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PROGRESSIVELY ENHANCING OUR QUALITY OF LIFE



STUDY SESSION AGENDA
CITY COUNCIL - CITY OF ONTARIO, OREGON
MONDAY, NOVEMBER 7, 2016, 12:00 P.M., M.T.

1) CALL TO ORDER

Roll Call: Norm Crume _____ Tessa Winebarger _____ Charlotte Fugate _____ Marty Justus _____
Larry Tuttle _____ Betty Carter _____ Mayor Ron Verini _____

2) PLEDGE OF ALLEGIANCE

This Agenda was posted on Thursday, November 3, 2016. 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 AGENDA

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

5) Consent Agenda

- A) Minutes of Regular Meeting of 10/10/2016 1-10
- B) Resolution #2016-130: Fund Commercial Washer/Dryer Unit for Ontario Fire Dept 11-13
- C) Approval of the Bills

6) Presentation: Fund/Budget Outlook - Adam Brown, City Manager 14

7) New Business

- A) Ordinance #2720-2016: Lift Station Sewer Project (1st Reading) 15-20
- B) Ordinance #2721-2016: OMC 3-11-2 Change to Tax Administrator Definition (1st Reading) 21-22
- C) Ordinance #2722-2016: OMC 8-5-5(E), 5(G) Cemetery Language (1st Reading) 23-25

8) PUBLIC HEARING

- A) Ordinance #2719-2016: Sather Dedication of Property on Goodfellow (Emergency Passage) 26-33

9) CORRESPONDENCE, COMMENTS AND EX-OFFICIO REPORTS

10) ADJOURN

The City Council may recess/adjourn to Executive Session under ORS 192.660(2) as follows: (a) Employment of Public Officers, Employees, or Agents; (b) Discipline of Public Officers, Employees, and Agents; (d) Labor Negotiations; (e) Real Property Transactions; (f) Exempt Public Records; (g) Trade Negotiations; (h) Litigation [Current or Potential]/Consult with Legal Counsel; (i) Performance Evaluation of Public Officers and Employees; (j) Trade Negotiations; and/or (l) Labor Negotiations.

**CONSENT
AGENDA
ITEMS**



CITY COUNCIL MEETING MINUTES October 10, 2016

The regular meeting of the Ontario City Council was called to order by Mayor Ronald Verini at 7:00 p.m. on Monday, October 10, 2016, in the Council Chambers of City Hall. Council members present were Ronald Verini, Norm Crume, Betty Carter, Marty Justus, and Charlotte Fugate. Tessa Winebarger and Larry Tuttle were excused.

Members of staff present were Adam Brown, Tori Barnett, Cal Kunz, Kari Ott, Dan Cummings, Cliff Leeper, Betsy Roberts, and Larry Sullivan.

The meeting was recorded and copies are available at City Hall.

Norm Crume led everyone in the Pledge of Allegiance.

WORK SESSION NOTES

Items discussed/presented at the Thursday, October 6, 2016 work session included:

- 5) Department Head Updates:
 - A) Police Department Quarterly Report-Cal Kunz, Police Chief
 - B) Human Resources: Anita Zink, HR Manager
- 6) Presentations:
 - A) Expenditures Outlook: Kari Ott, CPA, Oster Professional Group/Finance Department
 - B) Traffic Slowing Alternatives: Betsy Roberts, City Engineer/CH2M
 - C) Downtown Revitalization Recommendations: Betsy Roberts, City Engineer/CH2M
 - D) Acceptance of Tree Donation: Adam Brown, City Manager
- 8) Hand-Outs/Discussion Items:
 - A) Minutes: County Court 09/21/2016
 - B) Department Stats: Fire/Rescue 09/2016; CH2M/PW 08/2016
 - C) SREDA Annual Meeting Notice
 - D) Financials/Check Register

Action taken on 6A Expenditures Outlook: Council consensus to research and move forward regarding PERS.

Action taken on 6C Downtown Revitalization Recommendations: Council consensus to allow/install angle parking for van spaces downtown. Further, there was Council consensus to move forward on utilizing blue signs for parking. Council consensus to move forward on researching the offer of red bows for downtown holiday decorating on power poles/street light poles. Council consensus to have staff put the fog coating and painting project together, with a project date of May 1st, weather permitting.

Regarding 7A on the Agenda, the Bid Award for Special Inspections and Services during Construction regarding the Water Treatment Plant Construction Services given by Betsy Roberts, she was asked by Council to bring further information to the Council, before the 7:00 p.m. Council Meeting with regard to previous discussion and/or direction taken by the Council for this action. Electronic distribution was approved.

Work session concluded at 3:20 p.m.

AGENDA

Charlotte Fugate moved, seconded by Marty Justus, to adopt the Agenda. Roll call vote: Crume-yes; Winebarger-out; Carter-yes; Justus-yes; Tuttle-out; Fugate-yes; Verini-yes. Motion carried 5/0/2.

CONSENT AGENDA

Betty Carter moved, seconded by Charlotte Fugate, to adopt Consent Agenda items A) Minutes of Regular Meeting of September 19, 2016; B) Proposed Meeting Schedule for November, 2016; and C) Approval of the Bills. Roll call vote: Crume-yes; Winebarger-out; Carter-yes; Justus-yes; Tuttle-out; Fugate-yes; Verini-yes. Motion carried 5/0/2.

PRESENTATION

Transportation Package – PowerPoint Presentation by Representative Cliff Bentz
Representative Cliff Bentz presented. (See attached copy of presentation.)

NEW BUSINESS

Bid Award for Special Inspections [Materials Testing & Inspection (MTI), and Services During Construction [Murray, Smith & Associates (MSA)]: Water Treatment Plant Construction Services
Betsy Roberts, City Engineer/CH2M, presented.

The City of Ontario's 2016 Water Treatment Plant Chemical Feed Improvements Project had been awarded and would be under construction in October. The proposed effort described in this report covered Special Inspections and Services During Construction (SDC) necessary to complete the construction.

Special Inspections were inspections or tests required by Code to be conducted by a third party contracted to the owner or the owner's representative. For this particular project, those included Soils testing; Concrete – including rebar and concrete; Epoxy Bolting/Doweling; and Masonry. SDC generally included Resident Project Representative (RPR); Submittal Review; Request for Information (RFI) Review; Site Visits and Observations; System Integration; and Record Drawings.

On March 2, 2016, the Council approved the final design for the Water Treatment Plant by MSA; on October 6, 2016, the Council discussed the proposal and requested updated and additional information for the Monday night Council meeting.

The Water Treatment Plant construction project was generally scheduled to run from October through March, 2017. During that time, staff on duty would be running the Plant as normally as possible. The RPR was an additional staff person who would be on-site approximately 50% of the time. The RPR was the main point of contact, and it was the RPR's job to coordinate with the contractor, attend progress observe construction, testing, etc., and to allow the rest of the "regular" staff to continue with their work. The RPR would act as a liaison between the Contractor and the WTP Manager to help coordinate shut offs, reconnections, etc. The RPR was the person who would respond to emergencies or be on-site to review changed conditions and initiate Work Orders or Change Orders.

In addition to the RPR, there was a team of engineers, architects, and technicians that were part of the design team supporting the project. These staff members made occasional site visits, but were mostly engaged remotely, reviewing submittals and supporting the RPR technically as needed. The exception to this would be the Control Engineers staff who would physically provide the system integration. This would be done on-site.

The City Engineer's role in the project would be to act as Project Manager for the city. The RPR would provide updates to the City Engineer, and advise when site visits might be required.

This project effort fell under Capital Projects for the Water Fund. The table below reflected the current status of the Fund:

<i>Activity</i>	<i>Budget</i>
WTP Project Budget	\$ 1,800,000
Less – Construction Bid (RSCI)	- \$ 1,650,520
Less – Services During Construction	- \$ 123,661 \$124,754
Less – Special Inspections	\$ 4,095
Remaining Budget	\$ 21,724 \$20,631

Typically, a contingency of 10% was recommended for construction. Additionally, a 10% fee for SDC's was a standard of the industry. For the bid on Special Inspections, three firms were contacted – MTI, Strata, Inc. and Terracon - but only MTI responded.

Below are the documents Ms. Roberts distributed based on the Council's request at the previous Work Session.

Activity	Cost	Notes
Bid	\$ 1,650,520.00	Contractor cost for proposed work
SDC	\$ 123,661.00	Engineering observation, submittal review, record drawings, etc.
Special Inspections	\$ 4,095.00	3rd Party inspections
Construction Contingency (10%)	\$ 165,052.00	Unknown whether this will be needed or not - "just in case" for construction issues
Estimated Project Total:	\$ 1,943,328.00	
City Budget:	\$ 1,800,000.00	
Difference:	\$ 143,328.00	
7/18 Anticipated Overage	\$ 175,000.00	To come from UCF per 7/18/16 Council Meeting Minutes

Year(s) of Activity	Activity	Team Conducting Activity	Cost	Notes
2013-2014	Original Audit	MSA (Control Engineers/CH subbed)		Prior to CH2M as PW
2014	Preliminary Design	MSA (Control Engineers/CH subbed)	\$ 24,000.00	
2015 -2016	Final Design	MSA (Control Engineers/CH subbed)	\$ 226,000.00	
2016	Bid/Award	MSA support		
2016-2017	Construction	RSCI	\$ 1,650,520.00	This price was modified from original bid of \$1.699M
2016-2017	Services During Construction	MSA/Control Engineers, CH2M, MTI	\$ 123,661.00	

AGENDA REPORT

July 18, 2016

TO: Mayor and City Council

FROM: Cliff Leeper, Public Works Director
Betsy Roberts, City Engineer

THROUGH: Adam Brown, City Manager

SUBJECT: ONTARIO WATER TREATMENT PLANT – BID OPENING

DATE: July 11, 2016

SUMMARY:

A bid opening for the City's 2016 Water Treatment Plant Chemical Feed Improvements Project was held on June 30, 2016.

One bid was received from RSCI Group out of Boise: \$1,699,200

PREVIOUS COUNCIL ACTION:

Council engaged Murray, Smith, and Associates (MSA) to conduct a Water Treatment Plant (WTP) Audit. Audit was completed in August 2014 and recommended over 30 significant improvements needed at the WTP.

Council engaged MSA to develop a set of final construction documents that corrected approximately the top 10 problem areas at the WTP.

BACKGROUND:

This project has been developed over the past 18 months and will provide the City with a new water mixing facility and improved chemical feed system. More specifically, construction includes modified raw water piping and control, variable frequency drive (VFD) controlled surface water pumps, new chemical feed systems, a small CMU mixing building, new chemical tanks, and associated yard piping, earthwork, electrical and controls systems.

CH2M has worked closely with MSA on the development of the final construction plans. This included adding the caustic tank, sodium hypochlorite, and updated eyewash stations. The engineer's estimate on the project was: \$1.56M. The budgeted amount available is \$1.8M, as approved by the Council this past spring for this coming fiscal year.

The original bid opening date was June 13, but was extended until June 30 when the design team became aware of two other even larger projects bidding that same day in the Treasure Valley area. Even with this adjustment, only one bid was received.

Through discussion with several of the potential bidders, after the date of the Bid Opening, the design team gathered the following information regarding the minimal number of bidders:

1. Oregon contracting law provides hurdles/difficulties for local Idaho contractors;
2. There are very few Oregon licensed subcontractors in the area (It is not worth the time/effort for subcontractors to maintain licensure because the work volume is not consistent enough); and
3. If the Treasure Valley is really busy, it is challenging to even get a general contractor to be interested, let alone a subcontractor; the Treasure Valley is extremely busy right now.

FINANCIAL IMPLICATIONS:

The bid amount, \$1,699,200 leaves only \$100,800 to cover the approximate \$30,000 carry over final design fee, Services During Construction (SDC's) by the engineer of record, and for potential change orders. Typically, approximately 10% of the construction cost should be held aside for SDC's and change orders. ← May not be clear that is 10% for SDC's and 10% for Change Orders

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3. If the Treasure Valley is really busy, it is challenging to even get a general contractor to be interested, let alone a subcontractor; the Treasure Valley is extremely busy right now.

FINANCIAL IMPLICATIONS:

The bid amount, \$1,699,200 leaves only \$100,800 to cover the approximate \$30,000 carry over final design fee, Services During Construction (SDC's) by the engineer of record, and for potential change orders. Typically, approximately 10% of the construction cost should be held aside for SDC's and change orders.

← May not be clear that is 10% for SDC's and 10% for Change Orders

If the bid is rejected, a cost would be associated with rebidding the project. This effort will include the design engineer meeting with the Public Works staff to determine which elements can be selected as Additive Alternates, modifying the existing plans to reflect the additive alternates, incorporating addenda from original bid as applicable, preparing a new advertisement for bid, conducting an additional pre-bid meeting, and responding to questions during the bid period. Staff is working to determine the amount of that effort and will try to present the findings by Monday, July 18, 2016.

← Staff has budget concerns

RECOMMENDATION:

After careful consideration, staff recommends rejecting the one bid and rebidding the project, using the following timetable: project available for the month of September and a bid opening near the end of September. Our goal would be to have a contractor mobilizing by mid to late October, to achieve the following:

1. A more robust bidding environment (fall is often better than spring/summer bid openings as other projects in the valley taper off)
2. It is likely one of the large projects in the region will not be awarded, leaving a competent contractor available to bid on the Ontario project.
3. The design team can revise the contract documents slightly in order to allow for additive alternates within the project.

While it is preferred to award the entire project at one time, staff understands that budget limitations may not allow this. By using the additive alternate bid process, it may be possible to get the majority of the project constructed. And if bids received during the rebidding process are favorable, the additive alternates may be constructed as well. However, items determined to be additive alternates will only be those items that can clearly be carved off of the project whole. It will be staff's goal to ensure those pieces, if not completed, are moved to an upcoming Capital Improvements Program with clearly identified timeframe in which to complete the work.

PROPOSED MOTION:

I move that the City Council reject the current bid and extend MSA's current Purchase Order to include up to \$_____ to be used to modify the existing bid and to rebid later this fall.

ONTARIO CITY COUNCIL MEETING MINUTES
July 18, 2016

The regular meeting of the Ontario City Council was called to order by Mayor Ronald Verini at 7:00 p.m. on Monday, July 18, 2016, in the Council Chambers of City Hall. Council members present were Ronald Verini, Norm Crume, Tessa Winebarger, Betty Carter, Marty Justus, and Charlotte Fugate. Larry Tuttle was excused.

Water Treatment Plant Bid Opening
Betsy Roberts, City Engineer, CH2M Hill, presented.

A bid opening for the City's 2016 Water Treatment Plant Chemical Feed Improvements Project was held on June 30, 2016. Only one bid was received, that being from RSCI Group out of Boise for \$1,699,200. Staff requested additional information, and following receipt of that data, staff was staying with the current recommendation to rebid the project. ← stuck with recommendation for rebid based on concerns for overall budget as noted below.

There was a bid cost of almost \$1.7M. In looking at the project, there was the potential for an overrun of \$224K. In the current fiscal year, the budget was \$1.8M. There was approximately \$30K that, unfortunately, had not been paid in the last fiscal year, and carried over, so it would be deducted from the \$1.8M. NSA was the engineer of record, and they looked at what it would be to do services during construction. A portion of that was CH2 work. Further, another fee, estimated at 1%, or around \$15-16K, for special inspections. Those had to occur outside for structural type items. That reduced them to \$1.64M. Deducting construction costs, as shown at \$1.699M, and the estimated 10%, it showed they were already over by \$224K.

Came in at \$4k

That is 10% construction contingency

They were seeking information from RSCI. As they were over by 9%, they asked what staff would be doing. In the current environment, that wasn't unheard of. RSCI said they really wanted the job, they offered up some deductions, reducing it to \$1.54M. They reduced their base bid by \$157K. To accept all the modifications suggested by RSCI, it would include changing out the fiber reinforced plastic tanks to polyethylene; changing the pumps from the product currently used to something else; deleting one of the hypochlorite tanks [currently had three]; also, eliminating the caustic storage tank. That would be replaced with totes. However, by eliminating tanks now, they'd have to put them in later.

Mr. Leeper added if they eliminated the caustic tank, then staff would have to haul and handle the totes, and there were some serious safety issues associated with that, and it created another layer of labor.

Ms. Roberts stated that would leave them with an overage of approximately \$49K. Moving to accepting part of the negotiated project, taking the budget, deducting all costs, which were estimates, and reviewing their proposals for deleting some items, staff determined that there were only two items that would be accepted as deductions. One, staff did not want to eliminate the caustic tank. Second, regarding the polyethylene tanks were already there, and one was only seven years old. The cost to replace later would be significant, as this new construction would be built around the tanks. Staff wanted to stay with the tanks. It was the same with one of the sodium hypochlorite – staff needed it, and they couldn't get by without it.

Mr. Leeper reminded them that when this was done, they'd not be shut down. They would remain up and running.

Ms. Roberts stated it was more doable with the multiple tanks. They could look at a different pump style, but staff had good experience with the proposed pumps. Changing out the roof structure, staff's structural and architectural folks reviewed that, and were okay. Based on that, they were still over by \$175K.

Another alternative was to completely rebid the project. Staff added in an additional \$10K to the \$1.8M for rebidding costs. The iffy part was that they used staff's estimate of \$1.558M, but that was the unknown. What they got was more contractors bidding, a more vibrant environment in the area might bring in lower bids; but there was the potential, estimated, overage of \$28K.

Staff was currently suggesting a rebid of the project. They might attract more bidders, but they could lose the existing bidder. They could realize some cost savings, but it could also come in higher, or go over. There was a cost associated with rebidding. If it was rebid, staff would plan to rebid within six weeks, to get construction done during the winter. Staff wanted to get the project done, as they were risking system failure at the Water Treatment Plant.

Staff was concerned about the compilation of fees listed above:
Construction+Construction Contingency+SDCs+Special Inspections

They could accept the partially negotiated changes, which would be to take the bid from RSCI, and negotiate out a few items. They'd change the route system, and probably change out the pumps, saving approximately \$45-48K. On the good size, they knew what they were saving, as well as how much they might be over. They were still getting quality with the known, instead of perhaps an unknown contractor.

Mr. Leeper stated this was a big decision before Council, and wanted to ensure the Council had all their questions answered.

Councilor Justus asked where the money was coming from.

Ms. Ott stated they looked at Water Contingency, which had \$500,286 budgeted, as well as the Utility Capitalization Fee, which had \$1,916,469. She'd recommend the funding come out of the UCF fund, as that was a healthier fund.

Councilor Justus asked if the \$1.9M out of the UCF? How much was allocated out of that fund this year?

Ms. Ott stated that was the remaining contingency.

Councilor Crume stated with regard to rebidding, he had hoped to hear there might be more than one more bidder, but it didn't appear that would be the case.

Ms. Roberts stated they contacted contractors for this project, and they had thought there might be three who would bid. They could also extend their reach a bit further.

Councilor Crume verified that the contractors they'd been in contact with for this, were in the Boise area.

Mr. Leeper agreed that if they went out for rebid, they had no idea what they'd see come in. Their goal that night was to present the different options to the Council.

Councilor Crume stated if the Council selected Option #3, and pulled the funds from the UCF, the time difference between completion of construction, or they got the bid they guesstimated, what was the time frame difference for running the Water Treatment Plant.

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CITY OF ONTARIO 444 SW 4TH STREET ONTARIO OREGON 97914

Ms. Roberts stated it would make Jerry much more comfortable. That start up time and time for dealing with challenges, they kept closing that window. That plant needed to be up by the first of May.

Mr. Leeper stated if they started construction mid to late October, it was hoped that construction would be completed by end of April. If construction was delayed – say for Thanksgiving – they might be looking at the end of May. If completed by end of May, they still could meet the requirements associated with the heavy demands on the system, irrigation wise. If they went into June or July of 2017, that put them at a large disadvantage.

Mayor Verini stated it appeared that to rebid would put them under a time constraint, and there was a possibility that the bids they were thinking about being more palatable, might not come in.

Mr. Leeper agreed. They could end up with no bidders, or they could a lot of bidders.

Councilor Carter asked how old the system was.

Mr. Leeper stated it was from 1979. Some modifications were made in mid-1990, or early 2000, but it was a system mixed and matched, and they'd like to have a new system that was to the 21st Century standards. Technology had changed a lot.

Councilor Winebarger stated the reality was that if they didn't get the tanks up and running, they might not be able to provide the citizens with the clean water, if there was a major catastrophe. If they went out for bid, worse case would be outrageous bids, or none at all, leaving them in the same spot, but pushing it back and still risking the failures.

Mr. Brown stated if they were considering going with the bid, all those options had the 10% contingency built in. For the \$169K to \$155K built in to each one of those.

Councilor Crume stated he didn't think it was in the citizen's best interest to wait. He wasn't convinced they'd get any better bids. He wanted to express his appreciation for the work done by CH2 for presenting the different options.

Councilor Justus stated in making the modifications, changing the rooflines and not doing the motors, was that something they'd be coming back in a two years asking to do anyway?

Ms. Roberts stated no.

Norm Crume moved, seconded by Tessa Winebarger, to accept Project 3, with the potential overrun of \$175,442, taking the remaining funds from the Utility Capitalization Fund. Roll call vote: Crume-yes; Winebarger-yes; Carter-yes; Justus-yes; Tuttle-out; Fugate-yes; Verini-yes. Motion carried 6/0/1.

City of Ontario WTP Construction Project - Special Inspections

Following is a list of the Special Inspections required in the current Contract:

1. VERIFY COMPLIANCE WITH INSPECTION PROVISIONS OF CONSTRUCTION DOCUMENTS AND APPROVED SUBMITTALS
2. VERIFICATION OF f_m AND PRIOR TO CONSTRUCTION EXCEPT WHERE SPECIFICALLY EXEMPTED BY CODE
3. FOR SELF-CONSOLIDATING GROUT: VERIFICATION OF SLUMP FLOW AND VSI AS DELIVERED TO THE SITE.
4. AS MASONRY CONSTRUCTION BEGINS, THE FOLLOWING SHALL BE VERIFIED TO ENSURE COMPLIANCE:
A. PROPORTIONS OF SITE-PREPARED MORTAR
B. CONSTRUCTION OF MORTAR JOINTS
C. LOCATION OF REINFORCEMENT AND CONNECTORS
5. THE INSPECTION PROGRAM SHALL VERIFY:
A. SIZE AND LOCATION OF STRUCTURAL ELEMENTS
B. TYPE, SIZE AND LOCATION OF ANCHORS, INCLUDING OTHER DETAILS OF ANCHORAGE OF MASONRY TO STRUCTURAL MEMBERS, FRAMES, OR OTHER CONSTRUCTION
C. SPECIFIED SIZE, GRADE AND TYPE OF REINFORCEMENT, ANCHOR BOLTS
D. PREPARATION, CONSTRUCTION, AND PROTECTION OF MASONRY DURING COLD WEATHER (TEMP. BELOW 40 DEGREES F) OR HOT WEATHER (TEMP. ABOVE 90 DEGREES F)
6. PRIOR TO GROUTING, THE FOLLOWING SHALL BE VERIFIED TO ENSURE COMPLIANCE:
A. GROUT SPACE IS CLEAN
B. PLACEMENT OF REINFORCEMENT AND CONNECTORS
C. PROPORTIONS OF SITE-PREPARED GROUT
D. CONSTRUCTION OF MORTAR JOINTS
7. GROUT PLACEMENT SHALL BE VERIFIED TO ENSURE COMPLIANCE
8. PREPARATION OF ANY REQUIRED GROUT SPECIMENS, MORTAR SPECIMENS, AND/OR PRISMS SHALL BE OBSERVED

Below are the definitions from the code for Special Inspection and Special Inspector:

SPECIAL INSPECTION. Inspection of construction requiring the expertise of an *approved special inspector* in order to ensure compliance with this code and the *approved construction documents*.

Continuous special inspection. Special inspection by the *special inspector* who is continuously present when and where the work to be inspected is being performed.

Periodic special inspection. Special inspection by the *special inspector* who is intermittently present where the work to be inspected has been or is being performed.

SPECIAL INSPECTOR. A qualified person employed or retained by an *approved agency* and *approved* by the *building official* as having the competence necessary to inspect a particular type of construction requiring *special inspection*.

Note that it does not preclude the City from acting as Special Inspector, but the Inspector would need to be experienced/qualified. Ultimately the code gives the building official the final say in who is qualified. The Code simply says: "as approved by the building official as having the competence necessary to inspect a particular type of construction requiring special inspection." Ontario Building Official, Danny Little, has approved MTI as a Special Inspector.

Again, the Code specifically says that the Special Inspector must be independent from the Contractor. It does not say that the Special Inspector has to be independent from the Owner, although usually Owners do not have the ability or experience to perform inspections. And in the case where the Owner is also the Building Official (i.e., a City or Municipality), the Building Official would be providing approval of his/her own staff. That said, most cities are reluctant to do that and rely on third party companies when it comes to their own public works projects – but the code does not say they have to.

The code says the following about the approved agency that will perform the inspections:

1703.1 Approved agency. An *approved agency* shall provide all information as necessary for the *building official* to determine that the agency meets the applicable requirements.

1703.1.1 Independence. An *approved agency* shall be objective, competent and independent from the contractor responsible for the work being inspected. The agency shall also disclose possible conflicts of interest so that objectivity can be confirmed.

1703.1.2 Equipment. An *approved agency* shall have adequate equipment to perform required tests. The equipment shall be periodically calibrated.

1703.1.3 Personnel. An *approved agency* shall employ experienced personnel educated in conducting, supervising and evaluating tests and/or inspections.

Norm Crume moved, seconded by Charlotte Fugate, that the City Council award the bid for Special Inspections to Material Testing and Inspection (MTI) and approve the Services During Construction (SDC) budgets for Murray, Smith & Associates (MSA) and CH2M, and authorize work to begin on the Water Treatment Plant Construction project. Roll call vote: Crume-yes; Winebarger-out; Carter-yes; Justus-yes; Tuttle-out; Fugate-yes; Verini-yes. Motion carried 5/0/2.

CORRESPONDENCE, COMMENTS AND EX-OFFICIO REPORTS

Councilor Fugate reminded everyone of the Obon Festival on Sunday, October 16th, beginning at noon. It was always a great event, with lots of good Japanese food.

Councilor Justus stated they had the most amazing day on Saturday. The Food Truck Rally was a fantastic success, and it put Revitalize Ontario! on the map.

Mr. Brown complimented Councilor Fugate and Councilor Justus on championing the event on Saturday. He dropped by, and it was a fun even, and he believed it would continue to grow each year. The event needed a champion, and those two Councilors stepped up.

ADJOURN

Charlotte Fugate moved, seconded by Betty Carter, that the meeting be adjourned. Roll call vote: Crume-yes; Winebarger-out; Carter-yes; Justus-yes; Tuttle-out; Fugate-yes; Verini-yes. Motion carried 5/0/2.

APPROVED:

Ronald Verini, Mayor

ATTEST:

Tori Barnett, MMC, City Recorder

CONSENT AGENDA REPORT

November 7, 2016

TO: Ontario City Council

FROM: Al Higinbotham, Fire Chief

THROUGH: Adam Brown, City Manager

SUBJECT: **RESOLUTION #2016-130: PURCHASE OF PERSONNEL PROTECTION EQUIPMENT WASHER AND DRYER CABINET**

DATE: November 3, 2016

SUMMARY:

Attached is the following document:

- Resolution #2016-130

The Fire Department needs to purchase a commercial grade washer and drying cabinet to comply with OreOsha and National Fire Protection Association Personnel Protection Equipment [PPE] cleaning requirements and standards.

PREVIOUS COUNCIL ACTION:

03/17/16: The Ontario City Council approved purchasing the OreOsha required washer and dryer unit from the Public Safety Fund should the FEMA Grant request prove unsuccessful.

BACKGROUND:

The Fire Department currently does not have the high capacity cleaning equipment to properly clean the firefighter Personal Protection Equipment. OreOsha and NFPA standards require all turnout suits (PPE) exposed to smoke and chemical contaminants to be washed after every exposure. Proper washing protects both firefighters and citizens from harmful carcinogen contaminants.

The fire department needs to install a high capacity washer and drier at Station 1 to provide the facilities to decontaminate all exposed Firefighter PPE equipment in a timely manner.

Cost estimates were received for the purchase and installation of a new commercial washer and high capacity drying cabinet at Fire Station #1. Cost for the unit came in at \$20,012.75, with an electrical service installation estimate of \$959.71. A FEMA grant was applied for in 2015/16 and was unsuccessful. There are currently no other known funding sources for the purchase of this equipment.

Staff requests to proceed with the purchase and installment of the equipment, allocating the purchase from the Public Safety Fund.

FINANCIAL IMPLICATIONS:

The purchase of the equipment will require up to \$20,972.46 to be taken from Public Safety Fund.

RECOMMENDATION:

Staff recommends the Council adopt Resolution #2016-130.

RESOLUTION # 2016-130

A RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF A COMMERCIAL WASHER AND DRYING CABINET

WHEREAS, The Fire Department needs to purchase and install a commercial grade washer and drying cabinet to comply with federal and state regulations; and

WHEREAS, The Ontario Fire Department applied for a Federal Emergency Management Agency (FEMA) grant for this purchase and was unsuccessful; and

WHEREAS, The Ontario City Council approved purchasing the required washer and dryer unit from the Public Safety Department should the FEMA Grant request prove unsuccessful; and

WHEREAS, The City will need to expend \$20,973 from the Public Safety Department within the Reserve Fund.

NOW THEREFORE, BE IT RESOLVED by the Ontario City Council to approve the following adjustments to the fiscal year 2016-2017 budget:

Line Item	Item Description	FY 16-17 Budget	Amount of Change	Adjusted Budget
RESERVE FUND – PUBLIC SAFETY RESERVE				
055-131-712106	Fire Equipment	\$0	\$20,973	\$20,973
055-131-871000	Contingency	\$356,634	(\$20,973)	\$335,661

Effective Date: Upon adoption.

Passed and adopted by the Ontario City Council this 7th day of November, 2016.

Ayes:

Nays:

Absent:

Approved by the Mayor this 7th day of November, 2016.

ATTEST:

Ronald Verini, Mayor

Tori Barnett, MMC, City Recorder

PRESENTATION

Fund/Budget Outlook

Adam Brown, City Manager

November 7, 2016

11/7/2016

FUND/BUDGET OUTLOOK

ADAM BROWN, CM
City Manager

KARI OTT, CPA
Oster Professional Group, CPA's

1 Fund Outlook



Today's Presentation



By Each Fund

- Review Fund Projections
- Review Structural Gap
- Fund Balance Trend
- Unmet Needs
- Options

Review Next Steps & Budget Process



GENERAL FUND

- Does not include aerial truck
- 500K to \$1.2 million
- Reserve requirement includes 3 months of annual expenditures.

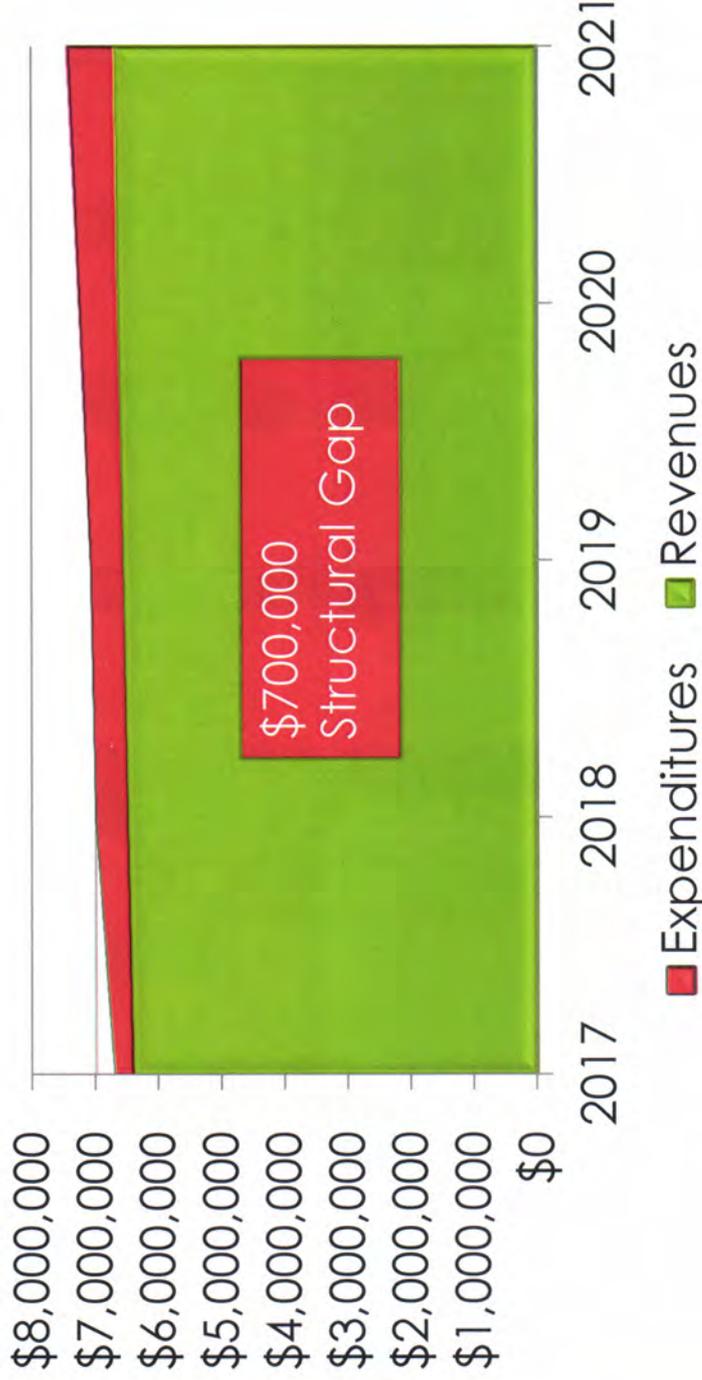


Fund Outlook

GENERAL FUND

	2017	2018	2019	2020	2021
REVENUES	\$6,403,473	\$6,479,766	\$6,545,637	6,625,875	\$6,670,126
EXPENDITURES					
PERSONNEL	\$4,910,900	\$5,188,667	\$5,326,837	\$5,467,947	\$5,617,203
INSURANCE	\$85,000	\$79,872	\$83,067	\$86,390	\$89,845
CH2M HILL	\$279,271	\$289,046	\$299,162	\$309,633	320,470
OSTER	\$208,290	\$212,456	\$216,705	\$221,039	\$225,460
MAT'L/SUPPL	\$1,015,851	\$1,035,010	\$1,036,270	\$1,046,633	\$1,057,099
CAPITAL	\$149,300	\$109,719	\$85,567	\$86,422	\$87,287
DEBT	\$23,373	\$21,883	\$-	\$-	\$-
TRANSFER OUT	\$17,600	\$50,000	\$15,000	\$15,000	\$15,000
Total	\$6,689,585	\$6,986,653	\$7,062,608	\$7,233,064	\$7,412,364
NET	(\$286,112)	(\$506,887)	(\$516,971)	(\$607,189)	(\$742,238)

Revenues & Expenses General Fund





General Fund



2014 2015 2016 2017 2018 2019 2020 2021
 ■ Reserve Recommendation ■ Annual Surplus/(Deficiency) ■ Ending Fund Balance

Unmet General Fund Needs



• General Fund Structural Deficit	\$700,000
• Capital Plan Investment	\$600,000
• Pool/Recreation	\$300,000
• Aerial Truck	\$750,000
• Supplement Street Fund	\$750,000
• Fire and Police ICMA Study Recommended Staffing Levels	
Total	\$3,100,000



Options

Cut Expenditures

- Service Elimination or Reduction

Increase Revenues

- 1% Sales Tax \$3,717,792
- \$.01 Local Fuel Tax \$258,275
- 1% Food Tax \$433,400
- Marijuana Tax \$100,000



BUILDING FUND



Building Inspection Services

- Does not include Building Reserve Fund \$127,757
- Reserve requirement includes 3 months of annual expenditures.

Fund Outlook

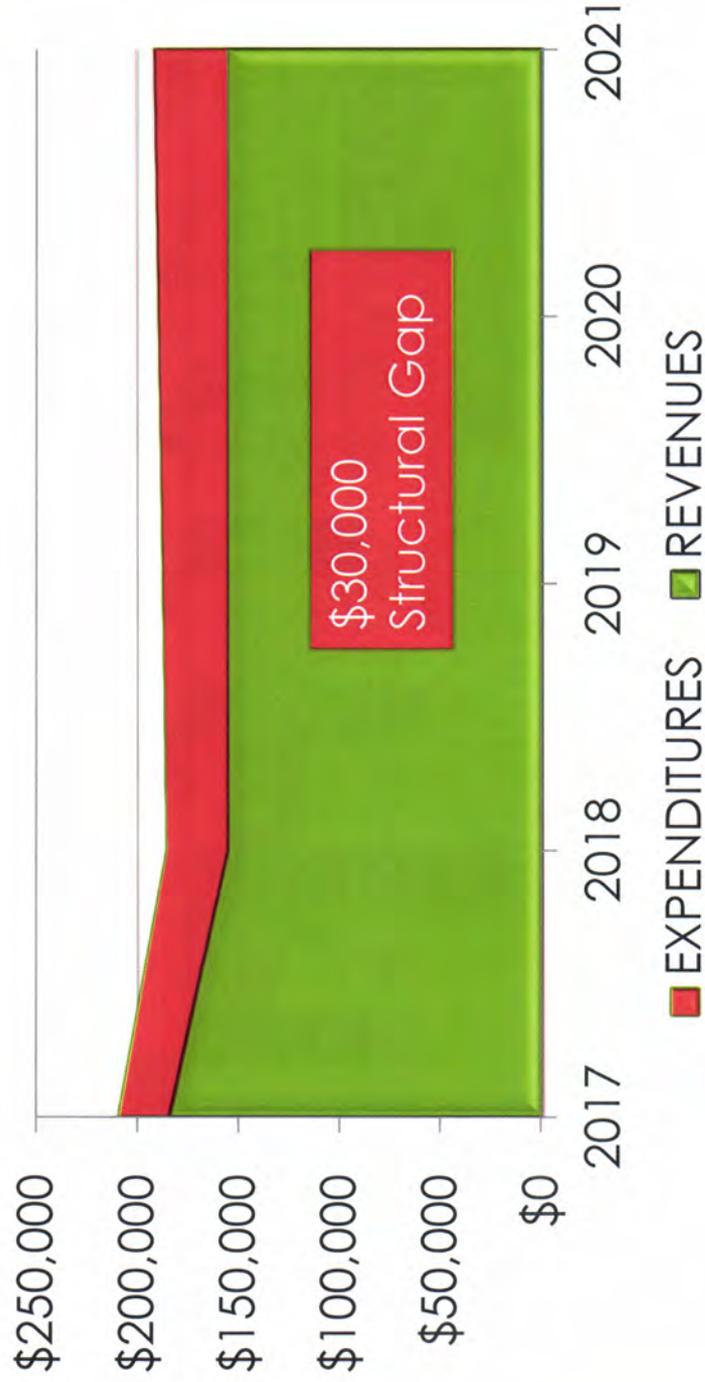


BUILDING FUND

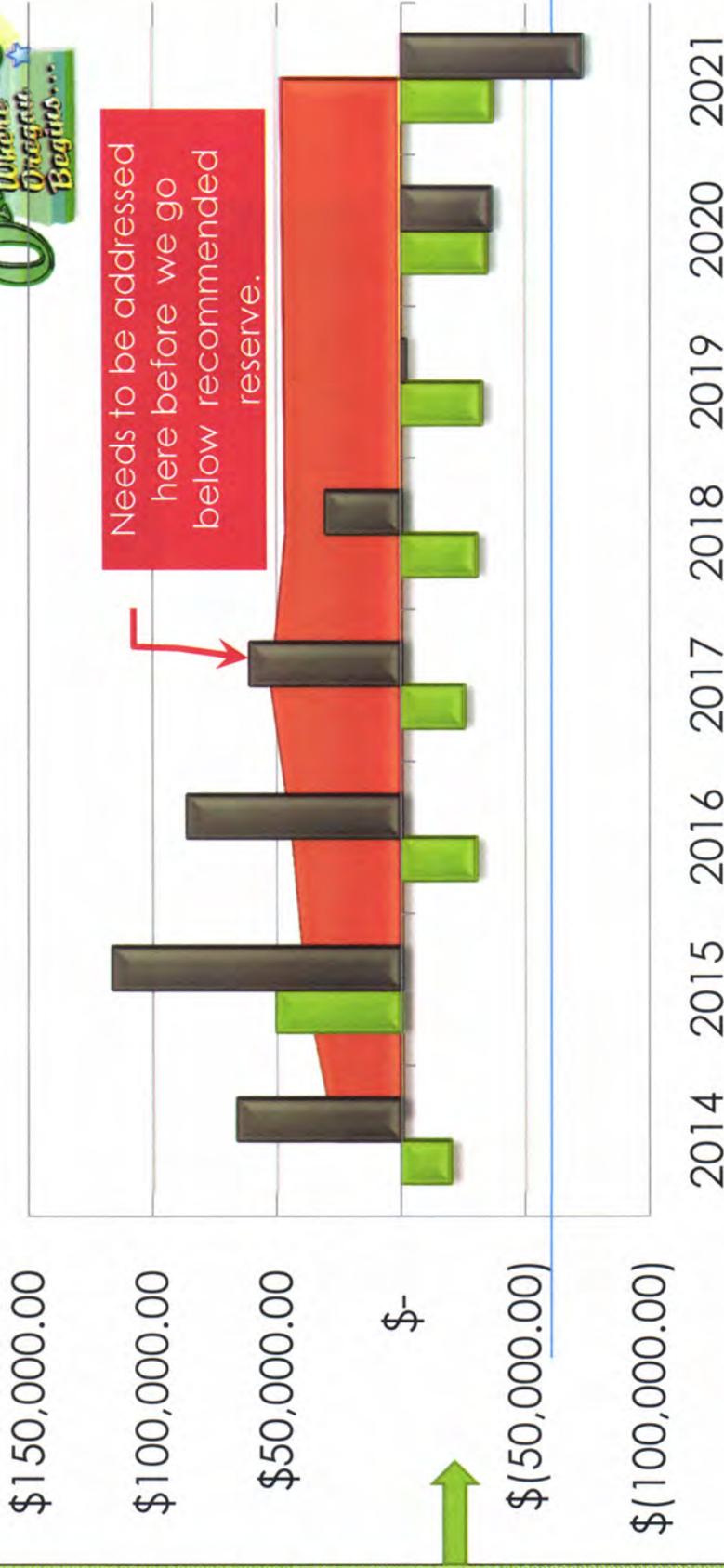
	2017	2018	2019	2020	2021
REVENUES	\$184,100	\$155,000	\$155,000	\$155,000	\$155,000
EXPENDITURES					
PERSONNEL	\$84,715	\$89,327	\$90,839	\$92,392	\$93,987
MAT'L/SERVICES	\$95,571	\$96,049	\$96,530	\$97,012	\$97,497
CAPITAL OUTLAY	\$29,100	\$ -	\$ -	\$ -	\$ -
Total Expenses	\$209,386	\$185,376	\$187,369	\$189,404	\$191,484
NET	(\$25,286)	(\$30,376)	(\$32,369)	(\$34,404)	(\$36,484)

Fund Outlook

Building Fund



Building Fund



- Reserve Recommendation
- Annual Surplus/Deficiency
- Ending Fund Balance

Options Building Fund



Decide how much the city general fund wants to subsidize building

- To what degree is there a general public benefit and/or to what degree should it pay for itself.





STREET FUND

- Includes total \$545,558 match for ODOT grant
- Reserve requirement includes 3 months of annual expenditures.



Fund Outlook

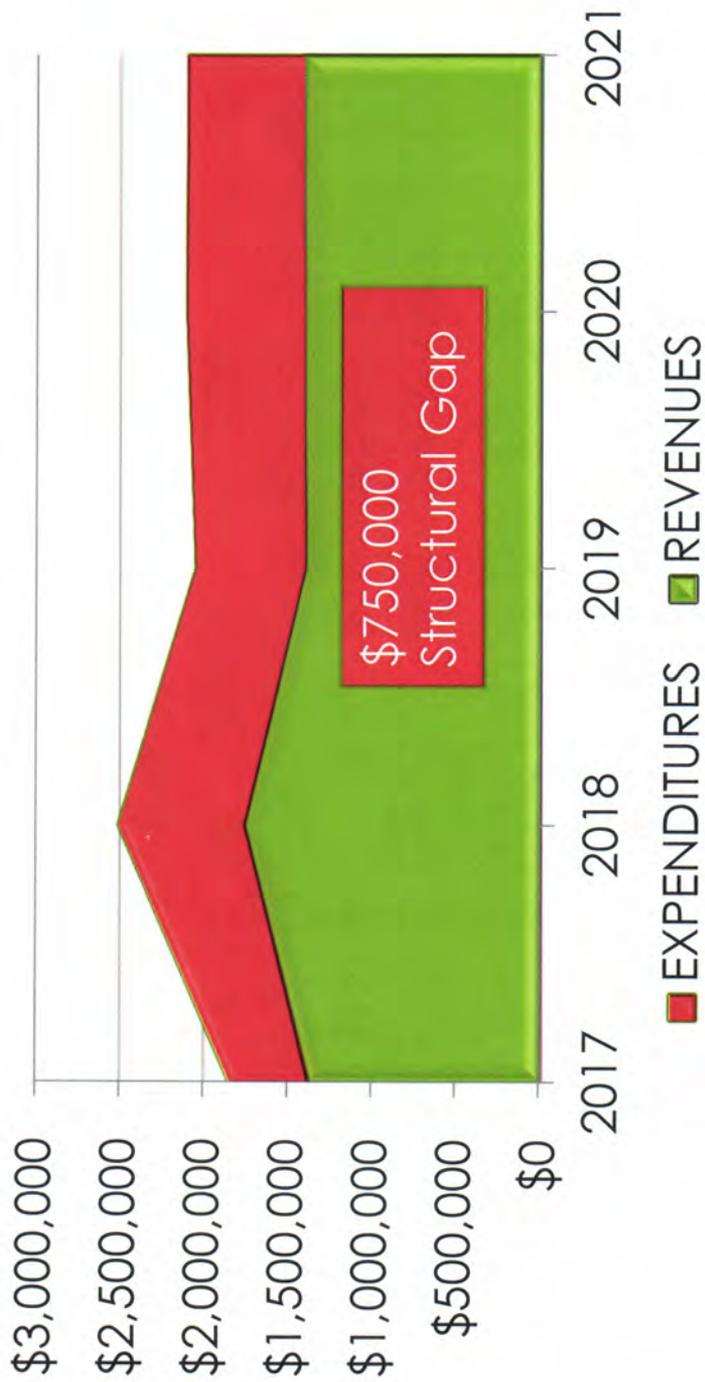
STREET FUND

	2017	2018	2019	2020	2021
REVENUES					
	\$1,374,258	\$1,754,848	\$1,391,957	\$1,397,886	\$1,403,855
EXPENDITURES					
INSURANCE	\$15,000	\$15,212	\$15,821	\$16,453	\$17,112
CH2M HILL	\$1,593,612	\$1,641,421	\$1,690,663	\$1,741,383	\$1,793,625
CONTRACT	\$3,240	\$3,273	\$3,306	\$3,339	\$3,372
DEICER	\$18,000	\$18,360	\$18,728	\$19,102	\$19,484
ADMIN	\$65,624	\$65,624	\$65,624	\$65,624	\$65,624
STREET SEAL	\$61,760	\$188,828	\$192,605	\$196,457	\$200,386
DEBT	63,176	\$63,176	\$63,176	\$63,176	\$-
TRANSFER OUT	\$30,000	\$515,558	\$-	\$-	\$-
Total	\$1,850,412	\$2,511,452	\$2,049,923	\$2,105,534	\$2,099,603
NET	(\$476,154)	(\$756,604)	(\$657,966)	(\$707,648)	(\$695,748)

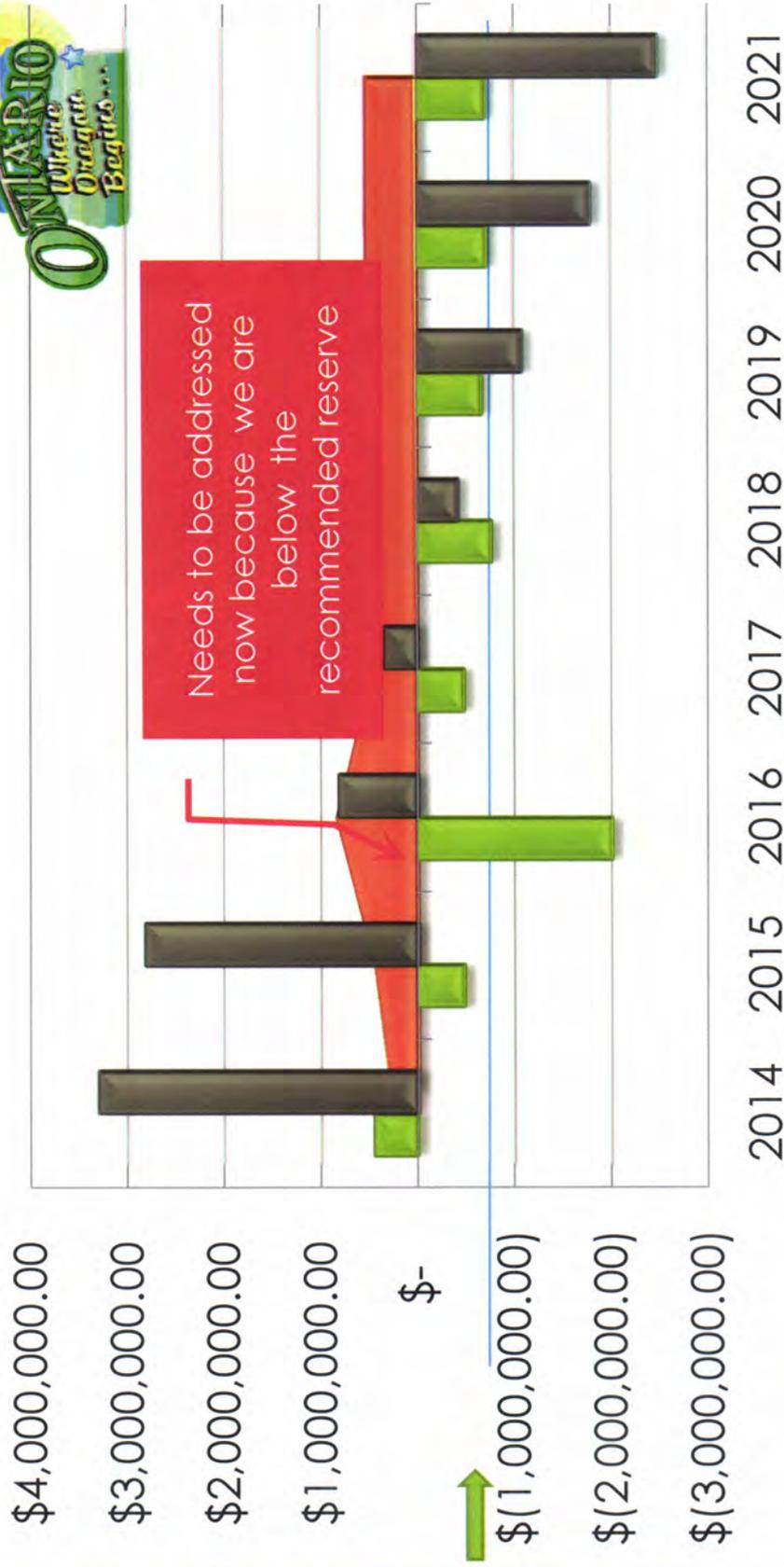
TOTAL OUTLOOK



Street Fund



Street Fund



- Reserve Recommendation
- Annual Surplus/Deficiency
- Ending Fund Balance

Street Fund Options



- Local Fuel Tax
 - \$.01 per gallon \$258,275
- Supplemented by General Fund
- State Funding?





WATER FUND

- Reserve requirement includes 6 months of annual expenditures.
- Includes full CIP Funding



Fund Outlook



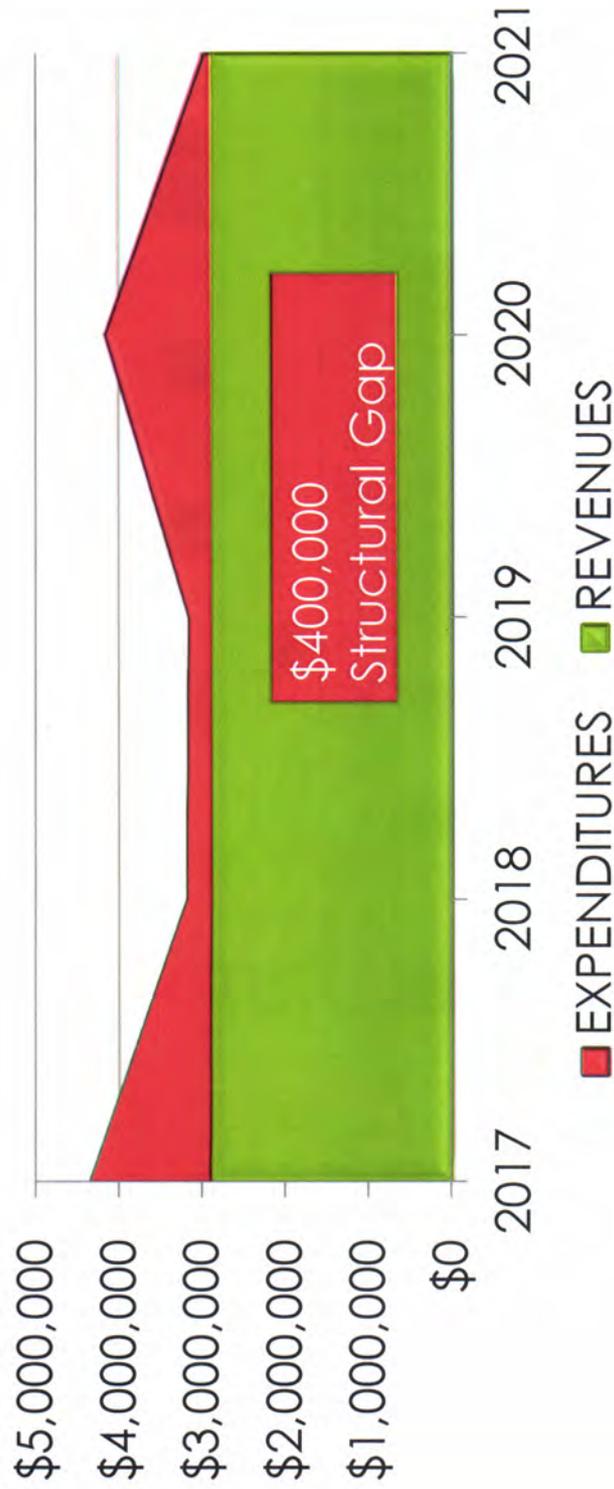
WATER FUND

	2017	2018	2019	2020	2021
REVENUES					
	\$2,890,950	\$2,874,891	2,874,400	\$2,873,888	\$2,873,400
EXPENDITURES					
OPERATING	\$1,989,739	\$2,082,000	\$2,180,000	\$2,282,000	\$2,389,000
DEBT	\$295,421	\$295,421	\$295,221	\$294,822	\$299,046
ADMIN	\$199,505	\$199,505	\$199,505	\$199,505	\$199,505
CAPITAL	\$1,861,500	\$604,358	\$482,483	\$1,386,464	\$86,047
Total	\$4,346,165	\$3,181,284	\$3,157,209	\$4,162,791	\$2,973,598
NET	(\$1,455,215)	(\$306,393)	(\$282,809)	(\$1,288,903)	(\$100,198)

Fund Outlook

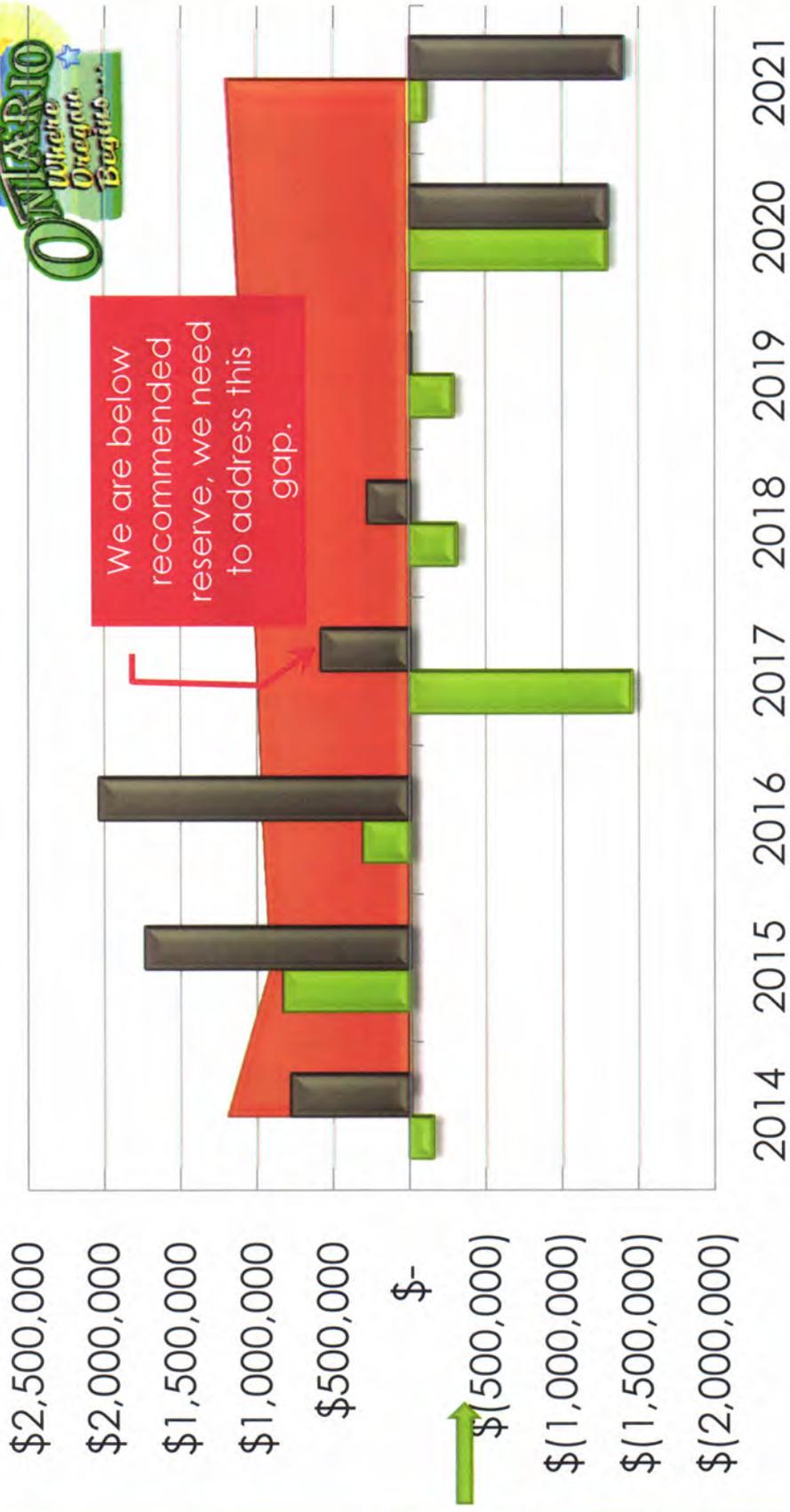


Water Fund



Operating structural gap includes financing capital projects

Water Fund



■ Reserve Recommendation ■ Annual Surplus/(Deficiency)

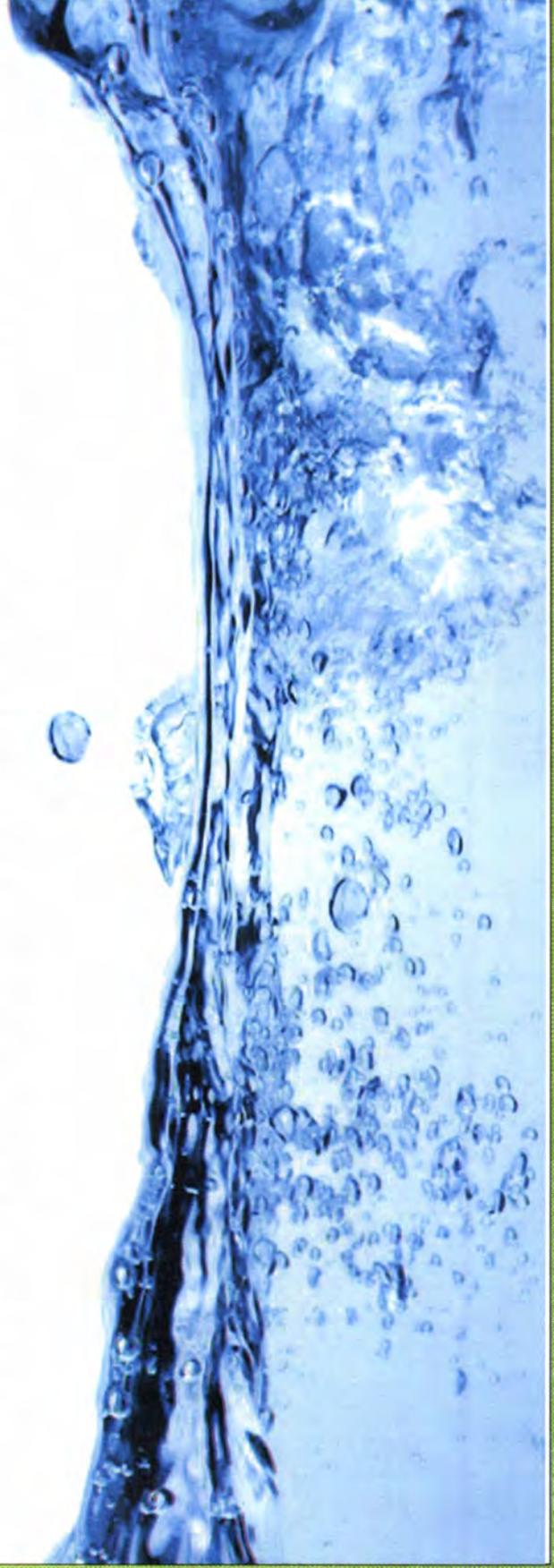
■ Ending Fund Balance

Water Fund Options



Water Rate Increase

- Rate Study Recommendation expected from the Public Works Committee in December





SEWER FUND

- Reserve requirement includes 6 months of annual expenditures.
- Includes \$2 million and \$100,000 annually for sludge removal
- Includes full CIP funding
- Does not include NPDES Permit Costs



Fund Outlook

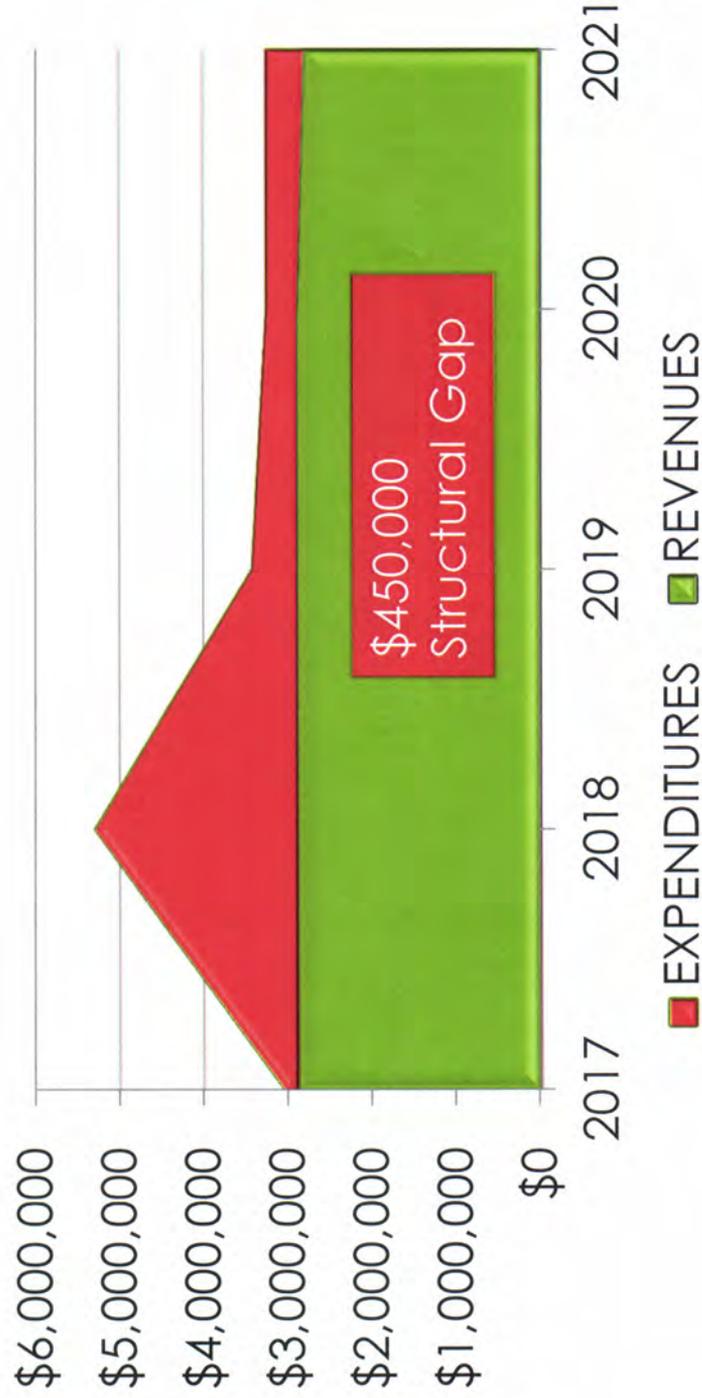


SEWER FUND

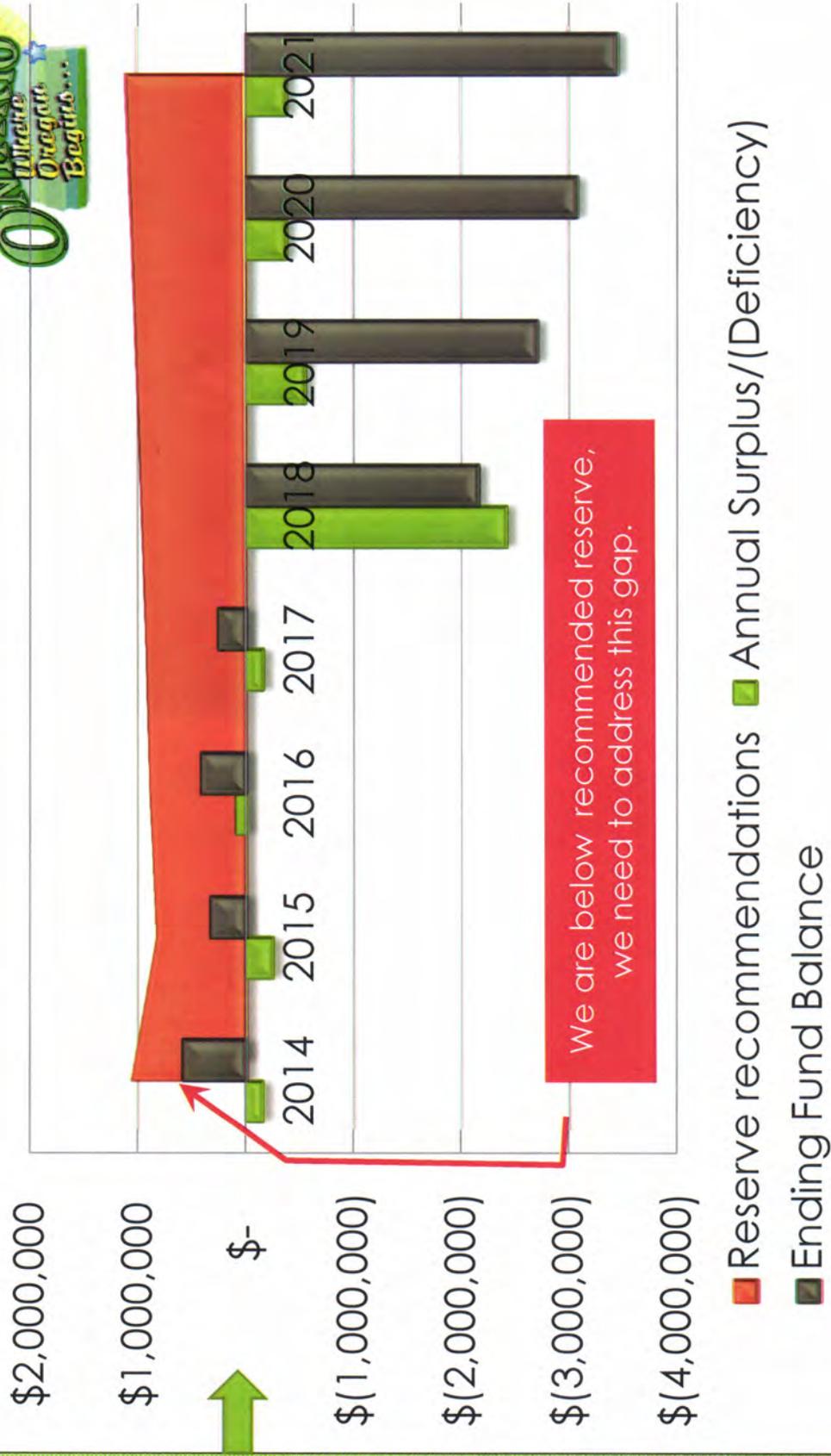
	2017	2018	2019	2020	2021
REVENUES					
	\$2,880,000	\$2,880,000	\$2,880,000	\$2,880,000	\$2,800,000
EXPENDITURES					
OPERATING	\$1,841,956	\$1,927,000	\$2,015,000	\$2,108,000	\$2,205,000
DEBT	\$602,604	\$602,100	\$476,625	\$370,459	\$275,040
ADMIN	\$211,328	\$211,328	\$211,328	\$211,328	\$211,328
CAPITAL	\$382,500	\$2,552,205	\$723,173	\$562,856	\$561,694
Total	\$3,038,388	\$5,292,633	\$3,426,126	\$3,252,643	\$3,253,062
NET	(\$158,388)	(\$2,412,633)	(\$546,126)	(\$372,643)	(\$453,062)

Fund Outlook

Sewer Fund



Sewer Fund

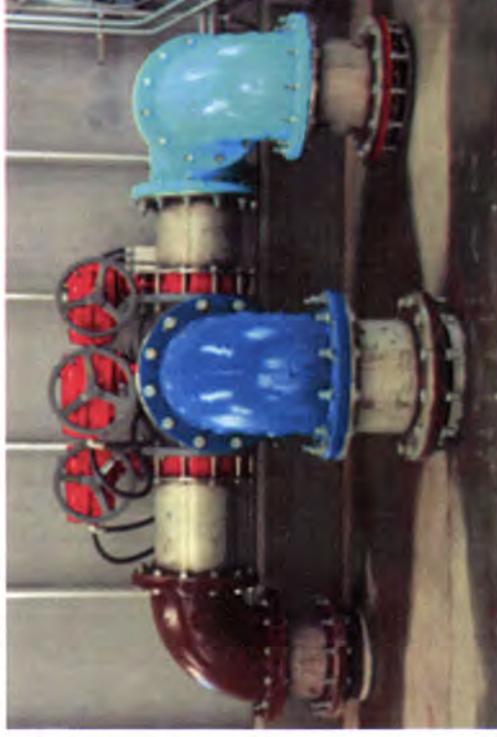


Waste-Water Fund Options



Waste-Water Rate
Increase

- Rate Study
Recommended
expected from the
Public Works
Committee in
December





Recap

- ☑ Reviewed Expenditures
- ☑ Reviewed Revenues
- ☑ Projected Revenues and Expenses
- ☑ Presented the Fund Outlook



We have challenges to fix in the coming budget either through expenditure reductions or revenue increases.

Proposed Next Steps



- Rate study recommendation will come to Council in December
- Communicate with Budget Committee, share projections and budget condition
- Discuss deficit approach in December and January
- Lay groundwork for department budget submissions in December



NEW BUSINESS

AGENDA REPORT
November 7, 2016

TO: Mayor and City Council

FROM: Larry Sullivan, City Attorney, and Betsy Roberts, CH2M

THROUGH: Adam Brown, City Manager

SUBJECT: ORDINANCE NO. 2720-2016, AN ORDINANCE ADDING SECTION 8-7-3.1 TO THE ONTARIO CITY CODE SETTING AN ADDITIONAL SEWER CONNECTION FEE FOR PROPERTIES SERVED BY THE NORTH REGIONAL LIFT STATION

DATE: October 25, 2016

SUMMARY:

Attached are the following documents:

- Ordinance No. 2720-2016
- Lift Station Area Map (Exhibit 1)
- CH2M Chart, revised

BACKGROUND:

CH2M gave a presentation to the Council on July 18, 2016, concerning the costs paid by the City for the North Regional Lift Station in 2007, and CH2M's calculations as to the allocation of those costs among property owners connecting to the City sewer system. CH2M has updated the chart that was included in that presentation. It has calculated that the costs should be allocated in the amount of \$2,513.65 per acre for the 441.06 acres that are served by the North Regional Lift Station. That amount was determined as follows:

A loan for \$3,976,600 was taken out to pay for several capital improvement projects. Of the \$3,976,600 loan amount, 34.17%, or \$1,358,804.22 was used for the construction of the North Regional Lift Station. The City has been making payments on the loan and the current balance of the loan as of October, 2016, is \$3,244,151. The remaining loan balance dedicated to the North Regional Lift Station (34.17%) is now \$1,108,672. The total area serviced by lift station is approximately 441.06 acres. A cost per acre was determined by taking the remaining loan balance \$1,108,672 and dividing it by the total acres 441.06 acres to arrive at \$2,513.65/acre.

Ordinance No. 2720-2016 relies on that calculation to impose an additional sewer connection fee on those property owners that connect to the City sewer system if they own property within the area of the map attached to the ordinance as Exhibit 1. This sewer connection fee is an additional fee to that imposed by City Code Section 3-7-3.

RECOMMENDATION:

Staff recommends that the City Council approve a first reading of Ordinance No 2720-2016.

PROPOSED MOTION:

I move that the City Council approve a first reading by title only of Ordinance No. 2718-2016, AN ORDINANCE ADDING SECTION 8-7-3.1 TO THE ONTARIO CITY CODE SETTING AN ADDITIONAL SEWER CONNECTION FEE FOR PROPERTIES SERVED BY THE NORTH REGIONAL LIFT STATION.

ORDINANCE NO. 2720-2016

**AN ORDINANCE ADDING SECTION 8-7-3.1 TO THE ONTARIO CITY CODE
SETTING AN ADDITIONAL SEWER CONNECTION FEE FOR PROPERTIES SERVED
BY THE NORTH REGIONAL LIFT STATION**

- WHEREAS,** Ontario City Code Section 8-7-3(F) sets sewer connection fees for unassessed properties based upon a formula requiring property owners connecting to the City sewer system to pay their fair share of prior sewer system improvements; and
- WHEREAS,** In 2007, the City constructed the North Regional Lift Station, which enhanced the City's ability to connect 441.06 acres of land inside and outside the City limits to the City's sewer system, as shown in the map in Exhibit "1" attached hereto; and
- WHEREAS,** In addition to the sewer connection fee assessed under Code Section 8-7-3(F), unassessed property owners within the area mapped in Exhibit "1" should also be required to pay their fair share of the cost of the construction of the North Regional Lift Station rather than having that cost paid by the taxpayers generally; and
- WHEREAS,** CH2M has calculated that those property owners should pay a cost of \$2,513.65 per acre, or fractional proportion thereof, as their share of the North Regional Lift Station construction expenses; and
- WHEREAS,** The City Council has reviewed and approved the calculations done by CH2M.

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

Section 1. The following Section 8-7-3.1 is hereby added to Chapter 7 of Title 8 of the Ontario City Code:

8-7-3.1 Additional Sewer Connection Fee for North Regional Lift Station

With the exception of those properties on Verde Drive, Crest Way and Horning Way annexed into the City by Ordinance No. 2683-2013 enacted on September 3, 2013, all unassessed properties within the map shown in Exhibit "1" attached hereto and incorporated herein shall pay a sewer connection fee of \$2,513.65 per acre, or fractional portion thereof based upon the square footage of each parcel, in addition to the sewer connection fee set by City Code Section 8-7-3(F).

PASSED AND ADOPTED by the Common Council of the City of Ontario this ____ day of _____, 2016, by the following vote:

AYES:
NAYS:
ABSENT:

APPROVED by the Mayor this ____ day of _____, 2016.

ATTEST:

Ronald Verini, Mayor

Tori Barnett, MMC, City Recorder



Cost per Acre (updated 10/2016)		
	Sewer & Water Infrastructure Constructed under Loan	2015 LS Unit Cost based on 441.06 (total area including Love's acreage) using REMAINING LOAN AMOUNT
Reg. LS for Sewer Service 2007	\$1,358,983.30	\$2,513.65
North Beltline Sewer Line 2002 ¹	\$0.00	
Total Sewer Costs	\$1,358,983.30	
Total Water Costs²	\$0.00	
	OECCD Remaining Loan Amount (as of 10/2016)	
	\$1,108,672	

OECCD LOAN INFO (updated 10/2016)	
Original OECCD Loan Amount	\$3,976,600
% of OECCD loan spent on N. Regional LS	34.17%
Remaining OECCD Loan Amount 10/2016	\$3,244,151
Remaining Loan Balance dedicated to N. Regional LS Costs	\$1,108,672

AGENDA REPORT
November 7, 2016

TO: Mayor and City Council

FROM: Tori Barnett, MMC, City Recorder

THROUGH: Adam Brown, City Manager

SUBJECT: ORDINANCE NO. 2721-2016: AN ORDINANCE AMENDING ONTARIO MUNICIPAL CODE TITLE 3, CHAPTER 11, SECTION 2 CHANGE DEFINITION OF TAX ADMINISTRATOR FOR THE CITY OF ONTARIO, FIRST READING

DATE: October 25, 2016

SUMMARY:

Attached is the following document:

- Ordinance No. 2721-2016

BACKGROUND:

In March, 1987, the City Council enacted Ordinance #2212 to establish a Transient Room Tax within the City of Ontario. When the ordinance was developed, the position of City Recorder was given the additional responsibilities of Tax Administrator, with specific duties attached. The City Recorder no longer has access or the necessity to be involved in financial actions within the city, and does not perform any of the duties assigned to the position of Tax Administrator. These duties are performed and managed by members of the Finance Department.

To ensure correct and reliable information is listed in the Code, as well as designating the appropriate staff member as Tax Administrator, staff is bringing this proposed amendment forward for Council consideration.

RECOMMENDATION:

Staff recommends approval of Ordinance No. 2721-2016 on first reading.

PROPOSED MOTION:

I move the City Council approve Ordinance No. 2721-2016: AN ORDINANCE AMENDING TITLE 3, CHAPTER 11, SECTION 2, OF THE ONTARIO CITY CODE TO DEFINE THE TITLE TAX ADMINISTRATOR AS FINANCE DIRECTOR FOR THE CITY OF ONTARIO, on First Reading by Title Only.

ORDINANCE NO. 2721-2016

AN ORDINANCE AMENDING ONTARIO MUNICIPAL CODE TITLE 3,
CHAPTER 11, SECTION 2; CHANGE DEFINITION OF TAX ADMINISTRATOR
FOR THE CITY OF ONTARIO

- WHEREAS, Ontario Municipal Code Title 3, Chapter 11, Section 2, defines Tax Administrator for the City of Ontario as the City Recorder;
- WHEREAS, The City Recorder no longer handles the responsibilities of Tax Administrator or has involvement with any other tax related actions; and
- WHEREAS, Amending the definition of the Tax Administrator from City Recorder to Finance Director, will ensure that correct and reliable information is listed in the Code; and
- WHEREAS, Except as specifically amended herein, the establishing ordinance, and any modifications thereto, shall remain in full force and effect.

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

Section 2. Title 3, Chapter 11, Section 2 is amended by adding those portions that are underlined and deleting those portions that are stricken, as follows:

3-11-2 DEFINITIONS

TAX ADMINISTRATOR means the ~~City Recorder~~ Finance Director of the City.

PASSED AND ADOPTED by the Common Council of the City of Ontario this ____ day of _____, 2016, by the following vote:

AYES:

NAYS:

ABSENT:

APPROVED by the Mayor this ____ day of _____, 2016.

ATTEST:

Ronald Verini, Mayor

Tori Barnett, MMC, City Recorder

AGENDA REPORT
November 7, 2016

TO: Mayor and City Council

FROM: Tori Barnett, MMC, City Recorder

THROUGH: Adam Brown, City Manager

SUBJECT: ORDINANCE NO. 2722-2016: AN ORDINANCE AMENDING ONTARIO MUNICIPAL CODE TITLE 8, CHAPTER 5, SECTIONS 5(E) AND 5(G) CEMETERY REQUIREMENTS FOR INTERMENTS AND DISINTERMENTS, FIRST READING

DATE: October 25, 2016

SUMMARY:

Attached is the following document:

- Ordinance No. 2722-2016

On August 8, 2016, both Evergreen and Sunset Cemeteries were inspected by representatives from the Oregon Mortuary & Cemetery Board. A total of six (6) deficiencies were noted, which need correction. Four are being addressed by the Sexton and City Recorder; two require an amendment to the cemetery Code.

BACKGROUND:

Following the bi-annual inspection of both Ontario cemeteries, six deficiencies were noted and action requested by the Mortuary Board. Two of those deficiencies require an ordinance amendment to OMC 8-5-5.

ORS 97.220 and ORS 97.130 requires the inclusion of verbiage into OMC 8-5-5(E), addressing the necessity to obtain signatures from authorized agents for removing remains. OAR 830-030-0000(6) requires the addition of language into OMC 8-5-5(G) that proof of identity be verified by the Sexton.

Based upon those two deficiencies, staff is bringing this proposed ordinance amendment forward for Council consideration.

RECOMMENDATION:

Staff recommends approval of Ordinance No. 2722-2016 on first reading.

PROPOSED MOTION:

I move the City Council approve Ordinance No. 2722-2016: **AN ORDINANCE AMENDING ONTARIO MUNICIPAL CODE TITLE 8, CHAPTER 5, SECTIONS 5(E) AND 5(G) CEMETERY REQUIREMENTS FOR INTERMENTS AND DISINTERMENTS ON FIRST READING BY TITLE ONLY.**

ORDINANCE NO. 2722-2016

AN ORDINANCE AMENDING ONTARIO MUNICIPAL CODE TITLE 8, CHAPTER 5, SECTIONS 5(E) AND 5(G)
CEMETERY REQUIREMENTS FOR INTERMENTS AND DISINTERMENTS

- WHEREAS, Ontario Municipal Code Title 3, Chapter 11, Section 5, establishes rules and regulations for the Interment and Disinterment of remains at Evergreen and Sunset Cemeteries; and
- WHEREAS, Following the August, 2016, cemetery inspections by the Oregon Mortuary and Cemetery Board, deficiencies were noted that require correction; and
- WHEREAS, OAR 830-030-0000(6) requires the inclusion of language in OMC 8-5-5(E) to include the requirement to obtain the necessary signatures from authorized agents for removing remains; and
- WHEREAS, ORS 97.220 and ORS 97.130 require the inclusion of language in OMC 8-5-5(G) requiring the Cemetery Sexton, or designee, to verify the identity of remains prior to accepting delivery at the facility.

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

Section 5.

Title 8, Chapter 5, Section 5(E) is amended by adding those portions that are underlined and deleting those portions that are stricken to read as follows:

- 8-5-5(E) The ~~Superintendent~~ Sexton, or designee, must receive the Burial Permit, and sign and return the same to Registrar, however, the City shall not be liable for the Interment Permit, nor for the identity of the person sought to be interred. The Sexton, or designee, shall be responsible for verifying that the identifying metal disc is properly secured to each receptacle containing human remains, or, when no receptacle is used, affixed to the remains, when remains are delivered to the facility and that the number on the identifying metal disc is the number recorded on the final Disposition Permit. The Sexton, or designee, must sign the final Disposition Permit verifying this fact prior to accepting the remains. The Sexton, or designee, shall not accept remains without the proper identifying metal disc, unless the death occurred in a state other than Oregon. OAR 830-030-0000(6)

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Title 8, Chapter 5, Section 5(G) is amended by adding those portions that are underlined and deleting those portions that are stricken to read as follows:

8-5-5(G) The City reserves and shall have the right to correct any errors that may be made by it either in making interments, disinterments, or removals, or in the description, transfer, or conveyance of any interment property, either by canceling such conveyance and substituting and conveying in lieu thereof other interment property of equal value and similar location as far as possible, or as may be selected by the City, or, in the sole discretion of the City, by refunding the amount of money paid on account of said purchase. In the event such error shall involve the interment of the remains of any person in such property, the City reserves, and shall have the right, to remove and/or transfer such remains so interred to such other property of equal value and similar location as may be substituted and conveyed in lieu thereof. The Sexton, or designee, will seek to obtain the signature of the authorized agent pursuant to ORS 97.130, or with a court order if permission cannot be obtained, for the removal of remains of a deceased person from the cemetery. ORS 97.220

PASSED AND ADOPTED by the Common Council of the City of Ontario this _____ day of _____, 2016, by the following vote:

AYES:

NAYS:

ABSENT:

APPROVED by the Mayor this _____ day of _____, 2016.

ATTEST:

Ronald Verini, Mayor

Tori Barnett, MMC, City Recorder

PUBLIC HEARING

AGENDA REPORT – PUBLIC HEARING

November 7, 2016

TO: Mayor and City Council

FROM: Dan K. Cummings, Community Development Director

THROUGH: Adam Brown, City Manager

SUBJECT: ORDINANCE #2719-2016: ACCEPTANCE OF PRIVATE PROPERTY AS PUBLIC RIGHT-OF-WAY FOR A PUBLIC STREET. THE SUBJECT PROPERTY IS THE EAST 30 FEET OF THE LANDS OWNED BY "THE L.W. & GLENDA SATHER FAMILY TRUST, AKA AS THE SUNSET BOWLING ALLEY LANDS DESCRIBED AS PARCEL I IN THE BARGAIN AND SALE DEED RECORDED JANUARY 8, 1998 UNDER INSTRUMENT NUMBER 98-138, DESIGNATED AS ASSESSOR'S MAP #18S4711B; TAX LOT 900; FIRST AND SECOND READING ON EMERGENCY PASSAGE

DATE: October 20, 2016

BACKGROUND & SUMMARY:

Attached is the following document:

- Exhibit "A": Ordinance #2719-2016 and all attached exhibits.

In cooperation with the city and the developers of the lands east of their property known as the "Old K-Mart Property", soon to be Waremart by WinCo, the Sather's have agreed to dedicate a 30 feet wide strip of land, parallel with and along the East property line of their property for the extension of the city street named SE Goodfellow Lane, to the South end of the said "K-Mart" property.

PREVIOUS COUNCIL ACTION:

March 2002 The City Council approved and accepted a portion of right-of-way dedication for SE Goodfellow Lane within Partition Plat 2002-2, recorded March 19, 2002. Said right-of-way being from East Idaho Avenue South to the South property line of the lands owned by the Oregon Department of Transportation (ODOT) at the time of the action.

June 2016 The City Council approved and accepted a portion of right-of-way dedication for SE Goodfellow lane within Partition Plat 2016-03, recorded June 21, 2016. Said right-of-way being the easterly portion of Goodfellow Lane adjacent to and on the West side of the property known as the "K-Mart Site" (Parcel No. 1), being developed into a Waremart by WinCo.

APPLICABLE ORDINANCE & COMPREHENSIVE PLAN CRITERIA AND STANDARDS:

The proposed development must comply with applicable provisions of the Zoning regulations as set forth in the Ontario Municipal Code (OMC), and the City of Ontario Comprehensive Plan. Generally, unless otherwise noted, if a request is found to be consistent with the Zoning ordinance, it is considered to be consistent with the Comprehensive Plan.

A. *10B-55-70 PUBLIC STREET OUTSIDE LAND DEVELOPMENT. A public street may be created within the City Limits by deed to the City, if the deed is accepted by the City. The establishment of such street may be initiated by the City, County or State if declared essential for the purpose of general traffic circulation. The completion of any required street improvements shall be provided for in the proceedings leading to the acceptance of the street. Additional building sites created by the establishment of a deeded street shall be processed as a partition or subdivision.*

10B-55-75 ACCEPTANCE OF A DEEDED STREET, PROCEDURE. An action for accepting a deeded street shall be initiated by the applicant as an application to the Council; the Council shall consider the request at a public hearing and may, by motion, accept or deny the action to accept the deed. If the council decision is to accept the deed, the Council shall accept the deed by ordinance as provided for in the City charter.

Findings: This request is for acceptance of land from “THE L.W. & GLENDA SATHER FAMILY TRUST”, dated December 15, 1997, to serve as a city street, specifically an extension of SE Goodfellow Lane, to allow development on an adjacent parcel to the east; provision of the street is required by the OMC for the proposed new development. The Sather’s Trust has submitted a Deed, which has been reviewed by staff for compliance. It has been requested and determined that due to economic development reasons and development of the adjacent lands that an emergency exists for the need to accept this right-of-way as an emergency reading.

Conclusion: All applicable requirements for acceptance of private property as right-of-way for a city street are met; the city may accept the area described in the Deed as per City Code 10B-55-75. Proposed Ordinance #2719-2016 is provided with this report for Council approval. A request for an emergency passage of this ordinance is based upon economic reasons.

STAFF RECOMMENDATION:

Staff recommends that the Council accept the property as described on the attached Deed as City of Ontario road right-of-way.

RECOMMENDED MOTION(s):

I move that the City Council adopt Ordinance #2719-2016, **AN ORDINANCE ACCEPTING A PORTION OF L. W. & GLENDA SATHER FAMILY TRUST PROPERTY CURRENTLY DESIGNATED AS ASSESSOR'S MAP #18S4711B, TAX LOT #900, AS CITY OF ONTARIO STREET RIGHT-OF-WAY AS PART OF THAT PUBLIC STREET KNOWN AS SE GOODFELLOW LANE** on First Reading by Title Only by Emergency Passage.

I move that the City Council adopt Ordinance #2719-2016, **AN ORDINANCE ACCEPTING A PORTION OF L. W. & GLENDA SATHER FAMILY TRUST PROPERTY CURRENTLY DESIGNATED AS ASSESSOR'S MAP #18S4711B, TAX LOT #900, AS CITY OF ONTARIO STREET RIGHT-OF-WAY AS PART OF THAT PUBLIC STREET KNOWN AS SE GOODFELLOW LANE** on Second and Final Reading by Title Only on Emergency Passage.

OR if not declared an emergency:

I move that the City Council adopt Ordinance #2719-2016, **AN ORDINANCE ACCEPTING A PORTION OF L. W. & GLENDA SATHER FAMILY TRUST PROPERTY CURRENTLY DESIGNATED AS ASSESSOR'S MAP #18S4711B, TAX LOT #900, AS CITY OF ONTARIO STREET RIGHT-OF-WAY AS PART OF THAT PUBLIC STREET KNOWN AS SE GOODFELLOW LANE** on First Reading by Title Only.

After recording, return to:
City Recorder
City of Ontario
444 SW 4th Street
Ontario, OR 97914

ORDINANCE No. 2719-2016

**AN ORDINANCE ACCEPTING CERTAIN TERRITORY AS CITY OF ONTARIO STREET RIGHT-OF-WAY
AND AS A PUBLIC STREET, AND DECLARING AN EMERGENCY**

- WHEREAS,** There was submitted to the City of Ontario a request for City acceptance of certain territory that is currently private property on the easterly portion of "THE L. W. & GLENDA SATHER FAMILY TRUST" property designated as Assessor's Map 18S4711B; Tax Lot 900, as a City of Ontario Public Street; and
- WHEREAS,** Public notice of a City Council hearing on this matter was provided in accordance with the Ontario Municipal Code; and
- WHEREAS,** An adjacent property owner wishes to develop quickly, and the City tries to extend the effort to accommodate the needs of property owners within the community whenever possible; and
- WHEREAS,** A Public Hearing on this matter was held on November 7, 2016, before the City of Ontario City Council and the Council approved the request.

NOW THEREFORE, THE CITY OF ONTARIO ORDAINS AS FOLLOWS:

1. Subject Area: The following contiguous territory: That property within the City Limits of the City of Ontario, in Malheur County, Oregon, and currently known as the easternmost 30 feet of land designated as Malheur County Assessor's Map #18S4711B; Tax Lots 900, and specifically described in the deed attached to this ordinance as Exhibit "1".
2. Accepting the above described area as City of Ontario Street Right-of-way and as a Public Street: The Common Council of the City of Ontario deems it in the best interest of the public of the City of Ontario and hereby declares that the real property described hereinabove is accepted as City of Ontario Street Right-of-Way and as a Public Street to be added to the Right-of-Way of "SE Goodfellow Lane" as of the effective date of this ordinance.
3. Record. The City Clerk shall submit copies of this Ordinance to the Malheur County Clerk for recording, and shall keep in the file of this matter (1) a copy of this Ordinance, (2) a copy of the deed for the subject property, which includes the legal description, and a map depicting the boundaries of the subject area.
4. Emergency Passage. Because an adjacent property owner desires to develop as soon as possible, and because the City of Ontario extends the utmost effort to accommodate the needs of property owners in the community and recognizes the economic value to the community, the Council declares an emergency to exist and this ordinance shall be effective immediately upon passage at the second reading.

PASSED AND ADOPTED by the Common Council of the City of Ontario this ____ day of _____, 2016 by the following vote:

AYES:

NAYS:

ABSENT:

APPROVED by the Mayor this ____ day of _____, 2016.

ATTEST:

Ronald Verini, Mayor

Tori Barnett, City Recorder

Ordinance Exhibit "1"

After Recording Return to:
City of Ontario
Community Development Center
444 SW 4th Street
Ontario, OR 97914

DEED OF DEDICATION

FOR VALUE RECEIVED, **THE L. W. & GLENDA SATHER FAMILY TRUST**, whose current address is 373 NE 4th Avenue, Ontario, Oregon 97914 ("Grantor"), in consideration of the sum of ~~Zero~~ dollars (\$0.00) and other considerations, the receipt of which is hereby acknowledged, does hereby convey and dedicate to the **CITY OF ONTARIO**, ("Grantee"), whose address is 444 SW 4TH Street, Ontario, Oregon 97914, A PUBLIC RIGHT OF WAY and the right to erect, construct, install, and lay and thereafter use, operate, inspect, repair, maintain, replace, and remove a permanent roadway and public utilities, such as but limited to Sewer, Water, Gas, Electric and Communication services lines, Fixtures and Facilities over, across, and through the following described real property located in Malheur County, Oregon (the "Property"), to wit:

Being a portion of that certain property described in the Bargain and Sale Deed to **THE L. W. & GLENDA SATHER FAMILY TRUST** dated December 15, 1997 and recorded under Instrument No. 98-138, being the EAST 30 FEET of PARCEL I of said Deed, said Parcel I being more particularly described as the N1/2SW1/4NW1/4NW1/4 of Section 11, Township 18 South, Range 47 East of the Willamette Meridian, City of Ontario, Malheur County, Oregon.

TOGETHER WITH a 10 feet wide perpetual easement for public utility purpose and slope easement, lying adjacent to and Westerly of the above described right of way, for use by Public Utility Companies and street construction slopes.

SUBJECT TO all existing easements of record.

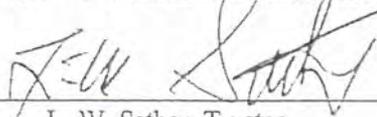
Further, it is agreed, and made a condition herein, that the conveyed Property be dedicated for public use and in the event the Grantee fails to use or ceases to use the Property exclusively for said use, all right, title and interest in and to the Property shall revert to the Grantor through a legal Vacation process.

GRANTEE, by signing this Instrument, accepts the conveyance of the real property described herein for a public street and agrees to the terms of Grantor's Reversion and all other covenants, terms and conditions of this instrument.

IN WITNESS WHEREOF, the Grantor has executed this instrument on this 22nd day of September, 2016.

GRANTOR:

THE L. W. & GLENDA SATHER FAMILY TRUST

By: 
L. W. Sather, Trustee

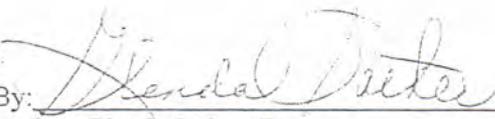
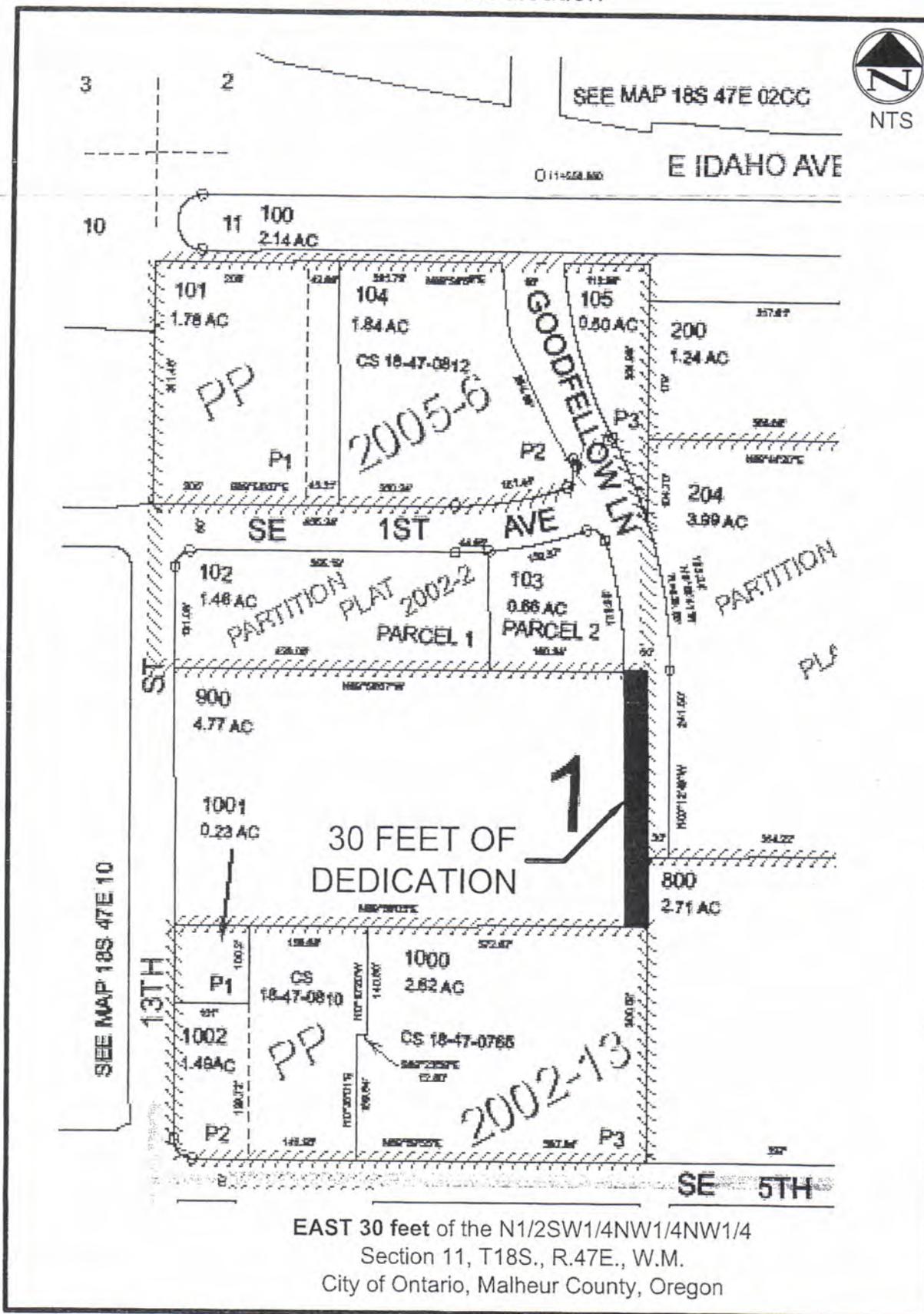
By: 
Glenda Sather, Trustee

Exhibit "A"
ROW Dedication



EAST 30 feet of the N1/2SW1/4NW1/4NW1/4
Section 11, T18S., R.47E., W.M.
City of Ontario, Malheur County, Oregon