

AGENDA
ONTARIO CITY COUNCIL - CITY OF ONTARIO, OREGON
Monday, July 21, 2014, 7:00 p.m., M.T.

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

2) **Pledge of Allegiance**

This Agenda was posted on Wednesday, July 16, 2014, and a study session was held Thursday, July 17, 2014. Copies of the Agenda are available at the City Hall Customer Service Counter and on the city's website at www.ontariooregon.org.

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

4) **Consent Agenda:**

- A) Minutes of June 16, 2014 Regular Council Meeting 1-4
- B) Minutes of June 30, 2014 Special Council Meeting 5-8
- C) Minutes of July 9, 2014 Special Telephonic Meeting 9
- D) Approval of the Bills

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

- 6) **Public Comments:** Citizens may address the Council on items not on the Agenda. Please limit your comments to three (3) minutes. This time limit will be enforced. Please state your name and city of residence for the record.

7) **New Business:**

- A) Resolution #2014-124: Transfer of 9-1-1 to County 10-12
- B) Declare Surplus: Granular Activated Carbon Media 13
- C) Bid Award: Lewis, Poe, etal for City's Auditor 2014-2016 14-15

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

- A) Fire Department Contract w/City of Fruitland
- B) CIP Update
- C) Aquatic Center Update
- D) City Manager Suggestions / CM Contract
- E) Clean Up Ontario (Abatements) / Oregon Main Street Project
- F) Business Loan Fund
- G) SDCs
- H) Financial Reports for Council
- I) Police / Fire Department Stats - June
- J) Public Works Committee Minutes - 06-19-2014
- L) UGA Amendment Approval Letter

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

10) **Executive Session(s) (*Thursday Only*)**

- A) ORS 192.660(2)(a)
- B) ORS 192.660(2)(j)
- C) ORS 192.660(2)(e)

11) **Adjourn**

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

ONTARIO CITY COUNCIL MEETING MINUTES

Monday, June 16, 2014

The regular meeting of the Ontario City Council was called to order by Mayor LeRoy Cammack at 7:00 p.m. on Monday, June 16, 2014, in the Council Chambers of City Hall. Council members present were LeRoy Cammack, Norm Crume, Jackson Fox, Charlotte Fugate, Dan Jones, and Larry Tuttle. Ron Verini participated by telephone.

Members of staff present were Tori Barnett, Larry Sullivan, Al Higinbotham, Marcy Skinner, Kari Ott, Mark Alexander, and Alan Daniels. The meeting was recorded, and copies are available at City Hall.

Norm Crume led everyone in the Pledge of Allegiance.

AGENDA

Council was asked to amend the Agenda to include proposed Resolution #2014-123, a resolution prepared by Finance to authorize budget transfers related to the 9-1-1 consolidation with Malheur County, and for Public Works vacation and sick time buy-outs due to the CH2M Hill contract.

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

CONSENT AGENDA

Charlotte Fugate moved, seconded by Jackson Fox to approve Consent Agenda Item A: Minutes of the Council Meeting of June 2, 2014; Item B: Meetings Calendar: Jul-Dec, 2014; and Item C: Approval of the Bills. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

NEW BUSINESS

Resolution #2014-121: Establishing Policies on Ending Fund Balance per GASB54

Kari Ott, Finance, stated this action was to establish fund balance policies to comply with GASB pronouncement 54. The City Council elected and reserved the authority to establish and modify commitments of ending fund balance pursuant to GASB 54 requirements. The City Council also elected to commit the 2013-2014 ending fund balance for specific uses in 2014-2015.

Dan Jones moved, seconded by Larry Tuttle, that the City Council adopt Resolution #2014-121, **A RESOLUTION ESTABLISHING POLICIES RELATED TO ENDING FUND BALANCES FOR 2013-2014 PURSUANT TO GASB 54 REQUIREMENTS**. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

SRO Contract with 8C School District

Mark Alexander, Police Chief, stated the Police Department would like to enter into a contract with the Ontario 8C School District to provide two SRO's for the 2014-2015 school year. There was 176 days of school in the 2014-2015 school year. The Council had approved this same contract since 2011.

The Department partnered with the 8C School District to provide SRO's over the past several years. The level of service and associated costs had fluctuated, depending upon budget conditions.

The School District budgeted money to fund two SRO's for the 2014-2015 school year. The Police Department prepared a contract outlining the services and associated costs. The School District would pay the city fully burdened wages for actual hours performed by SRO's, up to \$125,000. The city would provide equipment and training for the officers, as well as any payroll costs that exceeded \$125,000.

Charlotte Fugate moved, seconded by Norm Crume, that the Council authorize the City Manager and Police Chief to sign a contract with 8C School District to provide two School Resource Officers for the 2014-2015 school year. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

Proposed Lawsuit to Extend Reiter Drive ROW

Larry Sullivan, City Attorney, stated this action item was for the Council to decide whether to authorize the City Attorney to file a lawsuit for a right-of-way across a vacant lot at the end of Reiter Drive. The City Attorney hoped to obtain a default judgment with no trial.

Norm Poole, Inc. was planning a new subdivision, Pine Ridge Place, and proposed to extend Reiter Drive to the subdivision. The plan had received tentative approval from the city and county. Reiter Drive was dedicated to the city in the 1970s when the city approved the Village Addition Plat Map. On the Plat Map, Reiter Drive terminated at the south boundary of Parcel A on the Map. There was a notation at the bottom of the Plat Map which read: "*Parcel 'A' shall be retained by present owner until the City of Ontario requires it for a public right-of-way*". The city and county failed to require the developers of the Village Addition to formally dedicate the right of way across Parcel A when the Plat Map was approved. Therefore, the present owner named in the Plat Map continued to have an ownership interest in Parcel A after the Plat Map was approved.

If authorized by the Council, a civil complaint would be filed in Malheur County Circuit Court asking the Court to declare that the city needed Parcel "A" for a right of way and that a judgment should be entered dedicating Parcel A to the city for an extension of Reiter Drive and other right of way purposes. The defendants in the lawsuit would be the persons that claimed any ownership interest in Parcel A.

With one exception, the owners of Parcel A, the original developers, were either deceased or their whereabouts unknown. When the Village Addition Plat Map was approved in the 1970s, the developers who owned the underlying land were Ivan Getman, Maureen Getman, Floyd Blankenbaker, Michael Fisher and Ray L. Tarter.

Ivan Getman and his ex-wife, Maureen Getman (Maltsberger) were deceased, and no probate was done of their estates. The City Attorney had been in contact with the last wife of Ivan Getman and a daughter of Maureen Getman and they did not oppose the city's effort to acquire a right of way across Parcel A. However, they had no legal authority to execute deeds to Parcel A because none of the Getman heirs had been appointed as personal representative of the Getman estates.

The whereabouts of Floyd Blankenbaker and Michael Fisher were unknown. The City Attorney wrote a letter to an address in Virginia that might have been used by Floyd Blankenbaker, but received no reply to the letter.

Ray L. Tarter was living in Meridian, Idaho, and did cooperate by signing a quitclaim deed to the city, so it would not be necessary to join him as a party in the litigation.

Malheur County treated Parcel A as tax exempt property until now, so no one had been paying taxes on it. However, after researching the ownership issue, the Assessor was putting it back on the tax rolls until the city's litigation was concluded and the Court put Parcel A into the city's name.

Assuming that no one opposed the city's complaint and that the city was able to acquire a default judgment dedicating Parcel A to the city, the City Attorney estimated that the total cost of the litigation would be around \$3,000. That included the attorney fee (approximately \$1,500), the publication of summons in the newspaper, the cost of a title report and various recording fees.

Councilor Fox asked why the city would be required to pay the \$3,000.

Mr. Sullivan stated it was because this action was a correction of an error by the city.

Dan Jones moved, seconded by Charlotte Fugate, that the Mayor and City Council authorize the City Attorney to file a lawsuit in Malheur County Circuit Court to acquire Parcel "A" in the Village Addition subdivision for an extension of Reiter Drive and other right of way purposes. Roll call vote: Crume-yes; Fox-no; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 6/0/1.

Resolution #2014-123: Transfer Funds to Cover 9-1-1 Consolidation Legal Expenses and Public Works Vacation and Sick Buy-Out due to the City's Contract with CH2M Hill:

Kari Ott, Finance, stated this action was necessary to transfer funds to provide legal services for the 9-1-1 consolidation, as well as for vacation/sick buyout in the Public Works fund, both under the current budget year. The Council was in the process of consolidating 9-1-1 services with Malheur County requiring legal services; also a contract was signed with CH2M Hill requiring vacation buyouts by June 30, 2014.

The proposed resolution would reduce the 9-1-1 fund personnel services by \$15,000 and increase the 9-1-1 fund materials and services by \$15,000. It would also reflect a decrease of \$45,325 from Public Works fund materials and services and increase the Public Works und personnel services by \$45,325.

Norm Crume moved, seconded by Dan Jones, that the City Council adopt Resolution #2014-123, **A RESOLUTION AUTHORIZING THE BUDGET TRANSFERS NECESSARY TO EXPEND FUNDS FOR 9-1-1 FUND LEGAL SERVICES AND PUBLIC WORKS VACATION/SICK BUYOUTS**. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

PUBLIC HEARING(S)

Resolution #2014-120: Receive State Revenues

Kari Ott, Finance, stated this resolution was to declare the city's election to receive state revenues, pursuant to ORS 221.770.

The City of Ontario Budget Committee held public hearings on May 20, 21, and 22, 2014. The 2014-2015 annual budget contained revenue sharing from the State of Oregon. The City Council held a public hearing on June 16, 2014 giving the citizens an opportunity to comment on the use of State Revenue Sharing, pursuant to ORS 221.770. If passed, the city would be able to share in State Revenues that were shared with cities throughout Oregon.

Jackson Fox moved, seconded by Dan Jones, that the City Council adopt Resolution #2014-120, **A RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES** for fiscal year 2014-2015. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

Resolution #2014-122: Adopt Fiscal Year 2014-2015 Annual Budget

Kari Ott, Finance, stated this resolution was to adopt and appropriate the budget; impose taxes upon taxable property; and categorize the taxes imposed.

The City of Ontario Budget Committee held public hearings on May 20, 21, and 22, 2014 and approved the 2014-2015 annual budget. The City Council held a public hearing on June 16, 2014, giving the citizens an opportunity to comment on the annual budget for 2014-2015. If adopted, the resolution would appropriate the annual budget in the amount of \$27,201,632.

Councilor Jones verified that the proposed budget included the budget cuts made by staff spoken about at the Thursday work session.

Ms. Ott indicated it did include the cuts made by staff.

Mayor Cammack suggested that a question be placed on the November ballot to the community concerning the Golf Course funding, which would allow the community that chance to give feedback.

Mr. Sullivan explained that it would be possible to have an advisory question on the ballot that the voters could vote on, but it would not be binding to the City Council.

Councilor Fox believed it was not germane to the action being voted on currently, which was the proposed adoption of the 2014-15 budget.

Councilor Verini thought that it was important for the overall budget voting. He was in support of posing the question to the public on the ballot.

Councilor Fox disagreed, and stated this was not proper procedure.

Mr. Sullivan agreed. They had deviated from the original action and motion. The subject should be discussed at a later time.

Dan Jones moved, seconded by Jackson Fox, that the City Council adopt Resolution #2014-122, **A RESOLUTION TO ADOPT AND APPROPRIATE THE ANNUAL BUDGET FOR 2014-2015, IMPOSE THE TAXES UPON TAXABLE PROPERTY, AND CATEGORIZE THE TAXES IMPOSED FOR THE FISCAL YEAR 2014-2015.** Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

Councilor Crume asked that the idea of taking the golf course funding issues to a vote of the people be placed on the next Agenda.

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Mayor Cammack recognized three Boy Scouts in attendance, and thanked them for coming. He also recommended the Council cancel the first meeting in the month of July due to possible absences. A special meeting might need to be held for the Police/Fire ICMA study either the last part of June or first of July.
- Tori Barnett stated HR had been working with CH2MHill to get all the paperwork done for implementation on July 1. Also, beginning June 27th, there would be a county wide burn ban.
- Chief Alexander stated he had Fish with a Cop coming up, along with a meeting scheduled for speaking of possible ways to help the homeless in our area.

ADJOURN

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

APPROVED:

ATTEST:

LeRoy Cammack, Mayor

Tori Barnett, MMC, City Recorder

**ONTARIO CITY COUNCIL SPECIAL MEETING MINUTES
Monday, June 30, 2014**

The special meeting of the Ontario City Council was called to order by Mayor LeRoy Cammack at 10:30 a.m. on Monday, June 30, 2014, in the Council Chambers of City Hall. Council members present were LeRoy Cammack, Norm Crume, Jackson Fox, Dan Jones, Larry Tuttle, and Ron Verini. Charlotte Fugate was absent.

Members of staff present were Tori Barnett, Larry Sullivan, Marcy Skinner, and Mark Alexander. The meeting was recorded, and copies are available at City Hall.

AGENDA

Tori Barnett, Interim City Manager, asked to remove item (b) under Executive Session and item (d) under New Business, as the information needed for the discussion had not been received.

Larry Sullivan, City Attorney, suggested swapping (a) and (b), under New Business.

Jackson Fox moved, seconded by Dan Jones, to adopt the Agenda as amended. Roll call vote: Crume-yes; Fox-yes; Fugate-out; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 6/0/1.

EXECUTIVE SESSION(S)

Executive Session: ORS 192.660(2)(d)

An executive session was called at 10:37 a.m. under provisions of ORS 192.660(1)(d) to discuss labor negotiations.

Executive Session: ORS 192.660(2)(a)

An executive session was called under provisions of ORS 192.660(1)(a) to consider employment of an outside agent. The Council convened into regular session at 11:02 a.m.

NEW BUSINESS

Contract with Ontario Police Association (Telecommunicators)

Dan Jones moved, seconded by Norm Crume, that the Council authorize the City Manager to execute the PECBA Agreement between the City of Ontario and Ontario Police Association, concerning transfer of communications center employees. [No vote]

Councilor Fox asked if the city's union negotiating attorney, Steven Schuback, had approved this action.

Chief Alexander stated he had.

Councilor Tuttle stated he planned to vote for this, but it was the last time he was going to do it. Staff needed to get their stuff together and get this stuff presented to the Council the way it should be, and in a timely manner. They had two critical documents in front of them, which the Council had to approve. They hadn't even had the chance to go through and look at everything. He realized that some of that went back to earlier discussions, but there had to be better preparation. Not only on the staff side, but so that the Council could be better prepared. He was not happy with the way this came out. He realized they were up against a deadline, but after 13 or 14 months, he didn't know why they ended up on the last day trying to get this passed.

(Retyped Motion w/Vote)

Dan Jones moved, seconded by Norm Crume, that the Council authorize the City Manager to execute the PECBA Agreement between the City of Ontario and Ontario Police Association, concerning transfer of communications center employees. Roll call vote: Crume-yes; Fox-yes; Fugate-out; Jones-yes; Tuttle-yes; Verini-no; Cammack-yes. Motion carried 5/1/1.

Contract with County for 9-1-1

Larry Sullivan, City Attorney, stated this was the Agreement for the consolidation and transfer of 9-1-1 operations and Telecommunicators to the Malheur County. The MOU was approved in December, 2013, and attached to the MOU was a draft document that had been intended to be a relatively final document for the transfer. There were a number of issues that needed to be resolved. The major one was the union negotiations, not only between the city employees and its bargaining association, but the county had to engage in the same thing with its employees. Based on his discussion with Chief Alexander, through a tremendous amount of work by the Chief and the Police Association, they were able to reach an agreement on all the essentials, just within the last few days. A lot of that was because Chief Alexander had been able to deal directly with the Police Association, and didn't have to go through a lot of intermediaries to get this finalized. Otherwise, it was unlikely they would have been able to get this final document before the Council that day. He had spoken with County Counsel last week, letting her know the city was nearing completion and would be in a position to move forward with the transfer by July 1, but she was skeptical the county would be in a position to move that quickly. However, county staff had bent over backwards to allow this to come before the City Council today in a timely manner so the transfer could occur and avoid the consequences that might have occurred if the transfer wasn't completed by June 30th. The IGA was finalized by County Counsel last Friday, with the city receiving it after the noon hour. He had reviewed it and it tracked with the original MOU, which was attached as an exhibit to the IGA. The IGA represented the consolidation of 9-1-1 and a variety of agreements leading up to this. It would also have attached the PECBA Agreement just approved, and the Agreement between the county employees and the county over the terms of their transfer as they absorbed the city's employees. He didn't believe there were any financial implications from the signing of this document that the Council wasn't already aware of, and had approved.

Councilor Verini stated in reading the ICMA report, one thing recommended was the responses to major categories of the calls be reduced. They talked about a system being instituted with the 9-1-1 call takers, and that dispatchers be trained to trigger police responses only when warranted instead of sending out a police response for every call. In the contract, were there any teeth to communicate and work with the training of the 9-1-1 dispatchers to react to that?

Mr. Sullivan stated in the original MOU, the IGA attachment referred to having the city serve on the 9-1-1 User's Board. (Para 7, Page 4). That was the mechanism by which the city was going to have input into the training and work done by the dispatchers.

Councilor Tuttle asked where it was written regarding the payment being made by the city to the county.

Mr. Sullivan stated that was located on Page 3. It read "*City shall pay to County a fee for its services in the amount of \$237,090.00, payable on or before "blank", 2013*". The IGA incorporated that language, so that would be the amount paid. That had not changed since last December.

Councilor Tuttle verified the IGA would become part of the contract between the city and the county.

Mr. Sullivan stated that was correct.

Jackson Fox moved, seconded by Larry Tuttle, that the Council authorize the Mayor to execute the Intergovernmental Agreement between Malheur County and the City of Ontario for consolidation and transfer of the 9-1-1 operations and Telecommunicators. Roll call vote: Crume-yes; Fox-yes; Fugate-out; Jones-yes; Tuttle-yes; Verini-no; Cammack-yes. Motion carried 5/1/1.

Mayor Cammack stated the Council would not be conducting Executive Session (c).

Prothman

Tori Barnett, Interim City Manager, stated Council had received the template for the first draft of Prothman's flyer, along with a draft recruitment schedule, a cover letter, and a salary survey for the City Manager position. Those had been emailed and/or hand delivered last week, and she had requested comments back from the Council, but had only heard back from two. Prothman had contacted her Friday asking for an update, and she informed him that she was meeting with the Council that day, and would let him know of any requested changes. One comment both Councilors agreed on was the wage posted of \$105K-130K. She had been asked to lower that to a high of \$120K. There were a few other things that needed changed, such as the city no longer had a biennial budget, and we would soon be handing over the management of Public Works to CH2M Hill. One section she had a question on was under the heading Challenges Facing the New Manager. Under Public Safety Services, the last sentence read *"The Police Department and management is generally considered excellent, but the city's geographic location and no sales tax attracts some to the community who complicate events for what would be an otherwise law-abiding community."* To her, that seemed negative.

Councilor Jones stated Prothman needed to rewrite that. If a candidate wanted to do research, and Ontario was on the bottom of the list, then do the research. But the city didn't need to advertise that we were on the bottom. This town needed to be promoted.

Consensus to change the wording.

Mayor Cammack stated anyone who hadn't commented, and wanted to, please get those to Tori.

Councilor Jones stated when Prothman was there (Bob Jean) it had been requested that they use some Idaho cities for a salary survey, but there were no Idaho cities listed on the chart. He was now asking again that they be added. He wanted to use Burley, Buhl, Jerome, and Emmett. He wanted the City Manager salary of those four cities.

Mayor Cammack thought Mr. Jean had indicated he would do that.

Councilor Crume stated he didn't have a problem with the wage staying at \$130K. It was up to the Council who was hired, and what amount they were hired for. They didn't have to pay that high just because it was listed.

Councilor Fox stated his issue with \$130K was that if that was the amount advertised, and someone applied who wanted a minimum of \$129K, or \$130K, if Prothman sent him out, the city paid for his hotel and travel expenses. Why look at candidates who weren't really going to be considered.

Councilor Crume stated the Council didn't have to interview those candidates, so there would be no expenses.

Councilor Fox didn't like the range in general. He wanted the original \$95K-\$120K. The Governor of Oregon only made \$96K.

Councilor Verini was alright with the range, and asked to see if there was a consensus.

Mayor Cammack: \$105K-\$120K; Councilor Verini: \$105K-\$130K; Councilor Fox: \$120K; Councilor Tuttle: \$120K; Councilor Jones: \$120K; Councilor Crume: \$130K.

Consensus to go with the range of \$105K-\$120K.

Ms. Barnett asked if the Council wanted to review the flyer again after that information had been updated and/or altered, or just go ahead and send back to Prothman?

Councilor Jones stated they needed Idaho's numbers.

Mayor Cammack stated she could clean the flyer up, and when the numbers came in from the Idaho salaries, the Council needed to receive that.

ADJOURN

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

APPROVED:

ATTEST:

LeRoy Cammack, Mayor

Tori Barnett, MMC, City Recorder

TELEPHONIC COUNCIL MEETING MINUTES
July 9, 2014

A special telephonic meeting of the Ontario City Council was called for Wednesday, July 9, 2014, in the office of the City Recorder, Ontario City Hall, beginning at 3:30 p.m. Council members who participated were LeRoy Cammack, Ron Verini, Norm Crume, Larry Tuttle, and Charlotte Fugate. Staff was unable to contact Jackson Fox; Dan Jones was out of the area and was not able to review the bills.

Staff present was City Recorder Tori Barnett and Assistant Finance Director Mary Dombly. Any questions asked by Council prior to the 3:30 July 9th phone calls were answered via email.

Notice of the meeting was provided to the Argus Observer on July 7, 2014.

ADOPTION OF THE BILLS

The regularly scheduled meeting of Monday, July 7, 2014 was cancelled. To enable the City to pay vendors in a timely fashion, the Council needed to approve the submitted bills. Bills were hand-delivered to the Council by the City Recorder on Monday, July 7, 2014.

Larry Tuttle moved, seconded by Ron Verini, to adopt the Agenda as presented. Motion carried 5/0/1/1.

Larry Tuttle moved, seconded by Ron Verini, to adopt the bills as presented. Motion carried 5/0/1/1.

Larry Tuttle moved, seconded by Ron Verini, that the meeting be adjourned. Motion carried 5/0/1/1.

APPROVED:

LeRoy Cammack, Mayor

ATTEST:

Tori Barnett, MMC, City Recorder

AGENDA REPORT

July 21, 2014

TO: Mayor and City Council

FROM: Mark Alexander, Police Chief

THROUGH: Tori Barnett, Interim City Manager

SUBJECT: RESOLUTION NO. 2014-124: A RESOLUTION AUTHORIZING TRANSFER OF THE ONTARIO PUBLIC SAFETY ANSWERING POINT COMMUNICATIONS RESPONSIBILITIES TO THE MALHEUR COUNTY PUBLIC SAFETY ANSWERING POINT WITHIN THE MAHEUR COUNTY SHERIFF'S OFFICE

DATE: July 9, 2014

SUMMARY:

Attached is the following document:

- Resolution 2014-124

Malheur County is contracting with the City of Ontario for 9-1-1 and dispatch services effective July 1, 2014. Oregon Emergency Management oversees the State 9-1-1 Program and requests the transferring entity to adopt a Resolution authorizing the transfer.

PREVIOUS COUNCIL ACTION:

July 1, 2014: The Council signed contracts with Malheur County to assume responsibility of 9-1-1 and dispatch services for the City of Ontario

BACKGROUND:

Oregon Emergency Management (OEM) oversees the State 9-1-1 Program and distributes 9-1-1 tax revenues to incorporated cities and Counties. When an existing Public Safety Answering Point (PSAP) transfers jurisdictional responsibilities to another PSAP, ORS requires 9-1-1 plans to be filed with OEM outlining changes including the fact 9-1-1 taxes from that jurisdiction will be forwarded to the transferred entity. As part of that plan, OEM requests the transferring PSAP's governing body adopt a Resolution authorizing the transfer. Resolution 2014-124 satisfies the requirement.

RECOMMENDATION:

Staff recommends the Council adopt Resolution 2014-124.

PROPOSED MOTION:

I move that the Council adopt Resolution 2014-124: A RESOLUTION AUTHORIZING TRANSFER OF THE ONTARIO PUBLIC SAFETY ANSWERING POINT COMMUNICATIONS RESPONSIBILITIES TO THE MALHEUR COUNTY PUBLIC SAFETY ANSWERING POINT WITHIN THE MAHEUR COUNTY SHERIFF'S OFFICE.

RESOLUTION NO. 2014-124

A RESOLUTION AUTHORIZING TRANSFER OF THE ONTARIO PUBLIC SAFETY ANSWERING POINT COMMUNICATIONS RESPONSIBILITIES TO THE MALHEUR COUNTY PUBLIC SAFETY ANSWERING POINT WITHIN THE MAHEUR COUNTY SHERIFF'S OFFICE

WHEREAS, the City operated a Public Safety Answering Point (PSAP) per ORS Chapter 403 whose territory included the city limits of Ontario; and

WHEREAS, the Malheur County Sheriff's Office operates a primary PSAP with dispatch responsibilities; and

WHEREAS, the City voted on June 30, 2014 to transfer public safety calls and dispatch responsibilities from the Ontario PSAP to the Malheur County Sheriff's Office; and

WHEREAS, on June 30, 2014, the City executed two intergovernmental agreements with Malheur County to effectuate the transfer of its PSAP. One agreement for the transfer of Ontario communication center employees to Malheur County and one agreement for 9-1-1 and dispatch services. The former agreement provides that commencing July 1, 2014, Malheur County will receive the City's 9-1-1 funds (excise tax) from the Oregon Office of Emergency Management; and

WHEREAS, the Malheur County took responsibility for public safety calls and dispatching for Ontario on July 1, 2014; and

WHEREAS, the City and Malheur County will meet the requirements of ORS 403.130 by submitting a revised plan that includes written approval of the governing bodies of all public and private safety agencies affected by or providing service in their 9-1-1 service areas to the Oregon Office of Emergency Management for final approval.

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

Section 1. Public safety call taking and dispatch responsibilities of the Ontario PSAP are transferred to the Malheur County Sheriff's Office and PSAP center.

Section 2. Commencing July 1, 2014, the City authorizes the Oregon Office of Emergency to distribute the City's portion of the State 9-1-1 Excise Taxes directly to Malheur County for operation of Malheur County's primary PSAP.

Section 3. This resolution shall be effective on July 1, 2014.

Effective Date: Upon adoption.

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

Ayes:

Nays:

Absent:

Approved by the Mayor this ____ day of _____ 2014.

LeRoy Cammack, Mayor

ATTEST:

Tori Barnett, MMC, City Recorder

AGENDA REPORT

July 21, 2014

TO: Mayor and City Council

FROM: Jerry T. Elliott, CH2M Hill Engineer

THROUGH: Cliff Leeper, CH2M Hill Public Works Director

SUBJECT: DECLARE SURPLUS: GRANULAR ACTIVATED CARBON MEDIA SALE

DATE: June 12, 2014

SUMMARY:

In 2007 the then acting director of the Water Treatment Plant (WTP) purchased filter media, known as Granular Activated Carbon, for the WTP. Unfortunately this material is the wrong material for these filters. It is too soft and performs better at removing tastes and volatile compounds than removal of particulates as needed in Ontario.

BACKGROUND:

Forty "super sacks" (approximately one cubic yard each) were purchased in 2007 at a price of \$34,000. This material has been stored indoors and preliminary, independent testing, confirms that it remains in good shape with minor deterioration. The material is stored where the third treatment module is scheduled for plant expansion.

ALTERNATIVE:

Take no action. GAC will be an obstacle when filters are serviced or an expansion is needed. This is a commodity and price may escalate or drop.

FINANCIAL IMPLICATIONS:

At this time we do not know the value of the material. We purchased it from a firm that is now out of business but we have found the original sales agent and he has expressed an interest in making an offer. We have also sent a general inquiry to various water agencies and consultants. I estimate it will cost the City \$3,000 to \$5,000 to load and ship the material to a buyer and the sale will net \$15,000 to \$20,000. These funds would go back into the water budget. Unfortunately the size of our material is not the most popular size so a premium price will not be possible.

RECOMMENDATION:

Staff recommends the Council declare the GAC media as surplus property.

PROPOSED MOTION:

I move that we declare the Granular Activated Carbon media as surplus property and authorize staff to sell it at a competitive price.

AGENDA REPORT

July 21, 2014

TO: Mayor and City Council

FROM: Kari Ott, CPA

THROUGH: Tori Barnett, Interim City Manager

SUBJECT: BID AWARD: AUDIT SERVICES

DATE: July 14, 2014

SUMMARY:

The purpose of this agenda item is to approve the City auditor for fiscal year 2013-2014 and the next two years.

BACKGROUND:

There are four CPA firms in Ontario that perform audits. Oster Professional Group, CPA's called all four firms, and no local firms were interested in the audit services.

The audit services request for proposal was opened on June 25, 2014 and proposals were accepted until July 11, 2014. The City received two proposals: Lewis, Poe, Moeller, Gunderson & Roberts, LLC based out of La Grande, Oregon and the other from Zwycart & Associates based out of Nampa, Idaho. Summary of proposals received:

Zwycart & Associates

- Listed four governmental audit references, with Malheur County being one (Malheur County audit performed only one year).
 - Called and left a message at Malheur County, haven't heard back.
- Planning on bringing two auditors, a partner and a staff CPA.
- Pricing: 2013-2014 \$20,000; 2014-2015 \$19,000; 2015-2016 \$20,000 (avg. \$19,667)

Lewis, Poe, Moeller, Gunderson & Roberts, LLC

- Listed twenty-three governmental audit references; the City of La Grande being one.
 - Called the City of La Grande and they had only good things to say about the auditor working relationship, timing and other audit items.
- Planning on bringing four auditors; a partner-in-charge, manager (another partner), senior accountant and staff accountant.
- Pricing: 2013-2014 \$20,430; 2014-2015 \$19,310; 2015-2016 \$19,695 (avg. \$19,812)

The audit committee, Kari Ott, Mary Domby and Sydnie Pratt met and reviewed the two proposals on July 14, 2014. The pricing between the two was very close. It appears that Lewis, Poe, Moeller, Gunderson & Roberts, LLC do quite a few municipal audits and will be bringing a higher number of staff members to work on the audit.

FINANCIAL IMPLICATIONS:

The 2013-2014 audit will cost the City \$20,430 in the 2014-2015 fiscal year.

RECOMMENDATION:

Staff recommends the Council approve Lewis, Poe, Moeller, Gunderson & Roberts, LLC to be the City Auditors.

PROPOSED MOTION:

I move the City Council approves Lewis, Poe, Moeller, Gunderson & Roberts, LLC to be the City Auditors for fiscal years 2013-2014, 2014-2015 and 2015-2016.

Discussion/Information /Hand-Out Items

City Council Meeting
July 21, 2014

Council Information Report

Date Prepared: 7/14/14 CL/JTE/BR



Presentation: Council Work Session 7/17/14

Key Action Items:

- Authorization to sell surplus Granular Activated Carbon per City Agenda item prepared June 2014.
- Status Report on City Hall HV/AC system.

Capital Improvement Projects:

- 2014 Chip Seal – moving forward with scheduled program with crews on program in late August.
- East Side Reservoir – seeking immediate solution to cosmetic elements and using engineering team to facilitate long term solution and repair.
- Water Treatment Plant – Inventory of critical repair elements to assure quick recovery in case of failure.
- Sand Storage Shed – Proceeding with procurement, engineering design and erection. Completion expected mid October.
- Wastewater Treatment Operations – Moving forward with program to remotely download critical Skyline operation data to plant.
- N. Park Boulevard Utilities – Preparing an evaluation of costs and Right-of-way elements for City review.
- Other – CH2MHill will present a collective list of CIPs in August following additional review.

Information/Communication Elements:

- Streets – Repaired crack sealer, Vector truck tires and nozzles, crew safety training.
- Water Treatment Plant – Implementing SOPs, prepared standard sampling tracking system, 90% complete on equipment inventory, general site clean-up and closeout of sludge pond #3 contract.
- Parks and Recreation – Completed inventory, initiating SOPs, safety training,
- Wastewater Treatment Operations – Moving forward with aerator repair program. Established SOPs for compliance and safety. Received 3rd set of data for Tier 2 permit compliance report.
- Other – Looking at lock replacement program, completing CMMS inventory,
- Repairs – 40 HP Canyon Booster, Skyline valve repair, crack sealing equipment, Vector truck...



Where Place and Time meet

CONTACT INFORMATION

Sheri Stuart
Main Street Coordinator
Oregon Main Street
725 Summer St. NE, Ste. C
Salem, OR 97301

503.986-0679
sheri.stuart@state.or.us

www.oregonheritage.org

Main Street's Economic Success

*Historic Preservation =
Economic Development*

In 2010, Oregon Main Street's "Performing Main Street" level communities (Albany, Baker City, Corvallis, McMinnville, Oregon City, Salem and Roseburg) saw:

- \$15.21 million total public and private investment in physical improvements
- 100 building improvement projects
- 65 net new businesses
- 218 net new jobs
- 12,110 total volunteer hours
- @222,458 monetary value of volunteer hours

Oregon Main Street

Oregon Main Street provides assistance, training, and technical services to communities who want to strengthen, preserve, and revitalize their historic downtown commercial districts. The program is a locally driven process following the proven Main Street Approach® which is a practical and comprehensive model capitalizing on downtown's unique assets. The goal is to build high quality, livable, and sustainable communities that will grow Oregon's economy while maintaining a sense of place. Oregon Main Street is administered by the State Historic Preservation Office (Oregon Parks and Recreation Department).

The Main Street Approach®

Main Street
NATIONAL TRUST FOR
HISTORIC PRESERVATION

The Main Street Approach is a proven comprehensive approach to historic commercial district revitalization. This approach has been implemented in over 2,200 cities and towns in 40 states across the nation with the help of the National Main Street Center and statewide downtown revitalization programs. The success of the Main Street Approach® is based on its comprehensive nature. By fully integrating four points into a practical downtown management strategy, a local program will produce fundamental changes in a community's economic base:

Organization involves building a Main Street® framework that is well represented by business and property owners, bankers, citizens, public officials, chambers of commerce, and other local economic development organizations. Everyone must work together to renew downtown. A strong organization provides the stability to build and sustain a long-term effort.

Promotion creates excitement downtown. Street festivals, parades, retail events, and image development campaigns are some of the ways Main Street® encourages customer traffic. Promotion involves marketing an enticing image to shoppers, investors, and visitors.

Design enhances the attractiveness of the business district. Historic building rehabilitation, street and alley clean-up, colorful banners, landscaping, and lighting all improve the physical image of the downtown as a quality place to shop, work, walk, invest in, and live. Design improvements result in a reinvestment of public and private dollars to downtown.

Economic Restructuring involves analyzing current market forces to develop long-term solutions. Recruiting new businesses, creatively converting unused space for new uses, and sharpening the competitiveness of Main Street's traditional merchants are examples of economic restructuring activities.

Meeting the Needs of Oregon Communities

Oregon Main Street provides assistance to all communities whether they are just beginning to explore options for their downtown or seeking national recognition as an accredited Main Street® town. Currently, there are 72 communities participating in one of the three levels of Oregon Main Street:

Exploring Downtown is for those communities that demonstrate an interest in revitalizing their downtowns and want to learn more about the Main Street Approach®. Interested communities may join at anytime by submitting a letter of intent and completing a brief community assessment survey.

Transforming Downtown is for communities who are committed to downtown revitalization using the Main Street Approach® but need technical assistance to take them to the next level. Application rounds are held as resources permit.

Performing Main Street is for those communities who were previously certified National Main Street cities and those communities with advanced downtown programs following the Main Street Approach®. Application rounds are held as resources permit.



Where Place and Time meet

Why Downtown is Important

1. **Historic core of community.**
2. **Includes unique shopping and service activities.**
3. **Represents vast amount of public and private investment.**
4. **Provides a sense of community and place.**
5. **Reflection of how the community views itself and is a critical factor in business retention and recruitment efforts.**
6. **Most of the downtown businesses are locally owned.**
7. **Represents a significant portion of the community's tax base.**
8. **Serves as an incubator for new businesses.**
9. **Typically a government center.**
10. **Often the largest employer in town.**

Principles of Main Street

The National Trust Main Street Center's experience in helping communities bring their commercial corridors back to life has shown time and time again that the Main Street Four-Point Approach succeeds. That success is guided by the following eight principles which set the Main Street methodology apart from other redevelopment strategies:

1. **Comprehensive:** A single project cannot revitalize a downtown. An ongoing series of initiatives is vital to build community support and create lasting progress.
2. **Incremental:** Small projects make a big difference. They demonstrate that "things are happening" on Main Street and hone the skills and confidence the program will need to tackle more complex problems.
3. **Self-help:** Although Oregon Main Street can provide valuable direction and technical assistance, only local leadership can initiate long-term success through community involvement and commitment to the revitalization effort.
4. **Public/private partnership:** Successful downtown revitalization organizations must have the support and expertise of both the public and private sectors.
5. **Identifying and capitalizing on existing assets:** local assets provide the solid foundation for a successful, unique downtown revitalization initiative.
6. **Quality:** From storefront design and promotional campaigns to special events, quality must be the main goal.
7. **Change:** Changing community attitudes and habits is essential. A carefully planned downtown program will help shift public perceptions and practices to support and sustain the revitalization process.
8. **Action-oriented:** Successful downtown revitalization programs are pro-active. They plan for the future.

Partners and the Main Street Approach®

Local Main Street Programs must involve groups throughout the community to be successful. Different groups have different interests in the downtown. And, while each may have a particular focus, all groups ultimately share the common goal of revitalizing the commercial district. By involving a broad range of constituents in the process, the downtown program can help each group realize that this common goal exists and that cooperation is essential for successful revitalization. By identifying each group's strengths, the downtown program can help focus that group's energy in the areas where it will be most effective. Groups typically involved in successful local downtown revitalization programs include:

- Retail and Service Sector Businesses
- Property Owners
- Chambers of Commerce
- Financial Institutions
- Consumers
- City and County Government
- Economic Development Officials
- Industries
- Hospitals
- Media
- Utilities
- Historic Societies and Historic Preservation Groups
- Civic Organizations
- Schools

"all of us, if we are reasonably comfortable, healthy and safe, owe immense debts to the past. There is no way of course, to repay the past. We can only repay those debts by making gifts to the future." Jane Jacobs

After recording, return to:
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Ontario, OR 97914

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Page 1 of 20 Pages

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12:27 P M

JUL 25 2008

DEBORAH R. DE LONG County Clerk

By *Shirley Childs* Deputy

Ordinance No. 2618-2008

**AN ORDINANCE CREATING TITLE 8, CHAPTER 13,
ESTABLISHING SYSTEM DEVELOPMENT CHARGES**

- WHEREAS, future growth should contribute its fair share to the cost of public improvements and additions to facilities that are required to accommodate the needs of such growth; and,
- WHEREAS, the imposition of system development charges will provide a source of revenue to fund the construction or public improvement of facilities necessitated by growth; and,
- WHEREAS, ORS 223.297 - 223.314, adopted in 1989, authorizes local governments to impose system development charges; and,
- WHEREAS, system development charges are charges incurred upon the decision to develop property at a specific use, density and/or intensity, and the incurred charge equals, or is less than the actual cost of providing public facilities commensurate with the needs of the chosen use, density, and/or intensity; and,
- WHEREAS, decisions regarding uses, densities, and/or intensities cause direct and proportional changes in the amount of the incurred charge; and,
- WHEREAS, system development charges are separate from and in addition to any applicable tax, assessment, charge, fee in lieu of assessment, or other fee provided by law or imposed as a condition of development; and,

WHEREAS, system development charges are fees for services because they are based upon a development's receipt of services considering the specific nature of the development; and,

WHEREAS, system development charges are imposed on the activity of development, not on the land, owner, or property, and, therefore, are not taxes on property or on a property owner as a direct consequence of ownership of property within the meaning of Section 11b, Article XI of the Oregon Constitution or the legislation implementing that section.

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

1. The following Sections 8-13-1 through 8-13-17 are added to and made a part of Chapter 13 of Title 8 of the City Code:

8-13-1 Scope and Purposes.

- (a) The purpose of the system development charge is to impose at least a portion of the cost of capital improvements for water, waste water, drainage, streets, flood control, and parks upon those developments that create the need for or increase the demands on capital improvements.
- (b) The funding provided by this Ordinance constitutes a collection method based upon ORS 223.297 through 223.314 to assure the construction of improvements to facilities as contemplated in the City's capital improvements plans, to be funded with money collected under this Ordinance.

8-13-2 Definitions.

- (a) "Administrator" means that person, or persons, appointed by the City to manage and implement this SDC program.
- (b) "Alternative System Development Charge" means an SDC established pursuant to Section 8-13-8 Alternative Calculation for SDC Rate, Credit, or Exemption.

- (c) "Applicant" means the person who applies for a building permit, a development permit, a connection to a capital improvement, such as a sewer or water connection, or an annexation.
- (d) "Application" means a form prescribed by the City along with required attachments prescribed in said form submitted at the time of applying for a building or development permit, for connection to a capital improvement, or for an annexation.
- (e) "Building Official" means that person, or designee, certified by the State and designated as such to administer the State Building Codes for the City.
- (f) "Building Permit" means that permit issued by a Building Official pursuant to the State of Oregon Structural Specialty Code Section 301 or as amended, and the State of Oregon One and Two Family Dwelling Code Section R-109 or as amended. In addition, "Building Permit" shall mean a Manufactured Home Installation Permit issued by the Building Official, relating to the placement of manufactured homes in the City.
- (g) "Capital Improvements" are facilities or assets used for:
- (1) Water production, treatment, storage, and distribution;
 - (2) Wastewater collection, transmission, treatment and disposal;
 - (3) Drainage and flood control;
 - (4) Transportation; or
 - (5) Parks and recreation.
- "Capital improvement" does not include costs of the operation or routine maintenance of capital improvements.
- (h) "Capital Improvements Plan" also called the CIP, is the plan adopted under Section 8-13-5 of this Ordinance that identifies facilities and improvements projected to be funded, in whole or in part, with SDC revenues.
- (i) "City" means the City of Ontario, Oregon.

- (j) "Condition of Development Approval" is any requirement imposed on an Applicant by the City, a City or County land use or limited land use decision, or site plan approval.
- (k) "Construction Cost Index" means the Engineering News Record (Seattle) Construction Cost Index.
- (l) "Council" means the Ontario City Council.
- (m) "County" means Malheur County, Oregon.
- (n) "Credit" means the amount by which an Applicant may be able to reduce the SDC fee as provided in this Ordinance.
- (o) "Development" means a building or other land construction, a connection to a capital improvement, or the making of a physical change in the use of a structure or land, in a manner which increases the usage of capital improvements or which may contribute to the need for additional or enlarged capital facilities.
- (p) "Improvement Fee" means a fee for costs associated with capital improvements to be constructed after the effective date of this ordinance.
- (q) "Over-capacity" means that portion of an improvement that is built larger or with greater capacity than is necessary to serve the Applicant's development or mitigate for system impacts attributable to the Applicant's development.
- (r) "Permit" means a building permit or other development permit.
- (s) "Previous use" means the most intensive use conducted at a particular property within the past 18 months prior to the date of application for a permit. Where the site was used simultaneously for several different uses (mixed use) then, for the purposes of this Ordinance, all of the specific use categories shall be considered. Where the previous use is composed of a primary use with one or more ancillary uses that support the primary use

and are owned and operated in common, that primary use shall be deemed to be the sole use of the property for purposes of this Ordinance.

- (t) "Proposed use," means the use proposed by the Applicant for a development. Where the Applicant proposes several different uses (mixed use) for a development then, for purposes of this Ordinance, all of the specific use categories shall be considered. Where the proposed use is composed of a primary use with one or more ancillary uses that support the primary proposed use and are owned and operated in common, that primary use shall be deemed to be the sole proposed use of the property for purposes of this Ordinance.
- (u) "Qualified Public Improvement" means a capital facility or conveyance or an interest in real property that increases capacity and is:
- (1) Required as a condition of development approval;
 - (2) Identified as a need in the capital improvements plan and list of projects used to calculate the SDC rates; and either:
 - (A) Not located on or contiguous to property that is the subject of development approval, or
 - (B) Located in whole or in part on or contiguous to property that is the subject of development approval and required to be built larger or with greater capacity (over-capacity) than is necessary for the Applicant's development or to mitigate for system impacts attributable to the Applicant's development. There is a rebuttable presumption that improvements built to the City's minimum standards are required to serve the Applicant's development and to mitigate for system impacts attributable to the Applicant's development.
- (v) "Reimbursement fee" means a fee for costs associated with capital improvements already constructed, or under construction when the fee is established.

- (w) "SDC Methodology Report" means a report setting forth the methodology described in Section 8-13-4 and adopted by resolution of the City Council under Section 8-13-4(c).
- (x) "System development charge" means a reimbursement fee, an improvement fee or a combination thereof assessed or collected at the time of increased usage of a capital improvement or issuance of a development permit, building permit or connection to the capital improvement. "System development charge" includes that portion of a sewer or water system connection charge that is greater than the amount necessary to reimburse the City for its average cost of inspecting and installing connections with water and sewer facilities. "System development charge" does not include fees assessed or collected as part of a local improvement district assessment, a reimbursement district assessment, a charge in lieu of a local improvement district assessment, or the cost of complying with requirements or conditions imposed by a land use decision, expedited land division, or limited land use decision.

8-13-3 System Development Charge Established.

- (a) System development charges shall be established and may be revised by resolution of the council. The resolution shall set the amount of the charge, the type of permit to which the charge applies, and, if the charge applies to a geographic area smaller than the entire city, the geographic area subject to the charge.
- (b) Unless otherwise exempted by the provisions of this ordinance or the other local or state law, a system development charge is hereby imposed upon all development within the city, upon the act of making a connection to the city water or sewer system within the city, upon all development outside the boundary of the city that connects to or otherwise uses the sewer facilities, storm sewers, or water facilities of the city, and upon all annexations that result in the increased usage of a capital improvement.

8-13-4 Methodology

(a) The methodology used to establish or modify the reimbursement fee shall, where applicable, consider the cost of then-existing facilities including, without limitation, design, financing and construction costs, prior contributions by then-existing users, gifts or grants from federal or state government or private persons, the cost of existing facilities, rate-making principles employed to finance publicly owned capital improvements, and other relevant factors identified by the council. The methodology shall promote the objective that future systems users shall contribute no more than an equitable share of the cost of then-existing facilities.

(b) The methodology used to establish or modify the improvement fee shall, where applicable, consider the estimated cost of projected capital improvements needed to increase the capacity of the systems to which the fee is related. The methodology shall be calculated to obtain the cost of capital improvements for the projected need for available system capacity for future system users.

(c) The methodology used to establish or modify the improvement fee or the reimbursement fee, or both, shall be contained in a resolution adopted by the council.

(d) A change in the amount of a reimbursement fee or an improvement fee is not a modification of the system development charge if the change in amount is based on a change in the cost of materials, labor or real property applied to the projects or project capacity as set forth in the capital improvements plan adopted pursuant to Section 8-13-5 of this ordinance; or the periodic application of one or more specific cost indexes or other periodic data sources, including but not limited to the Engineering News Record (Seattle) Construction Cost Index.

(e) A combination of a reimbursement fee and an improvement fee may be imposed, if the methodology demonstrates that the charge is not based upon providing the same system capacity.

8-13-5 Capital Improvements Plan.

(a) Prior to the establishment of a system development charge by resolution, the council shall adopt by resolution a capital improvements plan that:

- (1) lists the capital improvements that may be funded with improvement fee revenues, including the estimated cost and time of construction of each improvement, and the estimated percentage of costs eligible to be funded with revenues from improvement fees for each improvement; and
 - (2) describes the process for modifying the plan.
- (b) The Council may modify the plan and list at any time. If a system development charge will be increased by a proposed modification to the list to include a capacity increasing public improvement the council will:
- (1) at least 30 days prior to adoption of the proposed modification, provide written notice to persons who have requested notice pursuant to section 8-13-12 of this Ordinance; and
 - (2) hold a public hearing if a written request for a hearing is received within seven days of the date of the proposed modification.
- (c) In adopting this plan, the council may incorporate by reference all or a portion of any public facilities plan, master plan, capital improvements plan or similar plan that contains the information required by this section.
- (d) A change in the amount of a reimbursement fee or an improvement fee is not a modification of the system development charge if the change in amount is based on the periodic application of the Engineering News Record (Seattle) Construction Cost Index or a modification to any of the factors related to the rate that are incorporated in the established methodology.

8-13-6 Partial and Full Exemptions.

The uses listed and described in this Section 8-13-6 shall be exempt, either partially or fully, from payment of the SDC. Any Applicant seeking an exemption under this Section shall specifically request that exemption no later

than the time of application for the Permit. Where development consists of only part of one or more of the uses described in this Section, only that portion of the development that qualifies under this Section is eligible for an exemption. The balance of the development which does not qualify for any exemption under this Section shall be subject to the full SDC. Should the Applicant dispute any decision by the City regarding an exemption request, the Applicant must apply for an Alternative Exemption calculation under Section 8-13-8 Alternative Calculation for SDC Rate, Credit or Exemption. The Applicant has the burden of proving entitlement to any exemption so requested.

- (a) Temporary uses are fully exempt so long as the use will not exist for more than 180 days within a 12 month period.
- (b) Alteration permits for tenant improvements are fully exempt.
- (c) Development which, in the Administrator's opinion, will not create demands on the system greater than those of the previous use of the property are fully exempt.

8-13-7 SDC Credits

- (a) The City shall grant a credit against the SDC, which is otherwise assessed for a development, for any Qualified Public Improvement(s) constructed or dedicated as part of that development. The Applicant bears the burden of evidence and persuasion in establishing entitlement to an SDC Credit and to a particular value of SDC Credit.
- (b) To obtain an SDC Credit, the Applicant must specifically request a credit prior to the City's issuance of a permit for the development. In the request, the Applicant must identify the improvement for which credit is sought and explain how the improvement meets the requirements for a Qualified Public Improvement. The Applicant shall also document, with credible evidence, the value of the improvement for which credit is sought. If, in the Administrator's opinion, the improvement is a Qualified Public Improvement, and the Administrator concurs with the proposed value of the improvement, and SDC Credit shall be granted. The value of the SDC Credit under this Section shall be determined by the Administrator

based on the cost of the Qualified Public Improvement, or the value of land dedicated, as follows:

- (1) For dedicated lands, the value shall be based upon documented fair market value and/or comparable sales of similar property between unrelated parties in an arms-length transaction;
 - (2) For improvements yet to be constructed, value shall be based upon the anticipated cost of construction. Any such cost estimates shall be approved by the Public Works Director for which SDC Credit is sought;
 - (3) For improvements already constructed, value shall be based on the actual cost of construction as verified by receipts submitted by the Applicant;
 - (4) For all improvements for which credit is sought, only the fraction of over-capacity in the improvement is eligible for SDC Credit.
- (c) The Administrator will respond to the Applicant's request in writing within 15 business days of when the request is submitted. The Administrator shall provide a written explanation of the decision on the SDC Credit request.
- (d) If the Applicant disputes the Administrator's decision with regard to an SDC credit request, including the amount of the credit, the Applicant may seek an alternative SDC Credit calculation under 8-13-8 Alternative Calculation for SDC Rate, Credit, or Exemption. Any request for an Alternative SDC Credit calculation must be filed with the Administrator in writing within 10 business days of the written decision on the initial credit request.
- (e) Where the amount of an SDC Credit approved by the Administrator under this Section exceeds the amount of the SDC assessed by the City upon a development, the excess credit may be applied against SDCs that accrue in subsequent phases of the original development project. Any excess credit must be used not later than 10 (ten) years from the date the credit is given.

- (f) Notwithstanding any other provision of this ordinance, the City may, by action of the council, provide a greater credit, establish a system providing for the transferability of credits, provide a credit for a capital improvement not identified in the SDC Methodology Report or CIP, or provide a share of the cost of a capital improvement by means other than a credit.

8-13-8 Alternative Calculation for SDC Rate, Credit, or Exemption.

- (a) Pursuant to this Section 8-13-8, an applicant may request an alternative SDC rate calculation, alternative SDC credit determination, or alternative SDC exemption, under the following circumstances:

- (1) The Applicant believes that the impact on facilities resulting from the development is, or will be, less than that contemplated in the SDC Methodology Report, and for that reason, the Applicant's SDC should be lower than that calculated by the City.
- (2) The Applicant believes that property taxes paid by the property subject to development are, or will be, more than is provided by any credit for tax payments which may be included in the SDC Methodology Report, and for that reason, the Applicant's SDC should be lower than that calculated by the City.
- (3) The Applicant believes the City improperly excluded from consideration a Qualified Public Improvement that would qualify for credit under Section 8-13-7 SDC Credits or the City accepted for credit a Qualified Public Improvement, but undervalued that improvement and therefore undervalued the credit.
- (4) The Applicant believes the City improperly rejected a request for an exemption under 8-13-6 Partial and Full Exemptions for which the Applicant believes it is eligible.

- (b) Alternative SDC Rate Request:

- (1) If an Applicant believes that the assumptions for the class of structures that includes the development are not appropriate for

the subject development, the Applicant must request an alternative SDC rate calculation, under this Section 8-13-8, no later than the time of issuance of a permit for the development. Alternative SDC rate calculations for occupancy must be based on analysis of occupancy of classes of structures, not on the intended occupancy of a particular development.

- (2) In support of the Alternative SDC Rate request, the Applicant must provide complete and detailed documentation, and including verifiable data. The Applicant's supporting documentation must rely upon generally accepted sampling methods, sources of information, cost analysis, demographics, growth projections, and techniques of analysis as a means of supporting the proposed alternative SDC rate. The proposed Alternative SDC Rate calculation shall include an explanation with particularity why the rate established in the SDC Methodology does not accurately reflect the development's impact on the City's capital improvements.
- (3) The Administrator shall apply the Alternative SDC Rate if, in the Administrator's opinion, the following are found:
 - (i) The evidence and assumptions underlying the Alternative SDC Rate are reasonable, correct and credible and were gathered and analyzed in compliance with generally accepted principles and methodologies consistent with this Section 8-13-8, and
 - (ii) The calculation of the proposed Alternative SDC rate was by a generally accepted methodology, and
 - (iii) The proposed alternative SDC rate better or more realistically reflects the actual impact of the development than the rate set forth in the SDC Methodology Report.
- (4) Within 15 business days of the Applicant's submission of the request, the Administrator shall provide a written decision explaining the basis for rejecting or accepting the request.

(c) Alternative SDC Credit Request:

- (1) If an Applicant has requested an SDC Credit pursuant to Section 8-13-7 SDC Credits and that request has been denied by the City, the Applicant may request an Alternative SDC Credit calculation, under this Section, no later than the time of application for a permit.
- (2) In support of the Alternative SDC Credit request, the Applicant must provide complete and detailed documentation, including appraisals, cost analysis or other estimates of value, for the improvements for which the Applicant is seeking credit. The Applicant's supporting documentation must rely upon generally accepted sources of information, cost analysis, and techniques of analysis as a means of supporting the proposed Alternative SDC Credit.
- (3) The Administrator shall apply the Alternative SDC Credit if, in the Administrator's opinion, the following are found:
 - (i) The improvement for which the SDC Credit is sought is a Qualified Public Improvement, and
 - (ii) The evidence and assumptions underlying the Applicant's Alternative SDC Credit request are reasonable, correct, and credible and were gathered and analyzed in compliance with generally accepted principles and methodologies, and
 - (iii) The proposed Alternative SDC Credit is based on realistic, credible valuation or benefit analysis.
- (4) Within 15 business days of the Applicant's submission of the request, the Administrator shall provide a written decision explaining the basis for rejecting or accepting the request.

(d) Alternative SDC Exemption Request:

- (1) If an Applicant has requested a full or partial exemption under Section 8-13-6 Partial and Full Exemptions and that request has been

denied, the Applicant may request an Alternative SDC Exemption under this Section, no later than the time of application for a Permit for the development.

- (2) In support of the Alternative SDC Exemption request, the Applicant must provide complete and detailed documentation demonstrating that the Applicant is entitled to one of the exemptions described in Section 8-13-6 Partial and Full Exemptions.
- (3) The Administrator shall grant the exemption if, in the Administrator's opinion, the Applicant has demonstrated with credible, relevant evidence that it meets the pertinent criteria in Section 8-13-6 Partial and Full Exemptions.
- (4) Within 15 business days of the Applicant's submission of the request, the Administrator shall provide a written decision explaining the basis for rejecting or accepting the request.

8-13-9 Due Date of Payment of System Development Charges.

Except as may be required by ORS 223.201 – 223.295 (Bancroft Bonding Act), the SDCs required by this Ordinance are due to be paid upon the latter of the issuance of a permit, connection to the City sewer or water system, or approval of annexation.

8-13-10 Refunds.

Refunds may be given by the Administrator upon finding that there was a clerical error in the calculation of the SDC.

8-13-11 Appropriate Use of SDC Funds.

- (a) All monies derived from Improvement Fee SDCs shall be placed in SDC Improvement Fee accounts and shall be used solely for the purpose of providing capacity-increasing capital improvements as identified in the SDC Methodology Report and the City's adopted capital improvement plans, and for eligible compliance and administrative costs. In this regard,

these SDC revenues may be used for purposes that include, but are not limited to:

- (1) design and construction plan preparation;
- (2) permitting;
- (3) land and materials acquisition, including any costs of acquisition or condemnation;
- (4) construction of capital improvements;
- (5) design and construction of new drainage facilities required by the construction of capital improvements and structures;
- (6) relocating utilities required by the construction of improvements;
- (7) landscaping;
- (8) construction management, inspection and preparation of record drawings;
- (9) surveying, soils and material testing;
- (10) acquisition of capital equipment that is an intrinsic part of a facility;
- (11) demolition that is part of the construction of any of the improvements on this list;
- (12) payment of principal and interest, necessary reserves and costs of issuance under any bonds or other indebtedness issued by the City to provide money to construct or acquire facilities associated with the SDC project list;
- (13) direct costs of developing and updating the system development charges methodology and capital improvement plan.

(b) Money on deposit in any Improvement Fee SDC Account shall not be used for:

- (1) any expenditure that would be classified as a maintenance or repair expense; or
- (2) costs associated with the construction of administrative office facilities that are more than an incidental part of other capital improvements; or
- (3) costs associated with acquisition or maintenance of rolling stock.

(c) Reimbursement fees shall be applied only to capital improvements associated with the system for which the fees are assessed, including expenditures relating to repayment of indebtedness.

(d) Notwithstanding subsections (a) through (c) of this section, system development charge revenues may be expended on the direct costs of complying with the provisions of this ordinance, including the costs of developing system development charge methodologies and providing an annual accounting of system development expenditures.

8-13-12 Notice

(a) The City shall maintain a list of persons who have made a written request for notification prior to adoption or modification of a methodology for any system development charge. Written notice shall be mailed to persons on the list at least 90 days prior to the first hearing to establish or modify a system development charge. The methodology supporting the system development charge shall be available at least 60 days prior to the first hearing to adopt or amend a system development charge. The failure of a person on the list to receive a notice that was mailed does not invalidate the action of the city.

(b) The City may periodically delete names from the list, but at least 30 days prior to removing a name from the list, the city must notify the person whose name is to be deleted that a new written request for notification is required if the person wishes to remain on the notification list.

8-13-13 Challenges and Appeals.

- (a) Any citizen or other interested person may challenge the expenditure of SDC revenues by filing a challenge to the expenditure with the Administrator within two years after the date of the disputed SDC revenue expenditure. The fee for filing such a challenge shall be set by resolution.

- (b) Except where a different time for an Administrator's decision is provided in this Ordinance, all Administrator decisions shall be in writing and shall be delivered to the Applicant within 15 business days of an application or other Applicant request for an Administrator determination. Delivery shall be deemed complete upon the earlier of actual delivery to the Applicant or upon deposit by the Administrator by certified mail, addressed to the address for notice Applicant has designated in the Application. Any person may appeal to the council any decision of the Administrator made pursuant to this Ordinance by filing a written request with the Administrator within 10 days after the delivery of the Administrator's written decision to the Applicant. The Applicant, if he or she so chooses, may request a preliminary review from a three-person committee consisting of the Mayor, a designated City Council member, and either the chair or vice-chair of the Public Works Committee, which committee shall make a recommendation to the council. The request for a preliminary review shall not extend the time for filing an appeal. The fee for appealing a decision to the council shall be set by resolution. The appeal to be filed with the council shall contain the following information:
 - (1) The name and address of the applicant;
 - (2) The legal description of the property in question;
 - (3) If issued, the date of the permit;
 - (4) A brief description of the nature of the development being undertaken pursuant to the permit;
 - (5) If paid, the date the system development charges were paid; and

- (6) A statement of the reasons why the applicant is appealing a decision.
- (c) Upon receipt of such request, the City shall schedule a hearing before the council at a regularly scheduled meeting or a special meeting called for the purpose of conducting the hearing and shall provide the applicant written notice of the time and place of the hearing. Such hearing shall be held within 90 days of the date the appeal was filed.
- (d) The council shall conduct a hearing in a manner designed to obtain all information and evidence relevant to the requested hearing. Formal rules of civil procedures and evidence shall not be applicable; however, the hearing shall be conducted in a fair and impartial manner with each party having an opportunity to be heard and to present information and evidence.
- (e) Any applicant who appeals a decision pursuant to this Section and desires the immediate issuance of a permit shall pay prior to or at the time the request for hearing is filed the applicable system development charges determined by the Administrator. Said payment shall be deemed paid "under protest" and shall not be construed as a waiver of any review rights.
- (f) An applicant may appeal a decision under this Section without paying the applicable system development charges, but no permit shall be issued until such system development charges are paid in the amount initially calculated or the amount approved upon completion of the review provided in this Section.
- (g) The council shall decide an appeal within 90 days of the date of the appeal to the City Council and that decision may be reviewed under ORS 34.010 to 34.100, and not otherwise.

8-13-14 City Review of SDC.

- (a) No later than every two years as measured from initial enactment, the City shall undertake a review to determine that sufficient money will be available to help fund the capacity-increasing facilities identified in an

SDC Methodology Report to determine whether the adopted SDC rates keep pace with inflation, and to ensure that such facilities will not be over-funded by the SDC receipts. Said review shall utilize but not be limited to the Engineering News Record (Seattle) Construction Cost Index, and tempered and compared to local bid costs.

- (b) In the event that during the review referred to above, it is determined that an adjustment to the SDC is necessary for sufficient funding of the improvements listed in the SDC Methodology Report, or to ensure that such improvements are not over funded by the SDC, the council may propose and adopt appropriately adjusted SDC rates by resolution.

8-13-15 Time Limit on Expenditure of SDCs.

The City shall expend SDC revenues within ten (10) years of receipt.

8-13-16 Implementing Regulations; Amendments.

The City may adopt regulations to implement the provisions of this Ordinance by resolution of the council.

8-13-17 Severability.

The provisions of this Ordinance are severable, and it is the intention to confer the whole or any part of the powers herein provided for. If any clause, Section or provision of this Ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of this Ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein. It is hereby declared to be the legislative intent that this Ordinance would have been adopted had such an unconstitutional provision not been included herein.

PASSED AND ADOPTED by the Common Council of the City of Ontario this
22nd day of July, 2008, by the following vote.

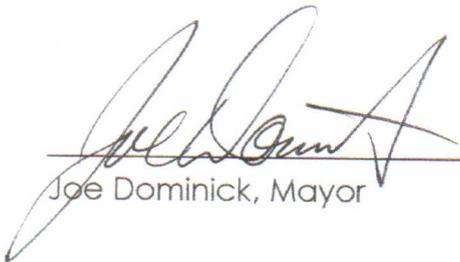
AYES: Allen, Cummings, Gaskill, Mills, Tuttle, Verini, Dominick

NAYS: None

ABSENT: None

ABSTAIN: None

APPROVED by the Mayor this 22nd day of July, 2008.



Joe Dominick, Mayor

ATTEST:



Tori Barnett, City Recorder

FILED

M

OCT 05 2012

DEBORAH R. DELONG, County Clerk
By Deputy

ORDINANCE NO. 2671-2012

**AN ORDINANCE AMENDING SECTIONS 8-13-2 AND 8-13-6 CONCERNING
SYSTEM DEVELOPMENT CHARGE EXEMPTIONS FOR
REAL PROPERTY THAT WAS SUBJECT TO PREVIOUS USE**

- WHEREAS, Ontario City Code Section 8-13-2 includes a definition of "previous use" in subsection (s) that is used to determine the Public Works Director's authority to issue exemptions from certain system development charges for real property that was subject to previous use; and
- WHEREAS, On February 16, 2012, the Public Works Committee recommended that Section 8-13-2(s) be amended to clarify how "previous use" is to be determined for vacant real property that is subject to system development charges; and
- WHEREAS, Section 8-13-6 authorizes the Public Use Director to issue exemptions from system development charges for real property that meets the definition of "previous use"; and
- WHEREAS, On February 16, 2012, the Public Works Committee recommended that Section 8-13-6 be amended to restrict the granting of exemptions for sewer or water of system development charge for parcels of real property that have been vacant for more than ten years; and
- WHEREAS, The City gave the notice required by ORS 223.304(7)(a) by providing written notice to persons requesting such notice more than 90 days before a modification of a system development charge; and
- WHEREAS, The City satisfied the requirement of ORS 223.304(7)(a) that the methodology supporting a modification of a system development charge be made available at least 60 days before the first hearing preceding a system development charge modification.

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

Section 1. Section 8-13-2 of Chapter 13 of Title 8 of the Ontario City Code is hereby amended by deleting those portions that are stricken and by adding those portions that are underlined:

PREVIOUS USE means the most intensive use conducted at a particular property within the past 18 months prior to the date of application for a permit. Where the site was used simultaneously for several different uses (~~mixed use~~ such as, for example, mixed uses in a mall complex) then, for the purposes of this Ordinance, all of the specific use categories shall be considered. Where the previous use is composed of a primary use with one or more ancillary uses that support the primary use and are owned and operated in common, that primary use shall be deemed to be the sole use of the property for purposes of this Ordinance. If the property has been vacant and unused for more than 18 months then the last known use shall be relied on as the previous use.

SECTION 2. Section 8-13-6 of Chapter 13 of Title 8 of the Ontario City Code is hereby amended by deleting those portions that are stricken and by adding those portions that are underlined:

8-13-6 Partial and Full Exemptions.

The uses listed and described in this Section 8-13-6 shall be exempt, either partially or fully, from payment of the SDC. Any Applicant seeking an exemption under this Section shall specifically request that exemption no later than the time of application for the Permit. Where development consists of only part of one or more of the uses described in this Section, only that portion of the development that qualifies under this Section is eligible for an exemption. The balance of the development which does not qualify for any exemption under this Section shall be subject to the full SDC. Should the Applicant dispute any decision by the City regarding an exemption request, the Applicant must apply for an Alternative Exemption calculation under Section 8-13-8 Alternative Calculation for SDC Rate, Credit or Exemption. The Applicant has the burden of proving entitlement to any exemption so requested.

(a) Temporary uses are fully exempt so long as the use will not exist for more than 180 days within a 12 month period.

(b) Alteration permits for tenant improvements are fully exempt.

(c) Development which, in the Administrator's opinion, will not create demands on the system greater than those of the previous use of the property, as defined in Section 8-13-2, are is fully exempt. If the property has been vacant and unused for a period of more than ten (10) years, the Administrator shall not approve a previous use exemption from a sewer or water system development charge.

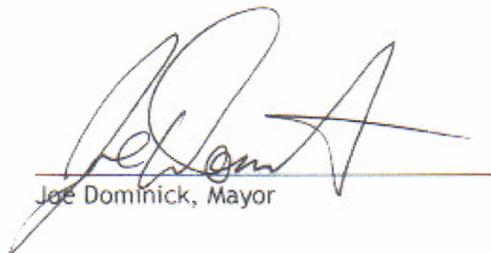
PASSED AND ADOPTED by the Common Council of the City of Ontario this 1st day of October, 2012, by the following vote:

AYES: Fugate, Jones, Crume, Dominick, Sullivan, Verini

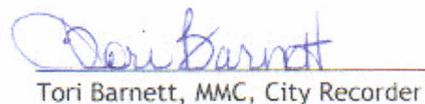
NAYS: None

ABSENT: Fox

APPROVED by the Mayor this 1st day of October, 2012.


Joe Dominick, Mayor

ATTEST:


Tori Barnett, MMC, City Recorder

Resolution 2008-146

A RESOLUTION SETTING FORTH A METHODOLOGY AND ESTABLISHING SYSTEM DEVELOPMENT CHARGE IMPROVEMENT FEES FOR WATER, WASTEWATER, SEWER AND TRANSPORTATION PROJECTS

- WHEREAS,** Ontario City Ordinance 2618-2008, enacted on July 21, 2008, and effective on August 20, 2008, added Sections 8-13-1 to 8-13-17 to the Ontario City Code and authorized the City of Ontario to impose system development charges (SDCs) on development within the City in conformance with those Sections; and
- WHEREAS,** Section 8-13-4(b) authorizes the City to approve a methodology used to establish an improvement fee SDC, which methodology shall consider the estimated cost of projected capital improvements needed to increase the capacity of the systems to which the fee is related; and
- WHEREAS,** A report dated February 4, 2008, entitled "System Development Charges Revised Methodologies Report and Rate Study" has been prepared for the City of Ontario by consultant Don Ganer & Associates, Inc., which report is referred hereafter as the Ganer Report, which sets forth a methodology for imposing improvement fee SDCs for water, wastewater/sewer, parks and recreation, and transportation projects; and
- WHEREAS,** Copies of the Ganer Report have been available for public inspection at Ontario City Hall for more than 90 days; and
- WHEREAS,** The City Council reserves for future action the adoption of an SDC improvement fee schedule for parks and recreation projects within the City; and
- WHEREAS,** Except as adjusted by this Resolution, the City Council adopts the Ganer Report's findings and conclusions and incorporates them herein; and
- WHEREAS,** On April 17, 2008, the Public Works Committee submitted to the City Council a recommended resolution setting forth a methodology and a rate schedule for improvement fee SDCs; and
- WHEREAS,** The Public Works Committee's recommended rate schedule included various adjustments to the rate schedule set forth in the Ganer Report; and

- WHEREAS,** The methodology and rate schedule set forth in the Public Works Committee's recommended resolution has been available for public inspection since April 17, 2008; and
- WHEREAS,** The City Council finds that, in order to promote economic growth, encourage development and to make the rates competitive with those charged by other communities in the Treasure Valley, the improvement fees to be charged for water, wastewater, sewer and transportation projects should be reduced from those set forth in the Ganer Report, in conformity with the rate schedule recommended by the Public Works Committee; and
- WHEREAS,** The methodology proposed in the Ganer Report is derived in part from population projections set forth in the City's Master Plan, which City staff has reviewed and which the City Council finds to be accurate based upon information provided by staff; and
- WHEREAS,** There has been uneven development of commercial areas within Ontario, with the heaviest commercial development occurring on the east side of Ontario and with a decrease in commercial development and high commercial vacancy rates occurring on the west side of Ontario; and
- WHEREAS,** The uneven commercial development in Ontario has increased public infrastructure costs and traffic congestion; and
- WHEREAS,** It is in the interest of the residents of Ontario to promote orderly commercial development by lowering the transportation SDCs from those set forth in the Ganer Report for commercial development in certain areas more particularly identified below; and
- WHEREAS,** The City Council, based upon the recommendation of the Public Works Committee, has mapped the areas of uneven commercial development in order to assign discounted transportation SDC rates to those areas, which areas are more particularly identified on Exhibit A attached hereto and incorporated herein.

NOW, THEREFORE, BE IT RESOLVED by the Ontario City Council as follows:

- 1) Improvement fee SDCs for the water, wastewater, sewer and transportation projects listed in the City of Ontario's Capital Improvement Plan shall be as set forth in this Resolution.
- 2) The methodology in the Ganer Report is adopted as the methodology used to determine water, wastewater, sewer and transportation Improvement fee SDCs, with the adjustments set forth herein.
- 3) No water or wastewater improvement fees shall be charged for residential development.

4) Permit Applications. For the purpose of calculating an SDC, City staff shall prepare application forms requiring an applicant to provide the following information:

- a) The forms shall require an identification of the previous and proposed use(s) of the development, including a description of each of the previous and proposed uses for the property for which a permit is being sought, with sufficient detail to enable the City to calculate the number of employees and dwelling units under the previous use and for the proposed use(s) of the development.
 - i) “Previous use” means the most intensive use conducted at a particular property within the past 18 months prior to the date of application for a permit. Where the site was used simultaneously for several different uses (mixed use) then, for the purposes of this Resolution, all of the specific use categories shall be considered. Where the previous use is composed of a primary use with one or more ancillary uses that support the primary use and are owned and operated in common, that primary use shall be deemed to be the sole use of the property for purposes of this Resolution.
 - ii) “Proposed use” means the use proposed by the applicant for the development. Where the applicant proposes several different uses (mixed use) for the development then, for purposes of this Resolution, all of the specific use categories shall be considered. Where the proposed use is composed of a primary use with one or more ancillary uses that support the primary proposed use and are owned and operated in common, that primary use shall be deemed to be the sole proposed use of the property for purposes of this Resolution.
- b) For residential uses, the forms shall require the applicant to identify the number of residential dwelling units for the previous and proposed use(s) of the development.
- c) For commercial uses, the forms shall require the applicant to identify the square footage for each type of non-residential use (i.e., office, warehouse, retail, etc.) for the previous and proposed use(s) of the development.

5) The amount of the SDC shall be determined by calculating the difference between the SDC amount that would have been imposed for the previous use(s) of the property and the SDC amount for the proposed use(s).

6) Water SDC Rates. The water SDC rate for industrial and commercial development per Equivalent Dwelling Unit (EDU) shall be as follows:

Unit	Water Improvement Cost Per EDU	Compliance Cost Per EDU	Water SDC Rate Per EDU
1 EDU	\$929	+ \$46	= \$975

Water SDCs are charged by meter size, based on a meter's estimated number of EDUs. The table below displays SDC rates for various sizes of meters in the City of Ontario:

Meter Size	Equivalent Dwelling Unit (EDUs)	Water SDC
1.0 inch or less	1.0	\$975
1.5 inch	5.0	\$4,875
2.0 inch	8.0	\$7,800
3.0 inch	17.5	\$17,063
4.0 inch	30.0	\$29,250
6.0 inch	62.5	\$60,938
8.0 inch	90.0	\$87,750

- 7) Sewer/Wastewater SDC Rates. Rates for sewer/wastewater SDCs are directly proportional to water use. Therefore, the wastewater SDCs are calculated using the same EDU estimates as for water SDCs, in accordance with the following table:

Meter Size (inches)	Equivalent Dwelling Unit (EDUs)	Wastewater SDC
1.0 or less	1.0	\$481
1.5	5.0	\$2,405
2.0	8.0	\$3,848
3.0	17.5	\$8,418
4.0	30.0	\$14,431
6.0	62.5	\$30,064
8.0	90.0	\$43,292

- 8) Transportation SDC Rates.

- a) *Definitions for Transportation SDCs for Residential Development.* For the purpose of imposing transportation SDCs on residential development, the following definitions shall apply:
- i) "Accessory dwelling unit" means a second residential dwelling unit created on a single lot with a single-family or a manufactured housing dwelling unit. The second unit is created auxiliary to, and is always smaller than the single family or manufactured housing residential dwelling unit.
 - ii) "Duplex" means two attached single-family dwelling units on a single lot.
 - iii) "Multi-Family Housing" means three or more attached residential dwelling units located on a single lot.
 - iv) "Residential Dwelling Unit" means a building or a portion of a building consisting of one or more rooms, which include sleeping, cooking, and plumbing facilities and are arranged and designed as permanent living quarters for one family or household.

- v) "Row house" means an attached single-family residential dwelling unit on a single lot.
 - vi) "Single-family dwelling unit" means one detached residential dwelling unit, or one-half of a duplex, or one row house.
- b) *Rules for Imposition of Transportation SDC Rates for Residential Development.* For the purpose of imposing transportation SDCs for residential dwelling units, the following rules shall apply:
- i) Manufactured housing shall be charged at the single-family residential dwelling unit SDC rate.
 - ii) Accessory dwelling units shall be charged at one-half the residential dwelling unit SDC rate.
 - iii) Duplexes shall be charged at two times the residential dwelling unit SDC rate.
 - iv) Multi-family housing shall be charged by the number of attached residential dwelling units located on each lot.
- 9) The following rate adjustments to the transportation fee schedule set forth in the Ganer Report are adopted and are reflected in the tables set forth in paragraph 10:
- a) 50% of the Ganer Report's transportation fee schedule for residential development;
 - b) 50% of the Ganer Report's transportation fee schedule for industrial development;
 - c) For commercial development in areas identified in Exhibit A attached hereto:
 - i) 40% of the Ganer Report's transportation fee schedule for Commercial Area No. 1 .
 - ii) 15% of the Ganer Report's transportation fee schedule for Commercial Area No.2.
 - iii) 10% of the Ganer Report's transportation fee schedule for Commercial Area No. 3.
- 10) The transportation SDCs shall be in accordance with the following tables:

TOTAL TRANSPORTATION SDC PER UNIT OF DEVELOPMENT			
<u>ITE LAND USE CODE/CATEGORY</u>	<u>TOTAL TRANS. SDC PER UNIT</u>	<u>50% PER UNIT</u>	<u>UNIT*</u>
RESIDENTIAL			
Single Family Detached	\$2,576	\$1,288	/dwelling unit
Apartment	\$1,809	\$905	/dwelling unit
Residential Condominium/Townhouse	\$1,577	\$789	/dwelling unit
Manufactured Housing (in Park)	\$1,343	\$672	/dwelling unit
Assisted Living	\$737	\$369	/bed

Continuing Care Retirement	\$756	\$378	/unit
Recreation Home	\$850	\$425	/dwelling unit
Duplex	\$1,700	\$850	/duplex
Multi-Family Housing	\$850 x no. of units	\$425 x no. of units	/dwelling unit
PORT/INDUSTRIAL			
Truck Terminals	\$2,810	\$1,405	/T.S.F.G.F.A.
Park and Ride Lot w/Bus Service	\$1,022	\$511	/parking space
Light Rail Transit Station w/Parking	\$570	\$285	/parking space
General Light Industrial	\$1,988	\$994	/T.S.F.G.F.A.
General Heavy Industrial	\$428	\$214	/T.S.F.G.F.A.
Industrial Park	\$1,985	\$993	/T.S.F.G.F.A.
Manufacturing	\$1,090	\$545	/T.S.F.G.F.A.
Warehouse	\$1,415	\$708	/T.S.F.G.F.A.
Mini-Warehouse	\$713	\$357	/T.S.F.G.F.A.
Utilities	\$1,799	\$900	/T.S.F.G.F.A.

TOTAL TRANSPORTATION SDC PER UNIT OF DEVELOPMENT					
<u>ITE LAND USE CODE/CATEGORY</u>	<u>TOTAL TRANS. SDC PER UNIT</u>	<u>AREA 1 40% PER UNIT</u>	<u>AREA 2 15% PER UNIT</u>	<u>AREA 3 10% PER UNIT</u>	<u>UNIT*</u>
RECREATIONAL					
City Park	\$473	\$189	\$71	\$47	/acre
County Park	\$679	\$272	\$102	\$68	/acre
Campground/RV Park**	\$1,655	\$662	\$248	\$166	/camp site
Marina	\$1,195	\$478	\$179	\$120	/berth
Golf Course	\$14,428	\$5,771	\$2,164	\$1,443	/hole
Golf Driving Range**	\$3,721	\$1,448	\$558	\$372	/tee
Multipurpose Recreation/Arcade**	\$9,973	\$3,989	\$1,496	\$997	/T.S.F.G.F.A.
Bowling Alley	\$13,455	\$5,382	\$2,018	\$1,346	/lane
Movie Theater without Matinee	\$65,497	\$26,199	\$9,825	\$6,550	/screen
Multiplex Movie Theater (10+ screens)**	\$40,608	\$16,243	\$6,091	\$4,061	/screen
Movie Theater with Matinee	\$60,197	\$24,079	\$9,030	\$6,020	/screen
Casino/Video Poker/Lottery**	\$39,983	\$15,993	\$5,997	\$3,998	/T.S.F.G.F.A.
Amusement/Theme Park	\$22,555	\$9,022	\$3,383	\$2,256	/acre
Soccer Complex	\$21,236	\$8,494	\$3,185	\$2,124	/field
Racquet/Tennis Club	\$11,521	\$4,608	\$1,728	\$1,152	/court
Health/Fitness Club	\$9,804	\$3,922	\$1,471	\$980	/T.S.F.G.F.A.

Recreation/Community Center	\$9,237	\$3,695	\$1,386	\$924	/T.S.F.G.F.A.
INSTITUTIONAL/MEDICAL					
Military Base	\$508	\$203	\$76	\$51	/employee
Elementary School (Public)	\$139	\$56	\$21	\$14	/student
Middle/Junior High School (Public)	\$174	\$70	\$26	\$17	/student
High School (Public)	\$345	\$138	\$52	\$35	/student
Private School (K-12)	\$501	\$200	\$75	\$50	/student
Junior/Community College	\$241	\$96	\$36	\$24	/student
University/College	\$478	\$191	\$72	\$48	/student
Church	\$1,839	\$736	\$276	\$184	/T.S.F.G.F.A.
Day Care Center/Preschool	\$481	\$192	\$72	\$48	/student
Library	\$5,798	\$2,319	\$870	\$580	/T.S.F.G.F.A.
Hospital	\$3,369	\$1,348	\$505	\$337	/bed
Nursing Home	\$676	\$270	\$101	\$68	/bed
Clinic	\$8,971	\$3,588	\$1,346	\$897	/T.S.F.G.F.A.

TOTAL TRANSPORTATION SDC PER UNIT OF DEVELOPMENT					
<u>ITE LAND USE CODE/CATEGORY</u>	<u>TOTAL TRANS. SDC PER UNIT</u>	<u>AREA 1 40% PER UNIT</u>	<u>AREA 2 15% PER UNIT</u>	<u>AREA 3 10% PER UNIT</u>	<u>UNIT*</u>
COMMERCIAL/SERVICES					
Hotel/Motel	\$2,985	\$1,194	\$448	\$299	/room
Building Materials/Lumber	\$5,332	\$2,133	\$800	\$533	/T.S.F.G.F.A.
Free-Standing Discount Superstore with Groceries	\$8,030	\$3,212	\$1,205	\$803	/T.S.F.G.F.A.
Specialty Retail Center	\$6,642	\$2,657	\$996	\$664	/T.S.F.G.L.A.
Free-Standing Discount Store without Groceries	\$10,557	\$4,223	\$1,584	\$1,056	/T.S.F.G.F.A.
Hardware/Paint Stores	\$8,618	\$3,447	\$1,293	\$862	/T.S.F.G.F.A.
Nursery/Garden Center	\$5,407	\$2,163	\$811	\$541	/T.S.F.G.F.A.
Shopping Center	\$6,435	\$2,574	\$965	\$644	/T.S.F.G.L.A.
Factory Outlet Center	\$3,985	\$1,594	\$598	\$399	/T.S.F.G.F.A.
New Car Sales	\$4,996	\$1,998	\$749	\$500	/T.S.F.G.F.A.
Automobile Parts Sales	\$8,012	\$3,205	\$1,202	\$801	/T.S.F.G.F.A.
Tire Superstore	\$3,328	\$1,331	\$499	\$333	/T.S.F.G.F.A.
Supermarket	\$14,857	\$5,943	\$2,229	\$1,486	/T.S.F.G.F.A.
Convenience Market (24 hour)	\$32,749	\$13,100	\$4,912	\$3,275	/T.S.F.G.F.A.
Convenience Market with Fuel Pump	\$20,992	\$8,397	\$3,149	\$2,099	/V.F.P.
Wholesale Market	\$1,268	\$507	\$190	\$127	/T.S.F.G.F.A.
Discount Club	\$7,877	\$3,151	\$1,182	\$788	/T.S.F.G.F.A.

Home Improvement Superstore	\$3,518	\$1,407	\$528	\$352	/T.S.F.G.F.A.
Electronics Superstore	\$6,136	\$2,454	\$920	\$614	/T.S.F.G.F.A.
Office Supply Superstore**	\$5,095	\$2,038	\$764	\$510	/T.S.F.G.F.A.
Pharmacy/Drugstore w/o Drive-Thru	\$9,611	\$3,844	\$1,442	\$961	/T.S.F.G.F.A.
Pharmacy/Drugstore w/ Drive-Thru	\$10,209	\$4,084	\$1,531	\$1,021	/T.S.F.G.F.A.
Furniture Store	\$540	\$216	\$81	\$54	/T.S.F.G.F.A.
Video Rental Store**	\$35,874	\$14,350	\$5,381	\$3,587	/T.S.F.G.F.A.
Banks/Savings: Walk-In	\$29,489	\$11,796	\$4,423	\$2,949	/T.S.F.G.F.A.
Banks/Savings: Drive-In	\$29,662	\$11,865	\$4,449	\$2,966	/T.S.F.G.F.A.
Quality Restaurant (not a chain)	\$13,583	\$5,433	\$2,037	\$1,358	/T.S.F.G.F.A.
High Turnover, Sit-Down Restaurant (chain or stand alone)	\$9,753	\$3,901	\$1,463	\$975	/T.S.F.G.F.A.
Fast Food Restaurant (No Drive Thru)	\$48,175	\$19,270	\$7,226	\$4,818	/T.S.F.G.F.A.
TOTAL TRANSPORTATION SDC PER UNIT OF DEVELOPMENT					
<u>ITE LAND USE CODE/CATEGORY</u>	<u>TOTAL TRANS. SDC PER UNIT</u>	<u>AREA 1 40% PER UNIT</u>	<u>AREA 2 15% PER UNIT</u>	<u>AREA 3 10% PER UNIT</u>	<u>UNIT*</u>
COMMERCIAL/SERVICES (CONTINUED)					
Fast Food Restaurant (With Drive Thru)	\$33,381	\$13,352	\$5,007	\$3,338	/T.S.F.G.F.A.
Drinking Place/Bar**	\$7,630	\$3,052	\$1,145	\$763	/T.S.F.G.F.A.
Quick Lubrication Vehicle Shop	\$5,268	\$2,107	\$790	\$527	/Service Stall
Automobile Care Center	\$5,281	\$2,112	\$792	\$528	/T.S.F.G.L.A.
Gasoline/Service Station (No Market or Car Wash)	\$11,124	\$4,450	\$1,669	\$1,112	/V.F.P.
Gasoline/Service Station (w/Market)	\$8,150	\$3,260	\$1,223	\$815	/V.F.P.
Gasoline/Service Station (w/Market and Car Wash)	\$7,652	\$3,061	\$1,148	\$765	/V.F.P.
OFFICE					
General Office Building	\$3,141	\$1,256	\$471	\$314	/T.S.F.G.F.A.
Corporate Headquarters Bldg.	\$2,278	\$911	\$342	\$228	/T.S.F.G.F.A.
Single Tenant Office Bldg.	\$3,300	\$1,320	\$495	\$330	/T.S.F.G.F.A.
Medical-Dental Office Bldg.	\$10,306	\$4,122	\$1,546	\$1,031	/T.S.F.G.F.A.

Government Office Building	\$19,662	\$7,865	\$2,949	\$1,966	/T.S.F.G.F.A.
State Motor Vehicles Dept.	\$47,356	\$18,942	\$7,103	\$4,736	/T.S.F.G.F.A.
US Post Office	\$25,614	\$10,246	\$3,842	\$2,561	/T.S.F.G.F.A.
Office Park	\$3,257	\$1,303	\$489	\$326	/T.S.F.G.F.A.
Research and Development Center	\$2,313	\$925	\$347	\$231	/T.S.F.G.F.A.
Business Park	\$3,640	\$1,456	\$546	\$364	/T.S.F.G.F.A.

Abbreviations used in the "unit" column:

**T.S.F.G.F.A. = Thousand Square Feet Gross Floor Area*

**T.S.F.G.L.A. = Thousand Square Feet Leaseable Floor Area*

**V.F.P. = Vehicle Fueling Position*

*** Because there is no ITE Weekday Average Trip Rate for this code/category, the Trip Rate shown is the ITE P.M. Peak Hour Trip Rate multiplied by a factor of ten.*

11) The SDC rate schedule set forth herein shall apply to all completed applications for development received by the City on and after the effective date of this Resolution.

EFFECTIVE DATE: Immediately upon passage.

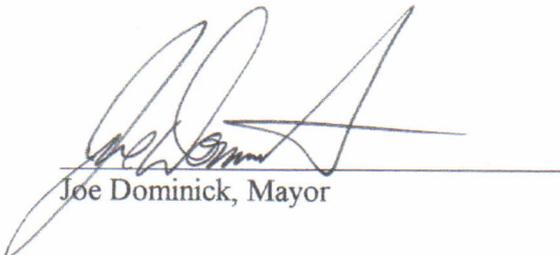
Passed and adopted by the Ontario City Council this 2nd day of September, 2008.

Ayes: Gaskill, Cummings, Dominick, Mills, Tuttle

Nays: Allen

Absent: Verini

Approved by the Mayor this 2nd day of September, 2008.


Joe Dominick, Mayor

ATTESTED:


Tori Barnett, City Recorder

City of Ontario
Development Services Department

System Development Charges

Fees Effective September 3, 2008



A guideline for anticipating system charges for new development in the City of Ontario

For further assistance...

If you would like more information on System Development Charges call 541-881-3231 or visit our website at www.ontariodev.org.on.ori

**City of Ontario
444 SW 4th St
Ontario, OR 97914**

PRINTED NOVEMBER 21, 2008

What are SDCs?

The City of Ontario is committed to providing quality services to our community. As our community grows, old systems need to be updated and new systems must be built.

System Development Charges (SDCs) are fees imposed upon new and expanding development within the City of Ontario and the urbanizing area that connects to or otherwise will use City services of the water system, sanitary sewer system and streets.

The objective of SDCs is to charge new users an equitable share of the cost of services and to pay for improvements necessary as a result of increased development and demand on the City's infrastructure.

On July 21, 2008, the City of Ontario adopted Ordinance 2618-2008 allowing the creation of System Development Charges. SDCs are now in place to fund the Water, Sewer and Transportation Systems. Resolution 2008-146 was adopted on Sept. 3, 2008, which establishes SDC fees for water, wastewater and transportation.

Ontario Municipal Code (OMC) 8-13-13(b) Challenges and Appeals states the following: Any person may appeal to the council any decision of the Administrator made pursuant to this Ordinance by filing a written request with the Administrator within 10 days after the delivery of the Administrator's written decision to the applicant.

This brochure is intended to be used as a guideline for estimating SDCs as part of total project costs. Fees for all types and categories of business are not listed in this brochure. It does not include information on other potential fees which may be due including planning/review fees, engineering fees, building permit fees, water and sewer connection fees, and business licenses.

Please contact the Community Development office for information on other potential costs associated with your project.
Community Development: 541-881-3224

Water and Sewer System Fees

There currently are no water or sewer SDC fees for residential connections.

Water and sewer SDCs are charged and payable for development prior to the issuance of a permit to connect to the water and/or sewer system.

Water SDCs are charged by meter size. Wastewater system flows are assumed to be directly proportionate to water use. The table below displays SDC rates for various sizes of meters in the City of Ontario. Water and sewer fees are shown in the following table:

Meter Size (inches)	Water SDC	Wastewater SDC
1.0 or less	\$975	\$481
1.5	\$4,875	\$2,405
2.0	\$7,800	\$3,848
3.0	\$17,063	\$8,418
4.0	\$29,250	\$14,431
6.0	\$60,938	\$30,064
8.0	\$87,750	\$43,292

Transportation

The Transportation SDC pays for the expansion and capital development of the transportation system to accommodate and manage motorized vehicular traffic, pedestrian traffic and bicycle traffic.

The Transportation SDC is based on the average amount of traffic generated by new development. The City adopted the method of calculating the SDCs based on recommendations of System Development Charge Methodology Consultant Don Garner of Portland, Oregon. Mr. Garner researched traffic studies and recommended that similar land uses be categorized into groups based on traffic generations,

with each group assigned an average trip generation rate. This rate is used to determine "average weekday traffic" based on either the number of residential units or the type of use and square footage of non-residential uses. This group rate is then multiplied by an established dollar amount to determine the SDC. The dollar amount was calculated based upon the estimated costs of funding the improvements in the Transportation System Plan.

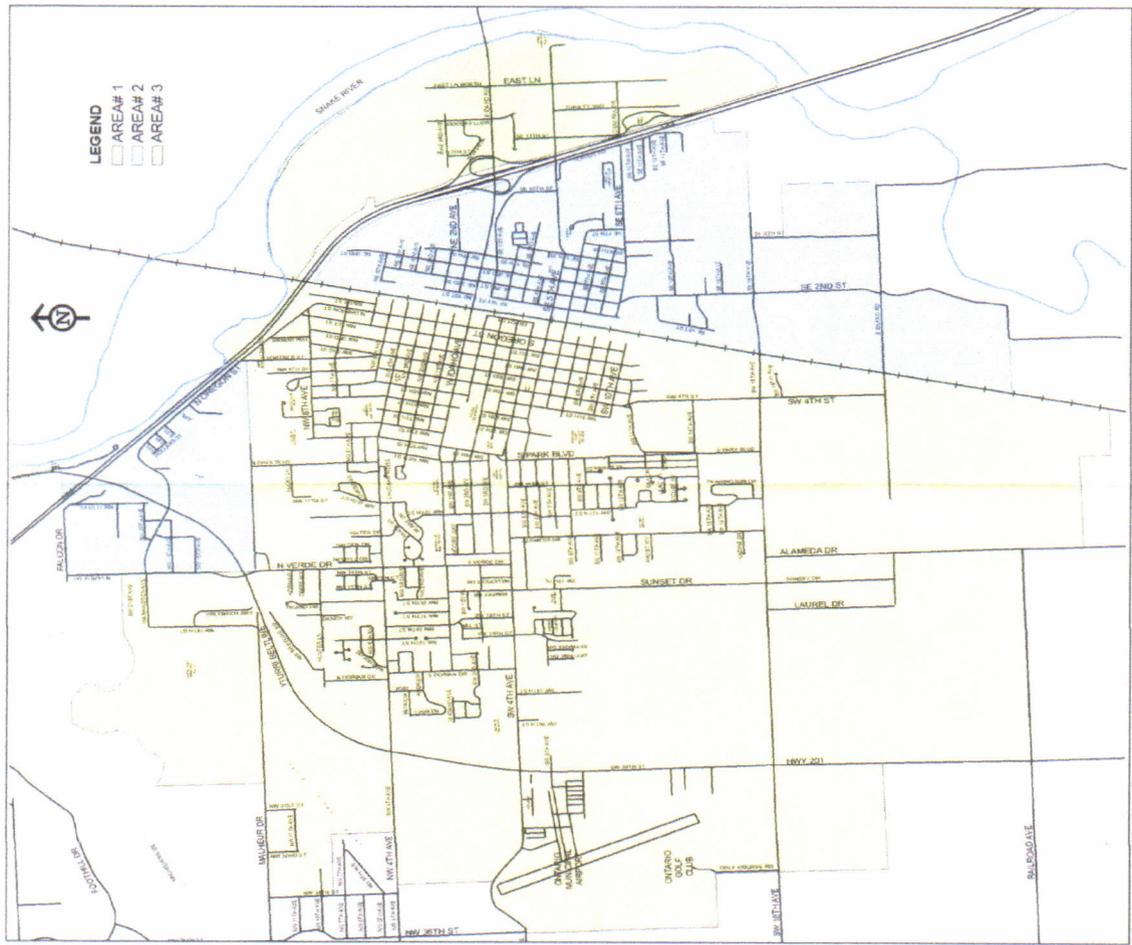
The SDC fee is calculated at the time the building plans are submitted, provided such plans are deemed to be complete. The Transportation SDC is due and payable prior to the issuance of a building permit for new construction.

Transportation SDC: (Land use categories and Trip End Rates)

LITE LAND USE CODE/CATEGORY	RATE PER UNIT	UNIT*
TOTAL TRANSPORTATION SDC PER UNIT OF DEVELOPMENT		
RESIDENTIAL:		
Single Family Detached	\$1,288	dwelling unit
Apartment	\$905	dwelling unit
Residential Condominium/Townhouse	\$789	dwelling unit
Manufactured Housing (in Park)	\$672	dwelling unit
Assisted Living	\$369	bed
Continuing Care Retirement	\$378	unit
Recreation Home	\$425	dwelling unit
Duplex	\$850	duplex
Multi-Family Housing	\$425	dwelling unit

Transportation Trip End Key

Abbreviations used in the "unit" column:
 *T.S.F.G.F.A. = Thousand Square Feet Gross Floor Area
 *T.S.F.G.L.A. = Thousand Square Feet Leaseable Floor Area
 *V.F.P. = Vehicle Fueling Position
 **Because there is no Institute of Transportation Engineers (ITE) Weekday Average Trip Rate for this code/category, the Trip Rate shown is the ITE P.M. Peak Hour Trip Rate multiplied by a factor of 10.



ITE LAND USE CODE/CATEGORY	AREA 1 PER UNIT	AREA 2 PER UNIT	AREA 3 PER UNIT	UNIT*
COMMERCIAL/SERVICES (CONT.)				
Hardware/Paint Stores	\$3,447	\$1,293	\$862	T.S.F.G.F.A.
Nursery/Garden Center	\$2,163	\$811	\$541	T.S.F.G.F.A.
Shopping Center	\$2,574	\$965	\$644	T.S.F.G.L.A.
Factory Outlet Center	\$1,594	\$598	\$399	T.S.F.G.F.A.
New Car Sales	\$1,998	\$749	\$500	T.S.F.G.F.A.
Automobile Parts Sales	\$3,205	\$1,202	\$801	T.S.F.G.F.A.
Tire Superstore	\$1,331	\$499	\$333	T.S.F.G.F.A.
Supermarket	\$5,943	\$2,229	\$1,486	T.S.F.G.F.A.
Convenience Market (24 hr)	\$13,100	\$4,912	\$3,275	T.S.F.G.F.A.
Convenience Market w/Fuel Pump	\$8,397	\$3,149	\$2,099	V.F.P.
Wholesale Market	\$507	\$190	\$127	T.S.F.G.F.A.
Discount Club	\$3,151	\$1,182	\$788	T.S.F.G.F.A.
Home Improvement Superstore	\$1,407	\$528	\$352	T.S.F.G.F.A.
Electronics Superstore	\$2,454	\$920	\$614	T.S.F.G.F.A.
Office Supply Superstore**	\$2,038	\$764	\$510	T.S.F.G.F.A.
Pharmacy/Drugstore (two drive-thru)	\$3,844	\$1,442	\$961	T.S.F.G.F.A.
Pharmacy/Drugstore (w/drive-thru)	\$4,084	\$1,531	\$1,021	T.S.F.G.F.A.
Furniture Store	\$216	\$81	\$54	T.S.F.G.F.A.
Drinking Place/Bar**	\$3,052	\$1,145	\$763	T.S.F.G.F.A.
Fast Food Restaurant (w/drive thru)	\$13,352	\$5,007	\$3,338	T.S.F.G.F.A.
Quality Restaurant (not a chain)	\$5,433	\$2,037	\$1,338	T.S.F.G.F.A.
High Turnover, Sit-Down Restaurant (chain or stand alone)	\$3,901	\$1,463	\$975	T.S.F.G.F.A.
Fast Food Rest. (No Drive Thru)	\$19,270	\$7,226	\$4,818	T.S.F.G.F.A.
PORT/INDUSTRIAL				
Truck Terminals	\$1,124	\$422	\$281	T.S.F.G.F.A.
Park & Ride Lot w/Bus Service	\$409	\$153	\$102	Parking space
Light Rail Transit Station w/Parking	\$228	\$86	\$57	Parking space
General Light Industrial	\$795	\$298	\$199	T.S.F.G.F.A.
General Heavy Industrial	\$171	\$64	\$43	T.S.F.G.F.A.
Industrial Park	\$794	\$298	\$199	T.S.F.G.F.A.
Manufacturing	\$436	\$164	\$109	T.S.F.G.F.A.
Warehouse	\$566	\$212	\$142	T.S.F.G.F.A.
Mini-Warehouse	\$285	\$107	\$71	T.S.F.G.F.A.
Utilities	\$720	\$270	\$180	T.S.F.G.F.A.
OFFICE				
General Office Building	\$1,256	\$471	\$314	T.S.F.G.F.A.
Corporate Headquarters Building	\$911	\$342	\$228	T.S.F.G.F.A.
Single Tenant Office Building	\$1,320	\$495	\$330	T.S.F.G.F.A.
Medical-Dental Office Building	\$4,122	\$1,546	\$1,031	T.S.F.G.F.A.
Government Office Building	\$7,865	\$2,949	\$1,966	T.S.F.G.F.A.
Office Park	\$1,303	\$489	\$326	T.S.F.G.F.A.
Research and Development Center	\$925	\$347	\$231	T.S.F.G.F.A.
Business Park	\$1,456	\$546	\$364	T.S.F.G.F.A.
State Motor Vehicles Department	\$18,942	\$7,103	\$4,736	T.S.F.G.F.A.

ITE LAND USE CODE/CATEGORY	AREA 1 PER UNIT	AREA 2 PER UNIT	AREA 3 PER UNIT	UNIT*
RECREATIONAL				
Campground/RV Park**	\$662	\$248	\$166	camp site
Golf Driving Range**	\$1,448	\$558	\$372	tee
Multipurpose Rec/Arcade**	\$3,989	\$1,496	\$997	T.S.F.G.F.A.
Bowling Alley	\$5,382	\$2,018	\$1,346	lane
Movie Theater without Matinee	\$26,199	\$9,825	\$6,550	screen
Multiplex Theater (10+ screens)**	\$16,243	\$6,091	\$4,061	screen
Movie Theater with Matinee	\$24,079	\$9,030	\$6,020	screen
Casino/Video Poker/Lottery**	\$15,993	\$5,997	\$3,998	T.S.F.G.F.A.
Amusement/Theme Park	\$9,022	\$3,383	\$2,256	acre
Soccer Complex	\$8,494	\$3,185	\$2,124	field
Racquet/Tennis Club	\$4,608	\$1,728	\$1,152	court
Health/Fitness Club	\$3,922	\$1,471	\$980	T.S.F.G.F.A.
Recreation/Community Center	\$3,695	\$1,286	\$824	T.S.F.G.F.A.
INSTITUTIONAL/MEDICAL				
Military Base	\$203	\$76	\$51	employee
Elementary School (Public)	\$56	\$21	\$14	student
Middle/Junior H.S. (Public)	\$70	\$26	\$17	student
High School (Public)	\$138	\$52	\$35	student
Private School (K-12)	\$200	\$75	\$50	student
Junior/Community College	\$96	\$36	\$24	student
University/College	\$191	\$72	\$48	student
Church	\$736	\$276	\$184	T.S.F.G.F.A.
Day Care Center/Preschool	\$192	\$72	\$48	student
Library	\$2,319	\$870	\$580	T.S.F.G.F.A.
Hospital	\$1,348	\$505	\$337	bed
Nursing Home	\$270	\$101	\$68	bed
Clinic	\$3,588	\$1,346	\$897	T.S.F.G.F.A.
COMMERCIAL SERVICES				
Video Rental Store**	\$14,350	\$5,381	\$3,587	T.S.F.G.F.A.
Bank/Savings: Walk-In	\$11,796	\$4,423	\$2,966	T.S.F.G.F.A.
Bank/Savings: Drive-In	\$11,865	\$4,449	\$2,966	T.S.F.G.F.A.
Quick Lubrication Vehicle Shop	\$2,107	\$790	\$527	Service stall
Automotive Care Center	\$2,112	\$792	\$528	T.S.F.G.L.A.
Gasoline/Service Station (No Market or Car Wash)	\$4,450	\$1,669	\$1,112	V.F.P.
Gasoline/Service Station (w/Market)	\$3,260	\$1,223	\$815	V.F.P.
Gasoline/Service Station (w/Market and Car Wash)	\$3,061	\$1,148	\$765	V.F.P.
Hotel/Motel	\$1,194	\$448	\$299	room
Building Materials/Lumber	\$2,133	\$800	\$533	T.S.F.G.F.A.
Free-Standing Discount Superstore with Groceries	\$3,212	\$1,205	\$803	T.S.F.G.F.A.
Specialty Retail Center	\$2,657	\$996	\$664	T.S.F.G.L.A.
Free-Standing Discount Store without Groceries	\$4,223	\$1,584	\$1,056	T.S.F.G.F.A.
Hardware/Paint Stores	\$3,447	\$1,293	\$862	T.S.F.G.F.A.

Resolution 2012-120

**A RESOLUTION ESTABLISHING
A SYSTEM DEVELOPMENT CHARGE
FOR AIRPORT HANGARS**

- WHEREAS,** Section 8-13-4(c) of the Ontario City Code authorizes the City to establish an improvement fee system development charge (SDC) by resolution; and
- WHEREAS,** Under the City's SDC current rate resolution, airport hangars are categorized as warehouses, which generate substantially more vehicular traffic than airport hangars and create more of a burden on the City's transportation system; and
- WHEREAS,** On February 16, 2012, the Public Works Committee recommended that the City Council establish a transportation SDC for the construction of airport hangars based on the rates charged by comparable cities, as stated in the staff reports prepared for Public Works Committee and the minutes of the Public Works Committee; and
- WHEREAS,** The City gave the notice required by ORS 223.304(7)(a) by providing written notice to persons requesting such notice more than 90 days before the establishment of an SDC; and
- WHEREAS,** The City satisfied the requirement of ORS 223.304(7)(a) that the methodology supporting an SDC be made available at least 60 days before the first hearing preceding the establishment of the SDC.

NOW, THEREFORE, BE IT RESOLVED by the Ontario City Council as follows:

- 1) A transportation SDC is hereby established for airport hangars as a new category of development at the rate of \$142 per thousand square feet gross floor area (TSFGFA).

EFFECTIVE DATE: Immediately upon passage.

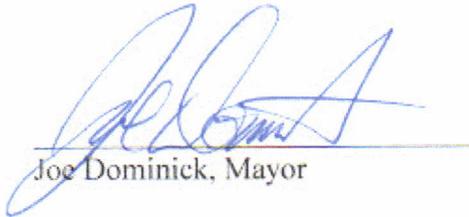
Passed and adopted by the Ontario City Council this 17 day of September, 2012.

Ayes: Fugate, Jones, Crume, Dominick, Sullivan, Fox, Verini

Nays: None

Absent: None

Approved by the Mayor this 17 day of September, 2012.



Joe Dominick, Mayor

ATTESTED:



Tori Barnett, MMC, City Recorder

Resolution 2013-113

**A RESOLUTION ESTABLISHING
A SYSTEM DEVELOPMENT CHARGE
FOR DATA CENTERS**

- WHEREAS,** Section 8-13-4(c) of the Ontario City Code authorizes the City to establish an improvement fee system development charge (SDC) by resolution; and
- WHEREAS,** Under the City's SDC current rate resolution, data centers are categorized as warehouses, which generate substantially more vehicular traffic than data centers and create more of a burden on the City's transportation system; and
- WHEREAS,** The Public Works Committee recommended that the City Council establish a transportation SDC for the construction of data centers based the methodology set forth in a memorandum dated December 14, 2012, from the City's consultant, FSC Group; and
- WHEREAS,** The City gave the notice required by ORS 223.304(7)(a) by providing written notice to persons requesting such notice more than 90 days before the establishment of an SDC; and
- WHEREAS,** The City satisfied the requirement of ORS 223.304(7)(a) that the methodology supporting an SDC be made available at least 60 days before the first hearing preceding the establishment of the SDC.

NOW, THEREFORE, BE IT RESOLVED by the Ontario City Council as follows:

- 1) A transportation SDC is hereby established for data centers as a new category of development at the rate of \$141 per thousand square feet gross floor area (TSFGFA).

EFFECTIVE DATE: Immediately upon passage.

Passed and adopted by the Ontario City Council this 15th day of April, 2013.

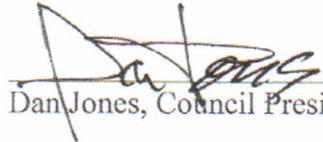
Ayes: Fugate, Crume, Jones, Fox, Tuttle, Verini

Nays: None

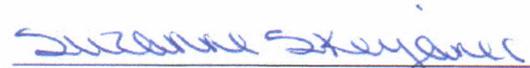
Absent: None

Approved by the Council President acting as Mayor this 15 day of April,
2013.

ATTESTED:



Dan Jones, Council President



Tori Barnett, MMC, City Recorder
Suzanne Skerjanc, Acting City Recorder



City of Ontario
POLICE DEPARTMENT

Office of the Chief

444 SW 4th Street

Ontario, OR 97914

Voice (541)889-5312 Ext. 2303

Fax (541)889-3026

mark.alexander@ontariooregon.org

To: Ontario City Council

Date: July 14, 2014

Re: Department Statistics for June, 2014

Activity	Month of June	Previous Month	Year to Date	Prior Year to Date
Calls for Service	876	943	4950	4842
Traffic Stops	119	139	821	837
Cited Traffic Violations	62	51	410	539
Motor Vehicle Crashes	23	31	181	179
Arrests	71	96	469	553
Arrests w/ Use of Force	2	1	12	13
Citizen Complaints	2	0	4	2
Cases to Dist. Attorney	55	63	289	377
Ordinance Cases Total	72/154 follow-up	65	338	364
Ordinance-Weeds	24	34	81	75
Ordinance-Garbage	1	0	21	20
Dogs to Ani-Care	8	9	47	42
Junk Vehicles	0	1	4	13
Death Investigations	3	0	5	9
SRO Cases	0	38	174	158
Gang Related Cases	5	23	45	46
Gang Designations	0	1	1	0
Task Force Cases	4	15	19	8
Graffiti	6	31	60	66
Burglary	6	6	39	49
Robbery	1	4	9	5
Larceny	50	53	264	283
Assault	7	5	51	40
Homicide	1	0	2	0
Sex Crimes	3	3	13	15
Sex Offender Registry *	16	17	135	138
Alarms	22	24	111	111
Property Loss/Recover	\$93,424/\$38,068	\$73,676/\$18,994	\$319,328/\$83,136	\$346,591/\$115,737

*Registry includes initial registration along with change of address, occupation and annual registration

ONTARIO FIRE & RESCUE



Ontario Fire & Rescue

June 2014 Activity Report

Emergency Medical:

City -116-

Rural -14-

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

Hazmat Team Calls: -1-

Fire Related Emergency Calls:

Rural -8- RURAL GENERAL ALARMS = -3- MUTUAL AID -3-

2 – Illegal burn -trash fire

1 – Tractor fire

3 – Mutual Aid to Vale Rural / grass fire* / Mutual aid to Huntington-large grass & brush*

2 – 1 acre grass & brush fire / Snake River Island *

City -16- CITY GENERAL ALARMS = -3-

1 – Fire report –cooking fire

1 – Illegal burn – back yard

1 – Island Fire (cancelled-on Idaho side)*

1 – Medical lift assist / large patient*

2 – Smoke odor – unable to locate (cement truck mechanical issue only)

3 – Alarm System Activation – no fire

1 – Brush & Grass Fires*

3 – Outside fire / (planter with smoldering bark cover)(camp fire)(Unattended burn)

3 – Dumpster fire

***In narrative section**

6/4/2014 RURAL Star island 156 responded with crew of 2 Duty crew handled. 156 called for a fire in the area of East Island Road, and fire was growing quickly. Officer arrives on scene and finds out it is an illegal burn. The owner was burning garbage in burn barrels at night. The occupant was advised this activity is illegal. He was putting fire out upon arrival. He was advised that he required to have a burn permit and there were several requirements that had to be met to burn. After fire was completely extinguished, 156 was able to clear scene en route back to station.

6/5/2014 City general / Lift assist

6/7/2014 Dispatched to 589 NW 15th St. for report that the kitchen stove on fire. Rescue 1 responded & duty crew handled. Upon arrival the parties stated that the fire was out. The wife was cleaning the oven when the oven contents caught fire. The husband pulled the stove out and unplugged the appliance. The fire then went out on its own. The fire was contained to the oven. The house had a light to medium amount of smoke. Positive pressure ventilation was set up at the front door and smoke was ejected out a rear door. The appliance was removed from the house with a furniture mover. Information was gathered and rescue cleared the scene.

6/8/2014 (RURAL) OreIda Snake River Island Grass & brush fire / Brush 156, Brush 157, Tender 159, Rescue 1, City Brush 102 and Command 100 responded with crew of 13

R1 dispatched to check out a small fire burning on the island next to the freeway. Caller stated they did not see anybody in the area. R1 arrived on scene and found approximately 1 acre of grass, trees and brush on fire. R1 requested a general alarm and that Union Pacific be notified to stop the trains while crews worked in the area. R1 crew used a water extinguisher to protect the power poles until more crews arrived. Crews established a water supply with a portable pump and used two forestry lines to knock down and mop up the burned area. Crews were on scene from 2140 - 2335. All crews cleared and returned to the station to clean up the equipment and get the trucks back into service.



Southeast flank burning through heavy brush & trees.



Photo of scene next day / taken from train trestle – origin appears to be from under trestle. Idaho Power had poles and transmission lines through fire area.



Open grass area between heavy brush pockets.

6/9/2014 (RURAL / MUTUAL AID) 1361 Thousand Springs Rd., Vale Brush 156 responded with crew of 4.

Ontario fire dispatched for mutual aid in Vale,OR. Upon arrival Vale Fire Command instructed 156 to extinguish an Idaho Power line pole and fence poles. Mike McLean engineered 156. Allen Montgomery Officer. Justen Allison and Cameron Saito fought fire. Upon completion of our assignment Vale Fire Command released 156 from the fire.



Vale scene, photo from Brush 156 dash camera.

6/12/2014 643 Thrifty Way (RURAL) Large grass & trash fire (General Alarm) Rescue 1, Brush 156, Brush 157, City Brush 102, Tender 159 and command 100 responded (crew of 13 fire fighters)

Dispatched to the area of SW 5th Ave. and 13th St. for report of a controlled burn out of control. The actual fire was at SE 5th Ave and 13th ST. 100 arrived on scene first and took command. Rescue arrived and found a dry grass lot of about 3/4 acres that bordered several other properties also containing dry grass, fences and outbuildings. The fire had spread to other adjacent properties. Rescue began fire suppression efforts along the north edge to protect several storage units. The fire was quickly knocked down and rescue moved to the West sector where the fire originated. There were six metal 55 gallon barrels with garbage on fire, and 3 plastic barrels also on fire. Next to that was a burn pit approximately 8 feet in diameter lined with cinder blocks, also filled with garbage on fire. There was not a clear barrier between the barrels or the fire pit and the dry burning grasses. 45 feet to the north there was a garbage pile burning on the ground. 45 feet further to the north there was a chain link fence with a 250 gallon propane tank sitting in dry un-burnt grass. A neighbor was pulling the dry grass away from the tank with a rake. At 10:43 Brush 156 arrived and began operations on the east side of the fire. At 10:46 Brush 157 and 102 arrived and began operations on the south and north respectively. The fire was contained at 10:51 Rescue and 156 continued to fight fire in the large garbage piles while the other units

began mop up operations. Tender 159 arrived and supplied water to all trucks. Due to Red flag warnings of afternoon winds in excess of 40MPH extra care was use to put out all hotspots.

The owner of the property, Lucy Banks stated that no one lives in the house at 643 Thrifty Way. She stated that her son used to live there but he moved out 2 months prior. She stated that he dumped the items when he moved. She said that she called him and told him not to burn earlier that day until they got a burn permit. He told her that he did not start the fire. It is unknown who set the fire in the burn barrels which caused the fire. All units cleared at 12:23



Rescue 1 on north flank working on suppression of fire burning against mobile office structure and metal building.

Photo of fire area taken toward the southeast & origin area.





Brush 156 crew works on west fire line.

Brush 157 crew works on south flank fire line. Heavy trash pile burning center left of photo.



Brush 156 crew works north fire line along building exposures.

Photo of north burn area where fire went through chain link fence and against exposure structures where it was stopped.



North flank fire line and exposures.

Fire origin / illegal burning in dry grass, wind and no permit.



6/17/2014 1570 River Road "General Alarm" Grass fire Rural brush 156 responded with duty crew & chief officer.

Arrived on scene to an out of control fire that burn approximately 20'x 40' area of dry grass that was burning around and from a burn barrel, burning without a burn permit. Extinguished fire with 156, cancelled all other brush truck units. Kept 2 personnel at the station for standby. Continued to mop up the area that was burned due to high winds and other fuels that were threaten. Cleared the scene.



Fire started from a burn barrel being used without approved screen in high wind condition and setting in dry vegetation. Also no burn permit!

Photo of fire area taken toward the origin area. On the other side of the dirt access road was a large field with grass 30" tall with the wind blowing toward the exposure.



6/19/2014 HAZMAT CALL I84 freeway mile post 3?? Hazmat suburban, trailer and crew of 2 rspnded to identify chemical.



6/22/2014 City General Alarm 800 River Street Island. Rescue 1 responded with crew of 2

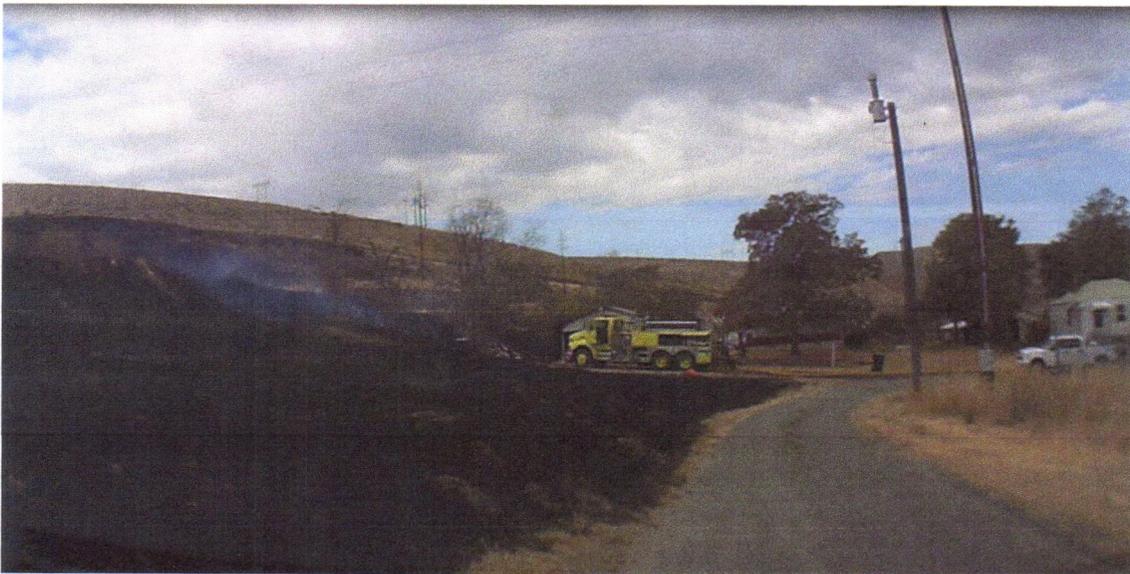
Dispatched to the area of River St. for report of a large column of smoke possibly on the island. Upon arrival we were cancelled. The incident was in Idaho and Payette Fire was dispatched.

6/24/2014 Mutual Aid to Huntington, Or *Wildland fire threat to City limits & School 156* responded with crew of 4.

Paged for a request from Baker County for a crew to respond to a wildland fire that was threatening a school and headed in the direction of I84. 156 responded with a crew of 4. As we reached the Farewell Bend area the fire had reached highway 30 near the State Park. We continued to the school in Huntington to meet up with command. We were assigned to keep the fire from crossing Hwy 30 between the State Park and Huntington. After the fire was under control along Hwy 30 we were assigned to meet up with a BLM truck on the west side of the fire. 156 was assigned to move several times along to the fire perimeter to knock down flare ups until a dozer line was able to be cut in. Command released us after the dozer line was done.



156 dash cam photo – crew protecting fire line preventing fire from jumping highway.



Huntington city limits – fire started inside city & spread south & east.



Fire staging area located at Huntington school.



Hay stack fell victim to fast moving grass fire. Photo from 156 dash cam.



156 follows cat making fire line as lead marker plane fly's in to mark retardant drop zone (arrow)



Big C130 lays down a retardant line on fires edge after lead plane marks the spot. Photo from 156 dash cam.



Single engine retardant plane makes a drop on the fire line.



Single engine aircraft makes a retardant drop to help hold fire line.



Retardant plane goes past crews waiting to shore up fire line. From 156 dash cam.

6/24/2014 Unattended burn pile North Washington Ave.

R1 Dispatched for small pile was that was smoldering near some dry weeds and a passerby was concerned with the winds picking up it might catch the dry field on fire. R1 arrived on scene to find an approximately 10ft across pile smoldering. We used the water off R1 and 157 to extinguish the fire. Fire was out at 2045. R1, 157, and 105 cleared the scene.

6/26/2014 RURAL GENERAL Mutual Aid to Weiser Rural 155 responded with crew of 5

Ontario Rural Pumper/Tender 155 was requested to mutual aid Weiser Rural Fire District at an onion crate fire. Upon Arrival 155 was directed to standby at staging. Later 155 crew was directed to man a 2.5 inch line to extinguish fire on south east corner for 30 minutes. 155 crew was then directed to standby and rehab. Weiser fire command released 155 crew at 21:33.

TRAINING:

6/3 Fire Critique

6/10 Master streams / handline operation

6/17 Wildland pre-fire planning

6/24 Wildland pre-fire planning

STATION TOURS:

6/10 OCDC – 20 children with parents

6/24 Boys & Girls Club – 15 students with Club staff

SMOKE DETECTOR PROGRAM TOTALS:

Homes visited –

New units installed - 0

Batteries installed –

BURN PERMITS ISSUED: Countywide Burn Ban in effect 6/27/14

City Open Burns 8

City Barrel Permits 1

Rural Open Burns 77

Rural Barrel Permits 8

FIRE PREVENTION:

Fire crews toured the district to identify properties that had dry vegetation around structures and in need of cleanup or providing defensible space in case a fire occurred on or near their properties. Defensible space guide flyers were handed out to home / property owners to give them guidance on how to better protect their property from wildfire. This program was very well received by the public with many comments that it was greatly appreciated.

Properties contacted: *Estimated* about 50 homes were visited

PRE-FIRE PLANS COMPLETED: 226

COMMUNITY INVOLVEMENT:

6/6 Special Olympics Torch Run

6/26 MDA Lock-up

6/28 1st Annual Light it Up 5k (Benefiting ACS Relay for Life)

MISC:

6/19/2014 Hughes Fire Equipment tech on site conducting annual pump tests for 3 city units and 2 rural units. All passed the test process.



Photo of test site at Station 2 – Hughes Fire Equipment Co. doing the annual pumper tests. Photo from city pumper 101 dash camera.

**CITY OF ONTARIO
PUBLIC WORKS COMMITTEE MEETING MINUTES
Thursday, June 19, 2014, 3 P.M. M.T.
** Public Works Operations -- 1551 NW 9th Street ****

Meeting called to order at 3:05 p.m. by Dan Cummings, Public Works Committee Chairman.

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

Others present included Alan Daniels, Bob Walker, Suzanne Mulvany, Jerry Elliott, and joining the meeting from CH2MHill is Betsy Roberts, Professional Engineer, and Dave Van Wagoner, Assistant Project Manager.

The press was notified; this meeting was recorded (the tape is available at the City Shop); the minutes are on file at City Hall and on the city's website at www.ontariooregon.org.

INTRODUCTION OF CH2M HILL

Betsy Roberts – I'm going to be stepping into the City Engineer roll so I will be getting to know Jerry Elliott very well through this process. I've been with CH for 23 years, done a wide variety of projects, my undergrad is Civil Engineering and then my Masters is in Environmental Engineering. So I kind of started on the Water / Wastewater side but really when I got in with CH just kind of went more general... so a lot of streets type work, utilities, water, sewer, master plans things like that. And I've done City Engineering at different small cities around the State of Idaho and I really enjoy it.

Dave Van Wagoner – Currently I'm over at the Centennial project with CH2M Hill and I will be coming over here to be the Assistant Project Manager. I've have over 30 years in Public Works experience; I started as a laborer and worked my way up. I'm looking forward to working with everybody here, and helping to bring in a lot of innovation and good solid management.

ADOPTION OF MINUTES

April 24, 2014 minutes:

DC – I have just a couple clarifications, on page one under, new business N. Park Blvd when Ralph Poole was discussing his project he was talking about CK3, and then he goes in to saying "5-6 years ago & when CK3.... ". That was CH2M Hill that was putting that together not CK3; and then change Washington 'Street' to 'Avenue'.

DC – And then on the next page, in the big long paragraph in the sixth line from the bottom, it says "When CK3 & I designed that, we had really "NO" exact knowledge..." the word 'No' needs to be added to that sentence.

The motion was made by Mr. Wilson, seconded by Mr. Hart to adopt the minutes of the previous meeting April 24, 2014 as amended: Motion passed unanimously (Babcock & Miller – excused).

May 14, 2014 minutes:

DC – Are there any corrections to the May 14th minutes?

The motion was made by Mr. Hart, seconded by Mr. Cornmesser to adopt the minutes of the previous meeting May 14, 2014: Motion passed unanimously (Babcock & Miller – excused).

OLD BUSINESS

CITY OF ONTARIO UTILITY BILLING POLICY 2014

RC – To give a brief overview first, what we are trying to do is establish a uniform policy for Utility Billing because there are some situations that are not covered by ordinance and we are trying to give written guidance to our staff; something in writing so that when we are dealing with a user who is trying to sign up or has a question, they will have something to refer to. This is not creating any kind of ordinance or anything new. It's just stating what our current policies or practices are and putting it into a formal policy; then along with this policy I tried to pull the different sections from the different ordinances and list the resolutions that are used to establish those policies.

RH – What brought it to light was that there were two houses side by side one used about 5 gallons of water and it had a smaller bill than the house beside it that did not use any water, and it had about a \$40 bill. Someone noticed it and brought it to the attention of the committee.

DC – We have to explain why that was and the timing seemed wacky because used no water and the other used a little bit, but it kind of had to do with the policy. One went into service on a certain date and the other on a different date and so the cycle made it different... a three month grace period. So we thought we better get a written policy in place to help guide line it. That is why this came about.

RC – I think the next steps that we have is once the committee looks at it and has an agreement then next would be to present it to the Council and let them look at it and comment on it even though it's not something that they have to take a vote on.

DC – I would like to add to that a little bit Ron, I was thinking that it would be nice to get a consensus today from the committee and any correction they might have, but table our actual approval until our next meeting giving CH2M Hill time to get on board and actually review it because it would be a policy that they're going to be dealing with. So I don't know how the committee feels about that, but we could I guess if nobody has any changes we could make a recommendation today but not to send it to Council till our next meeting to have it reviewed by CH2M Hill.

RC – I think that is a very good suggestion. Before we were working with it there was no vote on the Council whether to privatize or not; you guys are partners now, you should look at this and let us know. If this is something that's workable for you or you see something that you'd like to see changed now would be the time to deal with it, and I know you are going to have your hands full with the startup. If you look at it and you think you need to have changes this is not a real critical issue that we have to do within time frame, we can table it for another 30 days or whatever.

DC – If there are no changes here we can do one of two things, we can go ahead and put our blessings on it but not send it on to Council until CH2M Hill reviews it at our next meeting; then at our next meeting if they haven't had time they can just ask us to postpone it again.

- *Multiple conversations*

The motion was made by Mr. Hart, seconded by Mr. Cornmesser, stating that the Public Works Committee recommend they hold the Utility Billing Policy over until the next meeting so CH2M Hill can come back with comments: Motion passed unanimously (Babcock & Miller – excused).

SEWER / WATER CONNECTION COST FORMULA – FOR THE N. REGIONAL LIFT STATION

DC – Since Larry Sullivan is not here there is no update on it.

RH – (Overview) It was approximately a \$4 million Sewer/Water project on the North side of town; some of it is 20' deep, the lift station and nobody is going to develop out there if they have to pay the SDC fees and the Water/Sewer Connections on that land. They are never going to develop it. So the City needs to come up with some other repayment method because right now it's cash.

Betsy – So it's in the ground, it's there... but it needs to be reimbursed for?

RH – It's been in the ground for about 7 years.

Betsy – And nobody has built anything on this?

DC – Well, some have; one of the big issues is that it goes through pre-existing areas. So one of them that brought it to our attention is a few years ago is he has shop out there, he owns a big chunk of ground, he has an existing shop that has been there for a long time and his septic hasn't failed yet but he would like to hook to the City sewer/water but he doesn't want to have to pay the whole frontage cost for just hook-up. Well right now he has to pay the whole bore just to hook up the one billing and he is not developing the rest of the ground. We also have some parcels out there with nothing but old single wide residential homes on them and same thing, their septic may start to fail and they need to hook up to City services but the cost of hooking up is horrendous. So that's what they're really trying to do is come up with a cost saying "Alright these existing parcels or even a full great big one we are only going to charge you a proportional share of that; and that being only whatever you're hooking up or developing, and if you're not developing the site you don't have to pay it all up front now." So you can imagine having only a \$2,000 to \$3,000 home trying to hook up and his cost are \$60,000 to 70,000... it's not happening... so there they sit.

RH – I think Love's Country Store is the only that's hooked up.

DC – I think Love's, Ralph on the South Side...

- *Multiple Conversations*

Betsy – So what are they paying, the one are two that are hooked up right now?

BW – They pay for all their fees up front.

RH – There are plenty of people that have investigated moving out there and they find out after they do the hook-ups and the SDC's they can cross the river and buy an existing building cheaper than the fees and hook-ups are.

Betsy – Oh yea, that's too discouraging for business.

DC – They need a proportional deal; they are in the area and if their septic fails the County cannot issue a new septic permit, the State won't allow it. They would have to hook up and that person would be caught in that catch-22. They have to hook up or get condemned, and to hook up would cost \$ \$\$\$.

- *Continued Discussion*

Betsy – May I ask what does the term SDC mean to you all?

BW – System Develop Charge. It's on Water, Sewer and Transportation; I can also quickly report that since we started our SDC's in 2008 we've collected \$87,753 in Water, \$56,160 Sewer, and \$385,000 in Transportation for a rough total of \$529,000.

**** Dan to check with Larry Sullivan again, and to invite him to the next meeting. Per 9/26/2013 meeting: "Attorney is working on this and will be bringing forward some changes".**

SEPTIC TANK WASTE DISCHARGE PERMIT

RC – (Overview) The City built a Septage Receiving Station at the Waste Water Treatment Plant. They pass an ordinance for receiving septage waste and where we are at is we need to issue permits; the ordinance says that we would issue permits to the septage haulers. What I've done is prepared an application for permits and then a sample permit. The application is pretty straight forward I think; most people get scared by waste water permits because they are usually quite lengthy but we have it very clearly defined, who the permit holder is, where they are located, how to contact them, etc.

- *Continued detail review of permit.*

BW – To add a little clarification, when this septage was originally started it was going to be a 24/7 facility; so when our attorney got the information to CH2M Hill you guys said you only want to do that only during business hours. So basically the facility is there and operational, and I think it is very important to have CH2M Hill's input; Ron has done a great job here.

RC – In the permit we are restricting it to working and working days. It can be available 24 hours but we can restrict when that 24 hours is used.

SW – I would like to add, and I'm not an expert in this area, but I was here when this whole thing started and we have a few private people in town that didn't really have access for anywhere to go

with their stuff. They have Clay Peak Landfill in Payette which is very limited on their hours, or they would go to Caldwell. They'd have problem with overnight emergencies, they'd have problems with things freezing in their tanks or trucks in the winter and so forth. This was looked at as an opportunity for the City to help local businesses and create a revenue stream. And when the City or us talked to these people 24/7 was the selling point.

RC – Ya, but 24/7 was.. or might....

SW – My point is... I understand all this stuff, I understand why it's necessary, I understand how well the City has to protect itself, but they don't have to sign all these permits, they don't have to do all this paperwork if they can just go over to Payette and dump during normal business hours. Are we even going to have anybody use the place?

RC – Well, I've never seen a Septage Receiving Facility that's made money for the City. It's always cost them more.

SW – We were told that it would pay for itself in 5 years and that it was cash in the bank after that.

RC – You never figured the cost of the actual movement of the water, the treatment of the water, the sludge, compliance issues that may be involved because of the discharge. The biggest problem that people have with septage receiving stations, especially if its 24 hours a day is they don't get just septage, they get metal finishing wastes, etc. So you have to have somebody there or those abuses occur; you may be servicing one or two people but when you open that up, it's just not available to one or two people. The people that are going to show up are the one that are looking for the cheapest or the least regulated, and 24/7 is an open invitation.

- *Continued discussion*

RC – I'm not sure of the time factor of putting out the applications for the permits? We thought it would be completed a couple years ago; now that it is we should start using it as soon as possible. We don't have to go to the Council with the permits. The permitting process is usually authorized through the Public Works Director; so the thing that we can do is start receiving applications. Then we can start working out the permits; when the permit holder gets it he should have an opportunity to get the permit, to review it, and we should have somebody that's willing to sit down with them at that time and go through the permit, and explain the permit to them of how it's going to impact their operation and what they need to do. But there is nothing in here that's different from other communities.

RH – I appreciate everything that you are saying and all the hard work but there are three members on that Council that are, I wouldn't call them hostel too much, but certainly very intrigued by it; I think ought to keep them apprized by what you are proposing.

RC – I think they should be able to look and comment on the permits, and have a discussion like we are having here with the Council so they know what's going on. But if they want to be able to fairly address a appeal then they need to stay out of the permitting process. Otherwise the permitting process becomes political; believe me one of these things will fill the Council Chambers every meeting for months on end and it will eliminate any re-election of most of the Council. So it's better to keep out of the political scene unless there is an appeal process; and the appeal process

should be spelled out to go back through the Public Works, back through the City Manager, and at that point to the Council.

RH – So what you're saying it's not like getting a liquor permit where you go to Council? You're saying just apprise the Council that the permit process is this and it rests with the Public Works Department.

RC – That's right; so the individual permits do not have to be voted on by the Council.

BW – And then likewise since CH2M Hill will be operating this they need the opportunity to go through it before you go forward.

- *Multiple conversations*

RH – How much of our treatment facility is this going to use up?

The motion was made by Mr. Hill, seconded by Mr. Wilson, stating that the Public Works Committee ask the Public Works Department to get them an analysis on the Septage Facility on our Wastewater Treatment Plant: Motion passed unanimously (Babcock & Miller – excused).

- Continued discussion on the permit

DC – Hold until CH2M Hill has an opportunity to review it.

RC – We are not issuing a permit. Permit application, it's not a permit, the application is providing us information that we would need to develop a permit; the information that we would get is also valuable information that we would need to make an assessment of the treatment capacity utilization is going to be of our treatment plant and what we can anticipate on a regular basis. So we need that information otherwise we can just guess.

Betsy – Have you thought about doing a questionnaire? It would mimic this a little bit, but do you know who some of these people are so you could say "Here are the 10 haulers we know about right now let's just sample them..."

RC – I think you're only going to get 50% or less on a questionnaire.

Betsy – Even if you call them?

RC – Yes. Because they are going to say I'm busy I can't talk to you now. A questionnaire means that you're fishing, a permit application means they have a potential to discharge and they'll take it; it's not that the information they provide is bogus or anything. It's very common when you're sending out applications for permits to have to contact the applicant to have to get additional information maybe because they didn't fill out something or maybe because they filled it out and it doesn't look right. You want to check the numbers or you need some additional numbers that weren't in the application and that's it, it only takes a couple of minutes on the phone with them.

RH – Is the application likely to change after review from CH2M Hill and the attorney? Will it change the permit process at all?

RC – No, there may be some individual questions but it won't change.

The motion was made by Mr. Hill, seconded by Mr. Cornmesser, stating that the Public Works Committee recommend that the Public Works Department send out applications for permits in an exploratory manner so that we may report back to the Council how many are interested in this plan and are better able to do a study on the effects of the Treatment Plant: Motion passed unanimously (Babcock & Miller – excused).

UPDATES ONLY – NO MOTIONS

- **NW Washington Ave Project * the contractor continues having problems with their subcontractor to finish the final three signs on this project. The final pay application has been completed. The final completion date for this project was revised per change order to be done by June 20, 2014. Their paving subcontractor is supposed to come back to the project this summer after the asphalt temperatures come up to make various repairs to the flaws they have in the pavement. This is something someone will have to watch for.**
- **Septage Receiving Facility * is closed out, we put in the Cities time, equipment, labor and the total amount expended was \$283,934 (under budget by \$21,065).**
- **N. Park Blvd * N Park Blvd Street Extension – Anderson-Perry is to bring a 90% design plan to the City on June 20, 2014. Since the budget committee killed this project, the engineers are going to have the plans in a shelf ready condition and when or if this project moves forward, it will need very little work to complete.**
- **Sanitary Sewer Replacement Project - Design * the design engineers have provided 60% design drawings and staff returned the drawing with comments and some new findings that were discovered from new CCTV data. The design for this project was supposed to be completed by the end of June, but I do not see Anderson-Perry being able to finish it by then.**
- **Sanitary Sewer CCTV * Pipeline Inspection Services continues with the CCTV work, they are to be 100% complete by July 3, 2014. They have completed around 225,000 LF thus far of the 310,000 LF required to complete per the contract. Staff has reviewed the priority levels provided by them and has been making judgment adjustments to their priority estimates. The City sewer cleaner truck has not been able to keep ahead of the mainline cleaning for the CCTV crew. The CCTV crew has been working nights to avoid problems they have been encountering due to traffic.**
- **Emergency 24" Storm Drainage Replacement * the contractor has completed this project. The final completion and payment has been made to them. The contractor completed this work very fast and within budget.**
- **WWTP Sanitary Sewer Manhole Replacement/Repair * this project is something that the new management group will need to follow up on. There are 9 manholes in the dikes that are near failure. We had this project budgeted, but with other work that needed to be completed**

before the flow from the Headworks could be diverted. There is a company from Nampa that gave us a preliminary budget number to rehabilitate 7 manholes from the headworks and line the two new manholes to be installed by staff for flows from SRCI. The discharge line from SRCI measuring weir was going to be constructed this spring, but the water levels in the lagoons was too high and caused the trench areas to become saturated with water. Crews were not able to complete the pipe and manhole replacement because of this.

- **Water Plant Performance Audit** * Completed summary report to Council. Draft report for review scheduled for this week.
- **Filter Media** * 2007 filter media purchase was for the wrong material. I have a preliminary offer of \$27,500 to dispose of the media. This is an estimated \$8,000 loss for storing the material for 7 years.
- **Tier 2 Sampling** * Completed second sample May 28. Third sample scheduled for June 24.
- **Skyline Check Valve** * Material in - replacement being installed 6/16/14.

ADIURN

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



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development Community Services Division

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

www.oregon.gov/LCD

July 9, 2014



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

Dan Joyce, County Judge
Malheur County
251 "B" St. West, Suite 5
Vale, Oregon 97918

RE: Approval of Urban Growth Boundary Amendment (Order 001855)

On May 5, 2014, the Department of Land Conservation and Development (DLCD) received a submittal from the City of Ontario and Malheur County regarding the decision to amend the Ontario urban growth boundary by adding approximately 248 acres of Rail-Dependent Industrial land and 22 acres of Railroad Right-of-Way. I am pleased to inform you that the director of DLCD has approved the amendment. This letter constitutes the department's order approving the task as provided in OAR 660-025-0150(1)(a).

DLCD received no objections to this submittal in response to the local government's notice. Therefore, this order approving the amendment is final and cannot be appealed.

Please feel free to contact your regional representative, Grant Young, at (541) 962-3982 or grant.s.young@state.or.us if you have any questions or need further assistance.

Yours truly,

Rob Hallyburton
Community Services Division Manager

cc via e-mail: Tori Barnett, Ontario Interim City Manager
Marcy Skinner, Ontario Planner
Alvin Scott, Malheur County Interim Planning Director
DLCD (French, Howard, Hogue, Young)
Scott Fairley, Oregon Regional Solutions Team Coordinator
Periodic Review Assistance Team

OREGON'S ECONOMIC FRAMEWORK FORUMS: REGIONAL PRIORITIES, STATE OPPORTUNITIES

Oregon is recovering from the Great Recession but economic success is uneven and the state's diverse regions each face unique challenges.

To drive future job and income growth, we need a **demand-driven, bottom-up strategy** that builds on the priorities, assets and opportunities identified by individual regions throughout Oregon—and we must ensure that the state's tools, policies and programs are aligned with regional needs. We need your perspective to make this happen.

In July and August, Business Oregon and the Oregon Business Plan in partnership with the Regional Solutions Centers, Oregon Business Association, and Associated Oregon Industries will hold regional economic forums around the state with businesses, elected leaders and service providers.

These economic framework forums build on needs already identified by regions and will be an opportunity to:

- Identify specific ways to accelerate progress on economic priorities in different parts of Oregon
- Explore current programs and policies, asking: What's working? What's missing?
- Examine how to enhance our state-regional and public-private partnerships

The result of these sessions will have immediate use. They will help inform Business Oregon's economic development strategy and priorities, and help shape the policy discussion of the Oregon Business Plan.

You are invited to attend the forum of your choice. All forums will be held from 1-4 pm.

We look forward to your participation.



Region	Date
South Central Oregon: Klamath Falls	July 16
Southern Oregon: Medford	July 17
Greater Eastern Oregon: Ontario	July 24
Central Oregon: Redmond/Bend	July 29
Mid-Willamette Valley: Salem	July 31
North Coast: Astoria	Aug 5
Portland Metro (AM and PM sessions)	Aug 6
Northeast Oregon: Pendleton	Aug 13
North Central Oregon: The Dalles	Aug 14
So. Willamette Valley: Eugene	Aug 18
South-Central Coast: Coos Bay	Aug 19

Please RSVP here:
www.oregon4biz.com/Forums
 at your earliest convenience to join the conversation. Your input is critical in helping to set the state's economic strategy. To the left is the schedule of locations and dates. Your registration confirmation will contain location details and other information.