

UNION CITY COUNCIL MEETING
Monday, February 8, 2016 – 7:00 P.M.

LEONARD ALMQUIST COUNCIL CHAMBERS, UNION CITY HALL

- 1. Call to Order, Pledge of Allegiance, & Roll Call:** Mayor Ken McCormack
- 2. Consent Agenda:**
 - a. Minutes from January 5, 2016 – City Council Work Session Meeting, pg 3-5
 - b. Minutes from January 11, 2016 – Regular Council Meeting, pg 8-12
 - c. Minutes from January 19, 2016 – Town Hall meeting, *available in March*
 - d. Minutes from January 26, 2016 – City Council Work Session, pg 13-21
- 3. Appoint New Council President for 2016**
- 4. Mayor Comment**
- 5. Public Comment**
- 6. Informational Items**
 - a. Sheriff's Office Report
 - b. Union Carnegie Public Report
 - c. Office Manager Report, pg 22
 - d. Code Enforcement Office
 - e. School Board Report
 - f. EMS Report
 - g. Knop report on small cities meeting
- 7. Administrator/Recorder Report**
 - a. Code enforcement officer
 - b. Library funding update
- 8. Public Works Director Report – Rod McKee, pg 23**
- 9. Correspondence**
 - a. Oregon Water Resources Department funding application additional information, pg 26-30
- 10. Action Items – Old Business**
 - b. First reading of Ordinance 550 (*with addendum added January 11, 2016*) an ordinance vacating Twelfth Street in West Catherine Meadows Subdivision City of Union, Oregon, pg 32-33
- 11. Action Items – New Business**
 - a. Set Council goal setting date
 - b. Use of exhaust brakes on city streets 34-43
 - c. Resolution no. 2016-02 a resolution by the city council of the City of Union to accept the January 2016 offer submitted by Umpqua Bank for refinancing the year 2000 United States Department of Agriculture (USDA Rural Development wastewater improvement loan: to authorize the city administrator/recorder to execute all Umpqua Bank loan documents and USDA Rural Development loan prepayment documents on behalf of the city and, to increase sewer user rates by approximately \$3.50 per equivalent residential

user (ERU) to fund the additional loan payment amount for the shortened loan term. Pg 44-49

- d. **Public Hearing** application by Deborah Kennon for a partial street vacate in front and along her property on North Fifth Street tax lot 800 o4s 40 e 18cb also known as 1045 N. 5th Street, pg 50 - 63
- e. **First reading of ordinance 551** an ordinance of the city of Union declaring a ban on recreational marijuana retailers referring ordinance and declaring an emergency, page 64-67
- f. **Draft Resolution 2016-03 (Do Not Adopt at this meeting)** a resolution referral to the electors of the city of Union the question of banning marijuana retailers with the city of Union, pg 68

12. Public Comments

13. Council Concerns

14. **EXECUTIVE SESSION** permitted 192.660 (2) The governing body of a public body may hold an executive session:
- (d) to conduct deliberations with person designated by the governing body to carry on labor negotiations.
 - (e) to conduct deliberations with person designated by the governing body to negotiate real property transactions.
 - (i) to review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

13. Adjournment

If you have a disability that requires any special materials, services, or assistance, please contact us at 562-5197 so we may arrange appropriate accommodations. Copies of ordinances, resolutions, and all information included on the agenda are available prior to the meeting at City Hall, or at the meeting.

CITY COUNCIL WORK SESSION MEETING MINUTES
Tuesday January 5, 2016 at 6 pm
LEONARD ALMQUIST COUNCIL CHAMBERS, UNION CITY HALL

1. **Called to order** at 6pm by Council President Doug Osburn and with Councilors Randy Knop, Matt Later, Coy Wilde. Both Ski Mitsch and Sue Briggs were both absent. Also attending were City Administrator Sandra Patterson and Public Works Director Rod McKee
2. Local deer issue
Osburn opened the meeting stating there are two alternatives: do nothing or hire a contractor and kill them.

Later shared he is favor of reducing the numbers and raising funds to help pay for the cut and wrap. If there is support for reducing the numbers there will be people willing to help donate.

Wilde proposed an idea of taxing the citizens of the total property loss to cover the cost. This would be an alternative for those that don't want to put any of the animals down.

Knop supports program maintenance or reduction, something has to be done he said. The cost to property owners is high ODFW has limited control. He would like to see administration he cost for doing a reduction.

Osburn reminded the council ODFW's count of 150 is low and 60-70% fawn survival rate will accrue is relocated. Will they all stay in town, probably not. He feels the community is split 50/50 on kill or remove. The only way we can know is to put it on the ballot. We need a cost from start to finish.

Knop was concerned about property owner and their liability and the city's liability. It needs to be looked into. Also contractor's liability as compared to the city's.

McKee reminded the council this would be a pilot program. Never done before in the State of Oregon.

Knop wants to make sure we hold the town hall meeting for the community to get the details. He would like administration to find the details of how all this might work out with both liability, cost for contractor, property owner, cut and wrap, etc.

Mayor will work with Patterson to setup town hall meeting. Meanwhile administration will get as much data before we have the town hall meeting, possibly do an RFP.

Wilde wants to make sure the public knows the meat goes to feet people.

Public Comment:

Hank Rodmen: Doesn't think the proposed approach will work nor will the public favor it. He loves having the deer in the community where they can be observed.

Dick Middleton: He thought ODFW had money to pay to cut and wrap. What about damage tags, can't we get those. Later reminded him those cannot be given inside city limits and ODFW does not have funds to help with cut and wrap.

3. Refinancing USDA Loan

McKee explained how the existing 40-year USDA Rural Development loan used to finance improvements to the Wastewater Treatment Facilities (WWTF) in 2000 could be refinanced and save the City a considerable amount of finance charges as well as shorten the term of the loan. The interest rate on the USDA 40-year term loan is 4.5% per annum. Umpqua Bank has offered to refinance the USDA remaining loan balance of approximately \$2,150,000 (including legal fees) for 3% per annum with a loan term of 15-years. This refinancing option would save the City nearly \$900,000 in finance charges over the USDA loan terms. Refinancing for 15-years would require higher loan payments (\$180,000 +/- annually for 15-years) over the existing loan (\$142,887 annually for the 25-years remaining on the loan). In order to implement the refinancing option would require raising the existing sewer user rate per equivalent residential unit (ERU) by \$3.50 per month

Later asked if McKee had applied the \$3.50 to the existing loan to see what the savings would be? McKee had not but would do that comparison.

Knop asked for a side by side plan comparison of other institutions. He can't imagine another institution not having similar plans. He is concerned with hidden costs, he wants to see them, side by side comparison. He has been looking at USDA's other programs and wanted to know if the city has looked into those programs? McKee confirmed the city had.

Osburn asked for clarification on the wastewater treatment plant upgrade being pushed by DEQ requirements. McKee said yes and we are looking close to a \$40 increase.

Later was excused at 6:54 pm.

McKee explained if the improvements are delayed the refinance options will allow the time to pay off its loan before having to make large improvements.

Middleton: asked if the city can pay off our loan earlier?

Knop asked if he could add something to the agenda.

Mayor replied no. But he could give public comment if he wished.

Knop: he wanted to know what happened to the marijuana topic that was on the last work session which was cancelled.

Patterson explained because of the popularity of the topic the Mayor decided to give it its own date which has been scheduled for January 19th. She apologized for not having the girls explain that information to him when they called to tell him about this work session. He explained, he had a lot of people inquire why it wasn't on the agenda. Patterson shared he was free to contact city hall anytime to had a question.

Donna Beverage was at the meeting to discuss Marijuana.

Pastor Joe was at the meeting to discuss Marijuana.

Knop shared he had done some research on opening a marijuana shop and the bare minimum a person would need to open a shop (not including the building) would be \$250,000.

4. **ADJOURNMENT** 8:13pm

Approved: _____
Mayor, Ken McCormack

Attest: _____
Administrator/Recorder, Sandra Patterson

UNION CITY COUNCIL MEETING
Monday, January 11, 2015 – 7:00 P.M.

LEONARD ALMQUIST COUNCIL CHAMBERS, UNION CITY HALL

- 1. Call to Order, Pledge of Allegiance, & Roll Call:** at 7 pm by Mayor Ken McCormack with Councilors Randy Knop, Sky Mitsch, Doug Osburn and Matt Osburn and Coy Wilde. Councilor Sue Briggs joined by phone. City Administrator Sandra Patterson and Public Works Director Rod McKee also attended.

Sue Briggs asked to speak. Due to health reasons she will need to resign from the city Council. Mayor asked if she would be providing her resignation in writing. Briggs said Patterson will handle that for her. Briggs requested to stay on the line and listen in on the meeting.

- 2. Consent Agenda:**

- a. Minutes from December 14, 2015 – Regular Council Meeting
- b. Minutes from December 8, 2015 – City Council Work Session
- c. Minutes from December 29, 2015 – City Council Work Session

Mayor McCormack requested to have a statement removed on page 7 first paragraph, last sentence.

Later motioned to approve the consent agenda with requested change from Mayor (2nd Osburn) motion passed unanimously.

- 3. Mayor Comment**

Mayor McCormack shared he is going to meet with other Mayors in the county regarding the city of La Grande requesting funding for their library from the county. He wants to fight for all libraries in the county for extra money. If La Grande gets funds then all cities should get funding.

Osburn said there is no more funding, the county commissioners already said that.

Motion by Knop add to the agenda library funding issue to new business 10. (c) (2nd Osburn motion passed unanimously.

Mayor appointed a committee to work on public works on cost savings and review on projects. He pointed Matt Later and Coy Wilde and himself to the committee.

Osburn reminded the Mayor this is the first meeting of the year and a Council President should be appointed. He requested to have it on the February agenda.

- 4. Public Comment**

Dick Middleton 10th Street. Wanted to know why meeting wasn't advertised? He was concerned about giving 12th street away, when the city should keep it and just allow the property owners the right to use it. Should allow others the right to purchase the property.

Donna Beverage N. Cove Street. She said the meeting was not post. Website is not working. Notice is not at post office.

- 5. Informational Items**

- a. Sheriff's Office Report. Troy Pouter reported for the month of December 2015. It was requested to have the reports in the council packets.

- b. Union Carnegie Public Report
- c. Office Manager Report
- d. Code Enforcement Officer – Mayor commented he really liked the report.
- e. School Board Report – Later had no report for the month.
- f. EMS Report – Chief Montgomery reported 13 total runs for the months 8 transports and 5 fires.

6. Administrator/Recorder Report

- a. CIS Conference – Salem. Patterson reported she was registered for the February 23rd-27th CIS conference in Salem. She said it is a great conference and recommend any of the Council wanted to attended they should.
- b. Avista Franchise. Patterson reported she and Rod would be meeting with the Avista president of marketing from Medford next week to review the new draft franchise.
- c. Five yr. forecast report. Patterson said she is still trying to find time to put these numbers together.
- d. Land use regulations for marijuana. Patterson said she has asked several times prior regarding land use regulations with regard to marijuana use and local control. In the past Council has pushed off doing anything until a later date, so she was bringing it up again for consideration.

There is a small cities meeting in Athena, Oregon there is already one rsvp. Scott Fairly from the Governor's Office and the LOC office.

LOC has released a report which examines the fiscal health of Oregon's cities. Patterson said the report is online at their website. She said it shows inflation at 20 percent which Union has already estimated high inflation.

7. Public Works Director Report – Rod McKee

Later requested to have public works report in packet instead of handing at meeting. McKee apologized and said he would make sure it was in packet. He also supplied council with their requested USDA loan refinance loan information as requested from December 2015 meeting.

Council was emailed the following documents per their request and also provided at this meeting for their consideration refinancing/accelerated payment comparison for the city's USDA loan of 2.1 million. He also provided the Umpqua Bank refinancing information at the 3% for 15 years. His commendation was outlined in the paperwork for Councils consideration, per Council's request.

McKee shared he handed out another item, this one is from the Oregon Water Resource Department funding for the WWTP project. There is potential opportunity for a sizable sum of money. There is a down size. There are a lot of applications applying. There is a lot of time put into this project and he recommends the city apply for the funding. There is a resolution that needs to be approved to move forward with applying for the funding. Patterson suggested a motion to add the resolution to the agenda for adoption.

Later add to new business 10. (d) Resolution 2016-01 (2nd Osburn) *motion passed unanimously.*

Mayor requested information about the water and sewer adjustment. McKee referred him to the agenda. Osburn asked for clarification, if the council does nothing with the rates the increase is automatic, McKee confirmed yes.

8. Correspondence

a. DOE amendment to contract

This is an amendment to the city's contract with the department of energy.

b. Workers Compensation savings audit invoice

This is the savings from last year's overall cost. Yearly cost are based off the year before calculations so this coming year will be that much less. The city spends a substantial amount of time calculating time spent working in each department due to the ballot measures passed in 2006 for utility fund appropriations and separation of those funds and expenditures. There is another benefit to this timely process and this is it.

Knop asked when they say savings is that a crediting or reducing the monthly fee? Patterson explained this year's bill will be that much less.

9. Action Items – Old Business

a. Street Funding, *handed out earlier.*

Osburn commented if there is an item on the agenda it should be provided to us at the meeting. We shouldn't be expected to bring it to the meeting so we can refer back to it. It needs to be part of the packet. Mayor understands what he is saying. Patterson expressed the extra handout was quite labor intensive because it had many 11x17's along with many 8.5x11 incorporated. Also a full color copy was given to council 4 years ago, both Osburn and Briggs should have copies.

Wilde felt the cost in the street maintenance plan are high and should be repriced. The committee will get together and review with McKee.

b Tabled December 14, 2015. First reading of Ordinance 550 an ordinance vacating Twelfth Street in West Catherine Meadows Subdivision City of Union, Oregon

Mayor reviewed the old ordinance had a, b, c, with it. The Council went with a and c, now the way this ordinance is written it isn't written in this manner, so mayor asked Patterson to explain why that is. Patterson explained the ordinance was written just as Mr. Osburn's motion read minus the request to charge the property owners for the cost of the right of way. Mr. McKee had found out in the State of Oregon we cannot charge the property owner for the right of way. Patterson said she could reread the motion if the Council would like, she directed council to the top of page 7. Later asked why the ordinance is not written as we had motioned, Mayor had agreed. Mayor explained a local resident Dick Middleton had requested the property be put up for bid. Osburn said in the State of Oregon the property is given equally to both property owners. McKee shared it depends on where the property was created from. The city doesn't have fee title to right of way, we cannot sell it. Knop asked is there a property owner that is exempt that would benefit from this property? Staff said there is property. Knop voted based on them not being an exempt organization. Citizens of Union own that property and we can't sell it, what has been the based precedent for vacates was asked by Osburn. Patterson could only recall one property where there was owner's on both sides of the right of way. Patterson referred council back to the State Statues for the dividing of the property between the two owners. Mayor shared he was not in favor of the ordinance as written so he asked Patterson to contact the city attorney which said we can do what was done in September by the motion made by Brain Russell. Osburn said why would be vacate this land if we are not going to get paid. You have to except the application then write the ordinance, then the first reading and then the second reading and that is when the vacate takes place. Later said he has been against this from the beginning and will continue, Osburn said he is with Later. Knop supports the

vacate. Knop said there is not utility impact by vacating this property. Osburn said just because the facts are in favor of this application doesn't mean we should vote in favor of this application. Council is not obligated to support the document and vote for it. Mayor confirmed Council made a decision based off the funds of the property going into the street fund and now that the city can't get money for property so the city would just lose that property. Later reminded Council the transportation plan adopted by the city has a grid plan in place for an overall plan for the city. Osburn reminded the Council the property owners purchased the property knowing this street was there and could be developed. He said the city shouldn't cave into the property owners. Wilde said we already voted to vacate, it was clarified by other councilors that vote was illegal. Later stated the only way to vacate is through an ordinance which has to be read twice.

An audience member (Brenda Younker?) shouted she talked to Patterson and was told she and the other property owner's needed to combine their lots into one lot. She said they have started that process.

Mayor asked from City Council for some type of action. Knop said to error by denial is better than to approve. Wilde asked to retain the right of way for utilities, 40 feet and 20 feet after utilities are installed.

Mitsch motioned to add an addendum to proposed ordinance 550 adding in right of way 40 foot utility easement during construction with a finished 20 easement (2nd Knop) This is in an addition to section 6. *Motion passed unanimously, 4/1 with Osburn no.*

Ordinance 550 will come back next month.

10. Action Items – New Business

a. Utility adjustment review per 50.068 F (7) a. b. Adjustments

Mayor explain this rate increase will go into effect automatic. McKee explained the consumer price index can be used to calculate inflation. He checked it for the last 9 years 5-6%. The city is increasing by 2.5%. He recommended Council create a committee to review the increase.

Osburn wants to motion to not increase because we need a full rate analysis. He doesn't want to increase or not increase until there is a recommendation.

Osburn motioned we suspend the 2.5% increase on water and sewer (2nd no second motion dies)

Patterson clarified the 2.5% can only be suspended by an ordinance. Mayor said the committee will review the 2.5% and come back to the council with a recommendation.

Knop asked for clarification on which index was used. Mayor confirmed it is stated in 7. of the code, an average over 10 years.

Later asked if Council was ok with the committee reviewing the rates and coming back to council with a recommendation. Council had no concerns.

Osburn asked to argue the 2.5% suspension by motion and not by ordinance. Patterson confirmed the suspension by ordinance is the interpretation of the city attorney which is his review of the utility rate code.

No increase at this point and a study by the committee will be put together and presented to the council at a work session will be during the March meeting.

- b. Final Plat approval on the application by Deborah Kennon for Minor partition MnP 15-03 tax lot 800 map 04s4e18cd also known as 1045 N. 5th Street, Union Oregon and attached.

Patterson reported the planning commission has made their final approval and the final plat is before you for the mayor signature. The application is partition is dividing two lots one which will be the mother in law home and one lot to be sold for development (new home). Planning commission's final decision included a shadow plat of the continuation of 4th Street and Grape Street as indicated in the Transportation Plan.

Patterson explained this is the first final plat she has had turned in uncomplete. She explained the applicant wants to challenge the planning commission's decision regarding the required shadow plat. The property owner is not in favor of the shadow plat and has turned in the final plat without it. Patterson directed council to their packet for a copy of the shadow plat and the city's transportation plan.

Patterson confirmed the city's code 481 requires a subdivision or partition of any kind the city either shadow plat or take road dedication which the staff recommended the less of the two.

Osburn stated in the state of Oregon...the property was purchased at 5.5 acres and was purchase before the conditions of shadow platting and any future transportation planning were added on to the city. It should be exempt for those requirements, this is a minor partition, it is right on the street. The shadow plat is behind the plats. It limits or prohibits the owner from putting a building on the property. This property was purchase before any of this was involved or the required shadow platting was required. It is intrusive on the city's part to arbitrarily restriction someone where they can build in their property, as long as setbacks are met. It is an undue burden to require this and the city should reimburse the property owner for devaluation of the property. I believe if this went to court they will win, I recommend we approve the application minus the shadow platting.

Mitsch inquired about the code for shadow platting or road options. Osburn told her they are just guidelines.

Mayor asked about separating the back two lots. Patterson clarified the city is not asking the property owner to split two back lots.

Later shared Osburn's insertion that goal 12 is only guidelines is interesting with regards to our last conversation about goal 12 being adopted as an ordinance. How will the property be diminished due to the shadow plat, is that an accurate statement. Not being able to divide the property will lessen the value.

Osburn the value is in the property in itself not divided. You take 60 foot right of ways and an acre away that is viable without the city willing to pay the property owner. Mayor asked if this was done it would then be a city owned street. Osburn said there is a difference between a major and a minor partition and the city administrator intentionally left out the definitions. Patterson said she didn't leave them out and directed him to the page to review what is required of the city. She did not read out loud in an effort to not embarrass the city council in a public meeting.

Later asked if he could ask the Kennon's a question.

Knop asked if a one month delay would be a hardship for you. Patterson said she knows the applicant is in a hurry to develop. Applicant said yes.

Applicant indicated they had development plans they would like to share. Knop asked does Council have to except the recommendation of the planning commission, Patterson said no. Mrs. Kennon shared when she was at the planning commission is when she learned about how she was going to development her land. That is not how I ever wanted to develop my land. She showed photos of other properties in the neighborhood with cul-da-sacs. That is what she wants to do, so there is not so much roads and so she can have more homes on her land to make it more appealing. It would be good traffic flow. All of the shadow plat will dead-end. She wants to do a cul-da-sac. The planning commission wouldn't listen to her on what she wanted, only with what they want. I can't do what I want. Mayor asked to the cul-da-sac design and why. She doesn't want to do it right now. Knop asked if this cul-da-sac if this would work for staff at a later date. Patterson said yes Council can require the cul-da-sac, or send back to planning commission for a change. Applicant said the lots are not larger than ordinary buildable lots, they meet the requirements so right there I don't have to do the shadow platting.

Later asked our infrastructure plan allows a cul-da-sac as an alternative for development. Patterson confirmed yes. Later asked the applicant if they would consider shadow platting the cul-da-sac into the proposal. Applicant said no, she doesn't want to be told what to do with my land. That is not what I want to do with my land. You're telling me I can put a barn where I want to put one. Knop asked if there were existing structures on the property. Kennon there has been for 25 years. Later asked does the current ordinances provide for a grandfathering for this situation, purchasing the property before the code was adopted. All ordinances are applied to all properties, no special forgiveness.

Osburn motioned to approve the request of two lots off the 5.5 acres without the shadow plat (2nd Wilde). *Motion passed unanimously, 4/1.*

C. La Grande City Council going to County for funding.

Knop has concerns with Union's Mayor participating in a county meeting requesting funds for the city library and suggested a letter/strategy come from the city. Patterson will draft a letter to the county commissioners. Osburn said the county is talking about funding a county wide library district. Mayor shared he wants to talk with the other mayors in the county and see what their thoughts are. He was going to go in as a citizen. Knop they will not proceed you as a citizen even if you're there as a citizen. Letter should address library funding as a whole and a county library district.

D. Resolution 2016-01 resolution by the city of union to authorize the city administrator/recorder to sign an application to the Oregon water resources department. Later motion to approve (2nd Osburn) *Motion passed unanimously.*

11. Public Comments

Debbie Riomondo 1115 S. 2nd. She shared on the week of November 14th her husband was by her side and was not present when the decision was made to go to the creek instead of the golf course. It was not clear in the public works report.

Dick Middleton 10th Street. He asked the Mayor to call him to set up an appointment.

12. Council Concerns

none

13. EXECUTIVE SESSION permitted 192.660 (2) The governing body of a public body may hold an executive session:

(d) to conduct deliberations with person designated by the governing body to carry on labor negotiations.

(e) to conduct deliberations with person designated by the governing body to negotiate real property transactions.

Adjourned at 9:44 pm into executive session.

Returned at 11:20 pm with Mayor Ken McCormack with Councilors Randy Knop, Sky Mitsch, Doug Osburn and Matt Osburn, Coy Wilde and City Administrator Sandra Patterson.

No decision were made.

14. Adjournment at 11:21 pm

Approved: _____
Mayor, Ken McCormack

Attest: _____
Administrator/Recorder, Sandra Patterson

CITY COUNCIL WORK SESSION MEETING MINUTES
Tuesday, January 26, 2016- 6:00 PM
LEONARD ALMQUIST COUNCIL CHAMBERS, UNION CITY HALL

Call to order and Roll Call: The meeting was called to order at 6:42 p.m. present were: Mayor Ken McCormack, Randy Knop, Matthew Later, Coy Wilde, and Doug Osburn. Sky Mitsch and Teara Howard were absent.

Agenda:

1. Marijuana
2. Employee Handbook Update

1. Marijuana

Mayor McCormack wants to have city council decide what to do about recreational Marijuana

Osburn proposes that an ordinance is drafted stating that no recreational sold, 500 ft. from day care, park, no store front, 3% sales tax, and all state requirements are met

Mayor McCormack adds that state requirements are that no recreational Marijuana is to be sold within 1,000 ft. of schools. There are three options put the ordinance on the ballot for a vote, look at land use ordinance and examine if there are changes needed, or take no action at all

Knop adds that taking no action at all isn't an option. He also adds that day care facilities are a concern because they come and go so adding them to the ordinance might make more difficulties

Later asks if only the sale of recreational Marijuana is being addressed in the ordinance, as there are five activities available. These are: the sale of recreational Marijuana, growth of Marijuana both individual and commercial, and production. Only the sale of recreational will be addressed in the ordinance

Knop continues that it is a double edged sword because no matter what action is taken it will be against someone's views or feelings. Knop continues to talk about the various rules that ODOT, OLC, and DMV are putting into place because of the legalization of Marijuana in the State of Oregon. He also adds that he may not agree with the law but in any circumstance it should not treat one business differently than another; that any business should be regulated accordingly to the needs and will of the people. If the people feel that a business shouldn't be in a certain location that this should be discussed during the land use process

Patterson adds that this will allow us to have more enforcement around the places where children gather, and around children. Also, that we cannot out zone any business

Mayor McCormack states that there could be a store front on Bryant. Osburn states downtown Main Street is out of the picture because of the schools

Osburn states that from testimony he has heard that no one wants to see a recreational Marijuana storefront on Main Street; they don't want the connotation there. His thought is to restrict it off of Main Street. He adds that there will be many aspects of this that will be challenged. The legislature gave the counties the option of opting out and by what he has been reading this may be challenged and he doesn't know if it is going to hold up. If we try to make it more restrictive it may not hold up as far as an ordinance being made about recreational Marijuana. He adds that yes licensed day care facilities come and go but we can add that it cannot be within 500 feet. The city will have done its due diligence if it is in the ordinance it will be the day care facilities fault for not taking this into consideration. He also states that maybe not having a storefront on Main Street is too restrictive

Mayor McCormack adds concerns about group homes on 10th Street and 5th Street. Are they to be added in the ordinance like day cares?

Wilde states fairgrounds should be added to ordinance as restricted as well

Patterson states that churches should be added to the ordinance as well

Osburn states I wouldn't classify group homes in with day care facilities

Dick Middleton 10th Street: States he says he has completed some research on other cities and is waiting on an ordinance from Forest Grove. He continues that Forest Grove put 1,000 feet from any residential area. That would encompass this whole town and close them out. Joseph has done about the same thing. They included schools, churches, government offices, city offices, and a few others. They got theirs out so it can't come in. You have to give it to a vote for the people because you didn't opt out at the proper time. You have to draft an ordinance to get the people to vote on it

Mayor McCormack states that this is a work session and that this is not the time for rebuttal. He then asks Matthew Later what his thoughts are

Later one of his main concerns about it is the commercial growth, one of the five allowed activities. He has heard complaints from people, who live near medicinal marijuana growth, and he wants to limit the impact of commercial growth of recreational marijuana, he wants to limit the impact on the residential neighborhoods from commercial growth of recreational marijuana. He doesn't have any ideas on how to do this but wants it to be considered

Osburn states that it has to be on commercial property for the growth of recreational marijuana

Later says the storefront does have to be on commercial property but not necessarily the growth of the recreational marijuana, he asks Sandra Patterson if she knows if the growth has to be on commercial property

Patterson states she would put it as commercial unless the zoning was changed. We don't have anything restricting it

Osburn states that there is open land but it is zoned residential and that council probably wouldn't want to make a variance to allow recreational marijuana to be grown or sold. With the restriction of being 1,000 feet away from the schools we don't have a whole lot of available land. The only place that he can think of is behind the old Barimore shop where Dale Perkins stores old RV's and stuff

Later asks if school zone extends into the park

Patterson answers yes it goes through the park to the gazebo

Osburn states there is very little commercial

Osburn asks if you can have light commercial in a heavy commercial zone

Patterson answers yes you can have light commercial in a heavy commercial zone

Mayor McCormack asks about an area on Arch Street which was recently deemed light commercial and Osburn states it is still within the 1,000 feet of the school zone so it won't work

Osburn states that we should get an ordinance passed and if there should be someone with a large amount of money who is creative come, let them have a go at it

Mayor McCormack asks for Coy Wilde's input

Wilde states that it is not a profitable venture for the city because we already have laws in place that are not being enforced. People are growing marijuana in their backyards and it is not allowed to be visible. No one is enforcing these laws

Osburn states that a storefront will be enforced

Knop states that it will have to go through a land use evaluation process and two more evaluations and approval by the state

Wilde states that personal growth was off topic and his point is if we have recreational sales in Union who will enforce the laws surrounding it

Osburn states that OLCC should be enforcing current laws

Knop states OLCC only covers retail enforcement. Oregon Health covers medicinal marijuana

Mayor McCormack states that independent growth is really not covered by OLCC or Oregon Health

Wilde states that if the fairgrounds are included in the ordinance then the area spoken of earlier is not allowed for recreational marijuana

Knop states that we are facing the recreational marijuana without a lot of facts and that no entity has shown interest in the marijuana business yet

Wilde states that if we form an ordinance that includes the fairgrounds and any area where children might congregate we are going against the law because we are zoning them out of the entire city

Knop says land use regulations should help identify issues and concerns with the law. He also states that we should be aware of the effect on the community

Wilde states that Knop's opinion is that we allow it the chances are slim to none that someone will come in and build it?

Knop replies that we took option three, which is take no action, so now we must allow the people to vote on the issue

Mayor McCormack asks what direction are we going to take

Later is concerned about commercial growth of marijuana and its impact on the residential neighborhoods

Mayor McCormack wants to know how the council will proceed

Later ordinance is a good direction to go

Osburn says we can outlaw commercial growth and processing in city limits

Knop the league of Oregon Cities is saying talk to attorneys before you get into the land use too far. They have well researched positions in regards to marijuana growing and sales. His personal opinion is that we don't look at this any differently than any other business that is legally authorized to do business but we apply due diligence and care and place time, place, and manner regulations. We may get more results in that manner rather than in land use regulations. He continues that he didn't like the legislative process of legalizing marijuana at all. He fears it will give rise to an ongoing onslaught of this bill

Wilde is against recreational marijuana and wants strict regulations to push them out

Joe Davis N. Main Street: I wanted to know if you were going to put this to the voters or create ordinances. The most recent survey from the most recent meeting reveals that most of the people are opposed to it and I think it should be decided by the voters. I feel that you are going against the committee and we have spoken loudly. I realize people will grow it in their yards but it is a whole new level to allow it on Main Street. I wish to see the wishes of the community honored and allow us to make a decision on that. I have heard that there is interest in a business called "The Pothole" and that someone has registered that name and there is a site that is a serious concern for me

Patterson says that she spoke with the owner and that it is not going to happen

Joe Davis: I would like for the people of Union to be able to decide on the issue

Dick: House Bill 3400, this has some of the answers you are looking for are in there. You have to take it to the people for a vote at this point. Until that vote is taken no recreational marijuana

Patterson states if you are considering land use regulations the staff has been following other communities and has suggestions for you but I am not ready to comment on them tonight

Mayor McCormack where are we at?

Wilde states that he wants these properties to be owned and not rented

Patterson replies that cannot be done

Later states voters can put their own referendum forward to be voted on. I don't think we need a council referendum. We should tailor what is legal in the state to what fits our community

Osburn states voters' referendum welcomed. He is concerned though that there might be too much referendum from different voters

Later is concerned about sales tax on marijuana. We already tax alcohol and cigarettes but what else will we put tax on potato chips?

Knop the 3% maximum tax is prescribed for specific activities. What can we use that tax for? Check with state revenue department on what the tax can be used for.

Dick Middleton: There is nothing on that from the State.

Knop states get an answer from the department of revenue

Dick Middleton: The city can put it in the general fund

Mayor McCormack do we want to put marijuana on the next agenda?

Donna Beverage: Could you make suggestions for an ordinance and take it to a lawyer and get a response to have ready for the next meeting

Mayor McCormack wants suggestions from council on what to do

Patterson states we don't want to move too quickly in the land use ordinance

Later states we have Osburn's proposal to create areas where the activities of recreational marijuana can happen and examine the land and zoning, and limit the impact on the residential

Mayor McCormack states that at one point he thought recreational marijuana would be good for the city, but after listening to the residents he doesn't think it would be good and doesn't want to allow recreational marijuana

Later asks if they are going to send it on referendum on the ballot in November

Mayor McCormack states that would be the easiest way of doing it

Osburn states that it would start it all over again if the citizens decided to allow recreational marijuana in town. Let's do our due diligence to be ready for what happens and put an ordinance on the books no matter the outcome of the referendum

Mayor McCormack states the council needs to come to a decision on what to do, whether it be ordinance or land use. We need a decision

Patterson states if land use is decided I could bring some educational material that could help you

Later states put together ordinance for the ballot to let the people vote

Patterson asks Knop if the citizens won't allow recreational marijuana can we control individual growth of marijuana

Knop replies early opt out allowed the regulation of individual growth, Union didn't opt out so we cannot regulate individual growth of marijuana. Knop is in favor of ballot initiative, allow the citizens to participate in the democratic process

Mayor McCormack states that an issue that keeps coming up in our town hall meetings is that the people feel they already voted on measure 91 but that isn't the same issue as what we are facing today. That was just to legalize recreational marijuana or not, now we need to vote to define the legal recreational marijuana

Knop states that the City of Union is not the only small city concerned about this and that we shouldn't have to fix something that was thrust at us

Later asks what the deadline is

Patterson replies I don't know but I can find out

Knop replies it would be August

Patterson states it would be August for the ballot

Knop states that you have to file with the Oregon Liquor Control Commission and Oregon Health Authority and they will stop all registrations

Mayor McCormack states this topic will be on the next agenda to make it a council referral

Patterson states she will draft an ordinance

Knop states drafting the ordinance is one thing and that it shall not be the sole determining statement in respect to the ballot title and the city council will control that

Later states the ordinance that Patterson will bring to the council to decide if we are going to send it to the ballot the language for the ballot would then be developed after that

Everyone agrees

Patterson will find out more about the ballot and the ordinance

Mayor McCormack states we will make an ordinance to fit the situation

Patterson replies that it will be done

Osburn asks how this will be worded. Does the City of Union want to allow the sale of recreational marijuana? What does the council want to convey?

Later responds lets address all the aspects and be specific

Patterson states that she will find out what the state requires which will help in determining the specifics

Knop states Patterson has been providing lots of information on other ordinances that have been passed to have examples to look at when drafting an ordinance for the city

Patterson states that we draft the ballot language ourselves

Knop replies that the submission language has to be approved by the secretary of state

Later speaking to Osburn states that the citizens seemed to be focused on the issue of a storefront whereas there are four other activities to address

Osburn responds that the only thing he heard that they didn't want was the fact that they could come here and buy it no one ever said that they didn't want it to grow

Later responds that he doesn't think that they were actually think about and just lumped it all together. He wants to make sure that the people really know what they are voting on as a whole not just a storefront

Knop states if this statement would be correct that council is leaning towards a referendum to the voters to allow the sale of recreational or medicinal

Later responds this is strictly addressing the commercial or recreational

Mayor McCormack states this is not about medicinal

Knop responds that we would allow medicinal to be excluded from the prohibition

Dick Middleton: You can't stop medicinal marijuana

Later responds that our ability to effect medical has passed

Council and citizens speak about the recreational and medicinal marijuana

Dick: Now you can outlaw all medical marijuana sales in this town. The medical that was previously in here you can't outlaw. You guys haven't done your homework, there is information you don't have. Let the people vote, put restrictions on recreational

Mayor McCormack move to next issue

2. Employee Handbook Update

Mayor McCormack is there any update on the update

Osburn states that he was under the impression that due to busy schedules the meetings haven't happened and that there wasn't supposed to be an update

Patterson states this last few weeks have been busy

Mayor McCormack states either we work on it or we don't

Osburn was waiting on changes that needed to be made

Mayor McCormack addresses Knop in asking if he read and submitted corrections to Patterson

Knop responds that yes he read through to page 27 and spent more time proofreading it rather than reading for understanding and wants a final document

Patterson explains that this draft has to be adopted or denied before the final document can be produced

Knop states that Patterson is a gatekeeper and that emails are public records that should be printed and put in a record book

Patterson states that a group email does constitute as a meeting and it is a public record. La Grande is dealing with this issue now

Council agrees to read employee handbook and make a decision on it

ADJOURNMENT 7:36 p.m.

Approved: _____ Attest: _____
Mayor, Ken McCormack Administrator/Recorder, Sandra Patterson

Office Manager
Water/Sewer Monthly Report
December 2015

- For the month of December there was a total of 13 new accounts set up.
- 8 of these new accounts with a set up fee @ \$50.00 each = \$400.00
- 4 of these new accounts are established customers
- 3 regular turn off(s), @ \$16.00 charge = \$48.00
- 1 regular turn on(s), @ \$16.00 charge = \$16.00
- 1 after hours turn off @ \$90.00
- A total of 24 delinquent notices delivered @ \$10.00 = \$240.00
- Of those notices there were 3 delinquent turn off(s) @ \$16.00 = \$48.00
- Of the delinquent turn off(s) there were 3 turned on @ \$16.00
- A total of 101 accounts received a \$25.00 late charge = \$2525.00
- 5 leak adjustments for a total of \$646.84

Municipal Court Report

- A total of \$60.00 was paid on citations in November
- A total of 1 citations issued; 1 City Citation, 0 County Citations
- The city citation is tall grass and weeds, pile of tires, & trash can in right-of-way

The next court date will be February 3rd, 2016 at 10:30am

City of Union

Date: February 1, 2016
To: Honorable Mayor and City Council
From: Rod McKee, P.E., Public Works Director/Administrative Assist.
Subject: January 2016 Public Works Report



STREET

Not too much to report with the street department. We haven't had any significant snow or ice conditions that required sanding or snow plowing since last month. The bearing housing on the pickup sander spinner broke, requiring replacement of the shaft, bearings and spinners. The fuel line also needed to be replaced. The sander is now ready to go.

Soil conditions in unpaved streets within the City have been either frozen or too moist for blading. As soon as soil conditions and the weather forecast allows, grading will begin on unpaved streets. Priority will be given to streets with potholes and drainage issues.

- Took Holiday decorations along Main Street down and stored for the year.
- Empty Main Street trash cans as required.
- Shovel snow and deice at City Hall.
- Contact ODOT to sweep Main Street.

WATER

Daily, weekly, and monthly scheduled and unscheduled work takes approximately one-third of the available time for the water department staff. Examples of these activities include, but are not limited to, recording daily information at the wells and reservoir; sampling the water system for compliance with State and Federal rules; performing water turn-offs and water turn-ons; utility locates; reading water meters; hanging delinquent payment shut-off notices; and checking the intake on Catherine Creek to make sure water is available to the stock tanks along the water line route; exercising mainline valves; and flushing hydrants depending on the time of year.

Routine water samples from the water system which were tested this month continue to show no coliform bacteria present. The City water system and supply continues to be in compliance with Safe Drinking Water Rules.

Water system projects this month included:

- Installing a sample point in the Well 3 supply piping.
- Repair fence and gate at Well 2 yard.
- Repair fire hydrant on South Tenth, South of Arch Street, adjacent to old mill site. Install new breakaway kit. Return to service.
- Repair fire hydrant on North Third at Delta. Install new break away kit. Return to service.
- Remove and abandon old hydrant (not in service) on North College.
- Monthly meter reads, shut-off notices, shut-offs, and turn-ons.
- Organize pipe and pipe parts in shop/well yard/ and transfer station. (Ongoing)

SEWER

Routine maintenance work includes sampling; daily reads; monitoring golf course storage pond levels; monitoring integrity of golf course pond banks, checking oil and greasing motors and pumps; sludge wasting; sludge dewatering; sludge bed mixing; hauling sludge; and wash downs. Robin typically reports to the WWTF to help with wash downs and labs on Monday's each week.

Wastewater system projects this month included:

- Oregon Street lift station emergency power connection and heater (with contractor).
- Dechlorinating repairs/rebuild.
- Control system upgrades and adjustments (with Contractor).
- Install new Oregon Street lift station fiberglass covers.
- Construct covered area for forklift.
- Install new winch on primary digester dissolved oxygen and pH probes. Back in service.
- Clean and organize lean to on east side of shop building.
- Generator for Oregon Street lift station (with Contractor).
- Pick up trash from Transfer Station (community service).
- Repair Ford tractor hydraulic leak.
- Chlorine (disinfection) system repairs.
- Trim out air conditioner in control room.
- Install new insulated overhead door on shop building (with Contractor). Doors and installation previously purchased in an earlier budget year.
- Daily Monitoring Report (DMR) for December completed and submitted by due date.

PARKS

Each day the restrooms are checked first thing in the morning, cleaned and restocked as required, and the park trash cans checked, and emptied when required.

- Took Holiday decorations in Gazebo and at the Veteran's Memorial down and stored for the year.
- Shovel snow and deice.

RANGER STATION

- Changed light bulb in one unit and delivered furnace filters to tenants.

PUBLIC WORKS ADMINISTRATION

Serving as Public Works Director/Administrative Assistant for the City of Union provides each day a set of challenges as varied as the host of services the Public Works Department provides to the City each day. While many days are somewhat routine, it seems as though something always

comes up. Paul and Robin are tied up on a project across town and someone needs their water turned off ASAP to stop the flood. So I go turn the water on.

I get a chance to work in the field with the crews on some projects but it always seems like a scheduled meeting or deadline requires me to spend time in the office too. And, it doesn't make much sense to me to send three (3) employees out to do a job that two (2) or less could accomplish. Further the City has lots of issues happening with both the City in general and the Public Works Department that may not readily apparent to either the Council or the public. We try to keep you informed, but then again the City Council has their plate full with City issues also. We will do our best to keep you informed of what is going on and of upcoming milestones that must be met.

I feel very good about the past year and what we as a team have accomplished. Kudos to Paul, Robin, and Ralph. The City has some very talented people working for them with a sizeable investment in each and every one of them. I am proud to be a part of the City's public works team.

The Public Works Director/Administrative Assistant work and projects for this past month include:

- Reviewing projects and work assignments completed the previous week.
- Reviewing planned projects and work assignments for the upcoming week.
- Developing long term project plans with public works staff.
- USDA Rural Development Loan refinancing with Umpqua Bank.
- Weekly Performance Improvement Plan meeting preparation, meeting, and meeting record.
- Oregon Water Resources Department funding application.
- Removed frozen sand from pickup sander.
- Repair pickup sander fuel line.
- Coordinate OTEC lighting program and inventory.
- Coordinate exterior light replacement, Council Chambers Main Street door.
- Informal hearing on wastewater NPDES permit violation in November.
- Review time records for month/update spreadsheet for next month.
- Review and recommend payment on invoices twice per month.
- Prepare monthly Public Works Report for City Council.
- Prepare exhaust brake prohibition report.
- Work on plan to continue to discharge treated effluent to Catherine Creek.
- Develop work orders for funding assistance work with Anderson Perry and Associates, Inc.
- Project meetings with local developer.
- Prepare spreadsheet for past City budget expenditures.
- Meeting and review Avista franchise agreement.
- Review January 5 Council Work Session minutes.
- Developing NPDES permit user guide for public works staff.
- Preparing water and sewer certification applications for submission.

Rod McKee

From: "UNGER Jon J" <jonathan.j.unger@state.or.us>
Date: Monday, February 01, 2016 11:56 AM
Cc: "WILLIAMS Becky S" <becky.s.williams@state.or.us>; "OGREN Kim L" <kim.l.ogren@wrd.state.or.us>;
"LOUDEN Tracy D" <tracy.d.louden@state.or.us>
Subject: Notice - Application Forwarded for TRT Review

Dear applicant,

The purpose of this correspondence is to inform you that your application requesting Water Projects Grants and Loans funds from the Water Supply Development Account was deemed complete and will be forwarded to the inter-agency Technical Review Team for scoring and ranking. The Technical Review Team will score and rank applications based on the economic, environment and social/cultural public benefits demonstrated. The Water Resources Department will accept written public comment period from January 28, 2016 through 5pm, March 30, 2016. Any public comments on an application that are received during that period will be provided to the Technical Review Team for consideration in the scoring and ranking of projects. Additional public comment will be sought by the Commission after rankings are published and prior to a final decision on an application.

Department staff anticipate funding decisions will be made by the Water Resources Commission at the May 2016 Commission meeting.

To view all applications submitted please follow the link below:

[http://www.oregon.gov/owrd/Pages/Water Projects Grants and Loans.aspx](http://www.oregon.gov/owrd/Pages/Water_Projects_Grants_and_Loans.aspx)

The link will also serve as the new website for Water Projects Grants and Loans. Upon accessing the website you may notice that the project title identified is slightly different than what you included in your application. This was done to standardize the project titles.

Thank you for your submittal and please let me know if you have any questions.

Sincerely,

Jon Unger | Grant Program Coordinator
Oregon Water Resources Department
Desk: 503.986.0869

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Water Resources Department



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Water Project Grants and Loans

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Announcements

Submission period for the Grants and Loans 2016 Funding Cycle is CLOSED

OWRD expects to open a 2017 Funding Cycle; more information coming soon

OWRD received 37 applications from across the state for 2016 Funding Cycle (see list below)

60-day public comment period opens 1/28/16 for all 2016 Funding Cycle applications (see [public comment opportunity](#) below to submit a comment) and closes 3/30/16 @ 5:00 p.m

Overview

In 2013, the Oregon Legislature approved Senate Bill 839 establishing the Water Supply Development Account to provide loans and grants for water development projects that have economic, environmental and social/cultural benefits. The Oregon Water Resources Department may award loans and grants to evaluate, plan and develop instream and out-of-stream water development projects approved by the Water Resources Commission. Grants will require a 25 percent cost-share match, which may include in-kind contributions.

Eligible projects include but are not limited to projects that repair or replace infrastructure to increase the efficiency of water use; provide new or expanded storage; improve or alter operations of existing water storage facilities in connection with newly developed water; create new, expanded, improved or altered water distribution, conveyance or delivery systems in connection with newly developed water; allocate federally stored water; promote water reuse; promote water conservation; provide streamflow protection or restoration; provide for water management or measurement in connection with newly developed water; and determine seasonally varying flows in connection with newly developed water.

2016 Funding Cycle

Review and Evaluation of Applications

The Water Projects Grants and Loans are competitive funding opportunities. Oregon Administrative Rules (Division 93) lay out the approach for evaluating, ranking, and scoring applications (for rules click here http://arcweb.sos.state.or.us/pages/rules/oars_600/car_690/690_093.html).

[Click here](#) to see the scoring criteria that will be considered by the Technical Review Team.

Public Comment Opportunity

The Department is soliciting comments on the applications for the 2016 Funding Cycle. Written comments on applications listed below will be accepted until 5:00pm PST, March 30, 2016.

Please include application ID and project name when submitting comments.

Please submit comments to Jon Unger at:
 725 Summer Street NE, Suite A
 Salem, Oregon 97301
 503.986.0869
Jon.J.Unger@wrđ.state.or.us

Applications Received

Application ID	Project Title	Lead Entity	Funding Requested	Total cost of Project	Application (PDF)	Application Attachments
WPR-G-2016-E-Adrian Water System Improvement	Adrian Water System Improvement	City of Adrian	\$1,029,600	\$1,372,800	1.4 MB	40.5 MB
WPR-G-2016-E-Beaver Cr Dam Fish Passage and Flow Restoration	Beaver Creek Dam Fish Passage and Flow Restoration	City of La Grande	\$600,000	\$1,125,700	2.2 MB	47.6 MB
WPR-G-2016-E-Catherine Cr Wastewater Facility Improvements	Catherine Creek Wastewater Facility Improvements	City of Union	\$2,300,000	\$4,681,000	853 KB	28 MB
WPR-G-2016-E-Greenhorn Water System Improvement	Greenhorn Water System Improvement	City of Greenhorn	\$187,500	\$250,000	351 KB	11.9 MB
WPR-G-2016-E-Haines Water System Compliance Project	Haines Water System Compliance Project	City of Haines	\$5,372,220	\$7,262,169	430 KB	9.3 MB
WPR-G-2016-E-Lostine River Conservation Project	Lostine River Conservation Project	Freshwater Trust	\$1,488,718	\$2,132,575	1.4 MB	3.5 MB
WPR-G-2016-E-Mountain Line Replacement Project	Mountain Line Replacement Project	City of Baker City	\$184,800	\$308,618	332 KB	496 KB
WPR-G-2016-E-Powder Valley Connector	Powder Valley Connector	Powder Valley Water Control District	\$1,076,000	\$1,440,000	229 KB	43.3 MB
WPR-G-2016-E-Vale Water System Improvement	Vale Water System Improvement	City of Vale	\$5,305,000	\$7,505,000	2.2 MB	25 MB
WPR-G-2016-E-Willow Cr Piping Irrigation Laterals	Willow Creek Piping Irrigation Laterals	Malheur Watershed Council	\$500,355	\$785,143	391 KB	4.5 MB
WPR-G-2016-NC-JDR Ranch Irrigation Efficiency Project	JDR Ranch Irrigation Efficiency Project	JDR Ranch LLC	\$225,193	\$300,258	455 KB	4.5 MB
WPR-G-2016-NC-Painted Hills Reservoir Expansion	Painted Hills Reservoir Expansion	Pape Properties, Inc.	\$530,965	\$801,079	288 KB	22.5 MB
WPR-G-2016-NC-Coe Branch Pipeline And Efficiency Project	Coe Branch Pipeline And Efficiency Project	Middle Fork Irrigation District	\$985,500	\$1,871,390	960 KB	10.6 MB
WPR-G-2016-NC-Desolation Creek Natural Water Storage	Desolation Creek Natural Water Storage	North Fork John Day Watershed Council	\$361,709	\$504,319	1.9 MB	2.1 MB
		City of the Dalles	\$4,000,000	\$8,097,700	1.8 MB	16.6 MB

WPR-G-2016-NC - Dog River Pipeline Replacement Project	Dog River Pipeline Replacement Project						
WPR-G-2016-NC- Highline Canal Pipeline	Highline Canal Pipeline	East Fork Irrigation District	\$566,299	\$784,699	956 KB	1.7 MB	
WPR-G-2016-NC-Kingsley Reservoir Expansion and Lowline Pipeline Project	Kingsley Reservoir Expansion and Lowline Pipeline Project	Farmers Irrigation District	\$3,000,000	\$4,241,000	831 KB	8.8 MB	
WPR-G-2016-NC -Morrowal Water Recycling And Reuse Project	Morrow Regional Water Recycling And Reuse Project	Port of Morrow	\$10,094,422	\$35,030,968	3.5 MB	28.9 MB	
WPR-G-2016-NC- Mosier Deep Water Supply Well	Mosier Deep Water Supply Well	Wasco County Soil and Water Conservation District	\$917,238	\$1,225,013	189 KB	10.5 MB	
WPR-G-2016-NC - Umatilla Beneficial Reuse Phase1	Umatilla Beneficial Reuse Phase 1	City of Umatilla	\$2,248,344	\$2,997,792	324 KB	3.1 MB	
WPR-G-2016-NC-West Fork Hood River Irrigation Conservation Development Project	West Fork Hood River Irrigation Conservation Development Project	Dee Irrigation District	\$2,557,000	\$3,429,645	982 KB	7.3 MB	
WPR-G-2016-NW - Clackamas ASR Well	Clackamas ASR Well	Sunrise Water Authority	\$1,500,000	\$2,000,000	27.3 MB	18.7 MB	
WPR-G-2016-NW - Clackamas Water Conservation and Lower Milk Cr Restoration Projects	Clackamas Water Conservation and Lower Milk Creek Restoration Projects	Clackamas Soil and Water Conservation District	\$300,000	\$459,695	1.9 MB	7 MB	
WPR-G-2016-NW- Dallas Water Storage	Dallas Water Storage	La Creole Orchards	\$96,910	\$139,461	329 KB	6.4 MB	
WPR-G-2016-NW- Dayton Water System Improvement	Dayton Water System Improvement	City of Dayton	\$1,940,627	\$2,587,503	653 KB	15.8 MB	
WPR-G-2016-NW - Fiddlehead Farm Irrigation Innovation	Fiddlehead Farm Irrigation Innovation	Fiddlehead Farm	\$25,304	\$35,495	375 KB	2.2 MB	
WPR-G-2016-NW- Hazelnut Drip Irrigation Project	Hazelnut Drip Irrigation Project	Jonathan Edmonds	\$40,716	\$54,288	836 KB	184 KB	
WPR-G-2016-NW- Jetty Cr Fish Passage Restoration	Jetty Creek Fish Passage Restoration	Lower Nehalem Watershed Council	\$56,050	\$618,607	341 KB	28.2 MB	
WPR-G-2016-NW -Tide Creek Rainwater Collection Project	Tide Creek Rainwater Collection Project	Canaan Hill Farm	\$10,500	\$14,585	3.7 MB	1.7 MB	
WPR-G-2016-NW-Willakia Vineyard Reservoir Lining And Wetland Restoration	Willakia Vineyard Reservoir Lining And Wetland Restoration	Ste. Michelle Wine Estates	\$152,875	\$219,195	473 KB	30.5 MB	
WPR-G-2016-SC- Chiloquin Water Supply and Metering Improvement	Chiloquin Water Supply and Metering Improvement	City of Chiloquin	\$900,000	\$1,200,000	3.1 MB	28.5 MB	
WPR-G-2016-SC-Klamath	Klamath East Side Water		\$268,673	\$358,231	500 KB	7.1 MB	

East Side Water Recycling Project	Recycling Project	Klamath Drainage District				
WPR-G-2016-SC-Sun Cr Restoration And Irrigation Efficiency	Sun Creek Restorat on And Irrigation Efficiency	Trout Unlimited	\$249,867	\$552,734	775 KB	16.8 MB
WPR-G-2016-SC-Allen Cr Pipeline	Allen Creek Pipeline	Waibel Ranches LLC.	\$382,400	\$706,900	527 KB	16.1 MB
WPR-G-2016-SC-Madras Ag Water Efficiency And Reuse	Madras Agricultural Water Efficiency And Reuse	Jefferson County SWCD	\$55,437	\$75,887	3.9 MB	19.3 MB
WPR-G-2016-SC-Tumalo Feed Canal Conservation Phase5	Tumalo Feed Canal Conservation Phase 5	Tumalo Irrigation District	\$1,299,968	\$3,407,155	992 KB	7.9 MB
WPR-G-2016-SW-Little Butte Cr Conservation And Quality Improvement	Little Butte Creek Conservation And Quality Improvement	Jackson Soll and Water Conservation District	\$149,330	\$569,600	1.3 KB	9.6 MB

Application Resources

Application materials update in process; thank you for your patience.

Contact Information

For questions or more information, please contact Jon Unger, Grant Project Coordinator at 503-986 0869 or Jon.Unger@owrd.state.or.us

To stay informed about funding opportunities and other program news, consider joining the Water Development mailing list. To sign up, [click here](#)

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CITY OF UNION, OREGON



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Home of Buffalo Peak Championship Golf Course

City of Victorian Heritage

February 1, 2016

To: Honorable Mayor and City Council
From: Rod McKee, P.E., Public Works Director/Administrative Assistant



RE: Oregon Water Resources Board (OWRD) – Water Supply Development Project Funds

Please find attached a summary of the applications received for the referenced funds. The City of Union project to discontinue a treated wastewater discharge to Catherine Creek is one of the 37 applications received. The Oregon Legislature approved Senate Bill 839 which established this program.

The projects will be screened in house first by OWRD staff, ranked, and moved into a committee review. Public comment on the project list will be received until March 30, 2016, so it will be some time before we know how the City's project ranked. We can though add additional public support letters to bolster our project. Interestingly, the funds requested in this first round of applications totals approximately \$51,000,000. There will be somewhere in the neighborhood of \$14,000,000 in funding available this first round. I will keep you posted on our progress.

New w/Jan changes

CITY OF UNION ORDINANCE

ORDINANCE NO. 550

AN ORDINANCE VACATING TWELFTH STREET IN WEST CATHERINE MEADOWS SUBDIVISION CITY OF UNION, OREGON.

The City Council of the City of Union finds as follows:

1. On the 8th day of February the City Council initiated vacation proceedings for the Twelfth Street vacate. The street is approximately 453.55 feet long by 40 feet wide, 18,142 square feet.
2. It has been determined by the City Council the applicants have provided a well written application and there is full support for the vacation from the neighbors.
4. The vacation of Twelfth Street will not hinder the growth or orderly development of the neighborhood in which it is located or to which it is contiguous. The vacation will not make access to other land of any other person by means of public right of way difficult or inconvenient, and the vacation will not hinder the public's access.
3. There are no City liens or taxes unpaid on the lands covered by the proposed vacation.
4. Notice was mailed to Union landowners per ORS 271.110 on July 28, 2015: Notice was posted at Union Library, City Hall and US Post Office. Notice was posted July 27, 2015 on a post near the center of the street at the south end and the north end of proposed street. At the applicants request the hearing scheduled for September 14, 2015 was tabled to October 14, 2015. Additional mailing was sent nearby residents with notification of date change and posting in three locations in the city. Additional notice outside all required notices was published in the City Newsletter a general circulation in Union on October 1, 2015. Union City Council held the first hearing on October 14, 2015. All postings were met required by Oregon State Statute 271.110.
5. The City Council held a public hearing on the vacation at 7 p.m. on the 14th of September 2015 at the Almquist Council Chambers, Union City Hall. Objections to the application were made by Dick Middleton on 10th Street in Union and Gary Graham on N. Main Street in Union. Council requested staff report, Patterson reported the city suggest the application be denied based on several city policies as outlined in the staff report. Testimony in favor was presented by the applicants Laura Haefer and Brenda Younce whom both expressed their need to have the land vacated, no evidence was presented.
6. Union City Council finds and declares that it is in the best interest of all citizens of the City of Union, Oregon the property be used as a 20 foot utility easement with

a temporary 40 foot construction easement which will terminate when all utilities are installed.

The City of Union does ordain as follows:

Section 1. **Vacation.** North Twelfth Street approximately 453.55 feet long by 40 feet wide, 18,142 square feet, North of West Birth, between North Eleventh and Thirteenth Streets is vacated.

Section 2. **Effective date.** This ordinance shall take effect 30 days following its second reading by the City Council and approval by Mayor McCormack

Adopted by _____ members of the Council voting therefore and approved by the Mayor of the City of Union this 8th day of February 2016.

CITY OF UNION

By _____
Ken McCormack, Mayor

Attest:

Sandra Patterson, Administrator/Recorder

CITY OF UNION, OREGON



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TTY: (800) 735-1232

Home of Buffalo Peak Championship Golf Course

City of Victorian Heritage

February 1, 2016

To: Honorable Mayor and City Council
From: Rod McKee, P.E., Public Works Director/Administrative Assistant
RE: Use of exhaust or “jake” brakes with the City of Union City Limits

In early January 2016, Dwayne Moorhead submitted a “Citizen Suggestion Form” expressing his concern for the use of exhaust or “jake” brakes on logging trucks entering the City of Union on the Catherine Creek highway to slow down to the posted speed limit. See Attachment A. This is not the first time that Mr. Moorhead has expressed his concern for the use of exhaust brakes within the City. His employment schedule requires that he sleep during the morning hours. I also witnessed an empty south bound log truck on Main Street use the exhaust brake before turning east onto the Catherine Creek highway a couple of weeks ago.

Mr. Moorhead has contacted the logging or trucking companies in the past to ask that the truck drivers refrain from using exhaust brakes to slow down near his home. He explained to me that things would improve for a short time, then the trucks would start using the exhaust brakes again. This has apparently been going on for some years now. He has contacted the City in the past and was told that the Catherine Creek highway is a State highway and that there was nothing the City could do. The City does not regulate the use of exhaust or “jake brakes.

On the State level, the use of exhaust brakes is allowed on public roads so long as the exhaust system is equipped with the appropriate mufflers. See Attachment B. The use of unmuffled exhaust brakes is limited to emergency situations only. I checked with Barnes Diesel and they told me all trucks generally come with muffled exhaust brake systems, so unless the mufflers are removed, most trucks likely have muffled exhaust systems.

Other Cities in Oregon have addressed this concern by passing local ordinances banning the use of exhaust brakes within the limits of their jurisdiction, most likely the City limits. Elgin has such an ordinance about the use of exhaust brakes in the City. The Union County Sheriff Department by means of its contract with the City, enforces the ordinance prohibiting the use of exhaust brakes. The City of Bend has such an ordinance, as well as Portland. I am sure there are many more.

Within the City of Union ordinance framework, Chapter 71, Traffic Regulations deals with unnecessary noise in section 71.039. See Attachment C. Language prohibiting the use of exhaust brakes in the City limits could be added to Chapter 71, Section 71.039. The prohibition could also be included in City of Union Ordinance No. 548, An Ordinance Regulation Loud and Raucous Noise. The applicable section of Ordinance No. 548 is attached as Attachment D. A copy of the language

The City of Union, Oregon is an Equal Opportunity Employer.

February 1, 2016

Honorable Mayor and City Council

RE: Use of exhaust or “jake” brakes with the City of Union City Limits

Page 2

from the City of Bend prohibiting the use of exhaust brakes is included as Attachment E for your information.

Based on the citizen concern and the information provided herein, the City Council could:

- Revise Section 71.039, Unnecessary Noise, of the City Traffic Code to prohibit the use of exhaust brakes within the City limits; or,
- Prohibit the use of exhaust brakes Ordinance No. 548, An Ordinance Regulating Loud and Raucous noise under Section 6 of said Ordinance; or,
- Adopt a separate ordinance dealing just with exhaust brakes; or,
- Do Nothing.

If the City Council elects to pursue a prohibition on the use of exhaust brakes, I recommend staff discuss enforcement of this provision with the County Sheriff. The Sheriff’s department is currently enforcing a City of Elgin ordinance dealing with truck exhaust brakes according to one County deputy. However the County’s agreement with the City of Elgin may not be the same as the agreement for police service between the City of Union and the County. Also, if regulated, drivers should be made aware with proper signing that upon entering the City of Union from any direction that exhaust braking is prohibited.

Attachment A – Dwayne Moorhead, “Citizen Suggestion Form”.

Attachment B – ORS 811.492 Engine Braking; penalty; exception

Attachment C – City of Union, Traffic Regulations – Section 71.039 – Unnecessary Noise

Attachment D – City of Union Ordinance 548 – An Ordinance Regulation Loud and Raucous Noise – Section 6, Noises Prohibited.

Attachment E – Sample Language – City of Bend, Oregon – Chapter 5.50 Noise, 5.50.025 Prohibited Noise.

City of Union Citizen Suggestion Form

The purpose of this form is to allow citizens the opportunity to inform the City of any **Concern, Suggestion, Comment, or Compliment**. Your city council believes that an active citizenry is helpful in correcting many of the civic problems, which affect all citizens, directly or indirectly. The City believes this tool will assist in identifying violations or concerns, tracking corrective measures and working towards a better quality of life for the people of Union.

Information below: (can be kept confidential)

Please keep confidential

Name: DWAYNE MOORHEAD

Date: 1/4/16

Address: 350 E. BEAKMAN

Phone:

Cell: 541-805-9502

Comment Compliment

Location/Street:

POST AND COMPRESSION BRAKE SIGN + ENFORCE THE
SPEED LIMIT COMING INTO TOWN

Concern Suggestion Other

Location/Street:

THE USE OF COMPRESSION BRAKES BY TRUCKS COMING
INTO TOWN FROM CATHERINE CREEK. THERE IS
NO REASON TO USE A JAKE BRAKE FROM THE FIRE STATION
TO MAIN STREET, IF YOU ARE DOING THE SPEED LIMIT

For Office Use Only:

Date Received: 1-6-16

By: JF

Forward to:

Ordinance Officer

Fire Chief

Public Works

City Administrator

Action Taken: (attach additional information if necessary)

Sent to Council

Date: _____

Thank you for your concerns. Please be sure to turn this form in to City Hall at the front desk or drop box.

RECEIVED
JAN 05 2016
BY: _____

ATTACHMENT A

811.492 Engine braking; penalty; exception. (1) A person commits the offense of engine braking if the person is operating a motor vehicle on a highway and uses an unmuffled engine brake.

(2) The offense described in this section, engine braking, is a Class A traffic violation.

(3) A person is not in violation of this section if the person uses an unmuffled engine brake in an emergency situation to avoid imminent danger to a person or to property. [1993 c.314 §7]

ATTACHMENT 'B'

CHAPTER 71: TRAFFIC REGULATIONS

Section

General Provisions

- 71.001 Short title
- 71.002 Applicability of state traffic laws
- 71.003 Definitions

Administration

- 71.020 Powers of the Council
- 71.021 Delegation of powers
- 71.022 Public danger
- 71.023 Standards
- 71.024 Authority of law enforcement and fire officers
- 71.025 Clinging to vehicles
- 71.026 Sleds on streets
- 71.027 Damaging roads, sidewalks and curbs
- 71.028 Obstructing streets
- 71.029 Hazards to public
- 71.030 Prohibited uses of streets and alleys
- 71.031 Parallel parking and angle parking
- 71.032 Prohibited parking and standing
- 71.033 Storage
- 71.034 Use of loading zone
- 71.035 Action by law enforcement
- 71.036 Standing or parking of buses and taxicabs
- 71.037 Restricted use of bus and taxicab stands
- 71.038 Extension of parking time
- 71.039 Unnecessary noise 
- 71.040 Exemption

Bicycles

- 71.055 Bicycle operating rules
- 71.056 Impounding of bicycles

§ 71.037 RESTRICTED USE OF BUS AND TAXICAB STANDS.

No person shall stand or park a vehicle other than a taxicab in a taxicab stand, or a bus in a bus stop; except that the operator of a passenger vehicle may temporarily stop for the purpose of and while actually engaged in loading or unloading passengers, when stopping does not interfere with a bus or taxicab waiting to enter or about to enter the restricted space.

(Ord. 523, passed 9-13-2010) Penalty, see § 10.99

§ 71.038 EXTENSION OF PARKING TIME.

Where maximum parking time limits are designated by sign, movement of a vehicle within a block shall not extend the time limits for parking.

(Ord. 523, passed 9-13-2010)

§ 71.039 UNNECESSARY NOISE.

No person shall drive a motor vehicle on a highway unless it is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke. No person shall operate, and no owner of any motor vehicle shall permit to be operated upon any public road, street or highway, any motor vehicle so as to cause any greater noise or sound than reasonably necessary for the proper operation of such motor vehicle.

(Ord. 523, passed 9-13-2010) Penalty, see § 10.99

§ 71.040 EXEMPTION.

The provisions of this subchapter regulating the parking or standing of vehicles shall not apply to a vehicle of the city, county, state or public utility while necessarily in use for construction or repair work on a street, or a vehicle owned by the United States while in use for the collection, transportation or delivery of mail.

(Ord. 523, passed 9-13-2010)

BICYCLES**§ 71.055 BICYCLE OPERATING RULES.**

In addition to the provisions of O.R.S. 814.400 through 814.480, a rider of a bicycle upon a street shall:

Union - General Provisions

(3) *General penalty.*

(a) Whenever, pursuant to any other ordinance of the City of Union, any act is prohibited or is made or declared to be unlawful or an offense, or the doing of an act is required or the failure to do an act is declared to be unlawful or an offense, the violation shall be classified as a "violation" and shall be punished as provided in this section, notwithstanding any provision of any other existing ordinance of the city. The penalties of this section shall apply to any violation occurring on or after the effective date hereof unless the violation is of an ordinance that is adopted after the effective date hereof which expressly provides a different penalty.

(b) The maximum penalty for a violation shall be an amount not exceeding \$500. However, this penalty shall be in addition to any assessment or fine which may be required to be imposed, such as, but not limited to, the unitary assessment described in O.R.S. 137.290, the county assessment referred to in O.R.S. 137.309 or any other fine or assessment which may be imposed by force of law in addition to those imposed by an ordinance of the city.

(c) There shall be no sentence of any imprisonment for any violation.

(d) Every day any violation of an ordinance of the city shall continue shall constitute a separate offense.

(e) This section shall apply to the violations of any Oregon state statute when an ordinance of the city makes the violations an offense against the city.

(f) For the purposes of facilitating dispositions of violations, the Municipal Judge may promulgate a schedule of forfeitures plus any required assessments or fines for particular infractions, and the person charged with an infraction may deposit with the Court the amounts so scheduled, waive further appearance and have the sum so deposited forfeited as on a plea of "no contest". The Court shall not, however, be bound by the schedule on appearance and admission by the person charged, or on trial and judgment against the person charged. The Court in such a case may impose any forfeiture allowed by this section.

(g) This section shall not be interpreted as prohibiting or limiting the city's right to abate, enjoin or alleviate an ordinance violation when the power is given to the city by ordinance or common law.

(4) *Arrest for failure to respond to court summons.* Notwithstanding the terms of any provision of the City of Union Code otherwise, if a person fails to either appear in accordance with § 10.99(B)(1)(b) or to waive appearance and deposit the scheduled forfeiture in accordance with § 10.99(B)(1)(f), the City of Union may apply to the Municipal Court for an order directing the issuance of a warrant for the arrest of the person. The request shall be accompanied by an affidavit which shall state the relevant facts. If the Court finds that the person received a summons, complaint, citation, or combination thereof and failed to appear or alternatively failed to waive appearance and deposit the

ORDINANCE 548

properly zoned, or is legally nonconforming, for residential use in accordance with the terms and maps of the City of Union zoning ordinance.

Section 5. General Prohibition.

A. No person shall make, continue, or cause to be made or continued:

- (1) any unreasonably loud or raucous noise; or
- (2) any noise which unreasonably disturbs, injures, or endangers the comfort, repose, health, peace, or safety of reasonable persons of ordinary sensitivity, within the jurisdictional limits of the City of Union; or
- (3) any noise which is so harsh, prolonged, unnatural, or unusual in time or place as to occasion unreasonable discomfort to any persons within the neighborhood from which said noises emanate, or as to unreasonably interfere with the peace and comfort of neighbors or their guests, or operators or customers in places of business, or as to detrimentally or adversely affect such residences or places of business.

B. Factors for determining whether a sound is unreasonably loud and raucous include, but are not limited to, the following:

- (1) the proximity of the sound to sleeping facilities, whether residential or commercial;
- (2) the land use, nature, and zoning of the area from which the sound emanates and the area where it is received or perceived;
- (3) the time of day or night the sound occurs;
- (4) the duration of the sound; and
- (5) whether the sound is recurrent, intermittent, or constant.

Section 6. Noises Prohibited. The following acts are declared to be violations of this Ordinance. This enumeration does not constitute an exclusive list:

A. Unreasonable Noises: The unreasonable making of, or knowingly and unreasonably permitting to be made, any unreasonably loud, boisterous or unusual noise, disturbance, commotion or vibration in any boarding facility, dwelling, place of business or other structure, or upon any public street, park, or other place or building. The ordinary and usual sounds, noises, commotion or vibration incidental to the operation of these places when conducted in accordance with the usual standards of practice and in a manner which will not unreasonably disturb the peace and comfort of adjacent residences or which will not detrimentally affect the operators of adjacent places of business are exempted from this provision.

B. Vehicle Horns, Signaling Devices, and Similar Devices: The sounding of any horn, signaling device, or other similar device, on any automobile, motorcycle, or other vehicle on any right-of-way or in any public space of the City of Union, for more than ten consecutive seconds. The sounding of any horn, signaling device, or other similar device, as a danger warning is exempt from this prohibition.

ATTACHMENT D

CHAPTER 5.50 NOISE

5.50.000 Noise Regulations This section is adopted pursuant to the provisions of ORS 467.100 and the City of Bend Charter.

5.50.005 Prohibition on Excessive Noises No person shall make, assist in making, permit, continue, or permit the continuance of, any noise within the City of Bend in violation of this chapter. No person shall cause or permit any noise to emanate from property under that person's control in violation of this section.

5.50.010 Sound Measurement While sound measurements are not required for the enforcement of this section, should measurements be made, they shall be made with a sound level meter using the A weighting network on a Type I or Type II meter.

5.50.015 Definitions As used in this chapter:

(1) "dBA" means the sound pressure level in decibels measured using the A weighting network on a sound level meter.

(2) "Residence or other noise-sensitive unit" includes any building or portion of a building containing a residence, place of overnight accommodation, place of worship, day care center, hospital, school, or nursing care facility.

(3) "Plainly Audible" means any sound for which the information content of that sound is unambiguously communicated to the listener, such as, but not limited to, understandable spoken speech, comprehensible musical rhythms or vocal sounds.

(4) "Unnecessarily Loud" means any sound that interferes with normal spoken communication or that could reasonably disturb sleep.

(5) "Daytime" for subsection A of the noise limits section is anytime between the hours of 7:00 a.m. and 10:00 p.m.

(6) "Nighttime" for subsection A of the noise limits section is anytime between the hours of 10:00 p.m. and 7:00 a.m. of the following day.

5.50.020 Noise Limits

(1) The maximum allowable noise limits measured on a property with a residence or other noise sensitive unit, not the source of the sound are:

Zone Location	Daytime	Nighttime
Residential	65 dBA	60 dBA
Commercial	70 dBA	65 dBA
Industrial	75 dBA	70 dBA

(2) The maximum allowable noise limits when measured on other property, not the source of the sound, are 85 dBA daytime, 80 dBA nighttime.

(3) If within a park, street or other public place, sound that is unnecessarily loud at a distance of 50 feet. The City Manager may designate areas of parks, streets or other public places as exempt from this restriction and may grant permits under Section 5.50.035 to exceed this restriction.

SAMPLE

5.50.025 Prohibited Noises

(1) The use of exhaust brakes (jake brakes), except in an emergency or except when used by a person operating an emergency services vehicle equipped with a muffled compression braking system, is prohibited at all times within the city, regardless of noise level.

(2) Except as provided in Section 5.50.035 Permits, the following acts are violations of this chapter :

- (A) The excessive sounding of any horn or signal device or any other device on any automobile, motorcycle, truck, bus or other vehicle while in motion, except as a danger signal.
- (C) The operation of any gong or siren upon any vehicle, other than police, fire or other emergency vehicle, except during sanctioned parades.
- (D) The use of any automobile, motorcycle or other vehicle so out of repair, without a proper exhaust system, or in such a manner as to create loud or unnecessary sounds, grating, grinding, rattling or other noise.
- (E) The use of any automobile, motorcycle, all-terrain vehicle or other vehicle outside of public rights-of-way where the use is unnecessarily loud.
- (F) The operation of air conditioning or heating units, heat pumps, refrigeration units (including those mounted on vehicles), swimming pool or hot tub pumps, blower, power fan, internal combustion engine, electric motor, compressor or similar machinery that is not sufficiently muffled so as not to be unnecessarily loud to a person located on a property other than the source of the sound.
- (G) Constructing (including excavating), demolishing, altering or repairing a building, street, sidewalk, driveway, sewer or utility line between the hours of 10:00 p.m. and 7:00 a.m., except as provided in Section 5.50.030.
- (H) Using, operating or permitting to be used or operated a mechanical or electrical speaker or amplifier, either stationary or mobile, that plainly

CITY OF UNION, OREGON



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Home of Buffalo Peak Championship Golf Course

City of Victorian Heritage

February 1, 2016

To: Honorable Mayor and City Council
From: Rod McKee, P.E. Public Works Director/Administrative Assistant



RE: Refinancing the Year 2000 USDA Rural Development Loan for Wastewater Improvements

On January 27, 2016 a City Council subcommittee comprised of Councilor Later, Councilor Wilde, Mayor McCormack, City Administrator Sandra Patterson, and I met to discuss refinancing the 40-Year, 4 ½% USDA Rural Development loan used to fund wastewater system improvements in 2000. The committee reviewed and discussed the material previously provided to all of the City Council via e-mail on January 8, 2016. I also provided to the committee my findings regarding penalties or fees the USDA loan might be subject to for prepayment. All of the documentation related to refinancing the USDA loan is attached for your information.

Should the City Council elect to proceed with this refinancing option there is also a Resolution attached for your consideration. The resolution documents the City Council's acceptance of the Umpqua Bank refinancing offer, authorizes the City Administrator/City Recorder to execute any required documents, and provides for a sewer user rate increase to fund the additional loan payment amount resulting from the shorter loan period.

The before named subcommittee will be making a recommendation to the City Council on February 8, 2016 with respect to the Umpqua Bank refinancing proposal. During the Council meeting the subcommittee or I can answer any of your questions.

Attachments: January 28, 2016 Memo to City Council/USDA Loan Prepayment
January 08, 2016 E-Mail to City Council Regarding USDA Loan Refinancing
January 07, 2016 Refinancing/Prepayment Comparisons – USDA Loan
January 08, 2016 Umpqua Bank Term Sheet for City of Union (New Loan)
February 08, 2016 Resolution No. 2016-2

CITY OF UNION, OREGON



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Home of Buffalo Peak Championship Golf Course

City of Victorian Heritage

January 28, 2016

To: Honorable Mayor and City Council
From: Rod McKee, P.E. Public Works Director/Administrative Assistant



RE: Refinancing the 2000 USDA Rural Development Loan for Wastewater Improvements

During the January 8, 2016 City Council Work Session where refinancing the 2000 USDA Rural Development wastewater loan was discussed, Councilors asked some questions regarding the existing loan that I was unable to answer. I discussed these questions with LaDonn McElligott, Area Specialist, Rural Development – Oregon, United States Department of Agriculture

Those questions together with LaDonn's response are as follows:

- *Are there any provisions in the loan agreement between the USDA Rural Development and the City that would preclude the City from refinancing the USDA loan and early prepayment?* There are no restrictions with respect to refinancing or prepayment.
- *Would there be any charge, penalty, or cost from the USDA Rural Development as a result of refinancing the loan?* No, there would be no penalties or other fees as a result thereof.
- *Could the City make greater payments each year to retire the USDA loan earlier?* Prepayment of the loan by paying down the principal with higher annual payments would be allowed with no penalty.

The only coordination issue would be to establish on what day the USDA loan would be prepaid so that the principal amount together with the unpaid interest amount on that day could be calculated. The USDA asked for a reasonable lead time on the payoff date to allow calculation of those figures.

Rod McKee

From: "Rod McKee" <RodMcKee@CityofUnion.com>
Date: Friday, January 08, 2016 2:02 PM
To: "Coy Wilde" <wilde54@msn.com>; "Doug Osburn" <doug.osburn@gmail.com>; "Ken McCormack" <mccormackk@aol.com>; "Matt Later" <inunionthereisstrength@gmail.com>; "Randy Knop" <councilorknop@cityofunion.com>; "Sky Mitsch" <sky3rshunt@gmail.com>; "Sue Briggs" <suenken@eoni.com>
Cc: "Sandra Patterson" <admin@cityofunion.com>
Attach: Loan Refinancing Comparisons.pdf; Revised Expression of Interest Ltr - City of Union.pdf
Subject: USDA Rural Development/Umpqua Bank Loan Refinancing Proposal

Good Afternoon,

Attached is the refinancing/accelerated payment comparison for the \$2,118,000 (As of November 1, 2015) 40-Year USDA Rural Development loan you requested. Also attached is a proposal from Umpqua Bank for refinancing the loan for 15 years at an interest rate of 3% per annum. The proposal shows all the anticipated costs for the refinancing. I have studied the proposal and can see no hidden fee increases proposed over the life of the loan.

I would recommend that the City Council authorize the City Administrator/Recorder to proceed with the 15-year refinancing option as proposed by Umpqua Bank and to execute all loan documents on behalf of the City. This action would also require raising the current sewer rate by \$3.50 per month to cover the cost of the higher payments in the 15-year refinancing option. If this refinancing plan is approved, the City Council must authorize the City Administrator/Recorder prepare an Ordinance to the Council's approval implementing the \$3.50 per month increase.

The recommended rate increase would not need to take effect until March or April of 2016, once the loan is approved and the funds made available to retire the USDA Rural Development loan.

Please let me know if you have any questions or require additional information. A hard copy of this information will be provided to you prior to the City Council meeting January 11, 2016.

Rod McKee, P.E.
Public Works Director/Administrative Assistant
City of Union



Umpqua Bank Term Sheet For City of Union

City of Union, Oregon

Highlights:

Refinance of USDA Rural Development Bond

- \$2,200,000
- 20 year amortization with a 10 year call provision
- Interest Rate: 10 year fixed rate of 3.0 percent
- Annual Payments: Principal plus interest
- Origination Fee: \$0.00
- Bond Counsel Review only \$5,000 (estimate)
- Bank to provide legal counsel for documentation and opinion letter \$20,000 to \$25,000 (estimate)

Terms and Conditions

Umpqua Bank ("Umpqua Bank") would like to express its interest in underwriting and obtaining credit approval for the City of Union, Oregon on the terms and conditions outlined below:

Preface: Umpqua Bank's expression of interest in underwriting and obtaining credit approval for the Credit Facility is for discussion purposes only and does not constitute a commitment from Umpqua Bank. Any commitment to lend that we might make is subject to the fulfillment of a number of conditions that include, but are not limited to: our normal credit approval process, an in-depth investigation of the Loan Purpose, Borrower, Guarantor(s), and Collateral, the results of which are deemed satisfactory to Umpqua Bank in our sole discretion.

Confidentiality: Except as required by law, neither this nor its contents will be disclosed publicly or privately except to those individuals who are your officers, employees or advisors who have a need to know as a result of being involved in the proposed financing. The foregoing confidentiality provisions shall not apply to the disclosure of the federal income tax structure or treatment of the proposed financing.

Borrower: City of Union, Oregon

Covenants (for discussion purposes):

- Annual Audited Financial Statements
- Debt Service Coverage: 1.2:1.00 measured annually

Additional information required for final approval:

- Water Rate Study
- Water Sources
- Short Bio on Key Management

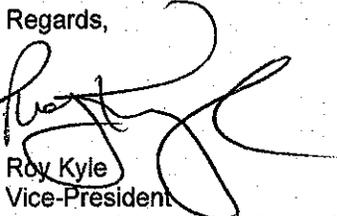
Additional Conditions

By signing below Borrower and Guarantor(s):

- Acknowledge that Umpqua Bank's expression of interest in underwriting and obtaining credit approval for the described Credit Facility is for discussion purposes only and is a general, non-binding expression of interest on the part of Umpqua Bank.
- Certify that any and all information presented to Umpqua Bank for its underwriting and obtaining credit approval for Credit Facility is and will be correct and complete.
- Authorize Umpqua Bank, either directly or through any agent, to investigate their respective credit, background and employment status and to inspect and review the proposed Collateral. Umpqua Bank may share this information with our affiliates unless you provide a written request to not share that information in accordance with Umpqua Bank's privacy procedures.

I look forward to your early review and response. If you wish to have me pursue approval of the Credit Facility, please sign and return the enclosed copy of this letter to my attention. Thank you very much for the opportunity.

Regards,


Roy Kyle
Vice-President
Commercial Banking Center Manager

Please pursue underwriting and approval of a commitment for the described Credit Facility.

Borrower

By: _____

Printed Name: _____

Title: _____

**CITY OF UNION RESOLUTION
RESOLUTION NO. 2016-2**

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF UNION TO ACCEPT THE JANUARY 2016 OFFER SUBMITTED BY UMPQUA BANK FOR REFINANCING THE YEAR 2000 UNITED STATES DEPARTMENT OF AGRICULTURE (USDA) RURAL DEVELOPMENT WASTEWATER IMPROVEMENT LOAN; TO AUTHORIZE THE CITY ADMINISTRATOR/RECORDER TO EXECUTE ALL UMPQUA BANK LOAN DOCUMENTS AND USDA RURAL DEVELOPMENT LOAN PREPAYMENT DOCUMENTS ON BEHALF OF THE CITY; AND, TO INCREASE SEWER USER RATES BY APPROXIMATELY \$3.50 PER EQUIVALENT RESIDENTIAL USER (ERU) TO FUND THE ADDITIONAL LOAN PAYMENT AMOUNT FOR THE SHORTENED LOAN TERM.

Whereas, the City of Union obtained financing in 2000 from the USDA Rural Development Department for a wastewater facility improvement project constructed prior; and,

Whereas, the terms of the year 2000 USDA Rural Development loan provide for a 40-year repayment at 4.5% per annum interest; and,

Whereas, Umpqua Bank has offered the City of Union a loan to refinance the year 2000 USDA Rural Development loan with a 15-year term loan with a fixed interest rate of 3% +/- per annum for the life of the loan; and,

Whereas, the refinancing option offered by Umpqua Bank will result in a savings of nearly \$890,000 in interest charges over the remaining life of the USDA Rural Development loan; and,

Whereas, the annual loan payment for the loan offered by Umpqua Bank will be approximately \$41,500 more than the current annual payment for the USDA Rural Development loan; and,

Whereas, sewer user rates will need to increase by approximately \$3.50 per ERU per month to cover the additional loan payment amount; and,

Whereas, the \$3.50 per ERU per month needs to be implemented a minimum of 12 months before the first annual Umpqua Bank loan payment is due.

Now therefore be it resolved,

Section 1. The City Council accepts Umpqua Banks January 2016 loan offer for refinancing the year 2000 USDA Rural Development loan.

Section 2. The City Council authorizes the City Administrator/Recorder to execute all documents pertaining to the Umpqua Bank refinancing loan or the USDA Rural Development loan prepayment on behalf of the City.

Section 3. Sewer user fees will be increased by approximately \$3.50 per ERU per month effective March 1, 2016 in order to fund the additional loan payment amount. The first loan payment is estimated to be due in March of 2017.

Adopted by _____ members of the City Council voting therefore, and approved by the Mayor of the City of Union this 8th day of February 2016.

Approved:

Attest:

Ken McCormack, Mayor

Sandra Patterson, Administrator/Recorder

REPORT TO CITY OF UNION CITY COUNCIL

Prepared for the Public Hearing on February 8, 2016

TO: City of Union City Council

FROM: Sandra Patterson, City Administrator/Recorder/ Planner

RE: Deborah Kennon – Application for Partial Street Vacate Application SV 01-16.

SITE: 1045 N. 5th Street, Union.
Tax Lot 800, Map 04S 40E 18CB

1. DESCRIPTION

APPLICATION BACKGROUND

The City of Union received an application for Partial Street Vacation on January 20, 2016. The application was determined to be complete on January 26, 2016. Partition signatures still need to be collected and turned in. A public hearing before the City Council was set for February 8, 2016. Notice was posted at City Hall, Post Office and Library. Posting was made at each end of the proposed vacation per ORS 271.110 (2) on January 21, 2016.

APPLICATION REQUEST

The applicant is requesting to vacate a narrow strip of 5th street in front of said property size of vacate is unknown at time of this report due to survey not complete. Please refer to Exhibit “A” for plat map, Exhibit “B” application’s statement and Exhibit “C” for application.

PROPERTY LOCATION

The site is located directly in front of 1045 N 5th Street, Union. Property described is twp. 04, range 40e, section 18cb, tax lot 800.

LAND USE PLAN

The subject property is in a Residential R-1 zone, which identifies lots as having size and dimensional standards as necessary for traffic circulation, off-street parking, loading and unloading and similar activities, as approved by the Planning Commission and City Council from detailed plans presented. Lots other than along Main Street shall have setbacks established for suitable parking and traffic patterns as approved by the Planning

commission and City Council from detailed plans presented. Schools are permitted by conditional used in this zone.

Minimum lot size requirements.

- 1) The minimum lot size for new lots and parcels in the R-1 zone shall be **7,500 square feet.**
- 2) In areas not served by city sewer, the minimum lot size shall be 20,000 square feet per single family or two family dwelling.
- 3) For multi-family dwellings, the minimum lot size shall be 10,000 square feet for the first two family units and 2,500 square feet for each additional attached family unit.
- 4) Minimum lot frontage shall be 60 feet, except that cul-de-sac lots may have 30 feet of frontage.
- 5) There shall not be more than one dwelling and its accessory buildings constructed on one lot.

Setback requirements. Minimum requirements shall be 20 feet front yard line, 10 feet side yard line and 10 feet rear yard line. Both street frontages of corner lots shall be considered front yards. Accessory structures minimum setback requirements shall be five feet from side yard or rear lot lines. On all streets and street easements of less than 40 feet, building setbacks shall be calculated so that if the street right-of-way were widened to 60 feet the above minimum setbacks would result. No building permit shall be issued for construction of a building without such setback adjustments unless a variance is granted.

ZONING ORDINANCE

The subject property is in a Residential R-1 zone, which identifies a minimum lot size of 7,500 square feet. Minimum lot frontage shall be 60 feet, except that cul-de-sac lots may have 30 feet of frontage. There shall not be more than one dwelling and its accessory buildings constructed on one lot. Minimum requirements for setbacks shall be 20 feet front yard line, 10 feet side yard line and 10 feet rear yard line. Both street frontages of corner lots shall be considered front yards. Accessory structures minimum setback requirements shall be five feet from side yard or rear lot lines. On all streets and street easements of less than 40 feet, building setbacks shall be calculated so that if the street right-of-way were widened to 60 feet the above minimum setbacks would result. No building permit shall be issued for construction of a building without such setback adjustments unless a variance is granted. Additional information can be found on page 18 of code 337.

OTHER REGULATIONS REGARDING THIS APPLICATION

For the reason the City of Union does not have a policy for Street and Alley Vacations the process will be guided by the State of Oregon Statutes Chapter 271 which sets forth the statutory requirements and procedures for vacating a road or street. When a government has not adopted any requirements or procedures by ordinance or charter the

entity is required to follow this process. The City of Union Comprehensive Land Use Plan contains a policy under Goal 12 “Transportation” that requires the City to consider other possible public uses before a street or other public area is vacated. Neither the City’s Zoning Ordinance, nor the Subdivision and Partition Ordinance contain any criteria or procedures for vacating a street or alley. Vacation 271.080, 271.090, 271.100, 271.110, 271.120, 271.130, 271.140, 271.150, 271.160, 271.170, 271.180 and 271.190.

2. **EXISTING CONDITIONS**

The subject property is currently being used as right of way and is maintained by the applicant. The right of way as is exceeds the 60 foot city required street width. At this time it is unknown the excess footage, applicant should have survey completed by February 8th meeting. The excess footage will be added to the property owners land.

3. **ANALYSIS**

ORS Chapter 271.080 allows a person to file a petition to vacate all or part of a street, plat, or other public place within the city. The petition must set forth a description of the ground proposed to be vacated, the purpose for which the ground is proposed to be used, and the reason for the vacation. The petition is required to demonstrate the consent of all owners abutting the property, and of not less than two-thirds of the owners in the area of the real property affected thereby.

ORS 271.110 requires notice of a public hearing on a proposed street or plat vacation by the governing body in which the notice is provided and posted in three public locations in the City of Union. Right of way location notice has also been posted with hearing notice to vacate.

CITY OF UNION COMPREHENSIVE LAND USE PLAN

Land use policy #3 under Goal 12 “Transportation” of the City of Union Comprehensive Land Use Plan states,

The function of existing and planned roadways as identified in the adopted Transportation System Plan shall be protected through application of appropriate access control measures. The function of existing or planned roadways or roadway corridors shall be protected through the application of appropriate land use regulations; for example, new development in the urbanizable area shall conform to the Local Street Plan. The potential to establish or maintain access ways, paths, or trails shall be considered prior to the vacation of any public easement or right-of-way. Road or street right-or-way will not generally be vacated, but will be considered for other possible public uses. Right-of-way for planned transportation facilities shall be preserved through all practical means. This will include exactions, voluntary dedication, setbacks, or other appropriate means.

FINDING: Fifth Street is identified on the transportation plan as a 60 foot right of way.

COMMENT: The City of Union's Transportation System Plan has only identified a need for a 60 foot right of way any excess is not needed by the city. Public Works Department has reviewed the proposed vacation, and does not have any concern as far as water or sewer facilities extending through the area.

4. **CITY COUNCIL DECISION**

ORS 271.120 requires the governing body to hear the petition and any objections, and to determine, 1. Whether the consent of the owners of the requisite area has been obtained, 2. Whether notice has been duly given, and 3. Whether the public interest will be prejudiced by the vacation of such plat or street, or parts thereof. ORS 271.120 further states,

If such matters are determined in favor of the petition the governing body shall by ordinance make such determination a matter of record and vacate such plat or street; otherwise, it shall deny the petition. The governing body may, upon hearing, grant the petition in part and deny it in part, and make such reservations, or either as appear to be for the public interest.

If applicant submits the survey and signatures of adjacent property owners then all necessary information required to review the proposed street vacation has been turned in. Also the applicant needs to obtain the consent of three-fourths of the owners in the requisite area.

The City Council will need to decide, based on the above information and any public testimony taken at the hearing, whether the public interest will be prejudiced by vacating the proposed alley. This includes a finding that the area could reasonably be used for any other public purpose besides a street.

If the Council finds that the request will not prejudice the public interest, then the Council must approve the request. An ordinance will be prepared and adopted at a subsequent meeting to officially vacate the specific street area. In approving the request, the Council may subject the approval to any reservation the council finds necessary to preserve an identified public interest.

If Council denies the request, then the reasons will need to be set forth in the Council's decision, and the matter will then be closed.

5. **EXHIBITS**

Exhibit "A" Plot Plan showing area to be vacated
Exhibit "B" Applicants statement letter requesting vacate.
Exhibit "C" Application.

ULTIMATE FINDINGS

1. The applicant has (have not) satisfied the requirements for an street/alley vacate for the following reasons:

Cc: Applicants
City Council
Planning File

1/26/16

Dear Members of the City Council;

I would like the setback from the center of the street to the west boundary of my property to be advanced to 30 feet. Currently the setback provided is 50 feet.

Thus, my proposal would bring the property line forward to lie flush with set neighboring property lines.

Thank You
Deborah A. Keaton
1045 N 5th St.
Union OR, 97883

Exhibit C

CITY OF UNION PLANNING APPLICATION

Department of Planning
342 S. Main St. Union, Oregon 97883
Phone 541.562.5197
Fax 541.562.8196

Application # 01-16
Date Submitted: 1-20-16
Received by: SP
Date Complete: 1-26-16

APPLICATION TYPE (Check one)

- Conditional Use
 - Flood Zone Permit
 - Historic Design Review
 - Other _____
 - Minor Partition
 - Plan Amendment
 - Property Line ADJ
 - Street / Alley Vacations
 - Variance
 - Zone Change
 - Zone Text Amendment
 - Site Plan Review
 - Major Partition
- FEE AMOUNT: \$ _____

Applicant Deborah L. Kennon Phone 541-910-7781
 Address 1045 N 5th St. City Union State OR Zip 97883
 Property Owner Same Phone _____
 Address _____ City _____ State _____ Zip _____

A. DEVELOPMENT REQUEST

Proposed Land Use (be specific) _____

B. PROPERTY INFORMATION

1. Site Address 1045 N 5th Street
2. Map 04340E18CB Tax Lot 800
3. Lot Size 5.5
4. Has Property Been Surveyed? Yes No
5. Urban Growth Boundary Inside Outside
6. Zone R-1
7. Overlay Zones Flood Hazard Historic District
8. Existing Structures Yes No
9. Existing Easements Yes No
10. Current land use (residence, etc.) Residence + mother in law home
11. Major topographic features (stream, ditches, slope, etc.) mother in law home variance

C. STATEMENT OF UNDERSTANDING

(Please initial after reading _____)

I understand that I have the burden of proving my that request meets all applicable ordinance requirements, and that I must address all of the criteria that apply. The criteria for approving or denying my request have been furnished to me as part of this application. I understand that supplemental materials, as determined by the City of Union maybe required to process my application. I further understand that planning staff is entitled to request additional information or documentation within 30 days after submission of this application if it is determined such information is needed for a complete application.

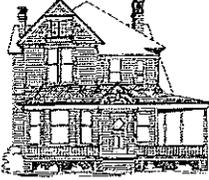
D. I HEREBY APPLY FOR THE ABOVE REQUEST.

I certify that I am the property owner, or an authorized representative for the property owner.

APPLICANTS SIGNATURE

Deborah L. Kennon DATE 1/20/16

CITY OF UNION, OREGON



City of Victorian heritage

342 South Main St.
P.O. Box 529
Union, OR 97883

cityhall@cityofunion.com
<http://www.cityofunion.com>

Phone: (541) 562-5197
Fax: (541) 562-5196
TTY: (800) 735-1232

Home of Buffalo Peak Championship Golf Course

5th STREET Right of Way VACATE NOTICE

This is notice for the application to vacate a section of right of way on 5th Street by applicant Deborah Kennon of 1045 N 5th Street Street Union Oregon 97883.

The public hearing was scheduled for February 8, 2016 at 7 pm or shortly after. The property is located at 04s40e18cb tax lot 800.

You can testify in favor or against the application during the meeting February 8, 2016 at 7 pm or shortly after or provide written testimony by 5 pm February 8, 2016. If you have any further questions please call Sandra at Union City Hall 541-562-5197 or email admin@cityofunion, 342 S. Main Street Union, Oregon 97883.

Terminus: a boundary post or limit

VACATION

271.080 Vacation in incorporated cities; petition; consent of property owners. (1)

Whenever any person interested in any real property in an incorporated city in this state desires to vacate all or part of any street, avenue, boulevard, alley, plat, public square or other public place, such person may file a petition therefor setting forth a description of the ground proposed to be vacated, the purpose for which the ground is proposed to be used and the reason for such vacation.

(2) There shall be appended to such petition, as a part thereof and as a basis for granting the same, the consent of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby. The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted. In the vacation of any plat or part thereof the consent of the owner or owners of two-thirds in area of the property embraced within such plat or part thereof proposed to be vacated shall be sufficient, except where such vacation embraces street area, when, as to such street area the above requirements shall also apply. The consent of the owners of the required amount of property shall be in writing. [Amended by 1999 c.866 §2]

271.090 Filing of petition; notice. The petition shall be presented to the city recorder or other recording officer of the city. If found by the recorder to be sufficient, the recorder shall file it and inform at least one of the petitioners when the petition will come before the city governing body. A failure to give such information shall not be in any respect a lack of jurisdiction for the governing body to proceed on the petition.

271.100 Action by city governing body. The city governing body may deny the petition after notice to the petitioners of such proposed action, but if there appears to be no reason why the petition should not be allowed in whole or in part, the governing body shall fix a time for a formal hearing upon the petition.

271.110 Notice of hearing. (1) The city recorder or other recording officer of the city shall give notice of the petition and hearing by publishing a notice in the city official newspaper once each week for two consecutive weeks prior to the hearing. If no newspaper is published in such city, written notice of the petition and hearing shall be posted in three of the most public places in the city. The notices shall describe the ground covered by the petition, give the date it was filed, the name of at least one of the petitioners and the date when the petition, and any objection or remonstrance, which may be made in writing and filed with the recording officer of the city prior to the time of hearing, will be heard and considered.

(2) Within five days after the first day of publication of the notice, the city recording officer shall cause to be posted at or near each end of the proposed vacation a copy of the notice, which shall be headed, "Notice of Street Vacation," "Notice of Plat Vacation" or "Notice of Plat and Street Vacation," as the case may be. The notice shall be posted in at least two conspicuous places in the proposed vacation area. The posting and first day of publication of such notice shall

be at least 14 days before the hearing.

(3) The city recording officer shall, before publishing such notice, obtain from the petitioners a sum sufficient to cover the cost of publication, posting and other anticipated expenses. The city recording officer shall hold the sum so obtained until the actual cost has been ascertained, when the amount of the cost shall be paid into the city treasury and any surplus refunded to the depositor. [Amended by 1991 c.629 §1; 2005 c.22 §196]

271.120 Hearing; determination. At the time fixed by the governing body for hearing the petition and any objections filed thereto or at any postponement or continuance of such matter, the governing body shall hear the petition and objections and shall determine whether the consent of the owners of the requisite area has been obtained, whether notice has been duly given and whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof. If such matters are determined in favor of the petition the governing body shall by ordinance make such determination a matter of record and vacate such plat or street; otherwise it shall deny the petition. The governing body may, upon hearing, grant the petition in part and deny it in part, and make such reservations, or either, as appear to be for the public interest.

271.130 Vacation on city governing body's own motion; appeal. (1) The city governing body may initiate vacation proceedings authorized by ORS 271.080 and make such vacation without a petition or consent of property owners. Notice shall be given as provided by ORS 271.110, but such vacation shall not be made before the date set for hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages. Provision for paying such damages may be made by a local assessment, or in such other manner as the city charter may provide.

(2) Two or more streets, alleys, avenues and boulevards, or parts thereof, may be joined in one proceeding, provided they intersect or are adjacent and parallel to each other.

(3) No ordinance for the vacation of all or part of a plat shall be passed by the governing body until the city recording officer has filed in the office of the city recording officer or indorsed on the petition for such vacation a certificate showing that all city liens and all taxes have been paid on the lands covered by the plat or portion thereof to be vacated.

(4) Any property owner affected by the order of vacation or the order awarding damages or benefits in such vacation proceedings may appeal to the circuit court of the county where such city is situated in the manner provided by the city charter. If the charter does not provide for such appeal, the appeal shall be taken within the time and in substantially the manner provided for taking an appeal from justice court in civil cases. [Amended by 1995 c.658 §101]

271.140 Title to vacated areas. The title to the street or other public area vacated shall attach to the lands bordering on such area in equal portions; except that where the area has been originally dedicated by different persons and the fee title to such area has not been otherwise disposed of, original boundary lines shall be adhered to and the street area which lies on each side of such boundary line shall attach to the abutting property on such side. If a public square is vacated the title thereto shall vest in the city. [Amended by 1981 c.153 §58]

271.150 Vacation records to be filed; costs. A certified copy of the ordinance vacating any

street or plat area and any map, plat or other record in regard thereto which may be required or provided for by law, shall be filed for record with the county clerk. The petitioner for such vacation shall bear the recording cost and the cost of preparing and filing the certified copy of the ordinance and map. A certified copy of any such ordinance shall be filed with the county assessor and county surveyor.

271.160 Vacations for purposes of rededication. No street shall be vacated upon the petition of any person when it is proposed to replat or rededicate all or part of any street in lieu of the original unless such petition is accompanied by a plat showing the proposed manner of replatting or rededicating. If the proposed manner of replatting or rededicating or any modification thereof which may subsequently be made meets with the approval of the city governing body, it shall require a suitable guarantee to be given for the carrying out of such replatting or rededication or may make any vacation conditional or to take effect only upon the consummation of such replatting or rededication.

271.170 Nature and operation of statutes. The provisions of ORS 271.080 to 271.160 are alternative to the provisions of the charter of any incorporated city and nothing contained in those statutes shall in anywise affect or impair the charter or other provisions of such cities for the preservation of public access to and from transportation terminals and navigable waters.

271.180 Vacations in municipalities included in port districts; petition; power of common council; vacating street along railroad easement. To the end that adequate facilities for terminal trackage, structures and the instrumentalities of commerce and transportation may be provided in cities and towns located within or forming a part of any port district organized as a municipal corporation in this state, the governing body of such cities and towns, upon the petition of any such port, or corporation empowered to own or operate a railroad, steamship or other transportation terminal, or railroad company entering or operating within such city or town, or owner of property abutting any such terminal, may:

(1) Authorize any port commission, dock commission, common carrier, railroad company or terminal company to occupy, by any structure, trackage or machinery facilitating or necessary to travel, transportation or distribution, any street or public property, or parts thereof, within such city or town, upon such reasonable terms and conditions as the city or town may impose.

(2) Vacate the whole or any part of any street, alley, common or public place, with such restrictions and upon such conditions as the city governing body may deem reasonable and for the public good.

(3) If any railroad company owns or has an exclusive easement upon a definite strip within or along any public street, alley, common or public place, and if the city governing body determines such action to be to the advantage of the public, vacate the street area between the strip so occupied by the railroad company and one property line opposite thereto, condition that the railroad company dedicates for street purposes such portion of such exclusive strip occupied by it as the city governing body may determine upon, and moves its tracks and facilities therefrom onto the street area so vacated. The right and title of the railroad company in the vacated area shall be of the same character as previously owned by it in the exclusive strip which it is required by the city governing body to surrender and dedicate to street purposes.

271.190 Consent of owners of adjoining property; other required approval. No vacation

of all or part of a street, alley, common or public place shall take place under ORS 271.180 unless the consent of the persons owning the property immediately adjoining that part of the street or alley to be vacated is obtained thereto in writing and filed with the auditor or clerk of the city or town. No vacation shall be made of any street, alley, public place or part thereof, if within 5,000 feet of the harbor or pierhead line of the port, unless the port commission, or other bodies having jurisdiction over docks and wharves in the port district involved, approves the proposed vacation in writing.

271.200 Petition; notice. (1) Before any street, alley, common or public place or any part thereof is vacated, or other right granted by any city governing body under ORS 271.180 to 271.210 the applicant must petition the governing body of the city or town involved, setting forth the particular circumstances of the case, giving a definite description of the property sought to be vacated, or of the right, use or occupancy sought to be obtained, and the names of the persons to be particularly affected thereby. The petition shall be filed with the auditor or clerk of the city or town involved 30 days previous to the taking of any action thereon by the city governing body.

(2) Notice of the pendency of the petition, containing a description of the area sought to be vacated or right, use or occupancy sought to be obtained, shall be published at least once each week for three successive weeks prior to expiration of such 30-day period in a newspaper of general circulation in the county wherein the city or town is located.

271.210 Hearing; grant of petition. Hearing upon the petition shall be had by the city governing body at its next regular meeting following the expiration of 30 days from the filing of the petition. At that time objections to the granting of the whole or any part of the petition shall be duly heard and considered by the governing body, which shall thereupon, or at any later time to which the hearing is postponed or adjourned, pass by a majority vote an ordinance setting forth the property to be vacated, or other rights, occupancy or use to be thereby granted. Upon the expiration of 30 days from the passage of the ordinance and the approval thereof by the mayor of the city or town, the ordinance shall be in full force and effect.

271.220 Filing of objections; waiver. All objections to the petition shall be filed with the clerk or auditor of the city or town within 30 days from the filing of the petition, and if not so filed shall be conclusively presumed to have been waived. The regularity, validity and correctness of the proceedings of the city governing body pursuant to ORS 271.180 to 271.210, shall be conclusive in all things on all parties, and cannot in any manner be contested in any proceeding whatsoever by any person not filing written objections within the time provided in this section.

271.230 Records of vacations; fees. (1) If any town or plat of any city or town is vacated by a county court or municipal authority of any city or town, the vacation order or ordinance shall be recorded in the deed records of the county. Whenever a vacation order or ordinance is so recorded, the county surveyor of such county shall, upon a copy of the plat that is certified by the county clerk, trace or shade with permanent ink in such manner as to denote that portion so vacated, and shall make the notation "Vacated" upon such copy of the plat, giving the book and page of the deed record in which the order or ordinance is recorded. Corrections or changes shall not be allowed on the original plat once it is recorded with the county clerk.

(2) For recording in the county deed records, the county clerk shall collect the same fee as for

recording a deed. For the services of the county surveyor for marking the record upon the copy of the plat, the county clerk shall collect a fee as set by ordinance of the county governing body to be paid by the county clerk to the county surveyor. [Amended by 1971 c.621 §31; 1975 c.607 §31; 1977 c.488 §2; 1979 c.833 §30; 1999 c.710 §12; 2001 c.173 §5]

CITY OF UNION ORDINANCE

ORDINANCE NO. 551

AN ORDINANCE OF THE CITY OF UNION DECLARING A BAN ON RECREATIONAL MARIJUANA RETAILERS REFERRING ORDINANCE AND DECLARING AN EMERGENCY.

The City Council of the City of Union finds as follows:

Whereas, the Oregon Medical Marijuana Act, as amended by House Bill 3400 (2015) provides that the Oregon Health Authority will register medical marijuana processing sites and medical marijuana dispensaries; and

Whereas, Measure 91, which the votes adopted in November 2014, directs the Oregon Liquor Control Commission to license the production, processing, wholesale, and retail sale of recreational marijuana; and

Whereas, section 134 of HB 3400 provides that a city council may adopt an ordinance to be referred to the electors of the city prohibiting the establishment of certain state-registered and state-licensed marijuana businesses in the area subject to the jurisdiction of the city; and

Whereas, the city council wants to refer the question of whether to prohibit marijuana retailers to the voters of the City of Union.

NOW THEREFORE, BASED ON THE FOREGOING, THE CITY OF UNION ORDAINS AS FOLLOWS:

DEFINITIONS.

Marijuana means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae.

Marijuana retailer means an entity licensed by the Oregon Liquor Control Commission to sell marijuana items to a consumer in this state.

BAN DECLARED. As described in section 134 of House Bill 3400 (2015), the City of Union hereby prohibits marijuana retail establishments in the following area subject to the jurisdiction of the City of Union.

EXEPTION. The prohibition set out in this ordinance does not apply to a marijuana processing site or medical marijuana dispensary that meets the conditions set out in subsection 6 or 7 of section 134, section 136, or section 137 or House Bill 3400 (2015).

REFERRAL. This ordinance shall be referred to the electors of the City of Union at the next statewide general election on Tuesday, November 8, 2016 the next statewide general election.

EMERGENCY. This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this ordinance shall be in full force and effect on passage.

Adopted by _____ members of the Council voting therefore and approved by the Mayor of the City of Union this 14th day of March 2016.

CITY OF UNION

By _____
Ken McCormack, Mayor

Attest:

Sandra Patterson, Administrator/Recorder



MEDICAL MARIJUANA DISPENSARY PROGRAM

1-855-244-9580 | fax: 971-673-0076

mmj.oregon.gov | medmj.dispensaries@state.or.us

MARIJUANA LOCAL OPTION OPT-OUT FORM

This form allows local cities and counties to elect out of the Medical Marijuana program, prohibiting recreational sales, early recreational sales, and/or the establishment of medical marijuana processors and/or dispensaries registered under ORS 475.300-475.346.

All fields on this form are required with exception to "Affected City." Please only complete the "Affected City" field if applicable.

You may return the completed document to medmj.dispensaries@state.or.us or via hard copy mail: Attn: Medical Marijuana Dispensary Program, PO Box 14116, Portland, OR, 97293-0116.

Today's Date:	
Affected County:	
Affected City (if applicable):	
Contact Person:	
Phone:	Email:
Governing Body:	Title:

Please check all items that are being opted out of:
<input type="checkbox"/> Medical Marijuana Processor <input type="checkbox"/> Medical Marijuana Dispensary
<input type="checkbox"/> Early Recreational Sales <input type="checkbox"/> Recreational Sales

Effective Date of the Ordinance: _____

Printed Name: _____

Signature: _____

Date: _____



Marijuana Local Option Opt-Out Form

This form allows local cities and counties to elect out of the Recreational Marijuana program, prohibiting the establishment of Marijuana producers, processors, wholesalers, and/or retailers licensed under section 19, 20, 21 or 22, chapter 1, Oregon Laws 2015.

- All fields on this form are required with exception to "Affected City." Please only complete the "Affected City" field if applicable.
- You may return the completed document to marijuana@oregon.gov or via hard copy mail: **Attn: Marijuana Division, OLCC, 9079 SE McLoughlin Blvd, Portland, OR 97222-7355**

Today's Date:	
Affected County:	
Affected City (If applicable):	
Contact Person:	
Phone:	Email:
Governing Body:	Title:

OLCC License Type (Please check all that apply):
<input type="checkbox"/> Producer
<input type="checkbox"/> Processor
<input type="checkbox"/> Wholesale
<input type="checkbox"/> Retail

Effective Date of the Ordinance (Please Attach Copy of Ordinance):

Printed Name: _____

Signature: _____

Date: _____

DRAFT

**CITY OF UNION RESOLUTION
RESOLUTION NO. 2016-03**

DRAFT

**A RESOLUTION REFERAL TO THE ELECTORS OF THE CITY OF UNION THE
QUESTION OF BANNING MARIJUANA RETAILERS WITH THE CITY OF UNION**

Whereas, section 134 of HB 3400 provides that a city council may adopt an ordinance to be referred to the electors of the city prohibiting the establishment of certain state-registered and state-licensed marijuana businesses in the area subject to the jurisdiction of the city, and;

Whereas, the City of Union city council adopted Ordinance 551, which prohibits the establishment of marijuana retail sales in the area subject to the jurisdiction of the city, and;

Whereas, an aggregate assumed annual wage of \$2,500 will be used per each volunteer board, commission or council for the performance of administrative duties. The covered bodies are Union City Council Planning Commission, Budget Committee, Historic Preservation, Revolving Loan, and;

Now, therefore, be it resolved by the City of Union to provide workers' compensation coverage as indicated above.

MEASURE. A measure election is hereby called for the purpose of submitting to the electors of the City of Union a measure prohibiting the establishment of certain marijuana activities in the area subject to the jurisdiction of the city, a copy of which is attached hereto as "Exhibit 1," and incorporated herein by reference.

ELECTION CONDUCTED BY MAIL. The measure election shall be held in the City of Union November 8, 2016 for the next general election. As required by ORS 254.465, the measure election shall be conducted by mail by the County Clerk of Union County, according to the procedures adopted by the Oregon Secretary of State.

DELEGATION. The City of Union authorizes the City Administrator/City Recorder Sandra Patterson to act on behalf of the city and to take such further action as is necessary to carry out the intent and purposes set forth herein, in compliance with the applicable provisions of law.

PREPARATION OF BALLOT TITLE. The City Attorney is hereby directed to prepare the ballot title for the measure, and deposit the ballot title with City Administrator/City Recorder with the times set forth by law.

NOTICE OF BALLOT TITLE AND RIGHT TO APPEAL. Upon receiving the ballot title for this measure, the City Administrator/City Recorder shall publish in the next available

edition of a newspaper of general circulation in the city a notice of receipt of the ballot title, including notice that an elector may file a petition for review of the ballot title.

EXPLANATORY STATEMENT. The explanatory statement for the measure, which is attached hereto as "Exhibit 2," and incorporated herein by reference, is hereby approved.

FILING WITH COUNTY ELECTIONS OFFICE. The City Administrator/City Recorder shall deliver the Notice of Measure Election to the county clerk for the Union County for inclusion on the ballot for the election.

EFFECTIVE DATE. This resolution is effective upon adoption.

Adopted by _____ members of the City Council voting therefore, and approved by the Mayor of the City of Union this 14th day of March 2016.

Approved:

Attest:

Ken McCormak, Mayor

Sandra Patterson, Administrator/Recorder

DRAFT

