

AGENDA
ONTARIO CITY COUNCIL - CITY OF ONTARIO, OREGON
Monday, November 3, 2014, 7:00 p.m., M.T.

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

2) **Pledge of Allegiance**

This Agenda was posted on Wednesday, October 29, 2014, and a study session was held Thursday, October 30, 2014, at 12:00 p.m. Copies of the Agenda are available at the City Hall Customer Service Counter and on the city's website at www.ontariooregon.org.

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

4) **Consent Agenda:**

- A) Minutes of Council Meeting for October 20, 2014 1-10
B) Liquor License Request: DJ's Restaurant 11
C) Approval of the Bills

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

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

7) **Old Business:**

- A) Ordinance #2694-2014: Modify TSP to City's Comprehensive Plan - Reclass Reiter Drive to Local Street and its Connection to Malheur Drive (*2nd & Final Reading*) 12-27
B) Ordinance #2696-2014: Create 3-21 of OMC re Establish Tax on Sale of Marijuana and Marijuana-Infused Products in City (*2nd & Final Reading*) 28-36

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

- A) County Court Minutes: 10-15-2014
B) SREDA Minutes: 10-01-2014
C) Police Stats: Sep, 2014
D) Golf Course
E) Financials

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

10) **Executive Session: (*Thursday and/or Monday*)**

- A) ORS 192.660(2)(a)
B) ORS 192.660(2)(d)

11) **Adjourn**

**ONTARIO CITY COUNCIL MEETING MINUTES
Monday, October 20, 2014**

The regular meeting of the Ontario City Council was called to order by Mayor LeRoy Cammack at 7:00 p.m. on Monday, October 20, 2014, in the Council Chambers of City Hall. Council members present were LeRoy Cammack, Norm Crume, Jackson Fox, Charlotte Fugate, Dan Jones, Larry Tuttle, and Ron Verini.

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

Ron Verini led everyone in the Pledge of Allegiance.

AGENDA

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

CONSENT AGENDA

Ron Verini moved, seconded by Norm Crume, to approve Consent Agenda Item A: Minutes of the Council Meeting of September 15, 2014; Item B: Minutes of Telephonic Meeting of October 3, 2014; and Item C: Approval of the Bills. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

PUBLIC COMMENT

Stormy Ray, Ontario, stated her concern was with the ban of marijuana facilities. She wanted to have medicine available and thought that there would be plenty of income coming in without putting a tax and burden on people wanting medicine. A tax would penalize the patients, and she was opposed to Measure 91.

NEW BUSINESS

Request Notice to Proceed: Professional Engineering Services for Water Treatment Plant Chemical Feed and Raw Water Supply Improvements Evaluations

Betsy Roberts, Engineer, CH2M Hill/Public Works, stated the City of Ontario invited Murray, Smith and Associates, Inc., (MSA), to amend the City Water Treatment Plant Audit contract to include the first phase of design work to develop a set of construction documents in order to develop a construction project in this current fiscal year.

The scope of work was based on the conclusions of the August 2014 Water Treatment Plant Audit Report. Proposed work was anticipated to be completed in the first week of December 2014. Preliminary design efforts would be developed as a follow up phase. Extension of the MSA contract allowed immediate action to begin on critical Water Treatment Plant (WTP) improvements by a qualified engineering team with a deep understanding of the city's WTP challenges.

The City Council could choose to not authorize the Notice to Proceed for Murray, Smith and Associates, Inc., and postpone needed improvements. If authorization was denied, options would include either "No Action" where no improvements would be designed at all or a Request for Proposal (RFP) could be developed and selection of a qualified engineering firm would follow.

Work would be billed on a time and materials basis, in accordance with the schedule of charges. MSA would manage the work identified to the aggregate total budget amount (\$23,791), which was not be exceeded without prior written authorization from the city.

Councilor Fox asked why this had to go before the Council.

Kari Ott, Finance, stated she thought it might be due to this action possibly being considered as an extension of the contract.

Larry Sullivan, City Attorney, stated he needed to review the action. A new RFP should make the findings to allow the contract to be adopted.

Councilor Jones wanted to know if there was another extension of this project.

Ms. Roberts stated this was the preliminary step.

Mr. Sullivan stated that the requirement to have it approved would only arise if it had to be bid but since it was under the bid amount, the Council could waive the bid requirement, however he still wanted to review the document.

Action postponed for City Attorney review. *[See continued discussion and motion beginning on lower section of Page 10, continued onto Page 11]*

Ordinance #2696-2014: Create 3-21 of Ontario Municipal Code regarding Establish Tax on Sale of Marijuana and Marijuana-Infused Products in the City of Ontario (1st Reading)

Larry Sullivan, City Attorney, stated Measure 91, pending on the November 4, 2014 statewide ballot, legalized production, sale and use of recreational marijuana in Oregon, in addition to the already-legal (under state law) sale and use of medical marijuana. Measure 91 also established a state tax on marijuana sales: \$35 per ounce for flowers, \$10 per ounce for leaves and \$5 per immature plant. After certain deductions, ten percent of this tax revenue would go to cities. Until 2017, this would be divided among cities according to population. After that, it would be divided in proportion to the number of licensed producers and sellers in each city.

Measure 91 included language saying that "no county or city of this state shall impose any fee or tax" on marijuana. Nevertheless, in recent weeks a number of cities adopted or were considering their own gross receipts taxes on marijuana sales. There were some who intended to argue that the words "shall impose" are prospective and would not clearly preempt local taxes in effect before the effective date of Measure 91. Others speculated that the Legislature might consider amendments to Measure 91 if it passed, providing an opportunity for lawmakers to expressly "grandfather" pre-existing local marijuana taxes.

Enactment of Ordinance 2696-2014 would establish a tax on gross receipts from marijuana sales in Ontario, effective before the effective date of Measure 91 on December 4, 2014, so long as it was passed before November 4, 2014. There was a legal argument that a city could not pass an ordinance that imposed taxes by an emergency clause under the Oregon Constitution, so the city would not be able to waive the waiting period.

Ordinance 2696-2014 was modeled on, with much language identical to, ordinances adopted or being considered by Lake Oswego, Ashland, Hillsboro, Tigard, Milwaukie and others.

Like most of the reviewed city ordinances, Ordinance 2696-2014 imposed a tax of five percent [5%] of gross sales for medical marijuana, and ten percent [10%] of gross sales for recreational marijuana. There were some cities that had exempted medical marijuana from the tax, although it appeared that most ordinances taxed both types.

Sellers of marijuana were liable for the tax, and were required to submit quarterly returns specifying total sales with tax calculations. Sellers would be allowed to retain five percent [5%] of the tax to defray administrative costs. A ten percent [10%] penalty would be imposed on late payments, with an additional ten percent [10%] penalty after 60 days. If nonpayment was due to fraud, a 25 percent (25%) penalty was imposed. Interest accrued on unpaid taxes at the rate of one percent [1%] per month.

The City Manager or their designee was granted the authority to administer tax collection processes. Persons disputing the City Manager's decisions as to the amount of the tax, interest or penalties could appeal to the City Council.

Financial information submitted in connection with the tax was confidential, except under certain listed circumstances. The city would have the ability to audit the books and records of marijuana sellers to confirm the correctness of any tax return or to estimate taxes due.

Section 3-21-15 of Ordinance 2696-2014 stated that nothing in the ordinance shall be construed as establishing that marijuana sellers were authorized or licensed to sell marijuana or marijuana infused products in the city. The passage of this ordinance would not permit the sale of marijuana or marijuana infused products, and did not waive the moratorium placed on medical marijuana dispensaries by the city. If Ballot Measure 91 passed, it might have the effect of legalizing such sales. If Ballot Measure 91 did not pass, Ordinance 2696-2014 would still authorize the city to impose a tax on marijuana sales if the city chose to enforce the ordinance at any time.

Councilor Fox asked the difference between medical and recreational marijuana and who could sell it.

Mr. Sullivan stated there were two different sets of laws, and pharmacies would probably not be able to sell to recreational marijuana just other retailers.

Councilor Crume asked about any possible lawsuits, if the state did not grant cities the right to tax it.

Mr. Sullivan stated that recreational growers and/or sellers might try, but the city could choose to repeal the ordinance.

Councilor Verini asked if the public could be notified about the vote.

Mr. Sullivan stated the public would have the option to vote on the Measure.

Councilor Crume stated if Measure 91 passed, would it make it a moot point to have a ban on marijuana?

Mr. Sullivan stated that individuals could purchase recreational marijuana without relying on medical marijuana cards.

Councilor Verini stated the city had a bad experience with the 45th parallel situation in the past. He expressed favor for the tax in order to assist the police department.

Mr. Sullivan stated there was a case in Southwestern Oregon, possibly Klamath Falls, that was in the Circuit Court.

Councilor Fox asked Mr. Sullivan for a definition of "legal".

Mr. Sullivan stated it was legal under state law and the federal government was not taking a stand against state law, however it had to be enacted before November 4, 2014.

Councilor Fox stated that in some locations, marijuana was being added to candy and brownies, etc., which could potentially be consumed by children.

Mr. Sullivan stated the city could establish specific regulations.

Councilor Fugate stated the dispensaries tested the marijuana for strength, and that would be better than the black market.

Councilor Verini stated that the way the law read, if Measure 91 passed and the moratorium went through, the time span between lifting and obtaining public input, for recreational only, not medical, by then it would bin in Ontario without any control.

Mr. Sullivan stated there was a specific time, place, and hours set for dispensing. On December 4, 2014, if Measure 91 passed, people would be able to get a license.

Ron Verini moved, seconded by Charlotte Fugate, that the Council adopt **Ordinance 2696-2014, AN ORDINANCE ADDING CHAPTER 21 TO TITLE 3 OF THE ONTARIO CITY CODE TO ESTABLISH A TAX ON THE SALE OF MARIJUANA AND MARIJUANA-INFUSED PRODUCTS IN THE CITY OF ONTARIO, on First Reading by Title Only.** Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-no; Tuttle-no; Verini-yes; Cammack-yes. Motion carried 5/0/2.

PUBLIC HEARING(S)

Ordinance #2694-2014: Modify Transportation System Plan to City's Comprehensive Plan – Reclass Reiter Drive to Local Street and its Connection to Malheur Drive (1st Reading)

It being the date advertised for public hearing on the matter of Ordinance #2694-2014, the Hearing was declared open. There were no objections to the city's jurisdiction to hear the action, no abstentions, ex-parte contact, and no declarations of conflict of interest.

Dan Cummings, City Planner, stated the applicant was proposing to reclassify the listing of Reiter Drive in the Transportation System Plan (TSP). Reiter Drive was constructed from NW 4th Avenue north for approximately 600 feet through the subdivision known as the Village Addition but was not constructed through the applicant's property. It was anticipated it would connect NW 4th Avenue and Malheur Drive. This segment was currently classified as a future collector street in the TSP. The applicant requested to reclassify this segment of Reiter Drive from NW 4th Avenue to a local street ending in a cul-de-sac and not continue over the crest of the hill to Malheur Drive.

In February, 2006, under Ordinance #2560-2005, the city adopted a new Transportation System Plan (TSP) within the City of Ontario Comprehensive Plan in which it designated Reiter Drive as a Collector Street and showed it connecting NW 4th Avenue north to Malheur Drive. In August, 2008, under Ordinance #2619-2008, the city approved the Annexation and Rezoning of this property to City RS-50 Zone.

On October 13, 2014, the Ontario Planning Commission recommended that Ordinance #2694-2014 be presented to the City Council for approval, as it was found to meet the goals of the TSP.

The Findings of Fact were incorporated into the record:

1. *The TSP identified Reiter Drive and NW 12th Street as collector roads. These roads were parallel and separated by approximately 515 feet.*
2. *Reiter Drive was approximately 790 feet east of North Verde Drive.*
3. *North of NW 4th Avenue, Reiter Drive currently existed for approximately 600 feet. It had front on housing with direct driveway access for 13 houses. There was approximately 36 feet of pavement from back of curb to back of curb. There was on-street parking.*
4. *Reiter Drive was currently constructed to local road standards with rolled curb and gutter.*
5. *If Reiter Drive was extended due north, it would intersect Malheur Drive very near an existing horizontal curve in Malheur Drive, which might create sight distance issues.*
6. *There was vertical topographic relief of approximately 20-25' that would create construction problems if Reiter Drive was extended to Malheur Drive.*

7. *The area could be served by one collector road in the north/south direction. It would also be served by Hunter Lane in the east/west direction.*
8. *NW 12th Street was more centrally located in the zone and would not have the horizontal alignment issues. There were also existing houses on NW 12th Street, but they were set back farther from the roadway than Reiter Drive.*
9. *Making Reiter Drive a local road would encourage walking and bicycling on the roadway due to the fact that the roadway would be narrower and friendlier to pedestrians and cyclists. This would be in compliance with Section 3.8 of the TSP.*
10. *Anticipated traffic: A traffic assessment letter dated January 21, 2014 was prepared by Thompson Engineers and submitted to the City of Ontario. This letter indicated that the proposed development and existing development would result in approximately 210 daily trips on Reiter Drive, which fell well below the maximum volumes recommended for local roads by most jurisdictions.*
11. *Eliminating Reiter Drive as a collector road would require the area bounded by North Verde Drive, Malheur Drive, NW 4th Avenue, and NW 10th Street to be served by NW 12th Street as a north/south collector and Hunter Lane as an east/west collector. The acreage of this area was approximately ¼ section, or 160 acres. A review of Google Earth indicated that approximately 43 acres was already developed and obtained access directly to existing arterial roads. The proposed development consisted of approximately 14 acres and would use Reiter Drive as the primary access. This left approximately 103 acres of theoretically buildable acreage. If the entire area were to be built out at four [4] units per acre, there would be less than 412 houses. Based on the ITE Trip Generation Manual rate of 9.57 trips per single family dwelling unit, staff estimated the area would generate less than 4,000 trips per day. With four connection points to the transportation system, neither Hunter Lane nor NW 12th Street should see volumes greater than 2,000 vehicles per day.*

The applicant and his engineering representatives met with city staff in several PDAC meetings regarding this action and it was staff's opinion that it would be in the best interest of the public to reclassify Reiter Drive to a local street, as well as not require the street section to continue over the hill and connect to Malheur Drive, and allowing for a cul-de-sac at the end of Reiter Drive. This request was also presented to ODOT, and it was their opinion that the street classification and spacing was a function of the city to approve.

The area between NW 4th Avenue, Malheur Drive, North Verde Drive, and North Park Boulevard could be adequately served by one north/south collector road. Reiter Drive was very close to North Verde Drive. NW 12th Street was more centrally located in the zone. Therefore, Reiter Drive could be reclassified as a local road as requested by the applicant without an adverse impact on the transportation system.

The following changes would need to be made to the Transportation System Plan:

1. *Page 3.8, Section 3.4.4: Delete "Reiter Drive from NW 4th Avenue to Malheur Drive" from list of major and minor non-highway collectors.*
2. *Figure 7-1a City of Ontario System Plan: Delete Reiter Drive as a future minor collector and show termination in a cul-de-sac.*
3. *Figure 7-9a Local Street Network Plan: Delete Reiter Drive as an improvement location.*

The Hearing was opened for public testimony.

Opponents: None. Proponents: None.

There being no Proponent and no Opponent testimony, the Hearing was closed.

Dan Jones moved, seconded by Norm Crume, that the City Council adopt **Ordinance #2694-2014, AN ORDINANCE AMENDING THE TRANSPORTATION SYSTEM PLAN (TSP) OF THE CITY'S COMPREHENSIVE PLAN TO RECLASSIFY REITER DRIVE AS A LOCAL STREET AND TO ELIMINATE REITER DRIVE'S CONNECTION TO MALHEUR DRIVE ON THE TSP, on First Reading by Title Only.** Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 7/0/0.

Ordinance #2695-2014: Rezone 10 Properties from C-1 (Neighborhood Commercial) to C-2 (General Commercial) on South Side of SW 4th Avenue (1st/2nd Reading by Emergency Passage)

It being the date advertised for public hearing on the matter of Ordinance #2695-2014, the Hearing was declared open. There were no objections to the city's jurisdiction to hear the action or ex-parte contact, but there was one abstention due to a conflict of interest.

Councilor Jones recused himself from this action due to a conflict of interest. He was a named party on the proposed action.

Dan Cummings, City Planner, stated that during the regular meeting of October 13, 2014, of the Ontario Planning Commission, the Commission heard the rezone proposal contained in Planning File 2014-08-10 RZ, which was applicable to 10 properties located along the South side of SW 4th Avenue with three [3] of the properties known as Tax Lots 4100, 4200, and 4203 Assessor's Map 18S47E09BA which were between SW 11th Street and SW 12th Street and the other seven [7] properties known as Tax Lots 100, 200, 300, 301, 302, 303, and 500 Assessors Map 18S47E09BB that were between SW 12th Street and Alameda Drive.

The parcel known as Tax Lot 500 was previously a conditional use permit to continue using the parcel as a Service Station/Convenience Store.

The applicants were requesting that these properties be rezoned to General Commercial (C-2) to allow for better use and development of the properties.

The Planning Commission addressed the proposed rezone from City Zone classification C-1 Neighborhood Commercial to a City Zone classification of C-2 General Commercial for Tax Lots 100, 200, 300, 301, 302, 303, and 500 Assessor's Map 18S47E09BB, and Tax Lots 4100, 4200, and 4203 Assessor's Map 18S47E09BA, multiple properties located along SW 4th Avenue, Ontario.

The Findings of Fact were incorporated into the record:

- 1. The Ontario Municipal Code implements policies contained in the City of Ontario Comprehensive Plan, which conformed to the Statewide Planning Goals; generally, if a proposed rezone met all criteria and standards contained in the OMC, the request would be consistent with Comprehensive Plan Policies and therefore conform to the Statewide Planning Goals. The applicants believe that these properties should have been originally zoned as C-2 as the properties on either side (West and East) along SW 4th Avenue were predominately zoned C-2.*
- 2. The majority of SW 4th Avenue was already zoned C-2 and existing businesses and future businesses would comply better in a C-2 zone.*
- 3. The surrounding area was predominately C-2 and with the change in the development of the city to the eastside of town, rezoning these properties to allow for new types of businesses would help entice new businesses to move or develop on the west side of town again.*
- 4. The area surrounding the subject property was predominately zoned C-2 all along the South side of and the majority of the North side and granting this request would not be granting a special privilege, but would be granting the same rights that the majority of the properties fronting SW 4th Avenue were allowed.*
- 5. The subject properties were largely developed with the exception of a few that had the area required for this zone and/or were under the same ownership.*
- 6. All the properties fronted on a public street or alley that provided public utilities and street access.*
- 7. Uses allowed by the current C-1 zone were basically the same type of use that would be used under the rezone, with the exception of a few properties that would be able to add new businesses that would not be detrimental to adjoining properties.*

The Planning Commission recommends approval of Ordinance #2695-2014 as presented before City Council, and had requested passage of the ordinance under the emergency clause.

The Hearing was opened for public testimony.

Opponents: None. Proponents: None.

There being no Proponent and no Opponent testimony, the Hearing was closed.

Jackson Fox moved, seconded by Charlotte Fugate, that the City Council accept the Findings of Fact as presented. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-abstained; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 6/0/0/1.

Jackson Fox moved, seconded by Ron Verini, that the City Council adopt **Ordinance #2695-2014, AN ORDINANCE AMENDING THE CITY OF ONTARIO COMPREHENSIVE PLAN AND ZONING MAP FROM CITY NEIGHBORHOOD COMMERCIAL (C-1) TO GENERAL COMMERCIAL (C-2) ZONE CLASSIFICATION FOR THREE PROPERTIES ON TAX MAP 18S47E09BA IDENTIFIED AS TAX LOTS 4100, 4200, AND 4203; AND FOR SEVEN PROPERTIES ON TAX MAP 18S47E09BB IDENTIFIED AS TAX LOTS 100, 200, 300, 301, 302, 303 AND 500; AND DECLARING AN EMERGENCY ON FIRST READING, BY TITLE ONLY.** Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-abstained; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 6/0/0/1.

Jackson Fox moved, seconded by Charlotte Fugate, that the City Council waive a second reading of Ordinance #2695-2014. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-abstained; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 6/0/0/1.

Jackson Fox moved, seconded by Ron Verini, that the City Council adopt **Ordinance #2695-2014, AN ORDINANCE AMENDING THE CITY OF ONTARIO COMPREHENSIVE PLAN AND ZONING MAP FROM CITY NEIGHBORHOOD COMMERCIAL (C-1) TO GENERAL COMMERCIAL (C-2) ZONE CLASSIFICATION FOR THREE PROPERTIES ON TAX MAP 18S47E09BA IDENTIFIED AS TAX LOTS 4100, 4200, AND 4203; AND FOR SEVEN PROPERTIES ON TAX MAP 18S47E09BB IDENTIFIED AS TAX LOTS 100, 200, 300, 301, 302, 303 AND 500; AND DECLARING AN EMERGENCY ON SECOND AND FINAL READING.** Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-abstained; Tuttle-yes; Verini-yes; Cammack-yes. Motion carried 6/0/0/1.

Return to:

Request Notice to Proceed: Professional Engineering Services for Water Treatment Plant Chemical Feed and Raw Water Supply Improvements Evaluations

Mr. Sullivan stated the city's Financial Policies imposed a requirement to get at least informal bids on services contract that were more than \$5,000. Therefore, the Department Head was supposed to have solicited informal bids in connection to this action. Unfortunately, the only way it could be approved was to remove it from the Agenda, bring it back to the next meeting, and give proper notice to have the Council act on this action in their capacity as the Local Contractor Review Board.

Councilor Fugate asked if this could be considered an emergency action.

Mr. Sullivan stated there was an emergency purchase provision in the law, but it might not apply to this situation, but he would let the Council decide if they wanted to move forward on this under the emergency clause. The Policy read, in part: "...In case of an emergency which required immediate purchase of supplies or services and time is of the essence, the City Manager shall have the authority to authorize such purchases up to \$50,000 if services were needed, without complying with procedures set forth above. Examples of an emergency requiring emergency purchases include sewer lines collapse, water system pump failures, and weather related damage requiring immediate repair. An emergency purchase constituted an immediate need of a service that was unable to be anticipated, which time was a crucial factor, and which would be a disservice to the citizens of the community of Ontario if the item were not purchased." If the Council wanted to authorize this as an emergency, they could.

Mayor Cammack asked Cliff Leeper his thoughts.

Cliff Leeper, CH2M Hill/Public Works Director, stated they needed to move on this.

Mayor Cammack confirmed if the Council did this action under the above-stated provision, it would not require any Council action, just the City Manager authorizing it.

Mr. Sullivan advised they should make a formal motion to authorize the City Manager to make that purchase as an emergency purchase to enter into this contract.

Jackson Fox moved, seconded by Ron Verini, that the City Council authorize the City Manager to move forward on the Notice to Proceed for Professional Engineering Services for the Water Treatment Plant Chemical Feed and Raw Water Supply Improvement Evaluations under the emergency clause. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Tuttle-no; Verini-yes; Cammack-yes. Motion carried 6/1/0.

CORRESPONDENCE/COMMENTS/EX-OFFICIO REPORTS
OR DISCUSSION ITEMS

- Councilor Fox asked about the Christmas tree down by the Depot – did the city do that, or was that done by the Downtown Merchants?

Councilor Fugate stated the Downtown Merchants no longer existed, so it would probably be up to the city.

Councilor Fox asked if the city was going to do anything, because his neighbor wanted to donate a tree. He had a beautiful tree he was going to cut down, if the city was interested in using it.

Tori Barnett stated she would look into it. In prior years, the Fire Department had assisted in hanging light son the tree at the bottom of Hospital Hill (4th/9th). She would ask if they would be willing to that again.

- Councilor Jones asked to bring back discussion to the next work session on the proposal submitted by Dennis Cornwall for the Golf Course.
- Councilor Fugate stated she had handed out two documents. First, there was the Oregon Main Street project, and she wanted Council to review it as she would be coming back before them to ask for support. Second, when she attended the LOC meeting in September, she obtained a copy of the proposed Strategic Plan for the LCDC 2015-2022 cycle. She wanted the Council to be aware of what they were planning, and any comments should be given directly to Representative Cliff Bentz.

Ron Verini asked if they still had the Downtown Revitalization study that had been done a few years back.

Councilor Fugate stated she had one, but hadn't read it all. Many of the things listed in the study had already been done. She had gone to Chamber, and they would be having their Board meeting on the 28th, and she was asking them to review it and hopefully support it. She would be getting in contact with other organizations, and they'd form a committee from that. Something needed to be done to the downtown area. Several consultants had stated it looked bad, and no economic development was going to be coming in until it was cleaned up.

- Dan Cummings, City Planner, stated last August – September, UPRR requested closure of the SW and SE 6th Avenue railroad crossing. One concern voiced by staff related to just dead-ending SW 6th Street, which was on the West side of the tracks. On the East side of the tracks, which was SE 6th, dead-ending that was not an issue because it could be dead-ended on 1st Street. That would result in a T-intersection, so traffic could turn right or left, and continue down 1st Street. On that side, they did not have ROW yet. The request to close the railroad crossing was due to a development occurring on the East side of the tracks, and if the crossing was to remain open, the city would request the development to dedicate the ROW to connect up the railroad property. Currently, the city operates the 6th Street just by permission from UPRR. No formal document had been found relating to that use. On that side, closing 6th Street was not an issue. Staff had a small issue on the West side of the tracks in that how would that be dead-ended, mainly, for fire services. The physical traffic was not a large issue with anyone other than fire and safety, and staff was also hesitant for pedestrian traffic.

In those earlier discussions, Council gave him authority to attempt to negotiate with UPRR to see if they'd donate ROW so a street connection could be made from 6th up the West side, to 5th. He heard from that just that day, but the answer was no, that UPRR believed the land was too valuable to them, in case the adjoining properties ever wanted spur tracks. They said no, and didn't want to mix the two actions together, i.e. the closure of the street and donating land. After that call, Ralph Poole, the developer, contacted him, who was most likely contacted by UPRR, and in his conversation with UPRR, he had been able to get the issue more clear. They still were not going to donate it, but they were possibly open – after this process – to sell it to the city. He told Mr. Poole that he didn't think the city was interested in purchasing ROW, but he wanted the Council to know of it. In his discussions with Mr. Poole, he let him know that the problem staff had related to what they were going to do on the West side of 6th. Mr. Poole stated if the city was willing to, and UPRR stated the city needed to pass a resolution that could be given to ODOT, who regulated the crossings, the closure of that, that Mr. Poole would work with Andrew's Seed to come up with a solution on the options of a T-turnaround, a vacation of a portion of the street, or whatever it took to make a safe turnaround on the West side of 6th Street. Mr. Poole was good with closing it off on the East side, and to do what the city wanted done there to make it safe. Mr. Poole was asking that the Council, at their next meeting, if possible, to act on a resolution to give to UPRR to begin the process of closing that crossing. He told Mr. Poole that with regard to planning and representing Public Works, they probably would recommend that as long as there was some type of Agreement to protect the city, indicating the developer would meet the codes for turnaround on the West side of the tracks. UPRR indicated to Mr. Poole that, since there was already a street there that was close to the 90-foot turnaround, they'd not have an issue with dedicating an easement [only] for the cul-de-sac. His suggestion would be that they have Mr. Poole look closely at putting a turnaround not in the railroad property so that in the future the city wasn't at UPRR's mercy, especially if the adjoining properties elected to have a spur line installed. If that happened, the city would lose the cul-de-sac.

Councilor Crume stated with regard to the Northeast side, who owned that property?

Mr. Cummings stated that currently, it was owned by Pooles'.

Mayor Cammack verified that the piece that UPRR wouldn't donate was the West side between 5th and 6th?

Mr. Cummings stated it was the East side. On the West side, if 6th closed, they might want to vacate the existing ROW that had already been donated. When they did that, that donated section was an easement that the city could release any time without going through a street vacation process. Anything further into the ROW that the subdivision platted, they'd have to do a regular street vacation process.

Mr. Cummings stated Mr. Poole asked if there was a way the Council could, at their next meeting, make a decision on that, and if yes, he'd need a resolution.

Councilor Tuttle stated if they wanted the Council to review this action, Pooles' needed to provide maps showing what they were proposing to do, to allow Council time to look at it and listen to their comments. He believed that was Pooles' responsibility to provide that. It wasn't the city's Planning Department place to spend the time and money to do that. Pooles' also needed to provide alternatives as to what could happen, particularly on the West side, so they could look into it. That was the developer's responsibility.

Mr. Sullivan stated there was a difference between closing a street and vacating one. The Council could elect to close the street at a particular location without necessarily going through a full vacation process. It might be possible to do a resolution to close the street, initially, even before the railroad went through the process. That would give the city the option of designing the traffic flow.

Councilor Fugate asked who would pay to put in the cul-de-sac.

Mr. Cummings stated it would come down to Council directing the developer on what the city was willing to do. He wasn't comfortable answering that question either way.

EXECUTIVE SESSION

Executive Session: ORS 192.660(2)(a)

An executive session was called at 8:21 p.m. under provisions of ORS 192.660(1)(a) to consider employment of an officer, employee, staff member or agent. The Council reconvened into regular session at 8:48 p.m.

ADJOURN

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

APPROVED:

ATTEST:

LeRoy Cammack, Mayor

Tori Barnett, MMC, City Recorder

CONSENT AGENDA
November 3, 2014

TO: Mayor and City Council

FROM: Mark Alexander, Police Chief

THROUGH: Tori Barnett, Interim City Manager

SUBJECT: LIQUOR LICENSE APPLICATION
New Outlet / Full On-Premises Sales - Commercial Establishment

DATE: October 24, 2014

SUMMARY:

Ron Long Limited Liability Company is applying for a new outlet, Full On-Premises Sales Commercial Establishment Liquor License privilege through the Oregon Liquor Control Commission for DJ's Family Restaurant located at 625 East Idaho Avenue, Ontario, Oregon, 97914.

All necessary paperwork has been approved through OLCC office and is awaiting approval through the Ontario City Council.

BACKGROUND:

Ron Long LLC purchased and reopened DJ's Family Restaurant in August 2014. At this time they are requesting the addition of liquor license privileges.

The Criminal Record process was completed on owner/manager Mr. Ron Long, which returned clear. The application forms have been filled out appropriately and required fees have been paid. All permit requirements have been met.

RECOMMENDATION:

Staff completed a review of the information on this application in accordance with the City of Ontario's ordinance regulating this license, and recommends the Council approve the application for New Outlet / Full On-Premises Sales liquor licenses for DJ's Family Restaurant.

OLD BUSINESS AGENDA REPORT

November 3, 2014

TO: Mayor and City Council

FROM: Marcy Siriwardene, Planning Technician
City of Ontario Planning Commission

THROUGH: Tori Barnett, Interim City Manager
Dan Cummings, Interim Planning & Zoning Administrator

SUBJECT: ORDINANCE #2694-2014: AN ACTION TO MODIFY THE TRANSPORTATION SYSTEM PLAN (TSP) TO THE CITY'S COMPREHENSIVE PLAN. THIS ACTION IS SPECIFIC TO THE RE-CLASSIFICATION OF REITER DRIVE TO A LOCAL STREET AND ITS CONNECTION TO MALHEUR DRIVE. THIS ORDINANCE AMENDS THE CITY'S COMPREHENSIVE LAND USE PLAN; DEALING WITH SPECIFIC SECTIONS OF THE TSP. THE SUBJECT PROPERTY IS DESIGNATED AS ASSESSOR'S MAP #18S4704, TAX LOT 1602 AND MAP #18S4704BC; TAX LOT 100; APPROXIMATELY 10.56 ACRES IN SIZE ON SECOND & FINAL READING

DATE: October 22, 2014

SUMMARY:

Attached are the following documents:

- Ordinance # 2694-2014 (*including Figures 1-4*)
- Exhibit "A-1 & A-2" – Assessor's Maps of subject property
- Exhibit "B" – Figure 7-1a: Existing Roadway Classification Map
- Exhibit "C" – Figure 7-9a
- Exhibit "D" – Pages 3-8 of Section 3.4.4 of the TSP plan showing Reiter Drive as a Collector
- Exhibit "E" – Thompson Engineer's Letter dated July 3, 2014

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

PREVIOUS COUNCIL ACTION:

- 10/20/14 Council passed the 1st reading of Ordinance #2694-2014.
- 02/06/05 Under Ordinance No. 2560-2005, the city adopted a new Transportation System Plan (TSP) within the City of Ontario Comprehensive Plan in which it designated Reiter Drive as a Collector Street and showed it connecting NW 4th Avenue north to Malheur Drive.
- 08/08/08 Under Ordinance No. 2619-2008, the city approved the Annexation and Rezoning of this property to City RS-50 Zone.

STAFF RECOMMENDATION:

Staff recommends the Council adopt Ordinance #2680-2013 on Second and Final Reading.

PROPOSED MOTION:

I move that the City Council adopt Ordinance #2694-2014, **AN ORDINANCE AMENDING THE TRANSPORTATION SYSTEM PLAN (TSP) OF THE CITY'S COMPREHENSIVE PLAN TO THE RE-CLASSIFY REITER DRIVE AS A LOCAL STREET AND TO ELIMINATE REITER DRIVE'S CONNECTION TO MALHEUR DRIVE ON THE TSP,** on Second and Final Reading.

ORDINANCE #2694-2014

AN ORDINANCE AMENDING THE TRANSPORTATION SYSTEM PLAN (TSP) OF THE CITY'S COMPREHENSIVE PLAN TO THE RE-CLASSIFY REITER DRIVE AS A LOCAL STREET AND TO ELIMINATE REITER DRIVE'S CONNECTION TO MALHEUR DRIVE ON THE TSP

WHEREAS, Applicants have requested that Reiter Drive be reclassified as a local street on the City's TSP and that its connection to Malheur Drive be eliminated in the TSP; and

WHEREAS, After giving the notice required by law, a public hearing was held before the Planning Commission on the proposed changes on October 13, 2014, after which the Planning Commission recommended to the City Council the changes requested by the applicants; and

WHEREAS, After giving the notice required by law, the Ontario City Council held a public hearing on the request on October 20, 2014, and having reviewed all evidence and testimony submitted therein, makes the following findings of fact and conclusions of law:

1. The TSP identifies Reiter Drive and NW 12th Street as collector roads. These roads are parallel and separated by approximately 515 feet.
2. Reiter Drive is approximately 790 feet east of N Verde Drive.
3. North of NW 4th Avenue, Reiter Drive currently exists for approximately 600 feet. It has front on housing with direct driveway access for 13 houses. There is approximately 36 feet of pavement from back of curb to back of curb. There is on-street parking.
4. Reiter Drive is currently constructed to local road standards with rolled curb and gutter.
5. If Reiter Drive is extended due north, it would intersect Malheur Drive very near an existing horizontal curve in Malheur Drive, which may create sight distance issues.
6. There is vertical topographic relief of approximately 20-25' that will create construction problems if Reiter Drive is extended to Malheur Drive.
7. The area can be served by one collector road in the north south direction. It will also be served by Hunter Lane in the east west direction.
8. NW 12th Street is more centrally located in the zone and will not have the horizontal alignment issues. There are also existing houses on NW 12th Street, but they are set back farther from the roadway than Reiter Drive.

9. Making Reiter Drive a local road will encourage walking and bicycling on the roadway due to the fact that the roadway will be narrower and friendlier to pedestrians and cyclists. This will be in compliance with Section 3.8 of the TSP.
10. Anticipated traffic: A traffic assessment letter dated January 21, 2014 was prepared by Thompson Engineers and submitted to the City of Ontario. This letter indicated that the proposed development and existing development will result in approximately 210 daily trips on Reiter Drive, which will fall well below the maximum volumes recommended for local roads by most jurisdictions.
11. Eliminating Reiter Drive as a collector road will require the area bounded by N Verde Drive, Malheur Drive, NW 4th Avenue, and NW 10th Street to be served by NW 12th Street as a north-south collector and Hunter Lane as an east-west collector. The acreage of this area is approximately ¼ section, or 160 acres. A review of Google Earth indicates that approximately 43 acres is already developed and obtains access directly to existing arterial roads. The proposed development consists of approximately 14 acres and will use Reiter Drive as the primary access. This leaves approximately 103 acres of theoretically buildable acreage. If the entire area were to be built out at 4 units per acre, there would be less than 412 houses. Based on the ITE Trip Generation Manual rate of 9.57 trips per single family dwelling unit, we estimate the area will generate less than 4,000 trips per day. With four connection points to the transportation system, neither Hunter Lane nor NW 12th Street should see volumes greater than 2,000 vehicles per day.
12. Based upon the foregoing findings of fact, the City Council concludes that the Transportation System Plan amendment is consistent with all applicable criteria and standards; is compatible with adjacent land use; there are no procedural or legal obstacles to the proposed TSP change; and the reclassification of Reiter Drive to a local street is appropriate for the subject site.

NOW THEREFORE, THE CITY OF ONTARIO ORDAINS AS FOLLOWS:

1. The Transportation System Plan of the City's Comprehensive Plan shall be amended as follows:
 - A. Page 3-8, Section 3.4.4 - Delete "Reiter Drive from NW 4th Avenue to Malheur Drive" from the list of Major and Minor Non-highway Collectors by lining out as shown on attached exhibit page3-8.
 - B. Figure 3-1a Existing Roadway Classification – shorten Reiter Drive to show not connecting to Malheur Drive as shown on the attached Figure 3-1a.
 - C. Figure 7-1a Roadway Classification- change Reiter Drive's classification from a future minor collector to a local street and shorten its length as shown on attached Figure 7-1a.
 - D. Figure 7-9a Local Street Network Plan - shorten Reiter Drive as an Improvement location as per the attached Exhibit Figure 7-9a.

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

AYES:

NAYS:

ABSENT:

ABSTAINED:

APPROVED by the Mayor this _____ day of _____, 2014

ATTEST:

LeRoy Cammack, Mayor

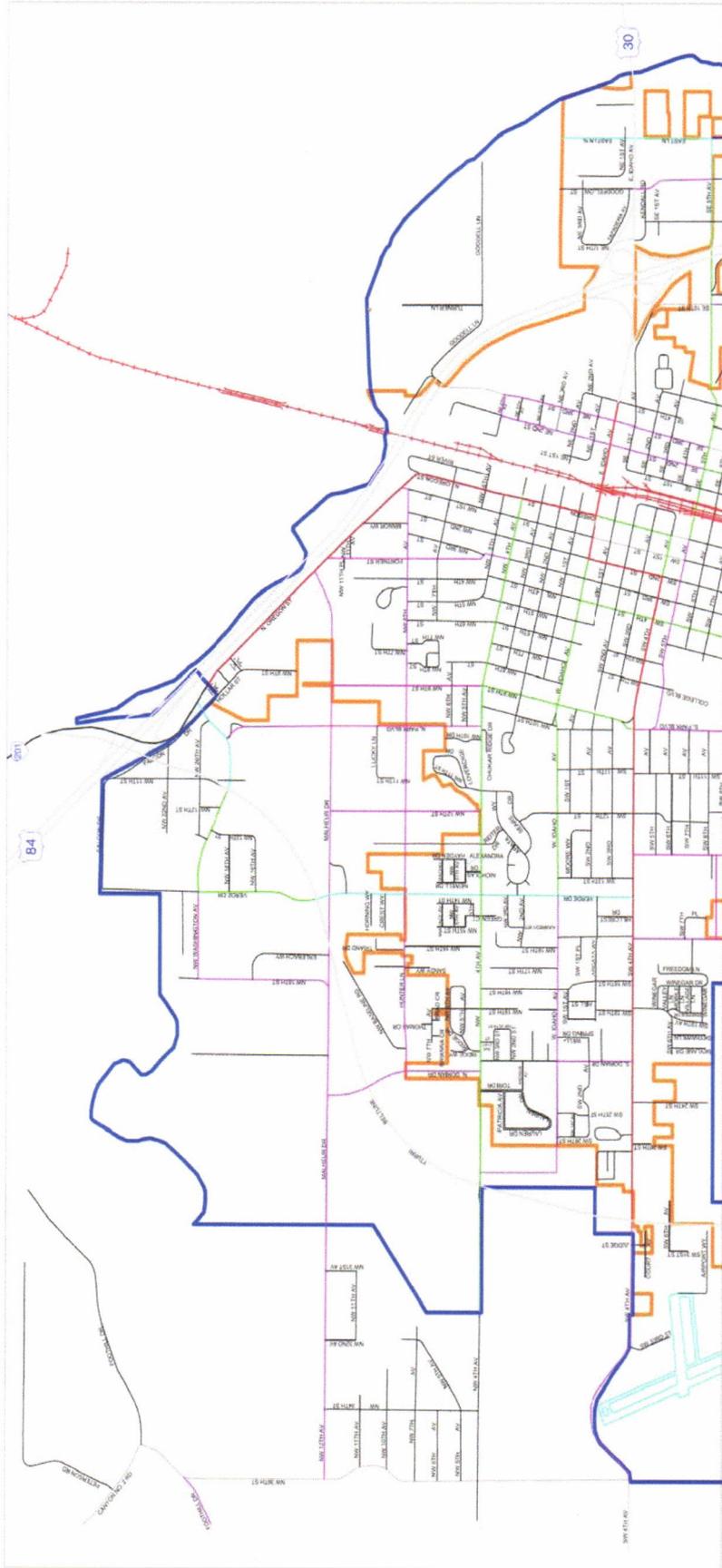
Tori Barnett, MMC, City Recorder

- Oregon Street from Idaho Avenue to SW 4th Avenue
- Sunset Drive from SW 4th Avenue to SW 18th Avenue
- Verde Drive from NW Washington Avenue to SW 4th Avenue
- SE 10th Street from SE 5th Avenue to SE 18th Avenue
- SE 3rd Street from East Idaho Avenue to SE 5th Avenue
- Goodfellow from East Idaho Avenue to SE 5th Avenue
- SE 9th Avenue from SE 2nd Street to Claude Road
- Claude Road from SE 9th Avenue to SE 6th Avenue
- SE 6th Avenue from Claude Road to SE 10th Street (future street)
- SE 12th Avenue from SE 10th Street to SE 2nd Street
- SE 6th Street from SE 9th Avenue to SE 18th Avenue
- SW 14th Avenue from Alameda Drive to East of SW 4th Street
- SW 14th Avenue from Alameda Drive to Sunset Drive (future street)
- Reiter drive from NW 4th Avenue to Malheur Drive
- NW 12th Street from NW 4th Avenue to Malheur Drive (future street)
- NW 18th Street from Malheur Drive to NW Washington Avenue
- NW Washington Avenue from NW 18th Street to Yturri Beltline
- Future Street West of SW 26th Street from West Idaho Avenue to NW 4th Avenue
- SW 4th Avenue from Highway 201 to West UGB
- SW 4th Avenue from South Oregon Street to SW 2nd Street
- Local Collector system between Alameda and Sunset

3.5. BRIDGES

The Oregon Department of Transportation maintains an up to date inventory and appraisal of Oregon bridges. Part of this inventory involves the evaluation of three mutually exclusive elements of bridges. One element identifies which bridges are structurally deficient. This is determined based on the condition rating for the deck, superstructure, substructure, or culvert and retaining walls. It may also be based on the appraisal rating of the structural condition or waterway adequacy. Another element identifies which bridges are functionally obsolete. This element is determined based on the appraisal rating for the deck geometry, underclearances, approach roadway alignment, structural condition, or waterway adequacy. The third element summarizes the sufficiency ratings for all bridges. The sufficiency rating is a complex formula which takes into account four separate factors to obtain a numeric value rating the ability of a bridge to service demand. The scale ranges from 0 to 100 with higher ratings indicating optimal conditions and lower ratings indicating insufficiency. Bridges with ratings under 55 may be nearing a structurally deficient condition. In more general terms, a rating under 55 may indicate that significant maintenance is needed or that replacement should be planned. The exception to this are bridges that were built to a much older standard that are in good condition but do not meet today's design standards. These types of bridges can rate fairly low and under 55. The important factor here is that there are no structural integrity issues and loading problems that limit the type of vehicle and weight that can cross the structure.

There are 9 bridges within the Ontario planning area that are rated by ODOT. Of these 9 bridges, 8 are maintained by ODOT, and the remaining one by Malheur County.



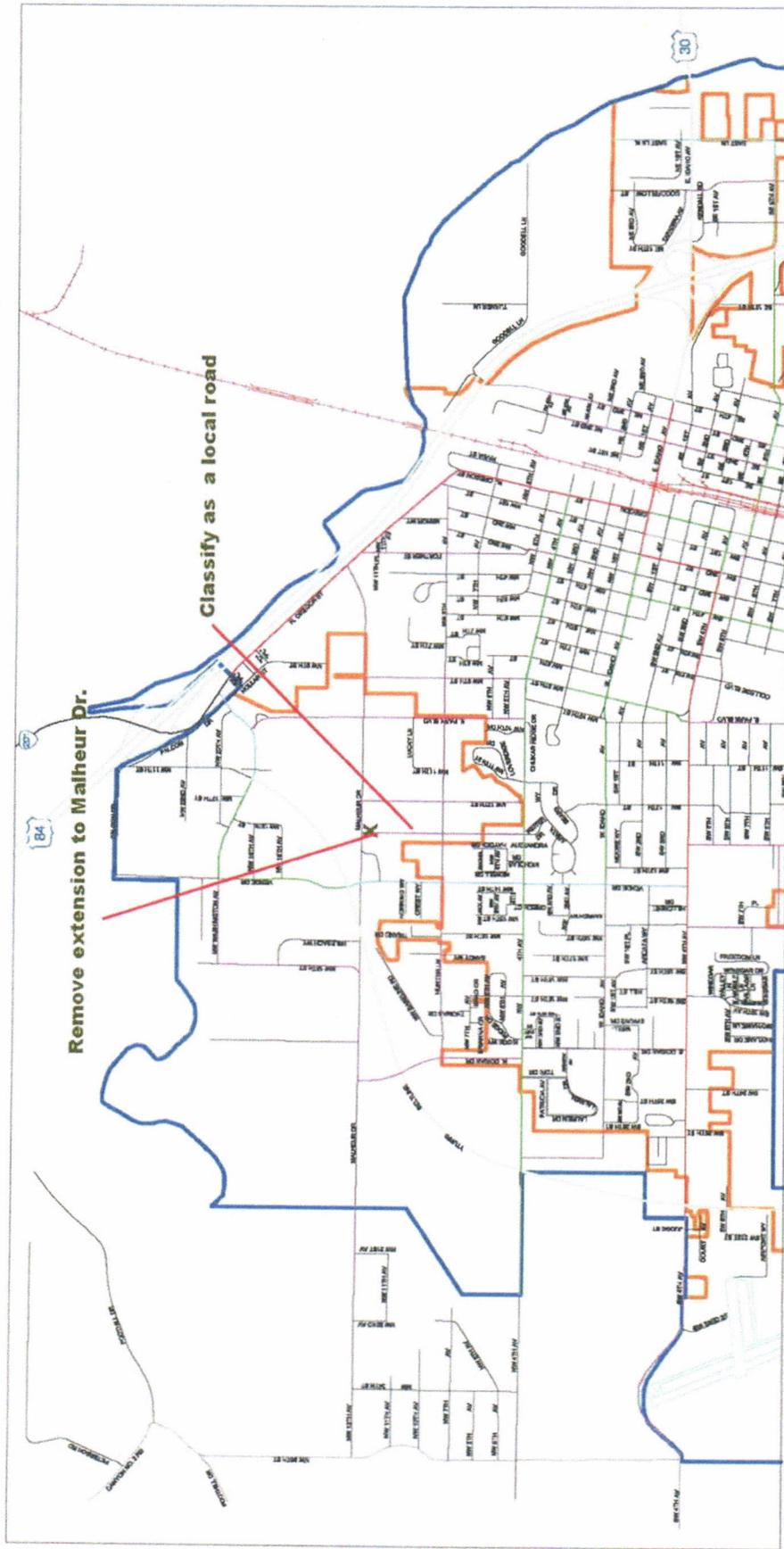
City of Ontario Transportation System Plan

Figure 3-1a
Existing Roadway Classification
October 14, 2014

LEGEND

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

NOT TO SCALE



Remove extension to Malheur Dr.

Classify as a local road

City of Ontario Transportation System Plan

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

NOT TO SCALE

Figure 7-1a
Roadway Classification



Figure 7-9a
 Local Street Network Plan
 EXHIBIT D
 February 21, 2006

LEGEND
 Improvement Location ———

NOT TO SCALE

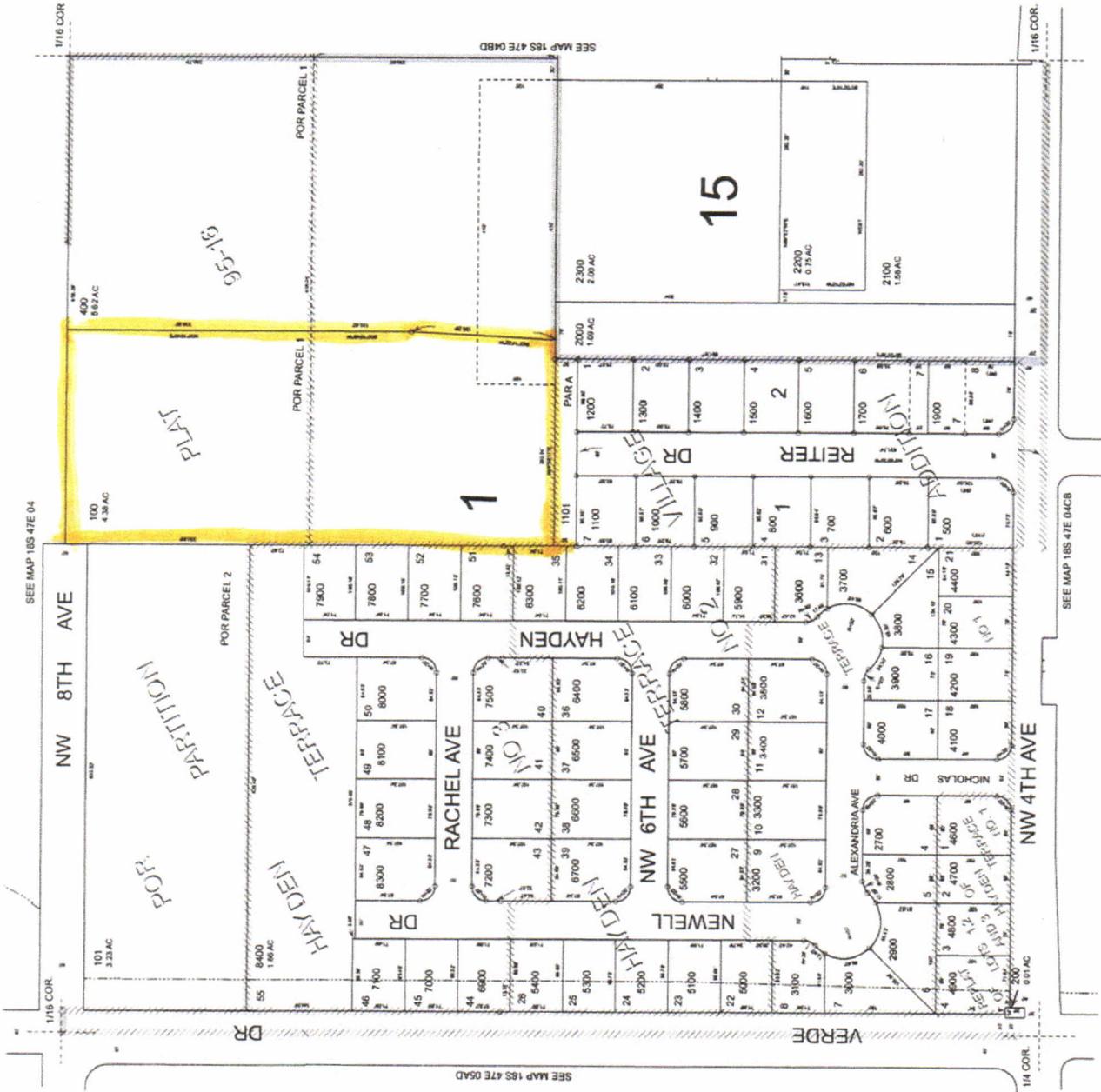
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

0 50 100 150 200 Feet

S.W. 1/4 N.W. 1/4 SEC. 4 T. 18S. R. 47E. W.M.
MALHEUR COUNTY
1" = 100'

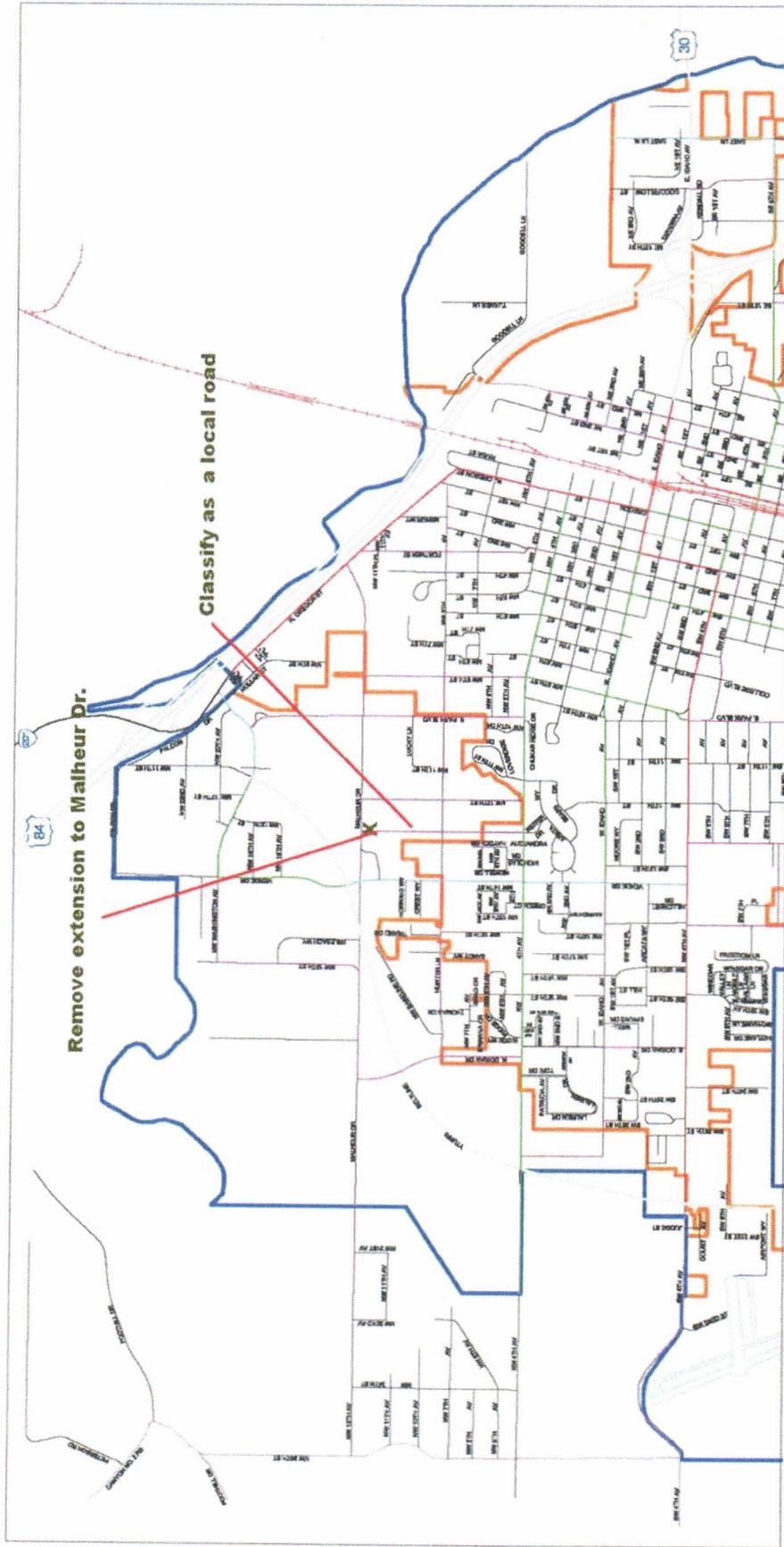
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Revised MA
02/19/2014

ONTARIO
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City of Ontario Transportation System Plan

Figure 7-1a
Roadway Classification

LEGEND

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

NOT TO SCALE

- Oregon Street from Idaho Avenue to SW 4th Avenue
- Sunset Drive from SW 4th Avenue to SW 18th Avenue
- Verde Drive from NW Washington Avenue to SW 4th Avenue
- SE 10th Street from SE 5th Avenue to SE 18th Avenue
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3.5. BRIDGES

The Oregon Department of Transportation maintains an up to date inventory and appraisal of Oregon bridges. Part of this inventory involves the evaluation of three mutually exclusive elements of bridges. One element identifies which bridges are structurally deficient. This is determined based on the condition rating for the deck, superstructure, substructure, or culvert and retaining walls. It may also be based on the appraisal rating of the structural condition or waterway adequacy. Another element identifies which bridges are functionally obsolete. This element is determined based on the appraisal rating for the deck geometry, underclearances, approach roadway alignment, structural condition, or waterway adequacy. The third element summarizes the sufficiency ratings for all bridges. The sufficiency rating is a complex formula which takes into account four separate factors to obtain a numeric value rating the ability of a bridge to service demand. The scale ranges from 0 to 100 with higher ratings indicating optimal conditions and lower ratings indicating insufficiency. Bridges with ratings under 55 may be nearing a structurally deficient condition. In more general terms, a rating under 55 may indicate that significant maintenance is needed or that replacement should be planned. The exception to this are bridges that were built to a much older standard that are in good condition but do not meet today's design standards. These types of bridges can rate fairly low and under 55. The important factor here is that there are no structural integrity issues and loading problems that limit the type of vehicle and weight that can cross the structure.

There are 9 bridges within the Ontario planning area that are rated by ODOT. Of these 9 bridges, 8 are maintained by ODOT, and the remaining one by Malheur County.

July 3, 2014

Marcy Skinner
City of Ontario, Planning and Zoning
458 SW 3rd St.
Ontario, OR 97914

RE: Pine Ridge Estates

Dear Ms. Skinner:

The applicant of the above referenced project is proposing to reclassify the listing of Reiter Drive in the Transportation System Plan (TSP). Reiter Road is not yet constructed, but is anticipated to connect NW 4th Ave and Malheur Drive. This segment is currently classified as a future collector road in the Transportation System Plan (TSP). The applicant requests to reclassify this segment of Reiter Drive to a local road ending in a cul-de-sac.

Findings:

1. The TSP identifies Reiter Drive and NW 12th Street as collector roads. These roads are parallel and separated by approximately 515 feet.
2. Reiter Road is approximately 790 feet east of N Verde Dr.
3. North of NW 4th Avenue, Reiter Drive currently exists for approximately 600 feet. It has front on housing with direct driveway access for 13 houses. There is approximately 36 feet of pavement from back of curb to back of curb. There is on street parking.
4. Reiter Drive is currently constructed to local road standards with rolled curb and gutter.
5. If Reiter Drive is extended due north, it would intersect Malheur Drive very near an existing horizontal curve in Malheur Drive, which may create sight distance issues.
6. There is vertical topographic relief of approximately 20-25' that will create construction problems if Reiter Drive is extended to Malheur Drive.
7. The area can be served by one collector road in the north south direction. It will also be served by Hunter Lane in the east west direction.
8. NW 12th Street is more centrally located in the zone and will not have the horizontal alignment issues. There are also existing houses on NW 12th Street, but they are set back farther from the roadway than Reiter Road.
9. Making Reiter Drive a local road will encourage walking and bicycling on the roadway due to the fact that the roadway will be narrower and friendlier to pedestrians and cyclists. This will be in compliance with Section 3.8 of the TSP.

Anticipated Traffic

A traffic assessment letter dated January 21, 2014 was prepared by our office and submitted to the City of Ontario. This letter indicated that the proposed development and existing development will result in approximately 210 daily trips on Reiter Dr., which will fall well below the maximum volumes recommended for local roads by most jurisdictions.

Eliminating Reiter Dr. as a collector road will require the area bounded by N. Verde Dr, Malheur Dr., NW 4th Ave, and NW 10th St to be served by NW 12 St as a north-south collector and Hunter Lane as an east-west collector. The acreage of this area is approximately ¼ section, or 160 acres. A review of Google Earth indicates that approximately 43 acres is already developed and obtains access directly to existing arterial roads. The proposed development consists of approximately 14 acres and will use Reiter Road as the primary access. This leaves approximately 103 acres of theoretically buildable acreage. If the entire area were to be built out at 4 units per acre, there would be less than 412 houses. Based on the ITE Trip Generation Manual rate of 9.57 trips per single family dwelling unit, we estimate the area will generate less than 4,000 trips per day. With four connection points to the transportation system, neither Hunter Lane or NW 12th St. should see volumes greater than 2,000 vehicles per day.

Recommendation:

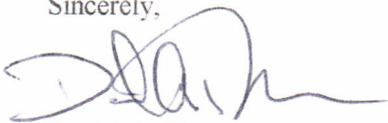
The area between NW 4th Avenue, Malheur Drive, N. Verde Dr., and N. Park Blvd can be adequately served by one north south collector road. Reiter Drive is very close to N. Verde Drive. NW 12th Street is more centrally located in the zone. Therefore, Reiter Drive can be reclassified as a local road as requested by the applicant without adverse impact on the transportation system.

The following changes will need to be made to the Transportation System Plan:

1. Page 3.8, Section 3.4.4 - Delete "Reiter drive from NW 4th Avenue to Malheur Drive" from list of Major and Minor Non-highway Collectors
2. Figure 7-1a City of Ontario System Plan – delete Reiter Road as future minor collector and show termination in a cul-de-sac.
3. Figure 7-9a Local Street Network Plan – delete Reiter Road as an Improvement location

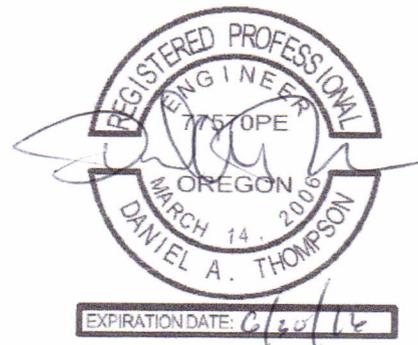
Should you have any questions, please call.

Sincerely,



Daniel A. Thompson, P.E.

cc John Carpenter, T-O Engineering
Ralph Poole, Camp and Poole Distributing
Dan Cummings. CK3, LLC



OLD BUSINESS AGENDA REPORT

November 3, 2014

TO: Mayor and City Council

FROM: Larry Sullivan, City Attorney

THROUGH: Tori Barnett, Interim City Manager

SUBJECT: ORDINANCE 2696-2014: AN ORDINANCE ADDING CHAPTER 21 TO TITLE 3 OF THE ONTARIO CITY CODE TO ESTABLISH A TAX ON THE SALE OF MARIJUANA AND MARIJUANA-INFUSED PRODUCTS IN THE CITY OF ONTARIO (*Second and Final Reading*)

DATE: October 27, 2014

SUMMARY:

Attached is the following document:

- Ordinance 2696-2014 Amend OMC; Add 3-21 re: Marijuana

PREVIOUS COUNCIL ACTION:

10/20/2014 Council passed Ordinance #2696-2014 on First Reading.

There have been no changes to the proposed ordinance since first reading; however, Council may wish to further discuss the ordinance.

RECOMMENDATION:

Staff makes no recommendation with respect to Ordinance 2696-2014.

PROPOSED MOTION:

I move that the City Council approve Ordinance 2696-2014, **AN ORDINANCE ADDING CHAPTER 21 TO TITLE 3 OF THE ONTARIO CITY CODE TO ESTABLISH A TAX ON THE SALE OF MARIJUANA AND MARIJUANA-INFUSED PRODUCTS IN THE CITY OF ONTARIO**, on Second and Final Reading by Title Only.

ORDINANCE No. 2696-2014

**AN ORDINANCE ADDING CHAPTER 21 TO TITLE 3 OF THE ONTARIO CITY CODE
TO ESTABLISH A TAX ON THE SALE OF MARIJUANA
AND MARIJUANA-INFUSED PRODUCTS IN THE CITY OF ONTARIO**

WHEREAS, Section 2.1 of Chapter II of the Ontario City Charter provides that the City has all the powers and authority that the constitution, statutes and common law of the United States and the State of Oregon expressly or impliedly grant or allow municipalities as fully as though the Charter specifically enumerated each of those powers; and

WHEREAS, the City desires to tax the sale or transfer of marijuana and marijuana-infused products within the City.

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

SECTION 1. The following Chapter 21 “Marijuana Tax” is added to Title 3 of the Ontario City Code:

Chapter 3 Marijuana Tax.

3-21-1 Purpose.

3-21-2 Definitions.

3-21-3 Tax Imposed.

3-21-4 Amount and Payment, Deductions.

3-21-5 Seller Responsible for Payment of Tax.

3-21-6 Penalties and Interest.

3-21-7 Failure to Report and Remit Tax – Determination of Tax by City Manager.

3-21-8 Appeal.

3-21-9 Refunds.

3-21-10 Actions to Collect.

3-21-11 Violation.

3-21-12 Confidentiality.

3-21-13 Audit of Books, Records or Persons.

3-21-14 Forms and Regulations.

3-21-15 Not a License.

3-21-16 Severability.

3-21-1 Purpose.

For the purpose of this Chapter, every person who sells marijuana, medical marijuana, or marijuana-infused products in the City of Ontario is exercising a taxable privilege. The purpose of this Chapter is to impose a tax upon the sale of marijuana, medical marijuana and marijuana-infused products.

3-21-2 Definitions.

As used in this Chapter, unless the context requires otherwise:

“City Manager” means the City Manager of the City of Ontario or his/her designee.

“Gross sales” means the total amount received in money, credits, property or other consideration from sales of marijuana, medical marijuana and marijuana-infused products that is subject to the tax imposed by this Chapter.

“Marijuana” means all parts of the plant of the Cannabis family Moraceae, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its resin, as may be defined by Oregon Revised Statutes as they currently exist or may from time to time be amended. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

“Oregon medical marijuana program” means the office within the Oregon Health Authority that administers the provisions of ORS 475.300 through 475.346, the Oregon Medical Marijuana Act, and all policies and procedures pertaining thereto.

“Person” means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or any group or combination acting as a unit, including the United States of America, the state of Oregon and any political subdivision thereof, or the manager, lessee, agent, servant, office or employee of any of the them.

“Purchase” or “sale” means the acquisition or furnishing for consideration by any person of marijuana or marijuana-infused products within the City.

“Registry identification holder” means a person who has been diagnosed by an attending physician with a debilitating medical condition and for whom the use of medical marijuana may mitigate the symptoms or effects of the person’s debilitating medical condition, and who has been issued a registry identification card by the Oregon Health Authority.

“Seller” means any person who is required to be licensed or has been licensed by the state of Oregon to provide marijuana or marijuana-infused products to purchasers for money, credit, property or other consideration.

“Tax” means either the tax payable by the seller or the aggregate amount of taxes due from a seller during the period for which the seller is required to report collections under this Chapter.

“Taxpayer” means any person obligated to account to the City Manager for taxes collected or to be collected, or from whom a tax is due, under the terms of this Chapter.

3-21-3 Tax Imposed.

A tax is hereby levied and shall be paid by every seller exercising the taxable privilege of selling marijuana and marijuana-infused products as defined in this Chapter. The City Manager is authorized to exercise all supervisory and administrative powers with regard to the enforcement, collection and administration of the marijuana tax.

3-21-4 Amount and Payment, Deductions.

1. In addition to any fees or taxes otherwise provided for by law, every seller engaged in the sale of marijuana and marijuana-infused products shall pay a tax as follows:

a. Five (5) percent of the gross sale amount paid to the seller by a registry identification cardholder.

b. Ten (10) percent of the gross sale amount paid to the seller of marijuana and marijuana-infused products by individuals who are not registry identification cardholders purchasing marijuana under the Oregon Medical Marijuana Program.

2. The following deductions shall be allowed against sales received by the seller providing marijuana or marijuana-infused products:

a. Refunds of sales actually returned to any purchaser;

b. Any adjustments in sales which amount to a refund to a purchaser, providing such adjustment pertains to the actual sale of marijuana or marijuana-infused products and does not include any adjustments for other services furnished by a seller.

3-21-5 Seller Responsible for Payment of Tax.

1. Every seller shall, on or before the last day of the month following the end of each calendar quarter (in the months of April, July, October and January) make a return to the City Manager, on forms provided by the City Manager, specifying the total sales subject to this Chapter and the amount of tax collected under this Chapter. The seller may request or the City Manager may establish shorter reporting periods for any seller if the seller or City Manager deems it necessary in order to ensure collection of the tax and the City may require further information in the return relevant to payment of the tax. A return shall not be considered filed until it is actually received by the City Manager.

2. At the time the return is filed, the full amount of the tax collected shall be remitted to the City.

3. Payments shall be applied in the order of the oldest liability first, with the payment credited first toward any accrued penalty, then to interest, then to the underlying tax until the payment is exhausted. Crediting of a payment toward a specific reporting period will be first applied against any accrued penalty, then to interest, then to the underlying tax. If the City Manager, in his or her sole discretion, determines that an alternative order of payment application would be in the best interest of the City in a particular tax or factual situation, the City Manager may order such a change. The City Manager may establish shorter reporting periods for any seller if the City Manager deems it necessary in order to ensure collection of the tax. The City Manager also may require additional information in the return relevant to payment of the liability. When a shorter return period is requested, penalties and interest shall be computed according to the shorter return period. Returns and payments are due immediately upon cessation of business for any reason. All taxes collected by sellers pursuant to this Chapter shall be held in trust for the account of the City until payment is made to the City. A separate trust bank account is not required in order to comply with this provision.

4. Every seller required to remit the tax imposed in this Chapter shall be entitled to retain five (5) percent of all taxes due to defray the costs of bookkeeping and remittance.

5. Every seller must keep and preserve, in an accounting format established by the City Manager, records of all sales made by the dispensary, and any such other books or accounts as may be required by the City Manager, for a period of three (3) years or until all taxes associated with the sales have been paid, whichever is longer. The City shall have the right to inspect all such records at all reasonable times.

3-21-6 Penalties and Interest.

1. Any seller who fails to remit any portion of any tax imposed by this Chapter within the time required shall pay a penalty of ten (10) percent of the amount of the tax, in addition to the amount of the tax.

2. Any seller who fails to remit any delinquent remittance on or before a period of 60 days following the date on which the remittance first became delinquent shall pay a second delinquency penalty of ten percent (10%) of the amount of the tax in addition to the amount of the tax and the penalty first imposed.

3. If the City determines that the nonpayment of any remittance due under this Chapter is due to fraud, a penalty of twenty-five (25) percent of the amount of the tax shall be added thereto in addition to the penalties stated in subparagraphs 1 and 2 of this section.

4. In addition to the penalties imposed, any seller who fails to remit any tax imposed by this Chapter shall pay interest at the rate of one (1) percent per month or fraction thereof on the amount of tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

5. Every penalty imposed, and such interest as accrues under the provisions of this section, shall become a part of the tax required to be paid.

3-21-7 Failure to Report and Remit Tax – Determination of Tax by City Manager.

If any seller should fail to make, within the time provided in this Chapter, any report of the tax required by this Chapter, the City Manager shall proceed in such manner as deemed best to obtain facts and information on which to base the estimate of tax due. As soon as the City Manager shall procure such facts and information as is able to be obtained, upon which to base the assessment of any tax imposed by this Chapter and payable by any seller, the City Manager shall proceed to determine and assess against such seller the tax, interest and penalties provided for by this Chapter. In case such determination is made, the City Manager shall give a notice of the amount so assessed by having it served personally or by depositing it in the United States mail, postage prepaid, addressed to the seller so assessed at the last known place of address. Such seller may make an appeal of such determination as provided in section 3-21-8. If no appeal is filed, the City Manager's determination is final and the amount thereby is immediately due and payable.

3-21-8 Appeal.

Any seller aggrieved by any decision of the City Manager with respect to the amount of such tax, interest and penalties, if any, may appeal to the City Council by filing a written notice of appeal with the City Manager within thirty (30) days of the serving or mailing of the determination of tax due. The City Council shall hear and consider any records and evidence presented bearing upon the City Manager's determination of amount due, and make findings affirming, reversing or modifying the determination. The findings of the City Council shall be final and conclusive. Any amount found to be due shall be immediately due and payable upon the service of notice.

3-21-9 Refunds.

1. Whenever the amount of any tax, interest or penalty has been overpaid or paid more than once, or has been erroneously collected or received by the City under this Chapter, it may be refunded as provided in subparagraph 2 of this section, provided a claim in writing, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the City Manager within one (1) year of the date of payment. The claim shall be on forms furnished by the City.

2. The City Manager shall have twenty (20) calendar days from the date of receipt of a claim to review the claim and make a determination in writing as to the validity of the claim. The City Manager shall notify the claimant in writing of the City Manager's determination. Such notice shall be mailed to the address provided by claimant on the claim form. In the event a claim is determined by the City Manager to be a valid claim, in a manner prescribed by the City Manager a seller may claim a refund, or take as credit against taxes collected and remitted, the amount overpaid, paid more than once or erroneously collected or received. The seller shall notify City Manager of claimant's choice no later than fifteen (15) days following the date City Manager mailed the determination. In the event claimant has not notified the City Manager of claimant's choice within the fifteen (15) days period and the seller is still in business, a credit will be granted against the tax liability for the next reporting period. If the seller is no longer in business, a refund check will be mailed to claimant at the address provided in the claim form.

3. Any credit for erroneous overpayment of tax made by a seller taken on a subsequent return or any claim for refund of tax erroneously overpaid filed by a seller must be so taken or filed within three (3) years after the date on which the overpayment was made to the City.

4. No refund shall be paid under the provisions of this section unless the claimant establishes the right to a refund by written records showing entitlement to the refund and the City Manager acknowledges the validity of the claim.

3-21-10 Actions to Collect.

Any tax required to be paid to any seller under the provisions of this Chapter shall be deemed a debt owed by the seller to the City. Any such tax collected by a seller that has not been paid to the City shall be deemed a debt owed by the seller to the City. Any person owing money to the City under the provisions of this Chapter shall be liable to an action brought in the name of the City of Ontario for the recovery of such amount. In lieu of filing an action for the recovery, the City of Ontario, when taxes due are more than thirty (30) days delinquent, may submit any outstanding tax to a collection agency. So long as the City of Ontario has complied with the provisions set forth in ORS 697.105, in the event the City turns over a delinquent tax account to a collection agency, it may add to the amount owing an amount equal to the collection agency fees, not to exceed the greater of fifty dollars (\$50.00) or fifty (50) percent of the outstanding tax, penalties and interest owing.

3-21-11 Violation.

1. Violation of any provision of this Chapter shall constitute an unclassified civil violation which shall be processed according to the procedures established in Chapter 4 "General Penalty" of Title 1 of this Code. Each violation of a separate provision of this Chapter shall constitute a separate offense and each day that a violation of this Chapter is committed or permitted to continue shall constitute a separate offense. It is a violation of this Chapter for any seller or other person to:

- a. Fail or refuse to comply as required herein;
- b. Fail or refuse to furnish any return required to be made;
- c. Fail or refuse to permit inspection of records;
- d. Fail or refuse to furnish a supplemental return or other data required by the City;
- e. Render a false or fraudulent return or claim; or
- f. Fail, refuse or neglect to remit the tax to the City by the due date.

2. The remedies provided by this section are not exclusive and shall not prevent the City from exercising any other remedy available under the law, nor shall the provisions of this ordinance prohibit or restrict the City or other appropriate prosecutor from pursuing criminal charges under state law or City ordinance.

3-21-12 Confidentiality.

Except as otherwise required by law, it shall be unlawful for the City, any officer, employee or agent to divulge, release or make known in any manner any financial information submitted or disclosed to the City under the terms of this Chapter. Nothing in this section shall prohibit:

1. The disclosure of the names and addresses of any person who is operating a licensed establishment from which marijuana or marijuana-infused products are sold or provided; or
2. The disclosure of general statistics in a form that would not reveal an individual sellers' financial information; or
3. Presentation of evidence to the court or other tribunal having jurisdiction in the prosecution of any criminal or civil claim by the City or an appeal from the City for amount due the City under this Chapter; or
4. The disclosure of information when such disclosure of conditionally exempt records is ordered under public records law procedures; or
5. The disclosure of records related to a business' failure to report and remit the tax when the report or tax is in arrears for over six (6) months or the tax exceeds five thousand dollars (\$5,000). The City Council expressly finds and determines that the public interest in disclosure of such records clearly outweighs the interest in confidentiality under ORS 192.501(5).

3-21-13 Audit of Books, Records or Persons.

1. The City, for the purpose of determining the correctness of any tax return, or for the purpose of an estimate of taxes due, may examine or may cause to be examined by an agent or representative designated by the City for that purpose, any books, papers, records or memoranda, including copies of seller's state and federal income tax return, bearing upon the matter of the seller's tax return. All books, invoices, accounts and other records shall be made available within the city limits and be open at any time during regular business hours for examination by the City Manager or an authorized agent of the City Manager.

2. If the examinations or investigations disclose that any reports of sellers filed with the City Manager pursuant to the requirements herein have shown incorrectly the amount of tax accruing, the City Manager may make such changes in subsequent reports and payments, or make such refunds, as may be necessary to correct the errors disclosed by its examinations or investigations.

3. The seller shall reimburse the City for reasonable costs of the examination or investigation if the action disclosed that the seller paid ninety-five (95) percent or less of the tax owing for the period of examination or investigation. In the event that such examination or investigation results in an assessment by and an additional payment due to the City, such additional payment shall be subject to interest at the rate of one (1) percent per month, or the portion thereof, from the date the original tax payment was due.

4. If any taxpayer refuses to voluntarily furnish any of the foregoing information when requested, the City may immediately seek a subpoena from the Ontario Municipal Court to require that the taxpayer or a representative of the taxpayer attend a hearing or produce any such books, accounts and records for examination.

5. Every seller shall keep a record in such form as may be prescribed by the City of all sales of marijuana and marijuana-infused products. The records shall at all times during the business hours of the day be subject to inspection by the City or authorized officers or agents of the City Manager.

6. Every seller shall maintain and keep, for a period of three (3) years, or until all taxes associated with the sales have been paid, whichever is longer, all records of marijuana and marijuana-infused products sold.

3-21-14 Forms and Regulations.

The City Manager is authorized to prescribe forms and promulgate rules and regulations to aid in the making of returns, the ascertainment, assessment and collection of the marijuana tax and in particular, and without limiting the general language of this Chapter, to provide for:

1. A form of report on sales and purchases to be supplied to all sellers;
2. The records that sellers providing marijuana and marijuana-infused products are to keep concerning the tax imposed by this Chapter.

3-21-15 Not a License.

This Chapter shall not be construed as establishing that sellers are authorized or licensed to sell marijuana or marijuana-infused products within the City of Ontario.

3-21-16 Severability.

The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

SECTION 2. Effective Date. This ordinance will be effective thirty (30) days after its enactment by the City Council.

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

AYES:

NAYS:

ABSENT:

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

ATTEST:

LeRoy Cammack, Mayor

Tori Barnett, MMC, City Recorder

Discussion/Information /Hand-Out Items

City Council Meeting
November 3, 2014

MALHEUR COUNTY COURT MINUTES

OCTOBER 15, 2014

The Malheur 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.

Public present was Teresa Symonds.

CIRCUIT COURT

Trial Court Administrator Kim Migliaccio met with the Court and requested authorization for a remodel project. Also present was Maintenance Supervisor Don Dalton. Ms. Migliaccio briefly explained the proposed project. The project involves the front counter wall area; a door would be moved, another door closed off, installation of two windows and a built-in desk at the front counter. The purpose of the project is in preparation for implementation of E-Court in 2016. The project will be funded entirely by the Circuit Court. Additionally, the jury restrooms are being updated. The Court had no objections to the project. Ms. Williams will followup with Ms. Migliaccio regarding bonding and prevailing wage rate requirements.

COURT MINUTES

Commissioner Wilson moved to approve Court Minutes of October 8, 2014 as written. Commissioner Hodge seconded and the motion passed unanimously.

RESOLUTION – LIFEWAYS EMPLOYEES

Commissioner Hodge moved to approve Resolution No. R14-31 Resolution Authorizing Sandra Shelton, Dennis Baughman, Louise Van Dereijk, Alice Mills, Megan Gomez, and Bill Stinchcomb to Direct a Peace Officer or Approved Secure Transport Provider to Take Allegedly Mentally Ill Persons Into Custody. Commissioner Wilson seconded and the motion passed unanimously. These appointments were made pursuant to the recommendation of Judy Cordeniz, the community mental health director. (This resolution supersedes Resolution No. R11-23, recorded with the Clerk on September 21, 2011 as instrument number 2011-3268) See instrument # 2014-3308

BOPTA

Commissioner Wilson moved to approve Order No. GO-10-14: In the Matter of the Appointment of Members to the 2015 Board of Property Tax Appeals (BOPTA) Chairperson's Pool and Non-Office Holding Pool. Commissioner Hodge seconded and the motion passed unanimously. Don Hodge and Les Ito will serve in

the Chairperson's Pool; Mike Kurth, Brenda Hartley, and Les Ito will serve in the Non-Office Holding Pool.
See instrument #2014-3307

CROSSING PERMIT

Commissioner Wilson moved to approve Crossing Permit #49-14 to Vale Oregon Irrigation District (VOID) for installation of pipe on 7th Ave W #1091. Commissioner Hodge seconded and the motion passed unanimously. The original permit will be kept on file at the Road Department.

PUBLIC COMMENT - SYMONDS

Teresa Symonds visited with the Court about medical marijuana dispensaries. Ms. Symonds requested the Court lift the moratorium on dispensaries so those patients with medical marijuana cards may obtain their medicine. The Court explained the moratorium is in place until May 2015; and they expect that there may be future legislative changes made to the program.

COURT ADJOURNMENT

Court was adjourned.

Tori Barnett - SREDA Annual Mtg & Nov 5th Monthly Meeting

From: Kit Kamo <kkamo@tvcc.cc>
Date: 10/24/2014 9:19 AM
Subject: SREDA Annual Mtg & Nov 5th Monthly Meeting
Attachments: October 1 2014 MINUTES.doc

Just a quick reminder:

MONDAY, October 27, 6:30 pm is the SREDA Annual Meeting at TVCC Weese 110 - Annual report, election of board members, officers - refreshments served - all are welcome!

WEDNESDAY, November 5, 7 AM, Rolling Hills Golf Course, 50 W Indianhead Rd, Weiser, ID (208) 549-0456, SREDA Regular Monthly Meeting. This meeting will be followed by a Washington County/Weiser joint meeting on economic development. All our meetings are open to the public.

Attached are the minutes from the October 1 meeting.

Have a productive Friday and a great weekend!

Kit Kamo, Executive Director

Snake River Economic Development Alliance

650 College Blvd.

Ontario, OR 97914

Office: 541.881.5597

Cell: 208.230.5214

E-mail: kkamo@tvcc.cc

www.snakerivereda.com

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SREDA Board Meeting
October 1, 2014
Bob's Steakhouse, Nyssa, OR

Members & guests present: Mike Hanigan, Randy Griffin, Sandy Hemenway, Patrick Nauman, Kevin Coats, Jeff Hafer, Will Overgaard, Kyla Dickerson, Alan Daniels, Harry Flock, Larry Meyer, Abby Lee, Dan Greig, Andrea Testi, John Breidenbach, Tim Waite, Jim Smith and Torie Rameriz

1. Call the Meeting to Order: Vice Chairman Mike Hanigan called the meeting to order at 7:08 a.m. and thanked everyone for attending the meeting today.
2. Introductions: Vice Chairman Hanigan then asked everyone to go around the room and introduce themselves, who they are and what organization they are representing. Chairman Hanigan started with introducing himself and we then went around the room until everyone present had introduced themselves.
3. Approval of September 3, 2014 Board Minutes: Vice Chairman Hanigan asked if everyone had a chance to review and read the board minutes that were sent out from the September 3, 2014 board meeting at the Internet Truckstop in New Plymouth, ID. Mike then asked if anyone had any questions or corrections. There were none. Patrick Nauman made a motion to approve the minutes, seconded by Kevin Coates. The motion passed unanimously.
4. Financial Update for September 30, 2014: Treasurer Sandy Hemenway provided the group with a detailed financial report update. Sandy reviewed the checking and money market account balances and all other details of the snap shot financial statement provided in our handout information. Renewing members were Idaho Power, Malheur Federal Credit Union, City of New Plymouth, City of Nyssa, and City of Weiser. Sandy announced that Intermountain Community Bank (ICB) Corporate office is doing a dollar for dollar match, up to \$2500, for new and renewing SREDA members from now until the end of December

After Sandy's thorough presentation, Vice Chairman Hanigan asked if anyone had any other questions or concerns and none were noted. Patrick Nauman made a motion to approve the financial report as presented, seconded by Kevin Coates. The motion passed unanimously.

5. Election of Officers, Board Members and our Annual Meeting: Vice Chairman Hanigan reviewed for the group the positions for SREDA that are up for re-election. They are:

Mike Hanigan, Business; Jeff Williams, At-Large; and Ken Bishop, Elected Official.

Vice Chairman Hanigan explained and reviewed how SREDA is governed. Board position information was provided in the hand out given to everyone attending the meeting. This is the time of year for our annual meeting to be held. By design, different member positions rotate off on various years. If the three individuals above wish to be re-elected and are successful, then they would serve another three year term.

Vice Chairman Hanigan explained that our annual meeting is a separate from our normal monthly meetings and is usually held in the evening. Mike then explained what is normally accomplished during this meeting and informed the group that our elections will be held at that time. Vice Chairman Hanigan discussed with the group and encouraged folks to get involved and run for an open position. It is always important to have "new" blood. To be nominated, the member must be a current paid member of the



organization. At this time we need to determine a place and time for the meeting. Randy Griffin was asked to check and see if Weese 110 on the TVCC campus is available for the meeting. The potential meeting dates discussed were October 27th, 28th, 29th, however Monday the 27th in the evening was the preferred date. The meeting will start at 6:30 a.m. Kit will provide all details at a later date.

6. Community Brief Highlights:

a. Nyssa: Harry Flock stated the City is still moving forward on their arsenic plant project and had nothing else to report.

b. Vale: No one from Vale was present, no report.

c. Ontario: Alan Daniels gave the Ontario report and informed the group that the city council passed a resolution to drop the system development charges regarding new development for the next two years to see if this would attract new businesses into the city. Alan is re-contacting with businesses and past leads the city has dealt with over the last few years so everyone is aware of this new development.

Alan stated CM2 Hill has taken over many city public works services on a contractual basis for the next five years. All is going well right now and they can, and have, provided some valuable expertise. The golf course will be closing at the end of November and the city is looking to re-open the aquatic center. They also have some street improvements which are in the works to help the truck route. Alan was then asked a question regarding the Mall and he explained the new owner is talking about possible retail development and the west end of town expansion. The new owner has the funds to accomplish major remodeling as determined.

d. Payette: Kevin Coats stated a Pizza Hut Express is being built at this time and the city is working on a few other developments as well.

e. Weiser: Patrick Nauman said the old Bee Hive restaurant has sold and a new business will be coming in very soon. The new business is a little different format and will handle tobacco, liquor and dining. Patrick also said they have an upscale RV park in the works.

f. New Plymouth: No one from New Plymouth was present, no report

f. TVCC - Andrea Testi began by giving a report on the college fall quarter enrollment. Andrea stated that the college originally estimated about a 12% decline in enrollment which represented a large fiscal problem to the college. However, as of this week we have gained that percentage back.

Abby Lee then discussed the 2P2 initiative and stated how this community-represented group has been working very hard. She reviewed the programs that are in place and stated that a systems controls training program is the next thing the group is working on. They are currently working on potential funding right now to get this off the ground. She then discussed the article on community college default rates which ran on the front page of the Oregonian. The current TVCC default rate is now around 32% which is high. This is a serious concern for any school with a default rate over 30%. The reason is really because of the recent recession. This created tough economic times in our area and was the main way many folks could get funding for school, living expenses, etc. The college has created a new default plan which is in place and will impact this rate our rate in the future, lowering it to acceptable levels.

g. Fruitland: Jim Smith reported that a large project is coming to Fruitland which will not be announced until October 14th and this might include a grocery store.

7. County Brief Highlights:

- a. Payette County: Kevin Coates had no report for this meeting.
- b. Washington County: Jeff Hafer said he would have a report next month.
- c. Malheur County: No one was present from Malheur County so no report was provided.

8. Executive Director Report: Kit reported on several ongoing projects updating the Board on all details. Kit then reviewed the following information as follows:

a. Idaho Power West Region Economic Development Forum October - Kit stated we need to finish the RSVP list. Kit asked that everyone either send in the attendance cards to Idaho Power or you can return them to Kit. The event will be on October 16th at the Clarion Inn in Ontario.

b. Project Updates:

1. Project 78 site visit: Kit received an email from the State stating that the company is still active, but they are reviewing the details of each of the potential sights before making the top two cut. At this time, Idaho is still in the running for this project.

2. New Project: Kit stated this is a new potential project which is a local company looking for a building between 15,000 to 30,000 sq. ft. with room for expansion. The company is only looking at either Payette or Washington County right now.

3. Project Lincoln Log: This is in Payette County, the project is moving forward, and more formal announcements will be forth coming.

4. City of Ontario System Development Charges: Kit stated this two year moratorium on service development charges is a way to bring interest into our area. It is a tool that we can use to help market to site selectors and CEOs.

5. Ontario Mall Property: Two of the three mall property parcels have now been sold. Albertsons is separate and is one. The large mall is the second parcel and was recently sold and the deal finalized by Oregon Partner, LLC – Gregory Stuart. The third parcel yet to sell is the old KFC piece.

c. Other Activities:

1. Website Update: Kit asked everyone present to check out SREDA's new website. It looks nice and another meeting is scheduled this month so that Kit and Kristen can learn how to keep things fresh and up to date.

2. Natural Products East Baltimore: This show was not as big as the one in Anaheim, but it was still fairly good size with over 400 new vendors and it is the largest show of its kind on the East Coast. Kit met with several folks from Idaho and Oregon and did pick up on a couple of leads or interested parties, however two of them were only interested on the west side of Oregon.

3. List of upcoming shows and events: - The IEDC Fort Worth, TX event is occurring this month. Kristen has compiled a big list of 2015 trade shows, dates and locations for us to

review at a later date to select the top and most affordable ones for SREDA to attend. Currently, we are focused on food, agriculture value added, and outdoor recreation.

4. Visitor Center Final Report: This year, which closed early, we had over 75,000 visitors in 115 days. Kit had the final meeting yesterday with staff and the State of Idaho.

5. Other: Kit informed the group about the Chase Mission Grants. Currently five local companies are in the running and vying for this grant – they are: Weiser Classic Candies, Owyhee Grocery Store, Stepler Electric, Rodriguez Bakery and the Body Shop Fitness.

Round Table:

1. Alan Daniels discussed the improvements at the Ontario municipal airport and what this has meant in terms of business to the City of Ontario this summer. Alan explained some of the activity.

2. Patrick Nauman – Patrick said the Weiser chamber of commerce is now accepting applications for a part-time coordinator as they continue to reorganize. The position is for 30 hours per week. They hope to fill this position very soon. He also mentioned the city Community Awards Banquet will be held on October 20th and the Rose Advocates event next Saturday.

3. Torie Ramirez said the annual Rotary Rose sale is in progress so get your roses ordered now and picked up on this Thursday.

4. John Briedenback, Ontario Area Chamber of Commerce Executive Director, explained the chamber office has to move from its current location and at the present time they are investigating the old Ontario Pharmacy building below the hospital and across from Lions Park. This would be a great location and visible for the chamber. John said the Ontario hotels had a great season this year. The chamber will also have a ribbon cutting on Oct. 16th for the Park Vu Pharmacy in Fruitland. Also, one is scheduled for Four Star Realty which has moved to a new location. John then thanked Larry Myers and the Argus Observer for writing and running his articles on the front page regarding land use issues facing Oregon and the City of Ontario. Larry received a sound round of applause.

The next meeting will be on November 5, 2014 in Weiser, Idaho at the Vendome Center.

10. Adjourn: Chairman Hanigan adjourned the meeting at 7:56 a.m.

Minutes prepared by Randy Griffin, Secretary.

11. Other - Calendar of Events:

October 16, 2014 - Idaho Power West Region Economic Forum, Clarion 10 am – 3 pm

October 19-22 - IEDC - Fort Worth, TXC – Kit attending

Annual Meeting - October 27, 2014 6:30 pm TVCC Weese Bldg. Room 110

November 5, 2014 - SREDA monthly meeting - Weiser, ID - Vendome Center

December 3, 2014 - SREDA monthly meeting - Fruitland, ID - Farmers Mutual Telephone Co.

January 7, 2015 - SREDA monthly meeting - Ontario, OR - TBD



City of Ontario

POLICE DEPARTMENT

Office of the Chief

444 SW 4th Street

Ontario, OR 97914

Voice (541)889-5312 Ext. 2303

Fax (541)889-3026

mark.alexander@ontariooregon.org

To: Ontario City Council

Date: October 9, 2014

Re: Department Statistics for September, 2014

Activity	Month of September	Previous Month	Year to Date	Prior Year to Date
Calls for Service	791	898	7562	7646
Traffic Stops	217	167	1339	1137
Cited Traffic Violations	160	97	743	696
Motor Vehicle Crashes	21	33	268	264
Arrests	73	100	745	798
Arrests w/ Use of Force	0	1	13	14
Citizen Complaints	0	1	5	3
Cases to Dist. Attorney	47	44	419	575
Ordinance Cases Total	69	72	547	581
Ordinance-Weeds	36	40	181	148
Ordinance-Garbage	1	0	23	25
Dogs to Ani-Care	4	3	58	65
Junk Vehicles	0	0	4	15
Death Investigations	2	3	12	18
SRO Cases	38	5	43	29
Gang Related Cases	4	3	53	66
Gang Designations	3	0	5	0
Task Force Cases	12	6	42	8
Graffiti	1	4	67	96
Burglary	5	5	57	78
Robbery	0	1	10	11
Larceny	33	52	390	501
Assault	11	9	78	72
Homicide	0	0	2	0
Sex Crimes	3	4	22	17
Sex Offender Registry *	23	25	212	213
Alarms	28	31	177	171
Property Loss/Recover	\$23,299/\$299	\$61,976/\$13,237	\$458,305/\$100,936	\$575,336/\$166,460

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

INFORMATIONAL REPORT

October 30, 2014

TO: Mayor and City Council

FROM: Kari Ott, CPA

THROUGH: Tori Barnett, Interim City Manager

SUBJECT: Golf Course Information

DATE: October 30, 2014

SUMMARY:

Attached are the following documents:

- Golf Course Historical Detail
 - Also includes 2015 year-to-date
- Golf Course Historical Summary
- Golf Course Estimate for 2014-2015
- Resolution 2013-111

These documents provide detail on the golf course fund and the balances for all years from 2005-to the present. It is important to note the following items:

- Resolution 2013-111 was passed on April 15, 2013 to approve a \$537,580 additional transfer to be made to the golf course fund from the general fund. However, at the end of 2012-2013 there was still a negative fund balance in the golf course of \$111,740.67.
- The Golf Course Fund had a negative \$125,410.29 fund balance at the end of fiscal year 2013-2014.
- Liability Insurance at the Golf Course cost \$4,522.41 in 2014-2015.

GOLF COURSE HISTORICAL DATA

	2015	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005
REVENUES											
10-28-2014 YTD											
ECE GRANT PROJECT	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
LOAN PROCEEDS											11,106.00
INTEREST INCOME											354.71
LESSON FEES					410.00				(228.43)	461.02	
DRIVING RANGE	2,860.85			8,240.00	9,150.50	8,124.50	6,558.20	3,087.99	3,351.60	3,047.00	4,323.30
MISC REVENUES	429.62			16,252.33	7,794.27	7,794.27	10,236.79	2,285.05	(124.84)	2,553.67	7,274.69
PRO SHOP SALES				773.04	12,969.49	11,058.53	10,540.51				
RENT - PRO SHOP								2,008.36	2,091.62	932.24	
RESTAURANT SALES					4,732.64	6,841.02	6,882.25				
RESTAURANT RENTAL REVENUE					2,692.33	2,692.33			235.45	2,059.70	
SEASONS TICKETS				1,197.78	5,923.67	5,923.67	61,880.60	37,080.40	28,994.20	32,069.58	34,464.21
CART STORAGE				1,733.89	63,753.00	62,120.80	24,410.67	7,144.00	9,466.97	7,697.33	10,339.17
CART PATH FEES				300.00	30,502.00	28,218.00					
CART RENTAL				5,199.00	15,916.00	11,971.50	14,197.90	3,838.40	4,710.15	3,896.67	2,433.33
TOURNAMENT FEES				6,532.00	12,847.99	8,517.20	4,153.60	6,816.20	4,318.40	188.00	8,337.53
TRAIL FEES						4,716.00	29.33			62.00	21.50
GREEN FEES				11,349.35	36,185.66	30,650.13	31,078.11	12,084.38	17,381.72	19,950.88	25,259.60
TOTAL REVENUE	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
	85,280.91	134,749.62	326,332.88	391,705.66	510,238.03	436,231.93	362,566.40	232,463.32	187,897.98	223,189.65	224,574.22
	[85,280.91]	[134,749.62]	[297,705.13]	[200,030.97]	[320,535.72]	[279,330.98]	[193,632.44]	[148,446.54]	[111,176.63]	[143,001.96]	[119,395.78]
GENERAL FUND SUBSIDY				124,392.50	8,028.00	161,192.00	109,026.66	185,715.35	108,722.16	112,106.66	109,380.65
TOTAL	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
	128,519.09	9,749.62	501,479.37	75,638.47	312,507.72	118,138.98	84,625.78	37,266.81	2,854.47	30,895.30	10,015.13
EXPENDITURES											
PAYROLL											
BANK CHARGES											
BLDG MAINT & REPAIR											
CHEMICAL / FERT / SEED											
DATA PROCESSING											
LICENSES / PERMITS / FEES											
ELECTRICITY	953.58	341.00									
EQUIPMENT LEASE		1,487.61									
FUEL HEAT											
GARBAGE SERVICE											
GENERAL SUPPLIES & MAINT											
TOPDRESSING MATERIAL											
COURSE MAINTENANCE											
HVAC MAINTENANCE											
INS PREM & SURETY BOND											
OFFICE SUPPLIES											
PRINT / AD / RECORD											
CLUB HOUSE EXPENSE											
SALES & MARKETING											
COURSE OPERATIONS EXPENSE											
PURCHASE OF GOODS FOR SALE											
CONTRACT SERVICES	83,076.34	71,619.57	91,435.73	117,672.31	44,003.70	2,964.42	5,260.00	100.00	1,604.24	3,024.72	856.31
REFUND											
COURSE UTILITIES											
SPRINKLER HEAD REPLACEMENT											
TELEPHONE											
UNEMPLOYMENT	910.99	2,583.11	2,812.86	3,807.69	3,187.18	2,890.54	3,586.86	3,156.93	3,049.14	3,290.22	3,096.07
EQUIP REPAIR		5,354.24	5,555.16	8,176.14	6,254.75						
LAND LEASES	341.00	28,758.05	72,858.41	38,806.29	20,014.80	36,878.50	19,004.90	17,346.22	12,838.33	20,073.04	21,580.15
BAD DEBT EXPENSE											
CAPITAL OUTLAY											
OTHER TO MATCH AUDIT											
DEBT SERVICE											
TOTAL EXPENDITURES	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
	85,280.91	134,749.62	326,332.88	391,705.66	510,238.03	436,231.93	362,566.40	232,463.32	187,897.98	223,189.65	224,574.22
	[85,280.91]	[134,749.62]	[297,705.13]	[200,030.97]	[320,535.72]	[279,330.98]	[193,632.44]	[148,446.54]	[111,176.63]	[143,001.96]	[119,395.78]
GENERAL FUND SUBSIDY				124,392.50	8,028.00	161,192.00	109,026.66	185,715.35	108,722.16	112,106.66	109,380.65
TOTAL	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
	128,519.09	9,749.62	501,479.37	75,638.47	312,507.72	118,138.98	84,625.78	37,266.81	2,854.47	30,895.30	10,015.13
BEGINNING BALANCE	\$	(135,410.29)	(111,740.67)	(613,220.04)	(597,581.57)	(225,073.85)	(23,309.09)	(99,375.90)	(57,121.43)	(26,226.13)	(16,211.00)
RESTATEMENT											
ENDING BALANCE	\$	3,108.80	(125,410.29)	(111,740.67)	(613,220.04)	(225,073.85)	(23,309.09)	(99,375.90)	(57,121.43)	(26,226.13)	(16,211.00)

GOLF COURSE HISTORICAL DATA

	2014	2013	2012	2011	2010	2009	2008	2007	2006	2005
TOTAL REVENUE	\$ -	\$ 28,627.75	\$ 191,674.69	\$ 189,702.31	\$ 158,900.95	\$ 168,913.96	\$ 84,014.78	\$ 76,721.35	\$ 80,187.69	\$ 105,178.44
TOTAL EXPENDITURES	\$ 134,749.62	\$ 326,332.88	\$ 391,705.66	\$ 510,238.03	\$ 438,231.93	\$ 362,566.40	\$ 232,463.32	\$ 187,897.98	\$ 223,189.65	\$ 224,574.22
TOTAL	\$ (134,749.62)	\$ (297,705.13)	\$ (200,030.97)	\$ (320,535.72)	\$ (279,330.98)	\$ (193,652.44)	\$ (148,448.54)	\$ (111,176.63)	\$ (143,001.96)	\$ (119,395.78)
GENERAL FUND SUBSIDY	125,000.00	799,184.50	124,392.50	8,028.00	161,192.00	109,026.66	185,715.35	108,722.16	112,106.66	109,380.65
TOTAL	\$ (9,749.62)	\$ 501,479.37	\$ (75,638.47)	\$ (312,507.72)	\$ (118,138.98)	\$ (84,625.78)	\$ 37,266.81	\$ (2,454.47)	\$ (30,895.30)	\$ (10,015.13)
BEGINNING FUND BALANCE	\$ (115,660.67)	\$ (613,220.04)	\$ (537,581.57)	\$ (225,073.85)	\$ (106,934.87)	\$ (22,309.09)	\$ (59,575.90)	\$ (57,121.43)	\$ (26,226.13)	\$ (16,211.00)
ENDING FUND BALANCE	\$ (125,410.29)	\$ (111,740.67)	\$ (613,220.04)	\$ (537,581.57)	\$ (225,073.85)	\$ (106,934.87)	\$ (22,309.09)	\$ (59,575.90)	\$ (57,121.43)	\$ (26,226.13)

2014-2015 ESTIMATE AS OF 10/28/2014

TOTAL 2014-2015 BUDGET	\$ 307,550.00	
AMT SPENT AS OF 10/23/2014	(85,280.91)	
LAST CONTRACT PMT	(66,924.66)	
INSURANCE FOR GOLF	(4,522.41)	
REMAINING	\$ 150,822.02	
NEGATIVE BEG. BALANCE	\$ (125,410.29)	
REMAINING BUDGET	\$ 25,411.73	
Telephone (\$250/MO AVG)	\$ (250.00)	1 MONTH (NOV)
Electricity	\$ (200.00)	MURAKAMI WELL
Land Lease to Airport	\$ (4,014.00)	\$669/month (NOT ENTERED YET)
	\$ 20,947.73	ESTIMATED REMAINING AT 12/31/14
Land Lease 1/1-6/30	\$ (4,014.00)	
After closure costs?		
ELECTRICITY		
SPRAY		
ETC.....		
	\$ 16,933.73	REMAINING FOR CLOSURE

AGENDA REPORT

April 15, 2013

TO: Mayor and City Council

FROM: Michael Long, Finance Director

THROUGH: Jay Henry, City Manager

SUBJECT: RESOLUTION #2013-111: A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS FROM GENERAL FUND TO GOLF COURSE FUND TO COVER DEFICIT OF BEGINNING FUND BALANCE ON JULY 1, 2011

DATE: April 1, 2013

SUMMARY:

Attached is the following document:

- Resolution # 2013-111

The purpose of this agenda item is to transfer \$537,580 from the General Fund to the Golf Course Fund to cover the negative ending fund balance on June 30, 2011.

BACKGROUND:

The audit for fiscal year ending June 30, 2012 noted the Golf Course Fund is continuing to operate the fund with a negative fund balance implies they have received loans from other funds to defray the cost of operations. The City is required to develop a plan to eliminate the negative fund balance. The auditors recommended that funds be transferred from the General Fund to the Golf Course Fund to stop the continuing deficit in the Golf Course Fund.

FINANCIAL IMPLICATIONS:

The financial implication is reducing the General Fund by \$537,580 and increasing the Golf Course Fund by \$537,580 eliminating the negative beginning fund balance.

RECOMMENDATION:

Staff recommends the City Council adopt Resolution #2013-111.

PROPOSED MOTION:

I move the City Council adopt Resolution #2013-111: A resolution authorizing the transfer of \$537,580 from the General Fund to the Golf Course Fund in the 2011-2013 Biennial Budget.

RESOLUTION #2013-111
A RESOLUTION AUTHORIZING TRANSFER OF FUNDS FROM GENERAL FUND TO GOLF COURSE FUND TO COVER DEFICIT OF BEGINNING FUND BALANCE ON JULY 1, 2011

WHEREAS, the Golf Course Fund had a negative ending fund balance of \$537,580 on June 30, 2011 and the Auditors recommended that funds from General Fund be transferred for the new fiscal year beginning July 1, 2011; and

WHEREAS, the audit for fiscal year ending June 30, 2012 noted the Golf Course Fund is continuing to operate the fund with a negative fund balance implies they have received loans from other funds to defray the cost of operations. The City is required to develop a plan to eliminate the negative fund balance; and

WHEREAS, after discussion, the City Council desires now to formally modify the 2011-2013 budget by transferring \$537,580 from the General Fund to the Golf Course Fund.

NOW THEREFORE, BE IT HEREBY RESOLVED by the Ontario City Council, to approve the following adjustments to the 2011-2013 Biennial Budget:

Line Item	Item Description	FY 2011-2013 Budget	Amount of Change	Adjusted Budget
GENERAL FUND				
Expenses				
001-004-713100	12AQU-01 Aquatic Cntr Renov	\$500,000.00	(\$499,065.00)	\$935.00
001-004-828000	Golf Course Expense - Fund 001	\$248,785.00	\$537,580.00	\$786,365.00
001-004-871000	Operating Contingency	\$1,532,701.00	(\$38,515.00)	\$1,494,186.00
GOLF COURSE FUND				
Revenue				
005-000-469200	General Fund Rev - Fund 005	\$248,785.00	\$537,580.00	\$786,365.00
Expenses				
005-034-712100	Equip Purchase	\$20,000.00	\$537,580.00	\$557,580.00

EFFECTIVE DATE: Effective immediately upon passage.

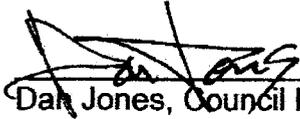
PASSED AND ADOPTED by the Ontario City Council this 15th day of April 2013. by the following vote:

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

NAYES: None

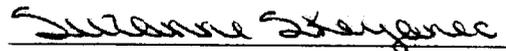
ABSENT: None

APPROVED by the Council President this 15 day of April, 2013.

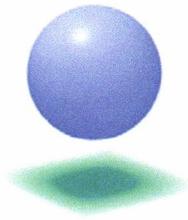


Dan Jones, Council President

ATTEST:



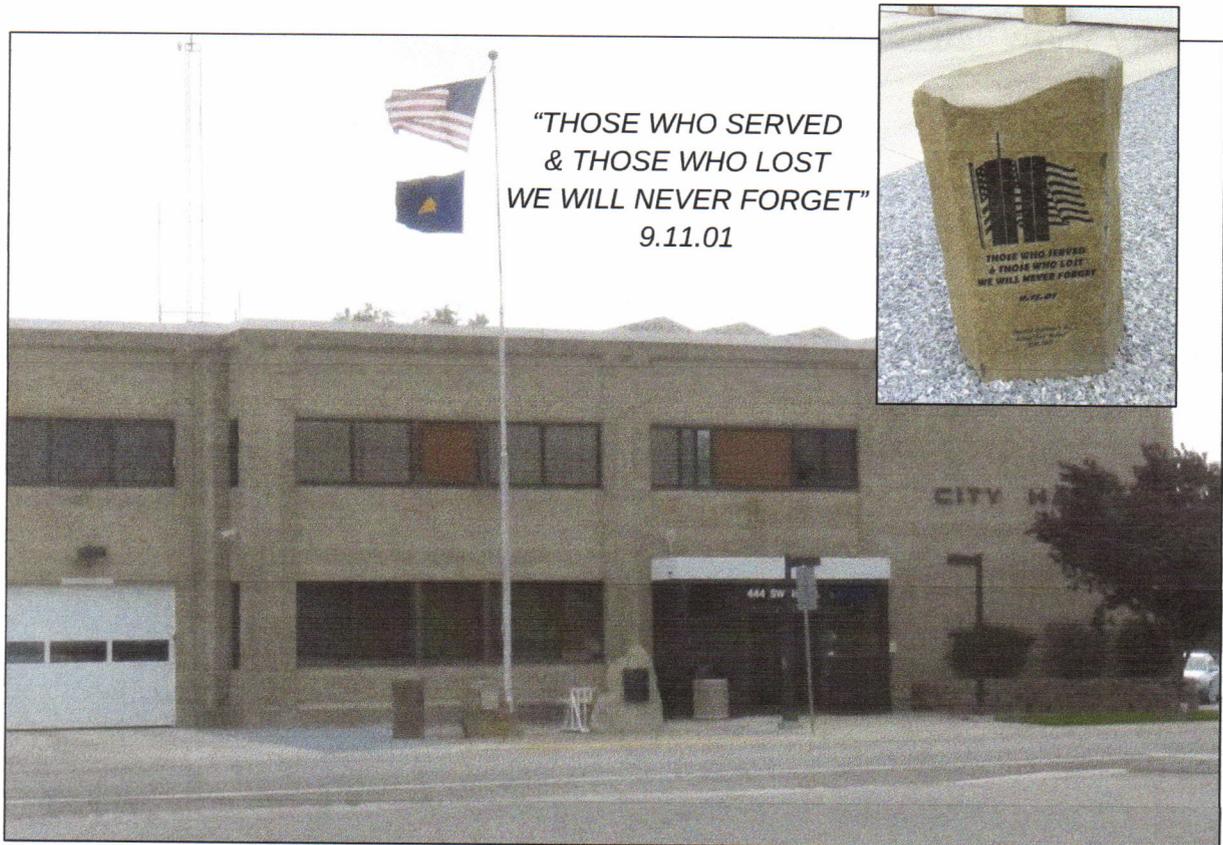
Tori Barnett, MMC, City Recorder
Suzanne Skerjanec, Acting City Recorder



CH2MHILL

Public Works

City Of Ontario, Oregon



September 2014

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Water / Wastewater Summary

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Utility Maintenance Activity Summary

Utility Maintenance staff is responsible for Water Distribution and Sewer Collection throughout the City. Water Distribution duties include maintenance and repair of approximately 97 miles of water lines and 3,625 services which include service installations, mainline installation, meter reading, maintenance of more than 600 fire hydrants, and valve exercising of more than 1,700 water valves.

Sewer Collection duties include maintenance and repair of approximately 78 miles of sanitary sewer lines within the City. Responsibilities include constructing new pipelines, cleaning all gravity sanitary sewer lines, repairing or replacing sanitary sewer lines as needed, providing line locations for all water and sewer lines, and maintaining eight lift stations plus a barscreen and one lift station from Snake River Correctional Institution.

The City has approximately 56 miles of Storm Drain collection lines and 1,450 catch basins throughout the City limits. Duties include Storm Drain maintenance and repair, cleaning of approximately eleven miles of Storm Drain lines and cleaning the catch basins.

The following is a brief detail of activities for the month:

- 44 line locates
- 10 water service leaks were repaired
- 396 feet of 18-inch sewer line was replaced
- 2 manholes were replaced
- 70 yards of road mix used to rebuild the dike at Waste Water Treatment Plant
- 2 lift station wet wells were cleaned
- 7 sections of pipe were cleaned on the problem sewer list
- 10 bacteria samples taken for Water Treatment Plant
- 2 new sewer services installed
- Maintenance on service trucks and backhoe
- 5 water meters were changed out

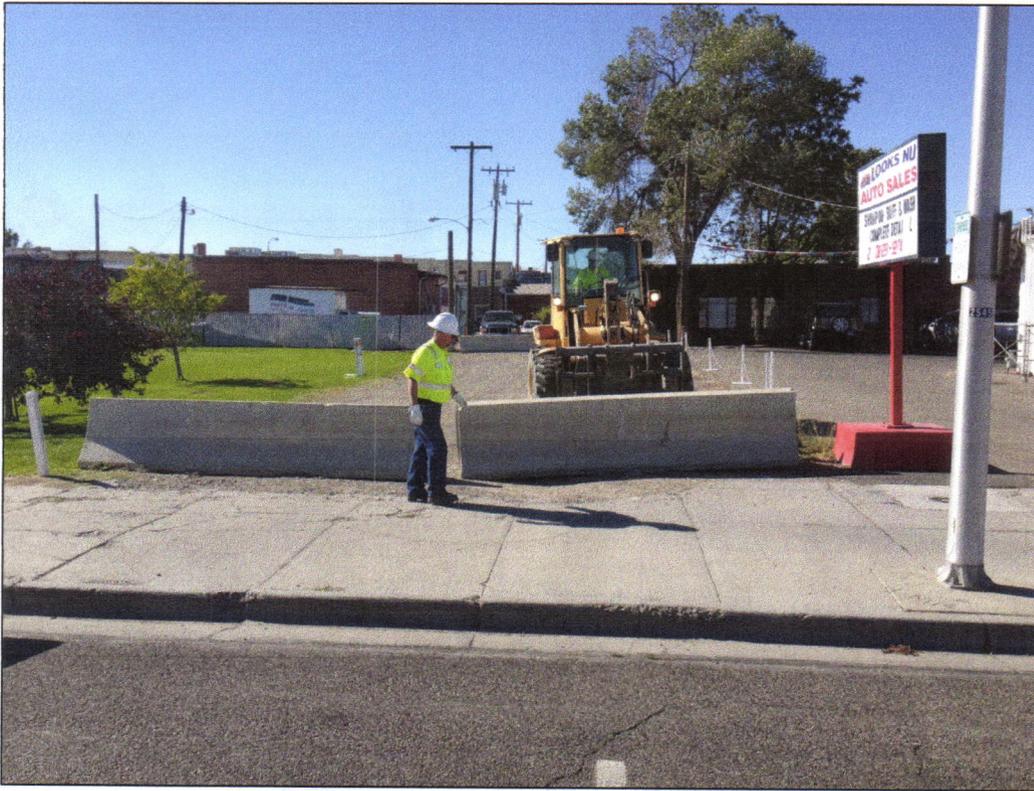
Street Activity Summary

The Street Maintenance Division maintains over 122 lane miles of improved streets and over 9 miles of alleys. The street department is responsible for resurfacing, repairing and maintaining the streets, installing and maintaining street signs and markings, tree trimming, repairing all established pavement markings. The Division also completes excavation and repair of deteriorating streets, gravel road grading, street sweeping, crack sealing, chipsealing, snow removal and sanding during the winter months, and weed control along the alleys. Street Maintenance staff assists the City Chamber of Commerce by putting up decorations on street lights during the Christmas season and replacing them with the regular decorations when the season is over.

As part of the Street Division's maintenance program, crews chipseal street surfaces to protect them from water and weather damage and to keep them in good condition. A chipseal maintains the existing pavement, delaying further aging due to water and sun; and provides a moisture barrier and corrects existing pavement problems by sealing cracks. A chipseal application provides substantial savings to taxpayers and should last a minimum of eight years with minimal maintenance required. The City chipseals approximately 7 miles per year.

The following is a brief detail of activities for the month:

- We spent a considerable amount of time cleaning up after our Chipseal program (approximately 3 weeks). This involved 2 sweepers and several dump trucks hauling off excess chips.
- Also during that time we did some regular sweeping downtown and filled some potholes.
- We also removed a few "Stop Ahead" signs that were in the wrong place.
- Chip seal area 4 one day.
- Hung purple lights down town for Project Dove day.
- Installed jersey barricades at Moore Park.
- Maintenance on some equipment and service trucks.
- Installed backup alarms on 212 and 204 vehicles.



The Street crew placed barricades on the North and South sides of Moore Park downtown to keep vehicles from driving through the park and breaking sprinkler heads.



Temporary street crew workers uncovering water valves and sewer and storm manhole lids in the chipseal project area during the 3-week cleanup.



Sean Edmundson strings purple lights on the light poles downtown for Project Dove. The purpose of **Purple Light Nights®** is to increase the awareness of domestic violence issues and its affect upon children and families and provide education on building healthy relationships.

Water / Wastewater Activity Summary

The Water Treatment Plant operated an average of 23 hours and 12 minutes per day for the month. Typical flow from the river was 4,500 gallons per minute and typical well flow was 1,500 gallons per minute. The old filter plant treated 188.5 million gallons (MG) and the 2006 plant treated 83 MG.

Water:

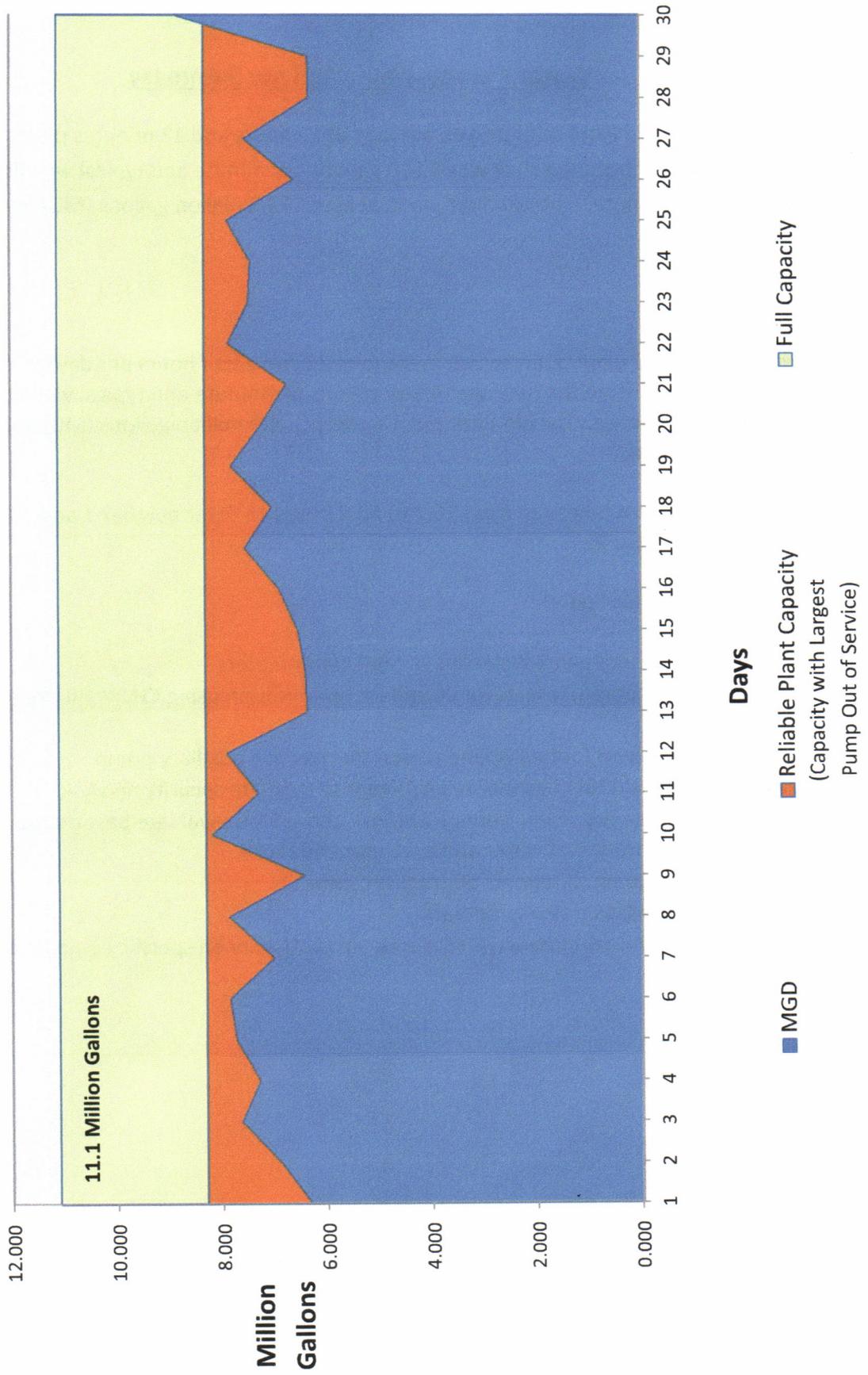
The water treatment plant operated an average of 20 and a half hours per day for the month. Typical flow from the river was 4,500 gallons per minute and typical well flow was 1,500 gallons per minute. The old filter plant treated 154.9 million gallons (MG) and the 2006 plant treated 80.9 MG.

The old plant filter run times ran from 16.2 to 42.8 hours on Filter number 1 and 16.1 to 32.6 hours on Filter number 2.

September Activities Included:

- Arranged for independent testing of SRCI water meters
- Conducted laboratory tests for coagulant optimization using CH2M HILL regional support.
- Repaired influent foot valve and screen for riverside auxiliary pump.
- Met with CH2M HILL security review team to evaluate security and risk.
- Met with team members from CH2M HILL and MSA to evaluate best program approach for implementation of water audit recommendations.
- Received ongoing shipments of process chemicals.
- Continued CMMS training for staff.
- Continued to work closely with State Health Authority on specific compliance points and procedures.

Demand vs. Availability September 2014



The city's Wastewater Treatment Plant operators use a conventional treatment system of aerated lagoons and secondary chlorination treatment. Effluent from the treatment process is used to irrigate forage crops during the growing season.

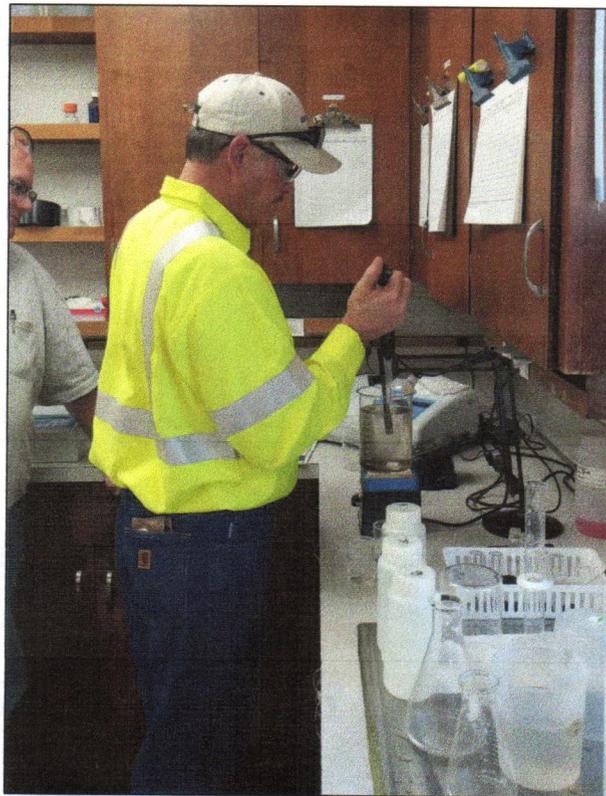
The following is a brief detail of activities for the month:

Wastewater:

Average daily flow to the plant was 1.47 million gallons (MG) which includes average City flow of 1.12 MG and flow from SRCI averaging 0.35 MG. SRCI flow totaled 10.7 MG. Total flow processed was 45.4 MG. A total of 28 MG was pumped to Skyline for land application. The average Biochemical Oxygen Demand (BOD) coming into the plant was 207 parts per million (mg/L). Effluent BOD is not measured this time of year because Oregon Department of Environmental Quality does not require monitoring of BOD during periods of land application. There were no permit violations or compliance issues for the month of September.

September Activities Included:

- 80 percent of the aerators are now fully functional.
- Completed "cloud" based SDADA data collection of pivot systems associated with Skyline site.
- Continued Computerized Maintenance Management System training for staff.
- Compiled Tier 2 sampling data to date and conducted another sampling round.



Ron Mooney performing some routine sampling at the Wastewater Treatment Plant.



Doug Stewart helping Jerry Elliott with Tier 2 Sampling effort on the Snake River

Andy King collecting Tier 2 samples at the Snake River.





Randy Bartlett performing Tier 2 Sampling at the Water Treatment Plant ponds.

Park & Cemetery Activity Summary

The Ontario park system consists of both active and passive recreational areas. There are four neighborhood parks, one community park, one large urban park and numerous special use sites in the park system. In total, the City owns 13 park and recreational areas representing more than 1,012 acres of land. The City also owns the skateboard park.

The following is a brief detail of activities for the month:

Sunset and Evergreen Cemetery

- Mowing at Evergreen Cemetery 116 hrs.
- Mowing at Sunset Cemetery 20 hrs.
- Changing sprinklers at Evergreen Cemetery 42 hrs.
- Changing sprinklers at Sunset Cemetery 28 hrs.
- Weed eating SCRI work crew 4 days at Evergreen and Sunset 19 hrs.
- Dug 3 full size graves.
- Dug 3 cremains graves.
- Filling 6 graves.



Jay Hysell and the Parks crew removing old shrubs in front of City Hall in preparation for placement of the new 9-11 Memorial.

Parks

- Mowing the parks – 185.5 hrs.
- Changing hand lines at Beck Park 31.5 hrs.
- Watering the pots down town 36.75 hrs.
- Replaced 4 lights bulbs in City Hall.
- Removed 4 shrubs at City Hall and put rock back in it place for 911 Memorial Dedication Ceremony.
- SCRI trimmed the ground cover and pick up trash on East Idaho Avenue – 9.5 hrs.

Engineering Division Activity Summary

The Engineering Division reviews plans for construction of public improvements and maintains the City's mapping system. The department provides technical support to residents, developers, builders, other City departments and consulting engineers and surveyors. The staff reviews and approves construction plans for subdivisions, partitions, streets, sanitary sewer, water lines, and storm drainage construction projects. They also design projects, prepare bid documents for public works maintenance projects and provide project management for public improvements.

The Geographic Information System (GIS) database is maintained by Engineering Department staff. The department also maintains and updates the record maps for all City utilities, right-of-way, easements, land division plots and City base maps.

The following is a brief detail of activities for the month of September 2014:

- Right of way Permits Issued: 4
- Work Order Requests:
 - Sewer service repair at 166 S. Oregon
 - Fire hydrant installation at Malheur County Fairgrounds
 - New water and sewer service 899 Alameda Avenue
- Inspections:
 - Poole card-lock sidewalk inspection
 - Simplot fence
 - 1980 West Idaho
 - Handicap parking request
 - SW 5th St and 5th Ave sidewalk
 - Tree inspection at Alameda and 11th Ave
 - Tree inspection at Employment Office
 - Fence at 688 NW 4th St
 - Valley Estates Subdivision sidewalk
 - US Bank sidewalk
 - NW 8th Ave sidewalk
- Geographic Information System Inquiries/Maps: 22
- Reviewed 7 building permits for the City Building and Planning Department.
- Preliminary Design Advisory Committee Meetings: 2
- Development Inquiries:
 - White House Dental Meeting – B. White
 - Reiter Drive – R. Owens
 - Apartments – R. Caster

- Assembled project documentation, contract documents, advertisement for bid and AutoCad drawings for the City of Ontario Building and Planning Department "Annex" remodel project.
- Met with Sean Maloney of Oregon Department of Transportation (ODOT) to talk about N Park Blvd and NW Washington Grant status on Sept. 8. On Sept. 18, Cliff and Betsy met with ODOT staff as a meet and greet to get to know them all better and let them get to know us.
- Dave Van Wagoner went with Alan Daniels to the Sept. 22 Southeast Area Commission on Transportation (SEACT) grant meeting in Burns.