

AGENDA

REGULAR CITY COUNCIL MEETING

February 13, 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
 - A. Report from North Wasco County School District #21
 - B. Update from Wasco County Veteran's Service Committee
6. AUDIENCE PARTICIPATION
7. CITY MANAGER REPORT
8. CITY ATTORNEY REPORT
9. CITY COUNCIL REPORTS
 - A. Approval of City Council Goals
10. CONSENT AGENDA

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.

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

CITY OF THE DALLES

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

A. Approval of January 23, 2012 Regular City Council Meeting Minutes

11. PUBLIC HEARINGS

A. Public Hearing to Receive Testimony Regarding Proposed Supplemental Budget [**Agenda Staff Report #12-010**]

1. Resolution No. 12-002 Adopting A Supplemental Budget for the 2011-12 Fiscal Year, Making Appropriations and Authorizing Expenditures From and Within the General Fund; Special Grants Fund; Water Utility Fund; and Water Capital Reserve Fund

B. Public Hearing to Receive Testimony Regarding Housing Resource Center Project [**Agenda Staff Report #12-015**]

12. ACTION ITEMS

A. General Ordinance No. 12-1317 Regulating the Conduct and Business of Secondhand Dealers and Certain Sales of Used Property; Requiring Records; Requiring a License for Secondhand Dealers; Providing Penalties; and Repealing General Ordinance No. 83-1048 [**Agenda Staff Report #12-012**]

B. Resolution No. 12-003 Authorizing Transfers of Funds Between Categories of Various Funds, Making Appropriations and Authorizing Expenditures for the Fiscal Year Ending June 30, 2012 [**Agenda Staff Report #12-011**]


C. Authorization to Receive Additional ARRA Loan Funds to Help Pay for Needed Cast Iron Pipe Replacement for the Terminal Reservoir Construction Project [**Agenda Staff Report #12-013**]

D. Request by Jeff and Summer Smith Regarding Street Assessment Payment [**Agenda Staff Report #12-014**]

13. 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 #
February 13, 2012	City Council Reports	N/A

TO: Honorable Mayor and City Council

FROM: Nolan K. Young, City Manager 

DATE: February 1, 2012

ISSUE: Approval of 2012 City Council Goals.

BACKGROUND: The City Council met on January 30, 2012 to develop their goals for the 2012-13 fiscal year. The 2012 Goals and Objectives are attached for review and approval by City Council.

Please review the goals and objectives and be prepared to discuss any changes you may wish to make as to the priority of the Tier I Objectives and placement of objectives in Tier II and III.

BUDGET IMPLICATIONS: None.

ALTERNATIVES:

- A. Staff Recommendation: *Move to adopt the 2012-13 City Council Goals.*
- B. Make revisions to the goals and objectives and direct staff to bring back for adoption at a future meeting.
- C. Place the item for additional discussion at a later Council meeting.

2012-13 CITY COUNCIL GOALS
(with all objectives)

GOAL 1. Provide Public Works infrastructure that will ensure safe and well maintained streets and reliable utility systems for the citizens of The Dalles.

OBJECTIVES

TIER I: Top Priorities, to be significantly completed by June, 2013

- A. Continue environmental work for increasing capacity of Crow Creek Dam and Dog River water line replacement in two to three years.
- B. Develop plan for intersection of East 10th, Thompson and Old Dufur Road.
- C. Pursue Phase I improvements under the Wastewater Master Plan scheduled for adoption in Spring, 2012.
- D. Pursue West Sixth Street improvements, including widening of West Sixth Street from Hostetler Street to Snipes Street to allow for turn lane and future signalization at Hostetler Street.
- E. Obtain funding and update the Transportation Plan and its associated SDC projects and fees.
- F. Complete Webber Street Interchange Area Management Plan (IAMP).
- G. Investigate safety and traffic concerns in vicinity of East 10th, East 12th and Kelly Avenue intersections.
- H. Complete automated meter reading hardware installation and implement.

TIER II: Other Priorities to be pursued in Fiscal Year 2012-13
As time, resources and opportunities permit

- A. Investigate need for 10th Street and Cherry Heights Road signalization.
- B. Pursue expansion of Lone Pine Well.
- C. Continue work to connect vital corridors with ADA improvements.
- D. Investigate integration of traffic calming policy into LUDO.

TIER III: Long term objectives (within 5 years)

- A. Develop city-wide intersection signalization plan.

GOAL 2. Work and partner with governmental agencies and non-profits to ensure coordination of services and open communication.

OBJECTIVES

TIER I: Top Priorities, to be significantly completed by June, 2013

- A. Complete Phase II of the Urban Growth Boundary expansion with an application to the Gorge Commission by July, 2013.
- B. Work with Discovery Center to secure funding sources and achieve financial stability.
- C. Support Library Foundation's fund raising efforts for Library expansion project.
- D. Work with National Scenic Area stakeholders to obtain balance regarding issues of economic vitality and scenic preservation as defined by applicable law.
- E. Prepare updated analysis for downtown flood mitigation.
- F. Work with and remind appropriate agencies to resolve Mill Creek tunnel flooding issue.
- G. Provide annual report to Council regarding coordination among schools, special districts, public and private partners to identify and implement potential needs for community facilities and programs.
- H. Participate in efforts to continue YouthThink programs beyond their current budget cycle.
- I. Provide support to Mid-Columbia Senior Center.
- J. Work with partners to develop and implement operating plan for Dam tours.
- K. Investigate renewable energy projects in cooperation with Northern Wasco county PUD and other agencies.
- L. Develop a maintenance and operation plan for the Lewis and Clark rock Fort site for potential transfer of ownership from County to City.

TIER II: Other Priorities to be pursued in Fiscal Year 2012-13
As time, resources and opportunities permit

- A. Investigate opportunities to partner with Wasco County regarding veteran's services.
- B. Work with local utilities to develop underground service when opportunities are presented, including consideration of safety, view shed, aesthetics and property values.

- C. Partner with School District and Parks & Recreation District regarding maintaining open/green space.
- D. Look for opportunities to retain or maintain property on tax roll.

TIER III: Long term objectives (within 5 years)

- A. Pursue coordinating administrative services with other local agencies.
- B. Investigate expanding public transit services to include fixed loop routes.

GOAL 3. Promote economic development opportunities that will provide job creation and retention and enhance livability.

TIER I: Top Priorities, to be significantly completed by June, 2013

- A. Continue Urban Renewal Downtown Renaissance Projects:
 - First Street Urban Renewal treatment
 - Washington Street Crossing
 - Redevelop Granada Block, including parking structure
 - Lewis and Clark Fountain
- B. Work with Port to address infrastructure in support of development of industrial properties.
- C. Complete public-private partnership to redevelop Wasco Warehouse and East Gateway.
- D. Proceed with Airport golf course development.
- E. Develop organizational structure and stable funding for Main Street program.
- F. Address recommendations of the Economic Development Policy Committee.
- G. Partner with and support Chamber of Commerce efforts to recruit, retain and expand business.
- H. Work with appropriate agencies to ensure Riverfront Park is open year around.
- I. Provide report regarding vertical housing development zone.
- J. Support efforts for Confluence Project.

TIER II: Other Priorities to be pursued in Fiscal Year 2012-13
As time, resources and opportunities permit

- A. Pursue construction of Third Street urban renewal treatment.
- B. Pursue urban renewal funding for design of West Third Place streetscape.
- C. Assist in completion of Civic Auditorium renovations.
- D. Support Urban Renewal through opportunity driven projects.
- E. Assist in development of family based recreation center.

TIER III: Long term objectives (within 5 years)

- A. Enhance national historic districts.

GOAL 4. Maintain a balanced budget that will provide for sustained City operations and capital improvements, while assuring an adequate contingency fund.

TIER I: Top Priorities, to be significantly completed by June, 2013

- A. Investigate funding options for street projects.
- B. Investigate transition of franchise to right of way agreements.
- C. Establish franchise agreement with Northern Wasco County PUD.
- D. Establish franchise agreement with Chenoweth Water PUD.
- E. Investigate telecommunications franchise.

TIER II: Other Priorities to be pursued in Fiscal Year 2012-13
As time, resources and opportunities permit

- A. Investigate whether current financial software is sufficient.
- B. Investigate long range capital repair fund for City buildings.
- C. Investigate funding opportunities to renovate the second floor of City Hall.

TIER III: Long term objectives (within 5 years)

None identified.

GOAL 5. Encourage civic responsibility and promote public safety through programs, plans and policies.

TIER I: Top Priorities, to be significantly completed by June, 2013

- A. Implement outdoor burning alternatives and adopt a burn ordinance.
- B. Investigate program to increase civic pride in neighborhoods.
- C. Investigate opportunities to enhance downtown lighting.
- D. Work with Tree Committee to implement Street Tree Policy.

**TIER II: Other Priorities to be pursued in Fiscal Year 2012-13
As time, resources and opportunities permit**

- A. Investigate potential for tree planting to screen industrial treatment operations.
- B. Identify opportunities for improving curb appeal of the community from the highways, streets and river.
- C. Maintain role with other public safety agencies in addressing local emergencies.
- D. Investigate opportunities to make improvements to landscape, eliminate planting strips, with a focus on Dry Hollow, downtown, and historic walking district neighborhoods.

TIER III: Long term objectives (within 5 years)

None identified.

GOAL 6. Provide transparent and efficient administration of City government.

- A. Investigate use of on-line financial tools.
- B. Develop plan to support community special events.

- C. Review and enhance communication strategy to ensure efficiency for staff time and resources and improved information for citizens.

TIER II: Other Priorities to be pursued in Fiscal Year 2012-13

As time, resources and opportunities permit

- A. Investigate need for development of an Information Technology Program to update and standardize data processing software city-wide.

TIER III: Long term objectives (within 5 years)


None identified.



AGENDA STAFF REPORT
CITY OF THE DALLES

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
February 13, 2012	Consent Agenda 10, A	N/A

TO: Honorable Mayor and City Council

FROM: Julie Krueger, MMC, City Clerk 

THRU: Nolan K. Young, City Manager

DATE: February 1, 2012

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

A. ITEM: Approval of January 23, 2012 Regular City Council Meeting Minutes.

BUDGET IMPLICATIONS: None.

SYNOPSIS: The minutes of the January 23, 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 January 23, 2012 regular City Council meeting.

MINUTES

REGULAR COUNCIL MEETING
OF
JANUARY 23, 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, Brian Ahier, Tim McGlothlin

COUNCIL ABSENT: Dan Spatz

STAFF PRESENT: City Manager Nolan Young, City Attorney Gene Parker, City Clerk Julie Krueger, Public Works Director Dave Anderson, Administrative Fellow Cooper Whitman, Police Chief Jay Waterbury, Community Development Director Dan Durow, Finance Director Kate Mast

CALL TO ORDER

Mayor Wilcox called the meeting to order at 5:30 p.m.

ROLL CALL

Roll call was conducted by City Clerk Krueger; Councilor Spatz absent.

PLEDGE OF ALLEGIANCE

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

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APPROVAL OF AGENDA

It was moved by Wood and seconded by McGlothlin to approve the agenda as presented. The motion carried unanimously, Spatz absent.

AUDIENCE PARTICIPATION

None.

CITY MANAGER REPORT

City Manager Young reported that the Commercial Dock and Festival Area projects were proceeding well and noted there had been in place a sewer bypass during a portion of the Festival Area work.

Young said he had been appointed to three League of Oregon Cities Committees: Finance and Taxation, Telecom/Broadband, and Legal Advocacy. He said he had also applied for a position with the City County Insurance Board.

CITY ATTORNEY REPORT

City Attorney Parker reported that work continued on the sign right of way ordinance and he hoped to have it before the Council for consideration at the February 27th meeting. Parker said he had been working with Airport staff to complete a water supply agreement and a Request for Proposals for a new maintenance hangar.

CITY COUNCIL REPORTS

Councilor Ahier said he had received several comments from citizens, complimenting the job done by Public Works during the recent snow and ice event.

Councilor McGlothlin reported he had not been able to attend the recent Traffic Safety Committee meeting, but would provide an update of their activities at the next Council meeting.

Mayor Wilcox said he had been appointed to League of Oregon Cities Committees for Community Development and Water/Wastewater. He said he was relying on City staff to assist him on these committees.

MINUTES (Continued)
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Wilcox commended Sergeant Dan Nelson of the Police Department for his work on the robbery last week. Wilcox also commended Maintenance Worker Terry Harkrader for his assistance in getting access to the Granada Building over the weekend, to make sure the roof was not flooding.

CONSENT AGENDA

It was moved by Ahier and seconded by McGlothlin to approve the Consent Agenda as presented. The motion carried unanimously, Spatz absent.

Items approved by Consent Agenda were: 1) approval of January 9, 2012 regular City Council meeting minutes; and 2) approval to declare Police Department vehicles as surplus property.

ACTION ITEMS

Special Ordinance No. 12-546 Amending Exhibit "A" of Special Ordinance No. 11-543 for Honald Annexation

City Attorney Parker reviewed the staff report, noting a clerical error in the description needed to be corrected.

City Clerk Krueger read Special Ordinance No. 12-546 by title.

It was moved by Wood and seconded by McGlothlin to adopt Special Ordinance No. 12-546 amending Exhibit "A" of Special Ordinance No. 11-543 for the Honald Annexation, by title. The motion carried unanimously, Spatz absent.

General Ordinance No. 12-1318 Providing for Immunity From Liability When Allowing Public Use of Unimproved Rights of Way on Private Land

City Attorney Parker reviewed the staff report.

City Clerk Krueger read General Ordinance No. 12-1318 by title.

It was moved by Wood and seconded by Dick to adopt General Ordinance No. 12-1318 providing for immunity from liability when allowing public use of unimproved rights of way on private land, by title. The motion carried unanimously, Spatz absent.

Authorization to Sign Local Agency Agreement for ODOT Transportation Enhancement Grant for Construction of the Riverfront Trail

Community Development Director Dan Durow reviewed the staff report.

It was moved by Dick and seconded by Wood to authorize the City Manager to sign the Local Agency Agreement with ODOT for the Transportation Enhancement Program, Riverfront Trail Project. The motion carried unanimously, Spatz absent.

DISCUSSION ITEMS

Discussion Regarding Renewal of Agreement to Provide Library Services to Wasco County Library Service District

City Manager Young reviewed the staff report. He noted staff was not recommending that the Library lease the building from the City. He said there had been concerns expressed that the District should pay for all maintenance and repairs at the building. Young also noted a letter was included in the staff report, from the Library Board, asking that the current agreement be automatically renewed with no changes.

Councilor Ahier pointed out there could be additional maintenance expenses in the future due to the proposed expansion of the Library.

City Manager Young said there were no expenses noted over \$10,000 in the next five years. He said it would be eight to ten years before a roof replacement would be needed and there were funds in the Capital Reserve Fund for capital projects of City owned buildings.

Councilor McGlothlin asked the estimated cost to replace the Library roof. Librarian Dooley said in 2007 the roof was replaced at a cost of \$56,800 and Google had paid \$50,000 of that cost. She said it would not need to be replaced until 2027-2032. Dooley said the roof over the meeting room area was replaced sooner and may need to be replaced in 2018. She said the cost of that roof had been \$33,512.

City Manager Young clarified that Wasco County had paid \$50,000 toward the roof replacement from discretionary funds they had received from Google.

Councilor Wood said she supported an automatic renewal of the agreement with no changes. She said each City within the Library District supported its own facility and that the District had been formed with tax money to pay for operations, not for buildings.

Councilors McGlothlin and Dick added their support to let the agreement renew with no changes.

Mayor Wilcox said once the expansion was completed, the building would be 20,000 square feet in size and there were other maintenance issues, such as heating systems, that would be expensive in the future. He said the District paid nothing for the space or maintenance. Wilcox said if it was compared to the least expensive rent rate of 40 cents per square foot, they would be paying approximately \$100,000 per year. He said the Library was a liability to the City and if the Council did not want to charge rent, the building should be given to the District, so they have the responsibility for its maintenance.

Wood disagreed, saying it was not a commercial building, but a City service, and was constructed with funds from a City bond issue. She said revenues from the State Office Building had been designated long ago to help pay for maintenance of all City buildings.

Mayor Wilcox noted that Wasco County paid nothing to help support the Library. He said the City was already paying the County's debt for the Discovery Center and giving them free space for a Veteran's Service Office.

Councilor Dick said he considered the Library a City program and did not want to disengage that relationship.

Councilor Ahier said he would support the current agreement, but cautioned that the \$10,000 maintenance level benchmark should be reviewed as it may need to be adjusted in the future.

It was moved by Wood and seconded by Dick to direct staff to allow the current agreement to continue. The motion carried unanimously, Spatz absent.

Discussion Regarding Proposed Social Media Policy

Administrative Fellow Cooper Whitman reviewed the staff report.

Councilor Ahier said he believed the policy had been well written. He said various accounts could be connected, so if one update was posted, it would automatically update the others. He expressed interest in investigating use of Slide Share and Google Plus and highly commended Executive Secretary Izetta Grossman, saying she had done a remarkable job with keeping the City's Face Book account up to date.

MINUTES (Continued)
Regular Council Meeting
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Staff was directed to proceed with the plan for social media activities and the implementation of a social media policy as provided in the staff report.

ADJOURNMENT

Being no further business, the meeting adjourned at 6:29 p.m.

Submitted by/
Julie Krueger, MMC
City Clerk

SIGNED:

James L. Wilcox, Mayor

ATTEST:

Julie Krueger, MMC, City Clerk



AGENDA STAFF REPORT CITY OF THE DALLES

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
February 13, 2012	Public Hearings 11, A, 1	12-010

TO: Honorable Mayor and City Council

FROM: Kate Mast, Finance Director

THRU: Nolan K. Young, City Manager *nyj*

DATE: January 30, 2012

ISSUE: Resolution No. 12-002 Adopting a Supplemental Budget for Fiscal Year 2011/2012, Making Appropriations and Authorizing Expenditures From and Within the General Fund (001); the Special Grants Fund (018); the Water Utility Fund (051); and the Water Capital Reserve Fund (053).

BACKGROUND: Oregon Budget Law recognizes that such changes in needs and expectations are inevitable and allows for the use of supplemental budgets to make these changes during a fiscal year. The following changes are proposed:

GENERAL FUND

- A portion of the contributions that Google made to the WiFi Project last fiscal year (FY10/11) rolled over into the current year and is part of the \$140,000 budgeted for the WiFi project. The agreement with Google included a requirement that a portion of the contribution would provide for three (3) years (36 months) of user fees to be paid by the City for placement of the WiFi antennas to the property owners. It has been determined that those user fees will cost \$700 per month, and the total amount of the Google contribution for the 36 months is \$25,200. This amount will be transferred to the General Fund if the Council chooses to adopt Resolution No. 12-003, a budget amendment resolution, at the same meeting as this resolution (12-002) is being considered. However, only eleven months of that \$25,200 needs to be allocated in the current year, as the payments started in August 2011. Only \$7,700, or eleven months, is being allocated in this Supplemental Budget. The remaining portion of the \$25,200 will continue to roll

over each year until it has been budgeted and used as follows: FY12/13 = \$8,400; FY13/14 = \$8,400; FY14/15 = \$700 (July only).

SPECIAL GRANTS FUND

- The City's Special Grants Fund will realize an additional \$37,125 in contributions from QLife for the WiFi project in the current fiscal year. This Supplemental Budget recognizes and allocates those new funds to the WiFi Project.

WATER UTILITY FUND

- The sale of the surplus reservoir (\$15,255) and the sale of the land that reservoir occupied (\$350,000) has increased the Water Utility Fund revenue by a total of \$365,255. Those funds are proposed to be allocated in this Supplemental Budget to be transferred to the Water Fund Capital Reserve Fund to be used for Engineering and Capital Projects.

WATER CAPITAL RESERVE FUND

- If Council chooses to adopt this proposed Supplemental Budget resolution, the \$365,255 to be received from the Water Fund will be allocated as follows: \$100,000 to the Engineering line item in the Materials & Services category for engineering being done this fiscal year for the Dog River Pipeline Project that is scheduled for a future fiscal year; and \$265,255 to the Capital Projects line item in the Capital Outlay category for projects that are approved in the Water Master Plan.
- A portion of the ARRA project, anticipated to be finished in the prior fiscal year, was not completed, leaving \$555,979 of previously approved ARRA Loan funds unbudgeted in FY11/12. Additional ARRA Loan funds in the amount of \$589,478 have recently been approved and are available for use on approved ARRA projects. This Supplemental Budget allocates the total amount of \$1,145,457 to the Capital Outlay category of the Water Capital Reserve Fund. These funds are restricted for use on ARRA approved projects only.

BUDGET IMPLICATIONS: The following changes to the City's approved budget for FY11/12 would take place:

- \$7,700 would be added to the General Fund;
- \$37,125 would be added to the Special Grants Fund;
- \$365,255 would be added to the Water Utility Fund;
- \$1,510,712 would be added to the Water Capital Reserve Fund.

ALTERNATIVES:

- Staff Recommendation:** *Move to Adopt Resolution No. 12-002 Adopting a Supplemental Budget for Fiscal Year 2011/2012, Making Appropriations and Authorizing Expenditures From and Within the General Fund (001); the Special Grants Fund (018); the Water Utility Fund (051); and the Water Capital Reserve Fund (053).*
- The Council could choose not to adopt the proposed resolution, which would prevent additional work on various projects, and/or would leave some of the departments and categories described above in an over-expended status as of June 30, 2012.

RESOLUTION NO. 12-002

A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET FOR FISCAL YEAR 2011/2012, MAKING APPROPRIATIONS AND AUTHORIZING EXPENDITURES FROM AND WITHIN THE GENERAL FUND (001); THE SPECIAL GRANTS FUND (018); THE WATER UTILITY FUND (051); AND THE WATER CAPITAL RESERVE FUND (053)

WHEREAS, the City's General Fund will realize \$25,20 in additional interfund transfers from the Special Grants Fund, a portion (\$7,700) of which is to be allocated to WiFi User Fees in the current fiscal year; and

WHEREAS, the City's Special Grants Fund will realize \$37,125 in additional funds from QLife contributions to the WiFi project, which is to be allocated to the WiFi project; and

WHEREAS, the City's Water Utility Fund will realize \$365,255 in additional revenues from the sale of the old reservoir and land, which is to be allocated to be transferred to the Water Capital Reserve Fund; and

WHEREAS, the City's Water Capital Reserve Fund will realize \$365,255 in additional transfers from the Water Utility Fund, which is to be allocated to Engineering (\$100,000) and Capital Projects (\$265,255); and

WHEREAS, the City's Water Capital Reserve Fund will also realize \$1,145,457 in ARRA Loan funds, partly funds unexpended in the prior fiscal year as expected (\$555,979) and partly newly approved ARRA Loan funds(\$589,478), the total of which must be allocated to ARRA approved projects; and

WHEREAS, a supplemental budget is required in order for the City to allocate and expend those funds in FY11/12; and

WHEREAS, a public hearing is required by Oregon Budget Law only for those funds which propose expenditure increases that exceed ten percent (10%) of the receiving funds: the Water Utility Fund and the Water Capital Reserve Fund; and

WHEREAS, the required public notice was published on Sunday, February 5, 2012, and the required public hearing was held before the City Council on Monday, February 13, 2012 for those two funds with proposed expenditure increases that exceed ten percent (10%);

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

Section 1. The City Council hereby adopts the following Supplemental Budget for FY11/12, increasing revenues and makes appropriations as shown below.

Summary of Supplemental Budget – Line Item Detail				
Fund	Resource	Amount	Requirement	Amount
General Fund (001)	Transfer In From Special Grants Fund	7,700	Technology Dept – WiFi User Fees	7,700
	Total New Resources	7,700	Total New Requirements	7,700
	New Total Technology Department			225,460
	New Total All Fund 001 Resources	7,829,208	New Total All Fund 001 Expenditures	7,829,208

Summary of Supplemental Budget – Line Item Detail				
Fund	Resource	Amount	Requirement	Amount
Special Grants Fund (018)	Contributions from QLife	37,125	Capital Outlay - WiFi Project	37,125
	Total New Resources	37,125	Total New Requirements	37,125
	New Total Capital Outlay Category			13,688,174
	New Total All Fund 018 Resources	13,867,674	New Total All Fund 018 Expenditures	13,867,674

Summary of Supplemental Budget – Line Item Detail				
Fund	Resource	Amount	Requirement	Amount
Water Utility Fund (051)	Sale of Fixed Assets	365,255	Interfund Transfers – to Water Capital Reserve Fund	365,255
	Total New Resources	365,255	Total New Requirements	365,255
	New Total Interfund Transfer Category			1,467,842
	New Total All Fund 051 Resources	4,643,629	New Total All Fund 051 Expenditures	4,643,629

Summary of Supplemental Budget – Line Item Detail				
Fund	Resource	Amount	Requirement	Amount
Water Capital Reserve Fund (053)	Transfer in from Water Utility Fund	365,255	Materials & Services - Engineering	100,000
			Capital Outlay – Projects	265,255
	Previously Unexpended and Newly Approved ARRA Loan Proceeds	1,145,457	Capital Outlay - ARRA Approved Projects	1,145,457
	Total New Resources	1,510,712	Total New Requirements	1,510,712
	New Total Materials & Services Category			100,000
	New Total Capital Outlay Category			2,197,124
	New Total All Fund 063 Resources	3,505,339	New Total All Fund 053 Expenditures	3,505,339

Section 2. This Resolution shall become effective upon adoption by the City Council and shall remain in effect until receipt and acceptance of the FY11/12 audit report.

PASSED AND ADOPTED THIS 13th DAY OF FEBRUARY, 2012.

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

AND APPROVED BY THE MAYOR THIS 13th DAY OF FEBRUARY, 2012.

SIGNED: _____ ATTEST: _____
 James L. Wilcox, Mayor Julie Krueger, MMC, City Clerk



AGENDA STAFF REPORT

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
February 13, 2012	Public Hearings 11, B	12-015

TO: Honorable Mayor and City Council

FROM: Dan Durow, Community Development Director

THRU: Nolan Young, City Manager *ny*

DATE: February 1, 2012

ISSUE: This is the City Council's second Public Hearing for the Community Development Block Grant (CDBG) application process for 2011 funds. The purpose of this second hearing is for the City Council to review the results of the project with citizens and to take comments about the local government's performance as part of the grant closeout process. A copy of the 2011 Year End Report for the Mid Columbia Housing Resource Center is attached.

PROJECT: The project for the 2011 CDBG funding involves the operation of the Mid-Columbia Housing Resource Center. The Mid-Columbia Housing Resource Center operated under a Community Development Block Grant for calendar year 2011.

The Mid-Columbia Housing Resource Center provided information, education, counseling and referrals to housing and other affordable housing service providers in the Mid-Columbia Region during 2011 under a CDBG. During 2011, the Center has served families in its two locations, one at 312 Court Street, The Dalles and the other in the offices in Hood River at 1308 12th Street. Most of the families served were of low to moderate income.

In addition to providing information, education, counseling and referrals, the Mid-Columbia Housing Resource Center co-sponsored a Homeownership Forum in Hood River for Realtors, Brokers and other real estate professionals and the center also hosted the region's first ever Bi-Lingual Home Buyer Fair. The Mid Columbia Housing Resource Center is committed to helping families and individuals learn about and access existing housing programs and services and/or become successful homeowners.

Beneficiaries of the Mid-Columbia Housing Resource Center have been primarily persons of low and moderate income seeking housing opportunities residing with the region or who are moving into the region. However, information and services is available to anyone who requests it.

A copy of the Mid Columbia Housing Resource Center's 2011 Year End Report is attached to this document.

BACKGROUND: The CDBG Citizen Participation Plan procedures require that at least one public hearing is held before the City Council prior to submitting the application. The hearing must cover **both** the overall community development and housing needs of the City and the proposed project.

The CDBG Citizen Participation Plan procedures also require that a second public meeting be held before the City Council after first year of the grant. The purpose of this second public meeting is to review the results of the project with citizens and to take public comments about local government's performance as part of the grant close out process.

Notice of this opportunity has been published in The Dalles Chronicle as required.

Community development or housing needs:

Regional Housing Resource Centers throughout Oregon have increased access to existing housing programs and services in their area. They have also provided the State with information regarding additional types of housing programs and products that may be needed in their region.

The Mid Columbia Housing Resource Center is one of the newest resource centers in the state. Before the Center became operational in January 2007, the nearest one stop center was in Portland, Bend or LaGrande.

Now, thanks to prior and current CDBG funding, the Mid-Columbia region has its own "one stop" housing resource center. Residents of our region have now have access to new programs such as: Information and access on first time homebuyer programs; Information and access to owner occupied rehab programs; ABCs of Home buying Workshops; Foreclosure prevention counseling; and Information and referral on rental homelessness and emergency assistance programs.

Through its partnership with the Oregon State Extension Service the Mid Columbia Housing Resource Center can provide Financial Literacy Education. In addition the Mid-Columbia Housing Resource Center provides access to an Individual Development Account Program (IDA) through the Mid Columbia Housing Authority.

Clearly housing, particularly affordable housing, is becoming a greater and greater problem as our regional economy continues to grow. In fact, increasingly economists and business leaders are blaming the lack of affordable housing, and resulting high housing costs, for the slowdown in major regional economies across the United States. The Mid-Columbia Housing Resource Center helps address the affordable housing issue by giving families access to unbiased information, education and referrals to make informed housing decisions.

BUDGET IMPLICATIONS: There are no budget implications.

ALTERNATIVES: There are no alternatives. CDBG requires that a second hearing be conducted to review the results of the project with citizens and to take comments about the local government's performance as part of the grant closeout process.

Mid Columbia Housing Resource Center 2011 Year End Narrative Report

Executive Summary:

Mid Columbia Housing Resource Center completed the 1 year contract with CDBG, providing services to numerous individuals and families. We met our Performance Objectives and assisted Oregon with their Home Stabilization Initiative and the Mortgage Payment Assistance (MPA) Program for Wasco, Hood River and Sherman Counties. This program made payments for up to a year for people facing foreclosure and we look forward to future phases as well.

Performance Objective 1: Conduct at least 1 orientation session for local lenders and real-estate professionals.

Results: We coordinated with the Realtors Association to do this year's event at the Association's regular meeting scheduled on October 19th. The meeting was well attended by realtors, lenders and other in the real estate profession. We brought in speakers from USDA, OHCS to inform the group about the various aspects of what their organization offers. We also brought in a state economist who gave insightful information about the real estate market and employment in the area.

Performance Objective 2: Conduct at least 4 (per year) Orientation Sessions on Center services.

Results: At least 20 Orientation sessions were conducted through the Housing Authority during their initial Section 8 voucher meetings. Well over 150 individuals were introduced to the Center. We coordinated with the Columbia Gorge Community College and gave 2 orientation meetings to ESL classes to approximately 60 adult students.

Performance Objective 4: Conduct at least 6 ABCs of Home buying Classes

Results: The Housing Authority scheduled 8 classes for 2011. Three classes were cancelled but we had 15 people go through the classes. Two of these people are in the process of purchasing a home right now.

Performance Objective 5: Provide information and access to owner – occupied CDBG rehabilitation programs.

Results: The Center completed the Wasco County Home Repair program. 14 loans were closed for a total of over \$320,000 of repairs being made in Wasco County. The Hood River County Home Repair is underway with five loans closed for a total of \$150,000 in repairs.

Performance Objective 6: Provide information and access to USDA Rural Housing Services Programs.

Results: During the year, fifteen families have been referred to the USDA Rural Housing services programs in both Oregon and Washington.

Performance Objective 7: Provide information and access to affordable mortgage products.

Results: The Center has produced and continues to distribute a pamphlet (In both English and Spanish) *We make homeownership happen, Steps and Programs for Owning Your Own Home* that outlines first mortgage loan and second mortgage loan programs. The brochure is the primary method to disseminate information about these programs.

Performance Objective 8: Maintain a toll free number and WEB site.

Results: The Center maintains both a toll free number and web site (www.midcolumbiahousingcenter.org). The Center received 2,743 “hits” on our website; 818 were unique.

Performance Objective 9: Provide information and access to the following programs: Weatherization, low income energy assistance, foreclosure prevention, rental homelessness and emergency assistance.

Results: The Center continues to maintain information on these programs and refers individuals needing this type of assistance to the appropriate agencies; CAP and other local assistance agencies, USDA, Oregon Housing and others.

Performance Objective 10: Provide access to pre-purchase counseling in one-on-one sessions.

Results: The Center offers this service to interested families. Housing Center staff is working with Housing Authority staff to increase participation in the Section 8 Voucher Homeownership program.

Additional Activities

- CCHC now has a Housing Resource Center presence in Washington with 2 offices, each manned for 1 day a week.
- Staff closed over 70 Mortgage Payment Assistance loans
- We are gathering names for a Regional Home Repair Program covering all 3 Oregon Counties
- MCHRC will be participating with the state in the new MPA programs when they are introduced



AGENDA STAFF REPORT

CITY OF THE DALLES

MEETING DATE:	AGENDA LOCATION:	AGENDA REPORT #
February 13, 2012	Action Items 12, A	12-012

TO: Honorable Mayor and City Council

FROM: Gene E. Parker, City Attorney

THRU: Nolan K. Young, City Manager

DATE: February 1, 2012

ISSUE: Adoption of General Ordinance No. 12-1317, regulating the conduct and business of secondhand dealers and certain sales of used property, requiring records, and requiring a license for secondhand dealers, providing penalties, and repealing General Ordinance No. 83-1048

RELATED CITY COUNCIL GOAL: None.

PREVIOUS AGENDA REPORT NUMBERS: #11-066

BACKGROUND: On July 11, 2011, the City Council scheduled a discussion item to review the initial draft of a proposed new ordinance regulating secondhand dealers. The proposed ordinance included the concept of a digital identification system which was designed to assist law enforcement agencies in tracking property which may have been stolen. Under the proposed ordinance, secondhand dealers would have been required to obtain a copy of the seller's thumbprint on a transaction report, and provide that information to the Police Department on a daily basis. During the discussion of the proposed ordinance, the Council heard testimony from several local secondhand dealers, expressing concerns about the potential negative impact that the digital identification system would have upon their business. The Council directed City staff to work with the local secondhand dealers, to address their concerns regarding the proposed digital identification system, and other issues which the dealers had raised concerning the proposed ordinance.

Over the next several months, City staff, including the City Attorney, Police Chief Jay Waterbury, and Officer Sean Lundry, met with the secondhand dealers, and with a small subcommittee of business owners representing the secondhand dealers (the subcommittee members included Mark Thomas, Mel Mendez, and Eric Stovall). As a result of these meetings and discussions, City staff agreed to remove the proposed digital identification system from the new ordinance. Several provisions of the ordinance were revised at the suggestion of the secondhand dealers. The goal of these discussions has been to create a system of regulating the business of the secondhand dealers in an equitable and efficient manner. The following is a summary of the major highlights of the final version of the ordinance:

1. Section 2 of the ordinance, which begins on page 1, containing language for the definitions in the ordinance, contains several new provisions as well as certain existing provisions:
 - A. Subsection (A) defines the types of “acceptable identification” which a secondhand dealer will be required to obtain from a customer selling the dealer used property.
 - B. Subsection (F), on page 2, includes an exception for the definition of the term “Dealer” for a business engaging in transactions involving used property, which consist exclusively of donated items and/or purchases from 501(c)(3) organizations.
 - C. Subsection (O), which begins on page 3, provides a very detailed list of the type of used property which is regulated by the ordinance. Property which is exempt from regulation is defined in Section 2(O)(C), on page 5 of the ordinance.
 - D. Subsection R on page 5, which defines the term “Secondhand Dealer” includes an exemption for merchants who deal primarily in new, unused merchandise, who occasionally engage in transactions involving used goods, which transactions account for less than 50% of the merchant’s gross sales. This provision is included in the City’s current ordinance, and reflects a policy that has been followed by the City for approximately 30 years. The secondhand dealers requested that City staff consider a modification to the ordinance that would provide that the ordinance apply to any merchant or business that advertises that they purchase used property. City staff has taken the position that the ordinance should not be modified as requested by the secondhand dealers. This is an issue the Council will need to determine as to whether there should be a change in the City’s policy and practice regarding businesses which occasionally engage in the purchase of used property.

- E. Subsection (V) on page 6, which defines the term “Transactions” retains a provision from the current ordinance providing that the ordinance does not regulate a transaction including the purchase or acquisition of regulated property from a single customer by a dealer where the total amount of the property purchased does not exceed the sum of \$25.00.
2. Section 4(B) on page 6, concerning permits, includes provisions concerning existing secondhand dealers who have a license under the current license. They will be required to apply for a license when their current license expires, and they will be subject to the provisions of the new ordinance upon its adoption. When they apply for renewal of a license under the new ordinance, they will not have to pay the application or investigation fees established by the new ordinance. Thereafter, they will pay the annual license fee, which is currently established at \$25.00.
 3. Section 5, on page 6, concerning fees, will include a \$10 investigation fee and a \$25.00 application fee to be paid for new applications for a secondhand dealer license.
 5. Section 6, on pages 6 and 7, concerning the application process, will require that applicants for a new license provide certain information concerning the operation of similar secondhand businesses which they have operated, and also information concerning prior criminal convictions for the applicant, any co-owner, or a manager or operator of the proposed secondhand business, which has occurred within 15 years of the date of the application.
 6. Section 7, on pages 7 and 8, concerning denial or revocation of a permit, provide the City Attorney’s office will be responsible for making the determination whether a permit application should be denied, or an existing permit should be revoked. Section 7(A)(2) includes new language providing a basis for a denial of an application or revocation of an existing permit, when there is evidence that the applicant, a co-owner, or manager or operator of the secondhand business, has been convicted of a felony or any crime involving a false statement or dishonesty within 15 years prior to the application date. Section 7(B) of the ordinance includes a new provision allowing for some discretion for the City Attorney not to proceed with a denial or revocation, if certain specified circumstances exist.
 7. Section 8, on pages 8 and 9, include new provisions requiring the regulated secondhand dealers to submit daily transaction reports. The reports can be physically delivered to the police department during regular business hours, or sent by electronic or digital methods. The reports are required to include a copy of the required identification to be provided by the seller of the used property. A copy of the transaction reporting form is included with this staff report. Section 8(E) on page 9 includes a new provision allowing for the use of a single reporting form for a transaction involving the purchase of 10 or more of the same type of items by a secondhand dealer.

One issue which has not yet been resolved involved a request by the secondhand dealers to have some form of a “mail slot” or other receptacle installed at the Police Department to allow for after-hours delivery of the transaction reporting form. The Police Department is reviewing this request to determine if it can be accommodated.

8. Section 9, pages 9 and 10, includes new provisions establishing a holding period of 7 days before property can be sold by a secondhand dealer.
9. Section 10, on page 10, includes a new provision requiring the secondhand dealers to affix tags to the used merchandise to facilitate identification of items that are sold.
10. Section 12, on page 10, includes new provisions concerning the sale of used property to minors. The current ordinance prohibits sales to anyone under the age of 18, and the new ordinance would allow sales to minors 16 years or older, provided they can show the dealer a valid government issued photo identification.

There is another issue raised by the secondhand dealers which was not resolved as of the preparation of this staff report. The dealers requested the police department to issue what is sometimes referred to as a “hot list”, which is a list of recently stolen property. The dealers have indicated such information would assist them in identifying stolen property, before it is purchased by an innocent dealer. The police department is reviewing this request.

Notice of adoption of General Ordinance No. 12-1317 has been posted in accordance with the provisions of the City Charter. The Council can choose to adopt the ordinance by title only.

BUDGET IMPLICATIONS: The proposed ordinance will continue to keep the current application fees, which are \$10 for the investigation fee, and \$25 for the permit fee.

ALTERNATIVES:

- A. Staff Recommendation. *Move to adopt General Ordinance No. 12-1317 by title only.*

TRANSACTION REPORT
DECLARATION OF PROOF OF OWNERSHIP

Date: _____ Time of Transaction: _____

Seller's Name: _____ Address: _____

Seller's Driver's License # _____ State: _____

Alternative forms of identification (describe) #1 _____
 #2 _____

Optional: Vehicle License of Seller: _____

Optional: Video or photo taken of Seller: Yes _____ No _____

<u>ITEM PURCHASED</u>	<u>DESCRIPTION</u> (Brand, model, weight, type, color, etc)	<u>SERIAL NUMBER</u>	<u>TAG NUMBER</u>
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- 1.
- 2.
- 3.
- 4.
- 5.

I, _____ AFFIRM UNDER PENALTY OF LAW THAT THE PROPERTY I AM SELLING IN THIS TRANSACTION IS NOT, TO THE BEST OF MY KNOWLEDGE, STOLEN PROPERTY, NOR IS THE PROPERTY SUBJECT TO A LEASE OR A RENTAL AGREEMENT.

Seller's Signature

Seller's Printed Name

Purchaser's Signature

Name of Purchaser/Business Acquiring Item

GENERAL ORDINANCE NO. 12-1317

**AN ORDINANCE REGULATING THE CONDUCT AND BUSINESS OF
SECONDHAND DEALERS AND CERTAIN SALES OF USED PROPERTY;
REQUIRING RECORDS; REQUIRING A LICENSE FOR SECONDHAND
DEALERS; PROVIDING PENALTIES; AND REPEALING GENERAL
ORDINANCE NO. 83-1048**

**THE CITY COUNCIL OF THE CITY OF THE DALLES ORDAINS AS
FOLLOWS:**

Section 1. Purpose

This ordinance regulates the purchase of used property by certain businesses. This activity presents an extraordinary risk of misuse to conceal criminal conduct involving the theft of personal property. The risk of misuse is present despite the best efforts of legitimate businesses to otherwise control the risk.

Section 2. Definitions

For purposes of this ordinance, the following mean:

A. Acceptable Identification. Either a current driver's license that includes the date of birth, photograph, and physical description of the person offering the identification; or two other pieces of current identification, at least one of which is issued by a governmental agency or subdivision and includes the date of birth, photograph and physical description of the person offering the identification.

B. Acquire. To take or transfer any interest in personal property in a voluntary transaction, including but not limited to: sales; memoranda between a Dealer and a private party seller; leases; and loans. Any acquisition of regulated property by a Dealer will be presumed to be an acquisition on behalf of the Secondhand Dealer business. Notwithstanding the foregoing, "acquire" does not include:

1. Any loans made in compliance with state laws by persons licensed as pawnbrokers by the State of Oregon; or
2. Memoranda between a Dealer and a person engaged in the business of selling regulated property.
3. A transaction involving a donation of property to a secondhand dealer.

C. Application Date. The date the City receives the required application fee from an applicant for a secondhand dealer permit.

D. Business. A shop, store, enterprise, profession, activity, establishment or undertaking of any nature conducted directly or indirectly for private profit or benefit and as a substantial means of a person's livelihood. The term is not meant to include the activity of any federal, state or local government or government subdivision or agency, or any organization exempt from taxation under Section 501 (c)(3) of the Internal Revenue Code.

E. Business Location Any physical location where the Dealer conducts business.

F. 1. Dealer Includes any:

a. Sole proprietorship, partnership, limited partnership, family limited partnership, joint venture, association, cooperative, trust, estate, corporation, personal holding company, limited liability company, limited liability partnership or any other form of organization for doing business and that:

b. Either:

(1) Acquires regulated property at or from business locations within the City of The Dalles, or on behalf of such a business regardless of where the acquisition occurs, or

(2) Offers for sale regulated property.

2. Dealer Does not include:

a. A business whose acquisitions of regulated property consist exclusively of donated items and/or purchases from 501(c)3 organizations; or

b. A person whose only business transactions with regulated property in the City of The Dalles consist of a display space, booth, or table maintained for displaying or selling merchandise at any trade show, convention, festival, fair, circus, market, flea market, swap meet or similar event for less than 14 days in any calendar year.

G. Investment Purposes The purchase of personal property by businesses and the retention of that property in the same form as purchased, for resale to persons who are purchasing the property primarily as an investment.

H. New. Anything conspicuously not used.

I. Owner. A person who has a right of possession to an item of property superior to that of the seller.

J. Person. Any individual, partnership, corporation, or association.

K. Personal Property. Any article, substance or thing of value, including, but not limited to, money, tangible and intangible personal property, chose in action, and evidence of debt or of contract.

L. Police Chief. The Chief of Police of the City of The Dalles or the Police Chief's designee.

M. Purchase. The acquisition of or the act of acquiring title to property by a buyer in exchange for valuable consideration given to the seller. For purposes of this ordinance, the term "buyer" refers to a Secondhand Business, and the term "seller" refers to a customer selling regulated property to the Secondhand Business. The term is not meant to include the following:

1. A bailment for sale, by which a seller consigns property to another for sale.
2. A pledge loan, by which a pawnbroker licensed by the State of Oregon lends money secured by a pledge.
3. The acquisition of a security interest, by which a person acquires an interest in property to secure payment or performance of an obligation.

N. Receive. To take property into the inventory, possession, or control of a Dealer.

O. Regulated property.

A. The following used property:

1. Precious metals. Examples include: any metal that is valued for its character, rarity, beauty or quality, including gold, silver, platinum, or any other such metals, whether as a separate item or in combination as a piece of jewelry; and/or jewelry containing precious metals or precious gems including but not limited to rings, necklaces, pendants, earrings, brooches, bracelets, or chains.
2. Precious gems. Examples include: any gem that is valued for its character, rarity, beauty or quality, including diamonds, rubies, emeralds, sapphires or pearls, or any other such precious or semi-precious gems or stones, whether as a separate item or in combination as a piece of jewelry.
3. Watches.
4. Sterling silver. Examples include: flatware, candleholders, coffee and tea sets, ornamental objects, champagne flutes, wineglasses, or serving pieces such as: platters, bowls, trays, water pitchers, open bakets, ice buckets, shell dishes, or salt and pepper shakers.
5. Electronic equipment and items of entertainment

Examples include:

- a. Audio equipment including but not limited to: tape players, tape decks or players, compact/digital disc players, sound metering devices, tuners, amplifiers, speakers, transceivers, equalizers, receivers, phonographs, turntables, stereos, radios, car stereos, car speakers, microphones, broadcasting equipment, citizen band radios/transceivers, digital audio recorders or players.
- b. Video equipment including but not limited to: televisions, videotape or videodisc recorders, videotape or videodisc players, video cameras, video projectors, video monitors, digital video recorders or players.
- c. Electrical office equipment including but not limited to: telefax machines, laser printers, copiers, duplicators, typewriters, calculators, cash registers, transcribers, dictaphones, computers, home computers, modems, monitors, any computer equipment or accessories having uniquely identifiable parts, or identifiable software.

- d. Telephones or telephone equipment including but not limited to answering machines, cellular telephones, or satellite telephones.
 - e. Video games including games that are handheld, console or played on a computer.
 - f. Other electronic equipment including but not limited to: global positioning systems, electronic navigation devices or radar detectors.
 - g. DVD's, DVD boxed sets, compact discs, and record albums
6. Photographic and optical equipment and any accompanying bags including but not limited to: cameras, camera lenses, camera filters, camera motor drives, light meters, flash equipment, movie projectors, slide projectors, photography processing equipment, photography enlarging equipment, binoculars, telescopes, opera glasses, microscopes, surveying equipment both optical and electronic, rifle scopes, spotting scopes, electronic sighting equipment, tripods, accessories and components, digital image recorders or display devices.
7. Power yard and garden tools including but not limited to: garden tractors, lawn mowers, rototillers, lawn sweepers, weed or brush cutters, edgers, trimmers, blowers, chippers, shredders, or ladders.
8. Power equipment and tools including but not limited to: air hammers, air tools, nail guns, power staplers, power saws, power sanders, chainsaws, power planers, power drills, routers, lathes, joiners, shop vacuums, paint sprayers and accessory equipment, generators, air compressors, pressure washers, logging equipment, welding or cutting equipment or components, measuring devices and gauges, or construction equipment.
9. Automotive and hand tools including but not limited to: wrench sets, socket sets, screw driver sets, pliers, vise grips, tool boxes, auto body hammers, jacks, timing lights, testing and analyzing equipment or components.
10. Musical instruments and any accompanying cases or bags including but not limited to: pianos, organs, guitars, violins, cellos, trumpets, trombones, saxophones, flutes, drums, percussion instruments, electronic synthesizers, or mixing boards.
11. Firearms including but not limited to: rifles, shotguns, handguns, revolvers, pellet guns, or BB guns.
12. Sporting equipment including, but not limited to kayaks, bicycles, golf clubs and bags, pool cues or cases, snow or water skis, hard plastic ski boots, snow or water boards, fishing rods or reels, skates, saddles or tack.
13. Outboard motors and boating accessories limited to outdrives, props, inboard engines, boat covers, tops, or unlicensed boat trailers.
14. Household appliances, including but not limited to microwave ovens, sewing machines, vacuums, mixing and food preparation equipment.
15. Property that is not purchased by a bona fide business for investment purposes, limited to:

- a. Gold bullion bars (0.995 fine or better);
- b. Silver bullion bars (0.995 fine or better);

- c. All tokens, coins, or money, whether commemorative or an actual medium of exchange adopted by a domestic or foreign government as part of its currency whose intrinsic, market or collector value is greater than the apparent legal or face value; or
- d. Postage stamps, stamp collections and philatelic items whose intrinsic, market or collector value is greater than the apparent legal or face value.

B. The following new property:

1. New items purchased from a licensed business are exempt from regulation under this Ordinance if the Dealer has a bill of lading, receipt, invoice or the equivalent for the new items that specifies the seller's business name, physical and mailing address, date of transaction and a description of the purchased items. The bill of lading, receipt, invoice or the equivalent must be held by the Dealer for one year or as long as the property is in the Dealer's possession, whichever is longer. Upon reasonable belief that a specific licensed business is dealing in stolen property, the Police Chief may deem that new items purchased from that specific licensed business are regulated property.
2. Items acquired from a manufacturer, manufacturer's representative or distributor that are discontinued or have been used for display or demonstration but not previously sold are new and exempt from regulation under this Ordinance if the Dealer has a bill of lading, receipt, invoice or the equivalent that includes the information specified in section B.I. The Dealer must hold the bill of lading, receipt, invoice or the equivalent for one year or as long as the property is in the Dealer's possession.

C. Regulated property does not include any of the following property:

1. Vehicles required to be registered with the Oregon Motor Vehicles Division;
2. Boats required to be certified by the Oregon Marine Board;
3. Glassware and objects d'art;
4. Furniture;
5. Refrigerators, freezers, stoves, ovens, dishwashers, washer, and dryers;
6. Computer software, excluding any video games;
7. Clothing;
8. Firearms for which the business selling the firearm has a Federal Firearms License.

P. Remanufactured. An item has been altered to the degree that the main components are no longer identifiable as the original item.

Q. Secondhand Business. A business that purchases regulated property.

R. Secondhand Dealer. A person who engages in a Secondhand Business. A secondhand dealer does not include a merchant who deals primarily in new, unused merchandise, who occasionally engages in transactions involving used goods, which transactions account for less than 50 % of the merchant's gross sales.

S. Secondhand Dealer Permit. The permit issued to a secondhand dealer pursuant to this ordinance.

T. Seller. Any person who:

1. Offers items of regulated property in exchange for money or other property; or as collateral for a loan.

U. Trade Show. An event open to the public, held in a venue other than a Dealer's business location, at which vendors of a specific type of merchandise may exhibit, buy, sell, or trade items that may include regulated property. Events commonly known as flea markets or swap meets, in which goods of many types are exhibited, sold or traded, are not considered trade shows for the purpose of this Ordinance.

V. Transaction. The purchase of regulated property. For purposes of this ordinance, a transaction shall not include the purchase or acquisition of regulated property from a single customer by a dealer where the total amount of property purchased does not exceed the sum of \$25.00.

W. Transaction Report. Record of the information required by this Ordinance, transmitted to the City Police Department by the means required in this Ordinance.

X. Used. Previously owned, consumed, or put into service by a person other than the manufacturer or the manufacturer's dealer or agency.

Section 3. Unauthorized Sale of Property

A. No person shall sell or attempt to sell personal property to a secondhand dealer without the consent of the property's owner.

Section 4. Permit Required

A. No secondhand dealer shall carry on a secondhand business without a secondhand dealer's permit.

B. A secondhand dealer engaged in a secondhand business on or before the effective date of this ordinance who intends to continue that business after the effective date of this ordinance shall apply for a secondhand dealer permit pursuant to this ordinance, upon the expiration of their current license. During the period of time when this ordinance takes effect, until a currently licensed secondhand dealer applies for a permit under this ordinance, they shall operate their business in accordance with the provisions of this ordinance. When a currently licensed secondhand dealer applies for a permit for the first time under this ordinance, the applicant shall not have to pay any application or investigation fees for an application submitted pursuant to this subsection. Thereafter, such currently licensed secondhand dealers shall pay the annual application fee to renew their licenses.

C. The sale of regulated property at events commonly known as "garage sales," "yard sales," or "estate sales," is exempt from these regulations if all of the following are present:

1. No sale exceeds a period of 72 consecutive hours; and

2. No more than four sales are held at the same location in any twelve-month period.

Section 5. Fee

Every applicant for a secondhand dealer permit shall pay the appropriate fees, including an application fee and investigation fee, in the amount established by Council resolution, subject to the exception for currently licensed second hand dealers applying for a permit upon the expiration of their current license in Section 4(B).

Section 6. Application Process

A secondhand dealer shall apply for a secondhand dealer permit in the following manner:

A. The City shall make available an application form for secondhand dealer permits.

B. The application form may require all secondhand dealers to supply the following information:

1. The name, address, telephone number, social security number and date of birth of the person applying for the permit.
2. The name of the secondhand business in whose name the permit should be issued if the application is approved.
3. The mailing address of the secondhand business and, if different from its mailing address, the location where the business is to be conducted in the City.
4. Whether the applicant or any other person who helps own, manage or operate the secondhand business ever has been engaged in a similar business; whether any permit similar to the one applicant seeks pursuant to this ordinance ever has been issued to the applicant or any person who helps own, manage or operate the secondhand business; whether any such permit so issued has been suspended or revoked.
5. Any criminal arrest or conviction the applicant or any other person who helps own, manage, or operate the secondhand business has had in the past 15 years. The applicant may be required to disclose where, when, and the nature of any arrest or conviction.

C. The applicant shall complete the relevant portions of the application form and return it to the City Finance Department for processing. At the time the applicant submits the completed application, the applicant shall pay the investigation fee established by Section 5 of this Ordinance. Upon notice of approval of the application, the applicant shall pay the application fee established by Section 5 of this Ordinance.

Section 7. Denial or Issuance of Permit; Revocation of Permit; Appeal Process

A. The City Attorney shall deny an application for a permit or revoke an issued permit if the City Attorney has probable cause to believe that any of the following conditions exist:

1. The applicant, or any person who helps own, manage or operate the secondhand business, has owned or operated a secondhand business regulated under this ordinance or any substantially similar ordinance and within the five years prior to the application date:
 - a. Has had a secondhand business permit revoked for a reason that would be grounds for a denial or revocation pursuant to this ordinance; or
 - b. The secondhand business has been found to constitute a public nuisance.

2. The applicant, or any person who will help own, manage or operate the secondhand business, has been convicted of a felony or any crime involving a false statement or dishonesty within 15 years prior to the application date.
3. The applicant has knowingly made a false statement in the application; or knowingly omitted information requested to be disclosed in the application; or completed the application with reckless disregard for the truth or accuracy of the statements made therein.
4. A lawful inspection of the secondhand business premises by the Police Department has been unjustifiably refused by a person who helps own, manage, or operate the business.
5. The secondhand dealer has been convicted in Municipal Court for a violation of this Ordinance.

B. Notwithstanding the requirements of subsection (A) of this section, the City Attorney may grant or not revoke a secondhand dealer permit despite grounds for denial or revocation if the City Attorney concludes that the applicant has established more likely than not that the basis for the denial or revocation:

1. Is unlikely to recur;
2. Is remote in time; or
3. Is not reasonably related to the purpose of this ordinance.

C. Upon approval of an application for a secondhand dealer permit and payment of the application fee established by Section 5 of this Ordinance, a permit shall be issued in the name of the secondhand business for the location specified by the applicant in the application form. The permit shall be non-transferable and valid until January 31st of the year following the issuance of the permit. Annual statements will be sent to secondhand dealers who can renew their permit by paying the application fee established by Section 5 of this Ordinance. The permit shall be clearly displayed at the secondhand business in a manner readily visible to the business's customers.

D. If the City Attorney denies an application for a second hand dealer permit or orders the revocation of an issued secondhand dealer permit, the City Attorney shall serve a written notice by regular mail to the address, which the applicant furnished on the application, stating the reasons for the denial or the revocation. The notice shall advise the applicant of their right to file an appeal. Notice of the appeal shall be filed in writing and shall contain a brief statement by the applicant of the grounds for the appeal. The appeal shall be heard by the City Council at a regular City Council meeting. The appeal shall be treated as a contested case, and the Council shall have the authority to determine the applicable issues to be considered, and what testimony and evidence is relevant. The Council's decision shall be reduced to writing.

E. A revocation of an issued permit for a secondhand dealer, which is not appealed, or which is affirmed by the Council following an appeal, shall be for a period of five years, from either the date of issuance of the City Attorney's notice or the issuance of the Council's written decision on the appeal.

Section 8. Reporting of Regulated Property Transactions

A. If paper forms are approved for use by the Police Chief, the Police Department will provide all Dealers with a form for reporting transactions. The Police Chief may specify the size, shape and color of the transaction report. The Police Chief may require the transaction reports to include any information relating to the regulations of this Ordinance. The Declaration of Proof of Ownership is considered to be included in references in this Ordinance to the transaction reports, as appropriate.

B. When receiving regulated property, the Dealer must obtain acceptable identification from the seller. The Dealer must verify that the photograph is a photograph of the seller. The Dealer must record the seller's current residential address on the transaction report and have the seller complete the Declaration of Proof of Ownership.

1. At the time of the transaction, the Dealer must write on the transaction report a complete, legible and accurate description of the regulated property of sufficient detail to distinguish like objects one from the other. If an item is new, the Dealer must include the word "new" in the property description.

a. The Dealer must complete the transaction report in its entirety and the individual completing the report must sign the release form.

b. Transaction reports must be completed in legible printed English.

c. The seller must legibly complete the Declaration of Proof of Ownership. The seller must, at the time of the transaction, certify in writing that the seller has the legal right to pledge or sell the property that is the subject of the transaction and is competent to do so, and that the property is not rented or leased.. The information on the Declaration of Proof of Ownership may be produced using a digital format with prior approval of the process from the Police Chief.

d. A Dealer may provide a description of any motor vehicle (including license number) identified as used in the delivery of regulated property and record the description and license number.

2. Dealers must make a copy of the acceptable identification presented by the seller. All information on the copy must be legible and may be made by photostatic copying, computerized scanning or any other photographic, electronic, digital or other process that preserves and retains an image of the document, and which can be subsequently produced or reproduced for viewing of the image. Copied identification must be submitted with the transaction report.

C. For transactions occurring on Mondays through Thursdays, dealers must mail or deliver to the Police Chief either by the close of each business day or no later than 8:00 A.M. the next business day, the original of all transaction reports describing articles received during that initial business day. For transactions occurring on a Friday or during the weekend, or on any day when the Police Department is closed for business due to a City recognized holiday, the dealer must deliver the original of all transaction reports describing articles received during the applicable day, by 8:00 AM on the next regular business day when the Police Department is open. When the completed transaction report shows the seller to live outside the City of The Dalles, the City Police Department may send a copy of the transaction report to the police agency having jurisdiction where the seller resides.

D. The City Police Department will destroy transaction reports and the Declaration of Proof of Ownership forms immediately after the statute of limitations for the suspected crime(s) has expired unless the report is needed as evidence in a pending criminal prosecution.

E. In the case of a transaction involving a purchase of 10 or more of the same type of items by a Second hand dealer, the dealer may describe these items as a single group on the Declaration of Ownership form; provided the description is sufficient to allow for the items to be individually identified, and further provided that the dealer retains a copy (for example, in photostatic, electronic or digital form) which can provide an image of all the items in the group which were purchased by the Second hand dealer.

Section 9. Sale of Property

A. No property purchased by any regulated Secondhand Dealer, shall be sold for a period of seven full days after purchase. Property may be displayed for sale during the seven-day holding period.

B. Such property shall be maintained in substantially the same form as purchased during this seven-day holding period. Notwithstanding this requirement, the Police Chief, may authorize in cases in which it is shown that extreme financial hardship will result from holding an item for the seven-day period, the sale or transfer of such item before the expiration of this period.

C. Whenever the Police Chief, upon reasonable belief that the specific property is the subject of theft, notifies a Secondhand Dealer in writing not to dispose of any specifically described property, the property shall be retained in substantially the same form, and shall not be sold, exchanged, dismantled or otherwise disposed of for a period of time, not to exceed thirty days, as determined by the Police Chief.

Section 10. Articles to be Tagged

Any Secondhand Dealer receiving used merchandise shall affix to the used merchandise a tag, upon which identification shall correspond with the identified form required to be kept as provided in Section 8 of this ordinance.

Section 11. Inspection by City

A. All persons licensed to do business as Secondhand Dealers, or any persons employed by such Secondhand Dealers, shall permit any officer of the City Police Department, upon presentation of official identification, entry to such business premises for the limited purpose of inspecting any articles purchased in the business as regulated by this ordinance.

B. Any such inspection shall only be authorized during normal business hours.

Section 12. Transactions involving minors

Second hand dealers can engage in transactions involving regulated property with minors who are 16 years of age or older; provided the minor can provide the Second hand dealer with valid government issued photo identification.

Section 13. Penalties

A. Violation of any provision of this ordinance is an infraction, punishable upon conviction by a fine of up to five hundred dollars (\$500).

B. Upon a second or subsequent conviction of any violation of any provision of this ordinance, the Municipal Court may impose a fine not to exceed one thousand dollars (\$1,000).

Section 14. Severability Clause

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

Section 15. Repeal

General Ordinance No 83-1048, adopted on November 21, 1983, and amended by General Ordinance No 08-1290, adopted on April 28, 2008, is hereby repealed.

PASSED AND ADOPTED THIS 13th DAY OF FEBRUARY, 2012

Voting Yes, Councilors: _____

Voting No, Councilors: _____

Absent, Councilors: _____

Abstaining, Councilors: _____

AND APPROVED BY THE MAYOR THIS 13th DAY OF FEBRUARY, 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 #
February 13, 2012	Action Items 12, B	12-001

TO: Honorable Mayor and City Council

FROM: Kate Mast, Finance Director

THRU: Nolan K. Young, City Manager *ny*

DATE: January 30, 2012

ISSUE: Resolution No. 12-003 Authorizing Transfers of Funds Between Categories of Various Funds, Making Appropriations and Authorizing Expenditures for the Fiscal Year Ending June 30, 2012.

BACKGROUND: Oregon Budget Law recognizes that annual budgets are estimates of revenues and expenses, and that certain events and circumstances during the fiscal year may cause funds to experience costs above approved category limits. Therefore, Oregon Budget Law allows for transferring of budgeted funds between approved category limits within the same fund to prevent any category from being over-expended at the end of the fiscal year. Categories that are over-expended at the end of the fiscal year are a violation of Oregon Budget Law.

The proposed resolution as prepared today includes the following changes:

LIBRARY FUND:

- \$10,835 to be transferred from the Personnel Services category to the Materials & Services category. Prior to this fiscal year, the Library janitor was an employee. When that long-time employee left his position, it was decided to contract for janitorial services instead of hiring another employee. This transfer will place the funds budgeted for an employee janitor in the Personnel category to the Contractual Services line item in the Materials & Services category to pay for the contract janitorial services..

STREET FUND

- \$2,000 to be transferred from the Materials & Services category, Street Construction Supplies line item, to the Capital Outlay category, Equipment – Other. This transfer is needed due to an anticipated over expenditure in the Capital Outlay category.

SPECIAL ASSESSMENTS FUND

- \$25,200 to be transferred from the Capital Outlay category, WiFi Project line item, to the Interfund Transfers category, Transfers to General Fund line item. A portion of the contributions to the WiFi Project made by Google in FY10/11 is supposed to pay for three years of User Fees (rent for where the WiFi antennas are located), at a cost of \$700 per month ($\$700 \times 36 \text{ months} = \$25,200$). These fees will be paid from the General Fund, so the funds need to be transferred to the General Fund. The Supplemental Budget proposed at the Council meeting on February 13th will receive those funds into the General Fund and allocate the portion that will be used in FY11/12. The remainder will roll over into the future fiscal years when it will be allocated until the 36 months is up.

BUDGET IMPLICATIONS: These budget transfers or amendments reduce one category and increase another category in the same fund by an equal amount, so there is no impact on any fund's total budget amount.

ALTERNATIVES:

- Staff Recommendation:** *Move to adopt Resolution No. 12-003 Authorizing Transfers of Funds Between Categories of Various Funds, Making Appropriations and Authorizing Expenditures for the Fiscal Year ending June 30, 2012.*
- The Council could choose not to adopt the proposed resolution, which would leave the departments and categories described above in an over-expended status as of June 30, 2012. The City would then be in violation of Oregon Budget Law and the audit would disclose those violations, resulting in possible repercussions from the State.

RESOLUTION NO. 12-003

A RESOLUTION AUTHORIZING TRANSFERS OF FUNDS BETWEEN CATEGORIES OF VARIOUS FUNDS, MAKING APPROPRIATIONS AND AUTHORIZING EXPENDITURES FOR THE FISCAL YEAR ENDING JUNE 30, 2012

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

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

WHEREAS, for various reasons the budgeted limits within various departments and/or categories are anticipated to be exceeded in the Fiscal Year ending June 30, 2012; and

WHEREAS, some reallocation of resources is necessary to correct the FY11/12 Budget;

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

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

<u>FUND OR DEPT.</u>	<u>BUDGETED</u>	<u>RESOURCES NEEDED</u>	<u>REALLOCATED</u>
<u>LIBRARY FUND (004)</u>			
from Personnel Services	\$ 634,204	\$ 623,369	- \$ 10,835
to Materials & Services	\$ 293,293	\$ 304,128	+\$ 10,835
<u>STREET FUND (005)</u>			
transferred from Materials & Services	\$ 732,513	\$ 730,513	- \$ 2,000
transferred to Capital Outlay	\$ 10,503	\$ 12,503	+\$ 2,000
<u>SPECIAL GRANTS FUND (018)</u>			
transferred from Capital Outlay	\$13,651,049	\$13,625,849	- \$ 25,200
Special Grants Materials & Services	\$ 6,500	\$ 31,700	+\$ 25,200

Section 2. Effective Date. This Resolution shall be effective upon adoption.

PASSED AND ADOPTED THIS 13th DAY OF FEBRUARY, 2012

Voting Yes, Councilors: _____

Voting No, Councilors: _____

Absent, Councilors: _____

Abstaining, Councilors: _____

AND APPROVED BY THE MAYOR THIS 13th DAY OF FEBRUARY, 2012

SIGNED:

ATTEST:

James L. Wilcox, Mayor

Julie Krueger, MMC, City Clerk



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

AGENDA STAFF REPORT

CITY OF THE DALLES

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
February 13, 2012	Action Items 12, C	12-013

TO: Honorable Mayor and City Council

FROM: Dave Anderson, Public Works Director

THRU: Nolan K. Young, City Manager

DATE: January 23, 2012

ISSUE: Authorization to receive additional American Recovery and Reinvestment Act of 2009 (ARRA) Funds.

CITY COUNCIL GOALS: NA

PREVIOUS AGENDA REPORT NUMBERS: Agenda Staff Reports #07-058, #07-096, #08-007, #08-040, #09-021, #09-028 and #11-108; memorandum titled "Failure and Replacement of cast iron pipe" dated October 26, 2011.

BACKGROUND: On December 12, 2011 City Council authorized the acceptance of up to \$400,000 in additional American Recovery and Reinvestment Act of 2009 (ARRA) loan funds to pay for replacement of existing cast iron pipe and complete the Terminal Reservoir construction project. Since that time, staff has received information indicating that the state is actually offering additional loan funds in the amount of \$589,478 for this project. To receive the additional funds, City Council must authorize the full amount of the additional loan.

The new 16-inch pipeline is now 50% designed so there is still no firm cost estimate available for the project. Authorization of the additional loan amount will help ensure that sufficient funds are available to complete the project. Only those funds that are needed will be received and used for the project.

BUDGET IMPLICATIONS: Acceptance of the additional loan funds will help pay for the needed cast iron pipe replacement without the use of limited Water Reserve funds currently allocated for the future repainting of Sorosis Reservoir. If the additional funds are accepted, the annual debt payment of the ARRA loans would increase by about \$40,000/year, from \$200,894 to \$240,515 per year.

RECOMMENDATIONS:

1. Staff Recommendation: Authorize the acceptance of up to \$589,478 in additional ARRA loan funds to pay for replacement of existing cast iron pipe and complete the Terminal Reservoir Construction project.
2. Deny authorization to accept additional ARRA loan funds and pay for the cast iron pipe replacement from existing Water Reserve funds.



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

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

AGENDA STAFF REPORT CITY OF THE DALLES

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
February 13, 2012	Action Items 12, D	12-014

TO: Mayor and City Council

FROM: Nolan K. Young, City Manager

DATE: January 31, 2012

ISSUE: Citizen Request from Jeff and Summer Smith Regarding Street Assessment Payment

BACKGROUND: Jeff and Summer Smith requested a building permit to build a single-family residence at 3045 East 12th Street in late 2010. Because the proposed dwelling was located on an unimproved street within the urban growth boundary, they were required by city ordinance to pay for full street improvements that would be done at a future date.

Shortly after this assessment, the city changed its standard for streets to allow for lesser improvements of minor streets. Because 12th Street at this location was considered a minor street, the city reduced the \$18,800 payment that the Smith's had made to \$7,854 and refunded the remaining amount.

The Smith's and their neighbors made a request to Wasco County Commission that this portion of East 12th Street right of way be vacated. Their concerns included the potential that they would have to pay for development of the street through a local improvement district in the future and the feeling that 12th Street would never be extended because there is a house located at the east end. Although city staff opposed the vacation, the County Commission approved it; therefore, the right of way was vacated.

The Smiths are now requesting the refund of the remaining \$7,854 they paid for street assessments, since the street no longer exist at this location. Although the County had the authority to vacate the right of way, staff still feels it was contrary to the street master

plan. That plan still calls for 12th Street to be extended at that location. The City's Land Use Development Ordinance does allow residences to be built on easements, when a street is impractical.

Staff recommendation: Staff recommends that the refund not be made because the street master plan does call for the street to be extended at this time and there was right of way there at the time the assessment was made. A case could be made on behalf of the Smiths request that because the Land Use Development Ordinance allows residences to exist on easements and because the right of way no longer exists that the request for refund should be granted. However, when local improvement districts are formed all benefiting property owners are assessed. The easement on which this property is located will have frontage on Richmond Street so, when that LID is formed for Richmond, all the properties on that easement should be assessed for those improvements along with similar residential properties.

BUDGET IMPLICATIONS: The payment of the street assessment is not specifically tied to a specific street. These funds are pooled to handle any local improvement district that is built with credit being given to individual property owners that have paid into the fund when the LID was formed in their area. The payment of this assessment is in lieu of constructing the improvements, which is our first preference, but is not always practical. The \$7,854 currently available for LID improvements would no longer be available if this request is granted.

COUNCIL ALTERNATIVES:

1. ***Staff recommendation: Deny the request.***
2. Grant the Smith's request for a \$7,854 refund.
3. Postpone a decision to allow for further research.

January 29, 2012

City of The Dalles
City Manager
313 Court St
The Dalles, OR 97058

Mr. Young,

We would like to address the city council on the issue of the funds that we paid to the city for LID improvements. As you know Wasco County has vacated 12th St. where we live. As a result of that, the street is now private and owned by the land owners. We would like to request a refund of the remaining LID money (\$7854.00) because the street will not be developed now that it is private.

Sincerely,

Jeff and Summer Smith
3045 East 12th St
The Dalles, OR 97058

