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

COUNCIL MEETING AGENDA
CITY COUNCIL – CITY OF ONTARIO OREGON
TUESDAY, APRIL 21, 2020, 6:00 PM, MT

Pursuant to the Public Meetings Laws and Rules within the Oregon Revised Statutes, the City Council has the authority, ability, and standing to take action on any items on the Agenda, or add items to the Agenda, during the Study Session or Regular Meeting, as long as all public meeting notice requirements have been met.

1) CALL TO ORDER

Roll Call: Freddy Rodriguez _____ Marty Justus _____ Ramon Palomo _____ Dan Capron _____
Michael Braden _____ Norm Crume _____ Mayor Riley Hill _____

2) PLEDGE OF ALLEGIANCE

This Agenda was posted on April 17, 2020. Copies of the Agenda are available from 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:
March 5, 2020: Work Session
March 17, 2020: Council Meeting
March 24, 2020: Council Meeting
March 31, 2020: Executive Session

B) Resolution #2020-114: Establishing Policies Related to Ending Fund Balances for 2019-2020

C) Ameresco Investment Grade Audit

6) NEW BUSINESS

A) Support for Veteran Housing Project

B) Resolution #2020-113: Supplemental Budget Appropriating Unexpected Police Donation

C) Resolution #2020-117: Authorizing City Manager to Sign Community Development Block Grant Application Paperwork

7) PUBLIC HEARING

A) Resolution #2020-115: Declare City's Intent to Receive State Revenues

B) Resolution #2020-116: Adopt City of Ontario's Annual 2020-2021 Budget

C) Ordinance #2772-2020: Amending Title 10C-60-30 Designated Landmarks Register *(First Reading by Title Only)*

D) Accept Right of Way Along NW 12th Street and NW 8th Avenue as per the Approved Partition under Planning Action 2020-03-10 PTN

8) HAND-OUTS

A) Check Register March 1, 2020 to April 16, 2020

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, or Agents; (d) Labor Negotiations; (e) Real Property Transactions; (f) Exempt Public Records; (g) Trade Negotiations; (h) Litigation /Consult with Legal Counsel; (i) Performance Evaluation of Public Officers and Employees; (j) Trade Negotiations; and/or (l) Labor Negotiations.

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.

CITY COUNCIL WORK SESSION MINUTES
March 5, 2020

The scheduled Work Session of the Ontario City Council was called to order by Mayor Riley Hill at 6:00 p.m. on Thursday, March 5, 2020, in the Council Chambers of City Hall. Council members present were Riley Hill, Marty Justus, Michael Braden, Norm Crume, Ramon Palomo, and Freddy Rodriguez. Dan Capron was excused.

Members of staff present were Adam Brown, Tori Barnett, Dan Cummings, Terry Leighton, Kari Ott, Larry Sullivan, Peter Hall, Cliff Leeper, and Steven Romero.

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

Mayor Hill led everyone in the Pledge of Allegiance.

AGENDA

This Agenda was posted on March 3, 2020. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

JUSTUS moved, PALOMO seconded, **TO ADOPT THE AGENDA AS PRESENTED.** Roll call vote: Rodriguez-yes; Justus-yes; Palomo-yes; Capron-out; Braden-yes; Crume-yes; Hill-yes. Motion carried 6/0/1.

PUBLIC COMMENTS

Byron Shock, Ontario: *I had a very positive interaction earlier today with Al from the Public Works Department. First, I called the Sergeant on duty because I keep seeing cars blow through the stop sign at Goodfellow Street and SE 1st Avenue, coming out of Waremart there. I see it just about every time that I'm in the vicinity there. I see at least one, sometimes two, and so the Sergeant on duty suggested that speak to Public Works about it. I have to say that within 45 minutes, I had requested that they follow up with me, within 45 minutes they had already come up with a plan for how to make that stop sign more visible and they plan on painting a stop line there on Monday at the stop sign, putting some flags up, barricade, stop ahead, whatever it takes. This is all very responsible. I just wanted to say what a wonderful interaction that was. It was Al that talked to in Public Works, and he talked to his supervisor, obviously, and they came up with a plan very quickly. It's really important that we remedy that because cars approaching from the West can see that sop sign, and they expect cars approaching from the South to be stopping. It's more dangerous right now then just not even having a stop sign there. That's being addressed, it's being addressed in a very timely manner, and I am most impressed, so I wanted to give kudos to Al and his supervisor, and the Sergeant on duty who's name I do not know. Thank you very much.*

PRESENTATIONS

In the interest of time, Mayor Hill moved item "D" to the first item on the Presentations list.

Fire and Life Safety Reporting LIV *(Attached)*
Terry Leighton, Fire Chief, presented.

2018-2019 Annual Audit: Connected Professional Accountants, LLC *(Attached)*
Chelsea Hewitt, CPA, presented.

Great Futures Campaign: Boys & Girls Club of Western Treasure Valley *(Attached)*
Dana Castellani, CEO, presented.

Councilor Justus stated they were making progress towards their $300K goal. At this end of the month, there would be a fundraiser called Shoot Out with the Chief. On the 31st, from 3-6pm, the club would be open for tours. At 5pm, the Chief was going to have a Nerf gun shooting alley set up, and anyone who wanted to challenge the Chief, could. The minimum donation was $5. If the challenger one, the Chief paid the $5; if the Chief won, the challenger paid the $5. They also had an appointment at SRCI to ask that their staff consider the $5 donation; he was also meeting with Raeshelle Meyer; and they were working on the hospital staff, so he believed they would get the necessary 5K people. Anything above the needed $300K, could be used for better programs.

Mayor Hill read a proclamation into the record regarding the Great Futures Campaign: *Whereas, the Boys and Girls Club of Western Treasure Valley has been a part of the Ontario area community for 10 years; and whereas, the city recognizes the value of the Club's contribution to the Ontario community in creating healthier outcomes for our youth; and whereas, the city recognizes the value of the Club's contribution to the Ontario community in creating healthier outcomes for our youth; and whereas, the city would like to encourage our residents to participate in the Club's efforts to get 5,000 people to contribute $5 per month; and whereas, the city desires to express its support for the Boys and Girls Club of Western Treasure Valley and for their Great Futures Campaign. Now, therefore, I, Mayor Riley J. Hill, Mayor of Ontario, do hereby proclaim March 2020 as a challenge to support the Western Treasure Valley's Boys and Girls Club's Great Futures Campaign.*

Attraction Study, Branding, and Way-Finding Update *(Attached)*
Dan Beyer and Andie Kelly, Trademark Design and Fabrication, presented.

Council consensus to submit the three options for the proposed new logo to the community for their input.

NEW BUSINESS

Housing Incentive Program: Rywest Homes Application
Dan Cummings, Community Development Director, presented.

JUSTUS moved, PALOMO seconded, **THAT THE CITY COUNCIL APPROVE THE APPLICATION BY RYWEST HOMES AT 859 REITER DRIVE FOR THE ONTARIO HOUSING INCENTIVE PROGRAM IN THE AMOUNT OF $10,000.** Roll call vote: Rodriguez-yes; Justus-yes; Palomo-yes; Capron-out; Braden-yes; Crume-yes; Hill-yes. Motion carried 6/0/1.

Programming of City Recreational Facilities
Adam Brown, City Manager, presented.

CRUME moved, BRADEN seconded, **THAT THE CITY COUNCIL APPROVE AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE ONTARIO RECREATION DISTRICT AND THE CITY OF ONTARIO FOR THE SCHEDULING OF RECREATION FIELDS AND FACILITIES.** Roll call vote: Rodriguez-yes; Justus-yes; Palomo-yes; Capron-out; Braden-yes; Crume-yes; Hill-yes. Motion carried 6/0/1.

Potential Action for Task Order Covering Design of pH Adjustment System for Wastewater Treatment Plant
Paul Woods, Jacobs Environmental Engineer, presented.

JUSTUS moved, BRADEN seconded, **THAT THE CITY COUNCIL APPROVE THE TASK ORDER FOR THE WASTEWATER TREATMENT PLANT PH ADJUSTMENT DESIGN FOR $14,900 TO SATISFY NATIONAL POLLUTANT DISCHARGE ELIMINATION REQUIREMENTS.** Roll call vote: Rodriguez-yes; Justus-yes; Palomo-yes; Capron-out; Braden-yes; Crume-yes; Hill-yes. Motion carried 6/0/1.

Potential Action on Task Order for National Pollutant Discharge Elimination Permit Support
Paul Woods, Jacobs Environmental Engineer, presented.

CRUME moved, BRADEN seconded, **THAT THE CITY COUNCIL APPROVE THE TASK ORDER FOR DEQ PERMIT SUPPORT FOR $30,000.** Roll call vote: Rodriguez-yes; Justus-yes; Palomo-yes; Capron-out; Braden-yes; Crume-yes; Hill-yes. Motion carried 6/0/1.

Potential Action on Task Order to Conduct Environmental Assessment Required for CDBG Application
Paul Woods, Jacobs Environmental Engineer, presented.

BRADEN moved, PALOMO seconded, **THAT THE CITY COUNCIL APPROVE THE TASK ORDER FOR ENVIRONMENTAL EVALUATION FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) APPLICATON FOR $55,920.** Roll call vote: Rodriguez-yes; Justus-yes; Palomo-yes; Capron-out; Braden-yes; Crume-yes; Hill-yes. Motion carried 6/0/1.

Potential Action for Task Order Regarding NPDES Report Development
Paul Woods, Jacobs Environmental Engineer, presented.

CRUME moved, BRADEN seconded, **THAT THE CITY COUNCIL APPROVE THE NATIONAL POLLUTANT DISHCARGE ELIMINATION SYSTEM (NPDES) REPORT DEVELOPMENT TASK ORDER FOR $35,000.** Roll call vote: Rodriguez-yes; Justus-yes; Palomo-yes; Capron-out; Braden-yes; Crume-yes; Hill-yes. Motion carried 6/0/1.

PUBLIC HEARING

Community Development Block Grant Applications
It being the date advertised for public hearing on the matter of the Community Development Block Grant Applications, the Hearing was declared open. There were no objections to the city's jurisdiction to hear the action, no abstentions or ex-parte contact, and no declarations of conflict of interest.

Paul Woods, Jacobs Environmental Engineer, presented.

Mr. Woods stated it was a requirement that the public notice that was published in the newspaper be read into the record, and noted that it had been published twice in both English and Spanish:

> *The city is eligible to apply for a 2020 Community Development Block Grant from the Business Oregon. Community Development Block Grant funds come from the U.S. Department of Housing and Urban Development. The grants can be used for public facilities and housing improvements, primarily for persons with low and moderate incomes.*
>
> *Approximately $12 million will be awarded to Oregon non-metropolitan cities and counties in 2020. The maximum grant that a city or county can receive for a public works project is $2,500,000; the maximum amount for a community facilities project is $1,500,000.*
>
> *The city is preparing two applications for a 2020 Community Development Block Grant from the Business Oregon for #1 sanitary sewer conveyance improvements in the southwest quadrant of Ontario; and #2 Design/Construction of improvements to the Ontario Senior Citizen's Center. It is estimated that the sanitary sewer project will benefit at least 11,470 persons, of whom 58% will be low or moderate income. The senior center project is projected to benefit 75 persons, of whom at least 51% will be low- to moderate- income. If awarded, 100 percent of the grant funds will be used for either of these two projects.*
>
> *A public hearing will be held by the city council at 6 pm on March 5th at Ontario City Hall 444 SW 4th Street Ontario, OR 97914. The purpose of this hearing is for the city council to obtain citizen views and to respond to questions and comments about: community development and housing needs, especially the needs of low- and moderate- income persons, as well as other needs in the community that might be assisted with a Community Development Block Grant project; and the proposed project.*
>
> *Written comments are also welcome and must be received by 5 pm on February 27th at 444 SW 4th Street Ontario, OR 97914. Both oral and written comments will be considered by the city council in deciding whether to apply.*
>
> *The location of the hearing is accessible to persons with disabilities. Please contact City Manager Adam Brown at (541) 889-7684 if you will need any special accommodations to attend or participate in the meeting.*

More information about Oregon Community Development Block grants, the proposed project, and records about the City of Ontario's past use of Community Development Block Grant funds is available for public review at City Hall 444 SW 4th Street Ontario, OR 97914 during regular office hours. Advance notice is requested. If special accommodations are needed, please notify Adam Brown at (541) 889-7684 so that appropriate assistance can be provided.

Permanent involuntary displacement of persons or businesses is not anticipated as a result from the proposed project. If displacement becomes necessary, alternatives will be examined to minimize the displacement and provide required/reasonable benefits to those displaced. Any low- and moderate- income housing that is demolished or converted to another use will be replaced.

The Hearing was opened for public testimony. Opponents: None. Proponents: None. There being no Proponent and no Opponent testimony, the Hearing was closed.

There was no Council action required on this matter; this Public Hearing was held to meet the legal requirements of the application process.

DEPARTMENT HEAD UPDATES

Financial Monthly Report *(Attached)*
Kari Ott, Finance Director, presented.

Fire & Rescue Quarterly Report *(Attached)*
Terry Leighton, Fire Chief, presented.

Community Development Quarterly Report (Attached)
Dan Cummings, Community Development Director, presented.

DISCUSSION ITEMS

Security at Marijuana Dispensaries
Councilor Rodriguez stated in light of the tragic event over the weekend, he wanted to discuss taking precautionary procedures moving forward. He could not ignore that these legally established dispensaries carried a type of "vibe" from the places where this market originally was established, which was an illicit market. He was not saying these places were going to continually attract this type of activity, but they did attract the demographics that could attract that type of activity. What occurred was a crossing of paths. Gang members did react that way. With the extension of Caldwell into Ontario, with the new dispensaries, with what the city was seeing now and potentially in the future, he knew the Chief had made decisions because there was the potential for retaliation, but those paths could still cross and retaliation could definitely occur. That was a traffic point for 300,000 people. He wanted to discuss maybe see about the city implementing some type of requirement to have the dispensaries have a security officer during operating hours. It would be similar to what banks were doing, so not carrying a gun, but a security presence. If there was interest, he'd like to send it to the Marijuana Ad-Hoc Committee to have them wrangle with it.

Councilor Justus asked if there had been a pattern of calls to the dispensaries since Chief Romero had been employed by the city? Did the Chief believe security was a necessary measure, and that the Council should mandate that for the dispensary locations?

Chief Romero stated it wasn't a pattern, but there were isolated incidents and unique responses. In his professional opinion, any significant event that posed a public risk, there should be some type of local ordinance that required some type of security feature, for any type of business or gathering.

Mr. Sullivan stated Oregon State Law allowed cities to regulate the time, place, and manner of the operation of these businesses. Manner of operation would include having sufficient employees to ensure violence didn't occur on site. With a little work, it would be easy to justify requiring the presence of additional security at these businesses, if that was something the Council wanted to require. Having one or more security employees on staff would be a substantial increase in the expenses of the business, but that fallout was something the Council would have to deal with.

Councilor Rodriguez stated this was purely a preventive measure. He was not saying it was going to get bad, but they were already seeing incidents at all three establishments.

Mayor Hill stated he was not sure that having security would have changed the outcome of the latest incident. There was security at the hospital, and someone was stabbed; another incident was at Pilot, where an individual had their throat slit. He knew that they would be going back to the legislature again, to ask for more money, and that they would tell them that these incidents deserved more police protection, and that if they implemented this *now*, the legislature could say "problem solved". However, he had no problem sending this to the Ad-Hoc Committee for discussion.

Council consensus to send this issue to the Ad-Hoc Committee for discussion.

HAND-OUTS

Department Stats: *(Attached)*
Fire & Rescue: Feb 2020
Public Works: Feb 2020
Police: Feb 2020
Code Enforcement: Feb 2020

Minutes: *(Attached)*
County Court: 02-12-2020; 02-19-2020

EXECUTIVE SESSION

Executive Session: ORS 192.660(2)(h)
An executive session was called at 8:30 p.m. under provisions of ORS 192.660(2)(h) to discuss current or potential litigation. The Council reconvened into regular session at 8:45 p.m.

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Councilor Crume had a citizen ask/complain that the city's policy for figuring the sewer rates by using November through March, when irrigation was not being done, was not considering people that irrigated in March. The citizen stated he would be irrigating in March, but March was included in the sewer rate calculations. The citizen believe it was unfair to individuals who started irrigating early, as that would increase their sewer rates because of that. In his opinion, if the calculations removed the month of March, staff should be able to determine an equitable rate that wouldn't affect anyone irrigating either early or late. Could that be looked into?

ADJOURN

CRUME moved, JUSTUS seconded, **THAT THE MEETING BE ADJOURNED**. Roll call vote: Rodriguez-yes; Justus-yes; Palomo-yes; Capron-out; Braden-yes; Crume-yes; Hill-yes. Motion carried 6/0/1.

ACCEPTED: **ATTEST**

______________________________ __________________________________
Riley J. Hill, Mayor Tori Barnett, MMC, City Recorder

CITY COUNCIL MEETING MINUTES
March 17, 2020

The scheduled meeting of the Ontario City Council was called to order by Mayor Riley Hill at 6:00 p.m. on Tuesday, March 17, 2020, in the Council Chambers of City Hall. Council members present were Riley Hill, Dan Capron, Norm Crume, Michael Braden, and Freddy Rodriguez. Marty Justus and Ramon Palomo participated by phone.

Members of staff present were Adam Brown, Tori Barnett, Steven Romero, Peter Hall, and Terry Leighton. Larry Sullivan, Kari Ott, Dan Cummings, Betsy Roberts, and Dan Beaubien participated by phone.

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

Mayor Hill led everyone in the Pledge of Allegiance.

AGENDA

This Agenda was posted on March 13, 2020. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

CRUME moved, CAPRON seconded, **TO ADOPT THE AGENDA AS PRESENTED.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 7/0/0.

CONSENT AGENDA

Action item 5B "Modular Lease Frazier Aviation, LLC" was moved in order to address the issue under a separate action.

CAPRON moved, RODRIGUEZ seconded, **TO ADOPT THE CONSENT AGENDA, ITEM A ONLY, WHICH INCLUDED THE MINUTES FOR THE JANUARY 9, 2020 WORK SESSION; FEBRUARY 6, 2020 WORK SESSION; FEBRUARY 18, 2020 COUNCIL MEETING; AND MARCH 5, 2020 WORK SESSION.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 7/0/0.

Modular Lease for Frazier Aviation, LLC

Mayor Hill asked about an item in the proposed lease, paragraph 2. He assumed both parties agreed but wondered how the lease fit with the lease at the Golf Course. This was at 15.44₵ per square foot for the property for the airport, and 4,222 square feet, $651.88 per month *[sic].* Was that consistent with the lease at the Golf Course?

Adam Brown, City Manager, stated no, because the city was leasing out the building and grounds at the Golf Course, and the other lease was for a ground lease only, which was consistent with the other ground leases on the airport side with the hangars. They were all in the ballpark between 15₵ to 16₵ a square foot for that use.

Mayor Hill asked for further clarification. They were at 15.44₵ per square foot for a ground lease only?

Mr. Brown stated yes.

Mayor Hill verified that at the Golf Course, the city had a ground lease there; how much was the ground leased for?

Mr. Brown stated it was above the $2,000 per month because it had been escalated. However, that lease was for the building and ground, not just ground.

Councilor Crume stated the Mayor said the lease for Frazier Aviation per month….it was actually per *year*. It was $651.88 per *year.*

Councilor Justus stated the city maintained an office is the building. How much was the city paying back to Frazier Aviation in rent?

Councilor Braden stated it was $420 a month.

Councilor Justus stated Frazier had given the city $651.88 a year, and the city was giving him $420 a month for an office.

Mayor Hill stated the city did not own that building.

Councilor Justus asked when the next agreement was done with Frazier?

Mr. Brown stated it was now.

Councilor Justus asked why the city wouldn't do a trade – rent for rent?

Mayor Hill stated his question was along the lines of the Frazier lease compared to the Golf Course lease. Frazier was getting a great deal.

Councilor Justus agreed. There were issues with the tenant, but the city was giving him a great deal on his rent to the city, and the city was paying rent to him. That needed to be addressed.

Mr. Brown stated it was a triple net lease. It included storage for some of the city's telecoms and racks. Also, once the fiber was installed, Frazier would have to pay the city for that fiber, which would be about $80 per month.

Councilor Crume stated obviously the figures they were currently reviewing did not sound reasonable for obvious reasons. The situation with the Golf Course was a total unique situation where they were starting from scratch, and the City Manager worked with them go make a deal, to bring income into the city that was relative to the value due to the size of the building. The rent would escalate over time. The problem was that the $15.44₵ per square foot was the going rate at various airports in the area for hangar leases, ground only. What seemed to be creating a problem was that there was a commercial situation taking place on top of the city's ground rather than an actual hangar. The hangar space was meant for aircraft only, who were hopefully purchasing fuel, and creating more income for the city. A commercial lease such as was in place for the double-wide for the school, for that land space anywhere else in Ontario would be considerably more money.

Mayor Hill stated he just wanted this all out in the open. He wanted the leases to be fair and comparable. He brought this up because it was hard to keep a good Fixed Base Operator, and this person had made a really nice office out there for pilots and made it look better. However, he did not want to be criticized that somebody was paying more, or somebody was paying less with different city leases.

Councilor Crume stated that was what they had. They were the same with the exception of the Club House. That lease included the building and land.

Councilor Justus so the building that Frazier put out there last year, he was now going to release that to the Aviation people at the college, correct?

Mr. Brown stated the city had been working on the lease for over two years. They finally were able to get Dan Cummings, Dan Beaubien, and Tom Frazier together and they worked out details that everyone felt was equitable.

Dan Cummings, Community Development Director, stated this lease was just for the little piece of area that the modular was on. There had been comments made about releasing property back, but that was in the FBO portion, which was a different lease. This lease was strictly for the modular land the six required parking stalls for the area. The square footage was based on what was on track with everyone else. Was that fair for commercial? That was something the Council and Airport Committee should review, but currently, under the city's own policies, that was all that was being charged to anyone.

Mayor Hill reiterated he was not taking issue, he only wanted to understand it.

Councilor Justus stated he would feel more comfortable, if they wanted to move forward, that there be a caveat that the city had to review its commercial leasing policies. Not just because of this particular issue, but in promoting the Airport as a whole. They needed to formulate a policy for hangars versus commercial uses at the Airport. The Council had a fiduciary responsibility to the citizens. If the FBO was going to release this space to the college, other than free, he would profit off that, and the city would not profit off that profit, they were not living up to their responsibility.

Mr. Cummings stated this proposed lease was for only one year. Frazier had a temporary use permit on that area, which expired Friday. The city was not extending the permit unless he renewed his lease. Also, it could only be extended for one year. If it was not renewed, then this Friday, Frazier would have to remove the building.

Councilor Crume felt it was in the city's best interest to renew the lease for one year and save the ideas they'd been talking about for a future time.

Councilor Justus stated he was good with moving forward on the lease, but he wanted direction given to staff that they needed to study on commercial spaces as airports so that when this came back for renewal next year, or when any other issue came up…the city was currently extending water and sewer out to the Airport and working towards expanding the use of the Airport, so they needed to develop a policy. He'd like to ask staff to create that policy so the Council could endorse it.

Mayor Hill stated it was his understanding that the Airport Manager was already doing that with the hangars, trying to develop a plan.

CRUME moved, BRADEN seconded **THAT THE CITY COUNCIL APPROVE THE LEASE AS WRITTEN FOR THE MODULAR UNIT AT THE ONTARIO MUNICIPAL AIRPORT.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 7/0/0.

PRESENTATION

Reload Center Update

Greg Smith: *Thank you Mayor and members of the Council. Just for the record, my name is Greg Smith, Malheur County Economic Development Director and on the phone with us is also Grant Kitamura, Malheur County citizen, entrepreneur, and Chair of the Malheur County Development Corporation. Grant, if it's okay, why don't I start off and give an overview of the progress to date, and then, like we did earlier today, you can jump in and share where the shippers are.*

Grant Kitamura*: Sounds good, Greg; please go forward.*

Mr. Smith: *Mayor, what I want to do is just give an update to the City Council and to the public talking about the scope of work and the tasks that are being completed. In the interest of time, I'll try to be brief in my comments, but provide substantive overview, and then if there are any questions, I'm more than willing to address anything that folks would want to ask. So right now, the tasks that are underway include civil engineering, rail engineering, design planning for the building, primarily we're in the process, starting next week, of figuring out who is our general contractor going to be, and what is the plan to ensure that we provide maximum opportunity for local business owners within the county. In addition to that, we're still having outstanding issues as it relates to real estate, primarily how much real estate do we want to acquire, how are we going to pay for that real estate, and what amount will be set aside for the primary purpose, and that is reloading commodity from Malheur County to destinations throughout the world. In addition to that, we're having conversations with a potential operator. We're excited about this conversation and I won't take the thunder away from Grant, but this is an ongoing dialogue. In addition, we're continuing to oversee the financial management of the project. This includes making sure that invoices get paid and maintaining and acquiring proper insurances. Not just for general liability, but also for hazards and board liability* *policies. One of the things we'll be doing on a regular basis, and this came from a citizen this morning in a meeting, is making sure that project budgets are maintained on a quarterly basis. In addition, we're trying to maintain community relations, and, in all fairness, this has been a real struggle trying to make sure the community stays up to date with where we are in the project. In addition, we're having to manage and respond to public records requests. On average, we're receiving anywhere between two to three to ten public records requests each week. They are primarily coming from a single media source and approximately ten days ago we received over 17 inquiries. This is taking, on average, 30-40% of our weekly work time. In addition, we're following up and getting ready to pursue a build grant. This is a federal transportation grant this is available to Malheur County, to the City of Ontario, and to the Development Corporation. What we'er hoping to do is take the $26M from ConnectOregon and use it and leverage it into additional resources.*

Now, specifically, as it relates to the civil engineering, right now we are working through the water and wastewater components of the project. In addition, we're having to do some additional cultural resource work and wetland delineation. Right off, the 290 acres that was acquired are railed right of way that are going to be utilized to allow for the full trackage development. As a result, we're having to do cultural work in those rights of way and wetland delineation work. We're not anticipating anything significant, but none the less, that work has to be completed. We're also, next week we'll be meeting with Idaho Power and Cascade Natural Gas. The plan there is to make sure that those industrial utilities fit in line with the rail design and the civil engineering that has been done to date.

On rail engineering, Union Pacific has accepted our 30% design engineer plan. For Union Pacific, their process is kind of quirky. There's a 10-step process you have to follow and right now we're on approximately step #5. After our 30% design engineering, we will issue them a check for $125K, effectively to retain UPs engineers to work with us on rail crossing and to ensure that all rail engineers have designed it in accordance with UP rail engineers. While $125K is a shocking number for some, it's actually exciting that UP has requested that we submit that payment because it means that we are moving to 100% design engineering. With that design engineering will come a final track plan. It'll deal with grading issues, drainage issues, crossing issues, etc. In terms of Union Pacific rail engineering, we're really right on schedule.

As I shared with you, we're moving into the building design. This is open to the public – next Tuesday, we will be sitting down with a group of folks and all are welcome, but it'll be primarily driven by our engineer, starting to lay out that plan and map and schedule for the building design. Again, Mayor and members of the Council, our number one goal, the goal that's been given to us by the County Commission, is to make sure as many local contractors have an opportunity to participate in that process.

That's kind of where we are to date. I don't want to take away from Grant's message, so maybe Grant you can jump in and then I can address any questions that the Council or anyone else may have for me.

Grant Kitamura: *Thank you, Greg. This is Grant Kitamura. I'm a principal in Baker-Murakami Produce Onion Packing here in Ontario. I also serve as the Chairman of the Malheur County Development Corporation, which is responsible for putting this together for the onion transload facility that's planned, and also a citizen of Ontario. So, thank you Mr. Mayor and Councilmembers for this time.*

I'll just say that Greg covered basically everything. I'll just say that in our negotiations, in our beginning negotiations with our potential operator and Union Pacific, we were asked to form another entity of onion shippers to do negotiation. They wanted to negotiate with one voice, not with 20 shippers. So, 15 shippers got together and formed an entity, an LLC called Treasure Valley Onion Shippers, and we had our first meeting with the Union Pacific and the potential operator on February 14th. Everything was very positive. The Union Pacific, and I don't' know if you've followed this in the past, but they were always saying they didn't have enough equipment and seemed kind of disinterested in this project, but at this first meeting we had, I guess things have changed. They have equipment available, the services facility, they were pretty much positive on working together and formulating a plan, as well as our operating company, so this is a turn of events. We were planning on leasing equipment -when we say equipment, we are taking about reefer cars – to utilize at this facility. Union Pacific says they currently have enough equipment available, so we are very pleased by that. And also, we are still keeping the federal grants going for equipment because things can change quickly with the Union Pacific, whether it's six months from now or a year from now. But again, everything is going very well. I'm from the private sector, and I'm not used to this pace. We've been working on this for well over, formally for two and a half years, but for many years before that. For me, the time *factor is a little disheartening, but we are making progress. Everything is moving along. Greg Smith has done a wonderful job. He's connected to all the agencies in Oregon that we need to move forward. I appreciate your patience on this people from the City of Ontario, and we appreciate your support. If you have any questions for me or Greg, at this time I'll turn it back over to you. Thank you, Mayor Hill.*

Mayor Hill thanked Mr. Kitamura for his work on this. He was aware of the time it took, and how well the pay was. It was appreciated. How much wetland did they need to worry about and mitigate?

<u>Mr. Smith</u>: *For those of you who know the property, there is a pond on the back side of the 290 acres. Without having exact acreage in front of me, Mayor, there's about, I'm going to say, four to six acres of property that is going need to be mitigated to allow a portion of one of the rails spurs storage line to be accommodated there. In terms of the overall wetlands issue, it was pretty nominal. We've done extensive studies, we've done soil compaction studies, and it's pretty nominal. What our hope is, Mayor, is to allow for that pond on the back side of the property to remain intact and in the future to actually provide additional access to the public, so folks can go in and fish in the summertime. In working with ODFW, even provide perhaps some hunting opportunities in the fall.*

Mayor Hill stated his question was because he'd had to deal with it in the past and knew what type of headache it could be. In reference to the grant application, how much would they be applying for, and what could it be used for?

<u>Mr. Smith:</u> *Excellent questions. This has been an issue in the public over the last year and a half. What we're intending to do is take the $26M and, based upon a formula that our federal partners have, go for the maximum dollar amount. I'm guessing, Mayor, and it's purely a guess, that in order to get the maximum points on the application, we would apply for anywhere between $15-16M. The primary purpose of those dollars as Grant was sharing, would be to purchase equipment to assist both reloading opportunities, rail car acquisition, and to be able to provide transloading opportunities for folks who just want to go from container to rail, not necessarily reload. What we want to do is maximize the points on the build grant and from what we can tell, based upon the current application, it would be about $15M.*

Mayor Hill asked if the water and sewer was going to come from Nyssa or would it be dealt with on-site?

<u>Mr. Smith:</u> *Here's the issue before us. We have the capacity to do on-site water and wastewater preservation, but in the interest of the county, long term, that doesn't make sense. So, what we're doing right now, we're having the conversation of how do we extend water and wastewater from the City of Nyssa out to the entire industrial park with the intention of serving other reload facilities. That's still up in the air on how we're going to do that, who is going to be the applicant. But in reality, if we're going to serve 290 acres of industrial ground, we don't want to have on-site service within individual services with each occupant. We want to be able to have a complete utility system. That's really the direction we're moving right now.*

Mayor Hill agreed with that answer.

Councilor Crume asked Mr. Smith, that to the best of his knowledge currently, what did he believe the cost would be to the county residents to have the door open, and what date did he think that door would open to ship the first load?

<u>Mr. Smith:</u> *Fair questions. What I would share with you, and what Grant was alluding to, this has been a very slow process. We almost were two years behind schedule simply because the Oregon Department of Transportation didn't have the $26M available to even begin funding. That's really important for folks to understand. They ConnectOregon program is funded through lottery-backed bonds, and those bonds were not even sold until two years after the Governor came out and signed the legislation. That just gives a little bit of perspective. Now with that said, there are benchmarks we're having to meet and we're going through that process. I would anticipate there are several costs that the county and the City of Nyssa are going to have to consider. One, is do they want to acquire additional real estate beyond that which is necessary to operate a reload facility. That's a question the County Commissioners are going to have to ask and they're going to have to give me direction. There're two arguments. One is let's just acquire enough real estate to operate a reload facility. The other argument is if we're going to do this, let's acquire enough industrial land to accommodate growth 20, 30 years from now, and let's acquire it now at the lowest possible price. That's one of the conversations, and really, that conversation is playing out with what's called the Nyssa Industries*

property, that is adjacent to the property that we've already acquired. What that total dollar amount is, I can't answer that yet, but that is an outstanding expense that the citizens of the county could be asked to incur.

The second expense as I see it right now is what level of water and sewer capacity do you want to invest in out in these industrial lands. Not all water and wastewater investments are the same. We could make the choice to have a smaller water and wastewater system connected to the city that could accommodate smaller industrial development, or we may want to provide additional capacity that could accommodate food processing and data centers, etc. Again, that will be a question that the Commissioners are going to have to grapple with and give me direction. As it stands right now, the county has borrowed money to acquire additional industrial lands as it relates to the Farmer property, and those dollars will have to be paid back. They are also now considering an additional special public works grant for the water and wastewater. Now, let me give a little more detail to that questions, because it's not as simple as yes or no. One of the areas of confusion has been around is the county going to borrow up to $14M? Let me share with you why there's that confusion. The State of Oregon has created a program that's called the Regionally Significant Industrial Site Program. It's called the RSIS Program. Regionally Significant Industrial Site Program. Effectively what the RSIS Program is, is a coupon. And let me tell you what I mean by a coupon. If the county chooses to make future investments to accommodate industry coming out to that location, they can clip the coupon and turn it back into the state for repayment. And here's how the program works. If a qualifying company chooses to come out and locate on the industrial grounds, and they create, at a minimum, 25 family-wage jobs, then all of the income taxes that that company pays or the employee pays to the State of Oregon, will be reimbursed back to the county to pay for the investments they've made in the industrial ground. So let's say, and I'm making this up completely fictitiously, let's say Amazon was to show up into Malheur County and say they want to locate a data center and they need an investment of certain types of water and wastewater and they need fire protection. The county says, well, we've made those investments and we're willing to make additional investments. The jobs they create, the income taxes those jobs generate, would be reimbursed back to the county to pay off those loans incurred, including all interest, loan application fees, and any other fees associated with the loan. Effectively, what the state is doing, is saying if you make these investments on the front end and employers show up and employ the right type of people, we'll reimburse you 100% of the money back. So, Councilor, the question gets a little complicated. As it stands right now, the county has borrowed money for industrial land, is looking to borrow money for expanded water and sewer, that has the ability to borrow additional dollars knowing they can get reimbursed 100% back from the state. Long answer to your question.

Councilor Rodriguez stated in reference to the comment about Amazon, there had been conversations in the community and the county of potential competitors for distribution coming in. It was his understanding that Amazon was going to be coming to the Treasure Valley. He assumed that a potential distributor of that magnitude and capability would play into some kind of feasibility report or study that would be done. Could he describe to the Council in a summarized version the financial feasibility to the project.

Mr. Smith: *Thank you for your questions, and again, a very fair one. It's really important for the citizens of Malheur County to understand. The Oregon legislature has granted a $26M allocation to build a reload facility, so Malheur County effectively has two choices, either accept the $26M and build the reload facility, or they could choose not to. What we're trying to do is put the county in the best possible position to accommodate future economic development opportunities by laying out an industrial park that will have industrial roads with industrial water and sewer to accommodate companies such as Amazon or food processors or even smaller manufacturers who are looking for a location to build. The best way for the citizens of Malheur County to look at it, is in order for us to be competitive, we need to be able to put our best foot forward. So, how I would explain it to folks is, we're creating very similar, we're creating a, let me push pause and start over. When folks look to build a home or to buy a home, they go into a subdivision and they pick out a lot and they look at that lot and they just assume that there's going to be water and sewer and telephone and power to that lot. Based on the price of that lot, they determine what type of home they want to build on that lot. Well, we're doing nothing different than that. We're doing the same thing by trying to create an industrial park where business and industry can come, they can look at the real estate, and they can know with certainty that there's industrial power and water and wastewater of which $26M of it is being paid for by the State of Oregon. So, we may end up having to acquire or bring in additional dollars to complete that industrial park, but in the end $26M of it would be debt free for the citizens of the county. We know there's lots of questions, we know there's lots of speculation, but in the end what we're trying to do is create an environment that's welcoming to business and industry, it puts our best foot forward, and it says it we have ready to build sites available for you. Come on, come out, our doors are open.*

Councilor Rodriguez stated with this project it wasn't necessarily a done deal. They weren't building for something they knew has a great need and would go directly into high production right away. It sounds like he was saying was that they were trying to create something to come to. It also sounded like it might be able to expand on something like Amazon's capabilities.

Mr. Smith: *Yes, that's fair. What we're trying to do, are primary goal is to build a reload facility that can accommodate the movement of freight in and out of the county. That's the number one goal. Number two is to leverage those dollars. While we build the reload facility to leverage them to get the biggest bang for the buck so other businesses can come and locate adjacent to the reload facility and take advantage of the rail infrastructure and water and the sewer and the power that's being installed to accommodate the reload facility.*

Councilor Rodriguez stated it sounds like a lot of the decisions regarding the feasibility of if this will even work is based on a "build it and they will come" basis. Was the correct?

Mr. Smith: *The feasibility of the reload facility must be documented so one of the things that the Development Corporation has been doing is working with our local shippers to determine what the demand is, where their final destinations for shipping onions would be, and the seasonality with it. With the said, we then want to have industrial land that would be readily available for other companies who do want to come and so Councilor your final assessment is accurate on a portion of the property. A portion of the project we have to demonstrate the financial feasibility that it will work. On the other industrial land, it's putting our best foot forward to be able to attract industry into the county.*

Councilor Rodriguez stated the coupon system was based on being able to hire the "right people". What was meant by that statement?

Mr. Smith: *It was all about making sure that their future employer paid a family wage. For those companies that will employ more than 25 people and pay a family wage, which was defined by the Employment Department, they would be eligible. Let me make really clear to folks: we don't have to borrow that money. We don't have to. But should we choose to, we then are eligible to get 100% of it, including interest, including fees, back. That's why we made that application and we included as many possible items in that application knowing that in the future when I'm gone and maybe others are gone, that we have the opportunity to get reimbursed for those investments. But it's always optional. We don't have to do it. It's just a way for us to get paid back, should we do it.*

Councilor Capron stated Mr. Smith spoke of possibly purchasing additional property at the cost to the county or the City of Nyssa. Was that more property than what they were looking at now?

Mr. Smith: *No, it's all be part of the original conversation. Adjacent to the Farmer property that was owned by Jim Farmer, now owned by the county, is real estate that's owned by Nyssa Industries. One of the things the county has been concerned with, that a private entity or a private individual may come and snap up the Nyssa Industries property and price it out of the market. Part of the conversation that the County Commissioners are having is is it in the best interest of the county, the citizens of the county, and private industry for that matter, to acquire the property now, knowing that water and sewer are going to be running adjacent to that property and be able to turn around and put it on the market at a fair market price, rather than one that perhaps is not fair market and prices people out of the ability to purchase it. It's the Nyssa Industries property adjacent to the 290 acres that Jim Farmer sold to the county.*

Councilor Capron stated if that was purchased, how much more would that be, and would it have to go to vote of the county citizens or could the County Commissioners push it through.

Mr. Smith: *Right now, I think the Commissioners have the ability to make that decision. John, correct me if I'm wrong, but I think the purchase price for that property is $5K an acre. Is that the price?*

John [?]: *Yes, Greg, that's correct. That's my understanding. That's the current offer.*

Mr. Smith: *So, Council members what we're worried about is we have an option to purchase the Nyssa Industries property for $5K an acre. What we're worried about is as soon as industrial water and sewer move through that* *property, if we don't purchase it, someone else is, or will, and we're worried that price may go up to $20-30-40K an acre, and then the economic development opportunities diminish. The county's thinking is if we can acquire that land now at $5K an acre, knowing industrial utilities are coming through it, and then turn around and sell it again with the purpose of developing the county's economy, everyone might benefit. Really, that's the question before the Commissioners right now that they're wrestling with.*

Councilor Justus asked if this project was located within the Ontario City Limits, the Ontario City Council would be approached with options like deferred taxes for the expansion of what they were discussing. Had the City of Nyssa been approached about deferring their taxes? Ontario's ordinances require that an entity be annexed into the city before giving services. Nyssa must have the same requirements.

Mr. Smith: *Excellent questions. Last week, we sat down and held a meeting between the county and the City of Nyssa to look through how governance would work and will work, and we're planning again next Tuesday to follow up with that. How that conversation plays through I don't want to project. I'm not the elected official there, but we are trying to frame that conversation as you just shared. Perhaps if you folks will invite me back in a month or two, I'll be able to give you a more concrete answer on that, but your assessment is accurate.*

Councilor Justus asked if they would want something from the City of Ontario saying that we would honor something like that?

Mr. Smith: *That would be awesome, that really would. Part of the challenge we're dealing with is making sure that good, factual information gets shared and that's been a little bit of a challenge. Part of that blame lies on me because this is such a moving target. This is the first time in a long time Malheur County has had to deal with this type of industrial development project. Any type of assistance, Councilor Justus, would be awesome. There's not doubt about it, this has been challenging*

Mayor Hill thanked Mr. Smith and Mr. Kitamura for their time. It was greatly appreciated.

Mr. Kitamura: *I would just like to clarify a couple of points. The Malheur County Economic Development Corporation, which I chair, is solely responsible for the reload facility. Much of this conversation today has been around additional economic development by the county. I just want to avoid confusion. The reload facility has $26M. which will bring in a lot of infrastructure to that region and I certainly don't blame the county for trying to take advantage to build an industrial park around it, but there's been confusion. There's one newspaper that reported it was a $40M project now because they took the $14M into consideration on this other property. We have plenty of onions to load. Our region here – Idaho and Oregon – ships 25K semi loads of onions annually. The area that we can service out of this facility is about 60-65% of that. There is no way the railroad can haul that many onions, 15-16 loads. So, it is feasible from a volume standpoint, but I just to make it clear that the reload facility is a separate issue from the general economic development of the county. That's been confused in the past, but if anyone ever has a question about that, feel free to call me.*

Mr. Smith: *Grant, this is Greg. This is a wonderful reminder. Thank you for doing that.*

Mr. Kitamura: *Thank you again Mr. Mayor and Council members. Again, feel free to call me at any given time. You know where I am - Baker-Murakami Produce.*

Mr. Smith: *Thank you Mayor.*

Mayor Hill thanked both for their time.

OLD BUSINESS

Proposed Action on SE 2nd Street Project Amendment between City and Oregon Department of Transportation
Betsy Roberts, City Engineer, presented.

CRUME moved, BRADEN seconded, **THAT THE CITY COUNCIL AUTHORIZE SIGNATURE OF AMENDMENT NUMBER ONE TO THE MULTIMODAL TRANSPORTATION ENHANCEMENT PROGRAM LOCAL AGENCY AGREEMENT #30860 BETWEEN THE CITY OF ONTARIO AND THE STATE OF OREGON FOR THE SE 2ND STREET PROJECT.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 7/0/0.

Resolution #2020-108: Agreement with Life Safety Inspection Vault (LIV)
Terry Leighton, Fire Chief, presented.

Consensus to bring item back to next Council meeting.

NEW BUSINESS

Letter of Support for Trinity Project
Mayor Hill recused himself and stepped down from the dais as there was a direct conflict of interest on this action. Council President Capron conducted this action item. Mayor Hill was available from the floor for questions, if asked.

Adam Brown, City Manager, presented. This was a letter in support of the housing project and added the Council President's signature block due to Mayor Hill's involvement. The project was to bring 45 new single-family homes to the area with a co-located childcare facility located on site. The site was located off Verde Drive, North of NW 4th Avenue. The grant would buy down the cost of construction or acquisition so mortgages could be undertaken by individuals who would not otherwise be able to afford it.

Councilor Crume stated there would be an upscale subdivision to the East and questioned the impact the proposed housing might have to that property and those homes.

Councilor Justus stated it was right next to an already established affordable housing neighborhood, so adding this would not be detrimental.

Mr. Brown stated it was working-class housing because it would still be a reach for some lower income workers.

Councilor Justus stated the city needed housing, working-class housing, and this was 45 units. If the Council didn't support it, they were just wrong!

Councilor Crume asked for the average price of a home.

Mr. Brown stated the average retail home would be $180K, which did not include the buydown. The homes would be concrete foundation, between 12-1400 square feet. The subdivision would be done by one builder. It would be similar to the homes located in Hayden Subdivision.

Councilor Justus confirmed the homes would be ineligible for the $10K incentive offered by the city.

Mr. Brown stated that was correct.

Councilor Crume asked how much the taxpayers of Oregon would be paying for this buydown.

Mayor Hill stated it was a federal tax credit. It was an undetermined amount. It was for as much as you could get.

Councilor Crume stated if a citizen built a house to the recommendation square footage, etc., of $180K retail price, what would that customer actually pay for that home?

Mayor Hill stated the way he was proposing it to the state was that is was a federal tax credit that was administered through the Oregon Housing and Community Services. There was usually a 30-year life on the loan. What he was proposing was a 10-year tax credit to be complied with for 15 years. At the end of the 15 years, he was asking the state to release the debt to be available for the person who owns it. They would have a debt because the tax credit would not be paid with the house. There would be a debt on the house. The system worked like this: a person applied to the state for a tax credit. In the industry they called it selling the tax credits, but in fact what you were doing was getting an equity investor in the project. They've put the money up to build the project so at the end of the 15-year period, they were asking the state to allow them to sell that house to the person who lived there. At the end of the 15-year period, the investor wanted out. He'd used up his tax credits and he wanted out, to sell and recoup his money. That was what he was asking for, only he wanted the individual homeowners to end up with the house. A home built a lot more stability in a community.

Councilor Crume confirmed there would be no difference to the city or county for taxes? Did he have a rough estimate of reduced taxes?

Mayor Hill stated it would be like an apartment complex. Section 42 of the code, there was a reduced tax, by state law, but it was not a free ride. He was going to guess on the dollar amount based on the apartment complexes he had under that, which reduced it roughly 50%.

Councilor Capron verified the person would "rent" the houses until they were released by the state, at which time it could be sold to whoever was residing there.

Mayor Hill stated yes, that was his proposal.

Councilor Capron stated there were homes being constructed on the intersection of Sunset Drive and West Idaho Avenue, which were around 13-1400 square feet. What was the difference in the quality of those homes and the homes he was proposing? The price was different. The estimate was $180K for his homes, and those other homes were running around $220K.

Mayor Hill stated his homes would be more than that. They'd probably be in the $225K range.

Councilor Justus asked why Mayor Hill wouldn't allow other builders in? There were several other local builders.

Mayor Hill stated he was not going to put together a subdivision and hope that someone came. The city couldn't impose on the other builders to pay Mayor Hill $40-50K for that lot, and he couldn't impose that on them, the money had to put the money upfront. He wasn't going to risk $15M and not know he'd have an end result.

Councilor Justus stated then Mayor Hill was saying he wanted his cake and to eat it too. Which was okay, but he wanted him to say it.

Mayor Hill stated unfortunately he didn't have them listed with Councilor Justus so he could have his cake, too. He was asking the city to endorse the project just like they have every other project that had come to Ontario. He wasn't asking for any special favors, and he wasn't asking for the $10K incentive that the other builders had received, and he wasn't asking for anything. He was simply trying to put single family houses in Ontario instead of an apartment complexes because it built stability. And yes, he planned to make a profit.

Councilor Capron verified if there was no buy-down from the feds, there would be no project.

Mayor Hill stated that was correct.

BRADEN moved, PALOMO seconded, **THAT THE CITY COUNCIL APPROVE A LETTER OF SUPPORT FOR THE PERMANENT SUPPORTIVE HOUSING ASSISTANCE GRANT PROPOSAL KNOWS AS THE TRINITY PROJECT.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-recused. Motion carried 6/0/0/1.

Mayor Hill took his seat back at the Council dais.

Resolution #2020-109: Legislative Position on Executive Order #20-04
Adam Brown, City Manager, presented.

CAPRON moved, CRUME seconded, **THAT THE CITY COUNCIL APPROVE RESOLUTION #2020-109, A RESOLUTION OF NOTICE TO GOVERNOR KATE BROWN OF THE IMMEDIATE AND LASTING DAMAGE TO THE ONTARIO COMMUNITY AS A RESULT OF EXECUTIVE ORDER NO. 20-04 AND OF THE CITY'S DISAGREEMENT WITH THE EXERCISE OF EXECUTIVE POWERS TO CREATE LEGISLATION.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 7/0/0.

DISCUSSION ITEM

Rich Harriman: *Mr. Mayor and Council members, thank you for having me tonight. I sit on the 9-1-1- Users Board with City Manager Adam Brown, and your Chiefs, and I shared with them at one of our last meetings that I had applied for a State Homeland Security Grant several times over, but one of the applications was for a comprehensive communications assessment for our…let me back up a second. My name is Rich Harriman. I'm a Division Commander for the Sheriff's Office 9-1-1- Center, and also the Emergency Manager. Now that you know who I am, now you know why I applied for this communications assessment. I'll give you a little bit of history, some of which you are probably aware of. Malheur County and our local mobile radio coverage area is about 10K square miles. Our county is larger than nine of the US states that we currently have. Malheur County is larger than three of the smallest states. Combined that'd be Rhode Island, Delaware, and Connecticut. We have twelve remote repeaters at nine different sites, covering most of Malheur County. We have eleven fulltime dispatchers, including two supervisors, in our PSAP, which also stands for Public Safety Answering Point. We three complete stations with a fourth station out in our emergency operation center with limited capabilities, the fourth station has limited capabilities. We communicate with twenty different agencies and organizations and dispatch for most of them. About every five years we get updates to our equipment and technology through Oregon Emergency Management and that's paid for out of the state 9-1-1 tax. Our last upgrade was in 2018. Currently we are not what's considered next generation 9-1-1 or text to 9-1-1 capable, but we are in, after the 2018 upgrade we are in line for that. Intermountain Communications out of Mountain Home is our contract serve provider, and they provide all the necessary maintenance, repair, and replacement of our network and equipment.*

Some of our challenges we currently have areas in Malheur County, keep in mind these challenges don't include the City of Ontario. I'm not aware of any transmission type problems or anything within the city; I haven't been shared that. This is more for like our Deputies out in the county. We have areas in the county where we have limited, spotty, or no coverage from our land mobile radio system. Some areas experience communications where one party can't hear the other because of static. Other areas have no coverage at all. Deputies have to compensate in these areas by either moving locations, if possible, communicate using mobile phones, or not communicate at all. Our EMTs in Vale have to resort to using a non-repeated line which goes directly to the Sheriff's Office when they are working in the town of Vale because for whatever reasons, the City of Vale doesn't have radio coverage through one of our repeated systems.

Now this assessment that I've asked for, before I was preparing for this, I didn't think to get the name of the company that I reached out to, but I had solicited information from other PSAP managers across the state, and I got the name of this company and I got a quote from them. I told them exactly what I wanted, and I got a quote from them. This is a $250K assessment. In this assessment we expect an examination of our area, coverage of our VHF system, determine dead spots, shadow areas, and poor communication locations. We will expect recommendations on technology upgrades based on the area that we have to cover, the topography of the county, and the number of agencies we have to dispatch for. Based on my limited knowledge of our system, I expect them, they're probably going to say VHF is the best for us; however, I'm also expecting maybe they're going to say maybe we need another tower site or something. In this assessment I expect them to examine the growth and call volume increases to determine the proper number of stations we should plan for and the number of dispatchers we can anticipate needing in the next ten years. And then also recommendations on interoperability of our broadband push to talk devices which the Sheriff's Office has already experiencing. I've got one on my hip now. This company is going to look at everything from staffing to our SOPs to our PSAP size and design, the equipment that we have, they're going to look at everything as a whole scope.

This will be the first comprehensive communications assessment that Malheur County's ever had, and it's phase one of a multi-tiered project to ensure that our LMR network is up to standards and provides the best service we are able to enjoy in our county. This will be a blueprint with an eye to the future by a certified contract service provider specializing in systems like ours. Any work or upgrades or advances will be covered under future grants like this one for the entire LMR network, and no work will be done that puts any of our contract agencies, Ontario, or Nyssa, without PSAP services. I wouldn't say great, we're going to go digital, and we go digital and leave Ontario hanging. This will be an, it will encompass us and our contact agencies as well. And that's what I have for you today.

Some of the things that we have to show for this grant, I am actually on the grant review committee for all the state homeland security grant applications for the state. Obviously, I don't review my own, but there's about 95 other grants that we have to review. I did that so that this was the first state homeland security grant that I applied for, and now I know what they're looking for and what some of the benchmarks that we have to make and I know how other people are writing their reports. Based on what I've read so far, I have a pretty good feeling about the reports, or requests, that I had entered, that they do meet those benchmarks and I'm hopeful that they will grant this.

HAND-OUTS

Minutes: (*Attached*)
County Court 02-26-2020

Check Register: *(Attached)*
February 1 → March 13, 2020

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Larry Sullivan wanted to let the Council know that Nichols Accounting lawsuit was officially dismissed yesterday.

  Councilor Crume asked about the status of Scott, Inc.

  Mr. Sullivan stated Scott, Inc., had a deadline to file an amended petition, and they met that deadline. They filed it near the end of the day on the deadline date. They have made the changes in their petition that were required by the Circuit Court and the city has until April 8th to file a response to that amended petition. He was currently working on that.

- Mr. Brown informed the Council that staff had opened up the Incident Command Structure for COVID-19. The Mayor joined the group as the Chief Elected Official for the city, and the intent was to meet each Tuesday to review operations. Currently, the front reception area was open, but some measures had been taken to enclose the window to limit exposure, and offered the employee personal protective equipment, along with customer masks.

- Mayor Hill informed everyone that Senator Bentz's father had passed away and asked that some type of condolences be sent.

ADJOURN

CAPRON moved, CRUME seconded, **THAT THE MEETING BE ADJOURNED**. Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 7/0/0.

ACCEPTED: **ATTEST**

______________________________ ______________________________

Riley J. Hill, Mayor Tori Barnett, MMC, City Recorder

CITY COUNCIL MEETING MINUTES
March 24, 2020

The scheduled meeting of the Ontario City Council was called to order by Mayor Riley Hill at 6:00 p.m. on Tuesday, March 17, 2020, in the Council Chambers of City Hall. Council members present were Riley Hill, Norm Crume, Michael Braden, Freddy Rodriguez, Marty Justus, and Ramon Palomo. Dan Capron participated by phone.

Members of staff present were Adam Brown, Tori Barnett, Steven Romero, and Terry Leighton. Peter Hall, Larry Sullivan, Kari Ott, Dan Cummings, Cliff Leeper, and Betsy Roberts participated by phone.

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

Mayor Hill led everyone in the Pledge of Allegiance.

AGENDA

This Agenda was posted on March 23, 2020. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

CRUME moved, PALOMO seconded, **TO ADOPT THE AGENDA AS PRESENTED.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 7/0/0.

PUBLIC COMMENT

Shawn McKay, Huntington: *It is our understanding that the City Council is going discuss tonight the possibility of closing down or altering the marijuana dispensary businesses and I just came here tonight to present some of the safety measure that we're doing at our store to protect our customers and our employees and I brought some examples of some adjustments that we have throughout our store, as well as some pictures, if the Council's interested in seeing that, and then I have kind of a bullet point list of things that we've done to change our regular business. We've changed to no smelling of the jars or handling any product; no longer having any physical interaction with the customers, so we're not taking IDs, money is being set on the counter, and just limiting those types of interactions; spacing of six feet for employees and customers both inside and outside of the store; mobile intake for customers outside of the store; designated social distance officer per state regulation, we actually have two of those people that are identified by a safety vest so it's clear to see who they are and they have walkie-talkies to communicate with the manager on staff; we've increased the frequency of sanitizing of all touched surfaces inside and outside the building, so any kind of door handles, computer screens, any of that type of stuff; we encourage online ordering to minimize the amount of time that people spend inside the store or on the premises; and we are continuing to follow all state and national guidelines and post this throughout our store; and have been holding regular manager meetings with all of our store managers to make sure they are abreast of all this information as it's changing. Are the Councilors interested in seeing any of the postings or the pictures that I brought of our store? If you guys have any questions...*

Councilor Justus asked if he was representing Weedology.

Mr. McKay: *No, I represent Burnt River Farms. So I know that I was expecting there to be a little conversation amongst you guys before I came up here and talked and this is my first time at one of these Ontario meetings, so definitely, if you guys have any questions about what's taking place or what kind of recommendations we've been given by the Governor, or anything like that, I'd love to discuss this with you guys.*

Councilor Braden stated he had read Executive Order 20-12, so he was aware of the regulations Mr. McKay was talking about. As a local business who dealt with high turnover of customers, how close were they to deciding to shut their own doors, and had they identified any triggers, like number of cases in the community, or someone close by. What were their ideas in that area?

Mr. McKay: *As long as business, it's kind of that moral dilemma of serving these people, who a large majority of them use this as some form of medicine, so there's kind of that just following suit with these other businesses. It's totally uncharted water and something that nobody's had to deal with before. We're being left as one of the few businesses that are open in the state, and it's kind of like okay, what is Rite Aid doing to handle the same situation because that's really the closest comparison we have, somewhere between Rite Aid and Albertson's. You leave our store and go into Albertson's and everybody's shopping like they normally do. They have some tape on the floor by the registers. We go over to Boise and see businesses not practicing this at all. There are so many people treating it so many different ways. I think right now the most we can do is follow these guidelines that the Governor and the OLCC are providing us, try to minimize the paranoia amongst our employees and our customers. We do know that this disease doesn't know any boundaries, but we also do know that the twenty to under sixty year old age group are lesser susceptible of the group and that's who makes up the majority of our staff. It's very challenging to business owners and operators to mitigate and intake all this information that's changing daily, and sometimes a couple times a day. Trying to just really follow the rules.*

Councilor Rodriguez asked if he agreed that this industry, like no other in the city, brought the largest amount of cross state traffic from the Boise area? If he didn't, could he give an example of any other industry that did?

Mr. McKay: *I think it's hard to say that it's all Boise. Walmart brings a lot of traffic, Home Depot brings a lot of traffic, Ware Mart brings a lot of traffic.*

Councilor Rodriguez stated a majority of that traffic was from our micro-metropolitan area. There were people shopping at Walmart and Ware Mart. He thought it was due to the non-tax. Again, did Mr. McKay agree that this industry brought the largest amount of cross state traffic from the Treasure Valley area? Not this micro-metro area, but the actual Treasure Valley area. He did not see 1A or 2C plates at Walmart or Ware Mart.

Mr. McKay: *Fishing brings a large amount of anglers from the Boise area. There's other, I'm sure we have a lot of Idaho plates; it's hard to say whether or not they're all from Boise.*

Councilor Rodriguez stated we wouldn't get anywhere if we weren't honest. Would Mr. McKay agree that his industry was the leader. It wasn't a bad thing to agree. Yes or no.

Mr. McKay: *It's hard to say that we're the leader. We have a large amount of traffic, but then again so do these other large retail stores.*

Mayor Hill stated the argument he kept getting phone calls on was about Walmart and Home Depot, etc., was whether it was an essential service or not. Walmart had the grocery store, which was essential. They could argue that medical marijuana was an essential service, and he agreed with that, but that was really the crux of this issue.

Councilor Justus when the Council was preparing for the sales tax, a study was done on how many people were coming to Ontario on a daily basis. There were 40-55K daily coming to Ontario *pre*-marijuana. That needed to be included to help others understand the context of this issue.

Councilor Rodriguez stated it grew to that amount everyday with folks from this area; they worked here.

Mr. McKay: I don't' have anything else. If anybody else has any other questions for me, I'm happy to answer them.

Councilor Crume asked if to Mr. McKay's knowledge, where they abiding by all the OLCC newest laws and regulations that were set by the Governor for that particular industry?

Mr. McKay: Not only are we complying with the minimums, but we're going above what's required by having additional safety officers, placing the markers on the floor, putting posting throughout the store. I've been in regular communication with our OLCC compliance officer, Lori Shart, some of you many have met her. She's the local officer for her. I spoke with her both yesterday and this morning. I've been sharing with her the same kind of pictures that I *shared with you guys, and she said that's great Shawn, that's the best you guys can do right now that it's not normal times.*

Byron Shock: *We are at an unprecedented intersection of two public health crisis. One is the opioid epidemic, and the other what we are witnessing right now with a pandemic that we are going to remember for a long time. First, I'd like to say that we shouldn't necessarily be operating on the assumption that people with COVID-19 aren't already in this community. There is a long incubation period and chances are people are already here in the community. With that said, it's so important that our essential businesses, and I'm going to include especially medical marijuana, comply with all the orders from the state. I did some shopping this morning because I thought Tuesday morning would be a good day to go shopping. In terms of maintaining social distance, it was not a good day to go shopping. I went to several essential businesses and at one I just did not feel comfortable. I had to buy some stuff there anyway. I needed pet food. But I didn't feel comfortable. It's not only the dispensaries where there is a high risk of transmission, both from outside this area and from those who are already walking around with this virus in Ontario. What I would hope that this City Council consider is the need for strict enforcement of all state orders and all state laws pertaining to this outbreak at all essential businesses. I did drive by a couple of dispensaries on the way here and frankly, the situation there was not particularly worse than, it certainly wasn't worse than the worse other place I went today. People were having a little trouble maintaining their six-foot distance, but it looked like these businesses are trying to comply. I hope also that the businesses will consider OLCCs dispensation to deliver product in the parking lot within 150 feet of the front door of the dispensary. I think that's how we make this process as safe as possible for everyone. Thank you very much.*

Gus Young: *Council, Mayor, thanks for the time. I'm Gus Young, Burnt River, Shawn's partner. I just wanted to mention-it's kind of deceiving. We just got these new rules as of Sunday/Monday, and as people are driving by, I mean we've got pictures we can show you guys anytime online. It looks a little deceiving even to me because I'm on the camera at home and I'll see something at the dispensary and sometimes it can look like people aren't doing the six-feet distancing, but a lot of times there'll be a group of three come in a car, or a couple, something like that, and I just want to point out, I know you guys are getting a lot of heckling from guys driving by and the parking lots are full, but I think with the new guidelines from the state, I would like to ask for a chance to implement them and see how they work. Thank you.*

Joe Dunn: I'm the owner of the bowling alley and the new dispensary that's going in there. Travis, why don't you go first and then I'd like to….

Mayor Hill asked that everyone on the phone give their names, and he would call on them in order.

Tyrell Erlebach, Ontario: *I would like to speak on behalf of Weedology. Basically, what I'd like to say to the Council here is that I know that at Weedology we are implementing all of the CDC guidelines. We're doing all what Kate Brown the Governor has implemented. And also what the White House put out I think on Saturday, we're implementing those as well, and also all the OLCC recommendations, officially what Burnt River had said previously with Shawn McKay, Weedology has implemented all of that. I can go through kind of – we are not allowing customers to smell the product right now; bud tenders aren't handling the licenses when we're checking IDs. We have crosses on the floor. They're six feet apart throughout inside and throughout outside for the lines out there. We have a strong presence with our online ordering system. Our employees wear gloves and we also have rigorous cleaning and sanitization regimen that we are doing. Also, anybody that is sick or has symptoms of being ill is asked to not enter the building and we're having any employee that feels ill or has symptoms, we are putting them on a 14-day quarantine. We're doing everything that we can in as timely a manner as possible. Remember that Kate Brown, she implemented these, some of her issues yesterday, so I think all these dispensaries have jumped on this and are doing everything that is asked of us and then some. I would also like to point out that a lot of the customers, especially now with the chaos going through society, a lot of people use cannabis for anxiety, depression, and pain management, so I would classify us as something along the lines of a pharmacy. I think as far as like our community goes, I think that obviously the actions that have taken place here show exactly how important it is to help protect our community and our employees in trying to provide the service. What I'm asking for is that the Council at least give us a chance to show them and show the community that we can implement rules and regulations when we can abide by them. Do you guys have any questions or anything like that?*

Councilor Rodriguez asked for clarification. He saw the tent placed outside of the Weedology store, and was curious as to if that was an outdoor check-in, and did it eliminate the lobby time? Not boutique time, just lobby time.

Mr. Erlebach: *Basically what the tent is for outside and the same thing, we have a couple propane heaters, is this is basically, with the inclement weather that we're having right now, is trying to help with the customer's comfort while they're waiting in line. Essentially what we've done is we've moved a congested lobby to literally a handful of people in our lobby and then a handful of people on the sales floor and we've moved them outside. Outside we can control. What we've done is we've split it, so we have online on one side and instore purchases on the other side and then we can control that very easily. With that we have, when it gets busy we have a doorman and then we have a receptionist and then we have a showroom floor individual that can also direct people so the flow is very well controlled and this way we can control the numbers that enter each section of the building.*

Mayor Hill stated to clarify about the outside tent, as he hadn't seen it, Mr. Erlebach mentioned the clusters, so it sounded like they were making an effort to keep everybody six feet apart. Was that correct?

Mr. Erlebach: *Yes, Mr. Mayor, that's exactly right. So, according to the CDC and also the Governor Kate Brown, what they've done is implemented a six-foot social distancing, so what we've done is we have crosses, we put tape on the ground throughout inside, and we've also spray painted the sidewalk outside and these are all six feet apart. And then we also have posters throughout that are also explaining to the customers, and also like Burnt River has, a designated individual that is in charge of just doing social distancing so that we can minimize that the customers are touching and then also try to keep that social distancing. Now like Gus Young was talking about from Burnt River, according to the CDC and Governor Kate Brown there, if you share a household you can also share that social distancing. So, let's say there's two people or three people that live in the same house – they can actually be in the same six-foot bubble.*

Mayor Hill stated Mr. Erlebach had mentioned that pharmacy and medical marijuana. Did they sell medical marijuana there?

Mr. Erlebach: *We are not certified as a medical marijuana dispensary by the Division of Health, or Department of Health, but the OLCC has okayed recreational dispensaries to take a medical marijuana card and then we can sell recreational marijuana as medical marijuana to medical patients, if that makes any sense there.*

Joe Dunn: *Thank you, and thank you Tyrell. You've kind of answered a lot of the points that I was going to hit on. I kind of wanted to put this into the proper frame of referencing. I think that the concerns, ultimately the concern is the capacity of our local hospital and I think that might be sounding the alarm here. A few points here. The only way, to jump in on that last question, the only way for medical marijuana patients to get their medicine now is through recreational dispensaries. Before we had recreational dispensaries, of course, there were medical dispensaries in many parts of the state, but our state legislators have gone another way over the last five years to fold the medical industry into the rec industry, so it just really doesn't make sense to have an untaxed system operating next to a taxed system when the product is exactly the same. So, the State of Oregon essentially combined medical and rec and it's all rec. So, really, if the consensus here is to shut down, essentially you are going to be denying medical, you're going to be denying legitimate medical patients. We aren't talking about most of the people that come to the dispensaries, but it's a very good chunk of those folks and it's such a crucial time. Like Tyrell mentioned, everybody's anxiety is high. I think denying these legit medical patients would only actually further increase the pressure on local hospitals. I don't think that would be a wise move. The second point that I have, it has been acknowledged, Mr. Mayor I think you asked point blank if you think that the dispensaries are bringing more people into Ontario than the other retail community members, and with all due respect Mr. Mayor, I would have to wholeheartedly disagree with you on that. We're right next to Ware Mart. My property connects to them and I see the traffic at Home Depot, I see the traffic at Walmart, and I see the traffic everywhere else up and through today. I would disagree with you there sir, with all due respect. Frankly, to single out one industry and not include all other industries, I think that infringes on the constitutional rights of the dispensary owners and I think that if the city were to take such an action it would almost, they're going to give rise to a claim for unequal protection. Any comments at this point?*

Mayor Hill verified that Mr. Dunn thought that people at barber shops, bars, and restaurants, all those places, were treated unequally also? Also, it had not been he who asked the question, it was another Councilor, and he specifically asked about Payette.

<u>Mr. Dunn:</u> *I own the bowling alley. The bowling alley, everybody's putting their fingers into paintball and shooting, but if you close down the bowling alley and the restaurants, far in advance of Government Brown's order, because those, by nature, are not open. If you include restaurants, you're going table them out, table them out, table them out. The same thing with arcades – kids touching the same joystick over and over. Certain activities just inherently have a lot more contact. So, I think it is rational in every sense for a governmental unit to treat those differently, but when you look at the operations of a marijuana dispensary, you don't have that touching and any close contact that you've heard from multiple business owners tonight that they have changed those practices and my dispensary in downtown Portland has implemented rules before the order. A week ago, we eliminated touching, we eliminated multiple people in the waiting room. And yes, outside you're going to see a lot of awnings and coverings keeping rain off of patrons and we sit six feet apart. I think that all of the dispensaries in Ontario, that you've heard tonight, are capable of complying with these orders. We have enough place and big enough parking lots that we are going to be able to distance people six feet from each other. Although even a day or two after the Governor's order, you didn't at that point have more concrete direction from the OLCC. We now have that.*

<u>Judy Trask, Caldwell:</u> *I work as the Malheur County Prevention Coordinator. I have some concerns with the marijuana dispensaries that this timing can be compared to a pharmacy such as an Albertson's Pharmacy or a Walmart Pharmacy or any of the pharmacies because marijuana is actually not, cannot be prescribed by a doctor, cannot be picked up in a pharmacy and there is not a whole of evidence, and I'm not going to get into it right now about the medical benefits. There is not a whole lot of evidence, and when we are talking about keeping essential businesses going and closing non-essential businesses, I'm struggling with the fact that we are going to consider marijuana dispensaries an essential business in times like this. That's just, I deal with this on a daily basis. I have, I would love to meet with the dispensary owners, I would love to have time with you Mayor and give you some evidence-based information that I have regarding medical marijuana.*

NEW BUSINESS

Emergency Declaration

Adam Brown, City Manager, presented.

CRUME moved, RODRIGUEZ seconded, **THAT THE CITY COUNCIL ADOPT RESOLUTION #2020-110, A RESOLUTION TO DECLARE A STATE OF EMERGENCY IN THE CITY OF ONTARIO DUE TO THE COVID-19 PANDEMIC.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 7/0/0.

Dispensary Closures

Adam Brown, City Manager, presented.

CRUME moved, JUSTUS seconded, **THAT THE CITY COUNCIL AUTHORIZE MARIJUANA DISPENSARIES TO DO CURBSIDE SERVICE IN ONTARIO IN ACCORDANCE WITH THE OLCC TEMPORARY RULE IN ORDER TO MAINTAIN SOCIAL DISTANCING AMONG CUSTOMERS.** No vote.

Mayor Hill read a letter into the record from Saint Alphonsus Regional Medical Center.

> *To the Malheur County Health Department and the City of Ontario: On Thursday, March 17, 2020, the Oregon Association of Hospitals and Health Systems released the following statement: The Coronavirus is dangerous because although we can't see it, the virus is in our community and is lethal. Hospitals and health systems are prepared for a surge of the Covid-19 patients and it is critical that we have the capacity to care for those patients and others who present at our facilities. Mortality is higher when the health system gets overwhelmed. We must act now to save lives. Absent widespread testing and the ability to isolate patients, the public health tool we must use to avoid a rising patient surge and social distancing, yesterday our Board recommended that the Governor take the strongest possible action when it comes to social distancing measures now. We support action on the state or local level to further limit retail commerce, unnecessary travel, and adopt shelter in place strategies. With this recommendation in mind, I am asking that the local retail establishments that attract an inordinate amount of people from outside our immediate community that travel to Ontario to please consider curtailing or ceasing their operations. Specifically, the marijuana dispensaries in Ontario are estimated by the city to increase daily traffic visits to an area, 500 a day to 3,500 a week. Many of the vehicles making these trips are coming from counties such as Ada and Canyon County*

that have positive Covid-19 cases begin reported, as opposed to our community that currently has no cases (which now has been revised to have one). As we have seen what happened in Blaine County, Idaho, a rural county with a population of 21,000, with the highest number of confirmed cases in Idaho at 17 as I write this, subjecting small communities to an influx of external visitors is dangerous for all involved. Sincerely, Ken Hart, President

Mayor Hill stated there was a second letter about this issue, only written stronger, from the Malheur County Health Department.

Retyped motion for the record:
CRUME moved, JUSTUS seconded, **THAT THE CITY COUNCIL AUTHORIZE MARIJUANA DISPENSARIES TO DO CURBSIDE SERVICE IN ONTARIO IN ACCORDANCE WITH THE OLCC TEMPORARY RULE IN ORDER TO MAINTAIN SOCIAL DISTANCING AMONG CUSTOMERS.** Roll call vote: Crume-yes; Rodriguez-no; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/1/0.

BRADEN moved, RODRIGUEZ seconded, **THAT THE CITY COUNCIL AUTHORIZE THE CITY MANAGER TO ISSUE WARNINS TO OR SUSPEND OR REVOKE THE BUSINESS LICENSE OF ANY MARIJUANA DISPENSARIES THAT VIOLATE THE REQUIREMENTS OF EXECUTIVE ORDER 20-12.** Roll call vote: Crume-no; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/1/0.

Downtown Project
Betsy Roberts, City Engineer, presented.

CRUME moved, BRADEN seconded, **THAT THE CITY COUNCIL APPROVE AN ADDITIONAL $4,500 TO CK3 FOR ADDITIONAL DESIGN EFFORTS FOR THE SOUTH OREGON STREET PROJECT.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 7/0/0.

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

- Councilor Crume stated this past week the sewer ponds had become smelly again. He spoke with Cliff Leeper about the issue. There were various things that needed to be addressed, but the main suspected cause was due to the build up of the sludge. His concern was the stench in the city. If they waited to use the budgeted money for the project, which would not be until July, he didn't believe they were doing justice to the community. He wanted to look into the option of maybe moving that project to an earlier start date.

  Cliff Leeper, Public Works Director, added that this issue had been building for over 25 years. A requirement for the new NPDES permit was the completion of a sludge survey. The sooner the sludge was removed from the system, the better the treatment process. It would be quite the process to remove the sludge. He wasn't sure if the $2.3M budgeted would even cover the entire project.

  Consensus from the Council to authorize the City Manager and Public Works Department to begin the process for the project now.

- Councilor Capron stated he had been receiving calls from members of the community stating their businesses had been shut down but others were not. People didn't appear to be taking this as serious as they should. Was there going to be any reports made by the city to the state indicating who was not abiding by the shut down order.

  Mr. Brown stated reports like that should be given to the city, through the Police Department. The businesses that were required to shut down were ones that had personal touch/contact with patrons. He would ask to have those reports filed with the city.

  Councilor Capron stated most were taking it seriously, but others were treating it like a joke.

Councilor Justus stated they needed to have a procedure for reporting. It didn't matter what the way it was done, email, telephone call, etc. If it was one of the larger stores and there was not a six-foot social space, then they had to be able to contact that business and tell them it had to be complied with. They were there to protect public health, and they needed a policy and procedure to do that.

- Councilor Crume thanked staff for all their work over the past few weeks, with all the rules and regulations changing daily.

- Mayor Hill asked for an update on the Airport.

  Mr. Brown stated the fiber was going out there. The contractors were allowed to operate in an open space. The Airport was currently still able to remain open and were watching for any change indirection from the State of Oregon Airport Authority and the FAA. The fiber installer was asked for protocols for sanitation procedures for their employees before they began work.

- Gus Young, Burnt River, stated in moving forward on the ruling that the Council made regarding working together and moving forward, there was going to be some traffic problems. He needed direction on who to work with on that issue – the City Manager? If they could work together with everyone from the start, they'd avoid knocking heads.

  Shawn McKay, Burnt River, asked if they were moving to a model of mandating curbside delivery during this time, or where the stores being given the option to provide that service? OLCC rules gave the option to allow for curbside delivery when it didn't disrupt other neighboring businesses or traffic, via foot or vehicle, in any area. The city gave the option to comply or follow suit with those rules, so was the city expecting to see the implementation of that option, or was the city offering that as an additional solution?

  Councilor Justus thought if the City Manager were to distribute a synopsis of the expectations to ALL the shop owners, it would be clear and concise and without question of the expectations.

  Mr. McKay stated he was asking because this curbside delivery went against all their POS system, and all the rules and regulations they were governed by. These were major operational changes, how they organized and trained staff, how they took orders, etc., so if there was the expectation, he wanted to know that.

  Councilor Crume stated his understanding was that this was providing an additional option, not a mandatory requirement.

ADJOURN

CRUME moved, JUSTUS seconded, **THAT THE MEETING BE ADJOURNED**. Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 7/0/0.

ACCEPTED: **ATTEST**

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Riley J. Hill, Mayor Tori Barnett, MMC, City Recorder

CITY COUNCIL MEETING MINUTES
EXECUTIVE SESSION ONLY
March 31, 2020

The special meeting of the Ontario City Council was called to order by Mayor Riley Hill at 12:00 p.m. on Tuesday, March 31, 2020, in the Council Chambers of City Hall. Council members present were Riley Hill, Norm Crume, Michael Braden, Marty Justus, Dan Capron, Ramon Palomo, and Freddy Rodriguez.

Members of staff present were Adam Brown, Tori Barnett, and Peter Hall. Larry Sullivan participated by phone.

Mayor Hill led everyone in the Pledge of Allegiance.

AGENDA

This Agenda was posted on March 30, 2020. Copies of the Agenda are available on the city's website www.ontariooregon.org.

CRUME moved, CAPRON seconded, **TO ADOPT THE AGENDA AS PRESENTED.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 7/0/0.

EXECUTIVE SESSION

Executive Session: ORS 192.660(2)(h)
An Executive Session was called at 12:11 p.m. under provisions of ORS 192.660(2)(h) for current or potential litigation. The Council returned to regular session at 12:51 p.m.

Council consensus to follow the rules established by the resolution and to follow the advice provided by legal counsel.

ADJOURN

CAPRON moved, CRUME seconded, **THAT THE MEETING BE ADJOURNED**. Roll call vote: Crume-yes; Rodriguez-yes; Palomo-yes; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 7/0/0.

ACCEPTED: **ATTEST**

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Riley J. Hill, Mayor Tori Barnett, MMC, City Recorder

AGENDA REPORT
CONSENT AGENDA
April 21, 2020

TO: Mayor and City Council

FROM: Kari Ott, Finance Director

THROUGH: Adam J. Brown, City Manager

SUBJECT: RESOLUTION #2020-114: ESTABLISHING POLICIES RELATED TO ENDING FUND BALANCES FOR 2019-2020

DATE: April 16, 2020

PROPOSED MOTION:

I MOVE THE CITY COUNCIL ADOPT RESOLUTION #2020-114, A RESOLUTION ESTABLISHING POLICIES RELATED TO ENDING FUND BALANCES FOR 2019-2020.

SUMMARY:

Attached is the following document:

Resolution #2020-114, A Resolution Establishing Policies Related to Ending Fund Balances of 2019-2020.

BACKGROUND:

Government Accounting Standards Board (GASB) No. 54 was adopted by the city for fiscal year ended June 30, 2020. The City Council is required to formally establish spending policies for ending fund balances annually by formal resolution.

CURRENT SITUATION:

The city needs to commit the 2019-2020 ending fund balances in the Revolving Loan Fund, Capital Project Fund, Trust Fund, and Reserve Fund for use in the 2020-2021 fiscal year. All commitments of ending fund balance are required to be approved on or before the end of the fiscal year.

ANALYSIS:

A. **STRATEGIC PLAN** No strategic plan impact.

B. **FINANCIAL** No financial impact.

C. **TIMING** The resolution is required to be approved on or before June 30, 2020.

D. **POLICY/LEGAL** An ending fund balance resolution is required per GASB No. 54.

ALTERNATIVES:

A. Take No Action-The Council could take no action on this matter; this would cause a finding in the audit.

RECOMMENDATION:

Staff recommends the City Council approve Resolution #2020-114.

ATTACHMENTS:

1. Reso #2020-114 GASB 54

RESOLUTION 2020-114

A RESOLUTION ESTABLISHING POLICIES RELATED TO ENDING FUND BALANCES FOR 2019-2020

WHEREAS, The City of Ontario promotes accounting practices in compliance with the Governmental Accounting Standards Board (GASB); and

WHEREAS, The City Council desires to establish fund balance policies to comply with GASB Pronouncement No. 54; and

NOW THEREFORE, BE IT HEREBY RESOLVED by the Ontario City Council to approve the following policies as it relates to ending fund balances for 2019-2020 pursuant to GASB 54:

Authority
The Ontario City Council reserves the authority to establish and modify commitments of ending fund balance.

Commitments
In compliance with GASB 54, the Ontario City Council hereby makes the following commitments of 2019-2020 ending fund balance for specific uses in 2020-2021:

Special Revenue Funds

1. The unrestricted ending fund balance of the Trust Fund is committed to use for activities related to the specific department priorities as established by those who provided the monies held in trust.

2. The ending fund balance of the Revolving Loan Fund is committed to use for activities related to the specific activities defined by Council Resolution governing the revolving loan fund program and the grant program established through the collection of interest payments on outstanding loans.

3. The unrestricted ending fund balance of the Reserve Fund is committed to use for specific projects and equipment replacement related to the specific department priorities as established by those who provided the monies.

Capital Project Funds

1 The unrestricted ending fund balance of the Capital Projects Fund is committed to use for capital project activities as defined by each individual department, including fees collected that are required to be spent on defined activities.

Assignments
Authority to classify portions of ending fund balance as Assigned is hereby granted to the Ontario City Council, or their designee.

Spending as it Relates to Ending Fund Balance Policy
The Ontario City Council considers the spending of the restricted classification of fund balance in the following order:

1. Restricted Uses
2. Committed Uses
3. Unrestricted Uses

EFFECTIVE DATE: Effective immediately upon passage.

PASSED AND ADOPTED by the City Council of the City of Ontario this 21st day of April, 2020, by the following vote:

AYES:

NAYES:

ABSENT:

APPROVED by the Mayor this 21st day of April, 2020.

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Riley J. Hill, Mayor

ATTEST:

____
Tori Barnett, MMC, City Recorder

AGENDA REPORT
CONSENT AGENDA
April 21, 2020

TO: Mayor and City Council

FROM: Adam J. Brown, City Manager

THROUGH: Adam J. Brown, City Manager

SUBJECT: AMERESCO INVESTMENT GRADE AUDIT

DATE: April 13, 2020

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE THE AGREEMENT WITH AMERESCO FOR AN INVESTMENT GRADE AUDIT FOR THE PURPOSE OF CREATING A SELF FINANCING ENERGY EFFICIENCY PROJECT FOR THE COST OF $35,000, WHICH WILL BE WRAPPED INTO THE FINANCING COST OF THE ENERGY SAVINGS PROJECT SHOULD THE CITY MOVE FORWARD WITH A ENERGY SAVINGS PERFORMANCE CONTRACT.

SUMMARY:

Through a competitive selection process, Ameresco was selected for a professional services Energy Savings Performance Contract (ESPC). An ESPC allows the City to make a collection of energy savings projects all up front and then finance the costs over a period of return directly from the savings. The savings are guaranteed by the Energy Savings Company (ESCO).

BACKGROUND:

The city has worked with Ameresco, following a competitive selection process, to explore possibilities for energy savings through an energy savings performance contract (ESPC). An ESPC is a way to finance energy savings projects through direct savings without having to come up with capital up front.

Ameresco has invested considerable time with city staff at our city facilities to see if they feel confident there is a project that will self-finance. By the time an Energy Savings Company (ESCO) gets to an investment grade audit they are confident there is a project that can self finance improvements for the city.

CURRENT SITUATION:

Ameresco is confident that there is a self-funding project. The project would be funded by energy savings and incentive programs, which the ESCO would pursue on behalf of the city.

The targeted rate of return is at a maximum of 12 years. There will be benchmarks to hit in energy savings that are guaranteed by Ameresco. If energy costs for the facilities do not meet those benchmarks, Ameresco will refund the difference to the city.

Ameresco has proposed an Investment grade audit fee of $35,340. If we go forward with a project, the audit fee is rolled up into the financing and there is no out-of-pocket costs to the city. If Ameresco is not able to develop a project that meet the cost effectiveness criteria, the audit fee will be waived.

ANALYSIS:

A. **STRATEGIC PLAN** No strategic plan impact.

B. **FINANCIAL** An energy savings performance contract allows the city to make energy improvements all at once to save long-term costs. There are only three outcomes from the energy grade audit. First, a project is developed and the city moves forward with the energy improvements which will be managed by Ameresco using as many local contractors as possible. Second, if Ameresco is not able to come up with a project that is self-financing, the audit fee is waived. Third, if the ESCO comes up with a project and the city decides not to follow through with it, then, the city will pay just for the audit which is $35,340.

C. **TIMING** The investment grade energy audit will be completed within 120 days.

D. **POLICY/LEGAL** The audit fee proposal represents an agreement between the city and Ameresco for professional services.

ALTERNATIVES:

Take No Action: The city can stop at this point without incurring any costs. No energy savings projects will move forward.

RECOMMENDATION:

Staff recommends approval of the Energy Audit Fee Proposal.

ATTACHMENTS:

1. City of Ontario Audit Fee Proposal 2020_04_02

1810 E Schneidmiller Ave
Suite 321
Post Falls, ID 83854
ameresco.com

April 2, 2020

Adam Brown
City Manager
City of Ontario
444 SW 4th Street
Ontario, OR 97914

SUBJECT: Energy Audit Fee Proposal
City of Ontario

Dear Adam:

We are pleased to submit this proposal for the audit phase of Energy Services for the City of Ontario in Ontario, Oregon. The facilities which have been identified by the City of Ontario are:

- City Hall/City Hall Annex
- Fire Station
- Public Works
- Parks
- WWTP
- WTP
- Lift Stations
- Decorative Streetlighting
- Roadway Lighting (streetlights)
- Misc. Facilities for Lighting and/or Irrigation

Ameresco will provide engineering services for the subject project in accordance with the following:

Engineering Services

A. Audit Phase Services will include:

Ameresco will undertake an Energy Audit of these Facilities. The Energy Audit will identify cost effective Energy Conservation Measures (ECMs). Ameresco will present to the Owner a written Energy Services Proposal, including the Energy Audit Documentation. The Energy Services Proposal will set forth at least the following:

1. A description of the Facility and a description of those buildings and systems which will receive ESCO Equipment and ESCO Services;
2. The Cost Effective ECMs to be installed or caused to be installed by the ESCO and a description of the ECMs analyzed but disqualified under the cost effectiveness criteria.
3. The services that the ESCO will perform on or in the Facility, including but not limited to engineering, construction management, the operations and maintenance procedures for use on ESCO Equipment, training for Facility personnel, providing warranty service, and equipment maintenance;
4. The Maximum Allowable Project Cost, itemized in detail;
5. Recommendations for replacement of Existing Equipment, along with recommendations for improvements to Existing Equipment and Operating Conditions;
6. The standards of comfort and service appropriate for the Facility;

7. The Baseline Energy Consumption for the Facility, computed from monitoring building systems for two to four weeks and annualizing with NOAA or NREL weather data and including the data, methodology and variables used to compute the Baseline, and the Baseline calendar period which will not be less than twelve (12) months;
8. The estimated Energy Savings and Energy Cost Savings that are expected to result from the installation of the ESCO Equipment and from the ESCO Service and an explanation of the method used to make the estimate;
9. The method by which Energy Savings and Energy Cost Savings will be calculated during the term of the Energy Services Agreement;
10. A description of how the ESCO will finance its acquisition of the ESCO Equipment and when title to the ESCO Equipment will pass to the Owner;
11. A description of how the Energy Cost Savings will be guaranteed by the ESCO;
12. A description of how the ESCO proposes to be compensated;
13. The term of the Energy Services Agreement;
14. The schedule for project completion.
15. Preliminary measurement & verification (M&V) plan: The ESCO will provide on-going measurement and verification to help ensure the guaranteed savings are achieved throughout the first year of the agreement. Post installation Measurement and Verification (M&V) will be performed based on the International Performance Measurement and Verification Protocol (IPMVP), and on Section IX – Method of Calculating Energy Savings and Energy Cost Savings. The ESCO will attend one annual meeting to review the Measurement & Verification results and reconcile energy savings.

Conservation measures will include items that save energy, water, or other resources (including various cost savings measures). The Energy Audit will provide detailed documentation of fieldwork for the audit, calculation input and output in support of the recommendations made in the Energy Services Proposal, economic and engineering assumptions, sketches, floor plans, and any other information developed in the course of the Audit.

<u>Cost Effectiveness Criteria</u>

It is understood that the cost effectiveness criteria for this project is as follows:

1. Future post-project cash flow, including utility bill savings, maintenance savings, and financing costs will be neutral or positive with respect to pre-project cash flow, assuming a finance term of no more than 15 years and an annual energy cost escalation of 1.5 percent.
2. The selected Energy Conservation Measures (ECMs) will be evaluated as a bundle in determining whether or not they meet the cost-effectiveness criteria.
   (Note: it is understood that the WWTP may require significant modification at the end of the 15-year NPDES permit term, therefore 12 years is the preferred cost effectiveness for ECMs at this site.)
3. The total cost of implementing the ECMs will include the cost of the investment grade audit, design, labor and materials, construction management, ESCO fees, bonding, permits, taxes, and other costs that may be agreed to.
4. All utility rebates, DOE and State grants, or other rebates and grants associated with the proposed bundle of ECMs will be deducted from the cost of implementing them before determining their cost-effectiveness.
5. Capital contributions associated with the selected bundle of ECMs will be deducted from the cost of implementing them before determining their cost-effectiveness.

6. No more than 90% of the energy cost savings and 100% of the maintenance cost savings (purchased parts and service contracts, but not internal labor costs) will be used for the purpose of determining cost-effectiveness.
7. The finance period for the proposed bundle of ECMs may not exceed their average useful life.

- If Ameresco is NOT able to develop a project that meets the above cost effectiveness criteria, the associated audit fee will be waived.

- If Ameresco develops a project that meets the cost effectiveness criteria, the City of Ontario is responsible for the full amount of the audit; the audit fee can either be rolled into the construction contract or be paid in full by the City of Ontario.

Fee for Engineering Services:

A. Basis and amount:

Fixed Fee for Services: $35,340.00

Thirty-five thousand three hundred forty dollars

It is understood by Ameresco that payment and terms are contingent upon the requirements set forth in the Energy Services Proposal.

Schedule for Engineering Services:

The Energy Audit will be complete within 120 days of Notice to Proceed.

We at Ameresco appreciate the opportunity to provide these services. If this proposal for Audit Services is satisfactory, please forward contract documents.

Sincerely,
Ameresco, Inc.

Grant Thorsland
Regional Manager – Northwest

Attachments: - List of Conservation Measures
- Fee Proposal

List of Conservation Measures

City-wide		
	Water Conservation Measures	Rank
ONT-W1	Plumbing fixture retrofit for ALL city buildings. Although the City does not bill itself for water/sewer, this measure would reduce wear & tear on WTP and WWTP facilities/systems and reduce water consumption to provide more system capacity for growth of customer base. a. Install water conservation devices (aerators on sinks, flush valves on urinals and toilets, or new fixtures) to reduce water consumption and save energy for water heating.	3
ONT-W2	Irrigation management system: Replace existing stand-alone irrigation controllers with network accessible (web enabled) irrigation controllers which can be accessed from a central location and/or from any computer on the City's wide area network (WAN). a. Add master meters with valve for automated shut-off at irrigation main feeds. b. Add rain sensors to disable irrigating during rainy conditions. c. Add "Irrigation Weather Control" to interlock the irrigation control system with a weather station to eliminate unnecessary watering.	3
	Lighting Conservation Measures	Rank
ONT-L1	Interior LED lighting retrofit in ALL city buildings. Some LED conversions have been done on a limited basis, there are many remaining T-8 and even T-12 fixtures. Upgrading the lighting will greatly increase the comfort of the spaces and provide added SAFETY where lighting is minimal and city staff is working on equipment. a. Lighting Retrofit (interior): This measure will retrofit or replace interior fluorescent, incandescent and HID lighting utilizing LED technology. b. Interior Lighting Controls: install occupancy or vacancy sensors to shut off lights when spaces are unoccupied.	1
ONT-L2	Exterior lighting at all city buildings/properties. a. Lighting Retrofit (exterior and parking): This measure will retrofit or replace exterior and parking lighting utilizing LED technologies.	1
ONT-L3	LED street lighting retrofits. a. Replace decorative luminaires in the downtown corridor b. City-owned roadway luminaires c. Utility-owned roadway luminaires (working with Idaho power to develop a program to allow retrofits of utility owned lights.)	1

<u>PAYBACK RANK NOTES</u>:
1) Measures that are likely to pay for themselves through energy savings and utility incentives.
2) Measures that may pay for themselves, or may require some capital infusion
3) Measures that will require significant (>50%) capital infusion

WWTP - Wastewater Treatment Plant		
	Mechanical Conservation Measures	Rank
	Lagoon #1	
WWTP-M1	Mechanically aerated basin: Improve aeration efficiency by replacing the 16 existing Aero2 units (each is 30 hp plus 5 hp blower) with equipment that is more efficient at transferring oxygen from the air into the wastewater. - Example: Provide variable speed, "hybrid" blowers and submerged fine bubble diffusers that can be removed from the surface (e.g., MARS or similar technology) a. No submerged piping, just air lines down to each diffuser. b. No electrical power cables in basin (unlike existing Aero2 units)	2
WWTP-M2	Mechanically aerated basin: DO control (Automate aeration operation and improve control of DO in basin) 1. Provide DO probes and use DO to control how much aeration. - Example: If going with blowers and diffused air, have bank of blowers controlled automatically, seeking to hold a DO setpoint	1
WWTP-M3	Mechanically aerated basin: Improve mixing, keeping solids in suspension. 1. Provide supplemental mixing to keep solids in suspension (and/or re-suspend settled solids) so that the solids will exit basin in its effluent. - Examples: a. If going with blowers and diffused air, periodically increase air to diffuser system for complete mixing, resuspending most settled solids. b. Provide floating mixer units, perhaps with draft tubes, that are optimized for mixing c. Evaluate “Solar-Bee” or "Grid Bee" powered floating mixers d. Evaluate electric powered floating/sub-surface mixing aerators for lagoons, similar to Titus or other products (Titus looking for a demonstrator project for this new product)	1
	Lagoons #2 - 5	
WWTP-M4	Other Lagoons: Reduce stratification and improve naturally occurring aeration at water surface. 1. Improve bulk fluid movement throughout lagoon. - Example: Remove 13 +/- Aero2 units (15 hp each, no blowers), replacing them with one or two circulators (e.g., GridBee or similar technology) per lagoon.	1

PAYBACK RANK NOTES:

1) Measures that are likely to pay for themselves through energy savings and utility incentives.
2) Measures that may pay for themselves, or may require some capital infusion
3) Measures that will require significant (>50%) capital infusion

WWTP - Wastewater Treatment Plant		
Mechanical Conservation Measures		Rank
Collection System - Sewage Lift Stations		
WWCS-M1	Each pump station: Improve pumping efficiency and reduce wet well maintenance. 3 of the 9 lift station use Paco pump; these pumps have issues with the seals Failing 1. Provide adjustable speed pumps and “smart” pump controls that automatically: a. Reverse impellors to de-rag b. Periodically pulls wet well all the way down to remove scum cap, including fats, oils & grease c. Normally pumps at a lower rate to reduce friction head loss d. Periodically pumps at very high rates to keep deposition in pipe low e. Evaluate ABS pumps (preferred by Public Works), Flygt pumps or similar technology (3 stations utilize Paco pumps which experience frequent seal failures). f. Implement “Smart Pumps” technology (example would be Sulzer intelligent pump controller)	2
WWCS-M2	The NW 8th Avenue station comprises roughly 70% of the WWTP flow and would be an ideal location for pumping efficiency. There are (4) pumps at 2200 GPM each, and they cycle on/off on level control. - Evaluate flow pacing and other "smart pumping" control schemes.	1
WWCS-M3	West Idaho Street station pump voltage issue: The installed ABS pumps are single phase motors whereas all other lift station sites utilize 480V 3-phase. These single phase ABS pumps are problematic as they experience "trip-outs" and clogging problems. Public Works would prefer 3-phase pumps by ABS.	2
WWCS-M4	Improve Operation of lift stations with pre-treatment equipment: 1. Add pre-treatment at the (9) sewage lift stations for FOG and scum abatement, de-ragging, etc. - Example technology would be Titus Twister mixing aerator and ozone system or similar product.	3
General Conservation Measures		Rank
WWTP-G1	Investigate nitrogen removal technology to allow discharge to "lowland pivots" near lagoons in summer months (in-lieu of Skyline pumping) 1. A common solution for nutrient removal in Lagoons is "Submerged Fixed Film" (SFF) integrated media. Examples would be SFF products by Entex "Webitat" and FBC "BioBloc". a. Potentially switch back to local pivots for land application during summer months. b. Estimated $35K-45K per year in Skyline pumping costs c. Need a determination from DEQ on issue with lowland irrigation	2

WTP - Water Treatment Plant		
Mechanical Conservation Measures		Rank
WTP-M1	Pumping efficiency – Evaluate “Smart Pump” technology and premium efficiency motors, permanent magnet motors. a. Install VFDs for soft-start feature and flow control of pumps to flow-pace and/or reduce electrical demand charges.	1
WTP-M2	Replace air-over-hydraulic actuators on distribution pumping system (2 intake valves and 2 effluent valves).	1

PAYBACK RANK NOTES:
1) Measures that are likely to pay for themselves through energy savings and utility incentives.
2) Measures that may pay for themselves, or may require some capital infusion
3) Measures that will require significant (>50%) capital infusion

Fee Calculation

Hourly Summary:

TASK	Project Manager	Construction Manager	Project Engineer	Field Audit Technician / TAB / Cx	Admin. Assistant	Total Hours
Field/Audit	72	64	72			208
Analysis/Calculations	8		24			32
Evaluation of ECMs	4	4	4			12
Report Write-up	4	4	16		4	28
Customer Presentation	8					8
Travel						0
Total Hours:	96	72	116	0	4	288
Hourly Rate:	$ 130	$ 120	$ 120	$ 105	$ 75	
Estimated Fee for Services:	$ 12,480	$ 8,640	$ 13,920	$ -	$ 300	$ 35,340
					Total Audit Fee - Energy Project:	***$ 35,340***

AGENDA REPORT
NEW BUSINESS
April 21, 2020

TO: Mayor and City Council

FROM: Adam J. Brown, City Manager

THROUGH: Adam J. Brown, City Manager

SUBJECT: SUPPORT FOR VETERAN HOUSING PROJECT

DATE: April 14, 2020

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE A LETTER OF SUPPORT FOR VETERAN HOUSING IN THE CITY OF ONTARIO.

SUMMARY:

GCT Land Management has been working on the development of a veterans housing project. They are requesting grant assistance to make this project come to fruition and would like a letter of support from the city.

BACKGROUND:

GCT Land Management has worked with the City of Ontario and Seder Architecture and Urban Design to create a veterans housing development.

CURRENT SITUATION:

A grant application has been submitted for a veterans housing project. A letter of support was requested by the city for the project.

ANALYSIS:

A. **STRATEGIC PLAN** Housing is a strategic priority in the livability priority. There is a noticeably shortage in housing at all levels in the city.

B. **FINANCIAL** No financial impact.

C. **TIMING** The grant application was due on April 17, 2020.

D. **POLICY/LEGAL** The City Council can authorize the mayor to sign the letter of support.

Alternatives:

Take No Action: The grant application will be weaker without a letter of support from the city. The state likes to see support from the city.

Recommendation:

Staff recommends that the City Council authorize the mayor to sign the letter of support for GCT Land Management.

Attachments:

1. Ltr_GCT Land Mngmt_Support for veteran housing_4 14 2020
2. Vet Housing 4 2020

City of Ontario
Riley J. Hill, Mayor
444 SW 4th Street
Ontario, OR 97914
Voice (541) 889-7684
Fax (541) 889-7121

April 14, 2020

Gust Tsiatsos
GCT Land Management

Dear Mr. Tsiatsos and To Whom It May Concern,

I am writing to express the City of Ontario's support for the veteran housing application being pursued on behalf of yourself, Mr. Tsiatsos. City staff have been involved in the development of this site with yourself and we are very excited about the location, design, and population that this will serve in Ontario and Malheur County.

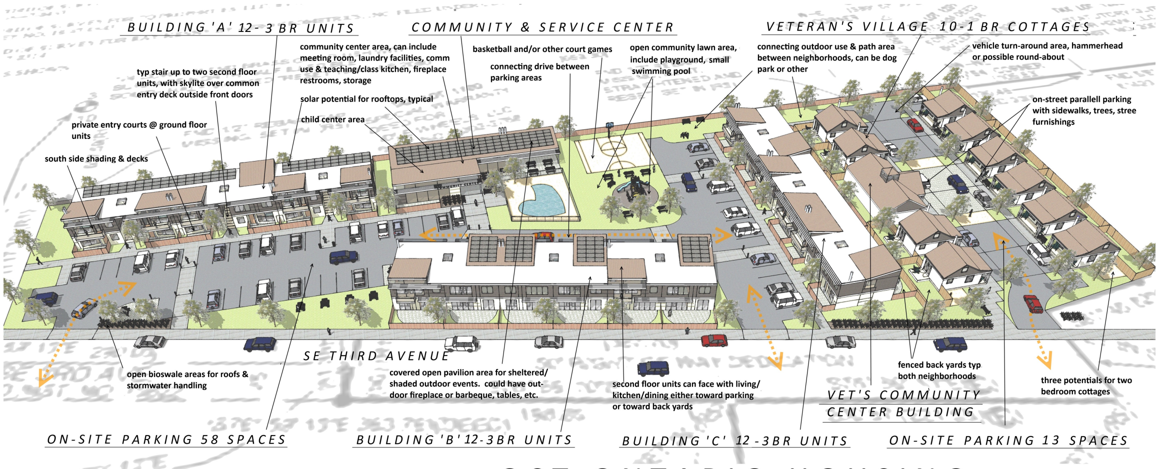
We appreciate Mr. Gust working with our Community and Economic Development Director, Mr. Dan Cummings throughout this process. This is a well thought out, collaborative, and attractive project.

Ontario has a shortage of all levels of housing from entry level, to upper end, and everything in between. We have a very low inventory of housing on the market right now, and particularly at the lower end of the market, residents have difficulty obtaining housing. We have a large number of homeless veterans in the community that this project could serve.

Building more housing falls under the City Council's strategic plan for livability. Strategy 2 under livability is to "bring more housing and affordability to Ontario". We believe this project supports the City's strategic plan and addresses a desperately needed gap in services for veterans. We hope that you will support Mr. Gust's application to make this a reality.

Sincerely,

Mayor Riley J. Hill
Mayor



PRELIMINARY/PROGRESS SITE VIEW FROM SOUTH

GCT ONTARIO HOUSING

GCT LAND MANAGEMENT INC.   SEDER ARCHITECTURE + URBAN DESIGN LLC   APRIL 8, 2020

AGENDA REPORT
NEW BUSINESS
April 21, 2020

TO: Mayor and City Council

FROM: Kari Ott, Finance Director

THROUGH: Adam J. Brown, City Manager

SUBJECT: RESOLUTION #2020-113: SUPPLEMENTAL BUDGET APPROPRIATING UNEXPECTED POLICE DONATION

DATE: April 16, 2020

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE RESOLUTION #2020-113, A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET TO RECOGNIZE AND EXPEND UNEXPECTED POLICE REVENUES.

SUMMARY:

Attached is Resolution #2020-113.

BACKGROUND:

The police department periodically gets donations from different individuals and organizations. They are randomly received and aren't budgeted in the original budget.

CURRENT SITUATION:

The police department received a $175 anonymous cash donation that was requested be used for community emergency assistance.

ANALYSIS:

A. **STRATEGIC PLAN** This strengthens the city's Lifestyle strategy. The police department will be able to help citizens who are in need.

B. **FINANCIAL** $175 will be received and expended through the police department.

C. **TIMING** The Ontario Police Department would like to utilize funding as soon as possible.

D. **POLICY/LEGAL** A resolution approved by the City Council is required to expend the funds as per ORS 294.

Alternatives:

A. Take No Action - The Council could take no action on this matter; however, this may cause the donated funds to be given back.

Recommendation:

Staff recommends the City Council approved Resolution #2020-113.

Attachments:

1. Reso #2020-113 Rec-Exp Unexpected police revenues

RESOLUTION #2020-113

A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET TO RECOGNIZE AND EXPEND UNEXPECTED POLICE REVENUES

WHEREAS, The Ontario Police Department received an anonymous $175 cash donation; and

WHEREAS, The budget for fiscal year 2019-2020 was adopted without the knowledge of such funds; and

WHEREAS, The funds will be used for community emergency assistance as requested by the donor; and

WHEREAS, The City desires to modify the 2019-2020 budget to receive and expend the funds.

NOW THEREFORE, THE CITY COUNCIL OF ONTARIO RESOLVES to approve the adjustments to the fiscal year 2019-2020 budget:

Line Item	Item Description	FY 19-20 Budget	Amount of Change	Adjusted Budget
GENERAL FUND				
001-000-469210	Misc. Police Revenue	$9,300	$175	$9,475
001-024-613502	Community Emergency Assistance	$ -	$175	$175

PASSED AND ADOPTED by the Common Council of the City of Ontario this 21st day of April, 2020, by the following vote:

AYES:
NAYS:
EXCUSED:
ABSENT:

APPROVED by the Mayor this 21st day of April, 2020.

ATTEST:

____
Riley J. Hill Mayor

____
Tori Barnett, MMC, City Recorder

AGENDA REPORT
NEW BUSINESS
April 21, 2020

TO: Mayor and City Council

FROM: Betsy Roberts, City Engineer

THROUGH: Adam J. Brown, City Manager

SUBJECT: **RESOLUTION #2020-117: AUTHORIZING CITY MANAGER TO SIGN COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION PAPERWORK**

DATE: April 15, 2020

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE RESOLUTION #2020-117, A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN ALL NECESSARY PAPERWORK AS PART OF THE 2020 SANITARY SEWER REHABILITATION PROJECT COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION.

SUMMARY:

The Community Development Block Grant (CDBG) application is due April 30th. As part of the application, an authorized representative of the City of Ontario is needed to sign off on all of the paperwork associated with the grant application. The application requires a resolution authorizing such signature be included as part of the paperwork submitted.

BACKGROUND:

The Oregon Department of Environmental Quality (DEQ) and City of Ontario executed a new National Pollutant Discharge Elimination System (NPDES) permit in May 2020. That permit requires the reduction of arsenic entering the sanitary sewer collection system. The most prevalent way that arsenic enters the collection system is through inflow and infiltration (I/I). Through Closed Circuit TV (CCTV), the City has been able to determine those segments of sanitary sewer pipe that have the highest incidence of I/I.

CURRENT SITUATION:

The City's on-call consultant, Keller Engineers, has developed a set of plans to rehabilitate approximately 11,000 linear feet of sanitary sewer pipe. At the same time, Public Works staff have been developing a Community Development Block Grant (CDBG) application to seek just over $2M in funding for the rehabilitation project. One of the steps in submitting the application is to secure approval for the attached resolution authorizing the City Manager to sign all paperwork associated with the submittal of the grant application.

ANALYSIS:

A. **STRATEGIC PLAN** This project meets the strategic goals of growth, desirability and lifestyle. By improving the aging sanitary sewer system, the system gains an extended lifespan allowing for additional community growth. Improvement to the system also supports desirability - property owners and future buyers appreciate that the City puts money into maintaining their infrastructure systems. By improving the system to that it can continue to operate efficiently, the City supports the current and growing lifestyle of its residents.

B. **FINANCIAL** There is no financial impact to the action taken today under the approval of this resolution. However, by approving the resolution, the Council allows the residents of Ontario the opportunity to gain a potential $2.5M grant from the State of Oregon.

C. **TIMING** Timing is critical. The application is due April 30th.

D. **POLICY/LEGAL** Council approval of the resolution is required.

ALTERNATIVES:

Approving the resolution allows for the quick and efficient signature of all CDBG application materials.

Not approving the resolution could slow down the application process.

RECOMMENDATION:

Staff recommends Council approve the resolution authorizing the City Manager to sign all paperwork associated with the submittal of the CDBG application.

ATTACHMENTS:

1. Reso #2020-117 Appoint CM as Certifying Officer CDBG San Sewer V2 (002)

RESOLUTION #2020-117

DESIGNATING THE CITY MANAGER AS THE CDBG PROJECT CERTIFYING OFFICER

WHEREAS, the City operates and maintains a vast sewer collection system for its citizens that varies in age and condition; and

WHEREAS, through monitoring and inspection, the City has identified portions of the collection system that are in need of replacement in order to avoid potential collapse and disruption of service; and

WHEREAS, in addition to improving the reliability of service, replacement of these old sections of sewer line will decrease inflow and infiltration into the sewer collection system; and

WHEREAS, the shallow groundwater in the project area has significant levels of arsenic and the Oregon Department of Environmental Quality is requiring the City to reduce arsenic in the sewer collection system; and

WHEREAS, the City of Ontario is seeking funding to support the removal of such I/I through a Community Development Block Grant directed towards a sanitary sewer rehabilitation improvement project; and

WHEREAS, The Community Development Block Grant Program typically provides that the City's highest elected official, which would be the Mayor, executes environmental review documents related to the Block Grant Program; and

WHEREAS, The Community Development Block Grant Program also provides for the option for a City to designate a person other than the Mayor to have the authority to execute environmental review and all other documents associated with a grant awarded under the Community Development Block Grant Program.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Ontario, Malheur County, State of Oregon, as follows:

The City Council hereby appoints Adam Brown, City Manager, as the Federal Certifying Officer for the Oregon Community Development Block Grant application associated with the 2020 Sanitary Sewer Rehabilitation Project.

EFFECTIVE DATE: Immediately upon passage.

PASSED AND ADOPTED by the Ontario City Council this 21st day of April, 2020, by the following vote:

Ayes:
Nays:
Absent:

APPROVED by the Mayor this 21st day of April, 2020.

ATTESTED:

________________________________ ________________________________

Riley J. Hill, Mayor   Tori Barnett, MMC, City Recorder

AGENDA REPORT
PUBLIC HEARING
April 21, 2020

TO: Mayor and City Council

FROM: Kari Ott, Finance Director

THROUGH: Adam J. Brown, City Manager

SUBJECT: **RESOLUTION #2020-115: DECLARE CITY'S INTENT TO RECEIVE STATE REVENUES**

DATE: April 16, 2020

PROPOSED MOTION:

I MOVE THE CITY COUNCIL ADOPT RESOLUTION #2020-115, A RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES FOR THE FISCAL YEAR 2020-2021.

SUMMARY:

Attached is the following document:

Resolution 2020-115, A Resolution Declaring the City's Election to Receive State Revenues for the Fiscal Year 2020-2021.

BACKGROUND:

The City Council is required to annually approve a formal resolution in order to elect to receive state revenues.

CURRENT SITUATION:

The City of Ontario Budget Committee held Public Hearings on March 10, 11 & 12, 2020, discussing the 2020-2021 budget which contains revenue sharing from the State of Oregon. The City Council is holding a Public Hearing on April 21, 2020, giving the citizens an opportunity to comment on the use of State Revenue Sharing, pursuant to ORS 221.770.

ANALYSIS:

A. **STRATEGIC PLAN** No direct Strategic Plan impact.

B. **FINANCIAL** The city will be able to receive State Revenues that are shared with cities throughout Oregon.

C. **TIMING** The resolution is required to be approved on or before June 30, 2020.

D. **POLICY/LEGAL** An election to receive state revenues is required per ORS 221.770.

ALTERNATIVES:

A. Take No Action - The Council could take no action on this matter; this would mean the city would not be able to receive state revenues in the 2020-2021 fiscal year.

RECOMMENDATION:

Staff recommends the City Council approve Resolution #2020-115.

ATTACHMENTS:

1. RES #2020-115_CC_Resolution State Revenue Sharing_4 2020

RESOLUTION 2020-115

A RESOLUTION DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES

WHEREAS, The City of Ontario Budget Committee held Public Hearings on March 10, 11 and 12, 2020; and

WHEREAS, The City Council held a Public Hearing on April 21, 2020, giving citizens an opportunity to comment on the use of State Revenue Sharing.

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

Pursuant to ORS 221.770, the city hereby elects to receive state revenues for fiscal year 2020-2021.

EFFECTIVE DATE: Effective immediately upon passage.

PASSED AND ADOPTED by the City Council of the City of Ontario this 21st day April, 2020, by the following vote:

AYES:

NAYES:

ABSENT:

APPROVED by the Mayor this 21st day of April, 2020.

____

Riley J. Hill, Mayor

ATTEST:

____

Tori Barnett, MMC, City Recorder

****

I certify that a Public Hearing before the Budget Committee was held on March 10, 11, and 12, 2020, and a Public Hearing before the City Council was held on April 21, 2020, giving citizens an opportunity to comment on use of State Revenue Sharing.

____

Tori Barnett, MMC, City Recorder

AGENDA REPORT
PUBLIC HEARING
April 21, 2020

TO: Mayor and City Council

FROM: Kari Ott, Finance Director

THROUGH: Adam J. Brown, City Manager

SUBJECT: **RESOLUTION #2020-116: ADOPT CITY OF ONTARIO'S ANNUAL 2020-2021 BUDGET**

DATE: April 16, 2020

PROPOSED MOTION:

I MOVE THE CITY COUNCIL ADOPT RESOLUTION #2020-116, A RESOLUTION TO ADOPT AND APPROPRIATE THE ANNUAL BUDGET FOR 2020-2021, IMPOSE THE TAXES UPON TAXABLE PROPERTY, AND CATEGORIZE THE TAXES IMPOSED FOR THE FISCAL YEAR 2020-2021.

SUMMARY:

The attached Resolution #2020-116 is a resolution to adopt and appropriate the annual budget for 2020-2021, impose the taxes upon taxable property, and categorize the taxes imposed for the fiscal year 2020-2021.

BACKGROUND:

The purpose of this agenda item is to adopt and appropriate the budget, impose taxes upon taxable property, and categorize the taxes imposed.

CURRENT SITUATION:

The City of Ontario Budget Committee held public hearings on March 10, 11 and 12, 2020, and approved the 2020-2021 annual budget. The budget presented has no changes from the Budget Committee recommendations. The required public hearing notice was published in the Argus Observer. The City Council will hold a public hearing on April 21, 2020, giving the citizens an opportunity to comment on the annual budget for 2020-2021.

ANALYSIS:

A. **STRATEGIC PLAN** The budget presented for approval was based on the priorities set within the strategic plan.

B. **FINANCIAL** The City Council will adopt and appropriate the annual budget in the amount of $33,114,229.

C. **TIMING** The budget is required to be approved on or before June 30, 2020.

D. **POLICY/LEGAL** A budget is required to be approved per ORS 294.

ALTERNATIVES:

A. Take No Action - The council could take no action on this matter, if a budget is not approved by June 30, 2020 the city would not be able to receive property taxes and spend money as of July 1, 2020.

RECOMMENDATION:

Staff recommends the City Council approve Resolution #2020-116.

ATTACHMENTS:

1. Reso #2020-116 Adopt 2020-2021 Annual Budget

RESOLUTION 2020-116

A RESOLUTION ADOPTING THE ANNUAL BUDGET FOR FISCAL YEAR 2020-2021

WHEREAS, The City of Ontario Budget Committee held advertised public hearings on March 10, 11 and 12, 20120 to review the proposed budget; and

WHEREAS, The Budget Committee approved a revised budget to review by the Ontario City Council; and

WHEREAS, The Ontario City Council having held an advertised public hearing on April 21, 2020, wishes to adopt the approved budget as recommended.

NOW THEREFORE, BE IT HEREBY RESOLVED that the Ontario City Council hereby adopts the annual budget for Fiscal Year 2020-2021 in the total of $33,114,229 now on file at Ontario City Hall.

BE IT RESOLVED that amounts for the annual budget for the fiscal year beginning July 1, 2020, and for the purposes shown below are hereby appropriated as follows:

001 - GENERAL FUND	Appropriated Budget 2020-2021
Administration	$490,020
Administrative Overhead	383,250
City Council	25,362
Non-Departmental Appropriations	80,000
Business Registrations	1,100
Cemetery	174,381
Community Development	215,051
Finance	245,849
Fire	1,626,536
Police Reserve	6,165
Code Enforcement	242,464
Parks	316,250
Police	3,895,277
Technology	173,772
Capital Outlay	246,000
Interfund Transfers	329,019
Contingencies	222,333
TOTAL REQUIREMENTS………………..	**$8,672,829**
* *Unappropriated Ending Fund Balance*	*$1,500,000*

002 – MARIJUANA ENFORCEMENT FUND	Appropriated Budget 2020-2021
Public Safety – Marijuana Enforcement	
Personnel Services	$50,000
TOTAL REQUIREMENTS………………..	**$50,000**

010 - GRANT FUNDS	Appropriated Budget 2020-2021
Police Grants	$ 2,500
Brownfield Grant	200,000
TOTAL REQUIREMENTS………………..	**$202,500**

027 – BUILDING FUND	Appropriated Budget 2020-2021
Building Program	
Personnel Services	$158,404
Materials & Services	33,186
Capital outlay	7,500
Interfund Transfers	1,922
Contingencies	184,340
TOTAL REQUIREMENTS………………..	**$385,352**

030 - CAPITAL PROJECTS FUND	Appropriated Budget 2020-2021
Special Projects	$1,000
Public Works – Utility Capitalization Fee	455,000
E. Idaho Avenue	68,704
Park Improvements	2,000
W. Idaho Ext	118,977
Fire Apparatus	200,000
Downtown Attraction	9,000
SRCI Wastewater	50,000
SRCI Water	4,500
Contingencies	2,539,930
TOTAL REQUIREMENTS………………..	**$3,449,111**

031 - SDC FUND	Appropriated Budget 2020-2021
System Development Charge Projects	$485,615
TOTAL REQUIREMENTS………………..	**$485,615**

045 - STREET FUND	Appropriated Budget 2020-2021
Street Maintenance	$2,609,042
TOTAL REQUIREMENTS………………..	**$2,609,042**

050 - TRUST FUNDS	Appropriated Budget 2020-2021
Chamber of Commerce	$183,695
OSS Mitigation	153,027
Visitors & Convention Bureau	272,682
Transfers out	10,000
TOTAL REQUIREMENTS………………..	**$619,404**
* *Unappropriated Ending Balance*	*$157,227*

055 - RESERVE FUNDS	Appropriated Budget 2020-2021
Insurance Claims	$86,069
Bike Path and Trails	$109,138
Emergency Equipment	112,992
Public Safety	187,580
Public Works	360,000
PERS Side Account	276,833
Economic Development Infrastructure	93,733
GC Sinking	900
Interfund Transfers	56,700
Contingencies	1,252,501
TOTAL REQUIREMENTS………………..	**$2,536,446**

060 - REVOLVING LOAN FUND	Appropriated Budget 2020-2021
Economic Development loans	$422,667
TOTAL REQUIREMENTS………………..	**$422,667**

105 - WATER FUND	Appropriated Budget 2020-2021
Water Treatment	
Water treatment operations	2,181,336
Capital Outlay	779,000
Debt Service	272,974
Interfund Transfers	313,752
Contingencies	1,282,236
TOTAL REQUIREMENTS………………..	**$4,829,298**

110 - SEWER FUND	Appropriated Budget 2020-2021
Wastewater Treatment	
Wastewater treatment operations	$1,935,877
Capital Outlay	2,495,000
Debt Service	248,480
Interfund Transfers	310,809
Contingencies	2,860,608
TOTAL REQUIREMENTS………………..	**$7,850,774**

115 - STORM SEWER FUND	Appropriated Budget 2020-2021
Storm Sewer	
Storm sewer operations	$91,217
Capital Outlay	175,000
Interfund Transfers	10,493
Contingencies	280,595
TOTAL REQUIREMENTS………………..	**$557,305**

120 – AIRPORT FUND	Appropriated Budget 2020-2021
Ontario Municipal Airport	
Airport operations	$189,553
Capital outlay	153,000
Transfers	1,333
TOTAL REQUIREMENTS………………..	**$343,886**

125 – AQUATIC FUND	
Aquatic Center – Splash Park Restrooms	
Capital outlay	$100,000
TOTAL REQUIREMENTS………………..	**$100,000**

Total Appropriations, All Funds	**$33,114,229**
***Total Unappropriated and Reserve Amounts, All Funds**	**$1,657,227**
TOTAL ADOPTED BUDGET	**$34,771,456**

IMPOSING THE TAX

BE IT RESOLVED THAT THE Ontario City Council hereby imposes the taxes provided for in the adopted budget at the of $4.8347 per $1,000 of assessed value for operations, and that these taxes are hereby imposed and categorized for tax year 2020-2021 upon the assessed value of all taxable property within the district.

CATEGORIZING THE TAX

BE IT FURTHER RESOLVED that the Ontario City Council categorizes the taxes as follows:

	General Government Limitation	Excluded from Limitation
General Fund	$4.8347 / $1,000	$0.00

EFFECTIVE DATE: Effective July 1, 2020.

PASSED AND ADOPTED by the City Council of the City of Ontario this 21st day of April, 2020, by the following vote:

AYES:

NAYES:

ABSENT:

APPROVED by the Mayor this 21st day of April, 2020.

____
Riley J. Hill, Mayor

ATTEST:

____
Tori Barnett, MMC, City Recorder

AGENDA REPORT
PUBLIC HEARING
April 21, 2020

TO: Planning Commission

FROM: Dan Cummings, Community Development Director

SUBJECT: ORDINANCE #2772-2020: AMENDING TITLE 10C-60-30 DESIGNATED LANDMARKS REGISTER ***(FIRST READING BY TITLE ONLY)***

DATE: April 14, 2020

PROPOSED MOTION:

1)I MOVE THAT THE CITY COUNCIL ACCEPT AND APPROVE THE FINDINGS OF FACT, AS STATED IN THIS REPORT AND THE APPROVAL AND RECOMMENDATION FROM THE PLANNING COMMISSION ON APRIL 13, 2020 TO APPROVE ORDINANCE#2772-2020.

2)I MOVE THAT THE CITY COUNCIL APPROVE ORDINANCE #2772-2020, AN ORDINANCE AMENDING TITLE 10C-60-30 DESIGNATED LANDMARKS REGISTERS ON FIRST READING BY TITLE ONLY.

SUMMARY:

On July 12, 2018, the City Council adopted Ordinance #2739-2018, an ordinance amending City Code 10C by repealing Title 10C-50 and replacing it with Title 10C-60 regarding Historical Preservation Landmarks. The city worked closely with the Oregon State Historic Preservation Office (SHPO) during the amendment process, but it was after Ordinance #2739-2018 was adopted that the city was notified by SHPO that the National Park Service (NPS) wanted changes to the code to meet their standards and requirements. Changes were again made as requested by the attorney for NPS on April 4, 2020. All changes are reflected in the attached proposed ordinance.

On April 13, 2020 at a Public Hearing the Ontario Planning Commission approved the findings of facts on Planning Action 2020-03-11ZCA and sent a recommendation to the City Council to Adopt Ordinance # 2772-2020 amending City Code 10C-60-30.

BACKGROUND:

The Planning Commission meet on the original adoption of Ordinance #2739-2018 under Planning Action 2018-04-09ZCA and sent a recommendation forward for approval of the Code 10A-60 Designated Landmarks Register.

On July 12, 2018, the City Council adopted Ordinance #2739-2018, an ordinance amending City Code 10C by repealing Title 10C-50 and replacing it with Title 10C-60 Historical Preservation Landmarks.

On April 13, 2020, at a Public Hearing, the Ontario Planning Commission approved the Findings of Facts on Planning Action 2020-03-11ZCA and sent a recommendation to the City Council to adopt Ordinance #2772-2020.

CURRENT SITUATION:

As proposed, the amendments would:

- Amend Title 10C-60-30 DESIGNATED LANDMARKS REGISTER by changing the title to LOCAL LANDMARK REGISTER and amending sections of the 10C-60-30 to meet SHPO and NPS requirements as follows:

The text of the specific amendments are as follows:

Section 1. Section 10C-60-30 is hereby amended by adding that portion that are underlined and removing that portion that are struck out:

10C-60-30 - ~~DESIGNATED~~ LOCAL LANDMARK~~S~~ REGISTER. <u>The Commission may recommend to the Planning Commission that a historic resource be designated to the Local Landmark Register as a means of providing recognition of its significance and providing incentives and guidelines for their preservation. The Local Landmark Register is maintained by the Historic Preservation Officer and shall be available to the public</u>

A. Inventory and Evaluation.

1. The Commission shall determine and periodically revise priorities for the identification and evaluation of historic resources.

2. Before commencing inventory studies or updates, the Commission shall provide public notice describing the inventory, its purposes, and invite public participation.

3. Unless the Commission finds "extraordinary historic importance," only properties over 50 years of age shall be considered for inclusion in the inventory of historic resources.

4. The Commission shall develop or adopt a system, based on historic integrity and significance, for evaluating historic resources. The system shall rank surveyed historic resources as Eligible/Significant (ES), Eligible/Contributing (EC), Non-Contributing (NC), or Not in Period (NP). Evaluation and documentation of properties in the Historic Resource Survey shall meet the requirements of the document "Guidelines for Historic Resource Surveys in Oregon, 2010" or most recent guidance for such efforts published by the State Historical Preservation Office (SHPO) and be supplied to the agency within six months of the completion of the study.

~~5. The Designated Landmarks Register shall be maintained as public record with the exception of archaeological sites, which is prohibited by state law~~.

~~6~~<u>5</u>. The ~~Designated~~ <u>Local</u> Landmark~~s~~ Register shall be established and updated by resolution.

B. Criteria for Designation.

~~1.~~ Any building, structure, object, or site may be <u>eligible for designation</u> ~~designated~~ to the ~~Designated~~ Local Landmark~~s~~ Register if it meets all the criteria below:

a. The property is located within the boundaries of the City of Ontario.

b. The property is over 50 years of age or of extraordinary historic importance.

c. The property possesses sufficient historic integrity, in that there are no major alterations or additions that have obscured or destroyed the historic features.

d. The property has historic significance as demonstrated by meeting at least one of the following criteria:

i. Association with events that have made a significant contribution to the broad patterns of our history;

ii. Association with the lives or persons significant in our past;

iii. Embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; and/or

iv. Have yielded, or may be likely to yield, information important in prehistory or history.

~~2. Properties listed on the National Register of Historic Places are eligible for automatic listing on the Designated Landmarks Register.~~

C. Nomination Procedure.

1. Any person, group, or government agency may nominate a property for listing in the D~~esignated~~ Local Landmark~~s~~ Register. The Historic Preservation Officer shall establish standards for a complete application.

2. The burden of proof lies with the applicant.

3. No property shall be so designated without the written consent of the owner, or, in the case of multiple ownership, all of the owners.

4. The City of Ontario may not object to the listing of a historic resource in City ownership.

5. Upon acceptance of a complete application the Historic Preservation Officer shall schedule a public hearing pursuant to the applicable state laws and provisions of the City of Ontario

Developmental Code.

6. The Commission shall review the application and approve, deny, or table the application pending further testimony, or to allow for the petitioner to provide additional information as requested by the Commission. The Commission shall develop written findings to support its decisions.

7. Applications approved by the Commission shall be added to the Designated Landmarks Register with all accompanying documentation.

D. Results of listing in the ~~Designated~~ Local Landmark~~s~~ Register.

1. All existing uses and restrictions established shall remain in effect unless changed through due process.

2. Landmarks are protected under the provisions of 10C-60-35.

3. City staff shall consider granting zoning variances and/or conditional use permits in order to encourage the productive use and preservation of landmarks.

4. The local Building Official shall consider waiving certain code requirements in accordance with existing state building code.

5. Property owners of landmarks may seek technical or financial assistance from the Commission in applying for grants or tax incentives for rehabilitating their properties as resources or funds are available.

6. Property owners of landmarks are eligible to receive City funded grants and loans to assist with the preservation of their buildings as resources and funds are available.

PREVIOUS PLANNING COMMISSION ACTION

The Planning Commission meet on the original adoption of Ordinance 2739-2018 but has had no action on the proposed current action 2020-03-11ZCA.

FINDINGS OF FACT

1. The City of Ontario substantive zoning regulations and administrative requirements are contained Titles 10A, 10B and 10C of the Ontario City Code.
2. Amendments to Title 10C has been initiated by the City Council in accordance with Section 10B-15, Ontario City Code.
3. Amendment actions are first referred to the Ontario Planning Commission for a public hearing and recommendation to the City Council.
4. The appropriate legal notice has been provided for this hearing.
5. The code amendments are required to fulfill the intent and requirements of the

Ontario Planning Commission and City Council for the Historical Preservation of Landmarks as well as the creation of the Certified Local Government to allow for receiving State Historical grants and National Park Services grants.

ANALYSIS:

A. **STRATEGIC PLAN** This action is in step with the City Council Strategic Plan by maintaining the City Code to insure the Desirability and Lifestyle of the citizens, as well as the Beautification of the community.

B. **FINANCIAL** There is no direct cost to the city at this time, but will allow for the city and the citizens of Ontario to receive grants that may not otherwise be available to the community.

C. **TIMING** The community is in the process of applying for certain grants and these codes are necessary prior to grants being awarded.

D. **POLICY/LEGAL** This action is governed by Title 10 Chapter 10B-01-05 (1) Legislative Actions for Title Changes.

ALTERNATIVES:

The City Council could choose not to approval the changes which could result in no historical buildings being approved for State or Federal Historical funding.

RECOMMENDATION:

Staff recommends that the City Council approve the Finding of Facts and recommendation by the Ontario Planning Commission and recommends the City Council approve Ordinance #2772-2020.

ATTACHMENTS:

1. Exhibit 1 Proposed Amendments_2020-03-11ZCA
2. ORDINANCE 2772-2020_Amending Portions of Title 10C-60-30

Exhibit 1
Proposed Zoning Amendments

Section 1. Section 10C-60-30 is hereby amended by adding that portion that is underlined:

10C-60-30 - ~~DESIGNATED~~ LOCAL LANDMARK~~S~~ REGISTER. The Commission may recommend to the Planning Commission that a historic resource be designated to the Local Landmark Register as a means of providing recognition of its significance and providing incentives and guidelines for their preservation. The Local Landmark Register is maintained by the Historic Preservation Officer and shall be available to the public

A. Inventory and Evaluation.

1. The Commission shall determine and periodically revise priorities for the identification and evaluation of historic resources.
2. Before commencing inventory studies or updates, the Commission shall provide public notice describing the inventory, its purposes, and invite public participation.
3. Unless the Commission finds "extraordinary historic importance," only properties over 50 years of age shall be considered for inclusion in the inventory of historic resources.
4. The Commission shall develop or adopt a system, based on historic integrity and significance, for evaluating historic resources. The system shall rank surveyed historic resources as Eligible/Significant (ES), Eligible/Contributing (EC), Non-Contributing (NC), or Not in Period (NP). Evaluation and documentation of properties in the Historic Resource Survey shall meet the requirements of the document "Guidelines for Historic Resource Surveys in Oregon, 2010" or most recent guidance for such efforts published by the State Historical Preservation Office (SHPO) and be supplied to the agency within six months of the completion of the study.

~~5. The Designated Landmarks Register shall be maintained as public record with the exception of archaeological sites, which is prohibited by state law.~~

~~6~~5. The ~~Designated~~ Local Landmark~~s~~ Register shall be established and updated by resolution.

B. Criteria for Designation.

~~1.~~ Any building, structure, object, or site may be eligible for designation ~~designated~~ to the ~~Designated~~ Local Landmark~~s~~ Register if it meets all the criteria below:

a. The property is located within the boundaries of the City of Ontario.
b. The property is over 50 years of age or of extraordinary historic importance.
c. The property possesses sufficient historic integrity, in that there are no major alterations or additions that have obscured or destroyed the historic features.
d. The property has historic significance as demonstrated by meeting at least one of the following criteria:
   i. Association with events that have made a significant contribution to the broad patterns of our history;
   ii. Association with the lives or persons significant in our past;
   iii. Embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; and/or

iv. Have yielded, or may be likely to yield, information important in prehistory or history.

~~2. Properties listed on the National Register of Historic Places are eligible for automatic listing on the Designated Landmarks Register~~.

C. Nomination Procedure.

1. Any person, group, or government agency may nominate a property for listing in the D~~esignated~~ Local Landmarks Register. The Historic Preservation Officer shall establish standards for a complete application.

2. The burden of proof lies with the applicant.

3. No property shall be so designated without the written consent of the owner, or, in the case of multiple ownership, all of the owners.

4. The City of Ontario may not object to the listing of a historic resource in City ownership.

5. Upon acceptance of a complete application the Historic Preservation Officer shall schedule a public hearing pursuant to the applicable state laws and provisions of the City of Ontario Developmental Code.

6. The Commission shall review the application and approve, deny, or table the application pending further testimony, or to allow for the petitioner to provide additional information as requested by the Commission. The Commission shall develop written findings to support its decisions.

7. Applications approved by the Commission shall be added to the Designated Landmarks Register with all accompanying documentation.

D. Results of listing in the ~~Designated~~ Local Landmark Register.

1. All existing uses and restrictions established shall remain in effect unless changed through due process.

2. Landmarks are protected under the provisions of [Section] 10C-60-35.

3. City staff shall consider granting zoning variances and/or conditional use permits in order to encourage the productive use and preservation of landmarks.

4. The local Building Official shall consider waiving certain code requirements in accordance with existing state building code.

5. Property owners of landmarks may seek technical or financial assistance from the Commission in applying for grants or tax incentives for rehabilitating their properties as resources or funds are available.

6. Property owners of landmarks are eligible to receive City funded grants and loans to assist with the preservation of their buildings as resources and funds are available.

ORDINANCE NO. 2772-2020

AN ORDINANCE AMENDING TITLE 10C-60-30 DESIGNATED LANDMARKS REGISTER

WHEREAS, The City Council on July 12, 2018 adopted Ordinance #2739-2018, an Ordinance amending City Code 10C by repealing 10C-50 and adopting 10C-60; and

WHEREAS, It was later found that sections of the Code did not meet the requirements of the National Park Service regulations; and

WHEREAS, The amendments are required before the NPS will allow Park Service Grants; and

WHEREAS, City staff has made the required amendments as noted herein.

NOW THEREFORE, The Common Council of the City of Ontario Ordains as Follows**:**

Section 1. Section 10C-60-30 is hereby amended by adding those portions that are underlined and removing those portions that are stuck out:

10C-60-30 - ~~DESIGNATED~~ LOCAL LANDMARK~~S~~ REGISTER. The Commission may recommend to the Planning Commission that a historic resource be designated to the Local Landmark Register as a means of providing recognition of its significance and providing incentives and guidelines for their preservation. The Local Landmark Register is maintained by the Historic Preservation Officer and shall be available to the public.

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2. Before commencing inventory studies or updates, the Commission shall provide public notice describing the inventory, its purposes, and invite public participation.
3. Unless the Commission finds "extraordinary historic importance," only properties over 50 years of age shall be considered for inclusion in the inventory of historic resources.
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~~5. The Designated Landmarks Register shall be maintained as public record with the exception of archaeological sites, which is prohibited by state law.~~

~~6~~5. The ~~Designated~~ Local Landmark~~s~~ Register shall be established and updated by resolution.

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d. The property has historic significance as demonstrated by meeting at least one of the following criteria:

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ii. Association with the lives or persons significant in our past;

iii. Embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; and/or

iv. Have yielded, or may be likely to yield, information important in prehistory or history.

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C. Nomination Procedure.

1. Any person, group, or government agency may nominate a property for listing in the D~~esignated~~ Local Landmark~~s~~ Register. The Historic Preservation Officer shall establish standards for a complete application.

2. The burden of proof lies with the applicant.

3. No property shall be so designated without the written consent of the owner, or, in the case of multiple ownership, all of the owners.

4. The City of Ontario may not object to the listing of a historic resource in City ownership.

5. Upon acceptance of a complete application the Historic Preservation Officer shall schedule a public hearing pursuant to the applicable state laws and provisions of the City of Ontario Developmental Code.

6. The Commission shall review the application and approve, deny, or table the application pending further testimony, or to allow for the petitioner to provide additional information as requested by the Commission. The Commission shall develop written findings to support its decisions.

7. Applications approved by the Commission shall be added to the Designated Landmarks Register with all accompanying documentation.

D. Results of listing in the ~~Designated~~ Local Landmark~~s~~ Register.

1. All existing uses and restrictions established shall remain in effect unless changed through due process.

2. Landmarks are protected under the provisions of [Section] 10C-60-35.

3. City staff shall consider granting zoning variances and/or conditional use permits in order to encourage the productive use and preservation of landmarks.

4. The local Building Official shall consider waiving certain code requirements in accordance with existing state building code.

5. Property owners of landmarks may seek technical or financial assistance from the Commission in applying for grants or tax incentives for rehabilitating their properties as resources or funds are available.

6. Property owners of landmarks are eligible to receive City funded grants and loans to assist with the preservation of their buildings as resources and funds are available.

Section 2. Severability. The sections, subsections, paragraphs, and clauses of this Ordinance are severable. The invalidity of one section, subsection, paragraph, or clause does not affect the validity of the remaining sections, subsections, paragraphs, and clauses.

PASSED AND ADOPTED by the Common Council of the City of Ontario this 21st day of April 2020, by the following vote:

AYES:

NAYS:

ABSENT:

APPROVED by the Mayor this 21st day of April, 2020.

____
Riley J. Hill, Mayor

ATTEST:

____
Tori Barnett, MMC, City Recorder

AGENDA REPORT
PUBLIC HEARING
April 21, 2020

TO: Mayor and City Council

FROM: Dan Cummings, Community Development Director

THROUGH: Adam J. Brown, City Manager

SUBJECT: **ACCEPT RIGHT OF WAY ALONG NW 12TH STREET AND NW 8TH AVENUE AS PER THE APPROVED PARTITION UNDER PLANNING ACTION 2020-03-10 PTN**

DATE: April 16, 2020

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE THE DEDICATION OF THE RIGHT OF WAY FOR A PORTION OF NW 12TH STREET AND NW 8TH AVENUE AS SHOWN ON THE PARTITION PLAT OF KENNETH AND NOREEN POOLE, SAID PARTITION BEING APPROVED BY AN ADMINISTRATIVE ACTION ON MARCH 25, 2020, UNDER PLANNING FILE 2020-03-10PTN AND AUTHORIZE THE MAYOR TO EXECUTE HIS SIGNATURE ON THE FINAL PLAT ACCEPTING THE DEDICATED RIGHT OF WAY.

SUMMARY:

This action is to have the City Council, who is the governing body for the City of Ontario, accept the right of way of a portion of NW 12th Street and NW 8th Avenue as shown on the Plat attached as an exhibit to this report.

BACKGROUND:

The subject property is 5.62 acres and currently has one single family dwelling on it with accessory buildings. The remaining property is undeveloped.

On March 25, 2020, the Community Development Director administratively approved the partition of the parcel to create two parcels. One parcel will contain the existing single family dwelling, and requiring the dedication of public right of way for portions of NW 12th Street and NW 8th Avenue. At this time no redevelopment of the vacant parcel is planned other then to use it for gardening purposes.

CURRENT SITUATION:

The partition is ready to be finalized and the public right of way accepted by the City Council.

ANALYSIS:

A. **STRATEGIC PLAN** This partition leads the way for future development in the area with the dedication of right of way to meet the Growth and Desirability portions of the City Councils Strategic Plan.

B. **FINANCIAL** At this time there are no financial implications associated with this action as no new road sections are needed or are being required to be constructed.

C. **TIMING** This action needs to be completed and the right of way accepted so that the developer may move forward with the sale of the remaining parcel in a timely manner.

D. **POLICY/LEGAL** The City Council, under 10 B-55-45 for a land division involving the creation of streets, shall by action of the City Council at a public hearing, approve the final plat by motion accepting the public right of way, and the Mayor and Planning Official shall sign the plat.

ALTERNATIVES:

Alternative could be to not accept the right of way.

The Council could, by motion, not accept the right of way offered for dedication and instruct the applicant to remove the portions of streets offered for dedication from the final plat and resubmit the plat for approval by the Planning Official for recording without the dedication of additional right of way.

RECOMMENDATION:

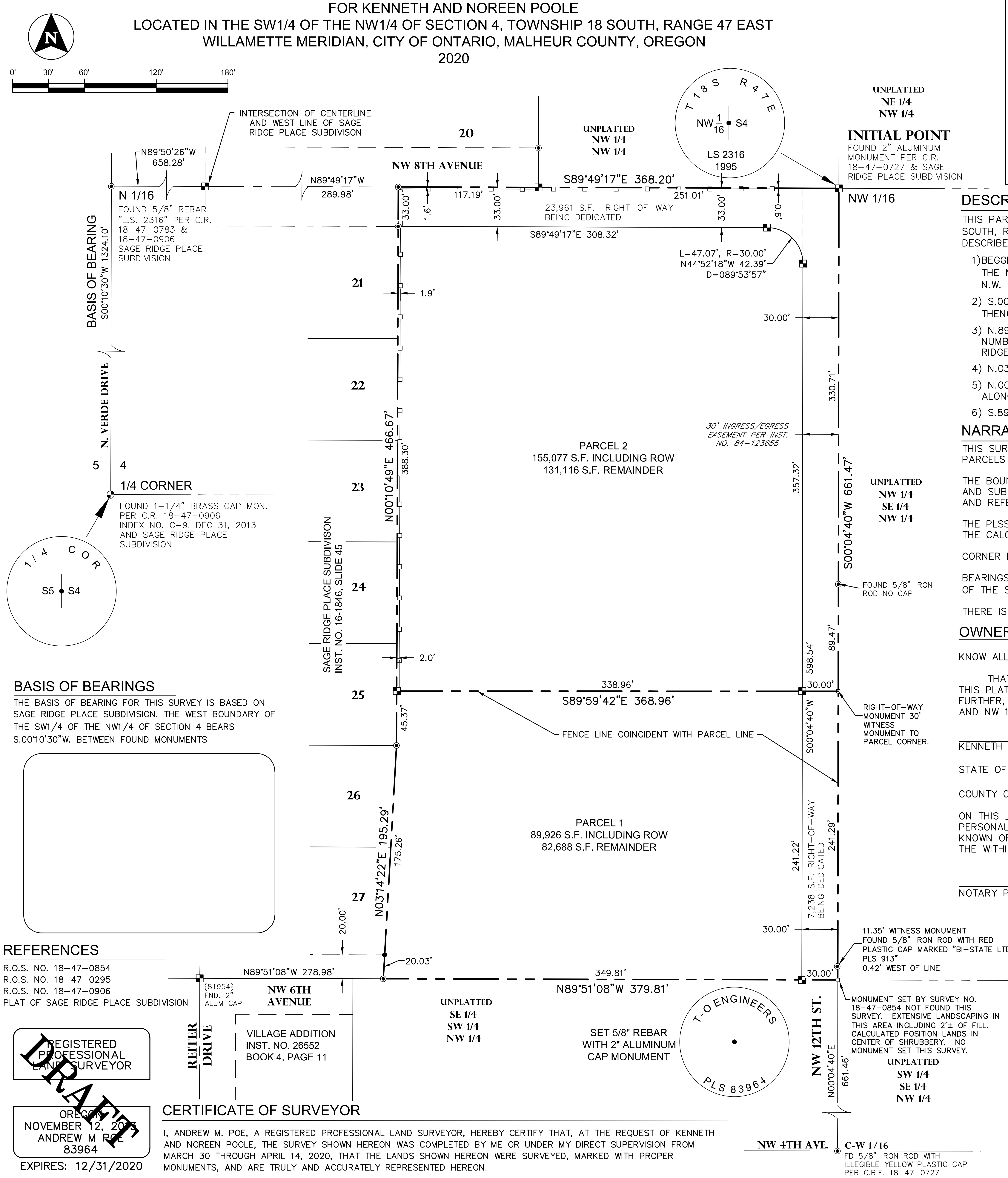
Staff recommends that the Council approve the request of dedication of street right of way and authorize the Mayor to sign the plat and acceptance of the right of ways as shown on the attached Plat.

ATTACHMENTS:

1. FINAL PARTITION PLAT_4-15-2020

PARTITION PLAT NO. ____________

FOR KENNETH AND NOREEN POOLE
LOCATED IN THE SW1/4 OF THE NW1/4 OF SECTION 4, TOWNSHIP 18 SOUTH, RANGE 47 EAST
WILLAMETTE MERIDIAN, CITY OF ONTARIO, MALHEUR COUNTY, OREGON
2020



BASIS OF BEARINGS

THE BASIS OF BEARING FOR THIS SURVEY IS BASED ON SAGE RIDGE PLACE SUBDIVISION. THE WEST BOUNDARY OF THE SW1/4 OF THE NW1/4 OF SECTION 4 BEARS S.00°10'30"W. BETWEEN FOUND MONUMENTS

REFERENCES

R.O.S. NO. 18-47-0854
R.O.S. NO. 18-47-0295
R.O.S. NO. 18-47-0906
PLAT OF SAGE RIDGE PLACE SUBDIVISION

REGISTERED PROFESSIONAL LAND SURVEYOR
DRAFT
OREGON
NOVEMBER 12, 2013
ANDREW M POE
83964
EXPIRES: 12/31/2020

CERTIFICATE OF SURVEYOR

I, ANDREW M. POE, A REGISTERED PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT, AT THE REQUEST OF KENNETH AND NOREEN POOLE, THE SURVEY SHOWN HEREON WAS COMPLETED BY ME OR UNDER MY DIRECT SUPERVISION FROM MARCH 30 THROUGH APRIL 14, 2020, THAT THE LANDS SHOWN HEREON WERE SURVEYED, MARKED WITH PROPER MONUMENTS, AND ARE TRULY AND ACCURATELY REPRESENTED HEREON.

LEGEND

PROPERTY BOUNDARY	FOUND BRASS CAP MONUMENT
SECTION LINE	SET ALUMINUM CAP MONUMENT, PLS 83964
NEW RIGHT-OF-WAY LINE	FOUND 2" ALUMINUM CAP MONUMENT PLS 81954, UNLESS NOTED
EXISTING RIGHT-OF-WAY LINE	FOUND 5/8" REBAR, PLS 81954, UNLESS NOTED
CENTERLINE	FOUND 1/2" REBAR, PLS 81954, UNLESS NOTED
ORIGINAL LOT LINE	CALCULATED POINT-NOTHING SET OR FOUND
FENCE LINE	{2316} PLS NUMBER ON FOUND MONUMENT
	(1324.13') RECORD DATA
	1 LOT NUMBER

DESCRIPTION

THIS PARCEL IS SITUATED IN A PORTION OF THE N.E. 1/4 OF THE S.W. 1/4 OF THE N.W. 1/4 OF SECTION 4, TOWNSHIP 18 SOUTH, RANGE 47 EAST OF THE WILLAMETTE MERIDIAN, CITY OF ONTARIO, MALHEUR COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

1)BEGGINING AT AN ALUMINUM CAP MONUMENT MARKING THE NORTHEAST CORNER OF SAID N.E. 1/4 OF THE S.W. 1/4 OF THE N.W. 1/4 OF SAID SECTION 4; THENCE ALONG THE EAST BOUNDARY OF SAID N.E. 1/4 OF THE S.W. 1/4 OF THE N.W. 1/4,

2) S.00°04'40"W,. 661.47 FEET TO THE SOUTHEAST CORNER OF SAID N.E. 1/4 OF THE S.W. 1/4 OF THE N.W. 1/4; THENCE, ALONG THE SOUTH BOUNDARY OF SAID N.E. 1/4 OF THE S.W. 1/4 OF THE N.W. 1/4,

3) N.89°51'08"W., 379.81 FEET TO THE SOUTHEAST CORNER OF SAGE RIDGE PLACE SUBDIVISION ON FILE AS INSTRUMENT NUMBER 16-1846, SLIDE 45, RECORDS OF MALHEUR COUNTY; THENCE, ALONG THE EAST BOUNDARY OF SAID SAGE RIDGE PLACE SUBDIVISION,

4) N.03°14'22"E., 195.29 FEET; THENCE, CONTINUING SAID EAST BOUNDARY,

5) N.00°10'49"E., 466.67 FEET TO THE NORTH BOUNDARY OF SAID N.E. 1/4 OF THE S.W. 1/4 OF THE N.W. 1/4; THENCE, ALONG SAID NORTH BOUNDARY,

6) S.89°49'17"E., 368.20 FEET TO THE POINT OF BEGINNING.

NARRATIVE

THIS SURVEY WAS MADE AT THE REQUEST OF KENNETH AND NOREEN POOLE TO PARTITION TAX LOT #400 INTO TWO PARCELS AS SHOWN HERON.

THE BOUNDARIES AND SECTION LINES SHOWN HEREON ARE BASED UPON FOUND MONUMENTATION, RECORDS OF SURVEYS AND SUBDIVISION PLATS. SAGE RIDGE PLACE SUBDIVISION WAS RECENTLY PLATTED IN 2016 AND THE MONUMENTS SHOWN AND REFERENCED WERE USED TO CONTROL THE BOUNDARY LINES IN THIS SURVEY.

THE PLSS CORNERS WERE SEARCHED FOR AND MEASURED AS SHOWN ON THE SURVEY IN GOOD CONDITION AND USED FOR THE CALCULATIONS OF THE NEW PARCEL LINE.

CORNER RECORDS WERE VERIFIED AND ACCESSORIES WERE FOUND IN GOOD CONDITION.

BEARINGS AND DISTANCES WERE NEAR IDENTICAL TO THE PLAT AS SHOWN AND FOR CONSISTENCY, THE WEST BOUNDARY OF THE SW1/4 OF THE NW1/4 WAS USED AS THE BASIS OF BEARINGS.

THERE IS AN EXISTING STRUCTURE ON THE SOUTH PARCEL OF THIS SURVEY.

OWNERS DECLARATION AND ACKNOWLEDGMENT (ORS 92.075)

KNOW ALL MEN BY THESE PRESENTS

THAT WE, KENNETH R. POOLE AND NOREEN M. POOLE ARE THE OWNERS OF THE LANDS AS SHOWN AND DESCRIBED ON THIS PLAT AND HAVE CAUSED THE SAME TO BE PARTITIONED AND SURVEYED IN ACCORDANCE WITH O.R.S. CHAPTER 92. FURTHER, WE HEREBY DEDICATE TO THE PUBLIC, IN PERPETUITY, THE RIGHT-OF-WAY AS SHOWN HEREON FOR NW 8TH AVENUE AND NW 12TH STREET.

KENNETH R. POOLE DATE NOREEN M. POOLE DATE

STATE OF OREGON)
) S.S.
COUNTY OF MALHEUR)

ON THIS ______ DAY OF ________________, 2020 A.D., BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED KENNETH R. POOLE AND NOREEN M. POOLE. HUSBAND AND WIFE, KNOWN OR IDENTIFIED TO ME TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

NOTARY PUBLIC RESIDING AT SEAL

MALHEUR COUNTY ASSESSOR AND ONTARIO CITY PLANNER PARTITION APPROVAL

ONTARIO PLANNER APPROVAL DATE

ASSESSOR APPROVAL DATE

MALHEUR COUNTY SURVEYOR

By ____________
Received ____________
Accepted ____________
SURVEY NO. ____________
DRAWING NO. ____________

SURVEY INDEX NO. 18472-04-04-03

RIGHT-OF-WAY ACCEPTANCE

I HEREBY ACCEPT, ON BEHALF OF THE PUBLIC, THE ROADWAY DEDICATION AS SHOWN HEREON, FOR PUBLIC ROAD PURPOSES

MAYOR, CITY OF ONTARIO, OREGON

T-O ENGINEERS
2471 S. TITANIUM PLACE
MERIDIAN, IDAHO 83642-6703
PHONE: (208) 323-2288 WWW.TO-ENGINEERS.COM

SHEET NO. 1 OF 1

L:\200050\3_ACADDWG\SURVEY\2_BOUNDARY\200050-V-RS AMP.DWG

Accounts Payable

Checks by Date - Summary by Check Date

User: kari.ott
Printed: 4/16/2020 10:34 AM

Check No	Vendor No	Vendor Name	Check Date	Check Amount
125776	037600	AT&T	03/06/2020	21.88
125777	130624	B & W Car Wash	03/06/2020	12.00
125778	879449	Baum Smith, LLC	03/06/2020	50.00
125779	626400	Campo & Poole Distributing, LLC	03/06/2020	2,850.20
125780	879445	Connected Professional Accountants, LLC	03/06/2020	21,200.00
125781	520400	Dorman's, Inc.	03/06/2020	136.17
125782	&260	Four Rivers Cultural Center	03/06/2020	10,088.71
125783	634311	Frazier Aviation, LLC	03/06/2020	425.00
125784	376000	Idaho Power	03/06/2020	142.35
125785	408200	J-U-B Engineers, Inc.	03/06/2020	5,522.50
125786	436000	Lindsay Eco Water	03/06/2020	29.00
125787	539200	Ontario Area Chamber of Commerce	03/06/2020	6,638.46
125788	572000	Ontario Sanitary Service, Inc.	03/06/2020	313.06
125789	583450	State of Oregon Dept of Corrections	03/06/2020	1,180.00
125790	879149	Pro Force Law Enforcement	03/06/2020	8,810.16
125791	130950	Sparklight Business	03/06/2020	63.75
125792	879425	Springbrook Software, LLC	03/06/2020	712.00
125793	878931	Tire Factory of Ontario	03/06/2020	210.00
125794	788402	TransUnion Risk & Alternative Data Soluti	03/06/2020	50.00
125795	842030	Warrington Construction	03/06/2020	70,075.28
125796	774001	Wtechlink	03/06/2020	300.00
			Total for 3/6/2020:	128,830.52
ACH	PRFED	PAYROLL TAXES	03/11/2020	591.96
ACH	PRORTAX2	OREGON DEPARTMENT OF REVENUE	03/11/2020	3.87
ACH	PRORTAXE	OREGON DEPARTMENT OF REVENUE	03/11/2020	0.52
ACH	PRPERS	OREGON PERS	03/11/2020	1,468.27
			Total for 3/11/2020:	2,064.62
125797	&525	American Staffing, Inc.	03/20/2020	916.73
125798	879130	Ani-Care Animal Shelter, Inc.	03/20/2020	1,370.08
125799	033300	Argus Observer	03/20/2020	286.88
125800	626400	Campo & Poole Distributing, LLC	03/20/2020	3,602.07
125801	879451	CDR Labor Law, LLC	03/20/2020	1,067.50
125802	637830	Century Link	03/20/2020	476.05
125803	637828	Century Link Communications, LLC	03/20/2020	88.09
125804	246800	Dominick's Quick Print	03/20/2020	90.00
125805	360015	Home Depot Credit Services	03/20/2020	113.36
125806	879191	Kristy's Custom Sewing	03/20/2020	60.00
125807	441140	Looks Nu, Inc.	03/20/2020	100.00
125808	456402	Malheur County Clerk	03/20/2020	107.00
125809	&509	Matsy's Restaurant & Catering	03/20/2020	110.00
125810	879301	Net Assets Corporation	03/20/2020	288.00
125811	500400	Norco, Inc.	03/20/2020	27.04
125812	716380	State of Oregon Corporate Division-Notary	03/20/2020	40.00

Check No	Vendor No	Vendor Name	Check Date	Check Amount
125813	582152	State of Oregon Department of Aviation	03/20/2020	75.00
125814	879012	State of Oregon Dept of Public Safety Stan	03/20/2020	80.00
125815	528405	Oster Professional Group, LLC	03/20/2020	24,264.33
125816	879166	Pitney Bowes Global Financial Services, Ll	03/20/2020	953.25
125817	614087	PORAC LDF	03/20/2020	380.00
125818	642093	Red's Automotive Repair, Inc.	03/20/2020	131.12
125819	360000	Saint Alphonsus Medical Group	03/20/2020	90.00
125820	682406	Sister Cities International	03/20/2020	440.00
125821	130950	Sparklight Business	03/20/2020	375.92
125822	&357	Larry A. Sullivan	03/20/2020	1,394.60
125823	879151	Waste-Pro	03/20/2020	40.05
125824	832852	Wells Fargo Business Elite Card	03/20/2020	6,594.77
125825	UB*11711	BRANDON MACKENZIE DOCKTER BC	03/20/2020	62.95
125826	879344	Ann Walker Glass	03/20/2020	2,379.37
125827	UB*11712	TIMOTHY LEBOUTILLIER	03/20/2020	56.57
125828	UB*11713	JONATHAN PEDEN	03/20/2020	56.22
125829	738001	James Swank	03/20/2020	60.98
			Total for 3/20/2020:	46,177.93
125830	879458	Monica Croul	03/24/2020	10.00
125831	270205	Emergency Responder Services, Inc.	03/24/2020	2,600.00
125832	879340	Gray's West & Company	03/24/2020	1,425.00
125833	879456	Gyllenberg Construction, Inc.	03/24/2020	6,486.90
125834	879358	Nutrien Ag Solutions	03/24/2020	2,513.04
125835	598220	Owyhee Irrigation District	03/24/2020	3,588.00
125836	879457	Safeway Building Systems, Inc.	03/24/2020	10.00
125837	879146	Toshiba Financial Services	03/24/2020	1,724.53
125838	879459	Trademark Design & Fabrication	03/24/2020	6,000.00
125839	841600	Warmsprings Irrigation District	03/24/2020	4,661.43
			Total for 3/24/2020:	29,018.90
125840	144000	Cascade Natural Gas Corporation	03/27/2020	580.64
125841	637830	Century Link	03/27/2020	753.86
125842	183201	CK3, LLC	03/27/2020	4,947.50
125843	206557	Creative Product Source, Inc.	03/27/2020	100.00
125844	270205	Emergency Responder Services, Inc.	03/27/2020	351.94
125845	284500	Fastenal Company	03/27/2020	83.38
125846	376000	Idaho Power	03/27/2020	1,823.63
125847	878915	Jacobs	03/27/2020	438,176.06
125848	420000	John Deere Financial	03/27/2020	174.18
125849	408200	J-U-B Engineers, Inc.	03/27/2020	5,420.60
125850	412500	Keller Associates, Inc.	03/27/2020	29,590.00
125851	422140	Kinney Industries, Inc.	03/27/2020	118.15
125852	458500	Material Testing & Inspection	03/27/2020	1,580.24
125853	879415	Midco Diving & Marine Services, Inc.	03/27/2020	10,351.00
125854	879101	Mountain West Bank	03/27/2020	62,713.99
125855	501200	Norm's Auto Electric	03/27/2020	419.90
125856	879358	Nutrien Ag Solutions	03/27/2020	1,136.72
125857	879163	Ontario Auto Ranch	03/27/2020	26,979.00
125858	583450	State of Oregon Dept of Corrections	03/27/2020	2,360.00
125859	641142	The Radar Shop, Inc.	03/27/2020	441.00
125860	642093	Red's Automotive Repair, Inc.	03/27/2020	1,039.54
125861	879138	Stantec Consulting Services, Inc.	03/27/2020	7,664.50
125862	702008	Staples Business Credit	03/27/2020	789.58
125863	878931	Tire Factory of Ontario	03/27/2020	977.00

Check No	Vendor No	Vendor Name	Check Date	Check Amount
125864	879212	Uniforms 2 Gear	03/27/2020	1,950.06
125865	288897	Verizon	03/27/2020	1,989.25
125866	842030	Warrington Construction	03/27/2020	5,960.00
125867	879007	Weidner Fire	03/27/2020	10,556.50
125868	UB*11718	RANDY & JENA ADKISSON	03/27/2020	46.41
125869	879245	Megan Cook	03/27/2020	10.00
125870	UB*11720	ROMULDO FIGUEROA	03/27/2020	94.37
125871	UB*11715	IDAHO YOUTH RANCH	03/27/2020	64.59
125872	UB*11714	DANIEL KELLY	03/27/2020	132.21
125873	879460	Kishi Stice	03/27/2020	10.00
125874	UB*11721	AMBER SULLIVAN	03/27/2020	26.78
125875	UB*11716	ANA TOVAR	03/27/2020	26.95
125876	UB*11719	JACOB WIDMER	03/27/2020	104.62
125877	UB*11717	CASSANDRA YOUNG	03/27/2020	56.98
			Total for 3/27/2020:	619,601.13
ACH	PRAFLAC	AMERICAN FAMILY LIFE ASSURANCE	03/31/2020	774.22
ACH	PRAMERF	AMERICAN FUNDS GROUP	03/31/2020	225.00
ACH	PRCCIS	E B S TRUST	03/31/2020	69,854.59
ACH	PRCOLONI	COLONIAL LIFE	03/31/2020	1,316.51
ACH	PRFED	PAYROLL TAXES	03/31/2020	67,174.61
ACH	PRICMA	I C M A RETIREMENT TRUST 457	03/31/2020	300.00
ACH	PRNATW	NATIONWIDE RETIREMENT SOLUTIO	03/31/2020	400.00
ACH	PRORJU	OREGON DEPARTMENT OF JUSTICE	03/31/2020	732.00
ACH	PRORTAX2	OREGON DEPARTMENT OF REVENUE	03/31/2020	274.91
ACH	PRORTAXE	OREGON DEPARTMENT OF REVENUE	03/31/2020	19,756.28
ACH	PROSGP	OREGON SAVINGS & GROWTH PLAN	03/31/2020	2,100.00
ACH	PRPERS	OREGON PERS	03/31/2020	90,991.60
125878	PRLINC	LINCOLN NATIONAL LIFE INS CO	03/31/2020	350.00
125879	PRSFIRE	UMPQUA BANK	03/31/2020	360.00
			Total for 3/31/2020:	254,609.72
ACH	PRFED	PAYROLL TAXES	04/01/2020	245.22
ACH	PRORTAX2	OREGON DEPARTMENT OF REVENUE	04/01/2020	1.60
ACH	PRPERS	OREGON PERS	04/01/2020	622.17
			Total for 4/1/2020:	868.99
125880	&525	American Staffing, Inc.	04/03/2020	130.41
125881	037600	AT&T	04/03/2020	21.80
125882	626400	Campo & Poole Distributing, LLC	04/03/2020	3,284.00
125883	879451	CDR Labor Law, LLC	04/03/2020	6,344.00
125884	270285	Enhanced Telecommunications & Data, Inc	04/03/2020	48.50
125885	285646	Field-Waldo Insurance Agencies, Inc.	04/03/2020	3,512.75
125886	634311	Frazier Aviation, LLC	04/03/2020	425.00
125887	360015	Home Depot Credit Services	04/03/2020	131.00
125888	376000	Idaho Power	04/03/2020	1,936.10
125889	878915	Jacobs	04/03/2020	15,001.97
125890	879329	JEM Auto Glass	04/03/2020	195.00
125891	&509	Matsy's Restaurant & Catering	04/03/2020	60.00
125892	602320	NAPA Auto Parts	04/03/2020	65.96
125893	572000	Ontario Sanitary Service, Inc.	04/03/2020	313.06
125894	608001	Pitney-Bowes, Inc.	04/03/2020	104.97
125895	642093	Red's Automotive Repair, Inc.	04/03/2020	889.38

Check No	Vendor No	Vendor Name	Check Date		Check Amount
125896	878931	Tire Factory of Ontario	04/03/2020		2,226.00
125897	788402	TransUnion Risk & Alternative Data Soluti	04/03/2020		50.00
125898	774001	Wtechlink	04/03/2020		300.00
125899	UB*11723	EMILY CARSON	04/03/2020		74.59
125900	&260	Four Rivers Cultural Center	04/03/2020		12,517.30
125901	539200	Ontario Area Chamber of Commerce	04/03/2020		8,839.50
125902	879461	Palmer House Rose Garden	04/03/2020		7,500.00
125903	UB*11724	THE PROSPECTORS INC	04/03/2020		184.06
125904	UB*11722	JEANNINE WOOD	04/03/2020		122.20
				Total for 4/3/2020:	64,277.55
125905	242083	State of Oregon Department of Transportati	04/08/2020		105.00
125906	242083	State of Oregon Department of Transportati	04/08/2020		34.50
				Total for 4/8/2020:	139.50
125907	032000	Andrews Seed Co., Inc.	04/10/2020		326.51
125908	879130	Ani-Care Animal Shelter, Inc.	04/10/2020		1,370.08
125909	033300	Argus Observer	04/10/2020		475.20
125910	130624	B & W Car Wash	04/10/2020		6.00
125911	626400	Campo & Poole Distributing, LLC	04/10/2020		102.39
125912	637830	Century Link	04/10/2020		478.12
125913	637828	Century Link Communications, LLC	04/10/2020		109.70
125914	216000	D & B Supply Company	04/10/2020		370.66
125915	879247	Day Wireless Systems	04/10/2020		97.50
125916	520400	Dorman's, Inc.	04/10/2020		62.04
125917	878915	Jacobs	04/10/2020		441,385.16
125918	413204	Kenworth Sales Company, Inc.	04/10/2020		1,692.58
125919	436000	Lindsay Eco Water	04/10/2020		12.50
125920	22427	Murrysmith, Inc.	04/10/2020		580.00
125921	879301	Net Assets Corporation	04/10/2020		384.00
125922	500400	Norco, Inc.	04/10/2020		1,661.22
125923	501200	Norm's Auto Electric	04/10/2020		51.96
125924	242083	State of Oregon Department of Transportati	04/10/2020		22.60
125925	641142	The Radar Shop, Inc.	04/10/2020		76.00
125926	642093	Red's Automotive Repair, Inc.	04/10/2020		122.93
125927	130950	Sparklight Business	04/10/2020		361.04
125928	879425	Springbrook Software, LLC	04/10/2020		771.00
125929	879138	Stantec Consulting Services, Inc.	04/10/2020		10,988.00
125930	879151	Waste-Pro	04/10/2020		40.05
				Total for 4/10/2020:	461,547.24
				Report Total (174 checks):	1,607,136.10