

**MEETING NOTICE FOR THE
CITY OF HUBBARD**

TUESDAY

SEPTEMBER 8, 2015

.....
CITY COUNCIL: YONALLY, KENNEDY, WHEATCROFT, RUIZ, SCHMIDT
.....

The Hubbard City Council will meet for its regular council meeting at the Hubbard City Hall at 7:00 p.m.

The City will, upon request, endeavor to arrange for the following services to be provided. Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 4:00 p.m. on the Monday the week preceding the meeting date.

- X Qualified sign language interpreters for persons with speech or hearing impairments; and**
- X Qualified bilingual interpreters; and**
- X Assisting listening devices for persons with impaired hearing.**

Additional agenda items may be accepted until 4:00 p.m. on the Monday the week preceding the meeting. Please contact the Director of Administration/City Recorder Vickie Nogle at 503-981-9633 ext 201. (TTY / Voice 1-800-735-2900) If you would also like to purchase an Agenda packet, please contact the number mentioned above or you may view it online @ www.cityofhubbard.org.

SEE ATTACHED AGENDA

**Posted 9/3/2015
4:00 p.m.**

**Vickie L. Nogle, MMC
Director of Administration/City Recorder**

**HUBBARD CITY COUNCIL
MEETING AGENDA
SEPTEMBER 8, 2015 – 6:00 PM
LOCATION: CITY HALL
3720 2ND STREET**

Work Session 6:00 p.m.

- 1) **CALL TO ORDER.**
 - A) Flag Salute.

- 2) **DISCUSSION REGARDING REGULATION OF MEDICAL AND RECREATIONAL MARIJUANA.**

Regular Session approx. 7:00 p.m.

- 3) **UPDATE REGARDING IOF AGREEMENT – T. Potter, ODOT.**
 - A) Accept Amendment Number 01 Immediate Opportunity Fund Agreement Oregon Route 99E and Schmidt Lane.

- 4) **COMMUNITY REPORTS.**
 - A) Hubbard Parks Improvement Committee.

- 5) **APPEARANCE OF INTERESTED CITIZENS.**

(This additional time is provided by the Council for questions or statements by persons in the audience on ANY item of city business, except those items which appear on this agenda or refer to zone changes or land use requests. Comments may be limited at the Mayor's discretion.)

- 6) **MAYOR'S PRESENTATIONS, AND/OR COUNCIL'S PRESENTATIONS.**

- 7) **STAFF REPORTS.**
 - A) **Police Department**—Police Chief Dryden.
 - B) **Public Works Department**—Public Works Superintendent Jaime Estrada.
 - C) **Administrative Department**—Dirctr of Admin/Recorder Vickie Nogle; Sr. Acntng Spcilst Kari Kurtz.

- 8) **CONSENT AGENDA.**

(Matters listed within the Consent Agenda have been distributed to each member of the Hubbard City Council for reading and study, are considered to be routine, and will be enacted by one motion of the Council with no separate discussion. If separate discussion is desired, that item may be removed from the Consent Agenda at the beginning of the meeting and placed on the Regular Agenda by request.)

 - A) Approval of July 14, 2015, City Council minutes.

 - B) Approval of August 11, 2015, City Council minutes.

- 9) **DISCUSSION REGARDING NEEDS ASSESSMENT.**

- 10) **DISCUSSION REGARDING MOWING CONTRACT – J. Estrada.**

11) UPDATE REGARDING GENERAL FUND.

12) APPROVAL OF THE AUGUST 2015 BANK RECONCILIATION REPORTS.

13) OTHER CITY BUSINESS.

14) ADJOURNMENT. (Next City Council meeting October 13, 2015, at 6:00 p.m. for Work Session)



Mid-Willamette Valley Council of Governments

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August 31, 2015

TO: Hubbard City Council
Vickie Nogle, Director of Administration/City Recorder

FROM: Joseph Shearer, City Planner

RE: Marijuana Policy Summary

ATTACHMENTS: City of Aurora – Ordinance 479
City of Woodburn – Council Bill 2974, Ordinance 2526

This memo presents a summary of planning and land use implications of recent marijuana-related legislation passed in Oregon.

Administrative rules developed by the Oregon Liquor Control Commission (OLCC), court decisions, and additional legislation will continue to shape the applicable regulations, so this summary represents only a snapshot of where things stand today

BACKGROUND

The Oregon Medical Marijuana Act (OMMA) was passed by Ballot Measure 67 in 1998 and is codified in ORS 475.300 – 475.346. In 2013, House Bill 3460 created a medical marijuana registration system and allowed medical marijuana facilities (MMFs, also known as “dispensaries”) to be located in certain zones, including commercial, industrial, and mixed use. In March 2014, Senate Bill 1531 was signed into law giving local governments the authority to impose “time, place, and manner” restrictions on medical marijuana facilities. Senate Bill 1531, also requires the Oregon Health Authority (OHA) to impose the following siting requirements when licensing MMFs:

- 1) Must be located in an area that is zoned commercial, industrial, mixed use or agricultural.
- 2) Cannot be located at the same address as a marijuana “grow site”.
- 3) Cannot be located within 1,000 feet of most public and private elementary, middle, and high schools (provisions clarified by HB 3400)
- 4) Cannot be located within 1,000 feet of another MMF.

In 2014, Oregon voters passed Measure 91 which addressed recreational marijuana and put in motion the three following changes:

- 1) Legalized personal possession of certain amounts of marijuana for adults;
- 2) Allowed production and possession of certain amounts of homegrown marijuana and marijuana products; and
- 3) Established a regulatory and licensing system administered by the OLCC for production, processing, and retail sale of recreational marijuana.

While administrative rulemaking continues related to Measure 91, the legislature passed a handful of bills related to marijuana in the legislative session that just concluded:

House Bill 3400

Prohibits certain processors, dispensaries, and retail establishments from locating in residential zones. Requires a land use compatibility statement (LUCS) as part of OLCC licensing for all recreational licenses. Limits the size of medical marijuana growers. Existing growers can have no more than 96 plants – or 24 if

Marijuana Type	Grow	Make Products	Wholesale	Transfer to User
Medical <i>OHA Registration</i>	Marijuana Grow Site: Location for planting, cultivating, growing, trimming, or harvesting marijuana or drying marijuana leaves or flowers <i>Register under ORS 475.304</i>	Marijuana Processing Site: Location for compounding or converting marijuana into medical products, concentrates or extracts <i>Register under section 85 of HB 3400</i>	None	Medical Marijuana Dispensary: Transfer usable marijuana, immature marijuana plants, seed, and medical products, concentrates and extracts to patients and caregivers <i>Register under ORS 475.314</i>
Recreational <i>OLCC License</i>	Producers: Manufacture, plant, cultivate, grow, harvest <i>Obtain license under section 12 of HB 3400</i>	Processors: Process, compound or convert marijuana into products, concentrates or extracts, but does not include packaging or labeling <i>Obtain license under section 14 of HB 3400</i>	Wholesalers: Purchase marijuana items for resale to a person other than a consumer <i>Obtain license under section 15 of HB 3400</i>	Retailers: Sell marijuana items to a consumer <i>Obtain license under section 16 of HB 3400</i> *Certain employees must obtain an OLCC handlers permit under section 19 of HB 3400

Oregon’s Seven Regulated Marijuana Activities

they are in an urban neighborhood – and new growers will be limited to half of those numbers. Amends provisions in M91 related to prohibition of marijuana businesses. In Marion County, voters have to approve any attempt to ban these businesses. Any locality that bans any type of marijuana business cannot implement a local tax. People who own or work in the marijuana business must have been a resident of the state for two years. Investors can come from out of state.

House Bill 2041

This bill identifies a tax structure for recreational marijuana that would begin next year. Sales would be tax free until Jan. 4, 2016. Then establishes 17% statewide tax with local governments (city or county) having the option to add additional 3%.

Senate Bill 460

This bill makes it legal for recreational marijuana users 21 and older to buy their product from licensed MMFs beginning October 1, 2015. This would give consumers in the state a temporary legal retail venue until OLCC starts issuing retail licenses for recreational marijuana in late 2016.

ESTABLISHING LOCAL REGULATIONS

In addition to the restrictions noted above, HB 3400 provides that cities may adopt reasonable time, place, and manner regulations. Time restrictions may limit the number of days, days of the week, operations on holiday, and hours of operation. Place restrictions may limit licensed marijuana activities to certain zoning districts (i.e. only in the Commercial Zone) and/or geographic areas (i.e. not within a certain distance from schools, parks, etc.). Manner restrictions include regulations on how recreational marijuana is dispensed.

Local Opt Out by Voter Referral

Hubbard may ban certain marijuana activities by referral at a statewide general election, (i.e. a November election in an even-numbered year). Consult the Secretary of State's referral manual and work with the City Recorder to determine the procedures necessary to refer an ordinance to the voters.

Once adopted, a city must submit the ordinance to the Oregon Health Authority (if banning medical marijuana businesses) and/or the Oregon Liquor Control Commission (if banning recreational marijuana businesses), and those agencies will then stop registering and licensing the prohibited businesses until the next statewide general election. In other words, for cities using the referral process, the council's adoption of an ordinance acts as a moratorium on new facilities until the election. Each agency has a form for submitting the ordinances.

Cities that adopt an ordinance prohibiting the establishment of medical or recreational marijuana businesses are not eligible to receive a distribution of state marijuana tax revenues or to impose a local tax under section 34a of HB 3400.

AURORA AND WOODBURN

Because the laws and regulations affecting marijuana have been changing quickly, few cities have comprehensive regulations on the books addressing all seven regulated marijuana activities. For example, Aurora and Woodburn have passed regulations addressing marijuana dispensaries, but have not addressed grow sites or other activities.

Aurora passed time, place, and manner restrictions allowing medical marijuana dispensaries as a conditional use in their commercial zone.

Woodburn passed time, place and manner restrictions allowing "marijuana dispensaries" as a special permitted use in their industrial zones. Much like the City of Hubbard, it sounds like

Woodburn will be considering if and how to address other marijuana-related activities in September. Staff is not aware of any further details or draft language.

OPTIONS FOR CONSIDERATION

From a land use perspective, it appears there are three basic approaches to addressing the recent marijuana-related ballot measure and legislation. Staff recommends that legal counsel be consulted in conjunction with any of these three options:

- 1) **DO NOTHING.** In the absence of local land use regulations pertaining specifically to marijuana, a marijuana-related use would need to demonstrate compliance with the existing provisions of the development code. The burden of proof is on the applicant to clearly explain the proposed use and how it complies with the permitted uses in the underlying zone as well as all other applicable development standards.
- 2) **AMEND THE DEVELOPMENT CODE** to include time/place/manner restrictions that apply to the seven regulated marijuana activities. Regulations could include specific zones which may accommodate such uses, hours of operation, or proximity to other conflicting uses (schools, parks, churches, etc.).
- 3) **PURSUE A LOCAL OPT OUT BY VOTER REFERRAL** related to certain marijuana activities as provided by HB 3400.

Additional options that do not have a clear land use nexus may be addressed with city staff or legal counsel. Additional options may become evident as rulemaking, litigation, and/or further legislation occurs.

ORDINANCE 479

AN ORDINANCE AMENDING THE AURORA DEVELOPMENT CODE, TITLE 16 OF THE AURORA MUNICIPAL CODE, RELATED TO MEDICAL MARIJUANA DISPENSARIES; AND DECLARING AN EMERGENCY.

WHEREAS, the Aurora Municipal Code, more commonly known as "Title 16 of the Aurora Development Code", includes regulations concerning the location of land uses within the various zones within the City of Aurora; and

WHEREAS, the City of Aurora, on April 30, 2014, imposed a moratorium on the establishment of medical marijuana facilities within the City of Aurora in order to determine whether or when it will adopt or impose reasonable regulations on the locations and operation of medical marijuana dispensaries within the City of Aurora, and

WHEREAS, the moratorium previously enacted will terminate in accordance with State law on May 1, 2015; and

WHEREAS, the establishment and operation of medical marijuana dispensaries is regulated by the State of Oregon; and

WHEREAS, Senate Bill 1531 approved by the Oregon Legislature on March 7, 2014, provides that cities may adopt ordinances that impose certain types of reasonable regulations on the operation of medical marijuana facilities registered and approved by the State of Oregon; and

WHEREAS, the Aurora City Council wishes to amend Chapter 16.04, Definitions and ; Chapter 16.14, Commercial (C), of the Aurora Municipal Code to establish rules governing the location of medical marijuana facilities; and

WHEREAS, the Aurora Planning Commission conducted a public hearing on April 7, 2015 at which time interested parties were given full opportunity to be present and heard and passed a motion recommending the City Council approve the proposed rules governing the location of medical marijuana facilities.

WHEREAS, the Aurora City Council conducted a public hearing on May 12, 2015 at which time interested parties were given full opportunity to be present and heard on the proposed rules governing the location of medical marijuana facilities.

NOW, THEREFORE, THE CITY OF AURORA DOES ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Aurora does hereby adopt the staff report dated May 12, 2015, including those certain findings of fact and conclusionary findings and supporting documentation attached hereto as Exhibit "A" and by this reference made a part hereof.

Section 2. The City Council of the City of Aurora does hereby amend Title 16- Aurora Development Code sections 16.04-Definitions, and 16.14-Commercial, as included under Exhibit A of this Ordinance.

Section 3. Notice to Oregon Health Authority. A copy of this Ordinance shall be forthwith forwarded to the Oregon Health Authority by regular mail, and by any other such means as required by rule of the Oregon Health Authority.

Section 4. Emergency Declared. This Ordinance being necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Aurora, an emergency is hereby declared to exist, and this Ordinance shall take effect immediately upon its passage by the City Council and approval by the Mayor.

PASSED and adopted by the City Council of the City of Aurora on this 9th day of June, 2015 by the following votes:

AYES: 4

NAYS: 0

ABSTAIN: 0

ABSENT: 1

Approved by the Mayor on this 9th day of June, 2015.

SIGNED:  6/9/2015
Bill Graupp, Mayor Date

ATTEST:  6/9/2015
Kelly Richardson, City Recorder Date

Chapter 16.14

C COMMERCIAL ZONE

Sections:

- 16.14.010 Purpose.
- 16.14.020 Permitted uses.
- 16.14.030 Conditional uses.
- 16.14.040 Development standards.
- 16.14.050 Open inventory display.

16.14.010 Purpose.

The commercial zone (C) is intended to provide areas for retail and service commercial uses. (Ord. 415 § 7.60.010, 2002)

16.14.020 Permitted uses.

In the commercial zone, except as specifically stated in Section 16.14.050 activities shall be conducted within an enclosed building or structure and are subject to site development review, Chapter 16.58. Only the following uses and their accessory uses are permitted outright:

1. Auction house, auditorium, exhibit hall, community building, club, lodge hall, fraternal organization or church;
2. Bed and breakfast inn, hotel or motel;
3. Bicycle sales or repair;
4. Cultural exhibits and library services;
5. Day care facility licensed by state;
6. Dwelling units located on the second floor of the commercial structure;
7. Eating and drinking establishments;
8. Financial, insurance and real estate offices;
9. General retail and convenience sales, except adult bookstores;
10. Indoor and outdoor recreation and entertainment facilities, except adult entertainment or adult motion picture theaters;
11. Laundry or dry cleaning establishments;
12. Medical or dental services including labs;
13. Mini storage, with or without a caretaker dwelling;
14. Minor impact utilities;
15. Motor vehicle, farm implement, boat or trailer rental, sales or services including body repairs when repairs are conducted wholly within an enclosed structure;
16. Mortuary, funeral home, crematorium or taxidermy;
17. Nurseries, greenhouses, and landscaping supplies not requiring outside storage for items other than plant materials including wholesale or retail;
18. Parking structure or lot or storage garage;
19. Printing or publishing plant;
20. Professional and administrative offices;
21. Public safety and support facilities;
22. Public transportation passenger terminal or taxi stand;

- 23. Repair services for household and personal items, excluding motorized vehicles;
- 24. Sales, grooming and veterinary offices or animal hospitals without outside pens or noise beyond property line;
- 25. Schools;
- 26. Service station, retail vehicle fuel sales or car wash when not located adjacent to a residential zone.
- 27. Single-family residence, provided it is an accessory use and cannot be sold separately;
- 28. Studios, including art, photography, dance, and music. (Ord. 415 § 7.60.020, 2002)

16.14.030 Conditional uses.

The following uses and their accessory uses may be permitted when authorized by the planning commission in accordance with the requirements of Chapter 16.60, other relevant sections of this title and any conditions imposed by the planning commission:

A. Adult bookstore, adult entertainment or adult motion picture theaters, provided no sales area or activity is ever visible from the building exterior, all building setbacks shall be a minimum of thirty-five (35) feet from any property line and shall be screened and buffered in accordance with Section 16.38.040. In addition, location shall be at least one thousand five hundred (1,500) feet, measured in a straight line, from any of the following:

- 1. Residential district,
- 2. Public or private nursery, preschool, elementary, junior, middle or high school,
- 3. Day care facility, nursery school, convalescent home, home for the aged, resident care facility or hospital,

- 4. Public library,
- 5. Community recreation,
- 6. Church,
- 7. Historic district or historic structure;

B. Home occupations (Type II) subject to Chapter 16.46;

C. Major impact utilities, including telecommunications facilities subject to Chapter 16.50, provided that a ten (10) foot perimeter setback containing both externally visible landscaping meeting buffering standards and solid screening surrounds the property;

D. Retail or wholesale business with not more than fifty (50) percent of the floor area used for the manufacturing, processing or compounding of products in a manner which is clearly associated with the retail business conducted on the premises; (Ord. 478, 2015)

E. On lots that do not abut a residential zone, retail or wholesale business with not more than seventy-five (75) percent of the floor area used for the manufacturing, processing or compounding of products in a manner which is clearly associated with the retail business conducted on the premises; (Ord. 478, 2015)

F. Wholesaling, storage and distribution. (Ord. 415 § 7.60.030, 2002)

G. Medical Marijuana Dispensaries (MMD), subject to the following standards:

1. Buffers, which shall only be measured at the initial land use application and not subsequent annual renewals:

- a. Elementary, middle or high school, public or private: 51000 feet
- b. Day care: 1000 feet
- c. Other marijuana businesses: 1000 feet
- d. May not be adjacent to a residential zone, a public park, or a church.

2. The use must be located within a permanent, enclosed structure.
3. The use may not be allowed as a home occupation.
4. Applicant and all employees must pass a criminal background check.
5. The term of a conditional use approval may not exceed one year.
6. Waste materials containing any amount of marijuana or by products must be locked in a secure container on-site.
7. Hours of operation are limited to 10 am to 5 pm.
8. Drive through windows are prohibited.

16.14.040 Development standards.

A. There is no minimum size for lots or parcels served by municipal sewer. Minimum lot sizes for lots or parcels without municipal sewer shall be as determined by the county sanitarian.

B. There is no minimum lot width or depth.

C. Unless otherwise specified, the minimum setback requirements are as follows:

1. There is no minimum front yard setback except as required for buffering of off street parking in accordance with Section 16.38.050;

2. On corner lots and the rear of through lots the minimum setback for the side facing the street shall be ten (10) feet;

3. No side or rear yard setback shall be required except twenty (20) feet screened and buffered in accordance with Chapter 16.38 shall be required where abutting a residential zoning district;

D. No building shall exceed forty-five (45) feet in height. Within one hundred (100) feet of a residential zone, no building shall exceed thirty-five (35) feet in height. All buildings greater than thirty-five (35) feet in height are subject to Chapter 16.24.

E. Parking shall be in accordance with Chapter 16.42.

F. Landscaping shall be in accordance with Chapter 16.38.

G. Doors and windows may not be covered with security grates.

HG. All properties located outside the designated historic commercial overlay and the historic residential overlay and adjacent to Highway 99 or Ehlen Road shall be collectively referenced as "gateway properties." The standards of Chapter 16.56 shall apply to all aspects of the site including, but not limited to, structural facade, yard and landscaping that are immediately adjacent to and visible from Highway 99 or Ehlen Road.

IH. Additional requirements shall include any applicable section of this title. (Ord. 415 § 7.60.040, 2002)

16.14.050 Open inventory display.

A. All business, service, repair, processing, storage or merchandise displays shall be conducted wholly within an enclosed building except for the following:

1. Off-street parking or loading;

2. Drive-through windows;

3. Display, for resale purposes, of large on road vehicles which could not be reasonably displayed wholly within a building; specifically automobiles, boats, logging equipment, farm machinery, heavy machinery and trucks. Such displays shall be limited to a maximum of five

vehicles which shall be movable at all times and cannot be deemed as discarded or dismantled. All vehicles displayed for sale must be located on a paved surface;

4. Displays for resale purposes of small merchandise which shall be removed to the interior of the business after business hours;

5. Display, for resale purposes, of live trees, shrubs and other plants.

6. Outdoor seating in relation to permitted eating or drinking establishment subject to 16.34.060.D.

B. All open inventory displays shall be maintained, kept clean, and be situated in conformance with all applicable city ordinances. (Ord. 464, 2011; Ord. 415 § 7.60.050, 2002)

COUNCIL BILL NO. 2974

ORDINANCE NO. 2526

AN ORDINANCE AMENDING THE WOODBURN DEVELOPMENT ORDINANCE TO ESTABLISH ZONING REGULATIONS FOR MARIJUANA DISPENSARIES AND DECLARING AN EMERGENCY

WHEREAS, in 1998, Ballot Measure 67 established the Oregon Medical Marijuana Act, which is codified in ORS 475.300 – 475.346; and

WHEREAS, in the 2013 Special Session, the Oregon Legislature approved House Bill 3460 which creates a medical marijuana registration system and allows for medical marijuana facilities to be located in areas zoned for commercial, industrial, or mixed use; and

WHEREAS, in 2014 the Oregon Legislature passed Senate Bill 1531, clarifying the authority of cities and counties regarding medical marijuana facilities and giving them the legal authority to enact a moratorium for a period of one (1) year on the operation of registered medical marijuana facilities; and

WHEREAS, by Ordinances 2514 and 2518, the City Council imposed a moratorium pursuant to state law and formally initiated an amendment to the Woodburn Development Ordinance to establish appropriate zoning regulations for medical marijuana facilities; and

WHEREAS, The Planning Commission held a public hearing on December 11, 2014, where unanimously they recommended approval of LA 2014 – 01 (Medical Marijuana Dispensaries); and

WHEREAS, the City Council conducted a public hearing on January 26, 2015, during which they accepted public testimony, closed the public hearing and instructed staff to prepare an Ordinance effecting the proposed amendments that establishes the zoning regulations for marijuana dispensaries;
NOW, THEREFORE,

THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

Section 1. Section 2, Table 2.04 A (*Uses Allowed in Industrial Zone*) of the Woodburn Development Ordinance ("the WDO") is amended as provided in Exhibit "A", which is attached hereto, identifying marijuana dispensaries as a Special Permitted Use in the Light Industrial (IL) and Industrial Park(IP) zones.

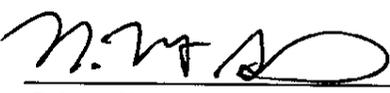
Section 2. Section 2.07.10 (*Home Occupations*) of the WDO is amended as provided in Exhibit "A", prohibiting marijuana dispensaries as a Home Occupation and incorporated herein by this reference.

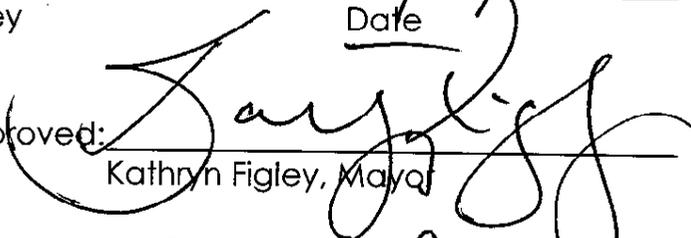
Section 3. Section 2.07.17 (*Temporary Outdoor Marketing and Special Events*) of the WDO is amended as provided in Exhibit "A", prohibiting marijuana and marijuana dispensaries from outdoor marketing and special events hereto and incorporated herein by this reference.

Section 4. The WDO is amended to include Section 2.07.19, establishing locational and sitting standards for marijuana dispensaries as provided for in Exhibit "A" and incorporated herein by this reference.

Section 5. The WDO amendments referenced in Section 1 to 4 above are based upon and justified by the Staff Report (Application LA 2014-01) dated December 22, 2014, which was considered by the City Council, was made a part of the public hearing records and is incorporated herein.

Section 6. This Ordinance being necessary for the immediate preservation of the public peace, health, and safety since the City must adopt zoning regulations that take effect prior to the expiration of the moratorium, an emergency is declared to exist and this ordinance shall take effect immediately upon passage and approval by the Mayor.

Approved as to form:  2/5/2015
City Attorney Date

Approved: 
Kathryn Figley, Mayor

Passed by the Council

February 9, 2015

Submitted to the Mayor

February 10, 2015

Approved by the Mayor

February 11, 2015

Filed in the Office of the Recorder

February 17, 2015

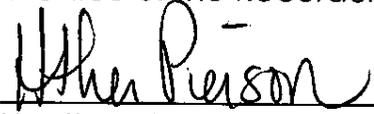
ATTEST: 
Heather Pierson, City Recorder
City of Woodburn, Oregon

Exhibit A

New text italicized, underlined and highlighted

Uses Allowed in Industrial Zones				
Table 2.04A				
Use			Zone	
Accessory Uses (A)	Conditional Uses (CU)	Permitted Uses (P)	IL	IP
Special Permitted Uses (S)	Specific Conditional Uses (SCU)		P/SP	SWIR
A	Civic Uses			
1	Golf driving range		P	P
2	Parks, play grounds and associated activities, golf courses without a driving range			CU
3	Public administration, aquatic facilities, fire protection, government and public utility buildings and storage yards		P	P
4	Rights-of-way, easements and improvements for streets, water, sanitary sewer, gas, oil, electric and communication lines, stormwater facilities and pump stations.		P	P
5	Trade schools		P	P
B	Commercial Retail and Services			
1	Ambulance service		P	P
2	Automotive maintenance and gasoline stations, including repair services		P	P
3	Business services			P
4	Contractors: a. Flooring and roofing b. Equipment and machinery c. Glass and glazing d. Masonry, drywall, insulation and tile contractors e. Other types of contractors		P	P
5	Delivery services		S	S
6	Fitness and recreational sports		P	P
7	Hospitals and ancillary uses			CU
8	Restaurants and drinking places		P	P
9	<u>Marijuana dispensaries</u>		S	S
C	Industrial			
1	Auction houses, except livestock and poultry sales		CU	
2	Automotive wrecking yards		CU	

**Uses Allowed in Industrial Zones
Table 2.04A**

Use		Zone			
	Accessory Uses (A) Conditional Uses (CU) Permitted Uses (P) Special Permitted Uses (S) Specific Conditional Uses (SCU)	IL	IP	P/SP	SWIR
3	Charter buses, special needs transportation, transit system, school transportation, limousine service and taxi service	P	P		
4	Chemical manufacturing	CU	CU		
5	Recycling center	CU	CU		
6	Asphalt or Portland cement concrete batch plant	CU	CU		
7	Commercial and industrial equipment repair, transit and ground transportation	P	CU		
8	Electronic and other electrical equipment and components, including manufacturing machinery, apparatus, and supplies for the generation, storage, transmission, transformation, and utilization of electrical energy; electricity distribution equipment; electrical industrial apparatus; household appliances; electrical lighting and wiring equipment; radio and television receiving equipment; communications equipment; electronic components and accessories; and other electrical equipment and supplies	P	P		P
9	Fabricated metal products, including fabricating ferrous and non-ferrous metal products such as metal cans, tin ware, hand tools, cutlery, general hardware, non-electric heating apparatus, fabricated structural metal products, metal forgings, metal stampings, and metal and wire products	CU			P
10	Industrial and commercial machinery and computer equipment, including engines and turbines; farm and garden machinery; construction, mining, and oil field machinery; elevators and conveying equipment; hoists, cranes, monorails, trucks and tractors; metalworking machinery; special industry machinery; general industrial machinery; computer and peripheral equipment and office machinery; and refrigeration and service industry machinery	P	P		P

**Uses Allowed in Industrial Zones
Table 2.04A**

Use		Zone						
Accessory Uses (A)	Conditional Uses (CU)	Permitted Uses (P)	Special Permitted Uses (S)	Specific Conditional Uses (SCU)	IL	IP	P/SP	SWIR
11	Heavy equipment and motor vehicle sales: a. Manufactured home dealers b. Motor vehicle and parts dealers, including new cars, used cars, recreational vehicles, motorcycles, boats, parts and tire dealers c. Truck dealers, including new trucks, used trucks, parts and tire dealers d. Tractor and farm machinery and equipment dealers e. Farm, garden and landscaping supplies				S	S		
12	Manufacturing: a. Beverage, food and tobacco b. Furniture and related products c. Leather and allied products d. Paper, limited to assembly e. Miscellaneous manufacturing f. Plastics and rubber g. Textile products				P	P		
13	Motor freight transportation and warehousing, including local or long-distance trucking or transfer services, storage of farm products, furniture and other household goods, and commercial goods				P	CU		P
14	Non-depository credit institutions engaged in extending credit in the form of loans, but not engaged in deposit banking					P		P
15	Paper manufacturing				CU			
16	Parking lots and garages				P	P		
17	Petroleum and coal products manufacturing with all storage underground				CU			
18	Printing, publishing, and allied industries				P	P		P
19	Professional services					P		P
20	Stone, clay, glass, and concrete products including manufacturing flat glass, other glass products, cement, structural clay products, pottery, concrete and gypsum products, cut stone, abrasive and asbestos products, and other products from materials taken principally from the earth in the form of stone, clay, and sand				P			P
21	Telecommunication facilities subject to Section 2.08.03				SCU	SCU		SCU

Uses Allowed in Industrial Zones				
Table 2.04A				
Use			Zone	
Accessory Uses (A)	Conditional Uses (CU)	Permitted Uses (P)	IL	IP
Special Permitted Uses (S)	Specific Conditional Uses (SCU)		P/SP	SWIR
22	Wholesale trade in durable and non-durable goods		P	P
23	Wood product manufacturing		P	CU
D	Miscellaneous			
1	Facilities during construction		S	S
2	Fence or free-standing wall		A	A
3	Temporary outdoor marketing and special event: a. Arts and crafts b. Food and beverages, including mobile food services c. Seasonal sales of fireworks, Christmas trees, produce or plant materials d. Amusement rides and games e. Entertainment f. Any other merchandise or service which is neither accessory to a primary, permanent use of the property, nor marketed by employees of that permanent use		S	S
E	Residential			
1	One dwelling unit in conjunction with an industrial use		P	P

2.07.10 Home Occupations

Home occupations shall be conducted entirely within a dwelling or accessory structure and shall comply with the following use and development standards:

- A. Operations
 - 1. The owner/operator of the home occupation shall reside in the dwelling in which the home occupation is conducted.
 - 2. No outside employees shall work on-site or use the site as a base of operations that requires a daily visit to the site of the home occupation for instructions, assignments or the distribution of tools or other goods.
- B. The home occupation shall be continuously conducted in such a manner as not to create any off-premise nuisance, including, but not limited to, noise, odors, vibration, fumes, smoke, fire hazards, or electronic, electrical, or electromagnetic interference.
- C. The home occupation shall be conducted entirely within a building.
- D. The total floor area devoted to the home occupation shall not exceed 500 square feet.
- E. Structural alterations shall be permitted, provided the residential character of the building is

not altered.

F. Parking

1. The number of required off-street parking spaces shall not be reduced; however, no additional parking shall be required.
2. The outdoor parking or storage of vehicles licensed as commercial vehicles or displaying commercial advertising shall be prohibited on-site.

G. Visits by suppliers or customers shall be limited to the hours of 8:00 a.m. and 8:00 p.m.

H. Prohibited Activities

1. Vehicle Repair: Repair of vehicles, including automobiles, motorcycles, tractors and similar mechanized equipment, shall be prohibited. Repair of vehicles includes, but is not limited to, mechanical repair, vehicle service, body work, vehicle painting and vehicle detailing.
2. Retail or Wholesale Sales and Distribution: The retail or wholesale sale or distribution of a product or goods shall be prohibited. This prohibition shall not apply to the operation of a business where customers do not come to the site.
3. Marijuana dispensaries.

I. The provisions in this section shall not apply to child care providers.

2.07.17 **Temporary Outdoor Marketing and Special Events**

A. Permitted Uses

1. Seasonal sales of fireworks, Christmas trees, produce or plant materials, except marijuana
2. Amusement rides and games
3. Entertainment
4. Any other merchandise or service, except marijuana dispensaries

B. Duration

1. Single events shall be limited to a maximum duration of three consecutive days, with all goods, temporary facilities and signs removed within 24 hours of closing on the last day of each event.
2. Recurring events shall be limited to a maximum duration of one day, with all goods, temporary facilities and signs removed within 24 hours of each event. Events may reoccur once per week for a maximum of 24 weeks.
3. Seasonal sales shall be limited to two events, with each event not exceeding more than 30 consecutive days.

C. Events shall only be conducted between the hours of 8:00 a.m. and midnight.

D. The use shall not block driveways, entrances or parking aisles.

E. The required parking for all other uses of the property shall not be diminished below that

required by this ordinance (Section 3.05).

- F. The use shall conform to all setback standards for the zone.
- G. Responsibilities
 - 1. The event operator:
 - a. Shall possess a valid special event permit for each event;
 - b. Shall be responsible for compliance with use standards, crowd and traffic control, and for sanitation, including rest rooms, waste disposal, and cleanup.
 - 2. The operator of a special use shall possess valid certification of compliance for all applicable health, sanitation and safety standards of the City and other applicable jurisdictions.
- H. The temporary outdoor marketing and special events shall not be located within a public right-of-way unless authorized by the appropriate jurisdiction (City of Woodburn, Marion County, or the Oregon Department of Transportation).
- I. Existing businesses with outdoor product display areas are not required to obtain a Temporary Outdoor Marketing and Special Events permit, but are limited to the following:
 - 1. Products sold within the primary building;
 - 2. Covering no more than ten percent of the gross square footage of the buildings on the property;
 - 3. Retaining a minimum of four feet for pedestrian clearance along any adjacent walkway.

2.07.19 Marijuana Dispensaries

- A. The dispensary shall not be located within 1,000 feet of the real property comprising:
 - 1. a public or private elementary, secondary or career school attended primarily by minors;
 - 2. a child care facility;
 - 3. a public park or public recreational facility;
 - 4. property designated residential on the Comprehensive Plan Map;
 - 5. another marijuana dispensary;
- B. The dispensary shall be located entirely within a permanent building.
- C. Drive-through service is prohibited.
- D. Maximum allowed gross floor area for a dispensary is 3,000 square feet.
- E. Enhanced exterior security lighting is required for a dispensary.



LEAGUE OF OREGON CITIES

**LOCAL GOVERNMENT
REGULATION OF
MARIJUANA IN
OREGON**

**REVISED
AUGUST 2015**



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Oregon Cities

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Introduction and A Word of Caution

The League of Oregon Cities (League) has prepared this guide to assist cities in evaluating local needs and concerns regarding medical and recreational marijuana, so that city councils can find solutions that are in the best interests of their community. The League does not take a position on which choices a city council should make. The League's mission is to protect the home rule authority of cities to make local decisions and to assist city councils in implementing the decisions they make, whatever those decisions might be.

The League published the first edition of this guide in the spring of 2015. Its original focus was medical marijuana. In November 2014, Oregon voters adopted Measure 91, legalizing the growing, distribution, possession and use of marijuana in certain amounts for non-medical personal use. In 2015, the state Legislature made comprehensive reforms to Measure 91 and addressed issues of local control. Specifically, the Legislature adopted the following bills:

- HB 3400 (Or Laws 2015, ch 614), the omnibus bill that amends the Oregon Medical Marijuana Act (OMMA) and the Control and Regulation of Marijuana Act (also known as Measure 91, which the voters passed in November 2014 legalizing recreational marijuana use in Oregon);
- HB 2041 (Or Laws 2015, ch 699), which revises the state tax structure for recreational marijuana;
- SB 460 (Or Laws 2015, ch 784), which authorizes early sales of recreational marijuana by medical marijuana dispensaries; and
- SB 844 (awaiting governor's signature), which creates a marijuana task force, provides for expungement of certain offenses, adds a new qualifying debilitating medical condition, and allows certain hospice and residential facilities to be designated as an additional caregiver.

The law with regard to local government regulation of marijuana is complex because it involves the interplay of state and federal law, and the law continues to evolve. At press time, there were several court cases pending regarding the legal authority of local governments to regulate, up to and including prohibiting, the operation of medical marijuana facilities. The League will continue to update its members as the law in this area changes.

This guide is not a substitute for legal advice. City councils considering taxing, regulating or prohibiting marijuana facilities should not rely solely on this guide or the resources contained within it. Any city council considering any form of regulation of marijuana should consult with its city attorney regarding the advantages, disadvantages, risks and limitations of any given approach. Legal counsel can also assist a city in preparing an ordinance that is consistent with existing ordinances and with a city's charter, and advise on what process is needed to adopt the ordinance.

With those changes, the League has prepared this second edition of the guide, adding sections relating to the regulation of recreational marijuana. This guide begins by providing an overview of the source of local government authority—Oregon’s constitutional home rule provisions. The guide then provides a brief explanation of the status of marijuana under federal law, as well as a summary of Oregon’s marijuana laws, before turning to a discussion of local control and options available for local governments. The guide concludes with sample ordinances to use as a starting point if a city decides it wants to tax, regulate or prohibit marijuana facilities.

The sample ordinance provisions included in this guide are intended to be a starting point, not an ending point, for any jurisdiction considering taxing, regulating or prohibiting marijuana facilities.

Home Rule in Oregon

Any discussion of a city’s options for regulating anything that is also regulated by state law must begin with a discussion of the home rule provisions of the Oregon Constitution from which cities derive their legal authority. Home rule is the power of a local government to set up its own system of governance and gives that local government the authority to adopt local ordinances without having to obtain permission from the state.

The concept of home rule stands in contrast to a corollary principle known as Dillon’s Rule, which holds that municipal governments may engage only in activities expressly allowed by the state because municipal governments derive their authority and existence from the state.¹ Under Dillon’s Rule, if there is a reasonable doubt about whether a power has been conferred to a local government, then the power has not been conferred. Although many states follow Dillon’s Rule, Oregon does not.

Instead, a city government in Oregon derives its home rule authority through the adoption of a home rule charter by the voters of that community pursuant to Article XI, section 2, of the Oregon Constitution, which was added in 1906 by the people’s initiative. Article XI, section 2, provides, in part, that:

“The Legislative Assembly shall not enact, amend or repeal any charter or act of incorporation of any municipality, city or town. The legal voters of every city and town are hereby granted power to enact and amend their municipal charter, subject to the Constitution and criminal laws of the State of Oregon.”

A home rule charter operates like a state constitution in that it vests all government power in the governing body of a municipality, except as expressly stated in that charter, or preempted by state or federal law. According to the League’s records, all of Oregon’s 242 incorporated cities have adopted home rule charters.

¹ See John F. Dillon, 1 *The Law of Municipal Corporations* § 9b, 93 (2d ed 1873).

The leading court case interpreting Oregon’s home rule amendment is *La Grande/Astoria v. PERB*, 281 Or 137, 148-49, 576 P2d 1204, *aff’d on reh’g*, 284 Or 173, 586 P2d 765 (1978). In that case, the Oregon Supreme Court said that home rule municipalities have authority to enact substantive policies, even in an area also regulated by state statute, as long as the local enactment is not “incompatible” with state law, “either because both cannot operate concurrently or because the Legislature meant its law to be exclusive.” In addition, the court said that where there is a local enactment and state enactment on the same subject, the courts should attempt to harmonize state statutes and local regulations whenever possible.²

In a subsequent case, the Oregon Supreme Court directed courts to presume that the state did not intend to displace a local ordinance in the absence of an apparent and unambiguous intent to do so.³ Along the same lines, a local ordinance can operate concurrently with state law even if the local ordinance imposes greater or different requirements than the state law.⁴

Where the Legislature’s intent to preempt local governments is not express and where the local and state law can operate concurrently, there is no preemption. As such, the Oregon Supreme Court has concluded that generally a negative inference that can be drawn from a statute is insufficient to preempt a local government’s home rule authority.⁵ For example, where legislation “authorizes” a local government to regulate in a particular manner, a court will not read into that legislation that the specific action authorized is to the exclusion of other regulatory alternatives, unless the Legislature makes it clear that the authorized regulatory form is to be the exclusive means of regulating.

Federal Law

Marijuana remains a Schedule I controlled substance under the federal Controlled Substances Act (CSA). Schedule I substances are those for which the federal government has made the following findings:

² Criminal enactments are treated differently. Local criminal ordinances are presumed invalid, and that presumption cannot be overcome if the local enactment prohibits what state criminal law allows or allows what state criminal law prohibits. See *City of Portland v. Dollarhide*, 300 Or 490, 501, 714 P2d 220 (1986). Consequently, the Oregon Supreme Court’s case law is clear that a local government may not recriminalize conduct for which state law provides criminal immunity. See *City of Portland v. Jackson*, 316 Or 143, 147-48, 850 P2d 1093 (1993) (explaining how to determine whether a state law permits what an ordinance prohibits, including where the Legislature expressly permits specified conduct).

³ See, e.g., *State ex rel Haley v. City of Troutdale*, 281 Or 203, 210-11, 576 P2d 1238 (1978) (finding no manifest legislative intent to preempt local provisions that supplemented the state building code with more stringent restrictions).

⁴ See *Rogue Valley Sewer Services v. City of Phoenix*, 357 Or 437, 454-55, ___ P3d ___ (2015); see also *Thunderbird Mobile Club v. City of Wilsonville*, 234 Or App 457, 474, 228 P3d 650, *rev den*, 348 Or 524 (2010) (“A local ordinance is not incompatible with state law simply because it imposes greater requirements than does the state, nor because the ordinance and state law deal with different aspects of the same subject.” (internal quotations omitted)).

⁵ *Rogue Valley Sewer Services*, 357 Or at 453-55 (concluding that explicit authorization for cities to regulate certain utilities did not, by negative implication, create a broad preemption of the field of utility regulation); *Gunderson, LLC v. City of Portland*, 352 Or 648, 662, 290 P3d 803 (2012) (explaining that even if a preemption based on a negative inference is plausible, if it is not the only inference that is plausible, it is “insufficient to constitute the unambiguous expression of preemptive intention” required under home rule cases).

- The drug or other substance has a high potential for abuse;
- The drug or other substance has no currently accepted medical use in treatment in the United States; and
- There is a lack of accepted safety for use of the drug or other substance under medical supervision.

Oregon's laws on medical and recreational marijuana do not, and cannot, provide immunity from federal prosecution. Consequently, state law does not protect marijuana plants from being seized or people from being prosecuted if the federal government chooses to take action under the CSA against those using marijuana in compliance with state law. Similarly, cities cannot provide immunity from federal prosecution.

An Overview of Oregon's Marijuana Laws

Oregon Medical Marijuana Act

Oregon has had a medical marijuana program since 1998, when voters approved Ballot Measure 67, the Oregon Medical Marijuana Act (OMMA) (codified at ORS 475.300 – ORS 475.346). Since that time, the Legislature has amended the OMMA on a number of occasions. Generally, under the OMMA, a person suffering from a qualifying debilitating health condition must get a written statement from a physician that the medical use of marijuana may mitigate the symptoms or effects of that condition. The person may then obtain a medical marijuana card from the Oregon Health Authority, which is the agency charged with regulating medical marijuana. The patient may designate a caregiver and a grower if the patient decides not to grow his or her own marijuana, each of whom may also get a medical marijuana card. Patients, caregivers and growers with medical marijuana cards, who act in compliance with the OMMA, are immune from state criminal prosecution for any criminal offense in which possession, delivery or manufacture of marijuana is an element. Those without medical marijuana cards may also claim immunity from state criminal prosecution if they are in compliance with the OMMA and, within 12 months prior to the arrest at issue, had received a diagnosis of a debilitating medical condition for which a physician had advised medical marijuana could mitigate the symptoms or effects.

The OMMA also provides protection from state criminal prosecution for medical marijuana processors and medical marijuana dispensaries acting in compliance with the law. Although the OMMA did not originally envision dispensaries, in 2013 the Legislature created a system for state-registered facilities to lawfully transfer marijuana between growers and patients or caregivers. In its original form, the dispensary system failed to address many local government concerns, some of which the Legislature addressed in HB 3400 (2015).

HB 3400 amends the OMMA in a number of ways, including limiting the number of plants at a medical marijuana grow site; allowing medical marijuana growers to possess the amount of usable marijuana harvested from their mature plants, within certain limits; allowing medical marijuana growers to apply for a recreational grow license; changing the amount which a patient

may reimburse his or her grower; adding a new registration category for medical marijuana processors; adding testing, labeling, inspection and reporting requirements; and changing and adding limitations on where dispensaries and processors can locate.

Recreational Marijuana

In November 2014, Oregon voters approved Ballot Measure 91, which decriminalized the personal growing and use of certain amounts of recreational marijuana by persons 21 years of age or older. Measure 91 also designated the Oregon Liquor Control Commission (OLCC) as the agency charged with licensing and regulating the growing, processing and sale of recreational marijuana. In particular, the OLCC was directed to administer a license program for producers, processors, wholesalers and retailers, and under that program, a person may hold more than one type of license.

HB 3400 preserves the general structure of Measure 91, but also makes important changes, including: allowing for personal making, processing or storing of up to 16 ounces of homemade marijuana concentrates; adding a requirement that those who work for recreational marijuana retailers hold a handlers permit; directing the OLCC to develop and maintain a seed-to-sale tracking system; directing the OLCC to adopt restrictions on the size of recreational marijuana grows; adding testing, labeling, inspection and reporting requirements for licensees; and changing and adding certain land use standards as they relate to marijuana.

Taxation of Recreational Marijuana

Originally under Measure 91, the state tax on recreational marijuana would have been imposed on growers at a rate of \$35 per ounce of marijuana flowers, \$10 per ounce of marijuana leaves, and \$5 per immature marijuana plant. Under HB 2041 (2015), the Legislature revised the state tax structure to impose a 17 percent tax on the retail sale of marijuana, to be collected by marijuana retailers. Early sales of recreational marijuana from medical marijuana dispensaries, discussed below, will be taxed at a higher rate. Starting January 4, 2016, early sales of recreational marijuana from medical marijuana dispensaries will be taxed at a rate of 25 percent.

As was the case under Measure 91, 10 percent of the state tax will be transferred to cities to “assist local law enforcement in performing its duties” under Measure 91.⁶ That 10 percent will be distributed using different metrics before and after July 1, 2017. Before July 1, 2017, tax revenues will be distributed proportionately to all Oregon cities based on their population. After July 1, 2017, those revenues will be distributed proportionately based on the number of licenses issued for premises located in each city. Fifty percent of revenues will be distributed based on the number of production, processor and wholesale licenses issued in the city, and the other 50 percent will be distributed based on the number of retail licenses issued in the city. However,

⁶ The remaining tax revenues will be distributed as follows: 40 percent to the Common School Fund; 20 percent to the Mental Health Alcoholism and Drug Services Account; 15 percent to the State Police Account; and 10 percent to counties.

under HB 2041, if a city adopts an ordinance prohibiting the establishment of any registered or licensed marijuana activities, the city will not be eligible to receive state marijuana tax revenues.

HB 3400 preempts local governments from imposing more than a 3 percent tax on the production, processing or sale of recreational marijuana by a retail licensee.

Early Sales of Recreational Marijuana

As of July 1, 2015, people 21 years of age and older may possess limited amounts of recreational marijuana under state law. However, the OLCC does not expect to issue licenses for the retail sale of recreational marijuana until sometime in 2016. To allow the OLCC time to implement its licensing system, while also providing an avenue for people to purchase recreational marijuana in compliance with state law, the Legislature authorized medical marijuana dispensaries to sell limited quantities of recreational marijuana.

In particular, starting October 1, 2015, medical marijuana dispensaries will be able to sell the following to a person who is 21 or older and presents proof of age:

- One quarter of one ounce of dried marijuana leaves and flowers per person per day;
- Four marijuana plants that are not flowering; and
- Marijuana seeds.

Sales of recreational marijuana from medical dispensaries currently are set to end on December 31, 2016. At that time, recreational retail facilities likely will be operating. In the meantime, cities can opt out of early sales by ordinance.

Local Government Options for Regulation of Marijuana

Any city wanting to regulate or prohibit marijuana activities should work closely with its legal counsel to survey existing state law and local code, develop a means to implement and enforce any new ordinances, and then craft the necessary amendments to the city's code to accomplish the council's intent.

As set out in HB 3400 and under their home rule authority, cities have a number of options for regulating marijuana activities. Whether to regulate is a local choice. What follows is an overview of the options available to cities. However, before embarking on any form of regulation, cities should begin by examining the seven types of marijuana activities authorized by state statute and the restrictions state law (including administrative regulations adopted by the OLCC and OHA) places on each type of activity to determine whether a gap exists between what state law allows and what the community desires to further restrict.

Registration and Licenses

Under HB 3400, there are seven marijuana activities that require registration or a license from the state. This guide focuses on regulation of those activities. Although some cities may be interested in regulating individual conduct involving personal growing, possession, and use of marijuana, those regulations are beyond the scope of this guide.

Oregon's Seven Regulated Marijuana Activities

Marijuana Type	Grow	Make Products	Wholesale	Transfer to User
Medical <i>OHA Registration</i>	Marijuana Grow Site: Location for planting, cultivating, growing, trimming, or harvesting marijuana or drying marijuana leaves or flowers <i>Register under ORS 475.304</i>	Marijuana Processing Site: Location for compounding or converting marijuana into medical products, concentrates or extracts <i>Register under section 85 of HB 3400</i>	None	Medical Marijuana Dispensary: Transfer usable marijuana, immature marijuana plants, seed, and medical products, concentrates and extracts to patients and caregivers <i>Register under ORS 475.314</i>
Recreational <i>OLCC License</i>	Producers: Manufacture, plant, cultivate, grow, harvest <i>Obtain license under section 12 of HB 3400</i>	Processors: Process, compound or convert marijuana into products, concentrates or extracts, but does not include packaging or labeling <i>Obtain license under section 14 of HB 3400</i>	Wholesalers: Purchase marijuana items for resale to a person other than a consumer <i>Obtain license under section 15 of HB 3400</i>	Retailers: Sell marijuana items to a consumer <i>Obtain license under section 16 of HB 3400</i> *Certain employees must obtain an OLCC handlers permit under section 19 of HB 3400

State Restrictions on the Location of Medical and Recreational Marijuana Activities

Before regulating or prohibiting state-registered or licensed marijuana activities, cities should examine the restrictions in state law. It is important to know about any state restrictions that create a regulatory “floor.” In other words, although the courts generally have upheld a city’s authority to impose more stringent restrictions than those described in state law, a city likely cannot impose restrictions that are more lenient than those described in state law. So, for

example, where state law requires a 1,000-foot buffer between medical marijuana dispensaries, a city could not allow dispensaries to locate within 500 feet of each other. Moreover, some cities may determine that state regulation of marijuana activities is sufficient and that local regulation is therefore unnecessary.

For those cities interested in prohibiting any of the marijuana activities listed above, it is important to examine the state restrictions because, particularly in smaller communities, those restrictions effectively may preclude a person from becoming registered with or licensed by the state to engage in marijuana activities.

Medical Grow Sites and Recreational Producers

HB 3400 does not restrict where medical marijuana grow sites or recreational marijuana producers can locate. However, it does place more stringent limitations on the number of plants that a medical marijuana grower can grow in residential zones and directs the OLCC to adopt rules restricting the size of recreational marijuana grow canopies.

Generally, a medical marijuana grow site may have up to 12 mature plants if it is located in a residential zone, and up to 48 mature plants if it is located in any other zone. However, there are exceptions for certain existing grow sites. If all growers at a site had registered with the state by January 1, 2015, the grow site is limited to the number of plants that were at the grow site as of December 31, 2015, not to exceed 24 mature plants per grow site in a residential zone and 96 mature plants per grow site in all other zones. A grower loses the right to claim those exceptions, however, if the grower's registration is suspended or revoked.

Medical Processing Sites and Recreational Processors

Processors that make marijuana extracts may not be located in an area zoned for residential use.

Medical Marijuana Dispensaries

Prior to HB 3400, state law provided that dispensaries had to be located in areas zoned for commercial, industrial, mixed use or agricultural land. Some dispensary owners argued that, as a result, local governments had to allow dispensaries to locate in those zones. The Legislature has now revised that provision to remove the list of allowable zones and replace it with a restriction: dispensaries may not be located in residential zones.

Prior to HB 3400, dispensaries could not locate within 1,000 feet of a public or private elementary, secondary or career school attended primarily by minors. The Legislature has now revised that restriction so that a dispensary may not locate within 1,000 feet of a public elementary or secondary school for which attendance is compulsory under ORS 339.020 or a private or parochial elementary or secondary school, teaching children as described in

ORS 339.030(1)(a).⁷ As a practical matter, that means that dispensaries cannot locate within 1,000 feet of most public and private elementary, middle and high schools. However, if a school is established within 1,000 feet of an existing dispensary, the dispensary may remain where it is unless the OHA revokes its registration.

In addition, the Legislature retained the requirement that dispensaries may not be located at the same address as a grow site and may not be located within 1,000 feet of another dispensary.

Recreational Wholesalers and Retailers

Wholesale and retail licensees may not locate in an area that is zoned exclusively for residential use. The same requirements that apply to medical marijuana dispensaries regarding their proximity to schools apply to retail licensees. As a practical matter, a retail licensee may not locate within 1,000 feet of most public and private elementary, middle and high schools. However, if a school is established within 1,000 feet of an existing retail licensee, the licensee may remain where it is unless the OLCC revokes its license.

Local Tax

The OMMA was silent on local authority to tax, meaning that local governments retained their home rule authority to tax medical marijuana. Measure 91, on the other hand, attempted to preempt local government authority to tax recreational marijuana, though there were significant questions regarding the effect and scope of that purported preemption.

Under HB 3400, the Legislature has vested authority to “impose a tax or fee on the production, processing or sale of marijuana items” solely in the Legislative Assembly, except as provided by law. The Legislature has also provided that a city may not “adopt or enact ordinances imposing a tax or fee on the production, processing or sale of marijuana items,” except as provided by law. HB 3400 goes on to provide that cities may adopt an ordinance, which must be referred to the voters, imposing a tax or fee of up to 3 percent on the sale of marijuana items by a retail licensee. The ordinance must be referred to the voters in a statewide general election, meaning an election in November of an even-numbered year. However, if a city has adopted an ordinance

⁷ ORS 339.020 provides, “Except as provided in ORS 339.030:

(1) Every person having control of a child between the ages of 7 and 18 years who has not completed the 12th grade is required to send the child to, and maintain the child in, regular attendance at a public full-time school during the entire school term.

(2) If a person has control of a child five or six years of age and has enrolled the child in a public school, the person is required to send the child to, and maintain the child in, regular attendance at the public school while the child is enrolled in the public school.”

ORS 339.030(1)(a) provides, “In the following cases, children may not be required to attend public full-time schools: (a) Children being taught in a private or parochial school in the courses of study usually taught in grades 1 through 12 in the public schools and in attendance for a period equivalent to that required of children attending public schools in the 1994-1995 school year.”

prohibiting the establishment of any recreational marijuana licensees or any medical marijuana registrants in the city, the city may not impose a local tax under this provision of the legislation.

Although HB 3400 provides that cities may impose a tax on sales by retail licensees, it remains unclear whether a city can tax medical marijuana. In particular, cities should consult their attorney on whether the authority to impose a tax or fee on “the production, processing or sale of marijuana items,” vested solely in the Legislature except as provided in HB 3400, includes the authority to tax medical marijuana.

For those cities that enacted taxes on medical or recreational marijuana prior to the Legislature’s adoption of HB 3400, the status of those taxes remains an open question. Arguably, cities that had “adopt[ed] or enact[ed]” taxes prior to the effective date of HB 3400 are grandfathered in under the law. However, the issue is not free from doubt, and cities that decide to collect on pre-HB 3400 taxes should be prepared to defend their ability to do so against legal challenge. Consequently, cities that plan to continue to collect taxes imposed prior to the passage of HB 3400 should work closely with their city attorney to discuss the implications and risks of that approach.

Ban on Early Sales

Starting October 1, 2015, medical marijuana dispensaries may begin selling limited quantities of recreational marijuana. Cities may adopt an ordinance prohibiting those early sales without referring the ordinance to voters and likely without tax implications. Although a city adopting an ordinance “prohibiting the establishment” of certain marijuana activities is not eligible to receive state marijuana tax revenues, an ordinance prohibiting early sales would merely limit the activities at an existing medical marijuana dispensary. As a result, cities would likely remain eligible to receive state tax revenues.

However, cities likely cannot impose a local tax on early sales. Under HB 3400, cities may not adopt or enact ordinances imposing a tax or fee on the production, processing or sale of marijuana items, except as provided in that legislation. HB 3400 further stipulates that cities may refer an ordinance to voters imposing a tax of up to 3 percent on sales by a person that holds a retail license issued by the OLCC. Because early sales of recreational marijuana will be made by medical marijuana dispensaries, and not by a retail licensee, a city likely is preempted from imposing a tax on early sales of recreational marijuana. However, cities interested in imposing a local tax on early sales should consult their city attorney.

Ban on State-Registered and Licensed Activities

Under HB 3400, cities may prohibit within the city the operation of recreational marijuana producers, processors, wholesalers and retailers, as well as medical marijuana processors and medical marijuana dispensaries. HB 3400 is silent on whether a city can ban medical marijuana growers from operating in the city. However, HB 3400 does not indicate that the bill’s process for banning marijuana activities is the exclusive means to do so. Cities considering banning

medical marijuana grow sites should talk to their city attorney about whether they can do so under either home rule, federal preemption or both legal theories.

The method for imposing the ban under HB 3400 will depend on when the city imposes the ban and whether the city is located in a county that voted against Measure 91 by 55 percent or more.

Before December 24, 2015, cities located in counties that voted against Measure 91 by 55 percent or more (Baker, Crook, Gilliam, Grant, Harney, Jefferson, Klamath, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa and Wheeler Counties) can enact a ban through council adoption of an ordinance prohibiting any of the six activities listed above. After that time, and for cities not located in those counties, the city council may adopt an ordinance banning any of the six activities listed above, but that ordinance must be referred to the voters at a statewide general election, meaning an election in November of an even-numbered year. Medical marijuana dispensaries and medical marijuana processors that have registered with the state by the time their city adopts a prohibition ordinance are not subject to the ban if they have successfully completed a city or county land use application process.

Under either procedure, as soon as the city council adopts the ordinance, it must submit it to the Oregon Health Authority (OHA) for medical bans and the Oregon Liquor Control Commission (OLCC) for recreational bans, and those agencies will stop registering and licensing the banned facilities. In other words, for cities using the referral process, the council's adoption of an ordinance acts as a moratorium on new facilities until the election occurs.

For cities using the referral process, it is also important to note that once the elections official files the referral with the county election office, the ballot measure is certified to the ballot. At that point, the restrictions on public employees engaging in political activity will apply. Consequently, cities should consult the Secretary of State and their city attorney to ensure that public employees are complying with state elections law in their communications about the pending measure.

In determining whether to prohibit any of the marijuana activities registered or licensed by the state, cities may want to consider the tax implications. Cities that enact a prohibition on any marijuana activity likely will not be eligible to receive state marijuana tax revenues or impose a local tax, even if the city bans only certain activities and allows others.

It is also important to note that HB 3400 does not provide an avenue for cities to ban the personal use and growing of marijuana. As a result, cities interested in enacting such a ban should consult with their city attorney to discuss whether the city can do so under either home rule, federal preemption or both legal theories.

Business License Ordinance

Although HB 3400 provides an avenue for cities to ban certain marijuana activities, nothing in the legislation makes that the exclusive means for prohibiting marijuana activities. As a result, some cities may not need to go through the procedures outlined in HB 3400 to ban marijuana

activities because they may already have laws in place that create an effective ban. However, cities relying on other avenues to ban should be prepared to defend their authority to do so.

A number of cities have imposed a ban through a local business license ordinance that provides that it is unlawful for any person to operate a business within the city without a business license, and further provides that the city will not issue a business license to any person operating a business that violates local, state or federal law. Indeed, cities that have a business license ordinance in place should review their existing codes to determine if such wording already exists. Additionally, whether adopting a new business license program or amending an existing one to provide that the city will not issue a business license to any person operating a business that violates local, state or federal law, a city should work with its legal counsel to ensure that its business license ordinance includes an enforcement mechanism to address a situation in which a person is operating a business without a business license.

In addition, cities that decide to enforce a business license ordinance instead of adopting a ban under HB 3400 should consult their city attorney regarding *City of Cave Junction v. State of Oregon* (Josephine County Circuit Court Case #14CV0588; Court of Appeals Case #A158118) and *Providing All Patients Access v. City of Cave Junction* (Josephine County Circuit Court Case #14CV1246, Court of Appeals Case #A160044). At issue in those cases is whether the city of Cave Junction may enforce its business license ordinance, which prohibits issuance of a business license to a business operating in violation of local, state or federal law, to effectively prohibit medical marijuana dispensaries from operating. Two trial courts in Oregon have upheld the city's business license ordinance against challenges that it has been preempted by the OMMA (prior to its amendment by HB 3400). Both of those cases currently are on appeal before the Oregon Court of Appeals.

Development Code

Cities that desire to impose a prohibition on marijuana operations could also include in their development codes a provision stating that the city will not issue a development permit to any person operating a business that violates local, state or federal law. If not already defined, or if defined narrowly, the city will want to amend its code to provide that a development permit includes any permit needed to develop, improve or occupy land including, but not limited to, public works permits, building permits or occupancy permits.

Land Use Code

As noted above, state law places restrictions on where certain marijuana activities can locate, including prohibiting certain processors, dispensaries and retail establishments from locating in residential zones. In addition, under HB 3400, a land use compatibility statement is required as part of the OLCC's licensing process for all recreational licensees. In particular, before issuing a producer, processor, wholesaler or retailer license, the OLCC must request a statement from the city that the requested license is for a location where the proposed use of the land is a permitted or conditional use. If the proposed use is prohibited in the zone, the OLCC may not issue a license. A city has 21 days to act on the OLCC's request, but when that 21 days begins varies.

If the land use is allowed as an outright permitted use, the city has 21 days from receipt of the request; if the land use is a conditional use, the city has 21 days from the final local permit approval. The city's response to the OLCC is not a land use decision. In addition to those state requirements, cities can impose their own more stringent land use requirements and restrictions.

Moreover, cities that desire to prohibit marijuana facilities altogether might also do so through amendments to their land use codes. Before considering this option, cities should work with their legal counsel to first determine if the wording of their zoning codes already prohibits marijuana operations, and if not, to identify the appropriate land use procedures and the amount of time it would take to comply with them. If the wording in a city's zoning codes does not prohibit marijuana operations, the city has different options. One option is to add wording such as "an allowed use is one that does not violate local, state or federal law" to the city's zoning code. Cities that adopt a prohibition that references federal law would then rely on existing mechanisms in their ordinances for addressing zoning violations.⁸

Time, Place and Manner Regulations

HB 3400 provides that local governments may impose reasonable regulations on the time, place and manner of operation of marijuana facilities. The League believes that, under the home rule provisions of the Oregon Constitution, local governments do not need legislative authorization to impose time, place and manner restrictions, and that the Legislature's decision to expressly confirm local authority to impose certain restrictions does not foreclose cities from imposing other restrictions not described in state law.

HB 3400 provides that cities may regulate marijuana facilities by imposing reasonable restrictions on:

- The hours of operation of recreational marijuana retailers and medical marijuana grow sites, processing sites and dispensaries;
- The location of recreational marijuana producers, processors, wholesalers and retailers, as well as medical marijuana grow sites, processing sites and dispensaries, except that a city may not impose more than a 1,000-foot buffer between recreational marijuana retailers;
- The manner of operation of recreational marijuana producers, processors, wholesalers and retailers, as well as medical marijuana processors and dispensaries; and

⁸ Under existing law, the League believes it is clear that a city may enforce civil regulations of general applicability (such as zoning codes, business licenses and the like) through the imposition of civil penalties. Although a city likely cannot directly recriminalize conduct allowed under state criminal law, it is a different legal question whether a city may impose criminal penalties for violating a requirement of general applicability when the conduct at issue is otherwise immune from prosecution under state law (i.e. whether a city may impose criminal penalties for operation of a medical marijuana dispensary in violation of a city's land use code). *Cf. State v. Babson*, 355 Or 383, 326 P3d 559 (2014) (explaining that generally applicable, facially neutral law, such as a rule prohibiting use of public property during certain hours, may be valid even if it burdens expressive conduct otherwise protected under Article I, section 8, of the Oregon Constitution). Consequently, a city should work closely with its city attorney before imposing criminal penalties against a person operating a medical marijuana facility in violation of a local civil code, such as a zoning, business license or development code.

- The public's access to the premises of recreational marijuana producers, processors, wholesalers and retailers, as well as medical marijuana grow sites, processing sites and dispensaries.

The law also provides that time, place and manner regulations imposed on recreational licenses must be consistent with city and county comprehensive plans, zoning ordinances, and public health and safety laws, which would be true of any ordinance imposed by a city.

Although the law does not provide for regulation of the hours of operation for recreational producers, processors or wholesalers, or for regulation of the manner of operation of medical marijuana grow sites, the League believes that cities could regulate those aspects of operation under their home rule authority. However, a city considering regulating those activities should consult with their legal counsel on the risks of litigation and the likelihood of prevailing.

What regulations a city ultimately adopts will depend on community wants and needs, as well as on the rules adopted by the OHA and the OLCC. HB 3400 authorizes, and in some cases requires, those agencies to adopt rules implementing the law, and those rules may address many of the issues concerning local governments. As a result, although cities may want to begin considering the types of regulations that they want to impose, cities should be aware that local needs may change with experience and as new administrative rules go into effect.

AMENDMENT NUMBER 01
IMMEDIATE OPPORTUNITY FUND AGREEMENT
Oregon Route 99E and Schmidt Lane
City of Hubbard

This is Amendment No. 01 to the Agreement between the **STATE OF OREGON**, acting by and through its Department of Transportation, hereinafter referred to as "State," and the **CITY OF HUBBARD**, acting by and through its elected officials, hereinafter referred to as "Agency," entered into on May 26, 2009.

It has now been determined by State and Agency that the Agreement referenced above shall be amended to change the Agreement obligations, extend the expiration date, and update language.

1. **Effective Date.** This Amendment shall become effective on the date it is fully executed and approved as required by applicable law.
2. **Amendment to Agreement.**
 - a. **Exhibit A shall be deleted in its entirety and replaced with the attached Revised Exhibit A. All references to "Exhibit A" shall hereinafter be referred to as "Revised Exhibit A."**
 - b. **RECITALS, Paragraph 1, Page 1, which reads:**
 1. The Oregon Transportation Commission (OTC) at its July 15, 1988 meeting approved establishing an Immediate Opportunity Fund (IOF) to support primary economic development in Oregon through the construction and improvement of streets and roads. The OTC at its meeting on April 15, 2009, revised the guidelines for the use of this fund. IOF funds are limited to "Type A" – specific economic development projects that affirm job retention and job creation opportunities; "Type B" – revitalization of business or industrial centers to support economic development and quality development objectives; and "Type C," – specific industry development projects that are key to Oregon's economic vitality, growth, and diversification.

Shall be deleted in its entirety and replaced with the following:

1. The Oregon Transportation Commission (OTC) at its July 15, 1988 meeting approved establishing an Immediate Opportunity Fund (IOF) to support primary economic development in Oregon through the construction and improvement of streets and roads. The OTC at its meeting on March 19, 2015, revised the guidelines for the use of this fund. IOF funds are limited to: "Type A" – specific economic development projects that affirm job retention and job creation opportunities; "Type B" – revitalization of business or industrial centers to support economic development; "Type C" – preparation of Oregon certified

project-ready industrial sites; and “Type D” – preparation of regionally significant industrial areas.

c. TERMS OF AGREEMENT, Paragraphs 1 and 2, Page 1 and 2, which read:

1. Agency agrees to make roadway improvements near the development of Pacific Building Systems and Valley Rolling Corporation that meets the IOF criteria. The improvements will consist of widening Oregon Route 99E (OR 99E) fifteen feet (15’), and frontage improvements of curb, gutter, and sidewalks on both OR 99E and Schmidt Lane, hereinafter referred to as “Project.” The Project is being constructed as a condition of development approved by the Agency and State. The location of the Project is approximately as shown on the sketch map attached hereto, marked “Exhibit A,” and by this reference made a part hereof.
2. The Oregon Economic and Community Development Department (OECDD) recommend use of IOF funds for this Project. State agrees to provide IOF funds not to exceed \$226,500 to help finance the road construction portion of this Project. Agency and others will provide the remaining Project funding.

Shall be deleted in their entirety and replaced with the following:

1. Agency agrees to make roadway improvements within the Hubbard Industrial Park that is bordered by Schmidt Lane and Oregon Route 99E (OR 99E) that meets IOF criteria. The improvements will consist of widening OR 99E fifteen feet (15’), and frontage improvements of curb, gutter, and sidewalks on both OR 99E and Schmidt Lane, hereinafter referred to as “Project.” The location of the Project is approximately as shown on the sketch map attached hereto, marked “Revised Exhibit A,” and by this reference made a part hereof.
2. The Oregon Business Development Department (OBDD) recommends use of IOF funds for this Project. State agrees to provide IOF funds not to exceed \$226,500 to help finance the road construction portion of this Project. Agency and/or others will provide the remaining Project funding.

d. STATE OBLIGATIONS, Paragraph 3, Page 2, which reads:

3. State’s contact for this Project is McGregor Lynde, Region 2 STIP Coordinator, 455 Airport Road SE, Building B, Salem, Oregon 97301-5395, telephone (503) 986-2651, or assigned designee upon individual’s absence. Agency’s Project Manager shall be notified in writing of any contact information changes during the term of this Agreement.

Shall be deleted in its entirety and replaced with the following:

3. State’s Project Manager for this Project is John Maher, Region 2 STIP and Financial Planning Manager, 455 Airport Road SE, Building B, Salem, Oregon

97301; phone: (503) 986-2614; email: john.d.maher@odot.state.or.us, or assigned designee upon individual's absence. State shall notify the other Party in writing of any contact information changes during the term of this Agreement.

e. Insert new STATE OBLIGATIONS, Paragraph 4, to read as follows:

4. State certifies and represents that the individual(s) signing this Agreement has been authorized to enter into and execute this Agreement on behalf of State, under the direction or approval of its governing body, commission, board, officers, members or representatives, and to legally bind State.

f. AGENCY OBLIGATIONS, Paragraph 11, Page 5, which reads:

11. All employers, including Agency, that employ subject workers who work on this Agreement in the State of Oregon shall comply with ORS 656.017 and provide the required workers' compensation coverage unless such employers are exempt under ORS 656.126. Agency shall ensure that each of its subcontractors complies with these requirements.

Shall be deleted in its entirety and replaced with the following:

11. All employers, including Agency, that employ subject workers who work under this Agreement in the State of Oregon shall comply with ORS 656.017 and provide the required workers' compensation coverage unless such employers are exempt under ORS 656.126. Employers Liability insurance with coverage limits of not less than \$500,000 must be included. Agency shall ensure that each of its subcontractors complies with these requirements.

g. AGENCY OBLIGATIONS, Paragraph 19, Page 6 and 7, which reads:

19. Job Growth Assessment

Because the purpose of the IOF Type A project is to promote job growth, State wishes to assess its investment.

- a. Therefore, upon approval of the Project by the OTC and within five (5) years from execution of this Agreement, Agency shall provide to State documentation from Pacific Building Systems and Valley Rolling Corporation that forty-seven (47) full-time equivalent positions (FTE) have been created and filled (40 from Pacific Building Systems and 7 from Valley Rolling Corporation) at the new facility on Schmidt Lane. If such documentation cannot be provided within the above stated time limit, Agency shall reimburse State all IOF funds distributed to Agency as outlined below.

- b. The targeted number of new FTE positions is the number approved by the OTC. “New FTE positions” shall mean new positions created, filled and remaining on the payroll for at least one (1) year.
- c. The verification documentation shall be a letter on company letterhead signed by officials of Pacific Building Systems and Valley Rolling Corporation, duly authorized to represent their company, certifying the number of new FTE positions. State, OECDD or the Oregon Secretary of State Audits Division, shall have the right to audit the payroll records of Pacific Building Systems and Valley Rolling Corporation in order to confirm information in the letter.
- d. If the documentations show a deficiency in the number of FTE positions, Agency shall reimburse State on a pro-rated basis. The formula for the pro-rated amount of IOF funds paid to Agency will be an amount equal to the number of actual FTE positions divided by the number of projected FTE positions multiplied by total IOF funds available. Reimbursement will be the amount actually distributed less the pro-rated amount.
- e. Reimbursements resulting from a failure to provide job documentation or failure to meet job target goals shall be paid within three (3) months after the above state time limit.
- f. All said reimbursements shall include interest equal in rate for the Highway Trust Fund at the Oregon State Treasury established on the date of execution of this Agreement. Interest shall accrue from the date of the first withdrawal from the Highway Trust Fund at the Oregon State Treasury.
- g. Agency may wish to enter into a separate agreement with Pacific Building Systems and Rolling Valley Corporation to address pay back of Agency reimbursements to State resulting from the respective company’s failure to provide documentation or failure to meet job target goals.
- h. At Agency’s request and upon consultation with OECDD, State may grant a time extension on the reimbursement or a time extension to provide additional job growth.

Shall be deleted in its entirety and replaced with the following:

- 19. Because the purpose of the IOF Type A project is to promote job growth, State wishes to assess its investment.
 - a. Therefore, within ten (10) years after completion of Project, Agency shall provide to State documentation from all businesses that locate/relocate to the Industrial Park area on Schmidt Lane that the relocating companies have maintained their level of employment during relocation; and

collectively forty-seven (47) new, full-time equivalent positions (FTE) have been created and filled in the Industrial Park. If such documentation cannot be provided within the above stated time limit, Agency shall reimburse State all IOF funds distributed to Agency as outlined below.

- b. The targeted number of new FTE positions is the number approved by the OTC. "New FTE positions" shall mean new positions created, filled and remaining on the payroll for at least one (1) year.
- c. The verification documentation shall be letters from each of the businesses located/relocated in the Industrial Park on company letterhead signed by an official of the company duly authorized to represent their company certifying the number of FTE positions retained and of new FTE positions. State, OBDD, or the Oregon Secretary of State Audits Division, shall have the right to audit the payroll records of the businesses in order to confirm information in the letters.
- d. If the documentation shows a deficiency in the number of FTE positions, Agency shall reimburse State on a pro-rated basis. The formula for the pro-rated amount of IOF funds paid to Agency will be an amount equal to the number of actual FTE positions divided by the number of projected FTE positions multiplied by total IOF funds available. Reimbursement will be the amount actually distributed less the pro-rated amount.
- e. Reimbursements resulting from a failure to provide job documentation, failure to meet job target goals or failure to obtain Project Site Certification shall be paid within three (3) months after the above stated time limit.
- f. All said reimbursements shall include interest equal in rate for the Highway Trust Fund at the State Treasury established on the date of execution of this Agreement. Interest shall accrue from the date of the first withdrawal from the Highway Trust Fund at the State Treasury.
- g. At Agency's request and upon consultation with OBDD, State may grant a time extension on the reimbursement or a time extension to provide additional job growth. Any extension will only be effective upon amendment to this Agreement.
- h. **AGENCY OBLIGATIONS, Paragraph 24, Page 8, which reads:**
 - 24. Agency's Project Manager for this Project is Suzanne Dufner, City Planner, City of Hubbard, 3720 Second Street, Hubbard, Oregon 97032; telephone: (503) 540-1616, or assigned designee upon individual's absence. State's Project Manager shall be notified in writing of any contact information changes during the term of this Agreement.

Shall be deleted in its entirety and replaced with the following:

24. Agency's Project Manager for this Project is Vickie Nogle, Director of Administration/City Recorder, City of Hubbard, 3720 Second Street, Hubbard, Oregon 97032; phone: (503) 981-9633; email: vnogle@cityofhubbard.org, or assigned designee upon individual's absence. Agency shall notify the other Party in writing of any contact information changes during the term of this Agreement.

i. Insert new GENERAL PROVISIONS, Paragraphs 8 through 12, to read as follows:

8. If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 ("Third Party Claim") against State or Agency with respect to which the other Party may have liability, the notified Party must promptly notify the other Party in writing of the Third Party Claim and deliver to the other Party a copy of the claim, process, and all legal pleadings with respect to the Third Party Claim. Each Party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. Receipt by a Party of the notice and copies required in this paragraph and meaningful opportunity for the Party to participate in the investigation, defense and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to that Party's liability with respect to the Third Party Claim.

9. With respect to a Third Party Claim for which State is jointly liable with Agency (or would be if joined in the Third Party Claim), State shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by Agency in such proportion as is appropriate to reflect the relative fault of State on the one hand and of Agency on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of State on the one hand and of Agency on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. State's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if State had sole liability in the proceeding.

10. With respect to a Third Party Claim for which Agency is jointly liable with State (or would be if joined in the Third Party Claim), Agency shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by State in such proportion as is appropriate to reflect the relative fault of Agency

on the one hand and of State on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of Agency on the one hand and of State on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. Agency's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if it had sole liability in the proceeding.

11. The Parties shall attempt in good faith to resolve any dispute arising out of this Agreement. In addition, the Parties may agree to utilize a jointly selected mediator or arbitrator (for non-binding arbitration) to resolve the dispute short of litigation.
12. State and Agency hereto agree that if any term or provision of this Agreement is declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or in conflict with any law, the validity of the remaining terms and provisions will not be affected, and the rights and obligations of the Parties shall be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid.
3. **Counterparts.** This Amendment may be executed in two or more counterparts (by facsimile or otherwise) each of which is an original and all of which when taken together are deemed one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart.
4. **Original Agreement.** Except as expressly amended above, all other terms and conditions of the original Agreement are still in full force and effect. Recipient certifies that the representations, warranties and certifications in the original Agreement are true and correct as of the effective date of this Amendment and with the same effect as though made at the time of this Amendment.

THE PARTIES, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

CITY OF HUBBARD, by and through its
elected officials

By _____
Mayor

Date _____

By _____
City Recorder

Date _____

**APPROVED AS TO LEGAL
SUFFICIENCY**

By _____
City Legal Counsel

Date _____

Agency Contact:

Vickie Nogle, City Recorder
City of Hubbard
3720 Second Street
Hubbard, OR 97032
Phone: (503) 981-9633
Email: vnogle@cityofhubbard.org

STATE OF OREGON, by and through
its Department of Transportation

By _____
Region 2 Manager

Date _____

APPROVAL RECOMMENDED

By _____
Region 2 Planning and Development
Manager

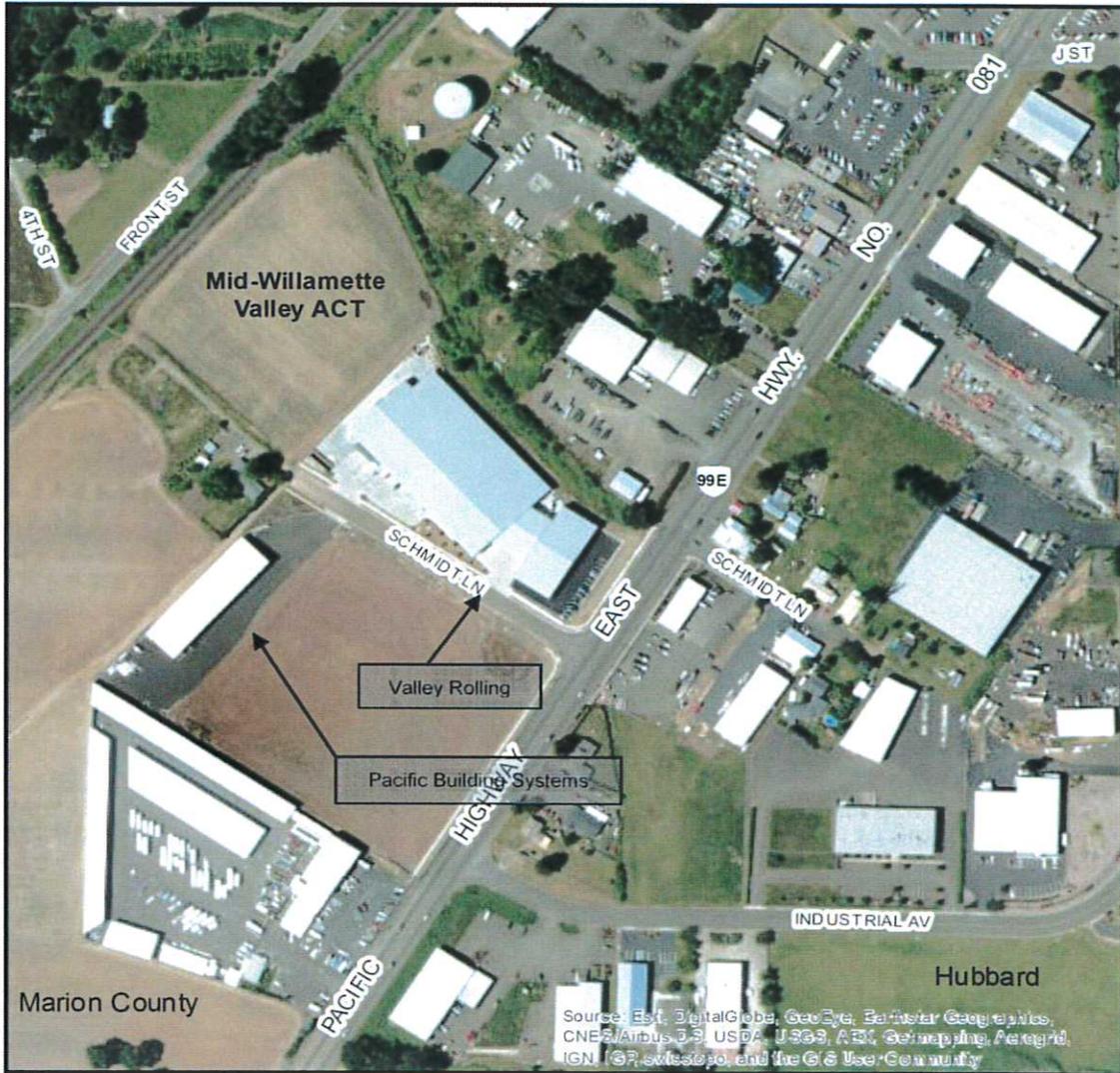
Date _____

State Contact:

John Maher, STIP & Financial Planning Mgr.
ODOT, Region 2
455 Airport Road SE, Bldg. B
Salem, OR 97301
Phone: (503) 986-2614
Email: john.d.maher@odot.state.or.us

REVISED EXHIBIT A

IMMEDIATE OPPORTUNITY FUND
 PROJECT LOCATION
 ODOT REGION 2



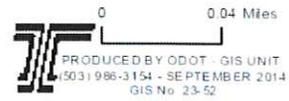
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, Aero, GeoMapping, AeroGRID, IGN, IGP, swisstopo, and the GIS User Community

LEGEND

- PROJECT LOCATION
- STATE HIGHWAY CLASSIFICATION**
- INTERSTATE
- STATEWIDE
- REGIONAL / DISTRICT
- REGIONAL BOUNDARY
- COUNTY BOUNDARY
- ACT BOUNDARY

OR99E AND SCHMIDT LANE
 IMPROVEMENTS (HUBBARD)

This product is for informational purposes and may not have been prepared for or be suitable for legal engineering or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.



IMMEDIATE OPPORTUNITY FUND AGREEMENT

Oregon Route 99E and Schmidt Lane
City of Hubbard

THIS AGREEMENT is made and entered into by and between the STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State," and the CITY OF HUBBARD, acting by and through its elected officials, hereinafter referred to as "Agency," collectively hereinafter referred to as the "Parties."

RECITALS

1. The Oregon Transportation Commission (OTC) at its July 15, 1988 meeting approved establishing an Immediate Opportunity Fund (IOF) to support primary economic development in Oregon through the construction and improvement of streets and roads. The OTC at its meeting on April 15, 2009, revised the guidelines for the use of this fund. IOF funds are limited to "Type A" – specific economic development projects that affirm job retention and job creation opportunities; "Type B" – revitalization of business or industrial centers to support economic development and quality development objectives; and Type "C" – specific industry development projects that are key to Oregon's economic vitality, growth, and diversification.
2. Oregon Route 99E (Pacific Highway East) is a part of the state highway system under the jurisdiction and control of the Oregon Transportation Commission. Schmidt Lane is a part of the city street system under the jurisdiction and control of Agency.
3. By the authority granted in Oregon Revised Statutes (ORS) 190.110, 366.572 and 366.576, State may enter into cooperative agreements with counties, cities and units of local governments for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting Parties.

NOW THEREFORE, the premises being in general as stated in the foregoing Recitals, it is agreed by and between the Parties hereto as follows:

TERMS OF AGREEMENT

1. Agency agrees to make roadway improvements near the development of Pacific Building Systems and Valley Rolling Corporation that meets the IOF criteria. The improvements will consist of widening Oregon Route 99E (OR 99E) fifteen feet (15'), and frontage improvements of curb, gutter, and sidewalks on both OR 99E and Schmidt Lane, hereinafter referred to as "Project". The Project is being constructed as a condition of development approval by the Agency and State. The location of the

Project is approximately as shown on the sketch map attached hereto, marked "Exhibit A," and by this reference made a part hereof.

2. The Oregon Economic and Community Development Department (OECD) recommend use of IOF funds for this Project. State agrees to provide IOF funds not to exceed \$226,500 to help finance the road construction portion of this Project. Agency and others will provide the remaining Project funding.
3. Agency has entered into an agreement with Pacific Building Systems, which provides for Agency to act on Pacific Building System's behalf for purposes of compliance with this Agreement. Any approval or authority necessary to be exercised by Pacific Building System's for purposes of this Project is given to Agency pursuant to said agreement. Agency may also enter into separate Agreements with other entities and agencies to provide for funding necessary to meet the funding requirements of the Project.
4. This Agreement is effective on the date all required signatures are obtained and shall terminate upon completion of the Project and receipt of documentation of filled and created positions outlined under Agency Obligations.

STATE OBLIGATIONS

1. State shall, at its own expense, assign a Project Liaison to monitor work performed. State shall review all environmental documents, Project plans, specifications, and cost estimates prepared by Agency or its consultants within twenty (20) working days of submittal by Agency and before awarding a construction contract.
2. Once construction is underway, State shall as soon as practically possible and within forty-five (45) days following receipt of approved monthly itemized invoices, reimburse Agency for 50 percent of the eligible Project construction costs incurred until the total of \$226,500 of approved IOF funds has been paid to Agency or until Project is completed, whichever occurs first.
3. State's contact for this Project is McGregor Lynde, Region 2 STIP Coordinator, 455 Airport Road SE, Building B, Salem, Oregon 97301-5395, telephone (503) 986-2651, or assigned designee upon individual's absence. Agency's Project Manager shall be notified in writing of any contact information changes during the term of this Agreement.

AGENCY OBLIGATIONS

1. Agency, or its consultant, shall conduct the necessary preliminary engineering and design work required to produce final plans, specifications and cost estimates; obtain all required permits; arrange for all utility relocations or reconstruction;

perform all construction engineering, including all required materials testing and quality documentation; prepare all contract documents; provide Project management services, and other necessary functions for sole administration of the contract.

2. Agency shall comply with all applicable provisions of ORS 279A, 279B, and 279C and Agency's Public Contracting Rules in procuring and awarding the construction contract. Within two (2) years after the Agreement execution date, unless granted an extension by State, Agency shall award a contract for construction of Project. Construction must be completed within five (5) years of the Agreement execution date. If either time limit expires, this Agreement shall terminate immediately with all Parties.
3. Agency shall ensure that State's contribution of fifty (50) percent of the actual road construction costs, not to exceed \$226,500, will be applied to preliminary engineering, right of way acquisition, and construction only. Agency shall be responsible for funding the remaining Project costs.
4. Agency shall submit to the assigned State Project Liaison all environmental documents, Project plans, specifications and cost estimates before awarding a construction contract.
5. Agency shall lay out and paint the necessary lane lines and erect the required directional and traffic control signing for the Project.
6. Agency agrees that State road standards shall be used for that portion within State rights of way.
7. Agency shall obtain all required state and federal permits, including any environmental permits, and shall comply with all terms of said permits.
8. Agency agrees and understands that it will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, ORS Chapter 35, and the State Right of Way Manual, if right of way acquisition is necessary.
9. Agency, or its consultant, shall acquire all necessary rights of way according to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, ORS Chapter 35 and the State Right of Way Manual. Certification of right of way acquisition work must be made by the Agency (or on behalf of its consultant) doing the work. If Agency acquires the right of way, they shall provide a letter from Agency's legal counsel certifying that: 1) the right of way needed for the Project has been obtained; and 2) right of way acquisition has been completed in accordance with the right of way requirements contained in this Agreement. The certification form shall be routed through the State Region 2 Right of Way Office for

co-signature and possible audit. If Agency elects to have State perform right of way functions, a separate Agreement shall be executed between Agency and State Region 2 Right of Way, referencing this Agreement number.

10. The Special Provisions for the construction contract work for this Project shall include the following stipulations:

- a. Contractor shall name State and Agency as third party beneficiaries of the resulting contract.
- b. Contractor shall indemnify, defend and hold harmless State, Agency and their officers, employees and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature whatsoever resulting from, arising out of, or relating to the activities of Contractor or its officers, employees, sub-contractors, or agents under the contract.
- c. Commercial General Liability. Contractor shall obtain, at Contractor's expense, and keep in effect during the term of the contract, Commercial General Liability Insurance covering bodily injury and property damage in a form and with coverages that are satisfactory to State and Agency. This insurance shall include personal and advertising injury liability, products, and completed operations. Coverage may be written in combination with Automobile Liability Insurance (with separate limits). Coverage shall be written on an occurrence basis. If written in conjunction with Automobile Liability the combined single limit per occurrence shall not be less than \$1,000,000 for each job site or location. Each annual aggregate limit shall not be less than \$2,000,000.
- d. Automobile Liability. Contractor shall obtain, at Contractor's expense, and keep in effect during the term of the contract, Commercial Business Automobile Liability Insurance covering all owned, non-owned, or hired vehicles. This coverage may be written in combination with the Commercial General Liability Insurance (with separate limits). Combined single limit per occurrence shall not be less than \$1,000,000.
- e. Additional Insured. The liability insurance coverage, except Professional Liability, Errors and Omissions, or Workers' Compensation, if included, required for performance of the contract shall include State and Agency and its divisions, officers and employees as Additional Insured but only with respect to the Contractor's activities to be performed under the contract. Coverage shall be primary and non-contributory with any other insurance and self-insurance.

- f. Notice of Cancellation or Change. There shall be no cancellation, material change, potential exhaustion of aggregate limits or non-renewal of insurance coverage(s) without thirty (30) days written notice from the Contractor, or its insurer(s), to State and Agency. Any failure to comply with the reporting provisions of this clause shall constitute a material breach of the contract and shall be grounds for immediate termination of the contract.
11. All employers, including Agency, that employ subject workers who work under this Agreement in the State of Oregon shall comply with ORS 656.017 and provide the required workers' compensation coverage unless such employers are exempt under ORS 656.126. Agency shall ensure that each of its subcontractors complies with these requirements.
12. Agency shall keep accurate cost accounting records. Agency shall prepare and submit monthly itemized, progress invoices for construction directly to State's Project Liaison for review and approval. Such invoices shall be in a form identifying the Project, the Agreement number or the account number or both, and will itemize all expenses for which reimbursement is claimed.
13. Agency shall, at its own expense, maintain and operate the Project upon completion at a minimum level that is consistent with normal depreciation and service demand. Maintenance responsibilities shall survive termination of this Agreement and upon completion of Project and submission of documentation under Agency Obligations, Paragraph 19 – Job Growth Assessment.
14. Agency agrees that should any environmental or land-use issues arise at any time during the development or construction of the Project, State may, at its discretion and when exercised in good faith, suspend payments until it is satisfied that the issue has been resolved. However, Agency may use its own funds to continue the Project and shall be reimbursed by State as provided for in this Agreement once State is satisfied that the issue has been resolved.
15. Agency shall submit to State any change orders that substantially change the plans and specifications or the submitted scope of work as outlined in Agency Obligations, Paragraph 4, or to the improvements listed in Terms of Agreement, Paragraph 1.
16. Agency shall provide to State two (2) sets permanent mylar "as constructed" plans for work on state highways.
17. Agency shall, to the extent permitted by the Oregon Constitution and the Oregon Tort Claims Act, indemnify, defend, save, and hold harmless the State of Oregon, Oregon Transportation Commission and its members, Oregon Department of

Transportation and its officers and employees, from all claims, suits or actions of any nature arising out of activities of Agency, its consultant, its contractor, its officers, subcontractors, agents, or employees under this Agreement.

18. Notwithstanding the foregoing defense obligations under the Paragraph above, neither Agency nor any attorney engaged by Agency shall defend any claim in the name of the State of Oregon or any agency of the State of Oregon, nor purport to act as legal representative of the State of Oregon or any of its agencies, without the prior written consent of the Oregon Attorney General. The State of Oregon may, at anytime at its election assume its own defense and settlement in the event that it determines that Agency is prohibited from defending the State of Oregon, or that Agency is not adequately defending the State of Oregon's interests, or that an important governmental principle is at issue or that it is in the best interests of the State of Oregon to do so. The State of Oregon reserves all rights to pursue any claims it may have against Agency if the State of Oregon elects to assume its own defense.

19. Job Growth Assessment

Because the purpose of the IOF Type A project is to promote job growth, State wishes to assess its investment.

- a. Therefore, upon approval of the Project by the OTC and within five (5) years from execution of this Agreement, Agency shall provide to State documentation from Pacific Building Systems and Valley Rolling Corporation that forty-seven (47) full-time equivalent positions (FTE) have been created and filled (40 from Pacific Building Systems and 7 from Valley Rolling Corporation) at the new facility on Schmidt Lane. If such documentation cannot be provided within the above stated time limit, Agency shall reimburse State all IOF funds distributed to Agency as outlined below.
- b. The targeted number of new FTE positions is the number approved by the OTC. "New FTE positions" shall mean new positions created, filled and remaining on the payroll for at least one (1) year.
- c. The verification documentation shall be a letter on company letterhead signed by officials of Pacific Building Systems and Valley Rolling Corporation, duly authorized to represent their company, certifying the number of new FTE positions. State, OECDD or the Oregon Secretary of State Audits Division, shall have the right to audit the payroll records of Pacific Building Systems and Valley Rolling Corporation in order to confirm information in the letter.
- d. If the documentations show a deficiency in the number of FTE positions, Agency shall reimburse State on a pro-rated basis. The formula for the pro-rated amount

of IOF funds paid to Agency will be an amount equal to the number of actual FTE positions divided by the number of projected FTE positions multiplied by total IOF funds available. Reimbursement will be the amount actually distributed less the pro-rated amount.

- e. Reimbursements resulting from a failure to provide job documentation or failure to meet job target goals shall be paid within three (3) months after the above stated time limit.
 - f. All said reimbursements shall include interest equal in rate for the Highway Trust Fund at the Oregon State Treasury established on the date of execution of this Agreement. Interest shall accrue from the date of the first withdrawal from the Highway Trust Fund at the Oregon State Treasury.
 - g. Agency may wish to enter into a separate agreement with Pacific Building Systems and Rolling Valley Corporation to address pay back of Agency reimbursements to State resulting from the respective company's failure to provide documentation or failure to meet job target goals.
 - h. At Agency's request and upon consultation with OECDD, State may grant a time extension on the reimbursement or a time extension to provide additional job growth.
20. Agency acknowledges and agrees that State, the Oregon Secretary of State's Office, the federal government, and their duly authorized representatives shall have access to such fiscal records and other books, documents, papers, plans and writings of Agency that are pertinent to this Agreement to perform examinations and audits and make excerpts and transcripts. Agency shall retain and keep all files and records for a minimum of six (6) years after completion of the Project.
21. Agency shall comply with all federal, state, and local laws, regulations, executive orders and ordinances applicable to the work under this Agreement, including, without limitation, the provisions of ORS 279C.505, 279C.515, 279C.520, 279C.530 and 279B.270 incorporated herein by reference and made a part hereof. Without limiting the generality of the foregoing, Agency expressly agrees to comply with (i) Title VI of Civil Rights Act of 1964; (ii) Title V and Section 504 of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS 659A.142; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.
22. Agency shall not enter into any subcontracts for any of the work scheduled under this Agreement without obtaining prior written approval from State.

23. Agency certifies and represents that the individual(s) signing this Agreement has been authorized to enter into and execute this Agreement on behalf of Agency, under the direction or approval of its governing body, commission, board, officers, members or representatives, and to legally bind Agency.
24. Agency's Project Manager for this Project is Suzanne Dufner, City Planner, City of Hubbard, City of Hubbard, 3720 Second Street, Hubbard, Oregon, 97032; telephone (530) 540-1616, or assigned designee upon individual's absence. State's Project Manager shall be notified in writing of any contact information changes during the term of this Agreement.

GENERAL PROVISIONS

1. State and Agency grant authority to each other to enter onto its respective right of way for construction and Project monitoring.
2. This Agreement may be terminated by mutual written consent of both Parties.
3. State may terminate this Agreement effective upon delivery of written notice to Agency, or at such later date as may be established by State, under any of the following conditions:
 - a. If Agency fails to provide services called for by this Agreement within the time specified herein or any extension thereof.
 - b. If Agency fails to perform any of the other provisions of this Agreement, or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from State fails to correct such failures within ten (10) days or such longer period as State may authorize.
 - c. If Agency fails to provide payment of its share of the cost of the Project.
 - d. If State fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow State, in the exercise of its reasonable administrative discretion, to continue to make payments for performance of this Agreement.
 - e. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or State is prohibited from paying for such work from the planned funding source.

4. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the Parties prior to termination.
5. Agency agrees to refund to State all IOF funds paid to Agency in connection with this Project if this Agreement is terminated for any reason prior to completion of Project and receipt of job assessment documentation. Refund to State shall be within three (3) months from termination date.
6. This Agreement may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.
7. This Agreement and attached exhibits constitute the entire agreement between the Parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification, or change of terms of this Agreement shall bind either party unless in writing and signed by both Parties and all necessary approvals have been obtained. Such waiver, consent, modification, or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of State to enforce any provision of this Agreement shall not constitute a waiver by State of that or any other provision.

THE PARTIES, by execution of this Amendment, hereby acknowledge that each Party has read this Amendment, understands it, and agrees to be bound by its terms and conditions.

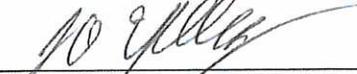
This Project is amended into the 2008-2011 Statewide Transportation Improvement Program, (Key No. 16389 that was approved by the Oregon Transportation Commission on January 21, 2009.

The Oregon Transportation Commission on December 29, 2008, approved Delegation Order No. 2, which authorizes the Director to approve and execute agreements for day-to-day operations. Day-to-day operations include those activities required to implement the biennial budget approved by the Legislature, including activities to execute a project in the Statewide Transportation Improvement Program.

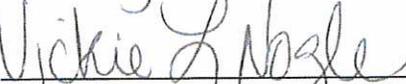
Signature page to follow

On August 2, 2005, the Director, Deputy Director, Highways and Chief Engineer approved Subdelegation Order No. 5, in which the Director, Deputy Director, Highways and Chief Engineer delegate authority to the Region Managers to approve and sign intergovernmental agreements over \$75,000 up to a maximum of \$500,000 when the work is related to a project included in the Statewide Transportation Improvement Program (STIP).

CITY OF HUBBARD, by and through its
elected officials

By 
James Yonally, Mayor

Date May 12, 2009

By 
Vickie Nogle, City Recorder

Date May 12, 2009

**APPROVED AS TO LEGAL
SUFFICIENCY**

By _____
Agency Legal Counsel

Date May 18, 2009

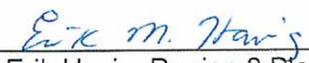
Agency Contact:
Suzanne Dufner, City Planner
3720 Second Street
PO Box 380
Hubbard, OR 97032
Phone: (503) 540-1616
Email: sdufner@mwwcog.org

STATE OF OREGON, by and through its
Department of Transportation

By 
Jane Lee, Region 2 Manager

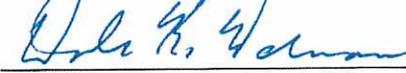
Date 5/26/09

APPROVAL RECOMMENDED

By 
Erik Havig, Region 2 Planning and
Manager

Date 5-21-09

**APPROVED AS TO LEGAL
SUFFICIENCY**

By 
Dale Hormann, Assistant Attorney
General

Date 5/28/09

State Contact:
McGregor Lynde, STIP Coordinator
ODOT, Highway Div., Region 2
455 Airport Road SE, Building B
Salem, OR 97301-5395
Phone: (503) 986-2651
Email: mcgregor.lynde@odot.state.or.us

Exhibit A
Oregon Route 99E and Schmidt Lane



Chief's Report

To: Mayor and City Council Members

From: Chief David M. Dryden

Date: August 31, 2015

Re: Monthly Police Department

-
- 1. Fire Chief Interviews:** I was asked to sit on the interview panel to select the new Fire Chief for the Hubbard Fire District. Interviews are being held on September 1st and 2nd and they have narrowed the field down to 5 candidates.

Monthly Statistical Report

To: Mayor and City Council Members

From: Chief David M. Dryden

Date: September 1, 2015

Re: August 2015 Stats

Citations: 56

Written Warnings: 7

Towed Vehicles: 10

Custody Arrests: 7

- MONTHLY REPORT -

DATE: September 8, 2015
TO: City Council
FROM: Public Works Department

ITEM #1 Discussion Item (Carry-over from August 11, 2015 Meeting): Staff requests Council direction regarding a request from Matt Kennedy regarding the possibility of entering into an Agreement to mow the property on the corner of 3rd and "D" Streets.

ITEM #2 Jess Hostetler's last day with the City was Tuesday, September 1, 2015. He has accepted a job in Prineville Oregon. We wish him good luck in his new endeavors!

Public Works is working on a replacement plan and timeline. More information will follow at a later date. In the meantime, Staff anticipates there will be some comp time accrued by our remaining staff.

ITEM #3 On Saturday, August 15, 2015, the extended Barendse family had a reunion at Barendse Park. They are family members of Mr. Barendse, whom the park was named for. Please see the attached letter from Velma (Barendse) Burkert.

PENDING Grant Applications:

1. Multimodal Transportation Program: OR99E: "D" Street to North City Limits Center Turn Lane and OR99E/"A" Street Intersection Crosswalk project – PENDING

<p>The Public Works Department completed 20 requests for locates for the month of August.</p>
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8-22-15

Hubbard Parks DEPT.

Attn: Melinda & crew

Our family enjoyed being at The Barendse Memorial Park. Many came from all over USA. Some I have not seen for 30 yrs. All 23 of us first cousins grew up together so it was great to be together.

The Park looks great and everyone commented on it. Loved the new restrooms. The best I have ever used in a park.

I stop and visit the park often when I drive over from Newport.

ALL four of Dad's kids still live and all were there. There are still 12 first cousins living out of 23 and 10 were represented.

Please give special thanks to all that care for the park.

Many want to return again.

Friend to all

Velma (Barendse) Burkert
541-265-5753



DIRECTOR OF ADMINISTRATION/CITY RECORDER MONTHLY REPORT

To: CITY COUNCIL
From: VICKIE NOGLE, MMC
Date: SEPTEMBER 2, 2015
RE: REPORT FOR SEPTEMBER 8, 2015, CITY COUNCIL MEETING

PLANNING COMMISSION

Planning Commission meeting September 15, 2015, at 6:30 p.m.

Potential items for discussion:

- Axis Crane Request for Extension (Technical Review #2013-01, 2500 Industrial Avenue)
- Mylar Plat signature for Greens at Mill Creek Subdivision (SUB & VA #2014-01)

NEWSLETTER

Please submit your information to Lucy Astorga for the Newsletter no later than **October 15, 2015**. You can submit them in writing or e-mail her at lastoraga@cityofhubbard.org.

BUILDING PERMITS

12 building permit applications have been submitted from January – September 1 2015.

BUILDING PERMITS

	Date Received & Sent to Co.	Date Received From County	Permit #	Applicant Name	Address	Map & Tax Lot #
1	10/20/2014	12/8/2014	555-14-006564-STR	AKG PROPERTIES	2360 INDUSTRIAL AVE	41W33DD 01100
2						
3	10/20/2014	10/29/2014	555-14-006569-MD	MARTY SOBO/CRM CONST	3177 RAINBOW LOOP	41W34CB 100
4						
5	10/20/2014	12/9/2014	555-14-006573-STR	CRAIG QUINBY CONST	3295 PACIFIC HWY 99E	41W33DA 2000
6	01/10/2015			JESUS PEREZ	3447 ELM STREET	
7	2/24/2015	3/19/2015	555-15-001438-STR	PBSL LLC	2994 SCHMIDT LANE	41W33DC 900
8	3/2/2015	3/30/2015	555-15-001509-fire	Fire Protection Service, Inc.	2360 Industrail Ave	41W33DD01100
9	3/25/2015	4/13/2015	555-15-002033-STR	Phil Gaboury	3533 Hoodview Drive	41W34CB 03000
10	7/22/2015			Kirk Delgnan	3564Pacific Highway 99E	
11	5/14/2015	6/2/2015	555-15-003302-STR	Schrier Living Trust	3624 Pacific Highway 99E	41W34BC 02400
12	6/8/2015	6/25/2015	555-15-003824-STR	Ryan & Teresa Oconnell	2412 Riviera Creek	041W28DD03600
13						
14	7/8/2015	7/20/2015	7/20/2015	Steve Laue	2353 Allan Avenue	041W28DD00600
15						
16	6/17/2015	7/29/2015	555-15-004192-STR	Odelia Pacific Corp (T-Mobile)	3632 First Street	041W34BC01800
17	8/5/2015			Jose Alfaro & Lucero Alvarez	3571 Maple Street	
18	8/11/2015	9/1/2015	555-15-05797-STR	Alberto Rodriguez	3327 G Street	041W33DA00600
19						
20	9/1/2015			Jeremy & Nicole McCain	4305 5th Street	
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BUILDING PERMITS page 2

	Type of permit	Permit Amount	Receipt #	ROW	Receipt #	City Fee	SDC	Receipt #	EXISE TAX	Valuation
1	WAREHOUSE	\$ 2,236.84	43054	N/A	N/A	\$ 408.79	\$ 8,575.12	44173	4019.5	\$ 455,891.69
2	ADDITIONAL PAYMENT	\$ 2,607.32	44173							
3	ADD MANF HOME TO PARK	\$ 406.20	43052	N/A	N/A	\$ 57.00	N/A	N/A	\$ 864.00	\$ -
4	ADDITIONAL PAYMENT	\$ 864.00	\$ 43,103.00							
5	REMODEL OF EXISTING BUILDING	\$ 603.81	42947	N/A	N/A	\$ 61.30	N/A	N/A		\$ 35,000.00
6	ADDING BEDROOM	\$ 131.20	44825							
7	SIGN	\$ 131.20	45154							\$ 1,800.00
8	Fire Alarm	\$ 145.36	45395							
9	ADDITION BEDROOM & FOYER	\$ 145.36	46242	N/A	N/A	\$ 25.00	N/A	N/A		\$ 2,313.00
10	New Covered Deck for Business	\$ 131.20	46336							
11	Change of Use to Auto Sales	\$ 131.20	46437	N/A	N/A	\$ 25.00	N/A	N/A		\$ 2,313.00
12	Addition to SFR	\$ 975.64	47496	N/A	N/A	\$ 59.45	N/A	N/A	\$ 548.00	\$ 61,732.20
13	Refund 6/30/2015	\$ 70.98	CK #6122							
14	Addition to SFR/storage	\$ 464.92	47170	N/A	N/A	\$ 31.72	N/A	N/A	\$ 576.00	\$ 24,958.08
15	ADDITIONAL PAYMENT 7/21/15	\$ 574.68	47533							
16	Replacemnet of 6 Antennas	\$ 323.08	47533	N/A	N/A	\$ 32.80	N/A	N/A		\$ 15,000.00
17	Addition to living room	\$ 400.24	48559							
18	Accessory Structure-Shed	\$ 202.00	48581	N/A	N/A	\$ 25.48	N/A	N/A		\$ 18,718.56
19	ADDITIONAL PAYMENT 9/1/2015	\$ 170.40	48646							
20	Addition Master bed/bath	\$ 323.08	48645							
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FINANCE MONTHLY REPORT – SEP 2015

To: CITY COUNCIL
From: Kari Kurtz
Date: September 1, 2015
Re: September 8, 2015 Council Meeting

Finance Reports & Notes:

1. Included are the following reports for your review:
 - a. Accrual Leave Report – Please note the following:
 1. Chris Anderson - currently on vacation
 2. Jaime Estrada – has scheduled time off in November and December.
 3. Sgt. Bill Gill – scheduling time off in the next month
 4. Mike Krebs – has scheduled time off in September
 5. Melinda Olinger – is currently on vacation.
 6. Darren Pomeroy – scheduling time off in the next month.
 - b. Revenue Analysis Report
 - c. Expense vs. Budget Report

Consent Agenda Reports:

1. Check listing for the month of August is included in your packet

Comments/Questions:

If you have any questions/comments, please don't hesitate to e-mail me at kkurtz@cityofhubbard.org or call me at 503-981-9633

Payroll Accrual Register



City of
Hubbard, OR
3720 2nd Street
P.O. Box 380
Hubbard, OR 97032

User: kari kurtz

09/01/2015 - 7:06 AM

Date Range: 01/01/15 - 12/31/15

Accrual Type	Code	Beginning Balance	Accrued Hours	Additional Hours	Hours Taken	End Balance	Value	Notes
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Employee: ANDERSONC Chris Anderson
Department: PD

Anniversary Date: 05/01/2007

Comp Time	COMP	81.02	0.00	100.88	122.00	59.90	\$1,493.31	
Holiday	HOLIDAY	30.00	0.00	55.00	55.00	30.00	\$747.90	
Sick	S01	682.00	64.00	0.00	0.00	746.00		
Vacation	VAFTER01	116.67	80.00	0.00	110.00	86.67	\$2,160.68	

Total for ANDERSONC		909.69	144.00	155.88	287.00	922.57		
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Employee: ASTORGAL Lucy Astorga
Department: Admin

Anniversary Date: 07/01/2007

Comp Time	COMP	5.41	0.00	32.65	26.25	11.81	\$250.37	
Holiday	HOLIDAY	0.00	0.00	50.00	50.00	0.00	\$0.00	
Sick	S01	87.50	64.00	0.00	50.50	101.00		
Vacation	VAFTER01	35.31	80.00	0.00	82.00	33.31	\$706.17	

Total for ASTORGAL		128.22	144.00	82.65	208.75	146.12		
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Employee: BENTLEYG Glen Bentley
Department: PD

Anniversary Date: 02/01/2006

Comp Time	COMP	4.75	0.00	132.25	135.50	1.50	\$37.40	
Holiday	HOLIDAY	0.00	0.00	55.00	55.00	0.00	\$0.00	
Sick	S01	804.50	64.00	0.00	0.00	868.50		
Vacation	VAFTER01	205.52	80.00	0.00	96.00	189.52	\$4,724.73	

Total for BENTLEYG		1,014.77	144.00	187.25	286.50	1,059.52		
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Employee: DRYDEND David Dryden
Department: PD

Anniversary Date: 04/04/1980

Comp Time	COMP	20.50	0.00	20.25	30.00	10.75	\$377.97	
Holiday	HOLIDAY	0.00	0.00	40.00	40.00	0.00	\$0.00	
Sick	S01	467.00	64.00	0.00	7.00	524.00		
Vacation	VPRE2001	199.24	216.74	0.00	230.00	185.98	\$6,539.06	

Total for DRYDEND		686.74	280.74	60.25	307.00	720.73		
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Employee: ESTRADAJ Jaime Estrada
Department: PW

Anniversary Date: 07/08/1977

Comp Time	COMP	67.79	0.00	27.00	57.50	37.29	\$1,274.20	
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Notes: 1. Accrual has been capped. 2. Within two periods of reaching maximum allowed.
3. Accrual has met or exceeded the hours allowed to roll-over after the date specified on the accrual master.

Accrual Type	Code	Beginning Balance	Accrued Hours	Additional Hours	Hours Taken	End Balance	Value	Notes
Holiday	HOLIDAY	0.00	0.00	32.00	32.00	0.00	\$0.00	
Sick	S01	2,280.90	64.00	0.00	40.00	2,304.90		
Vacation	VPRE2001	239.50	230.76	0.00	120.00	350.26	\$11,968.38	
Total for ESTRADAJ		2,588.19	294.76	59.00	249.50	2,692.45		
Employee: GILLW William Gill					Anniversary Date: 04/01/1996			
Department: PD								
Comp Time	COMP	24.37	0.00	7.88	7.50	24.75	\$696.22	
Holiday	HOLIDAY	15.75	0.00	55.00	60.75	10.00	\$281.30	
Sick	S01	871.50	64.00	0.00	275.50	660.00		
Vacation	VPRE2001	256.93	131.40	0.00	110.00	278.33	\$7,829.42	
Total for GILLW		1,168.55	195.40	62.88	453.75	973.08		
Employee: HERNANDEZ Juan Hernandez					Anniversary Date: 03/01/2010			
Department: PW								
Comp Time	COMP	12.40	0.00	33.75	19.00	27.15	\$502.00	
Holiday	HOLIDAY	12.00	0.00	42.50	54.50	0.00	\$0.00	
Sick	S01	177.50	64.00	0.00	8.00	233.50		
Vacation	VAFTER01	160.92	73.36	0.00	32.50	201.78	\$3,730.91	
Vacation PT	VACPT	0.00	0.00	0.00	0.00	0.00	\$0.00	
Total for HERNANDEZ		362.82	137.36	76.25	114.00	462.43		
Employee: HOSTETLER Jess Hostetler					Anniversary Date: 03/01/2010			
Department: PW								
Comp Time	COMP	4.27	0.00	26.25	30.52	0.00	\$0.00	
Holiday	HOLIDAY	0.00	0.00	35.00	35.00	0.00	\$0.00	
Sick	S01	24.00	64.00	-31.50	56.50	0.00	\$0.00	
Vacation	VAFTER01	52.78	73.36	0.00	126.14	0.00	\$0.00	
Total for HOSTETLER		81.05	137.36	29.75	248.16	0.00	\$0.00	
Employee: HUSTONC Christie Huston					Anniversary Date: 04/03/2006			
Department: PD								
Comp Time	COMP	0.00	0.00	9.00	9.00	0.00	\$0.00	
Holiday	HOLIDAY	0.00	0.00	50.00	50.00	0.00	\$0.00	
Sick	S01	580.25	64.00	0.00	32.00	612.25		
Vacation	VAFTER01	49.19	80.00	0.00	76.50	52.69	\$1,095.43	
Total for HUSTONC		629.44	144.00	59.00	167.50	664.94		
Employee: KREBSM Michael Krebs					Anniversary Date: 09/01/1993			
Department: PW								
Comp Time	COMP	43.04	0.00	18.75	1.50	60.29	\$1,431.89	
Holiday	HOLIDAY	20.00	0.00	33.50	53.50	0.00	\$0.00	
Sick	S01	1,036.00	64.00	0.00	50.00	1,050.00		
Vacation	VPRE2001	239.25	144.00	0.00	91.00	292.25	\$6,940.94	

Notes: 1. Accrual has been capped. 2. Within two periods of reaching maximum allowed.
3. Accrual has met or exceeded the hours allowed to roll-over after the date specified on the accrual master.

Accrual Type	Code	Beginning Balance	Accrued Hours	Additional Hours	Hours Taken	End Balance	Value	Notes
Total for KREBSM		1,338.29	208.00	52.25	196.00	1,402.54		
Employee: KURTZK Kari Kurtz								Anniversary Date: 01/01/2015
Department: Admin								
Comp Time	COMP	0.00	0.00	37.15	11.50	25.65	\$682.80	
Holiday	HOLIDAY	0.00	0.00	40.00	40.00	0.00	\$0.00	
Sick	S01	11.25	59.38	-7.25	25.50	37.88		
Vacation	VAFTER01	0.00	3.34	-3.34	0.00	0.00	\$0.00	
Total for KURTZK		11.25	62.72	66.56	77.00	63.53		
Employee: NELSON Grady Nelson								Anniversary Date: 11/01/2008
Department: PD								
Comp Time	COMP	60.13	0.00	88.50	107.00	41.63	\$1,056.99	
Holiday	HOLIDAY	10.00	0.00	50.00	60.00	0.00	\$0.00	
Sick	S01	70.00	64.00	0.00	5.00	129.00		
Vacation	VAFTER01	85.80	80.00	0.00	70.00	95.80	\$2,432.36	
Total for NELSON		225.93	144.00	138.50	242.00	266.43		
Employee: NOGLEV Vickie Nogle								Anniversary Date: 09/08/1998
Department: Admin								
Comp Time	COMP	7.70	0.00	41.66	32.75	16.61	\$550.12	
Holiday	HOLIDAY	0.00	0.00	50.00	50.00	0.00	\$0.00	
Sick	S01	407.00	64.00	0.00	28.00	443.00		
Vacation	VPRE2001	221.79	117.44	0.00	149.75	189.48	\$6,275.58	
Total for NOGLEV		636.49	181.44	91.66	260.50	649.09		
Employee: OLINGERM Melinda Olinger								Anniversary Date: 09/13/1999
Department: PW								
Comp Time	COMP	54.75	0.00	0.00	0.00	54.75	\$1,183.70	
Holiday	HOLIDAY	0.00	0.00	50.00	50.00	0.00	\$0.00	
Sick	S01	614.50	64.00	0.00	2.50	676.00		
Vacation	VPRE2001	239.80	112.00	0.00	50.00	301.80	\$6,524.92	
Total for OLINGERM		909.05	176.00	50.00	102.50	1,032.55		
Employee: POMEROYD Darren Pomeroy								Anniversary Date: 09/01/2009
Department: PD								
Comp Time	COMP	46.88	0.00	126.51	165.00	8.39	\$213.02	
Holiday	HOLIDAY	30.00	0.00	45.00	75.00	0.00	\$0.00	
Sick	S01	349.00	64.00	0.00	41.50	371.50		
Vacation	VAFTER01	235.80	80.00	0.00	37.00	278.80	\$7,078.73	
Total for POMEROYD		661.68	144.00	171.51	318.50	658.69		

Notes: 1. Accrual has been capped. 2. Within two periods of reaching maximum allowed.
3. Accrual has met or exceeded the hours allowed to roll-over after the date specified on the accrual master.

Accrual Type Code	Beginning Balance	Accrued Hours	Additional Hours	Hours Taken	End Balance	Value	Notes
Report Totals:	11,352.16	2,537.78	1,343.39	3,518.66	11,714.67		

Notes: 1. Accrual has been capped. 2. Within two periods of reaching maximum allowed.
3. Accrual has met or exceeded the hours allowed to roll-over after the date specified on the accrual master.

General Ledger Revenue Analysis

User: kari kurtz

Printed: 08/31/2015 - 4:55 P

Period 1 to 2, 2016



City of
Hubbard, OR
3720 2nd Street
P.O. Box 380
Hubbard, OR 97032

Account Number	Description	Budgeted Revenue	Period Revenue	YTD Revenue	Uncollected Balance	Percent Received
100	GENERAL FUND					
100-000-3111	Property Taxes	680,000.00	0.00	0.00	680,000.00	0.00
100-000-3180	FF-Pref L D	0.00	0.00	0.00	0.00	0.00
100-000-3181	FF-PGE	97,000.00	0.00	0.00	97,000.00	0.00
100-000-3182	FF-Qwest	4,600.00	0.00	0.00	4,600.00	0.00
100-000-3183	FF-NW Natural	20,000.00	5,497.06	5,497.06	14,502.94	27.49
100-000-3184	FF-Cable TV	13,000.00	3,290.31	3,290.31	9,709.69	25.31
100-000-3185	FF-Allied Waste	21,000.00	6,912.92	6,912.92	14,087.08	32.92
100-000-3186	FF-Gervais Telephone	700.00	210.42	210.42	489.58	30.06
100-000-3301	Revenue Sharing	15,000.00	0.00	0.00	15,000.00	0.00
100-000-3302	CIG Tax	3,744.00	348.21	348.21	3,395.79	9.30
100-000-3303	OLCC Tax	45,000.00	7,889.67	7,889.67	37,110.33	17.53
100-000-3304	911 Tax	0.00	0.00	0.00	0.00	0.00
100-000-3305	School Excise Revenue	544.00	23.04	23.04	520.96	4.24
100-000-3415	General Service Fee	130,000.00	22,297.06	22,297.06	107,702.94	17.15
100-000-3601	Miscellaneous Revenue	1,100.00	57.50	57.50	1,042.50	5.23
100-000-3611	Interest Income	5,400.00	541.75	541.75	4,858.25	10.03
100-001-3112	Delinq Prop Taxes	25,000.00	5,517.05	5,517.05	19,482.95	22.07
100-001-3211	Business Registrations	4,600.00	50.00	50.00	4,550.00	1.09
100-001-3401	Lien Search	3,000.00	300.00	300.00	2,700.00	10.00
100-001-3402	Business OLCC Fee	180.00	0.00	0.00	180.00	0.00
100-001-3601	Miscellaneous Revenue	0.00	0.00	0.00	0.00	0.00
100-002-3341	Three Flag Grant	5,000.00	0.00	0.00	5,000.00	0.00
100-002-3342	Oacp Grant Duii	5,000.00	0.00	0.00	5,000.00	0.00
100-002-3346	BVP Reimb Grant	2,000.00	0.00	0.00	2,000.00	0.00
100-002-3351	Ped. Enf. Grant	5,000.00	0.00	0.00	5,000.00	0.00
100-002-3352	Feasibility Study (City Hall)	0.00	0.00	0.00	0.00	0.00
100-002-3353	ODOT Speed Grant	5,000.00	0.00	0.00	5,000.00	0.00
100-002-3401	Fingerprints	1,300.00	270.00	270.00	1,030.00	20.77
100-002-3402	Vehicle Impound	17,000.00	3,300.00	3,300.00	13,700.00	19.41
100-002-3403	Police Reports	800.00	80.00	80.00	720.00	10.00
100-002-3404	Sale Of Surp Prop	1,200.00	0.00	0.00	1,200.00	0.00
100-002-3406	Training PD	0.00	0.00	0.00	0.00	0.00
100-002-3601	Miscellaneous Revenue	2,100.00	0.00	0.00	2,100.00	0.00

Account Number	Description	Budgeted Revenue	Period Revenue	YTD Revenue	Uncollected Balance	Percent Received
100-002-3641	Reserve Police Officer Program	0.00	0.00	0.00	0.00	0.00
100-002-3642	Special Programs and Donations	0.00	0.00	0.00	0.00	0.00
100-002-3643	K9 Program Revenues	450.00	25.00	25.00	425.00	5.56
100-002-3644	PD Training Rev	2,700.00	329.00	329.00	2,371.00	12.19
100-003-3401	Municipal Court	70,000.00	12,631.51	12,631.51	57,368.49	18.05
100-003-3402	Marion County Court	23,000.00	5,777.19	5,777.19	17,222.81	25.12
100-003-3404	Collections	0.00	0.00	0.00	0.00	0.00
100-003-3405	Temp Offense Surcharge	450.00	45.00	45.00	405.00	10.00
100-003-3611	Collections Interest	2,100.00	1,383.45	1,383.45	716.55	65.88
100-005-3401	Land Use Fees	26,000.00	1,917.72	1,917.72	24,082.28	7.38
100-005-3402	Building Permits	26,000.00	9,142.87	9,142.87	16,857.13	35.16
100-391-3910	Transfer In - Water FFees	19,890.00	0.00	0.00	19,890.00	0.00
100-391-3912	Transfer In Sewer FFees	20,877.00	0.00	0.00	20,877.00	0.00
100-391-3914	Transfer In- SDC Admin	8,472.00	0.00	0.00	8,472.00	0.00
100-391-3920	Trans In - OP OH	69,852.00	0.00	0.00	69,852.00	0.00
100-399-9999	Beginning Fund Balance	71,310.00	0.00	0.00	71,310.00	0.00
100 Totals:		1,455,369.00	87,836.73	87,836.73	1,367,532.27	6.04
STREET FUND						
121	Gas Tax	148,532.00	13,843.78	13,843.78	134,688.22	9.32
121-000-3407	Transportation Utility	75,636.00	12,625.53	12,625.53	63,010.47	16.69
121-000-3408	Row Permits	450.00	90.00	90.00	360.00	20.00
121-000-3554	Assessment Principal	0.00	0.00	0.00	0.00	0.00
121-000-3601	Miscellaneous Revenue	200.00	0.00	0.00	200.00	0.00
121-000-3611	Interest Income	280.00	35.53	35.53	244.47	12.69
121-399-9999	Beginning Fund Balance	85,008.00	0.00	0.00	85,008.00	0.00
121 Totals:		310,106.00	26,594.84	26,594.84	283,511.16	8.58
STREET CONSTRUCTION FUND						
122	Gas Tax	37,133.00	3,460.94	3,460.94	33,672.06	9.32
122-000-3341	Special Allotment Grant	50,000.00	0.00	0.00	50,000.00	0.00
122-000-3342	Odot Grant	0.00	0.00	0.00	0.00	0.00
122-000-3343	TGM Grant	0.00	0.00	0.00	0.00	0.00
122-000-3404	Sale of Surplus	0.00	0.00	0.00	0.00	0.00
122-000-3550	SDC Administration	2,016.00	0.00	0.00	2,016.00	0.00
122-000-3551	SDC-Improvement	32,724.00	0.00	0.00	32,724.00	0.00
122-000-3554	Assessment Principal	7,044.00	330.19	330.19	6,713.81	4.69
122-000-3601	Miscellaneous Revenue	0.00	0.00	0.00	0.00	0.00
122-000-3611	Interest Income	500.00	105.57	105.57	394.43	21.11
122-399-9999	Beginning Fund Balance	86,941.00	0.00	0.00	86,941.00	0.00

Account Number	Description	Budgeted Revenue	Period Revenue	YTD Revenue	Uncollected Balance	Percent Received
122	Totals:	216,358.00	3,896.70	3,896.70	212,461.30	1.80
	RESERVE FUND					
123-000-3611	Interest	150.00	16.58	16.58	133.42	11.05
123-000-3642	Donations	0.00	0.00	0.00	0.00	0.00
123-391-0100	Trans From-General	9,907.00	0.00	0.00	9,907.00	0.00
123-391-0121	Trans From-Streets	7,820.00	0.00	0.00	7,820.00	0.00
123-391-0201	Trans From-Sewer	10,980.00	0.00	0.00	10,980.00	0.00
123-391-0205	Trans From-Water	10,980.00	0.00	0.00	10,980.00	0.00
123-399-9999	Beginning Fund Balance	130,286.00	0.00	0.00	130,286.00	0.00
123	Totals:	170,123.00	16.58	16.58	170,106.42	0.01
	PARK IMPROVEMENT FUND					
125-000-3301	State Shared Revenue	15,000.00	0.00	0.00	15,000.00	0.00
125-000-3341	State Parks Dept. Grant	147,024.00	0.00	0.00	147,024.00	0.00
125-000-3551	SDC-Improvement	36,732.00	0.00	0.00	36,732.00	0.00
125-000-3552	SDC-Reimbursement	5,736.00	0.00	0.00	5,736.00	0.00
125-000-3554	SDC-Administration	1,776.00	0.00	0.00	1,776.00	0.00
125-000-3601	Miscellaneous Revenue	0.00	0.00	0.00	0.00	0.00
125-000-3611	Interest Income	400.00	47.85	47.85	352.15	11.96
125-000-3642	Donations	1,500.00	0.00	0.00	1,500.00	0.00
125-391-0100	Trans From-General	0.00	0.00	0.00	0.00	0.00
125-391-0123	Trans From-Reserve	0.00	0.00	0.00	0.00	0.00
125-399-9999	Beginning Fund Balance	181,914.00	0.00	0.00	181,914.00	0.00
125	Totals:	390,082.00	47.85	47.85	390,034.15	0.01
	SEWER UTILITY FUND					
201-000-3403	Reconnect Fee	0.00	0.00	0.00	0.00	0.00
201-000-3441	Service Charges Sewer	417,535.00	64,854.49	64,854.49	352,680.51	15.53
201-000-3442	Connection Chgs Sewer	0.00	0.00	0.00	0.00	0.00
201-000-3601	Miscellaneous Revenue	100.00	0.00	0.00	100.00	0.00
201-000-3611	Interest Income	100.00	0.44	0.44	99.56	0.44
201-399-9999	Beginning Fund Balance	125,153.00	0.00	0.00	125,153.00	0.00
201	Totals:	542,888.00	64,854.93	64,854.93	478,033.07	11.95
	SEWER CONSTRUCTION FUND					
202-000-3550	Wastewater Reuse Revenue	146,916.00	24,156.00	24,156.00	122,760.00	16.44

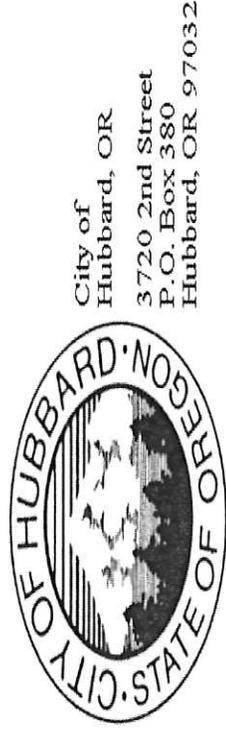
Account Number	Description	Budgeted Revenue	Period Revenue	YTD Revenue	Uncollected Balance	Percent Received
202-000-3551	SDC-Improvement	12,720.00	0.00	0.00	12,720.00	0.00
202-000-3552	SDC-Reimbursement	35,676.00	0.00	0.00	35,676.00	0.00
202-000-3554	SDC-Administration	3,336.00	0.00	0.00	3,336.00	0.00
202-000-3601	Miscellaneous Revenue	0.00	0.00	0.00	0.00	0.00
202-000-3611	Interest Income	0.00	28.18	28.18	(28.18)	0.00
202-000-3615	Trans from-Sewer	0.00	0.00	0.00	0.00	0.00
202-399-9999	Beginning Fund balance	377,617.00	0.00	0.00	377,617.00	0.00
202 Totals:		576,265.00	24,184.18	24,184.18	552,080.82	4.20
SEWER BOND FUND						
203	Miscellaneous Revenue	0.00	0.00	0.00	0.00	0.00
203-000-3601	Interest Income	100.00	1.31	1.31	98.69	1.31
203-391-0201	Trans From-Sewer	29,148.00	0.00	0.00	29,148.00	0.00
203-391-0202	Trans From-Sewer Con	0.00	0.00	0.00	0.00	0.00
203-399-9999	Beginning fund Balance	64,161.00	0.00	0.00	64,161.00	0.00
203 Totals:		93,409.00	1.31	1.31	93,407.69	0.00
WATER UTILITY FUND						
205	Service Charges Water	388,692.00	62,806.57	62,806.57	325,885.43	16.16
205-000-3401	Connection Chgs Water	3,600.00	0.00	0.00	3,600.00	0.00
205-000-3402	Reconnection Fee	5,500.00	380.64	380.64	5,119.36	6.92
205-000-3403	Sale Of Surp Prop	0.00	0.00	0.00	0.00	0.00
205-000-3404	Miscellaneous Revenue	10,000.00	1,864.36	1,864.36	8,135.64	18.64
205-000-3601	Interest Income	100.00	4.53	4.53	95.47	4.53
205-000-3611	Refunds - UB	0.00	0.00	0.00	0.00	0.00
205-000-3612	Lease-Water Tower	7,200.00	1,796.85	1,796.85	5,403.15	24.96
205-000-3620	Verzion Lease	14,400.00	3,722.50	3,722.50	10,677.50	25.85
205-000-3622	Beginning Fund Balance	142,715.00	0.00	0.00	142,715.00	0.00
205 Totals:		572,207.00	70,575.45	70,575.45	501,631.55	12.33
WATER CONSTRUCTION FUND						
206	Water Static Revenue	107,052.00	8,378.86	8,378.86	98,673.14	7.83
206-000-3550	SDC-Improvement	4,152.00	0.00	0.00	4,152.00	0.00
206-000-3551	SDC-Reimbursement	26,592.00	0.00	0.00	26,592.00	0.00
206-000-3552	SDC-Administration	3,360.00	0.00	0.00	3,360.00	0.00
206-000-3554	Interest Income	400.00	39.21	39.21	360.79	9.80
206-000-3611	Trans From-Water	0.00	0.00	0.00	0.00	0.00
206-391-0251	Beginning fund Balance	300,205.00	0.00	0.00	300,205.00	0.00

Account Number	Description	Budgeted Revenue	Period Revenue	YTD Revenue	Uncollected Balance	Percent Received
	206 Totals:	441,761.00	8,418.07	8,418.07	433,342.93	1.91
207	WATER BOND FUND					
207-000-3500	Debt Service Revenue	0.00	0.00	0.00	0.00	0.00
207-000-3601	Miscellaneous Revenue	0.00	0.00	0.00	0.00	0.00
207-000-3611	Interest Income	0.00	4.10	4.10	(4.10)	0.00
207-391-0251	Trans From-Water	95,727.00	0.00	0.00	95,727.00	0.00
207-399-9999	Beginning Fund Balance	82,500.00	0.00	0.00	82,500.00	0.00
	207 Totals:	178,227.00	4.10	4.10	178,222.90	0.00
	Report Totals:	4,946,795.00	286,430.74	286,430.74	4,660,364.26	5.79

General Ledger

Expenses vs. Budget

User: kari kurtz
 Printed: 08/31/2015 - 2:07 P
 Period 1 to 2, 2016



Account Number	Description	Budgeted Amount	Period Amount	YTD Amount	YTD Var Encumbered Amt	Available % Available
100	GENERAL FUND					
100-410	ADMIN EXPENDITURES					
D01	Salaries and Wages	70,535.00	0.00	0.00	0.00	100.00
100-410-1100	SALARIES AND WAGES	0.00	6,889.15	6,889.15	(6,889.15)	0.00
100-410-1101	City Recorder	0.00	3,691.20	3,691.20	(3,691.20)	0.00
100-410-1102	Finance Director	0.00	1,102.50	1,102.50	(1,102.50)	0.00
100-410-1105	Administrative Assistant	0.00				0.00
	Salaries and Wages	70,535.00	11,682.85	11,682.85	58,852.15	83.43
D02	Employee Benefits	41,003.00	0.00	0.00	0.00	100.00
100-410-4100	EMPLOYEE BENEFITS	0.00	3,653.29	3,653.29	(3,653.29)	0.00
100-410-4110	EB-Medical & Dental	0.00	45.91	45.91	(45.91)	0.00
100-410-4120	EB-Insurance (life & disab)	0.00	913.06	913.06	(913.06)	0.00
100-410-4150	EB-Employer Taxes	0.00	2,763.15	2,763.15	(2,763.15)	0.00
100-410-4170	EB-PERS	0.00	66.52	66.52	(66.52)	0.00
100-410-4190	EB-Workers Comp	0.00				0.00
	Employee Benefits	41,003.00	7,441.93	7,441.93	33,561.07	81.85
E02	Materials & Services	41,019.00	4,633.77	4,633.77	36,385.23	88.70
100-410-5100	PROFESSIONAL SERVICES	200.00	0.00	0.00	200.00	100.00
100-410-5200	CONTRACTED SUPPORT	375.00	0.00	0.00	375.00	100.00
100-410-5300	OPERATIONAL SUPPLIES	0.00	0.00	0.00	0.00	0.00
100-410-5500	PROGRAM & GRANT EXPEN	3,100.00	315.76	315.76	2,784.24	89.81
100-410-6100	BUILDING MAINT & SUPPLIE	2,562.00	184.42	184.42	2,377.58	92.80
100-410-6200	RENTALS AND LEASES	2,605.00	2,471.85	2,471.85	133.15	5.11
100-410-6300	INSURANCE	2,000.00	0.00	0.00	2,000.00	100.00
100-410-6400	ADVERTISING & RECRUITM	11,765.00	3,518.26	3,518.26	8,246.74	70.09
100-410-6500	TRAINING & MEMBERSHIPS	7,650.00	552.60	552.60	7,097.40	92.77
100-410-6600	OFFICE SUPPLIES & MISC EX	2,600.00	0.00	0.00	2,600.00	100.00
100-410-6700	EQUIP MAINT & SUPPLIES	200.00	0.00	0.00	200.00	100.00
100-410-6800	UNIFORMS	5,650.00	684.79	684.79	4,965.21	87.88
100-410-6900	UTILITIES					

Account Number	Description	Budgeted Amount	Period Amount	YTD Amount	YTD Var Encumbered Amt	Available % Available
	Materials & Services	79,726.00	12,361.45	12,361.45	67,364.55	84.49
100-410 Totals:		191,264.00	31,486.23	31,486.23	159,777.77	83.53
COURT EXPENDITURES						
D01	Salaries and Wages	24,707.00	0.00	0.00	24,707.00	100.00
	SALARIES AND WAGES	0.00	688.93	688.93	(688.93)	0.00
100-412-1100	City Recorder	0.00	553.69	553.69	(553.69)	0.00
100-412-1101	Finance Director	0.00	2,572.56	2,572.56	(2,572.56)	0.00
100-412-1102	Administrative Assistant	0.00	51.26	51.26	(51.26)	0.00
100-412-1105	Interpreter	0.00	60.00	60.00	(60.00)	0.00
100-412-1111	Bailiff	0.00				0.00
100-412-1112		0.00				0.00
	Salaries and Wages	24,707.00	3,926.44	3,926.44	20,780.56	84.10
Employee Benefits						
D02	EMPLOYEE BENEFITS	16,322.00	0.00	0.00	16,322.00	100.00
100-412-4100	EB-Medical & Dental	0.00	1,771.62	1,771.62	(1,771.62)	0.00
100-412-4110	EB-Insurance (life & disab)	0.00	14.65	14.65	(14.65)	0.00
100-412-4120	EB-Employer Taxes	0.00	305.86	305.86	(305.86)	0.00
100-412-4150	EB-PERS	0.00	786.30	786.30	(786.30)	0.00
100-412-4170	EB-Workers Comp	0.00	17.07	17.07	(17.07)	0.00
100-412-4190		0.00				0.00
	Employee Benefits	16,322.00	2,895.50	2,895.50	13,426.50	82.26
Materials & Services						
E02	PROFESSIONAL SERVICES	10,008.00	707.30	707.30	9,300.70	92.93
100-412-5100	OPERATIONAL SUPPLIES	50.00	0.00	0.00	50.00	100.00
100-412-5300	BUILDING MAINT & SUPPLIE	500.00	43.54	43.54	456.46	91.29
100-412-6100	RENTALS AND LEASES	520.00	41.81	41.81	478.19	91.96
100-412-6200	INSURANCE	754.00	785.57	785.57	(31.57)	0.00
100-412-6300	ADVERTISING & RECRUITM	100.00	0.00	0.00	100.00	100.00
100-412-6400	TRAINING & MEMBERSHIPS	1,100.00	0.00	0.00	1,100.00	100.00
100-412-6500	OFFICE SUPPLIES & MISC EX	1,050.00	27.68	27.68	1,022.32	97.36
100-412-6600	EQUIP MAINT & SUPPLIES	200.00	0.00	0.00	200.00	100.00
100-412-6700	UTILITIES	1,900.00	176.58	176.58	1,723.42	90.70
	Materials & Services	16,182.00	1,782.48	1,782.48	14,399.52	88.98

Account Number	Description	Budgeted Amount	Period Amount	YTD Amount	YTD Var Encumbered Amt	Available % Available
100-413	100-412 Totals:	57,211.00	8,604.42	8,604.42	48,606.58	84.96
E02	COUNCIL EXPENDITURES					
100-413-5100	Materials & Services	3,000.00	0.00	0.00	3,000.00	100.00
100-413-5300	PROFESSIONAL SERVICES	3,000.00	0.00	0.00	3,000.00	100.00
100-413-6500	OPERATIONAL SUPPLIES	1,000.00	0.00	0.00	1,000.00	100.00
	TRAINING & MEMBERSHIPS					
	Materials & Services	7,000.00	0.00	0.00	7,000.00	100.00
100-413	100-413 Totals:	7,000.00	0.00	0.00	7,000.00	100.00
100-419	COM DEV EXPENDITURES					
D01	Salaries and Wages					
100-419-1100	SALARIES AND WAGES	13,156.00	0.00	0.00	13,156.00	100.00
100-419-1101	City Recorder	0.00	1,722.31	1,722.31	(1,722.31)	0.00
100-419-1102	Finance Director	0.00	461.40	461.40	(461.40)	0.00
100-419-1105	Administrative Assistant	0.00	0.00	0.00	0.00	0.00
	Salaries and Wages	13,156.00	2,183.71	2,183.71	10,972.29	83.40
D02	Employee Benefits					
100-419-4100	EMPLOYEE BENEFITS	7,907.00	0.00	0.00	7,907.00	100.00
100-419-4110	EB-Medical & Dental	0.00	688.02	688.02	(688.02)	0.00
100-419-4120	EB-Insurance (life & disab)	0.00	8.51	8.51	(8.51)	0.00
100-419-4150	EB-Employer Taxes	0.00	172.55	172.55	(172.55)	0.00
100-419-4170	EB-PERS	0.00	552.69	552.69	(552.69)	0.00
100-419-4190	EB-Workers Comp	0.00	0.00	0.00	0.00	0.00
	Employee Benefits	7,907.00	1,421.77	1,421.77	6,485.23	82.01
E02	Materials & Services					
100-419-5100	PROFESSIONAL SERVICES	18,000.00	2,469.50	2,469.50	15,530.50	86.28
100-419-5400	INTERGOVERNMENTAL SERVI	30,400.00	6,799.89	6,799.89	23,600.11	77.63
100-419-6500	TRAINING & MEMBERSHIPS	2,049.00	0.00	0.00	2,049.00	100.00
100-419-6900	UTILITIES	0.00	0.00	0.00	0.00	0.00
	Materials & Services	50,449.00	9,269.39	9,269.39	41,179.61	81.62

Account Number	Description	Budgeted Amount	Period Amount	YTD Amount	YTD Var Encumbered Amt	Available % Available
100-419	Totals:	71,512.00	12,874.87	12,874.87	58,637.13	81.99
D01 POLICE EXPENDITURES						
100-421-100	Salaries and Wages	404,132.00	0.00	0.00	0.00	100.00
100-421-110	SALARIES AND WAGES	0.00	229.64	229.64	(229.64)	0.00
100-421-1101	City Recorder	0.00	184.54	184.54	(184.54)	0.00
100-421-1102	Finance Director	0.00	12,717.60	12,717.60	(12,717.60)	0.00
100-421-1103	Chief Of Police	0.00	7,206.00	7,206.00	(7,206.00)	0.00
100-421-1105	Administrative Assistant	0.00	45,249.38	45,249.38	(45,249.38)	0.00
100-421-1106	Police Officers	0.00	0.00	0.00	0.00	0.00
100-421-1110	Community Resource Officer	0.00	1,440.00	1,440.00	(1,440.00)	0.00
100-421-1200	Reserve Officers	0.00	0.00	0.00	0.00	0.00
100-421-1210	Overtime Holiday	0.00	0.00	0.00	0.00	0.00
100-421-1212	Overtime	0.00	0.00	0.00	0.00	0.00
100-421-1300	Overtime	0.00	0.00	0.00	0.00	0.00
100-421-1301	PD Holiday	0.00	0.00	0.00	0.00	0.00
D02 Salaries and Wages						
100-421-4100	Salaries and Wages	404,132.00	67,027.16	67,027.16	337,104.84	83.41
E02 Employee Benefits						
100-421-4100	EMPLOYEE BENEFITS	264,294.00	0.00	0.00	0.00	100.00
100-421-4110	EB-Medical & Dental	0.00	25,139.39	25,139.39	(25,139.39)	0.00
100-421-4120	EB-Insurance (life & disab)	0.00	265.60	265.60	(265.60)	0.00
100-421-4150	EB-Employer Taxes	0.00	5,265.45	5,265.45	(5,265.45)	0.00
100-421-4170	EB-PERS	0.00	12,937.49	12,937.49	(12,937.49)	0.00
100-421-4190	EB-Workers Comp	0.00	3,401.01	3,401.01	(3,401.01)	0.00
E03 Employee Benefits						
100-421-5100	Employee Benefits	264,294.00	47,008.94	47,008.94	217,285.06	82.21
E04 Materials & Services						
100-421-5100	PROFESSIONAL SERVICES	13,450.00	4,014.34	4,014.34	9,435.66	70.15
100-421-5200	CONTRACTED SUPPORT	5,670.00	110.00	110.00	5,560.00	98.06
100-421-5300	OPERATIONAL SUPPLIES	6,750.00	491.53	491.53	6,258.47	92.71
100-421-5400	INTERGOVERNMENTAL SER	86,050.00	18,225.00	18,225.00	67,825.00	78.82
100-421-5500	PROGRAM & GRANT EXPEN	15,000.00	0.00	0.00	15,000.00	100.00
100-421-5560	911 Tax - Program Expense	0.00	0.00	0.00	0.00	0.00
100-421-6100	BUILDING MAINT & SUPPLIE	2,190.00	359.32	359.32	1,830.68	83.59
100-421-6200	RENTALS AND LEASES	2,640.00	56.66	56.66	2,583.34	97.85
100-421-6300	INSURANCE	16,000.00	17,065.93	17,065.93	(1,065.93)	0.00
100-421-6400	ADVERTISING & RECRUITM	1,000.00	0.00	0.00	1,000.00	100.00
100-421-6500	TRAINING & MEMBERSHIPS	13,600.00	95.81	95.81	13,504.19	99.29
100-421-6600	OFFICE SUPPLIES & MISC EX	7,250.00	374.23	374.23	6,875.77	94.83
100-421-6700	EQUIP MAINT & SUPPLIES	46,200.00	4,029.92	4,029.92	42,170.08	91.27
100-421-6800	UNIFORMS	5,000.00	0.00	0.00	5,000.00	100.00
100-421-6900	UTILITIES	11,300.00	1,343.84	1,343.84	9,956.16	88.10

Account Number	Description	Budgeted Amount	Period Amount	YTD Amount	YTD Var Encumbered Amt	Available % Available
	Materials & Services	232,100.00	46,166.58	46,166.58	185,933.42	80.10
E03	Capital Outlay	0.00	0.00	0.00	0.00	0.00
100-421-7000	CAPITAL OUTLAY					
	Capital Outlay	0.00	0.00	0.00	0.00	0.00
	100-421 Totals:	900,526.00	160,202.68	160,202.68	740,323.32	82.21
	PARK EXPENDITURES					
D01	Salaries and Wages	63,324.00	0.00	0.00	63,324.00	100.00
100-452-1100	SALARIES AND WAGES					
100-452-1101	City Recorder	0.00	229.64	229.64	(229.64)	0.00
100-452-1102	Finance Director	0.00	184.57	184.57	(184.57)	0.00
100-452-1104	Public Works Super	0.00	2,132.46	2,132.46	(2,132.46)	0.00
100-452-1105	Administrative Assistant	0.00	1,873.56	1,873.56	(1,873.56)	0.00
100-452-1107	Utility Worker I	0.00	3,337.83	3,337.83	(3,337.83)	0.00
100-452-1108	PW Admin Assistant	0.00	0.00	0.00	0.00	0.00
100-452-1109	PW Maintenance PT	0.00	2,398.79	2,398.79	(2,398.79)	0.00
100-452-1112	Utility Worker 2	0.00	0.00	0.00	0.00	0.00
100-452-1113	PT Seasonal	0.00	0.00	0.00	0.00	0.00
100-452-1302	Pager Pay	0.00	0.00	0.00	0.00	0.00
100-452-1303	Comp Time	0.00	0.00	0.00	0.00	0.00
	Salaries and Wages	63,324.00	10,156.85	10,156.85	53,167.15	83.96
D02	Employee Benefits					
100-452-4100	EMPLOYEE BENEFITS	51,749.00	0.00	0.00	51,749.00	100.00
100-452-4110	EB-Medical & Dental	0.00	5,128.28	5,128.28	(5,128.28)	0.00
100-452-4120	EB-Insurance (life & disab)	0.00	42.56	42.56	(42.56)	0.00
100-452-4150	EB-Employer Taxes	0.00	790.79	790.79	(790.79)	0.00
100-452-4170	EB-PERS	0.00	2,358.97	2,358.97	(2,358.97)	0.00
100-452-4190	EB-Workers Comp	0.00	447.85	447.85	(447.85)	0.00
	Employee Benefits	51,749.00	8,768.45	8,768.45	42,980.55	83.05
E02	Materials & Services					
100-452-5100	PROFESSIONAL SERVICES	2,600.00	540.32	540.32	2,059.68	79.21
100-452-5200	CONTRACTED SUPPORT	100.00	0.00	0.00	100.00	100.00
100-452-5300	OPERATIONAL SUPPLIES	7,000.00	528.60	528.60	6,471.40	92.44
100-452-6100	BUILDING MAINT & SUPPLIE	3,400.00	235.16	235.16	3,164.84	93.08
100-452-6200	RENTALS AND LEASES	700.00	28.67	28.67	671.33	95.90

Account Number	Description	Budgeted Amount	Period Amount	YTD Amount	YTD Var Encumbered Amt	Available % Available
100-452-6300	INSURANCE	3,426.00	3,388.75	3,388.75	37.25	37.25
100-452-6400	ADVERTISING & RECRUITM	100.00	0.00	0.00	100.00	100.00
100-452-6500	TRAINING & MEMBERSHIPS	1,200.00	7.50	7.50	1,192.50	1,192.50
100-452-6600	OFFICE SUPPLIES & MISC EX	800.00	21.83	21.83	778.17	778.17
100-452-6700	EQUIP MAINT & SUPPLIES	6,300.00	1,675.45	1,675.45	4,624.55	4,624.55
100-452-6800	UNIFORMS	100.00	0.00	0.00	100.00	100.00
100-452-6900	UTILITIES	4,400.00	1,269.18	1,269.18	3,130.82	3,130.82
	Materials & Services	30,126.00	7,695.46	7,695.46	22,430.54	22,430.54
	100-452 Totals:	145,199.00	26,620.76	26,620.76	118,578.24	118,578.24
100-491						
E06	Transfers Out					
100-491-8000	TRANSFERS OUT	0.00	0.00	0.00	0.00	0.00
100-491-8001	Trans To Street Fund	0.00	0.00	0.00	0.00	0.00
100-491-8002	Trans To Street Const	0.00	0.00	0.00	0.00	0.00
100-491-8003	Trans To Reserve	9,907.00	0.00	0.00	9,907.00	9,907.00
100-491-8004	Trans To Sewer Fund	0.00	0.00	0.00	0.00	0.00
100-491-8005	Trans To Sewer Const	0.00	0.00	0.00	0.00	0.00
100-491-8006	Trans To Sewer Bond	0.00	0.00	0.00	0.00	0.00
100-491-8007	Trans To Water Fund	0.00	0.00	0.00	0.00	0.00
100-491-8008	Trans To Water Const	0.00	0.00	0.00	0.00	0.00
100-491-8009	Trans To Water Bond	0.00	0.00	0.00	0.00	0.00
100-491-8125	Trans To Park Improve	0.00	0.00	0.00	0.00	0.00
	Transfers Out	9,907.00	0.00	0.00	9,907.00	9,907.00
	100-491 Totals:	9,907.00	0.00	0.00	9,907.00	9,907.00
100-900						
E07	Contingency					
100-900-9900	CONTINGENCY	72,750.00	0.00	0.00	72,750.00	72,750.00
100-900-9990	Unappropriated EFB	0.00	0.00	0.00	0.00	0.00
	Contingency	72,750.00	0.00	0.00	72,750.00	72,750.00
	100-900 Totals:	72,750.00	0.00	0.00	72,750.00	72,750.00

Account Number	Description	Budgeted Amount	Period Amount	YTD Amount	YTD Var Encumbered Amt	Available % Available
100 Totals:		1,455,369.00	239,788.96	239,788.96	1,215,580.04	83.52
STREET FUND						
121	Salaries and Wages	70,392.00	0.00	0.00	0.00	100.00
121-431-1100	SALARIES AND WAGES	0.00	574.11	574.11	(574.11)	0.00
121-431-1101	City Recorder	0.00	1,384.20	1,384.20	(1,384.20)	0.00
121-431-1102	Finance Director	0.00	2,132.43	2,132.43	(2,132.43)	0.00
121-431-1104	Public Works Super	0.00	2,608.56	2,608.56	(2,608.56)	0.00
121-431-1105	Administrative Assistant	0.00	3,161.78	3,161.78	(3,161.78)	0.00
121-431-1107	Utility Worker 1	0.00	0.00	0.00	0.00	0.00
121-431-1108	PW Admin Assistant	0.00	2,741.52	2,741.52	(2,741.52)	0.00
121-431-1109	PW Maintenance PT	0.00	0.00	0.00	0.00	0.00
121-431-1112	Utility Worker 2	0.00	0.00	0.00	0.00	0.00
121-431-1113	PT Seasonal	0.00	0.00	0.00	0.00	0.00
121-431-1302	Pager Pay	0.00	0.00	0.00	0.00	0.00
121-431-1303	Comp Time	0.00	0.00	0.00	0.00	0.00
Salaries and Wages						
		70,392.00	12,602.60	12,602.60	57,789.40	82.09
D02						
121-431-4100	Employee Benefits	53,766.00	0.00	0.00	0.00	100.00
121-431-4110	EMPLOYEE BENEFITS	0.00	5,971.21	5,971.21	(5,971.21)	0.00
121-431-4120	EB-Medical & Dental	0.00	52.56	52.56	(52.56)	0.00
121-431-4150	EB-Insurance (life & disab)	0.00	988.90	988.90	(988.90)	0.00
121-431-4170	EB-Employer Taxes	0.00	2,831.16	2,831.16	(2,831.16)	0.00
121-431-4190	EB-PERS	0.00	799.87	799.87	(799.87)	0.00
121-431-4190	EB-Workers Comp	0.00	0.00	0.00	0.00	0.00
Employee Benefits						
		53,766.00	10,643.70	10,643.70	43,122.30	80.20
E02						
121-431-5100	Materials & Services	10,600.00	1,194.22	1,194.22	9,405.78	88.73
121-431-5200	PROFESSIONAL SERVICES	13,200.00	1,922.72	1,922.72	11,277.28	85.43
121-431-5300	CONTRACTED SUPPORT	100.00	20.71	20.71	79.29	79.29
121-431-5500	OPERATIONAL SUPPLIES	15,000.00	890.00	890.00	14,110.00	94.06
121-431-6100	PROGRAM & GRANT EXPEN	1,100.00	44.65	44.65	1,055.35	95.94
121-431-6200	BUILDING MAINT & SUPPLIE	800.00	24.27	24.27	775.73	96.96
121-431-6300	RENTALS AND LEASES	2,723.00	2,595.48	2,595.48	127.52	4.68
121-431-6400	INSURANCE	100.00	0.00	0.00	100.00	100.00
121-431-6500	ADVERTISING & RECRUITM	1,300.00	7.50	7.50	1,292.50	99.42
121-431-6600	TRAINING & MEMBERSHIPS	2,200.00	67.44	67.44	2,132.56	96.93
121-431-6700	OFFICE SUPPLIES & MISC EX	6,700.00	769.92	769.92	5,930.08	88.50
121-431-6800	EQUIP MAINT & SUPPLIES	300.00	0.00	0.00	300.00	100.00
121-431-6900	UNIFORMS	37,100.00	5,469.05	5,469.05	31,630.95	85.25
121-431-6900	UTILITIES					

Account Number	Description	Budgeted Amount	Period Amount	YTD Amount	YTD Var Encumbered Amt	Available % Available
	Materials & Services	91,223.00	13,005.96	13,005.96	78,217.04	85.74
	121-431 Totals:	215,381.00	36,252.26	36,252.26	179,128.74	83.16
121-491	(No Description)					
E06	Transfers Out	0.00	0.00	0.00	0.00	0.00
	Trans To Street Fund	0.00	0.00	0.00	0.00	0.00
	Trans To Street Const	0.00	0.00	0.00	0.00	0.00
	Trans To Reserve Fund	7,820.00	0.00	0.00	7,820.00	100.00
	Trans To Sewer Fund	0.00	0.00	0.00	0.00	0.00
	Trans To Sewer Const	0.00	0.00	0.00	0.00	0.00
	Trans To Sewer Bond	0.00	0.00	0.00	0.00	0.00
	Trans To Water Fund	0.00	0.00	0.00	0.00	0.00
	Trans To Water Const	0.00	0.00	0.00	0.00	0.00
	Trans To Water Bond	0.00	0.00	0.00	0.00	0.00
	Operational Overhead	19,026.00	0.00	0.00	19,026.00	100.00
	Transfers Out	26,846.00	0.00	0.00	26,846.00	100.00
	121-491 Totals:	26,846.00	0.00	0.00	26,846.00	100.00
121-900	(No Description)					
E07	Contingency	67,879.00	0.00	0.00	67,879.00	100.00
	CONTINGENCY	0.00	0.00	0.00	0.00	0.00
	Unappropriated EFB					
	Contingency	67,879.00	0.00	0.00	67,879.00	100.00
	121-900 Totals:	67,879.00	0.00	0.00	67,879.00	100.00
	121 Totals:	310,106.00	36,252.26	36,252.26	273,853.74	88.31
122	STREET CONSTRUCTION FU					
122-431						
E02	Materials & Services	0.00	0.00	0.00	0.00	0.00
	PROFESSIONAL SERVICES					
	122-431-5100					

Account Number	Description	Budgeted Amount	Period Amount	YTD Amount	YTD Var Encumbered Amt	Available % Available
122-431-5500	PROGRAM & GRANT EXPEN	3,900.00	0.00	0.00	3,900.00	100.00
122-431-6400	ADVERTISING & RECRUITM	0.00	0.00	0.00	0.00	0.00
E03	Materials & Services	3,900.00	0.00	0.00	3,900.00	100.00
122-431-7000	Capital Outlay	200,000.00	112.50	112.50	199,887.50	99.94
	CAPITAL OUTLAY	200,000.00	112.50	112.50	199,887.50	99.94
	Capital Outlay	200,000.00	112.50	112.50	199,887.50	99.94
	122-431 Totals:	203,900.00	112.50	112.50	203,787.50	99.94
122-491	(No Description)					
E06	Transfers Out	0.00	0.00	0.00	0.00	0.00
122-491-8701	Transfer Out- Oper OH	2,016.00	0.00	0.00	2,016.00	100.00
122-491-8801	SCD Administration	2,016.00	0.00	0.00	2,016.00	100.00
	Transfers Out	2,016.00	0.00	0.00	2,016.00	100.00
	122-491 Totals:	2,016.00	0.00	0.00	2,016.00	100.00
122-900	(No Description)					
E07	Contingency	10,442.00	0.00	0.00	10,442.00	100.00
122-900-9900	CONTINGENCY	0.00	0.00	0.00	0.00	0.00
122-900-9990	Unappropriated EFB	10,442.00	0.00	0.00	10,442.00	100.00
	Contingency	10,442.00	0.00	0.00	10,442.00	100.00
	122-900 Totals:	10,442.00	0.00	0.00	10,442.00	100.00
	122 Totals:	216,358.00	112.50	112.50	216,245.50	99.94
123	RESERVE FUND					
123-419	COM DEV EXPENDITURES	799.00	0.00	0.00	799.00	100.00
E03	Capital Outlay	799.00	0.00	0.00	799.00	100.00
123-419-7000	CAPITAL OUTLAY	799.00	0.00	0.00	799.00	100.00

Account Number	Description	Budgeted Amount	Period Amount	YTD Amount	YTD Var Encumbered Amt	Available % Available
123-419-7504	Dump Truck	24,900.00	0.00	0.00	24,900.00	100.00
123-419-7505	Backhoe	35,180.00	0.00	0.00	35,180.00	100.00
123-419-7506	Pub Wrks Trac/Mower	10,450.00	0.00	0.00	10,450.00	100.00
123-419-7515	Plotter	6,800.00	0.00	0.00	6,800.00	100.00
123-419-7710	Pub Wrks Pick Up	44,644.00	0.00	0.00	44,644.00	100.00
123-419-7712	Springbrook	21,000.00	0.00	0.00	21,000.00	100.00
123-419-7725	Server	10,387.00	0.00	0.00	10,387.00	100.00
123-419-7726	City Hall Siding	11,460.00	0.00	0.00	11,460.00	100.00
123-419-7727	City Hall Carpet	1,235.00	0.00	0.00	1,235.00	100.00
123-419-7740	Police Vehicle	3,268.00	0.00	0.00	3,268.00	100.00
	Capital Outlay	170,123.00	0.00	0.00	170,123.00	100.00
	123-419 Totals:	170,123.00	0.00	0.00	170,123.00	100.00
123-900	(No Description)					
E07	Contingency					
123-900-9900	CONTINGENCY	0.00	0.00	0.00	0.00	0.00
123-900-9990	Unappropriated EFB	0.00	0.00	0.00	0.00	0.00
	Contingency	0.00	0.00	0.00	0.00	0.00
	123-900 Totals:	0.00	0.00	0.00	0.00	0.00
	123 Totals:	170,123.00	0.00	0.00	170,123.00	100.00
125	PARK IMPROVEMENT FUND					
125-452	PARK EXPENDITURES					
E02	Materials & Services					
125-452-5100	PROFESSIONAL SERVICES	0.00	0.00	0.00	0.00	0.00
	Materials & Services	0.00	0.00	0.00	0.00	0.00
E03	Capital Outlay					
125-452-7000	CAPITAL OUTLAY	350,000.00	0.00	0.00	350,000.00	100.00
	Capital Outlay	350,000.00	0.00	0.00	350,000.00	100.00

Account Number	Description	Budgeted Amount	Period Amount	YTD Amount	YTD Var Encumbered Amt	Available % Available
125-491	125-452 Totals:	350,000.00	0.00	0.00	350,000.00	100.00
E06	(No Description)					
125-491-8000	Transfers Out	1,776.00	0.00	0.00	1,776.00	100.00
	TRANSFERS OUT					
	Transfers Out	1,776.00	0.00	0.00	1,776.00	100.00
	125-491 Totals:	1,776.00	0.00	0.00	1,776.00	100.00
125-900	(No Description)					
E07	Contingency					
125-900-9900	CONTINGENCY	38,306.00	0.00	0.00	38,306.00	100.00
125-900-9990	Unappropriated EFB	0.00	0.00	0.00	0.00	0.00
	Contingency	38,306.00	0.00	0.00	38,306.00	100.00
	125-900 Totals:	38,306.00	0.00	0.00	38,306.00	100.00
	125 Totals:	390,082.00	0.00	0.00	390,082.00	100.00
201	SEWER UTILITY FUND					
201-432	Salaries and Wages					
D01	SALARIES AND WAGES	98,936.00	0.00	0.00	98,936.00	100.00
201-432-1100	City Recorder	0.00	574.11	574.11	(574.11)	0.00
201-432-1101	Finance Director	0.00	1,384.20	1,384.20	(1,384.20)	0.00
201-432-1102	Public Works Super	0.00	4,027.95	4,027.95	(4,027.95)	0.00
201-432-1104	Administrative Assistant	0.00	2,976.08	2,976.08	(2,976.08)	0.00
201-432-1105	Utility Worker 1	0.00	6,510.32	6,510.32	(6,510.32)	0.00
201-432-1107	PW Admin Assistant	0.00	0.00	0.00	0.00	0.00
201-432-1108	PW Maintenance PT	0.00	1,028.08	1,028.08	(1,028.08)	0.00
201-432-1109	Utility Worker 2	0.00	0.00	0.00	0.00	0.00
201-432-1112	PT Seasonal	0.00	0.00	0.00	0.00	0.00
201-432-1113	Pager Pay	0.00	0.00	0.00	0.00	0.00
201-432-1302	Comp Time	0.00	0.00	0.00	0.00	0.00
201-432-1303		0.00	0.00	0.00	0.00	0.00

Account Number	Description	Budgeted Amount	Period Amount	YTD Amount	YTD Var Encumbered Amt	Available % Available
	Salaries and Wages	98,936.00	16,500.74	16,500.74	82,435.26	83.32
D02	Employee Benefits					
201-432-4100	EMPLOYEE BENEFITS	73,157.00	0.00	0.00	73,157.00	100.00
201-432-4110	EB-Medical & Dental	0.00	7,246.21	7,246.21	(7,246.21)	0.00
201-432-4120	EB-Insurance (life & disab)	0.00	67.55	67.55	(67.55)	0.00
201-432-4150	EB-Employer Taxes	0.00	1,306.45	1,306.45	(1,306.45)	0.00
201-432-4170	EB-PERS	0.00	4,086.30	4,086.30	(4,086.30)	0.00
201-432-4190	EB-Workers Comp	0.00	560.90	560.90	(560.90)	0.00
	Employee Benefits	73,157.00	13,267.41	13,267.41	59,889.59	81.86
E02	Materials & Services					
201-432-5100	PROFESSIONAL SERVICES	16,500.00	1,551.79	1,551.79	14,948.21	90.59
201-432-5200	CONTRACTED SUPPORT	24,300.00	1,338.15	1,338.15	22,961.85	94.49
201-432-5300	OPERATIONAL SUPPLIES	5,000.00	389.36	389.36	4,610.64	92.21
201-432-6100	BUILDING MAINT & SUPPLIE	2,500.00	90.77	90.77	2,409.23	96.36
201-432-6200	RENTALS AND LEASES	1,800.00	118.68	118.68	1,681.32	93.40
201-432-6300	INSURANCE	6,856.00	6,992.44	6,992.44	(136.44)	0.00
201-432-6400	ADVERTISING & RECRUITM	100.00	0.00	0.00	100.00	100.00
201-432-6500	TRAINING & MEMBERSHIPS	6,100.00	0.00	0.00	6,100.00	100.00
201-432-6600	OFFICE SUPPLIES & MISC EX	7,100.00	251.73	251.73	6,848.27	96.45
201-432-6700	EQUIP MAINT & SUPPLIES	20,000.00	4,155.13	4,155.13	15,844.87	79.22
201-432-6800	UNIFORMS	600.00	0.00	0.00	600.00	100.00
201-432-6900	UTILITIES	41,100.00	6,832.97	6,832.97	34,267.03	83.37
	Materials & Services	131,956.00	21,721.02	21,721.02	110,234.98	83.53
201-491						
E02	201-432 Totals:	304,049.00	51,489.17	51,489.17	252,559.83	83.06
201-491-8601	Materials & Services Franchise Fee	20,877.00	0.00	0.00	20,877.00	100.00
	Materials & Services	20,877.00	0.00	0.00	20,877.00	100.00
E06	Transfers Out					
201-491-8001	Trans To Street Fund	0.00	0.00	0.00	0.00	0.00
201-491-8002	Trans To Street Const	0.00	0.00	0.00	0.00	0.00
201-491-8003	Trans To Reserve Fund	10,980.00	0.00	0.00	10,980.00	100.00
201-491-8004	Trans To Sewer Fund	0.00	0.00	0.00	0.00	0.00
201-491-8005	Trans To Sewer Const	0.00	0.00	0.00	0.00	0.00

Account Number	Description	Budgeted Amount	Period Amount	YTD Amount	YTD Var Encumbered Amt	Available % Available
201-491-8006	Trans To Sewer Bond	29,148.00	0.00	0.00	29,148.00	100.00
201-491-8007	Trans To Water Fund	0.00	0.00	0.00	0.00	0.00
201-491-8008	Trans To Water Const	0.00	0.00	0.00	0.00	0.00
201-491-8009	Trans To Water Bond	0.00	0.00	0.00	0.00	0.00
201-491-8203	Trans To Sewer Bond Fund	0.00	0.00	0.00	0.00	0.00
201-491-8701	Operational Overhead	26,965.00	0.00	0.00	26,965.00	100.00
	Transfers Out	67,093.00	0.00	0.00	67,093.00	100.00
	201-491 Totals:	87,970.00	0.00	0.00	87,970.00	100.00
201-900	(No Description)					
E07	Contingency					
201-900-9900	CONTINGENCY	150,869.00	0.00	0.00	150,869.00	100.00
201-900-9990	Unappropriated EFB	0.00	0.00	0.00	0.00	0.00
	Contingency	150,869.00	0.00	0.00	150,869.00	100.00
	201-900 Totals:	150,869.00	0.00	0.00	150,869.00	100.00
	201 Totals:	542,888.00	51,489.17	51,489.17	491,398.83	90.51
	SEWER CONSTRUCTION FU					
202						
202-432	Materials & Services	0.00	0.00	0.00	0.00	0.00
E02	PROFESSIONAL SERVICES					
202-432-5100	Materials & Services	0.00	0.00	0.00	0.00	0.00
	Capital Outlay					
E03	CAPITAL OUTLAY	130,000.00	0.00	0.00	130,000.00	100.00
202-432-7000	Capital Outlay	130,000.00	0.00	0.00	130,000.00	100.00
	202-432 Totals:	130,000.00	0.00	0.00	130,000.00	100.00

Account Number	Description	Budgeted Amount	Period Amount	YTD Amount	YTD Var Encumbered Amt	Available % Available
202-491 E06 202-491-8000	Transfers Out TRANSFERS OUT	3,336.00	0.00	0.00	3,336.00	100.00
	Transfers Out	3,336.00	0.00	0.00	3,336.00	100.00
	202-491 Totals:	3,336.00	0.00	0.00	3,336.00	100.00
202-900 E07 202-900-9900 202-900-9990	(No Description) Contingency CONTINGENCY Unappropriated EFB	442,929.00 0.00	0.00 0.00	0.00 0.00	442,929.00 0.00	100.00 0.00
	Contingency	442,929.00	0.00	0.00	442,929.00	100.00
	202-900 Totals:	442,929.00	0.00	0.00	442,929.00	100.00
	202 Totals:	576,265.00	0.00	0.00	576,265.00	100.00
203 203-432 E02 203-432-6600	SEWER BOND FUND Materials & Services OFFICE SUPPLIES & MISC EX	0.00	0.00	0.00	0.00	0.00
	Materials & Services	0.00	0.00	0.00	0.00	0.00
E05 203-432-9000 203-432-9001 203-432-9002	Debt Service DEBT SERVICE Loan Interest Loan Principal	0.00 14,337.00 40,997.00	0.00 0.00 0.00	0.00 0.00 0.00	0.00 14,337.00 40,997.00	0.00 100.00 100.00
	Debt Service	55,334.00	0.00	0.00	55,334.00	100.00
	203-432 Totals:	55,334.00	0.00	0.00	55,334.00	100.00

Account Number	Description	Budgeted Amount	Period Amount	YTD Amount	YTD Var Encumbered Amt	Available % Available
203-900	(No Description)					
E07	Contingency					
203-900-9900	CONTINGENCY	0.00	0.00	0.00	0.00	0.00
203-900-9990	Unappropriated EFB	38,075.00	0.00	0.00	38,075.00	100.00
	Contingency	38,075.00	0.00	0.00	38,075.00	100.00
	203-900 Totals:	38,075.00	0.00	0.00	38,075.00	100.00
	203 Totals:	93,409.00	0.00	0.00	93,409.00	100.00
	WATER UTILITY FUND					
205	Salaries and Wages					
205-461	SALARIES AND WAGES	80,122.00	0.00	0.00	80,122.00	100.00
D01	City Recorder	0.00	574.11	574.11	(574.11)	0.00
205-461-1100	Finance Director	0.00	1,384.20	1,384.20	(1,384.20)	0.00
205-461-1102	Public Works Super	0.00	3,554.08	3,554.08	(3,554.08)	0.00
205-461-1104	Administrative Assistant	0.00	3,711.10	3,711.10	(3,711.10)	0.00
205-461-1105	Utility Worker 1	0.00	2,810.87	2,810.87	(2,810.87)	0.00
205-461-1107	PW Admin Assistant	0.00	0.00	0.00	0.00	0.00
205-461-1108	PW Maintenance PT	0.00	685.37	685.37	(685.37)	0.00
205-461-1109	Utility Worker 2	0.00	0.00	0.00	0.00	0.00
205-461-1112	PT Seasonal	0.00	0.00	0.00	0.00	0.00
205-461-1113	Pager Pay	0.00	0.00	0.00	0.00	0.00
205-461-1302	Comp Time	0.00	0.00	0.00	0.00	0.00
205-461-1303						
	Salaries and Wages	80,122.00	12,719.73	12,719.73	67,402.27	84.12
	Employee Benefits					
D02	EMPLOYEE BENEFITS	59,567.00	0.00	0.00	59,567.00	100.00
205-461-4100	EB-Medical & Dental	0.00	5,642.18	5,642.18	(5,642.18)	0.00
205-461-4110	EB-Insurance (life & disab)	0.00	51.72	51.72	(51.72)	0.00
205-461-4120	EB-Employer Taxes	0.00	997.96	997.96	(997.96)	0.00
205-461-4150	EB-PERS	0.00	2,971.60	2,971.60	(2,971.60)	0.00
205-461-4170	EB-Workers Comp	0.00	446.05	446.05	(446.05)	0.00
205-461-4190						
	Employee Benefits	59,567.00	10,109.51	10,109.51	49,457.49	83.02
	Materials & Services					
E02	PROFESSIONAL SERVICES	18,100.00	1,467.06	1,467.06	16,632.94	91.89
205-461-5100	CONTRACTED SUPPORT	12,000.00	673.17	673.17	11,326.83	94.39
205-461-5200						

Account Number	Description	Budgeted Amount	Period Amount	YTD Amount	YTD Var Encumbered Amt	Available % Available
205-461-5300	OPERATIONAL SUPPLIES	16,000.00	6,304.76	6,304.76	9,695.24	9,695.24
205-461-6100	BUILDING MAINT & SUPPLIE	2,000.00	78.38	78.38	1,921.62	1,921.62
205-461-6200	RENTALS AND LEASES	2,300.00	118.68	118.68	2,181.32	2,181.32
205-461-6300	INSURANCE	9,793.00	9,736.12	9,736.12	56.88	56.88
205-461-6400	ADVERTISING & RECRUITM	100.00	0.00	0.00	100.00	100.00
205-461-6500	TRAINING & MEMBERSHIPS	5,500.00	1,617.45	1,617.45	3,882.55	3,882.55
205-461-6600	OFFICE SUPPLIES & MISC EX	8,500.00	238.35	238.35	8,261.65	8,261.65
205-461-6700	EQUIP MAINT & SUPPLIES	16,300.00	1,704.73	1,704.73	14,595.27	14,595.27
205-461-6800	UNIFORMS	600.00	0.00	0.00	600.00	600.00
205-461-6900	UTILITIES	38,300.00	7,083.42	7,083.42	31,216.58	31,216.58
	Materials & Services	129,493.00	29,022.12	29,022.12	100,470.88	100,470.88
	205-461 Totals:	269,182.00	51,851.36	51,851.36	217,330.64	217,330.64
205-491	Transfers Out					
E06	Trans To Street Fund	0.00	0.00	0.00	0.00	0.00
205-491-8001	Trans To Street Const	0.00	0.00	0.00	0.00	0.00
205-491-8002	Trans To Reserve Fund	10,980.00	0.00	0.00	10,980.00	10,980.00
205-491-8003	Trans To Sewer Fund	0.00	0.00	0.00	0.00	0.00
205-491-8004	Trans To Sewer Const	0.00	0.00	0.00	0.00	0.00
205-491-8005	Trans To Sewer Bond	0.00	0.00	0.00	0.00	0.00
205-491-8006	Trans To Sewer Bond	0.00	0.00	0.00	0.00	0.00
205-491-8007	Trans To Water Const	0.00	0.00	0.00	0.00	0.00
205-491-8008	Trans To Water Const	0.00	0.00	0.00	0.00	0.00
205-491-8009	Trans To Water Bond	95,727.00	0.00	0.00	95,727.00	95,727.00
205-491-8206	Trans To Water Const	0.00	0.00	0.00	0.00	0.00
205-491-8207	Trans To Water Bond	0.00	0.00	0.00	0.00	0.00
205-491-8601	Trans Out - Franchise Fees	19,890.00	0.00	0.00	19,890.00	19,890.00
205-491-8701	Trans Out OP OH	23,861.00	0.00	0.00	23,861.00	23,861.00
	Transfers Out	150,458.00	0.00	0.00	150,458.00	150,458.00
	205-491 Totals:	150,458.00	0.00	0.00	150,458.00	150,458.00
205-900	(No Description)					
E07	Contingency					
205-900-9900	CONTINGENCY	152,567.00	0.00	0.00	152,567.00	152,567.00
205-900-9990	Unappropriated EFB	0.00	0.00	0.00	0.00	0.00
	Contingency	152,567.00	0.00	0.00	152,567.00	152,567.00

Account Number	Description	Budgeted Amount	Period Amount	YTD Amount	YTD Var Encumbered Amt	Available % Available
205-900 Totals:		152,567.00	0.00	0.00	152,567.00	100.00
205 Totals:		572,207.00	51,851.36	51,851.36	520,355.64	90.93
206 206-461 E02 206-461-5100	WATER CONSTRUCTION FU Materials & Services PROFESSIONAL SERVICES	0.00	0.00	0.00	0.00	0.00
E03 206-461-7000	Materials & Services Capital Outlay CAPITAL OUTLAY	0.00 34,000.00	0.00 0.00	0.00 0.00	0.00 34,000.00	0.00 100.00
	Capital Outlay	34,000.00	0.00	0.00	34,000.00	100.00
206-461 Totals:		34,000.00	0.00	0.00	34,000.00	100.00
206-491 E06 206-491-8000	(No Description) Transfers Out TRANSFERS OUT	3,360.00	0.00	0.00	3,360.00	100.00
	Transfers Out	3,360.00	0.00	0.00	3,360.00	100.00
206-491 Totals:		3,360.00	0.00	0.00	3,360.00	100.00
206-900 E07 206-900-9900 206-900-9990	(No Description) Contingency CONTINGENCY Unappropriated EPB	404,401.00 0.00	0.00 0.00	0.00 0.00	404,401.00 0.00	100.00 0.00
	Contingency	404,401.00	0.00	0.00	404,401.00	100.00

Account Number	Description	Budgeted Amount	Period Amount	YTD Amount	YTD Var Encumbered Amt	Available % Available
	206-900 Totals:	404,401.00	0.00	0.00	404,401.00	100.00
	206 Totals:	441,761.00	0.00	0.00	441,761.00	100.00
	WATER BOND FUND					
207-461	Debt Service					
E05	BOND INTEREST	19,260.00	0.00	0.00	19,260.00	100.00
207-461-9001	BOND PRINCIPAL	76,467.00	0.00	0.00	76,467.00	100.00
207-461-9002	DEBT SERVICE FEE PMTS	0.00	0.00	0.00	0.00	0.00
207-461-9003						
	Debt Service	95,727.00	0.00	0.00	95,727.00	100.00
	207-461 Totals:	95,727.00	0.00	0.00	95,727.00	100.00
	(No Description)					
207-900	Contingency					
E07	CONTINGENCY	0.00	0.00	0.00	0.00	0.00
207-900-9900	Unappropriated EFB	82,500.00	0.00	0.00	82,500.00	100.00
207-900-9990						
	Contingency	82,500.00	0.00	0.00	82,500.00	100.00
	207-900 Totals:	82,500.00	0.00	0.00	82,500.00	100.00
	207 Totals:	178,227.00	0.00	0.00	178,227.00	100.00
	Report Totals:	4,946,795.00	379,494.25	379,494.25	4,567,300.75	92.32

**CITY OF HUBBARD
CITY COUNCIL MEETING MINUTES
JULY 14, 2015**

CALL TO ORDER: The Hubbard City Council meeting was called to order by Mayor Jim Yonally at 7:00 p.m. at the Hubbard City Hall, 3720 2nd St., Hubbard.

FLAG SALUTE: Mayor Jim Yonally led the group in reciting the Pledge of Allegiance.

City Council Present: Shannon Schmidt, Jim Yonally, Barbara Ruiz.

Excused Absence: Angie Wheatcroft, Matt Kennedy.

Staff Present: Director of Administration/City Recorder Vickie Nogle, MMC; Police Chief Dave Dryden; Public Works Superintendent Jaime Estrada; Senior Accounting Specialist Kari Kurtz; City Planner Joseph Shearer; Administrative Assistant Lucy Astorga.

UPDATE REGARDING COMPREHENSIVE PLAN. City Planner Joseph Shearer reported there is a conflict between zoning and the comprehensive plan. He said the comprehensive plan was amended in the late 1990's, changing the designation of the "commercial center" between "A" and "G" streets and Highway 99E and 3rd Street from Residential to Commercial, but the zoning was never updated to reflect that change. Consequently, much of the commercial center still has residential zoning, and the full range of commercial uses is not permitted. If the City leaves it as-is, it would require property owners to go through the re-zoning process for each individual property. J. Shearer said there are three options the City can take: First, leave current zone of Residential Commercial as-is, and if a property owner wants to rezone to Commercial zone, they go through the rezoning process; Second, the City initiates a rezone from Residential Commercial to Commercial. The existing dwellings become legal, non-conforming buildings, but can be replaced with limitations. The process for the second option would cost approximately \$2,000-3,000, with a timeline of 2-4 months. Marion County may have some grant money available to help with the cost; The Third option would entail a full update to the comprehensive plan. The Department of Land Conservation and Development (DLCD) may have some technical assistant grant funds available, though it is fairly competitive. This option would cost approximately \$15,000-30,000, with a timeline of 9-12 months.

Mayor Jim Yonally asked what would happen if a property with a dwelling on it is rezoned to Commercial, then a fire destroys the house. Would they be able to rebuild the house?

J. Shearer replied that they can rebuild the house, and it doesn't have to be the same footprint, but they cannot increase the non-conformity of the property.

J. Yonally asked if the zone changed to Commercial, would it change the buildable lands inventory.

J. Shearer responded according to the last buildable lands inventory, done in 2007/2008, the Residential Commercial zone on Third Street was treated as Residential. He said at some point the buildable lands inventory will need to be updated, but not necessarily right now.

J. Yonally asked what the difference is between businesses allowed in Residential Commercial and Commercial zones.

J. Shearer said Residential Commercial allows offices, small retail, restaurants, etc. He added that cities similar to Hubbard are trending towards small wineries/breweries, and small-scale, “craft” manufacturing or processing businesses that also want retail store frontage. He said those currently aren’t allowed in Hubbard’s Residential Commercial zone. J. Shearer said if the City chooses to change the zoning, potential grant funding applications are due by the end of August.

J. Yonally said he is leaning towards option two, the legislative rezoning, but if the money is available for option three’s comprehensive plan update, that would be preferred.

City Recorder Vickie Nogle asked if any City-matching funds would be required for the grant funds.

J. Shearer responded he didn’t know, but typically, a request is looked upon more favorably if applicant matches funds. He added there would probably be enough time to apply for grants if a decision is made at the August Council meeting.

ORDINANCE NO. 344-2015. AN ORDINANCE AMENDING THE HUBBARD MUNICIPAL CODE SECTIONS 13.14.010, QUALIFIED PERSONS, AND 13.14.060, UTILITY RATE REDUCTION. MSA/City Councilor Barbara Ruiz/City Councilor Shannon Schmidt made a motion to read Ordinance No. 344-2015 by title only for the first reading. City Councilor Barbara Ruiz, City Councilor Shannon Schmidt, and Mayor Yonally were all in favor. City Councilor Matt Kennedy, and City Council Angie Wheatcroft were not present. Motion carried unanimously.

Mayor Yonally read Ordinance No. 344-2015 by title only for the first reading.

MSA/City Councilor Barbara Ruiz/City Councilor Shannon Schmidt made a motion to read Ordinance No. 344-2015 by title only for the second reading. City Councilor Barbara Ruiz, City Councilor Shannon Schmidt, and Mayor Yonally were all in favor. City Councilor Matt Kennedy, and City Council Angie Wheatcroft were not present. Motion carried unanimously.

Mayor Yonally read Ordinance No. 344-2015 by title only for the second reading.

MSA/City Councilor Barbara Ruiz/City Councilor Shannon Schmidt made a motion to adopt Ordinance No. 344-2015. City Councilor Barbara Ruiz, City Councilor Shannon Schmidt, and Mayor Yonally were all in favor. City Councilor Matt Kennedy, and City Council Angie Wheatcroft were not present. Motion carried unanimously.

COMMUNITY REPORTS. There were none.

APPEARANCE OF INTERESTED CITIZENS. There were none.

MAYOR’S PRESENTATIONS, AND/OR COUNCIL’S PRESENTATIONS. Mayor Jim Yonally read a thank you note for the Police Department. He then passed out a couple notes from citizens regarding utility bills. He suggested the Council look into reducing or removing the general service fee from the utility bill, now that tax revenues are back up.

STAFF REPORTS.

ADMINISTRATIVE DEPARTMENT – Director of Administration/City Recorder V. Nogle, MMC. Director of Administration/City Recorder Vickie Nogle and Senior Accounting specialist Kari Kurtz said they had nothing to add to their reports.

POLICE DEPARTMENT – Police Chief Dave Dryden. Police Chief Dave Dryden reported a modified statistics sheet was handed out at the beginning of the meeting, and is different than the one received in the council packets. The Citation numbers were transposed with the Written Warnings figures

Mayor Jim Yonally asked if any outside agencies would be helping with the Hop Festival this year.

D. Dryden responded that he believes the current officers will be able to handle the day’s events.

PUBLIC WORKS DEPARTMENT – Public Works Superintendent Jaime Estrada. Public Works Superintendent Jaime Estrada corrected the date of the Hop Festival on his report, and informed the Council the City’s grant application for Rivenes Park restrooms was denied. J. Estrada said he received a letter from City Councilor Matt Kennedy requesting an agreement to mow his property on Third Street, between the street and the railroad tracks. J. Estrada said he sent the request to the City Attorney, and they suggested checking with the Ethics Commission. He added the same issue had come up a year ago and the City Council said an agreement could be drafted for review, but they didn’t stipulate who would cover the legal costs for the agreement.

City Councilor Barbara Ruiz said her concern is that others will want a mowing agreement.

Mayor Jim Yonally wondered if the property owner should cover the City’s legal costs, since they’re requesting the agreement.

The Consensus of the Council was to have J. Estrada contact City Councilor Matt Kennedy and continue discussion on the topic later.

CONSENT AGENDA.

- A. **APPROVAL OF JUNE 9, 2015, CITY COUNCIL MEETING MINUTES.**
- B. **RESOLUTION NO. 597-2015. A RESOLUTION FOR THE 2015 SPECIAL CITY ALLOTMENT FOR IMPROVEMENTS ON “G” STREET BETWEEN PACIFIC HIGHWAY 99E AND 2ND STREET.** *(Refer to Public Works report)*

C. **ACCEPT THE ENGAGEMENT LETTER FROM GROVE, MUELLER & SWANK, P.C. FOR AUDIT SERVICES YEAR ENDING JUNE 30, 2015.**

MSA/City Councilor Barbara Ruiz/City Councilor Shannon Schmidt moved to approve the Consent Agenda as presented. City Councilor Shannon Schmidt, City Councilor Barbara Ruiz, and Mayor Jim Yonally were in favor. Motion passed.

APPROVAL OF THE JUNE 2015 BANK RECONCILIATION REPORTS. Approval of the report was tabled until the next meeting due to lack of a quorum.

OTHER CITY BUSINESS. There was none.

ADJOURNMENT - (NEXT REGULAR CITY COUNCIL MEETING IS TUESDAY, AUGUST 11, 2015, AT 7:00 P.M.) MSA/City Councilor Barbara Ruiz/City Councilor Shannon Schmidt moved to adjourn the meeting. City Councilor Shannon Schmidt, City Councilor Barbara Ruiz, and Mayor Jim Yonally were in favor. City Councilor Matt Kennedy, and City Council Angie Wheatcroft were not present. Motion passed. Meeting adjourned at 7:33 p.m.

Mayor Jim Yonally

ATTEST:

Vickie L. Nogle, MMC,
Director of Administration/City Recorder

Lucy T. Astorga, Administrative Assistant
Recording & Transcribing

**CITY OF HUBBARD
CITY COUNCIL MEETING MINUTES
AUGUST 11, 2015**

CALL TO ORDER: The Hubbard City Council meeting was called to order by Mayor Jim Yonally at 6:31 p.m. at the Hubbard City Hall, 3720 2nd Street, Hubbard.

FLAG SALUTE: Mayor Jim Yonally led the group in reciting the Pledge of Allegiance.

City Council Present: Shannon Schmidt, Jim Yonally, Matt Kennedy, Angie Wheatcroft.

Unexcused Absence: Barbara Ruiz.

Staff Present: Director of Administration/City Recorder Vickie Nogle, MMC; Police Chief Dave Dryden; Public Works Superintendent Jaime Estrada; Senior Accounting Specialist Kari Kurtz; City Planner Joseph Shearer; Administrative Assistant Lucy Astorga.

EXECUTIVE SESSION.

COUNCIL RECESS PUBLIC (OPEN) MEETING AND CONVENE EXECUTIVE (CLOSED) SESSION TO CONSIDER INFORMATION OR RECORDS THAT ARE EXEMPT BY LAW FROM PUBLIC INSPECTION ORS 192.660(2)(F). PURSUANT TO ORS 192.660(4) COUNCIL SPECIFICALLY REQUEST THAT MEMBERS OF THE MEDIA AND OTHER ATTENDEES NOT DISCLOSE MATTERS DISCUSSED IN EXECUTIVE SESSION. Mayor Jim Yonally declared the ORS for the executive session and opened the closed executive session meeting.

COUNCIL CLOSED EXECUTIVE (CLOSED) SESSION AT 6:58 PM, AND RECONVENED PUBLIC (OPEN) MEETING. Mayor Jim Yonally closed the Executive Session and opened the public meeting at 7:00.

City Councilor Shannon Schmidt left the meeting at 6:58 p.m.

Mayor Jim Yonally added Item 9(B)(1) “**Resolution No. 598-2015. A resolution authorizing an Inter-Fund Loan from the Reserve Fund to the General Fund, and setting forth a repayment date.**” to the agenda.

UPDATE REGARDING COMPREHENSIVE PLAN. City Planner Joseph Shearer went over the three options previously discussed at the July City Council meeting. He said there is grant funding available for a re-zone of the commercial core, but it isn’t guaranteed and there is a list of criteria. He said fund matching would give the City an advantage, and added the first four hours of the time spent on the grant application are subsidized by the Mid-Willamette Valley Council of Governments because the City is a member.

Mayor Jim Yonally asked how long it takes to complete the application.

J. Shearer replied it could probably be done in four hours.

MSA/City Councilor Matt Kennedy/City Councilor Angie Wheatcroft moved to have the Mid-Willamette Valley Council of Governments apply for a grant to do a re-zone of the commercial

core. City Councilor Matt Kennedy, City Councilor Angie Wheatcroft, and Mayor Jim Yonally were in favor. Motion passed.

NEEDS ASSESSMENT PRESENTATION. Scott Moore, Mackenzie Group presented the needs assessment report. He said over the past 18 months, they have looked at the deficiencies of the existing facilities with a 20 year forecast. He reported there are a number of criteria that need to be met for police facilities, as well as seismic events. He said the existing building doesn't come close to meeting the essential facility needs. S. Moore presented an overview of the needs assessment, including proposed outline and square footage, staff questionnaires, proposed possible locations, and cost.

City Councilor Matt Kennedy asked if the possible sites were identified solely for configuration and lot size.

S. Moore replied there were 18 criteria looked at when comparing locations. He said the cost of \$5,575,561.00 excludes the cost of the land itself. He reported the next step would be determining when to pursue the project, and how to fund it. He said funding is most commonly done through a bond, and said it takes approximately two years for the entire process. He reminded Council that cost of construction increases 2-3% each year.

The consensus of the City Council was for staff to bring back a cost estimate of property tax increase if the city were to go out for a bond.

COMMUNITY REPORTS. Hubbard Parks Improvement Committee (HPIC), Linda Kleczynski, 2409 A Street, Hubbard, reported they would like to work with the Public Works Department in applying for a grant for the Rivenes Park restrooms. She said they would like to do a Veterans Day celebration fly-over. They would like the program to include stories from local veterans, musical tributes, a color guard, prayer, and maybe soup and sandwiches.

City Councilor Angie Wheatcroft asked if there were any issues with serving food.

Public Works Superintendent Jaime Estrada suggested HPIC contact Marion County Health Department to see what they require.

FRENCH PRAIRIE CENTENNIAL LIONS CLUB PRESENTATION. Jim Jagers announced the formal development of the French Prairie club, and invited everyone to join. He said the purpose of the Lions Club is simply to help make the community a better place to live.

APPEARANCE OF INTERESTED CITIZENS. There were none.

MAYOR'S PRESENTATIONS, AND/OR COUNCIL'S PRESENTATIONS. Mayor Jim Yonally asked that Council provide feedback to him regarding his letter for the next city newsletter.

A) Schedule Workshop to update Beekeeping Code. The Consensus of the Council was to schedule a workshop for October 13, 2015, at 6:00 p.m. to discuss the beekeeping code.

STAFF REPORTS.

PUBLIC WORKS DEPARTMENT – Public Works Superintendent Jaime Estrada. Public Works Superintendent Jaime Estrada reported the skate park is in severe need of repair, and suggested removing it and repairing it when possible.

City Councilor Angie Wheatcroft said she is in favor of removing it permanently. She said her main concern is the poor location chosen for it.

The Consensus of the Council was to remove the skate park.

A. Wheatcroft asked if Hubbard has “No Through” signs for trucks.

J. Estrada said there is a truck route in place in Hubbard, with signs indicating the route.

ADMINISTRATIVE DEPARTMENT – Director of Administration/City Recorder V. Nogle, MMC. Director of Administration/City Recorder Vickie Nogle said she had nothing to add.

Senior Accounting specialist Kari Kurtz informed the Council the general fund was budgeted very low, and in the future, the City needs to look at revenues and make cuts. With the proposed resolution, the City can borrow from certain funds until the City’s property tax revenues come in November, but something will need to change for next year.

City Councilor Matt Kennedy commented a number of employees have a lot of vacation time on the books, and asked how the staff manages that.

Police Chief Dave Dryden responded that employees are required to be under the maximum by the end of the year. He added it does have to be paid out if an employee leaves.

M. Kennedy asked if the City’s finances will be ok after the property tax revenues are received.

K. Kurtz replied we will know more after the audit is completed.

RESOLUTION NO. 598-2015. A RESOLUTION AUTHORIZING AN INTER-FUND LOAN FROM THE RESERVE FUND TO THE GENERAL FUND, AND SETTING FORTH A REPAYMENT DATE. MSA/City Councilor Matt Kennedy/City Councilor Angie Wheatcroft moved to approve Resolution No. 598-2015. City Councilor Matt Kennedy, City Councilor Angie Wheatcroft, and Mayor Jim Yonally were in favor. Motion passed.

POLICE DEPARTMENT – Police Chief Dave Dryden. City Councilor Angie Wheatcroft mentioned there were complaints regarding the Hop Festival Parade and lack of police presence.

Police Chief Dave Dryden responded the parade is the responsibility of the fire department and the police are not involved with the traffic control. He added he believes the fire department gets cadets from surrounding agencies to help with traffic.

CONSENT AGENDA.

- A. **APPROVAL OF JULY 14, 2015, CITY COUNCIL MEETING MINUTES.**
- B. **APPROVAL OF AMENDMENT TO OREGON COOPERATIVE PROCUREMENT PROGRAM (ORCPP) COOPERATIVE PROCUREMENT PARTICIPATION AGREEMENT REINSTATEMENT AND AMENDMENT, AND AUTHORIZE THE MAYOR TO SIGN.**
- C. **APPROVAL TO PLACE PURCHASE ORDER AGAINST MARION COUNTY CONTRACT NO. 2015-701 FOR SLURRY SEAL ON STREETS IN HUBBARD AS LISTED ON THE FY2015/16 STREET MAINTENANCE PROJECT WORKSHEET FOR THE ESTIMATED AMOUNT OF \$13,873.44.** (*Refer to Public Works report*)

City Councilor Matt Kennedy mentioned neither he nor Councilor Wheatcroft attended the last meeting, so wouldn't be able to attest to the accuracy of the July minutes.

MSA/City Councilor Matt Kennedy/City Councilor Angie Wheatcroft moved to approve the Consent Agenda as amended, with the removal of Item "A", the July 14, 2015, Council minutes. City Councilor Matt Kennedy, City Councilor Angie Wheatcroft, and Mayor Jim Yonally were in favor. Motion passed.

DISCUSSION REGARDING MOWING CONTRACT. Public Works Superintendent Jaime Estrada suggested rescheduling the mowing contract discussion to the next meeting due to the lack of quorum.

The Consensus of the Council was to table discussion regarding mowing contract to the next meeting.

APPROVAL OF THE JUNE AND JULY 2015 BANK RECONCILIATION REPORTS. MSA/City Councilor Angie Wheatcroft /City Councilor Matt Kennedy moved to approve the bank reconciliation reports as presented. City Councilor Matt Kennedy, City Councilor Angie Wheatcroft, and Mayor Jim Yonally were in favor. Motion passed.

OTHER CITY BUSINESS. Linda Kleczynski, 2409 A Street, Hubbard, informed the Council the Eagle Scout working on the Barendse Park benches and tables as a service project, would be delivering them the next day.

ADJOURNMENT - (NEXT REGULAR CITY COUNCIL MEETING IS TUESDAY, SEPTEMBER 8, 2015, AT 7:00 P.M.) MSA/City Councilor Matt Kennedy/City Councilor Angie Wheatcroft moved to adjourn the meeting. City Councilor Matt Kennedy, City Councilor Angie Wheatcroft, and Mayor Jim Yonally were in favor. Motion passed. Meeting adjourned at 8:36 p.m.

Mayor Jim Yonally

ATTEST:

Vickie L. Nogle, MMC,
Director of Administration/City Recorder

Lucy T. Astorga, Administrative Assistant
Recording & Transcribing

Vickie Nogle

From: Kari Kurtz
Sent: Monday, August 24, 2015 3:38 PM
To: Vickie Nogle
Subject: Bond Info

From: Debbie Smith-Wagar [<mailto:debbie@smith-wagarconsulting.com>]
Sent: Thursday, August 13, 2015 5:41 AM
To: Kari Kurtz
Subject: Re: One thing after another :)

Hi Kari,

I did a few calculations. A \$5M 20-year bond would cost about \$375,000 a year in debt service, assuming a 4% interest rate. That would cost taxpayers about \$2.08 per thousand dollars of assessed value. I'm not sure what the average assessed value is for a home in Hubbard, but it's probably around \$200,000. That home owner would pay about \$416 a year in additional property taxes to pay for the bond. If the City could get some kind of grant that would, of course, bring the price down.

A GO bond would have to be approved by the voters. It is probably too late to get on the November ballot this year. You have to have everything in place 61 days or more before the election...so the deadline for November 3rd is September 3rd. If the Council is serious they could get this on next May's ballot or the following November. Before the bonds could be sold you would need to get bond legal counsel to put together an official statement (I can help with the contents of the official statement, but you need a legal expert to sign off on the final document). A financial advisor can help decide the exact kind of bond to sell (negotiated, private placement, etc.). I am not a financial advisor, so I am limited on what I can provide in this area. This is an area where the difference between the right and wrong decision can save you thousands of dollars.

Debbie

Hubbard Parks Improvement Committee. Myrna Kelly, 17591 Painter Loop Rd NE, Hubbard, reported the auction in June was a success and there was a park use item on the consent agenda.

APPEARANCE OF INTERESTED CITIZENS. There were none.

* MAYOR'S PRESENTATIONS, AND/OR COUNCIL'S PRESENTATIONS. City Councilor Matt Kennedy asked if it would be possible to get some assistance in mowing his property in the City's Right Of Way (ROW) between Third Street and the railroad tracks. He said it's used as an informal public parking area, and asked if public works would be able to mow that extra space while mowing the railroad's property.

Public Works Superintendent Jaime Estrada commented it would be up to the Council to direct Public Works to mow it, but was hesitant because it is private property. He said Union Pacific Rail Road has an agreement with the City to mow their property.

City Councilor Bruce Warner remarked he is leery about the Council coming up with an agreement because of ethics. He suggested Public Works working directly with M. Kennedy to draw up an agreement then bring it to the Council for approval, rather than having the Council create an agreement.

M. Kennedy said he would be willing to develop some type of agreement, similar to the one the City has with Union Pacific Rail Road.

B. Warner reported that after 11 years serving on the City Council, he will not be seeking re-election this fall due to his work obligations. He added he will strive to fulfill the remaining four months of his current term.

STAFF REPORTS.

POLICE DEPARTMENT – Police Chief Dave Dryden. Police Chief Dave Dryden said he had nothing to add to his report.

PUBLIC WORKS DEPARTMENT – Public Works Superintendent Jaime Estrada. Public Works Superintendent Jaime Estrada said he had nothing to add to his report.

ADMINISTRATIVE DEPARTMENT – Director of Administration/City Recorder V. Nogle, MMC. Director of Administration/City Recorder Vickie Nogle reminded the Council she will be leaving for vacation, and said there will be times the City office will be closed due to low staffing.

DISCUSSION REGARDING POLICE DEPARTMENT NEEDS ASSESSMENT. There was a consensus of the Council to discuss the Needs Assessment at the September meeting when more council members would be present.

Council President Bruce Warner removed Item "B" from the consent agenda. (*Approval of Personal Services Contract with Lori Coukoulis for services as the City's Municipal Judge*)

July 1st, 2015

Public Works Dept
City of Hubbard
Attn: Jaime Estrada

Re: Mowing between D and G St

Greetings Jaime,

I know I'd brought up the issue of mowing in one of the previous council meetings. I've looked over the situation again, and want to again request that there be some sort of agreement or consideration for the city to mow the property abutting 3rd St, between D and G St.

The city is currently mowing acres of field and property owned by Union Pacific. A strip of this lies just to the east of the subject parcel. You mow large areas to the north and south of the subject parcel. From my recollection, the city has a "beautification agreement" signed with UP. I don't know exactly how this is beneficial, but I know the agreement exists.

I purchased this area discussed from UP several years back. I now own a portion as does Trish Kennedy. The unmowed areas in this strip are relatively insignificant when noting the space that's being mowed for UP. I've paid taxes on this area for years now, and allow the businesses and others to park there without restriction. The public use there dwarfs any use of the areas you currently mow for UP.

Based on the use by the public and the fact that the city mows so much directly around this property, I would ask that the subject also be mowed by the city. If I need to sign a similar agreement, I'd be happy to look at that option. Trish has also contacted me about this, and I believe she would be willing to enter into an agreement as well if that is what's required. As the grass is dying off in the heat, I doubt that this will need much attention in the summer months. Please feel free to contact me with any questions.

Kind Regards,

Matt Kennedy
Homes@mattkennedy.com
503-314-7086



Oregon

Kate Brown, Governor

Government Ethics Commission

3218 Pringle Rd SE Ste 220

Salem, OR 97302-1544

Telephone: 503-378-5105

Fax: 503-373-1456

E-mail: ogec.mail@oregon.gov

Web Site: www.oregon.gov/ogec

July 22, 2015

Melinda Olinger
Hubbard Public Works
P.O. Box 380
Hubbard, Oregon 97032

Dear Ms. Olinger:

This letter of advice is provided in response to your request received on July 7, 2015, which presented a question regarding any Government Ethics issues that may arise from the City of Hubbard entering an agreement to mow private property owned by a City Council Member at no cost. The analysis and advice to follow is offered under the authority granted in ORS 244.284 as guidance on how the current provisions of Oregon Government Ethics law may apply to the specific circumstances you have presented.

To clarify, Union Pacific and the City of Hubbard have continually maintained an ongoing "beautification agreement" since 1998 whereby the City is responsible for mowing Union Pacific's right-of-way. A Hubbard City Councilor recently purchased a portion of this right-of-way from Union Pacific. Although the City still mows the land belonging to Union Pacific, it discontinued mowing the portion that was sold to the City Councilor once the property changed hands. However, because the City Councilor permits the general public to park on his part of the property for free, he would like to enter a similar agreement with the City to begin mowing it again. City Council must approve the agreement. No other such agreements currently exist between the City of Hubbard and private citizens who own property.

You have requested guidance on whether: "[a]ssuming the Councilor abstains from any Council meeting discussions, votes, etc. regarding this topic, would the City be violating" Oregon Government Ethics by entering into such an agreement?

In response to whether "the City" could be in violation, the answer is no. Oregon Government Ethics law does not authorize governance over the actions of public bodies or governing bodies as a whole, nor does any provision extend vicariously to penalize a public official who is responsible for another public official who is the subject of a violation. Rather, Oregon Government Ethics law applies directly to individual public officials (ORS 244.020(14)) whose actions and decisions could



result in personal financial benefits to themselves (as well as their relatives (ORS 244.020(15)), household members (ORS 244.020(10)), or business associations (ORS 244.020(2)-(3))).

As for the question of whether the City Councilor could be at risk of violating Oregon Government Ethics by entering into an agreement with the City as discussed above, it appears that Conflict of Interest (ORS 244.020(1) & (12)) and Prohibited Use of Office (ORS 244.040(1)) issues may arise.

As you may already be aware, Oregon Government Ethics law recognizes two kinds of Conflicts of Interest, "Actual" (ORS 244.020(1)) and "Potential" (ORS 244.020(12)), and the difference is determined by the words "would" and "could", respectively. More specifically, an Actual or Potential Conflict of Interest arises anytime a public official, while acting in an official capacity, participates in any action or decision that "would" (Actual Conflict) or "could" (Potential Conflict) result in private financial benefit or avoidance of detriment for the official, a relative, or any business with which either is associated. Any time an elected public official such as a City Councilor *is* faced with a Conflict of Interest, ORS 244.120(2) dictates: The conflicted public official must publicly announce the nature of the conflict of interest. Furthermore, when it is an Actual Conflict of Interest, the public official must refrain from participating in any official action, decision, or recommendation on the issue giving rise to conflict.

The situation presented in your inquiry will create an Actual Conflict of Interest for the City Councilor if he is faced with participating in a City Council action, decision, or recommendation on the issue of the City mowing his property. This is because he "would" stand to avoid the financial detriment of either incurring the cost of mowing or realizing the consequential cost of not keeping up the property. In order to properly dispose of the Actual Conflict, the City Councilor must publicly announce the nature of the conflict each time the issue arises. It would be sufficient for him to verbally state the conflict on the record at each City Council meeting the issue will be discussed, before it is discussed. He must also refrain from any City Council actions, decisions, or recommendations regarding the matter.

However, compliance with the Conflict of Interest provisions does not bar risk of violating other Oregon Government Ethics laws (ORS 244.120(7)). As such, the Prohibited Use of Office statute at ORS 244.040(1) might also bear relevant mention in this instance. It states that a public official is prohibited from using or attempting to use the public position to obtain financial benefits personally, or for relatives, household members, or any business with which any of them are associated, if the benefit would not be available if not for the public official holding the public position or office.

M. Olinger
7/22/2015
Page 3

Whether the circumstances presented would rise to the level of violating the Use of Office prohibition is somewhat unclear. The provision would clearly prohibit the City Councilor from having any influence among other members of City Council in obtaining the benefit. However, nothing in Oregon Government Ethics law expressly prohibits a public official from standing before his own governing body to make requests as a private citizen. If this matter were brought before the Commission, the question would appear to hinge on the facts relevant to determining whether the arrangement would be available to the City Councilor if not for holding his position on the City Council. That the City maintains no other such agreements with other property-owning members of the general public may be one such factor, as would looking at whether similar property care-taking agreements have been requested and considered by the City in the past.

If you have any additional questions regarding the application of Oregon Government Ethics law in this matter, please feel free to contact me directly.

Sincerely,



Ronald A. Bersin
Executive Director

RAB/hw

*****DISCLAIMER*****

This staff advice is provided under the authority given in ORS 244.284(1). This opinion offers guidance on how Oregon Government Ethics law may apply to the specific facts described in your request. This opinion is based on my understanding and analysis of the specific circumstances you described and should not be applied to circumstances that differ from those discussed in this request.

Bank Reconciliation

Checks By Date



City of
Hubbard, OR

3720 2nd Street
P.O. Box 380
Hubbard, OR 97032

08/31/2015 - 2:03 PM

User: kari kurtz

Cleared and Not Cleared Checks

Check No	Check Date	Name	Comment	ModuleVoid	Clear Date	Amount
6183	08/11/2015	AKS Engineering & Forestry, LL		AP		712.50
6184	08/11/2015	American Extermination Plus		AP		88.00
6185	08/11/2015	BlackPoint IT Services		AP		549.00
6186	08/11/2015	Branom Instrument Co.		AP		1,033.38
6187	08/11/2015	Creative Services of New Engla		AP		227.95
6188	08/11/2015	GW Hardware Center		AP		107.73
6189	08/11/2015	GW Sweeping, Inc.		AP		1,060.25
6190	08/11/2015	Hillside Church		AP		50.00
6191	08/11/2015	Marion County Bldg Inspection		AP		722.16
6192	08/11/2015	Marion County Treasury Dept		AP		432.11
6193	08/11/2015	Net Assets		AP		120.00
6194	08/11/2015	North Marion SD #15		AP		552.96
6195	08/11/2015	NW Natural Gas		AP		50.16
6196	08/11/2015	OAMR C/ONancy Batchelder, MM		AP		450.00
6197	08/11/2015	Office Depot		AP		212.72
6198	08/11/2015	One Call Concepts, Inc.		AP		21.00
6199	08/11/2015	Oregon Dept of Revenue		AP		1,602.52
6200	08/11/2015	Pacific Office Automation		AP		91.70
6201	08/11/2015	Petty Cash		AP		100.00
6202	08/11/2015	PGE- Portland General Electric		AP		7,843.36
6203	08/11/2015	Profectus, INC.		AP		396.63
6204	08/11/2015	Republic Services		AP		422.85
6205	08/11/2015	The Pool & Spa House		AP		153.09
6206	08/11/2015	The Stoner Electric Group		AP		444.00
6207	08/11/2015	Traffic Safety Supply Co.		AP		359.40
6208	08/11/2015	Verizon Wireless		AP		382.12
6209	08/11/2015	Yes Graphics Printing Co.		AP		290.00
6210	08/26/2015	Colonial Life & Accident		AP		96.40
6211	08/27/2015	American Extermination Plus		AP		88.00
6212	08/27/2015	Arbor Day Foundation		AP		15.00
6213	08/27/2015	Beery Elsner & Hammond, LLP		AP		647.39
6214	08/27/2015	BlackPoint IT Services		AP		500.00
6215	08/27/2015	CIT		AP		219.11
6216	08/27/2015	Code Publishing Co.		AP		445.50
6217	08/27/2015	Davison Auto Parts		AP		25.28
6218	08/27/2015	DMV - State Of Oregon		AP		23.00
6219	08/27/2015	Ferguson Waterworks		AP		175.56
6220	08/27/2015	Fisher's Supply		AP		96.29
6221	08/27/2015	Hach Company		AP		3,234.36
6222	08/27/2015	Hattenhauer Energy Co		AP		331.72
6223	08/27/2015	Hubbard Chevrolet, Inc.		AP		49.43
6224	08/27/2015	Language Line Services		AP		44.85
6225	08/27/2015	Les Schwab-W		AP		255.00
6226	08/27/2015	LGPI		AP		1,727.00
6227	08/27/2015	Long Bros. Bldg Supply		AP		54.98
6228	08/27/2015	Marion County Dept of Public W		AP		61.00
6229	08/27/2015	Mid-Willamette Valley		AP		1,455.85
6230	08/27/2015	Office Depot		AP		35.99
6231	08/27/2015	Pacific Office Automation		AP		125.55
6232	08/27/2015	PGE- Portland General Electric		AP		2,575.12

Check No	Check Date	Name	Comment	ModuleVoid	Clear Date	Amount
6233	08/27/2015	Sensus Technologies Inc		AP		1,617.45
6234	08/27/2015	Shell Fleet Plus		AP		1,635.42
6235	08/27/2015	Skylane Farms		AP		960.00
6236	08/27/2015	Smith-Wagar Consulting		AP		315.00
6237	08/27/2015	The Pool & Spa House		AP		194.28
6238	08/27/2015	Traffic Safety Supply Co.		AP		233.72
6239	08/27/2015	Univar Usa Inc		AP		284.02
6240	08/27/2015	USA Blue Book		AP		282.21
6241	08/27/2015	Verizon Wireless		AP		172.15
6242	08/27/2015	Walmart Community		AP		111.38
6243	08/27/2015	Walter E. Nelson Co		AP		68.50
6244	08/27/2015	Waterlab Corporation		AP		737.50
6245	08/27/2015	Woodburn Veterinary Clinic		AP		36.10
Total for Valid Checks:						37,405.70
Total Valid Checks:						63
Total Void Checks:						0
Total Checks:						63