

MALHEUR COUNTY COURT MINUTES

April 17, 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 County Counsel Stephanie Williams. 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 # 2024-1156

FRY FOODS

Ken Dippman with Fry Foods met with the Court to request the County partner with Fry Foods in applying for an Oregon Department of Energy solar grant. Mr. Dippman provided a brief background on Fry Foods. Fry Foods is a family-owned company started in the 1960's; facilities are located in Tiffin, Ohio, Weiser, Idaho, and Ontario. The Ontario facility is the former Select Onion facility - it was an empty 400,000 square foot building, and since that time Fry Foods has added about \$20 million in equipment. Most recently, a sixth line was added, and a \$6 million addition to the cold storage facility is in process. Fry Foods is proposing to do an \$11 million solar project and is requesting the County partner with them to apply for an Oregon Department of Energy (ODE) grant (The ODE grant is \$1 million.) The County would be the grant applicant. The proposed project would save over 9 million pounds of CO2 (Carbon Dioxide) emissions from the atmosphere and support energy savings; 82 construction workers would be involved in the project, and with support from the state and county, Fry Foods would commit to add the next two production lines in Ontario, which would be an additional 66 employees. Employees currently received a competitive wage, healthcare benefits, 401K, and are eligible for educational refunds. Fry Foods currently pays over \$300,00 in property taxes each year.

Mr. Dippman answered questions from the Court members. The building will not support a roof-mounted solar project, but the needed acreage is available at the Ontario location (it will be a ground-mounted facility). Fry Foods operates six days a week, so it is unlikely that they would export excess energy back to Idaho Power, but potentially on the seventh day they would, and Fry Foods is working on agreements to do so. The power from the solar will go directly to the Fry Foods facility and it is estimated to save approximately \$900,000 a year in electric costs. Mr. Dippman also explained that he understood that for construction projects, they would have to comply with BOLI (Bureau of Labor and Industries), prevailing wages, and go out to bid for certain thresholds. The grant application is due in early May. County staff will need to review the grant application and grant requirements; a memorandum of understanding may be needed between Fry Foods and the County if the grant is awarded. Consensus of the Court was for Mr. Dippman to work with County staff on the grant proposal.

COURT MINUTES

Commissioner Jacobs moved to approve Court Minutes of April 10, 2024 as written. Commissioner Mendiola seconded and the motion passed unanimously.

ORDINANCE 235- PAPA

Commissioner Jacobs moved to approve Ordinance 235: An Ordinance for a Post Acknowledgement Plan Amendment (PAPA) to Include an 80 Acre Area of Tax Lot 3200 Map 16S47E of the Malheur County Assessor's Office as a Significant Aggregate Site to Malheur County's Comprehensive Plan, Goal 5, Mineral and Aggregate Inventory (Planning Department File 2023-12-010). Commissioner Mendiola seconded and the motion passed unanimously. Hearings were held by the Court on March 20, 2024 and April 3, 2024. The applicant is Darren Lee. The owner of the property is Dallas Lee. See instrument # 2024-1157

Ms. Williams left the meeting.

CHECK REGISTER

Commissioner Jacobs moved to approve Accounts Payable Register for February 2024 and March 2024. Commissioner Mendiola seconded and the motion passed unanimously.

SUPPLEMENTAL BUDGET RESOLUTION

Commissioner Jacobs moved to approve Supplemental Budget Resolution R24-09: 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 Homeland Security grant funds in the Emergency Management budget that were not anticipated when the budget was adopted - these funds will be used to update Malheur County's communication plan; and to allocate Insurance Proceeds in the Health Department budget that were not anticipated when the budget was adopted - these funds will be used for the cleanup of the flood damage caused by the water heater at the Health Department. See instrument # 2024-1158

ROAD ACCEPTANCE; SUBDIVISION PLAT

Surveyor Derrick McKrola met with the Court and presented a road acceptance on a partition plat for the Court's consideration. Commissioner Mendiola moved to accept road dedication of a portion of S Road C and a portion of 5th Avenue W, on Gary and Kathy Pozzi's Partition Plat #24-04. Commissioner Jacobs seconded and the motion passed unanimously. See instrument # 2024-1146

Mr. McKrola also presented a subdivision plat for the Court's consideration. Commissioner Jacobs moved to approve Medicine Valley Subdivision Plat, in Ontario. Commissioner Mendiola seconded and the motion passed unanimously. See instrument # 2024-1171

FARMERS MUTUAL TELEPHONE COMPANY (FMTC)

Farmers Mutual Telephone Company (FMTC) General Manager Ron Rembelski and outside Plant Manager Blake Seamons met with the Court. Mr. Rembelski announced that FMTC received a notice of intent to award \$75,000 from Oregon's Broadband Technical Assistance Program (BTAP).

The Broadband Deployment Program (BDP) application period is open and FMTC is requesting a letter of support for its application. FMTC is finalizing the application with its consultant. Five areas have been evaluated (Annex, Vale, Ontario, Nyssa, and Adrian) and the Ontario area is scoring the best due to the population levels; the application is limited to \$20 million. Commissioner Mendiola moved to sign a letter of support for FMTC's BDP grant application. Commissioner Jacobs seconded and the motion passed unanimously. See instrument # 2024-1159

FMTC is also evaluating the USDA ReConnect grant program; and Oregon's Broadband Equity, Access, and Deployment (BEAD) program funding.

PLANNING COMMISSION

Planning Director Tatiana Burgess met with the Court and explained that Cory Sappe was interested and willing to serve on the Planning Commission. Commissioner Mendiola moved to appoint Cory Sappe to the Malheur County Planning Commission. Commissioner Jacobs seconded and the motion passed unanimously. Mr. Sappe will fill the position previously held by Ed Anthony.

COURT ADJOURNMENT

Judge Joyce adjourned the meeting.

Clerk's Note: Contract between Malheur County and Western Rivers Conservancy Re: Disaster Peak Ranch was signed April 26, 2023; recorded as instrument # 2024-1235; Exhibit B of the Contract is the Grant Agreement between Oregon Department of Fish and Wildlife and Western Rivers Conservancy and is recorded as instrument # 2024-1231