

AGENDA
ONTARIO CITY COUNCIL - CITY OF ONTARIO, OREGON
Monday, April 7, 2014, 7:00 p.m., M.T.

- 1) **Call to order**
Roll Call: Norm Crume _____ Jackson Fox _____ Charlotte Fugate _____ Dan Jones _____
Larry Tuttle _____ Ron Verini _____ LeRoy Cammack _____

2) **Pledge of Allegiance**

This Agenda was posted on Wednesday, April 2, 2014, and a study session was held Thursday, April 3, 2014. Copies of the Agenda are available at the City Hall Customer Service Counter and on the city's website at www.ontariooregon.org.

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

4) **Consent Agenda:**

- A) Minutes of Meeting of March 17, 2014. 1-6
B) Proclamation: National Telecommunicator's Week. 7
C) Approval of the Bills

5) **Department Head Updates: *Thursday Only***

6) **Public Comments:** Citizens may address the Council on items not on the Agenda. Out of respect to the Council and others in attendance, please limit your comment to three (3) minutes. This time limit will be enforced. Please state your name and city of residence for the record.

7) **Local Contract Review Board:**

- A) G.W. Wilber Professional Services Agreement. 8-18

8) **Old Business:**

- A) Ordinance #2688-2014: Amend OMC 3-6-1 re: Discharge of Weapons (Final Reading). 19-22

9) **New Business:**

- A) Resolution #2014-110: Adopt City's Reference Policy. 23-24
B) Resolution #2014-112: Authorize Changes to Banking Signatories. 25-26
C) Resolution #2014-113: Receive/Expend ODOT Safety Grant (\$497) 27-29
D) Ordinance #2689-2014: Add OMC 3-20 re: Moratorium on Medical Marijuana Facilities and Declaring an Emergency Passage. 30-33
E) Appointment to Boards. 34-39
F) Settlement with Chicago Title Insurance Company. 40-48
G) Accept Agreement (*Monday Only*) (*Hand-Out*)

10) **Public Hearing:**

- A) Ordinance #2690-2014: Annex/Rezone UGA~RS50 (Saxton) (1st Reading). 49-55

11) **Discussion/Informational/Hand-Out Items (*Thursday Only*)**

- A) Proposed Angle Parking Ordinance
B) Financial Reports for Council
C) Per Diem
D) Golf Minutes - 11/05/2013
E) Public Works Committee Packet - 03/20/2014 w 02/20/2014 Minutes
F) Staff/Council Interaction Policy

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

The City of Ontario does not discriminate in providing access to its programs, services and activities on the basis of race, color, religion, ancestry, national origin, political affiliation, sex, age, marital status, physical or mental disability, or any other inappropriate reason prohibited by law or policy of the state or federal government. Should a person need special accommodations or interpretation services, contact the City at 889-7684 at least one working day prior to the need for services and every reasonable effort to accommodate the need will be made. T.D.D. available by calling 889-7266.

12) Correspondence, Comments and Ex-Officio Reports

13) Executive Session: *(Thursday Only)*

A) ORS 192.660(2)(h)

14) Adjourn

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**ONTARIO CITY COUNCIL MEETING MINUTES
Monday, March 17, 2014**

The meeting of the Ontario City Council was called to order by Mayor LeRoy Cammack at 7:00 p.m. on Monday, March 17, 2014, in the Council Chambers of City Hall. Council members present were LeRoy Cammack, Norm Crume, Jackson Fox, Charlotte Fugate, Dan Jones, Larry Tuttle, and Ron Verini.

Members of staff present were Jay Henry, Tori Barnett, Larry Sullivan, Alan Daniels, Bob Walker, Jay Hysell, Kari Ott, Cara Wilber, Mary Domby, and Mark Alexander. The meeting was recorded, and copies are available at City Hall.

Larry Tuttle led everyone in the Pledge of Allegiance.

AGENDA

Ron Verini moved, seconded by Jackson Fox, to adopt the Agenda as presented. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

CONSENT AGENDA

Norm Crume recused himself from voting as his business had an invoice on the bills.

Jackson Fox moved, seconded by Ron Verini, to approve Consent Agenda Item A: Minutes of the Council Meeting of February 18, 2014; Item B: Minutes of the Council Meeting of February 27, 2014; and Item C: Approval of the Bills. Roll call vote: Crume-recuse; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 6/0/0/1.

PUBLIC COMMENT

Flora Gibbs, Ontario: I am here, to just hopefully kind of see tonight, I do know that you folks are considering the banning of the medical marijuana facilities in Ontario, Oregon. And I understand all that, and I do appreciate you guys at least are looking into it and checking it out. I do not know if any of you have even seen the Bill, seen the rules and regulations, looked at it or even read it. If not, I did bring a copy for you folks to have, so that you can see what it all entails. The reason why I am here is because I would like open a medical marijuana facility here in Ontario, Oregon, in the city limits. I plan to do it correctly, and by the law. Every dot, every T will be crossed. I have a landlord, two landlords actually, who are willing to back me up and rent me a space next to the business where I have a business at now here in Ontario, Oregon, at the East Lane Plaza. I have been researching, I have been watching, since 2010, since this has all gone into effect. I see where your concerns are, and I appreciate that, and I have a lot of the same concerns that you folks do. I worry about whether or not this is a joke – I don't believe it is. I believe that this is medication that patients here in Malheur County, in Ontario, Oregon, need. I do believe they need a safe passage, one that is going to be done correctly and by the book. I have a lawyer, Mr. Paul Looney[?], who has been guiding me and showing me and making sure that I do follow the rules and regulations and make sure that everything is in order the way it should be. I have also had people from Colorado, who own businesses up there that are facilities. I know that Colorado is different. I know that Washington is different. I know that Ontario is different, and Malheur County is different. We have done everything to make sure we do it correctly. That's why it's taken us a little bit longer. From what I can see, there is revenue to be made here for our town and our community, which we greatly, greatly need; for example, the swimming pool and our golf course. There are also children in this community that could use a little help. I believe that we can do that, if we do it together as a community. I also believe that if we stick together as a community and give us a chance to make sure this is done correctly, we will be successful. I also have the concern about the Idaho residents who do own medical marijuana

cards. I have talked to my lawyer about this, and as an owner of a facility, we are able to limit those patients, because in Idaho it is not legal at all, so do know that concern and we are addressing that concern. My other thing is, I would just really like you guys to really thing about it. Look over the rules and regulations that have been put in place. It's going to cost me about \$50,000 to \$60,000 just to make sure that everything is in order and in place before I can even open and even then, the authority must come in and check everything out before I can be allowed to be open. As another step, I would like to open and before I do, invite the City Council, invite Chief Alexander, and also Mr. Breidenbach from the Chamber of Commerce, so that you folks can see that this is going to be run correctly, professionally, and totally up to par. That's all I have tonight.

Joe Recla, Ontario: I've known Flora for over 25 years, and when her and Chuck came to me and my partner wanting to rent a space to open The Happy Hippy, based on our relationship and what I knew of them, I let them open the store. They have paid their rent on time for over five years, and if you rent space, that's golden. They have done everything that the lease requires of them. They've dotted their I's and crossed their T's. They've been good neighbors. A year or so ago, they came and asked my partner and I about opening a medical marijuana dispensary. Based on our relationship and what I've seen them do in the past, we said we would allow them to do that in our center. They have made application to the state; they've been approved to open a medical marijuana dispensary and we support them in that. Now, I've looked on the Oregon Liquor Commission Control Board website, and Ontario has 50 liquor licenses. There are 90 liquor licenses in Malheur County. I know it's a big county, so we wouldn't want people to go a long way to be able to purchase their liquor; however, if the City of Ontario goes forward and bans a dispensary, since Malheur County has, the closest place that we are aware of that they would be able to go to get medical marijuana, would be Bend, Oregon, 260 miles, great inconvenience. Because the city has the capacity to ban medical marijuana dispensaries doesn't necessarily mean that they have to. What I'm asking is that you take a long, serious look at the issues that will be around it, and know that these people, the Gibbs, will do it according to the law, and I trust them in that. That's all I have. Thank you.

NEW BUSINESS

ICB Account Signatures

Mary Dombay, Assistant Finance Director, stated the city needed to make changes to the signatories on the ICB bank accounts. Currently they were Michael Long, Dan Jones, and Jay Henry. Financial Policy stated that the Mayor or City Manager and the Finance Director shall be the authorized signors on the bank accounts, and the bank requires minutes of a meeting stating approval of the changes to signatories. On July 1, 2013, the Council approved adding Council President Dan Jones to have signing authority while the Mayor's position was vacant. Staff was recommending the replacement of Dan Jones and Mike Long with LeRoy Cammack, Mayor, and Mary Dombay, Assistant Finance Director, as signatories on the ICB accounts.

Charlotte Fugate moved, seconded by Jackson Fox, that the City Council approve the removal of Dan Jones and Michael (Mike) Long from the ICB banking accounts, replacing them with LeRoy Cammack and Mary Dombay as signatories for the city. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

Resolution #2014-108: Authorizing the Emergency Repairs to the Storm Drainage Mainline

Kari Ott, CPA, Finance Department, stated this resolution was to transfer \$30,000 from the Sewer Fund to the Storm Sewer Fund to cover the necessary emergency repairs to the storm drainage mainline. On February 27, 2014, the Council approved these expenditures at the work session, following the report presented by Public Works. This proposed resolution would reduce the Sewer Fund contingency by \$30,000 and increase the Storm Sewer Fund by \$30,000 to cover the expense of these repairs.

Jackson Fox moved, seconded by Norm Crume that the City Council adopt Resolution #2014-108, A RESOLUTION AUTHORIZING THE EMERGENCY REPAIRS TO THE STORM DRAINAGE MAINLINE. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

Resolution #2014-109: Designating Hearings Officer for Certain Land Use Planning Matters

Larry Sullivan, City Attorney, stated City Code Sections 10B-1-20 and 10B-04-05 required that certain land use proceedings be conducted by a Hearings Officer. Section 10B-1-25 authorized the Hearings Officer to make the final decision in the following land use actions: conditional uses; variances; temporary use permits; non-conforming use exceptions; development permits; partitions; and subdivisions. The Hearings Officer's decisions on these matters were subject to appeal to the Planning Commission.

City Code required the Hearings Officer to be designated by resolution of the City Council; however, the Council had never formally done so. Generally, the city hired a Hearings Officer as an independent contractor. Mike Pratt had been used in the past. An alternative would be to use a member of city staff to act as Hearings Officer. Typically that would be the person designated as the city's Planning Official or Planning Director (the City Code used both titles interchangeably). This was what most Oregon cities did. In some cases under the City Code, no formal hearing was required before the Hearings Officer made an administrative decision. The Code authorized the Hearings Officer to make administrative decisions based upon the materials submitted by the applicant, subject to appeal to the Planning Commission.

The city currently had a contract with Dan Cummings to act as the city's local Planning Official. If the Council adopted Resolution #2014-109, Dan Cummings, as Planning Official, would also act as Hearings Officer unless he had a conflict or was otherwise disqualified. In that case, Resolution #2014-109 authorized the City Manager to select a Hearings Officer for a particular case, with the consent of the City Council. Unless the Council designated an alternate Hearings Officer, the Planning Commission would have to make the final decision.

Ron Verini moved, seconded by Charlotte Fugate, that the City Council adopt Resolution #2014-109, A RESOLUTION DESIGNATING A HEARINGS OFFICER FOR CERTAIN LAND USE PLANNING MATTERS. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

Resolution #2014-111: Requesting a Change in the Boundary of the Malheur County Enterprise Zone

Alan Daniels, Public Works Director, stated in 2010, the County of Malheur, the City of Ontario, the City of Vale, and the City of Nyssa successfully applied for an enterprise zone, which was designated as the Malheur County Enterprise Zone by the Director of the Oregon Economic and Community Development Department. The designation of an enterprise zone did not grant or imply permission to develop land within the zone without complying with all prevailing zoning, regulatory and permitting processes and restrictions of any and all local jurisdictions, nor did it indicate any public intent to modify those processes or restrictions, unless otherwise in agreement with applicable comprehensive land use plans. This Enterprise Zone and the tax exemption that it offered for new investments in plant and equipment by eligible business firms were critical elements of local efforts to increase employment opportunities, to raise local incomes, to attract investments by new and existing businesses and to secure and diversify the local economic base.

Officials of the County of Malheur, the City of Ontario, the City of Vale, and the City of Nyssa were requesting a change in the boundary of the Malheur County Enterprise Zone that would add a particular dedicated area. Public notice of the change in the boundary of the enterprise zone appeared in the Argus Observer newspaper and a public meeting was held by Malheur County on March 12, 2014, in conjunction with the adoption of the resolution, to hear the response of the citizenry to the proposed change in the Malheur County Enterprise Zone requested herein. No written or oral testimony from the public was made, and special notification was sent to affected taxing districts about the Malheur County Enterprise Zone expansion at least 21 days prior to the hearing on March 12, 2014. The change in the boundary of the Malheur County Enterprise Zone would allow the property to be eligible for certain tax benefits, which might be necessary to attract large businesses to the local area.

Norm Crume moved, seconded by Charlotte Fugate, that the City Council adopt Resolution #2014-111, A RESOLUTION REQUESTING A CHANGE IN THE BOUNDARY OF THE MALHEUR COUNTY ENTERPRISE ZONE. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

Ordinance #2688-2014: Amend OMC 6-1 Relating to Discharge of Weapons (1st Reading)

Mark Alexander, Police Chief, stated the Police Department would like to amend the Ontario Code relating to discharge of weapons in order to allow for rodent control on city properties. Currently, Ontario Municipal Code Title 6, Chapter 1 prohibited the discharge of pellet or BB guns within the City Limits.

The Ontario Golf Course suffered extensive damage from ground squirrels and efforts to reduce rodent numbers have been unsuccessful. Common to this area was shooting of ground squirrels for rodent control. BB or pellet guns could be a safe and effective way of control. Golf course management also believed there could be revenue opportunities by allowing for such rodent control.

Ordinance #2688-2014 provided a waiver process to discharge BB or pellet guns on city property for rodent control. The city could have the option to impose conditions such as time period, specific location, requirements for notice of the activity occurring, oversight required for those discharging, reporting of activity and disposal of such animals once destroyed. He would meet with the golf course Concessionaire to amend the contract to release the city from liability, property damage, or injury while exercising this ordinance.

Councilor Tuttle stated if they would require a change in the contract, for liability purposes, shouldn't that be included in the ordinance?

Mr. Sullivan stated first, for this ordinance to be drafted, it would have to be requested by the City Manager, then to the Police Chief, and that wasn't going to happen until that contract had been modified. Then it would come back to the Council for approval of the contract modification.

Larry Tuttle moved, seconded by Jackson Fox, that the City Council adopt Ordinance #2688-2014, AN ORDINANCE AMENDING ONTARIO MUNICIPAL CODE TITLE 6, CHAPTER 1, SECTION 21, relating to weapon offenses, on First Reading by Title Only. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

CH2MHill Proposal for Public Works Operations

Alan Daniels, Public Works Director, stated the city went out for a Request for Qualifications for operations for Public Works, and had received only one response, that being CH2MHill. They had been in town last week, taking a tour of operations. Their request was that Council discuss it, and determine if the Council would like to give a scope and price with their operations. It was the Council's decision on how much, if any, they wanted CH2MHill to come back with a price on.

Mayor Cammack stated he had been impressed with the presentation of CH2MHill last week. The Council needed to decide the next step. Some options would be to say the city was okay as it was, and they didn't need to go with CH2MHill, or they could decide to ask CH2MHill to go to the next step with the city, which would be getting financial information from them that the Council could analyze to see how it would fit current operations, to see if it would be the right thing to do. Third, decide what would be encompassed in that step, if they went that direction. That could be a number of things. They started out this process being interested in their expertise in water and wastewater treatment, but they also had expertise in all Public Works areas. The Council could elect to look at any, or all, or any combination of those and ask for their quotes on what the charge would be.

Councilor Fox stated he was interested in looking into all aspects.

Councilor Jones stated since the City Manager asked for an RFQ on the full Public Works, and based on the quality of CH2MHill's presentation, they needed to move forward quickly and look at the entire Public Works operation, and then have CH2MHill propose the operation, with a breakout in that proposal of water, wastewater, and all other divisions, including streets, parks, and cemeteries. The Council could then analyze the entire project and move forward. They also needed to include a time line, and ensure that staff was instructed to work with CH2MHill.

Mr. Henry stated his recommendation would be that they were here now; they were mobilized to look at it and provide a quote on the overall operations. He would like to see the quote broken down departmentally, and not tie the city into anything, allowing the rejection by the Council of any or all of the proposals or sub-proposals.

Councilor Verini stated it made sense to look at the total picture, which would provide economies of scale, with the breakdown of individual units, such as water, wastewater, etc. Taking on the entire picture would be cheaper for CH2MHill, than operating only pieces.

Councilor Crume asked if that could be done. The Council wanted prices for all the Public Works departments, and then cut it up, if necessary.

Mike Moon, CH2MHill Regional Manager, stated they should be able to do that.

Councilor Fugate asked if, when they received the reports from CH2MHill, would the Council have a budget to compare it to, what the costs were now?

Mayor Cammack stated they had last year's budget, and this year's budget as to where they were right now, and the new budget was being developed. There would be numbers for comparing.

Mr. Moon stated it would take five to six weeks to complete the project, with due diligence and scale of economy. It was correct that the more pieces CH2MHil had, it would be less expensive for the city. Regarding Councilor Fugate's question, they were basing off the 2013 city's budget, looking and comparing to that, and looking at where they would be in 2014, best guess, moving forward.

Mayor Cammack asked if they would be okay with May 1st?

Mr. Moon stated it would be tight, but he would request that date.

Councilor Fugate wanted it on record that her daughter works for CH2MHill in Boise.

Jackson Fox moved, seconded by Dan Jones, that the City Council direct the labor attorney to provide proper notice to the city's unions, March 18th, concerning CH2MHill's proposed operations as we proceed with the financial details with CH2MHill, by May 1, 2014. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0. *(Council okay with using Steven Schuback).*

Mayor Cammack reiterated that this was a long way from a done-deal. It was something they were looking at, they were cognizant of some apprehension about this, and they were going to help and work through it. If they moved forward with it, they'd make it work.

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

**Councilor Jones stated he had heard rumblings that the City Manager was moving his office, was that true?

Mr. Henry stated they had been thinking about moving down to the end of the hall where he would have room for meetings. Many times the Council Chambers were used, and couldn't be used for department head meetings. This way, they could hold the meetings in his office. It was not as nice, but it was larger.

Councilor Jones suggested holding off on that until the City Manager's review.

Council consensus to hold off on the move.

****Mayor Cammack** reminded everyone that the visitors from Osakasayama, Japan, would be at City Hall on Wednesday. There would be five high school students on the trip this year.

****Councilor Fox** stated the Public Works Director had provided him with some hours on the tree removal and replanting on Verde Drive, but what he had asked for was the cost accounting – there were no money figures provided.

Alan Daniels stated he would get that to Councilor Fox, in the next few days.

**** Councilor Fox** stated he believed the Council should proceed with the City Manager evaluation process. He saw no reason to hold an executive session over it. He was willing to say anything he had to say about it in public. He'd like to hear what the Council thought. Mr. Henry had asked for an open session.

Council consensus to move forward on the evaluation process.

****Councilor Verini** read a statement into the record: *I feel it is appropriate to call to your attention that the murder that has occurred in the parking lot of our hospital should be an awakening of sorts to the challenges that our first responders have in this community. It is imperative that we, as a community, step up and look closer at how many officers are on the beat. Do we need a gang officer? Captain? And when the results of our evaluation for our first responders come in, do we attempt to implement the recommendations as needed? We need to support our Police Chief and his men, as I know they are some of the best in the nation and with the right tools and manpower they might be able to be more proactive. Our community needs to also look, very hard, at the fact with the 9-1-1 consolidations to Vale, our City Hall is no longer manned at night to open its doors for those seeking help. It is great hope that the phone that is picked up at City Hall and answered at the 9-1-1- Center in Vale will provide the help for the person here, in time. It is also important to understand that it is not only the reaction of crimes like these that we have to address. We, as a community, need to understand that our aquatic center, Boys & Girls Club, golf course, playgrounds, parks, ball fields, Poverty to Prosperity programs, Fish and/or Shop With a Cop, our schools, including TVCC, and the many other functions for our youth and adults are vital to curb crime in our community. Your involvement in local government and local community efforts will make a difference. Do not expect any one group, such as the City Council alone, to make this city safer. It takes you and your neighbors.*

EXECUTIVE SESSION

Executive Session: ORS 192.660(2)(h)

An executive session was called at 7:44 p.m. under provisions of ORS 192.660(2)(h) regarding pending or potential litigation. The Council reconvened into regular session at 8:39 p.m. No action as a result of the executive session.

ADJOURN

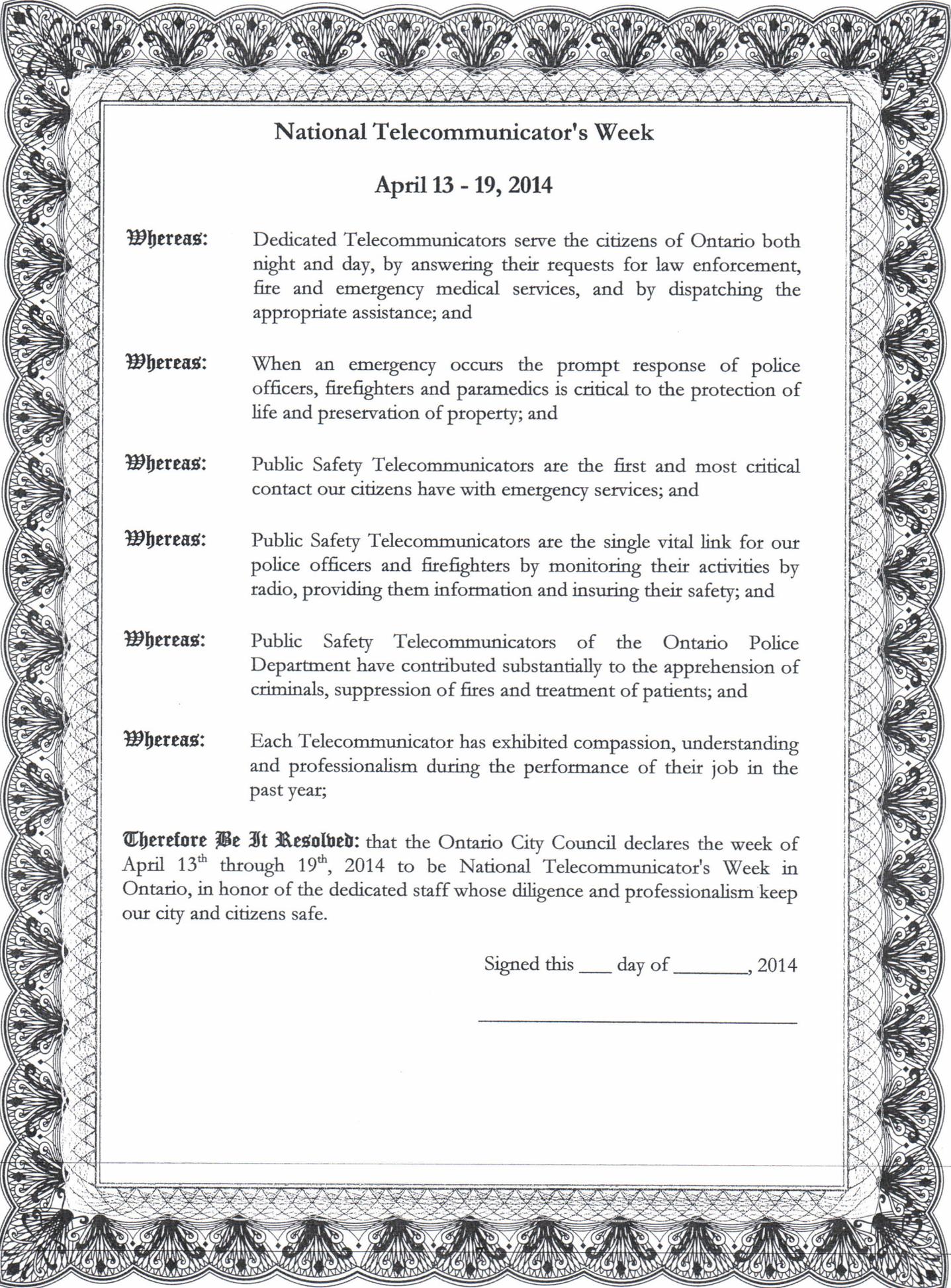
Ron Verini moved, seconded by Larry Tuttle, that the meeting be adjourned. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

APPROVED:

ATTEST:

LeRoy Cammack, Mayor

Tori Barnett, MMC, City Recorder



National Telecommunicator's Week

April 13 - 19, 2014

Whereas: Dedicated Telecommunicators serve the citizens of Ontario both night and day, by answering their requests for law enforcement, fire and emergency medical services, and by dispatching the appropriate assistance; and

Whereas: When an emergency occurs the prompt response of police officers, firefighters and paramedics is critical to the protection of life and preservation of property; and

Whereas: Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services; and

Whereas: Public Safety Telecommunicators are the single vital link for our police officers and firefighters by monitoring their activities by radio, providing them information and insuring their safety; and

Whereas: Public Safety Telecommunicators of the Ontario Police Department have contributed substantially to the apprehension of criminals, suppression of fires and treatment of patients; and

Whereas: Each Telecommunicator has exhibited compassion, understanding and professionalism during the performance of their job in the past year;

Therefore Be It Resolved: that the Ontario City Council declares the week of April 13th through 19th, 2014 to be National Telecommunicator's Week in Ontario, in honor of the dedicated staff whose diligence and professionalism keep our city and citizens safe.

Signed this ___ day of _____, 2014

AGENDA REPORT-LOCAL CONTRACT REVIEW BOARD

April 7, 2014

TO: Mayor and City Council

FROM: Larry Sullivan, City Attorney

SUBJECT: G.W. WILBER PROFESSIONAL SERVICES AGREEMENT

DATE: March 31, 2014

SUMMARY:

Attached are the following documents:

- G.W. Wilber Professional Services Agreement
- Scope of Work As Exhibit to Agreement

BACKGROUND:

After the resignation of Michael Long as Finance Director for the City on February 13, 2014, the City Council met with G.W. Wilber, the principal of G.W. Wilber, Certified Public Accountants, P.C., to discuss providing financial services to the City. The Council consensus was to hire Mr. Wilber's PC for \$6,000 per month to provide various financial services to the City, and instructed the City Manager and the City attorney to prepare a Memorandum of Understanding between the parties. After a Memorandum of Understanding was prepared by the City attorney and forwarded to G.W. Wilber, Mr. Wilber's attorney responded with the enclosed Professional Services Agreement, along with a Scope of Work to be included as an exhibit. The Council consensus in an executive session was to approve the proposed Professional Services Agreement submitted to the City.

The City Council, acting as a local contract review board, has the authority under Section 7.1 of the Financial Policies Manual to determine that the G.W. Wilber Professional Services Agreement is a professional services contract that is exempt from the competitive bidding process.

RECOMMENDATION:

Staff recommends that the Council approve the Professional Services Agreement with G.W. Wilber, Certified Public Accountants, P.C.

MOTION:

1) I move that the Mayor and City Council, sitting as a local contract review board, declare that a contract between the City and G.W. Wilber, Certified Public Accountants, P.C., is a personal services contract under Section 7.1 of the Ontario Financial Policies Manual.

2) I move that the Mayor and City Council, sitting as a local contract review board, approve a personal services contract with G.W. Wilber, Certified Public Accountants, P.C., to provide various financial services to the City, and authorize the Mayor to sign said contract.

PROFESSIONAL SERVICES AGREEMENT

This Professional Services Agreement ("Agreement") is entered into effective the ____ day of March 2014 by and between G.W. Wilber, CPA's, PC, an Oregon corporation ("G.W. Wilber"), and the City of Ontario, Oregon, an Oregon local government entity ("City").

RECITALS

WHEREAS, City wishes to engage G.W. Wilber to provide consulting Services ("Services") to City, as specified in each Scope of Work agreed upon by the parties which will be Exhibits to this Agreement; and

WHEREAS, G.W. Wilber wishes to provide the Services under the terms and conditions specified in this Agreement and in each Scope of Work.

NOW, THEREFORE, in consideration of the mutual promises set forth below and these Recitals, City and G.W. Wilber agree as follows:

AGREEMENT

1. G.W. Wilber's Services.

1.1 **Description of Services.** G.W. Wilber shall provide all Services specified in any Scope of Work attached as an Exhibit to this Agreement.

1.1.1 A Scope of Work shall become binding on the date the document is fully executed by G.W. Wilber and City, at which time G.W. Wilber will be obligated to provide the Services as specified in such Scope of Work.

1.2 **Manner of Rendering Services.** G.W. Wilber shall determine the method, details, and means of performing the Services.

1.3 **Direction and Control of Services.** City may not control, direct, or supervise G.W. Wilber's employees.

1.4 **Services for Other Entities.** G.W. Wilber is free to provide Services to other entities or persons during the term of this Agreement.

1.5 **No Authority to Bind or Obligate City.** G.W. Wilber shall have no authority to bind, obligate or commit City by any promise or representation, unless G.W. Wilber has obtained the prior written approval of an authorized representative of City.

1.6 Compliance With Laws. G.W. Wilber shall strictly comply with all applicable federal, state, and local civil laws and statutes, ordinances, regulations and codes.

2. Term and Termination of Agreement.

2.1 Term. The term of this Agreement shall begin on the date set forth above and, shall continue through June 30, 2015 or until earlier terminated by either party in accordance with Section 2.2 of this Agreement.

2.2 Termination. This Agreement may be terminated as follows:

2.2.1 By City With Cause. "Cause" is defined as a material breach of this Agreement, which must be specified in writing by City and provided to G.W. Wilber not later than the date on which City gives notice of its intent to terminate.

2.2.2 By City Without Cause. In the event the City terminates this Agreement without cause, City is obligated to pay G.W. Wilber a termination fee of \$20,500.00 plus any prorated compensation earned under this Agreement during the month in which the termination date is effective. City shall make such payments not later than 10 business days following the effective date of termination.

2.2.3 By G.W. Wilber. G.W. Wilber may terminate this Agreement for any reason by giving City not less than ten (10) days' prior written notice of its intent to terminate.

3. Compensation.

3.1 Fees for Services. City shall pay G.W. Wilber the total sum of \$6,000.00 per month for all Services rendered under this Agreement and any Scope of Work attached hereto. G.W. Wilber shall not be entitled to any other compensation. Said compensation, plus the payment for expenses as provided in Section 3.2 below, shall be the total compensation to G.W. Wilber for all labor, material and deliverables (collectively, "Services") provided under this Agreement; provided, however, that City also is obligated to pay G.W. Wilber the prorated amount of any compensation earned under this Agreement for less than a full month of Services rendered.

3.2 Expenses. G.W. Wilber shall invoice City for reasonable expenses that G.W. Wilber incurs related to the provision of Services under this Agreement. G.W. Wilber is responsible for all other expenses incurred in providing the services under this Agreement including, but not limited to, G.W. Wilber's normal and ordinary business expenses such as rent, administrative assistance, general photocopying, postage, vehicle expense, office supplies, or local telephone service. G.W. Wilber must

obtain advance written approval from City any anticipated expense of more than \$100.00 for which G.W. Wilber anticipates invoicing City, unless otherwise outlined in a Scope of Work. City reserves the right to deny reimbursement for any expense that is not reasonable and outside of G.W. Wilber's normal and ordinary business expenses, including an expense of more than \$100.00 which was not first discussed with City. Upon approval of G.W. Wilber's expenses invoice, City shall pay G.W. Wilber by check delivered by regular mail at G.W. Wilber's designated address not later than thirty (30) days from the date of the invoice.

3.3 Invoices. G.W. Wilber shall submit to City an invoice not later than the 5th day of the month following any month in which Services are performed. Each invoice shall include an itemized description of G.W. Wilber's activities. City shall mail to G.W. Wilber a check by regular mail at G.W. Wilber's designated address not later than 30 days after receipt of each G.W. Wilber invoice.

4. Relationship Between the Parties.

4.1 Independent Contractor. G.W. Wilber is an independent contractor and is engaged in an independently established occupation. This Agreement does not create the relationship of employer and employee, a partnership, or a joint venture. None of the benefits provided by City to its employees, if any, (including payment of workers' compensation insurance coverage) shall be provided to G.W. Wilber, or any of G.W. Wilber's employees or subcontractors.

4.2 Responsibility for Wages, Taxes, Workers' Compensation Coverage, Etc. G.W. Wilber shall be responsible for providing any salary or other benefits or payments due to its employees and subcontractors, if any. Additionally, G.W. Wilber shall be solely responsible for making all necessary and appropriate tax, social security, employment and workers' compensation and other withholding deductions and payments for G.W. Wilber, and any of G.W. Wilber's employees and/or subcontractors. G.W. Wilber also shall be solely responsible for providing any necessary and appropriate workers' compensation insurance coverage for G.W. Wilber employees and subcontractors. G.W. Wilber shall indemnify City and hold it harmless from paying such costs or taxes.

4.3 Tools and Equipment. G.W. Wilber is responsible for providing the principle tools, equipment and supplies for performance of the Services under this Agreement.

4.4 Permits and Licenses. G.W. Wilber shall, at G.W. Wilber's expense, obtain and maintain all permits, licenses, certifications and registrations necessary to perform the Services under this Agreement.

5. No Conflict of Interest. During the Term of this Agreement, G.W. Wilber will not accept work, enter into a contract, or accept an obligation from any third party, inconsistent or incompatible with G.W. Wilber's obligations, or the scope of Services rendered for City under this Agreement. G.W. Wilber warrants that there is no other contract or duty on its part inconsistent with this Agreement.

6. Return of Property and Documents. G.W. Wilber agrees that all hard and electronic originals and copies of records, reports, documents, lists, drawings, memoranda, notes, proposals, contracts and other documentation related to the business of City or to the rendering of G.W. Wilber's Services, or containing any information described in Section 9 below belong to City and shall be returned to City immediately upon expiration of the Term or upon the termination of this Agreement, or at anytime upon the written request of City.

7. Insurance and Risk of Loss. G.W. Wilber shall maintain insurance policies (including, without limitation, liability insurance and any required workers' compensation insurance) sufficient to protect G.W. Wilber's business as required by local, state and federal law, and as necessary to protect against all applicable risks. G.W. Wilber shall provide City with certificates of insurance and other supporting materials as City may request to evidence G.W. Wilber's continuing compliance with these obligations.

8. Confidential Information.

8.1 "Confidential Information" Defined. In the course of performing the services for City, G.W. Wilber may acquire knowledge (both orally and in writing) regarding confidential and/or proprietary information concerning City and its employees, council members, contractors and vendors, including non-public financial information; information about costs and pricing structure; plans for future developments; programs; business plans or strategies; and other information of a similar nature which is not generally known to or accessible by members of the public and which is not generally subject to a public records request under applicable Oregon law (collectively, "Confidential Information.")

8.2 Non Use and Non Disclosure. G.W. Wilber agrees that during the term of this Agreement and thereafter, it (a) will keep secret and retain in confidence all Confidential Information, (b) not disclose Confidential Information to anyone except employees of City or City's council members authorized to receive it, and third parties to whom such disclosure is specifically authorized, and (3) not use any Confidential Information for any purpose other than performance of services under this Agreement without prior written permission from an authorized representative of City.

8.3 Application. G.W. Wilber's confidentiality obligations as set forth in Section 9 will not apply to any information or any portion thereof which (i) is or becomes publicly available by other than a breach of this

Agreement (including, without limitation, any information filed with any governmental agency and available to the public); (ii) is disclosed to G.W. Wilber by a third party that is legally entitled to disclose such information; (iii) G.W. Wilber demonstrates through documented records that the information was known by it prior to its receipt from City; (iv) is developed by G.W. Wilber independently of any disclosures made by City of such information, as demonstrated by G.W. Wilber's documented records; or (v) is required to be disclosed by subpoena, court order, or other legal or regulatory requirement (including a public records request), provided that G.W. Wilber provides prompt notice to City of such a request for disclosure and cooperates with City in any legal challenge to such disclosure.

9. Notices to the Parties. Notices required by this Agreement shall be in writing. Notices may be served by certified or registered mail, postage paid with return receipt requested; by private courier, prepaid; or in person. Mailed notices shall be deemed delivered three (3) days after mailing, properly addressed. Couriered notices shall be deemed delivered on the date that the courier represents that delivery has been made. In person delivery shall be effective when accomplished. Unless a party changes its address by giving notice to the other party as provided herein, notices shall be delivered to the parties at the following addresses:

G.W. Wilber: George W. Wilber, CPA, CFF
77 West Adams Street
Burns, Oregon 97720

City: LeRoy Cammack
Mayor
City of Ontario
444 SW 4th Street
Ontario, OR 97914

10. Assignment and Subcontracting.

10.1 Assignment. G.W. Wilber agrees it may not assign this Agreement in whole or in part without the prior written consent of City.

10.2 Subcontracting. G.W. Wilber agrees that it may not subcontract this Agreement in whole or in part.

11. Dispute Resolution.

11.1 Method of Resolution. G.W. Wilber and City agree that any claim, controversy or dispute arising out of or in connection with this Agreement or an attached Scope of Work shall be resolved as follows:

11.2 Mediation. G.W. Wilber and City agree that the first step toward resolution shall be mandatory, non-binding mediation in Ontario, Oregon with a neutral, third party mediator mutually selected by the parties. G.W. Wilber and City agree to share equally the costs of mediation, including the mediator's time and expenses (and excluding any attorney fees or other costs incurred by either party).

11.3 Arbitration. In the event mediation is not successful, G.W. Wilber and City agree to resolve the issue through expedited mandatory arbitration in Ontario, Oregon with a mutually selected arbitrator. The arbitration shall be conducted in accordance with ORS 36.600 to 36.740 ("Oregon Arbitration Act" or its successor). Notice of demand for arbitration shall be filed in writing with the other party and with the Arbitration Service of Portland, Inc. Each party shall be entitled to discovery as provided for in the Oregon Arbitration Act. A single arbitrator shall conduct the arbitration proceedings in private, and to the extent necessary to enforce any award, the arbitration proceedings and results shall be confidential. The parties agree that the decision of the arbitrator shall be final and binding, and that judgment thereon may be entered in any court having jurisdiction. In reaching a decision, the arbitrator shall have no authority to change or modify this Agreement. The parties shall share equally the costs of arbitration, including fees resulting from the arbitrator's review of any pre and post hearing motions, briefs or other documents or pleadings. The prevailing party, as determined by the Arbitrator, shall be entitled to an award of reasonable attorney fees.

12. Waiver of Breach. The waiver by either party of any breach by the other party of any provision of this Agreement shall not operate or be construed as a waiver by the non breaching party of any subsequent breach by the other party.

13. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon without regard to its conflict of laws provision.

14. Severability. In the event that any section or provision of this Agreement shall be held to be illegal or unenforceable, such section or provision shall be severed from this Agreement and the entire Agreement shall not fail as a result, but shall otherwise remain in full force and effect.

15. Amendment. This Agreement may be canceled, modified, or amended only by an instrument in writing and executed both by G.W. Wilber and City.

16. Entire Agreement. This Agreement, including any and all exhibits, sets forth the entire understanding of the parties with respect to the subject matter of this Agreement, and supersedes any and all prior discussions, understandings and agreements, whether written or oral, between the parties with respect to the subject matter of this Agreement; provided, however, nothing in this provision is

intended to render moot or void any and all Scope of Work agreements attached to this Agreement as an Exhibit and all such agreements remain in full force and effect.

17. Authority. The undersigned represent that they are authorized to execute this Agreement on behalf of their respective principals.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

**G.W. WILBER, CERTIFIED PUBLIC
ACCOUNTANTS, PC**

CITY OF ONTARIO, OREGON

George W. Wilber, CPA, CFF

LeRoy Cammack, Mayor

Scope of Work

Exhibit to G.W. Wilber – City of Ontario Professional Services Agreement

G.W. Wilber and City agree that for the period specified above, G.W. Wilber will provide the following Services under the terms and conditions of the attached Professional Services Agreement.

ONE TIME PROCEDURE

- Prepare an internal control matrix for the finance department and recommend any changes deemed necessary to have a proper internal control structure.
- Provide names of potential candidates to City for City's new financial statement auditor.

MONTHLY CYCLE

- Review accuracy of general ledger accounting, accounts payable processing, accounts receivable processing and payroll processing.
- Reconcile or monitor reconciliation of all General Ledger and bank accounts.
- Provide monthly budget to actual reports and other financial reports to the City Council, City Manager and department heads.
- Provide timely and accurate monthly variance reports for City staff, to be provided by the 15th day of each month for the preceding month.

QUARTERLY CYCLE

- Prepare and file quarterly payroll reports.
- Provide grant administration as needed.
- Monitor capital asset listing including construction in progress.
- Provide quarterly reports to the City's Budget Committee.

ANNUAL CYCLE

- Prepare and file annual payroll reports and W-2s.
- Prepare or monitor preparation of all working papers required for the annual financial statement audit.
- Monitor year end closing of the books.
- Gather information from appropriate City personnel to assist in preparation of the draft 2014-2015 and 2015-2016 budgets and submit to the City Manager not later than March 14 annually.
- Provide requested on-site assistance during the annual financial statement audit.

AS NEEDED

- Timely respond to City Council inquiries for specified information.
- Participate by telephone in City staff meetings upon reasonable advance notice by City for the purpose of responding to requests for information or receiving information as necessary.

- Perform other services as reasonably requested by City that are consistent with overall services to be performed by G.W. Wilber under the terms and conditions of the attached Professional Services Agreement.
- Provide information related to recommended procedural changes to correct deficiencies identified in G.W. Wilber's interim audit report dated February 6, 2014.
- Provide requested on-site assistance during various audits.

ATTENDANCE AT CITY MEETINGS

- Attend all regularly scheduled City Council work sessions and meetings; special Council meetings as necessary upon reasonable advance notice; all Budget Committee meetings; one meeting of the Aquatic Center Ad Hoc Committee; and other selected committee meetings as mutually deemed necessary by G.W. Wilber and the City Manager for purpose of providing any requested information.

AGENDA REPORT

April 7, 2014

TO: Mayor and City Council

FROM: Mark Alexander, Chief of Police

SUBJECT: ORDINANCE #2688-2014: AMENDING ONTARIO MUNICIPAL CODE TITLE 6, CHAPTER 1, RELATING TO DISCHARGE OF WEAPONS (Final Reading)

DATE: March 21, 2014

SUMMARY:

Attached are the following documents:

- Ordinance #2688-2014

The Police Department would like to amend Municipal Code Title 6, Chapter 1 relating to discharge of weapons in order to allow for rodent control on City properties. This is the second reading with no changes.

PREVIOUS COUNCIL ACTION:

March 17, 2014: Council passed Ordinance #2688-2014 on first reading.

BACKGROUND:

Ontario Municipal Code Title 6, Chapter 1 prohibits the discharge of pellet or bb guns within the City Limits.

The Ontario Golf Course suffers extensive damage from ground squirrels and efforts to reduce rodent numbers have been unsuccessful. Common to this area is shooting of ground squirrels for rodent control. BB or pellet guns can be a safe and effective way of control. Golf course management also believes there could be revenue opportunities by allowing for such rodent control.

Ordinance #2688-2014 provides a waiver process to discharge bb or pellet guns on City Property for rodent control. The City may impose conditions such as time period, specific location, requirements for notice of the activity occurring, oversight required for those discharging, reporting of activity and disposal of such animals once destroyed.

FINANCIAL IMPLICATIONS:

None.

RECOMMENDATION:

Staff recommends the City Council adopt Ordinance #2688-2014.

PROPOSED MOTION:

I move the Council adopt Ordinance #2688-2014, AN ORDINANCE AMENDING ONTARIO MUNICIPAL CODE TITLE 6, CHAPTER 1, SECTION 21 RELATING TO WEAPON OFFENSES, on second and final reading by title only.

ORDINANCE NO. 2688-2014

**AN ORDINANCE AMENDING ONTARIO MUNICIPAL CODE
TITLE 6, CHAPTER 1, SECTION 21 RELATING TO WEAPON OFFENSES**

- WHEREAS,** the City Council of Ontario is authorized through its legislative authority to regulate certain weapon within the City of Ontario; and,
- WHEREAS,** Ontario Municipal Code currently prohibits discharging a bb or pellet gun within the City Limits; and
- WHEREAS,** changes to Ontario Municipal Code Title 6, Chapter 1, Section 21 are desired to allow exemptions on City property for rodent control.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Ontario, Oregon, as follows:

6-1-21 Weapons; use, possession.

(A) Pointing Firearm at Another. It shall be unlawful for any person over the age of twelve (12) years to, with or without malice, purposely point or aim any loaded or empty pistol, gun, revolver or other firearm, at or toward any other person within range of the firearm, except in self-defense.

A violation of this subsection shall be a Class C violation.

(B) Use, Possession of Dangerous Weapon.

1. It shall be unlawful for any person to carry concealed about his person in any manner, any knife, other than an ordinary pocketknife, or any dirk, dagger, slingshot, metal knuckles, or any instrument, the use of which could cause injury to be inflicted upon the person or property of another person.

A violation of this subparagraph shall be a Class B violation.

2. Except as otherwise provided by ORS 166.250, it shall be unlawful for any person to possess or have in his possession any machine gun, or carry concealed upon his person or within any vehicle which is under his control or direction any pistol, revolver or other firearm capable of being concealed upon the person, without having a license to carry such firearm.

3. The provisions of this subsection shall not apply to police officers or other individuals or organizations defined or ORS 166.260. (1978 Code)

A violation of this subsection shall be a Class A violation.

(C) Bean Shooter, Toy Pistols, etc. No person shall use, cause to be used or encourage the use of a bean shooter, toy pistol or other contrivance or invention used in shooting or throwing beans, stones, pebbles, arrows or other substances or things, in or on a street, park, lane, alley or other public place except on established ranges.

A violation of this subsection shall be a Class C civil violation.

(D)

1. Discharge of Weapons Prohibited; Exception. No person other than an authorized peace officer shall fire or discharge a gun or other weapon which propels a projectile by the use of gun powder or other explosive or jet or rocket propulsion.
2. The provisions of this Section shall not be construed to prohibit the firing or discharging of a weapon by any person in defense or protection of his property, person or family.
3. A violation of this subsection shall be a Class A violation.

(E)

1. No person other than an authorized peace officer shall fire or discharge a spring or air-actuated pellet or BB gun.
2. At the request of the City Manager, the Police Chief may grant written waivers for the use of spring or air-actuated pellet or BB guns to specific named individuals acting on behalf of the City of Ontario for rodent or other varmint control on City-owned real property. Said waivers may include conditions such as time period, specific location, requirements for notice of the activity occurring, oversight required for those discharging, reporting of activity and disposal of such animals once destroyed.
2. 3. A violation of this subsection shall be a Class C civil violation.

APPROVED AND ADOPTED by the Common Council of the City of Ontario this _____ day of _____, 2014, by the following vote.

AYES:

NAYS:

ABSENT:

ABSTAIN:

APPROVED by the Mayor this _____ day of _____, 2014.

ATTEST:

LeRoy Cammack, Mayor

Tori Barnett, MMC, City Recorder

AGENDA REPORT

April 7, 2014

TO: City Council

FROM: Anita Zink, Human Resource Manager

SUBJECT: RESOLUTION 2014-110: ADOPTION OF THE "CITY OF ONTARIO REFERENCE POLICY".

DATE: March 28, 2014

SUMMARY:

Attached is the following document:

- Resolution #2014-110

The purpose of this agenda item is to establish a policy for reference requests through managers, supervisors, elected officials and employees for current or previous employees of the City of Ontario.

BACKGROUND:

The City of Ontario currently does not have a policy in place for references. This policy will give managers, supervisors, elected officials and employees a consistent way of verifying references for current or former employees by having all requests submitted through the Human Resource Manager.

RECOMMENDATION:

Staff recommends the City Council approve Resolution #2014-110.

PROPOSED MOTION:

I move the City Council adopt a Resolution #2014-110, A RESOLUTION ESTABLISHING A POLICY FOR REFERENCE CHECKS FOR CURRENT AND FORMER EMPLOYEES FOR THE CITY OF ONTARIO.

RESOLUTION #2014-110

**A RESOLUTION ESTABLISHING A POLICY FOR REFERENCES OR RECOMMENDATIONS OF
CURRENT OF PAST EMPLOYEES FOR THE CITY OF ONTARIO**

- WHEREAS,** The city currently does not have an established policy for reference checks; and
- WHEREAS,** The adopted policy should be incorporated into the Personal Policy for future reference.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Ontario City Council to approve the following:

1. Adopt a Reference Policy for the City of Ontario to insure that all references or recommendations for current or former employees are consistent and discloses only the dates of employment and positions(s) held.
2. All requests for references or recommendations will be directed to the Human Resource Manager.
3. To incorporate this adopted policy into the City of Ontario Personnel Policy Manual.

EFFECTIVE DATE: Effective immediately upon passage.

PASSED AND ADOPTED by the City Council of the City of Ontario this ____ day of _____ 2014,
by the following vote:

AYES:

NAYES:

ABSENT:

APPROVED by the Mayor this ____ day of _____, 2014.

LeRoy Cammack, Mayor

ATTEST:

Tori Barnett, MMC, City Recorder

AGENDA REPORT

April 7, 2014

TO: Mayor and City Council

FROM: Mary Domby, Assistant Finance Director

SUBJECT: RESOLUTION #2014-112: AUTHORIZING CHANGES TO BANK SIGNATORIES

DATE: March 31, 2014

SUMMARY:

The city currently has various bank accounts with Wells Fargo, Intermountain Community Bank, and various accounts within the Local Government Investment Pool that have terminated employees Jay Henry and Michael Long listed as signatories.

The purpose of this agenda item is to remove Jay Henry and Michael Long as signatories and add Tori Barnett, Mary Domby, and LeRoy Cammack as signatories to all city bank accounts.

PREVIOUS COUNCIL ACTION:

March 17, 2014 Council approved removing Michael Long and Dan Jones as signatories on the ICB accounts and adding Mary Domby and LeRoy Cammack.

BACKGROUND:

Banks and LGIP require minutes of a meeting to make changes to signatories.

RECOMMENDATION:

Staff recommends the City Council approves Resolution #2014-112.

PROPOSED MOTION:

I move the City Council approve Resolution #2014-112, A RESOLUTION SPECIFYING SIGNATORIES ON ALL CITY BANK ACCOUNTS.

RESOLUTION #2014-112

A RESOLUTION SPECIFYING SIGNATORIES ON ALL CITY BANK ACCOUNTS

WHEREAS, City bank accounts, including but not limited, to Wells Fargo, Intermountain Community Bank, and Local Government Investment Pool, have terminated employees Michael Long and Jay Henry listed as signatories.

WHEREAS, Signatories need to be updated to reflect current employees; Michael Long and Jay Henry need to be removed as signatories.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Ontario City Council, to approve the following changes in signatories to all City bank accounts:

Remove signatories: Michael Long and Jay Henry
Add as signatories: Tori Barnett, Interim City Manager, Mary Dobby, Assistant Finance Director, and LeRoy Cammack, Mayor

EFFECTIVE DATE: Effective immediately upon passage.

PASSED AND ADOPTED by the City Council of the City of Ontario this _____ day of _____ 2014 by the following vote:

AYES:
NAYES:
ABSENT:

APPROVED by the Mayor this _____ day of _____, 2014.

ATTEST:

LeRoy Cammack, Mayor

Tori Barnett, MMC, City Recorder

AGENDA REPORT

April 7, 2014

TO: Mayor and City Council

FROM: Mark Alexander, Police Chief

THROUGH: Tori Barnett, Interim City Manager

SUBJECT: RESOLUTION NO. 2014-113: A RESOLUTION ACKNOWLEDGING RECEIPT OF ODOT TRAFFIC SAFETY FUNDS AND APPROPRIATING EXPENDITURES FOR CHILD PROTECTION SEATING WITHIN THE GRANT FUND

DATE: March 31, 2014

SUMMARY:

Attached is the following document:

- Resolution 2014-113

PREVIOUS COUNCIL ACTION:

Council has approved similar Resolutions for the same grant for several years.

BACKGROUND:

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

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

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

The Police Department received a \$2650 grant during ODOT's 2012-13 grant period. It was the intent of the Police Department to expend all funds and receive reimbursement during the City's FY 2012-13.

The Police Department has now been awarded a \$2500 grant for ODOT's 2013-14 grant period. It was discovered that \$2,097 from the 2012-13 grant project was billed after July 1, 2014 and therefore applied during the City's FY 2013-14.

Resolution 2014-113 does two things. First, it recognizes expenditures and reimbursed revenue from the 2012-13 ODOT grant that have been applied to the City's FY 2013-14. It also recognizes expenses and revenue from ODOT's 2013-14 grant that is expected to be spent and reimbursed during the City's FY 2013-14.

ALTERNATIVE:

The Council could decline the grant award for 2013-14, but for housekeeping purposes would need to recognize the expenditures and revenue reimbursements from the ODOT 2012-13 grant.

FINANCIAL IMPLICATIONS:

It is proposed that the grant revenues and expenditures for supplies be budgeted as an increase within the City's Grant Fund.

RECOMMENDATION:

Staff recommends the Council adopt Resolution 2014-113.

PROPOSED MOTION:

I move that the Council adopt Resolution 2014-113, A RESOLUTION ACKNOWLEDGING RECEIPT OF ODOT TRAFFIC SAFETY FUNDS AND APPROPRIATING EXPENDITURES FOR CHILD PROTECTION SEATING AND TECHNICIAN TRAINING WITHIN THE GRANT FUND.

RESOLUTION NO. 2014-113

**A RESOLUTION ACKNOWLEDGING RECEIPT OF ODOT TRAFFIC SAFETY FUNDS
AND APPROPRIATING EXPENDITURES FOR CHILD PROTECTION SEATING AND TECHNICIAN TRAINING
WITHIN THE GRANT FUND**

WHEREAS, the 2013-2014 Biennial Budget was adopted without the recognition of funding for a traffic safety project; and

WHEREAS, the City was awarded an Oregon Department of Transportation grant thru its Police Department to purchase child safety seats and fund technician training; and

WHEREAS, the City desires to modify the 2013-2014 Budget, acknowledging grant revenue of \$3,388 and appropriating expenditures within the Grant Fund to complete the project.

NOW THEREFORE, BE IT RESOLVED by the Ontario City Council to approve the following adjustments to the 2013-2014 Biennial Budget:

Line Item	Item Description	FY 13-14 Budget	Amount of Change	Adjusted Budget
GRANT FUND				
Revenue				
010-000-456182	Police SAFE Kids Project	\$497	\$3,388	\$3,885
Expenses				
010-038-714182	Police SAFE Kids Project	\$497	\$3,388	\$3,885

Effective Date: Effective immediately upon passage.

Passed and adopted by the Ontario City Council this ____ day of _____ 2014.

Ayes:

Nays:

Absent:

Approved by the Mayor this _____ day of _____ 2014.

ATTEST:

LeRoy Cammack, Mayor

Tori Barnett, MMC, City Recorder

AGENDA REPORT

April 7, 2014

TO: Mayor and City Council

FROM: Larry Sullivan, City Attorney

SUBJECT: ORDINANCE NO. 2689-2014, AN ORDINANCE ADDING CHAPTER 20 TO TITLE 3 OF THE ONTARIO CITY CODE TO DECLARE A MORATORIUM ON MEDICAL MARIJUANA FACILITIES, AND DECLARING AN EMERGENCY -FIRST READING

DATE: March 31, 2014

SUMMARY:

Attached is the following document:

- Ordinance No. 2689-2014

BACKGROUND:

In 2013, the Oregon legislature passed House Bill 3460, allowing the State to license medical marijuana dispensaries. 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 expires on May 1, 2015.

Ordinance No. 2689-2014 is based upon language prepared by the Oregon League of Cities to address the requirements of SB 1531. SB 1531 requires that local governments implement the moratorium by no later than May 1, 2014. Therefore, if the City Council desires to impose a moratorium on the licensing of medical marijuana dispensaries within the City limits, it must pass an ordinance which goes into effect by no later than May 1, 2014. Ordinance No. 2689-2014 includes an emergency provision allowing the ordinance to become effective immediately upon passage, so that it meets the May 1, 2014, deadline set by the Oregon legislature in SB 1531.

If it is approved unanimously, the Council has the option of waiving a second reading of the ordinance, which would allow it to go into effect immediately rather than waiting for the next Council meeting for a second reading. The Council is not required to waive a second reading in order to meet the deadline imposed by SB 1531, so long as the second reading occurs before May 1, 2014.

RECOMMENDATION:

Staff recommends the Council approve a first reading of Ordinance No. 2689-2014.

PROPOSED MOTIONS:

1) I move the City Council approve a first reading of Ordinance No. 2689-2014, AN ORDINANCE ADDING CHAPTER 20 TO TITLE 3 OF THE ONTARIO CITY CODE TO DECLARE A MORATORIUM ON MEDICAL MARIJUANA FACILITIES, AND DECLARING AN EMERGENCY.

If Motion #1 is approved unanimously, the Council may consider the following Motion #2:

2) I move that the City Council waive a second reading of Ordinance No. 2689-2014, AN ORDINANCE ADDING CHAPTER 20 TO TITLE 3 OF THE ONTARIO CITY CODE TO DECLARE A MORATORIUM ON MEDICAL MARIJUANA FACILITIES, AND DECLARING AN EMERGENCY, so that said ordinance shall go into effect immediately.

ORDINANCE NO. 2689-2014

**AN ORDINANCE ADDING CHAPTER 20 TO TITLE 3 OF THE ONTARIO CITY CODE
TO DECLARE A MORATORIUM ON MEDICAL MARIJUANA FACILITIES,
AND DECLARING AN EMERGENCY**

- WHEREAS,** the Oregon Legislature enacted House Bill 3460 (2013) which requires the Oregon Health Authority to develop and implement a process to register medical marijuana facilities;
- WHEREAS,** House Bill 3460 (2013) directed that persons who operate or are employed by a registered medical marijuana facility would enjoy immunity from state prosecution;
- WHEREAS,** the issue of whether a local government believes a certain type of business should operate within its jurisdictional limits is a local government decision, the enforcement of which is subject to the general and police powers of that jurisdiction;
- WHEREAS,** the Oregon Legislature enacted Senate Bill 1531 (2014) which removes immunity from state prosecution for a person who is responsible for or employed by a registered medical marijuana facility located in an area subject to the jurisdiction of a city or county that enacts a moratorium prohibiting the operation of a medical marijuana facility; and
- WHEREAS,** the City Council of the City of Ontario believes it is in the best interests of the health, safety and welfare of the citizens of the City of Ontario to enact such a moratorium prohibiting the operation of medical marijuana facilities within the jurisdictional boundaries of the City of Ontario;

THE CITY OF ONTARIO ORDAINS AS FOLLOWS:

SECTION 1. Chapter 20 of Title 3 of the Ontario City Code is hereby entitled, "Regulation of Medical Marijuana Facilities."

Section 2. The following sections shall be added to Chapter 20 of Title 3 of the Ontario City Code:

3.20.1: MORATORIUM DECLARED. The City of Ontario hereby prohibits the operation of any medical marijuana facility in any area subject to the jurisdiction of the City of Ontario. As used in this section, "medical marijuana facility" includes any facility that dispenses marijuana pursuant to ORS 475.314 or any other provision of Oregon law.

3.20.2: DURATION OF MORATORIUM. The moratorium imposed by this ordinance shall be effective until May 1, 2015, unless rescinded sooner.

3.20.3: ENFORCEMENT. The Police Chief is charged with enforcement of the moratorium.

3.20.4: REMEDIES NOT EXCLUSIVE. The remedies available under Senate Bill 1531 (2014) for a violation of the moratorium imposed by this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law. It is within the discretion of the City of Ontario to seek cumulative remedies for a violation of the moratorium imposed by this ordinance.

3.20.5: SEVERABILITY. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

Section 3. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on its passage.

PASSED AND ADOPTED by the Common Council of the City of Ontario this _____ day of _____, 2014, by the following vote:

AYES:
NAYS:
ABSENT:

APPROVED by the Mayor this ____ day of _____, 2014.

ATTEST:

LeRoy Cammack, Mayor

Tori Barnett, MMC, City Recorder

AGENDA REPORT

April 7, 2014

TO: Mayor and City Council

FROM: Tori Barnett, MMC, City Recorder

SUBJECT: APPOINTMENT TO BOARDS

Date: March 31, 2014

SUMMARY:

Attached are the following documents:

- Letter of Resignation: Mike Allen (Planning Commission)
- Letter of Resignation: Ed Susman (Planning Commission and Airport Board)
- Letter of Interest to Serve: David Auxier (Airport Board)
- Letter of Interest to Serve: Shay Meskill (Recreation Board)
- Letter of Interest to Serve: Hanna Swanson (Recreation Board)

Due to resignations, there are currently openings on the Planning Commission, Recreation Board and Airport Board. Appointments to this board are made by the City Council.

BACKGROUND:

To remain on track with overlapping terms of service on each Board, each appointment will be to complete the existing term on record for the individuals resigning. David Auxier would complete the term of Mr. Susman, (December, 2016); Mr. Meskill and Ms. Swanson would have terms expiring December, 2014. No letters received for the Planning Commission, leaving two vacancies.

ALTERNATIVE:

It is the Council's prerogative to appoint all, some, or none of the individuals seeking appointment.

RECOMMENDATION:

Staff makes no recommendation on Board appointments.

RECOMMENDED MOTION:

I move to appoint David Auxier to the Airport Board, and Shay Meskill and Hanna Swanson to the Recreation Board, with terms coinciding with those established by ordinance.

Tori Barnett - My resignation

From: Mike Allen <allen@fmtc.com>
To: Marcy.Skinner@ontariooregon.org
Date: 1/22/2014 7:41 PM
Subject: My resignation

Hi there,

I've had several major life changing events happen recently. The most significant one being my 83 year old Mom having to move from her home in Challis, ID to an assisted living facility here in Ontario, due to her declining eyesight and health. As I'm her only son, I am also her caregiver. Even though, the people at Meadow Brook are wonderful, there are many, many things that only I can/need to do for her. Obviously, she is my first priority, as her time with me is probably limited. I cannot in good faith continue to serve in my capacity on the Planning Committee, as I cannot devote the time needed to do what I consider a "good" job.
Please accept my resignation.

Thank You,
Mike

Ed Susman
1209 E Pisa St
Meridian, ID 83642
(303) 548-4659
EASusman@gmail.com

March 21, 2014

Ontario City Council
444 SW 4th St
Ontario, OR 97914

RE: Planning Commission and Airport Board

To Whom It May Concern:

This letter will serve as my resignation from the Ontario Planning and Zoning Commission and the Ontario Airport Board, effective immediately. In view of the fact that I no longer live in the Ontario area, I do not believe that I can fairly represent the interests of the citizens of Ontario any longer. It has been my pleasure to serve for the last several months.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Ed Susman', with a long horizontal flourish extending to the right.

Ed Susman

03/20/14

David R. Auxier

YTURRI ROSE LLP
P.O. Box S • ONTARIO, OREGON 97914
(541) 889-5368

March 19, 2014

Tori Barnett
City of Ontario
City Recorder/Clerk
444 SW 4th Avenue
Ontario, OR 97914

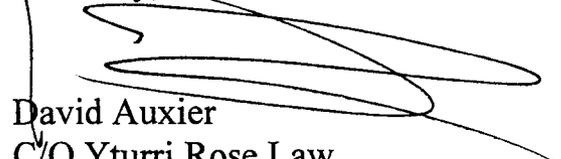
RE: AIRPORT COMMITTEE-ONTARIO AIRPORT

Dear Ms. Barnett:

I would like to serve on the Ontario Airport Committee for the next term. I understand that one or more of the current members of that Board are retiring, or giving up their position. Please present my name to the committee for the purpose of taking over one of those positions.

Thank you for your assistance.

Sincerely,



David Auxier
C/O Yturri Rose Law
89 SW 3rd Avenue
Ontario, OR 97914

Cell phone number 541-212-0130

Tori Barnett - Rec Committee Interest

From: Shay Meskill <meskillsj@gmail.com>
To: <tori.barnett@ontariooregon.org>
Date: 3/15/2014 1:21 PM
Subject: Rec Committee Interest

Ms. Barnett,

Brad mentioned that there is a vacancy in the recreation committee. I would like to state my interest in filling one of the spots. I have grown up in sports and continued to stay active in organized sports at adult and coed city teams. I was the morale, welfare and recreation officer for my military unit in San Diego and coordinated sports days and events for as many as 300 personnel. I would be interested in how I could get involved with the activities going on in Ontario.

Sincerely,

Shay Meskill
541-709-6220
meskillsj@gmail.com

Tori Barnett - Interest in Rec Committee

From: Hanna Swanson <hannadins@gmail.com>
To: <tori.barnett@ontariooregon.org>
Date: 4/1/2014 11:50 AM
Subject: Interest in Rec Committee

Hi Tori,

I had emailed Brad with interest to serve on the Rec Committee. I just read his email and realize I might be too late to get fit in on this go around but would still like to express my interest. Please let me know what you need from me, if anything else!

Hanna Swanson
Teacher at Four Rivers Preparatory School (6th-8th Grade)
P.E, Social Studies & Technology
208-739-2026
1088 SW 1st Ave
Ontario, Or 97914

Thank you!
Hanna

AGENDA REPORT

April 7, 2014

TO: Mayor and City Council

FROM: Larry Sullivan, City Attorney

SUBJECT: SETTLEMENT WITH CHICAGO TITLE INSURANCE COMPANY AND THE DEONIERS REGARDING RESTRICTIVE COVENANTS WITH THE CITY

DATE: March 31, 2014

SUMMARY:

Attached are the following documents:

- 2012 Restrictive Covenant Agreement
- Proposed Settlement Agreement
- Proposed Release of Restrictive Covenant by City

BACKGROUND:

On October 1, 2012, the Council authorized the annexation of the residence of John W. Robertson and Carol Robertson, located at 45 North Dorian Drive, into the City limits. As part of the annexation process, the Robertsons executed a restrictive covenant on their property obligating them to share in the costs of extending West Idaho Avenue and widening North Dorian Drive, whenever that project was undertaken. A copy of the Restrictive Covenant Agreement is enclosed. That Agreement was recorded in the Malheur County Deed Records and became a lien on the real property.

The Robertsons later sold the real property to William Deonier, Jr., and Susan Deonier. The Deoniers were not aware of the restrictive covenant when they purchased the property, because it was not disclosed in the title report that the Deoniers purchased from a local title company before the closing of the sale. They learned of the restrictive covenant afterwards and filed a claim with the title insurance carrier, Chicago Title Company. Chicago Title Company wrote a letter to the City demanding that the restrictive covenant be released from the property.

Over the ensuing months, the City attorney negotiated a proposed settlement with Chicago Title. The proposed settlement amount is \$138,977.20, which Chicago Title will pay to the City to obtain the City's release of the restrictive covenant on the Deoniers' real property. As part of the settlement, the City will release Chicago Title, the Deoniers and future owners of their property from any claims or liens in connection with street widening and extension project, whenever that project may occur.

Enclosed are copies of the proposed settlement documents, which have been reviewed by and tentatively approved by Chicago Title and the Deoniers.

If the Council approves the settlement, the money would be put into a capital improvements fund earmarked for the future street extension and widening project.

RECOMMENDATION:

Staff recommends the Council approve the settlement agreement with Chicago Title Insurance Company and William Deonier, Jr., and Susan Deonier.

PROPOSED MOTION:

I move the City Council approve the SETTLEMENT AND RELEASE between Chicago Title Company, William Deonier, Jr. Susan Deonier and the City, and authorize the Mayor to sign any documents necessary to complete the settlement.

RECORDER'S INFORMATION:

After Recording Return To:

City of Ontario
Engineering Department
Attn Dan Shepard
444 SW 4th Street
Ontario, OR 97914

MALHEUR COUNTY, OR 2012-2787
DRESTRIC COVEN 08/02/2012 10:47 AM
Cnt=1 Pgs=7 Total:\$77.00



00011465201200027870070072

I, Deborah R. DeLong, County Clerk for Malheur County,
Oregon certify that the instrument identified herein was
recorded in the Clerk records.

Deborah R. DeLong - County Clerk

**RESTRICTIVE COVENANT
ANNEXATION AND DEFERRED IMPROVEMENT AGREEMENT**

This agreement is between the CITY OF ONTARIO, 444 SW 4th St, Ontario Oregon, 97914, hereinafter referred to as "City", and John W. Robertson and Carol Robertson, husband and wife, hereinafter referred to as "Owner".

WHEREAS, Owner is the legal owner of the following described real property, see attachment "A" ("Property"):

Map No.: 1B 47 5 C

Tax Lot No.: 502

Property Address:

45 North Dorian Drive
Ontario, OR 97914
SEE Attachment "A"

WHEREAS, Owner has petitioned for City to annex Owner's Property into City; and

WHEREAS, under the City Code; City has the right to require Owner to make certain improvements to the Property in order to be eligible for annexation, which improvements are more particularly described as: right of way improvements to West Idaho Avenue and North Dorian Drive, including but not limited to construction of curb and gutter, sidewalk and street improvements, as well as storm and sanitary sewer mains and water mains ("the improvements"). The City also has the right to require Owner to pay the proportionate cost of the improvements to the extent the Property is benefited by them.

WHEREAS, City is willing to allow the construction of the improvements to be deferred upon the terms and conditions in this Agreement.

NOW THEREFORE, it is agreed as follows:

1. Deferral of Improvements. City and Owner agree that the improvements set out above may be deferred as provided for in this Agreement. Owner agrees Owner has a current obligation to construct

the improvements described in the Recitals above. Owner and City have elected the obligation to defer construction of the improvements under the terms of this Agreement.

3. Binding on Successors in Interest. This Agreement is an instrument affecting the title and possession of the Property described above. All the terms and conditions herein imposed shall run with the land and shall be binding upon and inure to the benefit of the successors in interest of Owner. Upon any sale or division of the Property described above, the terms of this Agreement shall apply separately to each parcel and the Owner of each parcel shall succeed to the obligations imposed on Owner by this Agreement.

4. Nature of Obligation.

4.1 City and Owner agree that the improvements set forth in the Recitals above may be deferred because immediate installation of such improvements is not deemed practical at this time due to the project's incremental relationship to the intended holistic design function of said improvements.

4.2 Owner agrees to construct the improvements described above in the manner set forth in this Agreement and in compliance with all requirements of the Land Development Code as applicable to new development requiring development permit approval.

4.3 When the City determines that the reason(s) for the deferment no longer exist(s), the City shall notify Owner or the Owner's successor in interest, in writing, of terms for performance of the work. The notice shall be mailed to the current owner or owners of the land as shown on the latest adopted County Assessment Roll. All or any portion of said improvement may be required by City at any time. Each Owner shall participate on a pro rata basis of the cost of installation of the improvements.

5. Election by City; Owner's Performance of the Work. The City shall have the right to elect whether the work to construct the improvements is to be performed by Owner or whether the improvements are constructed as part of a Local Improvement District (LID). If the City elects to have Owner construct the improvements, Owner agrees to perform as follows:

5.1 Owner is responsible for performance of the work to construct the improvements and obtain contractors therefore. Owner shall cause satisfactory plans and specifications for the improvements to be prepared and to submit said plans and specifications to the City Manager, or his designate, for approval prior to commencement of the work to be done. Such work shall be done in accordance with City standards in effect at the time the improvement plans are submitted for approval. Owner agrees to make payments required by the City including, but not limited to engineering, deposits, permit fees and inspection fees. Owner shall notify the City Manager, or his designate, at least 48 hours prior to the start of work.

5.2 Prior to approval of improvement plans by the City, Owner may be required to execute and deliver to the City, a performance bond in an amount and form acceptable to the City, to be released by the City in whole or in part upon the City's final acceptance of the work performed.

5.3 If Owner disagrees with the requirements set forth for installation of improvements as

||
||
||

IN WITNESS WHEREOF, this Agreement has been executed this 26th day of July, 2012.

CITY OF ONTARIO:

Jay A. Henry
Signature

Date: 7-31-12

By:
Jay Henry
Title: City Manager

ATTEST:
Tori Barnett
Tori Barnett, MMC, City Recorder

OWNER:

J. W. Robertson
Signature

Date: July 26-2012

By: John W. Robertson
Title: Owner

Carol Robertson
Signature

Date: July 26-2012

By: Carol Robertson
Title: Owner

State of Oregon)
)ss.
County of Malheur)

The foregoing instrument was acknowledged before me this 31st day of July, 2012, by Jay Henry, in his capacity as Interim City Manager of the City of Ontario.



Suzanne Kay Skerjavec
Notary Public for Oregon
My Commission Expires: 6-18-2013

2012-02787
MALHEUR COUNTY, OREGON
Page 5 of 7

Termination of Escrow: AmeriTitle's liability hereunder is limited to its obligations specifically set forth herein. AmeriTitle may terminate this escrow at any time, without notice, or liability. Documents and monies shall be returned to the parties depositing them.

Conflicting Instructions: In the event any dispute arises between the parties hereto or with any third person concerning the property, documents, or funds covered by these instructions, AmeriTitle may at its election

- (a) hold all matters in their existing status pending resolution of such dispute to AmeriTitle's satisfaction, or
- (b) join or commence a court action and in such action deposit the funds and documents referred to herein with the court where such action is pending, and ask the court to determine the rights of purchaser and seller in and to such property, documents and funds, or
- (c) resolve by arbitration in accordance with the rules of the American Arbitration Association and any judgment rendered pursuant to such arbitration may be entered in any court having jurisdiction thereof.

In the event of such dispute and AmeriTitle's election of an alternative described above, AmeriTitle shall have no further duties or obligations under this agreement other than either to hold such funds and documents until Purchaser and Seller have resolved their dispute or to deposit such funds and documents into court. Seller and Buyer shall be responsible for costs associated with any of the above actions taken.

Attorney Fees: It is further agreed that in the event of any suit or claim made against AmeriTitle by either or both parties to this agreement, that said parties shall be required to pay AmeriTitle all expenses, costs and reasonable attorney's fees in connection therewith, whether suit is instituted by AmeriTitle or any of the parties hereto.

Acknowledgements and representations of Seller and Buyer:

Legal Advice: AmeriTitle is not licensed to practice law and AmeriTitle's duties and obligations under this agreement are limited to those of an escrow holder. Seller and Buyer have not been referred by AmeriTitle to any named attorney or attorneys or discouraged from seeking advice of an attorney but have been advised to seek legal counsel of my own choosing at my own expense for any question we may have. Any and all documents, which AmeriTitle has prepared for use in this transaction, have been prepared at the parties' direction and have been reviewed and are hereby approved as to content, form and terms.

Bank Benefit: AmeriTitle indirectly receives monetary benefits from the bank(s) at which it deposits and maintains escrow funds in non-interest bearing accounts. These benefits help defray costs associated with handling escrow funds. AmeriTitle estimated the monetary benefit on a per escrow closing basis to be approximately \$-4.00. AmeriTitle calculated this by dividing estimated total benefits for the past period of months by the estimated total number of escrow closings for the same period. This good faith estimate, as it applies to this escrow is required by Oregon Administrative Rule 863-50-065 (2). Parties consent to these indirect benefits.

Deposits: Seller and Buyer understand that all checks, money orders or drafts will be processed for collection in the normal course of business. Parties further understand that all checks, money orders or drafts required to close must be payable to AmeriTitle and must be *collected funds*, as required by federal and state statutes and regulations prior to your disbursement of any funds. AmeriTitle may commingle funds received with escrow funds of others, and may, without limitation, deposit such funds in its escrow account with any bank authorized to do business in the state. It is understood that AmeriTitle, except by virtue of separate signed instructions there shall be no obligation to invest the funds on deposit on behalf of any depositor, nor shall AmeriTitle be accountable for any earnings or incidental benefit attributable to the funds which may be received by AmeriTitle while AmeriTitle hold such funds.

HUD Review: Pursuant to regulations adopted under the real estate settlement procedures act, I (we) have a right to review the HUD-1 settlement statement one day prior to closing and do hereby waive such right and instruct the settlement agent herein to proceed in accordance with alternative sections of such regulations. Buyer and Sellers understand not all transactions require a HUD settlement statement.

Privacy Policy: In response to the Gramm-Leach-Bliley Act, the appropriate parties have been provided with a copy of AmeriTitle's Privacy Policy.

Review: The seller and buyer acknowledge that they have been given adequate time and opportunity to read and understand these escrow instructions and all other documents referred to in the transaction. The seller and buyer have read and approved the commitment/preliminary title report, estimated closing statement, escrow instructions and any addendums. Seller represents to AmeriTitle there are no existing liens, assessments, taxes, deferred taxes, unpaid water or sewer bill, or any other obligations which are the responsibility of the seller and which are not shown on the above documents. The seller understands and agrees that any obligation known to them and not disclosed herein, remains the responsibility of the seller subsequent to the closing of this transaction.

Undisclosed Items: The undersigned understands and agrees that any obligation known to them and not disclosed herein remains the responsibility of the undersigned subsequent to the closing of this escrow. The undersigned seller further understands and agrees that any payoffs made on their behalf in this escrow are made by AmeriTitle with complete reliance on figures supplied by the lender, creditor or taxing agency. In the event that additional funds are required to complete said payoffs, the undersigned hereby agrees to immediately upon request from AmeriTitle, provide the additional funds needed to complete said payoffs.

PLEASE READ THE COMMITMENT/PRELIMINARY TITLE REPORT AND YOUR CLOSING STATEMENT CAREFULLY BEFORE SIGNING THIS DOCUMENT. BE SURE ALL FACTS KNOWN TO YOU ARE ACCOUNTED FOR IN THIS ESCROW. AMERITITLE AS THE ESCROW AGENT, IS A NEUTRAL THIRD PARTY AND CANNOT ADVISE YOU OR PROTECT YOUR LEGAL RIGHTS. YOU SHOULD CONSULT LEGAL COUNSEL FOR SUCH ADVICE AND PROTECTION.

SETTLEMENT AND RELEASE

FOR AND IN CONSIDERATION of the sum of One Hundred Thirty Eight Thousand Nine Hundred Seventy Seven Dollars and Twenty Cents (\$138,977.20) (“the Settlement Amount”), the receipt of which is acknowledged by THE CITY OF ONTARIO, OREGON, as Releasor, the undersigned Releasor releases and forever discharges CHICAGO TITLE INSURANCE COMPANY, WILLIAM DEONIER, JR. and SUSAN DEONIER, husband and wife (“Releasees”), their heirs, executors, administrators, agents and assigns, and all other persons, firms or corporations liable or who might be claimed to be liable, none of whom admit any liability to the undersigned, but all expressly deny any liability, from any and all claims, demands, damages, actions, causes of action or suits of any kind or nature whatsoever arising from or connected with the Restrictive Covenant, Annexation and Deferred Improvement Agreement (“the Restrictive Covenant”) recorded in the Malheur County, Oregon Deed Records as Instrument No. 2012-2787 on August 2, 2012, including but not limited to the imposition of any assessments for the Improvements referred to in the Restrictive Covenant.

The Releasor agrees that it will save harmless and indemnify the Releasees from any loss, claim, demand, action, costs and attorneys fees, including, but not limited to, any claim for indemnity or contribution that is or may be asserted by any person or entity whomsoever or whatsoever on account of the Restrictive Covenant. The Releasor hereby agrees to execute and record in the Malheur County Deed Records a Release of Restrictive Covenant in the form set forth in Exhibit “1” attached hereto.

The Releasor hereby declares that the terms of this settlement have been completely read, and are fully understood and accepted for the purpose of making a full and final compromise adjustment and settlement of any and all claims, disputed or otherwise, on account of Restrictive Covenant, and for the express purposes of precluding forever any further or additional claims arising out of the aforesaid incident. This Release of All Claims is made and entered into, as is this settlement, as a free and voluntary act of Releasor in the exercise of Releasor's own judgment, belief, and knowledge of the nature, extent, and duration of said claims and damages and is not made or entered into under the influence of Releasees, or any of them, or any attorney, representative, agent, or other person acting for, by, through, or on behalf of any of Releasees, and no Releasee or any other person has induced or influenced Releasor to make this settlement or execute this Release of All Claims. This Release contains the entire agreement between the parties hereto, and the terms of this Release are contractual and not a mere recital.

IN WITNESS WHEREOF, I have hereunto set my hand, this _____ day of _____, 2014.

CITY OF ONTARIO, OREGON
By:

LeRoy Cammack, Mayor

Attest:

Tori Barnett, MMC, City Recorder

ACCEPTANCE BY RELEASEES:

_____ Date: _____, 2014
WILLIAM DEONIER, JR.

_____ Date: _____, 2014
SUSAN DEONIER

CHICAGO TITLE INSURANCE COMPANY
By:

_____ Date: _____, 2014
Lindsey Bitzes, Esq.
Claims Counsel/AVP

After Recording Return To:

Larry A. Sullivan
PO Box 220
Vale, OR 97918

RELEASE OF RESTRICTIVE COVENANT

The CITY OF ONTARIO, a political subdivision of the State of Oregon, for good and valuable consideration, releases its restrictive covenant recorded on August 2, 2012, as Instrument No. 2012-2787 in the Malheur County Deed Records, against the real property more particularly described as Exhibit "A" to said Instrument.

Dated this _____ day of _____, 2014.

CITY OF ONTARIO, OREGON

By:

LeRoy Cammack, Mayor

Attest:

Tori Barnett, MMC, City Recorder

STATE OF OREGON)
) ss.
County of Malheur)

The foregoing instrument was acknowledged before me this _____ day of _____, 2014, by LeRoy Cammack, Mayor of the City of Ontario, Oregon.

Notary Public for the State of Oregon
My Commission expires: _____

PUBLIC HEARING AGENDA REPORT
April 7, 2014

TO: Mayor and City Council

FROM: Marcy Skinner, Planning & Zoning Technician

THROUGH: Alan Daniels, Public Works Director

SUBJECT: ORDINANCE #2690-2014: AN ORDINANCE ANNEXING INTO THE CITY OF ONTARIO 0.24 ACRES LOCATED AT 851 N VERDE DRIVE, ASSESSOR'S MAP 18S4705AA, TAX LOT 2200, ASSIGNING CITY SINGLE FAMILY RESIDENTIAL (RS-50) ZONING ON FIRST READING BY TITLE ONLY

DATE: March 31, 2014

SUMMARY:

Attached are the following documents:

- Ordinance #2690-2014 (with attached legal description and map)
- Request For Special Permission To Connect To Sanitary Sewer

A request for Annexation and Zoning of City owned tax lot 2200, Assessor's Map 18S4705AA, totaling 0.24 acres. The property is currently zoned Urban Growth Area Residential and will be rezoned to City Single Family Residential (RS-50). This is a Comprehensive Plan and Zoning Map amendment on First Reading by Title Only.

BACKGROUND:

On March 10, 2014 the Planning Commission recommended to approve the request for Annexation and Zoning from Urban Growth Area (UGA) to City Single Family Residential (RS-50) zone.

RECOMMENDATION:

Staff recommends adoption of Ordinance #2690-2014.

PROPOSED MOTION:

I move that the City Council adopt Ordinance #2690-2014, AN ORDINANCE PROCLAIMING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF ONTARIO; AND WITHDRAWING SAID TERRITORY FROM THE ONTARIO RURAL FIRE PROTECTION DISTRICT; AND WITHDRAWING SAID TERRITORY FROM THE ONTARIO RURAL ROAD ASSESSMENT DISTRICT; THE PROPERTY IS ADDRESSED AS 851 N VERDE DRIVE; WITHIN THE ASSESSORS MAP 18S4705AA, TAX LOT 2200, INCLUDING 0.24 ACRES OF PRIVATE LAND AND THE ADJOINING STREET, N VERDE DRIVE, AND ASSIGNING CITY SINGLE FAMILY RESIDENCE, RS-50, ZONING, on First Reading by Title Only.

ORDINANCE NO. 2690-2014

AN ORDINANCE PROCLAIMING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF ONTARIO; AND WITHDRAWING SAID TERRITORY FROM THE ONTARIO RURAL FIRE PROTECTION DISTRICT; AND WITHDRAWING SAID TERRITORY FROM THE ONTARIO RURAL ROAD ASSESSMENT DISTRICT; THE PROPERTY IS ADDRESSED AS 851 N VERDE DRIVE; WITHIN THE ASSESSORS MAP 18S4705AA, TAX LOT 2200, INCLUDING 0.24 ACRES OF PRIVATE LAND AND THE ADJOINING STREET, N VERDE DRIVE, AND ASSIGNING CITY SINGLE FAMILY RESIDENCE, RS-50, ZONING

WHEREAS: Land Use Action **2014-01-01AZ** filed by the City of Ontario is to annex the property zone Urban Growth Area Residential, Assessors Map 18S4705AA, Tax Lot 2200; and

WHEREAS: The City has prepared annexation documentation found in Planning File 2014-01-01AZ; and

WHEREAS: The City approved the Request For Special Permission To Connect To Sanitary Sewer on November 18, 2013; and

WHEREAS: Hearings were held before the Ontario Planning Commission on March 10, 2014 after legal notice of this hearing was given to affected property owners, affected agencies; and to the local newspaper and electronic media, and otherwise as required by Section 10B-05-05 and Chapters 10B-03 and 10B-45 of the Ontario Municipal Code; and

WHEREAS: The affected property owners have signed consents to annexation by the City of Ontario as found in Planning File 2014-01-01AZ; and

WHEREAS: At the conclusion of the April 7, 2014 public hearing, the City Council, based upon the Planning Commission's favorable recommendation and upon a motion duly made and seconded, voted to approve the request as set forth above based on decision criteria, findings of fact and conclusions of law as set forth in this order and exhibits attached hereto by this reference.

FINDINGS OF FACT:

- 1) The City Council adopts the findings in the Planning Commission Staff Report, testimony received, and the findings made by the Planning Commission as the basis for this decision; and
- 2) The City Council accepts the Planning Commission's concluding recommendation on the subject proposal.

CONCLUSIONS OF LAW

1. The burden of proof is upon the applicant in proving the proposal fully complies with applicable Code criteria, Oregon State Statutes and Oregon Administrative Rules.
2. The City Council finds that above-mentioned exhibits and evidence and testimony presented at the hearings, address relevant comprehensive plan policies, standards of the Municipal Code, Statewide Planning Goals, Oregon Revised Statute and Oregon Administrative Rules sufficiently to support the burden of proof needed to approve the proposed amendment.

THE CITY OF ONTARIO ORDAINS AS FOLLOWS:

The property particularly described in Exhibit 1 (full tax lot description for entire area, attached) and identified in Exhibit 2 (Map of subject property, attached), and more are hereby annexed to the City of Ontario and are zoned as Single Family Residential (RS-50) as described in Chapter 10A-11 of the Ontario City Code.

EFFECTIVE DATE: The ordinance shall become effective 30 days from the date of passage.

PASSED AND ADOPTED by the Common Council of the City of Ontario this ____ day of _____, 2014, by the following vote:

AYES:

NAYS:

ABSENT:

APPROVED by the Mayor this ____ day of _____, 2014.

LeRoy Cammack, Mayor

ATTEST:

Tori Barnett, MMC, City Recorder

EXHIBIT _____.

Annexation Description of Lands to
The
CITY OF ONTARIO
by
SAXTON LIVING TRUST

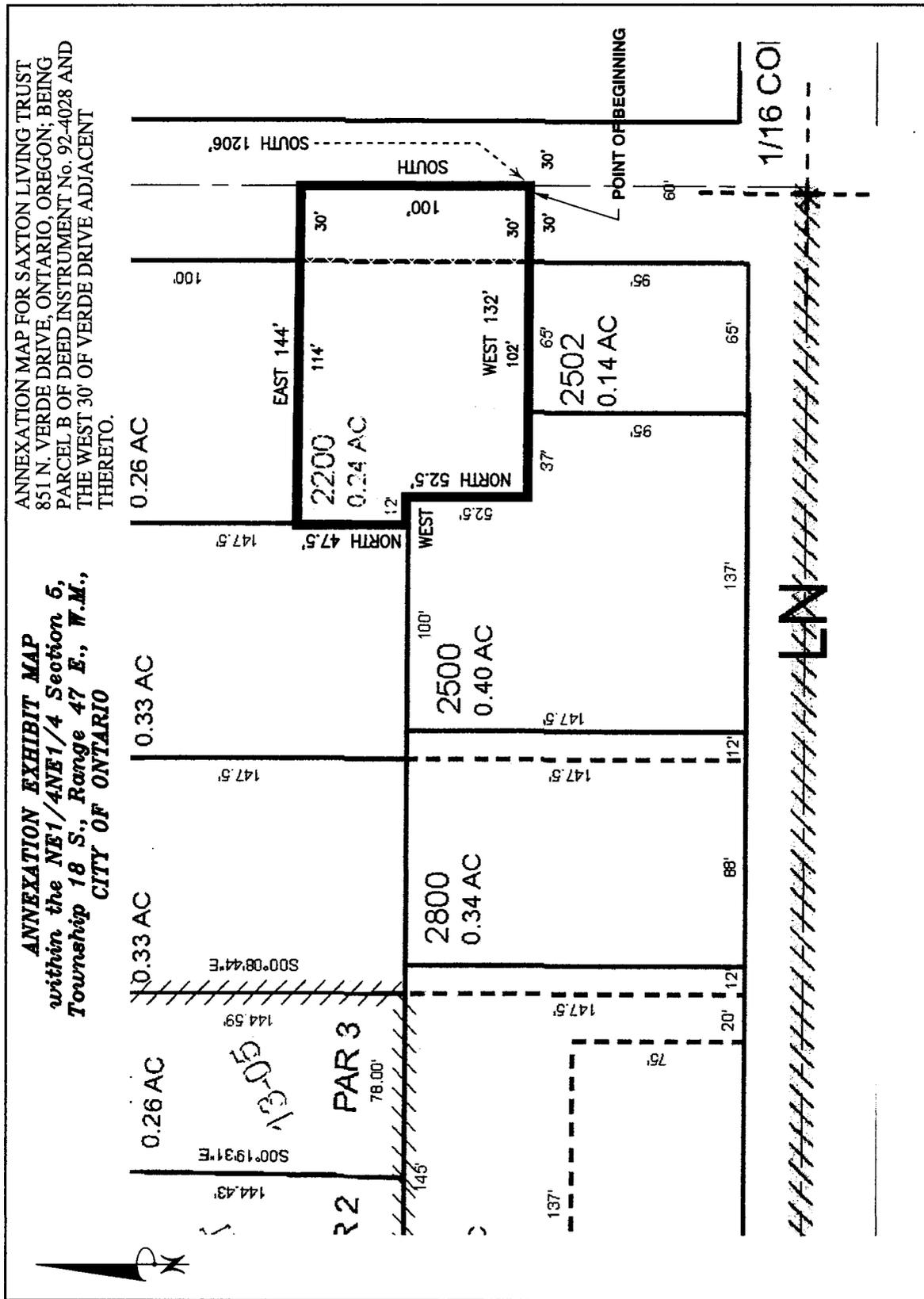
A Parcel of land in the E1/2NE1/4NE1/4 of Section 5, Twp. 18 S., R. 47 E. W.M., Malheur County, Oregon being;

All that land as described as PARCEL "B" in that certain deed recorded under Instrument No. 92-4028 together with all that westerly portion of Verde Drive adjacent there to, more particularly described as follows:

Commencing at the Northeast Corner of Sec. 5;
thence South along the Section line, 1206 feet to the POINT OF BEGINNING;
thence West 132 feet;
thence North 52.5 feet;
thence West 12 feet;
thence North 47.5 feet;
thence East 144 feet;
thence South 100 feet to the POINT OF BEGINNING.

ANNEXATION MAP FOR SAXTON LIVING TRUST
 851 N. VERDE DRIVE, ONTARIO, OREGON; BEING
 PARCEL B OF DEED INSTRUMENT No. 92-4028 AND
 THE WEST 30' OF VERDE DRIVE ADJACENT
 THERETO.

ANNEXATION EXHIBIT MAP
 within the NE1/4NE1/4 Section 6,
 Township 18 S., Range 47 E., T.M.,
 CITY OF ONTARIO



AGENDA REPORT
November 12, 2013

TO: Mayor and City Council

FROM: Dan Shepard, Engineering Technician III

THROUGH: Robert Walker, Public Works Director

SUBJECT: REQUEST FOR SPECIAL PERMISSION TO CONNECT TO SANITARY SEWER

DATE: November 18, 2013

SUMMARY:

- Exhibit "A" – Subject Property

Sheldon Saxton, who owns the property at 851 North Verde Drive, is requesting special permission from the City Council to connect to the sanitary sewer main, located in front of his property on North Verde Drive. He is having some problems with his septic system and would like to connect now. Mr. Saxton has filed an application to annex to the city, paid the fees in full for his annexation and paid the fees in full for connection to the city sanitary sewer. These fees include his share of the sewer main along his property frontage as well as a share of the cost of the regional sanitary sewer lift station.

PREVIOUS COUNCIL ACTION:

None.

PROBLEM DISCUSSION:

The property on North Verde Drive is adjacent to the recently annexed Horning and Crest Way neighborhood but is outside city limits. Mr. Saxton is experiencing minor septic system problems and would like to connect to the municipal sewer before an emergency arises. Ontario Municipal Code, Title 8, Chapter 7, Section 8-7-4(M) states "No Sewer Connection Outside City. There shall be no properties outside the City connected to the City sewer lines, except by special permission of the Council." Previous requests to connect from properties outside the city limits have been required by City Council to annex if their property is contiguous to city limits. The property is contiguous to city limits and therefore able to annex.

FINANCIAL IMPLICATIONS:

There are no financial obligations for the City of Ontario.

ALTERNATIVE:

The Council could choose to deny the request to connect.

RECOMMENDATION:

Staff recommends granting permission for Mr. Robertson to connect to the City's municipal sewer system.

Discussion/Information /Hand-Out Items

City Council Meeting
April 7, 2014

ORDINANCE NO. 0000-2014.

**AN ORDINANCE AMENDING ONTARIO CITY CODE
TITLE 9 Chapters 2 and 3 REGARDING ONTARIO TRAFFIC REGULATIONS.**

WHEREAS, Angle parking in the public right of way has not been officially allowed in the City of Ontario for several years due to a misunderstanding of the meaning of planning code 10A-57-95 by city staff, but has been confirm by the City Attorney that this refers to backing out of an off street parking lot and does not prohibit angle parking on public streets;

WHEREAS, City staff started a Pilot program installing angle parking in the Avenues (East-West running street) in the downtown C3 Central Commercial zone and has found that there has not been an increase in accidents and having more parking available has helped traffic flow considerably;

WHEREAS, The city finds a need to have more available parking in certain areas, but feels the need to regulate the amount and locations of angle parking within public streets and hereby amends the city code to reflect these uses;

NOW THEREFORE, the Common Council for the City of Ontario ordains as follows:

Title 9 Chapter 2 Ontario City Code is hereby amended by deleting those portions that is lined through and adding those portions that are underlined.

Chapter 2 ADMINISTRATION AND ENFORCEMENT

Sections:

9-2-1 Powers of Council.

9-2-2 Duties of ~~City Manager~~. Public Works Director

9-2-3 Public danger.

9-2-4 Standards for regulations.

9-2-5 Authority of police and fire officers.

9-2-2 Duties of ~~City Manager~~. Public Works Director

The ~~City Manager~~ Public Works Director or his designee shall exercise the following duties:

- (A) Implement the ordinances, resolutions and motions of the Council and his own orders by installing traffic-control devices. Such installations shall be based on the standards contained in the Oregon Manual on Uniform Traffic Control Devices for Streets and Highways.

- (B) Establish, maintain, remove or alter the following classes of traffic controls:
 - 1. Crosswalks, safety zones, and traffic lanes.
 - 2. Intersection channelization and areas where drivers of vehicles shall not make right, left, or U-turns, and the time when the prohibition applies.
 - 3. Parking areas and time limitations, including the form of permissible parking, parallel or diagonal.
- (C) Issue oversize or overweight vehicle permits.

Title 9 Chapter 3 Ontario City Code is hereby amended by the addition of Section 9-3-1 (D) and (E) as follows:

- (D) Angle Parking shall be allowed in the City of Ontario Zone C3 Central Commercial under the following rules:
 - 1. Size and layout approved by Public Works Director;
 - 2. Minimum street width shall be 52 feet;
 - 3. Angle Parking shall be allowed on one side of the street only;
 - 4. Angle Parking on South Oregon Street may be allowed by special permission from the Public Works Director with a recommendation from the Public Works Committee and the consent from the majority of the property owners within the requested block.
 - 5. Angle Parking is not allowed on streets with roadway classifications of Minor Collector, Major Collector, Minor Arterial, Principal Arterial and State Highway.
 - 6. Public Works Director's approval or disapproval may be appealed to the Public Works Committee for a recommendation.
- (E) Angle Parking may be allowed in the City of Ontario Zones C2 General Commercial and C2H Heavy Commercial with Special Permission under the following rules:
 - 1. Size and layout approved by Public Works Director with the Consent of the Public Works Committee;
 - 2. Minimum street width shall be 52 feet;
 - 3. Angle Parking shall be allowed on one side of the street only;
 - 4. Angle Parking is not allowed on streets with roadway classifications of Minor Collector, Major Collector, Minor Arterial, Principal Arterial and State Highway.
 - 5. Public Works Director and Public Works Committee approval or disapproval may be appealed to the City Council for approval.

PASSED AND ADOPTED by the Common Council of the City of Ontario this ____ day of _____, 2014, by the following vote:

AYES:

NAYS:

ABSENT:

APPROVED by the Council President this ____ day of _____, 2014.

ATTEST:

LeRoy Cammack, Mayor

Tori Barnett, City Recorder

**CITY GOLF COMMITTEE MEETING
TUESDAY, NOVEMBER 5, 2013
ONTARIO GOLF COURSE – 5:30 P.M.**

WELCOME/INTRODUCTIONS Committee members present were Rob Harrod, Connie Nysingh, Ken Poole, Don Roumagoux, and John Schram. Also present were Dan Jones, Ontario City Council, Brad Howlett, Ontario City Facility Manager and Scott McKinney.

FUNDING FOR GOLF COURSE City Councilman Dan Jones stated that the committee needs to determine where we want to go from here. The City Council is concerned about the funding this year for the golf course, and would like to get input from members about the upcoming year. It was stated that we need to support the golf course and attend the meetings with the city to show our strong support for Scott.

PRELIMINARY NUMBERS Scott McKinney stated that he has been putting the preliminary numbers together, and the big item is the acid injection system that needs to be run through the 1,100 sprinklers on the course. Scott is checking with several courses to see how the system works. (Hunters Point & Crane Creek). He also noted that he is putting together the preliminary numbers for all the problems that need to be worked out.

AQUATIC CENTER POOL Don Roumagoux stated he is really concerned about the City Council being so wrapped up in the Aquatic Center Pool and diverting the golf course funding to the pool. Councilman Dan Jones stated that we need to come up with a plan soon, as the City Council has only five more meetings before it will be February.

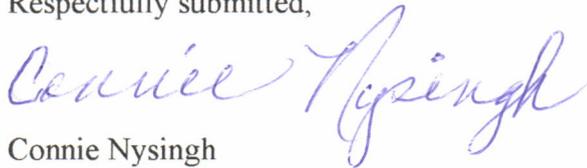
OPERATION FUNDS FOR PAST YEAR Scott McKinney stated that he is working for the members, but can't make it on the funds that he operated with last year. He discussed the out-dated equipment and the need to clean out the sprinkler system. Also, there is a lot of wire that needs to be replaced. It was also very hot and windy last summer, so numbers were down. **LAST TEN YEARS' BUDGET** Scott advised that he has been working with Brad Howlett, and has checked out the last ten years of funding from the City. He stated that he needs the support of the members and the city. The common denominator is how the course has been run by the City. He needs \$225,000 a year to operate. Councilman Jones said that it is the same with the water treatment plant and the pool... it is unbelievable.

REQUEST FROM MAYOR Councilman Jones stated that Mayor Cammack wants to know about the plan to fund the golf course and how much support there is from the members. Connie said she feels that from the tourism aspect, we need both the pool and the golf course. **MEMBERSHIP** Scott McKinney discussed membership numbers and how the course is used by our youth from all over the valley. **CART STORAGE UNITS** Scott also discussed the problem with identifying the cart storage units of members and receiving payments on each storage unit. The problems will be corrected this year, with all members identified and paying for their units. **COMPUTER SYSTEM** According to Scott, the computer system is not working correctly. The numbers and sales weren't jiving, and we may need a new computer. This needs to be corrected in a year. In the meantime, Scott is collecting the...

REVENUE Scott also said that the flow of revenue needs to work better this year. The City has been running 90 days late on payments. The revenue in July was low because of the heat. Don Roumagoux stated that he will be making

his proposal to the City and Scott said his first meeting would be next Thursday at noon with the City Council during their work session... November 14th. **INTRODUCTION OF BRAD HOWLETT, CITY FACILITIES MANAGER** Scott stated that he has been working with Brad in putting together the numbers for his proposal. Scott said it has been a real pleasure to work with him. Brad moved up from Sun Valley where he worked at the Big Wood Golf Course. Brad said that we really need this committee to support Scott and help him with his plan for the upcoming year. He stated that Scott has shown great professional judgement and has brought the Ontario Golf Course a long way. However, there has been a lot more vocal support for the pool. **SUPPORT OF SCOTT'S PROPOSAL** John Schram said that Scott needs to get the proposal to the city and as far as the committee is concerned, we should work together. City Councilman Dan Jones stated that the contract reads that the committee needs to communicate with the city. He said that he is in favor of supporting the golf course for another year. John advised that we need to be there to support Scott at the November 14th City Council meeting when he presents his proposal. **ADJOURN** There being no further business, the meeting was adjourned at 6:45 p.m.

Respectfully submitted,



Connie Nysingh

AGENDA
MEETING OF THE ONTARIO PUBLIC WORKS COMMITTEE
Thursday, March 20, 2014, 3 P.M., M.T.
**** PUBLIC WORKS OPERATIONS -- 1551 NW 9TH STREET ****

1) **Call to Order:**

This agenda previously published / e-mailed **March 18, 2014.**

ROLL CALL:

_____ Dan Cummings	_____ Ken Hart	_____ Mike Miller
_____ Scott Wilson	_____ Ron Cornmesser	_____ Riley Hill
_____ Bernie Babcock		

2) **Adoption of Minutes: February 20, 2013 ***

3) **Old Business**

- a. Angle Parking Ordinance No. 0000-2014*

4) **New Business**

- a. Minimum Sewer Billing
b. Ontario Transportation System Plan Discussion
c. Certification of Employees

5) **Updates**

- a. Public Works Project Updates
- NW Washington Ave Project
 - Tier 1 Sampling
 - Septage Facility Installation

6) **Adjourn**

* Handout attached

CITY OF ONTARIO
PUBLIC WORKS COMMITTEE MEETING MINUTES
Thursday, February 20, 2014, 3 P.M. M.T.
**** Public Works Operations -- 1551 NW 9th Street ****

Meeting called to order at 3:00 p.m. by Riley Hill, Public Works Committee Chairman.

Committee members present included Mr. Dan Cummings, Mr. Scott Wilson, Mr. Bernie Babcock, Mr. Ken Hart, Mr. Ron Cornmesser, and Mr. Riley Hill (Mr. Mike Miller – excused).

Others present included City Manager Jay Henry, Public Works Director Alan Daniels, Suzanne Skerjanec, Larry Tuttle and Brad Howlett.

The press was notified; this meeting was recorded, the minutes are on file at City Hall and on the city's website at www.ontariooregon.org.

ADOPTION OF MINUTES

RH – On the updates only it doesn't really give flavor to the council; to my recollection of the Septage Receiving Installation was that it was to be started and I thought to be completed by this meeting but maybe I'm wrong. But there was discussion about that and this doesn't reflect that. And Secondly the SRCI is just on here and my recollection was that we were going to have an answer on that by this meeting on what if anything was owed to the City from the State. Does anybody recall that?

SW – did not remember for sure on the Septage but on the SRCI, Bob said he was working on it and that he thought he would have it here by this meeting.

BB – just remembered on the Septage I was going to get a tour when it was finished in 60 days is when I kind of thought, but I didn't make a specific note of it.

The motion was made by Mr. Babcock, seconded by Mr. Hart to adopt the minutes of the previous meeting January 16, 2013 with the Updates amended to reflect what's on the tape: Motion passed unanimously (Miller – excused).

ELECTION OF OFFICERS

Mr. Hill nominated **Mr. Dan Cummings for Public Works Committee Chairman**; Mr. Wilson seconded the motion. (Mr. Wilson made the motion to close the nominations; seconded by Mr. Hart). Scott Wilson – yes; Bernie Babcock – yes; Ken Hart – yes; Ron Cornmesser – yes; and Riley Hill – yes; Motion passed 5/0/2 (Miller – excused).

Mr. Cummings nominated **Mr. Scott Wilson for Public Works Committee Vice Chairman**; Mr. Hart seconded the motion. (Mr. Hill made the motion to close the nominations ;) Motion passed unanimously (Miller – excused).

Mr. Hart nominated **Mr. Bernie Babcock for Public Works Committee Secretary**; Mr. Hill seconded the motion. (Mr. Hill made the motion to close the nominations; seconded by Mr. Wilson). Motions passed unanimously (Miller – excused).

ANGLE PARKING ORDINANCE

DC – I was asked by the Public Works Director to help out and get this done so I've been working on it; my plan was to have an ordinance at this meeting, however as everyone knows we've been working on this for over three years and the further we get into it the deeper it gets. It looks like we have to deal with at minimum is City code 9-2, 9-3, 9-4, 8-3-7, Planning codes 10-a57-95, and 10-a57-100 so far what I found to make sure that we address each one of those if we put this in place. So that being said I don't have it ready yet. I will have it submitted to everybody before the next meeting; my hopes are that everybody will have time to review it before the meeting. We can then get comments at the next meeting from this committee and staff; at that point I can make those changes and then it can be submitted to the City Attorney and City Council for review. So hopefully within two weeks you will see the draft ordinance.

RC – I would like to offer, if there is something I can do to help move that along let me know. I have written a lot of ordinances.

DC – Okay I might shoot the ordinance to you first for review. Thank you.

AMEND THE AGENDA

DC – Would like to amend the agenda. Ken had sent out an email on the 18th asking to add an item and a New Business to discuss the Future maintenance of the Aquatic Center once it is reopened; would like to add it as 5) New business, and change 5) Updates to 6), and 6) to 7).

RH – Not sure if this is true but was told that Parks and Rec are now under Public Works or someone in Public Works is attending to those? I would like to discuss those.

DC – Actually Brad Howlett has been assigned as Facilities Manager Maintenance, Information Technologies, Parks, Cemetery, Recreation, Aquatics, and Golf. So it appears that Yes, they are under Public Works under Brad.

RH – I would like to know where the funds are coming from or if Public Works is getting reimbursed; so would like to discuss this.

The motion was made by Mr. Cummings, seconded by Mr. Hill to amend the agenda and add an item (#5) and New Business to discuss the Future maintenance of the Aquatic Center once it is reopened: Motion passed unanimously (Miller – excused).

NEW BUSINESS

FUTURE MAINTENANCE OF AQUATIC CENTER

KH – The reason why I asked the question is part of our discussion at the Pool committee, which I happen to be the Chairman of and Dan sits on with me; the question has come back several times which is depending what we do we will be one of the things we will be asked by the city by the voters by the taxpayers is Why would we want to give you this money again to allow it to get to the state that it is in currently. It is a very similar to the question that was asked when I was involved with the School District and the School Bond. Once again don't want to give you any money because it's not being taken care of.

So given the fact that Brad kind of falls under Public Works and as I look at the Public Works committee and the skill set here this should be one of the places that I would look to for guidance because I would like to the pool committee on Monday night when we meet and be able to take back some information of thoughts, guidance of what can we do within the city charter the way that we are structured to again address that make sure that we don't in effect have this happen again. And so I'm hoping that this is the appropriate place to raise that question.

DC – That's why I did a little investigating myself to see if it belonged at this meeting and since he (Brad) is under Public Works right now the way they city is structured I felt it was appropriate to go ahead and discuss it.

AD – That position the Rec and Parks and all that Brad has taken over was a direct report to the City Manager; those departments plus their budgets and everything were pulled into Public Works and it probably makes good sense because of the type of facilities that they are managing really falls under Public Works and this committee can give better oversight I think as a group.

BB – So what I am sensing is that one of the questions is long term. Moving forward how do you maintain the pool?

KH – Right. I mean is there ideas, are there some guidance? That I'd feel better.. Ya know.. There is a Parks and Rec committee as well, but I think they are geared more toward programing and working with Debbie with those types of things. I would like to get a general idea from staff is what type of plan do we have, are we going to do anything different going forward, again we don't have a proposal to you yet but it would just help us as a committee to be able to say "staff is thinking at least about this and here are some ideas".

AD – I think that is one of the main reasons that it was brought under Public Works is that the Aquatic Center was geared actually towards actually operating the pool, whereas Public Works is geared or has more of an eye on maintenance and long term facility viability. Our emphasis has been a little bit different and I think that going forward and that Brad has some excellent plans on sustainability of the equipment; the types of things that are going to be necessary to keep it running long term instead of just short term fixes.

BB – I was going to mention sustainability; I think that is very important obviously in terms of selection of building material & refurbishing. But one of the other things that was a big issue with the pool before was the Chemistry; the environmental controls and basically there was a chemistry in that building that just basically destroyed the building components because it wasn't done the way it should be done. It was not ventilated well, or correctly, and the chemicals in the pool were way off.

AD – Where you in after we took some of the windows out? There was not adequate air exchange, there were two dehumidifiers and they were not exchanging the air properly. It was in the middle of the summer and so the first thing I did was take out two high windows; we dropped the humidity about 40%, and pulled the chloramines out the pool chemistry was fouled up. They hadn't been shocking it, but now Brad is a certified operator and understands these sorts of things so we're way ahead of the ball game with a professional in there running it.

BB – Because if you put new equipment in there and you don't fix the chemistry you're going to be right back where you are in a very short time.

AD – With him in charge the chemistry will be proper.

RH – My question had to do with the accounting system, not just the pool. It's termed differently and handled differently like the golf course, an Enterprise Fund. Is the Pool going to be an Enterprise? I saw mention of that.

JH – That's a recommendation.. *(inaudible.. multiple discussions)*

RH – How does that effect..? I'd have to understand more how the whole system operates until I can really comment on what we are going to do.

JH – Basically an Enterprise Fund is a government entity that operates as a business. A land fill is a great example, and our water department is a great example where you actually track funds coming in and those funds are expended on that department. An Enterprise fund can still get an infusion from the general fund, but it's much clearer and it's tracked more easily if its set aside as an Enterprise fund.

RH – And is that the proposal right now? Is that what is going to happen?

JH – I believe so. I think anything that we get that has fees attached should be operated as an enterprise fund.

(Inaudible... multiple discussions)

DC – I might clarify that the way I understand our committee that's been put together we are not in charge of those kinds of questions, we are directed to ...

KH – Invalid point... You're off my topic. You have a very good point but what I am trying to get at more importantly is having it under the Public Works Committee again makes some sense. I'm looking at it "How will we approach the long term maintenance of this asset" (Golf course too). Right now I care as the Chair to the Pool Committee to be able to say... and we haven't asked this question yet of Brad because we're not at that point... I mean we're still working on what the goals are going to look like, what are we going to ask for,... and we need to work on funding, but... How we maintain it, not necessarily financial, but I'm thinking from the skill set and the responsibility. It's very clear who's responsibility it is to maintain the sewage and the pumps and systems for that part, it wasn't clear before with the pool, and therefore again we had expertise as I look at it, the frustrating part is I think we had expertise within all of the city employees at the time, but for whatever reason those or that expertise was never applied to one of our major assets which was our pool, and it got to the state that it did. And so what I am asking is that maybe you say "No" it's out of scope and that isn't something that Public Works should do and that should only be up to Brad or an outside source. One of the things that we've looked at is the possibility of maybe having an outside entity like they've done at the Golf course, have a private sector entity to come in and run the day to day operational site, selling passes, opening the pool. I'm not there yet, but I'd also look to say that I'm not sure that I'd be comfortable turning that day to day maintenance of the equipment, the long term strategy; how do we maintain it, how do we do the HVAC system? **I'm not going to leave that up to a private sector guy. That's my asset and I want to make sure I think that we maintain that; that's the question that I've got is "do we have a plan place?" Maybe it's early but I want to just put it out there for this group of certified smart people to think about.**

DC – I have concerns because Aquatics is just one of them. If he has all of these are these..?? Did the City Manager really intend that the Public Works Committee have to be part of every one of those because it's part of the Public Works Department? Personally I don't know if this committee wants to handle all of those.

JH – The intent was to bring some of these departments that were kind of soft departments and bring them under some engineering oversight. The other thing is when I was at Klamath County our parks department operated under public works; we had some economies. When we would need equipment it was there, we would charge back and forth and it worked really slickly for us. I don't know if it's going to work as well here in Ontario or not but at least if we can get them to at least to where they are sharing mowers, the cemeteries and parks and public works. There are a lot of things that they do that are similar and if we can get any efficiency out of that at all I'd like to try it. With that said I don't know if it's going to be a successful experiment or not, we are still trying to decide.

KH – I don't have first-hand knowledge but I got more of a sense of "If we had an issue at one of our other assets (i.e. golf course) that city staff would go over and work on different things, which I think the auditors that have issues with (not tracking what staff is spending their time on). Would we not or did we ever do the same thing with the pool? I didn't hear that as much that we had city staff going over and helping with the pumps and helping with some of the issue, but maybe we did. And so is that the model is that the model going forward kind of a SWAT team. These are the experts, I don't know how Bernie does it at TVCC but you got a department of city staff that is able to do things, you can't do 100% some of those things you are going to outsource but what that clear line is to be able to maintain -vs. - what are we going to buy on the outside? I think that helps us as we go the public and try and sell the city council at some point if they decide to adopt a recommendation on the pool is to be able to explain clearly to the public how we are not going to allow this to happen again.

DC – It sounds simple, it sounds like a great idea. Sharing staff to do that but one of the problems is that's why we are trying to get that tracking system accountability of the staff basically. It's hard to take a public works staff that's being paid for by sewer and water funds and use them elsewhere because that's illegal so that makes it tough.

RH – If in fact we are to look at these things which I'd be willing to do, but in order to do that and to do it effectively and have the right oversight we have to have more information. And we have to have it in a fashion that we have never had before. In fact the Council is going to have to change the ordinance or do something so when we ask for something its brought to us in a manner that we can ... Because usually.. If you ask for something they say "Well we'll get it to ya". Or "We were just overloaded last month". We are asked to act on things that we don't have any information on and if the city is going to add more load to us we have to have more information to act on. That's my opinion.

RC – Is there an existing written operation of maintenance plan for the pool?

BH – No.

RC – So that's going to be a #1 step that you're going to have to take. That's your long term planning. If you're going to share workers the city is going to have to establish a policy on how

they're going to share. Whether they establish here's a maintenance crew of pump workers and electricians and they will share between the Enterprise funds and they will bill their time to each one of the enterprise funds. That's probably the difference between the current organizational structure so you're going to have to do that in order to track the money. Because you're not going to take a guy that's a big equipment operator and take him down to work on a pool unless there is an unusual situation; that policy has to be established. But to walk in and say what does the Public Works Committees plans on the operations of the Aquatic center I think everyone here is going to throw up their hands, because we don't know what the current plan is.

DC - I think that's what the pool committee is really looking more from here and from city staff is are you going to assign an oversight committee to watch the maintenance of that pool so it don't happen again is really what we're asking. Saying "Hey how are we going to tell the citizens to fork out another \$10, \$15 or \$20 million (I'm just using #'s) convince them to fix it up again. If there is not an oversight committee paying attention to make sure that it's not going to end up in the same place. Personally I think it's going to be up to city staff, Brad, to be the one to come up with the maintenance plan. But I think what Ken is asking is our committee is going to want to tell the community "Hey the city is going to have an oversight committee making sure that staff is doing their job." And Ken is asking this Public Works Committee "is this the place to do that or is the city planning on creating a new committee all together to do that" or if so...?? Isn't that kind of what you were asking?

BB - What the city has already done essentially is moved it into the Public Works arena; it's under the director of the Facilities Manager. He's the guy that they hold accountable to make sure that it runs. The biggest issue for the Public Works Committee in my mind is long term do they have the resources to stay away from where we are right now. And how are those funds acquired, basically you shouldn't be utilizing existing public works funds that are in existence now to maintain the pool moving forward it's got to be stand on its own.

KH - I'm hoping that we can get to a point that we can de-politicize the maintenance of our assets. Should be routine and shouldn't be a part of "well how much money does that budget get this year -vs. another" and I think that's probably what we had in the past. Our director in that spot wasn't able for whatever reason to articulate the need for the money for the major maintenance; therefore it didn't get funded and didn't get done. Whereas, a committee that's got more expertise can say City Council can still not fund it but at least a few more people screaming can say this is not the way to run this asset. And that's the Golf course and everything else that we've got a lot of money in.

BB - And what I would hope is we would understand what those costs are up front. Some degree of... a facilities audit or something that identifies what we feel or the city feels the long term maintenance costs are moving forward and how you are going to acquire those funds. Are you going to put those funds aside into a capital maintenance fund or how are you going to do it?

JH - We don't even know where the funds are coming from? Ken's preaching to the choir. I'm in total agreement with you if we are going to do this. We have to have a maintenance plan, we have to do it right; we can't do it the way it was before and let it dissolve away on us. But where are those funds going to come from? Every Aquatic Center that I'm aware of that's publicly ran is subsidized by someone. It can't be subsidized by Public Works that's illegal. So where does that leave that leaves the General Fund. Who else runs off the General Fund? The Police and Fire and

Streets, so our Council is sitting up there with all these competing interests for that General fund dollar, which is every general fund dollar is the most valuable dollar the city has because it has the most fewest restrictions. And it puts them on quite a spot trying to decide do I hire another police officer, or do I replace this pump. It's a tough job; we are going to do the best we can. I am in complete agreement with you Ken. If we do this we have to maintain it; there is just no question and we have to show the public that we are going to maintain it. I wouldn't blame them for not supporting it otherwise.

RC – I think the Public Works Department has a long history of good management on maintenance of city assets and the Aquatic Center should just become part of that. And that to me is not the difficulty of bring it to Public Works because if it requires a subsidy or certain amount coming from the General fund there is nothing wrong with that. It's just that we just can't take from existing Enterprise funds to go to a different Enterprise fund. And we can't make good decisions or good advice until we know what kind of equipment we have, what the life expectancy is, and what its current status is, etc. If we have that then we as a committee can help work when we start getting ready for budget time to say we need to put some money in here, or here. And we can't do that without a plan.

JH – I have to give our budget committee credit because they have been very supportive and wonderful to work with. As we go into these budgets last year we established first ever reserve funds in several areas. We said look guys things wear out; we have to put money aside to replace it as it wears out and they have been very cooperative in that. We have been establishing these funds and we are trying to get our feet on the ground. Work it so that we buy a new computer, we know it's going to last 5 years why don't we start putting 1/5th of the replacement cost away every year. We are doing that with police vehicles, public works vehicles, etc. We're trying to get there.

KH – My last tidbit, and again I don't know how other cities have done this but Public Works staff going out and doing things, well if you break apart that model and the staff isn't anybody's. You're assuming when they're on idle time then they are public works. If those staff don't reside anywhere and they only get billed out are they utilized they get billed out to Public Works, they get billed out to the Aquatic Center, etc. It would be more of a private sector model. If you are not allocated to something ...they're going to get paid, but that type of a deal –vs. a concern maybe that where you utilize Public Works funds to subsidize things that shouldn't be subsidized.

RH – If I may answer, that is how it has happened in the past what you just said. But what's happened here in the past is that we request information and we don't get it; so it's really hard for us to take on more stuff unless there's going to be more free-flowing, more information come into this committee so that we can make adequate decisions, or make informed decisions. And so if we can't get information to come in on a timely manner then we are just wasting our time. We are just a rubber stamp and it happens like it is now. That's my concern.

DC – Two questions:

1. Would this committee want to be an oversight committee for the maintenance of the pool?
2. Is that the structure the City Manager wants?

Right now reading the code it is tough. Since it is under the umbrella of Public Works it technically might fall under our code saying it has to be here. But I don't think so because if that's the case then every one of these Parks, Cemetery, Recreation, everything needs to be coming through this committee and I don't think that's what was meant.

RH – Mr. Chairman, I think the charter says that the City Manager can reorganize departments as he sees fit; that now it's really probably a decision of the City Manager and the City Council if they want that stuff to come here or not.

DC – I agree and that's really what I'm saying. Is that really the intent of the City Manager's structure now that all those are to be under Public Works?

RC – The question is... Is the existing committee seeking to be able to utilize the technical skills that the Public Works department has available, or are they looking to have a different group of people oversight on mechanical systems to look at the maintenance and operations of the mechanical systems? And for the existing committee to worry about the different programs offered and the coaching staffs, and the volunteer staffs, and all of that. Where is that, are we going to have overlapping responsibilities or proceed responsibilities if we are looking at the operation and maintenance of the equipment?

KH – The current Pool Committee is a temporary committee only geared towards a concept in a funding idea to the City Council, and we disbanded. The Parks & Rec is a different committee.

RC – They concentrate more on what kind of programs is offered to the public and general maintenance of parks?

KH – Correct

RC – And are you looking for a group to specifically address mechanical operations and maintenance?

KH – If I were to go pitch something to the voter... Yes.

DC – And I will concur with his response. That is really what that committee needs to tell the citizens is there going to be some other oversight because over the last 25 years apparently there wasn't any. Otherwise the pool wouldn't be where it is today.

BB – Essentially that's been addressed because they've hired a qualified Facility Manager who is responsible for the operation of those departments. He would come to us just like some of the other projects, or other budget needs, I don't see us being involved in the day to day operation of those programs.

DC – No, it's the maintenance part of it, but I'll bet you that the previous person's responsibility was the same thing. Not picking on anyone, but I'm sure it could have been an oversight.

BB – If I remember right the previous person doing the job was a recreational manager, they weren't an expert in equipment and chemistry and all of those other things.

RH – Mr. Chairman, We can go on for another half hour however, I move that the Public Works Committee refer this to the City Council for action do they want to concur with the City Manager that they push this over on us.

JH – I don't know if that's the best thing to put that oversight on this committee. You guys do a lot of important things that you need to focus on. Public Works is such a wide umbrella you're going to get so scattered that you're going to lose effectiveness on the core things that you need to do.

BB – Summarize your intent again for me of the purpose of that move.

JH – The purpose of that move was to see if we could find some operational efficiencies by bringing everything under the umbrella of Public Works. The other thing is there are organizational efficiencies too. I think the past pool director terrified some of the City Managers. And there was a chain of command there that wasn't working, there was no communication, the council didn't have a chance to have someone, a city manager or a department head ...

BB – When you're talking about operational efficiencies you're not talking about necessarily this committee you're talking about city staff?

JH – Correct

RH – Mr. Chairman, we have a motion on the floor, is there a second to it?

DC – Has there been a second to Riley's motion which was, please repeat.

RH – Refer this issue to the City council, if they want this to come under the stewardship or oversight of this Committee.

DC – the motion is to refer this to the City council for their recommendation.

BB – I have a question. Someone made a comment that the City charter allows the City Manager to reassign so Riley what are you asking?

RH – What I hear is a bunch of gum beating for 45 minutes and I hear the City Manager going both directions on it; so let's get it back on the table at the City Council meeting and he talk to the City Council cause that's who's going to make the ultimate decision on it anyway. Lets get it off of this table and move on.

DC – Before somebody seconds yours I was thinking the motion should be that the committee ... direct that question to the City Manager for him to come up with a structure to recommend to the City Council.

RH – He already has a recommendation...

DC – He put all under Public Works but Kens question is there going to be an oversight committee watching that facility so it don't happen again; and has brought it here to see if the Public Works Committee's going to do that. And think we should direct it back to the City Manager to answer his question.

BB – So we're really talking about two separate issues. Cause Riley's issue is, is the Public Works Committee is now being asked to oversee Facilities Management, Information Technologies, Parks, Cemetery, Recreation, etc., and then Ken's question is, are we going to supervise or oversee the

maintenance of the pool long term. We're really talking about two different things? Am I right?

DC – Well, Yes. Because of the structure that the City Manager has put in place that all of these are under the umbrella of the Public Works Department does that now bring them under this committee?

BB – So who has the authority to change the Public Works Charter? Or is it that specific?

RH – I don't know what the ordinance? But only the Council can change that Ordinance.

DC – I am going to read the Ordinance that is in place right for this committee.

Public Works Director shall bring any and all proposed changes to the Ontario Municipal Code that affects the Public Works Department to the Public Works Committee for their review and recommendation prior to being presented to the City Council. This shall include, but not be limited to, any standard drawings and specifications, utility charges, fees or SDC changes or additions, Master Plans or Studies, and Major Capital Improvement Projects...

The purpose of the Public Works Committee shall be to advise the City Council and the Public Works Director regarding matters in the Public Works area, including but not limited to, street construction and maintenance, water, sanitary sewer and storm sewer line construction and maintenance. In addition, the Committee may advise on anything else that the Public Works Director may bring...

That was my fear that all of these are now under Public Works.

BB – But they're not. He just said that he doesn't intend for the Public Works Committee to provide oversight on all those committees.

DC – That may not be his intention but that's what the ordinance says it is.

LT – By putting that under the Public Works you've included that in that ordinance. It's as simple as that; by that language. Unless it is changed or reorganized, I would assume that the Aquatic Center would come out of that eventually if it goes as an Enterprise Fund. And again if it does, like Ron says, you have to have a maintenance and operation plan in effect; at that point and time you're going to have to figure out how you're going to make sure that plan is followed.

RC – You want to go to the General Public to ask for more funds; so that means a quick resolution to the oversight is that correct? Is that what we are looking at, bottom line? Because hiring an individual doesn't give you long term consistency, but having an oversight group gives you that; if you can give an oversight group that's already in existence, that has a long track record of excellence, record of maintenance and operation of city assets that you could immediately go the city residence and say, "We would like to do this and here is how we would like to solve it by making sure that it overseen by our Public Works Departments".

JH – My intent when I rolled them under Public Works wasn't to burden this committee with more duties, I didn't even think about that honestly. What I was thinking about was operations and operational efficiencies.

BH – Right now if you look at the budget structure, I'm still the new guy, Facility Maintenance is under the Public Works Fund now is that Facilities Maintenance that Public Works is paying into is that for all city wide facilities or is that strictly for Public Works facilities? And has it always been the Public Works department that's in charge of the maintenance of all the city wide city owned facilities or are they separated out when they leave the Public Works budget?

DC – Good question, I know a lot of the maintenance was contracted out and a lot of the work was strictly done by the City Manager and not Public Works; then I believe it was under Gaschler's realm that he actually created your position, Facilities maintenance got created.

RH – Public Works became the piggy bank.

DC – Since they created this position. And since you've been here is that kind of true? Any maintenance being done physically?

BH - Well, I can't answer that without providing a little context. Yorick was the Facilities Manager and Kathy the Parks and Rec Director; I am now both positions in one. Yorick would turn wrenches a few hours a week as far as I could tell; I don't think he was dedicated to physical maintenance but a large about of the maintenance activities were contracted out. I think he was usually the guy for picking up the phone and making that call. If a particular operation couldn't do it in house. I could be wrong, so if I am please feel free to correct me.

DC – That leads me to the question is anything from Public Works being channeled into the pool? Facility itself or?? My understanding is \$80,000 or so that Public Works pays into the Facility program but that's to maintain Public Works buildings so????

JH – We are trying to get away from that. Our former Finance Director was working on a methodology to break that out; right now we are kind of dead in the water. He is no longer there, we are right in the middle of budget, we are in the middle of a financial software implementation, and so our finance department has their hands full right now keeping their heads above water.

DC – So a short answer is until the City Manager changes the structure the answer to the community would be by default that this committee is an oversight committee to the Aquatic Center.

KH – What a great opportunity to look at it from a different set of eyes, look at it differently and say... we have all these assets again how do we make sure that they are maintained, how do we get back both the funds and the expertise that they are maintained long term, and so I'd be inclined to have the question to the city manager or the council ... to ask them; to really look at this and have this discussion at the City level.

RH – Two things, I agree with the discussion they had oversight of the building and the functionality of the building could fall under this committee, but nothing to do with the programs or the swimming teams and all that; with you having read the ordinance and we now understand it I withdraw it my motion because we now understand that it is under Public Works.

UPDATES ONLY – NO MOTIONS

- Time keeping – automated – *Relying on finance right now.*
- Septage Facility Installation * *Being worked on as labor is available. ~ by April meeting.*
- NW Washington Ave Project * *Anticipated completion date is April 15, 2014.*
Tomorrow, temporary signage – Monday – start signal construction
Still not going to approve the Right turn lane
- Professional Services RFQ – *17 Bidders*
- Tier 1 Sampling * *Need diffuser in river*
- Well #17 * *Completed & tested @ 450 gallons per minute*

ADJOURN

The motion was made by Mr. Babcock, seconded by Mr. Hill to Adjourn: Motion passed unanimously (Miller – excused).

Submitted: To Council & PWC via email March 19, 2014;

DRAFT

ORDINANCE NO. 0000-2014.

**AN ORDINANCE AMENDING ONTARIO CITY CODE
TITLE 9 Chapters 2 and 3 REGARDING ONTARIO TRAFFIC REGULATIONS.**

WHEREAS, Angle parking in the public right of way has not been officially allowed in the City of Ontario for several years due to a misunderstanding of the meaning of planning code 10A-57-95 by city staff, but has been confirm by the City Attorney that this refers to backing out of an off street parking lot and does not prohibit angle parking on public streets;

WHEREAS, City staff started a Pilot program installing angle parking in the Avenues (East-West running street) in the downtown C3 Central Commercial zone and has found that there has not been an increase in accidents and having more parking available has helped traffic flow considerably;

WHEREAS, The city finds a need to have more available parking in certain areas, but feels the need to regulate the amount and locations of angle parking within public streets and hereby amends the city code to reflect these uses;

NOW THEREFORE, the Common Council for the City of Ontario ordains as follows:

Title 9 Chapter 2 Ontario City Code is hereby amended by deleting those portions that is lined through and adding those portions that are underlined.

Chapter 2 ADMINISTRATION AND ENFORCEMENT

Sections:

9-2-1 Powers of Council.

9-2-2 Duties of ~~City Manager~~. Public Works Director

9-2-3 Public danger.

9-2-4 Standards for regulations.

9-2-5 Authority of police and fire officers.

9-2-2 Duties of ~~City Manager~~. Public Works Director

The ~~City Manager~~ Public Works Director or his designee shall exercise the following duties:

- (A) Implement the ordinances, resolutions and motions of the Council and his own orders by installing traffic-control devices. Such installations shall be based on the standards contained in the Oregon Manual on Uniform Traffic Control Devices for Streets and Highways.

- (B) Establish, maintain, remove or alter the following classes of traffic controls:
 - 1. Crosswalks, safety zones, and traffic lanes.
 - 2. Intersection channelization and areas where drivers of vehicles shall not make right, left, or U-turns, and the time when the prohibition applies.
 - 3. Parking areas and time limitations, including the form of permissible parking, parallel or diagonal.
- (C) Issue oversize or overweight vehicle permits.

Title 9 Chapter 3 Ontario City Code is hereby amended by the addition of Section 9-3-1 (D) and (E) as follows:

- (D) Angle Parking shall be allowed in the City of Ontario Zone C3 Central Commercial under the following rules:
 - 1. Size and layout approved by Public Works Director;
 - 2. Minimum street width shall be 52 feet;
 - 3. Angle Parking shall be allowed on one side of the street only;
 - 4. Angle Parking on South Oregon Street may be allowed by special permission from the Public Works Director with a recommendation from the Public Works Committee and the consent from the majority of the property owners within the requested block.
 - 5. Angle Parking is not allowed on streets with roadway classifications of Minor Collector, Major Collector, Minor Arterial, Principal Arterial and State Highway.
 - 6. Public Works Director's approval or disapproval may be appealed to the Public Works Committee for a recommendation.
- (E) Angle Parking may be allowed in the City of Ontario Zones C2 General Commercial and C2H Heavy Commercial with Special Permission under the following rules:
 - 1. Size and layout approved by Public Works Director with the Consent of the Public Works Committee;
 - 2. Minimum street width shall be 52 feet;
 - 3. Angle Parking shall be allowed on one side of the street only;
 - 4. Angle Parking is not allowed on streets with roadway classifications of Minor Collector, Major Collector, Minor Arterial, Principal Arterial and State Highway.
 - 5. Public Works Director and Public Works Committee approval or disapproval may be appealed to the City Council for approval.

PASSED AND ADOPTED by the Common Council of the City of Ontario this ____ day of _____, 2014, by the following vote:

AYES:

NAYS:

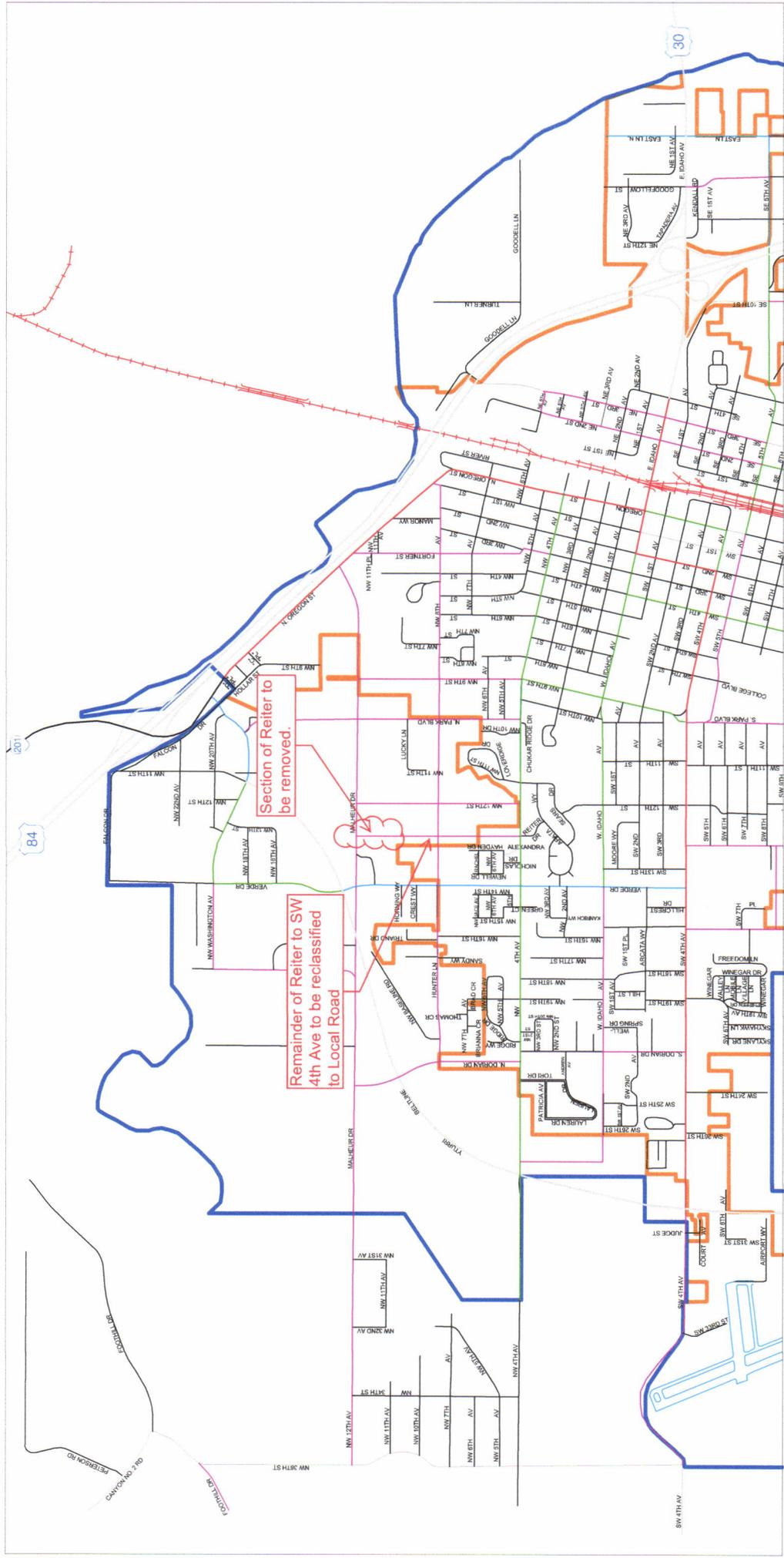
ABSENT:

APPROVED by the Council President this ____ day of _____, 2014.

ATTEST:

Leroy Cammack, Mayor

Tori Ankrum, City Recorder



City of Ontario Transportation System Plan

LEGEND

- State Highway
- Principal Arterial
- Minor Arterial
- Major Collector
- Minor Collector
- Local Road

Figure 3-1a
Existing Roadway Classification

NOT TO SCALE

