

CITY COUNCIL MEETING PACKET

SEPTEMBER 27, 2016



City of Madras
City Council Meeting
City Council Chambers

September 27, 2016
7:00 p.m.

AGENDA

- I Call to Order

- II Pledge of Allegiance and Prayer

- III Consent Agenda

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

- A. Approval of Minutes From the September 13, 2016
Special City Council Meeting

- B. Approval of Minutes From the September 13, 2016
City Council Meeting

- C. Approval of Oregon Parks and Recreation Department Agreement No. LG16-018
Local Government Grant Program - Madras Bike and Skate Park to Youth
Fishing Pond Trail Connection Project No. 2016-02 - Phase II

- D. Approval of Contract Change Order No. 2 to Construction Services Contract
Alex Hodge Construction, Inc. - Daimler Road Project
(aka Madras Municipal Airport West Access Road Project No. 2015-09)

- E. Approval of Work Order No. 2 - Harper Houf Peterson and Righellis, Inc.
Under City Engineering Services Contract
Assistance in the Creation of a City of Madras Water System Support Work -
Water System Operations and Maintenance Manual

IV Visitor Comments

V Story Pole, Continued Discussion From September 13, 2016 City Council Meeting

Mayor Royce Embanks
Public Works Director, Jeff Hurd

VI Dog Park - Discussion

Mayor Royce Embanks

VII Solar Eclipse Planning Update (VERBAL)

City Administrator, Gus Burrell

VIII Resolutions

A. Resolution No. 24-2016

A resolution of the City of Madras authorizing the installation of two "No Thru Truck" signs, one to be located at the intersection of South Adams Drive and "L" Street, and one to be located at the intersection of South Adams Drive and Tracie Street.

Street/Fleet/Building/Equipment Manager, Rod Fulton

B. Resolution No. 25-2016

A resolution of the City of Madras authorizing the installation of one solar speed radar sign within 175 linear feet of the intersection of Hall Road and U.S. Highway 97.

Street/Fleet/Building/Equipment Manager, Rod Fulton

IX Authorization for the Installation of one Directional Sign - "U.S. Highway 97" Located Near 'L' Street and South Adams Drive

Street/Fleet/Building/Equipment Manager, Rod Fulton

X "DRAFT" Ordinances

A. Ordinance No. _____

An ordinance of the city of Madras establishing time, place, and manner regulations concerning Recreational Marijuana producers, processors, wholesalers, laboratories, and retailers.

Community Development Director, Nicholas Snead

B. Ordinance No. _____

An ordinance amending Ordinance No. 864, which ordinance established land use zones regulating the location of building structures and the use of land within the City of Madras; establishing certain recreational Marijuana businesses as permitted uses in certain zones; establishing approval criteria and application procedures for recreational Marijuana businesses; superseding all other ordinances or parts of ordinances in conflict herewith.

Community Development Director, Nicholas Snead

XI Ordinances

A. Ordinance No. 891

An Ordinance of the City of Madras amending Ordinance No. 853, which ordinance granted Quantum Communications, LLC a non-exclusive franchise and right to provide telecommunications services in the City of Madras, and consenting to Quantum Communications, LLC's assignment, and Lightspeed Networks, Inc.'s assumption, of all Quantum Communications, LLC's rights, interests, and obligations arising out of or under Ordinance No. 853.

1. Motion by Council to read Ordinance No. 891 by title only. Vote is then taken on the motion.
2. City Attorney or his designee will read Ordinance No. 891 by title only.
3. Motion by Council to approve and adopt Ordinance No. 891 (if Council so chooses).
4. City Recorder will then need to take a roll call vote.

City Attorney, Jeremy Green

XII Quarterly Financial Report

Finance Director, Kristal Hughes

XIII Quarterly Community Development Department Report

Community Development Director, Nicholas Snead

XIV Liquor License Renewal Applications

- ▶ El Mercadito Latino

Police Chief, Tanner Stanfill

XV Additional Comments, Announcements, and Department Reports

XVI Adjourn

Pursuant to ORS 192.640, this agenda includes a list of the principal subjects anticipated to be considered at the above referenced meeting; however, the agenda does not limit the ability of the City Council to consider additional subjects. Meetings are subject to cancellation without notice.

This meeting is open to the public and interested citizens are invited to attend. This is an open meeting under Oregon Revised Statutes, not a community forum; audience participation is at the discretion of the Council. The meeting may be audio taped. Minutes of this and all public meetings are available for review at the Madras City Hall. The meeting place is handicapped accessible. Those needing assistance should contact the City Recorder two (2) days in advance of the meeting.

Executive Sessions are not open to the public; however, members of the press are invited to attend.

The City of Madras is an Equal Opportunity Provider.

OFFICIAL MINUTES

CITY COUNCIL, CITY OF MADRAS **SPECIAL CITY COUNCIL MEETING** SEPTEMBER 13, 2016

I CALL TO ORDER

The Special City Council meeting was called to order at 6:00 p.m. by Mayor Royce Embanks on Tuesday, September 13, 2016 in the Madras City Hall Conference Room located at 125 S.W. 'E' Street.

CITY COUNCIL MEMBERS IN ATTENDANCE WERE:

Mayor Royce Embanks Jr., and Councilors Gary Walker, Tom Brown, Richard Ladeby, Bartt Brick, and Bill Montgomery.

ABSENT WERE:

Councilor Chuck Schmidt.

CITY STAFF MEMBERS IN ATTENDANCE WERE:

City Administrator, Gus Burrell; City Attorney, Jeremy Green, with the firm of Bryant, Lovlien, and Jarvis PC; Community Development Director, Nicholas Snead; Finance Director, Kristal Hughes; Public Works Director, Jeff Hurd, and City Recorder, Karen J. Coleman.

ABSENT WERE:

HR and Administrative Coordinator, Sara Puddy, and Police Chief, Tanner Stanfill, were not required to be in attendance.

VISITORS IN ATTENDANCE WERE:

There were no visitors or news media in the City Council Chambers at this time.

Mayor Embanks read the following statement into the record:

The City Council of the City of Madras will now meet in Executive Session. The Executive Session is held pursuant to:

ORS 192.660 (2) (e), which allows the Council to meet in Executive Session to conduct deliberations with persons designated by the Governing Body to negotiate real property transactions; and ORS 192.660 (2) (f), which allows the Council to meet in Executive Session to consider information or records that are exempt by law from public inspection.

Representatives of the news media and designated staff shall be allowed to attend the Executive Session. All other members of the audience are asked to leave the room. Representatives of the news media are specifically directed not to report on any of the deliberations during the Executive Session, except to state the general subject of the session as previously announced. No decision may be made in Executive Session. At

OFFICIAL MINUTES
CITY COUNCIL, CITY OF MADRAS
SPECIAL CITY COUNCIL MEETING
SEPTEMBER 13, 2016

the end of the Executive Session, we will return to open session and welcome the audience back into the room.

II **EXECUTIVE SESSION - ORS 192.660 (2)(e)**

To conduct deliberations with persons designated by the governing body to negotiate real property transactions.

EXECUTIVE SESSION - ORS 192.660 (2)(f)

To consider information or records that are exempt by law from public inspection.

The Executive Session was called to order at 6:02 p.m.

The Executive Session was adjourned at 6:55 p.m.

III **ADJOURN**

The Special City Council meeting was adjourned at 6:55 p.m.

No formal action was taken either during or following the Executive Session.

Karen J. Coleman, City Recorder

Royce Embanks, Mayor

OFFICIAL MINUTES

CITY COUNCIL, CITY OF MADRAS SEPTEMBER 13, 2016

I CALL TO ORDER

The City Council meeting was called to order by Mayor Royce Embanks at 7:00 p.m. on Tuesday, September 13, 2016 in the Madras City Hall Council Chambers located at 125 S.W. 'E' Street.

CITY COUNCIL MEMBERS IN ATTENDANCE WERE:

Mayor Royce Embanks Jr., and Councilors Gary Walker, Tom Brown, Richard Ladeby, Bartt Brick, and Bill Montgomery.

ABSENT WERE:

Councilor Chuck Schmidt.

CITY STAFF MEMBERS IN ATTENDANCE WERE:

City Administrator, Gus Burrell; City Attorney, Jeremy Green, with the firm of Bryant, Lovlien and Jarvis PC; HR and Administrative Coordinator, Sara Puddy; Finance Director, Kristal Hughes; Public Works Director, Jeff Hurd; Community Development Director, Nicholas Snead, and City Recorder, Karen J. Coleman.

VISITORS IN ATTENDANCE WERE:

Jeffrey A. Carstensen, Indian Head Casino; Barbara Williams and Coralee Popp, Jefferson County Arts Association. There was one other individual in attendance; however, she did not sign the Visitors Attendance Sheet.

II PLEDGE OF ALLEGIANCE AND PRAYER

Mayor Embanks asked Councilor Brown to lead the pledge of allegiance to the flag of the United States of America, which he did. The Mayor then offered the prayer.

III CONSENT AGENDA

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

A. Approval of Vouchers

OFFICIAL MINUTES

CITY COUNCIL, CITY OF MADRAS SEPTEMBER 13, 2016

- B. Approval of Minutes From the August 23, 2016
City Council Work Session
- C. Approval of Minutes From the August 23, 2016
City Council Meeting
- D. Approval of Consent to Assignment Agreement
Exelis, Inc. to Harris Corporation
- E. Approval of Second Amendment to Professional Services Contract
Covenant Technology Solutions, Inc.
- F. Approval of Amendment No. 1 to Intergovernmental Agreement No. 30596
Oregon Department of Transportation (ODOT)
Highway 97 and S.W. "L" Street Sidewalk Improvement Project #2015-03
- G. Approval of Task Order #2 - Century West Engineering Corporation
Under January 1, 2016 Master Agreement for Airport Engineering Services
Madras Municipal Airport Exhibit "A" - Airport Property Plan Update
- H. Ratification of Contract Amendment No. 6 to Professional Services Contract
Century West Engineering - Madras Municipal Airport Environmental and
Cultural Resources Screening for Non-Federal Aviation Administration
Department Projects - Wetland Delineation-Vehicle Dynamics
Area and Test Loop
- I. Approval of Intergovernmental Agreement for Administrative Services
Between City of Madras and Madras Redevelopment Commission

A MOTION WAS MADE BY COUNCILOR GARY WALKER AND SECONDED BY COUNCILOR TOM BROWN THAT COUNCIL APPROVE THE [CONSENT] AGENDA. THE MOTION PASSED UNANIMOUSLY, 5/0.

Councilor Walker advised Council at the end of the meeting that he had inadvertently failed to mention that his business would be receiving payment from the City of Madras for services.

IV VISITOR COMMENTS

Mayor Embanks provided those in attendance with an opportunity to present comments at this time.

OFFICIAL MINUTES

CITY COUNCIL, CITY OF MADRAS SEPTEMBER 13, 2016

Barbara Williams came forward, introduced herself, and told the Council that she was here representing the Jefferson County Arts Association with regards to a sculpture ("the Story Pole") which was taken down when the new highway (U.S. Highway 97 and "J" Street Intersection Project) was constructed.

She explained that they are here to request the cooperation of the City of Madras in the matter of the "Story Pole" (also referred to as the "Friendship Pole") commissioned by Clyde Keller, a Central Oregon Artist, in 1988 by the Chamber of Commerce. The Jefferson County Arts Association has recently been given the responsibility of placing the "Story Pole" somewhere in our community, since they have become aware that the City is not planning to relocate it. They feel that it is part of the history of Madras and still deserves to be displayed in our community. It was originally a collaboration of ideas from several people in our community with the artist. It was also repainted by Middle School eighth grade students in 1998.

She mentioned that they are also confused about the part that the Oregon Department of Transportation (ODOT) should probably have played in removal of it from the City's park, since the property actually belonged to ODOT. They would like to know if ODOT presented Madras with a plan to move the monument, and if ODOT should have been responsible for relocating it or at least helping to relocate it.

They would also like to know why the City, without public input, chose not to relocate the "Story Pole", and what the cost would have been to set it somewhere else with a new base.

Lastly they are asking for an extension of time to move the pole out of the City storage until this matter can be resolved since they were recently asked, approximately a week ago, to move it. The Jefferson County Art Association has asked for public input via the Pioneer newspaper and it is taking more time to find a new location and arrange for the physical moving of the "Story Pole" than they had hoped.

Coralee Popp wanted to know if there are restrictions about placement, and asked if it could be placed in someplace like Juniper Hills Park or Sahalee Park. If people want this to happen, can they make this happen?

Mayor Embanks assured Ms. Williams that if the people want this to happen; the City will work towards that goal. He asked City Administrator Burril if the pole had been on ODOT's land and if they felt that it was theirs to make decisions on.

City Administrator Burril advised Mayor Embanks that he thinks that ODOT looked to the City to let them know if we wanted it relocated somewhere in the project, but as we looked at the relocation of the highway and the need for a storm detention area, there

OFFICIAL MINUTES

CITY COUNCIL, CITY OF MADRAS SEPTEMBER 13, 2016

wasn't a logical spot for it, and the park area was being used up by the storm detention area. The process was taken through public input. He said that he could not recall receiving any comments from the public as they went through the design phase of the project.

The City contacted Warm Springs to understand if there was some sort of heritage connection to them and received feedback that it was not representative of their tribe. This is when the City pulled it down and stored it and started asking if there was somebody interested in it. The City needs to be sensitive to the Tribe. If we were going to try to re-install this in a park where it was around people, we would first need to make sure that it is structurally sound and have some sort of base design for wind stabilization. The proposed location would need to be agreed upon by everybody.

Mayor Embanks pointed out that he believes that this had been their original discussion. The City had heard from people in Warm Springs that it did not fit their culture. People generally assumed that the pole had been put up to reflect our attachment with Warm Springs. Even though it is called a "Friendship Pole", they see it as a totem pole, which would be associated with Indians further north.

When we started building the highway, we knew we had to remove the pole so we could complete the building of the highway. We didn't want to destroy the pole, we wanted to preserve it because it was part of the City's heritage, but the question is how do we preserve it and where do we put it so that people can see it, but where it won't offend the Native American population here.

Coralee Popp mentioned that she was on the Board at the Museum of Warm Springs. She once again asked if there were restrictions. She told the Council that she didn't hear any public input and was really surprised to find out that it was not going to be put back up.

The other lady that was in attendance indicated that she talked with people over the last couple of days and everyone she spoke with feel that it should be put back up where it was. It is something that represents us and is part of the community because the Chamber of Commerce paid for it and donated it to the City of Madras.

Councilor Brown wanted to know if it is being stored someplace and if it would be a problem if it were to remain there for a little while longer.

Public Works Director Hurd explained that it is parked on one of the Public Works Department trailers. Staff knew that the Jefferson County Arts Association had accepted donation of it, and they just wanted to deliver it somewhere, so they could have the trailer back.

OFFICIAL MINUTES

CITY COUNCIL, CITY OF MADRAS SEPTEMBER 13, 2016

Coralee Popp mentioned that Carl Lundy has volunteered to have it stored beside his house, so if it came to the Public Works Department really needing their flatbed, they could deal with that, but then it would have to be moved again. She wanted to know if there was anybody around who was involved with the initial installation and knows how to put it back in the ground. Where is the funding going to come from for this? Is ODOT responsible? Is the City responsible?

Mayor Embanks offered to find out what kind of input the City can get from the Tribe as to their feelings about this "Friendship Pole". Just as long as we are clear to them that we are not trying to represent anything in their culture as it would be an insult to put up something that they would be offended by.

Discussion continued about possible locations for the pole if its structural integrity can be confirmed.

Councilor Ladeby expressed concerns with placing the pole in a public park due to the vandalism aspect with our juveniles.

Public Works Director Hurd pointed out that the pole is really brittle. They have to be extremely careful with it otherwise it will fall apart. If he is remembering correctly, the pole has a steel band on the bottom that basically has holes in it. This would just be a matter of pouring a foundation, setting it on the foundation, and redheading it into the foundation. It would not be a difficult task to put it up.

Coralee Popp asked if there were some restrictions on where it could go.

Mayor Embanks felt that it would be a problem placing it on any ODOT right-of-way. It would probably have to be placed on City property or on someone's private property that is willing to set it up. He mentioned that this carries a certain amount of liability with it if it is at the point where it might break and fall over on somebody.

Councilor Brick suggested the possibility that the School District might be interested in placing it at one of their school locations as part of history.

Councilor Montgomery questioned whether it will be safe to put up. Could a heavy windstorm take it down? If it has been up there for that long it may not be structurally sound.

Mayor Embanks suggested that this be discussed further at the next City Council meeting. He indicated that he will get with staff and get as much information as possible

OFFICIAL MINUTES

CITY COUNCIL, CITY OF MADRAS SEPTEMBER 13, 2016

and perhaps when they meet back here on September 27, 2016 they will have an idea of what they want to do.

V SOLAR ECLIPSE PLANNING UPDATE

City Administrator Burril announced that tomorrow (September 14, 2016) from noon to 1:30 p.m. is their monthly meeting with stakeholders. There is a list of fifteen to twenty folks that are being invited to these meetings which are open to the public to allow individuals to get updates and ask questions.

The following week they will be meeting with the Governor's office. Annette Liebe, Director, Intergovernmental/Regional Solutions, has put together some of the agencies from the State (e.g. Emergency Management, State Fire Marshal, ODOT, etc.). They are putting together an agenda for the September 21, 2016 meeting and will primarily be working with traffic folks, law enforcement, etc., and coordinate. What efforts are you making between us and the next town? How can we help one another out? What does the plan look like for a mass of folks coming into the region?

He mentioned that he had received additional communication from Lowell Observatory out of Flagstaff, Arizona, confirming that they are planning on bringing a large group up. They estimated 300. They have reserved part of the School District Performing Arts Center and part of the football field.

VI DISCUSSION - FORMER THOMAS SALES AND SERVICE LOT STRUCTURE

City Administrator Burril explained that he had been asked the other day what the City's plans are for that structure. He told the Council that they have not been approached by anybody from the Saturday Market, park events, or anyone else asking to use the property. In fact the most requests that have been received have been for parking. Staff has tried to secure the structure, and tried to keep transients and other folks from vandalizing it or getting in underneath it. There has been fire damage in the past. The structure sets in the floodway so we cannot modify the footprint.

He said that he is not aware of any immediate uses for that. Should the structure be put up for public bid to see if anybody wants it? He asked the Council if they would be okay with staff dismantling the structure and moving it off of the property if we do not receive any interest.

Mayor Embanks asked Councilor Brown if, when he talked the owners into donating the property, they had any desires about what the City should do with it.

OFFICIAL MINUTES

CITY COUNCIL, CITY OF MADRAS SEPTEMBER 13, 2016

Councilor Brown advised Mayor Embanks that they knew that the building would have to go away. He indicated that he would have no objections if the City just gave the structure to somebody that would come and get it. Their wish was that the property be used for the public (e.g. parking lot, events, or whatever it can be used for).

Councilor Walker said that it would be great for parking for the Fourth of July.

Councilor Brown noted that the building has always been in the way. There is two (2) to four (4) feet of concrete at the bottom of the structure that would have to be removed.

Mayor Embanks suggested that the City offer it to whomever would be willing to remove it. If we don't get any takers on that then we will just dismantle it.

Councilor Ladeby wanted to know if there are any plans for the old courthouse. What is the long-range plan for that?

Public Works Director Hurd told Councilor Ladeby that it is going to be taken down.

Mayor Embanks pointed out that the old courthouse is located in the floodway so there is not much that can be done. He mentioned that the City talked about putting some sort of a plaque or dedication thanking the Thomas Family for the donation.

City Administrator Burrii wanted to know if the family had a particular person or name that they would like to have placed on the plaque.

Councilor Brown offered to touch base with them again as they had particular family members that they would like to have mentioned.

City Administrator Burrii said that once we get an understanding of the wording, we can get some proposals from plaque makers and will bring the proposals to Council. He advised Council that if they are okay with surplusing the structure, then a motion would be good.

A MOTION WAS MADE BY COUNCILOR TOM BROWN THAT THE STRUCTURE BE SURPLUSED.

Councilor Montgomery suggested that the property be striped and signage be installed that says "parking", as people would be reluctant to park there unless they know that it is okay to use it.

THE MOTION WAS SECONDED BY COUNCILOR GARY WALKER AND PASSED UNANIMOUSLY, 5/0.

OFFICIAL MINUTES
CITY COUNCIL, CITY OF MADRAS
SEPTEMBER 13, 2016

VII ORDINANCE NO. 890 - SECOND AND FINAL READING

An ordinance of the City of Madras amending Ordinance No. 889 and declaring an emergency.

[Ordinance No. 889 is an Ordinance of the City of Madras adopting the 2015 updated Economic Opportunities Analysis, adopting amendments to the Goal 9 (Economic Development) element of the City's Comprehensive Plan, amending the Madras Urban Area Comprehensive Plan and Zone Map, adopting text amendments to Ordinance No. 864, creating mixed use zones south of Fairgrounds Road and in the Madras Industrial Park, and declaring an emergency. (Passed by Council on June 14, 2016)]

1. **Motion by Council to read Ordinance No. 890 by title only. Vote is then taken on the motion.**

A MOTION WAS MADE BY COUNCILOR TOM BROWN AND SECONDED BY COUNCILOR BILL MONTGOMERY THAT ORDINANCE NO. 890 BE READ BY TITLE ONLY. THE MOTION PASSED UNANIMOUSLY, 5/0.

2. **City Attorney or his designee will read Ordinance No. 890 by title only.**

City Attorney Green read Ordinance No. 890 by title only at this time.

3. **Motion by Council to approve and adopt Ordinance No. 890 (if Council so chooses).**

A MOTION WAS MADE BY COUNCILOR RICHARD LADEBY AND SECONDED BY COUNCILOR TOM BROWN THAT COUNCIL APPROVE AND ADOPT ORDINANCE NO. 890.

4. **City Recorder will then need to take a roll call vote.**

City Recorder Coleman proceeded with the taking of a roll call vote:

Councilor Montgomery	.	.	.	.	Aye
Councilor Brick	.	.	.	.	Aye
Councilor Ladeby	.	.	.	.	Aye

OFFICIAL MINUTES

CITY COUNCIL, CITY OF MADRAS
SEPTEMBER 13, 2016

Councilor Brown Aye
Councilor Walker Aye

THE MOTION, CURRENTLY ON THE FLOOR, PASSED UNANIMOUSLY, 5/0.

VIII OREGON BALLOT MEASURE 97 (fka INITIATIVE PETITION 28)

Mayor Embanks reminded City Attorney Green that Council had asked last time if there was anything that they could do to show their opposition to this particular ballot measure.

City Attorney Green explained that within the agenda materials the Council should have a "Memorandum" from his Associate Alan Dale, dated August 31, 2016 with their research results. In short, it is possible for the Council to adopt a resolution or a motion in opposition to this particular ballot measure, although it is not that common particularly when it does not have a direct relationship to municipal matters, but from a legal standpoint, as long as the Council does not cause the City to incur any staff member costs or expenses or City costs and expenses with respect to the preparation of a resolution or furthering their political position on this particular ballot measure, it is permissible.

Based upon their review and research, it appears that only one city has adopted a resolution in opposition to Initiative Petition 28 (now Ballot Measure 97), and that is the City of Hillsboro.

Councilor Walker pointed out that it appeared, in the notes that they were given, that Council could make a motion where they wouldn't make any decisions on behalf of the City, but as a Council they could make a motion against the measure.

City Attorney Green told Councilor Walker that their preferred suggestion would be that if the Council is going to take a position, that they do it by motion. The reason for that is that it obviously removes City staff from having any involvement in this particular political position; however, if Council wants a written record of their political position, a resolution would be preferred so they could distribute that resolution. His thought is that if Council were to do it by motion and someone wanted to become aware of their position, City Recorder Coleman could always e-mail the meeting minutes and that would obviously identify the approval of a motion.

Councilor Montgomery said that he does not see the point. In his opinion, he does not think that anyone pays much attention to City Councils when talking about a statewide initiative.

OFFICIAL MINUTES

CITY COUNCIL, CITY OF MADRAS SEPTEMBER 13, 2016

Councilor Brick agreed. When the Council makes a motion, even though it is not a resolution, the Council is speaking for the community. In his opinion, they can accomplish just as much as individuals signing a letter to the editor of several newspapers if they as individuals felt that was important, but he does not see the benefit going forward.

Councilor Ladeby indicated that he does not see a need for the Council to make a motion on it either.

Councilor Brown mentioned the importance of a group like them letting people know what they think. This is something that would be very harmful to the State of Oregon and would trickle down to being very harmful to any community within Oregon.

Councilor Walker agreed that it would be harmful. He explained that he would not be against letting the community know Council spoke up in opposition to it.

Mayor Embanks expressed concerns as if he understands this correctly, any money that is gained from this will be under the State Legislature's control, and they will have the ability to do anything they want with it, which doesn't necessarily mean that education is going to get that money or any portion of that money.

Councilor Brown pointed out that all of his material indicates that it goes into the General Fund and is not earmarked for education or anything like that.

Councilor Brick explained that he believes that the wording and some of the details indicate that it is targeted for those things, but it goes into the General Fund with no restrictions.

A MOTION WAS MADE BY COUNCILOR TOM BROWN AND SECONDED BY COUNCILOR GARY WALKER THAT COUNCIL TAKE A POSITION AGAINST IT. THE MOTION FAILED, 3/2, WITH COUNCILORS LADEBY, MONTGOMERY, AND BRICK VOTING IN OPPOSITION TO THE MOTION AND COUNCILORS BROWN AND WALKER VOTING IN FAVOR OF THE MOTION.

IX DISCUSSION - CITY COUNCIL'S FORMAL LOGO ATTIRE

Mayor Embanks advised Council that when they had the aircraft accident out at the Air Show he was asked to go up to the Sheriff's Department where they were having interviews with KOIN 6 and others and they were all supposed to stand in line and display their logo, and he realized that he didn't have a logo on anything. He explained

OFFICIAL MINUTES

CITY COUNCIL, CITY OF MADRAS SEPTEMBER 13, 2016

that he had talked with HR and Administrative Coordinator Puddy about getting a shirt or a polo that contained the Madras City logo, so they could identify somebody from the City of Madras.

There are several catalogs of this kind of clothing available that City staff has used when purchasing clothing. He told the Council that he found a couple of colors in a shirt and a polo that he thought would be good for the League Conference or for any other event where they wanted to be known as being from Madras. He explained that what he is asking the Council tonight is whether they would like to have this same attire. This could be a shirt and/or a polo shirt with the City logo on it.

Councilor Ladeby mentioned that he would not be opposed to researching this to see what the cost would be as he thinks that it is a good idea to have something with the City logo on it when Council is out and about representing the City, depending on the cost.

Mayor Embanks assured Council that these shirts are reasonably priced.

HR and Administrative Coordinator Puddy explained that the couple of styles that they looked at, both the polo and long sleeved shirt, ranged from \$19.00 to \$22.00 per shirt. To get the logo imprinted on it costs another \$4.00 to \$5.00 per shirt. She pointed out that the City does have budgeted funds within the Central Services - City Council expense line item which have been allocated for these types of expenses.

She advised Council that she could e-mail pictures of some of the shirts that she and Mayor Embanks had been looking at or suggested that they stop by her office and look through the pictures.

Councilor Brown said that he thinks that it would be a good idea. He suggested that the Council have one button shirt and one polo shirt, as there are a lot of places where one would be appropriate and not the other. If you are only going to have one they would be limited in where they could wear it.

Councilor Brick mentioned that he agrees that this would be a good idea. He wanted to know if it would be possible to get the shirts before the League of Oregon Cities Conference.

HR and Administrative Coordinator Puddy advised Council Brick that she would try. She suggested that the Council members that plan on attending the conference stop by her office and she could see about getting an order placed this week. She explained that she generally has individuals try the shirts on before they go to be embroidered to make sure that everything fits appropriately before getting them embroidered. This might hold it up a bit, but she can certainly try.

OFFICIAL MINUTES
CITY COUNCIL, CITY OF MADRAS
SEPTEMBER 13, 2016

It appeared to be the consensus that shirts be made available for the Council.

X ADDITIONAL COMMENTS, ANNOUNCEMENTS, AND DEPARTMENT REPORTS

▶ **PUBLIC WORKS DEPARTMENT REPORT**

Sister City - Tomi City, Japan

Public Works Director Hurd announced that they had a meeting here last night to talk about Tomi City. Mayor Embanks was present. There were a few other individuals within the community that showed up (e.g. the new County Health Director, and Courtney Snead from the Jefferson County School Board). The meeting went really well.

He said that they scheduled another meeting for September 26, 2016 as they are trying to get more individuals interested in the program. At that time they will be creating the Committee, selecting officers, establishing some goals and objectives, and starting to push the schools and whatnot into becoming involved.

Madras Municipal Airport West Access Road Project #2015-09
aka Daimler Road Project

Public Works Director Hurd reported that the Daimler Road Project is getting close to being completed. They are down to striping, installing the fencing, and setting the light poles. He estimated that they should be wrapping this project up by the end of this month.

Seventh Street Paving Project

Public Works Director Hurd told the Council that they have started tearing up Seventh Street as they are trying to fix the section of road just south of the bowling alley. They had wanted to go all of the way to "A" Street last year, but due to budget purposes they could only go so far.

OFFICIAL MINUTES

CITY COUNCIL, CITY OF MADRAS SEPTEMBER 13, 2016

▶ FINANCE DEPARTMENT REPORT

Finance Director Hughes advised Council that Rebecca Tombleson, Accounting Analyst, has given her resignation to go to work for Deschutes Brewery. She is excited about this opportunity. The City will be recruiting for her position. She announced that we will be having a going away party for her coupled with our Tailgate Party on Thursday, September 22, 2016, at noon.

▶ CITY ADMINISTRATOR COMMENTS

City Administrator Burril explained that it appears that things here are moving in a healthy direction. Finance Director Hughes has been working through some trials through the transition, but she is doing very well. It looks like our year ending position beat in most every category, so we are starting the year in a healthy position.

▶ CITY COUNCIL COMMENTS

Central Oregon - Region 6 Small Cities Luncheon Meeting

Councilor Ladeby wanted to know if anyone would be attending the lunch in Culver on Thursday, September 15, 2016 from 11:00 a.m. to 1:00 p.m.. He said that he would be going.

Councilor Brick indicated that he would be attending.

Oak and 10th Street

Councilor Ladeby advised Public Works Director Hurd that there is brush on the north side of Oak and 10th Street that is getting pretty high and is interfering with visibility. He asked that it be trimmed down a little bit.

Consent Agenda "A" (Vouchers) - Disclosure

Councilor Walker apologized as he had inadvertently failed to disclose that his business would be receiving payment from the City of Madras prior to approval of the Consent Agenda.

OFFICIAL MINUTES
CITY COUNCIL, CITY OF MADRAS
SEPTEMBER 13, 2016

Dog Park

Mayor Embanks reported that he had been approached by several people over the last couple of weeks about a "dog park". He told the Council that he had discussed this briefly with City Administrator Burril. He explained that the City will have to look into it to see what the liability is to the City, how it is done at other towns and locations, whether it is fenced or not fenced, etc. There are a lot of things to look into to see whether or not the City wants to go there. He indicated that he is not sure that Madras is big enough to have a "dog park", but there are a lot of dogs in this town.

He suggested the need to see where the liability is and determine how to vindicate that. Where would we put it and how would we fund it? Can we partner with someone like the County or some organization? There is a lot to think about. He advised Council that he is soliciting ideas from them to see if they have any knowledge of dog parks or if they think that this is a folly. He recommended that they talk about this again at the next City Council meeting.

XI ADJOURN

The City Council meeting was adjourned at 7:50 p.m.

Karen J. Coleman, City Recorder

Royce Embanks, Mayor

CITY OF MADRAS

Request for Council Action

Date Submitted: September 19, 2016
Agenda Date Requested: September 27, 2016
To: Mayor and City Council Members
Through: Jeff Hurd, Public Works Director
From: Michele Quinn, Public Works Administrative Assistant
Subject: Authorization to enter into a Local Government Grant Agreement for the Skate Park to Fishing Pond Trail Project

TYPE OF ACTION REQUESTED:

- Resolution Ordinance
 Formal Action/Motion Contract Review Board
 None - Report Only

Formal action / motion that Council authorizes the mayor to sign, on behalf of the City, the Local Government Grant Program Agreement for the Skate Park to Fishing Pond Trail Project in the amount of \$394,972.00.

DESCRIPTION:

The City of Madras has obtained funding from the Oregon Parks and Recreation Department through a Local Government Grant. The project includes approximately 3,050 lineal feet of paved trail, 10 feet in width; and, non-motorized, multi-use trail with drainage, trail lighting, and landscaping.

The estimated project cost of \$660,000 (RTP \$125,000, LGGP \$394,972, In Kind \$31,875, Cash \$108,153).

STAFF ANALYSIS:

This project will construct approximately 3,050 linear feet of a new non-motorized multi-use path facility paved 10' wide with 2" of Hot Mix Asphalt on 6" of Aggregate Base. The project

will also include site lighting, shade trees, irrigation, fencing and a retaining wall with handrail. The trail has been designed to incorporate existing features (such as the drainage basin and natural vegetation) and coincide with future development that would be beneficial to the community and property owner.

Staff will be leveraging funds from the RTP Grant that was also awarded in the amount of \$125,000 to the LGGP grant to help meet the City's match requirement of 40% to the grant funding. Design and Construction is estimated to begin in the spring of 2017.

SUMMARY:

A. Fiscal Impact:

- City of Madras Skate Park to Fishing Pond Trail Project: \$660,000
- Revenue
 - RTP = \$125,000
 - LGGP = \$394,972
 - Force Account = \$ 31,875
 - City Cash = \$108,153

B. Funding Source:

- TOF Capital Outlay
- Budget resolution will be needed to recognize additional revenue and expenditures.

C. Recognition of Collateral Material and Technical Report:

- Local Government Grant Program Agreement
- Project estimate

RECOMMENDATION:

Formal action / motion that Council authorizes the mayor to sign, on behalf of the City, the Local Government Grant Program Agreement for the Skate Park to Fishing Pond Trail Project in the amount of \$394,972.00.

City of Madras Bike and Skate Park to Youth Fishing Pond Trail Connection Project
 City of Madras
 Date Prepared 1/25/16

	Description	Unit	Measure	Unit Price	Total
Phase 1 - Skate Park to Youth Fishing Ponds 3,050					
1	Pre-agreement planning costs	1.0	LS	\$0.00	\$0.00
2	Land Acquisition (Easements, ROW)	1.0	LS	\$28,875.00	\$28,875.00
3	Mobilization	1.0	LS	\$25,000.00	\$25,000.00
4	Clear and Grub	2.0	Acres	\$6,500.00	\$13,000.00
5	Remove Existing Fence	1.0	LS	\$3,500.00	\$3,500.00
6	Excavation and Embankment	1.0	LS	\$80,000.00	\$80,000.00
7	Base Rock 6" for Trail	4,745.0	SY	\$7.20	\$34,164.00
8	Asphalt Trail Paving (10' width)	3,389.0	SY	\$10.65	\$36,092.85
9	Concrete Ramps Include Base	2.0	EA	\$6,500.00	\$13,000.00
10	18" Culvert	165.0	LF	\$60.00	\$9,900.00
11	24" CMP	67.0	LF	\$70.00	\$4,690.00
12	36" Culvert	164.0	LF	\$70.00	\$11,480.00
13	Retaining Wall	150.0	LF	\$150.00	\$22,500.00
14	Hand Railing	150.0	LF	\$65.00	\$9,750.00
15	Way Finding Sign	1.0	EA	\$5,000.00	\$5,000.00
16	Pedestrian Crossing Sign	2.0	EA	\$500.00	\$1,000.00
17	Crosswalk Striping	1.0	LS	\$1,500.00	\$1,500.00
18	Fencing	1,211.0	LF	\$40.00	\$48,440.00
19	Gate	1.0	EA	\$7,500.00	\$7,500.00
20	Light Pole Base (14')	21.0	EA	\$650.00	\$13,650.00
21	Luminaires, Lamps, and Ballast (14' poles)	21.0	EA	\$4,100.00	\$86,100.00
22	Power Meter Ped	1.0	LS	\$3,500.00	\$3,500.00
23	PPL Service	1.0	LS	\$6,513.60	\$6,513.60
24	Switching, Conduit and Wiring	3,050.0	LF	\$12.00	\$36,600.00
25	Trees	52.0	EA	\$250.00	\$13,000.00
26	Water Service	1.0	LS	\$5,000.00	\$5,000.00
27	Irrigation System	1.0	LS	\$20,000.00	\$20,000.00
	Subtotal				\$539,755.45

Design Engineering and Surveying \$37,986.40
 Contingency \$82,258.15
 Total \$660,000.00
 Force Account \$31,875.00
 City Cash \$108,153.00

Funding	RTP	LGGP	Force Account	City Cash
	\$125,000.00	\$394,972.00	\$31,875.00	\$108,153.00

City In Kind	City Cash	LGGP	RTP	Total
\$ -	\$ -			\$ -
\$ 28,875.00	\$ 25,000.00			\$ 53,875.00
	\$ 8,450.00		\$ 4,550.00	\$ 13,000.00
	\$ -	\$ 3,500.00		\$ 3,500.00
	\$ 10,000.00	\$ 30,000.00	\$ 40,000.00	\$ 80,000.00
	\$ -	\$ 24,084.00	\$ 10,080.00	\$ 34,164.00
		\$ 25,442.85	\$ 10,650.00	\$ 36,092.85
	\$ -	\$ 6,500.00	\$ 6,500.00	\$ 13,000.00
		\$ 7,500.00	\$ 2,400.00	\$ 9,900.00
		\$ 4,690.00		\$ 4,690.00
\$ -		\$ 6,440.00	\$ 5,040.00	\$ 11,480.00
\$ -			\$ 22,500.00	\$ 22,500.00
\$ -			\$ 9,750.00	\$ 9,750.00
		\$ 5,000.00		\$ 5,000.00
		\$ 1,000.00		\$ 1,000.00
		\$ 1,500.00		\$ 1,500.00
		\$ 48,440.00		\$ 48,440.00
	\$ -	\$ 7,500.00		\$ 7,500.00
		\$ 13,650.00		\$ 13,650.00
		\$ 86,100.00		\$ 86,100.00
		\$ 3,500.00		\$ 3,500.00
		\$ 6,513.60		\$ 6,513.60
		\$ 36,600.00		\$ 36,600.00
		\$ 13,000.00		\$ 13,000.00
		\$ 5,000.00		\$ 5,000.00
\$ 28,875.00	\$ 43,450.00	\$ 355,960.45	\$ 111,470.00	\$ 539,755.45

7% \$ 3,000.00 \$ 6,456.40 \$ 15,000.00 \$ 13,530.00 \$ 37,986.40
 \$ 58,246.60 \$ 24,011.55 \$ 82,258.15
 \$ 31,875.00 \$ 108,153.00 \$ 394,972.00 \$ 125,000.00 \$ 660,000.00
 \$0.00 4.83% 16.39% 59.84% 18.94% 100.00%

Oregon Parks and Recreation Department

Local Government Grant Program Agreement

THIS AGREEMENT ("Agreement") is made and entered into by and between the State of Oregon, acting by and through its Oregon Parks and Recreation Department, hereinafter referred to as "OPRD" or the "State" and the **City of Madras**, hereinafter referred to as the "Grantee".

OPRD Grant Number: LG16-018
Project Title: Skate Park to Fishing Pond Trail
Project Type (purpose): Acquisition & Development

Project Description: The project will construct 3,050 linear feet of non-motorized 10' wide paved multi-use trail from the Skate Park to the Fishing Pond in Madras, Oregon. The Project is further described in the Application included as Attachment B.

Grant Funds /
Maximum Reimbursement: \$394,972 (59.84%)
Grantee Match Participation: \$265,028 (40.16%)
Total Project Cost: \$660,000

Grant Payments: Grant funds are awarded by the State and paid on a reimbursement basis, and only for the Project described in the Agreement, and the original Application included as Attachment B. To request reimbursement, Grantee shall submit a State supplied Request for Reimbursement form, copies of project invoices, and documentation confirming project invoices have been paid. In addition to the final reimbursement requested upon completion of the Project, Grantee may request mid-Project reimbursement, as often as quarterly, for costs accrued to date. Advance payments may be provided under hardship conditions.

Reimbursement Procedures: Based on the estimated Project Cost of **\$660,000**, and the Grantee's Match participation rate of **40.16%**, **the reimbursement rate will be 59.84%**. Upon successful completion of the Project and receipt of the final reimbursement request, the State will pay Grantee the remaining Grant Funds balance, or **59.84%** of the total cost of the Project, whichever is less.

Matching Funds: The Grantee shall contribute matching funds or the equivalent in labor, materials, or services, which are shown as eligible match in the rules, policies and guidelines for the Local Government Grant Program. Volunteer labor used as a match requires a log with the name of volunteer, dates volunteered, hours worked, work location and the rate used for match, to be eligible.

Retention: OPRD shall disburse up to 90 percent of the Grant Funds to Grantee on a cost reimbursement basis upon approval of invoices submitted to OPRD. OPRD will disburse the final 10 percent of the Grant Funds upon approval by OPRD of the completed Project and the Final Report substantially in the form of Attachment C.

Progress Reports: Grantee shall submit written Progress Reports on forms provided by the State with each reimbursement request, or at a minimum, Progress Reports shall be submitted at six month intervals, starting from the effective date of the Agreement.

Agreement Period: The effective date of this Agreement is the date on which it is fully executed by both parties. Unless otherwise terminated or extended, the Project shall be completed by **October 31, 2018**. This Agreement shall expire on the date final reimbursement payment is made by OPRD to Grantee.

Project Sign: When project is completed, Grantee shall post an acknowledgement sign of their own design, or one supplied by the State, in a conspicuous location at the project site, consistent with the Grantee's requirements, acknowledging grant funding and the State's participation in the Project.

Agreement Documents: Included as part of this Agreement are:

- Attachment A: Standard Terms and Conditions
- Attachment B: Project Application including Description and Budget
- Attachment C: Sample Progress Report form
- Attachment D: Sample Request for Reimbursement form including guidelines

In the event of a conflict between two or more of the documents comprising this Agreement, the language in the document with the highest precedence shall control. The precedence of each of the documents is as follows, listed from highest precedence to lowest precedence: this Agreement without Attachments; Attachment A; Attachment B; Attachment C; Attachment D.

Contact Information: A change in the contact information for either party is effective upon providing notice to the other party:

Grantee Administrator
 Jeff Hurd
 City of Madras
 125 SW E Street
 Madras, OR 97741
 541-325-0309
 jhurd@ci.madras.or.us

Grantee Billing Contact
 Kristal Hughes
 City of Madras
 125 SW E Street
 Madras, OR 97741
 541-475-0307
 khughes@ci.madras.or.us

OPRD Contact
 Mark Cowan, Coordinator
 Oregon Parks & Rec. Dept.
 725 Summer ST NE STE C
 Salem, OR 97301
 503-986-0591
 mark.cowan@oregon.gov

Signatures: In witness thereof, the parties hereto have caused this Agreement to be properly executed by their authorized representatives as of the last date hereinafter written.

GRANTEE

**STATE OF OREGON
Acting By and Through Its
OREGON PARKS AND RECREATION DEPT.**

By: _____
Signature

By: _____
Tracy Loudon, Business and Tech. Solutions Administrator

Printed Name

Date

Title

By: _____
Jan Hunt, Grants Section Manager

Date

Oregon Department of Justice (ODOJ) approved for legal sufficiency for grants exceeding \$150,000:

Date

By: AAG Marvin D. Fjordbeck
ODOJ Signature or Authorization

By: _____
Mark Cowan, Grant Program Coordinator

Printed Name/Title

by e-mail on August 29, 2016
Date

Date

Attachment A – Standard Terms and Conditions

Oregon Parks and Recreation Department Local Government Grant Program Agreement

1. **Compliance with Law:** Grantee shall comply with all federal, state and local laws, regulations, executive orders and ordinances applicable to the Agreement or to implementation of the Project, including without limitation, OAR chapter 736, Division 6 (the Local Government Grant Program administrative rules).
2. **Compliance with Workers Compensation Laws:** All employers, including Grantee, that employ subject workers who provide services in the State of Oregon shall comply with ORS.656.017 and provide the required Worker's Compensation coverage, unless such employers are exempt under ORS 656.126. Employer's liability insurance with coverage limits of not less than \$500,000 must be included.
3. **Amendments:** This Agreement may be amended only by a written amendment to the Agreement, executed by the parties.
4. **Expenditure Records:** Grantee shall document, maintain and submit records to OPRD for all Project expenses in accordance with generally accepted accounting principles, and in sufficient detail to permit OPRD to verify how Grant Funds were expended. These records shall be retained by the Grantee for at least six years after the Agreement terminates, or until all audits initiated within four years have been completed, whichever is later. The Grantee agrees to allow Oregon Secretary of State auditors, and State agency staff, access to all records related to this Agreement, for audit and inspection, and monitoring of services. Such access will be during normal business hours, or by appointment.
5. **Equipment:** Equipment purchased with Local Government Grant Program funds must be used as described in the Project Agreement and Application throughout the equipment's useful life. The Grantee will notify the State prior to the disposal of equipment and will coordinate with the State on the disposal to maximize the equipment's ongoing use for the benefit of the Local Government Grant Program.
6. **Use of Project Property:** Grantee warrants that the land within the Project boundary described in the Application (Attachment B) shall be dedicated and used for a period of no less than 25 years from the completion of the Project. Grantee agrees to not change the use of, sell, or otherwise dispose of the land within the Project boundary, except upon written approval by OPRD. Leases for projects placed on federally owned property must be at least 25 years.

Land acquired using Local Government Grant funds shall be dedicated, by an instrument recorded in the county records, for recreational use in perpetuity, unless OPRD or a successor agency, consents to removal of the dedication.

7. **Conversion of Property:** Grantee further warrants that if the Grantee converts lands within the Project boundary to a use other than as described in the grant application or disposes of such land by sale or any other means, the Grantee must provide replacement property acceptable to OPRD within 24 months of either the conversion or the discovery of the conversion.

If replacement property cannot be obtained within the 24 months, the Grantee will provide payment of the grant program's prorated share of the current fair market value to the State. The prorated share is that percentage of the original grant (plus any amendments) as compared to the original project cost(s). The replacement property must be equal to the current fair market value of the converted

property, as determined by an appraisal. The recreation utility of the replacement property must also be equal to that of the lands converted or disposed.

If conversion should occur through processes outside of the Grantee's control such as condemnation or road replacement or realignment, the Grantee will be required to pass through to the State that prorated share of whatever consideration is provided to the Grantee by the entity that caused the conversion. The monetary value of whatever consideration provided by the taking will normally consist of the fair market value of the property established by an appraisal.

The warranties set forth above are in addition to, and not in lieu of, any other warranties set forth in this Agreement or implied by law.

8. **Contribution:** 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 a party (the "Notified Party") with respect to which the other party ("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. Either 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 the Other Party of the notice and copies required in this paragraph and meaningful opportunity for the Other Party to participate in the investigation, defense and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to the Other Party's liability with respect to the Third Party Claim.

With respect to a Third Party Claim for which the State is jointly liable with the Grantee (or would be if joined in the Third Party Claim), the 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 the Grantee in such proportion as is appropriate to reflect the relative fault of the State on the one hand and of the Grantee 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 the State on the one hand and of the Grantee 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. The State's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law if the State had sole liability in the proceeding.

With respect to a Third Party Claim for which the Grantee is jointly liable with the State (or would be if joined in the Third Party Claim), the Grantee 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 the State in such proportion as is appropriate to reflect the relative fault of the Grantee on the one hand and of the 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 the Grantee on the one hand and of the 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. The Grantee's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law if it had sole liability in the proceeding.

Grantee shall take all reasonable steps to cause its contractor(s) that are not units of local government as defined in ORS 190.003, if any, to indemnify, defend, save and hold harmless the State of Oregon and its officers, employees and agents ("Indemnitee") from and against any and all claims, actions, liabilities, damages, losses, or expenses (including attorneys' fees) arising from a tort (as now or hereafter defined in ORS 30.260) caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of Grantee's contractor or any of the officers, agents, employees or subcontractors of the contractor ("Claims"). It is the specific intention of the parties that

the Indemnitee shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the Indemnitee, be indemnified by the contractor from and against any and all Claims.

9. **Condition for Disbursement:** Disbursement of grant funds by OPRD is contingent upon OPRD having received sufficient funding, appropriations, limitations, allotments, or other expenditure authority sufficient to allow OPRD, in the exercise of its reasonable administrative discretion, to make the disbursement.
10. **No Third Party Beneficiaries.** OPRD and Grantee are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement gives, is intended to give, or shall be construed to give or provide any benefit or right, whether directly or indirectly, to a third person unless such a third person is individually identified by name herein and expressly described as intended beneficiary of the terms of this Agreement.
11. **Repayment:** In the event that the Grantee spends Grant Funds in any way prohibited by state or federal law, or for any purpose other than the completion of the Project, the Grantee shall reimburse the State for all such unlawfully or improperly expended funds. Such payment shall be made within 15 days of demand by the State.
12. **Termination:** This Agreement may be terminated by mutual consent of both parties, or by either party upon a 30-day notice in writing, delivered by certified mail or in person to the other party's contact identified in the Agreement. On termination of this Agreement, all accounts and payments will be processed according to the financial arrangements set forth herein for approved services rendered to date of termination. Full credit shall be allowed for reimbursable expenses and the non-cancelable obligations properly incurred up to the effective date of the termination.
13. **Governing Law:** The laws of the State of Oregon (without giving effect to its conflicts of law principles) govern all matters arising out of or relating to this Agreement, including, without limitation, its validity, interpretation, construction, performance, and enforcement. Any party bringing a legal action or proceeding against any other party arising out of or relating to this Agreement shall bring the legal action or proceeding in the Circuit Court of the State of Oregon for Marion County. Each party hereby consents to the exclusive jurisdiction of such court, waives any objection to venue, and waives any claim that such forum is an inconvenient forum.
14. **Entire Agreement:** This Agreement constitutes the entire Agreement between the parties. No waiver, consent, modification or change of terms of this Agreement shall bind either party unless in writing and signed by both parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, Agreements, or representations, oral or written, not specified herein regarding this Agreement. The Grantee, by signature of its authorized representative on the Agreement, acknowledges that the Grantee has read this Agreement, understands it, and agrees to be bound by its terms and conditions.

Grant Application for

**Madras Bike and Skate Park to Youth
Fishing Pond Trail Connection Project**

Contact

Application Type: ACQUISITION & DEVELOPMENT:

Applicant Agency:

City of Madras

First Name:

Jeff

Last Name:

Hurd

Title:

Public Works Director

Address 1:

125 SW E Street

Address 2:

City:

Madras

State:

Oregon

Zip Code:

97741

Contact Phone:

541-475-2344

Contact Fax:

541-475-1038

Contact Email:

jhurd@ci.madras.or.us

Federal Tax ID:

93-6002202

Project

Project Name:

Madras Bike and Skate Park to Youth Fishing Pond Trail Connection Project

Site Name:

Madras Bike and Skate Park

Site City / Town / Area:

Madras

Site County:

Jefferson

Funds Requested:

\$394,972.00

Matching Funds:

\$265,028.00

Total Cost:

\$660,000.00

Percent of Grant:

0.6000000000000000

Percent of Match:

0.4000000000000000

Brief Project Description (40 word limit):

This project will construct 3,050 linear foot of non-motorized 10' wide paved multi-use trail to City of Madras Standards from the Madras Bike and Skate Park to the Youth Fishing Pond located on Jefferson County Fairgrounds.

Projected Start Date:

October 1, 2016

Projected End Date:

December 31, 2017

Site Description:

The project area is situated in the shrub-steppe vegetation zone (Franklin and Dyrness 1988) of the Deschutes-Umatilla Plateau (Baldwin 1981). While the project is located within the City proper, the project area vegetation is comprised of Juniper, Sage, Native and

Non-Native Grasses and Forbs. Native soils consist of sandy gravelly loam of unknown depths. In addition to the native soils extensive grading has occurred and fill has been placed adjacent to the intermittent creek bed.

Latitude:

44.623897961890229

Longitude:

-121.137742996215820

Township, Range & Section:

11-13-11 DB, 11-13-11 DC, 11-13-14 AB and 11-13-14 BA

Site Acreage:

2.10

Land Control:

Other

--

Supplemental

A. PROJECT NARRATIVE (Please limit all answers to 400 words or less.):

1. Describe all elements of the project, project objectives, and the need for assistance. Describe who will do the work and who will provide supervision. :

Project Elements:

This project completes the City's pedestrian looped system by constructing approximately 3,050' linear feet of 10' wide paved non-motorized multi-use path from the Madras Bike and Skate Park on H Street to the Youth Fishing Pond on Fairgrounds Road. The project is proposed to be constructed in the spring of 2017 and includes the following major components:

- Approximately 900' linear feet of trail to be constructed on existing City property.
- Approximately 2150' linear feet of trail to be constructed on donated property.
- Excavation and Embankment .
- 2" of Hot Mix Asphalt on 6" of Aggregate Base.
- Storm Drainage (culvert crossings).
- Retaining wall of 150 linear feet with hand railing.
- Trail lighting.
- Irrigation and Tree planting.
- Road crossing on J Street.
- Fencing and gates.
- Way finding sign.

Project Objectives:

The objective is to construct the next phase of the City's multi-use path system that will provide the following:

- A safe route to school for children – Goal #1 in the School Districts Action Plan.
- A non-motorized route for pedestrians and bicyclists to work, school and downtown amenities.
- Promotion of healthy living by providing recreational hiking, biking, and running opportunities within an urban setting (the existing trail system is home to the annual Canyon Rumble Frozen Half, a half marathon held every year in December which draws hundreds of participants to Madras).
- Enhances Madras' community livability.
- Distribute recreational resources equitably through the community.
- A looped pedestrian system encompassing Madras.

Need For Assistance:

Per the City of Madras Parks and Open Space Master Plan, "...the City should consider creating a trail that encircles the entire City and links Madras to public lands to the east and west, as well as linking all the neighborhoods of Madras to local schools and Juniper Hills County Park". The Trail and necessary improvements are also listed in the 509-J School

District's "Safe Routes to School Action Plan" as well as the City's Transportation System Master Plan. The TSP identifies this project as one of the top priorities for the City of Madras.

Supervision of the Work:

The City of Madras will acquire the necessary property for construction and administer the project from design through construction closeout. Actual design and construction will be provided by consultants and contractors.

2. Describe any new facilities to be constructed, existing facilities which are to be renovated, removed or demolished. Describe present development on the site and how the proposed project fits in with future development. :

This project will construct approximately 3,050 linear feet of a new non-motorized multi-use path facility paved 10' wide with 2" of Hot Mix Asphalt on 6" of Aggregate Base. The project will also include site lighting, shade trees, irrigation, fencing and a retaining wall with handrail. The trail has been designed to incorporate existing features (such as the drainage basin and natural vegetation) and coincide with future development that would be beneficial to the community and property owner. For example, the trail is located property tight within the setback area where no buildings may be located per the City of Madras Zoning Ordinance.

3. Will the property be acquired by purchase, donation or a combination of these methods? How many acres will be acquired? When will the property be acquired? :

The City owns the existing property from the Madras Bike and Skate Park to J Street and will acquire approximately 1.51 acres of property from J Street to the Youth Fishing Pond as donated property for purposes of a permanent non-motorized multiuse trail facility. The property to be acquired has been surveyed, appraised and environmental cleared for construction and each property owner has willing agreed to donate their respective properties to be completed during the design phase of the project once funding has been awarded (see the attached executed Land Use Agreement for Control and Tenure Documents).

- Cascade Ridge Apartments has agreed to donate 24,675 square feet (0.57 acres) of property (23,481 square feet for Public ROW and 1,194 square feet for slope easement).
- Deschutes Valley Water District has agreed to donate 22,692 square feet (0.52 acres) of property for Public ROW.
- Jefferson County has agreed to donate 18,112 square feet (0.42 acres) of property (13,124 square feet for Public ROW and 4,988 square feet for slope easement).

4. What is the proposed start date for development of the property? Describe any interim uses prior to development and give information on the disposition of any buildings or other improvements or structures on the property.:

The proposed start date for design of the project is October 1, of 2016 with construction to begin in spring of 2017. The proposed location of the multiuse trail does not interfere with

any existing buildings or structures on the property it is being constructed.

B. CONSISTENCY With STATEWIDE PRIORITIES - SCORP Criteria (0-20 points) :

To what extent does the project address ONE OR MORE of the following FOUR (1-4) priorities identified in the 2013-2017 SCORP? :

1. MAJOR REHABILITATION projects involve the restoration or partial reconstruction of eligible recreation areas and facilities. If the project includes major rehabilitation, please check all that apply: :

a) Please list the specific facilities that are in need of rehabilitation. Upload photos in the Attachments tab showing the facilities in need of rehabilitation. :

n/a

b) If only part of the project is rehabilitation, approximately what percentage of the project is rehabilitation? :

n/a

2. NON-MOTORIZED TRAIL CONNECTIVITY. Trail connectivity involves linking urban trails to outlying Federal trail systems; linking neighborhood, community and regional trails; connecting community parks and other recreational public facilities; connecting parks to supporting services and facilities; connecting neighboring communities; and providing alternative transportation routes. To what extent does the project address non-motorized trail connectivity? :

This project aligns with the state and regional management issue by providing non-motorized trail connectivity by linking the Madras Bike and Skate Park on H Street to the Youth Fishing Pond located on the Jefferson County Fairgrounds. This project also provides the last link in the system to provide a looped pedestrian system encircling Madras and linking pedestrians to public lands (Willow Creek Canyon Trail to Lake Simtustus ~7 miles), surrounding parks (Madras Bike and Skate Park, Sahalee Park, 9th Street Park, Juniper Hills County Park), neighborhoods (Cascade Ridge Apartments), schools, and the downtown commercial corridor.

3. ACTIVE PARTICIPATION projects support or provide a base for individual active participation. 'Active' means those forms of recreation that rely predominantly on human muscles and includes walking, sports of all kinds, bicycling, running, and other activities that help people achieve currently accepted recommendations for physical activity. To what extent does the project support or improve access to individual active participation? :

According to 2015 County Health Rankings performed by the University of Wisconsin

Population Health Institute and the Robert Wood Johnson Foundation, Jefferson County was ranked as a very unhealthy County in Oregon. In fact, it was ranked 34th out of 36th with 1st being the healthiest and 36th being the unhealthiest. The City, in conjunction with the Local Government & Recreational Trails grant programs, has made great strides with the addition of the M Hill Trail segment in 2012 as it has increased physical activity within the community (i.e. walking, biking, running). With the addition of Skate Park to Youth Fishing Pond segment and connection of the loop system, it will further influence physical activity opportunities leading to a more active and healthy lifestyle for citizens of Madras and Jefferson County.

In addition, this project provides youth users an exploration opportunity by extending the trail from neighborhoods to other parts of the City's Urban Growth Boundary that are undeveloped and rich in natural resources such as viewing opportunities (i.e. mountains, wildlife, rock formations, etc.)

4. SUSTAINABILITY. To what extent does the project address sustainability recommendations for OPRD-administered grant programs? Please see Chapter Seven (pages 115-117) of the SCORP for sustainability recommendations for land acquisition, new facility development, major rehabilitation, and trail projects. :

The City has contracted with H.A. McCoy Engineering to provide 30% designed plans and intends to contract with an engineering consultant to provide the final approved construction drawings for construction meeting Oregon Bicycle & Pedestrian Plan and City of Madras Standards. The selection of asphalt pavement as the trail surface will provide a long term, low maintenance, sustainable facility. In addition, the City through their Adopt-A-Trail program and commitment to future trail maintenance allocations will be able to sustain the system long into the future.

Specific measures include:

- The location of the trail incorporates the natural topography of the drainage basin and un-developable vacant land.
- A 1.5-2% cross slope is designed into the trail to shed water and increase user safety due to water pooling or ice buildup.
- Grade design includes gentle vertical curves and ADA compliant slopes to promote usability and safety of the trail.
- Increases property values for the adjacent subdivision and apartment complexes providing park amenities and lighting in dark areas.
- An Eco-friendly drip irrigation system centrally located to water the newly planted central Oregon native trees along the path. All other vegetation along the trail will be natural occurring.
- Madras was ranked as one of highest obese Counties in Oregon. Addition of this trail promotes walking, biking, and running in our under served community. A testament to the trail is a half-marathon race on the trail system held every year by the Madras Runners. With the addition of this trail, the race can potentially be expanded to a full marathon.

C. LOCAL NEEDS AND BENEFITS - SCORP Criteria (0-30 points):

1. A map clearly identifying the project location and UGB or unincorporated community boundary or Tribal community boundary drawn on it must be uploaded in the attachments section of this application. Is your project in a CLOSE-TO-HOME area (located within an urban growth boundary (UGB), unincorporated community boundary, or a Tribal Community) or in a DISPERSED AREA (located outside of these boundaries)? :

CLOSE-TO-HOME

2. Please identify how the project satisfies county-level needs by using priorities identified in ONE of the following local public planning processes. See SCORP Chapter 5, Pgs 86-102 for specific county priorities.:

a) PUBLIC RECREATION PROVIDER IDENTIFIED NEED - Does the project satisfy county-level needs identified by the Public Recreation Provider Survey beginning on page 86 in the SCORP? If so, enter which priority or priorities are identified for the project county. Please use either the Close-to-Home Priorities or Dispersed Area Priorities, not both.:

The SCORP lists 3 top Close to Home priorities for Jefferson County.

1. Outdoor pool/Spray park – Score of 5
2. Community Trail Systems – Score of 5
3. Acquisition of Park Lands – Score of 5

This project meets priorities 2 and 3 by constructing approximately 3,050 linear feet of a non-motorized multi-use trail on existing City property as well as acquired property.

b) OREGON RESIDENT IDENTIFIED NEED - Does the priority project satisfy county-level need identified by the Oregon Resident Survey beginning on page 86 in the SCORP? If so, enter which priority or priorities are identified for the project county.:

This project meets 3 of the Oregon Resident Survey needs for Jefferson County.

1. Public access sites to waterways (score 3.4) – The trail provides access to the Youth Fishing Pond, Willow Creek, and Lake Simtustus.
2. Nature and wildlife viewing areas (score 3.3) – This project creates 3,050 linear feet of wildlife and nature viewing area.
3. Off-Street bicycle trails and pathways (score 3.2) – With exception to one street crossing on J Street the project is entirely off street multi-use pathway.

c) LOCAL PLANNING -To what extent does the project satisfy priority needs, as identified in a current local planning document (park and recreation master plan, city or county comprehensive plan, trails master plan, transportation system plan or bicycle and pedestrian plan)?:

The City of Madras Transportation System Master Plan was updated in and re-adopted by City Council in November of 2012. Included in the update was the addition of the Willow Creek Trail System along with the proposed segment from the Madras Bike and Skate Park to the Youth Fishing Pond (project s-11 on page 137). This project was ranked as second to top priority for needs in the local community. The Cities 2004 Parks and Open Space Master Plan was updated and re-adopted in 2009 to include the Willow Creek Trail system to loop the City and bring the trail system up to current standards. Additionally, the Jefferson County School District's, Safe Routes to School Action Plan, lists multi-use path connections as a high priority – "Increasing pre-teens ability to safely walk/bike to school".

d) PUBLIC INVOLVEMENT EFFORT - If the project is not included in a current local planning document, describe the public involvement effort that led to the identification of the priority project including citizen involvement through public workshops, public meetings, surveys, and local citizen advisory committees during the project's planning process.:

This project is included in the City's Parks and Open Space Master Plan as well as the City's updated Transportation System Master Plan. Creation and updates of the plans included extensive public involvement through public meetings, surveys and citizen advisory committees. In each of those plans, the project was ranked as a top priority for the City.

D. LONG TERM COMMITMENT TO MAINTENANCE – SCORP Criteria (0-15 points):

1. How will the project's future maintenance be funded? Please include specific maintenance funding sources such as tax levies, fee increases, and other funding sources which will be used. A Resolution to Apply submitted with this application should address funding for on-going operation and maintenance for this project. :

Maintenance is provided by the City through an ongoing budget allocation within the City's Transportation Operations – Trail Maintenance Line Item. Funding is provided by utility franchise fees (Pacific Corp, Century Link, Cascade Natural Gas, Bend Broadband, Crestview Cable, Madras Sanitary Service), state gas tax and state revenue sharing. The City has provided maintenance funding in each budget cycle for the last 15 years and has made a commitment to continue to do so.

Typical annual maintenance activities performed by the City's Parks crew include root removal, tree pruning, weeding, pot-hole patching, crack sealing, resurfacing, shoulder maintenance, light fixture repair/bulb replacement, mowing, tree pruning, sprinkler head adjustment/replacement, bubbler line replacement and annual weatherization.

2. How much do you expect to spend annually or how many man-hours will be needed to maintain the completed project?:

The City anticipates spending \$4,500-\$5,500 annually on this new section of trail for

maintenance. This includes mowing, debris removal, weed spraying, pedestrian lighting maintenance, and minor crack sealing and AC patching.

3. Do you have partnerships with other agencies or volunteer maintenance? Provide documentation such as letters of support from volunteer organizations, cooperative agreements, donations, or signed memoranda of understanding to demonstrate commitment to maintenance. :

Through the City's Adopt-A-Trail Program, all of the sections have been adopted. Below are the organizations who currently maintain the trail.

1. Veterans for Foreign Wars Post 12141.
2. City of Madras Urban Forestry Commission.
3. Jefferson County Community Justice.
4. Madras High School Honor Society.
5. XI Delta Upsilon.
6. Children's Learning Center.
7. Bonita Nails & Spa.
8. Hellwig Family.
9. Gregory Family.
10. Columbia Bank.

The City anticipates this section of trail will be adopted before construction is completed

E. OVERALL SITE SUITABILITY (0-10 points):

1. To what extent is the site suitable for the proposed development? :

The trail is proposed in an area that would not be developed for typical infrastructure (streets, utilities, homes, apartments, businesses, etc.). This site was chosen specifically with that in mind. From the Skate Park to J Street the trail will follow the existing drainage basin and the south side of J Street to the Youth Fishing pond, the trail will follow property lines within the City's setback area for residential development.

2. Also describe the extent to which the site or project design minimizes negative impacts on the environment and surrounding neighborhood and integrates sustainable elements. :

The trail designed to incorporate the existing contours of the drainage basin and other property's to provide the user with a natural experience of being outdoors. By incorporating these features, impacts to the existing landscaping will be minimized as the trail will flow through the landscape.

Specific measures include:

1. The trail is designed to accommodate with various outdoor activities in mind (i.e.

bicycling, jogging, roller-blading, skateboarding).

2. Disturbed soils are replanted and re-shaped to the existing contours to protect from erosion. Temporary erosion control measures will be implemented during construction for soil conservation.

3. Landscaping/vegetation will be planted along the edge of the trail to provide beautification and shade during the summer months. This also provides a natural delineation of the trail to keep users off of the existing natural vegetation.

F. COMMUNITY SUPPORT (0-5 points):

1. To what degree can you demonstrate community support for the project? Can you provide letters of support and/or survey analysis? If yes, please include supporting documentation with this application. :

In order for this project to be successful, it required the partnership of several different local entities including the City, Jefferson County, Deschutes Valley Water District, OPRD, and private property owners. Jefferson County and Deschutes Valley Water District have donated property to serve as trail public right-of-way and easements. Cascade Ridge Apartments as also elected to donate property for trail right-of-way and easement.

The City applied for an OPRD Recreational Trails Program grant in 2016 to leverage the project, in conjunction with this LGGP grant. The RTP grant is still being reviewed by the Federal Highway Administration (FHWA), and therefore, a signed agreement has not yet been executed by the City. Timeline-wise, an executed agreement between the City and RTP and a notice to proceed by LGGP for this project will align simultaneously.

G. FINANCIAL COMMITMENT (0-10 points):

1. What is the source of local matching funds for the project? A Resolution to Apply must be submitted with this application to indicate a commitment of local match funding for the project. :

The City of Madras is committing \$31,875 of in kind contribution along with cash funding \$108,153. The City has also applied for funding through OPRD RTP grant program for the additional \$125,000 to meet the grants match requirement of 40%.

2. Project applicants are encouraged to develop project applications involving partnerships between the project applicant, other agencies, or non-profit organizations. Project applicants are also encouraged to demonstrate solid financial commitment to providing necessary project maintenance and upkeep. To what extent does the project involve partnerships with other agencies or groups? Are donations and/or funding from other agencies or groups secured? :

Jefferson County and Deschutes Valley Water District have partnered with the City by donating property for the construction of the trail. Cascade Ridge Apartments has also

agreed to donate property for construction of the trail. These donations have been secured via a Land Use Control and Tenure Document and will be further detailed and refined upon funding from LGGP. The City has also committed cash and in-kind force account labor to construct the trail. In City is in process of acquiring funding from OPRD's Recreational Trails Program in the 2016 grant cycle and anticipates funding award by July 1st of 2016.

3. To what extent has funding been secured to complete the project?:

The City has secured the in kind contribution (land donation and force account work) as well as the City cash. The City is in the process of obtaining the RTP funding in the 2016 grant cycle.

H. ACCESSIBILITY COMPLIANCE:

1. Does your agency have a board or city council adopted/approved ADA Transition Plan and/or Self Certification? :

Yes

2. How will your proposed project meet current accessibility standards?:

The City has an ADA Transition Plan that was prepared in 1994. The City requires construction plan development to follow the ODOT Standard Drawing details for ADA compliance with sidewalks and ADA ramps. The City also follows the ADA compliance guidelines per the Oregon Bike & Pedestrian Plan for multi-use paths.

The trail will be constructed to current ADA standards with 5% running slope, no more than 2% cross slope, and ADA compliant curb ramps with tactile warnings at the J Street road crossing.

I. READINESS TO PROCEED:

1. Have you submitted a signed Land Use Compatibility Statement with this application? :

Yes

2. Have you submitted construction or concept plans with this application?:

Yes, 30% design has been completed.

3. List required permits and status of permit applications for the project (i.e. Corps of Engineers, Division of State Land, Building Permits, etc.). Describe any possible delays or challenges that could occur in receiving permits. :

The City will be required to obtain a 1200c permit which it will obtain before construction begins. No other permits are required to construct this project.

4. Have you submitted a completed Appraisal with this application conforming to Uniform Standards of Professional Appraisal Practice (USPAP)? Or, conforming to Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA / Yellow Book) if Federal funding will be involved? :

Yes

5. Do you have Proof of a Willing Sell or Donor? If yes, please submit documentation with this application.:

Yes, attached are Land Use Control and Tenure documents demonstrating the willingness of property owners to donate property.

6. How will you be able to legally ensure that the project site will be managed for public outdoor recreation for a minimum of 25 years?:

The City will acquire the necessary property needed to construct the trail to be dedicated as Public Right-of-Way. The City currently owns the portion of property from the Skate Park to J Street and has received commitments from Jefferson County, Deschutes Valley Water District, and Cascade Ridge Apartments to donate the necessary property as public right-of-way and easements for construction of the trail.

J. ACTIVE AND PAST GRANTS PERFORMANCE:

1. Describe your performance and compliance with all active and past OPRD grant awards. :

The City of Madras has maintained a compliant status on all previously awarded grants funded by OPRD. Quarterly progress reports were submitted for each project, as required. Funds were expended and projects were completed by the project deadlines. OPRD grant acknowledgement signs are posted at each of the completed projects previously funded by OPRD (four RTP projects; four Local Government Grants). The City did not require any amendments to the grant agreements. The City is not aware of any deficiencies regarding previous grant awards from the OPRD.

Description	Qty	Unit	\$/Unit	Cost	Match	Request	Source of Funding
Pedestrian Crossing Sign	2	EA	\$1,000.00	\$2,000.00	\$0.00	\$2,000.00	
Crosswalk Striping	1	EA	\$1,550.00	\$1,550.00	\$0.00	\$1,550.00	
6' Fencing	1623	LF	\$36.25	\$58,833.75	\$0.00	\$58,833.75	
Light Pole Base (14')	21	EA	\$750.00	\$15,750.00	\$0.00	\$15,750.00	
Luminaries, Lamps and Ballast (14' poles)	21	EA	\$4,500.00	\$94,500.00	\$0.00	\$94,500.00	
Switching, Conduit and Wiring	3050	LF	\$12.00	\$36,600.00	\$0.00	\$36,600.00	
Irrigation Service Meter	1	EA	\$5,000.00	\$5,000.00	\$0.00	\$5,000.00	
Land Acquisition (ROW and Easements)	1	LS	\$28,875.00	\$28,875.00	\$28,875.00	\$0.00	City of Madras
Clear and Grub	1	LS	\$17,000.00	\$17,000.00	\$13,000.00	\$4,000.00	GRANT: City of Madras and Recreational Trails Program: OPRD: Federal: (Pending)
Remove Existing Fence	1	EA	\$5,000.00	\$5,000.00	\$1,500.00	\$3,500.00	City of Madras
Excavation and Embankment	1	LS	\$120,000.00	\$120,000.00	\$90,000.00	\$30,000.00	GRANT: City of Madras and Recreational Trails Program: OPRD: Federal :

Base Rock 6" for Trail	4745 SY	\$8.00	\$37,960.00	\$13,876.00	\$24,084.00	(Pending) GRANT: City of Madras and Recreational Trails Program: OPRD: Federal: (Pending) GRANT: City of Madras and Recreational
Asphalt Trail Paving	3389 SY	\$11.00	\$37,279.00	\$12,210.30	\$25,068.70	Trails Program: OPRD: Federal: (Pending) GRANT: City of Madras and Recreational
Concrete ADA Ramps	2 EA	\$7,500.00	\$15,000.00	\$8,500.00	\$6,500.00	Trails Program: OPRD: federal: (Pending) GRANT: City of Madras and Recreational
18" Culvert	165 LF	\$70.00	\$11,550.00	\$4,050.00	\$7,500.00	Trails Program: OPRD: federal: (Pending)
24" Culvert	67 LF	\$75.00	\$5,025.00	\$335.00	\$4,690.00	City of Madras GRANT: City of Madras and Recreational
36" Culvert	164 LF	\$80.00	\$13,120.00	\$6,680.00	\$6,440.00	Trails Program: OPRD:

Retaining Wall	150 LF	\$200.00	\$30,000.00	\$30,000.00	\$0.00	federal: (Pending) GRANT: City of Madras and Recreational Trails Program: OPRD: federal: (Pending) GRANT: City of Madras and Recreational
Hand Railing	150 LF	\$85.00	\$12,750.00	\$12,750.00	\$0.00	Trails Program: OPRD: federal: (Pending)
Way Finding Sign	1 EA	\$6,500.00	\$6,500.00	\$765.30	\$5,734.70	City of Madras
20' Access Gate	2 EA	\$4,500.00	\$9,000.00	\$1,500.00	\$7,500.00	City of Madras
Power Meter Pedestal	1 EA	\$3,500.00	\$3,500.00	\$500.00	\$3,000.00	City of Madras
Electrical Service	1 EA	\$7,000.00	\$7,000.00	\$500.00	\$6,500.00	City of Madras
2" Caliper Trees	52 EA	\$350.00	\$18,200.00	\$2,000.00	\$16,200.00	City of Madras
Irrigation System	1 EA	\$30,000.00	\$30,000.00	\$15,000.00	\$15,000.00	City of Madras GRANT: City of Madras and Recreational
Design Engineering	1 LS	\$38,007.25	\$38,007.25	\$22,986.40	\$15,020.85	Trails Program: OPRD: Federal: (Pending)
Totals			\$660,000.00	\$265,028.00	\$394,972.00	

Total Project Cost:	\$660,000.00
Total Match for Sponsor:	\$265,028.00
Grant Funds Requested:	\$394,972.00

PROGRESS REPORT FORM
LOCAL GOVERNMENT GRANT PROGRAM
QUARTERLY FINAL

Date: _____

Project Name: _____

Project Number: _____

Project Sponsor/Grantee: _____

Date of Project Approval: _____ Date Work Started: _____

Describe Work Completed This Quarter:

Describe Any Problems or Delays:

Percentage of Project Completed to Date: _____ %

Report Completed By: _____

Title: _____



Request for Reimbursement Guide

All files for projects benefiting from Oregon Parks and Recreation Department administered grant funds must be able to pass a State audit. When preparing to submit a Request for Reimbursement, plan on submitting the following documentation:

- Progress Report Form** – Available online at:
<http://www.oregon.gov/oprd/GRANTS/Pages/local.aspx> → Application and Forms.
- Request for Reimbursement Form** - Available online at:
<http://www.oregon.gov/oprd/GRANTS/Pages/local.aspx> → Application and Forms.
- Project Invoices** – Please submit copies of all project **bills/invoices**.
- Bill Payment Confirmation** – Please submit documentation confirming that all project bills/invoices have indeed been paid. The best way to document this is with some type of **Accounts Paid Report** for the project that lists **Payments, Payee, Payment Date** and **Check Number**. (This is different from an Accounts Payable Report which would only list payments pending.) If an Accounts Paid Report is not available, please submit copies of canceled payment checks (with account numbers blocked out).

Once the project is completed . . .

- Project Pictures** – Please plan to submit 5-10 digital pictures of the completed project site, for the project file. Digital pictures can be sent as email attachments. For **Planning Projects**, rather than pictures, please submit a copy of the final **Planning Document**.
- Acknowledgement Sign** - Is there any type of signage on site acknowledging OPRD grant support for the project? If not, we will send you one.

If you have questions, please contact:

Mark Cowan
Grant Program Coordinator
Oregon Parks and Recreation Dept.
725 Summer St. NE Suite C
Salem, OR 97301-1266
mark.cowan@oregon.gov
503-986-0591
www.oregon.gov/OPRD/GRANTS/index.shtml



Oregon
Kate Brown, Governor

Parks and Recreation Department
State Historic Preservation Office
725 Summer St NE Ste C
Salem, OR 97301-1266
Phone (503) 986-0690
Fax (503) 986-0793
www.oregonheritage.org



June 23, 2016

Mr. Mark Cowan
Oregon Parks and Recreation Department
725 Summer St NE STE C
Salem, OR 97301

RE: SHPO Case No. 16-1042

OPRD LG Grant 2857, Project LGPL-16-18, Madras Bike and Skate Park to Youth Fishing Pond Trail
Connection Project
construct trail
Madras bike and skate park, Madras, Jefferson County

Dear Mr. Cowan:

Our office recently received a request to review your application for the project referenced above. In checking our statewide archaeological database, it appears that there have been no previous surveys completed near the proposed project area. However, the project area lies within an area generally perceived to have a high probability for possessing archaeological sites and/or buried human remains. In the absence of sufficient knowledge to predict the location of cultural resources within the project area, extreme caution is recommended during project related ground disturbing activities. Under state law (ORS 358.905 and ORS 97.74) archaeological sites, objects and human remains are protected on both state public and private lands in Oregon. If archaeological objects or sites are discovered during construction, all activities should cease immediately until a professional archaeologist can evaluate the discovery. If you have not already done so, be sure to consult with all appropriate Indian tribes regarding your proposed project. If the project has a federal nexus (i.e., federal funding, permitting, or oversight) please coordinate with the appropriate lead federal agency representative regarding compliance with Section 106 of the National Historic Preservation Act (NHPA). If you have any questions about the above comments or would like additional information, please feel free to contact our office at your convenience. In order to help us track your project accurately, please reference the SHPO case number above in all correspondence.

Sincerely,

Dennis Griffin, Ph.D., RPA
State Archaeologist
(503) 986-0674
dennis.griffin@oregon.gov

CITY OF MADRAS

Request for Council Action

Date Submitted: September 19, 2016
Agenda Date Requested: September 27, 2016
To: Mayor and City Council Members
Through: Jeff Hurd, Public Works Director
From: Michele Quinn, Public Works Administrative Assistant
Subject: Contract Change Order #2 for Construction Services Contract between the City of Madras and Alex Hodges Construction, Inc for Construction of Daimler Road

TYPE OF ACTION REQUESTED:

- | | |
|--|--|
| <input type="checkbox"/> Resolution | <input type="checkbox"/> Ordinance |
| <input checked="" type="checkbox"/> Formal Action/Motion | <input type="checkbox"/> Contract Review Board |
| <input type="checkbox"/> None - Report Only | |

Formal Action/Motion that Council approves Contract Change Order No. 2 for construction services contract between the City of Madras and Alex Hodges Construction, Inc. for construction of the new Daimler Road in the amount of \$87,638.54.

DESCRIPTION:

Contract Change Order #2 will consist of the following:

1. Additional general excavation quantity 1,784 CY at \$12.00/CY = \$21,408.00
2. Additional topsoil quantity 6,453 SY at \$7.90/ SY = \$50,978.70
3. Additional 2" paving along test track 5,153 SF at .95/SF = \$4,895.35
4. Additional paving prep along test track 5,153 at .75/ SF = \$3,864.75
5. Profit & Overhead = \$6,491.74

Total CCO #2 = 87,638.54

STAFF ANALYSIS:

Several changes occurred during construction that resulted in the need for a change order on the project. There were additional quantities of excavation, and topsoil. There was additional paving needed on the loop track to widen the corners as the truck traffic was cutting the corners and this caused gravel to lift onto the road. Extend contract to October 31, 2016 to allow for additional work.

Staff has negotiated the change order pricing and recommends that Council approve contract change order no. 2 to Alex Hodge Construction in the amount of \$87,638.54

SUMMARY:

A. Fiscal Impact:

Madras Municipal West Access Road Project (aka Daimler Road)

• Design and Const. Engineering (Century West)	=	\$ 125,473.00
▪ Change Order #1	=	\$ 19,800.00
• Revised Contract Amount	=	\$ 145,273.00
• Construction Services Contract Material (Latham)	=	\$ 35,700.00
▪ Change Order #1 (Time Extension)	=	\$ 0.00
▪ Change Order #2	=	\$ -14,700.00
▪ Change Order #3	=	\$ 8,640.00
• Revised Contract Amount	=	\$ 29,640.00
• Construction Services Contract (Alex Hodge)	=	\$ 767,416.00
▪ Change Order #1	=	\$ 87,520.18
▪ Change Order #2	=	\$ 87,638.54
• Revised Contract Amount	=	\$ 942,574.72
• Mat. and Equip. for Road Construction (estimated)	=	\$ 90,000.00
• Pacific Power Lighting contract	=	\$ 48,618.00
• High Desert Aggregate and Paving By-Pass Road	=	\$ 19,330.00
• Road Construction (City Forces In Kind)	=	\$ 164,012.50
• Land Dedication for Road	=	\$ 154,149.00
• Water Line (DVWD)	=	\$ 126,422.56
• Contingency	=	\$ 675,881.64
• Total Road Project Cost	=	\$2,395,901.42

Revenue

• Infrastructure Finance Authority	=	\$ 150,000.00
• Immediate Opportunity Fund	=	\$ 841,137.21
• City (land & labor/equipment grading)	=	\$ 318,161.56
• Developer (Daimler) Cost Share	=	\$1,086,602.65
• Total Revenue	=	\$2,395,901.42

B. Funding Source:

- Airport Operations Fund, Capital Outlay, 509-090-540-1003
- This project has been budgeted for FY 16-17 therefore a budget resolution is not required.

- C. Recognition of Collateral Material and Technical Report:
See attached:
- Contract Change Order #2

RECOMMENDATION:

Formal Action/Motion that Council approves Contract Change Order No. 2 for construction services contract between the City of Madras and Alex Hodges Construction, Inc. for construction of the new Daimler Road in the amount of \$87,638.54.



THE CITY OF MADRAS

125 SW "E" Street, Madras, OR 97741 Phone: (541) 475-2344 Fax: (541) 475-1038

CONTRACT CHANGE ORDER

Date: 9/16/2016
Change Order No. 2

TO: Alex Hodge Construction, Inc.
P.O. Box 339
Bend, Oregon 97709

Phone: 541-419-3239
Fax:

PROJECT: Madras Municipal Airport West Access Road

The Contract for the above described work is modified as follows:

- 1 Additional general excavation quantity
- 2 Additional topsoil quantity
- 3 Additional 2" paving along test track
- 4 Additional paving prep along test track
- 5 Time extension October 31, 2016
- 6
- 7
- 8

- Fixed Price T & M
- Per Quotation Attached.
- Details Attached.

All other terms and conditions of the Contract remain unchanged except:

- None
 Describe:

ORIGINAL CONTRACT AMOUNT:						\$767,416.00
PREVIOUS CHANGE ORDERS						\$ 87,520.18
ITEM	UM	QTY	UP	DESCRIPTION		
1	CY	12.00	\$ 1,784.00	Additional general excavation quantity	\$ 21,408.00	
2	SY	7.90	\$ 6,453.00	Additional topsoil quantity	\$ 50,978.70	
3	SF	0.95	\$ 5,153.00	Additional 2" paving along test track	\$ 4,895.35	
4	SF	0.75	\$ 5,153.00	Additional paving prep along test track	\$ 3,864.75	
5	LS	1.00	\$ 6,491.74	Profit & overhead	\$ 6,491.74	
6	LS	1.00		Time extension October 31, 2016	\$ -	
7	LS	1.00			\$ -	
8	LS	1.00	\$ -		\$ -	
TOTAL REVISED CONTRACT AMOUNT:						<u>\$942,574.72</u>

CITY OF MADRAS:

Royce Embanks, Mayor; Council President or Mayor Pro Tem

Signature: _____

Date Signed: _____

Alex Hodge Construction

Name: _____

Signature: _____

Date Signed: _____

CITY OF MADRAS

Request for Council Action

Date Submitted: September 19, 2016
Agenda Date Requested: September 27, 2016
To: Mayor and City Council Members
Through: Jeff Hurd, Public Works Director
From: Michele Quinn, Public Works Administrative Assistant
Subject: [Harper Houf Peterson Righellis Inc. – Work Order No. 2016-2](#)

TYPE OF ACTION REQUESTED:

- | | |
|--|--|
| <input type="checkbox"/> Resolution | <input type="checkbox"/> Ordinance |
| <input checked="" type="checkbox"/> Formal Action/Motion | <input type="checkbox"/> Contract Review Board |
| <input type="checkbox"/> None - Report Only | |

Formal action / motion that Council approves Work Order No. 2016-2 to Harper Houf Peterson Righellis for Madras Water System Support Work Water System Operations & Maintenance Manual in the amount of \$23,846.00.

DESCRIPTION:

Work Order No. 2016-2 to HHPR's master contract provides assistance to the Public Works Department to create a City of Madras Water System Support Work Water System Operations & Maintenance Manual.

STAFF ANALYSIS:

The City of Madras is required to have an updated Operations & Maintenance Manual per Oregon Health Authority. The City was cited as being deficient in this area so Staff has requested that Wen Jou provide the estimate to update our Operations and Maintenance manual. Wen Jou has estimated an amount of \$23,846.00 to update the Operations and Maintenance Manual.

Staff proposes to utilize funds from Internal Services Fund Public Works Staff Professional Services to pay for the update.

SUMMARY:

A. **Fiscal Impact:**

- HHPR- Update of Operation & Maintenance Manual = \$23,846.00

B. **Funding Source:**

- Professional Services Public Works Staff, Professional Services – 803-101-520-2503
- At this time a budget resolution is not required. If additional resources are needed in ISF PW Staff a budget resolution may be required.

C. **Recognition of Collateral Material and Technical Report:**

- See attached Work Order No. 2016-2
- Scope of Work and Fee Estimate

RECOMMENDATION:

Formal action / motion that Council approves Work Order No. 2016-2 to Harper Houf Peterson Righellis for Madras Water System Support Work Water System Operations & Maintenance Manual in the amount of \$23,846.00.

City of Madras Water System Support Work
Water System Operations & Maintenance Manual
Staff Hour and Fee Estimates 2016.09.07 by Wen Jou

Task Descriptions	Staff Category			Task Hours	Task Amounts	
	Project Manager	Civil Engineer	CADD Tech		Time	Expenses
1 Project Management & Coordination	8	0	0	192	\$ 23,476	\$ 370
2 QA/QC Review (draft manual & 95% manual)	6	0	0			
3 Project Kickoff Mtg & Notes	8	10	0			
4 Visit Sites, Gather Info, Interview Staff & Prepare Notes	2	12	0			
5 Review of Background Materials	1	8	0			
6 Chap 1 & 2 - Introduction & Water System Description	1	12	24			
7 Chap 3 - Water System Operation & Control	1	16	16			
8 Chap 4 - Maintenance Management Program	1	16	0			
9 Chap 5 - Sampling Testing & Recording	1	8	0			
10 Chap 6 - Safety Program	1	8	0			
11 Chap 7 - Emergency Procedures	1	8	0			
12 Chap 8 - Owner & Operators Responsibilities	1	4	4			
13 Submit to DWP & City / Address Review Comments	1	4	4			
14 Submit Completed Manual City & DWP (4 copies)	1	2	2			
	Hourly Rates	\$149	\$127	\$91		
					Time Charges	\$23,476
					Expenses	\$370
					Total Estimated Fee	\$23,846

CITY OF MADRAS

**WATER SYSTEM
OPERATIONS AND MAINTENANCE
MANUAL**

PROPOSED TOC

September __, 2016

Water System Operations and Maintenance Manual

TABLE OF CONTENTS

CHAPTER AND SECTION	PAGE NO.
CHAPTER ONE - INTRODUCTION	
1.1 BACKGROUND	1-1
1.2 MANUAL PURPOSE AND ORGANIZATION	1-1
1.3 REGULATORY BASIS FOR WATER SYSTEM OPERATIONS	1-1
1.4 RESPONSIBILITIES OF THE OWNER	1-2
1.5 WATER SYSTEM MANAGEMENT ORGANIZATION	1-3
1.6 RESPONSIBILITIES OF OPERATIONS AND MAINTENANCE STAFF	1-3
1.7 REFERENCES	1-4
1.7.1 Periodicals	1-4
1.7.2 Books	1-4
CHAPTER TWO - WATER SYSTEM DESCRIPTION	
2.1 GENERAL OVERVIEW	2-1
2.2 WATER WELLS	2-1
2.3 WATER STORAGE	2-2
2.4 WATER DISTRIBUTION	2-3
2.4.1 Pipe Materials and Sizes	2-3
2.4.2 Network Layout	2-3
2.4.3 Pressure Zones	2-4
2.4.4 Customer Service Connections	2-5
CHAPTER THREE - WATER SYSTEM OPERATION AND CONTROL	
3.1 GENERAL SYSTEM OPERATION	3-1
3.2 OPERATION AND CONTROL OF SYSTEM COMPONENTS	3-1
3.2.1 Distribution Mains	3-2
3.2.2 Reservoir	3-4
3.2.3 Pressure Reducing Stations and Distribution System Operation	3-4
3.3 DESCRIPTIVE DATA FOR EQUIPMENT COMPONENTS	3-5
CHAPTER FOUR - MAINTENANCE MANAGEMENT & RECORD KEEPING	
4.1 MAINTENANCE PROGRAM GOALS	4-1
4.2 MAINTENANCE PROGRAM DESCRIPTION	4-1
4.3 RESPONSIBILITIES	4-2
4.3.1 Responsibilities of Utilities Commission and City Administration	4-2
4.3.2 Responsibilities of Public Works Director and Operator in Responsible Charge	4-2
4.3.3 Responsibilities of Operations and Maintenance Staff	4-3
4.4 PREVENTIVE MAINTENANCE	4-3
4.4.1 General	4-3
4.4.2 Preventive Maintenance Scheduling	4-3
4.4.3 Selection of Spare Parts and Components	4-4
4.4.4 Support Information for Preventive Maintenance	4-4
4.4.5 Preventive Maintenance Program Review	4-4
4.5 PREVENTATIVE MAINTENANCE SCHEDULE	4-5
4.5.1 Daily	4-5
4.5.2 Weekly	4-5
4.5.3 Monthly	4-6

Water System Operations and Maintenance Manual

TABLE OF CONTENTS

4.5.4	Quarterly	4-6
4.5.5	Semi-Annually	4-6
4.5.6	Annually.....	4-7
4.5.7	Three to Five Years.....	4-7
4.6	CORRECTIVE MAINTENANCE PROCEDURES	4-7
4.6.1	Emergencies	4-8
4.6.2	Work Order	4-8
4.6.3	Log Sheets.....	4-8
4.7	INVENTORY AND SPARE PARTS.....	4-8
4.7.1	Accountability.....	4-8
4.7.2	Ordering	4-8
4.7.3	Availability and Obsolescence.....	4-9
4.8	TAG-OUT/LOCK-OUT SYSTEM	4-9
4.9	REFERENCES	4-9

CHAPTER FOUR - SAMPLING, TESTING AND REPORTING

4.1	REGULATIONS	4-1
4.2	REQUIRED SAMPLING AND TESTING.....	4-1
4.2.1	Total Coliform Rule.....	4-1
4.2.2	Chemical Contaminants	4-2
4.2.3	Secondary Contaminants.....	4-2
4.3	SAMPLING PROCEDURES	4-3
4.3.1	Sampling Locations.....	4-3
4.3.2	Types of Samples	4-3
4.3.3	Sampling Method and Labeling.....	4-3
4.4	REPORTS AND NOTICES	4-4
4.5	REFERENCES	4-4

CHAPTER FIVE - SAFETY REQUIREMENTS

5.1	INTRODUCTION	5-1
5.2	REGULATIONS	5-1
5.3	INJURY PREVENTION	5-1
5.4	RULES FOR ACCIDENT PREVENTION.....	5-1
5.4.1	General.....	5-1
5.4.2	Equipment Maintenance	5-2
5.4.3	Electrical Equipment.....	5-2
5.5	ACCIDENT PREVENTION PROGRAM	5-4
5.5.1	Establishing an Accident Prevention Program.....	5-4
5.5.2	Safety Training.....	5-5
5.6	TAGGING AND LOCKOUT PROCEDURE.....	5-5
5.7	RESTORING EQUIPMENT TO SERVICE	5-6
5.8	CONFINED SPACE ENTRY.....	5-8

CHAPTER SIX - EMERGENCY PROCEDURES

6.1	PREVENTION OF EMERGENCIES	6-1
6.2	EMERGENCY RESPONSE PLAN	6-1
6.3	SYSTEM COMPONENT FAILURES.....	6-1

LIST OF TABLES

Water System Operations and Maintenance Manual

TABLE OF CONTENTS

TABLE NO. AND TITLE	PAGE NO.
1-1 MANAGEMENT STRUCTURE	1-3
2-1 SUPPLY WELLS PRODUCTION AND WATER RIGHTS DATA	2-1
2-2 STORAGE RESERVOIR DIMENSIONS AND CAPACITIES.....	2-2
2-3 DISTRIBUTION SYSTEM BREAKDOWN OF PIPE SIZES.....	2-4
3-1 SCADA SYSTEM MONITORING AND CONTROL FUNCTIONS.....	3-1
3-2 WATER SYSTEM EQUIPMENT COMPONENTS.....	3-5
4-1 ROUTINE SAMPLING SCHEDULE FOR CHEMICAL CONTAMINANTS	4-2
5-1 POTENTIALLY HAZARDOUS CONDITIONS	5-3
5-2 CONFINED SPACE ENTRY CHECK LIST.....	5-7

LIST OF FIGURES

FIGURE NO. AND TITLE	FOLLOWS PAGE NO.
2-1 MAP OF DISTRIBUTION SYSTEM AND RESERVOIR	2-5
5-1 WORK REQUEST JOB ORDER FORM	5-9
5-2 SAMPLE PUMP OPERATING LOG SHEET.....	5-9
5-1 EQUIPMENT LOCK-OUT TAG.....	5-8



THE CITY OF MADRAS

125 SW "E" Street, Madras, OR 97741 Phone: (541) 475-2344 Fax: (541) 475-1038

WORK ORDER

Date: 9/12/2016
Order# 2016-02

TO: Harper Houf Peterson
Righellis
205 SE Spokane Street,
Suite 200

Phone: 503-221-1131
Fax: 503-221-1171

PROJECT: City of Madras Water System Support Work Water System Operations & Maintenance Manual

The Contract for the above described work is modified as follows:

- 1 Project Management & Coordination, QA/QC Review, Project Kickoff Meeting & notes
- 2 Visit Sites, Gather information, interview staff & prepare notes, Review of Background Materials
- 3 Submit to DWP & City / Address Review Comments
- 4 Submit Completed Manual City & DWP (4 Copies)
- 5

Fixed Price T & M

Per Quotation Attached.

Details Attached.

All other terms and conditions of the Contract remain unchanged except:

- None
 Describe:

ORIGINAL CONTRACT AMOUNT:

PREVIOUS CONTRACT AMENDMENTS

\$ -

ITEM	UM	QTY	UP	DESCRIPTION	
1	LS		\$23,476.00	Project Management & Coordination, QA/QC Review, Project Kickoff Meeting & notes, Visit Sites, Gather information, interview staff & prepare notes, Review of Background Materials, Submit to DWP & City / Address Review Comments, Submit Completed Manual City & DWP (4 Copies)	\$ 23,476.00
2	1		\$ 370.00	Expenses	\$ 370.00
TOTAL AMENDMENT AMOUNT:					\$ 23,846.00

TOTAL REVISED CONTRACT AMOUNT:

\$ 23,846.00

CITY OF MADRAS:

Harper Houf Peterson Righellis

Royce Embanks, Mayor
Council President or Mayor Pro Tem

Name: _____

Signature: _____

Signature: _____

Date Signed: _____

Date Signed: _____

CITY OF MADRAS

Request for Council Action

Date Submitted: September 20, 2016

Agenda Date Requested: September 27, 2016

To: Mayor and City Council Members

From: Rod Fulton, Building, Fleet, Street Manager

Subject: RESOLUTION NO 24-2016.
AUTHORIZING THE INSTALLATION OF TWO “NO THRU TRUCK” SIGNS, ONE TO BE LOCATED AT THE INTERSECTION OF SOUTH ADAMS DRIVE AND “L” STREET, AND ONE TO BE LOCATED AT THE INTERSECTION OF SOUTH ADAMS AND TRACIE STREET.

TYPE OF ACTION REQUESTED:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Resolution | <input type="checkbox"/> Ordinance |
| <input checked="" type="checkbox"/> Formal Action/Motion | <input type="checkbox"/> Contract Review Board |
| <input type="checkbox"/> None - Report Only | |

Formal action / motion that Council approves Resolution No. 24-2016 Authorizing the Installation of two “No Thru Truck” signs, one to be located at South Adams Drive and “L” Street intersection and one to be located at Tracie Street and South Adams Drive Intersection.

DESCRIPTION:

The Public Works and Parks Committee made a request to have City crews’ install two “No Thru Truck” signs, one to be located at South Adams Drive and “L” Street intersection and one to be located at Tracie Street and South Adams Drive Intersection. Per Ordinance 834, Vehicles and Traffic, City Council has the authority to modify traffic signage within the City’s rights of way.

STAFF ANALYSIS:

At the February 3, 2016 Public Works and Parks Committee meeting a citizen asked if the City could install “No Thru Truck” signs at the intersection of SE “L” Street and SE Tracie Street. Staff contacted the ODOT Engineer, Joel McCarroll and it was determined that in fact the City could install two “No Thru Truck” signs.

At the September 7, 2016 Public Works and Parks Committee meeting, the Public Works and Parks Committee made a motion to recommend to Council to install two No thru truck signs located near the intersection of South Adams Drive and Tracie Street and near the intersection of South Adams Drive and “L” Street.

Staff is recommending Council approve the installation of two “No Thru Truck” signs to be installed. In order for the City’s Police Department to enforce the zone No Thru Truck signs, it must be approved by resolution.

SUMMARY:

A. Fiscal Impact:

- two “No Thru Truck” signs located near the intersection of South Adams Drive and near the intersection of SE Tracie Street and South Adams Drive and L Street =\$ 600.00 in materials the City will do the installation.

B. Funding Source:

- Transportation Operations Fund, Materials and Services, 204-040-520-2702
- Repairs and Maintenance for Transportation Operations Fund has been budgeted for \$65,000 for FY 16-17. The “No Thru Trucks” signs are within appropriations therefore a budget resolution is not required.

C. Recognition of Collateral Material and Technical Report:

- Resolution No. 17-2016
- Correspondence between Joel McCarroll and Rod Fulton.
- Exhibit of location of two “No Thru Truck” signs proposed.
- Public Works and Parks Committee September 7, 2016 meeting minutes.

RECOMMENDATION:

Formal action / motion that Council approves Resolution No. 24-2016 Authorizing the Installation of two “No Thru Truck” signs, one located at South Adams Drive and “L” Street intersection and one located at Tracie Street and South Adams Drive Intersection

RESOLUTION NO. 24-2016

A RESOLUTION OF THE CITY OF MADRAS AUTHORIZING THE INSTALLATION OF TWO "NO THRU TRUCK" SIGNS, ONE TO BE LOCATED AT THE INTERSECTION OF SOUTH ADAMS DRIVE AND 'L' STREET, AND ONE TO BE LOCATED AT THE INTERSECTION OF SOUTH ADAMS DRIVE AND TRACIE STREET.

WHEREAS, the City of Madras ("City") has the authority by charter and ordinance to establish street control signs, including "No Thru Truck" signs, for citizen safety and traffic control; and

WHEREAS, the Uniform Manual on Traffic Control gives direction on the justification and specifications for the placement of street control signs; and

WHEREAS, ODOT has recommended that two "No Thru Truck" signs be placed, one to be located at the intersection of South Adams Drive and "L" Street, and one to be located at the intersection of South Adams Drive and Tracie Street; and

WHEREAS, the Public Works and Parks Committee, after meeting and considering ODOT'S recommendation on September 7, 2016, made a motion to recommend that the Council authorize the installation of two "No Thru Truck" signs as specified above.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Common Council of the City of Madras that:

1. The above-stated findings contained in this Resolution No. 24-2016 (this "Resolution") are hereby adopted.
2. Two "No Thru Truck" signs will be installed, one to be located at the intersection of South Adams Drive and "L" Street, and one to be located at the intersection of South Adams Drive and Tracie Street. The City's Public Works Department and Police Department will immediately coordinate the installation of the two signs.
3. Following the installation of the two "No Thru Truck" signs, law enforcement agencies will have the authority to issue citations for any violations concerning, among other things, an individual's failure to adhere to the signs.

4. This resolution will become effective immediately upon its passage by the Council and signing by the Mayor.

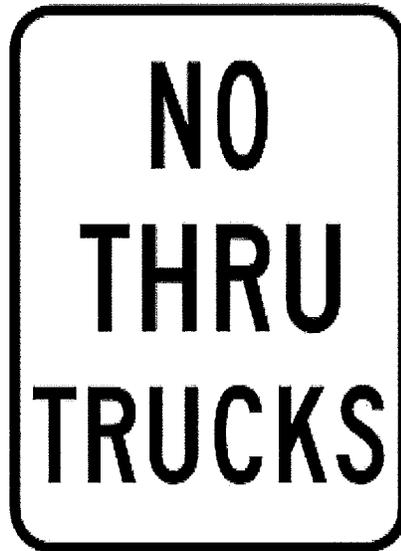
ADOPTED by the Common Council of the City of Madras and signed by the Mayor this _____ day of _____, 20____.

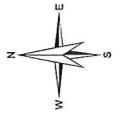
Ayes: _____
Nays: _____
Abstentions: _____
Absent: _____
Vacancies: _____

Royce Embanks, Mayor

ATTEST:

Karen J. Coleman, City Recorder





Jefferson County uses GIS data in support of its internal business functions and the public services it provides. This GIS data, which Jefferson County distributes, may not be suitable for other purposes or uses. It is the requestor's responsibility to verify any information derived from the GIS data before making any decisions or taking any actions based on the information. Jefferson County shall not be held liable for any errors in the GIS data. This includes errors of omission, commission, errors concerning the content of the data, and relative and positional accuracy of the data. Jefferson County assumes no legal responsibility for this information.

Jefferson County GIS

IV. **NEW BUSINESS**

Louise Muir asked if we could have the monument sign added on the agenda for updates.

The Committee discussed the monument sign and what could be done to improve the appearance.

V. **PROJECT/EVENT UPDATES**

A. ***Speed Radar Sign Location***

Rod Fulton explained to the Committee that he spoke with Joel McCarrol of ODOT and they do not recommend locations. Rod told the Committee that we need to place the radar sign where you would like to see traffic slowing down. We don't want to place the sign too far out because they will slow down but then regain their speed before they reach town. Along with the placement of the radar sign we need to have police enforcement this will aid with slowing traffic.

The Committee discussed where they thought would be the best place to install the speed radar sign.

A Motion to recommend was made by Bill Ferguson; seconded by Bartt Brick to install the speed radar sign by the Northern Energy building on the south end of town, motion carried unanimously.4/0

B. ***Spray Park***

Jeff Hurd reported to the Committee that the agreement for the Spray Park is ready to present to the Bean Foundation and Mark Foster.

C. ***Skate Park to Fishing Pond Trail Addition***

No update

D. ***Warm Springs Truck Stop***

Jeff Hurd informed the Committee that we are close to having an agreement ready to present to Warm Springs for the Truck Stop.

E. ***Madras Municipal Airport West Access Road***

Rod Fulton informed the Committee that the paving is complete and they are still working on installing utilities. We are still working on the RPZ road.

F. ***Directional Signage on South Adams to Hwy 97 & No Truck Signs on Tracie Street and L Street***

Rod Fulton told the Committee that he spoke with Joel McCarrol and they don't recommend using the no truck sign with the symbol. ODOT sees better results when the signs are words (no thru trucks).

The no thru truck signs would be placed at L Street and Tracie Street and the directional sign will be installed east side of Hwy 97 before L Street.

A Motion to recommend was made by Louise; seconded by Bartt Brick to install the two NO THRU TRUCKS on L Street and Tracie Street and the directional sign to be installed on the east side of Hwy 97 before L Street, motion carried unanimously.4/0

G. *H Street Sidewalk Project*

Jeff Hurd told the Committee we will be getting funding through the STIP program but the project funding is not available until 2018.

H. *Saint Charles Medical Center – Stormwater Improvements*

Jeff Hurd explained to the Committee that the stormwater improvements are completed and they are now working on making ADA sidewalks. St. Charles is still working on trying to fix the fire flow issue, but we believe we have that worked out.

I. *Bard Lane Phase II*

No Update

J. *5th Street Sidewalk – F to G Street*

No Update

K. *7th Street Paving – B to A Street*

Rod Fulton told the Committee that the road has been saw cut and we have called in for locates. We are looking at breaking ground on September 12, 2016. We are hoping to have the project complete with in the next week.

The Committee had a discussion on road maintenance there was a discussion on where we are at concerning a gas tax.

L. *Bel Air Sewer Project*

Jeff Hurd told the Committee that we have the grant/loan funding through the Clean Water State Revolving Fund. We will be starting this project in 2017-2018.

Michele Quinn added that we still have a few documents that need submitted for our application to be complete.

M. *Speed Signage for Loucks Road*

Rod Fulton told the Committee that he spoke with Joel and they our out at least three to four months before they could do a speed study on Loucks Road.

Jeff Hurd mentioned that we would like to have 25 mile per hour signs up until you pass Lakeside Drive.

Rod Fulton

From: MCCARROLL Joel R <Joel.R.MCCARROLL@odot.state.or.us>
Sent: Tuesday, August 09, 2016 4:34 PM
To: Rod Fulton
Subject: RE: Signs & speed study

From: Rod Fulton [<mailto:rfulton@ci.madras.or.us>]
Sent: Thursday, August 04, 2016 6:40 AM
To: MCCARROLL Joel R
Subject: Signs & speed study

Good morning Joel,
Hope your week is going well, I have a few things to ask,

- I wanted to check in with you and see if you have anything for South Adams Drive signage directing the truck traffic back to highway 97 on L street.

I will try to get something to you in the next couple of days. Our sign designer is out with back problems right now.

- I need to see if you do a speed study on NE Loucks road as it is considered a basic rule road according to the county. The city has recently taken over this road and the public is complaining that they are getting stopped for driving 35 to 40 mph let me know what I need to do to get this started.

I will send you the request form.

- Solar speed radar sign, I met with the committee and they would like to get ODOTS recommendation of where to install it so that it is most effective. They have recommended that we do it on the south entrance into madras on Hwy 97. I have been asked to return to the next meeting with what your recommendation is maybe you can give three different location that would work from Hwy 26 & 97 Prineville junction to Hall road near Bi-Mart.

This kind of depends on what you are looking for... Do you want people to slow down at the first speed zone or in areas where they are more likely to see pedestrians, bicycles, turning vehicles etc.

- Last thin, I have been asked to install no truck signs on South Adams Drive near the L street and South Adams intersection, can you recommend one that would work best in your opinion.

I would use something like this. You don't really want to say No Trucks since you can't really restrict trucks without a safety rationale (weight restriction for instance.) You could also do this as a warning or guide sign.



Thanks Joel, Have a good day!

Rodney R. Fulton

City Of Madras Public Works

Streets/Fleet/Building Supervisor

Office 541-475-2622 Ext 1

Cell 541-480-4307

rfulton@ci.madras.or.us

CITY OF MADRAS

Request for Council Action

Date Submitted: September 20, 2016
Agenda Date Requested: September 27, 2016
To: Mayor and City Council Members
From: Rod Fulton, Building/Fleet/Streets Manager
Subject: RESOLUTION NO 25-2016
AUTHORIZING THE INSTALLATION OF ONE SOLAR
SPEED RADAR SIGN WITHIN 175 LINEAR FEET OF HALL
ROAD AND U.S. HIGHWAY 97

TYPE OF ACTION REQUESTED:

- Resolution Ordinance
 Formal Action/Motion Contract Review Board
 None - Report Only

Formal action / motion that council approves Resolution No. 25-2106 authorizing the Installation of one solar speed radar sign. To be installed within 175 feet of the intersection of Hall road and Hwy 97.

DESCRIPTION:

The Public Works and Parks Committee made a request to have ODOT's crew install one (1) solar speed radar sign within 175 feet of the intersection of Hall road and Hwy 97. Per Ordinance 834, Vehicles and Traffic, City Council has the authority to modify traffic signage within the City's rights of way, in this case it is ODOT right-of-way.

STAFF ANALYSIS:

Public Works and Parks Committee asked if the City could install solar speed radar signs at the south end and north end of madras. Staff checked on the cost of the signs and installation and it was determined that we would need to spread out the signs over two budget seasons. For fiscal

year 2016-2017 staff has budgeted for on solar speed radar sign to be installed. Public Works and Parks discussed the location of the solar speed radar sign and decided they would like to see it installed on the south end of town near Northern Energy. Staff contacted ODOT Joel McCarroll and it was determined that in fact the City could install one solar speed radar sign. (See attached correspondence with Joel McCarroll and Rod Fulton).

At the September 7, 2016 Public Works and Parks Committee meeting, the Public Works and Parks Committee made a motion to recommend to Council to install one solar speed radar sign at the intersection of Hwy 97 and Hall Road near Northern Energy.

Staff is recommending Council approve the installation of one solar speed radar sign to be installed. In order for the City's Police Department to enforce the speed zone sign, it must be approved by resolution.

SUMMARY:

A. Fiscal Impact:

- One solar speed radar sign to be placed by ODOT crews located on Hwy 97 and Hall Road the city will be purchasing the sign from ODOT and they will do the installation. In the amount of \$7,500.00

B. Funding Source:

- 204-040-540-1321 Transportation Operations fund- Capital Outlay
- Repairs and Maintenance for Transportation Operations Fund has been budgeted for \$7,500.00 for FY 16-17. The solar speed radar sign is recommended by ODOT and fall well within appropriations; therefore a budget resolution is not required.

C. Recognition of Collateral Material and Technical Report:

- Public Works and Parks Minutes
- Map showing location of Solar Speed Radar Sign
- Picture of solar speed radar sign.

RECOMMENDATION:

Formal action / motion that council approves Resolution No. 25-2106 authorizing the Installation of one solar speed radar sign. To be installed within 175 feet of the intersection of Hall road and Hwy 97.

RESOLUTION NO. 25-2016

A RESOLUTION OF THE CITY OF MADRAS AUTHORIZING THE INSTALLATION OF ONE SOLAR SPEED RADAR SIGN WITHHIN 175 LINEAR FEET OF THE INTERSECTION OF HALL ROAD AND U.S. HIGHWAY 97.

WHEREAS, the City of Madras ("City") has the authority by charter and ordinance to establish street control signs, including speed radar signs, for citizen safety and traffic control; and

WHEREAS, the Uniform Manual on Traffic Control gives direction on the justification and specifications for the placement of street control signs; and

WHEREAS, the Public Works and Parks Committee, after meeting on September 7, 2016, made a recommendation that the Council authorize the installation of a speed radar sign to be placed within 175 linear feet of the intersection of Hall Road and U.S. Highway 97 (the "Intersection").

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Common Council of the City of Madras that:

1. The above-stated findings contained in this Resolution No. 25-2016 (this "Resolution") are hereby adopted.
2. A speed radar sign will be placed within 175 linear feet of the intersection of Hall Road and U.S. Highway 97. The City's Public Works Department and Police Department will immediately coordinate the installation of the speed radar sign.
3. Following the installation of the speed radar sign, law enforcement agencies will have the authority to issue citations for any violations concerning, among other things, an individual's failure to adhere to the speed radar sign.
4. This resolution will become effective immediately upon its passage by the Council and signing by the Mayor.

ADOPTED by the Common Council of the City of Madras and signed by the Mayor this _____ day of _____, 20____.

Ayes: _____
Nays: _____
Abstentions: _____
Absent: _____
Vacancies: _____

Royce Embanks, Mayor

ATTEST:

Karen J. Coleman, City Recorder



IV. NEW BUSINESS

Louise Muir asked if we could have the monument sign added on the agenda for updates.

The Committee discussed the monument sign and what could be done to improve the appearance.

V. PROJECT/EVENT UPDATES

A. Speed Radar Sign Location

Rod Fulton explained to the Committee that he spoke with Joel McCarrol of ODOT and they do not recommend locations. Rod told the Committee that we need to place the radar sign where you would like to see traffic slowing down. We don't want to place the sign too far out because they will slow down but then regain their speed before they reach town. Along with the placement of the radar sign we need to have police enforcement this will aid with slowing traffic.

The Committee discussed where they thought would be the best place to install the speed radar sign.

A Motion to recommend was made by Bill Ferguson; seconded by Bartt Brick to install the speed radar sign by the Northern Energy building on the south end of town, motion carried unanimously.4/0

B. *Spray Park*

Jeff Hurd reported to the Committee that the agreement for the Spray Park is ready to present to the Bean Foundation and Mark Foster.

C. *Skate Park to Fishing Pond Trail Addition*

No update

D. *Warm Springs Truck Stop*

Jeff Hurd informed the Committee that we are close to having an agreement ready to present to Warm Springs for the Truck Stop.

E. *Madras Municipal Airport West Access Road*

Rod Fulton informed the Committee that the paving is complete and they are still working on installing utilities. We are still working on the RPZ road.

F. *Directional Signage on South Adams to Hwy 97 & No Truck Signs on Tracie Street and L Street*

Rod Fulton told the Committee that he spoke with Joel McCarrol and they don't recommend using the no truck sign with the symbol. ODOT sees better results when the signs are words (no thru trucks).

Rod Fulton

From: MCCARROLL Joel R <Joel.R.MCCARROLL@odot.state.or.us>
Sent: Wednesday, September 07, 2016 2:53 PM
To: Rod Fulton
Cc: SERPICO Daniel S
Subject: FW: solar speed radar/ signage

Rod, We can't locate the request for Loucks Rd. Do you remember who you sent it to?

Joel

From: SERPICO Daniel S
Sent: Wednesday, September 07, 2016 1:41 PM
To: MCCARROLL Joel R; KAMANYA Sinclair
Subject: RE: solar speed radar/ signage

Joel,

We have nothing in our records regarding Loucks Rd in Madras. Do you know who he sent it to?

DAN SERPICO, P.E.

Oregon Department of Transportation
Senior Traffic Analyst
Region 4 Traffic
(541) 388-6170
Daniel.S.Serpico@state.or.us

From: MCCARROLL Joel R
Sent: Wednesday, September 07, 2016 11:22 AM
To: KAMANYA Sinclair
Cc: SERPICO Daniel S
Subject: FW: solar speed radar/ signage

Sinclair,

Do you know the status of the Loucks Rd. speed zone in Madras?

Thanks,
Joel

From: Rod Fulton [<mailto:rfulton@ci.madras.or.us>]
Sent: Wednesday, September 07, 2016 11:18 AM
To: MCCARROLL Joel R
Subject: solar speed radar/ signage

Good Morning Joel,

I have the location of where the Solar Speed radar sign is to be placed at the South end of Madras. they would like to have the sign placed about 100 feet south of Hall Road which would put it in front of the Northern Energy Propane

building. If you would go ahead and get them ordered and installed and let me know. That would be great. Let me know if I you need me to do anything.

In regards to the No Thru truck and the sign detail you sent me , to guide traffic back to Hwy 97 will be great. So you can move forward with that as well.

One last thing, I wanted to follow up with you on the Speed study I sent in a month ago for NE Loucks Road off of Hwy located North of Madras. would you happen to know when it will be completed, when we spoke on the phone about it you said that they can take about 3 or 4 months depending on your staffs schedule.

Thanks Joel

Rodney R. Fulton

City Of Madras Public Works

Streets/Fleet/Building Supervisor

Office 541-475-2622 Ext 1

Cell 541-480-4307

rfulton@ci.madras.or.us

CITY OF MADRAS

Request for Council Action

Date Submitted: September 21, 2016

Agenda Date Requested: September 27, 2016

To: Mayor and City Council Members

From: Rod Fulton, Building, Fleet, Street Manager

Subject: AUTHORIZING THE INSTALLATION OF ONE DIRECTIONAL HWY 97 SIGN LOCATED NEAR L STREET AND SOUTH ADAMS DRIVE.

TYPE OF ACTION REQUESTED:

- | | |
|--|--|
| <input type="checkbox"/> Resolution | <input type="checkbox"/> Ordinance |
| <input checked="" type="checkbox"/> Formal Action/Motion | <input type="checkbox"/> Contract Review Board |
| <input type="checkbox"/> None - Report Only | |

Formal action / motion that Council approves the Installation of one Hwy 97 directional sign to be installed near the intersection of L Street and South Adams Drive.

DESCRIPTION:

The Public Works and Parks Committee made a request to have City crews' install one "Highway 97" directional sign near the intersection of L Street and South Adams Drive. Per Ordinance 834, Vehicles and Traffic, City Council has the authority to modify traffic signage within the City's rights of way.

STAFF ANALYSIS:

At the March 4, 2016 Public Works and Parks Committee meeting Rod Fulton informed the Committee that ODOT has recommended the installation of a directional Hwy sign to guide traffic back to Hwy 97 from South Adams Drive, and to keep traffic from using "Sunrise Estates" as the route from South Adams Drive to J Street. Staff contacted ODOT Engineer, Joel McCarroll and it was determined that in fact the City could install a directional Hwy 97 sign (see attached correspondence with Joel McCarroll , and Rod Fulton).

At the September 7, 2016 Public Works and Parks Committee meeting, the Public Works and Parks Committee made a motion to recommend to Council to install a directional Hwy 97 sign to be located near the intersection of South Adams Drive and L Street.

Staff is recommending Council approve the installation of a Directional Hwy 97 sign to be installed near L Street and South Adams Drive. This will aid in directing truck traffic back on to the State Highway instead of them driving through residential areas.

SUMMARY:

A. Fiscal Impact:

- Installation of a Directional sign at Hwy 97 and South Adams Drive and L Street = \$ 300.00 materials. The city will do the installation.

B. Funding Source:

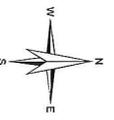
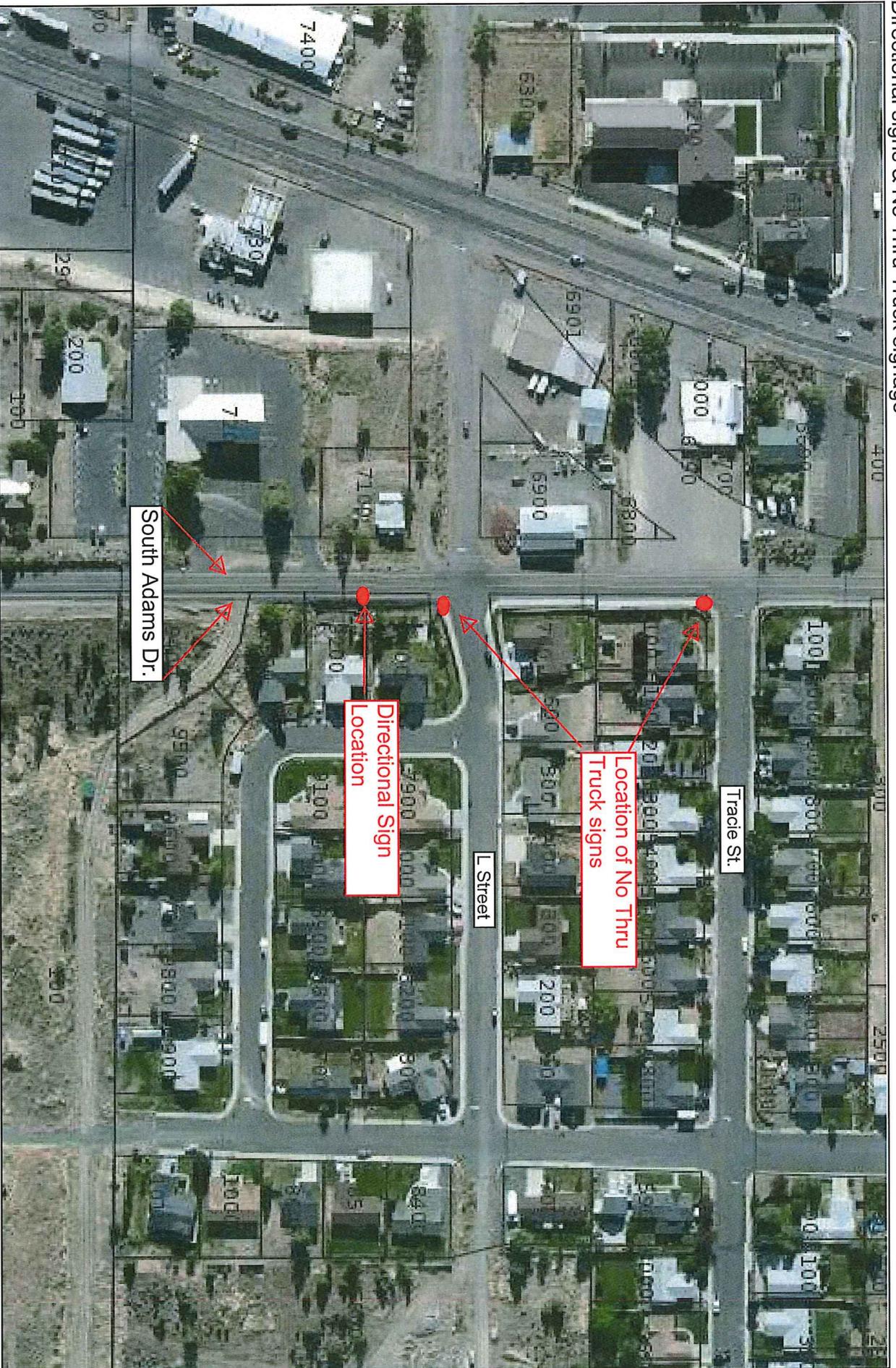
- Transportation Operations Fund, Materials and Services, 204-040-520-2702
- Repairs and Maintenance for Transportation Operations Fund has been budgeted for \$65,000 for FY 16-17. Signs are within appropriations therefore a budget resolution is not required.

C. Recognition of Collateral Material and Technical Report:

- Correspondence between Joel McCarroll and Rod Fulton.
- Exhibit of location of directional sign proposed.
- Public Works and Parks Committee March 4, 2016 and September 7, 2016 meeting minutes.

RECOMMENDATION:

Formal action / motion that Council approves the Installation of one Hwy 97 directional sign to be installed near the intersection of L Street and South Adams Drive.



Jefferson County uses GIS data in support of its internal business functions and the public services it provides. This GIS data, which Jefferson County distributes, may not be suitable for other purposes or uses. It is the requester's responsibility to verify any information derived from the GIS data before making any decisions or taking any actions based on the information. Jefferson County shall not be held liable for any errors in the GIS data. This includes errors of omission, commission, or omission of data. Jefferson County assumes no legal responsibility for this information.

Jefferson County GIS

IV. NEW BUSINESS

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The Committee discussed the monument sign and what could be done to improve the appearance.

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Rod Fulton told the Committee that he spoke with Joel McCarrol and they don't recommend using the no truck sign with the symbol. ODOT sees better results when the signs are words (no thru trucks).

The no thru truck signs would be placed at L Street and Tracie Street and the directional sign will be installed east side of Hwy 97 before L Street.

A Motion to recommend was made by Louise; seconded by Bartt Brick to install the two NO THRU TRUCKS on L Street and Tracie Street and the directional sign to be installed on the east side of Hwy 97 before L Street, motion carried unanimously.4/0

G. *H Street Sidewalk Project*

Jeff Hurd told the Committee we will be getting funding through the STIP program but the project funding is not available until 2018.

H. *Saint Charles Medical Center – Stormwater Improvements*

Jeff Hurd explained to the Committee that the stormwater improvements are completed and they are now working on making ADA sidewalks. St. Charles is still working on trying to fix the fire flow issue, but we believe we have that worked out.

I. *Bard Lane Phase II*

No Update

J. *5th Street Sidewalk – F to G Street*

No Update

K. *7th Street Paving – B to A Street*

Rod Fulton told the Committee that the road has been saw cut and we have called in for locates. We are looking at breaking ground on September 12, 2016. We are hoping to have the project complete with in the next week.

The Committee had a discussion on road maintenance there was a discussion on where we are at concerning a gas tax.

L. *Bel Air Sewer Project*

Jeff Hurd told the Committee that we have the grant/loan funding through the Clean Water State Revolving Fund. We will be starting this project in 2017-2018.

Michele Quinn added that we still have a few documents that need submitted for our application to be complete.

M. *Speed Signage for Loucks Road*

Rod Fulton told the Committee that he spoke with Joel and they our out at least three to four months before they could do a speed study on Loucks Road.

Jeff Hurd mentioned that we would like to have 25 mile per hour signs up until you pass Lakeside Drive.

Rod Fulton

From: MCCARROLL Joel R <Joel.R.MCCARROLL@odot.state.or.us>
Sent: Tuesday, August 09, 2016 4:34 PM
To: Rod Fulton
Subject: RE: Signs & speed study

From: Rod Fulton [<mailto:rfulton@ci.madras.or.us>]
Sent: Thursday, August 04, 2016 6:40 AM
To: MCCARROLL Joel R
Subject: Signs & speed study

Good morning Joel,
Hope your week is going well, I have a few things to ask,

- I wanted to check in with you and see if you have anything for South Adams Drive signage directing the truck traffic back to highway 97 on L street.

[I will try to get something to you in the next couple of days. Our sign designer is out with back problems right now.](#)

- I need to see if you do a speed study on NE Loucks road as it is considered a basic rule road according to the county. The city has recently taken over this road and the public is complaining that they are getting stopped for driving 35 to 40 mph let me know what I need to do to get this started.

[I will send you the request form.](#)

- Solar speed radar sign, I met with the committee and they would like to get ODOTS recommendation of where to install it so that it is most effective. They have recommended that we do it on the south entrance into madras on Hwy 97. I have been asked to return to the next meeting with what your recommendation is maybe you can give three different location that would work from Hwy 26 & 97 Prineville junction to Hall road near Bi-Mart.

[This kind of depends on what you are looking for... Do you want people to slow down at the first speed zone or in areas where they are more likely to see pedestrians, bicycles, turning vehicles etc.](#)

- Last thin, I have been asked to install no truck signs on South Adams Drive near the L street and South Adams intersection, can you recommend one that would work best in your opinion.

[I would use something like this. You don't really want to say No Trucks since you can't really restrict trucks without a safety rationale \(weight restriction for instance.\) You could also do this as a warning or guide sign.](#)

27, 2016. During the City Council's public hearing staff will present the proposed Zoning Ordinance text amendments and the Time, Place, and Manner regulations related to Recreational Marijuana; the City Council will provide an opportunity for the public to comment on the proposed ordinances; and the Council may take formal action to approve, approve with modifications, or continue the public hearing to a date and time certain. The Planning Commission's action would then be forwarded to the City Council for consideration and formal action.

DISCUSSION:

The Community Development Department sought direction from the City Council on March 22, 2016 and thereafter, about how to develop Recreational Marijuana Zoning and Time, Place, and Manner regulations for Recreational Marijuana. Ultimately, the City Council determined, by passing Resolution No. 09-2016, to establish a Recreational Marijuana Advisory Committee (RMAC) to develop the needed regulations that would be composed of 3 City Councilors, 2 Planning Commissioners, the Jefferson County Economic Development Manager, 4 Marijuana Industry representatives, and 2 Madras citizens. The RMAC held five meetings between June and August of 2016. The RMAC made decisions on a consensus basis and provided each Committee member to provide input on each aspect of the proposed regulations. The RMAC also provided citizens the ability to provide public comments at each meeting. The Community Development Director, Chief of Police, City Attorney, and citizens also provided information and guidance to the RMAC each meeting. The meeting minutes for all five of the RMAC meetings are provided in Attachments A through E.

APPROACH:

Staff implemented an 11-question attitudinal community survey to determine the perceptions (i.e. feeling and attitudes) of community members about where Recreational Marijuana growing, processing, and retail sales should be located by zoning district, concerns with existing Medical Marijuana dispensaries (i.e. retail sales), the ability to provide any other comments or concerns. 125 survey responses were submitted, compiled, analyzed, summarized, and presented to the RMAC. The results for the survey provided an indicator on the issues and concerns the community may have regarding growing, processing, and retail sales of Recreational Marijuana and how regulations may be developed to respond to the issues and concerns of those who responded to the survey.

After considering the survey results the RMAC developed the proposed Recreational Marijuana regulations by first determining which uses (i.e. growing, processing, wholesaling, and retail sales) would be allowed in each of the City's zoning districts. Thereafter, the RMAC determined what aspects of the use needed to be regulated (e.g. hours of operation, odor control, lighting limitations, etc.). Finally, the Committee developed specific regulations Zoning and Time, Place, and Manner Regulations as showing in Exhibits 2 and 3 (attached).

ISSUES:

In general, the RMAC considered whether or not the City's Recreational Marijuana regulations needed to be equal or exceed the related state laws. Ultimately, the consensus of the Committee was that the City regulations needed to be equal to state law with a few exceptions. In particular, the Committee felt that air filtration, Class II felonies, accounting, record keeping, the type of buildings used for growing and processing, where Recreational Marijuana may be grown (inside or outside of a building), and Lighting standard needed to exceed the requirements of state law. A summary of the regulations is provided in Exhibit 1.

RMAC RECOMMENDATION:

At the August 4, 2016 RMAC meeting the Committee unanimously approved the proposed Zoning Ordinance (No. 864) text amendments and the Recreational Marijuana Time, Place, and Manner regulations. There are not any unresolved issues or differences of opinion on the content, process, or otherwise of the proposed Recreational Marijuana regulations.

SUPPORTING DOCUMENTATION:

- Attachment A: June 9, 2016 RMAC Meeting Minutes (Approved)
- Attachment B: June 23, 2016 RMAC Meeting Minutes (Approved)
- Attachment C: July 7, 2016 RMAC Meeting Minutes (Approved)
- Attachment D: July 21, 2016 RMAC Meeting Minutes (Not Approved)
- Attachment E: August 4, 2016 RMAC Meeting Minutes (Not Approved)

- Exhibit 1: Recreational Marijuana Regulations Summary Table
- Exhibit 2: Zoning Ordinance Recreational Marijuana Text Amendments
- Exhibit 3: Recreational Marijuana Time, Place, and Manner Regulations

OPTIONS FOR CITY COUNCIL ACTION:

1. Take formal action to approve the proposed Recreational Marijuana regulations as proposed and direct staff to prepare the adopting ordinances for the City Council to consider at a future Council meeting.
2. Take formal action to approve with specific modifications the proposed Recreational Marijuana regulations as proposed and direct staff to prepare the adopting ordinances for the City Council to consider at a future Council meeting.
3. Take no action and continue the public hearing to a date and time certain.

STAFF RECOMMENDATION:

That the City Council approves the proposed Zoning Ordinance (No. 864) text amendments and the Time, Place, and Manner Recreational Marijuana regulations as presented direct staff to prepare the adopting ordinances for the City Council to consider at a future Council meeting.

MOTION FOR COMMISSION ACTION:

I move that the City Council approves the proposed Zoning Ordinance (No. 864) text amendments and the Time, Place, and Manner Recreational Marijuana regulations as presented and direct staff to prepare the adopting ordinances for the City Council to consider at a future Council meeting.

Nick Snead

From: Nick Snead
Sent: Tuesday, September 20, 2016 9:56 AM
To: Jeremy Green
Cc: Gus Burril; Karen Coleman
Subject: RMJ Ordinances

Jeremy,

As we discussed recently, I'd like the RMJ Zoning and TPM ordinances to each have a provision that the ordinance would automatically dissolve if the Result of the November ballot is that recreational marijuana is not to be allowed. This will save time, effort, and money for the City by not requiring the Council to pass an ordinance that removes these ordinances. Please confirm that these provisions can be added. If we need to discuss my d site for this provision please let me know.

Sincerely,

Nicholas Snead, AICP
Community Development Director
125 SW E Street
Madras, OR, 97741
(P) 541-323-2916
(F) 541-475-7063
www.ci.madras.or.us

DRAFT

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MADRAS ESTABLISHING TIME, PLACE, AND MANNER REGULATIONS CONCERNING RECREATIONAL MARIJUANA PRODUCERS, PROCESSORS, WHOLESALERS, LABORATORIES, AND RETAILERS.

WHEREAS, the City of Madras (“City”) has all powers that the constitutions, statutes, and common law of the United States and Oregon expressly or impliedly grant or allow City; and

WHEREAS, the Madras City Council (the “Council”) finds that the characteristics, operations, and potential impacts of recreational marijuana producers, processors, wholesalers, testing laboratories, and retailers necessitate (a) the establishment of particular reasonable time, place, and manner regulations for such operations, and (b) a separate permitting process for such operations; and

WHEREAS, City desires to reasonably regulate recreational marijuana operations in an effort to protect the public health, safety, and welfare.

NOW, THEREFORE, the City of Madras ordains as follows:

1. Findings. The above-stated findings are hereby adopted.
2. Purpose. The purpose of this Ordinance No. _____ (this “Ordinance”) is to minimize any adverse public safety and public health impacts that may result from allowing recreational marijuana producers, processors, wholesalers, testing laboratories, and retailers to operate in City’s incorporated limits by (a) adopting particular reasonable time, place, and manner regulations, and (b) a separate permitting process for such operations.
3. Definitions. For purposes of this Ordinance, the following terms and phrases have the meanings assigned to them below:

“Administrator” means City’s city administrator (or his or her designee) and/or any other City officer, employee, or agent appointed by the Council from time to time.

“Business(es)” means the recreational marijuana business operated by the marijuana processor, producer, testing laboratory, wholesaler, retailer, and/or any combination thereof.

“Cannabinoid” means any of the chemical compounds that are the active constituents of marijuana.

“Company principle(s)” means a person who is a director, officer, shareholder, manager, member, or partner of an entity or has a controlling interest in the entity through his or her ownership or control of 10% or more of the ownership in the entity or 10% or more of the total investment interest in the entity.

“Controlled substance(s)” means a substance designated as Schedule I or Schedule II controlled substances by the Code of Federal Regulations Title 21, Chapter II, Part 1308.

“Convicted” means an adjudication of guilt upon a verdict or finding entered in a criminal proceeding in a court of competent jurisdiction.

“Financial interest” exists when a person, the person’s immediate family, and/or a legal entity of which the person is a company principle (a) receives or is entitled to receive directly or indirectly any of the benefits of a business, (b) rents or leases real property to the business for use by the business, and/or (c) lends or gives money, real property, or personal property to the business for use in the business. For purposes of this definition, monies owed to suppliers or contractors for the reasonable cost of goods and services received does not constitute a financial interest in a business.

“Marijuana” means all parts of the plant Cannabis family Moraceae, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin.

“Marijuana processors” means a processor required to be licensed under ORS 475B.090.

“Marijuana producers” means a producer required to be licensed under ORS 475B.070.

“Marijuana testing laboratory” means a facility that conducts testing of marijuana products as required by ORS 475B.555 and is required to be licensed under ORS 475B.560.

“Marijuana wholesalers” means a wholesaler required to be licensed under ORS 475B.100.

“Marijuana retailers” means a retailer required to be licensed under ORS 475B.110.

“Minor(s)” means any person under 21 years of age.

“Person(s)” means an individual.

“Zoning ordinance” means City Ordinance No. 864, as amended.

4. Annual Permit Required. The company principle of each business operating in City’s incorporated limits must possess a valid annual recreational marijuana permit issued under this Ordinance and must comply with the requirements of all applicable federal, state, and local laws, regulations, and ordinances, including, without limitation, this Ordinance. The permit term will be for a fiscal year, beginning July 1 and ending June 30 of the immediately following year. The permit must be obtained and renewed contemporaneously with the company principle’s obtainment and renewal of City’s business license. Permits are non-transferrable. A separate permit must be obtained for each form of business even if operated on the same premises or under the same ownership.

5. Permit Application; Renewal; Updates; Termination; Fees.

5.1 Initial Application; Fee. Application forms for recreational marijuana permits will be available at Madras City Hall. Applications for initial and renewal permits must be submitted to City and signed under penalty of perjury. At the time of submission of an initial permit application, the applicant must pay a permit application and investigation fee. The permit application and investigative fee amount will be set from time to time by Council resolution. No portion of the fee is refundable if a permit is denied or operation of the business is discontinued for any reason. A separate permit application must be submitted for each proposed business location. The permit application documents may be included as part of City’s business license application materials and must contain, at minimum, the following:

- (a) The location of the proposed business;
- (b) A description of the type, nature, and extent of the business to be conducted;
- (c) A description of the proposed accounting and inventory systems for the business;
- (d) Certification that the proposed business is licensed to conduct business in compliance with Ordinance No. 849, City’s business license ordinance, and in compliance with all applicable federal, state, and local laws, regulations, and ordinances;
- (e) Certification that the proposed business has met the requirements of all applicable land use and/or development laws, regulations, and codes; and

- (f) Such other information deemed necessary or appropriate by the administrator to conduct any investigation and/or background check (including names and fingerprints) of the company principals, employees, volunteers, persons with a financial interest, and persons or entities providing debt financing for the business.
- 5.2 Renewal Application; Fee. A permit renewal application will include information similar in nature to that provided on the permittee's initial permit application and must be submitted to City not less than 30 days prior to expiration of the permit. Permit renewal application materials may be included as part of City's business license renewal application materials. At the time of submission of a permit renewal application, the permittee must pay a permit renewal application and investigation fee. The renewal application and investigation fee amount will be set from time to time by Council resolution. No portion of the fee is refundable if a permit is denied or operation of the business is discontinued for any reason.
- 5.3 Termination. A permit terminates automatically on June 30 of each year unless a permit renewal application is prior approved. A permit terminates automatically and without further act of City if any federal and/or state statutes, laws, regulations, ordinances, and/or guidelines are modified, changed, and/or interpreted in a manner by state or federal law enforcement officials so as to prohibit operation of the business under this Ordinance.
- 5.4 Notification of Changes. If a permittee is required to provide the Oregon Liquor Control Commission with any update, notice, report, or additional disclosure pursuant to OAR 845-025-1160 and/or any other state law and/or regulation, the permittee will supply the same information to City within the same deadline. If the supplied information necessitates a modification of the permit, such as the change in business location, the permittee will remit the applicable fee for an annual renewal.
6. Operation Regulations; Permit Conditions. Except as otherwise expressly provided under this Ordinance, each business must comply with the following operating regulations, in addition to any and all other applicable federal, state, and/or local laws, regulations, and/or ordinances:
- 6.1 Compliance with Applicable Laws. The business must at all times be operated in compliance with applicable Oregon laws and regulations, including, without limitation, ORS chapter 475B; OAR chapter 845; this Ordinance; all land use/development, building, and fire codes; and all other federal, state, and local laws, regulations, and ordinances, including, without limitation, those directly or indirectly relating to recreational

marijuana, including the payment of all fines, fees, and taxes owing to City.

- 6.2 Oregon Liquor Control Commission Registration Required. Each business must at all times be registered and in good standing under Oregon law.
- 6.3 Business License Required. Each business must have a current City business license.
- 6.4 Production and Processing Restrictions.
- (a) Co-location of businesses on the same premises is only permitted if and as allowed under applicable Oregon law and in accordance with the zoning ordinance.
 - (b) Subject to restrictions on certain forms of processing contained in this Ordinance, processors will only be permitted to engage in the forms of processing for which they have obtained applicable endorsements under OAR 845-025-3210.
 - (c) No production, processing, and/or wholesaling may occur in any outdoor area and/or in any structure where the production, processing, and/or wholesaling is visible from outside of the structure.
 - (d) Marijuana processors with an endorsement to produce cannabinoid extracts or concentrates must comply with state requirements for such production including, without limitation, OAR 845-025-3260.
 - (e) Marijuana processors with endorsements to produce cannabinoid edibles must comply with all state requirements for such production including, without limitation, OAR 845-025-3250.
- 6.5 On-Site Consumption Prohibited. Marijuana, alcohol, and other intoxicants must not be consumed, ingested, inhaled, and/or topically applied anywhere on the premises of the business, except that an employee of a business with a valid medical marijuana registry identification card may consume marijuana during his or her work shift as necessary for his or her medical condition as provided in OAR 845-025-1230(6)(b).
- 6.6 Operating Hours. Daily operating hours for retailers and wholesalers must be no earlier than 7:00 a.m. or later than 10:00 p.m., Monday through Sunday.

- 6.7 Odors. Each business must utilize an air filtration and ventilation system (and employ such other measures and means) that confines all objectionable odors associated with the business to the business's premises. Odor control measures must be installed and operational prior to commencing business operations. For purposes of this Section 6.7, the standard for judging "objectionable odors" will be that of a reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor is made and where the odor is detected.
- 6.8 Disposal. Each business must provide for secure disposal of marijuana waste, expired marijuana products, marijuana remnants, and marijuana byproducts. Receptacles for such disposal must not be placed within the business's exterior refuse containers or otherwise outside of the control of the business.
- 6.9 Business Location. Each retailer must not be located (a) at the same address as any other business except as permitted under Section 6.4(a) of this Ordinance, (b) within 1,000 feet of the real property comprising a public or private elementary, secondary, and/or career school attended primarily by minors, and/or (c) in any area and/or zone not expressly permitted under the zoning ordinance. "Within 1,000 feet" means a straight line measurement in a radius extending for 1,000 feet or less in every direction from the closest point on the boundary line of the real property on which the retailer is sited.
- 6.10 Signage. Signage will comply with any and all applicable sign codes.
- 6.11 Packaging of Edibles. All edible marijuana products sold and/or otherwise transferred on a retailer's premises must (a) contain warning labels on the outside of the packaging that state "For use only by adults 21 and older— Keep out of reach of children," "It is illegal to drive a motor vehicle while under the influence of marijuana," and "BE CAUTIOUS" in bold, capital letters, followed by "Cannabinoid edibles can take up to 2 hours or more to take effect," (b) be packaged in a tamper-proof hard or soft-bodied receptacle that is designed and constructed to be significantly difficult for children under five years of age to open and that is sealed, opaque such that the product cannot be seen from outside the packaging, closable for any product intended for more than a single use or containing multiple servings, and not brightly colored, depicting cartoons, or in the shape of an animal or any other commercially recognizable toy or candy, and (c) satisfies any and all applicable state requirements for packaging and labeling.
- 6.12 Minors. No minor is allowed on any business premises. No minor is allowed to enter the area of a business where marijuana is present.

- 6.13 Criminal Convictions. A person who has been convicted in any state for any felony, including for the manufacture or delivery of a controlled substance in Schedule I or Schedule II, once or more in the five years immediately preceding the date of application (or renewal) or twice or more in the person's lifetime may not be a company principle, employee, and/or volunteer of the business or have a financial interest in the business operated in City's incorporated limits.
- 6.14 Accounting System and Records. Each business must have an accounting system specifically designed for enterprises reliant on transactions conducted primarily in cash such that revenue and expenses are recorded as they are paid, regardless of when goods are received or delivered, and sufficient to maintain detailed, auditable financial records. If the administrator finds that the business's books and records are deficient in any way and/or if the accounting system is not auditable, the business must modify the business's accounting system to meet the requirements of the administrator.
- 6.15 Record Keeping. Each business must keep and preserve records of all sales made by the business and such other books or accounts as may be required by the administrator. Each business must keep and preserve for a period of at least three years records containing at least the following information, in addition to that information specified under Oregon law: (a) true names and any aliases of the company principles; (b) true names and any aliases of employees/volunteers of the business; (c) true names and addresses and any aliases of persons that have or within the preceding year have had a financial interest in the business; (d) documentation concerning costs related to transferring, handling, securing, insuring, testing, packaging, and processing marijuana, and the cost of supplies, utilities, and rent or mortgage; (e) the amount of money paid by a business to a grower for each transfer of marijuana; (f) state and federal income tax returns; and (g) any other additional information the administrator deems necessary or appropriate.
- 6.16 Permit Display. Each business must display its current permit inside the business location in a prominent place easily visible to persons conducting transactions in the business and adjacent to the business's business license.
- 6.17 Sales and Transfers. Sales or other transfers of marijuana products on the business premises must occur inside the business's building and must be conducted only between the business and buyer. No walk-up or drive-through service is allowed.

- 6.18 Mobile Retailers Prohibited. Mobile retailers are prohibited. No person will locate, operate, own, allow to be operated, and/or aid, abet, and/or assist in the operation of any mobile retailer that transports or delivers, or arranges the transportation or delivery of, marijuana to a person.
- 6.19 Security System. Each business must obtain and maintain a fully operable security system that complies with applicable Oregon laws and regulations. The security system will be maintained in good working condition and will be in use at all times.
- 6.20 Worker Permits. All employees who perform work on behalf of an Oregon Liquor Control Commission licensed marijuana producer, processor, wholesaler, and/or retailer, including, without limitation, the licensees working in a licensed business or managing information in the cannabis tracking system, must possess a marijuana worker permit.
7. Background Checks. City will send to the Madras Police Department the information provided on each initial or renewal permit application. The police department may conduct criminal background checks (or obtain the results of background checks conducted by the Oregon Liquor Control Commission) to determine whether any person specified therein (including, without limitation, any person with financial interest, company principle, employee, or volunteer) has any history of felony convictions in Oregon and will inform City whether all persons named in the permit application passed the required Oregon background checks. Each business will provide City the results of criminal background checks (including federal background checks) for any person specified in an initial or renewal permit application including, without limitation, any person with financial interest, company principle, employee, or volunteer, to determine if any person specified therein has any history of federal or state felony convictions. If, following an initial application or renewal, an additional person is proposed to be a person with financial interest, company principle, employee, or volunteer, then such person must pass the background check prior to assuming such position.
8. Release; Indemnification.
- 8.1 Release of Liability. By accepting a permit issued pursuant to this Ordinance, the business, business owners, persons with a financial interest, and company principle(s) waive and release City and City's officers, employees, volunteers, agents, insurers, and self-insurance pool for, from, and against any and all injuries, claims, demands, actions, suits, damages, liabilities, costs, and expenses of any kind, including, without limitation, attorney fees and costs, which arise out of or result from any arrest and/or prosecution of the business, business owners, persons with financial interest, company principles, employees, volunteers, clients, customers, and/or any other associated persons for violations of any federal, state, and/or local laws, regulations, and/or ordinances.

8.2 Indemnification. By accepting a permit issued pursuant to this Ordinance, the business, business owners, persons with a financial interest, and company principle(s) will, on a joint and several basis, indemnify and hold harmless City and City's officers, employees, volunteers, agents, insurers, and self-insurance pool for, from, and against any and all injuries, claims, demands, actions, suits, damages, liabilities, costs, and expenses of any kind whatsoever, including, without limitation, attorney fees and costs, arising out of or resulting from in any manner the operation of the business, including, without limitation, any bodily injury, personal injury, sickness, disease, death, property loss or damage, and/or any other loss.

9. Permit Denial, Suspension, and Revocation; Penalties; Appeals.

9.1 Grounds for Denial, Suspension, Revocation. The administrator may deny, suspend, or revoke a permit for failure to comply with this Ordinance, for submitting falsified information to City or to the Oregon Liquor Control Commission, and/or for noncompliance with any other City ordinances or regulations or violations of federal, state, and/or local laws, regulations, and/or ordinances.

9.2 Notice of Revocation or Suspension. The administrator must provide to the permittee written notice of any permit suspension or revocation and reasons therefor by first-class US mail at least 10 calendar days prior to the effective date of the revocation or suspension.

9.3 Appeal. A decision to deny, suspend, or revoke a permit may be appealed by delivering personally a written notice of appeal to the administrator on or before the effective date of the denial, suspension, or revocation. Unless the administrator has declared that imminent danger to the public will exist, the administrator's decision to revoke or suspend is stayed pending appeal. The administrator will transmit the notice of appeal together with the file of the appealed matter to the Council after which transmission the Council will fix a time and place for hearing the appeal. The Council will give the appellant not less than 10 days' prior written notice of the time and place of hearing of the appealed matter.

9.4 Violations; Infractions. Violation of or failure to comply with any provision of this Ordinance is punishable upon conviction by a fine not to exceed \$500.00. City will be entitled to collect from any company principle violating or otherwise failing to comply with this Ordinance City's reasonable attorney fees and other fees, costs, and expenses incurred by City to enforce this Ordinance, including, without limitation, any costs incurred by City to audit a business's records. Each day in violation constitutes a separate offense. Business owners, company principles,

employees, and volunteers are jointly and severally liable for such offenses.

- 9.5 Remedies not Exclusive. The remedies provided in this Section 9 are not exclusive and will not prevent City from exercising any other rights and/or remedies available under law, nor will provisions of this Ordinance prohibit or restrict City or other appropriate prosecutor from pursuing criminal charges under state law and/or City ordinances.
10. Public Nuisance Declared. Operation of any business within City's incorporated limits in violation of this Ordinance is hereby declared a public nuisance and may be abated pursuant to all available remedies.
11. Examination of Books, Records, and Premises.
- 11.1 Examinations by Administrator. To determine compliance with the requirements of this Ordinance, Oregon law, all land use/development, building, and fire codes, and/or all other federal, state, and local laws, regulations, and ordinances, including, without limitation, those directly or indirectly relating to recreational marijuana, including the payment of all fines, fees, and taxes owing to City, the administrator may examine or cause to be examined by an agent or representative designated by the administrator, at any reasonable time, the premises of the business, including wastewater from the business, and any and all financial, operational, and other information or documentation, including books, papers, payroll reports, and state and federal income tax returns. Every company principle is directed and required to furnish to the administrator the means, facilities, and opportunity for making such examinations and investigations.
- 11.2 Criminal Investigations. As part of the investigation of a crime or violation of this Ordinance that law enforcement officials reasonably suspect has taken place on the business premises, the Madras Police Department will be allowed to view surveillance videotapes or digital recordings relating to the business at any reasonable time.
- 11.3 Access. Without reducing or waiving any provisions of this Ordinance, the Madras Police Department will have the same access to the business, business records, and business operations as allowed to state inspectors. Denial or interference with such access will be grounds for revocation or suspension of the business's permit.
12. Severability; Corrections. All pronouns contained in this Ordinance and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The word "or" is not

exclusive. The words "include," "includes," and "including" are not limiting. Any reference to a particular law, statute, rule, regulation, code, or ordinance includes the law, statute, rule, regulation, code, or ordinance as now in force and hereafter amended. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance. This Ordinance may be corrected by order of the Council to cure editorial and/or clerical errors. Nothing in this Ordinance affects the validity of any criminal or civil enforcement actions commenced prior to the adoption of this Ordinance; all City ordinances existing at the time that such actions were filed will remain valid and in full force and effect for purposes of those actions.

APPROVED AND ADOPTED by the City Council of the City of Madras and signed by the Mayor this _____ day of _____, 20 _____.

Ayes: _____
Nays: _____
Abstentions: _____
Absent: _____
Vacancies: _____

Royce Embanks, Mayor

ATTEST:

Karen J. Coleman, City Recorder

AN ORDINANCE AMENDING ORDINANCE NO. 864, WHICH ORDINANCE ESTABLISHED LAND USE ZONES REGULATING THE LOCATION OF BUILDING STRUCTURES AND THE USE OF LAND WITHIN THE CITY OF MADRAS; ESTABLISHING CERTAIN RECREATIONAL MARIJUANA BUSINESSES AS PERMITTED USES IN CERTAIN ZONES; ESTABLISHING APPROVAL CRITERIA AND APPLICATION PROCEDURES FOR RECREATIONAL MARIJUANA BUSINESSES; SUPERSEDING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, the City of Madras ("City") adopted Ordinance No. 864 establishing land use zones and development regulations to govern the location of building structures and the uses of land within City; and

WHEREAS, City adopted Ordinance No. 870 establishing certain time, place, and manner regulations concerning medical marijuana dispensaries; and

WHEREAS, the Department of Land Conservation and Development was provided notice of certain proposed changes to City's land use regulations concerning recreational marijuana businesses; and

WHEREAS, City's Planning Commission, after receiving public testimony, and deliberating fully on the proposed changes, voted unanimously to recommend approval of the changes to the Madras City Council (the "Council"); and

WHEREAS, the Council, after receiving public testimony on the proposed changes during a scheduled public hearing on [REDACTED], 2016, unanimously voted to approve the recommended changes.

NOW, THEREFORE, the City of Madras ordains as follows:

1. Findings. The above-stated findings contained in this Ordinance No. [REDACTED] (this "Ordinance") are hereby adopted.

2. Amendments. The amendments to the City of Madras Zoning Ordinance (Ordinance No. 864) provided on the attached Exhibit A and incorporated herein by this reference are hereby approved and adopted. The foregoing amendments are hereby made part of Ordinance No. 864. The provisions of Ordinance No. 864 that are not amended or modified by this Ordinance remain unchanged and in full force and effect. The foregoing amendments supersede any ordinance and/or resolution provisions and/or policies in conflict with the amendments.

3. Severability; Savings; Corrections. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance. Nothing in this Ordinance affects the validity of any criminal or civil enforcement actions commenced prior to the adoption of this Ordinance; all City ordinances existing at the time that such actions were filed will remain

valid and in full force and effect for purposes of those actions. This Ordinance may be corrected by order of the Council to cure editorial and/or clerical errors.

APPROVED AND ADOPTED by the City Council of the City of Madras and signed by the Mayor this _____ day of _____, 20____.

Ayes: _____
Nays: _____
Abstentions: _____
Absent: _____
Vacancies: _____

Royce Embanks, Mayor

ATTEST:

Karen J. Coleman, City Recorder

Exhibit A
Amendments to the City of Madras Zoning Ordinance (Ordinance No. 864)

[attached]

Exhibit A to Ordinance No. [REDACTED]
City of Madras Recreational Marijuana Zoning Ordinance Amendments

Text added is double underlined. Text Deleted is ~~struck through~~.

AMENDMENT NO. 1

SECTION 1.3 DEFINITIONS

MARIJUANA. All parts of the plant Cannabis family Moraceae, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin.

MARIJUANA BUSINESS. Any establishment operated by any person or entity who is or must be appropriately licensed by the Oregon Health Authority or the Oregon Liquor Control Commission which sells, produces, cultivates, grows, wholesales, processes, researches, develops or tests any form of marijuana or marijuana derivatives including, but not limited to, Marijuana Production Facilities, Marijuana Processing Facilities, Marijuana Testing Laboratories, Medical Marijuana Dispensaries, Marijuana Wholesalers, and Marijuana Retailers.

MARIJUANA PROCESSING FACILITY. Any establishment in, or premises on, which a person or entity required to be licensed under ORS 475B.090 or ORS 475B.435 operates.

MARIJUANA PRODUCTION FACILITY. Any establishment in, or premises on, which a person or entity required to be licensed under ORS 475B.070 or ORS 475B.420 operates.

MARIJUANA PRODUCTS. Includes marijuana and any item, good, or product made from or including marijuana.

MARIJUANA TESTING LABORATORY. A facility that conducts testing of marijuana products as required by ORS 475B.555 and required to be licensed under ORS 475B.560.

MARIJUANA RETAILER. Any establishment in, or premises, on which a person or entity required to be licensed under ORS 475B.110 operates.

MARIJUANA WHOLESALER. Any establishment in, or premises on, which a person or entity required to be licensed under ORS 475B.100 operates.

TIME, PLACE, AND MANNER RESTRICTIONS. City Ordinance Nos. 870 and [REDACTED] and any successor ordinance(s), all as may be amended from time to time.

AMENDMENT NO. 2

TABLE 3.5-1: USES IN THE C-1, C-2, and C-3 ZONES

Uses	Corridor Commercial (C-1)	Downtown Commercial (C-2)	Community Commercial (C-3)
Commercial			
<u>Marijuana Retailer</u>	<u>(P)(7)</u>	<u>(P)(7)</u>	<u>(P)(7)</u>
<u>Marijuana Testing Laboratories</u>	<u>(P)(7)</u>	<u>(P)(7)</u>	<u>(P)(7)</u>

vii. (7) Marijuana Businesses A Marijuana Dispensary must meet the applicable requirements of Section 3.14.

AMENDMENT NO. 3

SECTION 3.6 INDUSTRIAL

B. PERMITTED USES. (Subject to Site Plan Review)

...

40. Marijuana Production Facility, Marijuana Processing Facility, Marijuana Wholesaler

- i. Marijuana Businesses must meet the applicable requirements of Section 3.14.

SECTION 3.14 MARIJUANA BUSINESSES

A. PROCEDURES.

1. ~~Medical Marijuana Dispensaries~~ Marijuana Businesses, including new ~~Medical Marijuana Dispensaries~~ Marijuana Businesses located at the same location as a previously approved ~~Medical Marijuana Dispensaries~~ Marijuana Business, shall obtain Site Plan Approval pursuant to under Section 4.8. Notwithstanding the foregoing, no Site Plan Review approval is required for:

a. An existing Medical Marijuana Dispensary converts to a Marijuana Retailer.

2. All applications for Marijuana Businesses shall be made in the name of the Person Responsible for a Medical Marijuana Facility as defined in OAR 333-008-1010(26) person and/or entity identified in any state licensing and the City business license.

3. A Marijuana Business cannot be approved as a home occupation.

B. MARIJUANA BUSINESS GENERAL STANDARDS AND APPROVAL CRITERIA.

In addition to any applicable approval criteria for Site Plan Approval, and any other standards for the zone in which the Marijuana Business is located, the applicant shall ~~comply with~~ satisfy the following approval criteria:

1. ~~Medical Marijuana Dispensaries~~ Marijuana Businesses can only be approved in the zones in which they are the specific type of Marijuana Business is expressly identified as a permitted use. ~~Similar uses are not permitted.~~ Permissibility of one type of Marijuana Business in a particular zone cannot be the basis to allow a non-permitted type of Marijuana Business as a similar use under Section 9.28.

2. ~~An application for a Medical Marijuana Dispensary must have a current City business license at the time of application.~~ An applicant for a Marijuana Business must obtain a City business license and, as applicable, a recreational marijuana or dispensary permit pursuant to the Time, Place, and Manner Restrictions prior to initiating the use, but no later than six months after land use approval.

3. Applicant's proposal must demonstrate compliance, or the ability to comply (with appropriate conditions of approval), with ~~Ordinance No. 870~~ applicable provisions of the Time, Place, and Manner Restrictions.

4. If there are any conflicting standards between state law, ~~Ordinance No. 870~~ the Time, Place, and Manner Restrictions, and this Ordinance, the most stringent standard shall apply.

5. All exterior lighting must comply with the lighting standards in the zone in which the use is proposed.

6. Co-location of Marijuana Businesses on the same property is permitted except as prohibited by state law, the Time, Place, and Manner Restrictions, and this Zoning Ordinance.

7. All Marijuana Businesses will conduct operations inside secure, enclosed structures. Marijuana Products may not be displayed in a manner that is externally visible to the public. No drive-through, curbside, mobile, or other external sale methods are permitted.

8. The applicant shall demonstrate how the proposed Marijuana Business complies with all state security system requirements applicable to the proposed Marijuana Business.

9. The applicant must demonstrate how measures to control odors satisfies applicable requirements set forth in the Time, Place, and Manner Restrictions.

10. The structure within which the Marijuana Business will operate must meet applicable fire and building code requirements.

11. Applications for a specific type of Marijuana Business shall satisfy the additional standards applicable to that type of Marijuana Business set out in subsection (C) through (H) below.

C. ADDITIONAL CRITERIA FOR MEDICAL MARIJUANA DISPENSARIES

1. A Medical Marijuana Dispensary must not be located (a) at the same address as a marijuana grow site registered under ORS 475B.420, (b) within 1,000 feet of the real property comprising a public or private elementary, secondary, and/or career school attended primarily by minors, and/or (c) within 1,000 feet of another dispensary. "Within 1,000 feet" means a straight line measurement in a radius extending for 1,000 feet or less in every direction from the closest point on the boundary line of the real property on which the Medical Marijuana Dispensary is proposed to be sited.
2. Medical Marijuana Dispensaries are not permitted in the Industrial (I) Zone even when incidental or subordinate to a permitted use in the (I) Zone.
3. Medical Marijuana Dispensaries are considered "retail" for purposes of parking requirements.

D. ADDITIONAL CRITERIA FOR MARIJUANA RETAILERS

1. Marijuana Retailers must not be located (a) at the same address as another Marijuana Business except as permitted under Oregon law, the Time, Place, and Manner Restrictions, and this Zoning Ordinance, or (b) within 1,000 feet of the real property comprising a public or private elementary, secondary, and/or career school attended primarily by minors. "Within 1,000 feet" means a straight line measurement in a radius extending for 1,000 feet or less in every direction from the closest point on the boundary line of the real property on which the Marijuana Retailer is proposed to be sited.
2. Marijuana Retailers are not permitted in the Industrial (I) Zone even when incidental or subordinate to a permitted use in the (I) Zone.
3. Marijuana Retailers are considered "retail" for purposes of parking requirements.

E. ADDITIONAL CRITERIA FOR MARIJUANA PRODUCTION FACILITIES

1. Marijuana Production Facilities shall only be approved if the growing activities occur exclusively within permanent, fully enclosed, rigid, non-translucent structures that require a building permit, reviewed under Section 3.6(E). All lighting used for growing purposes must be contained completely inside the structure. No hoop-houses, sheds, shipping containers, trailers, or similar structures are permitted.
2. Under no circumstances, and notwithstanding anything in this Zoning Ordinance to the contrary, may retail sales of Marijuana Products occur at the same location as a Marijuana Production Facility in the Industrial (I) Zone.

F. ADDITIONAL CRITERIA FOR MARIJUANA PROCESSING FACILITIES

1. Marijuana Processing Operations shall only occur in permanent, fully enclosed, rigid, non-translucent structures requiring a building permit and reviewed under Section 3.6(E).
2. Under no circumstances, and notwithstanding anything in this Zoning Ordinance to the contrary, may retail sales of Marijuana Products occur at the same location as a Marijuana Processing Facility in the Industrial (I) Zone.

G. ADDITIONAL CRITERIA FOR MARIJUANA WHOLESALING BUSINESSES

1. Under no circumstances, and notwithstanding anything in this Zoning Ordinance to the contrary, may retail sales of Marijuana Products be conducted by a Marijuana Wholesaling Business in the Industrial (I) Zone.

H. ADDITIONAL CRITERIA FOR MARIJUANA TESTING LABORATORIES

1. Under no circumstances, and notwithstanding anything in this Zoning Ordinance to the contrary, may retail sales of Marijuana Products be conducted by a Marijuana Testing Laboratory in the Industrial (I) Zone.

I. CONDITIONS OF APPROVAL

In addition to any conditions of approval imposed as part of Site Plan or zoning application approval, the following shall be mandatory conditions of approval for all ~~Medical Marijuana Dispensaries~~ Marijuana Businesses:

1. The applicant for a ~~Medical Marijuana Dispensary~~ Marijuana Business shall obtain and present documentation of all applicable state approvals, registrations, licensing, and permitting to the City within 6 months of Site Plan or zoning application approval.
2. Marijuana Businesses shall keep all required state registrations, licensing, and permitting current at all times.
3. Marijuana Businesses shall keep all required City business licenses, ~~or other required permits~~, or other required approvals current at all times.

4. At all times, ~~Medical Marijuana Dispensaries~~ Marijuana Businesses shall remain compliant with ~~Ordinance No. 870~~ applicable provisions of the Time, Place, and Manner Restrictions and applicable state laws governing ~~Medical Marijuana Dispensaries~~ Marijuana Businesses, all as they may be amended from time to time.

5. ~~The applicant shall provide the City notice and applicable documentation from the state of any change in the Person Responsible for a Medical Marijuana Facility or the suspension, loss, or forfeiture of any state approval, registration, licensing, or permitting. At all times, the operator of a Marijuana Business shall be the same person or entity holding the corresponding City business license, recreational marijuana or dispensary permit, and applicable state registrations, licensing, and/or permitting. The operator shall provide the City notice and appropriate documentation from the state of any changes in ownership or the suspension, loss, or forfeiture of any state approval, registration, licensing, or permitting.~~

6. Notwithstanding anything to the contrary in this Zoning Ordinance, any approval for a Marijuana Business shall be void if any condition of approval is violated and not cured within 30 days of City's delivery of a notice identifying the violation. The Community Development Director may prescribe a longer cure period provided such period does not exceed 90 days.

7. Notwithstanding anything to the contrary in this Zoning Ordinance, any approval for a Marijuana Business shall be deemed abandoned, and thus void, if the Marijuana Business ceases to operate for any period of 180 or more consecutive days.

AMENDMENT NO. 5

TABLE 4.5-1 REQUIRED VEHICLE PARKING

USE	PARKING SPACES REQUIRED (Spaces per 1,000 sq. ft. unless otherwise noted)
COMMERCIAL AND INDUSTRIAL	
Shopping Goods (Retail)	2.86 spaces
Convenience Goods (Retail) Retail	2.86 spaces
Manufacturing/Production/Processing/Laboratories	2.0 spaces

AMENDMENT NO. 6

SECTION 4.8 SITE PLAN APPROVAL. – To determine compliance with this Ordinance for development in zoning districts.

...

B. PROCEDURES.

...

7. Site Plan Criteria. Approval shall be based on the following criteria:

...

d. Pedestrian and vehicular circulation and parking. The location and number of points of access to the site, sidewalks, the interior circulation patterns, designs of parking areas, and the separation between pedestrians and moving and parked vehicles shall be designed to promote safety and avoid congestion on adjacent streets. The proposal shall demonstrate compliance with Sections 4.4 to 4.7 as applicable.

...

h. Landscaping requirements. The proposal shall demonstrate compliance with pursuant to Section 3.5.1(N), 3.5.1(O)(6), or Section 3.6(O) as applicable.

City of Madras
Recreational Marijuana Advisory Committee Meeting
Meeting Minutes
June 9, 2016

1. **Call to Order**

The Recreational Marijuana Advisory Committee Meeting was called to order by Mayor, Royce Embanks at 3:00 p.m. on Thursday, June 9, 2016 in the Madras City Council Chambers.

Members in Attendance:

Michelle Hallas, Shawn Winsor, Janet Brown, Mike Boynton, Sam Stapleton, Ali Alire, Joe Krenowicz, Tom Brown, Richard Ladeby, Royce Embanks, Jocelyn Anderson.

Members Absent Were:

Staff Members in Attendance:

Nicholas Snead, Community Development Director
Jeremy Green, City Attorney
Alan Dale, City Attorney
Michele Quinn, Administrative Assistant
Rob Dehnert, Assistant Planner

2. **Introductions**

3. **Appointment of Committee Chair and Vice Chair**

A. Chair

A MOTION WAS MADE BY JOE KRENOWICZ TO APPROVE JANET BROWN AS CHAIRPERSON FOR THE RECREATIONAL MARIJUANA ADVISORY COMMITTEE. THE MOTION WAS SECONDED BY COMMISSIONER ALI ALIRE AND PASSED UNANIMOUSLY. 11/0

B. Vice Chair

A MOTION WAS MADE BY JOE KRENOWICZ TO APPROVE MIKE BOYNTON AS VICE CHAIRPERSON FOR THE RECREATIONAL MARIJUANA ADVISORY COMMITTEE. THE MOTION WAS SECONDED BY COMMISSIONER RICHARD LADEBY AND PASSED UNANIMOUSLY. 11/0

4. **Overview of City of Madras Resolution No. 09-2016**

Community Development Director Nicholas Snead went over Resolution No. 09-2016 and explained that City Council passed this resolution to adopt zoning and reasonable, time, place, and manner regulations prior to the general election. This Committee has eleven members appointed by City Council and each member will serve on the RMAC commencing the adoption of this resolution and ending on November 8, 2016. The RMAC will act as an advisory body to the City of Madras Planning Commission and City

Council.

5. **Discussion of Committee Meeting Schedule and Procedures**

Community Development Director Nicholas Snead told the Committee that he took a leap of faith and scheduled the four meeting dates. Nick asked the Committee if the dates scheduled will work for everyone. The scheduled dates are as follows:

June 9, 2016 3:00 p.m. - 5:00 p.m.
June 23, 2016 3:00 p.m. - 5:00 p.m.
July 7, 2016 3:00 p.m. - 5:00 p.m.
July 21, 2016 3:00 p.m. - 5:00 p.m.

Community Development Director Nicholas Snead explained that minutes will be taken at each meeting and that all the materials will be available on the City's website. We will need to have a quorum for each meeting and a quorum is six members. We will work through consensus or a majority of the vote if there is not a consensus. Staff will offer all materials for the meetings we would like to be paperless so if you are in need of a hard copy please let us know.

6. **Review of Legal Framework**

Jeremy Green, City Attorney introduced himself and Alan Dale and explained to the Committee how they have been advising the City. Jeremy read through the memorandum.

This memorandum concerns various legal matters surrounding the development of time, place, and manner restrictions (TPMs) for Recreational Marijuana (RMJ) establishments in the City of Madras. As a reminder, Medical Marijuana (MMJ) and RMJ are generally regulated by two different state agencies MMH by Oregon Health Authority (OHA) and RMJ by Oregon Liquor Control Commission (OLCC). Recent legislative trends suggest that the state is moving towards a consolidated system of marijuana regulation. However, at the moment, MMJ and RMJ are treated separately. The focus of the RMAC is to provide recommended regulations concerning RMJ operations in City. To this end, the RMAC will develop and recommend reasonable time, place, and manner land use regulations intend to mitigate the impacts of RMJ uses. These regulations may address, among other things, sight, sound, smell, size/scale, location, access, and other impacts associated with marijuana land uses.

7. **Review and Discussion Results of Community Survey**

Community Development Director Nicholas Snead went through the Recreational Marijuana Community Survey and explained the results to the Committee.

Question 1: Where do you live?

51.64% lived in City Limits

48.36% lived outside of the City limits

Question 2: What concerns do you have about the manner in which the existing dispensaries operate?

68% said I don't have any concerns

Question 4: The City currently requires Medical Marijuana dispensaries to be at least 1,000 feet from another Medical Marijuana dispensary. Should Recreational Marijuana dispensaries have the same spacing standard?

66.12 % said yes

Question 5: In which zoning districts should growing and processing of Recreational Marijuana be limited?

Industrial Zone 25.20 %

Commercial Zone 17.89%

Residential Zone 21.95%

None 34.96 %

Question 6: Should businesses that produce recreational marijuana be prohibited in residential zones?

69.67 % Yes

30.33 % No

Question 7: What impacts of recreational marijuana growing and processing are you concerned about?

42.62 % I do not have any concerns

Questions 9: in which zoning districts should recreational marijuana wholesalers be permitted to operate?

Industrial Zone 33.33%

Commercial Zone 43.09%

None 23.58%

Question 10: In which zoning districts should retail sales of recreational marijuana be permitted to operate?

Industrial Zone 7.44%

Commercial Zone 74.38%

None 18.18%

Conclusions:

- Both City and County residents participated in the survey
- Not much concern about existing Medical Dispensaries location or signage
- Recreational dispensaries should have same 1,000 foot spacing from other dispensaries.
- Location where growing & processing recreational marijuana unclear.
- Recreational marijuana shouldn't be sold in residential areas.

Shawn Winsor asked about the spacing between the dispensaries and Joe Krenowicz added is that from property line to property line?

The Committee had questions about land use and does everybody understand the City's land use codes, and the difference between the three different commercial zones and the industrial zone.

Community Development Director Nicholas Snead explained to the Committee the difference between the commercial and industrial zones.

8. **Discussion of Zoning Districts where Processing, Retail Sales, and Wholesale of Recreational Marijuana will be permitted.**

Chair Janet Brown went around the room and asked each member where they felt processing and retail sales of recreational marijuana be permitted.

The Committee's discussion and consensus on wholesale of recreational marijuana is to keep it in the industrial zone.

The Committee's consensus on processing marijuana is to keep it in the industrial zone.

The Committees consensus on retail sales of recreational marijuana is commercial zones C-1, C-2, and C-3

The Committee decided to research labs and come back to this discussion.

9. **Discussion of Needed Regulations for Processing and Retail Sales of Recreational Marijuana.**

Due to time constraints this item was not discussed at this time.

10. **Public Comments**

There were no comments offered by the public.

11. **Discussion of June 23, 2016 Meeting Agenda and Expectations**

Community Development Director Nicholas Snead confirmed with the RMAC that the upcoming June 23, 2016 meeting will work with everyone's schedule. Nick also told the Committee that we are trying to be paperless so if you want a copy of the packet please let us know.

Adjourn.

Meeting adjourned at 4:55 p.m.

Janet Brown
Chair

Date

Nicholas Snead
Community Development Director

Date

City of Madras
Recreational Marijuana Advisory Committee Meeting
Meeting Minutes
June 23, 2016

1. Call to Order

The Recreational Marijuana Advisory Committee Meeting was called to order by Mayor, Royce Embanks at 3:00 p.m. on Thursday, June 9, 2016 in the Madras City Council Chambers.

Members in Attendance:

Michelle Hallas, Shawn Winsor, Janet Brown, Mike Boynton, Sam Stapleton, Ali Alire, Joe Krenowicz, Tom Brown, Richard Ladeby, Jocelyn Anderson.

Members Absent Were:

Royce Embanks

Staff Members in Attendance:

Nicholas Snead, Community Development Director
Jeremy Green, City Attorney
Tanner Stanfill, Chief of Police
Michele Quinn, Administrative Assistant
Rob Dehnert, Assistant Planner

Visitors

Kaia Jennings, Central Organics
Patti Fleming, HDD
Kristen White, Plantae
Andrew Anderson, Plantae

2. Overview of June 9, 2016 RMAC Meeting

Community Development Director Nicholas Snead gave a quick overview of the June 9, 2016 meeting. Nick asked the Committee if they were comfortable moving on to the different Marijuana Zoning Districts? Nick told the Committee that they need to discuss the types of regulations we want to establish for our recreational marijuana. Nick told the Committee that during the last meeting that we did not develop a consensus or agreement on the Mixed-use employment zone. I think that is one area I would like to have some more discussion on before we move on with the regulations.

3. Confirmation of Allowed Recreational Uses by Zoning District

Chair Janet Brown commented that growing, processing, and wholesale the industry representatives said no for a use in the mixed-use zone. I think if the industry representatives don't want them in that area and would like to leave them in the Industrial area only. I would like to go with that so if there is consensus with the Committee we can move on.

The Committee agreed with the representatives on not allowing growing, processing, wholesale, and retail in the mixed-used zone. Janet also mentioned that we did not talk about the labs at our last meeting. Janet asked if we could learn a little more about the lab and what types of testing, odors, and volatility.

Mike Boynton explained that there are some solvents but the lab is different from processing.

Labs can also be used to test items other than marijuana.

There was continued discussion on labs like how many are in Central Oregon and how big are labs. There were questions if you can have other processes in the same building as the lab (processing, growing, wholesale, retail).

Chair Janet Brown asked the industry representatives where they would like to see the labs located.

Attorney Jeremy Green told the Committee that labs can be located in residential areas under state laws. If we want to control these aspects we need to do that during this process.

The Committee discussed where to allow labs to locate in the zoning district the Committee agreed not to allow labs in residential. The Committee agreed that labs could be in the Industrial, C1, C2, C3, and mixed use.

4. Discussion of the Types of Regulations Needed for Each Recreational Marijuana Use

Community Development Director Nicholas Snead told the Committee that the different uses like retail, wholesale, growing and processing we would require compliance in the following:

- Must meet all applicable zoning, building, and fire codes
- Air filtration/ventilation
- Owner and/ or employees cannot have prior manufacturing or delivery convictions
- Security (burglary & CCTV)
- No smoking, ingestion, or otherwise of marijuana or tobacco
- Hours of operation

Growing and Processing had additional regulations including:

- Method of Processing (open flame, or otherwise)
- Glare of Propagation lights
- Proximity to other related uses.

The Committee had a discussion about hours of operation the general consensus for hours of operation was 8:00 a.m. to 10:00p.m. The Committee also discussed that the marijuana industry be treated no different than any other business in town. The Committee also discussed security and should marijuana businesses be required to use a certain grade of camera, and what are the insurance requirements.

The Committee discussed the disposal of product and what is the record keeping process for this. The Committee discussed the proximity to other businesses and

Recreational Marijuana Advisory Committee

June 23, 2016

Page 2 of 3

schools. How is the 1000 feet measured is it property line to property line? The Committee discussed this and referred to ordinance 870.

Jocelyn Anderson mentioned that there is marijuana handlers permit required just like if you work in a restaurant and need a food handlers permit.

The Committee had a discussion on Growing and Processing and whether or not to allow green houses in the industrial area. There was a concern that the green houses would not meet FAA standards and they would be hard to resale if they went out of business. There was further discussion on the type of buildings they would want to allow in the industrial area for growing and processing of marijuana.

5. **Public Comments**

No Public Comments

6. **Discussion of July 7, 2016 Meeting Agenda and Committee**

Next meeting will be on July 7, 2016 at 3:00 p.m.

7. **Adjourn**

Meeting adjourned at 5:00 p.m.

Janet Brown
Chair

Date

Nicholas Snead
Community Development Director

Date

City of Madras
Recreational Marijuana Advisory Committee Meeting
Meeting Minutes
July 7, 2016

I. Call to Order

The Recreational Marijuana Advisory Committee Meeting was called to order by Mayor, Royce Embanks at 3:00 p.m. on Thursday, July 7, 2016 in the Madras City Council Chambers.

Members in Attendance:

Michelle Hallas, Shawn Winsor, Janet Brown, Mike Boynton, Sam Stapleton, Ali Alire, Tom Brown, Jocelyn Anderson, Joe Krenowicz, Royce Embanks.

Members Absent Were:

Richard Ladeby

Staff Members in Attendance:

Nicholas Snead, Community Development Director
Jeremy Green, City Attorney
Michele Quinn, Administrative Assistant
Rob Dehnert, Assistant Planner

Visitors

1. The City of Madras Recreational Marijuana Advisory Committee public meeting was called to order by Chair 3:00 p.m. on Wednesday July 7, 2016 in the Madras City Hall Council Chambers at 125 SW E. Street.

2. **Approval of June 9, 2016 RMAC Meeting Minutes**

A MOTION WAS MADE BY COMMISSIONER JOE KRENOWICZ TO APPROVE THE CONSENT AGENDA AND MINUTES AS AMENDED. THE MOTION WAS SECONDED BY COMMISSIONER TOM BROWN. THE MOTION PASSED UNANIMOUSLY.

3. **Overview and Requested Reports from June 23, 2016 RMAC Meeting**

- A. **State Requirements for Disposal of Marijuana Products**

Jocelyn Anderson explained to the Committee the current practices being used in the Marijuana Industry. She also explained the procedures that are taken to dispose of Medical products when needing to be disposed.

The Committee agreed to table this subject until more information is available. Jeremy Green agreed to look into the disposal of marijuana products and will provide more information at the next meeting.

The Committee discussed following the same procedures for Recreational Marijuana as Medical Marijuana.

B. Review of Federal Aviation Administration Restricted Land in the City's Industrial Zone.

Janet Brown showed the Committee the areas in the industrial zone that would be available for possible use.

C. Review of City of Madras Industrial Zone Building Standards.

The Committee reviewed and discussed the Industrial Zone Building Standards.

4. Review of Retail Zoning and Time, Place, and Manner Regulations

The Committee reviewed the security for retail and agreed that we would follow the State regulations.

5. Review and Discussion of Growing and Processing Zoning and Time, Place, and Manner Regulations.

The Committee went through the Growing and Processing Zoning that was covered at the last meeting and changes were made to Proximity, lighting, on-site consumption, security all other items stayed the same.

6. Review and Discussion of Wholesale Zoning and Time, Place, and Manner Regulations

Wholesale will be allowed in the industrial zone the Committee discussed what type of regulations to impose on wholesale businesses. The Committee also discussed applying the same regulations as the growing and processing to Wholesale.

Attorney Jeremy Green suggested that the hours of operation be different than the growing and processing and also the proximity of operations.

The Committee discussed the hours of operation and the proximity regulations and should they be imposed in the industrial zone area. The consensus of the Committee is not to apply the same regulations to the proximity or time of operations. They would also like to hear from Chief Stanfill and get his opinion on this subject.

The Committee agreed to use the same regulations as the growing and processing and apply them to the wholesale.

7. Public Comments

- Comment of concern what will happen if the medical and recreational marijuana is combined.
- Whole sale and growing and processing will only be allowed in the industrial area. How are labs different from retail?
- There was a discussion on labs where labs are allowed. Jocelyn Anderson explained how labs operate and what they test.
- Has the City decided to limit the proximity of dispensaries to residential?

City of Madras
Recreational Marijuana Advisory Committee Meeting
Meeting Minutes
July 21, 2016

Members Attending:

Ali Alire, Jocelyn Anderson, Mike Boynton, Janet Brown, Tom Brown, Gus Burrill, Michelle Hallas, Joe Krenowicz, Richard Ladeby, Tanner Stanfill, Sam Stapleton, Shawn Winsor.

Members Absent:

Royce Embanks

Staff Members Attending:

Nicholas Snead, Community Development Director
Garrett Chrostek, City Attorney
Rob Dehnert, Assistant Planner

Public Attending:

Adam "Just a dude."

1. **Call to Order**

The City of Madras Recreational Marijuana Advisory Committee public meeting was called to order by Chair 3:10 p.m. on Thursday, July 21, 2016 in the Madras City Hall Council Chambers at 125 SW E. Street.

2. **Approval of June 23, 2016 and July 7, 2016 RMAC Meeting Minutes**

A MOTION WAS MADE BY COMMISSIONER JOE KRENOWICZ TO APPROVE THE MINUTES AS AMENDED. THE MOTION WAS SECONDED BY COMMISSIONER SHAWN WINSOR. THE MOTION PASSED BY UNANIMOUS VOICE VOTE.

3. **Review and Approval Time, Place and Manner Regulations**

A. Discussion of Draft Regulations

Nick Snead explained that the drafted ordinance does not amend the current medical marijuana time, place and manner ordinance. It proposes a new and separate ordinance.

Garrett Chrostek stated that, at the State level, the differences between recreational and medical marijuana rules are so great, it would have been too difficult to integrate regulations at the local level. Therefore, a separate recreational marijuana ordinance has been drafted. Nonetheless, the draft recreational ordinance started with the medical ordinance as a template. The first significant departure from the medical ordinance is the addition in Section 6.3 of new definitions for marijuana related businesses: Marijuana processors, testing laboratories, wholesalers and retailers. Sections 4 and 5 are nearly identical, except for referring to recreational instead of medical marijuana.

Following a question from Jocelyn Anderson, the Committee restated its commitment to making recreational and medical hours of operation as consistent as possible. Mike Boynton suggested a change to Section 6.6, and the Committee agreed to the hours of 7 a.m. to 10 p.m. mirroring State law. It was also suggested

that the current medical ordinance be amended to prescribe the same hours.

Garrett Chrostek and Nick Snead noted that, in Section 3 definitions, the proposed ordinance would cite the ORS, rather than the un-coded references quoted from the current medical ordinance.

Garrett Chrostek stated that, except for the inclusion of new definitions, Sections 6.1 through 6.3 are the same as the medical ordinance.

Garrett Chrostek then addressed colocation issues, specific to recreational marijuana businesses, raised in "Section 6.4 Production and Processing Restrictions." After a lengthy discussion, the scope of the question was narrowed to whether the three types of businesses allowed in the proposed Industrial Zone regulations (growing, processing and wholesaling) could be colocated in that zone. Janet Brown reiterated the Committee's position that, if it is allowed by State law, the City should allow it. Based on this discussion, Garrett Chrostek said Section 6.4(a) would say, "Colocation is permitted to the extent consistent with State law and the Zoning Ordinance." He went on to say that there would be an amendment to Sections 4 and perhaps 5 requiring collocating marijuana businesses to have separate licenses for each type of business.

Referring to Nick Snead's first question from his email of July 21, the Committee agreed and reiterated that laboratories were to be allowed in all three commercial zones.

Garrett Chrostek asked about Section 6.4(b) and processing methods using open flames. The Committee agreed that references to open flames could be removed and language requiring production methods to comply with cited State law would be appropriate.

Garrett Chrostek explained that Section 6.4(c) was language proposed for the zoning ordinance as well as the recreational marijuana ordinance, and that there is some benefit to having the language in both places. He added that the section is different from the medical marijuana ordinance.

Garrett Chrostek pointed out that Section 6.5 is different from the medical marijuana ordinance in that it contains a prohibition against use of alcohol on premise, and noted that State rules do not mention tobacco, as do the City's medical ordinance and the proposed recreational ordinance. The Committee agreed to remove tobacco from the proposed recreational ordinance, and recommend adding alcohol and removing tobacco from the current medical ordinance.

Section 6.6 was discussed briefly and the Committee reiterated its wish that both medical and recreational ordinances reflect the State allowed operating hours of 7 a.m. to 10 p.m.

The Committee discussed Section 6.7 regarding odors potentially produced by marijuana businesses. It was decided that the proposed recreational marijuana ordinance should follow the language of medical ordinance Section 6.7.

The Chair asked the industry representatives and the rest of the Committee if the proposed wording of Section 6.8 regarding disposal of marijuana waste, expired products, remnants and byproducts was acceptable. There were no objections.

Garrett Chrostek explained that proposed Section 6.9 is the same as the medical ordinance except that it prohibits retailers from being within 1000ft of each other. The Committee reiterated that they did not wish proximity restrictions apply to uses permitted in the Industrial zoning district, i.e. growing, processing, wholesaling. Mike Boynton called attention to prohibitions against colocation in the section contradicting what had been decided earlier with regard to Section 6.4(a). The Committee agreed that the colocation language in 6.9 should follow that of 6.4(a).

There was further discussion of the wording in 6.9 expanding on the term "Within 1000 feet." Clearer language was called for in both ordinances.

The Committee returned to discussing colocation with regard to marijuana laboratories. They agreed there should be no restrictions for labs other than what will be in the zoning ordinance. They further agreed that the 1000ft restriction should apply to dispensaries (retailers) and no other type of marijuana business.

Garrett Chrostek pointed out that Section 6.12 borrowed and altered language from the medical ordinance to include recreational edible marijuana products and the required warning labels. Industry representatives reported that as of October 1st, the State will require all edibles to have the same label warnings and that such labels must be preapproved by the OLCC. The Committee directed staff to make the wording of Section 6.12 consistent with the State rules in effect October 1, 2016.

The Committee briefly discussed Section 6.13 and determined it was "Good to go."

Chief Stanfill stated that proposed Section 6.14 may be subject to challenge. "It's outside of State regs because we got any person who's convicted of any felony, and I don't think that coincides with the state law."

JB: "Convicted in any state of any felony."

TS: "Correct. I think the State is – anybody who's been convicted of the felony of manufacture or delivery of controlled substance, Schedule I or II. But it's not just any felony. "

JB: "Okay. So we want to be consistent with State law here."

TB: "So, Chief, you're saying that that's what's in the State law now?"

TS: "I believe in the State law it's currently anybody that's convicted of a felony that includes manufacture or delivery of controlled substance. This, the way this is written, anybody with a felony..."

JB: "Any felony."

TS: "...any felony wouldn't be able to be a principal."

TB: "And I think the State law has a time limit on it."

TS: "They do, and it's five years. So, the question for this group is – do you want it to include any felony?"

JB: "No, we said that we wanted it to be consistent with State law. And we added Schedule I or II..."

TS: "Schedule I or II."

JB: "We added one of them because you said one of them is meth."

TS: "Yeah, Schedule II is meth."

TB: "It's one or and two in State law as well?"

TS: "Yes. Schedule I or Schedule II is in State law, the only question here is whether or not this, ah, that we want to add a felony."

JB: "Any felony."

TS: "Yeah. So like, somebody stole something..."

JB: "Personally, I want to be consistent with State law. I mean we've kind of said this over and over again. And if there's a five year thing written in State law, we want it in here."

TS: "And it should be totally clear on this. I mean, the State law should be very clear. You should be able to pull that up."

NS: "Yeah. Easy to revise this section."

Moving to Sections 6.15 and 6.16, after a brief discussion, the Committee directed staff to make the wording regarding accounting and record keeping consistent with State law.

Garrett Chrostek pointed out that Section 6.21 is an addition not in the current the medical ordinance, but is consistent with State law.

Chief Tanner Stanfill said that Section 7 needed reworking because it is not clear the City has the authority to perform such background checks. He said the Criminal Justice Information Center has certain rules. There is no legislation that specifically allows him to perform these checks. He has been able to do so under community caretaking and crime prevention, but he has asked CJIC if he may continue to do so. They may say no. He pointed out that the OLCC should be checking backgrounds. The Committee called for coordination and consistency with OLCC and State regulations and with wording regarding types of felonies as previously discussed.

Chair Janet Brown and Garrett Chrostek characterized the remainder of the document as containing standard legal provisions, and the same as the medical ordinance. However, Janet Brown argued that Section 9.1 should not extend the authority of the administrator to shut down a business for infractions of any regulations beyond local ones. She questioned whether similar actions could be taken against non-marijuana businesses. She also called for any references to taxes be removed from the medical ordinance because, according to State regulations, medical marijuana is exempt from local taxes.

The Committee discussed revocation of marijuana licenses generally, and the thresholds of doing so. Tax collection, and the need for local auditing, was discussed.

It was pointed out that the proposed ordinance had skipped section number 6.10, and that in the medical ordinance, Section 6.10 dealt with marijuana clubs. Garrett Chrostek was asked to check whether or not the State allowed clubs.

Chair Brown observed that the allotted meeting time had not been enough to work on the zoning ordinance and that another meeting is needed.

B. Public Comments

Chair Brown asked for public comments. Adam said he really liked what was going on, but was concerned about how regulations requiring expensive “closed-loop” processing equipment would impact small businesses. Chair Brown and Chief Stanfill expressed their beliefs that the high standards were a matter of public safety, and assured Adam that this is the direction the State is taking.

4. Scheduling of the Next Meeting.

The Committee scheduled their next meeting for 3 p.m. to 5 p.m., August 4, 2016.

5. Adjournment

The meeting adjourned at 5:10 p.m.

Janet Brown
Committee Chairperson

Date

Mike Boynton
Committee Vice-Chairperson

Date

Nicholas Snead
Community Development Director

Date

City of Madras
Recreational Marijuana Advisory Committee Meeting
Meeting Minutes
August 4, 2016

Members Attending:

Ali Alire, Mike Boynton, Janet Brown, Tom Brown, Gus Burrill, Royce Embanks, Jr., Michelle Hallas, Richard Ladeby, Tanner Stanfill, Sam Stapleton, Shawn Winsor.

Members Absent:

Jocelyn Anderson, Joe Krenowicz

Staff Members Attending:

Nicholas Snead, Community Development Director
Jeremy Green, City Attorney
Rob Dehnert, Assistant Planner

Public Attending:

None

1. **Call to Order**

The City of Madras Recreational Marijuana Advisory Committee public meeting in the Madras City Hall Council Chambers at 125 SW E. Street was called to order by the Chairperson at 4:32 p.m. on Thursday, August 4, 2016.

2. **Authorization to Approve July 21, 2016 and August 4, 2016 RMAC Meeting Minutes**

A MOTION WAS MADE BY COMMISSIONER SHAWN WINSOR TO AUTHORIZE THE COMMITTEE CHAIR AND VICE CHAIR TO APPROVE THE JULY 21, 2016 AND AUGUST 4, 2016 AFTER THE COMMITTEE IS CONCLUDED. THE MOTION WAS SECONDED BY COMMISSIONER ROYCE EMBANKS, JR. THE MOTION PASSED BY UNANIMOUS VOICE VOTE.

3. **Review and Approval of Draft Retail Regulations**

A. Review and Discussion of Draft Retail Regulations

Community Development Director Nicholas Snead gave a brief overview of creation and progress of the Committee. He acknowledged a clear directive from the Committee to staff that the local regulations meet State standards and exceed them where appropriate.

Chairperson Janet Brown reminded the Committee that marijuana labs were not in the drafted regulations because the Committee had decided to treat them as any other business.

Director Snead introduced documents and materials for the meeting and began recitation of proposed standards and comparisons to State regulations. He referred to a document in the agenda package, an 11" x 17" sheet with time place manner facts in a tan background table. Coming to the section "Criminal Convictions," he suggested the Committee pause from the recitation and focus on the issue.

Chairperson Brown expressed the Committee's desire to add Schedule II related offenses to the list of disqualifying convictions. Madras Police Chief Tanner Stanfill recommended this regulation be as it is in the current medical marijuana regulations – people operating or employed by a recreational marijuana distribution cannot be a felon and cannot have a history of narcotics use.

Chief Stanfill clarified an issue raised at the previous meeting, announcing that Madras City Police will be able to share only State of Oregon criminal histories with dispensary managers. He cannot share Law Enforcement Data System national records.

Attorney Jeremy Green concurred, and suggested the City prohibit marijuana businesses from employing those with the types of convictions being discussed, putting the onus of conducting national criminal background checks on the marijuana businesses.

Chairperson Brown poled the Committee on the two positions, that Schedule II offense be included in the list of disqualifying convictions, and that the responsibility to do national background checks should lie with the dispensary owners. There was unanimous agreement with the positions.

Chief Stanfill suggested owners use public records requests to gather information that does not show up in criminal histories.

Director Snead continued recitation of regulations comparison from the tan table, and then paused to reflect on the issue from the previous meeting regarding the wording of proximity regulations.

Chairperson Brown, based on the previous meeting's discussion and her understanding of the Committee's majority wishes, encouraged staff to change the language regarding proximity.

Attorney Jeremy Green averred that the wording is very similar to State wording and that the exact wording proposed by staff would facilitate enforcement.

Chairperson Brown asked if an exhibit could be added showing what the language says.

Attorney Green said that if an issue arises that doesn't fit the exhibit, an ambiguity is created and subjects the City to a potential challenge.

Committeeman Richard Ladeby stated he likes the language, it's clear, he can picture what it says, and he is fine with the way it is.

Committee member Ali Aire stated she is totally confused by it. Committee member Michelle Hallas said that it was not clear to her either. Aire posited that it would be just one of those regulations that will require explanation.

Committee member Tom Brown focused on the word, "any," saying that it is open to interpretation. He pointed out that the State says, "closest," and that's what the Committee wanted.

Attorney Green said that the word closest would allow interpretation and flexibility. He went on to say, "When applying a standard, if you've got a limiting term like 'closest,' you have just, in my opinion, shrunk the potential interpretation of that language. The intent is not to keep it, or create an ambiguity so people don't understand what the regulation provides, and ultimately prevent them from going in a location that would otherwise be suitable. It's to make it, it's to draft it in such a way that we are not going to be or are less likely to be challenged and have a successful challenge. And the 'any,' is more suitable and easier to defend than the term 'closest.' Does that make sense?"

Committee member Tom Brown: "No. The term 'any,' to me, is un-defendable."

Attorney Green: "Oh, it's easy to defend."

Committeeman Tom Brown: "Oh, then any line, what line? 'I want to use this line.'"

Attorney Green: "The City gets to make that determination. So, in other words, if I had two parcels, I could go and identify any point on that parcel and extend it a thousand feet to the next point, to a point on the adjacent parcel or more precisely, the subject parcel, and then identify the length, and that is the thousand feet parameter that I'm applying."

Committeeman Tom Brown: "So, do you mean the two closest points?"

Attorney Green: "I mean any point. You see? That's the advantage. I'm not limited to the closest. I can apply any point on that particular parcel."

Chairperson Brown: "So that could be further than a thousand feet."

Committeeman Tom Brown: To JG's comment, "That makes no sense whatsoever."

Attorney Green: "Well. Again, I mean, see, the reality is though, we're going to be called upon to enforce it. In my opinion, I'd like it more flexible than more stringent, from an enforceability standpoint. If we include "closest," ultimately it might not even matter, Tom, I think it's all case by case, fact and circumstance specific."

Industry representative Mike Boynton: "I think if someone is going to pick a point, obviously they're going to pick the closest point. So having 'any point' on it is, I don't see any problem with it."

Attorney Green: "It's immaterial. Exactly."

A discussion followed among Chairperson Brown, Director Snead and Industry representative Mike Boynton.

Attorney Green: "I tell you what, this is what I'll do, I'll give it more thought, and I'll ponder it over the weekend, and then if I can get to closest, we'll go with closest. Is that fair?"

Another discussion followed between Nicholas Snead, Janet Brown, Royce Embanks, Gus Burrill, Tom Brown, Richard Ladeby and Shawn Winsor. Chairperson Brown asked Attorney Green to come up with something more understandable, saying it would be appreciated.

Director Snead resumed recitation of tan table characterizing proposed regulations as equal to or exceeding the State: regarding packaging - equal, accounting - exceeding, record keeping - exceeding, disposal - equal. Reaching the end of the time, manner place regulations applying to retail, he asked for any questions before proceeding to zoning.

Chairperson Brown asked for industry representatives to comment on accounting and record keeping regulations. Industry representatives Sam Stapleton and Mike Boynton said they found them acceptable.

4. Review and Approval of Draft Time, Place and Manner Regulations and Zoning Regulations for Growing, Processing and Wholesaling

A. Review and Discussion of Draft Regulations

Director Snead turned the focus on the time, place and manner ordinance and the zoning ordinance regarding growing, processing and wholesaling. He referred to the blue table and reminded the Committee that the proposal is to allow these uses in the industrial zones only. Comparing the proposed local regulations to those of the State: Method of processing - equal (use of butane and open flames a concern); type of building - exceed (specified non-translucent and non-transparent wall and roof materials, i.e., standard building materials); growing and processing - exceed, restricting to indoors only; proximity - generally equal, "Notwithstanding the clarifications of the previous discussion;" lighting - exceed, the State does not regulate lighting, City has dark-sky regulations, lighting for recreational grow operations must be indoors; air filtration and ventilation - exceed; on-site consumption - equal; criminal convictions - exceed (referring to previous discussion); security - equal; waste disposal - equal.

A brief discussion between Chairperson Brown, Attorney Green and Director Snead ensued, clarifying that, with regard to record keeping and accounting, proposed City regulations exceed the State in empowering the City's administrator to require auditable accounting systems and other information deemed necessary.

Director Snead asked for additional discussion. Chairperson Brown asked several questions about the proposed regulations compared to the current medical marijuana regulations. Director Snead stated that in those areas, proposed regulations were the same as the medical regulation.

Committee member Royce Embanks: "I want to weigh in on proximity again. It's just logical that when you're trying to figure out the distance between two objects and you pick the one that appears closest to you and you swing your thousand yard arc out, and where it intersects that, then you move it back because you're too close to the building or whatever you're measuring. So, it has to be able to, you have to have a thousand yards between your closest point and the object's closest point. That's simple. I mean, you look out there and you, when we were surveying you look out and you go, 'That looks closer to me.' And you'd go ahead and measure the distance and it was, you know, short a thousand, you'd have to move. I mean, you're just taking a reference point, the closest reference you believe was in your building or whatever you're measuring, and the closest point to the one out there. And you measure the distance between the two. You can't measure from the center of the building, because that's not the language. It's at the closest. The thousand yards from that building, and unless it

specifies you're measuring from the front door or the center of the building or the far end of the building, it's always going to be the closest part."

Chairperson Brown: "I agree."

Committee member Richard Ladeby: "Just for clarification, we're talking feet, not yards."

Chairperson Brown: "Yeah, I like the State language."

Director Snead asked if the Committee desired to look at the ordinances in greater detail. Chairperson Brown agreed saying that the Committee had just gotten the documents.

The Committee took up the draft ordinance, "...establishing time, place, and manner regulations concerning recreational marijuana..." The Chair reviewed several subsections and observed that many of the regulations will be the same as they are for any business, then went on to summarize marijuana specific regulations. Chair then asked Chief Stanfill to comment on subsection "6.13 Criminal Convictions," and observed that it had been changed regarding Schedule II convictions and criminal background checks. Chief Stanfill reiterated that felony, Schedule I and II convictions all should be included in the ordinance.

The Committee Chair continued her review of subsequent subsections. She asked about the OLCC worker permit program. Mike Boynton said the OLCC was taking applications but he believed it wasn't required until October 1st. Chair asked Chief Stanfill about the subsection on background checks. Chief Stanfill said changes were needed. Attorney Green pointed out that the language here and in the medical marijuana ordinance has always been discretionary, meaning it has never been an obligation for the City to conduct the checks. He assured the Chair that the language would be adjusted and expanded.

The Committee Chair continued her review of subsequent subsections and emphasized the need for the emergency declaration so that the ordinance can be put in place should it be necessary after the November election.

Director Snead introduced the packet document "Exhibit ___ Madras Marijuana Zoning Ordinance Amendments." He explained that the amendments would expand the current medical marijuana zoning regulations to include all marijuana businesses. He gave an overview of the amendments, focusing on Amendment No. 4. He pointed out that existing medical marijuana dispensaries would not require site plan review when expanding into recreational marijuana sales. Each subsection was reviewed and questions were answered. The proposed amendments include two of a general nature and not specific to the marijuana industry.

The Chairperson asked for questions. None were offered. Chairperson Brown asked for a motion.

B. Committee Formal Action

A MOTION WAS MADE BY COMMISSIONER SHAWN WINSOR TO RECOMMEND TO THE MADRAS PLANNING COMMISSION AND THE MADRAS

CITY COUNCIL THAT THEY ADOPT THE PROPOSED ORDINANCE OF THE CITY OF MADRAS ESTABLISHING TIME PLACE AND MANNER REGULATIONS CONCERNING RECREATIONAL MARIJUANA, AND ADOPT THE EXHIBIT FOR THE MADRAS MARIJUANA ZONING ORDINANCE, BOTH AS AMENDED IN TODAY'S MEETING. THE MOTION WAS SECONDED BY COMMISSIONER ALI ALIRE. THE MOTION PASSED BY UNANIMOUS VOICE VOTE.

Chairperson Brown invited members to attend Planning Commission and City Council and thank them for their work.

5. **Adjournment**

The meeting adjourned at 5:43 p.m.

Janet Brown
Committee Chairperson

Date

Mike Boynton
Committee Vice-Chairperson

Date

Nicholas Snead
Community Development Director

Date

Regulation Discussed	State Standard	Comparison to State Standard	Ordinance	Section	Revision to MMU Ordinance
Retail Must meet all applicable zoning, building, and fire codes.		Exceeds	Zoning	3.14(B)(10)	
Hours of Operation Daily operating hours for the retailer (and wholesalers) must be no earlier than 7:00 a.m. or later than 10:00 p.m., Monday through Sunday.	OAR 845-025-282(1)(e). A retailer may only sell to consumers between the hours of 7:00 a.m. and 10 p.m. local time.	Equal	TPM	6.6	Yes
No On-Site Consumption Marijuana, alcohol, and other intoxicants must not be consumed, ingested, inhaled, and/or topically applied anywhere on the premises of the business, except that an employee of a business with a valid medical marijuana registry identification card may consume marijuana during his or her work shift as necessary for his or her medical condition as provided in OAR 845-025-1230(6)(b).	OAR 845-025-1230(6)(b). A licensee may not permit on-site consumption of a marijuana item, alcohol, or other intoxicant by any individual, except that an employee who has a current registry identification card issued under ORS 475.309 may consume marijuana during his or her work shift on the licensed premises as necessary for his or her medical condition, if the employee is alone, in a closed room and not visible to others outside the room. An employee who consumes a marijuana item as permitted under this subsection may not be intoxicated while on duty.	Equal	TPM	6.5	Yes
Air Filtration/Ventilation Each business must utilize an air filtration and ventilation system (and employ such other measures and means) that confines all objectionable odors associated with the business to the business's premises. Odor control measures must be installed and operational prior to commencing business operations. For purposes of this Section 6.7, the standard for judging "objectionable odors" will be that of a reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor is made and where the odor is detected.	No state standard.	Exceeds	TPM	6.7	No
Criminal Convictions A person who has been convicted of violating a general or local law of this state or another state, or of violating a federal law, if the conviction is substantially related to the fitness and ability of the person to lawfully carry out activities of the business, may not be a company principle, employee, and/or volunteer of the business and/or have a financial interest in a business operated in City's incorporated limits. For the purposes of this Section 6.13, the following convictions will not disqualify a person from being a company principle, employee, and/or volunteer of the business and/or have a financial interest in a business operated in City's incorporated limits: (a) the manufacture of marijuana, if (i) the date of the conviction is two or more years before the date of the initial or renewal permit application, and (ii) the person has not been convicted more than once for the manufacture and/or delivery of marijuana; (b) the delivery of marijuana to a person 21 years of age or older, if (i) the date of the conviction is two or more years before the date of the initial or renewal permit application, and (ii) the person has not been convicted more than once for the manufacture and/or delivery of marijuana; or (c) the possession of marijuana.	ORS 475B.045(2)(d), (3). OLC may refuse to license an applicant if the commission has reasonable ground to believe that the applicant, "has been convicted of violating a general or local law of this state or another state, or of violating a federal law, if the conviction is substantially related to the fitness and ability of the applicant to lawfully carry out activities under the license." Also, under ORS 475B.045(3), "Notwithstanding subsection (2)(d) of this section, in determining whether the commission may refuse to license an applicant, the commission may not consider the prior conviction of the applicant or any owner, director, officer, manager, employee, agent or other representative of the applicant for: (a) The manufacture of marijuana, if (A) the date of the conviction is two or more years before the date of the application; and (B) the person has not been convicted more than once for the manufacture or delivery of marijuana; (b) The delivery of marijuana to a person 21 years of age or older, if (A) the date of the conviction is two or more years before the date of the application; and (B) the person has not been convicted more than once for the manufacture or delivery of marijuana; or (c) The possession of marijuana.	Equal	TPM	6.13	No
Security (Burglary & CCTV) Each business must obtain and maintain a fully operable security system that complies with applicable Oregon laws and regulations. The security system will be maintained in good working condition and will be in use at all times.	Applicable state standards are located at OAR 845-025-1400 to OAR 845-025-1470.	Equal	TPM and Zoning	6.19, 3.14(D)(8)	Yes
Proximity Each retailer must not be located (a) at the same address as any other business except as permitted under Section 6.4(a), (b) within 1,000 feet of the real property comprising a public or private elementary, secondary, and/or career school attended primarily by minors, and/or (c) in any area and/or zone not expressly permitted under City's zoning ordinance. "Within 1,000 feet" means a straight line measurement in a radius extending for 1,000 feet or less in every direction from any point on the boundary line of the real property on which the retailer is cited.	ORS 475B.110, OAR 845-025-2840. The licensed premises of a retailer, "(c) May not be located in an area that is zoned exclusively for residential use; (d) May not be located within 1,000 feet of: (A) A public elementary or secondary school for which attendance is compulsory under ORS 339.020; or (B) A private or parochial elementary or secondary school, teaching children as described in ORS 339.030." ORS 475B.110(2). OAR 45-025-1470(5) states, "For purposes of determining the distance between a retailer and a school referred to in subsection (1)(c) of this rule, "within 1,000 feet" means a straight line measurement in a radius extending for 1,000 feet or less in any direction from the closest point anywhere on the boundary line of the real property comprising a school to the closest point of the licensed premises of a retailer. If any portion of the licensed premises is within 1,000 feet of a school as described subsection (1)(b) of this rule an applicant will not be licensed."	Equal	TPM and Zoning	6.9, 3.14(D)(1)	
Packaging All edible marijuana products sold and/or otherwise transferred on a retailer's premises must (a) contain warnings that state "For use only by adults 21 and older. Keep out of reach of children.", "It is illegal to drive a motor vehicle while under the influence of marijuana.", and "BE CAUTIOUS" in bold, capital letters, followed by "Cannabinoid edibles can take up to 2 hours or more to take effect"; (b) be packaged in a tamper-proof hard or soft-bodied receptacle that is designed and constructed to be significantly difficult for children under five years of age to open and that is sealed, opaque such that the product cannot be seen from outside the packaging, disposable for any product intended for more than a single use or containing multiple servings, and not brightly colored, depicting cartoons, or in the shape of an animal or any other commercially recognizable toy or candy; and (c) satisfy all other applicable state requirements for packaging and labeling. (a) Contain warning labels on the outside of the packaging that state "For use only by adults 21 and older—Keep out of reach of children." "It is illegal to drive a motor vehicle while under the influence of marijuana.", and "BE CAUTIOUS" in bold, capital letters, followed by "Cannabinoid edibles can take up to 2 hours or more to take effect"; (b) Be packaged in a tamper-proof hard or soft-bodied receptacle that is designed and constructed to be significantly difficult for children under five years of age to open and that is sealed, opaque such that the product cannot be seen from outside the packaging, disposable for any product intended for more than a single use or containing multiple servings, and not brightly colored, depicting cartoons, or in the shape of an animal or any other commercially recognizable toy or candy; and (c) satisfy all other state requirements for packaging and labeling.	OAR 845-025-7020. Marijuana items for ultimate sale must be labeled in accordance with OAR 333-007-0010 to 333-007-0010. OAR 333-007-0070(18) states, "For cannabinoid edibles for sale to a consumer warnings that state: (a) "For use only by adults 21 and older. Keep out of reach of children." (b) "It is illegal to drive a motor vehicle while under the influence of marijuana." (c) "BE CAUTIOUS" in bold, capital letters, followed by "Cannabinoid edibles can take up to 2 hours or more to take effect."	Equal	TPM	6.11	Yes
Accounting Each business must have an accounting system specifically designed for enterprises reliant on transactions conducted primarily in cash such that revenue and expenses are recorded as they are paid, regardless of when goods are received or delivered, and sufficient to maintain detailed, auditable financial records. If the administrator finds that the business's books and records are deficient in any way and/or if the accounting system is not auditable, the business must modify the business's accounting system to meet the requirements of the administrator.	OAR 845-025-1200. In addition to any other record-keeping requirements in these rules, a marijuana licensee must have and maintain records that clearly reflect all financial transactions and the financial condition of the business. The following records must be kept and maintained for a three-year period and must be made available for inspection if requested by an employee of the Commission: (1) Purchase invoices and supporting documents for items and services purchased for use in the production, processing, research, testing and sale of marijuana items that include from whom the items were purchased and the date of purchase; (2) Bank statements for any accounts relating to the licensed business; (3) Accounting and tax records related to the licensed business; (4) Documentation of all financial transactions related to the licensed business, including contracts and agreements for services performed or received that relate to the licensed business; and (5) All employee records, including training.	Exceeds	TPM	6.14	No
Record Keeping Each business must keep and preserve records of all sales made by the business and such other books or accounts as may be required by the administrator. Each business must keep and preserve for a period of at least three years records containing at least the following information, in addition to that information specified under Oregon law: (a) true names and any aliases of the company principals; (b) true names and any aliases of employees/volunteers of the business; (c) true names and addresses and any aliases of persons that have or within the preceding year have had a financial interest in the business; (d) documentation concerning costs related to transferring, handling, securing, insuring, testing, packaging, and processing marijuana, and the cost of supplies, utilities, and rent or mortgage; (e) the amount of money paid by a business to a grower for each transfer of marijuana; (f) state and federal income tax returns; and (g) any other additional information the administrator deems necessary or appropriate.	See above.	Exceeds	TPM	6.15	No
Disposal Each business must provide for secure disposal of marijuana waste, expired marijuana products, marijuana remnants and marijuana byproducts. Receptacles for such disposal must not be placed within the business's exterior refuse containers or otherwise outside of the control of the business.	OAR 845-025-7750. (1) A licensee must: (a) Store, manage and dispose of solid and liquid wastes generated during marijuana production and processing in accordance with applicable state and local laws and regulations which may include but are not limited to: (A) Solid waste requirements in ORS 459 and OAR 340 Divisions 93 to 96; (B) Hazardous waste requirements in ORS 466 and OAR 340, Divisions 100 to 106; and (C) Wastewater requirements in ORS 468B and OAR 340, Divisions 41 to 42, 44 to 45, 53, 55 and 73. (b) Store marijuana waste in a secured waste receptacle in the possession of and under the control of the licensee. (2) A licensee may give or sell marijuana waste to a producer, processor or wholesale licensee or research certificate holder. Any such transaction must be entered into CTS pursuant to OAR 845-025-7500. (3) In addition to information required to be entered into CTS pursuant to OAR 845-025-7500, a licensee must maintain accurate and comprehensive records regarding waste material that accounts for, reconciles, and evidences all waste activity related to the disposal of marijuana.	Equal	TPM	6.8	Yes

Growing, Processing, & Wholesaling	Regulation		Ordinance	Section	Revision to MMU Ordinance
Method of Processing (open flame, or otherwise) & Certified System	(d) Marijuana processors with an endorsement to produce cannabinoid extracts or concentrates must comply with state requirements for such production including, without limitation, OAR 845-025-3100. (e) Marijuana processors with endorsements to produce cannabinoid edibles must comply with all state requirements for such production including, without limitation, OAR 845-025-3150.	OAR 845-025-3260 and OAR 845-025-3250.	Equal	TPM	6.4(f) and (e)
Type of Building	Marijuana production and processing shall be located entirely within one or more fully enclosed buildings with conventional metal, wood, concrete, brick, or similar construction consistent with Section 3.6.1(f) – Design Review of the Zoning Ordinance.	OAR 845-025-3260(5). The licensed premises of a processor, wholesaler, laboratory and retailer must be enclosed on all sides by permanent walls and doors.	Exceeds	Zoning/TPM	3.14(E)(1), (F)(1), 6.17
Outdoor Growing and Processing	Marijuana production and processing are prohibited in any outdoor area.	OAR 845-025-3260(2); OAR 845-025-2000(3). A processor with an endorsement to make cannabinoid extracts must process in a "fully enclosed room clearly designated on the current diagram of the licensed premises." A producer may engage in indoor or outdoor production of marijuana, or a combination of the two." OAR 845-025-2000. Outdoor production means producing marijuana "(a) in an expanse of open or cleared ground; or (b) in a greenhouse, hoop house or similar non-rigid structure that does not utilize any artificial lighting on mature marijuana plants, including but not limited to electrical lighting sources."	Exceeds	Zoning/TPM	3.14(F)(1), (F)(1), 6.17
Proximity	None.	OAR 845-025-1115. OLCC must deny an application if the proposed licensed premises is located: (4) on federal property; (b) at the same physical location or address as: (i) medical marijuana grow site registered under ORS 475.304, unless the grow site is also licensed under section 116, chapter 614, Oregon laws 2015; (ii) medical marijuana processing site registered under section 85, chapter 614, Oregon Laws 2015; or (iii) medical marijuana dispensary registered under ORS 475.314; (c) at the same physical location or address as a liquor license or a retail liquor agent.	Equal	TPM	
Lighting	All outdoor lighting is to comply with the lighting standards in Section 3.6 of the Zoning Ordinance.	No state standard	Exceeds	Zoning	3.14(B)(3)
Lighting	Inside building lighting used for growing marijuana shall not be visible outside the building from dusk to dawn daily.	No state standard.	Exceeds	Zoning	3.14(E)(1), (F)(1)
Air Filtration/Ventilation	Each business must utilize an air filtration and ventilation system (and employ such other measures and means) that confines all objectionable odors associated with the business to the business's premises. Odor control measures must be installed and operational prior to commencing business operations. For purposes of this Section 6.7, the standard for judging "objectionable odors" will be that of a reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor is made and where the odor is detected.	OAR 845-025-3260(1)(b). A processor with a cannabinoid concentrate or extract endorsement must work in an environment with proper ventilation, controlling all sources of ignition where a flammable atmosphere is or may be present.	Exceeds	Zoning/TPM	3.14(B)(9)/6.7
No On-Site Consumption	Marijuana, alcohol, and other intoxicants must not be consumed, ingested, inhaled, and/or topically applied anywhere on the premises of the business, except that an employee of a business with a valid medical marijuana registry identification card may consume marijuana during his or her work shift as necessary for his or her medical condition as provided in OAR 845-025-1230(6)(b).	OAR 845-025-1230(6)(b). On-site consumption of a marijuana item, alcohol, or other intoxicant by any individual, except that an employee who has a current registry identification card issued under ORS 475.309 may consume marijuana during his or her work shift on the licensed premises as necessary for his or her medical condition, if the employee is alone, in a closed room and not visible to others outside the room. An employee who consumes a marijuana item as permitted under this subsection may not be intoxicated while on duty.	Equal	TPM	6.5
Criminal Convictions	A person who has been convicted of violating a general or local law of this state or another state, or of violating a federal law, if the conviction is substantially related to the fitness and ability of the person to lawfully carry out activities of the business, may not be a company principal, employee, and/or volunteer of the business and/or have a financial interest in a business operated in City's incorporated limits. For the purposes of this Section 6.13, the following convictions will not disqualify a person from being a company principal, employee, and/or volunteer of the business and/or have a financial interest in a business operated in City's incorporated limits: (a) the manufacture of marijuana, if (i) the date of the conviction is two or more years before the date of the initial or renewal permit application, (ii) and the person has not been convicted more than once for the manufacture and/or delivery of marijuana; (b) the delivery of marijuana to a person 21 years of age or older, if (i) the date of the conviction is two or more years before the date of the initial or renewal permit application, and (ii) the person has not been convicted more than once for the manufacture and/or delivery of marijuana; or (c) the possession of marijuana.	ORS 475B.045(2)(d), (3). OLCC may refuse to license an applicant if the commission has reasonable ground to believe that the applicant, "has been convicted of violating a general or local law of this state or another state, or of violating a federal law, if the conviction is substantially related to the fitness and ability of the applicant to lawfully carry out activities under the license." Also, under ORS 475B.045(3), "Notwithstanding subsection (2)(d) of this section, in determining whether the commission may refuse to license an applicant, the commission may not consider the prior conviction of the applicant or any owner, director, officer, manager, employee, agent or other representative of the applicant for: (a) The manufacture of marijuana, if: (A) The date of the conviction is two or more years before the date of the application; and (B) The person has not been convicted more than once for the manufacture or delivery of marijuana; (b) The delivery of marijuana to a person 21 years of age or older, if: (A) The date of the conviction is two or more years before the date of the application; and (B) The person has not been convicted more than once for the manufacture or delivery of marijuana; or (c) The possession of marijuana.	Equal	TPM	6.13
Security (Burglary & CCTV)	Each business must obtain and maintain a fully operable security system that complies with applicable Oregon laws and regulations. The security system will be maintained in good working condition and will be in use at all times.	Applicable state standards are located at OAR 845-025-1400 to OAR 845-025-1470.	Equal	Zoning/TPM	3.14(B)(U)/6.19
Waste Disposal	Each business must provide for secure disposal of marijuana waste, expired marijuana products, marijuana remnants and marijuana byproducts. Receptacles for such disposal must not be placed within the business's exterior refuse containers or otherwise outside of the control of the business.	OAR 845-025-7750. (1) A licensee must: (a) Store, manage and dispose of solid and liquid wastes generated during marijuana production and processing in accordance with applicable state and local laws and regulations which may include but are not limited to: (A) Solid waste requirements in ORS 459 and OAR 340 Divisions 93 to 96; (B) Hazardous waste requirements in ORS 466 and OAR 340, Divisions 100 to 106; and (C) Wastewater requirements in ORS 468B and OAR 340, Divisions 41 to 42, 44 to 45, 53, 55 and 73. (b) Store marijuana waste in a secured waste receptacle in the possession of and under the control of the licensee. (2) A licensee may give or sell marijuana waste to a producer, processor or wholesale licensee or research certificate holder. Any such transaction must be entered into CTS pursuant to OAR 845-025-7900. (3) In addition to information required to be entered into CTS pursuant to OAR 845-025-7500, a licensee must maintain accurate and comprehensive records regarding waste material that accounts for, reconciles, and evidences all waste activity related to the disposal of marijuana.	Equal	TPM	6.8
Record Keeping	Each business must keep and preserve records of all sales made by the business and such other books or accounts as may be required by the administrator. Each business must keep and preserve for a period of at least three years records containing at least the following information, in addition to that information specified under Oregon law: (a) true names and any aliases of the company principals; (b) true names and any aliases of employees/volunteers of the business; (c) true names and addresses and any aliases of persons that have or within the preceding year have had a financial interest in the business; (d) documentation concerning costs related to transferring, handling, securing, moving, testing, packaging, and processing marijuana, and the cost of supplies, utilities, and rent or mortgage; (e) the amount of money paid by a business to a grower for each transfer of marijuana; (f) state and federal income tax returns; and (g) any other additional information the administrator deems necessary or appropriate.	OAR 845-025-1200. In addition to any other record keeping requirements in these rules, a marijuana licensee must have and maintain records that clearly reflect all financial transactions and the financial condition of the business. The following records must be kept and maintained for a three-year period and must be made available for inspection if requested by an employee of the Commission: (1) Purchase invoices and supporting documents for items and services purchased for use in the production, processing, research, testing and sale of marijuana items that include from whom the items were purchased and the date of purchase; (2) Bank statements for any accounts related to the licensed business; (3) Accounting and tax records related to the licensed business; (4) Documentation of all financial transactions related to the licensed business, including contracts and agreements for services performed or received that relate to the licensed business; and (5) All employee records, including training.	Equal	TPM	6.15
Accounting	Each business must have an accounting system specifically designed for enterprises reliant on transactions conducted primarily in cash such that revenue and expenses are recorded as they are paid, regardless of when goods are received or delivered, and sufficient to maintain detailed, auditable financial records. If the administrator finds that the business's books and records are deficient in any way and/or if the accounting system is not auditable, the business must modify the business's accounting system to meet the requirements of the administrator.	See above.	Exceeds	TPM	6.14

Madras Marijuana Zoning Ordinance Amendments

Text added is double underlined. Text Deleted is ~~struck through~~.

AMENDMENT NO. 1

SECTION 1.3 DEFINITIONS

MARIJUANA. All parts of the plant Cannabis family Moraceae, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin.

MARIJUANA BUSINESS. Any establishment operated by any person or entity who is or will be appropriately licensed by the Oregon Health Authority or the Oregon Liquor Control Commission which sells, produces, cultivates, grows, wholesales, processes, researches, develops or tests any form of marijuana or marijuana derivatives including, but not limited to, Marijuana Production Facilities, Marijuana Processing Facilities, Marijuana Testing Laboratories, Medical Marijuana Dispensaries, and Marijuana Retailers.

MARIJUANA PROCESSING FACILITY. Any establishment in, or premises on, which a person or entity required to be licensed under ORS 475B.090 or **ORS 475B.435** operates.

MARIJUANA PRODUCTION FACILITY. Any establishment in, or premises on, which a person or entity required to be licensed under ORS 475B.070 or ORS **475B.420** operates.

MARIJUANA PRODUCTS. Includes marijuana and any item, good, or product made from or including marijuana.

MARIJUANA TESTING LABORATORY. A facility that conducts testing of marijuana products as required by ORS 475B.555 and required to be licensed under ORS 475B.560.

MARIJUANA RETAILER. Any establishment in, or premises, on which a person or entity required to be licensed under ORS 475B.110 operates.

MARIJUANA WHOLESALER. Any establishment in, or premises on, which a person or entity required to be licensed under ORS 475B.100 operates.

TIME, PLACE, AND MANNER RESTRICTIONS. City Ordinance Nos. 870 and ____ and any successor ordinance(s) all as may be amended from time to time.

AMENDMENT NO. 2

TABLE 3.5-1: USES IN THE C-1, C-2, and C-3 ZONES

Uses	Corridor Commercial (C-1)	Downtown Commercial (C-2)	Community Commercial (C-3)
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Commercial			
Marijuana Retailer	(P)(7)	(P)(7)	(P)(7)
Marijuana Testing Laboratories	(P)(7)	(P)(7)	(P)(7)

vii. (7) Marijuana Businesses must meet the applicable requirements of Section 3.14.

AMENDMENT NO. 3

SECTION 3.6 INDUSTRIAL

B. PERMITTED USES. (Subject to Site Plan Review)

...

40. Marijuana Production Facility, Marijuana Processing Facility, Marijuana Wholesaler

i. Marijuana Businesses must meet the applicable requirements of Section 3.14.

AMENDMENT NO. 4

SECTION 3.14 MARIJUANA BUSINESSES

A. PROCEDURES.

1. Marijuana Businesses, including new Marijuana Businesses located at the same location as a previously approved Marijuana Business, shall obtain Site Plan Approval under Section 4.8. Notwithstanding the foregoing, no Site Plan Review approval is required:

a. An existing Medical Marijuana Dispensary converts to a Marijuana Retailer.

2. All applications for Marijuana Businesses shall be made in the name of the person and/or entity identified in any state licensing and the City business license.

3. A Marijuana Business cannot be approved as a home occupation.

B. MARIJUANA BUSINESS GENERAL STANDARDS AND APPROVAL CRITERIA.

In addition to any applicable approval criteria for Site Plan Approval, and any other standards for the zone in which the Marijuana Business is located, the applicant shall satisfy the following approval criteria:

1. Marijuana Businesses can only be approved in the zones in which the specific type of Marijuana Business is expressly identified as a permitted use. Permissibility of one type of Marijuana Business in a particular zone cannot be the basis to allow a non-permitted type of Marijuana Business as a similar use under Section 9.28.

2. An applicant for a Marijuana Business must obtain a City business license and, as applicable, a recreational marijuana or dispensary permit pursuant to the Time, Place, and Manner Restrictions prior to initiating the use, but no later than six months after land use approval.
3. Applicant's proposal must demonstrate compliance, or the ability to comply (with appropriate conditions of approval), with applicable provisions of the Time, Place, and Manner Restrictions.
4. If there are any conflicting standards between state law, the Time, Place, and Manner Restrictions, and this Ordinance, the most stringent standard shall apply.
5. All exterior lighting must comply with the lighting standards in the zone in which the use is proposed.
6. Co-location of Marijuana Businesses on the same property is permitted except as prohibited by state law, the Time, Place, and Manner Restrictions, and this Zoning Ordinance.
7. All Marijuana Businesses will conduct operations inside secure, enclosed structures. Marijuana Products may not be displayed in a manner that is externally visible to the public. No drive-through, curb-side, mobile, or other external sale methods are permitted.
8. The applicant shall demonstrate how the proposed Marijuana Business complies with all state security system requirements applicable to the proposed Marijuana Business.
9. The applicant must demonstrate how measures to control odors satisfies applicable requirements set forth in the Time, Place, and Manner Restrictions.
10. The structure within which the Marijuana Business will operate must meet applicable fire and building code requirements.
11. Applications for a specific type of Marijuana Business shall satisfy the additional standards applicable to that type of Marijuana Business set out in subsection (C) through (H) below.

C. ADDITIONAL CRITERIA FOR MEDICINAL MARIJUANA DISPENSARIES

1. A Medical Marijuana Dispensary must not be located (a) at the same address as a marijuana grow site registered under ORS 475B.420, (b) within 1,000 feet of the real property comprising a public or private elementary, secondary, and/or career school attended primarily by minors, and/or (c) within 1,000 feet of another dispensary, "Within 1,000 feet" means a straight line measurement in a radius extending for 1,000 feet or less in every direction from the closest point on the boundary line of the real property on which the Medical Marijuana Dispensary is proposed to be sited.
2. Medical Marijuana Dispensaries are not permitted in the Industrial (I) Zone even when incidental or subordinate to a permitted use in the (I) Zone.
3. Medical Marijuana Dispensaries are considered "retail" for purposes of parking requirements.

D. ADDITIONAL CRITERIA FOR MARIJUANA RETAILERS

1. Marijuana Retailers must not be located (a) at the same address as another Marijuana Business except as permitted under Oregon law, the Time, Place, and Manner Restrictions, and this Zoning Ordinance, or (b) within 1,000 feet of the real property comprising a public or private elementary, secondary, and/or career school attended primarily by minors. "Within 1,000 feet" means a straight line measurement in a radius extending for 1,000 feet or less in every direction from the closest point on the boundary line of the real property on which the Marijuana Retailer is proposed to be sited.
2. Marijuana Retailers are not permitted in the Industrial (I) Zone even when incidental or subordinate to a permitted use in the (I) Zone.
3. Marijuana Retailers are considered "retail" for purposes of parking requirements.

E. ADDITIONAL CRITERIA FOR MARIJUANA PRODUCTION FACILITIES

1. Marijuana Production Facilities shall only be approved if the growing activities occur exclusively within permanent, fully enclosed, rigid, non-translucent structures that require a building permit, reviewed under Section 3.6(E). All lighting used for growing purposes must be contained completely inside the structure. No hoop-houses, sheds, shipping containers, trailers, or similar structures are permitted.
2. Under no circumstances, and notwithstanding anything in this Zoning Ordinance to the contrary, may retail sales of Marijuana Products occur at the same location as a Marijuana Production Facility in the Industrial (I) Zone.

F. ADDITIONAL CRITERIA FOR MARIJUANA PROCESSING FACILITIES

1. Marijuana Processing Operations shall only occur in permanent, fully enclosed, rigid, non-translucent structures requiring a building permit and reviewed under Section 3.6(E).
2. Under no circumstances, and notwithstanding anything in this Zoning Ordinance to the contrary, may retail sales of Marijuana Products occur at the same location as a Marijuana Processing Facility in the Industrial (I) Zone.

G. ADDITIONAL CRITERIA FOR MARIJUANA WHOLESALING BUSINESSES

1. Under no circumstances, and notwithstanding anything in this Zoning Ordinance to the contrary, may retail sales of Marijuana Products be conducted by a Marijuana Wholesaling Business in the Industrial (I) Zone.

H. ADDITIONAL CRITERIA FOR MARIJUANA TESTING LABORATORIES

1. Under no circumstances, and notwithstanding anything in this Zoning Ordinance to the contrary, may retail sales of Marijuana Products be conducted by a Marijuana Testing Laboratory in the Industrial (I) Zone.

I. CONDITIONS OF APPROVAL

In addition to any conditions of approval imposed as part of Site Plan or zoning application approval, the following shall be mandatory conditions of approval for all Marijuana Businesses:

1. The applicant for a Marijuana Business shall obtain and present documentation of all applicable state approvals, registrations, licensing, and permitting to the City within 6 months of Site Plan or zoning application approval.
2. Marijuana Businesses shall keep all required state registrations, licensing, and permitting current.
3. Marijuana Businesses shall keep all required City business licenses, permits, or other required approvals current.
4. At all times, Marijuana Businesses shall remain compliant with applicable provisions of the Time, Place, and Manner Restrictions and applicable state laws governing Marijuana Businesses, all as they may be amended from time to time.
5. At all times, the operator of a Marijuana Business shall be the same person or entity holding the corresponding City business license, recreational marijuana or dispensary permit, and applicable state registrations, licensing, and/or permitting. The operator shall provide the City notice and appropriate documentation from the state of any changes in ownership or the suspension, loss, or forfeiture of any state approval, registration, licensing, or permitting.
6. Notwithstanding anything to the contrary in this Zoning Ordinance, any approval for a Marijuana Business shall be void if any condition of approval is violated and not cured within 30 days of City's delivery of a notice identifying the violation. The Community Development Director may prescribe a longer cure period provided such period does not exceed 90 days.
7. Notwithstanding anything to the contrary in this Zoning Ordinance, any approval for a Marijuana Business shall be deemed abandoned, and thus void, if the Marijuana Business ceases to operate for any period of 180 or more consecutive days.

AMENDMENT NO. 5

TABLE 4.5-1 REQUIRED VEHICLE PARKING

USE	PARKING SPACES REQUIRED (Spaces per 1,000 sq. ft. unless otherwise noted)
COMMERCIAL AND INDUSTRIAL	
Shopping Goods (Retail)	2.86 spaces
Convenience Goods (Retail) Retail	2.86 spaces
Manufacturing/Production/Processing/Laboratories	2.0 spaces

AMENDMENT NO. 6

SECTION 4.8 SITE PLAN APPROVAL. – To determine compliance with this Ordinance for development in zoning districts.

...

B. PROCEDURES.

...

7. Site Plan Criteria. Approval shall be based on the following criteria:

...

d. Pedestrian and vehicular circulation and parking. The location and number of points of access to the site, sidewalks, the interior circulation patterns, designs of parking areas, and the separation between pedestrians and moving and parked vehicles shall be designed to promote safety and avoid congestion on adjacent streets. The proposal shall demonstrate compliance with Sections 4.4 to 4.7 as applicable.

...

h. Landscaping requirements. The proposal shall demonstrate compliance with pursuant to Section 3.5.1(N), 3.5.1(O)(6), or Section 3.6(O) as applicable.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MADRAS ESTABLISHING TIME, PLACE, AND MANNER REGULATIONS CONCERNING RECREATIONAL MARIJUANA PRODUCERS, PROCESSORS, WHOLESALERS, LABORATORIES, AND RETAILERS; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Madras (“City”) has all powers that the constitutions, statutes, and common law of the United States and Oregon expressly or impliedly grant or allow City; and

WHEREAS, the Madras City Council (the “Council”) finds that the characteristics, operations, and potential impacts of recreational marijuana producers, processors, wholesalers, testing laboratories, and retailers necessitate (a) the establishment of particular reasonable time, place, and manner regulations for such operations, and (b) a separate permitting process for such operations; and

WHEREAS, City desires to reasonably regulate recreational marijuana operations in an effort to protect the public health, safety, and welfare.

NOW, THEREFORE, the City of Madras ordains as follows:

1. Findings. The above-stated findings are hereby adopted.
2. Purpose. The purpose of this Ordinance No. _____ (this “Ordinance”) is to minimize any adverse public safety and public health impacts that may result from allowing recreational marijuana producers, processors, wholesalers, testing laboratories, and retailers to operate in City’s incorporated limits by (a) adopting particular reasonable time, place, and manner regulations, and (b) a separate permitting process for such operations.

3. Definitions. For purposes of this Ordinance, the following terms and phrases have the meanings assigned to them below:

“Administrator” means City’s city administrator (or his or her designee) and/or any other City officer, employee, or agent appointed by the Council from time to time.

“Business(es)” means the recreational marijuana business operated by the marijuana processor, producer, testing laboratory, wholesaler, retailer, and/or any combination thereof.

“Cannabinoid” means any of the chemical compounds that are the active constituents of marijuana.

“Company principle(s)” means a person who is a director, officer, shareholder, manager, member, or partner of an entity or has a controlling interest in the entity through his or her ownership or control of 10% or more of the ownership in the entity or 10% or more of the total investment interest in the entity.

“Controlled substance(s)” means a substance designated as Schedule I or Schedule II controlled substances by the Code of Federal Regulations Title 21, Chapter II, Part 1308.

“Convicted” means an adjudication of guilt upon a verdict or finding entered in a criminal proceeding in a court of competent jurisdiction.

“Financial interest” exists when a person, the person’s immediate family, and/or a legal entity of which the person is a company principle (a) receives or is entitled to receive directly or indirectly any of the benefits of a business, (b) rents or leases real property to the business for use by the business, and/or (c) lends or gives money, real property, or personal property to the business for use in the business. For purposes of this definition, monies owed to suppliers or contractors for the reasonable cost of goods and services received does not constitute a financial interest in a business.

“Marijuana” means all parts of the plant Cannabis family Moraceae, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin.

“Marijuana processors” means a processor required to be licensed under ORS 475B.090.

“Marijuana producers” means a producer required to be licensed under ORS 475B.070.

“Marijuana testing laboratory” means a facility that conducts testing of marijuana products as required by ORS 475B.555 and is required to be licensed under ORS 475B.560.

“Marijuana wholesalers” means a wholesaler required to be licensed under ORS 475B.100.

“Marijuana retailers” means a retailer required to be licensed under ORS 475B.110.

“Minor(s)” means any person under 21 years of age.

“Person(s)” means an individual.

“Zoning ordinance” means City Ordinance No. 864, as amended.

4. Annual Permit Required. The company principle of each business operating in City’s incorporated limits must possess a valid annual recreational marijuana permit issued under this Ordinance and must comply with the requirements of all applicable federal, state, and local laws, regulations, and ordinances, including, without limitation, this Ordinance. The permit term will be for a fiscal year, beginning July 1 and ending June 30 of the immediately following year. The permit must be obtained and renewed contemporaneously with the company principle’s obtainment and renewal of City’s business license. Permits are non-transferrable. A separate permit must be obtained for each form of business even if operated on the same premises or under the same ownership.

5. Permit Application; Renewal; Updates; Termination; Fees.

5.1 Initial Application; Fee. Application forms for recreational marijuana permits will be available at Madras City Hall. Applications for initial and renewal permits must be submitted to City and signed under penalty of perjury. At the time of submission of an initial permit application, the applicant must pay a permit application and investigation fee. The permit application and investigative fee amount will be set from time to time by Council resolution. No portion of the fee is refundable if a permit is denied or operation of the business is discontinued for any reason. A separate permit

application must be submitted for each proposed business location. The permit application documents may be included as part of City's business license application materials and must contain, at minimum, the following:

- (a) The location of the proposed business;
- (b) A description of the type, nature, and extent of the business to be conducted;
- (c) A description of the proposed accounting and inventory systems for the business;
- (d) Certification that the proposed business is licensed to conduct business in compliance with Ordinance No. 849, City's business license ordinance, and in compliance with all applicable federal, state, and local laws, regulations, and ordinances;
- (e) Certification that the proposed business has met the requirements of all applicable land use and/or development laws, regulations, and codes; and
- (f) Such other information deemed necessary or appropriate by the administrator to conduct any investigation and/or background check (including names and fingerprints) of the company principles, employees, volunteers, persons with a financial interest, and persons or entities providing debt financing for the business.

5.2 Renewal Application; Fee. A permit renewal application will include information similar in nature to that provided on the permittee's initial permit application and must be submitted to City not less than 30 days prior to expiration of the permit. Permit renewal application materials may be included as part of City's business license renewal application materials. At the time of submission of a permit renewal application, the permittee must pay a permit renewal application and investigation fee. The renewal application and investigation fee amount will be set from time to time by Council resolution. No portion of the fee is refundable if a permit is denied or operation of the business is discontinued for any reason.

5.3 Termination. A permit terminates automatically on June 30 of each year unless a permit renewal application is prior approved. A permit terminates automatically and without further act of City if any federal and/or state statutes, laws, regulations, ordinances, and/or guidelines are modified, changed, and/or interpreted in a manner by state or federal law enforcement officials so as to prohibit operation of the business under this Ordinance.

5.4 Notification of Changes. If a permittee is required to provide the Oregon Liquor Control Commission with any update, notice, report, or additional disclosure pursuant to OAR 845-025-1160 and/or any other state law and/or regulation, the permittee will supply the same information to City within the same deadline. If the supplied information necessitates a modification of the permit, such as the change in business location, the permittee will remit the applicable fee for an annual renewal.

6. Operation Regulations; Permit Conditions. Except as otherwise expressly provided under this Ordinance, each business must comply with the following operating regulations, in addition to any and all other applicable federal, state, and/or local laws, regulations, and/or ordinances:

6.1 Compliance with Applicable Laws. The business must at all times be operated in compliance with applicable Oregon laws and regulations, including, without limitation, ORS chapter 475B; OAR chapter 845; this Ordinance; all land use/development, building, and fire codes; and all other federal, state, and local laws, regulations, and ordinances, including, without limitation, those directly or indirectly relating to recreational marijuana, including the payment of all fines, fees, and taxes owing to City.

6.2 Oregon Liquor Control Commission Registration Required. Each business must at all times be registered and in good standing under Oregon law.

6.3 Business License Required. Each business must have a current City business license.

6.4 Production and Processing Restrictions.

(a) Co-location of businesses on the same premises is only permitted if and as allowed under applicable Oregon law and in accordance with the zoning ordinance.

(b) Subject to restrictions on certain forms of processing contained in this Ordinance, processors will only be permitted to engage in the forms of processing for which they have obtained applicable endorsements under OAR 845-025-3210.

(c) No production, processing, and/or wholesaling may occur in any outdoor area and/or in any structure where the production, processing, and/or wholesaling is visible from outside of the structure.

(d) Marijuana processors with an endorsement to produce cannabinoid extracts or concentrates must comply with state requirements for such production including, without limitation, OAR 845-025-3260.

(e) Marijuana processors with endorsements to produce cannabinoid edibles must comply with all state requirements for such production including, without limitation, OAR 845-025-3250.

6.5 On-Site Consumption Prohibited. Marijuana, alcohol, and other intoxicants must not be consumed, ingested, inhaled, and/or topically applied anywhere on the premises of the business, except that an employee of a business with a valid medical marijuana registry identification card may consume marijuana during his or her work shift as necessary for his or her medical condition as provided in OAR 845-025-1230(6)(b).

6.6 Operating Hours. Daily operating hours for retailers and wholesalers must be no earlier than 7:00 a.m. or later than 10:00 p.m., Monday through Sunday.

6.7 Odors. Each business must utilize an air filtration and ventilation system (and employ such other measures and means) that confines all objectionable odors associated with the business to the business's premises. Odor control measures must be installed and operational prior to commencing business operations. For purposes of this Section 6.7, the standard for judging "objectionable odors" will be that of a reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor is made and where the odor is detected.

6.8 Disposal. Each business must provide for secure disposal of marijuana waste, expired marijuana products, marijuana remnants, and marijuana byproducts. Receptacles for such disposal must not be placed within the business's exterior refuse containers or otherwise outside of the control of the business.

6.9 Business Location. Each retailer must not be located (a) at the same address as any other business except as permitted under Section 6.4(a) of this Ordinance, (b) within 1,000 feet of the real property comprising a public or private elementary, secondary, and/or career school attended primarily by minors, and/or (c) in any area and/or zone not expressly permitted under the zoning ordinance. "Within 1,000 feet" means a straight line measurement in a radius extending for 1,000 feet or less in every direction from the closest point on the boundary line of the real property on which the retailer is sited.

6.10 Signage. Signage will comply with any and all applicable sign codes.

6.11 Packaging of Edibles. All edible marijuana products sold and/or otherwise transferred on a retailer's premises must (a) contain warning labels on the outside of the packaging that state "For use only by adults 21 and older—Keep out of reach of children," "It is illegal to drive a motor vehicle while under the influence of marijuana," and "BE CAUTIOUS" in bold, capital letters, followed by "Cannabinoid edibles can take up to 2 hours or more to take effect," (b) be packaged in a tamper-proof hard or soft-bodied receptacle that is designed and constructed to be significantly difficult for children under five years of age to open and that is sealed, opaque such that the product cannot be seen from outside the packaging, closable for any product intended for more than a single use or containing multiple servings, and not brightly colored, depicting cartoons, or in the shape of an animal or any other commercially recognizable toy or candy, and (c) satisfies any and all applicable state requirements for packaging and labeling.

6.12 Minors. No minor is allowed on any business premises. No minor is allowed to enter the area of a business where marijuana is present.

6.13 Criminal Convictions. A person who has been convicted in any state for any felony, including for the manufacture or delivery of a controlled substance in Schedule I or Schedule II, once or more in the five years immediately preceding the date of application (or renewal) or twice or more in the person's lifetime may not be a company principle, employee, and/or volunteer of the business or have a financial interest in the business operated in City's incorporated limits.

6.14 Accounting System and Records. Each business must have an accounting system specifically designed for enterprises reliant on transactions conducted primarily in cash such that revenue and expenses are recorded as they are paid, regardless of when goods are received or delivered, and sufficient to maintain detailed, auditable financial records. If the administrator finds that

the business's books and records are deficient in any way and/or if the accounting system is not auditable, the business must modify the business's accounting system to meet the requirements of the administrator.

6.15 Record Keeping. Each business must keep and preserve records of all sales made by the business and such other books or accounts as may be required by the administrator. Each business must keep and preserve for a period of at least three years records containing at least the following information, in addition to that information specified under Oregon law: (a) true names and any aliases of the company principles; (b) true names and any aliases of employees/volunteers of the business; (c) true names and addresses and any aliases of persons that have or within the preceding year have had a financial interest in the business; (d) documentation concerning costs related to transferring, handling, securing, insuring, testing, packaging, and processing marijuana, and the cost of supplies, utilities, and rent or mortgage; (e) the amount of money paid by a business to a grower for each transfer of marijuana; (f) state and federal income tax returns; and (g) any other additional information the administrator deems necessary or appropriate.

6.16 Permit Display. Each business must display its current permit inside the business location in a prominent place easily visible to persons conducting transactions in the business and adjacent to the business's business license.

6.17 Sales and Transfers. Sales or other transfers of marijuana products on the business premises must occur inside the business's building and must be conducted only between the business and buyer. No walk-up or drive-through service is allowed.

6.18 Mobile Retailers Prohibited. Mobile retailers are prohibited. No person will locate, operate, own, allow to be operated, and/or aid, abet, and/or assist in the operation of any mobile retailer that transports or delivers, or arranges the transportation or delivery of, marijuana to a person.

6.19 Security System. Each business must obtain and maintain a fully operable security system that complies with applicable Oregon laws and regulations. The security system will be maintained in good working condition and will be in use at all times.

6.20 Worker Permits. All employees who perform work on behalf of an Oregon Liquor Control Commission licensed marijuana producer, processor, wholesaler, and/or retailer, including, without limitation, the licensees working in a licensed business or managing information in the cannabis tracking system, must possess a marijuana worker permit.

7. Background Checks. City will send to the Madras Police Department the information provided on each initial or renewal permit application. The police department may conduct criminal background checks (or obtain the results of background checks conducted by the Oregon Liquor Control Commission) to determine whether any person specified therein (including, without limitation, any person with financial interest, company principle, employee, or volunteer) has any history of felony convictions in Oregon and will inform City whether all persons named in the permit application passed the required Oregon background checks. Each business will provide City the results of criminal background checks (including federal background checks) for any person specified in an initial or renewal permit application including, without limitation, any person with financial interest, company principle, employee, or volunteer, to determine if any person specified therein has any history of federal

or state felony convictions. If, following an initial application or renewal, an additional person is proposed to be a person with financial interest, company principle, employee, or volunteer, then such person must pass the background check prior to assuming such position.

8. Release; Indemnification.

8.1 Release of Liability. By accepting a permit issued pursuant to this Ordinance, the business, business owners, persons with a financial interest, and company principle(s) waive and release City and City's officers, employees, volunteers, agents, insurers, and self-insurance pool for, from, and against any and all injuries, claims, demands, actions, suits, damages, liabilities, costs, and expenses of any kind, including, without limitation, attorney fees and costs, which arise out of or result from any arrest and/or prosecution of the business, business owners, persons with financial interest, company principles, employees, volunteers, clients, customers, and/or any other associated persons for violations of any federal, state, and/or local laws, regulations, and/or ordinances.

8.2 Indemnification. By accepting a permit issued pursuant to this Ordinance, the business, business owners, persons with a financial interest, and company principle(s) will, on a joint and several basis, indemnify and hold harmless City and City's officers, employees, volunteers, agents, insurers, and self-insurance pool for, from, and against any and all injuries, claims, demands, actions, suits, damages, liabilities, costs, and expenses of any kind whatsoever, including, without limitation, attorney fees and costs, arising out of or resulting from in any manner the operation of the business, including, without limitation, any bodily injury, personal injury, sickness, disease, death, property loss or damage, and/or any other loss.

9. Permit Denial, Suspension, and Revocation; Penalties; Appeals.

9.1 Grounds for Denial, Suspension, Revocation. The administrator may deny, suspend, or revoke a permit for failure to comply with this Ordinance, for submitting falsified information to City or to the Oregon Liquor Control Commission, and/or for noncompliance with any other City ordinances or regulations or violations of federal, state, and/or local laws, regulations, and/or ordinances.

9.2 Notice of Revocation or Suspension. The administrator must provide to the permittee written notice of any permit suspension or revocation and reasons therefor by first-class US mail at least 10 calendar days prior to the effective date of the revocation or suspension.

9.3 Appeal. A decision to deny, suspend, or revoke a permit may be appealed by delivering personally a written notice of appeal to the administrator on or before the effective date of the denial, suspension, or revocation. Unless the administrator has declared that imminent danger to the public will exist, the administrator's decision to revoke or suspend is stayed pending appeal. The administrator will transmit the notice of appeal together with the file of the appealed matter to the Council after which transmission the Council will fix a time and place for hearing the appeal. The Council will give the appellant not less than 10 days' prior written notice of the time and place of hearing of the appealed matter.

9.4 Violations; Infractions. Violation of or failure to comply with any provision of this Ordinance is punishable upon conviction by a fine not to exceed \$500.00. City will be entitled to collect from any company principle violating or otherwise failing to comply with this Ordinance City's

reasonable attorney fees and other fees, costs, and expenses incurred by City to enforce this Ordinance, including, without limitation, any costs incurred by City to audit a business's records. Each day in violation constitutes a separate offense. Business owners, company principles, employees, and volunteers are jointly and severally liable for such offenses.

9.5 Remedies not Exclusive. The remedies provided in this Section 9 are not exclusive and will not prevent City from exercising any other rights and/or remedies available under law, nor will provisions of this Ordinance prohibit or restrict City or other appropriate prosecutor from pursuing criminal charges under state law and/or City ordinances.

10. Public Nuisance Declared. Operation of any business within City's incorporated limits in violation of this Ordinance is hereby declared a public nuisance and may be abated pursuant to all available remedies.

11. Examination of Books, Records, and Premises.

11.1 Examinations by Administrator. To determine compliance with the requirements of this Ordinance, Oregon law, all land use/development, building, and fire codes, and/or all other federal, state, and local laws, regulations, and ordinances, including, without limitation, those directly or indirectly relating to recreational marijuana, including the payment of all fines, fees, and taxes owing to City, the administrator may examine or cause to be examined by an agent or representative designated by the administrator, at any reasonable time, the premises of the business, including wastewater from the business, and any and all financial, operational, and other information or documentation, including books, papers, payroll reports, and state and federal income tax returns. Every company principle is directed and required to furnish to the administrator the means, facilities, and opportunity for making such examinations and investigations.

11.2 Criminal Investigations. As part of the investigation of a crime or violation of this Ordinance that law enforcement officials reasonably suspect has taken place on the business premises, the Madras Police Department will be allowed to view surveillance videotapes or digital recordings relating to the business at any reasonable time.

11.3 Access. Without reducing or waiving any provisions of this Ordinance, the Madras Police Department will have the same access to the business, business records, and business operations as allowed to state inspectors. Denial or interference with such access will be grounds for revocation or suspension of the business's permit.

12. Severability; Corrections. All pronouns contained in this Ordinance and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The word "or" is not exclusive. The words "include," "includes," and "including" are not limiting. Any reference to a particular law, statute, rule, regulation, code, or ordinance includes the law, statute, rule, regulation, code, or ordinance as now in force and hereafter amended. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance. This Ordinance may be corrected by order of the Council to cure

editorial and/or clerical errors. Nothing in this Ordinance affects the validity of any criminal or civil enforcement actions commenced prior to the adoption of this Ordinance; all City ordinances existing at the time that such actions were filed will remain valid and in full force and effect for purposes of those actions.

13. Emergency Declaration. The Council finds that passage of this Ordinance is necessary for the immediate preservation of the peace, health, and safety of City's citizens. Therefore, an emergency is hereby declared to exist. This emergency Ordinance will be in full force and effect upon its passage by the Council and approval of the mayor.

This Ordinance was PASSED and ADOPTED by the Madras City Council by a vote of ___ for and ___ against and APPROVED by the mayor on this ___ day of _____, 2016.

Ayes: _____
Nays: _____
Abstentions: _____
Absent: _____
Vacancies: _____

Royce Embanks, Mayor

ATTEST:

Karen Coleman, City Recorder

CITY OF MADRAS
Request for Council Action

Date Submitted: September 20, 2016

Agenda Date Requested: September 27, 2016

To: Mayor and City Council

Through: City Administrator, Gus Burril

From: City Recorder, Karen J. Coleman

Subject: **ORDINANCE NO. 891**
An Ordinance of the City of Madras amending Ordinance No. 853, which ordinance granted Quantum Communications, LLC a non-exclusive franchise and right to provide telecommunications services in the City of Madras, and consenting to Quantum Communications, LLC's assignment, and Lightspeed Networks, Inc.'s assumption, of all Quantum Communications, LLC's rights, interests, and obligations arising out of or under Ordinance No. 853.

TYPE OF ACTION REQUESTED: (Check One)

- | | | | |
|-------------------------------------|--------------------------------|-------------------------------------|-----------------------|
| <input type="checkbox"/> | Resolution | <input checked="" type="checkbox"/> | Ordinance |
| <input checked="" type="checkbox"/> | Formal Action/Motion | <input type="checkbox"/> | Other |
| <input type="checkbox"/> | No Action - Report Only | <input type="checkbox"/> | Consent Agenda |

DESCRIPTION AND STAFF ANALYSIS:

Staff received an e-mail from LS Networks in June advising the City that LightSpeed Networks, Inc. ("LS Networks") had recently acquired substantially all assets of Quantum Communications, LLC.

The e-mail explained that Quantum currently has franchise rights under Ordinance No. 853 in the City of Madras and that they had notified former Finance Director, Brandie McNamee, in the Madras financial department of their intent to assume all Quantum franchise fee payments incurred as of April 1st.

They asked to have Quantum Communication's franchise rights assigned to LS Networks and requested two potential changes to the language in Ordinance No. 853 (the Franchise Agreement).

They wanted to know if it would be possible to pay franchise fees on a quarterly basis instead of monthly as their company pays a large volume of franchise fees to municipalities across Oregon and Washington, all of which are on a quarterly payment schedule, so it would be logistically beneficial to their operations if they could pay Madras quarterly rather than monthly. They also asked that the City reassess the performance bond amount based on LS Networks' size and financial standing in comparison to Quantum?

They provided the City with documentation to evidence LS Networks' acquisition of Quantum Communications and asked that staff explain the process for assigning Quantum's franchise rights to LS Networks. Staff outlined the process and forwarded the acquisition documentation to the City Attorney.

City Attorney Green reviewed the assignment documentation that was submitted to the City and prepared Ordinance No. 891 to address LS Networks' requested changes. The proposed ordinance allows a reduction in the performance bond from \$100,000 to not less than \$50,000, requires proof of insurance and copies of the endorsements, and allows LS Networks to pay quarterly rather than monthly.

A public notice pertaining to Council's consideration of Ordinance No. 891 was published in the Madras Pioneer on September 21, 2016 (at least one week prior to the reading). The notice was posted at the U.S. Post Office, the Madras City Hall, and the Jefferson County Clerk's Office, as well as on the City's webpage on September 15, 2016, and three copies of the notice and ordinance were made available to the public upon request; thereby meeting the City Charter requirements.

SUMMARY:

A. Fiscal Impact

LS Networks agreed to pay the costs for the City Attorney to prepare the necessary amending ordinance, so there were no costs incurred by the City for the requested changes to the franchise agreement

B. Supporting Documentation

A copy of the public notice and proposed ordinance has been attached for Council's review and consideration.

STAFF'S RECOMMENDATION IS:

That Council approve and adopt Ordinance No. 891, an ordinance consenting to Quantum Communications, LLC's assignment of all rights, interests, and obligations under Ordinance No. 853 to LightSpeed Networks Inc. and LightSpeed Networks, Inc.'s assumption of those rights, interests and obligations.



THE CITY OF **MADRAS**

PUBLIC NOTICE

ORDINANCES NO. 891

The City Council of the City of Madras, Oregon, will be considering approval of proposed Ordinance No. 891 during their regularly scheduled City Council meeting on Tuesday, September 27, 2016 at 7:00 p.m. in the Madras City Hall Council Chambers.

ORDINANCE NO. 891

An Ordinance of the City of Madras amending Ordinance No. 853, which ordinance granted Quantum Communications, LLC a non-exclusive franchise and right to provide telecommunications services in the City of Madras, and consenting to Quantum Communications, LLC's assignment, and Lightspeed Networks, Inc.'s assumption, of all Quantum Communications, LLC's rights, interests, and obligations arising out of or under Ordinance No. 853.

A copy of the proposed ordinance will be available for review at the Madras City Hall, located at 125 S.W. 'E' Street, during the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. The proposed ordinance can also be found on the City's website at www.ci.madras.or.us.

Publish Date: September 21, 2016 (Madras Pioneer)

Posting Locations: Jefferson County Clerk's Office
Madras City Hall
U.S. Post Office

ORDINANCE NO. 891

AN ORDINANCE OF THE CITY OF MADRAS AMENDING ORDINANCE NO. 853, WHICH ORDINANCE GRANTED QUANTUM COMMUNICATIONS, LLC A NON-EXCLUSIVE FRANCHISE AND RIGHT TO PROVIDE TELECOMMUNICATIONS SERVICES IN THE CITY OF MADRAS, AND CONSENTING TO QUANTUM COMMUNICATIONS, LLC'S ASSIGNMENT, AND LIGHTSPEED NETWORKS, INC.'S ASSUMPTION, OF ALL QUANTUM COMMUNICATIONS, LLC'S RIGHTS, INTERESTS, AND OBLIGATIONS ARISING OUT OF OR UNDER ORDINANCE NO. 853.

WHEREAS, Quantum Communications, LLC, an Oregon limited liability company ("Quantum"), provides telecommunications services within the City of Madras, an Oregon municipal corporation ("City"), in accordance with the franchise terms and conditions provided under City Ordinance No. 853 (the "Franchise Agreement"); and

WHEREAS, LightSpeed Networks, Inc., an Oregon corporation d/b/a LSN ("LSN"), has entered into a certain Asset Purchase Agreement with Quantum dated March 28, 2016 (the "Sale Agreement"), pursuant to which LSN acquired substantially all Quantum's assets; and

WHEREAS, in connection with the asset sale transaction contemplated by the Sale Agreement, LSN entered into a certain Assignment and Assumption Agreement with Quantum dated April 1, 2016, pursuant to which Quantum assigned, and LSN assumed, all of Quantum's rights, interest, and obligations arising out of or under the Franchise Agreement (the "Assignment"); and

WHEREAS, LSN has requested that City consent to the Assignment, and in connection therewith, amend the payment structure and bond provisions under the Franchise Agreement; and

WHEREAS, subject to the terms and conditions contained in this Ordinance No. 891 (this "Ordinance"), the Madras City Council (the "Council") desires to consent to the Assignment and amend the Franchise Agreement to modify the payment structure and bond provisions provided under the Franchise Agreement.

NOW, THEREFORE, THE CITY OF MADRAS ORDAINS AS FOLLOWS:

1. Findings; Definitions. The above-stated findings are hereby adopted. Except as otherwise modified under this Ordinance, all capitalized terms used in this Ordinance and not otherwise defined herein have the meanings assigned to them in the Franchise Agreement.

2. Consent to Assignment. Subject to the terms and conditions contained in this Ordinance, City consents to Quantum's assignment of the Franchise Agreement (including Quantum's rights and interests arising thereunder) to LSN and LSN's assumption of Quantum's rights, interest, and obligations arising out of or under the Franchise Agreement; provided, however, any subsequent proposed assignment of the Franchise Agreement (including the rights and interests arising thereunder) will require City's prior written consent in accordance with the Franchise Agreement. From and after the effective date of this Ordinance, references to "Company" under the Franchise Agreement will mean LSN. Notwithstanding anything contained in this Ordinance, Sale Agreement, and/or Assignment Agreement to the contrary, (a)

LSN unconditionally assumes and will timely and faithfully pay and perform all Quantum's obligations and/or liabilities arising out of or under the Franchise Agreement, whether arising on, before, and/or after the effective date of this Ordinance, and (b) the consent to assignment provided under this Section 2 does not operate to release Quantum from any obligations and/or liabilities arising out of or under the Franchise Agreement. Quantum remains liable under the Franchise Agreement.

3. Performance Bond. Section 5(1) of the Franchise Agreement provides, among other things, that Company will obtain and maintain a performance bond in the penal sum of \$100,000. After first obtaining City's prior written consent, which consent City may withhold in its sole discretion, City may permit Company to maintain a performance bond in an amount not less than \$50,000.

4. Section 9 - Amendment. Section 9 of the Franchise Agreement is amended to read in its entirety as follows:

"SECTION 9: FRANCHISE FEE

- "1. Company shall pay quarterly to City the sum of 3% of Company's gross revenues received from telecommunications service providers who re-sell their use of the facilities to third parties within the corporate limits of City, plus 7% of Company's gross revenues received from ultimate consumers of the facilities who do not re-sell their use of the facilities to third parties within the corporate limits of City (collectively, the "Franchise Fee(s)"). Company may at its option deduct uncollectible accounts of customers within the corporate limits of City from these gross revenues. The intention of the parties in charging different fees for telecommunications service providers and ultimate consumers is to prevent any end user from paying a permit or franchise fee to City more than once for the same use of the facilities, while at the same time charging a fair amount for the use of City's rights-of-way.
2. Company will pay the Franchise Fee in quarterly installments, which quarterly installments will be due on or before the last day of the month immediately following the end of each calendar year quarter.
3. Contemporaneously with each quarterly payment, Company shall furnish City with a written statement, under oath, executed by an officer of Company, verifying the amount of gross revenues of Company within City for the quarterly period covered by the payment computed on the basis set out in subsection 1 of this section.
4. City's acceptance of any payments due under this section shall not be considered a waiver by City of any breach of this franchise."

5. Acceptance of Franchise; Reimbursement. Within thirty (30) days after City's passage of this Ordinance, (a) LSN and Quantum will sign and file with City the written acceptance provided on the attached Exhibit A (the "Acceptance"), (b) LSN will provide City with certificates of insurance and endorsements evidencing LSN's procurement of the insurance coverages required under the Franchise Agreement, and (c) LSN will pay City \$500.00 for costs and

expenses City incurred in connection with the amendments and consent to assignment provided under this Ordinance (the "Reimbursement"). If LSN and Quantum fail to timely file the Acceptance with City, LSN fails to timely provide the required certificates of insurance and endorsements, and/or LSN fails to timely pay the Reimbursement to City in full, this Ordinance (and the rights granted to LSN hereunder) will be null and void and will be repealed by City in all respects.

6. Full Force and Effect. This Ordinance is hereby made part of the Franchise Agreement. The provisions of the Franchise Agreement that are not amended or modified by this Ordinance remain unchanged and in full force and effect. City's adoption of this Ordinance will not be construed as an actual or implied waiver and/or release of any condition or obligation contained in the Franchise Agreement. LSN affirms all LSN's (Company) obligations arising out of or under the Franchise Agreement.

7. Interpretation; Severability; Errors. All pronouns contained in this Ordinance and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The word "or" is not exclusive. The words "include," "includes," and "including" are not limiting. All prior and contemporaneous agreements, discussions, understandings, and negotiations, whether written or oral, express or implied, are merged herein, and to the extent inconsistent herewith, are of no further force and effect. The provisions of this Ordinance are hereby declared severable. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance. This Ordinance may be corrected by order of the Council to cure editorial and/or clerical errors.

ADOPTED by the City Council of the City of Madras and signed by the mayor this _____ day of _____, 2016.

Ayes: _____
Nays: _____
Abstentions: _____
Absent: _____
Vacancies: _____

Royce Embanks, Mayor

ATTEST:

Karen J. Coleman, City Recorder

**Exhibit A
Acceptance**

The forgoing Ordinance No. _____ adopted by the City of Madras on _____, 2016, consisting of 4 pages (including this exhibit), is approved, accepted, and agreed upon by LSN and Quantum.

Dated: _____, 2016

LightSpeed Networks, Inc.,
an Oregon corporation d/b/a LSN

Quantum Communications, LLC,
an Oregon limited liability company

By: _____

By: _____

Its: _____

Its: _____

POSTING CHECKLIST

PUBLIC NOTICE

**ORDINANCE NO. 891
SEPTEMBER 27, 2016**

- 1) Public Notices need to be e-mailed and/or mailed to the news media, Jefferson County Commissioners, and City Council members, as well as the other individuals listed on the attached list:

Copies E-Mailed: September 15, 2016

- 2) A copy was E-mailed to the Madras Pioneer on: September 15, 2016
(as required by the Madras Pioneer)

For Publication on: September 21, 2016

- 3) A copy of the Public Notice must be posted at the following locations:

- Madras City Hall
- Jefferson County Courthouse Annex
- Jefferson County Library (Only if the notice pertains to original annexation hearing)
- U.S. Post Office

Dated Posted:

Madras City Hall

September 15, 2016

Jefferson County Courthouse Annex

September 15, 2016

U.S. Post Office

September 15, 2016

} Posted by
Michelle
Guinn

- 4) The Jefferson County Commissioners should receive a copy for each Commissioner of any Public Notices, especially if they pertain to City Council-County Commission meetings.

A copy was hand delivered _____ or E-mailed to the Jefferson County Commissioners on: September 15, 2016

- 5) Posted on City's Web Page: September 15, 2016

Karen Coleman

From: Karen Coleman
Sent: Thursday, September 15, 2016 6:16 AM
To: Bartt Brick (bbrick@ci.madras.or.us); Bill Montgomery (williamd41@gmail.com); Chuck Schmidt (cschmidt@ci.madras.or.us); Gary Walker (gw@madrasmarine.com); Richard Ladeby (LadebyRichard@gmail.com); Royce Embanks Jr.; Tom and Janet Brown
Subject: Proposed Ordinance No. 891
Attachments: PublicNotice-OrdinanceNumer891-QuantumCommunicationsAssignmentToLightspeedNetwork.09-27-2016.pdf

Attached is a copy of the public notice pertaining to Council's consideration of proposed Ordinance No. 891, pertaining to Quantum Communication's assignment of their franchise agreement with the City to Lightspeed Networks, during their regularly scheduled City Council meeting on Tuesday, September 27, 2016. A copy of the proposed ordinance has also been included. Please do not hesitate to call should you have any questions. Thank you.

Karen J. Coleman
City Recorder
125 S.W. "E" Street
Madras, Oregon 97741-1346

(541) 325-0302

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Thank you.

Karen Coleman

From: Karen Coleman
Sent: Thursday, September 15, 2016 6:14 AM
To: Gus Burrell; 'Jeremy Green'; Jeffrey Hurd; Nick Snead; Sara Puddy; Kristal Hughes; Tanner Stanfill
Cc: Michele Quinn; Rod Fulton; Gale Poland (gpoland@ci.madras.or.us); Jonathan Burchell
Subject: Public Notice - Proposed Ordinance No. 891
Attachments: PublicNotice-OrdinanceNumer891-QuantumCommunicationsAssignmentToLightspeedNetwork.09-27-2016.pdf

Attached is a copy of the public notice pertaining to Council's consideration of proposed Ordinance No. 891, pertaining to Quantum Communication's assignment of their franchise agreement with the City to Lightspeed Networks, during their regularly scheduled City Council meeting on Tuesday, September 27, 2016. A copy of the proposed ordinance has also been included. Thank you.

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Thank you.

Karen Coleman

From: Karen Coleman
Sent: Thursday, September 15, 2016 6:12 AM
To: Alexa Gassner (Alexa.Gassner@co.jefferson.or.us); Barbara Andresen; Bartt Brick (bbrick@ci.madras.or.us); Bill Montgomery (williamd41@gmail.com); Chuck Schmidt (schmidthouse1986@Q.com); Gary Walker (gwalker@ci.madras.or.us); Gus Burrell; Holly Gill (hgill@madraspioneer.com); Janet Brown; Jeff Hurd (jhurd@ci.madras.or.us); Jeff Rasmussen (Jeff.rasmussen@co.jefferson.or.us); Jeremy Green; Joe Ditzler (jditzler@bendbulletin.com); KTVZ (stories@ktvz.com); KWSO Radio (kwsonews@wsribes.org); Mae Huston (mae.huston@co.jefferson.or.us); Mike Ahern (Mike.ahern@co.jefferson.or.us); Mike Throop (mthroop55@hotmail.com); Nick Snead (nsnead@ci.madras.or.us); Pamela Andrews; Richard Ladeby (LadebyRichard@gmail.com); Richard Ladeby (rladeby@ci.madras.or.us); Rod Fulton; Royce Embanks Jr.; Sara Puddy; Sue Matters (smatters@wsribes.org); Tammy McHaney; Tom and Janet Brown; Wayne Fording (Wayne.fording@co.jefferson.or.us)
Subject: Proposed Ordinance No. 891 - Quantum Communication's Assignment to Lightspeed Network
Attachments: PublicNotice-OrdinanceNumer891-QuantumCommunicationsAssignmentToLightspeedNetwork.09-27-2016.pdf

Attached is a copy of the public notice pertaining to Council's consideration of proposed Ordinance No. 891, pertaining to Quantum Communication's assignment of their franchise agreement with the City to Lightspeed Networks, during their regularly scheduled City Council meeting on Tuesday, September 27, 2016. A copy of the proposed ordinance has also been included. Please do not hesitate to call should you have any questions. Thank you.

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Thank you.

Karen Coleman

From: Karen Coleman
Sent: Thursday, September 15, 2016 6:53 AM
To: Holly Gill (hgill@madraspioneer.com); Joe Ditzler (jditzler@bendbulletin.com)
Subject: Public Notice - Proposed Ordinance No. 891
Attachments: PublicNotice-OrdinanceNumer891-QuantumCommunicationsAssignmentToLightspeedNetwork.09-27-2016.pdf

Holly / Joe:

Attached is a copy of the Public Notice pertaining to Council's consideration of proposed Ordinance No. 891, pertaining to Quantum Communication's assignment of their franchise agreement with the City to Lightspeed Networks, during their regularly scheduled City Council meeting on Tuesday, September 27, 2016. A copy of the proposed ordinance has also been included. Please do not hesitate to call should you have any questions. Thank you.

Karen J. Coleman
City Recorder
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Thank you.

Karen Coleman

From: JLantz@MadrasPioneer.com
Sent: Friday, September 16, 2016 8:24 AM
To: Karen Coleman
Subject: RE: Public Notice - Proposed Ordinance No. 891

Good morning Karen,
I have this notice set to publish as requested- thank you,
Joey

From: Karen Coleman [<mailto:kcoleman@ci.madras.or.us>]
Sent: Thursday, September 15, 2016 6:05 AM
To: Joey Lantz <JLantz@MadrasPioneer.com>
Subject: Public Notice - Proposed Ordinance No. 891

Joey:

Please publish the attached public notice pertaining to Ordinance No. 891, Quantum Communication's Assignment to Lightspeed Networks, in the Madras Pioneer on September 21, 2016 and provide written confirmation that you received the notice and will publish it as requested. Thank you.

Karen J. Coleman
City Recorder
125 S.W. "E" Street
Madras, Oregon 97741-1346

(541) 325-0302

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Thank you.

CITY OF MADRAS
No Action- Report Only

Date Submitted: September 19, 2016

Agenda Date Requested: September 27, 2016

To: Mayor and City Council

Through: City Administrator, Gus Burrell

From: Finance Director, Kristal Hughes

Subject: **Summary of Fourth Quarter Financial Report- as of June 30, 2016**

TYPE OF ACTION REQUESTED: (Check One)

No Action - Report Only

Consent Agenda

DESCRIPTION: Attached is a Snapshot of the Financial Operations illustrating the current year to date financial results as of June 30, 2016. Overall fund levels expended are less than appropriation and budgeted revenue has come in as expected. At year end, one hundred percent (100%) is the general rule to measure progress against and the attached illustrates that in a red or green format.

STAFF ANALYSIS: Refer to the attached snapshot for a detail of fund analysis.

SUMMARY:

A. Fiscal Impact: None

B. Supporting Documentation: Attached snapshot and budget resolution compared to actuals.

RECOMMENDATION:

None- this is informational only. Feedback would be appreciated if there are additional materials Council would like to have reported on a quarterly basis.



Key Financial Highlights:

- 100% is the percent measurement for 4th quarter to track progress. All funds are under appropriations for FY 2015-2016 and revenue has been collected at or above the budgeted amounts.
- All funds have positive fund balance. This is a major accomplishment to officially report all funds are in positive standing and shows the City's commitment to attaining a healthy fund balance. This achievement will be reflected in this 2015-2016 audit.
- The only major capital project in process is the "West Access Road- Daimler" project that is anticipated to be finished by September 2016 (prior to the airshow hopefully). 35% is selected in FY15-16 and the remaining 65% will be carried over into fiscal year 16-17.

Major Revenue Comparison:

	YTD Actuals	YE Budget	% Collected
Property Tax Collections- General	\$ 1,190,040	\$ 1,195,000	100%
Franchise Fees	\$ 827,644	\$ 782,800	106%
Sewer Utility Fees	\$ 2,925,438	\$ 2,800,000	104%
Water Utility Fees	\$ 520,033	\$ 520,000	100%

Operating Budget to Actual Comparison by Program (\$ in thousands) ^

	YTD Actuals	YE Budget	% Spent*
General Fund			
Police Administration	\$ 1,942	\$ 2,034	95%
Administration	\$ 83	\$ 91	92%
Parks	\$ 220	\$ 240	92%
Industrial	\$ 51	\$ 75	68%
Tourism/Economic Development	\$ 136	\$ 159	86%
Water Funds			
Water Operations	\$ 467	\$ 513	91%
SDC Water Improvement	\$ -	\$ 25	0%
Sewer Funds			
Waste Water Operations	\$ 2,295	\$ 2,369	97%
WW SDC Improvement	\$ 11	\$ 11	98%
WW SDC Reimbursement	\$ -	\$ 0	0%
Airport Funds			
Airport Operations	\$ 1,702	\$ 3,475	49%
Airport Construction	\$ 9	\$ 9	100%
Internal Service Funds			
Central Services	\$ 944	\$ 1,041	91%
Public Works	\$ 1,460	\$ 1,592	92%
Building	\$ 165	\$ 193	86%
Fleet	\$ 376	\$ 477	79%
Special Revenue Funds			
Community Development	\$ 327	\$ 358	91%
Transportation Operations	\$ 939	\$ 1,111	84%

^ does not include debt service, transfers, or contingency

* Percents are reflected as YTD Actuals divided by YE Budget

over 100%	RED
under 100%	GREEN

<u>General Fund</u>	Year to Date	Budget	Internal Service Funds	Year to Date	Budget	
Police Administration	1,941,551	2,033,987	Central Services	944,145	1,041,058	91%
Administration	83,488	90,560	Public Works	1,459,859	1,592,097	92%
Parks	220,344	239,700	Building	165,241	193,131	86%
Industrial	50,803	74,840	Fleet	376,000	476,500	79%
Tourism/Economic Development	135,883	158,807	Debt Service	219,713	220,600	100%
Transfers Out	274,750	274,750	Transfers Out	206,949	206,949	100%
Contingency	-	129,450	Contingency	-	96,000	0%
TOTAL	\$ 2,706,818	\$ 3,002,094	TOTAL	\$ 3,371,906	\$ 3,826,335	

<u>Water Funds</u>	Year to Date	Budget	Debt Service Funds	Year to Date	Budget	
Water Operations	467,260	513,108	Materials and Services	450	500	90%
SDC Water Improvement	-	25,000	Debt Service (revenue bond)	180,900	181,500	100%
Debt Service	12,253	12,500	Transfers Out	3,315	3,315	100%
Contingency	-	69,000	TOTAL	\$ 184,665	\$ 185,315	
TOTAL	\$ 479,512	\$ 619,608				

<u>Sewer Funds</u>	Year to Date	Budget	Special Revenue Funds	Year to Date	Budget	
Waste Water Operations	2,294,685	2,368,711	Community Development	326,939	357,683	91%
WW SDC Improvement	10,789	10,960	Improvement Fee	-	-	
WW SDC Reimbursement	-	10	Transportation Operations	938,601	1,111,200	84%
Debt Service	481,535	482,800	Transfers Out	20,510	35,510	58%
Transfers Out	130,133	130,143	Contingency	-	343,205	0%
Contingency	-	88,338	TOTAL	\$ 1,286,050	\$ 1,847,598	
TOTAL	\$ 2,917,141	\$ 3,080,962				

<u>Airport Funds</u>	Year to Date	Budget	Capital Project Funds	Year to Date	Budget	
Airport Operations	1,701,763	3,474,802	SDC Park Improvement	15,290	17,700	86%
Airport Construction	8,541	8,541	SDC Street Improvement	-	-	
Debt Service	122,805	122,850	SDC Storm Water Improvement	-	-	
Contingency	-	15,822	SDC Street Reimbursement	189,387	189,400	100%
			Debt Service	7,500	7,500	100%
			Transfers Out	-	9,798	0%
			Contingency	-	-	
TOTAL	\$ 1,833,109	\$ 3,622,015	TOTAL	\$ 212,177	\$ 224,408	

**CITY OF MADRAS
City Council Report**

Date Submitted: September 20, 2016
Agenda Date Requested: September 27, 2016
To: Madras City Council
Through: Gus Burril, City Administrator
From: Nicholas Snead, Community Development Director
Subject: **Community Development Department FY 2016-17 1st Quarter City Council Report.**

TYPE OF ACTION REQUESTED: (Check One)

- | | | | |
|-------------------------------------|--------------------------------|--------------------------|-----------|
| <input type="checkbox"/> | Resolution | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | Formal Action/Motion | <input type="checkbox"/> | Other |
| <input checked="" type="checkbox"/> | No Action - Report Only | | |

REPORT:

The Community Development Department provides a quarterly report to the City Council on current projects, long-range planning projects, land use applications being processed, building permit activity, and code enforcement. This report provides information on the first quarter of Fiscal Year 2016-17.

Current Projects:

The Department is currently working on 18 projects (see Table 1 below). These projects are related to Long-Range Planning, Current Planning, the Madras Redevelopment Commission, and Code Enforcement. The projects tend to be large strategic projects related to key planning, economic development, or administrative projects related to the City Council's Annual Strategic Implementation Plan. The Community Development Department continues to facilitate the permitting of Grocery Outlet, Moschetti car wash, and Keith Manufacturing office building. The Department is also supporting the Daimler project and preparing for the UGB expansion to include the test facility, and annexation of the Madras Airport. The Department is working on several long-range planning projects that include the Waste Water Master Plan and Transportation System Plan.

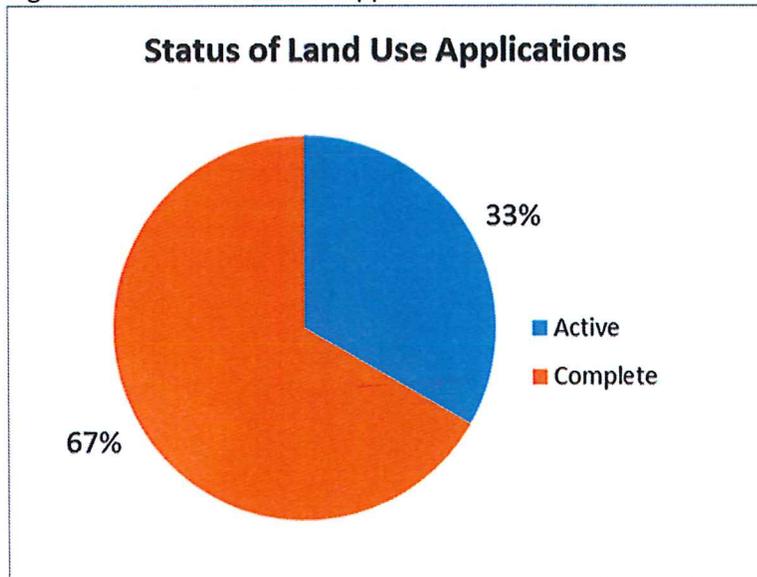
Table 1. Current Community Development Dept. Projects

Project	Notes
TSP Update	City, ODOT, and Kittelson to Meet re: South Refinement Plan Area
Flood Insurance Rate Map Letter of Map Revision (509J)	N.Snead to schedule meeting with Wen, Jeff, and FEMA to discuss additional info needed
Regional Large Lot Industrial/Airport UGB Expansion	35-Day Notice given to DLCD, Joint City & County PC meeting on 10/19
Madras Hotel/Motel Land Use Review	9/14: Building still under fire watch & Building Official considering putting building "unsafe"
Waste Water Master Plan update	N.Snead prepared draft memo to Wen.
US Hwy 97/J St. Business Directory Signs	Emailed ODOT re: rock work. Contractor has no timetable to complete work
Airport Noise Protection Regulations	M.Rogers revising draft regulations based on N.Snead's feedback
CTWS Project	Rail Spur property to be conveyed by Bargin & Sale deed; IGA needs to disclose limitations on land
179 "D" Street Code Enforcement	City liened property for abatement costs. County to take ownership in October.
283 "H" Street Code Enforcement	N.Snead meeting with staff 9/14 to itemize costs; Letter requesting repayment to be sent
Commercial Development Recruitment Specialists	Working with R. Allen to determine how to contract w/ in & not violate State Real Estate regulations
Scope Costs (Fixed & Reoccurring) for Planning Comm. iPad	IPads Ordered, Need to query Commissioners for their desired accessories
Recreational Marijuana Regulations	City Council to consider on 9/27, Adopting ordinances are being prepared
O'Meara Property Blight Removal	Send Potter Loan Docs to O'Meara for review. Need to follow up with O'Meara
Replacement Projection Screens in Council Chambers	Installation scheduled for late September by CompView
CDD & Finance Dept. Customer Service Framework	Working with Finance Director to develop Customer Service Framework
Replace Flower Pots	5th & B (Bank) and 4th & C (Geno's)
Airport Annexation	Sharon Smith developing scope and budget for project

Active Land Use Applications:

The Community Development Department has received 4 land use applications since July 1, 2016. Currently the Department has 2 active applications and has approved 2 of the applications filed with the Department (Figure 1) since July 1, 2016. The Department has established internal permitting goals for sign permits, site plan review, and lot line adjustments. The Department finds that these applications are indicative of the Department's permitting performance. In general, the Department is, in general, meeting its permitting goals as shown in Table 1 below.

Figure 1. Status of Land Use Applications



N = 6

Table 1. Permitting Performance vs. Goals

Application Type	# of Applications ¹	Avg. Approval Time (days)	Goal (days)
Sign Permits	3	3	7
Site Plan Review	2	32	45
Lot Line Adjustment	0	0	30

¹since January 1, 2016.

Building Permit Activity:

Since July 1, 2016, the Community Development Department has received 6 Building Permits for review and approval. One (1) single family dwelling was permitted by the Department since July 1, 2016. While this is not a significant amount of home being constructed, there appears to be a trend in new home construction where about 3 to 6 homes are being constructed annually. Staff still finds it to be difficult to predict future building permit activity based on current permit activity since July 1, 2016 and historical building permit activity data. Accordingly, the Department assumes that future building permit activity will continue to be sporadic and unpredictable and accordingly is affecting permit revenues for the Department.

Code Enforcement:

The Community Development Department has 34 open Code Enforcement cases as of July 1, 2016 and continues to work with property owners and residents to achieve voluntary compliance. Since July 1, 2016, the Department has not received any Citizen Complaints that become a Code Enforcement “case”. The Department has received verbal complaints and has responded to those complaints. If the complaint can be resolved by Department staff without issuing a Notice of Violation, then the Department does not create a “case”.

The Department is currently working on large scale compliance efforts in the Strawberry Heights subdivision. Staff will be developing and mailing a pamphlet to every property owner and resident in the subdivision in English and Spanish that identifies common violations and establishes the City's expectations of residents and property owners (i.e. requirements of City regulations). There will be a grace period provided to property owners and residents. After the grace period has passed, the Department will commence enforcement on any outstanding violations.

CITY OF MADRAS
Request for Council Action

Date Submitted: September 20, 2016
Agenda Date Requested: September 27, 2016
To: Mayor and City Council
Through: **Gus Burrell, City Administrator**
From: Chief Tanner Stanfill
Subject: **Liquor License Renewal Application**

TYPE OF ACTION REQUESTED:

- | | |
|---|--|
| <input type="checkbox"/> Resolution | <input type="checkbox"/> Ordinance |
| <input checked="" type="checkbox"/> Formal Action/Motion | <input type="checkbox"/> Contract Review Board |
| <input type="checkbox"/> None - Report Only | |

DESCRIPTION:

New liquor license applications or changes in ownership/management require an investigative process. Existing liquor licenses are required to be renewed annually; therefore it becomes necessary to review individual applications and make a recommendation to the City Council for their approval or denial, as deemed appropriate.

STAFF ANALYSIS:

The Madras Police Department will perform an annual background investigation on each business applying for a new or renewal liquor license and make the appropriate recommendation to the City Council.

SUMMARY:

A. Fiscal Impact:

The City of Madras receives \$35.00 for each renewal application.

B. Funding Source:

General Fund Revenues #101-101-330-3501 Liquor License Renewals.

C. Explanation of Impact:

N/A

D. Recognition of Collateral Material and Technical Report:

N/A

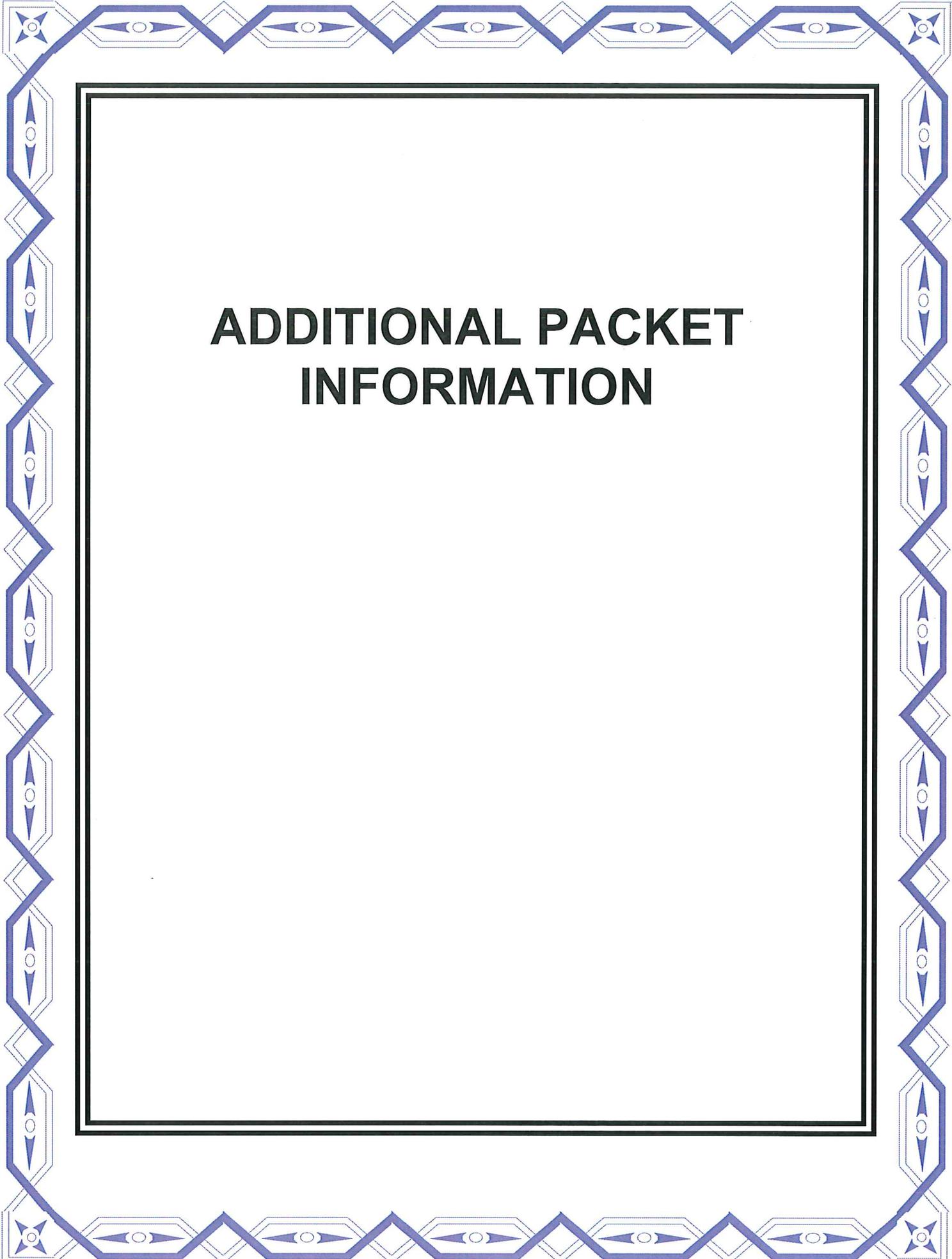
E. Research/Reference Process

The Madras Police Department performs the necessary background investigations.

RECOMMENDATION:

It is hereby recommended by the Madras Police Department that the liquor license renewal application for ***the following business*** be approved by City Council:

El Mercadito Latino

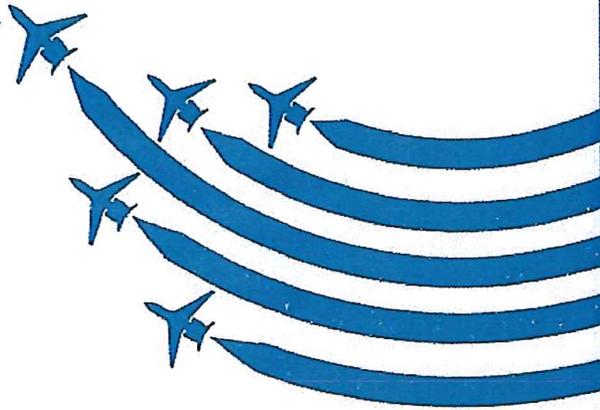


**ADDITIONAL PACKET
INFORMATION**



2016

Certificate of Operational Excellence



This is to recognize

City of Madras

located in
Madras, OR

For maintaining operational excellence as a
branded fuel provider to the
business & general aviation flying public



Global Relationships. Global Solutions.



THE CITY OF **MADRAS**

City of Madras
Public Works and Parks Committee
City Council Work Room

May 4, 2016
8 A.M.

MINUTES

I. CALL TO ORDER

Meeting was called to order by Chair Stan Nowakowski at 8:00 a.m. on Wednesday May 4, 2016 at 125 SW "E" Street City Council Work Room

MEMBERS PRESENT

Bartt Brick
Louise Muir
Chuck Schmidt
Stan Nowakowski

MEMBERS ABSENT

Bill Ferguson

STAFF MEMBERS PRESENT

Public Works Director; Jeff Hurd
Public Works Administrative Assistant; Michele Quinn
Park Supervisor; Jon Burchell
Street Supervisor; Rod Fulton

VISITORS PRESENT

No Visitors

II. CONSENT AGENDA

APPROVAL OF AGENDA AND MINUTES

A Motion was made by Louise Muir; seconded by Chuck Schmidt to approve the Consent Agenda and April 6, 2016 minutes as amended motion carried unanimously.4/0

III. VISTOR COMMENTS

IV. NEW BUSINESS

A. **Community Clean-up update**

Jon Burchell told the Committee that we had a great clean-up effort. There were two dumpsters and we collected a half of ton of garbage. We ran out of hotdogs at the park, we had at least 120-140 people that came out for the event. Next year we will have vehicles that will go around and pick up full garbage bags and hand out empties.

V. PROJECT/EVENT UPDATES

A. ***Highway 97 Sidewalk Improvement at L Street***

Jon Burchell informed the Committee that the project is complete everything went well we finished on time and on budget.

B. ***Speed Radar Sign***

No Update

C. ***Kenwood Park Playground Equipment***

Jon Burchell told the Committee that the playground equipment has been ordered we will break ground when it is delivered. We should be done by the end of June.

D. ***Spray Park***

Chuck Schmidt told the Committee that we are waiting for the contractor to get back with a final bid. We are hoping to have it completed this year.

E. ***Skate Park to Fishing Pond Trail Addition***

Jeff Hurd told the Committee that both grants are submitted and we are scheduled to give our presentation to the RTP Grant Committee next week. We have not heard back from the LGGP grant on when we will present to them it should be the first week in June. After we give the presentations we should hear something about a month later and if we are awarded funding we will move forward.

F. ***Court House Update***

No Update

G. ***Warm Springs Truck Stop Update***

Jeff Hurd told the Committee that the TIA is complete. Warm Springs has determined that the rail does not belong to Union Pacific so they can have it removed. The ground under the rail belongs to the City we are working on trying to determine how the land is designated. We still have an IGA to enter into with Warm Springs; we should be seeing that here soon.

The Committee discussed the impact the Truck Stop will have on Cherry lane and what may have to be done to mitigate traffic issues.

H. *Madras Municipal Airport West Access Road*

Rod Fulton told the Committee that we have broken ground and we are working on finishing the truck by-pass. We should have final compaction tomorrow and get it paved in the next week and a half. Deschutes Valley Water has run into a lot of rock and that has slowed their progress some. We will start working on the RPZ road so we aren't traveling on restricted airport property.

We received bids back for the Daimler Road and they came back lower than anticipated. This will allow for extra contingency if needed if we run into any problems on the project.

I. *Speed Radar Signs on McTaggart*

Rod Fulton told the Committee that the signs have been ordered and we are waiting for them to be delivered. They should be here within the next week and a half we will get them installed after they are delivered.

J. *Request for Stop Signs on Turner Street and Tracie Street*

Rod Fulton told the Committee that he has been working with ODOT and they do not want to spend money on stop signs. They have agreed to purchase four 25 miles per hour signs and a directional sign that will be placed at Adams Drive and L Street. This will help direct traffic back to the Hwy. I have not received a date from ODOT to when the signs will be here we only know that they have been ordered.

A Motion was made by Louise Muir; seconded by Bartt Brick to approve the installation of four 25 miles per hour signs to be placed on Turner Street and Tracie Street and one directional sign to direct traffic from Adams Drive to L Street and back to the Highway. motion carried unanimously.4/0

Additional Discussions

- Stan Nowakowski wanted to thank the City for moving the Geno's sign that was in the sidewalk on Fifth Street. After further discussion it was determined that ODOT had moved the sign.
- Louise Muir asked about the Habitat house on 2nd Street the port-a-potty and trash dumpster is still there. When will they have it moved?

Rod Fulton said he would look into having them moved.

ADJOURN

Public Works & Parks meeting adjourned at 8:45 a.m.

Respectfully submitted by:



Michele Quinn, Public Works Administrative Assistant

