

AGENDA

REGULAR CITY COUNCIL MEETING

July 9, 2012

5:30 p.m.

CITY HALL COUNCIL CHAMBER
313 COURT STREET
THE DALLES, OREGON

1. CALL TO ORDER
2. ROLL CALL OF COUNCIL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF AGENDA
5. PRESENTATIONS/PROCLAMATIONS
6. AUDIENCE PARTICIPATION

During this portion of the meeting, anyone may speak on any subject which does not later appear on the agenda. Five minutes per person will be allowed. If a response by the City is requested, the speaker will be referred to the City Manager for further action. The issue may appear on a future meeting agenda for City Council consideration.

7. CITY MANAGER REPORT
8. CITY ATTORNEY REPORT
9. CITY COUNCIL REPORTS
10. CONSENT AGENDA

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

- A. Approval of June 25, 2012 Regular City Council Meeting Minutes

CITY OF THE DALLES

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

- B. Authorization for City Clerk to Endorse Annual OLCC License Renewals
- C. Resolution No. 12-011 Concurring With the Mayor's Appointment to the Planning Commission

11. ACTION ITEMS

- A. Review and Selection of City's Top Priorities for League of Oregon Cities Legislative Objectives for 2013 [**Agenda Staff Report #12-050**]
- B. Special Ordinance No. 12-549 Vacating a Portion of the Public Right of Way of West Seventh Street [**Agenda Staff Report #12-049**]

12. ADJOURNMENT

This meeting conducted in a handicap accessible room.

Prepared by/
Julie Krueger, MMC
City Clerk





AGENDA STAFF REPORT CITY OF THE DALLES

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
July 9, 2012	Consent Agenda 10, A - C	N/A

TO: Honorable Mayor and City Council

FROM: Julie Krueger, MMC, City Clerk

THRU: Nolan K. Young, City Manager

DATE: June 27, 2012

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

A. ITEM: Approval of June 25, 2012 Regular City Council Meeting Minutes.

BUDGET IMPLICATIONS: None.

SYNOPSIS: The minutes of the June 25, 2012 regular City Council meeting have been prepared and are submitted for review and approval.

RECOMMENDATION: That City Council review and approve the minutes of the June 25, 2012 regular City Council meeting.

B. ITEM: Authorization for City Clerk to Endorse Annual OLCC License Renewals.

BUDGET IMPLICATIONS: A \$35.00 fee will be charged for each renewal, credited to the General Fund.

SYNOPSIS: The Police Department has reviewed the list of proposed OLCC renewals and recommends they be approved.

RECOMMENDATION: That City Council authorize the City Clerk to endorse the annual OLCC license renewals.

C. **ITEM:** Resolution No. 12-011 Concurring With the Mayor's Appointment to the Planning Commission.

BUDGET IMPLICATIONS: None.

SYNOPSIS: The Mayor has selected Robert Raschio for appointment to fill an unexpired term on the Planning Commission.

RECOMMENDATION: That City Council adopt Resolution No. 12-011 concurring with the Mayor's appointment to the Planning Commission.

MINUTES

REGULAR COUNCIL MEETING
OF
JUNE 25, 2012
5:30 P.M.
THE DALLES CITY HALL
313 COURT STREET
THE DALLES, OREGON

PRESIDING: Mayor Jim Wilcox

COUNCIL PRESENT: Bill Dick, Carolyn Wood, Dan Spatz, Brian Ahier, Tim McGlothlin

COUNCIL ABSENT: None

STAFF PRESENT: City Manager Nolan Young, City Attorney Gene Parker, City Clerk Julie Krueger, Finance Director Kate Mast, Airport Managers Rolf Anderson and Chuck Covert, Police Chief Jay Waterbury, Community Development Director Dan Durow, Librarian Sheila Dooley

CALL TO ORDER

Mayor Wilcox called the meeting to order at 5:35 p.m.

ROLL CALL

Roll call was conducted by City Clerk Krueger; all Councilors present.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Mayor Wilcox said Action Item 12, B, Second Hand Dealers Ordinance, would be removed from the agenda, noting staff continued to meet with the parties involved. It was moved by Wood and seconded by Ahier to approve the agenda as amended. The motion carried unanimously.

AUDIENCE PARTICIPATION

Marilyn Clifford, 1280 Oak Hill Drive, The Dalles, shared her concern that the lifeguards at the swimming pool had been directed to take care of issues at the skate park. She said they were not trained to handle conflict resolution and it put their safety at risk. Clifford asked that the City not direct these employees to handle potentially dangerous situations.

Mayor Wilcox explained they were not City employees, but were employees of the Parks and Recreation District. He said the Police should be called if there were situations that needed to be resolved.

CITY MANAGER REPORT

City Manager Young asked the Police Chief to make an announcement. Chief Waterbury announced that Koji Nakawatsu had been hired to fill a vacancy as a patrol officer. He said Nakawatsu had been serving as a Reserve Officer and would begin full time employment on July 9.

City Manager Young reported the City had been notified by the Corps of Engineers there would be a high water event for the Columbia River this week and flooding of the Union Street under crossing was likely. He said staff was monitoring the water level and would close the area if necessary.

Young reported the City had been notified by the State that it would be receiving income tax revenue shares from the Enterprise Zone agreement with Google. He said this year the County and City would share approximately \$65,000.

CITY ATTORNEY REPORT

City Attorney Parker reported he was working on the agreement with the Corps of Engineers regarding the shuttle tour project. He said tours may begin mid-July or early August. City Manager Young added that the City would hire temporary employees to operate the shuttles for the remainder of summer and the shuttles would operate Fridays through Sundays.

City Attorney Parker said the Codes Enforcement Officer was working on resolving a fire damage nuisance and said the residence would have to be demolished because the Fire Department was not able to use the structure as a training project.

MINUTES (Continued)
Regular Council Meeting
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CITY COUNCIL REPORTS

Councilor McGlothlin said the Traffic Safety Commission continued to discuss the Brewery Grade cross walk issue and traffic congestion in the area on Kelly Avenue between East 10th and East 12th Streets.

Councilor Dick said he agreed with the concerns expressed by Mrs. Clifford regarding the safety of lifeguard staff. He said Thompson Park was important to the community because it was one of the entrances to the community and said he shared concerns raised about the security of children in the area. Dick said homeless people should be separated from the area and he suggested the City Council meet with the Parks and Recreation District Board to discuss safety in the area.

Councilor Spatz agreed with the comments made by Council Dick and said a meeting of the two groups would be a good idea.

Spatz reported on the Strengthening Economies Program, saying the next meeting would be on Thursday. He emphasized the importance of bi-state outreach to discuss issues of mutual concern, such as housing, infrastructure, and transportation.

Councilor Ahier said he also agreed there was value in meeting with the Parks and Recreation Board.

Ahier said good progress was being made on the QLife redundancy project.

Mayor Wilcox suggested a joint meeting with the Parks and Recreation District might be best to schedule in the Fall when the Council planned to meet at the high school. He said it might be of interest to the students to hear a discussion between the City and Parks District.

Wilcox said progress was being made on the Wal-Mart application and regulations regarding employment lands in the City. He said there would be an open house at the Airport on Wednesday at 10:00 a.m. and noted the Sister City Association would be sending five students to Myoshi City in August, with approximately 20 students coming from Myoshi City to The Dalles in October.

CONSENT AGENDA

Mayor Wilcox clarified that the minutes of the June 11 Council meeting included a statement he had made that the 18th Habitat for Humanity home would be dedicated. He said he intended to say that the 18th Habitat home ground breaking ceremony was to take place.

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

Items approved by Consent Agenda were: 1) approval of June 11, 2012 regular City Council meeting minutes; 2) approval of June 4, 2012 Town Hall meeting minutes; 3) approval to declare computer equipment as surplus property; and 4) approval to declare Public Works Department equipment as surplus property.

PUBLIC HEARINGS

Public Hearing to Receive Testimony Regarding Proposed Changes to the Water Capital Reserve Fund and the Airport Fund That Exceed 10% of Budget

Mayor Wilcox reviewed the procedures to be followed for the hearing.

Finance Director Mast reviewed the staff report. She distributed a memorandum explaining proposed changes to the Airport Fund engineering line item, saying they should be moved to the materials and services line item as a capital outlay expense.

Councilor Spatz questioned that the numbers were the same for both the current and proposed budgets.

Testimony

Marilyn Clifford, 1280 Oak Hill Drive, The Dalles, said she was disappointed that the City Council decided to re-allocate the \$25,000 originally planned to help pay the Wasco County bond payment for the Discovery Center. She said there were no statistics to prove the programs chosen to receive funding were successful and would have preferred to see the City give the money to Wasco County and the Veterans group because they would be better stewards of the money.

It was moved by Ahier and seconded by Spatz to table the public hearing to allow the Finance Director time to research the question regarding the numbers included in the memorandum. The motion carried unanimously.

MINUTES (Continued)
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ACTION ITEMS

Resolution No. 12-007 Accepting a Deed of Dedication From Columbia Gateway Urban Renewal Agency for the Sunshine Mill Property

City Attorney Parker reviewed the staff report. He provided a map showing the small areas in gray.

It was moved by Wood and seconded by Dick to adopt Resolution No. 12-007 accepting a deed of dedication from Columbia Gateway Urban Renewal Agency for the Sunshine Mill property. The motion carried unanimously.

Councilor Ahier asked when the sale would occur. City Attorney Parker said he hoped to have it before the Council in July. Ahier said the property was being very well maintained and upgraded and was a good use of urban renewal funds.

Public Hearing to Receive Testimony Regarding Proposed Changes to the Water Capital Reserve Fund and the Airport Fund That Exceed 10% of Budget: REMOVED FROM TABLE

It was moved by Ahier and seconded by Dick to remove from the table, the public hearing to consider changes to the proposed budget. The motion carried unanimously.

Finance Director Mast said she had checked the information and said the Resolution correctly stated the figures. She pointed out the number for item #2 in the memo should have been stated as \$600,000 instead of \$374,000.

Testimony, Continued

Mrs. Clifford said the Mayor had said at the last Council meeting that two County Commissioners had said they were okay with the City not providing the funding, yet when she asked the County Commission, they denied that they had said that. Clifford said it was frustrating for citizens to follow a process if it was not completely truthful.

Mayor Wilcox said the two Commissioners he had spoken with had told him the County would not default on the bond payment if the City didn't make the contribution, not that they supported losing the contribution.

Hearing no further testimony, the public hearing was closed.

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Resolution No. 12-009 Adopting the Fiscal Year 2012-13 Budget for the City of The Dalles, Making Appropriations, Authorizing Expenditures, Levying Taxes and Authorizing the City Manager to Take Such Action as Necessary to Carry Out the Adopted Budget

Councilor Ahier said he was opposed to including the proposed water rate increase in the budget and would not vote to adopt the budget with the rate increase included.

Councilor Dick said he would support adoption of the proposed budget. Dick said he felt badly about the manner in which the Council decided to re-distribute the proposed \$25,000 contribution to the County, to other programs. He said there had been many opportunities to discuss that proposal and it should not have been brought up at the last minute. Councilor Dick said it was very important that the City and County work together and had many more things in common than not. He encouraged the City to work to strengthen its partnerships in the future.

Councilor Wood agreed with comments made by Councilor Dick and added that there was an expectation of the City Council that staff not bring last minute changes. She said that courtesy should also be extended between the Councilors and if they had issues, they should provide advance notice and information, not waiting until the last minute.

Councilor Ahier asked if the Council could consider using the unexpected revenue from the State to fund the contribution to the County. City Manager Young said Wasco County was receiving half of that revenue and it was expected to be received by the end of June, not in the upcoming fiscal year.

Councilor Spatz said a meeting with the County was a good idea. He said he supported the programs the Council chose to fund and apologized for bringing up the issue without advance notice.

Mayor Wilcox said he had presented a memo to the Budget Committee regarding many concerns but it was not discussed. He said the Budget Committee and City Council did have the information in advance. Wilcox said the partnerships with other agencies were important, but the City could not always be the one to take on additional expenses.

Councilor McGlothlin said funding of the YouthThink program was important for the entire community and was money well spent. He said the organized activities planned by that organization did help reduce drug and alcohol use among youth.

Councilor Ahier said it was important to maintain strong partnerships with other government entities.

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It was moved by Spatz and seconded by Dick to approve all the proposed changes to the 2012-13 budget as described in the staff report and memorandum dated June 19, 2012. The motion carried; Ahier voting no.

It was moved by Wood and seconded by Spatz to adopt Resolution No. 12-009 adopting the fiscal year 2012-13 budget for the City of The Dalles, making appropriations, authorizing expenditures, levying taxes and authorizing the City Manager to take such action as necessary to carry out the adopted budget. The motion carried; Ahier voting no.

Resolution No. 12-010 Authorizing Transfers of Funds Between Categories of Various Funds, Making Appropriations and Authorizing Expenditures for the Fiscal Year Ending June 30, 2012

The staff report was reviewed by Finance Director Mast.

It was moved by Ahier and seconded by Wood to adopt Resolution No. 12-010 authorizing transfers of funds between categories of various funds, making appropriations and authorizing expenditures for the fiscal year ending June 30, 2012. The motion carried unanimously.

Special Ordinance No. 12-548 Assessing Property Located at 3316 West 10th Street for the Cost of Nuisance Abatement

City Attorney Parker reviewed the staff report.

City Clerk Krueger read Special Ordinance No. 12-548 by title.

It was moved by Wood and seconded by Spatz to adopt Special Ordinance No. 12-548 assessing property located at 3316 West 10th Street for the cost of nuisance abatement, by title. The motion carried unanimously.

Approval of Five Year Airport Lease With Advanced Navigation and Positioning Corporation

Airport Manager Chuck Covert reviewed the staff report.

Councilor Ahier said approving a five year lease was inconsistent with the philosophy discussed by City Council at the last meeting to only approve short-term leases.

Councilor Dick said he did not believe it was a philosophy of the Council to only approve short-term leases. He said each lease needed to be considered separately.

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City Manager Young said the proposes five year lease was needed to consider the investment being made by the Lessee. He said they were making capital investments.

It was moved by Wood and seconded by McGlothlin to authorize the City Manager to sign the five year lease with Advanced Navigation and Positioning Corporation. The motion carried unanimously.

Approval of Five Year Airport Lease With American Aerospace Engineering, LLC

Airport Manager Chuck Covert reviewed the staff report.

It was moved by Wood and seconded by Ahier to authorize the City Manager to sign the five year lease with American Aerospace Engineering, LLC. The motion carried unanimously.

ADJOURNMENT

Being no further business, the meeting adjourned at 6:45 p.m.

Submitted by/
Julie Krueger, MMC
City Clerk

SIGNED:

James L. Wilcox, Mayor

ATTEST:

Julie Krueger, MMC, City Clerk



MEMORANDUM

DATE: June 19, 2012
TO: Julie Kruger, City Clerk
FROM: Jay B. Waterbury, Chief of Police
SUBJECT: 2011 Annual OLCC Renewals

The following outlets have been investigated and are approved for OLCC license renewal for the fiscal year 2012 – 2013.

9th St. Sugarbowl
Allen's Food Center
American Legion Post # 19
Anana's Boutique
Astro Express Mart #264
Baldwin Saloon
Bi-Mart #645
Canton Wok
Casa El Mirador
Celilo Inn
Civic Auditorium
Clock Tower Ales
Columbia Portage Grill
Columbia View Station & Mini Mart
Comfort Inn
Cousin's
Creative Cottage
Cruz Thru Grocery
Daily Special BBQ
Denny's #6807
Dinty's Market
Downtown Chevron & Food Mart
Eagles Lodge #2126
Elks Lodge #303
Fred Meyer
Hatt's 76 Fuel Stop
HiWay House
Ixtapa
Jack's Mini Market # 2

Juanita's Markets
Kmart #3888
La Michoacana
Lone Pine 76
Maison de Glace Winery
Montira's Thai Cuisine
Moose Lodge #2075
Petite Provence
Poppy's Mini Mart
Portside Pub and Windseeker
Quenett Winery
Rite Aid #5334
Riverenza
Romul's
Safeway #1489
Shari's #247
Spooky's
Taco Del Mar
The Barbeque
The Dalles Grocery Outlet
The Vault Bistro & Lounge
Tijuana
Walgreen's
Water's Edge Bistro
West 6th Street 76
West Second Food Mart
Windy River
Wong's Chinese Restaurant
Zim's Brau Haus

RESOLUTION NO. 12-011

**A RESOLUTION CONCURRING WITH THE MAYOR'S
APPOINTMENT TO THE PLANNING COMMISSION**

WHEREAS, there is a vacancy on the Planning Commission; and

WHEREAS, the Mayor has selected Robert Raschio for appointment to the Planning
Commission;

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

Section 1. The City Council hereby concurs with the appointment of Robert Raschio to the
Planning Commission; term to expire April 30, 2015.

Section 6. This Resolution shall be effective July 9, 2012.

PASSED AND ADOPTED THIS 9th DAY OF JULY, 2012

Voting Yes, Councilors: _____
Voting No, Councilors: _____
Absent, Councilors: _____
Abstaining, Councilors: _____

AND APPROVED BY THE MAYOR THIS 9th DAY OF JULY, 2012

SIGNED:

James L. Wilcox, Mayor

ATTEST:

Julie Krueger, MMC, City Clerk



AGENDA STAFF REPORT CITY OF THE DALLES

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
July 9, 2012	Action Items 11, A	12-050

TO: Mayor and City Council
FROM: Nolan K. Young, City Manager *NKY*
DATE: June 22, 2012
ISSUE: League of Oregon Cities Legislative Priorities

BACKGROUND: Every other year prior to the regular Oregon Legislative session, the League of Oregon Cities develops policy committees who then submit legislative initiatives to the League Board. The League Board then sends these to the various cities to vote on. The League Board of Directors then look at the votes, and in considering all factors, set specific legislative targets for the upcoming session. Attached is the transmittal letter for this year, a copy of the ballot, and a description of each of the priorities submitted for consideration.

At the meeting on July 9, the Council needs to select four priorities to submit to the League. The City's department managers met and identified five priorities that they recommend that the Council consider. Below is a brief listing of each priority and the impact we feel it will have on our city:

- A. Jobs/Economic Development Initiative that supports funding for industrial site development. The city's major remaining industrial sites are the old aluminum plant property and the port property west of Chenoweth Creek. Both of these facilities need infrastructure development.

- C. Allow local governments a more flexible use of transient lodging tax revenues. In 2003 the legislature adopted legislation that restricts how cities can use transient room tax. The cities that already had transient room tax needed to continue to use the same ratio of revenue that was used for tourist promotion and tourism

facilities in future years as was used in 2003. In 2003 50.2% of our room tax revenue was used for those purposes. As the tax revenue has grown in size this law restricts the use of this tax for other infrastructure and services impacted by visitors to the community.

- K. Pass legislation renewing the 9-1-1 tax. Wasco County receives approximately \$300,000 in 9-1-1 tax each year. The City and the County are 9-1-1/Dispatch Center partners; the partners would have to make up that revenue if the tax is not renewed. The City share would be \$156,000 (52%).
- M. Defeat legislation that would extend or make permanent the moratorium on raising existing or levying new local gas taxes. Without local gas taxes the City would be unable to maintain its roads. When the moratorium expires in January of 2014, we would be allowed to increase our local tax if needed. Street maintenance funding is currently a top priority for the City.
- Q. Recapitalization of state Special Public Works Fund, Water Wastewater Fund, the Water Conservation, Reuse and Storage Grant Program and the Clean Water State Revolving Fund Loan Program. As the City continues to work on its public utility infrastructure these funding programs are possible resources.

COUNCIL ALTERNATIVES:

1. Select four items for legislative priorities to submit to the League of Oregon Cities.



received
6/7/12

P.O. Box 928 • Salem, Oregon 97308
(503) 588-6550 • (800) 452-0338 • Fax: (503) 399-4863
www.orcities.org

Dear Chief Administrative Official:

For the past three months, eight policy committees have worked very diligently to identify and propose specific actions as part of the League's effort to develop a pro-active legislative agenda for the 2013 session. They have identified 19 legislative objectives as set forth in the enclosed ballot and legislative recommendation materials. These objectives span a variety of issues and differ in the potential resources required to seek their achievement. Therefore, it is desirable to prioritize them in order to ensure that efforts are focused where they are most needed.

The LOC Board of Directors has made long term commitments to two issues critical to cities: revenue and land use reform. **As a result of their designation as top legislative priorities on an ongoing basis neither of these issues appear on the enclosed ballot.**

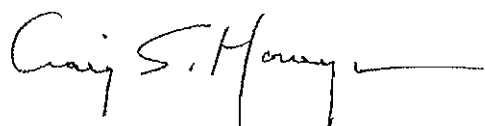
The League will continue to advocate for a constitutional amendment that gives local voters the opportunity to pass local option levies outside of compression for a maximum length of 10 years. Currently, statewide property tax limitations can prevent local voters from providing the services they demand via local option levies. This amendment would enable voters to determine the level of services they desire and the associated level of taxation. The League is currently building a coalition of stakeholder groups to support the measure and with consultants on a communication strategy. The League will engage in specific legislative efforts to streamline population forecasting for land use planning purposes and reform the urban growth boundary amendment process. The requirements to implement both of these land use requirements have become increasingly difficult for all cities to implement – with increased costs, time and frequency of appeals. The League is currently working with the governor's office and constituent stakeholders to craft legislation for 2013.

Each city is being asked to review the recommendations of the policy committees and provide input to the LOC Board of Directors as it prepares to adopt the League's 2013 legislative agenda. After your city council has had the opportunity to review the 19 proposals and discuss them with your staff, please return the enclosed ballot indicating the top four issues that your city council would like to see the League focus on in the 2013 session. **The deadline for response is July 31, 2012.** The board of directors will then review the results of this survey of member cities, along with the recommendations of the policy committees, and determine the League's 2013 legislative agenda.

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

Do not hesitate to contact me or any member of the Intergovernmental Relations Department with questions.

Sincerely,

A handwritten signature in black ink that reads "Craig S. Honeyman" followed by a horizontal flourish.

Craig S. Honeyman
Legislative Director

cc: Oregon Mayors

City of: _____

Please mark 4 boxes with an X that reflects the top 4 issues that your city recommends be added to the priorities for the League's 2013 legislative agenda.

Community Development

- A. The Jobs/Economic Development Initiative that supports funding for industrial site development.

Energy

- B. Energy Efficiency Strategy for Public Buildings.

Finance & Taxation

- C. Allow local governments a more flexible use of transient lodging tax revenues.
- D. Restore equity in our property tax system by resetting assessed value to real market value when a property is sold or constructed.
- E. Eliminate the 3% discount for the early payment of property taxes.

General Government

- F. Reform the court fines system in a manner that recognizes the value of both state and local courts.
- G. Amend the public contracting code to remove costly requirements that do not aid in the delivery of public improvements and defend against any new requirements that do not serve the public interest.
- H. Pass legislation that will allow cities greater authority to regulate liquor serving establishments.

Human Resources

- I. Eliminate the requirement that public employers provide subsidized health insurance for retirees.
- J. Clarify that binding arbitration decisions may be overturned when those decisions violate public policy interests as defined by a local government.

Telecommunications

- K. Pass legislation renewing the 9-1-1 tax.
- L. Defeat legislation mandating the consolidation of Public Safety Answering Points (PSAPs).

Transportation

- M. Defeat legislation that would extend or make permanent the moratorium on raising existing or levying new local gas taxes and/or any legislation that proposes to restrict or preempt cities' ability to charge any transportation-related fee or tax.
- N. Continue to support the development of greenhouse gas emission toolkits and scenario planning models and standards for Metropolitan Planning Organization (MPO) cities as long as they are funded with new revenue and do not expose cities to additional litigation.
- O. While supporting the creation of a dedicated, non-roadway transportation fund, oppose any attempt to fund it from existing revenue streams – especially transfers from local governments to the state.
- P. Support legislation to supplement and perhaps eventually replace the gas tax as the principle road user fee funding the state's road and highway system.

Water/Wastewater

- Q. Recapitalize the Special Public Works Fund, Water Wastewater Fund, Water Conservation, Reuse and Storage Grant Program, and the Clean Water State Revolving Fund.
- R. Support state authority for Oregon Water Resources Department to act as contracting agency with federal entities to facilitate water procurement.
- S. Advocate for toxic pollution prevention through proper collection and disposal strategies.

LOC Policy Committees' Legislative Recommendations

Priority	Description
Community Development	
<p>A. Jobs /Economic Development Initiative:</p> <ul style="list-style-type: none"> ○ Recapitalize the Brownfields Redevelopment Fund Program (<i>OBDD Budget, \$10 million</i>); ○ Support the Patient Capital for Industrial Lands Infrastructure Pilot Program (<i>OBDD Budget, \$20 million</i>); ○ Support the Employment Site Re-Use/Redevelopment Pilot Program (<i>OBDD & DLCD, \$15 million</i>) 	<p>Support three policy option packages in the Oregon Business Development Department's budget that will create, retain, expand and attract businesses that provide sustainable family wage jobs for Oregonians through public-private partnerships, leveraged funding and support economic opportunities for Oregon companies and entrepreneurs.</p> <p>The Brownfields Redevelopment Fund Program provides gap financing to clean-up industrial sites; the Patient Capital for Industrial Lands Infrastructure Pilot will provide funding to cities to install infrastructure and necessary feasibility studies needed for industrial sites to be "shovel" ready for development; the Employment Site Re-Use/Redevelopment Pilot will assist communities with funding incentives to reuse/redevelop existing industrial lands.</p>
Energy	
<p>B. Support the efforts of the Governor's office and Department of Energy to submit and obtain a \$2 million grant to pursue a statewide public building energy efficiency strategy.</p>	<p>The Oregon Department of Energy will be applying for a \$2 million grant to pursue developing a state-wide public building energy efficiency strategy.</p> <p>Identifying public buildings that can benefit from energy efficiency retrofits and tracking energy consumption will allow building owners, tenants, and managers access to information that would benefit decisions on operations, leasing, financing and construction. An energy efficiency strategy will enable building owners and operators the ability to identify opportunities for energy improvement, track progress over time and demonstrate achievements in energy efficiency and carbon reduction goals.</p>
Finance & Taxation	
<p>C. Allow local governments a more flexible use of transient lodging tax revenues.</p>	<p>Current preemptions restrict municipal control over locally generated transient lodging tax revenues. Tourism activities can place increased demands on city infrastructure and services, but current law restricts the ability of local governments to determine how best to use these local revenues and maintain and foster tourism.</p> <p>The League will support efforts that remove these preemptions and enable local governments to determine how best to invest transient lodging tax revenues.</p>
<p>D. Restore equity in our property tax system by resetting assessed value to real market value when a property is sold or constructed.</p>	<p>Major inequities have been built into the state's property tax system because of Measure 50. As a result, property tax payments are often no indication of a property's actual value or of a property owner's ability to pay taxes. This results in many property tax payers not paying their fair share for local services.</p> <p>The League will work to restore equity in our property tax system by resetting assessed value to real market value upon the sale or construction of a property. This measure will be pursued with a goal of not negatively affecting local option levies.</p>
<p>E. Eliminate the 3% discount for the early payment of property taxes.</p>	<p>Oregon offers taxpayers a discount for paying their property taxes en masse on or before November 15th. Many states instead charge a reasonable interest rate on taxes owed that are not paid by the initial state-designated deadline. Oregon's policy offers an unwarranted subsidy and a free loan to property tax payers that pay in installments – a policy that costs local governments tens of millions of dollars annually.</p> <p>The League will work to eliminate the discount for early payment and instead incentivize early payment by assessing a fair interest rate on property owners that choose to pay in installments.</p>

LOC Policy Committees' Legislative Recommendations

General Government	
F. Reform the court fines system in a manner that recognizes the value of both state and local courts.	2011 the Oregon Legislature, required cities to submit the first \$60 of a traffic fine to the state. This requirement, along with changes made to fine amounts, has resulted in detrimental fiscal impacts to municipal courts and threatens their continued operations. The current fines system ought to be further reformed so that payments to cities are an equal priority to payments made to the state.
G. Amend the public contracting code to remove costly requirements that do not aid in the delivery of public improvements and defend against any new requirements that do not serve the public interest.	In 2011 the Oregon Legislature required cities to use a qualifications based analysis in the award of architectural and engineering contracts that has proven to be costly and inefficient. Additionally, recent sessions have seen a myriad of bills introduced that would add costs to public improvements but not improve the quality or scope of projects or services.
H. Pass legislation that will allow cities greater authority to regulate liquor serving establishments.	Cities are currently prohibited from placing limits of the number and operation of OLCC licensed establishments in their communities and must rely on the OLCC to take corrective action. Cities have sought the ability to place emergency closures on bars where violent crimes have been committed and the authority to limit the sales of certain types of alcoholic beverages where there is need. These efforts have failed both at the OLCC and at the Legislature but public safety and livability concerns have not abated.
Human Resources	
I. Eliminate the requirement that public employers provide subsidized health insurance for retirees.	Public employers in Oregon are required to make available health insurance to retired employees but are not allowed to charge the employees based on their actuarial risk. As a result, retired employees receive a subsidy on their health insurance from their former employer and active employees on the plan. This requirement also creates complexities when employees bargain for an insurance plan that does not accept retirees.
J. Clarify that binding arbitration decisions may be overturned when those decisions violate public policy interests as defined by a local government.	Currently an arbitrator's decision to reinstate a terminated employee may be overturned if that decision is in violation of public policy. However the way statute has been implemented and interpreted, a violation of state public policy is required to overturn the ruling. The League believes that a city council is responsible for making those determinations in their jurisdiction.
Telecommunications	
K. Pass legislation renewing the 9-1-1 tax containing the following elements: <ul style="list-style-type: none"> o A tax rate sufficient to ensure adequate resources for both the management of the system and the acquisition of the latest technology. o No sunset provision. o Requirement that the state use 9-1-1 tax revenues for 9-1-1 services, thereby ending the practice of diverting both the revenues and the interest earned on those revenues to the state's General Fund. o Payment of the 9-1-1 tax by purchasers of pre-paid cell phones and Voice Over Internet Protocol (VoIP) services, if pending 	<p>Revenues derived from 9-1-1 taxes are an important source of local revenue. Net of collection costs recovered by the Department of Revenue (1%), administrative fees received by the Office of Emergency Management (4%) and payment to a sub-account covering the costs of the circuits and equipment (35%), cities receive over \$13 million per biennium which they must pass through to the governing authority of the 9-1-1 jurisdiction serving that city. This is the backbone of the budget that supports the planning, installation, maintenance, operation and improvements of the 9-1-1 reporting system. These funds are supposed to be used <u>only</u> for purposes of handling citizen calls to a network of primary and secondary PSAPs and local emergency responders. The statutory authorization for the collection of this tax contains a six-year sunset provision and is due to expire on December 31, 2014.</p> <p>The state currently diverts portions of 9-1-1 tax revenues and the investment interest earned on them to the general fund in support of positions and activities not related to 9-1-1 services. Oregon is one of the only states to do so as this practice is frowned upon by the federal government – indeed it makes the state ineligible to receive federal emergency services grants (Oregon has been on the federal government's list of offending states for three years).</p> <p>Finally, pre-paid cell phone and VoIP users do not currently pay the 9-1-1 tax. All other users of telecommunications services, including standard cell phone users, do pay the tax.</p>

LOC Policy Committees' Legislative Recommendations

<p>rulemaking and litigation that may follow overturns the opinion of Legislative Counsel (LC) stating that such authority already exists and legislation is unnecessary (HB 2075 from 2011).</p>	<p>Legislation correcting this inequity has been introduced in prior sessions but failed to gain traction. Currently LC is stating that such legislation is unnecessary because authority to levy this tax already exists. A rule soon to be promulgated by Oregon's Office of Emergency Management verifying this is expected before year-end. However, litigation is likely to follow if that rulemaking upholds LC's opinion. If either the rulemaking or the litigation does not go in favor of cities, HB 2075 from 2011 should be reintroduced as part of the reauthorization of the 9-1-1 tax itself, or as a separate bill.</p> <p>It is anticipated that the League will be one of several stakeholder groups involved in gaining passage of this legislation. Others include: Associated Public Safety Communications Officers, the Oregon Association of Chiefs of Police, Oregon State Police Officers Association, Oregon State Sheriffs Association and others.</p>
<p>L. Defeat legislation mandating the consolidation of Public Safety Answering Points (PSAPs).</p>	<p>In an effort to save state revenues, the Joint Ways and Means Committee of the Legislature has called for the consolidation of 47 PSAPs currently in operation. This would free up 9-1-1 revenues for possible diversion for purposes other than what they are supposed to support. While consolidation may not be a bad management decision, cities will continue to resist <u>mandated</u> consolidation and decision-making other than at the local level. Issues relating to call routing and dispatch affect cities and should be managed by cities. Moreover, efforts to achieve efficiencies are already underway at the local level.</p>
<p>Transportation</p>	
<p>M. Defeat legislation that would extend or make permanent the moratorium on raising existing or levying new local gas taxes and/or any legislation that proposes to restrict or preempt cities' ability to charge any transportation-related fee or tax.</p>	<p>HB 2001, passed by the 2009 Legislature increasing the state gas tax for the first time since 1993, also established a four-year moratorium on the enactment of new or increased gas taxes by cities (cities already levying a gas tax were grandfathered). The moratorium expires January 2, 2014. Following expiration of the moratorium the bill also requires cities to refer any local gas tax-related measure to the voters. It is reasonable to assume, indeed likely, that advocates opposing a city's right to levy a local gas tax will be active in the 2013 session to extend or make permanent the restriction on cities' ability to generate revenue in this manner.</p> <p>In a study first published in 2007 and updated in 2011, the League estimates that, in the aggregate, city street budgets fall approximately \$190 million short of their annual need. To address the shortfall created by inadequate revenues coming from state and local gas taxes cities also may implement local transportation utility fees (TUFs) – fees assessed on utility bills of water/sewer customers and dedicated to city transportation infrastructure projects. Transportation-based systems development charges (SDCs) can also be established to fund the construction of new roads and to accommodate growth on existing road infrastructure. Finally, local improvement districts (LIDs) and urban renewal districts generate revenues through tax increment financing that can contribute to the transportation component of a local revitalization plan. These tools must be maintained.</p>
<p>N. Continue to support the development of greenhouse gas emission toolkits and scenario planning models and standards for Metropolitan Planning Organization (MPO) cities as long as they are funded with new revenue and do not expose cities to additional litigation.</p>	<p>The 2009 Jobs and Transportation Act (HB 2001) contains language requiring the Portland MPO (Metro) to undertake land use modeling and planning processes to mitigate climate change caused by the transportation sector. In the same bill, the Lane County MPO is required to undertake modeling only. Then, in 2010, the Legislature enacted SB 1059 instructing the Department of Land Conservation and Development (DLCD) and the Oregon Department of Transportation (ODOT) to develop guidelines to assist five of the state's six MPOs (Portland is omitted by virtue of inclusion in HB 2001). These guidelines specifically include: a toolkit to help local government planners achieve emissions reductions; consideration of steps that can be taken generally and through regional transportation planning to reduce emissions; rulemaking by DLCD and ODOT to identify reduction targets for each MPO; and reporting by the agencies to the Legislature on financing issues and scenario planning development progressing towards a statewide program.</p> <p>So far, it is understood by DLCD and ODOT that there must not be any negative fiscal</p>

LOC Policy Committees' Legislative Recommendations

	<p>impact on cities as a result of these program requirements. It is the intent of the League, as the program matures and is applied more broadly, that no unfunded mandates occur. It is also important to the League, given the largely voluntary nature of the program to date, that cities be protected from any litigation that might arise should they decide not to adopt one or more of the elements contained in the program.</p>
<p>O. While supporting the creation of a dedicated, non-roadway transportation fund, oppose any attempt to fund it from existing revenue streams – especially transfers from local governments to the state.</p>	<p>In late 2011 and early 2012 a Non-Roadway Funding Work Group was appointed to look at ways to establish a dedicated fund in support of rail, port, aviation and bike/ped facilities and programs in Oregon. Dozens of ideas were identified and scored. While the final recommendations remain forthcoming, several concepts involved funding transfers between government entities and previously established programs. One of these, for example, contemplates the sequestration of property tax revenues derived from rail properties for channeling into the non-roadway fund, with local governments being “made whole” by a yet-to-be identified (or enacted) telecommunications tax. While the League generally supports adequate funding for the entire transportation system, it will not do so at the expense of its own resources, particularly strategies involving funding transfers without nexus and subject to political outcomes over which it has little or no control.</p>
<p>P. Support legislation to supplement and perhaps eventually replace the gas tax as the principle road user fee funding the state’s road and highway system, ensuring:</p> <ul style="list-style-type: none"> o All users of the roadway system, regardless of the type of vehicle they operate, pay their fair share. o City authority to exercise local control over the types and amounts of fees/taxes they levy. o Distribution of all revenues derived from a new road user fee system continues to use the 50-30-20 (state, county, city) formula that is currently in place. 	<p>Technology (more fuel-efficient vehicles, hybrids and electric cars) and price elasticity (high price of gas due to general economic conditions and international developments) have resulted in a decline in revenues derived from the state gas tax. In fact, it is likely that any road user fee based upon the sale of motor fuels will one day be obsolete. To source a replacement user fee, the Road User Fee Task Force (RUF²TF) was appointed. In 2011 they introduced a bill to collect a fee from electric vehicles based on vehicle miles traveled (VMT) but it did not pass. Since then the RUF²TF has been meeting to consider several options including: a pilot project to experiment with VMT technology options and the introduction of new “in lieu of” gas tax legislative alternatives.</p>
Water/Wastewater	
<p>Q. Recapitalization of state municipal infrastructure funds to assist communities with investments required for compliance with environmental mandates, to meet capacity, or to implement economic development strategies. The Special Public Works Fund, Water Wastewater Fund, and the Clean Water State Revolving Fund should receive a level of funding of \$50 million. The Feasibility Grants Funds should receive \$2 million. Endorse the continued development of innovative finance tools that will allow communities to access loans for the lowest costs.</p>	<p>State funds have failed to keep pace with growing local infrastructure demand that totals billions of dollars. In December of 2009, the League released a survey in which 124 cities identified 593 infrastructure projects (sewer systems, solid waste disposal facilities, stormwater systems, water systems) needing in excess of \$1.8 million to complete.</p> <p>The state’s Special Public Works Fund and the Water/Waste-water Fund are used to finance water and sewer systems, public buildings, road construction, downtown revitalization and clean up, energy and communications, and port facilities.</p> <p>The Water Conservation, Reuse and Storage Grant Program (WCERS) is designed to fund the qualifying costs of planning studies that evaluate the feasibility of developing water conservation, reuse or storage projects.</p> <p>The Clean Water State Revolving Fund loan program provides low-cost loans for the planning, design or construction of projects that prevent or mitigate water pollution.</p>

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<p>R. Partner with the Oregon Water Resources Department (WRD) to develop legislation that would allow the state to act, under appropriate circumstances, as a contracting agent with federal entities to facilitate water procurement from federal systems and resell it through contracts with Oregon water purchasers.</p>	<p>There are federal systems today with water available for purchase. Under certain circumstances, Oregon Water Resources Department would work directly with the US Corp of Engineers (USCOE) and the Bureau of Reclamation (BOR) to expedite Oregon water purchases. The USCOE has indicated they would prefer one point of contact for water purchases; they support WRD in this effort, and do not want to deal directly with multiple water purchasers.</p> <p>There is a diverse group of stakeholders working on a re-allocation strategy for water held in the Willamette River Basin Project; legislation of this nature could be instrumental in assisting in the re-allocation process.</p>
<p>S. Advocate for a statewide, toxics (pesticides) collection and disposal strategy that would be based on free (to customers) events held throughout the state in partnership other local governments and state agencies involved in advocating for the collection and disposal of toxics.</p>	<p>Toxics, stored improperly over long periods of time, can be released accidentally into the environment causing significant pollution issues. Many times urban and rural landowners do not have access to the resources necessary to adequately and safely dispose of toxics- and waste pesticides in particular.</p> <p>There is an Oregon Agricultural Pesticide Collection Strategy under development. The initial short-term plan for pesticide collection has the following components:</p> <ul style="list-style-type: none"> ○ Open events to all public, commercial and institutional operations, but maintain outreach focus on agricultural sector. ○ Secure enough resources to offer a sustainable number of events for no charge. ○ Support 5 or 6 toxics collection and disposal events annually for the next 3 years. ○ Identify, evaluate and pursue potential funding sources – both public and private. Allow for donations to be accepted at all events. ○ Identify and prioritize regions of the state that have the greatest need for toxics collection and disposal. ○ Evaluate potential partnerships with permanent, county-run household hazardous collection facilities in regions identified as having the most need.



AGENDA STAFF REPORT

CITY OF THE DALLES

MEETING DATE:	AGENDA LOCATION:	AGENDA REPORT #
July 9, 2012	Action Items 11, B	12-049

TO: Honorable Mayor and City Council

FROM: Gene E. Parker, City Attorney

THRU: Nolan K. Young, City Manager

DATE: June 8, 2012

ISSUE: Adoption of Special Ordinance No. 12-549, vacating a portion of West 7th Street between Liberty and Lincoln Streets.

RELATED CITY COUNCIL GOAL: None.

PREVIOUS AGENDA REPORT NUMBERS: #10-060; #10-065.

BACKGROUND: On September 20, 2010, the City Council conducted a public hearing for a proposed street vacation of a portion of West 7th Street, which portion is adjacent to the properties owned by Andrew Kerr and Jamie Bessflug, located at 203 West 7th, and Max Millian Lugauer III and Amber Ray Lugauer, located at 801 Liberty. Following the public hearing, the Council voted to approve the requested street vacation, and directed staff to prepare an ordinance setting forth the appropriate findings of fact and conclusions of law. Enclosed with this staff report is Special Ordinance No. 12-549, which sets forth the findings of fact and conclusions of law in support of the requested street vacation, including a legal description of the area proposed to be vacated. Notice of the adoption of the ordinance has been posted in accordance with the City Charter, and the ordinance can be adopted by title only.

BUDGET IMPLICATIONS: Mr. Kerr will be responsible for paying any recording and mapping fees imposed by Wasco County to record and file the ordinance and the map, and for paying any costs associated with preparing the final vacation map for filing.

ALTERNATIVES:

- A. Staff Recommendation. *Move to adopt Special Ordinance No. 12-549 by title only.*

SPECIAL ORDINANCE NO. 12-549

AN ORDINANCE VACATING A PORTION OF WEST SEVENTH STREET BETWEEN LINCOLN AND LIBERTY STREETS

WHEREAS, the City Council has announced its intention to vacate a portion of West Seventh Street between Lincoln and Liberty Streets, which portion is adjacent to the property located at 203 West Seventh Street, owned by Andrew Kerr and Jamie Bespflug, and the property located at 801 Liberty Street, owned by Max Millian Lugauer III and Amber Ray Lugauer, which portion of right-of-way is described on the attached exhibits "A" and "B", and

WHEREAS, the City has published notices and conducted a public hearing on September 20, 2010, all as provided for in General Ordinance No. 99-1230; and

WHEREAS, after careful consideration of the staff report presented and all the testimony given, the City Council adopts the following findings of fact and conclusions of law:

1) One objection to the proposed street vacation was filed by Patricia A. Wicksnin, on behalf of the Wicksnin Family Trust, one of the affected property owners. No written objections were received by any other affected property owner. The City Council finds that a majority of the owners of the property affected by the proposed street vacation have not objected to the proposed street vacation.

2) All proper notices required by Oregon Revised Statutes (ORS) were provided. The area to be vacated was posted on September 9, 2010, and notices were published in The Dalles Chronicle on September 5 and September 12, 2010. Individual notices to affected property owners were sent out on September 9, 2010.

3) The proposed vacations do not conflict with the City's Comprehensive Plan or any other City ordinance. Goal 10 – Housing: This partial street vacation will not reduce the amount of vacant and buildable residential land supply. All existing and potential access to adjoining properties will not be affected. Goal 11 – Public Facilities and Services: The timely, orderly, and efficient arrangement of public utilities will not be affected. The proposed vacation area is located adjacent to the existing properties and there are no public utilities in the affected portion of the right-of-way

4) The public interest will not be prejudiced by the vacation of public way. There are no utilities in the right-of-way proposed to be vacated.

5) All abutting property owners have submitted a written consent to the vacation and the evidence shows the vacation will not substantially diminish the market value of the abutting owner's property. The area proposed to be vacated will be split equally between the property owned by Andrew Kerr and Jamie Bespflug, and the property owned by Max Millian Lugauer III and Amber Ray Lugauer. There will be no effect on adjacent property values as the access to other properties in the area will not be affected.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF THE DALLES ORDAINS AS FOLLOWS;

Section 1. Portion of Right-of-Way Vacated. The portion of public right-of-way, the legal description of which is described in Exhibits "A" and "B" are hereby vacated. The area of right-of-way to be vacated is also shown in the cross hatched area shown on the map attached as Exhibit "C".

Section 2. Title to Vacated Area. Title to the vacated area shall vest in the owners of the adjacent property which are Andrew Kerr and Jamie Bespflug, and Max Millian Lugauer III and Amber Ray Lugauer, respectively.

Section 3. Compensation. The City Council determines that the value of the abutting properties will not be adversely affected by the proposed vacation. No compensation will be given to the owners of the abutting properties.

Section 4. Ordinance to be Filed. The City Clerk is authorized to file a copy of this ordinance with the Wasco County Clerk. Andrew Kerr and Jamie Bespflug shall be responsible for paying any recording and mapping fees imposed by Wasco County to record and file the ordinance. As set forth in ORS 271.150, upon completing of the vacation process, a certified copy of the filed ordinance shall be provided to the Wasco County Assessor and the Waco County Surveyor.

In accordance with ORS 271.210, this ordinance shall be considered final and effective 30 days after its passage and approval.

PASSED AND ADOPTED THIS 9th DAY OF JULY, 2012

Voting Yes, Councilors: _____

Voting No, Councilors: _____

Absent, Councilors: _____

Abstaining, Councilors: _____

AND APPROVED BY THE MAYOR THIS 9th DAY OF JULY, 2012

James L. Wilcox, Mayor

ATTEST:

Julie Krueger, MMC, City Clerk

March 14, 2012

LEGAL DESCRIPTION
for
West Seventh Street Right-of-Way Vacation to Kerr

A 30.00 foot wide strip of land lying in West Seventh Street in the Dalles Military Reservation in the Northwest 1/4 of Section 3, Township 1 North, Range 13 East, Willamette Meridian, City of The Dalles, Wasco County, Oregon, being more particularly described as follows:

A strip of land 30.00 feet in width being the Northeasterly 30.00 feet of said West Seventh Street adjoining the Southwesterly side of Lot "A", Block 2, said Dalles Military Reservation.

Contains 1,500 square feet, more or less.

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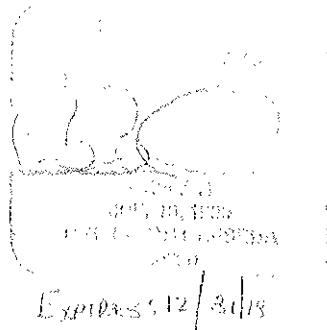


EXHIBIT "A"

March 14, 2012

LEGAL DESCRIPTION
for
West Seventh Street Right-of-Way Vacation to Lugauer

A 30.00 foot wide strip of land lying in West Seventh Street in the Dalles Military Reservation in the Northwest 1/4 of Section 3, Township 1 North, Range 13 East, Willamette Meridian, Wasco County, Oregon, being more particularly described as follows:

A strip of land 30.00 feet in width being the Southwesterly 30.00 of said West Seventh Street adjoining the Northeasterly side of Lot "1", Block 3, said Dalles Military Reservation.

Contains 1,500 square feet, more or less.

<13605_DESC.002sa>

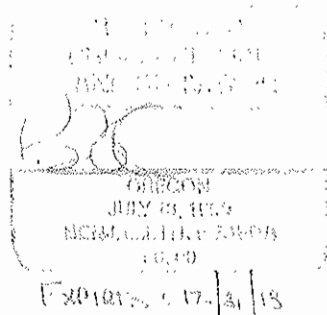


EXHIBIT "B"

SEE MAP IN 13 4AD



SEE CS 7-115

SEE MAP IN 13 3CB

EXHIBIT "C"

