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PROGRESSIVELY ENHANCING OUR QUALITY OF LIFE**

**AGENDA
CITY COUNCIL - CITY OF ONTARIO, OREGON
Monday, June 15, 2015, 7:00 p.m., M.T.**

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

2) **Pledge of Allegiance**

This Agenda was posted on Wednesday, June 10, 2015. 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: Motion Action Approving Consent Agenda Items**

- A) Approval of Minutes of Regular Meeting of 06/01/2015 1-11
B) Meetings List: July-December, 2015 12
C) Approval of the Bills

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

6) **Presentations:**

- A) St. Alphonsus Medical Center
B) Four Rivers Healthy Community

7) **Department Head Updates: Thursday**

8) **Old Business**

- A) Ordinance #2702-2015: OMC 4-3 Business Registration (*Final*) 13-20

9) **New Business**

- A) Resolution #2015-128: Receive/Expend Grant Funds - NW WA Project & OAC 21-22
B) Resolution #2015-129: Close Unnecessary 911 and Public Works Funds 23-24
C) Resolution #2015-130: Establish GASB 54 End Fund Balance Polices 2014-15 25-27
D) Bid Award: 4WD Chip Spreader 28-29
E) Bid Award: 5-Yard Single Axle Dump Truck 30-31

10) **Public Hearing(s)**

- A) Resolution #2015-131: City's Election to Receive State Revenues 32-33
B) Resolution #2015-132: Adopt FY 2015-2016 Annual City Budget 34-38

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

- A) Utility Billing Policy
B) Minutes: County Court (05-27-2015)
C) Financials

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

13) **Adjourn**

**ONTARIO CITY COUNCIL MEETING MINUTES
Monday, June 1, 2015**

The regular meeting of the Ontario City Council was called to order by Mayor Ronald Verini at 7:00 p.m. on Monday, June 1, 2015, in the Council Chambers of City Hall. Council members present were Ronald Verini, Norm Crume, Charlotte Fugate, Thomas Jost, Tessa Winebarger, Larry Tuttle, and Betty Carter.

Members of staff present were Tori Barnett, Larry Sullivan, Kari Ott, Corinna Hysell, Mark Alexander, Cliff Leeper, Betsy Roberts, and Dan Cummings. The meeting was recorded, and copies are available at City Hall.

Betty Carter led everyone in the Pledge of Allegiance.

Mayor Verini introduced staff member Corinna Hysell, who had taken the initiative to take a class on grant writing, in order to assist the city when various departments wanted to go out for a grant for a project. It was a true reflection of the dedication and caliber of the city employees, and was indicative of the type of employee Ms. Hysell was.

Mayor Verini introduced Dan Cummings, the city's newly hired Community and Economic Development Director. It was a position sorely needing filled, and Mr. Cummings would do a great job in the position.

AGENDA

It was stated that there were several changes to the Agenda: Item 7D-Snake River Transit Update (conducted at the Thursday study session); Item 9C-Resolution #2015-126: Amend Council Rules and Procedures Regarding Work Sessions; Item 9D-Resolution #2015-127: Amend City Financial Policies; Item 9E-Estimated Costs for Professional Consulting Services for the Ontario Aquatic Center; Item 10F-Marijuana Issues Update; and Item 10F-Idaho Power Company Site Selection.

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

CONSENT AGENDA

Norm Crume moved, seconded by Charlotte Fugate, to approve Consent Agenda Item A: Minutes of the Regular Meeting of May 18, 2015; and Item B: Approval of the Bills. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

OLD BUSINESS

Ordinance #2702-2015: Establish OMC 4-3 re: Business Registrations (1st Reading)

Tori Barnett, Interim City Manager, presented.

The City of Ontario lacked a central registry of businesses located within the city limits. It was believed that the advantage to having a central business registry would allow the city to provide services more efficiently to businesses; to protect the health and safety of residents; to establish a convenient means for consumers and others to identify the nature of the businesses located within the city; to provide useful economic development information, and to provide necessary safety information to the Fire and Police Departments. The City Council directed staff to prepare a business registration ordinance and form, requiring all Ontario businesses to complete the registration, referred to as "*General Business Registration*".

Ordinance 2702-2015 required applicants to submit information about the nature of the business for which the registration was being sought. There would be a \$25 initial fee, with a \$10 annual renewal fee.

The proposed ordinance established the general definitions, the registration requirements, exemptions, duration of registration and/or change of registration, the process to submit the registration and fees; and the renewal process. The information obtained would be utilized to establish a database, maintained by staff, and other than name, type and location of business, shall be treated as confidential to the extent permitted by the public records law. With permission from the applicant, the business name, address, phone number, and/or email, will be added as a link off the City of Ontario website, as well as supplied to the Ontario Chamber of Commerce.

Charlotte Fugate moved, seconded by Tessa Winebarger, that the Council approve **Ordinance No. 2702-2015, AN ORDINANCE ADDING CHAPTER 4 TO TITLE 3 OF THE ONTARIO CITY CODE TO REQUIRE BUSINESS REGISTRATIONS FOR ALL BUSINESSES**, on First Reading by Title Only. Roll call vote: Crume-no; Winebarger-yes; Fugate-yes; Jost-no; Tuttle-no; Carter-yes; Verini-yes. Motion carried 4/3/0.

NEW BUSINESS

Proposed Letter of Support: Transportation and Growth Management Direct Assistance Program from the Department of Land Conservation and Development

Tori Barnett, Interim City Manager, presented.

The Council was being asked to sign letters of support for the assistance provided in updating the Development Code, along with assistance for Community Education and Outreach.

Staff would like to request assistance for updating the development code to implement recommendations from the 2009 Downtown Revitalization Report, as well as assistance for community education and outreach. One of the required components of the "application" was a letter of support from the local officials. At the May 18, 2015, Council meeting, Council was updated on the Transportation and Growth Management Program Direct Assistance available from the state, and gave staff direction to prepare a letter for their signature, showing support for the program.

Norm Crume moved, seconded by Betty Carter, that the Mayor and City Council approve the Letter of Support for the Transportation and Growth Management Direct Assistance Program from the Department of Land Conservation and Development, and that the Mayor and each Councilor sign the Letter. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

Resolution #2015-125: Transfer Budgeted Appropriations for Unexpected Items

Kari Ott, CPA, Finance Department, presented.

When the 2014-2015 budget was approved, the cost for some items was unknown. To provide funding from the appropriate department, a budget resolution was now necessary. The unknown items at the time the 2014-2015 budget was approved were:

- In previous years, the city contracted with Ontario School District No. 8C for technology services. The city now has an employee to provide those services. This required an appropriation transfer from Technology Contract Services to Technology Wages and Salaries of \$48,000.
- Liability insurance actuals were slightly more than anticipated, resulting in an adjustment in the Public Works, Street, Water and Sewer funds.

- During this first year of a contract between the City and CH2M Hill, some items were not realized in the current budget and required correction:
 - Public Works Fund: Unemployment claims were higher than expected, and there were some items started in 2013-2014 that were the city's responsibility, which the city was still required to be pay in 2014-2015. Also, utility billing supplies are expected to exceed the budgeted amount.
 - Street Fund: Vacation buyout costs in 2014-2015 proved unnecessary. Also, there were some items from 2013-2014 that were required to be paid in 2014-2015.
 - Water Fund: Vacation buyout was not needed in 2014-2015, and some supplies the city needed to purchase that staff originally believed were CH2's responsibility.
 - Sewer Fund: Supplies, equipment repair, parts, and fees were originally thought under CH2M, but were actually the city's responsibility.
- Trust Fund: Higher motel occupancy taxes were brought in, exceeding the anticipated budget amount, resulting in a higher amount being paid out to the Chamber of Commerce.
- Building Fund: Wages and Salaries were anticipated to come in a little higher than expected, but so were building permits and fees. Wages and Salaries needed a slight increase.
- Airport Fund: At the adoption of the 2014-2015 budget, the city had one full-time employee as Airport Manager. Due to staffing changes, the city now contracted the position as part-time and utilized the services of American Staffing. A budget appropriation from Wages and Salaries into Contract Labor needed to occur.
- Aquatic Fund: Council approved continuing the swim team coach's pay until the pool either opened again, or closed permanently. Due to employee turnover, Wages and Salaries had funds remaining, and an appropriation would be made from Wages into Contract Labor.

Betty Carter moved, seconded by Charlotte Fugate, that the City Council approve **RESOLUTION #2015-125, A RESOLUTION TO TRANSFER BUDGETED APPROPRIATIONS FOR UNEXPECTED ITEMS**. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

Resolution 2015-126: Amending the Rules and Procedures of the Ontario City Council as to Work Sessions

Larry Sullivan, City Attorney, presented.

At the May 14, 2015, work session, it was the consensus of the Council to change the Council rules to allow the Council to formally vote on agenda items at its Work Sessions. The Council consensus was that this would promote efficiency and shorten the Council's regular Council meetings. The proposed changes were:

In Section II of the rules pertaining to work sessions, to change the language to say:

Work Sessions will be scheduled by minute action as needed, with at least 24-hours advance public notice. ~~No formal action shall ordinarily be taken during a work session.~~ Formal action may be taken during a work session, at the Council's discretion and in compliance with the Oregon Public Meetings Law. Council may invite public comment during the work session.

In Section III of the rules pertaining to the Council agendas, to change the language to say:

The Mayor, Councilor, or the City Manager may place an item on the agenda. The Mayor, a Councilor, or the City Manager, may submit emergency items to the Council during the Council meeting at the time provided in the order of business. Excepting emergency actions necessary in the furtherance of the public health, safety, or general welfare, other than time-sensitive issues, no Council action shall be taken on any item not included on the published agenda. ~~To keep an informed public, all efforts shall be taken to vote on agenda items during regular Council meetings with video/audio equipment operating.~~

Councilor Fugate stated it would move things along, if some items could be taken care of during the Work Sessions.

Thomas Jost moved, seconded by Norm Crume, that the Mayor and Council approve **RESOLUTION #2015-126, A RESOLUTION AMENDING THE RULES AND PROCEDURES OF THE ONTARIO CITY COUNCIL AS TO WORK SESSIONS.**
No vote.

Councilor Tuttle stated the comment was made that this would move things along, but they spent more time in the Work Sessions than they did in the Monday meetings, two or three more length of time. The things they were talking about doing, unless they were going to do something major, didn't take five minutes to do on Monday night. He didn't see the necessity. He believed they were going to possibly trip themselves on an item that might be more important to some people than what the Council might think. He realized it was basically a formality sometimes, but he still thought it should be brought up at the Council session, and that's where it should be voted on. They've had four or five hour work Sessions, so they weren't going to speed anything up there by voting on things. He was opposed to taking that out.

Mayor Verini stated that was a good point; however, if they could accomplish things at the Work Session, and not have to duplicate a lot of the staff time of making a second presentation and going through the motions on Monday night, that would save time on Monday nights.

Councilor Tuttle stated they'd already shortened staff time from what it was Thursday. There wasn't a report in front of them that was as long as what they'd heard Thursday. Those had already been shortened, so that's not a good reason.

Mayor Verini stated he thought it was a good enough reason.

Councilor Crume stated the wording read *"Excepting emergency actions necessary in the furtherance of the public health, safety, and general welfare, other than time sensitive issues, no Council action shall be taken on any item not included on the published Agenda."* What they'd gotten themselves into before was saying no we can't vote on anything on Thursday, and he believed it had tied their hands in situations where things could run smoother and more efficiently if they opened the door back up to allow things to be done on Thursdays. He didn't see anything that would change the typical voting on the majority of things on Monday night. It was just for time-sensitive issues and things that needed to be done easier, without creating a problem. This just made it easier, and they'd still be doing the majority of their voting on Monday night, like always, and he saw it as a better way to go.

Councilor Tuttle stated that Councilor Crume indicated it was more convenient and easier to do, but for whom? On Thursdays, there were a lot of people who worked and couldn't attend the Thursday meeting, but they might be able to be there at 7:00 on Monday night. So, they would eliminate some of that. And, the definition of what Councilor Crume thought was, he hadn't said "not important" items, but it implied that. His definition and Councilor Crume's definition, and somebody from the public, might be different.

Councilor Crume stated his understanding of Councilor Tuttle's comments, but like last Thursday, they had a lot more of the public in that meeting than they did that night. He didn't know if the public only came on Monday nights. It's typically been...

Councilor Tuttle stated he hadn't said that, that the public only came on Monday nights. It gave the public two opportunities to speak and to listen to what the Council was talking about. If they did everything at the Work Session, they might as well not have the Monday night meeting or else just shorten it – show up and take roll.

RESTATED MOTION, PLUS VOTE:

Thomas Jost moved, seconded by Norm Crume, that the Mayor and Council approve **RESOLUTION #2015-126, A RESOLUTION AMENDING THE RULES AND PROCEDURES OF THE ONTARIO CITY COUNCIL AS TO WORK SESSIONS.**
Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-no; Carter-yes; Verini-yes. Motion carried 6/1/0.

Resolution #2015-127: Revising Financial Policies and Procedures Manual Updating City Travel Policy

Kari Ott, CPA, Finance Department, presented.

On April 19, 2004, the Council approved Resolution 2004-111, adopting the City of Ontario Financial Policies and Procedures Manual. The Council reserved the authority to establish and modify the financial policies and procedures as they were needed to update policies to meet the current laws and needs of the city. The purpose of this agenda item was to revise the Section 1.10, Travel Expense Policy, of the Manual.

As there had been several changes in city departments recently, it was essential that the Financial Policies and Procedures Manual be updated. This particular policy – Travel - needed to be updated and approved immediately in order to complete current negotiations. The remainder of the Financial Policy and Procedures Manual would continue to be updated, and would be brought before Council in the near future.

Councilor Tuttle stated it was listed in an area of the policy, the Finance Department as being one of the responsible...; exactly how many people were in the Finance Department?

Ms. Ott stated there were five.

Councilor Tuttle stated if some of these things had to go to the Finance Department for approval, did it take all four of them? One, two, or what?

Ms. Ott stated it would only take one signature, but that hadn't been listed out specifically in the policy. It would just be the normal approval processes on the purchase orders, basically, when it came to paying for things.

Councilor Tuttle stated he had strong feelings about anybody approving anything as far as travel and that sort of thing, other than the City Manager. The second thing he had a problem with, and past history had shown them, that there were problems with credit cards. Not only the number – in fact, it came up in the audit, so she was aware of it - so they put a control on the credit cards. He believed the authorization, and if he remembered correctly, that authorization had to come from the City Manager, and he would prefer to have it that way. He thought it better that the City Manager approves the travel, the expenses, etc., prior to or afterwards, and the same with the release of those credit cards, and then would fall back. When they stated a department head knew what their budget was, the City Manager knew what their budget was, too, and he thought the City Manager should be the responsible party. He thought they got mixed up in these departments sometimes. He wasn't saying people were committing fraud or stealing or anything like that; he was just saying he thought that's where the buck should stop, with the City Manager.

Ms. Ott stated it would be easy enough to do both a department head and the City Manager. That way, the department head would sign off on the travel, but the City Manager...

Councilor Tuttle stated he was talking about the final decision. They'd still go through the process, but he wanted to see that...

Ms. Ott stated references to Finance Department could be changed to City Manager, if that's what he wanted.

Councilor Tuttle stated that was his preference.

Council consensus to make that change.

Charlotte Fugate moved, seconded by Betty Carter, that the Council approve **RESOLUTION #2015-127, A RESOLUTION REVISING THE FINANCIAL POLICIES AND PROCEDURES MANUAL UPDATING CITY TRAVEL POLICY, AS AMENDED**. No vote.

Councilor Tuttle stated he had a problem, when they received that document that evening, with no chance to go through it. He'd like to see it in the final form, personally, to go through it and take a look at it. He realized what they had done there, going back to the original, but he wanted to see it in final form before they voted on it.

Mayor Verini verified the reason this was being brought forward now was because of the negotiations currently taking place, correct? If they waited on a final vote for this, what would that do to negotiations?

Ms. Barnett stated that shouldn't be discussed in an open meeting, but they could clean up the document and email it, or they could call a special meeting, or hold a telephonic meeting, but they didn't want to wait the two weeks until the next regular meeting.

Mayor Verini suggested they make the changes and have a telephonic meeting.

Councilor Tuttle stated he wanted to know what effect it might have on negotiations. He couldn't see anything in there, unless, he didn't know. There again, getting it there that night, they had no discussion of the effect of some of this stuff, and then they wanted to vote on it. He thought it was a mistake. He thought they should all know what they were talking about, why they were doing it, how it affected negotiations, if it did, and then make a decision.

Mr. Sullivan stated the Council had the option, if they wanted to know the possible effects on negotiations; they could have an executive session.

Ms. Barnett stated she would need to call in Human Resources. She could inform the Council what she had been told by HR, but it would better to have it explained by HR as she attended the negotiations, and she had not.

Councilor Tuttle stated he'd be in favor of postponing this until they could get all the information.

Mayor Verini stated there was a motion and second on the floor, they'd had a discussion, and he believed they should take a vote.

RESTATED MOTION, PLUS VOTE:

Charlotte Fugate moved, seconded by Betty Carter, that the Council approve **RESOLUTION #2015-127, A RESOLUTION REVISING THE FINANCIAL POLICIES AND PROCEDURES MANUAL UPDATING CITY TRAVEL POLICY, AS AMENDED**. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-no; Carter-yes; Verini-yes. Motion carried 6/1/0.

Mayor Verini stated they still needed to have an executive session that evening.

Ms. Barnett stated she would contact HR, to see if she was available to come in.

Estimate for Professional Consulting Services for the Ontario Pool Project - YMCA

Betsy Roberts, City Engineer, CH2M HILL, presented.

The City of Ontario Aquatic Center is currently closed due to the state of disrepair. Many members of the community, including pool committee members, City Council members, and other organizations, expressed a strong desire to see this fantastic amenity available once again to the community. The Four Rivers Healthy Communities and the Treasure Valley YMCA have shown strong interest in supporting the project to renovate and reopen the pool. The YMCA had the ability to provide input on the existing plan, trends in the pool business, program space, development of a pro forma and community coordination. When originally issued, the pool renovation project bid received was higher than anticipated, ranging from \$2.4 to nearly \$2.9M, when the hypochlorite generation system (disinfection) and safe waiting area improvements were included in the overall cost. Subsequently, Council rejected all bids and opted to not award the project.

Several Council members, CH2M, and Four Rivers Healthy Communities discussed the project, reviewed grant opportunities, met with the YMCA, and met with the architect of the renovation drawings, Hutchison-Smith Architects (HSA). Further, at the Ontario Budget Committee meeting held May 6, 2015, the Budget Committee approved the inclusion of the following dollar amounts for pool renovation projects, \$36,287 into account 615551, and \$20,000 into account #714120.

On Thursday, May 28, 2015, the Four Rivers Healthy Communities director made a presentation officially acknowledging their interest in partnering with the city in support of a "recreation" project. They developed a draft Memo of Understanding they would like to have with the city, establishing the partnership between the two entities. Discussions were held regarding the necessity of setting a meeting to negotiate the MOU.

However, CH2M was recommending a review of the existing 2006 Community Survey, and to engage the YMCA to assist the city in focusing their plans for a pool/recreation facility prior to finalizing the MOU. The city expressed interest in having the YMCA as a local managing partner, and if that interest was still active, staff recommended allowing the YMCA to begin familiarizing themselves with the details of the project, and to share recommended needs and requirements there might be for the project, if the YMCA chose to take on a partnership role.

Based on the most current discussion with the Treasure Valley Downtown YMCA, they would take on some or all of following tasks based on city direction:

1. Review the facility and existing drawings and provide input regarding currently proposed facility improvements (mostly mechanical in nature, minor modification to the entrance and the locker rooms, as well as upgrading the disinfection system to a sodium hypochlorite system);
2. Share pool facility trends and suggestion for facility improvements beyond the mechanical improvements covered in item 1; and
3. Provide and review the pro forma template after the city, CH2M, or another entity prepared it.

By engaging the YMCA in a not to exceed contract, the Council had the ability to take individual steps through the process and to develop task orders as each effort was clearly defined.

The Council had several options available with regard to this project. Council could not move forward at all; Council could engage the YMCA in a contract and begin the preliminary tasks identified above; or Council could set up a contract to be prepared to engage HSA in addition, so that the next steps could be taken when ready, assuming the next steps would include requesting HSA to update the existing drawings.

By contracting with the YMCA (and HSA), the city had the ability to begin creating individual task orders to step through the process identified above. The financial implication could range from \$0 to up to as much as approximately \$140,000, depending on the work items selected. However, staff was recommending Council approval to spend up to \$3,200 to engage the YMCA in the community need, facility review process, and pro forma template/review process.

Councilor Fugate verified the YMCA would give direction to HSA to make changes in the drawings?

Ms. Roberts stated no. The YMCA would review the drawings, and let the city know that they thought they should do "x-y-z". One good example would be the UV. They might say since it hadn't been updated to a UV disinfection system, and they thought that should be done. Then the city might then contact HSA and ask for a good price for a UV system. It would come through the city before any direction went to HSA.

Mayor Verini asked her thoughts on the timing on a sit-down with the YMCA. Would that be with her?

Ms. Roberts yes, probably. They had a set of drawings; they had done a walk-through; the YMCA was comfortable with reading drawings, so they'd be walked through quickly.

Councilor Tuttle stated with regard to the survey – what was Kit Kamo going to do with that? Were they talking about doing a new survey, or updating the old survey, or?

Ms. Roberts stated Ms. Kamo offered to pull the responses together. There was a pretty good summary already in the file. More than anything, it needed be presented. Should could possibly get a PowerPoint put together, which reflected the top three interests in the community, that type of things. If the Council saw it, it might give them the chance to see if it still rang true in our community, was it still factual. That would help them all in moving forward.

Councilor Fugate stated the survey was nine years old. Would it still be accurate?

Ms. Roberts stated there were some good basic questions in the survey.

Councilor Tuttle confirmed that information would be compiled and provided to the YMCA before they even started. They might have some recommendations.

Ms. Roberts stated yes. She'd like to get the information to the Council, to give them a chance to review. It was pretty interesting.

Councilor Fugate asked what Ms. Roberts' needed from them.

Ms. Roberts stated she had provided a potential motion to direct the City Manager to engage the YMCA, with a not-to-exceed amount of \$3,500, to begin the drawing review.

Councilor Fugate stated she was a bit confused about Four Rivers Healthy Community. When they had their meeting at Jolts-n-Juice, they had talked about a pool, with them helping us finance. Now, it had become a recreational facility, and she didn't think they'd ever talked about wanting a recreational facility. She was glad to go ahead with Ms. Robert's proposal, because it advanced the pool, but she thought they needed to have some discussion between the Council about this recreational facility. Were they going to get involved with that?

Mayor Verini stated they explained the reason why they were using recreational facility was for the potential of the grants they'd be going after. A pool could be a part of a recreational facility. They, as a city, were interested in getting the aquatic center open. He thought if they could do it as a joint project with an organization that might have some ability to either expand it or improve on what they had at the same time of opening up the pool. He thought they needed to at least look at what they had to offer. Because it's called a recreational facility, that just happened to have a pool, he didn't think was as important as getting the facility open. There was the both worlds – the city working on the pool side, and a 501C (3) organization working on the rec side.

Councilor Fugate stated there was a sentence in the original MOU, which had been changed, which read "community recreation center funds may or may not be applied to the construction of a pool". If they were not sure about if they raised funds, where those funds would go, or if they were not going to the pool, she was very concerned about that.

Mayor Verini stated that was the purpose of the meeting. Putting the three Councilors with the three members from FRHC, to sit down with the City Manager to arrive at a solution or not, regarding a partnership, but they needed to give it a chance. A 501C (3) community member wanted to work on opening this facility, was extremely important.

Councilor Fugate stated another concern was that if they wanted to build a recreation center, they should have gone before the Recreation Board and discussed this with them. This puffed up out of clear ether. She had not heard of this before the MOU was submitted. She didn't know where it came from. It wasn't something they ever talked about with Council.

Mayor Verini stated they came to the Council on Thursday...

Councilor Fugate agreed they should meet and talk, and get some things clarified. She had many concerns about this.

Mayor Verini stated his agreement that there were some concerns about the MOU, and that's why they would be sitting down and talking about it.

Councilor Tuttle stated his agreement with Councilor Fugate. That came out of the blue, and it talks more about a rec center than the pool. Personally, he'd like to go forward with the proposal presented by Ms. Roberts, and keep this pool direction moving forward. Whatever they might do in the future, out of any other discussions, his priority was the pool. There were plenty of places right now where people could use for recreation. He wanted to see the pool open, and he wanted to see this taken forward instead of standing here and tromping in the same mud hole for two years, or the two and half years he'd been on. He had real questions about their part in this, and he didn't think they could sit there and wait for them. The Council needed to do things like the YMCA. He thought they'd get good information from them, and that could be carried forward, to keep this moving in one direction, and that direction is the pool.

Mayor Verini believed they were moving forward, and today's proposal was a step in that direction.

Councilor Tuttle stated he didn't want to get muddled up in somebody else. He didn't care if they were a 501 K, W, X, Y, or Z. He wanted to move forward on the pool. Was he ready for a motion?

Mayor Verini stated if they had a partnership, that would be positive, working within the community with an organization that was very excited about getting the facility open.

Councilor Tuttle disagreed. One of the things in this MOU was that they wanted the city to put \$750K in their bank account, and then charge the city 3% to do it. That wasn't positive, and it wasn't something they needed to think about doing. He thought they were getting sucked into something. He wanted to move forward on the pool. They could have meetings, and talk to them...

Mayor Verini stated he had no problem with going forward with the pool. It was also one of the reasons that they set, with consent, to sit down with FRHC to see if they could put together a partnership. Whether it happened or not, depended on the committee sitting down. But, the city was going forward with the pool, and we would be opening this facility.

Councilor Jost verified that regardless of what came from the meeting, the city was still moving forward with the pool. That should be the priority. Even if the partnership fell apart, or didn't work to the city's advantage, they would still push through for the pool.

Councilor Fugate stated the Council, if they were going to look at a recreation center, then they needed to have a discussion about it. Did the Council want a recreation center? They'd never talked about it.

Mayor Verini stated that was the purpose of the meeting, and they hadn't even had it yet, between the City Council and the Four Rivers Healthy Community. Just give it a chance.

Councilor Fugate stated she knew that, but the Mayor was on their Board, so he should excuse himself.

Mayor Verini stated he wasn't on their Board. He was a member of the organization, but not on the Board.

Ms. Roberts stated if there was time, it might be beneficial to have the meetings with the YMCA first, because they could provide trends on recreation. If the meetings with FRHC could be held off, she'd get the Y moving on reviewing the drawings and voice some trends, and provide some information as to where they wanted to be.

Larry Tuttle moved, seconded by Thomas Jost, that the City Council authorize development of Professional Consulting Services agreements for both the YMCA and HSA, and approving up to \$3,500 for the YMCA for purpose of conducting the tasks outlined above. Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

CORRESPONDENCE, COMMENTS, EX-OFFICIO REPORTS

Mayor Verini stated the city had identified two sites that would be presented to the Idaho Power Company for an evaluation. They would be selecting ten sites from the various cities. Greg Smith, Malheur County Economic Development, was putting together recommendations for those two sites. One was being paid for; the second would cost \$500. If the sites that cost \$500 was not approved, the city could request a refund. If it was approved, to proceed further in the process, it would be another ~\$6,200. At that point, the city could elect to continue or turn it down. He brought this up because MCED had contacted him, mentioning that the information gathering process had not occurred yet, one being a wetlands study, so there might be a small delay. Because the reports were due to Idaho Power by June 10th, he wanted a consensus from the Council that if the information was obtained, and was ready for submittal, that Mr. Smith could move forward.

Councilor Jost asked what Idaho Power was doing with this?

Mayor Verini stated Idaho Power was going through the process of making ten site selections for a corporation that was seeking an area to build. There would be a competition for the process, and that is was part of that. This was the initial paperwork to get in line. They were also submitting properties in Vale and Nyssa. He thought there might be some parcels being presented from Idaho, too.

Council consensus to move forward on the application process.

AMEND AGENDA

Norm Crume moved, seconded by Betty Carter, to amend the Agenda for the addition of an Executive Session under ORS 192.660(2)(d). Roll call vote: Crume-yes; Winebarger-yes; Fugate-yes; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 7/0/0.

EXECUTIVE SESSION

An executive session was called at 8:23 p.m. under provisions of ORS 192.660(2)(d) regarding labor negotiations. The Council reconvened into regular session at 8:30 p.m. No action was taken with regard to the session.

ADDITIONAL COMMENTS

Councilor Crume stated after thinking about the earlier discussion related to the pool, if he had been someone from Four Rivers Healthy Community, sitting in the audience, he would have given the Council the middle finger. They told the Council the reason for using "recreational center" was for getting grants. The goal was now, and the goal had always been, to get the pool up and running with, in his opinion, the expectations of attempting to build it into a rec center, in a staged process. That was his interpretation of the FRHC involvement. He felt some language used that evening could be misconstrued as inflammatory. He thought they had a reason from stating rec center, and what the Council had done that evening was the next step in getting this put together.

Councilor Jost voiced his disagreement. The biggest thing the Council was putting out was that we didn't want to put up against any limitations or being told they had to do something. The Council was looking at the pool. If they came in with a rec center, great, but who cared? There were at least eight different gyms in Ontario, but his concern was getting the pool open. The rec center didn't have the room over there. Were they going to add on a building? It was tiny over there. The huge piece was the pool. Saying that the Council's main goal was the pool, and they hadn't even decided if they were going to meet to review the MOU. It currently had a lot of limitations, and he didn't want to be strapped down with those. He agreed that they should meet with them, but have their own thoughts and ideas, and to ensure the pool was in the forefront. If they didn't want to help, the city could look somewhere else. There were plenty of places in town or enough entities, that they could eventually get some help,

once they got the drawings done, or the meetings set with the YMCA. The YMCA was huge, and for them to take the time to meet with us, and give feedback and opinion, that was a pretty good deal. The Y just built another \$10M facility in Caldwell, with another going up in Meridian. Albertson's and Simplot gave money to do that. He didn't think they had talked down to anybody. They were just saying they weren't being tied down to anybody yet, because they wanted to ensure the pool was opened.

Councilor Carter stated her concern that Councilor Fugate was not aware of this. When she read "rec center", that was a red flag for her. If they had known the MOU was going to discuss a rec center, that would have had a different outcome. It was not brought up when the presentation was done, and she had not heard of it before.

Mayor Verini stated when the presentation was done, it was explained as to why they were using the verbiage of rec center.

Councilor Carter stated she was aware of that; however, that wasn't what she was saying. Councilor Fugate never mentioned rec center when FRHC was coming in to make a presentation. That had not been stated before – those words had not been stated. That should have been brought up and discussed with the Council. To her, that was an agenda item that was hidden. When they were being above-board, open, and honest, about what they were trying to do and who they were partnering with, everything needed to be on the table. That wasn't always done.

Mayor Verini stated it was on the table.

Councilor Carter stated yes, at the presentation. She had questions about what the rec center included.

Mayor Verini stated that was one of the reasons for the meeting; to find out if the city could partner with them. It would not slow down the process of opening the pool. After the meeting with the YMCA, then they'd move forward with meeting with Four Rivers.

ADJOURN

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

APPROVED:

ATTEST:

Ronald Verini, Mayor

Tori Barnett, MMC, City Recorder

MEETINGS LIST JULY THROUGH DECEMBER, 2015

JUL	2	V&C Board	7:00 am	Clarion Inn (1249 Tapadera Avenue)
	2	Council Work Session	12:00 pm	City Hall
	6	Council Meeting	7:00 pm	City Hall
	13	Airport Committee	6:00 pm	Airport (581 SW 33 rd Street)
	13	Planning Commission	7:00 pm	City Hall
	14	Public Works Committee	3:00 pm	City Shop (1551 NW 9 th Street)
	15	Recreation Board	3:30 pm	Recreation Building (745 SW 3 rd Avenue)
	16	Council Work Session	12:00 Noon	City Hall
	20	Council Meeting	7:00 pm	City Hall
	30	Council Work Session	12:00 pm	City Hall
AUG	3	Council Meeting	7:00 pm	City Hall
	6	V&C Board	7:00 am	Clarion Inn
	10	Airport Committee	6:00 pm	Airport
	10	Planning Commission	7:00 pm	City Hall
	11	Public Works Committee	3:00 pm	City Shop
	13	Council Work Session	12 Noon	City Hall
	17	Council Meeting	7:00 pm	City Hall
	19	Recreation Board	3:30 pm	Recreation Building
SEP	3	V&C Board	7:00 am	Clarion Inn
	3	Council Work Session	12 Noon	City Hall
	8	(TUE) Council Meeting	7:00 pm	City Hall
	14	Airport Committee	6:00 pm	Airport
	14	Planning Commission	7:00 pm	City Hall
	15	Public Works Committee	3:00 pm	City Shop
	16	Recreation Board	3:30 pm	Recreation Building
	17	Council Work Session	12 Noon	City Hall
	21	Council Meeting	7:00 pm	City Hall
OCT	1	V&C Board	7:00 am	Clarion Inn
	1	Council Work Session	12 Noon	City Hall
	5	Council Meeting	7:00 pm	City Hall
	12	Airport Committee	6:00 pm	Airport
	12	Planning Commission	7:00 pm	City Hall
	13	Public Works Committee	3:00 pm	City Shop
	15	Council Work Session	12 Noon	City Hall
	19	Council Meeting	7:00 pm	City Hall
	21	Recreation Board	3:30 pm	Recreation Building
	29	Council Work Session	12 Noon	City Hall
NOV	2	Council Meeting	7:00 pm	City Hall
	5	V&C Board	7:00 am	Clarion Inn
	9	Airport Committee	6:00 pm	Airport
	9	Planning Commission	7:00 pm	City Hall
	10	Public Works Committee	3:30 pm	City Shop
	12	Council Work Session	12 Noon	City Hall
	16	Council Meeting	7:00 pm	City Hall
	18	Recreation Board	3:30 pm	Recreation Building
DEC	3	V&C Board	7:00 am	Clarion Inn
	3	Council Work Session	12 Noon	City Hall
	7	Council Meeting	7:00 pm	City Hall
	8	Public Works Committee	3:00 pm	City Shop
	14	Airport Committee	7:00 pm	Airport
	14	Planning Commission	7:00 pm	City Hall
	16	Recreation Board	3:30 pm	Recreation Building
	17	Council Work Session	12 Noon	City Hall
	21	Council Meeting	7:00 pm	City Hall
	31	Council Work Session	12 Noon	City Hall

AGENDA REPORT – OLD BUSINESS

June 15, 2015

TO: Mayor and City Council

FROM: Tori Barnett, Interim City Manager

SUBJECT: ORDINANCE #2702-2015: AN ORDINANCE ADDING CHAPTER 4 TO TITLE 3 OF THE ONTARIO CITY CODE TO REQUIRE BUSINESS REGISTRATIONS FOR ALL BUSINESSES -FINAL READING

DATE: June 8, 2015

SUMMARY:

Attached is the following document:

- Ordinance #2702-2015
- Proposed Business Registration Application

There have been no changes to the ordinance since first reading.

PREVIOUS COUNCIL ACTION:

06-01-2015 Council passed Ordinance #2702-2015 on First Reading.

STAFF RECOMMENDATION:

Staff recommends the Council adopt Ordinance #2702-2015.

PROPOSED MOTION:

I move the City Council adopt **ORDINANCE #2702-2015, AN ORDINANCE ADDING CHAPTER 4 TO TITLE 3 OF THE ONTARIO CITY CODE TO REQUIRE BUSINESS REGISTRATIONS FOR ALL BUSINESSES, on First Reading by Title Only.**

ORDINANCE NO. 2702-2015

**AN ORDINANCE ADDING CHAPTER 4 TO TITLE 3
OF THE ONTARIO CITY CODE
TO REQUIRE BUSINESS REGISTRATIONS
FOR ALL BUSINESSES**

- WHEREAS,** The City of Ontario lacks a central registry of businesses located within the City limits; and
- WHEREAS,** The advantage to the City of having a central business registry is to allow the City to provide services more efficiently to businesses; to protect the health and safety of residents; to establish a convenient means for consumers and others to identify the nature of the businesses located within the City; and to provide useful economic development information; and
- WHEREAS,** The most efficient means for the City to establish such a central business registry is to require all businesses in the City to submit business registration applications annually to the City, which will be used to establish a business database; and
- WHEREAS,** The only effective way to insure that businesses will cooperate in establishing a central business registry is to impose a penalty on businesses that fail to comply with the provisions of this Ordinance.

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

Section 1. The following Chapter 4 is hereby added to Title 3 of the Ontario City Code and is entitled "General Business Registration":

CHAPTER 4 GENERAL BUSINESS REGISTRATION

3-4-1 DEFINITIONS

(A) Business means:

1. An organization engaged in commercial, industrial, or professional activities.
2. An individual engaged in commercial, industrial or professional activities, other than as an employee.

(B) Commercial means providing goods, services or a combination of goods and services for payment.

3-4-2 REGISTRATION REQUIREMENT

(A) Except as exempted under Section 3-4-3, businesses engaging in activity in the City must register with the City.

(B) The following provisions apply to the registration requirement:

1. Any business that conducts business activities in the City, whether or not the business operates from a physical location in the City, is subject to this chapter.
2. Electronic businesses, including Internet businesses, with a physical location in the City, are required to register.
3. If more than one business is conducted on the same premises, each business must register separately in order for them to be listed on the city's website.
4. A single business operation that occupies more than one building must complete only one registration application. The application shall list all buildings and activities carried on in each building.

3-4-3 EXEMPTIONS

(A) The following are exempt from the requirement to obtain a business registration:

1. A service business operated by a person under the age of 18, such as a lawn mowing business, a newspaper delivery business, a lemonade stand, and the like.
2. Individuals who work only on the premises of, and as part of, a registered business that includes the activity of the individual. Examples include barbers, beauticians, and others who perform services as part of the overall registered business. This exemption does not apply if the overall business operation has not submitted an approved registration application to the City.
3. Persons selling goods or services exclusively during a permitted special event activity where the sponsor of the event has obtained a City permit for the event and has an approved City business registration.
4. Activities that qualify as hobbies or passive holding of property for investment purposes under the U.S. Internal Revenue Code.
5. Any person whose business activities, including the activities of all employees, total less than 32 hours per year or whose gross annual revenue is less than \$3,000 for a full year. This exemption is intended to apply to businesses based outside the City that may do minimal work inside the City and to individuals who engage only in minimal business.
6. A person who sends goods to a customer in the City is not considered to be doing business in the City based solely on the sending or delivering of the goods into the City. However, a company in the business of delivering goods is subject to the requirements of this chapter if the company, including the activities of all employees, is engaged in business (picking up or delivering goods) within the City in excess of 32 hours per year.

(B) The following must register but are exempt from payment of the registration fee:

1. Any business exempted from paying local business license fees or taxes by Federal or State constitution or law.
2. Any business exempt from paying property tax.

3. Any entity registered with the Oregon Secretary of State as a not for profit corporation.

3-4-4 DURATION OF REGISTRATION; CHANGE OF REGISTRATION

- (A) New registrations shall be valid from the date of issuance to the end of the calendar year, and will be prorated accordingly. Renewals will be due by the 15th of January of each year.
- (B) If ownership of a business is transferred during the year, the new owner shall update the registration information for the business.
- (C) Businesses that change physical location or business name shall submit a change of registration form.

3-4-5 REGISTRATION SUBMITTAL AND REGISTRATION FEE

(A) Each organization or individual wishing to engage in business shall submit a business registration form to the City accompanied by payment of the registration fee of \$25, or in an amount set by Council resolution. The City shall treat information other than the name, type and location of the business as confidential to the extent permitted by state public records law, but may use the information in connection with the provision of City services. The registration shall contain:

1. A description of the nature of the business, non-profit activity or public utility to be engaged in;
2. The date that business operations in the City limits began or will begin;
3. The name and address of the applicant, including email address; if a partnership, the names and addresses of all partners; if a corporation, its name and the address of the home office, the name and address of the designated agent in the state if a foreign corporation, and the name and address of the local agent or representative who will be in charge of the business in the city;
4. The addresses where the business will be located or have its office and all branch, storefront, warehouse and other associated locations within the city limits of Ontario;
5. The date of application;
6. Emergency contact information;
7. Any other information relevant to the type and location of the business the City determines that the application should contain;
8. Other information intended to assist the police and fire departments provide assistance to the business.
9. The signature of an authorized representative.

(B) One purpose of this Chapter is to increase the effectiveness of the City's response to fires. As part of the registration application, each business shall sign a consent authorizing a pre-fire inspection of the business premises to allow the fire department to diagram the interior of the building and identify features relevant to fire suppression. The fire department will reasonably

cooperate with the business to attempt to schedule the inspection at a mutually convenient time. The information gathered will be kept confidential, to the extent permitted under the state public records laws.

3-4-6 ADDITIONAL FEE

Any business required to file a business registration has up to six months to comply following the enactment of this ordinance, or shall pay an additional registration fee of \$25. The Council may change the additional registration fee from time to time by resolution.

3-4-7 COMPLIANCE WITH LAW

The registration of a business does not signify that the business is acting in compliance with law, and does not authorize a business to operate in violation of any laws.

3-4-8 VIOLATIONS AND CIVIL PENALTIES

The fine for knowingly failing to register a business with the City is \$100 plus \$10 per each day that the business fails to register. A knowing violation of any other provision of this Chapter or knowing submission of false information in a business registration is punishable by a fine of \$100. The fines set forth herein may be changed by resolution of the Council.

3-4-9 RENEWAL

Registrations shall be renewed prior to the expiration of the previous registration.

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

Section 3. This ordinance shall become effective 30 days after passage.

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

AYES:

NAYS:

ABSENT:

APPROVED by the Mayor this _____ day of _____, 2015.

ATTEST:

Ronald Verini, Mayor

Tori Barnett, MMC, City Recorder



City of Ontario
 444 SW 4th Street
 Ontario, OR 97914
 Voice (541)889-7684
 Fax (541)889-7121
www.ontariooregon.org

CITY OF ONTARIO BUSINESS REGISTRATION APPLICATION

Required by Ontario Municipal Code 4-3

Initial Fee: \$25

Renewal Fee: \$10

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

Type: Initial

Renewal

Change

Temporary (30-day limit)

Fee Exempt

If you believe your business is exempt from payment of fee, please submit the completed application along with a statement and/or paperwork to support your request for exemption.

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

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

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

BUSINESS NAME: _____

BUSINESS ADDRESS: _____

BUSINESS TELEPHONE: _____ HOURS/DAYS OF OPERATION: _____

BUSINESS EMAIL: _____ BUSINESS WEBSITE: _____

GENERAL DESCRIPTION OF BUSINESS: _____

COMMERCIAL STORE-FRONT OR IN-HOME BUSINESS: _____

BUSINESS OWNER NAME: _____

BUSINESS OWNER ADDRESS: _____

BUSINESS OWNER PHONE: _____ BUSINESS OWNER EMAIL: _____

PROPERTY OWNER NAME (IF DIFFERENT THAN ABOVE): _____

PROPERTY OWNER ADDRESS: _____

PROPERTY OWNER PHONE: _____ PROPERTY OWNER EMAIL: _____

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

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

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

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

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

**CONSENT TO AUTHORIZE A PRE-FIRE INSPECTION OF THE BUSINESS PREMISES TO ALLOW DIAGRAMING THE INTERIOR OF THE BUILDING AND TO IDENTIFY FEATURES RELEVANT TO FIRE SUPPRESSION:
PLEASE SIGN HERE _____**

IS THERE A BASEMENT: YES NO

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

ROOF ACCESS LOCATION: _____

KNOX BOX: YES NO IF YES, LOCATION: _____ FIRE SUPPRESSION SYSTEM: YES NO

AUTOMATED EXTERNAL DEFIBRILLATOR (AED): YES NO IF YES, LOCATION(S): _____

ALARM: YES NO IF YES, TYPE(S): _____

ALARM COMPANY/PHONE: _____

DOES YOUR FACILITY CONTAIN HAZARDOUS MATERIALS: YES NO IF YES, PLEASE LIST: _____

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

ANIMALS ON PREMISES: YES NO TYPE(S): _____

Non-Compliance Penalty: The fine for knowingly failing to register a business with the City is \$100 plus \$10 per each day that the business fails to register. A knowing violation of any other provision of this Chapter or knowing submission of false information in a business registration is punishable by a fine of \$100.

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

SIGNED: _____

DATE: _____

PRINTED NAME: _____

TITLE: _____

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

THANK YOU

NOTE: If more than one business is conducted on the same premises, each business must register separately in order for them to be listed on the city's website.

ATTACH TO EACH SUBMITTED BUSINESS REGISTRATION APPLICATION
FOR INTERNAL REVIEW ONLY:

Additional licenses required, such as Dealer of Regulated Property, Liquor, Taxi, etc.? Yes No

If yes, applied for or received? Yes No

Property zone: _____

Is business located in proper zone? Yes No

If no, is there paperwork documenting the approval for operating in the incorrect zone? Yes No

Does the business violate any City, State or Federal Law? Yes No

If yes, state applicable violation: _____

Reviewed: (Sign/Date)

Fire Department _____

Police Department _____

Planning Department _____

City Recorder _____

Consent Form to Authorize a Pre-Fire Inspection of the Business Premises to Allow Diagraming the Interior of the Building and to Identify Features Relevant to Fire Suppression Received (Page 2 of Application)

License issued? Yes No If yes, number: _____

If no, why not? _____

Signed by Issuing Person

Date

Added to data base _____

Completed document provided to Public Safety _____

AGENDA REPORT

June 15, 2015

TO: Mayor and City Council

FROM: Kari Ott, CPA, Finance Department

THROUGH: Tori Barnett, Interim City Manager

SUBJECT: **RESOLUTION #2015-128: A RESOLUTION ACKNOWLEDGING RECEIPT AND APPROPRIATION OF GRANT FUNDS AND APPROPRIATING EXPENDITURES WITHIN THE AQUATIC FUND**

DATE: June 8, 2015

SUMMARY:

Attached is the following document:

- Resolution #2015-128

There are unexpected grant funds that can be used for the NW Washington Project.

Funds need to be appropriated in the Aquatic Fund to pay for some consulting with the YMCA and HSA.

PREVIOUS COUNCIL ACTION:

06-01-2015 The Council approved working with the YMCA and HSA to consult with for plans for the construction of the swimming pool.

BACKGROUND:

The NW Washington project has a little grant funding from ODOT that can be used. There are \$12,302 of expenses that will be reimbursed by the grant. Those grant funds need to be recognized in the 2014-2015 budget.

CH2M presented a staff report to the Council, seeking approval to work with the YMCA and HSA on the pool project. The attached resolution will move Contingency Funds to Contract Services in the Aquatic Fund.

RECOMMENDATION:

Staff recommends adoption of Resolution #2015-128.

PROPOSED MOTION:

I move the Council adopt **RESOLUTION #2015-128, A RESOLUTION ACKNOWLEDGING RECEIPT AND APPROPRIATION OF GRANT FUNDS AND APPROPRIATING EXPENDITURES WITHIN THE AQUATIC FUND.**

RESOLUTION # 2015-128

**A RESOLUTION ACKNOWLEDGING RECEIPT AND APPROPRIATION OF
GRANT FUNDS AND APPROPRIATING EXPENDITURES
WITHIN THE AQUATIC FUND**

WHEREAS, The City of Ontario has ODOT grant funding that is available to be received for the NW Washington project; **and**

WHEREAS, the Grants Fund budget for FY 2014-2015 was adopted without the knowledge of such funds; **and**

WHEREAS, the Aquatic Fund needs adjusted to pay for some consulting for the pool construction project; **and**

WHEREAS, the City desires to modify the 2014-2015 budget to receive and expend the funds.

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

Line Item	Item Description	FY 14-15 Budget	Amount of Change	Adjusted Budget
GRANT FUND				
010-000-456172	ODOT NW WA Proj Rev	\$0	\$12,302	\$12,302
010-038-714172	ODOT NW WA Proj Exp	\$0	\$12,302	\$12,302
AQUATIC FUND				
125-008-871000	Operating Contingency	\$16,555	(\$4,500)	\$12,055
125-008-615550	Contract Services	\$0	\$4,500	\$4,500

Effective Date: Upon adoption

Passed and adopted by the Ontario City Council this 15th day of June, 2015.

Ayes:

Nays:

Absent:

Approved by the Mayor this 15th day of June, 2015.

ATTEST:

Ronald Verini, Mayor

Tori Barnett, MMC, City Recorder

AGENDA REPORT

June 15, 2015

TO: Mayor and City Council

FROM: Kari Ott, CPA, Finance Department

THROUGH: Tori Barnett, Interim City Manager

SUBJECT: RESOLUTION #2015-129: CLOSING UNNECESSARY 911 AND PUBLIC WORKS FUNDS

DATE: June 8, 2015

SUMMARY:

Attached is the following document:

- Resolution #2015-129

The proposed resolution will close funds deemed unnecessary.

BACKGROUND:

Due to the consolidation of the 911 services with Malheur County, the 911 Fund is considered unnecessary. The balance of \$109,895.86 remaining in the fund will be transferred to the General Fund.

As CH2M Hill performs Public Works services, the Administrative Public Works Fund has become unnecessary. Any remaining balance will be transferred to the Water, Sewer, and Storm Sewer Funds.

FINANCIAL IMPLICATIONS:

On June 30, 2015, \$109,895.86 will be transferred to the General Fund from the 911 Fund. In addition, if there are any remaining funds in the Public Works Fund, the balance will be transferred to the Water, Sewer, and Storm Sewer Funds.

RECOMMENDATION:

Staff recommends the Council adopt Resolution #2015-129.

PROPOSED MOTION:

I move the City Council adopt **RESOLUTION #2015-129, A RESOLUTION CLOSING UNNECESSARY 911 AND PUBLIC WORKS FUNDS.**

RESOLUTION #2015-129

**A RESOLUTION CLOSING UNNECESSARY
911 AND PUBLIC WORKS FUNDS**

- WHEREAS,** The City contracted with CH2M to provide Public Works services; **and**
- WHEREAS,** The City consolidated 911 dispatching services with Malheur County; **and**
- WHEREAS,** The 911 Fund and Public Works Fund are unnecessary and need to be closed.

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

The City Council elects to close the unnecessary 911 Fund and Public Works Fund. The balance of the 911 Fund will be transferred to the General Fund and any balance remaining in the Public Works Fund will be transferred to the Water, Sewer, and Storm Sewer Funds.

EFFECTIVE DATE: Effective June 30, 2015.

PASSED AND ADOPTED by the City Council of the City of Ontario this 15th day of June, 2015, by the following vote:

AYES:

NAYES:

ABSENT:

APPROVED by the Mayor this 15th day June, 2015.

Ronald Verini, Mayor

ATTEST:

Tori Barnett, MMC, City Recorder

AGENDA REPORT

June 15, 2015

TO: Mayor and City Council

FROM: Kari Ott, CPA, Finance Department

THROUGH: Tori Barnett, Interim City Manager

SUBJECT: RESOLUTION #2015-130: ESTABLISHING POLICIES RELATED TO ENDING FUND BALANCES FOR 2014-2015 (GASB 54)

DATE: June 8, 2015

SUMMARY:

Attached is the following document:

- Resolution #2015-130

The purpose of this agenda item is to establish fund balance policies to comply with GASB Pronouncement 54.

BACKGROUND:

The City Council elects and reserves the authority to establish and modify commitments of ending fund balance pursuant to GASB 54 requirements.

FINANCIAL IMPLICATIONS:

The Council elected to commit the 2014-2015 ending fund balance for specific uses in 2015-2016.

RECOMMENDATION:

Staff recommends the Council adopt Resolution #2015-130.

PROPOSED MOTION:

I move the City Council adopt **RESOLUTION #2015-130, A RESOLUTION ESTABLISHING POLICES RELATED TO ENDING FUND BALANCES FOR 2014-2015 PURSUANT TO GASB 54 REQUIREMENTS.**

RESOLUTION #2015-130

**A RESOLUTION ESTABLISHING POLICIES RELATED TO
ENDING FUND BALANCES FOR 2014-2015 PURSUANT TO GASB 54 REQUIREMENTS**

WHEREAS, The City of Ontario promotes accounting practices in compliance with the Governmental Accounting Standards Board (GASB); and

WHEREAS, The City Council desires to establish fund balance policies to comply with GASB Pronouncement 54.

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

Pursuant to GASB 54 requirements, the City hereby elects the following policies as it relates to fund balances for 2014-2015:

Authority

The Ontario City Council reserves the authority to establish and modify commitments of ending fund balance.

Commitments

In compliance with GASB 54, the Ontario City Council hereby makes the following commitments of 2014-2015 ending fund balance for specific uses in 2015-2016:

General Fund

\$500,000 of the ending General Fund balance is committed to use for activities relating to the swimming pool construction.

\$500,000 of the ending General Fund balance is committed to use for equipment replacement.

Special Revenue Funds

The unrestricted ending fund balance of the Trust Fund is committed to use for activities related to the specific department priorities as established by those who provided the monies held in trust.

The ending fund balance of the Revolving Loan Fund is committed to use for activities related to the specific activities defined by Council Resolution governing the revolving loan fund program and the grant program established through the collection of interest payments on outstanding loans.

Capital Project Funds

The unrestricted ending fund balance of the Capital Projects Fund is committed to use for capital project activities as defined by each individual department, including fees collected that are required to be spent on defined activities.

The unrestricted ending fund balance of the Reserve Fund is committed to use for capital projects and equipment replacement related to the specific department priorities as established by those who provided the monies.

Assignments

Authority to classify portions of ending fund balance as Assigned is hereby granted to the Ontario City Council, or their designee.

Spending as it Relates to Ending Fund Balance Policy

The Ontario City Council considers the spending of the restricted classification of fund balance in the following order:

- Restricted Uses
- Committed Uses
- Unrestricted Uses

EFFECTIVE DATE: Effective immediately upon passage.

PASSED AND ADOPTED by the City Council of the City of Ontario this 15th day of June, 2015, by the following vote:

AYES:

NAYES:

ABSENT:

APPROVED by the Mayor this 15th day of June, 2015.

Ronald Verini, Mayor

ATTEST:

Tori Barnett, MMC, City Recorder

AGENDA REPORT

June 11, 2015

TO: Mayor and City Council

FROM: Cliff Leeper, Public Works Director
Dave Van Wagoner, Deputy Public Works Director

THROUGH: Tori Barnett, City Manager Pro Tem

SUBJECT: **BID AWARD: 4WD CHIP SPREADER**

DATE: June 11, 2015

SUMMARY:

The Public Works Department received just one bid from a vendor in Pocatello that offers refurbished chip spreaders. No other vendors were responsive in offering used and/or refurbished machines. The vendor, Geff's Manufacturing, submitted the following bid:

Complete refurbished chip spreader:	\$85,000
Freight:	<u>\$1,150</u>
Total bid price:	\$86,150
Trade in allowance:	<u>- \$3,000</u>
Delivered to Ontario Public Works shop:	\$83,150

PREVIOUS COUNCIL ACTION:

The City Council previously approved the use of Repair Budget money for the replacement of the Public Works Department chipsealer. The vendor supplying the refurbished unit offered to take payment for the machine over two fiscal years.

BACKGROUND:

The Public Works Department's current chipsealer broke down last year during the chipseal program and the county offered to help finish the chipseal area. This chip spreader has outlived its useful life and only has small value (\$3,000) as a trade-in to be used for parts. It is the intention of the Public Works Department that Repairs Budget money be used over the course of two budget years to replace this unit.

FINANCIAL IMPLICATIONS:

By using a portion of the Repairs Budget for this types of repair/replacement, the Public Works Department is able to help the city better focus its CIP budget in other places. The funds will be taken from Line Item 045-090-712106.

RECOMMENDATION:

Staff recommends awarding the bid to the only responsive bidder, Geff's Manufacturing, for a total bid price of \$83,150. Geff Manufacturing confirmed the unit can be delivered before the start of this year's Chipseal Program, which begins in mid-July.

PROPOSED MOTION:

I move that the City Council authorize the Public Works Department to award the bid for the chip spreader to Geff's Manufacturing for the amount of \$83,150.00.

AGENDA REPORT
June 11, 2015

TO: Mayor and City Council

FROM: Cliff Leeper, Public Works Director
Dave Van Wagoner, Deputy Public Works Director

THROUGH: Tori Barnett, City Manager Pro Tem

SUBJECT: BID AWARD: 5-YARD SINGLE AXLE DUMP TRUCK

DATE: June 11, 2015

SUMMARY:

The Public Works Department received two bids from local vendors regarding the replacement of one of the city's old five-yard dump trucks. It should be noted that no previously-owned units capable of providing the operational functions needed were available at the time of this bid. The two vendors, along with their bid amounts for the total package, are as follows:

- MetroQuip - \$173,300
- Utility Truck Equipment - \$158,861

Without considering deviations of bid items, the apparent low bidder is Utility Truck Equipment, coming in \$14,439 under MetroQuip. When looking at deviations, however, especially as it relates to delivery time, certain issues need to be considered other than just lower initial cost.

The specifications used were necessary to acquire the best possible equipment for the city's needs, many of which address the capabilities for snow and ice control activities. In comparing the two vendor's bids, staff found MetroQuip to be the most responsive.

One of the most important considerations was the delivery time, and both vendors were informed of the city's need to replace the presently owned dump truck as soon as possible – hopefully before the next winter season begins. This is where the two vendors differed:

MetroQuip delivery – December 2015

Utility Truck Equipment delivery – March 2016

Again, while the initial bid prices were \$14,439 apart, staff thinks it is very important for the continued safe and practical operation of the City's snow removal equipment that they be put into service as soon as possible. Last year, Public Works was without the ability to treat snow and ice for six weeks while one of the old dump trucks was broken down.

PREVIOUS COUNCIL ACTION:

The City Council previously approved the use of Repair Budget money for the replacement of Public Work's two antiquated dump trucks (one this fiscal year and one next fiscal year). It was estimated that the dump trucks needed would cost approximately \$185,000 each. Acceptance of either bid will come under this initial number by at least \$11,700.

BACKGROUND:

Many of the vehicles or equipment owned by the city are second, third, or fourth generation vehicles, which means the majority of the operational costs of each piece of equipment has been borne by the city. The equipment in question is a 1985 Ford Dump Truck, which is so old parts are no longer available. The repairs done last winter - after it was out of service for six weeks - were finally realized by fabricating a part no longer available, just to get it "*back on the road.*" There is no guarantee going forward that Public Works will be able to do this with other mechanical issues that come up. The city owns two of this same year dump truck (1985), both with issues relating to operation and the lack of confident continued service.

It is the intention of the Public Works department that Repairs Budget money be used over the course of two budget years to replace these old units.

FINANCIAL IMPLICATIONS:

By using a portion of the Repairs Budget for these types of vehicles/equipment, the Public Works Department is able to help the city better focus its CIP budget in other places. Funding will be out of Line Item #045-090-712105.

RECOMMENDATION:

Staff recommends awarding the bid to the most responsive bidder, especially as it relates to delivery time, which will allow Public Works to have the unit delivered in time for the upcoming winter season.

PROPOSED MOTION:

I move that the City Council authorize the Public Works Department to award the bid for the 5-yard, single-axle Dump Truck to MetroQuip, with the intention of placing the equipment in service before the winter season is over.

AGENDA REPORT – PUBLIC HEARING
June 15, 2015

TO: Mayor and City Council

FROM: Kari Ott, CPA, Finance Department

THROUGH: Tori Barnett, Interim City Manager

SUBJECT: RESOLUTION #2015-131: DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES

DATE: June 8, 2015

SUMMARY:

Attached is the following document:

- Resolution #2015-131

The proposed resolution is to “*Declare the City’s Election to Receive State Revenue*” pursuant to ORS 221.770.

BACKGROUND:

The City of Ontario Budget Committee held public hearings on May 5, 6, and 7, 2015. The 2015-2016 annual budget contains revenue sharing from the State of Oregon. The City Council held a public hearing on June 15, 2015, giving the citizens an opportunity to comment on the use of State Revenue Sharing, pursuant to ORS 221.770.

FINANCIAL IMPLICATIONS:

Adoption of the proposed resolution will provide the city the ability to share in State Revenue that is shared with cities throughout Oregon.

RECOMMENDATION:

Staff recommends the Council adopt Resolution #2015-131.

PROPOSED MOTION:

I move the City Council adopt **RESOLUTION #2015-131, A RESOLUTION DECLARING THE CITY’S ELECTION TO RECEIVE STATE REVENUES FOR FISCAL YEAR 2015-2016.**

RESOLUTION #2015-131

A RESOLUTION DECLARING THE CITY’S ELECTION TO RECEIVE STATE REVENUES

WHEREAS, The Ontario City Budget Committee held public hearings on May 5, 6, and 7, 2015; and

WHEREAS, The City Council held a public hearing on June 15, 2015 giving citizens an opportunity to comment on the use of State Revenue Sharing.

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

Pursuant to ORS 221.770, the city hereby elects to receive state revenues for fiscal year 2015-2016.

EFFECTIVE DATE: Effective immediately upon passage.

PASSED AND ADOPTED by the City Council of the City of Ontario this 15th day of June, 2015, by the following vote:

AYES:

NAYES:

ABSENT:

APPROVED by the Mayor this 15th day of June, 2015.

Ronald Verini, Mayor

Tori Barnett, MMC, City Recorder

I certify that a public hearing before the Budget Committee was held on May 5, 6 and 7, 2015 and a public hearing before the City Council was held on June 16, 2014, giving citizens an opportunity to comment on use of State Revenue Sharing.

Tori Barnett, MMC, City Recorder

AGENDA REPORT – PUBLIC HEARING

June 15, 2015

TO: Mayor and City Council

FROM: Kari Ott, CPA, Finance Department

THROUGH: Tori Barnett, Interim City Manager

SUBJECT: RESOLUTION #2015-132: ADOPTING THE ANNUAL BUDGET FOR FISCAL YEAR 2015-2016

DATE: June 8, 2015

SUMMARY:

Attached is the following document:

- Resolution #2015-132

The proposed resolution is to adopt and appropriate the FY 2015-2016 budget; impose taxes upon taxable property; and categorize the taxes imposed.

BACKGROUND:

The City of Ontario Budget Committee held public hearings on May 5, 6, and 7, 2015, and approved the 2015-2016 annual budget. The City Council held a public hearing on June 15, 2015, giving the citizens an opportunity to comment on the annual budget for 2015-2016.

There are only two minor changes to the proposed budget, that differ from the budget approved by the Budget Committee, which are an increase in the Police Department due to union negotiations, and a \$2,000 increase in the Cemetery Fund for landscaping.

FINANCIAL IMPLICATIONS:

The proposed motion adopts and appropriates the annual budget in the amount of \$26,605,346.

RECOMMENDATION:

Staff recommends Council adopt Resolution #2015-132.

PROPOSED MOTION:

I move the City Council adopt **RESOLUTION #2015-132, A RESOLUTION TO ADOPT AND APPROPRIATE THE ANNUAL BUDGET FOR 2015-2016, IMPOSE THE TAXES UPON TAXABLE PROPERTY, AND CATEGORIZE THE TAXES IMPOSED FOR FISCAL YEAR 2015-2016.**

Discussion/Information /Hand-Out Items

City Council Meeting
June 15, 2015

City of Ontario

Utility Billing Policy

Purpose: The Utility Bill Policy is intended to establish guidance to City Staff for the consistent, uniform implementation of User Fees to all users of the City's water, sewer, and storm water services.

General Background: The City of Ontario has adopted various ordinances and resolutions establishing the user fees for water and sewer services within and without the city limits. This policy provides a compilation of those fees and the appropriate reference to the ordinances and resolutions that establish the user fees.

Exempt from the Utility Billing Policy: This policy is not inclusive of all user charges. The user charges exempt for this policy include, but are not limited to:

- (1) Water/Sewer Connection (Tap) Fees** – Tap fees are established in Section 8-11-10 of the City Codes and are assessed separately from the monthly Utility Bill unless a monthly payment of charges are negotiated prior to connection.
- (2) System Development Charges (SDC)** - Title 8, Chapter 13 of the City Codes authorizes the assessment of System Development Charges to impose at least a portion of the cost of capital improvements for water, wastewater, drainage, streets, flood control, and parks upon those developments that create the need for or increase the demands on capital improvements. The funding provided by this Chapter constitutes a collection method based upon Oregon State Status, ORS 223.297 through 223.314, to assure the construction of improvements to facilities as contemplated in the City's Capital Improvements Plan, to be funded with money collected under this Chapter.
- (3) Sewer Surcharges** - Section 8-7-3.5, of the City Codes requires the City to establish a surcharge on users discharging wastes into the sewer system which exceed the Biochemical Oxygen Demand (BOD) and/or Total Suspended Solids (TSS) for the Equivalent Residential Unit (ERU). The Equivalent Residential Unit is less than 1.5 pounds BOD per 1,000 gallons of waste; and 1.25 pounds TSS per 1,000 gallons of waste (Resolution No. 94-117). Said surcharges shall be in accordance with the formulas proposed in

the City of Ontario Sewer Rate Study dated October 1994. The surcharge shall be adopted by resolution of Surcharges shall be implemented by contract or permit to the user.

(4) Negotiated High Volume Consumption Fees – City Council Resolution No. 2003-146 establishes Monthly Flat Rates for water services of 8 and 10 inch diameter but specifies a “negotiated” Monthly Consumption Rate.

(5) Industrial Negotiated Storm Water Use Fee: This policy does not cover the establishment of an Industrial Storm Water Use Fee as established in Section 4-9-18 of the City Codes.

Terminology: It is not the intent of this policy to create or limit the definition of the terms used in this policy. The terminology used in this policy shall follow definitions specified in the applicable city code; state and/or federal regulations; related industry terminology; and/or general language definitions. The City Public Works Director shall initiate a revision to this policy or to the appropriate City Code to resolve a dispute over the use or meaning of a term used in this policy.

Responsible City Official: The City Manager is responsible for the establishment of the Utility Billing Policy. The City Manager shall seek the advice of the City Attorney, City Finance Director, and the City Public Works Director in the development of this policy. The City Council retains the approval authority for this policy.

Policy Implementation: The City Manager shall implement the Utility Billing Policy within 30 days of approval by the City Council.

Policy Revisions: The City staff, under the direction of the City Manager, is hereby directed to revise this policy within 60 days of adoption of a new ordinance or resolution that impacts the policy. The City Council shall review and approve all revisions to this policy. As specific situations arise, it is the responsibility of the staff and management to identify instances where the policy should be revised to document how the issue was addressed to provide staff guidance in the future.

Monthly Utility Billing:

The City Finance Department shall prepare and collect monthly utility user charges. Users of the City's Public Utilities shall be mailed monthly a statement showing the amount due (§8-11-23(A)) for the previous month's services. Closing

bills will be mailed shortly after the time of discontinuance of service. Utility bills are to be a prorated charge at Start/Closing of service. The bills shall be prorated according to the usage; however, the availability charge shall accrue to the end of the billing period for the services turned off during a billing cycle for nonpayment (§8-11-23(B)). The Monthly Utility Bill is the sum of the following charges (fees) covered under this policy: (1) Water Use Fee, (2) Sewer User Fee, (3) Storm Water Use Fee and (4) Utility Capitalization Fee.

$\text{Monthly Utility Charge} = \Sigma \text{ Water Use Fee} + \text{Sewer Use Fee} + \text{Storm Water Fee} + \text{Utility Capitalization Fee}$
--

Calculation of the Monthly Utility Bill:

(1) Water Use Fees

The Water Use Fees are the sum of the “availability charge”, also called the “flat rate” plus the “commodity charge” which is the result of the metered “Volume Consumed” during the month (measured in gallons) multiplied by the Consumption Rate (dollars per 1,000 gallons consumed.) Resolution 2003-146 sets the “Flat Rate” for different service sizes based on the “Water Meter Size.” Users located outside the City Limits are charged 175% of the rates charged to users within the City limits as adopted in Title 8, Chapter 8, Section 22(B) of the City Codes. Table 1 is a summary of the water use rates established by City Council Resolution No. 2003-146. These rates became effective on January 1, 2005.

TABLE 1 – WATER USE RATES

Water Meter Size (inches)	Availability Monthly Flat Rate (\$)		Monthly Consumption Rate (\$/1000 gal)	
	Inside City	Outside City	Inside City	Outside City
5/8" to 1"	\$10.00	\$17.50	\$1.35	\$2.36
1 1/2"	\$25.00	\$43.75	\$1.35	\$2.36
2"	\$40.00	\$70.00	\$1.35	\$2.36
3"	\$100.00	\$175.00	\$1.35	\$2.36
4"	\$160.00	\$280.00	\$1.35	\$2.36
6"	\$400.00	\$700.00	\$1.35	\$2.36
8"	\$640.00	\$1,120.00	Negotiated	Negotiated
10"	\$2,080.00	\$3,640.00	Negotiated	Negotiated

Note: residential water meter sizes are typically 5/8" or 1".

Calculation of the Water Use Fee

The following formula is used to calculate the Water Use Fee:

$$W = F + [V \times C]$$

Where:

W = Water Use Fee measured in dollars (\$)

F = Water Availability Flat Rate (\$)

V = Volume Consumed as measured by water meter reading in gallons (gal)

C = Consumption Rate expressed in dollars per 1,000 gallons (\$/1000 gal)

$\text{Water Use Fee}(\$) = \text{Flat Rate}(\$) + [\text{Volume Consumed}(\text{gal}) \times \text{Consumption Rate}(\$/1000 \text{ gal})]$
--

2. Sewer Use Fees

The monthly Sewer Use Fee is the sum of the "Uniform PW Administrative Charge" and the result of the "average monthly water consumption" (measured in gallons) multiplied by the "sewer rate" (measured in dollars per 1,000 gallons of water consumption.)

- (a) Uniform PW Administrative Rate (\$) is a minimum charge applied to the utility billing to cover administrative expenses associated with the collection, tabulation, and mailing of utility bills to all users of the City water and sewer services. This rate is authorized in City Council Resolution No. 2013-116 adopted by the City Council.
- (b) Average Monthly Water Consumption (gal) is the user's total monthly water consumption during the winter months of November, December, January, February, and March divided by five (5). The average monthly water consumption is derived annually by the City. This average is used for the assessment of the monthly sewer fees. Although the water consumption is metered monthly, the use of the water consumption during the winter months is intended to allow users that utilize city water to irrigate landscaping to avoid paying sewer Fees for water that is not discharged to the City Sewer. The average monthly water consumption is authorized

under Title 8, Chapter 7, Section 3.5 of the City Code.

(1) **Similar Accounts (Residential)** – The City Codes (§8-7-3.5) require the use of the Average Monthly Water Consumption of similar accounts for new accounts. City Council Resolution No. 2005-127 defined “Similar Accounts” to be 7,700 gallons per ERU as derived from the City wide residential user data measured by the City.

(2) **Other Situations** – As the City implemented the authorizing City Codes, several other situations were identified where an Average Monthly Water Consumption was not available for a particular property. The City has developed the following policies to assist the City Staff in uniformly and consistently implementing the City Utility codes and resolutions. These situations include, but are not limited to, the following residential and commercial properties: (A) new user on existing property; (B) existing vacant property; (C) new build – vacant property; (D) part-time occupancy; and (F) other.

(A) New User on Existing Property (Commercial) - This is the most frequent of these special situations. It is characterized by an existing property changing ownership, or a rental property changing tenants. In this situation there is not an established Average Monthly Consumption for the new user. However, the property has an established consumption history for the previous user. Therefore, for the first year of occupancy, the City shall utilize the Average Monthly Consumption for the previous occupant of the property, until a new Average Monthly Consumption for the new occupant can be derived.

(B) Existing Vacant – This situation applies to properties that have been connected to City water and sewer systems and have already established an average monthly water consumption history but the property is currently vacant. It is assumed that City water may or may not be used to irrigate existing landscaping but there is a zero discharge to the City Sewer. This situation may or may not result in a metered water consumption. Although there is no discharge to the sewer system, there still remains the installed sewer collection and treatment systems that must be maintained. Therefore, the City shall collect a minimum sewer charge. The monthly sewer fee shall utilize the most recent Average Monthly Water Consumption for the property.

- (C) New Build - Vacant & New Build Occupied (Residential) – This situation applies to properties where (a) a new structure has been built; (b) the property has not previously been connected to City water or sewer; and (c) the property is vacant. As a new facility the first three months is not assessed a utility charge. At the end of the three months the following sewer charges apply. Since there is no water consumption, the flat “capacity” rate is applied until the property is occupied. Once occupied, the City will utilize the “Similar Accounts” average monthly water consumption of 7,700 gallons for residential property as established in City Council Resolution No. 2005-127 for the calculation of the sewer charge for the new build, occupied property. This rate will continue until the City derives an Average Monthly Water Consumption for the property.
- (D) Part-Time Occupancy – This situation applies to properties that are vacant for several months every year. A typical situation is that the resident lives on the property during the warmer months of the year and spends the colder months in a warmer climate leaving the property vacant during the winter months. During the colder months the actual water consumption is near zero when the City would be developing the average monthly water consumption for the property. This would result in a sewer charge that is not representative of the sewer use during the warmer months of the year when the property is occupied. Therefore, the City will utilize the “Similar Accounts” average monthly water consumption of 7,700 gallons as established in City Council Resolution No. 2005-127 for the calculation of the sewer use fees until an Average Monthly Water Consumption can be calculated by the City, or indefinitely if such value cannot be calculated. If an opportunity for the City to derive an Average Monthly Water Consumption occurs, then the derived consumption value shall be utilized instead of the “Similar Accounts” value for calculating the monthly sewer fee. At all times, the flat “capacity” rate shall be charged.
- (E) Industrial/Commercial Sanitary Waste Only – When a situation is significantly different from one of the previous situations, the City Manager shall specify the policy for calculating the month sewer fee. If the user does not agree to the policy set by the City Manager, the user may appeal the policy by

submitting an appeal to the City Council within 30 days of the notification of the policy.

(F) Industrial/Commercial Process Waste Water – When a business uses large volumes of water in the production of a service or product the City shall contract with the business to provide water and sewer at a contracted rate approved by the City Council.

(c) Sewer Service Monthly Rate (\$/1000 gal) City Council Resolution No. 2005-127 establishes the Sewer Service Monthly Rate at \$4.58 per 1,000 gallons of water consumption, with an effective date of August 1, 2005. Users located outside the City Limits are charged 175% of the rate charged to users within the City limits as adopted in Title 8, Chapter 8, Section 22(B) of the City Codes. Table 2 is a summary of the sewer use rates:

TABLE 2 – SEWER USE RATES

Uniform Public Works Administrative Charge (\$)	Sewer Consumption Rate (\$/1000 gal)	
	Inside City Limits	Outside City Limits
\$5.00	\$4.58	\$8.02
<i>Note: Similar Accounts for Residential ERU = Average Monthly Water Consumption = 7,700 gallons per month</i>		

Calculation of the Sewer Use Fee

The following formula is used to calculate the Sewer Use Fee:

$$S = U + [A \times R]$$

Where:

- S = Sewer Use Fee measured in dollars (\$)
- U = Uniform Public Works Administrative Charge (\$)
- A = Average Monthly Water Consumption based on a 5 month average measured in gallons (gal)
- R = Sewer Consumption Rate expressed in dollars per 1,000 gallons (\$/1000 gal)

$$\text{Sewer Use Fee}(\$) = \text{Uniform PW Administrative Rate}(\$) + [\text{Average Monthly Water Consumed} \times \text{Sewer Consumption Rate}]$$

3. Storm Sewer Use Fees

Storm Sewer Use Fees are based on a flat rate of \$1.16 per month. This rate was developed to provide sufficient funding for routine repairs and maintenance of the storm sewer system. Storm Water Use Fees are authorized in Section 4-9-18 of the City Codes and the rate to be set by Resolution of the City Council.

Resolution No. 00-118, adopted by the City Council, July 10, 2000, established the following Storm Water Use Fees:

Table 3 – Storm Water Use Fees

Property Use	Rate (\$)	Unit
Single Family Dwelling	1.16	per month
Multifamily Dwelling	0.48	per unit per month
Mobile Home Park	0.70	per space per month
Commercial Unit	6.41	per business per month
Industrial Unit	contracted rate	measured rate
Minimum Charge Per User	1.16	per month

4. Utility Capitalization Fee (UCF)

Utility Capitalization Fees (UCF) are funds collected to be used for capital improvements of the water and sewer systems. This Fee is a monthly charge of 17% of the Water Use Charges of the monthly utility bill. The UCF charges are authorized under Title 8, Chapter 11, Section 22.1 of the City Codes (effective January 2007).

MALHEUR COUNTY COURT MINUTES

MAY 27, 2015

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

Also present was John Braese of the Malheur Enterprise.

PUBLIC HEARING - CHANGE IN BOUNDARY OF ENTERPRISE ZONE

Present for the public hearing to consider a change in the boundary of the County Enterprise Zone was Phil Scheuers from the County Economic Development Office. Judge Joyce opened the hearing and asked for a staff report.

Mr. Scheuers explained that the proposed action is to request a change in the boundary of the County Enterprise Zone to include certain properties in the boundaries. Properties to be included are: two industrial sites in the Vale Enterprise Zone (Ref. #'s 13868, 13869, 13825), Rodriguez Bakery property in the Nyssa Enterprise Zone (Ref. #9816), and the West Park Plaza property in the Ontario Enterprise Zone (Ref. #'s 1965, 1967, 20451, 1966, 15542, 2493, 20450, and 2495). The cities of Ontario, Nyssa, and Vale have passed resolutions in support of the boundary change. Notification was sent to affected taxing districts about the Enterprise Zone expansion on May 1, 2015.

No public comments were received.

Judge Joyce closed hearing.

Commissioner Wilson moved to approve Resolution No. R15-14: Resolution Requesting a Change in the Boundary of the Malheur County Enterprise Zone. Commissioner Hodge seconded and the motion passed unanimously. Greg Smith, Local Zone Manager, will submit necessary documents to Oregon Business Development Department (Business Oregon) requesting its Order of approval.

Mr. Scheuers updated the Court on miscellaneous matters. The FLAP Advisory Group has reviewed the application for the Juntura Cutoff Road project and a site visit/tour is scheduled for July 14.

Further information was obtained regarding Idaho Power's Site Readiness Evaluation Program. Only one submission is allowed per program. If more than one is submitted there is a \$500 registration fee per application. If applications make it through the first stage to the second stage there is a \$6,250 fee required to move forward. If the applications move forward past stage two the \$6,250 will be used; but if the application does not move forward the \$6,250 is not refundable.

COURT MINUTES

Commissioner Hodge moved to approve Court Minutes of May 20, 2015 as written. Commissioner Wilson seconded and the motion passed. (Judge Joyce was not present May 20.)

BUDGET CHANGES

Ms. DuBois visited with the Court about recent changes to the proposed 2015-2016 budget. Community Corrections will be receiving less State monies than anticipated; as such, the vacant P.O. position will not be filled and there will not be funds in Capital Outlay. Lieutenant Hust is applying for Reinvestment Funds which is a competitive grant process.

The Healthy Families grant at the Health Department continues to decline and will be \$31,040 less; the Family Support Worker position will be reduced to .5FTE and the remainder of the deficit will be made up in Materials and Services.

The Health Department Interim Director requested that the Office Assistant II position in the clinic be reinstated in the proposed budget. The cost of the position would come from County General Fund Contingency.

Ms. Williams joined the meeting and told the Court that she was recently visited with the AFSCME union representative. The union interviewed staff at the Health Department and recommended three things: 1. The Health Department Director be a RN. 2. An OA II is needed for WIC. 3. A Health Specialist would help.

After discussion, the consensus of the Court was to not make changes in the Health Department proposed budget at this time.

45TH PARALLEL FUNDS

The Court signed the letter they had requested last week to District Attorney Dan Norris denying his request for a dedicated line-item for extraordinary prosecution costs and

directing that the restitution checks in the 45th Parallel case be deposited in the County general fund.

COURT ADJOURNMENT

Judge Joyce adjourned Court.

ONTARIO FIRE & RESCUE



May 2015 ACTIVITY REPORT

Emergency Medical:

City -153-

Rural -17-

(Types of medical calls responded to: Falls with injury, fall lift assists, auto accidents with injuries, medical emergencies, medical alarms, assaults to name a few).

Hazmat Team Calls: -0-

Fire Related Emergency Calls:

Rural -2- RURAL GENERAL ALARMS = -2- MUTUAL AID -2-

2 – Mutual Aid grass field fires to Payette Rural* General Alarm sounded

City -10- CITY GENERAL ALARMS = -0-

1 – Yard shrub fire* (Duty Crew handled)

1 – Alarm activation – cancelled in-route – no fire (Duty Crew handled)

3 – Dispatched & cancelled prior to arrival (Duty Crew handled)

2 – Smoke scare – no fire (Duty Crew handled)

1 – Sprinkler system activation - canceled upon arrival no fire (Duty Crew handled)

3 – Fire alarm activation / construction project – canceled (Duty Crew handled)

***In narrative section**

5/4/2015 232 SW 19th St Shrub fire along residence (Duty Crew handled)

Dispatched for a reported shrub smoking, no flames. Upon arrival found remains of an evergreen shrub that had previously burned and was still smoking; not able to find any ignition source or how it started. Completely extinguished by on duty fire crew.

5/27/2015 5120 Power Road, Payette Mutual Aid to Payette Rural / Request for brush truck from Ontario Rural “General Alarm” sounded. Crew of four responded in Brush 156

Called to mutual aid with Payette Rural, Ontario Rural responded with four men crew in Brush 156. Upon arrival found an approximate 20 acre field with about 10 acres burning, fire was out so assisted with putting out hot spots. Cleared the scene after using one tank of water.

5/28/2015 429 Douglas Road, Payette Rural Rural “General Alarm” Sounded

Ontario Rural paged for a field fire threatening structures off of Hyline Road. Crews responding informed dispatch that the fire would be outside of Ontario’s District. Dispatch stated they would contact Payette for response. Command 100 instructed Brush156 & Brush 157 to proceed to the scene as they were already halfway there and Payette had not been dispatched at that time.

Command 100 arrived at the intersection of Douglas Road and Hyline noting dark smoke to the west down Douglas Road. Arrived on scene and made contact with individual coming out of the field that stated that he was a neighbor, and that the fire started near the house but was burning toward the drainage ditch to the south, risking a wheel line. Black smoke was noted behind the residence. Brush 156 and Brush 157 arrived on scene. Brush 156 was sent to assist with the fire burning to the south. Brush 157 was assigned to the area around the structure. Command 100 made contact with Payette 600 informing him of the right address. Payette 600, Payette pumper and brush units arrived on scene followed by a tender. Ontario units were released back to their district after using one tank of water each. Fire was well inside Payette's fire district.



Brush 156 arriving on scene. Heavy black smoke is at dwelling & light smoke (left) is field burn to the south.

Fire line encountered on the south exposure. Fire covered approximately 40 acres.



Photo from Brush 157 dash camera. Fire started from an illegal open burn next to the garage. Burned tires off of two bicycles and damaged tires on travel trailer.

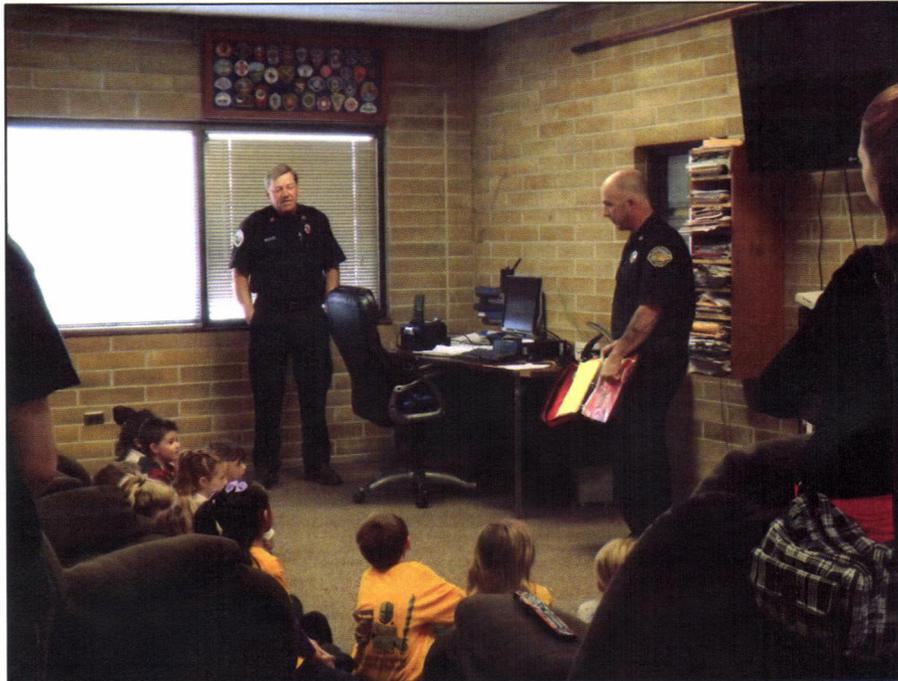


COMMUNITY INVOLVEMENT:

5/28/15 Career Day at Alameda School- *Allen Montgomery* presented to approximately 75 students.

STATION TOURS:

5/8/15 Treasure Valley Christian School- 12 students



5/15/15 Alameda 3rd grade- 53 students toured the Fire and Police Departments. They also got to witness the Mayor's Proclamation for the Elderly in our community.



BURN PERMITS ISSUED:

City Open Burns 3

City Barrel Permits 2

Rural Open Burns 79

Rural Barrel Permits 8

FIRE PREVENTION / INSPECTIONS: 3