

AGENDA
CITY COUNCIL - CITY OF ONTARIO, OREGON
Monday, November 19, 2012, 7:00 p.m., M.T.

- 1) **Call to order**
Roll Call: Norm Crume _____ Jackson Fox _____ Charlotte Fugate _____ Dan Jones _____
David Sullivan _____ Ron Verini _____ Mayor Joe Dominick _____

2) **Pledge of Allegiance**

This Agenda was posted on Wednesday, November 14, 2012, and a study session was held on Thursday, November 15, 2012. Copies of the Agenda are available at the City Hall Customer Service Counter and on the city's website at www.ontariooregon.org.

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

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

- A) Approval of Minutes of Regular Meeting of 11/02/2012 1-5
B) Ordinance #2669-2012: An Ordinance Adopting the Findings of Fact and Amending the City of Ontario Comprehensive Plan and Zoning Map for a Parcel of Real Property Located at 55 NE 2nd Avenue and Changing its Zone Classification from (PF) Public Facility to (L-1) Light Industrial (L-1)(Final Reading) 6-10
C) Declaration of Surplus Property: 1981 American LaFrance Pumper 11-13
D) Request to Connect to Sanitary Sewer: Erlebach (Vacant Lot on Crest Way) 14-16
E) Approval of the Bills

- 5) **Public Comments:** Citizens may address the Council on items not on the Agenda. Council may not be able to provide an immediate answer or response, but will direct staff to follow up within three days on any question raised. Out of respect to the Council and others in attendance, please limit your comment to three (3) minutes. Please state your name and city of residence for the record.

6) **Department Head Updates**

7) **New Business**

- A) Request for Change in Non-Represented Insurance Coverage 17-20
B) Proposed Data Center System Development Charges 21-22

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

9) **Executive Sessions**

- A) ORS 192.660(2)(h) - Litigation
B) ORS 192.660(2)(e) - Real Property
C) ORS 192.660(2)(d) - Labor

10) **Adjourn**

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

The City of Ontario does not discriminate in providing access to its programs, services and activities on the basis of race, color, religion, ancestry, national origin, political affiliation, sex, age, marital status, physical or mental disability, or any other inappropriate reason prohibited by law or policy of the state or federal government. Should a person need special accommodations or interpretation services, contact the City at 889-7684 at least one working day prior to the need for services and every reasonable effort to accommodate the need will be made. T.D.D. available by calling 889-7266.

COUNCIL MEETING MINUTES

November 5, 2012

The regular meeting of the Ontario City Council was called to order by Mayor Joe Dominick at 7:00 p.m. on Monday, November 5, 2012, in the Council Chambers of City Hall. Council members present were Norm Crume, Joe Dominick, Jackson Fox, Charlotte Fugate, Dan Jones, David Sullivan, and Ronald Verini.

Members of staff present were Jay Henry, Tori Barnett, Larry Sullivan, Mark Alexander, Mike Long, Bob Walker, Dan Shepard, and Loren Wiedeman. The meeting was recorded on tape, and the tapes are available at City Hall.

Charlotte Fugate led everyone in the Pledge of Allegiance.

AGENDA

David Sullivan moved, seconded by Charlotte Fugate, to adopt the Agenda as presented. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

CONSENT AGENDA

Councilor Jones stated at the Thursday study session, he had asked for a breakdown of the costs associated with the receiving station – did Mr. Walker have that available?

Bob Walker, Public Works Director, stated he did, and distributed a hand-out to the Council outlining the expenditures to date on the project. This project was planned to be done in three phases. Phase One would be the equipment purchase; however, Franklin Miller was located in New Jersey, and they had been experiencing some difficulty in contacting them since Hurricane Sandy raced through the Eastern Seaboard. He believed the equipment was on its way. Phase Two would be the site preparation work; and Phase Three would be the installation of the equipment. He estimated city staff would be able to complete certain pieces of the project, potentially cutting ~\$29,500 from the bid.

Councilor Sullivan asked what the \$29,500 would be.

Mr. Walker stated it would be city crews, and there would be no charge for labor.

Councilor Sullivan asked why we wouldn't reduce the overall contract down from the \$110,109.43?

Mr. Walker stated it would be done during negotiations.

Councilor Sullivan wanted to see the contract solid before negotiations. If they didn't realize the \$29,500 savings, the project would be upside down.

Mr. Walker stated they would have to re-advertise and rebid.

Mayor Dominick verified Mr. Walker had the option of reducing things up to 25%.

Mr. Walker stated that was correct. It was allowed in the RFP.

Councilor Fox asked why city crew wages and time wouldn't be assigned to the project.

Mr. Walker stated that wasn't how projects were done.

Councilor Jones voiced his disagreement with this issue being in the Consent Agenda.

Councilor Sullivan stated when these were bid in the future, the cost for labor needed to be bid in the project.

Mr. Walker stated the city had the right to negotiate out 25% of the bid.

Councilor Fox wanted to move the project down to New Business.

Mayor Dominick stated they could move item 4E to Old Business as 6A.

Dan Jones moved, seconded by Jackson Fox, to amend the Agenda to move Consent Agenda item 4E to New Business 6A. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Sullivan-yes; Verini-no; Dominick-no. Motion carried 5/2/0.

David Sullivan moved, seconded by Dan Jones, to approve Consent Agenda Item A: Approval of the Regular Minutes of 10/15/2012; Item B: Approval of the Telephonic Meeting of 10/29/2012; Item C: Liquor License Application: New Outlet – IOU Sushi 3; Item D: Resolution #2012-126: Transfer Funds within Sewer Fund Operating Contingency to Public Works Fund Utility Maintenance Lift Station Maintenance Line for Emergency Repair of the 8th Avenue Lift Station; Item F: Building Demolition and Asbestos Abatement Bid Award: 3 Kings Environmental, Inc.; and Item G: Approval of the Bills. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Sullivan-yes; Verini-no; Dominick-no. Motion carried 5/2/0.

PUBLIC COMMENTS/PRESENTATIONS

Rudy Marostica, Dennis Carter, and Will Hasley, presented a check to the City to cover their share of costs necessary to repair the flag pole at the bottom of hospital hill (intersection of SW 4th Avenue and SW 9th Street). The Lions, the Elks, and the City of Ontario worked together to fund the repairs on the pole, and Kinney Repair did an outstanding job.

(Typed verbatim from hand-out provided by Ms. Rolland)

Ruth Rolland, Ontario: *There are a bunch of people outside City Hall this evening – with signs, protesting the City Council's treatment of people who work for the City. (I should say that they're out there again, like they have been for every City council meeting lately.) A lot of the protestors are Ontario's City Public Works employees and others in the community are also out there holding signs, because they agree with these workers, and share the same sense of insult at the underserved bad treatment of these City workers. The City unilaterally implemented a so-called labor contract on these City Public Works employees. The City Council says they could legally do this. But this is my question...Why do you want to treat the employees the way you treat them? These guys keep the city infrastructure functioning at the most basic down to earth level. They are dependable – knowledgeable – their skills are something to be appreciated – not belittled! That goes for the other employees of the City too! The Police – Firefighters – and volunteer firefighters! Where would this city and its Leaders be – without their quality performance of the duties they are entrusted with. Do you think that because City employees are hired to SERVE the City, that they are second-rate members of the community? These guys got retroactive pay for their last 4 months of back pay, and it was between 40 or 50 dollars total for the whole four months. This was their fist [sic] pay increase since 2009! And where is Lisa Hansen? Did she deserve to FIRED...And then was told that the City would like her to stay on a while longer, and be INTERIM Finance Director, until a suitable replacement could be obtained. My understanding is that Lisa pretty shortly became aware of how intolerable her newly time-limited working arrangement was, so she made a clean break and resigned. It seems that a good number of valued, capable and dedicated city staff are parting ways with the City recently. Some are voluntary, probably because they've figured out that there's something just not right here and it's going in the wrong direction. Others have found themselves sent packing down the road and feeling they were set up to fail. City leadership should be LIFTING UP, NOT TEARING DOWN the citizens and workers – of the City you are entrusted to govern. The Public Works employees did not want to be forced to work under this City-implemented offer that took away a good quality*

Teamster Health Insurance Plan and replaced it with the high deductible [sic] CIP Plan. My understanding is that the CIP Plan doesn't have coverage for Prescriptions. Some health conditions require high-priced medication that can add up to \$1000 a month or more. We are not happy with the actions of the City Council. They pretend they are saving taxpayers' money, but it looks to me like they are excessively taxing the city's employees – sort of reaching in these employees' wallets and saying "Tough luck guys. We're doing this simply because we can!"

OLD BUSINESS

Septage Receiving Station Site Work Construction Bid Award: Granite Excavation, Inc.

Bob Walker, Public Works Director, presented his report on the project. The septage haulers in this community had been asking for a Septage Receiving Facility to be installed in this community for many years. City staff completed the design of a septage receiving system to be installed at the Wastewater Treatment Plant. The Septage Receiving equipment had been purchased and was being delivered to the City within the next few days. The work to be completed on this project was to prepare the Wastewater Treatment Plant site for the installation of the septage receiving equipment. This work included the installation of access roadways, fences, concrete slabs, drainage piping, plumbing, etc. to accommodate the new equipment for disposal of septage the haulers would be bringing to this facility.

Bids were opened on October 17, 2012, for the Septage Receiving Station Site Work Construction 2012-2 project, with the following result:

CONTRACTOR	TOTAL
GRANITE EXCAVATION, INC.	110,109.43
GOODMAN SANITATION, INC.	118,763.00
MIKE BECKER GENERAL CONTRACTOR, INC.	127,735.00

The current line item for this project was:

Project	2012 Bid Amount	FY 11-13 Budget
Septage Receiving Facility 010-165-719220 (11SEW-11)	\$110,109.43	\$305,000 \$128,852 (Avail)

Councilor Sullivan wants everything brought to the Council if it was going to exceed the budget.

Mr. Walker stated he would certainly do that.

Norm Crume moved, seconded by Ron Verini, that the City Manager be authorized to be signatory to the agreement and to award the Septage Receiving Station Site Work Construction 2012-2 project to Granite Excavation, Inc. Roll call vote: Crume-yes; Fox-no; Fugate-yes; Jones-no; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 5/2/0.

NEW BUSINESS

Resolution #2012-127: Transfer Funds within Water Funds for Additional Repairs (\$38,879)

Bob Walker, Public Works Director, stated the purpose of the agenda item was to obtain the approval of the Council to transfer an additional \$38,879 of funds from the Water Fund Contingency to three accounts in the Water Treatment Plant Operations Budget.

Due to past maintenance practices at the Water Treatment Plant, there had been several equipment failures and staff also uncovered some electrical situations that posed a danger to personnel or anyone else that visited the facilities. Those items were presented to both the City Council and the Public Works Committee over the past

several months to keep them informed of the situation. On October 15, 2012 the City Council approved Resolution #2012-119 which authorized a reallocation of \$118,188 from Water Contingency to four accounts in the Water Fund operations budget for emergency repairs at the Water Treatment Plant. This current proposed resolution would reallocate an additional \$38,879 from Water Contingency for emergency repairs that had occurred subsequent to the initial transfer of funds via Resolution #2012-119. As a result of the emergency repairs, the second year of the biennium's budget continued to be negatively affected: Filter Materials = \$7,000; Contract Services = \$12,241; and Equipment Repair = \$19,638. Currently, there was a balance in Water Fund Operating Contingency of \$1,157,698. After the proposed transfer, that line would be reduced to \$1,118,819.

The Public Works Department was requesting a transfer of \$38,879 from the Water Fund Contingency to the three accounts as listed in Resolution #2012-127, as outline above. This request was presented to the Public Works Committee, who approved a recommendation to the City Council for approval of this request.

Councilor Jones asked if the Finance Director had a chance to review the numbers on this project?

Mike Long, Finance Director, stated he had, and the numbers were correct. He was comfortable working with those.

Ron Verini moved, seconded by Jackson Fox, that the City Council adopt Resolution # 2012-127: **A RESOLUTION AUTHORIZING A REALLOCATION OF EXPENDITURES WITHIN THE WATER FUND FOR ADDITIONAL REPAIRS.** Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

PUBLIC HEARING

Ordinance #2669-2012: Rezone Public Facility (PF) to Light Industrial (L-I) for Property Located at 55 NE 2nd Avenue (1st Reading by Title Only)

It being the date advertised for public hearing on the matter of Ordinance #2669-2012, the Mayor declared the hearing 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.

Bob Walker, Public Works Director, stated due to the City's ownership, the Comprehensive Plan and Zoning labeled the site as PF, (Public Facility), in which any activity that was strictly for direct public benefit was permitted and private ownership or activities were excluded. Because the City retired both the shop and water tower, consideration was being given to the ideas of rental, lease, or sale of the site to private interests. Removal of the PF zone was necessary for the purpose of allowing private interests to use the site. Heavy Industrial land designations were on adjacent private ownerships, plus some adjacent additional City owned industrial land.

At its regular meeting of October 8, 2012, the Planning Commission heard the above-referenced proposal contained in Planning File 2012-07-07CPAMD, which was applicable to the 0.98 acre of City property generally known as Tax Lot 5800, Assessor's Map 18S4705C, located at 55 NE 2nd Avenue, Ontario, and recommended approval of the change to the City Council.

Councilor Fugate asked if Public Works would be reviewing all the property in that area, and getting it cleaned up?

Mr. Walker stated they would be.

The Mayor opened the hearing for public testimony.

Opponents: None.

Proponents: None.

There being no Proponent and no Opponent testimony, the Mayor declared the hearing closed.

David Sullivan moved, seconded by Charlotte Fugate, that the City Council accept the Findings of Fact as presented. Roll call vote: Crume-yes; Fox-no; Fugate-yes; Jones-no; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 5/2/0.

David Sullivan moved, seconded by Norm Crume, that the Mayor and City Council adopt Ordinance #2669-2012, **AN ORDINANCE AMENDING THE CITY OF ONTARIO COMPREHENSIVE PLAN AND ZONING MAP FOR A PARCEL OF REAL PROPERTY LOCATED AT 55 NE 2ND AVENUE AND CHANGING ITS ZONE CLASSIFICATION FROM (PF) PUBLIC FACILITY TO (L-I) LIGHT INDUSTRIAL**, on First Reading by Title Only. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Jay Henry stated the City was moving ahead on the recruitment of a City Engineer. They had a prospective candidate. He wanted to bring him on as an interim Civil Engineer, or on a 6-month contract. The contract itself would come before the Council before moving forward with it. He estimated the pay range to be around \$35K, and he would begin in early December.
- Jay Henry stated he had put together an Ad-Hoc Committee to review the golf course and the Ontario Aquatic Center as requested by Council. The first meeting would be with Department Heads and Councilor Fugate on Wednesday, November 7th, at 10:00.
- Ron Verini reminded everyone that November 11th was Veteran's Day, and the annual parade would be on November 10th, beginning at 1:00.
- Joe Dominick thanked everyone who turned out on Monday for the WWII Memorial Wall that passed through on its way to Salem. There were 68,000 names of WWII soldiers from Oregon, who lost their lives in the war, who would be listed on the wall.

ADJOURN

David Sullivan moved, seconded by Ron Verini, that the meeting be adjourned. Roll call vote: Crume-yes; Fox-yes; Fugate-yes; Jones-yes; Sullivan-yes; Verini-yes; Dominick-yes. Motion carried 7/0/0.

APPROVED:

ATTEST:

Joe Dominick, Mayor

Tori Barnett, MMC, City Recorder

CONSENT AGENDA REPORT
November 19, 2012

TO: Mayor and City Council

FROM: City of Ontario Planning Commission

THROUGH: Jay Henry, City Manager
Marcy Skinner, Planning & Zoning Technician

SUBJECT: **ORDINANCE 2669-2012: DE NOVO PUBLIC HEARING IN THE MATTER OF PLANNING FILE 2012-07-07CPAMD, THE REZONING OF REAL PROPERTY LOCATED AT 55 NE 2ND AVENUE, KNOWN AT TAX LOT 5800, ASSESSOR'S MAP 18S4705C AND CHANGING ITS ZONE CLASSIFICATION FROM (PF) PUBLIC FACILITY TO (I-1) LIGHT INDUSTRIAL-SECOND AND FINAL READING BY TITLE ONLY**

DATE: November 8, 2012

SUMMARY:

Attached are the following documents:

- Ordinance # 2669-2012
- Exhibit "A" Legal Description
- Exhibit "B" Tax Lot Map

PREVIOUS COUNCIL ACTION:

11/05/12 Council moved to rezone the property by 1st Reading Only. There have been no changes since First Reading.

BACKGROUND:

Because of the City's ownership, the Comprehensive Plan and Zoning labeled the site as PF, Public Facility in which any activity that is strictly for direct public benefit is permitted and private ownership or activities are excluded. Removal of the PF zone is necessary for the purpose of allowing private interests to use the site.

RECOMMENDATION:

Staff recommends the City Council accept the Findings of Fact and adopt Ordinance #2669-2012, on the Second and Final Reading by Title Only.

ORDINANCE #2669-2012

AN ORDINANCE AMENDING THE CITY OF ONTARIO COMPREHENSIVE PLAN AND ZONING MAP FOR A PARCEL OF REAL PROPERTY LOCATED AT 55 NE 2ND AVENUE AND CHANGING ITS ZONE CLASSIFICATION FROM (PF) PUBLIC FACILITY TO (I-1) LIGHT INDUSTRIAL

FINDINGS OF FACT:

- WHEREAS,** The subject property consists of approximately 0.98 acres and may be specifically identified as Tax Lot 5800 on Assessor's Map #18S4705C, and;
- WHEREAS,** The proposal complies with applicable provisions of the Ontario Comprehensive Plan, Title 10 and its zone and administrative sections 10A and 10B, and;
- WHEREAS,** Notice has been sent to the Department of Land Conservation and Development a minimum of 35 days prior to this formal procedure to rezone the subject property in accord with State Administrative Rules, and;
- WHEREAS,** The City wishes to remove the exclusive (PF) Public Facility classification to (I-1) Light Industrial zoning for greater economic benefit, and;
- WHEREAS,** The rezoning of the subject property requires adoption by ordinance, and;
- WHEREAS,** All appropriate local notices have been given for this proposal and the public hearings it requires, and;
- WHEREAS,** Pursuant to the formal application, the Ontario Planning Commission held a properly noticed public hearing on October 8, 2012 and made a recommendation to City Council that the rezone should proceed, and;
- WHEREAS,** The City Council held a properly noticed public hearing on November 5, 2012, and reviewed all evidence and testimony submitted at the City of Ontario for the property described in Exhibit A.

NOW THEREFORE, THE CITY OF ONTARIO ORDAINS AS FOLLOWS:

Section 1. The zoning classification for the subject property is hereby changed from Public Facility (PF) to Light Industrial (I-1) as an amendment to the City's Comprehensive Plan. The Zoning Map of the City shall be redrawn in accordance with this zone change.

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

AYES:

NAYS:

ABSENT:

ABSTAINED:

APPROVED by the Mayor this _____ day of _____, 2012

ATTEST:

Joe Dominick, Mayor

Tori Barnett, MMC, City Recorder

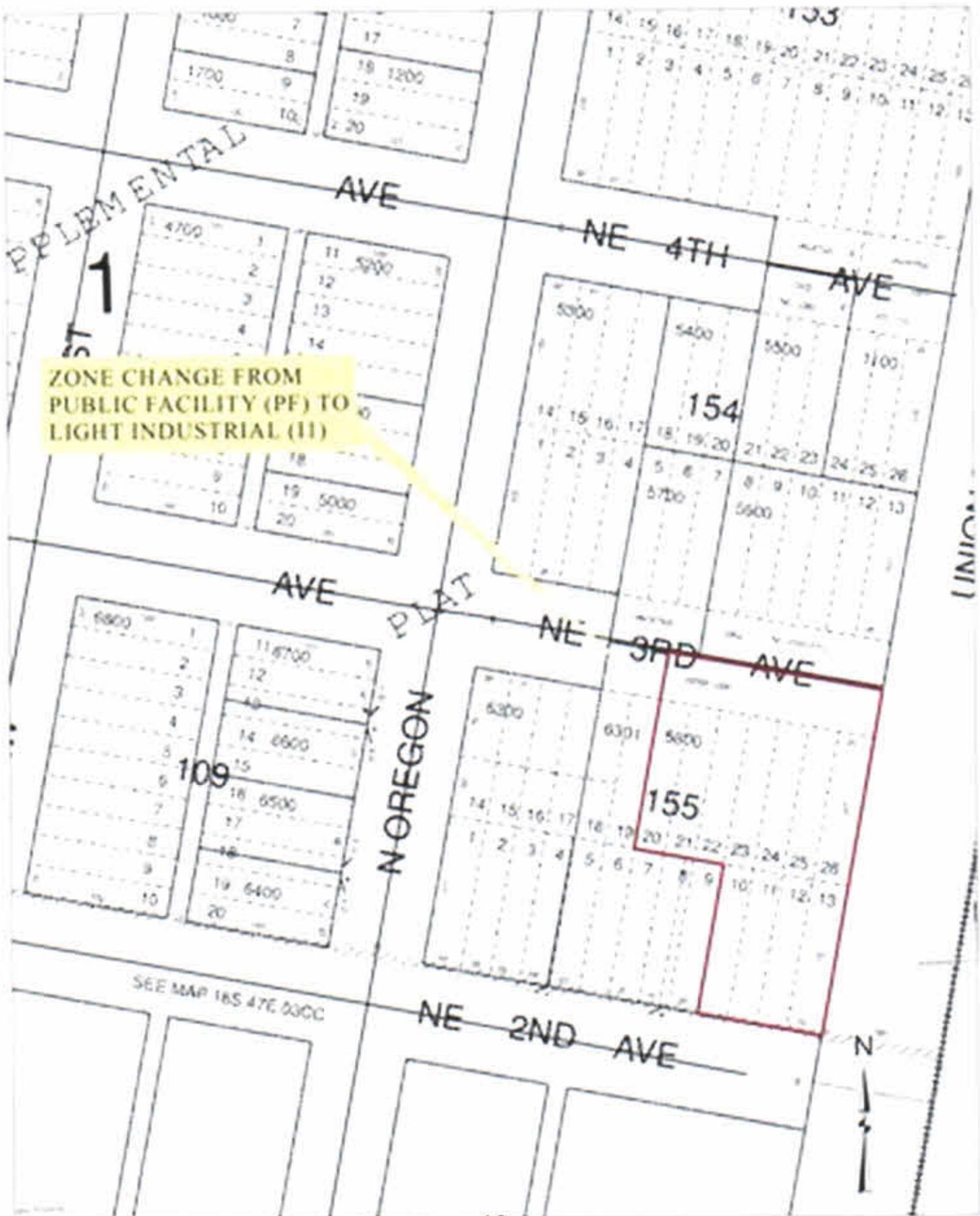
Exhibit A

(Tax Lot 5800)

Land in the City of Ontario, Malheur County, Oregon, according to Wilson's Supplemental Plat thereof, as follows:

In Block 155: Lots 10 through 13, and Lots 20 through 26.

ALSO the South 1/2 of vacated NE 3rd Ave., lying North and coincident with the above described lots as vacated by Ord. 2507-2003, recorded March 5, 2003 as Inst. No. 2003-1628, official records.



ZONE CHANGE FROM
PUBLIC FACILITY (PF) TO
LIGHT INDUSTRIAL (LI)

SEE MAP 185 47E 030C

CONSENT AGENDA REPORT

November 19, 2012

TO: Mayor and City Council

FROM: Al Higinbotham, Fire Chief

THROUGH: Jay Henry, City Manager

SUBJECT: DECLARATION OF SURPLUS PROPERTY

DATE: November 7, 2012

SUMMARY:

Attached is the following document:

- Letter from TVCC

The Fire Department would like to declare the replaced 1981 American LaFrance pumper as surplus property. Treasure Valley Community College has requested the unit be donated to TVCC's Caldwell Center for their Structural Fire Science Program.

PREVIOUS COUNCIL ACTION:

None

BACKGROUND:

Due to age, and the cost of repairs and maintenance on the 31-year old pumper, the Fire Department applied for a Federal Emergency Management Association (FEMA) Assistance to Firefighter Grant on September 16, 2011. On January 13, 2012, the department received confirmation that it had been awarded the grant for the replacement. On April 4, 2012 the replacement pumper was ordered from Pierce Manufacturing Co. and was delivered to the department on September 13, 2012. All useable small tools and equipment on the old unit were removed and installed on the new unit. One of the conditions of the grant requires that the old unit be taken out of the fire service for response. Because there is no longer any use for this unit, the Fire Department would like to declare the pumper as surplus property.

The City Manager has received a request from Treasure Valley Community College asking that the unit be donated to the college for their Structural Fire Science Program.

FINANCIAL IMPLICATIONS:

The pumper has been appraised at \$5,100.00. Because the FEMA Grant requires that the pumper go out of the fire service, the value could be substantially reduced. In addition, the unit would be removed from the city insurance coverage, reducing annual costs by \$870.47.

RECOMMENDATION:

Staff recommends that the Council declare the listed vehicle as surplus, authorizing staff to dispose of the vehicle, and allow the donation of the surplus pumper to Treasure Valley Community College for their Structural Fire Science Program.

ALTERNATIVE:

The Council could deny the request to declare the vehicle as surplus property.

The Council could deny the Treasure Valley Community College request for an outright donation.

TREASURE VALLEY COMMUNITY COLLEGE

RECEIVED
RHS-12/12

October 12, 2012

Jay Henry

Ontario City Manager

Dear Mr. Henry:

I am writing on behalf of Treasure Valley Community College. Treasure Valley Community College has a Structural Fire Science Program that originates from the Caldwell Center. Our program prepares students to enter a career in the urban fire science industry. One of the challenges for the TVCC Caldwell Center is to identify resources to purchase training equipment. The TVCC Caldwell Center operates only on tuition and fees with no state reimbursement and it takes a long time for us to accumulate the kind of resources we would need to purchase equipment.

I understand that you are replacing a 1981 LaFrance Pumper Truck. I would like to ask that you consider a donation of the 1981 Engine to the Treasure Valley Community College Structural Fire Program in Caldwell. A donation of this kind will allow for much needed training courses within the SFS program. We would also like to use the truck in local valley parades as a means to advertise the Structural Fire Science Program.

I appreciate your consideration of this donation and assure you it will be put to great use training students to complete their education and go on to work in the industry.

Sincerely,


Dr. Kathleen P. Robinson

Associate Dean

Treasure Valley Community College

CONSENT AGENDA
November 19, 2012

TO: Mayor and City Council

FROM: Dan Shepard, Engineering Technician III

THROUGH: Robert Walker, Public Works Director

SUBJECT: **REQUEST FOR SPECIAL PERMISSION TO CONNECT TO SANITARY SEWER**

DATE: November 13, 2012

SUMMARY:

- Exhibit "A" – Subject Property
- Application for Sanitary Sewer Service Outside City Limits

Bruce Erlebach, who owns a vacant lot on Crest Way (tax map number 18S 47E 5 AA tax lot 2700), is requesting special permission from the City Council to connect to the City of Ontario sanitary sewer main in Crest Way. Mr. Erlebach is aware of the requirement to annex into the City at such time as the property becomes contiguous with the city limits.

PROBLEM DISCUSSION:

Mr. Erlebach would like to sell this lot and feels that by having an approval to connect to the City of Ontario municipal sewer system would help facilitate that sale. Ontario Municipal Code, Title 8, Chapter 7, Section 8-7-4(M) states "No Sewer Connection Outside City: There shall be no properties outside the City connected to the City sewer lines, except by special permission of the Council." This property is under an agreement to annex through a private, property owner sponsored, Local Improvement District for Horning and Crest Ways. This property is not contiguous to City Limits and is not able to annex at this time. The sewer system has more than sufficient capacity to serve this property. There is a sanitary sewer lateral from the main to the property line. Staff recommends approval of this request.

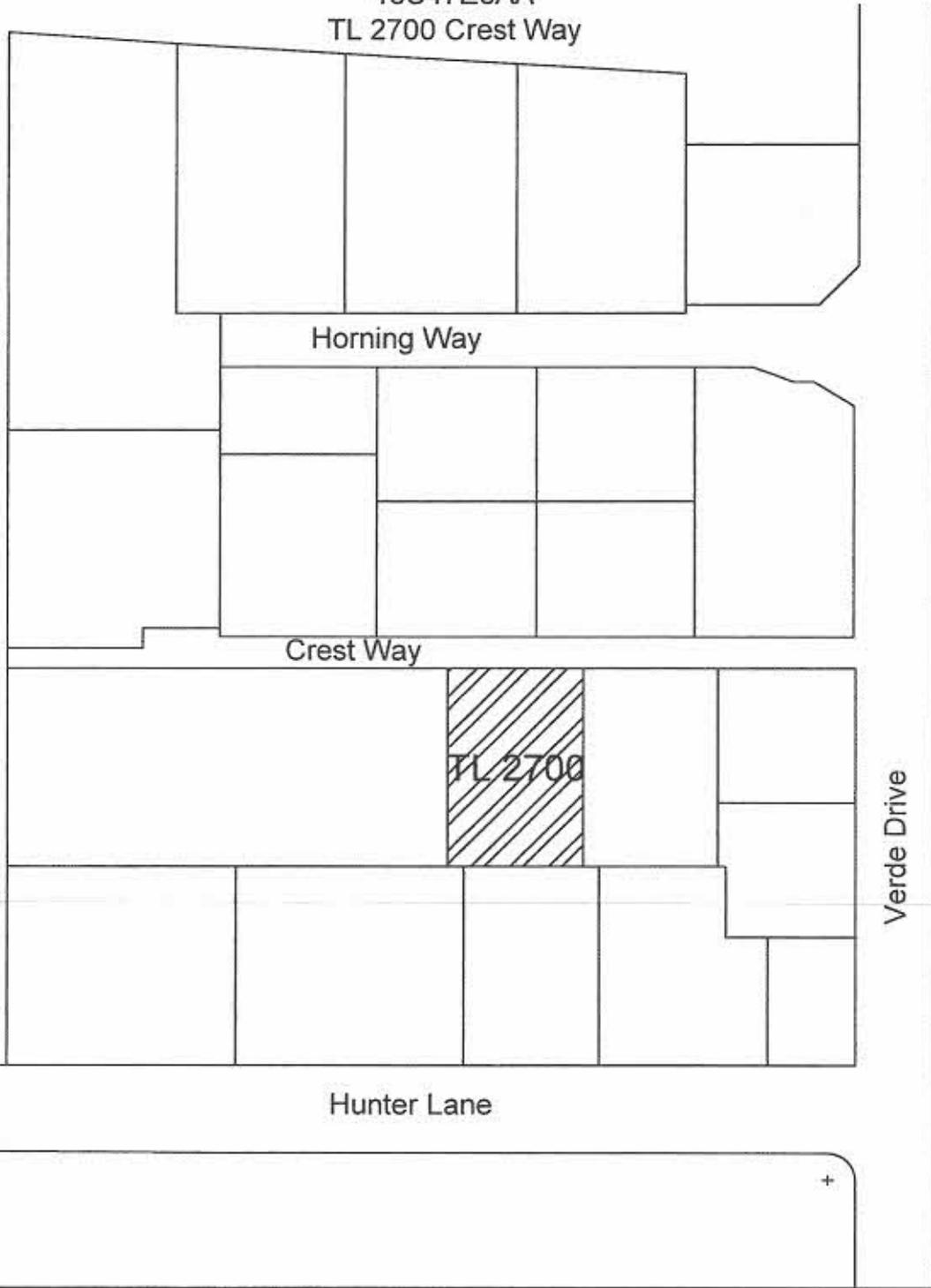
ALTERNATIVE:

The Council could choose to deny the request to connect.

RECOMMENDATION:

Staff recommends granting permission for Mr. Erlebach to connect to the City's municipal sewer system for the property at Crest Way, tax map number 18S 47E 5 AA, tax lot number 2700.

Location Map
Request to Connect to Sanitary Sewer
Outside City Limits
Bruce Erlebach
18S47E5AA
TL 2700 Crest Way



Application for Sanitary Sewer Service Outside City Limits



Date: 11/2/12 2012

Name of Applicant(s): Bruce Ealebach

Location of Service: CRESTWAY (OFF OF VENUE)
1954705 AA Tax lot # 2700

Date service needed: _____

Billing address: 645 S Park Blvd
ONTARIO, OR 97914

Is applicant (mark one): Owner Tenant Agent

If applicant is not owner, name and address of owner:

Name: _____ Address: _____

For Business

Business Name: _____
Address: _____

Applicant agrees to abide by all rules, regulations and ordinances of the City Of Ontario, as now in effect or as changed or amended. Service installation cost to be paid for in advance by work order at the City of Ontario Permit Application Center, 458 SW 3rd Street, Ontario, Oregon, 97914. Before service can be activated, a Water Application must be submitted at City Hall, 444, SW 4th Street, Ontario, Oregon, 97914. Connection by Special Permission of the City Council. Annexation may be a condition for connection.

Sewer rates for services outside city limits to be determined. A service deposit shall be required.

Signature of Applicant(s): [Signature]
Date: 11/2/12

Date: _____

Approved: _____
Public Works Director _____
Date: _____

City Manager _____
Date: _____

AGENDA REPORT
November 19, 2012

TO: Mayor and City Council

FROM: Anita Zink, Human Resource Manager

THROUGH: Jay Henry, City Manager

SUBJECT: **REQUEST FOR CHANGE IN NON-REPRESENTED INSURANCE COVERAGE**

DATE: November 9, 2012

SUMMARY:

Attached are the following documents:

- Current Insurance Costs for Non-Represented Personnel
- Letter of Support from City Manager

Staff is requesting that the City Council agree to provide the same insurance benefits to the non-representative personnel as those given to the union employees.

PREVIOUS COUNCIL ACTION:

City Council stated in previous meetings they would revisit the insurance issue for the non-represented personal following the implementation of the city's three union contracts.

BACKGROUND:

On January 1, 2012, the city moved non-represented personnel to a High Deductible Health Plan with a \$4,000 deductible. The city provided each qualified employee with \$500 towards the deductible; however, this means each employee is responsible for out of pocket expenses of \$3,500 to cover the additional deductible expense.

FINANCIAL IMPLICATIONS:

Implementing this proposal will cost the city an additional \$50,045 for calendar year 2013; however, the City saved \$57,547 when they moved the non-represented personnel to the High Deductible Health Plan in January 2012.

RECOMMENDATION:

Staff recommends City Council approve the request as presented.

PROPOSED MOTION:

I move the City Council, in order to be fair and consistent with non-represented personnel and the three implemented union contracts, approve the submitted proposal to fund the deductible and the insurance premium for each qualified non-represented staff member, effective January 1, 2013.

Old Premium	New Premium	Monthly H.S.A	Monthly Total	Monthly Difference	\$500 used	Deductible Met
\$ 229.57	\$ 215.99	\$ 291.00	\$ 506.99	\$ 277.42	Yes	No
\$ 256.60	\$ 133.78	\$ 100.00	\$ 233.78	\$ (22.82)	Yes	No
\$ 335.68	\$ 215.99	\$ 350.00	\$ 565.99	\$ 230.31	Yes	Yes
\$ 256.60	\$ 152.28	\$ 400.00	\$ 552.28	\$ 295.68	Yes	Yes
\$ 336.68	\$ 215.99	\$ 650.00	\$ 865.99	\$ 529.31	Yes	Yes
\$ 256.60	\$ 152.28	\$ 475.00	\$ 627.28	\$ 370.68	Yes	Yes
\$ 335.68	\$ 215.99	\$ 100.00	\$ 315.99	\$ (19.69)	Yes	Yes
\$ 335.68	\$ 187.99	\$ 479.00	\$ 666.99	\$ 331.31	Yes	Yes
\$ 335.68	\$ 215.99	\$ 150.00	\$ 365.99	\$ 30.31	Yes	Yes
\$ 335.68	\$ 215.99	\$ 479.17	\$ 695.16	\$ 359.48	Yes	Yes
\$ 256.60	\$ 133.78	\$ 350.00	\$ 483.78	\$ 227.18	Yes	No

This will show the difference between the old premium and the new premium and the amount each person puts into their H.S.A every month to cover the extra \$3,500 deductible.

9

All but three employees have met their \$4,000 deductible for the year.



City of Ontario
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MEMORANDUM

Date: November 9, 2012
To: City Council
From: Jay Henry, City Manager *JH*
SUBJECT: NON-REPRESENTED EMPLOYEES

I am recommending that the City Council match the insurance benefit increases given to the union employees for our non-represented employees. As City Manager, I feel that it is extremely important that at the very least, we provide parity for our non-reps and that we are consistent in our treatment of employees.

The non-represented employees include our department heads and administrative staff. The current situation results in our managers receiving a lower level of benefits than the people they manage. This disparity of treatment does not encourage our promising employees to take on greater responsibilities in management and could encourage our non-union employees to unionize in order to receive better benefits.

Thank you, I earnestly seek your support in this matter.

AGENDA REPORT
November 19, 2012

TO: Mayor and City Council

FROM: Bob Walker, Public Works Director

THROUGH: Jay Henry, City Manager

SUBJECT: PROPOSED DATA CENTER SYSTEM DEVELOPMENT CHARGES

DATE: November 9, 2012

SUMMARY:

On September 27, 2012, the City of Ontario Public Works Department proposed that the City Council adopt a Transportation System Development Charge (SDC) specifically for Data Centers. At present, Data Centers would be classified as General Light Industrial and be assessed a fee of \$994 per thousand square feet of gross floor area. For a 10,000 square foot facility, this would amount to \$994,000. Data Centers normally have large buildings with relatively few employees. Therefore, traffic effects on a City's transportation system are a lot less than the effect created by a normal General Light Industrial facility. Consequently, many communities in Oregon (Prineville, The Dalles) have adopted Transportation SDC's that are based upon peak trips generated by the facility rather than the square footage of the facility. This provides for lower Transportation SDC's which enhances their ability to attract Data Center Companies.

The transportation SDC fees are based upon a City's capital improvement program for transportation. Therefore, the fees charged by each community are different based upon their particular transportation needs. For example, the city of Prineville's Transportation Fee for General Light Industrial is \$2,925 whereas the City of Ontario's is \$994.

According to the City of Ontario System Development Charges Revised Methodologies Report and Rate Study by Don Ganer dated February 4, 2008, the General Light Industrial fee was determined to be \$994 per thousand square feet of gross floor area (TSFGFA). Comparing a general light industrial facility to a data center is not a fair comparison as Data Centers have fewer employees and consequently less peak hour trip ends. Therefore, the burden imposed on the City's transportation infrastructure is smaller (i.e. less traffic is generated) for data centers than it is for general light industrial facilities. Data Centers normally have large buildings for their computer equipment and minimal employees. Some of the other communities around us use employee peak trip counts for System Development.

An example Transportation SDC for a 10,000 square foot Data Center with 20 peak hour trips in Ontario would be:

20 p.m. peak trips X \$994 General Light Industrial fee = \$19,880.

This compares to the \$994,000 fee calculated above under the current system.

The list of folks who have asked to be notified of changes related to System Development Charges will be notified of an impending action in the next 90 days. The 90 day review period will have run its course by the Council meeting on Feb. 19, 2013, at which time a public hearing for Data Center System Development Charges will be held.

BACKGROUND:

System Development Charges (SDCs) are one-time fees charged to new development to help pay a portion of the costs associated with building capital facilities to meet needs created by growth. The SDC fee schedule previously approved by the City Council includes a fee for the construction of general light industrial facilities but not for data centers.

The City of Ontario adopted a methodology study created by Consultant Don Ganer in 2008. The adopting ordinance contains language allowing City Council to use the most appropriate land use for any particular new development. City Council subsequently adopted a resolution with specific capital improvement projects which would be paid for by system development charges collected over a 10-year period.

As was suggested by the City Council at their meeting on October 1, 2012, staff has conferred with Don Ganer and the City of Prineville plus reviewed SDC charges for Data Centers from other communities in Oregon in order to be assured that our approach is consistent with these other communities.

RECOMMENDATION:

Staff recommends the City of Ontario add a Transportation SDC to their System Development Charges for Data Centers which is based upon the general light industrial fee and peak hour trip generation. Further, the City will require the Data Center to prepare a Trip Generation Study to determine how many trips the data center employees will make during the weekday p.m. peak hour.

PROPOSED MOTION:

I move the City Council give staff the authority to move forward and give the City's notice of intent to add the new System Development Charge for Data Centers.