

**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, MAY 14, 2024, 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 _____ Ken Hart _____ Penny Bakefelt _____ Eddie Melendrez _____
Council President John Kirby _____ Mayor Debbie Folden _____

2) PLEDGE OF ALLEGIANCE

This Agenda was posted on May 10, 2024. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website at www.ontariooregon.org.

3) MOTION TO ADOPT THE AGENDA

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

5) CONSENT AGENDA

A) Adoption of Council Meeting Minutes: April 9, 2024

6) NEW BUSINESS

- A) Community Risk Assessment/SOC
- B) New Intergovernmental Agreement for City/County 911 and Dispatch Services

7) PUBLIC HEARING

A) Ordinance #2825-2024: An Ordinance for a Rezone of Two Parcels of Property from City General Commercial (C-2) to City Single Family Residential(RS-50) (Tax Lot 100) and City Manufactured Home Residence (R-MH) (Tax Lot 200)

8) HAND-OUTS

- A) Minutes: Airport 04-01-2024; County Court 04-03-2024, 04-10-2024, 05-01-2024
- B) Monthly Department Stats: PW & OFR (April 2024)
- C) Packet: V&C 05-02-2024

9) CORRESPONDENCE, COMMENTS AND EX-OFFICIO REPORTS

10) ADJOURN

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

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

**CITY COUNCIL MEETING MINUTES****April 9, 2024**

The scheduled meeting of the Ontario City Council was called to order by Mayor Deborah Folden at 6:00 p.m. on Tuesday, April 9, 2024, in the Council Chambers of City Hall. Council members present were Deborah Folden, Penny Bakefelt, Susann Mills, John Kirby, Ken Hart, Sam Baker, and Eddie Melendrez.

Members of staff present were Dan Cummings, Tori Barnett, Corinna Hysell, Clint Benson, Kari Ott, Marshall Pierce, Andy Woods, Al Haun, and Michael Iwai.

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

AGENDA

This Agenda was posted April 5, 2024. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

Dan Cummings, City Manager, noted a change in the wording of the Public Hearing, Action 8A on the Agenda. Item currently read: *Accept Right of Way for a Portion of NW 4th Avenue, per Approved **Partition** Plat, Approved Under Planning Action 2022-08-22 SUB.* Item should be amended to read: *Accept Right of Way for a Portion of NW 4th Avenue, per Approved **Subdivision** Plat, Approved Under Planning Action 2022-08-22 SUB.* Incorrect word struck out.

HART moved, KIRBY seconded, **TO ADOPT THE AGENDA AS AMENDED.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 7/0/0.

CONSENT AGENDA

KIRBY moved, MILLS seconded, **TO ADOPT THE CONSENT AGENDA, WHICH CONSISTED OF APPROVAL OF COUNCIL MEETING MINUTES OF FEBRUARY 27, 2024, AND MARCH 23, 2024; AND PROCLAMATION: VIETNAMESE-AMERICAN REMEMBRANCE DAY APRIL 30, 2024.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 7/0/0.

Mayor Folden read the proclamation into the record:

VIETNAMESE-AMERICAN REMEMBRANCE DAY: Whereas, Vietnamese refugees have proudly resided in the City of Ontario and surrounding communities since the conclusion of the Vietnam War on April 30, 1975; and Whereas, Vietnamese-Americans have put forth their full toiling energy building the City of Ontario, Oregon in a multitude of prominent areas including industry, economy, culture, education, and military service; and Whereas, Vietnamese Americans have counted on the State of Oregon, as being their second heart, mind, and family homeland; and Whereas, Every year, Vietnamese-Americans celebrate Remembrance Day on April 30th to solemnly honor the 58,000 American soldiers, and more than 300,000 South Vietnamese soldiers who sacrificed their lives in the line of duty for freedom and democracy in South Vietnam from 1955 to 1975. Now, therefore, be it resolved that I, Deborah K. Folden, Mayor of Ontario, Oregon, do hereby proclaim April 30, 2024, to be recognized as VIETNAMESE-AMERICAN REMEMBRANCE DAY and encourage all to join in the reverent recognition of this cultural heritage celebration.

PUBLIC COMMENT

Susan Vincent, Ontario, stated: *My name is Susan Vincent. I reside here in Ontario, Oregon, on NW 2nd Street. I understand from one of the Council members already that my, my little spiel is a moot point, but it's going to happen anyway. Ontario City Council members, dear Mayor and members of the Council, I am extremely unnerved by the recent article I read in the Malheur Enterprise stating that the city leaders of Ontario are trying to turn 16 tiny houses intended as temporarily housing into a homeless permanent housing at their current location, and I won't read the rest of that statement as I understand it's against the law. The article stated that there were 16 units, and those units are going to be open year round and remain on that property that the city is intending, well, I know the city is not intending, I know it's a grant because I went to the meeting last night which clarified. One particular of the Council member, of Council member and committee, promised me he would keep me informed of any neighborhood changes. At one time promised he would sit down with me and discuss my concerns, didn't happen. Empty promises. This decision affects our entire neighborhood. I have had many things stolen from my property. They broke into the toolbox on my truck breaking the lock, but thank goodness I had removed everything already was inside that toolbox, which had two shotguns stored in there, so I'm grateful I had already removed them. Someone else dented, in anger, the side of my truck by my driver door. They hit it with something making the dent, while it was parked in front of my house. They broke in, in broad daylight, police were dispatched, to my garage, during the day while I was at work, in the garage with my \$2,400 hunting dog that was released. A police officer came out, looked around, couldn't decide how they broke in, and I had a video. The video, I have cameras, the video shows a gentleman standing to the side of the garage, where the camera is at the back of my house, it did not show the actual event happening. Again, nothing happened. I have had people urinating, defecating by my fence and behind my garage, which I've had to clean up. They allow their pets to defecate in my front yard and I know they're not my dog. My dog is out in the back on his chain. I have been verbally threatened on more than one occasion. I have had a man who decided to camp in my front yard because it was his right, numerous people disposing of their trash in my yard, and this is ongoing, even though they closed down the feeding program, found a whole loaf of bread out there the other day, somehow, someone tossed it out there. People at the tiny houses throw their trash also in my yard as they walk by, so they're walking their dogs, candy wrappers, etc. I don't feel comfortable having my grandchildren or great grandchildren play outside, because I don't feel comfortable being outside either. When I walk out to my vehicle my head is constantly on a swivel. And talking of police taking care of complaints? Well they don't. I have sent multiple videos to the chief of police and one time only did he say he would pass it on to someone else to check out. Also at the City Council meeting back in October promised me, at that meeting, he promised me he would have someone come and talk to me about my concerns. Didn't happen either. There are plenty, I'm going to skip the next paragraph, guys, since Mr. Kirby has already addressed that this evening. The current location also attracts other homeless people to just hang out. They park their vehicles near the current location, sleep in their cars, and in sleeping bags outside the fence and on the sidewalk. And members, there's pictures of them camping, a couple pictures camped outside the area the tiny houses are enclosed in. These guys are camped on the outside behind the building. Often driving down the side road, the residents and other residents of the tiny homes just hang out in the road and if you say anything to them, they become obnoxious, and pretty much tell me to "profanity". Providing free housing and food, and free cell phones, hasn't helped the homeless that come in and enjoy all Ontario has to offer. How many homeless have been able to get jobs, which is also something I discussed last night, and permanent housing, have gotten permanent housing? I understand some have, but I also understand there are quite a few that they are unable to house for various reasons. I feel that these tiny houses are putting a bandage on a very large problem we have in our city. All you have to do is look around and see it. The definition of insanity is "to continue to do the same thing over and over and expect different results", and we're not, I don't see how the tiny houses benefits at this point. How about the law abiding, voting, tax paying citizens of our community? And not being included in planning. I've asked, I've begged, and pretty much been told that's too bad. Also, there's video of them trying to break cameras off my building in your packet.*

PRESENTATIONS

Community in Action Emergency Shelter Update

Priscilla Garcia and Kristy Rodriguez, Community in Action, presented.



COMMUNITY IN ACTION
2024 SHELTER PROGRAM UPDATE
HOUSING MANAGER
PRISCILLA GARCIA
EXECUTIVE DIRECTOR
JODY WARNOCK
MALHEUR HARNEY COUNTY
HOUSING AUTHORITY
KRISTY RODRIGUEZ

Helping people. Changing lives.

Agenda

- Introductions & Winter Shelter Info Refresher
- HB 2006 & HB 5019
- Update on CinA Shelters
- Current Plans and Needs for Shelter Shelter & Homeless Data
- Past Shelter Resident Testimonials
- Questions

5/1/2024 COMMUNITY IN ACTION 2

Who are we?

COMMUNITY in ACTION

- We exist to empower low and moderate-income individuals and families of Harney and Malheur Counties.
- We provide education and counseling, skills development, and access to community resources that help create self-sufficiency.

Housing Authority of Malheur & Harney Counties
Rapid Re-Housing Division

The mission of the Housing Authority of Malheur & Harney Counties is to address the need for available, safe, decent, sanitary and affordable housing for extremely low and low income residents of Malheur and Harney Counties. Our vision is to provide housing that helps residents improve their economic standing, self-sufficiency, and overall well-being. We strive to engage with community partners to enable us to create a positive impact on the lives of our community members. We aim to identify barriers affecting our community and implement lasting solutions that will help our residents and community thrive.



5/1/2024 COMMUNITY IN ACTION 3

Community in Action's Tiny Shelter Program

- 16 tiny shelters provides temporary and safe place to live for those who are literally homeless.
- While in shelter all participants actively work on case management plans that are designed to help them attain an improved living situation.
- Shelters have 24/7 onsite monitors and cameras to ensure the safety of property and shelter stayers.
- All residents are provided on going case management, advocacy, and referrals.



5/1/2024 COMMUNITY IN ACTION 4

Shelter Amenities

All shelter are well insulated and have wall heaters to ensure warmth through the harsh winters. Each unit is equipped with cots, sleeping bags, pillows, mini fridge, and microwaves. All shelter stayers are also provided with weekly laundry, gas, and shower vouchers.

While residents have been in the shelter partner agencies have been able to send referrals, provide outreach, and services.



5/1/2024 COMMUNITY IN ACTION 5

Shelter Transitioning from Winter Shelter to Year Round Shelter

- The Housing Authority of Malheur County and Community in Action have been working since Malheur County was added in as an opt in county to the Governors Executive Order 2303. We submitted plans for Rapid Re Housing funding and Shelter funding. The Rapid Re Housing plan was approved and we were provided HB 5019 funding that has assisted with our Turn Key Project and additional RRH beds. Our original plan for shelters were denied.
- Recently OHCS came back and provided funding from HB 5019 funds to support our efforts returning our Winter Shelters into a year round project. Funding will allow CinA to purchase the property, add cooling systems, and operations to convert the shelter through 2025.

5/1/2024 COMMUNITY IN ACTION 6

EO 24-02 maintains added capacity for the state's shelter system, rehouses people experiencing homelessness, and prevent homelessness.

EO 24-03 refreshes the state's Interagency Council on Homelessness which was directed to develop plans for reducing sheltered and unsheltered homelessness based upon an analysis ordered by EO 23-03 that was signed in January 2023.

Oregon House Bill 5019 (HB 5019) introduced during the 2023 Regular Session, addresses critical housing needs in the state. The bill focuses on state financial administration related to housing. It appropriates funds from the General Fund to specified state agencies for housing-related purposes.

Oregon House Bill 2006 (HB 2006)
The bill defines the term **emergency shelter**

- It requires local governments to allow the siting of qualifying emergency shelters by qualifying entities, notwithstanding land use laws and regulations. The bill aims to address homelessness and improve access to emergency shelter and transitional housing.
- By relaxing land use regulations, it facilitates the establishment of emergency shelters.
- It encourages collaboration between government agencies and organizations to enhance housing services and support.

House Bill 2006 represents a significant step toward addressing housing challenges and ensuring access to emergency shelter for vulnerable populations in Oregon.

5/1/2024 COMMUNITY IN ACTION 7

Unsheltered Data/ Shelter Data

Data was gathered from HMIS data base and Malheur County Point in Time Count.




Unsheltered
CinA has provided services over 10 years to our community in Malheur Co. and Harney Co. Here are some demographics that show us throughout the years on how our unsheltered community has increased.

12-24 yrs
25-44 yrs
45-54 yrs
55-64 yrs
65-74 yrs

Stably housed This could mean anything from attaining their own housing with or without subsidy. This also includes transitional housing, assisted living, reuniting with family etc.

5/1/2024 COMMUNITY IN ACTION 8

Community Support & Helping Hands.

Hygiene Kits



Advocates worked in putting together hygiene packs that were donations; and sorting the coats in preparation for Point Time in Count.

5/20/2020 COMMUNITY IN ACTION 9

Community volunteers and leaders canvassed the assisted map out areas. Count took place under bridges, abandoned buildings, street, parks, shelters, food pantries, and



Point Time in Count received tremendous support from local news stations and newspapers

<https://www.facebook.com/watch/?v=228717016961401>

5/20/2020 COMMUNITY IN ACTION SHELTERS PROGRAM 10

Shelter Updates and Plans

CinA is on year four of a six year donated lease from property owners where are shelters are located. Since funds were allocated from OHCS we are in negotiations of purchasing the property. The shelters were built in 2020. When they were designed our main goal was to ensure they stay warm through the winter months.

We are now working with contractors and gathering bids to set up cooling systems for each unit.



5/20/2020 COMMUNITY IN ACTION 11

Future Needs and Plans

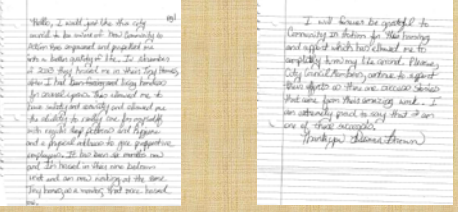
Our biggest goal is to build permanent restrooms facilities on site for shelter stayers to access. Additionally, we would like to be able to provide onsite laundry facilities, share cooking space, additional office space, and more shelter units.

We have received additional funding through HB 5019 unfortunately it does not cover all needs. We are still seeking funding and donations meet our long term goals.



5/20/2020 COMMUNITY IN ACTION 12

Testimonials of the unsheltered voices that have restored their journey with the Tiny Shelters Program.



5/20/2020 COMMUNITY IN ACTION 13

My Story.....

Hello,

I am a single father of 3. I am writing this letter to thank and acknowledge their County Community in Action for their help and support in finding shelter and permanent housing for me and my family. Through them I was able to start in a shelter, move to transitional housing where they provided the necessities for us, like dishes, appliances, towels, furniture, and bedding. We were able to live in safe and comfortable environment of our own until we were able to obtain permanent housing. Now we are in our own home where Community in Action was able to assist with our security deposit to move in. Because of them, I was able to have a successful ending to my struggle of being homeless with three children. I finally felt I had the support through their program, and I am forever thankful.

-J. Flores

5/20/2020 COMMUNITY IN ACTION 14

Ms. Garcia stated she was aware of the bad stigma attached to homelessness, but they were the agency that was there to help that community.

Councilor Bakefelt asked of the 360 homeless in Malheur County, how many of those were in Ontario?

Ms. Garcia stated it was around 80%. She did not have official numbers yet, but once received, she'd share that. But she believed that within the Ontario city limits, it was at that 80%.

Councilor Hart asked Mr. Cummings out of all the funding, how much funding was received in Ontario to help provide services.

Mr. Cummings stated none of that funding came to Ontario. It was all through the Housing Authority and Community in Action. He applauded CinA for attending the Council meeting. He had asked them to attend so the community could get an update on what was happening. CinA met the deadline of HB2006 and created a conditional use permit that did stand until such time that they did not have funding to keep the facility open, at least part time. The HB stated that cities and counties could not shut those facilities down if they were in place at that time. CinA and the Housing Authority appeared before the Council and obtained that land use action, but HB2006 did have a sunset clause attached. That clause was met as long as they had funding and kept it operating. If they lost that, or shut it down for one year, they lost that ability, and to open again they would have to follow all the land use laws and regulations. To stay on that site, they'd be required to build a

tiny home system, meeting all the building and planning codes. Basically, they could keep it there, but the existing shelters would have to be taken away and new structures would have to be constructed that would be more like small apartments. They'd have to have a bedroom, a bathroom, and a small kitchenette type set up. It was still considered an emergency shelter that could be used for both winter and summer emergencies.

Councilor Hart stated what the state failed to do was provide funding to the city to pay for the police or fire services, and there was not enough property taxes in Ontario to even pay the police department. When the citizens became frustrated with the city's police or fire departments due to lack of resources, the state continued to give money to provide services, but no funds to pay property taxes or for police and fire departments. It was strangling cities throughout Oregon. Staff had spoken at the state levels, multiple times, asking for help in supplementing the services because everyone deserved police and fire. The state never gave funds to the cities to provide those services.

Ms. Rodriguez also asked Mr. Cummings to explain the HB5019 funds that were coming into the city to assist with the encampment sites, that it was due to the homeless dollars.

Mr. Cummings agreed the city had been speaking with legislators, letting them know it was great that they were providing funds to help the homeless problem, but there was no funding to help tax dollars to provide emergency services. They gained some ground, and legislators changed the rules to allow the non-profits to add in their plans to add in lieu of taxes payments, if they could, and Ms. Rodriguez indicated she was going to put that in all their grant applications, the payment in lieu of taxes, if it could be budgeted. Within the existing HB, they had already stepped up and were providing help and some funding to help the existing campsite by paying for some of the garbage services and portable restrooms. The city appreciated all the non-profits that were going to try and take advantage of that new legislation.

Councilor Kirby stated he did not think they were listening enough to the Susan Vincents of the world. If they were following the laws of Oregon and Ontario regarding zoning, no way would that be in that neighborhood. He still did not believe it should be located there. It was his understanding that if the city told Community in Action to find another location, the homes could not be moved because they did not meet code. He thanked Community in Action for attending the meeting, but the Council had no authority in this. Basically, the Oregon legislature was telling Ontario, tough. They wanted housing and they wanted the city to put it in residential neighborhoods, and it was causing those neighborhoods a hardship.

Ms. Rodriguez stated she understood his comments, but wherever they were moved, the mentality was the same: Not in my backyard.

Councilor Melendrez applauded Community in Action for their efforts, and appreciated and supported their work.

Councilor Mills asked Ms. Garcia if she had checked out any other cities that had the tiny houses, to see how those were being handled.

Ms. Garcia stated she had not, yet. She was aware this was not just an Ontario issue. She knew there were going to be fights with the other local governments in Malheur County.

Councilor Mills asked if there were any tiny homes in Harney County.

Ms. Garcia stated there were not, but they were working on that.

Councilor Mills stated she appreciated that it was transitional housing, and that people were being educated to get out on their own, to obtain employment, and become self-sufficient. Was there another location these homes could be moved to that would be a part that CinA or the Housing Authority might have that would work out better?

Ms. Garcia stated currently, no.



Councilor Mills asked Mr. Cummings if these tiny houses met city code for living structures in Ontario, and if they did, if someone wanted to put a tiny house in their backyard to have someone live there, what was the difference in the codes?

Mr. Cummings stated these were not tiny home, they were called emergency shelters. The little shelters did not meet the building codes. That was where the sunset clause came in. As long as they kept the facility funded and open, they could maintain emergency shelter status. If they wanted to move those shelters somewhere else, they couldn't. They would have to build a tiny home that met the current building codes. The State of Oregon created a small home code, and those could be 400 square foot, as long as they provided all the facilities that the residential code required, which was a bedroom, a bathroom, a small kitchenette, and connected to city plumbing. If they wanted to build a small home community, they had to do so in the proper zoning area, which technically, that property was zoned properly for that, being RM-10 High Density Residential, so they could put a small home community there if they wanted to build it to code, but that was a lot more money. They could not move the existing shelters to anywhere else because they did not....the other property would have had to have been done already under HB2006.

Councilor Mills asked if it was the governor who decided it should go from winter housing to year-round?

Mr. Cummings stated HB2006 was where it was now called emergency shelter, whether it be for cold or heat. Could even be too rainy, like in Portland. When Ontario first constructed homes, it was for winter emergency sheltering. The city was preparing to have the hearing on whether or not to extend that winter sheltering when Governor Brown added the regulation that removed the power from the cities. Then HB2006 came out, which put a sunset clause on it. Community in Action did the required process with the city, and established the shelters as emergency shelters, not just winter.

Councilor Bakefelt stated she was curious about an action plan for addressing some of the neighborhood issues, to be good neighbors.

Ms. Rodriguez assured the Council their shelter residents and staff were maintaining the good neighbor clause; however, they'd had to trespass people from their property, too. They were not able to force people to not camp out, but they could encourage them to move. They did their best, but not everyone listened, and not everyone wanted the help.

Councilor Bakefelt asked if she was saying that the people causing the issues were not from the tiny home area?

Ms. Rodriguez stated the was correct.

Councilor Melendrez added that this program did work, and there were folks that needed that support to make it from transitional housing to housing. It was a huge success, and some were gaining employment and helping others.

SREDA Update

Kristen Nieskens, SREDA, presented, and distributed an informational packet, which contained data on what SREDA had been doing. The Alliance was formed in 2009, a group that was created to bring this region together to build and support each other in economic efforts. It consisted of three counties – Malheur, Payette, and Washington; two states – Oregon and Idaho; and one common goal. One win was for the good of the whole. Bringing in a business also brought in employees, and the surrounding communities benefited. The Alliance relied on donors from the various cities and counties, and they appreciated those funds. There were also private partners, such as banks and businesses, who contributed to the funding. Partners also included services such as GEODC, SBDC, and others. They were there to support local businesses, for business retention and expansion, and also for marketing this area to encourage new businesses. There was a lot going on in this community and as she reached out to the partners at Business Oregon and Idaho Commerce they could see where the growth was happening and where it was coming from. They were seeing a lot coming from California, but in reality most of the movement and growth was coming from the Boise and Nampa areas. There appeared to be a lot of growth in the manufacturing industry and the arms industry on the Idaho side, but there was



also a lot of manufacturing and things coming our way. She introduced Bob Komoto, who spoke a little about partnerships and SREDA.

Bob Komoto stated he was a member of SREDA. He was retired and joined SREDA as a private citizen. He was currently the Secretary for the Alliance, and being the Secretary, he'd attended every meeting over the past years and over that time, he'd had the chance to see what came to SREDA's door. There was a lot that went on that didn't sound like success, but there were opportunities, and Kristen took those and channeled them what information was being asked for. Oftentimes, the requester didn't know the infrastructure, utilities, or laws that needed to be followed in order to establish a business, and she was able to direct them quickly and could make an informed decision. Not everything that came in was a success, but with Kristen's guidance, going and channeling people in the right direction, they found out things. SREDA was an inexpensive way to have an economic development partner in the community.

Ms. Nieskens continued with that she was putting a lot of effort into marketing this year, from local to regional to global. They'd been working hard on trying to get a grant, a way to offer grants to the constituents in this region where there was a need to find a certain grant writer, but how SREDA could help facilitate that, and what that would look like. Mr. Cummings had been an asset to SREDA, with his knowledge, and it was very much appreciated. SREDA appreciated the support of the Council, and if anyone had the opportunity, she encouraged them to visit SREDA's website.

Councilor Kirby asked if she was receiving inquiries from people seeking existing facilities, or were they looking for bare land.

Ms. Nieskens said it was about 50/50. A lot of people were interested in refurbishing old buildings, like the onion sheds. Most had done their homework, and were calling about a specific property. Then it became where the hookups were located, or how far away utilities currently were. There were some larger parcels available. She was hopeful they'd be seeing a lot more in the future.

Mr. Cummings stated at the last SREDA meeting, they looked at maybe partnering up for a grant writer. SREDA would acquire the writer, and everyone would contribute to fund that position. It was worth looking into. He informed Ms. Nieskens that Ontario created their own grant writing committee from staff, and had also contracted with a private grant writer to oversee some of that. It was great idea to get a feeling from the other cities such as Vale, Nyssa, Malheur County, etc., so if they would be interested in funding a full time grant writer, where every partner could take advantage of that. Also, even though Ontario might not see a win here, that was viewed as any win for any community in SREDA, was a win for everyone. SREDA was developed to help everyone who belonged – Malheur County, Ontario, Vale, Nyssa, Payette, Weizer, Fruitland, Payette County, Washington County. SREDA was an entity that was provided funding from Ontario, and their request for continuing the funding again would be considered during the budget process.

Councilor Bakefelt asked what type of grants were being discussed.

Ms. Nieskens stated most were run through the city and other entities. She did not have the time to run all those. She did a lot of grants through the State of Idaho, and a lot of the smaller grants here through, for example, GEODC.

Councilor Bakefelt asked about the types of grants available.

Ms. Nieskens stated the past four had been infrastructure grants.

Councilor Hart stated this was a great discussion. There was a new Economic Development person at the county, who was doing a great job. There was a lot of momentum, and continued focus on the community and the area to do things. When they got closer to the budget cycle, a question he'd have for Mr. Cummings was if he supported this, if the city decided to give funds to SREDA again, and Mr. Cummings had always said it helped him do what he could do. The city needed to continue looking for ways to leverage the limited city dollars, and SREDA had been one of the organizations he'd been proud to be a part of.

Recreation District Update

Andrew Maeda, Recreation District, stated: *Mayor Folden, Council members, I'm here tonight just to give you an update regarding the \$250k donation the city gave to the Ontario Community Recreation Center Project. To date, or as of today, we are just days away from closing out our preconstruction phase of the project. So that means as of right now, we have gone through all of the community feedback and any of the surveys done, which is pretty easy because there was just so much information prior to us taking over this project around 2020. Quickly after that, we got through and jumped into our design phase, which included your schematic, your design development, and your construction document creation. Then we began what seems to be traditionally the hardest part across this project over the last ten years, which is to pursue the funding needed to get that project done. Following the design phase, it was concluded that we wanted to go after an outdoor pool option for Phase II of the Ontario Community Recreation Center Project, and then eventually look at many more options in the future. Following that, I guess, that exact design phase there, we quickly jumped into construction documents creation. We hired our construction management team to work with our architecture and engineering team, just to make sure that what's being designed and put together in the construction documents can be built. Once we have that put out for bids, then we'll get estimates on that. As of that time period, we also began our fund-raising efforts, not only from our recreation district contingency and capital outlay budget, but also through community and local businesses. Several of them donated to this project, community members donated to this project, grants were tirelessly pursued, the city obviously donated to this project as well. As of April 1st, we did receive a pretty substantial grant that gets us 99-100% of our estimated goal right now, which is that \$3,000,000. What that means is here within, on Thursday we will have our final walk-through with our subcontractors, and then the actual bid opening date would be the 18th here in Ontario at our offices. Following that, within two days, we will be presented a guaranteed maximum price from our construction management team to our Board of Directors for approval. That is given that those bids that do come back are within a reasonable estimate from what we received earlier. When I say reasonable, that is anyone that understands these types of projects, understands the history with them that you will get some type of estimate early on, you'll get a little bit more refined estimate as you get through your construction documents phase, and then when you get your bids back, it's double that. So you really want to make sure you build a pretty substantial contingency when it comes to that cost estimate on the front. We did. We built in about a 45% contingency into that project budget just because we assumed that that project would come back pretty high, or at least much higher. We are really, really hopeful that here within the next week and a half that when we do get those bids back from our construction management team, or we have that official opening date, that it just needs to be within some sort of a ballpark range of what the original estimate was. It doesn't need to be exactly on or under. We do have a gap there because, again, we built in a substantial contingency for it. Once our board does approve that guaranteed maximum price, and just to be clear, when I say guaranteed maximum price, that's a type of proposal that we put out to use, not only to our architects and engineering team, but also to our construction management team. That means that the project should not go over that amount. I say shouldn't because even though it's titled a guaranteed maximum price, it does come with these fancy things called change orders. Those change orders can happen when they break into the foundation and find out that it's not going to be substantial enough for what we're looking to do on it, or they are looking to renovate a certain portion of the facility and it's not what they thought it was and so they have to submit a change order which increases the cost of the project. Generally, they don't like to do that, and they like to build in a contingency as well, which they did, early on. So, that's why I'm explaining that 45% contingency there. When we get that guaranteed maximum price back and our board approves that, it moves pretty quickly out of our preconstruction to our construction phase, which means we would have a demolition subcontractor onsite within two weeks. That construction was estimated to be six to eight months; we're planning for nine, which would have that project done or finished up right around December, and January giving us a good amount of wintertime to prepare opening in May of 2025 for Ontario. Again, all of this is pretty substantial to talk about right now in front of you. It is heavily dependent upon these bids that come back to us on the 18th of April, and that the city keeps their \$250k donation within that pot of money. You guys pull that out, then we're going to be in a little bit of hot water there. But, we just want to, one, give our thanks and the support for the City of Ontario, not only in your donation, but across multiple efforts that we've had over the past three or four years in the project, whether at the state level, local grant level, this specific grant that we received on April 1st, as well. We've had substantial support from our city and all those efforts, whether we got them or not, we had a lot of support and we really appreciate that. All of the work that has been accomplished by our city like our permitting, helping us, community members just being able to help us push our permitting along from the county and the state a little bit quicker, has all been really, really helpful,*



and all the community members that have jumped in to help us start the project to make sure that as we go along this timeline, we really teed it up to make sure that we have a starting point with reaching our funding and doing the project, breaking ground close to the time so we don't have to waste a lot of time for that. If you have any questions, I'm open to them. Again, thank you for the support.

Councilor Hart asked what the trigger for construction was that the city would release the \$250k? Did Ms. Ott recall, or maybe Mr. Maeda?

Mr. Maeda: *Yeah, I got to go put a shovel in the ground.*

Mr. Cummings stated it was his recollection that it was when they were ready to break ground, the funds would become available to them.

Councilor Hart stated he recalled that the name Ontario was supposed to be somewhere in the name.

Mr. Meada: *Yeah, it will lead with the Ontario Aquatic Center moving forward. I don't know, when we presented financials at our last presentation to the city, we presented financials across projected, profit-loss, and our current budget financials as well.*

Kari Ott, Finance Director, stated she had a copy of what the city wanted in return for the \$250k donation: *The name of the pool/pool complex will include the name of the city: Ontario; If any broad group is provided a discount to access pool services, Ontario residents will also receive that discounted rate; The Recreation District will supply to the Council/public with a written: Fundraising plan; Fundraising plan for funding the building and maintenance/operations of the pool; Construction rendering of the completed pool/pool complex; Construction timeline; Detailed operations plan; Approved funds will be held by city and not released to the Recreation District until construction has begun; and Approved funds will not be released without a reaffirming vote by the City Council that these conditions have been met.*

Councilor Hart said at some point they'd need to tee that up to reaffirm that, meaning they'd need to vote again.

Ms. Ott stated that also included the construction plans.

Mr. Maeda: *Yeah, at our last presentation, I believe we covered all of that, besides the construction documents, which are substantial documents. We'll have to send that out via DocuSign or something like that. It's not going to be emailed out.*

Mr. Cummings stated the construction plans had been submitted to the city. He let them know the Planning Department had already signed off. They were still waiting on the Building Department to sign off, to issue the permit.

Mr. Maeda: *They were close, very close, yeah.*

Mr. Cummings asked if the Fire Department had signed off yet.

Clint Benson, Fire Chief, stated it was close.

Councilor Melendrez stated his thanks for everyone who had worked on the project. If there was anything that Mr. Maeda thought he could help with, please let him know.

Mayor Folden thanked Mr. Maeda for all his work. It was very exciting for this community.

Mr. Maeda: *Yeah, big win for Ontario. Thank you all for your support.*

Councilor Melendrez asked to jump back to Ms. Vincent's comments. He thanked her for attending the meeting, and while he still supported the work of Community in Action and the Housing Authority, he had been trying to balance her needs, as well, and he'd like to share some things. With the church, there were signs put up, either no trespassing or no camping. Also, he'd gone with some of the youth that he mentored to collect garbage, and this last Serve Day project they had cleaned up, and he periodically went back and spoke to the neighbors, but he wanted to let her know he heard her, and he did feel for her concerns, and he appreciated all the times she reached out to him. There were times when it became difficult to reply to every email, but he did share her concerns with local leaders.

NEW BUSINESS

Resolution #2024-105: Supplemental Budget to Purchase Two Travel Cars

Kari Ott, Finance Director, presented.

On February 27, 2024, the City Council approved the purchase of two travel cars, and the proposed resolution was to appropriate funds for the purchase of the cars. Each car cost \$31,995, which was less than the \$34,319 originally presented.

Three surplus cars were sold for a total of \$9,950, which left a net cost of \$22,045 for the first new vehicle. The \$22,045 was proposed to come out of General Fund Administrative Overhead Contract Services, leaving a remaining budget of \$28,955 in that budget.

For the Police Department, three surplus vehicles were sold for a total of \$8,600. There was also a prior year insurance payment received of \$10,864. This left a net cost of \$12,531 for the second vehicle. The \$12,531 would be taken from the Public Safety Reserve Department of the Reserve Fund Contingency, leaving a balance of \$385,611 in that line. The proposed budget adjustment needed to be made before June 30, 2024.

HART moved, MELENDREZ seconded, **THE CITY COUNCIL APPROVE RESOLUTION #2024-105: A RESOLUTION APPROVING A SUPPLEMENTAL BUDGET TO APPROPRIATE FUNDS FOR TRAVEL CARS PURCHASE.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 7/0/0.

CDBG Grant Administration Services for New Secondary River Intake Project

Marshall Pierce, City Engineer (Jacobs), presented.

The City of Ontario was awarded funding from the Community Development Block Grant program from Business Oregon. Funding would be used for improvements to the city's drinking water supply system, specifically a new secondary river intake. The current phase of the CDBG grant program was engineering design of the secondary river water intake to improve the reliability and capacity of the city's drinking water supply system. The improvement was a component of the city's overall Drinking Water Master Plan approved by the Oregon Health Authority in 2021.

With funding approved for the first phase (engineering design), a grant administrator should be assigned to provide successful implementation of the grant for the life of the project. An RFQ was currently out to engineering firms, closing March 28, 2024, for the design work. The project was funded with federal grant funds, and with the grant being awarded, time was of the essence in completing the work. If the city elected not to move forward with the award of the task order, the implementation of the grant would need to be completed by city staff who lacked technical expertise and experience with the program, which could cause a challenge in successful implementation.

MELENDREZ moved, BAKEFELT seconded, **THE CITY COUNCIL APPROVE THE GRANT MANAGEMENT TASK ORDER FOR \$25,000 WITH DUCOTE CONSULTING FOR THE CDBG GRANT MANAGEMENT OF THE NEW SECONDARY RIVER INTAKE PROJECT AND AUTHORIZE THE CITY MANAGER TO SIGN ALL DOCUMENTS.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 7/0/0.



Authorization to Apply for Safe Drinking Water Revolving Loan Funds for a New 3.0 MG Storage Tank

Marshall Pierce, City Engineer (Jacobs), presented.

The City of Ontario was eligible to apply for funding from the Safe Drinking Water Revolving Loan Fund program from Business Oregon, from the Bipartisan Infrastructure Law. Funding could be used to improve water quality, capacity, and reliability, such as improvements to the city's drinking water supply system. The city was proposing to apply for the project award maximum of \$6,000,000 to fund the majority of the design and construction of a new water storage tank, replacing the East Side Storage Tank. The improvement was a component of the city's overall Drinking Water Master Plan approved by the Oregon Health Authority in 2021. The location of the project was at the city's Water Treatment Plant at 1900 SE 5th Avenue. The project benefited residents throughout the City of Ontario. A Letter of Intent was sent to Business Oregon in September of 2022.

The city was proposing to apply for the project award maximum of \$6,000,000 to fund the design and construction of a 3.0 MG storage tank to improve the reliability and capacity of the city's drinking water supply system. If successful, the loan funds would help support the city's financial position. Of the \$6M total amount, \$3,129,383 was a forgivable loan. The remaining \$2,870,617 would be a loan with an interest rate not to exceed 80% of the current market rate. Currently, this would equate to 2.16% interest. The interest cost would be \$1,060,383 over a 30-year term. The Application Package was due on the 15th of April; therefore, time was of the essence.

Councilor Hart asked the total cost of the project.

Mr. Pierce stated it was estimated at \$7.6M; at the time, it was \$6M, and the loan would have covered everything. Staff was looking at supplemental grants to offset that bump up.

Councilor Hart asked if they didn't receive those funds, where would the additional money come from?

Mr. Cummings stated they city probably wouldn't do the project. This was just authorizing the application.

MELENDREZ moved, HART seconded, **THE CITY COUNCIL APPROVE APPLYING FOR SAFE DRINKING WATER REVOLVING LOAN FUNDS TO SUPPORT THE DESIGN AND CONSTRUCTION OF A NEW 3.0 MG STORAGE TANK TO IMPROVE THE CAPACITY AND RELIABILITY OF THE CITY'S DRINKING WATER SYSTEM, AND AUTHORIZE THE CITY MANAGER TO SIGN ALL GRANT APPLICATION DOCUMENTS.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 7/0/0.

Resolution #2024-106: Safe Drinking Water Revolving Loan Fund Application

Kari Ott, Finance Director, presented.

The City Council discussed the loan application in the previous action item. With the approval to apply for the safe drinking water revolving loan fund application, staff would like to hire Anderson Perry and Ducote Consulting to prepare the application. There was a purchase order approved for \$10,000 in September 2022 that wasn't rolled forward to the current year budget.

Ducote Consulting had been working with the city on CDBG grants as the administrator and had done a great job. The city would like to hire Ducote Consulting to prepare the application for the Safe Drinking Water Revolving Fund Application. Anderson Perry had been working to get a good cost estimate on the project in order to know how much funding was necessary to complete the project. Staff estimated the work would not exceed \$5,000 total; however, the \$10,000 in the budget resolution gave a little extra if needed. It was proposed that \$10,000 would come from the Water Fund contingency, leaving a balance of \$844,936 in that line. The application needed to be submitted by April 15th.

HART moved, MILLS seconded, **THE CITY COUNCIL APPROVE RESOLUTION #2024-106: A RESOLUTION TO APPROPRIATE FUNDS FOR THE SAFE DRINKING LOAN FUND APPLICATION, NOT TO EXCEED \$10,000.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 7/0/0.



Safe Streets for All Grant (SS4A): Kittelson Task Order for Comprehensive Safety Action Plan

Marshall Pierce, City Engineer (Jacobs), presented.

The City of Ontario was awarded a \$280,000 Federal Highway Administration (FHWA) grant to complete a Comprehensive Safety Action Plan. The plan required a technical consultant to perform data collection, analysis, community outreach coordination, concept designs, and plan development. A technical consultant was now needed to work with the Task Force on creating a draft and final Safety Action Plan. Staff reviewed the city's transportation engineering services roster and chose Kittelson and Associates, Inc. as the technical consultant. Kittelson also performed the City's Transportation Master Plan in 2021. The project was funded with federal grant funds.

MELENDREZ moved, KIRBY seconded, **THE CITY COUNCIL APPROVE THE KITTELSON AND ASSOCIATES, INC., TASK ORDER TO PROVIDE TECHNICAL CONSULTING AND DEVELOPMENT OF THE COMP ROAD SAFETY ACTION PLAN AS PART OF THE SAFE STREETS FOR ALL GRANT.** Roll call vote: Mills-yes; Baker-yes; Kirby-yes; Hart-yes; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 7/0/0.

PUBLIC HEARING**Accept Right of Way for a Portion of NW 4th Avenue, per Approved Subdivision Plat, Approved Under Planning Action 2022-08-22 SUB**

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

Dan Cummings, City Manager/Community Development Director, presented.

The City Council needed to accept the right of way of a portion of NW 4th Avenue. The subject property had been subdivided by Riley Hill into six lots, with public right of way being dedicated along the southern border of the property. The action required the dedication of public right of way for portions of NW 4th Avenue. Construction of all the public improvements would be done at a later date during development of the property. The Partition was ready to be finalized and the public right of way accepted by the City Council. There was no financial cost to the city, other than normal maintenance of the city infrastructure developed and constructed on the property by the developer. The alternative could be to not accept the right of way and instruct the applicant to make the street private; however, this alternative would not meet city codes for connectivity and existing public use of portions of the roads.

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

MILLS moved, HART seconded, **THE CITY COUNCIL ACCEPT THE DEDICATION OF RIGHT OF WAY FOR A PORTION OF NW 4TH AVENUE AS SHOWN ON THE SUBDIVISION PLAT OF MEDICINE VALLEY SUBDIVISION, SAID SUBDIVISION BEING APPROVED BY AN ADMINISTRATIVE ACTION ON SEPTEMBER 22, 2022, UNDER PLANNING FILE 2022-08-22SUB, AND AUTHORIZE THE MAYOR TO EXECUTE HER SIGNATURE ON THE FINAL PLAT ACCEPTING THE DEDICATION OF RIGHT OF WAY AS SHOWN ON SAID PLAT.** 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 Department: Monthly**

Kari Ott, Finance Director, presented.

Fire & Rescue Department: Quarterly

Clint Benson, Fire Chief, presented.

Police Department: Quarterly

Michael Iwai, Police Chief, presented.



DISCUSSION ITEMS**Mayor/Council Compensation**

Dan Cummings, City Manager, stated questions had been raised, and a few misinformed comments made or written, about what the City Council was being paid. To clear the matter up, he informed the public that the Mayor received a monthly stipend of \$200 per month, and each Councilor received \$125 per month. The Mayor and Council did not receive any benefits. Further, the Council, by City Charter, could not issue themselves a raise without following very specific guidelines and timeframes.

Community Renewable Energy Program

Dan Cummings, City Manager, stated the city began the solar project lease when the city still owned the Stelling property. When that was sold, the new owners had to carry on the lease. During that process, the solar developer asked the city to help sponsor a million dollar grant they wanted. The Council approved the action. The city submitted for the million dollar grant. The city was originally awarded \$500k, but then found some more funding and came back with an additional \$400k, so the city received \$900k total. Part of the agreement to assist in administering the project, in exchange for the help, the city was supposed to receive \$20k from out of first draw from the grant. Currently, the city was ready to begin taking advantage of the program. In the original discussions the developer indicated the city might receive approximately \$50k in savings. As outlined in the contract, it now appeared the city might realize a savings of around \$44k. It was close to the original stated savings amount. The city was originally going to get a 10% discount; however, the changing rules allowed the city now to receive a 15% discount. This report was to inform the Council the city was moving towards the next stage where he needed to start signing contracts to receive that discount. Unless the Council decided they did not want to continue in the direction, he planned to sign the contracts. The contract had been submitted to the City Attorney for review, who indicated no issues with the contract as presented. Also, the reasons there were multiple contracts for this one item was because there would be a separate contract for each individual meter. There were around 40 meters, and each would have an individual meter number. The contracts were for 20 years in duration, and there were no penalties assessed should the city determine to cease the agreements. A copy of the contract was included in the packet for their review.

HAND-OUTS**Department Stats: January, 2024**

Public Works, Fire (No stats from OPD/CE due to new system glitches)

Minutes:

County Court: Feb 8, 2024, Mar 13, 2024, March 20, 2024, Mar 27, 2024; Airport Jan 2, 2024; and DAC Dec 20, 2024, Feb 21, 2024

Check Register:

Feb-Mar, 2024

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORT S

- Councilor Kirby stated he went out every couple weeks to the homeless encampment, and it looked like there were more tenants out there. There was an accumulation of shopping carts, at least 12, but it didn't look like the trash was as bad, other than what the neighbors provided. Those neighbors were providing a lot of garbage, but the unhoused seemed to have things under control, in his opinion.

Mr. Cummings stated he also went out there about once a week, and it did seem there were more people staying in that area. The trash container had decreased from other people's usage, so maybe the talk at the previous meeting about keeping an eye on it and fining people using it who shouldn't be. That was theft of services. He also believed that those people living on the site were helping patrol it. He agreed it could appear cluttered, but for the most part they were trying to keep it clean and were using the dumpsters. There were trailers and a lot of trash before in the public right of way, so he thanked the county for stepping in and cleaning that up. He was working with staff, who were thinking of working with public works to do a cleanup day to clear up the

rest of the garbage that remained in the right of way. There were signs being made, to be posted, about the theft of service issues.

- Councilor Bakefelt thanked Code Officer Nick Tambornini for addressing an area she let him know about.
- Councilor Bakefelt informed the Council that the 2024 National Night Out event was August 13, 2024, which conflicted with a regular Council meeting, so she wanted to request that the Council cancel that meeting. That would make it easier for both Council and staff to participate in the event.

Councilor Kirby stated maybe it was more appropriate that staff bring that request to the Council. Maybe suggest a different date for the meeting.

Mr. Cummings stated staff could look at if there was anything major for the meeting, and let the Council know.

Mayor Folden stated this request was far enough in advance that staff and Council could plan around it.

Mr. Cummings stated staff would try to do that. They'd be stuck if there was a land use action planned for that meeting, as those dates had to be followed. Otherwise, other items could be shifted around.

- Councilor Melendrez stated his thanks to Work Source Youth Oregon work crew, or Youth in Action, a program out of the employment department. He planned to reach out to them for helping with the shopping cart issue at the homeless site.
- Councilor Melendrez suggested a campaign or public awareness campaign about the dog parks. He heard from some public works crews that people were not cleaning up after their dogs.

Mr. Cummings stated he had addressed that, putting word out to the public. That was another sign that was being taken care of by public works. It would put the public on notice that a lot of complaints were being sent in about people not cleaning up after their dogs. It was becoming a health issue. If it continued, the dog parks would be removed. The public works crews were not being paid to pick up dog poop. The city provided bags for picking up after the dogs, so there was no reason not to.

- Councilor Melendrez stated with regard to the DAC meeting of February 21st, the DAC had approached him still asking about the reason for the committee, what the expectations were. They were seeking ideas, guidance, and/or goals from the Council
- Councilor Mills thanked Code Enforcement Officer Nick Tambornini for the ride along last week. It was very informative. They visited several sites that she had questions about what the procedure was for getting them cleaned up. He also showed her the procedure he went through, showed her areas that had repeat offenders, and they visited the homeless site. She truly thanked him for his time.
- Mr. Cummings stated that during his annual evaluation, a Councilor had asked him to attend more LOC conferences, so he attended one in Pendleton last fall, and recently attended a conference in Seaside, sponsored by Northwest Regional City Manager's Conference. He chose that site because that conference included Oregon, Washington, and Alaska. His goal was to find out what issues other communities were facing. His report was that Ontario was not unique. The consensus was that everyone was having the same issues, mainly revenue, on being able to provide services to their communities, and dealing with the homeless population. That seemed to be the major topics at all the conferences and meetings he'd been attending.



- Mr. Cummings stated the city had a person apply for the City Planner position. The person was interviewed, and she was a great fit. She had the same vision he'd had, and he felt very comfortable putting her in that position. She'd need more guidance and training, but she'd definitely fill that spot well. An offer was made, she accepted, and she had given her current employer – the county – her notice. The city was taking the county's planner. Her last day with the county would be the end of April, and then she asked for a two week break to prepare for her new position. She would start with Ontario in mid-May. The agreement had been that when he got a planner in place, he'd reduce his pay starting July 1st. He really thought she would do an excellent job.
- Mr. Cummings stated lastly, the new Councilor tablets had arrived, and they were ready to get set up. He asked that each Councilor coordinate with Tori for some time next week, so she could coordinate with Sheri, to get the current iPads cleaned off, the new tablets set up, and to ensure their city emails and CivicClerk were working.

ADJOURN

BAKEFELT moved, MILLS seconded, **THAT THE MEETING BE ADJOURNED**. Roll call vote: Mills-yes; Baker-no; Kirby-yes; Hart-no; Bakefelt-yes; Melendrez-yes; Folden-yes. Motion carried 5/2/0.

ACCEPTED:

ATTEST

Deborah K. Folden, Mayor

Tori Barnett, MMC, City Recorder





**AGENDA REPORT
NEW BUSINESS
May 14, 2024**

To: Mayor and City Council
FROM: Clint Benson, Fire Chief
THROUGH: Danny K. Cummings, City Manager
SUBJECT: **COMMUNITY RISK ASSESSMENT/SOC**
DATE: April 2, 2024

PROPOSED MOTION:

I MOVE THAT THE CITY COUNCIL APPROVE THE USE OF \$25,059 OF PUBLIC SAFETY FUNDS FOR 50% OF A COMMUNITY RISK ASSESSMENT / STANDARDS OF COVER STUDY TO BE COMPLETED BY EMERGENCY SERVICES CONSULTING INTERNATIONAL.

SUMMARY:

The City of Ontario (Ontario Fire and Rescue) and the Ontario Rural Fire Protection District (ORFPD) would like to team up to have a community risk assessment / standards of cover (CRA/SOC) study completed. The total cost of the study is \$50,118. This study will identify risk and target hazards within the City of Ontario and the ORFPD boundaries and show the taxpayer exactly what they are currently paying for fire protection. The community risk assessment piece will guide Ontario Fire and Rescue in preparing and training for emergencies at our target hazards and areas of risk. The standards of cover piece will assist the city and rural departments in efforts to find additional revenue needed for increased staffing, facilities, and equipment (five-year plan), and help the fire department to identify strengths, weaknesses, and opportunities. This study represents a large piece of our strategic planning efforts.

BACKGROUND:

To my knowledge, Ontario Fire and Rescue has never had a CRA/SOC study done in its history. The need for additional career firefighters, which increases safety and effectiveness, has been challenged by lack of funds. The City of Ontario is working on a five-year plan that will assist several city departments. In efforts to find additional funding sources, this study will answer the question of, "what are our customers currently paying for the level of fire protection they receive; and, is our community okay with the current level of protection?". The CRA/SOC study will include customers and stakeholders in the process. This will give the department a good idea of what customers want; the same level of fire protection or an increased level of fire protection. Additionally, the community risk assessment will assist Ontario Fire and Rescue with identifying target hazards within this community. Training, equipment, and staffing can all be modeled around the risk that this department is responsible for protecting. A well

constructed community risk assessment also helps greatly when applying for state and federal grants.

CURRENT SITUATION:

Ontario Fire and Rescue is understaffed. Ideally, there should be four career firefighters per 24-hour shift; currently, there are three per shift. With personnel being the most valuable resource, the cost of personnel is also the most expensive investment. The city's five-year plan symbolizes a new level of safety and effectiveness for this fire department. However, convincing Ontario taxpayers to pay additional taxes and/or fees will be difficult, and with a good CRA/SOC study, the path ahead will be much more clear to both the taxpayers and decision makers as this moves forward.

ANALYSIS:

- A. **STRATEGIC PLAN** This action is consistent with the city's strategic plan, specifically within the city's mission statement, "Our mission is to create a healthy, safe, diverse, and prosperous city by engaging community members to develop an enriched quality of life". Also, the commitment to providing superior quality service and efficient services to the public aligns perfectly with this proposed action. This fire department has been working on its strategic plan as we move forward. A CRA/SOC study will serve as a big piece of planning for the future.
- B. **FINANCIAL** In February of this year, the Chief started contacting public safety firms in regard to a CRA/SOC study. Five firms were sent both RFQ's and RFP's. Staff received four price quotes ranging from \$19,750 to \$50,118. Chief Benson used the NPPGov contract to receive a 10% discount. Emergency Services Consulting International (ESCI) came highly recommended by other fire chiefs and had the most impressive resume (RFQ). Other firms' studies were less expensive, but lacked important features such as GIS mapping. In fact, one of the firms' study processes is designed to be done by staff, under the direction of the firm. After reviewing all RFQ's and RFP's, the most "bang for our buck" will come from ESCI. Ontario Rural Fire Protection District agrees that ESCI's proposal of \$50,118 is the best option and has agreed to pay half of the study.
- C. **TIMING** Timing is crucial. As staff all work towards the five-year plan, the information provided in this study will paint a picture for stakeholders and taxpayers showing the risk present in the Ontario community and the level of fire service that is currently provided to protect the community.
- D. **POLICY/LEGAL** A professional CRA/SOC will review the department's current policies and procedures and make recommendations on improvements the fire department can make to decrease liability to the city.

ALTERNATIVES:

We do have less expensive alternatives from other firms. However, the importance of this study is great, and I do believe we will get what we pay for. Doing a study like this ourselves is possible, but will take more than a year to complete.

RECOMMENDATION:

Staff recommends the City Council approve the use of \$25,059 out of the public safety fund for a community risk assessment / standards of cover by Emergency Services Consulting International.

ATTACHMENTS:

None



**AGENDA REPORT
NEW BUSINESS
May 14, 2024**

To: Mayor and City Council

FROM: Dan Cummings, City Manager/Community Development Director

THROUGH: Danny K. Cummings, City Manager

SUBJECT: NEW INTERGOVERNMENTAL AGREEMENT FOR CITY/COUNTY 911 AND DISPATCH SERVICES

DATE: April 26, 2024

PROPOSED MOTION:

I MOVE THE CITY COUNCIL TO APPROVE THE NEW INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN THE CITY OF ONTARIO AND MALHEUR COUNTY FOR 911 AND DISPATCH SERVICES AND AUTHORIZE THE MAYOR TO SIGN THE DOCUMENTS.

SUMMARY:

The 911 User Group has been in negotiations with Malheur County to get the fees based on actual use and not just set contract prices. This new IGA does this and has reduced the fees for Ontario by approximately \$13,635.

BACKGROUND:

On December 11, 2023, the City of Ontario and Malheur County entered into a Memorandum of Understanding (MOU) filed under Instrument No. 2013-5143 to consolidate the 911 and dispatch services.

On May 14, 2014, the city and county entered into a Memorandum of Agreement (MOA) for the consolidation of the 911 and dispatch services.

On June 30, 2014, under Instrument No 2014-2161, the Intergovernmental Agreement (IGA) between the City of Ontario and Malheur County for 911 and Dispatch services was recorded.

On April 6, 2015, the First Amendment to the June 30, 2014, IGA was signed by the city and county to set out a comprehensive formula/calculation for payment of 911 and dispatch services by city to county.

CURRENT SITUATION:

The 911 User Group and the county finished the negotiations to amend the formula/calculation for paying for the 911 and dispatch services to pay for actual costs for the services. This requires a new IGA between the City of Ontario and Malheur County for 911 and Dispatch services.

ANALYSIS:

- A. **STRATEGIC PLAN** This new IGA fits the Financial Stability of the Council Strategic Plan.
- B. **FINANCIAL** The new Agreement (IGA) has an estimated annual cost of \$219,163.17, which is approximately an \$13,635 decrease from last year.
- C. **TIMING** This new Agreement needs to be approved so that the savings can go into effect. This agreement would start effective July 1, 2024.
- D. **POLICY/LEGAL** The City Council is required to approve the new intergovernmental agreement.

ALTERNATIVES:

Council could not approve this amendment and elect to continue to pay under the existing Agreement.

RECOMMENDATION:

Staff recommends the City Council approve the new Intergovernmental Agreement (IGA).

ATTACHMENTS:

- 1. IGA- City & County - 911 SAervices_2024
- 2. IGA-City & County - 911 Services Amendment 1 04-06-2015

INTERGOVERNMENTAL AGREEMENT FOR 9-1-1 AND DISPATCH SERVICES AND RELATED RECORDS MANAGEMENT BETWEEN MALHEUR COUNTY AND CITY OF ONTARIO

This agreement for 9-1-1 and Dispatch Services and Related Records Management (“Agreement”) is made and entered into between Malheur County, a political subdivision of the State of Oregon, through the Malheur County Sheriff’s Office, with a business address of 151 B. Street West, Vale Oregon 97918, (“COUNTY”) and City of Ontario, an Oregon municipal corporation, with an address of 444 SW 4th Street, Ontario, Oregon 97914 (“CITY”). COUNTY and CITY are each a “Party” and collectively the “Parties”.

RECITALS:

WHEREAS, CITY desires to contract with COUNTY for 9-1-1 and dispatch services on a 24-hour, seven days a week basis, for CITY police, fire, non-transporting medical (Ontario Rescue One), and mutual aid; and for related records management; and

WHEREAS, COUNTY has provided 9-1-1, dispatch and related records management services to CITY since approximately 2014; the Parties now wish to update their agreement; this Agreement supercedes all previous agreements between the parties with respect to dispatch services related records management; and

WHEREAS, this Agreement is authorized by Chapter 190 of the Oregon Revised Statutes, which provides that units of local government may enter into agreements for the performance of any functions and activities that any party to the agreement, or its officers or agents, has the authority to perform.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein the Parties agree as follows:

1. Malheur County Emergency Communication and Dispatch Center (“Dispatch Center”). The Malheur County Sheriff’s Office has the responsibility and authority for public safety communications and functions incidental thereto, including without limitation, communicating, dispatching, relay and call transfer in the furtherance of public safety and emergencies within Malheur County, including within the city limits of Ontario, Vale, Nyssa, Adrian and Jordan Valley. The Malheur County Sheriff’s Office oversees and directs all operations and performance of the dispatch center. “Dispatch Center” means the PSAP designated by the Malheur County Sheriff’s Office for purposes of providing dispatch services. The Dispatch Center is located at 151 B. Street W., Vale, Oregon 97918.
2. Record Management System. COUNTY shall perform and provide radio communications and telephone answering services for all 9-1-1 and non-emergency calls on a 24-hour basis, seven days a

week. County shall provide police and fire dispatching functions following protocols established with mutual planning and negotiations between COUNTY and CITY. COUNTY shall furnish dispatch run time logs for Ontario Police Department, Ontario Fire Department, Rescue One, Ontario public works department and Ontario Rural Fire Department after each emergency or as requested. At the time of entering into this Agreement, the cities of Ontario, Nyssa and Malheur County have agreed to assume full responsibility for their portions of the annual maintenance and support costs of the records management system (Flex) for each of their respective organizations, as computed by Motorola Flex prior to go-live in March 2024. CITY will pay the following annual maintenance and support costs, which will be billed separately to CITY by COUNTY and not included in the fee formula outlined in paragraph 10 below.

<u>Year</u>	<u>Annual Maintenance Costs</u>
2024/2025	included in initial contract price with Motorola
2025/2026	\$11,099.18
2026/2027	\$11,581.76
2027/2028	\$12,546.90
2028/2029	\$13,029.48

Annual Computer Aided Dispatch (CAD) costs are included in the fee formula outlined in paragraph 10 below. Annual CAD costs and Flex records maintenance costs paid by Malheur County, Nyssa and Ontario are illustrated on attached Exhibit A.

3. LEDS/NCIC/DMV. COUNTY will provide teletype communication services as CITY shall require during the term of this Agreement. Teletype communication services shall consist of LEDS/NCIC/DMV inquiries, LEDS/NCIC verifications, entries, modifications, locates, clearances and validations.

4. Digital Library. COUNTY shall maintain a digital library of telephone and radio communications as required by law. COUNTY shall furnish to CITY copies of 9-1-1 and radio digital records to the Ontario Chief of Police and Ontario Fire Chief for their internal use as requested.

5. User Board: CITY agrees to participate on the 9-1-1 User Board (“User Board”) established by the Malheur County Sheriff’s Office. The User Board consists, in part, of representative from the following entities: Vale, Nyssa, Ontario, Treasure Valley Paramedics (TVP), and Malheur County. Generally, the function of the User Board is to provide recommendations to the Malheur County Sheriff’s Office on 9-1-1 and dispatch operations, priorities, policies, budget, and Standard Operating Procedures (SOPs). Regular meetings of the User Board will be held at least quarterly. The User Board is governed by duly adopted bylaws, which may be amended from time to time. COUNTY will utilize a meeting of the User Board to discuss the COUNTY’S budget (revenue and operating expenses) for the Dispatch Center. The COUNTY’S budget for the Dispatch Center is referred to as

county general fund #207 entitled “MCSO Communication Center”; as well as other line items in the County budget (ie. technology is within the budget of the County IT department). COUNTY will not incur extraordinary expenses for the Dispatch Center without first discussing said expenses with the User Board. Extraordinary expenses can include, but not limited to: additional staffing, add a tower site, change in records management system.

6. Dispatch Services. COUNTY will perform dispatch services on behalf of CITY, including, without limitation, the following:

- a. 24-hour per day, seven days a week - answering of emergency and non-emergency telephone lines, without limitation, 9-1-1 calls for CITY fire, police, Rescue One, rural fire and public works requests.
- b. Dispatch appropriate responders by radio/pager or phone.
- c. Maintain radio communications with responders regarding emergency and routine matters.
- d. Answer, process and transmit calls for service and provide appropriate information to CITY and authorized personnel.
- e. Enter calls for service in the CAD system and, in accordance with applicable law, log all information pertaining to the call.
- f. Track and monitor activities of CITY personnel when on duty and responding to calls.
- g. Maintain a list of CITY personnel as needed for dispatching purposes. CITY is responsible to provide the Dispatch Center with updated information.
- h. Maintain and distribute records and recordings of the Dispatch Center’s activities performed as required by applicable law.

COUNTY will provide these Dispatch Services in accordance with SOPs for the Dispatch Center recommended by the User Board and approved by the Malheur County Sheriff’s Office. Services will be performed by Telecommunicators certified by the State of Oregon.

7. Equipment. CITY is responsible for the purchase and maintenance of its phones, radios, antennas and any and all other communication infrastructure. Excluding equipment funded and maintained by the Dispatch Center, if CITY requires the installation of equipment and/or performance of special services CITY will bear all costs and expenses of such equipment, installation, maintenance, and operation unless approved, in writing, by the Parties.

8. Dispatch Center; Manager. The Lieutenant/Emergency Manager within the Malheur County Sheriff’s Office will operate and manage the Dispatch Center, supervise the Dispatch Services, and serve as the operational head for the Dispatch Center.

9. County Personnel, Operating Expenses and Budget. COUNTY will be responsible for the administration of all personnel and operating expenses of the Dispatch Center. In accordance with and subject to applicable laws, including, without limitation, applicable Oregon Budget Law provisions. COUNTY may make expenditures for the acquisition, purchase, and/or lease of materials, services, supplies, facilities, personnel, and/or equipment as may be necessary or appropriate to carry out the purposes of this Agreement. The Lieutenant/Emergency Manager will prepare, develop, and

recommend an annual budget for the Dispatch Center. No later than April, the User Board and CITY will be provided the annual budget.

10. Fee. CITY will timely pay a fee for Dispatch Services based on the formula described in Exhibit B. COUNTY will invoice CITY each quarter (September, December, March, June). CITY will pay the amount due under each invoice within thirty (30) days after CITY's receipt of invoice.

11. Term. This Agreement is effective for the following five (5) fiscal years (July – June), FY2024/2025; FY2025/2026; FY2026/2027, FY2027/2028 and FY 2028/2029. Upon the expiration of the initial five-year term of this Agreement, this Agreement will automatically renew for one or more term(s) of one year each unless sooner terminated in accordance with this Agreement. Commencing in March 2024, and continuing on or about the same month each year, the Parties will review this Agreement to determine whether any changes and/or modifications to this Agreement are necessary or appropriate. Any changes and/or modifications to this Agreement require the Parties' mutual written agreement. Notwithstanding anything contained in this Agreement to the contrary, the Parties may terminate this Agreement upon mutual written consent.

12. Indemnification. Subject to the limits, immunities and privileges of the Oregon Tort Claims Act, COUNTY will defend, indemnify and hold CITY harmless from, and against all claims, actions proceedings, damages, liabilities, injuries, loss and expenses of every kind, whether known or unknown, including, without limitation, attorney fees and costs, resulting from or arising out County's negligence in performing its obligations under this Agreement.

13. Relationship. This Agreement does not create an agency relationship between the Parties and does not establish a joint venture or partnership between the Parties. No Party has the authority to bind the other Party or represent to any person that a Party is an agent of the other Party.

14. Waiver; Entire Agreement. Notwithstanding anything contained in this Agreement to the contrary, no provision of this Agreement may be modified, waived, and/or discharged unless such waiver, modification, and/or discharge is agreed to in writing by the Parties. No waiver by a Party at any time of the breach of, or lack of compliance with, any conditions or provisions of this Agreement will be deemed a waiver of other provisions or conditions hereof. This Agreement contains the entire agreement and understanding between Parties with respect to the subject matter of this Agreement and contains all the terms and conditions of the Parties' agreement and supersedes any other oral or written negotiations, discussions, representations, and/or agreements.

15. Assignment; Binding Effect. No Party may assign any of the Party's rights and/or obligations under this Agreement to any person without the prior written consent of the other Party. Subject to the immediately preceding sentence, this Agreement will be binding on the Parties and their respective heirs, executors, administrators, successors, and permitted assigns and will inure to their benefit.

16. Applicable Law; Attorney Fees. This Agreement will be construed, applied, and enforced in accordance with the laws of the State of Oregon. Any action or proceeding arising out of this Agreement will be litigated in courts located in Malheur County, Oregon. Each Party consents and submits to the jurisdiction of any local, or state court located in Malheur County, Oregon; and the federal court in Pendleton, Oregon. With respect to any dispute relating to this Agreement, or if a suit, action, arbitration, or other proceeding of any nature whatsoever is instituted to interpret or enforce the provisions of this Agreement, including, without limitation, any proceeding under the U.S. Bankruptcy Code and involving issues peculiar to federal bankruptcy law or any action, suit, arbitration, or proceeding seeking a declaration of rights or rescission, the prevailing party will be entitled to recover from the losing party its reasonable attorney fees, expert fees, and all other fees, costs, and expenses incurred in connection therewith, as determined by the judge or arbitrator at trial, arbitration, or other proceeding, or on any appeal or review, in addition to all other amounts provided by law.

17. Person, interpretation, signatures. All pronouns contained herein 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 plural includes the singular. The word “or” is not exclusive. The words “include”, “includes” and “including” are not limiting. This Agreement may be signed in counterparts. A fax or email transmission of a signature page will be considered an original signature page. Each Party has employed its own independent legal counsel to assist in the Party’s review and negotiation of this Agreement (and any document references herein).

MALHEUR COUNTY:

CITY OF ONTARIO:

Sheriff Travis Johnson date

Mayor Deborah Folden date

Judge Dan P. Joyce date

County Commissioner Ron Jacobs

County Commissioner Jim Mendiola

EXHIBIT A
CAD costs and RMS maintenance costs provided by Motorola 12/2023

CAD costs. This does not include year 1 (March 2024-2025), as it was included with initial contract pricing/purchasing with Motorola. CAD will be paid by Vale, Ontario, Nyssa, TVP and Malheur County. These costs are part of the Dispatch Center's budgeted expenses and factored in using the formula in paragraph 10 and Exhibit B of this Agreement.

Yr 2 \$ 5,845.05
Yr 3 \$ 6,099.18
Yr 4 \$ 6,607.44
Yr 5 \$ 6,861.57

Annual maintenance costs. This does not include year 1 (March 2024 – March 2025) as it was included in the initial contracting/purchasing with Motorola. These numbers were computed by Motorola based and provided to CITY prior to go-live with Motorola Flex in March of 2024. Vale and TVP are not part of Motorola Flex. These costs are in addition to the fees in paragraph 10 and Exhibit B of this Agreement.

<u>Maintenance totals (yr. 2-5)</u>	Malheur		Nyssa		Ontario	
Year 2	\$	34,813	\$	7,722.98	\$	11,099.18
Year 3	\$	36,327	\$	8,058.76	\$	11,581.76
Year 4	\$	39,354	\$	8,730.32	\$	12,546.90
Year 5	\$	40,868	\$	9,066.10	\$	13,029.48
Grand Total	\$	151,362	\$	33,578	\$	48,257

EXHIBIT B - Calculations for dispatch service fee to be billed quarterly based on actual costs, call volumes and 911 funds received in preceding quarter

Step 1. *Total Expenses.* Each quarter, the COUNTY Budget Officer will provide the Lieutenant /Emergency Manager a quarterly expense report for the Dispatch Center. This report follows the accounts and descriptions within the Dispatch Center budget and County budget and represents actual expenses paid by the COUNTY for personal services (wages and payroll costs), materials and services costs, capital outlay, recruitment expenses, technology, administrative services and CAD costs for the Dispatch Center for the preceding quarter (“total expenses”).

Step 2. *9-1-1 funds from State subtracted from total expenses for the remaining balance of total expenses.* The total 9-1-1 tax funds received by County from the Oregon Department of Emergency Management (ODEM) for all jurisdictions (Vale, Ontario, Nyssa, and County) in the preceding quarter is subtracted from total expenses in Step 1. The amount in Step 2 is the “*remaining balance*” of total expenses for the quarter.

Step 3. *Cost per call.* The remaining balance of total expenses as determined in Step 2 will be divided by the total number of calls into the Dispatch Center (county-wide) to establish a “*cost per call*”.

Step 4. *To be paid.* The remaining balance of total expenses determined in Step 2 will be paid by Vale, Ontario, Nyssa, County and TVP proportionally based on each entity’s respective number of calls multiplied by the cost per call in Step 3.

Illustration of calculations based on projected 2024 annual budget

Step 1. *Total Expenses.* **\$1,310,833 total expenses**

Step 2. *9-1-1 funds from State subtracted from total expenses for the remaining balance of total expense.* The total 9-1-1 tax funds/revenue received from ODEM (**\$833,760.56**) is subtracted from total expenses (**\$1,310,833**) for the remaining balance of total expenses.
 $\$1,310,833 - \$833,760.56 = \$477,072.44$ remaining balance of total expenses.

Step 3. *Cost per call.* The remaining balance of total expenses determined in step 2 (**\$477,074.22**) is divided by the total number of calls into the Dispatch Center (county-wide - **35153 calls**) to establish a cost per call. **$\$477,072.44 / 35153 \text{ calls} = \13.5713151082 cost per call**

Step 4. *To be paid.* The remaining balance of total expenses determined in Step 2 will be paid by Vale, Ontario, Nyssa, County and TVP proportionally based on each entity’s respective number of calls multiplied by the cost per call.

Vale	1000 calls x \$13.57+ cost per call =	\$ 13,571.32
Ontario	16,149 calls x \$13.57+ cost per call =	\$219,163.17
Nyssa	3877 calls x \$13.57+ cost per call =	\$ 52,615.99
TVP	3879 calls x \$13.57+ cost per call =	\$ 52,643.13
County	10,248 calls x \$13.57+ cost per call =	<u>\$139,078.84</u>
	To be paid	\$477,072.45

MALHEUR COUNTY DISPATCH FEES BREAKDOWN

Fiscal Year **2024**

Quarter

WAGES AND PAYROLL COSTS

5.10.1101	LIEUTENANT .15 PTE	\$ 11,550.00
5.10.1102	SERGEANT : 2.0 FTE	\$ 153,228.00
5010.131	DISPATCH 9.0 FTE	\$ 493,699.00
5-10-1500	VACATION BUY BACK	\$ 8,250.00
5010.151	OVERTIME	\$ 110,000.00
5.10.1519	FIELD TRAINING OFFICER	\$ 1,200.00
5.10.1520	BILINGUAL DIFFERENTIAL	\$ 1,200.00
5.10.2910	PAYROLL COST	\$ 392,106.00

Total Personal Services Expenses: \$ 1,171,233.00

Total Expenses for this Year : \$ 1,310,833.00

Total 911 Tax Disb. this Year : \$ 833,760.56

Remaining balance for this buget cycle: \$ 477,072.44

CALLS FOR SERVICE FOR THIS BUDGET CYCLE

35153

Jurisdiction	# of calls	% of Calls		Your Cost
Vale	1000	3%		\$ 13,571.32
Nyssa	3877	11%		\$ 52,615.99
TVP	3879	11%		\$ 52,643.13
Ontario	16149	46%		\$ 219,163.17
County	10248	29%		\$ 139,078.84
				\$ -
				\$ -

Derived by multiplying the number of calls this billing cycle by the cost per call.

MATERIALS AND SERVICES COSTS

5.20.4310	MAINT. EXPENSES	\$ 50,000.00
5.20.5300	TELEPHONE	\$ 16,000.00
5.20.5820	TRAINING	\$ 10,000.00
5.20.6110	OFFICE SUPPLIES	\$ 8,000.00
5.20.7000	SMALL EQUIPMENT	\$ 3,000.00
5.20.6119	RECRUITMENT EXPESENSE	\$ 5,000.00
	TECHNOLOGY	\$ 3,721.00
	ADMIN. SVCS. (3% of total expenses)	\$ 38,033.00
	CAD ANNUAL MAINT./SUPPORT	\$ 5,846.00

Total Materials/Services Expenses:= \$ 139,600.00

\$ 13.57 Cost per call

Derived by dividing the "Remaining balance for this budget cycle" by the total number of calls county wide.

**First Amendment to Intergovernmental Agreement For 9-1-1 and Dispatch Services Between
Malheur County and the City of Ontario, which was recorded with the Malheur County Clerk on
June 30, 2014 as Instrument Number 2014-2161**

This First Amendment to Intergovernmental Agreement is entered into by and between the COUNTY OF MALHEUR, a municipal corporation organized under the laws of the State of Oregon, by and through the Malheur County Sheriff's Office (hereinafter "COUNTY"), and the CITY OF ONTARIO, a municipal corporation organized under the laws of the State of Oregon (hereinafter "CITY"). Collectively, COUNTY and CITY are the "parties".

RECITALS:

The parties entered into an Intergovernmental Agreement For 9-1-1 and Dispatch Services, which was recorded with the Malheur County Clerk on June 30, 2014 as instrument number 2014-2161 (hereinafter "Agreement").

The parties wish to amend the Agreement in order set out a comprehensive formula/calculation for the payment of 9-1-1 and dispatch services by City to County.

NOW THEREFORE in consideration of the mutual covenants and agreements contained herein, the parties agree as follows:

Commencing July 1, 2015 paragraph 4 of the Agreement shall be amended in its entirety to read:

4. City shall pay to County a fee for its services in the sum of \$203,415 payable as mutually agreed upon by the parties for the 2015-2016 fiscal year. The above fee and all future fees for County's services provided herein will be calculated as follows:
 - i. The total cost of the Malheur County Sheriff's communication operations (expenditures, capital outlay, material and services and personnel) will be divided by the by the entire county population served, thereby creating a per capita call fee. Annual population figures published by Portland State University will be used. $\$766,778 / 31,470 = \24.37 per capita call fee.
 - ii. The per capita call fee will be multiplied by the City's population to establish a base-line fee. $\$24.37 \times 11,465 = \$279,420$ (base-line fee).
 - iii. The 9-1-1 tax funds received by County from the Oregon Office of Emergency Management (OEM) for City will be deducted from City's base line fee. These funds are received by County quarterly and based on a per capita amount. Based on payments received for the last four quarters the 9-1-1 tax funds attributed to Ontario for the 2015-2016 fiscal year is \$53,695. This amount will vary from year to year. $\$297,402 - \$53,695 = \$225,707$ sub-total base line fee.

- iv. The base-line fee for City shall be divided by all calls for service (fire, police and ambulance) within the City limits from the previous calendar year, thereby creating a per call fee within the City limits. $\$279,420 / 18,256 = \15.30 per call fee within the City limits.
- v. This per call fee within the City limits applies to Treasure Valley Paramedics (TVP). The per call fee paid by TVP is subtracted from City's sub-total base line fee. Therefore, the fee paid by the City to County shall not include ambulance dispatch services. $\$15.30 \times 1457 = \$22,292$ payable to County by TVP. $\$225,707 - \$22,292 = \$203,415$.

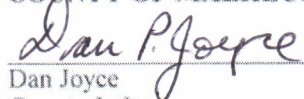
Exhibit A attached hereto and incorporated herein by reference further illustrates the 2015-2016 calculations and figures referenced above.

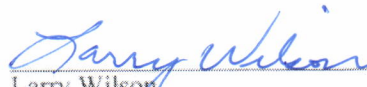
b. County shall furnish to the City the estimated annual fee by April 1 of each year. If at any time it appears to the County that the fee for the coming year may increase because of increased operational expenses or other reasons, the County shall notify the City and explain the basis for the anticipated increase. At either party's request, County and City shall negotiate in good faith to reasonably address issues related to anticipated fee increases. City acknowledges that anticipated fee increases with the communication operations will include actual increases in County costs due to salaries, benefits, materials, capital outlay and personal services.

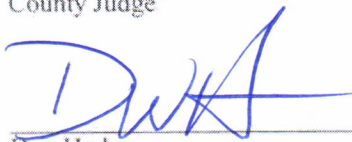
All other terms of the Agreement remain in full force and effect and are not changed by this amendment.

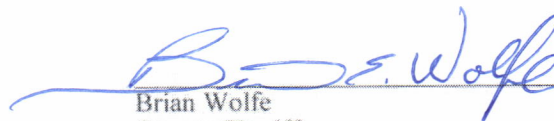
DATED this 6 day of April 2015.

COUNTY OF MALHEUR

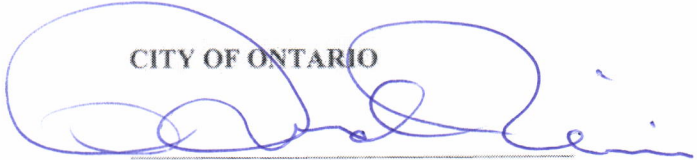

Dan Joyce
County Judge


Larry Wilson
County Commissioner


Don Hodge
County Commissioner


Brian Wolfe
County Sheriff

CITY OF ONTARIO


Ron Verini
Mayor

ATTEST:


Tori Barnett

9.2 FULL TIME EMPLOYEES

Malheur County 9-1-1 FY 2015/2016 Budget

FUND 101 GENERAL FUND

ACCOUNT	DESCRIPTION	Base Inc PROPOSED	9-1-1 FUND	SUB TOTAL	TVP COST	CONTRACT TOTAL
3 40.6260	ONTARIO CONTRACT	279,402	53,695	225,707	22,292	203,415
3 40.4220	VALE CONTRACT	45,694	8,794	36,900		36,900
3 40.4230	NYSSA CONTRACT	80,055	15,407	64,648	6,871	57,777
3 40.4250	TVP CONTRACT					29,163
3 90.9106	MALHEUR 9-1-1 FUND ESTIMATE	230,344				230,344
	Total Revenue & Estimated 9-1-1 Dist					557,599

MALHEUR S.O. TOTAL 361,773
MALHEUR 911 TAX FUND ESTIMATE 230,344
MALHEUR ESTIMATED TOTAL 131,429

5.10.1101 E.M. LT 0.2 FTE 12,624
5.10.1102 SERGEANT 1.0 FTE 49,446
5010.131 DISPATCH 8.0 FTE 355,032
5-10-1500 VACTION BUY BACK 8,889
5010.151 OVERTIME 52,200
5.10.2910 PAYROLL COST 239,187

TOTAL PERSONAL SERVICES 717,378

5.20.4310 MAINT. EXPENSES 22,500
5.20.5300 TELEPHONE 8,100
5.20.5820 TRAINING 5,300
5.20.6110 OFFICE SUPPLIES 7,500
5.20.7000 SMALL EQUIPMENT

5.40.7410 TOTAL MATERIALS & SERVICES 43,400
CAPITAL OUTLAY 6,000
TOTAL PERSONAL SERVICES 717,378

TOTAL DEPT 207 EXPENDITURE 766,778
TOTAL PROJECTED REVENUE 557,599

31470 MALHEUR COUNTY TOTAL POPULATION
180 ADRIAN
175 JORDAN VALLEY
3285 NYSSA
11465 ONTARIO
1,875 VALE

909,264 TOTAL DEPT EXPENSE DIVIDE BY TOTAL POP
24.37 COST PER CAPITA
4765 NYSSA CALLS FOR SERVICE TOTAL
16.80 NYSSA COST PER CALL
18,256 ONTARIO CALLS FOR SERVICE TOTAL
15.30 ONTARIO COST PER CALL
409 NYSSA TVP CALLS FOR SERVICE
1457 ONTARIO TVP CALLS FOR SERVICE



**AGENDA REPORT
PUBLIC HEARING
May 14, 2024**

To: Mayor and City Council

FROM: Dan Cummings, City Manager/Community Development Director
Jennifer Braden, Planning Technician

THROUGH: Danny K. Cummings, City Manager

SUBJECT: **ORDINANCE #2825-2024: AN ORDINANCE FOR A REZONE OF TWO PARCELS OF PROPERTY FROM CITY GENERAL COMMERCIAL (C-2) TO CITY SINGLE FAMILY RESIDENTIAL(RS-50) (TAX LOT 100) AND CITY MANUFACTURED HOME RESIDENCE (R-MH) (TAX LOT 200)**

DATE: March 6, 2024

PROPOSED MOTION:

A. APPROVAL:

1. I MOVE THAT THE CITY COUNCIL APPROVE THE FINDING OF FACTS AND THE RECOMMENDATION OF THE PLANNING COMMISSION FOR THE REZONE OF TAX LOT 200 FROM GENERAL COMMERCIAL TO SINGLE FAMILY RESIDENTIAL AND TAX LOT 100 FROM GENERAL COMMERCIAL TO MANUFACTURED HOME RESIDENCE ZONES AS SET FORTH IN ACTION 2024-01-01RZ BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS SET FORTH IN THIS REPORT.
 2. I IN ACCORDANCE WITH SECTION 8.2(2) OF THE CITY CHARTER, I MOVE THAT THE CITY COUNCIL APPROVE ORDINANCE #2825-2024 AN ORDINANCE PROCLAMING THE REZONE OF TAX LOT 200 FROM GENERAL COMMERCIAL TO SINGLE FAMILY RESIDENTIAL AND TAX LOT 100 FROM GENERAL COMMERCIAL TO MANUFACTURED HOME RESIDENCE ZONES AS SET FORTH IN ACTION 2024-01-01RZ BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS SET FORTH IN THIS REPORT, AT A SINGLE MEETING BY TITLE ONLY.
- IF VOTE IS UNANIMOUS:
3. IN ACCORDANCE WITH SECTION 8.2(2) OF THE CITY CHARTER, I MOVE THAT THE CITY COUNCIL APPROVE ORDINANCE #2825-2024 AN ORDINANCE PROCLAMING THE REZONE OF TAX LOT 200 FROM GENERAL COMMERCIAL TO SINGLE FAMILY RESIDENTIAL AND TAX LOT 100 FROM GENERAL COMMERCIAL TO MANUFACTURED HOME RESIDENCE ZONES AS SET FORTH IN ACTION 2024-01-01RZ BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS SET FORTH IN THIS REPORT, AT A SINGLE MEETING BY TITLE ONLY.

B. DENIAL:

1. I MOVE THAT THE REQUEST FOR THE REZONE OF TAX LOT 200 FROM GENERAL COMMERCIAL TO SINGLE FAMILY RESIDENTIAL AND TAX LOT 100 FROM GENERAL COMMERCIAL TO MANUFACTURED HOME RESIDENCE ZONES AS SET FORTH IN ACTION 2024-01-01RZ, BE RECOMMENDED FOR DENIAL TO THE CITY COUNCIL, BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS SET FORTH IN THIS REPORT. (NEED TO CHANGE STAFF FINDINGS).

SUMMARY:

The applicant/owners own parcels of land, known as Tax Map 18S47E10BA, Tax Lots 100, and 200. Said Tax Lots currently have one zoning, being City General Commercial (C-2), and they would like to rezone Tax Lot 200 to City RS-50 Single Family Residential to match the current use, and to rezone Tax Lot 100 to Manufactured Home Residence (R-MH) to match the current use of the property as shown in this report.

BACKGROUND:

The applicant has submitted an application for the rezoning of the parcels of land known as Tax Map 18S47E10BA, Tax Lots 100 and 200, which said tax lots are currently zoned City General Commercial (C-2). Applicant would like to rezone Tax Lot 200 to City RS-50 Single Family Residential to match the current use, and to rezone Tax Lot 100 to Manufactured Home Residence (R-MH) to match the current use of the property. The application was found to be complete on January 5, 2024, and provided enough information to schedule a public hearing on the matter once all the reports and exhibits were created.

The property consists of Tax Lot 100 being 13,644 square feet or 0.31 acres, and Tax Lot 200 being 6,014 square feet or 0.14 acres.

This request for rezone needs a recommendation for approval or rejection from the Planning Commission to the City Council, who will be the decision maker for this request. This action specifically seeks approval for rezoning 6,014 square feet from General Commercial to Single Family Residential and 13,644 square feet from General Commercial to Manufactured Home Residence within the city limits of the City of Ontario.

The most recent planning action on the property was a Property Line Adjustment of the two parcels to fix setback issues, as well as to match the zoning use of the property under Planning Action 2023-08-12PLA.

At a Public Hearing on April 8, 2024, the Planning Commission approved the findings of facts on Planning Action 2024-01-01RZ and sent a favorable recommendation to the City Council to approve the rezoning of the subject property.

CURRENT SITUATION:

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

Ordinance, it is considered to be consistent with the Comprehensive Plan and the planned development is an approved zoning under the comprehensive plan.

A. Rezone

1. Section 10B-20-30 REQUIRED FINDINGS, DECISION CRITERIA. In preparing findings to support a quasi-judicial zoning map amendment decision, the following findings shall be addressed except when alternatives are set forth or where a required finding clearly does not apply to the current action:

- a. The zoning map amendment is in conformance with statewide planning goals and guidelines.
- b. The zoning map amendment is in conformity with the acknowledged comprehensive plan.
- c. The applicant has demonstrated a mistake or error in the original zone designation, or the applicant has demonstrated a change in physical, social, or market conditions generally affecting the area which make the proposed change appropriate.
- d. A public need is demonstrated for this zoning at this location and is not the granting of a special privilege for a single property or small group of properties.
- e. The property affected by the change is adequate in size and shape to facilitate its use and development as permitted under the new zoning classification.
- f. The property affected by the proposed change of zone is properly related to streets and public facilities and with services adequate to meet the demands of the uses allowed in the new zone.
- g. The proposed zoning map change will not result in adverse effects upon surrounding properties or surrounding uses from dust, noise, vibration, odor, heat, glare, lighting, or discharges into the air, water or land.

Findings:

- 1. Explain how the proposed zoning map amendment is in conformance with statewide planning goals and guidelines.

The City of Ontario, Malheur County, and the State of Oregon have all agreed upon the Comprehensive Plan and Map. Within that map, the parcels are currently zoned General Commercial but historically have been used as residential uses. It is a natural progression per the Comprehensive Plan that this parcel be zoned to allow the use of the property it has been used for since the 1940's which will fix the issue of being non-conforming structures that hinder the sale and use of the property.

2. Explain how the proposed zoning map amendment is in conformance with the Acknowledged Comprehensive Plan.

The property is within the City of Ontario and rezoning of the property is in compliance with the acknowledged Comprehensive Plan and in fact, will bring further compliance by fixing the current use of the property, allowing for future development of much-needed affordable residential housing.

3. As applicant, you must explain how there has been a mistake or error in the original zone designation or a change in physical, social or market conditions generally affecting the area, which makes this proposed zone change appropriate.

The applicants requested zone change does not imply that there has been a mistake or an error in the original zone, but the property use may have been overlooked in the 2007 Comprehensive Plan amendment and zones changes within the City.

4. As applicant, you must show a public need is demonstrated for this zoning at this location, and it is not the granting of a special privilege for a single property or small group of properties.

The public will benefit by the rezoning of these parcels through increased development of the property and creating more affordable housing within the City of Ontario. This will also benefit the public by attracting business and employees to this location, providing for work place housing.

5. Explain how the property affected by the change, if approved, is adequate in size and shape to facilitate its use and development as permitted under the new zoning classification.

The property consists of 19,658 square feet or 0.45 acres zoned commercial which is large enough to allow for development into the allowed zones.

6. Explain how the property affected by the proposed change of zone is properly related to streets and other public facilities and with services adequate to meet the demands of the uses allowed in the new zone. This shall explain how this proposal will not absorb a disproportionate share of public facilities, utilities and general assets.

The parcels meet the minimum parcel size for each zoning and will be able to be further developed. The property is adjacent to existing streets and utilities. The property has been part of the City Transportation Master Plan, Water Master Plan, Wastewater Master Plan, and the City Storm Water Master Plan, and therefore has been approved to provide city services to the properties.

7. Explain how the proposed change in zoning will not result in adverse effects upon surrounding properties or surrounding uses from dust, noise, vibration, odor, heat, glare, lighting, or discharges into the air, water, or land.

The property is in harmony with the surrounding developed property and will be zoned accordingly and the current uses match the surrounding uses and will not result in any adverse effects to the adjacent properties zoned the same.

Summary Conclusions: Based on the findings above:

a. The City of Ontario Municipal Code Implements policies contained in the City of Ontario Comprehensive Plan conform to the Statewide Planning Goals; generally, if a proposed rezone meets all criteria and standards contained in the OMC, the request will be consistent with Comprehensive Plan Policies and therefore conform to the Statewide Planning Goals. As this proposal meets the criteria in the above section, this proposal is consistent with Statewide Planning Goals. CRITERION IS MET

b. The findings 2 above show that the request is within goals and conformance of the Acknowledged Comprehensive plan. Therefore, this proposal has demonstrated to be consistent with the Comprehensive Plan. CRITERION IS MET

c. The information in finding 3, indicates that there has been no mistake and the request follows the comprehensive plan. Therefore, there is no mistake, and the request follows the comprehensive plan and approved zoning and demonstrates that this criterion is met. CRITERION IS MET

d. As noted in finding 4, rezoning the properties would not be considered as the granting of a special privilege for a single property or group of property owners as it is providing for the same zoning as the comprehensive plan with the area and is the same zoning of the lands adjacent to these properties. CRITERION IS MET

e. As noted in the findings 5, the subject property size is adequate to demonstrate consistency with this criterion. CRITERION IS MET

f. As noted in the finding 6 above, the properties are properly related to streets and public facilities within the public streets and the existing uses and services demonstrate that uses allowed in the proposed zone are provided. CRITERION IS MET

g. In the finding 7 above, that while the impact on surrounding properties will be low, with the proposed change in zoning, compliance with present City of Ontario ordinances will be essential in eliminating these issues. The permitted uses are related to low volume traffic and uses which do not lend themselves to the creation of significant amounts of noise or other discharges of dust or odor into the air are uncommon in this type of use. CRITERION IS MET

Final Conclusion: ALL CRITERIA ARE MET

SUMMARY CONCLUSIONS AND PLANNING COMMISSION DECISION

A request for rezoning of property may be recommended for approval or denial by the Planning Commission to the City Council if all applicable decision criteria and standards are found met, or able to be met through appropriate conditions of approval. In this case, findings must be made by the Planning Commission that the specific criteria are either met, able to be met through conditions of approval, or not met; options and discussion are provided under “Findings:” and “Conclusion:” for each criterion. All the criteria and standards must be met in order for the request to be recommended for approval.

ANALYSIS:

- A. **STRATEGIC PLAN** This project falls under the Growth goal of the City Council's Strategic Plan, specifically allowing for annexation of land to add growth and to the tax base. It allows for the development of the property.
- B. **FINANCIAL** There is no direct cost to the city for this action.
- C. **TIMING** The rezoning of this property is needed in a timely manner to allow for development.
- D. **POLICY/LEGAL** The proposed development must comply with applicable provisions of the OCC (City of Ontario Zoning Ordinance as set forth in the Ontario City Code), and the City of Ontario Comprehensive Plan. Generally, unless otherwise noted, if a request is found to be consistent with the zoning ordinance, it is consistent with the Comprehensive Plan.
A rezone must be done by an ordinance, and the City Council is the final authority for approving a city ordinance.

ALTERNATIVES:

The City Council could table action until a certain time if more information is needed to make a decision.

RECOMMENDATION:

Staff recommends that the City Council approve and adopt the findings of facts and Ordinance #2825-2024, the rezoning of the subject property as per the report.

ATTACHMENTS:

- 1. Attachment 1 Tax Map
- 2. Attachment 2_Before Rezone
- 3. Attachment 3_After Rezone
- 4. Attachment 4_Tax Lot 100 Description
- 5. Attachment 5_Tax Lot 200 Description
- 6. Attachment 6_Ord #2825-2024

E. W.M.

Attachment # 1
Tax Lots 100 & 200

18S47E10BA
ONTARIO

Cancelled

201

700

2700

4200

4401 THRU

4404

5000

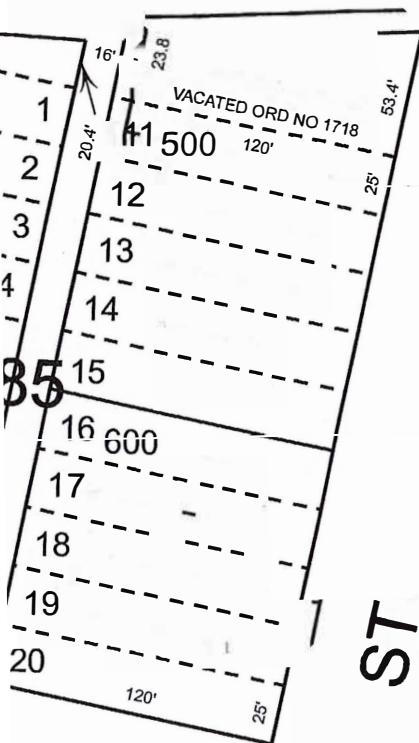
7200

7400

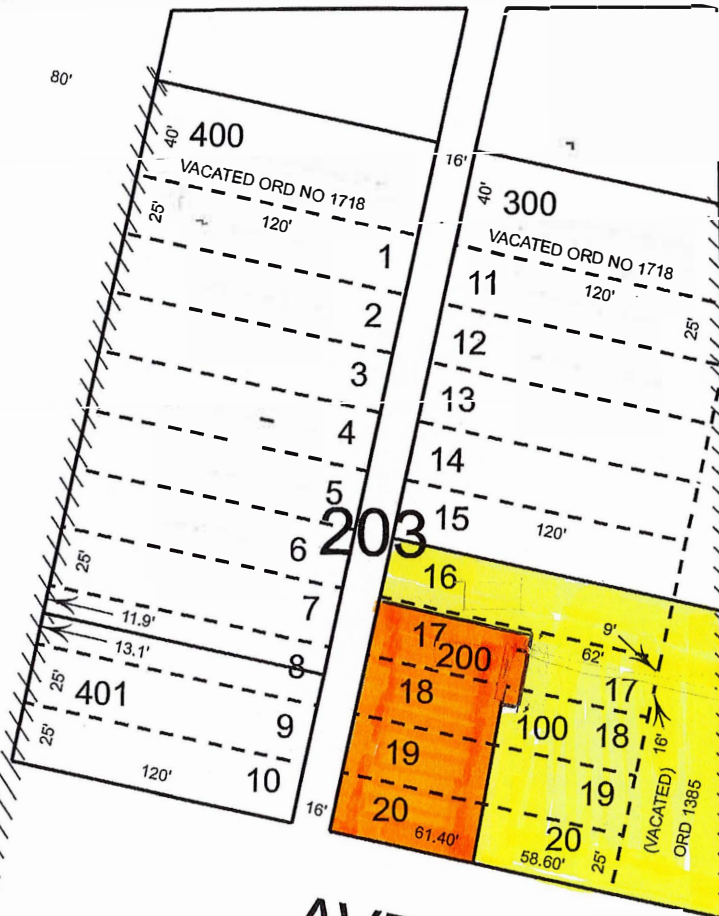
8202

03CD

AVE



ST



AVE

40'

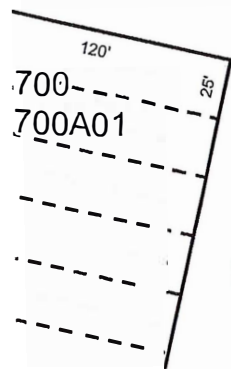
1/4 COR

40'

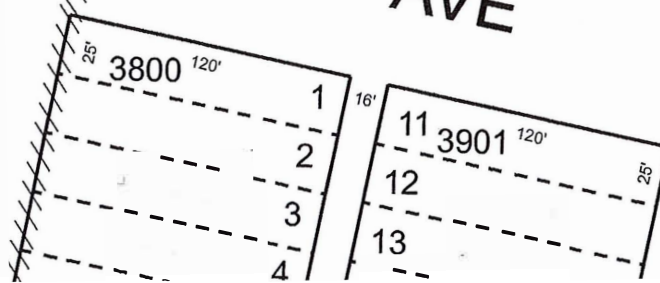
60'

SE 5TH ST

60'



OF



80'

80'

Attachment # 2
Before Rezone



Attachment # 3
After Rezone



Attachment #4
Tax Lot 100 Description
Mobile Home (RMH)



Beyond Engineering

TRACT "B" – NEW LEGAL DESCRIPTION

Date: October 2, 2023

A PARCEL OF LAND BEING A PORTION OF LOTS 16, 17, 18, 19 AND 20, BLOCK 203 OF WILSON'S SUPPLEMENTAL PLAT AND A PORTION OF VACATION ORDINANCE NO. 1385, BEING IN THE NORTHEAST 1/4 NORTHWEST 1/4, SECTION 10, WILLAMETTE MERIDIAN, CITY OF ONTARIO, MALHEUR COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 10, MARKED BY A 3" BRASS CAP, FROM WHICH THE CENTER NORTH 1/16TH CORNER OF SAID SECTION 10, MARKED BY A BRASS CAP, BEARS SOUTH 00°07'48" EAST, A DISTANCE OF 1315.23 FEET; THENCE SOUTH 00°07'48" EAST, COINCIDENT WITH SAID CENTER SECTION LINE, A DISTANCE OF 328.80 FEET TO THE **POINT OF BEGINNING**;

THENCE SOUTH 00°07'48" EAST, COINCIDENT WITH SAID CENTER SECTION LINE, A DISTANCE OF 91.79 FEET TO THE SOUTHEAST CORNER OF VACATION ORDINANCE NO. 1385, ALSO BEING A POINT ON THE NORTHERLY RIGHT OF WAY OF SE 2ND AVE.;

THENCE NORTH 76°59'22" WEST, COINCIDENT WITH SAID NORTHERLY RIGHT OF LINE, A DISTANCE OF 110.33 FEET;

THENCE NORTH 10°52'48" EAST, A DISTANCE OF 65.35 FEET;

THENCE SOUTH 79°07'12" EAST, A DISTANCE OF 5.00 FEET;

THENCE NORTH 10°52'48" EAST, A DISTANCE OF 32.53 FEET;

THENCE NORTH 76°59'22" WEST, PARALLEL WITH AND OFFSET 2.00' SOUTHERLY OF THE COMMON LINE OF SAID LOTS 17 AND 16, A DISTANCE OF 62.89 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT 17;

THENCE NORTH 13°00'25" EAST, COINCIDENT WITH THE WESTERLY LINE OF SAID LOTS 17 AND 16, A DISTANCE OF 27.00 FEET TO THE NORTHWESTERLY CORNER OF SAID LOT 16;

THENCE SOUTH 76°59'22" EAST, COINCIDENT WITH THE NORTHERLY LINE OF SAID LOT 16, A DISTANCE OF 142.68 FEET, TO A POINT ON SAID CENTER SECTION LINE;

THENCE SOUTH 00°07'48" EAST, COINCIDENT WITH SAID CENTER SECTION LINE, A DISTANCE OF 36.57 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE-DESCRIBED PARCEL CONTAINS 13,644 SQUARE FEET OR 0.31 ACRES, MORE OR LESS.

THIS PARCEL IS SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY OF RECORD OR IMPLIED.

Travis P. Foster, P.L.S.

End of Description

REGISTERED
PROFESSIONAL
LAND SURVEYOR

License No. 54624

OREGON
JULY 09, 2002
TRAVIS P. FOSTER
54624

EXPIRATION DATE: 12/31/23

Attachment #5
Tax Lot 200 Description
Single Family Residential (RS-50)



TRACT "A" – NEW LEGAL DESCRIPTION

Date: October 2, 2023

A PARCEL OF LAND BEING A PORTION OF LOTS 17, 18, 19 AND 20 OF BLOCK 203 OF WILSON'S SUPPLEMENTAL PLAT, LOCATED IN THE NORTHEAST 1/4 NORTHWEST 1/4, SECTION 10, T18S R47E, WILLAMETTE MERIDIAN, CITY OF ONTARIO, MALHEUR COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 10, MARKED BY A 3" BRASS CAP, FROM WHICH THE CENTER NORTH 1/16TH CORNER OF SAID SECTION 10, MARKED BY A BRASS CAP, BEARS SOUTH 00°07'48" EAST, A DISTANCE OF 1315.23 FEET; THENCE SOUTH 00°07'48" EAST, COINCIDENT WITH SAID CENTER SECTION LINE, A DISTANCE OF 328.80 FEET; THENCE SOUTH 00°07'48" EAST, CONTINUING COINCIDENT WITH SAID CENTER SECTION LINE, A DISTANCE OF 91.79 FEET, TO THE SOUTHEAST CORNER OF VACATION ORDINANCE NO. 1385, ALSO BEING A POINT ON THE NORTHERLY RIGHT OF WAY OF SE 2ND AVE.; THENCE NORTH 76°59'22" WEST, COINCIDENT WITH SAID NORTHERLY RIGHT OF LINE, A DISTANCE OF 110.33 FEET TO THE **POINT OF BEGINNING**;

THENCE NORTH 76°59'22" WEST, COINCIDENT WITH SAID NORTHERLY RIGHT OF LINE, A DISTANCE OF 61.53 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 20;

THENCE NORTH 13°00'25" EAST, COINCIDENT WITH THE WESTERLY LINE OF SAID LOTS 20, 19, 18, AND 17, A DISTANCE OF 98.00 FEET;

THENCE SOUTH 76°59'22" EAST, PARALLEL WITH AND OFFSET 2.00' SOUTHERLY OF THE COMMON LINE OF SAID LOTS 17 AND 16, A DISTANCE OF 62.89 FEET;

THENCE SOUTH 10°52'48" WEST, A DISTANCE OF 32.53 FEET;

THENCE NORTH 79°07'12" WEST, A DISTANCE OF 5.00 FEET;

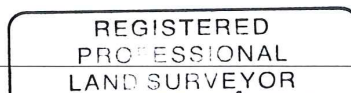
THENCE SOUTH 10°52'48" WEST, A DISTANCE OF 65.35 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE-DESCRIBED PARCEL CONTAINS 6,014 SQUARE FEET OR 0.14 ACRES, MORE OR LESS.

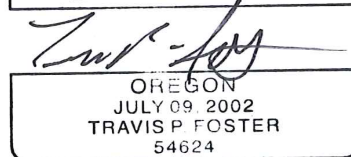
THIS PARCEL IS SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY OF RECORD OR IMPLIED.

Travis P. Foster, P.L.S

End of Description



License No. 54624



EXPIRATION DATE: 12/31/23

Attachment #6



ORDINANCE #2825-2024

**AN ORDINANCE FOR A COMPREHENSIVE PLAN MAP AND ZONING MAP AMENDMENT AND REZONE OF
TAX LOT 200 MAP 18S47E10BA FROM GENERAL COMMERCIAL TO SINGLE FAMILY RESIDENTIAL AND
TAX LOT 100 MAP 18S47E10BA FROM GENERAL COMMERCIAL TO MANUFACTURED HOME RESDENCE
ZONE AS SET FORTH IN ACTION 2024-01-01RZ.**

- WHEREAS,** It has been decided that it is in the best interest to the surrounding public that these parcels be rezoned to a more compatible zone in harmony with the surrounding developments in the area, as well as allow for the best use of the property; and
- WHEREAS,** After giving the notice required by law, the Ontario Planning Commission held a public hearing on Planning Action 2024-01-01 CPAMD (Comprehensive Plan Amendment), being a request for a zone change, on April 8, 2023. After the Planning Commission heard testimony from staff and the public, they made a motion to approve the findings of facts and sent a recommendation to the City Council to approve the Comprehensive Plan Map Amendment and rezoning of the property; and
- WHEREAS,** After giving the notice required by law, the Ontario City Council held a public hearing on the zone change request on May 14, 2024, and having reviewed all evidence and testimony submitted therein, makes the following findings of fact and conclusions of law with respect to the subject property:
- A. Per the City of Ontario Municipal Code policies contained in the City of Ontario Comprehensive Plan, which conforms to the Statewide Planning Goals, generally, if a proposed rezone meets all criteria and standards contained in the OMC, the request will be consistent with Comprehensive Plan Policies and therefore conform to the Statewide Planning Goals. The applicant has demonstrated in their application that this request is consistent with Statewide Planning Goals.
 - B. The findings show that the request is within the goals and conformance of the acknowledged Comprehensive Plan with the requested amendment and rezone. Therefore, this proposal has demonstrated to be consistent with the Comprehensive Plan.
 - C. The City Council accepts the findings of facts as approved by the Planning Commission as stated in the staff reports and minutes of the Planning Commission meeting of April 8, 2024.
 - D. The subject property size is more than adequate to demonstrate consistency with this criterion and allows all the owner's property to be developed under the zone change.
 - E. The properties are properly related to streets and public facilities within the public streets and utility easements and the existing uses and services demonstrate that uses allowed in the proposed zone can be provided.

- F. The findings show that the conditions of the neighborhood are such that the subject property and surrounding area are zoned for mixed Commercial and Residential zones. For the proposed use, while the impact on surrounding properties will be low with the proposed change in zoning, compliance with present City of Ontario ordinances will be essential in eliminating any issues. The proposed use is related to low volume traffic with and uses which do not lend themselves to the creation of significant amounts of noise or other discharges of dust or odor into the air uncommon in Residential zones.

NOW THEREFORE, THE CITY OF ONTARIO ORDAINS AS FOLLOWS:

1. Comprehensive Plan Map Amendment. Based on the Planning Commission findings and recommendation in Planning Action 2024-01-01 CPAMD, the lands as shown and described in the attached Exhibits "A" and "B" the Comprehensive Plan Map be amended to reflect the land from COMMERCIAL TO RESIDENTIAL.
2. Rezoning. Based on the Planning Commission findings and recommendation in Planning Action 2024-01-01 CPAMD, the lands as shown and described in the attached Exhibit "A" is hereby be rezoned from GENERAL COMMERCIAL (C-2) TO SINGLE FAMILY RESIDENTIAL (RS-50) and the land in attached Exhibit "B" is hereby rezoned from GENERAL COMMERCIAL (C-2) TO MANUFACTURED HOME RESIDENCE ZONE (R-MH), both Parcels are shown on Exhibit "C".
3. Record. The City Clerk shall cause the recording of Ordinance #2825-2024 with the Malheur County Clerks deed records.

PASSED AND ADOPTED by the Common Council of the City of Ontario this _____ day of _____, 2024 by the following vote:

AYES:

NAYS:

ABSENT:

APPROVED by the Mayor this _____ day of _____, 2024.

ATTEST:

Deborah Folden, Mayor

Tori Barnett, MMC, City Recorder

Exhibit "A"
Tax Lot 200 Description
Single Family Residential (RS-50)



TRACT "A" – NEW LEGAL DESCRIPTION

Date: October 2, 2023

A PARCEL OF LAND BEING A PORTION OF LOTS 17, 18, 19 AND 20 OF BLOCK 203 OF WILSON'S SUPPLEMENTAL PLAT, LOCATED IN THE NORTHEAST 1/4 NORTHWEST 1/4, SECTION 10, T18S R47E, WILLAMETTE MERIDIAN, CITY OF OREGON, MALHEUR COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 10, MARKED BY A 3" BRASS CAP, FROM WHICH THE CENTER NORTH 1/16TH CORNER OF SAID SECTION 10, MARKED BY A BRASS CAP, BEARS SOUTH 00°07'48" EAST, A DISTANCE OF 1315.23 FEET; THENCE SOUTH 00°07'48" EAST, COINCIDENT WITH SAID CENTER SECTION LINE, A DISTANCE OF 328.80 FEET; THENCE SOUTH 00°07'48" EAST, CONTINUING COINCIDENT WITH SAID CENTER SECTION LINE, A DISTANCE OF 91.79 FEET, TO THE SOUTHEAST CORNER OF VACATION ORDINANCE NO. 1385, ALSO BEING A POINT ON THE NORTHERLY RIGHT OF WAY OF SE 2ND AVE.; THENCE NORTH 76°59'22" WEST, COINCIDENT WITH SAID NORTHERLY RIGHT OF LINE, A DISTANCE OF 110.33 FEET TO THE **POINT OF BEGINNING**;

THENCE NORTH 76°59'22" WEST, COINCIDENT WITH SAID NORTHERLY RIGHT OF LINE, A DISTANCE OF 61.53 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 20;

THENCE NORTH 13°00'25" EAST, COINCIDENT WITH THE WESTERLY LINE OF SAID LOTS 20, 19, 18, AND 17, A DISTANCE OF 98.00 FEET;

THENCE SOUTH 76°59'22" EAST, PARALLEL WITH AND OFFSET 2.00' SOUTHERLY OF THE COMMON LINE OF SAID LOTS 17 AND 16, A DISTANCE OF 62.89 FEET;

THENCE SOUTH 10°52'48" WEST, A DISTANCE OF 32.53 FEET;

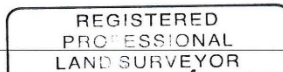
THENCE NORTH 79°07'12" WEST, A DISTANCE OF 5.00 FEET;

THENCE SOUTH 10°52'48" WEST, A DISTANCE OF 65.35 FEET TO THE **POINT OF BEGINNING**.

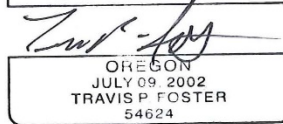
THE ABOVE-DESCRIBED PARCEL CONTAINS 6,014 SQUARE FEET OR 0.14 ACRES, MORE OR LESS.

THIS PARCEL IS SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY OF RECORD OR IMPLIED.

Travis P. Foster, P.L.S.
End of Description



License No. 54624



EXPIRATION DATE: 12/31/23

- End of Description -

Exhibit "B"
Tax Lot 100 Description
Manufactured Home Residence (R-MH)



TRACT "B" – NEW LEGAL DESCRIPTION

Date: October 2, 2023

A PARCEL OF LAND BEING A PORTION OF LOTS 16, 17, 18, 19 AND 20, BLOCK 203 OF WILSON'S SUPPLEMENTAL PLAT AND A PORTION OF VACATION ORDINANCE NO. 1385, BEING IN THE NORTHEAST 1/4 NORTHWEST 1/4, SECTION 10, WILLAMETTE MERIDIAN, CITY OF ONTARIO, MALHEUR COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 10, MARKED BY A 3" BRASS CAP, FROM WHICH THE CENTER NORTH 1/16TH CORNER OF SAID SECTION 10, MARKED BY A BRASS CAP, BEARS SOUTH 00°07'48" EAST, A DISTANCE OF 1315.23 FEET; THENCE SOUTH 00°07'48" EAST, COINCIDENT WITH SAID CENTER SECTION LINE, A DISTANCE OF 328.80 FEET TO THE **POINT OF BEGINNING**;

THENCE SOUTH 00°07'48" EAST, COINCIDENT WITH SAID CENTER SECTION LINE, A DISTANCE OF 91.79 FEET TO THE SOUTHEAST CORNER OF VACATION ORDINANCE NO. 1385, ALSO BEING A POINT ON THE NORTHERLY RIGHT OF WAY OF SE 2ND AVE.;

THENCE NORTH 76°59'22" WEST, COINCIDENT WITH SAID NORTHERLY RIGHT OF LINE, A DISTANCE OF 110.33 FEET;

THENCE NORTH 10°52'48" EAST, A DISTANCE OF 65.35 FEET;

THENCE SOUTH 79°07'12" EAST, A DISTANCE OF 5.00 FEET;

THENCE NORTH 10°52'48" EAST, A DISTANCE OF 32.53 FEET;

THENCE NORTH 76°59'22" WEST, PARALLEL WITH AND OFFSET 2.00' SOUTHERLY OF THE COMMON LINE OF SAID LOTS 17 AND 16, A DISTANCE OF 62.89 FEET TO A POINT ON THE WESTERLY LINE OF SAID LOT 17;

THENCE NORTH 13°00'25" EAST, COINCIDENT WITH THE WESTERLY LINE OF SAID LOTS 17 AND 16, A DISTANCE OF 27.00 FEET TO THE NORTHWESTERLY CORNER OF SAID LOT 16;

THENCE SOUTH 76°59'22" EAST, COINCIDENT WITH THE NORTHERLY LINE OF SAID LOT 16, A DISTANCE OF 142.68 FEET, TO A POINT ON SAID CENTER SECTION LINE;

THENCE SOUTH 00°07'48" EAST, COINCIDENT WITH SAID CENTER SECTION LINE, A DISTANCE OF 36.57 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE-DESCRIBED PARCEL CONTAINS 13,644 SQUARE FEET OR 0.31 ACRES, MORE OR LESS.

THIS PARCEL IS SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY OF RECORD OR IMPLIED.

Travis P. Foster, P.L.S.

End of Description

REGISTERED
PROFESSIONAL
LAND SURVEYOR

License No. 54624

OREGON
JULY 09, 2002
TRAVIS P. FOSTER
54624

EXPIRATION DATE: 12/31/23

690 S. Industry Way, Ste 10 • Meridian, ID 83642 • T 208.342.5400 • F 208.342.5353 • www.NV5.com

- End of Description -

Exhibit "C" Parcels
After Rezone





ONTARIO
OREGON

"The Gateway to Adventure"

Ontario Municipal Airport

444 SW 4th Street | Ontario, OR 97914

P: (541) 709-7651 | F: (541) 889-7121

andy.wood@ontariooregon.org

Airport Committee Meeting Minutes

April 1, 2024

The committee meeting was called to order by Chairman Dan Beaubien at 6:00 pm.

Committee members present were Bill Hager, Shawn Coleman, Rick Todd, Michael Franks, Gary Taylor, John Freeburg and Dan Beaubien. Alternate Jim Beaumont was excused.

Ex Officio members: John Kirby-Airport committee liaison (out) and Dan Cummings-City Manager.

Airport Manager: Andy Wood.

Public attendees: Brian Rindlisbacher, Leslie Thompson, Shawn

Public comment: James Johnson says the committee is doing a great job.

Approval of the agenda: Shawn Coleman moved, and John Freeburg seconded to adopt the agenda as written. Roll call vote: John-yes, Shawn- yes, Rick-yes, Mike-yes, Bill -yes and Gary - yes and Dan -yes and Jim -out. Motion carried 7/0/1.

Approval of the minutes: Rick Todd moved, and Shawn Coleman seconded to adopt the airport committee minutes from 3/4/2024 as presented. Roll call vote: John-yes, Shawn-yes, Rick-yes, Mike-yes, Bill- yes and Gary- yes and Dan-yes and Jim -out. Motion carried 7/0/1.

Old Business:

The policy for adding exceptions to the Ontario Airport manual regarding hot fueling has been brought up. Vigorous discussion from all members including Dan Cummings, Andy and Brian ensued on the exact rules and exceptions for hot fueling at Ontario Airport as many raised concerns about the safety and viability of hot fueling. It was determined that these new policies should be more thoroughly researched and should be brought back up in the next month. Shawn Coleman moved to table hot fueling until next month seconded by Gary Taylor. Roll call vote: John-yes, Shawn-yes, Rick-yes, Mike-yes, Bill- yes and Gary- yes and Dan-yes and Jim -out. Motion carried 7/0/1.

Andy continued with possible new changes to the airport manual. The issue of Rotorcraft Operations and adding Fixed Wing Operations Rules has been pushed to have those who are more knowledgeable in the field to get with Andy to better create the rules. New standards for Hanger Minimum Standards, New construction have been added. Bill Hager Motioned to table



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this issue until next month, Seconded by John Freeburg. Roll call vote: John-yes, Shawn-yes, Rick-yes, Mike-yes, Bill- yes and Gary- yes and Dan-yes and Jim -out. Motion carried 7/0/1.

The meeting continued by discussing the issue of Hanger Leases. Dan Cummings brought up the old lease to show what parts would need to be amended such as length of lease, removal of old hangers and parking areas. Decided that this issue will be discussed further at the next meeting.

New Business:

Commercial lease changes. Dan Cummings said he will try to bring a clean copy of the private hangar lease to the next meeting.

Reports: Shawn from JUB said that the jet apron expansion project is out to bid and the bid opening will be at the city hall on Thursday April 4 at 2 pm. BLM design process is 30% complete and is under review.

Brian from BLM said that the SEAT planes will be arriving on June 12.

Committee member comments: None

Gary moved to adjourn and John seconded. Roll call vote: John-yes, Shawn- yes, Rick-yes, Mike-yes, Bill -yes, and Gary-yes, and Dan-yes and Jim -out. Motion carried 7/0/1.

The meeting was adjourned at 8:30pm.

Next meeting: Monday May 06, 2024, at 6 pm at Ontario City Hall.

Dan Beaubien - Chairman

Mike Franks - Secretary

MALHEUR COUNTY COURT MINUTES

April 3, 2024

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. Present in the meeting room was Administrative Officer Lorinda DuBois. Notice of the meeting was posted on the County website, Courthouse bulletin board and emailed to the Argus Observer, Malheur Enterprise and those persons who have requested notice. The meeting was audio recorded. The agenda is recorded as instrument # [2024-1005](#)

PROCLAMATION

Judge Joyce read the following proclamation:

PUBLIC SAFETY TELECOMMUNICATIONS WEEK - APRIL 14-20, 2024

WHEREAS, since 1981 the Congress of the United States, and the President of the United States have established one week in April as National Telecommunicators Week; and

WHEREAS, recognizing that telecommunicators are critical to the interest and well-being of the community, the Malheur County Court, recognized our local Telecommunicators as "First Responders" in resolution number R20-28 on July 15, 2020; and

WHEREAS, emergencies can occur at any time of the day and night. They can range from a serious medical emergency, to an active fire or need for law enforcement assistance. Often when an individual encounters an emergency they reach for the phone and dial 911. The men and women who answer these calls for help are trained to gather essential information, dispatch the proper resources and provide vital information and instructions to a caller in distress; and

WHEREAS, public safety telecommunicators are more than a calm and reassuring voice at the end of the phone. They are knowledgeable and skilled professionals who work closely with law enforcement, fire and medical personnel; and

WHEREAS, our County enjoys a high standard of public health and safety and we owe a great deal of gratitude to them. During this special observance we extend a profound thank you to each operator who answers our request for help -- Tom, Kathy, Carisa, Stephanie, Ashley, Michele, Brooke, Jason, Genesis, Jessi, Elizabeth, Brittany, Charlotte, Melody and Ashley.

NOW THEREFORE, the Malheur County Court Proclaims the week of April 14th – 20th to be Malheur County Public Safety Telecommunicator's Week. We invite all residents to observe this week in honor of our telecommunicators who help protect our health and safety.

Commissioner Jacobs moved to proclaim the week of April 14-20, 2024 to be Malheur County Public Safety Telecommunicator's Week. Commissioner Mendiola seconded and the motion passed unanimously.

Economic and Community Development Director Taylor Rembowski joined the meeting.

COURT MINUTES

Commissioner Mendiola moved to approve Court Minutes of March 27, 2024 as written. Commissioner Jacobs seconded and the motion passed unanimously.

AMENDMENT - IGA #26018

Commissioner Jacobs moved to approve First Amendment to Oregon Health Authority 2024-2025 Intergovernmental Agreement for the Financing of Community Mental Health, Addiction Treatment, Recovery, & Prevention, and Problem Gambling Services. Commissioner Mendiola seconded and the motion passed unanimously. Funding is reduced from service element 04 Aid and Assist Project. See instrument # [2024-1012](#)

EMPLOYMENT AGREEMENT - WOOD

Commissioner Jacobs moved to approve Employment Agreement with Amy Wood for Malheur County Fair Manager.

Commissioner Mendiola seconded and the motion passed unanimously. See instrument # [2024-1006](#)

Ms. DuBois left the meeting.

Public member Arnold Tropf joined the meeting.

SECOND PUBLIC HEARING - ORDINANCE NO. 235

Present for the second public hearing to consider Ordinance No. 235: An Ordinance Adopting a Post Acknowledgment Plan Amendment (PAPA) to Include Approximately 80 acres of Tax Lot 3200, Assessor's Map 16S47E on the Malheur County Comprehensive Plan Goal 5 Resource Inventory as a Significant Aggregate Site were Planner Tatiana Burgess, County Counsel Stephanie Williams, Applicant Darren Lee, Brian Sheets - Counsel for Applicant, Mike and Dinah Lord, Mike Hastings, Don Dickinson, and Tina Cassity; present electronically were Bill and Riley Downing, Brooke and Robert Cassity, and Mandi Hastings. Pat Caldwell of the Malheur Enterprise joined the hearing after it had started. Notice of the hearing was published in the Argus Observer. The Applicant is Darren Lee, Property Owner is Dallas Head. Planning Department File No. 2023-12-010.

Judge Joyce opened the quasi-judicial land use hearing.

Judge Joyce: This is the second of two hearings of a Post Acknowledgment Plan Amendment to add a proposed site to the County's Goal 5 Inventory. The first hearing was on March 20, 2024 at 10:00 a.m. The Planning Department file is 2023-12-010. When called to speak please state your name, and address and title, if any, for the record. There is a general time limit for testimony of three minutes. The applicant's initial presentation will be 10 minutes; with a rebuttal of five minutes. All testimony and questions shall be directed to or through the Judge. Testimony and questions should not be directed to staff or directly to

witnesses.

Do any of the members of the County Court need to abstain, disclose conflicts, disclose biases, or disclose any ex parte communications or site visits? If so, state the reason.

Commissioner Mendiola: No.

Judge Joyce: No.

Commissioner Jacobs: No I don't have any.

Judge Joyce: None for me.

Judge Joyce: Does anyone object to any of the members of the Malheur County Court hearing this application? Does anyone challenge the County Court's jurisdiction in this matter?

Land use statements for the record: Oregon land use law requires several items to be read into the record at the beginning of this hearing. I will now read these items: The applicable substantive criteria upon which the application will be decided are found in Oregon State laws and rules as well as the local code provisions, which are specifically set forth and out in the Staff Report and include ORA 660, Division 23-0030.

Testimony, arguments, and evidence presented must be directed toward these approval criteria or other criteria in state law, the Malheur County Comprehensive Plan, or the Malheur County Code, that the speaker believes to apply to the decision.

The failure of anyone to raise an issue accompanied by the statements or evidence sufficient to afford the County Court and the parties the opportunity to respond to the issue will preclude appeal to LUBA on that issue.

An issue that may be the basis of an appeal must be raised no later than the close of the record. Such issues must be raised and accompanied by statements or evidence sufficient to afford the County Court and the parties an adequate opportunity to respond to each issue.

The failure of the applicant to raise constitutional or other issues relating to the proposed conditions of approval with sufficient specificity to allow the County Court to respond to the issues precludes an appeal or action for damages to Circuit Court.

Order of Proceedings. The applicant will be allotted up to 10 minutes for initial presentation. The applicant may also present up to five minutes for final rebuttal. All others wishing to testify will be given three minutes each. There will be a staff report, applicant, testimony in favor, testimony in opposition, staff comments if any, applicant/proponent rebuttal five minutes, and then we'll close the public hearing and no public testimony can be heard after this point, then deliberations and a tentative decision at that time.

So, I will ask for the Staff Report now.

Tatiana Burgess: I don't have anything additional to add Judge. I just wanted to make a note that we did receive some documentation from Mr. Hastings that I shared with you all and I also shared that with the applicant (inaudible)

Judge Joyce: Okay

Ms. Burgess: new information we have.

Judge Joyce: So, if that's your report then we'll start with the applicant.

Darren Lee: Thank you your honor. Darren Lee, 515 Noble Road, Ontario, Oregon. So, my understanding is here we're just to discuss Goal 5 issues today, if I'm not mistaken. Okay. So, again, I did two quality analysis by two different engineering firms. The first one was done by Atlas, I think they changed their name, anyways, one of the engineers who did the testing for me on that was the same engineer that did the testing for three prior quarries that were approved by the planning and zoning commission. That first application, the commissioners deemed that not sufficient so I did a second test through Strata and apparently that one does not appear to be sufficient to the commissioners, yet I asked, when the engineers asked what they can do to clarify that, the commissioners only response is that the information is vague. Now, the engineers assured me that they followed Oregon guidelines for the testing and if there's any clarification that needs to be given to them, or that they can give, to please be a little bit more clear than vague because engineers don't work very well off of vague. As far as the quantity analysis, I've given examples of other quarries that had similar estimations on the quantity of gravel available, it's pretty common, our geography's pretty similar around here for gravel deposits. And again, the criteria by DLCD is an estimation. And the estimation has a 500,000 ton threshold. And I understand the reason for that is because we don't want quarries that are maybe less than that and so if that's their requirement then so be it. But it says that the criteria for the person making that estimation can be an expert in the field, which I presented, it can be people who are operating in the industry in the field, such as myself, and even landowners are allowed to make that estimation. So, I think that I've presented those clearly, the testing, especially the quality analysis, the very expensive test up to \$10,000 apiece. And I would imagine that the engineering firms would not want to be held liable for not making the bar on that. So, if those are the criteria I believe that I've met those. I've met with much opposition. I think that the commissioners' ears have been bent by a very small group of activists who have come up with a multitude of impediments to continue the use of this quarry which has been in existence and as well as government quarry operations up there since 1930. So that's all I have. Thank you.

Judge Joyce: Next.

Brian Sheets: Good morning your honor. Brian Sheets, 93 SW 4th Avenue, Ontario, Oregon, attorney for the applicant. So, just want to thank you again for hearing this, appreciate it. So this is a continuation from the planning commission's conditional use hearing and just wanted to remind that the County here that this is really to Goal 5 and within Goal 5 the County has recognized the necessity to protect aggregate resources. So this is a continuation from what was jointly heard for this post acknowledgment plan amendment along with the conditional use. And I think what you're going to probably hear today is a bunch of testimony

related to a conditional use and not necessarily to this Goal 5 quantity and quality analysis. So, just to recap what happened at the planning commission was I believe was an openly hostile planning commission to my applicant that basically made a de facto moratorium for any sort of aggregate extraction on this premises for no conditions, the staff report wasn't updated following our submission of several dozen pages of additional information and was openly hostile to Idaho residents as well as myself, I mean, I've never been at a hearing where a commissioner stopped his deliberation explanation after I had a quizzical look on my face and said, Hey what is that look on your face? He stopped and asked me that and I thought I was going to have to defend myself out in the parking lot afterwards. I mean, granted after that at the hearing, I did go and explain myself afterwards and didn't fortunately have to come to that, but it was a display of the open hostility that the planning commission had to my client and myself. So I would hope that this commission, the county commissioners and your honor, take it to heart that this is about quantity and quality. Not to be distracted through the spaghetti against the wall treatment of throwing everything and seeing what sticks. So, just hope that you keep this focused on exactly what we're talking about today, so I appreciate your time and if you have any questions I would be happy to answer them.

Judge Joyce: I don't have any at this time.

Commissioner Jacobs: I guess I, one question I have, you have the quantity of being potentially 2.7 million tons - is that going to be over the entire 80 acres?

Mr. Lee: Which is similar to Road District 3's, they have about a 77 acre parcel and I think they were at 2.4.

Commissioner Jacobs: And you have 18 foot of overburden?

Mr. Lee: Some places have zero. It's up to 18. There's that map that shows the strata as it climbs because it's up a hill so the overburden is a little higher at some of the, at the top of the elevation versus where it's been washed away below.

Commissioner Jacobs: Oh, interesting. And all the testing that you did, you did nine, how many tests did you submit?

Mr. Lee: Twelve.

Commissioner Jacobs: Twelve?

Mr. Lee: Same as Road District 3.

Commissioner Jacobs: Okay. And all of that came back to meet standards (inaudible)

Mr. Lee: Out of the 12 there was a combined sample taken of five of the test pits because the original application they didn't like the individual, the commissioners didn't like the individual test I did. There's either an individual or combined, there's kind of not much else you can do. And I think that they testified that that is very typical and the gravel was pretty much symmetrical as far as its quality quantity, or quality.

Commissioner Jacobs: And all of those came from those sites that you've identified?

Mr. Lee: Correct. Well they took them from their sites, they used their GPS, they came out and did the analysis, not me. They came onsite and did their own independent deal, I wasn't a part of that other than showing them where the places were.

Commissioner Mendiola: And what company was that?

Mr. Lee: That was Strata out of Boise. And again, they're not cheap tests, we're talking upwards of 10 grand for these tests.

Commissioner Mendiola: I take it you got this information we got the other day?

Mr. Lee: I just received it right now, I hadn't seen it.

Commissioner Mendiola: Because on page 1 it says that, off of this Petra, that, Step 1 plot the points on google earth, so they didn't come out at all, Petra didn't.

Mr. Lee: Yes, they did. They were onsite. He testified to that, Nick Cunningham, when he called, he was onsite. He came out to do some drilling and blasting for me and did that analysis at the same time.

Commissioner Mendiola: Well it says here, it says, Attaching addendum to bring attention to the fact that nowhere in the Petra documents do they claim or show a date when the site was visited by Petra.

Mr. Lee: Again, what are we looking at here? Because I

Commissioner Mendiola: Right here.

Mr. Lee: I understand, I'm just seeing that, I'm sorry.

Commissioner Mendiola: Front page.

Mr. Lee: The gentleman testified on the last hearing that he did come out, he did stay with me, and he did go out and physically test those sites during that time period. We were doing also drilling and blasting and I was learning how to run the drill so there was, we don't probably have an exact day, I'm not sure what the relevance in that, within a week period, that that would make a difference.

Commissioner Mendiola: Well this says that Petra didn't even show up to the piece of the property.

Mr. Lee: Well again, that's someone else's rumor and conjecture who's been trying to stop me from doing the right thing from the get go.

Commissioner Mendiola: This come from Mr. Hastings this morning.

Mr. Lee: And Mr. Hastings is also a hostile neighbor who tends to makeup a substantial amount of information that's not correct. I mean Mr. Cunningham testified to you via phone this last time that he did come out. If I need to provide a plane ticket I could probably provide a plane ticket. But that was

Commissioner Mendiola: I must not understand because this has got Petra Drilling and Blasting on the top of the page, it didn't come from him?

Mr. Lee: That document? Yes, it did come from him. And again, Mr. Cunningham, he was in Mexico when, he wasn't a part of this whole conversation on this last phone interview because you were having difficulty with the phone and he testified to all of that. That he came out, inspected the holes, and did his quantity analysis. Because that wasn't the only purpose I had to fly him up, it's not cheap, and I had purchased a drill from their company and they were showing me how to run it and getting my first (inaudible) in a different quarry. And that's what he does every day. So, I'm sorry if Mr. Hastings is misinformed, but he is incorrect.

Mr. Sheets: Your honor, commissioners, Mr. Cunningham did testify to that effect and to the extent that there weren't certifications or signatures or anything, he did state that subject to penalties of perjury that all these representations that he did make were in fact correct. So he did testify to that effect and he did orally certify those findings that he did make.

Judge Joyce: Any other comments?

Commissioner Jacobs: I don't have anything else.

Judge Joyce: No more proponents?

Mr. Sheets: I believe that's all we've got.

Judge Joyce: For now, okay.

Mr. Sheets: Thank you.

Judge Joyce: Okay, now three minutes for the opposition, each. Who's going first?

Mike Lord: I'd like to talk about location. Can I display this somewhere where the Court can see it? My name's Mike Lord, I live at 458 Jasmine, one of the homeowners in this area. This board, it shows the location of the proposed gravel pit. The photos on the top row are after, or excuse me, before, and you can see how natural the habitat is on these top photos. And then the bottom photos are after. And you can see all the, you can see all the digging that was done in each location. The top, this is before, the top row; this is after. So, when you look at how much digging that was done, illegally, without a permit, believe it or not, all of this was done without one permit, and it was done within 1500 feet of at least one house if not multiple houses. It's quite a location to try to shove right on top of multiple homesites. It's almost unbelievable to be honest with you, everybody we've ever talked to is shocked, and they don't believe what we say; no one would act in this manner is what we've heard multiple times. So, would you like me to continue holding this? Or we can set it down if you'd like.

Commissioner Jacobs: You can set it down.

Mike Lord: So with that being said, talking about location, it's a terrible location, absolutely worse location you could pick in the whole county. Because it's in the middle of multiple homes. Right in the middle of us. Not up in the back. Never came and talked to us about how he could put it in the back. Right on top of us. It's too close within the 1500 subsidence boundary. There's not compatible roads for heavy construction traffic and it's going to create a safety hazard. The proposal's within a fragile ecosystem that consists of mule deer, pheasant, fox, heron, a proven and established riparian corridor, right where he has already dug, illegally. It'll create noise and air pollution to current homeowners. Most successful gravel operations are located away from homes, schools, and natural wildlife corridors. Darren Lee's persistence in his statement to the Malheur Enterprise, I will not be stopped, is an indication of putting the gravel pit in a poor location is purely driven by profit at the expense and the quality of life of these homeowners. Darren Lee does not own this land that he already dug up. So he has everything to gain and a very minimal investment to lose, in our opinion. Darren Lee's ultimately made the decision to evacuate large amounts of soil on someone else's land without going through a legal permitting process, see the photo board as our example. To date, Darren Lee and Dallas Head have pled guilty (the time limit was called for Mr. Lord's testimony)

Dinah Lord: Judge Joyce, Commissioner Jacobs, Commissioner Mendiola, thank you for your time. The Goal 5 resource proposal is within an Oregon

Judge Joyce: State your name.

Dinah Lord: Dinah Lord, 458 Jasmine Road. I apologize. The Goal 5 resource proposal is within an Oregon Department of Fish and Wildlife mapped biological winter range for mule deer and is deemed essential. Mining activity would result in the direct loss of suitable wildlife habitat to include noise disturbances and displacement of wildlife during mining operations. All opponent landowners have seen a total loss of mule deer in the impact area. At the County hearing held on March 20th, Darren Lee stated that opponents think that they are subject matter experts. Subject matter experts is a term widely used by the military, of which three of the landowner opponents are former military, to describe individuals who have become knowledgeable in a field of study. Opponents have had to become knowledgeable regarding mining practices as well as permitting as the information and statements Darren Lee has made do not support verifiable information on quality, quantity and location. Darren Lee also referenced planning and zoning approval of a conditional use permit for Seubert and that there were houses around it; there's actually only one house at this location and Seubert bought the home to minimize conflict. Darren Lee's counsel also stated under oath that Darren has had to make a really good guess, make assumptions to make it worthwhile, and nobody is looking for an exact measurement, and we are going to keep coming back. The burden of proof is for Darren Lee to hire firms with an expertise in this field; not a firm that is a drilling and blasting company that has not provided certifications this is their area of expertise regarding quality and quantity. The Strata report that has been referenced by Mr. Lee states at the bottom of the report, Our scope of services is limited to sampling of stockpiles and did not include subsurface exploration or aggregate volume calculations, as such conditions can change between exploration locations which may impact the viability of this site as a potential borrow source. Again, did not include volume calculations. Mr. Lee also stated at the last hearing before this court that there

were only four landowners in opposition to this Goal 5; there are actually eight landowners, and for your information, there are statements from all eight landowners that are in opposition. Would you like me to give this to Tatiana? I will. The BLM pit that was located to the west of Power Road was deactivated in the 1950's. The BLM quarry was never used for retail purposes but rather for construction of the water pipeline (the time limit was called for Ms. Lord's testimony) Thank you.

Judge Joyce: Next.

Tina Cassity: Good morning, my name is Tina Cassity and I live at 478 Jasmine Road. In the last hearing and in the planning and zoning hearings, Mr. Lee, who lives in Weiser, Idaho, continually has made misleading statements that our homes are surrounded by gravel pits and that we shouldn't have a problem with it and that these people need to learn that they moved into a quarry and not the other way around. He also was quoted in the March 15, 2023 edition of the Malheur Enterprise newspaper that Head's property historically has been used as a quarry privately and by the government for the past 50 years, leading you to believe that there are currently active quarry operations happening in our neighborhood, which he has repeated over and over in these hearings, as he did earlier this morning, but that simply is not true. Even Mr. Head, the landowner, said in the same article, that there have been no gravel operations on the property for 40 years. This is all documented here in the paper. And as you can see from this topographical map taken from google earth which highlights the location in question, there are indeed two small pits on Power Road, one being BLM's closed inactive pit, and the other one Mr. Head's private pit. These are well over a mile away and up and over and down in a canyon; they can't even be seen from the road. And as you can see also the location of Mr. Lee's proposed operation, Area 1 and 2, which have by the way, never been gravel pits, but zoned rangeland and farmland. I would also add, our homes in this rural neighborhood were given permits from the County to be built here surrounding other homes, rangeland, and farmland; not gravel pits. And this map clearly shows that. Our homes are not surrounded by gravel pits and it would not be business as usual as Mr. Lee likes to indicate. You can also clearly see that this would be a horrible location for a Goal 5 resource with a 20-plus year plan of a 200-acre industrial complex, including an 80-acre gravel pit surrounding our homes in this rural neighborhood. And as you can imagine, if you lived in our neighborhood, this would be absolutely devastating. Thank you sirs.

Judge Joyce: Thank you.

Mike Hastings: Mike Hastings, 464 Jasmine. Real quickly, in 2021 Darren testified that Petra was the premier people, quantity takeoff people in the west, and he was very fortunate to get them. He testified that they do everything in California up the coast for big concrete plants and stuff and they have sharp pencils. This is what was submitted by that company. And there is an error actually in the second paragraph, it's not 1200 East - West, he's got the East - West and the North - South flipfopped. And I was simply giving you that information to show, I don't make anything up, there is no where in any of this documentation that ever shows a date or describes a time in which they visited the property, and that's all I was trying to bring attention to on that Petra stuff. Otherwise I'm here to set the record straight on a few things. I love gravel. I use gravel. I buy gravel. I support those that legally and ethically produce and sell gravel. I'm also an entrepreneur and I grew up in eastern Idaho where I started working on farms at age 13 moving pipe, worked potato harvest, drove truck, ran pilers, drove crossovers, disc scrapers, worked my dad's potato processing plant, and after that I went to college and earned an accounting degree at Boise State, started a business for 20 years, sold that business without one legal challenge or complaint. And the reason I say these things is that for four years now I've had to sit silent while Mr. Lee gets up over and over and over again and mischaracterizes me and my wife and my family, continually attempts to label us as outsiders that don't understand the way of things in these parts; he's tried to paint the narrative that it is us trying to change things and not him; and that's not true. My neighbors have also had to sit while Mr. Lee continually talks down to us, treating us like worthless objects that need to be quiet and get out of the way or leave so he can make some money on Dallas Head's land. And just like he said in the last meeting, These people need to learn. Well I don't need to learn anything from Darren Lee. And my wife's family has a long history of farming and ranching in Malheur county. I lived in Hermiston as a young man and my father spent his entire career in agricultural processing in eastern Oregon and Idaho. If our farm on Jasmine doesn't look the same as every other farm you see then that's great with us. Because that's not what we're trying to do there. We are experimenting and working to find better ways to produce farm goods, live a balanced life with nature and protect our health. Literally we're only trying to live on our own land, take care of ourselves, without help or interference from others. And as a business man I know exactly how it feels when you think you have a perfect plan to make a lot of money and that plan never is realized. And it's not because of lack of effort, or knowledge or desire, but simply because sometimes the plan doesn't work and the answer is no. Whether the plan fails legally, ethically, politically or just plain and simple because it's a bad idea sometimes the answer is no and, hopefully that's what the answer will be here today. What I know for sure is that if a business plan involves the destruction of other peoples hopes, dreams and livelihoods then that is a plan that is sure to fail. (the time limit was called for Mr. Hastings testimony)

Judge Joyce: Next. Any other opposition? Okay, here we go we've got someone online.

Mandi Hastings: Hi, this is Mandi Hastings, 464 and 470 Jasmine, and I just wanted to just speak to the fact that, you know, Mr. Lee has willingly chosen to file an application for Goal 5 in a highly sensitive area. And therefore, it's his responsibility to fulfill the burden of proof and provide unquestionable testing and not only that, information about the other natural resources that are resident in the area. We live in Malheur county, there's a lot of gravel in this county. There isn't a ton of water and there isn't a lot of clean water. (The electronic connection temporarily failed during Ms. Hastings testimony.) (Ms. Hastings was asked to repeat/resume her testimony.) So, I just feel that it's his responsibility to provide the highest caliber of testing, unquestionable testing, as to what lies underneath that ground, you know, before we move into this. Second of all, I'm very concerned about the blatant disregard of authority that's been shown to both the county commission, to this court, and now to the state. It's concerning to have the idea of someone moving around in, again, such a sensitive situation. He was told last time that he could not dig up there by both the commission and the court; he moved forward and did it anyway. Hence the fully active suspension order from DOGAMI. This is not in question, it is there, and the reclamation has not been started that was ordered by the state

quite a while ago. My other question is, is as far as Goal 5 sites go, there are two Goal 5 sites that exist within two to five miles from this Goal 5, proposed Goal 5 site. The one site has 45 acres available, 13 of which have been mined over the last 14 years. Darren Lee also has his own Goal 5 site that is completely untouched. I do not think that there is a lack of Goal 5 sites available to the county. Collectively that provides 60 years' worth of mining if we go off of the DeHaven site he is already currently mining. So, I don't feel that there is a lack of gravel and is there really a need to drop 180-acre industrial mining park in the middle of nine homes? In the middle of wildlife refuge? This does not sound like a county problem. Malheur county has a lot of gravel. So, these are my main concerns that I would bring up. I really appreciate you guys listening today and thank you so much.

Judge Joyce and Commissioner Jacobs: Thank you.

Judge Joyce: Next online.

Riley Downing: This is Riley Downing, 5151 Power Road. Sorry I'm at work and I had to step away for a second. I think something that I have taken away from this morning's meeting is that when we first started this whole process, three things for the Goal 5 that were required were the quality, quantity and location. And it seems like the last three or four meetings Mr. Lee has got up and spoke extensively, him and his attorney both, on quality and the quantity. The third piece of that has been location, and I don't know if you've noticed that has been a subject that he has either chosen to ignore, or knows, that he cannot mitigate all of the issues that there are at this location. If a person was to go back to the very first hearing that we had, those were all covered pretty extensively, and there were many. These were all before we found out from Fish and Wildlife that it's in a rangeland corridor. We heard from, whoever it was – sorry just lost this, I'm working, so I apologize, there's also a riverine that runs through there. There is a organic farm. There's just a lot of reasons that the location does not work and he was not able to mitigate those the first time. He was not able to mitigate those a second, third, fourth, or fifth time. And I honestly think that if we're looking at all three of those requirements that have to be met in order to place this into a Goal 5, he's missing a huge piece of it. That's all I just wanted to bring up this morning. Thank you so much for your time.

Judge Joyce: Thank you.

Tina Cassity requested to read her husband's statement as he was ill and unable to attend the hearing; Judge Joyce allowed this request.

Tina Cassity: I am speaking for my husband Robert Cassity of 478 Jasmine Road, Ontario, Oregon. When Mr. Lee first applied for his permit in 2021 he came to our home and explained his plan, which was he was a small veteran owned business, would be way back down the road, a couple dump trucks a day, business as usual. Well we own a small business for over 27 years, come from a long line of veterans in our family, including my husband, so we had compassion on his endeavors and trusted what he said was true. So, as you can imagine we were beyond shocked and incredibly disappointed when we saw his application and realized that he had lied to us and that wasn't his plan at all. And then we found out he had done the same with all of the neighbors. Clearly, he knew he would have opposition if we knew his real plan. I mean, nobody would be too keen on a gravel pit 100 foot from their front door. So this is how it began. He then was denied by the court his permit in 2021 but to fight that and in the Spring of 2022 began hauling heavy equipment up and down Jasmine Road. He tore into Mr. Head's private pit and built a new haul road for his mining. This was part of his mining plan because Jasmine Road was deemed to dangerous by P&Z based on its tight hairpin curves and steep grades. Again, shocked and knowing he didn't have a permit us neighbors contacted the County. They requested us to document his activity, which we did with videos and photos. Consequently, Mr. Head was found guilty and issued a citation. But despite that, Mr. Lee in December 2023 continued his illegal mining activity without a permit in which he tore into 10 acres of Area 1, built berms, dug test holes, and a 40 foot impoundment. We saw dump truck loads of gravel brought in and dumped in Area 1 which we thought strange since Mr. Head's private pit is just down the road. We contacted DOGAMI in which they asked us to document his activity with videos and photos. Again, using Jasmine Road to haul all his heavy equipment and work trucks up and down, most of the time not abiding the 15 mile per hour speed limits and dangerously flying past our house and down the road, where at times yelling at them to slow down. Subsequently Mr. Lee chose to have a state geologist come out, was found guilty, a suspension order was issued March 8, 2023 in which he said he would comply with. However, even with that order in place he had Strata come out to Area 1 on June 21, 2023 and take samples off the property. And most recently on March 22, 2024 a frontend loader was brought in, dirt was moved, and what seems to be berms were built in Area 1, suspiciously the biggest berm closest to our home and in view from our dinning room window. Mr. Lee is quoted in the Malheur Enterprise in stating he would continue defying the neighbors, and I'm not going to be stopped. So this appears to be personal and a game to Mr. Lee, but this is no game for us. It is our lives and it has been incredibly difficult on all of us neighbors. (The time limit was called for the testimony.)

Judge Joyce: Anybody else? Okay, rebuttal.

Mr. Lee: Again, we are here to discuss Goal 5. After my first application I knew that I'd better have my ducks in a row to resubmit another application and I did that. I did use examples from other successful quarry applications that were submitted and I used those as my template because there really is nothing else out there to use as a guide, so I figured that would be the prudent and smart thing to do, so I did that. Again, I hired a separate engineering firm, at much expense, to do a different quantity analysis; both of those quantity analyses came back as exceeding state specifications for what's required for Goal 5. And again, the quantity analysis, as we all know, is an estimation, we don't really know what Mother Nature has going on down there. I think we've done a good job of providing a good spectrum of that 80-acre parcel with the test pits. And the goal again is to establish that there is an estimated 500,000 tons, and I think that we've successfully done that. Thank you for your time.

Mr. Sheets: Your honor, commissioners, Brian Sheets, 93 SW 4th Avenue, Ontario, Oregon. So as I stated in my opening remarks that we would be hearing quite a bit of irrelevant information, we did hear some of that today unfortunately. So when it comes down to the location - we're talking the physical location of the aggregate resources, not necessarily the appropriateness of it, what the plans are to extract those. Those are subjective conditional use permit. So, when it comes down to quantity, quality,

location, the location is the GPS coordinates, it's not necessarily what's going to happen there. And when we talk about things like sensitive areas, there is a process for having those put on the County's inventory. Things like deer, winter deer habitat, as well as riparian corridors. There are process for including those as significant natural resources. Those are not included in the County's inventory right now, especially when it comes to that riparian corridor. There's an entire process that can be gone through to put those in there. But in this case, it's just not there. And then when it comes to the winter mule deer habitat, there is an exception in the state's methodology for including those kinds of places. These materials were submitted to the planning and zoning commission when it talks about agricultural areas. This is exclusive range use and exclusive farm use area. The area that's proposed to be used for aggregate extraction is dry land farmed. It's been used in agricultural. Its been pasture land. So to the extent that there's claims that this is good mule deer habitat its unfortunately not quite the case. And so, I really want to thank you for narrowing your deliberation to what Goal 5 actually talks about, quantity, and quality and the physical location of this aggregate resource. Thank you very much.

Commissioner Jacobs: Thank you.

Judge Joyce: Any more rebuttal from the applicants? None. Okay proponents, I mean opponents, you've got 5 minutes. Rebuttal.

County Counsel Williams: We usually don't do surrebuttal Judge.

Judge Joyce: We don't? It just says that on my paper so I'm just following the rules.

County Counsel Williams: We usually don't. I mean, it is discretionary, but it would only be to rebut his rebuttal.

Judge Joyce: Okay, so I take your advice then. There will be no rebuttal.

County Counsel Williams: It's your discretion, but we typically don't do surrebuttal.

Judge Joyce: Alright. Hearing no other explanations, we will take no further hearing testimony, I imagine that's probably enough anyway so, and then we will close the public hearing without objection.

Commissioner Mendiola: None here.

County Counsel Williams: Do you have any questions that you want to ask before you close the hearing?

Judge Joyce: Before we close, so yeah, if you've got questions.

Commissioner Jacobs: I do have one question. You indicated that there was some truckloads of stuff hauled in, can you explain what those were.

Mr. Lee: That's completely false.

Ms. Cassity: I have photos and I have videos.

multiple talking

Mr. Lee: They may but they're very well doctored videos. Why would I haul gravel up there? There's been state pits, there's been BLM pits, they've all been Goal 5 certified, which means they've done the quality quantity testing. Why would mine be any different? That's the latest nonsense that has been presented is that somehow, I brought gravel up and magically pointed the engineers in the right direction to take these samples.

Unknown: No it was dumped from one of your

Unknown: It come out of the trucks

Multiple talking

Mr. Lee: How much gravel have I hauled off of that property?

Multiple talking

Commissioner Mendiola: Whoa whoa whoa

Commissioner Jacobs: You don't need to address each other here

Commissioner Mendiola: That was plenty

Commissioner Jacobs: The other question I have is about the winter habitat for mule deer, did you check with ODF&W to determine whether or not that was?

Mr. Sheets: Commissioner Jacobs, I did contact ODFW about that and I submitted our plan. To the extent that they submitted a letter, they did submit a letter detailing that, I did correspond back with them and submitted a proposed plan for reducing winter hours, reducing the footprint, and making a bunch of proposed mitigation measures. The planning commission didn't entertain those. To the extent that I present, the only thing, I did not get a written response from them but I did talk to them on the phone and if you're willing to accept my hearsay testimony to the extent of the communication I had with them I'd be willing to present that.

Commissioner Jacobs: Well I guess I just would like to make sure so

Mr. Sheets: Okay, well I'll offer it in and you can evaluate it to your extent.

County Counsel Williams: If it goes to quality, quantity and location, if you think that does.

Commissioner Jacobs: I think that does to location.

County Counsel Williams: Okay.

Mr. Sheets: Okay. So I did contact the biologist that had submitted that letter and the phone conversation that we had, after I had

submitted to it, he said that he would need to have additional people look at it and that to the extent that their recommending any measures they would be deferring to the County on that because ultimately they don't have the regulatory authority to impose those kinds of conditions, it would be the County imposing those conditions.

Commissioner Jacobs: Interesting, because usually the State doesn't always let the County determine what's going to happen (inaudible)

Mr. Sheets: If I can speculate, I think that they might have jumped the gun on issuing that letter given that I pointed out that this had been used in dry land farming before, I mean its been disked over several times, its not like its sagebrush out there. This is, its dry land farm, its been part of agriculture, its been used for pasture and agriculture in the past.

Commissioner Jacobs: So is it seeded for grass?

Mr. Sheets: I'm not sure exactly what's been

Mr. Lee: I don't know (inaudible) two years ago for fire mitigation, that's all I

Mr. Sheets: To the extent that it's like sagebrush, it's not, it's level but it's disked, its pasture.

Commissioner Jacobs: And there's also a pipeline that goes through this property for irrigation for the LDS farm, have you had conversation with them to determine what they're going to require as far as keeping your distance from that pipeline, recognizing that it could be crushed or

Mr. Sheets: Commissioner Jacobs, I did submit additional plans for mitigation on that pipeline to the planning commission prior to the second hearing. That included having the pipeline staked out with buffers as well as reinforcing of any crossing, prohibition of any sort of vehicle parking on it, daily monitoring of any sort of activity related to it and that, not only including the pipeline itself but also for any adjacent irrigation canals, and so I did put together a plan for identifying and mitigating any sort of concerns that were related to that pipeline. To the extent that the Planning Commission considered it or not, I have no clue. I think the exchange that I was having with the planning commissioner who got a little upset with me was directly related to that where he was, I don't think he went through the materials that I had presented to him with that detailed mitigation plan. And so, it did include requesting a condition of approval that any sort of crossings have engineered reinforcements over the top of that along with those marking, monitoring and buffer zones for that.

Judge Joyce: Questions?

Commissioner Jacobs: Thank you.

Mr. Sheets: Thank you.

Judge Joyce: Thank you.

Mr. Lee: Commissioner Jacobs, if I may elaborate a little bit on the, there's a course now of trying to put some, whatever about the quality analysis, is that if that quarry did not meet those specifications, quite frankly that's not a very good quarry for me, if that was the case, so for financially for me, if I can't make ODOT or IDOT spec materials well that eliminates a big customer base for me, so it would be silly for me to do something like that. And again, I have two different engineering firms that, unless they're in cahoots somehow, that's not going to happen.

Commissioner Jacobs: Okay, thank you.

Judge Joyce: Other questions?

Commissioner Mendiola: I've got nothing more.

Judge Joyce: Nothing more?

Commissioner Mendiola: No.

Judge Joyce: Well, nothing more, then we'll close the hearing.

Commissioner Jacobs explained he would like more time to review the documents. Consensus was to continue the Court's deliberation to the April 10, 2024 County Court meeting. The matter must be finalized within 180 days from the date the Planning Department accepted the application.

COURT ADJOURNMENT

The meeting was adjourned.

MALHEUR COUNTY COURT MINUTES

April 10, 2024

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. The agenda is recorded as instrument # [2024-1059](#)

DELIBERATION - ORDINANCE NO. 235

The Court continued their deliberation regarding proposed Ordinance No. 235: An Ordinance Adopting a Post Acknowledgement Plan Amendment (PAPA) to Include Approximately 80 acres of Tax Lot 3200, Assessor's Map 16S47E on the Malheur County Comprehensive Plan Goal 5 Resource Inventory as a Significant Aggregate Site. The Applicant in the matter is Darren Lee; Property Owner is Dallas Head; and the Planning Department File No. is 2023-12-010. Public hearings regarding the PAPA were held on March 20, 2024 and April 3, 2024. Present were County Counsel Stephanie Williams, and Brian Sheets, attorney for applicant Darren Lee. Commissioner Jacobs explained he had extensively reviewed the file; additional information on the quantity of aggregate was presented in the hearing but not on the quality. Commissioner Jacobs explained that he did believe that the samples were more than likely similar but he would have appreciated it if Mr. Lee would have done additional testing on the quality of the aggregate; and that he believed that the criteria for location and quantity had been met. Judge Joyce concurred with Commissioner Jacobs and noted that adding the site to the Goal 5 Inventory does not authorize mining of the site. Commissioner Mendiola stated he believed that all three criteria - quality, quantity and location - were met and that Mr. Lee could have possibly done things a bit different with the neighbors but that was not a consideration in the quality, quantity and location criteria. Commissioner Mendiola moved to adopted a Post Acknowledgment Plan Amendment to include approximately 80 acres of tax lot 3200, Assessor's Map 16S47E on the Malheur County Comprehensive Plan Goal 5 Resource Inventory as a Significant Aggregate Site. Commissioner Jacobs seconded and the motion passed unanimously. An Ordinance will be prepared for the Court's signature next week.

COURT MINUTES

Commissioner Jacobs moved to approve Court Minutes of April 3, 2024. Commissioner Mendiola seconded and the motion passed unanimously.

Administrative Officer Lorinda DuBois joined the meeting.

SUPPLEMENTAL BUDGET RESOLUTION

Commissioner Jacobs moved to approve Supplemental Budget Resolution R24-08: In the Matter of Fiscal Year 2023/2024 Supplemental Budget by Resolution Under Local Budget Law ORS 294.471. Commissioner Mendiola seconded and the motion passed unanimously. The purpose of the supplemental budget is to allocate JSI Research & Training Institute grant funds in the Health Department budget that were not anticipated when the budget was adopted - these funds will be used to participate in the Reproductive Health National Training Center (RHNTC) project to implement initiatives that work to establish or strengthen evidence-based strategies to improve maternal health outcomes; and to allocate additional Exchange Funds in the Road Fund that were not anticipated when the budget was adopted - these funds are dispersed between the County and the Special Road District for projects. Commissioner Mendiola seconded and the motion passed unanimously. See instrument # [2024-1060](#)

CERTIFICATION STATEMENT

Commissioner Mendiola moved to sign the Oregon Parks and Recreation Department County Parks Assistance Program Certification Statement for July 1, 2024 - June 30, 2025. Commissioner Jacobs seconded and the motion passed unanimously. The estimated RV (Recreational Vehicle) fee revenue distribution for Malheur County is \$58,994 which will be budgeted in the Marine and Parks budget. See instrument # [2024-1061](#)

VALE TEXTILES - LETTER OF SUPPORT

Tim Stephenson met with the Court and requested a letter of support for Vale Textiles' grant application(s) to develop the former Oregon Trail Mushroom facility. Vale Textiles is focused on producing mycelium leather at the facility which will serve the non-plastic textiles market. Financing to buy the facility is being pursued. It is estimated that a minimum of 72 jobs would be created. Mr. Stephenson answered various questions from the Court members about the proposal. Commissioner Mendiola moved to sign a letter of support. Commissioner Jacobs seconded and the motion passed unanimously. See instrument # [2024-1062](#)

RALLY NETWORKS - LETTER OF SUPPORT

Colten Richards with Rally Networks met with the Court and requested a letter of support for the Oregon Broadband Office's Broadband Deployment Grant. (Rally Networks is the DBA for Oregon Telephone and Midvale Telephone.) Rally Networks is an internet service provider in Malheur county in the communities of Ironside, Brogan, Juntura, and Harper. The grant would help Rally Networks develop and deploy high speed broadband fiber infrastructure to serve rural broadband serviceable locations in the county that currently do not receive broadband service that reliably meet at least 100/20 Mbps. Commissioner Jacobs moved to sign a letter of support. Commissioner Mendiola seconded and the motion passed unanimously. See instrument # [2024-1063](#) for the letter and instrument # [2024-1097](#) for the map of the proposed application area.

COURT ADJOURNMENT

Judge Joyce adjourned the meeting.

MALHEUR COUNTY COURT MINUTES

May 1, 2024

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. Staff present in the meeting room were Administrative Officer Lorinda DuBois and Economic and Community Development Director Taylor Rembowski. Notice of the meeting was posted on the County website, Courthouse bulletin board and emailed to the Argus Observer, Malheur Enterprise and those persons who have requested notice. The meeting was audio recorded. The agenda is recorded as instrument # [2024-1270](#)

TREASURE VALLEY PARAMEDICS (TVP) - QUARTERLY REPORT

TVP, Inc. President Steve Patterson and Vice-President Heather Land met with the Court and provided a quarterly update per the terms of the personal services contract amendment. Mr. Patterson said that the new system is working well; more advanced staff is available in Nyssa, communication and staging is good as is morale. Staffing continues to be a challenge nationwide. TVP makes several trips to Boise daily which increases the mechanical needs of the ambulances; the secure transport car is being used when the transport does not require an ambulance.

CROSSING PERMITS

Commissioner Jacobs moved to approve the following Crossing Permits: Permit #42-24 to Pacific Power for work on Owyhee Lake Road #846; Permit # 43-24 to Idaho Power for work on 8th Avenue W #1094; Permit # 44-24 to Idaho Power for Work on Grove Road #920; and Permit # 45-24 to Cascade Natural Gas for work on NW 4th Avenue #890. Commissioner Mendiola seconded and the motion passed unanimously. Original permits will be kept on file at the Road Department.

COURT MINUTES

Commissioner Mendiola moved to approve Court Minutes of April 17, 2024 as written. Commissioner Jacobs seconded and the motion passed unanimously.

SUPPLEMENTAL BUDGET RESOLUTION

Commissioner Jacobs moved to approve Supplemental Budget Resolution R24-10: In the Matter of Fiscal Year 2023/2024 Supplemental Budget by Resolution Under Local Budget Law ORS 294.471. Commissioner Mendiola seconded and the motion passed unanimously. The purpose of the supplemental budget is to allocate Oregon Department of Agricultural grant funds that were not anticipated when the budget was adopted - these funds will be used for pest management initiatives to mitigate the impact of grasshoppers and Mormon crickets; to allocate Homeland Security grant funds that were not anticipated when the budget was adopted - these funds will be used to purchase and install a radio repeater on Owyhee Ridge; and to allocate Insurance Proceeds that were not anticipated when the budget was adopted - these funds will be used for the repair of the damages caused by the water heater at the Health Department. See instrument # [2024-1272](#)

IDAHO POWER LEASE

Commissioner Mendiola moved to approve Lease with Idaho Power Company. Commissioner Jacobs seconded and the motion passed unanimously. Idaho Power will lease the County property at 809 Bassett Street in Jordan Valley for five months for a staging area. See instrument # [2024-1273](#)

OLCC LICENSE - OWYHEE GROCERY

Commissioner Jacobs moved to approve Oregon Liquor & Cannabis Commission (OLCC) Application for Additional Privilege for Tyler Simpson/Owyhee Grocery at 2499 Hwy 201, Nyssa. Commissioner Mendiola seconded and the motion passed unanimously.

PROCLAMATION - BUILDING SAFETY MONTH

Building Official Adele Schaffeld met with the Court and presented a proclamation declaring the month of May as Building Safety Month; also preset in support of Building Safety Month were Kraig Stevenson, ICC (International Code Council) Government Relations; Jim Sayers, ICC Board of Directors; David Spencer, ICC Vice President; Jack Applegate, ICC Board of Directors; Alana Cox, Building Codes; and Kylee Ruby, Wasco County Deputy Building Official. Themes for this year's Building Safety Month are: Understanding the Mission; Preparing a Building Safety Plan; Learning from the Pros; Engaging Your Community; and Celebrating Success in Building Safety.

Ms. Schaffeld read the proclamation:

PROCLAMATION - BUILDING SAFETY MONTH - MAY 2024

Whereas, our County is committed to recognizing that our growth and strength depends on the safety and essential role our homes, buildings and infrastructure play, both in everyday life and when disasters strike, and;

Whereas, our confidence in the resilience of these buildings that make up our community is achieved through the devotion of vigilant guardians—building safety and fire prevention officials, architects, engineers, builders, tradespeople, design professionals, laborers, plumbers and others in the construction industry—who work year-round to ensure the safe construction of buildings, and;

Whereas, these guardians are dedicated members of the International Code Council, a nonprofit that brings together local, state, territorial, tribal and federal officials who are experts in the built environment to create and implement the highest-quality codes to protect us in the buildings where we live, learn, work and play, and;

Whereas, these modern building codes include safeguards to protect the public from hazards such as hurricanes, snowstorms, tornadoes, wildland fires, floods and earthquakes, and;

Whereas, Building Safety Month is sponsored by the International Code Council to remind the public about the critical role of our communities' largely unknown protectors of public safety—our local code officials—who assure us of safe, sustainable and affordable buildings that are essential to our prosperity, and;

Whereas, "Mission Possible," the theme for Building Safety Month 2024, encourages us all to raise awareness about building safety on a personal, local and global scale, and;

Whereas, each year, in observance of Building Safety Month, people all over the world are asked to consider the commitment to improve building safety, resilience and economic investment at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property.

NOW, THEREFORE, we, the County Court of Malheur County do hereby proclaim the month of May 2024 as Building Safety Month. Accordingly, we encourage our citizens to join us as we participate in Building Safety Month activities.

Commissioner Jacobs moved to declare May 2024 as Building Safety Month in Malheur County. Commissioner Mendiola seconded and the motion passed unanimously.

Mr. Stevenson expressed praise for the integrity, leadership and commitment to community safety that Ms. Schaffeld displays; Mr. Spencer and Mr. Sayers echoed Mr. Stevenson comments and the Court members thanked Ms. Schaffeld for her dedication to the program and Eastern Oregon.

Ms. Schaffeld thanked those present for their partnership and participation with Building Safety Month in Malheur County.

Lifeways CEO Steve Jensen joined the meeting.

AMENDMENT - IGA #180022

Commissioner Jacobs moved to approve Seventh Amendment to Oregon Health Authority 2023-2025 Intergovernmental Agreement for the Financing of Public Health Services, IGA #180022. Commissioner Mendiola seconded and the motion passed unanimously. \$776 is added to Program Element (PE) 01-09.

OREGON DEPARTMENT OF ENERGY GRANT APPLICATION - FRY FOODS

Mr. Rembowski explained that the grant application to Department of Energy for a C-REP grant for construction of ground mounted solar modular arrays at Fry Foods will be finalized next week and a letter of authorization is needed to submit the grant. Commissioner Mendiola moved to sign the letter of authorization for submission of the Oregon Department of Energy C-REP grant. Commissioner Jacobs seconded and the motion passed unanimously. See instrument # [2024-1290](#)

ODA GRANT AGREEMENT - GRASSHOPPER & MORMON CRICKET

Commissioner Jacobs moved to approve Oregon Department of Agriculture Grasshopper and Mormon Cricket General Fund Allocation Grant, 2024 Grant Agreement - Grant #: ODA-4525-GR, nunc pro tunc to April 26, 2024. Commissioner Mendiola seconded and the motion passed unanimously. The County has been awarded \$100,000 to support pest management initiatives that mitigate the impact of grasshoppers and Mormon crickets on agricultural crops. See instrument # [2024-1271](#)

Lifeways Board Member Dave Waldo joined the meeting.

IGA - TREATMENT COURT

Commissioner Mendiola moved to approve Intergovernmental Agreement with Oregon Judicial Department for the Malheur County Adult Treatment Court. Commissioner Jacobs seconded and the motion passed unanimously. Funds are held by the County in a special fund for Treatment Court. See instrument # [2024-1274](#)

PROCLAMATION - TREATMENT COURT MONTH

Circuit Court Judge Erin Landis, SAFE (Stop Addiction Forever) Court Program Coordinator Lydia Machuca, and Trial Court Administrator Marilee Aldred met with the Court and presented a Proclamation declaring the month of May as Treatment Court Month. Judge Landis updated the Court on changes with the program and the criminal justice system. Grant funding was received that will grow and expand services of the SAFE Court program. HB 4002 (2024) re-criminalizes possession of small amounts of certain controlled substances and that will have an impact on SAFE Court; more participation in SAFE Court is expected. There will also be a deflection program as a result of HB 4002.

Judge Landis read the Proclamation:

Malheur County
PROCLAMATION
"National Treatment Court Month"
May 2024

WHEREAS according to All Rise, treatment courts are the most successful intervention in our nation's history for leading people with substance use and mental health disorders out of the justice system and into lives of recovery, stability, and health; and

WHEREAS there are now more than 4,000 treatment courts nationwide; and

WHEREAS treatment courts are the cornerstone of justice reform sweeping the nation; and

WHEREAS treatment courts have transformed the way the justice system responds to people with substance use and mental

health disorders by combining accountability with evidence-based treatment; and

WHEREAS treatment courts annually refer more than 150,000 people to lifesaving treatment and recovery support services; and

WHEREAS treatment courts save an average of \$6,000 for every individual they serve; and

WHEREAS according to All Rise, treatment courts significantly improve substance use disorder treatment outcomes, substantially reduce addiction and related crime, and do so at less expense than any other justice strategy; and

WHEREAS treatment courts improve education, employment, housing, and financial stability, promote family reunification, reduce foster care placements; and

WHEREAS treatment courts facilitate community-wide partnerships, bringing together public safety and public health; and

WHEREAS treatment courts demonstrate that when one person rises, we all rise.

THEREFORE, BE IT RESOLVED that Malheur County declares that Treatment Court Month be established during the month of May.

Commissioner Jacobs moved to declare May as Treatment Court Month. Commissioner Mendiola seconded and the motion passed unanimously.

ALTRUISTIC RECOVERY AND INSIGHT COUNSELING

Annette Volk with Altruistic Recovery and Becky Wolery with Insight Counseling met with the Court. Altruistic Recovery services include a behavioral health clinic, substance use mental health, DUI program, domestic violence, Juvenile MRT, has a presence at Ontario High School, and teaches classes at TVCC and SRCI. Insight Counseling and Therapy has locations in Payette and Nampa, Idaho, and Ontario, Oregon; has 35 clinicians, and focuses primarily on mental health issues and counseling and offers case management. Insight Counseling has a presence at Huntington School District, Nyssa School District and Ontario School District, and has a walk-in clinic at TVCC. Ms. Volk and Ms. Wolery shared concerns from a recent meeting with GOBHI (Greater Oregon Behavioral Health Inc.) that the Community Mental Health Provider (Lifeways) would be servicing all Oregon Medicaid clients and that Altruistic Recovery and Insight Counseling may no longer be authorized to provide services to Medicaid clients. Ms. Volk requested assistance from the Court in letting GOBHI know that the clients want to have a choice of providers. Ms. Wolery noted that assistance from the local Senator and Representative has been requested also.

Judge Joyce requested Mr. Jensen explain the community mental health program. Mr. Jensen explained that the County is the Local Mental Health Authority; the County contracts with Lifeways to provide the services required under its State (Oregon Health Authority) IGA; the IGA includes requirements such as 24/7 crises services, assertive community treatment, supported employment services, early childhood assessment services, and intensive in-home behavioral health treatment; the IGA does not fully fund the required programs. The County's IGA is for services that are outside of traditional counseling services. The Eastern Oregon Coordinated Care Organization (EOCCO) is the pass through agency for the Medicaid services for counseling type services that can be provided on a fee for service basis or a capitated basis. GOBHI operates on a capitation method and has a per member per month fee for an organization to provide required services; the capitation dollars help to supplement the OHA required services. Lifeways is the in-network provider for GOBHI. Ms. Volk's and Ms. Wolery's companies are required to seek out-of-network authorizations to provide services. GOBHI wants the Medicaid clients to receive all of the services they may need that are required under the IGA; an out-of-network provider does not provide all of the required services. Ms. Volk explained that both herself and Ms. Wolery are aware of the services Lifeways provides and that they transfer clients if they are unable to provide what the client needs. The system is complicated and involves OHA, GOBHI, and EOCCO; client choice is important.

Judge Joyce requested Ms. Volk and Ms. Wolery put their concerns and solutions in writing for both Lifeways and the Court.

OWYHEE WATERSHED COUNCIL

Owyhee Watershed Council Nicole Sullivan met with the Court and requested the Court's support for an OWEB grant application. If awarded, the grant funds would be used to support a dedicated coordinator position for the Malheur Rangeland Strategy Partnership. Commissioner Mendiola moved to support the grant application and participate and support the Malheur Rangeland Strategy Partnership through the 3-year grant performance period. Commissioner Jacobs seconded and the motion passed unanimously. See instrument # [2024-1275](#)

INTERIM PLANNING DIRECTOR

County Counsel Stephanie Williams explained that ORS requires the County have a Planning Director and requested Judge Joyce be appointed interim planning director with signatory authority while other possibilities for interim planning director/planning director are explored. Commissioner Mendiola moved to appoint Judge Joyce as temporary interim planning director. Commissioner Jacobs seconded and the motion passed.

COURT ADJOURNMENT

Judge Joyce adjourned the meeting.

Jacobs

Public Works Department

Monthly Report

April 2024



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



April Business Review

DEVELOPMENT REVIEW

ACTIVITIES APRIL 2024

- Issued 4 ROW Permits
- Issued 1 New Address to Commercial lot.
- Attended 1 PDAC meeting to discuss new businesses.
- Attended the Jacobs monthly safety meeting.
- Mailed out 385 backflow test notifications due by the end of April.
- Multiple plan reviews for new construction
- Multiple construction inspections
- Tapadera Lift Station- Still waiting for final paperwork to close out.
- City Hall Elevator Modernization is still in the design engineering process with TK Elevators.
- Water Treatment Plant Expansion has been issued a Certificate of Substantial Completion.
- Lions Park Shade Structure - Construction began 4-29-2024.
- SE 5th Ave Pedestrian Project - IRVCO will be breaking ground on this in the next couple of weeks and will start at the overpass at I-84 and SE 5th Ave.



April Business Review



WATER: TREATMENT PLANT AND DISTRIBUTION SUMMARY

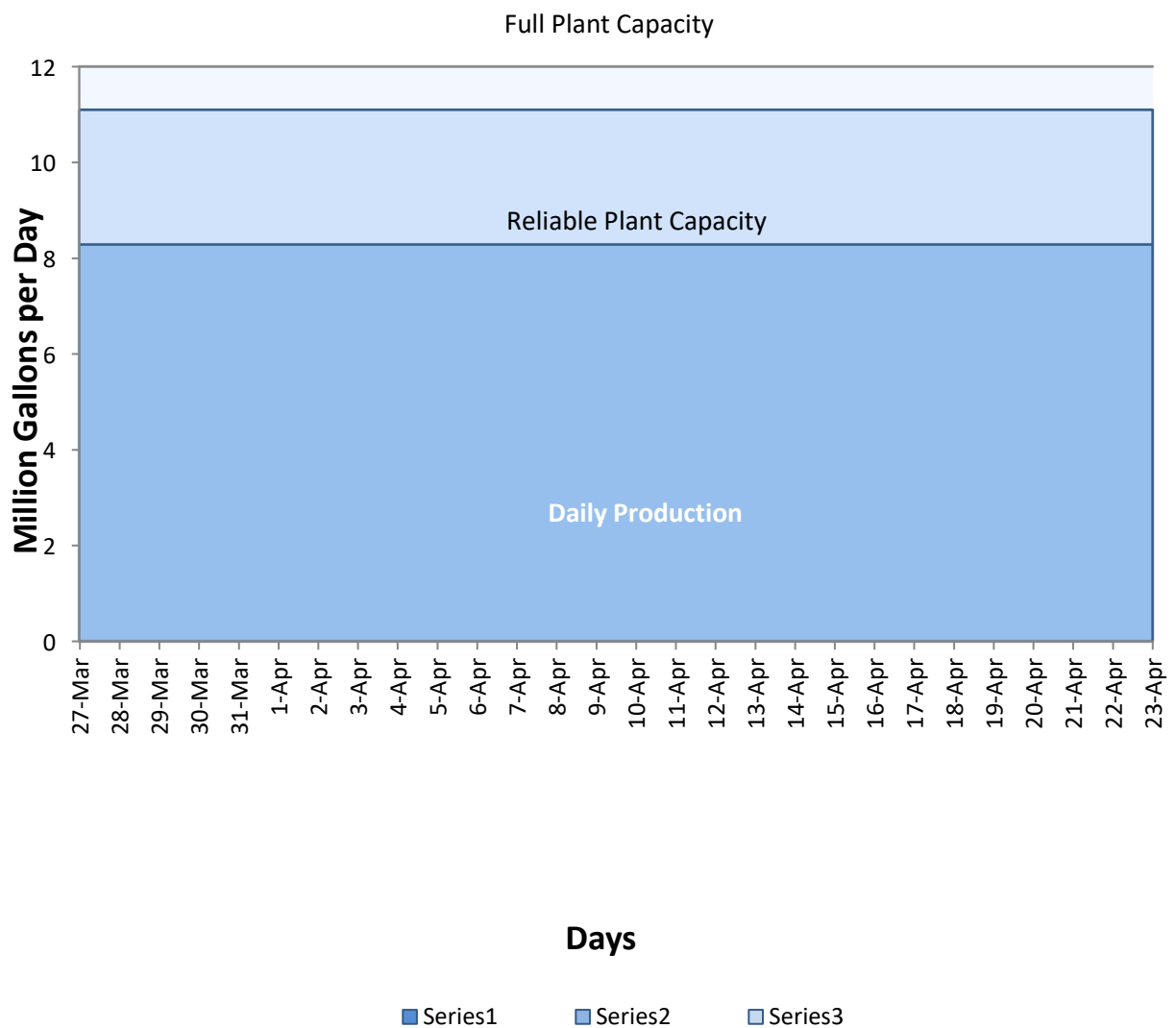
ACTIVITIES APRIL 2024

- 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.
- Quarterly Disinfection Byproduct, TOC/Alkalinity sampling completed.
- PFAS sampling on source water completed.
- 6 new meters installed.
- 14 water meters changed out.
- 34 leak checks.
- 41 water meters turned on customer request.
- 18 meters checked for high consumption.
- 12 meters off customer request.
- 30 meters read verified.
- 20 meters off for non-payment.
- 15 meters on for payment.



WATER TREATMENT PLANT PRODUCTION VS. CAPACITY

Demand vs. Availability Mar 27-Apr 29, 2024



April Business Review

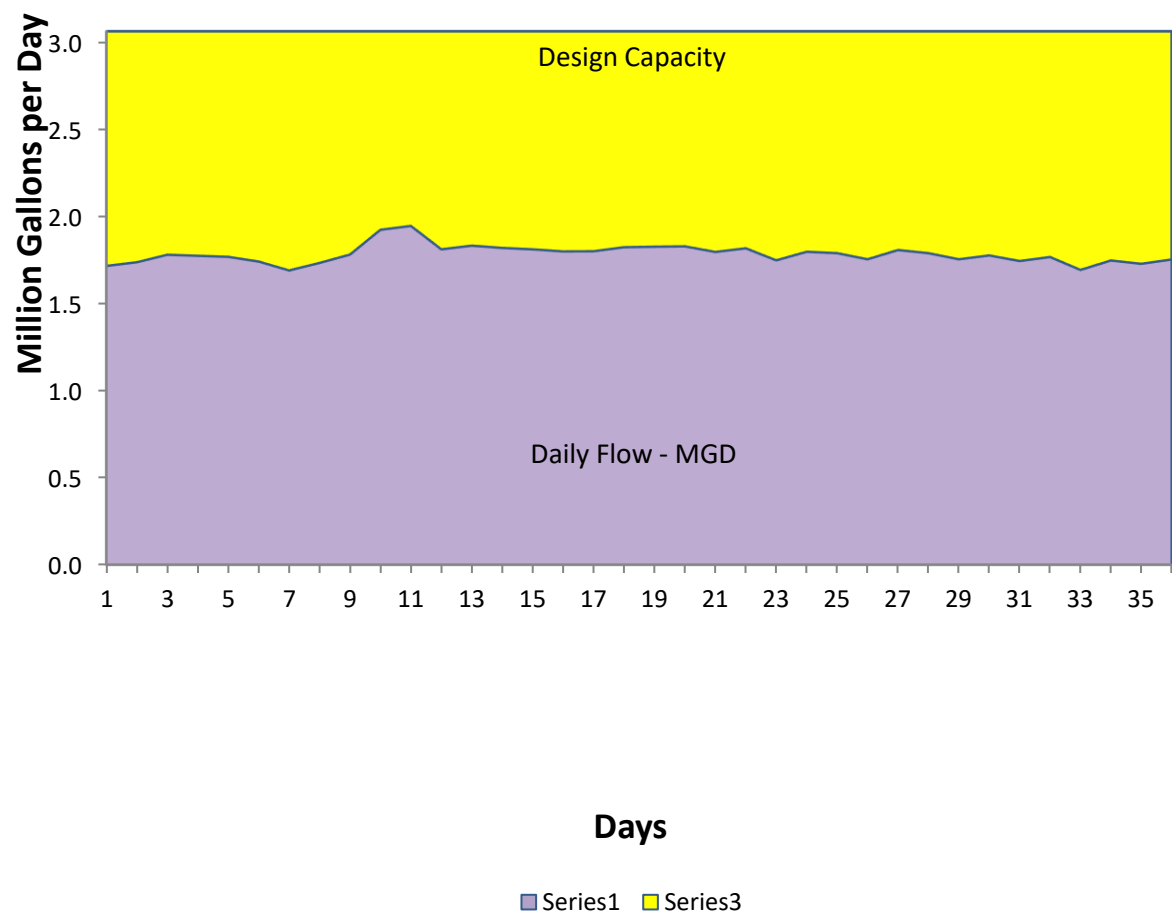
WASTEWATER TREATMENT PLANT AND COLLECTION SYSTEM SUMMARY ACTIVITIES APRIL 2024

- All sampling per the 2019 NPDES permit has been completed.
- All piezometer readings taken for the month.
- Effluent flow to the Snake River was shut off April 30 as required by Oregon DEQ. All treated effluent will be pumped to skyline through October 31.
- Malheur irrigation pump station ready for season.
- Skyline Reservoir is full and ready for the summer season.
- pH Adjustment system drained, flushed, and secured for the season.
- Applied herbicide throughout the WWTP property.
- Staff attended the PNCWA eastern Oregon Short School for CEU hours required by the State to maintain certifications.



WASTEWATER TREATMENT PLANT

Wastewater Treatment Flows
Mar 26, 2024 - Apr 30, 2024



April Business Review

OPERATIONS MAINTENANCE: STREETS AND COLLECTION/DISTRIBUTION SUMMARY

ACTIVITIES APRIL 2024

- Graded alley behind SW 7TH Ave.
- Continue sweeping town.
- Repaired fire hydrant that was hit on Verde DR.
- Repaired stop sign on Verde DR.
- Performed water service tap at middle school.
- Repaired auger on channel 2 at bar screen.
- Repaired grinder on channel 2 at bar screen.
- Performed routine maintenance on equipment.
- Installed new stop sign at SE 10TH St.
- Pothole repair on East Idaho (underpass)
- Pothole repair on East Lane.
- Picked up trash on E Idaho Ave.
- Set new water box at 463 S Park.
- Repaired fire hydrant at 1338 SW 4TH Ave.
- Repaired meter and box at 833 SE 5TH St.
- Cleaned RV dump.
- Repaired broken water box at 44 NW 6TH St.
- Repaired irrigation line at cemetery.
- Repair hole in sidewalk at Bellows.
- Starting correcting fire hydrant numbers.
- Crack sealed parking lot at training center and water tower.
- Started crack sealing SE 9TH Ave.
- Cleaned both channels at bar screen.
- Started repair on leaking water valve on NW 8TH Ave.
- Restriped the skip lines in underpass.
- Paint over graffiti in under pass tunnels.
- Set fiberglass markers on influent line off N Verde Dr.
- Repair water box at 124 NW 1ST ST
- 118 utility locates completed.



April Business Review

**OPERATIONS MAINTENANCE: STREETS AND COLLECTION/DISTRIBUTION
SUMMARY**

ACTIVITIES APRIL 2024



April Business Review



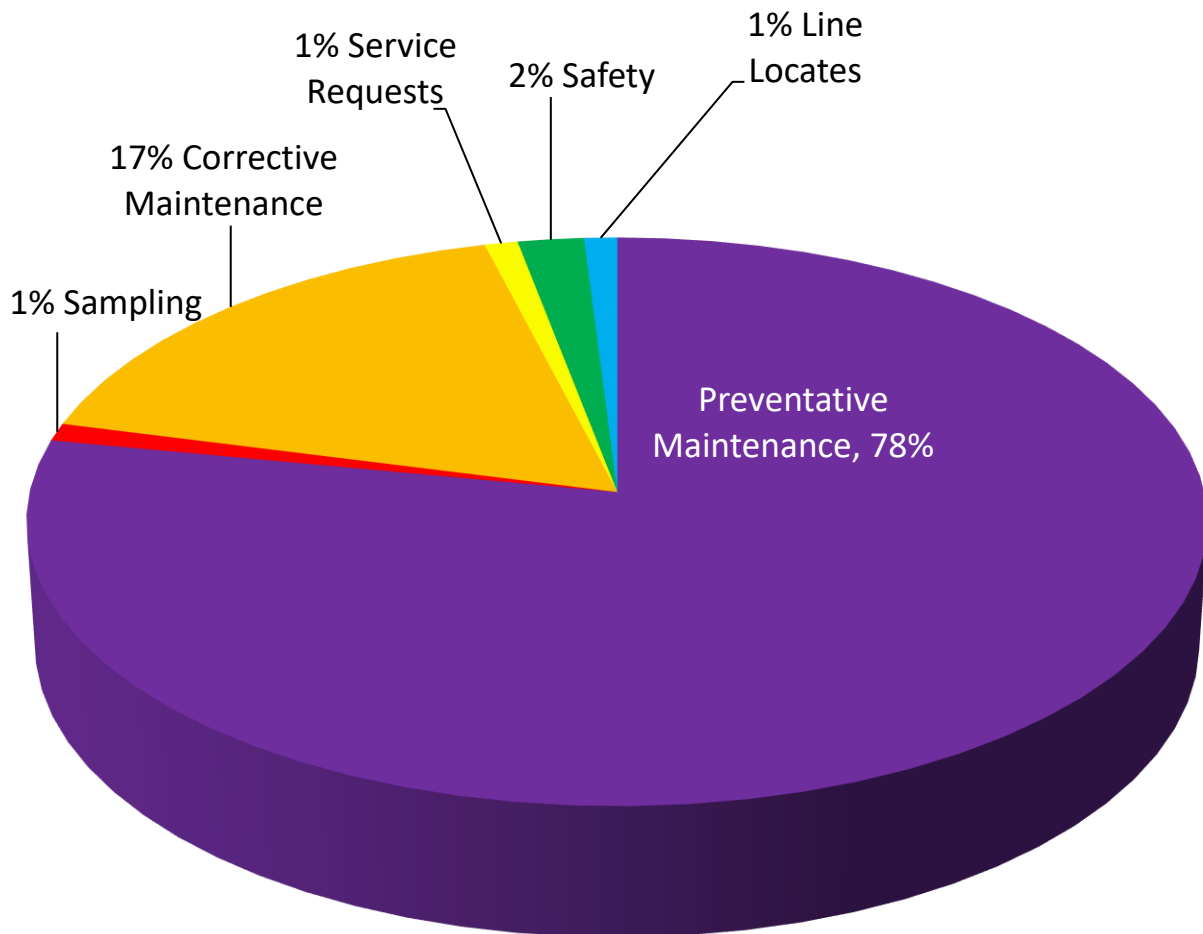
FACILITIES, CEMETERIES, AND PARKS SUMMARY

ACTIVITIES APRIL 2024

- Weed abatement at the Airport, Parks, and Cemeteries.
- Started mowing the parks and the Cemetery.
- Removed graffiti from each porta-potty at the homeless camp.
- Turning on sprinkler systems in Parks, Cemeteries, and Airport.
- Fence repaired on the south side of Moore Park.
- 3 burials at Evergreen Cemetery, and 0 at Sunset Cemetery



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.

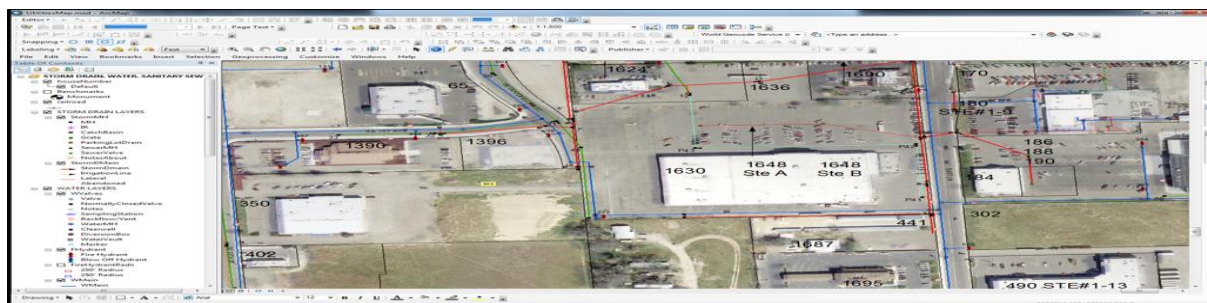
Public Works maintains a water system that complies with the EPA and Division of Health requirements. Staff also maintains the Wastewater Collection system and Wastewater Treatment facilities to meet DEQ standards. These same employees provide sewer and water line construction and maintenance to the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



April Business Review

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

OPERATIONS MAINTENANCE

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

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

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

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

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

WATER TREATMENT PLANT

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

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

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

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

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

MAINTAINS 80 MILES OF WATER MAINS.

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

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

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

WASTEWATER TREATMENT PLANT

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

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

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

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



April 2024 ACTIVITY REPORT



April 2024

Response Stats

April 2024 Calls for Service	City	Rural	Total	
Medical Emergencies	115	12	127	66%
Tiered Medical Calls (Non-Emergency)	30	1	31	20%
Fire Related Calls	24	10	34	18%
Hazmat	0	0	0	
Generals	1	5	6	
Mutual Aid Given	0	1	1	
Overdoses	5	2	7	
Total	169	23	192	

88% 12%

Significant Incidents

- April 7th: Responded to a fully involved house fire on Community Road; no injuries; home was a complete loss.
- April 18th: Responded to a grass fire burning on the hill above Foothill Drive, structures threatened. With help from Vale Fire, Payette Fire, and Nyssa Fire we were able to stop the fire before any structures were involved, no injuries.
- April 22nd: Responded to a grass fire near Alameda Drive, along our southern district border. With the help of Vale Fire, Parma Fire, and Nyssa Fire we were able to stop the fire before any equipment and crops were involved, no injuries.
- April 29th: Responded to a controlled burn out of control. Crews were able to extinguish the fire prior to any structures or large vegetation (trees) involved, no injuries, but did have minor equipment damage.

Fire Prevention:

- Juvenile Fire Setter Program – 2 juveniles received fire prevention training this month.
- School Fire Safety Talks: Pioneer, Cairo, St. Peter's, Alameda, OCDC, Aiken, May Roberts, Four Rivers Elementary Schools; partnership with BLM.
- Fire Code/Safety Inspections: Holiday Inn, Ashely Manor, Ontario Middle School, and Far East.
- Fire Code Plan Reviews: Alameda Elementary School, Ontario Aquatic Center, TVCC Allied Nursing Facility, Holiday Inn, and Malheur County Fairgrounds.
- PDACs



April 2024

Burn Permits Issued:

City Open Burns – 3

Rural Open Burns – 62

City Burn Barrels - 1

Rural Burn Barrels - 21

Department Updates

- 5 Firefighters attended the SRV Essentials Training academy. We partner with nearly thirty local fire departments to provide top-notch training to new firefighters.
- Awards Ceremony – Medals of Honor and Valor presented to department members involved in the LNG Tank Fire.
- Grant applications submitted: FEMA AFG Grant \$76K to get our turnouts NFPA compliant; FEMA SAFER Grant \$1,335,400 for three full time firefighters; Oregon Emergency Management Resiliency Grant \$25K (Rural) and \$36K (City) for CRA/SOC study reimbursement and an inflatable smoke house to replace our aging trailer.
- Our regional Deputy Fire Marshal and I met with the facilities manager at Simplot to discuss ammonia storage, detection, and emergency operations. There is a very positive partnership forming with Simplot.

Firefighter Training

- Hazmat Awareness and Ops
- Live fire training
- Emergency Vehicle Operations
- Ventilation
- Hose line advancement techniques.
- Oregon Fire Chiefs Conference.
- Aerial Operations
- High-angle rescue

Community Involvement

- Rotary Club speech by Chief Benson
- Touch a Truck at Ontario High School
- Autism Event
- National Night Out Committee

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



**Ontario Visitors and Convention Bureau
Board MEETING AGENDA**

**Thursday, May 2, 2024, 7:00 AM, MT
Ontario Chamber Office 251 SW 9th ST**

CALL TO ORDER: This agenda was emailed on April 26, 2024

- 1) Roll Call: Bob Quinn _____ Debbie Blackaby _____ Cheryl Cruson _____ Doug Dean _____
Terry Dols _____ Ken Hart _____ Lynelle Christiani _____
City Manager: Dan Cummings _____ V&C Director: John Breidenbach _____

2) **NEW BUSINESS**

Grant Request

Valley Family Health Care- Health Fair

- 3) **APPROVAL OF MINUTES:-Bob Quinn**
March 7, 2024

- 4) Review Financial Report – Terry Dols

- 5) V&C Director Report- John Breidenbach

- 6) **COMMENTS FROM COMMITTEE MEMBERS**

- 7) **ADJOURN**

Attachments

1. *Grant request*
2. *March 7, 2024, Minutes*
3. *V&C Financials*



VISITORS AND CONVENTION BOARD

C/O Ontario Area Chamber of Commerce

251 SW 9th St.

Ontario, OR 97914

541-889-8012 (Voice) 541-889-8331 (Fax)

info@ontariochamber.com

PROMOTION AND EVENT FUND APPLICATION

GENERAL INFORMATION:

Name of Applicant Organization: Valley Family Health Care

Complete Mailing Address: 1441 N.E. 10th Ave., Payette ID 83661

Telephone: 208.642.7364 Fax: 208.642.4565 E-Mail: bmurray@vfhc.org

Principal Contact Ben Murray, Chief Operating Officer

Complete Mailing Address: same

Telephone: _____ Fax: _____ E-Mail: _____

Name of Event and Date and Time Event Will Be Held: June 1, 2024 Family Health Fair

Has organization applied for a V&C Grant Before: _____ Yes X No

**If yes was the V&C grant request approved and for what amount:*

_____ Yes _____ No / \$ _____

**If grant request was approved did the organization give their 90 day follow-up report*

_____ Yes _____ No

Description of Promotion or Event: Valley Family will conduct a Family Health Fair on Saturday, June 1st, timed to coincide with the 2024 Annual America's Global Village celebration at Lion's Park in Ontario. Our Women and Children Clinic, which recently relocated to the Ontario Health Plaza across the street from the park, will promote health and wellness for families in Ontario and surrounding communities. We are actively recruiting other social and civic agencies to share their services and educational resources during the fair, at no charge to the agencies.

NATURE OF PROMOTION/EVENT: _____

_____ Tourism based capital project

_____ Multi-night local lodging event

_____ Special media promotion

X Education and/or training project

Amount of Funding Support Requested: \$ 1,000
Total Promotion/Event Budget: \$ 6,000

What specific expenditures will the granted funds be used for?*

Requested funds will pay for:

- 1) development of print and social media promotions for the event - \$200
- 2) additional health education materials for women's and children's health—including Immunizations - \$120
- 3) signage and banners for the event - \$150
- 4) rental of equipment, including tables, canopies, public address system - \$250
- 5) postage for event mailings - \$280

Valley Family will provide \$5,000 in-kind for the event budget, consisting of overtime pay of professional staff, screening supplies, and outreach materials.

List promotion/event supporters or partners**: We anticipate at least 12 community partners will set up and staff event booths for their outreach and education programs, including Saint Alphonsus, the County Health Dept., Lifeways, Oregon Dept. of Human Services, Treasure Valley Community College, Oregon Food Bank, Euvalcree.

PROJECTED PROMOTION/EVENT IMPACT:

Describe how the promotion/event will impact the Ontario economy (e.g., room nights, number of visitors/attendees, restaurant sales, retail sales, etc.)*:

The event will be broadly publicized among our community partners, patients, and through civic groups like the Ontario Chamber. The event is free to the public, and we will not charge agencies or groups that set up booths. "Dove-tailing" with the Global Village celebration may induce higher attendees for both the celebration and the health fair, leading to increased retail sales in the immediate area during that time frame, as well as increased use of services and products offered or displayed by the multiple social and healthcare vendors at a later time. As an example, we will be promoting timely childhood immunizations, which would not be offered during the fair itself, but parents would be educated on the need and encouraged to ask questions and schedule an appointment at a later date.

FINANCIAL REPORTING REQUIREMENTS:

For established groups, please provide two years of P & L Statements, a current Balance Sheet, and a proposed budget for this year's promotion/event. For newly formed groups, please provide a proposed budget of revenues and expenditures in a form similar to the one below:

PROPOSED REVENUES

Source #1 <u>Visitors & Convention Board</u>	Amount \$ <u>1,000</u>
Source #2 <u>Valley Family Health Care</u>	Amount \$ <u>5,000</u>

TOTAL REVENUES \$ 6,000

PROPOSED EXPENDITURES

Use #1 <u>Print & social media promotions</u>	Amount \$ <u>200</u>
Use #2 <u>Health education materials</u>	Amount \$ <u>120</u>
Use #3 <u>Signage and banners</u>	Amount \$ <u>150</u>
Use #4 <u>Equipment rentals</u>	Amount \$ <u>250</u>
Use #5 <u>Postage for mailings</u>	Amount \$ <u>280</u>
Use #6 <u>Overtime pay, screenings</u>	Amount \$ <u>5,000</u>

TOTAL EXPENDITURES \$ 6,000
REVENUES MINUS EXPENDITURES \$ 0

As a final condition to accepting granted funds, the applicant agrees to provide the Ontario Visitors and Conventions Board with a final report summarizing results of the promotion/event (e.g., attendance, local and regional publicity, hotel/motel occupancy, closing revenue and expenditure report, etc.) within 90 days of the event/promotion.

4/11/2024
Date

KR1
Signed

Ken Hart, Chief Executive Officer
Printed Name of Applicant

Date Received: 4/11/24 Ontario Area Chamber President/CEO: [Signature]

Ontario V&C Minutes

March 7, 2024

7:00 am

Ontario Area Chamber of Commerce Office

Bob Quinn called the meeting to order at 7:00 am.

Roll Call – **Board Members present** Bob Quinn, Lynelle Christiani, Ken Hart, Debbie Blackaby, Terry Dols,

Board Members absent: Cheryl Cruson, Doug Dean

Ex-Officio Members Present: V&C Director John Breidenbach, City Manager Dan Cummings

NEW BUSINESS

Grant Request

National Night Out – Penny Bakefelt Grant was awarded \$2500 a vote of 5-0

Montgomery Farms – Allen Montgomery Grant was awarded \$5000 a vote of 5-0

R&R Promotions LLC (Ontario Speedway LLC)- Ron Dillion grant was awarded \$4000 a vote of 5-0

MINUTES/FINANCIALS

February 1, 2024, minutes were reviewed. Ken Hart motioned to approve, and Terry Dols seconded.

Motion passed 5-0-0

Terry Dols presented the financials. Debbie Blackaby motioned to approve, and Lynelle Chrisitini seconded.

Motion passed 5-0-0

Adjourn: Motion by Terry Dols motioned, and Ken Hart seconded.

To adjourn the meeting at 8:30 am, the motion passed 5-0-0.