

**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, JULY 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 July 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) LOCAL CONTRACT REVIEW BOARD

- A) Local Contract Review Board: Personal Service Contract with Winterowd & Brooks, LLC, dba Winterbrook Planning to assist the City in preparing a "Modified Housing Needs Analysis and Production Strategy" and amendments to the Ontario Zoning Ordinance to allow duplexes in single-family zones consistent with Housing Bills 2001 and 2003

5) CONSENT AGENDA

- A) Minutes:
June 16, 2020 Council Meeting
June 23, 2020 Council Meeting

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

7) PRESENTATION

- A) Merchant McIntyre

8) NEW BUSINESS

- A) Liquor License Application - Columbia Distributing
B) Right of Way Easement from the City of Ontario to Cascade Natural Gas along SE 2nd Street Right of Way for a Gas Line (Planning Action 2020-06-25EASE)
C) Authorization to Purchase Equipment for Biosolids Removal Project
D) WWTP Diffuser Preliminary Design Task Order

9) PUBLIC HEARING

- A) Ordinance #2775-2020: An Ordinance Amending the City of Ontario Comprehensive Plan and Zoning Map from Neighborhood Commercial (C-1) to General Commercial (C-2) Zone Classification, on First Reading by Title Only

10) DISCUSSION ITEMS

- A) Radio Failure and Purchase

11) HAND-OUTS

- A) Check Register: June 1 - July 16, 2020
- B) Minutes:
County Court 07-08-2020

12) CORRESPONDENCE, COMMENTS AND EX-OFFICIO REPORTS

13) ADJOURN



AGENDA REPORT
LOCAL CONTRACT REVIEW BOARD
July 21, 2020

To: Mayor and City Council

FROM: Dan Cummings, Community Development Director

THROUGH: Adam J. Brown, City Manager

SUBJECT: **LOCAL CONTRACT REVIEW BOARD: PERSONAL SERVICE CONTRACT WITH WINTEROWD & BROOKS, LLC, DBA WINTERBROOK PLANNING TO ASSIST THE CITY IN PREPARING A “MODIFIED HOUSING NEEDS ANALYSIS AND PRODUCTION STRATEGY” AND AMENDMENTS TO THE ONTARIO ZONING ORDINANCE TO ALLOW DUPLEXES IN SINGLE-FAMILY ZONES CONSISTENT WITH HOUSING BILLS 2001 AND 2003**

DATE: July 16, 2020

PROPOSED MOTION:

I MOVE THE MAYOR AND CITY COUNCIL, SITTING AS A LOCAL CONTRACT REVIEW BOARD, DECLARE THAT THE CONTRACT BETWEEN THE CITY OF ONTARIO AND WINTEROWD & BROOKS, LLC DBA WINTERBROOK PLANNING TO PROVIDE MODIFIED HOUSING NEEDS ANALYSIS AND PRODUCTION STRATEGY REPORTS AS WELL AS AMENDMENTS TO THE ONTARIO ZONING ORDINANCES IS A PROFESSIONAL SERVICE CONTRACT UNDER SECTION 7.1 OF THE ONTARIO FINANCIAL POLICIES MANUAL THAT IS EXEMPT FROM THE COMPETITIVE BIDDING PROCESS.

I MOVE THE CITY COUNCIL APPROVE A PROFESSIONAL SERVICE CONTRACT WITH WINTEROWD & BROOKS, LLC DBA WINTERBROOK PLANNING FOR PROVIDING ASSISTANCE WITH THE MODIFIED HOUSING NEEDS ANALYSIS AND PRODUCTION STRATEGY REPORTS AS WELL AS AMENDMENTS TO THE ONTARIO ZONING ORDINANCES AND AUTHORIZE THE CITY MANAGER TO SIGN THE CONTRACT.

SUMMARY:

In March, 2020, the City Council authorized city staff to apply for state grants to meet the requirements of HB 2001 and HB 2003 mandated by legislation action.

On May 7, 2020, under Resolution #2020-119, the City Council gave it's support for receiving said grants if approved by the Oregon Department of Land Conservation and Development (DLCD).

In June, 2020, city staff were notified that they were approved to receive \$50,000 in grant funds to meet the requirements of HB 2001 and 2003.

City staff needs help in preparing all the studies and code changes required and therefore needs to enter into an agreement for professional services to complete the required code changes and comprehensive plan amendment.

BACKGROUND:

The City of Ontario has a Comprehensive Plan that was last updated in 2007; HB 2001 requires Oregon cities over 10,000 to (a) amend zoning regulations to meet “middle housing” needs, and (b) address infrastructure deficiencies related to otherwise buildable residential land and HB 2003 requires Oregon cities over 10,000 to (a) prepare a Housing Needs Analysis to more clearly and specifically identify needed housing types and densities and provide sufficient buildable land to meet short- and long-term housing needs, and (b) prepare a housing production strategy to achieve these objectives.

The Department of Land Conservation and Development (DLCD) provides resources to help Oregon communities prepare and update local land use plans, implement ordinances to respond to growth management, and resources protection issues and changes in state agency programs and requirements.

The Ontario City Council, in March of 2020, sent a letter of support to DLCD for the preliminary application for grant consideration and on May 7, 2020, under Resolution #2020-119, the City Council gave its support for receiving said grants once approved by the Oregon Department of Land Conservation and Development (DLCD).

CURRENT SITUATION:

In June, 2020, city staff were notified that they were approved to receive \$50,000 in grant funds to meet the requirements of HB 2001 and 2003.

Staff is in the process of creating the scope of work to enter into a contract to accept the DLCD grant monies. One requirement of the grant is to show how the city plans to complete the required work.

Staff does not have the manpower required to perform this work. Staff budgeted in the grant to hire a consultant to help complete this work, which was presented to the Council at a previous meeting.

Approving this contract now will not obligate the city to any expenditures until after the grant is accepted by the City Council and work has begun on the project.

ANALYSIS:

- A. **STRATEGIC PLAN** Updating the City Code and Comprehensive Plan falls within all the five strategic plan criteria of Desirability, Lifestyle, Growth, Beautification and Education of our community.
- B. **FINANCIAL** The city matching funds for this project were budgeted for in the 20-21 budget. This professional service contract was included in the grant request and the grant will save the city from having to expend all the monies budgeted.
- C. **TIMING** Timing is of the essence as staff is working on the scope of work to enter into a contract with DLCD to received the grant monies. Having a Professional Service Contract in place will help create the scope of work with DLCD.
- D. **POLICY/LEGAL** Professional services contracts are covered under Section 7.1 of the Ontario Financial Policies Manual as exempt from the competitive bidding process.

ALTERNATIVES:

City Council could choose not to enter into a Professional Service Contract for help and require city staff to try and meet the state requirements on their own.

RECOMMENDATION:

Staff recommends that the City Council allow staff to hire professional assistance in meeting the requirements of HB 2001 and HB 2003 and approve the Professional Service Contract with Winterowd and Brooks, LLC, dba Winterbrook Planning.

ATTACHMENTS:

1. Ontario Housing Contract _ 07.15.20

AGREEMENT FOR CONSULTING SERVICES

between

City of Ontario and Winterowd & Brooks, LLC

THIS AGREEMENT is made and entered into this 21st day of July, 2020, by and between **City of Ontario**, hereinafter referred to as “*Client*,” whose address is 444 SW 4th Street, Ontario, Oregon, 97914, and **Winterowd and Brooks, LLC, dba Winterbrook Planning** (“*Winterbrook*”), 610 SW Alder Street, Suite 810, Portland, Oregon, 97205.

Client and *Winterbrook* mutually understand and agree as follows:

ARTICLE 1. PROJECT PURPOSE AND SCOPE OF WORK

The overall purpose of this contract is to assist the City in preparing a “Modified Housing Needs Analysis and Production Strategy” and amendments to the Ontario Zoning Ordinance to allow duplexes in single-family zones consistent with Housing Bills 2001 and 2003. As used below, the acronym “NNA” refers to a Housing Needs Analysis and “DLCD” refers to the Oregon Department of Land Conservation and Development.

Towards, this end, *Winterbrook* agrees to the tasks listed below, within the budget authorized under Article 3, below.

Task 1 – Project Kick-Off and Management

Task 2 – Community and Agency Outreach

Task 3 – Duplex Code Audit and Draft Code Amendments

Task 4 – Duplex Final Code Amendments and Adoption Process

Task 5 – HNA – Housing Need Projection and Residential Land Needs Analysis

Task 6 – HNA – Buildable Lands Inventory

Task 7 – HNA – Measures to Accommodate Needed Housing

Task 8 – HNA Adoption Process

Greg Winterowd, Principal, will be the Winterbrook Project Manager and will report directly to the *Client*.

ARTICLE 2. TIME OF PERFORMANCE

A. **EFFECTIVE DATE:** This Agreement is effective July 21, 2020.

B. **COMPLETION DATE:** *Winterbrook* anticipates completing the above scope on or before June 30, 2021. Task 3 will be completed on or before October 1, 2020. *Winterbrook* will make

every reasonable effort to meet statutory deadlines to ensure City compliance with HB 2001 and 2003 requirements. Additional time may be required for reasons beyond Winterbrook's control, such as client or agency reviews and scheduling of public hearings.

ARTICLE 3. FEE

A. PROFESSIONAL SERVICES

Client agrees to reimburse *Winterbrook* for professional services described in Article 1, and expenses described in Article 3, Section B below, not to exceed the \$50,000 DLDC grant amount without written authorization by *Client*.

B. DIRECT EXPENSES

Client agrees to reimburse *Winterbrook* for direct expenses, which are not included in the fee estimate in Article 3, Section A, above. If travel is required, direct expenses will be billed at the rates listed below.

Direct Expense Rates

Airfare, train, public transit, and rental car fees will be billed at actual costs; mileage will be billed at 0.575 per mile (or prevailing Federal mileage rate).

ARTICLE 4. PAYMENT

- A. MONTHLY STATEMENT. *Winterbrook* will provide *Client* with lump sum payment requests based on the work program approved by the DLCD. *Client* agrees to pay *Winterbrook's* invoice within 30 days of payment from DLCD.
- B. LATE PAYMENT. *Winterbrook* will assess a finance charge in the amount of 1.5 percent per month on any unpaid balance more than 30 days overdue.
- C. PAST DUE BALANCES. *Winterbrook* may stop work on the project if the unpaid balance is more than 30 days overdue.
- D. BILLING RECORDS. *Winterbrook's* records of time and expenses in performance with Article 1 are available to *Client* for inspection.

ARTICLE 5. INDEPENDENCE OF WINTERBROOK PLANNING

- A. METHODS: The manner and means of conducting the work are specified in Article 1 and are under the control of *Winterbrook*. The work is subject to *Client's* general right of review and supervision.
- B. INDEPENDENT CONTRACTOR: *Client* and *Winterbrook* intend and agree that an independent contractor relationship is created by this contract. No agent or employee of *Winterbrook* will be deemed to be the employer or agent of *Client*.

ARTICLE 6. PROFESSIONAL STANDARDS



- A. **TIMELY SERVICES:** *Winterbrook* will provide *Client* with timely services considering both *Winterbrook's* requirements for meeting professional standards and Article 1.
- B. **PROFESSIONAL STANDARD:** *Winterbrook* will meet the standard of care, skill, and diligence normally provided by a professional land use planning firm.
- C. **CLAIMS:** Any claim of damage must be made by *Client* within 12 months of the receipt of *Winterbrook's* final report. Damages shall not include consequential damages to *Client* or third parties and shall be limited to the value of the contract.

ARTICLE 7. OWNERSHIP OF MATERIALS AND PRODUCTS

Client retains exclusive ownership of any data, models, reports, and other materials produced for this project, except for reports and data that are submitted into the public record. Except for reports and data submitted into the public record, *Winterbrook* may not loan, sell, or otherwise distribute project materials without *Client's* express consent.

ARTICLE 8. CHANGES TO AND ENFORCEMENT OF AGREEMENT

- A. **INTEGRATION:** This Agreement contains the entire agreement between *Client* and *Winterbrook*.
- B. **AMENDMENT:** This Agreement may be amended by mutual agreement of *Client* and *Winterbrook*. Any amendments will be in writing and signed by representatives of both *Client* and *Winterbrook*.
- C. **ASSIGNMENT:** Neither party may assign or transfer their interest in the Agreement without the express written consent of the other party.
- D. **SEVERABILITY:** If any of the provisions of the Agreement are held unenforceable or invalid by any court of competent jurisdiction, such holding shall not render unenforceable or invalidate any other provisions.
- E. **WAIVER:** Failure of either party to enforce any provision of the Agreement does not constitute a waiver of any other provision.

ARTICLE 9. TERMINATION OF AGREEMENT

- A. **TERMINATION FOR CAUSE:** If either *Winterbrook* or *Client* fails to perform in a timely manner or violates any stipulation of the Agreement, the other party will have the right to terminate the Agreement by giving at least ten (10) days written notice of intent to terminate, specifying the reason and effective termination date. *Winterbrook* will be entitled to receive compensation for any work completed prior to the effective date of termination.



- B. **TERMINATION FOR OTHER REASONS:** Either party may terminate the Agreement by giving at least ten (10) days written notice of intent to terminate, specifying the reason and effective termination date. *Winterbrook* will be entitled to receive compensation for any work completed up to the time of receipt of the written notice of termination.

ARTICLE 10. ATTORNEY'S FEES

In the event suit or action is instituted to enforce any provisions of the Agreement, the prevailing party will be entitled to reasonable attorney fees and costs, including fees for appellate court proceedings.

ARTICLE 11. GOVERNING LAW

Winterbrook agrees to comply with all federal, state, county, and local laws, ordinances, and regulations applicable to this Agreement. The Agreement is governed by and enforced in accordance with the laws of the State of Oregon.

IN WITNESS WHEREOF, the parties hereby execute this Agreement.

Winterowd & Brooks, LLC

City of Ontario

BY: 

Greg Winterowd, Principal

BY: _____
Adam Brown, City Manager

DATE: July 15, 2020

DATE: _____





CITY COUNCIL MEETING MINUTES June 23, 2020

THERE WERE AUDIO AND VISUAL DIFFICULTIES WITH THIS MEETING. MINUTES CREATED BY NOTES ONLY.

The scheduled meeting of the Ontario City Council was called to order by Mayor Riley Hill at 6:00 p.m. on Tuesday, June 23, 2020, in the Council Chambers of City Hall. Council members present were Riley Hill, Dan Capron, Norm Crume, and Michael Braden. Freddy Rodriguez arrived at 6:19; Marty Justus arrived at 6:41. Ramon Palomo was excused.

Members of staff present were Adam Brown, Tori Barnett, Terry Leighton, Kari Ott, Jason Cooper, Betsy Roberts, Dan Beaubien, and Kenneth Monson. Larry Sullivan participated by phone.

Mayor Hill led everyone in the Pledge of Allegiance.

AGENDA

This Agenda was posted on June 12, 2020. Copies of the Agenda are available from the City Hall Customer Service Counter and on the city's website www.ontariooregon.org.

Staff requested the addition of two items under New Business: Hangar Lease Transfer Smith to Smith Trust, and Hangar Lease Transfer Koeppen to Koeppen Trust.

CRUME moved, CAPRON seconded, **TO ADOPT THE AGENDA AS AMENDED**. Roll call vote: Crume-yes; Rodriguez-out; Palomo-out; Justus-out; Capron-yes; Braden-yes; Hill-yes. Motion carried 4/0/3.

PUBLIC COMMENT

Jennifer Yano, Ontario: *Tonight we would like to address two of the simpler demands of the Ontario Black Lives Matter movement: The art diversity for signage in town and the fine forgiveness. Last week on Wednesday I was in attendance at the City Diversity Committee meeting where a discussion regarding cultural art for city signage took place. The company called Trademark, based in Boise is an all-white presenting team of artists with a very specifically cultivated white aesthetic. Why is an all white team called upon to represent the cultures of POC? The more troubling aspect is that the five cultures selected to be represented were: Mexican, Basque, Native American, Japanese, and Cowboy/Farmer. The committee was very pleased to be including cowboy culture as well. We would like to take this opportunity to illustrate just how far the roots of white supremacy are embedded in our thought processes. How can our white population be represented by a career choice while our folks of color are represented by the country from where their ancestors came? It is a seemingly inclusive gesture that displays how white is thought of as the norm, the standard, and therefore no country/region acknowledgement is made, and instead white folks are shown as individuals who represent their careers and families. Meanwhile, folks of color are not granted the display of autonomy of choices they've made in their lives, but instead are representing just their country. The disparity was not meant to be hostile, but comes from a deeply-ingrained notion that white is the default and normal group, while brown people are other, and furthermore that all brown people must represent their entire culture. We would like to know, have artists in the community been contacted? How about students? Who chose this group and these themes? Is there a community vote or input that is regarded when making these choices? How can these decisions become transparent and truly inclusive, not appropriation? With my final minute I'd like to share something with the white folks in the room. As a little girl, my mother used to dress me and do my hair with meticulous care. I sat in the bathroom learning math while she smoothed my braids to perfection. As a high schooler I was not permitted and later simply deeply discouraged from leaving the house without makeup. As a child I was so confused, and thought perhaps that I was just ugly. When I asked my mother why we had to go to such lengths while there were other children running about in pj's with their hair matted she told me that unfortunately, there would be many people*



who did not like me for reasons I couldn't control--that they would be able to withhold opportunity and status from me if they saw fit. And although it isn't fair, many would associate our looks with all Latin and Japanese individuals and use them as a reason to believe we weren't fit to belong or be treated with equity. I learned as an elementary schooler, that while I didn't ask for this, I represented not just my family, but my race, and that it was my responsibility to not let the others down. We'd like this opportunity to take a step away from whiteness as the norm, and disengage ourselves from the insidious and often subtle roots of white supremacy. If our perspective seems offensive, attention-seeking, or ridiculous to you I encourage you to think this over: just because something isn't true to you, doesn't mean it isn't true.

Quincy Sullivan, Ontario: Our current understanding is that when someone who has been fined is in need, they have to ask the receptionist (person at the front desk) for a repayment plan. Is this correct? **Issues with this are:** - It shouldn't be up to the discretion of whoever is working the front desk to make this call - Without anti-bias/anti-racist training (documented) there is no way to know if that person is being biased in their decision. - This backdoor program is not transparent, many community members do not know about it We appreciate the city council acknowledging that zero tolerance is not the correct step and we don't want to defend people with multiple offenses who ARE able to pay. Our ask is to help protect marginalized community members who cannot afford to pay and do not know about requesting forgiveness or a repayment plan. Is there a clear rubric that can be used to help determine this decision and a plan to make it clear to all community members that there is a way to work with them on their inability to pay?

Jack Lloyd, Ontario: My name's Jack Lloyd. If you can't tell from my name or my complexion, I'm white. I want to share a couple of things about race from my perspective, starting with the understanding that to talk about race is not an inherently racist act; in fact, not talking about race is more oppressive. My partner, Jenn Yano, and I have experienced very different sides of the racism coin. People address her differently when I'm there than they do when I'm not around. In fact, people often refer to me rather than her, even when she's the one who usually asks the questions. She has endured inappropriate comments about her appearance, absent-minded statements about how beautiful "mixed-race babies" are, and derogatory remarks about Japanese and Latino people. I can safely say that I have never been discriminated against because of the color of my skin, nor have my individual actions ever been weaponized against white people as a whole; Jenn can't say truthfully either of those things. Discussing race is uncomfortable for white people because it's something we don't have to acknowledge to proceed with our lives. It's common for us to say "I don't see color", or "I don't think of them as a black person--I just think of them as a person." These are quasi-progressive statements that send the "See? I'm not racist" signal to other white people. On paper, this seems fine, but the POC in our lives hear an entirely different message: that their lived experiences and the emotional weight of their skin color is a non-issue to us. "Discussing" racism is perhaps a misnomer. Sure, it's time for white people to speak up against white violence, racism, and discriminatory practices and behaviors--something that you have a chance to address with this movement; however, it's more so time for white people to listen to the stories, experiences, and suggestions of POC in the hopes that we can instigate the change from within for which they have been fighting the entire time they've been here. People of color don't care that we think we aren't racist. People of color don't want to hear our justifications, see our tears, or emotionally support us through our ill-timed journeys of realizing that racism is alive and well in this country. People of color do want to see us fight for their rights in a system that we have a responsibility to reform--with, of course, their experiences informing our forward progress. I'm aware that this sounds like an attack. I felt attacked after reading this speech, and I'm the one who wrote it. I get that it's uncomfortable, but that's kind of the point; if we don't talk about race, nothing changes. And if you feel like this message somehow has more validity or credibility coming from me than from any of the people of color who have preceded my statements, that should be a wake-up call. Thank you for your time.

CONSENT AGENDA

CRUME moved, CAPRON seconded, **TO APPROVE THE CONSENT AGENDA, WHICH INCLUDED A MAXIMUM \$5,000 LOAN TO CLOTHES FOR DOES/RELOAD CONTINGENT ON APPROVAL OF THE MATCHING GRANT FROM BUSINESS OREGON; A MAXIMUM \$5,000 LOAN TO THE HOUSE THAT ART BUILT CONTINGENT ON APPROVAL OF THE MATCHING GRANT FROM BUSINESS OREGON; A \$2,500 LOAN TO THE DIRTY DOG WASH CONTINGENT ON APPROVAL OF THE MATCHING GRANT FROM BUSINESS OREGON; A MAXIMUM \$5,000 LOAN TO THE GOODLIFE CONTINGENT ON APPROVAL OF THE MATCHING GRANT FROM BUSINESS OREGON; AND A \$2,500 LOAN TO THE SPORT CARD CENTER CONTINGENT ON APPROVAL OF THE MATCHING GRANT FROM BUSINESS OREGON.** Roll call vote: Crume-yes; Rodriguez-out; Palomo-out; Justus-out; Capron-yes; Braden-yes; Hill-yes. Motion carried 4/0/3.

PRESENTATION**Ontario Water System Master Plan** *(Attached)*

Betsy Roberts, City Engineer, introduced Brad Baird and Dave Wildman from Anderson Perry & Associates, who would be making the presentation.

South Oregon Street Improvement Project *(Attached)*

Betsy Roberts, City Engineer, presented.

OLD BUSINESS**Ordinance #2776-2020: Idaho Power Franchise Agreement**

Adam Brown, City Manager, presented.

CRUME moved, CAPRON seconded, **THAT THE CITY COUNCIL ADOPT ORDINANCE #2776-2020, AN ORDINANCE GRANTING A NON-EXCLUSIVE ELECTRIC UTILITY FRANCHISE TO IDAHO POWER COMPANY, AND FIXING TERMS, CONDITIONS, AND COMPENSATION OF SUCH FRANCHISE, AND DECLARING AN EMERGENCY ON SECOND AND FINAL READING BY TITLE ONLY.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

Way-Finding Decision Points

Adam Brown, City Manager, presented.

CRUME moved, RODRIGUEZ seconded, **TO HAVE THE CITY MANAGER POST THE DESIGNS ONLINE AND REQUEST VOTING FROM THE CITIZENS ON THE OPTION THEY WOULD LIKE TO SEE ON THE SIGNS.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

NEW BUSINESS**Resolution #2020-130: Water and Sewer Rate Increase**

Kari Ott, Finance Director, presented. Staff was recommending no increase for the upcoming Fiscal Year due to Covid-19 impacts.

CAPRON moved, RODRIGUEZ, **THAT THERE BE NO WATER AND SEWER RATE INCREASE FOR FISCAL YEAR 2020-2021.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-no; Capron-yes; Braden-no; Hill-yes. Motion carried 4/2/1.

Resolution #2020-131: Master Fee Schedule

Kari Ott, Finance Director, presented.

CAPRON moved, RODRIGUEZ seconded, **THAT THE CITY COUNCIL APPROVE RESOLUTION #2020-126, A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET TO RECOGNIZE AND EXPEND AN UNEXPECTED FIRE GRANT.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

Resolution #2020-127: Adopting Supplemental Budget to Recognize Unexpected Revenues and to Transfer Budgeted Appropriations for Unexpected Items

Kari Ott, Finance Director, presented.

CRUME moved, CAPRON seconded, **THAT THE CITY COUNCIL ADOPT RESOLUTION #2020-127, A RESOLUTION TO ADOPT A SUPPLEMENTAL BUDGET TO RECOGNIZE UNEXPECTED REVENUES AND TO TRANSFER BUDGETED APPROPRIATIONS FOR UNEXPECTED ITEMS.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

Resolution #2020-128: Bid Award – Wastewater Treatment Plant pH Adjustment Construction Project and Budget Adjustment

Kari Ott, Finance Director, presented.

BRADEN moved, CRUME seconded, **THAT THE CITY COUNCIL APPROVE RESOLUTION #2020-128, A RESOLUTION TO AWARD THE CONSTRUCTION OF WASTEWATER PH ADJUSTMENT PROJECT TO JLCC, INC., FOR \$62,780, AND APPROPRIATE AN ADDITIONAL \$45,100 OF EXPENDITURES.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

Ordinance #2776-2020: Idaho Power Franchise Agreement

Larry Sullivan, City Attorney, presented.

CRUME moved, JUSTUS seconded, **THAT THE CITY COUNCIL APPROVE ORDINANCE #2776-2020, AN ORDINANCE GRANTING A NON-EXCLUSIVE ELECTRIC UTILITY FRANCHISE TO IDAHO POWER COMPANY, AND FIXING TERMS, CONDITIONS, AND COMPENSATION OF SUCH FRANCHISE, AND DECLARING AN EMERGENCY, ON FIRST READING BY TITLE ONLY.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

Ordinance #2777-2020: Repeal Ordinance #2769-2019 and Adopt Temporary Oregon Structural Specialty Code Provisions for the City of Ontario Building Regulations OMC 4-1-1 and Declaring an Emergency

Dan Cummings, Community Development Director, presented.

CRUME moved, CAPRON seconded, **THAT THE CITY COUNCIL APPROVE ORDINANCE #2777-2020, AN ORDINANCE REPEALING ORDINANCE #2769-2019 AND ADOPTING TEMPORARY OREGON STRUCTURAL SPECIALTY CODE PROVISIONS FOR THE CITY OF OTNARIO BUIDLING REGULATIONS OMC 4-1-1 AND DECLARING AN EMERGENCY, ON FIRST READING BY TITLE ONLY.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

CRUME moved, JUSTUS seconded, **THAT THE CITY COUNCIL WAIVE THE SECOND READING OF ORDINANCE #2777-2020, AN ORDINANCE REPEALING ORDINANCE #2769-2019 AND ADOPTING TEMPORARY OREGON STRUCTURAL SPECIALTY CODE PROVISIONS FOR THE CITY OF ONTARIO BUILDING REGULATIONS OMC 4-1-1.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

PUBLIC HEARING**Resolution #2020-129: Supplemental Budget for Skate Park Restrooms**

It being the date advertised for public hearing on the matter of Resolution #0202-129, the Hearing was declared open. There were no objections to the city's jurisdiction to hear the action, no abstentions, ex-parte contact, and no declarations of conflict of interest.

Kari Ott, Finance Director, presented.

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

JUSTUS moved, CAPRON seconded, **THAT THE CITY COUNCIL APPROVE RESOLUTION #2020-129, A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET TO APPROPRIATE REVENUES AND EXPENDITURES FOR SKATE PARK RESTROOMS.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

DEPARTMENT HEAD UPDATES**Financial Monthly Report** *(Attached)*

Kari Ott, Finance Director, presented.



Fire & Rescue Quarterly Report *(Attached)*

Terry Leighton, Fire Chief, presented.

Community Development Special Report *(Attached)*

Dan Cummings, Community Development Director, presented.

DISCUSSION ITEMS**City of Ontario Founding vs. Established Date**

The Downtown Association requested the city use the “founded” date of June 11, 1883, as opposed to the “incorporated” date of February 11, 1899, on documentation. Council consensus to use the founded date for all future uses.

HAND-OUTS**Check Register:** *(Attached)*

May 1 → June 12, 2020

Department Stats:

Fire & Rescue: May 2020

Public Works: May 2020

Police: May 2020

Code Enforcement: May 2020

Minutes: *(Attached)*

County Court: 05-13-2020; 05-20-2020; 06-03-2020

County Budget: 04-21-2020; 04-22-2020

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

Mayor Hill asked Chief Romero if having those police officers who lived in town drive a patrol car home. Chief Romero stated there were pros and cons associated with that. Councilor Capron stated the ICMA study that had been done a few years back actually suggested the cars go home with the patrol officers.

Councilor Crume asked to receive a tally on what costs were associated with the city’s involvement with the Black Lives Matter protest. Councilor Braden thanked staff for all their work regarding the protest.

Mayor Hill read a proclamation from the Emblem Club.

ADJOURN

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

ACCEPTED:**ATTEST**

Riley J. Hill, Mayor

Tori Barnett, MMC, City Recorder





CITY COUNCIL MEETING MINUTES June 23, 2020

THERE WERE AUDIO AND VISUAL DIFFICULTIES WITH THIS MEETING. MINUTES CREATED BY NOTES ONLY.

The scheduled meeting of the Ontario City Council was called to order by Mayor Riley Hill at 6:00 p.m. on Tuesday, June 16, 2020, in the Council Chambers of City Hall. Council members present were Riley Hill, Dan Capron, Norm Crume, Michael Braden, Freddy Rodriguez, and Marty Justus. Ramon Palomo was excused.

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

Mayor Hill led everyone in the Pledge of Allegiance.

AGENDA

This Agenda was posted on June 12, 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-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

PUBLIC COMMENT

Randall Kirby, Ontario: *Mr. Mayor and members of the City Council: My name is Randall Kirby and I live at 566 SW 2nd St. in Ontario. I'm here to express my views on the proposed acquisition of an armored vehicle for the city of Ontario. First of all, you couldn't have picked a worse time to bring it up, as currently there are protests in every state in the country as well as many other countries about many aspects of policing, but among them, the increasing militarization of the police in this country. I've thought for quite a while that our officers wearing bulletproof vests and stab vests with 20 pounds of gear on their belts was overkill, but having an armored vehicle ups the ante. When you treat your police as if they're military, you treat your citizens as if they are the enemy. People get hurt that do not need to be hurt. I've seen arguments that perhaps they don't need this tool now, but what if they need it in the future. Well, I work in hardware, and I can tell you that if you only have a hammer, you see every problem as a nail. If you get this thing, the police are going to want to use it to prove they need it, and once that's established, they'll want whatever dangerous new toy comes down the line. Others will tell you that such vehicles need to be maintained, are fuel hogs, and were discarded from government use for not being particularly useful. I will note the item was taken off the agenda after the recent protests. I don't want you to get the feeling that I'm telling you to shelve this idea until the spotlight isn't on the police anymore. I'm telling you to abandon it entirely as a bad idea in perpetuity. Just because something is cheap or free doesn't mean there aren't strings attached, both financially and morally. Thank You for your time.*

CONSENT AGENDA

CRUME moved, CAPRON seconded, **TO ADOPT THE CONSENT AGENDA, WHICH INCLUDED THE MINUTES FOR THE APRIL 9, 2020 COUNCIL WORK SESSION, MAY 7, 2020 COUNCIL WORK SESSION, MAY 19, 2020 COUNCIL MEETING, HOUSING INCENTIVE PROGRAM: RYWEST HOMES (52 SUNSET DRIVE), HOUSING INCENTIVE PROGRAM: RYWEST HOMES (32 SUNSET DRIVE), AND HOUSING INCENTIVE PROGRAM: REESER (848 REITER DRIVE)**. Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

PRESENTATION**Beck-Kiwanis Park Bridge Improvement Options** *(Attached)*

Betsy Roberts, City Engineer, presented.

JUSTUS moved, CRUME seconded, **THAT THE CITY COUNCIL INSTRUCT THE PUBLIC WORKS DEPARTMENT TO REPAIR THE BRIDGE AS RECOMMENDED. No vote.**

RODRIGUEZ moved **TO AMEND THE MOTION TO INCLUDE HAVING THE NEWLY ESTABLISHED PARKS COMMITTEE REVIEW THE PROPOSAL.** Motion died for lack of second.

JUSTUS moved, CRUME seconded, **THAT THE CITY COUNCIL INSTRUCT THE PUBLIC WORKS DEPARTMENT TO REPAIR THE BRIDGE AS RECOMMENDED.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

South Oregon Street Improvement Project *(Attached)*

Betsy Roberts, City Engineer, presented.

CRUME moved, JUSTUS seconded, **TO DIRECT STAFF TO FIX SOUTH OREGON STREET AND RETURN TO THE COUNCIL WITH INFORMATION ON WHERE THE ADDITIONAL FUNDING WOULD COME FROM.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

Boys & Girls Club of the Western Treasure Valley *(Video)*

Marty Justus, City Councilor, presented.

Police Chief Romero challenged Fire Chief Leighton to see which department could raise more money for the Boys & Girls Club.

OLD BUSINESS**Resolution #2020-125: Waive Utility Fees for Businesses Who Closed due to COVID-19**

Adam Brown, City Manager, presented.

CRUME moved, CAPRON seconded, **THAT THE CITY COUNCIL ADOPT RESOLUTION #2020-125, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO TO WAIVE UTILITY BILLS FOR THE MONTHS OF APRIL, MAY, AND JUNE, FOR BUSINESSES THAT CLOSED OR HAD THEIR REVENUE REDUCED BY MORE THAN 50%.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

Lease Revision: Golf Course Club House

Adam Brown, City Manager, presented.

CAPRON moved, RODRIGUEZ seconded, **THAT THE CITY COUNCIL APPROVE A LEASE MODIFICATION TO THE LEASE AGREEMENT FOR THE FORMER GOLF COURSE CLUB HOUSE BETWEEN THE CITY AND SHADOW BUTTE ENTERPRISE, LLC, DBA TREASURE VALLEY EXTRACTION.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

NEW BUSINESS**Letter of Support: Treasure Valley Community College Grant**

Adam Brown, City Manager, presented.

RODRIGUEZ moved, CAPRON seconded, **THAT THE CITY COUNCIL SIGN A LETTER OF SUPPORT FOR TREASURE VALLEY COMMUNITY COLLEGE'S APPLICATION FOR THE USDA DISTANCE LEARNING AND TELEMEDICINE PROGRAM GRANT.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

Resolution #2020-126: Receive/Expend Unexpected Fire Grant

Kari Ott, Finance Director, presented.

CAPRON moved, RODRIGUEZ seconded, **THAT THE CITY COUNCIL APPROVE RESOLUTION #2020-126, A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET TO RECOGNIZE AND EXPEND AN UNEXPECTED FIRE GRANT.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

Resolution #2020-127: Adopting Supplemental Budget to Recognize Unexpected Revenues and to Transfer Budgeted Appropriations for Unexpected Items

Kari Ott, Finance Director, presented.

CRUME moved, CAPRON seconded, **THAT THE CITY COUNCIL ADOPT RESOLUTION #2020-127, A RESOLUTION TO ADOPT A SUPPLEMENTAL BUDGET TO RECOGNIZE UNEXPECTED REVENUES AND TO TRANSFER BUDGETED APPROPRIATIONS FOR UNEXPECTED ITEMS.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

Resolution #2020-128: Bid Award – Wastewater Treatment Plant pH Adjustment Construction Project and Budget Adjustment

Kari Ott, Finance Director, presented.

BRADEN moved, CRUME seconded, **THAT THE CITY COUNCIL APPROVE RESOLUTION #2020-128, A RESOLUTION TO AWARD THE CONSTRUCTION OF WASTEWATER PH ADJUSTMENT PROJECT TO JLCC, INC., FOR \$62,780, AND APPROPRIATE AN ADDITIONAL \$45,100 OF EXPENDITURES.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

Ordinance #2776-2020: Idaho Power Franchise Agreement

Larry Sullivan, City Attorney, presented.

CRUME moved, JUSTUS seconded, **THAT THE CITY COUNCIL APPROVE ORDINANCE #2776-2020, AN ORDINANCE GRANTING A NON-EXCLUSIVE ELECTRIC UTILITY FRANCHISE TO IDAHO POWER COMPANY, AND FIXING TERMS, CONDITIONS, AND COMPENSATION OF SUCH FRANCHISE, AND DECLARING AN EMERGENCY, ON FIRST READING BY TITLE ONLY.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

Ordinance #2777-2020: Repeal Ordinance #2769-2019 and Adopt Temporary Oregon Structural Specialty Code Provisions for the City of Ontario Building Regulations OMC 4-1-1 and Declaring an Emergency

Dan Cummings, Community Development Director, presented.

CRUME moved, CAPRON seconded, **THAT THE CITY COUNCIL APPROVE ORDINANCE #2777-2020, AN ORDINANCE REPEALING ORDINANCE #2769-2019 AND ADOPTING TEMPORARY OREGON STRUCTURAL SPECIALTY CODE PROVISIONS FOR THE CITY OF OTNARIO BUIDLING REGULATIONS OMC 4-1-1 AND DECLARING AN EMERGENCY, ON FIRST READING BY TITLE ONLY.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

CRUME moved, JUSTUS seconded, **THAT THE CITY COUNCIL WAIVE THE SECOND READING OF ORDINANCE #2777-2020, AN ORDINANCE REPEALING ORDINANCE #2769-2019 AND ADOPTING TEMPORARY OREGON STRUCTURAL SPECIALTY CODE PROVISIONS FOR THE CITY OF ONTARIO BUILDING REGULATIONS OMC 4-1-1.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

PUBLIC HEARING**Resolution #2020-129: Supplemental Budget for Skate Park Restrooms**

It being the date advertised for public hearing on the matter of Resolution #0202-129, the Hearing was declared open. There were no objections to the city's jurisdiction to hear the action, no abstentions, ex-parte contact, and no declarations of conflict of interest.



Kari Ott, Finance Director, presented.

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

JUSTUS moved, CAPRON seconded, **THAT THE CITY COUNCIL APPROVE RESOLUTION #2020-129, A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET TO APPROPRIATE REVENUES AND EXPENDITURES FOR SKATE PARK RESTROOMS.** Roll call vote: Crume-yes; Rodriguez-yes; Palomo-out; Justus-yes; Capron-yes; Braden-yes; Hill-yes. Motion carried 6/0/1.

DEPARTMENT HEAD UPDATES

Financial Monthly Report *(Attached)*

Kari Ott, Finance Director, presented.

Fire & Rescue Quarterly Report *(Attached)*

Terry Leighton, Fire Chief, presented.

Community Development Special Report *(Attached)*

Dan Cummings, Community Development Director, presented.

DISCUSSION ITEMS

City of Ontario Founding vs. Established Date

The Downtown Association requested the city use the “founded” date of June 11, 1883, as opposed to the “incorporated” date of February 11, 1899, on documentation. Council consensus to use the founded date for all future uses.

HAND-OUTS

Check Register: *(Attached)*

May 1 → June 12, 2020

Department Stats:

Fire & Rescue: May 2020

Public Works: May 2020

Police: May 2020

Code Enforcement: May 2020

Minutes: *(Attached)*

County Court: 05-13-2020; 05-20-2020; 06-03-2020

County Budget: 04-21-2020; 04-22-2020

CORRESPONDENCE, COMMENTS, AND EX-OFFICIO REPORTS

Mayor Hill asked Chief Romero about having those police officers who lived in town drive a patrol car home. Chief Romero stated there were pros and cons associated with that. Councilor Capron stated the ICMA study that had been done a few years back actually suggested the cars go home with the patrol officers.

Councilor Crume asked to receive a tally on what costs were associated with the city’s involvement with the Black Lives Matter protest. Councilor Braden thanked staff for all their work regarding the protest.

Mayor Hill read a proclamation from the Emblem Club.



ADJOURN

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

ACCEPTED:**ATTEST**

Riley J. Hill, Mayor

Tori Barnett, MMC, City Recorder



**AGENDA REPORT
NEW BUSINESS
July 21, 2020**

To: Mayor and City Council

FROM: Steven Romero, Police Chief

THROUGH: Adam J. Brown, City Manager

SUBJECT: LIQUOR LICENSE APPLICATION - COLUMBIA DISTRIBUTING

DATE: July 17, 2020

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE THE CHANGE OF OWNERSHIP WHOLESALE MALT BEVERAGE & WINE LIQUOR LICENSE APPLICATION FOR COLUMBIA DISTRIBUTING.

SUMMARY:

Columbia Distributing (CoHo Distributing LLC), located at 121 SW 19th Avenue, Ontario, Oregon completed the "Wholesale Malt Beverage & Wine" liquor license change of ownership application through the Oregon Liquor Control Commission. This location will be a storage location for the company.

All necessary paperwork has been approved through the Oregon Liquor Control Commission office and is awaiting approval through the Ontario City Council.

BACKGROUND:

This location currently holds a Wholesale Malt Beverage & Wine license under the name of Echanis Distributing Company Incorporated. This business location has been sold to Columbia Distributing so they are working on transferring the license into the new ownership name.

Criminal record process was completed on owner/manager Paul Meade. Record returned meeting state and local requirement. The application forms have been filled out appropriately and required fees have been paid. All permit and license requirements have been met through the Oregon Liquor Control Commission as well as through the City of Ontario Planning Department.

CURRENT SITUATION:

Columbia Distributing will be storing malt beverage and wine at 121 SW 19th Avenue, Ontario, Oregon. That location currently has a malt beverage and wine license under the name of

Echanis Distributing Company Inc. who has sold that property and their current inventory to Columbia Distributing. The application process provides the necessary requirements for OLCC to transfer the current license from Echanis Distributing to Columbia Distributing for that location. Once this step is completed, this location will have the necessary license in the new owner name which will require renewal on a yearly basis.

ANALYSIS:

- A. **STRATEGIC PLAN** This meets the Council's adopted Strategic Plan for Growth. With the approval of this license, Columbia Distributing will contribute to our community's economic growth and fiscal sustainability.
- B. **FINANCIAL** There is no financial impact for this action.
- C. **TIMING** Approval required to show the license ownership change from Echanis Distributing to Columbia Distributing for this location.
- D. **POLICY/LEGAL** All legal steps have been followed to completion, with no negative feedback.

ALTERNATIVES:

Not approve the license application.

This has no true effect on the process, as the Oregon Liquor Control Commission may take the city's objections to the action into consideration but are not obligated to do so. They are the ultimate authority on the issuance of the license.

RECOMMENDATION:

Staff recommends that the City Council approve the Wholesale Malt Beverage & Wine liquor license ownership change for Columbia Distributing storage location.

ATTACHMENTS:

None



**AGENDA REPORT
NEW BUSINESS
July 21, 2020**

To: Mayor and City Council

FROM: Dan Cummings, Community Development Director

THROUGH: Adam J. Brown, City Manager

SUBJECT: **RIGHT OF WAY EASEMENT FROM THE CITY OF ONTARIO TO CASCADE
NATURAL GAS ALONG SE 2ND STREET RIGHT OF WAY FOR A GAS LINE
(PLANNING ACTION 2020-06-25EASE)**

DATE: July 14, 2020

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE THE RIGHT OF WAY EASEMENT FOR A GAS LINE OVER AND ACROSS THE PARCEL OF LAND KNOWN AS TAX LOT 702 ON MAP 18S4710C REFERENCE #16871 AND AUTHORIZE THE MAYOR TO SIGN THE DOCUMENT SHOWN AS ATTACHMENT 1 OF THIS REPORT.

SUMMARY:

As part of the City of Ontario's ongoing Project "SE 2nd Street from SE 12th Avenue to SE 5th Avenue", a portion of the existing gas line owned and maintained by Cascade Natural Gas Corporation was required to be relocated outside of the street right of way section for SE 2nd Avenue.

A portion of the relocated line is across a piece of property owned by the City of Ontario known as Tax Lot 702 on Assessor's Map 18S4710C, Assessor's Reference Number 16871. The location better aligns with the gas line running in the alley in Block 184 of Wilson's Supplemental Plat to the City of Ontario. (*Attachments #2 and #3*)

BACKGROUND:

The SE 2nd Street Project is a street rehabilitation project funded by gas tax dollars through the Oregon Department of Transportation. This project is currently under construction. Part of the project required the relocation of an existing gas line owned and operated by Cascade Natural Gas Corporation. During the relocation of this gas line, it was determined that for part of the relocation of the line, it would be best to keep it out of the new street section and instead run it across a piece of property that the city owns. The section is outside of the normal right of way section for SE 2nd Street. This location also allowed for a smoother

connection to the existing line located in the alley in Block 184 of Wilson's Supplemental Plat to the City of Ontario.

As part of the discussion for the relocation of the line across Tax Lot 702, the Community Development Director suggested to Cascade Natural Gas Company that it would be in the best interest of both the gas company and the city to grant an easement. This would ensure that if this parcel was deemed surplus, and potentially placed for sell, the gas line would be protected by an easement.

CURRENT SITUATION:

Cascade Natural Gas Corporation agreed that creating an easement was warranted, and agreed to have the easement surveyed and the easement document prepared by their attorney as well as pay for the recording of the document.

Attached to this report as Attachment #1 is the proposed easement being granted.

ANALYSIS:

- A. **STRATEGIC PLAN** This action fits the City Council Strategic Plan by maintaining the beautify of the new street section from not having to be cut open to maintain the gas line.
- B. **FINANCIAL** There is no financial cost to the city other than the staff time required to create the staff report, as Cascade Gas has paid for all the surveying and preparation of the easement document, and will pay for recording the document.
- C. **TIMING** There is no major rush in getting this easement approved; however, it needs to be completed in case the city ever wanted to sell the parcel of land should it be determined as unneeded as right of way.
- D. **POLICY/LEGAL** The Easement Document has been reviewed by the City Attorney.

ALTERNATIVES:

The City Council could choose not to grant this easement and rely on future staff to remember the gas line is across this parcel of land for any future sales.

RECOMMENDATION:

Staff recommends the City Council approve this easement to protect all parties involved now and in the future.

ATTACHMENTS:

- 1. SE 2nd St - Cascade Natural Gas Easement
- 2. Easement Survey_Cascade Natural Gas

WHEN RECORDED RETURN TO:
CASCADE NATURAL GAS CORPORATION
C/O KYLE MCCAULEY
218 SW 19TH AVE
ONTARIO, OR 97914
ATTENTION: Engineering / Right of Way

RIGHT OF WAY EASEMENT

CNG317

City: Ontario
County: Malheur
Project #: 277733

The undersigned **CITY OF ONTARIO** (hereinafter referred to as the "Grantor"), for and in consideration of mutual benefit of the parties and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, convey, and warrant to **CASCADE NATURAL GAS CORPORATION**, a Washington corporation (hereinafter referred to as the "Grantee"), a nonexclusive easement over the following described property of the Grantor:

PROPERTY DESCRIPTION:

A PARCEL OF LAND LYING IN THE SW ¼ OF SECTION 10, TOWNSHIP 18 SOUTH, RANGE 47 EAST, WILLAMETTE MERIDIAN, MALHEUR COUNTY, OREGON, SAID PACEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 16, ONTARIO INDUSTRIAL SITE, CITY OF ONTARIO,
MALHEUR COUNTY, OREGON

AS PER INSTRUMENT NUMBER 61252

EASEMENT DESCRIPTION:

A STRIP OF LAND AS DEPICTED ON THE EXHIBIT MAP B AND DESCRIBED AS THE UTILITY EASEMENT ON EXHIBIT A HERETO ATTACHED.

TAX PARCEL NUMBER: 702

The Grantee is granted the right to construct, install, operate, maintain, protect, improve, repair, and abandon in place a natural gas pipeline or pipelines, regulation devices, and metering equipment under, over, through, and across the above-described property. The Grantee is further granted an easement for the nonexclusive right of access to and from said property for the purpose of utilizing the rights herein granted.

The term "pipeline" includes gas lines, services, machinery, equipment, and facilities related to the operation or maintenance of said gas lines. The Grantor, on behalf of itself and its agents, invitees and licensees, agrees not to impair or interfere with the full use and enjoyment by the Grantee of the rights herein granted.

Without limiting the generality of the foregoing, the Grantor shall not erect any structure within the easement area, or conduct or permit any activities that may impair or interfere with the rights herein granted.

Grantor agrees to cooperate with Grantee to obtain all necessary permits, licenses and governmental action so that Grantee may enjoy the full use and benefit of this right-of-way easement.

The Grantee agrees to hold the Grantor harmless from any loss, cost, or damage resulting from the Grantee's negligence in connection with the operation or maintenance of any pipelines installed under or over the easement premises and the Grantor agrees to hold the Grantee harmless from any loss, cost, or damage caused by the Grantor, its agents, invitees, or licensees or from any breach of this easement.

This easement shall be binding upon the heirs, executors, administrators, personal representatives, successors, and assigns of the parties hereto.

In witness whereof, the undersigned have executed this easement this _____ day of _____ 2020.

By: _____ Riley J. Hill _____

Its: _____ Mayor _____

State of Oregon)
) ss.
County of)

I certify that I know or have satisfactory evidence that _____ known to be the _____ of _____ is the person who appeared before me, and said person acknowledged that he/she signed this instrument, and acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: _____

Notary Public
Print Name _____

My commission expires _____

In witness whereof, the undersigned have executed this easement this _____ day of _____ 2020.

By:_____Tori Barnett_____

Its:_____MMC, City Recorder_____

State of Oregon)
) ss.
County of)

I certify that I know or have satisfactory evidence that _____ known to be the _____ of _____ is the person who appeared before me, and said person acknowledged that he/she signed this instrument, and acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: _____

Notary Public
Print Name _____

My commission expires _____

EXHIBIT A
PROPERTY DESCRIPTION
FOR
15 FOOT UTILITY EASEMENT

A parcel of land lying in the SW1/4 of Section 10, Township 18 South, Range 47 East, Willamette Meridian, Malheur County, Oregon, said parcel being more particularly described as follows:

Commencing at a Brass Cap marking the Center South West 1/16 Corner; thence N02°39'59"W, along the West 1/16th Line 1327.70 feet to a 5/8 inch Iron pin marking the Center West 1/16th corner, thence S87°26'56"W, along the South Line of Wilson's Supplemental Plat, 67.15 feet to a 5/8 inch rebar which lies on the Easterly Right of Way of SE 2nd Street, said rebar being the POINT OF BEGINNING;

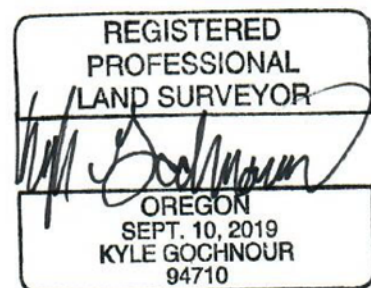
Thence along a curve to the right, a distance of 238.00 feet, said curve having a delta of 33°15'32", a radius of 410.00 feet, and a long chord of 234.67 feet that bears S19°17'39"E to a 5/8 inch rebar marking the ending of said curve;

Thence N02°39'59"W, along the West 1/16th line of said Section 10, 111.93 feet to a point, said point being a point of curvature;

Thence along a curve to the left, a distance of 123.63 feet, said curve having a delta of 16°40'02", a radius of 425.00 feet, and a long chord of 123.20 feet that bears N26°16'04"W to a point which lies on the Latitudinal Centerline of Said Section 10;

Thence S87°26'56"W, along the South boundary line of said Wilson's Supplemental Plat, 17.83 feet to the POINT OF BEGINNING.

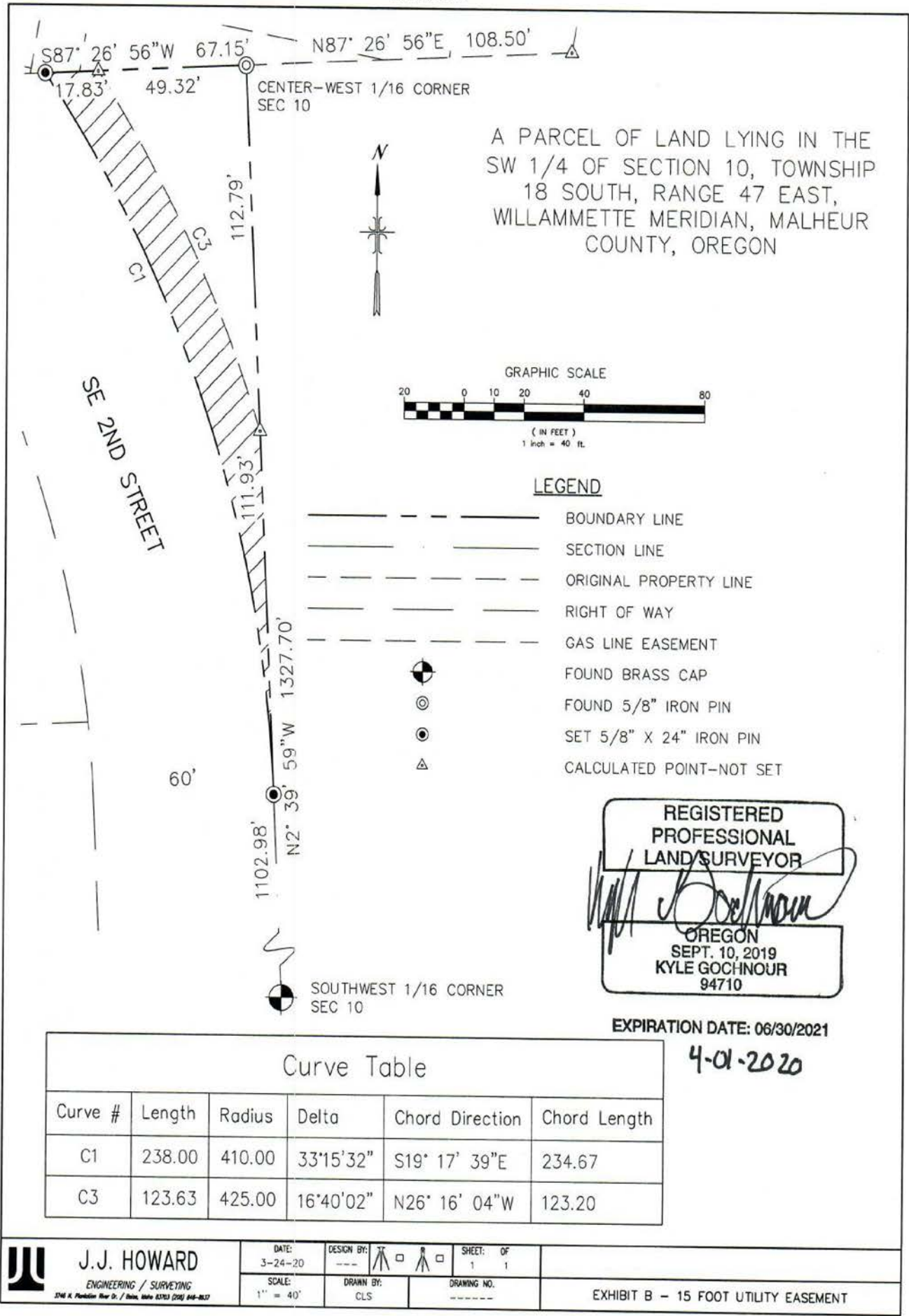
Said parcel contains 0.06 acres, more or less, and is subject to all existing easements and right-of-ways of record or implied.

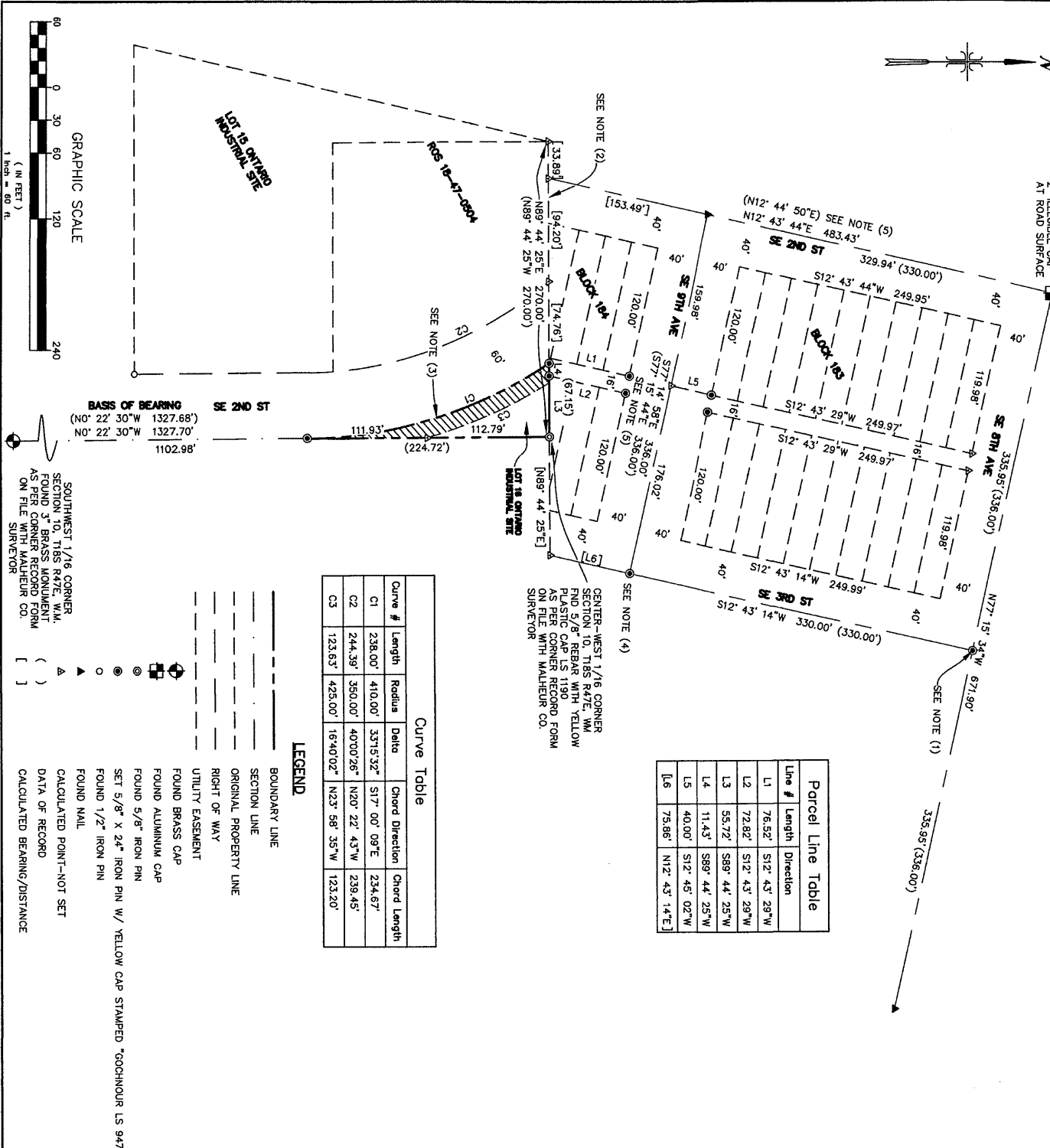


EXPIRATION DATE: 06/30/2021

4-01-2020

Exhibit B





Parcel Line Table		
Line #	Length	Direction
L1	76.52'	S12° 43' 29"W
L2	72.82'	S12° 43' 29"W
L3	55.72'	S89° 44' 25"W
L4	11.43'	S89° 44' 25"W
L5	40.00'	S12° 45' 02"W
L6	75.86'	N12° 43' 14"E

Curve Table			
Curve #	Length	Radius	Delta
C1	236.00'	410.00'	33° 53' 32"
C2	244.39'	350.00'	N20° 22' 43"W
C3	123.63'	425.00'	N23° 58' 35"W

LEGEND

- BOUNDARY LINE
- SECTION LINE
- ORIGINAL PROPERTY LINE
- RIGHT OF WAY
- UTILITY EASEMENT
- FOUND BRASS CAP
- FOUND ALUMINUM CAP
- FOUND 5/8" IRON PIN
- FOUND 1/2" IRON PIN
- SET 5/8" x 24" IRON PIN W/ YELLOW CAP STAMPED "GOCHOUR LS 94710"
- FOUND NAIL
- CALCULATED POINT-NOT SET
- DATA OF RECORD
- CALCULATED BEARING/DISTANCE

REFERENCES

REFERENCE IS MADE TO THE FOLLOWING:
WILSON'S SUPPLEMENTAL PLAT
ROS 18-47-0204
ROS 18-47-0303
BELLOWS-HAVENS INDUSTRIAL SUBDIVISION 18-47-0749
ROS 18-47-0380
ONTARIO INDUSTRIAL SITE SUBDIVISION
ROS 18-47-0837
ROS 18-47-0487
WARRANTY DEED 61252
STATUTORY WARRANTY DEED 2008-5795
DEED 2005-4598
BARGAIN AND SALE DEED 2016-2078

NARRATIVE

THIS PROPERTY SURVEY WAS COMPLETED AT THE REQUEST OF CASCADE NATURAL GAS. THE PURPOSE OF THE SURVEY WAS TO MONUMENT THE PROPERTY OWNED BY THE CITY OF ONTARIO AS WELL AS THE RIGHT OF WAY AT THE ALLEY WAY FOR BLOCKS 183 AND 184 OF WILSON'S SUPPLEMENTAL PLAT, FOR USE AND LOCATION DURING RE-LOCATION OF A GAS LINE.

NOTES

- (1) THE POINT IN THE INTERSECTION OF SE 8TH AND SE 3RD WAS RE-SET AT THE MIDPOINT BETWEEN THE 2 FOUND MONUMENTS ON SE 8TH.
- (2) THE SOUTH LINE OF WILSON'S SUPPLEMENTAL PLAT WAS RE-SET USING MAHEUR COUNTY RECORD OF SURVEY 6504. CALCULATED LOT LINES WERE FIELD CHECKED TO VERIFY POSSESSION LINES AND CALCULATED LOT LINES WERE COMPATIBLE WITH EACH OTHER.
- (3) THE 15 FOOT EASEMENT SHOWN ON THE PARCEL ALONG THE 1/16TH LINE WAS ACQUIRED FROM THE CITY OF ONTARIO TO CASCADE NATURAL GAS FOR THE RE-LOCATION OF A GAS LINE THAT WAS UNDER CONSTRUCTION AT THE TIME OF THIS SURVEY.
- (4) THE POINT AT THE INTERSECTION OF SE 9TH AND 3RD WAS RESET USING RECORD DISTANCES FROM THE POINTS NORTH AND WEST OF THIS INTERSECTION.
- (5) RECORD BEARINGS BASED ON ROS 18-47-0487

CERTIFICATE OF SURVEYOR

I, KYE GOCHOUR, A REGISTERED PROFESSIONAL LAND SURVEYOR HEREBY CERTIFY THAT THIS SURVEY WAS COMPLETED ON MARCH 10, 2020 AND WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE BOUNDARY CORNERS ARE MARKED AS SHOWN AND THAT THIS MAP IS A TRUE AND ACCURATE REPRESENTATION OF SAID SURVEY.

REGISTERED PROFESSIONAL LAND SURVEYOR
KYE GOCHOUR
EXPIRATION DATE 06/30/2021
MAHEUR COUNTY SURVEYOR (OS 209,250)
BY: [Signature]
RECEIVED 4/17/2020
FILED 6/17/2020
SURVEY NO. 18-47-0976
DWC NO. B-07766

RECORD OF SURVEY FOR CASCADE NATURAL GAS

A PARCEL OF LAND BEING PORTIONS OF BLOCKS 184 AND 183, WILSON'S SUPPLEMENTAL SUBDIVISION AND ONTARIO INDUSTRIAL SITE SUBDIVISION AND LYING IN THE NW 1/4 OF SW 1/4 AND THE SW 1/4 OF THE NW 1/4, SECTION 10, T18S, R47E, W4E, MAHEUR COUNTY, OREGON

J.J. HOWARD
ENGINEERING & SURVEYING
5903 W. State St., Ste. 9 / Bldg. D 83703
PHONE: (208) 846-8827 FAX: (208) 846-8822
DATE: 3/20/2020
DESIGN BY: [Signature]
CHECKED BY: [Signature]
SCALE: K4G
DRAWN BY: [Signature]
INDEX NO.: [Signature]
SHEET: 01
1 of 1



**AGENDA REPORT
NEW BUSINESS
July 21, 2020**

To: Mayor and City Council

FROM: Betsy Roberts, City Engineer

THROUGH: Adam J. Brown, City Manager

SUBJECT: **AUTHORIZATION TO PURCHASE EQUIPMENT FOR BIOSOLIDS REMOVAL PROJECT**

DATE: July 14, 2020

PROPOSED MOTION:

I MOVE THE CITY COUNCIL AUTHORIZE THE CITY MANAGER TO SIGN A PURCHASE ORDER FOR UP TO \$40,000 FOR THE PURCHASE OF A SIDE DISCHARGE SPREADER FOR THE PURPOSE OF SPREADING BIOSOLIDS ON FARM GROUND, CONTINGENT ON MEETING ADEQUATE COMPETITIVE BIDDING REQUIREMENTS.

SUMMARY:

The City of Ontario is planning to remove biosolids from the City's Wastewater Treatment lagoon #1. Because the biosolids have met specific requirements for safety, once dried, these solids can be applied to the City's Skyline Farm. Once the solids are hauled to the Skyline Farm they must be distributed over the tilled soil. Spreading the solids requires a specific piece of farm equipment, typically a "manure spreader". Because this project is moving very quickly, the motion today seeks contingent approval for the City Manager to sign a purchase order for the needed equipment as soon as the bidding is complete.

BACKGROUND:

The Oregon Department of Environmental Quality (DEQ) requires the removal of biosolids from the City's WWTP lagoon #1. The 25+ year accumulation of solids has left the City in a position of having excessive solids as well as beginning to experience odor issues related to the excessive solids volume. The removal of solids is a maintenance effort that should be conducted at least every 5 years to maintain a reasonable level of solids in the lagoons.

Public Works staff have researched the ability to rent this piece of equipment and have so far only found rentals in the midwest or east. Staff have also researched opportunities to purchase a used piece of equipment. The used pieces found to date are only a few thousand dollars less than the quotes we have found for the new pieces of equipment. For the

uncertainty that comes with a used piece of equipment, staff feels the small additional cost is money well spent.

CURRENT SITUATION:

Staff is requesting contingent approval for the City Manager to secure a side discharge spreader to be used for spreading biosolids at the Skyline Farm this year and in years to come. The project is under a very tight timeframe, as solids cannot be applied to frozen ground.

ANALYSIS:

- A. **STRATEGIC PLAN** Growth - without the ability to continue to handle the City's biosolid accumulation, the community cannot grow effectively. Livability - the removal of biosolids is a significant step towards reducing the potential for springtime odor problems at the WWTP. Desirability - living in a community that responsibly handles and solves the challenges of sanitary sewer treatment and disposal is a community that people want to live in!
- B. **FINANCIAL** The Council approved a budget of \$2.3M for the biosolids removal project. The purchase of this specific piece of equipment, side discharge spreader, supports the successful completion of the project, and allows the process to continue on into the future. The majority of the \$2.3M will be spent on the actual removal of solids. Having a healthy WW budget right now, lays the groundwork for allowing the City to use funds now to set ourselves up for a successful future.
- C. **TIMING** Timing is critical for this project. The project is currently being advertised and a bid opening is planned for August 13th. As noted previously, spreading solids on frozen ground is not ideal so completing the work this fall and early winter is critical. Per DEQ requirements, we cannot store solids at the Skyline Farm for more than 21 days at a time, so once the solids get up there, we need to be able to spread them on the fields as quickly as possible.
- D. **POLICY/LEGAL** Council approval is required for contingent approval to purchase this piece of equipment.

ALTERNATIVES:

Purchasing this piece of equipment now allows the team to spread solids for this project and set the City up for future work.

Not approving the purchase of this piece of equipment will require the Contractor to bring this specialized piece of equipment with him (typically not a piece they have) or require the City to rent this piece of equipment. Research has been done on renting, and so far staff has not found a rental available.

RECOMMENDATION:

Staff recommends the Council authorize the City Manager to purchase the side discharge spreader as soon as the Public Works staff can conduct an adequate bidding process.

ATTACHMENTS:

1. Sorcewell manure spreader #2

YOUR CONTRACT. YOUR QUOTE. YOUR HELP REQUESTED.

**Ensure your equipment arrives with no delay.
Issue your Purchase Order or Letter of Intent.**

To expedite the ordering process, please include the following information in Purchase Order or Letter of Intent:

For any questions, please contact:

- ☐ Shipping address
- ☐ Billing address
- ☐ Vendor: John Deere Company
2000 John Deere Run Cary,
NC 27513
- ☐ Contract name and/or number
- ☐ Signature
- ☐ Tax exempt certificate, if applicable

Eddie Kinkade

Campbell Tractor & Implement
1775 Sw 30th Street
Ontario, OR 97914

Tel: 541-889-7254

Fax: 541-889-8364

Email: evkinkade@campbelltractor.com

Quote Id: 22320669

**ALL PURCHASE ORDERS MUST BE MADE OUT
TO (VENDOR):**

Deere & Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580; DUNS#: 60-7690989

**ALL PURCHASE ORDERS MUST BE SENT
TO DELIVERING DEALER:**

Campbell Tractor & Implement
1775 Sw 30th Street
Ontario, OR 97914
541-889-7254
management@campbelltractor.com

Prepared For:

CITY OF ONTARIO PUBLIC WORKS

Proposal For:

Delivering Dealer:

Eddie Kinkade

Campbell Tractor & Implement
1775 Sw 30th Street
Ontario, OR 97914

management@campbelltractor.com

Quote Prepared By:

EDDIE KINKADE

evkinkade@campbelltractor.com

ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):

Deere & Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580; DUNS#: 60-7690989

ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:

Campbell Tractor & Implement
1775 Sw 30th Street
Ontario, OR 97914
541-889-7254
management@campbelltractor.com

Quote Summary

Prepared For:

CITY OF ONTARIO PUBLIC WORKS
444 SW 4TH ST
ONTARIO, OR 97914
Business: 541-881-3274

Delivering Dealer:

Campbell Tractor & Implement
Eddie Kinkade
1775 Sw 30th Street
Ontario, OR 97914
Phone: 541-889-7254
evkinkade@campbelltractor.com

Quote ID: 22320669
Created On: 09 July 2020
Last Modified On: 14 July 2020
Expiration Date: 09 August 2020

Equipment Summary	Selling Price	Qty	Extended
Frontier MS2320 -2000 Gallon Side Discharge Manure Spreader	\$ 36,131.66 X	1 =	\$ 36,131.66
Contract: Sourcewell Ag Tractors 110719-JDC (PG 1P CG 70)			
Price Effective Date: July 8, 2020			
Equipment Total			\$ 36,131.66

* Includes Fees and Non-contract items

Quote Summary

Equipment Total	\$ 36,131.66
Trade In	
SubTotal	\$ 36,131.66
Est. Service Agreement Tax	\$ 0.00
Total	\$ 36,131.66
Down Payment	(0.00)
Rental Applied	(0.00)
Balance Due	\$ 36,131.66

Salesperson : X _____

Accepted By : X _____

Selling Equipment

Quote Id: 22320669 **Customer Name:** CITY OF ONTARIO PUBLIC WORKS

ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):

Deere & Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580; DUNS#: 60-7690989

ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:

Campbell Tractor & Implement
1775 Sw 30th Street
Ontario, OR 97914
541-889-7254
management@campbelltractor.com

Frontier MS2320 -2000 Gallon Side Discharge Manure Spreader

Hours:

Stock Number:

Contract: Sourcwell Ag Tractors 110719-JDC (PG 1P CG 70)

Selling Price *
\$ 36,131.66

Price Effective Date: July 8, 2020

* Price per item - includes Fees and Non-contract items

Code	Description	Qty	List Price	Discount%	Discount Amount	Contract Price	Extended Contract Price
0810XF	MS2320 -2000 Gallon Side Discharge Manure Spreader	1	\$ 40,921.00	18.00	\$ 7,365.78	\$ 33,555.22	\$ 33,555.22
Standard Options - Per Unit							
1040	STANDARD AXLE	1	\$ 0.00	18.00	\$ 0.00	\$ 0.00	\$ 0.00
3060	295R X 22.5 RECAP TIRE - TUBELESS (MS2320)	1	\$ 2,102.00	18.00	\$ 378.36	\$ 1,723.64	\$ 1,723.64
5017	1000 RPM PTO 1 3/8" with Overrunning/Torque Limiting Clutch	1	\$ 1,040.00	18.00	\$ 187.20	\$ 852.80	\$ 852.80
Standard Options Total			\$ 3,142.00		\$ 565.56	\$ 2,576.44	\$ 2,576.44
Total Selling Price			\$ 44,063.00		\$ 7,931.34	\$ 36,131.66	\$ 36,131.66



**AGENDA REPORT
NEW BUSINESS
July 21, 2020**

To: Mayor and City Council

FROM: Betsy Roberts, City Engineer

THROUGH: Adam J. Brown, City Manager

SUBJECT: WWTP DIFFUSER PRELIMINARY DESIGN TASK ORDER

DATE: July 15, 2020

PROPOSED MOTION:

I MOVE THE CITY COUNCIL APPROVE THE DIFFUSER PRELIMINARY DESIGN TASK ORDER FOR \$35,000 FOR MURRAYSMITH.

SUMMARY:

Murraysmith has been under contract with the City to develop the Mixing Zone Study as required by the Oregon Department of Environmental Quality (DEQ). The preliminary design of the diffuser is the next step in this process. This is all part of the National Pollutant Discharge Elimination System (NPDES) requirements for the City. The final design is due February 2, 2021. The design team will need to get moving on the design as soon as possible to meet that deadline.

BACKGROUND:

The City's NPDES permit requires study and understanding of the mixing zone. The mixing zone is that area in the river where the treated effluent enters the river. and becomes dispersed The pipe is submerged in the Snake River, effluent is discharged at pipe end underwater and mixes with the river water. Obviously, if there is only one opening at the end of the pipe, it is difficult for the effluent to mix quickly with the surrounding water and instead it can remain as a slug moving downstream for a significant distance before fully mixing with the river water. Imagine if there are multiple perforations in the pipe where the effluent can be released - the mixing occurs quickly and in a small area as opposed to producing a slug of effluent that continues downstream for a longer time and distance. The mixing zone study looked at how our slug is currently coming out of the outfall pipe and how quickly it mixed with river water. This preliminary design task order will build on the mixing zone study information to improve that mixing by, very simply put, creating a new end piece(s) that will create more rapid mixture. The original study evaluated the current outfall mixing conditions. This task order will now focus on modeling various pipe end options to create the optimal mixing that meets DEQ

requirements and is as cost effective as possible. A final design task order will be developed later this fall, once the modeling has been completed and the pipe end configuration is understood. We are also currently in conversation with the DEQ about how they are interpreting the City's effluent ammonia limit (ammonia is one of the key constituents we try to dilute with mixing). Finalizing the interpretation of this limit with DEQ will have an impact on how the diffuser is designed. Thus, we have broken design into preliminary and final stages.

CURRENT SITUATION:

The Murraysmith preliminary design task order and fee estimate is attached. The preliminary design requires minimal site survey, environmental clearance, river work permitting, modeling, DEQ review and approval, and development of construction contract documents. This work needs to be completed by February 21, 2021 to meet the NPDES requirements. This Task Order needs approval from the Council.

ANALYSIS:

- A. **STRATEGIC PLAN** Growth - without the ability to achieve regulatory compliance, the City's wastewater treatment system will be out of compliance, and likely in a fine situation. This means the community cannot effectively grow. This project will allow for compliance and therefore growth. Desirability - living in a community that responsibly handles and solves the challenges of sanitary sewer treatment and disposal is a community that people want to live in.
- B. **FINANCIAL** The Council approved a budget of \$35,000 for this design project. This budget was based on the assumption that record drawings could be found to avoid the need for additional survey. So far this has not been the case. The task order and estimated fee have been reviewed and seem to be reasonable for the level of effort required. The final design effort will require allocation of additional funds from the City's WW Contingency fund, once we understand the final DEQ limit requirement.
- C. **TIMING** The project timing is critical, as the design is due to the DEQ by February of 2021.
- D. **POLICY/LEGAL** Council approval is required.

ALTERNATIVES:

Not approving this task order will put the design effort behind schedule.

RECOMMENDATION:

Staff recommends approval of the task order for \$35,000 to complete the Preliminary Design for the City of Ontario Diffuser.

ATTACHMENTS:

1. Scope of Work Ontario Outfall Design_FINAL DRAFT_7.16.2020
2. Fee Estimate Final Draft Ontario Outfall Predesign_7.16.2020

TASK ORDER OUTFALL PRELIMINARY DESIGN

CITY OF ONTARIO, OREGON

This Scope is for professional services between Murraysmith, Inc. (Murraysmith) and the City of Ontario, Oregon (City) for the analysis and preliminary design of improvements to the wastewater treatment plant's (WWTP's) effluent outfall. The services provided under this scope will be completed under the current Continuing Professional Engineering Service agreement (July 2019).

Background

The City of Ontario, Oregon's WWTP discharges treated municipal wastewater into the Snake River (RM 369.2) via a submerged single port discharge (National Pollutant Discharge Elimination System Permit #101633). As part of the process of renewing this permit, the Oregon Department of Environmental Quality (ODEQ) has completed an initial Reasonable Potential Analysis (RPA) that identified several likely compliance issues. In 2013, the City completed a Level 1 Mixing Zone Study that identified the potential to improve the City's existing outfall to help address some of the compliance issues identified by ODEQ. In June 2020, Murraysmith supported the City in completing the ODEQ required Level 2 Mixing Zone Study.

The Level 2 Study completed field work to characterize existing mixing conditions, modeled the mixing achieved with the existing outfall, and confirmed the need for diffuser improvements to meet ammonia water quality requirements at the edge of the mixing zone. This Task Order (TO) is for the development of an outfall improvement preliminary design. The preliminary design will review the existing outfall system and river dilution requirements and present the system upgrades needed to meet hydraulic conveyance constraints and river dilution needs.

At the completion of this work, a subsequent TO will be submitted to cover the final design and bidding/contract document development.

Scope of Services

The Phase 1 services are divided into the following major tasks:

- Task 1.0 – Project Management
- Task 2.0 – Data Collection
- Task 3.0 – Permitting Requirements
- Task 4.0 – Preliminary Design

Task 1.0 - Project Management

The purpose of this task is to provide management of the project team, schedule, and budget. Included in this task are monthly invoicing, budget and schedule review, updates, team meetings and general administrative tasks. As project manager, Mark Cummings will lead communication with the City and the team throughout the duration of the project.

Assumptions

- Project duration will be no more than 3 months.

Deliverables

- Monthly invoices and project updates to the City

Task 2.0 – Data Collection

Detailed existing facility information will be gathered and processed for future use in the development of the detailed design. This information will be reviewed for potential impacts to the design concepts. Work will include review of all available documentation, blueprints, design documents, permits and field data from past studies, reports, and publicly available literature/documents related to the WWTP outfall system.

Assumptions

- City will provide existing planning documents that include population and flow projections. City will provide input and recommendation for future flow used for outfall and diffuser design capacity.
- The City will provide Murraysmith with the last 2 years of WWTP effluent flow and load data.
- Field work and full topographic survey is not included and will be completed during future work as needed for final design.

Deliverables

- None.

Task 3.0 – Permitting Requirements Update

In order to ensure that permitting does not delay outfall diffuser construction, Murraysmith will initiate conversations with the pertinent regulatory agencies to brief them on the project and define permitting requirements. Murraysmith previously completed a high level review of permitting requirements. However, that review was completed assuming the requirements of the diffuser were quite small and construction would be below several regulatory limits that trigger

additional permitting requirements. Murraysmith will prepare an Environmental Permitting Summary document.

Assumptions

- Agencies that will be contacted include USA COE, Oregon Department of State Lands (DSL), Oregon DEQ, Oregon SHPO, and US Fish and Wildlife Service.
- Per previous conversations with ODEQ, coordination with similar agencies from the state of Idaho are assumed to not be necessary.

Deliverables

- Draft Environmental Permitting Summary Memorandum (in Adobe PDF format)
- Final Environmental Permitting Summary Memorandum (in Adobe PDF format)

Task 4.0 – Preliminary Design

Subtask 4.1 Mixing Zone Modelling

Data from the survey and previously completed Level 2 Mixing Zone Study will be used to determine modification(s) needed to the existing structure and/or the optimal location for siting a proposed multiport diffuser outfall where maximum mixing can likely be achieved. Optimal modifications to be made will be proposed based on site conditions, available head, minimum dilution requirements, and mixing performance requirements.

Once a suitable design option for the proposed outfall is selected, the outfall/multiport diffuser design and optimization will be completed using CORMIX v11.0 and CorHyd v11.0 models. The work will begin based on a dilution target and the regulatory mixing zone dimensions allowed by ODEQ.

CorHyd v4.0, the internal diffuser hydraulics design tool, will be used to calculate line source properties and required head for the proposed multiport diffuser design. This tool can also be used to specify duckbill check valves, if needed, for the diffuser. The duckbill valves give a performance advantage by keeping port velocity high over a range of discharge flow rates.

An iterative design optimization process is proposed, using CORMIX for mixing zone water quality modeling and CorHyd diffuser line source hydraulic modeling. CORMIX modeling will be performed to optimize any dilution for a line source. CorHyd will be used to determine the head requirements and to verify a uniform line source discharge for the proposed diffuser. The design will be optimized for port exit velocities that cause the individual plumes from each port to merge by the end of the near-field and minimize the potential for scouring the riverbed. The design process will evaluate several designs to obtain an optimized design for the project site.

Both fanned diffuser designs and duckbill check valves at the discharge ports will be analyzed to optimize mixing and limit acceleration zones caused by large multiport diffuser structures. This analysis will be done over a range of discharge flowrates.

The CORMIX v9.0 Mixing Zone Model will be used for mixing zone modeling and dilution analysis of the effluent discharge. CORMIX will be used because it complies with all ODEQ model requirements and has multiport diffuser design tools.

Subtask 4.2 Preliminary Design and Memo

Murraysmith will develop a Preliminary Design Memo that will include the following:

- Results of the survey and data collection tasks
- Mixing zone modelling findings
- Concept Design Figures
- Outfall Hydraulics and determination of need for an outfall pump station
- AACEi Level 5 opinion of probable cost for recommended work

Assumptions

- New diffuser is assumed to be in same general location as existing outfall.
- Murraysmith will endeavor to achieve the target dilution ratios as determined from the Tier 2 Mixing Zone Study and required by ODEQ. However, due to regulatory and or physical mixing zone constraints, there is no guarantee this is possible.
- Permanent easements exist for outfall pipeline and outfall. TO does not include assistance with obtaining easements.

Deliverables

- Tier 2 Mixing Zone Study Update
 - Draft Report (in Adobe PDF format)
 - Final Report (in Adobe PDF format)
- Preliminary Design Memo
 - Draft Report (in Adobe PDF format)
 - Final Report (in Adobe PDF format)

Budget

The work provided in this Scope of Work will be billed on a time and materials basis with a total estimated budget of \$34,966 which shall not be exceeded without prior written authorization from the City.

When any budget has been increased or follow-on work contracted, Murraysmith's excess costs expended prior to such an increase will be allowable to the same extent as if such costs had been incurred after the approved increase.

Time of Performance

Assuming a Notice to Proceed in late July/early August, the delivery of Task 3.0 and Task 4.0 deliverables is anticipated in October. Murraysmith will make every effort to complete the work in a timely manner; however, it is agreed that Murraysmith cannot be responsible for delays occasioned by factors beyond its control, nor by factors that could not reasonably have been foreseen at the time this scope was executed.

Task Order Authorization

The parties hereto have caused this Task Order to be executed by their respectively authorized officers or representatives.

CITY OF ONTARIO, OR

Date: _____

By: _____

Name: _____

Title: _____

MURRAYSMITH, INC.

Date: _____

By: _____

Name: _____

Title: _____

OUTFALL PRELIMINARY DESIGN
CITY OF ONTARIO, OR
PROPOSED FEE ESTIMATE

	LABOR CLASSIFICATION (HOURS)							Estimated Fees							
	Principal Engineer IV	Principal Engineer VI	Professional Engineer VI	Technician III	Engineering Designer III	Administrative II	Hours	Labor	Subconsultants		Subconsultant Multiplier	Subconsultant Total with Markup	Expenses	CADD Units \$18/hr	Total
Average Billing Rate Estimated per Classification/Staff Staff Name	\$250	\$270	\$182	\$139	\$157	\$101			ESA	MixZon	% Markup				
	AndersonC	Vigil	CummingsMa	Butterfield	Boschulte	Thurston									
Task 1 - Project Management															
Task 1.1 - PM	2	1	10	2		4	19	\$ 3,272			1.1	\$ -	\$ -	\$ -	\$ 3,272
Task 1 Subtotal	2	1	10	2	0	4	19	\$ 3,272	\$ -	\$ -		\$ -	\$ -	\$ -	\$ 3,272
Task 2 - Data Collection															
Task 2.1 - Document Review	1		2	2	4		9	\$ 1,520			1.1	\$ -	\$ -	\$ 36	\$ 1,556
Task 2 Subtotal	1	0	2	2	4	0	9	\$ 1,520	\$ -	\$ -		\$ -	\$ -	\$ 36	\$ 1,556
Task 3 - Permitting Requirement															
Task 3.1 - Permitting Requirements Update Memo		1	2		4	2	9	\$ 1,464	\$ 6,300		1.1	\$ 6,930	\$ -	\$ -	\$ 8,394
Task 3 Subtotal	0	1	2	0	4	2	9	\$ 1,464	\$ 6,300	\$ -		\$ 6,930	\$ -	\$ -	\$ 8,394
Task 4 - Preliminary Design															
Task 4.1 - Mixing Zone Modeling	1	2	8		8		19	\$ 3,502		\$ 10,500	1.1	\$ 11,550	\$ -	\$ -	\$ 15,052
Task 4.2 - Preliminary Design and Memo	2	1	4	4	16	4	31	\$ 4,970		\$ 1,500	1.1	\$ 1,650	\$ -	\$ 72	\$ 6,692
Task 4 Subtotal	3	3	12	4	24	4	50	\$ 8,472	\$ -	\$ 12,000		\$ 13,200	\$ -	\$ 72	\$ 21,744
TOTAL - ALL TASKS	6	5	26	8	32	10	87	\$ 14,728	\$ 6,300	\$ 12,000		\$ 20,130	\$ -	\$ 108	\$ 34,966



**AGENDA REPORT
PUBLIC HEARING
July 21, 2020**

To: Mayor and City Council

FROM: Dan Cummings, Community Development Director

THROUGH: Adam J. Brown, City Manager

SUBJECT: **ORDINANCE #2775-2020: AN ORDINANCE AMENDING THE CITY OF ONTARIO COMPREHENSIVE PLAN AND ZONING MAP FROM NEIGHBORHOOD COMMERCIAL (C-1) TO GENERAL COMMERCIAL (C-2) ZONE CLASSIFICATION, ON FIRST READING BY TITLE ONLY**

DATE: June 2, 2020

PROPOSED MOTION:

I MOVE THAT THE CITY COUNCIL ACCEPTS THE FINDINGS OF FACTS AND RECOMMENDATION OF THE PLANNING COMMISSION ON THE REQUEST FOR REZONE OF THE SUBJECT PROPERTY FROM C-1 TO C-2, AS SET FORTH IN ACTION 2020-03-17RZ AND APPROVE ORDINANCE #2775-2020, AN ORDINANCE AMENDING THE CITY OF ONTARIO COMPREHENSIVE PLAN AND ZONING MAP FROM NEIGHBORHOOD COMMERCIAL (C-1) TO GENERAL COMMERCIAL (C-2) ZONE CLASSIFICATION FOR A PROPERTY ON TAX MAP 18S47E04CD IDENTIFIED AS TAX LOT 10401; BEING A PORTION LOTS 29 THROUGH 32 OF BLOCK 6 OF THE VILLA PARK ADDITION TO THE CITY OF ONTARIO FIRST READING BY TITLE ONLY.

IF THE COUNCIL UNANIMOUSLY APPROVES THE FIRST READING:

I MOVE THE CITY COUNCIL WAIVE THE SECOND READING OF ORDINANCE #2775-2020, AN ORDINANCE AMENDING THE CITY OF ONTARIO COMPREHENSIVE PLAN AND ZONING MAP FROM NEIGHBORHOOD COMMERCIAL (C-1) TO GENERAL COMMERCIAL (C-2) ZONE CLASSIFICATION FOR A PROPERTY ON TAX MAP 18S47E04CD IDENTIFIED AS TAX LOT 10401; BEING A PORTION LOTS 29 THROUGH 32 OF BLOCK 6 OF THE VILLA PARK ADDITION TO THE CITY OF ONTARIO.

SUMMARY:

The applicants/owner owns a parcel, known as Tax Map 18S4704CD, Tax Lot 10401, which is currently zoned in the city under Neighborhood Commercial (C-1). The applicants/owner and is requesting this property be rezoned to General Commercial (C-2) to allow for better use and

development of the properties and make proposed and existing uses more compatible due to additional right of way being taken during the widening of SW 4th Avenue in the 1980's under Final Judgement filed February 17, 1984, Action No. 18,542-L that limits the use of the property.

BACKGROUND:

Applicants comments: The property has an existing professional office located on it, and will continue to be used as such. Due to additional right of way being taken during the widening of SW 4th Avenue by the Oregon Department of Transportation, the existing building does not conform to the current zoning setbacks. The rezone will allow for future use of the property to protect the property value due to the taking.

This request for rezone requires a recommendation for approval or rejection from the Planning Commission to the City Council, who will be the decision maker for this request. This action specifically seeks approval for rezone from C-1 to C-2 for the parcel of land and adjacent street right of way, within the City Limits of the City of Ontario.

CURRENT SITUATION:

A request for a rezone of property may be recommended for approval or denial by the Planning Commission to the City Council if all applicable decision criteria and standards are found met, or able to be met through appropriate conditions of approval. In this case, findings must be made by the Planning Commission that the specific criteria are either met, able to be met through conditions of approval, or not met; options and discussion are provided under "Findings:" and "Conclusion:" for each criterion. All of the criteria and standards must be met in order for the request to be recommended for approval.

On July 13, 2020, at a Public Hearing the Planning Commission heard testimony on Planning Action 2020-03-17RZ and made a motion to approve the Findings of Facts as presented and sent a recommendation for the City Council to Approve the request for the rezone from Neighborhood Commercial (C-1) to General Commercial (C-2) zone. Ordinance #2775-2020 establishes this request.

ANALYSIS:

- A. **STRATEGIC PLAN** This action is in alignment with the City Council Strategic Plan for desirability of the property to be used as a commercial use as well as allowing for future development of the city meeting it potential for future growth of the community.
- B. **FINANCIAL** This is no financial impact to the city at this time.
- C. **TIMING** There is no major impact in timing to this action; however, if the the existing structure was damaged, the structure might not be able to be rebuilt in a timely manner until the action was approved.

- D. **POLICY/LEGAL** The proposed development must comply with applicable provisions of the OCC (City of Ontario Zoning Ordinance as set forth in the Ontario City Code), and the City of Ontario Comprehensive Plan. Generally, unless otherwise noted, if a request is found to be consistent with the Zoning Ordinance it is considered to be consistent with the Comprehensive Plan.

ALTERNATIVES:

The City Council could table the action until a time certain if more information is needed to make a decision.

or

The Council could deny this action and not approve the ordinance.

RECOMMENDATION:

Staff recommends that the City Council approve and adopt the findings of facts and the recommendation by the Planning Commission to the City Council and approve the rezone from C-1 to C-2 of the subject property by Adopting Ordinance #2775-2020.

ATTACHMENTS:

1. Ord #2775-2020
2. 2020-03-17RZ_Roger Allen_RezoneSRpt_PLANNING COMMISSION



ORDINANCE #2775-2020

AN ORDINANCE AMENDING THE CITY OF ONTARIO COMPREHENSIVE PLAN AND ZONING MAP FROM NEIGHBORHOOD COMMERCIAL (C-1) TO GENERAL COMMERCIAL (C-2) ZONE CLASSIFICATION FOR A PROPERTY ON TAX MAP 18S47E04CD IDENTIFIED AS TAX LOT 10401; BEING A PORTION LOTS 29 THROUGH 32 OF BLOCK 6 OF THE VILLA PARK ADDITION TO THE CITY OF ONTARIO;

- WHEREAS,** Roger Allen as Applicant has initiated a zone change request for the property in the City for rezoning of the property from “Neighborhood Commercial (C-1)” to “General Commercial (C-2)”, which property is described in Exhibit “A” and designated on Exhibit “B” Assessor’s Map 18S47E04CD, as Tax Lot 10401; and
- WHEREAS,** After giving the notice required by law, the City Planning Commission held a public hearing on Planning Action 2020-03-17RZ a request for a zone change on July 13, 2020, after which the Ontario Planning Commission made findings of fact and conclusions of law and recommended that the Ontario City Council approve the zone change request for the subject property; and
- WHEREAS,** After giving the notice required by law, the Ontario City Council held a public hearing on the zone change request on July 21, 2020, and having reviewed all evidence and testimony submitted therein, makes the following findings of fact and conclusions of law with respect to the subject property:
- A. The City of Ontario Municipal Code policies contained in the City of Ontario Comprehensive Plan, which conforms to the Statewide Planning Goals; generally, if a proposed rezone meets all criteria and standards contained in the OMC, the request will be consistent with Comprehensive Plan Policies and therefore conform to the Statewide Planning Goals. The applicant has demonstrated in their application that this request is consistent with Statewide Planning Goals.
 - B. The findings show that the request is within goals and conformance of the acknowledged Comprehensive Plan. Therefore, this proposal has demonstrated to be consistent with the Comprehensive Plan.
 - C. The applicant states that there has been a change in the property setbacks due to additional right of way being taken which makes the structure a non-conforming use. The impact to the City's overall Comprehensive Plan is minimal due to the requested C-2 commercial zone allows for the same type of use but allows for meeting setback requirements as allowed in adjacent zoning. Therefore, there is a change in a physical condition, and demonstrates that this criterion is met.
 - D. The proposed re-zone would bring the applicant's existing use of the property in this manner into conformance with the City Zoning Code that were changed at no fault by the property owners. Rezoning to a zone to match the adjacent properties to the south would not be considered as the granting of a special privilege for a single property or group of property owners.

- E. The subject property size is more than adequate to demonstrate consistency with this criterion and the existing business will be required to meet all off-street parking and landscape requirements in future development under the new zone, as well as allow for a building to be constructed to the east to improve the street corner vision clearance.
- F. The properties are properly related to streets and public facilities within the public streets and the existing uses and services demonstrate that uses allowed in the proposed zone can be provided
- G. The findings show that the conditions of the neighborhood are such that the subject property and surrounding area are zoned for Commercial uses. The proposed use that while the impact on surrounding properties will be low, with the proposed change in zoning, compliance with present City of Ontario ordinances will be essential in eliminating these issues. The permitted uses are related to low volume traffic and uses which do not lend themselves to the creation to significant amounts of noise or other discharges of dust or odor into the air is uncommon in a commercial zone.

WHEREAS, the above findings have met the Criteria's of the City code Section 10B-20-30 REQUIRED FINDING, DECISION CRITERIA;

NOW THEREFORE, THE CITY OF ONTARIO ORDAINS AS FOLLOWS:

1. The Ontario Comprehensive Plan and Zoning Map are amended by changing the zone from "Neighborhood Commercial (C-1)" to "General Commercial (C-2)" for the property described on Exhibit "A" designated on Exhibit "B" Assessor's Map 18S47E04CD, as Tax Lot 10401.

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

AYES:

NAYS:

ABSENT:

APPROVED by the Mayor this _____ day of _____, 2020.

ATTEST:

Riley J. Hill, Mayor

Tori Barnett, MMC, City Recorder

Exhibit “A”
Property Description for Rezone
City Action No. 2020-03-17RZ

Land in Malheur County, Oregon, as follows:

Land in the VILLA PARK ADDITION, CITY OF ONTARIO, Malheur County, Oregon according to the Original Plat thereof, as follows:

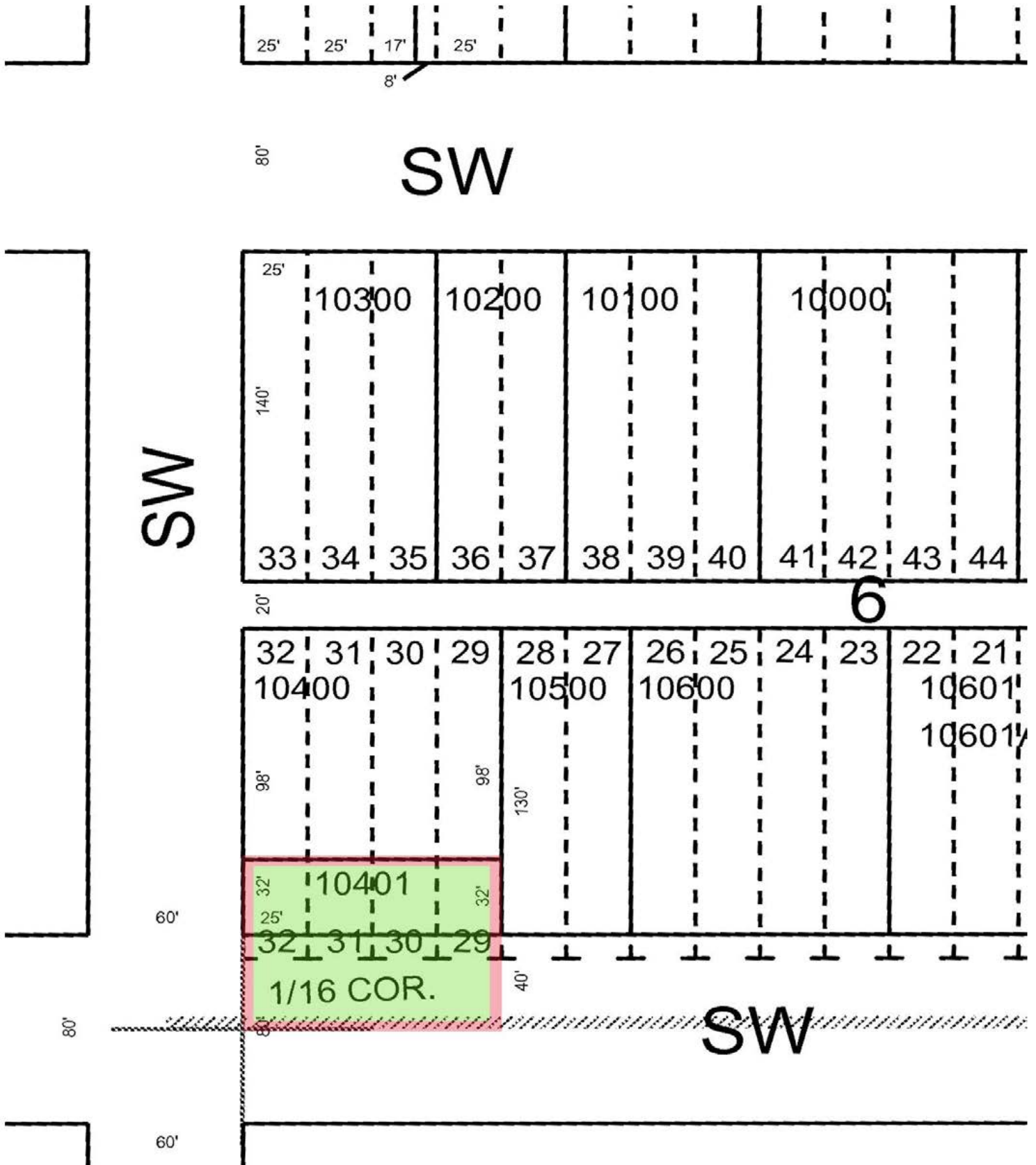
In Block 6: The South 42 feet of Lots 29 through 32. inclusive.

TOGETHER WITH the North Half of the Public Right of Way of SW 4th Avenue adjacent to the above described lands.

END OF DESCRIPTION

Exhibit "B"

Subject property





**AGENDA REPORT
PUBLIC HEARING
July 13, 2020**

To: Planning Commission

FROM: Dan Cummings, Community Development Director

SUBJECT: **ACTION 2020-03-19RZ: A REQUEST BY ROGER ALLEN FOR A REZONE OF PROPERTY FROM NEIGHBORHOOD COMMERCIAL (C-1) TO GENERAL COMMERCIAL (C-2).**

DATE: June 1, 2020

PROPOSED MOTION:

A. APPROVAL:

- 1. I MOVE THAT THE PLANNING COMMISSION APPROVE THE FINDING OF FACTS FOR THE REZONE OF THE SUBJECT PROPERTY FROM C-1 TO C-2, AS SET FORTH IN ACTION 2020-03-17RZ BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS SET FORTH IN SECTIONS I THROUGH IV ABOVE.**
- 2. I MOVE THAT THE REQUEST FOR REZONE OF THE SUBJECT PROPERTY FROM C-1 TO C-2, AS SET FORTH IN ACTION 2020-03-17RZ BE RECOMMENDED FOR APPROVAL TO THE CITY COUNCIL, BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS SET FORTH IN SECTIONS I THROUGH IV ABOVE**

B. DENIAL:

- 1. I MOVE THAT THE REQUEST FOR REZONE OF THE SUBJECT PROPERTY FROM C-1 TO C-2, AS SET FORTH IN ACTION 2020-03-17RZ BE RECOMMENDED FOR DENIAL TO THE CITY COUNCIL, BASED ON THE INFORMATION, FINDINGS AND CONCLUSIONS SET FORTH IN SECTIONS I THROUGH IV ABOVE. (NEED TO CHANGE STAFF FINDINGS).**

SUMMARY:

The applicants/owner owns a parcel, known as Tax Map 18S4704CD, tax lot 10401, which property is currently zoned in the City under Neighborhood Commercial (C-1), and is requesting that this property be rezoned to General Commercial (C-2) to allow for better use and development of the properties and make proposed and existing uses more compatible due to additional right of way being taken during the widening of SW 4th Avenue in the 1980's under Final Judgement filed February 17, 1984, Action No. 18,542-L that limits the use of the

property.

BACKGROUND:

Applicants comments: The property has an existing Professional Office and will continue to be use as a Professional Office. Due to additional right of way being taken during the widening of SW 4th Avenue by the Oregon Department of Transportation the existing building does not conform to the current zoning setbacks. The rezone will allow for future use of the property to protect the property value due to the taking.

This requests for rezone need a recommendation for approval or rejection from the Planning Commission to the City Council, who will be the decision maker for this request. This action specifically seeks approval for rezone from C-1 to C-2 for the parcel of land and adjacent street right of way, within the City Limits of the City of Ontario.

There have been no recent Planning Commission actions on this property in the past 20 plus years that could be found in the planning records other than a City-wide Comprehensive Plan update in 2007.

CURRENT SITUATION:

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

A. Rezone

1. Section 10B-20-30 REQUIRED FINDINGS, DECISION CRITERIA. In preparing findings to support a quasi- judicial zoning map amendment decision, the following findings shall be addressed except when alternatives are set forth or where a required finding clearly does not apply to the current action:

a. The zoning map amendment is in conformance with statewide planning goals and guidelines.

b. The zoning map amendment is in conformity with the acknowledged comprehensive plan.

c. The applicant has demonstrated a mistake or error in the original zone designation or the applicant has demonstrated a change in physical, social or market conditions generally affecting the area which make the proposed change appropriate.

d. A public need is demonstrated for this zoning at this location and

is not the granting of a special privilege for a single property or small group of properties.

e. The property affected by the change is adequate in size and shape to facilitate its use and development as permitted under the new zoning classification.

f. The property affected by the proposed change of zone is properly related to streets and public facilities and with services adequate to meet the demands of the uses allowed in the new zone.

g. The proposed zoning map change will not result in adverse effects upon surrounding properties or surrounding uses from dust, noise, vibration, odor, heat, glare, lighting, or discharges into the air, water or land.

Applicant's submitted Findings:

- 1. Explain how the proposed zoning map amendment is in conformance with statewide planning goals and guidelines.**

The rezoning is in conformance with the statewide planning goals and the City Comprehensive plan as the rezone is still for a commercial use it just brings the property into more compliance for the type of use of the existing structure.

- 2. Explain how the proposed zoning map amendment is in conformance with the Acknowledged Comprehensive Plan.**

The rezone is in conformance with the acknowledged plan as the property is a commercial zone and the proposed rezone is a commercial zone so there is no change to the acreage of commercial zoning.

- 3. As applicant, you must explain how there has been a mistake or error in the original zone designation or a change in physical, social or market conditions generally affecting the area, which makes this proposed zone change appropriate.**

The current use of the existing structure does not meet the setback requirements of the current zone due to the taking of additional right of way by the State of Oregon during the widening of SW 4th Avenue, making the structure a non-conforming use at no fault of the owner. The rezone will help correct this issue for future development.

- 4. As applicant, you must show a public need is demonstrated for this zoning at this location and is not the granting of a special privilege for a single property or small**

group of properties.

There is a need for this rezone to be able to protect the property value that was other property owner enjoy in the same vicinity and is not granting a special privilege but allowing the same privilege as other adjacent property owner to protect their investment. The taken of right of way was not at the owner request.

5. **Explain how the property affected by the change, if approved, is adequate in size and shape to facilitate its use and development as permitted under the new zoning classification.**

With the change of the zone it will allow for the structure to be reconstructed in the future if the current building was to be destroyed by allow the setbacks to be met with the building moved to the east side of the property to also meet the corner vision clearance issue.

6. **Explain how the property affected by the proposed change of zone is properly related to streets and other public facilities and with services adequate to meet the demands of the uses allowed in the new zone. This shall explain how this proposal will not absorb a disproportionate share of public facilities, utilities and general assets.**

The property is currently developed and is serviced by City streets and Public utilities and there are no changes required with the rezone.

7. **Explain how the proposed change in zoning will not result in adverse effects upon surrounding properties or surrounding uses from dust, noise, vibration, odor, heat, glare, lighting, or discharges into the air, water or land.**

There will be no change in use of the property therefore there will be no adverse effects upon the surrounding properties.

Summary Conclusions: Based on the findings above:

- a. The City of Ontario Municipal Code Implements policies contained in the City of Ontario Comprehensive Plan, which conforms to the Statewide Planning Goals; generally, if a proposed rezone meets all criteria and standards contained in the OMC, the request will be consistent with Comprehensive Plan Policies and therefore conform to the Statewide Planning Goals. As this proposal meets the criteria in the above section, this proposal is consistent with Statewide Planning Goals.

CRITERION IS MET

b. The finding 2 above, show that the request is within goals and conformance of the Acknowledged Comprehensive plan. Therefore, this proposal has demonstrated to be consistent with the Comprehensive Plan. **CRITERION IS MET**

c. The applicant states in finding 3, that there has been a change in the property setbacks due to additional right of way being taken which makes the structure a non-conforming use. The impact to the City's overall Comprehensive Plan is minimal due to the requested C-2 commercial zone allows for the same type of use but allows for meeting setback requirements as allowed in adjacent zoning. Therefore, there is a change in a physical condition, and demonstrates that this criterion is met. **CRITERION IS MET**

d. The proposed re-zone would bring the applicant's existing use of the property in this manner into conformance with the City Zoning Code that were changed at no fault by the property owners. Rezoning to a zone to match the adjacent properties to the south would not be considered as the granting of a special privilege for a single property or group of property owners. **CRITERION IS MET**

e. As noted in the findings 5, the subject properties sizes are more than adequate to demonstrate consistency with this criterion and the existing business will be required to meet all off-street parking and landscape requirements in future development under the new zone, as well as allow for a building to be constructed to the east to improve the street corner vision clearance. **CRITERION IS MET**

f. As noted in the finding 6 above, the properties are properly related to streets and public facilities within the public streets and the existing uses and services demonstrate that uses allowed in the proposed zone can be provided. **CRITERION IS MET**

g. The applicant states in the finding 7 above, that while the impact on surrounding properties will be low, with the proposed change in zoning, compliance with present City of Ontario ordinances will be essential in eliminating these issue. The permitted uses are related to low volume traffic and uses which do not lend themselves to the creation to significant amounts of noise or other discharges of dust or odor into the air is uncommon in a commercial zone. **CRITERION IS MET**

Final Conclusion: ALL CRITERIA ARE MET

SUMMARY CONCLUSIONS AND PLANNING COMMISSION DECISION

A request a rezone of property may be recommended for approval or denial by the Planning Commission to the City Council if all applicable decision criteria and standards are found met, or able to be met through appropriate conditions of approval. In this case, findings must be made by the Planning Commission that the specific criteria are either met, able to be met through conditions of approval, or not met; options and discussion are provided under “**Findings:**” and “**Conclusion:**” for each criterion. **All** of the criteria and standards must be met in order for the request to be recommended for approval.

ANALYSIS:

- A. **STRATEGIC PLAN** This action is in alignment with the City Council Strategic Plan for desirability of the property to be used as a commercial use as well as allowing for future development of the city meeting it potential for future growth of the community.
- B. **FINANCIAL** This is no financial impact to the city at this time.
- C. **TIMING** There is no major impact in timing to this action unless the existing structure was damaged and then the structure may not be able to be rebuilt in a timely manner until the action was approved.
- D. **POLICY/LEGAL** The proposed development must comply with applicable provisions of the OCC (City of Ontario Zoning Ordinance as set forth in the Ontario City Code), and the City of Ontario Comprehensive Plan. Generally, unless otherwise noted, if a request is found to be consistent with the Zoning Ordinance it is considered to be consistent with the Comprehensive Plan.

A rezone must be done by an Ordinance and the City Council is the Final Authority for approving a City Ordinance.

ALTERNATIVES:

The Planning Commission could table the action until a time certain if more information is needed to make a decision.

RECOMMENDATION:

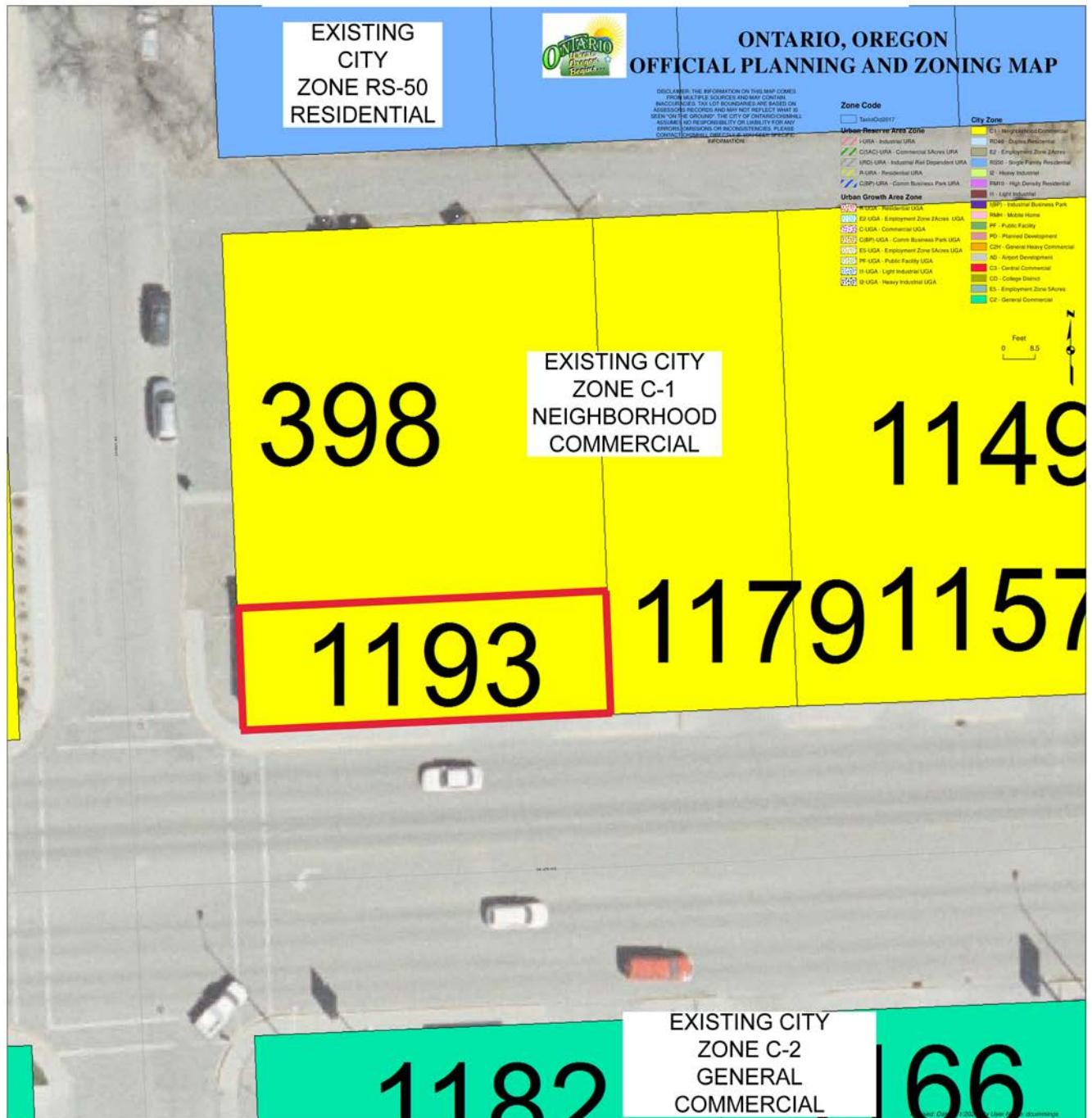
Staff recommends that the Planning Commission approve and adopt the findings of facts and sens a recommendation to the City Council to approve the rezone from C-1 to C-2 of the subject property.

ATTACHMENTS:

- 1. Attachment 1

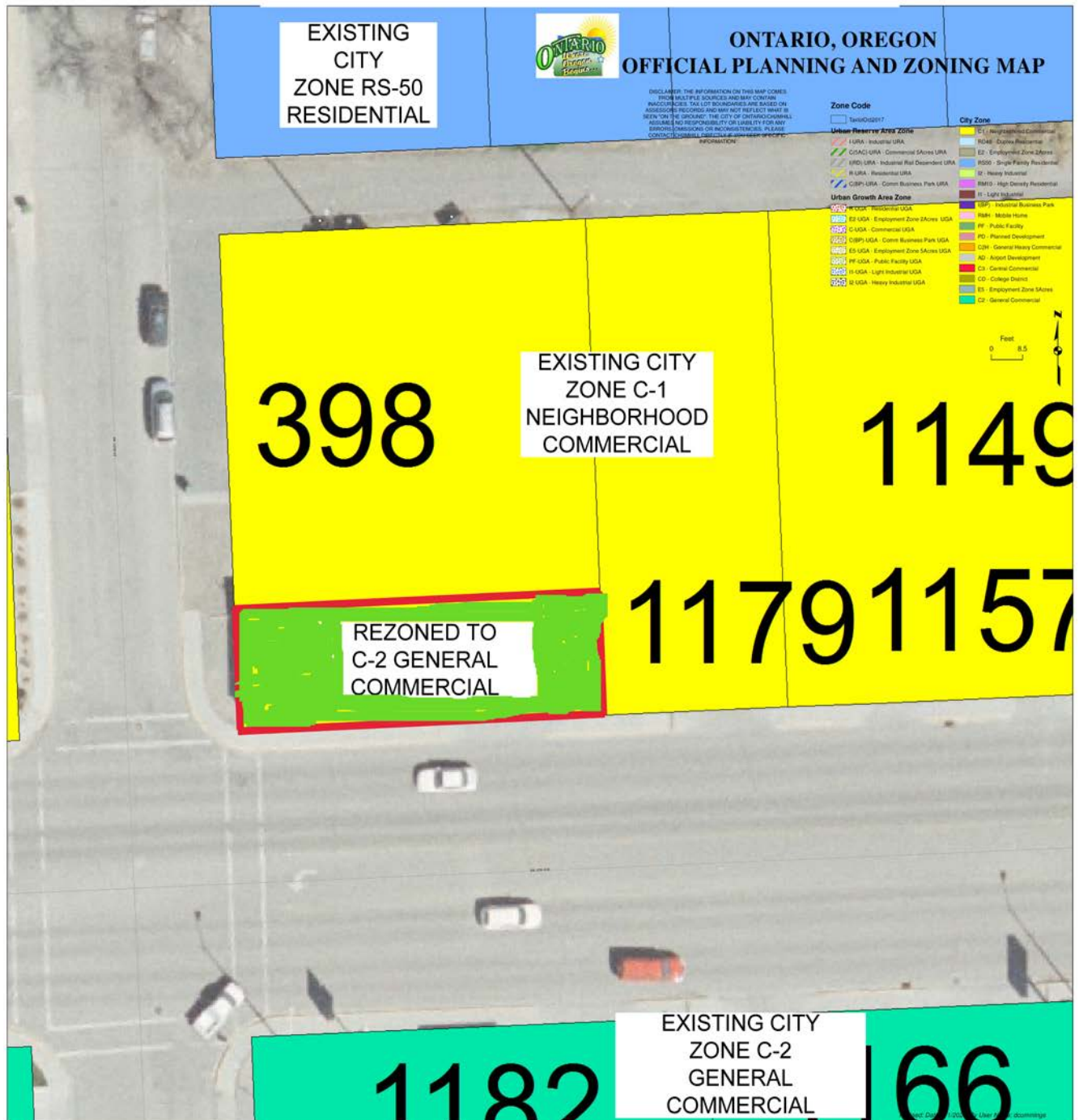
2. Attachment 2
3. Attachment 3
4. Attachment 4

ONTARIO ZONING MAP
APPLICATION 2020-03-17RZ
BEFORE C-1

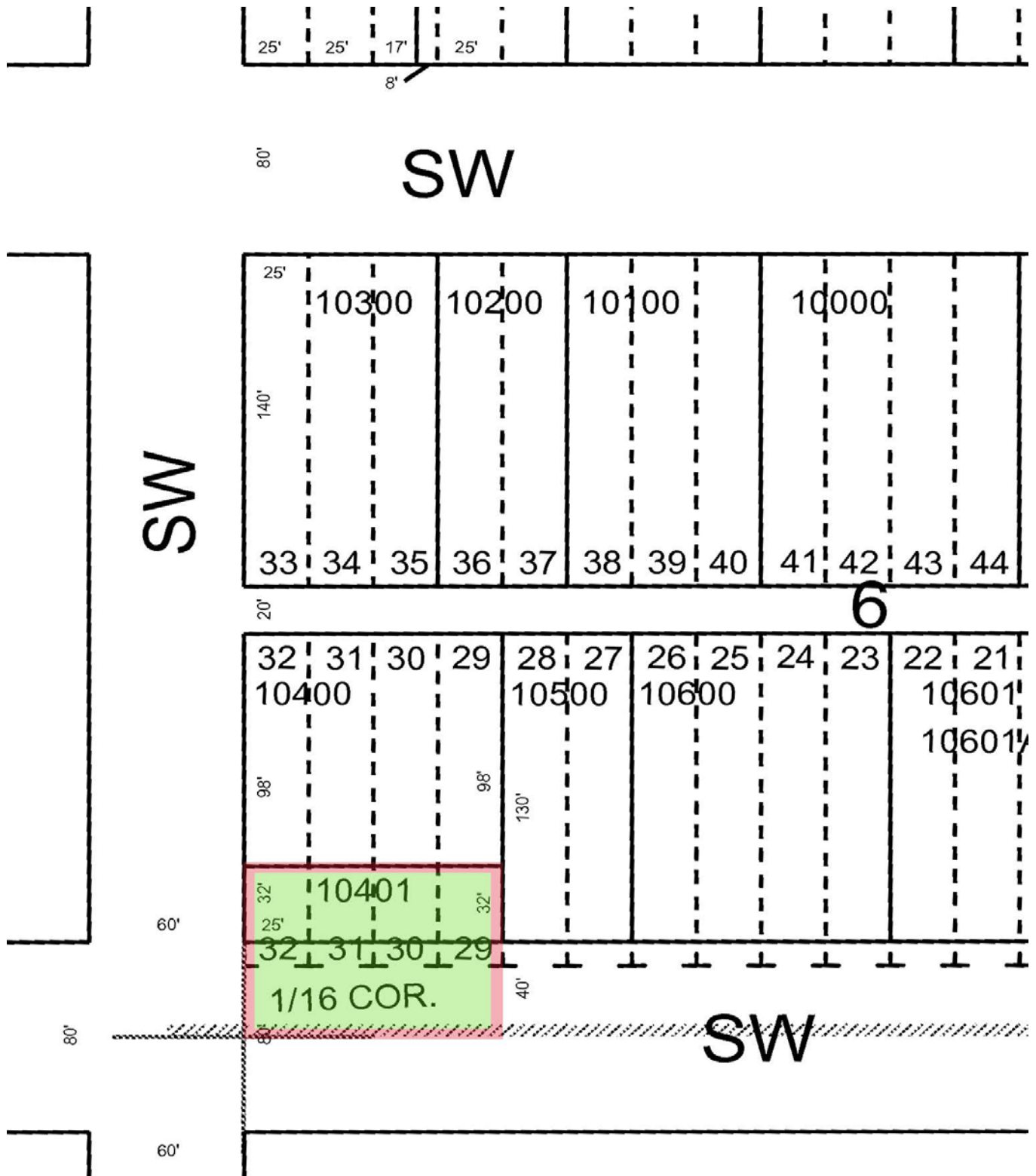


Attachment "2"

ONTARIO ZONING MAP APPLICATION 2020-03-17RZ AFTER C-2



Attachment "3"



Attachment “4”

Zoning regulations for C-1 and C-2

EXISTING ZONE:

CHAPTER 10A-27 - C-1, NEIGHBORHOOD COMMERCIAL ZONE

10A-27-01 - PURPOSE.

To provide for areas of limited impact retail and office establishments, and similar uses, in neighborhoods that are primarily residential without harming the residential character of those neighborhoods.

10A-27-05 - PRINCIPAL PERMITTED USES.

The following principal uses are permitted as of right in the C-1 Zone:

1. Dwellings when constructed according to the space limits of RM-10 Zone;
2. Home occupations meeting standards herein;
3. Retail shopping establishments as defined herein;
4. Consumer service establishments as defined herein;
5. Dance and music studios;
6. Churches;
7. Schools and colleges, public or private, including commercial business or vocational schools or colleges;
8. Park and recreation facilities, public;
9. Private clubs and clubhouses as defined herein;
10. Residential care facilities housing not more than eight clients;
11. Roominghouse as defined herein;
12. Hotel, bed and breakfast, as defined herein;
13. Museums, concert halls, auditoriums and similar cultural facilities;
14. Horticulture and the growing of field crops or hay.
15. Public buildings, none of which may be of industrial character.
16. Business offices and general office buildings.
17. The manufacture of small items such as jewelry, fishing tackle and the like, or the repackaging of bulk small items with fewer than ten employees. Fabrication of art or crafts objects, bakery goods, or ice cream for on premises sale or as custom orders for delivery.
18. Recreational vehicle park.
19. Medical, dental or other health professional office or clinic for humans.
20. Adult foster care for not more than five patrons.
21. Family day care provider as defined herein;
22. Day care center as defined herein;

(Ord. No. 2630-2009, § 1, 7-2-2009)

10A-27-07 - SPECIAL USE LIMITATIONS.

The following limitations or conditions shall apply in addition to any conditions or limitations applying to all zones, to all uses permitted or permissible in the C-1 Zone:

1. All operations shall be conducted within a completely enclosed building, except for nursery stock consisting of green plants and shrubs, for the temporary outdoor display of merchandise located within five feet of principal building, patio or sidewalk restaurant service, railroad operations, and play yards of day care centers.
2. All products produced, kept, handled or offered for sale shall be sold only at retail on the premises.
3. No nonresidential use shall continue normal operations past the hour of 11:00 p.m. or earlier than 7:00 a.m. except pursuant to a conditional use permit.
4. Not more than two delivery or service vehicles shall be used in the operation of any business.
5. No permitted or permissible separate business establishment shall occupy a floor area greater than 5,000 square feet to conduct its operations and to store its wares, products, inventory and materials, except that grocery stores may occupy a floor area of 15,000 square feet.
6. Screening shall be provided along all lot lines abutting residentially zoned or developed property, sufficient to block substantially any view of the nonresidential use and its operation, stored materials and equipment from all points located on or not more than eight feet above the lowest elevation of such residential property, in the event such screening is not sufficient to block totally any view of stored waste or waste receptacles. In no event shall this Section be deemed to require more than full enclosure (including roof) of stored waste including waste receptacles and an opaque fence not more than seven feet in height extending the full length of not more than three sides of the subject property. The required front yard shall be landscaped to the standards set forth under the miscellaneous provisions of this Title.
7. No use shall be established by the conversion of a building or premises originally designed for use as a gasoline service station or drive-in establishment unless the paved area on the lot in question shall have been reduced, by the addition of natural landscaping, to an area not greater than two hundred percent of the area required by this Title for off-street parking, loading and access thereto.
8. No nonresidential use shall be established in any structure or premises originally designed for a residential use unless the existing residential character or the building shall be retained. Any design or structural change, additions or extensions shall be consistent with the architectural character of the original building.
9. No building designed and intended for a business use shall be constructed or established on a development site occupied by a residential building.
10. No permitted or permissible use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare.
11. Space lighting shall be shielded so as to prevent the direct glare of beams onto any adjacent residentially zoned or used property.
12. Signs may project into any required front or rear yard as set forth in table 6-B of the Uniform Sign Code as adopted in this Title. Signs may project into a required side yard not more than 18 inches. One pole sign for each development site or building shall be allowed in each required front or rear yard.

10A-27-09 - EXPRESSLY PROHIBITED USES.

The following uses are listed here as expressly prohibited so as to facilitate interpretation of the list of principle permitted uses:

1. Automobile service establishment as defined herein;
2. Gasoline service stations;
3. Rental of large tools or construction equipment, trucks or trailers or other equipment requiring outdoor storage.
4. Warehousing, storage and distributing establishments or mini-warehouses;
5. Wholesale establishments with stock on the premises.
6. Bars, taverns, cocktail lounges and other establishments which sell beer or intoxicating liquor for the consumption on the premises, except for restaurants where such beverages are served incidental to meals.
7. Auction house;
8. Manufactured or mobile home parks or subdivisions.
9. Uses not specifically enumerated as permitted uses in the C-1 Zone, but listed as permitted in another zone or as a conditional use in the C-1 or other Zone.

10A-27-10 - CONDITIONAL USES.

The following uses are permitted conditionally in the C-1 Zone:

1. Dry-cleaning and laundry establishments which do not exceed 2,000 square feet in floor area and have no more than two delivery vehicles operating from the location;
2. Any permitted or permissible non-residential use that operates later than 11:00 p.m. or earlier than 7:00 a.m.;
3. Mortuaries or funeral homes;
4. Nursing home;
5. Residential care facility housing more than eight clients; and
6. Utility facilities, other than distribution lines, at specific location necessary for the functioning of that utility;
7. Marijuana retailer as provided in Chapter 10A-59;
8. Marijuana laboratory as provided in Chapter 10A-59;
9. Marijuana wholesaler as provided in Chapter 10A-59;
10. Marijuana processor non-flammable as provided in Chapter 10A-59; and
11. Marijuana grow site medical as provided by State regulations and as provided in Chapter 10A-59.

(Ord. No. 2748-2018, § 2, 10-23-2018)

10A-27-15 - ACCESSORY USES.

Accessory uses and structures common to all zones as listed in Chapter 10A-53 are allowed in the C-1 Zone.

10A-27-20 - SPACE LIMITS.

The building, zoning lot, open space and yard dimensions applicable to the C-1 Zone are found on the Commercial Space Limits Table, Chapter 10A-35. 10A-27-25 - GENERAL PROVISIONS.

The provisions of Chapter 10A-57, Miscellaneous Provisions, apply to the C-1 Zone, except that signs may project into any required front or rear yard as set forth in Table No. 6-B (projection of signs) of the Uniform Sign Code. Signs may project into a required side yard not more than 18 inches. One pole sign for each lot or building shall be allowed in any required front or rear yard.

PROPOSED ZONE:

CHAPTER 10A-29 - C-2, GENERAL COMMERCIAL ZONE

10A-29-01 - PURPOSE.

The C-2 Zone is intended to provide business locations for retail and service uses serving a region-wide clientele. The zone is intended to be located in areas characterized by good accessibility, including those areas which are exposed to heavy automobile traffic.

10A-29-05 - PRINCIPAL PERMITTED USES.

The following principal uses are permitted as of right in the C-2 Zone:

1. All principal uses allowed in the C-1, Neighborhood Commercial Zone shall be allowed in the C-2 Zone except that dwellings shall be constructed to the space limits of the RM-10, Multi-Family Residence Zone, and only Multi-Family Dwelling developments of 10 or more dwelling units are allowed;
2. Automobile service establishments as defined herein when all repairs or another work are performed within a building, where all refuse and scrap parts are stored in closed containers when possible and screened from view at all points on any public or private property or street and when all extended storage of wrecked vehicles or other equipment is screened from view from adjacent property and public streets;
3. Gasoline service stations, truck stops, minor automotive repair as defined herein;
4. Bars, taverns, cocktail lounges and other establishments which sell beer or intoxicating liquor;
5. Mortuaries or funeral homes;
6. Dry cleaning and laundry establishments which do not exceed 2,000 square feet in floor area and have no more than two delivery vehicles operating from the location;
7. Hotel, motel;
8. The manufacture of small items such as jewelry, fishing tackle and the like, or the repackaging of bulk small items;
9. Outdoor advertising sign;
10. Residential care facility not limited as to number of clients;
11. Commercial recreation facilities or recreation vehicle park;
12. Rental of small trucks and small trailers only when accessory to a gasoline service station or automobile service establishment;
13. Farm and garden store;
14. Wholesalers with stock involving less than 3,000 square feet of storage space;

15. Auction house;
16. Nursing home;
17. Amusement arcade;
18. Kennel; or
19. Veterinarian.

(Ord. No. 2630-2009, § 1, 7-2-2009)

10A-29-09 - EXPRESSLY PROHIBITED USES.

The following uses are listed here as expressly prohibited so as to facilitate interpretation of the list of principal permitted uses:

1. Warehouses;
2. Wholesalers with stock involving over 3,000 square feet of storage space;
3. Mobile home or manufactured home parks or subdivisions; or
4. Rental of large tools or construction equipment, trucks or other equipment requiring outdoor storage.

10A-29-10 - CONDITIONAL USES.

The following uses are permitted conditionally in the C-2 Zone:

1. Utility facilities, other than distribution lines, at a specific location necessary for the functioning of that utility;
2. Fair, rodeo, stadium, race track or similar facility on a site of more than three acres;
3. Mini-warehouses;
4. Congregate housing facility;
5. Marijuana retailer as provided in Chapter 10A-59;
6. Marijuana laboratory as provided in Chapter 10A-59;
7. Marijuana wholesaler as provided in Chapter 10A-59;
8. Marijuana processor non-flammable as provided in Chapter 10A-59; and
9. Marijuana grow site medical as provided by State regulations and as provided in Chapter 10A-59.

(Ord. No. 2748-2018, § 3, 10-23-2018)

10A-29-15 - ACCESSORY USES.

Accessory uses and structures common to all zones as listed in Chapter 10A-53 are allowed in the C-2 Zone.

10A-29-20 - SPACE LIMITS.

The building, development site, open space and yard dimensions applicable to the C-2 Zone are found on the Commercial Space Limits Table, Chapter 10A-35. 10A-29-25 - GENERAL PROVISIONS.

The provisions of Chapter 10A-57, Miscellaneous Provisions, apply to the C-2 Zone.

Accounts Payable

Checks by Date - Summary by Check Date

User: kari.ott
Printed: 7/16/2020 10:05 AM



Check No	Vendor No	Vendor Name	Check Date	Check Amount
126091	818000	U.S. Postmaster	06/02/2020	1,000.00
Total for 6/2/2020:				1,000.00
126092	032000	Andrews Seed Co., Inc.	06/05/2020	287.63
126093	037600	AT&T	06/05/2020	21.52
126094	130624	B & W Car Wash	06/05/2020	3.00
126095	879449	Baum Smith, LLC	06/05/2020	50.00
126096	626400	Campo & Poole Distributing, LLC	06/05/2020	3,393.27
126097	637828	Century Link Communications, LLC	06/05/2020	146.69
126098	634311	Frazier Aviation, LLC	06/05/2020	425.00
126099	477523	Municipal Code Corporation	06/05/2020	907.56
126100	879301	Net Assets Corporation	06/05/2020	336.00
126101	879358	Nutrien Ag Solutions	06/05/2020	419.80
126102	572000	Ontario Sanitary Service, Inc.	06/05/2020	313.06
126103	528405	Oster Professional Group, LLC	06/05/2020	24,264.33
126104	879406	Rywest Homes, Inc.	06/05/2020	10,000.00
126105	878931	Tire Factory of Ontario	06/05/2020	396.00
126106	788402	TransUnion Risk & Alternative Data Soluti	06/05/2020	50.00
126107	842030	Warrington Construction	06/05/2020	280,745.90
126108	774001	Wtechlink	06/05/2020	300.00
126109	BENSON	Clint Benson	06/05/2020	99.97
Total for 6/5/2020:				322,159.73
126110	879211	Imaging Center of Idaho	06/09/2020	385.00
Total for 6/9/2020:				385.00
126111	028000	Anderson Perry & Associates, Inc.	06/12/2020	30,000.00
126112	879451	CDR Labor Law, LLC	06/12/2020	8,474.62
126113	637830	Century Link	06/12/2020	478.12
126114	520400	Dorman's, Inc.	06/12/2020	48.42
126115	270205	Emergency Responder Services, Inc.	06/12/2020	1,897.00
126116	303800	Frank's Extinguisher Service	06/12/2020	100.00
126117	360015	Home Depot Credit Services	06/12/2020	49.98
126118	440000	L.N. Curtis and Sons	06/12/2020	1,300.00
126119	436000	Lindsay Eco Water	06/12/2020	7.00
126120	879417	LS Networks	06/12/2020	6,397.95
126121	456402	Malheur County Clerk	06/12/2020	97.00
126122	879113	Municipal Emergency Services Depository	06/12/2020	599.99
126123	532000	Ontario Bearing & Hydraulic, Inc.	06/12/2020	136.68
126124	242083	State of Oregon Department of Transportati	06/12/2020	1.65
126125	879166	Pitney Bowes Global Financial Services, LI	06/12/2020	953.25
126126	614087	PORAC LDF	06/12/2020	128.50
126127	642093	Red's Automotive Repair, Inc.	06/12/2020	110.20
126128	879145	Silver Signet, LLC	06/12/2020	76.30

Check No	Vendor No	Vendor Name	Check Date	Check Amount
126129	130950	Sparklight Business	06/12/2020	375.92
126130	702008	Staples Business Credit	06/12/2020	655.34
126131	T6999	StopStick, Ltd.	06/12/2020	1,615.00
126132	&357	Larry A. Sullivan	06/12/2020	1,062.50
126133	879146	Toshiba Financial Services	06/12/2020	2,030.77
126134	879151	Waste-Pro	06/12/2020	40.05
126135	&260	Four Rivers Cultural Center	06/12/2020	13.38
126136	UB*11754	REGAN HENDERSON	06/12/2020	135.82
126137	405945	Jeremy Jones	06/12/2020	125.00
126138	UB*11756	JESUS NUNEZ JR	06/12/2020	46.18
126139	539200	Ontario Area Chamber of Commerce	06/12/2020	12.15
126140	UB*11755	LUANN REDMAN	06/12/2020	103.36
126141	UB*11604	SPRINTER SHUTTLE SERVICE	06/12/2020	37.44
Total for 6/12/2020:				57,109.57
126142	033300	Argus Observer	06/19/2020	74.88
126143	183201	CK3, LLC	06/19/2020	567.50
126144	COOPJ	Jason Cooper	06/19/2020	308.25
126145	441140	Looks Nu, Inc.	06/19/2020	405.00
126146	879417	LS Networks	06/19/2020	1,119.96
126147	879225	Malheur Media, LLC	06/19/2020	179.97
126148	461500	MetroQuip, Inc.	06/19/2020	22,867.00
126149	528405	Oster Professional Group, LLC	06/19/2020	24,264.33
126150	879145	Silver Signet, LLC	06/19/2020	35.00
Total for 6/19/2020:				49,821.89
126151	832852	Wells Fargo Business Elite Card	06/22/2020	4,554.99
Total for 6/22/2020:				4,554.99
126152	879234	Automatic Ice Corporation	06/25/2020	3,108.00
126153	818000	U.S. Postmaster	06/25/2020	260.00
Total for 6/25/2020:				3,368.00
126154	&525	American Staffing, Inc.	06/26/2020	447.12
126155	032000	Andrews Seed Co., Inc.	06/26/2020	996.69
126156	144000	Cascade Natural Gas Corporation	06/26/2020	45.50
126157	637830	Century Link	06/26/2020	750.40
126158	879247	Day Wireless Systems	06/26/2020	7,633.08
126159	360015	Home Depot Credit Services	06/26/2020	159.61
126160	376000	Idaho Power	06/26/2020	2,457.22
126161	441140	Looks Nu, Inc.	06/26/2020	15.00
126162	879328	Malheur County GIS	06/26/2020	100.00
126163	879018	Payette Rocks, Inc.	06/26/2020	14,264.32
126164	626654	The Police and Sheriffs Press, Inc.	06/26/2020	17.55
126165	642093	Red's Automotive Repair, Inc.	06/26/2020	459.94
126166	879423	Romans Precision Irrigation	06/26/2020	16,590.00
126167	&275	Sun Guard Window Tinting	06/26/2020	100.00
126168	879463	Treasure Valley Drilling, LLC	06/26/2020	38,150.00
126169	823500	Vale Electric, Inc.	06/26/2020	805.00
126170	288897	Verizon	06/26/2020	2,011.65
Total for 6/26/2020:				85,003.08

Check No	Vendor No	Vendor Name	Check Date	Check Amount
126171	UB*11757	MARYLOU DE LA CRUZ	06/29/2020	98.48
126172	UB*11758	INDYA PRICE	06/29/2020	113.70
126173	738001	James Swank	06/29/2020	51.99
126174	UB*11759	NANCY WHETTON	06/29/2020	45.01
Total for 6/29/2020:				309.18
ACH	PRAFLAC	AMERICAN FAMILY LIFE ASSURANCE	06/30/2020	774.22
ACH	PRAMERF	AMERICAN FUNDS GROUP	06/30/2020	225.00
ACH	PRCCIS	E B S TRUST	06/30/2020	71,969.88
ACH	PRCOLONI	COLONIAL LIFE	06/30/2020	1,263.38
ACH	PRFED	PAYROLL TAXES	06/30/2020	70,730.00
ACH	PRICMA	I C M A RETIREMENT TRUST 457	06/30/2020	300.00
ACH	PRNATW	NATIONWIDE RETIREMENT SOLUTIO	06/30/2020	400.00
ACH	PRORJU	OREGON DEPARTMENT OF JUSTICE	06/30/2020	732.00
ACH	PRORTAX2	OREGON DEPARTMENT OF REVENUE	06/30/2020	279.80
ACH	PRORTAXE	OREGON DEPARTMENT OF REVENUE	06/30/2020	20,888.64
ACH	PROSGP	OREGON SAVINGS & GROWTH PLAN	06/30/2020	2,200.00
ACH	PRPERS	OREGON PERS	06/30/2020	94,977.40
ACH	PRFED	PAYROLL TAXES	06/30/2020	531.70
ACH	PRORTAX2	OREGON DEPARTMENT OF REVENUE	06/30/2020	3.27
ACH	PRORTAXE	OREGON DEPARTMENT OF REVENUE	06/30/2020	17.50
ACH	PRPERS	OREGON PERS	06/30/2020	1,349.07
ACH	PRFED	PAYROLL TAXES	06/30/2020	623.05
ACH	PRORTAX2	OREGON DEPARTMENT OF REVENUE	06/30/2020	3.16
ACH	PRORTAXE	OREGON DEPARTMENT OF REVENUE	06/30/2020	221.83
ACH	PRPERS	OREGON PERS	06/30/2020	1,116.24
126175	PRLINC	LINCOLN NATIONAL LIFE INS CO	06/30/2020	600.00
126176	PRSFIRE	UMPQUA BANK	06/30/2020	360.00
126177	&525	American Staffing, Inc.	06/30/2020	493.70
126178	130624	B & W Car Wash	06/30/2020	21.00
126179	879449	Baum Smith, LLC	06/30/2020	325.00
126180	626400	Campo & Poole Distributing, LLC	06/30/2020	3,548.49
126181	879133	Community in Action	06/30/2020	87,699.00
126182	216000	D & B Supply Company	06/30/2020	189.99
126183	520400	Dorman's, Inc.	06/30/2020	66.82
126184	879209	Elite Extrication & Equipment	06/30/2020	650.00
126185	879468	Jamilah Myaire Foote	06/30/2020	10.00
126186	376000	Idaho Power	06/30/2020	1,479.08
126187	610100	Malheur Memorial Health Clinic	06/30/2020	850.00
126188	22427	Murrsmith, Inc.	06/30/2020	755.50
126189	602320	NAPA Auto Parts	06/30/2020	261.62
126190	527000	Ontario Animal Hospital	06/30/2020	802.48
126191	572000	Ontario Sanitary Service, Inc.	06/30/2020	313.06
126192	642080	Petty Cash	06/30/2020	256.13
126193	608001	Pitney-Bowes, Inc.	06/30/2020	218.01
126194	879339	PSI Water Technologies, Inc.	06/30/2020	65.30
126195	879469	SBRK Finance Holdings, Inc.	06/30/2020	998.00
126196	702008	Staples Business Credit	06/30/2020	79.98
126197	879467	Stryker Sales Corporation	06/30/2020	88.22
126198	878931	Tire Factory of Ontario	06/30/2020	55.00
126199	879212	Uniforms 2 Gear	06/30/2020	8,747.99
126200	842030	Warrington Construction	06/30/2020	49,165.20
126201	879007	Weidner Fire	06/30/2020	329.62
126202	879470	Western Treasure Valley Rotary Club	06/30/2020	10,000.00

Check No	Vendor No	Vendor Name	Check Date	Check Amount
Total for 6/30/2020:				437,035.33
12624	879472	The House that Art Built	07/07/2020	2,500.00
12625	879473	Reload Outwest Outdoors	07/07/2020	4,020.00
12627	879472	The House that Art Built	07/07/2020	2,500.00
12628	879473	Reload Outwest Outdoors	07/07/2020	4,020.00
Total for 7/7/2020:				13,040.00
126209	180798	CIS Trust	07/08/2020	254,594.63
126210	385000	I C M A	07/08/2020	1,268.22
126211	428195	Leads Online, LLC	07/08/2020	1,668.00
126212	428200	League of Oregon Cities	07/08/2020	8,756.48
126213	434008	Lexipol, LLC	07/08/2020	7,194.00
126214	509600	Northwest Insurance Group, Inc.	07/08/2020	2,915.00
126215	15101	City Of Ontario - Department Head Credits	07/08/2020	3,600.00
126216	802400	Union Pacific Railroad Company	07/08/2020	493.40
126217	832697	Virtual Graffiti, Inc.	07/08/2020	1,907.85
126218	847905	WesTek Marketing, LLC	07/08/2020	2,250.00
Total for 7/8/2020:				284,647.58
126220	&525	American Staffing, Inc.	07/10/2020	512.33
126221	032198	Apparatus Equipment & Service, Inc.	07/10/2020	1,273.50
126222	626400	Campo & Poole Distributing, LLC	07/10/2020	2,870.40
126223	637828	Century Link Communications, LLC	07/10/2020	101.20
126224	376000	Idaho Power	07/10/2020	254.74
126225	879301	Net Assets Corporation	07/10/2020	516.00
126226	516494	State of Oregon Department of Transportati	07/10/2020	10,767.42
126227	879261	Jonathan M. Dennis, Managing Attorney O	07/10/2020	300.00
126228	368050	Robb Enterprises	07/10/2020	968.94
126229	788402	TransUnion Risk & Alternative Data Soluti	07/10/2020	50.00
126230	879151	Waste-Pro	07/10/2020	65.05
Total for 7/10/2020:				17,679.58
126231	879474	Kristen Dentinger	07/15/2020	2,500.00
126232	879474	Kristen Dentinger	07/15/2020	2,500.00
Total for 7/15/2020:				5,000.00
Report Total (159 checks):				1,281,113.93

MALHEUR COUNTY COURT MINUTES

July 8, 2020

The regularly scheduled meeting of the County Court was called to order by Judge Dan Joyce at 9:00 a.m. in the County Court Office of the Malheur County Courthouse with Commissioner Don Hodge present and Commissioner Larry Wilson present telephonically. Staff present was Administrative Officer Lorinda DuBois. Various members of the public, media and staff were present electronically. Notice of the meeting was posted on the County website and emailed to the Argus Observer, Malheur Enterprise, and those persons who have requested notice. The meeting was audio recorded. The agenda is recorded as instrument # [2020-2368](#)

CHANGES TO AGENDA

Judge Joyce noted that the 9:00 appointment on the agenda was cancelled and would possibly be rescheduled to the next week's meeting.

CERTIFICATION STATEMENT

Commissioner Hodge moved to sign the Oregon Parks and Recreation Department County Parks Assistance Program Certification Statement for July 1, 2020 - June 30, 2021. Commissioner Wilson seconded and the motion passed unanimously. The estimated RV fee revenue distribution for Malheur County is \$56,749.00 which will be budgeted in the Marine and Parks budget. See instrument # [2020-2369](#)

AMENDMENT - IGA #5852

Commissioner Hodge moved to approve Amendment No. 1 to Intergovernmental Agreement #5852 with Department of Corrections. Commissioner Wilson seconded and the motion passed unanimously. Funding is reduced by \$3458. (The original IGA is recorded as instrument #[2019-4008](#)) A copy of the amendment will be returned for recording.

WILDLIFE SERVICES WORK PLAN

Commissioner Hodge moved to approve USDA APHIS Wildlife Services Work and Financial Plan, Cooperative Agreement No. 20-7341-5124-RA. Commissioner Wilson seconded and the motion passed unanimously. The document defines the objectives, plan of action, resources and budget of the cooperative wildlife services program in Malheur County to be conducted July 1, 2020 through June 30, 2021; the County's financial contribution to the program is \$68,488.50. A copy will be returned for recording.

EOCA DUES

Commissioner Hodge moved to authorized payment of Eastern Oregon Counties Association (EOCA) FY 2020/2021 basic membership dues in the amount of \$12,500. Commissioner Wilson seconded and the motion passed unanimously.

CROSSING PERMITS

Commissioner Hodge moved to approve Crossing Permit #28-20 to Oregon Telephone Corporation for service installation work on Copeland Road #615; and Crossing Permit #29-20 to Terry Wegner for work on Bishop Road #657. Commissioner Wilson seconded and the motion passed unanimously. Original permits will be kept on file at the Road Department.

AGREEMENT FOR LAW ENFORCEMENT SERVICES - VALE

Commissioner Hodge moved to approve Agreement for Law Enforcement Services with the City of Vale, nunc pro tunc to July 1, 2020. Commissioner Wilson seconded and the motion passed unanimously. Two resident deputies will be assigned to enforcement for the Vale Patrol Area; the term of the agreement is July 1, 2020 through June 30, 2023. See instrument #[2020-2370](#)

MALHEUR COUNTY COMMUNITY MENTAL HEALTH, LOCAL ALCOHOL AND DRUG AND DEVELOPMENT DISABILITIES ADVISORY COMMITTEE

Commissioner Hodge moved to appoint the members to the Malheur County Community Mental Health, Local Alcohol and Drug and Development Disabilities Advisory Committee as proposed; the first meeting of the Committee was held June 24, 2020 with the County Court. Committee members are: Wendy Hill (Department of Human Services); Sarah Poe (County Health Department Director); Susan Gregory (County Juvenile Department Director); Jennifer Susuki (Malheur Education Service District); Melissa Williams (Ontario School District); Connie Tanaka (County Veterans Service Officer); Jim St. Michell (County Community Corrections); Brian Wolfe (County Sheriff); Bob Dickinson (Ambulance Service District Director); Anna LaRosa (Saint Alphonsus Medical Center); Steven Romero (Ontario City Police Chief); and Raymond Rau (Nyssa City Police Chief). Vacant positions are client/consumer of development disability services or family member; client/consumer of the recovery center or family member; and a community member. Ex-officio members are: Micaela Cathey (Lifeways); Megan Gomeza (Valley Family Health Care); and Dan Joyce (County Judge).

COURT MINUTES

Commissioner Hodge moved to approve Court Minutes of June 24, 2020 as written. Commissioner Wilson seconded and the motion passed unanimously.

GRANT APPLICATION - TCATT

District Attorney Dave Goldthorpe and Juvenile Counsel Sara Runnels met with the Court. It was explained that the Tri-County Anti-Trafficking Taskforce (TCATT) is applying for a Victims of Crime Act grant in the amount of \$250,000 to fund a full-time coordinator for the taskforce from October 2020 to September 2022. It was requested that the grant be managed through the District Attorney's Office; the coordinator would report to the TCATT Board. A 10% Admin Fee would be collected by the County for management of the grant. TCATT has been in operation since approximately 2016. Securing funding for a coordinator would

allow TCATT to move forward by continuing to build community partnerships, providing public outreach and awareness, and working to hold traffickers accountable. The grant application is due July 15, 2020. It was also requested that the coordinator's office space be at Justice Court if possible. Commissioner Hodge moved to authorize the grant be managed by the County through the District Attorney's Office and the coordinator utilize office space at the Justice Court facility if such space is available. Commissioner Wilson seconded and the motion passed unanimously.

COURT ADJOURNMENT

The meeting was adjourned.

Independent Contractor Agreement between the Health Department and Daniel Morris Research LLC was recorded as instrument # [2020-2376](#)