm, corporation, limited liability company, or any other legal entity, the directors, officers, shareholders, managers, members, partners, and similarly situated Persons (as the case may be) will be personally subject to the penalties imposed under this Ordinance. In addition to any other penalty provided by law, a Person adjudged responsible for violation of any of the provisions of this Ordinance may be ordered by the Hearings Officer or court to correct the violation.

13.4 Receivership Authority. In addition to, and not in lieu of, any other provision in this Ordinance, when the City Manager finds residential property in violation of this Ordinance and believes that the violation is a threat to the public health, safety, or welfare, and the Owner has not acted in a timely manner to correct the violations, the City Manager may apply to a court of competent jurisdiction for the appointment of a receiver to perform an abatement pursuant to the Oregon Housing Receivership Act (ORS 105.420 to 105.455).

13.5 Entry and Warrants.

13.5.1 City may enter upon any Premises in connection with City's provision of any notice or order provided under this Ordinance, determining compliance with this Ordinance, and/or to enforce this Ordinance, including, without limitation, performing any abatement; City will not be liable for trespass or conversion in connection therewith.

13.5.2 Any circuit court or justice of the peace within Malheur County has the authority to issue warrants authorizing the City Manager and/or police department to enforce the provisions of this Ordinance, make searches and seizures reasonably necessary to enforce any provision of this Ordinance, and/or pursue any abatement or corrective action permitted under this Ordinance. Every warrant authorized by this Section 13.5.2 will be supported by affidavit or sworn testimony establishing probable cause to believe that a violation of this Ordinance has occurred. Searches and seizures authorized under this Section 13.5.2 may be executed by the City Manager and/or police department. All searches and seizures will be conducted according to the requirements of Oregon law relating to warrants.

14. Miscellaneous.

14.1 Application of Other Codes. Nothing in this Ordinance will be construed to relieve a Person from complying with any federal, state, and/or local laws, regulations, and/or ordinances, including any other provisions of the Code, and/or the requirement to obtain all necessary permits and approvals. The existence of a less stringent standard does not relieve a person from complying with a more stringent standard.

14.2 Remedies Not Exclusive; Attorney Fees and Costs. The rights and remedies imposed under this Ordinance are in addition to, and not in lieu of, any other rights and remedies available to City, which may be pursued concurrently or consecutively and without waiving any right or remedy available to City.

14.3 Laws and Severability. All pronouns contained in this Ordinance (and any variations thereof) will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The word "or" is not exclusive. The words "include," "includes," and "including" are not limiting. Any reference to a particular law, rule, regulation, code, or ordinance includes the law, rule, regulation, code, or ordinance as now in force and hereafter amended. The provisions of this Ordinance are hereby declared to be severable. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance.



**AGENDA REPORT  
NEW BUSINESS  
April 11, 2023**

To: Mayor and City Council  
FROM: Casey Mordhorst, Public Works Director  
THROUGH: Danny K. Cummings, City Manager  
SUBJECT: **EASTERN OREGON REAL ESTATE, LLC: UTILITY UPSIZE COSTS**  
DATE: April 3, 2023

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**PROPOSED MOTION:**

**I RECOMMEND THE CITY COUNCIL TO APPROVE THE UTILITY UPSIZE COSTS AND APPROVE THE PAYMENT TO EASTERN OREGON REAL ESTATE, LLC, IN THE AMOUNT OF \$140,668.36 AND AUTHORIZE THE CITY MANAGER TO SIGN.**

**SUMMARY:**

Eastern Oregon Real Estate LLC installed the water and sewer utilities according to the Water and Wastewater Master Plans. Originally, they proposed installing water and sewer utilities to meet the development needs. The water line would have been an 8" and the sewer line an 8". Both the Water and Wastewater Master Plans called for the sizes to be larger to accommodate future developments. The upsizing of utilities is a benefit for the city when the adjacent properties develop and the utilities are at a size large enough to accommodate growth.

**BACKGROUND:**

**10-11-5 - Policies: Public Facilities**

1. Policies and other decisions of the City relating to the provision of public facilities and services shall be supportive of the various elements of Titles 10A—Title 10D.
2. The policies and land use map of the Comprehensive Plan shall be a principal basis for decisions regarding the location and level of facility extensions.
3. Parcels of land outside the City limits shall not be annexed if the uses anticipated in those areas would jeopardize the availability and efficiency of facilities to areas already within the City boundaries.
4. The City shall, when possible, utilize funds derived from various charges to pay the cost of over-sizing, site acquisition and development, and system-wide improvements. This has been utilized in other developments.

When the master plan calls for a larger diameter pipe than the developer's development requires, the city has the option to cover the upsizing cost when funds are available. If the city does not participate in the upsizing cost, staff has nothing available to force the developers to upsize the utilities with development. The cost of development would be all on the developers and would drive development to other communities and away from Ontario.

#### **CURRENT SITUATION:**

The Wastewater Master Plan shows a 15" pipe extending from the Malheur Lift Station to the west toward NW 36th Street, and the developer only required a 8" sewer pipe to accommodate the development. The upsizing cost difference is \$90,966.40 for the sewer line to be increased to a 15" pipe from an 8" pipe. The Water Master Plan shows a 12" water main to cover the same area and the upsizing cost from 8" to 12" is \$49,701.96. A total of \$140,668.36 has been requested by the developer to cover the upsizing cost.

#### **ANALYSIS:**

- A. **STRATEGIC PLAN** Growth in Ontario is in the city's strategic plan and this allows developers to develop land in the UGA and recoup some of the cost to install the utilities according to the master plans approved by the city.
- B. **FINANCIAL** The funding for the utility upsizing would come out of the UCF fund. Staff worked with the City Manager and Finance Director to ensure there is sufficient funding available to cover the cost of the upsizing.
- C. **TIMING** The utilities are installed in the new development and the developer has asked for reimbursement for the upsizing of the water and sewer lines.
- D. **POLICY/LEGAL** This is listed in the municipal code section 10-11-5 - Policies: Public Facilities:
  - 4. The City shall, when possible, utilize funds derived from various charges to pay the cost of over-sizing, site acquisition and development, and system-wide improvements.

#### **ALTERNATIVES:**

If the Council chooses not to approve the cost of upsizing utilities, staff will have no way to enforce the master plans with developers and all costs will be on the developers, which will stop developing in Ontario.

#### **RECOMMENDATION:**

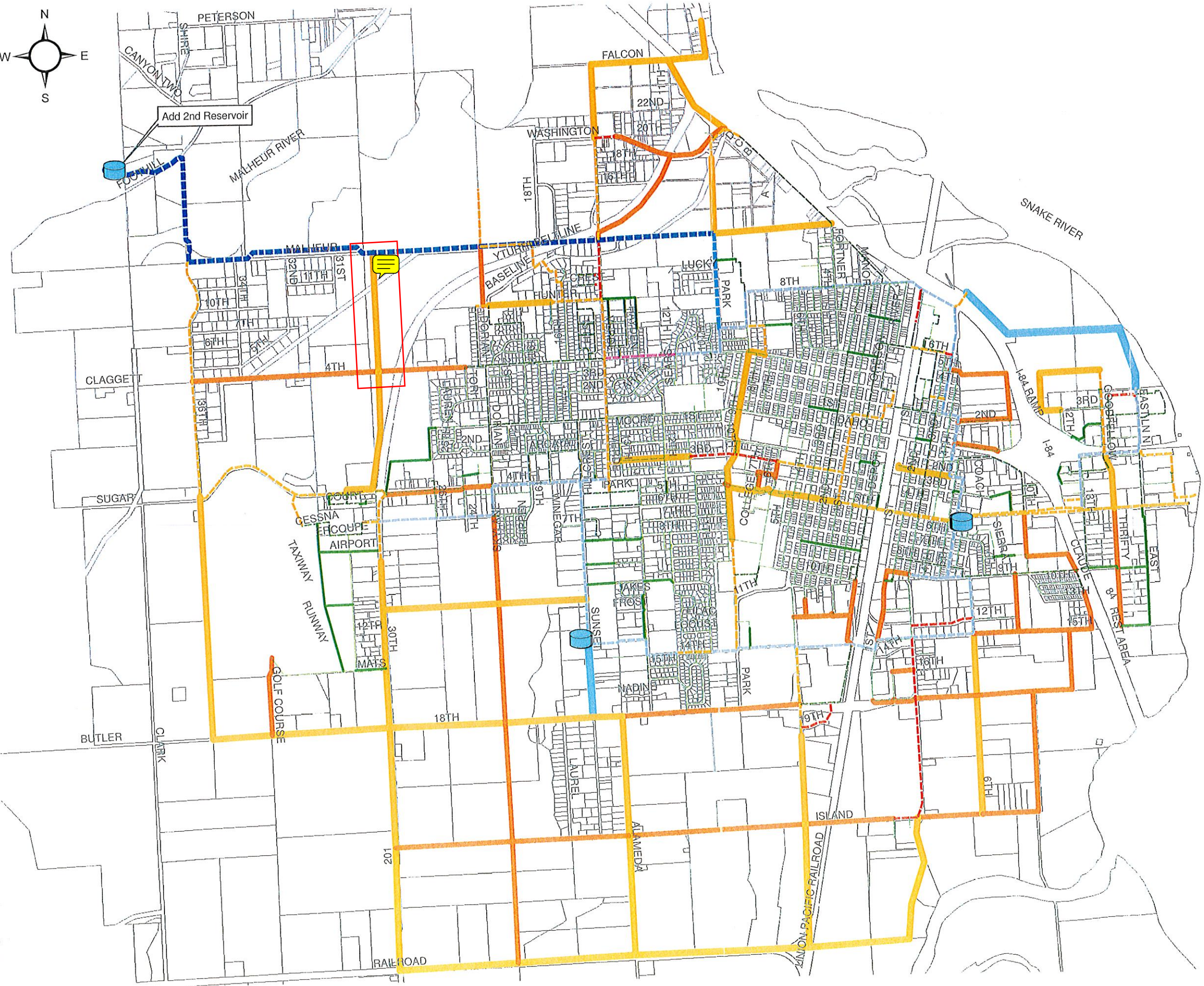
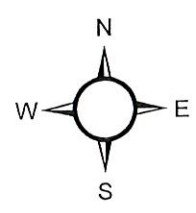
Staff recommends the Council approve the utility upsize costs; authorize payment to Eastern Oregon Real Estate, LLC, in the amount of \$140,668.36; and authorize the City Manager to execute.

#### **ATTACHMENTS:**

- 1. water line 12 inch-04062023093504
- 2. wastewater masterplan 15 inch line-04062023093743
- 3. invoices for water and wastewater pipe installation-04062023094957



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Thursday, December 18, 2008 8:57:53 AM



**Pipe Size Legend**

- 4" or less
- 6"
- 8"
- 10"
- 12"
- 14"
- 16"
- 20"
- 24"

Note: Future Lines are solid and bold



Prepared for:

# CITY OF ONTARIO, OREGON

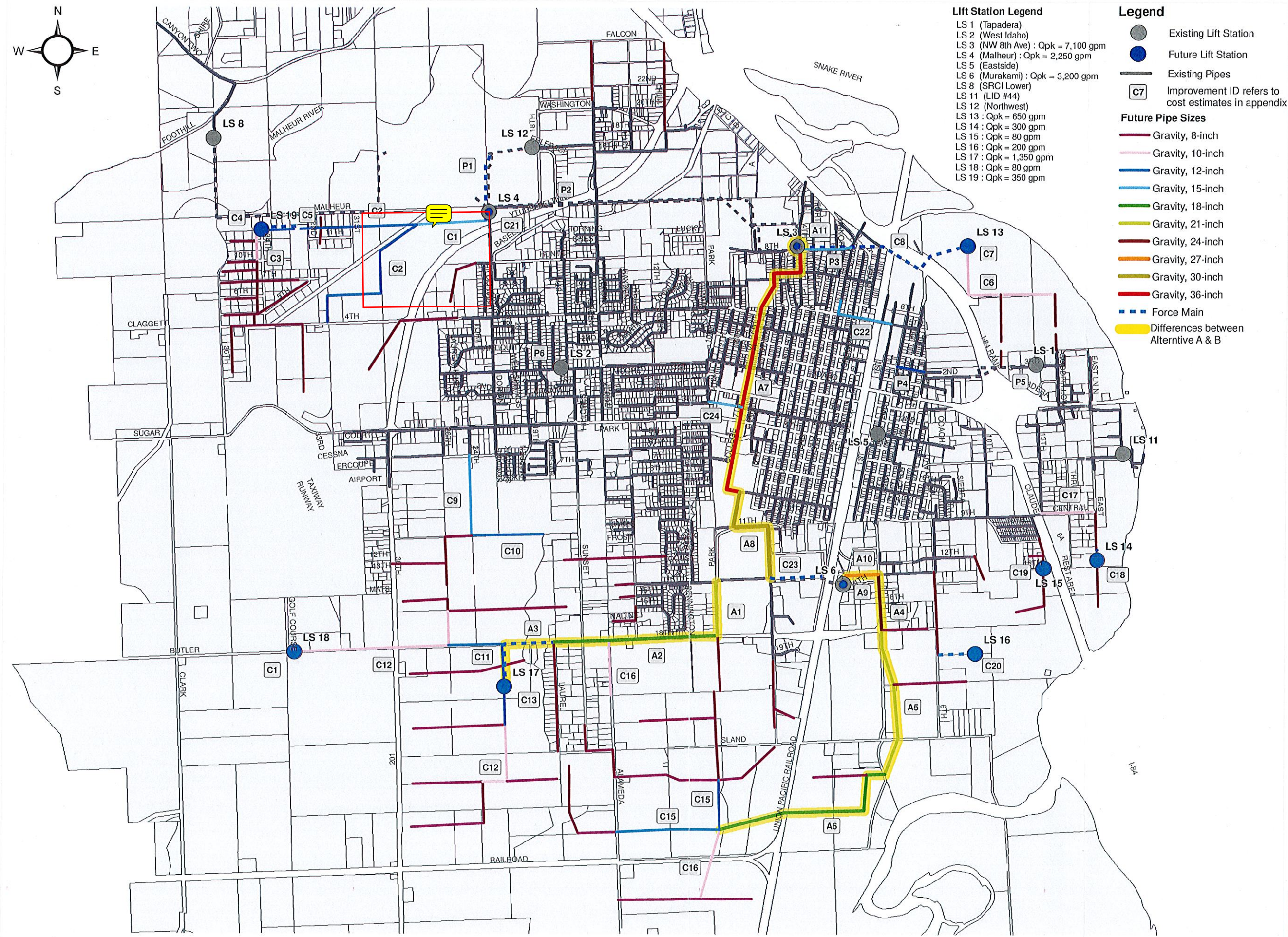
WATER DISTRIBUTION  
MASTER PLAN  
STUDY - 2008

Title:

## WATER MASTER PLAN



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**KELLER**  
associates

Prepared for:

**CITY OF ONTARIO,  
OREGON**

**WASTEWATER COLLECTION  
SYSTEM MASTER PLAN  
STUDY - 2008**

Title:

**BUILD-OUT  
COLLECTION  
SYSTEM PLAN-  
ALTERNATIVE A**

Figure: **4.1**



# Warrington Construction Corp. of Oregon

Stelling Property Development 8" Water Main to 12" Water Main  
(Dorian Drive From Malheur Dr to NW 11th Street and NW 11th Street to End)  
Eastern Oregon Real Estate LLC

| QTY | Description                        | 8"          | 12"         | Difference  | Total Price  |
|-----|------------------------------------|-------------|-------------|-------------|--------------|
| 920 | Pipe                               | \$ 22.00    | \$ 46.47    | \$ 24.47    | \$ 22,612.40 |
|     | Pipe Addition                      | \$ 0.00     | \$ 31.77    | \$ 31.77    | \$ 0.00      |
| 920 | Pipe Install                       | \$ 0.00     | \$ 10.00    | \$ 10.00    | \$ 9,200.00  |
| 920 | Additional Depth                   | \$ 0.00     | \$ 1.00     | \$ 1.00     | \$ 920.00    |
| 1   | Additional Time on 12" Fittings    | \$ 0.00     | \$ 1,500.00 | \$ 1,500.00 | \$ 1,500.00  |
| 2   | 22 Angles With mega Lug Restraints | \$ 0.00     | \$ 430.29   | \$ 430.29   | \$ 860.58    |
| 1   | 12" MJ xFL Adapter                 | \$ 0.00     | \$ 327.61   | \$ 327.61   | \$ 327.61    |
| 1   | 12x8 MJ Reducer                    | \$ 0.00     | \$ 178.85   | \$ 178.85   | \$ 178.85    |
| 1   | Tap Sleeve 24"                     | \$ 3,472.55 | \$ 3,775.84 | \$ 303.29   | \$ 303.29    |
| 3   | Gate Valve Up size                 | \$ 1,264.74 | \$ 2,427.02 | \$ 1,162.28 | \$ 3,486.84  |
| 2   | MJ x FL TEE                        | \$ 312.28   | \$ 520.09   | \$ 207.81   | \$ 416.62    |
| 1   | Fire Hydrant Tee (MJ x FL)         | \$ 214.22   | \$ 468.42   | \$ 254.20   | \$ 254.20    |
| 1   | Fire Hydrant Tee (FLANGE)          | \$ 443.76   | \$ 895.38   | \$ 451.62   | \$ 451.62    |
| 18  | MJ Accessorie Packs                | \$ 47.11    | \$ 113.00   | \$ 65.89    | \$ 1,186.02  |
| 4   | Flange Packs                       | \$ 19.22    | \$ 39.50    | \$ 20.28    | \$ 81.12     |
| 1   | Flange Tee                         | \$ 0.00     | \$ 703.84   | \$ 703.84   | \$ 703.84    |
| 1   | Flange Adapter                     | \$ 0.00     | \$ 327.61   | \$ 327.61   | \$ 327.61    |
| 1   | Blow Off Cap                       | \$ 74.90    | \$ 135.72   | \$ 60.82    | \$ 60.82     |
| 4   | Service Saddles                    | \$ 56.47    | \$ 116.35   | \$ 59.88    | \$ 235.52    |
|     |                                    |             |             |             | \$ 43,005.94 |
|     |                                    |             | OH and P    | 15.57%      | \$ 6,696.02  |
|     |                                    |             |             |             | \$ 49,701.96 |



# Warrington Construction Corp. of Oregon

Stelling Property Development 8" Sewer to 15" Sewer Comparison at 10' Depth to 17' Depth  
Eastern Oregon Real Estate LLC

| QTY  | Description                                | 8" SDR 35 | 15" SDR 35 | Price Difference     | Total Price   |
|------|--------------------------------------------|-----------|------------|----------------------|---------------|
| 2170 | Pipe                                       | \$ 13.93  | \$ 45.85   | \$ 31.92             | \$ 69,266.40  |
|      |                                            |           |            |                      | \$ 0.00       |
| 2170 | Pipe Install Difference from 8" 15"        |           |            | \$ 10.00             | \$ 21,700.00  |
| 2170 | Additional Depth From 10' to 17'           | \$ 0.00   | \$ 125.00  | \$ 108.00            | \$ 234,360.00 |
| 6    | Additional Manhole Depth 10' to 17'        | \$ 0.00   |            | \$ 700.00            | \$ 4,200.00   |
| 6    | Anti Flotation Manholes Adder Due to Depth | \$ 0.00   |            | \$ 800.00            | \$ 4,800.00   |
|      |                                            |           |            |                      | \$ 334,326.40 |
|      |                                            |           |            |                      | \$ 0.00       |
|      |                                            |           |            | Total Price Additive | \$ 334,326.40 |

*total Pipe  
up size \$ 90,966.40*



**AGENDA REPORT  
NEW BUSINESS  
April 11, 2023**

To: Mayor and City Council  
FROM: Dan Cummings, City Manager  
THROUGH: Danny K. Cummings, City Manager  
SUBJECT: **RESOLUTION #2023-105: AIRPORT CLUBHOUSE PROPERTY TAXES**  
DATE: April 5, 2023

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**PROPOSED MOTION:**

**I MOVE THE CITY COUNCIL APPROVE RESOLUTION #2023-105: A RESOLUTION TO APPROPRIATE FUNDS TO PAY THE \$29,642.69 BACK PROPERTY TAXES FOR THE CLUBHOUSE.**

**SUMMARY:**

The city entered into a Lease Agreement dated September 28, 2018, with Shadow Butte Enterprises, LLC, in which the Lessee was to pay all property taxes associated with the leased parcel. These taxes were not paid for the years 2019, 2020, 2021, and 2022, and have been deemed subject to foreclosure by the Malheur County Tax Collector.

**BACKGROUND:**

The city entered into a Lease Agreement dated September 28, 2018, and June 16, 2020, with Shadow Butte Enterprises, LLC, in which the Lessee was required to pay all property taxes associated with the leased parcel. These taxes were not paid for the years 2019, 2020, 2021, and 2022, and the property has been deemed subject to foreclosure by the Malheur County Tax Collector.

In August of 2022, Dave Eyler (Member) and James Hutchens (Managing Member) of Shadow Butte Enterprises, LLC, contacted the current City Manager and informed the City Manager they could no longer keep the lease going and needed to be let out of the lease.

The City Manager developed a Promissory Note and Agreement dated September 8, 2022, in which it states "It is also understood and agreed that any default of property taxes owned by the Payee on lands leased by said Shadow Butte Enterprises, LLC, under the lease dated June 16, 2020, not paid by Payee shall be added to this Promissory Note and Agreement. It is understood that James Hutchens SHALL make all efforts to pay any property taxes owed before they become a lien on the city property".

In January of 2023, the City received a notice from the Malheur County Tax Collector that the property taxes for the tax years 2019, 2020, 2021, and 2022 had not been paid and were subject to foreclosure.

City Manager Dan Cummings contacted Dave Eyler, who said he would see what he could get done. The City Manager also contacted James Hutchens, who stated he did not have the money right now and would pay them when he could.

**CURRENT SITUATION:**

The taxes are subject to foreclosure this year if not paid. As of April 3, 2023, the total amount owed is \$29,642.69 (good through 4/15/23). Interest will be added after the 15th of April. Interest is accruing at the rate of approximately \$180 per month.

**ANALYSIS:**

- A. **STRATEGIC PLAN** None.
- B. **FINANCIAL** Paying the taxes now will stop the foreclosure and, as per the Promissory Note, the amount will be added to the Promissory Note. The city will pay the taxes by transferring funds out of the General Fund Contingency. This will leave a balance of \$188,437.
- C. **TIMING** These taxes must be paid this year or the county will foreclose on the property involved. The taxes need to be paid by the 15th to prevent further accrual of interest.
- D. **POLICY/LEGAL** A formal resolution approved by the City Council is required to spend funds per ORS 294.

**ALTERNATIVES:**

None given.

**RECOMMENDATION:**

Staff recommends the City Council approve Resolution #2023-105 and authorize city staff to pay the tax bill.

**ATTACHMENTS:**

- 1. Airport Club House Taxes as of 4-3-2023
- 2. Reso #2023-105 CLUBHOUSE PROPERTY TAXES

4/03/23

## MALHEUR COUNTY TAX COLLECTOR

**TAX HISTORY**

T10200

REF# 20762 REAL MAP/LOT 18S4707 4100 A 39 CODE 1  
 OWNER ONTARIO, CITY OF **SPLIT ACCTS**  
 C/O FEES DUE .00  
 ADDR C/O SHADOW BUTTE ENTERPRISES TOTAL DUE **29642.69**  
 1 CTY/ST ONTARIO, OREGON 97914 INTEREST DATE(CMD-22 TO CHANGE) **041523**  
 SITUS CITY ONTARIO ADDRESS 1345 GOLF COURSE RD

| YR | M | JV | ASD VAL | TAX AMT - | TAX PD = | TAX DUE + | INT/-DISC = | BAL DUE |
|----|---|----|---------|-----------|----------|-----------|-------------|---------|
| 22 |   |    | 408601  | 6381.73   |          | 6381.73   | 170.18      | 6551.91 |
| 21 |   |    | 396700  | 6191.24   |          | 6191.24   | 1155.90     | 7347.14 |
| 20 |   |    | 391789  | 6143.27   |          | 6143.27   | 2129.87     | 8273.14 |
| 19 |   |    | 469247  | 7486.23   | 2462.66  | 5023.57   | 2446.93     | 7470.50 |

|        |  |  |  |          |         |          |         |                 |
|--------|--|--|--|----------|---------|----------|---------|-----------------|
| TOTALS |  |  |  | 26202.47 | 2462.66 | 23739.81 | 5902.88 | <b>29642.69</b> |
|--------|--|--|--|----------|---------|----------|---------|-----------------|





## RESOLUTION #2023-105

### A RESOLUTION TO APPROPRIATE FUNDS FOR CLUBHOUSE BACK PROPERTY TAXES

- WHEREAS,** The city leased the clubhouse on airport property to Shadow Butte Enterprises, LLC, in September, 2018; **and**
- WHEREAS,** The lease agreement stipulated the lessee would pay all property taxes due on property, however Shadow Butte did not pay the property taxes from 2019-2022; **and**
- WHEREAS,** Malheur County will foreclose on the property if the back taxes aren't paid; the balance is \$29,642.69; **and**
- WHEREAS,** The city desires to modify the 2022-2023 budget in order to appropriate the funding.

**NOW THEREFORE, BE IT HEREBY RESOLVED** by the Ontario City Council, to approve the following adjustment to the fiscal year 2022-2023 budget:

| Line Item           | Item Description         | FY 22-23 Budget | Amount of Change | Adjusted Budget |
|---------------------|--------------------------|-----------------|------------------|-----------------|
| <b>GENERAL FUND</b> |                          |                 |                  |                 |
| 001-004-832000      | Transfer to Airport Fund | \$99,324        | \$29,643         | \$128,967       |
| 001-004-871000      | Operating Contingency    | \$218,080       | (\$29,643)       | \$188,437       |
| <b>AIRPORT FUND</b> |                          |                 |                  |                 |
| 120-000-458000      | Transfers In             | \$99,324        | \$29,643         | \$128,967       |
| 120-006-615550      | Property Taxes           | \$ -            | \$29,643         | \$29,643        |

**EFFECTIVE DATE:** Effective immediately upon passage.

**PASSED AND ADOPTED** by the City Council of the City of Ontario this 11<sup>th</sup> day of April 2023, by the following vote:

AYES:

NAYES:

ABSENT:

**APPROVED** by the Mayor this 11<sup>th</sup> day of April, 2023.

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Deborah K. Folden, Mayor

ATTEST:

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Tori Barnett, MMC, City Recorder



**AGENDA REPORT  
NEW BUSINESS  
April 11, 2023**

To: Mayor and City Council  
FROM: Dan Cummings, City Manager  
THROUGH: Danny K. Cummings, City Manager  
SUBJECT: **RESOLUTION #2023-106: ONTARIO AIRPORT LAND LEASE RATES**  
DATE: April 5, 2023

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**PROPOSED MOTION:**

**I MOVE THE CITY COUNCIL TO APPROVE RESOLUTION #2023-106, A RESOLUTION ESTABLISHING ONTARIO AIRPORT LAND LEASE RATES.**

**SUMMARY:**

It has been determined that one size fits all does not work at the airport when it comes to land lease rates and large parcels above one acre. Staff has determined a fair market value for large parcels, as well as a rate for recreational portions of the property.

**BACKGROUND:**

Currently, the land lease rate of \$0.1694 per square foot when applied to a large parcel above the one acre size, has been a deterrent to larger developers from being interested in leasing airport property. Therefore, staff created a rate schedule thought to be fair to aid in the development of the airport property.

Staff presented the rate schedule to the Airport Committee on April 3, 2023. The committee has submitted a recommendation to the City Council to approve the Ontario Airport Land Lease rates as presented.

**CURRENT SITUATION:**

Currently, the yearly land lease rate is \$0.1694 per square foot for any size parcel of land.

**ANALYSIS:**

- A. **STRATEGIC PLAN** By providing a variable land lease rate, this fits the City Council Strategic Plan for Growth in the community.
- B. **FINANCIAL** Adjustment of the lease rates can aid in the development of the airport, leading to new revenue to the Airport Fund.
- C. **TIMING** Timing is essential as staff are currently working on several leases, and an approved rate is needed to keep things uniform for all airport operations.

D. **POLICY/LEGAL** The City Council is the approving body for fee resolutions.

**ALTERNATIVES:**

The Council could leave the current lease rate the same for any size parcel of land.

**RECOMMENDATION:**

Staff recommends the City Council approve Resolution #2023-106.

**ATTACHMENTS:**

1. Reso #2023-106 Ontario Airport Land Lease Rates (2)



## RESOLUTION #2023-106

### A RESOLUTION OF THE CITY OF ONTARIO ADOPTING LAND LEASE RATES AT THE ONTARIO MUNICIPAL AIRPORT EFFECTIVE JANUARY 1, 2023

- WHEREAS,** It has been determined that one size fits all does not work when it comes to land lease rates and large parcels above one acre and staff has determined a fair market value for large parcels as well as a rate for recreational portions of the property; and
- WHEREAS,** Currently, the land lease rate of \$0.1694 per square foot when applied to a large parcel above the one (1) acre has been a deterrent to larger developers from being interested in leasing the airport property.; and
- WHEREAS,** Staff have created a rate schedule that they feel is a fair rate to help aid in the development of the airport property; and
- WHEREAS,** Staff presented the rate sheet to the Airport Committee on April 3, 2023 and the Committee sent a recommendation to the City Council to approve the Ontario Airport Land Lease rates as presented; and
- WHEREAS,** The City annually adopts most fees by a master resolution which list other operational fees at the airport; the Land lease rates shall be by separate resolution; and
- WHEREAS,** The rental amount may be adjusted upward or downward annually in the sole discretion of the Common Council of the City of Ontario as per the Base Rent Escalation stated herein.

**NOW, THEREFORE, BE IT RESOLVED** by the Ontario City Council, to adopt Resolution #2023-106 as the current rates for land lease on the Ontario Municipal Airport effective of January 1, 2023.

**EFFECTIVE DATE:** Effective immediately upon passage.

**PASSED AND ADOPTED** by the Ontario City Council this 11<sup>th</sup> day of April, 2023, by the following vote:

Ayes:

Nays:

Absent:

**SIGNED** by the Mayor this 11<sup>th</sup> day of April, 2023.

ATTEST

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Deborah K. Folden, Mayor

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Tori Barnett, MMC, City Recorder

## Ontario Airport Land Lease Rates 2023

1. Land Lease from 0 to 43,560 square feet (1 acre) shall be at \$0.1694 per Sq. Ft includes buildings footprints per year.
2. Land lease from 43,561 square feet to 239,580 square feet (5.5 acres) shall be at \$0.11/ per Sq. Ft. and \$0.1694 per Sq. Ft. for any building footprints per year as stated below.
3. Land lease from 239,581 square feet to 435,600 square feet (10 acres) shall be at \$0.09 per Sq. Ft. and \$0.1694 per Sq. Ft. for any Building footprints per year as stated below.
4. Land lease from 435,601 square feet and up shall be at \$0.07 per Sq. Ft. and \$0.1694 per Sq. Ft. for any Building footprints per year as stated below.
5. Recreational area shall be as follows:
  - A. Total Site area shall be at \$0.05 per Sq. ft per year, and,
  - B. Main Event area (area that the event covers excluding parking area as defined in lease) shall be at \$0.12 per Sq. Ft. per year, and,
  - C. Any Building area (as defined below) shall be at \$0.1694 per Sq. Ft. per year.
  - D. The Main Event area and any Building footprint area square feet shall be subtracted from the Total site area before rent is calculated for the total site land area.

**Base Rent.** Subject to the terms and conditions contained in a Lease, Tenant will pay Landlord guaranteed minimum annual base rent, without offset, in the amount stated above per square foot), (per year) ("Base Rent"). Base Rent is payable annually in advance of each year on or before the 30th day of June without invoice from Landlord. Tenant's first payment of Rent is due and payable on the Effective Date of the lease. Base Rent will be prorated with respect to any partial year in which the Lease Term commences and ends. Base Rent will be payable to the order of Landlord at the address shown in the lease or any other address designated by Landlord from time to time. For large lease areas the city may provide the option of paying in quarterly payments if agreed by the city and defined in the lease.

**Base Rent Escalation.** Notwithstanding anything contained in a Lease to the contrary, it is mutually understood and agreed between the parties hereto that the rental amount may be adjusted upward or downward annually in the sole discretion of the Common Council of the City of Ontario. Such adjustment may be made in any year and shall be effective for the balance of the lease term or until further adjustment, if any. Any increase in rent shall not exceed the percentage increase in the Consumer Price Index for Oregon for the previous year. Adjustments to the rent shall not be made more frequently than one adjustment per year and each yearly adjustment shall not be an amount greater than 6% of the then existing rent.

**Building Footprint.** A building footprint shall mean the area of the foundation or outside wall, of any structure that has at least 3 sides (includes lean-to's) that is used for any purpose. (such as, but not limited to office building, hangers, storage building/sheds). For rent purposes the square footage of all structures (foundation dimensions/outside walls) with a base land area rate stated above shall be subtracted from the overall site land area prior to calculating the site land area rent. (such as a site that is 43,560 square feet that has a 10,000 square feet structure on it will pay the building footprint price stated above for the 10,000 square feet and then the 10,000 square feet will be subtracted from the 43,560 square feet site area, for a site land area of 33,560 calculate by the rent fee stated above).

**Example:** Site footprint is 512,003 square feet (11.75 Ac) minus the building footprint of 7,223 Sq. Ft. = 504,783 Sq. Ft land area site at \$0.07/Sq. Ft. = \$35,334.81 plus Building footprint of 7,223 Sq. Ft. at \$0.1694 = \$1,223.58 for a total yearly rent of \$36,558.39.





**AGENDA REPORT  
NEW BUSINESS  
April 11, 2023**

To: Mayor and City Council  
FROM: Dan Cummings, City Manager  
THROUGH: Danny K. Cummings, City Manager  
SUBJECT: **AIRPORT CLUBHOUSE LEASE AND ADDITIONAL LAND LEASE**  
DATE: April 5, 2023

---

**PROPOSED MOTION:**

**I MOVE THE CITY COUNCIL TO APPROVE THE LETTER OF COMMITMENT AND AGREEMENT ATTACHED TO THIS REPORT OUTLINING THE BASIC TERMS OF THE LEASES, BETWEEN THE CITY OF ONTARIO AND CYA HOLDINGS, LLC, FOR THE LEASE OF THE ONTARIO AIRPORT CLUB HOUSE AND ASSOCIATED LANDS AND AN ADDITIONAL ADJACENT ONE (1) ACRE LAND LEASE FOR THE CONSTRUCTION OF A NEW STORAGE BUILDING AND AUTHORIZE THE CITY MANAGER TO SIGN THE TWO LEASES ONCE THEY ARE DEVELOPED BY THE CITY MANGER AND REVIEWED BY THE CITY ATTORNEY.**

**SUMMARY:**

The City Manger has been working with owner Shawn McKay, CYA Holdings, to lease the Ontario Airport Clubhouse, along with an additional one acre parcel adjacent to the Clubhouse, to construct a new 96' x 120' (11,520 sq. feet) storage building for their operations.

**BACKGROUND:**

The Clubhouse has been vacant since September 2022, when Shadow Butte Enterprises, LLC left the premises.

During a City Council executive session, the City Manager presented a proposal from CYA Holdings, LLC, for the lease of the clubhouse, which staff and council rejected. However, the Council authorized the City Manager to negotiate a lease term that was more beneficial to the city.

CYA Holdings, LLC, would like to lease the property for their headquarters of Layer Line 3D, LLC, where they will operate a training faculty in cooperation with local vo-tec programs geared towards workforce training specific to automated construction. The newly constructed building will serve as a production warehouse/distribution faculty to support the 3D printed construction efforts.

It is planned that CYA Holdings will also sub-lease portions of the clubhouse for support of the Ontario Speedway operations at the Airport.

CYA Holdings will be responsible for all costs associated with any remodeling of the building, as well as all upkeep of the buildings and associated grounds.

**CURRENT SITUATION:**

City Manager and Shawn McKay have come to an agreement that will work for both parties and have signed the attached letter of commitment and agreement outlining the basic terms of the lease contingent on City Council's final approval.

**ANALYSIS:**

- A. **STRATEGIC PLAN** Provides for Growth in the Community and Education for our citizens.
- B. **FINANCIAL** The lease will bring a minimum of \$37,379 revenue into the Airport Fund. It is anticipated that with the partnership of the company and the Ontario Speedway, it will increase the revenue into the Airport Fund from the Ontario Speedway lease.
- C. **TIMING** As per the attached agreement, CYA Holdings would like to take possession of the building May 1, 2023, as there are many things that have to be completed before it can be in operation.
- D. **POLICY/LEGAL** The proposed agreement needs Council approval, along with providing authorization to the City Manager to enter into lease agreements with the company.

**ALTERNATIVES:**

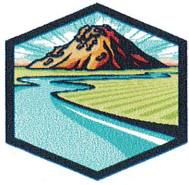
Council could choose to leave the property vacant or have the City Manager negotiate different terms based on Council suggestions.

**RECOMMENDATION:**

Staff recommends the City Council approve the letter of commitment and authorize the City Manager to sign the leases required to finalize this action.

**ATTACHMENTS:**

1. Airport Lease\_CYA Holdings\_ Letter of Commitment\_4-5-23



**ONTARIO**  
OREGON

**Office of City Manager**

444 SW 4<sup>th</sup> Street | Ontario, OR 97914

P: (541) 881-3223 | F: (541) 889-7121

[dan.cummings@ontariooregon.org](mailto:dan.cummings@ontariooregon.org)

April 4, 2023

Shawn McKay  
CYA Holdings, LLC  
372 SW First Avenue  
Ontario, OR 9791

Re: Letter of Committee and Agreement for the Lease of the Airport Club House with 2.24 Acres under one lease and a second lease for one acre for new building site both at 1345 Golf Course Road Ontario as shown on the attached exhibit made a part hereof.

Dear Mr. McKay,

As per the letter of proposal dated April 2, 2023, and our meeting of April 3, 2023, I submit this letter of Commitment and Agreement for your signature, outlining the basic lease agreement terms with final lease documents to be drafted and signed by both parties.

The Basic Term of this agreement is subject to the approval by the Ontario City Council at the April 11, 2023, Council meeting. The basic terms are as follows:

Lease 1: For the Existing Airport Club House (approximately 10,000 square feet including the basement) and two and 24 hundredth (2.24) acres as shown on the attached exhibit, the City will lease you the Club House building and property as a **Triple Net Lease** on an as is condition. The lease will be \$2,500.00 per month (\$0.25 per square foot) plus a prorated monthly tax of \$532.00 for a total of \$3,032.00 due the first of each month beginning July 1, 2023, and the start of the 20-year term. Beginning May 1, 2023, CYA Holdings, LLC may take possession of the property and will assume all cost of maintenance of the property as well as all utility bills beginning on May 1, 2023. This lease shall be subject to the Base Rent Escalation terms for all Airport Lease defined herein. This lease will be a 20-year lease with renewable options and will be adjusted to coincide with the timing of the second lease described below if adjusted for length as per the terms of the second lease below.

Lease 2: Is for a one (1) acre parcel adjacent to the above lease one, as shown on the attached exhibit, and will be a separate lease document based on our current land lease rate of \$0.1694 per square foot for a yearly lease of \$7,379.06, being a 20-year lease coinciding with the Club House Lease above, until such time as the new building is constructed. Following the year after it is constructed the lease rate will be reduced to a rate of \$0.08 per square foot for 20 years restarted. At the end of the 20-year lease the building ownership will revert to the City and CYA Holdings and CYA will give clear title to the building with no liens attached. CYA Holdings will have the option to renew the lease at a new triple net lease of land and building as agreed upon by both parties. This lease will require monthly prorated tax payment made to the City, so the property taxes are always kept current to be determined at a later date. This lease shall be subject to the Base Rent Escalation term for all Airport Lease defined herein.

On May 1, 2023, CVA Holdings shall make a prorated rent payment for the months of May and June in the amount of \$1,229.84 and on July 1, 2023, the yearly rent payment of \$7,379.06 shall be made and the July 1, 2023, date shall be the start date for the 20-year term of both leases.

**Base Rent Escalation.** Notwithstanding anything contained in a Lease to the contrary, it is mutually understood and agreed between the parties hereto that the rental amount may be adjusted upward or downward annually in the sole discretion of the Common Council of the City of Ontario. Such adjustment may be made in any year and shall be effective for the balance of the lease term or until further adjustment, if any. Any increase in rent shall not exceed the percentage increase in the Consumer Price Index for Oregon for the previous year. Adjustments to the rent shall not be made more frequently than one adjustment per year and each yearly adjustment shall not be an amount greater than 6% of the then existing rent.

All remodeling, improvements, and maintenance of the leased properties (both leases above) shall be at the expense of CYA Holdings. Prior to any improves the City Manger shall approve of any remodeling of the building and any major equipment replacement. Any work requiring building permit, the permits shall be applied for and permits issued prior to any work being performed unless it is deemed an emergency.

All prorated taxes will be adjusted to match the true taxes charged by the county each year.

By signing below both parties agree to the basic terms of the leases as stated herein and the City of Ontario and Shawn McKay of CVA Holdings, LLC agree to sign formal leases as agreed on by both parties based on this letter of commitment and agreement and approved by City Council.

IN WITNESS WHEREOF, the undersigned have caused this Agreement to be binding and effective for all purposes as of the Effective Date. Subject to Final Council approval.

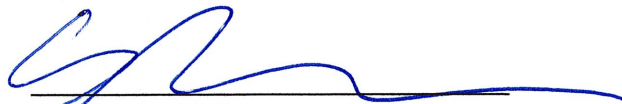
**CITY:**  
City of Ontario,  
an Oregon municipal corporation

**LESSEE:**  
CYA HOLDINGS LLC,  
an Oregon Limited Liability Company  
and Shawn McKay individually

Dan K  
Cummings

Digitally signed by Dan K  
Cummings  
Date: 2023.04.04 07:23:52  
-06'00'

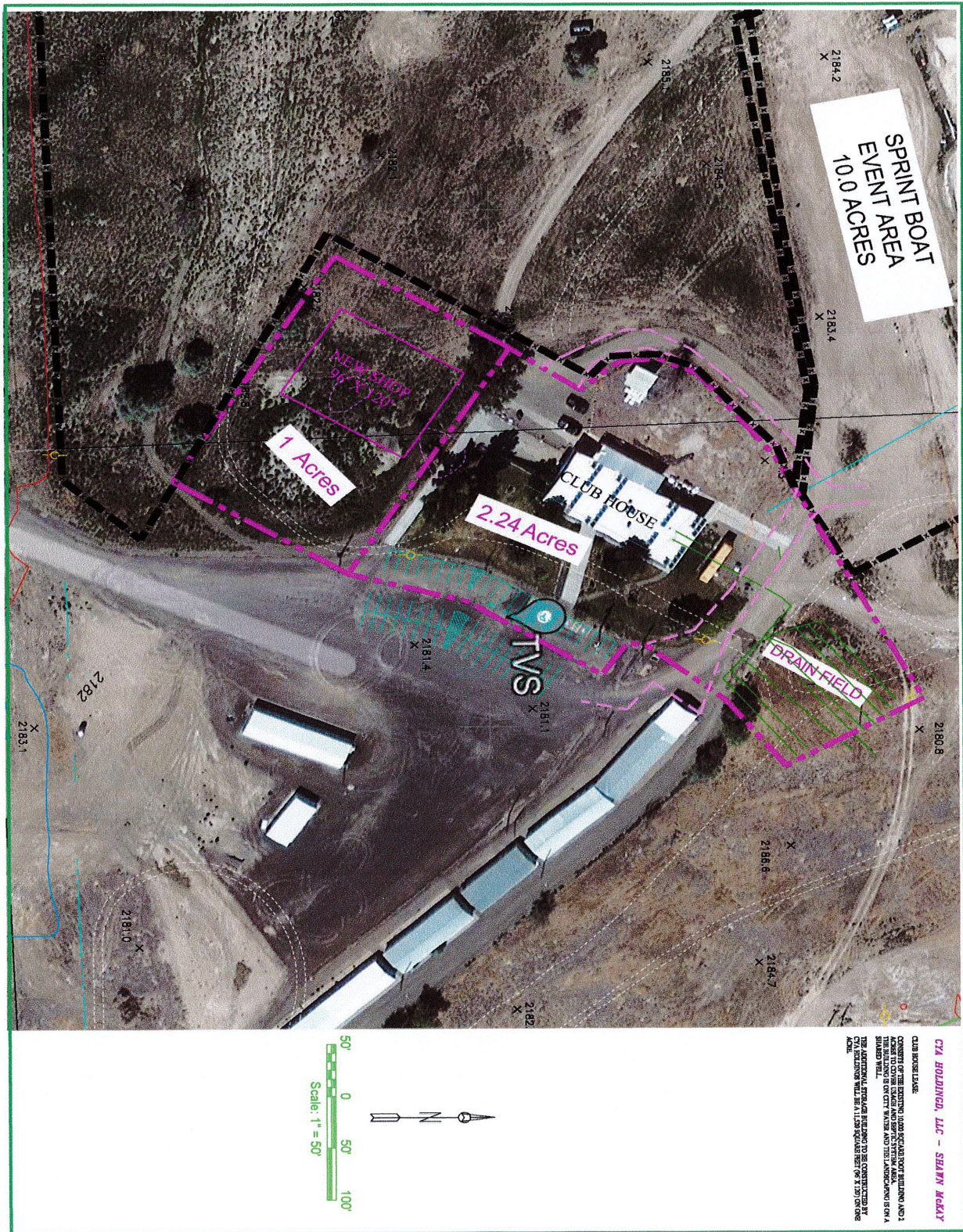
By: Dan K. Cummings, City Manager



By: Shawn McKay



# Lease Site Exhibit







**AGENDA REPORT  
NEW BUSINESS  
April 11, 2023**

To: Mayor and City Council

FROM: Dan Cummings, City Manager

THROUGH: Danny K. Cummings, City Manager

**SUBJECT: ACCEPTANCE OF DEPARTMENT OF STATE LANDS EASEMENT: ONTARIO  
OUTFALL PIPE PROJECT**

DATE: April 6, 2023

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**PROPOSED MOTION:**

**I MOVE THE CITY COUNCIL TO ACCEPT THE EASEMENT FROM THE DEPARTMENT OF STATE LANDS FOR THE ONTARIO OUTFALL PIPE PROJECT AND AUTHORIZED THE MAYOR TO SIGN THE EASEMENT.**

**SUMMARY:**

The city is upgrading the Sanitary Sewer Outfall Pipe and an easement is required through the State of Oregon property.

**BACKGROUND:**

The city is upgrading the Sanitary Sewer Outfall Pipe and an easement is required through the State of Oregon property. The pipe runs through the State of Oregon lands and an easement is required to protect the city rights for the pipe.

**CURRENT SITUATION:**

The Department of State Lands has provided the easement document and the city has paid the required fees. The city needs to accept the easement.

**ANALYSIS:**

- A. **STRATEGIC PLAN** None.
- B. **FINANCIAL** The fee has been budgeted under the Outfall Sewer Project.
- C. **TIMING** This easement needs to be accepted to the project can be constructed and the pipeline protected.
- D. **POLICY/LEGAL** The City Council is the governing body required to accept easements.

**ALTERNATIVES:**

None given.

**RECOMMENDATION:**

Staff recommends the City Council accept the easement.

**ATTACHMENTS:**

1. 64095-EA City of Ontario Easement

**STATE OF OREGON**  
**Department of State Lands**

**EASEMENT NO. 64095-EA**  
Single Use

The STATE OF OREGON, by and through its Department of State Lands, GRANTOR, for and in consideration of \$3,984.80, hereby grants to GRANTEE,

NAME of GRANTEE:

ADDRESS:

444 SW 4<sup>th</sup> Street  
Ontario, OR 97914

a single use easement and right to construct, maintain, operate and replace a discharge pipe and outfall diffuser for treated municipal wastewater over, upon, and across the following particularly described property situated in Malheur County, Oregon, more particularly described as follows:

**Legal Description**

Basis of Bearings is S. 02°27'45" E. between the N1/4 corner of Section 33, witnessed by a brass cap which bears S. 87°41'59" E, 82.50 feet, and a 5/8" rebar with cap PLS 65687 marking the S1/4 corner of Section 33, T. 17 S., R. 47 E., W.M., Malheur County, Oregon.

A 20-foot-wide easement located in the NE1/4 of Section 33, T. 17 S., R. 47 E., Willamette Meridian, Malheur County, Oregon, being 10 feet on either side of the following described centerline:

Commencing at the N1/4 corner of Section 33;

Thence S. 02°27'45" E., coincident with the mid-section line of said Section 33, a distance of 1096.47 feet;

Thence N. 90°00'00" E., 222.61 feet to the approximate ordinary high water line of the west bank of the Snake River and the Point of Beginning;

Thence continuing, N. 90°00'00" E., 162.00 feet to the Point of Terminus.

Containing .0744 acres or 3,240 square feet, more or less, and as shown on the attached Exhibit "A".

*This description is used to establish the approximate location and extent of the area subject to this Department of State Lands authorized use and was not prepared by a licensed surveyor. All locations, bearings, and distances were developed in the Oregon Coordinate Reference System Standard; Oregon Statewide Lambert Conformal Conic, NAD 1983, International Feet, GRS 1980 Spheroid.*

TO HAVE AND TO HOLD the same unto GRANTEE for 30 years, subject to the following conditions:

1. GRANTOR has the right to grant additional easements within the area authorized by this easement subject to the provisions of the administrative rules governing the granting of easements.
2. GRANTEE shall obtain prior written approval from GRANTOR prior to:
  - a) Changing the type of use authorized by this easement;
  - b) Expanding the number of authorized developments or uses;
  - c) Changing the authorized area; and/or
  - d) Permitting other persons to utilize the easement for uses and developments requiring separate written authorization by GRANTOR pursuant to the administrative rules governing the granting of easements or other GRANTOR requirements.
3. The easement area shall remain open to the public for recreational and other non-proprietary uses unless restricted or closed to public entry by the State Land Board or GRANTOR.
4. GRANTOR and/or its authorized representative(s) shall have the right to enter into and upon the easement area at any time for the purposes of inspection or management.
5. Except as expressly authorized in writing by the Department, GRANTEE shall not:
  - a) Cut, destroy or remove, or permit to be cut, destroyed or removed any vegetation, or
  - b) Remove any sand and gravel, or other mineral resources for commercial use or sale, that occur in the easement area except as expressly authorized in writing by GRANTOR.

Routine right-of-way maintenance including vegetation trimming shall be allowed.

6. GRANTEE shall compensate GRANTOR for the fair market value of any commercially valuable timber or sand and gravel resources in the easement area that must be removed during or after placement of the authorized use, or which cannot be developed because of the authorized use.
7. GRANTEE shall conduct all operations within the easement area in a manner that conserves fish and wildlife habitat; protects water quality; and does not contribute to soil erosion, or the introduction or spread of noxious weeds or pests. Upon completion of construction, GRANTEE shall reclaim disturbed lands to a condition satisfactory to GRANTOR.
8. GRANTEE shall obtain a surety bond in the amount of \$3,984.80 to ensure compliance with the terms and conditions of this easement.

9. The right to use this easement shall automatically terminate if it, or the development authorized by GRANTOR, is not used within five (5) consecutive years of the date this easement was granted, pursuant to the provisions of the administrative rules governing the granting of easements.
10. Unless otherwise approved in writing by GRANTOR, GRANTEE shall remove all cables, pipes, conduits, roads, and other developments placed by GRANTEE on the easement, and shall restore the surface of the easement area to a condition satisfactory to GRANTOR within one (1) year following termination of use or expiration of this easement.
11. GRANTEE shall inspect the condition of the area authorized by this easement and the developments authorized by this easement on a frequency of: as needed.
12. GRANTOR shall have the right to stop operation of the use authorized by this easement for noncompliance with the conditions of this easement, the provisions of the administrative rules governing the granting of easements, and/or any lawful requirement by a regulatory agency of this STATE.
13. If this easement authorizes the use of state-owned submerged and/or submersible land:
  - a) Construction in navigable waters shall conform to the standards and specifications set by the U.S. Army Corps of Engineers and the U.S. Coast Guard for the use authorized by this easement.
  - b) Any blasting which may be necessary, or in-water placement, maintenance, or repair of the authorized use shall be performed according to the laws of this STATE, including strict adherence to Oregon Department of Fish & Wildlife in-water work windows.
14. GRANTEE shall pay to GRANTOR the current market value, as determined by GRANTOR, for any unnecessary and non-approved damages to state-owned lands caused by construction or maintenance of the easement.
15. GRANTEE shall pay all assessments that may be legally charged on public lands which are levied against the property subject to this easement, whether or not such assessments have been levied against the easement area or STATE by the assessing agency.
16. GRANTEE shall use the authorized easement area only in a manner or for such purposes that assure fair and non-discriminatory treatment of all persons without respect to race, creed, color, religion, handicap, disability, age, gender or national origin.
17. GRANTEE shall ensure that all state, federal and local permits are consistent and compatible with this authorization prior to work commencing.
18. This easement is freely transferable. However, no transfer may increase the burden on the easement area or detract from the value of the underlying state-owned land.



STATE TO CITY OF ONTARIO  
SNAKE RIVER  
64095-EA  
Page 4 of 5

CERTIFICATE OF APPROVAL OF CONVEYANCE  
**(ORS 93.808)**

\_\_\_\_\_, Grantee, hereby approves and accepts, pursuant to ORS 93.808, the grant of an interest in real property from \_\_\_\_\_, Grantor, as described in the instrument to which this Certificate is attached.

A copy of this Certificate may be affixed to, and recorded with, the instrument described above.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_,  
Grantee

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF OREGON        )  
                                          ) ss.  
County of Malheur\_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me personally appeared \_\_\_\_\_, who being duly sworn stated that he/she is the \_\_\_\_\_ of \_\_\_\_\_, Grantee, and acknowledged the foregoing instrument to be the voluntary act of said Grantee and that he/she executed the foregoing instrument under authority granted by said Grantee.

\_\_\_\_\_  
NOTARY PUBLIC FOR OREGON  
My commission Expires: \_\_\_\_\_



# **2023 Quarterly Report**

## **1st Quarter (January-March)**

Michael S. Iwai  
Chief of Police  
April 11, 2023



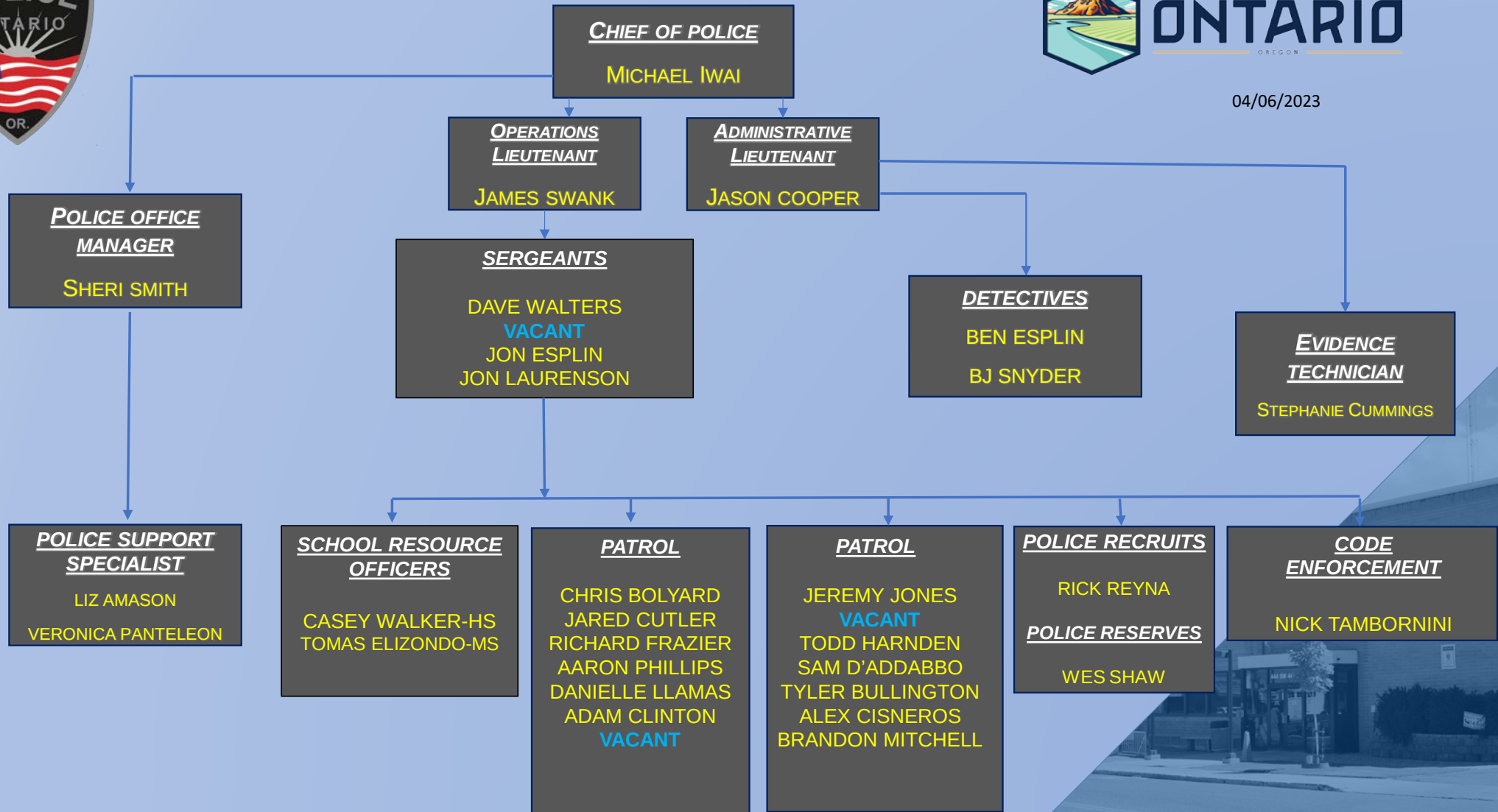


# AGENCY STRUCTURE



**ONTARIO**  
OREGON

04/06/2023





# OPD 2022 Statistics

| Last                     | First    | Rank     | Primary Officer assigned cases         | Primary Officer Case Arrests          | Officer Traffic Stops                 | Officer Traffic Citations             |
|--------------------------|----------|----------|----------------------------------------|---------------------------------------|---------------------------------------|---------------------------------------|
| Bolyard                  | Chris    | Officer  | 617                                    | 43                                    | 20                                    | 12                                    |
| Jones                    | Jeremy   | Officer  | 381** FTO (Mitchell, Cisneros)         | 44** FTO (Mitchell, Cisneros)         | 246** FTO (Mitchell, Cisneros)        | 221** (FTO Mitchell, Cisneros)        |
| Cutler                   | Jared    | Officer  | 614                                    | 39                                    | 21                                    | 20                                    |
| Frazier                  | Richard  | Officer  | 493                                    | 39                                    | 35                                    | 18                                    |
| Harnden                  | Todd     | Officer  | 623                                    | 60                                    | 66                                    | 21                                    |
| D'Addabbo                | Sam      | Officer  | 606                                    | 48                                    | 64                                    | 22                                    |
| Phillips                 | Aaron    | Officer  | 634                                    | 66                                    | 139                                   | 70                                    |
| Llamas                   | Danielle | Officer  | 686                                    | 159                                   | 639                                   | 111                                   |
| Bullington               | Tyler    | Officer  | 476                                    | 38                                    | 19                                    | 17                                    |
| Clinton                  | Adam     | Officer  | 47** (Deployed National Guard)         | 7** (Deployed National Guard)         | 2** (Deployed National Guard)         | 6** (Deployed National Guard)         |
| Cisneros                 | Alex     | Officer  | 672                                    | 83                                    | 365                                   | 190                                   |
| Mitchell                 | Brandon  | Officer  | 313                                    | 53                                    | 76                                    | 88                                    |
| Elizondo                 | Tomas    | SRO      | 390                                    | 30                                    | 2                                     | 2                                     |
| Walker                   | Casey    | SRO      | 466                                    | 53                                    | 16                                    | 22                                    |
| Walters                  | Dave     | Sergeant | 163                                    | 10                                    | 39                                    | 4                                     |
| Laurenson                | Jon      | Sergeant | 493** FTO (Mitchell, Cisneros,Clinton) | 79** FTO (Mitchell, Cisneros,Clinton) | 84** FTO (Mitchell, Cisneros,Clinton) | 36** FTO (Mitchell, Cisneros,Clinton) |
| Esplin                   | Jon      | Sergeant | 367                                    | 20                                    | 12                                    | 12                                    |
| Remaining Staff Assigned |          |          | 1427                                   | 210                                   |                                       | 297                                   |
| Total Cases:             |          |          | 9,468                                  | 951                                   | 1869                                  | 904                                   |





# Officer Training

- Lt. J. Swank – 2-Wk Management (DPSST)
- Sgt. J. Laurenson – 1-Wk (Less Lethal Instructor Recert)
- WOC Sgt. J. Jones – 1-Wk FBI LEEDA (Supervisory)
- WOC Sgt. J. Jones – 8-Hr FTEP Refresher (Training)
- Ofc. D. Llamas – 3-Day DUII/DRE Conference (Impairment)
- Rct Ofc. R. Reyna – DPSST Academy
- Records Specialist V. Panteleon – 12-Hr Crime Reporting
- Code Enforcement N. Tambornini – OJT
- Evidence Tech S. Cummings - OJT





# Evidence Program Update



- Lt. Cooper is training ET Stephanie Cummings
- In excess of 1,460 cleared and ready for destruction
- Approximately 62 burn boxes ready to burn
- Install and Training of EonQ still pending
- April 13 – Covanta (Brooks, OR) trip scheduled





# OPD 2023 Quarter 1

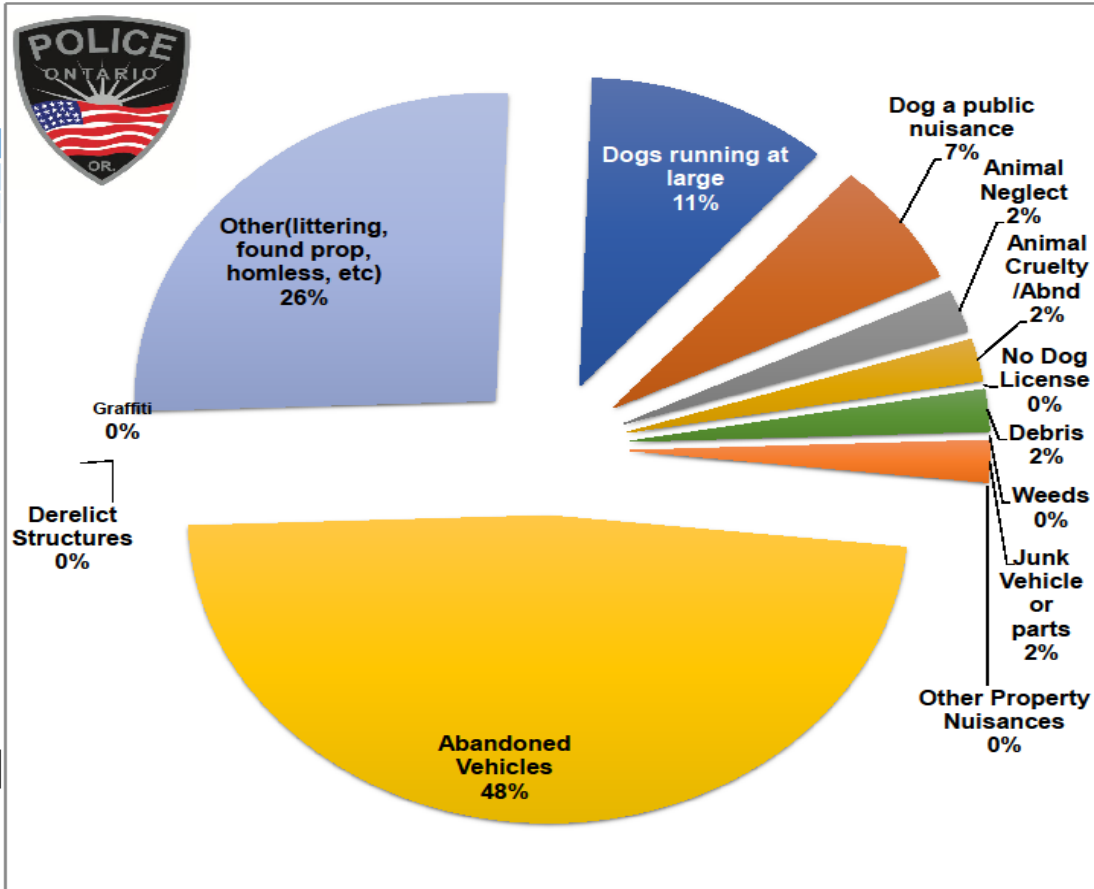


## CODE ENFORCEMENT

### March 2023 Stats

Ontario Police Department

| Violation                                   | Mar-23    |
|---------------------------------------------|-----------|
| Dogs running at large                       | 5         |
| Dog a public nuisance                       | 3         |
| Animal Neglect                              | 1         |
| Animal Cruelty /Abnd                        | 1         |
| No Dog License                              | 0         |
| Debris                                      | 1         |
| Weeds                                       | 0         |
| Junk Vehicle or parts                       | 1         |
| Other Property Nuisances                    | 0         |
| Abandoned Vehicles                          | 22        |
| Derelict Structures                         | 0         |
| Graffiti                                    | 0         |
| Other(littering, found prop, homeless, etc) | 12        |
| Dogs taken to (Fetch This Kennel )          | 0         |
| Civil Penalties Issued                      | 0         |
| C.P. Amount Sent                            | \$0       |
| Total Parking Citations                     | 17        |
| Total Violations                            | 63        |
| <b>Total Cases</b>                          | <b>46</b> |





# OPD 2023 Quarter 1



## Police Stat Report MARCH 2023 / QUARTER 1

| Activity               | 2023<br>Jan | 2023<br>Feb | 2023<br>March | YTD<br>2023 | Qrt1 | PRIOR<br>YTD 2022 |
|------------------------|-------------|-------------|---------------|-------------|------|-------------------|
| Calls for Service      | 1075        | 967         | 1130          | 3172        | 3172 | 3393              |
| Case Activity          | 703         | 647         | 712           | 2062        | 2062 | 2083              |
| Murder                 | 0           | 0           | 0             | 0           | 0    | 0                 |
| Manslaughter           | 0           | 0           | 0             | 0           | 0    | 1                 |
| Robbery                | 1           | 0           | 1             | 2           | 2    | 3                 |
| Sex Crimes             | 5           | 13          | 3             | 21          | 21   | 17                |
| Burglary               | 3           | 13          | 6             | 22          | 22   | 44                |
| Assault                | 12          | 12          | 13            | 37          | 37   | 33                |
| Arson                  | 0           | 1           | 0             | 1           | 1    | 1                 |
| UUMV / Auto Theft      | 7           | 0           | 5             | 12          | 12   | 29                |
| Arrests                | 84          | 75          | 71            | 230         | 230  | 243               |
| Arrests w/Use of Force | 2           | 1           | 1             | 4           | 4    | 6                 |
| Gang Related Cases     | 1           | 5           | 1             | 7           | 7    | 7                 |
| Graffiti               | 0           | 6           | 0             | 6           | 6    | 13                |
| Death Investigations   | 0           | 5           | 4             | 9           | 9    | 7                 |
| SRO Cases              | 14          | 15          | 12            | 41          | 41   | 28                |
| Thefts                 | 73          | 56          | 50            | 179         | 179  | 212               |
| Traffic Stops          | 76          | 75          | 97            | 248         | 248  | 363               |
| Cited Traffic/Parking  | 63          | 46          | 73            | 182         | 182  | 300               |
| Traffic Crashes        | 47          | 35          | 43            | 125         | 125  | 104               |
| Alarms                 | 44          | 22          | 22            | 88          | 88   | 87                |





# Community Engagement

- High Desert Drug Task Force
- Neighborhood Watch
- National Night Out
- Ontario Clean Up
- Ontario Chamber of Commerce
- Youth and Family Organization Partnerships
- Homelessness/Houseless
- \*Elderly







Thank You



**DIVERSITY ADVISORY COMMITTEE MINUTES**

January 18, 2023

The scheduled meeting of the Diversity Advisory Committee was called to order at 5:33 p.m. by Thomas Moreno in the City Council Chambers. Committee members present were Janet Komoto, Billy Carter, Thomas Moreno, Antonio Sunseri.

Staff present: Dan Cummings, City Manager and Corinna Hysell, Assistant to City Manager. Guest was Leanne Swetland from Lifeways.

It should be noted that Julie Hernandez resigned on December 30, 2022 due to moving out of the area for a new job and Paul Cheney chose not to apply for another term.

**Carter moved, Komoto seconded to adopt the agenda as presented. Motion passes 4-0-0.**

There was a discussion about the unconscious bias presentation, wondering if it should be sent out to the public. It was decided to talk about this at a later date.

**Carter moved, Sunseri seconded to table old business. Motion passes 4-0-0.**

**Komoto moved, Sunseri seconded to nominate Thomas Moreno as Chairperson. Motion passes 4-0-0.**

**Komoto moved, Sunseri seconded to nominate Billy Carter as Vice-Chairperson. Motion passes 4-0-0.**

**Moreno moved, Carter seconded to nominate Janet Komoto as secretary. Motion passes 4-0-0.**

Results of election of officers:

Chair: Thomas Moreno

Vice-Chair: Billy Carter

Secretary: Janet Komoto

Komoto asked about the wayfinding signs that the DAC consulted on a couple of years ago. Cummings stated that they have not been made but anticipate that they should be ready and installed by March. Cummings also stated that the signs have been approved and funded.

Carter stated that he feels that the city should be hand in hand with the diversity committee. He pointed out two opportunities, one a City Council appointment and the other a City Attorney appointment, where the city could have reached out to the DAC for input, but didn't. In the first case, the DAC was not consulted, but wrote a letter anyways offering their recommendation for a Council replacement after evaluating the resumes of all the applicants for the position. Cummings stated the city is here to answer questions that the committee has, but the committee sets its own agenda.

There was a discussion about the growing homeless situation and the possible agencies that are helping those that want and need their services.

Carter recommended to the committee, for homework assignment, to take chapter 14 Diversity Advisory Committee Draft in the Code of Ordinances, and make notes on what they would like to change. Bring those suggestions back to the next meeting and incorporate them into the document. When this is completed, the DAC would submit it to the city council for Final acceptance and approval.

Cummings told the DAC about the new ad hoc homeless committee that the city is getting ready to put together and the DAC members discussed who would possibly be the best members for that committee.

Komoto asked about the Ontario Promise, what is the city's role and participation in the project and if the DAC might be able to help with the marketing. Cummings said to talk to Ken Hart about this since it is his project.

Next meeting will be February 15, 2023, at 5:30 p.m.

**Carter moved, Komoto seconded to adjourn at 6:57 p.m. Motion passes 4-0-0.**

ACCEPTED:

  
Thomas Moreno, Chairperson

  
Janet Komoto, Secretary

CITY OF ONTARIO

DIVERSITY ADVISORY COMMITTEE MINUTES

Wednesday, February 15, 2023  
Ontario City Hall Council Chambers 5:30 pm

1. **Roll Call:**

Members Present: Chair Thomas Moreno, Vice Chair Billy Carter, Janet Komoto, Antonio Sunseri, Leanne Swetland. Quorum met.

Members Absent: Benjamin Merrill, Steffani Gilbert.

City Council Liaison Eddie Melendrez was absent.

City Manager Dan Cummings was present.

HR Director/Asst. to City Manager Corinna Hysell was present.

2. **Motion to Adopt the Agenda:**

Carter moved, Sunseri seconded to adopt the agenda as presented. Motion passes 5-0-0.

3. **Approval of minutes from the January 18, 2023 meeting:**

Carter moved, Sunseri seconded to approve the minutes. We corrected Leanne Swetland's name on those minutes. Motion passes 5-0-0.

4. **Old Business:**

Our assignment was to review the Chapter 14 DAC draft in the Code of Ordinances and we came up with the following suggested changes.

- a. Moreno suggested we put civil rights language in as part of the Committee composition. Insert this statement in between the first and second paragraph of 2-14-1:

*Committee appointments shall not discriminate on the basis of race, color, religion (creed), gender, gender expression, age, national origin (ancestry), disability, marital status, sexual orientation or military status.*

*Remove the first sentence of paragraph 2: ~~The committee shall be reflective of the City demographics including to the best degree possible age.~~*

- b. Carter suggested 2-14-9 be modified:

*A member or their spouse, brother, sister, child, parent, in-laws or other close relatives whose business they have been involved with within the last 2 years, with whom the Committee may be developing a prospective partnership with or offering a job with financial consideration, should disclose any actual or potential interest at a meeting of the Committee where the action is being taken.*

- c. Carter had a question about staggered terms on the DAC. We are beyond that point now, but members would like some clarification about their terms of appointment, so Cummings will get that information from Tori Barnett, City Recorder.

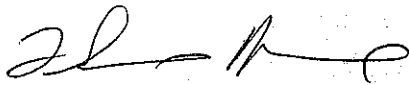
5. **New Business:**

- a. DAC pamphlets in English, Spanish and Somali should be updated. Agenda item for next meeting.
- b. Should we be doing outreach at cultural events such as Global Village?
- c. Next meeting March 15, 2023 at 5:30 pm.

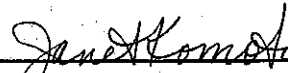
6. **Adjournment:**

Carter moved, Komoto seconded to adjourn at 6:51 pm. Motion passes 5-0-0.

ACCEPTED:



Thomas Moreno, Chairperson



Janet Komoto, Secretary



## **MALHEUR COUNTY COURT MINUTES**

**March 29, 2023**

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 and Commissioner Jim Mendiola present. 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. Mik McKee from Western Rivers Conservancy was present in the meeting room. The agenda is recorded as instrument # [2023-869](#)

### **FIRST PUBLIC HEARING - ORDINANCE NO. 231 UPDATING NOXIOUS WEED CONTROL**

Judge Joyce opened the public hearing for Ordinance No. 231: In the Matter of an Ordinance Amending Title 3, Chapter 3 of the Malheur County Code Entitled Noxious Weed Control and Declaring an Emergency and asked for a staff report. Notice of the hearing was published in the Argus Observer and posted on the County website.

Weed Inspector Amanda Zander explained that the proposed revisions include elimination of the weed advisory board and compliance with Oregon Revised Statutes. Ms. Zander has found it incredibly difficult to find volunteers to serve on the advisory board. The weed program is established and Ms. Zander is comfortable with proceeding forward without an advisory board.

There was no proponent testimony; no opponent testimony; and no written comments were received.

Judge Joyce closed the hearing. A second hearing will be held April 12, 2023.

### **LYTLE BOULEVARD LANDFILL UPDATE**

Planner/Interim Environmental Health Department Director Eric Evans met with the Court and provided an update on the Landfill. Commissioner Mendiola contacted BLM and inquired on the status of the categorical exclusion application for the Landfill power project. BLM is waiting on an archeologist to review the application; it may be 6 to 8 weeks before they have one on staff. Mr. Evans proposed that the propane powered generator at the Landfill be connected to the scale house to run the scale for the commercial haulers to weigh their loads. Mr. Evans is working to obtain a cost estimate to connect the generator to the scale house. After discussion, Commissioner Jacobs moved to authorize Mr. Evans to confer with Ms. DuBois and work forward on the generator project. Commissioner Mendiola seconded and the motion passed unanimously.

### **BUILDING DEPARTMENT - TRAINING OPPORTUNITY**

Building Official Adele Schaffeld met with the Court and provided information on an upcoming code training opportunity. The State's training video that was provided to inspectors throughout Oregon is now available for jurisdictions to use for contractor training. On April 18, 2023 the training will be available locally for contractors, CTE students, and other interested persons; the training event will be at the Malheur Education Service District facility in Vale; the presentation is two hours long and reviews the 2022 Oregon Structural Specialty Code Updates (non residential building).

### **COURT MINUTES**

Judge Joyce moved to approve Court Minutes of March 22, 2023 as written. Commissioner Jacobs seconded and the motion passed unanimously.

### **GRANT APPLICATION RESOLUTION - ASSESSOR'S OFFICE**

Assessor Dave Ingram met with the Court and presented a grant resolution for the Court's consideration. Commissioner Mendiola moved to approve Grant Application Resolution No. R23-12 for the Department of Revenue's County Assessment Function Funding Assessment (CAFFA) Program. Commissioner Jacobs seconded and the motion passed unanimously. By approving the resolution, the County agrees to appropriate budgeted dollars based on 100 percent of the expenditures certified in the grant application amount of \$1,286,785. See instrument # [2023-870](#)

### **FUNDING AGREEMENT AND LINE OF CREDIT - MCDC**

County Counsel Stephanie Williams provided an update on the funding agreement with Malheur County Development Corporation (MCDL). The agreement has been sent to MCDL for their consideration; it provides for funding for an executive director through June 2024 and includes the same funding provisions for operations (\$50,000) and supplies (\$5,000); at the discretion of the County, guarantee the line of credit; and incorporates the funding of up to \$2 million for construction of Track C.

MCDL has requested authorization from the County Court to spend up to \$200,000 in the line of credit without having a revenue source. MCDL has exhausted their funds through ODOT and has some expenses they need funding for. If additional funding is not received the County would need to pay the line of credit (the line of credit also needs to be renewed in May). After discussion, Commissioner Jacobs moved to authorize up to \$200,000 with an itemization contemporaneously with the payments.

Commissioner Mendiola seconded and the motion passed unanimously.

### **JAIL MEDICAL SERVICES**

Ms. Williams explained she is working with Valley Family Health Care to extend the personal services contract for medical services in the Jail. (The current contract expires March 31, 2023 and the extension will be effective April 1, 2023 for three years.)

### **ENGAGEMENT LETTER - ZWYGART**

Ms. Williams explained that the Court received correspondence from Senator Findley and Representative Owens setting forth items they want the County to do in order to garner support for the legislative funding request for the Treasure Valley Reload Center. One of those items is a financial accounting of MCDL's books - to be completed prior to April 28, 2023. Lonny Hytrek (MCDL's accountant) strongly feels that the current auditor - Zwygart John - is the best firm to complete the accounting. Mr. Zwygart has agreed to review invoices for funds spent on the Treasure Valley Reload Center through February 2023 and confirm that funds were spent on the project; and will confirm that appropriate financial controls are in place by confirming that invoices were approved. Ms. Williams spoke with Senator Findley and he is fine with Zwygart completing the accounting. Commissioner Mendiola moved to sign the engagement letter with Zwygart John and Associates. Commissioner Jacobs seconded and the motion passed unanimously. MCDL will need to sign the engagement letter also.

Other items to be completed include: demonstrate support for the project (MCDC Board Chair Grant Kitamura is working on this); and an itemization of the funding request to include a financial plan and timeline.

### **WESTERN RIVERS CONSERVANCY - MOA**

Ms. Williams discussed with the Court a draft memorandum of agreement (MOA) with Western Rivers Conservancy (WRC). In 2020, Western Rivers Conservancy purchased Disaster Peak Ranch; this ranch is partially located in southern Malheur County, Oregon (approximately 2690 acres) as well as northern Humboldt County, Nevada (approximately 655 acres). Western Rivers Conservancy has been working with the Oregon Department of Fish and Wildlife, the Nevada Department of Wildlife, the Nevada Department of State Lands, the United States Department of Fish and Wildlife, and Malheur County. WRC has applied for grant funds and the funding is before the Oregon Legislature; Senator Findley has asked for the County's position. In October 2022 WRC presented the County with a memorandum of agreement; a markup of the MOA was sent to the Court members by Ms. Williams in an effort to address the County's ordinance (WRC has not seen the markup). Options include: continue to work on the MOA to address and mitigate the County's concerns as it applies to natural resources and having the property on the tax roll; or, oppose with reasons why. Judge Joyce has been working on this project for over a year; and a meeting was held with WRC in 2022. Commissioner Jacobs moved to continue working on the MOA and send the markup to WRC. Commissioner Mendiola seconded and the motion passed unanimously.

Ms. Williams noted that the County is also working on its homelessness time, place and manner ordinance; the first internal meeting was held and it is hoped to work in partnership with the cities as the County owns property within the various city limits. Additionally, Ms. Williams is working on updating the County's public contracting rules.

### **FAIR BOARD - ADVISORY MEMBER**

Commissioner Mendiola moved to appoint Jacqueline Heid to the Fair Board as an Advisory Member. Commissioner Jacobs seconded and the motion passed unanimously.

### **RANK CHOICE VOTING**

Commissioner Jacobs moved to approve correspondence to Senator Findley and Representative Owens regarding Rank Choice Voting legislation, nunc pro tunc to March 22, 2023. Commissioner Mendiola seconded and the motion passed unanimously. Malheur County has concerns with implementation of Rank Choice Voting, especially as proposed in House Bills 2004 and 3509 and suggests that a work group be formed to find a more workable path to move forward with Rank Choice Voting. See instrument # [2023-874](#)

### **QUITCLAIM DEED - BTAZ NEVADA**

Commissioner Jacobs moved to approve Quitclaim Deed to BTAZ Nevada, LLC for Ref. #11990. Commissioner Mendiola seconded and the motion passed unanimously. BTAZ is an adjoining landowner; purchase price was \$6000.00. See instrument # [2023-871](#)

### **PURCHASE DOCUMENTS - JOHNSON PROPERTY**

Commissioner Mendiola moved to authorize Judge Joyce to sign the deed and closing documents for the property the County is purchasing from Kelly Johnson - Ref. # 19936 and Ref. # 18781. Commissioner Jacobs seconded and the motion passed unanimously. See instrument # \*\*\*

### **PUBLIC COMMENTS**

Mik McKee, Stewardship Director of Western Rivers Conservancy: I've been working most closely with Nick Wilkinson and GJ Livestock on ranch management. I think the thing I have come to learn in the last two years is that this is one of the best examples of working lands conservation I've ever seen, and it's a rare opportunity to show how working ranches and fish can coexist and benefit each other. We hope to be able to show that to more people than we are currently. Mr. McKee answered questions from the Court members.

Nelson Matthews, Vice President of Western Rivers Conservancy: I'm just here in case there's any questions. I've been working on the Disaster Peak Ranch in our efforts to work with the County to come to an agreement for the memorandum of agreement to go forward with protecting the property long term and for fish, sage grouse and for cattle ranching.

### **COURT ADJOURNMENT**

Judge Joyce adjourned the meeting.

# Accounts Payable

## Checks by Date - Summary by Check Date

User: kari.ott  
Printed: 3/24/2023 3:59 PM



| Check No            | Vendor No | Vendor Name                                | Check Date | Check Amount |
|---------------------|-----------|--------------------------------------------|------------|--------------|
| ACH                 | 718101    | State of Oregon Department of State Lands  | 02/02/2023 | 750.00       |
| 129650              | 037600    | AT&T                                       | 02/02/2023 | 24.28        |
| 129651              | BENSON    | Clint Benson                               | 02/02/2023 | 1,343.17     |
| 129652              | 120497    | Boys & Girls Club of the Western Treasure  | 02/02/2023 | 2,500.00     |
| 129653              | 637828    | Century Link Communications, LLC           | 02/02/2023 | 72.19        |
| 129654              | 22427     | Conсор North America, Inc.                 | 02/02/2023 | 15,208.50    |
| 129655              | 376000    | Idaho Power                                | 02/02/2023 | 2,939.49     |
| 129656              | 879191    | Kristy Lynn Janti                          | 02/02/2023 | 72.00        |
| 129657              | 879551    | Painter Holdings & Business Ventures, Inc. | 02/02/2023 | 7.00         |
| 129658              | 642080    | Petty Cash                                 | 02/02/2023 | 94.50        |
| 129659              | 879626    | Silverhawk Properties Oregon, LLC          | 02/02/2023 | 425.00       |
| 129660              | 774300    | T-N-T Signs & Graphics                     | 02/02/2023 | 1,485.00     |
| 129661              | 788402    | TransUnion Risk & Alternative Data Soluti  | 02/02/2023 | 75.00        |
| 129662              | 842030    | Warrington Construction Corporation of Or  | 02/02/2023 | 126,082.55   |
| 129663              | 879635    | Western Building Maintenance, Inc.         | 02/02/2023 | 4,072.08     |
| 129664              | 863995    | White Cloud Communications-Boise, Inc.     | 02/02/2023 | 1,964.00     |
| Total for 2/2/2023: |           |                                            |            | 157,114.76   |
| ACH                 | PRAFLAC   | AMERICAN FAMILY LIFE ASSURANCE             | 02/03/2023 | 706.36       |
| ACH                 | PRAMERF   | AMERICAN FUNDS GROUP                       | 02/03/2023 | 225.00       |
| ACH                 | PRCCIS    | E B S TRUST                                | 02/03/2023 | 73,507.95    |
| ACH                 | PRCOLONI  | COLONIAL LIFE                              | 02/03/2023 | 831.39       |
| ACH                 | PRFED     | PAYROLL TAXES                              | 02/03/2023 | 76,092.11    |
| ACH                 | PRNATW    | NATIONWIDE RETIREMENT SOLUTIO              | 02/03/2023 | 500.00       |
| ACH                 | PRORJU    | OREGON DEPARTMENT OF JUSTICE               | 02/03/2023 | 760.40       |
| ACH                 | PRORTAX2  | OREGON DEPARTMENT OF REVENUE               | 02/03/2023 | 3,110.47     |
| ACH                 | PRORTAXE  | OREGON DEPARTMENT OF REVENUE               | 02/03/2023 | 19,775.94    |
| ACH                 | PROSGP    | OREGON SAVINGS & GROWTH PLAN               | 02/03/2023 | 4,875.00     |
| ACH                 | PRPERS    | OREGON PERS                                | 02/03/2023 | 109,299.86   |
| ACH                 | PRCCIS    | E B S TRUST                                | 02/03/2023 | 0.54         |
| ACH                 | PRFED     | PAYROLL TAXES                              | 02/03/2023 | 610.58       |
| ACH                 | PRORTAX2  | OREGON DEPARTMENT OF REVENUE               | 02/03/2023 | 36.38        |
| ACH                 | PRORTAXE  | OREGON DEPARTMENT OF REVENUE               | 02/03/2023 | 137.75       |
| ACH                 | PRPERS    | OREGON PERS                                | 02/03/2023 | 1,205.41     |
| 129665              | PRLINC    | LINCOLN NATIONAL LIFE INS CO               | 02/03/2023 | 600.00       |
| 129666              | PRSFIRE   | UMPQUA BANK                                | 02/03/2023 | 440.00       |
| Total for 2/3/2023: |           |                                            |            | 292,715.14   |
| 129667              | &525      | American Staffing, Inc.                    | 02/10/2023 | 1,284.42     |
| 129668              | 033300    | Argus Observer                             | 02/10/2023 | 510.00       |
| 129669              | 738800    | Axon Enterprise, Inc.                      | 02/10/2023 | 1,124.55     |
| 129670              | 879637    | Bryant Lovlien & Jarvis PC Attorneys at L  | 02/10/2023 | 24,492.50    |
| 129671              | 626400    | Campo & Poole Distributing, LLC            | 02/10/2023 | 7,769.76     |
| 129672              | 144000    | Cascade Natural Gas Corporation            | 02/10/2023 | 1,894.45     |
| 129673              | 637830    | Century Link                               | 02/10/2023 | 526.80       |

| Check No             | Vendor No | Vendor Name                                | Check Date | Check Amount |
|----------------------|-----------|--------------------------------------------|------------|--------------|
| 129674               | 879736    | Desert Sage Event Center                   | 02/10/2023 | 4,069.12     |
| 129675               | &260      | Four Rivers Cultural Center                | 02/10/2023 | 35,644.25    |
| 129676               | 360015    | Home Depot Credit Services                 | 02/10/2023 | 53.96        |
| 129677               | 413204    | Kenworth Sales Company, Inc.               | 02/10/2023 | 12.26        |
| 129678               | 428200    | League of Oregon Cities                    | 02/10/2023 | 1,333.61     |
| 129679               | 879363    | Danielle Llamas                            | 02/10/2023 | 198.00       |
| 129680               | 458115    | Mannat, LLC                                | 02/10/2023 | 7.67         |
| 129681               | 879464    | Merchant McIntyre Associates, LLC          | 02/10/2023 | 7,500.00     |
| 129682               | 879744    | Maribel Miramontes-Herrera                 | 02/10/2023 | 170.00       |
| 129683               | 539200    | Ontario Area Chamber of Commerce           | 02/10/2023 | 27,289.52    |
| 129684               | 878923    | Oregon Volunteer Firefighters Association  | 02/10/2023 | 225.00       |
| 129685               | 528405    | Oster Professional Group, CPA's PC         | 02/10/2023 | 25,925.08    |
| 129686               | 642093    | Red's Automotive Repair, Inc.              | 02/10/2023 | 1,582.63     |
| 129687               | 879145    | Silver Signet, LLC                         | 02/10/2023 | 28.80        |
| 129688               | 130950    | Sparklight Business                        | 02/10/2023 | 13.23        |
| 129689               | 879138    | Stantec Consulting Services, Inc.          | 02/10/2023 | 1,043.50     |
| 129690               | 729500    | Storage On Site                            | 02/10/2023 | 85.00        |
| 129691               | 879733    | Waste Connections of Oregon, Inc.          | 02/10/2023 | 313.06       |
| 129692               | 879151    | Waste-Pro                                  | 02/10/2023 | 40.05        |
| Total for 2/10/2023: |           |                                            |            | 143,137.22   |
| 129693               | 879745    | AT&T Mobility, LLC                         | 02/16/2023 | 1,880.45     |
| Total for 2/16/2023: |           |                                            |            | 1,880.45     |
| 129694               | &525      | American Staffing, Inc.                    | 02/17/2023 | 485.82       |
| 129695               | 032198    | Apparatus Equipment & Service, Inc.        | 02/17/2023 | 1,975.10     |
| 129696               | 738800    | Axon Enterprise, Inc.                      | 02/17/2023 | 3,131.58     |
| 129697               | 879326    | The Biz Zone                               | 02/17/2023 | 737.72       |
| 129698               | UB*12055  | SHANNON CASAD                              | 02/17/2023 | 66.56        |
| 129699               | UB*12072  | SANDRA COOPER                              | 02/17/2023 | 67.83        |
| 129700               | UB*12068  | LEVI CORBIN                                | 02/17/2023 | 106.41       |
| 129701               | 232068    | Anson B. Davis                             | 02/17/2023 | 1,140.00     |
| 129702               | UB*12057  | FRONT STREET BROKERS                       | 02/17/2023 | 62.35        |
| 129703               | UB*12071  | PAMELA HEROLD                              | 02/17/2023 | 137.40       |
| 129704               | UB*12065  | DOLORES HOFFMAN                            | 02/17/2023 | 59.76        |
| 129705               | UB*12070  | JAMES/LISA HUNT/YOSHIDA                    | 02/17/2023 | 78.20        |
| 129706               | 376000    | Idaho Power                                | 02/17/2023 | 859.66       |
| 129707               | UB*12067  | IDLE WHEELS LLC                            | 02/17/2023 | 3.00         |
| 129708               | UB*12066  | BRANDY JONES                               | 02/17/2023 | 156.88       |
| 129709               | 879189    | Chief Terry Leighton                       | 02/17/2023 | 99.34        |
| 129710               | 441140    | Looks Nu, Inc.                             | 02/17/2023 | 119.00       |
| 129711               | UB*12074  | APRIL MARTINEZ                             | 02/17/2023 | 170.00       |
| 129712               | 602320    | NAPA Auto Parts                            | 02/17/2023 | 103.97       |
| 129713               | 879301    | Net Assets Corporation                     | 02/17/2023 | 300.00       |
| 129714               | UB*12052  | NORTHWEST REAL ESTATE                      | 02/17/2023 | 58.04        |
| 129715               | 596067    | Ontario Tree Care, LLC                     | 02/17/2023 | 19,000.00    |
| 129716               | 582152    | State of Oregon Department of Aviation     | 02/17/2023 | 75.00        |
| 129717               | 516494    | State of Oregon Department of Transportati | 02/17/2023 | 947.19       |
| 129718               | UB*12069  | PRINCZ MOVING                              | 02/17/2023 | 62.86        |
| 129719               | 646085    | Rodda Paint                                | 02/17/2023 | 15.74        |
| 129720               | 879469    | SBRK Finance Holdings, Inc.                | 02/17/2023 | 1,422.00     |
| 129721               | 130950    | Sparklight Business                        | 02/17/2023 | 95.97        |
| 129722               | 702008    | Staples Business Credit                    | 02/17/2023 | 94.07        |
| 129723               | UB*12064  | LINDA/GERALD TAYLOR &                      | 02/17/2023 | 13.08        |
| 129724               | 879553    | Training & Employment Consortium           | 02/17/2023 | 370.00       |

| Check No             | Vendor No | Vendor Name                               | Check Date | Check Amount |
|----------------------|-----------|-------------------------------------------|------------|--------------|
| 129725               | UB*12073  | JENNIFER VANDERWIEL                       | 02/17/2023 | 79.45        |
| 129726               | 879007    | Weidner Fire                              | 02/17/2023 | 1,950.35     |
| 129727               | 879635    | Western Building Maintenance, Inc.        | 02/17/2023 | 150.00       |
| Total for 2/17/2023: |           |                                           |            | 34,194.33    |
| ACH                  | 878915    | Jacobs Engineering Group, Inc.            | 02/21/2023 | 479,180.66   |
| 129728               | 412500    | Keller Associates, Inc.                   | 02/21/2023 | 13,970.00    |
| 129729               | 644110    | Riverside, Inc.                           | 02/21/2023 | 20,755.57    |
| 129730               | 739196    | Stateline Restoration, Inc.               | 02/21/2023 | 14,207.00    |
| 129731               | 860100    | WesTech Engineering, Inc.                 | 02/21/2023 | 114,000.00   |
| 129732               | 879746    | Deborah Folden                            | 02/21/2023 | 276.44       |
| Total for 2/21/2023: |           |                                           |            | 642,389.67   |
| 129733               | 130624    | B & W Car Wash                            | 02/24/2023 | 6.00         |
| 129734               | 637830    | Century Link                              | 02/24/2023 | 680.42       |
| 129735               | 183201    | CK3, LLC                                  | 02/24/2023 | 4,800.00     |
| 129736               | 376000    | Idaho Power                               | 02/24/2023 | 2,896.43     |
| 129737               | 879724    | Cathylee Iwai                             | 02/24/2023 | 540.78       |
| 129738               | 420000    | John Deere Financial                      | 02/24/2023 | 42.89        |
| 129739               | 879417    | LightSpeed Networks, Inc.                 | 02/24/2023 | 1,163.42     |
| 129740               | 879558    | Megan Lowder                              | 02/24/2023 | 1,500.00     |
| 129741               | 879597    | Lacy Mariah Mauney                        | 02/24/2023 | 1,500.00     |
| 129742               | 461607    | MicroTechnology Systems, Inc.             | 02/24/2023 | 8,985.99     |
| 129743               | 602320    | NAPA Auto Parts                           | 02/24/2023 | 99.80        |
| 129744               | 500400    | Norco, Inc.                               | 02/24/2023 | 102.90       |
| 129745               | 539200    | Ontario Area Chamber of Commerce          | 02/24/2023 | 400.00       |
| 129746               | 602298    | Paulsen Environmental Consulting, Inc.    | 02/24/2023 | 705.00       |
| 129747               | 608001    | Pitney-Bowes, Inc.                        | 02/24/2023 | 132.79       |
| 129748               | 879656    | Proficient Roof Maintenance and Coatings, | 02/24/2023 | 20,975.00    |
| 129749               | 879682    | Schneider Tree Service & Construction, LL | 02/24/2023 | 3,500.00     |
| 129750               | 879561    | Gregory W Simmons                         | 02/24/2023 | 1,500.00     |
| 129751               | 879747    | Teton Radiology                           | 02/24/2023 | 1,275.00     |
| 129752               | 288897    | Verizon                                   | 02/24/2023 | 1,279.39     |
| 129753               | 841600    | Warmsprings Irrigation District           | 02/24/2023 | 3,168.00     |
| Total for 2/24/2023: |           |                                           |            | 55,253.81    |
| ACH                  | PRAFLAC   | AMERICAN FAMILY LIFE ASSURANCE            | 02/28/2023 | 915.14       |
| ACH                  | PRAMERF   | AMERICAN FUNDS GROUP                      | 02/28/2023 | 225.00       |
| ACH                  | PRCCIS    | E B S TRUST                               | 02/28/2023 | 73,275.04    |
| ACH                  | PRCOLONI  | COLONIAL LIFE                             | 02/28/2023 | 831.39       |
| ACH                  | PRFED     | PAYROLL TAXES                             | 02/28/2023 | 74,282.20    |
| ACH                  | PRNATW    | NATIONWIDE RETIREMENT SOLUTIO             | 02/28/2023 | 500.00       |
| ACH                  | PRORJU    | OREGON DEPARTMENT OF JUSTICE              | 02/28/2023 | 732.00       |
| ACH                  | PRORTAX2  | OREGON DEPARTMENT OF REVENUE              | 02/28/2023 | 3,101.21     |
| ACH                  | PRORTAXE  | OREGON DEPARTMENT OF REVENUE              | 02/28/2023 | 20,101.54    |
| ACH                  | PROSGP    | OREGON SAVINGS & GROWTH PLAN              | 02/28/2023 | 4,875.00     |
| ACH                  | PRPERS    | OREGON PERS                               | 02/28/2023 | 108,749.37   |
| 129754               | &525      | American Staffing, Inc.                   | 02/28/2023 | 525.75       |
| 129755               | 879654    | Language Testing International, Inc.      | 02/28/2023 | 210.00       |
| 129756               | 879680    | US Bank Equipment Finance                 | 02/28/2023 | 1,497.00     |
| 129757               | 879635    | Western Building Maintenance, Inc.        | 02/28/2023 | 4,072.08     |
| 129758               | PRLINC    | LINCOLN NATIONAL LIFE INS CO              | 02/28/2023 | 600.00       |
| 129759               | PRSFIRE   | UMPQUA BANK                               | 02/28/2023 | 515.00       |

| Check No                   | Vendor No | Vendor Name | Check Date | Check Amount |
|----------------------------|-----------|-------------|------------|--------------|
| Total for 2/28/2023:       |           |             |            | 295,007.72   |
| Report Total (139 checks): |           |             |            | 1,621,693.10 |



# **Jacobs**

## **Public Works Department**

### **Monthly Report**

### **March 2023**

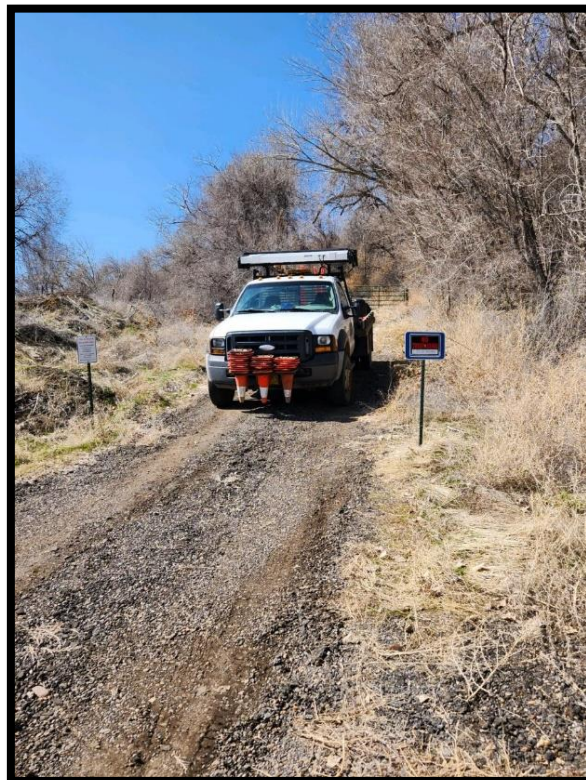


# Monthly Business Review

## 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



## March Business Review

### DEVELOPMENT REVIEW

#### ACTIVITIES MARCH 2023

- Issued 3 ROW Permits
- Attended 1 PDAC meeting to discuss the expansion of a business.
- Attended 1 PDAC meeting to discuss the expansion of the Ontario Middle School.
- Attended 2 PDAC meetings to discuss new businesses.
- Attended 1 PDAC meeting to discuss the addition of residential housing.
- Attended the Jacobs monthly safety meeting.
- Mailed out 452 backflow test notifications due by the end of April.
- Multiple plan reviews for new construction
- Multiple construction inspections
- Updating of the GIS mapping of all new utility expansions.
- Creation of the Tater Tot Trail map for design and layout of pathway.
- Ontario Public Works Storage Facility is under construction.
- Tapadera Lift Station construction continued.



## March Business Review

# WATER TREATMENT PLANT AND DISTRIBUTION SUMMARY

## ACTIVITIES MARCH 2023

- 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
- 21 water services turned on customer request
- 9 water services shut off customer request
- 49 water services shut off for non-payment
- 40 water services turned on for payment received
- 20 water services turned on/off read only customer request
- 11 water meters changed out for non-functioning
- 10 new water meters installed
- 11 water services checks and verified still off from the non-payment list
- 47 water meters checked for consumptions issues
- 5 water services shut off for leaks customer request
- 4 water services turned on and verified leaks repaired by the customer
- 10 water meters checked for high consumption/possible leaks



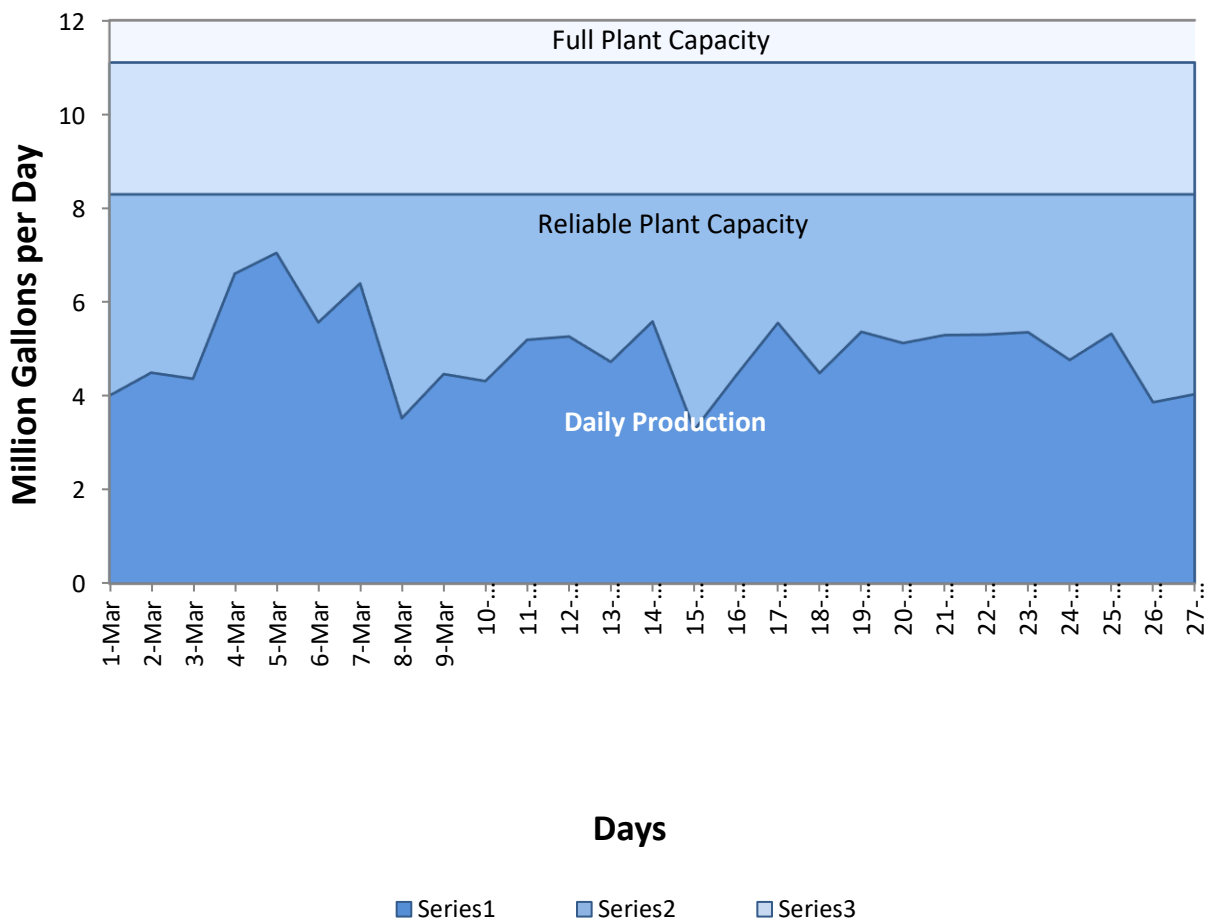
## WATER TREATMENT PLANT AND DISTRIBUTION SUMMARY

### ACTIVITIES MARCH 2023



## WATER TREATMENT PLANT PRODUCTION VS. CAPACITY

### Demand vs. Availability Mar 1-Mar 27, 2023





## March Business Review

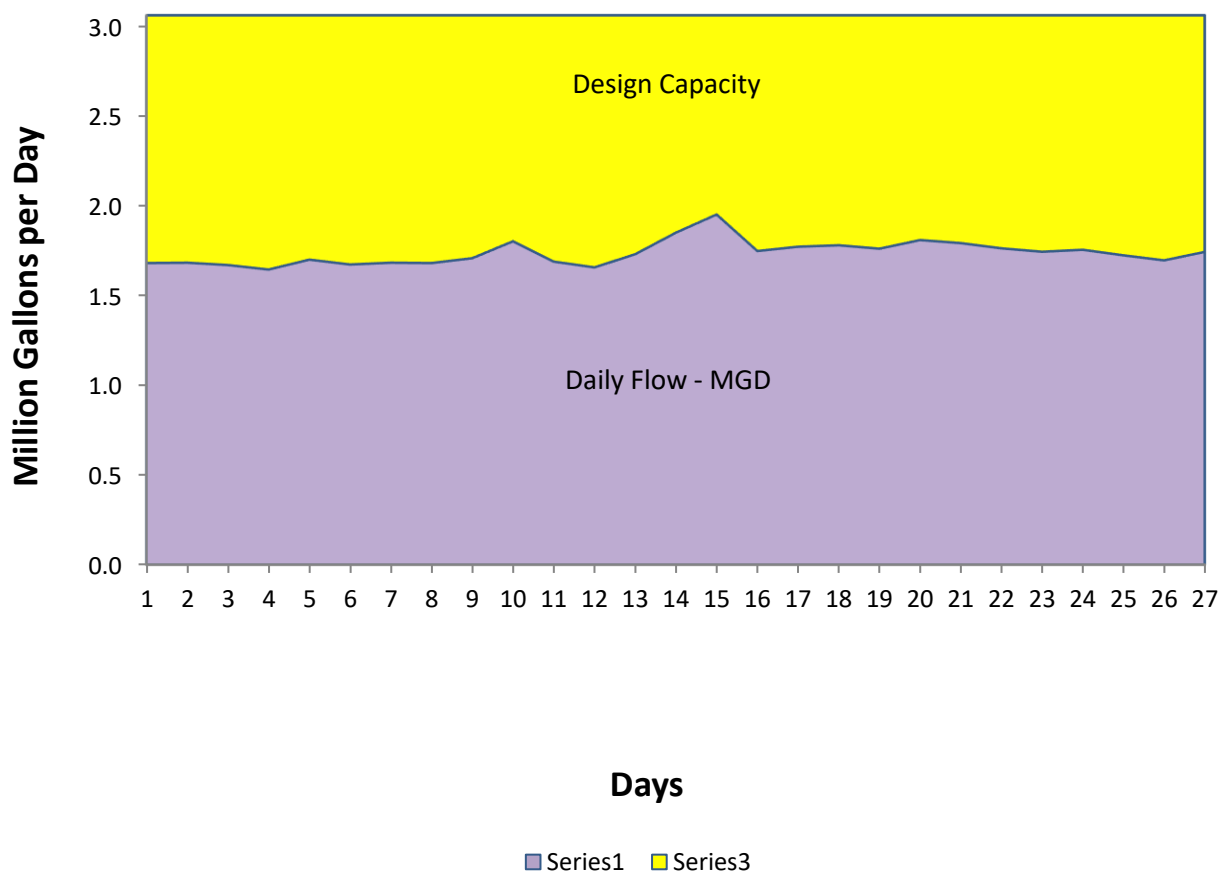
### WASTEWATER TREATMENT PLANT AND COLLECTION SYSTEM SUMMARY ACTIVITIES MARCH 2023

- All sampling per the 2019 NPDES permit have been taken including bi-annual well testing.
- All OSU Covid 12 samples sent to lab.
- Completed bi-annual well monitoring.
- Assisted WTP in the repair of the old plant #2 train Sprocket and auger cog.
- Assisted WTP on building new screens for WesTech Clarifier
- Priest Electric removed and performed rehab work on the Skyline and Gorman-Rupp transfer pumps. The Skyline pumps have been completed and reinstalled.
- Collected wastewater influent arsenic samples and began testing the lagoon system for ammonia.
- New John Deere pull-behind mower delivered.
- Completed road-bossing work on all plant graveled roads.

## March Business Review

# WASTEWATER TREATMENT PLANT AND COLLECTION SYSTEM SUMMARY ACTIVITIES MARCH 2023



**WASTEWATER TREATMENT PLANT****Wastewater Treatment Flows  
Mar 1, 2023 - Mar 27, 2023**

## OPERATIONS MAINTENANCE: STREETS AND COLLECTION/DISTRIBUTION SUMMARY

### ACTIVITIES MARCH 2023

- Completed the full town sweeping, this took much longer than anticipated due to the delay of the leaves falling from the trees into the streets.
- Graded gravel sections of roads in Ontario as weather permitted.
- Repaired one water main leak on SE 5<sup>th</sup> Ave
- Repaired multiple leaks on water services throughout town, leaking angle stop, back checks and compression couplers
- Replaced a broken meter box lid and ring on SE 5<sup>th</sup> Ave
- Pothole patch throughout town as needed
- Sign repair throughout town, stop sign on N. Oregon, Crosswalk sign on SW 11<sup>th</sup> Ave, no parking sign on NW 11<sup>th</sup> Ave.
- Installed new 30 min parking on SW 2<sup>nd</sup> Ave in front of the post office.
- Equipment repairs to snow and ice equipment, broken chain, replaced a sprocket and bearing, lubricated the chains and are ready for use.
- Removed a fire hydrant in an alley approach and relocated it to the west of the alley on E. Idaho Ave.
- Trash pickup in the E. Idaho Ave ODOT swells
- Swept the underpass and downtown additional three times this month
- Sidewalk inspection and grinding where applicable on City owned sidewalks
- Installed no trespassing signs on the bench tank property access roads
- Replaced a 12" x 8" "T" on the irrigation system on the north side of the river on the Malheur Farm.
- Replaced water sample station on S. Oregon that froze and broke
- One meter was removed from the system
- 62 utility locates completed



## March Business Review

OPERATIONS MAINTENANCE: STREETS AND COLLECTION/DISTRIBUTION  
SUMMARY

ACTIVITIES MARCH 2023





## March Business Review

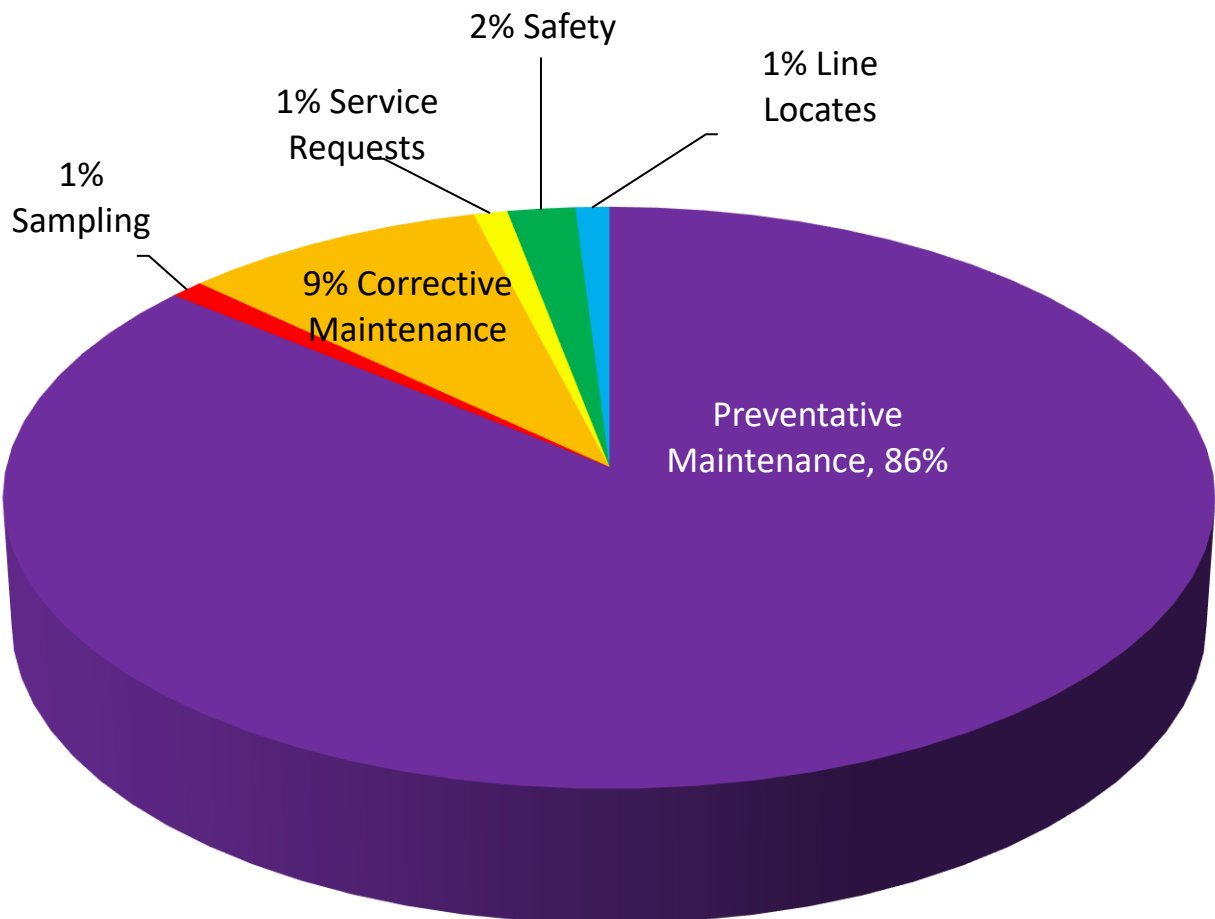
### FACILITIES, CEMETERIES, AND PARKS SUMMARY

#### ACTIVITIES MARCH 2023

- 5 burials at Evergreen Cemetery, and 0 at Sunset Cemetery
- Cleaned up each Cemetery to prepare for mowing.
- Assisted airport with burning weeds on the East property line.
- Moved tools and mowers out of the airport shop.
- Removed graffiti from the restrooms at Beck Park.



## 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.

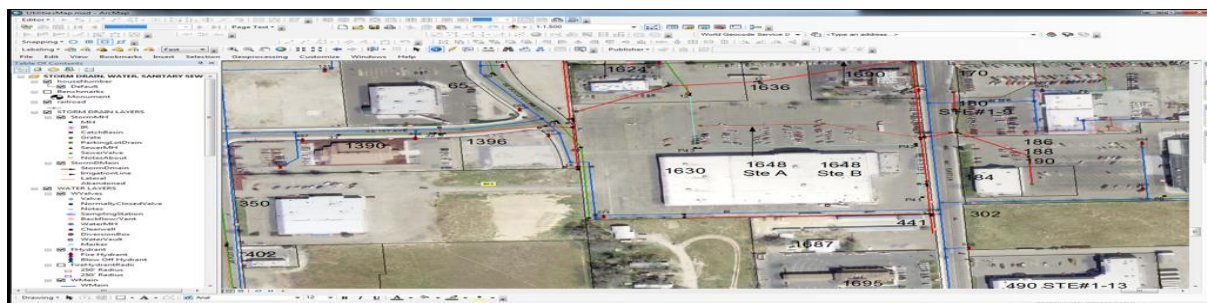
Public Works maintains a water system that complies with the EPA and Division of Health requirements. Staff also maintains the Wastewater Collection system and Wastewater Treatment facilities to meet DEQ standards. These same employees provide sewer and water line construction and maintenance to the 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.



## March 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.

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*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.



# Police Stat Report

## MARCH 2023 / QUARTER 1

| Activity               | 2023<br>Jan | 2023<br>Feb | 2023<br>March | YTD<br>2023 | Qrt1 | PRIOR<br>YTD 2022 |
|------------------------|-------------|-------------|---------------|-------------|------|-------------------|
| Calls for Service      | 1075        | 967         | 1130          | 3172        | 3172 | 3393              |
| Case Activity          | 703         | 647         | 712           | 2062        | 2062 | 2083              |
| Murder                 | 0           | 0           | 0             | 0           | 0    | 0                 |
| Manslaughter           | 0           | 0           | 0             | 0           | 0    | 1                 |
| Robbery                | 1           | 0           | 1             | 2           | 2    | 3                 |
| Sex Crimes             | 5           | 13          | 3             | 21          | 21   | 17                |
| Burglary               | 3           | 13          | 6             | 22          | 22   | 44                |
| Assault                | 12          | 12          | 13            | 37          | 37   | 33                |
| Arson                  | 0           | 1           | 0             | 1           | 1    | 1                 |
| UUMV / Auto Theft      | 7           | 0           | 5             | 12          | 12   | 29                |
| Arrests                | 84          | 75          | 71            | 230         | 230  | 243               |
| Arrests w/Use of Force | 2           | 1           | 1             | 4           | 4    | 6                 |
| Gang Related Cases     | 1           | 5           | 1             | 7           | 7    | 7                 |
| Graffiti               | 0           | 6           | 0             | 6           | 6    | 13                |
| Death Investigations   | 0           | 5           | 4             | 9           | 9    | 7                 |
| SRO Cases              | 14          | 15          | 12            | 41          | 41   | 28                |
| Thefts                 | 73          | 56          | 50            | 179         | 179  | 212               |
| Traffic Stops          | 76          | 75          | 97            | 248         | 248  | 363               |
| Cited Traffic/Parking  | 63          | 46          | 73            | 182         | 182  | 300               |
| Traffic Crashes        | 47          | 35          | 43            | 125         | 125  | 104               |
| Alarms                 | 44          | 22          | 22            | 88          | 88   | 87                |

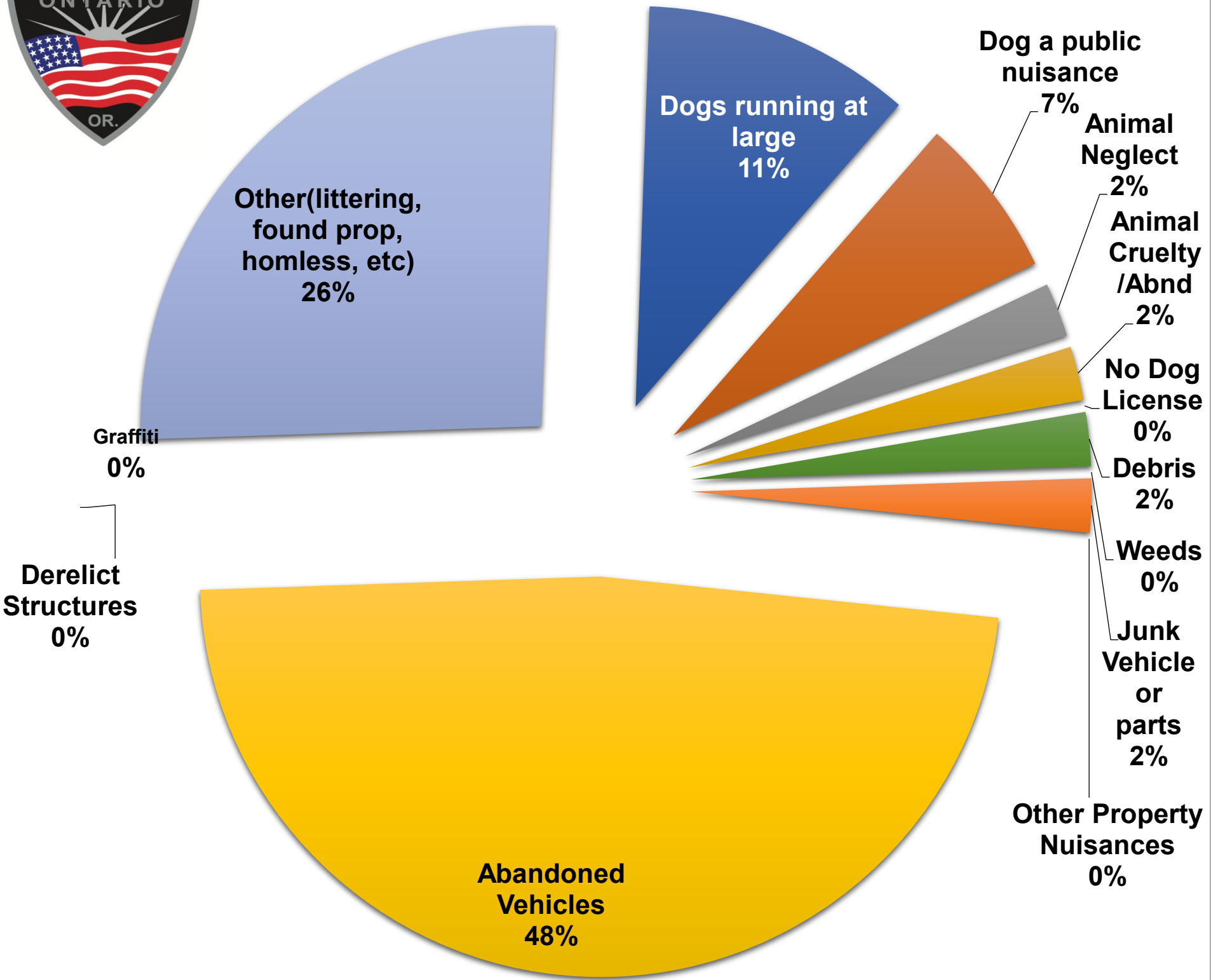
CODE ENFORCEMENT

March 2023 Stats

Ontario Police Department



| Violation                                   | Mar-23 |
|---------------------------------------------|--------|
| Dogs running at large                       | 5      |
| Dog a public nuisance                       | 3      |
| Animal Neglect                              | 1      |
| Animal Cruelty /Abnd                        | 1      |
| No Dog License                              | 0      |
| Debris                                      | 1      |
| Weeds                                       | 0      |
| Junk Vehicle or parts                       | 1      |
| Other Property Nuisances                    | 0      |
| Abandoned Vehicles                          | 22     |
| Derelict Structures                         | 0      |
| Graffiti                                    | 0      |
| Other(littering, found prop, homeless, etc) | 12     |
| Dogs taken to (Fetch This Kennel )          | 0      |
| Civil Penalties Issued                      | 0      |
| C.P. Amount Sent                            | \$0    |
| Total Parking Citations                     | 17     |
|                                             |        |
| Total Violations                            | 63     |
| Total Cases                                 | 46     |
|                                             |        |
|                                             |        |



Notes:



*March 2023 ACTIVITY REPORT*



March 2023

## Response Stats

| Total City Medicals                   | 155 |     |
|---------------------------------------|-----|-----|
| <b>Top Five Call Types</b>            |     |     |
| Sick Person                           | 22  | 14% |
| Ground Level Fall                     | 17  | 11% |
| Canceled                              | 16  | 10% |
| Other                                 | 15  | 10% |
| Pain                                  | 13  | 8%  |
| Overdoses                             | 3   | 2%  |
| Generals/Call Backs                   | 2   | 1%  |
| COVID                                 | 0   | 0%  |
| <b>Total City Fires</b>               | 16  |     |
| Generals                              | 1   | 6%  |
| Mutual Aid                            | 0   |     |
| <b>Total City Emergency Responses</b> | 171 |     |
| Total City Medical Responses          | 155 | 90% |
| Total City Fire Responses             | 16  | 10% |

| Total Rural Medicals                   | 14 |     |
|----------------------------------------|----|-----|
| <b>Top Four Call Types</b>             |    |     |
| Breathing Problem                      | 2  | 14% |
| False Alarm                            | 2  | 14% |
| Other                                  | 2  | 14% |
| Pain                                   | 2  | 14% |
| Overdoses                              | 1  | 7%  |
| Generals/Call Backs                    | 0  | 0%  |
| COVID                                  | 0  | 0%  |
| <b>Total Rural Fires</b>               | 5  |     |
| Generals                               | 3  | 60% |
| Mutual Aid                             | 2  | 40% |
| <b>Total Rural Emergency Responses</b> | 19 |     |
| Total Rural Medical Responses          | 14 | 73% |
| Total Rural Fire Responses             | 5  | 27% |

| Total Combined Emergency Responses | 190 |     |
|------------------------------------|-----|-----|
| Combined Total Medical Responses   | 169 | 89% |
| Combined Total Fire Responses      | 21  | 11% |
| <b>City Call Percentage</b>        | 90% |     |
| <b>Rural Call Percentage</b>       | 10% |     |

| Combined Top 5 Emergency Call Types |    |     |
|-------------------------------------|----|-----|
| Sick Person                         | 22 | 12% |
| Ground Level Fall                   | 17 | 9%  |
| Canceled                            | 16 | 8%  |
| Fire                                | 16 | 8%  |
| Other                               | 15 | 8%  |





March 2023



## **Inspections:**

- Dorian Place
- Wellsprings
- Denny's
- Treasure Valley Mobile Village
- Guerrero's Market
- River Bend
- OCDC
- Red Lion

## **Burn Permits Issued:**

*City Open Burns – 1*  
*City Burn Barrels - 3*

*Rural Open Burns - 37*  
*Rural Burn Barrels - 8*

## **Firefighter Training**

### **3/7 – Acrolein Training/Association Business meeting**

Firefighters learned about Acrolein, and the risks associated with the product. Owyhee Irrigation uses and stores it at their facility.

After the training, 3 of our new firefighters were given their badges and shirts and removed the orange band from their helmets symbolizing the completion of the in-house academy.



### **3/14 – Vehicle and equipment familiarization drill**

### **3/21 – Opioid/Fentanyl recognition and safety training**

We had some of our full-time and part time staff attend a training on opioids and fentanyl. They learned about the effects of the substances, how to recognize different types and how to be safe if it is necessary to be around them.



March 2023



### 3/21 – Forcible Entry Drill

Firefighters utilized the forcible entry prop at the training center to learn the best ways to make entry to a building. This was the first time some of our new firefighters were able to train on this prop, getting hands on experience.



### 3/23 - SDAO Training

Special Districts Association of Oregon provided risk management training at the Training Center. Participants learned about dealing with emergencies and how to pre plan and be prepared for weather emergencies,

### 3/28 - Ladders/HAZMAT Drill

Our HAZMAT team met for their monthly meeting at Station 2.

Those who are not part of the HAZMAT team met at Station 1 and went to the Training Center to drill on Ladders.

They covered single person ladder drills which included removing an extension ladder from the truck, carrying it, extending it and carrying a roof ladder up the ladder with them.





March 2023



## **Department Updates**

**Benefit Dance** – March 11<sup>th</sup> was the Ontario Volunteer Fire Association's 43<sup>rd</sup> firefighter banquet. After months of planning, we were blown away by the support of our community. This event would not be possible if it wasn't for our firefighters volunteering numerous hours of their own time and the community coming together with donations of raffle items and support by attending the event.

**Rural Truck** – OSFM advised us that we have been selected to receive a new Rural Tender through a grant. The truck should join our ranks early next year.

**109** – We have been very fortunate to have been approved funding from the Council to seek a used ladder truck to replace Truck 109 that has been put out of service due to multiple failures. We have our mechanic traveling to look at possible replacement in April.

## **Community Involvement:**

### **NNO**

Chief Benson and Charlotte continue to attend the National Night Out meetings in preparation for Ontario's first event coming in August. There are so many moving parts but we appear to be making progress with the planning stages.

### **Lifesaving award**

On March 23<sup>rd</sup>, Ontario Fire & Rescue awarded 11-year-old Garret Beckham with a lifesaving award. Garret called 911 after he found his neighbor stuck between a wall and the toilet following a medical issue. If Garret wouldn't have called 911 the patient very likely would not have made it.





March 2023



### **3/9 - LEPC Meeting**

Chief Benson and Charlotte attended the monthly LEPC meeting. We are looking forward to a table top exercise in April.

### **Major Incidents:**

**3/9 110 NE 1<sup>st</sup> St** – R1 was dispatched to a furnace fire. Upon arrival there was nothing showing from the exterior. As they investigated it was found that one of the wires to the furnace had arched on the aluminum body of the control cover causing the blower to short out. R1 assisted with ventilating the building before clearing.

**3/20 Red Lion** – R1 responded to the Red Lion Hotel following a waterflow activation alarm. When they arrived, it was found that there was a fire in one of the dryers that an employee had extinguished with 2 fire extinguishers. Upon investigation, there was no clear sign or origin or cause.



March 2023

**3/27 3560 Echo Rd** – Mutual aid was requested from Nyssa Fire for a fully engulfed storage building. Ontario Tender 155 responded and provided water to the Nyssa crew.