

# MINUTES

## OREGON RACING COMMISSION AUGUST 17, 2000

The Oregon Racing Commission met on Thursday, August 17, 2000, at 1:30 p.m. in Room 140 of the Portland State Office Building located at 800 NE Oregon Street, Portland, OR. Commissioners in attendance were Steve Walters, Chair; Laura Fine, Vice Chair, Richard Reid, Tom Towslee and David Price. Agenda items were discussed in the following order with resulting actions:

### 1. Approval of July 20, 2000, Minutes

ACTION: MOTION(Fine) Approve minutes as submitted.  
VOTE: 5 Aye, 0 Nay

### 2. Josephine County Fair Race Dates Request for the Years 2001, 2002 and 2003

Steve Barham stated Al Westhoff was not present is because the Josephine County Fair is going on this week. The race dates requested are in the normal window of the meet in Grants Pass, and the intent for requesting for three years is to show the commission and the industry that they are committed to running their race meet in future years. Mr. Barham recommended approval.

ACTION: MOTION(Reid) Approve the dates requested by Josephine County Fair for the years 2001, 2002 and 2003 subject to receipt of an application and approval of an application in each of those years.  
VOTE: 5 Aye, 0 Nay

### 3. New Portland Meadows Projects Status Report

Following is a transcript of discussion and action on this agenda item.

Mitchell: Woody Mitchell, Portland Meadows.

Walters: Welcome, Woody.

Mitchell: I'd like to break it down into two areas to deal with. The first, let's deal with the barns or the stables that were cited as dangerous building code violations. We had ten barns that were cited. One of those barns has since been torn town completely to make room for the new installation. Of the nine remaining, I can kind of go through it percentage wise. There's one barn that's completely done. There's probably four that are 85% done, and there's about 30% on the remaining four barns. And when I say that, the permitting process and inspection process requires the building inspector to come out and approve repaired repairs that are done so that then we can put up the final sheeting, etc., and button everything up, then he comes back and gives it the final stamp of approval. So that's why we're kind of torn with..., one barn that's completely done and the rest of them are in different stages of being repaired.

Walters: Woody, when we were out at Portland Meadows last month Brian made a presentation where he was talking about the permitting process for the barn construction. He said at that point you two permits and the plan was as you finished a barn then you'd get another permit. Have you gotten further permits?

Mitchell: Yes. We have a total of five now, so we have five out of the nine barns, the permits we have already received.

Walters: Great. The other question that I had on that is how do you see the progress of the work going and timeframe and that type of thing?

Mitchell: Right. Okay. We're shooting for the, obviously the barn area we're shooting for the opening of September 15th-16th. Right now I would say out of the nine barns that are going to be rebuilt or are in the rebuilding process, probably seven will be completed by that time...

Walters: By September 15th?

Mitchell: Yes. That probably leaves us with two that will not be complete, just giving you an honest answer of estimating what we're doing, and I subtract 120 stalls off of say..., well, we had 960, so go to 900, subtract..., about 780 stalls will be available around September 15th or 16th. At that time, I talked with Jerry Kohls our director of racing this morning and spoke to him about the way he was receiving stall apps because we've already sent them out. He said they're coming in slower than what he anticipated, and so with the..., Playfair also running during our window this year there's a possibility as he indicated this morning that there will be a number of trainers and owners that may take their horses to Playfair, run through their meet and then come to our meet sometime in January. So, at this point we don't really see a problem with being short of stalls for the start-up.

Walters: How about short of horses?

Mitchell: Pardon?

Walters: How about short of horses?

Mitchell: Yes, that's one of the problems we anticipate. I do believe the races filled quite well at Salem this morning, though. He's also doing the racing secretary's job for Lone Oak, for the HBPA, and he indicated that they filled well this morning.

Walters: On the barn work. Again, when we were there last month Brian talked about a proposal or a plan to have basically two crews working where you would end up working seven days a week. Are you doing that?

Mitchell: Yes. There is [*sic*] two crews working. Actually, we have two full, I'll say two repair crews working and a demolition crew. The demolition side of it, which is a lot of work involved, several tons of bricks, I mean you're talking about a couple thousand tons of brick eventually, will be removed from the property. We're probably 90%, 95% done with the demolition, tearing down of the structures that need to be repaired and replaced. So, and we have two full crews working in between.

Barham: What's a full crew? How many people?

Mitchell: We have three people on each one of the crews that are putting up the walls, and then we also have a footing crew that's working right now. There's two people going around and we've been putting out all the footings and for the foundations and so forth for the new buildings, or for the new walls in the buildings, we have a crew doing that also at this time. They'll be through..., and the pointing crew, there's two people that'll be done with that, it's going through repointing and so forth, they'll probably be done sometime within the next week. And as we get through using a crew we're just going to condense the workforce down, we won't lay anybody off, obviously, we'll just condense it down...

Walters: You mean combine, expand...

Mitchell: Expand, right, yeah.

Walters: And are you working seven days?

Mitchell: Uh, yes.

Walters: Okay. Other questions of Woody on the barn construction?

Reid: Do you have any openings for retirees out there?

Mitchell: I was thinking about that crew. We could find one for you.

Reid: Sounds good.

Mitchell: And on the other barn, or actually building that will be constructed, all the permits have been submitted to the city, the engineering's all done. We had the, the actual award's been awarded to the pole barn company.

They've set aside the scheduling, we've made the down payment on the building itself, the time has been set aside in his schedule for construction beginning September 4th. The flat work or the concrete, the slab and all of that necessary work, we're trying to get expedited permit from the city. We already have a contractor that's been on board and he's working with Wilkins Trucking so that the material's all ready, so it's just a matter of waiting for that permit to be issued by the city. The flat work part of it's going to be between three and four weeks and the actual building itself is going to take between three and four weeks.

- Walters: Does the three and four weeks on what you're calling the flat work include the cure time for the concrete?
- Mitchell: Yes it does, and both of those jobs can be done simultaneously, so overall it isn't an eight week project, it can all be done in a four to five week project. So we're anticipating that the building will be ready for service to be used no later than the latter part of September.
- Walters: At our last meeting, Woody, there were some discussions of were there issues with the water district related to this EPA project, and I'd ask you have there been further discussions on that and what the status of that is.
- Mitchell: The water, Multnomah Drainage District signed off on the permit.
- Walters: They did?
- Mitchell: Yes.
- Walters: Super.
- Mitchell: So, its, you know, as far the plans are all, they've been approved by all the various jurisdictions.
- Walters: And how are your friends at the EPA doing?
- Mitchell: I think that they're in the position that they're still doing a very thorough job of investigating what has went [sic] on and what is expected to happen in the future with the dry handling system, and at this point there's really not any real facts of finding have been released.
- Walters: Has there been any progress on the issue of a fine, and again, I'm not asking you about confidential material or anything like that, but where do you stand in that process, Woody?
- Mitchell: They're still in the deliberation stage. We're exchanging information with the EPA and there's been no conclusion, this type of thing.
- Walters: Any other questions of Woody on the status of the projects out there?
- Towslee: When..., there's no horses there now, correct?
- Mitchell: That's correct.
- Towslee: When will the horses start showing up?
- Mitchell: September 15th.
- Towslee: And you will have the dry handling system done when?
- Mitchell: Probably sometime within a week aft..., at the, uh, it will probably be the third week in September.
- Towslee: Okay, so there's not a huge lag time between...
- Mitchell: No.
- Towslee: ...when horses show up and...
- Mitchell: No.
- Towslee: ...when you...
- Mitchell: There's probably going...

Towslee: ...can handle...

Mitchell: ...about a maximum of two weeks overlap is the worst case scenario that I see today assuming that the city releases the permits in a timely manner and the construction runs into no problems.

Towslee: Is there any problems with putting horses on the property without an approved manure handling system operational?

Mitchell: I know of none at this time.

Walters: That's consistent with what Dave Brown told us at the last meeting.

Mitchell: Yeah. At this time there's been no comments made in regards to any violation that would happen if horses were on there for a period of time. I think a lot of it is, pertains to the weather, the time of year. If it's dry like it is now all of the material will be removed on a daily basis, and so there is no storm water generated that would be contaminated.

Towslee: Okay. So, basically you're telling us, Woody, is that, is that there's no, you see no problems with being able to open up on October 15th or 17th, whenever it is.

Mitchell: No problems. The first live day is scheduled to be October 19th, and I see no real reason there are any problems that could stop that from happening.

Towslee: Very good.

Walters: And just to confirm information that we've gotten the arbitration between the HBPA and New Portland Meadows is happening today, is that right?

Mitchell: Yes. It was scheduled for the 17th, today, to begin at nine o'clock this morning, and it began on schedule, and I'm not, the length of that process I don't believe anyone really has an idea what it's going to take, but I know that Portland Meadows and the HBPA are meeting with the arbitrator today and they will work out an agreement that both parties will live by.

Walters: One thing I would like to ask you to do, Woody, is that we would like sort of a status report, after the arbitration hearing process is completed if you could let us know, maybe drop a note to Steve and he can circulate it to us about, you know, when do you anticipate a decision and that type of thing. I don't want the proposals that were exchanged or anything of that sort, but things such as when could we expect a decision...

Mitchell: A timetable for when the decision will be made...

Walters: Right.

Mitchell: That won't be a problem. Okay.

Towslee: Do you...? Maybe, I don't know if you can answer this or not, Woody. but do you anticipate any kind of decision from the arbitrator that would prevent you from racing?

Mitchell: No. I was...

Walters: He just said they'll live with it.

Mitchell: I was just reassured this morning, I mean, we met with Gene this morning and discussed some of the situations and scenarios for financial, you know, planning and this type of thing and there is no scenario that we cannot run the racetrack.

Walters: Good. Any other questions?

Fine: I had a question.

Walters: Commissioner Fine.

Fine: Woody, this is real specific to what's going on with the changes on the track. I understand that the new method of hauling manure's going to involve having each stall cleaner push their wheelbarrow to that centrally located barn.

Mitchell: That's correct.

Fine: I have a lot of empathy for stall cleaners having cleaned many stalls in my life, and I wonder if there's any plan at this point or any conversation about setting up some intermediary stations that are a little closer to some of the outlying barns so that people don't have quite such a long push between each cleaning.

Mitchell: Okay. To address that issue, and I believe the best way to handle that is that we've set up a system where we have one interface with the opportunity for the material to be transferred from one container to another, and that is the barn itself, a totally enclosed thirty by, you know, thirty-six or forty feet by two hundred and fifty foot barn. The problem with taking the material from a small, say a four cubic yard container or two cubic yard container and setting it up at say four or five other points around the racetrack, you just expose it to more storm water...

Fine: Sure.

Mitchell: ...chance of a contamination, chance of material to be left on the ground, and this type of thing. So, to begin with no, there's no plans but are we open to suggestions that will meet the EPA and the Department of Ag's requirements as far as maintaining best waste management practices? We obviously are. We are not trying to make it difficult for people to be able to train horses. We want them there and make it as convenient and user friendly as possible. So, I've given a lot of thought to that. We've done a lot of talking to different container companies and this type of thing...

Fine: Great.

Mitchell: ...but as we stand right now the plans are we're going to follow what we submitted to the Department of Ag. We are going to have just one exchange point where material's deposited and loaded into the vessels or the trucks to be hauled away.

Fine: Am I right in assuming that each individual stable is responsible for providing their own wheelbarrow?

Mitchell: No. At this point that's one of the things that we're discussing on what is the best method of handling it, and so no, that is not correct. Right now I would say that the company is looking into providing that.

Fine: 'Cause there are some pretty decent state-of-the-art, very light weight plastic models, even covered ones, so if you're looking into providing something like that, that should be, that'd be great.

Mitchell: Right.

Fine: And I know you've got a real full plate.

Mitchell: Right. It's quite expensive when you start talking about possibility of needing fifty or so units, so a lot of it hinges on the size and this type of thing and where people can share them or not be shared, this type of thing.

Fine: Yeah. Well, I appreciate your efforts looking into that specific issue.

Mitchell: Right.

Walters: A couple of other questions that I had, Woody. At the time of the last meeting there were some discussions that you were going to be meeting with the fire marshal and perhaps I think people from the HBPA about trying to resolve the living quarters issue for folks on the backside. Have you made any progress there?

Mitchell: Unfortunately we've come to the conclusion in visiting with the city, I've visited with a couple of their different departments, and actually it's the building department that is in charge of it, and I've exchanged information that I received back with Dick Cartney from the HBPA. It doesn't appear there is a solution based on the fact that the requirements for certain living quarters and so forth, it just, standards not, cannot be met, I mean, without the fact of actually building homes back there. So based on that, Dick and I are both looking into other alternatives, and we haven't given up on the idea but we're really right now up against a rock and hard place. There's, we've tossed around some other ideas as far as actually locating rental property or homes or apartments that are in the vicinity of the racetrack and seeing what kind of deal and what can be made there

available for the people that are actually working on the backside. But as far as actually housing them on the inside of the restricted area on the backside of the racetrack, it doesn't appear as a feasible solution. Until you rebuild the entire racetrack and build dorm-type facilities then it would be something that could be, you know, you could reach it then.

- Walters: How about areas where people could pull in trailers or motor homes or something like that?
- Mitchell: We're investigating that part of it. It appears that there can be even some problems in that.
- Walters: From the city's point of view?
- Mitchell: Yes, from the city's point of view.
- Walters: Okay. Another question I had was with respect, you were talking to the Jockeys Guild folks about some work on the jocks' room and some issues there. Where are you on those?
- Mitchell: I spoke with Darrell. The items that he gave me for a list of things that he would like to see are all things that I agree with him and we're going forward with them. One of the things I can't work out until we actually get there and get started up is the food side, which was a big issue. And after giving it a lot more thought and listening to what some of the other racetracks do, we believe we can accommodate without a problem. And as far as the..., I think there's some leaks in the sauna, there's a few other things. There's a couple of items that we cannot take care of, but the majority of the items, the furniture, this type of thing, it'll all be taken care of before we start.
- Walters: Good. Other questions?
- Barham: Yeah.
- Walters: Steve.
- Barham: Um, and this is maybe off the side, racetrack surface? The...
- Mitchell: Perfect.
- Barham: Perfect, yeah. You don't know that and neither do I because there ain't been no horses there. But I do remember that back in the year that the rail was put in, not anything was really done with it and we had some problems that meet. You worked during that meet some and then the next year, which would have been before last season...
- Mitchell: Last meet...
- Barham: ...you did a bunch of work on it, and my recollection is that you said okay, we understand we've got to do this each year, and that's on the...
- Mitchell: That's on the agenda.
- Barham: On the agenda. What are we going to do?
- Mitchell: Okay.
- Barham: Or, what are you going to do?
- Mitchell: Yeah. That's exactly what I am going to do. Starting September 4th, our last concert is September 3rd, and after the move-out and the concert area is cleaned off so we don't have to fight with the traffic and deal with the traffic problems created by the concert, the track will be completely renovated. And when I make that statement one of the things that's kind of difficult to determine is the amount of sand on the track, how much is needed and in what areas is it weak in sand, or in what areas do we have too much sand. I mean, obviously it can work both ways. So, what my plans are with equipment's already been made ready we'll disk the track up, we'll grade the track, the people are already lined out to start work on September 4th and then I expect it'll take us about ten to fourteen days to satisfactorily get the track worked up to be able to determine what we need and where we need it, if any sand is needed. Now what I plan on doing is doing the same thing we did last year as far as... I did it myself so I know exactly what we did. I go out there and we'll measure, and if we need sand in a particular area, I work with Wilkins and his trucking company and they do a very good job about

spottin' it where we need it and they get good sand from Columbia River Sand and Gravel, so we'll just add sand where we need it.

Walters: Do you expect that the work on the track could delay the ability of horses to work?

Mitchell: No, there's no way. It's going to take us ten days to get the thing ready to go, but I mean ten days we'll be working on the track all the way through 'til October 19th and even after October 19th. But I'm just talking to you... I left [*sic*] the track lay dormant this summer. We didn't do any work on it whatsoever, and the reason we did is we chose to let it do that. We wanted it to set up, we didn't want the material to be knocked off and washed off if it rained and this type of thing. We allowed it to set up, and we know what the equipment that we have that we can tear it right back up, grade it all the way down to the base, take out any, you know, deflections and stuff that are caused by the traffic from the concert areas that big trucks that they hauled in and out of. So, we don't see any problems with it. I've got two of the..., pretty good track people so I don't have a problem. You know, one comment I'd make on the surface and it's one of things that, you know, there's not a company or a racetrack that doesn't fight it, and I've talked with Wayne from Emerald. They've had a in some people's mind a terrible meet up there. They've suffered numerous breakdowns. One of our trainers went up with nineteen; he has two left. So, I think that one of the things that everybody's got to realize is that we run the dickens out of these horses and they don't get a lot of breaks, there is a shortage of horses, you can see that at every racetrack, and we ask that animal to one step further and in doing so we run the risk of injuries. And that's one of the things that I think that people have got to understand. You can do a lot of work and they've spent a lot of money on that racetrack at Emerald and just take a look at their starting/loss record, and it'll amaze you. Compared to our system last year we had very little problem compared to what Emerald's faced this summer. They've had a terrible year up there.

Barham: Actually Emerald has had a number of terrible years, and I haven't heard of anybody that really is impressed with that surface.

Mitchell: Yeah, but they rebuilt it twice this year.

Barham: So, well, yeah. And I'm not... I'd hate for us to use that as a ideal...

Mitchell: Measuring stick...

Barham: Right..

Mitchell: No, I understand...

Barham: ...because I think it's atrocious. But, you know, I just want to make sure that the track surface was there and we can look at...

Mitchell: That's obviously our prime interest out there. We have, you know, we did a lot of work, and you know, you can't ever get the track to satisfy everybody, but I do truly, can sit here and honestly tell you I believe last year we did a good job throughout the whole race meet with our racetrack surface. Not to say that it couldn't have been better, but we did a good job.

Walters: Other questions of Woody? Woody, thanks for the report. It was very helpful, and we'll look forward to the information on the status of the arbitration.

Mitchell: I'll talk with Brian and David Brown as soon as they get back.

Walters: Great. Thanks.

#### **4. Multnomah Greyhound Park Update**

Carl Wilson began by thanking Dr. Reid for all his service and hoped that he would return to visit them periodically. The total Oregon handle is down 6%, and the horse simulcast handle has really declined over the last few weeks, the average live handle is down 13%, but the average attendance is up 8% and on track attendance is up 10%. This is Derby month and will take place on August 26th. He reported they've had a nice meet so far with no major problems in terms of conditions of the facility.

**5. NTRA Services, LLC Quarterly Update**

Roger Nyquist referred to the written quarterly report that was submitted to the commissioners in their meeting packets, and in particular read the summary for the benefit of others in attendance. In light of the fact there are only four states from which they are accepting customers, Chair Walters asked if they had any plans to revisit their policy on offering wagering services only to residents in states which have statutory or regulatory support. Mr. Nyquist responded by stating there were no plans at this time to revisit that policy.

**6. Responses to Hub Revenue Survey and Request Form**

Steve Barham reported following the last meeting he sent out the hub revenue survey form. In their responses, most people wanted the commission to hold the funds until the 2001 season. If the commission decided to distribute the funds, everyone did have some use for the money. Most people were not happy with the distribution of the \$9000 to the quarter horses. Based on the results from the survey, Mr. Barham recommended the commission hold the remaining money until some time in 2001 prior to the beginning of the summer meets and go through the exercise at that time to determine the needs of each of the race meets. Chair Walters stated that since it appeared the consensus of the respondents was to wait until next year to distribute hub funds, no action on the part of the commission was needed at this time.

**7. Proposed Orders**

**a. Debi J. Jahns**

ACTION: MOTION(Price) Adopt proposed order as a final order.  
VOTE: 5 Aye, 0 Nay, 0 Excused

**b. D. Gordon Rumble**

ACTION: MOTION(Price) Adopt proposed order as a final order.  
VOTE: 5 Aye, 0 Nay, 0 Excused

**8. Other Business**

In that this was Commissioner Reid's last meeting, Chair Walters stated Dr. Reid had contributed a tremendous amount during his tenure on the commission, especially in his leadership on the Vet Med Committee. He went on to say Dr. Reid has played an integral role in insisting that an important part of the mission of the commission is to insure the welfare and safety of the racing animals. Following Chair Walters' comments, Commissioner Fine read a poem she had written in honor of Dr. Reid. Dr. Reid thanked the commissioners and members of the industry for their support, after which refreshments of cake and juice were served.

There being no further business, the meeting was adjourned.