

MALHEUR COUNTY COURT MINUTES

July 9, 2025

The regularly scheduled meeting of the County Court was called to order by Judge Dan Joyce at 9:00 a.m. 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 were Administrative Officer Lorinda DuBois, Economic and Community Development Coordinator Taylor Rembowski, Building Official Adele Schaffeld, and Antonio Sunseri with the Argus Observer. Notice of the meeting was posted on the County website, Courthouse bulletin board and emailed to the Argus Observer and those persons who have requested notice. The agenda is recorded as instrument # 2025-2271

PUBLIC HEARING - RATE INCREASE FOR ONTARIO SANITARY SERVICE

Present for the public hearing for consideration of a rate increase for Ontario Sanitary Service was Travis Williams from Ontario Sanitary Service/Waste Connections. Notice of the hearing was published in the Argus Observer on June 25, 2025. Judge Joyce opened the hearing. A rate increase of 3% was proposed. Mr. Williams explained the proposed increase is based on the CPI (Consumer Price Index) for the state of Oregon and will increase the most frequently utilized service \$0.69 a month (residential service). Ontario Sanitary has invested approximately \$750,000 in operations over the last year (2 new trucks and additional containers). No written comments were received; no oral comments were received. Commissioner Jacobs noted that costs continue to rise and the requested increase was reasonable. The hearing was closed. Commissioner Jacobs moved to approve the requested rate increase. Commissioner Mendiola seconded and the motion passed unanimously. The changes are effective August 1, 2025. See instrument # 2025-2272 for the rate schedule

CROSSING PERMITS

Commissioner Jacobs moved to approve the following Crossing Permits to Rally Networks for burying of fiber optic communications cable: Permit #55-25 on 2nd Ave W #950; Permit # 56-25 on 3rd Ave W #1086; Permit #57-25 on Alder Road #1007; Permit # 58-25 on Anderson Drive #1511; Permit # 59-25 on Arabian Drive #1102; Permit #60-25 on Arrow Lane #875; Permit #61-25 on Birch Road #1002; Permit #62-25 on Butte Drive #885; Permit #63-25 on Cedar Road #945; Permit #64-25 on Daisy Lane #1559; Permit #66-25 on Foothill Drive #869; Permit # 67-25 on Freese Lane #872; Permit #68-25 on Frontier Lane #873; Permit # 69-25 on Greenfield Road #1009; Permit #70-25 on Hale Road #951; Permit #71-25 on Halliday Road #1073; Permit #72-25 on Haul Road #1514; Permit # 73-25 on Hillcrest Drive #872; Permit #74-25 on Hillside Drive #1076; Permit #75-25 on Hoffman Drive #1512; Permit #76-25 on Honeysuckle Lane #617; Permit # 77-25 on Hood Road #592; Permit # 78-25 on Kochsmeier Road #509; Permit # 79-25 on Lagoon Drive #869; Permit #80-25 on Lee Road #882; Permit #81-25 on Morgan Avenue #926; Permit #82-25 on Netcher Lane #595; Permit #83-25 on Onion Avenue #1102; Permit #84-25 on Railroad Avenue #874; Permit # 85-25 on Saddlehorn Lane #879; Permit # 86-25 on Saddler Lane #594; Permit # 87-25 on Smith Drive #1509; Permit # 88-25 on Stage Road #1011; Permit #89-25 on Tattletale Lane #638; Permit #90-25 on Thousand Springs Road # 1558; Permit #91-25 on

Valeview Road #877; Permit #92-55 on Valley View Road #616; Permit #93-25 on Yakima Street #1510; and Permit #94-25 to High Tech Utilities/Sparklight for work on Alberta Avenue #768 and Park Avenue #857. 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 June 25, 2025 as written. Commissioner Jacobs seconded and the motion passed unanimously.

AGREEMENT - DR SMITH

Acting as the governing body of the Ambulance Service District, Commissioner Jacobs moved to approve Professional Service Agreement Supervising Physician to Emergency Medical Service Providers within Malheur County with Morris H. Smith, MD (Doctor of Medicine). Commissioner Mendiola seconded and the motion passed unanimously. The agreement expires June 2026; compensation is \$500 per month. See instrument # 2025-2273

CHECK REGISTER

Commissioner Jacobs moved to approve Accounts Payable Registers for April and May 2025. Commissioner Mendiola seconded and the motion passed unanimously.

AGREEMENT – 3J CONSULTING

Commissioner Jacobs moved to approve Agreement for Consulting Services with 3J Consulting, Inc. Commissioner Mendiola seconded and the motion passed unanimously. 3J Consulting will provide land use planning services (including floodplain management) to the County as needed.

VACATION ORDER - PORTION OF ROADS IN BROGAN

Commissioner Jacobs moved to approve Order No. GO-06-25: In the Matter of the Vacation of a Portion of Third Avenue, Second Avenue and Clark Street in Brogan. Commissioner Mendiola seconded and the motion passed unanimously. This matter was considered by the Court in May. The petitioner was Trent Kleinkopf; Mr. Kleinkopf is the landowner owning 100% of the land abutting the vacated portions of the roads. See instrument # 2025-2274

Mr. Sunseri left the meeting.

PUBLIC HEARING – ORDINANCE NO. 237

Judge Joyce opened the second public hearing for consideration of Ordinance No. 237: An Ordinance Permitting Accessory Dwelling Units (ADUs) in the Rural Residential Zone. Notice of the hearing was published in the Argus Observer on June 18, 2025. County Counsel Stephanie Williams explained that ADUs were created by legislation a few years ago and the proposed ordinance follows state statute; and there is a need and desire for the ordinance. An ADU cannot be used for a vacation rental or a commercial rental. The ADU must be a detached dwelling; the ADU cannot be attached to the primary dwelling, nor can a garage be converted to an ADU. The ADU can be no larger than 900 square feet and the lot or parcel must be at least two acres. The

Planning Department has a form to apply for an ADU and the application fee is \$200. The ordinance applies to the County rural residential zone; cities have their own ordinances regarding ADUs. Ms. Schaffeld commented that the State has permit ready plans for ADUs and those plans will be placed on the Building Department's website. (Use of the permit ready plans is not required but will be available for those who wish to use them.) No written comments were received. No public comments were received. Judge Joyce closed the hearing. Commissioner Mendiola moved to approve Ordinance No. 237: An Ordinance Permitting Accessory Dwelling Units (ADUs) in the Rural Residential Zone. Commissioner Jacobs seconded and the motion passed unanimously. The ordinance has an emergency provision and takes effect immediately upon passage. See instrument # 2025-2275

AMENDMENT - DEPARTMENT OF ENERGY

Commissioner Jacobs moved to approve Amendment No. 3 to Intergovernmental Agreement (IGA) No. 19-035 with Oregon Department of Energy (ODOE). Commissioner Mendiola seconded and the motion passed unanimously. The termination date of the IGA is extended to June 30, 2027. See instrument # 2025-2279

PUBLIC COMMENTS

Judge Joyce asked for public comments; there were none.

COURT ADJOURNMENT

Commissioner Jacobs moved to adjourn the meeting. Commissioner Mendiola seconded and the motion passed unanimously.