

AGENDA
ONTARIO CITY COUNCIL - CITY OF ONTARIO, OREGON
Monday, May 5, 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 30, 2014, and a study session was held Thursday, May 1, 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 April 21, 2014 1-6
B) 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) **New Business:**

- A) Appointment to Budget Board: David Mizuta 7-8
B) Resolution #2014-115: Rescinding Minimum Selling Price for the Stelling Property 9-10
C) Resolution #2014-116: Transfer Funds (Airport/Finance) 11-12
D) Ordinance #2691-2014: Amend OMC 9-2-2, and P&Z 10A-57-95, Add 9-1-1A, Regarding Diagonal Parking (1st Reading) 13-16

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

- A) Financial Reports for Council
B) Public Works 04/24/14 Packet

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

10) **Adjourn**

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ONTARIO CITY COUNCIL MEETING MINUTES

Monday, April 21, 2014

The meeting of the Ontario City Council was called to order by Mayor LeRoy Cammack at 7:00 p.m. on Monday, April 21, 2014, in the Council Chambers of City Hall. Council members present were LeRoy Cammack, Norm Crume, Jackson Fox, Charlotte Fugate, Dan Jones, and Larry Tuttle. Ron Verini participated by telephone.

Members of staff present were Tori Barnett, Larry Sullivan, Al Higinbotham, Marcy Skinner, Mark Alexander, Kari Ott, Anita Zink, Cara Wilber, and Mary Domby. The meeting was recorded, and copies are available at City Hall.

Charlotte Fugate led everyone in the Pledge of Allegiance.

AGENDA

Norm Crume moved, seconded by Charlotte Fugate, 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

Councilor Verini stated in the comments by Charlene Pelland, the awards celebration date read April 24th, and it should have been the 15th.

Councilor Crume recused himself as his corporation had an invoice on the bills.

Councilor Fox stated on page one, Andrews Seed, \$1,254, where were those trees?

Brad Howlett, Facilities Manager, stated he believed there were trees purchased for some parks, but there should also be a season worth of chemicals and fertilizer.

Councilor Fox stated he wanted a clear answer for that. On page five, Home Depot Credit Services for drywall, wood, nuts, bolts, etc. He didn't understand why the city wasn't using the local lumberyard. That money would stay in the community, instead of sending it somewhere else.

Mayor Cammack stated the city did promote purchasing locally, so he wanted that researched.

Councilor Tuttle stated on page four, Farwest Steel Corporation, for Skyline Valve Replacement. What was that? Farwest Steel didn't sell valves.

Mary Domby, Assistant Finance Director, indicated she would research that and let them know.

Councilor Tuttle stated on page five, John Deere Financial, was that Kinney & Keele?

Ms. Domby stated it was Kinney & Keele and Hollingsworth.

Larry Tuttle moved, seconded by Charlotte Fugate, to approve Consent Agenda Item A: Minutes of the Council Meeting of April 7, 2014; and Item B: Approval of the Bills, as amended. Roll call vote: Crume-abstain; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 6/0/0/1.

PRESENTATION

Ontario Aquatic Center

Ken Hart, Aquatic Center Committee Chair, began by introducing the committee. They were Dan Cummings, Peggy Hawkins, Stan Hawkins, Jerry Jorgenson, Marty Justus, Ralph King, Charlene Pelland, Debbie Schaffeld, Matt Sorensen, and Stephanie Williams. Also, non-voting members were Councilor Charlotte Fugate and Councilor Norm Crume, along with City of Ontario Facilities Manager Brad Howlett. They had met six times since January. They had also received 20 written submissions or in-person comments from the community.

To begin with, the Committee had been tasked with two things: what should the Aquatic Center look like and how should it be funded. Tackling the second item first, they had only spent one meeting on that issue. The most important point related to the funding source was that this was a community asset. The community was defined as the Western Treasure Valley. At the end of the day, Ontario had folks coming in from Payette, Fruitland, Vale, Nyssa, etc. The community members wanted to put together a financing structure that allowed them to say that this was being supported by the overall community, not just Ontario residents. They weren't unanimous on this option. The idea was floated to do a bond, which would have only been on residents of Ontario. That failed. The overwhelming majority of the committee requested that they look to the broader public to finance this. There were discussions about maybe a way to put together a bond or a parks district that might encompass both sides of the river, but in their short period of time, they had not found a mechanism that would accomplish that goal. At the end of the day, the sales tax was a way to tap everyone who came into this community to support this asset. That was why they, as a committee, opted for that as the funding mechanism. They also looked into doing a loan, but that had been rejected. The tax would be to get the funds and the maintenance funds, to ensure the asset was there for the long term. The tax would sunset once enough money had been raised to pay for the pool and to have a fund established for maintaining it.

The recommendation was to do the pool all at one time, not to piecemeal it, for the full \$7.4M. The committee wasn't unanimous, but they held good, open discussions, and everyone was heard. In conclusion, that was the recommendation from the Aquatic Center Committee – that the Council look at a broad-based funding source, being a 1% sales tax, which would allow the city to fund the pool. There had been numbers talked about regarding how much 1% would raise, and how long it would take to raise the \$7.4M.

Moving on to what the pool should look like, they had come to the decision at the beginning that their recommendation was not going to be to just replace what was already there. They wanted the new pool to be a combination of what they already had, but also additional features to make it more family friendly, to ensure it was a year round facility, and to have an outside component. The facility needed to be enlarged; they were not interested in repairing what was there; it needed to be both family and senior friendly; it should be usable all year round; the facility should meet the needs and vision of the community; the facility should incorporate expanded dry-land fitness for a possible lease to an outside entity; and the facility should be designed in a way that would result in reduced operating subsidy from the city. They had arrived at about \$150K a year as to what the city, on average, had been using to subsidize the day-to-day operations of the pool.

They also had a committee member design a graphic of the possible outlay of the pool. It was just an idea for the Council to see. There was the existing pool, for \$2.3M to renovate. Those numbers were received from a report done a few years earlier by HSA. Brad [Howlett] provided them with the general idea of new construction being "x" dollars per square foot, a pool would be "x" dollars, etc. The city would need to hire an outside entity to fine-tune the numbers. In renovating the existing facility, much of the money was related to the equipment, which had deteriorated. They wanted to expand the building to add an additional building, to put in an additional pool. That pool would be related to a waterpark and family friendly area. The existing pool was more designed for lane-lines, lap swims, etc. The additional pool would be an indoor, year-round activity section, with the addition of a spray park on that inside piece, plus an outdoor spray park. The \$20K was for acquiring equipment, replacing lane lines, redoing bathrooms and lockers, and expanding those to accommodate the expanded dry-land fitness, which was \$262K. The idea was to look for an outside vendor to lease that space. This would also eliminate the city having to get involved in the day-to-day running of a gym. They also briefly touched on having the day-to-day management

of the pool done by someone from the private sector. There were many options available. On the outside, there would be the addition of the spray park, with a concession stand and a covered patio area, lockers, and access to the bathroom. They would also need to add additional parking, estimated at 36 more stalls. Lastly, about \$100K was for the city having to hire an outside firm to take these ideas and put some real details to them. They also strongly suggested the city look into grant funding for some of the additions, specifically the outside area appeared to be open to grant funding. It was harder since this was a municipality, but it was a possibility. They would need something in more detail to go to an entity that might provide grant funds.

In conclusion, the strong recommendation from the committee was to do this all at one time. That way, the pool which had been closed for many months, would begin construction and ensure that funding was in place. In trying to structure something to make this pool a destination spot for the community, including the surrounding areas, there was the recommendation to impose the 1% sales tax.

Councilor Crume asked what the members thought of the existing pool, and as to why it was currently closed, and why they didn't believe it was worth repairing instead of a rebuild.

Mr. Hart stated most of the committee had the chance to tour the facility, which included the equipment room, and they saw, among other things, the metal tanks that had been eaten away from the inside out and were springing leaks. Much of the funds were related to the equipment in the facility. The perception in the community was that the pool was limited, and only appealed to seniors doing water aerobics, or a swim team, and it didn't have appeal to families in the community. The belief to spend the money and walk away, and to only have what they had before, was not something the committee supported. Having an outdoor component, having additional space to be used year round, was a very important piece, and they didn't believe the existing pool could provide that.

Councilor Tuttle asked about the diagram of the new pool outlay, and the colors represented.

Mr. Hart stated the blue was water, the light blue were the lockers. The red space was existing space. The orange space was the equipment room. The blue at the bottom was taken from the original HSA study, and it was just a general rendering of the idea of adding an additional building and pool, and having an outdoor spray park. Also, a spray park didn't require additional staff, but a pool would. They wanted to add features that would bring in people, but wouldn't increase staffing costs. They also had the open alleyway enclosed to get more space.

Councilor Verini suggested that the item be added to the next agenda and that Brad Howlett give a report for the Aquatic Center.

Mr. Hart thanked the Council and the committee members.

NEW BUSINESS

Resolution #2014-114: Adopt City's Representation in the Updates to the Malheur County Multi-Jurisdictional Natural Hazards Mitigation Plan

Al Higinbotham, Fire Chief, stated the City of Ontario fully participated in the FEMA prescribed mitigation planning process to prepare the Malheur County, Multi-Jurisdictional Natural Hazards Mitigation Plan, which established a comprehensive, coordinated planning process to eliminate or minimize these vulnerabilities. The Oregon Office of Emergency Management and Federal Emergency Management Agency, Region X officials reviewed the Plan and pre-approved it (dated April 1, 2014) contingent upon official adoption of the participating governments. The city would submit this resolution to the Oregon Office of Emergency Management and Federal Emergency Management Agency, Region X officials to enable final approval of the Plan. Expected future costs depended on the physical durability and potential economic obsolescence of the investment. Also, adoption made the city eligible for future FEMA and state project grants.

Charlotte Fugate moved, seconded by Jackson Fox, that the City Council approve Resolution #2014-114, A RESOLUTION ADOPTING THE CITY OF ONTARIO'S REPRESENTATION IN THE UPDATES TO THE MALHEUR COUNTY MULTI-JURISDICTIONAL NATURAL HAZARDS MITIGATION PLAN. Roll call vote: Crume=yes; Fox=yes; Fugate=yes; Jones=yes; Tuttle=yes; Verini=yes; Cammack=yes. Motion carried 7/0/0.

DISCUSSION ITEMS

Stelling Property

Larry Sullivan, City Attorney, stated the Stelling property was declared surplus in 2006, therefore it was not necessary to "re-declare" it as surplus. The current issue before the Council was what to do with the portion of the original resolution that put it on the market for \$20K an acre. The county currently had the real market value at \$24,500, but that wasn't necessarily an accurate picture of what it might bring on the market.

Mayor Cammack stated they needed to determine the value.

Mr. Sullivan stated if they wanted to determine that value, in the private sector a person would meet with a realtor to establish a fair price in today's market, and that was an asking price, not a fixed price, which would be non-negotiable. There was nothing preventing the Council from doing the same thing.

Councilor Fox stated he believed they should repeal the \$20K price tag. They should direct the City Manager to put it in front of the Economic Development Director and have him come back with a presentation as to where they might be marketing the property.

Councilor Crume agreed, as did Councilor Fugate.

Mr. Sullivan stated if the Council consensus was to adopt a resolution that repealed that \$20K price tag, he would bring that back for action at the next meeting.

Mayor Cammack agreed, and also wanted not only the city's Economic Development Director involved, but the County Economic Director as well.

Councilor Crume stated they needed to determine where the money collected on that property should be, and what it could be spent on. Some had been spent already for economic development.

Councilor Fox believed the money had been "borrowed". It was purchased with part of the sewer property.

Councilor Crume stated he thought the original purchase had been done through some portion of Public Works. The money received from CDH Consulting had been deposited and used for putting that property into Industrial.

PUBLIC COMMENT

Macie Saito, stated: *Hi, my name is Macie, and I go to the Treasure Valley Christian School. We're having a baked potato dinner and auction, April 26th, at the Cultural Center at 5:00. Tickets for grown-ups are \$10, and children are \$5. I hope you all will attend.*

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Mark Alexander, Police Chief, stated following Thursday's discussion about 9-1-1 consolidation, he had put together some documents. One was a timeline of events that had occurred since the beginning of the process. Secondly, there was a summary of costs. There were known costs for expenses to date, and some projected, potential future costs. He compared that to the proposed contract by the County, and also the identification of what the 9-1-1 budget was currently.
- Chief Alexander stated this coming Saturday, the Ontario Police Department, along with other law enforcement agencies in the county and area, would be participating in the DEA's Prescription Drug Take-back Program. That would run from 10:00-2:00. Households could bring in their unused, expired prescription medications, specifically those subject to abuse. Those would be disposed of properly. There was also a permanent drop off container in the lobby of City Hall.
- Councilor Crume stated he was pleasantly surprised to see the ODOT paint crew doing the street striping. He had asked last fall to have it done twice a year, but had been told it couldn't be done. It was great to see it being done.
- Mayor Cammack asked what the Councilors thought about reinstating the Ex-Officio appointments.

Councilor Fox stated he wanted them put back into place.

Councilor Tuttle agreed with Jackson Fox.

Councilor Jones stated he would go with whatever the group wanted; however, his opinion was that every Councilor should have access to all Department Heads. That's why he somewhat disagreed with an ex-officio because it singled out one Councilor for a specific department. But, he would be in support of whatever the group wanted to do, as long as every Councilor had access to everybody.

Mayor Cammack agreed. He liked the idea of the ex-officio because every Councilor should, and would, have access, while ensuring every department had a specific person.

Councilor Crume stated when the City Manager explained the reason for the change, he thought it made sense. But, in practice, it hadn't turned out that way. It made things too pushed apart, and there wasn't any personal contact when necessary. Everyone needed to be able to speak freely and to not be afraid.

Councilor Fugate agreed they needed to put the ex-officios back in place. It would help with understanding.

Mayor Cammack stated before, in his previous run as Mayor, he made the appointments. If anyone had a specific department they wanted to be assigned to, let him know.

Councilor Fox wanted Finance.

- Tori Barnett explained that the Chicago Title settlement payment had been received, and would be placed in reserve for the extension of Dorian Drive. She also spoke with John Bishop about the septage receiving plant, who indicated the shelter was necessary at the facility, and had been budgeted for. Also, they had been speaking with Brian Davidson, owner of Anytime Septic, and he was working with staff in developing a contract/agreement for the use of the facility. Those contracts would be submitted to the City Attorney for review. They were shooting for May 1st as open for business.

The Council wanted to see the contract template before it was put into use.

EXECUTIVE SESSION

Executive Session: ORS 192.660(2)(d)

An executive session was called at 8:02 p.m. under provisions of ORS 192.660(2)(d) regarding labor negotiations. The Council reconvened into regular session at 8:39 p.m.

ADJOURN

Jackson Fox moved, seconded by Norm Crume, that the meeting be adjourned. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-out; Cammack-yes. Motion carried 6/0/1.

APPROVED:

ATTEST:

LeRoy Cammack, Mayor

Tori Barnett, MMC, City Recorder

AGENDA REPORT
May 5, 2014

TO: Mayor and City Council

FROM: Tori Barnett, MMC, City Recorder/Interim City Manager

SUBJECT: APPOINTMENT TO BUDGET BOARD: DAVID MIZUTA

Date: April 29, 2014

SUMMARY:

Attached is the following document:

- Letter of Interest to Serve: David Mizuta

Due to the resignations of Bob Quinn, there is currently an opening on the Budget Board. Appointments to this board are made by the City Council.

BACKGROUND:

To remain on track with overlapping terms of service on the Board, this appointment will be to complete the existing term on record for the individual resigning. David Mizuta would complete the term of Bob Quinn (December, 2016).

ALTERNATIVE:

Not appointment Mr. Mizuta would leave one vacancy on the Budget Board, as the city is nearing the time necessary to enter into Budget Hearings. However, it is the Council's prerogative to appoint or not appoint Mr. Mizuta, or direct staff to advertise for the vacancy.

RECOMMENDATION:

Staff makes no recommendation on Board appointments.

RECOMMENDED MOTION:

I move to appoint David Mizuta to the Budget Board, with a term of appointment coinciding with those established by ordinance.

2371 SW 2ND AVE

208-743-4737

I would like to be a member
of the budget committee
David Mejia

Received
04/23/14

AGENDA REPORT

May 5, 2014

TO: Mayor and City Council

FROM: Larry Sullivan, City Attorney

THROUGH: Tori Barnett, Interim City Manager

SUBJECT: RESOLUTION 2014-115: A RESOLUTION RESCINDING THE MINIMUM SALE PRICE FOR THE STELLING PROPERTY

DATE: April 25, 2014

SUMMARY:

Attached is the following document:

- Resolution #2014-115 Rescinding the Minimum Sale Price for the Stelling Property.

BACKGROUND:

The City owns vacant industrial land known as the Stelling Property, which the City originally purchased in 1993 for \$115,000. In 2006, the Council enacted Resolution 2006-138, which declared the Stelling Property as surplus property and fixed a minimum acceptable sale price for the Stelling Property of \$20,000 per acre. In 2007, a lift station was constructed on a ½ acre parcel of the Stelling Property, and the City arranged to have the Stelling Property divided into separate tax lots. The lift station is on Tax Lot 6400 and should be retained by the City. The remaining Tax Lots 6401, 6402, 6403 and 6404, are vacant land which the County lists as containing 87.45 acres. Between 2009 and May 5, 2013, the land below the bench, consisting of approximately 74.72 acres, was subject to a series of option contracts with CDH Consulting, which unsuccessfully marketed it as a data center.

Since 2007 the City has done nothing substantial establish a new market value for the Stelling Property. It remains a viable location for industrial development, because of the availability of City water and relatively low cost power.

RECOMMENDATION:

Staff recommends that the City Council enact Resolution 2014-215.

PROPOSED MOTION:

I move that the City Council approve Resolution #2014-2015, A RESOLUTION RESCINDING THE MINIMUM SALE PRICE FOR THE STELLING PROPERTY.

RESOLUTION 2014-115

**A RESOLUTION RESCINDING THE MINIMUM SALE PRICE FOR
THE STELLING PROPERTY**

- WHEREAS,** The City owns a parcel of vacant industrial land, consisting of 87.45 acres more or less, known as the "Stelling Property", which is identified on County Assessor Map# 18S4705 as Tax Lots 3601, 3602, 3603 and 3604; and
- WHEREAS,** On November 6, 2006, following a public hearing the City Council enacted Resolution 2006-138, which declared the Stelling Property as surplus property and fixed a minimum acceptable sale price for the Stelling Property of \$20,000 per acre; and
- WHEREAS,** In 2007, the City constructed a lift station on a portion of the Stelling Property, identified as Tax Lot 6400; and
- WHEREAS,** Nothing has changed since the enactment of Resolution 2006-138 to alter the status of the Stelling Property as surplus property—i.e., is property not needed by the City for the City's use— with the exception of the lift station on Tax Lot 6400; and
- WHEREAS,** From December 10, 2009, to May 5, 2013, the City was contractually obligated to sell a portion of the Stelling Property to CDH Consulting for \$20,000 per acre as a result of a series of purchase option contracts and extensions entered into between the City and CDH Consulting; and
- WHEREAS,** CDH Consulting never exercised its option to purchase the Stelling Property before the final option contract lapsed on May 5, 2013; and
- WHEREAS,** Market conditions have changed since the City established the \$20,000 per acre minimum acceptable sale price for the Stelling Property, and it is in the best interest of the City to reevaluate those conditions to determine an appropriate sale price for the Stelling Property.

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

1. The Council reaffirms the declaration of the Stelling Property as surplus property as set forth in Resolution 2006-138, with the exception of that portion of the Stelling Property on which the City lift station was constructed in 2007.
2. Paragraph 3 of Resolution 2006-136 establishing a minimum acceptable price for the Stelling Property of \$20,000 per acre is rescinded.
3. City staff is directed to develop and recommend to the City Council a marketing plan for the Stelling Property which includes a sale price for the Stelling Property.

PASSED AND ADOPTED by the Ontario City Council this _____ day of _____, 2014.

AYES:

NAYES:

ABSENT:

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

ATTEST:

LeRoy Cammack, Mayor

Tori Barnett, MMC, City Recorder

AGENDA REPORT

May 5, 2014

TO: Mayor and City Council

FROM: Kari Ott, CPA, Finance Department

THROUGH: Tori Barnett, Interim City Manager

SUBJECT: RESOLUTION #2014-116: A RESOLUTION AUTHORIZING THE CONTRACTED SERVICES IN THE FINANCE DEPARTMENT AND TO ADJUST THE AIRPORT IMPROVEMENT PROGRAM GRANT

DATE: May 5, 2014

SUMMARY:

Attached is the following document:

- Resolution #2014-116

The purpose of this agenda item is to adjust the following:

- To transfer \$28,000 from General Fund contingency to Finance Department Contract Services to cover the contract with G.W. Wilber, CPA's.
- To increase the FAA Airport Improvement Grant for \$40,676 unexpected additional funds to be received and expended in 13-14.

Previous Council Action:

04-07-2014 Council approved the contract with G.W. Wilber, CPA's.

Financial Implications:

- The budgeted appropriations in the General Fund contingency will be reduced by \$28,000 and General Fund Finance Department Contract Services will be increased by \$28,000.
- Budgeted amounts in FAA Airport Improvement Grant revenue and FAA Airport Improvement Grant expenditures will be increased by \$40,676.

Recommendation:

Staff recommends the Council adopt Resolution #2014-116.

Proposed Motion:

I move the City Council adopt Resolution #2014-116, A RESOLUTION AUTHORIZING THE CONTRACTED SERVICES IN THE FINANCE DEPARTMENT AND TO ADJUST THE AIRPORT IMPROVEMENT PROGRAM GRANT.

RESOLUTION #2014-116

**A RESOLUTION AUTHORIZING THE CONTRACTED SERVICES IN THE FINANCE DEPARTMENT AND
TO ADJUST THE AIRPORT IMPROVEMENT PROGRAM GRANT**

WHEREAS, Budget adjustments need to be made due to unexpected items to move funds to pay for finance department contract and to adjust for the Airport Improvement Program Grant funds;

WHEREAS, Oster Professional Group has been contracted for services with the finance department and it is necessary to transfer budgeted funds from contingency to materials and services; and

WHEREAS, the Airport Improvement Program Grant is expected to receive and expend more than was budgeted.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Ontario City Council, to approve the following adjustments to the fiscal year 2013-2014 budget:

Line Item	Item Description	FY 2013-2014 Budget	Amount of Change	Adjusted Budget
GENERAL FUND				
001-004-871000	Operating Contingency	\$1,450,449	(\$28,000)	\$1,422,449
001-014-615550	Contract Services	\$14,612	\$28,000	\$42,612
GRANT FUND				
010-000-456101	FAA Airport Grant	\$567,000	\$40,676	\$607,676
010-038-714101	FAA Airport Grant	\$630,000	\$40,676	\$670,676

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

May 5, 2014

TO: Mayor and City Council

FROM: Larry Sullivan, City Attorney

THROUGH: Tori Barnett, Interim City Manager

SUBJECT: **ORDINANCE NO. 2691-2014: AN ORDINANCE AMENDING CITY CODE SECTIONS 9-2-2 AND 10A-57-95, AND ADDING SECTION 9-3-1A REGARDING DIAGONAL PARKING - FIRST READING**

DATE: April 28, 2014

SUMMARY:

Attached is the following document:

- Ordinance No. 2691-2014

BACKGROUND:

The purpose of proposed Ordinance No. 2691-2014 is to establish guidelines and procedures for implementing diagonal parking at various commercial locations in the City. Staff has found that diagonal parking in certain commercial areas of the City may increase the availability of parking without causing traffic flow problems. This began as a pilot program installing diagonal parking in the streets designated as avenues in the downtown C-3 Central Commercial zone.

Currently the City Code does not deal with diagonal parking, except to authorize the City Manager to do it. Staff submits that it would be helpful to establish guidelines to follow in creating diagonal parking areas.

Proposed Ordinance No. 2691-2014 allows the Public Works Director to create diagonal parking areas within the City's Commercial zones, subject to certain checks and balances described in the Ordinance. The City Council would not be involved, unless there was an appeal to the Council of a decision made either by the Public Works Director or the City Manager.

At its meeting on April 24, 2014, The Public Works Committee recommended that the Council enact the proposed ordinance.

RECOMMENDATION:

Staff recommends the Council approve a first reading of Ordinance No. 2691-2014.

PROPOSED MOTION:

I move the City Council approve a first reading by title only of Ordinance No. 2691-2014, AN ORDINANCE AMENDING CITY CODE SECTIONS 9-2-2 AND 10A-57-95, AND ADDING SECTION 9-3-1A REGARDING DIAGONAL PARKING.

ORDINANCE NO. 2691-2014

**AN ORDINANCE AMENDING CITY CODE SECTIONS 9-2-2
AND 10A-57-95, AND ADDING SECTION 9-3-1A
REGARDING DIAGONAL PARKING**

- WHEREAS,** City Code Section 9-2-2 authorizes the City Manager to designate diagonal parking areas without creating a procedure for determining whether diagonal parking is appropriate on certain streets; and
- WHEREAS,** City staff started a pilot program installing diagonal parking in the streets designated as avenues in the downtown C-3 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; and
- WHEREAS,** The City Council finds a need to have more available diagonal parking in certain areas, subject to certain regulations to promote public safety.

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

Section 1. Section 9-2-2 of the Ontario City Code is amended by adding those portions that are underlined and by deleting those portions that are stricken:

9-2-2 Duties Of City Manager

The City Manager 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.~~
 - 4. The form of permissible parking, parallel or diagonal. Diagonal parking may be implemented only in compliance with Section 9-3-1A of the City Code.
- (C) Issue oversize or overweight vehicle permits.

Section 2. The following Section 9-3-1A is hereby added to Title 9, Chapter 3 of the Ontario City Code:

9-3-1A Diagonal Parking

With the approval of the City Manager, the Public Works Director may implement a diagonal parking plan, subject to the following conditions:

1. The Public Works Director shall specify the size and layout of all diagonal parking spaces.
2. Diagonal parking shall be allowed in Commercial zones only.
3. Diagonal parking shall not be allowed on streets which are designated by the City as minor collectors, major collectors, minor arterials, principal arterials and State highways.
4. Diagonal parking shall be allowed only on streets in which the minimum width is 52 feet.
5. Diagonal parking shall be allowed only on one side of the street in any one block.
6. Diagonal parking in a C-3 zone on any City block along South Oregon Street shall be allowed only with the written consent of a majority of the property owners, by front footage, on both sides of the street on that block.
7. The Public Works Director shall obtain the approval of the Police Chief, the Fire Chief and the affirmative recommendation of the Public Works Committee before implementing any diagonal parking plan.
8. The City Manager retains the authority to determine that diagonal parking at a particular location poses a safety risk, and may either eliminate diagonal parking or impose additional diagonal parking restrictions at that location.
9. Any person aggrieved by a decision of the Public Works Director or City Manager hereunder shall have the right to request review by the City Council. The decision of the City Council shall be final.

Section 3. Section 10A-57-95 of the Ontario City Code is amended by adding those portions that are underlined:

10A-57-95 Developments required to provide more than three parking spaces shall not have backing or maneuvering movements occurring within a public street other than an alley. This does not restrict the City from implementing diagonal parking as permitted under the City Code.

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

Discussion/Information /Hand-Out Items

City Council Meeting
May 5, 2014

AGENDA
MEETING OF THE ONTARIO PUBLIC WORKS COMMITTEE
Thursday, April 24, 2014, 3 P.M., M.T.
**** PUBLIC WORKS OPERATIONS -- 1551 NW 9TH STREET ****

1) **Call to Order:**

This agenda previously published / e-mailed April 22, 2014.

ROLL CALL:

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

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

3) **Old Business**

- a. **Angle Parking Ordinance #0000-2014 – Revised ***
- b. **Ontario Transportation System Plan**
- c. **Minimum Sewer Billing**

4) **New Business**

- a. **N Park Blvd – Driveway Approach Revision Request, Ralph Poole.***

5) **Updates**

- a. **Public Works Project Updates**
 - **NW Washington Ave Project**
 - **Septage Receiving Facility**
 - **Tier 2 Sampling**

6) **Adjourn**

*** Handout attached**

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

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

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

Others present included Public Works Director Alan Daniels, Bob Walker, Larry Tuttle, Jerry Elliott and Veronica Pantaleon.

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

DC – Suzanne has been doing an excellent job on the minutes.

BW – In the future we will be having someone from the temp service doing the minutes; her time is too valuable.

The motion was made by Mr. Hill, seconded by Mr. Wilson to adopt the minutes of the previous meeting February 20, 2013: Motion passed unanimously (Babcock, Hart & Miller – excused).

OLD BUSINESS

ANGLE PARKING ORDINANCE # 0000-2014

DC – There were a couple of items that staff had considered, 1) limiting the angle parking to just the C-3 central commercial zone; I've included it to C-2 General Commercial & C-2 H Commercial, but being it has to be approved by the Public Works Director with the consent of the Public Works Committee. Staff had put in their recommendation if we were going to put it elsewhere that it be approved through the planning commission and the City Council. The issues I have with making it go thru all of that, and then there is no appeal to it. If we make it go thru the Public Works Director & this committee then they still have the ability to appeal it to the City Council. Plus "on street parking" planning has nothing to do with that, all of their parking is off street. So I really do not see any reason to send it to the Planning Commission period.

The first thing changed in 9-2-2 the duties of the City Manager, that's the code that they were using for the pilot; again I disagreed with the City Attorney but I'm not an attorney & the interpretation of that gave him the power to override the other ordinances. We came to the conclusion that ordinance that staff had been using to not allow angle parking on the streets doesn't say that. The City Attorney basically says that ordinance only states that you can't design an off street parking lot that requires you to back out into the street. And that we got cleared up in a Council meeting where the City Attorney stated that. Plus I included that in here just so that there is a record of it; So that the first "Where As" I put in here, it clarifies it and it is on record.

RC – The only thing changed in 9-2-2 is from City Manager to Public Works Director?

DC – Correct and I will put together a staff report and present it to the City Council.

The motion was made by Mr. Cornmesser, seconded by Mr. Hill the Public Works Committee recommend to the City Council that they adopt the Angle Parking Ordinance: Motion passed unanimously (Babcock, Hart & Miller – excused).

NEW BUSINESS

MINIMUM SEWER BILLING

DC – Two different sewer billings and both were new constructive homes:

1. Zero gal used = \$42,
2. 60 gal used = \$ 5

Just to show the inconsistency in the billing and so I looked into the ordinances on it. In 2005 the City redid the ordinance it put a statement in there as far as the billing “New accounts will be based on an average of similar accounts.” All of us recognize or know that sewer is based on the amount of water you use and it’s based upon a 5 month period which is the winter time. Well when you’ve got new homes you don’t have any history so we originally wrote that up to say new accounts will be based on the average of similar accounts. Well my memory tells me right after that staff was saying well that’s so hard to do to try to come up with a similar account that we’d rather have a set number. So that ordinance was done in July of 2005; then in August 2005 we did a resolution to correct or add to that to “New accounts will be based on an average of similar accounts or 7,700 gallons per month.” In my mind (and Bob will get into that) he was thinking that that doesn’t spell it out clear enough for new construction. In 2012 was updated again but not ever quantified. This may be a moot point because Bob may want to rewrite or update the ordinance and fix both problems.

BW – The problem the way the interpretation came down no matter what the minimum sewer bill was going to be the \$40.27. Based on the 7,700 so you could be the builders zero usage, nothing on the water but \$40.27 sewer, or a homeowner up for sale & empty for 3 years, still charged \$40.27 for the sewer. We have so many different scenarios, a new building and may sit there for years but we shouldn’t be charging \$40.27 a month, snowbirds, deceased family members, etc. We need to come up with something to be fair.

AD – I brought Veronica in so we can clarify what the actual minimum is that we charge for 7,700 gallons if they don’t have an average. VP – Correct

AD – If they have an average and it’s below that do we charge less than the \$40.27

VP – Yes, we charge based on whatever the average is.

AD – So if the average is only 4,000 gallons...

VP – Then we only charge \$4.58 per 1,000 gallons on that by dollar.

RH – There must be a minimum charge on water.

VP – There is a base rate for the meter size, so if it is a 1” meter there is a \$10 base rate.

DC – That was one of our questions because one bill used 60 gallons and was only billed \$5 for sewer, whereas the other used zero gallons of water and was charged \$40.27 for sewer.

VP – If this is a brand new construction account and it's within those first three months then they're not being billed, so it's just the base rate of \$5.

AD – Is there a way we can go in and set the accounts to bill on actual gallons used? VP – Yes

The motion was made by Mr. Hill the Public Works Committee recommend City staff prepare a draft ordinance with the revisions that we have been talking about to present to the PWC next month:

SW – One comment first, would we like Ron to look at it to?

RC – If you'd like me to work with the staff I'd be more than happy to.

BW – We'd appreciate the help.

RC – You have to assume that that first resolution is in effect even thou it's not quantified, if you have a signed resolution. Because the resolution itself says those sections were deleted and replaced by that.

DC – And the ordinance is after the resolution.

Multiple Comments

RC – I would say you revise the ordinance and identify the specific parts that you want. If you want to take and write the whole ordinance and then make the changes; just replace that section of the ordinance in its entirety. Then you can clean out a lot of language and organization in it. If you just go in and replace parts it may make that ordinance very confusing.

DC – You are right. This ordinance its stating just like I did in mine that these sections are amended by deleting those portions that are stricken and adding those portions underlined. Therefore, this one since nothing was stricken or underlined did not override this resolution in my opinion. So this is still what you have in place.

The motion was made by Mr. Hill, seconded by Mr. Wilson the Public Works Committee recommend City staff prepare a draft ordinance with the revisions that we have been talking about to present to the PWC next month: Motion passed unanimously (Babcock, Hart & Miller – excused).

ONTARIO TRANSPORTATION SYSTEM PLAN DISCUSSION

DISCUSSION ONLY (DC – UNABLE TO VOTE)

DC – What is we have here is a tentative subdivision Platt that the Poole's are planning; the other sheet is a map out of our TSP. The issue is according to the City's TSP plan which is a comp plan amendment change is Reiter Drive on our TSP is classified as a collector and shown to go onto Malheur Drive. So staff figured that we don't need two collectors that close together. In fact no one could figure why we have two that close together; normally as you can see the rest of the grid

pattern the norm is about to cut about a 13-20 with the collectors grids around there & this one cuts about right in the middle of that. So what they are proposing to do is they want to change that road classification to not a collector and not punch it on thru to Malheur Drive; that 12th Street remain the collector and has to be punched over the hill in the future. In the process of this the reason I brought it here is that it effects Public Works and thought I'd better get this committees consent also.

RH – What authority does the State have over this Transportation System Plan?

DC – You have to get ODOT's blessing; and basically all your streets and transportation is regulated by the State of Oregon.

RH – Two comments: 1. I personally don't see any value on Reiter going through like that when you have 12th; 2. what is the process? And how long would it take to change that?

DC – That's what I'm saying; right now I have an email into both state agencies asking them what their requirements going to be of us to do it. Right now I don't have that answer. Yet, I know what's required to change the comp plan and the traffic deal, basically you have to justify to ODOT and their engineers why we don't need that collector anymore and why it shouldn't be there; what that takes or what kind of traffic study are they going to require us to do? Because any time you change a traffic plan you have to do a traffic study. So that's my question to ODOT and ODOT is the one to encourage the traffic study.

RH – Did they do a traffic study to put this in?

DC – Oh yes, there were all kinds of studies done.

LT – What happens if they don't so a cultisac, and just dead end and barricade it?

DC – The problem is you have to design it to go over the hill so you would design it down a big cut through there, but the fire marshal wouldn't let them because the fire code says you have to have the cultisac.

(Multiple discussions)

RC – Is there a mechanism that the City took on the 12th Street comp plan to assess these lots to help pay for both that study and the cost? I know we have system development charge on transportation but I can't remember is that the one we waive?

DC – No, we have SDC but we don't have a recapture on streets. And that's what it takes if you that.

CERTIFICATION OF EMPLOYEES

JE – Bob wanted me to make this clear. There was state made at the February Council meeting that we didn't have the right number of staffing and operators at our plant so he wanted you all to be aware that these guys are there, they do have their appropriate and timely certifications. We hate to see something go on the record that suggests we are not in compliance because we are. It has been tough this year filling in; trying to cover things for Delhie because she was an Intermediary there. Travis and Larry have stepped up and helped a lot; I've been covering some of the other pieces and not getting some of my projects done. But the implication that the guys at this plant don't care or that they are not qualified is no true.

SW – Do you know if the license is expired or?

JE – Usually they're two year licenses; they're all up at the end of the year. And some of these guys

are going to school actually next week to continue their certification. And as you may recall we funded a Water Performance Audit and we have consultants on the ground as we speak; one of the things that they've already mentioned is that sometimes these guys get generic training and some specific training so we are looking at maybe perhaps a specific training exercise here in the next 6 to 9 months at this plant with this chemistry with the things that we learn out of the performance Audit. So these guys will actually get there continuing education units looking at their plant and the details of their plant.

RH – What's the highest readings? Is one higher or two higher?

JE – Two is higher; they go up to four.

UPDATES ONLY – NO MOTIONS

- **NW Washington Ave Project** * at the signal there was a missed lane on a mast arm where the foundation was placed close to the street area. And when they went out there to start arboring in the foundations the ODOT staff walked around and there were truck tracks running across the foundation. What they found was that the Trucks really don't care if they run into your equipment so we had move the foundation and move it back to the backside of the sidewalk; it has caused a 6-8 week delay in getting the equipment in. Right now it is scheduled for delivery April 14th; therefore tentative completion date has been moved to May 15th. Cost = \$5,300
- **Septage Facility Installation** * The Franklin Miller representative had been here since Tuesday and has since left. Everything is up and operational. There are various small item checks yet to complete, but other than that the system is in operation. It will probably be a month before we get all the carburetors, the receipt system going, gate system finalized, etc. *Franklin Miller complimented on how well the equipment was installed with the limited space we had to work with; said our crews did a good job and that they were very knowledgeable about this kind of stuff. * Fees were originally to be at \$.08 a gallon (but estimated to be operational a couple years ago)
- **Tier 1 Sampling** * we are actually at Tier 2 now. We submitted Tier 1 we have wastewater issues according to DEQ (listed pollutants); my task now is by a week from today to submit to DEQ a sampling plan about how we are going to parse out and look at those specific constituents within our wastewater stream and understand the dynamics of what they're doing so that we can then plan on how we are going to treat them and meet the standards the following year. So what's going to happen is I've got a draft plan on my desk & I'm actually going to ask the consultant to brainstorm with me next week. Thinking we will sample at the headworks at the water treatment plant, the treated water so we know what we are getting out of the river and what is being pulled out, sample within the system and then more at the outlet of the plant.

(Tape ended at 4:41 per notes)

ADJOURN

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

Submitted: To Council & PWC via email April 21, 2014;

ORDINANCE NO. _____-2014.

**AN ORDINANCE AMENDING CITY CODE SECTIONS 9-2-2
AND 10A-57-95, AND ADDING SECTION 9-3-1A
REGARDING DIAGONAL PARKING**

WHEREAS, City Code Section 9-2-2 authorizes the City Manager to designate diagonal parking areas without creating a procedure for determining whether diagonal parking is appropriate on certain streets; and

WHEREAS, City staff started a pilot program installing diagonal parking in the streets designated as avenues in the downtown C-3 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; and

WHEREAS, The City Council finds a need to have more available diagonal parking in certain areas, subject to certain regulations to promote public safety.

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

Section 1. Section 9-2-2 of the Ontario City Code is amended by adding those portions that are underlined and by deleting those portions that are stricken:

9-2-2 Duties Of City Manager

The City Manager 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.~~
 - 4. The form of permissible parking, parallel or diagonal. Diagonal parking may be implemented only in compliance with Section 9-3-1A of the City Code.
- (C) Issue oversize or overweight vehicle permits.

Section 2. The following Section 9-3-1A is hereby added to Title 9, Chapter 3 of the Ontario City Code:

9-3-1A Diagonal Parking

With the approval of the City Manager, the Public Works Director may implement a diagonal parking plan, subject to the following conditions:

1. The Public Works Director shall specify the size and layout of all diagonal parking spaces.
2. Diagonal parking shall be allowed in Commercial zones only.
3. Diagonal parking shall not be allowed on streets which are designated by the City as minor collectors, major collectors, minor arterials, principal arterials and State highways.
4. Diagonal parking shall be allowed only on streets in which the minimum width is 52 feet.
5. Diagonal parking shall be allowed only on one side of the street in any one block.
6. Diagonal parking in a C-3 zone on any City block along South Oregon Street shall be allowed only with the written consent of a majority of the property owners, by front footage, on both sides of the street on that block.
7. The Public Works Director shall obtain the approval of the Police Chief, the Fire Chief and the affirmative recommendation of the Public Works Committee before implementing any diagonal parking plan.
8. The City Manager retains the authority to determine that diagonal parking at a particular location poses a safety risk, and eliminate diagonal parking or impose additional diagonal parking restrictions at that location.
9. Any person aggrieved by a decision of the Public Works Director or City Manager hereunder shall have the right to request review by the City Council. The decision of the City Council shall be final.

Section 3. Section 10A-57-95 of the Ontario City Code is amended by adding those portions that are underlined:

10A-57-95 Developments required to provide more than three parking spaces shall not have backing or maneuvering movements occurring within a public street other than an alley. This does not restrict the City from implementing diagonal parking as permitted under the City Code.

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

From: Bret Turner [mailto:Bret.Turner@ontariooregon.org]
Sent: Thursday, April 17, 2014 11:20 AM
To: Ralph Poole (ralph@campopoole.com)
Cc: pat@ck3llc.net; Alan Daniels; Bob Walker; John Bishop
Subject: N Park Blvd - Driveway Approach Revision Request

Ralph,

I discussed the proposed revisions you would like to make to the driveway approaches, curb and gutters and sidewalks along N Park blvd with Bob Walker this morning. Due to the issues we previously discussed about the removal of existing curb and gutter within the street right of way requiring a 2' cutback on the asphalt concrete pavement per City construction standards and the 5 year moratorium on not cutting into newly placed asphalt in a new roadways, Bob feels that if you would like to remove the curb and gutter without cutting the asphalt pavement back, this will have to be reviewed by the Public Works Committee (PWC). Our next Public Work Committee meeting will be held here at the City shop on April 24, 2014 at 3:00 PM. We would like to have you present your proposed work to the PWC so they can make the decision on agreeing to allow the curb and gutter removal without the required 2' asphalt cutback or not.

Please feel free to contact Bob or I if you have any questions or concerns about this.

Thank you,

Bret Turner
Project Manager
541-889-8572

>>> "Pat Woodcock" <pat@ck3llc.net> 4/14/2014 10:13 AM >>>

Ralph Poole asked me email this over to you so you can see what he is proposing along Park.

Pat J. Woodcock, P.E.

CK3, LLC
Visit us at: www.CK3LLC.net
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-----Original Message-----

From: Remi Fritz [mailto:remi@ck3llc.net]
Sent: Monday, April 14, 2014 9:33 AM
To: 'Pat Woodcock'
Subject:

Remi Fritz

CK3, LLC

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