



CITY COUNCIL

City Hall Council Chambers- 180 NE 2nd Street

Where Life is Sweet

November 28, 2022 at 7:00 PM

AGENDA

*Other ways of viewing or participating in live meetings are available through:
YouTube at: <https://bit.ly/HermistonYoutube>*

Zoom with Meeting ID: 862 2614 4112 Passcode: 203345 Telephone number to join is: 1 253 215 8782; or submitting comments to meetings@hermiston.or.us

- 1. CALL REGULAR MEETING TO ORDER – 7:00 PM**
- 2. DECLARATION OF QUORUM**
- 3. FLAG SALUTE**
- 4. PROCLAMATIONS, PRESENTATIONS AND RECOGNITIONS**
 - A. Presentation- Hermiston Chamber of Commerce Update
- 5. CITIZEN INPUT ON NON-AGENDA ITEMS**

Anyone wishing to bring anything before the council that is not on the agenda is asked to please do the following: 1. Please limit comments to not more than FIVE minutes; 2. State your name and address; 3. Direct your comments to the Chair.
- 6. CONSENT AGENDA**
 - A. Final Plat- Cimmaron Terrace Phase V 4N2802DB Tax Lot 103 - NE 8th St
 - B. Committee Vacancy Announcements
 - C. Minutes of the November 14th City Council Meeting
- 7. ITEMS REMOVED FROM CONSENT AGENDA**
- 8. ORDINANCES AND RESOLUTIONS**
 - A. Resolution #2246- Establishing the Necessity for a sewer main easement.
- 9. OTHER**
 - A. Discussion and possible support of a Hermiston Adopt-a-Street program in conjunction with the Greater Hermiston Chamber of Commerce.

B. October 2022 Financial Report

10. COMMITTEE REPORTS

A. City Committee and Liaison:

Airport Advisory, Budget, Hispanic Advisory, Library Board, Parks and Recreation, Planning Commission, Recreation Projects Fund, Faith-Based Advisory, Community Enhancement, Community Accountability, Public Safety, Public Infrastructure, Transit Planning, EOTEC

B. Mayor's Report

C. Council Report

D. Youth Advisory Report

E. Manager's Report

11. RECESS FOR EXECUTIVE SESSION

- A.** The Executive Session is held pursuant to ORS 192.660 (2) (e) which allows the Council to meet in Executive Session to conduct deliberations with persons designated by the Council to negotiate real property transactions.

12. RECONVENE AND ADJOURN

**** AMERICANS WITH DISABILITIES ACT NOTICE****

Please contact Hermiston City Hall, 180 NE 2nd Street, Hermiston, OR 97838 (Phone No. 541-567-5521) at least 48 hours prior to the scheduled meeting time if you need an accommodation. TTY and TDD users please call Oregon Telecommunications Relay Service at 1-800-735-2900 or 711.



Where Life is Sweet

Mayor and Members of the City Council
STAFF REPORT
For the Meeting of November 28, 2022

Title/Subject

Final Plat- Cimmaron Terrace Phase V 4N2802DB Tax Lot 103 - NE 8th St

Summary and Background

Kevin Bethje has submitted a final plat for Phase 5 of the Cimmaron Terrace subdivision. The property is described as 4N2802DB Tax Lot 103. The property is zoned Medium-High Density Residential (R-3). This phase creates 24 lots ranging in size from 1,956 to 2,934 square feet in size. The entirety of the lots in this phase are proposed for townhouse development. Phase V of the subdivision was sold and the infrastructure completed prior to Phase IV.

The planning commission’s approval of the preliminary plat in May of 2010 was subject to 17 conditions.

The criteria that are applicable to the decision to accept the final plat are contained in 154.46 of the Hermiston Code of Ordinances which governs the information presented on the final plat.

The preliminary plat conditions and the final plat requirements are attached to this report as Exhibit A. The final plat as prepared by the surveyor is attached as Exhibit B.

Tie-In to Council Goals

Approval of plats is a matter of administration of city ordinances.

Fiscal Information

The twenty-four R-3 lots will result in twenty-four new housing units with an average price of \$300,000. Each housing unit will produce an average of \$2,043 in municipal tax revenue. The net result is approximately \$49,032 in tax revenue to the city at full build-out.

Alternatives and Recommendation

Alternatives

The city council may choose to approve or deny the final plat.

Recommended Action/Motion

Staff recommends the city council approve the final plat.

Motion to approve the final plat.

Submitted By:

Clinton Spencer, Planning Director

CALCULATED POSITION FOR C-1/4 CORNER SECTION 2 PER SURVEY REFERENCE #4

(S 00°32'59" W 1328.29') SR NO. 6
(S 00°23'35" W 1308.29')

EAST THEATER AVE.
330.00'

S 89°35'42" W 1325.55'
995.55'

(N 89°34'44" E 2651.28) SR NO. 7
N 89°35'42" E 2651.10'

S 89°35'42" W 1325.55'

FOUND BRASS CAP
IN PAVEMENT
"KRUMBEIN"
S-156-C, 1980, HELD

S 00°28'21" E 1329.59'

SITE

N 89°39'03" E 1327.39'
1087.79'

N 89°39'03" E 1327.00'

N 00°32'05" W 1330.89'

S 00°32'05" E 2661.77'
(S 00°32'16" E 2661.60) SR NO. 5

(S 00°27'36" W 1328.29') SR NO. 6
S 00°25'38" E 1328.68'

FOUND AND HELD SOUTH QUARTER CORNER SECTION 2 PER SURVEY REFERENCE #6

S 89°41'54" W 1328.45'

2656.89' N 89°41'54" E
(2656.82' N 89°41'53" E) SR NO. 5

S 89°41'54" W 1328.45'

FOUND AND HELD SOUTH EAST CORNER OF SECTION 2 PER SURVEY REFERENCE #5

N 00°32'05" W 1330.89'

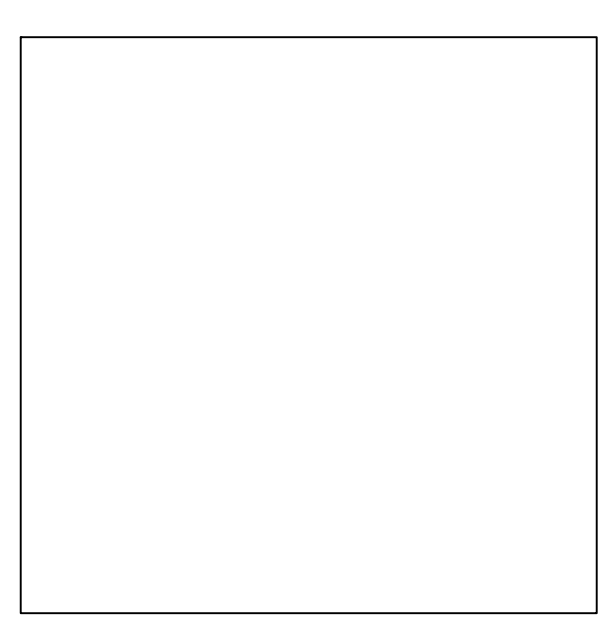


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809 S AUBURN ST., KENNEWICK, WA, 99336 509-491-1071
MGS PASCO, INC. MAKES NO WARRANTIES AS TO MATTERS OF UNWRITTEN TITLE SUCH AS ADVERSE POSSESSION, ACQUIESCENCE, ESTOPPEL, ETC.

CIMMARON TERRACE PUD PHASE V

LOCATED IN A PORTION OF THE NW
1/4 OF THE SE 1/4
OF SECTION 2, T 4 N, R 28 E, W.M.
CITY OF HERMISTON
UMATILLA COUNTY, OREGON

OCTOBER 17, 2022
JOB NO. 22-367
SHEET 1 OF 3



REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JANUARY 9, 2001
KEVIN L. BETHUE
55437
Expires 12-31-2023
10-17-2022

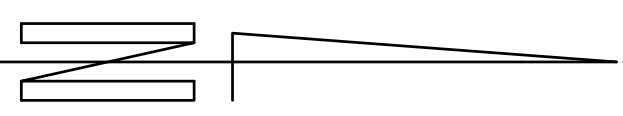
SURVEYOR'S CERTIFICATE
I, KEVIN L. BETHUE, BEING FIRST DULY SWORN, DEPOSE AND SAY THAT I AM A PROFESSIONAL LAND SURVEYOR OF THE STATE OF OREGON, AND THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH LEGAL MONUMENTS THE LAND REPRESENTED ON THIS PLAN, THE EXTERIOR BOUNDARIES OF WHICH ARE DESCRIBED HEREON.

KEVIN L. BETHUE PROFESSIONAL LAND SURVEYOR
CERTIFICATE NUMBER 55437.
10-17-2022

- SHEET INDEX**
- 1) EXTERIOR BOUNDARY, SECTION
 - 2) LOTS, DIMENSIONS, SQUARE FOOTAGES AND ADDRESSES
 - 3) APPROVAL SIGNATURES, VICINITY MAP

- SURVEY REFERENCE**
- 1) PARTITION PLAT NO. 2004-02
 - 2) PHEASANT RUN-PHASE FOUR BOOK 14, PAGE 37
 - 3) PHEASANT RUN-PHASE FIVE BOOK 14, PAGE 35
 - 4) PHEASANT RUN-PHASE SIX BOOK 14, PAGE 80
 - 5) LEWIS SURVEY BOOK 14, PAGE 01-B
 - 6) PHEASANT RUN PHASE 1 BOOK 13, PAGE 135
 - 7) SUNSET ESTATES, BOOK 13, PAGE 86
 - 8) "PLAT OF CIMMARON TERRACE PHASE 1", BOOK 16, PAGE 29
 - 9) "CIMMARON TERRACE PHASE 2", BOOK 17, PAGE 3
 - 10) "CIMMARON TERRACE PHASE 3", BOOK 17, PAGE 51
 - 11) FLOWERS SURVEY, BOOK 19, PAGE 112-B
 - 12) "CIMMARON TERRACE REPLAT", BOOK 16, PAGE 94

BASIS OF BEARING: OREGON STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NAD83/2011 DATUM PER OPUS SOLUTION, COMBINED SCALE FACTOR 0.99994817. DISTANCES SHOWN ARE GROUND DISTANCES.



CIMMARON TERRACE PUD PHASE V

LOCATED IN A PORTION OF THE NW
1/4 OF THE SE 1/4
OF SECTION 2, T 4 N , R 28 E, W.M.
CITY OF HERMISTON
UMATILLA COUNTY, OREGON

OCTOBER 17, 2022
JOB NO. 22-367

SHEET 2 OF 3

SURVEY REFERENCE

- 1) PARTITION PLAT NO. 2004-02
- 2) PHEASANT RUN-PHASE FOUR BOOK 14 PAGE 37
- 3) PHEASANT RUN-PHASE FIVE BOOK 14 PAGE 55
- 4) PHEASANT RUN-PHASE SIX BOOK 14 PAGE 80
- 5) LEWIS SURVEY BOOK 14 PAGE 01-B
- 6) PHEASANT RUN PHASE 1 BOOK 13 PAGE 135
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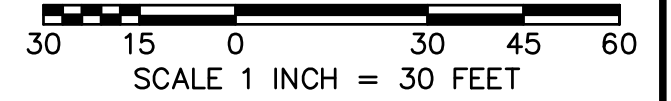
SURVEYOR'S CERTIFICATE

I KEVIN L. BETHJE, BEING FIRST DULY SWORN, DEPOSE AND SAY THAT I AM A PROFESSIONAL LAND SURVEYOR OF THE STATE OF OREGON, AND THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH LEGAL MONUMENTS THE LAND REPRESENTED ON THIS PLAT, THE EXTERIOR BOUNDARIES OF WHICH ARE DESCRIBED HEREON.

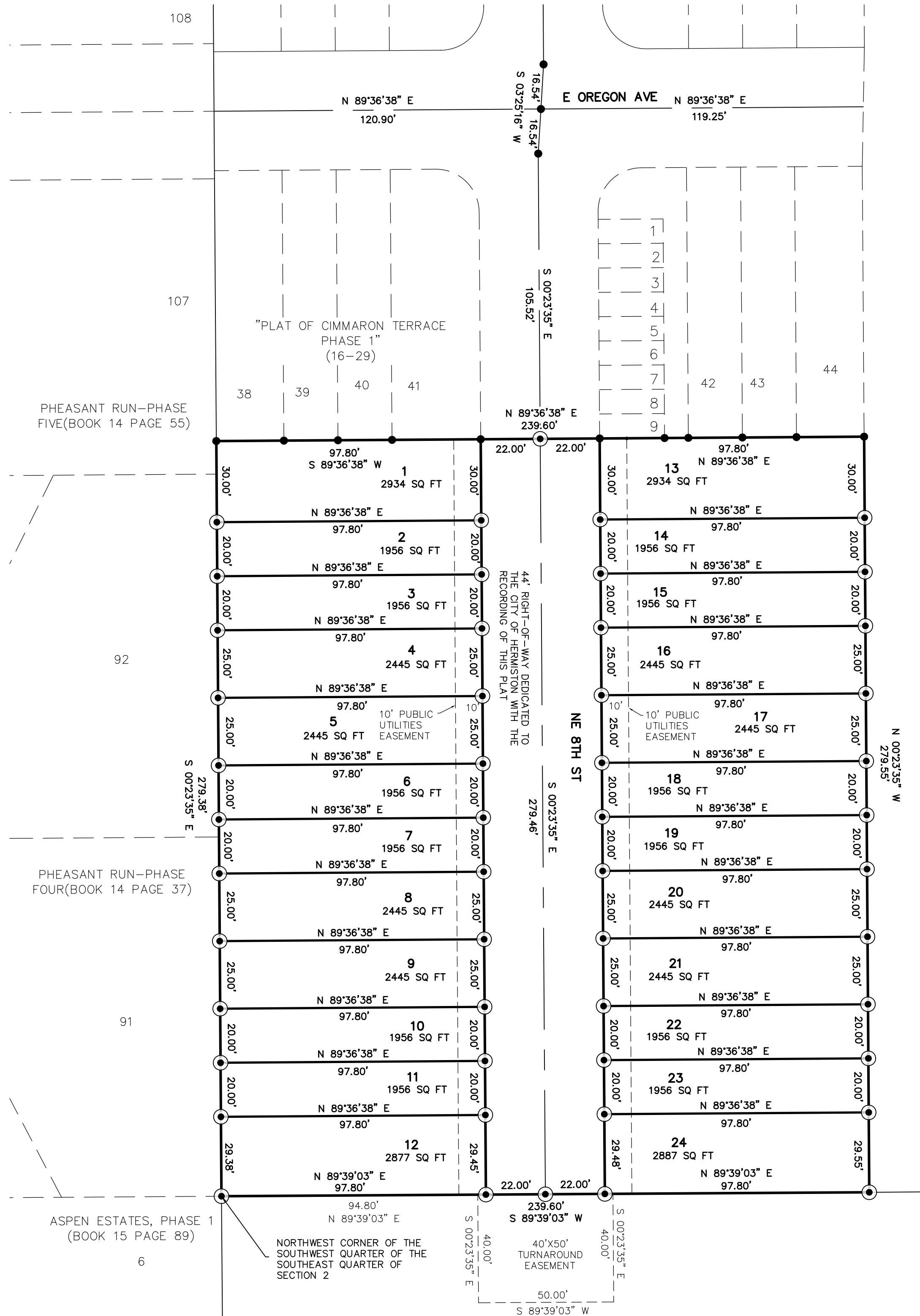
KEVIN L. BETHJE PROFESSIONAL LAND SURVEYOR CERTIFICATE NUMBER 55437.
10-17-2022
DATED

LEGEND

- INDICATES 5/8" X 30" IRON ROD WITH "BETHJE LS 55437" CAP SET
- INDICATES FOUND 5/8" IRON ROD WITH "BETHJE LS 55437" CAP, HELD PER SR NO. 8 UNLESS NOTED OTHERWISE
- INDICATES CALCULATED POSITION, NOTHING FOUND OR SET



BASIS OF BEARING: OREGON STATE PLANE COORDINATE
SYSTEM, NORTH ZONE, NAD83/2011 DATUM, PER OPUS
SOLUTION, COMBINED SCALE FACTOR 0.99994817. DISTANCES
SHOWN ARE GROUND DISTANCES.



PREPARED BY: MGS PASCO, INC.
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509-491-1071

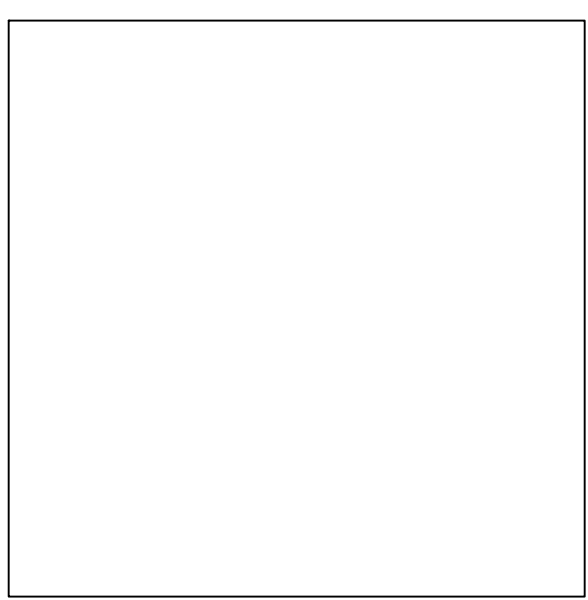
MGS PASCO, INC. MAKES NO WARRANTIES AS TO
MATTERS OF UNWRITTEN TITLE SUCH AS ADVERSE
POSSESSION, ACQUIESCENCE, ESTOPPEL, ETC.

CIMMARON TERRACE PUD PHASE V

LOCATED IN A PORTION OF THE NW
1/4 OF THE SE 1/4
OF SECTION 2, T 4 N, R 28 E, W.M.
CITY OF HERMISTON
UMATILLA COUNTY, OREGON

OCTOBER 17, 2022
JOB NO. 22-367
SHEET 3 OF 3

LEGAL DESCRIPTION:
THAT PARCEL OF LAND BEING A PORTION OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 4 NORTH, RANGE 28 EAST, WILLAMETTE MERIDIAN, UMATILLA COUNTY, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 38 OF THE PLAT OF CIMMARON TERRACE PHASE 1" ACCORDING TO THE PLAT THEREOF, RECORDED UNDER BOOK 16 OF PLATS AT PAGE 29, RECORDS OF UMATILLA COUNTY, OREGON, SAID POINT BEING ON THE WESTERLY LINE OF SAID NORTHWEST QUARTER; THENCE NORTH 89°36'38" EAST ALONG THE SOUTH LINE OF LOTS 38 THRU 44 OF SAID PLAT, 239.60 FEET TO THE SOUTHEAST CORNER OF SAID LOT 44; THENCE SOUTH 00°23'35" EAST ON THE SOUTHERLY EXTENSION OF THE EASTERLY LINE OF SAID LOT 44, 279.55 FEET TO THE SOUTHERLY LINE OF SAID NORTHWEST QUARTER; THENCE SOUTH 89°39'03" WEST ALONG THE SOUTHERLY LINE OF SAID NORTHWEST QUARTER, 239.60 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH 00°23'35" WEST ALONG THE WESTERLY LINE OF SAID NORTHWEST QUARTER, 279.38 FEET TO THE POINT OF BEGINNING; CONTAINING 1.54 ACRES, MORE OR LESS, TOGETHER WITH AND SUBJECT TO EASEMENTS, RESERVATIONS, COVENANTS AND RESTRICTIONS APPARENT OR OF RECORD.



ACKNOWLEDGEMENT:
STATE OF _____
COUNTY OF _____
THIS IS TO CERTIFY THAT ON THIS _____ DAY OF _____, 2022, _____ PERSONALLY APPEARED BEFORE ME, AND BEING DULY SWORN, ACKNOWLEDGED TO ME THAT HE SIGNED THIS INSTRUMENT AS HIS VOLUNTARY ACT AND DEED IN WITNESS WHEREOF, I HAVE SET MY HAND AND OFFICIAL SEAL THE DAY AND YEAR FIRST ABOVE WRITTEN.

SIGNATURE NOTARY PUBLIC—OREGON _____ DATE _____
PRINTED NAME _____
COMMISSION NO: _____
MY COMMISSION EXPIRES: _____

CERTIFICATE OF OWNERSHIP AND DEDICATION:
WE, PACIFIC NORTHWEST LAND COMPANY, LLC ARE OWNERS OF THE TRACT OF LAND DESCRIBED ON THE ACCOMPANYING PLAT, AND DO HEREBY ACKNOWLEDGE THAT WE HAVE CAUSED THIS PLAT TO BE PREPARED AND HEREBY DEDICATE THE STREETS AND EASEMENTS AS SHOWN FOR PUBLIC USE. WE ESTABLISH AND ACKNOWLEDGE THIS PLAT AS THE OFFICIAL MAP AND PLAT OF CIMMARON TERRACE PUD PHASE V.

SIGNATURE _____ DATE _____

UMATILLA COUNTY SURVEYOR:
I, DAVID H. KRUMBEN, UMATILLA CO. SURVEYOR, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE ACCOMPANYING PLAT, THAT IT COMPLES WITH THE LAWS OF THE STATE OF OREGON WITH REFERENCE TO THE FILING AND RECORDING OF SUCH PLATS, AND I THEREFORE APPROVE SAID PLAT FOR THE APPROVAL OF THE COUNTY COMMISSIONERS OF UMATILLA COUNTY, OREGON, DATED THIS _____ DAY OF _____, 2022.

CITY OF HERMISTON PLANNING COMMISSION
I DO HEREBY CERTIFY THAT I HAVE EXAMINED THE ACCOMPANYING PLAT AND THAT IT COMPLES WITH THE CITY OF HERMISTON REGULATIONS WITH REFERENCE TO SUCH PLATS, AND I THEREFORE APPROVE SAID PLAT.
CHAIRMAN _____ DATE _____

HERMISTON CITY COUNCIL
I DO HEREBY CERTIFY THAT I HAVE EXAMINED THE ACCOMPANYING PLAT AND IT IS APPROVED FOR FILING AND RECORDING BY MY AUTHORITY.
MAYOR _____ DATE _____

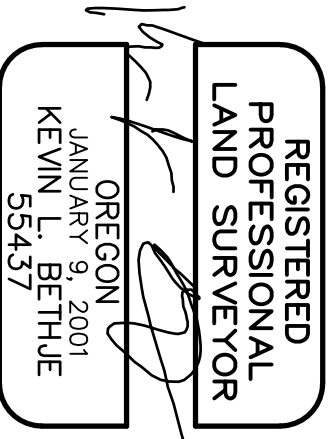
HERMISTON IRRIGATION DISTRICT
I DO HEREBY CERTIFY THAT I HAVE EXAMINED THE ACCOMPANYING PLAT AND IT IS APPROVED FOR FILING AND RECORDING BY MY AUTHORITY.
MANAGER _____ DATE _____

UMATILLA COUNTY COMMISSIONERS:
THIS IS TO CERTIFY THAT THE ACCOMPANYING PLAT IS APPROVED FOR FILING AND RECORDING IN THE "RECORD OF TOWN PLATS" OF UMATILLA COUNTY, OREGON, BY THE UNDERSIGNED BY ITS ORDER. DATED THIS _____ DAY OF _____, 2022.

CHAIRMAN _____ COMMISSIONER _____
COMMISSIONER _____

ASSESSOR AND TAX COLLECTOR:
WE, THE ASSESSOR AND TAX COLLECTOR OF UMATILLA COUNTY, OREGON, DO HEREBY CERTIFY THAT WE HAVE EXAMINED THE TAX RECORDS RELATIVE TO THE LAND COVERED BY THE ACCOMPANYING PLAT AND THAT ALL MONIES DUE FOR STATE AND COUNTY TAXES AND ASSESSMENTS THAT COULD CONSTITUTE A LIEN ON SAID LAND HAVE BEEN PAID AND WE HEREBY APPROVE SAID PLAT.
DATED THIS _____ DAY OF _____, 2022

COUNTY ASSESSOR _____ COUNTY TAX COLLECTOR _____



SURVEYOR'S CERTIFICATE
I, KEVIN L. BETHUE, BEING FIRST DULY SWORN, DEPOSE AND SAY THAT I AM A PROFESSIONAL LAND SURVEYOR OF THE STATE OF OREGON, AND THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH LEGAL MONUMENTS THE LAND REPRESENTED ON THIS PLAT, THE EXTERIOR BOUNDARIES OF WHICH ARE DESCRIBED HEREON.
KEVIN L. BETHUE _____ PROFESSIONAL LAND SURVEYOR CERTIFICATE NUMBER 55437.
10-17-2022
DATED _____

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SUCH AS ADVERSE POSSESSION, ACQUISICENCE, ESTOPPEL, ETC.

Exhibit A
Conditions of Approval and Findings of Fact
Cimmaron Terrace Phase V
November 28, 2022

Conditions of Preliminary Plat Approval May 18, 2010

- 1) Applicant shall dedicate to the city the 7.09 acre wetland area to the city for park purposes. As requested by the Parks and Recreation Department, the applicant shall install the following improvements on the park site prior to city acceptance of the park:
 - a. Utility stubs (water, sewer, and electricity) to the property.
 - b. A natural surface trail loop (department will work with developer to establish route).
 - c. Entrance paving and four paved parking spaces.
 - d. Simple kiosk (department will provide plans).

Finding: This condition has been satisfied. A development agreement for this park has been executed between the developer and city.

- 2) Applicant shall work with and receive certification from the Hermiston Irrigation District. The applicant should be aware that the City of Hermiston will not sign the final plat until the Hermiston Irrigation District has been satisfied and signs the final plat.

Finding: The applicant shall meet this condition of approval. The necessary signature block for the Irrigation District is included on the final plat.

- 3) Applicant must sign a developer's agreement and shall install grading, storm drainage, curb and gutter, sidewalks, street paving, and all service utilities for each phase of the Cimmaron Terrace development. All improvements for each phase shall comply with city standards and specifications and shall receive final approval from the city engineer.

Finding: This condition has been satisfied.

- 4) Streetlights shall also be installed at the applicant's cost. Once installed, the City will assume the monthly service charges.

Finding: Construction of improvements is underway. All construction conditions shall be satisfied prior to the city signing the final plat. This condition has been satisfied.

- 5) Per Section 157.164(E) of the Hermiston Code of Ordinances, where it has been determined that the extension of public facilities is required, all costs related to such extension shall be borne by the developer. In addition, any extension of the facilities shall be continued and extended in a logical fashion to the extent of the development site so as to be readily available for adjacent development.

Finding: This condition shall remain in effect.

- 6) Comprehensive Plan Figure 12 identifies this site as an area subject to development hazards due to excessively well drained soils. Therefore, the City will prohibit the

outdoor storage of hazardous chemicals and underground storage of gasoline and diesel fuels.

Finding: This condition shall remain in effect.

- 7) The applicant will be required to completely pave E Theater Lane with two travel lanes of paving from the western boundary of the development to NE 10th Street when Phase IV as shown on the preliminary map is completed. Curbing, drainage and sidewalks will be required for the development frontage of Theater Lane only and will not be required off-site or on the north side of Theater Lane.

Finding: The offsite paving to NE 10th Street is being completed by the city under a separate improvement project. This condition has been satisfied.

- 8) Each of the lots in the Alora Heights pressure zone shall be required to pay \$309.50 at the time of connection to water and sewer services. This money shall be used to fund future improvements to the Alora Heights booster station which operates near capacity.

Finding: The city public works department has waived this condition of approval. Construction of the E Punkin Center water tower and offsite water lines has negated the need for future improvements to the Alora Heights booster station. This condition is no longer necessary.

- 9) A portion of the development site is too low to adequately gravity flow to the sewer service in E Oregon Avenue. Therefore, the developer will be required to either construct a second sewer line to service this portion of the development or construct a sewer pump station for service.

Finding: This condition has been satisfied.

- 10) Sidewalks shall be installed along all new and existing street frontages within the development and along the southern boundary of E Theater Lane adjacent to the development.

Finding: This condition shall remain in effect.

- 11) The developer will install all necessary facilities to prevent the collection of surface water in any low spot and to adequately maintain all stormwater on-site.

Finding: This condition shall remain in effect.

- 12) The developer shall be responsible for obtaining access for NE 9th Street onto E Elm Avenue from the Oregon Department of Transportation. This shall include all required access permits from the State of Oregon as well as all necessary right-of-way acquisition from affected property owners.

Finding: This condition will be satisfied in subsequent phases. Right of way has been acquired by the developer.

- 13) The off-site portion of NE 9th Street between the development and E Elm Avenue shall be improved with paving only. Curbs and sidewalks are not necessary for the off-site portion.

Finding: This condition will be satisfied in subsequent phases.

- 14) All utilities shall be extended to the eastern property boundary to be available for future extensions in accordance with §157.164(E) of the Hermiston Code of Ordinances.

Finding: This condition shall remain in effect.

- 15) The developer shall dedicate 5 feet of right-of-way to E Theater Lane, bringing the south half of the right-of-way to 25 feet from centerline.

Finding: This condition has been satisfied.

- 16) At such time that 80 dwellings are constructed outside the Alora pressure zone, the developer will be responsible for constructing a second water connection to provide redundancy to the development.

Finding: This condition has been waived by the public works department. The construction of the E Punkin Center water tower has changed the utility plan for the development.

- 17) The developer shall erect a break-away barrier at E. Oregon Avenue during Phase 1 until such time when access to E. Elm Avenue is available.

Finding: This condition has been satisfied.

§154.46 Final Plat Requirements

Per §154.46 of the Hermiston Code of Ordinances, the final plat shall show:

- (A) The boundary lines of the area being subdivided, with accurate distances and bearings;
- (B) The lines of all proposed streets and alleys with their width and names;
- (C) The accurate outline of any portions of the property intended to be dedicated or granted for public use;
- (D) The line of departure of one street from another;
- (E) The lines of all adjoining property and the lines of adjoining streets and alleys with their widths and names;
- (F) All lot lines together with an identification system for all lots and blocks;
- (G) The location of all building lines and easements provided for public use, services or utilities;
- (H) All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements, and other areas for public or private use. Linear dimensions are to be given to the nearest 1/10 of a foot;
- (I) All necessary curve data;
- (J) The location of all survey monuments and bench marks together with their descriptions;
- (K) The name of the subdivision, the scale of the plat, points of the compass, and the name of owners or subdivider;

(L) The certificate of the surveyor attesting to the accuracy of the survey and the correct location of all monuments shown;

(M) Private restrictions and trusteeships and their periods of existence. Should these restrictions or trusteeships be of such length as to make their lettering on the plat impracticable and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat;

(N) Acknowledgment of the owner or owners to the plat and restrictions, including dedication to public use of all streets, alleys, parks or other open spaces shown thereon, and the granting of easements required; and

(O) Certificates of approval for endorsement by the City Council and certificate indicating its submission to the Planning Commission, together with approval for endorsement by other local, county and/or state authority as required by Oregon statutes.

All items required for the final plat are shown on the final plat.



PUBLIC ANNOUNCEMENT

The City is accepting applications for the following Committees:

1) Budget Committee

- Positions 1, 2, & 3: 3-year term ending December 31, 2025 (Advertised as of 11/02/2022)
- Position 5: remaining 3-year term ending December 31, 2023 (Vacant as of 10/25/2021)

2) Faith-Based Advisory Committee

- Position 5: 3-year term ending December 31, 2025 (Advertised as of 11/02/2022)

3) Recreation Projects Fund Advisory Committee (Citizen at Large)

- Position 1: 3-year term ending December 31, 2025 (Advertised as of 11/02/2022)

4) Hispanic Advisory Committee

- Position 3: remaining 3-year term ending June 30, 2024 (Vacant as of 01/19/2022)
- Position 5: 3-year term ending June 30, 2025 (Advertised as of 04/19/2022)

5) Library Board

- Position 1: remaining 4-year term ending June 30, 2024 (Advertised as of 11/02/2022)
- Position 3: remaining 4-year term ending June 30, 2025 (Vacant as of 04/05/2021)

Deadline to apply for Committee(s) in Section(s) 1-3: November 29, 2022

Deadline to apply for Committee(s) in Section(s) 4-5: Open Until Filled

Interested persons are asked to submit an application to City Hall, 235 E Gladys Ave, Hermiston, or at lalarcon-strong@hermiston.or.us . Application forms are available at City Hall or on the City’s website at <https://hermiston.or.us/volunteer> . If you have questions, please call Lilly Alarcon-Strong at 541-567-5521.

Proposed appointment and confirmation of these positions are made by the City Council. All appointments to city boards and commissions shall be made in accordance with the ordinances and city charter. Appointees shall not be full-time employees of the city, shall not be elected officials of the city, shall not be appointed to more than two boards or commissions at a time, and shall not sell to the city or its boards and commissions over which the council has appointive powers and budget control either directly as a prime contractor or supplier, or indirectly as a first-tier subcontractor or supplier. Sales shall be construed to mean sales, services or fees aggregating \$7,500 or more in any one calendar year. Preference for appointees shall be given to city residents.



CITY COUNCIL

Regular Meeting Minutes November 14, 2022

Mayor Drotzmann called the regular meeting to order at 7:00pm. Present were Councilors Spicerkuhn, Primmer, Myers, Davis, Hardin, Duron, and Barron. Councilor Peterson was excused. Staff in attendance included: City Manager Byron Smith, Assistant City Manager Mark Morgan, City Attorney Rich Tovey, Chief Edmiston, Finance Director Mark Krawczyk, Parks and Recreation Director Brandon Artz, Planning Director Clint Spencer, Assistant City Recorder Heather La Beau, and City Recorder Lilly Alarcon-Strong. The pledge of allegiance was given.

Presentation- Hermiston School District (HSD) Updates

Assistant Superintendent Jake Bacon gave HSD Updates, to include: total district student enrollment of 5,474 with individual figures for each school, construction updates, calendar information regarding holiday breaks, winter sports and other activities, the possibility of hosting the OSAA Football games and announced Troy Blackburn has received Cross County Coach of the year in the WIAA Mid-Columbia Conference.

Mayor Drotzmann thanked Mr. Bacon for the updates, as well as all the effort HSD staff puts into making HSD a premier school district, stating that the Governor-elect recognized Hermiston High School and Mr. Burger's CET Program in her opening speech and commented on its important asset to the education program and how she would like to see more of these programs throughout the State.

Proclamation- Small Business Saturday

Mayor Drotzmann read aloud the Small Business Saturday Proclamation and encouraged all residents to shop local throughout the year.

Citizen Input on Non-Agenda Items

None given.

Consent Agenda Items

Councilor Primmer asked to remove Item D. Cancel the December 26, 2022 City Council Meeting. Councilor Primmer moved and Councilor Davis seconded to approve Consent Agenda items A-C, and E to include:

- A. Minutes of the September 26 Public Infrastructure Meeting
- B. Confirmation of Appointment to Keith Ellis to Position #3 of the Airport Advisory Committee term ending 10/31/2024
- C. Committee Vacancy Announcements
- E. Minutes of the October 24, 2022 City Council Meeting

Motion carried unanimously.

Items Removed from Consent Agenda

- D. Cancel the December 26, 2022 City Council Meeting

Councilor Primmer stated he removed this item so the public has full transparency of why the City is requesting to cancel this meeting.

City Manager Smith stated the regular meeting falls on the federally recognized Christmas holiday, many people will be absent and it may be difficult to have a quorum for the meeting, and the City Charter only requires that the Council hold one meeting per month.



CITY COUNCIL

Regular Meeting Minutes November 14, 2022

Councilor Primmer moved and Councilor Barron seconded to approve Consent Agenda item D. Motion carried unanimously.

Public Hearing- Annexation- Nobles 4N2804D Tax Lots 1100, 1101, 1102, & 1103 - NW Sjoren Lane (Ordinance No. 2342)- Councilors Myers and Spicerkuhn declared conflicts of interest. Planning Director Spencer presented the hearing guidelines and Mayor Drotzmann opened the hearing at 7:15pm.

Planning Director Spencer gave information regarding the applicant, Kelly Nobles, who has applied to annex 3.64 acres located on the north side of NW Sjoren Lane, with an R-4 zoning, with the intention to develop accessory dwellings and/or new residential units. The annexation is necessary to enable connections to the municipal water and sewer lines in NW 11th Street, street improvements will also be made all paid for by the applicant.

There were no proponents, opponents or neutral parties who wished to testify and Mayor Drotzmann closed the hearing at 7:20pm.

After some discussion, Councilor Primmer moved and Councilor Davis seconded to approve the findings of fact as presented by Planning Director Spencer. Motion carried unanimously; 5 votes for; none against.

Ordinance No. 2342- Annexation- Nobles 4N2804D Tax Lots 1100, 1101, 1102, & 1103 - NW Sjoren Lane (Public Hearing)- Councilors Spicerkuhn and Myers declared conflicts of interest and left the dais. City Manager Smith stated Ordinance No. 2342 was discussed earlier during the Public Hearing.

Public Comment

Applicant Kelly Nobles stated he has addressed many of the concerns that the neighbors in that area have regarding this annexation and his intentions to develop accessory dwelling units in the area.

Mayor Drotzmann requested that the first reading be by title only. Hearing no opposition, City Attorney Richard Tovey read the ordinance by title only. Mayor Drotzmann requested that the ordinance be put on for final adoption at this meeting and that the second reading be by title only. After City Attorney Richard Tovey read the ordinance by title only, Councilor Barron moved and Councilor Hardin seconded that Ordinance No. 2342 be adopted and become effective 30-days after adoption by the City Council. Motion carried unanimously; 5 votes for; none against.

Resolution No. 2242- Authorizing the City of Hermiston to apply for a Clean Water State Revolving Loan Fund (CWSRF) loan from the Oregon Department of Environmental Quality for the South Hermiston Urban Renewal Area's Sewer Main Project in the amount of \$2,947,000.- Assistant City Manager Morgan presented the proposed resolution.

After some discussion, Councilor Davis moved and Councilor Primmer seconded to adopt Resolution No. 2242 and lay upon the record. Motion carried unanimously.



CITY COUNCIL

Regular Meeting Minutes
November 14, 2022

Resolution No. 2243- Franchise Agreement Renewal for Fatbeam, LLC.

City Manager Smith presented the proposed resolution and stated there were no changes made to this renewal agreement.

After some discussion, Councilor Duron moved and Councilor Davis seconded to adopt Resolution No. 2243 and lay upon the record. Motion carried unanimously.

Resolution No. 2244 – Adopting an IGA with the City of Pendleton for IT Services

City Manager Smith presented the proposed resolution and explained another IT staff member would need to be hired to fulfill this additional IGA; the compensation received from the City of Pendleton would more than fully fund this additional staff member.

After some discussion, Councilor Spicerkuhn moved and Councilor Duron seconded to adopt Resolution No. 2244 and lay upon the record. Motion carried unanimously.

Resolution No. 2245- Franchise Agreement Renewal for CenturyTel of Eastern Oregon, Inc. d/b/a CenturyLink. - City Manager Smith presented the proposed resolution.

After some discussion, Councilor Davis moved and Councilor Duron seconded to adopt Resolution No. 2245 and lay upon the record. Motion carried unanimously.

Discussion and possible support of the Oregon Mayors Association (OMA) Homelessness Funding Recommendation. - City Manager Smith presented the proposed OMA Homelessness Funding Recommendation stating the recommendation would help all communities statewide, regardless of size or location, to address homelessness with/by all 241 Oregon cities partnering with the State of Oregon to enact two budget proposals during the 2023 Legislative Session as explained in the agendas staff report.

After some discussion, Councilor Duron stated she has been approached by members of the community who have heard and are concerned that other cities are bussing transients to Hermiston and what that could mean for this community.

Mayor Drotzmann stated he has heard similar concerns; however, his hope, along with OMA, is that this recommendation, if approved, will allow each city to better help those in need, regardless of where they come from, to get back on their feet and be contributing members of society.

Public Comment

Josh Roberts, Hermiston- stated Hermiston does not have unlimited resources and the City must be careful to not become a drawing point for those who are looking to bus people into the Community. We must be conscious of putting our community first.

Mayor Drotzmann agreed stating we are trying to figure out how to address this issue while still being humane.

Nazario River, Hermiston- stated it is better to do something than nothing.



CITY COUNCIL

Regular Meeting Minutes November 14, 2022

After some discussion, Councilor Spicerkuhn moved and Councilor Davis seconded to support the OMA proposal for homelessness funding as proposed. Motion carried unanimously.

Committee Reports

Parks and Recreation- Councilors Davis gave updates regarding: Aquatic Center cost recovery statistics, HERO Sports Complex at EOTEC, December 1st Festival Street Tree Lighting Ceremony with the First Annual Christmas Parade which the public is invited to participate in, and homelessness camps that have been setup in the parks and community.

Stepping Stones (not a City Committee)- Councilor Spicerkuhn stated the Ground-Breaking Ceremony will be held November 29th at noon. The project is not as far along as Stepping Stones was expecting so the City of Umatilla and Amazon have dedicated some staff working days to build huts to help this project along. Meanwhile, the warming station will open on December 1st at the old Sears building on N HWY 395. Volunteers are needed to staff the warming station from 6-10pm and 6-9am. More information and a list of needed donations can be found on the Stepping Stones website.

EOTEC Committee- Mayor Drotzmann stated the Committee met but did not have a quorum.

City Manager Smith stated the City is working with EOTEC General Manager Al Davis for its operational transition from VenuWorks to the City of Hermiston, as well as branding. EOTEC will be hosting the Festival of Lights again this winter.

Mayor's Report

Mayor Drotzmann spoke regarding:

- Vietnam Veterans Celebration and thanked the Parks and Recreation Department for the Veterans Day Breakfast Recognition
- Great turnout for Treats on Main, with over 4,000 participants
- OMA Homelessness Task Force press conference regarding homelessness
- Asked that the Council consider what Committees they would like to be appointed to for the coming year as new assignments will be given shortly
- Reminded the Council that a new Council President will be elected at the first meeting of the new year

Council Reports

Councilor Barron spoke regarding the PGE infrastructure Bill application to build a hydrogen plant in this area.

Councilor Duron thanked the Parks and Recreation Department for their efforts to recognize our Veterans.

Mayor Drotzmann spoke regarding the Council members who will be attending the NLC Conference.

Youth Advisory Report

Youth Advisors were not present.



CITY COUNCIL

Regular Meeting Minutes November 14, 2022

City Manager's Report

City Manager Smith spoke regarding recent conversations he has had with the Executive Director of the Umatilla County Housing Authority and his willingness to continue these great conversations to help the City.

Recess for Executive Session

At 8:25pm Mayor Drotzmann announced the City Council of the City of Hermiston will now meet in Executive Session in the Executive Session Room for the purpose of discussing matters pertaining to negotiating real property transaction. The Executive Session is held pursuant ORS 192.660 (2) (e) which allows the Council to meet in Executive Session to conduct deliberations with persons designated by the Council to negotiate real property transactions.

Representatives of the news media and designated staff shall be allowed to attend the executive session. All other members of the audience are excluded. Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the session as previously announced. No final decision may be made in executive session. At the end of the executive session, the council will return to open session which the audience may attend. The executive session will last approximately 10 mins.

Reconvene and Adjournment

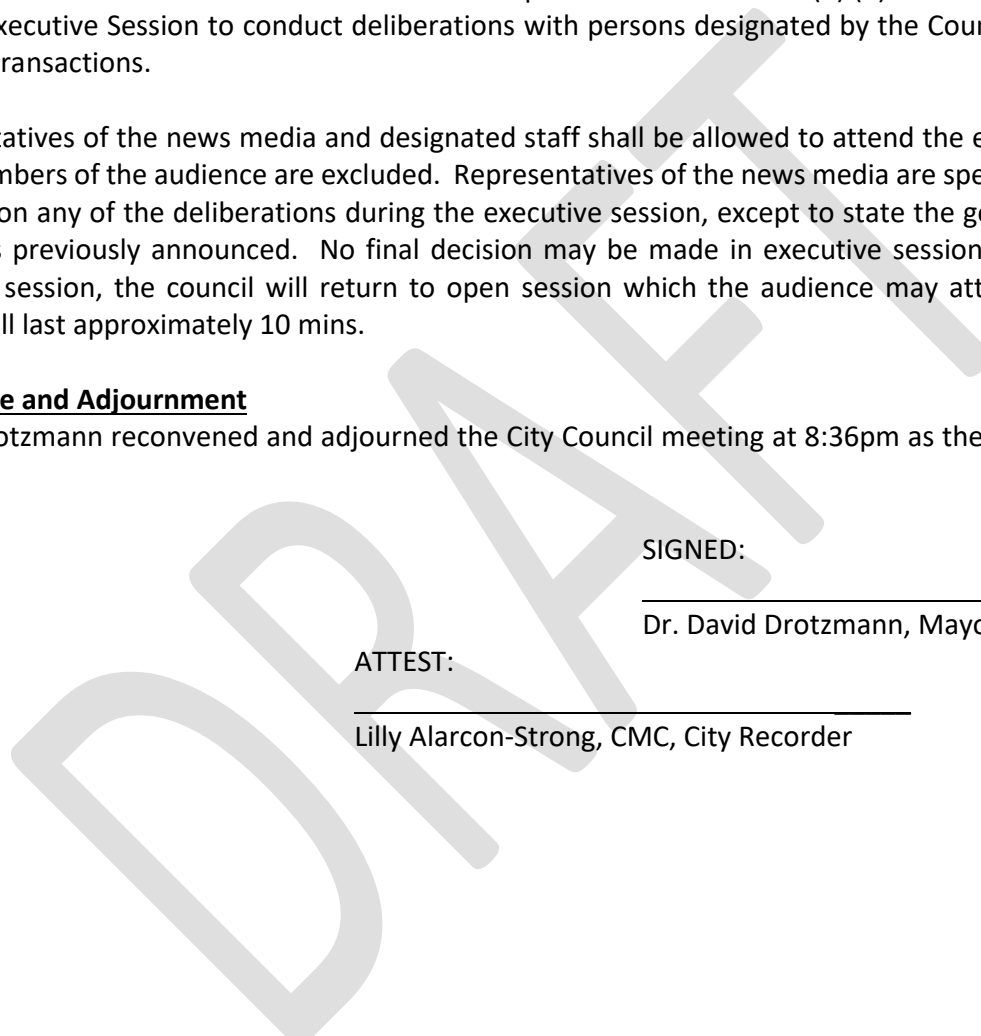
Mayor Drotzmann reconvened and adjourned the City Council meeting at 8:36pm as there was no other City business.

SIGNED:

Dr. David Drotzmann, Mayor

ATTEST:

Lilly Alarcon-Strong, CMC, City Recorder





Where Life is Sweet

Mayor and Members of the City Council
STAFF REPORT
For the Meeting of November 28, 2022

Title/Subject

Resolution #2246- Establishing the Necessity for a sewer main easement.

Summary and Background

This resolution establishes the public’s necessity, for public health and safety, to obtain an easement across two properties (4N2802C00; Tax Lots 1300 & 1403). These properties are located south and west of US395 and E Cornell Place and would generally be known as the building and parking lot for the commercial property which currently leases to Sherwin Williams paint store.

The purpose for this easement is to accommodate the project known as S.12.0 in the most recently adopted Sewer Capital Improvement Plan. The 2021 Sanitary Sewer Collection System Study used a camera to internally inspect sewer mains, and pipe segments here were found to have structural failures in multiple locations with failing joints, causing pipe blockage and requiring monthly cleaning. Additionally, pipe failure may be allowing sewage to exfiltrate into the surrounding soil. New sewer lines would eliminate current monthly maintenance costs and provide watertight lines to protect existing groundwater resources from contamination.

You can view pictures taken from within this section of piping in the attachment titled, “Television Inspection Photos,” which shows significant holes, and potential blockages in the line.

Anderson Perry & Associates, Inc., the City’s engineering firm, supplied the following summary of the various alternatives considered for this project:

Alternatives Considered:

1. The existing sewer main runs north from McDonalds and then turns 90-degrees to cross 395. Open trenching on 395 was considered but the idea was quickly discarded because it would be enormously expensive and disruptive to the 25,000 vehicles per day using that intersection.
2. Pipe bursting across 395 was also considered, but pits on either end of the line are necessary and would also be extremely disruptive to property owners. Furthermore, pipe bursting is also not cheap, although it would less expensive than open trenching across 395.

3. Instead of crossing 395 we could have run a sewer line parallel to it and connected to the sewer line in Cornell. A power pole would have to be relocated in order for this to occur. Relocating the power pole was not feasible due to cost.
4. In order to avoid the power pole conflict a small easement was necessary to slightly change the horizontal alignment. That is where we ended up today. Much of the existing sewer line is actually located on private property with no recorded easements. The project is largely relocating pipe off of private property with the exception of the small sliver needed near the intersection of 395 and Cornell.

Legal Staff has been working with the property owner(s) of the tax lots in question since the Spring, and have found them to be un-responsive. The property is owned by a trust with several individuals involved, and there is some disagreement internal to the trust as to which should be dealing directly with the City on this issue. The temporary and long term impacts to the properties are relatively minor, and the cash value to be paid for the easement is relatively low, which may be partly why the trust has been reluctant to put forth much effort on this; as the attorneys' fees to deal with each other internally are likely to outstrip the value of the easement itself. But the lack of movement does not appear to be due to an outright opposition to granting the easement.

Therefore, this resolution authorizes City Staff and legal counsel to hire appraisers, negotiate in good faith to purchase the easement, pay fair compensation for the easement, and engage in formal litigation to obtain the easement for fair compensation.

The reason that this approach is recommended is that it provides the City with the ability to obtain the necessary easement, deposit appropriate compensation with the Court, and allow the members of the trust to proceed at their own pace.

Tie-In to Council Goals

System Maintenance

Fiscal Information

The potential cost of obtaining this easement in this manner is estimated to be significantly less than the financial cost of the other alternatives examined by Anderson Perry. Fair Market Value, using the "Federal Method" of determining the value of an easement places the value between \$3,392 and \$6,785.

Alternatives and Recommendation

Alternatives

- Approve Resolution 2246
- Reject Resolution 2246
- Table and request amendments

Recommended Action/Motion

Approve Resolution 2246 as presented.

Submitted By:

Mark Morgan

Section 8, Item A.



Photo 61: Structural damage (crack in pipe) (Basin E4).



Photo 62: Structural damage (pipe deterioration) (Basin E4).



Photo 63: Protruding lateral (Basin E4).

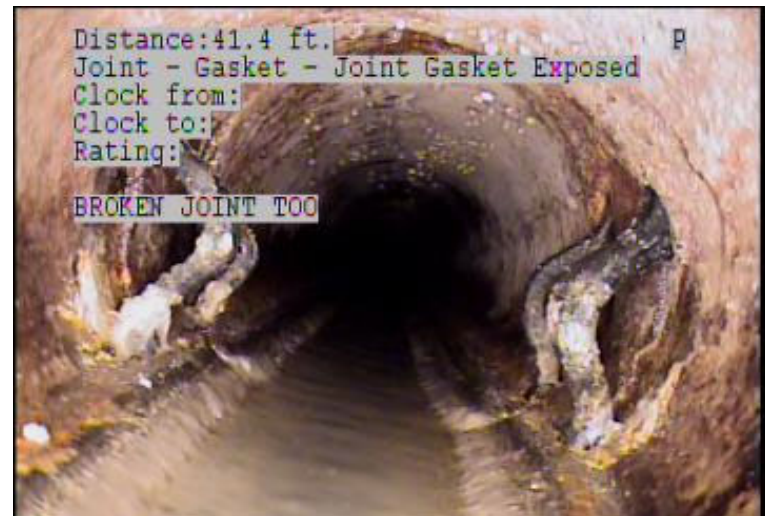


Photo 64: Structural damage (exposed gasket) (Basin E4).



Photo 65: Structural damage (hole in pipe) (Basin E4).

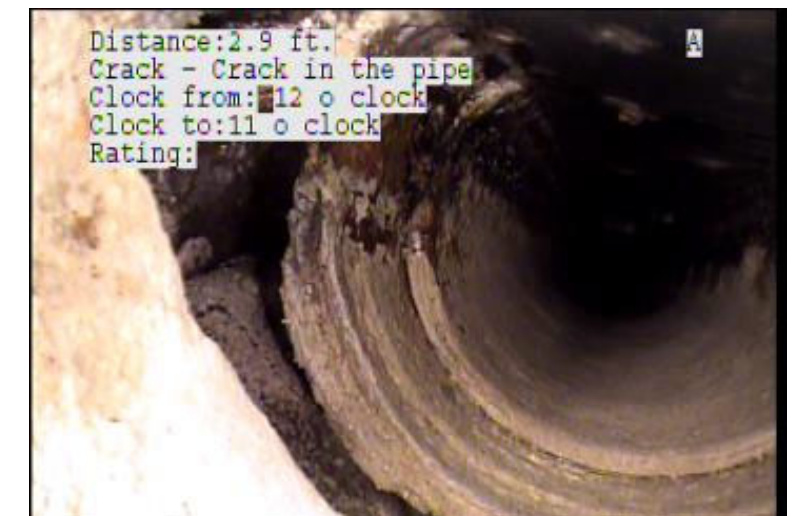
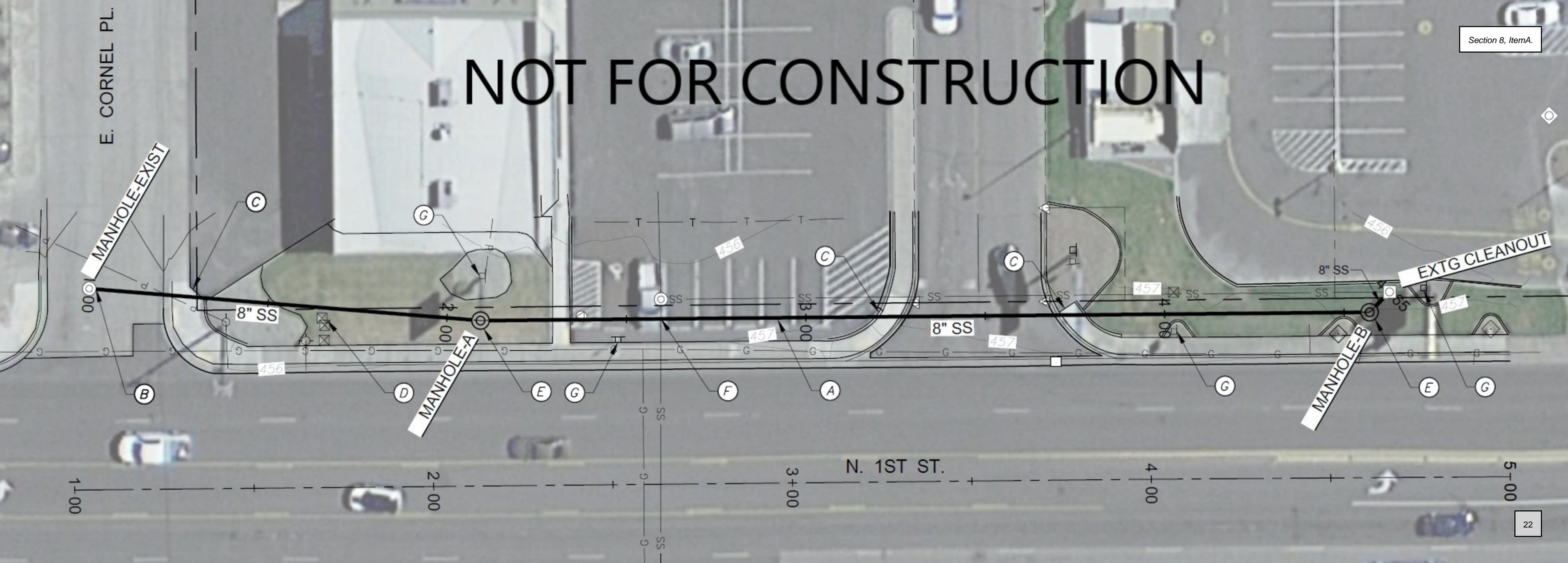


Photo 66: Structural damage (hole in pipe) (Basin E4).

NOT FOR CONSTRUCTION



RESOLUTION NO. 2246

A RESOLUTION APPROVING THE EXERCISE OF THE POWER OF EMINENT DOMAIN AND DECLARING PUBLIC NECESSITY TO ACQUIRE REAL PROPERTY INTERESTS FOR SEWER LINE IMPROVEMENTS.

WHEREAS, the City of Hermiston ("City") has the authority to exercise the power of eminent domain pursuant to ORS 223.005-ORS 223.020 and ORS 223.105, and in accordance with the procedures set forth in ORS Chapter 35, when deemed necessary by the City's governing body to accomplish public purposes; and

WHEREAS, the City has the responsibility to locate, acquire, construct, reconstruct, alter, enlarge, renew, replace, operate, and maintain a sewer system and facilities to adequately serve the public; and

WHEREAS, the existing sewer line running within North 1st Street between Elm Avenue and E. Cornel Place is failing and needs to be replaced (the "Project"), to complete the replacement of the line, the route of the sewer line shall be required to cross over certain property commonly referred to as 1390 N. 1st Street, Hermiston, OR 97838; and

WHEREAS, the City Council determines consistent with the powers and purposes of its Charter that it is necessary for the economic well-being, public health, safety and welfare of the City and members of the public served by the City to acquire easements over the necessary property discussed further herein, to implement the Project; and

WHEREAS, after investigation of various alternative options and layouts for the Project, and the consideration of the most effective and economic benefits to the public, the City Council has determined that certain property interests, further identified on Exhibits A and B, attached hereto and incorporated by reference ("the Property Interests"), are necessary for the Project, and that this use is planned and located in a manner which is most compatible with the greatest public good and the least private injury; and

WHEREAS, the City Council finds that declaration by resolution to acquire the Property Interests for the Project is necessary and being fully advised;

NOW, THEREFORE, THE CITY OF HERMISTON RESOLVES AS FOLLOWS:

1. That the above recitals shall form an integral part of this resolution and shall have the same force and effect as if they were adopted as resolutions.
2. That the Council finds that the Property Interests being acquired are necessary for the construction of the Project and are in the public interest, including but not limited to, the preservation of economic well-being, public health, safety and welfare of the City and its members of the public served by the City. The Project has been planned, designed,

located and will be constructed in a manner which will be most compatible with the greatest public good and the least private injury;

3. That the power of eminent domain is exercised with respect to the Property Interests further described in Exhibits A and B. The Property Interests are acquired subject to payment of just compensation and subject to procedural requirements of Oregon law.
4. That City staff and the City's agents and attorneys are authorized and directed to attempt to negotiate in good faith a purchase of the Property Interests with the owner and other persons in interest, if any, as to the compensation to be paid for the acquisition. In the event that no satisfactory agreement can be reached, City staff, agents and attorneys are authorized to commence and prosecute condemnation proceedings necessary to finally determine just compensation or any other issue appropriate to be determined by a court in connection with the acquisition. This authorization is not intended to expand the jurisdiction of any court to decide matters determined above or determinable by the City Council.
5. That City staff and counsel are authorized to retain real estate appraisers, negotiators and other consultants as well as appraisals, as needed, under the auspices of City counsel, for the initiation of the proceedings described above.
6. That the City staff and counsel are authorized to retain any experts necessary to examine, survey, conduct tests upon and take samples from the Property pursuant to the requisite procedures for pre-condemnation entry on the Property (ORS 35.220).
7. That the City staff and counsel are authorized to retain outside counsel necessary to assist with pre-condemnation work, negotiations with the property owner and condemnation litigation, if necessary.
8. The Council recognizes that formal litigation may be necessary and the attorney(s) for the City and/or outside counsel are directed and authorized to commence and prosecute to final determination such legal proceedings as may be necessary to acquire the Property Interests.
9. That upon the trial of any such suit or action instituted to acquire the Property Interests therein, the attorneys acting for and on behalf of the City are authorized to make such stipulation, agreement or admission as in their judgment may be in the best interest of the City and take possession of the Property Interests as appropriate in their judgment without necessity of further Council approval.

10. That the City expressly reserves its jurisdiction to determine the necessity or propriety of any acquisition, its quantity, quality or locality, and to change or abandon any acquisition.

11. That this resolution is effective immediately upon its passage.

PASSED by the Common Council this 28th day of November, 2022.

SIGNED by the Mayor this 28th day of November, 2022.

Dr. David Drotzmann, MAYOR

ATTEST:

Lilly Alarcon-Strong, CMC, CITY RECORDER

Exhibit A - Page 1 of 1

Tax Lot 4N2802C-1300 – Schroth
Hermiston – AP (RES) 03-29-2022

TRACT 1 – Sanitary Sewer Easement

A tract of land located in the Southwest one-quarter of Section 2, Township 4 North, Range 28 East, Willamette Meridian, City of Hermiston, Umatilla County, Oregon and being a portion of the property as shown as “T.L. 1300” on Survey No. 90-065-B of the Umatilla County Surveyors Office, being more particularly described as follows:

Beginning at the intersection of the Southerly right-of-way of Cornell Place and the Easterly right-of-way of US Highway 395, as shown on said Survey No. 90-065-B, said point bears N05°37’41”E, 532.88 feet from the Southwest corner of said Section 2;
thence N89°42’14”E, along said Southerly right-of-way line, 8.62 feet;
thence S04°40’14”W, 93.73 feet to a point on said Easterly right-of-way line;
thence N00°36’19W, along said Easterly right-of-way line, 93.38 feet to the **Point of Beginning**.

Containing 402 square feet, or 0.009 acres, more or less.

For purposes of this description, the Southwest corner of said Section 2 bears N89°22’52”E 2640.10 feet from the South one-quarter corner of Section 3 of said Township and Range.

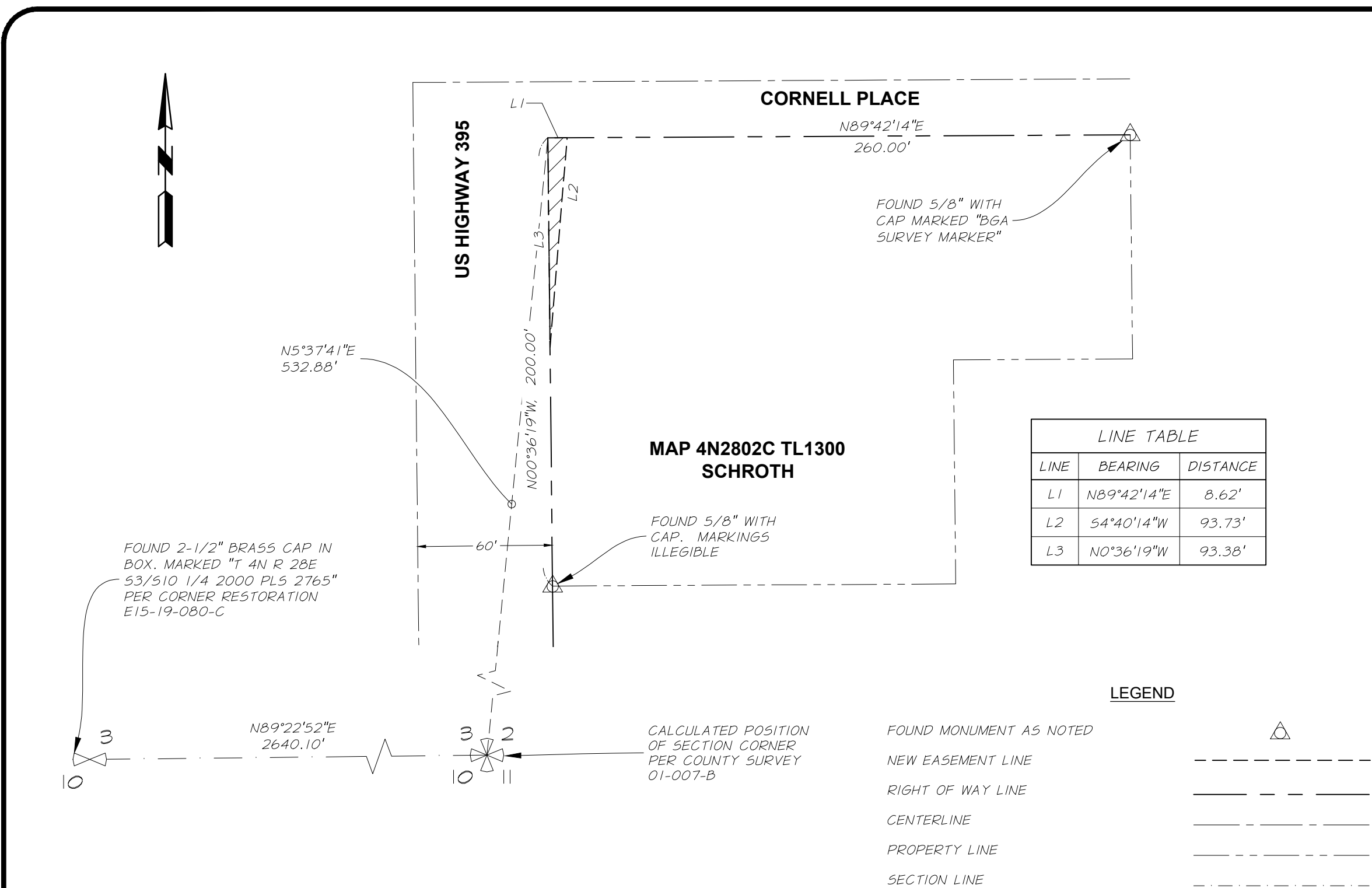


FOR RECORDING USE

THE PURPOSE OF THIS PROPERTY EXHIBIT A & EXHIBIT B IS TO DESCRIBE A SANITARY SEWER EASEMENT FOR THE CITY OF HERMISTON.

THE FIELD SURVEY FOR WAS PERFORMED BY ANDERSON PERRY & ASSOCIATES, INC. IN JULY 2021.

THE BASIS OF BEARING FOR THIS SURVEY IS THE OREGON STATE PLANE SYSTEM NORTH ZONE, NAD83 2011, (EPOCH 2010).



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N89°42'14"E	8.62'
L2	S4°40'14"W	93.73'
L3	N0°36'19"W	93.38'

LEGEND

- FOUND MONUMENT AS NOTED
- NEW EASEMENT LINE
- RIGHT OF WAY LINE
- CENTERLINE
- PROPERTY LINE
- SECTION LINE
- EASEMENT AREA

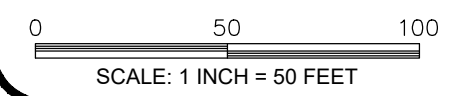
REGISTERED
PROFESSIONAL
LAND SURVEYOR

PRELIMINARY

OREGON
FEBRUARY 8, 2000
RICHARD E. STEIN
49593PLS
EXPIRES: 6/30/2022

SCHROTH - PROPERTY EXHIBIT
SEC. 2, T. 4 N, R. 28 E., W.M.
MAP 4N2802 TL 1300

NOTE: SEE EXHIBIT "A" FOR THE LEGAL DESCRIPTIONS OF THIS EASEMENT
TRACT 1 - 402 S.F. OR 0.009 ACRES, MORE OR LESS



RES, 03/28/2022 APA JOB #736-121 (100) Drawing: 736-121 EASEMENT ExB 032822.DWG

	<p>CITY OF HERMISTON SANITARY SEWER EASEMENT</p> <p>UMATILLA COUNTY, OREGON</p>	<p>EXHIBIT B EASEMENT SKETCH 1/1</p>
--	--	---



Adopt A Road for Hermiston Proposal

- The program can be open to groups or individuals
 - Individuals adopt residential streets adjacent to their dwellings
 - Groups adopt higher traffic streets
 - The city provides trash bags free of charge
 - The city provides high vis vests, litter grabbers, and gloves
 - Equipment must be returned after the cleanup
 - There is a common element that the adopt a street program is generally designed to keep trash out of storm drains, especially when there is a city-wide collection system, and the trash needs to be removed before it clogs the pipes
 - The city to provide a list on their website of all participants and the street they adopt
 - The city picks up the trash free of charge
 - The city will require a waiver from each participant
1. The city will prepare a map of high traffic volume streets eligible for the adopt a street program.
 2. Interested parties register with the Chamber of Commerce.
 3. The city will host a map online showing streets and who has adopted them.
 4. The city will provide a supply of trash bags, high vis vests, litter grabbers, and gloves to the Chamber.
 5. Registered parties can check out the necessary items from the chamber and return them after they complete the cleanup.
 6. After cleanup party will leave trash bags on sidewalk or shoulder.
 7. After tools are returned to Chamber, Chamber notifies City of bags ready for pickup.
 8. Code enforcement or parks will pick up bags and dispose in public works dumpster.
 9. City will maintain a webpage acknowledging all participants.
 10. Mayor signs annual form letter thanking groups for participation.

City to provide a written agreement outlining what will be required with language regarding who can participate and how many times a year the cleanup must be done along with safety rules.



Where Life is Sweet

Mayor and Members of the City Council
STAFF REPORT
For the Meeting of November 28, 2022

Title/Subject

Discussion and possible support of a Hermiston Adopt-a-Street program in conjunction with the Greater Hermiston Chamber of Commerce.

Summary and Background

A number of months ago I had a conversation with Chamber executive director, Val Hoxie and then near the end of October she sent a formal proposal for an Adopt-A-Street program. Her goal is the increase investment in our community through volunteer efforts to clean-up our streets. Following is a summary of the proposed program:

- City prepares a map of high traffic volume streets eligible for adoption.
- Interested parties register with the Chamber of Commerce.
- City hosts a map online showing streets and who has adopted them.
- City supplies of trash bags, high visibility vests, litter grabbers, and gloves to the Chamber.
- Registered parties check out necessary items from the Chamber and return them after clean-up is completed.
- After clean-up is completed trash bags are left on sidewalk or shoulder.
- After tools are returned to Chamber, Chamber notifies City of bags ready for pickup.
- City picks up bags and disposes.
- City maintains a webpage acknowledging participants.
- Mayor signs annual form letter thanking groups for participation.

Tie-In to Council Values/Goals

Values

Partnerships

We collaborate with community organizations to leverage expertise and resources to best serve the public

Goals

21. Develop City-wide communications strategy to enhance communication and engagement with the public

Fiscal Information

Costs would be for clean-up supplies estimated to be no more than \$1,000 per year.

Alternatives and Recommendation

Alternatives

- 1. Support the proposed program and direct staff to prepare a formal agreement with the Chamber for adoption.
- 2. Alter the proposed program and direct staff to prepare a formal agreement with the Chamber for adoption.
- 3. Direct staff to stop pursuing the idea.

Recommended Action/Motion

Support the proposed program and direct staff to prepare a formal agreement with the Chamber for adoption.

Submitted By: Byron D. Smith



Where Life is Sweet

Mayor and Members of the City Council
STAFF REPORT
For the Meeting of November 28. 2022

Title/Subject

October 2022 Financial Report

Summary and Background

This is the monthly overview of the previous month's financial position of the city.

Tie-In to Council Goals

Fiscal Prudence

Fiscal Information

None

Alternatives and Recommendation

Alternatives

None

Recommended Action/Motion

Recommend approval/acceptance of the October 2022 Financial Report as presented.

Request a motion to approve/accept the October 2022 Financial Report as presented.

Submitted By:

Mark Krawczyk

October 2022 Financial Report



Department of Finance
October 2022
(Unaudited)

FY2022-2023 Monthly Financial Report

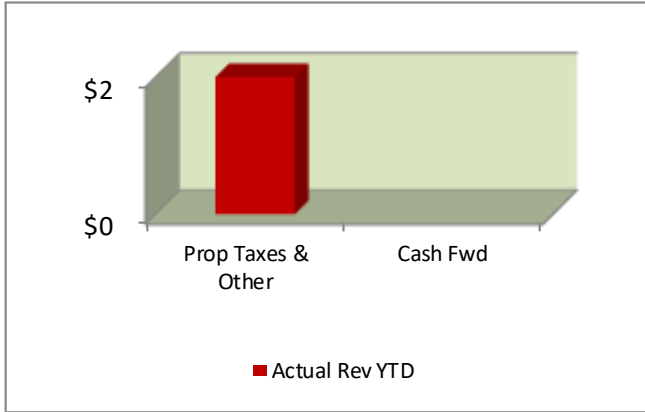
Hermiston Urban Renewal Agency (HURA)

For the Month Ending October 31, 2022

Resources

Through October 31, 2022

by Category



	Annual Proj Rev	Actual Rev YTD	% Var
Prop Taxes & Other	\$ 271	2	1%
Cash Fwd	\$ 375		0%
Total	\$ 646	\$ 2	0%

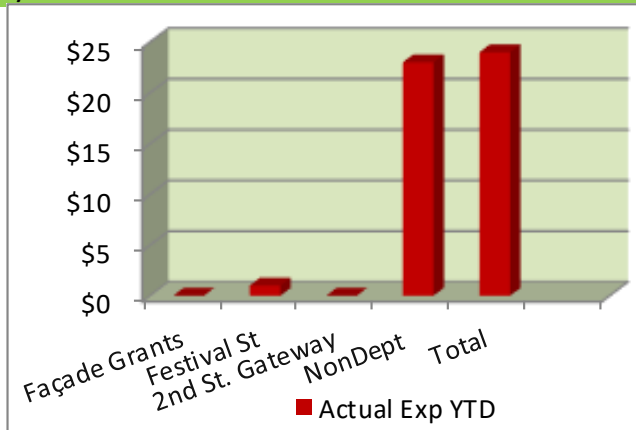
Note: Variance is calculated as % of revenue YTD

Expenditures

Through October 31, 2022

by Character

(in \$1,000)



	Annual Proj Exp	Actual Exp YTD	% Var
Façade Grants	\$ 50	0	0%
Festival St	\$ 5	1	20%
2nd St. Gateway	\$ 400	0	0%
NonDept	\$ 191	23	12%
Total	\$ 646	\$ 24	4%

Note: variance is calculated as % of expenses YTD.

The FY2022-23 budget for the Urban Renewal Agency is \$ 645,662. This includes \$50,000 for Façade Grants, \$5,000 for the Festival Street, \$400,000 for construction of the 2nd Street Gateway project, and \$190,662 for Non-Departmental expenses.

Property tax revenues of \$215 were collected in October with total revenues of \$1,993 year- to date.

FY2022-2023 Monthly Financial Report

Section 9, Item B.

City of Hermiston, Oregon

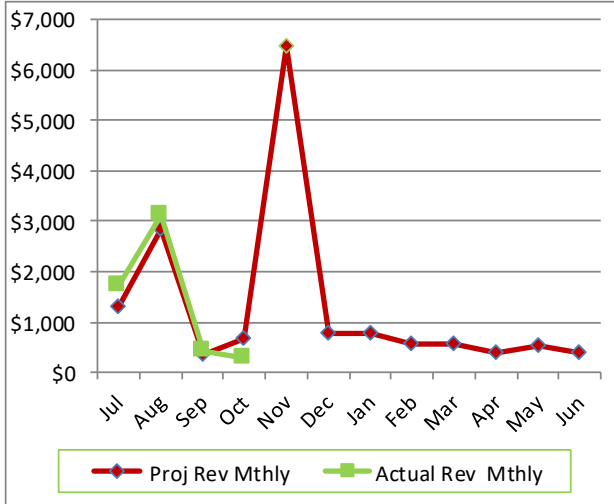
General Fund Resources

For the Month Ending October 31, 2022

General Fund Resources Summary

Through October 31 2022

(in \$1,000)



	Proj Rev Mthly	Rev Proj	Actual Rev Mthly	Var Fav/ (Unfav)	% Var
Jul	\$ 1,298	\$ 1,298	\$ 1,731	\$ 433	33%
Aug	\$ 2,834	\$ 2,834	\$ 3,133	\$ 299	11%
Sep	\$ 342	\$ 342	\$ 445	\$ 103	30%
Oct	\$ 675	\$ 675	\$ 295	\$ (380)	-56%
Nov	\$ 6,472	\$ 6,472		\$ -	0%
Dec	\$ 781	\$ 781		\$ -	0%
Jan	\$ 762	\$ 762		\$ -	0%
Feb	\$ 557	\$ 557		\$ -	0%
Mar	\$ 573	\$ 573		\$ -	0%
Apr	\$ 379	\$ 379		\$ -	0%
May	\$ 544	\$ 544		\$ -	0%
Jun	\$ 384	\$ 384		\$ -	0%
Total YTD	15,604	15,604	5,604	455	2.9%
Cash Fwd	1,102	-	-	-	0%
Total	\$ 16,706	\$ 15,604	\$ 5,604	455	2.9%

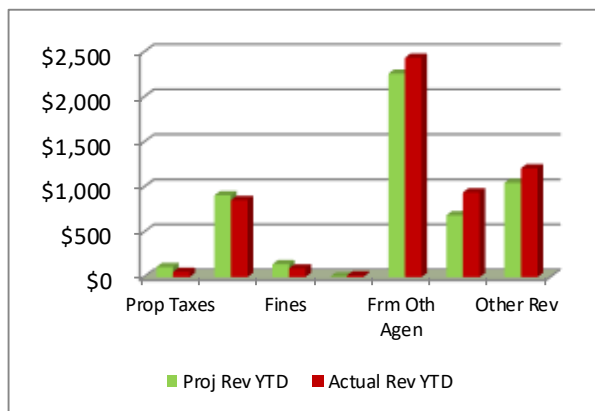
Estimated General Fund revenues for the 2022-23 fiscal year are **\$15,603,889**. Projected revenues for October were **\$675,352**, compared to actual revenues of **\$295,462**, a negative variance of **\$379,891**. The fund is currently **\$454,195** more than projected through October, or **56.2% less** than projections for the month; and **2.91% more** for the fiscal year after four months.

General Fund - All Resources

Through October 31, 2022

by Category

(in \$1,000)



	Annual Proj Rev	Proj Rev YTD	Actual Rev YTD	Var Fav/ (Unfav)	% Var
Prop Taxes	\$ 6,787	\$ 111	\$ 57	\$ (55)	-49%
Lic & Fran	\$ 1,435	\$ 907	854	(53)	-6%
Fines	\$ 400	\$ 141	96	(45)	-32%
Interest Rev	\$ 15	\$ 5	18	13	262%
Frm Oth Agen	\$ 3,013	\$ 2,257	2,435	178	8%
Svc Chgs	\$ 1,904	\$ 684	939	254	37%
Other Rev	\$ 2,051	\$ 1,045	1,207	162	16%
Cash Fwd	\$ 1,102	\$ -	-	-	0%
Total	\$16,706	\$ 5,150	\$ 5,604	\$ 454	8.8%

Note: variance is calculated as a percent of the projected revenue YTD.

FY2022-2023 Monthly Financial Report

Section 9, Item B.

City of Hermiston, Oregon

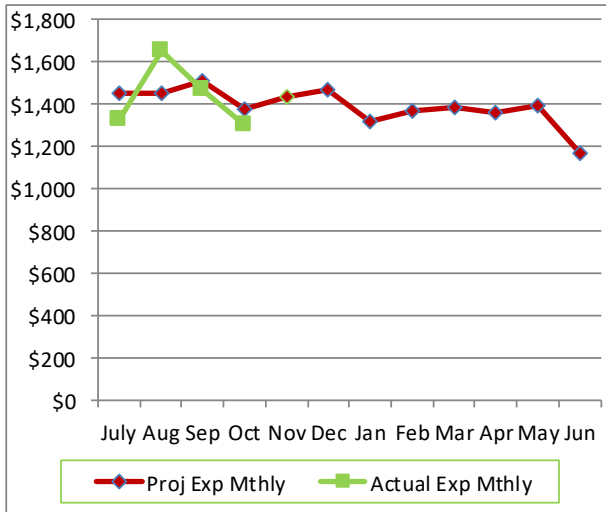
General Fund Expenditures

For the Month Ending October 31, 2022

General Fund Expenditure Summary

Through October 31, 2022

(in \$1,000)



	Proj Exp Mthly	Proj Exp	Actual Exp Mthly	Var Fav/ (Unfav)	% Var
July	\$ 1,454	\$ 1,454	\$ 1,324	\$ 130	9%
Aug	\$ 1,453	\$ 1,453	\$ 1,653	\$ (200)	-14%
Sep	\$ 1,512	\$ 1,512	\$ 1,473	\$ 39	3%
Oct	\$ 1,377	\$ 1,377	\$ 1,304	\$ 73	5%
Nov	\$ 1,440	\$ 1,440		\$ -	0%
Dec	\$ 1,466	\$ 1,466		\$ -	0%
Jan	\$ 1,322	\$ 1,322		\$ -	0%
Feb	\$ 1,365	\$ 1,365		\$ -	0%
Mar	\$ 1,386	\$ 1,386		\$ -	0%
Apr	\$ 1,364	\$ 1,364		\$ -	0%
May	\$ 1,398	\$ 1,398		\$ -	0%
Jun	\$ 1,171	\$ 1,171		\$ -	0%
Total YTD	16,706	16,706	5,754	41	0.2%
Contngcy		-	-	-	0%
Total	\$ 16,706	\$ 16,706	\$ 5,754	\$ 41	0.2%

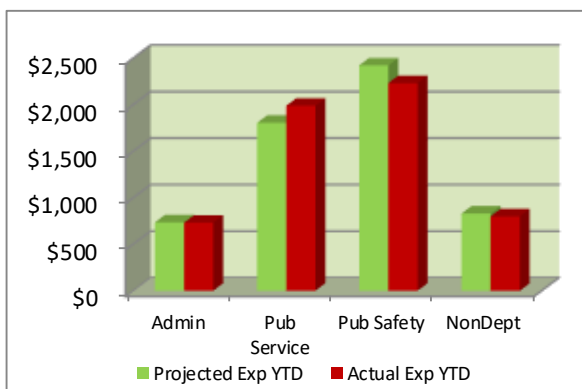
Projected General Fund monthly expenditures for October were **\$1,376,521**. Actual expenditures were **\$1,303,643**, which is **\$72,878** less than projected for a **variance of 2.5%** for the month, and a positive **.2%** year-to-date.

General Fund Expenditures

Through October 31, 2022

by Consolidated Department

(in \$1,000)



	Annual Proj Exp	Projected Exp YTD	Actual Exp YTD	Var Fav/ (Unfav)	% Var
Admin	\$ 2,164	736	732	4	1%
Pub Service	4,985	1,806	1,989	(183)	-10%
Pub Safety	7,066	2,422	2,232	190	8%
NonDept	2,492	831	800	31	4%
Unapp	-	-	-	-	0%
Total	\$16,706	\$ 5,795	\$ 5,754	\$ 41	0.7%

Note: variance is calculated as a percent of the projected expenditures YTD.

FY2022-2023 Monthly Financial Report

Section 9, Item B.

General Fund Expenditure Detail

For the Month Ending October 31, 2022

General Fund Expenditures by Department

	Annual Projected			Var Fav/ (Unfav)	% Var Fav/ (Unfav)
	Exp	Projected Exp YTD	Actual Exp YTD		
City Council	67,027	40,752	28,104	12,648	31%
City Manager/Legal	1,010,363	336,788	338,653	(1,865)	-1%
City Planning	431,372	143,791	146,004	(2,213)	-2%
Finance	654,929	214,546	219,362	(4,816)	-2%
Total Administration	2,163,691	735,876	732,123	3,753	1%
Transportation	297,000	79,402	128,366	(48,964)	-62%
Airport	339,000	80,108	133,024	(52,916)	-66%
Bldg Inspection	600,157	199,876	173,326	26,550	13%
Parks	731,981	265,539	322,687	(57,148)	-22%
Parks/Utility Landscaping	66,861	25,585	16,274	9,311	36%
Pool	585,615	353,539	332,209	21,330	6%
Municipal Buildings	145,173	48,391	50,588	(2,197)	-5%
Library	1,024,415	341,001	317,053	23,948	7%
Recreation	874,159	308,164	444,539	(136,375)	-44%
Community Center	256,122	84,992	50,815	34,177	40%
Harkenrider Center	64,064	19,283	20,284	(1,001)	-5%
Total Public Services	4,984,547	1,805,880	1,989,165	(183,285)	-10%
Court	833,378	347,537	228,865	118,672	34%
Public Safety Center	62,000	17,999	13,313	4,686	26%
Police Operations	6,169,885	2,056,860	1,990,052	66,808	3%
Total Public Safety	7,065,263	2,422,396	2,232,230	190,166	8%
Non-Departmental	2,492,087	830,696	800,120	30,576	4%
Unappropriated	0	0	0	0	0%
Total Non-Dept	2,492,087	830,696	800,120	30,576	4%
Total	16,705,588	5,794,848	5,753,638	41,210	0.7%

For October of FY2023, **Total Administration** is \$3,753 less than projected for the month. **Total Public Services** is \$183,285 more than projected this month. **Public Safety** is \$190,166 less than projected for October. **Non-Departmental** is \$30,576 less than projected for the month. The total **General Fund expenses** are \$41,210 less than projected (.7%) for the first four months of FY2023.

FY2022-2023 Monthly Financial Report

Fund Balance - General Fund

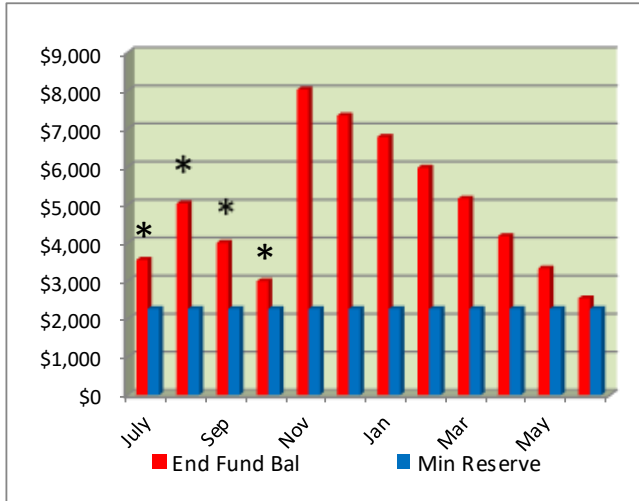
For the Month Ending October 31, 2022

General Fund

Through October 31, 2022

Ending Fund Balance

(in \$1,000)



	Begin Fund Bal	Revenue	Expense	End Fund Bal	ACT/PROJ Fund Bal
July	\$ 3,144	\$ 1,731	\$ (1,324)	\$ 3,551	ACT*
Aug	\$ 3,551	\$ 3,133	\$ (1,653)	\$ 5,031	ACT*
Sep	\$ 5,031	\$ 445	\$ (1,473)	\$ 4,003	ACT*
Oct	\$ 4,003	\$ 295	\$ (1,303)	\$ 2,995	ACT*
Nov	\$ 2,995	\$ 6,472	\$ (1,440)	\$ 8,027	PROJ
Dec	\$ 8,027	\$ 781	\$ (1,466)	\$ 7,342	PROJ
Jan	\$ 7,342	\$ 762	\$ (1,322)	\$ 6,782	PROJ
Feb	\$ 6,782	\$ 557	\$ (1,365)	\$ 5,975	PROJ
Mar	\$ 5,975	\$ 573	\$ (1,386)	\$ 5,162	PROJ
Apr	\$ 5,162	\$ 379	\$ (1,364)	\$ 4,177	PROJ
May	\$ 4,177	\$ 544	\$ (1,398)	\$ 3,324	PROJ
June	\$ 3,324	\$ 384	\$ (1,171)	\$ 2,537	PROJ
Total	\$ 3,144	\$ 16,057	\$ (16,664)	\$ 2,537	

Minimum Reserve = \$2,264,700

Last Year Minimum Reserve was \$2,150,851

The General Fund balance at the end of October for FY2023 is approximately **\$2,995,000**, which is **\$730,300** more than the current Minimum Reserve requirement of **\$2,264,700**.

The General Fund reserve policy is to maintain **15% fund balance** of total expenditures based on the prior fiscal year activity.

FY2022-2023 Monthly Financial Report

Special Revenue Funds Report For the Month Ending October 31, 2022

Special Revenue Funds Resources & Requirements

	2022-23		Remaining Budget
	Annual Budget	Actual YTD	
02 Bonded Debt Fund			
Resources	634,018	55,006	579,012
Expenditures	531,720	309,500	222,220
Unappropriated Balance	102,298	N/A	N/A
05 Transient Room Tax (TRT)			
Resources	998,800	602,529	396,271
Expenditures	998,800	346,216	652,584
Unappropriated Balance	-	N/A	N/A
08 Reserve Fund			
Resources	15,468,683	2,335,126	13,133,557
Expenditures	14,374,289	1,198,173	13,176,116
Unappropriated Balance	1,094,394	N/A	N/A
11 Miscellaneous Special Revenue			
Resources	141,000	21,416	119,584
Expenditures	141,000	33,416	107,584
Unappropriated Balance	-	N/A	N/A
19 Christmas Express Special Revenue			
Resources	35,000	50	34,950
Expenditures	30,000	50	29,950
Unappropriated Balance	5,000	N/A	N/A
20 Law Enforcement Special Revenue			
Resources	84,014	4,694	79,320
Expenditures	65,000	3,850	61,150
Unappropriated Balance	19,014	N/A	N/A
21 Library Special Revenue			
Resources	33,000	50	32,950
Expenditures	33,300	500	32,800
Unappropriated Balance	29,700	N/A	N/A
23 Enterprise Zone Project Fund			
Resources	1,648,699	500,000	1,148,699
Expenditures	885,325	885,325	-
Unappropriated Balance	763,374	N/A	N/A
25 EOTEC Operations			
Resources	627,793	11,680	616,113
Expenditures	627,793	193,128	434,665
Unappropriated Balance		N/A	N/A
26 IT Services			
Resources	670,800	185,380	485,420
Expenditures	670,800	199,235	471,565
Unappropriated Balance		N/A	N/A

Beginning with the 2016-17 fiscal year the City began distinguishing within the funds some part of ending fund balance as contingency and some as reserved for future expenditure. The contingency is included in appropriations while the reserve for future expenditures is unappropriated.

The City uses multiple Special Revenue funds to account for revenues that are restricted to expenditure for particular purposes. They include funds for debt service, economic development, parks and recreation, capital projects, and grants. Since these funds are not operational in nature and used for specific purposes from year-to-year, their expenditures do not typically follow a predictable pattern so budget variances are not calculated for them.

FY2022-2023 Monthly Financial Report

Utility and Street Funds Report

For the Month Ending October 31, 2022

Utility and Street Funds Report

Resources & Expenditures

	2021-22		Actual YTD	Variance	
	Annual Budget	Projected YTD		Fav/(Unfav)	% Variance
04 Street Fund					
Resources	1,843,007	601,723	533,547	(68,176)	-11%
Expenditures	1,813,007	604,336	414,629	189,707	31%
Contingency	30,000	N/A	N/A	N/A	N/A

06 Utility Fund					
Resources	11,806,391	3,591,833	4,781,214	1,189,381	33%
Expenditures	9,650,089	3,216,696	2,558,416	658,280	20%
Contingency	2,156,302	N/A	N/A	N/A	N/A

13 HES Fund					
Resources	12,495,134	3,270,000	3,715,736	445,736	14%
Expenditures	9,945,430	3,315,143	2,892,441	422,702	13%
Contingency	2,549,704	N/A	N/A	N/A	N/A

15 Regional Water Fund					
Resources	1,874,653	450,333	411,264	(39,069)	-9%
Expenditures	1,206,031	402,010	337,141	64,869	16%
Contingency	668,622	N/A	N/A	N/A	N/A

All four of these funds are projected on a straight line, 1/12th of budgeted expense or revenue per month.

Revenues for the **Street Fund** are **\$68,176** less than projected. Expenditures are **\$189,707** below projected.

Revenues in the **Utility Funds** are **\$1,189,381** above projected. Expenditures are **\$658,280** below projected.

The **HES Fund** revenue is **\$445,736** above projected. Expenditures are **\$422,702** below projected.

The **Regional Water Fund** revenues are **\$39,069** below projected. Expenditures-for July are **\$64,869** below projected.

FY2021-2022 Monthly Financial Report

Section 9, Item B.

City of Hermiston, Oregon Utilities/Streets Capital Projects Report For the Month Ending October 31, 2022

	2022-2023 Budget	YTD Expenditures	Project Budget	Project To-Date Expenditures	% Complete
Geer & Harper Re-alignment	\$ 125,000	\$ -	\$ 1,500,000	\$ 11,062	0.74%
N. 1st Place Reconstruction	\$ 4,500,000	\$ 136,477	\$ 4,500,000	\$ 218,477	4.86%
Well #6 Backup Generator	\$ 320,000	\$ -	\$ 320,000	\$ 41,929	
N. 1st Place Water Line Replacement	\$ 100,000	\$ 21,165	\$ 800,000	\$ 47,173	5.90%
Gladys & Main Waterline Replacement	\$ 100,000	\$ 70,769	\$ 1,180,000	\$ 70,769	6.00%
Lift Station #6 Reconstruction	\$ 620,000	\$ 286,913	\$ 620,000	\$ 318,501	51.37%
McDonald's & 395 Sewer Main Replacement	\$ 330,000	\$ -	\$ 330,000	\$ 22,000	6.67%
Lift Station #3 Upgrade	\$ 550,000	\$ 249,035	\$ 900,000	\$ 608,109	67.57%
Total	\$ 6,645,000	\$ 764,359	\$ 10,150,000	\$ 1,338,020	13.18%

Geer & Harper Re-alignment

This intersection needs to be reconstructed to improve traffic/pedestrian access and ensure connectivity to property east of N. 1st Place. The current configuration makes access difficult for large trucks and traffic backs up on Harper Road during busy times during the day.

Current Update: No change in the status of this project. Still waiting for additional right-of-way acquisition.

North 1st Place Reconstruction

North 1st Place is a critical secondary north/south arterial in Hermiston's transportation system. The existing road is cracking, there are no sidewalks and there is unrestricted access to the roadway from parking and undeveloped areas.

Current Update: Anderson Perry ran in to a couple of delays in finalizing their design, and will now push advertisement back by about a month, with contract award anticipated in January or February.

Well #6 Backup Generator

Well No. 6 is the primary well and the only well available that could provide minimal water supply to lower pressure zones in the city during a power outage. The current pump was last repaired in 1994, and the backup pump lacks the capacity to service the pressure zone. The pump covers service area including Walmart Distribution Center, Eastern Oregon Higher Education Center, Pioneer Seed, and EOTEC. Preventative maintenance will avoid significant inconvenience and loss of water to area businesses.

Current Update: Delivery & Installation still on-track for the winter due to supply-chain issues.

North 1st Place Water Line Replacement

This project will eliminate failing, deteriorating lines which will minimize future repair work. It will also eliminate steel pipes from the 1920's and will improve public safety by ensuring no lead pipes.

Current Update: Design work continues in conjunction with the N 1st Place Roadway Project.

FY2021-2022 Monthly Financial Report

Section 9, Item B.

City of Hermiston, Oregon

Utilities/Streets Capital Projects Report

For the Month Ending October 31, 2022

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Total	\$ 6,645,000	\$ 764,359	\$ 10,150,000	\$ 1,338,020	13.18%

Gladys & Main Waterline Replacement

Sections of this water distribution system were installed in the 1920s with steel pipe – some of the oldest pipe in the city water system. This project will eliminate failing, deteriorating and undersized line, reduce repair work, and improve public safety.

Current Update: This project is being pushed back to occur in late 2023 due to internal staff capacity. Moving the N 1st waterline project back to coincide with the N 1st roadway project will result in a large project occurring in early 2023; meanwhile, the request from Amazon Data Services to supply regional water will also result in a very large project occurring there in early/mid 2023. Delaying the Gladys & Main project will result in better oversight of the project.

Lift Station #6 Reconstruction

Lift station #6 was built in 1981. The submersible duplex pump station has experienced corrosion of both metal and brick. Replacement of the wetwell will increase capacity, eliminate porous brick, and safeguard the environment. Ventilation of the structure is inadequate and electrical systems are nearing the end of their useful life.

Current Update: *With the completion of the Lift #3 boring, it now allows the contractor on the Lift #6 project to proceed with their work. Completion anticipated in December.*

McDonald's & 395 Sewer Main Replacement

Segments of this piping have been found to have structural failures in multiple locations and failing joints. These line failures cause pipe blockage and requires monthly cleaning. In addition, pipe failures may be allowing sewage to exfiltrate the surrounding soil. A new sewer line would eliminate current monthly maintenance costs and provide watertight lines to protect existing groundwater resources from contamination.

Current Update: *City staff has engaged external condemnation Counsel, with City Council anticipated to initiate the Resolution of Necessity to begin the project of acquiring the necessary easement at this meeting.*

FY2021-2022 Monthly Financial Report

Section 9, Item B.

City of Hermiston, Oregon

Utilities/Streets Capital Projects Report

For the Month Ending October 31, 2022

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Lift Station #3 Upgrade

Lift Station No. 3 was built in approximately 1981 and is located underneath Highway 395. The pump and electrical systems need to be replaced. This project calls for the install of duplex pumps and upgraded electrical and control systems. It also will include evaluation of extending a gravity line to Lift Station No. 6, which is also in poor shape. Extending the line under Union Pacific Railroad tracks may be more cost effective than replacing both lift stations. Traffic control will be necessary during design phase

Current Update: Boring has been completed for the section of work underneath the railroad. The remaining work to decommission the lift station itself located within the Hwy 395 right of way will be mothballed until Spring in order to accommodate closure of the paving plants for winter.