

CITY of CASCADE LOCKS

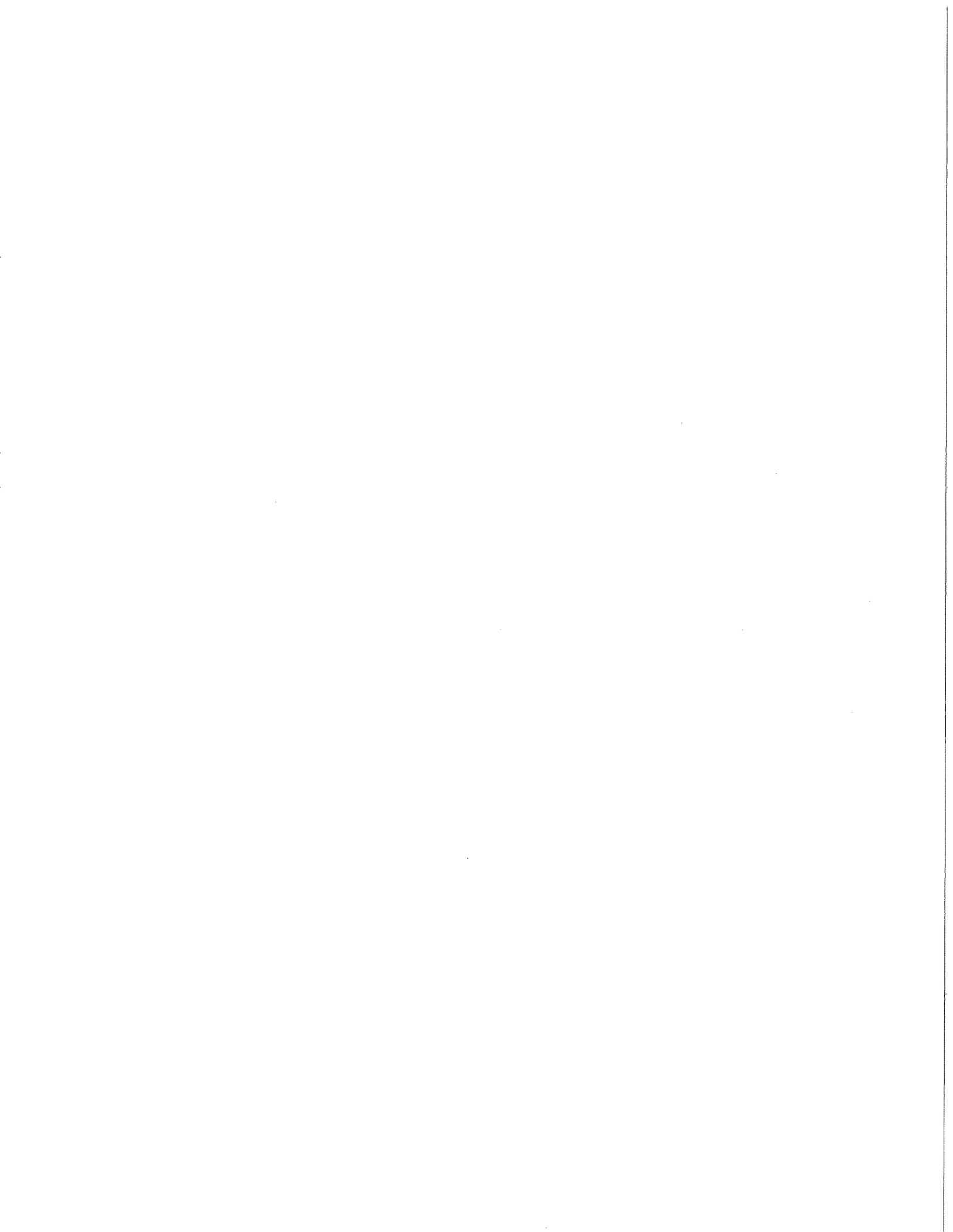
AGENDA

CITY COUNCIL MEETING, Monday, October 13, 2014, 7:00 PM, CITY HALL

Purpose: The City Council meets on the 2nd and 4th Mondays of each month to conduct city business.

1. **Call to Order/Pledge of Allegiance/Roll Call.**
2. **Additions or amendments to the Agenda.** (The Mayor may add items to the agenda after it is printed and distributed only when required by business necessity and only after an explanation has been given. The addition of agenda items after the agenda has been printed is otherwise discouraged.)
3. **Adoption of Consent Agenda.** (Consent Agenda may be approved in its entirety in a single motion. Items are considered to be routine. Any Councilor may make a motion to remove any item from the Consent Agenda for individual discussion.)
 - a. **Approval of September 22, 2014 Minutes.**
 - b. **Ratification of the Bills in the Amount of \$ 185,422.17.**
4. **Public Hearings: 7:00 PM - Sale of Real Property at 505 WaNaPa Street (old fire hall).**
5. **Action Items:**
 - a. **Appointment to Committees.**
 - b. **Approve Resolution No. 1313 Approving Relinquishment of Electrical Utility Easement for Communications Tower.**
 - c. **Approve Resolution No. 1314 for Way Finding Grant Funding.**
 - d. **Introduce Ordinance No. 435 Asserting Jurisdiction over City Right of Way and Providing for the Uniform Management of the Use of the Right of Way for Utilities.**
 - e. **Approve First Reading of Ordinance No. 436 Amending Ordinance No. 425 Pertaining to the Regulation of Street Vendors within the City of Cascade Locks.**
 - f. **Approve Electric Department Purchase Order for Electric Meters.**
 - g. **Approve Transformer Purchase for Electric Department.**
 - h. **Approve Letter to Senator Wyden Regarding Train Whistles.**
6. **Appearance of Interested Citizens to Share a Variety of Perspectives on Issues Facing Our Community.** (Comments on matters not on the agenda or previously discussed.)
7. **Reports and Presentations.**
 - a. **City Committees.**
 - b. **Marijuana Tax Discussion.**
 - c. **City Administrator Zimmerman Report.**
8. **Mayor and City Council Comments.**
9. **Other matters.**
10. **Executive Session per ORS 192.660 (2)(e) re: Real Property Transactions.**
11. **Adjournment.**

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for person with disabilities, should be made at least 48 hours in advance of the meeting by contacting the City of Cascade Locks office at 541-374-8484.



1. **Call to Order/Pledge of Allegiance/Roll Call.** Mayor Cramblett called the meeting to order at 7:00 PM. CM's Groves, Fitzpatrick (via phone), Randall, Busdieker, and Mayor Cramblett were present. CM Helfrich was excused. CM Walker was absent. Also present were City Administrator Gordon Zimmerman, City Recorder Kathy Woosley, Electric Department Working Foreman Keith Terry, Tourism Chair Marie Miller, Tourism Committee Members Cindilee Baseman and Joe Shelley, and Camera Operator Betty Rush.
2. **Additions or amendments to the Agenda.** None.
3. **Adoption of Consent Agenda.**
 - a. **Approval of September 8, 2014 Minutes.**
 - b. **Ratification of the Bills in the Amount of \$ 39,992.53.**
 - c. **Approval of Invoice for Electric Department Truck Repair for \$2,651.95.**

Mayor Cramblett read the list of items on the Consent Agenda and said he would like to pull consent agenda item c. off to discuss. **Motion:** CM Busdieker moved, seconded by CM Randall, to approve the Consent Agenda minus c. The motion passed unanimously by CM's Groves, Fitzpatrick, Randall, Busdieker, and Mayor Cramblett.

Mayor Cramblett said this is an expense that is over the \$2,500 limit. EDWF Terry explained that the rear end was going out on the vehicle and while in shop decided to have the oil changed. He said a bad front end bearing was discovered so decided to fix that along with a front end alignment. Mayor Cramblett said we have been through this before. He said he spoke with EDWF Terry and discussed the lack of a maintenance program. Mayor Cramblett said we need to be ahead of the game and thought some of these problems could have been caught through a preventative maintenance program. **Motion:** CM Busdieker moved, seconded by CM Randall, to approve the Tonkin invoice for \$2,651.95. The motion passed unanimously by CM's Groves, Fitzpatrick, Randall, Busdieker, and Mayor Cramblett.
4. **Public Hearings.** None.
5. **Action Items:**
 - a. **Appointment to Committees.** Mayor Cramblett said he received a letter of interest from Gary Munkhoff for Planning Commission and would like to appoint him. CM Busdieker said when she applied for the Planning Commission there was an interview process. CR Woosley explained that normal process is an application and interviews if there were more than one applying. There was consensus of Council to appoint Gary Munkhoff to the Planning Commission.
 - b. **Approval of Purchase of Electric Department Transformers.** CA Zimmerman said the information is in the staff report and this is to replace some transformers. He said EDWF Terry is available for questions. Mayor Cramblett said he used to work at Pyramid Metals where the 2000 KVA transformer is that supplied power for that company. He said there is no longer a steel plant there and wondered if the current owner of the property required that size transformer. He said the City needs to provide the power that they need but not spend money unnecessarily. CA Zimmerman said they would look into what is needed for power at that property.

CM Busdieker asked why the transformers that we are getting for inventory are lower kilo volt than the ones going into service. CA Zimmerman explained that the transformers listed under A. in the staff report are bigger transformers but just for Bear Mountain use. He said the transformers listed under B. in the staff report are single phase 120/240.

Mayor Cramblett asked if more research should be done on price. EDWF Terry explained that these are refurbished transformers and won't find any cheaper. **Motion:** CM Randall moved, seconded by CM Busdieker, to authorize the purchase of the transformers as outlined in A and B of the staff report for \$6,403.00. The motion passed unanimously by CM's Groves, Fitzpatrick, Randall, Busdieker, and Mayor Cramblett.

6. Appearance of Interested Citizens to Share a Variety of Perspectives on Issues Facing Our Community. None.

7. Reports and Presentations.

a. **City Committees.** None.

b. **City Administrator Zimmerman Report.** CA Zimmerman gave his report (Exhibit A). He explained that Council budgeted for a staff position for the Tourism Committee and the Tourism Committee chose Deanna Busdieker to fill the position. He said a contract is attached to the staff report. He said that Deanna will be an independent contractor and not an employee.

CA Zimmerman explained a notice of increase for CATV that was just received by the City and asked Council's clarification and decision to absorb the increase or pass on to the customer. CM Randall asked if this has been historically referred to as a rate or charge. CA Zimmerman said a charge. CM Randall asked if the City could afford to absorb the increase. CA Zimmerman explained the City is already and has been losing money on CATV. He said it will just widen the loss if Council decides to absorb. CM Randall said maybe there could be a solution to absorb some and pass on some of the increase.

Mayor Cramblett said BPA sends an amount for a rate increase. He said that's the rate part. He said the City adds on other things as charges. He said this increase is a rate increase. He said the City is being charged this so that is a rate. He said if we add anything it would be a charge or fee. He said this amount comes in as a rate. He said we can't change it. CM Randall said he would be okay with the City absorbing the cost until January 1. CA Zimmerman explained the contract has to be signed now and the rate increase to start in January of 2015.

CA Zimmerman said he would bring a resolution to the next meeting which will pass the increase on to the customer. He said Council can vote at that time. There was consensus of Council to pass on the increase to the customer.

CA Zimmerman asked Council's approval to start advertising for a lineman position. There was consensus of Council.

CA Zimmerman went through the rest of his report.

8. Mayor and City Council Comments. CM Busdieker said she was excited about working for the Tourism Committee. CM Randall thanked her for taking that on.

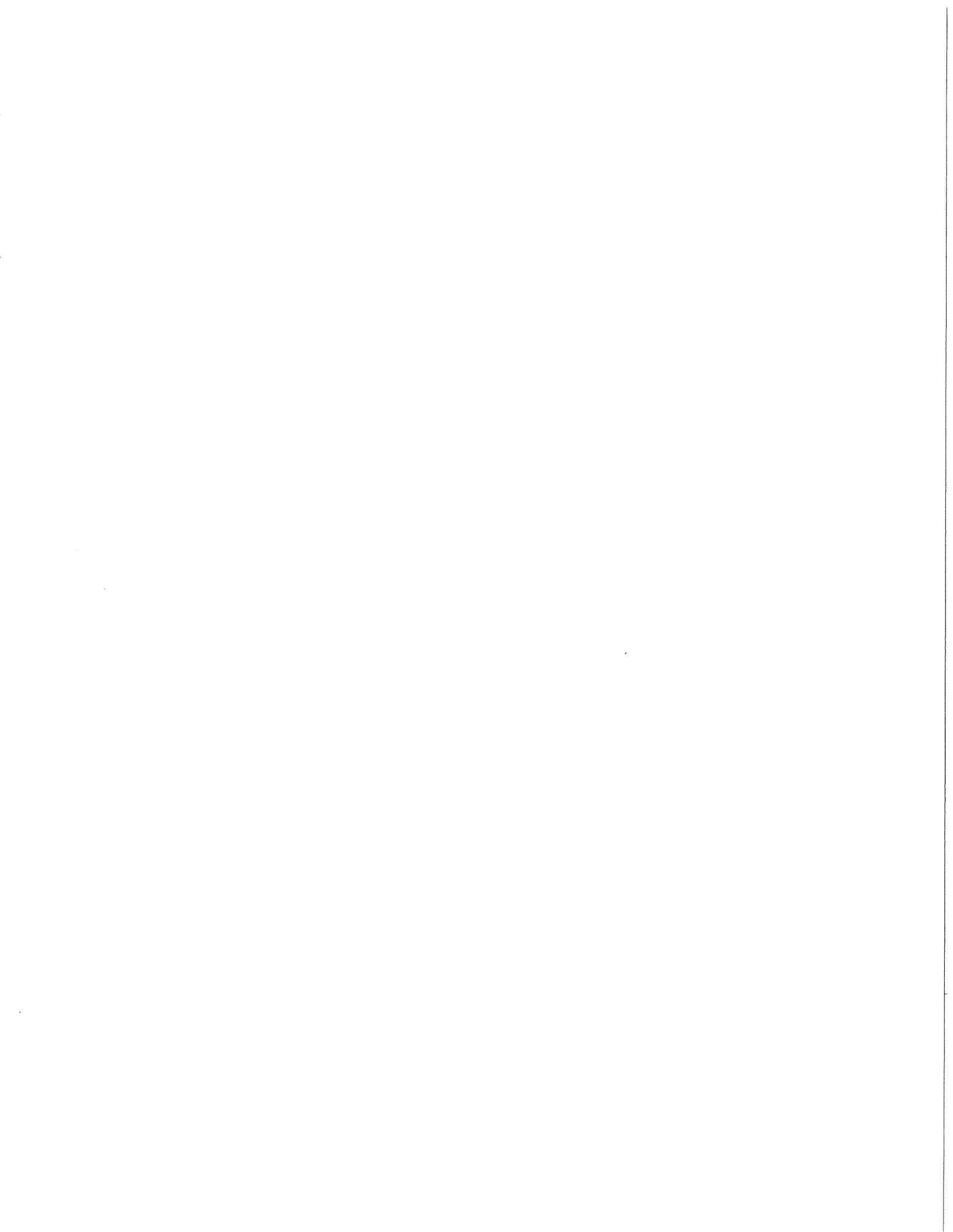
9. Other matters. None.

10. **Executive Session per ORS 192.660 (2)(e) re: Real Property Transactions.** Mayor Cramblett recessed Regular Session and entered into Executive Session. CM's Groves, Fitzpatrick, Randall, Busdieker, and Mayor Cramblett were present. Also present were CA Zimmerman and CR Woosley.
11. **Adjournment. Motion:** CM Busdieker moved, seconded by CM Groves, to adjourn. The motion passed unanimously by CM's Groves, Fitzpatrick, Randall, Busdieker, and Mayor Cramblett. The meeting was adjourned at 7:54 PM.

Prepared by
Kathy Woosley, City Recorder

APPROVED:

Tom Cramblett, Mayor





City of Cascade Locks
PO Box 308 140 SW WaNaPa St.
Cascade Locks, OR 97014

(541) 374-8484 Fax: (541) 374-8752 TTY: 711

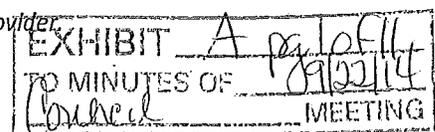
City Administrator Report to the City Council
Monday, September 22, 2014

- 1. Tourism Committee Staff Support:** The City Council has already approved a Tourism Committee Staff Support position. Please find the contract for this position attached. The Committee advertised for this position, conducted an interview, and selected Deanna Busdieker to fill the position. Is the Council comfortable with the contract as drafted by the City Attorney? Ms. Busdieker will have to carefully follow the Oregon Ethics guidelines which will require disclosure/abstention for conflict of interest issues.
- 2. Cable TV Increase:** We have received a contract renewal proposal from Sinclair Broadcast Group with a price increase for the major stations on our system: CBS, ABC, NBC, and Fox. We are currently paying \$0.75 per customer per month now. The proposed rate effective January 1, 2015, is \$2.20 per customer per month, an increase of \$1.45. This rate offer is good until September 28. After that, the proposed price is \$2.45 per customer per month. Is this a rate? If it is, can I raise the rate to cover this increase? We have also received information that HBO is considering a price increase. If we choose to increase the rate to cover the cost of the system, we will bring a resolution back for your consideration.
- 3. Utility Lineman:** We put a new utility lineman in the budget for hiring around November 1. May we advertise for this position?
- 4. Marijuana Tax by the County:** Attached you will find a copy of an email I sent to you concerning the County's interest in creating a tax on recreational marijuana from the City Attorney. Which option, if any, would you like to consider?
- 5. Drug Take Back Day:** The Hood River Fire Department in conjunction with the Hood River Police and Hood River County Prevention Partnership are sponsoring a prescription drug take back program in Hood River on September 27 from 10:00 a.m. to 2:00 p.m. at the Hood River Fire Station.
- 6. Mt. Hood Community College Listening Session:** Please attend a listening session on October 7 from 6:30 to 8:00 p.m. at the Port Pavilion. Please see the attached flyer.
- 7. Fire Department Appreciation Potluck:** Before our next Council meeting on October 13, please plan to attend the Fire Department Appreciation Potluck at the fire hall. Please bring a side dish as the main dish and dessert will be furnished. It starts at 5:30!
- 8. University of Oregon Design Charrette:** On Saturday, October 18, is the design charrette with the University of Oregon Planning, Public Policy and Management "Green Cities" class from 10:00 a.m. to 3:00 p.m. at the Port Pavilion.

Thank you for all your effort on behalf of the City.

Gordon Zimmerman
Cascade Locks City Administrator

The City of Cascade Locks is an Equal Opportunity Provider.



Gordon Zimmerman

From: Ruben Cleaveland <cleavelandr@yahoo.com>
Sent: Monday, September 22, 2014 11:21 AM
To: Gordon Zimmerman
Subject: Tourism Contract

Hi Gordon,

Attached is a draft contract. Please see the comment regarding the contract period. Also, you should remind Deanna that the Oregon Ethics Guide for Public Officials will require disclosure/abstention for conflict of interest issues:

For a direct conflict of interest (as this will be), Deanna will need to do the following when the Council is considering anything relating to the Tourism Committee:

1. Publicly announce the nature of the conflict.
2. Refrain from participation in the official action.
3. Remember the rule of necessity should the need arise.

Please let me know if you have any suggested changes.

Sincerely,

Ruben D. Cleaveland
Attorney At Law
P.O. Box 1345
Hood River, OR 97031
(360) 609-3935

Sosnkowski & Cleaveland LLC.
Local Government and Municipal Law

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**CITY OF CASCADE LOCKS
PERSONAL SERVICES CONTRACT
(Tourism Support Staff)**

PARTIES: City of Cascade Locks ("City")
PO Box 308
Cascade Locks, OR 97014

Deanna Busdieker ("Contractor")
30 NW Lakeside Dr.
Cascade Locks, OR 97014

RECITALS

Contractor is being engaged to provide services as Tourism Support Staff. Contractor has been chosen by City to enter into this Contract after seeking at least three competitive proposals from prospective contractors in accordance with ORS 279B.070.

NOW, THEREFORE, BASED ON THE MUTUAL PROMISES OF THE PARTIES, THE PARTIES AGREE AS FOLLOWS:

1. Statement of Work. Contractor shall perform the work (the "Work") as set forth in the scope of work attached as Exhibit A. Contractor shall perform the Work in accordance with the terms and conditions of this Contract.

2. All Costs by Contractor: Contractor shall, at its own risk and expense, perform the Work described above and, unless otherwise specified, furnish all labor, equipment and materials required for the proper performance of the Work.

3. Qualified to Provide Work: Contractor has represented, and by entering into this Contract now represents, that Contractor and all personnel assigned to the Work required under this Contract, if any, are fully qualified to perform the service to which they will be assigned in a skilled and workmanlike manner and, if required to be registered, licensed or bonded by the State of Oregon, are so registered, licensed and bonded.

4. Contract Term:

a. This Contract shall become effective on the date this Contract has been fully executed by each party. Unless extended or terminated earlier in accordance with its terms, this Contract shall terminate on June 30, 2015. Contract termination does not extinguish or prejudice City's right to enforce this Contract with respect to any default by Contractor that has not been cured.

b. This Contract may be automatically renewed or extended for up to two (2) further one (1) year terms following the initial contract term by mutual written consent of the parties, which consent shall specify the extension period. Upon renewal or extension, all terms and conditions of this Contract shall continue to apply, except that the term shall be extended in

accordance with the renewal or extension, and except to the extent the renewal or extension provides otherwise.

5. Compensation:

a. Contractor shall be paid at the rate of \$19.00 per hour for services. Contractor shall not exceed 20 hours of work per week without prior authorization from the City Administrator.

b. Contractor shall submit monthly invoices to the City for Work performed. The invoices shall describe all Work performed with particularity and shall itemize and explain all expenses that this Contract requires City to pay and for which Contractor claims reimbursement. Each invoice also shall include the total amount invoiced to date by Contractor prior to the current invoice. Contractor shall send invoices to the City's Director of Finance by the tenth of the month for work completed in the prior month. Payments shall be made within 30 days of the date of the invoice. Should the Contract be prematurely terminated, payments will be made for work completed and accepted to date of termination.

6. Ownership of Documents: All documents and other work product created by Contractor pursuant to this Contract shall be the property of City.

7. Indemnification: CONTRACTOR SHALL DEFEND, SAVE, HOLD HARMLESS, AND INDEMNIFY THE CITY AND ITS OFFICERS, EMPLOYEES AND AGENTS FROM AND AGAINST ALL CLAIMS, SUITS, ACTIONS, LOSSES, DAMAGES, LIABILITIES, COSTS AND EXPENSES OF ANY NATURE WHATSOEVER, INCLUDING ATTORNEYS FEES, RESULTING FROM, ARISING OUT OF, OR RELATING TO THE ACTIVITIES OF CONTRACTOR OR ITS OFFICERS, EMPLOYEES, SUBCONTRACTORS, OR AGENTS UNDER THIS CONTRACT. Contractor shall not be held responsible for any claims, suit, actions, losses, damages, liabilities, costs and expenses directly, solely, and proximately caused by the negligence of City.

8. Termination: This Contract may be terminated by either party by giving thirty days written notice to the other party.

9. Independent Contractor Status:

a. Contractor shall perform all Work as an Independent Contractor. The City reserves the right (i) to determine and modify the delivery schedule for the Work and (ii) to evaluate the quality of the Work Product, however, the City may not and will not control the means or manner of Contractor's performance. Contractor is responsible for determining the appropriate means and manner of performing the Work.

b. For services performed pursuant to this Contract, Contractor understands and agrees that it is not an "officer", "employee", or "agent" of the City, as those terms are used in ORS 30.265.

c. Contractor is responsible for all federal or state taxes applicable to compensation or payments paid to Contractor under this Contract and, unless Contractor is subject to backup withholding, City will not withhold from such compensation or payments any amount(s) to cover Contractor's federal or state tax obligations. Contractor is not eligible for any social security, unemployment insurance or workers' compensation benefits from compensation or payments paid to Contractor under this Contract, except as a self-employed individual..

10. Assignment and Subcontracts: Contractor shall not assign this Contract or subcontract any portion of the work without the written consent of City. Any attempted assignment or subcontract without written consent of City shall be void. Contractor shall be fully responsible for the acts or omissions of any assigns or subcontractors and of all persons employed by them, and the approval by City of any assignment or subcontract shall not create any Contractual relation between the assignee or subcontractor and City.

11. Governing Law; Venue; Consent to Jurisdiction. This Contract shall be governed by and construed in accordance with the laws of the State of Oregon. Any claim, action, suit or proceeding between City and Contractor that arises from or relates to this Contract shall be brought and conducted solely and exclusively within the Circuit Court of Hood River County for the State of Oregon or, if the claim, action, suit or proceeding must be brought in a federal forum, then it shall be brought and conducted solely and exclusively within the United States District Court for the District of Oregon.

12. Merger Clause; Waiver. This Contract and attached exhibits, if any, constitute the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Contract. No waiver, consent, modification or change of terms of this Contract shall bind all parties unless in writing and signed by both parties and all necessary State approvals have been obtained.

13. Amendments. No amendment to this Contract is effective unless it is in writing signed by the parties.

CONTRACTOR, BY EXECUTION OF THIS CONTRACT, HEREBY ACKNOWLEDGES THAT CONTRACTOR HAS READ THIS CONTRACT, UNDERSTANDS IT, AND AGREES TO BE BOUND BY ITS TERMS AND CONDITIONS.

CONTRACTOR

CITY

By: Deanna Busdieker Date

By: Gordon Zimmerman Date
City Administrator

Approved as to form:

By: Ruben Cleaveland Date
Asst. City Attorney

EXHIBIT A

JOB TITLE: TOURISM SUPPORT STAFF

JOB FUNCTION: Assist the Tourism Committee in Promotion, Marketing, Projects and Committee Support.

PROJECT DELIVERABLES AND SPECIFICATIONS

Contracted Services with the following categories:

General Tourism Committee Support:

- Minutes taking (back up to committee secretary)
- Document Creation and Duplication
 - Monthly Flash Report
 - Agendas (in conjunction with committee chair)
- Tourism Correspondence (in conjunction with committee chair)
- Grant Writing and Administration
- Responding to tourism inquiries via phone, mail, email and fax

Promotion:

- Website management and Updates
- Online calendar and ORB updates
- Backup to booth staffing for outreach events
- Writing and distribution of press releases
- Identifying promotional opportunities

Marketing:

- Social media posts
- Advertisement design in-house or in communication with designer
- Identify and coordinate advertising opportunities
- Coordinate marketing with other Chambers of Commerce and Visitor Associations
- Alignment with Travel Oregon

Tourism Facilities:

- Special Project Administration and Implementation

Gordon Zimmerman

From: Alexandra Sosnkowski <sosnkowski@gorge.net>
Sent: Thursday, September 18, 2014 12:59 PM
To: 'Gordon Zimmerman'
Cc: 'Ruben Cleaveland'
Subject: FW: Hood River County-Proposed Marijuana Tax

Gordon—I received the email below from County Counsel, Lisa Davies, regarding the County's desire to adopt a marijuana tax and obtain the City's consent to the tax. I have sent an inquiry to Hood River's City Attorney to see if Hood River has responded or taken a position on the County's proposal. I have not heard back, so you may want to contact their City Manager as well.

I see several options available to the City:

1. Do nothing. Let the County adopt the tax and collect it, and see if it holds up to a Measure 91 challenge. If it does and a citizen wants to oppose it, they can challenge the imposition of the tax without having obtained the City's consent in court.
2. Decline to consent on the grounds that doing so violates the spirit of the City's Charter that does not permit new taxes without a vote of the citizens. Legally, without doing any research, I am not sure whether consenting would actually violate the Charter because the tax is the County's, but there are certainly political ramifications if citizens are not in favor of taxing marijuana in City limits.
3. Consent to the tax on condition that a percentage is remitted to the City. This choice also has its political ramifications.

I am sure there are more options or variations on the options above. Please let me know if you need additional assistance.

Alex

Alexandra Sosnkowski
P.O. Box 1698
Hood River, OR 97031
541-490-3199 (ph)
sosnkowski@gorge.net

Sosnkowski & Cleaveland LLC
Local government and municipal law

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Public Records Law Disclosure: This e-mail may be a public record subject to public disclosure, unless exempt from disclosure, under Oregon Public Records Law.

From: Lisa Davies [<mailto:LKDavies@gorgelaw.com>]
Sent: Wednesday, September 17, 2014 11:06 AM
To: Alexandra Sosnkowski
Cc: cleavelandr@yahoo.com
Subject: Hood River County-Proposed Marijuana Tax

Alex:

You may have been alerted to this already, but the focus of the County's work session Monday was a discussion regarding adopting a tax on the sale of marijuana in advance of the November election.

I think most city and county counsel are of the opinion that such a tax would be pre-empted by Measure 91, if it passes, including myself; however, there is some discussion at the AOC level that there may be clarifying legislation in 2015 to grandfather local ordinances that pre-date M91. As such, the BOC has instructed counsel to prepare a tax measure for its consideration at a public hearing on October 13th, largely modeled after the City of Ashland's ordinance.

Given the timing, there was suggestion on the part of Mayor Babitz (who attended) that we schedule the matter on both cities' agendas, if we want resolutions from Hood River and Cascade Locks consenting to enactment of the proposed Ordinance within their incorporated boundaries. I was hoping my voice would recover enough to call you about this, but my cold, and voice, are actually worse than they were Monday, thus the email.

After speaking with Rob Bovett at AOC and researching this further, I think the ordinance can be enacted legislatively pursuant to the County's charter and home rule authority. When we have had discussions regarding potential tax revenue sources in the past, there was consensus that even if we had the authority to enact them without consent of the governing bodies of the cities, or their electorate, it was still prudent to get it, for various reasons. In this instance, however, because of the timing, I think we have to proceed legislatively for the ordinance to be effective before M91 is. I am interested in your input, though.

Thank you in advance for your time and consideration.

Best regards,

Lisa Knight Davies
Davies Dunn & Associates, PC
430 Industrial-PO Box 417
Hood River, Oregon 97031
Telephone: (541) 386-2221
Fax: (541) 386-1381
Email: lkdavies@gorgelaw.com

The information contained in this transmission may be confidential and protected by the attorney-client and/or work product privileges. If you have received it, but are not the intended recipient, please delete the message and contact us.

IRS Circular 230 requires us to advise you that if this communication or any attachment contains advice concerning any tax issue or submission, the advice is not intended to be used, and cannot be used, for the purpose of avoiding tax-related penalties or promoting, marketing or recommending any tax-related transaction, plan or arrangement.



Drug Take Back Day

September 27, 2014

Hood River Fire Department

1785 Meyer Parkway

(behind the Pool on May Street)

10:00am — 2:00pm

What To Bring ...

- ✓ Solid dosage pharmaceutical products with prescription labels removed
- ✓ Liquids in original containers with cap tightly sealed to prevent leakage

What Not To Bring ...

- ✗ Intra-venous solutions
- ✗ Injectables
- ✗ Syringes
- ✗ Chemotherapy medications
- ✗ Medical waste



Help MHCC Plan for 2020 and Beyond

Come Share Your Ideas and Opinions with Us!

be heard

Event Partners:

- › City of Cascade Locks
 - › Columbia River Gorge Commission
 - › Columbia River Inter-Tribal Fish Commission
- › Hood River School District
 - › Mid-Columbia Council of Governments
- › Mid-Columbia Economic Development District
 - › Port of Cascade Locks
 - › West Columbia Gorge Chamber of Commerce
 - › WorkSource / Oregon Employment Department

› **Tues., Oct. 7, 2014**

› **6:30 – 8 p.m.**

› **Cascade Locks**

The Gorge Pavilion

395 Portage Way

Cascade Locks, OR 97014

Mt. Hood Community College is planning for the future. As a member of the MHCC district, your input is important to the college. Please join MHCC President, Dr. Debra Deer, board members and other Cascade Locks community members in sharing ideas for the future of your community college.

Light refreshments will be served

› **RSVP at mhcc-2020-cascadelocks.eventbrite.com**

*For any additional questions, please call
Ivonne Fleishman at 503-491-6054*



MT. HOOD
COMMUNITY COLLEGE

People requiring accommodations due to disability should contact the Disability Services Office at 503-491-6923 or dsoweb@mhcc.edu. Please call or email at least two weeks prior to event.

Gordon Zimmerman

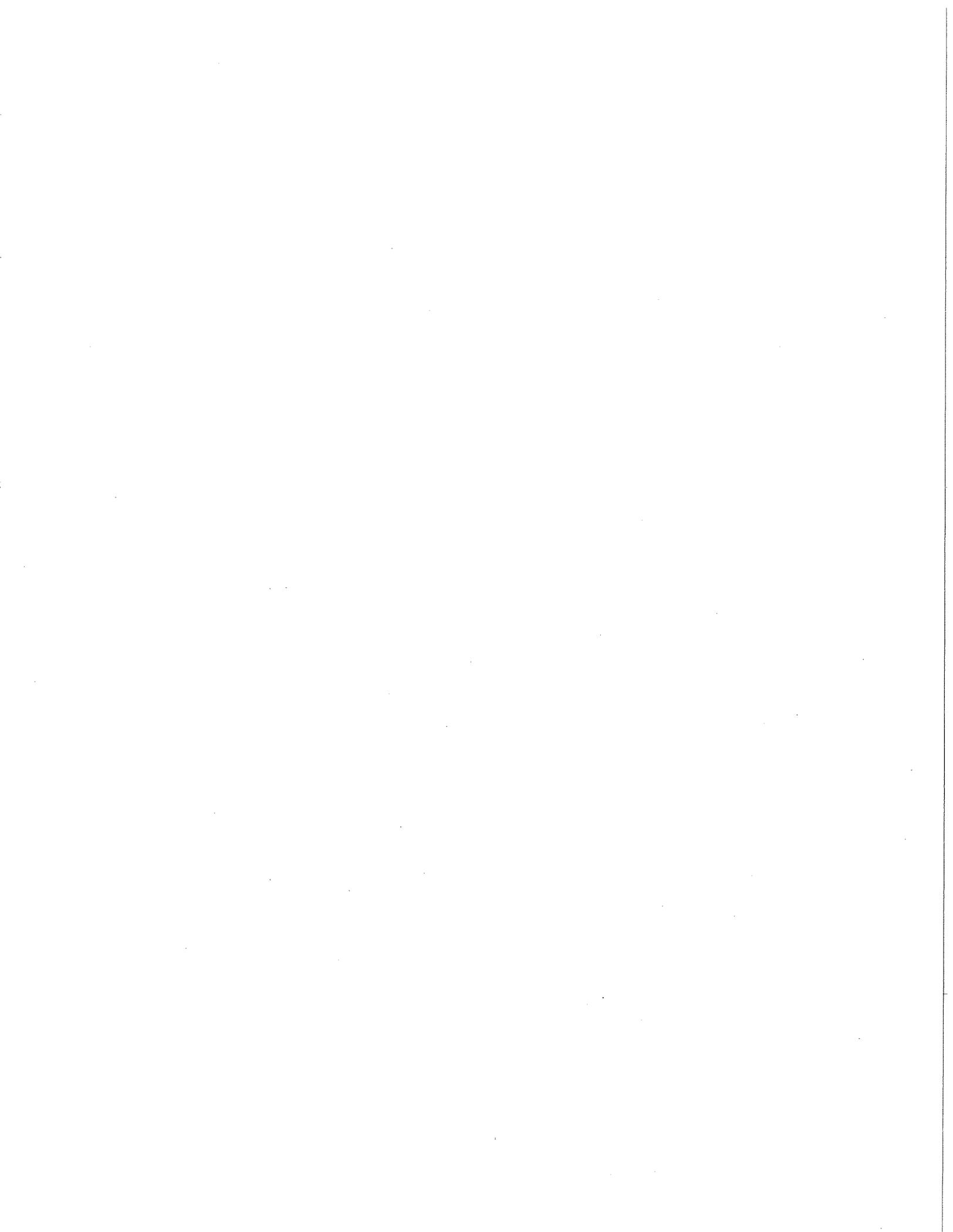
From: Gordon Zimmerman <gzimmerman@cascade-locks.or.us>
Sent: Tuesday, September 16, 2014 9:23 AM
To: Jesse Metheny (jmetheny@cascadelocksfire.com); Kari Goben (kgoben@cascade-locks.or.us); Kathy Woosley (kwoosley@cascade-locks.or.us); Keith Terry (kterry@cascade-locks.or.us); Marianne Bump (mbump@cascade-locks.or.us); Megan Webb (mwebb@cascade-locks.or.us); Sheldon Price (swprice@cascade-locks.or.us)
Subject: Fire Department Appreciation Potluck

We have all been invited to an support and appreciation potluck dinner for the Fire Department on Monday, Oct. 13, at 5:30. Main dish, dessert, and eating utensils will be provided. Bring a side dish. Thanks to Nancy Renault and Joann Wittenberg for hosting this dinner.

Gordon Zimmerman
Cascade Locks City Administrator
541-374-8484
gzimmerman@cascade-locks.or.us

Cascade Locks is where the Bridge of the Gods spans the Heart of the Gorge; where mountain, wind, and water create the best sailing in the Northwest; and where the "CL" on the license plate stands for Cascade Locks, the second largest city in Hood River County!

The City of Cascade Locks is an equal opportunity employer and service provider.
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DEPARTMENT: CITY OF CASCADE LOCKS
COVER SHEET AND SUMMARY

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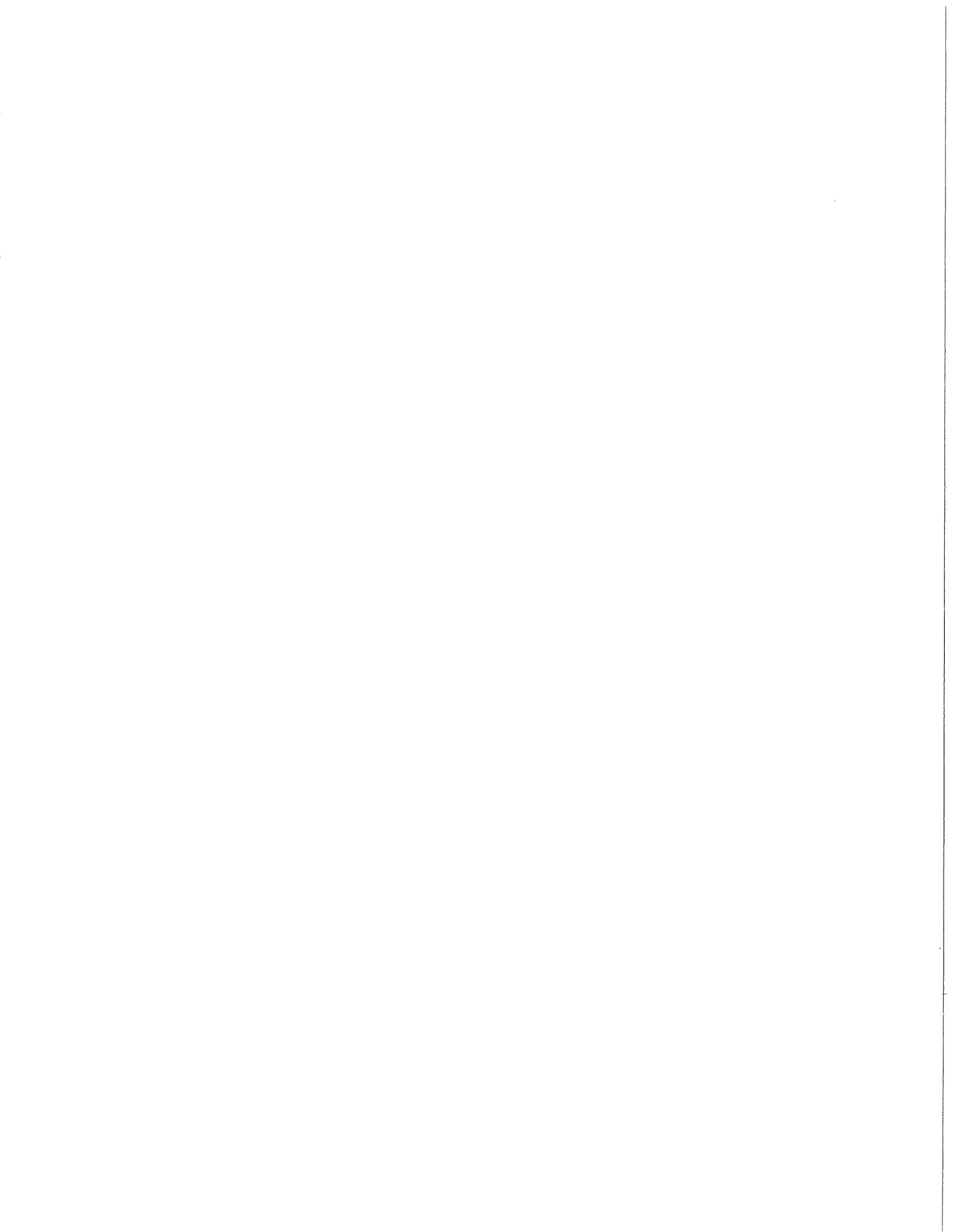
DATE:	DESCRIPTION:	AMOUNT:
9/19/2014	PR	\$ 47,173.54
10/3/2014	PR	\$ 35,276.40
9/30/2014	A/P	\$ 102,972.23

GRAND TOTAL \$ 185,422.17

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APPROVAL:

Mayor



Report Criteria:
Report type: GL detail

Check Number	GL Period	Check Issue Date	Vendor Number	Invoice No.	Payee	Description	GL Account	Amount
5142	09/14	09/30/2014	6864	SEPTEMBE	Active911, Inc.	Annual Payment for Alert/Status Update	0540562110	165.00
Total 5142:								
5143	09/14	09/30/2014	6839	81537447	Bound Tree Medical, LLC	Jump Bag for EMS Supplies	0540562351	27.70
Total 5143:								
5144	09/14	09/30/2014	650	8614	CASCADE LOCKS CHEVRON (DBA)	Oil Change 2001 Durango	0540562441	39.00
Total 5144:								
5145	09/14	09/30/2014	910	14-061	CITY OF HOOD RIVER	1/2 pmt ambulance purchase	0540563155	5,000.00
Total 5145:								
5146	09/14	09/30/2014	1370	366563	DAY WIRELESS SYSTEMS	assist in tower move	5640563941	2,500.00
Total 5146:								
5147	09/14	09/30/2014	1530	9217 9/14	DISH NETWORK	Programming	4140562740	400.00
Total 5147:								
5148	09/14	09/30/2014	2020	1226499	GENERAL PACIFIC INC.	single upset bolts	5140563760	201.60
5148	09/14	09/30/2014	2020	1226499	GENERAL PACIFIC INC.	single upset bolts	5140663760	134.40
5148	09/14	09/30/2014	2020	1226510	GENERAL PACIFIC INC.	Connectors	5140563760	162.29
5148	09/14	09/30/2014	2020	1226510	GENERAL PACIFIC INC.	Connectors	5140663760	108.18
5148	09/14	09/30/2014	2020	1226619	GENERAL PACIFIC INC.	Bear Mt Project Supplies	5141562009	133.56
Total 5148:								
5149	09/14	09/30/2014	6854	91214	Gordon Zimmerman	reimburse mileage	0140162020	740.03
Total 5149:								
5150	09/14	09/30/2014	2130	4389	Gorge Security Shred.(DBA)	Shredding	0140162110	61.88
Total 5150:								
Total 5150:								

Check Number	GL Period	Check Issue Date	Vendor Number	Invoice No.	Payee	Description	GL Account	Amount
Total 5150:								39.00
5151	09/14	09/30/2014	2420	7572	HOOD RIVER CO. - FINANCE	Sep 2014 Deputy Service	0141962250	8,217.50
Total 5151:								8,217.50
5152	09/14	09/30/2014	2570	AUGUST RF	HOOD RIVER NEWS	Tourism RFP	0840562113	170.00
Total 5152:								170.00
5153	09/14	09/30/2014	2580	22075	HOOD RIVER SAND & GRAVEL	barriers	5645163941	758.75
Total 5153:								758.75
5154	09/14	09/30/2014	2850	92314	JESSICA BENNETT	tow hitch durange	0540562441	75.00
Total 5154:								75.00
5155	09/14	09/30/2014	3160	91614	MARIANNE BUMP/PETTY CASH	Reimburse Petty Cash	0140162055	82.90
Total 5155:								82.90
5156	09/14	09/30/2014	4910	200125502 9	Michael Coad	Refund Deposit	5121130	231.08
Total 5156:								231.08
5157	09/14	09/30/2014	5550	AIE01031	OREGON GOVERNMENT ETHICS CO	Annual Billing	0140162030	516.09
5157	09/14	09/30/2014	5550	AIE01763	OREGON GOVERNMENT ETHICS CO	Annual Billing	0140162030	103.22
Total 5157:								619.31
5158	09/14	09/30/2014	4290	91614	OREGON MUNICIPAL ELECTRIC UTILI	Fall Conference Registration	5140562020	180.00
Total 5158:								180.00
5159	09/14	09/30/2014	4610	415013823	PHYSIC-CONTROL, INC.	Heart Monitor Contract	0540562443	2,235.00
Total 5159:								2,235.00

Check Number	GL Period	Check Issue Date	Vendor Number	Invoice No.	Payee	Description	GL Account	Amount
5160	09/14	09/30/2014	4620	7228430-SP	PITNEY BOWES - RENTAL	Rental	0140162120	154.47
Total 5160:								
5161	09/14	09/30/2014	4640	SEPTEMBE	PITNEY BOWES INC	Postage	0140162055	250.00
Total 5161:								
5162	09/14	09/30/2014	6824	975149 9/14	Providence Health & Services	FD Immunizations	0540562017	110.00
Total 5162:								
5163	09/14	09/30/2014	6780	18766589	Ricoh Americas Corporation	Lease	0140162120	236.80
Total 5163:								
5164	09/14	09/30/2014	6908	348499	Ron Tonkin Chevrolet	Repair 2007 Chevy	5140562201	2,121.56
5164	09/14	09/30/2014	6908	348499	Ron Tonkin Chevrolet	Repair 2007 Chevy	5140662201	530.39
Total 5164:								
5165	09/14	09/30/2014	4910	300178513 9	Shawn Black	Refund Deposit	5121130	199.40
Total 5165:								
5166	09/14	09/30/2014	5380	SD-42311	SKAMANIA COUNTY PIONEER	Ad	0840562113	11.70
Total 5166:								
5167	09/14	09/30/2014	5510	8031306393	STAPLES CONTRACT & COMMERCIA	Office Supplies	0140162010	142.22
Total 5167:								
5168	09/14	09/30/2014	5650	132161	T & R ELECTRIC SUPPLY CO.	75 KVA Single Phase Pole Mount	5140562780	2,874.00
Total 5168:								
5169	09/14	09/30/2014	6909	2115	Wel-Done Performance Repairs	chainsaw repair	0540562441	70.01

Check Number	GL Period	Check Issue Date	Vendor Number	Invoice No.	Payee	Description	GL Account	Amount
Total 5169:								
5170	09/14	09/30/2014	6460	2014	WEST COLUMBIA GORGE CHAMBER	2014 Membership	0840562113	70.01
Total 5170:								
5171	09/14	09/30/2014	6897	E1231254.00	Witmer Public Safety Group, Inc.	ZAK Tool	0540563010	100.00
Total 5171:								
5172	09/14	09/30/2014	6690	92214	WOOSLEY, KATHY	Reimburse Expenses for Conference	0140162020	100.00
Total 5172:								
5173	09/14	09/30/2014	6750	92314	ZERFING, CARL	CPR Manikins & Supplies	0540562020	109.99
Total 5173:								
5174	09/14	09/30/2014	490	436363A	BRYANT PIPE AND SUPPLY	Parts	2140562560	97.49
Total 5174:								
5175	09/14	09/30/2014	610	624776	CASCADE COLUMBIA DISTRIBUTION	Chlorine	2140562650	63.46
Total 5175:								
5176	09/14	09/30/2014	790	313230273 9	CENTURYLINK	Fire Department Phones	0540562050	490.00
5176	09/14	09/30/2014	790	313401451 9	CENTURYLINK	Sewer Treatment plan	0540562050	148.10
5176	09/14	09/30/2014	790	313470082 9	CENTURYLINK	City Hall Phones	0140162050	115.99
5176	09/14	09/30/2014	790	313785538 9	CENTURYLINK	telemetry	2140562050	379.97
5176	09/14	09/30/2014	790	313785538 9	CENTURYLINK	telemetry	2140562050	124.20
5176	09/14	09/30/2014	790	313891134 9	CENTURYLINK	Emergency After Hours	3140562050	124.19
5176	09/14	09/30/2014	790	313891134 9	CENTURYLINK	Emergency After Hours	5140562050	58.55
5176	09/14	09/30/2014	790	314228414 9	CENTURYLINK	Lift Station	5140662050	14.63
5176	09/14	09/30/2014	790	320153997 9	CENTURYLINK	well house dialer	3140562050	37.24
Total 5176:								
5177	09/14	09/30/2014	820	59874	CH2M HILL ENGINEERS INC.	Engineering Services	3140562700	8.15
Total 5177:								
								1,011.02
								7,358.33

Check Number	GL Period	Check Issue Date	Vendor Number	Invoice No.	Payee	Description	GL Account	Amount
Total 5177:								
5178	09/14	09/30/2014	1120	B82187	COLUMBIA HARDWARE, LLC	clear gloss	0140462520	7,358.33
5178	09/14	09/30/2014	1120	B82564	COLUMBIA HARDWARE, LLC	screen	2140562560	4.99
5178	09/14	09/30/2014	1120	B82790	COLUMBIA HARDWARE, LLC	pipe	2140562560	15.92
5178	09/14	09/30/2014	1120	B82885	COLUMBIA HARDWARE, LLC	Misc supplies.	0140462520	129.99
5178	09/14	09/30/2014	1120	B82886	COLUMBIA HARDWARE, LLC	boards	0140462520	62.84
5178	09/14	09/30/2014	1120	B83999	COLUMBIA HARDWARE, LLC	expanding foam	2140562560	9.79
5178	09/14	09/30/2014	1120	B83481	COLUMBIA HARDWARE, LLC	plumbing supplies	2140562560	23.97
Total 5178:								
5179	09/14	09/30/2014	2820	C986144	HD Supply Waterworks, LTD.	Parts	2140562559	262.20
Total 5179:								
5180	09/14	09/30/2014	2870	92614	KARI GOBEN	Reimburse for Mileage	0140162020	627.99
Total 5180:								
5181	09/14	09/30/2014	3590	91914	MR. B'S SMALL ENGINE REPAIR	Chains	0140462520	47.04
5181	09/14	09/30/2014	3590	91914	MR. B'S SMALL ENGINE REPAIR	Chains	0340562560	76.00
5181	09/14	09/30/2014	3590	91914	MR. B'S SMALL ENGINE REPAIR	Chains	2140562560	76.00
Total 5181:								
5182	09/14	09/30/2014	6910	3636	Professional Pavers & Construction	pavement patching	0340563182	2,865.00
5182	09/14	09/30/2014	6910	3636	Professional Pavers & Construction	pavement patching	5140562950	3,538.75
Total 5182:								
5183	09/14	09/30/2014	5720	14-360	Tenneson Engineering Corp	Water Right Time Extensions	2140562091	6,403.75
Total 5183:								
5184	09/14	09/30/2014	5960	988295	TRAFFIC SAFETY SUPPLY CO.	No parking signs	0340562560	344.75
Total 5184:								
								34.53

Check Number	GL Period	Check Issue Date	Vendor Number	Invoice No.	Payee	Description	GL Account	Amount
5185	09/14	09/30/2014	6110	OCTOBER 2	U.S. POSTAL SERVICE	UB Postage	0140162055	273.70
Total 5185:								
9301401	09/14	09/30/2014	3650	SI-412039	NATIONAL CABLE TELEVISION COOP.	modems	4140662562	168.49 M
Total 9301401:								
9301402	09/14	09/30/2014	440	AUG14-PWR	BPA	Power Bill	5140562820	40,363.00 M
9301402	09/14	09/30/2014	440	AUG14-PWR	BPA	Power Bill	5140662820	7,671.00 M
Total 9301402:								
9301403	09/14	09/30/2014	440	AUG14-TRN	BPA	Transmission Bill	5140562821	5,737.00 M
9301403	09/14	09/30/2014	440	AUG14-TRN	BPA	Transmission Bill	5140662821	1,090.00 M
Total 9301403:								
9301404	09/14	09/30/2014	6080	AUGUST 20	U S BANK	Bank Fees	0140162110	266.30 M
Total 9301404:								
9301405	09/14	09/30/2014	6090	2974 9/14	U S BANK CC	ipad data plan	0540562050	14.99 M
9301405	09/14	09/30/2014	6090	2974 9/14	U S BANK CC	background check	0540562110	20.00 M
9301405	09/14	09/30/2014	6090	2974 9/14	U S BANK CC	cameras	5140562870	363.51 M
Total 9301405:								
9301406	09/14	09/30/2014	6090	4393 9/14	U S BANK CC	usb cable	0140162010	19.99 M
Total 9301406:								
9301407	09/14	09/30/2014	6090	2305 9/14	U S BANK CC	inverter repair for ambulance	0540562441	619.07 M
9301407	09/14	09/30/2014	6090	2305 9/14	U S BANK CC	safety glasses	5140562210	72.60 M
Total 9301407:								
9301408	09/14	09/30/2014	6090	8773 9/14	U S BANK CC	caselle conference travel expenses	0140162020	253.20 M
9301408	09/14	09/30/2014	6090	8773 9/14	U S BANK CC	scrubs	0540562022	74.88 M
9301408	09/14	09/30/2014	6090	8773 9/14	U S BANK CC	drug test for paramedic class	0540562022	43.25 M

Check Number	GL Period	Check Issue Date	Vendor Number	Invoice No.	Payee	Description	GL Account	Amount
Total 9301408:								
								371.33
Grand Totals:								
								102,972.23

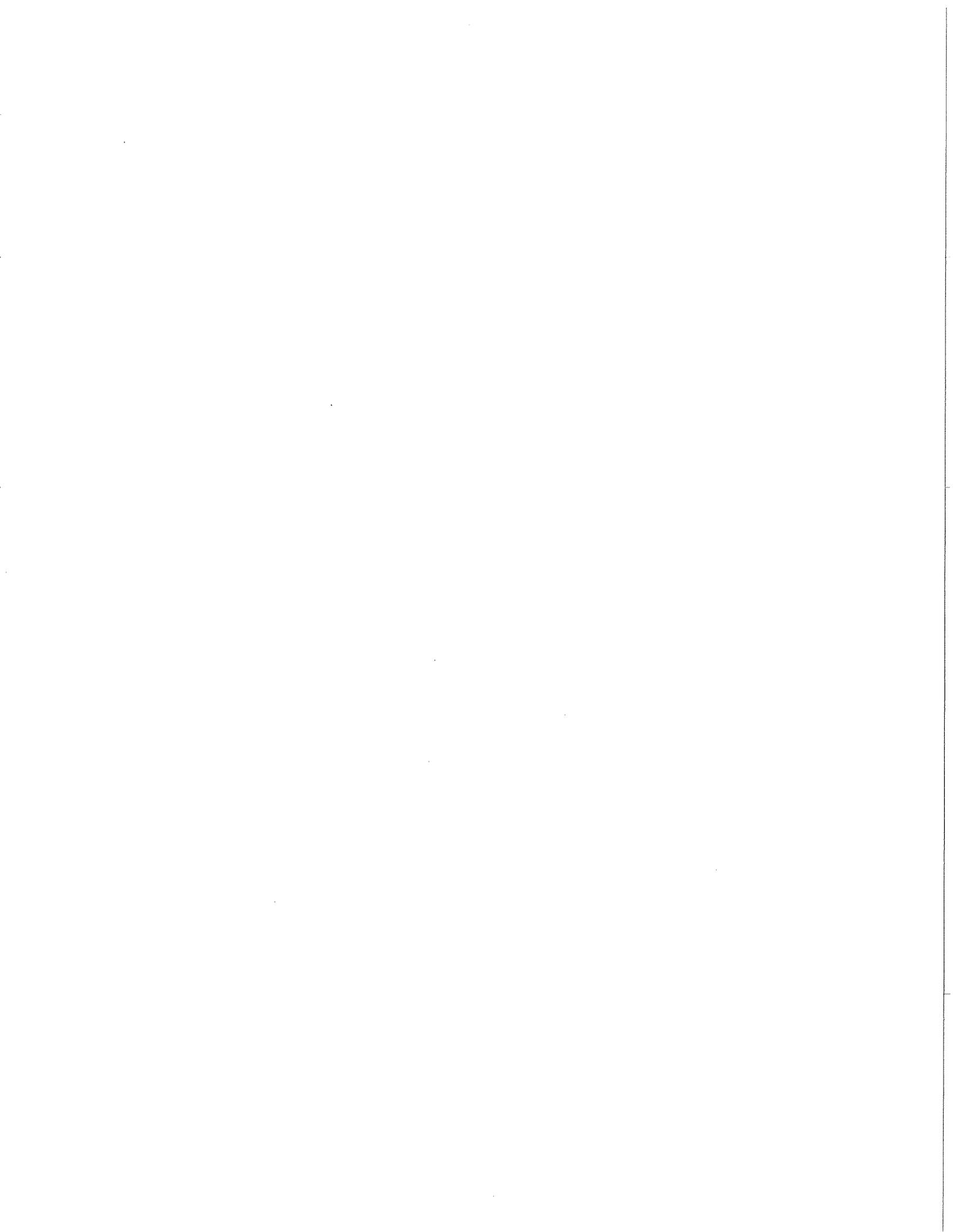
Summary by General Ledger Account Number

GL Account	Debit	Credit	Proof
01-21010	.00	11,295.19-	11,295.19-
01-401-62010	162.21	.00	162.21
01-401-62020	459.61	.00	459.61
01-401-62030	619.31	.00	619.31
01-401-62050	379.97	.00	379.97
01-401-62055	606.60	.00	606.60
01-401-62110	305.30	.00	305.30
01-401-62120	391.27	.00	391.27
01-404-62520	153.42	.00	153.42
01-419-62250	8,217.50	.00	8,217.50
09-21010	.00	2,975.53-	2,975.53-
03-405-62560	110.53	.00	110.53
03-405-63182	2,865.00	.00	2,865.00
05-21010	.00	9,251.99-	9,251.99-
05-405-62017	110.00	.00	110.00
05-405-62020	500.00	.00	500.00
05-405-62022	118.13	.00	118.13
05-405-62050	163.09	.00	163.09
05-405-62110	185.00	.00	185.00
05-405-62351	27.70	.00	27.70
05-405-62441	803.08	.00	803.08
05-405-62443	2,235.00	.00	2,235.00
05-405-63010	109.99	.00	109.99
05-405-63155	5,000.00	.00	5,000.00
08-21010	.00	281.70-	281.70-
08-405-62113	281.70	.00	281.70
21-21010	.00	1,919.33-	1,919.33-
21-405-62050	132.35	.00	132.35
21-405-62091	344.75	.00	344.75
21-405-62559	627.99	.00	627.99
21-405-62560	324.24	.00	324.24
21-405-62650	490.00	.00	490.00
31-21010	.00	7,635.75-	7,635.75-
31-405-62050	277.42	.00	277.42
31-405-62700	7,358.33	.00	7,358.33
41-21010	.00	568.49-	568.49-
41-405-62740	400.00	.00	400.00
41-406-62562	168.49	.00	168.49

GL Account	Debit	Credit	Proof
51-21010	.00	65,785.50-	65,785.50-
51-21130	430.48	.00	430.48
51-405-62020	180.00	.00	180.00
51-405-62050	58.55	.00	58.55
51-405-62201	2,121.56	.00	2,121.56
51-405-62210	72.60	.00	72.60
51-405-62780	2,874.00	.00	2,874.00
51-405-62820	40,363.00	.00	40,363.00
51-405-62821	5,737.00	.00	5,737.00
51-405-62870	363.51	.00	363.51
51-405-62950	3,538.75	.00	3,538.75
51-405-63760	363.89	.00	363.89
51-406-62050	14.63	.00	14.63
51-406-62201	530.39	.00	530.39
51-406-62820	7,671.00	.00	7,671.00
51-406-62821	1,090.00	.00	1,090.00
51-406-63760	242.58	.00	242.58
51-415-62009	133.56	.00	133.56
56-21010	.00	3,258.75-	3,258.75-
56-405-63941	2,500.00	.00	2,500.00
56-451-63941	758.75	.00	758.75
Grand Totals:	102,972.23	102,972.23-	.00

Report Criteria:

Report type: GL detail



AGENDA ITEM NO: 5b

CASCADE LOCKS STAFF REPORT

Date Prepared: October 6, 2014

For City Council Meeting on: October 13, 2014

TO: Honorable Mayor and City Council

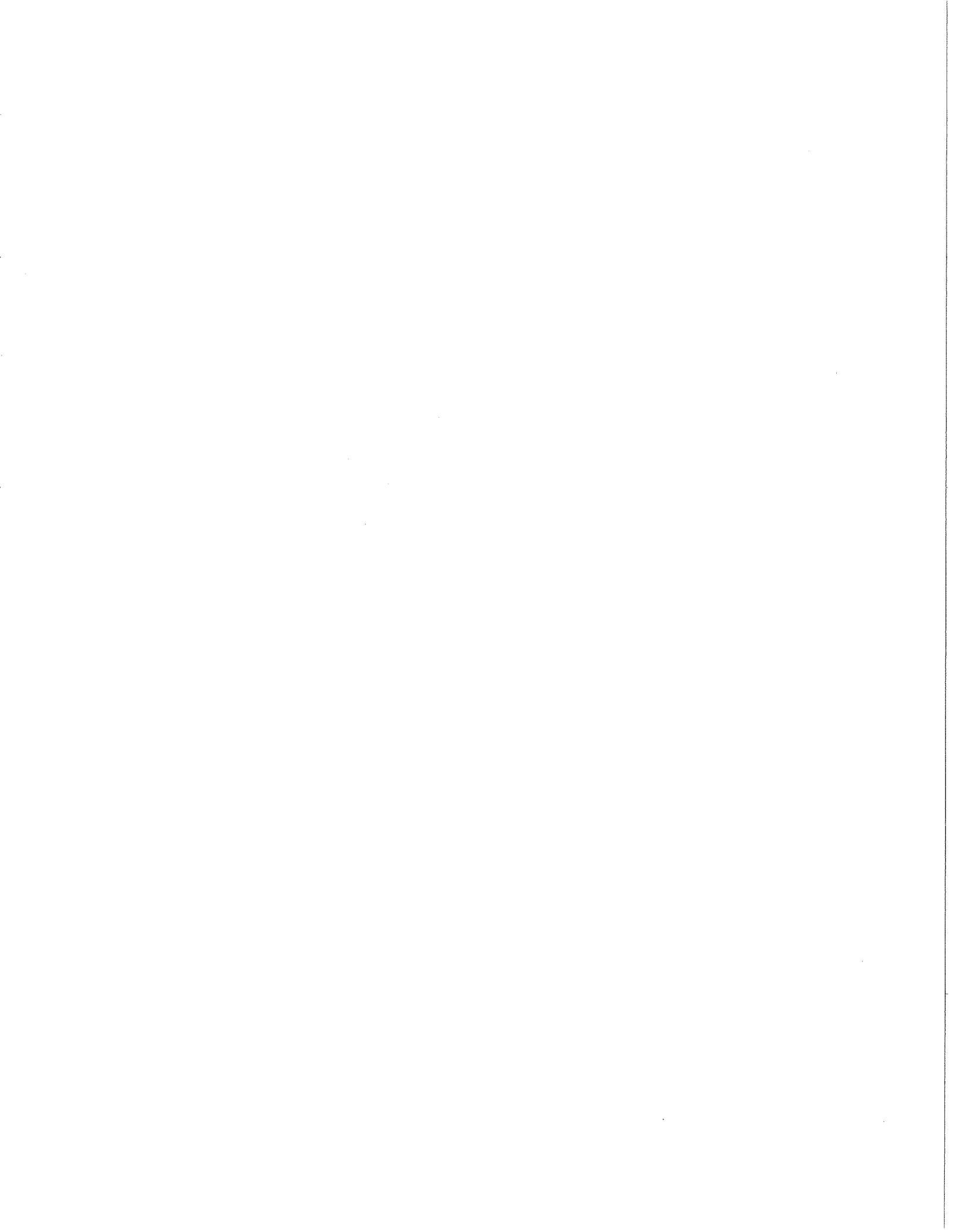
PREPARED BY: Gordon Zimmerman, City Administrator

SUBJECT: Approve Resolution No. 1313 Relinquishing an Electrical Utility Easement

SYNOPSIS: As part of the communications tower relocation, we have worked with the property owner at his request to remove the utility easement that runs up the face of the hill. Mr. Sam Smith has indicated a willingness to relocate the easement to the access road where the power line is now located. Mr. Smith is working on the new easement. The City's part is the paperwork to remove the easement from the property. The attached resolution authorizes the Mayor to sign the quit claim deed which eliminates the easement. This will not be recorded until Mr. Smith provides the new easement paperwork. Both the quitclaim deed and the new easement will be recorded with the County at the same time.

CITY COUNCIL OPTIONS: Approve or reject Resolution No. 1313.

RECOMMENDED MOTION: "I move to approve Resolution No. 1313 that authorizes the Mayor's signature on a quitclaim deed that relinquishes a utility easement on property owned by Mr. Sam Smith."



RESOLUTION NO. 1313

RESOLUTION APPROVING RELINQUISHMENT OF ELECTRICAL UTILITY EASEMENT FOR COMMUNICATIONS TOWER.

WHEREAS, the City maintains a communications tower on certain real property located in Hood River County, Oregon;

WHEREAS, the City acquired an easement for electric distribution line and all necessary appurtenances including telephone and television wires pursuant to a Grant of Easement filed August 26, 2002, in the Hood River County Deed Records, Microfilm No. 20024059 ("2002 Easement"); and

WHEREAS, the City has obtained a replacement electric distribution line easement ("Replacement Easement") and no longer needs the 2002 Easement for a public purpose or use;

WHEREAS, the City is prepared to relinquish the 2002 Easement upon receipt and recording of the Replacement Easement.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CASCADE LOCKS RESOLVES AS FOLLOWS:

1. The Mayor is authorized to sign the Quitclaim Deed relinquishing the 2002 Easement in the form attached as Exhibit A to this Resolution.
2. The 2002 Easement is being relinquished pursuant to ORS 271.310(1). The 2002 Easement is not needed any longer for a public use because the City is receiving the Replacement Easement in its place.
3. The City Recorder is authorized to submit the Quitclaim Deed for recording provided that it is recorded concurrently or after the recording of the Replacement Easement.

ADOPTED after introduction for consideration and vote on this 13th day of October, 2014, to take effect immediately.

Signed by me, Tom Cramblett, Mayor, in authentication of its adoption this 13th day of October, 2014.

Tom Cramblett, Mayor

Attest: _____
Kathy Woosley, City Recorder



After recording return to:

City of Cascade Locks
P.O. Box 308
Cascade Locks, OR 97014

Until a change is requested, all tax
statements shall be sent to:

No change

**QUITCLAIM DEED
(To Release Easement)**

The City of Cascade Locks, a Municipal Corporation of the State of Oregon (GRANTOR), releases and quitclaims to _____ (GRANTEE), all right, title and interest in and to certain real property described as follows:

The easement for electric distribution line and all necessary appurtenances including telephone and television wires in favor of Grantor described in the Grant of Easement filed on August 26, 2002 in the Hood River County Deed Records, Microfilm No. 20024059 as follows: An easement for electric distribution line and all necessary appurtenances including telephone and television wires, over, under and across the location of the existing power line running generally in a Southwesterly direction from the East boundary of the 50 by 50 foot easement to the headend location.

The real property affected by the easement is legally described in that certain instrument dated September 22, 1970, from Leonard Christiansen and Kathleen Christiansen to GRANTOR recorded September 23, 1970, as Film No. 701287 in the Deed Records of Hood River County, Oregon, attached as Exhibit A to the Grant of Easement described above.

The purpose of this conveyance is to release and relinquish all of the right, title, and interest of the GRANTOR in the premises arising by reason of the easement described above.

[signature block follows next page]

CITY OF CASCADE LOCKS

Tom Cramblett, Mayor

State of Oregon; County of Hood River

This instrument was acknowledged before me on _____ by
Tom Cramblett, as Mayor of the City of Cascade Locks.

Notary Public for Oregon
My Commission Expires: _____

20024059 (3)

After Recording Return To:
City of Cascade Locks
Kathy Woosley, Deputy Recorder
PO Box 308
Cascade Locks, OR 97014

STATE OF OREGON

SS

COUNTY OF HOOD RIVER

I certify that this instrument was received
and recorded in the records of said county.

Sandra E. Barry, Director of records and
Assessment and Ex-Officio Recorder

by *[Signature]* Deputy.

DOC#: 20024059
RCPT: 22337 36.00
8/26/2002 11:56 AM

GRANT OF EASEMENT

SAM D. SMITH and **CAROL F. SMITH**, husband and wife, of Woodland, Washington, hereinafter called "grantors," do hereby grant, bargain, sell and convey unto the **CITY OF CASCADE LOCKS, OREGON** called "grantee," a perpetual and permanent easement for roadway, utility and all legal purposes, over, under and across an existing easement site, as set forth in the certain instrument dated September 22, 1970, from Leonard Christiansen Kathleen Christensen, to the City of Cascade Locks, Oregon, recorded September 23, 1970, as Film No. 701287, in the Deed Records of Hood River County, Oregon and as shown on Exhibit "A" attached have to and by this reference made a part hereof (the "Existing Easement"), AND FURTHER TOGETHER WITH an easement for roadway and utility purposes over, under and across an existing access road currently serving the site also as shown on Exhibit "A"; AND FURTHER TOGETHER WITH an easement for electric distribution line and all necessary appurtenances including telephone and television wires, over, under and across the location of the existing power line running generally in a Southwesterly direction from the East boundary of the 50 foot by 50 easement to the headend location.

Grantors further grant to grantee the right to construct, maintain, replace, reconstruct, and go on the property with all necessary equipment to maintain any utilities, structures, or equipment on the site, or along said road, or power line. Grantee is hereby granted the right to remove any trees, vegetation, or obstacles which interfere with Grantee's use of the Easement or interferer with grantee's utilities, including televisions, radio, or telecommunication reception or sending. All trees which City is hereby authorized to cut and remove, if valuable for timber or wood, shall be the property of Grantor, but all tops, lops, brush, and refuse shall be burned or removed by City. The area in which brush and tree trimming shall be allowed to promote TV, FM radio, and telecommunication reception shall be as depicted on Exhibit "A" together with the Easement area and the access road. The Grantee will share responsibility of repair and maintenance of the access road with other users of said road.

*Exhibit A
Resolution No. 1313*

TO HAVE AND TO HOLD the above easements unto Grantee, it's successors and assigns, forever.

All easements granted hereunder shall terminate at such time as Grantee passes a resolution that it no longer requires said easement and its operation and abandons said location.

The true and actual consideration paid for this easement is \$4,000.00, which shall constitute full satisfaction for said easement, for any and all obligations the Grantee may have pursuant to the Existing Easement for any obligation or debt the Grantee may now, or in the future, owe to the owner of the property because of Grantees past and/or future use of the easement area. Receipt of full payment of the consideration is hereby acknowledged by the grantor.

DATED this 2nd day of Aug., 2002

Sam D. Smith

Sam D. Smith

Carol F. Smith

Carol F. Smith

STATE OF Washington)
County of Cowlitz)

Aug 2nd, 2002

Personally appeared the above named grantors, SAM D. SMITH and CAROL F. SMITH, husband and wife, and acknowledged the foregoing instrument to be grantors' voluntary act and deed



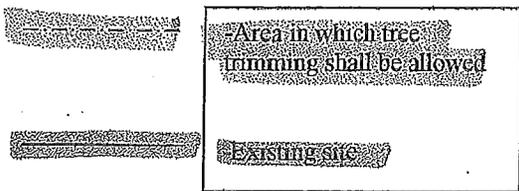
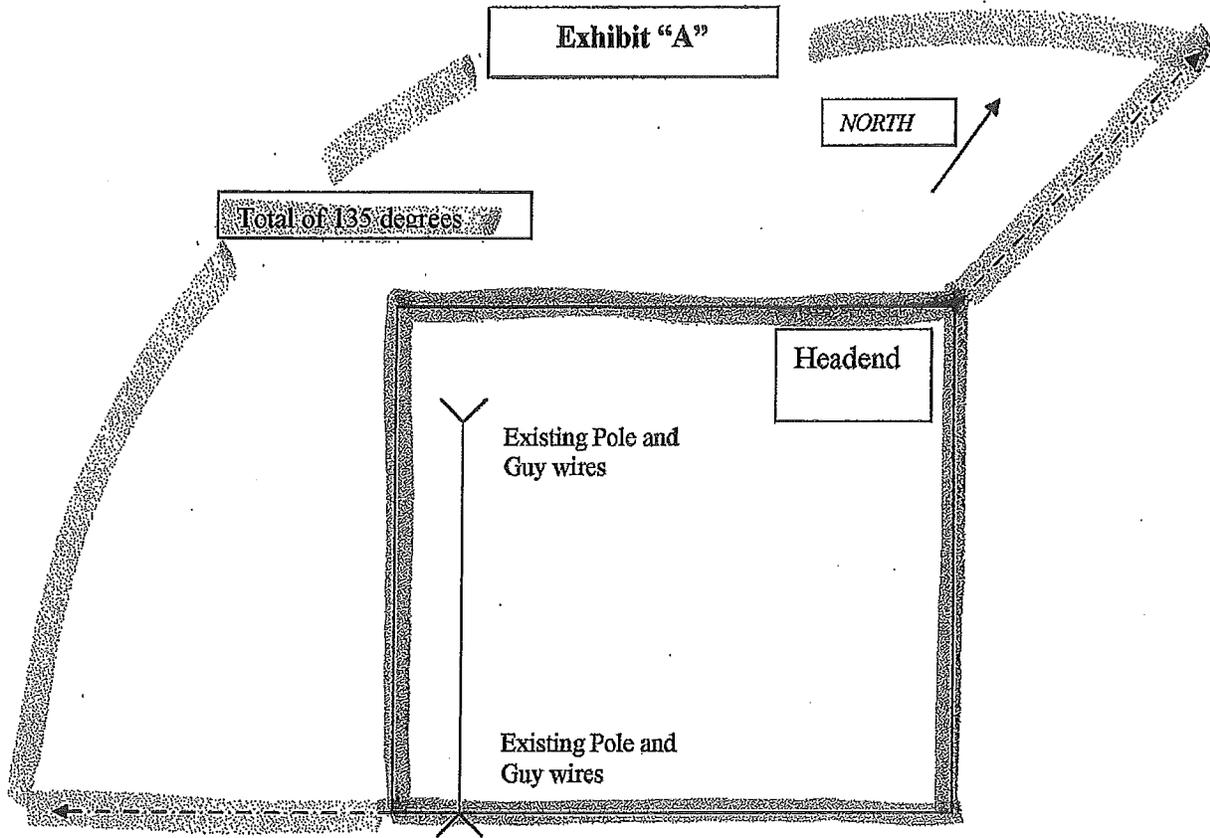
Before Me:

Chad M. Seaman

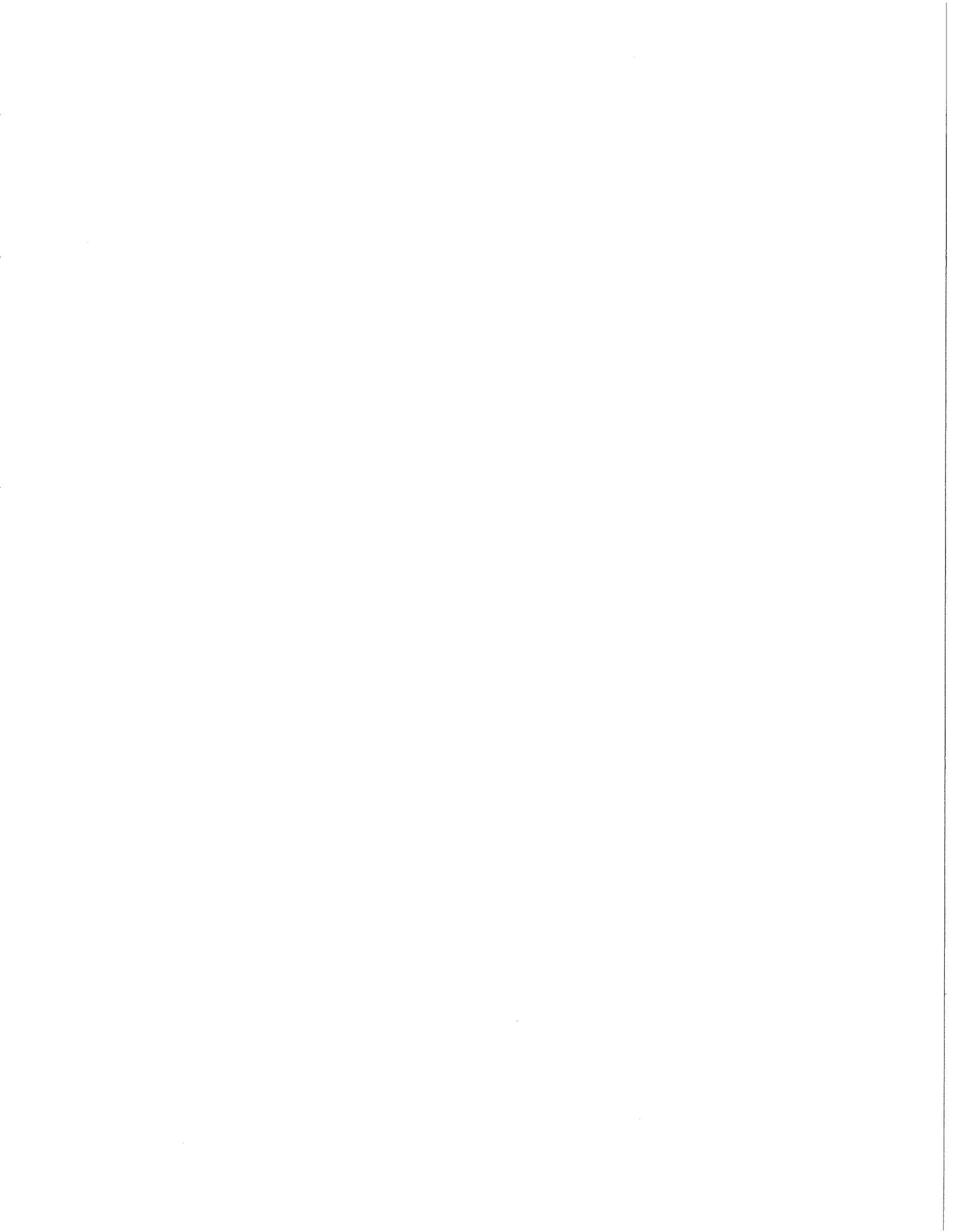
Notary Public for Washington Cowlitz of County
My Commission Expires 10-22-2005

20024059

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20024059



701287

FILED
SEP 26 6 19 PM 1970

E A S E M E N T

KNOW ALL MEN BY THESE PRESENTS, that LEONARD CHRISTENSEN and KATHLEEN CHRISTENSEN, husband and wife, of 3181 S.W. Sam Jackson Park Road, Portland, Oregon, hereby grant to the CITY OF CASCADE LOCKS, OREGON, a municipal corporation with offices at Cascade Locks, Oregon, a perpetual and permanent easement for a fifty (50) foot by fifty (50) foot site, which said site is presently in use by the City of Cascade Locks and has constructed upon it a tower and equipment building, located upon the following described tract of land:

Tax Lot 300, Section 12, Township 2 North, Range 7
East of the Willamette Meridian, in the County of
Hood River and State of Oregon;

together with an access road over and across the location of a present access road serving this site, which said road meanders in a generally Southerly direction from the South side of the frontage road located South of Interstate 80-N, and together with an easement for a power line, which said power line runs in a generally Southwesterly direction from the East boundary of the above described tract to the head end location site.

Grantors further grant to the City of Cascade Locks the right to maintain, replace, reconstruct, and perform all necessary maintenance on the power line, access road, and head end site, and to exclude all other persons from the head end site easement area.

It is further agreed that the City of Cascade Locks may remove any trees or other vegetation necessary to install the head end facilities or power line facilities. The City of Cascade Locks agrees that it will not unduly damage or cause waste to the above described easement area, except as is absolutely necessary for the construction, maintenance or repair of the above described facilities.

The rights, conditions and provisions of this easement shall inure to the benefit of and be binding upon the heirs, executors, ad-

AGENDA ITEM NO: 50

CASCADE LOCKS STAFF REPORT

Date Prepared: October 6, 2014

For City Council Meeting on: October 13, 2014

TO: Honorable Mayor and City Council

PREPARED BY: Gordon Zimmerman, City Administrator

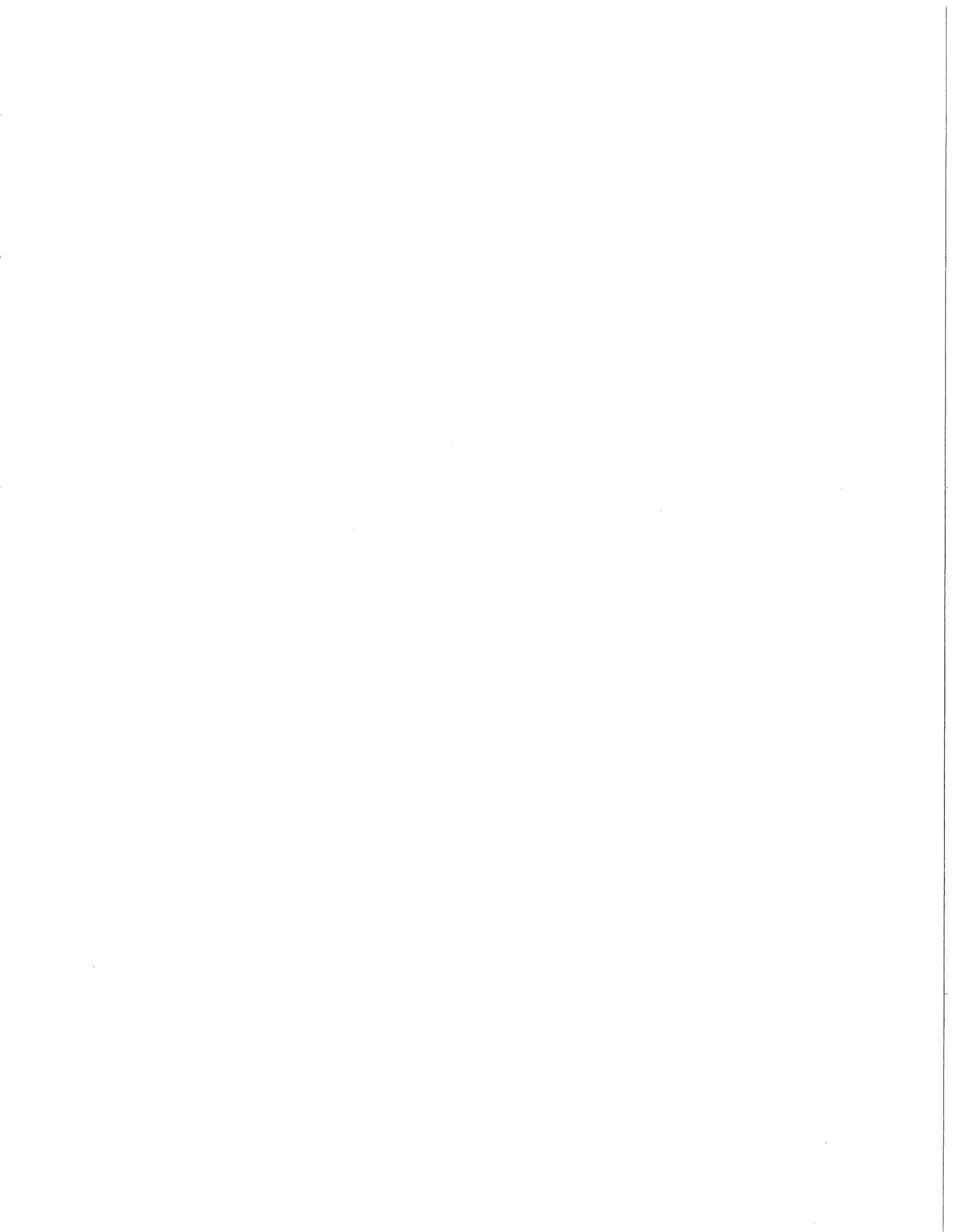
SUBJECT: Approve Resolution No. 1314 for Way Finding Grant Funding

SYNOPSIS: Last year the Tourism Committee applied for and received a grant from Cycle Oregon to improve the signage for bikers and hikers through Cascade Locks on the Historic Highway 30 route. Because we did not complete the project within the last fiscal year, it is necessary to adjust the funding to allow for the project in this fiscal budget. The attached resolution makes the necessary adjustment allowing for this completion.

The signs have been ordered and have been delivered. We are not working with ODOT for the sign posts and hardware. When the material is assembled, we will be working with the Public Works crew to install the signs at the approved locations.

CITY COUNCIL OPTIONS: Approve, modify, or reject the proposed resolution.

RECOMMENDED MOTION: "I move to approve Resolution No. 1314 to adjust the current budget to allow the expenditure of Cycle Oregon grant monies already received."



RESOLUTION NO. 1314

A RESOLUTION AUTHORIZING A BUDGET AMENDMENT FOR THE PURPOSE OF RECOGNIZING UNUSED GRANT FUNDS IN 2013/14 AND RECOGNIZING THE REVENUE IN 2014-2015 FOR TRAIL SIGNAGE IN FISCAL YEAR 2014/15, MAKING APPROPRIATIONS AND AUTHORIZING EXPENDITURES.

WHEREAS, the Tourism applied for a grant in November 2013 and received a \$5,000 check from Cycle Oregon for the purpose of trail signage; and

WHEREAS, the Grant requires a \$500 match which will be transferred from Tourism to the Grant fund; and

WHEREAS, the grant funds are to be used within one year from the award date of January 21, 2014; and

WHEREAS, the grant funds were not used in 2013-2014 and are required to be budgeted for the following year to be expensed by January 21, 2015;

THE COMMON COUNCIL FOR THE CITY OF CASCADE LOCKS, HOOD RIVER COUNTY, OREGON, RESOLVES AS FOLLOWS:

SECTION 1. Authorizing Budget Amendment:

<u>FUND OR DEPT.</u>	<u>BUDGETED</u>	<u>ADJUSTMENTS</u>	<u>FINAL</u>
<u>Grant Fund</u>			
Revenue – Cycle Oregon	\$0	+\$5,000	\$5,000
Revenue – Grant Match	\$0	+\$ 500	\$ 500
Materials & Supplies	\$4,000	+\$5,500	\$9,500
<u>Tourism Fund</u>			
Beginning Balance	\$10,000	-\$ 500	\$9,500
Inter-fund Transfer to Grant Fund	\$ 2,000	+\$ 500	\$2,500

SECTION 2. Effective Date. This resolution shall become effective upon adoption by the City Council and approval by the Mayor.

SECTION 3. Expiration. This resolution shall remain in effect until completion and acceptance of the FY 2014/15 audit.

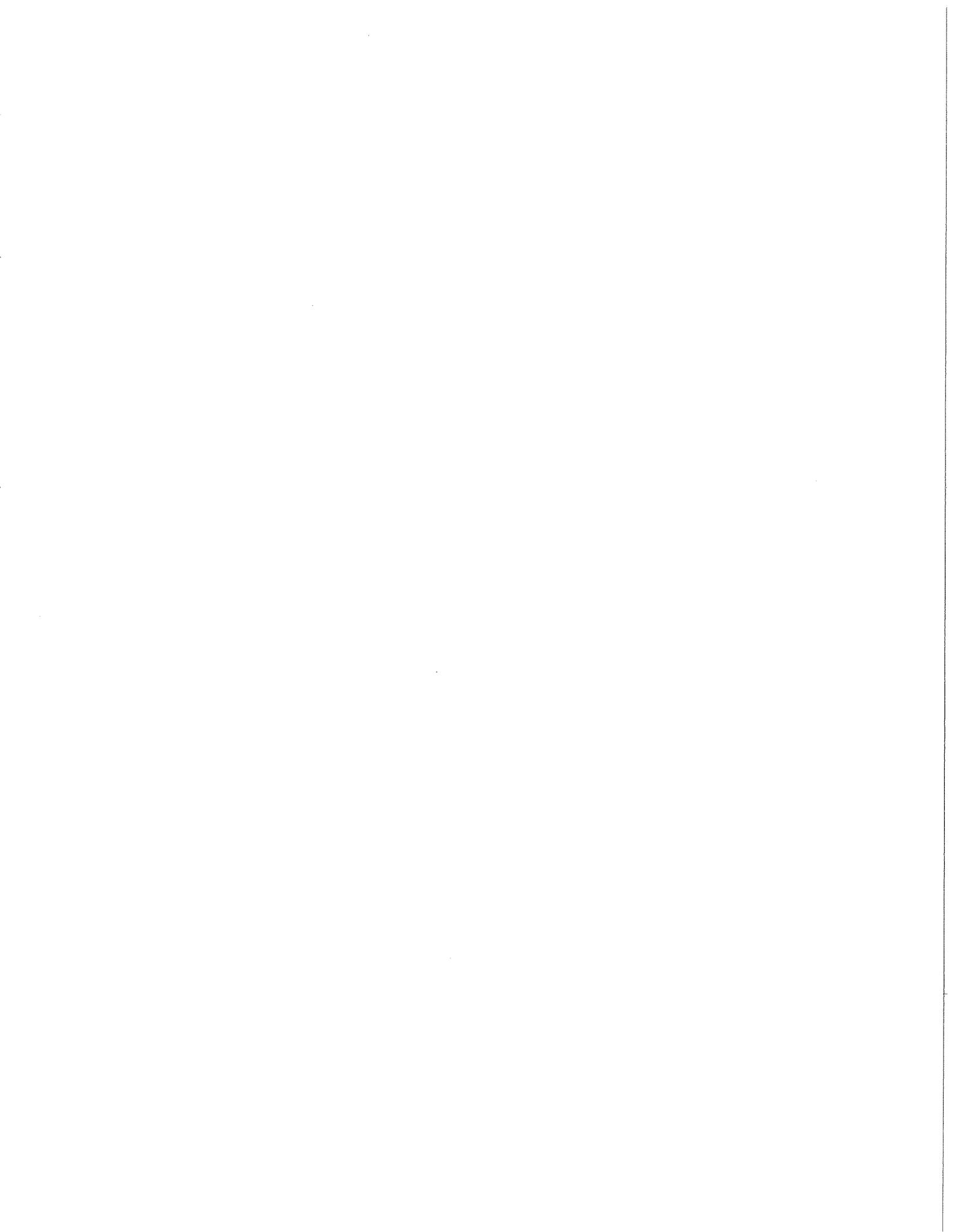
ADOPTED by the City Council this **13th** day of **October** 2014.

APPROVED by the Council President this **13th** day of **October**, 2014.

Tom Cramblett, Mayor

ATTEST:

Kathy Woosley, City Recorder



CASCADE LOCKS STAFF REPORT

Date Prepared: October 6, 2014

For City Council Meeting on: October 13, 2014

TO: Honorable Mayor and City Council

PREPARED BY: Gordon Zimmerman, City Administrator

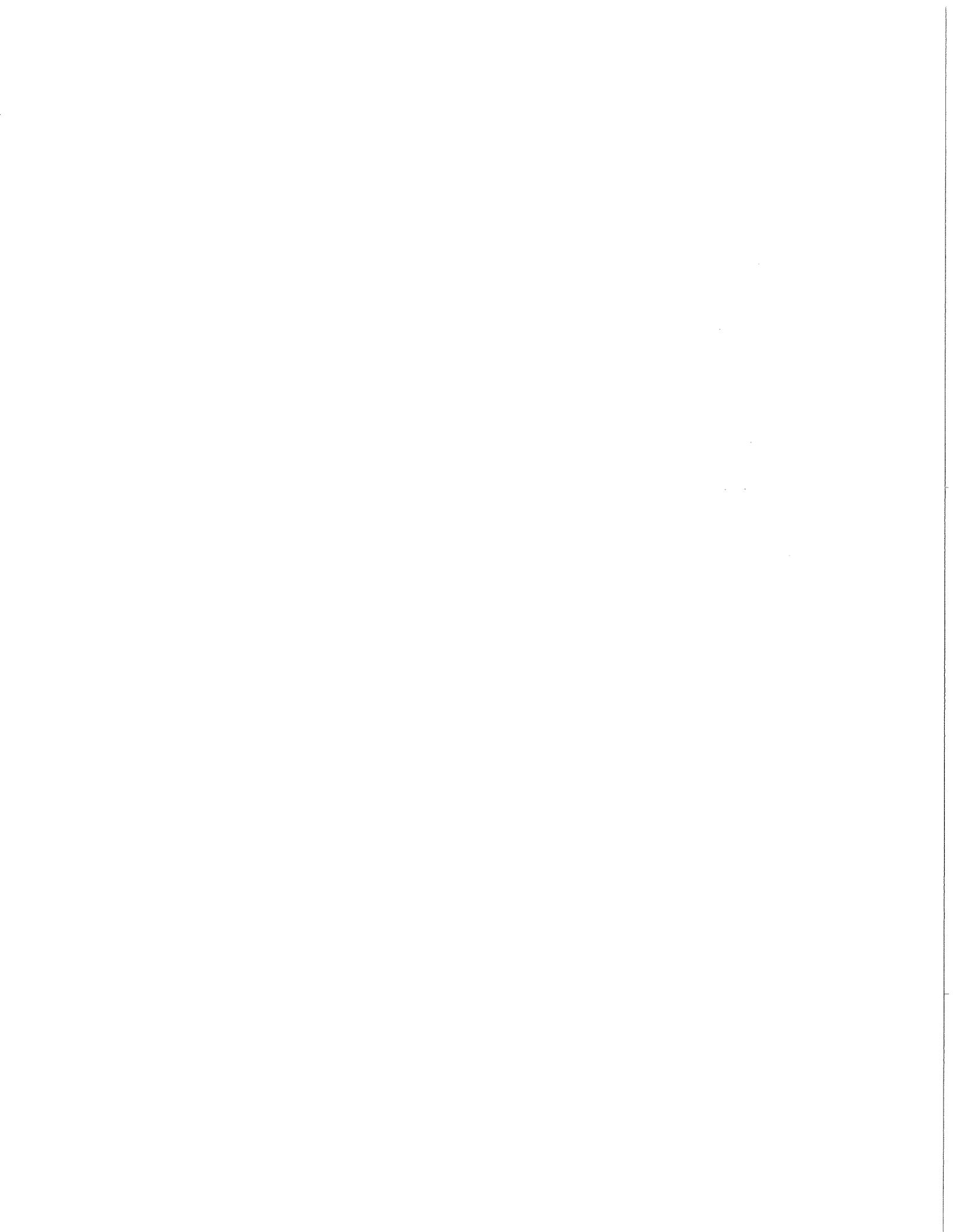
SUBJECT: Introduction of Ordinance No. 435 For City Right of Way Policy

SYNOPSIS: Please see the memo from City Attorney Ruben Cleaveland concerning the use and management of City right-of-way.

The City Attorney has suggested that we send this proposed ordinance to the utilities that use our right-of-way and let them have an opportunity to comment at a public hearing. Those utilities are:

- CenturyLink
- City of Cascade Locks
 - Water
 - Sewer
 - CATV/BB
 - Electricity

This is an introduction to the ROW Management Ordinance. Does the Council wish to schedule a public hearing, or, since CenturyLink already pays a privilege tax to the City, and this ordinance does not change that, should we schedule the first reading of the ordinance for the next Council meeting?



Memorandum

To: City Council

From: Ruben Cleaveland, Assistant City Attorney

Re: Management of Right of Way and Privilege Tax Ordinance

Date: October 6, 2014

I. Introduction

Staff is proposing a right of way management and privilege tax ordinance to address use of rights of way and compensation for use of City rights of way by utilities. Specifically, these ordinances would operate to ensure that telecommunications service providers, gas, electric, cable companies and other utilities placing equipment in city rights of way would all comply with the same basic requirements regarding construction of those facilities and compensate the city for the utility's use of the right of way. The ordinance still would require utilities to obtain a franchise as permission for use of the right of way.

While franchises have been the traditional method by which the City grants permission to occupy or encroach on the public right of way, the regulatory trend has been for local governments to adopt ordinances that provide a common set of requirements concerning, among other things, the permitting, construction and relocation of utility facilities in the public streets and easements. The primary reasons for this regulatory trend for local governments are (1) the telecommunications industry's attempts to erode cities' authority to manage rights of way and receive compensation for private use of a public asset; (2) telecommunications carriers' refusal to enter into new franchise agreements pending litigation over the Telecommunications Act; and (3) recurring legislative proposals at both the federal and state levels threatening city authority over rights of way.

The proposed ordinance would adopt a hybrid system. It creates a regulatory system for management of the rights of way that complies with state and federal law, protects public rights of way, ensures compensation for use of the rights of way, but also retains the franchise concept by requiring an individual franchise for each utility. The regulatory aspect of the ordinance enables the City to more easily adapt to changes in law and technology. The franchise aspect retains the City's ability to require a utility to obtain permission to operate within the right of way and address any issues specific to that utility.

II. Right of Way Management

A. Introduction.

Through statute, charter and common law authority, cities have the authority to regulate and manage the public right of way to ensure that transportation interests of the general public are not compromised by the extraordinary, non-transportation related use of public streets and easements by utilities. This regulatory authority also includes the right and obligation to obtain compensation for private use of a public asset (the streets and easements) by utilities. This authority to regulate right of way use and obtain compensation for that use has historically been exercised via franchise agreements and general ordinances.

B. Franchise Basics

There is a 100 year franchising history in Oregon. A franchise is a government-granted special privilege that generally does not belong to citizens as a common right. In the context of the use of rights of way, franchises became the model for conditionally permitting the use of the public rights of way by utilities as a way for cities to exercise their responsibility for right of way management. This meant that utilities had to obtain a franchise agreement from each city (and in some cases counties) prior to placing facilities in the right of way.

A franchise is a contract adopted by ordinance and is as binding as the terms of any other contract. Depending on the provisions of the franchise, the law of contracts, and the terms of legislation, franchise provisions can operate independently of changes to local, state and federal law.

Franchises conditionally permitted use of the right of way with the goal of ensuring that transportation facilities are not disrupted. Franchises therefore commonly provide for the manner in which utilities place, maintain and remove facilities in public streets so as to reduce this disruption.

Franchise terms cannot be perpetual, and statute limits terms to 20 years. The term of the franchise usually reflects a balance of concerns that changing law or technology should be accommodated over time and the desire of the franchisee to amortize the expenditures of facility construction.

Franchises are usually nonexclusive, unless an exclusive franchise is authorized by law. Telecommunications and cable franchises may not be exclusive.

Franchises also seek, on the public's behalf, franchise fees as rental payments for the special use of the public right of way and compensation for the inconvenience and expense caused by utility equipment on public streets and disruption of traffic, and to prevent the general taxpayers from subsidizing such extraordinary use. Franchise fees are effectively then, a form of rental payment for use of the right of way. They are regarded both as a cost of doing business on rights of way (utilities would otherwise have to acquire easements over myriad private properties) and as a reimbursement for the costs of right of way and franchise management.

Separate franchise agreements are negotiated with each utility. Not only must franchises be separately negotiated and agreed upon, franchises are a product of a "slice in time" regulatory *milieu*. As a consequence, franchise agreements reflect varying provisions, even between comparable utilities.

Finally, as we have seen in the recent decade, utilities, most notably telecommunications utilities, have challenged city franchising authority, resulting in extensive litigation and legislative action that has eroded local authority and stalled the franchising process, resulting in utilities operating without franchises and loss of revenue to cities.

C. Regulation of Rights of Way by General Ordinance

The proposed ordinance operates as both a general right of way ordinance (regulatory approach) and franchise ordinance (franchise approach). By incorporating many provisions of a franchise agreement into the right of way ordinance, the same provisions will apply to all similarly situated providers. The intent of the regulatory aspect of the ordinance is non-discrimination and an effort to provide, to the extent practicable, a level playing field for the class of utilities utilizing the right of way for the bulk of their facilities. The general ordinance approach also enables the City to unilaterally enact desired regulations and retain the regulatory flexibility to meet changing conditions. It would also position the City appropriately in preparation of anticipated changes in federal and state laws.

At the same time, the franchise approach aspect of the ordinance retains the City's ability to tailor a franchise agreement to a specific grantee for specific purposes. The franchise agreement would not conflict with the ordinance, but instead would supplement it as needed.

Major features of the right of way ordinance are as follows:

- 1) A right of way permit is required for any installation of facilities in the right-of-way. "Right of way" includes the traditional concept of dedicated street area, but also public easements and public utility easements.
- 2) Application for the permit is to the City. Construction plan documents and the provision of other information are required for application completeness and approval.
- 3) Aerial facilities are prohibited (under-grounding of all new equipment is required) except where there are no current underground facilities and the City has no planned and funded project to bring aerial facilities underground.
- 4) Relocation is at the utilities' expense to the extent a project is publicly funded. Relocation necessitated by a private developer is at the developer's expense. Relocation that is necessitated by a joint public/private project requires that the utility pay for a portion of the relocation costs equal to the percentage of City funding.

5) Public liability insurance, financial assurances, and indemnification are required as a condition of the permit. Insurance levels are set by resolution of the Council.

D. Privilege Tax Ordinance

"Privilege tax" is a term from state statute and refers to a fee that a municipality may charge to utilities for use of the municipality's right of way. The tax for the privilege of using public property is in-lieu of a franchise fee and would be set by resolution of the Council.

The amount of the privilege tax may provide for a tax in excess of franchisee fee amounts, but depending on applicable state or federal law limitations, must still reflect compensation for use of the right-of-way.

The "cost of doing business" aspect to franchise fees and privilege taxes has implications for rate making and the appearance of customer bills. The Oregon Public Utility Commission has adopted rules that define what percentage of City-imposed fees or taxes are allowed as operating expenses and reflected in the rates, and what percentage may be itemized on billing statements. The amounts beyond which the utility may pass on charges to users of the utility are 3.5 % for electric and water utilities, 3 % for gas utilities, and 4% for telecommunications utilities.

Federal and state law provides certain limitations on the amount that a local government may collect for use of the right-of-way. ORS 221.515 provides for a privilege tax of up to 7% of local exchange revenues earned by telecommunications carriers operating in the city. ORS 221.450 provides for imposition of a privilege tax of 5% of gross revenues for specified utilities operating without a franchise. The federal Cable Act limits cable franchise fees to 5% of gross revenues per year. There are no legal limits on the franchise fees competitive local exchange carriers, and pass-through providers may pay (using right of way but not serving customers in the City). Federal law does require that these competitors be treated in a reasonably comparable (non-discriminatory) fashion, though specifics of what this actually entails are being litigated in many forums all over the country, and legislation at the federal and state levels is likely.

As to privilege tax amounts, the following amounts represent current maximums either permitted or below which the utility cannot pass the cost through to customer bills:

- 1) Telecommunications carriers – 7% gross revenues
- 2) All other providers/users – 5%
- 4) "Pass through" users (those not serving City residents) \$.075 per calendar quarter per foot of facility in the right of way.

Conclusion and Recommendation. Staff recommends that Council direct staff to notify the affected utilities and schedule a public hearing at which the utilities may present comments on the proposed ordinances.

ORDINANCE NO. 435

AN ORDINANCE ASSERTING JURISDICTION OVER CITY RIGHT OF WAY AND PROVIDING FOR THE UNIFORM MANAGEMENT OF THE USE OF THE RIGHT OF WAY FOR UTILITIES

WHEREAS, the City of Cascade Locks desires, through its regulatory authority, to assert its authority over public rights of way and provide for a system of managing the use of the public rights of way through for users (as defined below) of the right of way;

WHEREAS, as a result of litigation challenging cities' authority over its public rights of way, courts have consistently upheld a city's regulatory authority to manage public rights of way when the laws are of general applicability;

WHEREAS, there are users of the right of way over whom the City currently does not have regulatory control due to the lack of appropriate ordinances;

WHEREAS, this Ordinance does not negate the City's authority to require any user of the right of way to enter into a franchise agreement with the City; and

WHEREAS, the purposes of this ordinance are to:

- A. Comply with the provisions of the 1996 Telecommunications Act as they apply to local governments, telecommunications carriers and the services those carriers offer;
- B. Permit and manage reasonable access to the public rights of way of the City for users of the right of way on a competitively neutral basis and conserve the limited physical capacity of those public rights of way held in trust by the City;
- C. Assure that the City has the ongoing ability to regulate private access to and the use of the public rights of way;
- D. Assure that all users of the right of way providing facilities and/or services within the City, or passing through the City, comply with the ordinances, rules and regulations of the City;
- E. Assure that the City can continue to fairly and responsibly protect the public health, safety and welfare of its citizens;
- F. Enable the City to discharge its public trust consistent with the rapidly evolving federal and state regulatory policies, industry competition, and technological development.

THE CITY OF CASCADE LOCKS, HOOD RIVER COUNTY, OREGON, ORDAINS AS FOLLOWS:

A Short Title. This Ordinance may be referred to as the "Public Right of Way Management Ordinance."

B. Definitions. For the purpose of this Ordinance the following terms, phrases, words and their derivations shall have the meaning given below. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The words "shall" and "will" are mandatory and "may" is permissive. Words not defined in this Ordinance shall be given the meaning set forth in the Communications Policy Act of 1934, the Cable Communications Policy Act of 1984, the Cable Television Consumer Protection and Competition Act of 1992, and the Telecommunications Act of 1996, all as they have been amended from time to time. References to statutory or regulatory provisions include any amendments thereto, unless otherwise indicated. If not defined there, the words shall be given their common and ordinary meaning

"Aboveground Facilities" - see "Overhead Facilities."

"Affiliated Interest" has the same meaning as ORS 759.010.

"Cable Facilities or System" means the plant and equipment, other than customer premises equipment, used by a cable service provider.

"Cable Service" is to be defined consistent with federal laws and means the one-way transmission to subscribers of video programming, or other (such as music) programming service, and subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

"City" means the City of Cascade Locks, an Oregon municipal corporation, and individuals authorized to act on the City's behalf.

"City Council" means the elected governing body of the City of Cascade Locks, Oregon.

"City Property" means and includes all real property owned by the City, other than public rights of way and utility easements as those are defined in this Ordinance, and all property held in a proprietary capacity by the City, which are not subject to right of way franchising as provided in this Ordinance.

"Communications Facilities or System" means the plant and equipment, other than customer premises equipment, used by a communications service provider.

"Communications Provider" means any provider of communications services, whether the providers directly or indirectly owns, controls, operates or manages communications facilities

within the City.

“Communications Service” means any service provided for the purpose of transmission of information including, but not limited to, voice, video, or data, without regard to transmission protocol employed, whether or not the transmission medium is owned by the provider itself or whether or not the transmission medium is wireline. Communications service includes all forms of telephone services and voice, video, data or information transport, but does not include: (1) cable service; (2) open video system service, as defined in 47 CFR 76; (3) private communications system services provided without using public rights of way; (4) over the air radio or television broadcasting to the public at large from facilities licenses by the Federal Communications Commission; and (5) any direct to home satellite services within the meaning of Section 602 of the Telecommunications Act.

“Conduit” means any structure, or portion thereof, containing one or more ducts, conduits, manholes, handholes, vaults, bolts, or other facilities used for any telegraph telephone, cable television, electrical, or communications conductors, or cable right of way, owned or controlled, in whole or in part, by one or more public utilities.

“Days” means calendar days unless otherwise specified.

“Duct” means a single enclosed raceway for conductors or cable.

“Facilit(y)ies” means any tangible component installed, maintained, or operated by user within the right of way. By way of example, the term means any pole, wire, sensor, loop, light, stabilization or "guy" wire, anchor, pipe, conduit, line, main, duct, cable, wire, switch, transformer, valve, antennae or other equipment, including any equipment box or vault, located wholly or in part under, on, or above the surface of the ground within any right of way or easement. "Facilit(y)ies" also includes any time placed in the right of way for the purpose of providing electric power, natural gas, telephone communications, radio, cable television, internet access, sewer, water, storm sewer or other utility or similar service.

“Franchise” means the privilege granted by this Ordinance or another ordinance to use public rights of way and utility easements within the City for a dedicated purpose and for specific compensation.

“Gross Revenues” means all monthly service and franchise fees actually collected from Grantee’s customers within the quarter for Basic Cable Service and Communications Service. Gross Revenues also includes revenue from the sale or lease of excess capacity on Grantee’s cable or communications systems. Gross Revenues does not include revenues derived from installation, construction or connection work provided to Grantee’s customers; any taxes on services furnished by Grantee that are imposed directly on any customer by state or federal law and collected by Grantee on behalf of the state or federal jurisdiction imposing the tax; bad debts written off by Grantee in the normal course of it business; and any refunds rebates, or discounts made to Grantee’s customers or other third parties.

“Overhead Facilities” or “Aboveground Facilities” means utility poles, utility facilities and cable

and communications facilities above the surface of the ground, including the underground supports and foundations for such facilities.

“Public Right(s) of Way” includes, but is not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements and all other public ways or areas, including subsurface and air space over these areas. For purposes of this Ordinance, this definition applies only to the extent of the City’s right, title, interest or authority to grant permission to occupy and sue these areas for utility facilities. "Public rights of way" also includes utility easements as defined below.

“Underground Facilities” means cable and communications facilities located under the surface of the ground, excluding the underground foundations or supports for "overhead facilities."

“User” means a person that performs work and/or has facilities within the City’s right of way, whether or not the user has a permit and whether or not the facilities are authorized to be located in the right of way.

“Utility Easement” means any easement granted to or owned by the City and acquired, established, dedicated or devoted for public utility purposes.

“Utility facilities” means those overhead or underground facilities of a user.

C. Jurisdiction and Management of Public Rights of way.

(1) The city has jurisdiction and exercises regulatory management over all public rights of way within the city and authority of the city charter, ordinances, and state law.

(2) The city has jurisdiction and exercises regulatory management over public rights of way whether the City has a fee, easement, or other legal interest in the right of way. The City has jurisdiction and regulatory management of each right of way whether the legal interest in the right of way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.

(3) No person shall occupy or encroach on a public right of way without the permission of the City. The City grants permission to use public rights of way by franchises, licenses and permits

(4) The exercise of jurisdiction and regulatory management of a public right of way by the City is not official acceptance of the right of way, and does not obligate the City to maintain or repair any part of the right of way.

(5) The City retains the right and privilege to immediately require the person responsible to move or otherwise adjust its facilities located within the public rights of way, or, upon consultation with the utility, with its own forces the city may move or otherwise adjust such facilities, as the City may determine to be necessary, appropriate or useful in response to a public health or safety emergency.

D. Construction Standards and Permits

(1) General Construction Standards. No person shall commence or continue with the construction, installation, or operation of any facilities within a public right of way except as provided in this Ordinance, and consistent with all applicable codes, rules, and regulations.

(2) Construction Codes. Facilities shall be constructed, installed, operated and maintained in accordance with all applicable federal, state and local codes, rules and regulations including the National Electrical Code and the National Electrical Safety Code.

(3) Construction Permits. No person shall construct or install any facilities within a public right of way without first obtaining a construction permit, and paying any applicable construction permit fee, the amount of which is set by Resolution of the Council. No permit shall be issued for the construction or installation of facilities within a public right of way without having first applied for and received a franchise.

(4) Permit Applications. Applications for permits to construct, install or modify facilities within a public right of way shall be submitted to the City upon forms to be provided by the City and shall be accompanied by documentation, drawings, plans and specifications in sufficient detail to demonstrate:

a. That the facilities will be constructed or installed in accordance with all applicable codes, rules and regulations.

b. That the facilities will be constructed or installed in accordance with the franchise agreement.

c. The location and route of the facilities, if any, to be installed aboveground or on existing utility poles.

d. The location and route of all facilities on or in the public rights of way to be located under the surface of the ground, including the line and grade proposed for the burial at all points along the route which are within the public rights of way. Existing facilities shall be differentiated on the plans from new construction.

e. The location of all of user's existing underground utilities, conduits, ducts, pipes, mains and installations which are within the public rights of way along the underground route proposed by the applicant. A cross section shall be provided showing new or existing facilities in relation to the street, curb, sidewalk or right of way.

f. The methods to be employed for protection of existing structures, fixtures, and facilities within or adjacent to the public rights of way, and description of any improvements that the applicant proposes to temporarily or permanently remove or relocate.

g. The estimated cost of the work proposed.

(5) Construction Schedule. All permit applications shall be accompanied by a written schedule, which shall include a deadline for completion of the work. The schedule shall be

subject to approval by the City.

(6) Issuance of Permit. If the application is approved, it may be approved subject to any further conditions, restrictions or regulations affecting the time, place and manner of performing the work as the City may deem necessary or appropriate.

(7) Notice of Construction. Except in the case of an emergency, the permittee shall notify the City not less than two (2) business days in advance of any excavation or construction in the public rights of way.

(8) Compliance with Permit. All construction practices and activities shall be in accordance with the permit and approved final plans and specifications for the facilities. The City's representatives shall be provided access to the work site and any further information as they may require to ensure compliance with the permit and plans or protection of the City's right of way.

(9) Noncomplying Work. Subject to the notice requirements in Section 12(c) below, all work which does not comply with the permit, the approved or corrected plans and specifications for the work, or the requirements of this Ordinance, shall be removed at the sole expense of the permittee. The City Administrator is authorized to stop work in order to assure compliance with the provisions of this Ordinance.

(10) Completion of Construction. The permittee shall promptly complete all construction activities so as to minimize disruption of the City rights of way and other public and private property. All construction work within City rights of way, including restoration, must be completed within 120 days of the date of issuance of the construction permit unless an alternate schedule is approved by the City.

(11) As-Built Drawings. The permittee shall furnish the City with two (2) complete sets of plans drawn to scale and certified to the City as accurately depicting the location of all permittee's facilities constructed pursuant to the permit, one set on paper and the other set in electronic format acceptable to the City, such as Autocad. If requested, these plans shall be submitted to the City Engineer within sixty (60) days of the request, in a format mutually acceptable to the permittee and City Engineer.

(12) Restoration of Public Rights of Way and City Property.

a. When a permittee, or any person acting on their behalf, does any work in or affecting any public rights of way or City property, they shall, at their own expense, promptly remove any obstructions therefrom and restore the ways or property to good order and condition unless otherwise directed by the City Engineer, or unless otherwise specified by the permit.

b. If weather or other conditions do not permit the complete restoration required by this Section, the permittee shall temporarily restore and maintain the affected rights of way or property. Temporary restoration is at the permittee's sole expense and the permittee shall promptly undertake and complete the required permanent restoration when the weather or other

conditions no longer prevent permanent restoration. Any corresponding modification to the construction schedule will be subject to approval by the City.

c. If the permittee fails to restore rights of way or property to good order and condition, the City shall give the permittee written notice and provide the permittee a reasonable period of time, not exceeding thirty (30) days, to restore the rights of way or property. If the permittee fails thereafter to restore the rights of way or property to good order and condition, the City may cause the restoration to be made at the expense of the permittee, and the permittee shall reimburse the City for such costs, including all labor and material costs and an administrative overhead fee of 20%.

d. A permittee or other person acting in its behalf shall use suitable barricades, flags, flagging attendants, lights, flares and other measures as required for the safety of all members of the general public and to prevent injury or damage to any person, vehicle or property by reason of the work in or affecting the rights of way or property.

(13) Performance and Completion Bond. Before construction is commenced within the public rights of way the permittee shall provide a performance bond or other form of surety acceptable to the City in an amount equal to at least 100% of the estimated cost of the work approved in the permit.

a. The surety shall remain in force until sixty (60) days after substantial completion of the work, as determined in writing by the City, including restoration of public rights of way and other property affected by the construction.

b. The surety shall guarantee, to the satisfaction of the City:

- i. Timely completion of construction;
- ii. Construction in compliance with applicable plans, permits, technical codes and standards;
- iii. Proper location of the facilities as specified by the City;
- iv. Restoration of the public rights of way and other property affected by the construction; and
- v. Timely payment and satisfaction of all claims, demands and liens for labor, material and services provided in connection with the work.

(1) Location of Facilities. All facilities located within the public right of way shall be constructed, installed and located in accordance with the following terms and conditions:

a. All facilities must be located underground within the public right of way whenever any existing facilities are located underground within the same public right of way, unless otherwise provided in a separate agreement with the City.

b. Whenever any new or existing facilities are located or relocated underground within a public right of way of the City, a user that currently occupies the same public right of way shall relocate its facilities underground concurrently with the other affected utilities to minimize disruption of the public right of way, absent extraordinary circumstances or undue hardship as determined by the City and consistent with applicable state and federal law, or unless otherwise provided in separate agreement with the City.

(2) Interference with the Public Rights of Way. No user may locate or maintain its facilities so as to unreasonably interfere with the use of the public rights of way by the City, by the general public or by other persons authorized to use or be present in or upon the public rights of way. All use of public rights of way shall be consistent with City codes, ordinances and regulations.

(3) Relocation or Removal of Facilities. Except in the case of an emergency, within ninety (90) days following written notice from the City a user shall, at its own expense, temporarily or permanently (as specified by the City), remove, relocate, change or alter the position of any facilities within the public rights of way whenever the City shall have determined that the removal, relocation, change or alteration is reasonably necessary for:

a. The construction, repair, maintenance or installation of any City or other public improvement in or upon the public rights of way,

b. The operations of the City or other governmental entity in or upon the public rights of way, or

c. The public interest.

(4) Removal of Unauthorized Facilities. Within thirty (30) days following written notice from the City, any user that owns, controls or maintains any unauthorized facility or related appurtenances within the public rights of way of the City shall, at its own expense, remove the facilities or appurtenances from the public rights of way of the City. A system or facility is unauthorized and subject to removal in the following circumstances:

a. One year after the expiration or termination of the user's franchise.

b. Upon abandonment of a facility within the public rights of way. A facility will be considered abandoned when it is deactivated, out of service, or not used for its intended and authorized purpose for a period of ninety (90) days or longer. A facility will not be considered abandoned if it is temporarily out of service during performance of repairs or if the facility is being replaced.

c. If the system or facility was constructed or installed without the appropriate prior authority at the time of installation.

d. If the system or facility was constructed or installed at a location not permitted by the grantee's permit.

(5) Coordination of Construction Activities. All users with facilities in the City's rights of way should make a good faith effort to cooperate with other users and the City to coordinate construction activities that disturb the right of way so as to minimize public inconvenience, disruption or damages.

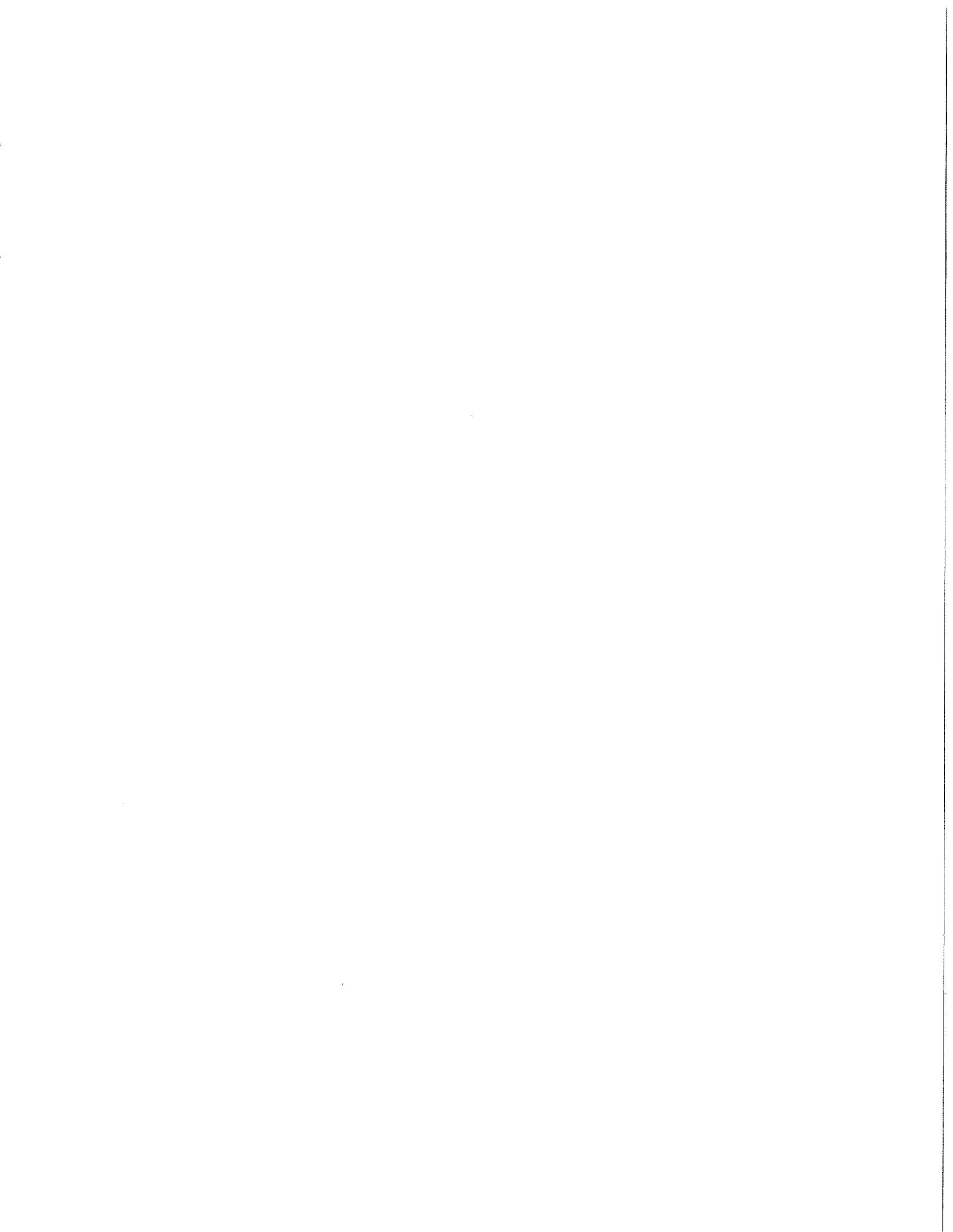
ADOPTED by the City Council this ___ day of _____, 2014.

APPROVED by the Mayor this ___ day of _____, 2014.

Tom Cramblett, Mayor

ATTEST:

City Recorder



AGENDA ITEM NO: 5e.

CASCADE LOCKS STAFF REPORT

Date Prepared: October 6, 2014

For City Council Meeting on: October 13, 2014

TO: Honorable Mayor and City Council

PREPARED BY: Gordon Zimmerman, City Administrator

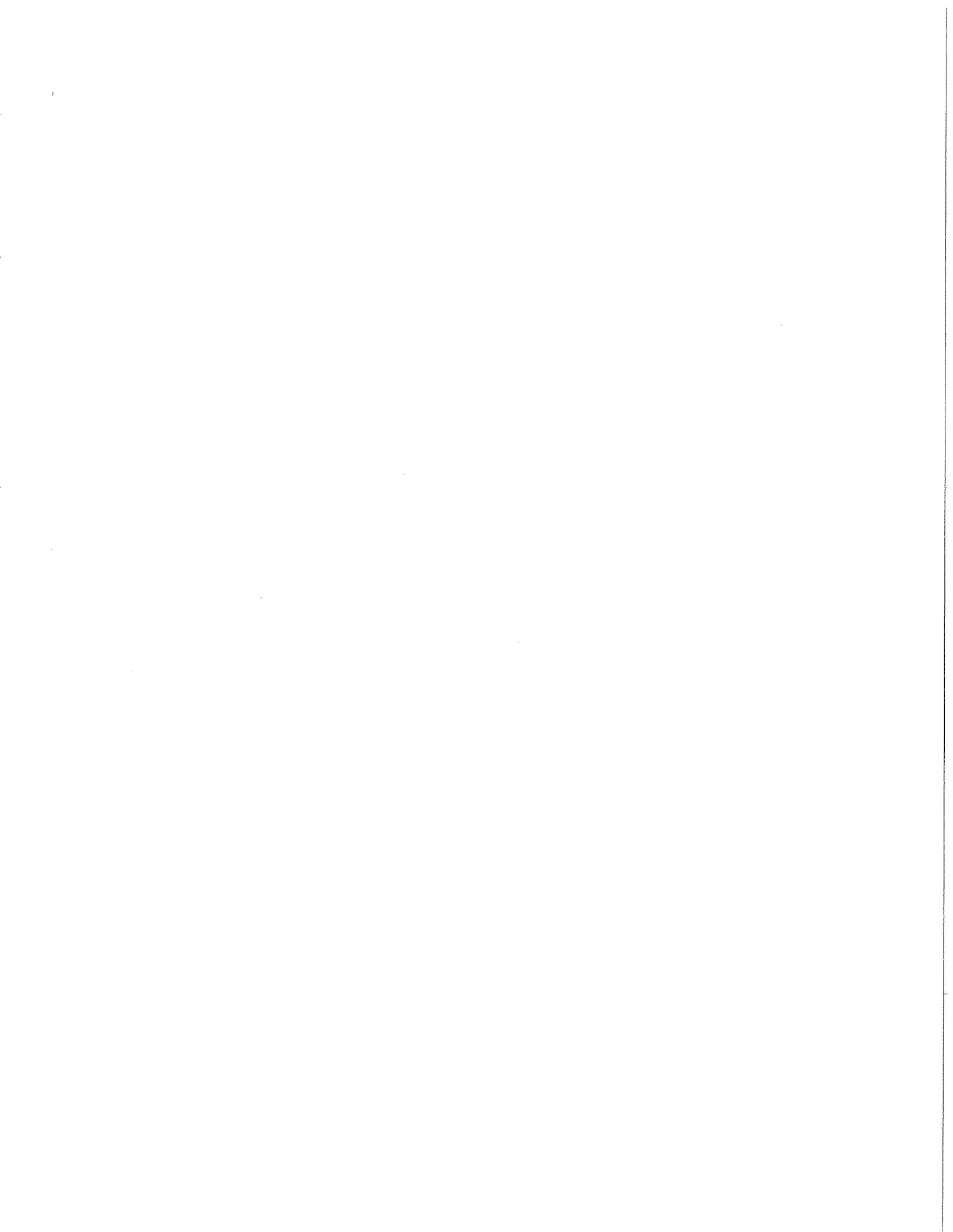
SUBJECT: Approve First Reading of Ordinance No. 436 Amending Ordinance No. 425 Pertaining to the Regulation of Street Vendors within the City of Cascade Locks

SYNOPSIS: At a recent Joint Work Group for Economic Development Meeting, Les Brown from CRITFC and Tom Zeilman, attorney for the Yakima Nation met with the Committee to discuss the Street Vendor ordinance the Council passed last December. Mr. Zeilman offered to look at our ordinance and make suggests to it, in order not to disturb treaty rights of the Native Americans. These rights center around fishing in the Columbia basin.

The attached ordinance makes the adjustments suggested in his letter.

CITY COUNCIL OPTIONS: This is the first reading of Ordinance No. 436.

RECOMMENDED MOTION: No motion is required.



LAW OFFICES
OF
THOMAS ZEILMAN

402 E. YAKIMA AVENUE, SUITE 710
Mailing Address: P. O. BOX 34
YAKIMA, WASHINGTON 98907

TELEPHONE: 509/575-1500 - FAX: 509/575-1227
E-MAIL: TZEILMAN@QWESTOFFICE.NET

September 16, 2014

Mr. Tom Cramblett, Mayor
City of Cascade Locks
P.O. Box 308
140 SW WaNaPa
Cascade Locks, OR 97014

RE: City of Cascade Locks Ordinance No. 425

Dear Mayor Cramblett:

I want to thank you and the Cascade Locks City Council for inviting Les Brown and myself to your meeting with the Port Commission in the Joint Working Group on Economic Development (JWGED) at City Hall on July 30. The discussion was both informative and productive, and both Les and I appreciate your desire to work together with the Columbia River treaty tribes to further our mutual goal of making the Cascade Locks area a great place to do business. We left the meeting feeling that our concerns and interests were heard by the City Council in a spirit of good will, and we are prepared to honor our pledge to assist the City in addressing those issues.

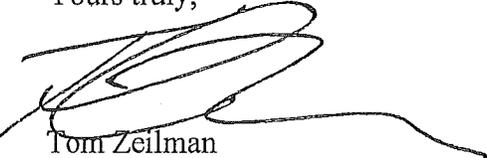
As I stated at the JWGED meeting, the treaty tribes are primarily concerned about the registration requirement for all street vendors in Ordinance No. 425, which has no express exemption for enrolled tribal members who are selling treaty-caught fish. This appears to be inconsistent with federal case law and subsequent opinions by the Oregon Attorney General finding that commercial transactions by Indian treaty fishers are exempt from regulation under state laws unless there is a conservation necessity. See *Puyallup Tribe v. Department of Game*, 391 U.S. 392, 398 (1968); *U.S. v. Washington*, 384 F.Supp. 312, 417-418 (W.D.Wash. 1974); 37 Or. Op. Atty. Gen. 27 (1974). The City's street vendor registration requirements specifically include compliance with licensing by state agencies, something that Indian treaty fish sellers have not been required to do for more than forty years. Although I understand that some tribal members are also selling other types of products in Cascade Locks, there should be some kind of exemption for those who are selling only treaty-caught fish.

For this reason, I am submitting for your review draft amendments to Section 2 of Ordinance No. 425. A copy of the draft amendment is attached, with the changes underlined. The inserted language in subsection 1 reads: "except an enrolled member of a federally recognized Indian tribe whose items for sale consist solely of fish harvested pursuant to treaty reserved rights." Operation of this new revision will exclude treaty fish sellers from the registration requirement, but will not exclude tribal members who may be selling other items that are not treaty caught fish. If an Indian street vendor is selling both treaty-caught fish and non-fish products, the registration form will still need to be completed and approved by the City of Cascade Locks. Tribal members will still be subject to the restrictions on vendor location, conduct, and signage in Sections 3 and 4 of the Ordinance.

An additional revision in subsection 2 allows those tribal members who are subject to the City's registration requirement (i.e., those selling non-fisheries items) to submit a tribal identification card in lieu of a state issued ID. Many tribal members may not have a state ID, but all of them should have an enrollment card issued by their respective tribal government. These cards are also used for enforcement purposes to notify state and local officials that the individuals in possession are enrolled tribal members who are exercising treaty fishing rights. Members are required under tribal law to show their enrollment cards to law enforcement officers upon request.

Thank you again for the opportunity to work with the City of Cascade Locks to ensure that Indian tribal treaty rights and interests are honored and respected in your jurisdiction. You can contact me at (509) 575-1500 or (509) 949-7942 if you have any questions about the changes or want to discuss the issue further.

Yours truly,



Tom Zeilman
Attorney
Yakama Nation

Attachment

cc: Gordon Zimmerman, City Administrator, City of Cascade Locks ✓
Jess Groves, President, Port of Cascade Locks Commission
Paul Koch, Interim General Manager, Port of Cascade Locks
Holly Howell, Marketing and Development Manager, Port of Cascade Locks
Roger Dick, Jr., YN Fisheries
Les Brown, CRITFC
Rob Lothrop, CRITFC

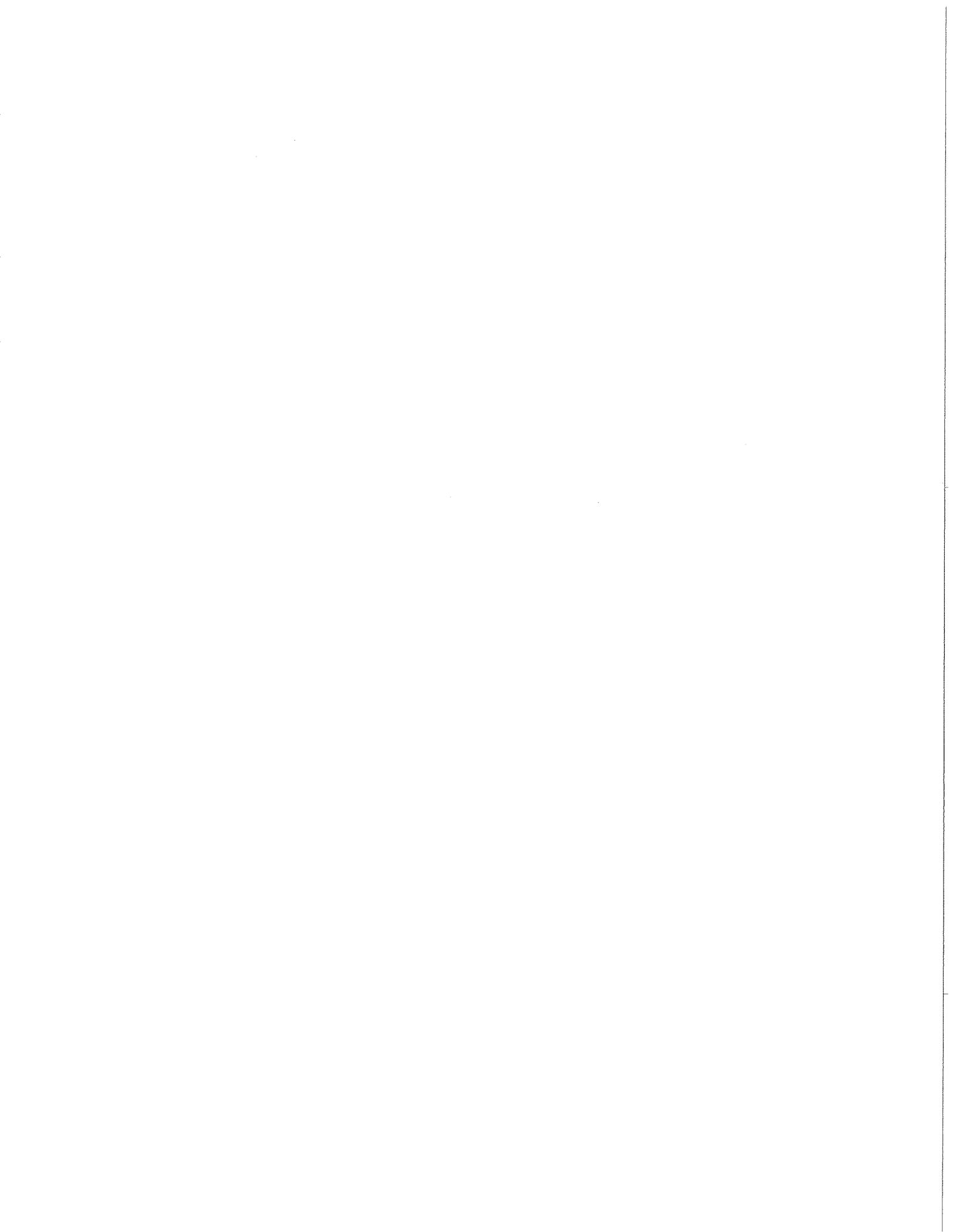
DRAFT AMENDMENTS

CITY OF CASCADE LOCKS ORDINANCE NO. 425

The following amendments to Ordinance No. 425 are proposed (draft changes are underlined):

SECTION 2. **REGISTRATION.**

- 1) No person shall operate as a street vendor without first registering with the City of Cascade Locks, except an enrolled member of a federally recognized Indian tribe whose items for sale consist solely of fish harvested pursuant to treaty reserved rights.
- 2) Registration shall be on forms provided by the City. All street vendors shall be required to provide the following information:
 - (a) Official picture identification in the form of a valid state issued driver's license, state or tribally issued identification card, or valid passport;



ORDINANCE NO. 436

AN ORDINANCE OF THE CITY OF CASCADE LOCKS AMENDING ORDINANCE 425 PERTAINING TO THE REGULATION OF STREET VENDORS WITHIN THE CITY OF CASCADE LOCKS

WHEREAS, the City Council of the City of Cascade Locks has established Ordinance 425 for the regulation of street vendors within the City of Cascade Locks; and

WHEREAS, the City Council considers it necessary to amend Ordinance 425 to exempt enrolled Native American tribal members whose items for sale consist solely of fish harvested pursuant to treaty reserved rights.

THE CITY OF CASCADE LOCKS, HOOD RIVER COUNTY, OREGON, ORDAINS AS FOLLOWS:

Ordinance 425 is amended as follows [additions in underline and deletions in ~~strikeout~~]:

SECTION 1. Street Vendor Defined. A street vendor is a person or persons, including a business entity, who sells items, including but not limited to crafts, artwork, trinkets, souvenirs, produce or animal products from temporary shelters, stands, vehicles or carts on a seasonal basis.

SECTION 2. Registration.

- 1) No person shall operate as a street vendor without first registering with the City of Cascade Locks, except an enrolled member of a federally recognized Indian tribe whose items for sale consist solely of fish harvested pursuant to treaty reserved rights.
- 2) Registration shall be on forms provided by the City. All street vendors shall be required to provide the following information:
 - a) Official picture identification in the form of a valid state issued driver's license, state or tribally issued identification card, or valid passport;
 - b) Current contact information, including a valid mailing address and phone number;
 - c) A current Oregon State food handler's certification if handling food;
 - d) The location of vending;
 - e) If vending on private property, the street vendor must provide a copy of the affected property owner's written permission for placement of a temporary shelter, stand, vehicle or cart; and
 - f) Any other information deemed necessary to enforce this Ordinance.

SECTION 3. Method of Operation.

- 1) No street vendor shall:
 - a) Occupy an area within ten (10) feet of a crosswalk, alleyway or building doorway;
 - b) Obstruct or impede vehicular or pedestrian traffic;
 - c) Leave a location without first picking up, removing and disposing of all trash and refuse remaining within a twenty-five foot (25') radius of their vending area. Each vendor shall be

responsible for maintaining a twenty-five foot (25') radius around their vending area clean of any trash or debris;

- d) Make any loud noise for the purpose of advertising or attracting attention to their wares;
 - e) Leave their shelter, stand, vehicle or cart unattended;
 - f) Sell from any location other than the registered location;
 - g) Solicit or conduct business with any persons in motor vehicles located within any traffic lane on a public street;
 - h) Unreasonably interfere with or obstruct the free flow of pedestrian traffic or access to businesses; or
 - i) Violate any federal, state or local ordinance, statute or regulation.
- 2) If vending on private property, the street vendor must prominently display a copy of the affected property owner's written permission for placement of the street vendor's temporary shelter, stand, vehicle or cart at the vending location.

SECTION 4. Signage.

- 1) No street vendor shall:
- a) Place signs anywhere other than the street vendor's place of business;
 - b) Place more than one sign on each of four sides of the street vendor's temporary shelter, stand, vehicle or cart.
 - c) Place a sign greater than ten square feet on any side of the street vendor's temporary shelter, stand, vehicle or cart.
 - d) Place signs on vehicles other than the vendor's registered sales structure or within the road right-of-way;
 - e) Place signs within ten feet (10') of a crosswalk, alleyway, or fire hydrant; or
 - f) Place signs in any way that obstructs or impedes vehicular or pedestrian traffic.
- 2) One hand held sign is allowed for each approaching travel direction but in no instance shall more than two hand held signs be allowed.
- 3) Hand held signs may only be used on the sidewalk; they shall not be used in the vehicular right of way; including travel lanes, bike lanes, or parking areas.

SECTION 5. Enforcement; Penalty; and Abatement.

- 1) The City Administrator for the City of Cascade Locks or their designee is authorized to enforce this ordinance by issuing a Uniform Citation or other citation form complying with Oregon Revised Code Chapter 153.
- 2) Any person who shall be found guilty of violating any of the provisions of this ordinance commits a civil infraction punishable by up to \$500.00 per incident, plus court costs and other costs associated with enforcement.
- 3) Each day's violation of this ordinance constitutes a separate offense, for which a separate penalty may be imposed.

- 4) In addition to any remedies available under this ordinance, any violation of this ordinance is deemed a nuisance. The abatement of such a nuisance is in addition to any other penalty or remedy. Such nuisance may be abated as provided in Cascade Locks Ordinance No. 344 or in any other manner authorized by law.
- 5) Any temporary shelter, stand, vehicle, cart or sign in violation of this ordinance may be removed by the City Administrator or designee twenty four (24) hours after written notice is delivered to the vendor in person or five (5) days after written notice is mailed to the address registered with the City.
 - a) Any item(s) removed may be stored by the City up to 30 days or until the owner redeems the property by paying a storage and removal charge as established by the City Administrator. The City may dispose of items left longer than 30 days from the date of notice provided in this section.
 - b) Written notice shall include at least the following:
 - i) A statement that the item(s) are in violation of this ordinance;
 - ii) The approximate location of the violation;
 - iii) Date the item(s) will be removed;
 - iv) Statement that the removal and storage costs are the responsibility of the owner or vendor;
 - v) Statement that the item(s) shall be disposed of after thirty (30) days of storage;
 - vi) Cost of removal and storage;
 - vii) Location of storage or person to contact concerning storage;
 - viii) Statement that the owner or vendor may remove the item(s) at their own expense prior to the date of removal; and
 - ix) Statement that further violation will result in immediate removal without prior notification.

SECTION 6. Separability. Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance be declared invalid, such declaration shall not affect the validity of any other section, subsection, paragraph, sentence, clause or phrase; and if this Ordinance, or any portion thereof, should be held to be invalid on one ground but valid on another, it shall be construed that the valid ground is the one upon which said Ordinance, or such portion thereof, was enacted.

SECTION 7. Effective Date. This Ordinance will take effect 30 days after approval by the Mayor.

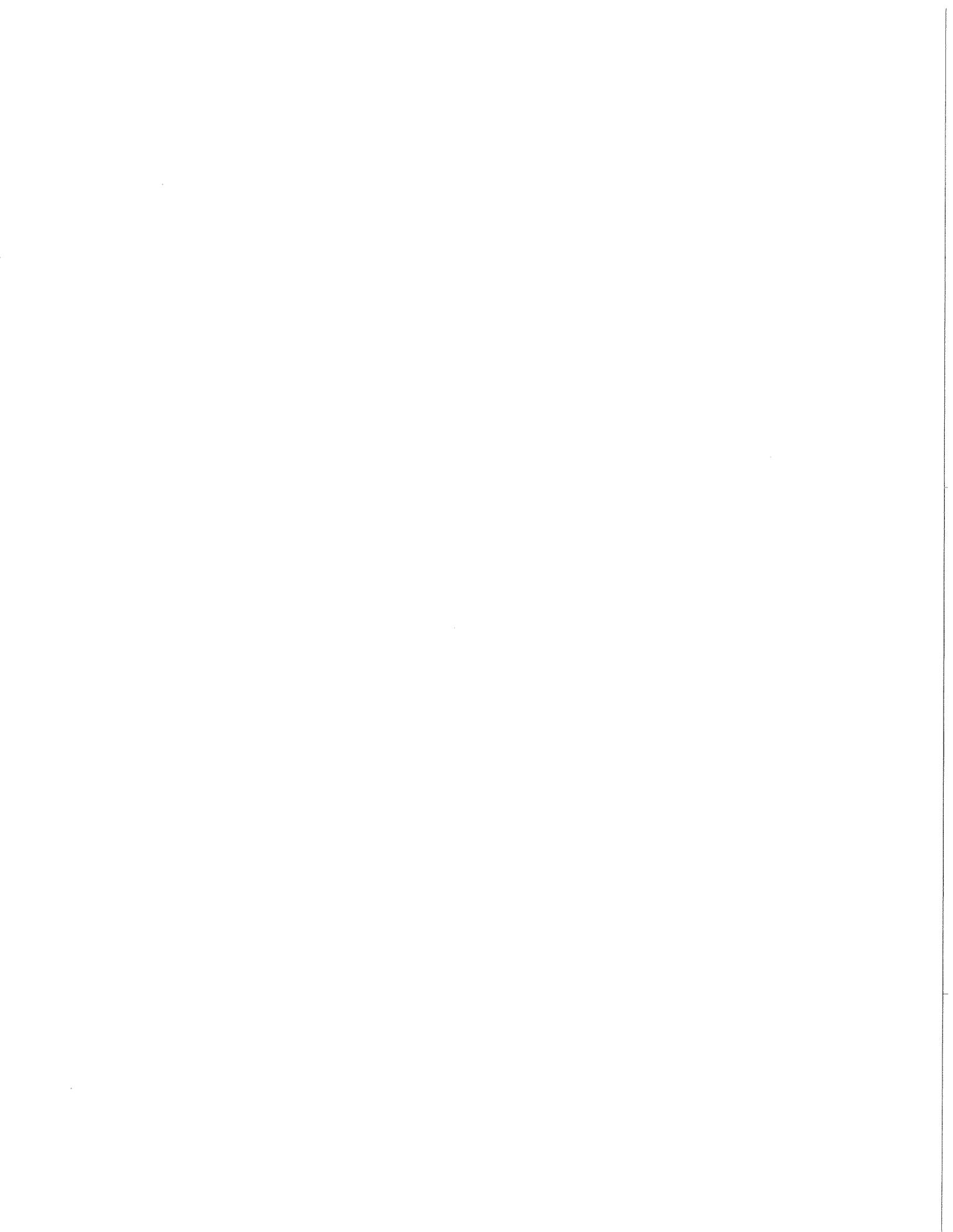
ADOPTED by the City Council this ___ day of October, 2014.

APPROVED by the Mayor this ___ day of October, 2014.

ATTEST:

City Recorder

Mayor



City of Cascade Locks
STREET VENDOR REGISTRATION FORM
 Per City Ordinance No. ~~A25~~ A30

Name: _____
 Street Address: _____
 Mailing Address: _____
 City, State, ZIP: _____
 Business Phone: _____
 Cell Phone: _____

- Include:
1. A copy of Food Handler's License *if required*
 2. A copy of Department of Agriculture certification for applicable food products
 3. A copy of the property owner's written permission for placement of stand
 4. A copy of valid ~~government~~ *state or tribally* issued photo ID

Identify the Location of the temporary stand: _____

Date Approved: _____ By: _____

This registration is good for 120 days after the date of the approval by the City Administrator or his designee.
(This registration does not apply to an enrolled member of a federally recognized Indian tribe whose items

RESTRICTIONS

- No street vendor:
- a) Occupy an area within ten (10) feet of a crosswalk, alleyway, driveway, or building doorway;
 - b) Obstruct or impede the free flow of vehicular traffic (including bicycles) or pedestrian traffic;
 - c) Leave a location without first picking up, removing and disposing of all trash and refuse remaining in a 25 foot radius of their vending area;
 - d) Make any loud noise for the purpose of advertising or attracting attention to their wares;
 - e) Sell from any location other than the registered location;
 - f) Solicit or conduct business with any persons in motor vehicles located within any traffic lane on a public street.

For sale consist solely of fish harvested pursuant to Treaty reserved rights.)

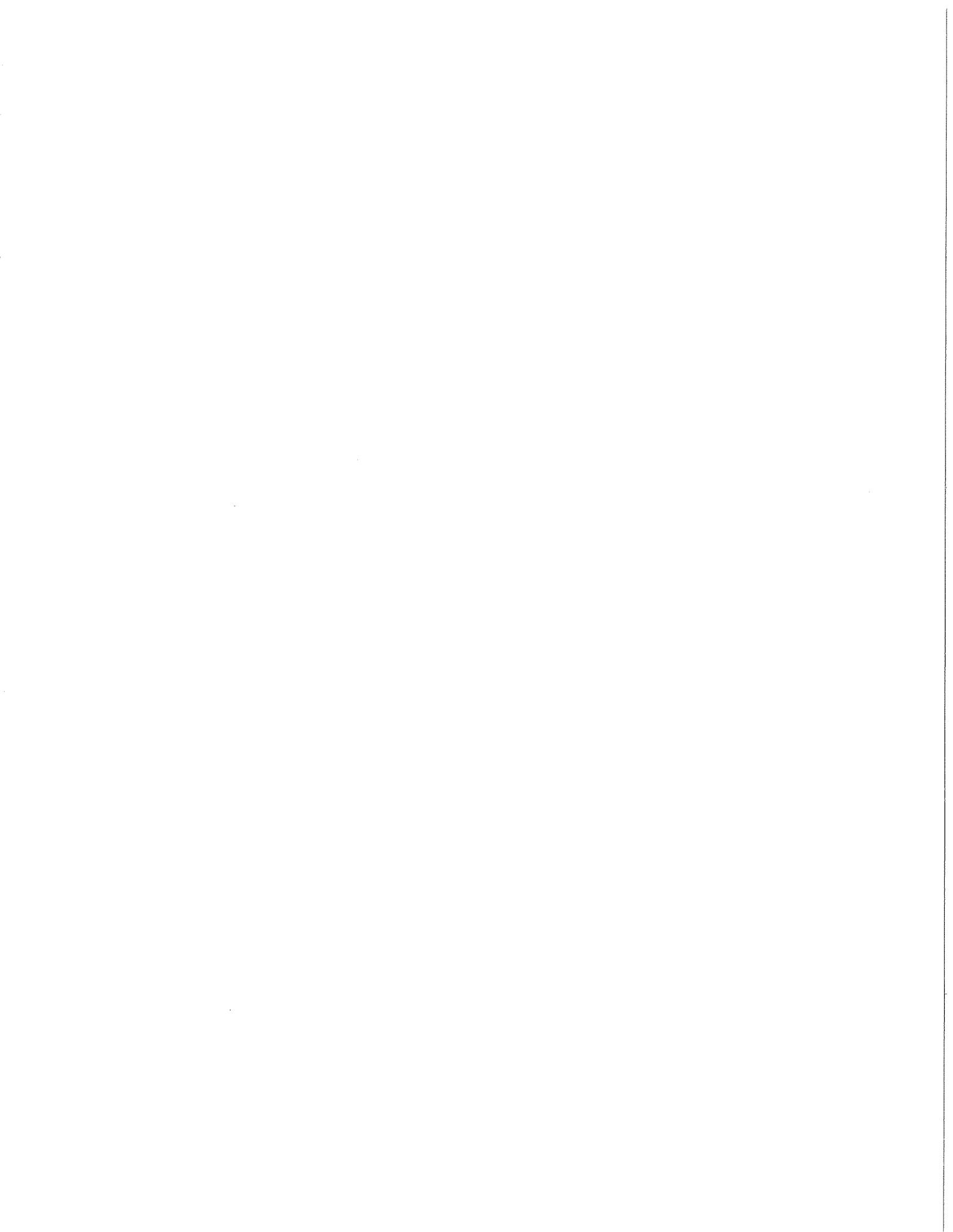
SIGNS

- No street vendor shall:
- a) Place signs anywhere other than the street vendor's place of business;
 - b) Place more than one sign on each of four sides of the street vendor's temporary shelter, temporary shelter, stand, vehicle, or cart.
 - c) Place a sign greater than ten square feet on any side of the street vendor's temporary shelter, stand, vehicle, or cart;
 - d) Place signs on or around vehicles within the road right-of-way;
 - e) Place signs within 10 feet of a crosswalk, alleyway, or fire hydrant;
 - f) Place a "sandwich board" in any public right-of-way;
 - g) Place signs in any way that obstructs or impedes vehicular or pedestrian traffic.

One hand held sign is allowed for each approaching travel direction but in no instance shall more than two hand held signs be allowed. Hand held signs may only be used on the sidewalk. They shall not be used in the vehicular right-of-way including travel lanes, bike lanes, or parking areas.

I have read and understand the above restrictions.

Owner/Vendor: _____
 Date: _____



CASCADE LOCKS STAFF REPORT

Date Prepared: October 6, 2014

For City Council Meeting on: October 13, 2014

TO: Honorable Mayor and City Council

PREPARED BY: Gordon Zimmerman, City Administrator

SUBJECT: Approve Electric Department Purchase order for Electric Meters

SYNOPSIS: The Electric Department needs to order new electric meters from Sensus. The attached invoice covers the beginning of a program to replace the older meters in our system. Most of the electric meters we have in place were installed in the early 2000's. With a ten year warranty and life expectancy, these meters are past due for replacing.

We have approximately 700 electric meters in stalled. We are beginning a program to replace approximately 20% of our meters each year. This is the first of the five year replacement program. We will be replacing those meters where the radio has failed first. At the end of this five year program, all meters in the system will be radio read meters which will greatly reduce the time required to read the meters and improve the accuracy of the meter readings input into the computer for the monthly billing cycle.

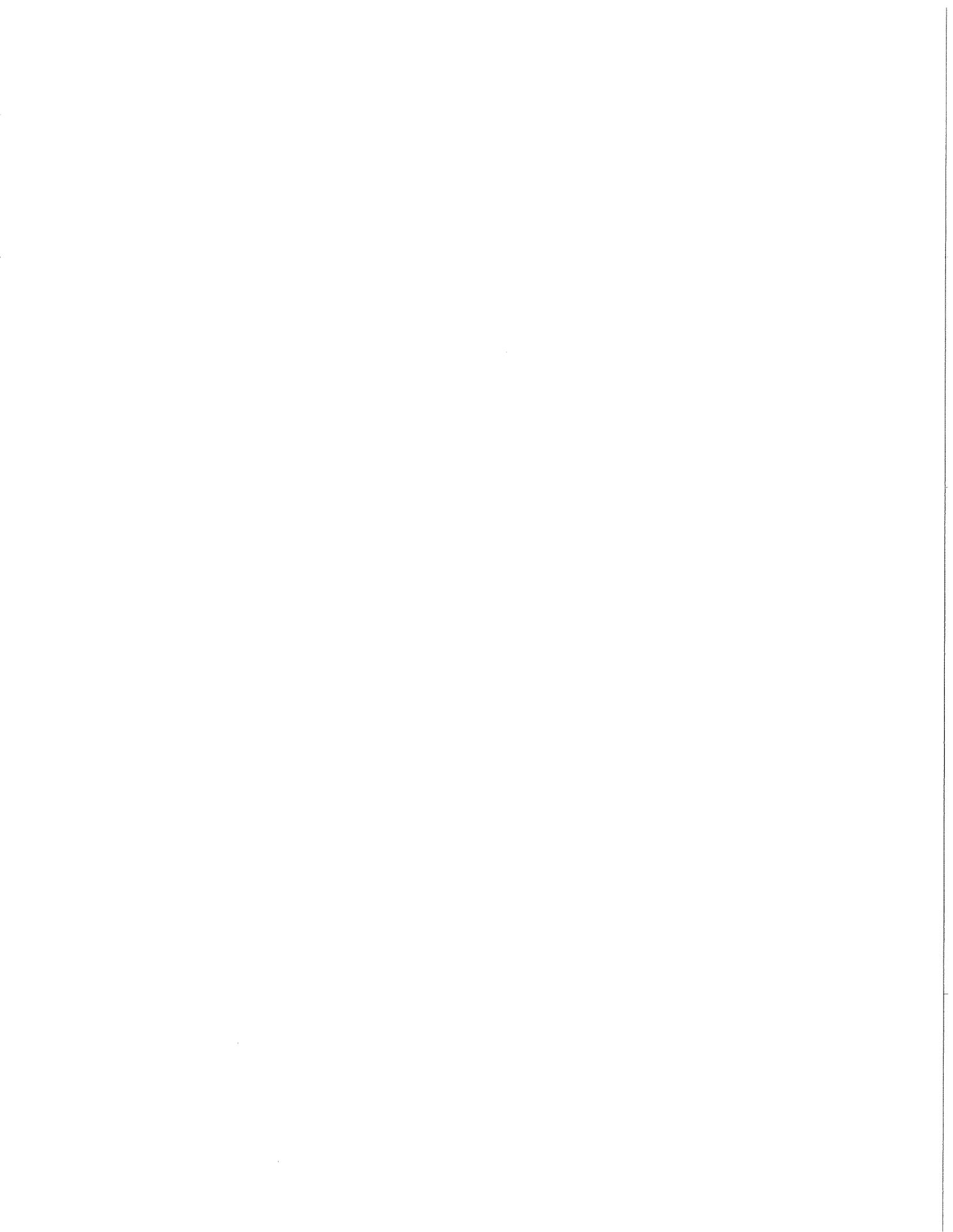
The funding for this replacement program is included in the base rate for each account. Those monies are placed into the Capital Reserve Fund for capital upgrades, meter maintenance and replacement. These new meters will use the latest in technology offered by the industry.

This invoice totals \$17,214.50.

For your information, we are starting a similar program for replacement of aging water meters.

CITY COUNCIL OPTIONS: Approve, modify, or reject the Electric Department request.

RECOMMENDED MOTION: "I move to approve the invoice from Sensus for replacement meters for the Electric Department."



██████████ 450 North Gallatin Avenue
 ██████████ P.O. Box 487
 ██████████ Uniontown, PA 15221 USA

1-800-MeterIt
 1-800-638-3748
 www.sensus.com

QUOTATION
 Your Quote Number: 25822
 Reference: ELECTRIC METERS



Bill to Customer: 127033

Ship to Customer:

CASCADE LOCKS CITY OF-AM

CASCADE LOCKS CITY OF-AM
 PO BOX 308

PO BOX 308
 CASCADE LOCKS OR 97014 USA

CASCADE LOCKS OR 97014

Salesman: TULLO THOMAS
 Terms: NET 30 DAYS

Effective Date: 9/24/14
 Expiration Date: 11/30/14

Line	Description	Quantity	U/M	US Dollar Unit Price
1	Part#: MISC. SEE BELOW	1	EA	.000
	100 - 2S NON R/D METERS			\$ 90.50
	30 - 2SE			\$117.75
	12 - 9S ELSTER A3			\$386.00

FULL FREIGHT ALLOWED ON ORDERS OF \$7500 NET
 FOB SHIPPING POINT

IF MODIFICATIONS IN METER MATERIALS OR PROCESSING ARE REQUIRED TO MEET
 NEW REGULATIONS, THE PRICING SUBMITTED IS SUBJECT TO IMMEDIATE CHANGE
 Thank you for your interest in quality products by Sensus.

Current as of: 9/25/14

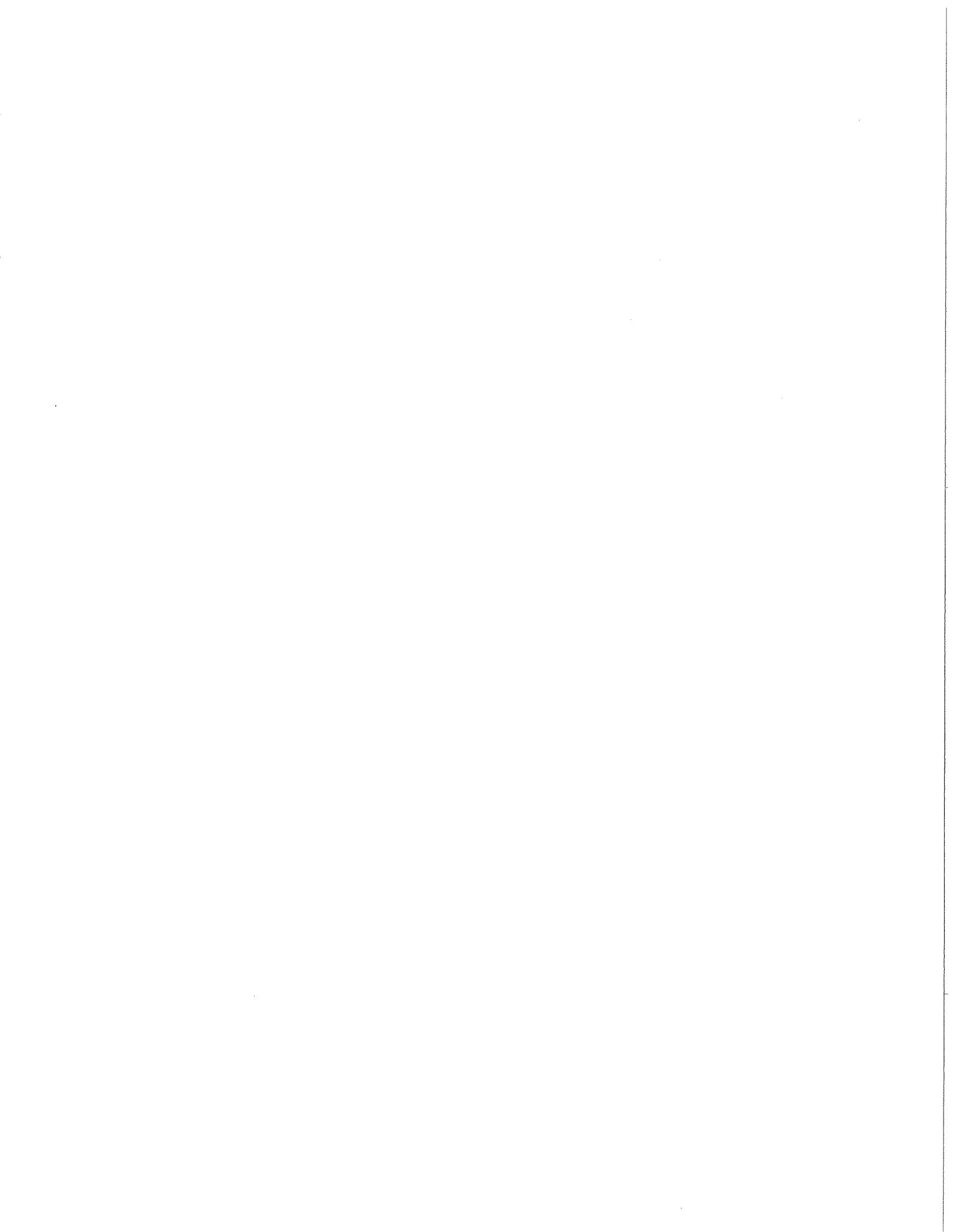
Correspondence:

SENSUS
 PO BOX 487
 UNIONTOWN, PA 15401

Purchase Orders:

SENSUS
 PO BOX 487
 UNIONTOWN, PA 15401

PHONE: 800-METER-IT
 800-638-3748



CASCADE LOCKS STAFF REPORT

Date Prepared: October 7, 2014

For City Council Meeting on: October 13, 2014

TO: Honorable Mayor and City Council

PREPARED BY: Gordon Zimmerman, City Administrator

SUBJECT: Approve Transformer Purchase for Electric Department

SYNOPSIS: At our last Council meeting, we discussed the purchase of various transformers for the Electric Department. The Council requested more information before approving the purchase of a 2000 kVa transformer for Dennis Snyder Construction.

I spoke with Mr. Snyder on Tuesday, October 07, 2014. He would like to maintain his 2000 kVA transformer service because he is planning on building a new shop and leasing the old shop to a new business in town. Both buildings could be serviced by the 2000 kVa transformer. He bought the building because of that capacity and the ability of the City to supply that capacity. In addition, we have provided service to the property in the past.

A single 2000 kVa transformer costs \$20,741. If the City was to put in a 1000 kVa transformer now and another 1000 kVa transformer for his future shop, the cost in today's dollars would be \$24,960. If the City was to put in a 500 kVa transformer now, and three more over time as his needs grew, it would cost the City \$31,424 in today's dollars.

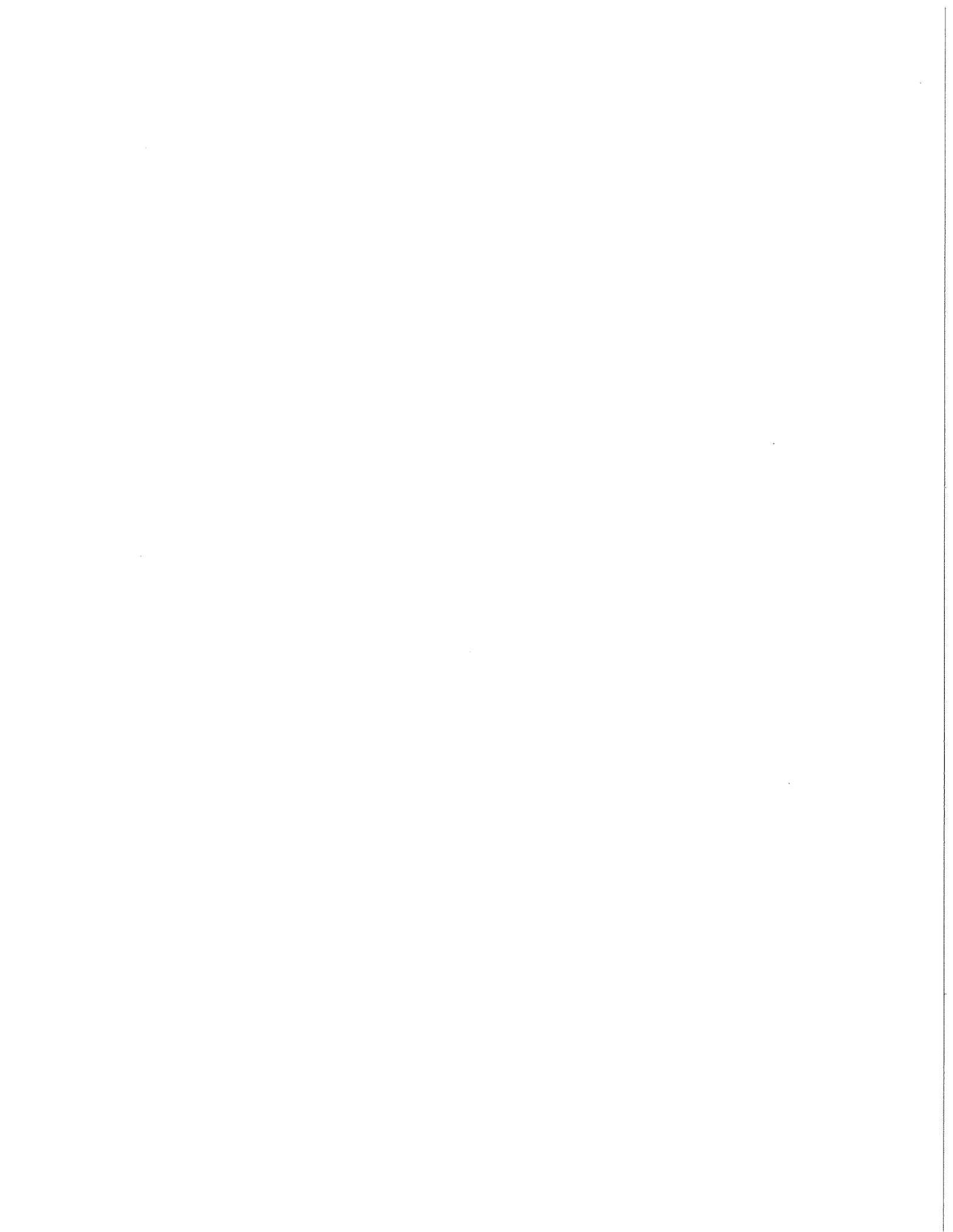
The transformer is leaking oil and needs to be replaced sooner, rather than later.

Mr. Snyder is a strong supporter of the City. He does not charge the city for the space for the Pyramid Substation. He does not charge the city for the easement from the substation that crosses his property to the electrical grid on the north side. He has an excellent relationship with the Public Works Department and has lent his expertise and equipment on many occasions.

Again, this money is budgeted in the Capital Reserve Fund.

CITY COUNCIL OPTIONS: Approve or reject the proposed purchase.

RECOMMENDED MOTION: "I move to approve the purchase of a 2000 kVa transformer for the replacement of the transformer at Dennis Snyder Construction for \$20,741.



AGENDA ITEM NO: 5h

CASCADE LOCKS STAFF REPORT

Date Prepared: October 8, 2014

For City Council Meeting on: October 13, 2014

TO: Honorable Mayor and City Council

PREPARED BY: Gordon Zimmerman, City Administrator

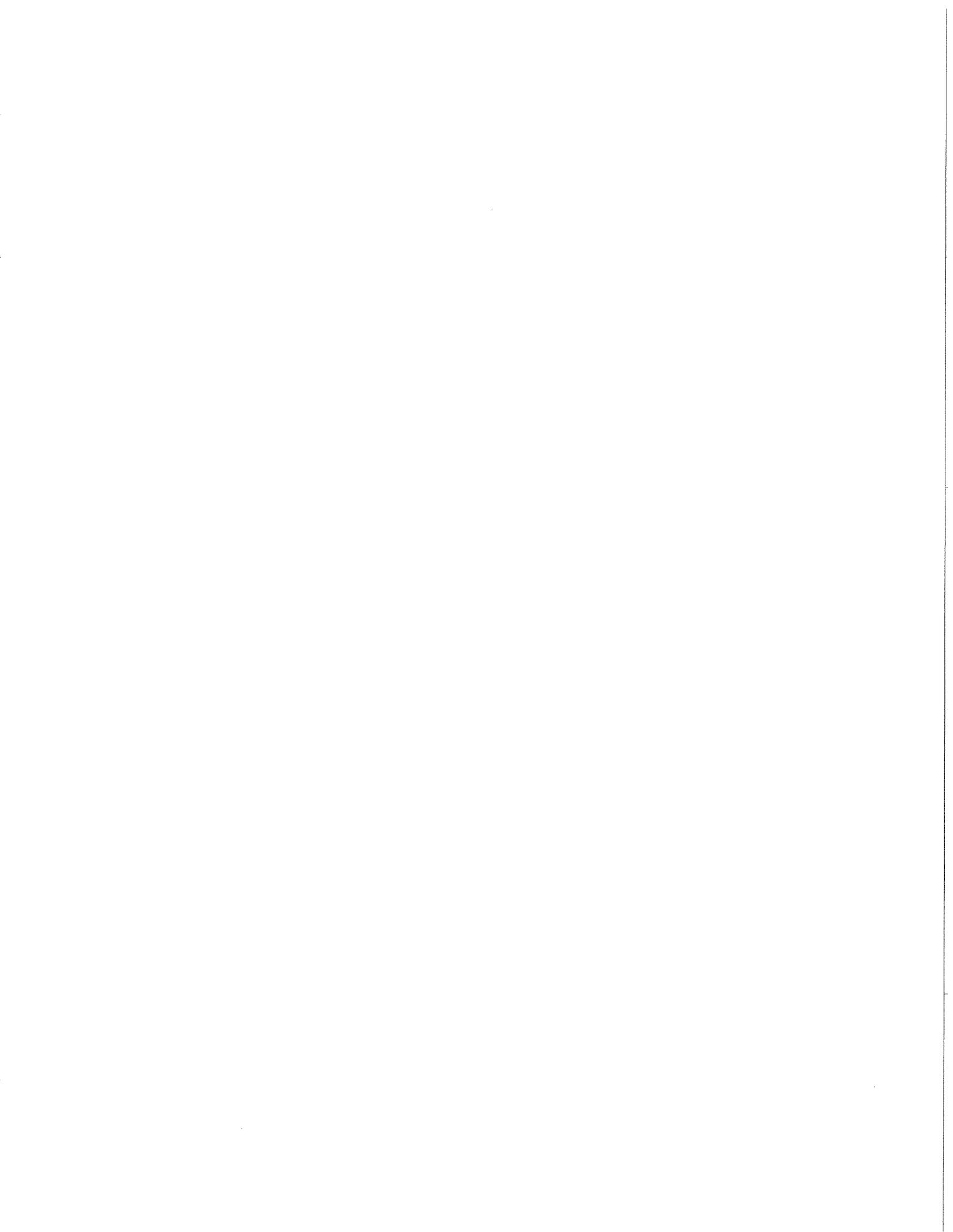
SUBJECT: Approve Letter to Senator Wyden Regarding Train Whistles

SYNOPSIS: The Joint Work Group for Economic Development had a discussion at their last meeting about elimination of train horns sounding through town. The committee recommend to our respective council and commission to write a letter to our congressional delegation seeking assistance with the removal of train horns in town. Mr. Paul Koch is authoring the letter and it was not available at the time of this report. It will be brought to you at Council meeting.

If the Council agrees with this direction, this motion will authorize the mayor to sign the letter.

CITY COUNCIL OPTIONS: Approve or reject to request.

RECOMMENDED MOTION: "I move to authorize the Mayor to sign a letter to our congressional delegation regarding a railroad quiet zone for Cascade Locks."



AGENDA ITEM NO: 7b.

CASCADE LOCKS STAFF REPORT

Date Prepared: October 7, 2014

For City Council Meeting on: October 13, 2014

TO: Honorable Mayor and City Council

PREPARED BY: Gordon Zimmerman, City Administrator

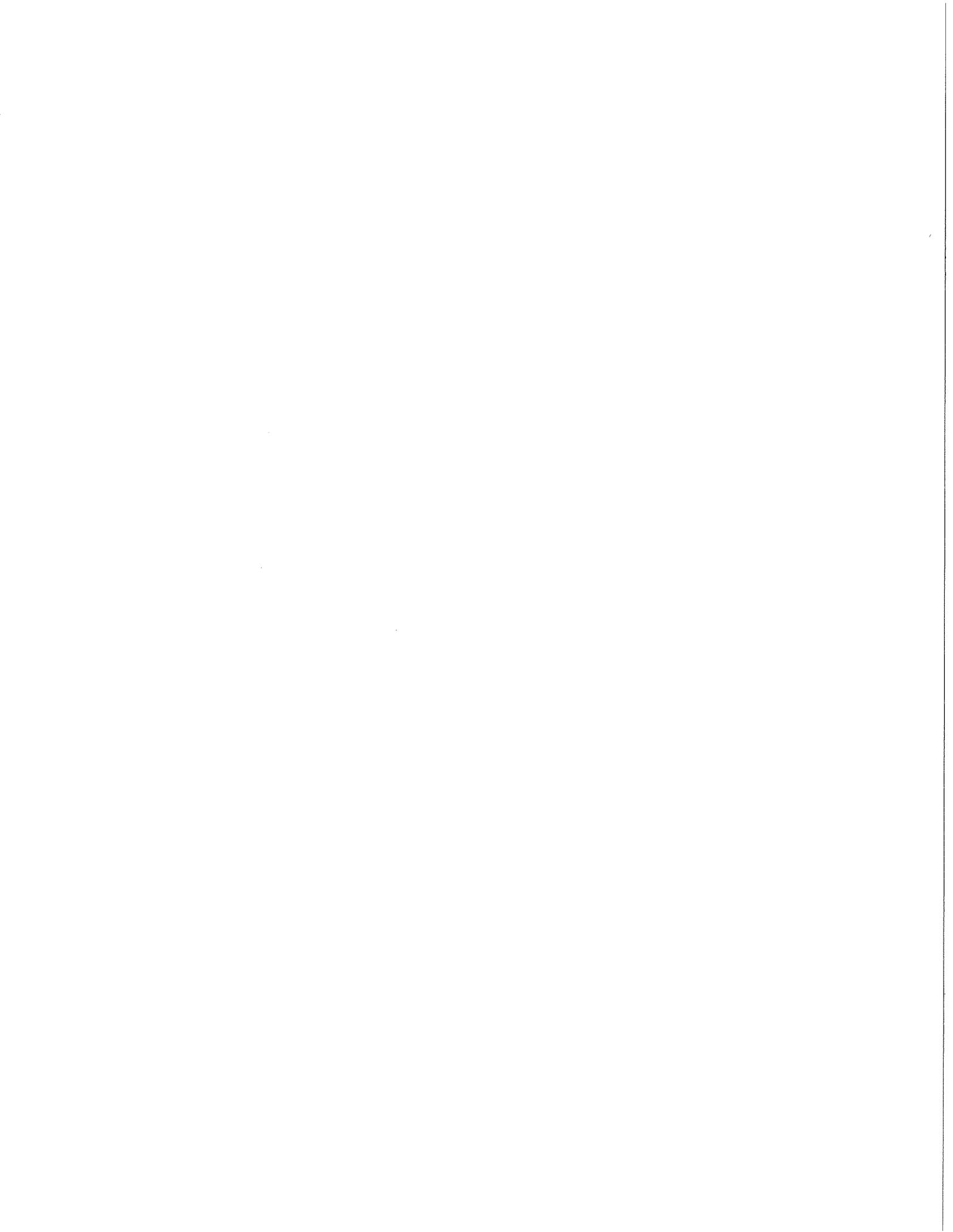
SUBJECT: Marijuana Tax Discussion

SYNOPSIS: Please see the email from City Attorney Alex Sosnkowski.

CITY COUNCIL OPTIONS:

1. Do nothing at this time.
2. Pass your own tax on the sale of recreational marijuana and refer it to voters at the next available General Election in May of 2016.
3. Pass a resolution allowing the County to collect the tax and either keep the whole amount or apportion it to the City.

RECOMMENDED MOTION: Council discussion only. If the Council chooses to adopt an ordinance at the October 27 meeting, it will need to be passed in one meeting before the November 4 election.



Gordon Zimmerman

From: Alexandra Sosnkowski <sosnkowski@gorge.net>
Sent: Thursday, September 18, 2014 12:59 PM
To: 'Gordon Zimmerman'
Cc: 'Ruben Cleaveland'
Subject: FW: Hood River County-Proposed Marijuana Tax

Gordon—I received the email below from County Counsel, Lisa Davies, regarding the County's desire to adopt a marijuana tax and obtain the City's consent to the tax. I have sent an inquiry to Hood River's City Attorney to see if Hood River has responded or taken a position on the County's proposal. I have not heard back, so you may want to contact their City Manager as well.

I see several options available to the City:

1. Do nothing. Let the County adopt the tax and collect it, and see if it holds up to a Measure 91 challenge. If it does and a citizen wants to oppose it, they can challenge the imposition of the tax without having obtained the City's consent in court.
2. Decline to consent on the grounds that doing so violates the spirit of the City's Charter that does not permit new taxes without a vote of the citizens. Legally, without doing any research, I am not sure whether consenting would actually violate the Charter because the tax is the County's, but there are certainly political ramifications if citizens are not in favor of taxing marijuana in City limits.
3. Consent to the tax on condition that a percentage is remitted to the City. This choice also has its political ramifications.

I am sure there are more options or variations on the options above. Please let me know if you need additional assistance.

Alex

Alexandra Sosnkowski
P.O. Box 1698
Hood River, OR 97031
541-490-3199 (ph)
sosnkowski@gorge.net

Sosnkowski & Cleaveland LLC
Local government and municipal law

Confidentiality Notice: This email message may contain confidential and privileged information. If you have received this message by mistake, please notify me immediately by replying to this message or telephoning me, and do not review, disclose, copy or distribute it. Thank you.

Public Records Law Disclosure: This e-mail may be a public record subject to public disclosure, unless exempt from disclosure, under Oregon Public Records Law.

From: Lisa Davies [<mailto:LKDavies@gorgelaw.com>]
Sent: Wednesday, September 17, 2014 11:06 AM
To: Alexandra Sosnkowski
Cc: cleavelandr@yahoo.com
Subject: Hood River County-Proposed Marijuana Tax

Alex:

You may have been alerted to this already, but the focus of the County's work session Monday was a discussion regarding adopting a tax on the sale of marijuana in advance of the November election.

I think most city and county counsel are of the opinion that such a tax would be pre-empted by Measure 91, if it passes, including myself; however, there is some discussion at the AOC level that there may be clarifying legislation in 2015 to grandfather local ordinances that pre-date M91. As such, the BOC has instructed counsel to prepare a tax measure for its consideration at a public hearing on October 13th, largely modeled after the City of Ashland's ordinance.

Given the timing, there was suggestion on the part of Mayor Babitz (who attended) that we schedule the matter on both cities' agendas, if we want resolutions from Hood River and Cascade Locks consenting to enactment of the proposed Ordinance within their incorporated boundaries. I was hoping my voice would recover enough to call you about this, but my cold, and voice, are actually worse than they were Monday, thus the email.

After speaking with Rob Bovett at AOC and researching this further, I think the ordinance can be enacted legislatively pursuant to the County's charter and home rule authority. When we have had discussions regarding potential tax revenue sources in the past, there was consensus that even if we had the authority to enact them without consent of the governing bodies of the cities, or their electorate, it was still prudent to get it, for various reasons. In this instance, however, because of the timing, I think we have to proceed legislatively for the ordinance to be effective before M91 is. I am interested in your input, though.

Thank you in advance for your time and consideration.

Best regards,

Lisa Knight Davies
Davies Dunn & Associates, PC
430 Industrial-PO Box 417
Hood River, Oregon 97031
Telephone: (541) 386-2221
Fax: (541) 386-1381
Email: lkdavies@gorgelaw.com

The information contained in this transmission may be confidential and protected by the attorney-client and/or work product privileges. If you have received it, but are not the intended recipient, please delete the message and contact us.

IRS Circular 230 requires us to advise you that if this communication or any attachment contains advice concerning any tax issue or submission, the advice is not intended to be used, and cannot be used, for the purpose of avoiding tax-related penalties or promoting, marketing or recommending any tax-related transaction, plan or arrangement.

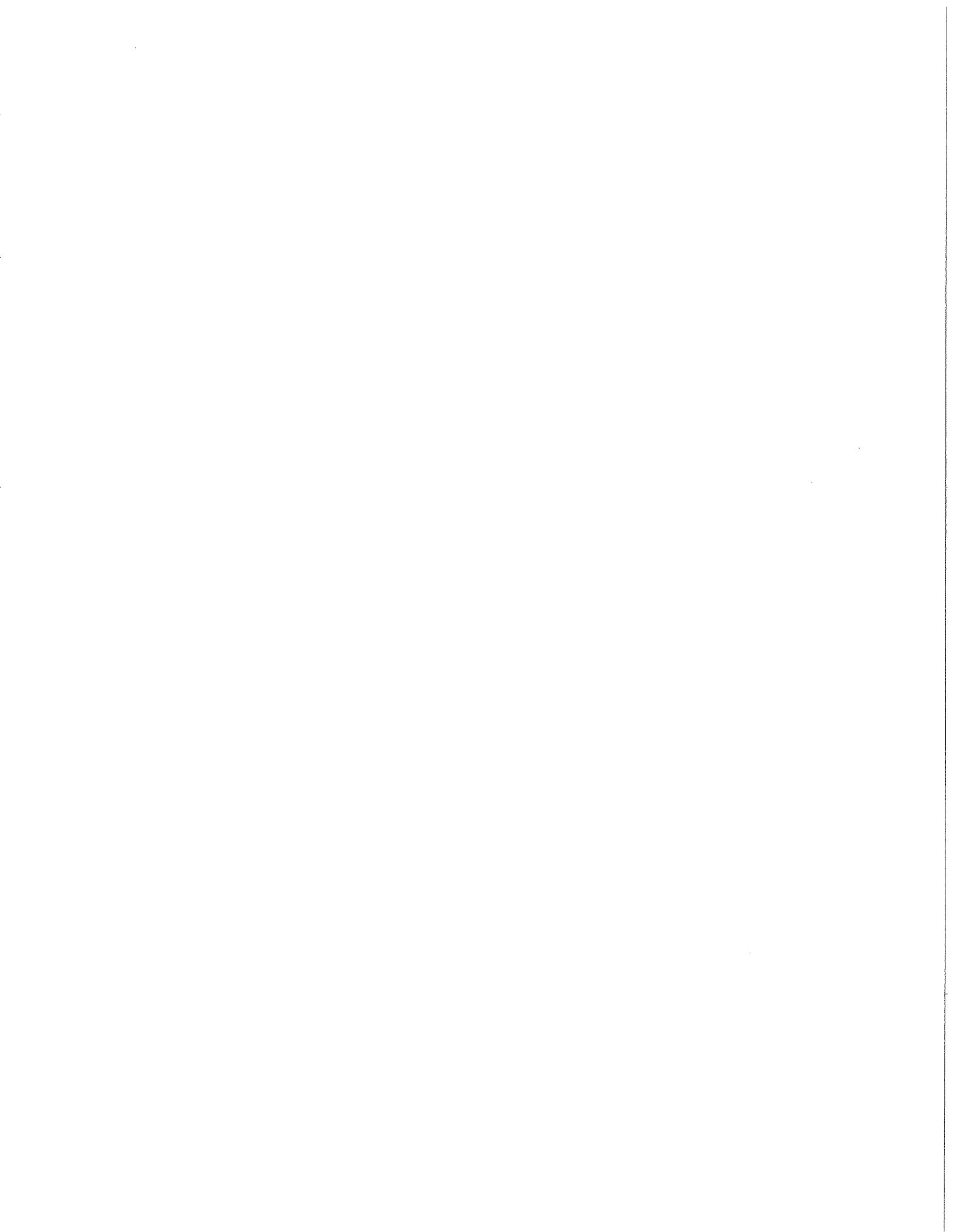
Oct. 2014
Medical Marijuana
Taxing Data

City	Medical Tax	Recreational Tax
Ashland	5.0%	10.0%
Clatskanie		
Coquille	5.0%	10.0%
Cornelius	0.0%	10.0%
Dayton	0.0%	10.0%
Eugene		
Fairview	15.0%	40.0%
Forest Grove	0.0%	10.0%
Gearhart	5.0%	10.0%
Gervais		
Happy Valley	10.0%	10.0%
Hillsboro	5.0%	10.0%
Hubbard		
Independence	0.0%	10.0%
Keizer	0.0%	10.0%
Klamath Falls		
Lake Oswego	5.0%	10.0%
Medford	6.0%	18.0%
Milwaukee	0.0%	10.0%
Milwaukee		
Newberg	5.0%	10.0%
Oakridge	5.0%	10.0%
Reedsport	5.0%	10.0%
Rockaway Beach		
Rogue River	5.0%	10.0%
Scappoose	10.0%	20.0%
Sherwood	0.0%	10.0%
Springfield	5.0%	10.0%
St. Helens	10.0%	20.0%
Talent	0.0%	15.0%
Tigard		
Troutdale	5.0%	10.0%
Tualatin		
Warrenton		100.0%
West Linn	5.0%	10.0%
Wilsonville	7.5%	12.0%
Woodburn		

Oregon \$35 per ounce

35% to State/Local Police
25% to Drug Treatment
40% to Schools

Washington 31.50% Sales and Excise Tax



Gordon Zimmerman

From: Chris Workman <Chris.Workman@ci.philomath.or.us>
Sent: Wednesday, October 08, 2014 8:48 AM
To: Oregon City/County Management Association
Subject: RE: [occma] Marijuana

Our city attorney is also recommending the council not pass a local tax on marijuana as his opinion is that litigation is sure to follow if measure 91 passes. There are clear restrictions in the measure that deny local jurisdictions the ability to tax marijuana at the local level and repeal any previously imposed taxes –similar language as that found in the Alcohol Control Act. The Oregon Supreme Court has made exceptions, but only when the local tax was not narrowly imposed on a specific industry or product. No need to debate the merits of either argument here, just wanted to voice the reason for our council's reservation in jumping on the tax pot bandwagon and let other jurisdictions know that there is an argument for not passing a local tax.

Chris Workman
City Manager
541-929-6148

"Never too busy to help."

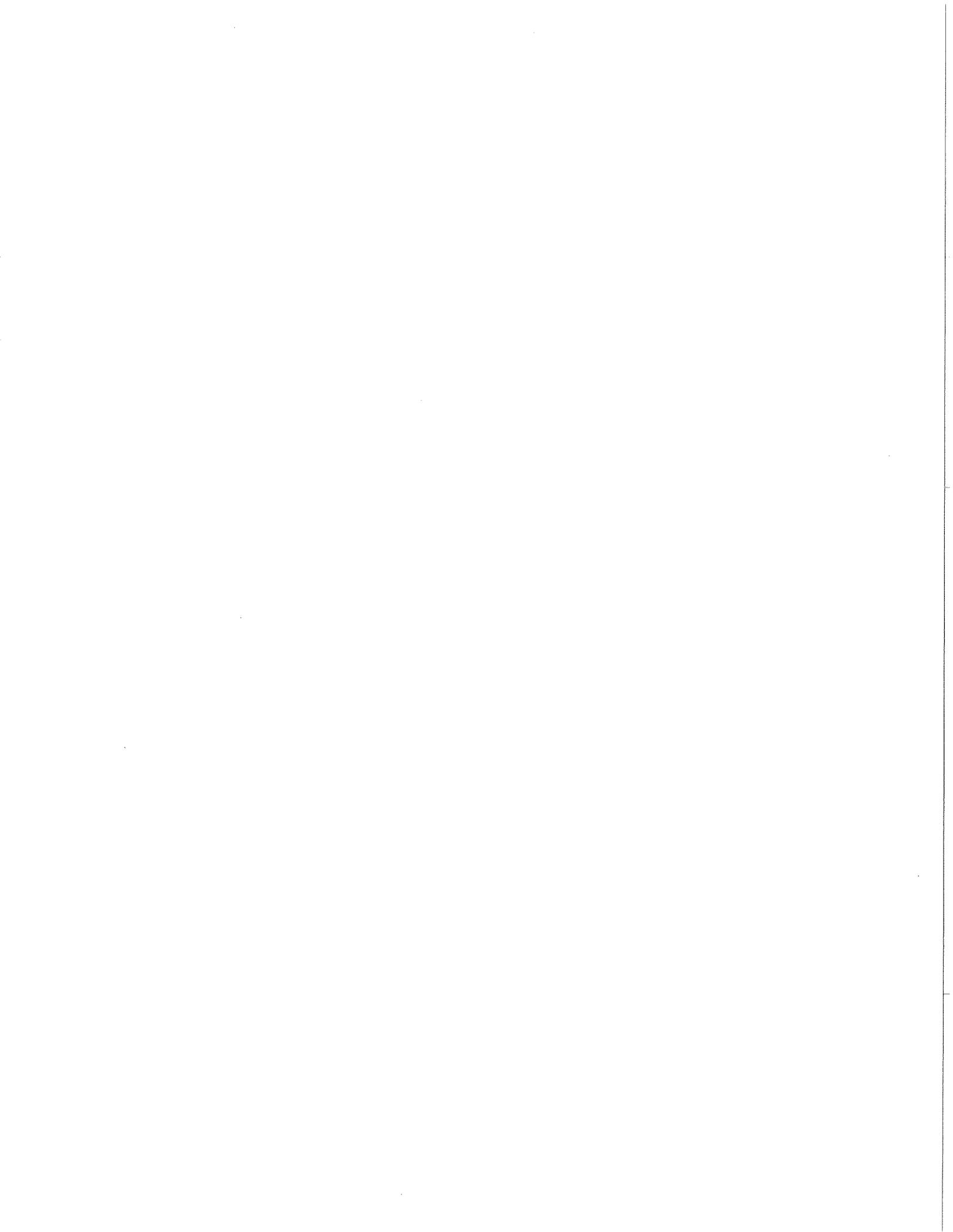


From: Gary Milliman [<mailto:gmilliman@brookings.or.us>]
Sent: Wednesday, October 08, 2014 7:34 AM
To: Oregon City/County Management Association
Subject: [occma] Marijuana

For those cities who are enacting a local tax on Marijuana sales:

Since marijuana is still illegal under federal law (I know the DOJ is looking the other way in enforcement for now), how does receiving revenue from the proceeds of an illegal activity square with all of those "promise to obey all laws" assurances we sign every time we accept federal grant funding? Has anyone checked? Could a federal agency require us to pay back the grant if an audit finds that we are receiving revenue from marijuana sales proceeds?

Gary Milliman
City Manager
City of Brookings
898 Elk Drive
Brookings, OR 97415
541-469-1101 | Fax 541-469-3650



CITY of CASCADE LOCKS – Tourism Committee

Minutes from September 2, 2014

1. **Call Meeting to Order & Roll Call.** The meeting was called to order at 7:02pm. Tourism committee members present: Debbie Fine, Cindilee Baseman, Joe Shelley, Chase Lorang, Aurora delVal and Marie Miller. Absent: Dave Lipps. City Administrator Gordon Zimmerman in attendance.
2. **Amendments to the Agenda** - None
3. **Comments by the General Public** - None
4. **Discussion/Declaration of Potential Conflicts of Interest** - None
5. **Approval of Minutes Presented: August 4, 2014 Meeting.** Motion made by TCM Lorang, seconded by TCM Fine to approve the August 4, 2014 meeting minutes. Motion passed unanimously.
6. **Approval of Financials: Statements Ending July 31, 2014.** City Administrator Zimmerman presented preliminary financial statements from June and July, 2014 which included the first quarterly TRT revenues. Motion to approve June and July 2014 financial statements made by TCM Lorang, seconded by TCM Fine. Motion passed unanimously.
7. **Approval of Bills.** Treasurer Lorang presented a bill from the Skamania County Pioneer for the amount of \$11.70, for the purpose of advertising our RFP. TCM Lorang motioned, seconded by TCM Baseman, to approve payment of bill. Motion passed unanimously.
8. **Old Business**
 - A. **West Columbia Gorge Chamber of Commerce Membership.** Discussion was held on joining the WCGCC as a member. The WCGCC is our DMO (Destination Marketing Organization) for the region, and provides benefits for coop advertising and networking. Motion made by TCM Lorang, seconded by TCM Fine, to join the WCGCC at the \$100 dues fee as a nonprofit organization. Motion passed unanimously.
 - B. **RFP Contract Work Discussion & Planning.** Discussion was held on the process for reviewing applicants for the Tourism Support Staff contractor. It was decided to hold a workshop on Wednesday, Sept. 3, 7pm at City Hall to discuss next steps.
 - C. **PCT Days, Sept. 5-7.** Discussion was held on event logistics and who would be staffing our booth on Saturday. TCM delVal offered to purchase a canopy for our booth. Motion to purchase the canopy not to exceed \$150 was made by TCM Baseman, seconded by TCM Lorang. Motion passed unanimously.
 - D. **US National Sailing Symposium.** The committee decided not to send a representative this year to the Sailing Symposium in New Orleans. Materials, such as brochures would be given to the Port if they chose to attend.
 - E. **Website Contract.** Item tabled until the Tourism Contractor hired.
 - F. **Wayfinding Signage Project.** Administrator Zimmerman reviewed progress on the project. He is waiting for word from ODOT on permits and signage specifications.
9. **New Business**
 - A. **Columbia River Gorge Biennial Classic Application.** The committee reviewed the application given by the event organizers of the Classic. Sections of the application were not filled in, including the project budget and other funding sources named. Decision was made to

decline the application as presented. TCM Miller will inform the applicant on the decision with encouragement to reapply with more detail provided.

- B. Travel Portland.** The committee needs to check that brochures have been delivered to the downtown visitor center, and that our membership website listing has updated photos and written description.
- C. Flash Report, September 2014.** Administrator Zimmerman offered to deliver the September 2014 Flash Report to area businesses. Further discussion on delivery methods and name will be on the next agenda. This will be one of the contractor's assignments.
- D. Photo Contest/Photo Dropbox.** Discussion was held on the desire to gain a high quality photo stock for marketing and promotions. TCM Shelly offered to contact Norm Bork. The committee will contact Harry Troeger for his offer of photos also.
- E. Upcoming Events.** The list of events was reviewed, with TC member encouragement.
 - i. Community Bridge Walk, Sept. 6**
 - ii. Bridge of the Goddess Half Marathon & 10K, Sept. 13**
 - iii. Gorgeous Relay, Sept. 21**
 - iv. PCT/Movie Wild Tour Planning Meeting, Sept. 22, 9am, Charburger**
 - v. Cascade Locks Business Association Meeting, Sept. 30**
 - vi. Columbia River Gorge Tourism Summit, Oct. 15, Discovery Center**
 - vii. Annual Review of Connect Cascade Locks, Oct. 23, Pavilion**

10. Tourism Committee Member Reports & Events

- A. Debbie Fine** – TCM Fine offered to check on brochure holders if needed for events and at regional placements.
- B. Cindilee Baseman** – TCM Baseman said she would be out of town during PCT Days and unable to help with the booth this year.
- C. Joe Shelley**
- D. Dave Lipps**
- E. Chase Lorang** – TCM Lorang offered to check with Travel Portland on brochures received, and will complete the CRGCC application with PO for payment.
- F. Aurora delVal**
- G. Marie Miller**

11. Next Regular Meeting Date & Time: October 6, 2014, 7:00pm

- 12. Adjournment.** With no further business, motion was made by TCM Fine, seconded by TCM Lorang, to adjourn the meeting at 8:25pm. Motion passed unanimously. Meeting adjourned.

1. Call To Order/Pledge of Allegiance. Mayor Cramblett called the meeting to order at 7:00 PM. City and Port Subcommittee members present were Mayor Tom Cramblett, Port President Jess Groves, City Councilor Bruce Fitzpatrick (via phone), Port Commissioner Brenda Cramblett, and Citizen Member Gary Munkhoff. City Councilor Jeff Helfrich was excused. Also present were City Administrator Gordon Zimmerman, Port Interim General Manager Paul Koch, City Recorder Kathy Woosley, Century Link Area Operations Manager Tyler Master, Intertribal Police Chief Mitch Hicks, and Gyda Haight.

PIGM Koch introduced Tyler Master and Mitch Hicks. He said he would also like to add discussion on a recommendation for silencing railroad train whistles and to report on the Energy Task Force.

2. Welcome and Self-Introductions.
3. Adoption of meeting minutes of August 28, 2014. PP Groves moved, seconded by PC Cramblett to approve the August 28, 2014 minutes. The motion passed unanimously.

4. Citizen Input. None.

5. Other Matters:

Tyler Master – Century Link (added). Mr. Master informed the Committee that Century Link has made network upgrades recently to the backbone of the fiber optic cable as well as the electronics. He said there is capacity and redundancy with the system. He said the fiber optic cable ends at the entrance to the Port Industrial Park on the south side of the railroad tracks and there is conduit under the railroad tracks. He said they just have to verify that the conduit is sized to take the cable through it.

Mr. Master said Century Link would be interested in adding the fiber underground when the City does the water project. He said this will provide more redundancy for their system. Mr. Master explained that Century Link is a top tier provider, secure and price practical for start-up businesses.

PP Groves asked about connecting the Port properties in Marine Park and the toll booth. Mr. Master said he would check into that.

c. Presentation – Indian Fishing Rules and Courtesies. Mr. Hicks gave the history of the Fish Commission, enforcement, and the Tribal Treaty. He explained that the Tribes are a Sovereign Government with their own rules and regulations. He said the best course of action for scaffolding or other related issues would be to request communication with the Yakama Tribal Nation.

CA Zimmerman said he had just received recommendations from the attorney for the Tribes on revisions for the City's Street Vendor Ordinance. He said Council would be reviewing those recommendations at an upcoming meeting.

a. Update on City economic development efforts. CA Zimmerman handed out draft resolutions for large industrial users of water and sewer. He said this would allow the Council to negotiate the rate based on impacts to the City's infrastructure. He said currently the City's two largest water users are averaging 162,000 and 154,000 gallons per month.

CA Zimmerman also discussed the revenue from water that is not going through City infrastructure or being maintained by the City to be put into the General Fund. He said then Council can determine where and how that money is spent.

There was consensus of the JWGED to recommend the resolutions to Council.

PP Groves reported that Nestlé is preparing to drill test sites on Port property off of Moody Street. He said they should have results by the end of October.

b. Update on Port economic development efforts. PIGM Koch handed out the Port's infrastructure projects schedule.

He reported on meetings with other agencies to assist in funding the 10 year bridge maintenance program. He said the first two decks on both sides of the bridge will be the priority for deck repair of the bridge.

PIGM Koch said that Don Mann is working with Heukers and the Puff Factory on land sales. He reported that there is a signed Letter of Interest from Smokey Bear Company. He said they will be building two new buildings. He said Nestlé has first right of refusal on a portion of land in the industrial park.

PIGM Koch said the Energy Task Force hasn't met recently as we are waiting for the engineer from PacWest Global to review the Moro County system. PP Groves reported on a discussion with Skamania PUD regarding running an electric line across the Bridge of the Gods, which would add redundancy for both communities. He said there could be further discussion regarding co-ownership of generators. PP Groves talked about the Forest Service using brush to sell as fuel.

PIGM Koch said there is an application process for stopping train whistles. He said it is a lot of work but could ask the City Council and the Port Commission to approve a letter to be sent to Senator Wyden supporting the elimination of train whistles. The group discussed costs and issues with private and public crossings. There was consensus of the JWGED to recommend the Council and Commission to send a letter to Senator Wyden.

c. Presentation – Indian Fishing Rules and Courtesies. This took place earlier in the meeting.

PIGM Koch reminded all of the meeting on October 7th with MHCC to plan for 2020 and beyond. He urged all to attend. He said on October 28th the Business Association will be hosting a dinner to honor our public employees, elected officials, and volunteers of the community. CA Zimmerman said there will be dinner and dessert provided at the Fire Station on October 13th to appreciate our Emergency Services Volunteers. He said everyone is invited and asked to bring a side dish. He said there will be a meeting with students from the University of Oregon on October 18th to evaluate our downtown on the ability and access for walking and biking.

6. Next Meeting: October 23, 2014.

7. Adjournment. PC Cramblett moved, seconded by PP Groves to adjourn. The motion passed unanimously.

Prepared by
Kathy Woosley, City Recorder

APPROVED:

Tom Cramblett, Mayor

- I. Call Meeting to Order. Chair Larry Cramblett called the meeting to order at 7:00 PM. PCM's Haight, Fitzpatrick (7:02 PM), Mohr, and Cramblett were present. Also present were City Administrator Gordon Zimmerman, City Recorder Kathy Woosley, Sandra Kelley, and Gary Munkhoff.
- II. Approval of August 14, 2014 Minutes. **Motion:** PCM Haight moved, seconded by PCM Mohr, to approve the minutes. The motion passed unanimously.
- III. Citizen Comments. Ms. Kelley stated she would like to reserve her comments until after discussion of the staff report on sidewalks.

Mr. Munkhoff said the section of the Community Development Code referenced by CA Zimmerman at the last meeting isn't included in the 8/14/14 minutes. He said this same section isn't even mentioned in this staff report. He said this section is what they were basing their decision on to require sidewalks on individual lots. Mr. Munkhoff said he thought this was important to be mentioned somewhere. He asked if it wasn't mentioned because it doesn't pertain. Chair Cramblett asked the Commission if they wanted to amend the minutes. CA Zimmerman said the second page of the minutes, second to the last paragraph, has that discussion.

IV. New Business:

a. Stan Foster – Report on sidewalk issue. Chair Cramblett said he has reviewed the Public Works Design Standards (PWDS) and the Community Development Code (CDC). He said he believes that building a home in an already designated area doesn't need a sidewalk. He said this house is in a Low Density Residential (LDR) area. He said there are no other sidewalks in that zone. He said sidewalks are not separate from streets. He said if you're going to build a street then you need to build a sidewalk. He said the person he is referring to is building in an area where there is no need for a street.

Chair Cramblett referred to Circulation and Access in the CDC. He said the chart under 8-6.112.030 shows standards for one house and multiple units. He pointed out that one unit doesn't mention any requirement for a sidewalk. He said this chart points to sidewalks being required for 4-6 units, which points to a development such as a planned unit development or a subdivision.

Chair Cramblett read the last paragraph of Planner Foster's report, "The bottom line regarding sidewalks, is that the CDC is very specific in that any development which requires a building permit shall apply all applicable code requirements (PWDS included) to that permit without exception. So barring a major change to our code, we do not have the authority to not follow our existing codes, standards and rules." Chair Cramblett said the circulation and access standards in the CDC are the existing codes, standards and rules. He said he thinks that is the code that should be followed. CA Zimmerman explained that the walkway mentioned in the circulation and access section of the CDC for developments is referring to walkways within the development to the units. CA Zimmerman referred to Chapter 8-6.112.020 B. and read, "All required circulation and access improvements must be available for use prior to occupancy of any structure." He said you go back to the PWDS and the permits are written for one house or multiple, and sidewalks are required.

Chair Cramblett said he has always been told that the CDC must be followed. He said until this is changed the CDC stands. CA Zimmerman stated Cascade Locks PWDS are adopted for use in the City of Cascade Locks. He said the PWDS are adopted as part of the Code. He said not as the CDC but as design standards. He explained to the Planning Commission that they have the ability to alter design standards on an application that is brought before them. He said an individual building permit is an outright permitted use and reviewed administratively. He said the construction permit requires sidewalks.

CA Zimmerman said Chair Cramblett has stated that sidewalks should be required on arterial streets. He asked under what condition would a lot be developed on an arterial that you would not put in a sidewalk. He said there have been homes built on Forest Lane that don't have sidewalks. Chair Cramblett said he believes that was following the CDC. He said he understands what CA Zimmerman is saying but he has fought for 10 years on following what is in the CDC. He said he believes the required sidewalks on Crest and Riverview is going against the CDC.

PCM Haight said the permit should be applicable to what is being built and where, and if it is a subdivision. CA Zimmerman said there is no question on what is required for a subdivision or planned unit development. He said what is being discussed is the requirement for a sidewalk when building a single family home. He said the design code speaks to a requirement of sidewalks on any street in the City. He said he has researched and not found anything that would allow a deviation from that. Chair Cramblett said he believes the CDC reflects that sidewalks are not a requirement for a single family home.

Mr. Munkhoff said the CDC is the laws of the community and very important that they are read as they are presented. He said you don't go pull parts out, out of context, and interpret them. He said everything has to remain as it is presented.

Mr. Munkhoff pointed out that the PWDS has four broad categories of construction and design that is covered. He said they are streets, storm water and drainage, drinking water, and sewer. He said there are no stand-alone criteria for requirement of sidewalks. He said this whole document relates sidewalks to and is tied directly to construction of streets, which is required to be built for major partitions and subdivisions. He referenced the driveway and walkway requirement for Cascade Meadows also being tied to this. Mr. Munkhoff went to the street section of the PWDS and said this document refers to streets that have to be constructed and designed under the Code. He said Crest Street is not under construction. He said there are 28 provisions under the street section of the PWDS. He said all 28 of them apply to streets that are going to be constructed, designed, or redesigned. He asked why sidewalks, which is the 19th provision listed under streets, would be pulled out and applied to an existing street. He said street lights are a provision and it isn't being pulled out and applied. He asked if the width of pavement is being required. He asked if Crest Street had the required width of pavement and if anyone even measured the width of the street. Mr. Munkhoff said when building a collector or local street in Cascade Locks it has to be 40'. He said the reason it wasn't widened to 40' is because these design standards are meant for streets that are going to be constructed and not existing streets in our community. He said the PWDS is for design and construction for streets that don't exist. He said these standards do not apply to existing streets and you cannot pull one provision out of its place and call it a stand-alone provision. He said he interprets this as if you are required to construct a street you have to construct a sidewalk. He said if you pull one provision out of this document you are changing the legal definition of what you're doing. He said you can't change the definitions of what you're doing and that is what is being done by pulling one provision out. Mr. Munkhoff asked if that is not a true statement. CA Zimmerman said this is the first time he has ever heard this interpretation of PWDS.

PCM Mohr said he has built and remodeled homes in Cascade Locks and has not been required to build a sidewalk. Ms. Kelley said there have been three new homes built on Regulator Street since 2005 and none of them have sidewalks. She said this has never been the standard here. She said it is like putting a conforming street to a new street development code on a nonconforming street. She said in the Foley case, it isn't good for the neighbors. She said Mrs. Foley might like it because all the water is being deferred into neighboring properties. She said this has made the whole

neighborhood look like it is nonconforming. Ms. Kelley said this directly affects the property values on that street.

PCM Mohr said he agrees that if something needs to be changed in the CDC then it should be changed but didn't want all to forget the purpose of curbs and sidewalks. He said to be against curbs and sidewalks would be like being against safety. Ms. Kelley said sidewalks should fit in with the rest of the community.

Ms. Kelley said a totally different part of the CDC was presented the first time around and when that didn't work it seems that another section of the CDC is being presented to come up with the justification for what is clearly an error on the part of the City Administrator. She said it may not be purposeful but the best way to handle an error is to be gracious about it and correct it. She said then back off and that wasn't done here. She said instead there is a lame attempt to justify an error. She said that bothers her more than anything. She said you have to be able to trust the professionals to behave in a professional manner.

CA Zimmerman said he would like to do more research, talk with the City Planner and City Attorney, and try to understand Mr. Munkhoff's point.

Chair Cramblett said his neighbor thinks he has to build a sidewalk and asked what should be done about that. He said he still believes that the CDC doesn't require him to build sidewalks. CA Zimmerman said sidewalks would not be built until the home is constructed so there is time to figure this out.

PCM Haight said what Mr. Munkhoff has stated is very clear. She said the permits should be made clear. PCM Mohr said to allow further research. Mr. Munkhoff said the permit doesn't alter or direct the CDC. He said if there is something on the permit that does not reflect the CDC then take it out.

CA Zimmerman said he wanted to do more research. He said he has worked for five other cities and this is the first time he has heard this interpretation. He said everywhere he has worked people are required to put in a sidewalk when building a home. Ms. Kelley said not in this town. She said all you have to do is look around. She said she didn't understand putting in a conforming sidewalk onto a nonconforming street. She said we have very narrow streets and sidewalks aren't going to work here. She said there are streets in this town that are very narrow and there may have to be another section in the Code as to how to handle that situation. She said there has to be some consideration to older neighborhoods.

Chair Cramblett said the CDC does allow sidewalks on one side and not both. Ms. Kelley said when Regulator Street was constructed a sidewalk should have been put in then. She said there is foot traffic in that area and it is a collector street so why was it ignored there. Mr. Munkhoff asked Chair Cramblett how many feet of sidewalk his neighbor was going to have to put in. Chair Cramblett said he thought it was 200'. Mr. Munkhoff said the City couldn't afford to put sidewalks on Regulator Street but wants to make a citizen put in 200' of sidewalk. He said this isn't right.

Ms. Kelley said she wanted to point out that City Administrators and Planners have been wrong in the past. She said she and Mr. Munkhoff have gone to LUBA to prove that. She said their opinion isn't necessarily the right opinion.

Chair Cramblett said CA Zimmerman is going to have the attorney review it. He said he has heard what everyone has said but the Code is the Code. He said he really thinks that the Code is saying something different from what is happening.

PCM Haight said there is a real safety issue on Forest Lane. She said that is really where sidewalk is needed. She said there is sidewalk on one side and we really need sidewalk on the other side.

Other Discussion: CA Zimmerman reminded the Planning Commission of the students from the University of Oregon visiting Cascade Locks on the 18th of October to do a walk around and come up with ideas for a more walkable, bike friendly, downtown. He urged Planning Commissioners to attend.

- V. Adjournment. **Motion:** PCM Fitzpatrick moved, seconded by PCM Haight, to adjourn. The motion passed unanimously. The meeting was adjourned at 7:55 PM.

Prepared by
Kathy Woosley, City Recorder

APPROVED:

Larry Cramblett, Chair

MATTHEW T. ENGLISH
SHERIFF

BRIAN ROCKETT
CHIEF DEPUTY

JAMIE HEPNER
PAROLE & PROBATION COMMANDER



MARITA HADDAN
911 COMMANDER

TERRY L. BRIGHT
CHIEF CIVIL DEPUTY

JERRY KEITH
EXECUTIVE ASSISTANT

RECEIVED
OCT 08 2014

BY:.....

CASCADE LOCKS MONTHLY REPORT

September, 2014

1. **TOTAL CALLS FOR SERVICE: 127** (Includes follow-ups, Officer initiated, agency assist, ect.)
2. **TOTAL PRIORITY CALLS: 9**
3. **TOTAL CRIMES/CALLS AGAINST FAMILIES: 3**
4. **TOTAL CASE NUMBERS ISSUED: 17**
5. **TRAFFIC STOPS: 67**
6. **TOTAL ANIMAL CONTROL CALLS/CITATIONS: 5**

Additional Investigative Support: Deputy Smith, Deputy Lerch, Deputy Stefanini, Deputy Cozad, Sgt. Hughes, Sgt. Castaneda and Sgt. Flem. Case numbers include: S140873, S140874, S140880, S140797, S140887, S140888, S140889, S140894, S140893, S140906, S140851, S140933, S140934, S140939, S140944, S140947 and S140952.

Deputy Harvey worked 53.56 hours within the City of Cascade Locks. Hood River County Sheriff's Office Personnel worked an additional 113.63 hours within the City of Cascade Locks, (Deputy Anderson, Deputy Stefanini, Deputy Smith, Deputy Cozad, Reserve Sgt. Renault, Deputy Lerch, Sgt. Hughes, Deputy Paulsen, Deputy Nelson, Sgt. Castaneda, Sgt. Flem, Deputy Carmody, Deputy Guertin, Reserve Deputy Pivarunas, Reserve Deputy Foster and Reserve Deputy Kowall.

The information reflected above is supported by the Hood River County Sheriff's Office Monthly report for the City of Cascade Locks. The information in the support documents must be cleansed Per ORS 192.501 & 192.502, but is on file to support this excerpt.

Brian Rockett
Chief Deputy

