

AGENDA

REGULAR CITY COUNCIL MEETING

December 14, 2015

5:30 p.m.

CITY HALL COUNCIL CHAMBER

313 COURT STREET

THE DALLES, OREGON

1. CALL TO ORDER
2. ROLL CALL OF COUNCIL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF AGENDA
5. PRESENTATIONS/PROCLAMATIONS
  - A. Funding Presentation by Fort Dalles Fourth Committee and Chamber of Commerce
6. AUDIENCE PARTICIPATION

During this portion of the meeting, anyone may speak on any subject which does not later appear on the agenda. Five minutes per person will be allowed. If a response by the City is requested, the speaker will be referred to the City Manager for further action. The issue may appear on a future meeting agenda for City Council consideration.
7. CITY MANAGER REPORT
8. CITY ATTORNEY REPORT
9. CITY COUNCIL REPORTS
10. CONSENT AGENDA

Items of a routine and non-controversial nature are placed on the Consent Agenda to allow the City Council to spend its time and energy on the important items and issues. Any Councilor may request an item be "pulled" from the Consent Agenda and be considered separately. Items pulled from the Consent Agenda will be placed on the Agenda at the end of the "Action Items" section.

**CITY OF THE DALLES**

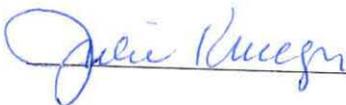
*"By working together, we will provide services that enhance the vitality of The Dalles"*

- A. Approval of November 23, 2015 Regular City Council Meeting Minutes
- B. Approval of November 30, 2015 Town Hall Meeting Minutes
- 11. PUBLIC HEARINGS
  - A. Public Hearing to Receive Testimony Regarding a Supplemental Budget for the Water Revenue Bond Debt Fund
- 12. CONTRACT REVIEW BOARD ACTIONS
  - A. Approval of Contract to Update the Design for Lone Pine Well Improvements
- 13. ACTION ITEMS
  - A. Resolution No. 15-048 Adopting a Supplemental Budget for Fiscal Year 2015-16, Making Appropriations and Authorizing Expenditures From and Within Various Funds of the City of The Dalles Adopted Budget
  - B. Resolution No. 15-049 Authorizing Transfers of Budgeted Amounts Between Categories of Various Funds of the City of The Dalles Budget, Making Appropriations and Authorizing Expenditures for the Fiscal Year Ending June 30, 2016
- 14. DISCUSSION ITEMS
  - A. Discussion Regarding Issues Related to Regulation of Activities Associated with Use of Marijuana
  - B. Discussion Regarding Exempt Employee Compensation
- 15. ADJOURNMENT

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This meeting conducted in a handicap accessible room.

Prepared by/  
Julie Krueger, MMC  
City Clerk



**CITY OF THE DALLES**

*"By working together, we will provide services that enhance the vitality of The Dalles"*



**CITY of THE DALLES**

313 COURT STREET  
THE DALLES, OR 97058

PH. (541) 296-5481  
FAX (541) 296-6906

**AGENDA STAFF REPORT**  
**CITY OF THE DALLES**

<b>MEETING DATE</b>	<b>AGENDA LOCATION</b>	<b>AGENDA REPORT #</b>
December 14, 2015	Consent Agenda 10, A - B	

**TO:** Honorable Mayor and City Council

**FROM:** Julie Krueger, MMC, City Clerk

**DATE:** December 2, 2015

**ISSUE:** Approving items on the Consent Agenda and authorizing City staff to sign contract documents.

A. **ITEM:** Approval of November 23, 2015 City Council Meeting Minutes.

**BUDGET IMPLICATIONS:** None.

**SYNOPSIS:** The minutes of the November 23, 2015 City Council meeting have been prepared and are submitted for review and approval.

**RECOMMENDATION:** That City Council review and approve the minutes of the November 23, 2015 City Council meeting.

B. **ITEM:** Approval of November 30, 2015 Town Hall Meeting Minutes.

**BUDGET IMPLICATIONS:** None.

**SYNOPSIS:** The minutes of the November 30, 2015 Town Hall meeting have been prepared and are submitted for review and approval.

**RECOMMENDATION:** That City Council review and approve the minutes of the November 30, 2015 Town Hall meeting.



**MINUTES**

**REGULAR COUNCIL MEETING**  
**OF**  
November 23, 2015  
5:30 p.m.

THE DALLES CITY HALL  
313 COURT STREET  
THE DALLES, OREGON

**PRESIDING:** Mayor Steve Lawrence

**COUNCIL PRESENT:** Dan Spatz, Tim McGlothlin, Linda Miller, Russ Brown, Taner Elliott

**COUNCIL ABSENT:** None

**STAFF PRESENT:** Interim City Manager Julie Krueger, City Attorney Gene Parker, Recording Secretary Izetta Grossman, Project Coordinator Daniel Hunter, Public Works Director Dave Anderson, Finance Director Kate Mast, Police Chief Jay Waterbury

**CALL TO ORDER**

Mayor Lawrence called the meeting to order at 5:31 p.m.

**ROLL CALL**

Roll call was conducted by Recording Secretary Izetta Grossman; all Councilors present.

**PLEDGE OF ALLEGIANCE**

Mayor Lawrence invited the audience to join in the Pledge of Allegiance.

**APPROVAL OF AGENDA**

Mayor Lawrence moved Discussion Item 14-A to after Item 12 Consent Agenda. It was moved by Spatz and seconded by Miller to approve the agenda as amended. The motion carried unanimously.

**PRESENTATIONS/PROCLAMATIONS**

**Presentation of Fiscal Year 2014-15 City Audit and Single Audit**

Finance Director Mast introduced Tonya Moffitt of Merina and Company.

Ms. Moffitt presented the single audit, and she said it was a clean audit. Moffitt noted findings in the Airport fund related to grant reporting and timely invoice payment. She said that those items had been corrected and systems in place to assure non-reoccurrence.

It was moved by Elliott and seconded by Miller to accept the fiscal year 2014-15 City of The Dalles audit as presented. The motion carried unanimously.

**RECESS TO URBAN RENEWAL AGENCY MEETING**

Mayor Lawrence recessed the meeting to the Urban Renewal Meeting at 6:44 p.m.

**RECONVENE TO CITY COUNCIL MEETING**

Mayor Lawrence reconvened the meeting at 6:48 p.m.

**AUDIENCE PARTICIPATION**

None

**CITY MANAGER REPORT**

Interim City Manager Krueger reported that the Bike Hub grant had been submitted and the downtown parking would be enforced for the holiday season.

Krueger reminded the Council that the Town Hall regarding the Enterprise Zone was scheduled for November 30 at the Senior Center.

Krueger brought to the Council's attention a list of items Councilor McGlothlin provided of items currently at the Recreation that he felt should be surplus. There was some discussion regarding how to sell the items and how to determine the value. City Attorney Parker said that the policy was that donations could only be made to non-profit organizations.

It was moved by Spatz and seconded by McGlothlin to declare the items on the list (attached) as surplus property. The motion carried unanimously.

Krueger reported that Dan Bubb of Gorge.net had worked with Google to identify a use for the Google Wi Fi Grant. She said there was equipment that needed to be upgraded or replaced. It was moved by Miller and seconded by Elliott to accept the Google Wi Fi Grant. The motion

carried unanimously.

Krueger asked if the Council wanted to schedule the Urban Renewal work session on December 29. It was the consensus of the Council to have the work session on December 29.

### **CITY ATTORNEY REPORT**

City Attorney Parker reported on his findings regarding the concerns voiced at the November 9 City Council meeting regarding an ethics violation. He said that he found no basis for a referral to the Oregon Ethics Commission. Parker said that Thompson Street had been established as a separate goal of the Council. He further reported that he was not able to find any evidence on the meeting recordings of Mayor Lawrence controlling the dialog regarding Thompson Street.

### **CITY COUNCIL REPORTS**

Councilor Brown reported on attending the Traffic Safety Committee meeting, where it was felt the Downtown Halloween event might need more safety measures. He attended the Traffic System Plan meeting and would attend the upcoming Mid Columbia Council of Governments meeting. Brown said he was interviewed by a couple of high school students.

Councilor Spatz reported that the Sister City Organization would have applications for 2016 student delegation going out to students over the Christmas holiday. He said the Sister City Organization was approaching the North Wasco County Education Foundation to go under that organization as a 501(c)3. Spatz said that he was asking the City to take on the Sister City website, to host the site and keep it updated. It was the consensus of the Council for the City to take on the hosting and maintenance of the Sister City website.

Councilor Elliott reported he attended the QLife meeting and that QLife would be holding a strategic planning session on December 8. He said a survey was sent to the Council and Commission for input during the process.

Councilor Miller reported attending the Historic Landmarks Commission meeting where the preservation of the Waldron Drug Building was discussed. She said she attended the Veteran's Day Parade and said it gets bigger and better every year. She said the fireworks were wonderful. Miller said she attended the Gorge Youth Center dinner and it was very well attended.

Mayor Lawrence reported on attending the Veterans Ceremony at the Middle School and commended the students, staff and administration on the event. He said he was interviewed by a couple of high school students. Lawrence said he attended the Route 30 ribbon cutting, and a lunch on the American Empress. He reported that the Empress is bringing another large ship to The Dalles in 2016.

Mayor Lawrence reported that he and Councilor McGlothlin had attended a meeting with Ecom,

a company that offers IT services, and with Wasco County to discuss combining City and County IT services. Lawrence asked the Council for approval to have Ecom give a free analysis of our IT systems. It was the consensus of the Council for the Mayor to proceed requesting the free analysis.

### **CONSENT AGENDA**

It was moved by Elliott and seconded by Miller to approve the Consent Agenda as presented. The motion carried unanimously.

Items approved by Consent Agenda were: 1) Approval of November 9, 2015 Regular Council Meeting Minutes; 2) Approval of Resolution 15-046 Establishing a Local Grants Policy.

### **DISCUSSION ITEMS**

#### **Discussion Regarding The Dalles Disposal Proposed Rate Increase**

City Attorney Parker reviewed the staff report and introduced Erwin Swetman of The Dalles Disposal.

Swetman reviewed the rate increase request. In response to questions he said that recycling costs had increased significantly, and that they paid \$33/ton to get rid of the recycling and had to drive it to Portland. Mayor Lawrence requested a cost of program analysis next year.

John Hutchinson, 305 W 23<sup>rd</sup>, The Dalles said The Dalles Disposal does a good community service, with great people. He suggested the Council talk to A & P Recycling before deciding on the rate increase.

Hutchinson said the survey reference by Councilor Elliott, that was done by Hermiston compared rates; Hermiston is \$16, Baker City at \$21.18 and the City of The Dalles was considerably more.

It was the consensus of the Council for City Attorney Parker to prepare a Resolution for the December 14 meeting.

City Attorney Parker would also bring back information on recycling in Hermiston as it relates to their curbside rates.

### **PUBLIC HEARING**

#### **Continuation of Public Hearing to Receive Testimony Regarding Proposed Reimbursement Fees for Port of The Dalles Chenoweth Business Park Water and Sewer Reimbursement District**

Public Works Director Anderson reviewed the staff report.

Anderson read into the record a letter from the Port of The Dalles, regarding resolution to Home At Last's concerns about their portion of the fees.

Mayor Lawrence closed the public hearing.

Resolution No.15-036 Establishing a Reimbursement Fee for Chenowith Business Park

It was moved by Miller and seconded by Spatz to adopt Resolution No.15-036 Establishing Reimbursement fees for the Port of The Dalles Chenowith Business Park (Columbia Gorge Industrial Center) as presented in the Public Works Director's Report. The motion carried unanimously.

Public Hearing to Receive Testimony regarding General Ordinance NO. 12-1317, Regulating Second Hand Dealers

Mayor Lawrence opened the public hearing.

City Attorney Parker reviewed the staff report.

Mayor Lawrence read into the record at letter form Mark Thomas of Yesterday and Today.

Lawrence thought that some kind of adjustment should be looked at.

Councilor Elliott said the dollar amount seemed to be the issue.

Councilor Brown agreed it seemed like a lot of work for not a lot of money.

Mel Mendez of Gameopoly said that the paperwork takes a lot of time. He said he deals with mostly people he knows. The seven day hold costs him business; because he can't sell an item he knows hasn't been stolen as soon as it comes in.

Eric Stoval said he was on the committee that worked on the ordinance, and at the time thought it was good. He said it was a lot of paperwork, and to avoid the paperwork he didn't buy products over \$25.

Chief Waterbury recommended reconvening the committee to review how the ordinance was working and bring back a recommendation to the Council.

Mayor Lawrence closed the public hearing.

Councilor Spatz requested that Chief Waterbury and City Attorney Parker meet with the committee to review the ordinance and bring recommendations back to the Council. It was the consensus of the Council to have the committee reconvene.

MINUTES  
Regular Council Meeting  
November 23, 2015  
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Public Hearing to Receive Testimony Regarding Declaration of Real Property Located at 600 East 12<sup>th</sup> Street as Surplus Real Property

Mayor Lawrence opened the public hearing.

City Attorney Parker reviewed the staff report.

Hearing no testimony Mayor Lawrence closed the public hearing.

Resolution No. 15-047 Declaring Real Property Located at 600 East 12<sup>th</sup> Street as Surplus Property

It was moved by McGlothin and seconded by Miller to adopt Resolution No. 15-047 Declaring Real Property located at 600 East 12<sup>th</sup> Street as Surplus Real Property. The motion carried unanimously.

**ADJOURNMENT**

Being no further business, the meeting adjourned at 7:24 p.m.

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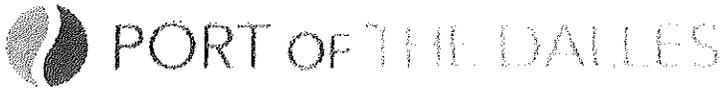
Submitted by/  
Izetta Grossman  
Recording Secretary

SIGNED:

\_\_\_\_\_  
Stephen E. Lawrence, Mayor

ATTEST:

\_\_\_\_\_  
Izetta Grossman, Recording Secretary



November 18, 2015

Julie Krueger, acting City Manager  
City of The Dalles  
313 Court Street  
The Dalles, OR 97058

RE: Columbia Gorge Industrial Center Reimbursement District

Dear Julie:

I am sorry that I am not able to attend the meeting tonight, so in my absence, please read this into the record during the City Council's continuing deliberation on the Industrial Center reimbursement district.

Subsequent to the November 9th City Council meeting I have been able to talk to both Home At Last President, Diana Bailey, and City of The Dalles Public Works Director, Dave Anderson, about Home At Last's concerns around their financial contribution for the proposed Reimbursement District. The Port understands the financial burden that the initial \$8457.09 contribution places on Home At Last, at the same time the Port is not in a position to simply waive their contribution. That said, the Port does have a solution that alleviates Home At Last's concerns, which is to have the Port finance the Home At Last contribution.

Director Anderson and I have talked through the basic mechanics of how this could work - in very basic terms, at the time Home At Last elects to connect to City sewer the Port would pay the required contribution amount to the City, at the same time, the Port and Home At Last would enter into a repayment agreement that would allow Home At Last to repay the Port over time.

All parties feel that this is a good solution that works well for the City, the Port and Home At Last, and may even allow Home At Last to connect to City sewer at an earlier date.

Thank you for your time on this.

Sincerely,

A handwritten signature in cursive script that reads "Andrea Klaas".

Andrea Klaas, Executive Director

## Julie Krueger

**From:** Timothy McGlothlin <timothymcglathlin@gmail.com>  
**Sent:** Monday, November 16, 2015 10:20 PM  
**To:** Julie Krueger  
**Subject:** Inventory of Recreation

A	B	C	D
Timestamp	Count	Description	Location
11/16/2015 22:01:47	4	4 foot square table	Cafe
11/16/2015 22:02:47	3	Round tall table	cafe
11/16/2015 22:04:47	5	36' Square short table	cafe
11/16/2015 22:05:13	26	Captain wood chairs	cafe
11/16/2015 22:05:42	1	Pool table 4' lamp	cafe
11/16/2015 22:06:16	7	Ceiling Fans	Bowling and C
11/16/2015 22:06:50	1	Multicolor light	Bowling
11/16/2015 22:07:36	1	Fridge Commercial	Kitchen
11/16/2015 22:08:16	1	Fridge (non-commercial)	Kitchen
11/16/2015 22:08:58	1	Commercial gas stove and griddle	kitchen
11/16/2015 22:09:26	2	Non-brand 15 inch speakers	Bowling
11/16/2015 22:09:55	3 doz.	Bowling Shoes	Bowling
11/16/2015 22:10:38	1,000	Bowling Pins	Bowling
11/16/2015 22:11:13	30	Bowling Balls	Bowling
11/16/2015 22:11:51	4	Vintage Signs	Cafe
11/16/2015 22:12:24	2	3x4 rubber mat	Cafe
11/16/2015 22:13:14	6	Beer lever distribution	Cafe
11/16/2015 22:13:56	1	Soft Drink Cooler	Bowling

November 18, 2015

To: Mayor Steve Lawrence  
The Dalles City Council

RE: The Dalles General Ordinance 12-1317

Since this ordinance was enacted by The Dalles City Council in January 2013, I have only had one incidence where I was contacted by a local law enforcement agency, Wasco County Sheriff, when alleged stolen merchandise was involved. The dollar value of these items was \$12.00, well below the \$25.00 threshold when, as a dealer, I was required to obtain ID from the person selling the property. Since then, I have not been contacted regarding any stolen property.

From my perspective, it appears this ordinance has been ineffective in tracing stolen property. I think the Council should reconsider this ordinance.

There has to be a better solution.



Mark Thomas  
Yesterday & Today  
The Dalles, OR.



## MINUTES

TOWN HALL MEETING  
OF  
NOVEMBER 30, 2015  
5:30 P.M.

MID-COLUMBIA SENIOR CENTER  
THE DALLES, OREGON

**COUNCIL PRESENT:** Mayor Steve Lawrence, Linda Miller, Russ Brown, Taner Elliott,  
Tim McGlothlin

**COUNCIL ABSENT:** Dan Spatz

**STAFF PRESENT:** Interim City Manager Julie Krueger, City Attorney Gene Parker,  
Project Coordinator Daniel Hunter, Public Works Director Dave  
Anderson, Planning Director Dick Gassman, Police Chief Jay  
Waterbury  
  
Art Fish, Business Oregon, Wasco County Commission Chair  
Scott Hege, Wasco County Assessor Jill Amery

### CALL TO ORDER/WELCOME

Mayor Lawrence called the meeting to order at 5:30 p.m. and welcomed everyone in attendance.

### PRESENTATION REGARDING ENTERPRISE ZONES

Project Coordinator and Enterprise Zone Manager Daniel Hunter provided an overview of Rural Enterprises Zones in Oregon. He said there were 66 zones in Oregon; 51 being rural and 15 urban. Hunter reviewed local roles, saying the City of The Dalles and Wasco County were the sponsors of the program while he served as the Enterprise Zone Manager.

Hunter provided an explanation of the tax abatement periods and limitations; providing criteria for Standard, Extended, and Long Term abatements. He provided a list of the current participants and which abatement program they were participating in.

MINUTES (Continued)

Town Hall Meeting

November 30, 2015

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Rodger Nichols said he understood that a company had to meet two criteria to apply for the abatement. He said he thought 80% of the population in our area had to fall below 50% of State average income and that our unemployment rate had to be 2% higher than State average. Art Fish, Business Oregon, said that was criteria for how an area could qualify for creation of an abatement zone, but that only one of those criteria were required to be eligible. He said the zones were approved for 10 year periods and an area would need to re-apply and continue to meet the criteria for an extension. Mr. Fish noted the City/County zone was in its third iteration.

In response to a question from the audience, Mr. Fish said the Enterprise Zones were a unique business investment tool. He said there was no substitute for the program, though some very large companies may qualify for the State's Strategic Investment Program (SIP). He said most companies who used the SIP were technology and wind farms.

A question was asked regarding how the duration of an abatement was determined. Enterprise Zone Manager Hunter said each type of abatement had different criteria that had to be met. Mr. Fish added that the standard and extended abatements were mostly geared toward the trade sector and manufacturing, with some areas including hotels and resorts. He said the long term abatement had additional criteria to meet such as minimum levels of employment and compensation and the terms were negotiated with the sponsor.

Carolyn Wood asked what would happen if a company no longer met the criteria of their abatement agreement. Hunter said if the criteria could not be met, the company would not be eligible for abatement that year and would be responsible to pay the full taxes.

County Assessor Jill Amery said Wasco County was responsible to assist the Enterprise Zone Manager with a check list and valuation and to monitor on an annual basis to ensure companies were in compliance.

A member of the audience said he believed the Enterprise Zone program was good for the community, in bringing in business, but that it wasn't helpful to continue adding incentive agreements for one company.

Mr. Fish said the long term, 15 year agreements, were very special and not used frequently. He said it was a big trade off for a community, but also a very big payback. He said it was a positive impact for the community and that because they were very large developments, the fees paid per the agreements probably had a similar value to what would have been paid in property taxes by a smaller development.

MINUTES (Continued)

Town Hall Meeting

November 30, 2015

Page 3

John Nelson asked if an agreement could be extended beyond 15 years, and if there were many amendments to the Oregon Revised Statutes related to Enterprise Zones. Mr. Fish said there were no extensions beyond the 15 year agreements. He said the State Legislature did look at the law from time to time, but there had been no major changes to the program since 1999.

Mr. Nelson said Representative Huffman had believed our Enterprise Zone fees were unfairly distributed and was going to propose amendments that would not allow local officials so much control over how the fees were distributed. Mr. Fish said local officials/sponsors of the zones had the discretion on what fees, if any were established, and how they would be used.

In response to a question from the audience, Mr. Fish said it was very unlikely a large company would put a major investment into a community and then leave when the abatement program expired.

Representative John Huffman clarified that he had no intention on proposing changes that would change how fees were allocated. He said as a citizen, he suggested a more open process to allow all local taxing entities to share in the decision making.

Wasco County Commission Chair Hege said the sponsors had recently met with all but two of the taxing districts to discuss their ideas, projects, and needs. He said they would be meeting with School District representatives in the near future. He said the process was on-going, but that when decisions were made, they would be for the good of the community and he noted that the County and City had to agree on the distribution.

Corliss Marsh said she didn't believe the Library District had been included. Mr. Hege said they had met with the Librarian as part of the process.

**ADJOURNMENT**

The meeting adjourned at 6:40p.m.

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Submitted by/  
Julie Krueger, MMC  
City Clerk

SIGNED:

\_\_\_\_\_  
Stephen E. Lawrence, Mayor

ATTEST:

\_\_\_\_\_  
Julie Krueger, MMC, City Clerk





**CITY of THE DALLES**

313 COURT STREET  
THE DALLES, OREGON 97058

(541) 296-5481  
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**AGENDA STAFF REPORT**  
CITY OF THE DALLES

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
December 14, 2015	Public Hearing 11, A	

**TO:** Honorable Mayor and City Council

**THRU:** Julie Krueger, Interim City Manager

**FROM:** Kate Mast, Finance Director

**DATE:** November 24, 2015

**ISSUE:** Resolution No. 15-048 Adopting a Supplemental Budget for the Fiscal Year FY2015/2016, Making Appropriations and Authorizing Expenditures from and within Various Funds of the City of The Dalles Adopted Budget;

**AND**

Resolution No. 15-049 Authorizing Transfers of Funds Between Categories of Various Funds of the City of The Dalles Budget, Making Appropriations and Authorizing Expenditures for the Fiscal Year Ending June 30, 2016.

**BACKGROUND:** Oregon Budget Law recognizes that after the beginning of the fiscal year, changes in appropriations in the budget sometimes become necessary and so allows for those changes via supplemental budgets and budget amendments. Supplemental budgets add funds to existing budgets, while budget amendments move already budgeted funds between categories of the same fund without adding to the fund's total budget.

A Public Hearing is required for any supplemental budget that changes a fund by more than 10%. The proposed supplemental budget exceeds the 10% limit only in the Water Revenue Bond Debt Fund, so a Public Hearing on the change to that fund is required. A notice of the Supplemental Budget and the Public Hearing on the Water Revenue Bond Debt Fund is required to be published, and that notice is scheduled to be printed in The Dalles Chronicle on Wednesday, December 2, 2015.

Several items have been combined into the budget changes in these proposed resolutions:

**City Manager Recruitment Funding:** The City Council, at a special meeting on October 6, 2015 approved a contract with Slavin Management Consultants, in an amount not to exceed \$22,173, for City Manager Recruitment services. In addition, we anticipate additional expenses associated with that recruitment, including approximately \$1,000 per non-local candidates' travel and lodging expenses reimbursements, and possibly a candidates' reception, so this budget amendment includes an additional \$5,827 for those types of items. The proposed Resolution No. 15-049 would move \$28,000 out of the General Fund Contingency line item and into the General Fund Personnel Department, Other Contractual Services line item.

**ADP Software Implementation and Monthly Fees:** The City Council, at their meeting on October 26, 2015, approved signing of an agreement with ADP, LLC, for Payroll services. The initial cost will be \$6,750.00 to be paid when we "go live" in January 2016. The monthly costs would also start in January and would be based on the number of employees processed in that month. We anticipate the total fees for the remainder of this fiscal year, from January through June 2016, will be approximately \$5,000. The proposed Resolution No. 049 would move \$11,750 out of the General Fund Contingency line item and into the General Fund Technology Department, Computer Services line item.

**Caselle Software Project:** The City Council, at their meeting on November 9, 2015, authorized signing of an agreement with Caselle Software, for Software as a Service (SaaS) for an integrated financial software system. The cost of the implementation (\$34,480) and the estimated monthly fees to be paid this fiscal year (\$9,970) total approximately \$44,450. Additionally approximately \$12,500 will be needed for new receipt printers, desktop scanners, a high production laser printer, and the cost of leasing a folding/stuffing machine from Pitney Bowes. Total project costs for FY15/16 are estimated to be \$56,950.

As discussed in the Staff Report for the Software Systems Discussion presented to the City Council at their meeting on September 28, 2015, we have determined the fair share of the Public Works funds based on the percentages used in the FY15/16 budget and those items that are needed strictly for utility billing or backflow management. The following changes, described in, are reflected in the proposed supplemental budget Resolution No. 15-048:

- Recognize additional Beginning Fund Balance as revenue in the Street Fund in the amount of \$1,844 and allocate it to 'Transfers to the General Fund'.
- Recognize additional Beginning Fund Balance as revenue in the Water Utility Fund in the amount of \$22,991 and allocate it to 'Transfers to the General Fund'.
- Recognize additional Beginning Fund Balance as revenue in the Wastewater Fund in the amount of \$19,443 and allocate it to 'Transfers to the General Fund'.
- Recognize additional revenue in the General Fund from the Streets, Water and Wastewater Fund transfers and allocate those funds (Total = \$44,278) to the General Fund Technology Department Computer Services line item.

The following changes are reflected in the budget amendment Resolution No. 15-049:

- Move \$12,672 out of the General Fund Contingency and into the Technology Department Materials & Services category.

**Rate Stabilization for Water Bond:** There is currently \$400,000 in a “Rate Stabilization” line item in the Water Revenue Bond Debt Fund (041). This was put in place in the Water Reserve Fund (053) when the Bond was issued in 2007, as the City was under the impression that this was required. In FY13/14 this Rate Stabilization account was moved directly into the Water Revenue Bond Fund (041).

A few months ago, after all of the Water Revenue Bond proceeds had been used, I made inquiries about having the final arbitrage analysis done and was told that as long as the \$400,000 was in place, we would need to continue under arbitrage requirements, as that was considered a portion of the proceeds. These periodic arbitrage analyses cost between \$2,500 and \$3,500 each time. I consulted our Bond Attorney who said that was true that the \$400,000 would be subject to arbitrage as long it was in place, but also informed me that the \$400,000 “Rate Stabilization” was a recommendation of the Bond document, not a requirement. In order to remove this Rate Stabilization account from the Water Revenue Bond Debt Fund and move those funds back into the Water Reserve Fund, we have included in the Supplemental Budget Resolution No. 15-048 the creation of an Interfund Transfer category in the Water Revenue Bond Fund to transfer those funds to the Water Reserve Fund and then allocate them to the Water Lines line item in the Capital Outlay category for use on the Dog River Pipeline project. If Council approves this resolution, we will make the transfer and then have the final arbitrage analysis done on the Water Revenue Bond.

**State Office Building Elevator:** When the current budget was being prepared, I told Julie that repairs to the State Office Building elevator should be budgeted in Materials & Services and not in the Capital Outlay category. However, when the PO came in for this project, we double checked with the auditors who said that such extensive repairs would increase the value of a capital asset, so those expenses should be posted in the Capital Outlay category. The proposed Budget Amendment Resolution No. 15-049 corrects my error by moving \$51,000 for the elevator repairs out of the Materials & Services category and into the Capital Outlay category.

**Additional Audit Costs:** Due to the problems obtaining the Airport financial records and correcting and reconciling the FAA grants, our audit firm spent significantly more time researching and reconciling those issues than expected. They also had to make additional trips out to The Dalles in order to obtain the necessary documents to complete their analysis and reconciliations, which incurred additional travel costs. The additional costs that Merina & Company incurred with our Single Audit this year totaled over \$14,000, but they have agreed to charge only \$10,000 for the additional services they provided. The proposed Budget Amendment Resolution No. 15-048 moves \$10,000 out of the General Fund Contingency line item and into the City Council Department Auditing Services line item to cover these additional costs.

**SAIF Premium Refund:** Each year we estimate the amount of our SAIF covered payroll based on the budgeted figures so that SAIF can produce and invoice for us to pay in July for workers compensation coverage for the upcoming fiscal year. At the end of the fiscal year, a report is produced showing the covered payroll that was actually paid out during the year. Once SAIF audits that report, the City receives a refund of the premiums overpaid. We have traditionally posted these refunds to the General Fund Miscellaneous Revenue line item and not allocated them for use during that year. During the current fiscal year, the City Council directed that a new line item be created in the General Fund City Council Department and that SAIF dividends be allocated to that line item so the use of those funds for safety related items could be controlled by the City Council. We recently

received a premium refund check from SAIF in the amount of \$20,679.67. The Supplemental Budget Resolution No. 15-048 recognizes the receipt of these funds and allocates them to the City Council Department Safety line item in the General Fund.

**Google Grant for WiFi:** Phase 6 of the WiFi project will replace 20 access points (AC), which is about one-third of the system. Google will provide a grant for this work in the amount of \$43,200. The Supplemental Budget Resolution No. 15-18 recognizes the receipt of this contribution and allocates those funds to the WiFi Project in the Special Grants Fund (018).

**BUDGET IMPLICATIONS:** The Supplemental Budget Resolution No. 15-048 increases the Street Budget by \$1,844, the Water Utility Fund Budget by \$22,991, the Wastewater Fund budget by \$19,443, the Water Reserve Fund budget by \$400,000, the Special Grants Fund by \$43,200, and the General Fund Budget by \$64,958. Total additions to the budget equal \$552,436.

The Budget Amendment Resolution No. 15-049 only transfers existing budget amounts between categories within the same fund, and so does not cause any increase or decrease in the total budget of that fund.

**ALTERNATIVES:**

- A. **Staff Recommendation:** *Move to Adopt Resolution No. 15-048 Adopting a Supplemental Budget for the Fiscal Year FY2015/2016, Making Appropriations and Authorizing Expenditures from and within Various Funds of the City of The Dalles Adopted Budget;*

**AND**

*Move to Adopt Resolution No. 15-049 Authorizing Transfers of Funds Between Categories of Various Funds of the City of The Dalles Budget, Making Appropriations and Authorizing Expenditures for the Fiscal Year Ending June 30, 2016.*

- B. Council may choose to modify, add or delete portions of the supplemental budget resolution and/or the budget transfers resolution, and adopt the proposed resolution(s) as amended. The Mayor could then sign the modified resolution(s) when the changes have been made.
- C. Council may choose to modify or add to the supplemental budget resolution and/or the budget transfers resolution, and direct staff to make the changes and bring the resolution(s) back to the next Council meeting.



**CITY OF THE DALLES**  
Department of Public Works  
1215 West First Street  
The Dalles, Oregon 97058

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## **AGENDA STAFF REPORT**

### **CITY OF THE DALLES**

<b>MEETING DATE</b>	<b>AGENDA LOCATION</b>	<b>AGENDA REPORT #</b>
December 14, 2015	Contract Review Board 12, A	

**TO:** Honorable Mayor and City Council

**FROM:** Dave Anderson, Public Works Director

**DATE:** December 1, 2015

**ISSUE:** Award of contract to update the contract documents for the Lone Pine Well Expansion project.

**CITY COUNCIL GOALS:** Not applicable.

**PREVIOUS AGENDA REPORT NUMBERS:** Staff Report for Oct. 12, 2015 City Council meeting, Item 12D.

**BACKGROUND:** One of the projects in the City's current Water Capital Improvement Plan (CIP) is the expansion of the Lone Pine Well from a pumping rate of 2000 gallons per minute (gpm) to over 3000 gpm. The project was designed and contract documents were developed in 2010 by CH2M when it was planned to construct the project soon thereafter using 2007 Water Bond funds. Then, in 2011, the Water CIP was updated in recognition of available funding, this was when the CIP Option 2B was adopted, and the Lone Pine Well project was postponed until 2019/20.

At its October 12, 2015 meeting, City Council authorized a development agreement with Design LLC that, in part, committed the City to completing the expansion of the Lone Pine Well within 18 months of Design's purchase of property in the Columbia Gorge Industrial Center. That property purchase has been completed and this project now needs to be completed by May 2017. Under the terms of the development agreement, Design will pay for the improvements to Lone Pine Well and the City will reimburse Design by December 31, 2019, which is when the City was planning to complete the project with its own funding, as identified in CIP Option 2B.

The design and contract documents for the project are now 5 years old and need to be refreshed to accommodate any changes to construction or drinking water codes. We have also identified a number of modifications that need to be made to the design including:

- Change the type of chlorination system described in the plans so that a lower cost system will be installed than originally proposed;
- Reduce the number of fluoride feeders to be installed consistent with current operational protocols;
- Include the purchase and procurement of all equipment in the contractor’s scope of work rather than having the City purchase the equipment separately for the contractor to install, thereby reducing the potential for “gaps” in the scopes of work.

It would be most cost effective to have the same engineering firm that completed the original design do the update. Also, given the limited time available to complete the project, contracting with the original design firm will be the fastest; attached is a project schedule using this approach. To that end, CH2M has provided a proposal to update the design and contract documents. CH2M’s proposal also includes assistance during the project bidding process (answering technical questions from perspective contractors) and the provision of engineering services during construction (submittal review, construction inspections, as-built drawings). The not-to-exceed cost of the proposal is \$99,400. The proposal price is broken down as follows:

• Update project design and specifications	\$58,600
• Provide assistance during bidding of project	\$11,500
• Provide services during construction	\$29,300
<b>Total</b>	<b>\$99,400</b>

The City’s Contract Review Board Rules allow for the direct appointment of a professional services contract in amounts less than \$100,000.

With the requirements of the development agreement, time is of the essence for the project with completion due in May 2017. After the design update is completed, the design must be submitted to the Oregon Drinking Water Program for approval; it’s possible that some revisions may be required based upon that review. To save time, it’s anticipated that the contract would be advertised for bid while the state is reviewing the plans and any required changes would be addressed by contract amendment or change order. The current project schedule anticipates awarding the construction contract in July 2016, the contractor could procure equipment in August and September, and construction would occur during the fall/winter of 2016/17, outside of the pumping season, when the well is not needed to meet summer water demands.

**BUDGET IMPLICATIONS:** Monies for this engineering work are available in Fund 53, the Water Capital Reserve Fund. Within Fund 53, \$180,000 is budgeted for Watershed Rehabilitation. Due to the amount of grants funds received and the work accomplished so far, it appears that little, if any, of that money will be needed for that purpose and therefore could be used for this project.

**RECOMMENDATION:**

1. **Staff Recommendation:** *Move to authorize the City Manager to sign a contract with CH2M to update the design and contract documents for the Lone Pine Well Enhancement project in an amount not to exceed \$99,400.*

2. Direct staff to issue an RFP for engineering services to update the design and contract documents for the Lone Pine Well Enhancement project, understanding that to do so will delay the project by 3-4 months and the terms of the development agreement with Design LLC may not be met.
3. Deny authorization to execute a contract with CH2M and provide additional direction to staff.



# Scope of Services

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## Project Description

The project consists of finalizing the design of the Lone Pine Well expansion and improvements. ENGINEER previously prepared design drawings and specifications for these improvements. The final versions were issued in May 2010. The work conducted at that time also included preparation of an equipment pre-purchase document for direct OWNER purchase of the chlorine and fluoride equipment. The project was placed on hold by the OWNER and neither the pre-purchase nor general design package was implemented.

The current project will update and slightly revise the previous drawings and specifications to develop a single bid package for the entire work, with no separate pre-purchase document. The work will update product specifications to current offerings, modify the design where needed to comply with current codes and standards, and modify the design so that bulk hypochlorite is used as the form of chlorine rather in place of the previously designed onsite generation hypochlorite system. This may allow the elimination of the separate sodium fluoride storage building that was previously included in the project, as the elimination of the brine tank will free up space. This will be considered based on an analysis of the chemical storage compatibility for this space. Other minor changes will be made based on the OWNER's and ENGINEER's review of the previous work.

The City has directed ENGINEER to modify the design as follows

- reduce from 2 to 1 fluoride saturators,
- revisit size of water softener and change if required for updated design criteria,
- change from on-site generation to bulk hypochlorite,
- include procurement of equipment in contractor's scope of work, update to current codes.

No evaluation of site circulation for chemical deliveries and is included in this scope as Owner has confirmed that a AASHTO WB-50 (intermediate semi-trailer) truck was modeled with recent adjacent development work which accommodates both a smaller semi with tanker trailer and a shorter truck/trailer which is assumed suitable for all chemical deliveries including bulk hypochlorite totes, drums, and bulk deliveries.

## Design

1. ENGINEER's project manager will meet in The Dalles to review the May 2010 drawings and specifications with OWNER staff and to conduct a site visit.
2. Prepare bid-ready drawings and technical specifications. All drawings will be in 11" x 17" format. Specifications will be prepared in Construction Specifications Institute

format, based on the 2013 Edition of the Standard General Conditions for construction as issued by Engineers Joint Contract Documents Committee (EJCDC).

3. The design will use ENGINEER standard legal specification sections, with input and guidance provided by the OWNER.
4. Provide a construction cost estimate based on the final design (per AACE International standards for level 1 estimate).
5. Email PDFs of the drawings and specifications to the OWNER. Provide five printed sets to OWNER.
6. The anticipated final drawings are the 41 included in the May 2010 drawing set, although there may be replacement, elimination, or addition of one or more drawings based on the change from onsite generation to bulk hypochlorite, as well as other updates. The specifications scope of work assumes the same list of sections as in 2010 except for combining the pre-purchase specifications for chlorine and fluoride systems into a single general construction package, and for the change to bulk hypochlorite. Submit final drawings (ACAD, and PDF) and specs in (MS Word).
7. If the code review or review of previously-selected products results in unexpected changes in the scope of the design package and design work, the OWNER and ENGINEER will discuss the level of effort and adjust the budget accordingly.
8. The OWNER will submit the final drawings and specifications to the Oregon drinking water program for plan review. ENGINEER will incorporate review comments, if any. It is anticipated that the state's review will occur in parallel to the bid advertisement and award period so review comments, if any, will be incorporated by addenda or change order. The OWNER will pay the plan review fee.
9. The OWNER will prepare and submit the building permit application, and pay the permit fee. No other permitting is anticipated for the project.

## **Bid Services**

1. The OWNER is to advertise the bid documents, distribute and track plan holders, distribute addenda, receive and provide answers to plan holder questions, and host the bid opening.
2. ENGINEER to assist the OWNER in the pre-bid conference by attending the meeting in The Dalles and by providing feedback on questions or comments from the meeting.
3. ENGINEER to assist the OWNER during the bid advertisement period by answering technical questions about the design, as forwarded by the OWNER.
4. As necessary, ENGINEER to develop addenda to the bid documents and provide to OWNER in PDF for the OWNER's distribution to plan holders.
5. ENGINEER to assist the OWNER evaluating bids for responsiveness and bid amount. ENGINEER shall make recommendations for award of the contract for construction, following the guidelines of ORS 279C.375 (Oregon Revised Statutes section on public

improvements contracts). However, the OWNER shall make the final decision on the award of the contract for construction and the acceptance or rejection of all bids, and the OWNER may wish to solicit the opinion of its attorney in completing the evaluation according to ORS 279C.375. ENGINEER will provide technical (but not legal) advice in bid evaluations and response to protests, if any.

6. ENGINEER to assist the OWNER in preparing the notice of intent to award, notice of award, and notice to proceed, on an as-requested basis.

## Services during Construction

ENGINEER will provide Services during Construction (SDC) as defined below. These services are intended to assist the OWNER in administering the contract for construction, monitoring the performance of the construction contractor, verifying that the contractor's work is in substantial compliance with the contract documents, and assisting the OWNER in responding to events that occur during the construction.

1. ENGINEER to coordinate and attend by phone a pre-construction conference to review the project communication, coordination, and other procedures, and to discuss the contractor's general workplan and requirements for the project.
2. The OWNER shall provide day-to-day observation of the work. The scope of work includes budget for up to 6 visits by ENGINEER staff to observe the construction work. These visits will be arranged in coordination with the OWNER so that ENGINEER is providing assistance on specific work items.
3. ENGINEER to provide assistance to the OWNER by reviewing contractor submittals and returning comments to the OWNER. The OWNER will maintain a log of submittals, and receive and distribute comments to the contractor.
4. ENGINEER to assist the OWNER with the issuance of changes to the contract for construction. ENGINEER will review the contractor's response to the request for change and will obtain such further information as is necessary to evaluate the basis for the contractor's proposal. ENGINEER to assist the OWNER with negotiations of the proposal.
5. ENGINEER to review the contractor's requests for information or clarification of the contract for construction, as forwarded by OWNER, and coordinate and issue responses to the requests.
6. Using the mark-ups provided by the contractor, with the OWNER's comments, ENGINEER to prepare as-built drawings (ACAD, and PDF) for the OWNER's records and for submission to the state drinking water program.

## Schedule

The kickoff meeting will be scheduled to occur as quickly as possible following the notice to proceed. The drawings and specifications will be completed and submitted to the OWNER approximately 10 weeks after the kickoff meeting, although the final schedule may need to be adjusted depending on the schedule in relation to winter holidays. The bidding process is

anticipated to take approximately 12 weeks. The construction of the improvements is expected to take 8 months.

Attachment B.

## Compensation

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The work will be performed as described on a time and materials basis to the not-to-exceed budget amount of \$99,400. This budget will not be exceeded without prior written authorization of the OWNER.

The total budget is based on the following divisions by task. Each task will be tracked individually and the total charges against each task will be limited to these amounts, unless approved by the OWNER.

1. Design: \$58,600
2. Bid services: \$11,500
3. Services during construction: \$29,300



This AGREEMENT is between CH2M HILL ENGINEERS, INC., ("ENGINEER"), and

The City of The Dalles, Oregon

("OWNER")

for a PROJECT generally described as:

CH2M HILL Engineers, Inc. to provide general engineering services as described in Attachment A, describing the scope of services, schedule and fees for the work to be performed for the Lone Pine Well Project. The basis of compensation is time and expense, CH2M HILL labor will be billed at a 3.15 multiplier. Subcontracts and outside services will be marked up 15% and other direct expenses will be billed at cost.

ARTICLE 1. SCOPE OF SERVICES

ENGINEER will perform the Scope of Services set forth in Attachment A.

ARTICLE 2. COMPENSATION

OWNER will compensate ENGINEER as set forth in Attachment A. Work performed under this AGREEMENT may be performed using labor from affiliated companies of ENGINEER. Such labor will be billed to OWNER under the same billing terms applicable to ENGINEER's employees.

ARTICLE 3. TERMS OF PAYMENT

OWNER will pay ENGINEER as follows:

3.1 Invoices and Time of Payment

ENGINEER will issue monthly invoices pursuant to Attachment A. Invoices are due and payable within 30 days of receipt.

3.2 Interest

3.2.1 OWNER will be charged interest at the rate of 1-1/2% per month, or that permitted by law if lesser, on all past-due amounts starting 30 days after receipt of invoice. Payments will first be credited to interest and then to principal.

3.2.2 In the event of a disputed billing, only the disputed portion will be withheld from payment, and OWNER shall pay the undisputed portion. OWNER will exercise reasonableness in disputing any bill or portion thereof. No interest will accrue on any disputed portion of the billing until mutually resolved.

3.2.3 If OWNER fails to make payment in full within 30 days of the date due for any undisputed billing, ENGINEER may, after giving 7 days' written notice to OWNER, suspend services under this AGREEMENT until paid in full, including interest. In the event of suspension of services, ENGINEER will have no liability to OWNER for delays or damages caused by OWNER because of such suspension.

ARTICLE 4. OBLIGATIONS OF ENGINEER

4.1 Standard of Care

The standard of care applicable to ENGINEER's Services will be the degree of skill and diligence normally employed by professional engineers or consultants performing the same or similar Services at the time said services are performed. ENGINEER will reperform any services not meeting this standard without additional compensation.

4.2 Subsurface Investigations

In soils, foundation, groundwater, and other subsurface investigations, the actual characteristics may vary significantly between successive test points and sample intervals and at locations other than where observations, exploration, and investigations have been made. Because of the inherent uncertainties in subsurface evaluations, changed or unanticipated underground conditions may occur that could affect total PROJECT cost and/or execution. These conditions and cost/execution effects are not the responsibility of ENGINEER.

4.3 ENGINEER's Personnel at Construction Site

4.3.1 The presence or duties of ENGINEER's personnel at a construction site, whether as onsite representatives or otherwise, do not make ENGINEER or ENGINEER's personnel in any way responsible for those duties that belong to OWNER and/or the construction contractors or other entities, and do not relieve the construction contractors or any other entity of their obligations, duties, and responsibilities, including, but not limited to, all construction methods, means, techniques, sequences, and procedures necessary for coordinating and completing all portions of the construction work in accordance with the construction Contract Documents and any health or safety precautions required by such construction work.

4.3.2 ENGINEER and ENGINEER's personnel have no authority to exercise any control over any construction contractor or other entity or their employees in connection with their work or any health or safety precautions and have no duty for inspecting, noting, observing, correcting, or reporting on health or safety deficiencies of the construction contractor(s) or other entity or any other persons at the site except ENGINEER's own personnel.

4.3.3 The presence of ENGINEER's personnel at a construction site is for the purpose of providing to OWNER a greater degree of confidence that the completed construction work will conform generally to the construction documents and that the integrity of the design concept as reflected in the construction documents has been implemented and preserved by the construction contractor(s). ENGINEER neither guarantees the performance of the construction contractor(s) nor assumes responsibility for construction contractor's failure to perform work in accordance with the construction documents.

For this AGREEMENT only, construction sites include places of manufacture for materials incorporated into

the construction work, and construction contractors include manufacturers of materials incorporated into the construction work.

#### **4.4 Opinions of Cost, Financial Considerations, and Schedules**

In providing opinions of cost, financial analyses, economic feasibility projections, and schedules for the PROJECT, ENGINEER has no control over cost or price of labor and materials; unknown or latent conditions of existing equipment or structures that may affect operation or maintenance costs; competitive bidding procedures and market conditions; time or quality of performance by operating personnel or third parties; and other economic and operational factors that may materially affect the ultimate PROJECT cost or schedule. Therefore, ENGINEER makes no warranty that OWNER's actual PROJECT costs, financial aspects, economic feasibility, or schedules will not vary from ENGINEER's opinions, analyses, projections, or estimates.

If OWNER wishes greater assurance as to any element of PROJECT cost, feasibility, or schedule, OWNER will employ an independent cost estimator, contractor, or other appropriate advisor.

#### **4.5 Construction Progress Payments**

Recommendations by ENGINEER to OWNER for periodic construction progress payments to the construction contractor(s) will be based on ENGINEER's knowledge, information, and belief from selective sampling that the work has progressed to the point indicated. Such recommendations do not represent that continuous or detailed examinations have been made by ENGINEER to ascertain that the construction contractor(s) have completed the work in exact accordance with the construction documents; that the final work will be acceptable in all respects; that ENGINEER has made an examination to ascertain how or for what purpose the construction contractor(s) have used the moneys paid; that title to any of the work, materials, or equipment has passed to OWNER free and clear of liens, claims, security interests, or encumbrances; or that there are not other matters at issue between OWNER and the construction contractors that affect the amount that should be paid.

#### **4.6 Record Drawings**

Record drawings, if required, will be prepared, in part, on the basis of information compiled and furnished by others, and may not always represent the exact location, type of various components, or exact manner in which the PROJECT was finally constructed. ENGINEER is not responsible for any errors or omissions in the information from others that is incorporated into the record drawings.

#### **4.7 Access to ENGINEER's Accounting Records**

ENGINEER will maintain accounting records, in accordance with generally accepted accounting principles. These records will be available to OWNER during ENGINEER's normal business hours for a period of 1 year after ENGINEER's final invoice for examination to the extent required to verify the direct costs (excluding established or standard allowances and rates) incurred hereunder. OWNER may only audit accounting records applicable to a cost-reimbursable type compensation.

#### **4.8 ENGINEER's Insurance**

ENGINEER will maintain throughout this AGREEMENT the following insurance:

- (a) Worker's compensation and employer's liability insurance as required by the state where the work is performed.
- (b) Comprehensive automobile and vehicle liability insurance covering claims for injuries to members of the public and/or damages to property of others arising from use of motor vehicles, including onsite and offsite operations, and owned, nonowned, or hired vehicles, with \$1,000,000 combined single limits.
- (c) Commercial general liability insurance covering claims for injuries to members of the public or damage to property of others arising out of any covered negligent act or omission of ENGINEER or of any of its employees, agents, or subcontractors, with \$1,000,000 per occurrence and in the aggregate.
- (d) Professional liability insurance of \$1,000,000 per occurrence and in the aggregate.
- (e) OWNER will be named as an additional insured with respect to ENGINEER's liabilities hereunder in insurance coverages identified in items (b) and (c) and ENGINEER waives subrogation against OWNER as to said policies.

### **ARTICLE 5. OBLIGATIONS OF OWNER**

#### **5.1 OWNER-Furnished Data**

OWNER will provide to ENGINEER all data in OWNER's possession relating to ENGINEER's services on the PROJECT. ENGINEER will reasonably rely upon the accuracy, timeliness, and completeness of the information provided by OWNER.

#### **5.2 Access to Facilities and Property**

OWNER will make its facilities accessible to ENGINEER as required for ENGINEER's performance of its services and will provide labor and safety equipment as required by ENGINEER for such access. OWNER will perform, at no cost to ENGINEER, such tests of equipment, machinery, pipelines, and other components of OWNER's facilities as may be required in connection with ENGINEER's services.

#### **5.3 Advertisements, Permits, and Access**

Unless otherwise agreed to in the Scope of Services, OWNER will obtain, arrange, and pay for all advertisements for bids; permits and licenses required by local, state, or federal authorities; and land, easements, rights-of-way, and access necessary for ENGINEER's services or PROJECT construction.

#### **5.4 Timely Review**

OWNER will examine ENGINEER's studies, reports, sketches, drawings, specifications, proposals, and other documents; obtain advice of an attorney, insurance counselor, accountant, auditor, bond and financial advisors, and other consultants as OWNER deems appropriate; and render in writing decisions required by OWNER in a timely manner.

#### **5.5 Prompt Notice**

OWNER will give prompt written notice to ENGINEER whenever OWNER observes or becomes aware of any development that affects the scope or timing of

ENGINEER's Services, or of any defect in the work of ENGINEER or construction contractors.

#### **5.6 Asbestos or Hazardous Substances**

5.6.1 If asbestos or hazardous substances in any form are encountered or suspected, ENGINEER will stop its own work in the affected portions of the PROJECT to permit testing and evaluation.

5.6.2 If asbestos is suspected, ENGINEER will, if requested, manage the asbestos remediation activities using a qualified subcontractor at an additional fee and contract terms to be negotiated.

5.6.3 If hazardous substances other than asbestos are suspected, ENGINEER will, if requested, conduct tests to determine the extent of the problem and will perform the necessary studies and recommend the necessary remedial measures at an additional fee and contract terms to be negotiated.

5.6.4 Client recognizes that CH2M HILL assumes no risk and/or liability for a waste or hazardous waste site originated by other than CH2M HILL.

#### **5.7 Contractor Indemnification and Claims**

5.7.1 OWNER agrees to include in all construction contracts the provisions of Article 4.3, ENGINEER's Personnel at Construction Site, and provisions providing contractor indemnification of OWNER and ENGINEER for contractor's negligence.

5.7.2 OWNER shall require construction contractor(s) to name OWNER and ENGINEER as additional insureds on the contractor's general liability insurance policy.

5.7.3 OWNER agrees to include the following clause in all contracts with construction contractors, and equipment or materials suppliers:

"Contractors, subcontractors, and equipment and material suppliers on the PROJECT, or their sureties, shall maintain no direct action against ENGINEER, ENGINEER's officers, employees, affiliated corporations, and subcontractors for any claim arising out of, in connection with, or resulting from the engineering services performed. OWNER will be the only beneficiary of any undertaking by ENGINEER."

#### **5.8 OWNER's Insurance**

5.8.1 OWNER will maintain property insurance on all pre-existing physical facilities associated in any way with the PROJECT.

5.8.2 OWNER will provide for a waiver of subrogation as to all OWNER-carried property damage insurance, during construction and thereafter, in favor of ENGINEER, ENGINEER's officers, employees, affiliates, and subcontractors.

5.8.3 OWNER will provide (or have the construction contractor(s) provide) a Builders Risk All Risk insurance policy for the full replacement value of all PROJECT work including the value of all onsite OWNER-furnished equipment and/or materials associated with ENGINEER's services. Such policy will include coverage for loss due to defects in materials and workmanship and errors in design, and will provide a waiver of subrogation as to ENGINEER and the construction contractor(s) (or OWNER), and their respective officers, employees, agents, affiliates, and subcontractors. OWNER will provide ENGINEER a copy of such policy.

#### **5.9 Litigation Assistance**

The Scope of Services does not include costs of ENGINEER for required or requested assistance to support, prepare, document, bring, defend, or assist in litigation undertaken or defended by OWNER. All such Services required or requested of ENGINEER by OWNER, except for suits or claims between the parties to this AGREEMENT, will be reimbursed as mutually agreed.

#### **5.10 Changes**

OWNER may make or approve changes within the general Scope of Services in this AGREEMENT. If such changes affect ENGINEER's cost of or time required for performance of the services, an equitable adjustment will be made through an amendment to this AGREEMENT.

### **ARTICLE 6. GENERAL LEGAL PROVISIONS**

#### **6.1 Authorization to Proceed**

Execution of this AGREEMENT by OWNER will be authorization for ENGINEER to proceed with the work, unless otherwise provided for in this AGREEMENT.

#### **6.2 Reuse of PROJECT Documents**

All reports, drawings, specifications, documents, and other deliverables of ENGINEER, whether in hard copy or in electronic form, are instruments of service for this PROJECT, whether the PROJECT is completed or not. OWNER agrees to indemnify ENGINEER and ENGINEER's officers, employees, subcontractors, and affiliated corporations from all claims, damages, losses, and costs, including, but not limited to, litigation expenses and attorney's fees arising out of or related to the unauthorized reuse, change or alteration of these PROJECT documents.

#### **6.3 Force Majeure**

ENGINEER is not responsible for damages or delay in performance caused by acts of God, strikes, lockouts, accidents, or other events beyond the control of ENGINEER. In any such event, ENGINEER'S contract price and schedule shall be equitably adjusted.

#### **6.4 Limitation of Liability**

6.4.1 To the maximum extent permitted by law, ENGINEER's liability for OWNER's damages will not, in the aggregate, exceed \$1,000,000.

6.4.2 This article takes precedence over any conflicting article of this AGREEMENT or any document incorporated into it or referenced by it.

6.4.3 This limitation of liability will apply whether ENGINEER's liability arises under breach of contract or warranty; tort; including negligence; strict liability; statutory liability; or any other cause of action, and shall include ENGINEER's officers, affiliated corporations, employees, and subcontractors.

#### **6.5 Termination**

6.5.1 This AGREEMENT may be terminated for convenience on 30 days' written notice, or for cause if either party fails substantially to perform through no fault of the other and does not commence correction of such nonperformance within 5 days of written notice and diligently complete the correction thereafter.

6.5.2 On termination, ENGINEER will be paid for all authorized services performed up to the termination date plus termination expenses, such as, but not limited

to, reassignment of personnel, subcontract termination costs, and related closeout costs.

#### **6.6 Suspension, Delay, or Interruption of Work**

OWNER may suspend, delay, or interrupt the Services of ENGINEER for the convenience of OWNER. In such event, ENGINEER's contract price and schedule shall be equitably adjusted.

#### **6.7 No Third-Party Beneficiaries**

This AGREEMENT gives no rights or benefits to anyone other than OWNER and ENGINEER and has no third-party beneficiaries.

#### **6.8 Indemnification**

6.8.1 ENGINEER agrees to indemnify OWNER for any claims, damages, losses, and costs, including, but not limited to, attorney's fees and litigation costs, arising out of claims by third parties for property damage or bodily injury, including death, to the proportionate extent caused by the negligence or willful misconduct of ENGINEER, ENGINEER's employees, affiliated corporations, and subcontractors in connection with the PROJECT.

6.8.2 OWNER agrees to indemnify ENGINEER from any claims, damages, losses, and costs, including, but not limited to, attorney's fees and litigation costs, arising out of claims by third parties for property damage or bodily injury, including death, to the proportionate extent caused by the negligence or willful misconduct of OWNER, or its employees or contractors in connection with the PROJECT.

#### **6.9 Assignment**

This is a bilateral personal Services AGREEMENT. Neither party shall have the power to or will assign any of the duties or rights or any claim arising out of or related to this AGREEMENT, whether arising in tort, contract or otherwise, without the written consent of the other party. Any unauthorized assignment is void and unenforceable. These conditions and the entire AGREEMENT are binding on the heirs, successors, and assigns of the parties hereto.

#### **6.10 Consequential Damages**

To the maximum extent permitted by law, ENGINEER and ENGINEER's affiliated corporations, officers, employees, and subcontractors shall not be liable for OWNER's special, indirect, or consequential damages, whether such damages arise out of breach of contract or warranty, tort including negligence, strict or statutory liability, or any other cause of action. In order to protect ENGINEER against indirect liability or third-party proceedings, OWNER will indemnify ENGINEER for any such damages.

#### **6.11 Waiver**

OWNER waives all claims against ENGINEER, including those for latent defects, that are not brought within 2 years of substantial completion of the facility designed or final payment to ENGINEER, whichever is earlier.

#### **6.12 Jurisdiction**

The substantive law of the state of the PROJECT site shall govern the validity of this AGREEMENT, its interpretation and performance, and any other claims related to it.

#### **6.13 Severability and Survival**

6.13.1 If any of the Provisions contained in this AGREEMENT are held for any reason to be invalid, illegal, or unenforceable, the enforceability of the remaining provisions shall not be impaired thereby.

6.13.2 Limitations of liability, indemnities, and other express representations shall survive termination of this AGREEMENT for any cause.

#### **6.14 Materials and Samples**

Any items, substances, materials, or samples removed from the PROJECT site for testing, analysis, or other evaluation will be returned to the PROJECT site within 60 days of PROJECT close-out unless agreed to otherwise. OWNER recognizes and agrees that ENGINEER is acting as a bailee and at no time assumes title to said items, substances, materials, or samples.

#### **6.15 Engineer's Deliverables**

Engineer's deliverables, including record drawings, are limited to the sealed and signed hard copies. Computer-generated drawing files furnished by ENGINEER are for OWNER or others' convenience. Any conclusions or information derived or obtained from these files will be at user's sole risk.

#### **6.16 Dispute Resolution**

The parties will use their best efforts to resolve amicably any dispute, including use of alternative dispute resolution options.

#### **6.17 Ownership of Work Product and Inventions**

All of the work product of the ENGINEER in executing this PROJECT shall remain the property of ENGINEER. OWNER shall receive a perpetual, royalty-free, non-transferable, non-exclusive license to use the deliverables for the purpose for which they were intended. Any inventions, patents, copyrights, computer software, or other intellectual property developed during the course of, or as a result of, the PROJECT shall remain the property of the ENGINEER.

### **ARTICLE 7. ATTACHMENTS, SCHEDULES, AND SIGNATURES**

This AGREEMENT, including its attachments and schedules, constitutes the entire AGREEMENT, supersedes all prior written or oral understandings, and may only be changed by a written amendment executed by both parties. The following attachments and schedules are hereby made a part of this AGREEMENT:

Attachment A--Scope of Services /Compensation

IN WITNESS WHEREOF, the parties execute below:

For OWNER, \_\_\_\_\_

dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Signature \_\_\_\_\_

Signature \_\_\_\_\_

Name (printed) \_\_\_\_\_

Name \_\_\_\_\_

Title \_\_\_\_\_

Title \_\_\_\_\_

For ENGINEER, CH2M HILL ENGINEERS INC.,

dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Signature \_\_\_\_\_

Signature \_\_\_\_\_

Name (printed) \_\_\_\_\_

Name (printed) \_\_\_\_\_

Title \_\_\_\_\_

Title \_\_\_\_\_

**RESOLUTION NO. 15-048**

**A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET FOR FISCAL YEAR 2015/2016, MAKING APPROPRIATIONS AND AUTHORIZING EXPENDITURES FROM AND WITHIN VARIOUS FUNDS OF THE CITY OF THE DALLES ADOPTED BUDGET**

**WHEREAS**, the City's Street Fund (005) expects to receive a Beginning Fund Balance that exceeds the budget estimate and wishes to allocate \$1,844 of those additional funds to be transferred to the General Fund for costs associated with the Software Systems project, and;

**WHEREAS**, the City's Water Utility Fund (051) expects to receive a Beginning Fund Balance that exceeds the budget estimate and wishes to allocate \$22,991 of those additional funds to be transferred to the General Fund for costs associated with the Software Systems project, and;

**WHEREAS**, the City's Wastewater Fund (055) expects to receive a Beginning Fund Balance that exceeds the budget estimate and wishes to allocate \$19,443 of those additional funds to be transferred to the General Fund for costs associated with the Software Systems project, and;

**WHEREAS**, the City's General Fund (001) expects to receive additional funds from the Streets, Water and Wastewater Funds in the amount of \$44,278, and wishes to allocate those funds to the Technology Department for costs associated with the Software Systems project, and;

**WHEREAS**, the City Council wishes to create an Interfund Transfers category in the Water Revenue Bond Debt Fund (041) and reallocate \$400,000 from the Rate Stabilization line item to a Transfer to Water Reserve Fund line item, and;

**WHEREAS**, the City's Water Reserve Fund (053) expects to receive additional funds from the Water Revenue Bond Debt Fund in the amount of \$400,000, and wishes to allocate those funds to the Capital Outlay – Water Lines line item, and;

**WHEREAS**, a public hearing is required for the Water Revenue Bond Debt Fund, which is the only fund affected by a change that exceeds 10% of the fund's current budget; and

**WHEREAS**, the required public notice for this supplemental budget and notice of the public hearing for the Water Revenue Bond Debt Fund was published on Wednesday, December 2, 2015;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:**

Section 1. The City Council hereby adopts the Supplemental Budget for FY15/16, increasing revenues and making appropriations as follows.

<b>Summary of Supplemental Budget – Line Item Detail</b>				
<b>Fund</b>	<b>Resource</b>	<b>Amount</b>	<b>Requirement</b>	<b>Amount</b>
Street Fund (005)	Additional Beginning Fund Balance	1,844	Interfund Transfer Category – to General	1,844
	<b>Total New Resources</b>	<b>1,844</b>	<b>Total New Requirements</b>	<b>1,844</b>
	<b>New Total All Fund 005 Resources</b>	<b>2,272,373</b>	<b>New Total All Fund 005 Expenditures</b>	<b>2,272,373</b>
<b>Fund</b>	<b>Resource</b>	<b>Amount</b>	<b>Requirement</b>	<b>Amount</b>
Water Fund (051)	Additional Beginning Fund Balance	22,991	Interfund Transfer Category – to General	22,991
	<b>Total New Resources</b>	<b>22,991</b>	<b>Total New Requirements</b>	<b>22,991</b>
	<b>New Total All Fund 051 Resources</b>	<b>6,362,160</b>	<b>New Total All Fund 051 Expenditures</b>	<b>6,362,160</b>
<b>Fund</b>	<b>Resource</b>	<b>Amount</b>	<b>Requirement</b>	<b>Amount</b>
Wastewater Fund (055)	Additional Beginning Fund Balance	19,443	Interfund Transfer Category – to General	19,443
	<b>Total New Resources</b>	<b>19,443</b>	<b>Total New Requirements</b>	<b>19,443</b>
	<b>New Total All Fund 055 Resources</b>	<b>6,031,198</b>	<b>New Total All Fund 055 Expenditures</b>	<b>6,031,198</b>
<b>Fund</b>	<b>Resource</b>	<b>Amount</b>	<b>Requirement</b>	<b>Amount</b>
General Fund (001)	Additional Transfers in from Streets Fund (005)	1,844	Technology Department	44,278
	Additional Transfers in from Water Fund (051)	22,991		
	Additional Transfers in from Wastewater Fund (055)	19,443		
	<b>Total New Technology Department Requirements</b>			<b>316,575</b>
	SAIF Premium Refund	20,678	City Council Department – Safety	20,678
	<b>Total New City Council Department</b>			<b>379,168</b>
	<b>Total New Resources</b>	<b>64,956</b>	<b>Total New Requirements</b>	<b>64,956</b>
	<b>New Total All Fund 001 Resources</b>	<b>9,111,168</b>	<b>New Total All Fund 001 Expenditures</b>	<b>9,111,168</b>
<b>Fund</b>	<b>Resource</b>	<b>Amount</b>	<b>Requirement</b>	<b>Amount</b>
Special Grants Fund (018)	Google Contribution	43,200	Capital Outlay – WiFi Project – Phase 6	43,200

	<b>Total New Capital Outlay Category Requirements</b>			<b>11,529,100</b>
	<b>New Total All Fund 018 Resources</b>	<b>11,710,850</b>	<b>New Total All Fund 018 Expenditures</b>	<b>11,710,850</b>
<b>Fund</b>	<b>Resource</b>	<b>Amount</b>	<b>Requirement</b>	<b>Amount</b>
Water Rev Bond Debt Fund (041)	Creation of new Interfund Transfer Category	400,000	Interfund Transfer to Water Reserve Fund	400,000
	Reduce funding of Contingency - Rate Stabilization	-400,000	Reduce funding of Contingency - Rate Stabilization	-400,000
	<b>Total New Interfund Transfer Category Requirements</b>			<b>400,000</b>
	<b>Total Contingency – Rate Stabilization Category Requirements</b>			<b>0</b>
	<b>New Total All Fund 041 Resources</b>	<b>966,205</b>	<b>New Total All Fund 041 Expenditures</b>	<b>966,205</b>
<b>Fund</b>	<b>Resource</b>	<b>Amount</b>	<b>Requirement</b>	<b>Amount</b>
Water Reserve Fund (053)	Transfer In from Water Revenue Bond Debt Fund	400,000	Capital Outlay Category – Water Lines	400,000
	<b>Total New Capital Outlay Category Requirements</b>			<b>4,107,712</b>
	<b>New Total All Fund 053 Resources</b>	<b>4,944,877</b>	<b>New Total All Fund 053 Expenditures</b>	<b>4,944,877</b>

Section 2. This Resolution shall become effective upon adoption by the City Council and shall remain in effect until receipt and acceptance of the FY15/16 audit report.

**PASSED AND ADOPTED THIS 14<sup>th</sup> DAY OF DECEMBER, 2015**

Voting Yes, Councilors: \_\_\_\_\_

Voting No, Councilors: \_\_\_\_\_

Absent, Councilors: \_\_\_\_\_

Abstaining, Councilors: \_\_\_\_\_

**AND APPROVED BY THE MAYOR THIS 14<sup>th</sup> DAY OF DECEMBER, 2015**

SIGNED:

ATTEST:

\_\_\_\_\_  
Stephen E. Lawrence, Mayor

\_\_\_\_\_  
Julie Krueger, MMC, City Clerk



**RESOLUTION NO. 15-049**

**A RESOLUTION AUTHORIZING TRANSFERS OF BUDGETED AMOUNTS  
BETWEEN CATEGORIES OF VARIOUS FUNDS OF THE CITY OF THE  
DALLES BUDGET, MAKING APPROPRIATIONS AND AUTHORIZING  
EXPENDITURES FOR THE FISCAL YEAR ENDING JUNE 30, 2016**

**WHEREAS**, during the budget year certain funds may experience expenditures above approved category limits; and

**WHEREAS**, Oregon Budget Law recognizes these events and allows for transferring of funds between approved category limits within and between funds; and

**WHEREAS**, the City Council wishes to provide funds for the City Manager recruitment process in that amount of \$28,000, and;

**WHEREAS**, additional funds are needed in the Technology Department of the General Fund in the amount of \$24,422 to provide implementation and monthly maintenance fees for the new ADP payroll software and the new Caselle integrated financial software, and;

**WHEREAS**, additional funds in the amount of \$10,000 are needed in the City Council Department of the General Fund to provide for the costs of the FY14/15 Audit; and

**WHEREAS**, an error in budgeting between State Office Building Fund's Materials & Services category and the Capital Outlay category in the amount of \$51,000 must be corrected in order to properly classify the costs of major repairs to the elevator; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:**

**Section 1. Authorizing Budget Transfers.** The City Council hereby authorizes the following transfers of funds between budgeted categories and funds:

<u>FUND OR DEPT.</u>	<u>BUDGETED</u>	<u>RESOURCES NEEDED</u>	<u>REALLOCATED</u>
<b><u>GENERAL FUND (001)</u></b>			
from Contingency	\$ 480,284	\$ 417,862	- \$ 62,422
to City Council Department	\$ 348,490	\$ 358,490	+ \$ 10,000
to Personnel Department	\$ 8,900	\$ 36,900	+ \$ 28,000
to Technology Department	\$ 316,575	\$ 340,997	+ \$ 24,422
<b><u>STATE OFFICE BUILDING FUND (004)</u></b>			
from Materials & Services Category	\$ 167,487	\$ 116,487	- \$ 51,000
to Capital Outlay Category	\$ 26,000	\$ 77,000	+ \$ 51,000

**Section 2. Effective Date. This Resolution shall become effective upon adoption by the City Council and shall remain in effect until receipt and acceptance of the FY15/16 audit report.**

**PASSED AND ADOPTED THIS 14<sup>th</sup> DAY OF DECEMBER, 2015**

Voting Yes, Councilors: \_\_\_\_\_  
Voting No, Councilors: \_\_\_\_\_  
Absent, Councilors: \_\_\_\_\_  
Abstaining, Councilors: \_\_\_\_\_

**AND APPROVED BY THE MAYOR THIS 14<sup>th</sup> DAY OF DECEMBER, 2015**

SIGNED:

ATTEST:

\_\_\_\_\_  
Stephen E. Lawrence, Mayor

\_\_\_\_\_  
Julie Krueger, MMC, City Clerk



**CITY of THE DALLES**

313 COURT STREET  
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1122  
FAX: (541) 296-6906

**AGENDA STAFF REPORT**  
CITY OF THE DALLES

<b>MEETING DATE:</b> December 14, 2015	<b>AGENDA LOCATION:</b> Discussion Items 14, A	<b>AGENDA REPORT #</b>
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**TO:** Honorable Mayor and City Council

**FROM:** Gene E. Parker, City Attorney

**THRU:** Julie Krueger, Interim City Manager

**DATE:** November 30, 2015

**ISSUE:** Discussion item concerning issues related to regulation of activities associated with use of marijuana.

**RELATED CITY COUNCIL GOAL:** None.

**PREVIOUS AGENDA REPORT NUMBERS:** #14-023; #14-073; #14-076; #15-020; #15-067.

**BACKGROUND:** In November, 2014, Oregon voters adopted Measure 91, which legalized the growing, distribution, possession, and use of marijuana in certain amounts for non-medical personal use. In 2015, the Oregon legislature adopted several laws which included major reforms of Measure 91, and addressed issues related to local government control over activities associated with the use of marijuana. The purpose of this memorandum is to outline the issues which the City Council will need to consider, as it makes a determination as to how the City will regulate activities associated with the use of marijuana.

Under House Bill 3400, there are seven marijuana activities which require registration or a license from the State of Oregon (Wholesale activity associated with medical marijuana is not regulated by the State of Oregon). These seven activities, the agencies which are responsible for registration or licensing, and the restrictions which the state has imposed upon the activities are as follows:

- 1) **Marijuana grow site** – This is a location for the planting, cultivating, growing, trimming or harvesting of marijuana or drying marijuana leaves or flowers. These sites must be registered with the Oregon Health Authority (OHA). State law does not have any restrictions upon where a marijuana grow site can be located. However, if a marijuana grow site is located in a residential zone, there are restrictions upon the number and size of plants which can be grown. Generally, a medical marijuana grow site may have up to 12 mature plants if it is located in a residential zone, and up to 48 mature plants if it is located in any other zone. There are exceptions for certain existing grow sites. If all growers at a site had registered with the state by January 1, 2015, the grow site is limited to the number of plants that were at the grow site as of December 31, 2015, not to exceed 24 mature plants per grow site in a residential zone and 96 mature plants in all other zones.
- 2) **Recreational marijuana producer** – Activities within this category include the manufacture, planting, cultivation, growing, and harvesting of marijuana. This type of producer is licensed by the Oregon Liquor Control Commission (OLCC). Oregon law does not have any provisions which restrict where these producers must be located. A recreational marijuana producer cannot engage in this type of activity within a primary residence. The licensed premises cannot be at the same physical location or address as a registered marijuana grow site unless the producer is also responsible for the grow site and has been licensed by the OLCC. The OLCC has adopted administrative rules which regulate the size of canopies for the indoor and outdoor growing of recreational marijuana.
- 3) **Medical marijuana processing site** – This is a location for the compounding or conversion of marijuana into medical products, concentrates or extracts. This activity is regulated by the OHA. Under Oregon law, this type of site cannot be located in an area zoned for residential use.
- 4) **Recreational marijuana processors** – This activity includes the processing, compounding or conversion of marijuana into products, concentrates, or extracts, but does not include packing or labeling. Oregon law provides that a recreational marijuana processor cannot be located in an area which has been zoned for residential use.
- 5) **Medical marijuana dispensaries** - This business activity includes the transfer of usable marijuana, immature marijuana plants, seed, and medical products, concentrates and extracts to patients and caregivers. On March 23, 2015, the City Council adopted General Ordinance No. 15-1339 which established provisions for the regulation of medical marijuana facilities. Enclosed with this staff report is a copy of the adopted ordinance, and two maps (Attachments A and B) which were included with the agenda staff report presented to the Council during the discussion of potential regulations for medical marijuana dispensaries. These maps showed the location of potential medical marijuana dispensary sites and the location of zoning districts and public facilities.
- 6) **Wholesale activity associated with recreational marijuana** – These activities include the purchase of marijuana items for resale to a person other than a consumer. The OLCC is responsible for licensing this type of activity. The OLCC's administrative rules do not allow this type of activity to occur in an area that is zoned exclusively for residential use.

- 7) **Retail sale of recreational marijuana** – This type of activity includes the sale of marijuana items to a consumer. The OLCC has adopted administrative rules which include the following restrictions upon a license for the sale of recreational marijuana:
- a. The licensee cannot be located upon federal property.
  - b. The licensee cannot be located at the same physical location or address for a registered medical marijuana grow site, a medical marijuana processing site, or medical marijuana dispensary.
  - c. The licensee cannot be located within 1,000 feet of most public and private elementary, middle, and high schools. If a school is established within 1,000 feet of an existing retail licensee, the licensee can remain where it is until the OLCC revokes the license.
  - d. The licensee cannot be located in an area which is zoned exclusively for residential use.

The Council has a variety of options available in considering the potential regulation of the seven categories of marijuana activities listed above:

**Option #1: Referral of ballot measure to voters.** Under House Bill 3400, the City Council has the option to refer a measure to the voters which would allow or prohibit the following activities:

- A. Marijuana processing sites
- B. Medical marijuana dispensaries
- C. Marijuana producers
- D. Marijuana processors
- E. Marijuana wholesalers
- F. Marijuana retailers

This measure would be voted upon at the general election scheduled for November 8, 2016. Notice of this measure would need to be filed by September 8, 2016. If the Council were to refer such a measure to the voters to prohibit all or a portion of the six activities listed, this would effectively put a hold upon the licensing processes for these activities until the measure was voted upon in the general election. If the measure included a provision restricting medical marijuana dispensaries, this would not have any effect upon the one medical marijuana dispensary located in the City which has been approved by the OHA.

The other major potential impact of a referral of a measure restricting activities associated with marijuana is that if the measure was passed by the voters, the City would likely not be eligible to receive state marijuana tax revenues or impose a local tax, even if the measure banned only certain activities while allowing other activities.

**Option #2 – Referral of measure for local tax upon recreational marijuana.** This measure would also be voted upon at the November 8, 2016 general election, and notice of such a measure would have to be filed by September 8, 2016. Whether or not the Council decides to

refer such a measure to the voters, the Council should consider a repeal of General Ordinance No. 14-1337, which established a tax upon the sale of marijuana and marijuana-infused products. House Bill 3400 contains language which preempts the authority of local governments to impose a tax upon activities associated with marijuana, with the exception of a tax of up to 3% on the sale of recreational marijuana which can be referred to the local voters.

The state has adopted legislation which imposes a 17% tax upon the retail sale of marijuana, which is to be collected by marijuana retailers. Starting January 4, 2016, early sales of recreational marijuana from medical marijuana dispensaries will be taxed at the rate of 25%. 10% of the state tax will be transferred to cities to “assist local law enforcement in performing its duties” under Ballot Measure 91. Prior to July 1, 2017, the tax revenues will be distributed proportionately to all Oregon cities based upon their population. After July 1, 2017, these revenues will be distributed proportionately based upon the number of licenses for retail sales located in each city. Fifty percent of revenues will be distributed based upon the number of production, processor and wholesale licenses issued in the City, and the other 50% will be distributed based upon the number of retail licenses issued in the City. However, if the City were to adopt an ordinance prohibiting the establishment of any registered or licensed marijuana activities, the City would not be eligible to receive state marijuana tax revenues.

**Option #3 – Defer to state regulations or consider adoption of local regulations.** If the City Council decided not to refer a measure to the voters under Option #1 outlined above, they would have the option of not adopting any additional local regulations, and letting the provisions of state law govern activities associated with marijuana; or the Council could decide that they want to adopt local regulations concerning marijuana activities. As noted above, the state has adopted laws and provisions which effectively restrict many activities associated with marijuana use from occurring within residential zoning districts. If the Council determined that it would like to consider regulations which would prevent these types of activities from occurring in other zoning districts, the Council could discuss what types of activities should be restricted, and which zones should be designated as not allowing these types of activities. One option that the Council could consider would be to consider amendments to the City’s Land Use and Development Ordinance, which would provide in certain zoning districts that an allowed use is defined as “one that does not violate local, state or federal law”. Any amendments to the LUDO would need to be initiated by the Planning Commission.

House Bill 3400 provides that local governments may impose reasonable regulations on the time, place, and manner for operation of marijuana facilities. These reasonable regulations include the following:

- A. Restrictions upon the hours of operation of recreational marijuana retailers and medical marijuana grow sites, processing sites, and dispensaries. The City has adopted regulations for medical marijuana dispensaries which provide that the hours of operation shall be no earlier than 10:00 a.m. and no later than 6:00 p.m.
- B. Restrictions upon the location of recreational marijuana producers, processors, wholesalers, and retailers, as well as medical marijuana grow sites, processing sites and dispensaries, except that a local government cannot impose more than a 1,000 foot buffer between recreational marijuana retailers. General Ordinance

No. 15-1339 sets forth the buffers which the City has established for medical marijuana dispensaries.

- C. Restrictions upon the manner of operation of recreational marijuana producers, processors, wholesalers, and retailers, as well as medical marijuana processors and dispensaries. General Ordinance No. 15-1339 sets forth the provisions which the City has adopted concerning the manner of operation for medical marijuana dispensaries.
- D. Restrictions on the public's access to the premises of recreational marijuana producers, processors, wholesalers and retailers, as well as medical marijuana grow sites, processing sites, and dispensaries.

State law does not currently specifically allow for the regulation of the hours of operation for recreational producers, processors or wholesalers, or for the regulation of the manner of operation of medical marijuana grow sites. The League of Oregon Cities has taken the position that cities can consider such regulations under the home rule authority granted to cities by their charters. Adoption of these types of regulations would likely carry the risk of a court challenge.

**BUDGET IMPLICATIONS:** The Council has the option to refer a measure to the voters that would impose a local tax of up to three percent upon retail marijuana licensees. Adoption of a prohibition on certain activities associated with marijuana would likely mean the city would not be eligible to receive state marijuana tax revenues.

**ALTERNATIVES:**

- A. Staff Recommendation. To assist the Council in its discussion, I would recommend that Council consider the following process:

Step #1. Determine if the Council wants to refer a measure to the voters which would allow or prohibit certain types of activities associated with marijuana use.

Alternative A: Consider referral of a measure which would ban all 6 of the activities listed under Option #1 in this staff report. This would have the effect of putting a hold on the state's licensing of these types of activities until the measure was voted upon on November 8, 2016. The Council would not have to consider the potential for local regulations until the results of the election in November, 2016 were known.

Alternative B: Consider referral of a measure which would prohibit only certain types of activities, such as retail sales or medical marijuana dispensaries. This would have the effect of putting a hold upon the licensing of any retail outlets or additional medical marijuana dispensaries until the election held on November 8, 2016. The Council could decide to rely upon state law and administrative rules to regulate the other types of marijuana activities not included in the measure, which would mean that these activities could be allowed in all zoning districts except for residential zoning districts; or the Council could consider the option of adopting local regulations as discussed in further detail below under Step #3.

Alternative C: The Council could decide it does not want to refer a measure to the voters restricting activities associated with marijuana use. The Council would then have the option to defer to state law and administrative regulations, as discussed in Alternative B, or consider the adoption of local regulations under Step #3.

Step #2: Determine whether to refer a measure to the voters, to be voted upon at the November 8, 2016 election, to establish a tax upon the retail sale of marijuana of up to 3%.

Step #3: Determine whether the City should defer to the state laws and administrative rules, or whether the City should consider adoption of local regulations.

Alternative A: Determine that the state laws and administrative rules are sufficient in their restrictions concerning the location and manner of operation.

Alternative B: Identify any specific zoning districts where certain activities should not be allowed, and amend the LUDO to define an allowed use as one that does not violate local, state, or federal law.

Alternative C: Determine whether the provisions for hours of operation for medical marijuana dispensaries, should be adopted for recreational retailers, medical marijuana grow sites and processing sites.

Alternative D: Determine whether the restrictions on location for medical marijuana dispensaries should be applied to recreational marijuana producers, processors, wholesalers, and retailers, with the provision that the buffer between recreational marijuana retailers cannot exceed 1,000 feet.

Alternative E: Determine whether the restrictions on the manner of operation for medical marijuana dispensaries should be applied to recreational marijuana producers, processors, wholesalers, and retailers.

Alternative F: Determine whether to adopt restrictions upon the public's access to the premises of recreational marijuana producers, processors, wholesalers and retailers, as well as medical marijuana grow sites, processing sites, and dispensaries.

**COPY**

**GENERAL ORDINANCE NO. 15-1339**

**AN ORDINANCE AMENDING GENERAL ORDINANCE  
NO. 98-1222, ESTABLISHING PROVISIONS FOR THE  
REGULATION OF MEDICAL MARIJUANA FACILITIES**

**WHEREAS**, the Oregon Legislature enacted House Bill 3460 in 2013, codified as ORS 475.314, which required the Oregon Health Authority to develop and implement a process to register medical marijuana facilities; and

**WHEREAS**, ORS 475.314 establishes certain requirements for a medical marijuana facility to qualify for registration with the State of Oregon; and

**WHEREAS**, the Oregon Health Authority has adopted a series of administrative rules in Chapter 333, Division 8 of the State Administrative Rules, regulating the licensing and operation of medical marijuana dispensaries; and

**WHEREAS**, the Oregon Legislature adopted Senate Bill 1531, which became effective as of March 19, 2014, which provided for two options for local municipalities to regulate the operation of medical marijuana dispensaries; and

**WHEREAS**, under one of the options provided in Senate Bill 1531, the City Council adopted Special Ordinance No. 14-562 on April 14, 2014, which established a moratorium on the operation of medical marijuana dispensaries within the City, until May 1, 2015; and

**WHEREAS**, one of the purposes of adoption of the moratorium established by Special Ordinance No. 14-562, was to provide additional time for the City to consider the second option provided by Senate Bill 1531, which option allows a governing body of a city to adopt an ordinance which imposes reasonable regulations on the operation of medical marijuana facilities registered, or applying for registration, under ORS 475.314 which are located in an area subject to the jurisdiction of the city; and

**WHEREAS**, on February 5<sup>th</sup> and March 5<sup>th</sup>, 2015, the City Planning Commission conducted public hearings upon proposed amendments to the City's Land Use and Development Ordinance to establish local regulations for the operation of medical marijuana dispensaries; and

**WHEREAS**, the City Council conducted a public hearing on March 23, 2015 to consider the Planning Commission's recommendations, and following the close of the public hearing, the City Council voted to accept the Planning Commission's recommendations;

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**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF THE  
DALLES ORDAINS AS FOLLOWS:**

**Section 1. Criteria for Amendment Satisfied.** Section 3.110.030 of the City's Land Use and Development Ordinance provides that text amendments to the Ordinance shall be consistent with the City's Comprehensive Plan, and State laws and administrative rules. Concerning the Comprehensive Plan, Goal #9, Economic Development is stated as follows: "To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens". The proposed amendments provide specific locations where the commercial activity associated with the operation of medical marijuana dispensaries can occur. Requiring the medical marijuana dispensaries to comply with the same area restrictions which are imposed upon adult businesses in the City's Land Use and Development Ordinance, which are intended to prevent such businesses from being located adjacent to residential zoning districts, public or private schools attended primarily by minors, public libraries, and public parks or recreational facilities, will protect the safety and welfare of the community. The Council finds and concludes that the proposed text amendments are consistent with the City's Comprehensive Plan.

Regarding the criteria of compliance with State laws and administrative rules, ORS 475.314 restricts the types of zoning districts in which medical marijuana dispensaries can be located. The three designated commercial zones proposed for location of the medical marijuana dispensaries are one of the types of zoning districts approved by state law. The proposed amendments to the City's zoning ordinance include a provision that a proposed dispensary must be registered under the State Oregon Health Authority's registration system, and comply with the administrative rules adopted by the Oregon Health Authority. The Council finds and concludes that the proposed text amendments comply with State laws and administrative rules.

**Section 2. New Definitions.** Section 2.030 shall be amended to add the following new definitions for Medical Marijuana Dispensary and Motor Vehicle:

**Medical Marijuana Dispensary** - Any facility registered by the Oregon Health Authority under ORS 475.300 to 475.346, as now constituted, that sells, distributes, transmits, gives, dispenses or otherwise provides medical marijuana to qualifying patients.

**Motor Vehicle** - Every vehicle that is self-propelled, including tractors, fork-lift trucks, motorcycles, road building equipment, street cleaning equipment and any other vehicle capable of moving under its own power, notwithstanding the vehicle may be exempt from licensing under the motor vehicle laws of Oregon.

**Section 3. CBC - Central Business Commercial Zone District.** Section 5.050.030(A)(11) shall be amended to read as follows:

11. Medical and Dental Offices, Clinics, Laboratories, and Medical Marijuana Dispensaries. An application for a Medical Marijuana Dispensary shall also comply with the following criteria:
- a) The dispensary facility must be located more than 500 feet from any R-L, R-H, or R-M Residential District, measured in a straight line from the closest edge of the property line on which the dispensary facility is located to the closest edge of the property in the R-L, R-H, or R-M Residential District.
  - b) The Medical Marijuana Dispensary must be located more than 1,000 feet from all of the following facilities, measured in a straight line from the closest edge of the property line on which the dispensary facility is located to the closest edge of the property on which the other facility is located:
    - 1. A public or private elementary, secondary or career school attended primarily by minors.
    - 2. A public library.
    - 3. A public park or recreational facility, which has facilities such as a playground, swimming pool, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court.
  - c) The dispensary facility must be located in a building and may not be located in an intermodal cargo container, motor vehicle, recreational vehicle or residential trailer. Outdoor storage of merchandise, raw materials, or other material associated with the dispensary facility is prohibited.
  - d) The dispensary facility shall not have a drive-up use.
  - e) The dispensary facility shall provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed in the dispensary facility's exterior refuse containers.
  - f) The dispensary facility shall be registered with the Oregon Health Authority under the State of Oregon's medical marijuana facility registration system under ORS 475.300 to 475.346, as now constituted, and meet the requirements of OAR Chapter 333 Division 8 Medical Marijuana Facilities.

- g) The hours of operation for the dispensary facility shall be no earlier than 10:00 AM and no later than 6:00 PM.

Section 4. CG - General Commercial Zone District. Section 5.060.020(A)(12) shall be amended to read as follows:

12. Medical and Dental Offices, Clinics, Laboratories, and Medical Marijuana Dispensaries. An application for a Medical Marijuana Dispensary shall also comply with the following criteria:

- a) The dispensary facility must be located more than 500 feet from any R-L, R-H, or R-M Residential District, measured in a straight line from the closest edge of the property line on which the dispensary facility is located to the closest edge of the property in the R-L, R-H, or R-M Residential District.
- b) The Medical Marijuana Dispensary must be located more than 1,000 feet from all of the following facilities, measured in a straight line from the closest edge of the property line on which the dispensary facility is located to the closest edge of the property on which the other facility is located:
  - 1. A public or private elementary, secondary or career school attended primarily by minors.
  - 2. A public library.
  - 3. A public park or recreational facility, which has facilities such as a playground, swimming pool, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court.
- c) The dispensary facility must be located in a building and may not be located in an intermodal cargo container, motor vehicle, recreational vehicle or residential trailer. Outdoor storage of merchandise, raw materials, or other material associated with the dispensary facility is prohibited.
- d) The dispensary facility shall not have a drive-up use.
- e) The dispensary facility shall provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed in the dispensary facility's exterior refuse containers.

- f) The dispensary facility shall be registered with the Oregon Health Authority under the State of Oregon's medical marijuana facility registration system under ORS 475.300 to 475.346, as now constituted, and meet the requirements of OAR Chapter 333 Division 8 Medical Marijuana Facilities.
- g) The hours of operation for the dispensary facility shall no earlier than 10:00 AM and no later than 6:00 PM.

Section 5. CLI - Commercial/Light Industrial Zone District. Section 5.070.020(A)(14) shall be amended to read as follows:

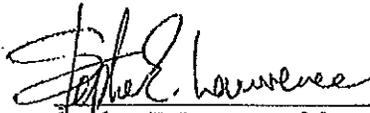
- 14. Medical and Dental Offices, Clinics, Laboratories, and Medical Marijuana Dispensaries. An application for a Medical Marijuana Dispensary shall also comply with the following criteria:
  - a) The dispensary facility must be located more than 500 feet from any R-L, R-H, or R-M Residential District, measured in a straight line from the closest edge of the property line on which the dispensary facility is located to the closest edge of the property in the R-L, R-H, or R-M Residential District.
  - b) The Medical Marijuana Dispensary must be located more than 1,000 feet from all of the following facilities, measured in a straight line from the closest edge of the property line on which the dispensary facility is located to the closest edge of the property on which the other facility is located:
    - 1. A public or private elementary, secondary or career school attended primarily by minors.
    - 2. A public library.
    - 3. A public park or recreational facility, which has facilities such as a playground, swimming pool, baseball field, football field, soccer field, tennis court, basketball court, or volleyball court.
  - c) The dispensary facility must be located in a building and may not be located in an intermodal cargo container, motor vehicle, recreational vehicle or residential trailer. Outdoor storage of merchandise, raw materials, or other material associated with the dispensary facility is prohibited.
  - d) The dispensary facility shall not have a drive-up use.

- e) The dispensary facility shall provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed in the dispensary facility's exterior refuse containers.
- f) The dispensary facility shall be registered with the Oregon Health Authority under the State of Oregon's medical marijuana facility registration system under ORS 475.300 to 475.346, as now constituted, and meet the requirements of OAR Chapter 333 Division 8 Medical Marijuana Facilities.
- g) The hours of operation for the dispensary facility shall be no earlier than 10:00 AM and no later than 6:00 PM.

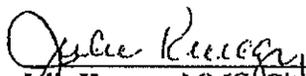
**PASSED AND ADOPTED THIS 23<sup>RD</sup> DAY OF MARCH, 2015**

Voting Yes, Councilors: Brown, McGlothlin, Miller  
Voting No, Councilors: Spatz  
Abstaining, Councilors: None  
Absent, Councilors: Elliott

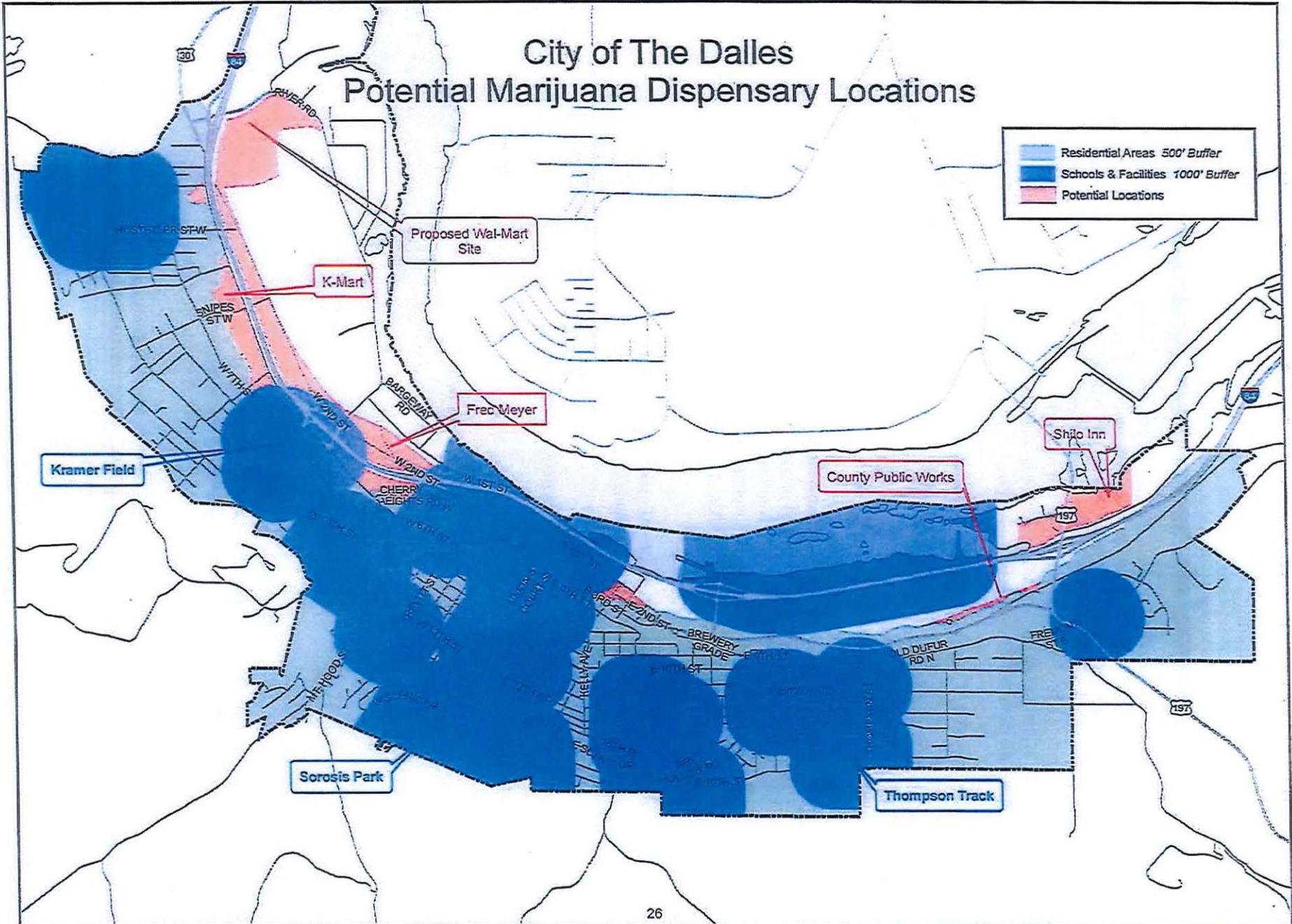
**AND APPROVED BY THE MAYOR THIS 23<sup>RD</sup> DAY OF MARCH, 2015**

  
\_\_\_\_\_  
Stephen E. Lawrence, Mayor

ATTEST:

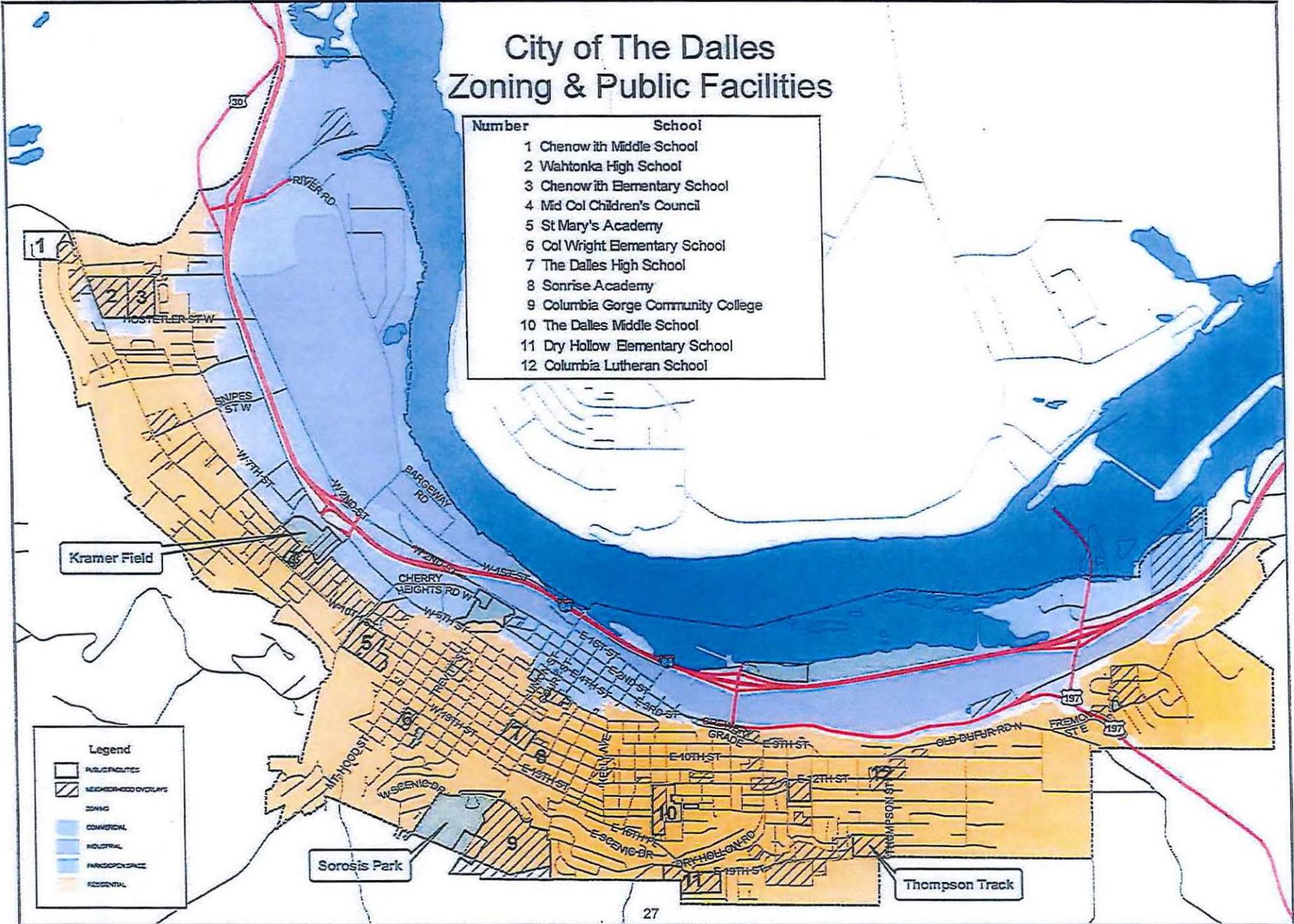
  
\_\_\_\_\_  
Julie Krueger, MMC, City Clerk

# City of The Dalles Potential Marijuana Dispensary Locations



# City of The Dalles Zoning & Public Facilities

Number	School
1	Chenoweth Middle School
2	Wahtonka High School
3	Chenoweth Elementary School
4	Mid Col Children's Council
5	St Mary's Academy
6	Col Wright Elementary School
7	The Dalles High School
8	Sonrise Academy
9	Columbia Gorge Community College
10	The Dalles Middle School
11	Dry Hollow Elementary School
12	Columbia Lutheran School



**CITY of THE DALLES**313 COURT STREET  
THE DALLES, OR 97058PH. (541) 296-5481  
FAX (541) 296-6906**AGENDA STAFF REPORT  
CITY OF THE DALLES**

<b>MEETING DATE</b>	<b>AGENDA LOCATION</b>	<b>AGENDA REPORT #</b>
December 14, 2015	Discussion Items 14, B	

**TO:** Honorable Mayor and City Council**FROM:** Julie Krueger, MMC, Interim City Manager **DATE:** November 30, 2015**ISSUE:** Exempt Employee Salary Review.

**BACKGROUND:** At their June 8, 2015 meeting, the City Council declined to approve any salary or cost of living increases for the exempt class of employees. It was noted at that time, that additional salary information would be brought back to City Council for consideration at a later time.

We have collected some data, though only about half of the cities responded with information. The data collected is attached to this staff report.

One of the major concerns noted was that the Police Sergeant and Captain classifications, when compared to the Police Officer salary range, were considerably inequitable. Police Officers are eligible for overtime and also incentive pay such as additional pay for serving as Field Training Officer. Police Sergeants are eligible for overtime, but not as much opportunity is available to them and while they are required to have a specific BPSST level (8%), they are not compensated for the certification. The Police Captain position is not subject to overtime, but does receive 7 "E" days per year. This position is also required to carry a certification from BPSST (8%), but is not compensated for it.

These differences cause an internal inequity where the police officers are paid nearly as much as the Sergeants, with none of the added responsibilities that a Sergeant position requires. A supervisory position should be at a higher salary, reflecting the additional responsibilities that go along with it.

While, no specific recommendation is provided for other positions, the Council should note other positions which may warrant an adjustment on the exempt pay scale in the future.

**BUDGET IMPLICATIONS:** If the City Council decides to authorize changes in pay categories for the Police Sergeant and Captain positions, a budget amendment may be needed and would be presented to the Council at a future meeting. If the Council were to approve the recommended increases effective January 1, it is expected to cost an additional \$37,231.50. If the Council approves the increases to be retroactive to July 1, 2015, the cost would be \$74,463.00.

**ALTERNATIVES:**

**Staff Recommendation:** The Sergeant and Captain positions are obviously not in line and need to be corrected. The Council should proceed, but choose whether to implement the change effective January 1, 2016 or implement retroactively to July 1, 2015.

Recommendation is to *move the Police Sergeant classification from Step I to Step G, with a pay range of \$5,264 to \$6,474 and pay the 8% incentive requirement.* This would essentially make the top of the range \$6,991, which is more in line with what other cities are paying.

Recommendation to *move the Police Captain classification from Step F to Step D with a pay range of \$5,752 to \$7,075 and pay the 8% incentive requirement.* This would keep some separation between the two positions and also bring the position closer to what other cities pay, making the top range \$7,641.

It is further recommended *to move to implement these changes retroactively to July 1, 2015.*

**Alternatives**

- A. Approve the recommended pay changes, but with an implementation date of January 1, 2016.
- B. Decline to approve the pay changes, but include them in the 2016-17 budget, for implementation July 1, 2016.
- C. Make some other adjustment within the exempt pay scale.
- D. Decline any pay increase for these categories.

<b>Exempt Salary Survey 2015 - The Dalles highlighted</b>	<b>Population</b>	<b>Salary Low</b>	<b>Salary High</b>
Public Works Director	14,440	6,474.83	7,963.23
Central Point (PW and Parks)	17,375	6,500.00	8,700.00
Hermiston	17,345	N/A	
Pendleton	16,700	6,505.00	8,689.00
Lebanon	15,740	6,559.00	8,526.00
Dallas	14,940	6,380.23	9,122.14
Ontario	11,465	N/A	OUTSOURCED
Police Chief	14,440	6,474.83	7,963.23
Central Point	17,375	7,150.00	9,100.00
Hermiston	17,345	7,392.00	8,994.00
Pendleton	16,700	6,505.00	8,689.00
Lebanon	15,740	7,231.00	9,400.00
Dallas	14,940	6,380.23	9,122.14
Ontario	11,465	7,015.25	7,015.25
City Clerk	14,440	6,286.24	7,731.29
Central Point (City Recorder)	17,375	5,150.00	6,900.00
Hermiston	17,345	N/A	
Pendleton (City Recorder & HR Manager)	16,700	5,634.00	7,524.00
Lebanon	15,740	4,905.00	6,377.00
Dallas	14,940	5,696.63	8,105.72
Ontario	11,465	4,866.92	4,866.92
Finanace Director	14,440	6,286.24	7,731.29
Central Point	17,375	6,500.00	8,700.00
Hermiston	17,345	7,392.00	8,994.00
Pendleton	16,700	6,505.00	8,689.00
Lebanon	15,740	6,559.00	8,526.00
Dallas	14,940	6,160.29	8,771.29
Ontario (contract)	11,465	72,000.00	N/A
Library Director	14,440	6,286.24	7,731.29
Central Point	17,375	N/A	
Hermiston	17,345	5,498.00	6,689.00
Pendleton	16,700	5,634.00	7,524.00
Lebanon	15,740	5,949.00	7,733.00
Dallas	14,940	4,928.11	7,010.32
Ontario	11,465	N/A	
Planning Director	14,440	6,286.24	7,731.29
Central Point	17,375	6,500.00	8,700.00
Hermiston	17,345	6,517.00	7,928.00
Pendleton (See City Planner under Sr. Planner section)	16,700	N/A	
Lebanon	15,740	6,559.00	8,526.00
Dallas	14,940	See Public Works Director	
Ontario	11,465	6,790.50	6,791.50
Engineer	14,440	5,752.80	7,075.22
Central Point	17,375	N/A	
Hermiston	17,345	N/A	
Pendleton (Community Development Director)	16,700	6,505.00	8,689.00
Lebanon	15,740	6,886.00	8,952.00
Dallas	14,940	6,160.29	8,771.29
Ontario	11,465	N/A	

<b>Exempt Salary Survey 2015 - The Dalles highlighted</b>	<b>Population</b>	<b>Salary Low</b>	<b>Salary High</b>
Police Captain (2nd in command)	14,440	5,422.57	6,669.08
Central Point	17,375	6,150.00	8,000.00
Hermiston	17,345	6,517.00	7,928.00
Pendleton (Lieutenant)	16,700	5,548.00	7,855.00
Lebanon	15,740	6,246.00	8,120.00
Dallas	14,940	5,696.63	8,105.72
Ontario	11,465	N/A	
Water Quality Supervisor	14,440	5,264.63	6,474.83
Water Distribution Mgr	14,440	4,962.42	6,103.15
Central Point (see below)	17,375	N/A	
Hermiston	17,345	6,088.00	7,407.00
Pendleton (Water Superintendent)	16,700	4,997.00	6,674.00
Lebanon	15,740	N/A	
Dallas	14,940	See Engineer	
Ontario	11,465	N/A	
Wastewater Mgr	14,440	4,962.42	6,103.15
Central Point (PW Ops Manager)	17,375	5,150.00	6,900.00
Hermiston	17,345	6,088.00	7,407.00
Pendleton (Wastewater Superintendent)	16,700	4,997.00	6,674.00
Lebanon	15,740	N/A	
Dallas	14,940	NA - contracted with CH2M Hill/OMI	
Ontario	11,465	N/A	
Transportation Mgr	14,440	4,962.42	6,103.15
Central Point	17,375	N/A	
Hermiston	17,345	N/A	
Pendleton	16,700	N/A	
Lebanon	15,740	N/A	
Dallas	14,940	4,739.73	6,741.49
Ontario	11,465	N/A	
Regulatory Manager	14,440	4,962.42	6,103.15
Central Point	17,375	N/A	
Hermiston	17,345	N/A	
Pendleton (Regulatory Specialist)	16,700	4,879.00	6,517.00
Lebanon	15,740	N/A	
Dallas	14,940	N/A	
Ontario	11,465	N/A	
Police Sgt (Supervisor)	14,440	4,962.42	6,103.15
Central Point	17,375	N/A	
Hermiston	17,345	5,686.00	6,918.00
Pendleton	16,700	5,400.00	7,212.00
Lebanon	15,740	5,666.00	7,365.00
Dallas	14,940	4,739.73	6,929.78
Ontario	11,465	5,730.82	5,730.82

Exempt Salary Survey 2015 - The Dalles highlighted	Population	Salary Low	Salary High
Senior Planner	14,440	4,817.88	5,925.39
Central Point	17,375	N/A	
Hermiston	17,345	N/A	
Pendleton (City Planner)	16,700	4,879.00	6,517.00
Lebanon	15,740	N/A	
Dallas	14,940	3,925.53	5,166.59
Ontario	11,465	N/A	
Accountant in Training	14,440	3,692.50	4,541.32
Central Point (Acct/Fin Supervisor)	17,375	5,150.00	6,900.00
Hermiston	17,345	N/A	
Pendleton	16,700	N/A	
Lebanon	15,740	5,666.00	7,365.00
Dallas	14,940	N/A	
Ontario	11,465	2,842.58	2,842.58
Associate Planner 1/2 time	14,440	4,280.63	5,267.63
Central Point	17,375	N/A	
Hermiston	17,345	N/A	
Pendleton	16,700	N/A	
Lebanon	15,740	N/A	
Dallas	14,940	N/A	
Ontario	11,465	4,039.50	4,039.50
Dvlpmt Inspector/Project Manager	14,440	4,280.63	5,264.63
Central Point (Bld. Div. Manager)	17,375	6,150.00	8,000.00
Hermiston	17,345	N/A	
Pendleton (Building Official)	16,700	4,997.00	6,674.00
Lebanon	15,740	N/A	
Dallas	14,940	N/A	
Ontario	11,465	N/A	
Executive Secretary	14,440	3,480.54	4,280.63
Central Point	17,375	N/A	
Hermiston	17,345	4,300.00	5,232.00
Pendleton	16,700	3,109.00	4,153.00
Lebanon	15,740	3,685.00	4,791.00
Dallas	14,940	2,982.61	3,922.56
Ontario	11,465	N/A	
Administrative Secretary	14,440	3,002.35	3,692.51
Central Point	17,375	N/A	
Hermiston	17,345	N/A	
Pendleton (Admin Assistant)	16,700	3,375.00	4,507.00
Lebanon	15,740	N/A	
Dallas	14,940	N/A	
Ontario	11,465	4,257.25	4,257.25
Codes Enforcement	14,440	2,914.90	3,584.96
Central Point	17,375	N/A	
Hermiston	17,345	2,003.00	2,003.00
Pendleton (Code Enforcement Officer not exempt in	16,700	3,108.00	4,073.00
Lebanon	15,740	3,685.00	4,791.00
Dallas	14,940	1,275.20	1,678.84
Ontario	11,465	3,204.33	3,204.33

Exempt Salary Survey 2015 - The Dalles highlighted	Population	Salary Low	Salary High
Animal Control Officer 3/4 time	14,440	2,914.90	3,584.96
Central Point	17,375	N/A	
Hermiston	17,345	N/A	
Pendleton	16,700	N/A	
Lebanon	15,740	N/A	
Dallas	14,940	1,275.20	1,678.84
Ontario	11,465	N/A	
Human Resources	14,440	Part of City Clerk position	
Central Point	17,375	6,500.00	8,700.00
Hermiston	17,345	N/A	
Pendleton (City Recorder & HR Manager)	16,700	5,634.00	7,524.00
Lebanon	15,740	4,459.00	5,797.00
Dallas	14,940	See City Clerk	
Ontario	11,465	4,548.00	4,548.00