



## CITY COUNCIL AGENDA

TUESDAY, JULY 3, 2018

CITY COUNCIL CHAMBERS, 191 E. MAIN STREET, CARLTON

*The Mission of the City of Carlton is to safeguard and enhance the vitality and livability of the community by providing essential services with professionalism and integrity.*

<b>6:00 PM WORK SESSION</b>	<b>Pages</b>
<b>1. CALL TO ORDER</b>	
<b>2. ROLL CALL</b>	
<b>3. ANNOUNCEMENTS/REPORTS/PRESENTATIONS</b>	<b>3 – 20</b>
A. Backyard Burning Follow-up (Tabled to 8/21/18)	--
B. LOC Legislative Agenda Priorities Survey (20 min.)	3 – 20
<b>4. ADJOURN TO REGULAR MEETING</b>	
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<b>7:00 PM CITY COUNCIL REGULAR MEETING</b>	
<b>1. CALL TO ORDER</b>	
<b>2. ROLL CALL</b>	
<b>3. PLEDGE OF ALLEGIANCE</b>	
<b>4. CHANGES OR ADDITIONS TO THE AGENDA</b>	
<b>5. CEREMONIES/APPOINTMENTS/ANNOUNCEMENTS</b>	<b>21 – 22</b>
A. Visit Carlton Tourism Committee Appointment – Carrie Simonson	21
B. Proclamation – Recognition of City Hall Project Advisory Committee	22
<b>6. CITIZEN COMMENTS</b>	
<i>This section of the agenda allows members of the public to address the City Council on any item <u>not</u> otherwise on the agenda. Members of the public, when invited by the Mayor, shall come forward, state their name and street address, and direct all comments to the Mayor. Comments are typically limited to three (3) minutes unless additional time is allowed by the Mayor.</i>	
<b>7. CONSENT AGENDA</b>	<b>23 – 44</b>
A. Meeting Minutes	23
1. City Council Regular Meeting Minutes – May 16, 2018	24 – 28
2. City Council Work Session Minutes – June 5, 2018	29 – 30
3. City Council Regular Meeting Minutes – June 5, 2018	31 – 34
B. Department Monthly Reports	35 – 42
C. Accounts Payable Report	43 – 44
<b>8. ORDINANCES/RESOLUTIONS/DISCUSSION/ACTION ITEMS</b>	<b>45 – 72</b>
A. Ordinance No. 2018-718: Adopting Consumption-based Billing Policy for Sewer	45 – 51
B. Resolution No. 2018-266: Accept the Certified Election Results	53 – 57
C. Resolution No. 2018-267: Dissolve the City Hall Project Committee	59 – 60
D. Resolution No. 2018-268: Lease Agreement for Meter & AMI– Core & Main	61 – 67
E. Request for Council Action: City Hall/Public Safety Facility	69 – 72
<b>9. FUTURE AGENDA ITEMS/COUNCIL DISCUSSION TOPICS</b>	
<b>10. ADJOURNMENT</b>	

*This facility is ADA accessible.*

*If you need special accommodations, please contact the City Recorder at 503.852.7575 at least 24 hours prior to this meeting.*



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[www.orcities.org](http://www.orcities.org)

June 6, 2018

Dear Chief Administrative Official:

For the past three months, eight policy committees have been working to identify and propose specific actions as part of the League's effort to develop a pro-active legislative agenda for the 2019 session. They have identified legislative objectives as set forth in the enclosed ballot and legislative recommendation materials. These objectives span a variety of issues and differ in the potential resources required to seek their achievement. Therefore, it is desirable to prioritize them in order to ensure that efforts are focused where they are most needed.

While the attached ballot reflects the top policies developed in each of the policy committees, each undertook a broad look at a range of issues impacting cities. Many issues reflect the League's ongoing mission to support cities' work and their home rule authority to develop and use a variety of tools to meet the needs of residents but were not included in the ballot. Additional issues, such as addressing the housing shortage and the opioid crisis, are multifaceted and did not fit concisely into policy priorities. However, they remain as work the League intends to accomplish as it works with large groups of stakeholders in search of solutions.

Each city is being asked to review the recommendations of the policy committees and provide input to the LOC Board of Directors as it prepares to adopt the League's 2019 legislative agenda. After your city council has had the opportunity to review the proposals and discuss them with your staff, please return the enclosed ballot indicating the top four issues that your city council would like to see the League focus on during the 2019 session. **The deadline for response is August 3, 2018.** The board of directors will then review the results of this survey of member cities, along with the recommendations of the policy committees, and determine the League's 2019 legislative agenda.

Your city's participation and input will assist the board in creating a focused set of specific legislative targets that reflect the issues of greatest importance to cities. Thank you for your involvement, and thanks to those among you who gave many hours of time and expertise in developing these proposals.

Do not hesitate to contact me or Craig Honeyman, Legislative Director, with questions.

Sincerely,

Mike Cully  
 Executive Director

Craig Honeyman  
 Legislative Director

P.S. If you are reviewing the hard copy of this ballot and would like to view the linked material please visit the following web address and click on the links there:

<http://www.orcities.org/Portals/17/Legislative/2019PolicyBallotInformation.pdf>

## INSTRUCTIONS

1. Each city should submit one form that reflects the consensus opinion of its city council on the **top four** legislative priorities for 2018.
2. Simply place an **X or a check mark** in the space to the left of the city's top four legislative proposals (last pages of the packet).
3. The top four do not need to be prioritized.
4. Return by **August 3rd** via mail, fax or e-mail to:

Jenna Jones  
League of Oregon Cities  
1201 Court St. NE, Suite 200  
Salem, OR 97301  
Fax – (503) 399-4863  
jjones@orcities.org

**Thank you for your participation.**

Please check or mark 4 boxes with an X that reflects the top 4 issues that your city recommends be added to the priorities for the League's 2019 legislative agenda.

City of: \_\_\_\_\_

**Legislation**

<b>A. 9-1-1 Tax</b>	<input type="checkbox"/>
<b>B. Annexation Flexibility</b>	<input type="checkbox"/>
<b>C. Auto Theft</b>	<input type="checkbox"/>
<b>D. Beer and Cider Tax Increase</b>	<input type="checkbox"/>
<b>E. Broadband Infrastructure</b>	<input type="checkbox"/>
<b>F. Carbon Cap-and-Invest Program Adoption</b>	<input type="checkbox"/>
<b>G. City Comparability for Compensation</b>	<input type="checkbox"/>
<b>H. Green Energy Technology Requirement Changes</b>	<input type="checkbox"/>
<b>I. Infrastructure Financing and Resilience</b>	<input type="checkbox"/>
<b>J. Least Cost Public Contracting</b>	<input type="checkbox"/>
<b>K. Local Control Over Speed Limits on City Streets</b>	<input type="checkbox"/>
<b>L. Lodging Tax Definition Broadening</b>	<input type="checkbox"/>
<b>M. Mental Health Investment</b>	<input type="checkbox"/>
<b>N. Permanent Supportive Housing Investment</b>	<input type="checkbox"/>
<b>O. PERS Reform</b>	<input type="checkbox"/>
<b>P. PERS Unfunded Liability Revenue Stream Dedication</b>	<input type="checkbox"/>
<b>Q. Place-Based, Water Resource Planning (Program Support)</b>	<input type="checkbox"/>
<b>R. Property Tax Reform</b>	<input type="checkbox"/>
<b>S. Qualification Based Selection (QBS)</b>	<input type="checkbox"/>
<b>T. Right-of-Way and Franchise Fee Authority</b>	<input type="checkbox"/>
<b>U. Safe Routes to School Match</b>	<input type="checkbox"/>
<b>V. Small Area Cell Deployment</b>	<input type="checkbox"/>
<b>W. Speed Cameras</b>	<input type="checkbox"/>
<b>X. Speed Limit Methodology</b>	<input type="checkbox"/>
<b>Y. Third Party Building Inspection</b>	<input type="checkbox"/>
<b>Z. Tobacco Taxes Share Increase</b>	<input type="checkbox"/>
<b>AA. Waste Water Technical Assistance Program</b>	<input type="checkbox"/>
<b>BB. Wetland Development Permitting</b>	<input type="checkbox"/>
<b>CC. Wood Smoke Reduction Program Support</b>	<input type="checkbox"/>

In addition to your ranking of the priorities shown above, please use this space to provide us with any comments (supportive or critical) you may have on these issues, or thoughts on issues or potential legislative initiatives that have been overlooked during the committee process.):

## A. 9-1-1 Tax

### Legislation:

Support legislation enhancing the effectiveness of the state's emergency communications system by increasing the 9-1-1 tax and/or seeking other sources of revenue and prohibiting legislative "sweeps" from emergency communications accounts managed by the Oregon Office of Emergency Management.

### Background:

The League worked with other stakeholder groups in 2013 to extend the sunset date on the statewide 9-1-1 emergency communications tax to January 1, 2022 ([HB 3317](#)). In 2014, the League also worked to pass legislation including prepaid cellular devices and services under the 9-1-1 tax ([HB 4055](#)). As concerns mount with regard to disaster preparedness and recovery and as upgrades to communications technology become available, it is apparent that state and local governments do not have the resources necessary to address challenges or take advantage of opportunities (see an analysis in the League's 2018 State Shared Revenue Report, [here](#), and the Oregon Office of Emergency Management's "Emergency Communications Tax" webpage, [here](#)). Additional funding is needed and the practice of periodically sweeping funds out of the state's emergency management account for other uses must cease. It is worthy of note that the practice of "sweeps" disqualifies the state from receiving federal funds for emergency communications. It is unknown how many federal dollars have been foregone as a result of this policy.

*Presented by the Telecom, Broadband & Cable Committee and endorsed by the Finance & Taxation Committee*

## B. Annexation Flexibility

### Legislation:

The League will work to increase the flexibility for cities to annex residential areas and to encourage voluntary annexations, with a primary focus on improving the island annexation process.

### Background:

There is a significant disconnect between the state's land use process and the [process of annexation](#), which has created issues for a variety of cities. The annexation process requirements are particularly difficult for areas known as "islands". Even though cities can involuntarily annex islands, most cities have adopted a policy to only engage in voluntary annexation. This has left significant islands un-annexed. In addition, waiting for surrounding properties to voluntarily annex often means the process and order of annexation does not necessarily match the plans for infrastructure development. Unannexed lands remain on the buildable land supply but much of it will contain some level of development that was approved by the county, but is often underdeveloped when compared to the comprehensive plan.

However, there have been bills that have been introduced over the last few sessions that aim to make non-voluntary annexation more difficult (see e.g., [HB 2039](#) and [HB 2040](#)). As these bills have gotten hearings, the League has taken the opportunity to discuss how annexation and land use are very disconnected. This is particularly of interest as interest in housing development remains at the top of the list of legislative priorities. If local governments have greater control over the annexation process and can better incentivize voluntary annexation, they can better meet the development expectations of the land use system and their comprehensive plans. It also assists in the orderly development of infrastructure.

Tools that were recommended to consider included partial island annexation in residential areas, relaxation of the limit of 10 years to bring a property fully onto the city's property tax level, changing the boundary requirements for islands, and looking at how the withdrawal of special district territory can be better regulated.

*Presented by the Community Development Committee*

## C. Auto Theft

### Legislation:

Address the deficiencies in the Unauthorized Use of a Motor Vehicle statute that were created after an adverse court ruling.

### Background:

A 2014 Oregon Court of Appeals ruling requires that prosecutors prove beyond a reasonable doubt that a person driving a stolen car knew they were in violation of the law prohibiting the unauthorized use of a motor vehicle. Because of this ruling, unless confesses to the crime, obtaining a conviction for stealing a car is near impossible. The National Insurance Crime Bureau's 2017 "Hot Spots" report stated that Oregon experienced a 19 percent increase in auto theft over 2016. News stories on this issue may be found [here](#), [here](#) and [here](#).

Because of the ruling, auto theft has increased exponentially across rural and urban Oregon. A legislative fix was proposed in 2018 and was generally agreed to but was never voted on by either chambers due to the fiscal impact it would have on the state. A copy of the legislation can be found [here](#). This issue was brought to the Committee by a representative of the Oregon Association of Chiefs of Police and they have requested the League's supported in seeking to fix this issue. Of particular concern to the General Government Committee was the fact that vehicles being stolen tend to be older cars and trucks that are more likely to be owned by people of more modest means who would be unable to readily replace their vehicles without considerable impact.

*Presented by the General Government Committee*

## D. Beer and Cider Tax Increase

### Legislation:

The League proposes increasing the state taxes on malt beverages and cider to assist with rising public safety costs, improve public health, reduce alcohol consumption by minors, and provide alcohol tax equity with wine and liquor.

### Background:

Oregon's tax has not been increased since 1978 and is currently \$2.60 per barrel which equates to about 8 cents on a gallon of beer. The tax is by volume and not on the sales price. (Yes, the bottle deposit is 60 cents and the tax is only about 4 cents on a six-pack!) Oregon is tied with Kentucky for the lowest beer taxes of all [states](#) (see page 98 in link). To get to the middle, Oregon would need to raise the tax to 80 cents per gallon (10-fold increase). Cities are [preempted](#) from imposing alcohol taxes. In exchange, cities receive approximately [34% of the state alcohol revenues](#) (see page 9 in link)(beer and wine taxes, license fees, and liquor profit sharing) as state shared revenues. However, because the tax is so small on beer, the share is also small. The beer tax brings in only about \$7 million per year state-wide; thus, the city share is about \$2.3 million of the total shared revenues. The total share for cities for all alcohol-based state shared revenues is estimated at over \$86 million. The League anticipates that excise tax increases including those on alcohol will be a part of revenue package discussions in 2019, and the League sees this concept as an important leveraging tool.

*Presented by the Finance and Tax Committee and endorsed by the General Government Committee*

## E. Broadband Infrastructure

### Legislation:

Seek additional state support and funding for increased and equitable broadband infrastructure deployment, especially in rural areas. Oppose legislative efforts to restrict existing municipal authority to provide broadband services.

### Background:

The deployment of broadband and telecommunications networks and services (public and/or private) throughout Oregon is critical to economic development, education, health and safety and the ability of residents to be linked to their governments. Mapping research shows large areas of the state either not served or underserved by competitive broadband technology. A significant barrier to the deployment of broadband infrastructure is funding. Cities need additional funding and support from various sources, including the state and federal government, allocated for increased or new broadband infrastructure, especially for fiber connections to schools, community libraries, and public safety buildings. Also, oppose efforts by private internet service providers to restrict local efforts to make broadband technology available within their jurisdiction.

*Presented by the Telecom, Broadband & Cable Committee*

## F. Carbon Cap-and-Invest Program Adoption

### Legislation:

The League's Energy & Environment Policy Committee has recommended support, if specific principles are recognized and codified, of legislation that would implement a statewide cap on carbon emissions over time and that would generate revenues for strategic investments that further Oregon's greenhouse gas reduction goals. The cap on emissions would apply to certain "regulated entities" with carbon emissions over 25,000 metric tons annually. Regulated entities would receive allowances, or would generate offset credits, to emit carbon. The revenue from the purchase of allowances would be invested in specified programs aimed at furthering GHG reductions and mitigating program impacts. It is anticipated that funds generated from a cap on the transportation fuel industry may be subject to use per state Constitutional requirements related to the state highway fund. The statewide cap on carbon would be reduced over time to meet updated greenhouse gas reduction goals for Oregon.

For the League to support a statewide cap on carbon, the following principles would need to be recognized and codified in any legislation:

- The legislation and subsequent rulemaking processes would need to establish a forum to generate meaningful dialogue with rural Oregon communities and those with energy-intensive, trade-exposed industries. Equity considerations should be considered throughout this process by including cities and counties representing a variety of populations, regions of the state, and community demographics (e.g. low-income and underserved populations). Specific action should be taken to have representation from cities with populations of less than 1,500.
- The cap would need to apply to all sectors including utilities, industry and the transportation fuels sector (e.g. fuel producers) if annual carbon emissions exceed 25,000 metric tons.
- The program should be designed to link to the Western Climate Initiative which has a multi-jurisdictional carbon market (linking with programs in California, Ontario and Quebec)
- The revenue from the purchase of allowances would be invested in evidence-based technologies to reduce emissions from regulated sectors with excess revenues being invested in statewide programs to support climate resilience and rural Oregon economies. Requiring the reinvestment of allowance revenue will help regulated sectors become more efficient over time and less carbon intensive.



- In addition, LOC will advocate that additional revenues generated be dedicated to support programs including:
  - Technical assistance grants that local governments could access to help fund the adoption and implementation of local climate action/sustainability plans.
  - Funding for local woodstove smoke reduction programs to help communities in, or at risk of, non-attainment from woodstove smoke.
  - Funding to study and incentivize an expanded, yet sustainable, cross-laminated timber industry in Oregon with the intent of stimulating job creation in rural Oregon communities.
  - Funding for drought mitigation planning and resilience for Oregon water systems.

**Background:**

The League anticipates that the Legislature is very likely to pass legislation during the 2019 session that would implement a “cap-and-invest” program in Oregon, similar to the program adopted by California. Similar legislation has been considered by the Oregon Legislature during previous legislative sessions, but has failed to be brought for a vote. The political will to pass such a policy/program for Oregon appears to be incredibly strong; the Speaker of the House and President of the Senate are co-chairing the Joint Interim Committee on Carbon Reduction and the Governor’s team is staffing a new Carbon Policy Office to assist in the Committee’s efforts. The League’s Energy & Environment Committee has spent considerable time discussing this policy, including how best to craft a policy recommendation that makes both environmental and economic sense for the state and cities.

*Presented by the Energy & Environment Committee*

## G. City Comparability for Compensation

**Legislation:**

The League will seek legislation to ensure that cities are compared only with cities of a similar cost of living when negotiating with strike prohibited bargaining units.

**Background:**

Oregon labor law doesn’t allow police officers, firefighters, emergency communicators and other public safety critical employees to strike. Instead when an impasse is reached when bargaining with labor unions that represent those workers, the state proscribes a set procedure involving an outside arbitrator to resolve those contract disputes. In that process the arbitrator will compare the city to other cities of similar size. As a result, the cities in rural areas are being compared with to cities in metropolitan areas that have different economic circumstances. Klamath Falls with 20,000 people in it and a median home value of \$160,000 could be compared to Tualatin with a similar population and a median home value of \$355,000. This is not a reasonable comparison.

The Human Resources Committee notes that the Legislature created a variable minimum wage in Oregon in recognition of the different costs of living across the state. Each Oregon county is assigned to one of three wage zones with one being the Portland Metropolitan area, that second are less populous regions and the third are rural counties. The Committee recommends that cities only be compared to cities in the same wage zones. A detailed explanation and graphics of the proposal may be found here.

*Presented by the Human Resources Committee*

## H. Green Energy Technology Requirement Changes

### Legislation:

Advance legislation to statutorily modify the existing “1.5 percent green energy technology for public buildings” requirement to allow for alternative investment options such as offsite solar or energy efficiency projects.

### Background:

Oregon statute currently requires public contracting agencies to invest 1.5% of the total contract price for new construction or major renovation of certain public buildings on solar or geothermal technology. The requirement allows for offsite technology, but only if the energy is directly transmitted back to the public building site and is more cost-effective than onsite installation. Removing the requirement that an offsite project be directly connected to the public building project could result in increased flexibility for local governments to invest in solar projects that are more cost-effective and provide for increased solar energy generation. In addition, the League will advocate to allow 1.5 percent funds to be invested in alternative projects that provide a greater economic or social return on investment including energy efficiency.

*Presented by the Energy & Environment Committee*

## I. Infrastructure Financing and Resilience

### Legislation:

The League will advocate for an increase in the state’s investment in key infrastructure funding sources, including, but not limited to, the Special Public Works Fund (SPWF), Brownfield Redevelopment Fund, and Regionally Significant Industrial Site loan program. The advocacy will include seeking an investment and set aside through the SPWF for seismic resilience planning and related infrastructure improvements to make Oregon water and wastewater systems more resilient.

### Background:

A key issue that most cities are facing is how to fund infrastructure improvements (both to maintain current and to build new). Increasing state resources in programs that provide access to lower rate loans and grants will assist cities in investing in vital infrastructure. Infrastructure development impacts economic development, housing, and livability. The level of funding for these programs has been inadequate compared to the needs over the last few biennia and the funds are depleting and unsustainable without significant program modifications and reinvestments.

The funds are insufficient to cover the long-term needs across the state. While past legislative sessions have focused on finding resources for transportation infrastructure, the needs for water, wastewater, and storm water have not been given the same attention. A LOC survey of cities in 2016 identified a need of \$7.6 billion dollars over the next 20 years to cover water and wastewater infrastructure projects for the 120 cities who responded. This shows a significant reinvestment in the Special Public Works Fund (SPWF) is needed to help meet the needs of local governments. Without infrastructure financing options, cities cannot meet the needs of new housing or new business – high priorities for cities across the state.

In addition, there is a critical need to improve upon the seismic resilience of public drinking water and wastewater systems. The Oregon Resilience Plan (2013) identified Oregon’s water and wastewater systems as especially vulnerable to damage resulting from a Cascadia subduction zone earthquake. The plan recommended all public water and wastewater systems complete a seismic risk assessment and mitigation plan for their system. This plan would help communities identify and plan for a backbone water system that would be capable of supplying critical community water needs after a significant seismic event.

However, there is currently no dedicated funding to assist communities with this planning effort and the funding needed to repair/retrofit water infrastructure is significantly inadequate. Investments have been made in Oregon to seismically retrofit public safety facilities and schools, but without planning for infrastructure resilience, communities may not have access to water for critical needs, including drinking water and water for fire suppression, in the immediate aftermath of a seismic event.

This priority will focus on maximizing both the amount of funding and the flexibility of the funds to meet the needs of more cities across the state to ensure long-term infrastructure investment.

*Presented by the Community Development Committee and endorsed by the Finance & Taxation and Water/Wastewater committees*

## **J. Least Cost Public Contracting**

### **Legislation:**

Introduce and/or support legislation repealing Section [45\(2\)\(a\)\(G\)](#) and Section [45\(3\)\(a\)\(G\)](#) of HB 2017 (enacted in 2017) relating to compliance with least cost public contracting requirements as a condition for fuel tax increases after 2020.

### **Background:**

As a matter of public policy, the League fundamentally disagrees with this linkage of transportation projects funding with public contracting standards applicable to specific local projects. Under HB 2017 (enacted in 2017) cities must comply with least cost public contracting standards set forth by [ORS 279C.305](#) for subsequent the two-cent increases in the state gas tax to occur in 2020, 2022 and 2024. Literally interpreted, one recalcitrant city *might* be able to stop the next gas tax increase by its failure to comply with this statute.

*Presented by the Transportation Committee and endorsed by Finance and Taxation Policy Committee*

## **K. Local Control Over Speed Limits on City Streets**

### **Legislation:**

Introduce legislation that allows Oregon cities to opt-in (voluntarily) to adjust their speed limits on residential streets 5 mph lower than the statutory speed limit.

### **Background:**

[HB 2682](#) (enacted in 2017) allows the city of Portland to establish by ordinance a designated speed for a residential street under the jurisdiction of the city that is five miles per hour lower than the statutory speed provided the street is not an arterial highway. This authority should be extended to all cities and be considered permissive (not required). Cities should be able to determine speeds that are adequate and safe for their communities.

*Presented by the Transportation Committee*

## **L. Lodging Tax Definition Broadening**

### **Legislation:**

The League proposes adjusting and broadening the definitions of tourist, tourism promotion, and tourism-related facility as those terms are defined in the lodging tax statutes to ensure state-wide continued tourism and related [economic](#) (see page 17 of link) and [tax growth](#) (see page 223 of link), assist with city tourist costs, and provide local choice and revenue flexibility.

**Background:**

In 2003, when the state imposed a state lodging tax, the Legislature preempted cities by imposing restrictions on the use of local lodging tax revenues. (The percentage of restricted revenues varies by city.) Restricted tax revenues must be used for tourism promotion or tourism-related facilities. While the League will support all legislation that provides more flexibility on local tax usage, the League will advocate for lodging tax legislation that broadens those terms to clearly cover city costs of tourist events, tourism-related facility maintenance, tourist amenities, tourist attraction enhancement and public safety costs for special tourist events. Language from Section 3 of the [dash 1 amendment to HB 2064 \(2017\)](#) and [Section 1 of HB 2064 \(2017\)](#) will likely serve as a starting place. See also this [power point presentation](#) and this [LOC testimony](#) (supporting HB 2064) for further information.

*Presented by the Finance and Tax Committee*

## **M. Mental Health Investment**

**Legislation:**

The League will seek to protect and enhance the investments made to Oregon's treatment of the mentally ill.

**Background:**

In 2015, the Legislature funded rental and housing assistance for persons suffering from mental illness, specialized training for police officers to assist people in mental health crisis, multi-disciplinary crisis intervention teams and expanded access to treatment. While providing direct mental health services is not a standard city service, the state of care for persons in crisis had deteriorated to the point city police officers were regularly the primary public employee to provide interventions. The December, issue of Local Focus was devoted to cities and mental health, those articles may be found [here](#).

Because of the anticipated budget shortfalls in 2019, the General Government Committee would like the League to ensure that services established in 2015 are not cut and to capitalize on any opportunities that may exist or be created to enhance those investments.

*Presented by the General Government Committee*

## **N. Permanent Supportive Housing Investment**

**Legislation:**

The League will support increased investments in the services that are provided to people who are living in permanent supportive housing.

**Background:**

[Permanent supportive housing](#) serves specific populations that traditionally face difficulty in remaining in housing due to additional, complex needs by providing housing and other services at the same time. A [variety of populations](#), such as seniors, veterans, families, and those with mental health conditions, have different services that accompany their housing support. Permanent supportive housing models that use a Housing First approach have been proven to be highly effective for ending homelessness, particularly for people experiencing chronic homelessness who have higher service needs. Investment in the services is as important as the housing because residents that do not receive these additional supports often end up returning to homelessness based on issues related to their other issues.

However, in many areas the funding for housing is not well matched with the funding for the services. The state is the primary funding source for these services. However, there is some disconnect between the housing support provided by the [Oregon Housing and Community Services Department \(OHCS\)](#) and the [Oregon Health Authority \(OHA\)](#).

To help communities that are working to provide opportunities for permanent supportive housing and those seeking to find long-term solutions to local homelessness issues, better investment in the services is vital to success of these programs. By supporting appropriations to OHCS and OHA for these services, more support services can be provided to those that are in permanent supportive housing and lead to better outcomes.

*Presented by the Community Development Committee*

## **O. PERS Reform**

### **Legislation:**

The League will seek legislation to modernize the PERS investment pool, ensure proper financial controls are adhered to, and give cities a greater voice in how their monies are invested. The League will also seek legislation that shares the risk and costs of the pension benefit with employees but does so in a manner that impacts employees based on the generosity of the benefit plan they will retire under.

### **Background:**

Oregon's Public Employee Retirement System (PERS) is a three-tiered program that provides a defined benefit pension (a pension that pays a retiree and their beneficiary a set amount for the length of their retirement) and a deferred compensation program that is funded through employee contributions. Each of the three tiers pays a different benefit and an employee's placement in a given tier is based on the date they were hired. Tier I is the most generous benefit and has an option for an annuity based retirement that has been incredibly expensive to maintain. Tier I was replaced by Tier II in 1996. Tier II costs, though reduced, were also unsustainable and were replaced with a third tier, known as the Oregon Public Service Retirement Plan (OPSRP) which is designed to provide a 45 percent salary replacement after a full career. A primer on the PERS system may be found [here](#).

The cost to employers for this system has risen steadily since the market crash of 2008, and will increase again on July 1, 2019 (projected individual employer rates may be found [here](#)) and then again in 2021 and possibly again in 2023. Rates are anticipated to remain at a system wide average of around 29 percent of payroll and remain at that level until 2035 without reforms.

Adverse court rulings to previous attempts at reforms have limited our options to addressing benefits not yet earned. With that in mind the Human Resources Committee recommends reforms in the three following areas:

- Ensure that investments into the PERS system are achieving the maximum possible return in the most efficient manner possible while safeguarding the funds with proper financial controls.
- Requiring that employees absorb some of the costs for the pension system but ensure that OPSRP employees are impacted more favorably than Tier I and Tier II employees who will receive more generous retirement benefits.
- Establishing a fourth tier that provides similar benefits to employees but is funded in a more sustainable manner. Providing incentives to retirees and current employees in the other tiers to switch to the fourth tiers should be explored as well.

*Presented by the Human Resources Committee*

## **P. PERS Unfunded Liability Revenue Stream Dedication**

### **Legislation:**

The League proposes that a new state revenue stream be dedicated to paying down the unfunded liability over a period of years to sustain the Public Employees Retirement System (PERS).

**Background:**

The present unfunded liability has grown extraordinarily large and is causing rate increases for most local governments and schools that are not sustainable. The League would support all reasonable revenue stream ideas. Ideas include but are not limited to a new temporary limited sales tax, a new payroll tax, and a new temporary state property tax. The League will advocate that PERS cost-containment measures be pursued along-side revenue raising efforts to pay down the liability; both seem necessary to address the state-created problem.

*Presented the Finance and Tax Committee and endorsed by the Human Resources Committee*

### Q. Place-Based, Water Resource Planning (Program Support)

**Legislation:**

The League will advocate for the funding needed to complete existing place-based planning efforts across the state.

**Background:**

Oregon's water supply management issues have become exceedingly complex. Lack of adequate water supply and storage capacity to meet existing and future needs is an ongoing concern for many cities in Oregon and is a shared concern for other types of water users including agricultural, environmental and industrial. Most of the surface water in Oregon (during peak season months) is fully allocated with no new water available. As a result, the ability to meet existing and future demand for various water uses will require collaboration, improved management and coordinated conservation among a variety of stakeholders, including municipalities. For this reason, the Legislature passed legislation to create a place-based planning pilot program in Oregon. This program, administered through the Oregon Water Resources Department, is providing a framework and funding for local stakeholders to collaborate and develop solutions to address water needs within a watershed, basin or groundwater area. Place-based planning is intended to provide an opportunity for coordinated efforts and the creation/implementation of a shared vision to address water supply challenges. Four place-based planning efforts are currently underway across the state in the Malheur Lake Basin, Lower John Day sub-basin, Upper Grande Ronde sub-basin and mid-coast region. Without continued funding, these efforts will not be able to complete their work. The LOC Water & Wastewater Policy Committee recognized that while this funding is limited to specific geographic areas, they also recognize the importance of successfully completing these pilot efforts and conducting a detailed cost/benefit analysis. It is a critical step in order to demonstrate the benefits of this type of planning. If these local planning efforts prove to be successful, there will likely be future efforts to secure additional funding for other place-based planning projects across the state.

### R. Property Tax Reform

**Legislation:**

The League of Oregon Cities proposes that the property tax system should be constitutionally and statutorily reformed as part of the 2019 session work on state and local tax reform and improving funding for [schools](#) (see pages 69-72 of link; property taxes make up 1/3 of school funding).

**Background:**

The property tax system is [broken and in need of repair](#) due to [Measures 5 and 50](#), which are both now over 20 years old. All local governments and schools rely heavily on property tax revenues to pay for services and capital expenses. Therefore, the League will participate in coalitions to help draft and advocate for both comprehensive and incremental property tax reform option packages. The League will remain flexible to support all legislation that improves the system, with a focus on a property tax package with these elements:

- To achieve equity, a system that transitions to a market-based property tax valuation system (RMV) rather than the present complex valuation system from Measure 50 (requires constitutional referral).
- To enhance fairness and adequacy, a system that makes various statutory changes, some of which would adjust the impact of a return to RMV. For example, the League supports a new reasonable homestead exemption (percentage of RMV with a cap) but also supports limiting or repealing various property tax exemptions that do not have a reasonable return on investment.
- To restore choice, a system that allows voters to adopt tax levies and establish tax rates outside of current limits (requires constitutional referral).

[SJR 3](#) (see page 50 of link)(constitutional referral with return to real market value system) and [SB 151](#) (see page 48 of link) (homestead exemption bill) from the 2017 session will likely serve as starting points. City property tax data including real market values and assessed values can be accessed [here](#).

*Presented by the Finance and Tax Committee*

### **S. Qualification Based Selection (QBS)**

#### **Legislation:**

The League will seek to reform the Qualification Based Selection (QBS) requirements to allow for the consideration of price in the initial selection of architects, engineers, photogrammetrists and surveyors.

#### **Background:**

The state currently prohibits the consideration of price when making an initial selection when awarding contracts for certain design professionals when conducting public improvements. Instead of issuing a request for proposals as is done with most public improvement projects, contracting agencies issue “requests for qualifications” on a project. Cities may negotiate price only after the initial selection of a contractor is made. Under this system a city or other contracting agency will never know the price of other qualified and responsible bidders on a project.

The League’s General Government Committee concluded that this process is not in the interests of cities or tax payers as it precludes the use of competitive bids. There is no other area in which a consumer, public or private, would procure a service or product without considering the price.

*Presented by the General Government Committee*

### **T. Right-of-Way and Franchise Fee Authority**

#### **Legislation:**

Oppose legislation that, in any way, preempts local authority to manage public rights-of-way and cities’ ability to set the rate of compensation for the use of such rights-of-way.

#### **Background:**

In its commitment to the protection of Home Rule and local control, the League consistently opposes restrictions on the rights of cities to manage their own affairs. From time to time, in the context of public rights-of-way management authority discussions, proposals to restrict to this authority arise. Such was the case during the 2017 legislative session with [SB 202](#) and [SB 840](#). These efforts to restrict local authority often include proposals for a statewide right-of-way access policy and compensation system as well as limiting the ability of cities to charge fees of other government entities. This is contrary to local government management authority; the ability to enter into agreements with users of the right-of-way either by agreement/contract or ordinance; and to set the rate of compensation.

*Presented by the Telecom, Broadband & Cable Committee*

## U. Safe Routes to School Match

### Legislation:

Introduce legislation lowering the local Safe Routes to Schools matching grant requirement to 20 percent from 40 percent and lowering the matching grant requirement for areas qualifying for exceptions to 10 percent from 20 percent.

### Background:

[Section 123 of HB 2017](#) (enacted in 2017) authorizes the Oregon Transportation Commission to provide matching grants for safety improvement projects near schools. To receive the grant cities must provide a 40 percent cash match unless the school is located in a city with a population of less than 5,000; is within a safety corridor; or qualifies as a Title I school in which case the cash match requirement is reduced to 20 percent. While cities support the availability of matching grant funds provided by the state, the current cash match requirements are too high for most cities to participate in the program.

*Presented by the Transportation Committee*

## V. Small Area Cell Deployment (also known as “Small Cell Deployment”)

### Legislation:

Oppose legislation that preempts local authority to manage public property while supporting deployment of wireless technology, including small area cell and 5G.

### Background:

Legislative efforts involving the deployment of small area cell facilities are increasing around the nation. Currently 20 states ([Arizona](#), [Colorado](#), [Delaware](#), [Florida](#), [Hawaii](#), [Illinois](#), [Indiana](#), [Iowa](#), [Kansas](#), [Minnesota](#), [North Carolina](#), [New Mexico](#), [Ohio](#), [Oklahoma](#), [Rhode Island](#), [Tennessee](#), [Texas](#), [Utah](#), [Virginia](#), and [Washington](#)) have passed bills that limit cities ability to collect appropriate and fair rights-of-way, permitting, and lease fees on municipal property; to control their own design and aesthetics; or otherwise manage wireless technology deployment within their jurisdictions. This type of legislation is not going away. In fact, it is just beginning.

During the 2017 session, the League was approached independently by representatives of two wireless companies with draft concepts that could have resulted in legislation compromising local authority to manage the deployment of small area cell and 5G technology. Issues raised included “shot clock” (time allowed for cities to rule on applications), fee structures and limits, contract terms and duration, land use issues etc. These efforts are expected to continue in 2019 and with greater urgency as the technology approaches deployment status. While cities in Oregon support the advent of new wireless technology including small cell and 5G, authority to ensure their deployment complies with local laws and policies must be maintained.

*Presented by the Telecom, Broadband & Cable Committee*

## W. Speed Cameras

### Legislation:

Introduce and/or support legislation authorizing cities to use fixed speed cameras at locations other than intersections.



**Background:**

Speeding is a public safety issue. The Oregon Transportation Safety Action Plan envisions no deaths or life-changing injuries on Oregon's transportation system by 2035. Currently, cities have the authority as a result of [HB 2409](#) (enacted in 2017) to issue a speeding citation from the same camera and sensor system used to enforce red light compliance at intersections.

Further, speeding does not only occur at intersections. Additional automated enforcement, outside of intersections, would be a valuable tool allowing cities to mitigate dangerous behaviors and speeding. In 2015, the Oregon Legislature granted the city of Portland the authority to implement a fixed speed safety camera program ([HB 2621](#)). The fixed speed camera systems have been operating on "urban high crash corridors" that are also part of the city of Portland's High Crash Network. While this program has not been in place long, the comparison of before and after speeds near the fixed photo radar system is indicating that the automated enforcement is positively influencing speed reduction (see [PBOT report](#)). This legislation would extend the authority to all Oregon cities to implement fixed speed safety camera programs to help reduce the number of deaths and serious injuries that occur as a result of speeding.

*Presented by the Transportation Committee*

## **X. Speed Limit Methodology**

**Legislation:**

Introduce legislation that directs the Oregon Department of Transportation to develop a new speed setting methodology for cities and other urban areas that uses a safe systems approach validated by expert system tools as recommended by [NTSB Safety Study SS-17/01](#).

**Background:**

The NTSB safety recommendations represent current data-driven best practices to determine speed limits. Currently, Oregon speed limits are set based on the guidance that speed limits in speed zones within cities should be within 10 mph of the 85th percentile speed as determined by ... [The NTSB Safety Study SS-17/01](#), "Reducing Speeding-Related Crashes Involving Passenger Vehicles" concludes,

- "Speed increases the injury severity of a crash;"
- "...that unintended consequences of the reliance on using the 85th percentile speed for changing speed limits in speed zones include higher operating speeds and new, higher 85th percentile speeds in the speed zones, and an increase in operating speeds outside the speed zones;"
- "...that the safe system approach to setting speed limits in urban areas is an improvement over conventional approaches because it considers the vulnerability of all road users."

*Presented by the Transportation Committee*

## **Y. Third Party Building Inspection**

**Legislation:**

The League will clarify the ability for local government programs to have private party building officials and building inspectors provide services for local building inspection programs, including recognizing that privately employed specialized inspectors can to perform specialized inspections.

**Background:**

Beginning in 2017, the League has been working to defend local building inspection programs that contract with third-party companies to provide building official and inspectors to run the local program. However, the Oregon Building Codes Division (BCD) has stated that the Oregon Department of Justice (DOJ) [has informed BCD](#) that programs that are structured this way violate the constitutional prohibition on delegating government authority. The League has repeatedly asserted that we disagree with that legal assessment. There was a bill introduced in 2018, [HB 4086](#), that would have adopted new requirements for

local governments running programs. The League worked with other stakeholders to prevent passage of the bill, but we committed to working on a legally defensible solution that does not prevent these locally run programs from continuing.

After the session, the BCD determined that it would implement new rules for locally run inspection programs to meet the asserted legal opinion on delegation. On April 23, the BCD enacted [emergency, temporary rules](#) that added significant requirements for local building inspection programs. The new rules required local programs to designate a government employee as a city's building official. The rules also required the city to have a government-employed, certified electrical inspector. Both positions could be filled by hiring the person directly or by an agreement between municipalities to share the employee(s). The rules further stated that a shared employee could only service three jurisdictions.

In May, the Director of the Consumer and Business Services, who oversees the BCD, informed the League that the temporary rules were rescinded. The Department's decision to rescind the rules included a statement that they would seek a formal opinion from the DOJ to clarify the issue of delegation. However, the BCD did replace the rescinded rules with [another temporary, emergency rule](#). This new rule was enacted on May 18 and states that a local government must appoint a government-employed building official.

In addition to the concerns about using third-party building officials, there is currently statutory prohibition on specialized inspectors that are employed in the private sector to complete specialized inspections. There are a limited number of these inspectors, and, without removal of this prohibition, larger scale projects will not be able to move forward because they cannot be inspected and permitted. This issue was the catalyst for the overall discussion related to third-party building officials, but is not related to the asserted legal claims.

There is a commitment to work on this issue in the 2019 session, but it remains an issue of high concern as it directly impacts the flexibility of local government choice on how to provide services at the local level. Using third-party providers allows smaller jurisdictions to have local, efficient programs that provide clarity for the local development community. It also allows a base of business for these companies, which also serve to provide over-flow capacity to programs that primarily staff these programs with government staff. Therefore, this issue is vital to the long-term success of locally run building inspection programs.

*Presented by the Community Development Committee*

## **Z. Tobacco Taxes Share Increase**

### **Legislation:**

The League proposes seeking a share of all state tobacco product tax revenues to assist with rising public safety costs and provide state shared revenue equity.

### **Background:**

Only cigarette tax revenues are included in the [state-shared revenue](#) distribution to cities and those revenues are decreasing; cities receive about 2% of the cigarette tax revenues or \$3.6 million a year under the formula. [Other tobacco](#) (chew, snuff, cigars, pipe tobacco, etc.) is also taxed by the state and those revenues have been increasing ([now over \\$60 million a year](#)), but those revenues are distributed only to the state. Cities are preempted from taxing cigarettes and other tobacco products. However, cities are often left to enforce tobacco laws and handle sales and use complaints. The League proposes that cities should receive a fair share of all the tobacco tax revenues. The League anticipates that excise tax increases to cigarettes and other tobacco products, and a new vaping tax will be a part of revenue package discussions in 2019, and the League sees this concept as an important leveraging tool.

*Presented by the Finance and Tax Committee*

## AA. Waste Water Technical Assistance Program

### Legislation:

The League will advocate for the creation of a circuit rider program, within the Department of Environmental Quality, to provide needed technical assistance for communities on water quality issues, including wastewater treatment and permit compliance options. Staffing for the circuit rider program would be provided through a third-party contract (or contracts). The League will work to identify funding resources to support this program, including a possible set aside of Oregon's federal Clean Water State Revolving funds.

### Background:

As Clean Water Act requirements for public wastewater systems continue to evolve, with new and more stringent requirements being placed on a number of Oregon communities; cities have expressed concern over how best to comply with those requirements, especially with the limited technical and financial resources that many face. The League's Water & Wastewater Committee discussed the need for technical assistance for communities experiencing these challenges and looked to an existing program within the Oregon Health Authority's (OHA) Drinking Water Services division as a template for addressing this need. The OHA funds a circuit rider program through a third-party contract. The program is funded through federal Drinking Water State Revolving Loan Funds. The program is intended to help more communities be successful in complying with state and federal requirements. The services provided through the program are free for communities with populations of less than 10,000.

*Presented by the Water/Wastewater Committee*

## BB. Wetland Development Permitting

### Legislation:

The League shall work to establish legislative authority for the Department of State Lands to assume the federal program from the U.S. Army Corps of Engineers under section 404 of the Clean Water Act.

### Background:

In many communities looking to develop in the wetlands creates regulatory uncertainty, particularly where development is occurring in previously un-identified wetlands, because there are two agencies that must provide permits, the Oregon Department of State Lands (DSL) and the U.S. Army Corps of Engineers (USACE). The state's process has set deadlines which provides certainty for developers. However, the USACE process is much less consistent or timely. This uncertainty increases risk related to development that can cause projects to stop before they start. In a time where cities are trying to encourage development to meet the housing shortages and economic development goals to support citizens, any increased barriers can impact success.

There is a process in place at the federal level that would allow for the state to assume the USACE permitting process increasing the efficiency and certainty in the process. The [state has taken steps](#) in the past to ensure alignment of the state program to the requirements for federal approval. However, there were concerns raised at the time that the process related to the Endangered Species Act and cultural resource protections. The DSL has continued to work on these conflicts and believes it is positioned to work with the federal government to assume the federal permitting process if so authorized by the state legislature. For further information, the DLS provided a presentation for the committee, available [here](#).

*Presented by the Community Development Committee*

**CC. Wood Smoke Reduction Program Support**

**Legislation:** Support increased funding to support local wood smoke reduction programs and efforts. The League will advocate the need for an additional \$3-5 million, recognizing that any additional funding to assist communities is helpful.

**Background:** Woodstove smoke is one of the most significant sources of fine particulate and toxic air pollution in Oregon, often jeopardizing public health and putting communities at risk of violating federal air quality standards. Woodstove smoke is a problem for many Oregon communities that struggle with both the public health impacts and economic threat of being designated as nonattainment under the federal Clean Air Act. To address this challenge, local governments need access to funding for wood smoke reduction programs. Such programs have proven effective at reducing wood smoke in communities and include public education, enforcement, incentives for woodstove change-outs (to ductless heat pumps or certified stoves, weatherization assistance for low-income households and providing residents with dry, seasoned fire wood which burns cleaner. A 2016 taskforce report that was submitted to the Legislature indicated that there are approximately 150,000 uncertified stoves in the state, and that while Oregon has a long and successful history of replacing woodstoves in certain communities, money is sporadic and limited. The report went on to suggest that “an allocation in the range of \$3-5 million per biennium could target high-risk communities and would support a meaningful level of effort to replace old, dirty woodstoves.”

In 2017, the Legislature provided \$250,000 in funding for community wood smoke reduction programs. The need for local communities, including a number of small cities, is much greater.

*Presented by the Energy & Environment Committee*



## Memorandum

**To:** The Mayor and Members of the City Council  
**From:** Jennifer Nelson, City Recorder  
**Subject:** Visit Carlton Tourism Committee Appointment  
**Date:** June 20, 2018

## Recommendation

At the July 3, 2018 regular meeting, approve the Mayor's reappointment of Carrie Simonson to the Visit Carlton Tourism Committee for another three-year term that expires on June 30, 2021.

## Background

Visit Carlton Tourism Committee members Carrie Simonson and Justin Hovey both have terms that expired on June 30, 2018. Carrie Simonson applied for reappointment for another three-year term which expires on June 30, 2021. Justin Hovey did not apply for reappointment which means there will be one vacant seat on the committee as of June 30, 2018. Staff will advertise to fill the vacancy in July. If the Mayor wishes to reappoint Carrie Simonson to the Visit Carlton Tourism Committee, she may do so and request City Council to approve the reappointment.

## Fiscal Impact

None.

## Alternatives

1. Do not appoint.

## Attachments

1. City of Carlton Board & Committee Application for Carrie Simonson

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# PROCLAMATION

*Thanking members of the City Hall and Public Safety Project Advisory Committee  
for their Leadership, Dedication and Commitment  
to the City of Carlton*

**WHEREAS**, the City Hall and Public Safety Project Advisory Committee (Advisory Committee) was created in 2016; and,

**WHEREAS**, Carlton residents Christine Andrus, David Blanchard, Andy Eldien, Lauri Lewis, Terry McIntyre, Don Schmid, Tristan Shell-Spurling, Pat Swanick (Chair) and Brian Rake volunteered their time to serve the citizens of Carlton; and,

**WHEREAS**, the Advisory Committee dedicated countless hours working to consider a variety of facility options and financing strategies intended to best serve the long-term needs of the Carlton community; and,

**WHEREAS**, the Advisory Committee engaged in rigorous debate and public input to ensure community buy-in and support of the final facility concept; and,

**WHEREAS**, the Carlton community and all its residents are better served through the leadership of these civic-minded citizens.

**NOW, THEREFORE BE IT PROCLAIMED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CARLTON, OREGON THAT:**

The City of Carlton extends its appreciation and thanks to the members of the City Hall and Public Safety Project Advisory Committee for their leadership, dedication and commitment to the City of Carlton.

**INTRODUCED AND ADOPTED** on July 3, 2018.

**CITY OF CARLTON, OREGON**

BY \_\_\_\_\_  
Mayor

ATTEST:

BY \_\_\_\_\_  
City Recorder



## Memorandum

**To:** The Mayor and Members of the City Council  
**From:** Jennifer Nelson, City Recorder  
**Subject:** Consent Agenda - Minutes Approval  
**Date:** June 20, 2018

## Recommendation

At the July 3, 2018 regular meeting, approve and authorize the Mayor to sign the City Council regular meeting minutes from May 16, 2018, and the work session and regular meeting minutes from June 5, 2018, as submitted, for preservation and permanent retention in the City's historical records.

## Background

The City of Carlton City Council held a public meeting and minutes were recorded by digital audio recording and written text. In accordance to Oregon State Records Management law, the City of Carlton must approve and preserve these minutes for permanent retention.

## Fiscal Impact

None.

## Alternatives

1. Do not approve
2. Approve with amendments
3. Postpone approval until another date with direction to staff for amendments.

## Attachments

1. City Council Regular Meeting Minutes – May 16, 2018
2. City Council Work Session Minutes – June 5, 2018
3. City Council Regular Meeting Minutes – June 5, 2018

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### 1. CALL MEETING TO ORDER & ROLL CALL

Council President Scott Carl called the meeting to order at 7:17 PM. City Recorder Jennifer Nelson noted Ordinance No. 2018-717 was added to the agenda for consideration after the Public Hearing. Work session agenda items 2.2 and 2.3 were moved to the regular meeting after 7.6.

**Members Present:** Council President Scott Carl, Councilors Scott Chitwood, Gwen Jernstedt, Carey Rhoads, Shirley Ward-Mullen, and Amy Wilder

**Staff Present:** City Manager Chad Olsen, City Attorney Walt Gowell, Public Works Director Bryan Burnham, Finance Director Christy Martinez, Chief of Police Kevin Martinez, Police Officer Jake Blair, and City Recorder Jennifer Nelson

**Others Present:** John Marvin, Mary Reed, Todd Reed, David Samuel Hill, Tammy Christy, and Barbara Coady

The Pledge of Allegiance was performed.

### 2. PUBLIC HEARING

**7:18 PM**

- 1) Street Vacation – Public Alley at Yamhill Street/Hwy 47 – Styring Properties  
(Legislative Hearing)

Council President Scott Carl opened the public hearing at 7:18 PM. Olsen offered background and staff report (see agenda packet). Carl opened public testimony at 7:25 PM.

Tammy Christy asked about notification for meetings on this topic. Staff replied Council approved a resolution to initiate notification and scheduling a public hearing in April and a staff meeting was held with affected property owners to explain what would be brought to Council for consideration.

Todd Reed said he understood the cut-off but wished to hear why the choice made to cutoff there versus farther down. Mary Reed added they cannot access the alleyway and wondered about the boundaries. Mary asked why they would not extend west. Olsen discussed access issues and said they can consider the extension in the future. He said the property owner, Styring Properties, initiated the discussions and the access issue became obvious.

John Marvin expressed his concern with setting precedence and that we may lose access to something still used and needed. He worries when government does this and although maintaining alleyways is a pain, some still use the access. Olsen replied that is why the City stopped where they did. Gowell added this does not set precedence since a decision must rise and fall on its own merit now and in the future.

Carl called for proponents.

Barbara Coady said she owns the house next to Steve Bucher and is in favor with this decision to vacate. She asked if the property description of vacation goes to the county. City Attorney Walt Gowell confirmed the legal description is provided by the surveyor and the county can provide it to the property owner.



Carl called for opponents – none appeared. Carl closed public testimony and hearing at 7:32 PM. Gowell noted the staff recommendations will follow under the consideration of the ordinance.

- Ordinance No. 2018-717

7:34PM

This item was added to the agenda for consideration with a first and second reading in the same evening if desired by council. Gowell stated ordinances are typically passed on two separate nights with two different readings and the ordinance must be read in its entirety during first reading.

**MOTION: Wilder/Rhoads** to approve the city attorney to read Ordinance No. 2018-717 vacating apportion of a public alleyway within the City of Carlton in its entirety in the first reading. Motion carried (6 Yes/0 No/1 Absent [Oriet]/0 Abstain).

Gowell read the entire Ordinance No. 2018-717 for the record.

**MOTION: Chitwood/Ward-Mullen** to approve adoption of Ordinance No. 2018-717 vacating apportion of a public alleyway within the City of Carlton in the first reading. Motion carried by roll call vote (6 Yes [Chitwood, Ward-Mullen, Wilder, Rhoads, Jernstedt, Carl]/0 No/1 Absent [Oriet]/0 Abstain).

**MOTION: Wilder/Chitwood** to approve and authorize the Mayor to sign Ordinance No. 2018-717 vacating apportion of a public alleyway within the City of Carlton in the second reading by title only.

Gowell read Ordinance No. 2018-717 by title only.

**VOTE:** To approve and authorize the Mayor to sign Ordinance No. 2018-717 vacating apportion of a public alleyway within the City of Carlton in the second reading by title only. Motion carried by roll call vote (6 Yes [Wilder, Chitwood, Jernstedt, Rhoads, Ward-Mullen, Carl]/0 No/1 Absent [Oriet]/0 Abstain).

### 3. CITIZEN COMMENTS

7:40 PM

Sam Hill recognized the vote went against the bond for a public safety building, however, he strongly supports the building and believes it is needed and he would like to see that pushed forward. He also notified the City there is a parking issue on Kutch Street that interferes with driveway access on the south side for DePonte Cellars and he recommended that parking spot be removed. He also noticed the parking to the south of the Carlton Truck Stop is parallel and thought a few more spots could be gained by angling the parking there.

### 4. ANNOUNCEMENTS/REPORTS/PRESENTATIONS

#### 1) Temporary Street Closure – National Night Out

7:43 PM

Chief Martinez presented the request for street closure related to National Night Out activities on August 7, 2018 while Nelson passed out updated applications from what was distributed in the meeting packet (see official meeting record for full report). Chief Martinez said he contacted all affected businesses, but some were notified verbally if a signature was not collected. Chitwood commented from his experience with Fun Days and said he had to make a lane available for fire access on Kutch Street. Chief Martinez replied there will be fire personnel parked directly on Kutch Street for this event, but he will check into that with the fire chief.

**MOTION: Ward-Mullen/Wilder** to approve the petition for temporary street closures for the National Night Out event on August 7, 2018. Motion carried (6 Yes/0 No/1 Absent [Oriet]/0 Abstain).

5. COUNCIL DISCUSSION TOPIC – No council discussion topics were raised.

7:47 PM

## 6. CONSENT AGENDA

7:48 PM

## 1) Meeting Minutes

- City Council Work Session Minutes – April 17, 2018
- City Council Regular Meeting Minutes – April 17, 2018

## 2) Department Monthly Reports

## 3) Accounts Payable Report

**MOTION: Jernstedt/Rhoads** to approve the consent agenda including City Council meeting minutes from April 17, 2018, monthly department reports, and the accounts payable report, as submitted. Motion carried (6 Yes/0 No/1 Absent [Oriet]/0 Abstain).

## 7. ORDINANCE PRESENTATION, DISCUSSION &amp; POTENTIAL ACTION ITEMS

## 1) Resolution No. 2018-260: Budget Adjustments and Appropriations for FY18

7:48 PM

Christy Martinez presented staff report (agenda packet).

**MOTION: Wilder/Rhoads** to approve and authorize the Mayor to sign Resolution No. 2018-260 authorizing budget adjustments for Fiscal Year 2018. Motion carried (6 Yes/0 No/1 Absent [Oriet]/0 Abstain).

## 2) Resolution No. 2018-261: Renaming Upper Park to Ladd Park

7:50 PM

Olsen offered background and presented the staff report (see agenda packet).

**MOTION: Ward-Mullen/Wilder** to approve and authorize the Mayor to sign Resolution No. 2018-261 establishing the name for the City park previously called Charles Elliott Ladd Park, Upper Park, and Upper Wennerberg Park as Ladd Park. Motion carried (6 Yes/0 No/1 Absent [Oriet]/0 Abstain).

## 3) Intergovernmental Agreement: ODOT Transportation Enhancement Program – Highway 47: Main Street – West Lincoln Street

7:52 PM

Olsen reported staff will suggest the Carlton Urban Renewal Agency (CURA) pick-up the first \$75,000 and system development charges (SDCs) contribute \$40,000 to meet the required 5.135% local match at approximately \$115,000(see agenda packet). This item will be considered directly after on agenda.

**MOTION: Chitwood/Jernstedt** to approve and authorize the Mayor to sign the intergovernmental agreement with the Oregon Department of Transportation (ODOT) Transportation Enhancement Program for the Highway 47 project from Main Street to West Lincoln Street. Motion carried (6 Yes/0 No/1 Absent [Oriet]/0 Abstain).

## 4) Construction Financing Agreement: Hwy 47 Bike/Pedestrian Improvements – CURA

8:03 PM

Olsen presented the staff report (see agenda packet).

**MOTION: Ward-Mullen/Chitwood** to approve and authorize the Mayor to sign an agreement with the Carlton Urban Renewal Agency (CURA) related to the construction and financing of Highway 47 bicycle and pedestrian improvements. Motion carried (6 Yes/0 No/1 Absent [Oriet]/0 Abstain).

Gowell noted the CURA will meet next month to pass this agreement after they pass the budget item within the adopted budget.

## 5) Special City Allotment (SCA) Agreement – ODOT – South Park Street (No. 32628)

8:06 PM

Olsen presented the staff report (see agenda packet).

Tammy Christy asked why they are improving Park Street instead of the street where she lives. Olsen replied the street was selected based on the city engineer and public works director's recommendations for street improvements this year. The City applies for this award every two years and when the highway 47 improvements

at Yamhill Street are designed by ODOT, staff will investigate that area for needed upgrades to sewer and stormwater.

**MOTION: Chitwood/Wilder** to approve and authorize the Mayor and City Manager to sign the attached special allotment agreement (No. 32628) with the Oregon Department of Transportation (ODOT). Motion carried (6 Yes/0 No/1 Absent [Oriet]/0 Abstain).

**6) Intergovernmental Agreement: Dog License Revenue, Yamhill County**

**8:14 PM**

Olsen reviewed the staff report and discussed enforcement issues moving to the police department, assisted through a non-profit organization (see meeting agenda packet).

**MOTION: Wilder/Ward-Mullen** to approve and authorize the Mayor to sign an intergovernmental agreement (IGA) between Yamhill County and the City of Carlton regarding dog control licensing revenue. Motion carried (6 Yes/0 No/1 Absent [Oriet]/0 Abstain).

At 8:23 PM, Council continued discussions for the two work session items 2.2 and 2.3 that were unable to be addressed before the regular meeting was called to order (see official meeting record for full report).

**2. WORK SESSION AGENDA ITEMS**

**2) Elections Results – GO Bond Police Department Building**

**8:23 PM**

Olsen presented staff report (see agenda packet). Nelson distributed copies of the unofficial election results from May 16, 2018 showing the results for Measure 36-192 (see official meeting packet). Olsen offered possible option scenarios to move forward. Discussions followed about rehabilitation being an irresponsible use of taxpayer money, going out for the bond a second time in November, not seeing a real commitment from the mayor and council in support of the bond, modifying the approach to include more talk about the city hall portion of the project and disregarding safe harbor from the elections division which prevented discussions on city hall related to the bond, constraints of city staff vs. council as elected officials, and looking at a redesign for a more economical proposal.

Mary Reed said the one element missing from the campaign was making it important for the people and showing how the project benefits the community. Olsen replied the city staff cannot provide that point of view.

John Marvin said the voters told the city to live within your means by voting against the bond. If the city comes right back and asks for same, it will not be well-received. He said to present a new approach because people object that government can still force you to pay because of majority rules. He said to show that you heard the voters and looked for ways to save money.

Discussions followed about reactivating or reappointing new members to the citizens' advisory committee for this project and that only 75 voters would need to be persuaded to change their vote to pass. Staff plans to schedule a joint meeting with the City Hall Project Citizens' Advisory Committee to discuss the next steps.

**3) Ladd Park Sign Placement**

**9:15 PM**

Ward-Mullen discussed with the Visit Carlton Tourism Committee Chair Kathy Rich the best placement for the new sign on the park schematic and determined it should be facing Kutch Street for visibility and not be encumbered by other elements of the park, either present or planned. They recommended placing the sign between the Ladd Fountain and the tree and on the tree side of the asphalt if the tree roots will not be damaged. Council members agreed by consensus.

Gowell stated for the record in his 38 years as a city attorney working for three cities and McMinnville Water and Light that he has never had the pleasure to work with a more talented, professional, pleasant, and competent city manager as Chad Olsen and he looked forward to having him as a neighbor in McMinnville.

Carl closed the regular meeting at 9:23 PM and cleared the room for executive session.

**8. EXECUTIVE SESSION**

**9:25 PM**

*Pursuant to ORS 192.660(2)(a) to consider the employment of a public officer, employee, staff member or individual agent.*

City Attorney Walt Gowell opened the executive session pursuant to the above referenced ORS at 9:25 PM. The following City Council members were present: Council President Scott Carl, Councilors Scott Chitwood, Gwen Jernstedt, Carey Rhoads, Shirley Ward-Mullen, and Amy Wilder. The following staff members were present: City Attorney Walt Gowell and City Recorder Jennifer Nelson. Council President Carl closed the executive session at 9:34 PM and reconvened the regular meeting. No action was taken during the executive session.

**RECONVENED TO THE REGULAR MEETING**

**9:35 PM**

Gowell asked that City Council negotiate a contract with Dennis Durham, their first choice candidate to fulfill the open city manager position. Gowell said Durham is professional and positive and he commended Durham for his flexibility and self-advocacy. Gowell presented the employment agreement to Council.

**MOTION: Chitwood/Rhoads** to approve and authorize the Mayor to sign an employment agreement with Dennis Durham as the City Manager for the City of Carlton. Motion carried (6 Yes/0 No/1 Absent [Oriet]/0 Abstain).

**9. ADJOURNMENT**

The meeting adjourned at 9:38 PM.

**APPROVED** by the City of Carlton City Council on July 3, 2018.

ATTEST:

\_\_\_\_\_  
Jennifer L. Nelson, City Recorder

\_\_\_\_\_  
Kathie Oriet, Mayor



**City Council Work Session Minutes**  
**JUNE 5, 2018, 6:00 PM**  
**Carlton City Hall, Council Chambers (191 E. Main Street)**

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## 1. CALL MEETING TO ORDER & ROLL CALL

Mayor Kathie Oriet called the meeting to order at 6:00 PM. No changes were made to the agenda.

**Members Present:** Mayor Kathie Oriet, Council President Scott Carl (6:01 PM), Councilors Scott Chitwood, Gwen Jernstedt, Shirley Ward-Mullen, and Amy Wilder

**Staff Present:** City Manager Dennis Durham, Public Works Director Bryan Burnham, Finance Director Christy Martinez, Chief of Police Kevin Martinez, Police Officers Tim Jordan and Jake Blair, City Recorder Jennifer Nelson, City Engineer Gordon Munro (Tetra Tech), and City Attorney Walt Gowell (6:41 PM)

**Others Present:** Linda Watkins, Randy Stapilus, Lauri Lewis, David Samuel Hill

## 2. WORK SESSION AGENDA ITEMS

### 1) Public Safety Building & City Hall Project Next Steps – City Hall Project Citizen Advisory Committee

City Recorder Jennifer Nelson read statements from advisory committee members Andy Eldien and Brian Rake who were unable to attend (see official meeting record). In his statement, Eldien expressed disappointment about the bond failure, but did not agree with another bond for a lesser amount. He thought it is important to obtain community feedback on priorities and for City Council action to align with them. He did not agree with spending funds on renovation of existing buildings but could support a smaller scaled project that still meets needs. In Rake's statement, he encouraged City Council to show up at meetings regarding the project and felt only three members attending showed a lack of support for the bond. He thanked Councilors Carl and Ward-Mullen for investing time and effort. He did not support a scaled down project and suggested waiting for the school bond to drop off before trying again with Council presence. He felt the bond should be on the November ballot for better turnout. He thanked Pat Swanick for his time and effort.

David Blanchard said he does not know when the community will be able to do a \$2.3 million bond and receive a \$5.9 million project and afford the increasing interest rates. He expressed concern for the safety of city employees and the need to only change 77 minds. He said he supported the fire district's needs in the past and did not understand the undercurrent in the community generated against this project. He did not feel there should be a division about protecting workers, ensuring the building does not fall in an earthquake, and police officer and victim security. He believes the community wants this in their hearts if they can figure out how. He suggested selling city owned property and purchasing land by the fire hall to create a municipal complex as an option. He said if we do nothing, he hopes no one regrets it.

Lauri Lewis said she appreciates Blanchard's passion and does not disagree with anything he said. There is a need, but the community was not ready. Mistakes were made in the process and the citizens were brought in too late. A broader community needs analysis should have been completed for a more diverse representation of the community's needs. People do care about the workers, but they may be caring more about how they are going to pay their own bills, or they are uninformed. She suggested rolling the project back to the beginning to look at all options. She also felt it would sell better if a community center is attached to rent out or retail space integrated into the project to give voters ownership, not just the 20 people who work here.

Sam Hill said the City needs to push for the safety building, but he is unsure how. He is pleased with the community policing philosophy, but believes it is difficult to achieve without the building, tools, and space needed. He suggested exploring more options and to look at a more economical option or better value to sell

to residents. There was a lot of negativity on social media, and we need to be prepared for that with volunteers and door hangers to go through town. Blanchard said there is a limit to what the city can say, and he did go door to door and got blasted by some and hugged by others. People were thinking the city is building a Taj Mahal.

Council President Scott Carl read a statement emailed to him from Pat Swanick (see official meeting record for full report) who thinks the city and architect should revisit the scale and match it to the money available because there is an anti-bond sentiment in the community. Swanick does not feel a renovation or remodel of existing buildings should occur and he is not supportive of another bond measure attempt. He shared feedback about Carlton residents and City priorities not being aligned. Carl said his opinion differs and he felt the city did not send the right message by not informing voters of the city hall portion of the project. Many also asked by the pool house was put up before the city hall. He is in favor of reexamining the project at a reduced amount and scale but there needs to be more involvement to combat the negativity and misinformation. He felt the city should seek a bond again in November with more education.

Councilor Shirley Ward-Mullen said she spoke of the two-for-one idea when canvassing the city. She felt they should forget safe harbor and just talk about the whole project. There were a lot of comparisons between what the City of Yamhill police department is doing with reserve officers. She felt they should pursue a bond in November with all-hands-on deck approach and if that fails then pursue selling/buying property suggestion.

Linda Watkins noted that two other bonds in the county also went down. She felt it was a problem to not have absolute statistics on crime rates and finances. She felt the citizens need to be armed with that information when discussing the bond or project. She also heard that citizens would prefer the city come to them rather than asking them to attend informational meetings.

Discussions followed about different options for property purchase, market analyses, and first right of refusal options on the duplex behind city hall. City Manager Dennis Durham suggested doing the same project in November with an expectation of a larger voter turnout and a fully developed, aggressive campaign. He did not think rethinking the project sends the right message because then they are admitting they didn't do it right the first time. The other option is to come up with a smaller option that may not be right for the community and get the committee going again. In the meantime, the city can address other issues voiced by no voters like fixing roads which may get them to vote yes. Other suggestions included developing a consistent message and answers to questions as well as a rapid response team for negative issues on social media.

Chitwood agreed the city should not go after something smaller because it sends a bad message that we did not do our due diligence in the first place. Durham recommended getting the project advisory committee back together to reaffirm their recommendations and then hand it over to the Friends of the Carlton Police Department. Lewis mentioned committee member fatigue and members that don't agree with the direction to go out for bond again and suggested adding new members to better represent other areas.

**3. FUTURE WORK SESSION AGENDA ITEMS** – No discussions occurred regarding future work session items.

**4. ADJOURNMENT**

The meeting adjourned at 7:00 PM.

**APPROVED** by the City of Carlton City Council on June \_\_, 2018.

ATTEST:

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Jennifer L. Nelson, City Recorder

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Kathie Oriet, Mayor



**Council Regular Meeting Minutes**  
**JUNE 5, 2018, 7:00 PM**  
**Carlton City Hall, Council Chambers (191 E. Main Street)**

### 1. CALL MEETING TO ORDER & ROLL CALL

Mayor Kathie Oriet called the meeting to order at 7:08 PM. Item 7.5 was removed from the agenda.

**Members Present:** Mayor Kathie Oriet, Council President Scott Carl, Councilors Scott Chitwood, Gwen Jernstedt, Shirley Ward-Mullen, and Amy Wilder

**Staff Present:** City Manager Dennis Durham, City Attorney Walt Gowell, Public Works Director Bryan Burnham, Finance Director Christy Martinez, Chief of Police Kevin Martinez, City Recorder Jennifer Nelson, City Engineer Gordon Munro, and Accounting Specialist Charmaine Berhorst

**Others Present:** David Blanchard, David Samuel Hill, Chelene Glankleu, Charan Cline, Kathy Deshane, Fred Deshane, and Megan Dalton

The Pledge of Allegiance was performed.

### 2. PUBLIC HEARING

#### 1) Fiscal Year 2018/19 State Revenue Sharing (SRS) Funds 7:10 PM (Legislative Hearing)

Oriet opened the public hearing at 7:10 PM. Christy Martinez presented the staff report and stated the budget committee met and agreed to electing to allocate state revenue shared funds to the street fund for FY19. Oriet opened the public testimony and closed the hearing at 7:11 PM as no citizens appeared to comment.

- **Resolution No. 2018-262: Declaring the City's Election to Receive State Revenues** 7:11 PM

**MOTION: Chitwood/Carl** to approve and authorize the Mayor to sign Resolution No. 2018-262 declaring the city's election to receive state revenues. Motion carried (6 Yes/0 No/1 Absent [Rhoads]/0 Abstain).

- **Resolution No. 2018-263: Certifying the City's Eligibility to Receive State Revenues** 7:12 PM

**MOTION: Ward-Mullen/Carl** to approve and authorize the Mayor to sign Resolution No. 2018-263 certifying the eligibility of the City of Carlton to receive state revenue shared funds. Motion carried (6 Yes/0 No/1 Absent [Rhoads]/0 Abstain).

#### 2) Fiscal Year 2018/19 City Budget 7:12 PM (Legislative Hearing)

Oriet opened the public hearing at 7:13 PM. Christy Martinez reported the budget committee met reviewed and approved the budget presented and recommends approval. Oriet opened the public testimony at 7:13 PM. David Blanchard asked if they should wait to approve the budget to allow the new city manager to review. Durham replied budgets are fluid and staff can always come back to Council for an amendment; he is comfortable with what the previous city manager and staff work. Oriet closed the public hearing on 7:15 PM.

- **Resolution No. 2018-264: Adopting the Fiscal Year 2018-19 City Budget, Making Appropriations, and Imposing and Categorizing the Tax** 7:15PM

**MOTION: Carl/Chitwood** to approve and authorize the Mayor to sign Resolution No. 2018-264 adopting the fiscal year 2018-2019 City of Carlton budget; making appropriations; and, imposing and categorizing the tax. Motion carried (6 Yes/0 No/1 Absent [Rhoads]/0 Abstain).

**3) Request for Public Comments****7:16 PM**

Oriet opened the floor for a request of public comments at 7:16 PM. Gowell made comments regarding process and Christy Martinez presented the staff report (see meeting agenda packet). This item may be approved as an resolution to adopt the policy; however, it changes city code and must therefore come back to Council as an ordinance to adopt those changes into the code.

The City Recorder Jennifer Nelson read written comments received electronically into the record (see official meeting record for full report). One commenter, who wished to remain anonymous, said this was a great idea and if done right would be a small burden on homeowners, especially low-income, and shift it all to commercial people who may not live here but benefit from our police. Katie Moss, a resident of Carlton Crest, said as a new resident she was bewildered by the rate structure for water. She said water quality is very important and she appreciates the water in Carlton being a much higher quality. The current rate structure would be prohibitive to younger couples and retirement aged residents from moving to Carlton. She supports the new fee structure.

Public comments continued from audience members.

Charan Cline, Yamhill-Carlton School District Superintendent, expressed concerns for the impact on the school district to irrigate fields with a 12% hit to their budget for irrigation at the elementary school campus. Staff discussed winter averaging not accounting for irrigation.

David Blanchard appreciated the clarification on the winter averaging because he did not wish to be taxed 12% for keeping his lawn green. Staff commented that commercial users will not be on winter averaging.

Sam Hill spoke of elderly residents dealing with spouse deaths and trying to live off very fixed incomes. He asked if it is possible to freeze or keep elderly rates at a lower rate, so the fees are not climbing away from what can afford. Carl said this rate structure will benefit those folks now. Hill thanked everyone for what was done.

Kathy Deshane said she and her husband are snowbirds and they never waste drop of water and they do not have grass. Her neighbors wash the street, cars, house, etc. She is on a fixed income and if they are not here they should not have to worry about paying a lot. Christy Martinez said the rate structure is intended for equity and water conservation. The winter averaging will be based on December, January, and February usage, so if consumption is at zero for them they will still have the base rate to pay.

Oriet closed the public comments at 7:34 PM.

- **Resolution No. 2018-265: Adopting a Consumption Based Sewer Rate Methodology** **7:34PM**

**MOTION: Chitwood/Jernstedt** to approve and authorize the Mayor to sign Resolution No. 2018-265 adopting a consumption-based billing policy for sanitary sewer. Motion carried (6 Yes/0 No/1 Absent [Rhoads]/0 Abstain).

**3. CITIZEN COMMENTS****7:34 PM**

Megan Dalton commented on a nuisance issue she has with her neighbor burning yard debris and trash for seven days a week along their fence line. The smoke fills their house and her daughter has asthma and cannot breathe. She has talked with the police, fire department, and Department of Environmental Quality (DEQ) as well as getting eleven neighbors to sign a petition asking her to stop. She wants to know if there is anything that can be done to change the code to limit how many days per week backyard burning can occur. Kathy Deshane commented they must get a permit to burn in Arizona. Sam Hill referenced a city ordinance from 1936 allowing residents to burn and suggested changing the code with a new ordinance for 2018 that restricts burning to yard debris or wood only, with no plastics or household garbage at all. Megan added the DEQ has guidelines about



burning and when it causes a nuisance. Carl added there are county ordinances against burning garbage and burn barrels are no longer legal any more. Megan said they may not be allowed but they are used, and her neighbor uses accelerants as well. Durham will have staff look into the matter and report back to council.

#### 4. ANNOUNCEMENTS/REPORTS/PRESENTATIONS

##### 1) Yamhill Carlton School District Request – Charan Cline

7:42 PM

Charan Cline offered background on a trending decline in school enrollment for the district and submitted a letter inviting Council members to join the district on June 18, 2018 at 5:30 PM for a discussion and input on possible options (see official meeting record for full report). Chitwood and Jernstedt agreed to attend; Wilder said she could not attend but would be willing to put something in writing.

##### 5. COUNCIL DISCUSSION TOPIC – No council discussion topics were raised.

7:49 PM

Wilder mentioned an article in the Mid-Willamette Valley Council of Governments (MWVCOG) newsletter about Senate Bill SB1051 requiring cities over 2,500 to allow for accessory dwelling units (ADUs). Discussions followed that although the city is not year at the 2,500 mark, it is not too early to be discussing allowing ADUs to help with affordable housing and the enrollment decline.

#### 6. CONSENT AGENDA

7:55 PM

##### 1) Meeting Minutes

- City Council Work Session Minutes – May 15, 2018

##### 2) Accounts Payable Report

**MOTION: Carl/Ward-Mullen** to approve the consent agenda including City Council work session meeting minutes from May 15, 2018, and the accounts payable report, as submitted. Motion carried (6 Yes/0 No/1 Absent [Rhoads]/0 Abstain).

#### 7. ORDINANCE PRESENTATION, DISCUSSION & POTENTIAL ACTION ITEMS

##### 1) Tetra Tech Task Order No. 2: Panther Creek Reservoir Dredging Project

7:56 PM

Christy Martinez presented staff report (agenda packet). Gowell said the City has not seen authorization from Water Resources Department (WRD) for the city to award a non-competitive agreement and recommended making the motion subject to or contingent upon that approval.

**MOTION: Chitwood/Ward-Mullen** to approve and authorize staff to prepare a contract for task orders no. 2 and 3 based on the presented work scope and fee with Tetra Tech to perform the Panther Creek Reservoir Dredging Project and Transmission Line Replacement Project once the Reimbursement Agreement is completed with the Water Resources Department (WRD) and approval given to use the City Engineer for such work rather than pursuing a competitive process for selection. Motion carried (6 Yes/0 No/1 Absent [Rhoads]/0 Abstain).

##### 2) Tetra Tech Task Order No. 3: Transmission Line Replacement Project

7:56 PM

Item discussed and approved by motion above in agenda item 7.1.

##### 3) Tetra Tech Task Order No. 4: Main Street Improvement Project

8:10 PM

Gordon presented the staff report and stated they already started working on undergrounding of utilities which will still be a long process of design and discussions with utilities providers for funding the undergrounding.

**MOTION: Wilder/Carl** to approve and authorize the presented work scope and fee with Tetra Tech complete the Main Street Improvement Project. Motion carried (6 Yes/0 No/1 Absent [Rhoads]/0 Abstain).

**4) Personal Services Agreement – Sewer SDC Methodology – Galardi Rothstein Group**

8:14 PM

Christy Martinez presented staff report (see meeting agenda packet).

**MOTION: Carl/Chitwood** to approve and authorize the Mayor to sign a personal services agreement with Galardi Rothstein Group to update the Wastewater System Development Charges Methodology Report. Motion carried (6 Yes/0 No/1 Absent [Rhoads]/0 Abstain).

**5) Reclassify the Finance and Public Works Director Positions**

This item was removed from the agenda for further review and a decision by the city manager. Oriet commented on the need for an assistant city manager.

Wilder noted that the Western Oregon Waste Franchise Agreement has been on the list of upcoming work session discussion topics for a while and asked that it move up on the priorities to address yard waste removal and glass recycling, which may also help with the backyard burning issue.

**8. ADJOURNMENT**

The meeting adjourned at 8:22 PM.

**APPROVED** by the City of Carlton City Council on July 3, 2018.

ATTEST:

\_\_\_\_\_  
Jennifer L. Nelson, City Recorder

\_\_\_\_\_  
Kathie Oriet, Mayor



**To:** The Mayor and Members of the City Council  
**From:** Dennis Durham, City Manager  
**Subject:** General Information  
**Date:** June 28, 2018

1. The following is a list of upcoming meetings/dates:
  - **Council Work Session**, Tuesday, July 3<sup>rd</sup>, 6:00p at City Hall.
  - **Council Regular Meeting**, Tuesday, July 3<sup>rd</sup>, 7:00p at City Hall.
  - **CITY HALL CLOSED – Independence Day Holiday**
  - **Carlton Business Association Monthly Meeting**, Tuesday, July 10<sup>th</sup>, 5:30p.
  - **Gorgeous Wine Country Relay**, Sunday, July 15<sup>th</sup>, 1:00p – Ends in Downtown Carlton.
  - **Planning Commission Meeting**, Monday, July 16<sup>th</sup>, 6:00p at City Hall.
  - **Visit Carlton Tourism Committee**, Tuesday, July 17<sup>th</sup>, 3:00p at City Hall.
  - **Visit Carlton Tourism Committee**, August 1<sup>st</sup>, 3 p.m.
  - **Wildaire Cellars Disc Golf Tournament**, August 4<sup>th</sup>, 8 a.m., Lower Park
  - **Carlton Chalk Walk**, August 4<sup>th</sup>, 10 a.m., Main Street and Ladd Park
  - **National Night Out**, August 7<sup>th</sup>, 4 p.m., Ladd Park/Main and Kutch Streets
  - **Council Work Session**, Tuesday, August 21<sup>st</sup>, 6:00p at City Hall.
  - **Council Regular Meeting**, Tuesday, August 21<sup>st</sup>, 7:00p at City Hall.
2. Planning work underway for programmed City road projects for FY2019, as well as expanding number of streets (funding dependent). Streets to be addressed include Wilson, Park, Monroe (potential), Kutch (potential) and Washington (potential).
3. Water system interconnect work is 70 percent complete. Next phase work to be completed by McMinnville Water & Light.
4. Water Curtailment – City will begin Level 1 curtailment on July 9.
5. Intergovernmental Cooperation – Met with chief administrators for McMinnville and Amity to discuss cooperative projects and establish relationships.
6. Attended meeting of City Hall and Public Safety Project Advisory Committee.
7. Scheduled downtown street sweeping for week of July 2 and roadway striping during the week of July 9 (weather permitting).

# Memorandum

**To:** The Mayor and Members of the City Council  
**From:** Bryan Burnham, Public Works Director  
**Subject:** Monthly Report –June 2018  
**Date:** June 26, 2018

## Public Works – Monthly Status Report for Council – June 2018

### **Water/Sewer Maintenance & Operations:**

- No water repairs June
- One sewer back up repair Scott St.

### **Construction & Inspection**

- Intertie schedule A 40% complete.
- Intertie schedule B 50% complete.
- Carlton Crest 4<sup>th</sup> St. improvement to start up in July.

### **Parks & Pool:**

- Electrical project lower park shelter 3 completed.
- Upper Park name officially changed to Ladd Park and a new sign has been installed.
- Lower Park new park sign “Wennerberg” has been installed.
- Ladd park pathway installed south end of playground to restrooms to start 6/25.
- Pool opened 6/14, Health Division 6/20 inspection passed.

### **Streets:**

SCA grant awarded to Carlton for 50k for Park St overlay project to take place in fiscal 18/19.

### **Training Meetings & Events:**

Corey, Bryan, Jesus, Lyn attended street safety course in Hillsboro.

Corey & Jesus attended OAWU mini expo in Rickreal.



## **Memorandum**

**To:** The Mayor and Members of the City Council  
**From:** Kevin Martinez, Police Chief  
**Subject:** Monthly Department Report  
**Date:** June 20, 2018

### **Crime**

On June 18, 2018, the Carlton Police Department arrested a 51-year-old Carlton resident without incident on two counts of Burglary in the second degree. He was lodged in the Yamhill County Jail. The burglaries occurred on June 10, 2018, in the 900 block of N. 6th St. Carlton. The stolen property was returned.

The Carlton Police Department is also conducting an investigation regarding several crimes that occurred sometime during the night of June 12th to the morning of June 13th. There were several cars that had property stolen from them as well as several cars and houses had been spray-painted.

If anyone saw anything suspicious or has video footage from the night in question, please contact the Carlton Police Department at [kmartinez@ci.carlton.or.us](mailto:kmartinez@ci.carlton.or.us) or 503-852-3805.

Thank you in advance for any assistance you can provide to hold these individuals accountable and help prevent additional crimes from happening in the future. Please report all crimes, traffic complaints or city ordinance complaints to the Carlton Police Department otherwise we don't know about them. Keeping our community safe and crime free is a partnership between the Police & Community working together toward positive and productive resolutions.

### **Bike Patrol Program**

CPD will be implementing a bike patrol program this summer. Currently the police department is awaiting the final approval of a \$3,700.00 grant from Cycle Oregon. The grant money will provide funding for uniforms, 2- bicycles and other associated equipment.

**Upcoming Police Department Programs/Opportunities**

- CPD is currently taking applications from citizens to attend Carlton Police Department's first Citizen's Academy.
- CPD is currently taking applications for Police Reserve Officer
- CPD is currently taking submissions for Neighborhood Watch Block Captains in an effort to implement Neighborhood Watch Programs within our community.

**Update On Carlton Police Department's Recent Spray Painting and Theft Investigation**

The Carlton Police Department has identified the individual(s) responsible, recovered some of the stolen property and an arrest(s) will be forthcoming. This continues to be an ongoing investigation at this time.

Thank you to our fellow citizens who provided important information that aided in this investigation.

Also, a special thanks to Officer Blair and Officer Jordan for their diligent, tireless work and adjustment of work schedules on this case.



Here for Oregon. Here for Good.

PORTLAND  
1221 SW Yamhill St.  
Suite 100  
Portland, OR 97205  
503.427.6846

BEND  
15 SW Colorado Ave.,  
Suite 375  
Bend, OR 97702  
541.332.1179

EUGENE  
440 E Broadway  
Suite 160  
Eugene, OR 97401  
541.451.7999

MEDFORD  
318 W Eighth St.,  
Medford, OR 97501  
541.773.3987

SALEM  
1313 Mill St, SE  
Suite 203  
Salem OR 97301  
503.779.3927

June 21, 2018

RE: OCF Grant # 338719

Kathie Oriet, Mayor  
City of Carlton  
191 E. Main Street  
Carlton, OR 97111

Dear Kathie:

Congratulations! We are pleased to inform you that a grant in the amount of \$3,700 was approved for your organization by OCF's board of directors on June 19, 2018. Payment is enclosed.

Grant Purpose: for the Police Department Bike Patrol

The formal name of each fund that supported your project is listed below.

Cycle Oregon Fund of The Oregon Community Foundation (\$3,700)

**Award Terms:** Your organization's endorsement of the enclosed check will constitute agreement to use the funds as stated above and as stipulated in the following paragraphs.

Grantees are required to notify the foundation of any development that significantly affects the operation of the organization. Prior approval from the foundation must be obtained for any modifications to project objectives, site, personnel, timeline or budget. If there are any changes in your organization's status or tax classification, the foundation must be notified promptly. In the event of loss of tax-exempt status under federal laws, any unspent funds shall be returned to the foundation immediately.

The grant period ends one year from the date the funds were awarded. If all funds have not been expended at that point, a plan for use of the remaining funds must be provided to the foundation. If this plan is approved by the foundation, the unspent funds will not need to be returned to the foundation. Full records of revenues and expenditures related to this grant must be made available upon the foundation's request.

The foundation's donors and staff are to receive no personal benefits or services for this grant that are not otherwise extended to the general public without cost.

PRESIDENT AND CEO  
Max Williams

BOARD OF DIRECTORS  
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[www.oregoncf.org](http://www.oregoncf.org)



**Carlton Police Department**  
**Media Release**  
**FOR IMMEDIATE RELEASE**



**Contact:** Chief Kevin Martinez  
971-241-9152  
kmartinez@ci.carlton.or.us

**Date 06/27/2018**

## **Burglary/Graffiti/UEMV Arrests**

On June 27, 2018, the Carlton Police Department arrested three juveniles without incident in connection to a string of crimes that occurred during the night of June 12<sup>th</sup> and early morning of June 13<sup>th</sup>. The juveniles were 13, 15 & 16 years of age.

During this time the juveniles committed 7 unlawful vehicle entries that involved the theft of property from the vehicles, 15 Criminal Mischiefs that involved the spray painting of vehicles and homes and 2 burglaries of new homes in the Carlton Crest area where the interior of the two homes had been spray painted. Some of the stolen property was recovered at the residences of two of the juveniles.

Each of the juveniles were lodged at the Yamhill County Juvenile Detention Facility on the following charges:

Criminal Mischief II (15 Counts) Burg II (2 Counts) THEFT III (7 Counts) UEMV (7 Counts) Conspiracy to commit UEMV (1 Count)

A 65-year-old guardian of the first juveniles was cited for the following:

Theft III by Receiving  
Curfew Violation by A Parent (City Ordinance)

A 44-year-old guardian of the second juveniles was cited for  
Curfew Violation by A Parent (City Ordinance)

A 49-year-old guardian of the third juveniles was also cited for  
Curfew Violation by A Parent (City Ordinance)

This investigation required a substantial amount of time which took officers away from other patrol obligations as well as created a sense of fear and unrest within the Carlton



community. The Carlton Police Department would like to take this opportunity to remind parents and guardians of minors to help do their part to prevent something like this in the future by ensuring compliance with the City of Carlton's curfew laws.

Chief Kevin Martinez would like to take this opportunity to reiterate the impact that crimes like these have by tying up resources and putting the community in a state of unease. This investigation required the involvement of the department's three officers throughout the investigation which spanned over a two-week period.

Chief Martinez also stated that Lead Investigator, Officer Jake Blair, was instrumental in the identification and subsequent arrests of the three juveniles.

# # #



**To:** The Mayor and Members of the City Council  
**From:** Christy Martinez, Finance Director  
**Subject:** Monthly Administrative Department Report – June 2018  
**Date:** July 3, 2018

The pool opened a week early, and in two weeks pool passes sold to date are 189, and the total for last year at the end of the season was 213. The community is pleased with the staff's ability to take payments in cash and checks at the pool for passes and swimming lessons this year. We are implementing a new program to go along with Zumba, Paddleboard yoga, launching in July.



Audit season has begun, with the first pre-audit on July 2nd and 3<sup>rd</sup>, and a full week on August 13<sup>th</sup>. The council chambers will be occupied during these time periods.

The adopted FY18-19 City of Carlton Budget is available online.

The Utility Department is currently revamping the software system with vendor support to implement the new [sewer rate consumption billing method](#).

The candidate packets for this year's City Council election in November were posted at the end of May and petitioners for Mayor and three at-large city councilor positions are now being accepted.

Staff is working on revamping the city's communications and engagement polices. Updates and reformatting will be occurring in regards to the city's monthly e-newsletter to address suggestions made by the public to make this a more useful communication tool. We have also implemented direct contacts and follow-up with community members expressing concerns, issues, or misinformation about the way the city conducts business, especially on social media platforms. As always, we continue to encourage citizens to get their information directly from city hall by phone, email, or through the city's website.

## Accounts Payable

## Checks by Date - Summary by Check Date

User: aamerson  
 Printed: 6/20/2018 3:20 PM



Check No	Vendor No	Vendor Name	Check Date	Check Amount
53450	CasInc	Caselle, Inc.	06/06/2018	136.00
53451	Comcas	Comcast	06/06/2018	281.57
53452	DasMed	DASH Medical Gloves	06/06/2018	139.35
53453	DatPro	Dataprose	06/06/2018	591.38
53454	GenTec	Genuine Technology Group, Inc.	06/06/2018	3,275.00
53455	UB*00408	Deneen Heino	06/06/2018	8.43
53456	ICCMA	ICMA	06/06/2018	795.00
53457	Leaf	Leaf	06/06/2018	242.00
53458	OreMan	OCCMA	06/06/2018	225.31
53459	OneCal	One Call Concepts, Inc.	06/06/2018	58.80
53460	OreRevCT	Oregon Department Of Revenue	06/06/2018	487.25
53461	RecWes	Recology Western Oregon	06/06/2018	354.18
53462	VinBou	VinBound Marketing	06/06/2018	700.00
53463	Ward J	Jill M Ward	06/06/2018	403.75
53464	YamShe	Yamhill County Sheriff's Office	06/06/2018	230.00
Total for 6/6/2018:				7,928.02
53465	SupLlc	911 Supply LLC	06/13/2018	1,257.99
53466	AirNor	Airgas USA, LLC	06/13/2018	173.23
53467	Ashland	Ashland Brothers Concrete Sawing, Inc.	06/13/2018	250.00
53468	BurBry	Bryan Burnham	06/13/2018	21.47
53469	CarCom	Carlton Community Foundation	06/13/2018	16,991.00
53470	CarCor	Carlton Corner Service	06/13/2018	917.18
53471	UB*00409	Anissa Carney	06/13/2018	73.27
53472	CItBan	Citizens Bank	06/13/2018	2,588.55
53473	CnaSur	CNA Surety Direct Bill	06/13/2018	100.00
53474	Comcas	Comcast	06/13/2018	362.19
53475	ConSup	Consolidated Supply	06/13/2018	985.34
53476	DndEle	DND Electrical Contractors	06/13/2018	374.49
53477	ThaTra	Eagle Eye Mobile Repair	06/13/2018	202.50
53478	FirFedCC	First Federal Card Services	06/13/2018	546.64
53479	HauRue	Haugeberg, Rueter, Gowell	06/13/2018	3,924.00
53480	InnTec	Innova NW	06/13/2018	59.85
53481	IPMA	IPMA Oregon Chapter	06/13/2018	60.00
53482	JorRam	Jordan Ramis PC	06/13/2018	1,137.50
53483	KamRoc	Kamph Rock Crushing Co.	06/13/2018	978.19
53484	MunCor	Municipal Code Corporation	06/13/2018	225.00
53485	NewReg	News-Register	06/13/2018	1,198.70
53486	OreMan	OCCMA	06/13/2018	166.18
53487	DepVeh	Oregon DMV	06/13/2018	9.00
53488	PorGen	Portland General Electric	06/13/2018	3,780.53
53489	SayJes	Jesus Sayago	06/13/2018	16.49
53490	TetTec	Tetra Tech, Inc	06/13/2018	17,518.26
53491	Univar	Univar USA Inc	06/13/2018	1,776.97
53492	WesEng	Westech Engineering, Inc.	06/13/2018	3,185.00
53493	WilFar	Wilco Farmers	06/13/2018	226.90

Check No	Vendor No	Vendor Name	Check Date	Check Amount
			Total for 6/13/2018:	59,106.42
54508	10001	ASIFlex	06/20/2018	216.66
54509	9981	EFTPS	06/20/2018	7,151.19
54510	OreRev	Oregon Dept. of Revenue	06/20/2018	1,886.70
54511	9100	PERS	06/20/2018	2,507.21
54512	10004	VOYA- State of Oregon Plan	06/20/2018	1,650.00
54513	AirNor	Airgas USA, LLC	06/20/2018	3,413.75
54514	AleAna	Alexin Analytical Laboratories, Inc.	06/20/2018	807.00
54515	AllTra	All Traffic Solutions Inc.	06/20/2018	3,000.00
54516	BluSta	Blue Star Gas	06/20/2018	444.89
54517	BurHol	Holly Burch	06/20/2018	200.00
54518	CanSol	Canon Financial Services, Inc.	06/20/2018	710.97
54519	Comcas	Comcast	06/20/2018	365.47
54520	DenApr	Apryl Denman	06/20/2018	4.00
54521	DndEle	DND Electrical Contractors	06/20/2018	190.00
54522	FarEle	Farnham Electric Co.	06/20/2018	206.00
54523	FirFedCC	First Federal Card Services	06/20/2018	8,482.78
54524	WilDev	Wildcat Development Corporation	06/20/2018	111,391.00
54525	GenTec	Genuine Technology Group, Inc.	06/20/2018	1,540.00
54526	HauRue	Haugeberg, Rueter, Gowell	06/20/2018	2,052.00
54527	UB*00410	MC Northwest Inc	06/20/2018	96.92
54528	NewReg	News-Register	06/20/2018	97.00
54529	OreSta	Oregon Stationers	06/20/2018	85.00
54530	PorGen	Portland General Electric	06/20/2018	912.24
54531	TexGra	Textile Graphics	06/20/2018	197.55
54532	VerWir	Verizon Wireless	06/20/2018	554.73
			Total for 6/20/2018:	148,163.06
			Report Total (69 checks):	215,197.50



## Memorandum

**To:** The Mayor and Members of the City Council  
**From:** Christy Martinez, Finance Director  
**Subject:** Ordinance No. 2018-718: Amending Carlton Municipal Code to Codify Sewer Billing Procedures and Rates, Payment Responsibility, Updated Lien Attachment and Enforcement Provisions, and Declaring an Emergency  
**Date:** July 3, 2018

## Recommendation

Staff recommends that at its July 3, 2018, regular meeting the City Council approve and authorize the Mayor to sign Ordinance No. 2018-718, codifying into the Municipal Code sewer billing procedures and rates, payment responsibility, updated lien attachment and enforcement provisions, and declaring an emergency.

## Background

During its June 5, 2018, regular meeting the City Council approved Resolution 2018-265 adopting a consumption-based billing policy for sanitary sewer services. This ordinance codifies the policies and procedures relating to Resolution No. 2018-718.

The City Attorney has also recommended that certain payment and lien enforcement procedures be updated to conform to judicial decisions relating to Measure 50 limitations on real property taxes.

If the Council desires to adopt the proposed ordinance in one night, it can be read and voted on twice by title only (without objection by any council member).

## Alternatives

1. Do not approve.

## Fiscal Impact

None, the change in policy is intended to be revenue neutral. However, between accounts there billing will change according to the amount of indoor water used. For example, a single individual or couple using less than 400 cubic feet of water per month will likely pay less and a family of four will likely pay more depending on their indoor water use. A fixed rate system lacks equity where all accounts pay the same regardless of how much or little they use the utility.

## Exhibit

1. Ordinance No. 2018-718: Codifying Sewer Billing Procedures and Rates, Payment Responsibility, Updated Lien Attachment and Enforcement Provisions, and Declaring an Emergency.

*This facility is ADA accessible.*

*If you need special accommodation please contact the City Recorder at 503.852.7575 at least 24 hours prior to this meeting.*



## ORDINANCE NO. 2018-718

**AN ORDINANCE AMENDING CARLTON MUNICIPAL CODE SECTIONS 13.08.090, 13.08.360, 13.08.380, 13.04.360 AND 13.04.370; CODIFYING SEWER BILLING PROCEDURES AND RATES, AMENDING PAYMENT RESPONSIBILITY, UPDATING LIEN ATTACHMENT AND ENFORCEMENT PROVISIONS, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City Council deems it necessary and desirable to amend the Carlton Municipal Code Sections 13.08.090, 13.08.360, 13.08.380, 13.04.360 and 13.04.370 relating to User Classes and billing rates and consistent and enforceable utility payment and lien enforcement provisions;

### THE CITY OF CARLTON ORDAINS AS FOLLOWS:

**Section 1.** Carlton Municipal Code Section 13.08.090 is hereby amended in its entirety to read as follows:

**“13.08.090 User class rates.**

There shall be assigned to each user an appropriate number of EDU'S, and this number shall represent the ratio of the base charge cost incurred by the wastewater from the user to the cost incurred by the wastewater from the residential dwelling unit.

The base user charge shall be calculated by multiplying the total number of EDU'S for each user by a constant factor. This cost factor shall be set by resolution. Effective as of the July 2018 utility billing statement the following sewer user charges shall be in effect for users whose discharges do not exceed an equivalent dwelling unit ("EDU") discharge and whose waste strength is of average composition. An individual EDU designation and base charge for monthly service may be assigned pursuant to Sections [13.08.100](#) and [13.08.110](#).

User Class	Rate
Single-family residence	\$38.87 plus \$4.48/ccf of water use
Multifamily residences	\$38.87 plus \$4.48/ccf of water use
Commercial (general)	\$38.87 plus \$4.48/ccf of water use
Commercial (larger than 1" water meter)	\$38.87 plus \$4.48/ccf of water use
Mortuary	\$38.87 plus \$4.48/ccf of water use
Tavern	\$38.87 plus \$4.48/ccf of water use
Restaurant	\$38.87 plus \$4.48/ccf of water use
Grocery store	\$38.87 plus \$4.48/ccf of water use
Churches, lodges, clubs	\$38.87 plus \$4.48/ccf of water use
Hotels, motels, trailer parks, bed and breakfasts	\$38.87 per unit plus \$4.48/ccf of water use
Car wash facilities	\$38.87 per stall plus \$4.48/ccf of water use
Offices	\$38.87 plus \$4.48/ccf of water use
Residential care center or federal residential facility	\$38.87 per each two beds of rated capacity or actual capacity if greater, plus \$4.48/ccf of water use

Laundries	\$38.87 for each washer plus \$4.48/ccf of water use
Schools, elementary	\$38.87 per 15 students at rated capacity plus \$4.48/ccf of water use
Schools, junior high	\$38.87 per 15 students at rated capacity plus \$4.48/ccf of water use
Schools, high school	\$38.87 per 15 students at rated capacity plus \$4.48/ccf of water use
Industrial establishment	\$38.87 for each 15 employees plus \$4.48/ccf of water use

**13.08.090.010 Consumption Based Sanitary Sewer Service Sewer Utility Rates and Charges; Policy and Procedures.** This policy applies to all City customers for which the City provides direct billing services. Billings for customers include two components: Fixed rate and a volume charge for the amount consumed. The two components are added together to compute an invoice for each customer.

1. Fixed rates are assessed per equivalent dwelling unit or nonresidential account, and include costs associated with customer services, billing, and new debt service, and are designed to maintain revenue stability through the recovery of about 60 percent of total rate revenues.
2. Volume rates are based on every 100 cubic feet (CCF) of water.

**13.08.090.020 Residential Sewer Accounts – Winter Averaging.** Volume rates will be based on a 3-month winter averaging of water consumption plus base. The winter average period will be defined as the 3-month period starting with the first full billing cycle starting on or after December 1<sup>st</sup> of each year. Accounts with no prior usage history and an average usage of less than 1 CCF of water consumption are automatically assessed at the 5.50 CCF average. Customers may request in writing to have the sewer volume rate based on actual usage if the property is vacant or consistently averages below 1 CCF per billing cycle over a 12-month period. The assigned average for water consumption may be appealed to the Finance Director and may be modified pending a review of the account and findings thereof.

**13.08.090.025 Non-Residential Sewer Accounts – Actual Use.** Volume rates will be based on actual monthly water consumption plus base.

**13.08.090.0030 Less than three months data availability.** Where three months of indoor winter season water consumption data are not available a two-month minimum sample period shall be established between the dates December 1 through February 28, or the water meter reading dates most closely associated with that period. The two-month minimum measure of water consumption during the indoor winter season shall be used as the basis for calculating the consumption portion of the sanitary sewer bill. A two-month period during the indoor winter season shall be the minimum acceptable time on which a sanitary sewer bill can be calculated based upon actual water consumption.

**13.08.090.040 No data availability.** Where there is no applicable data available because of the use changing, the ownership changing, or other factors such as a structure newly connected to the

system for which there is no historical water consumption, the City will bill the customer based upon a system-wide average which shall be calculated on an equivalent dwelling unit basis.

**13.08.090.050 Exceptions to Average Consumption Calculation.** Where indoor winter season water consumption data is not available, applicable, and/or usable for the purposes of calculating the appropriate proportion of system operation cost allocable to a user can be adjusted by the Finance Director based on:

- A. **Variations in usage.** For the City to consider any water consumption exception, and thus bill recalculation, the exception must be greater than 25% of the historical monthly usage on a one-time event basis.
  
- B. **Water usage not discharged to the sanitary sewer system.** For the City to consider any request by a customer for credit against the amount of indoor winter season water consumption as measured through the potable water meter or meters to the property in question, the customer must do the following:
  - 1. Customer must demonstrate to the City's satisfaction that the metered water measured which is in dispute as to whether or not the water was discharged to the sanitary system was not discharged to the sanitary system; and
  - 2. The customer must be able to determine the non-sanitary sewer service discharge accurately; and
  - 3. The City shall only deduct the provable non-sanitary sewer service usage from the winter consumption average.
  
- C. **Recurring seasonal variations.** Some commercial and industrial operations result in seasonal variations to such a degree that the majority of their wastewater discharge occurs during periods of time other than the indoor winter season. Cases where such seasonal variation exists may require evaluation and/or application of alternative water consumption measurement periods to determine appropriate data for calculation of a proportionate share of operational costs. In cases where indoor winter season water consumption data is determined to be an inappropriate measure of sanitary sewer discharge, the City, at its discretion, may select another base period on which to calculate the sanitary sewer charge.
  
- D. **New usage or change in ownership or usage of a structure mid-year.**
  - 1. At any time, the usage or ownership of property connected to the sanitary sewer system changes in a manner determined by the City to increase the flow, discharged, the City shall have the right to recalculate the service charge to reflect a proportionate cost allocation.
  - 2. The City may, at its discretion, recalculate the indoor winter season average water consumption at the user's request, when the new rate of usage is ongoing and constitutes at least a 25% variation from historical indoor winter season use.
  - 3. In any recalculation of charges as contemplated in (1) and (2) above, the City may assign additional units or a reduction in units at any time a customer's usage changes which



increases or decreases the estimated volume of water discharged to the sanitary sewer system.

- E. **Discontinuance of service.** A property owner whose property is connected to the sanitary sewer system may request discontinuance of sanitary sewer service for a variety of reasons. For the City to process such a request for discontinuance of service and deduct the variable portion of the sanitary sewer service charge associated with consumption-based billing, the following must occur:
1. All water meters serving the property must be out of service, be locked, and/or removed; and
  2. No alternative water supply can be available to the property; and
  3. No use or occupancy of the property shall occur.

In all such cases where discontinuance is requested, and the structure remains connected to the sanitary sewer system and service is available, the base charge (fixed component) will continue. However, the variable component of the charge shall revert to zero for as long as the above conditions satisfied.

- F. **Disconnection of service.** In all cases where water meters have been locked out from the property in accordance with procedures, rules, and regulations of City of Carlton Water Services, no sanitary sewer service will be billed where no discharge is possible to the sanitary sewer system.

**13.08.090.060 Multi-family, commercial, industrial and other multi-dwelling unit equivalent services.** Multi-family, commercial, industrial and other multi-dwelling unit equivalent services within the City of Carlton, do not necessarily have a one-to-one correspondence between the water meter and an individual sanitary sewer user. In such cases the following applies:

- A. Master meter owners are the responsible party for payment of the sanitary sewer bill.
- B. It is the property owner's responsibility to allocate the sanitary sewer service charges among the property owner's tenants.
- C. In cases where a property owner elects to install multiple meters at the same site to distribute the cost of sanitary sewer service charges, the owner shall provide that water meter use information to the City in a timely manner to enable calculation of sanitary sewer service charges.
- D. In cases where a single customer has multiple meters at the same site, the water consumption shall be calculated based upon the aggregated total of water consumed as measured by all of the multiple meters. The City may elect at its option to bill either the property owner or the individual tenants as the City may determine appropriate, convenient, or reasonable.

**13.08.090.070 Customer Claims.** In the event a customer disputes the water consumption data available to the City for any of a variety of reasons, the City shall provide a claims form which shall outline the City's policy for addressing such claims and provide a format for the customer to respond to issues that are critical to the adjudication of the claim. All claims must be made within thirty (30) days of receipt of the water bill from the local water purveyor for which consumption

data is being disputed. Claims for water consumption data that does not vary more than 25% from historical usage shall not be processed.

**13.08.090.080 Dormant Sewer Lines.** Testing of a dormant existing sewer line connected to an old building or to be reused for a new building will be payable by the utility customer at the cost of time and materials.”

**Section 2.** Carlton Municipal Code Section 13.08.360 is hereby amended in its entirety to read as follows:

**“13.08.360 Payment Responsibility.**

The property owner of record shall be responsible for payment of all charges prescribed in this chapter related to sewer services provided to such property that are billed directly to the property owner or for which the property owner has agreed to assure payment. If the property owner of record has signed an agreement with the city in a prescribed form requesting services and authorizing billing of utility charges directly to a tenant, the city shall be authorized to establish a new utility account in the name of a tenant. If a tenant or other person residing at the address where sewer service is provided fails to pay for such service, such charges shall be billed to and payable by the property owner of record if the property owner has agreed in writing to be responsible for such service.”

**Section 3.** Carlton Municipal Code Section 13.08.380 is hereby amended in its entirety to read as follows:

**“13.08.380 Liens.**

Sewer service charges which are requested by and billed to the property owner, which shall not be timely paid, shall be a lien against the premises served from and after the date of delinquency in payment by the property owner and entry of such delinquency on the ledger of accounts pertaining to the city sewer system. Such ledger of accounts shall be made available for inspection to anyone interested in ascertaining the amount of such charges. Whenever a bill for sewer service remains unpaid by the property owner for ninety (90) days after it has been rendered to the property owner, the lien thereby created may be foreclosed in the manner provided by ORS 223.610, or in any manner provided by law or ordinance of the city. Any lien created pursuant to this section shall have priority over any other encumbrance against the premises, including encumbrances created and recorded prior to the date such lien shall be created.”

**Section 4.** Carlton Municipal Code Section 13.04.360 is hereby amended in its entirety to read as follows:

**“13.04.360 Payment responsibility.**

The property owner of record shall be responsible for payment of all charges prescribed in this chapter related to water services provided to such property that are billed directly to the property owner or for which the property owner has agreed to assure payment. If the property owner of record has signed an agreement with the city in a prescribed form requesting services and authorizing billing of utility charges directly to a tenant, the city shall be authorized to establish a new utility account in the name of a tenant. If a tenant or other person residing at the address

where water service is provided fails to pay for such service, such charges shall be billed to and payable by the property owner of record if the property owner has agreed in writing to be responsible for such service.”

**Section 5.** Carlton Municipal Code Section 13.04.370 is hereby amended in its entirety to read as follows:

**“13.08.370 Liens.**

Water service charges which are requested by and billed to the property owner, which shall not be timely paid, shall be a lien against the premises served from and after the date of delinquency in payment by the property owner and entry of such delinquency on the ledger of accounts pertaining to the city water system. Such ledger of accounts shall be made available for inspection to anyone interested in ascertaining the amount of such charges. Whenever a bill for sewer service remains unpaid by the property owner for ninety (90) days after it has been rendered to the property owner, the lien thereby created may be foreclosed in the manner provided by ORS 223.610, or in any manner provided by law or ordinance of the city. Any lien created pursuant to this section shall have priority over any other encumbrance against the premises, including encumbrances created and recorded prior to the date such lien shall be created.”

**Section 6.** This ordinance, being necessary for the immediate preservation of the public peace, health, and safety of the City of Carlton, an emergency is declared to exist and this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

**ADOPTED** by the City Council on July 3, 2018, by the following votes:

- AYES:**
- NAYES:**
- ABSENT:**
- ABSTAIN:**

**APPROVED** and signed by the Mayor on July 3, 2018.

\_\_\_\_\_  
Kathie Oriet, Mayor

**ATTEST:** \_\_\_\_\_  
Jennifer L. Nelson, City Recorder



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**To:** The Mayor and Members of the City Council  
**From:** Jennifer Nelson, City Recorder/Elections Officer  
**Subject:** Resolution No. 2018-266 – Approving the Canvass of City Election Results for the May 15, 2018 Primary Election and Spreading such Results onto the Official Records of the City of Carlton  
**Date:** June 22, 2018

### **Recommendation**

Staff recommends that at its July 3, 2018 regular meeting the City Council approve and authorize the Mayor to sign Resolution No. 2018-266 approving the canvass of city election results for the May 19, 2015 primary election and spreading such results onto the official records of the City of Carlton.

### **Background**

The attached resolution provides the City Council with the official canvass of the election results of Measure 36-192 which sought the authorization to contract a general obligation bonded indebtedness in an amount not to exceed \$2,300,000.00 for the construction of a police safety facility. The Measure was denied by the voters of Carlton.

### **Alternatives**

1. Do not accept the certified election results.

### **Fiscal Impact**

None

### **Exhibit**

1. Resolution No. 2018-266 – Approving the Canvass of City Election Results for the May 19, 2015 Special District General Election and Spreading such Results onto the Official Records of the City of Carlton

R:\City Recorder\Agenda Packets\City Council\Regular Session\2018\2018-0703\Council Report Memo\_Res18-266\_Canvass of May 15 2018 Election Results.docx



**RESOLUTION NO. 2018-266**

**A RESOLUTION APPROVING THE CANVASS OF CITY ELECTION RESULTS FOR THE MAY 15, 2018 PRIMARY ELECTION AND SPREADING SUCH RESULTS ONTO THE OFFICIAL RECORDS OF THE CITY OF CARLTON, OREGON**

**WHEREAS**, the Carlton City Council has received from the City Elections Officer, the official canvass of the results of city elections and measure conducted on May 15, 2018 (the "Election"); and

**WHEREAS**, the City Council desires to approve the canvass of said Election results and spread the results of such election results on the official records of the City of Carlton, Oregon.

**THE CITY OF CARLTON RESOLVES AS FOLLOWS:**

1. The City Council has received and reviewed the certified canvass of election results for city Election which occurred on May 15, 2018 and does hereby approve such canvass of election results.
2. The Election results for the City of Carlton, Oregon attached hereto as Exhibit A are hereby spread on the official records of the City of Carlton.

**ADOPTED** by the City Council of the City of Carlton, Yamhill County, Oregon, on July 3, 2018, by the following votes:

<b>AYES:</b>	<b>NAYES:</b>	<b>ABSENT:</b>	<b>ABSTAIN:</b>
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**APPROVED** and signed by the Mayor July 3, 2018.

\_\_\_\_\_  
Kathie Oriet, Mayor

**ATTEST:** \_\_\_\_\_  
Jennifer L. Nelson, City Recorder



Brian Van Bergen  
Yamhill County Clerk

414 NE Evans St, McMinnville, OR 97128-4607 • Ph. 503.434.7518 • Fax 503.434.7520 • clerk@co.yamhill.or.us

Board of Property Tax Appeals • Business Licenses • Elections • Marriage Licenses • Passports • Recording • Voter Registration

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**Memorandum**

To: Jennifer Nelson, City of Carlton  
From: Brian Van Bergen, Yamhill County Clerk  
CC:  
Date: June 4, 2018  
RE: Certified Contest Results

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Enclosed please find the certified results from the May 15th, 2018 Primary Election.

These items include:

- Yamhill County's certified Statement of Votes Cast by Geography (summary report)
- Yamhill County's certified Statement of Votes Cast by Geography – Precinct Level (report by precinct)
- This Notice of Election Canvass

If you have any questions, please do not hesitate to contact our office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brian Van Bergen".

Brian Van Bergen  
Yamhill County Clerk

Statement of Votes Cast by Geography - City of Carlton

Yamhill County, May 15 2018 Primary Election

All Precincts, All Districts, All ScanStations, Measure 36-192 - City of Carlton, All Boxes

Official Results

Total Ballots Cast: 764, Registered Voters: 66590, Overall Turnout: 1.15%

Choice	Votes	Vote %
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**Measure 36-192 - City of Carlton (Vote for 1)**

**764 ballots (0 over voted ballots, 0 overvotes, 19 blank voted), 1505 registered voters, turnout 50.76%**

Yes	295	39.60%
No	450	60.40%
Total	745	100.00%

I CERTIFY THAT THE VOTES RECORDED ON THIS  
ABSTRACT CORRECTLY SUMMARIZE THE TALLY  
OF VOTES CAST AT THE ELECTION INDICATED.

*[Handwritten Signature]*

SIGNATURE OF COUNTY CLERK:

*6.4.18*

DATE OF ABSTRACT





Statement of Votes Cast by Geography - City of Carlton

Yamhill County, May 15 2018 Primary Election

All Precincts, All Districts, All ScanStations, Measure 36-192 - City of Carlton, All Boxes

Official Results

Page: 1 of 1

2018-06-04

08:48:47

Total Ballots Cast: 764, Registered Voters: 66590, Overall Turnout: 1.15%

Choice	Votes	Vote %
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All Precincts

Measure 36-192 - City of Carlton (Vote for 1)

764 ballots (0 over voted ballots, 0 overvotes, 19 blank voted), 1505 registered voters, turnout 50.76%

Yes	295	39.60%
No	450	60.40%
Total	745	100.00%

I CERTIFY THAT THE VOTES RECORDED ON THIS ABSTRACT CORRECTLY SUMMARIZE THE TALLY OF VOTES CAST AT THE ELECTION INDICATED.

*[Handwritten Signature]*

SIGNATURE OF COUNTY CLERK:

*6.4.18*

DATE OF ABSTRACT





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## Memorandum

**To:** The Mayor and Members of the City Council  
**From:** Jennifer Nelson, City Recorder  
**Subject:** Resolution No. 2018-267: To Dissolve the City Hall Project Citizens' Advisory Committee  
**Date:** June 26, 2018

## Recommendation

Staff recommends the Council approve and authorize the Mayor to sign Resolution No. 2018-267 to dissolve the City Hall Project Citizens' Advisory Committee at the July 3, 2018 regular meeting.

## Background

On September 6, 2016, City Council established the City Hall Project Citizens' Advisory Committee to assist with the investigation, preliminary design review, and funding recommendations for the City Hall and Public Safety Building construction project.

The committee recommended the City pursue a general obligation bond to fund the public safety building portion of the City Hall project not to exceed \$2.3 million on the ballot for the May 15, 2018 primary election. If the bond were approved, the City would also pursue construction of the City Hall portion of the project simultaneously. The ballot measure was defeated by a margin of 155 out of 745 votes cast.

After the election results were received, the City Hall Project Citizens' Advisory Committee held their final meeting on June 12, 2018 to reaffirm their original recommendation and discuss possible next steps for City Council to move forward. It was also determined the Committee successfully completed their original purpose and their service is no longer required; therefore, staff recommends the committee be officially dissolved. All committee minutes will be brought back to the Council at the August meeting to for final approval and preservation and permanent retention in the City's historical records.

## Alternatives

1. Do not dissolve, assign a new purpose, and solicit new membership.

## Fiscal Impact

None.

## Attachments

1. Resolution No. 2018-267: To Dissolve the City Hall Project Citizens' Advisory Committee



**RESOLUTION NO. 2018-267**

**A RESOLUTION TO DISSOLVE THE CITY HALL PROJECT CITIZEN ADVISORY COMMITTEE**

**RECITALS:**

**WHEREAS**, the City of Carlton City Council has on occasion created certain committees, task forces, working groups and boards tasked with the study or review of issues pending before the Council; and,

**WHEREAS**, the various committees were intended to have a limited focus and duration; and,

**WHEREAS**, the City Hall Project Citizens’ Advisory Committee was formed and appointed by the Mayor and City Council to participate with project design and funding of a new City Hall facility. The Committee identified specific objectives to ensure it met the stated purpose, including:

1. Identify and discuss Committee tasks.
2. Review and discuss City Council goal.
3. Participate in design workshops with project architect.
4. Review and discuss current and projected resources.
5. Prepare and present recommendations for City Council; and,

**WHEREAS**, the City Hall Project Citizens’ Advisory Committee completed the identified objectives and there is no longer a need for their service; and,

**WHEREAS**, the City Council desires to officially dissolve the City Hall Project Citizens’ Advisory Committee.

**THE CITY OF CARLTON RESOLVES AS FOLLOWS:**

1. The City Hall Project Citizens’ Advisory Committee be hereby dissolved.

**ADOPTED** by the City Council of the City of Carlton, Oregon, on July 3, 2018 by the following votes:

**AYES:**

**NAYES:**

**ABSENT:**

**ABSTAIN:**

**APPROVED** and signed by the Mayor on July 3, 2018.

\_\_\_\_\_  
Kathie Oriet, Mayor

**ATTEST:** \_\_\_\_\_  
Jennifer L. Nelson, City Recorder



## Memorandum

**To:** The Mayor and Members of the City Council  
**From:** Bryan W. Burnham, Public Works Director  
**Subject:** Resolution No. 2018-268: Financing a “water meter project” and automated meter read (AMR) Meter Lease Approval  
**Date:** June 8, 2018

## Recommendation

Staff recommends that at its July 3, 2018 meeting that Council approves and authorizes the Mayor to sign Resolution No. 2018-268 financing a “water meter project” that includes the purchase of 500 Neptune E-coder water meters and one Neptune’s R900i AMI System Base.

## Background

In 2013, City of Carlton initiated its automated meter reader (AMR) program with the installation on AMR meters in new construction and retrofitting existing meters with AMR compatible meter heads at the rate of \$20,000 of meters annually.

## Fiscal Impact

This item was approved in the FY2018-19 budget for financing of the remainder 500 meters and base station estimated \$25,999.53 annually, for six years.

## Alternatives

1. Do not accept the certified election results.

## Attachment

1. Resolution No. 2018-268
2. Core & Main Quote
3. Government Capital Financing-Core & Main Financing Summary



**RESOLUTION NO. 2018-268**

**A RESOLUTION FINANCING A "WATER METER PROJECT"**

**THE CITY OF CARLTON RESOLVES AS FOLLOWS:**

WHEREAS, the City of Carlton desires to enter into that certain Lease-Purchase Agreement by and between Government Capital Corporation and the City of Carlton for the purpose of financing a **"water meter project"**. The City desires to designate this Agreement as a "qualified tax-exempt obligation" of the City for the purposes of Section 265 (b) (3) of the Internal Revenue Code of 1986, as amended. The City of Carlton desires to designate Kathie Oriet, Mayor, or Christy Martinez, Finance Director as an authorized signer of the Agreement.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CARLTON:

Section 1. That the City enters into a Lease Purchase Agreement with Government Capital Corporation for the purpose of financing a "water meter project" in an amount not to exceed \$150,000.00.

Section 2. That the Lease Purchase Agreement by and between the City and Government Capital Corporation is designated by the City as a "qualified tax-exempt obligation" for the purposes of Section 265 (b) (3) of the Internal Revenue Code of 1986, as amended.

Section 3. That the City of Carlton will designate Kathie Oriet, Mayor or Christy Martinez, Finance Director or their designee, as an authorized signer of the Lease Purchase Agreement by and between the City of Carlton and GCC as well as any other ancillary exhibit, certificate, or documentation needed for the Agreement.

Section 4. That should the need arise, if applicable, the City will use loan proceeds for reimbursement of expenditures related to the Property, within the meaning of Treasury Regulation § 1.150-2, as promulgated under the Internal Revenue Code of 1986, as amended

**ADOPTED** by the City Council of the City of Carlton, Oregon, on July 3, 2018, by the following votes:

**AYES:**

**NAYES:**

**ABSENT:**

**ABSTAIN:**

**APPROVED** and signed by the Mayor on July 3, 2018.

\_\_\_\_\_  
Kathie Oriet, Mayor

**ATTEST:** \_\_\_\_\_  
Jennifer L. Nelson, City Recorder



Formerly HD Supply Waterworks

# Bid Proposal for Carlton Meter Quote

<b>CUSTOMER</b>	<p><b>CITY OF CARLTON</b>          191 E MAIN ST          CARLTON, OR 97111</p>	<p><b>Job</b>          Carlton Meter Quote          Bid Date: 03/14/2018 03:30 p.m.          Bid #: 542428</p>
	<p><b>Sales Representative</b>          Mark Miller          (M) 503-444-0295          (T) 503-620-9123          (F) 503-684-7213          Mark.Miller@coreandmain.com</p>	<p><b>Core &amp; Main</b>          6720 McEwan Rd          Lake Oswego, OR 97035          (T) 503-620-9123</p>
<b>CONTACT</b>		
<b>NOTES</b>		



Formerly HD Supply Waterworks

Bid Proposal for Carlton Meter Quote

**CITY OF CARLTON**  
**Bid Date:** 03/14/2018 03:30 p.m.  
**Core & Main Bid #:** 542428

**Core & Main**  
 6720 McEwan Rd  
 Lake Oswego, OR 97035  
**Phone:** 503-620-9123  
**Fax:** 503-684-7213

Seq#	Qty	Description	Units	Price	Ext Price
10		<b>METERS</b>			
20	500	T-10 5/8X3/4CF E-CODER W/R900I METER PIT SET PL BTM WOODBURN SPEC NO LEAD ED2B31RWF3	EA	213.75	106,875.00
30	10	NEPTUNE 1" R900I ENCODER PIT NO LEAD ED2F11RWF3	EA	325.00	3,250.00
				<b>SUBTOTAL</b>	<b>110,125.00</b>
50		<b>NEPTUNE R900I AMI HOSTED</b>			
60		<b>SYSTEM BREAKDOWN</b>			
70	1	R900 GATEWAY V4 DATA COLLECTORS	EA	7,000.00	7,000.00
90		PART # 13458-100			
110	1	R900 GATEWAY - RF ANTENNA	EA	387.00	387.00
120		PART # 13146-100			
140	1	UPS-OUTDOOR SYSTEM ASSEMBLY WALL / POLE VERSION	EA	2,000.00	2,000.00
160		PART #13070-100			
180	1	R900 GATEWAY DATA COLLECTOR ENTITLEMENT FEE	EA	1,200.00	1,200.00
210	1	N SIGHT PLUS SOFTWARE HOSTING (SAAS) ANNUAL RENEWAL FEE	EA	10,800.00	10,800.00
240		PART #12961-001			
260	1	N-SIGHT PLUS TRAINING AND IMPLEMENTATION	EA	8,800.00	8,800.00
				<b>SUBTOTAL</b>	<b>30,187.00</b>
				<b>SUBTOTAL</b>	<b>140,312.00</b>
300		NOTE: THE CUSTOMER			
310		WILL STILL HAVE TO PURCHASE			
320		AND ACCOUNT FOR COAX			
330		CABLE, USE OF ETHERNET			
340		OR CELLULAR, ELECTRICAL,			
350		AND INSTALLATION COSTS.			
360		THESE COSTS WILL VARY			
370		AS A GATEWAY LOCATION			
380		HAS NOT BEEN			





Formerly HD Supply Waterworks

Bid Proposal for Carlton Meter Quote

Bid #: 542428

Seq#	Qty	Description	Units	Price	Ext Price
390		SPECIFIED AT THIS TIME.			
				<b>Sub Total</b>	<b>140,312.00</b>
				<b>Tax</b>	0.00
				<b>Total</b>	<b>140,312.00</b>

**TERMS AND CONDITIONS OF SALE ("Terms")**

1. All references in this document to "Seller" shall include Core & Main LP and / or any parent, subsidiary or affiliate of Core & Main LP (including any division of the foregoing) whether or not performing any or all of the scope hereunder or specifically identified herein. All references to "Buyer" shall include all parent(s), subsidiaries and affiliates of the entity placing the order. Buyer and Seller may be referred to individually as a "Party" and collectively as "Parties".
2. All sales to Buyer are subject to these Terms, which shall prevail over any inconsistent terms of Buyer's purchase order or other documents. Additional or different terms and conditions in any way altering or modifying these Terms are expressly objected to and shall not be binding upon Seller unless specifically accepted in writing by Seller's authorized representative. No modification or alteration of these Terms shall result by Seller's shipment of goods following receipt of Buyer's purchase order, or other documents containing additional, conflicting or inconsistent terms. There are no terms, conditions, understandings, or agreements other than those stated herein, and all prior proposals and negotiations are merged herein. These Terms are binding on the Parties, their successors, and permitted assigns.
3. Prices on Seller website, catalogs or in Seller quotes are subject to change without notice, and all such prices expire and become invalid if not accepted within 10 calendar days from the date of issue, unless otherwise noted by Seller in writing. Price extensions if made are for Buyer's convenience only, and they, as well as any mathematical, stenographic or clerical errors, are not binding on Seller. Prices shown do not include any sales, excise, or other governmental tax or charge payable by Seller to any federal, state or local authority. Any taxes now or hereafter imposed upon sales or shipments will be added to the purchase price, and Buyer shall reimburse Seller for any such tax or provide Seller with an acceptable tax exemption certificate. All prices and other terms provided to Buyer shall be kept confidential except to the extent a Party is required by law to disclose the same.
4. Seller shall not be liable for delay or default in delivery resulting from any cause beyond Seller's reasonable control, including, but not limited to, governmental action, strikes or other labor troubles, fire, damage or destruction of goods, wars (declared or undeclared), acts of terrorism, manufacturers' shortages, availability or timeliness of transportation, materials, fuels, or supplies, and acts of God (each a "Force Majeure Event"). Upon the occurrence of a Force Majeure Event: (a) the time for Seller's performance shall be extended reasonably and the Parties shall adjust all affected dates accordingly; (b) the purchase price shall be adjusted for any increased costs to Seller resulting from such Force Majeure Event; and (c) Buyer shall not be entitled to any other remedy.
5. Seller is a reseller of goods only, and as such does not provide any warranty for the goods it supplies hereunder. Notwithstanding this As-Is limitation, Seller shall pass through to Buyer any transferable manufacturer's standard warranties with respect to goods purchased hereunder. BUYER AND PERSONS CLAIMING THROUGH BUYER SHALL SEEK RECOURSE EXCLUSIVELY FROM MANUFACTURERS IN CONNECTION WITH ANY DEFECTS IN OR FAILURES OF GOODS, AND THIS SHALL BE THE EXCLUSIVE RECOURSE OF BUYER AND PERSONS CLAIMING THROUGH BUYER FOR DEFECTIVE GOODS, WHETHER THE CLAIM OF BUYER OR THE PERSON CLAIMING THROUGH BUYER SHALL SOUND IN CONTRACT, TORT, STRICT LIABILITY, PURSUANT TO STATUTE, OR FOR NEGLIGENCE. BUYER SHALL PASS THESE TERMS TO SUBSEQUENT BUYERS AND USERS OF GOODS. SELLER EXCLUDES AND DISCLAIMS ALL OTHER EXPRESS AND IMPLIED WARRANTIES, INCLUDING, BUT NOT LIMITED TO, ALL IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. SELLER ASSUMES NO RESPONSIBILITY WHATSOEVER FOR SELLER'S INTERPRETATION OF PLANS OR SPECIFICATIONS PROVIDED BY BUYER, AND BUYER'S ACCEPTANCE AND USE OF GOODS SUPPLIED HEREUNDER SHALL BE PREMISED ON FINAL APPROVAL BY BUYER OR BY BUYER'S RELIANCE ON ARCHITECTS, ENGINEERS, OR OTHER THIRD PARTIES RATHER THAN ON SELLER'S INTERPRETATION. TO THE EXTENT NOT PROHIBITED BY APPLICABLE LAW, IN NO EVENT, WHETHER IN CONTRACT, WARRANTY, INDEMNITY, TORT (INCLUDING, BUT NOT LIMITED TO, NEGLIGENCE), STRICT LIABILITY OR OTHERWISE, ARISING DIRECTLY OR INDIRECTLY OUT OF THE PERFORMANCE OR BREACH OF THESE TERMS, SHALL SELLER BE LIABLE FOR (a) ANY INCIDENTAL, INDIRECT, PUNITIVE, SPECIAL, CONSEQUENTIAL OR SIMILAR DAMAGES SUCH AS LOSS OF USE, LOST PROFITS, ATTORNEYS' FEES OR DELAY DAMAGES, EVEN IF SUCH DAMAGES WERE FORESEEABLE OR CAUSED BY SELLER'S BREACH OF THIS AGREEMENT, (b) ANY CLAIM THAT PROPERLY IS A CLAIM AGAINST THE MANUFACTURER, OR (c) ANY AMOUNT EXCEEDING THE AMOUNT PAID TO SELLER FOR GOODS FURNISHED TO BUYER WHICH ARE THE SUBJECT OF SUCH CLAIM(S). ALL CLAIMS MUST BE BROUGHT WITHIN ONE YEAR OF ACCRUAL OF A CAUSE OF ACTION.
6. Buyer shall indemnify, defend, and hold Seller its officers, directors, employees and agents harmless from any and all costs (including attorneys' and accountants' fees and expenses), liabilities and damages resulting from or related to any third party (including Buyer's employees) claim, complaint and/or judgment arising from Buyer's use of any goods furnished hereunder, as well as any negligent, intentional, or tortious act or omission of Buyer or any material breach by Buyer of these Terms.
7. When goods are delivered to Buyer in Seller's own vehicles, the F.O.B. point shall be Buyer's designated delivery site. In all other cases the F.O.B. point shall be Seller's store or warehouse and all responsibility and costs of shipping and delivery beyond the applicable F.O.B. point shall be borne by Buyer. Title and risk of loss shall pass to Buyer at the applicable F.O.B. point, which for goods not delivered in Seller's own vehicles shall be when Seller delivers the goods to the common carrier. All claims for shortage of goods or for loss or damage to goods as to which Seller has the risk of loss shall be waived unless Buyer, within 10 calendar days after receipt of the short or damaged shipment, gives Seller written notice fully describing the alleged shortage or damage. Partial shipments are permitted at Seller's discretion.
8. Any change in product specifications, quantities, destinations, shipping schedules, or any other aspect of the scope of goods must be agreed to in writing by Seller, and may result in a price and delivery adjustment by Seller. No credit for goods returned by Buyer shall be given without Seller's written authorization. All returns are subject to a restocking charge.
9. Unless otherwise agreed in writing, payment terms are net 30 days from delivery, payable in United States of America ("U.S.") dollars. Notwithstanding the foregoing, all orders are subject to Seller's continuing approval of Buyer's credit. If Buyer's credit is not approved or becomes unsatisfactory to Seller then Seller, in its sole discretion, may suspend or cancel performance, or require different payment terms, including but not limited to cash on delivery or in advance of shipment. In addition, Seller may in its discretion require an advance deposit of up to 100% of Seller's selling price for any specially manufactured goods ordered by Buyer hereunder. Payments due hereunder shall be made in the form of cash, check, or money order, or other tender approved in writing by Seller. Seller may, in its sole discretion, apply Buyer's payment against any open charges. Past due accounts bear interest at the lesser of 1.5% per month or the maximum rate permitted by applicable law, continuing after Seller obtains judgment against Buyer. Seller may exercise setoff or recoupment to apply to or satisfy Buyer's outstanding debt. Buyer shall have no right of setoff hereunder, the same being expressly waived hereby. Seller expressly reserves its right to file liens if payment is not received for its materials and expressly disclaims any waiver of lien rights language which may be contained in any future agreements between the Parties hereto. Seller reserves all rights to invoice and be paid for materials provided to Buyer and any terms contained in any of Buyer's purchase orders or other documents that purport to limit in any way the time or manner within which Seller may invoice are hereby waived by Buyer.
10. Buyer shall not export or re-export, directly or indirectly, all or any part of the goods or related technology obtained from Seller under these Terms except in accordance with applicable export laws and regulations of the U.S. Further, a Buyer that is a non-U.S. company or citizen shall similarly limit any export or re-export activity to that which would be deemed compliant with U.S. export laws and regulations if performed by a U.S. company or citizen.
11. Buyer shall pay Seller all costs and expenses of collection, suit, or other legal action brought as a result of the commercial relationship between them, including, but not limited to, all actual attorneys' and paralegals' fees, and collection costs, incurred pre-suit, through trial, on appeal, and in any administrative or bankruptcy proceedings. Any cause of action that Seller has against Buyer may be assigned without Buyer's consent to Core & Main LP or to any affiliate, parent or subsidiary of Core & Main LP.
12. This Agreement, Buyer's account, and the business relationship between Buyer and Seller shall be governed by and construed in accordance with the laws of the state where the applicable project is located without regard to conflicts of laws rules, and specifically excluding the UN Convention on Contracts for the International Sale of Goods. The Parties agree that any legal action arising under or related to this Agreement may be brought in the applicable federal or state court where the project is located, and any right to object to such venue or to assert the inconvenience of such forum is hereby waived.
13. If Buyer fails to comply with these Terms, Seller may terminate or restrict any order immediately upon notice to Buyer. Buyer certifies that it is solvent and that it will advise Seller immediately if it becomes insolvent. Buyer agrees to send Seller written notice of any changes in the form of ownership of Buyer's business within 5 days of such changes. Buyer and Seller are the only intended beneficiaries of this document, and there are no third party beneficiaries.
14. The invalidity or unenforceability of all or part of these Terms will not affect the validity or enforceability of the other terms. The parties agree to replace any void or unenforceable term with a new term that achieves substantially the same practical and economic effect and is valid and enforceable.
15. The following provisions shall survive termination, cancellation and completed performance of this Agreement as long as necessary to allow the aggrieved party to fully enforce such clauses: 5, 6, 9, 10, 11 and 12.



90 SANDLEWOOD TRAIL BROOKHAVEN, MISSISSIPPI 39601 Ph: 800.561.0461  
 345 MIRON DRIVE SOUTHLAKE, TEXAS 76092 Ph: 817.421.5400  
 WWW.GOVCAP.COM

June 26, 2018

Bryan W. Burnham  
 Public Works Director  
 City of Carlton  
 191 E. Main St  
 Carlton, OR97111

Core and Main Bid #:54248

The budgetary information below is provided for your review regarding financing options for the acquisition of public works equipment.

LESSOR:	Government Capital Corporation
LESSEE:	City of Carlton, OR
FINANCING STRUCTURE:	Tax Exempt Financing with \$1.00 Purchase Option

#### 500 AMR Neptune Meters & Base Receiving Unit

EQUIPMENT COST:	\$140,312.00
TERMS:	6 ANNUAL PMTS
INTEREST RATE:	4.445%
ANNUAL PAYMENTS:	\$25,999.53
PAYMENTS COMMENCE:	"at signing" July, 2018 and annually thereafter

The above proposal is an expression of interest, subject to audit analysis and mutually acceptable documentation and is not a binding commitment. If funding occurs more than 14 days from proposal date, we reserve the right to index to the then current market.

Should you need further information or assistance, contact me at 800-561-0461, cell at 601-754-5951 or email dc.greer@govcap.com.

Prepared by Marti Sauls for

DC Greer  
 Vice President  
 Government Capital Corporation

cc: Mark Miller - Core & Main

*Government Capital Corporation ("GCC") is providing the information contained herein for informational purposes only. In providing this information, GCC: (i) is acting for its own financial and other interests that may differ from yours; (ii) is not acting as your municipal advisor or financial advisor and has no fiduciary duty to you in connection with these materials; and (iii) is not recommending any action with respect to the information contained in this document.*





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## MEMORANDUM

**To:** The Mayor and Members of the City Council  
**From:** Dennis Durham, City Manager  
**RE:** City Hall/Public Safety Facility  
**Date:** July 1, 2018

### Background

With the failure of the Public Safety bond request in May, the City Hall and Public Safety Facility Project Advisory Committee reconvened in June to discuss next steps and develop a recommendation for the City Council. After vigorous discussion, the Committee voted to affirm the need to address City Hall and Public Safety facilities with the allowance that project cost estimates developed in July 2017 must be updated before a final decision could be made by Council. As such, staff worked with the City's architectural consultants FFA Architecture + Interiors and ACC Cost Consultants, LLC to develop an updated cost projection for the City Hall/Public Safety project (as currently designed).

I have attached copies of the original cost estimate (July 13, 2017) and updated cost estimate (June 15, 2018) showing a total project cost (one-story option) of \$6,955,000 – an increase of \$1,026,250 from the original estimate. Factors contributing to such a significant cost increase include a shortage of skilled labor, new tariffs, material price increases and a substantial number of projects currently under construction. The City's consultants also indicate that this trend is likely to continue and any delays beyond August 2019 would require project cost increases of five to seven percent per year.

It is my determination:

- That time is of the essence to get any project done in an economical way. It is clear from the work done by the Committee and general sentiment of community leaders that doing nothing is not an option.
- Pursuing another bond vote in November, even if successful, would most likely delay construction from starting before August 2019. Additionally, it will be nearly impossible to get a "yes" vote on another bond request that ends up asking for more money than the original request that failed in May.
- Placing another bond request on the ballot in November, successful or not, will create more negative sentiment in the community. Carlton is at a point in its growth where investment in public infrastructure (roads, utilities, and recreational amenities) will become key to the community growing smartly and responsibly. It will take positive community support and successful partnerships to ensure it is done right.

**Recommendation**

It is recommended that City Council discontinue pursuit of a new City Hall/Public Safety facility funded, in part, via voter-approved bond request. Instead, staff will investigate other alternatives using current facilities and existing funding capacity (no new tax).

**Council Action(s) Required**

1. MOTION – Direct City Manager to develop an alternative solution to City Hall/Public Safety facility needs and present for consideration within 90 days.

**Carlton City Hall & Police Station**

Carlton, Oregon  
 FFA Architecture + Interiors  
 Portland, Oregon  
 Concept Probable Budget Estimate 1.2

**ACC Cost Consultants, LLC**

Stanley J. Pszczolkowski, AIA  
 8060 SW Pfaffle Street, Suite 110  
 Tigard, Oregon 97223-8469  
 Phone (503) 718-0075 Fax (503) 718-0077 www.archcost.com

Estimate Date: 13-July-17  
 Document Date: 27-June-17  
 Print Date: 13-Jul-17  
 Print Time: 11:28 AM  
 Constr. Start: Aug 2018

**DIRECT CONSTRUCTION COST SUMMARY**

Component	Area		\$ / SF	Total	
<b><u>1 Story Option</u></b>					
1 Story - Building Estimate	9,794	sf	\$371.96 /sf	\$3,643,000	
1 Story - On - Sitework	23,460	sf	\$38.15 /sf	\$895,000	
1 Story - Public Improvements	344	lf	\$517.44 /lf	\$178,000	
PV / Solar	1.50%	of	4,538,000	\$68,000	
<b>TOTAL DIRECT CONSTRUCTION COST</b>	<b>9,794</b>	<b>sf</b>	<b>\$488.46 / bldg. gsf</b>	<b>\$4,784,000</b>	
			+Soft Cost Estimate (25%): \$1,185,750		Total Cost: \$5,928,750
<b><u>2 Story Option</u></b>					
2 Story - Building Estimate	10,765	sf	\$427.40 /sf	\$4,601,000	
2 Story - On - Sitework	23,460	sf	\$37.94 /sf	\$890,000	
2 Story - Public Improvements	344	lf	\$517.44 /lf	\$178,000	
PV / Solar	1.50%	of	5,491,000	\$82,000	
<b>TOTAL DIRECT CONSTRUCTION COST</b>	<b>10,765</b>	<b>sf</b>	<b>\$534.23 / bldg. gsf</b>	<b>\$5,751,000</b>	
			+Soft Cost Estimate (25%): \$1,495,000		Total Cost: \$7,193,000

The above estimates are for direct construction cost only. They do not include furnishings & equipment, architect and engineer design fees, consultant fees, inspection and testing fees, plan check fees, state sales tax, hazardous material testing and removal, financing costs, owners contingency nor any other normally associated project and development costs.

The above estimates assume a public lump sum bid procurement project, with at least three qualified bidders, both general contractors and sub-trades.

The above estimates assume a construction start date of: **Aug 2018** If the start of construction is delayed beyond the date above, the estimates must be indexed at a rate of 5 to 7% per year compounded.

This is a probable cost estimate based on in-progress documentation provided by the architect. The actual bid documents will vary from this estimate due to document completion, detailing, specification, addendum, etc.. The estimator has no control over the cost or availability of labor, equipment, materials, over market conditions or contractor's method of pricing, contractor's construction logistics and scheduling. This estimate is formulated on the estimator's professional judgment and experience. The estimate makes no warranty, expressed or implied, that the quantities, bids or the negotiated cost of the work will not vary from the estimator's opinion of probable construction cost.

The above costs are rounded to the nearest 1,000.

<b>Carlton City Hall &amp; Police Station</b> Carlton, Oregon FFA Architecture + Interiors Portland, Oregon Concept Probable Budget Estimate 1.3	<b>ACC Cost Consultants, LLC</b>	Estimate Date: 15-June-18
	Stanley J. Psczolkowski, AIA	Document Date: 27-June-17
	8060 SW Pfaffle Street, Suite 110	Print Date: 15-Jun-18
	Tigard, Oregon 97223-8489	Print Time: 1:53 PM
	Phone (503) 718-0075 Fax (503) 718-0077 www.archcost.com	Constr. Start: Aug 2019

## DIRECT CONSTRUCTION COST SUMMARY

Component	Area		\$ / SF	Total	
<b><u>1 Story Option</u></b>					
1 Story - Building Estimate	9,794	sf	\$434.55 /sf	\$4,256,000	
1 Story - On - Sitework	23,460	sf	\$43.86 /sf	\$1,029,000	
1 Story - Public Improvements	344	lf	\$581.40 /lf	\$200,000	
PV / Solar	1.50%	of	5,285,000	\$79,000	
<b>TOTAL DIRECT CONSTRUCTION COST</b>	<b>9,794</b>	<b>sf</b>	<b>\$568.10 / bldg. gsf</b>	<b>\$5,564,000</b>	
			+Soft Cost Estimate (25%): \$1,391,000		Total Cost: \$6,955,000
<b><u>2 Story Option</u></b>					
2 Story - Building Estimate	10,765	sf	\$477.57 /sf	\$5,141,000	
2 Story - On - Sitework	23,460	sf	\$41.94 /sf	\$984,000	
2 Story - Public Improvements	344	lf	\$555.23 /lf	\$191,000	
PV / Solar	1.50%	of	6,125,000	\$92,000	
<b>TOTAL DIRECT CONSTRUCTION COST</b>	<b>10,765</b>	<b>sf</b>	<b>\$595.26 / bldg. gsf</b>	<b>\$6,408,000</b>	
			+Soft Cost Estimate (25%): \$1,602,000		Total Cost: \$8,010,000

The above estimates are for direct construction cost only. They do not include furnishings & equipment, architect and engineer design fees, consultant fees, inspection and testing fees, plan check fees, state sales tax, hazardous material testing and removal, financing costs, owners contingency nor any other normally associated project and development costs.

The above estimates assume a public lump sum bid procurement project, with at least three qualified bidders, both general contractors and sub-trades.

The above estimates assume a construction start date of: **Aug 2019** If the start of construction is delayed beyond the date above, the estimates must be indexed at a rate of 5 to 7% per year compounded.

This is a probable cost estimate based on in-progress documentation provided by the architect. The actual bid documents will vary from this estimate due to document completion, detailing, specification, addendum, etc.. The estimator has no control over the cost or availability of labor, equipment, materials, over market conditions or contractor's method of pricing, contractor's construction logistics and scheduling. This estimate is formulated on the estimators professional judgment and experience. The estimate makes no warranty, expressed or implied, that the quantities, bids or the negotiated cost of the work will not vary from the estimators opinion of probable construction cost.

The above costs are rounded to the nearest 1,000.