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Regular City Council Meeting  
May 28, 2024  
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MINUTES

CITY COUNCIL MEETING  
COUNCIL CHAMBER, CITY HALL  
MAY 28, 2024 - 5:30 PM

VIA ZOOM/ IN PERSON

**PRESIDING:** Mayor Richard Mays

**COUNCIL PRESENT:** Darcy Long, Tim McGlothlin, Scott Randall, Dan Richardson

**COUNCIL ABSENT:** Rod Runyon

**STAFF PRESENT:** City Manager Matthew Klebes, City Attorney Jonathan Kara, City Clerk Amie Ell, Public Works Director Dave Anderson, Police Chief Tom Worthy, Finance Director Angie Wilson, Community Development Director Joshua Chandler, Human Resources Director Daniel Hunter, IT Director David Collins

**CALL TO ORDER**

The meeting was called to order by Mayor Mays at 5:30 p.m.

**ROLL CALL OF COUNCIL**

Roll Call was conducted by City Clerk Ell. Long, McGlothlin, Randall, Richardson, Mays present

**PLEDGE OF ALLEGIANCE**

Mayor Mays asked Councilor Randall to lead the Pledge of Allegiance.

Councilor Randall invited the audience to join in the Pledge of Allegiance.

**APPROVAL OF AGENDA**

It was moved by Randall and seconded by Long to approve the agenda as submitted. The motion carried 4 to 0, Randall, Long, McGlothlin, Richardson voting in favor; none opposed; Runyon

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absent.

### **PRESENTATIONS PROCLAMATIONS**

#### **Certificate of Recognition, Rodger Nichols**

Mayor Mays read and presented a Certificate of Recognition to Rodger Nichols;

In acknowledgment of outstanding dedication and contribution to journalistic excellence, the City of The Dalles hereby presents this Certification of Recognition to Mr. Rodger Nichols.

Throughout his distinguished career in journalism, Mr. Nichols has demonstrated unwavering commitment to news gathering and reporting, enriching the community of The Dalles with insightful and impactful coverage.

As a seasoned journalist, he has consistently displayed exceptional proficiency in delivering accurate and informative news stories. His dedication to thorough reporting has provided invaluable insights into local affairs, contributing to informed public discourse and community engagement.

In addition to his exemplary work covering significant events, conducting interviews, and participating in City Council meetings and work sessions, Mr. Nichols has also been instrumental in promoting the interests of the City and Wasco County during his tenure as a member of the Gorge Commission.

In recognition of his commitment to journalistic integrity and professionalism, as well as his contributions to local government, the City of The Dalles extends its deepest appreciation and presents this Certification of Recognition to Mr. Nichols.

### **AUDIENCE PARTICIPATION**

Bob Kenyon, resident of The Dalles reported since his last visit to City Council the public transit bus schedule had been corrected and now included a date as well. He said discussions were occurring around the idea of moving the hub for bus routes back to the downtown area for local routes. He said he had completed the survey asking the public to share ideas for the site of the old Tony's building.

Long asked for clarification from Kenyon that he had completed the official City Tony's site survey and not the unofficial one that was being shared on Facebook.

Kenyon confirmed he had used the correct QR code posted at the site to complete the survey and

had not participated in a Facebook survey.

**CITY MANAGER REPORT**

City Manager Matthew Klebes reported;

- Downtown trees were being monitored and staff was working to improve watering to ensure it is adequate
- A correction of information regarding merit pay for city employees was given. Only city employees with contractual agreements received merit pay increases. Minutes for the April 23 Special City Council meeting had accurately described what had been said, but a clarifying note would be added to those minutes.
- At the City Budget Committee meeting staff learned the previously posted zoom link had expired, staff added a notice of the change immediately to the agenda and website. The Oregon Department of Revenue had been consulted by staff regarding the event and it was confirmed actions taken were appropriate and it would not affect the budget process.
- City Council would be meeting in a joint work session with Wasco County on June 5<sup>th</sup> at 1:30 pm to discuss Strategic Investment Program (SIP) funds policy.
- Update on City Council Goals progress;
  - LIVABILITY
    - PD would be nearly fully staffed by June 3<sup>rd</sup>.
    - Actively recruiting for a 2nd code enforcement officer position.
    - New full time evidence tech.
    - New contract with Humane Society for animal control.
    - Community survey for old Tony's site.
    - Additional funds had been allocated for plaza concept designs.
    - Maintained funds for sidewalks & ADA ramps in FY24/25 budget.
    - Local Government Academy (LGA) planned for fall 2024.
  - HOUSING SUPPLY
    - First Housing Production Strategy work session was May 2<sup>nd</sup>.
  - HOUSELESSNESS
    - Partnered with Union Pacific Railroad to abate camps near tracks
    - Kenny LaPoint would present at June 10th CC mtg. Gloria Center ribbon cutting ceremony on May 31<sup>st</sup>.
  - FISCAL SUSTAINABILITY
    - Joint work session w/ Wasco Co on June 5<sup>th</sup>. (1:30 to 3:30, location new County building)
    - Preparing Transient Room Tax (TRT) discussion for the June 10th City Council Meeting. First of 3 discussions.
    - Maintained ending fund balance 4 months operating and 10% contingency.
    - Library IGA had been finalized.

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- City Attorney and City Manager were working to research best practices to develop & manage franchise agreements. This would lead to a new proposed Ordinance in the near future.
- INFRASTRUCTURE
  - New changes to the structure of capital improvement plans were being used to develop a City-wide facility master plan.
  - Were in the process of working on a water master plan, wastewater master plan would begin the following year.

### **CITY COUNCIL REPORTS**

Councilor McGlothlin reported;

- Lion's Club conference in Bend, OR.
- Briefings and meetings focused on homelessness.

Councilor Long reported;

- Two nights of City Budget Committee meetings.
- Sister City meeting.
- Illuminate The Dalles event at the Gitchell-Waldron Drug Building.
- Briefing with Councilor Richardson, Mayor Mays and City Manager.
- Urban Renewal Agency (URA) meeting.
- Community Outreach Team (COT) meeting, Washington D.C. visit week of 9/9/2024.

Councilor Randall reported;

- Briefing with Mayor Mays and City Manager.

Councilor Richardson reported;

- URA meeting.
- Traffic Safety Commission meeting.
- Briefing with Councilor Long, Mayor Mays and the City Manager.
- Budget Committee meetings.
- Site tour of 280Earth.

Mayor Mays reported;

- KACI radio interview.
- Speaker at Kelly Viewpoint Memorial Day event arranged by America Legion.

### **CONSENT AGENDA**

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It was moved by Richardson and seconded by McGlothlin to approve the Consent Agenda as presented. The motion carried 4 to 0, Richardson, McGlothlin, Long, Randall voting in favor; none opposed; Runyon absent.

Items approved on the consent agenda were: 1) Approval of the April 22, 2024 Regular City Council meeting minutes. 2) Approval of the April 23, 2024 Special City Council meeting minutes. 3) Approval of the April 29, 2024 City Council Work Session meeting minutes. 4) Resolution No. 24-011 Assessing the Real Property 3223 West 7th Street for the cost of Nuisance Abatement. 5) Surplus of City vehicles. 6) Clarifying Language Regarding the Effective Date for Stipend Increases.

### **CONTRACT REVIEW BOARD**

#### Authorization of Expenditures for 2024 City Street Chip Seal Project

Eric Hanson Deputy Director of Public Works reviewed the staff report.

Mayor Mays asked if inflation had impacted any particular item more than others.

Hanson said the cost of oil had been the biggest increase. The City and County purchased oil together to take advantage of lower rates for purchasing in bulk.

It was moved by Richardson and seconded by Randall to authorize the expenditures for the 2024 Chip Seal Project in an amount not to exceed \$174,987.75. The motion carried 4 to 0, Richardson, Randall, McGlothlin, Long voting in favor; none opposed; Runyon absent.

### **ACTION ITEMS**

#### 280 Earth Joint Enterprise Zone Tax Abatement Recommendation

Dan Spatz Economic Development Officer reviewed the staff report. He was joined by Wasco County Assessor, Jill Amery.

Mayor Mays asked how a company derives revenue by selling carbon credits.

Spatz said a carbon credit was equal to one ton of carbon removed from the atmosphere. A company that releases carbon would be able to purchase these credits from companies that remove carbon. There were two ways to remove carbon, one was naturally by the planting of forests which is difficult to measure. The other was mechanical capture, a method that allowed for physical weight measurements of carbon being sequestered.

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Jacques Gagne Chief Technology Officer of 280Earth presented information describing why and how the company removes atmospheric carbon dioxide. (See attached slides)

Gagne said the technology works well for companies cooling towers such as the Google site in The Dalles. The Dalles also had ideal weather for the system. In addition to pulling carbon dioxide from the atmosphere the system also saves water. For every 5,000 tons of carbon dioxide captured, 27,000 tons of water would either be created or abated. Eventually, if they were able to capture 20,000 tons of carbon dioxide, almost  $\frac{3}{4}$  of the evaporated water at the Google TLK1 site would be saved.

Gagne said Google was no longer funding 280Earth as of October 2022 it was completely funded by investor base. The first 500-ton facility was already operating. The expansion of 20,000-ton facility was the portion that would be receiving the requested tax abatement.

McGlothlin asked how many jobs would be created by the company and why they transported liquid carbon dioxide to Wyoming instead of developing a location in Eastern Oregon.

Gagne said currently there were 5 jobs at the 500-ton facility, with the expansion he hoped to increase to 20-30 jobs. In addition, he hoped to expand engineering by partnering with the local Community College. His intent was to sequester 1 million tons in Oregon which had the perfect basalt rock for sequestering the carbon dioxide into 2-mile deep saltwater aquifers. This would be a \$40 million event to create and a location for a million-ton site. He said there was an existing saltwater aquifer on the Oregon-Washington border that may have potential for this.

McGlothlin asked if Dallesport had been considered for another site location.

Gagne said this could be researched to see if a 2-mile deep saltwater aquifer might exist that would be impermeable ensuring shallower drinking water aquifers were safe from contamination.

Long said she had been introduced to two local employees who worked in the highly technical field while touring the facility.

Gagne said there were now four local employees at the facility.

Randall asked for more information about carbon dioxide injected into the saltwater aquifers.

Gagne said it was in a liquid state at a pressure of 150 bars and because of the great depth and corresponding pressure it remained that way. The carbon dioxide would mix with some of the saltwater and disperse to become soda water. A well could accept four gigatons of carbon dioxide before there would be any pressure difference.

Randall asked if the carbon dioxide was used by shale companies using fracking methods for oil collection.

Gagne said some of the competing carbon sequestration companies did this but 280Earth did not allow this as it enhanced oil recovery and that was a defeated purpose. He said there was a possibility in the near future it may be used in the creation of Synthetic Aviation Fuel (SAF).

Randall asked Spatz to give more information about the statement made that the State of Oregon had invested in 280Earth.

Spatz said he had spoken with Oregon State Treasury Chief of Staff Dmitri Palmateer who confirmed the Oregon Growth Fund was to be an investor.

Gagne said it would be in the form of a direct funding investment. Tobias Reed the current Oregon State Treasurer who was currently running for Secretary of State had visited the site.

Long said when people put money into the Oregon Growth Fund the State turned around and invested that. Part of the investment would be going into 280 Earth. It was not a funded by taxes.

Richardson clarified a 3-year tax abatement could be approved administratively and would come in at about \$2.1 million in abatements. The additional 2 years of requested graduated abatements would amount to about \$700,000 which was what the Council would be approving. He was excited about the project but did not think it made sense for the City to have testing for a storage well done. There may be unintended consequences as we do not always know all of the impacts of our actions ahead of time. He asked if Council could choose to support the 5-year abatement contingent upon an addition that stated there would be no testing wells or storage injection wells within a designated area.

Gagne said there would be no problem with the suggested contingency. The current plan was to continue transporting the carbon dioxide to the EPA approved site in Wyoming and creation of a new well would not be cost effective.

Spatz said the next step would be an agreement with 280Earth and this contingency could be included in that agreement.

Long said it was not necessary to include the contingency in the agreement. She said the proposal had been researched and approved by the EPA and it was unknown what technology may be available in the future. She said the contingency may create limitations. Any future activity from 280 Earth would require approval through the EPA as well as other entities including the City.

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Richardson said as there were currently two federally listed superfund sites within the City limits, he would not rely on the EPA to guarantee there would be no negative environmental effects.

Mayor Mays asked for confirmation that Google was no longer an investor.

Gagne confirmed Google owned founder's stock but were no longer funding 280Earth as of October 2022. When a company was deemed it should no longer live within Google it became a spin out. Google had founder stock as some of the technology had been developed while working for their company.

Kara asked if there were outside factors requiring Council to make the decision that night.

Spatz said concurrence from the County and a vote from The Port had already occurred. Creating an agreement would be the next step. He recommended a motion allowing staff to proceed with creating the agreement as the company hoped to start on the project as soon as possible.

Amery clarified the project and the entity had both met requirements of the tax abatement program.

Klebes asked where the transfer loading point was at the railroad.

Gagne said it would be near the Pacific Coast Producers site.

Richard asked if council would consider amending the motion to include in the agreement the prohibition of a test well or injection well in the City of The Dalles.

Long said she would not.

It was moved by Long and seconded by McGlothlin to approve a five-year Extended Enterprise Zone tax abatement for 280 Earth as detailed contingent upon approval from Wasco County and Port of The Dalles. The motion carried 3 to 1, Long, McGlothlin, Randall voting in favor; Richardson opposed; Runyon absent.

Gagne thanked Council and said to rest assured the whole point of the company was to help the environment, not destroy it.

#### KDLS Aircraft Storage LLC Land Lease

Jeff Renard Airport Manager reviewed the staff report



It was moved by McGlothlin and seconded by Long to authorize the City Manager to enter into the lease with KDLS Aircraft Storage LLC as presented, contingent upon approval from Klickitat County. The motion carried 4 to 0, McGlothlin, Long, Richardson, Randall voting in favor; none opposed; Runyon absent.

### **DISCUSSION ITEMS**

#### **Review and Revision of City Council Rules**

Jonathan Kara City Attorney reviewed the staff report.

Kara asked for council direction on adjusting rules to protect the public's interest regarding ordinance amendments.

Long said it was a good idea to make changes that ensured transparency and encouraged public involvement.

Mayor Mays confirmed there was council agreement on making the changes regarding ordinances.

Kara asked for council direction on adjusting rules to make changes to the number of days before a council meeting the notices were required to be posted. Under the current rules it was required to be noticed 10 days before the next regular meeting.

Mayor Mays said he was not aware of another city that had a requirement that City Council agenda packets had to be out 10 days before a meeting and had never understood why it was a rule. He said it placed a tremendous burden on staff and did not see a need for it. He suggested 5 or 7 days.

Long noted an agenda that went out early allowed people 2 full weekends to review and contact staff with questions. This allowed for greater participation from people who were not necessarily retired. She asked if an agenda could go out earlier to be followed at a later day with supplemental staff reports that required more time to complete. Many of the agenda items are known ahead of time and those items could easily be included.

Klebes said it was true that staff did quite a bit of early work planning and managing agendas to ensure items were organized to meet deadlines and to balance the length of time of the meetings. Despite early planning, adjustments were often made very close to the date of the agenda posting. The morning following a City Council meeting Leadership Team members meet to review the outcomes from the meeting, make next step plans, and draft the next two agendas appropriately. He understood the intent behind putting out an agenda and then putting out supplemental

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information later. He stated concerns about this requiring people to check twice and that it may create confusion if what is first sent out is what we hope to be on the agenda and then changes added or removed from the final agenda.

Richardson said 7 days was acceptable but any shorter than that was not enough time to review.

McGlothlin asked the City Clerk if the current requirement placed a hardship on staff.

Ell said currently there were times staff was rushed to complete a staff report. There were concerns with the number of agenda changes that required posting of supplemental agendas as a result of current time constraints. She said with a change to 7 days this could be minimized. She had asked the other city recorders across the state the timelines they worked with. The majority of the responses were 7 days, 5 days was the next common there were a small number who had a 3-day deadline and just one other was 10 days.

Mayor Mays clarified this change would help to reduce the number of amendments that were made to agendas. He confirmed there was agreement amongst Council to change the requirement to notice agendas 7 days before regular city council meetings.

Kara asked for council direction on making changes to public comment rules to better align with recommendations from the League of Oregon Cities (LOC) after review of Oregon and federal constitutional laws and updates to public meeting law.

McGlothlin clarified a Zoom bombing was when someone logged onto a Zoom meeting with the intention of disrupting the meeting. The council had experienced Zoom bombing twice.

Richardson said he did not support having variable amounts of time for public comment. Going beyond fifteen minutes was rare and should continue to be allowed.

Mayor Mays agreed there should not be a limit to fifteen minutes and also did not agree with prohibiting the Mayor and Councilors from responding to public comment. He had problems with not being able to respond or set the record straight if things were said that were untrue. He said allowing people to sign in was helpful but should not be required for speaking.

Kara said the design of the rules was for the City Council to be a wall when it came to public comment but there were opportunities to compromise without risking too much liability to The City. One option would be to allow Council or the Mayor to clarify information or ask clarifying questions. It was recommended to make adjustments that would give more authority to the Council to regulate public comment as opposed to keeping it open in order to mitigate risk.

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Long asked for clarification of what was meant by risk.

Kara said he was referring to legal liabilities. One risk was allowing the Mayor or City Council to respond to public comments relating to City affairs or business. As they are not staff or the City Manager there was a risk incorrect or incomplete information would be given. Second, there were risks for claims of censoring free speech if someone is not afforded uniformly identical opportunities for public engagement with the City Council and Mayor. So long as there was a strong presiding officer and a council that respected them as well as a presiding officer that knows the risks and how to be mindful of them there was no need for the rules. However, the rules were being updated for not only the current City Council but councils in the future.

Councilor Richardson said everyone would get the equal amount of three minutes, but it would be the prerogative of the Mayor and Council the number of and time spent on questions.

Mayor Mays clarified the issue was not with allowing everyone the same three minutes, it was the time allowed for questions. He said it was know there would be risks taken with being a public servant.

Long said the LOC would not give legal advice unless it was conservative. In addition, their guidelines were inclusive of much bigger cities including Portland and Eugene that had very large and often contentious meetings that required stricter rules. If there were periods of extreme hostility in the future that council may want to change their rules at that time.

McGlothlin shared an example of a time in past council where it had been important to have clear rules to address disruption. He said he agreed with allowing three minutes for every speaker and clarifying questions from council. He said there needed to be some restriction of time.

Kara noted council rules did not interfere with the ability for council to speak with the public outside of a council meeting.

Mayor Mays noted pages 11 and 12 of the rules addressed handling of disruption to council business.

Long said in the example given of the past disruption, the person had been escorted because they had gone over their time, wouldn't stop, and were threatening. It was not related to free speech.

Kara clarified a summary of direction from council was not to change anything. There was no support to limit public comment to 15 minutes, it would remain at 3 minutes per speaker with no limitations on mayor or council interactions with speakers.

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Kara asked for council direction on if they would like to include the evaluation process for the City Manager, City Attorney, and Municipal Judge as a part of the council rules.

Long said it would take a while to create a process and it would not align with the timeline for completing the council rules. She questioned if it should be spelled out in the rules.

Richardson said work needed to be done on the evaluation process.

Kara said he intended to have the new council rules ready by July 1<sup>st</sup> to align with the new fiscal year.

McGlothlin said the rules were clearly defined and asked staff to continue work.

Mayor Mays said the work was very thorough and there was a lot of information to absorb.

Klebes suggested council send questions via email to Kara to be compiled then brought back to council at a later date for discussion.

Richardson asked how they would be proceeding with the evaluation process.

Mayor Mays said a subcommittee of two council members would be created to begin work on bringing back recommendations for updates to the evaluation process. The work of the subcommittee would occur over the next 6 months.

Kara said it was in the City's best interest to have the current experienced City Council adopt the rules ahead of the next election even if the evaluation process was not yet included.

Mayor Mays asked Council to send questions or comments regarding the council rules in an email to the City Attorney by July 1<sup>st</sup>.

Mayor Mays asked for council volunteers to be on a subcommittee to evaluate and bring recommendations to council on the evaluation process for the City Manager, City Attorney, and Municipal Judge.

Long and McGlothlin both volunteered to be on the subcommittee.

### **EXECUTIVE SESSION**

In accordance with ORS 192.660(2)(h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

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Mayor Mays recessed Open Session at 7:42 pm

Mayor Mays reconvene Open Session at 8:37 pm

Decision, if any; There was none.

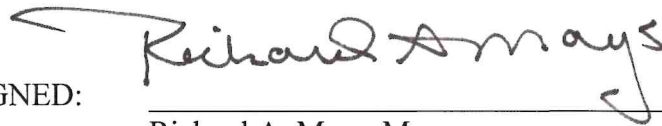
**ADJOURNMENT**

Being no further business, the meeting adjourned at 8:37 pm

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Submitted by/  
Amie Ell, City Clerk

SIGNED:



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Richard A. Mays, Mayor

ATTEST:



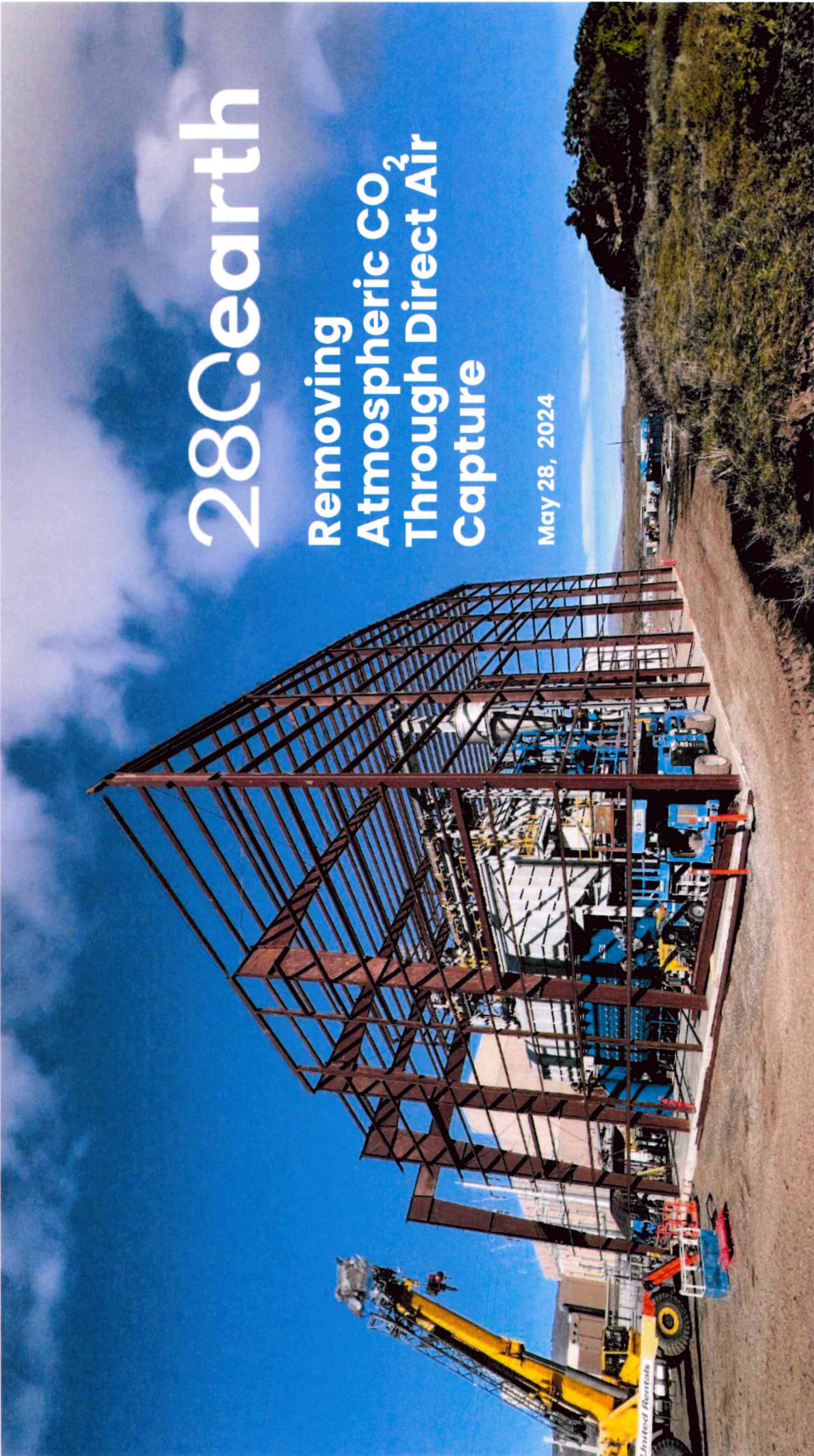
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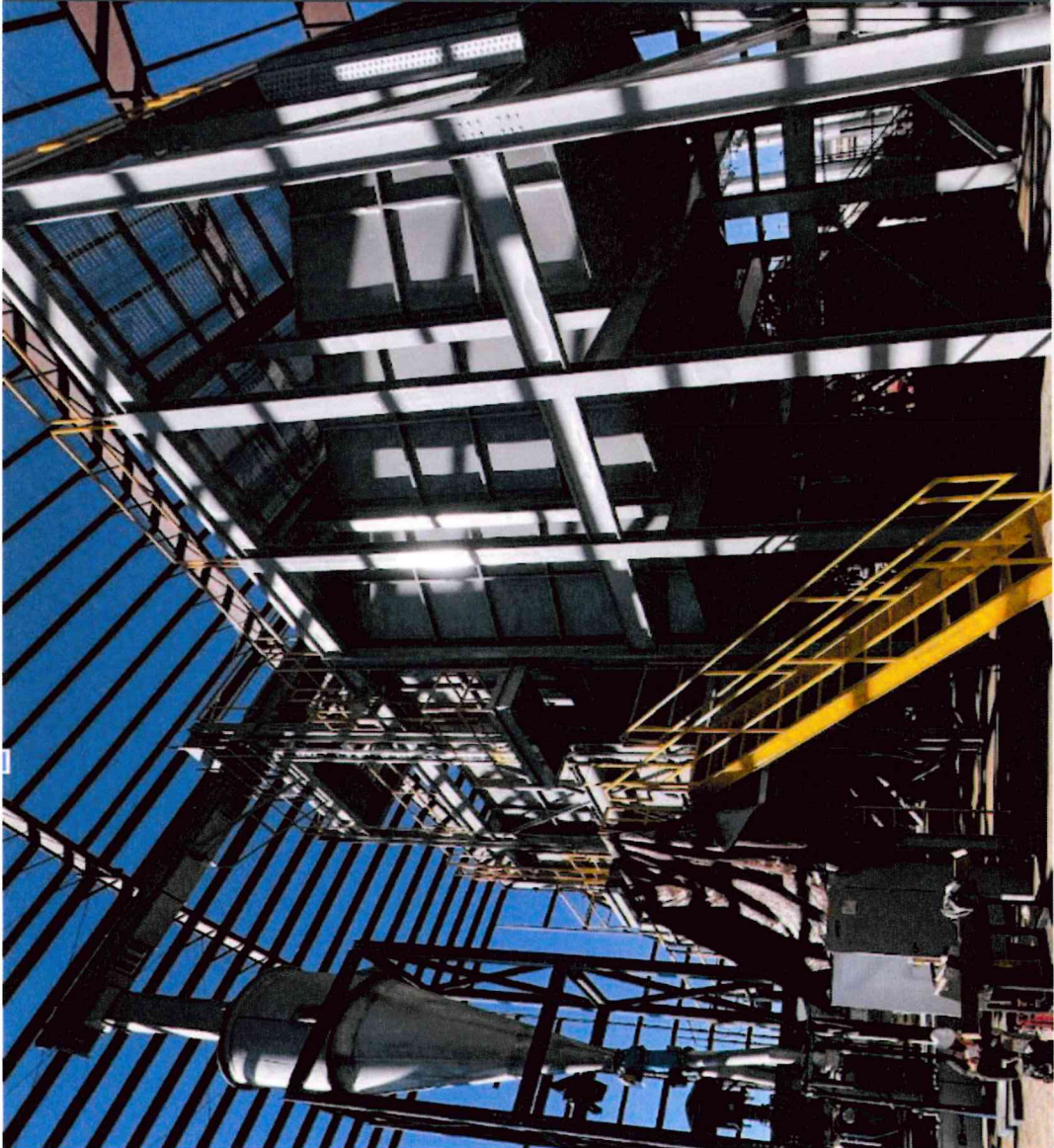
Amie Ell, City Clerk

# 28Cearth

Removing  
Atmospheric CO<sub>2</sub>  
Through Direct Air  
Capture

May 28, 2024





# INTRODUCTION

## Why remove CO<sub>2</sub>?

**Climate change** effects in Oregon include:

- Warmer, drier weather
- Drought and wildfire risks
- Lower snowpack and glacial ice
- Impacts to agriculture, fisheries, and timber production

**Direct Air Capture** pulls CO<sub>2</sub> out of the atmosphere, removing legacy emissions and reversing climate change.





# Who we are

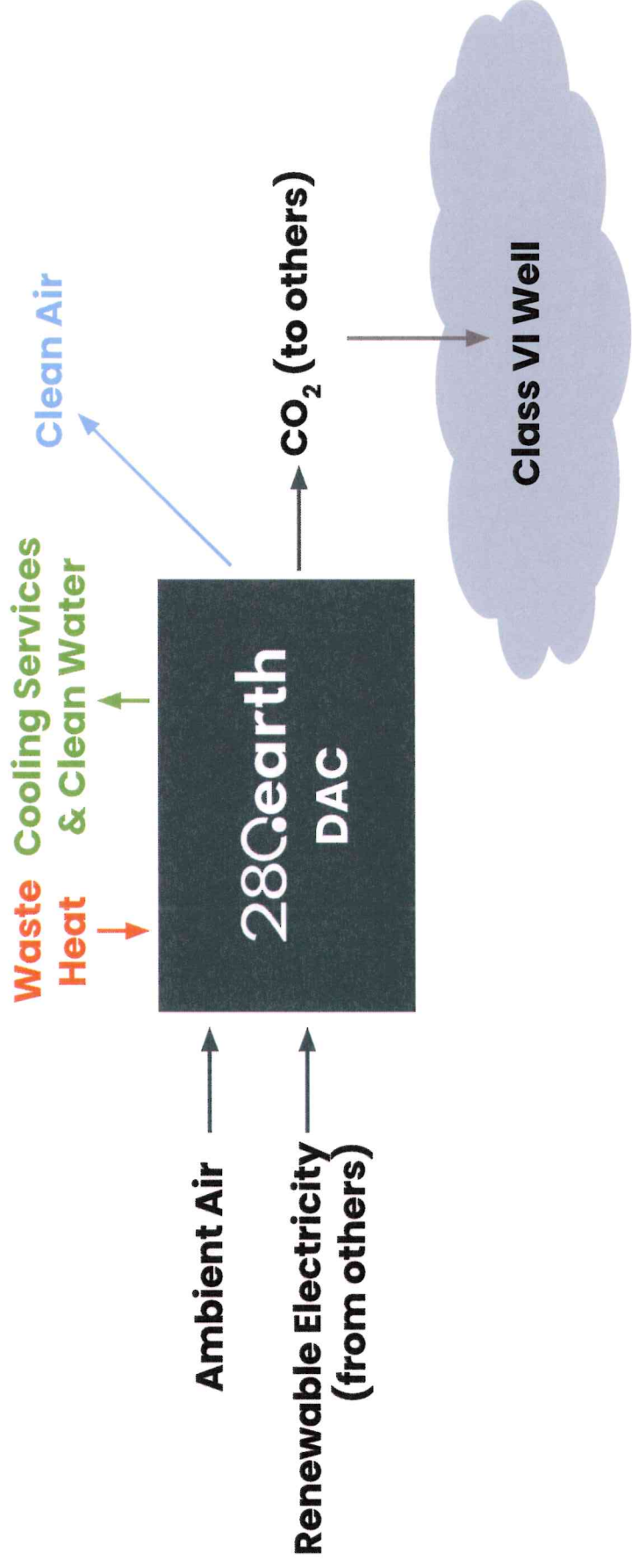


**40 total employees with technical, research, construction, and business development teams**

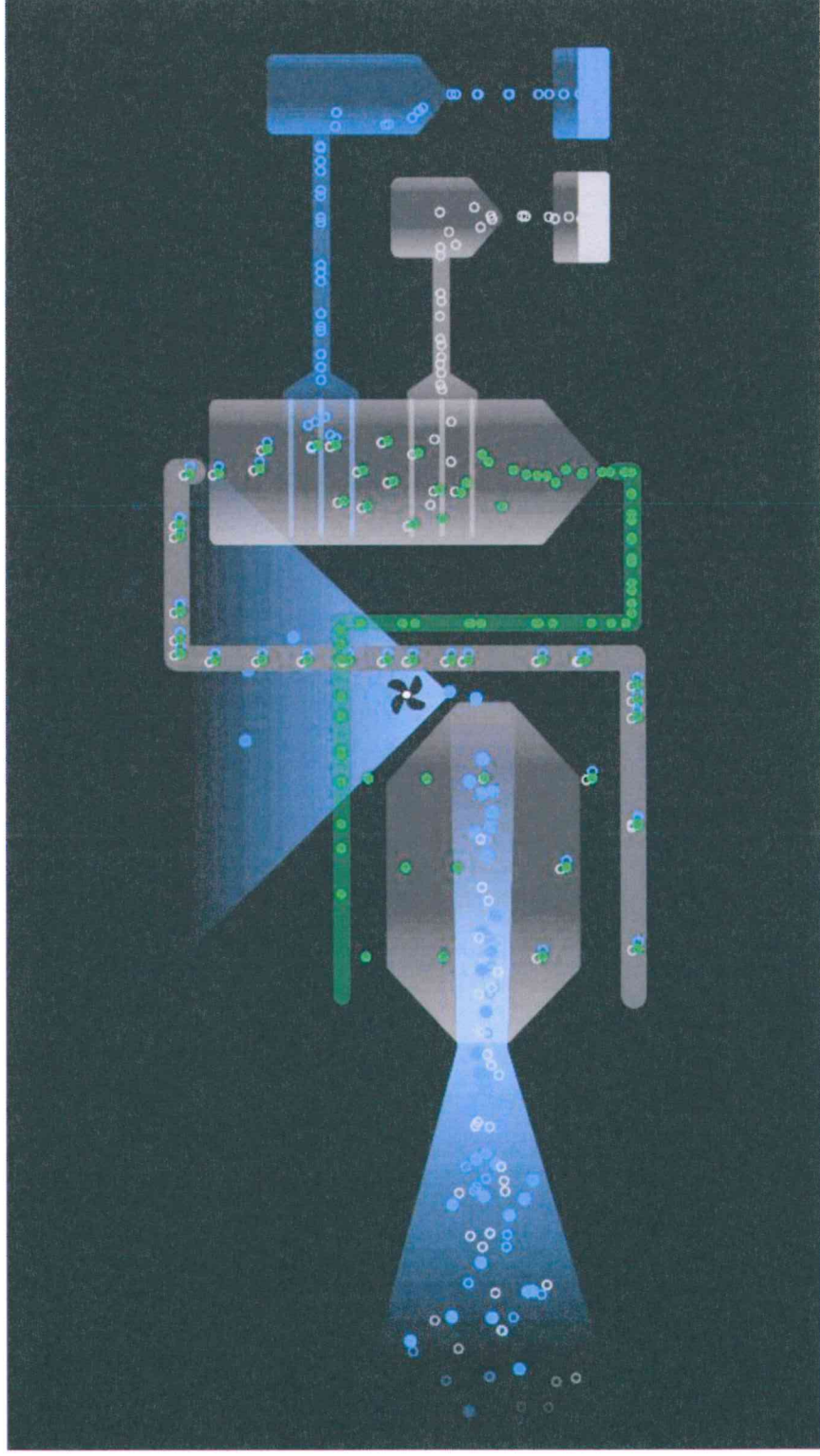
**28Cearth**

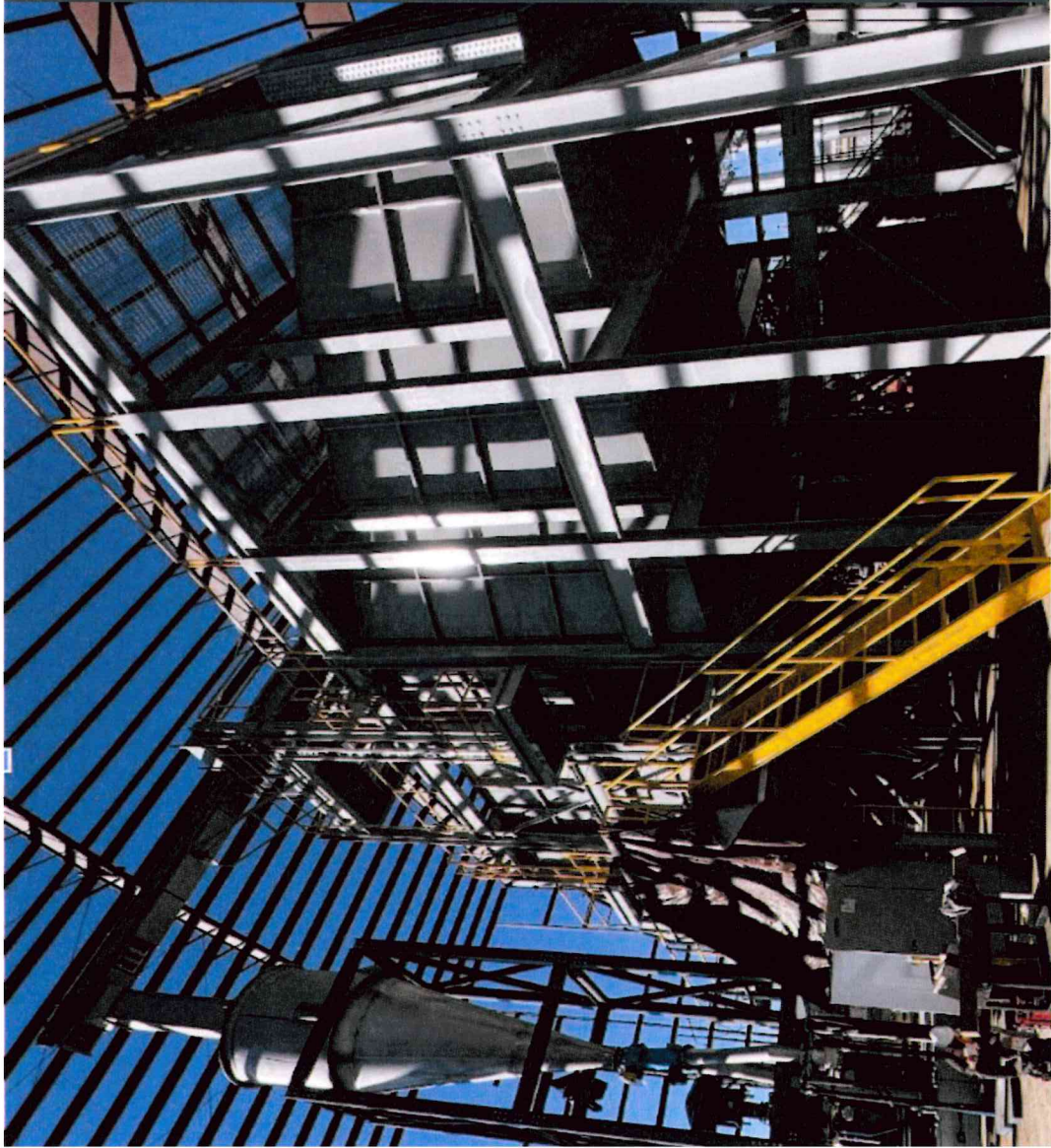
PROPRIETARY AND CONFIDENTIAL

# 280 Earth's process



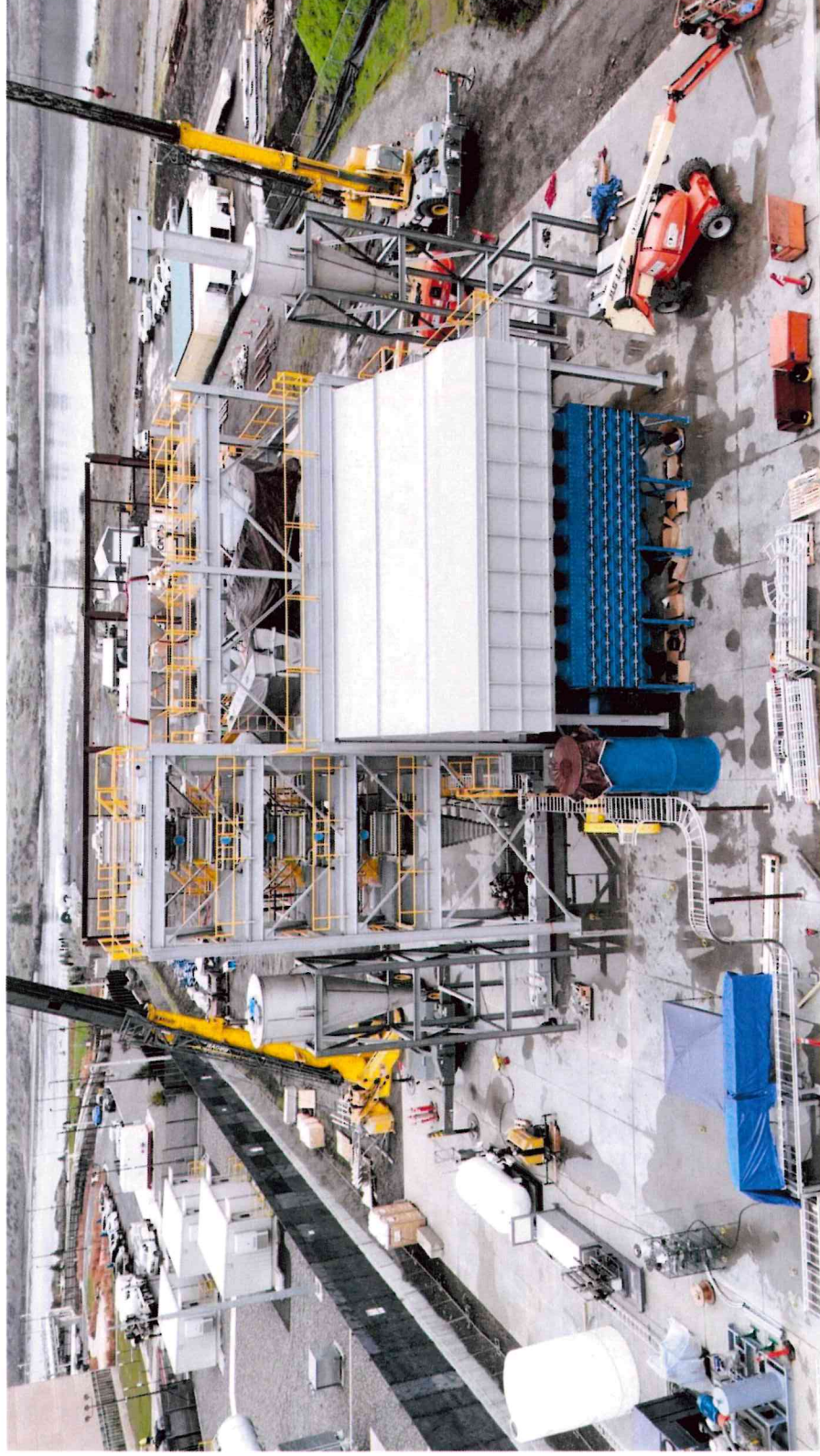
## 280 Earth's process, continued





# DEVELOPMENT

# 500-ton per year unit operating now



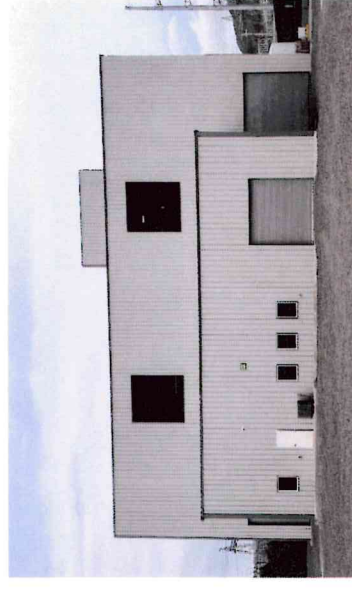


# Our Partners



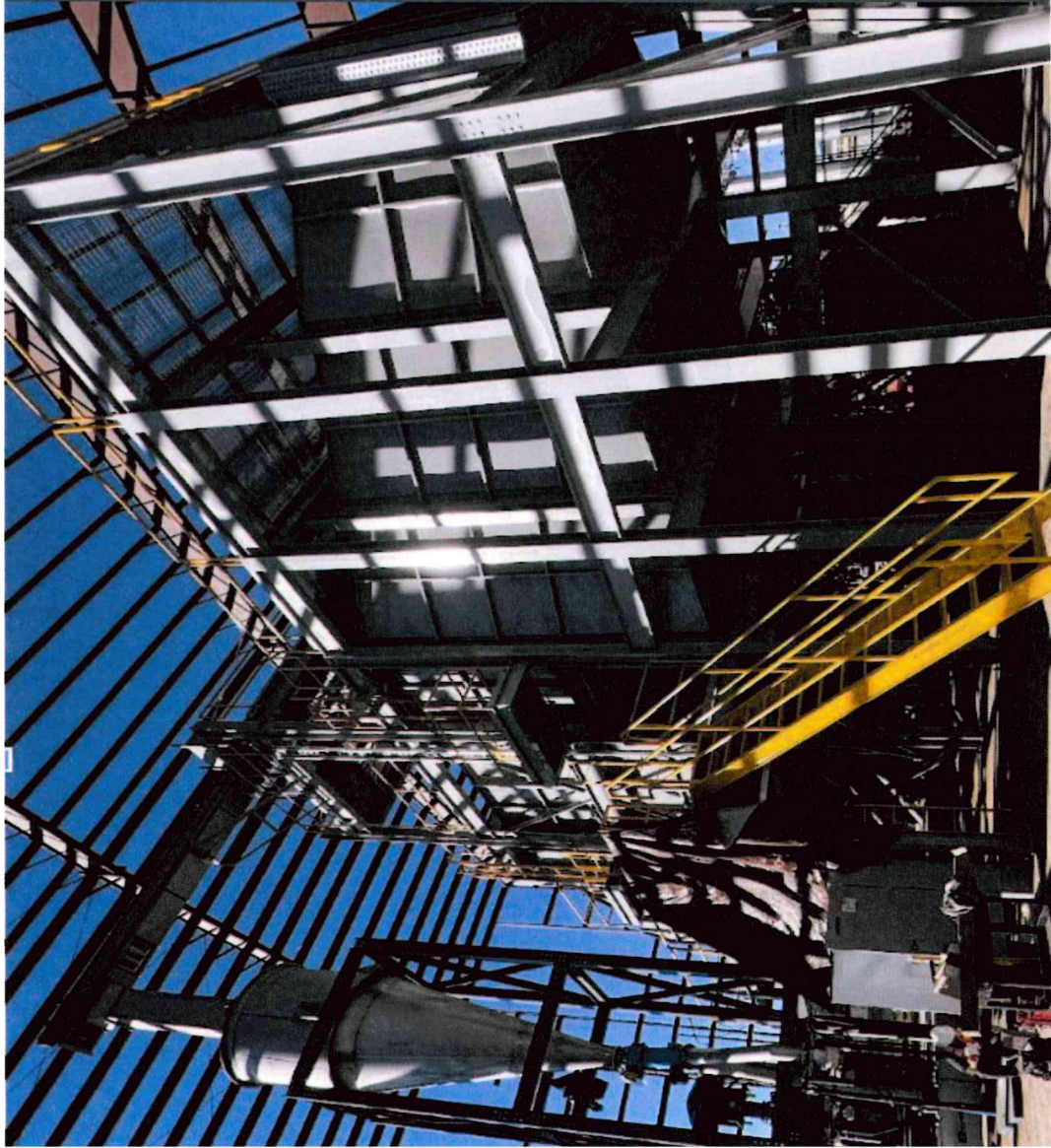
## 280 Earth in The Dalles

- First, 500-tpy facility is already operating
- Access to clean energy:
  - BPA hydropower
  - Google waste heat
- 500-tpy spending:
  - \$13M spent in construction
  - \$19M regional economic activity (multiplier)
- 500-tpy employment
  - 20-30 FTE construction
  - 5-8 FTE operation



**Expansion to 20,000 tpy would have a total spend of \$130M and economic activity of \$195M.**





THANK YOU!