

**MISSION STATEMENT: TO PROVIDE A SAFE, HEALTHFUL AND SOUND ECONOMIC ENVIRONMENT,  
PROGRESSIVELY ENHANCING OUR QUALITY OF LIFE**

**AGENDA  
CITY COUNCIL - CITY OF ONTARIO, OREGON  
Monday, April 6, 2015, 7:00 p.m., M.T.**

- 1) Call to order**  
Roll Call: Norm Crume \_\_\_\_\_ Tessa Winebarger \_\_\_\_\_ Charlotte Fugate \_\_\_\_\_ Thomas Jost \_\_\_\_\_  
Larry Tuttle \_\_\_\_\_ Betty Carter \_\_\_\_\_ Mayor Ron Verini \_\_\_\_\_

**2) Pledge of Allegiance**

This Agenda was posted on Wednesday, April 1, 2015. Copies of the Agenda are available at the City Hall Customer Service Counter and on the city's website at [www.ontariooregon.org](http://www.ontariooregon.org).

**3) Motion to adopt the entire agenda**

**4) Consent Agenda: Motion Action Approving Consent Agenda Items**

- A) Approval of Minutes of Regular Meeting of 03/16/2015 ..... 1-12  
B) Approval of the Bills

- 5) Public Comments:** Citizens may address the Council; however, Council may not be able to provide an immediate answer or response. Out of respect to the Council and others in attendance, please limit your comment to three (3) minutes. Please state your name and city of residence for the record.

**6) Department Head Updates: Thursday**

**7) Presentation(s)**

- A) On-Call Services (CH2M)  
B) Repair Budget (CH2M)

**8) New Business**

- A) Resolution #2015-112: Request to Lease-Purchase Two Patrol Cars ..... 13-16  
B) Resolution #2015-113: Child Protection Zones Update ..... 17-19  
C) Ordinance #2700-2015: Establish OMC 22-3 - MM Facilities Business License (1<sup>st</sup>) ..... 20-29  
D) Bid Award: WWTP Dike Manhole Replacement (Warrington Construction) ..... 30-32  
E) Notice to Proceed: Well #17 Engineering (Anderson-Perry) ..... 33-36

**9) Hand-Outs/Discussion Items**

- A) Proposed Business Registration Application (Ordinance #2701-2015) - **DRAFT**  
B) PW Department Stats: January/February 2015  
C) Minutes: SREDA 03/04/15  
D) Minutes: County Court 03/11/15  
E) Financials

**10) Correspondence, Comments and Ex-Officio Reports**

**11) Executive Session: ORS 192.660(2)(e)**

**12) Adjourn**

**ONTARIO CITY COUNCIL MEETING MINUTES  
Monday, March 16, 2015**

The regular meeting of the Ontario City Council was called to order by Mayor Ronald Verini at 7:00 p.m. on Monday, March 16, 2015, in the Council Chambers of City Hall. Council members present were Ron Verini, Norm Crume, Tessa Winebarger, Charlotte Fugate, Thomas Jost, Larry Tuttle, and Betty Carter.

Members of staff present were Tori Barnett, Larry Sullivan, Marcy Siriwardene, Mary Domby, Kari Ott, Mark Alexander, Debbie Jeffries, Dan Shepard, and Cliff Leeper. The meeting was recorded, and copies are available at City Hall.

Larry Tuttle led everyone in the Pledge of Allegiance.

**AGENDA**

Mayor Verini stated an addition to the agenda, as a result from an earlier Executive Session, with regard to the golf course.

Charlotte Fugate moved, seconded by Norm Crume, to adopt the Agenda as amended. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

**GOLF COURSE ACTION**

Mayor Verini stated as a result of a consensus from the earlier Executive Session, he was seeking a motion to cease negotiations with TJ Gomez and to consider the Ontario Golf Course officially closed.

Norm Crume moved, seconded by Charlotte Fugate, that the City Council cease negotiations with TJ Gomez Golf, and consider the golf course closed. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-no; Carter-no; Verini-yes. Motion carried 5/2/0.

**CONSENT AGENDA**

Charlotte Fugate moved, seconded by Betty Carter, to approve Consent Agenda Item A: Minutes of the Regular Meeting of March 2, 2015; Item B: Approval of Agricultural Aircraft Loading Facility: Bain Aviation, Inc.; and Item C: Approval of the Bills.

Mayor Verini stated there was a request to speak on the Bain Aviation action. He'd like to hear from the speaker prior to taking the vote on the Consent Agenda.

*Brian Beck: I'm here to represent Beck's Spray Service. We'll be in competition with Mr. Bain. We've been out at the airport for 32 years now, and more or less wanted to come talk to you guys not about trying to keep competition off the airport, just some issues that we foresee coming. The one thing, I've been out at the airport for many, many, many years, and I wanted to ask Mr. Bain how he was going to access his load pad, the whole dust thing. Is that possible that we might find out how you're going to that? I mean, physically, how do you get your airplane from the paved taxiway to your load facility.*

*Mr. Bain: It's my intention, after surveying the area, to enter on the west side of where you guys are at, and were my facility will be at.*

Mr. Beck: *So through the jet parking.*

Mr. Bain: *Correct.*

Mr. Beck: *Okay. We were just concerned mostly, if you were going to enter from the east, 'cuz I don't know how you're going to get there if there's a jet parked on the tarmac.*

Mr. Bain: *Not from the jet parking, per se, but from the taxiway. As you look on the map, the fire department has considered it an encoupe taxiway. From that taxiway on the north side, of the area where I'm going to set up at, I'll enter right there on that corner, or from the north side, just to the west of where my tanks are set up now.*

Mr. Beck: *Okay, so you're going to be on the east side.*

Mr. Bain: *Yes. I'm trying to stay away from you guys as much as I can. Initially, I had the thought of entering where you guys enter your pad, but there's a blast issue. Greg's got a taxiway right here, and a load pad right here, and there's a hydrant right about here. There's a light pole over here. Where I'm trying to set-up is 100 feet from this area. This area now is paved. There's a taxiway that comes off here, you've got a taxiway here, and there's grass in here. It's my intention to come in this taxiway, enter right here, and swing around. There's going to be a blast issue when I come out of here. I can come out and go this way, and turn around right here and go back. There's various ways to mitigate the issue. Does that answer your question?*

Mr. Beck: *Yes. This would be a significant issue if you were to go this way, for both you and I.*

Mr. Bain: *Exactly. I'm going to have a blast issue, too, from you guys coming back because I'm going to be right there, but I feel that I'm about 100 feet here, the airplane's going to be about 150 feet to the center of this path.*

Mr. Beck: *Okay. That answers that question. As long as it's not coming between us. That would be a significant issue. I have one more thing I'd like to raise, and that has to do with our lease agreement. We would feel that Mr. Bain should put a permanent pad in, instead of a temporary pad. If he were to put asphalt in, are you guys familiar with the big master plan everybody keeps talking about? The whole point of that was to get everybody to the south, to open that up for the jet traffic and that type of stuff. In our lease agreement, and it Mr. Bain's lease agreement, I'm going to read you one of our lease agreements, Section 10, it says "the city agrees to require, to the extent that it can legally do so, that any other individual or firm desiring to use the Ontario Municipal Airport for the commercial purposes which are in competition with the Beck's Spray Service activities, therein shall be required to furnish and provide all facilities, buildings, services, and investment acceptable to the city commiserate with those furnished by Beck's Spray Service with respect to all of Beck's Spray Service commercial operation therein, and not necessarily specified in this agreement." I'm sure the Co-Op has the same language in theirs, and I don't think that's ambiguous to a temporary load pad. We have done improvements to ours, in the 90's all the way up, with the understanding that if somebody were to come in and compete against us, they would be required to do the same stuff that we had to do. That was just one of the things we kind of wanted to bring up.*

Mayor Verini asked Mr. Sullivan how the city could move forward on this action, or could they?

Larry Sullivan, City Attorney, stated he recommended first taking the Bain Aviation contract from the Consent Agenda, and placing it under New Business. That would provide the avenue for staff to report the issues raised by Mr. Beck. It might require an amendment to the motion.

Mayor Verini agreed, and pulled the Approval of the Bain Aviation action from the Consent Agenda and placed it as the new first item on New Business.

Councilor Tuttle stated he felt it was an inadequate staff report, and that they should give staff and legal counsel an opportunity to review this before considering it again.

Mayor Verini stated that was what they planned to do.

Councilor Tuttle stated they weren't if they were just moving it on this Agenda.

Mr. Sullivan stated once it was in new business, if someone wanted to make the motion to table the action, that's where it would be done.

Charlotte Fugate moved, seconded by Betty Carter, to approve the Consent Agenda as amended. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

#### PUBLIC COMMENT

William Campbell, Ontario: Ladies and gentlemen, I live outside city limits by a couple steps, but my problem is generated from the airport and the golf course. We get tumbleweeds in the max, sometimes seven, eight feet overrunning my property, through my first pasture fence, my second pasture fence, and my third. I have a neighbor who has the same problem, and it goes through Baker's, Merle Maine's place, and it would be nice, I've been working on it for nine years, to try and get somebody to do something. It's almost like anarchy by the city. It would be nice if you would do something. Now Lyle [sic], your Airport Manager, did send me a letter saying that he's reviewed my letters, and he is going to try and work on the problem. That was last year. And included are this year's weeds, which were picked up last week, and this is a new batch this week. And we have better things to do with our lives than to pick up your weeds. And the fire hazard is major. If you've ever seen a tumbleweed burn, one will give you a nice flame, but a pile like that will be a ten to twelve foot flame, very quickly. Gasoline is very similar. So we'd like you to consider doing something about it. I've written letters, I've called, and I'm mad, actually.

Mayor Verini asked the City Manager if she'd seen the pictures.

Tori Barnett, Interim City Manager, stated she had not. She also indicated that she had not had any conversations with Mr. Campbell either.

Mr. Campbell stated he had written to her office, at least five letters, but he'd never had a response.

Ms. Barnett asked if he sent them to her, or the City Manager?

Mr. Campbell stated it was to the City Manager.

Ms. Barnett asked how long ago?

Mr. Campbell stated it was last spring. He hadn't started his letter writing yet this year.

Ms. Barnett informed Mr. Campbell that the city was currently in the process of dealing with the tumbleweed problem.

Mr. Campbell asked if they wanted copies of the letters.

Mayor Verini indicated that Mr. Campbell should provide Ms. Barnett copies of the letters, along with his contact information.

Aaron Varella, Boise: *I just wanted to introduce myself and my intentions to open up a recreational dispensary in this area or possibly Ontario. I know you guys are looking at certain things in regards to the medical, in terms of zoning, planning, and so forth. I met with the Planning Department, and based on some possibilities, I have some ideas in terms of where and such, and I'd like to see if you guys have any other guidance of course, once it gets a*

*little closer. Also, I know that not everybody, obviously, like what I do, or like what I want to do, but if you guys have suggestions, obviously constructive ones, just give me an idea of what they are, maybe those are things I can incorporate into his business, and try and work with you guys in that aspect. There's a couple things I wanted to quickly read to you, so you kind of have an idea. One of the FAQs on the OLCC website, the Oregon Liquor Control Commission, had to do with, basically it said "what if my city/county wants to go dry", in terms of recreational marijuana via Measure 91. The answer stated reads that Measure 91 states that local governments may not prohibit licenses in their jurisdiction, except via general elections. Measure 91 allows local governments to adopt time and place and manner of restrictions to regulate a public nuisance. So if you look on the second page, my information is there. Underneath that, is taken directly from Measure 91, so you guys have an idea. Once you have the general election vote next November, 2016, if you decide to do so, then it can't go any place until the next January of 2017. Something to keep in mind. By all means, I'd rather work with you guys. Just tell me what you want me to do or what you'd like and so forth and we'll go from there.*

#### DEPARTMENT HEAD UPDATES

Mark Alexander, Police Chief, in continuation with the marijuana dispensary discussions, he wanted to proposed to the Council, in an informal manner. They were aware of his feelings on dispensaries, and he wanted to formally ask the Council for the consideration of a ban on medical and recreational dispensaries. This was to see where the Council was on this issue. They were going to have the LOC webinar next week, and there were going to be other cities that would be looking to challenge some of the language in the laws, but that could be something the Council wanted to table this until they knew what LOC planned to do.

Mayor Verini polled the Council on the option of a ban. Councilor Fugate was not interested in a ban. Councilor Winebarger stated her agreement with Councilor Fugate. Councilor Crume stated maybe. It would depend on what happened. He was on the fence. Councilor Jost stated no. Councilor Carter stated she wanted to give it some thought. Councilor Tuttle stated yes. Mayor Verini stated no. As they didn't seem to have a consensus either way, they'd just wait and see.

#### OLD BUSINESS

##### Ordinance #2699-2015: Amend Ontario Municipal Code Section 3-2-2 by Extending the Moratorium on Medical Marijuana Facilities until August 1, 2015 (Final Reading)

Larry Sullivan, City Attorney, presented. Only change was adding language setting the extension to August 1, 2015.

In 2014, the Oregon legislature passed Senate Bill 1531, authorizing local governments to place a one-year moratorium on the licensing of medical marijuana dispensaries within their jurisdictions. The one year moratorium would expire on May 1, 2015.

There were bills pending in the 2015 Oregon legislative session dealing with the state and local regulation of marijuana which, if passed, could affect the regulation of medical marijuana dispensaries by Oregon cities. At the work session on February 12, 2015, the consensus of the Council was to extend the moratorium through August 31, 2015. Ordinance No. 2699-2015 accomplished that. Stephanie Williams, the attorney for Malheur County, informed the City Attorney that the County would honor that moratorium in the Ontario Urban Growth Area outside the City Limits. On March 2, 2015, the Council approved the First Reading of Ordinance No. 2699-2015, amending the termination date to August 1, 2015.

Charlotte Fugate moved, seconded by Norm Crume, that the City Council approve **Ordinance No. 2699-2015, AN ORDINANCE AMENDING CITY CODE SECTION 3-20-2 BY EXTENDING THE MORATORIUM ON MEDICAL MARIJUANA FACILITIES UNTIL AUGUST 1, 2015, on Second and Final Reading by Title Only.** Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-no; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 6/1/.

**NEW BUSINESS**

**Approval of the Agricultural Aircraft Loading Facility: Bain Aviation, Inc.**

Larry Sullivan, City Attorney, stated that it was his understanding from Ms. Barnett that Mr. Bain acknowledged that the current draft of the Lease that was currently before the Council, should have language in place dealing with setting down some asphalt as part of a dust abatement.

Mr. Bain stated that over by the Life Flight area, they put in some asphalt grindings, and he was looking into a green solution like that, as opposed to a hard asphalt. The airport he had had a \$500K engine in it. That stuff flying around ate his engine, so it was in his best interest to take care of it. He was going to find a solution, so word it how it needed to work.

Mr. Sullivan stated if there was a motion to table the approval of the lease until additional language was inserted , was that going to create problems for his business?

Mr. Bain stated it had already been two months. He started with a meeting with the Planning Department, and it was now getting critical. He had to find a solution.

Mr. Sullivan stated the next meeting would be April 6<sup>th</sup>.

Mr. Bain stated that would be a problem, and he'd have to look for other solutions for his business.

Mr. Sullivan stated another suggestion would be that since the Council did not have a final draft, they could approve the Lease subject to the City Attorney's review and amendment. Under those circumstances, he'd add the language discussed, and then the City Manager would sign off.

Councilor Crume asked about Mr. Beck's issues, related to the non-permanent situation.

Mr. Sullivan stated that Ms. Barnett indicated to him that staff was familiar with that, (she had stepped out to speak with Mr. Campbell about the tumbleweed issue). She'd be able to tell them staff's position on that. Upon her return, he informed her they had been discussing the issues raised by Mr. Beck with respect to having each one of the commercial operators out there subject to the same requirements. Mr. Beck was concerned that Mr. Bain was not being subjected to the same conditions as on the other operators.

Ms. Barnett stated she was not aware of the actual date of the contract with Mr. Beck, but Mr. Bain's contract was a template of the current language, between Mr. Beck's contract date and new contract verbiage, so it was quite possible some of the language had changed over the years.

Mr. Beck stated his contract was signed in the early 90's. He was looking for a current contract.

Ms. Barnett stated the city had done some transitioning, and one of the departments was now being handled by CH2M HILL. That department was previously in charge of the airport documents. She was working with them in getting airport documents back over to the city.

Mr. Beck stated Mr. Bain's contract was similar to the same language as his, other than it didn't say Beck's Spray Service.

Ms. Barnett asked if Mr. Beck was saying there was something in Mr. Bain's contract that wasn't in his, or vice-versa?

Mr. Beck stated his contract refereed to him by name, as Beck's Spray Service.

Ms. Barnett asked if Mr. Beck would be more comfortable if where in Mr. Bain's contract is currently read "Lessee", it was changed to his actual name?

Mr. Beck stated no, he was just saying it was essentially the same wording.

Mr. Sullivan stated it was about him being held to the same requirements.

Mr. Beck stated yes, if he wanted to operate, then they needed to all be on board. They put in money for cement, and containment, as opposed to just putting out a temporary thing.

Ms. Barnett stated it was her understanding from the Airport Manager, was that the master plan indicated that, within a few years, the goal was to move the applicator businesses to a different location. Mr. Bain had met with both the PDAC, and the Airport Committee, and had been told what to do and where he would be located. He met with the appropriate groups, explained what he wanted to do, and asked where he could go, and he was told by both those groups where his location would be because within those proposed three years, the hope was to move the applicators to a new location at the airport. Staff did not feel comfortable asking someone to invest that large amount of money when the potential was there to move in a short period of time.

Mr. Beck asked why he couldn't just move over there now.

Ms. Barnett stated according to the Airport Manager, the area where they were hoping to move the applicators out to, was not ready. That was on the city, looking for funding from the FAA, or some other source, to get that ready to have those businesses located in that area. That was the reason for the allowance of the temporary action. They had signed back in the 90's, and the master plan had changed subsequent to that, but Mr. Bain coming in, the temporary gave him the opportunity move when it was time, or, if he doesn't wish to stay, he could leave after that year. That was the information she had learned as a result of both the PDAC and the Airport meetings. She understood that he had invested quite a bit of money in the 90s, and now there was someone coming in....

Mr. Beck stated he didn't mean to argue, but the area where'd they be going was all old golf course. It wasn't like it was anything but weeds before.

Ms. Barnett stated it was her understanding they were waiting to run some lines out in the area – water, etc.

Mr. Sullivan stated this wasn't a contract issue. The provision that Mr. Bain was obligating himself to follow, was the same contract provision that earlier aerial applicators had to sign. That was an issue of administration of the contract, following signature, and how staff would interpret that provision to impose that same requirement on Mr. Bain. That wasn't a Council decision as part of the contract approval. However, there could be Council direction given to staff with respect to interpretation of the contract, if the Council wanted to move forward, subject to the City Attorney's review.

Mayor Verini stated there were two issues. Approving the contract, subject to review, and secondarily was the complaint that one operator had against the other. That had to be handled internally. For the Council, it was either table it, or approval subject to the City Attorney review.

Councilor Tuttle stated it was a disagreement by Mr. Beck as to why he had to provide a certain layout for his business, and why Mr. Bain didn't. It wasn't between Mr. Bain and Mr. Beck, it was between Mr. Beck and the city. Until they resolved Mr. Bain's requirements, he wasn't comfortable approving the contract. If Mr. Bain ended up having to do more per his contract than originally anticipated, he might not want to remain.

Mayor Verini stated it was also a matter of one operator coming in on a permanent basis in the 90s, and a new operator coming in on a temporary basis, going permanent shortly. It didn't make sense for the temporary operator...

Councilor Tuttle stated they were not in agreement.

Mayor Verini asked if there was a legal problem with Mr. Bain going in on a temporary basis and not putting a permanent slab down.

Mr. Sullivan stated there wasn't a problem facing the Council. There was an issue that Mr. Bain might have to deal with if the city were to change its requirements in the way that was interpreted. That would be between Mr. Bain and staff, if Council approved the contract, and Mr. Beck, as well. First issue was if the Council approved Mr. Bain's contract; they'd go forward from that point.

Councilor Crume stated that being as Liaison to the Airport Committee, what they meant was that where the master plan had provisions for in the future to have the spray pilots in a different area, the vote of the Airport Committee was unanimous that it made no sense to have a new aerial applicator pay the investment today in a place where they'd have to move from "tomorrow". They arrived at that decision, for common sense reasons. They came up with the temporary provision to allow the gentleman to operate at a lesser expense by having a temporary containment system to get by, knowing full well that in one to three years, he'd have to pay the large investment of making the change. He'd be paying twice, and it made no sense to ask him to pay the big dollars now, and then again in a few years. It made no sense to anyone on the Committee. In listening to the discussion that evening, it still made no sense. The money to complete the area they wanted to move the applicators to would be coming from the FAA through a grant program, allocated over time. It wasn't an overnight thing. He didn't see any reason to not approve the contract, to allow Mr. Bain to operate. He understood Mr. Beck's position, but they had changes coming, that they all were aware of, and when it came, Mr. Beck would have to move to the new area, too, and it would have the cost there.

Greg Back stated he put in a pad in Parma several years ago, and it ended up running around \$25K. He paid for a sump, the concrete, and to get the water. In Weiser, they just rented a spot. They went in, drilled a well, and the cost was borne by him. If they adhered to the master plan, the city didn't have to provide all that stuff for Mr. Bain. The operators should buy that for themselves. They wouldn't have electricity, but they had generators. They'd used those for years in Weiser. He was where he was, because back in the '60s, they laid a pad and it didn't have a sump in it, so he went in there with a jack hammer, and took care of it. It was all him –no help from the city at all.

Councilor Crume stated he didn't believe the city had any intention of help out anybody. They were trying to adhere to the master plan.

Mr. Beck said fine, then why not start? The master plan was approved in 2007, but it had just been sitting there.

Councilor Crume disagreed. They had done runway extensions and redone the taxiway. It was a year-to-year thing, and it was all laid out as to what would be done, when, and how the FAA money came in. That was allocated out through JUB Engineers, who wrote the grants and brought the money. There was a timetable for this, and he believed that move would be done within three years.

Mr. Beck stated according to the 2007 master plan, everything was supposed to be accomplished by 2018. If they were worried about providing Mr. Bain water, there were two wells out there, which they'd only need to uncap.

Mr. Bain stated the water issue related to fire hydrants.

Mr. Beck stated it was going to be a long time before they built a fire hydrant on the southeast end of the airport.

Mayor Verini stated the issue before them concentrated around the pad, and that should be taken care of by staff and their interpretation of the contract.

Mr. Beck read from his contract *“Ground Lease Agreement – Allocation to operators for lease agreements will be made in accordance to the master plan layout, and the land use plan adopted by the city for the development of the airport.”*

Mr. Vallero stated if he had to spend “X” to do a permanent structure, and it cost 25% of “X” to do the temporary, have him put all of “X” into a fund, held by the city. 25% was put towards the temporary, and the other 75% would be used for the move.

Mayor Verini stated staff should be working on the communication between Mr. Beck and Mr. Bain. The Council needed to focus on the issue before them – the temporary location. The Airport Committee agreed that this could be accomplished as a temporary action.

Charlotte Fugate moved, seconded by Norm Crume, to approve the contract with Bain Aviation subject to the amendments made by the City Attorney. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-no; Tuttle-no; Carter-no; Verini-yes. Motion carried 4/3/0.

**Resolution #2015-106: Transfer Funds – Purchase Recreation Softball Equipment**

Debbie Jeffries, Recreation Manager, presented.

The Ontario Recreation Department wanted to purchase girls softball equipment to replace outdated, broken, and worn out equipment. It had been several years since this equipment was updated. Specific equipment included catcher protective gear, bats, and softballs. The Department currently had very old girls softball equipment that got repaired and pieced together every year to make it work. Softball rules required that catchers wear protective gear, which included a chest protector, leg guards, and a helmet/face mask. The bats were severely outdated, and there was the need to continually update softballs, both to meet current standards and to keep stock on hand.

The Department would like to purchase 10 dozen softballs-\$459.90, 35 sets of catchers gear-\$3,950.65, and 40 softball bats-\$1,500. Resolution #2015-106 will reduce 001-004-871000 (General Fund Contingency) by \$6,000 and increase 001-025-613500 (Supplies) by \$6,000

The Recreation Department received funds in the 2014-2015 budget from the Transient Occupancy Tax that were specifically designated for equipment and supplies needed to update the city’s recreational programs. No additional requirements to utilize the revenues were budgeted by the Recreation Department at the time the budget was approved.

Councilor Jost confirmed the equipment would cover all age groups.

Ms. Jeffries indicated that was correct.

Thomas Jost moved, seconded by Charlotte Fugate, that the City Council approve Resolution #2015-106, **RESOLUTION AUTHORIZING THE PURCHASE OF GIRLS SOFTBALL EQUIPMENT IN THE GENERAL FUND RECREATION DEPARTMENT**, utilizing funds allocated from the TOT for such expenditures in the department’s 2014-2015 budget. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

**Resolution #2015-110: Receive/Expend ODOT Car Seat Grant**

Mark Alexander, Police Chief, presented.

On average, 90% of child safety seats in Oregon were either improper for the age of the child, installed incorrectly or under recall. Proper safety seat fitment reduced injuries and saved lives in the event of a motor vehicle crash.

The Oregon Department of Transportation provided grant funding for the purchase of child safety seats and technician training to help with this problem. The Ontario Police Department had been a recipient of that grant funding for several years. ODOT grants were designed to start in October and were operational until September of the following year. Awards were commonly given several months after the start period.

Once a month, a fitting station was conducted under the direction of the police department in order to assure that motorists had the correct child safety seat and they were being used correctly. Grant funded child safety seats were used during those fitting stations.

The police department received a \$2,500 grant during ODOT's 2013-14 grant period. It was the intent of the police department to expend all the funds and receive reimbursement during the city's FY 2013-14 budget cycle. The police department has now been awarded a \$2,500 grant for ODOT's 2014-15 grant period. It was discovered that \$234.00 from the 2013-14 grant project was billed after July 1, 2014 and therefore applied during the city's FY 2014-15 budget.

Resolution 2015-110 accomplished two things. First, it recognized expenditures and reimbursed revenue from the 2013-14 ODOT grant that had been applied to the city's FY 2014-15 budget. It also recognized expenses and revenue from ODOT's 2014-15 grant expected to be spent and reimbursed during the city's FY 2014-15 budget cycle. The Council could decline the grant award for 2014-15, but for housekeeping purposes would need to recognize the expenditures and revenue reimbursements from the ODOT 2013-14 grant. It was proposed that the grant revenues and expenditures for supplies be budgeted as an increase within the city's Grant Fund.

Councilor Jost asked if the car seat program was done in Ontario.

Chief Alexander stated yes, the training was done at Ontario City Hall.

Tessa Winebarger moved, seconded by Betty Carter, that the Council adopt **Resolution 2015-110, A RESOLUTION ACKNOWLEDGING RECEIPT OF ODOT TRAFFIC SAFETY FUNDS AND APPROPRIATING EXPENDITURES FOR CHILD PROTECTION SEATING, TECHNICIAN TRAINING AND TRAINING SUPPLIES WITHIN THE GRANT FUND.** Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

**Resolution #2015-111: Adopting Public Works Director's Report, Creating a Reimbursement District in Favor of Jeff Petry/Anchor Mini Storage for Installation of Sanitary Sewer and Storm Sewer Improvements on SE 5<sup>th</sup> Avenue, and Setting a Public Hearing Date**

Dan Shepard, Engineering Technician, CH2M HILL, presented.

In 2011, Jeff Petry, developer and Anchor Mini Storage owner, approached the City of Ontario regarding building a storage rental business located on the south side of SE 5<sup>th</sup> Avenue. As there was no sanitary sewer or storm sewer along this portion of SE 5<sup>th</sup> Avenue, he was required to bring the utilities to the edge of his property and form a Reimbursement District to seek reimbursement from the benefitting properties.

Jeff Petry currently owns Anchor Mini Storage, a storage rental business located on the south side of SE 5<sup>th</sup> Avenue. Mr. Petry developed Anchor Mini Storage in 2011 and installed public utilities which serviced both his property and four adjacent properties [*18s47e 10D001 TL 1305 (H2MK, LLC); 18s47e 10D001 TL 1310 (H2MK, LLC); 18s47e 10D001 TL 1302 (H2MK, LLC); and 18s47e 10AC TL 100 (3DY, LLC)*]. Mr. Petry would like to be reimbursed for the portion of the utilities used by his neighbors, and to do so, a Reimbursement District must be formed.

Establishing a resolution accepting the Director's Report regarding the proposed Reimbursement District, and setting a public hearing date, were the next steps in the creation of a Reimbursement District in favor of Jeff Petry for installation of sanitary sewer and storm sewer improvements on SE 5<sup>th</sup> Avenue. The Director's Report identified the location, costs of construction, costs of individual assessments, and various other items required to create a reimbursement district.

The City Council could choose to deny formation of a Reimbursement District, putting the entire cost of improvement on the developer, Mr. Petry.

Mr. Petry's cost of improvements totaled \$75,779.00. According to the Ontario Municipal Code, there was no reimbursement for design engineering, financing costs, permits or fees, land, or easements dedicated by the developer. The cost proposed to reimburse was \$44,712.01, which was the balance of \$75,779.00 less the improvements along Mr. Petry's property and a portion of the total construction engineering costs.

Betty Carter moved, seconded by Larry Tuttle, that the City Council adopt **Resolution 2015-111, A RESOLUTION ADOPTING THE PUBLIC WORKS DIRECTOR'S REPORT FOR A REIMBURSEMENT DISTRICT IN FAVOR OF JEFF PETRY/ANCHOR MINI-STORAGE FOR INSTALLATION OF SANITARY SEWER AND STORM SEWER IMPROVEMENTS AND ALLOCATING THE COSTS ON A LINEAR FOOT FRONTAGE BASIS AND SETTING A PUBLIC HEARING**. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

**Request to Proceed: Youth Related Public Safety Award Program and Community Enhancement Award Program**  
Mark Alexander, Police Chief, presented.

The Police Department would like to propose community award programs for youth related public safety accomplishments and community enhancement improvements.

There were non-profit entities in Ontario who did incredible work at helping make the city safe and to reduce juvenile crime. The dividends those groups provided were of great benefit to both the police department and the city. Their work should be recognized and supported.

Police staff was requesting an annual monetary grant or award to those with proven results in helping reduce juvenile crime. The award would help further their operations and serve as a way to be recognized by the city.

Staff proposed entities submit a simple application indicating their work and results for a specified timeframe. Applications would be reviewed and awarded by the Ontario Public Safety Board. Further, staff believed funding for this program should come from the Public Safety Reserve Fund as opposed to General Fund tax dollars.

The department would also like to propose a community enhancement award program to groups or entities who made a substantial improvement to a property or location within the City of Ontario. Groups who could show they made the improvements through donated time and materials would be eligible for the annual award.

Guidelines for the program would be set by Council. Considerations could include the amount of investment put into a project, both in number of hours and the overall benefit to the city. The goal would be to have various entities or groups competing and improving several properties within the city on a yearly basis. The award would be minimal compared to the return on the investment.

It was being proposed the funding for this project come from Economic Development funds or the Public Safety Reserve Fund. It was believed they could tie property improvement to crime prevention, which lead to more economic development. Proposal for the project would not exceed \$5,000/year unless the Council felt differently.

Mayor Verini stated at the work session, it had been proposed that it be a yearly award, so if the Council elected to move forward on this action, whoever made the motion would need to include that wording. He believed this was a tremendous asset to the community.

Councilor Tuttle stated he had reservations about spending tax dollars on public awards; how would that be justified?

Chief Alexander explained his proposal was that the funds come from the Public Safety Fund because youth were tied to that. It was funded through the TOT, not General Fund dollars.

Councilor Tuttle agreed, but that still offset funds from somewhere else. Also, he didn't like that every time someone came around they picked out of the Safety Reserve Fund. His idea, when that Fund was established, was in the hope that they would accumulate enough money...for instance, when Chief Alexander presented to the Budget Committee last year and asked for two police cars, it was cut from his budget. But, if they accumulated enough money, when they were in that type of situation, the money was there to spend on law enforcement. He didn't think that was the place to take the funds. He had reservations about spending tax dollars for public awards. He saw nothing wrong with plaques and commendations, etc., but to spend \$5,000 for that, he didn't think that was right.

Mr. Sullivan verified that the Chief would appear before Council again with guidelines. Could he wait until those were determined before designating where the funds would be taken from?

Chief Alexander stated he was looking for ways for the city to show support for the youth, and secondarily, he was always looking for ways to improve the city. These were just two ideas he had. Maybe the expenditure would better fit in another line, maybe Economic Development. This was all preliminary. Also, the \$5,000 was just a number – nothing was set. He could move forward on the guidelines if the Council just gave him the go ahead. He didn't need an actual vote by the Council.

Mayor Verini thought that it would be great for the community and supported it. The \$5,000 wasn't excessive, and it could be pieced out over the year, not all for one project.

Councilor Crume thought it was a great idea, and believed the Public Safety Fund was good for that, but not Economic Development.

Chief Alexander stated he mentioned it as an option because cleaning up the city ultimately helped reduce crime.

Councilor Crume stated he was in favor of this project, conceptually, but wasn't sure about where the funding would come from.

Mayor Verini stated where the money came from wasn't as important as determining if they wanted to support the project, and direct the Chief to move forward. That had to be decided by Council first.

Mayor Verini asked for Council consensus: Fugate-sure; Winebarger-definitely; Crume-yes; Verini-yes; Jost-yes; Carter-yes; Tuttle-said yes, but held back until he was able to review the guidelines. He agreed with the rhetoric, and had nothing against it. The Boys & Girls Club was a great thing and an asset to this community, and non-profits did good things. But, he wasn't sure that if they went out and did these projects that they needed to be rewarded with cash. He agreed to pursue it, to see where they landed.

#### **Oregon Child Development Coalition Storm Sewer Easement/Release of Easement Agreement**

Dan Shepard, Engineering Technician, CH2M HILL, presented.

The Oregon Child Development Coalition (OCDC), located at 482 SE 3<sup>rd</sup> Street, would like to construct some additional classrooms at their facility; however, existing utility easements over the vacated street and alley rights of way limited their ability to locate those buildings. OCDC requested that the city relinquish these easements and accept smaller easements that covered a storm sewer main on their property. On September 6, 1949, the Council passed Right of Way Vacation Ordinance No. 1012.

The OCDC operated out of the former Lindbergh Elementary School building. To accommodate construction of the school right of way for portions of SE 4<sup>th</sup> Avenue and SE 4<sup>th</sup> Street, an alley were vacated (Ordinance #1012). City utilities, water, sanitary and storm sewer were left in place and a blanket easement was kept covering the vacated right of ways. Buildings were allowed to be constructed over the water main and sanitary sewer main. Both of those had since been rerouted back to the right of way. The storm sewer was not built over and was allowed to

remain in place inside the blanket easement. Where the street right of way was vacated, the easements that remained were 80-foot wide. OCDC would like to construct some additional class rooms on their site, but were limited in their location because Ontario Municipal Code prevented them from being in the easements.

The 80-foot wide easement restricted OCDC from using their lot. The storm sewer main could be adequately covered in an easement that was 20-foot wide, being ten-foot on each side of the main. The process to achieve this was for the city to relinquish its blanket easement on the original 80-foot easement and to have OCDC dedicate a new 20-foot wide easement. The alley in Block 88 would be vacated. This location was under part of the OCDC building where the water and sanitary sewer mains were. The vacation of this portion of the easement would not have an effect on any other utility. It would allow OCDC space to locate their new classrooms on site.

Councilor Tuttle asked if a PDAC had been held. Was the parking addressed?

Mr. Shepard stated yes, a few years ago. He believed the parking would have been, but he didn't recall right off hand.

Councilor Tuttle stated there were a tremendous amount of cars at that location. That would be a concern of his, but had no objection to the proposed action. He assumed they wouldn't be relying on a two-year old PDAC.

Mr. Shepard stated he hoped for a new PDAC, as there had been staff changes among other things. OCDC hadn't submitted a request for a permit yet, so he believed it warranted another PDAC.

Norm Crume moved, seconded by Betty Carter, that the Mayor and Council relinquish its easements detailed in Exhibit A of the attachment [to the action], and accept the easement detailed in Exhibit C of the attachment [to the action]. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

#### **CORRESPONDENCE, COMMENTS AND EX-OFFICIO REPORTS**

- Mayor Verini stated at the Chamber of Commerce Forum, it was presented to him that the Snake River Region SCCA, the Boise area Auto Cross, had been doing autocross events for a number of years, at the Expo Idaho and at Mountain Home Municipal Airport. The MHMA was going through some construction, so the Autocross group wanted to move their event from MHMA to Ontario's airport. The request was to meet with the Airport Manager, the FBO, and some representatives of the Airport Committee, through KSRV [sponsor] to put this together for our city. This was not a race, but an event of skill. Was the Council interested in pursuing this? Consensus to move forward.

#### **ADJOURN**

Norm Crume moved, seconded by Ron Verini, that the meeting be adjourned. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

**APPROVED:**

**ATTEST:**

\_\_\_\_\_  
Ronald Verini, Mayor

\_\_\_\_\_  
Tori Barnett, MMC, City Recorder

## AGENDA REPORT

April 6, 2015

TO: Mayor and City Council

FROM: Mark Alexander, Police Chief

THROUGH: Tori Barnett, Interim City Manager

**SUBJECT: RESOLUTION NO. 2015-112: A RESOLUTION AUTHORIZING THE LEASE-PURCHASE OF TWO (2) POLICE PATROL VEHICLES FROM PUBLIC SAFETY RESERVE FUND**

DATE: March 27, 2015

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### **SUMMARY:**

The Police Department needs to replace two patrol cars. Funding for the purchase is proposed to come from the Public Safety Reserve Fund.

Attached is the following document:

- Resolution 2015-112
- Spreadsheet Outlining 3-Year Repayment Plan

### **PREVIOUS COUNCIL ACTION:**

October 2013 Council approved allocating 26.25% of Motel Occupancy Tax to a Public Safety Reserve Fund.

### **BACKGROUND:**

The Police Department utilizes patrol cars to respond to emergencies and for patrol purposes. These vehicles need to be safe and reliable.

The Police Department has two (2) 2008 Dodge Chargers that are in need of replacement. Both were purchased January of 2008 for \$22,470, not including associated equipment and install.

Vehicle #64 has approximately 111,000 miles with a lifetime repairs and maintenance cost of \$12,478. Recent repairs include water pump, ignition coil, overhead light repairs, front end parts, fuel pump, brakes and wiper delay switch. Recent repair cost is \$3,263. The vehicle has had other prior engine and engine management repairs/replacement in 2013.

Vehicle #65 has approximately 123,000 miles with a lifetime repairs and maintenance cost of \$9,459. Recent repairs include front end parts, fuel pump, brakes, and overhead repairs. Recent repair cost is \$2,047. Last week, a shutter was noticed in the transmission when engaging it into gear. The vehicle will likely require some type of transmission repair in the near future.

These vehicles were intended to be taken out of service in both FY 2013-14 and FY 2014-15, but were not due to budget constraints.

The Police Department obtained quotes for a three-year capital lease-purchase of patrol cars. Initial cost of two (2) fully equipped cars is \$64,190. Yearly payments are \$22,051.

The Police Department recommends starting the project now, and utilizing the Public Safety Fund for a first-year payment and going through the budget process starting FY 2015-16 for the remaining two payments.

**ALTERNATIVE:**

The Council could decline the purchase. The Council could also decline the purchase through the Public Safety Reserve Fund and leave the proposal as a CIP for budget review in FY 2015-16.

**FINANCIAL IMPLICATIONS:**

\$22,051 would be taken from the Public Safety Reserve Fund for the purchase of two (2) patrol vehicles.

**RECOMMENDATION:**

Staff recommends the Council adopt Resolution 2015-112.

**PROPOSED MOTION:**

I move that the Council adopt Resolution 2015-112, A RESOLUTION AUTHORIZING THE LEASE-PURCHASE OF TWO (2) POLICE PATROL VEHICLES FROM THE PUBLIC SAFETY RESERVE FUND.

**RESOLUTION NO. 2015-112**

**A RESOLUTION AUTHORIZING THE LEASE-PURCHASE OF TWO POLICE PATROL VEHICLES FROM THE PUBLIC SAFETY RESERVE FUND**

**WHEREAS,** the Council approved allocating 26.25% of Motel Occupancy Tax to a Public Safety Reserve; and

**WHEREAS,** the Police Department would like to lease-purchase two (2) patrol vehicles in order to increase safety and reduce liability; and

**WHEREAS,** a resolution is necessary to appropriate funds for the expenditure from Contingency within the Public Safety Reserve Fund.

**NOW THEREFORE, BE IT RESOLVED** by the Ontario City Council to approve the following adjustments to the 2014-2015 budget:

<b>RESERVE FUND-PUBLIC SAFETY</b>				
055-131-871000	Contingency	\$83,810	(\$22,051)	\$61,759
055-131-827000	Transfers Out	\$50,790	\$22,051	\$72,841
<b>GENERAL FUND-POLICE</b>				
001-024-711200	Automotive Equipment	\$0	\$22,051	\$22,051
001-000-458000	Transfer In	\$84,790	\$22,051	\$106,841

**Effective Date:** Upon adoption

**Passed and adopted** by the Ontario City Council this \_\_\_\_ day of \_\_\_\_\_ 2015.

Ayes:

Nays:

Absent:

**Approved** by the Mayor this \_\_\_\_ day of \_\_\_\_\_ 2015.

\_\_\_\_\_  
Ronald Verini, Mayor

**ATTEST:**

\_\_\_\_\_  
Tori Barnett, MMC, City Recorder

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 POLICE CAR 3 YR. LEASE
 

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Compound Period ..... : Annual

Nominal Annual Rate .... : 3.090 %

## CASH FLOW DATA

Event	Date	Amount	Number	Period	End Date
1 Loan	01/01/2015	64,189.94	1		
2 Payment	01/01/2015	22,051.00	3	Annual	01/01/2017

## AMORTIZATION SCHEDULE - Normal Amortization

Date	Payment	Interest	Principal	Balance
Loan 01/01/2015				64,189.94
1 01/01/2015	22,051.00	0.00	22,051.00	42,138.94
2015 Totals	22,051.00	0.00	22,051.00	
2 01/01/2016	22,051.00	1,302.09	20,748.91	21,390.03
2016 Totals	22,051.00	1,302.09	20,748.91	
3 01/01/2017	22,051.00	660.97	21,390.03	0.00
2017 Totals	22,051.00	660.97	21,390.03	
Grand Totals	66,153.00	1,963.06	64,189.94	

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 POLICE CAR 3 YR. LEASE
 

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Last interest amount increased by 0.02 due to rounding.

## AGENDA REPORT

April 6, 2015

TO: Mayor and City Council

FROM: Mark Alexander, Police Chief

THROUGH: Tori Barnett, Interim City Manager

**SUBJECT: RESOLUTION 2015-113, A RESOLUTION MODIFYING AND ADDING TO THE LIST OF CHILD PROTECTION ZONES**

DATE: March 30, 2015

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### **SUMMARY:**

Attached is the following document:

- Resolution #2015-113

The proposed resolution would modify the current list of Child Protection Zones established under Ordinance #2665-2012. Section 2 (A) of that ordinance allows additional protection zones to be added by resolution. Modifications were done by addition (*underlined*), deletion (*lined through*), or correction (*underlined*).

### **PREVIOUS COUNCIL ACTION:**

June 4, 2012 Council passed Ordinance #2665-2012, which modified and renewed Municipal Code Title 7, Chapter 6, Sections 1 and 2 relating to Child Protection Zones.

### **DISCUSSION**

Locations need to be amended due to inapplicability, address changes, or requests to be added. This resolution eliminates Treasure Valley Community College dorms, changes the address of the Boys and Girls Club of Western Treasure Valley, and adds the STAR Center, and Giggles and Grace Early Learning Center.

### **STAFF RECOMMENDATION:**

Staff recommends the Council approve Resolution 2015-113.

### **PROPOSED MOTION:**

I move that the Mayor and City Council approve Resolution 2015-113, **A RESOLUTION MODIFYING AND ADDING TO THE LIST OF CHILD PROTECTION ZONES.**

## RESOLUTION #2015-113

### A RESOLUTION UPDATING CHILD PROTECTION ZONES WITHIN THE CITY OF ONTARIO

**WHEREAS,** the Ontario City Council has passed ordinances authorizing the establishment of protection zones for children and restricting the access of convicted sex offenders; and

**WHEREAS,** the locations in which children will be protected needs to be updated.

**NOW THEREFORE, BE IT RESOLVED** by the Ontario City Council for the City of Ontario:

- Any location upon the school grounds, including all playgrounds within all property boundaries of George K Aiken School, 1297 West Idaho Avenue, Ontario Oregon, between the hours of 7:00am and 9:00pm.
- Any location upon the school grounds, including all playgrounds within all property boundaries of Alameda School, 1252 Alameda Drive, Ontario Oregon, between the hours of 7:00am and 9:00pm.
- Any location upon the school grounds, including all playgrounds within property boundaries of May Roberts School, 590 NW 8<sup>th</sup> Street, Ontario Oregon, between the hours of 7:00am and 9:00pm.
- Any location upon the school grounds, including all play areas within property boundaries of Ontario Middle School, 573 SW 2<sup>nd</sup> Avenue, Ontario Oregon, between the hours of 7:00am and 9:00pm.
- Any location upon the school grounds, including all play areas within all property boundaries of Ontario High School, 1115 West Idaho Avenue, Ontario Oregon, between the hours of 7:00am and 9:00pm.
- Within the property boundaries of the City of Ontario Aquatic Center, 790 SW 3<sup>rd</sup> Avenue, Ontario, Oregon, during any open swim or scheduled swimming lesson. Additionally the Ontario Aquatic Center will be protected thirty (30) minutes prior to and thirty (30) minutes following any open swim or scheduled swimming lesson.
- Wayne King Memorial Skate Park, located between the Northwest corner of the intersection at SW 7<sup>th</sup> Street and SW 4<sup>th</sup> Avenue and the Ontario Aquatic Center.
- Lions Park, which is the green space that extends from SW 4<sup>th</sup> Avenue to SW 2<sup>nd</sup> Avenue and from SW 9<sup>th</sup> Street to SW 7<sup>th</sup> Street. The portion of the park protected will be either three hundred (300) feet in all directions from any piece of playground equipment located in the park or the boundaries of the park, whichever distance is less.
- Beck Kiwanis Park, which is the green space that extends from NW 8<sup>th</sup> Avenue, North, to Beck Kiwanis Pond, and from Beck Park Lane, East to NW 4<sup>th</sup> Street. The portion of the park protected will be either three hundred (300) feet in all directions from any piece of playground equipment located in the park or the boundaries of the park, whichever distance is less.
- Laxson Rotary Park, which is the green space between NW 3<sup>rd</sup> Avenue and NW 4<sup>th</sup> Avenue, and from NW 5<sup>th</sup> Street to NW 4<sup>th</sup> Street. The portion of the park protected will be either three hundred (300) feet in all directions from any piece of playground equipment located in the park or the boundaries of the park, whichever distance is less.

- Within the Albertsons Center, 650 College Boulevard, Ontario Oregon. In addition to the Treasure Valley Community College Child Care Center, there is playground equipment located adjacent to the building. The playground equipment adjacent to the building will be protected in all directions for a distance of either three hundred (300) feet or the boundaries of the property, whichever distance is less.
- Treasure Valley Community College Sports Complex, 650 College Boulevard, Ontario Oregon. The protected area is within the property boundaries south from SW 11<sup>th</sup> Avenue, North from SW 14<sup>th</sup> Avenue, West from SW 4<sup>th</sup> Street and East from South Park Boulevard.
- ~~Within the property boundaries of the Treasure Valley Community Student Housing Facilities, 650 College Boulevard, Ontario Oregon.~~
- Within the property boundaries of the Boys and Girls Club of Western Treasure Valley, 573 SW 2<sup>nd</sup> Avenue ~~2441 SW 4TH Ave~~, Ontario Oregon.
- Within the property boundaries of the STAR Center, 398 SW 12<sup>th</sup> Street, Ontario Oregon.
- Within the property boundaries of Giggles and Grace Early Learning Center, 1260 SW 8<sup>th</sup> Avenue, Ontario Oregon.

**Effective Date:** Upon adoption

**Passed and adopted** by the Ontario City Council this \_\_\_ day of \_\_\_\_\_ 2015.

Ayes:

Nays:

Absent:

**Approved** by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_ 2015.

\_\_\_\_\_  
Ronald Verini, Mayor

**ATTEST:**

\_\_\_\_\_  
Tori Barnett, MMC, City Recorder

## AGENDA REPORT

April 6 , 2015

TO: Mayor and City Council

FROM: Larry Sullivan, City Attorney

THROUGH: Tori Barnett, Interim City Manager

**SUBJECT: ORDINANCE NO. 2700-2015: AN ORDINANCE ADDING CHAPTER 22 OF TITLE 3 TO THE ONTARIO CITY CODE TO ESTABLISH A BUSINESS LICENSE FOR MEDICAL MARIJUANA FACILITIES, AND DECLARING AN EMERGENCY -FIRST READING**

DATE: March 30, 2015

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### SUMMARY:

Attached is the following document:

- Ordinance No. 2700-2015

### BACKGROUND:

The City Council directed staff to prepare a business license ordinance regulating medical marijuana dispensaries, referred to in the ordinance as “medical marijuana facilities”, which is the term used in the Oregon statutes. Ordinance No. 2700-2015 is taken substantially from sample ordinance language prepared by the League of Oregon Cities.

Ordinance No. 2700-2015 requires applicants to submit detailed information about the nature of the business for which the license is being sought, along with a \$500 application fee. It authorizes the City to conduct background checks on applicants, business associates and employees of the business. It gives the City Manager the authority to grant, deny, suspend and revoke licenses, with a right of appeal to the City Council. Any license granted is in effect for one year and must be annually renewed for an additional \$500 fee.

The ordinance establishes standards of operation for the business intended to minimize the impact of the business on the neighborhood. It includes zoning language that is also included in the draft zoning ordinance being presented to the Planning Commission for a public hearing on April 13, 2015. The purpose of including the same zoning language in Ordinance No. 2700-2015 with an emergency clause is allow it to be effective by May 1, 2015, in the event that any medical marijuana dispensaries attempt to open on that date despite of the City Council’s extension of the moratorium until August 1, 2015. If that occurs, the City will be in a position to challenge that business not only based on the City’s extension of the moratorium but also based upon the restrictions established by Ordinance No. 2700-2015.

Persons violating the terms of the license are subject to license suspensions and revocations, civil penalties, public nuisance abatement and other civil remedies, including injunctions.

**RECOMMENDATION:**

Staff recommends the Council approve a first reading of Ordinance No. 2700-2015.

**PROPOSED MOTION:**

I move the City Council approve Ordinance No. 2700-2015, AN ORDINANCE ADDING CHAPTER 22 OF TITLE 3 TO THE ONTARIO CITY CODE TO ESTABLISH A BUSINESS LICENSE FOR MEDICAL MARIJUANA FACILITIES, AND DECLARING AN EMERGENCY, on first reading by title only.

**ORDINANCE NO. 2700-2015**

**AN ORDINANCE ADDING CHAPTER 22 OF TITLE 3 TO THE ONTARIO CITY CODE TO ESTABLISH A BUSINESS LICENSE FOR MEDICAL MARIJUANA FACILITIES, AND DECLARING AN EMERGENCY**

- WHEREAS,** Enrolled Oregon Senate Bill 1531 (2013) authorizes Oregon cities to impose reasonable restrictions on the operation and location of medical marijuana facilities, sometimes known as dispensaries;
- WHEREAS,** Under Oregon law, local governments may regulate the operation and location of certain types of businesses within their jurisdiction except when such action is specifically preempted by state law; and
- WHEREAS,** Although the State of Oregon has passed legislation authorizing medical marijuana facilities and providing criminal immunity under state law, the operation of those facilities remains illegal under federal law; and
- WHEREAS,** The City Council has home rule authority to decide whether, and under what conditions, certain commercial conduct should be regulated within the City and subject to the general and police powers of the City, except when local action has been clearly and unambiguously preempted by state statute; and
- WHEREAS,** The City's licensing and regulatory system should not be construed to constitute an authorization to engage in any activity prohibited by law nor a waiver of any other license or regulatory requirement imposed by any other provisions of City ordinance or local, regional, state or federal law; and
- WHEREAS,** The City Council wants to regulate the operation of medical marijuana facilities in the City in ways that protect and benefit the public health, safety and welfare of existing and future residents and businesses in the City; and
- WHEREAS,** The City Council finds that the presence of medical marijuana facilities within the City of Ontario may result in adverse social and economic impacts, increased crime incidents, and physical deterioration in the general areas of such businesses; and that regulations applicable to such facilities are necessary to protect minors and to preserve the character, safety and stability of residential areas that are in proximity to such commercial businesses; and
- WHEREAS,** The Oregon Health Authority has issued permits to several businesses to operate medical marijuana facilities within the City, and it being necessary for the health, safety and welfare of the residents of the City, an emergency is hereby declared to authorize this Ordinance to take effect immediately upon passage.

NOW THEREFORE, The Common Council For The City Of Ontario Ordains As Follows:

Section 1. The following Chapter 22 is hereby added Title 3 of the Ontario City Code and is entitled "Mandatory Business Licenses for Medical Marijuana Facilities":

**CHAPTER 22 MANDATORY BUSINESS LICENSES FOR MEDICAL MARIJUANA FACILITIES**

**3-22-1 DEFINITIONS**

- 1. City Manager means the City Manager or the designee of the City Manager authorized to handle any matters arising under this Chapter on the City Manager’s behalf.
- 2. Marijuana or medical marijuana means all parts of the plant Cannabis family Moraceae, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination. As used in this Chapter, “marijuana” or “medical marijuana” refers to marijuana dried, produced, processed, kept, stored, delivered, transferred, dispensed or otherwise provided for the exclusive benefit of and use by a person to mitigate the symptoms or effects of a person’s debilitating medical condition as defined in ORS 475.302.
- 3. Medical marijuana facility means a facility designed, intended or used for purposes of delivering, dispensing, or transferring marijuana to Oregon medical marijuana registry identification card holders pursuant to ORS 475.300-475.346. The facility includes all premises, buildings, curtilage or other structures used to accomplish the storage, distribution and dissemination of marijuana.
- 4. Operator means a person who owns, operates or otherwise has legal responsibility for a facility and who meets the qualifications established by the Oregon Health Authority and has been approved by the Oregon Health Authority to operate a medical marijuana facility.
- 5. Principal means members, partners or corporate officers, and all stockholders holding more than 10 percent of the voting stock for any applicant who is not a natural person.
- 6. Registration identification card means a document issued by the Oregon Health Authority that identifies a person authorized to engage in the medical use of marijuana, and the person’s designated caregiver, if any.

**3-22-2 LOCAL LICENSE REQUIRED**

Medical marijuana facilities must possess a valid license issued under this Chapter to operate within the City. The license required by this Chapter facilitates the registration and the City’s oversight of a medical marijuana facility. The license required by this Chapter should not be construed to constitute an authorization to engage in any activity prohibited by law nor a waiver of any other regulatory or license requirement imposed by any other provision of City ordinance or local, regional, state or federal law.

**3-22-3 STATE REGISTRATION REQUIRED**

To be eligible to apply for a license under this Chapter, medical marijuana facilities must be registered with the Oregon Health Authority and authorized by state law to operate.

### 3-22-4 LICENSE APPLICATION

(A) Contents of Applications. Applications for new and renewed licenses must be submitted to the City Manager. A separate application must be submitted for each proposed facility. The initial or renewal application must include the following information:

1. Certification that the proposed facility is registered at that location as a medical marijuana facility with the Oregon Health Authority pursuant to ORS 475.314.
2. The applicant's name, residence address, and date of birth, with photo identification such as a driver's license or other government-issued identification.
3. The names and residence addresses of:
  - a. Any person or legal entity that has an ownership interest in the facility, including all principals of the applicant;
  - b. Any person or legal entity with a financial interest that has loaned or given money or real or personal property to the applicant, or principal of the applicant, for use by the proposed facility within the preceding year;
  - c. Any person or legal entity that has leased real property to the applicant for use by the facility and any person who manages that property; and
  - d. Any person who is anticipated at the time of the application to be an employee or volunteer at the proposed facility.
4. The business name.
5. The address and telephone number of the proposed facility.
6. The mailing address for correspondence about the license.
7. A detailed description of the type, nature and extent of the business.
8. The proposed days and hours of operation.
9. A detailed description of the proposed accounting and inventory system of the facility.
10. Certification that the facility has met all applicable requirements of the City development code and sign code.
11. Certification that all applicable taxes and fees have been paid.
12. A complete application for a criminal background check for the applicant, and all principals, persons with a financial interest, employees, and volunteers of the proposed medical marijuana facility.
13. The names of at least three natural persons who can give an informed account of the business and moral character of the applicant and principals.

14. The signature, under penalty of perjury, of the applicant, if a natural person, or otherwise the signature of an authorized agent of the applicant, if the applicant is other than a natural person.

15. Other information deemed necessary by the City Manager to complete review of the application.

(B) Information Shall be Kept Current. All information provided in an initial or renewal application must be kept current at all times, including after a license is issued. Each licensee shall notify the City Manager in writing within ten business days of any change in the information provided to obtain the license.

### **3-22-5 LICENSE DETERMINATION**

(A) Determination. Within 20 days after receiving a complete application and license fee for a medical marijuana facility license, the City Manager will issue the license if the City Manager finds that the facility is registered as a medical marijuana facility with the Oregon Health Authority pursuant to ORS 475.314 and that all other requirements under this Chapter have been met.

(B) Denial. In addition to denial for failure to meet the requirements of this Chapter, the City Manager may deny a license if:

1. The applicant made an untrue, misleading, or incomplete statement on, or in connection with, the application for the license or a previous application for a license;

2. Notwithstanding the federal Controlled Substances Act, the applicant fails to meet all requirements of local, state, and federal laws and regulations, including, but not limited to, other permitting or licensing requirements and land use regulations; or

3. The applicant, principals, employees, volunteers, or persons with a financial interest in the facility have been convicted of a felony, with the exception of a non-injury motor vehicle felony.

(C) An applicant may appeal the City Manager's denial of a license in accordance with Section 3-22-13(B). Any aggrieved person may appeal the City Manager's issuance of a license in accordance with Section 3-22-13(B).

### **3-22-6 APPLICATION FEE**

An initial license application or renewal application must be accompanied by a license fee in the amount of \$500. The City Council may revise the fee amount from time to time by resolution of the Council.

### **3-22-7 DISPLAY OF LICENSE**

The license issued under this Chapter must be prominently displayed at all times in an easily visible location inside the facility.

### **3-22-8 TERMINATION OF LICENSE**

(A) Termination. A license terminates automatically one year from the date of issuance, unless a license renewal application has been approved.

(B) **Renewal.** A license may be renewed for additional annual terms as provided by this Chapter.

(C) **Renewal Application.** Renewal applications shall be submitted, with the required license fee, to the City Manager not less than 30 days prior to the expiration date of the existing license.

(D) **Termination Due to Change in Law.** A license terminates automatically if federal or state statutes, regulations or guidelines are modified, changed, or interpreted in such a way by state or federal law enforcement officials as to prohibit operation of the facility under this ordinance.

(E) **Surrender.** A licensee may surrender a medical marijuana facility license by delivering written notice to the City that the licensee thereby surrenders the license. A licensee's surrender of a license under this section does not affect the licensee's civil or criminal liability for acts the licensee committed before surrendering the license.

### **3-22-9 TRANSFERABILITY**

Licenses issued under this Chapter shall not be transferred to any other person. The City Manager may waive this restriction and authorize a transfer if it is to a limited liability company, corporation or partnership in which the names of principals have been included in the most recent license application for the facility and the City has already completed criminal background checks on those principals.

### **3-22-10 INDEMNIFICATION**

(A) **Waiver.** By accepting a medical marijuana facility license issued under this Chapter, the licensee waives and releases the City, its officers, elected officials, employees, volunteers and agents from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of a facility owner or operator, principal, person or legal entity with a financial interest in the facility, person or entity that has leased real property to the facility, employee, volunteer, client or customer for a violation of federal, state or local laws and regulations.

(B) **Indemnification.** By accepting a medical marijuana facility license issued under this Chapter, the licensee(s), jointly and severally if there is more than one, agree to indemnify and hold harmless the City, its officers, elected officials, employees, volunteers, and agents, insurers, and self-insurance pool against all liability, claims, and demands on account of any injury, loss, or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the medical marijuana facility that is the subject of the license.

### **3-2-11 STANDARDS OF OPERATION**

(A) **Registration and Compliance with Oregon Health Authority Rules.** The facility's registration as a medical marijuana facility under ORS 475.314 must be in good standing with the Oregon Health Authority, and the facility must comply with all applicable laws and regulations administered by the Oregon Health Authority for facilities.

(B) **Compliance with Other Laws.** The facility must comply with all applicable laws and regulations, including, but not limited to, the building and fire codes.

- (C) **Registry Identification Card Required.** All persons allowed within the facility, except employees of the City performing their official duties, must have a valid registry identification card and be in compliance with rules adopted by the Oregon Health Authority.
- (D) **Sales in Facility.** Sales or any other transfers of marijuana on the facility premises must occur inside the facility building and must be conducted only between the facility and individuals with registry identification cards.
- (E) **On-Site Use.** Marijuana and tobacco products must not be smoked, ingested, consumed or otherwise used on the premises of a medical marijuana facility.
- (F) **On-Site Manufacturing.** Manufacturing or production of any extracts, oils, resins or similar derivatives of marijuana is prohibited at a facility. Use of open flames or gases in the preparation of any products is prohibited at a facility.
- (G) **Outdoor Storage.** Outdoor storage of merchandise, raw materials or other material associated with the facility is prohibited.
- (H) **Secure Disposal.** The facility must provide for secure disposal of marijuana remnants or byproducts; marijuana remnants or by-products shall not be placed within the facility's exterior refuse containers.
- (I) **Home Occupation.** A facility may not be operated as a home occupation.
- (J) **Screening from Public.** All transactions shall occur within the interior of the facility, out of the view of the public. All doorways, windows and other openings shall be located, covered or screened in such a manner to prevent a view into the interior from any exterior public or semipublic area. Walk-through windows, drive-through windows or other outside delivery systems are prohibited.
- (K) **Objectionable Odors.** The facility must use an air filtration and ventilation system which, to the greatest extent feasible, confines all objectionable odors associated with the facility to the premises. For the purposes of this provision, the standard for judging "objectionable odors" shall be that of an average, reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor is made and the odor is detected.
- (L) **Permanent Structure.** The facility shall be located in a permanent building, not in a trailer, cargo container or motor vehicle.
- (M) **Security Devices.** A facility must install and maintain all security devices required by the Oregon Health Authority.
- (N) **Lighting.** A facility must maintain adequate outdoor lighting over each exterior exit.
- (O) **Hours of Operation.** No facility shall have operating hours earlier than 10 a.m. or later than 7 p.m. of the same day.
- (P) **Payment of Marijuana Tax.** Unless waived by the City, the operator of the facility shall comply with the provisions of Chapter 21 of Title 3 of the City Code.

### **3-2-12 LOCATION OF FACILITY**

(A) **Zone Locations.** A medical marijuana facility shall be located only within the land use zones described in the following Chapters of Title 10A of the City Code: Chapter 29 (C-2); Chapter 31 (C-2-H); Chapter 33 (C-3); and Section 10A-52-40 (UGA-C) of Chapter 52.

(B) **Location Restrictions.** A medical marijuana facility is prohibited in the following locations, regardless of zone, with distances measured from the closest points of the respective lot lines:

1. within 1,000 feet of a public or private elementary or secondary school, or a career school;
2. within 1,000 feet of a non-commercial facility used primarily for the care, education or recreation of minors, such as a Head Start school or a Boys and Girls Club, but not including unlicensed daycare facilities;
3. within 1,000 feet of a public park, public playground, public recreation center or public facility;
4. within 1,000 feet of another medical marijuana facility;
5. within 200 feet of all residential zones, including those designated in Chapter 11 (RS-50), Chapter 13 (RD-40), Chapter 17 (RM-10), Chapter 19 (R-MH), Chapter 23 (TRO) and Chapter 52 (UGA-R) of Title 10A;
6. within 1,000 feet of a day care facility licensed by the State of Oregon;
7. on the same tax lot as a smoking club or marijuana grow site; or
8. any combination of the above.

### **3-22-13 ENFORCEMENT AND PENALTIES**

(A) **Revocation or Suspension of License.** The City Manager may deny, suspend or revoke a license issued under this Chapter for failure to comply with this Chapter, for submitting falsified information to the City or the Oregon Health Authority, or for noncompliance with any other City ordinances or state law.

(B) **Appeal of Issuance, Denial, Revocation or Suspension.** Any person aggrieved by the City Manager's issuance, denial, suspension or revocation of a license may appeal it to the City Council by delivering a written notice of appeal to the City Manager within 30 days of the date of the denial, suspension or revocation. The appeal shall be heard by the City Council in a public meeting scheduled within 60 days of the date that the notice of appeal is delivered to the City Manager. The appellant shall be given at least a five day notice of the public meeting, and shall be entitled to appear and be heard. The City Council's decision on the appeal shall be final.

(C) **Civil Penalty.** In addition to the other remedies provided in this section, any person or entity, including any person who acts as the agent of, or otherwise assists, a person or entity who fails to comply with the requirements of this Chapter or the terms of a license issued under this Chapter, who undertakes an activity regulated by this Chapter without first obtaining a license, who fails to comply with a cease and desist order issued pursuant to this Chapter, or who fails to comply with state law commits an unclassified civil violation which shall be processed according to the procedures established in Chapter 4 "General Penalty" of Title 1 of this Code.

(D) Public Nuisance. Any premises, house, building, structure or place of any kind where medical marijuana is grown, processed, manufactured, sold, bartered, distributed or given away in violation of state law or this Chapter, or any place where medical marijuana is kept or possessed for sale, barter, distribution or gift in violation of state law or this Chapter, is a public nuisance. The City may institute an action in circuit court in the name of the City to abate, and to temporarily and permanently enjoin, such nuisance. The court has the right to make temporary and final orders as in other injunction proceedings. The City shall not be required to give bond in such an action.

(E) Remedies not Exclusive. The remedies provided in this section are not exclusive and shall not prevent the City from exercising any other remedy available under the law, nor shall the provisions of this Chapter prohibit or restrict the City or other appropriate prosecutor from pursuing criminal charges under City ordinance or state law.

**Section 2. Severability.** The sections, subsections, paragraphs, and clauses of this Ordinance are severable. The invalidity of one section, subsection, paragraph, or clause does not affect the validity of the remaining sections, subsections, paragraphs, and clauses.

**Section 3.** An emergency having been declared, this ordinance shall take effect immediately upon passage.

PASSED AND ADOPTED by the Common Council of the City of Ontario this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by the following vote:

AYES:

NAYS:

ABSENT:

APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST:

\_\_\_\_\_  
Ron Verini, Mayor

\_\_\_\_\_  
Tori Barnett, MMC, City Recorder

**AGENDA REPORT**  
April 6, 2015

TO: Mayor and City Council

FROM: Betsy Roberts, City Engineer  
Dan Shepard, Engineering Technician III

THROUGH: Tori Barnett, City Manager Pro Tem  
Cliff Leeper, Director of Public Works

**SUBJECT: WASTEWATER TREATMENT PLANT: DIKE MANHOLE REPLACEMENT BID RESULT  
DISCUSSION AND AWARD**

DATE: March 30, 2015

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**SUMMARY:**

Attached is the following document:

- Bid - Warrington Construction Corporation of Oregon

Six manholes along the center dike at the wastewater treatment plant have suffered significant damage from corrosive gas that forms in sanitary sewer mains. Money was budgeted for replacement of these manholes in the amount of \$65,000. Bids were opened March 12, 2015 for the Wastewater Treatment Plant Dike Manhole Replacement Project. One bid was received, in the amount of \$138,800, from Warrington Construction Corporation of Oregon.

**PREVIOUS COUNCIL ACTION:**

Council approved the engineering design of the project at the December 15, 2014 council meeting.

**PROBLEM DISCUSSION:**

The bid submitted for the replacement of the six manholes is more than double the budgeted amount originally identified for the project. Budgeting was developed for this project prior to the arrival of CH2M; it seems apparent from the budget amount that the team conducting the budgeting assumed that city staff would perform the work. The original budget likely was only intended to cover materials and possibly some sewage bypass support. After CH2M arrived, we concluded that the depth of manhole replacement, the proximity to major power lines, and the challenging soil conditions (structural dike, with ground water) made this a project that needed to be bid out to a specialized contractor. It is felt that the condition of the manholes is at a critical juncture and the project should not be delayed.

CH2M is recommending that the City Council award the project to the apparent low bidder, Warrington Construction Corporation of Oregon. The contract documents contain a Value Engineering clause which can be engaged once the contract has been awarded. In preliminary discussions with the apparent low bidder, it appears possible to reduce the construction cost through a modification of construction practices, though details have not yet been discussed. CH2M is recommending the City Council direct CH2M to work through a value engineering proposal with the selected contractor and move forward with construction as quickly as possible under the modified system. Because of the timing, CH2M is recommending the City Council conditionally approve the bid amount as a maximum not to exceed amount so that construction can begin immediately after Public Works review and approval of the value engineering proposal. It is anticipated that at least some cost savings will be realized, though the total amount will not be understood until after the project is awarded and discussion can begin with the contractor.

**FINANCIAL IMPLICATIONS:**

The current low bid results in an additional cost of \$73,800 to the current budgeted amount of \$65,000 without a reduction to the bid price based on value engineering. Total bid: \$138,800.

**ALTERNATIVE:**

The Council could choose to deny the request to connect.

**RECOMMENDATION:**

Staff recommends City Council:

1. Award the project to the apparent low bidder, Warrington Construction Corporation of Oregon, and
2. Direct CH2M to negotiate a value engineering proposal with the selected contractor,

**PROPOSED MOTION:**

I move the Mayor and City Council award the Dike Manhole Replacement Project to the apparent low bidder, Warrington Construction Corporation of Oregon, and direct CH2M to begin negotiations with the contractor regarding a value engineering proposal that could result in a cost savings on the project.

## 2. BID ITEMIZATION

Except as modified within these Contract Documents, the various work items called for in the "Bid Proposal" shall be performed, measured, and paid for as indicated on the "Bid Proposal" and as provided in the 2012 Edition of the IDAHO STANDARDS FOR PUBLIC WORKS CONSTRUCTION (ISPWC), as amended including all supplements and revisions, and the 2011 City of Ontario Supplemental to the ISPWC.

Bid Item	Description	Unit	Amount	Unit Price	Extended Total Amount
307.4.1.E.1	Type "C" Surface Restoration (Gravel Roadway Surfaces)	SY	900	2. <sup>00</sup>	1800. <sup>00</sup>
307.4.1.L.1	Surface Repair of Dike between Lagoon 1 and Lagoon 4A	LS	1	5000. <sup>00</sup>	5,000. <sup>00</sup>
501.4.1.A.1	Gravity Sewer Pipe Size 36" - Type HDPE (includes excavation as needed, bedding, backfill, and compaction)	LF	50	50. <sup>00</sup>	2,500. <sup>00</sup>
502.4.1.A.1	Sanitary Sewer Manhole - Type A (includes site prep, bedding and backfill, compaction)	EA	6	11,000. <sup>00</sup>	66,000. <sup>00</sup>
502.4.1.G.1	Sprayroq - polyurethane manhole coating	VF	45	300. <sup>00</sup>	13,500. <sup>00</sup>
507.4.1.H.1	Remove Manhole (includes excavation, removal, and disposal)	EA	6	3,000. <sup>00</sup>	18,000. <sup>00</sup>
509.4.1.E.1	Bypass Sewage Pumping (includes all equipment, power, and supervision of system)	LS	1	16,000. <sup>00</sup>	16,000. <sup>00</sup>
1001.4.1.A.1	Sediment Control	LS	1	500. <sup>00</sup>	500. <sup>00</sup>
1103.4.1.A.1	Construction Traffic Control	LS	1	500. <sup>00</sup>	500. <sup>00</sup>
2010.4.1.A.1	Mobilization	LS	1	15,000. <sup>00</sup>	15,000. <sup>00</sup>
<b>TOTAL BID AMOUNT</b>					<b>138,800.<sup>00</sup></b>

**TOTAL BID AMOUNT**

\$ ONE HUNDRED THIRTY EIGHT THOUSAND EIGHT HUNDRED-  
dollars

*(Amount written out in words)*

Bidder acknowledges that quantities are not guaranteed and final payment will be based on actual quantities determined as provided in the Contract Documents. Bid amount shall be made based on Instructions to Bidders, Article 8. In comparison of bids, bids will be evaluated based on the Total Bid Amount

**AGENDA REPORT**  
April 6, 2015

TO: Mayor and City Council

FROM: Cliff Leeper, Public Works Director  
Betsy Roberts, City Engineer

THROUGH: Tori Barnett, City Manager Pro Tem

**SUBJECT: ANDERSON PERRY & ASSOCIATES, INC., NOTICE TO PROCEED FOR PROFESSIONAL ENGINEERING SERVICES FOR THE DESIGN OF WELL 17 SYSTEM CONNECTION**

DATE: Mar. 30, 2015

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**SUMMARY:**

Attached is the following document:

- Work Order: Proposal for Professional Engineering Services

Anderson Perry & Associates are part of the On-Call Professional Services pool selected by the City of Ontario in the spring of 2014. They assisted in the drilling of Well 17, which was completed in the fall of 2013. However, the no pump, control system, or power was installed and the well was not tied into the existing raw water delivery system.

**PREVIOUS COUNCIL ACTION:**

None.

**BACKGROUND:**

The City of Ontario needs to equip Well No. 17 with a well pump, motor, piping, controls, and a well pump station so that the well can be incorporated into the City's raw water delivery system. CH2M staff and crews will complete some of the pump station work, while professional engineering design effort would be completed by Anderson Perry. Those parts of the work that could not be conducted by staff would be put out to bid (electrical work, for example). The scope of work is based on previous collaboration efforts between city staff and Anderson Perry. Detailed design effort by Anderson Perry is described in the attached Work Order.

This new production well is important to the City to help maintain its reliable water source as the high demand summer months approach.

**ALTERNATIVE:**

The City Council could choose to not authorize the Notice to Proceed for Anderson Perry & Associates, Inc., and postpone needed improvements. If authorization is denied, options would include either “No Action” where no improvements would be designed at all or a Request for Proposal (RFP) could be developed and selection of a qualified engineering firm would follow.

**FINANCIAL IMPLICATIONS:**

Work would be billed on a lump sum basis. Anderson Perry will manage the work identified to the budgeted amount (\$13,500), which shall not be exceeded without prior written authorization from the City.

**RECOMMENDATION:**

Staff recommends issuing a Notice to Proceed for Professional Engineering Services for the Water Treatment Plant Chemical Feed and Raw Water Supply Improvement Evaluations.

**PROPOSED MOTION:**

I move that the City Council authorize a Notice to Proceed for Professional Engineering Services for the Design of Well 17 System Connection.

## **WORK ORDER – City of Ontario, Oregon, and Anderson Perry & Associates, Inc.**

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Work Order No. 8

Job No. 53-93

Date: March 26, 2015

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### ***I. SCOPE OF SERVICES***

In accordance with the AGREEMENT FOR GENERAL ENGINEERING SERVICES dated May 8, 2012, the OWNER hereby authorizes the ENGINEER to perform the following professional engineering services:

The City of Ontario desires to equip the recently-drilled Municipal Well No. 17 with a well pump, motor, piping, controls, and a well pump station so the well can be incorporated into the City's municipal water system. City staff and crews will complete some of the pump station work, while other work needs an engineering design so the City can obtain quotes or bids for the work. The purpose of this WORK ORDER is to outline the work required of the ENGINEER for the proposed Municipal Well No. 17 project.

The ENGINEER will assist the OWNER with design engineering services for the Municipal Well No. 17 project by providing the following:

- An evaluation and selection of a well pump and motor, taking into consideration the existing well design (screen location) and pump test draw down data and yield. The design will include a selected pump model (flow and horsepower) and the anticipated pump curve operation point.
- A drawing that depicts the well pump set depth and configuration, considering the recently completed pump test for depth of well pump set relative to existing well screen placement and the anticipated operating pumping level of the well.
- A design of needed well pump motor controls (motor control center). The design will depict the necessary components and their operational parameters.
- Drawings that depict the general layout of the proposed well pump station and location of features.
- Technical Specifications for the design items.

#### **Anticipated Deliverables**

- Three drawings depicting the well pump configuration inside the well, the well pump station layout and motor control center requirements, and needed details. Technical Specifications for all designed items will also be provided.
- The finished deliverable, which will allow the City to secure the needed well pump equipment and motor control center while also providing adequate information to facilitate installation of the well pump and motor into the well casing.

**II. SPECIAL CONDITIONS**

SPECIAL CONDITIONS related to this WORK ORDER are as follows:

The City of Ontario staff will construct the well pump station building. Items not included in the Scope of Services of this Work Order that will be designed and constructed by City staff include the following:

- Well pump station, including interior electrical, heat, ventilation, etc.
- Well piping inside the pump station and from the pump station to the nearby surface water treatment plant
- Flow metering and any controls for operation of the well using the City SCADA system
- Electrical service drop for the new building
- Any other items needed to result in a complete well pump station

The City of Ontario will also be responsible for advertising, obtaining bids or quotes, and any needed construction engineering for the Municipal Well No. 17 work items designed under this Work Order, or by the City separately from this Work Order. If desired by the OWNER, the ENGINEER can assist with this work on a time and materials basis.

**III. BASIS OF PAYMENT**

- Time and Materials Basis
- Lump Sum Basis = (Lump Sum Amount: \$13,500)
- Hourly Fee Basis
- Other as described hereafter:

**IV. AUTHORIZATION OF WORK ORDER**

OWNER: **City of Ontario, Oregon**

By: \_\_\_\_\_

Type Name: \_\_\_\_\_

Acceptance by ENGINEER: **Anderson Perry & Associates, Inc.**

By: \_\_\_\_\_

Type Name: Brad D. Baird, P.E.

# Discussion/Information /Hand-Out Items

City Council Meeting  
April 6, 2015



City of Ontario  
 444 SW 4<sup>th</sup> Street  
 Ontario, OR 97914  
 Voice (541)889-7684  
 Fax (541)889-7121  
[www.ontariooregon.org](http://www.ontariooregon.org)

## CITY OF ONTARIO BUSINESS REGISTRATION APPLICATION

Required by Ontario Municipal Code **\*\*-\*-\*\***

Initial Fee: \$25  
 Renewal Fee: \$10  
 Non-Compliance Penalty: \$100+\$10 per day

Type:  Initial  
 Renewal  
 Change  
 Temporary (30-day limit)

All fees/penalties are non-refundable/non-transferable

Application Received Date: \_\_\_\_\_ Amount Paid: \_\_\_\_\_ Check/Cash/MO/DC/CC

**Please complete application in full. Incomplete or illegible applications may be rejected.**

**The registration shall follow the calendar year. First year will be pro-rated; subsequent years, renewals will be due by January 15<sup>th</sup>. Window clings will be issued upon completion and accepted applications. The clings shall be placed in a window or displayed within the business where patrons can see it.**

BUSINESS NAME: \_\_\_\_\_

BUSINESS ADDRESS: \_\_\_\_\_

BUSINESS TELEPHONE: \_\_\_\_\_ HOURS/DAYS OF OPERATION: \_\_\_\_\_

BUSINESS EMAIL: \_\_\_\_\_ BUSINESS WEBSITE: \_\_\_\_\_

GENERAL DESCRIPTION OF BUSINESS: \_\_\_\_\_

COMMERCIAL STORE-FRONT OR IN-HOME BUSINESS: \_\_\_\_\_

BUSINESS OWNER NAME: \_\_\_\_\_

BUSINESS OWNER ADDRESS: \_\_\_\_\_

BUSINESS OWNER PHONE: \_\_\_\_\_ BUSINESS OWNER EMAIL: \_\_\_\_\_

DRIVER'S LICENSE NUMBER AND ISSUING STATE: \_\_\_\_\_

PROPERTY OWNER NAME (IF DIFFERENT THAN ABOVE): \_\_\_\_\_

PROPERTY OWNER ADDRESS: \_\_\_\_\_

PROPERTY OWNER PHONE: \_\_\_\_\_ PROPERTY OWNER EMAIL: \_\_\_\_\_

ALTERNATE CONTACT(S) IN CASE OF EMERGENCY (NAME, ADDRESS, PHONE, EMAIL): \_\_\_\_\_

(IF THERE ARE MORE ALTERNATE CONTACTS, PLEASE USE A SEPARATE SHEET OF PAPER AND ATTACH TO THIS APPLICATION)

MAY WE PUT YOUR BUSINESS INFORMATION ON OUR CITY DIRECTORY/CITY WEBSITE? YES NO

MAY WE SHARE YOUR BUSINESS INFORMATION WITH THE ONTARIO CHAMBER OF COMMERCE? YES NO

HAVE YOU MADE ANY SUBSTANTIAL CHANGES TO YOUR FLOOR PLAN SINCE INITIAL APPLICATION OR LAST RENEWAL: YES NO

\*PLEASE PROVIDE A COPY OF YOUR FLOOR PLAN TO EMERGENCY SERVICES, IN PDF FORMAT.

IS THERE A BASEMENT: YES NO

IS THERE A SECOND (OR HIGHER) STORY: YES NO

ROOF ACCESS LOCATION: \_\_\_\_\_

KNOX BOX: YES NO IF YES, LOCATION: \_\_\_\_\_ FIRE SUPPRESSION SYSTEM: YES NO

AED: YES NO IF YES, LOCATION(S): \_\_\_\_\_

ALARM: YES NO IF YES, TYPE(S): \_\_\_\_\_

ALARM COMPANY/PHONE: \_\_\_\_\_

DOES YOUR FACILITY CONTAIN HAZARDOUS MATERIALS: YES NO

IF YES, HAVE THE HAZARDOUS MATERIALS BEEN REPORTED TO THE OREGON STATE FIRE MARSHALL'S HAZARDOUS SUBSTANCE INFORMATION SYSTEM: YES NO

DOES ANYONE RESIDE ON THE PREMISES: YES NO IF YES, PLEASE NOTE LOCATION ON FLOOR PLAN (\*SEE ABOVE REQUEST).

ANIMALS ON PREMISES: YES NO TYPE(S): \_\_\_\_\_

***I declare under penalty of perjury that the statements made herein are made in good faith and to the best of my knowledge are true, correct, and complete.***

SIGNED: \_\_\_\_\_

DATE: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

***Please submit the completed Application, with required payment, to Ontario City Hall, 444 SW 4<sup>th</sup> Street, Ontario, Oregon, 97914. For questions, please call 541.889.7684.***

## THANK YOU

\*\*\*\*\*

**LICENSES OR PERMITS REQUIRED:** No person shall engage in or carry on any trade, business, profession, or activity within the limits of the city for which a license or permit is required by this title, or by any ordinance of the city, without a current, valid license or permit required for that trade, business, profession, or activity.

**UNLAWFUL TO DISPLAY INVALID LICENSE OR PERMIT:** It shall be unlawful to display, wear, or assert the validity of a license or permit required by the city of Ontario where such permit or license has been denied, revoked, expired, or otherwise invalidated.

**UNLAWFUL CONDUCT:** It shall be unlawful for a business to operate in the City of Ontario while violating any City Ordinance, State Statute or Federal Law.

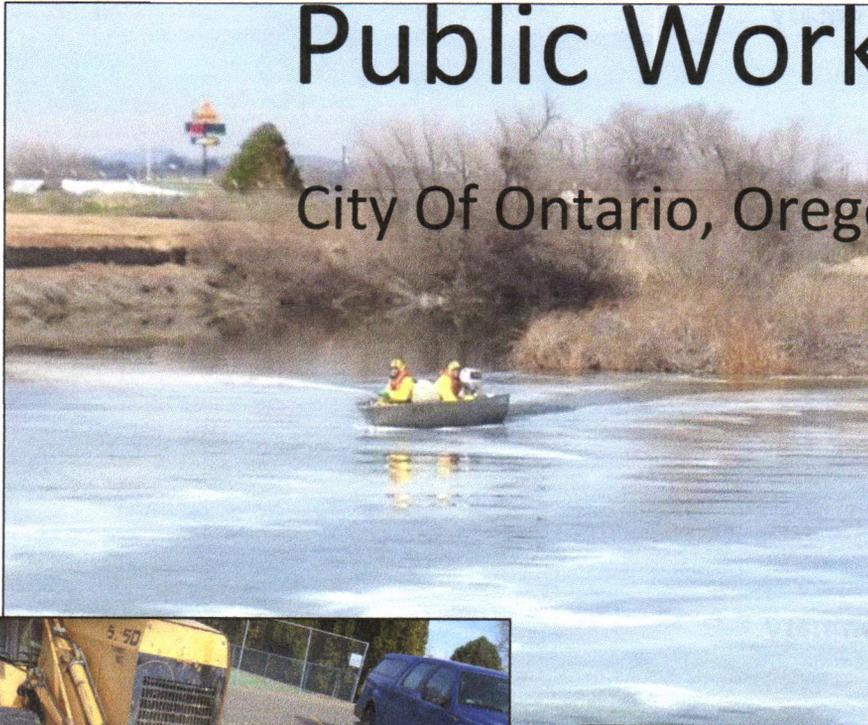
**PENALTY:** A violation of this section shall be a Class A Violation. In addition to such penalty, any person violating any provision of this chapter shall be subject to any and all other applicable administrative, criminal, and/or civil penalties. Each day upon which a violation of this section continues or occurs may be deemed a separate and distinct violation.



**CH2MHILL**

# Public Works

City Of Ontario, Oregon



**February 2015**

## **Table of Contents**

**Utility Maintenance Summary**

**Street Department**

**Water / Wastewater Summary**

**Facility Maintenance**

**Parks and Cemetery Summary**

**Engineering Division Summary**

## **Utility Maintenance Activity Summary**

Utility Maintenance staff is responsible for Water Distribution and Sewer Collection throughout the City. Water Distribution duties include maintenance and repair of approximately 97 miles of water lines and 3,625 services which include service installations, mainline installation, meter reading, maintenance of more than 600 fire hydrants, and valve exercising of more than 1,700 water valves.

Sewer Collection duties include maintenance and repair of approximately 78 miles of sanitary sewer lines within the City. Responsibilities include constructing new pipelines, cleaning all gravity sanitary sewer lines, repairing or replacing sanitary sewer lines as needed, providing line locations for all water and sewer lines, and maintaining eight lift stations plus a barscreen and one lift station from Snake River Correctional Institution.

The City has approximately 56 miles of storm drain collection lines and 1,450 catch basins throughout the City limits. Duties include Storm drain maintenance and repair, cleaning of approximately eleven miles of Storm drain lines and cleaning the catch basins.

The following is a brief detail of collection and distribution activities for the month of February:

- Cleaned four wet wells at lift stations.
- Completed 47 line locates.
- Nine water meters or radio read meter interface units (MIUs) were changed out for repair.
- Supervisory control and data acquisition (SCADA) computer crashed for the 2<sup>nd</sup> time requiring 24/7 monitoring by staff for two days.
- Vehicle maintenance on #301 Camel truck.
- Weekly vehicle inspections.
- Weekly lift station inspections.
- Re-packed three pumps at the West Side Booster Station with Water Treatment staff.
- Rebuilt a chemical feed pump in the West Tech building with Water Treatment staff.

## **Street Activity Summary**

The Street Maintenance Division maintains more than 122 lane miles of improved streets and more than 9 miles of alleys. The street department is responsible for resurfacing, repairing and maintaining the streets, installing and maintaining street signs and markings, tree trimming, repairing all established pavement markings. The division also completes excavation and repair of deteriorating streets, gravel road grading, street sweeping, crack sealing, chipsealing, snow removal and sanding during the winter months, and weed control along the alleys. Street Maintenance staff assists the Chamber of Commerce by putting up decorations on street lights during the Christmas season and replacing them with the regular decorations when the season is over.

As part of the Street Division's maintenance program, crews chipseal street surfaces in the summer to protect them from water and weather damage and to keep them in good condition. A chipseal maintains the existing pavement, delaying further aging due to water and sun; and provides a moisture barrier and corrects existing pavement problems by sealing cracks. A chipseal application provides substantial savings to taxpayers and should last a minimum of eight years with minimal maintenance required. The City chipseals approximately 7 miles per year.

The following is a brief detail of activities for the month of February:

- Installed crosswalks with hot tape at SW 4<sup>th</sup> Avenue and South Park Boulevard, SW 4<sup>th</sup> Avenue and Alameda Drive, and on North Verde Drive and NW 4<sup>th</sup> Avenue and at Alameda Elementary.
- Started crack filling this year's Street Maintenance Area No. 5.
- Fixed a type III barricade on SW 19<sup>th</sup> Street.
- Installed type III barricade at SW 7<sup>th</sup> Avenue.
- Changed out 10 signs that were the wrong sign for the location.
- Attended emergency response training.
- Completed our weekly and monthly preventative vehicle maintenance checks.
- Cleaned and removed two of our sanders and plows for the season.
- Dura-patched the underpass pot holes.
- Pot hole patched with cold mix in several locations around town.
- Installed new stop signs that were struck by vehicles.



Jeremy Delehant and Seth Blackburn install protective fencing around the Beck Ponds prior to the fish kill project.



## Water Activity Summary

### Water:

Critical Water Treatment Plant performance parameters are shown in the table below. February water demand was down from January. As noted, average filter run times jumped significantly. This is most likely due to stable river conditions for the month, filter stability and because staff resolved filter performance issues that occurred last month. One cautionary note about filter run time is that the time recorded does not reflect the total water put through the filter. These plants do not have the ability to measure total gallons. Average run times remain in a good range.

Parameter	This Month	Last Month	Difference
Gallons Treated (Million Gallons)	125.9	144.9	-19.0
Old Filter Plant Incoming Water (Million Gallons)	95.1	101.2	-6.1
Filter 1 Range (Hours)	35.4 – 59.9	34.1 – 65.8	
Filter 1 Average (Hours)	48.0	45.1	2.9
Filter 2 Range (Hours)	35.6 – 58.3	19.3 – 49.3	
Filter 2 Average (Hours)	42.6	25.1	17.5
New Plant Incoming water (Million Gallons)	34.0	43.7	-9.7

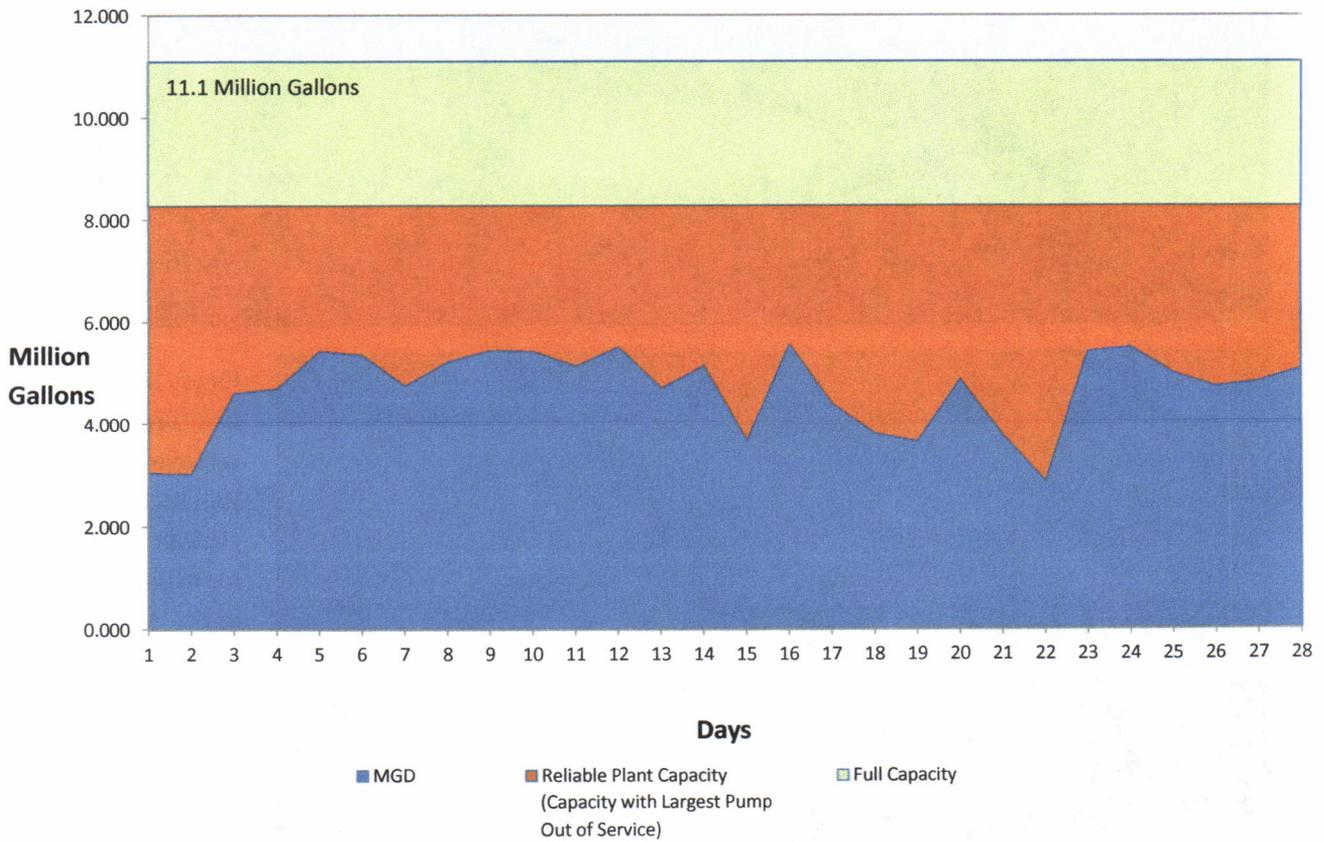
### February Achievements/Challenges:

- Follow up meetings with design consultants to finalize scope of work for chemical feed and process changes and design.
- Received initial delivery of critical spare parts for the clarifier trains for the traditional filter plant.
- Prepared critical spares list for repair and replacement.
- Staff participated in “Lock-out/Tag-out” safety training.
- Continued to place Reservoir 3B back into service.
- Worked with engineering on upcoming capital needs.
- Received delivery of Connexus sedimentation basin flights.
- Participated in electrical and lifting safety training as provided by CH2M.



Randy Bartlett  
and Larry Lane  
remove  
WesTech  
clarifier screens  
for maintenance  
at the Water  
Treatment Plant.

### Demand vs. Availability February 2015



## Wastewater Activity Summary

### **Wastewater:**

The table below show flows and general treatment parameters for the month of February compared to January. Average flow decreased this month and is more in line with December values. Likewise BOD concentrations were higher. TSS values dropped. These values appear to be in the normal range for Ontario. We had no violations or incidents of significance this month.

<b>Parameter</b>	<b>This Month</b>	<b>Last Month</b>	<b>Difference</b>
Total Million Gallons received	48.4	54	-5.6
Total Discharge (MG)	51.4	47.8	3.6
City Flow (MG)	40.7	45.3	-4.6
SRCI Flow (MG)	7.7	8.6	-0.9
Influent Pollutant Load (BOD)	174	134	40
Effluent BOD (average MG)	10	8	2
Influent Solids (TSS)	185	144	-41
Effluent Solids (Average TSS)	14	13	1
E- Coli (Geomean – MPN)	2	10	-8

### **February Achievements/Challenges**

- Submission of annual Water Reuse Report to Oregon Department of Environmental Quality (ODEQ).
- Completed Tier 2 sampling program and forwarded all data to ODEQ. Maintained communications with ODEQ for permit review.
- Updated sulfur dioxide delivery connection at the plant.
- Updated Council on the management and soil conditions for Skyline Farm.
- Prepared revised draft Skyline farming contract.
- Staff received Lock-out – Tag-out training.
- Initiated research on potential of moving Malheur Farm water to Skyline.

## Facility Maintenance Summary

The following is a brief detail of activities for the month of February:

- Engaged corporate contracting support to solicit HVAC proposals and contractors.
- Received CH2M HILL Boise office HVAC evaluation report.



Jamin McMurren (CH2M Boise Office) and Jay Hysell examine roof top air exchangers.

## **Park & Cemetery Activity Summary**

The Ontario park system consists of both active and passive recreational areas. There are four neighborhood parks, one community park, one large urban park and numerous special use sites in the park system. In total, the City owns 13 park and recreational areas representing more than 1,012 acres of land. The City also owns the skateboard park.

The following is a brief detail of activities for the month of February:

- Dumping trash cans in the park and cemetery we still have a lot of trash in the parks in the winter.
- We had two burials in February at Evergreen Cemetery.
- We had to have some more repair work done on the Emergency Generator at City Hall this month.
- We took the mowers and trimming equipment in to the shops to get them repaired and ready for spring start up.
- We took the tables and benches apart and painted them and replaced the broken boards and are currently painting them.
- We took some lock out tag out training this month.
- We put up some no trespassing signs out at the golf course.
- We put a desk together for the recreation department.
- Trimmed the trees in the down town parking lots.
- We helped the Oregon Department of Fish and Wildlife with the fish kill project at Beck Park this month.
- We also attended a spray applicator class at the Four Rivers Cultural Center.

## **Engineering Division Activity Summary**

The Engineering Division reviews plans for construction of public improvements, maintains the City's mapping system, and manages the engineering projects within both the Capital Improvements and Maintenance Programs. The department provides technical support to residents, developers, builders, other City departments and consulting engineers and surveyors. The staff reviews and approves construction plans for subdivisions, partitions, streets, sanitary sewer, water lines, and storm drainage construction projects. They also design projects, prepare bid documents for public works maintenance projects and provide project management for public improvements.

The Geographic Information System (GIS) database is maintained by Engineering Department staff. The department also maintains and updates the record maps for all City utilities, right-of-way, easements, land division plots and City base maps.

The following is a brief detail of activities for the month of February:

- Right of Way permits issued: 2
- New Addresses Issued: 2
- Work Order Requests:
  - New water and sewer service at 1271 SE 10<sup>th</sup> Ave
- Geographic Information System Inquiries/Maps: 24
- Updating Catch Basin Inventory
- Preliminary Design Advisory Committee Meetings (PDAC):
  - Truck Repair Shop
  - Church expansion
  - Partition – Rodeway Inn and DJs Restaurant
- Public Works Committee meeting – Pilgrim Lutheran Church angle parking
- AutoCad training Boise CH2M office
- City Council Work Session – angle parking
- Ontario Child Development Coalition – Easement relinquishment discussion
- Crosswalk Discussion
- Reviewed six building permits for the City Building and Planning Department
- Request for information on development requirements – 6

- System Development Charges tallied (but not collected due to moratorium):

	Trans. SDCs	Water SDCs	Sewer SDCs	Monthly Total
July 2014	\$19,857.56	\$975.00	\$962.00	\$21,794.56
August 2014	\$0	\$0	\$0	\$0
September 2014	\$0	\$0	\$0	\$0
October 2014	\$7,250.81	\$0	\$0	\$7,250.81
November 2014	\$113.04	\$1,950.00	\$481.00	\$2,544.04
December 2014	\$0	\$0	\$0	\$0
January 2015	\$0	\$0	\$0	\$0
February 2015	\$0	\$0	\$0	\$0
<b>Totals</b>	<b>\$27,221.41</b>	<b>\$2,925.00</b>	<b>\$1,443.00</b>	<b>\$31,589.41</b>

- Water Treatment Plant (WTP) Improvements – Continued working with Murray Smith and Associates on final design task order elements. Submitted Staff Report Feb. 23 for March 2<sup>nd</sup> City Council meeting.
- Sanitary Sewer Improvements – Continue working with Anderson Perry and Associates regarding Sanitary Sewer Improvements project. Bid anticipated in late March/early April.
- Manhole (MH) Rehab on Wastewater Treatment Plant (WWTP) Dike – Design completed and prepped for advertisement.
- East Side Tank – Report finalized and final design task order developed. Submitted Staff Report Feb. 23 for March 2<sup>nd</sup> council.
- Pool – “Pool group” met February 10 for kick off with Four Rivers Healthy Communities, City, and Pool Committee chair. Secured Four Rivers agreement to work with City on pool project. City Engineer Betsy Roberts working on finding the right leader to update cost estimate and lead project forward from engineering side.
- Seismic Repairs – Provided written documentation on grant opportunity – waiting for timing of next funding. Preparing documentation to City regarding needs for when next funding event does occur, which could be this spring.
- Attended the “Main Street” presentation Feb. 26.
- Public Works Committee – Attended Public Works Committee meeting and provided support on:
  - North Regional Lift Station cost allocation opportunities
  - Utility Billing Policy
- Capital Improvement Project (CIP) Management –
  - Continue working with internal staff and finance director.
- Security Assessment Report – Began preparation of bid for fence effort.
- Sand Shed – Reviewed Holladay Engineering’s plan for sand shed.

- **Alameda School Evaluation – Worked with senior traffic engineer to review alternatives and present back to School District Facilities staff.**



**CH2MHILL**

# Public Works

City Of Ontario, Oregon



January 2015

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**Utility Maintenance Summary**

**Street Department**

**Water / Wastewater Summary**

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**Parks and Cemetery Summary**

**Engineering Division Summary**

## **Utility Maintenance Activity Summary**

Utility Maintenance staff is responsible for Water Distribution and Sewer Collection throughout the City. Water Distribution duties include maintenance and repair of approximately 97 miles of water lines and 3,625 services which include service installations, mainline installation, meter reading, maintenance of more than 600 fire hydrants, and valve exercising of more than 1,700 water valves.

Sewer Collection duties include maintenance and repair of approximately 78 miles of sanitary sewer lines within the City. Responsibilities include constructing new pipelines, cleaning all gravity sanitary sewer lines, repairing or replacing sanitary sewer lines as needed, providing line locations for all water and sewer lines, and maintaining eight lift stations plus a barscreen and one lift station from Snake River Correctional Institution.

The City has approximately 56 miles of storm drain collection lines and 1,450 catch basins throughout the City limits. Duties include Storm drain maintenance and repair, cleaning of approximately eleven miles of Storm drain lines and cleaning the catch basins.

The following is a brief detail of collection and distribution activities for the month of January:

- Replaced 185 filter elements on bar screen No. 1 at Snake River Correctional Institution (SRCI).
- Replace the drive chain on the brushes on screen No. 2 at SRCI.
- Cleaned 10 sections of problem sewer line.
- Two operators went to class for Backflow Specialist Training and Certification in Redmond, Oregon.
- Three operators attended a one-day Ferguson Water Works class in Nampa, Idaho.
- Replaced the flush valve on No. 301 vector truck.
- Level transmitter fail at Malheur Lift Station
- East Side tank inspection of the inside of the tank as well as the base material around it. Exercised water valves for draining and filling the tank.
- Repaired 3 broken Meter Identification Units (MIU) from snow plow damage.
- Supervisory Control and Data Acquisition (SCADA) computer crashed. Advanced Control System (ACS) set up a loaner computer until we can get an upgrade.
- Three city-owned backflow assemblies were tested.

## **Street Activity Summary**

The Street Maintenance Division maintains more than 122 lane miles of improved streets and more than 9 miles of alleys. The street department is responsible for resurfacing, repairing and maintaining the streets, installing and maintaining street signs and markings, tree trimming, repairing all established pavement markings. The division also completes excavation and repair of deteriorating streets, gravel road grading, street sweeping, crack sealing, chipsealing, snow removal and sanding during the winter months, and weed control along the alleys. Street Maintenance staff assists the Chamber of Commerce by putting up decorations on street lights during the Christmas season and replacing them with the regular decorations when the season is over.

As part of the Street Division's maintenance program, crews chipseal street surfaces in the summer to protect them from water and weather damage and to keep them in good condition. A chipseal maintains the existing pavement, delaying further aging due to water and sun; and provides a moisture barrier and corrects existing pavement problems by sealing cracks. A chipseal application provides substantial savings to taxpayers and should last a minimum of eight years with minimal maintenance required. The City chipseals approximately 7 miles per year.

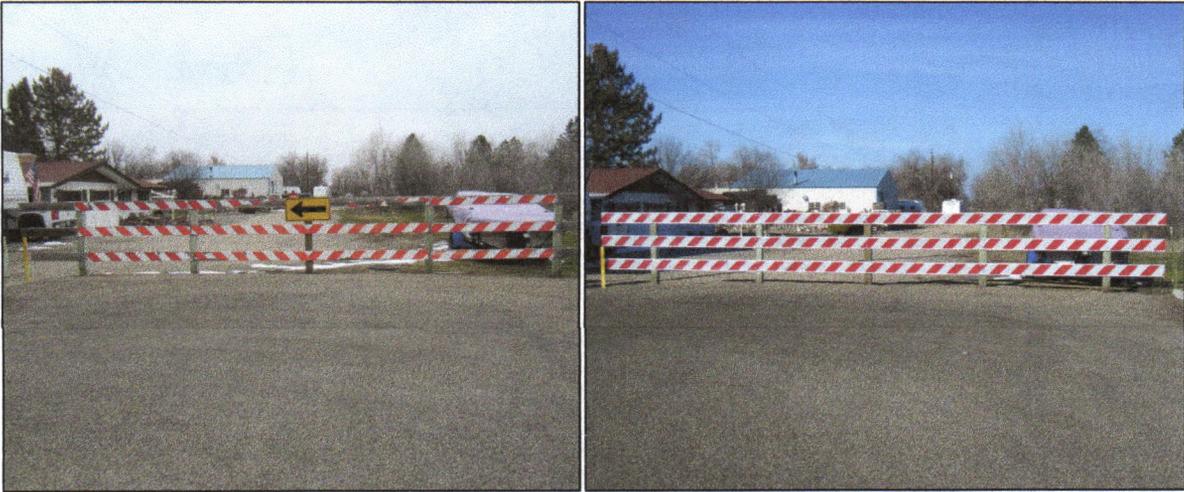
The following is a brief detail of activities for the month of January:

- Installed two new Type 3 barricades.
- Restriped two Type 3 barricades that were failing.
- Fixed one Type 3 barricade that was hit by a vehicle.
- Fixed one Type 3 barricade that was installed wrong by contractor.
- Replaced six signs that were faded with new retro-reflective signs.
- Patched pot holes in the Idaho Avenue underpass.
- Removed Christmas decorations from downtown South Oregon Street and SW 4<sup>th</sup> Avenue.
- Pretreated roads for storm event.
- Plowed primary and secondary roads for January 16 storm event.
- Swept primary routes to clear rock and sand put down during storm event.
- Crew completed the ethics training.



Seth Blackburn hand digging post holes for new Type 3 barricade at Goodfellow.





Before and after pictures of the Type 3 Barricade at NW 19<sup>th</sup> Street and NW 7<sup>th</sup> Avenue.



New Type 3 Barricade at North Park Boulevard along the Poole Card Lock Facility at North Park and Washington Avenue.



Jeremy Delehant and Seth Blackburn repairing potholes at the Idaho Avenue underpass.





Before and after pictures of the pot hole repairs by street crew Seth Blackburn and Jeremy Delehant along Idaho Avenue at the underpass.



## Water Activity Summary

### Water:

The table below shows that January water demand was up from December- by almost 16 percent. This January's demand was over 35 percent above last year's demand. Water loss due to inspections for Eastside Reservoir 3B at Eastside Kiwanis Park would account for about 3 million gallons of the difference. As noted, our average filter run times jumped significantly. We resolved some filter performance issues that were occurring in December. The filter run time range issue that was reviewed in December's report is closer to normal for the old plant. Last month we successfully reduced filter run time in order to stabilize the system.

Parameter	This Month	Last Month	Difference
Gallons Treated (Millions)	144.9	125	19.9
Old Filter Plant Production (Million Gallons)	101.2	108.1	-6.9
Filter 1 Range (Hours)	34.1 – 65.8	19.4 – 56.3	
Filter 1 Average (Hours)	45.1	33.6	11.5
Filter 2 Range (Hours)	19.3 – 49.3	8.4 – 44.6	
Filter 2 Average (Hours)	25.1	25.1	-2.1
New Plant Production	43.7	16.9	20.2

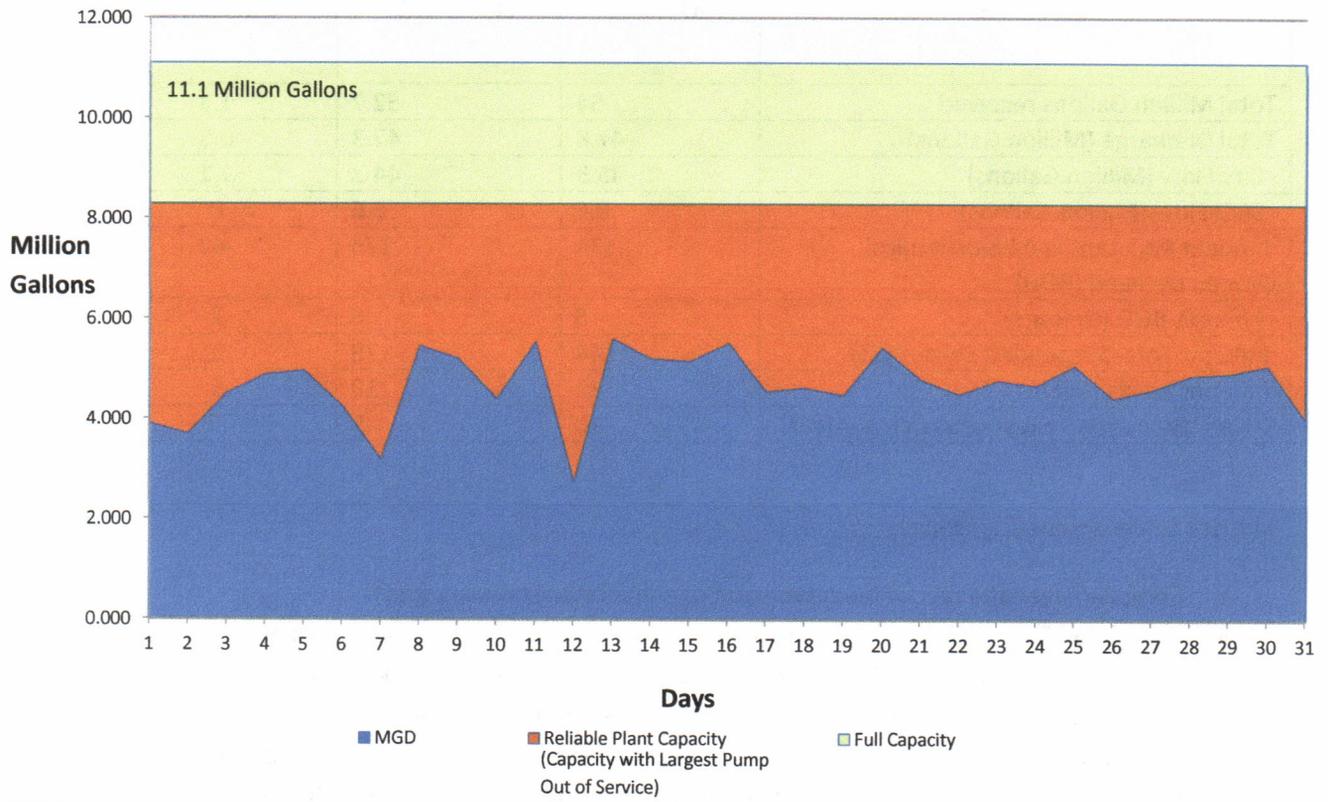
### January Achievements/Challenges:

- Met with design consultants to finalize scope of work for chemical feed and process changes and design.
- We continue to work with the filter media buyer to sell our inventory of granular activated carbon media.
- Prepared and presented to Council overview of operations. Identified upcoming 2015 issues.
- Solicited pneumatic valve service vendors to service control valves at plant.
- Since November, we have gone from using the backup pneumatic system to having both the primary and secondary systems operational.
- Continued training and application of operational software "Op10".
- Conducted exterior and interior inspection of Eastside Reservoir 3B at Eastside Kiwanis Park. Worked with utilities team to bring reservoir back into service while experiencing minimal water loss.
- Worked with engineering on upcoming capital needs.



Randy Bartlett, Water Treatment Plant Operator, confirming water quality in the Water Treatment Plant laboratory.

### Demand vs. Availability January 2015



## Wastewater Activity Summary

### Wastewater:

The table below shows flow and general treatment parameters for the month of January 2015 compared to December 2014. The increase in flow is minor and may simply reflect some storm activity. The more dilute Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS) values may also reflect weather – as January did have one storm event. We had no incidents of significance during the month of January and reported no violations.

Parameter	This Month	Last Month	Difference
Total Million Gallons received	54	52.7	1.3
Total Discharge (Million Gallons)	47.8	47.3	0.5
City Flow (Million Gallons)	45.3	44.2	1.1
SRCI Flow (Million Gallons)	8.6	8.6	0
Influent Pollutant Load Biochemical Oxygen Demand (BOD)	134	176	-42
Effluent BOD (average)	8	6	2
Influent Total Suspended Solids (TSS)	144	175	-31
Effluent Solids (Average TSS)	13	10	3
E- Coli (Geomean – most probable number)	10	5	5

### January Achievements/Challenges

- Compiled data and record for submission of annual Water reuse report.
- Completed Tier 2 sampling program (pending Oregon Department of Environmental Quality – ODEQ – approval). Final laboratory data expected by the second week in February.
- Continued training and practical application of operation record software – “Op10”.
- Operators received additional training and certification for weed abatement application.
- Met with “Pheasants Forever” and Oregon Fish and Wildlife to review possible access to Skyline Farms.
- Preparing draft farm agreement to replace current contract for Skyline Farms.



Andy King, Wastewater Treatment Plant Operator, collecting samples from the Snake River.

## **Facility Maintenance Summary**

The following is a brief detail of activities for the month of January:

- Initiated vendor selection and procurement for Heating, Ventilation, and Air Conditioning (HVAC) services.
- Authorized Boise office Mechanical specialist to review City Hall design and performance.
- Cleaned filters at City Hall.
- Ordered repairs for the Emergency Generator at City Hall.
- Changed the air filters and did some repair on the heating system in City Hall.
- Parks crew helped move file cabinets and desks in the Building and Planning Department in preparation for carpet installation.

## **Park & Cemetery Activity Summary**

The Ontario park system consists of both active and passive recreational areas. There are four neighborhood parks, one community park, one large urban park and numerous special use sites in the park system. In total, the City owns 13 park and recreational areas representing more than 1,012 acres of land. The City also owns the skateboard park.

The following is a brief detail of activities for the month of January:

- Plowed snow from the roads at Evergreen Cemetery.
- Plowed snow and deiced the sidewalks at City Hall and the parks.
- Three burials in January at Evergreen Cemetery.
- We removed the tables and benches from Lions Park, Down Town Park, Railroad Park, and Eastside Park to paint and make necessary repairs.
- We fixed a hole in the wall and put up new molding in the recreation building.
- We helped the City do the equipment inventory at the Ontario Golf Course.

## Engineering Division Activity Summary

The Engineering Division reviews plans for construction of public improvements, maintains the City's mapping system, and manages the engineering projects within both the Capital Improvements and Maintenance Programs. The department provides technical support to residents, developers, builders, other City departments and consulting engineers and surveyors. The staff reviews and approves construction plans for subdivisions, partitions, streets, sanitary sewer, water lines, and storm drainage construction projects. They also design projects, prepare bid documents for public works maintenance projects and provide project management for public improvements.

The Geographic Information System (GIS) database is maintained by Engineering Department staff. The department also maintains and updates the record maps for all City utilities, right-of-way, easements, land division plots and City base maps.

The following is a brief detail of activities for the month of January:

- Right of way permits issued: 1
- New Address Issued: 1
- Work Order Requests:
  - New sewer service at 1471 Horning Way
- Geographic Information System Inquiries/Maps: 25
- Updating Sign Inventory – 1 city section grid remaining
- Reviewed 11 building permits for the City Building and Planning Department.
- Preliminary Design Advisory Committee Meetings (PDAC):
  - DJ's Restaurant property line adjustment
  - Two confidential developments
  - Aerial applicator at airport
  - Wine and beer bistro
- Local Improvement District discussion for West Idaho Avenue
- Request for information on development requirements – 10
- AutoCAD Drafting – Breakroom and meeting area construction and staff coordination meeting
- Traffic count – Alameda School crosswalk and parent pick up/drop off discussion.

- System Development Charges tallied (but not collected due to moratorium):

	Trans. SDCs	Water SDCs	Sewer SDCs	Monthly Total
July 2014	\$19,857.56	\$975.00	\$962.00	\$21,794.56
August 2014	\$0	\$0	\$0	\$0
September 2014	\$0	\$0	\$0	\$0
October 2014	\$7,250.81	\$0	\$0	\$7,250.81
November 2014	\$113.04	\$1,950.00	\$481.00	\$2,544.04
December 2014	\$0	\$0	\$0	\$0
January 2015	\$0	\$0	\$0	\$0
<b>Totals</b>	<b>\$27,216.74</b>	<b>\$5,469.04</b>	<b>\$1,443.00</b>	<b>\$34,128.78</b>

- Developed Public Works presentation at New Council Orientation event.
- Water Treatment Plant (WTP) Improvements – Continue working with Murray Smith and Associates on final design task order elements.
- Sanitary Sewer Improvements – Met with Anderson Perry about extension of sewer improvement project to include “hot spots”. Presented staff report to Council for additional work. Work approved. AP began survey of additional sanitary sewer locations.
- Manhole (MH) Rehab on Wastewater Treatment Plant (WWTP) Dike – Design nearly completed and will bid in early March.
- East Side Tank – Site inspection was conducted and report development started.
- Pool – Set up meeting to occur in February for initial gathering with Four Rivers Healthy Communities, City, and Pool Committee chair to kick off project and discuss steps forward.
- Seismic Repairs – Received grant information from Fire Chief and began process of reviewing information and opportunities.
- Public Works Committee – Attended public works committee meeting and provided support on:
  - North Regional Lift Station cost allocation opportunities
  - Utility Billing Policy
- Capital Improvement Project (CIP) Management –
  - Conducted PW staff brainstorming session with department heads
  - Continued management of existing CIP projects
- Purchase Orders (PO) and Task Orders – Continue working with Finance Department to ensure CH2M HILL is working through PO system appropriately. Worked with City Attorney to ensure selection of consultants meets State and local requirements.
- Security Assessment Report – Presented Security Assessment in Staff Report request for funding for fence project.

- Sand Shed – Reviewed Holladay engineer’s plan for sand shed.
- Alameda School Evaluation – Began review of Alameda School crossing counts and parking lot access issues.



## BOARD OF DIRECTORS

### Meeting Agenda

April 1, 2015 ~ 7 am

The Neighborhood, 601 Main St. ~ Nyssa, OR

1. Call meeting to order Chairman Patrick Nauman
2. Introductions of attendees
3. Approval of March 4th minutes
4. Financial update – Sandy Hemenway, Treasurer
5. Community Highlights
  - a. Nyssa, Vale, Ontario, Payette, Weiser, New Plymouth & Fruitland
6. County Highlights
  - a. Payette County, Washington County, & Malheur County
7. Executive Director Report
  - a. Project Updates
    - i. Project 78, Project Stanton, Project Darkness, Project Hay, Project Farm, Project Greenhouse
  - b. Other activities
    - i. Natural Products Show, Company Site Visits, Grant Proposals, Meetings with Cities & Counties, Work Force Concerns and Land Use Planning
8. Round Table Discussion
9. Adjourn

**Calendar of EVENTS** - SREDA activities (Black) Board (RED) Out of area travel (Purple)

**April 1<sup>st</sup> – 7 am SREDA Monthly Meeting, The Neighborhood, Nyssa, Oregon**

**April 3 SREDA Planners State Meeting, Baker City**

**April 9-13 NRA Expo Nashville**

**April 14-16 IEDA Spring Conference**

**April 20-21 Malheur County Budget Meetings**

**May 6<sup>th</sup> – 7 am SREDA Monthly Meeting, Zions Bank, Weiser, Idaho**

**June 3<sup>rd</sup> – 7 am SREDA Monthly Meeting, Four Rivers Cultural Center, Ontario, OR**

*\*All SREDA monthly meetings are open to the public\*\**



BOARD OF DIRECTORS  
March 4, 2015 Minutes  
Payette City Fire Department, Payette, Idaho

Members and guests present: Sandy Hemenway, Larry Meyer, Tom Hemenway, Mike Chase, John Dillon, Charlotte Fugate, Harry Flock, Ed Susman, Layna Hafer, Kevin Coats, Ken Bishop, Alan Massey, Matt Sorenson, Jim Smith, Carol Bruce, Nancy Dale, Mary Cordova, Scott Masingill, Ray Wickersham, Jeff William, Bruce Jensen and Mike Hanigan.

Staff: Kit Kamo

The meeting was called to order by former Vice Chairman Mike Hanigan at 7:05 am.

Welcome and introductions of attendees.

Approval of February 4th minutes – a motion by Jeff Williams and a second by Carol Bruce was made to accept the minutes. The motion passed unanimously.

Treasurer Sandy Hemenway reviewed the financial snap shot. Annual renewing members were Saint Luke's Medical for \$5,000 and Cascade Natural Gas \$500. Monthly renewing members are the Argus Observer, Red Apple Market Place, Hanigan Motors, Kohn Foods (Subway), Weiser Classic Candy, and Zions Bank. A motion by Bruce Jensen with a second by Ken Bishop was made to accept the financial snap shot.

The group discussed the Economic Breakfast. There were 114 in attendance. It was agreed to hold the event annually, rather than every other year. Suggestions for speakers were made. It was commented about the great networking opportunity that the event was. It was mentioned that an after-hours network event might be a possibility for SREDA. If done, it would be in conjunction with one or more of the Chambers of Commerce.

Community highlights –

Nyssa – City Council Member Harry Flock said that the arsenic removal plant was moving forward. He was excited about having the Oregon Main Street program in the area as it may be getting going again in Nyssa.

Vale – no report

Ontario – City Council Member Charlotte Fugate said her community is working with ODOT on the I-84 interchange improvement. She has also been working on the revitalization program in down town Ontario. The project will be done in 3 phases. They will have an annual meeting on March 10 to kick off their Main Street program. The nonprofit incorporation will be called Revitalize Ontario will be able to do grants.

Payette – City Council Member Nancy Dale welcomed SREDA to the Fire Department facility. The old courthouse is being remodeled into apartments. Payette is also looking at implementing the Main Street USA project. They are getting in touch with Idaho Department of Commerce Jerry Miller, who handles the program in Idaho. The City Council is in the process of reviewing



their comprehensive plan and how it will work with the down town project. The city is extending the airport runway 500' to accommodate larger plans. Business announcement was that Dutch Brothers is coming into Payette. Mayor Jeff Williams also announced that 2 businesses were expanding. One may be annexed into city. He said that several meetings on the down town improvement project have been held. The city has a façade grant program in place up to \$5000, with a 50% match. Scott Masingill, manager of the golf course, said that they had a good February because of weather. They are currently in the best shape financially that they have been in for years. There has been lots of play at the golf course. Ontario members and residents are coming over to play and they gained 15-16 new members. The golf course brings a lot of folks from Boise area. 30,000 rounds per year are played here. Historically families that started and keep the golf course going want it to be all inclusive to help families, children, women, etc. so have lots of programs tailored to them. The green fees are higher than Ontario's course was but much lower than the Boise area courses.

A Miracle Field update was given by Mayor Jeff Williams. The rubber surface was ordered, and the grand opening should be during the Killabrew Day in April. The project raised \$50,000-\$75,000. This is the only field like this in the Pacific NW – Scottsdale Arizona is the closest one to us.

Weiser – City Council member Layna Hafer talked about the Mayor and the economic development group. The city will be raising their electric rates 1<sup>st</sup> of March with a 5% usage rate increase. The economic development task force divided up into 3 areas to meet with businesses on the entry corridor – focused on beautification of entry. School district bond is coming up. Layna spent a day at a summit with a speaker that spoke about what will happen in Idaho in the future. Nationally and globally, Idaho will be left behind – we don't embrace diversity. How businesses are looking at the next generation, etc. Speaker is from Minnesota, maybe we can get him for 2016 breakfast speaker.

New Plymouth – Kit had received word that Alta Mesa was doing their final safety testing and that they planned to begin operations at the New Plymouth facility the latter part of April. The project has invested \$100 million in just over 4.5 years.

Fruitland – Mayor Ken Bishop updated the group on their Parks and Trails project. They applied for a grant for our trails for Crestview Park that would include a trail head. Mayor Bishop said that they have invested in our parks and trail plan and he is looking forward to getting it implemented. The city's wastewater treatment plant is about ½ way through construction. They are talking about mounting a Go Pro on top of crane and put video on website. Fruitland has their 1<sup>st</sup> publication of their quarterly newsletter. It is a partnership with other groups in Fruitland and they will be mailed out as well as on the website. Events in Fruitland are the beautification Apple Jam fund raiser. The group is identifying beautification projects to move forward. The Apple Jam will be held at the old school community center April 25<sup>th</sup>.

Payette County – Commissioner Carol Bruce talked about Tom Pence and the Spartan Race coming to the county. This is a big deal and they run races around the nation and world. She said that sometimes they have a film crew and it would air on ESPN. The event is scheduled for June. There is a developer who owns the property across the street from the Fire Station and he is looking at working on property. The Commissioner has been in communication with ITD about



the condition of US Highway 95 - chunks of pavement are coming out of road. She is pushing to get something going to upgrade it.

Washington county – none

Malheur County – none

Executive Director report – Please see attached handout. The calendar of activities are listed at the bottom of these minutes. Additionally, Kit handed out information on the REAP grant training with USDA and TVCC SBDC as well as the Idaho Rural Partnership's Community Review Project requests.

Round Table Discussion - Scott Masingill asked about the REAP grant and doing something at the golf course. Kit will send Don Hollis contact info to Scott. Councilwoman Charlotte said that Tori at Ontario City has info on their solar project at the golf course.

Payette Mayor Jeff Williams talked about SREDA promotions or a booth at Spartan race – It would be a great opportunity to market our area. Kit will check on cost and a possible partnership with Spartan.

Mike Hanigan thanked the City of Payette, saying that this was a beautiful venue for the meeting this morning. He also thanked Kit for her work. And he gave a hearty thank you to all the folks in the individual communities and coming together for the common good. He said that by looking for economic health and for new jobs and investment, we are planting trees that grow economic possibilities for the future.

The meeting adjourned at 8:07 am.

Respectfully submitted by Kit Kamo for Randy Griffin, Secretary

*Calendar of EVENTS - SREDA activities (Black) Board (RED) Out of area travel (Purple)*

- February 4 SREDA Monthly Meeting, Vale City Hall OR
- February 4-8 Pacific NW Sportsman Show – Portland
- February 16 Presidents day/Kit speaking at Kiwanis New Plymouth
- February 17 IEDA Legislative open house Boise 4:30 pm
- February 23 SREDA at Payette County Commissioners
- February 24 SREDA at Vale City Council
- February 26 SREDA presentation Woody Biomass, Emmett
- February 26 SREDA Main Street Tour of Idaho towns
- February 27 Western Treasure Valley Economic Breakfast 7 am
- March 2 SREDA at Payette City Council
- March 4 -- 7am SREDA Monthly Meeting, Payette Fire Station, Payette, Idaho
- March 5-9 Natural Products Show Team Oregon-Anaheim
- March 11 12:30-4:30 pm Idaho Commerce Forum, Caldwell
- March 13 10am-1pm GEODC Meeting, Ontario
- March 23 SREDA at Fruitland City Council 7 pm
- April 1<sup>st</sup> – 7 am SREDA Monthly Meeting, Neighborhood Coffee, Nyssa, Oregon



April 3 SREDA Planners State Meeting, Baker City

April 9-13 NRA Expo Nashville

April 20-21 Malheur County Budget Meetings

May 6<sup>th</sup> – 7 am SREDA Monthly Meeting, Zions Bank, Weiser, Idaho

June 3 – 7 am SREDA Monthly Meeting, Four Rivers Cultural Center, Ontario, Oregon

*\*All SREDA monthly meetings are open to the public\*\**

## **MALHEUR COUNTY COURT MINUTES**

**MARCH 11, 2015**

County Court met with Judge Dan Joyce presiding with Commissioner Don Hodge and Commissioner Larry Wilson present. Staff present was Administrative Officer Lorinda DuBois.

Also present was John Braese of the Malheur Enterprise.

### **UNCOLLECTIBLE PERSONAL PROPERTY TAXES**

Treasurer/Tax Collector Jennifer Forsyth met with the Court and reviewed the uncollectible personal property tax accounts. Commissioner Hodge moved to approve Order GO-05-15: In the matter of Uncollectible Taxes on Personal Property Situated within Malheur County and the Cancellation Thereof. Commissioner Wilson seconded and the motion passed unanimously. Three accounts were cancelled, all consisting of destroyed or removed manufactured homes. See instrument # 2015-731

### **JORDAN VALLEY COOPERATIVE WEED MANAGEMENT AREA (CWMA); WEED BOARD MEMBERSHIP**

Jordan Valley CWMA Manager Eric Morrison met with the Court and presented a MOU (Memorandum of Understanding) for the Jordan Valley CWMA. Commissioner Wilson moved to approve the Jordan Valley Cooperative Weed Management Area Memorandum of Understanding. Commissioner Hodge seconded and the motion passed unanimously. The MOU expires December 31, 2020; parties are Owyhee County, Malheur County, Owyhee Soil Conservation District, Malheur Soil Conservation District, Idaho Department of Fish and Game, Idaho Department of Lands, Oregon Department of Transportation, Oregon Department of Fish and Wildlife, Oregon Department of State Lands, Bureau of Land Management, Vale

District, and Bureau of Land Management, Boise District. A copy will be returned for recording

County Counsel Stephanie Williams joined the meeting.

### **COURT MINUTES**

Commissioner Hodge moved to approve Court Minutes of March 4, 2015 as written. Judge Joyce seconded and the motion passed. Commissioner Wilson was not present for the March 4, 2015 meeting.

Public member Tom Phillips briefly joined the meeting.

### **IGA #147907 - JUVENILE DEPENDENCY PROGRAM**

Commissioner Hodge moved to approve State of Oregon Intergovernmental Agreement #147907 with the State of Oregon through its Department of Human Services and Malheur County and Malheur County District Attorney for juvenile dependency proceedings. The term of the agreement is July 1, 2015 through June 30, 2017; allowable expenses are not to exceed \$28,667. Commissioner Wilson seconded and the motion passed unanimously. A copy will be returned for recording.

### **SHERIFF'S OFFICE - COMMUNITY CORRECTIONS**

Undersheriff Travis Johnson met with the Court and provided an update on staffing at Community Corrections. Recently there was a retirement of a probation officer; the office staff currently consists of one full-time employee and a second employee who is half time office staff and half time probation officer. The proposal is to move the half time probation officer to full time as a probation officer; hire an additional probation officer; and eliminate the half time office staff position. Staff is working with Ms. DuBois on the financials of the proposal. The Court had no objections to the proposal.

Public member Pat Phillips briefly joined the meeting.

### **ROAD USE AGREEMENT/PERMIT**

Ms. Williams presented a road use agreement for a bike cycling/race event to be held in March. The Tour of Ontario (sole proprietorship), Robert Hoene and Michael Chase (applicants) applied with the County and Rural Road Assessment District No. 3 to use Chester Road, Baker Road, Foothill Drive, Canyon Two Road, Sage Road and Ontario Heights Road for the 2015 Icebreaker Road Race Series for events to be held on March 22 and March 29, 2015. The events are under USAC permit #2015-1232 and will follow all applicable rules, policies and guidelines of USAC and Oregon Administrative Rules for bicycle road racing.

Tom and Pat Phillips left the meeting.

Judge Joyce read the following statement specifically acknowledging the following: *The Malheur County Court acknowledges the following policy statement and signs the Road Use Agreement/Permit for the 2015 Icebreaker Road Race Series within its general discretion and determines as a matter of policy that it is in the best interest of the community and its citizens to foster the recreational pursuit of this rural bike racing event. The County intends to exercise recreational and/or discretionary immunity when permitting such events. There is no fee associated with the permit or use of the roads.*

Commissioner Wilson moved to approve Road Use Agreement/Permit with The Tour of Ontario, Rural Road Assessment District No. 3, and USA Cycling Inc. Commissioner Hodge seconded and the motion passed unanimously. A copy will be returned for recording.

### **LETTER OF SUPPORT - OREGON PARKS - LAKE OWYHEE**

Commissioner Wilson moved to approve the County submit a letter of support for the 2011-13 Facility Grant Project Application by Oregon Parks and Recreation Department (OPRD) for boat launch improvements at Lake Owyhee State Park at Indian Creek. The grant application is through the Oregon State Marine Board. Commissioner Hodge seconded and the motion passed unanimously. See instrument # 2015-733

It was noted that Road Supervisor Richard Moulton is working with Bureau of Reclamation regarding the County's boat launch at Lake Owyhee; Judge

Joyce has been working with Representative Wyden's Office; and numerous public members have contacted the Court members regarding the matter.

### **HEALTH DEPARTMENT VACANCIES**

Ms. DuBois explained that there are two upcoming vacancies at the Health Department - an OA II position and the Communicable Disease Epidemiologist RN position. The Court had no objections to filling the two vacancies.

### **BOARDMAN TO HEMINGWAY TRANSMISSION LINE PROJECT (B2H) LETTER**

At the request of Stop Idaho Power (SIP) the Court signed a letter of comments regarding the Environmental Impact Statement issued by BLM recently for the B2H transmission line project. SIP has concluded the preferred alternative route is not ideal for SIP or Malheur County but it is probably the best route the can be hoped for due to sage grouse issues. See instrument #2015-733

### **ANNUAL JAIL INSPECTION**

The Court members conducted the annual jail inspection. See instrument # 2015-734

### **COURT ADJOURNMENT**

Court was adjourned.