

**PUBLIC WORKS COMMITTEE MEETING MINUTES**

Monday, April 15, 2019, 10:00 a.m. MT

**\*\* Public Works Headquarters \*\***

Meeting called to order at 10:00 a.m. by Bernie Babcock, Public Works Committee Chairman.

Committee members present included Mr. Bernie Babcock, Mr. Scott Wilson, and Mr. Pat Woodcock (Tuttle and Fox – excused).

Others present included Betsy Roberts, Suzanne Mulvany and Casey Mordhorst.

The press was notified. This meeting was recorded (the tape is available at the Public Works Headquarters); the minutes are on file at City Hall and on the city’s website at [www.ontariooregon.org](http://www.ontariooregon.org).

**ADOPTION OF MINUTES**

**RESOLUTION, ACTION &/OR MOTION:**

**The motion was made by Mr. Wilson seconded by Mr. Woodcock to adopt the previous meeting minutes dated March 12, 2019: Motion passed unanimously.**

**SURPLUS PROPERTY – MALHEUR FARM**

**SUMMARY:**

The City has been approached by Kenneth Rule to purchase a portion of land that he currently has an easement on from the City of Ontario for the drain fields for his homes on Tax lot 300 on Assessor’s map 17S4732BB. The existing easement is on file, and the area that Mr. Rule is proposing to purchase is pictured below.

The city no longer uses this portion of the farm to apply the waste water effluent application as all the effluent is now pumped up to the city farm known as the ‘Skyline Farm’ and the area in question no longer is required to have a buffer area as this farm is now irrigated from water out of the Malheur River water rights.

Since the City property is part of the lands that once was used for applying the effluent from the City waste water treatment plant and part of the City Public Works system, staff is presenting this action to the Public Works Committee for a recommendation for approval of having the land deemed surplus and selling the property to Mr. & Mrs. Rule as the only adjacent owner of the lands that has any benefit and need for the property.

**GENERAL DISCUSSION:**

BR – What prompted this is that Mr. Rule would like to build another garage however, he doesn’t meet the setback requirements of 15 feet.

SW – Because it’s a setback issue has he contacted the county planning and zoning about a variance?

BR – He has, and they will not go that route.

CM – At this point with the City allowing the easement for the drain field the property is useless to the City and can’t do anything with it. And if we ever did have to apply effluent down there they would most likely adjust the pivot stop to give that “x” amount of buffer zone or overspray.

PW – Can we reserve that right to be able to shoot on to that?

BR – We haven’t been able to put treated effluent there for a long time.

CM – Unless Skyline went completely away we can’t provide enough effluent to use it on the lower farm. We struggle to provide enough for the upper farm. And the water rights on the lower farm are some of the oldest on the Malheur River so there’s no worry on losing water right there.

BB – Don’t have the legal background but, one concern is that the State of Oregon has surplus property rules so when you declare something “surplus” there’s a process you must follow. Since this is property that is owned by the City of

Ontario upon which time if it were declared surplus then it's essentially owned by the taxpayers of the City of Ontario; and so whatever that process is, I support this action but want to make sure the City follows the appropriate process. Just not sure how surplus property rules apply to municipalities.

PW – Agreed, and make sure the City maintains an easement for potential future overspray.

**KEN RULE PROPERTY**  
CITY OF ONTARIO / NORTH OREGON PROPERTIES, LLC  
Tax Lot 306 Map 17S47S2DS  
within NW1/4NW1/4 Section 2E,  
Township 17 S., Range 47 E., W.M.,  
Malheur County, Oregon



**RESOLUTION, ACTION &/OR MOTION:**

**The motion was made by Mr. Wilson seconded by Mr. Woodcock that the Public Works Committee supports the proposed sale of land known as the Malheur River Farm (Rule Farm) through proper surplus property sale procedures, and that the City retain an easement for current and future overspray: Mr. Bernie Babcock – Yes; Mr. Scott Wilson – Yes; Mr. Pat Woodcock – Yes: Motion Passed 3-0-2 (Tuttle, Fox-excused).**

**ADJOURN**

**The motion was made by Mr. Wilson, seconded by Mr. Woodcock to Adjourn: Motion passed unanimously.**

**APPROVED:**

  
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Signature

  
\_\_\_\_\_  
Date

*(Bernie Babcock, Chairman / Scott Wilson, Vice-Chairman)*