

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

AGENDA  
CITY COUNCIL - CITY OF ONTARIO, OREGON  
Monday, October 19, 2015, 7:00 p.m., M.T.

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

2) **Pledge of Allegiance**

This Agenda was posted on Wednesday, October 14, 2015. Copies of the Agenda are available at the City Hall Customer Service Counter and on the city's website at [www.ontariooregon.org](http://www.ontariooregon.org).

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

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

- A) Minutes of Regular Meeting of 10/05/2015 ..... 1-2  
B) Approval of the Bills

5) **Department Head Updates: Thursday**

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

7) **Presentation: Chief of Police Position Update**

8) **Old Business:**

- A) Ordinance #2710-2015: Amend OMC 3-4-3(A) to Add a Business Registration Exemption for Businesses Engaged in Pick-Up/Delivery of Goods (*Final Reading*) ..... 3-6  
B) Ontario Community Church-Request to Allow Parking in Alley ..... 7-23

9) **New Business**

- A) Ordinance #2711-2015: Amend OMC Chapter 4 Title 3-Limiting Business Registration Requirements to Businesses With a Fixed Location (*First Reading*) ..... 24-28  
B) Resolution #2015-148 Updating OLLC Fees for Alcohol Licensing ..... 29-32  
C) Resolution #2015-149: General Fund Budget Change-COP Donation ..... 33-36  
D) Statement of Qualifications for WWTP Outfall Mixing Zone Services ..... 37-66

10) **Public Hearing**

- A) Ordinance #2712-2015: Amend Comprehensive Plan & Zoning Map Rezoning Old Armory to C-1, City Light Commercial(*First Reading*) ..... 67-76

11) **Hand-Outs/Discussion Items [Thursday, 10/14/15 W/S]**

- A) Minutes: County Court 09/30/2015 & 10/07/2015; No SREDA (10/07/2015 canceled)  
B) Financials

12) **Executive Session: ORS 192.660(2)(e)-(Thursday)**

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

14) **Adjourn**



**ONTARIO CITY COUNCIL MEETING MINUTES  
Monday, October 5, 2015**

The regular meeting of the Ontario City Council was called to order by Mayor Ronald Verini at 7:00 p.m. on Monday, October 5, 2015, in the Council Chambers of City Hall. Council members present were Ronald Verini, Norm Crume, Betty Carter, Tessa Winebarger, Thomas Jost, and Larry Tuttle. Charlotte Fugate was excused.

Members of staff present were Tori Barnett, Marcy Siriwardene, Jared Gammage, Dan Cummings, Kari Ott, and Cliff Leeper. The meeting was recorded and copies are available at City Hall.

Tessa Winebarger led everyone in the Pledge of Allegiance.

**AGENDA**

Norm Crume moved, seconded by Betty Carter, to adopt the Agenda as amended. Roll call vote: Crume-yes; Winebarger-yes; Fugate-out; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 6/0/1.

**CONSENT AGENDA**

Betty Carter moved, seconded by Thomas Jost, to approve the Consent Agenda. Roll call vote: Crume-yes; Winebarger-yes; Fugate-out; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 6/0/1.

**DEPARTMENT HEAD UPDATE**

Dan Cummings gave an update, that of the three tax lots, that the Old Armory owned, two of the tax lots were being taxed. The parking lot was the only piece that was not being taxed.

**PUBLIC COMMENT**

There were no public comments.

**OLD BUSINESS**

**2015-2017 IGA for Regional Haz-Mat Response Team Services**

Jared Gammage, presented.

Norm Crume moved, seconded by Tessa Winebarger that the City Council authorize the Mayor and Interim City Manager to sign the Biennial #2015-2017, IGA between City of Ontario and the Office of State Fire Marshall. Roll call vote: Crume-yes; Winebarger-yes; Fugate-out; Jost-Yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 6/0/1.

**Approve Oregon Building Codes MOA-Building Inspection Program**

Dan Cummings, Community Development and Economic Director, presented.

Tessa Winebarger moved, seconded by Norm Crume, that the City Council approve the Building Inspection Program MOA. Roll call vote: Crume-yes; Winebarger-yes; Fugate-out; Jost-yes; Tuttle-no; Carter-yes; Verini-yes. Motion carried 5/1/1.

**NEW BUSINESS**

**Request for Qualifications: Consultant to Obtain Brownfield Grant**

Dan Cummings, Community Development and Economic Director, presented.

Mr. Cummings commented that he had received a letter from the County showing their support and wanting to be included in the group of cities to obtain the grants. The City of Vale had also agreed to be combined with the City of Ontario but has not received a letter from the City of Vale.

Norm Crume moved, seconded by Tessa Winebarger, that the City Council instruct staff to advertise for and select a firm to apply for a Brownfield Grant and Request for Qualifications and authorize the Mayor and Interim City Manager to execute the contract on behalf of the City of Ontario. Roll call vote: Crume-yes; Winebarger-yes; Fugate-out; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 6/0/1.

**Ordinance #2710-2015: Amend OMC 3-4-3 (A) to Add a Business Registration Exemption for Businesses Engaged in Pick-Up/Delivery of Goods (1<sup>st</sup> Reading)**

Larry Sullivan, City Attorney, presented.

Larry Sullivan went over the Business Exemption's on pick-up and delivery of goods. Larry Sullivan advised it had been added to the ordinance.

Betty Carter moved, seconded by Norm Crume, that the City Council approve Ordinance #2710-2015, an ordinance to amend OMC 3-4-3 (A) to add a business registration exemption for businesses engaged in pick-up and delivery of goods on 1<sup>st</sup> reading by title only. Roll call vote: Crume-yes; Winebarger-yes; Fugate-out; Jost-yes; Tuttle-no; Carter-yes; Verini-yes. Motion carried 5/1/1.

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

There was an executive session under ORS 192.660 (2)(h) that began at 7:15pm and adjourned at 7:42pm.

**ADJOURN**

Tessa Winebarger moved, seconded by Norm Crume, that the City Council adjourn. Roll call vote: Crume-yes; Winebarger-yes; Fugate-out; Jost-yes; Tuttle-yes; Carter-yes; Verini-yes. Motion carried 6/0/1.

**APPROVED:**

**ATTEST:**

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

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

## **AGENDA REPORT**

October 5, 2015

TO: Mayor and City Council

FROM: Larry Sullivan, City Attorney

THROUGH: Tori Barnett, Interim City Manager

**SUBJECT: ORDINANCE NO. 2710-2015, AN ORDINANCE AMENDING SECTION 3-4-3(A) OF THE ONTARIO CITY CODE TO ADD A BUSINESS REGISTRATION EXEMPTION FOR BUSINESSES ENGAGED EXCLUSIVELY IN PICKING UP AND DELIVERING GOODS-FIRST READING**

DATE: October 5, 2015

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### **SUMMARY:**

Attached is the following document:

- Ordinance No. 2710-2015

### **BACKGROUND:**

In 2015, the City Council enacted Ordinance No. 2702-2015 to establish a business registration requirement for businesses operating in the City. The ordinance requires many businesses to complete a registration application with the City, whether or not those businesses have a physical location in the City. At the Council work session on October 1, 2015, it was the consensus of the Council to create a registration exemption for businesses who were engaged solely in the delivery or pickup of packages within the City, such as UPS and Fed-Ex, if those businesses have no physical location in the City. Ordinance No. 2710-2015 adds such an exemption to subsection (A) of City Code Section 3-4-3.

### **RECOMMENDATION:**

Staff recommends approval of Ordinance No. 2704-2015.

### **PROPOSED MOTION:**

I move the City Council approve Ordinance No. 2710-2015, AN ORDINANCE AMENDING SECTION 3-4-3(A) OF THE ONTARIO CITY CODE TO ADD A BUSINESS REGISTRATION EXEMPTION FOR BUSINESSES ENGAGED EXCLUSIVELY IN PICKING UP AND DELIVERING GOODS, on first reading by title only.



**ORDINANCE NO. 2710-2015**

**AN ORDINANCE AMENDING SECTION 3-4-3(A) OF THE ONTARIO CITY CODE  
TO ADD A BUSINESS REGISTRATION EXEMPTION FOR BUSINESSES  
ENGAGED EXCLUSIVELY IN PICKING UP AND DELIVERING GOODS**

- WHEREAS,** Chapter 4 of Title 3 imposes an obligation on certain businesses to register with the City; and
- WHEREAS,** Among the businesses required to register are companies that pick up and deliver goods within the City but do not have a physical location in the City; and
- WHEREAS,** Concerns have been raised as to whether requiring such businesses to register might discourage such businesses from operating within the City limits, to the detriment of City residents; and
- WHEREAS,** Requiring such businesses to register provides little or no benefit to the City, and an exemption from registration should be granted to such businesses in Section 3-4-3(A).

**NOW THEREFORE,** The Common Council For The City Of Ontario ordains As follows:

**Section 1.** Section 3-4-3(A) of Chapter 4 of Title 3 is amended by adding those portions that are underlined and deleting those portions that are stricken in subsection (A), as follows:

**3-4-3 EXEMPTIONS**

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

6. A person who sends goods to a customer in the City is not considered to be doing business in the City based solely on the sending or delivering of the goods into the City. However, a company in the business of delivering goods is subject to the requirements of this chapter if the company, including the activities of all employees, is engaged in business (picking up or delivering goods) within the City in excess of 32 hours per year.

7. A person or company whose sole business is picking up and delivering goods in the City and does not have a physical location within the City is not considered to be doing business in the City. This exemption applies to United Parcel Service (UPS), Federal Express (Fed-Ex) and similar businesses unless they have a physical location in the City.

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

AYES:

NAYS:

ABSENT:

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

ATTEST:

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

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

## AGENDA REPORT

October 19, 2015

To: Mayor and City Council

FROM: Dan Shepard, Engineering Technician III

THROUGH: Larry Sullivan, City Attorney

**SUBJECT: Request To Allow Parking In Alley**

DATE: October 15, 2015

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### **SUMMARY:**

Attached are the following documents:

- Attachment "1" - Easement for use of alley for parking
- Attachment "2" - Easement for Public Access
- Exhibit "1" - Location Map
- Exhibit "2" - Community Church Details
- Exhibit "3" - Community Church Construction Plot Plan

Ontario Community Church, 240 SE 3<sup>rd</sup> Street, is doing a remodel of their facility which includes a new elevator constructed at the back of the church. Because of the elevator's location, they are requesting that they be allowed to use a portion of the alley for head in parking.

### **BACKGROUND:**

The church owns most of the city block (Block 86 of the City of Ontario Original Townsite). It's facilities are on except for a portion that is 62.5' X 120' in the southwest corner. They propose to close the current north entrance to the alley and construct an entrance to a new parking lot east of the alley's location. This would serve as the drive lane for the new parking in the existing alley and then would transition back into the original alignment of the alley.

### **DISCUSSION:**

In a similar situation to this, the alley was used for parking between the current Taco Bell Restaurant and the Country Store located in the three hundred block of East Idaho Avenue on the south side of that street. It use was allowed through a Memorandum Agreement. City Staff recommends an Easement For Public Access in favor of the City over the Community Church's property in which the drive lane would be located in with the City granting an easement for the church to use a portion of the alley for parking. The Community Church is responsible for relocating the alley entrance on the north side of their block to match the access easement to serve as the new alley. This issue was taken before the Public Works Committee July 10<sup>th</sup>, 2015 and received a recommendation for approval.

**FINANCIAL IMPLICATIONS:**

None.

**RECOMMENDATION:**

Staff makes no recommendation with respect to the easement agreement, which is primarily benefitting the Ontario Community Church and provides no particular benefit to the City. Approval of the agreement is a policy decision for the Council. Ontario City Code Section 8-8-19 authorizes the City to enter into such agreements, but imposes no obligation on the City to do so. City Code Section 8-8-8 reads as follows:

Any person desiring to occupy a street or highway (and which occupancy is not an encroachment) either temporarily or permanently, for any purpose which is not otherwise authorized by a permit, or by statutory right to occupy the streets or highways, shall, in addition to the permit required by this Chapter, be required to enter into a License Agreement or an Easement Agreement with the City on such terms and conditions as may be required by the City. Any such agreement will be obtained from the Right-of-Way Division of the City of Ontario.

**MOTION:**

I move that the Council authorize the Mayor to be signatory to the attached Easement agreement, as described in Attachments #1 and #2 granting the Ontario Community Church permission to utilize the alley in Block 86 of the Original Townsite for parking and the City of Ontario a public easement in Block 86 of the Original Townsite and the City Recorder attest the Mayor's signature.

RECORDER'S INFORMATION:

GRANTOR:  
Ontario Community Church  
240 SE 3<sup>rd</sup> Street  
Ontario OR 97914

Field Code Changed

GRANTEE:  
City of Ontario  
444 SW 4<sup>th</sup> Avenue  
Ontario OR 97914

After recording return to:  
Yturri Rose, LLP  
PO Box "S"  
Ontario OR 97914

**EASEMENT  
(Access)**

Dated: As of the \_\_\_\_ day of \_\_\_\_\_, 2015

Between: Ontario Community Church, Inc.,  
  
(hereinafter "Grantor")

And: City of Ontario, a Municipal Corporation,  
  
(hereinafter "Grantee")

Field Code Changed

**Premises:**

A. Grantor owns certain real property located in Malheur County, Oregon more particularly described in Exhibit A.

B. Grantee owns certain real property located in Malheur County, Oregon more particularly described on Exhibit B (City alleyway).

C. It is the intent of Grantor and Grantee to provide reciprocal easements which will allow Grantor the right to use the City alleyway as a parking lot and in exchange Grantor will provide Grantee with an access route over Grantor's property immediately adjacent to the existing City alleyway and will replace Grantee's property that will be used as a parking lot.

**Agreement:**

In consideration of the Premises set forth above and the mutual promises contained herein, and other valuable consideration, receipt of which is hereby acknowledged, the parties covenant, contract, and agree as follows:

A. **Grantee's Easement.** Grantor hereby grants to Grantee, its heirs, successors and assigns, a strip of land twenty (28) feet wide ("Easement") the centerline of which is located across Grantor's Property as follows:

See Exhibit C attached hereto and by this reference incorporated herein.

The terms of this Easement are as follows:

1. Grantee, its agents, independent contractors, invitees and the public shall use the Easement for vehicular and pedestrian access only and in accordance with the limitations and uses applicable to the use of "alleys" within the City of Ontario. The property described in Exhibit C is NOT dedicated to Grantee. Grantee shall not install or locate any utilities within the Easement Strip.

2. If the easement falls into a state of disrepair for any reason, Grantee shall have no obligation to repair the easement except by mutual agreement with Grantor.

~~3. This Easement is appurtenant to the real property ("Property") described in Exhibit B.~~

~~34.~~ The Easement shall terminate if Grantor's rights to use the alleyway are lost or terminated.

B. **Grantor's Easement.** Grantee hereby grants to Grantor, its heirs, successors and assigns, a strip of land located across Grantee's Property (a City Alleyway) as follows:

See Exhibits B and D attached hereto and by this reference incorporated herein.

The terms of this Easement are as follows:

1. Grantor, its agents, independent contractors, and invitees shall have the right to use the Easement as a parking lot. Grantee Grantor may modify, improve and install fixtures within the Easement Strip, but does so at Grantee's Grantor's own risk. Grantee Grantor shall remove any fixtures within the Easement Strip as required to permit Grantee or any utility service providers to obtain access to utilities in the Easement Strip. Grantee shall not be required to repair or replace any fixtures damaged in connection with utility repair work.

2. Grantor shall be responsible for the maintenance and repair of the Easement.

3. This Easement is appurtenant to the real property ("Property") described in Exhibit A.

4. Subject to the termination provision of Section A.4 above, the Easement is perpetual.

C. **Terms of Use for Both Easements.**

1. This Easement, and the parties' rights and obligations shall be binding upon the parties' heirs, successors and assigns.

2. These Easements shall only burden the parties' property to the extent necessary to effectuate the purposes of this Agreement.

Dated this \_\_\_\_\_ day of September, 2015.

Grantor:

Ontario Community Church, Inc.

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

Grantee:

City of Ontario, a Municipal Corporation

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

State of Oregon )  
County of Malheur ) ss.

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of September, 2015, by \_\_\_\_\_ as \_\_\_\_\_ for Ontario Community Church, Inc.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: \_\_\_\_\_

State of Oregon )  
County of Malheur ) ss.

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of September, 2015, by \_\_\_\_\_ as \_\_\_\_\_ for the City of Ontario, a Municipal Corporation.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: \_\_\_\_\_

**Exhibit A**

Land in Malheur County, Oregon, as follows:

Lots One through 7 and the northerly 1/2 of Lot 8, and Lots 11 through 20 in Block Eighty-Six (86), of the Townsite of Ontario, Malheur County, Oregon, according to the Official Plat thereof on file in the office of the County Clerk of Malheur County, Oregon.

## Exhibit B

Land within the NE1/4NW1/4, of Section 10, Township 18 South, Range 47 East of the Willamette Meridian, within Block 86 of the Original Townsite, City of Ontario, Malheur County, as follows:

BEGINNING at the Northwest Corner of Lot 11, of said Block 86;

thence along the southerly right of way of SE 2nd. Ave N  $77^{\circ}35'46''$  W, 16.00 feet, to the northeasterly corner of Lot 1;

thence along the easterly lines of Lots 1, 2, 3, 4, 5, 6, 7 and northerly 1/2 of Lot 8, S  $12^{\circ}25'51''$  W, 187.54 feet;

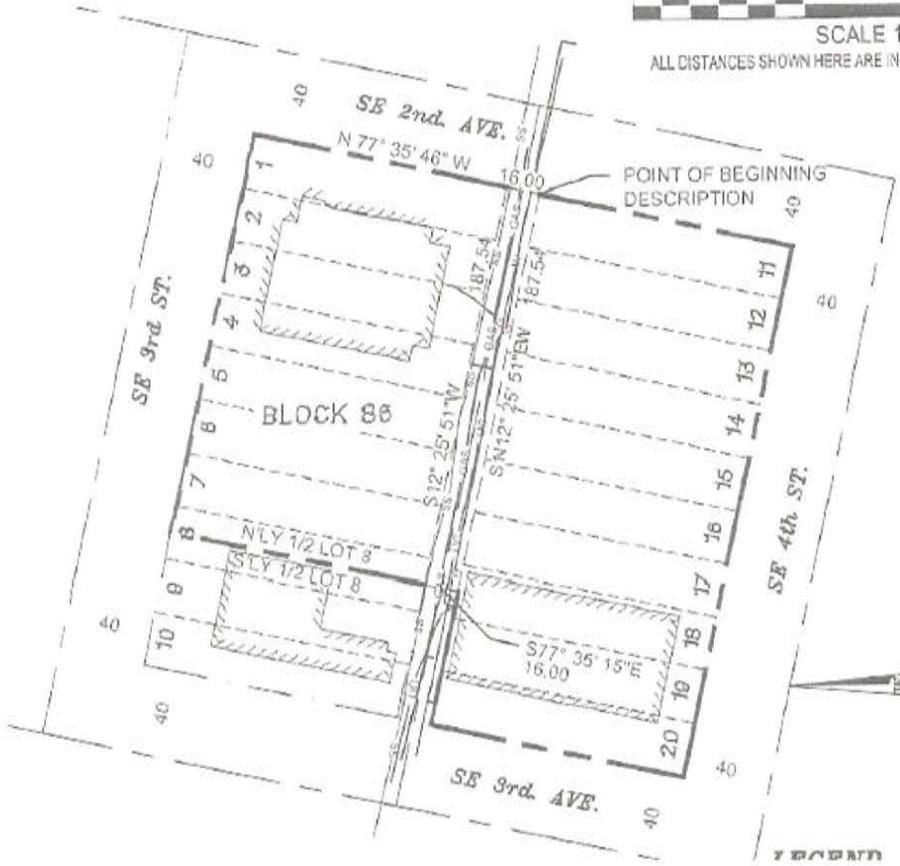
thence S  $77^{\circ}35'15''$  E, 16.00 feet, to a point on the westerly line of Lot 18;

thence along the westerly lines of Lots 18, 17, 16, 15, 14, 13, 12 and 11, N  $12^{\circ}25'51''$  E, 187.54 feet, to the POINT OF BEGINNING.



Exhibit D

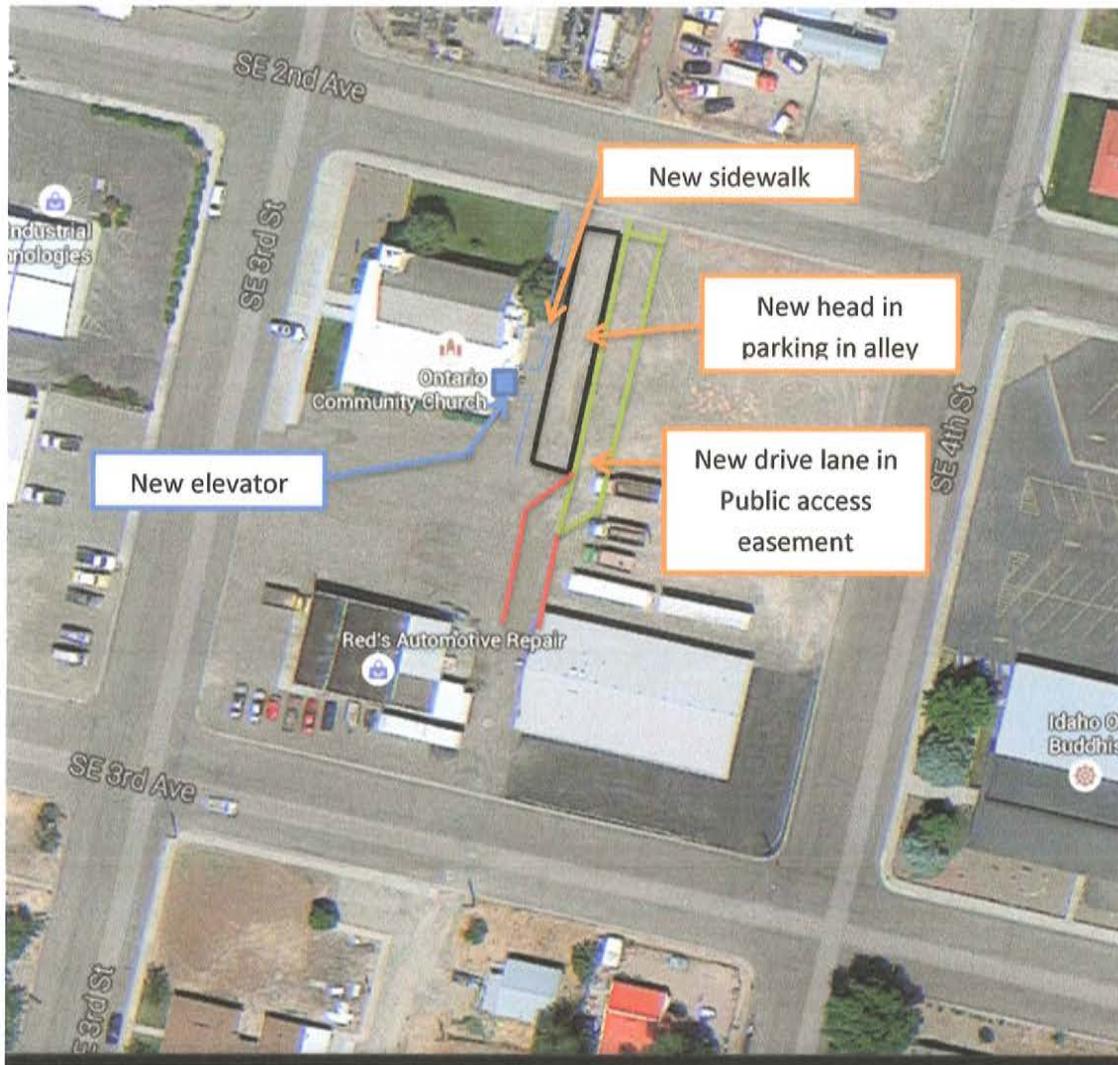
SCALE 1"  
ALL DISTANCES SHOWN HERE ARE IN FEET







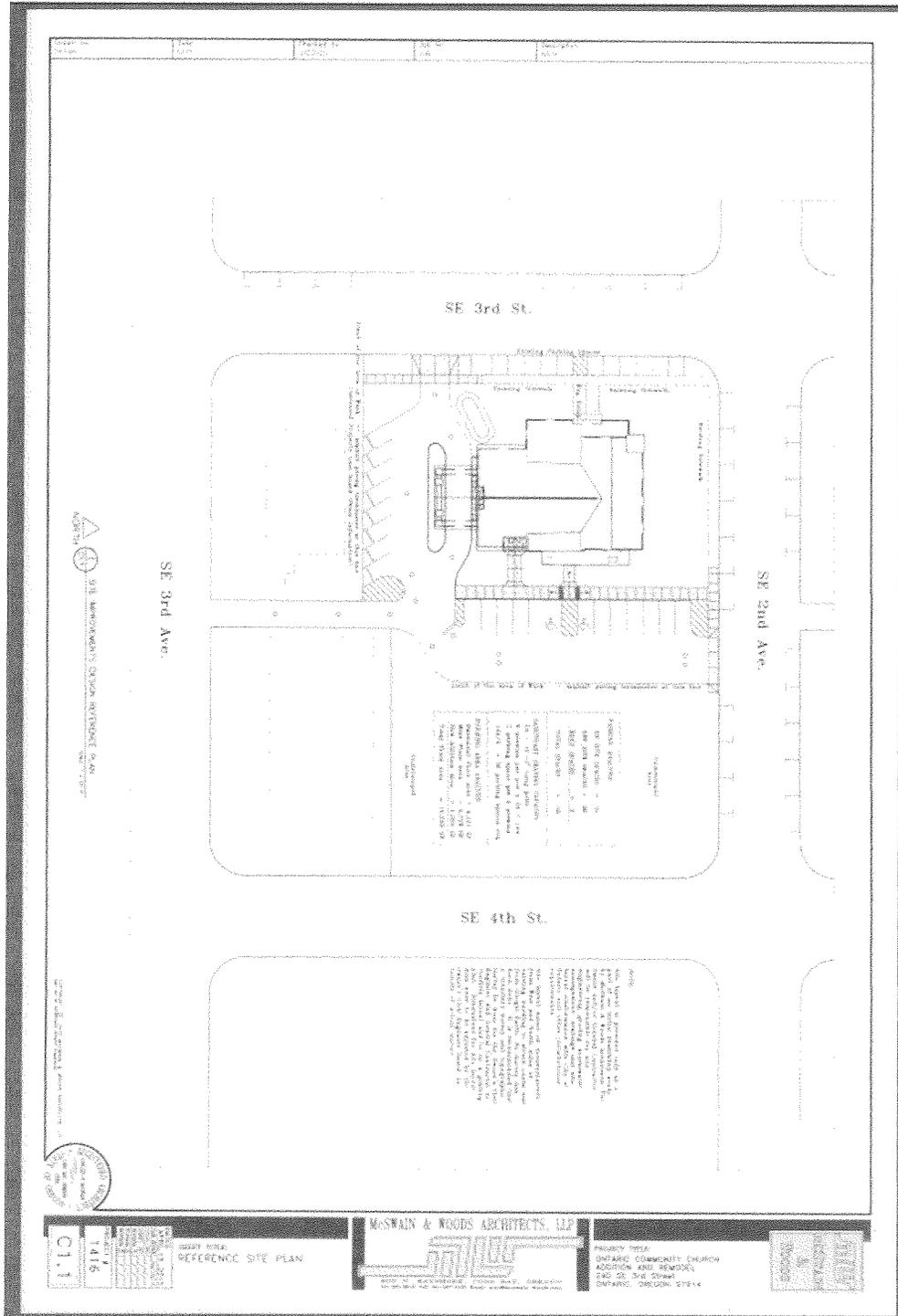




Ontario Community Church Detail



Construction Plot Plan Exhibit 3





## AGENDA REPORT

OCTOBER 12, 2015

TO: Mayor and City Council

FROM: Larry Sullivan, City Attorney

THROUGH: Tori Barnett, Interim City Manager

**SUBJECT: ORDINANCE NO. 2711-2015, AN ORDINANCE AMENDING CHAPTER 4 OF TITLE 3 OF THE ONTARIO CITY CODE TO LIMIT THE CITY'S BUSINESS REGISTRATION REQUIREMENTS TO BUSINESSES WITH A FIXED LOCATION IN THE CITY-FIRST READING**

DATE: October 19, 2015

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### SUMMARY:

Attached is the following document:

- Ordinance No. 2711-2015

### BACKGROUND:

In 2015, the City Council enacted Ordinance No. 2702-2015 to establish a business registration requirement for businesses operating in the City. The ordinance requires many businesses to complete a registration application with the City, whether or not those businesses have a physical location in the City. The purpose of proposed Ordinance No. 2711-2015 is to change the business registration requirements to exclude all businesses that are not operating from a fixed business location in the City.

One of the stated purposes for enacting Ordinance No. 2702-2015 was to provide the Fire Department with information about the physical layout of businesses, as well as potential fire hazards. This would not apply to businesses that have no fixed location in the City.

In addition, if a business has no fixed location in the City, it is difficult to determine what business activities are being conducted in the City except by word of mouth. This makes it difficult to uniformly enforce the business registration requirement.

### RECOMMENDATION:

Staff recommends approval of Ordinance No. 2711-2015 on first reading.

### PROPOSED MOTION:

I move the City Council approve Ordinance No. 2711-2015, AN ORDINANCE AMENDING CHAPTER 4 OF TITLE 3 OF THE ONTARIO CITY CODE TO LIMIT THE CITY'S BUSINESS REGISTRATION REQUIREMENTS TO BUSINESSES WITH A FIXED LOCATION IN THE CITY, on first reading by title only.



ORDINANCE NO. 2711-2015

AN ORDINANCE AMENDING CHAPTER 4 OF TITLE 3 THE ONTARIO CITY CODE  
TO LIMIT THE CITY'S BUSINESS REGISTRATION REQUIREMENTS TO  
BUSINESSES WITH A FIXED LOCATION IN THE CITY

- WHEREAS, Chapter 4 of Title 3 imposes an obligation on certain businesses to register with the City; and
- WHEREAS, One of the primary reasons that the City Council imposed a business registration requirement on businesses was to establish an inventory of local businesses for fire protection purposes; and
- WHEREAS, Among the businesses required to register are businesses that do not have a fixed location in the City; and
- WHEREAS, Businesses without a fixed location in the City do not raise any fire protection concerns; and
- WHEREAS, It is difficult to uniformly enforce the City's business registration requirement on businesses that do not have a fixed location in the City; and
- WHEREAS, Limiting the business registration requirement to businesses with a fixed location in the City will continue to accomplish the City's main goals in establishing a business registration system.

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

Section 1. Section 3-4-1 of Chapter 4 of Title 3 is amended by adding those portions that are underlined and deleting those portions that are stricken, as follows:

3-4-1 DEFINITIONS

- (A) Business means:
1. An organization with a fixed location in the City of Ontario that is engaged in commercial, industrial, or professional activities.
  2. An individual with a fixed location in the City of Ontario that is engaged in commercial, industrial or professional activities, other an as an employee.
- (B) Commercial means providing goods, services or a combination of goods and services for payment.

Section 2. Section 3-4-2 of Chapter 4 of Title 3 is amended by adding those portions that are underlined and deleting those portions that are stricken, as follows:

### 3-4-2 REGISTRATION REQUIREMENT

(A) Except as exempted under Section 3-4-3, businesses engaging in activity in the City and that have a fixed location in the City must register with the City.

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

~~1. Any business that conducts business activities in the City, whether or not the business operates from a physical location in the City, is subject to this chapter.~~

2.1. Electronic businesses, including Internet businesses, with a physical fixed location in the City, are required to register.

3.2. If more than one business is conducted on the same premises, each business must register separately.

4.3. A single business operation that occupies more than one building must complete only one registration application. The application shall list all buildings and activities carried on in each building.

Section 3. Section 3-4-3(A) of Chapter 4 of Title 3 is amended by adding those portions that are underlined and deleting those portions that are stricken, as follows:

### 3-4-3 EXEMPTIONS

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

1. A service business operated by a person under the age of 18, such as a lawn mowing business, a newspaper delivery business, a lemonade stand, and the like.

2. Individuals who work only on the premises of, and as part of, a registered business that includes the activity of the individual. Examples include barbers, beauticians, and others who perform services as part of the overall registered business. This exemption does not apply if the overall business operation has not submitted an approved registration application to the City.

3. Persons selling goods or services exclusively during a permitted special event activity where the sponsor of the event has obtained a City permit for the event and has an approved City business registration.

4. Activities that qualify as hobbies or passive holding of property for investment purposes under the U.S. Internal Revenue Code.

5. Any person or company whose business activities in the City, ~~including the activities of all employees~~, total less than 32 hours per year for all employees, or whose gross annual revenue for business activities in the City is less than \$3,000 for a full year for all employees. ~~This exemption is intended to apply to businesses based outside the City that may do minimal work inside the City and to individuals who engage only in minimal business.~~

6. A person or company ~~who~~ that sends or delivers goods to a customer in the City is not considered to be doing business in the City based solely on the sending or delivering of the

goods into the City unless the person or company has a fixed location in the City.

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

AYES:  
NAYS:  
ABSENT:

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

ATTEST:

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

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



## AGENDA REPORT

October 19, 2015

TO: Honorable Mayor and City Council Members

THRU: Tori Barnett, Interim City Manager

FROM: Chief Mark Alexander

**SUBJECT: RESOLUTION #2015-148 A RESOLUTION UPDATING FEES FOR ALCOHOL LICENSING**

DATE: October 12, 2015

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### **SUMMARY:**

Attached is the following document:

- Resolution #2015-148

The Police Department would like to updates fees for alcohol licensing.

### **PREVIOUS COUNCIL ACTION:**

None.

### **BACKGROUND:**

The Police Department processes, reviews, makes recommendations and presents to Council various liquor license applications and charges a fee to do so. It has been determined one such fee is out of compliance in accordance to ORS. This prompted a review of fees relating to liquor licensing.

ORS sets maximum fees a local government can charge for licensing and are as follows:

- \$100.00 for an original application. The City currently charges \$50.00.
- \$75.00 for a change in ownership, location or privilege. The City currently charges \$50.00.
- \$35.00 for a license renewal. The City currently charges \$10.00.
- \$35.00 for a temporary or special event. The City currently charges \$50.00.

The City attorney advises that under ORS 294.160(1), the Mayor should call for public comments before calling for a vote on the resolution. The statute requires governing bodies to give the public an opportunity to comment before passing any fee increases. The statute does not require a formal public hearing or a hearing notice, just a call for comments.

Staff is recommending the City impose the maximum allowed fees for alcohol related licensing.

**FINANCIAL IMPLICATIONS:**

The City would see an increase in revenue from alcohol licensing.

**ALTERNATIVE:**

The Council may vote to propose different rates.

**PROPOSED MOTION:**

I move that the Council adopt Resolution 2015-148, A RESOLUTION UPDATING FEES FOR ALCOHOL LICENSING.

**RESOLUTION NO. 2015-148**

**A RESOLUTION CREATING AND UPDATING FEES FOR ALCOHOL LICENSING**

**WHEREAS, the police department processes various alcohol license applications; and**

**WHEREAS, those services generally require additional staff time to perform; and**

**WHEREAS, fees are charged for those services and are established or updated by resolution.**

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

- \$100.00 for an original liquor license application.
- \$75.00 for a change in ownership, location or privilege.
- \$35.00 for a liquor license renewal.
- \$35.00 for a temporary or special event.

**EFFECTIVE DATE:** Effective immediately upon passage.

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

AYES:

NAYES:

ABSENT:

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

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

ATTEST:

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



**AGENDA REPORT**  
October 19, 2015

TO: Mayor and City Council

FROM: Mark Alexander, Police Chief

THROUGH: Tori Barnett, Interim City Manager

**SUBJECT: RESOLUTION NO. 2015-149 General Fund Budget Change**

DATE: October 12, 2015

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**SUMMARY:**

Attached is the following document:

- Resolution 2015-149

The Police Department has received unexpected revenue from donations and would like to expend those funds. A budget change will be required to do so.

**PREVIOUS COUNCIL ACTION:**

None.

**BACKGROUND:**

The Citizens on Patrol program, through the police department, recently received \$140.00 in various donations to support the program.

The police department did not budget to receive and expend these funds and would like to make an adjustment in order to do so. It is proposed that the budget change for expenditures be recognized within the Police Department's Citizens on Patrol line item.

**ALTERNATIVE:**

The Council could decline the change and keep the donations without budgeting the expenditure.

**FINANCIAL IMPLICATIONS:**

It is proposed that the revenues and expenditures be recognized within the City's General Fund, Police Department.

**PROPOSED MOTION:**

I move that the Council adopt Resolution 2015-149, A RESOLUTION ACKNOWLEDGING RECEIPT OF REVENUE FUNDS AND APPROPRIATING EXPENDITURES WITHIN THE GENERAL FUND.



**RESOLUTION # 2015-149**

**A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET FOR THE  
GENERAL FUND POLICE DEPARTMENT TO RECOGNIZE RECEIVED  
FUNDS AND AUTHORIZING EXPENDTURE OF THOSE FUNDS**

**WHEREAS,** The Ontario Police Department occasionally receives unexpected revenue from donations; and

**WHEREAS,** the General Fund Police Department budget for FY 2015-2016 was adopted without the knowledge of such funds; and

**WHEREAS,** the Ontario Police Department has received \$140.00 in such funds; and

**WHEREAS,** the City desires to modify the 2015-2016 budget to receive and expend the funds.

**NOW THEREFORE, BE IT RESOLVED** by the Ontario City Council to approve the following adjustments to the fiscal year 2015-2016 budget:

Line Item	Item Description	FY 15-16 Budget	Amount of Change	Adjusted Budget
<b>GENERAL FUND</b>				
<b>REVENUE</b>				
001-000-469210	Misc Police Revenue	\$18,556.00	\$140.00	\$18,696.00
<b>EXPENDITURE</b>				
001-024-613501	Citizens on Patrol	\$1,386.00	\$140.00	\$1,526.00

**Effective Date:** Upon adoption

**Passed and adopted** by the Ontario City Council this 19th day of October, 2015.

Ayes:

Nays:

Absent:

**Approved** by the Mayor this 19th day of October, 2015.

ATTEST:

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

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



**AGENDA REPORT**  
October 19, 2015

TO: Mayor and City Council

FROM: Cliff Leeper, Public Works Director  
Jerry Elliott, WTP Manager  
Betsy Roberts, City Engineer

THROUGH: Tori Barnett, Interim City Manager

**SUBJECT: RESPONSE FOR STATEMENT OF QUALIFICATIONS FOR PROFESSIONAL ENGINEERING SERVICES FOR THE WWTP OUTFALL MIXING ZONE SERVICES**

DATE: October 12, 2015

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**SUMMARY:**

The Public Works Department sent a letter soliciting a Statement of Qualifications from three firms on the City's current engineering on-call list regarding design services for Outfall Mixing Zone evaluation and design. Responses have been received from all of those firms in addition to a response from the CH2M team. Selection of a firm to complete the work as quickly as possible is needed to fulfil the requirements of the Oregon Department of Environmental Quality (ODEQ) as part of the renewal process for the City's National Pollutant Discharge Elimination System (NPDES) Permit.

SOQ Respondents include:

- Murray Smith & Associates
- Anderson Perry
- Keller Associates
- CH2M

**PREVIOUS COUNCIL ACTION:**

Budget approval during annual budget setting period for NPDES permit related activities.

**BACKGROUND:**

The City of Ontario discharges treated wastewater into the Snake River during the winter months under an NPDES Permit. As part of the NPDES permit renewal process, the ODEQ is requiring evaluation of a number of potential compliance issues for the City of Ontario Wastewater Treatment Plant. Part of the ODEQ's concern is with regard to the City's wastewater outfall system. In 2013 the City Engineer completed a mixing zone study identifying several possible

enhancements to improve the compliance issues identified by ODEQ. Because improvements will likely require work in the Snake River on the actual outfall pipe itself (in-water work), it is anticipated that some type of Army Corps of Engineers (ACOE) will be needed.

The firm conducting the work needs to have an excellent relationship with both the ODEQ and the ACOE, a firm understanding of outfall mixing zone software and experience with similar outfall design.

**ALTERNATIVE:**

This effort is required by the ODEQ as part of the NPDES permit renewal process. Alternative action is relatively minimal, as the work must be completed in a timely manner.

**FINANCIAL IMPLICATIONS:**

The firms providing responses are all professional engineering firms and should be selected based on qualifications, not cost. Starting from this basis, there is currently no exact dollar amount associated with the project, as a winning consultant must be selected, scope of services confirmed and fee negotiations begun. An estimated amount of up to \$50,000 has been set aside as part of the line item in the annual budget for NPDES Permit to support this mixing zone effort.

**RECOMMENDATION:**

Staff recommends review of attached SOQ's from respondents and selection of the most technically competent firm, followed by a Notice to Proceed for Professional Engineering Services for the WWTP Outfall Mixing Zone Services.

**PROPOSED MOTION:**

I move that the City Council authorize a Notice to Proceed for Professional Engineering Services for the WWTP Outfall Mixing Zone Services to \_\_\_\_\_ consulting firm and that the City Manager begin negotiations immediately.

**LINE ITEM: 110-165-618900**



Murray, Smith & Associates, Inc.  
Engineers/Planners

345 W Bobwhite Court, Suite 230 • Boise, ID 83706-3943 • PHONE 208.947.9033 • FAX 208.996.8101

Betsy Roberts  
Ontario City Engineer, CH2M  
1551 NW 9th St  
Ontario, OR 97914

**RE: City of Ontario, Oregon - Outfall Mixing Engineering Services**

Dear Ms. Roberts:

The City of Ontario, Oregon's wastewater treatment plant discharges treated municipal wastewater into the Snake River (RM 369.2) via a submerged single port discharge (NPDES Permit #101633). As part of the process of renewing this permit, the Oregon Department of Environmental Quality (ODEQ) has completed an initial Reasonable Potential Analysis that identified a number of likely compliance issues. In 2013, the City completed a Level 1 Mixing Zone Study that identified the potential to improve the City's existing outfall to help address some of the compliance issues identified by ODEQ. As such, the City is looking for a consultant to finalize the evaluation, permitting, design, and construction of outfall modifications in coordination with the ODEQ permit renewal process.

To meet your needs, Murray, Smith & Associates, Inc. (MSA) has assembled a team specifically tailored to complete this important outfall improvement project. MSA was founded in 1980 in Portland, Oregon, with a focus on addressing the water-based infrastructure needs of public agencies, a core focus we proudly continue today. Our teaming partner MixZon Inc., of Portland, Oregon, focuses solely on the modeling and design of outfall facilities. They have extensive experience with Oregon outfall modeling, regulations, and design. Their president and project technical lead, Dr. Robert Doneker, literally "wrote the book" on outfall modeling and was a primary developer of the CORMIX modeling software currently licensed to serve over 40 federal, state, local, and tribal agencies, including ODEQ.

The primary roles of our proposed team are outlined below for your information. A summary of the qualifications of our key team members, approach, and similar work experience are enclosed with this letter, along with a copy of Dr. Doneker's curriculum vitae.



will be responsible for the following outfall design tasks:

- Coordinating design and review stages between City and regulatory agencies (ODEQ, ACOE, DSL, etc.)
- Developing modified outfall concept drawings
- Submittal of pre-construction/permit applications
- Developing final design drawings and specifications



will be responsible for the following tasks:

- Additional hydrographic data collection and modeling (Level 2) to supplement 2013 Mixing Zone Study
- Existing discharge flange inspection
- Outfall optimization modeling and multi-port diffuser design

We value our working relationship with the City of Ontario and appreciate this opportunity to present our qualifications to assist you with this project. If you have any questions regarding this proposal, please feel free to contact me at 208.947.9033.

Sincerely,

MURRAY, SMITH & ASSOCIATES, INC.

Craig Anderson, PE  
Principal Engineer

## Key Team Members

### Craig Anderson, PE Project Manager

**Years of Experience:** 21

**Registration:** Civil Engineer – ID, OR, & WA | **Education:** ME, Civil Engineering, (Water/ Wastewater Treatment Emphasis), University of Idaho; BS, Civil Engineering, University of Idaho

Craig is MSA's wastewater treatment lead and will be the project manager and the City's primary point of contact for this project. Over his career, Craig has completed numerous projects related to the planning, design, construction and permitting of wastewater collection, treatment, and effluent disposal. Prior to joining MSA, he led the analysis of the City of Kennewick's outfall diffuser to determine its adequacy for projected future flows. This 25-port, 170-foot long, 30-inch diameter diffuser assembly is located in the McNary Dam pool of the Columbia River. With the City's potable water treatment plant's raw water intake only one-quarter mile upstream, this study and the accuracy of its conclusions were of the utmost importance to the City and the State Departments of Ecology and Health.

### Jim Helton, PE QA/QC Lead

**Years of Experience:** 39

**Registration:** Civil Engineer – OR & WA; Certified Water Rights Examiner – OR  
**Education:** BS, Civil Engineering, Gonzaga University; Graduate Studies, Portland State University

Jim Helton will provide senior guidance and QA/QC of the project team's work products and regulatory coordination activities. His extensive Oregon-based experience combined with his involvement in the majority of MSA's past "in-water" projects, make him the ideal choice for this role. Jim has extensive experience in the planning and design of all aspects and components of sanitary sewage and storm drainage systems. His experience includes permitting of complex and environmentally sensitive projects and working with small communities to obtain project financing from federal and state funding agencies. Jim's project planning and designs have included multiple reuse water systems, conversions of lagoon treatment to mechanical treatment systems, and outfall improvements.

### Dr. Robert Doneker PhD, PE Technical Consultant

**Years of Experience:** 30

**Registration:** Professional Engineer – OR  
**Education:** PhD & MS, Environmental Engineering, Cornell University; MS, Agricultural Engineering, Cornell University; BS, Agricultural Engineering, The Pennsylvania State University

Robert has over 30 years of experience in environmental engineering, teaching, and professional practice. He has authored over a dozen publications on mixing zone analysis and key USEPA mixing zone guidance documents. Robert is a primary developer of the CORMIX software for mixing zone analysis. In addition, he has instructed mixing zone modeling workshops that several USEPA regulators and DEQ permit writers from several states have attended. Robert has been invited to the ODEQ internal training to review mixing zone analysis. He will be involved in all project phases.

## Project Approach

The MSA/MixZon team approach is outlined in the scope of work below:

### 1. Kickoff Meeting

An initial project kickoff meeting will be held with the City of Ontario, CH2M, and the MSA/MixZon team. The meeting will review work activities, data availability, existing field data, field data collections, assumptions for the City's NPDES permit renewal, and schedule. The existing 2013 Mixing Zone Analysis will be reviewed with specific discussion related to ODEQ's IMD guidelines and future NPDES permitting requirements.

### 2. Marine Hydrographic Study

The ODEQ IMD prescribes a level of effort, Levels 1-3, depending on the type of discharge, flow rates, etc. when evaluating mixing zone studies. Based on review of the ODEQ Mixing Zone IMD and team experience, we believe the outfall will be classified as a 'major' discharger and require a Level 2 mixing zone study. A complete Level 2 marine hydrographic study will be performed to

characterize ambient bathymetry and velocities in the Snake River at the vicinity of the current outfall.

### 3. Existing Outfall Inspection

Due to the unknown condition and configuration of the existing diffuser port, an investigation will be performed to determine flange bolt hole configuration and determine the adequacy of re-using the flange for the diffuser modification. Depending on the turbidity of the water, the inspection will be performed either with a certified dive team or by using MixZon's underwater acoustic video camera.

### 4. Outfall Optimization Study

Data from the hydrographic study and outfall inspection will be used in conjunction with inputs from the City, ODEQ, USACE, ODFW, USFWS, and NMFS to review the location of the outfall and determine where maximum mixing can be achieved. Optimal modifications to the existing outfall or new outfall design will be proposed based on the dilution requirements and mixing performance required by ODEQ.

### 5. Diffuser Design

With the outfall location review complete, the outfall/multiport diffuser design and optimization will be accomplished using CORMIX v9.0 and CorHyd v4.0 models. The design will be modeled to meet the contaminant dilution target within the regulatory mixing zone dimension allowed by ODEQ. In addition to the use of standard duckbill check valves at the discharge ports to optimize mixing over a range of discharge flowrates, MixZon proposes investigating a fanned diffuser design to optimize mixing and limit acceleration zones caused by large multiport diffuser structures.

### 6. Mixing Zone Modeling Analysis Report

A mixing zone modeling analysis will be performed using CORMIX v9.0 in accordance with ODEQ IMD guidelines. The report will include the following as outlined in ODEQ guidelines:

- Outfall and RMZ characterizations
- Discharge characteristics
- Environmental mapping
- Mixing zone modeling

The completed report will be submitted to ODEQ and other agencies as required.

### 7. Construction Documents

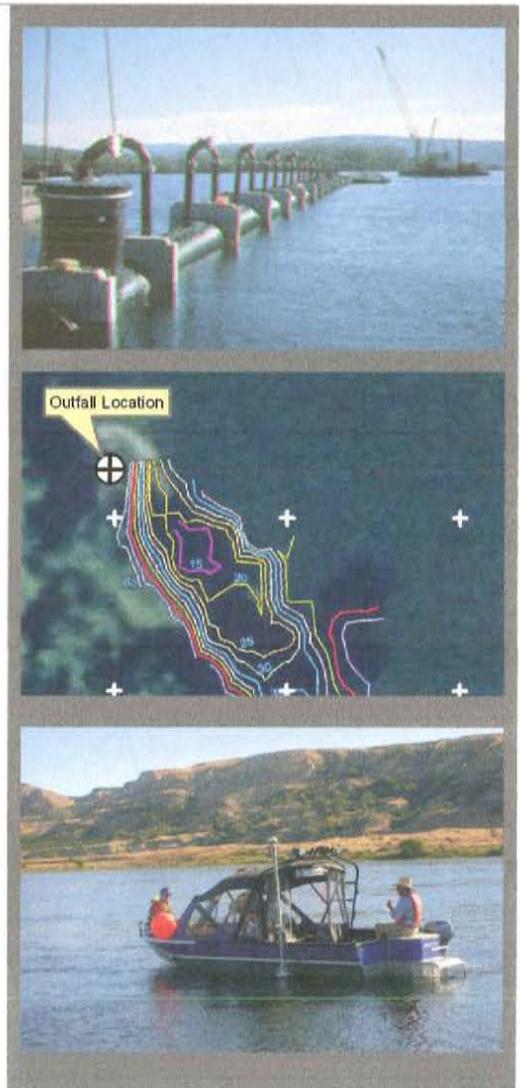
With comments received regarding the outfall design from the regulating agencies construction details and specifications will be developed. The use of EJDCD legal documents (amended to City standards) and CSI format technical specifications are proposed.

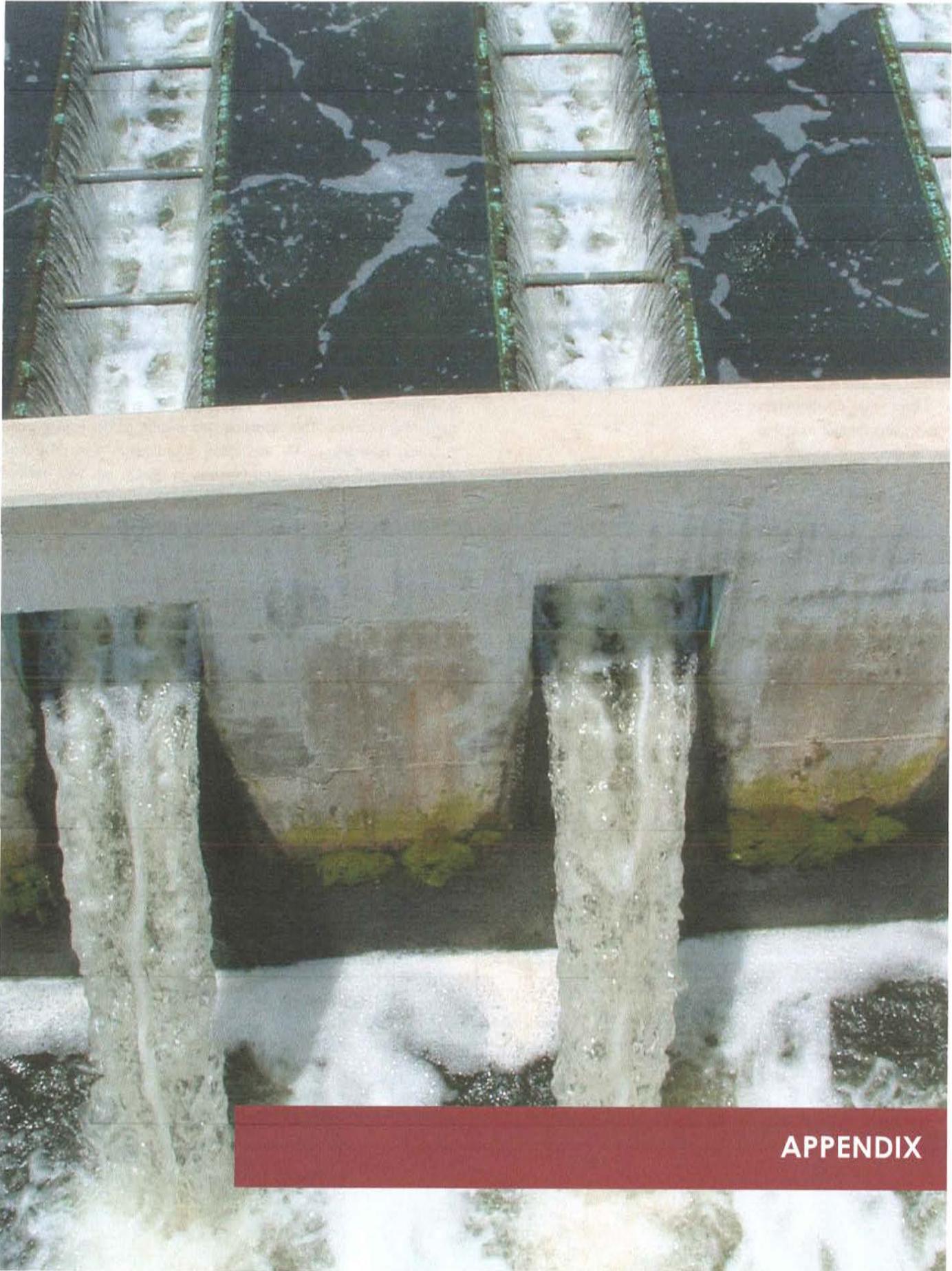
### 8. Construction Permitting/Regulatory Coordination

As Oregon-based firms, we fully understand that permitting will require several stages of review from different federal and state organizations. In order to meet the desired 2016 in-water work window, this activity will need to begin immediately. Of particular importance will be an evaluation of the existing outfall lease from DSL to determine if the modifications to the outfall will require changes. Additionally, we have also found that early and proactive communication with ACOE regarding the project aids in the permitting process. The modeling and design of the mixing zone will also take immediate and close coordination with ODEQ to make sure the dilution ratios targeted in design are well defined and agreed to.

## Summary of Similar Work

Client	State	MZ Study	Diffuser Design	In-Water Permitting	Team Member
Cascade Pacific Pulp	OR	■	■	■	MixZon
City of Sheridan	OR	■	■	■	MSA
ORC, Coos Bay	OR	■	■		MixZon
City of Dayton	OR	■			MixZon
McGuire Dam	OR			■	MSA
City of Oakland	OR	■	■	■	MixZon
City of Canby	OR	■			MixZon
Stimson Lumber	OR	■	■	■	MixZon
Grants Pass (WTP Intake)	OR			■	MSA
TriCity	OR	■			MixZon
Cottage Grove	OR	■			MixZon
City of Pasco (water intake)	WA			■	MSA
State Penitentiary (Salem)	OR			■	MSA
20 Additional Clients	OR	■			MixZon





APPENDIX

## **Robert L. Doneker**

### **Address**

MixZon Inc / TangiTek, LLC  
1033 SW Yamhill St, Ste 301  
Portland, OR 97205 USA  
Phone: 503-222-1022 Fax: 503-296-2354  
Email: [doneker@mixzon.com](mailto:doneker@mixzon.com)

### **Expertise**

Point source mixing zone analysis, hydraulic engineering, multiport diffuser design. Pollutant transport simulation for scientific analysis and regulatory decision support. Development of novel carbon fiber composite materials for application in remote sensing and broadband communication.

### **Education**

Ph.D. Cornell University, Environmental Engineering, 1989  
M.S. Cornell University, Environmental Engineering, 1988  
M.S. Cornell University, Agricultural Engineering 1983  
B.S. The Pennsylvania State University, Agricultural Engineering 1980

### **Accreditation**

Registered Professional Civil Engineer (P.E.), Oregon # 18508PE

### **Experience**

2002-Present: President, MixZon Inc.

2011-Present: President, TangiTek, LLC

2003-2011: Assistant Research Professor, Department of Civil and Environmental Engineering, Portland State University. Responsible for development of funded research projects and teaching of graduate courses in environmental risk analysis, environmental systems analysis, and water quality modeling.

1986-2003: Assistant Professor, Department of Environmental Science and Engineering, Oregon Graduate Institute. Responsible for development of funded research projects and teaching of graduate courses in environmental risk analysis, environmental systems analysis, and water quality modeling.

1989-1996: Assistant Professor of Civil Engineering, University of Portland, Portland, Oregon. Responsible for teaching 9 courses per year including introductory freshman engineering through senior laboratories, required courses, electives, and capstone design.

Courses taught include computer programming, hydraulics, hydrology, systems analysis, probability and statistics, and environmental engineering.

1990-Present Consultant/Instructor, USEPA. Developed instructional materials and instructed numerous USEPA-sponsored workshops on the application of mixing zone models for NPDES permits. Member of agency's technical support team for water quality modeling TMDL support.

1995-1996 Consultant, US Army Corps of Engineers. Development of decision support system for Columbia River dam operations.

1992-97 Consultant, USEPA. Model development for assessment of environmental impact of dredge material disposal into shallow waters in cooperative project with US Army Corps of Engineers.

1991 Knowledge Engineer, National Artificial Intelligence Laboratory, Soil Conservation Service. Responsible for leading a research group to develop expert system computer software to control nonpoint water pollution from agricultural wastes.

1984 Environmental Systems Analyst. Rodale Research Center. Responsibilities included mathematical modeling and computer simulation of biological nutrient transformation in sustainable agricultural production systems for a USDA-ARS research project.

1983 Hydraulic Engineer. Susquehanna River Basin Commission. Duties included hydraulic engineering analysis of water quality management for public water supply, irrigation, drought analysis, and hazardous waste management.

### **Academic Appointments**

Visiting Scholar Karlsruhe Institute of Technology, February 2008.

Visiting Scholar Institute for Hydromechanics, University of Karlsruhe, December 2000.

Visiting Scholar Department of Civil Engineering, University of Canterbury, November/December 1999.

### **Partial List of Grants/Awards/Contracts Received as PI**

USEPA SBIR Phase II Commercialization and ETV Option: Development of Remote Sensing Platform for Mixing Zone Analysis (\$120,000, MixZon, 2009).

Karlsruhe Institute of Technology, BrineDis: Environmental Planning, Prediction and Management of Brine Discharges from Desalination Plants (\$23,000, MixZon January 2008).

USBR Development of CORMIX to Support TWDB Desalination Discharges (\$67,000, MixZon, August 2007).

Energy Northwest Remote Sensing of Wastewater Water Discharge into the Hanford Reach, (\$35,000 MixZon, July 2007).

Dyno Nobel Inc Remote Sensing of Cooling Water Discharge into the Columbia River (\$35,000 MixZon, June 2007)

USEPA SBIR Phase II: Development of Remote Sensing Platform for Mixing Zone Analysis (\$225,000, MixZon, 2007).

USEPA SBIR Phase I: Development of Remote Sensing Platform for Mixing Zone Analysis (\$70,000, MixZon, 2006).

US Bureau of Reclamation Systems Development for Environmental Impact Assessment of Concentrate Disposal (\$100,000; PSU 2004-2005).

Tetra-Tech Inc. Technical Support for Region 10 Cook Inlet Discharge Modeling (\$52,000, MixZon, 2004-2005).

USEPA Development of Mixing Zone Model Validation System (\$45,000, MixZon, 2003-2004).

USEPA Mixing Zone Model Support, Instruction, and Development (\$150,000, PSU 2002-2005).

US Bureau of Reclamation Systems Development for Environmental Impact Assessment of Concentrate Disposal (\$75,000; OGI 2002-2003).

USEPA CORMIX Modeling Support for Powerplants in Region 7 (\$50,000 OGI 2001-2002)

USEPA Mixing Zone Model Support, Instruction, and Development (\$165,000, OGI 1999-2001).

USEPA-OGI Cooperative Agreement Program Income (\$247,000, 1999-2001).

USEPA CORMIX Windows Graphic User Interface, Web Documents, and GIS Database Integration (\$200,000, OGI1997-1999).

USEPA CD-CORMIX Model Development, SAB Documentation Preparation, and SAB Review (\$75,000, OGI 1997-1998).

USEPA Mixing Zone Model Support, Instruction, and Development (\$140,000, OGI 1996-1999).

USEPA Dredge Disposal Mixing Zone Model Development (\$24,000 UP 1996).

USCOE Columbia River Decision Support System Development (\$2,200 1995).

USEPA Mixing Zone Model Support, Instruction, and Development (\$50,000, UP 1995).

USEPA Dredge Disposal Mixing Zone Model Development (\$10,500, UP 1995).

USEPA Mixing Zone Models Instruction (\$20,000, UP 1994).

USEPA TMDL Water Quality Model Technical Support (\$10,000, UP 1994).

USEPA Dredge Disposal Model Analysis and Development (\$10,000, UP 1992-93).

USDA-SCS Rule-Based Systems for Nutrient Management and Water Pollution Control (\$70,000, UP 1992).

#### **Invited Seminars/Presentations**

EWRI World Environment & Water Resources Congress 2014, "Wastewater Outfall Design for Desalination, Brine, and Sediment Discharges", Short Course, June 1, 2014.

Alaska DEC Mixing Zone Webinar, Instructor, February 19, 21, 26, & 28, 2013.

USEPA CLUIN Mixing Zone Webinar, Instructor, January 22, 23, & 24, 2013.

EPRI, The Third Thermal Ecology and Regulation Workshop, Great River Energy, Maple Grove, MN. "Integrated Site Scale Remote Sensing and Hydrodynamic Modeling for Regulatory Management of Thermal Plumes" October, 2011.

International Short Course Sponsored by the IAHR / IWA Joint Committee on Marine Outfall Systems, "Modeling and Design of Sea Outfalls for Wastewater, Cooling Water and Desalination Plant Discharges" Athens Greece, June 21-22 2010.

Qatar Petroleum, Doha Qatar, "CORMIX Mixing Zone Model Workshop" November 2008.

Middle East Desalination Research Center (MEDRC), Sultanate of Oman, "Workshop: Brine Discharge Management -Environmental planning, prediction and management of brine discharges from desalination plants", November 2008.

USGS, Portland Office, "Balloon Remote Sensing of Mixing Zones", October 2008.

USEPA, ETV and SBIR Regional Technology Workshop, Region 2, “Balloon Remote Sensing of Water Quality in Mixing Zones”, New York, October 2008.

Oregon DEQ, “Integrated Remote Sensing of Mixing Zones” August 2008.

USEPA Science Forum, Washington D.C. Poster Presentation, “Balloon Remote Sensing of Mixing Zone Water Quality”, 2<sup>nd</sup> Place Winner, Environmental Monitoring Technology, May 2008.

USEPA, Atlanta Regional Office, “CORMIX Mixing Zone Analysis Workshop”, November 2007.

National Council for Air and Stream Improvement (NCASI) Remote Sensing Developments for Cost Effective NPDES Mixing Zone Management, West Coast Regional Meeting, Portland, Oregon Sept. 25-26, 2007.

Texas Water Development Board (TWDB) “CORMIX Mixing Zone Modeling Workshop”, August 2007.

CETESB, Sao Paulo Brazil, “Mixing Zone Analysis and Modeling with CORMIX”, May 2007.

Portland State University, “CORMIX Mixing Zone Modeling Workshop”, March 2007.

South Central Membrane Association, “Modeling Desalination Brine Discharge Outfalls: Revisions to CORMIX”, South Padre Island, Texas, February, 2007.

Portland State University, “CORMIX Mixing Zone Modeling Workshop”, September 2006.

US Bureau of Reclamation, “CORMIX Hydrodynamic Modeling Systems Development for Management of Concentrate Disposal”, Denver CO, September 2006.

Association of Clean Water Agencies (ACWA) , “Remote Sensing Platforms for Mixing Zone Monitoring”, Salem, OR, September 2006.

Oregon DEQ, “Mixing Zone Modeling”, Permit Writers Workshop, Portland, Oregon, May 2006.

Institute for Natural Resources (OSU) and Oregon DEQ, “Mixing Zones 101”, Mixing Zone Workshop, Salem, Oregon, March 2006.

Portland State University, “CORMIX Mixing Zone Modeling Workshop”, September 2005.

USEPA, Chicago Regional Office, "Mixing Zone Analysis and Modeling with CORMIX", June 2005.

Portland State University, "CORMIX Mixing Zone Modeling Workshop", March 2005.  
MWWO 2004, Catania, Italy, "CORMIX systems for Mixing Zone Analysis and Outfall Design", 1-day Short Course September 2004.

Portland State University, "CORMIX Mixing Zone Modeling Workshop", September 2004.

USEPA, Sacramento Regional Office, "Mixing Zone Analysis and Modeling with CORMIX", June 2004.

Portland State University, "CORMIX Mixing Zone Modeling Workshop", March 2004.  
Sao Paulo State Environmental Protection Authority (CETESB), "Water Quality Legislation- The US Experience", December 2003.

University of Sao Paulo, Brazil, "Mixing Zone Models for Analysis and Design of Submarine Wastewater Disposal", December 2003.

Portland State University, "CORMIX Mixing Zone Modeling Workshop", September 2003.

USEPA, Philadelphia Regional Office, "Mixing Zone Analysis and Modeling with CORMIX", June 2003.

US Bureau of Reclamation, "CORMIX Systems for Management of Concentrate Disposal", Denver CO, June 2003.

Alabama DEM and Mississippi DEQ, "CORMIX Mixing Zone Modeling Workshop", March 2003.

USEPA, New York Regional Office, "Mixing Zone Analysis and Modeling with CORMIX", September 2002

USEPA, Dallas Regional Office, "Mixing Zone Analysis and Modeling with CORMIX", January 2002

Alaska Department of Environmental Conservation, "Mixing Zone Analysis and Modeling with CORMIX", September, 2001.

Institute for Hydromechanics, University of Karlsruhe, Karlsruhe Germany, "CORMIX Mixing Zone Analysis and Modeling", December 2000.

International Conference Marine Waste Water Disposal 2000, Genova Italy. "Hydraulics of Diffusers and Diffusion: An Evaluation of the Available Calculation Tools", November, 2000.

Oregon Graduate Institute, "Expert Systems for Regulatory Mixing Zone Decision Support", October 2000.

Idaho Department of Environmental Quality, "Mixing Zone Analysis and Modeling with CORMIX", September, 2000.

National Institute of Water and Atmospheric Research, Christchurch, New Zealand, "Development and Application of the CORMIX system for Regulatory Analysis of Wastewater Discharges", November 1999.

OGI, "USEPA Mixing Zone Analysis and Modeling Workshop", March 1999.

University of Hong Kong, "Design of Ocean Outfalls", professional development short course, December 1998.

University of Hong Kong, "CORMIX Mixing Zone Model", professional development short course, December 1998.

OGI, "USEPA Mixing Zone Analysis and Modeling Workshop", September 1998.

Cornell University, "USEPA Mixing Zone Analysis and Modeling Workshop", March 1997.

University of Portland, "USEPA Mixing Zone Analysis and Modeling Workshop", August 1996.

Oregon Graduate Institute of Science and Technology, Department of Environmental Science and Technology, "Application of Knowledge-Based Systems to Environmental Management", 1996.

University of Portland, "USEPA Mixing Zone Analysis and Modeling Workshop", May 1995.

University of Portland, "USEPA Mixing Zone Analysis and Modeling Workshop", May 1994.

US Army Corps of Engineers, Portland District, "Expert Systems for Environmental Management", 1994.

Portland State University, Department of Civil Engineering, "Expert Systems for Environmental Management", 1991.

USEPA "TMDL/Mixing Zone and Toxics Model Workshop", August 1991.

Hatfield Marine Science Center, USEPA, Newport Oregon, "CORMIX1: An Expert System for Water Quality Modeling", 1990

### **Professional/Academic Service**

Advisory and Technical Committee, International Conference Marine Waste Water Disposal 2008, Dubrovnic, Croatia.

Advisory and Technical Committee, International Conference Marine Waste Water Disposal 2006, Santander, Spain.

Instructor, Hydraulics and Hydrology, Portland State University Professional Engineer (PE) Review Course, Department of Civil Engineering, 2006.

Advisory and Technical Committee, International Conference Marine Waste Water Disposal 2000, November/December 2000, Genova Italy.

Scientific Advisory Panel, Modeling and Management of Emerging Environmental Issues: Mixing Zones and Surface-Groundwater Interactions, Sponsored by the DuPont Inc., July 2000.

Visiting Faculty, Department of Civil Engineering, University of Canterbury, Christchurch, New Zealand, Nov./Dec. 1999.

### **Peer Reviewed Publications**

G.M. Jones, J.D. Nash, R.L. Doneker, and G.H. Jirka, "Buoyant Surface Discharges into Water Bodies. I: Flow Classification and Prediction Methodology" ASCE, Journal of Hydraulic Engineering, Vol. 133, No. 9, pp. 1010-1020, September 2007.

R.L. Doneker and G. H. Jirka, Discussion of "Sensitivity Analysis and Comparative Performance of Outfalls with Single Buoyant Plumes" by Maria A. Economopoulou, Alexia A. Economopoulou, and Alexander P. Economopoulos, ASCE, Journal of Environmental Engineering, Vol. 130, No. 10, Oct. 2004.

R.L. Doneker, Nash, J.D. and G.H. Jirka, "Pollutant Transport and Mixing Zone Simulation of Sediment Density Currents, ASCE, Journal of Hydraulic Engineering, April 2004.

G.H. Jirka and R.L. Doneker, Discussion of "Field Observations of Ipanema Beach Outfall", Journal of Hydraulic Engineering, ASCE, Vol. 129, No. 10, October 2003.  
Doneker R.L., and G.H. Jirka, "Schematization in Regulatory Mixing Zone Analysis", Journal of Water Resources Planning and Management, ASCE, Vol 128, No.1, Jan./Feb. 2002.

Doneker, R.L., and G.H. Jirka, CORMIX-GI Systems for Mixing Zone Analysis of Brine Wastewater Disposal,” Desalination, 139, 2001.

Doneker, R.L., and G.H. Jirka, Discussion of “Mixing in Inclined Dense Jets”, Journal of Hydraulic Engineering, ASCE, Vol.125, No.3, March 1999.

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### **US Patents Awarded**

8,164,527 Antenna apparatus and method for reducing background noise and increasing reception sensitivity.

8,658,897 Energy Efficient noise dampening cables.

8,569,631 Noise dampening energy efficient circuit board and method for constructing and using same.

8,657,066 Noise Dampening Energy Efficient enclosure, bulkhead and boot material

### **Honors/Awards**

Alpha Epsilon (Agricultural Engineering Honorary Society)

### **Professional membership**

Member ASCE, IAHR





## Project Understanding

Anderson Perry & Associates, Inc. (AP) understands that the objective of the City’s project is to modify the existing outfall to obtain appropriate mixing to bring the City’s wastewater discharge into compliance with the National Pollutant Discharge Elimination System (NPDES) Permit requirements identified by the Oregon Department of Environmental Quality (DEQ) for pollutants of concern. These pollutants include ammonia, hydrogen sulfide, pH, dissolved oxygen, arsenic, and mercury. We understand that the arsenic limit is currently below background levels in the Snake River, and that mercury is currently planned to be addressed through management strategies. Our experience with similar projects has shown that the success of this project is highly dependent on your consultant’s ability to appropriately communicate and coordinate with the DEQ. AP’s project manager, Brett More, P.E., has an excellent working relationship with the DEQ that will make this project proceed more smoothly and timely. The following quote provides some insight on the DEQ’s relationship with Brett.

*“We would like to recognize the efforts of Brett Moore, P.E., in fostering goodwill between our agency and the public. We appreciate his excellent communication abilities and style, insights and knowledge, willingness to voice his support of DEQ’s staff and efforts, and ability to develop team relationships. We appreciate these efforts and the successes that result from his participation. We look forward to working with him on current and future projects.”*

*- Heidi Williams, P.E., DEQ Senior Plan Reviewer*

## Proposed Scope of Work

Based on our experience with the DEQ, the following is our suggested scope of work for your project. This scope includes all the items outlined in your letter with several additional items for your consideration.

### Data Gathering and Review

If selected for this project, we would begin by attending a meeting with City of Ontario staff to

review the available data and project history, including any correspondence related to the DEQ’s Reasonable Potential Analysis (RPA) for the applicable pollutants of concern. Making sure we are all on the same page will be important to the success of your project. The following information will also be reviewed with the City at this meeting:

- Water quality data
- Site survey information
- Outfall information
- 2013 Mixing Zone Study and applicable correspondence

Based on our initial review of the 2013 Mixing Zone Study and our experience with the DEQ, the Study completed by the City of Ontario provides a good basis for the work to be completed, but may need to be augmented to meet all of the DEQ’s requirements. Prior to meeting with the DEQ, we will review with the City, in detail, the hydrology, hydraulics, parameters of concern, and environmental sections of the Mixing Zone Study.

### DEQ Kickoff Meeting

We propose to hold a kickoff meeting with the DEQ to review the RPA and 2013 Mixing Zone Study and determine the extent of any changes the DEQ would like to see in the Mixing Zone Study. During this meeting, we will identify the DEQ’s criteria and desired approach for modifying the Mixing Zone Study. It will be important to determine during this meeting if the DEQ will require a new CORMIX model. If only minor modifications are needed to the model, we would work with the City to complete needed modifications and submit a revised Mixing Zone Study. If major modifications are needed, however, we will work with the City to develop the best approach for updating the study. If a new model is required, we will also identify outfall types that the DEQ would like modelled.

The objective of this meeting will be to develop clear and concise design parameters and information from



the DEQ regarding what they will use to evaluate proposed improvements to the outfall to meet the required NPDES Permit limits, and how this evaluation will be completed. This meeting will streamline the design and approval process for completing an outfall modification design.

We have learned through many similar projects that a face-to-face kickoff meeting with the DEQ has proven to save considerable time and cost on projects. This meeting will ensure that we are addressing all of the DEQ's desires and objectives.

#### Data Collection and Modeling

After the meeting with the DEQ, we will collect any additional needed data including water quality data, field survey information, or hydrologic data. We will use existing data as much as possible and as agreed upon with the DEQ at the kickoff meeting. If necessary, a CORMIX model will then be completed and run for the existing diffuser, the proposed diffuser alternatives agreed to, and any additional diffuser alternatives developed during the modelling effort that may provide appropriate dilution in a cost-effective manner. Preliminary results of the modelling effort will be provided to DEQ for concurrence. With DEQ concurrence, the Mixing Zone Study will be updated and submitted to the DEQ for final approval.

#### Preliminary Design

AP will prepare preliminary design drawings for review by the City. A review meeting will be held with the City to discuss the drawings and associated improvements.

An Outfall Improvement Design Memorandum could then be completed, but it would not need to be submitted to the DEQ if the Mixing Zone Study has received DEQ approval. However, if desired by the City, AP can complete this memo for DEQ submission with little additional effort as this memo would use the results of the Mixing Zone Study and the preliminary design drawings.

#### Fill/Removal Permit

After preliminary plans are developed, and if needed, AP's environmental compliance specialist will prepare a fill/removal permit application to be filed with the Oregon Department of State Lands (DSL) and U.S. Army Corps of Engineers (USACE). The work is anticipated to be authorized under a Nationwide 7 Permit, and the permit application would serve as the pre-construction notification. If the outfall improvements only require the addition of a reducer, elbow, and Tideflex check valve, as noted in the 2013 Mixing Zone Study, then no ground-disturbing activities are anticipated. In that case, a Nationwide 3 Permit could be used without pre-construction notification. Our permitting staff would work with local DSL and USACE staff to ensure that appropriate permits and approvals are secured for the project.

#### Final Plans, Specifications, and Contract Documents

Once the preliminary drawings are reviewed by the City, we will prepare final drawings, specifications, and contract documents for the outfall improvements. The final package will be submitted to the City for review prior to submitting to the DEQ for review and approval. We anticipate that the DEQ approval process will be streamlined due to their involvement in the project from the beginning. Once approved by the DEQ, a final stamped and signed set of drawings, specifications, and contract documents will be provided to the City.

AP will provide ongoing assistance to the City, as needed and requested, during bidding and construction to ensure a successful project is completed to meet the needs of the City for compliance with the NPDES Permit.

#### Schedule

To meet the in-water work window in 2016, we propose having the DEQ-approved design and all permits completed by April 2016 so the project could be bid in May 2016. Meeting this schedule will be tight and will require the City to issue the notice to

proceed by the end of October 2015. It will be critical to hold the DEQ kickoff meeting in early November 2015 to avoid delays due to the holidays. We anticipate completing preliminary design by mid-February to allow the City and DEQ adequate time for review before completing the final design in April 2016, and to allow necessary time for permit processing and approval for in-water work, if required.

### Proposed Team and Qualifications

#### Brett Moore, P.E. – Project Manager



Brett is a professional engineer with 22 years of experience and is a managing partner in the firm. Brett specializes in the planning, design, and construction administration of wastewater collection, treatment, and disposal

systems. Brett holds an M.S. in Water Resource Engineering and a B.S. in Civil Engineering and is a registered Professional Engineer in Oregon, Washington, and Utah. Brett has lived in eastern Oregon for the past 17 years and has designed wastewater improvements that were successfully implemented for many communities in the area.

Brett has experience designing outfall improvements and completing Mixing Zone Studies for NPDES Permit compliance for intermittent and continuous wastewater discharges. Brett regularly consults with DEQ modeling and engineering staff to help interpret the information in the studies and to assist the DEQ in making determinations.

Brett has been involved with the City of Ontario’s wastewater system since 2002, including aeration system improvements, collection system improvements, and irrigation water intake improvements. He was also the lead designer for the City’s Malheur River bank stabilization project. Brett’s knowledge of the City’s needs coupled with his

experience and relationship with DEQ staff offers the City of Ontario confidence that your outfall improvements design will be completed with minimal challenges, as cost-effectively as possible, and in conformance with DEQ regulations.

#### Summary of Similar Project Experience

Brett’s experience with Mixing Zone Studies and/or outfall improvements includes projects for the following Oregon communities:

- City of La Grande
- City of Umatilla
- City of Halfway
- City of Stanfield
- City of Prineville
- City of Baker City
- City of Echo
- City of Heppner
- City of Union
- City of North Powder
- City of Enterprise
- City of Wallowa
- City of Chiloquin

#### Laurie Parry – Environmental Compliance Specialist



Laurie has over 20 years of experience managing staff and projects. She manages AP’s Natural Resources Group and has a vast understanding of the environmental compliance process. Laurie is familiar with state and federal agency

requirements for funding, design, construction, and ongoing treatment operations for wastewater projects. She has prepared fill/removal permits for dozens of clients that have been approved by the agencies with little to no revisions.

Laurie has years of permitting experience; she knows what has worked in the past and can help you secure an in-water work permit and associated



environmental clearances in a timely manner. She excels at working closely with permit agencies at the onset of a project so costly and timely iterations are minimized. This initial engagement with agencies also helps expedite permit approval.

### AP's Experience with Oregon DEQ

In the past 40 years, AP has completed hundreds of municipal infrastructure-related projects in eastern Oregon. Many of these projects have required involvement with the DEQ at some level. AP currently has over 20 active wastewater projects involving coordination with the DEQ. As the quote from Heidi Williams, DEQ's Senior Plan Reviewer, on the first page of this document shows, AP's solid working relationship with the DEQ and understanding of their requirements and preferences will allow your project to proceed in a timely manner and without challenging surprises.

**TEAM MEMBERS**

We have assembled a team of professionals that bring experience and expertise for each element of this project. Our team includes Kim Sherwood and Dr. George Murgel who both have extensive experience in developing and evaluating mixing zone studies using various modeling software. They will assist by using Oregon Department of Environmental Quality’s (ODEQ) Reasonable Potential Analysis (RPA) to perform dilution and hydraulic modeling to define dilution requirements. Keller Associates’ design professionals will then incorporate model and hydraulic findings into cost-effective design upgrades to the outfall structures.



**KELLER ASSOCIATES**  
 131 SW 9<sup>th</sup> Avenue, Meridian, ID 83642  
**Larry Rupp, PE**  
 Project Manager

PROJECT TEAM MEMBERS	
<b>Dr. George Murgel, PE</b> Mixing Zone Modeling and Analysis	<b>David Kinzer, PE</b> Structural Design
<b>Kim H. Sherwood, PE</b> Concept Review / QA/QC <i>(former environmental regulator)</i>	<b>Justin Walker, PE</b> Permitting

**LARRY RUPP, PE** | Larry Rupp brings 15 years of experience to the project team and will serve as the project manager. He will be responsible for the overall success of the project. Larry excels as a project manager for complex planning, pre-design, design, and construction projects. Larry is the treatment design team leader for Keller Associates, and has been invited to speak at national and regional water and wastewater conferences on topics related to his treatment plant designs.

Larry has been involved in multiple NPDES permit renewals that have involved mixing and outfall analysis including NPDES permit support and outfall relocation evaluation for Ashland, OR (which is explained in more detail later in this proposal). Another recent example included the Clarkston, WA wastewater treatment plant (WWTP) permit which included evaluating expanding the mixing zone to address ammonia limits. Incidentally, Larry worked closely with Kim Sherwood, one of our teaming partners, who was the regulatory reviewer on the Clarkston WWTP project. Another example included the Caldwell WWTP which involved a metal translator study that furnished data for the Reasonable Potential Analysis. This study also evaluated the localized effect of the discharge to the Boise River. Other projects that involve outfall/mixing zone review and alternatives were completed for Star, Lewiston, Kuna, and Jerome, Idaho.

**DR. GEORGE MURGEL** | Dr. Murgel will lead the mixing zone modeling effort. He brings 20 years of experience to the project team and is currently serving as an Associate Professor of Civil Engineering at Boise State University. Dr. Murgel was part of a team that completed the first mixing zone analysis using the Visual Plumes modeling program for the Southfork Landing Planned Community effluent discharge into the South Fork Payette River which is a Special Resource Water in Idaho. In addition, Dr. Murgel will use his extensive knowledge gained from teaching hydraulics and hydrology college courses.

**DAVID KINZER, PE** | David Kinzer serves as the Chief Engineer at Keller Associates and has over 40 years of engineering experience in municipal infrastructure. He will provide structural analysis and design for the City’s outfall modifications and related wastewater facility infrastructure. He has provided structural and engineering design expertise for wastewater treatment and collection facilities for Ontario, Adrian, Ashland, Sublimity, and Stayton, Oregon and Weiser, Boise, Middleton, Star, and Kuna, Idaho just to name a few. David has provided design services to the City of Ontario for the last 20 years on facilities including the City’s water treatment plant, bench reservoir and pumping facilities, West Idaho, SCRI, and Tapadera lift stations, and other municipal infrastructure. His experience includes design of a variety of pipe outfall systems, including straight pipe, diffuser system, raised diffuser, and subsurface diffuser outfall systems.

**JUSTIN WALKER, PE** | Justin Walker brings 15 years of experience to the project team and will take the lead on preparing the Joint Permit application for the Corps of Engineers and Department of State Lands for in-stream water work to be covered under Section 404 of the Clean Water Act. Justin grew up in Weiser and is familiar with the area. He will cooperate with Grant Young (DSL) and Pete Olmstead (USACE) to simplify and streamline the permitting process as part of the outfall modifications. He has been providing NPDES permit and other permitting support to communities in Oregon and Idaho for the last ten years. He has

prepared more than a dozen Joint Permit Applications for work under Section 404 in the last few years. In addition, last month he obtained a Land Use Compatibility Statement (LUCS) from Malheur County and a Water Pollution Control Facility (WPCF) permit from Carl Nadar with ODEQ for a pilot test project in Adrian, Oregon. He has had recent interaction with local and state regulators.

**KIM SHERWOOD, PE** | Kim Sherwood will provide QA/QC review of the mixing zone modeling and review outfall modification concepts. He is a professional engineer that has spent the last nearly 30 years of his career working as an environmental regulator for the Washington Department of Ecology (equivalent of Oregon DEQ). In that capacity, Kim has reviewed and evaluated dozens of mixing zone studies for all kinds of water bodies including the Snake River. He has modeling experience with UDEKDN and CORMIX models and brings a technical perspective, as well as a regulatory perspective, which will enable him to anticipate potential hurdles and provide broad perspective about alternative solutions employed on other similar projects. He is published in national documents and has developed patents for creative environmental solutions. Kim thinks outside of the box and will bring creative solutions to the project.

## PROJECT EXPERIENCE

Our team brings relevant experience in the modeling and design elements of your project. Our team members have completed mixing zone evaluations, mixing zone reviews, and design services on outfall structures for dozens of communities. This section describes a few of those facilities.

**Southfork Landing.** The mixing zone analysis for the Southfork Landing Planned Community, completed by Dr. Murgel, enabled obtaining a NPDES effluent discharge into the South Fork Payette River (SFPR) which is designated as a Special Resource Water in Idaho. The analysis focused on five pollutants of concern: temperature, sediment, bacteria, ammonia, and total phosphorus. Visual Plume (VP) was the modeling software used. VP simulates single and merging submerged plumes in arbitrarily stratified ambient flow and buoyant surface discharges. Predictions include dilution, rise, diameter, and other plume variables. An advantage this model has is its ability to work with design of multiport diffuser systems compared to the other main modelling software such as CORMIX. The modeling resulted in a multiport diffuser design at the outfall that was capable of meeting all discharge requirements.

**Kuna Permitting Support and Outfall Design.** Keller Associates provided permitting and design services for a new mechanical wastewater treatment plant with a new NPDES permit. As part of the NPDES permitting support, we evaluated multiple receiving streams for discharge of treated effluent. Ultimately, Indian Creek was selected as the preferred outfall location based on mixing zone evaluations and stream flows. The effluent outfall was located about four miles downstream from the WWTP site. Groundwater springs in the area increased stream flows and improved dilution and mixing.

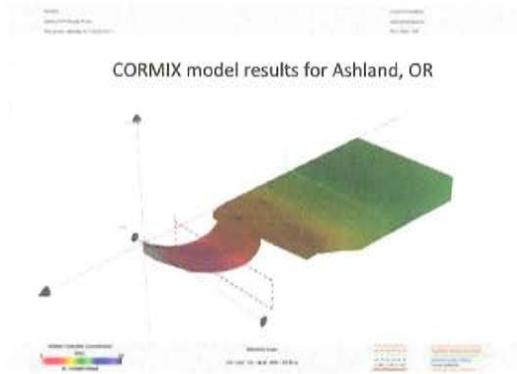
Due to limited right-of-way near the discharge into Indian Creek and concerns about public perception and visibility, Keller Associate used a unique design for the outfall which consisted of a saddle-style tee in an existing 7-foot corrugated metal culvert pipe under an existing section-mile highway. We worked through concerns from the irrigation company regarding structural integrity of the tee, access, and maintenance.

**Ashland, OR Outfall Relocation Evaluation.** Keller Associates worked closely with ODEQ, Oregon Fish and Wildlife, and the City of Ashland in evaluating existing and future NPDES permit requirements. Mixing requirements were evaluated for the existing outfall location and were determined incapable of meeting the pending temperature criteria during the months of May through October, and introducing a risk of fish migration blockage and even thermal shock in Ashland Creek during critical periods. To address the localized mixing concerns, Keller Associates evaluated relocating the outfall to a nearby pond and to Bear

## LOCAL KNOWLEDGE

There are few engineering firms that have more engineering experience in Ontario than Keller Associates. Over the past 20 years, we have assisted the City with planning, design, and construction projects for wastewater, water, transportation, irrigation, and storm drainage infrastructure. WE KNOW YOUR SYSTEM. In addition to corresponding with Jerry Elliott on details of this project over the last couple years, we have reviewed the information provided as part of the RFP and will hit the ground running.

Creek. Temperature loads from the treatment plant were compared to available stream data to determine if permit requirements could be met during the lowest seven day average that occurs over a 10-year period (7Q10). Our team consulted with regulatory agencies, and incorporated the results of an ODEQ developed CORMIX model that assumed side bank discharge. Relocating the outfall to Bear Creek, along with shading and wetlands cooling was determined to be the most cost-effective alternative to address the temperature criteria.



**Miscellaneous WWTP Outfall Design.** Our design

team brings diverse outfall experience to the City. We have provided design and construction engineering services on multiple modifications of the outfall for the Star wastewater treatment plant (WWTP). The outfall is a straight pipe discharge into the Lawrence Kennedy Canal. Keller Associates secured 404 permits and an amendment to the license agreement with the canal company to upsize the outfall pipe diameter. Subsequently, we completed design and construction engineering services to construct a new flow measurement and dechlorination structure within 10-feet of the outfall. Improvements included a Parshall flume, flow-paced chlorination and dechlorination dosing pumps with chemical storage tanks, instantaneous chlorine analyzer, a building to house the facilities, and miscellaneous electrical and control upgrades.

Other types of outfall structures for which we have provided design and structural services included a subsurface, diffuser-style outfall into the Big Wood River in Hailey, Idaho. It consisted of an access manhole on both sides of the river, a perforated pipe under the river between the manholes buried in a gravel trench that would discharge treated effluent into the riverbed. Just upstream at Ketchum, Idaho, we designed another pipe outfall into the Big Wood River. It consisted of a single pipe buried under the riverbed that terminated in a concrete structure with a submerged pipe outfall in the middle of the river.

**Miscellaneous NPDES Permit Support.** Keller Associates has provided extensive NPDES permit support to communities in Oregon and Idaho. We were successful in securing new discharge permits for the cities of Greenleaf and Kuna. Last spring, we assisted the City of Sheridan, Oregon complete their NPDES permit renewal which is currently under review. We have provided permit support to the cities of Ashland and Stayton, Oregon over the years. We are currently assisting the cities of Star, Emmett, and Caldwell with NPDES permit support.

**PROJECT APPROACH**

We will work closely with you, ODEQ, and other stakeholders to implement outfall improvements that satisfy NPDES requirements during the 2016 in-water work window. Upon authorization to proceed, Kim and Dr. Murgel will use the findings of the RPA, 2013 mixing zone study, and NPDES permit renewal considerations to develop/update the CORMIX model of the outfall and identify outfall modifications. We will work closely with you as we evaluate alternate outfall modifications and develop a preferred cost-effective solution.

Options to enhance dilution may include increasing discharge velocity with a reducer on the pipe outfall and / or changing the angle of entry. More sophisticated options might include submerged or even underground multi-port diffuser configurations.

**DEQ FAMILIARITY**

Our team has effective working relationships with both local and state ODEQ offices. We have an office in Salem Oregon and interact with state officials on a regular basis. In addition, we are currently working on public wastewater projects in Adrian where we coordinate with Shanna Bailey, Carl Nader, and Heidi Williams regularly. In fact, team members will be meeting with Shanna in person later this month. Our team will work closely with Grant Young (Department of State Lands) and Peter Olmstead (Corps of Engineers) to simplify and streamline the permitting process for the outfall modifications.



## Scope of Work

# Outfall Improvement Engineering Services for the City of Ontario

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### Project Understanding and Objectives

The Oregon Department of Environmental Quality (ODEQ) is currently in the preliminary process of drafting an updated NPDES Permit for the City of Ontario Wastewater Treatment Plant (City) with the intent of issuing the renewed permit by the end of 2015. ODEQ prepared draft Reasonable Potential Analysis (RPA) spreadsheets for the City of Ontario WWTP effluent discharge to the Snake River, and these were received April 17<sup>th</sup>, 2015.

The City of Ontario WWTP discharge compliance issues include effluent ammonia, hydrogen sulfide, arsenic, pH, dissolved oxygen, and mercury. Effluent ammonia, hydrogen sulfide, pH, and dissolved oxygen can be resolved through effluent monitoring for treatment controls and by making improvements to the outfall discharge port in the Snake River. ODEQ stated that it intends to develop the NPDES Permit with interim effluent limits for arsenic, ammonia, and hydrogen sulfide and a compliance schedule for design and construction of the outfall improvements. The ODEQ has requested that the City submit an engineering report for the outfall improvement design that specify specific dilution factors for the improved outfall.

The City's WWTP outfall is a 24-inch pipeline that extends 169 feet from the shoreline manhole perpendicular to the river flow. The outfall pipe has attached concrete collars and it terminates transitioning to a 24-inch ductile iron pipe that is oriented with a 24-inch port directed downstream (co-flowing), approximately 3 feet above the riverbed at a depth of approximately 11 feet. The outfall was installed in 1997 and no record of underwater inspections exists.

In December 2013, the City submitted a detailed Mixing Zone Study of the Ontario WWTP Outfall to ODEQ. This mixing zone study includes field measurement of the outfall site, engineering calculations of river flows and bed slope, environmental mapping, effluent characteristics, and dilution modeling. This 2013 study concludes that the City will need to improve the outfall discharge port to increase dilutions for the effluent discharge to meet water quality criteria. The large outfall port diameter with slow discharge velocities combined with the distance of the acute and chronic mixing zone boundaries severely limit the dilution factors achieved by the existing outfall.

This Scope of Work presents CH2M's approach to develop the outfall improvements design and permitting for the City. It may also be feasible to develop revised mixing zone boundary dimensions that better represent the ambient currents and discharge plume behavior at the improved outfall site.

### Scope of Work

CH2M has reviewed the outfall design drawings and 2013 mixing zone study. Discovery of the outfall pipe and installation specifications, if available, and construction records (photos and field logbooks) outfall pipe shop drawings, any detail drawings of the diffuser port showing flange bolt holes configurations, and any outfall dive inspection records will help expedite this evaluation. If no information is discovered, then it will be necessary to inspect the submerged outfall flange to determine the condition and bolt configuration for retrofitting the terminal outfall pipe.

The project activities and timeline are summarized below:

- An initial project kickoff (teleconference) meeting with the City of Ontario and CH2M (David Wilson) to review the work activities, data required from the City, field data collections, assumptions for DEQ's NPDES permit renewal, and review project plans and schedule (Late October);
- Review of existing (available) outfall design drawings, design specifications, and any other available construction records (photos and field logbooks);
- Field data collections (bathymetry, velocity measurements, and port inspection) on the Snake River (November);
- Develop updated reasonable potential analysis (RPA) to define the minimum dilution requirements and the dilution performance targets (November);
- Perform dilution and hydraulic modeling to resolve a feasible and cost-effective diffuser rehabilitation concept (November);
- Prepare preliminary plan and profile drawings of the selected outfall modification (December);
- Prepare draft and final Outfall Improvement Design Technical Memorandum for submittal to DEQ (December);
- Prepare and submit a Joint Permit Application (or pre-construction notification) to the ACOE and Oregon DSL for the project work to be covered under the CWA Section 404 Nationwide Permit #3 (January); and
- Develop final design drawings and specifications for the outfall modifications construction (January-March 2016).

### Task 1 – Field Data Collections for Outfall Improvement

CH2M will obtain needed field data for the design of the outfall improvement and to support the engineering design report and project permit application documentation. Field data collections will include a multi-beam bathymetric survey of the outfall pipe and surrounding river bed, current measurements at the outfall site, and if necessary, an inspection of the outfall pipe terminus to document the port condition, flange configuration, and river bed elevation at the ductile iron pipe elbows. CH2M will subcontract Solmar Hydro Inc. (SHI) to perform a multi-beam bathymetry survey over the existing bottom-laid outfall, and the survey will extend along the outfall from the west shoreline to approximately 50 feet offshore (east) of the outfall terminus and 250 feet up and 50 feet downstream of the outfall. The bathymetry survey will be performed by Solmar Hydro (SHI) using their jet sled survey boat and ACSM certified hydrographer (Mike Stetcher).

Multi-beam and RTK survey location data will be time-tagged and logged with Hypack software. For ground control we will required a suitable shore side benchmark that is survey established by City provided surveyors.

Software output will be a survey chart that will include depth contours at 1 foot intervals

## **Task 2 – Develop Outfall Improvement Design**

This task will develop design outfall port modifications to increase the dilution factors achieved at the ZID and RMZ. to meet water quality criteria, and provide straightforward outfall modifications feasible for construction. This task includes the preparation of a technical memorandum documenting the outfall modifications, dilution requirements for the WWTP effluent, and potential revised mixing zone dimensions.

The dilution requirements will be based on the Draft Technical Memorandum (TM) – Review of Ontario WWTP Reasonable Potential Analysis (CH2M, June 8, 2015).

CH2M will perform dilution and hydraulic modeling to resolve a feasible and cost-effective diffuser rehabilitation concept. Dilution modeling will be conducted using CORMIX and/or Visual Plumes models (UM3 and DKHW). Ambient river flow, current velocities, discharge depth, and temperature profiles used in the dilution modeling will be the same inputs listed in the 2013 Mixing Zone Study, but supplemented with the 2015 data collections. The dilution modeling will determine the dilution factors for the selected outfall modification concept under critical stream conditions.

Hydraulic modeling will be conducted using CH2M’s model HYDRO to predict the hydraulic performance and limitations of the existing outfall port and with the selected outfall modification for the WWTP peak design flow.

CH2M will develop a draft and final TM that documents the outfall port modifications and revised mixing zone dimensions. The TM will include summary tables of the dilution and hydraulic modeling results and a conceptual design drawing for the selected outfall modification design concept. The TM will summarize effluent flows and temperatures, ambient conditions used in the modeling, and discharge compliance with water quality criteria. The TM will identify the permitting basis for implementing the outfall improvements, and identify the schedule necessary for construction. The draft TM will be provided to the City, and a review teleconference meeting will be held with the City. The final TM will be submitted by the City to ODEQ for review and approval

## **Task 3 – Permitting Outfall Modifications**

CH2M’s senior permitting lead, Steve Mader, will perform the following: 1) prepare and submit a Joint Permit Application (or pre-construction notification) to the ACOE and Oregon DSL for the project work to be covered under the CWA Section 404 Nationwide Permit #3; 2) address design approach to align with the requirements of the SLOPES Utility Programmatic Biological Opinion; 3) consult with the ACOE and NOAA Fisheries to agree on construction approach and seek rapid review and response on SLOPES review of project; 4) apply for 401 Certification (if required) from ODEQ; and 5) advise the City throughout the permitting process.

The draft Joint Permit Application and all documentation will be submitted and reviewed at a teleconference review meeting. The final Joint Permit Application and all associated documentation will be prepared and this final will be submitted to the City to submit to ACOE and DSL. The City will pay any application fees directly.

## **Task 4 – Final Design Drawings and Specifications**

Following ODEQ’s approval of the outfall modification design TM developed under Task 2, CH2M will develop final design drawings and specifications for the outfall modifications.



## Project Team and Qualifications

CH2M HILL will provide an experienced project team to execute this work for the City of Ontario. We have a long history of engineering services for outfalls, diffuser designs, dilution and hydraulic modeling, outfall mixing studies, NPDES permitting support, field data collections, and cost estimating. Our technical lead for mixing zone evaluations and outfall improvement designs, David Wilson, has led dozens of outfall dilution studies and design improvements in the northwest to document, optimize, and design new diffusers to maximize dilution performance and water quality compliance. Our permitting lead, Steve Mader, has over 25 years of experience permitting in-water structures and construction. Other key project team members include our hydraulics modeler Alan Chang, our dilution modelers Brad Paulson and Erin Thatcher, our outfall civil engineer Byrl Thompson, and our senior design reviewer Todd Hunziker.

## AGENDA REPORT - PUBLIC HEARING

October 19, 2015

TO: Mayor and City Council

FROM: Dan K. Cummings, Planning & Economic Development Director  
City of Ontario Planning Commission

THROUGH: Tori Barnett, Interim City Manager

**SUBJECT: PUBLIC HEARING - ORDINANCE #2712-2015: AN ORDINANCE AMENDING THE CITY OF ONTARIO COMPREHENSIVE PLAN AND ZONING MAP FROM CITY PUBLIC FACILITY (PF) TO NEIGHBORHOOD COMMERCIAL (C-1) ZONE CLASSIFICATION FOR TWO PROPERTIES (THREE TAX LOTS) ON TAX MAP 18S47E04AC IDENTIFIED AS TAX LOT 201; AND TAX MAP 18S47E04AD IDENTIFIED AS TAX LOTS 2600 AND 2700.**

DATE: October 13, 2015

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### **SUMMARY:**

Attached are the following documents:

- Ordinance #2712-2015 (*including Exhibit "A & B"*)
- Exhibit "A" – Property Description
- Exhibit "B" – Vicinity Map – Tax Map

At its regular meeting of October 12, 2015, the Planning Commission heard the rezone proposal contained in Planning File 2015-08-13 RZ, which was applicable to two properties located along the south side of NW 8<sup>th</sup> Avenue with one of the properties known as Tax Lot 201, on Assessor's Map 18S47E04AC which is on the west side NW 8<sup>th</sup> Street and the other property known as Tax Lots 2600 and 2700 Assessors Map 18S47E04AD that are between NW 7<sup>th</sup> Street and NW 8<sup>th</sup> Street and south side of NW 8<sup>th</sup> Avenue.

### **PREVIOUS COUNCIL ACTION:**

The City of Ontario's Comprehensive Plan was adopted by the Ontario Planning Commission and City Council in 1978. On May 22, 1985, the Land Conservation and Development Commission (LCDC) acknowledged the City of Ontario's Comprehensive Plan. The most recent updates of the City's Comprehensive Plan for the area in concern occurred in 2007 when the City made substantial amendments to the Ontario Comprehensive Plan to address the implications of the new year 2027 and 2056 population and employment projections, and the Ontario Urbanization Study. This analysis acknowledged a need for additional recreational facilities to serve long-term projected population of Ontario.

### **BACKGROUND:**

The properties are currently zoned in the city under Public Facility (PF), and it is requested that these properties be rezoned to Neighborhood Commercial (C-1) to recognize the new proposed use of a gymnastic/dance cheer club in a former public building of which both the gymnastic and dance clubs are a permitted use in the C-1 Zone.

The request for rezone needs a recommendation for approval or rejection from the Planning Commission to the City Council, who will be the decision maker for this request. This action specifically seeks approval for rezone from Public Facility (PF) to Neighborhood Commercial (C-1) for two parcels (three tax lots) of land within the city limits of the City of Ontario and the following findings are the criteria of Ontario City Code Section 10B-20-30 REQUIRED FINDINGS, DECISION CRITERIA, Subsections a through g.

**FINDINGS:**

- A. The City of Ontario Municipal Code policies contained in the City of Ontario Comprehensive Plan, which conforms to the Statewide Planning Goals; generally, if a proposed rezone meets all criteria and standards contained in the OMC, the request will be consistent with Comprehensive Plan Policies and therefore conform to the Statewide Planning Goals. As this proposal meets the criteria in the above section, this proposal is consistent with Statewide Planning Goals.
- B. The findings show that the request is within goals and conformance of the acknowledged Comprehensive Plan. Therefore, this proposal has demonstrated to be consistent with the Comprehensive Plan.
- C. The applicant states that the surrounding area is zoned Public Facility (PF), High Density Residential (RM10), Duplex Residential (RD40) and Mobile Home (RMH). With the change in the development of the City to the east side of town, rezoning these properties to allow for new types of businesses would help entice new businesses to move or develop in this portion of town. Therefore, there is a change in social condition, and demonstrates that this criterion is met.
- D. The applicant states that the area surrounding the subject property is predominately zoned High Density Residential (RM10) and Duplex Residential (RD40). And Mobile Home (RMH) and granting this request would not be grant a special privilege but would be granting a zone that would blend in with the surrounding area and provide for better use of the property. Rezoning to a zone to provide new services to the area would not be considered as the granting of a special privilege for a single property or group of property owners.
- E. The subject properties sizes are more than adequate to demonstrate consistency with this criterion as there is no minimum parcel size in the commercial zones with size being determined by type of use.
- F. The properties are properly related to streets and public facilities and the existing uses and services demonstrate that uses allowed in the proposed zone can be provided.
- G. The findings shows that the conditions of the neighborhood are such that the subject property and surrounding area are zoned for Public Facilities (PF) and mixed Residential (RM-10, RD-40 & RMH) use. The proposed use will not change the conditions of the neighborhood except to provide an enhancement of needed recreational services to the currently underserved school-age children. There is a defensible argument that any chance of impacts will be minimal, if any. In any case, requirements in the OMC applicable to uses in the zone Neighborhood Commercial (C-1) will ensure that impacts from dust, noise, vibration, odor, heat, glare, lighting, or discharges into the air, water or land are minimized.

**RECOMMENDATION:**

The Planning Commission at a Public Hearing on October 12, 2015 made a motion that the request for rezone of the subject property from Public Facility (PF) to Neighborhood Commercial (C-1), as set forth in ACTION 2015-08-13RZ be recommended for APPROVAL to the City Council, based on the information, findings and conclusions at said Public Hearing.

Two motions are required for this action and recommended motions are noted below:

**PROPOSED MOTIONS:**

1) I move that the City Council accept the Findings of Fact as presented (or amended) and the Planning Commission recommendation for City Council approval of the requested rezone.

2) I move that the City Council adopt Ordinance #2712-2015, **AN ORDINANCE AMENDING THE CITY OF ONTARIO COMPREHENSIVE PLAN AND ZONING MAP FROM CITY PUBLIC FACILITY (PF) TO NEIGHBORHOOD COMMERCIAL (C-1) ZONE CLASSIFICATION FOR TWO PROPERTIES (THREE TAX LOTS) ON TAX MAP 18S47E04AC IDENTIFIED AS TAX LOT 201; AND TAX MAP 18S47E04AD IDENTIFIED AS TAX LOTS 2600 AND 2700;** on First Reading by Title Only.

OR

3) I move that the City Council denies the request for Rezone based of the following findings:

(State finding and reasoning for denial):



## **ORDINANCE #2712-2015**

### **AN ORDINANCE AMENDING THE CITY OF ONTARIO COMPREHENSIVE PLAN AND ZONING MAP FROM PUBLIC FACILITY (PF) TO CITY NEIGHBORHOOD COMMERCIAL (C-1) ZONE CLASSIFICATION FOR TWO PROPERTIES ONE ON TAX MAP 18S47E04AC IDENTIFIED AS TAX LOT 201; AND THE OTHER PROPERTY ON TAX MAP 18S47E04AD IDENTIFIED AS TAX LOTS 2600 AND 2700;**

**WHEREAS,** Applicants have initiated a zone change request for two properties (three tax lots) in the City for rezoning of those properties from “Public Facility (PF)” to “Neighborhood Commercial (C-1)”, which properties are described in Exhibit “A” and designated on Exhibit “B” Vicinity Map 18S47E04AC, as Tax Lot 201; and 18S47E04AD, as Tax Lots 2600 and 2700; and

**WHEREAS,** After giving the notice required by law, the City Planning Commission held a public hearing on the requested zone change on October 12, 2015, after which the Ontario Planning Commission made findings of fact and conclusions of law and recommended that the Ontario City Council approve the zone change request for the two subject properties (three tax lots); and

**WHEREAS,** After giving the notice required by law, the Ontario City Council held a public hearing on the zone change request on October 19, 2015, and having reviewed all evidence and testimony submitted therein, makes the following findings of fact and conclusions of law with respect to the two (three tax lots) subject properties:

- A. The City of Ontario Municipal Code policies contained in the City of Ontario Comprehensive Plan, which conforms to the Statewide Planning Goals; generally, if a proposed rezone meets all criteria and standards contained in the OMC, the request will be consistent with Comprehensive Plan Policies and therefore conform to the Statewide Planning Goals. The applicant has demonstrated in their application that this request is consistent with Statewide Planning Goals.
- B. The findings show that the request is within goals and conformance of the acknowledged Comprehensive Plan. Therefore, this proposal has demonstrated to be consistent with the Comprehensive Plan.
- C. The applicant states that the surrounding area is zoned Public Facility (PF), High Density Residential (RM10), Duplex Residential (RD40) and Mobile Home (RMH). With the change in the development of the City to the east side of town, rezoning these properties to allow for new types of businesses would help entice new businesses to move or develop in this portion of town. Therefore, there is a change in social condition, and demonstrates that this criterion is met.
- D. The applicant states that the area surrounding the subject property is predominately zoned High Density Residential (RM10) and Duplex Residential (RD40). And Mobile Home (RMH) and

granting this request would not be grant a special privilege but would be granting a zone that would blend in with the surrounding area and provide for better use of the property. Rezoning to a zone to provide new services to the area would not be considered as the granting of a special privilege for a single property or group of property owners.

- E. The subject properties sizes are more than adequate to demonstrate consistency with this criterion as there is no minimum parcel size in the commercial zones with size being determined by type of use.
- F. The properties are properly related to streets and public facilities and the existing uses and services demonstrate that uses allowed in the proposed zone can be provided.
- G. The findings shows that the conditions of the neighborhood are such that the subject property and surrounding area are zoned for Public Facilities (PF) and mixed Residential (RM-10, RD-40 & RMH) use. The proposed use will not change the conditions of the neighborhood except to provide an enhancement of needed recreational services to the currently underserved school-age children. There is a defensible argument that any chance of impacts will be minimal, if any. In any case, requirements in the OMC applicable to uses in the zone Neighborhood Commercial (C-1) will ensure that impacts from dust, noise, vibration, odor, heat, glare, lighting, or discharges into the air, water or land are minimized.

**WHEREAS,** The above findings meet all the Criteria's of the City code Section 10B-20-30 REQUIRED FINDING, DECISION CRITERIA;.

**NOW THEREFORE, THE CITY OF ONTARIO ORDAINS AS FOLLOWS:**

1. The Ontario Comprehensive Plan and Zoning Map are amended by changing the zone from "Public Facility (PF)" to "Neighborhood Commercial (C-1)" for the property described on Exhibit "A" designated on Exhibit "B" Vicinity Map 18S47E04AC, as Tax Lot 201 and on 18S47E04AD, as Tax Lots 2600 and 2700.

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

AYES:  
NAYS:  
ABSENT:

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

**ATTEST:**

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

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

## Exhibit A

### Property Description for Rezone

City Action No. 2015-08-13RZ

#### Parcel No. 1:

Land in the City of Ontario, Malheur County Oregon, Township 18 South, Range 47 East, W.M., within the SW1/4NE1/4 of Section 4 more particularly described as follows:

Beginning at a point 30 feet South and 30 feet West of the Northeast corner of the Southwest Quarter of the Northeast Quarter (SW1/4NE1/4) of Section Four (4), and running thence West 270 feet; thence South 196.9 feet; thence East 270 feet; thence North 196.9 feet to the point of beginning.

#### Parcel No. 2:

Land in the City of Ontario, Malheur County Oregon, Township 18 South, R. 47 East, W.M., within the SW1/4NE1/4 of Section 4 more particularly described as follows:

Lot 10, and the South 13.4 feet of Lot 9 of Block 4 of the Fairacres Addition to the City of Ontario, Oregon.







# Discussion/Information /Hand-Out Items

City Council Meeting  
October 19, 2015



## **MALHEUR COUNTY COURT MINUTES**

**SEPTEMBER 30, 2015**

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

Also present was Larry Meyer of the Argus Observer and John Braese of the Malheur Enterprise.

### **EOCCO LOCAL COMMUNITY ADVISORY COUNCIL**

Megan Gomeza, Joni Delgado and Maria Vargas met with the Court and provided an update of accomplishments of the CAC and presented recommended membership appointments to the Community Advisory Council. Last year, the Community Advisory Council provided Health Fair's in Ontario, Harper, Vale, Nyssa, and Jordan Valley. Over 600 persons attended the Health Fair's; an average of 45% of those attending expressed a preference for Spanish language. Between 18 and 25 providers participated in the Health Fairs.

Additionally, the Community Advisory Council piloted the Adolescent Health Access Project at Ontario High School. The project was a direct outreach to pregnant and parenting teens to connect them with primary providers, mental health services, dental, as well as helping them to overcome social deterrents of health such as lack of affordable housing and lack of food. The project concluded June 2015 and was funded through an Eastern Oregon Coordinated Care Organization (EOCCO) Innovation Grant. Funding to provided the project in Nyssa, Vale, and Ontario will be applied for in the next grant cycle.

Commissioner Wilson moved to approve the following members of the Malheur Community Advisory Council: Lindsay Atagi, Anne Brauer, Crystal Clifford, Jason Davis, Joni Delgado, Angie Gerrard, Megan Gomeza, Susan Gregory, Lindsay Grosvenor, Lynsey Hansen, Wendy Hill, Brad Holland, Theresa Martinez, Jane Padgett, Kelly Poe, Julie Recla, Rami Rodriguez, Jesse Sandoval, Rebecca Stricker, Jamie Taylor, Lisa Tovar, Maria Vargas, Mary Ann Wren, Cynthia Hanna, Karina Carbajal, and Lea Nunamaker. Commissioner Hodge seconded and the motion passed unanimously. Commissioner Hodge also said that he would serve on the Council as a County Court member.

### **COURT MINUTES**

Commissioner Hodge moved to approve Court Minutes of September 16, 2015 as written. Commissioner Wilson seconded and the motion passed unanimously.

### **SUPPLEMENTAL BUDGET**

Commissioner Wilson moved to approve Resolution R15-36: In the Matter of Fiscal Year 2015/2016 Supplemental Budget by Resolution Under Local Budget Law ORS 294.471. Commissioner Hodge seconded and the motion passed unanimously. The resolution allocates additional VAWA grant funds that were extended two quarters through December 31, 2015 from the 2013-2015 VAWA Grant. See instrument #[2015-3555](#)

### **VECTOR DISTRICT**

Vector District Manager Gary Page met with the Court and requested appointment of Ray Waldo to the Vector Board of Trustees. Commissioner Wilson moved to appoint Ray Waldo as a Trustee of the Vector Board. Commissioner Hodge seconded and the motion passed unanimously. Mr. Waldo will replace the position currently filled by Gary Schneider.

### **IGA - COMMUNITY CORRECTIONS**

Commissioner Hodge moved to approve Intergovernmental Agreement #5128 between the State of Oregon, Department of Corrections, and Malheur County. Commissioner Wilson seconded and the motion passed unanimously. The agreement is for the grant-in-aid funding and expires June 30, 2017. A copy will be returned for recording.

### **AMENDMENT - IGA #147797**

Commissioner Hodge moved to approve First Amendment to Oregon Health Authority 2015-2017 Intergovernmental Agreement for the Financing of Community Addictions and Mental Health Services Agreement #147797. Commissioner Wilson seconded and the motion passed unanimously. A copy will be returned for recording.

### **RESOLUTION APPROVING LOAN FROM BANK OF EASTERN OREGON**

Commissioner Hodge moved to approve Resolution R15-37: Resolution Approving Loan from Bank of Eastern Oregon for the Purpose of Providing Financing to Purchase Real Property, Inclusive of a Manufactured Home and Gravel Pit. Commissioner Wilson seconded and the motion passed unanimously. See instrument # [2015-3554](#)

### **UPDATE ON WRIGHT PROPERTY**

Commissioner Wilson updated the Court on the status of the purchase of property from Lee and Charity Wright. The water testing is still being completed; and still trying to make contact with the irrigation district regarding the water rights; hope to close on the property next week.

### **CROSSING PERMITS**

Commissioner Hodge moved to approve Crossing Permit #19-15 to Vale Oregon Irrigation District (VOID) for installation of a water main line across Cedar Road #945; and moved to approve Crossing Permit #20-15 to Oregon Telephone Corporation for placement of conduit and cable on Beulah Road #510. Commissioner Wilson seconded and the motion passed unanimously. The original permits will be kept on file at the Road Department.

### **AMENDMENT - AGREEMENT NO. 9751**

Commissioner Wilson moved to approve Oregon Department of Education Early Learning Division 2013-2015 County Intergovernmental Agreement #9751 or MAL1315 Amendment #5 "Mixed Funds Agreement". Commissioner Hodge seconded and the motion passed unanimously. The amendment extends the term of the agreement and additional funding to December 31, 2015. A copy will be returned for recording.

#### **STATE FUNDS - SPRINKLER/FIRE ALARM SYSTEM & ELEVATOR**

County Counsel Stephanie Williams and Maintenance Supervisor Don Dalton met with the Court. Ms. Williams explained that the State Legislature has budgeted \$1.2 million for fire life safety improvements to include fire alarms and sprinkler system; an estimate from the State for the project is \$800,000 (this estimate does not take into consideration any asbestos that may be present). Ms. Williams has discussed the project with Circuit Court and Mr. Norris and the consensus is to pursue the project for fire alarms only. It may be possible to present a proposal to the State for their approval for fire alarms only. The State has indicated that any monies leftover from the project could be applied towards the elevator project; an informal estimate for the elevator project is \$890,000. There is not enough monies to completely fund both projects. If the County is going to accept the State dollars for the fire life safety project a contract with a contractor must be in place by June 2017. Staff will continue to work on the project(s) and with the State.

#### **BROWNFIELD COALITION - CITY OF ONTARIO**

Ms. Williams told the Court that the City of Ontario has contacted her about applying for a community-wide grant to identify and inventory private land that currently has some sort of brownfield status and identify what would need done to cleanup and revitalize the property. The City will be the lead on the grant; in-kind contribution from County staff would be required. The Court had no objection to partnering with the City for the project.

#### **DA'S OFFICE - VACANCY**

Management Assistant Marilee Aldred met with the Court and requested authorization to fill a Deputy DA vacancy. The Court authorized filling of the vacancy.

#### **COURT ADJOURNMENT**

Court was adjourned.



## **MALHEUR COUNTY COURT MINUTES**

**OCTOBER 7, 2015**

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

Also present was John Braese of the Malheur Enterprise.

### **AOC EXECUTIVE DIRECTOR**

AOC Executive Director Mike McArthur met with the Court. Also present for the session with Mr. McArthur were: Vale City Manager Lynn Findley, Surveyor/Engineer Tom Edwards, Planner Alvin Scott, Road Supervisor Richard Moulton, Watermaster Ron Jacobs, Sheriff Brian Wolfe, Environmental Health Specialist Eric Evans, Clerk Deborah DeLong, Assistant Juvenile Department Director Susan Gregory, Treasurer Jennifer Forsyth, and Assessor Dave Ingram. Mr. McArthur explained that AOC was formed in 1906 and is a statewide organization representing the 36 counties in Oregon. There are two boards within AOC - the Executive Board and the Legislative Committee. AOC worked on several matters during the 2015 legislative session. The Transportation Package was a major priority for AOC and everyone agreed it was needed; however the bill failed and the Clean Fuels package passed; the Clean Fuels law may be referred to the voters in November 2016.

Mental Health was another priority. Jails throughout the state house many persons with mental illness who should be treated in other ways than by incarceration in county jails. Hospital emergency rooms are also inundated by those with mental illness and it is costly to the system. AOC approached the legislature saying there needed to be different ways to help these persons other than jails and emergency rooms. Approximately \$40 million was set aside by the legislature for new mental health programs. Justice Reinvestment funds are available for counties to apply for; Malheur County Community Corrections has been approved for funds which will be used for drug treatment and mental health. Concern is that it may be necessary to open the proposed prison in Junction City as the trend is showing that jail populations are increasing.

The legislature has set aside funding for courthouses that house State Court facilities; there are two funding streams available, Repairs and Maintenance, and New Construction. AOC has a taskforce working to prioritizing projects and send recommendations to the Chief Justice.

AOC has a staff member assigned to working with County Veterans Service Officers and the Oregon Department of Veteran Affairs to better serve the Veterans in our communities.

Approximately \$2 million was awarded to each Regional Solutions district for projects; Malheur County is part of the Greater Eastern Oregon Region. County Solutions is a new AOC program and Greg Wolf is the director. Mr. Wolf is assisting Malheur County with the Owyhee Boat Ramp project.

Water was a major issue in the last legislative session; a record amount of funding was set aside for water storage through the Water Resources Department.

Mr. Ingram and Ms. Forsyth left the meeting.

Commissioner Wilson visited with Mr. McArthur about the loss of jobs in Malheur County and businesses locating in Idaho rather than Oregon. Commissioner Wilson discussed the difficulties in bringing in business due to LCDC restrictions and now the looming \$15.00 minimum wage proposal. Mr. McArthur indicated the minimum wage issue would be addressed in the 2016 legislative session and AOC should advocate for the

minimum wage to be regionally adjusted. Additionally, AOC has advocated for regional land use planning for years.

Commissioner Hodge mentioned the issue of fence maintenance responsibilities on I84 and I5; Mr. McArthur indicated that he thought it had historically been ODOT's responsibility to maintain the fences. Greg Wolf is working on the matter on behalf of the County.

Marijuana was also a big issue during the legislative session, AOC was very involved in the rulemaking and will continue to be.

AOC is advocating for adjustments to DMV fees to pay for actual costs of services; the DMV computer system has to be rebuilt (estimated cost of \$30 million this biennium) and the current plan is to take the funds from the Highway Trust Fund.

AOC Legal Counsel is working with OACES on preliminary documents to present to the various counties that would give legal status to OACES and clarify the relationship between OACES and AOC.

Mr. Findley expressed that the transportation issues are huge and it is crippling to the cities and counties to not have passed the Transportation Package.

#### **ROAD DEPARTMENT**

Road Supervisor Richard Moulton met with the Court. Mr. Moulton presented a Crossing Permit for the Court's consideration. Commissioner Hodge moved to approve Crossing Permit #21-15 to ODFW for construction of a second entrance point on Clark Blvd. #857. Judge Joyce seconded and the motion passed.

Mr. Moulton also told the Court he is disposing of a spray vehicle that is no longer being utilized; additionally, it will be necessary to replace a pickup in the near future.

#### **SHERIFF'S OFFICE**

Sheriff Wolfe told the Court there was a recent resignation of a jail staff member; by consensus the Court authorized the filling of the vacancy.

#### **NACO DUES**

Commissioner Wilson moved to authorize payment of NACo 2016 County membership dues in the amount of \$626. Commissioner Hodge seconded and the motion passed unanimously.

#### **EMPLOYMENT AGREEMENT - DUGAN**

Commissioner Wilson moved to approve Malheur County Deputy District Attorney - employment of PERS retiree Employment Agreement with Michael T. Dugan. Commissioner Hodge seconded and the motion passed unanimously. The term of the agreement is October 1, 2015 through December 31, 2015. See instrument #[2015-3655](#)

## **COURT MINUTES**

Commissioner Hodge moved to approve Court Minutes of September 30, 2015. Commissioner Wilson seconded and the motion passed unanimously.

## **CITY OF VALE - LETTER**

Commissioner Hodge moved the Court sign a letter of support for the City of Vale's funding request to fund the treatment and storage component of their Water System Master Plan implementation. Commissioner Wilson seconded and the motion passed unanimously. See instrument #[2015-3654](#)

## **EXECUTIVE SESSION**

Executive Session was called in accordance with ORS 192.660(2)(e) with Judge Joyce presiding and Commissioner Hodge and Commissioner Wilson present. Also present was County Counsel Stephanie Williams, Administrative Officer Lorinda DuBois, Fair Manager Janeen Kressly, and John Braese of the Malheur Enterprise. No decisions were made during the session.

## **FAIRGROUNDS**

The Court requested Ms. Williams draft a letter to Armory officials and the potential purchaser of the old Armory property requesting that Tax Lot 201 be given back to the County fairgrounds (as it was given to the Armory along with the other Armory property in the 1940's.)

## **PURCHASE OF WRIGHT PROPERTY**

Jane Reeves from Amerititle met with the Court and presented the purchase documents with Lee and Charity Wright for 5688 John Day Hwy, Brogan. Commissioner Wilson moved to accept the property from Lee and Charity Wright and moved to sign the Statutory Warranty Deed. Commissioner Hodge seconded and the motion passed unanimously.

## **CANYONLANDS COMMITTEE**

It was discussed that the informal committee that has been meeting regarding the Owyhee Canyonlands has requested assistance from Economic Development in the creation of a website and online petition. Commissioner Wilson has been attending the committee meetings. The committee is working on the creation of a committee name. Ms. Williams explained that as the committee is an independent committee, and not appointed by the County Court, the website/petition should not be hosted by the County webpage but it could link with the County site.

## **AMENDMENTS - IGA 147797**

Commissioner Wilson moved to approve Second Amendment to Oregon Health Authority 2015-2017 Intergovernmental Agreement for the Financing of Community Addictions and Mental Health Services Agreement #147797; and Third Amendment to Oregon Health Authority 2015-2017 Intergovernmental

Agreement for the Financing of Community Addictions and Mental Health Services Agreement #147797.  
Judge Joyce seconded and the motion passed. Copies will be returned electronically for recording.

**COURT ADJOURNMENT**

Court was adjourned.