



PUBLIC WORKS COMMITTEE MEETING MINUTES

Tuesday, July 18, 2023, 3:00 p.m. MT

The scheduled meeting of the Public Works was called to order by Chairman Scott Wilson at approximately 3:00 p.m. on Tuesday, July 18, 2023, in the Council Chambers of City Hall. Committee members present in person or attended via Zoom were Scott Wilson, Jackson Fox, Jake Galeener, and Al Christiani; Woodcock was excused.

Others present in person or via Zoom were Casey Mordhorst, Al Haun, Suzanne Mulvany, Dan Cummings, Sam Baker, and Tony Martinez.

AGENDA

The press was notified; this Agenda was posted on July 13, 2023. Copies of the agenda and minutes are available at the Public Works Headquarters and on the city's website at www.ontariooregon.org.

THE MOTION WAS MADE BY MR. CHRISTIANI, SECONDED BY MR. FOX TO ADOPT THE AGENDA AS PRESENTED: MOTION PASSED UNANIMOUSLY.

ADOPTION OF MINUTES – JUNE 20, 2023

RESOLUTION, ACTION &/OR MOTION:

THE MOTION WAS MADE BY MR. FOX, SECONDED BY MR. CHRISTIANI TO ADOPT THE MINUTES OF THE PREVIOUS MEETING, JUNE 20, 2023: MOTION PASSED UNANIMOUSLY.

OREGON TRAIL ESTATES PUBLIC SAFETY ACCESS

DC – Was sent a copy of a letter from Joe & Jessie Martinez claiming descriptive rights under ORS 1205 for continued use of the road, including school buses & have it titled legal grantor, signed, etc. However, that street right of way was petitioned to be vacated and was vacated back in 1987, so the City has no legal rights to it. As far as public safety goes, we obtained all public utilities through that strip; we have met with the mobile home people many times, they've talked about closing it off, they've talked to the school district, and the school district automatically said we cannot legally use private property to do our turn arounds, so they have no issues with it being closed off.

As far as the City for public safety the City has full rights to access it for maintaining all the utilities, which is normal for our street vacations. If there are utilities, we normally retain easements, which it was and also retained access for fire and emergency vehicles. And they have not closed it off with a gate or anything yet.

JF – If that is vacated how come there is no cul-de-sac or hammerhead at the end of River Street? And how can that happen?

DC – The only thing I can tell you is that there is nothing we can do, and it was legally done in 1987. I agree with you the City at the time probably should have kept a cul-de-sac or whatever, but they did not do so and again, this is a legal full document. To double check so everybody knows the City has no right to go back in there and try to get that right-of-way. And for these folks to do any kind of prescriptive rights as most people know prescriptive rights are not automatic, you have to go to court and get those rights. And the only prescriptive case for these people is against the actual property owner of the land not the City. I have verified that with our Attorney so the City is completely out of it, there is nothing we can do, and we cannot even get involved with the prescriptive right case.

JF – I think the question has been answered on that, but I still have a question of why would the City want to ... if they close it why wouldn't the City put a cul-de-sac at the end of a dead-end street? If there are fire trucks and ambulances are gonna back up

DC – We can't anymore. That's the problem. They didn't do it at the time, we don't have the right-of-way, we'd have to buy right-of-way now from both parties because once it's vacated each person got half of that vacated street. I've been dealing with that part for several years and when you say "Nasty Gram" I know personally they contacted these people asking them to get all their stuff off their property so that they can do it, and they've been dragging their feet getting their stuff off these people's property. They're not trying to claim any of theirs. I know for a fact they've had surveys I know where the pin lines are, I've been out there 20 times, and again this all comes from them, the park people asking your friends to get their stuff off their property so that they can develop their property. The Fire Department has met with them, we've had PDAC's on it, and we're going to have a Knox box to get through the gates if and when they put in a gate. And they don't necessarily want to put a gate up, but they are trying to get that cleaned up and be good neighbors out there. So, again I've been dealing with them for 2 years I know how much they have been trying to get things done but that's neither here-nor-there. The point is it's a legal vacation, it was done in '87, the City Attorney has advised us that we have nothing we can do unless the City feels they want to go in and buy property back from both parties and build a cul-de-sac. At this point there is no reason for the City to do that because the City has full rights to access - go through that property and do everything the City themselves need to do.

JF – Does anybody think they're really gonna close the road?

DC – They had no plans of doing so until the neighbors would not work with them and help them clean it up. Now apparently, they're talking about and saying, "Well I guess we're gonna have to fence it off and close it because we're not getting any response from our neighbors to get their stuff off of there so that we can clean it up and use it".

JF – I get it.

DC – The sewer lines around the back, the City has delt with them and they were willing to grant us an easement, we've decided to just wait until we need to repair, and we'll work together to repair that because if we go get an easement, we would have to be buying that easement from them; it would restrict them from putting their trailers over it. Which they are all over it now, but they will work with us to move a trailer if needed. However, we don't dig up those sewer lines anymore we just pipe-burst them and lay it. So, as far as the City's easements in there we've already delt with it and we're happy with it.

If they want to file a court case against those property owners for prescriptive rights, they're more than free to do so, but it's a civil matter not a City matter.

JF – I get it. But another part of it you didn't get to see, is they shared a letter with me that your trailer people stated in that letter that they were going to take three feet of their property. I would have got upset about that too.

DC – Well, I'd like to see that cause there's nothing..... Now when you say take three feet are they saying that their property goes three feet within to what they think is theirs? Because they don't have legal rights to take three feet of their land unless they own it.

JF – I fully understand that but I would have been upset at that letter too. That's all I'm saying.

DC – It's not a letter that the City needs to be involved with, but I'd still like to see it myself.

(Continued discussion back and forth with Tony Martinez)

JF – If Dan is right those guys just want that stuff off that piece of property. And then it doesn't sound like they're going to close that road.

(Additional discussions back and forth with Tony Martinez)

DC – Bottom line is it's out of the City's hands.

JF – Tony, I think it's gonna probably get settled out, but you guys know you've got to move that stuff off that triangle. If you want to sue later that's your business.

(Continued discussion)

WATER TREATMENT PLANT IMPROVEMENT PROJECT

- **UPDATE:**
 - Bid Opening – Only one bidder, Record Steel & Construction, Inc.
 - \$1.554 million which was about double the engineers estimate.
 - The complexity of removing half a wall out to get the new WesTech package in really drove the price up.
 - Council approved the project last week.
 - Sent out the notice of award; working on notice to proceed and preconstruction meeting.
 - Project to be done between October and February. That way when they need to pull the entire system down, we can shut the treatment plant off to complete the work. We cannot do it at high demand times.
 - The City purchased the equipment directly from WesTech, so we didn't have to pay mark up on that \$800,000.
 - The package is due to ship the 24th. The contractor will come on site to receive it and then start working on the schedule of construction.
 - **FUTURE FUNDING:**
 - Had a meeting with Business Oregon on options for future funding for our water treatment plant system.
 - Actively seeking a CDBG grant for a new river intake for \$2.5 million dollars.
 - Public hearing August 10th so we can meet the deadline to get that notice in to CDBG by August 31st with approved minutes.
 - If we get that we'll have \$2.5 million dollars.
 - I think that the last time we did a CDBG with the sewer the City's portion of it was paying for archaeological. We have to have someone on site when they are digging, and this may happen with this again.
 - Also looking into the State Revolving Loan Fund for a new booster station which would replace the Eastside booster station on 5th and 5th. In the master plan it calls out for it to be moved to the water treatment plant.
 - We can apply for up to \$6 million with a 50% principal forgiveness. So, if we could get that project done for \$6 million it's really only going to cost the taxpayers and City \$3 million.
-

OPERATION UPDATES

- **CHIP SEALED** – June 29th, SW 4th Ave.
 - Now sweeping and cleaning it up.
 - Should fog seal the week of August 15th.
 - Then stripe it, put all new hot tape, etc.
- **EVERGREEN CEMETERY** – Break in.
 - This past weekend the maintenance shop was broken into.
 - Broke pretty much every lock we had – doors, electrical panels, etc.
 - Broke everything open and stole a Polaris 1000 Ranger, numerous gas cans, a battery, but they did not steal weed eaters.
 - They destroyed electrical panels.
 - Right now, I'm at \$21,500 for loss so far and I'm still waiting on quotes from Vale Electric for the panels to be replaced.
 - Authorized Peak Alarm to put alarms on every single door, motion sensors inside the shops, etc.
 - Jay will be appearing in Malheur County Court Thursday for grand jury.
- **WWTP** – Farmer
 - Off on Skyline right now so we filled the pond up and waiting for him to finance fall stuff.
 - We'll start flowing back to Skyline once he starts pulling water.
- **IDAHO POWER** – Incentive Program.
 - With the new CIP budget, we're working with Idaho Power on the Power Incentive Program for Solar Bee aerators.
 - To save on power costs going forward especially since Idaho Power's rates increased 15.77% this year.

NEXT REGULARLY SCHEDULED MEETING

TUESDAY, AUGUST 15, 2023

ADJOURN 3:53 PM

Mr. Fox moved; Mr. Christiani seconded **TO ADJOURN**: Motion passed unanimously.

APPROVED:



Signature

(Scott Wilson, Chairman / Jake Galeener, Vice-Chairman)

9-19-23

Date