

1994 Resolutions, Continued

| | | |
|--------|----------|---|
| 94-053 | 06-13-94 | A Resolution Approving Budget Transfers for the 1993-94 Fiscal Year |
| 94-054 | 06-27-94 | A Resolution Approving the Items on the Consent Agenda & Authorizing City Officers to Sign Contract Documents: 1) Consent Resolution; 2) 6-13-94 Minutes; 3) Authorizing Mayor to Sign Police Union Agreement; 4) Res. No. 94-056 Reversing Planning Commission of Meadow Outdoor Advertising Sign Variance; 5) Approval for Street Light Installation at 2826 W. 8th; 6) OLCC New Outlet for Casa El Mirador; 7) Declare Equipment as Surplus Property; and 8) Approval of Fee Waiver for Conditional Use Permit Application for Veterans Home |
| 94-055 | 06-27-94 | A Resolution Approving an Extension of the Personal Services Contract Between the City of The Dalles and Hudson Insurance Agency, Inc. |
| 94-056 | 06-27-94 | A Resolution Reversing the Planning Commission's Denial of Sign Variance No. 81-94 Submitted by Meadow Outdoor Advertising to Erect a Billboard With a Three Foot Setback Where Five Feet is Required |
| 94-057 | 06-27-94 | A Resolution Amending the 1994-95 Budget as Approved by the Budget Committee |
| 94-058 | 06-27-94 | A Resolution Adopting the 1994-95 Budget of the City of The Dalles, Levying Taxes, Appropriating Funds & Authorizing the City Manager to Take Such Action as Necessary to Carry Out the Adopted Budget |
| 94-059 | 06-27-94 | A Resolution Adopting the Final Report of the City Engineer, Proposing an Assessment & Providing for Notices & a Hearing - East 12th Street Sanitary Sewer Improvements |

1994 Resolutions, Continued

| | | |
|--------|----------|--|
| 94-043 | 05-09-94 | A Resolution Amending the City of The Dalles Council Rules |
| 94-044 | 05-09-94 | A Resolution Initiating Street Vacation Procedures for a Parcel of Property conveyed for Use as a Public Street by Fred and Edna Thompson, by Deed Recorded in Wasco County Deed Record in Volume 87, Page 524 |
| 94-045 | 05-23-94 | A Resolution Accepting a Dedication of Property Owned by David G.P. Kenworthy for Street Purposes |
| 94-046 | 05-23-94 | A Resolution Accepting a Dedication of Property Owned by Universe Corporation for Street Purposes |
| 94-047 | 05-23-94 | A Resolution Initiating Street Vacation Procedures for: an Alley Segment Between W. 11th and W. 12th Streets, Running 100 Feet Westerly from Lincoln Street; and a 120 Foot Segment of Unimproved "F" Street Between E. 9th Street and the Alley to the South |
| 94-048 | 05-23-94 | A Resolution Approving the Items on the Consent Agenda & Authorizing City Officers to Sign Contract Documents: 1) Consent Resolution; 2) 5-9-94 Minutes; 3) Resolution No. 94-049 Concurring with the Mayor's Appointments to the Historic Landmarks Commission; and 4) Approval for Street Light Installation at the Port of The Dalles Industrial Area |
| 94-049 | 05-23-94 | A Resolution Concurring With the Mayor's Appointments to the Historic Landmarks Commission |
| 94-050 | 07-25-94 | Approving the concept of a Special Retirement Incentive Program for the City of The Dalles, and Adopting a Hiring Freeze |
| 94-051 | 06-13-94 | Initiating Street Vacation Procedures for: a Portion of West 8th Street Beginning 200 Feet West of Mt. Hood Street and Vacating the Final 100 Feet to Unimproved Jordan Street; and a Portion of the Alley Between West 16th and West 17th Streets Running 100 Feet Westerly from Garrison |
| 94-052 | 06-13-94 | A Resolution Approving the Items on the Consent Agenda & Authorizing City Officers to Sign Contract Documents: 1) Consent Resolution; 2) 5-23-94 Minutes; 3) Authorizing Amendment No. 2 of OMI Agreement to be Signed (Wastewater Treatment Plant Operation); 4) Approval to Hire Two Temporary Firefighters; 5) 6-2-94 Special Minutes; 6) Res. No. 94-053 Approving Budget Transfers for 1993-94 Fiscal Year; and 7) OLCC Change of Ownership for Shop N Kart |

1994 Resolutions, Continued

| | | |
|--------|------------------------|--|
| 94-035 | 04-11-94 | A Resolution Amending Resolution 94-022 Authorizing the City Manager to Enter Into a Consulting Contract for a Federal Aviation Administration, Airport Improvement Project |
| 94-036 | <u>NOT ADOPTED</u> | A Resolution Supporting the Wasco County Court and Encouraging Them to Move Forward With Adoption of the Wasco County National Scenic Area Land Use and Development Ordinance |
| 94-037 | 04-11-94 | A Resolution Supporting Efforts to Locate a Facility for the Care and Treatment of Disabled Veterans in The Dalles |
| 94-038 | 04-25-94 | A Resolution Accepting an Offer From Michael Heller to Purchase a Surplus Parcel of Real Property Located Within Tax Lot 4500, Assessor's Map Number 2N 13E 33C, Measuring 2,394.58 Square Feet |
| 94-039 | 04-25-94 | A Resolution Approving the Items on the Consent Agenda and Authorizing City Officers to Sign Contract Documents: 1) Consent Resolution; 2) 4-11-94 Minutes; 3) 4-18-94 Minutes; 4) Local Agency Fund Exchange Agreement; 5) Sign Employment Contract with City Manager; 6) Res. No. 94-040 Concurring With Mayor's Appt. to Various Commissions; and 7) Declare Equipment as Surplus Property |
| 94-040 | 04-25-94 | A Resolution Concurring With the Mayor's Appointments and Re-appointments to Various Boards and Commissions |
| 94-041 | 05-09-94 | A Resolution Declaring Real Property Described as Tax Lot 3500, Assessor's Map No. 2N13E33D, and a Parcel Measuring Approximately 49,111 Square Feet, Located Upon Tax Lot 501, Assessor's Map No. 1N13E4AA, as Surplus Property |
| 94-042 | 05-09-94 | A Resolution Approving the Items on the Consent Agenda & Authorizing City Officers to Sign Contract Documents: 1) Consent Resolution; 2) 4-25-94 Minutes; 3) Res. No. 94-043 Amending the City of The Dalles Council Rules; 4) Authorization to Sign a Local Agency Fund Exchange Agreement; 5) Conditional Use Permit Fee Waiver for Col. Gorge Community College; 6) Approval of Street Light Installation at Fremont & Old Dufur; 7) Approval of Street Light on 15th St. Between "I" and Riverview; 8) Approval for Street Light on Fourth Between Washington & Jefferson; and 9) 5-2-94 Minutes |

1994 Resolutions, Continued

| | | |
|--------|----------|---|
| 94-024 | 03-14-94 | A Resolution Approving the Items on the Consent Agenda & Authorizing City Officers to Sign Contract Documents: 1) Consent Resolution; 2) 2-28-94 Minutes; 3) Res. No. 94-025 for 9-1-1 Dissolution; and 4) Res. No. 94-026 Approving Application for Tourism Downtown Development Grant |
| 94-025 | 03-14-94 | A Resolution Approving the Dissolution of the Wasco County Communications Agency, Dissolution of the Intergovernmental Agreement that Established the Wasco County Communications Agency and approval of wasco County to Assume Management and Control of the 9-1-1 Dispatching in Wasco County. |
| 94-026 | 03-14-94 | A Resolution Approving an Application for a Tourism Downtown Development Grant for the Downtown Renewal Project |
| 94-027 | 03-14-94 | A Resolution Amending Resolution No. 94-019, Calling an Election for the Establishment of a Revised Tax Base for the City of The Dalles |
| 94-428 | | A Resolution Authorizing the City Manganer to Sign the Gorge Link Automation Grant Application |
| 94-029 | 03-14-94 | A Resolution Exempting the Public Contracts for Purchase of a Used Ten Cubic Yard Dump truck and a Used Water Tank Truck From Competitive Bidding Requirements |
| 94-030 | 03-14-94 | A Resolution Authorizing a Right-of-Way Easement From the City of The Dalles to the Northern Wasco County People's Utility District |
| 94-031 | 03-14-94 | A Resolution Approving a No Build Option for the Sixth Street Bridge |
| 94-032 | 03-14-94 | A Resolution Authorizing the City Manager to Execute a Rental Agreement with The Dalles Area Chamber of Commerce |
| 94-033 | 04-11-94 | A Resolution Approving the Items on the Consent Agenda & Authorizing City Officers to Sign Contract Documents: 1) Consent Resolution; 2) 3-28-94 Minutes; 3) Authorizing City Manager to Sign Gorge Link Library Automation Grant; and 4) Authorizing the Signing of a Supplemental Agreement With ODOT for Highway 30. |
| 94-034 | 04-11-94 | A Resolution Authorizing the City Manager, City Attorney & City Clerk to Execute an Option Agreement with The Dalles Leasing Company |

1994 Resolutions, Continued

| | | |
|--------|----------|---|
| 94-012 | 02-14-94 | A Resolution Approving the Final Plat of Planned Unit Development #9-94 of William Van Nuys for a 10-Lot Mixed Use Development on 68 Acres |
| 94-013 | 02-02-94 | A Resolution Declaring Certain Real Property Described as Lots 3, 4, 5 and 6 in Block 5, Laughlin's Addition to Dalles City, as Surplus Property |
| 94-014 | 02-14-94 | A Resolution Approving the Items on the Consent Agenda and Authorizing City Officers to Sign Contract Documents: 1) Consent Resolution; 2) 1-24-94 Minutes; 3) 2-2-94 Minutes; 4) Resolution 94-015 Concurring With Mayor's Re-appointment of Jon Bailey to Mid Columbia Council of Gov.; and 5) Res. 94-016 Approving Budget Transfers for the 1993-94 Fiscal Year |
| 94-015 | 02-14-94 | A Resolution Concurring With the Mayor's Re-appointment of Jon Bailey to the Mid Columbia Council of Governments |
| 94-016 | 02-14-94 | A Resolution Approving Budget Transfers for the 1993-94 Fiscal Year |
| 94-017 | 02-28-94 | A Resolution Adopting a Supplemental Budget and Making Additional Appropriations for the 1993-94 Fiscal Year |
| 94-018 | 02-28-94 | A Resolution Accepting a \$100,00 Grant from the Oregon Department of Transportation for West Side Bike Lanes |
| 94-019 | 02-28-94 | A Resolution Calling an Election for the Establishment of a Revised Tax Base for the City of The Dalles |
| 94-020 | 02-28-94 | A Resolution Approving Items on the Consent Agenda & Authorizing city Officers to Sign Contract Documents: 1) Consent Resolution; 2) 2-14-94 Minutes; and 3) Resolution No. 94-021 Amending the City of The Dalles Council Rules |
| 94-021 | 02-28-94 | A Resolution Amending the City of The Dalles Council Rules |
| 94-022 | 03-14-94 | A Resolution Authorizing the City Manager to Enter Into a Consulting Contract for an FAA Improvement Project Grant |
| 94-023 | 03-14-94 | A Resolution Amending the Rules of the City of The Dalles Local Contract Review Board |

1994 Resolutions

| | | |
|--------|----------|---|
| 94-001 | 01-10-94 | A Resolution Selecting an Airport Consultant and Authorizing the City Manager to Negotiate a Contract for Airport Improvements |
| 94-002 | 01-10-94 | A Resolution Referring to the Voters of the City of The Dalles, a Measure for Adoption of a Revised Charter for the City |
| 94-003 | 01-10-94 | A Resolution Approving the Financing of an AT&T Legend Telephone System With Voice Mail Through West One Bank, Idaho, and Authorizing the City Manager to Sign the Necessary Documents |
| 94-004 | 01-24-94 | A Resolution Initiating Street Vacation Procedures for a Portion of Unimproved "I" Street, Located Between East 13th & East 15th Streets |
| 94-005 | 01-24-94 | A Resolution Approving tentative Planned Unit Development 8-93 of W.H. Peterson for a 2 Phase 21 Lot Manufactured Home development to be Known as "Riverview Terrace" |
| 94-006 | 01-24-94 | A Resolution Approving Final Plat for Phase III of Planned Unit Development 7-93 (Pomona Meadows) of Interstate Paving Corporation and Rich Tenold Construction |
| 94-007 | 01-24-94 | A Resolution Exempting the Public Contract for Purchase of a New 4-Wheel Drive Police Vehicle from Competitive Bidding Requirements |
| 94-008 | 01-24-94 | A Resolution Extending the Deadline for Review of the Basic Rate Schedule Submitted by Falcon Cable for a Period of Ninety Days |
| 94-009 | 01-24-94 | A Resolution Authorizing the City Manager to Execute a Release of a Restrictive Covenant Preventing the Construction of any Structure Upon Real Property Described as Assessor's Map 1N 13E 3CC #11701 |
| 94-010 | 01-24-94 | A Resolution Approving the Items on the Consent Agenda & Authorizing City Officers to Sign Contract Documents: 1) Consent Resolution; 2) 1-10-94 Minutes; and 3) Police Dept. Equipment Declared Surplus Property |
| 94-011 | 01-24-94 | A Resolution Authorizing City Manager to Sign the Intergovernmental Agreement Accepting an Oregon Community Small Projects Grant for Purchase of One Hand Held Radar, One Reader Board & Four Buckle-Up Signs |

RESOLUTION NO. 94-059

A RESOLUTION ADOPTING THE FINAL REPORT OF THE
CITY ENGINEER, PROPOSING AN ASSESSMENT AND
PROVIDING FOR NOTICES AND A HEARING -
EAST 12TH STREET SANITARY SEWER IMPROVEMENTS

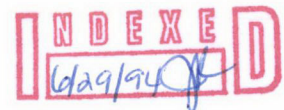
WHEREAS, the City Council heretofore approved the establishment of a local improvement district for East 12th Street sanitary sewer improvements from 86 feet west of the intersection of Thompson Street for 1,840 feet easterly on East 12th Street to Morton Street; and

WHEREAS, the City Engineer has prepared a final report giving the cost of the project, a proposed method of assessment and the proposed assessments for each lot of land benefitted by the improvement; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

Section 1. Report Accepted. The proposed final report of the City Engineer concerning East 12th Street sanitary sewer improvements from 86 feet west of the intersection of Thompson Street for 1,840 feet easterly on East 12th Street to Morton Street is hereby accepted.

Section 2. Notices of Proposed Assessments. The City Engineer shall file with the City Clerk a list of the properties



within the district, the proposed assessment for each property, and the name and address of the property owners. The City Clerk shall cause notice of the proposed assessments to be mailed or personally delivered to the owner of each lot or tract of land.

Section 3. Content of Notice. The notice shall state:

- A. The amount of the proposed assessment;
- B. The property upon which the assessment is to be levied;
- C. The date and time by which objections to the assessment shall be filed with the City Clerk;
- D. That objections shall be in writing and shall contain a statement of the grounds for the objection; and
- E. The date, time, and place at which the City Council will consider objections and allow the petitioners to be heard concerning the objections.

Section 4. Hearing Date. A hearing shall be held at 5:30 p.m. Pacific Prevailing Time on July 25, 1994, in conjunction with the regular City Council meeting. Persons who have filed objections to proposed assessments or the project shall have the right to be present and address the Council. The hearing will be held in the Wasco County Circuit Courtroom, Wasco County

Courthouse, The Dalles. Objections to assessments shall be filed on or before 5:00 p.m. on July 19, 1994.

PASSED AND ADOPTED THIS 27TH DAY OF JUNE, 1994

Voting Yes, Councilors: Davis, Bailey, Koch, Wood
Voting No, Councilors: None
Absent, Councilors: Holt
Abstaining, Councilors: None

AND APPROVED BY THE MAYOR THIS 27TH DAY OF JUNE, 1994


L.D. "Les" Cochenour, Mayor

ATTEST:


Julie Krueger, City Clerk

FINAL REPORT

EAST 12TH STREET SANITARY SEWER

IMPROVEMENTS - 1993

LOCAL IMPROVEMENT DISTRICT

PREPARED BY:

**CITY OF THE DALLES
DEPARTMENT OF PUBLIC WORKS
1900 W. 6TH STREET
THE DALLES, OREGON 97058**

JUNE 8, 1994

June 8, 1994

Honorable Mayor and Members of City Council
City of The Dalles
313 Court Street
The Dalles, OR 97058

FINAL REPORT

EAST 12TH STREET SANITARY SEWER IMPROVEMENTS - 1993 LOCAL IMPROVEMENT DISTRICT

Councilmembers:

The following is the Final Report for the Assessment District and Basis of Assessment to provide sanitary sewer improvements for East 12th Street from 86 feet west of the intersection of Thompson Street for 1,840 feet easterly on East 12th Street to Morton Street. The improvements should have an approximate useful life of twenty years.

DESCRIPTION OF PROJECT

Improvements to East 12th consisted of the installation of an 8" PVC sanitary sewer line and services and asphalt concrete pavement patching from Thompson Street to Morton Street on East 12th Street for 1,840 feet easterly. The project required a considerably more asphalt placement given the existing road surface than the 'Engineer's Estimate' projected. The City provided additional street repair, materials and labor, within the existing Operation and Maintenance Wastewater Fund Budget at no cost to the property owners within the Local Improvement District. The asphalt work amounted to an additional expense to the City of \$10,652.00.

METHOD OF ASSESSMENT

The original assessment included Tax Lot 8401 belonging to James Gordon. This lot had sanitary sewer service extended to the property from East 11th Street in 1992. The cost of the extension was assessed and paid by the property owner. Thus within the 12th Street LID, Tax Lot 8401 receives no direct benefit from the sanitary sewer line installed. The City will accept the assessment responsibility for the 'front foot' charge to this property.

In addition to the charges associated with Tax Lot 8401, the City is responsible for the cost of mainline extension from the existing manhole on East 12th Street to the eastern edge of Thompson Street on East 12th Street (86 feet).

The cost for installation of the 8" PVC Sanitary sewer line and services are to be assessed directly to all other benefitted properties on a per lot on a front foot basis for the remainder of the project.

ENGINEER'S ESTIMATE

The original Engineer's Estimate [June 1, 1993 Preliminary Report] arrived at a cost of \$120,475.00 of which the City's cost was estimated to be \$5,466.52. The cost to the property owners was \$115,008.48. This computed to an estimated cost of \$33.82603 per front foot which would be assessed to the property owners.

The total cost of the project is \$120,877.61. The City cost for extension of the sanitary sewer to the project start is \$5,649.71. Costs for the remaining portion of the project compute to \$115,227.90 or \$33.49648 per front footage of property fronting East 12th Street easterly from Thompson Street.

Two additional sanitary sewer laterals were requested and installed for School District 12 to Lot #9900 for a total cost of \$700.00. This cost shall be added to School District 12 share of the project. Details of the cost and the Basis of Assessment are provided in Exhibit A. Contract requirements for Contractor work is shown in Exhibit B.

ASSESSMENT DISTRICT

Those tracts fronting each side of the East 12th Street from the east right-of-way of Thompson Street approximately 1,754 feet easterly to the west right-of-way on Morton Street. Those tracts are further described in the assessment rolls shown on Exhibit C attached.

ASSESSMENT BOUNDARIES

The following is the exterior boundary of the property to be included within the Assessment District for the completed project.

A strip of land 100 feet wide on the north and south sides of East 12th Street right-of-way beginning at the east right-of-way of Thompson Street; thence east 1,700 feet to the west right-of-way of Morton Street to include the following Tax Lots of Wasco County, Oregon Assessor's Map 1N-13-2D are as follows:

Tax Lot 7402
Tax Lot 7500
Tax Lot 7700
Tax Lot 8000
Tax Lot 8300
Tax Lot 8700
Tax Lot 9300
Tax Lot 9402
Tax Lot 9700
Tax Lot 10000
Tax Lot 10300

Tax Lot 7400
Tax Lot 6900
Tax Lot 7800
Tax Lot 8100
Tax Lot 8401
Tax Lot 8900
Tax Lot 9400
Tax Lot 9500
Tax Lot 9800
Tax Lot 10100

Tax Lot 7401
Tax Lot 7600
Tax Lot 7900
Tax Lot 8200
Tax Lot 8600
Tax Lot 9000
Tax Lot 9401
Tax Lot 9600
Tax Lot 9900
Tax Lot 10200

Respectively Submitted,

City of The Dalles, OR

Wm. R. Keyser, Director_____

Brian R. Stahl, Env. Services
Department of Public Works
1900 W. 6th Street
The Dalles, OR 97058
[(503) 296-5401]

Robert Brown, P.W. Engineer

EXHIBIT A.

BASIS FOR ASSESSMENT

**EAST 12TH STREET SANITARY SEWER IMPROVEMENTS - 1993
LOCAL IMPROVEMENT DISTRICT**

COST TABULATION

| | | |
|--|---|------------------|
| Total Contractor Payment | - | \$116,350.00 |
| Total Engineering Services [includes 1993 Engineer Study only] | - | \$ 3,900.00 |
| Administration, DEQ, misc | - | \$ 627.61 |
| Total Expenditures | - | \$120,877.61 |
| Additional Contractor Payment [Tax Lot 9900 School District 12] | - | \$700.00 |

METHOD OF COMPUTATION

1. CITY COST:

City costs include extension of sanitary sewer from existing manhole to the easterly right-of-way on Thompson Street. City costs also include project inspection and have not been assessed to property owners.

2. PROPERTY OWNER COST

The total assessed cost to be shared by all assessed properties shall be the Total Project Cost minus the City cost. The benefitted property will be assessed on a single front foot basis.

3. METHOD OF COMPUTATION

| | | |
|------------------------|---|--------------|
| a. Total Project Cost | - | \$120,877.61 |
| b. City Cost | - | \$ 5,649.71. |
| c. Property Owner Cost | - | \$115,227.90 |

Total Project Cost = \$115,227.90 = \$33.49648/front foot
Total Project Frontage 3,440 feet

EXHIBIT B.

City of The Dalles
Public Works Department

Contract No. 94-12
Date: November 2, 1993

BID SCHEDULE**12TH STREET SANITARY SEWER PROJECT**

Bid schedule for the completion of The Dalles, **UTILITIES: 12TH STREET SANITARY SEWER PROJECT**, in accordance with the Contract Documents.

| <u>Item No.</u> | <u>Approximate Quantity</u> | <u>Description of Item and Unit Price in Words</u> | <u>Unit Price</u> | <u>Extended Amount</u> |
|---------------------------|-----------------------------|---|-------------------|------------------------|
| 1. | 2,200 cu.yd | Unclassified Trench excavation per cubic yard | \$20.00 | \$44,000.00 |
| 2. | 1,840 l.f. | Furnish and place complete 8" PVC stormwater sewer pipe | \$10.00 | \$18,400.00 |
| 3. | 1,020 l.f. | Furnish and place complete 4" PVC sanitary sewer pipe | \$10.00 | \$10,200.00 |
| 4. | 610 cu.yd. | Furnish and place pipe bedding per cubic yard | \$25.00 | \$15,250.00 |
| 5. | 300 cu.yd. | Furnish and place crushed rock per cubic yard | \$25.00 | \$7,500.00 |
| 6. | 700 l.f. | Furnish and place 3" thickness of Asphaltic Concrete, per lineal foot | \$15.00 | \$10,500.00 |
| 7. | 7 each | Furnish and place Standard 48" manhole per each | \$1,500 | \$10,500.00 |
| PROJECT TOTAL COST | | | | \$116,350.00 |

ADDITIONAL CHARGE:

Two (2) Sanitary Sewer Laterals - \$700.00
[Tax Lot 9900 School District 12]

**EAST 12TH STREET SANITARY SEWER IMPROVEMENTS - 1993
CITY OF THE DALLES, OREGON**

FINAL LID ASSESSMENT

| <u>Assessor's Map No.</u> | <u>Tax Lot No.</u> | <u>Real Property Owner Title Owner</u> | <u>Address of Tax Statement Filing</u> | <u>Frontage Lin. Ft.</u> | <u>Total Cost @ \$33.49648 Frntge</u> |
|-------------------------------|------------------------|--|---|------------------------------|---|
| 1N1302D | 6900 | HELYER, Jesse C. Trust | 2601 E. 12th Street The Dalles, OR 97058 | 170 | \$ 5,694.40 |
| 1N1302D | 7400 | BARKER, Gary and Gwendolyn | 2625 E. 12th Street The Dalles, OR 97058 | 68 | \$ 2,277.76 |
| 1N1302D | 7401 | BARKER, Gary and Gwendolyn | 2625 E. 12th Street The Dalles, OR 97058 | 68 | \$ 2,277.76 |
| 11302D | 7402 | FERDERER, William and Diana | 2635 E. 12th Street The Dalles, OR 97058 | 136 | \$ 4,555.52 |
| 1N1302D | 7500 | HARLAN, Royce and Betty | P.O. Box 802 The Dalles, OR 97058 | 68 | \$ 2,277.76 |
| 1N1302D | 7600 | BECKLEY, Theodore and Lynda | 1926 E. 14th Street The Dalles, OR 97058 | 127.5 | \$ 4,270.80 |
| 1N1302D | 7700 | DEARDORFF, Gary and Laurel | 2529 E. 12th Street The Dalles, OR 97058 | 127.5 | \$ 4,270.80 |
| 1N1302D | 7800 | THIESEN, Beverly | 2521 E. 12th Street The Dalles, OR 97058 | 85 | \$ 2,847.20 |
| 1N1302D | 7900 | KOCHIS, Leo and Jessie | 404 W. 12th Street The Dalles, OR 97058 | 85 | \$ 2,847.20 |
| 1N1302D | 8000 | TRAUTMAN, Leo and Doris | 2507 E. 12th Street The Dalles, OR 97058 | 85 | \$ 2,847.20 |
| 1N1302D | 8100 | RAETZMAN, Merwyn E. Jr. | 2501 E. 12th Street The Dalles, OR 97058 | 100 | \$ 3,349.65 |

| | | | | | |
|---------|------|---|--|---------|-----------------|
| 1N1302D | 8200 | FOX, William and Evelyn | 2443 E. 12th Street The Dalles, OR 97058 | 70 | \$ 2,344.75 |
| 1N1302D | 8300 | BLATZ, Ernie and Valerie | 2437 E. 12th Street The Dalles, OR 97058 | 85 | \$ 2,847.20 |
| 1N1302D | 8401 | GORDON, James | 2429 E. 12th Street The Dalles, OR 97058 | 85 | +(\$ 2,847.20) |
| 1N1302D | 8600 | JONES, Lawrence and Judith, c/o PRESTON, Richard and Esther | 701 E. 3rd Street. The Dalles, OR 97058 | 100 | \$ 3,349.65 |
| 1N1302D | 8700 | DEPT. OF VETERANS AFFAIRS, c/o LE MASURIER, Dann and Janet | 4290 Laurelhurst Rd. St. Moorpark, CA 93021 | 70 | \$ 2,344.75 |
| 1N1302D | 8900 | JONES, Lawrence and Amy | 1212 Thompson Street The Dalles, OR 97058 | 170 | \$ 5,694.40 |
| 1N1302D | 9000 | SPEER, John and Sherry | 400 E. 11th Street The Dalles, OR 97058 | 85 | \$ 2,847.20 |
| 1N1302D | 9300 | JENSEN, Harriet | 2410 E. 12th Street The Dalles, OR 97058 | 85 | \$ 2,847.20 |
| 1N1302D | 9400 | SMITH, Russell and Ann Belle | 2418 E. 12th Street The Dalles, OR 97058 | 110 | \$ 3,684.61 |
| 1N1302D | 9401 | *WALL, James and Janet | 3415 Columbia View Dr. The Dalles, OR 97058 | 50 (10) | \$ 1,674.82 |
| 1N1302D | 9402 | SMITH, Russell and Ann Belle | 2418 E. 12th Street The Dalles, OR 97058 | 50 | \$ 1,674.82 |
| 1N1302D | 9500 | NICHOLS, William | 2430 E. 12th Street The Dalles, OR 97058 | 85 | \$ 2,847.20 |
| 1N1302D | 9600 | DEPT. OF VETERANS AFFAIRS, c/o BROWN, Debra | 2438 E. 12th Street. The Dalles, OR 97058 | 85 | \$ 2,847.20 |

| | | | | | |
|---------|-------|--|--|-----|-----------------|
| 1N1302D | 9700 | TAYLOR, Thomas | 108 E. 7th Street The Dalles, OR 97058 | 65 | \$ 2,177.27 |
| 1N1302D | 9800 | DAVISON, Howard and Dorothy | 2500 E. 12th Street The Dalles, OR 97058 | 105 | \$ 3,517.13 |
| 1N1302D | 9900 | SCHOOL DISTRICT 12 | 2525 E. 14th Street The Dalles, OR 97058 | 340 | ** \$ 12,088.85 |
| 1N1302D | 10000 | CRICHTON, Craig and Mary | 2540 E. 12th Street The Dalles, OR 97058 | 113 | \$ 3,785.10 |
| 1N1302D | 10100 | BETSCHART, Wilma | 2546 E. 12th Street The Dalles, OR 97058 | 67 | \$ 2,244.26 |
| 1N1302D | 10200 | WILLIAMS, Joe c/o COLLETTTO, Eva | 2622 E. 12th Street The Dalles, OR 97058 | 330 | \$ 11,053.84 |
| 1N1302D | 10300 | DEPT. OF VETERANS AFFAIRS, c/o CHERRY, Jack and Jean | 2632 E. 12th Street. The Dalles, OR 97058 | 170 | \$ 5,694.40 |

TOTALS

3,440

\$115,927.90

- * Tax Lot 9401 has been assessed a minimum lot size contribution (50 feet) to the overall LID process. The benefit derived from the utility enhancement is not reflected in the original variance granted for this lot development. The minimum frontage distance within the City Limit is 50 feet, thus the assessment value.
- ** School District 12 owes an additional \$700.00 for two (2) sanitary sewer lateral stubs to Tax Lot 9900.
- + The City shall be responsible for this assessment. Tax Lot 8401 receives no benefit from the LID improvement.

RESOLUTION NO. 94-058

A RESOLUTION ADOPTING THE 1994-95 BUDGET OF THE
CITY OF THE DALLES, LEVYING TAXES, APPROPRIATING
FUNDS AND AUTHORIZING THE CITY MANAGER TO TAKE SUCH
ACTION AS NECESSARY TO CARRY OUT THE ADOPTED BUDGET

WHEREAS, the City Budget Committee has reviewed and acted on
the proposed City Budget; and

WHEREAS, the Budget Committee has recommended a balanced
budget to City Council on May 26, 1994; and

WHEREAS, in accordance with State law, City Council has held
a public hearing on the proposed budget; and

WHEREAS, the City Council has amended the budget previously
approved by the Budget Committee as permitted by ORS 294.435; and

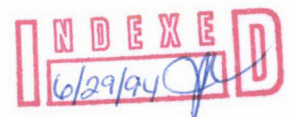
WHEREAS, City Council desires to adopt the amended budget
and carry out the programs identified in the budget; NOW,
THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

Section 1. City staff is authorized to make the necessary
clerical changes to the amended budget.

Section 2. Adoption. The City Council of the City of The
Dalles hereby adopts the 1994-95 budget as approved and
recommended by the Budget Committee of the City of The Dalles on
May 26, 1994, as amended.

Section 3. Taxes Levied. The City Council of the City of
The Dalles, hereby levies the taxes provided for the approved
budget in the aggregate amount of \$2,613,484 and that these taxes
are hereby levied and assessed pro rata upon all taxable property



within the City of The Dalles as of 1:00 a.m., July 1, 1994. The following allocation and categorization subject to the limits of Section 11b, Article XI of the Oregon Constitution constitute the above aggregate levy:

| | Subject to the General Government <u>Limitation</u> | Excluded from <u>the Limitation</u> |
|----------------|---|--|
| General Fund: | | |
| Tax Base | \$1,646,785 | 0 |
| Serial Levy | \$ 602,907 | 0 |
| Water Bond | | |
| Debt Fund | <u>0</u> | <u>\$ 363,792</u> |
| Category Total | \$2,249,692 | \$ 363,792 |
| TOTAL LEVY | | \$2,613,484 |

Section 4. Appropriations. The amounts and the purposes for the fiscal year beginning July 1, 1994, are hereby appropriated as follows:

General Fund

| | |
|-----------------------------------|-----------------|
| City Council | 78,350 |
| City Manager | 148,240 |
| City Clerk | 60,810 |
| Legal & Judiciary | 146,291 |
| Finance | 416,982 |
| Personnel | 61,245 |
| Community & Economic Development | 222,758 |
| Police | 1,135,925 |
| Fire | 716,352 |
| Ambulance | 419,061 |
| Codes Enforcement/Risk Management | 85,093 |
| Library | 269,966 |
| City Hall | 125,110 |
| Transfers Out | 238,399 |
| General Operating Contingency | <u>322,757</u> |
| Total General Fund | \$4,447,339 |

Street & Storm Sewer Fund

| | |
|----------------------|----------------|
| Personal Services | 497,900 |
| Materials & Services | 378,023 |
| Capital Outlay | 260,315 |
| Transfers Out | 160,332 |
| Contingency | <u>113,231</u> |

| | |
|---------------------------------|-------------|
| Total Street & Storm Sewer Fund | \$1,409,801 |
|---------------------------------|-------------|

Tourist Promotion Fund

| | |
|----------------------|------------|
| Personal Services | 69,356 |
| Materials & Services | 90,850 |
| Transfers Out | 800 |
| Contingency | <u>494</u> |

| | |
|------------------------------|------------|
| Total Tourist Promotion Fund | \$ 161,500 |
|------------------------------|------------|

Ambulance Reserve Fund

| | |
|----------------|---------------|
| Capital Outlay | <u>64,535</u> |
|----------------|---------------|

| | |
|------------------------------|-----------|
| Total Ambulance Reserve Fund | \$ 64,535 |
|------------------------------|-----------|

Public Works Reserve Fund

| | |
|----------------|---------------|
| Capital Outlay | 28,800 |
| Contingency | <u>47,852</u> |

| | |
|---------------------------------|-----------|
| Total Public Works Reserve Fund | \$ 76,652 |
|---------------------------------|-----------|

Unemployment Reserve Fund

| | |
|-------------------|---------------|
| Personal Services | <u>43,028</u> |
|-------------------|---------------|

| | |
|---------------------------------|-----------|
| Total Unemployment Reserve Fund | \$ 43,028 |
|---------------------------------|-----------|

Vietnam Memorial Fund

| | |
|----------------------|--------------|
| Materials & Services | <u>1,645</u> |
|----------------------|--------------|

| | |
|-----------------------------|----------|
| Total Vietnam Memorial Fund | \$ 1,645 |
|-----------------------------|----------|

Street & Bridge Replacement Fund

| | |
|----------------|--------------|
| Capital Outlay | 235,534 |
| Contingency | <u>8,000</u> |

| | |
|-----------------------------------|------------|
| Total Street & Bridge Replacement | \$ 243,534 |
|-----------------------------------|------------|

Energy Fund

| | |
|-------------------|---------------|
| Transfers | <u>41,300</u> |
| Total Energy Fund | \$ 41,300 |

Fire Department Reserve Fund

| | |
|------------------------------------|------------|
| Capital Outlay | <u>865</u> |
| Total Fire Department Reserve Fund | \$ 865 |

Special Grants Fund

| | |
|---------------------------|--------------|
| Materials & Services | 132,969 |
| Capital Outlay | 487,880 |
| Transfers | <u>5,109</u> |
| Total Special Grants Fund | \$ 625,958 |

Parks Department Reserve Fund

| | |
|--------------------------------|--------------|
| Capital Outlay | <u>6,771</u> |
| Total Parks Dept. Reserve Fund | \$ 6,771 |

State Office Building Fund

| | |
|----------------------------------|----------------|
| Materials & Services | <u>111,164</u> |
| Total State Office Building Fund | \$ 111,164 |

Water Bond Debt Fund

| | |
|----------------------------|----------------|
| Debt Service | <u>383,093</u> |
| Total Water Bond Debt Fund | \$ 383,093 |

Senior Center Grant Debt Service Fund

| | |
|--|--------------|
| Debt Service | <u>3,180</u> |
| Total Senior Center Grant Debt Service Fund | \$ 3,180 |

Special Assessments Fund

| | |
|----------------------|---------------|
| Materials & Services | 14,700 |
| Capital Outlay | 522,014 |
| Transfers | <u>21,216</u> |

| | |
|--------------------------------|------------|
| Total Special Assessments Fund | \$ 557,930 |
|--------------------------------|------------|

Capital Projects Fund

| | |
|----------------|----------------|
| Capital Outlay | <u>455,992</u> |
|----------------|----------------|

| | |
|-----------------------------|------------|
| Total Capital Projects Fund | \$ 455,992 |
|-----------------------------|------------|

F.A.A. Grant Improvement Fund

| | |
|----------------------|---------------|
| Materials & Services | 2,500 |
| Capital Outlay | 478,040 |
| Contingency | <u>37,500</u> |

| | |
|-------------------------------------|------------|
| Total F.A.A. Grant Improvement Fund | \$ 518,040 |
|-------------------------------------|------------|

Water Fund

| | |
|----------------------|---------------|
| Personal Services | 836,516 |
| Materials & Services | 691,930 |
| Capital Outlay | 338,007 |
| Transfers | 305,214 |
| Contingency | <u>60,840</u> |

| | |
|------------------|-------------|
| Total Water Fund | \$2,232,507 |
|------------------|-------------|

Water System Capital Improvement Fund

| | |
|----------------|----------------|
| Capital Outlay | <u>190,072</u> |
|----------------|----------------|

| | |
|--|------------|
| Total Water System Capital Improvement Fund | \$ 190,072 |
|--|------------|

Water Department Capital Reserve Fund

| | |
|----------------|---------------|
| Capital Outlay | 1,286,100 |
| Contingency | <u>14,411</u> |

| | |
|--|-------------|
| Total Water Department Capital Reserve Fund | \$1,300,511 |
|--|-------------|

Wastewater Fund

| | |
|----------------------|----------------|
| Personal Services | 366,142 |
| Materials & Services | 676,162 |
| Capital Outlay | 297,908 |
| Transfers | 471,919 |
| Contingency | <u>123,351</u> |

Total Wastewater Fund \$1,935,482

Sewer Special Reserve Fund

| | |
|----------------|---------------|
| Capital Outlay | 1,624,043 |
| Contingency | <u>50,000</u> |

Total Sewer Special Reserve Fund \$1,674,043

Airport Fund

| | |
|----------------------|---------------|
| Materials & Services | 22,490 |
| Capital Outlay | <u>74,000</u> |

Total Airport Fund \$ 96,490

Section 5. The City Manager is hereby authorized to take such action as is necessary and consistent with State Statutes and City Ordinances, including but not limited to entering into contracts to carry out the programs, projects and services identified in the adopted budget.

PASSED AND ADOPTED THIS 27TH DAY OF JUNE, 1994

| | |
|-------------------------|--------------------------------|
| Voting Yes, Councilors: | <u>Bailey, Wood, Cochenour</u> |
| Voting No, Councilors: | <u>Davis, Koch</u> |
| Absent, Councilors: | <u>Holt</u> |
| Abstaining, Councilors: | <u>None</u> |

AND APPROVED BY THE MAYOR THIS 27TH DAY OF JUNE, 1994

SIGNED: L.D. Les Cochenour
L.D. "Les" Cochenour, Mayor

ATTEST: Julie Krueger
Julie Krueger, City Clerk

RESOLUTION NO. 94-057

A RESOLUTION AMENDING THE 1994-95 BUDGET
AS APPROVED BY THE BUDGET COMMITTEE

WHEREAS, the City Budget Committee has reviewed and acted on the proposed City budget; and

WHEREAS, the Budget Committee has recommended a balanced budget to the City Council on May 26, 1994; and

WHEREAS, the City Council wishes to amend the approved budget for events which have occurred since May 26, 1994, and for information which has become available; and

WHEREAS, such amendments are permitted by local budget law (ORS 294.435 (1)); NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

Section 1. The City Council adopts the following budget amendments:

| <u>General Fund</u> | <u>Increase</u> | <u>Decrease</u> |
|---|-----------------|-----------------|
| Resources (2% motel tax) | | (\$75,000) |
| Expenditures | | |
| City Council (01-01-00-3900) | \$30,000 | |
| Tourism Infrastructure | | (\$75,000) |
| Contingency (01-95-00-8900) | | (\$30,000) |
| <u>Street Fund</u> | | |
| Resources: Beginning Balance | \$30,315 | |
| Expenditures | | |
| Capital Outlay (05-05-00-7400) | \$30,315 | |
| <u>Tourist Promotion Fund</u> | | |
| Resources: Beginning Balance | \$12,500 | |
| Expenditures | | |
| Materials & Services (06-06-00-3900) | \$12,500 | |

INDEXED
6/29/94

Water Fund

Resources: Beginning Balance \$ 5,810

Expenditures

Materials & Services

(51-51-00-6605)

(\$30,000)

Capital Outlay (51-51-00-7480) \$ 5,810

Contingency (51-51-00-8900) \$30,000

Water Capital Reserve Fund

Resources: Beginning Balance \$30,000

Expenditures

Capital Outlay (53-53-00-7400) \$30,000

Wastewater Fund

Resources: Beginning Balance \$10,678

Expenditures

Capital Outlay (55-55-00-7490) \$10,678

Sewer Special Reserve Fund

Resources: Beginning Balance \$43,500

Expenditures

Capital Outlay (56-56-00-7200) \$43,500

PASSED AND ADOPTED THIS 27TH DAY OF JUNE, 1994

Voting Yes, Councilors: Wood, Bailey, Davis

Voting No, Councilors: Koch

Absent, Councilors: Holt

Abstaining, Councilors: None

AND APPROVED BY THE MAYOR THIS 27TH DAY OF JUNE, 1994

SIGNED:

L.D. Les Cochenour
L.D. "Les" Cochenour, Mayor

ATTEST:

Julie Krueger
Julie Krueger, City Clerk

RESOLUTION NO. 94-056

A RESOLUTION REVERSING THE PLANNING COMMISSION'S DENIAL OF SIGN VARIANCE NO. 81-94 SUBMITTED BY MEADOW OUTDOOR ADVERTISING TO ERECT A BILLBOARD WITH A THREE FOOT SETBACK WHERE FIVE FEET IS REQUIRED

WHEREAS, the Planning Commission of the City of The Dalles adopted Resolution No. 285-94 on May 5, 1994, denying an application for Variance No. 81-94 by Meadow Outdoor Advertising, to erect a billboard with a three foot setback where five feet is required; and

WHEREAS, Meadow Outdoor Advertising filed a notice of appeal of the Planning Commission's decision on May 13, 1994; and

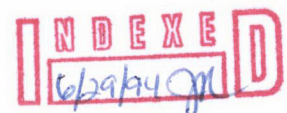
WHEREAS, the City Council conducted a public hearing on June 13, 1994, to consider the appeal; and

WHEREAS, a staff report was presented to the City Council, and public testimony was received during the hearing; and

WHEREAS, following the close of the public hearing, the City Council deliberated and voted 4 to 0 to reverse the Planning Commission's denial of the application for Variance No. 81-94, submitted by Meadow Outdoor Advertising, based upon the findings of fact; and

WHEREAS, the City Council directed staff to prepare a Resolution upholding the appeal, and setting forth the findings of fact made by the City Council;

NOW, THEREFORE, be it resolved that the City Council of the City of The Dalles adopts the following findings of fact:



1. The subject property is located at Allen's Auto Sales, 3100 West Sixth Street, and is further described as Township 2 North, Range 13 East, Section 29DD, tax lot 7101. The applicant is Meadow Outdoor Advertising. The zoning for the subject parcel is "CG" General Commercial. The existing land use is auto sales, and the surrounding land use is commercial.

2. The applicant submitted a request for a variance from the requirements of Section 14.3(D)(2) of Zoning Ordinance No. 80-986, which requires a five (5) foot setback for structures within the General Commercial District. Section 3 of the zoning ordinance defines a "structure" to include billboards. The pole for the requested building was installed by the applicant under a building permit issued on February 1, 1994. The setback was not specified on that permit. After the pole was installed, it was discovered the pole was placed within three (3) feet of the side property line, instead of five (5) feet, as required by the City's zoning ordinance.

3. The Planning Department withheld a separately required sign permit pending resolution of site compliance issues related to landscaping. When the landscaping was completed, the department was not in a position to issue the sign permit. Section 41 of the zoning ordinance provides that any permit issued in violation of the ordinance is void. Under the circumstances, the building permit issued to the applicant on February 1, 1994, was invalid.

4. During the Planning Commission hearing, the applicant presented testimony that the sum of \$2,867.00 had been expended in locating the pole upon the site. The applicant presented additional testimony that it would cost the applicant the sum of \$4,500.00 if the pole were required to be moved. The Planning Commission denied the variance, because it believed the applicant failed to present testimony establishing the hardship applied to the land, and not the applicant, or that the hardship resulted from a condition or circumstance inherent in the land that was either exceptional or unique.

5. During the City Council hearing, the applicant submitted drawings showing the original proposed location for the pole (Appellant's Exhibit #1), and the present location of the pole (Appellant's Exhibit #8), as well as several photographs of the site (Appellant's Exhibits #2 through #5), and two letters from contractors involved in the placement of the pole (Appellant's Exhibits #6 and #7).

6. John Lehman, manager for the applicant, testified concerning the construction process. He described lines on Exhibit #2, with the white mark indicating the original placement of the pole, and the red line indicating the footing boundary. Mr. Lehman stated when excavation began, the contractor hit fill dirt, instead of basalt rock, as expected. As the contractor continued excavating, they hit an old septic tank, which had to be removed. Upon removal of the septic tank, groundwater began

entering the hole at approximately six to eight feet in depth, as shown in Exhibits #3 and #4.

7. Mr. Lehman testified the problems with the groundwater caused the sides of the hole to cave in and created a concern for the safety and integrity of the adjacent building. Mr. Lehman testified the applicant believed the situation constituted an emergency, and a decision was reached to fill the hole and move it approximately two feet to the north and west. The applicant submitted letters from two contractors (Exhibits #6 and #7) to confirm the difficulties encountered during the excavation.

8. Jim Foster, attorney for the applicant, described the proposed offset for the placement of the pole and sign. The applicant has proposed to construct an offset that would result in the sign face placed an additional six feet back from the side property line.

9. A letter from Chet Oliver, an adjacent property owner, in opposition to the requested variance was read into the record. Mr. Oliver asserted that visual inspection indicated a previous hole had not been excavated. He also claimed that a drainfield and septic tank never existed in the area, and that the billboard was placed closer to his property to minimize bird droppings on the vehicles parked below the sign. Mr. Oliver alleged that groundwater problems on the site were caused by excessive runoff of rainwater, and he expressed safety concerns due to the presence of groundwater and strong easterly winds.

10. In rebuttal, Mr. Foster relied upon the photographs and statements from the applicant's contractors concerning the excavation and presence of groundwater and the septic tank. Mr. Foster indicated the initial placement of the pole was in compliance with state permits and, to his knowledge, had nothing to do with a problem caused by bird droppings on Mr. Morinville's vehicles. He stated the pole which was used had been designed to withstand strong winds.

BASED UPON THE FOLLOWING FINDINGS OF FACT, THE CITY COUNCIL MAKES THE FOLLOWING CONCLUSIONS OF LAW:

1. The application for Sign Variance No. 81-94 of Meadow Outdoor Advertising is approved, because the applicant has satisfied all of the criteria set forth in Section 33(B) and (E) of Zoning Ordinance No. 80-986, which are set forth as follows:

(B) Variances may be granted when the following circumstances are found to apply.

1. That the Variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is situated.
2. That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of Ordinance No. 915, as Amended, is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.
3. Alternative materials or methods of construction are suitable to achieve the purposes stated in Section 1, Ordinance No. 915, as Amended.

(E) The application for Variance shall include a plan of the details of the Variance requested, and evidence showing:

1. That the granting of a Variance will not be contrary to the intent of this Ordinance, or to the public safety, health and welfare.
2. That due to special conditions or exceptional characteristics of the property, and its location, the strict application of Ordinance No. 915, as Amended, would result in difficulties and unnecessary hardship.

2. The applicant proposed on the site plan that the existing pole be offset six (6) feet by a horizontal extension to arrive at a nine (9) foot setback for the actual sign face. Under this proposal, the 34 foot high, three (3) foot diameter column would be the only structure not in compliance with the zoning ordinance. The alternative method of construction proposed by the applicant satisfies the criteria set forth in paragraph B(3).

3. Concerning the criteria set forth in paragraph E(1), there was no evidence in the record establishing that public safety or welfare would be compromised, or that the intent of the sign ordinance would be violated, if the variance was granted. The City Fire Marshall submitted a memorandum dated March 4, 1994, which was presented to the Planning Commission, indicating that fire safety would not be compromised if a reduced setback was allowed for the structure.

4. With the proposed method of offset proposed by the applicant, the Council finds that the granting of the variance would not constitute a special privilege inconsistent with the

limitations upon other properties in the vicinity and district in which the subject property is situated. The applicant presented evidence of special conditions or circumstances inherent in the subject parcel, which would result in difficulties and unnecessary hardship if the City's sign ordinance was strictly applied in this case.

5. The Council notes there was conflicting evidence in the record concerning the excavation, the presence of a septic tank, the degree of groundwater and its source, and whether the presence of groundwater presented a threat to the stability and safety of the proposed pole. The Council finds the quality of evidence submitted by the applicant to be more persuasive than the evidence submitted by the opponent, Mr. Oliver.

6. The Council finds the photographs and letters submitted by the applicant establish that special and unique circumstances existed on the land, i.e., fill dirt instead of basalt rock, a septic tank, and extensive groundwater, which the applicant did not create, and did not anticipate. The Council finds that these conditions presented a threat to the integrity of the adjacent building owned by Mr. Morinville, and to the pole itself, and that applicant was required by these conditions to move the pole into a location which violated the City's setback requirements.

7. If the conditions described above were not inherent in the land, the original location for the pole would have complied with the City's setback requirements. Due to these inherent conditions, the applicant was required to move the pole to a

location which did not comply with the City's ordinance. The Council finds that due to these special conditions, strict application of the City's sign ordinance would deprive the applicant's property of a privilege enjoyed by other properties in the vicinity and under the same zoning classification. Requiring the applicant to move the pole to a location which would comply with the setback requirement of five feet, due to these special circumstances, would result in an additional estimated expense of \$4,500.00 to the applicant, which the Council believes would result in difficulty and unnecessary hardship.

8. Any party of record may appeal the decision of the City Council to the Land Use Board of Appeals. The appeal shall be filed in accordance with the procedures set forth in the ORS 197.830.

PASSED AND ADOPTED THIS 27TH DAY OF JUNE, 1994.

| | |
|-----------------------------|----------------------------------|
| Voting Yes, Councilmembers: | <u>Wood, Davis, Bailey, Koch</u> |
| Voting No, Councilmembers: | <u>None</u> |
| Absent, Councilmembers: | <u>Holt</u> |
| Abstaining, Councilmembers: | <u>None</u> |

AND APPROVED BY THE MAYOR THIS 27TH DAY OF JUNE, 1994.

L.D. Les Cochenour
L. D. (Les) Cochenour, Mayor

Attest:

Julie Krueger
Julie Krueger, City Clerk

RESOLUTION NO. 94-055

A RESOLUTION APPROVING AN EXTENSION OF THE
PERSONAL SERVICES CONTRACT BETWEEN THE CITY
OF THE DALLES AND HUDSON INSURANCE AGENCY, INC.

WHEREAS, on September 21, 1983, the City of The Dalles and Hudson Insurance Agency, Inc. entered into a personal services contract designating Hudson Insurance Agency, Inc. to act as the City's insurance Agent of Record; and

WHEREAS, said agency has continued to act as the City's Agent of Record since that date; and

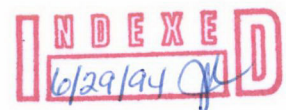
WHEREAS, the parties desire to continue said contract through June 30, 1995; and

WHEREAS, it is in the public interest to approve the continuance of the personal services contract; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

Section 1. Personal Services Contract Approved. The extension of the personal services contract between the City of The Dalles and Hudson Insurance Agency, Inc. for a period of July 1, 1994 through June 30, 1995, is hereby approved.

Section 2. Officers to Act. The City Manager or his designee is hereby authorized and instructed to sign the personal



services contract on behalf of the City and to do such other acts
as necessary and proper.

PASSED AND ADOPTED THIS 27TH DAY OF JUNE, 1994.

Voting Yes, Councilors: Davis, Bailey, Koch
Voting No, Councilors: None
Absent Councilors: Holt
Abstaining, Councilors: Wood

AND APPROVED BY THE MAYOR THIS 27TH DAY OF JUNE, 1994.

SIGNED: L.D. Les Cochenour
L.D. "Les" Cochenour, Mayor

ATTEST: Julie Krueger
Julie Krueger, City Clerk

ADDENDUM TO PERSONAL SERVICES CONTRACT

This agreement is made this ____ day of July, 1994, by and between the City of The Dalles, a City of the State of Oregon, and Hudson Insurance Agency, Inc.

WHEREAS, on September 21, 1983, the parties entered into a Personal Services Contract designating Hudson Insurance Agency, Inc. to act as the City's Insurance Agent of Record until July 1, 1985; which contract was subsequently extended to July 1, 1992, July 1, 1993; and again to June 30, 1994; said contract having come up for renewal; and

WHEREAS, the parties have agreed that aid Personal Services Contract should be extended to June 30, 1995; **NOW, THEREFORE**,

IT IS HEREBY AGREED that the Personal Services Contract designating Hudson Insurance Agency, Inc. as the Insurance Agent of Record for the City of The Dalles, dated September 21, 1983, is hereby extended to June 30, 1995.

IN WITNESS WHEREOF the parties executed this Agreement on the year and day first written above.

AGENT, Hudson Insurance Agency, Inc.

By: John Wood, President

CLIENT, City of The Dalles

William B. Elliott, City Manager

ATTEST: _____
Julie Krueger, City Clerk

RESOLUTION NO. 94-054

A RESOLUTION APPROVING THE ITEMS ON THE
CONSENT AGENDA AND AUTHORIZING CITY
OFFICERS TO SIGN CONTRACT DOCUMENTS

WHEREAS, certain business items of a routine nature are periodically brought before City Council for action; and

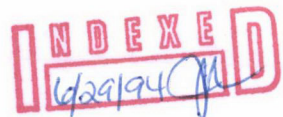
WHEREAS, City Council desires to conduct its meetings in an efficient and effective manner; and

WHEREAS, City Council desires to dispose of routine matters so that Council may focus its attention on the major policy issues facing the community; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

Section 1. Items Approved. The items appearing on the Consent Agenda are hereby approved:

- A. Consent Agenda Resolution for Council Action.
- B. Approval of the June 13, 1994 Regular City Council Meeting Minutes.
- C. ~~Resolution No. 94-054 Approving an Extension of the Reasonable Services Contract Between the City of The Dakotas and Hudson Insurance Agency, Inc.~~



- D. Authorization for the Mayor to Sign the Collective Bargaining Agreement With The Dalles Police Officers Association.
- E. Resolution No. 94-056 Reversing the Planning Commission's Denial of Sign Variance No. 81-94 Submitted by Meadow Outdoor Advertising to Erect a Billboard With a Three Foot Setback Where Five Feet is Required.
- F. Approval for Street Light Installation at 2826 West 8th Street.
- G. Approval of OLCC New Outlet Application for Casa El Mirador.
- H. Approval to Declare Equipment as Surplus Property.
- I. Approval for Fee Waiver Request by The Dalles Chamber of Commerce Economic Development Committee for a Conditional Use Permit Application.

Section 2. Officers to Act. City Officers are hereby authorized to sign contract documents and do such other acts as are necessary and proper.

PASSED AND ADOPTED THIS 27TH DAY OF JUNE, 1994.

| | |
|-------------------------|---------------------------|
| Voting Yes, Councilors: | Wood, Davis, Bailey, Koch |
| Voting No, Councilors: | None |
| Absent, Councilors: | Holt |
| Abstaining, Councilors: | None |

AND APPROVED BY THE MAYOR THIS 27TH DAY OF JUNE, 1994.

SIGNED:

L.D. "Les" Cochenour
L.D. "Les" Cochenour, Mayor

ATTEST:

Julie Krueger
Julie Krueger, City Clerk

RESOLUTION NO. 94-053

A RESOLUTION APPROVING BUDGET TRANSFERS
FOR THE 1993-94 FISCAL YEAR

WHEREAS, local budget law requires that appropriations must be made before expenditures can be made; and

WHEREAS, City Council desires to comply with local budget law; and

WHEREAS, budget appropriation transfers are now required to comply with local budget law for unanticipated expenditures; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

Section 1. The following budget appropriations transfers are hereby approved:

| <u>General Fund</u> | <u>To:</u> | <u>From:</u> |
|-------------------------------------|------------|--------------|
| City Hall Department | \$10,000 | |
| Contingency | | (\$10,000) |
| for tank removal | | |
| <u>Tourist Promotion Fund</u> | <u>To:</u> | <u>From:</u> |
| Personal Services | \$ 3,000 | |
| Materials & Services | \$20,000 | |
| Transfers Out | | (\$23,000) |
| to adjust appropriations categories | | |

PASSED AND ADOPTED THIS 13TH DAY OF JUNE, 1994.

Voting Yes, Councilors: Wood, Davis, Holt, Koch
Voting No, Councilors: None
Absent, Councilors: Bailey
Abstaining, Councilors: None

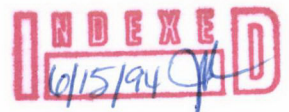
AND APPROVED BY THE MAYOR THIS 13TH DAY OF JUNE, 1994

SIGNED:

L.D. Les Cochenour
L.D. "Les" Cochenour, Mayor

ATTEST:

Julie Krueger
Julie Krueger, City Clerk



RESOLUTION NO. 94-052

**A RESOLUTION APPROVING THE ITEMS ON THE
CONSENT AGENDA AND AUTHORIZING CITY
OFFICERS TO SIGN CONTRACT DOCUMENTS**

WHEREAS, certain business items of a routine nature are periodically brought before City Council for action; and

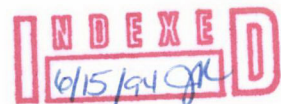
WHEREAS, City Council desires to conduct its meetings in an efficient and effective manner; and

WHEREAS, City Council desires to dispose of routine matters so that Council may focus its attention on the major policy issues facing the community; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

Section 1. Items Approved. The items appearing on the Consent Agenda are hereby approved:

- A. Consent Agenda Resolution for Council Action.
- B. Approval of the May 23, 1994 Regular City Council Meeting Minutes.
- C. Authorization for City Manager to Sign Amendment No. 2 to the OMI Agreement Concerning Operation of the City's Wastewater Treatment Plant.
- D. Approval for Hiring Two Temporary Provisional Firefighter Positions.



- E. Approval of the June 2, 1994 Special City Council Meeting Minutes.
- F. Resolution No. 94-053 Approving Budget Transfers for the 1993-94 Fiscal Year.
- G. Approval of OLCC Change of Ownership Application for Shop N Kart.

Section 2. Officers to Act. City Officers are hereby authorized to sign contract documents and do such other acts as are necessary and proper.

PASSED AND ADOPTED THIS 13TH DAY OF JUNE, 1994.


| | |
|-------------------------|-------------------------|
| Voting Yes, Councilors: | Wood, Davis, Holt, Koch |
| Voting No, Councilors: | None |
| Absent, Councilors: | Bailey |
| Abstaining, Councilors: | None |

AND APPROVED BY THE MAYOR THIS 13TH DAY OF JUNE, 1994.

SIGNED:


L.D. "Les" Cochenour, Mayor

ATTEST:


Julie Krueger, City Clerk

RESOLUTION 94-051

INITIATING STREET VACATION PROCEDURES FOR:
A PORTION OF WEST 8TH STREET BEGINNING 200 FEET WEST OF
MT HOOD STREET AND VACATING THE FINAL 100 FEET TO UNIMPROVED
JORDAN STREET; AND A PORTION OF THE ALLEY BETWEEN WEST 16TH
AND WEST 17TH STREETS RUNNING 100 FEET WESTERLY FROM GARRISON

WHEREAS, the City has received requests to initiate street vacations for a portion of the alley between West 16th and West 17th Streets running 100 feet westerly from Garrison; and for a portion of West 8th Street beginning 200 feet West of Mt Hood Street and vacating the final 100 feet to unimproved Jordan Street; and

WHEREAS, Street Vacations 17-94 and 21-94 respectively, have been described to the City Council after being reviewed by the City Utilities, Fire, Police and Planning Departments and the Northern Wasco County PUD; and

WHEREAS, in the case of Street Vacation 17-94, the Public Works Department and the Northern Wasco County PUD have both indicated the need for an easement for the public water, sewer and electrical lines a need was also indicated for the alley to be kept open for emergency access; and

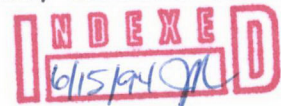
WHEREAS, in the case of Street Vacation 21-94, the staff has recommended an easement be retained for a pedestrian walkway; and

WHEREAS, street vacations are governed by ORS 271.080 through 271.230; and

WHEREAS, under ORS 271.130 the City Council may initiate the vacation process by providing notice (ORS 271.110) of public hearing and posting of notice no less than 14 days prior to the hearing; and

WHEREAS, it is in the best interest of the public for the City to initiate street vacations; and

WHEREAS, in addition to the statutory requirements, notice of the



hearings should be sent to appropriate property owners that might be directly impacted by the proposal;

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

Section 1. Street Vacation Initiated. Street Vacation 17-94, for a portion of the alley between West 16th and West 17th Streets running 100 feet westerly from Garrison as shown on Exhibit A, is initiated.

Section 2. Street Vacation Initiated. Street Vacation 21-94, for a portion of West 8th Street beginning 200 feet West of Mt Hood Street and vacating the final 100 feet to unimproved Jordan Street as shown on Exhibit B, is initiated.

Section 3. Officers to Act. The City Planning Department is directed to post and publish notice for the street vacations initiated in Sections 1 and 2, according to the provisions of ORS 271.110.

PASSED AND ADOPTED THIS 13TH DAY OF JUNE, 1994.

Voting Yes, Councilmembers: Wood, Koch, Davis, Holt

Voting No, Councilmembers: None

Absent, Councilmembers: Bailey

Abstaining, Councilmembers: None

AND APPROVED BY THE MAYOR THIS 13th DAY OF JUNE, 1994.

L.D. Les Cochenour
L. D. "Les" Cochenour, Mayor

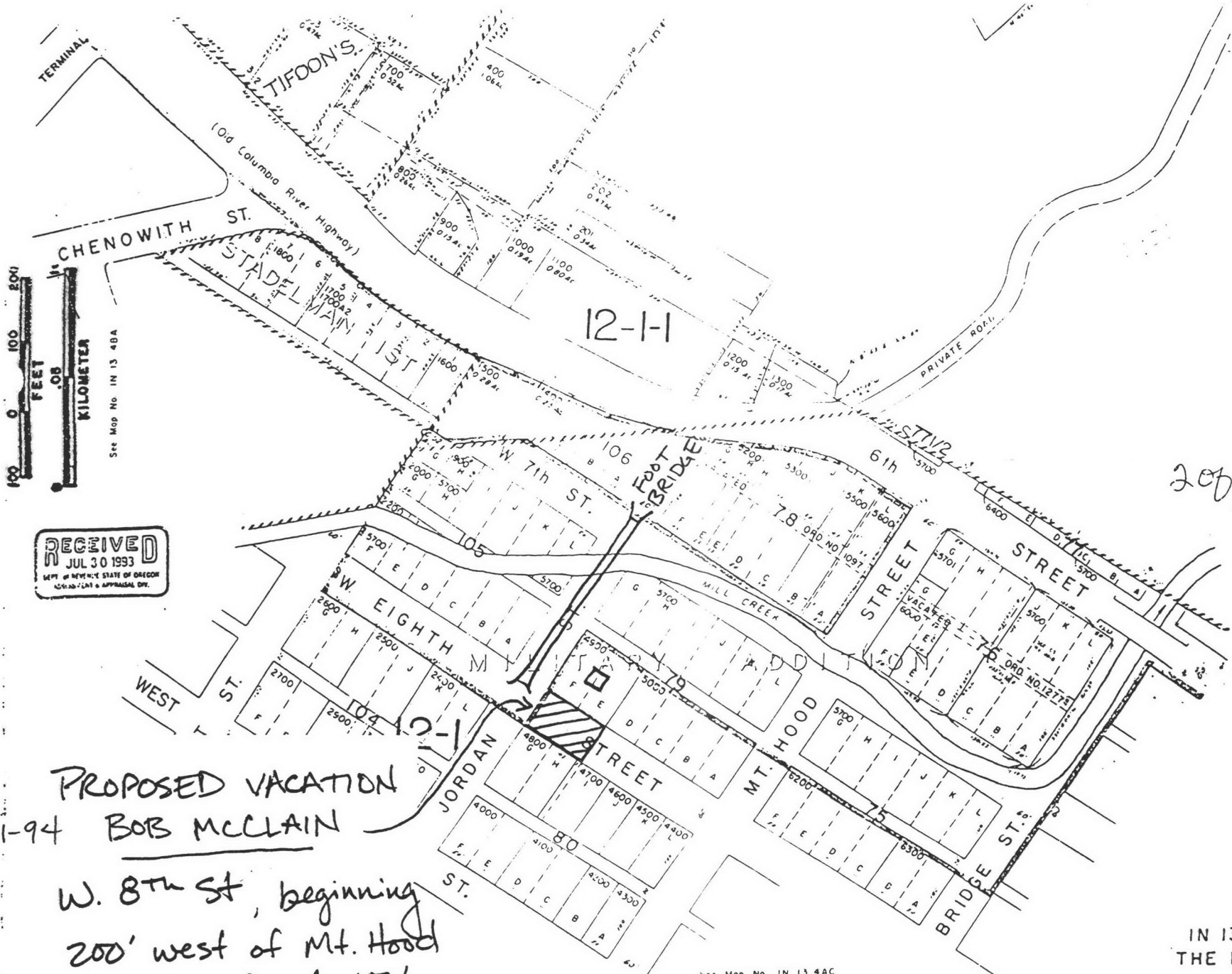
ATTEST:

Julie Krueger
Julie Krueger, City Clerk

Resolution 94-051
June 27, 1994

cmd<c:\wp51\data\citycoun\94-051.res

WASCO
IN 13 4AB



RECEIVED
JUL 30 1993
DEPT. OF REVENUE STATE OF OREGON
COUNTY CLAT & APPRAISAL DIV.

CANCELLED
5400
5900
6100
2100
2300
500
501
2601
602
5400
600
502
601
100A2
700A1
14100A1 A1
1700A1, ASHLA
5300A1
401
2800

2072

PROPOSED VACATION
#21-94 BOB McCLAIN
W. 8th St, beginning
200' west of Mt. Hood
vacating final 100'
to unimproved Jordan
(McClain house using as driveway)

IN 13 4AB
THE DALLES

NW 1/4 SE 1/4 SEC. 4 T. 13N. R. 13E. W.M.
WASCO COUNTY
1" = 100'

IN 13 4DB
THE DALLIES

CANCELLED NO
10600
9700
9900
13300
4700
4600



FORT DALLIES
MUSEUM

PROPOSED ALLEY
VACATION
#17-94

Between 16th &
17th from
Garrison westerly
100' (behind
historic Anderson
House).

IN 13 11DB

RESOLUTION NO. 94-050

A RESOLUTION APPROVING THE CONCEPT OF A SPECIAL RETIREMENT INCENTIVE PROGRAM FOR THE CITY OF THE DALLES, AND ADOPTING A HIRING FREEZE

WHEREAS, the City of The Dalles is faced with the potential of employee lay-offs due to future loss of General Fund revenues; and

WHEREAS, the Budget Committee has endorsed a plan submitted by the City Manager to accomplish staff reductions in a voluntary manner, rather than by involuntary lay-offs, and to adopt a hiring freeze; and

WHEREAS, thirteen (13) employees have been identified as eligible for retirement, but need an incentive to take retirement now; and

WHEREAS, such an incentive could take the form of the City offering insurance for the retiring employee and his or her spouse, which could result in a substantial net savings to the City; and

WHEREAS, it would be in the best interest of the City to establish a hiring freeze to allow for staff reduction by attrition of any employee terminating employment with the City;

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

Section 1. The City Council hereby approves and authorizes the City Manager to offer a special early retirement incentive program under the following terms and conditions:



- A) The employee must agree to retire prior to September 30, 1994; however, the City Council reserves the right to extend the deadline for retirement for thirty (30) days for good cause.
- B) Only employees who are eligible for retirement and who are qualified to receive a retirement benefit under the City's retirement plan may take advantage of the special incentive.
- C) The City will agree to cash-out accrued sick leave benefits, at a ratio of 1 to 2, up to a maximum of 400 hours cashed-out. (For example: If an accrued employee has 300 hours, 150 will be paid.) The City will agree to keep the eligible employee and current spouse enrolled in the appropriate insurance plan of the City, and continue to pay a sum equivalent to the insurance premiums currently being paid by the City, for the employee and his or her current spouse to age 65, if the employee retires in accordance with the conditions set forth in this resolution.

Section 2. The City Council hereby imposes a hiring freeze which shall begin on August 1, 1994, and end on June 30, 1995. Any newly created position, or any position vacated by reason of retirement, disability, resignation, or termination, may only be filled by either of the following alternatives:

- A) By a transfer or promotion of an existing employee.

B) By receiving City Council approval to recruit and hire a new employee from the outside.

PASSED AND ADOPTED THIS 25TH DAY OF JULY, 1994.

| | |
|-----------------------------|---------------------------|
| Voting Yes, Councilmembers: | <u>Davis, Wood, Holt</u> |
| Voting No, Councilmembers: | <u>Koch</u> |
| Absent, Councilmembers: | <u>Position #2 Vacant</u> |
| Abstaining, Councilmembers: | <u>None</u> |

AND APPROVED BY THE MAYOR THIS 25TH DAY OF JULY, 1994.

Attest:

L. D. Les Cochenour
L. D. (Les) Cochenour, Mayor

Julie Krueger
Julie Krueger, City Clerk

RESOLUTION NO. 94-049

A RESOLUTION CONCURRING WITH THE MAYOR'S
APPOINTMENTS TO THE HISTORIC LANDMARKS COMMISSION

WHEREAS, positions have become vacant on the Historic Landmarks Commission; and

WHEREAS, Mayor L.D. "Les" Cochenour has named Jacqueline Cheung to fill an unexpired term and Eric Kleiner to fill an expired term on said Commission; and

WHEREAS, the City Council desires to concur in the appointments to the Historic Landmarks Commission;

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

Section 1. The City Council hereby concurs in the appointments of Jacqueline Cheung to fill an unexpired term (term expires May 31, 1995) and Eric Kleiner to fill an expired term (term expires May 31, 1998) on the Historic Landmarks Commission.

PASSED AND ADOPTED THIS 23RD DAY OF MAY, 1994.

Voting Yes, Councilors: Bailey, Davis, Holt, Koch, Wood
Voting No, Councilors: None
Absent, Councilors: None
Abstaining, Councilors: None

AND APPROVED BY THE MAYOR THIS 23RD DAY OF MAY, 1994.

SIGNED:

L.D. Les Cochenour
L.D. "Les" Cochenour, Mayor

ATTEST:

Sherry Walker
Sherry Walker, City Clerk pro-tem

INDEXED
5/31/94

RESOLUTION NO. 94-048

**A RESOLUTION APPROVING THE ITEMS ON THE
CONSENT AGENDA AND AUTHORIZING CITY
OFFICERS TO SIGN CONTRACT DOCUMENTS**

WHEREAS, certain business items of a routine nature are periodically brought before City Council for action; and

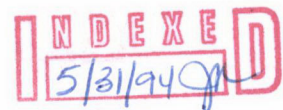
WHEREAS, City Council desires to conduct its meetings in an efficient and effective manner; and

WHEREAS, City Council desires to dispose of routine matters so that Council may focus its attention on the major policy issues facing the community; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

Section 1. Items Approved. The items appearing on the Consent Agenda are hereby approved:

- A. Consent Agenda Resolution for Council Action.
- B. Approval of the May 9, 1994 Regular City Council Meeting Minutes.
- C. Resolution No. 94-049 Concurring With the Mayor's Appointments to the Historic Landmarks Commission.
- D. Approval for Street Light Installation at the Port of The Dalles Industrial Area.



Section 2. Officers to Act. City Officers are hereby authorized to sign contract documents and do such other acts as are necessary and proper.

PASSED AND ADOPTED THIS 23RD DAY OF MAY, 1994.

| | |
|-------------------------|---------------------------------|
| Voting Yes, Councilors: | Wood, Koch, Bailey, Davis, Holt |
| Voting No, Councilors: | None |
| Absent, Councilors: | None |
| Abstaining, Councilors: | None |

AND APPROVED BY THE MAYOR THIS 23RD DAY OF MAY, 1994.

SIGNED:


L.D. "Les" Cochenour, Mayor

ATTEST:


Sherry Walker, City Clerk pro-tem

RESOLUTION 94-047

INITIATING STREET VACATION PROCEDURES FOR:
AN ALLEY SEGMENT BETWEEN W 11TH AND W 12 STREETS, RUNNING
100 FEET WESTERLY FROM LINCOLN STREET; AND A 120 FOOT
SEGMENT OF UNIMPROVED "F" STREET BETWEEN E 9TH STREET
AND THE ALLEY TO THE SOUTH

WHEREAS, the City has received requests to initiate street vacations for an alley segment between W 11th and W 12 Streets, running 100 feet westerly from Lincoln Street and for a 120 foot segment of unimproved "F" Street between E 9th Street and alley to the south; and

WHEREAS, Street Vacations 18-94 and 20-94 respectively, have been described to the City Council after being reviewed by the City Utilities, Fire, Police and Planning Departments and the Northern Wasco County PUD; and

WHEREAS, there have been no objections by these departments; and

WHEREAS, street vacations are governed by ORS 271.080 through 271.230; and

WHEREAS, under ORS 271.130 the City Council may initiate the vacation process by providing notice (ORS 271.110) of public hearing and posting of notice no less than 14 days prior to the hearing; and

WHEREAS, it is in the best interest of the public for the City to initiate street vacations; and

WHEREAS, in addition to the statutory requirements, notice of the hearings should be sent to appropriate property owners that might be directly impacted by the proposal;

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

Resolution 94-047
May 17, 1994

cmd<c:\wp51\data\citycoun\94-047.res

Page 1 of 2

INDEXED
5/31/94

Section 1. Street Vacation Initiated. Street Vacation 18-94 an alley segment between W 11th and W 12 Streets, running 100 feet westerly from Lincoln Street as shown on Exhibit A, is initiated.

Section 2. Street Vacation Initiated. Street Vacation 20-94 for a 120 foot segment of unimproved "F" Street between E 9th Street and alley to the south as shown on Exhibit B, is initiated.

Section 3. Officers to Act. The City Planning Department is directed to post and publish notice for the street vacations initiated in Sections 1 and 2, according to the provisions of ORS 271.110.

PASSED AND ADOPTED THIS 23rd DAY OF MAY, 1994.

Voting Yes, Councilmembers: Bailey, Davis, Holt, Koch, Wood

Voting No, Councilmembers: None

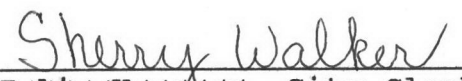
Absent, Councilmembers: None

Abstaining, Councilmembers: None

AND APPROVED BY THE MAYOR THIS 23rd DAY OF MAY, 1994.


L. D. "Les" Cochenour, Mayor

ATTEST:


~~Julie Krueger~~, City Clerk Pro-tem
Sherry Walker

WASCO COUNTY

THE DA

IN 13 4DA

CANCELLED NO.
7300
10500
10100
601
8900

1/4 COR.

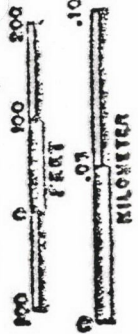
SEE MAP IN 13 4AD

SEE MAP IN 13 4AC

SEE MAP IN 13 4DB

SEE MAP IN 13 3CB

SEE MAP IN 13 4DD



PROPOSED VACATION #18-94
Alley from Lincoln
westerly 100'
between W. 11th
& W. 12th
(House in R.O.W.)

ROBERT NEARY

EXHIBIT A

IN 13 4DA

THE DA

NE1/4 SW1/4 S 3 T.1N. R.13E. W.M.

WASCO COUNTY

1"=100'

SEE MAP IN 13 38D

IN 13 A
THE DALLES

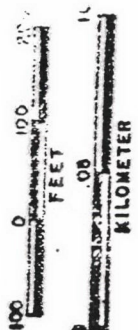
CANCELLED NO'S

T.L. 1800
2201
2400
3000
4000
3600
3700
3800
3900
2102
3301
3500
6200
12200
2399

T.L. 1100

1 230 11 7 20
2 4 11 26 3 21
3 23 14 2 23 1
4 3 1 16 21 4
5 2 1 1 21 21
6 2 1 1 21 21

SCALE 1:2400



SEE MAP IN 13 38B

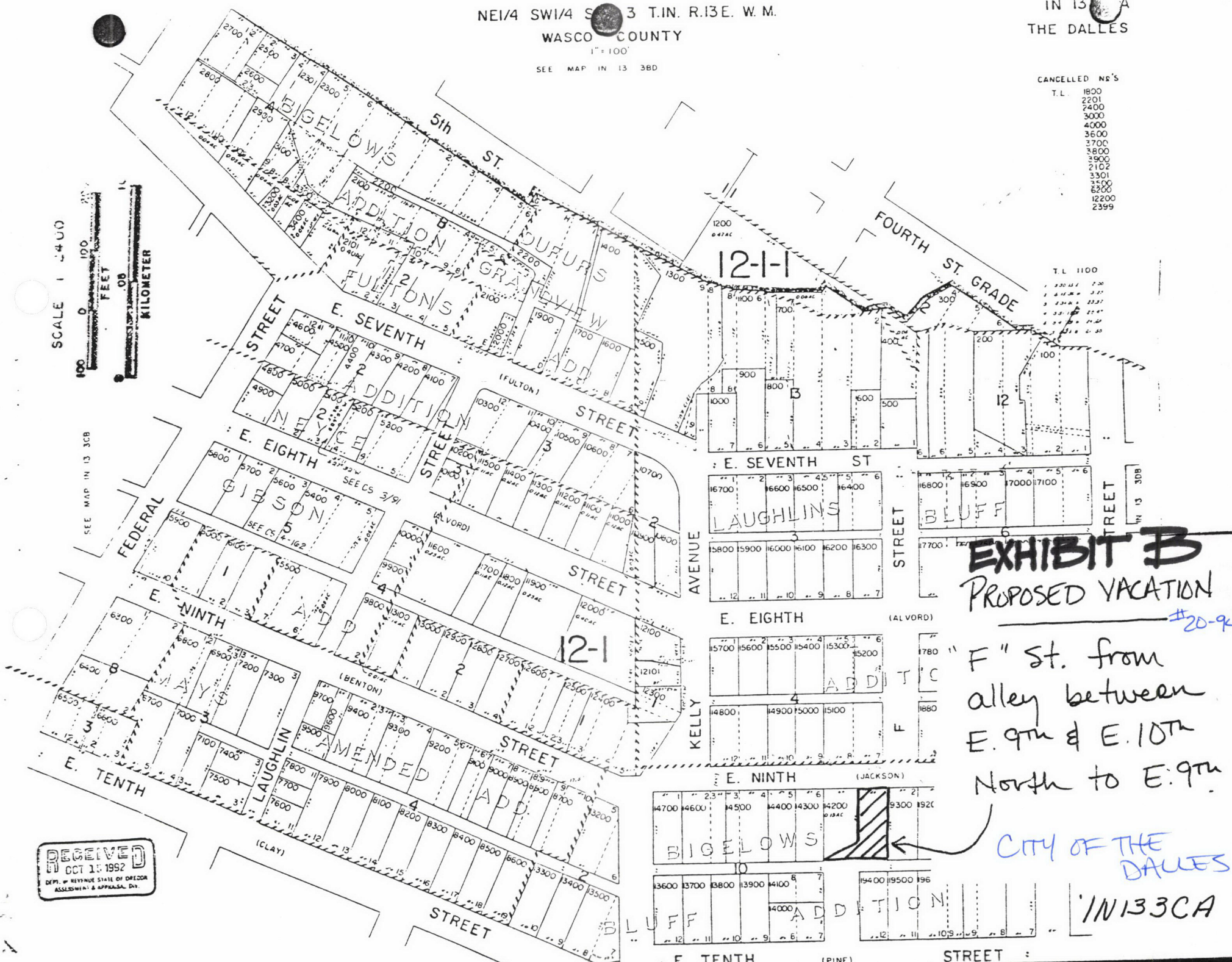


EXHIBIT B
PROPOSED VACATION

#20-94

"F" St. from
alley between
E. 9th & E. 10th
North to E. 9th

CITY OF THE
DALLES

IN 133CA

RECEIVED
OCT 10 1992
DEPT. OF REVENUE STATE OF OREGON
ASSESSMENT & APPRAISAL DIV.

RESOLUTION NO. 94-046

A RESOLUTION ACCEPTING A DEDICATION OF
PROPERTY OWNED BY UNIVERSE CORPORATION FOR
STREET PURPOSES

WHEREAS, Western Stations, a subsidiary of Universe Corporation, submitted an application for a site plan approval to rebuild a service station located upon property described as Township 2 North Range 13 East, Section 33BB, Tax Lot 2100, which application was assigned Site Plan Review Number 189.94; and

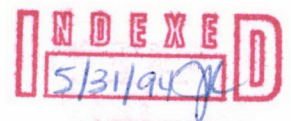
WHEREAS, the approval for Site Plan Review No. 189-94 included a condition requiring a right-of-way dedication of 25 feet along the northern boundary of the subject parcel for future improvement of West Sixth Street; and

WHEREAS, Universe Corporation has agreed to execute a deed dedicating the parcel of land necessary to ensure compliance with the conditions imposed for approval of Site Plan Review No. 184-94; and

WHEREAS, it is in the best interest of the citizens of The Dalles to accept the proposed dedication for street purposes;

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

Section 1. Street Dedication Accepted. The dedication for street purposes set forth in the attached deed is hereby accepted by the City of The Dalles.



Section 2. Officers to Act. The City Manager and City Clerk are authorized to execute the attached deed, and to take all necessary and appropriate acts to record the deed with the Wasco County Clerk.

PASSED AND ADOPTED THIS 23RD DAY OF MAY, 1994.

| | |
|-----------------------------|--|
| Voting Yes, Councilmembers: | <u>Bailey, Davis, Holt, Koch, Wood</u> |
| Voting No, Councilmembers: | <u>None</u> |
| Absent, Councilmembers: | <u>None</u> |
| Abstaining, Councilmembers: | <u>None</u> |

AND APPROVED BY THE MAYOR THIS 23RD DAY OF MAY, 1994.

L.D. Les Cochenour
L. D. (Les) Cochenour, Mayor

Attest:

Sherry Walker
~~Julie Krueger~~, City Clerk Pro-tem
Sherry Walker

RESOLUTION NO. 94-045

A RESOLUTION ACCEPTING A DEDICATION OF
PROPERTY OWNED BY DAVID G. P. KENWORTHY FOR
STREET PURPOSES

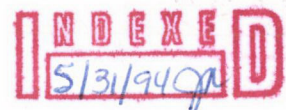
WHEREAS, David G. P. Kenworthy submitted an application for a minor partition of Lots 40 and 41, Riverview Addition, in The Dalles, Oregon, which application was assigned Minor Partition Number 98-93; and

WHEREAS, the tentative approval for Minor Partition No. 98-93 included conditions requiring an additional 5 feet of right-of-way dedication for Richmond Street along the eastern boundary for the entire property depth, and a 25 foot right-of-way dedication for future improvement of East Ninth Street along the southern boundary for the entire width of the property; and

WHEREAS, due to an oversight, the final plat filed with the Wasco County Clerk on March 18, 1994, showed the dedication of the 5 feet of right-of-way for Richmond Street as a "proposed" rather than "actual" street dedication, and did not include language dedicating the 25 feet of right-of-way for future improvement of East Ninth Street; and

WHEREAS, Mr. Kenworthy has agreed to execute a deed dedicating the two parcels of land necessary to ensure compliance with the conditions imposed for approval of Minor Partition No. 98-93; and

WHEREAS, it is in the best interest of the citizens of The Dalles to accept the proposed dedication for street purposes;



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

Section 1. Street Dedication Accepted. The dedication for street purposes set forth in the attached deed is hereby accepted by the City of The Dalles.

Section 2. Officers to Act. The City Manager and City Clerk are authorized to execute the attached deed, and to take all necessary and appropriate acts to record the deed with the Wasco County Clerk.

PASSED AND ADOPTED THIS 23RD DAY OF MAY, 1994.

| | |
|-----------------------------|--|
| Voting Yes, Councilmembers: | <u>Bailey, Davis, Holt, Koch, Wood</u> |
| Voting No, Councilmembers: | <u>None</u> |
| Absent, Councilmembers: | <u>None</u> |
| Abstaining, Councilmembers: | <u>None</u> |

AND APPROVED BY THE MAYOR THIS 23RD DAY OF MAY, 1994.

L.D. Les Cochenour
L. D. (Les) Cochenour, Mayor

Attest:

Sherry Walker
~~Julie Krueger~~, City Clerk Pro-tem
Sherry Walker

Deed

KNOW ALL MEN BY THESE PRESENT THAT David G. P. Kenworthy, referred to as "Grantor", does hereby grant, convey and warrant to the City of the Dalles, a municipal corporation of the State of Oregon, hereinafter referred to as "Grantee", for purposes of a public street, the following described real property:

A parcel of land measuring approximately 5 feet 10 inches by 377.99 feet along the East line of Tract 3 of Lot 40, Riverview Addition, The Dalles, Wasco County, Oregon, as shown on the map attached as Exhibit "A". The parcel is dedicated for the future improvement of Richmond Street.

A parcel of land measuring 25 feet by 339.87 feet along the North line of Thompson's Donation Land Claim No. 37, which line is also the South line of Tract 1 of Lot 41, Riverview Addition, The Dalles, Wasco County, Oregon, as shown on the map attached as Exhibit "A". The parcel is dedicated for the future improvement of East Ninth Street.

Grantee shall have the right to open, construct, improve and maintain roads and streets of its design upon such lands and, in addition thereto, shall have the right to place or to permit others to place sidewalks, sewers, utilities, cables, pipes, electrical transmission wires, communications equipment and such other improvements as Grantee shall deem necessary and convenient upon, above or below the surface of the dedicated area.

Grantor covenants that he is the owner of the above described real property free of all encumbrances save and except easements granted to the public for the maintenance of utilities and roadways and will warrant and defend the same against all persons claiming an interest adverse to the Grantee except as stated herein.

The consideration for this transfer is \$0.00. This transfer is made for a public purpose.

Signed this 26th day of April, 1994.

This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify approved uses.

David G. P. Kenworthy

CITY OF THE DALLES

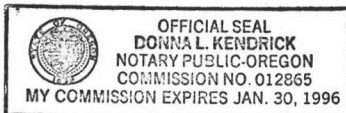
William B. Elliott, City Manager

ATTEST: _____
Julie Krueger, City Clerk

STATE OF OREGON)
) ss.
County of ~~Wasco~~)
 multnomah

April 26th A.D. 1994

Personally appeared before me the above named David G. P. Kenworthy, the owner of said property, who acknowledges the foregoing deed to be his voluntary act and deed.



Notary Public for Oregon
My commission expires: _____

STATE OF OREGON)
County of Wasco) ss.

 A.D. 1994

Personally appeared before me the above named William B. Elliott, City Manager of the City of the Dalles, who acknowledges the foregoing deed to be his voluntary act and deed.

Notary Public for Oregon
My commission expires: _____

| | |
|---|---------|
| David G. P. Kenworthy c/o P. O. Box 1010 The Dalles, Or 97058 | GRANTOR |
| City of The Dalles 313 Court Street The Dalles, Oregon 97058 | GRANTEE |
| After recording return to: City Clerk 313 Court Street The Dalles, Oregon 97058 | |

RESOLUTION NO. 94-044

A RESOLUTION INITIATING STREET VACATION PROCEDURES FOR A PARCEL OF PROPERTY CONVEYED FOR USE AS A PUBLIC STREET BY FRED AND EDNA THOMPSON, BY DEED RECORDED IN WASCO COUNTY DEED RECORD IN VOLUME 87, PAGE 524

WHEREAS, Fred and Edna Thompson conveyed a parcel of property to the City of The Dalles by a deed recorded in the Wasco County Deed Records in Volume 87, page 524, with the provision the property be used for a public street; and

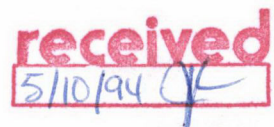
WHEREAS, on April 18, 1994, the City Council authorized the execution of a property development and land exchange agreement with Columbia Gorge Development, Inc., which agreement included a provision whereby the City agreed to initiate a vacation proceeding, to implement the property development and exchange agreement; and

WHEREAS, street vacations are governed by ORS 271.080 through 271.230; and

WHEREAS, under ORS 271.130, the City Council may initiate the vacation process by providing notice (ORS 271.110) of public hearing and posting of notice no less than 14 days prior to the hearing; and

WHEREAS, it is in the best interest of the public for the City to initiate Street Vacation 19-94; and

WHEREAS, in addition to the statutory requirements, notice of the hearing should be sent to appropriate property owners that might be directly impacted by the proposal; NOW, THEREFORE,



BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

Section 1. Street Vacation Initiated. Street Vacation 19-94 for the parcel of real property described in Volume 87, page 524, of the Wasco County Deed Records and as shown on the map attached as Exhibit "A", is hereby initiated.

Section 2. Officers to Act. The City Planning Department is directed to post and publish notice for the street vacation initiated in Section 1, according to the provisions of ORS 271.110.

PASSED AND ADOPTED THIS 9TH DAY OF MAY, 1994.

| | |
|-----------------------------|--|
| Voting Yes, Councilmembers: | <u>Holt, Davis, Bailey, Koch, Wood</u> |
| Voting No, Councilmembers: | <u>None</u> |
| Absent, Councilmembers: | <u>None</u> |
| Abstaining, Councilmembers: | <u>None</u> |

AND APPROVED BY THE MAYOR THIS 9TH DAY OF MAY, 1994.

L.D. Les Cochenour
L. D. (Les) Cochenour, Mayor

Attest:

Julie Krueger
Julie Krueger, City Clerk

100 0 SCALE 100 200 10 330

NE 1/4 NE 1/4 Sec. 4 T.1N. R.13E. W.M.
CO. COUNTY

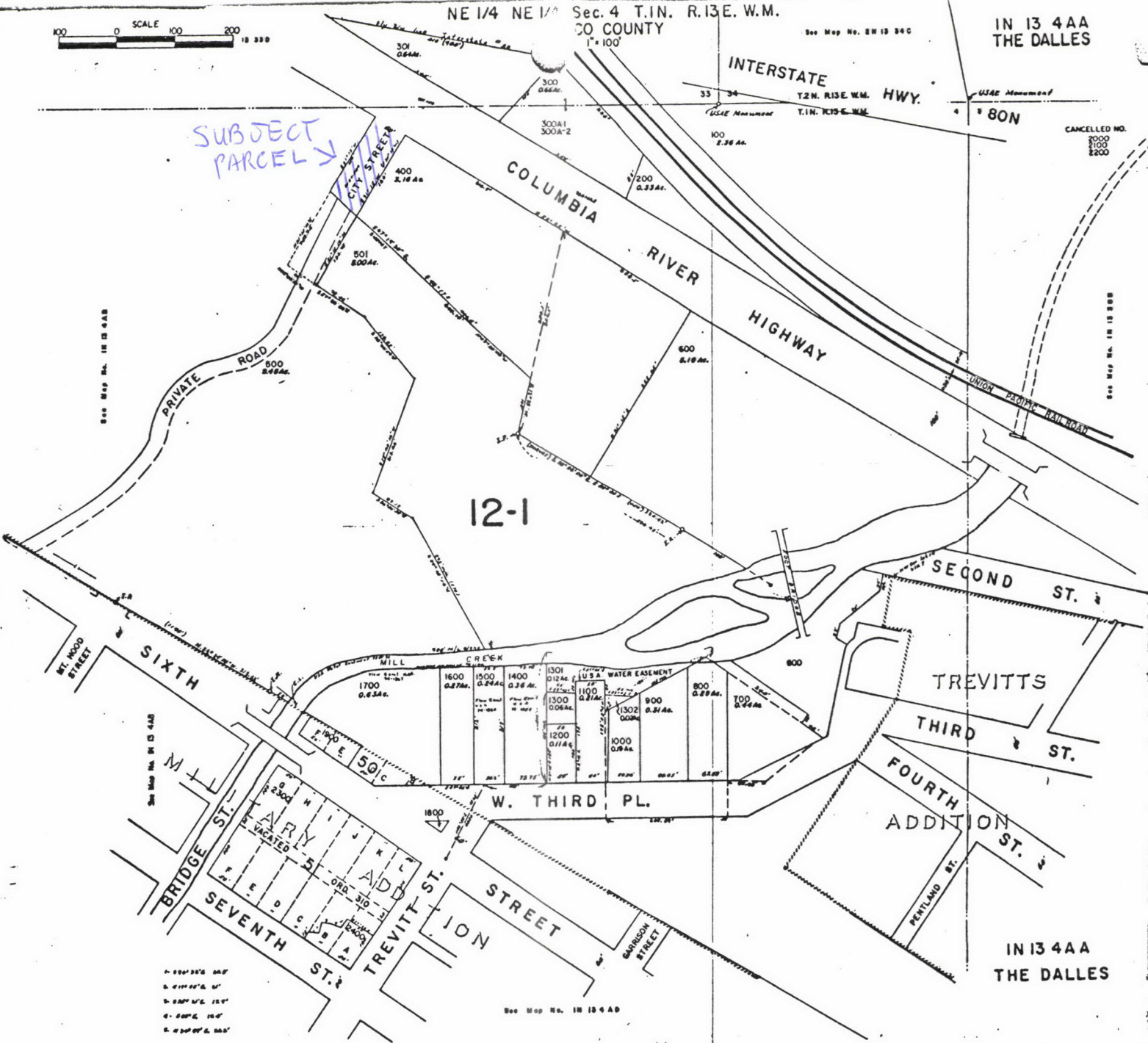
IN 13 4AA
THE DALLES

INTERSTATE
T.2N. R.13E. W.M. HWY.
T.1N. R.13E. W.M.

USAE Monument
80N

CANCELLED NO.
2000
1000
2200

SUBJECT
PARCEL



12-1

SECOND ST.

TREVITTS

THIRD ST.

FOURTH ST.

IN 13 4AA
THE DALLES

1-100' 30" 0.001
2-100' 30" 0.001
3-100' 30" 0.001
4-100' 30" 0.001
5-100' 30" 0.001

See Map No. 10 13 4AB

IN 13 4AA

RESOLUTION NO. 94-043

A RESOLUTION AMENDING THE CITY
OF THE DALLES COUNCIL RULES

WHEREAS, the City of The Dalles Council Rules, Section 2 and Section 10.1 refer to the Councilor at Large as presiding in the Mayor's absence; and

WHEREAS, the newly adopted City Charter requires a Council President be elected by the Council to serve in the Mayor's absence; and

WHEREAS, City Council desires to change of order of the Agenda items, to place Roll Call of Council before the Pledge of Allegiance; NOW, THEREFORE

BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

Section 1. Amendments to Council Rules. All references to "Councilor at Large" in Section 2 and Section 10.1 shall be amended to say "Council President".

Section 3.10 shall be amended to place item C. Roll Call of Council as item B. and to place item B. Pledge of Allegiance as item C.

PASSED AND ADOPTED THIS 9TH DAY OF MAY, 1994

| | |
|-------------------------|---------------------------------|
| Voting Yes, Councilors: | Wood, Bailey, Davis, Holt, Koch |
| Voting No, Councilors: | None |
| Absent, Councilors: | None |
| Abstaining, Councilors: | None |

AND APPROVED BY THE MAYOR THIS 9TH DAY OF MAY, 1994

SIGNED: L.D. Les Cochenour
L.D. "Les" Cochenour, Mayor

ATTEST: Julie Krueger
Julie Krueger, City Clerk

received
5/10/94

RESOLUTION NO. 94-042

**A RESOLUTION APPROVING THE ITEMS ON THE
CONSENT AGENDA AND AUTHORIZING CITY
OFFICERS TO SIGN CONTRACT DOCUMENTS**

WHEREAS, certain business items of a routine nature are periodically brought before City Council for action; and

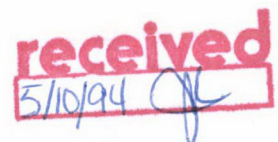
WHEREAS, City Council desires to conduct its meetings in an efficient and effective manner; and

WHEREAS, City Council desires to dispose of routine matters so that Council may focus its attention on the major policy issues facing the community; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

Section 1. Items Approved. The items appearing on the Consent Agenda are hereby approved:

- A. Consent Agenda Resolution for Council Action.
- B. Approval of the April 25, 1994 Regular City Council Meeting Minutes.
- C. Resolution No. 94-043 Amending the City of The Dalles Council Rules.
- D. Authorization to Sign a Local Agency Fund Exchange Agreement.



- E. Authorization for Conditional Use Permit Application Fee Waiver Request by Columbia Gorge Community College.
- F. Approval of Street Light Installation at Fremont Street and Old Dufur Road.
- G. Approval of Street Light Installation on 15th Street Between "I" and Riverview Streets.
- H. Approval of Street Light Installation on Fourth Street Between Washington and Jefferson Streets.
- I. Approval of the May 2, 1994 Special City Council Meeting Minutes.

Section 2. Officers to Act. City Officers are hereby authorized to sign contract documents and do such other acts as are necessary and proper.

PASSED AND ADOPTED THIS 9TH DAY OF MAY, 1994.

| | |
|-------------------------|--|
| Voting Yes, Councilors: | <u>Wood, Bailey, Davis, Holt, Koch</u> |
| Voting No, Councilors: | <u>None</u> |
| Absent, Councilors: | <u>None</u> |
| Abstaining, Councilors: | <u>None</u> |

AND APPROVED BY THE MAYOR THIS 9TH DAY OF MAY, 1994.

SIGNED:

L.D. Les Cochenour
L.D. "Les" Cochenour, Mayor

ATTEST:

Julie Krueger
Julie Krueger, City Clerk

RESOLUTION NO. 94-041

A RESOLUTION DECLARING REAL PROPERTY DESCRIBED AS TAX LOT 3500, ASSESSOR'S MAP NO. 2N1333D, AND A PARCEL MEASURING APPROXIMATELY 49,111 SQUARE FEET, LOCATED UPON TAX LOT 501, ASSESSOR'S MAP NO. 1N134AA, AS SURPLUS PROPERTY

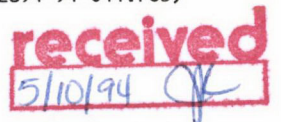
WHEREAS, the City of The Dalles owns two parcels of land, described as Tax Lot 3500, Assessor's Map No. 2N1333D, and Tax Lot 501, Assessor's Map No. 1N134AA, which parcels are located in Wasco County, Oregon; and

WHEREAS, the City Council voted on April 18, 1994, to authorize the City Manager and City Clerk to execute a property development and land exchange agreement with Columbia Gorge Development, Inc., an Oregon corporation, hereinafter referred to as "CGD"; and

WHEREAS, the property development and land exchange agreement with CGD contemplates the exchange of certain City owned parcels, including Tax Lot 3500 and a portion of Tax Lot 501, in exchange for a dedication of property by CGD for right-of-way for the construction of the Sixth Street Bypass; and

WHEREAS, implementation of the property development and land exchange agreement with CGD is subject to a declaration by the City Council that the subject parcels are surplus property not needed for public use; and

WHEREAS, ORS 271.310 provides that a political subdivision may sell, exchange, convey or lease for any period not exceeding 99 years all or any part of its interest in real property, when



that property is not needed for public use, or whenever transfer of the property may further the public interest; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

Section 1. Property Declared Surplus. The parcel of land described as Tax Lot 3500, Township 2 North, 1333D, and a parcel of land measuring approximately 49,111 square feet, located upon Tax Lot 501, Township 1 North, 134AA, which parcels are described upon the maps attached hereto as Exhibits "A" and "B", are hereby declared to be surplus property not needed for public use, and a transfer of the parcels will further the public interest, based upon the following reasons:

A. Tax Lot 3500, which measures approximately 1.85 acres, is located adjacent to Tax Lot 500, which is the parcel sought to be developed by CGD, Inc.. The property is essentially landlocked in its present condition, and appears to have limited commercial value to the City. Given the limited access to the property, and the fact that the City would have to incur significant expense to fill and level the property, to make the property useful, it is unlikely that a public facility could be placed upon the parcel which would benefit the public use.

B. The deed which conveyed the title to Tax Lot 501 to the City contains certain restrictive covenants. These covenants provided that the premises described in the deed be used only for purposes of a public park, and that the City will maintain the premises for park purposes and not permit overnight camping on the premises or permit through traffic across the premises. Attached to this Resolution as Exhibit "C" is a Release of

Restrictive Covenants and Easement, which has been executed by U. S. National Bank of Oregon, who was the grantor of the property to the City in 1972.

C. Beginning on May 9, 1991, the City initiated the process to select the location for a proposed bypass to relieve traffic congestion problems on West Sixth Street and West Third Place. The City scheduled meetings with residents from West Third Place and owners of businesses on West Sixth Street to obtain their input. The City also conducted several workshops which were attended by local citizens which explained the various options for the proposed bypass. In addition to the public input received during the public meetings and workshops, the City relied upon data and analysis from traffic engineering studies conducted by the Oregon Department of Transportation, to select the preferred option for the location of the bypass. The selected location crosses over a significant portion of Tax Lot 500, which is owned by CGD.

D. As part of the property development and land exchange agreement, CGD has offered to dedicate a right-of-way, sixty feet in width, across its property, for the location of the proposed West Sixth Street Bypass. If the properties are exchanged as proposed in the development agreement with CGD, CGD will construct the portion of the West Sixth Street Bypass across and over its property dedication for right-of-way. The preliminary estimated cost to CGD for construction of this portion of the bypass is estimated at \$336,000.00. The developer's agreement to construct a portion of the bypass at its cost will result in

construction of a much needed public improvement, at a reduced overall cost to the citizens of The Dalles, as the City will not have to expend public funds to construct this portion of the bypass.

E. When CGD began the process of developing plans for development of its property, some concerns were raised regarding the potential impact of the proposed development upon undeveloped portions of the Thompson Park property, which is adjacent to the property owned by CGD. The concerns were raised by representatives of The Dalles Lions Club, the Thompson Park Advisory Committee, and the Northern Wasco County Parks and Recreation District. Representatives of CGD have met with representatives of these three groups on several occasions and have discussed their proposed development plans. CGD and representatives of the Lions Club, the Advisory Committee, and the Parks and Recreation District have reached a consensus that CGD's proposed development will not present an obstacle or a threat to future development of the Thompson Park property. As part of the property development and land exchange agreement, CGD has agreed to construct improvements to improve access to the monument property owned by the City on Tax Lot 400, to level the rockface along West Second Street between the proposed bypass and the Natatorium property, and to provide fill material to the Parks and Recreation District to improve their property. These actions by CGD will provide a significant public benefit by enhancing the public access to the Thompson Park property, and assisting in the future development of that site.

F. Declaration of the above-described parcels of real property as surplus property will further promote the public interest and welfare of the citizens of The Dalles, by providing an opportunity for development which would add significant value to the local property tax base, providing local government entities with additional resources to provide necessary services to the citizens of The Dalles, while creating new jobs and contributing to the community's economic development.

Section 2. Officers to Act. The City Manager and City Clerk are authorized to execute the Release of Restrictive Covenants and Easement, set forth in Exhibit "C", and the City Clerk and other City officers are authorized to take the necessary steps to record the Release upon its execution by the designated City officials.

PASSED AND ADOPTED THIS 9TH DAY OF MAY, 1994.

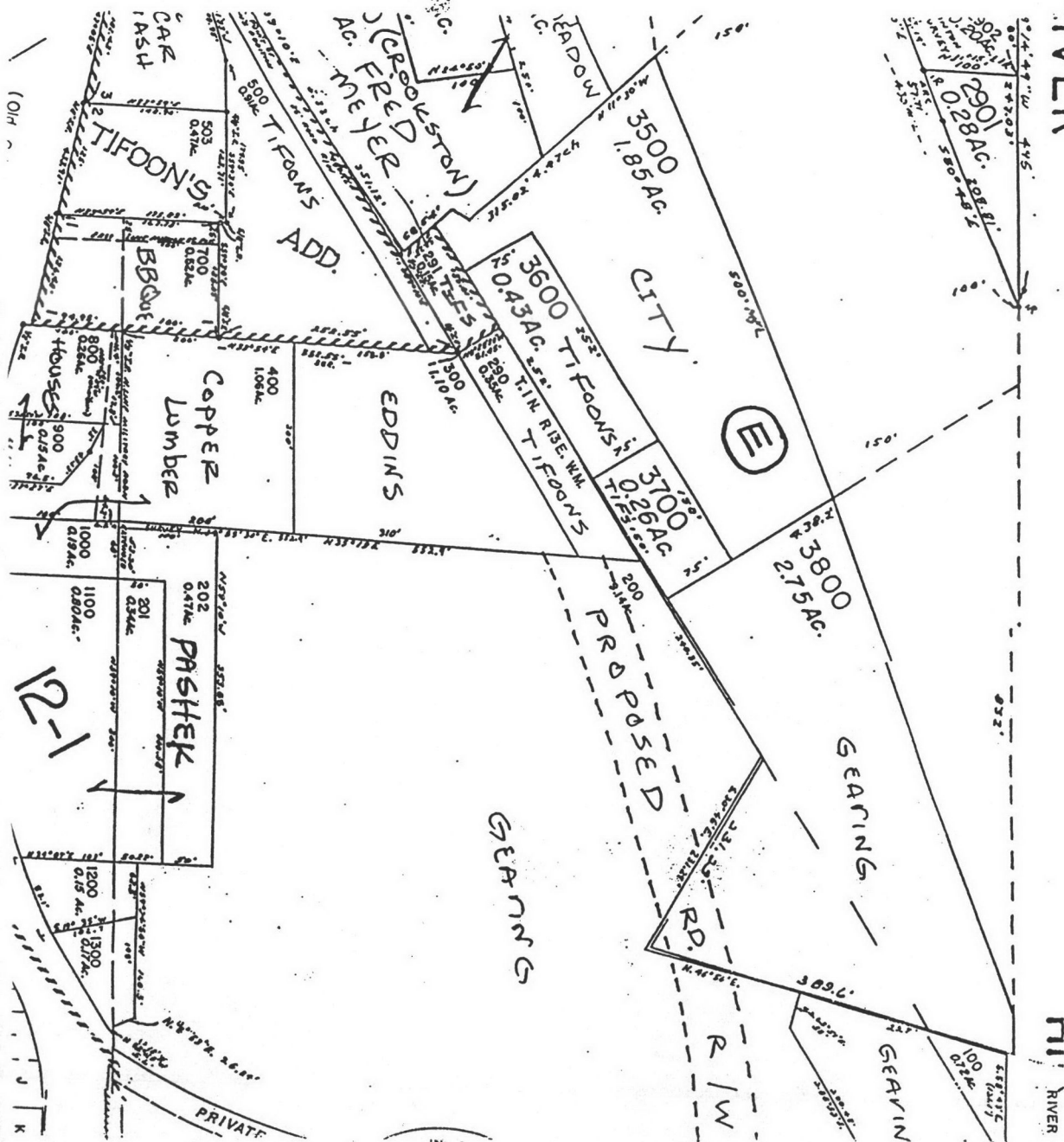
| | |
|-----------------------------|--|
| Voting Yes, Councilmembers: | <u>Wood, Bailey, Davis, Holt, Koch</u> |
| Voting No, Councilmembers: | <u>None</u> |
| Absent, Councilmembers: | <u>None</u> |
| Abstaining, Councilmembers: | <u>None</u> |


AND APPROVED BY THE MAYOR THIS 9TH DAY OF MAY, 1994.


L.D. Les Cochenour
L. D. (Les) Cochenour, Mayor


Attest:

Julie Krueger
Julie Krueger, City Clerk



 = Parcel "B"

 = Parcel "C"

 = Parcel "D"

300
0.66Ag.

300A-1
300A-2

COLUMBIA

10-9:
REVIS
LINE

12-1-1

12-1-1
Property Administration
L.A.C.

285

IXTH

see map [▲] iv.

5

W. THIRD

1800

Flow Exam. 11/11/67
1700
0.634c.

1600
0.27Ac.

1500
0.24A

1400
236 Ac.

1301
Q.12Aa

U.S.A.
1100

WATER

२।३०
०.००

1000
0.19 A

503

F

RELEASE OF RESTRICTIVE
COVENANTS AND EASEMENT

This agreement made this 9TH day of November, 1973, between UNITED STATES NATIONAL BANK OF OREGON, a national banking association, hereinafter called the Grantor, and CITY OF THE DALLES, a municipal corporation, hereinafter called the Grantee.

WHEREAS, by a deed dated December 26, 1972, the Grantor conveyed title to the following described real property located in the County of Wasco and State of Oregon to the Grantee;

A tract of land in Section 4, Township 1 North, Range 13 East, Willamette Meridian, The Dalles, Wasco County, Oregon, more particularly described as follows:

Beginning at a point on the Southwesterly right-of-way line of the Columbia River Highway (West Second Street), said point being 50 feet when measured at right angles, from the centerline of said highway at Engineering Station 924+66.9 said point being also South 219.40 feet and West 700 feet from the Northeast corner of Section 4, Township 1 North, Range 13 East, Willamette Meridian; thence South 12° 35' West 354.1 feet to the true point of beginning of this description; thence North 12° 35' East 100 feet; thence North 47° 20' 08" West 407.14 feet; thence South 31° 15' 10" West 132.72 feet; thence South 57° 29' 20" East 98.40 feet; thence South 38° 06' 59" East 138.83 feet; thence 19° 40' 16" West 212.44 feet; thence South 56° 30' 59" East 83.18 feet; thence South 29° 15' 14" East approximately 293 feet to the centerline of Mill Creek; thence Northeasterly along said centerline to a point bearing South 58° 55' 50" East approximately 557 feet from the true point of beginning; thence North 58° 55' 50" West approximately 557 feet to the true point of beginning of this description.

which conveyance was recorded in the Wasco County Deed Records as MicroFilm No. 72-2737; and

WHEREAS, the deed contained certain restrictive covenants concerning the use of the premises, and also reserved an easement for access purposes in favor of the Grantor; and

WHEREAS, Grantee has submitted a request to Grantor to release the property from the restrictive covenants and to extinguish the easement, to allow for development of the premises and adjacent real property; and

WHEREAS, Grantor has reviewed the request by Grantee and has determined that the restrictive covenants no longer serve a public purpose or benefit, and that the necessity for retaining the easement for access purposes no longer exists;

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and after good and valuable considerations paid by Grantee to Grantor, it is mutually agreed as follows:

1. The restrictive covenants set forth in the deed recorded as MicroFilm No. 72-2737, in the Wasco County Deed Records, providing the premises located upon the above-described real property shall be used only for the purpose of a public park, and that Grantee would maintain the premises for park purposes and not allow overnight camping or permit through traffic across the premises, are hereby deleted, and Grantee, its heirs, successors, and assigns shall have the right to use the property in such a manner as if the restrictive covenants had never been made.

2. Grantor releases and relinquishes all the right, title, and interest of Grantor in the premises by reason of that certain easement granted for purposes of ingress and egress in the deed

Nancy A. Ripe
Notary Public for Oregon
My Commission expires: *12/5/94*

RESOLUTION NO. 94-040

**A RESOLUTION CONCURRING WITH THE MAYOR'S
APPOINTMENTS AND RE-APPOINTMENTS TO
VARIOUS BOARDS AND COMMISSIONS**

WHEREAS, a positions have become vacant on the Museum Commission, Planning Commission, Traffic Safety Commission and Urban Renewal Board; and

WHEREAS, Mayor L.D. "Les" Cochenour has named Michael Richardson for re-appointment to fill an expired term on said Commission; and

WHEREAS, Walter Hoffman has been named for re-appointment to the Planning Commission and Thomas Quinn has been named for appointment to fill the expired term of Rod Runyon to the Planning Commission; and

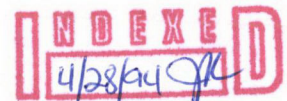
WHEREAS, Blackie Strol has been named for re-appointment to the Traffic Safety Commission and Bill Probstfield has been named for appointment to fill the unexpired term of Kennith Aynes to the Traffic Safety Commission; and

WHEREAS, Bob Briggs has been named for appointment to fill an unexpired term on the Urban Renewal Board; and

WHEREAS, the City Council desires to concur in the appointments and re-appointments to the various Commissions and Boards;

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

Section 1. The City Council hereby concurs in the following appointments and re-appointments: Museum Commission, Michael Richardson (term to expire April 30, 1997); Planning Commission,



Walter Hoffman (term to expire April 30, 1998) and Thomas Quinn (term to expire April 30, 1998); Traffic Safety Commission, Blackie Strol (term to expire April 30, 1998) and Bill Probstfield (term to expire April 30, 1996); and Urban Renewal Board, Bob Briggs (term to expire June 30, 1998).

PASSED AND ADOPTED THIS 25TH DAY OF APRIL, 1994.

Voting Yes, Councilors: Holt, Wood, Koch
Voting No, Councilors: None
Absent, Councilors: Bailey, Davis
Abstaining, Councilors: None

AND APPROVED BY THE MAYOR THIS 25TH DAY OF APRIL, 1994.

SIGNED:

L.D. Les Cochenour
L.D. "Les" Cochenour, Mayor

ATTEST:

Julie Krueger
Julie Krueger, City Clerk

RESOLUTION NO. 94-039

A RESOLUTION APPROVING THE ITEMS ON THE
CONSENT AGENDA AND AUTHORIZING CITY
OFFICERS TO SIGN CONTRACT DOCUMENTS

WHEREAS, certain business items of a routine nature are periodically brought before City Council for action; and

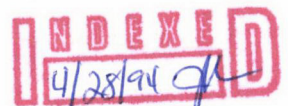
WHEREAS, City Council desires to conduct its meetings in an efficient and effective manner; and

WHEREAS, City Council desires to dispose of routine matters so that Council may focus its attention on the major policy issues facing the community; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

Section 1. Items Approved. The items appearing on the Consent Agenda are hereby approved:

- A. Consent Agenda Resolution for Council Action.
- B. Approval of the April 11, 1994 Regular City Council Meeting Minutes.
- C. Approval of the April 18, 1994 Special City Council Meeting Minutes.
- D. Authorization to Sign a Local Agency Fund Exchange Agreement.



- E. Authorization for the Mayor and City Clerk to Sign an Employment Agreement With the City Manager.
- F. Resolution No. 94-040 Concurring With the Mayor's Appointments and Re-appointments to Various Boards and Commissions.
- G. Approval to Declare Certain Equipment as Surplus Property.

Section 2. Officers to Act. City Officers are hereby authorized to sign contract documents and do such other acts as are necessary and proper.

PASSED AND ADOPTED THIS 25TH DAY OF APRIL, 1994.

| | |
|-------------------------|-------------------------|
| Voting Yes, Councilors: | <u>Holt, Wood, Koch</u> |
| Voting No, Councilors: | <u>None</u> |
| Absent, Councilors: | <u>Bailey, Davis</u> |
| Abstaining, Councilors: | <u>None</u> |


AND APPROVED BY THE MAYOR THIS 25TH DAY OF APRIL, 1994.

SIGNED:



L.D. "Les" Cochenour, Mayor

ATTEST:



Julie Krueger, City Clerk

RESOLUTION NO. 94-038

A RESOLUTION ACCEPTING AN OFFER FROM MICHAEL HELLER TO PURCHASE A SURPLUS PARCEL OF REAL PROPERTY LOCATED WITHIN TAX LOT 4500, ASSESSOR'S MAP NUMBER 2N1333C, MEASURING 2,394.58 SQUARE FEET

WHEREAS, the City of The Dalles owns a parcel of land located upon Tax Lot 4500, Assessor's Map No. 2N 13 33C, measuring 2,394.58 square feet, as follows:

A parcel of land lying in the Saint Peter's Catholic Mission D.L.C. No. 43, Section 33, Township 2 North, Range 13 East, Willamette Meridian, Wasco County, Oregon, more particularly described as follows.

Commencing at the intersection of the southeasterly right-of-way line of Webber Street with the northeasterly line of the said D.L.C. No. 43; thence South 40°20'00" East along the said northeasterly line of said D.L.C. No. 43 a distance of 30.00 feet to the true point of beginning; thence continuing along said line South 40°20'00" East 30 feet; thence South 66°48'40" West 167.06 feet to the intersection with the said southeasterly right-of-way of Webber Street, said point being southwesterly 160 feet from the intersection of the said southeasterly right-of-way of Webber Street and the northeasterly line of said D.L.C. No. 43; thence North 56°32'28" East 160.79 feet to the point of beginning;

which property is also shown on the map attached hereto as Exhibit "A"; and

WHEREAS, the above described property was declared surplus, and not needed for a public purpose by the Council in Resolution No. 92-082, adopted on July 22, 1992; and

WHEREAS, a public hearing was held on April 25, 1994, to consider the sale of said property to Michael Heller for the sum of \$11,970.00; and



WHEREAS, notice of the public hearing was published in accordance with the requirements of ORS 221.725; and

WHEREAS, there was no testimony opposing the sale at the public hearing; and

WHEREAS, ORS 271.310 provides that a political subdivision may sell, exchange, convey or lease for any period not exceeding 99 years all or any part of its interest in real property, when that property is not needed for public use, or whenever transfer of the property may further the public interest; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

Section 1. The offer of \$11,970.00 by Michael Heller to purchase the parcel of land located upon Tax Lot 4500, Assessor's Map No. 2N 13 33C, measuring 2,394.58 square feet, described as:

A parcel of land lying in the Saint Peter's Catholic Mission D.L.C. No. 43, Section 33, Township 2 North, Range 13 East, Willamette Meridian, Wasco County, Oregon, more particularly described as follows.

Commencing at the intersection of the southeasterly right-of-way line of Webber Street with the northeasterly line of the said D.L.C. No. 43; thence South 40°20'00" East along the said northeasterly line of said D.L.C. No. 43 a distance of 30.00 feet to the true point of beginning; thence continuing along said line South 40°20'00" East 30 feet; thence South 66°48'40" West 167.06 feet to the intersection with the said southeasterly right-of-way of Webber Street, said point being southwesterly 160 feet from the intersection of the said southeasterly right-of-way of Webber Street and the northeasterly line of said D.L.C. No. 43; thence North 56°32'28" East 160.79 feet to the point of beginning;

and further described on Exhibit "A" attached hereto is hereby accepted.

Section 2. The City Manager, City Clerk, and other officers and employees of the City of The Dalles are hereby authorized to execute a deed on behalf of the City transferring ownership of the above referenced property to Michael Heller for the sum of \$11,970.00 and to do such other acts as are necessary and proper.

PASSED AND ADOPTED THIS 25TH DAY OF APRIL, 1994.

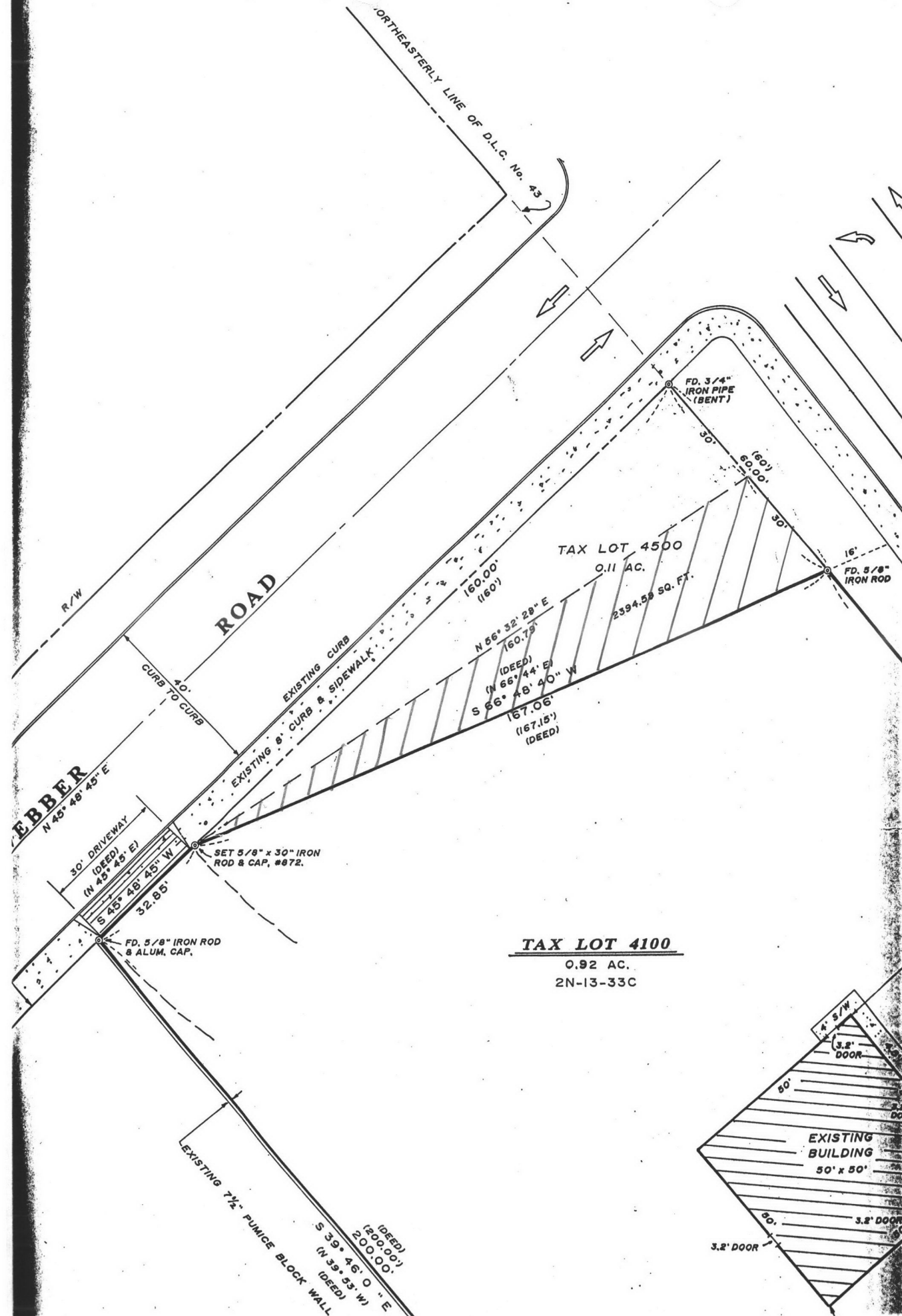
| | |
|-----------------------------|-------------------------|
| Voting Yes, Councilmembers: | <u>Koch, Wood, Holt</u> |
| Voting No, Councilmembers: | <u>None</u> |
| Absent, Councilmembers: | <u>Bailey, Davis</u> |
| Abstaining, Councilmembers: | <u>None</u> |

AND APPROVED BY THE MAYOR THIS 25TH DAY OF APRIL, 1994.

L.D. Les Cochenour
L. D. (Les) Cochenour, Mayor

Attest:

Julie Krueger
Julie Krueger, City Clerk



RESOLUTION NO. 94-037

A RESOLUTION SUPPORTING EFFORTS TO LOCATE A
FACILITY FOR THE CARE AND TREATMENT OF
DISABLED VETERANS IN THE DALLES

WHEREAS, representatives of the Economic Development Committee of The Dalles Area Chamber of Commerce, local veterans groups, and Wasco County, together with other interested citizens, have been supporting a proposal to locate a treatment facility for disabled veterans, to be built for the Veterans Administration, in the City of The Dalles; and

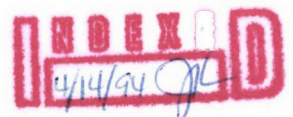
WHEREAS, a decision was announced on April 11, 1994, that The Dalles has been selected as one of the finalists for the site of the proposed facility; and

WHEREAS, location of the site in The Dalles will create new jobs to assist the local economy, and offer a facility which will provide care and treatment for local and state residents, as well as residents from other states across the country; and

WHEREAS, the City Council believes it is in the best interest of the citizens of The Dalles to support efforts to secure location of the proposed facility in The Dalles; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

Section 1. The City Council supports the efforts of the Chamber of Commerce, Wasco County, local veterans groups, and other interested citizens to select The Dalles as the site of a new treatment facility for disabled veterans to be constructed



for the Veterans Administration. The Council also supports submission of a bond issue to the voters of Wasco County for authority to issue bonds up to the sum of \$3.1 million dollars for construction of the proposed facility.

PASSED AND ADOPTED THIS 11TH DAY OF APRIL, 1994.

| | |
|-----------------------------|---------------------|
| Voting Yes, Councilmembers: | Bailey, Koch, Davis |
| Voting No, Councilmembers: | None |
| Absent, Councilmembers: | Holt, Wood |
| Abstaining, Councilmembers: | None |

AND APPROVED BY THE MAYOR THIS 11TH DAY OF APRIL, 1994.

L.D. Les Cochenour
L. D. (Les) Cochenour, Mayor

Attest:

Julie Krueger
Julie Krueger, City Clerk

RESOLUTION 94-035

A RESOLUTION AMENDING RESOLUTION 94-022
AUTHORIZING THE CITY MANAGER TO ENTER INTO
A CONSULTING CONTRACT FOR A FEDERAL AVIATION
ADMINISTRATION, AIRPORT IMPROVEMENT PROJECT

WHEREAS, on March 14, 1994, the City Council authorized the City Manager to enter into a contract with David Evans and Associates in the amount of \$60,241, for administration, design and inspection services on an FAA airport improvement project; and

WHEREAS, on March 17, 1994, at the insistence of the FAA, the FAA, consultant, and City staff met to conduct a second pre-design conference to satisfy the newly assigned FAA official as to the project's scope of work and costs; and

WHEREAS, the FAA official desired that certain changes be made to the scope and design of the project as a result of that meeting; and

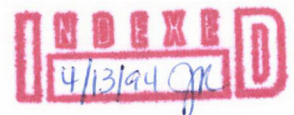
WHEREAS, these changes are in the best interest of the airport and are within the total project costs as budgeted by the City, Washington Aeronautics, and the FAA; and

WHEREAS, the construction estimates have increased due to the changes in the scope of work and require an increase in the consultant's fee estimate over what was previously approved; and

WHEREAS, the newly negotiated consultant fee for administration, design and inspection services totals \$80,140;
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

April 6, 1994

Page 1 of 2



Section 1. Officers to Act. The City Manager is authorized to sign a contract with David Evans and Associates for consulting services on an FAA airport improvement project in the amount not to exceed \$80,140, with two conditions:

1. David Evans and Associates agrees to bill only up to \$49,000 and waive amounts above that, until FAA approves the grant and Congress authorizes funding.
2. The 5 percent match monies are assured from Washington State Aeronautics.

PASSED AND ADOPTED THIS 11th DAY OF APRIL, 1994.

Voting Yes, Councilmembers: Koch, Bailey, Davis

Voting No, Councilmembers: None

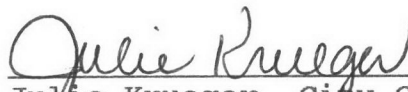
Absent, Councilmembers: Holt, Wood

Abstaining, Councilmembers: None

AND APPROVED BY THE MAYOR THIS 11th DAY OF APRIL, 1994.


L. D. "Les" Cochenour, Mayor

ATTEST:


Julie Krueger, City Clerk

April 6, 1994

Page 2 of 2

RESOLUTION NO. 94-034

A RESOLUTION AUTHORIZING THE CITY MANAGER,
CITY ATTORNEY AND CITY CLERK TO EXECUTE AN
OPTION AGREEMENT WITH THE DALLES LEASING
COMPANY

WHEREAS, the City Council held an executive session on
February 14, 1994, to consider a request from The Dalles Leasing
Company for an exclusive option to negotiate a long-term lease or
purchase for certain property described as Lots 3, 4, 5 and 6 in
Block 5, Laughlins Addition to Dalles City; and

WHEREAS, following the close of the executive session, the
Council directed staff to prepare an agreement consistent with
the proposal submitted by The Dalles Leasing Company, which
agreement has been reviewed and approved by the City Council;
NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

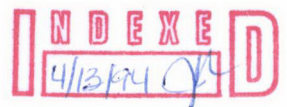
Section 1. The City Manager, City Attorney, and City Clerk
are authorized to execute the option agreement with The Dalles
Leasing Company, a copy of which is attached as Exhibit "A", and
to perform such other actions as are necessary and proper.

PASSED AND ADOPTED THIS 11TH DAY OF APRIL, 1994.

| | |
|-----------------------------|----------------------------|
| Voting Yes, Councilmembers: | <u>Davis, Bailey, Koch</u> |
| Voting No, Councilmembers: | <u>None</u> |
| Absent, Councilmembers: | <u>Holt, Wood</u> |
| Abstaining, Councilmembers: | <u>None</u> |

AND APPROVED BY THE MAYOR THIS 11TH DAY OF APRIL, 1994.

Attest:



L. D. (Les) Cochenour
L. D. (Les) Cochenour, Mayor

Julie Krueger
Julie Krueger, City Clerk

OPTION AGREEMENT

WHEREAS, the City of The Dalles, hereinafter referred to as "City", owns certain real property described as Lots 3, 4, 5, and 6 in Block 5, Laughlins Addition to Dalles City, which property is further described as tax lots 7600 and 7700, Township 1 North 13 East 3BD; and

WHEREAS, the City Council adopted Resolution No. 94-013 on February 2, 1994, declaring the above-described real property as surplus property; and

WHEREAS, The Dalles Leasing Company, hereinafter referred to as "TDLC" submitted a Letter of Intent dated January 21, 1994, requesting the City to grant TDLC an exclusive option to negotiate a long-term lease or purchase of the above-described real property; and

WHEREAS, the City Council met in executive session on February 14, 1994, to consider the proposal submitted by TDLC, and following the conclusion of the executive session, reconvened in open session, and directed City staff to prepare documents consistent with TDLC's proposal; and

WHEREAS, the City Council has reviewed and approved the proposed terms for an exclusive option to be granted to TDLC;

NOW, THEREFORE, in consider of the mutual covenants and promises contained herein, it is hereby agreed as follows:

1. CITY'S RESPONSIBILITIES.

A. City hereby grants an exclusive option to TDLC to negotiate a long-term lease or purchase agreement with the City, concerning the above-described property, until July 31, 1994.

B. City agrees to allow the option to negotiate to be extended to December 31, 1994, upon the written request of TDLC. Such written request shall be received by the City by no later than July 15, 1994.

C. City agrees to provide TDLC with all plans, indicating building specifications, copies of existing leases, copies of maintenance records and surveys, and other information requested by TDLC concerning the condition of the building located upon the property.

D. City shall provide TDLC with an offering price and lease or purchase terms by July 31, 1994.

2. TDLC'S RESPONSIBILITIES.

A. TDLC shall be responsible, at its own expense, to investigate the condition of the property using the services of qualified plumbers, electricians, engineers, architects, roofers and other specialists as it deems necessary.

B. TDLC shall be responsible, at its own expense, for the preparation of any preliminary plans, specifications, estimates, bids or other work which it deems necessary to place the building on the property in rentable condition.

Dated this _____ day of _____, 1994.

CITY OF THE DALLES

THE DALLES LEASING CO.

By _____
William B. Elliott
City Manager

By _____

Title

Attest: _____
Julie Krueger, City Clerk

Approved as to form: _____
Gene E. Parker, City Attorney

RESOLUTION NO. 94-033

**A RESOLUTION APPROVING THE ITEMS ON THE
CONSENT AGENDA AND AUTHORIZING CITY
OFFICERS TO SIGN CONTRACT DOCUMENTS**

WHEREAS, certain business items of a routine nature are periodically brought before City Council for action; and

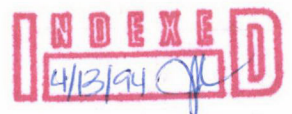
WHEREAS, City Council desires to conduct its meetings in an efficient and effective manner; and

WHEREAS, City Council desires to dispose of routine matters so that Council may focus its attention on the major policy issues facing the community; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

Section 1. Items Approved. The items appearing on the Consent Agenda are hereby approved:

- A. Consent Agenda Resolution for Council Action.
- B. Approval of the March 28, 1994 Regular City Council Meeting Minutes.
- C. Authorization for the City Manager to Sign the Gorge Link Automation Grant Application for Second Year Funding.
- D. Authorization to Sign a Supplemental Agreement With ODOT for Highway 30.



Section 2. Officers to Act. City Officers are hereby authorized to sign contract documents and do such other acts as are necessary and proper.

PASSED AND ADOPTED THIS 11TH DAY OF APRIL, 1994.

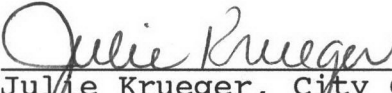
| | |
|-------------------------|---------------------|
| Voting Yes, Councilors: | Koch, Bailey, Davis |
| Voting No, Councilors: | None |
| Absent, Councilors: | Holt, Wood |
| Abstaining, Councilors: | None |

AND APPROVED BY THE MAYOR THIS 11TH DAY OF APRIL, 1994.

SIGNED:


L.D. "Les" Cochenour, Mayor

ATTEST:


Julie Krueger, City Clerk

RESOLUTION NO. 94-032

A RESOLUTION AUTHORIZING THE CITY MANAGER TO
EXECUTE A RENTAL AGREEMENT WITH THE DALLES
AREA CHAMBER OF COMMERCE

WHEREAS, the City Council has directed City staff to enter into negotiations with representatives of The Dalles Area Chamber of Commerce for the rental of a portion of the premises located at the Chamber's office building at 404 West Second Street in The Dalles, to be used for the operation of the City's Convention and Visitor's Bureau; and

WHEREAS, the City Council has reviewed the draft of a proposed rental agreement prepared by City staff; and

WHEREAS, the Council believes it is in the best interest of the citizens of The Dalles to enter into the proposed rental agreement; NOW, THEREFORE

BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

Section 1. The City Manager, City Attorney, City Clerk, and other officers and employees of the City are hereby authorized and instructed to execute the rental agreement with The Dalles Area Chamber of Commerce, a copy of which is attached hereto, and to do such other acts as are necessary and proper.

PASSED AND ADOPTED THIS 28TH DAY OF MARCH, 1994.

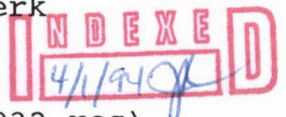
| | |
|-----------------------------|--|
| Voting Yes, Councilmembers: | <u>Davis, Bailey, Holt, Koch, Wood</u> |
| Voting No, Councilmembers: | <u>None</u> |
| Absent, Councilmembers: | <u>None</u> |
| Abstaining, Councilmembers: | <u>None</u> |

AND APPROVED BY THE MAYOR THIS 28TH DAY OF MARCH, 1994.

Attest:

L. D. (Les) Cochenour
L. D. (Les) Cochenour, Mayor

Julie Krueger
Julie Krueger, City Clerk



DRAFT

RENTAL AGREEMENT

This agreement made and entered into by and between the City of The Dalles, a municipal corporation of the State of Oregon, hereinafter referred to as "Lessee", and The Dalles Area Chamber of Commerce, 404 West Second Street, The Dalles, Oregon 97058, hereinafter referred to as "Lessor."

WITNESSETH:

That for and in consideration of rent to be paid and other covenants to be fulfilled, Lessor demises and lets to Lessee and Lessee hires and rents from Lessor the following described real property situated in The Dalles, Wasco County, Oregon:

The office portions in the shaded area on the main floor and the shaded area of the basement, located in the Chamber of Commerce Building, as shown on the map attached as Exhibit "A".

1. Term of Lease. This lease agreement shall commence on the 1st day of April, 1994, and shall end on the 1st day of April, 1996. Both the Lessor and Lessee shall have the power to terminate this agreement by providing written notice to the other party at least thirty (30) days in advance of the termination date desired, which notice shall state the date of termination by which the Lessee shall quit the premises.

Lessee shall have the option to renew this agreement for a one year period, provided Lessee gives written notice to Lessor at least ninety (90) days prior to the expiration of this agreement. The terms of the one year renewal agreement shall be the same as those set forth in this agreement.

2. Rent. Lessee agrees to pay Lessor the sum of \$875.00 per month, commencing on the 10th day of April, 1994, with a like payment to be made on the 10th day of each month thereafter. The rent shall be allocated as follows: \$150.00 per month for the back office located in the southwest portion of the premises; \$450.00 per month for the office and entry area located at the east end of the premises; \$150.00 per month for utilities; and \$125.00 per month for janitorial services.

3. Utilities and Janitorial Service. Lessor shall supply electricity, water, sewer, garbage disposal service, and janitorial service to Lessee, and shall apply the portion of rent paid by Lessee to pay for such services.

4. Uses of Premises. Lessee shall use the premises for operation of the Lessee's Convention and Visitors Bureau. Lessee agrees to make no unlawful, improper or offensive use of the premises or to use the premises in such a manner as to constitute a nuisance to other tenants or the public, or for any purpose which would increase fire hazard to the building, to the extent that fire insurance rates on the rented premises would increase, or which would prevent Lessor from taking advantage of any ruling of the Oregon Fire Insurance Bureau.

5. Remodeling and Repair. Lessee agrees upon termination of this agreement to surrender the premises to Lessor in as good condition as when rented, normal wear and tear excepted. All maintenance and repair of the leased premises shall be performed by Lessor at Lessor's expense, provided that if any maintenance or repair is required to be made to any major structural part,

due to the cause of Lessee, its agents, employees, servants, contractors, business visitors or invitees, such major structural repair shall be performed by Lessee at Lessee's expense. Lessee agrees to keep the premises at all times in a neat, clean and proper condition. All window glass on the rented premises shall be repaired immediately by Lessor with glass and workmanship of as good or better kind and quality than the existing glass at Lessor's expense. In the event the Lessee shall desire to renovate or remodel the premises or any part thereof, the same may be done by Lessee only first having obtained the express written consent of Lessor and then only at Lessee's expense. Lessee shall not permit any structural change or allow any changes to be made which will weaken the structure of the building in which the rented premises are located. Any remodeling or renovating of any kind and any maintenance and repair required to be performed by the Lessee shall not increase the fire hazard and shall conform with State laws, City ordinances and regulations and rules of all political subdivisions, commissions, boards and agencies having authority over the premises in regard to safety, sanitation, fire protection and building requirements, and shall be constructed by licensed contractors.

6. Assigning, Selling or Subletting. Lessee shall not assign, sell or transfer its interest in this agreement or sublet any part of the premises without first having obtained the express written consent of the Lessor, which consent shall not be unreasonably denied by Lessor. In the event Lessee shall attempt

to assign, sell or transfer its interest in the Rental Agreement or any part thereof, without first having obtained the express written consent of Lessor, this agreement shall be null and void and Lessor shall have an immediate right of entry.

7. Liability. Lessee agrees to be responsible for any damage or third party liability which may arise from its occupancy and use of the leased premises, subject to the limitations and conditions of the Oregon Tort Claims Act, ORS 30.260 through 30.300, to the extent of liability arising out of negligence of the Lessee. The Lessee shall not be required to indemnify or defend the Lessor for any liability arising out of the wrongful acts of employees or agents of the Lessor. The Lessor shall not be required to indemnify or defend the Lessee for any liability arising out of the wrongful acts of employees or agent of the Lessee.

8. Insurance.

a) Lessee. Lessee shall at its sole cost and expense obtain and keep in effect during the term of this lease public liability and property damage insurance coverages sufficient to cover its liability under applicable law including the Oregon Tort Claims Act. Lessee shall be responsible for providing insurance coverage to protect equipment, furnishings, and fixtures used by Lessee to operate its Convention and Visitors Bureau.

b) Lessor. Lessor shall at its sole cost and expense obtain and keep in effect during the term of this lease public liability and property damage insurance coverage sufficient to

cover its liability under applicable law. Lessor shall also obtain and maintain in effect during the term of this agreement, fire insurance on the leased premises, with extended coverage in an amount deemed to be adequate to reconstruct the building located upon the premises.

9. Waiver of Subrogation. Neither Lessor nor Lessee shall be liable to the other for any loss arising out of damage to or destruction of the leased premises or the building or the contents thereof, when such loss is caused by any of the perils which are or could be included within or insured against by a standard form of fire insurance with extended coverage, including sprinkler leakage insurance, if any. All such claims against one another for any and all loss, however caused, hereby are waived. Said absence of liability shall exist whether or not the damage or destruction is caused by the negligence of either Lessor or Lessee or by any of its respective agents, servants or employees. Each party shall fully provide its own property damage insurance protection at its own expense, and each party shall look to its respective insurance carriers for reimbursement of any such loss, and further, the insurance carriers involved shall not be entitled to subrogation under any circumstance.

10. Casualty Damage. If the premises or improvements thereon are damaged or destroyed by fire or other casualty to such a degree that the premises are unsuitable for the purpose leased, and if repairs cannot reasonably be made within ninety (90) days, Lessee may elect to cancel this lease. Lessor shall in all cases promptly repair the damage or ascertain whether

repairs can be made within ninety (90) days, and shall promptly notify Lessee of the time required to complete the necessary repairs or reconstruction. If Lessor's estimate for repair is greater than ninety (90) days, then Lessee, upon receiving said estimate will have twenty (20) days to determine if it wishes to cancel this lease. Following damage, and including any period of repair, Lessee's rental obligation shall be reduced to the extent the premises cannot reasonably be used by Lessee.

11. Access to Premises, Lessee Not to Commit Waste. Lessor and its agents may have free access to the premises at all times for the purposes of examining and inspecting the same to ascertain whether covenants or agreements contained in this lease are being performed by the Lessee. Lessee shall not commit waste and shall not allow any person to commit waste upon the property of the Lessor.

12. Removal of Fixtures, Property and Equipment. Upon termination of this agreement or during the term of this agreement, Lessee shall have the right to remove all equipment and property owned by Lessee, which have not become attached to the real property let herein. In the event Lessee removes any said equipment or fixture which Lessee is empowered and entitled to remove and by such removal causes damage or injury to the premises, Lessee agrees to repair the damage or injury immediately, at Lessee's expense, and to restore the premises to as good a state or condition as it was at the beginning date of this agreement.

13. Limits of Lessor's Responsibility. Lessor shall not be liable for any injury or damage of any kind to persons or property, including but not limited to Lessee's equipment, property, or fixtures resulting from a condition of the premises created by an act or omission to act in regard to maintenance or repair of the premises.

14. Liens Not Permitted During the Term of this Lease. During the term of this lease, the maintenance and repair of the premises, or in the renovation or remodeling of the premises, if permitted, the Lessee shall not suffer or commit any tax lien, or any other lien for labor and/or materials to attach to the premises, or any improvements on the premises or any part of the premises and Lessee shall promptly pay any and all debts for labor and/or materials.

15. Signs. Prior to placement of any signs upon the leased premises, Lessee shall obtain Lessor's written consent, which consent shall not be unreasonably withheld. Any signs installed shall comply with the provisions of the Lessee's sign ordinance.

16. ADA Improvements. Lessor and Lessee have agreed Lessor shall be responsible for making improvements to the leased premises to ensure the property complies with the provisions of the Americans with Disabilities Act (ADA). These improvements shall consist of the construction of a ramp to the entrance of the premises, and renovations of the existing restrooms to make them handicap accessible. Lessee has agreed to contribute a sum equivalent to one-half of the cost of the designated

improvements, which sum shall not exceed \$12,500.00. Lessee shall pay the sum (in a lump sum payment on the ____ day of _____, 19__) (in monthly payments of \$_____ beginning on the ____ day of _____, 19__).

Lessor shall be responsible to maintain the property in compliance with ADA requirements during the term of this agreement and the one year renewal agreement, if the option to renew is exercised by the Lessee.

17. Default. If Lessee breaches any of the covenants set forth in this agreement, then Lessor may enter upon the premises and any part thereof, at its option, and repossess and have premises fully and completely. In case of default, Lessor may elect to use the remedy provided herein for repossession in addition to any other remedy provided by law. In the event it is necessary or desirable to institute a suit or action to enforce any of the covenants or provisions of this agreement, to effect reentry upon the premises let by Lessor, the Lessee agrees to pay Lessor its attorney fees and expenses in such action or suit. Lessee agrees on the last day of occupancy, to peaceably and quietly surrender the premises to the Lessor in as good a state or condition as the same are now or hereafter may be put into, the reasonable use, wear and tear thereof, and damage by the elements excepted.

18. Saving. In the event that any part of this agreement or application thereof shall be determined to be invalid by a court of competent jurisdiction such findings shall have no effect on the remaining portions of this lease.

19. Applicable Law. This agreement shall be governed by the law of the State of Oregon.

20. Notices. All notices shall be sent by certified mail, return receipt requested, to the following addresses:

LESSEE: William B. Elliott
City Manager
City of The Dalles
313 Court Street
The Dalles, Oregon 97058

LESSOR: Susan Huntington
Executive Director
The Dalles Area Chamber of Commerce
404 West Second Street
The Dalles, Oregon 97058

LESSEE: CITY OF THE DALLES, a municipal
corporation of the State of Oregon

By: _____
William B. Elliott, City Manager

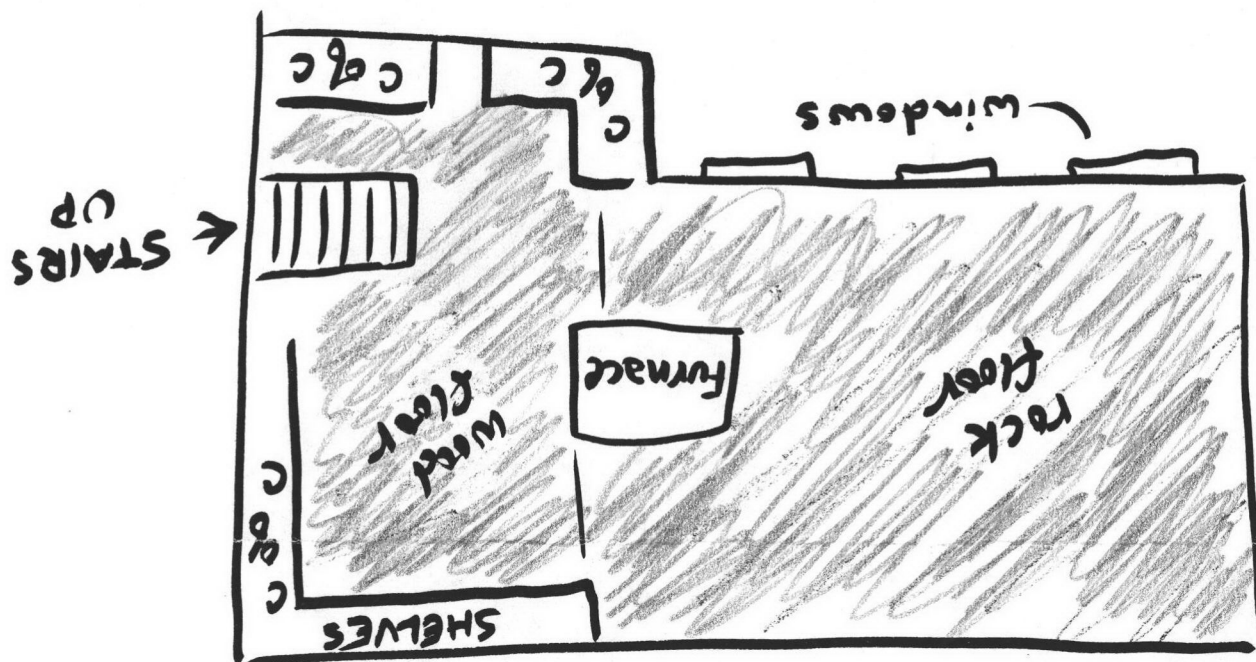
Attest: _____
Julie Krueger, City Clerk

Approved as to form:

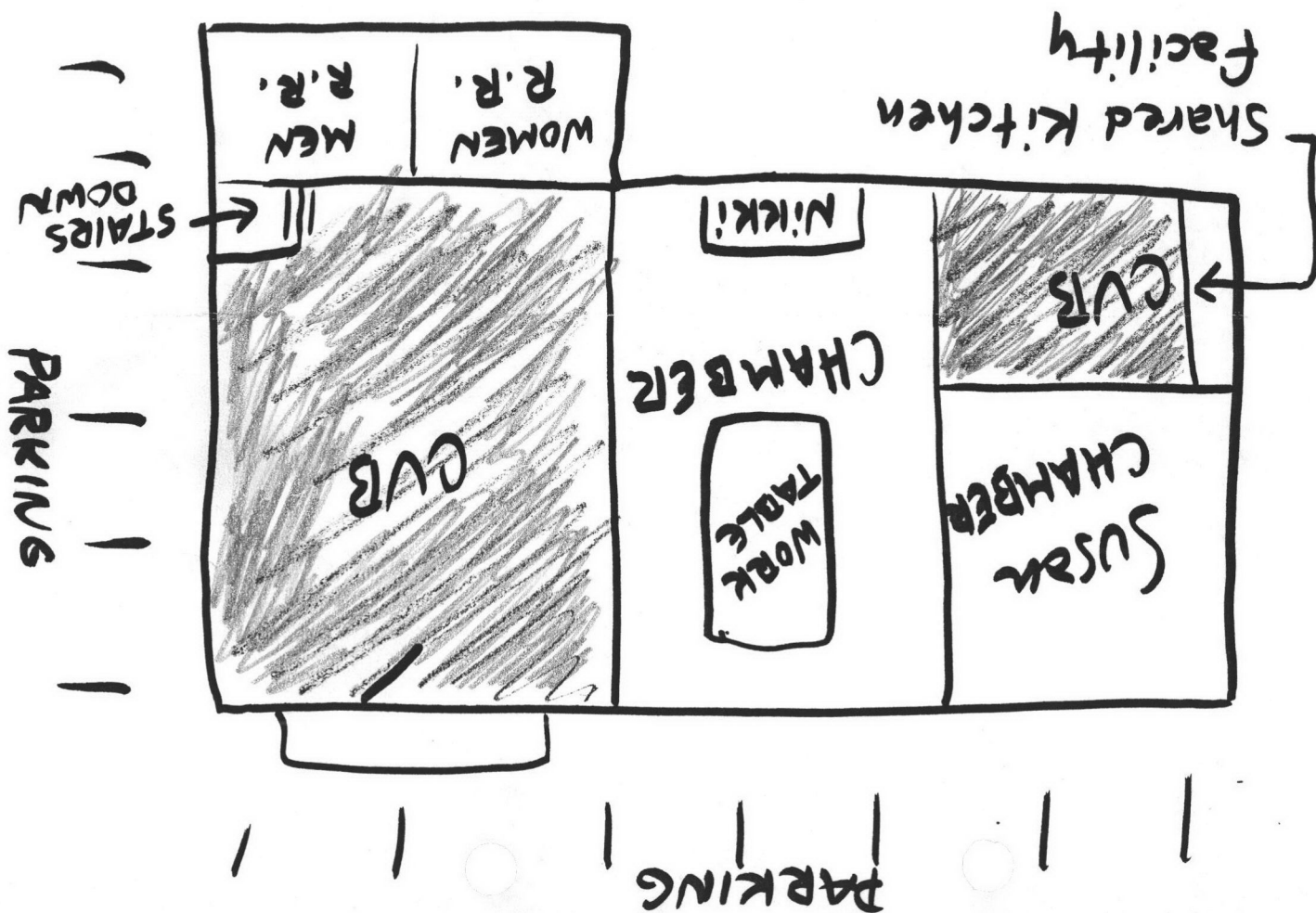
Gene E. Parker, City Attorney

LESSOR: THE DALLES AREA CHAMBER OF COMMERCE

By: _____
Susan Huntington
Executive Director



BASEMENT



RESOLUTION NO. 94-031

**A RESOLUTION APPROVING A NO BUILD OPTION FOR
THE SIXTH STREET BRIDGE**

WHEREAS, the City of The Dalles entered into an agreement with the State of Oregon Department of Transportation (ODOT) in the early 1980's for a percentage contribution to widen the Sixth Street Bridge and to install two (2) pedestrian bridges on the north and south sides; and

WHEREAS, the City had previously endorsed participation in the project based on early project cost estimates; and

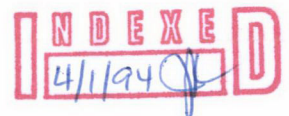
WHEREAS, the State of Oregon have indicated a reluctance on their part to continue the project due to the expense associated with the finished product. ODOT has indicated that the expense of renovation versus the finished product is not a cost effective use of transportation funds; and

WHEREAS, the City has determined that the cost contribution by the City is excessive for the finished product achieved and is not cost effective; and

WHEREAS, the City desires to end the contractual arrangement between the State of Oregon Department of Transportation and the City on this project; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

Section 1. The City Council revises their previous EIS decision to a "No Build" option based on the excessive cost of the project and the resulting end product.



Section 2. The Dalles City Council directs staff to submit the "No Build" decision to the State of Oregon Department of Transportation.

PASSED AND ADOPTED THIS 28TH DAY OF MARCH, 1994

Voting Yes, Councilmembers: Davis, Wood, Bailey, Holt, Koch
Voting No, Councilmembers: None
Absent, Councilmembers: None
Abstaining, Councilmembers: None

AND APPROVED BY THE MAYOR THIS 28TH DAY OF MARCH, 1994


L.D. "Les" Cochenour, Mayor

ATTEST: 
Julie Krueger, City Clerk

RESOLUTION NO. 94-030

A RESOLUTION AUTHORIZING A RIGHT-OF-WAY EASEMENT FROM
THE CITY OF THE DALLES TO THE NORTHERN WASCO COUNTY
PEOPLE'S UTILITY DISTRICT

WHEREAS, the City of The Dalles has heretofore announced its intent to vacate a portion of unimproved "I" Street, located between East 13th Street and East 15th Street, in the City of The Dalles, Wasco County, Oregon; and

WHEREAS, the Northern Wasco County People's Utility District has requested a Right-of-Way easement in the street mentioned above for an underground distribution line of one or more wires and all necessary appurtenances; NOW, THEREFORE,

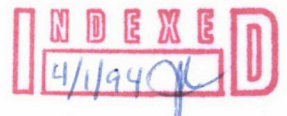
BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

Section 1. Right-of-Way Easement Approved. The Right-of-Way Easement in the street mentioned above, attached hereto and by this reference made a part hereof, is hereby approved and authorized by the City of The Dalles.

Section 2. Officers to Act. The City Manager, City Clerk, and other officers and employees of the City of The Dalles are hereby authorized and instructed to execute the proposed Right-of-Way Easement in the street mentioned above on behalf of the City, and to do such other acts as are necessary and proper.

PASSED AND ADOPTED THIS 28TH DAY OF MARCH, 1994.

| | |
|-----------------------------|--|
| Voting Yes, Councilmembers: | <u>Wood, Davis, Bailey, Holt, Koch</u> |
| Voting No, Councilmembers: | <u>None</u> |
| Absent, Councilmembers: | <u>None</u> |
| Abstaining, Councilmembers: | <u>None</u> |



AND APPROVED BY THE MAYOR THIS 28TH DAY OF MARCH, 1994.

L.D. Les Cochenour
L. D. (Les) Cochenour, Mayor

Attest:

Julie Krueger
Julie Krueger, City Clerk

RIGHT-OF-WAY EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, CITY OF THE DALLES, a municipal corporation, for other value given which is the whole consideration, does hereby grant unto the NORTHERN WASCO COUNTY PEOPLE'S UTILITY DISTRICT, a municipal corporation, its successors and assigns, a right-of-way easement for an electric underground distribution line of one or more wires and all necessary appurtenances at or near the location and along the general course now located and staked out by the Grantee over, across and upon the following described premises, located in Wasco County, State of Oregon, to-wit:

The Westerly 15 feet of that portion of I Street located between East 13th Street and East 15th Street extension, which portion is vacated by City of The Dalles Special Ordinance No. 94-426.

Together with the right of ingress and egress over the adjacent lands of the Grantor for the purpose of constructing, reconstructing, stringing new wires, maintaining and removing such lines and appurtenances, and exercising such other rights hereby granted.

All rights hereunder shall cease when said lines have been abandoned.

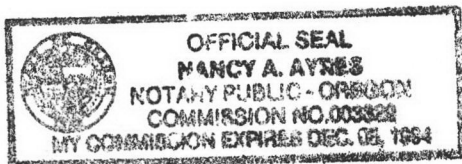
IN WITNESS WHEREOF, the undersigned has set their hands and seals this 29th day of March, 1994.

William B. Elliott
William B. Elliott, City Manager

Attest: Julie Krueger
Julie Krueger, City Clerk

STATE OF OREGON)
) ss.
County of Wasco)

PERSONALLY APPEARED William B. Elliott and Julie Krueger and acknowledged to me the foregoing instrument is their voluntary act and deed.



BEFORE ME: Nancy A. Ayres
Notary Public for Oregon
My Commission expires: 12/5/94

After recording return to:
City of The Dalles
313 Court Street
The Dalles, Oregon 97058

Until a change is requested all
tax statements shall be sent to
the following address.
City of The Dalles
313 Court Street
The Dalles, OR 97058

RESOLUTION NO. 94-029

A RESOLUTION EXEMPTING THE PUBLIC CONTRACTS
FOR PURCHASE OF A USED TEN CUBIC YARD DUMP
TRUCK AND A USED WATER TANK TRUCK FROM
COMPETITIVE BIDDING REQUIREMENTS

WHEREAS, the City Department of Public Works has budgeted funds for the replacement of heavy equipment in the 1993-94 fiscal year; and

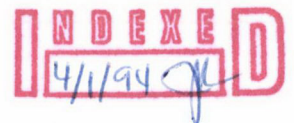
WHEREAS, the Public Works Department budget currently has a balance of \$95,985.00 in the Public Works Reserve Fund, and \$16,000.00 in the Water Fund, which funds have been designated for the purchase of heavy equipment; and

WHEREAS, the Public Works Department desires to purchase a 10 cubic yard dump truck to replace a three cubic yard dump truck which was sold in 1993, and to purchase a 3,000 gallon water tank truck to replace a 1965 water tank truck; and

WHEREAS, the Public Works Department has investigated the costs of purchasing new equipment, which costs exceed the Department's budgetary resources; and

WHEREAS, the Public Works Department has discovered that good, used equipment is available for purchase by the City, but that such equipment is often sold before the City can prepare the documents required to purchase the equipment through competitive bidding procedures; and

WHEREAS, Section 4(19) of the rules of the City's Local Contract Review Board provide that the City Council, acting as the Board, may exempt certain contracts from the competitive bid



requirements, if the Council finds it is unlikely that granting of the exemption will encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts, and that the exemption will result in substantial cost savings to the City; and

WHEREAS, the Public Works Department has requested the Council exempt the contracts for the purchase of a used 10 cubic yard dump truck and a used 3,000 gallon water tank truck, under Section 4(19) of the Council's Local Contract Review Board Rules; and

WHEREAS, the City Council has held a public hearing to consider the exemption of the contracts from competitive bidding requirements; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

Section 1. The public contracts for the purchase of a used 10 cubic yard dump truck and a used 3,000 gallon water truck, shall be exempt from competitive bidding requirements, pursuant to Section 4(19) of the City's Local Contract Review Board Rules, based upon the following findings:

A. The Public Works Department currently uses a 1965 water tank truck in its operation. The truck is used for a variety of purposes, including street flushing and cleaning, new street construction grade work, watershed road maintenance work, and disinfection flushing of new or repaired water mains. The Department has great difficulty obtaining repair parts due to the age of the truck. The truck's operation is becoming increasingly

unreliable, and continued maintenance and repair of the truck will likely exceed the surplus value of the truck, which is estimated at \$1,500.00.

B. In 1993, the Public Works Department sold a three cubic yard dump truck for \$4,100.00 at public auction. The Department used a dump truck for street construction and repair, towing a heavy equipment Lowboy tilt-trailer, hauling street surface cold and hot mix asphalt, and hauling gravel and excavation spoils.

C. The Public Works Department has investigated the cost of purchasing a new 10 cubic yard dump truck and a new water tank truck. The costs of purchasing these pieces of equipment are estimated at \$92,000.00 and \$75,000.00, respectively. These costs exceed the budgetary resources of the Department.

D. The Public Works Department investigated the market for used equipment and discovered that good, used equipment is occasionally available for purchase by the City. The Department has determined the cost of a used 10 cubic yard dump truck would be \$65,000.00, and the cost of a used 3,000 gallon water tank truck would be \$46,000.00.

E. The Public Works Department has considered the option of preparing specifications and documentation to solicit competitive proposals for used heavy equipment. The Department has discovered that by the time the documents are prepared, the good equipment, which was previously available, has been sold;

and the equipment which remains is often in poor condition, and does not meet the City's specifications.

F. During its investigation, the Public Works Department has contacted several dealers who offer used equipment for sale. The Department has discovered the dealers are very competitive, and will often offer attractive deals to potential customers to obtain their business. The Department has also discovered that used equipment which is in good condition, and offered at a reasonable price, will be sold in a quick manner. The City Council finds under these circumstances, that there is a competitive market for used equipment, and that granting an exemption for the purchase of a used 10 cubic yard dump truck or a used 3,000 gallon water tank truck will not result in favoritism in the awarding of public contracts, or substantially diminish competition for public contracts.

G. The costs of purchasing a new dump truck and a water truck exceed the cost of purchasing a used dump truck and water truck by approximately \$56,000.00. The Public Works Department does not have budgetary resources to purchase new equipment. If the Department did not purchase a new or used water tank truck, the Department would have to expend significant sums to repair and maintain the existing 1965 International truck, which cost would likely exceed the estimated surplus value of the truck of \$1,500.00. Exempting the contracts from competitive bidding requirements will also save the cost of City staff having to prepare the documentation for competitive bids or

proposals. The City Council finds the requested exemption will result in substantial cost savings to the City.

Section 2. The City Manager is authorized to consider proposals for the purchase of a used 10 cubic yard dump truck and a used 3,000 gallon water truck, and to authorize the purchase of both, or either type of equipment, if such purchase is deemed by the City Manager to be in the best interest of the City. The City Manager is authorized to expend up to the sum of \$111,985.00 for the purchase of the equipment, and to execute the necessary contract documents in the event a decision is made to purchase both pieces, or only one piece, of the designated heavy equipment.

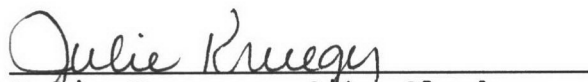
PASSED AND ADOPTED THIS 28TH DAY OF MARCH, 1994.

| | |
|-----------------------------|---------------------------------|
| Voting Yes, Councilmembers: | Holt, Wood, Bailey, Davis, Koch |
| Voting No, Councilmembers: | None |
| Absent, Councilmembers: | None |
| Abstaining, Councilmembers: | None |

AND APPROVED BY THE MAYOR THIS 28TH DAY OF MARCH, 1994.


L. D. (Les) Cochenour, Mayor

Attest:


Julie Krueger, City Clerk

RESOLUTION NO. 94-027

A RESOLUTION AMENDING RESOLUTION NO. 94-019,
CALLING AN ELECTION FOR THE ESTABLISHMENT OF
A REVISED TAX BASE FOR THE CITY OF THE DALLES

WHEREAS, the City Council adopted Resolution No. 94-019, on
February 28, 1994, calling an election for the establishment of a
revised tax base for the City of The Dalles; and

WHEREAS, through a clerical error, the resolution called for
an election on May 18, 1994, instead of May 17, 1994; and

WHEREAS, the City Council desires to correct the error in
Resolution No. 94-019, to reflect the correct date for the
election; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

Section 1. Amendment. Section 1 of Resolution No. 94-019
shall be amended to change the date of the election from May 18
to May 17, 1994.

Section 2. Question of Measure. Section 3 of Resolution
No. 94-019 shall be amended by changing the copy of the Notice of
City Measure Election, to be Exhibit "A" which is attached
hereto.

PASSED AND ADOPTED THIS 14TH DAY OF MARCH, 1994.

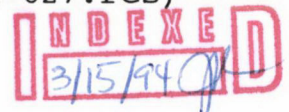
| | |
|-----------------------------|--|
| Voting Yes, Councilmembers: | <u>Wood, Koch, Bailey, Davis, Holt</u> |
| Voting No, Councilmembers: | <u>None</u> |
| Absent, Councilmembers: | <u>None</u> |
| Abstaining, Councilmembers: | <u>None</u> |

AND APPROVED BY THE MAYOR THIS 14TH DAY OF MARCH, 1994.

Attest:

L.D. Les Cochenour
L. D. (Les) Cochenour, Mayor

Julie Krueger
Julie Krueger, City Clerk



NOTICE OF TAX LEVY MEASURE ELECTION

(Both Sides of this Form Must be Completed)

City of The Dalles
(Unit of Local Government)

Notice is hereby given that on Tuesday, May 17, 1994
(Day of week) (Date of election)

a measure election will be held in The Dalles, Wasco County, Oregon.
(Name of Local Gov't) (Name of county)
city, county, district, etc.

The county clerk has advised us (SELECT ONE):

- ☒ The election will be conducted at the polls. The polls will be open from 7:00 a.m. to 8:00 p.m.
- ☐ The election will be conducted by mail.

The following shall be the ballot title of the measure to be submitted to the district's voters on this date:

CAPTION (10 Words) ESTABLISHING A REVISED TAX BASE

QUESTION (20 Words) "Shall the City of The Dalles establish a revised Tax Base of \$2,248,876 beginning Fiscal Year 1994-1995?"

***SUMMARY (175 Words)** This revised Tax Base would replace the current Tax Base and Serial Levy previously approved by the voters of The Dalles. No new taxes are authorized by this measure. Individual property tax payments will not be increased in the next fiscal year as a result of this revision. Property taxes will not exceed the limits of "Measure 5". No other Taxing District will suffer a loss of tax revenue if this measure passes.

The present Tax Base of \$1,552,801 was authorized in 1916 and has not been adequate, without additional levy approval, to meet the operational needs of The Dalles for many years.

This Tax Base is subject to the other Governmental purposes limits of Section 11b Article XI of the Oregon Constitution. The revenues raised will be used to maintain and Continue City Government Services.

The proposed tax base of \$2,248,876 would become effective in Fiscal Year 1994-1995.

The following authorized local government official hereby certifies the above ballot title is true and complete.

| | |
|--|-----------------------|
| <u>Gene E. Parker</u> | <u>March 15, 1994</u> |
| Signature of authorized local government official (not required to be notarized) | Date signed |
| <u>Gene E. Parker</u> | <u>City Attorney</u> |
| Printed name of authorized local government official | Title |

* For measure authorizing tax levy or establishing new tax base: Concise and impartial statement of not more than 175 words, explaining chief purpose of the measure and giving reasons for the measure. ORS 310.390. Additional statement required by ORS 310.395 shall not be included in word count.

I, Gene E. Parker, City Attorney, authorized local government

official, hereby certify the City of The Dalles has complied
(NAME OF LOCAL GOVERNMENT UNIT)

with the requirements of ORS 310.180 to 310.188 and has complied with either ORS 310.186(1) or
310.186(2), as applicable.*

Gene E. Parker
Signature of authorized local government official
(not required to be notarized)

March 15, 1994
Date signed

* Section 6, chapter 424, Oregon Laws 1993, and the public hearing requirements of ORS 310.180 through 310.188 are not applicable to school districts. However, school district tax levy measures must meet the requirements of ORS 310.315.

RESOLUTION 94-026

A RESOLUTION APPROVING AN APPLICATION FOR A TOURISM DOWNTOWN
DEVELOPMENT GRANT FOR THE DOWNTOWN RENEWAL PROJECT

Whereas, the Oregon Economic Development Department Tourism Division has a partnership grant program with the Rural Development Office and the USDA Forest Service; and

Whereas, the grant request is for \$25,000; and

Whereas, the grant monies would be used to help construct the Downtown Renewal project.

NOW THEREFORE BE IT RESOLVED BY THE CITIZENS OF THE DALLES AS
FOLLOWS:

1. The grant request for \$25,000 to help construct the Downtown Renewal project is hereby approved and shall be submitted to the Oregon Economic Development Department.

Done and Dated this 14th Day of March, 1994

Voting Yes, Councilmembers: Wood, Holt, Bailey, Davis, Koch

Voting No, Councilmembers: None

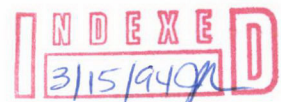
Absent, Councilmembers: None

Abstaining, Councilmembers: None

AND APPROVED THIS 14TH DAY OF MARCH, 1994

SIGNED: L. D. (Les) Cochenour
L. D. (Les) Cochenour, Mayor

ATTEST: Julie Krueger
Julie Krueger, City Clerk



RESOLUTION 94- 025

A Resolution Approving the Dissolution of the Wasco County Communications Agency, Dissolution of the Intergovernmental Agreement that Established the Wasco County Communications Agency and Approval of Wasco County to Assume Management and Control of the 911 Dispatching in Wasco County.

WHEREAS, the economic climate in Wasco County may not be able to support the Wasco County Communications Agency as a separate entity; and

WHEREAS, all users of the Wasco County Communications Agency are concerned for the services provided to the citizens of Wasco County; and

WHEREAS, the Executive and User Boards of the Wasco County Communications Agency jointly met on February 15, 1994; and

WHEREAS, both boards unanimously agreed to the dissolution of the Wasco County Communications Agency, dissolution of the Intergovernmental Agreement and allowing the 911 functions to be assumed by Wasco County;

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

Section 1. City Council approves the dissolution of the Wasco County Communications Agency.

Section 2. City Council approves the dissolution of the Intergovernmental Agreement that established the Wasco County Communications Agency.

Section 3. City Council approves Wasco County assuming operation and control of the 911 and dispatching functions in Wasco County.

Section 4. The city shall retain title to it's current property now located in, and used by, Wasco County in the 911 operation.

PASSED AND ADOPTED THIS 14TH DAY OF MARCH, 1994.

| | |
|-----------------------------|--|
| Voting Yes, Councilmembers: | <u>Wood, Holt, Bailey, Davis, Koch</u> |
| Voting No, Councilmembers: | <u>None</u> |
| Absent, Councilmembers: | <u>None</u> |
| Abstaining, Councilmembers: | <u>None</u> |

AND APPROVED BY THE MAYOR THIS 14TH DAY OF MARCH, 1994.

L.D. Les Cochenour
L. D. "Les" Cochenour, Mayor

ATTEST:

Julie Krueger
Julie Krueger, City Clerk

RESOLUTION NO. 94-024

**A RESOLUTION APPROVING THE ITEMS ON THE
CONSENT AGENDA AND AUTHORIZING CITY
OFFICERS TO SIGN CONTRACT DOCUMENTS**

WHEREAS, certain business items of a routine nature are periodically brought before City Council for action; and

WHEREAS, City Council desires to conduct its meetings in an efficient and effective manner; and

WHEREAS, City Council desires to dispose of routine matters so that Council may focus its attention on the major policy issues facing the community; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

Section 1. Items Approved. The items appearing on the Consent Agenda are hereby approved:

- A. Consent Agenda Resolution for Council Action.
- B. Approval of the February 28, 1994 Regular City Council Meeting Minutes.
- C. Resolution No. 94-025 Approving the Dissolution of the Wasco County Communications Agency, Dissolution of the Intergovernmental Agreement that Established the Wasco County Communications Agency and Approval of Wasco County to Assume Management and Control of the 9-1-1 Dispatching in Wasco County



D. Resolution No. 94-026 Approving an Application for a
Tourism Downtown Development Grant for the Downtown
Renewal Project

Section 2. Officers to Act. City Officers are hereby
authorized to sign contract documents and do such other acts as
are necessary and proper.

PASSED AND ADOPTED THIS 14TH DAY OF MARCH, 1994.

| | |
|-------------------------|--|
| Voting Yes, Councilors: | <u>Wood, Holt, Bailey, Davis, Koch</u> |
| Voting No, Councilors: | <u>None</u> |
| Absent, Councilors: | <u>None</u> |
| Abstaining, Councilors: | <u>None</u> |


AND APPROVED BY THE MAYOR THIS 14TH DAY OF MARCH, 1994.

SIGNED:



L.D. "Les" Cochenour, Mayor

ATTEST:



Julie Krueger, City Clerk

RESOLUTION NO. 94-023

A RESOLUTION AMENDING THE RULES OF THE CITY
OF THE DALLES LOCAL CONTRACT REVIEW BOARD

WHEREAS, the City Council created the Local Contract Review Board, by adoption of General Ordinance No. 91-1121; and

WHEREAS, the Local Contract Review Board has adopted rules and procedures concerning public contracts entered into by the City of the Dalles; and

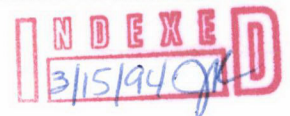
WHEREAS, certain revisions are needed to ensure the Board's rules and procedures are in compliance with recent legislation adopted by the Oregon State Legislature; and

WHEREAS, a review of the Model Contract Rules for Public Contracts adopted by the State of Oregon indicates the City needs to adopt revisions to its Contract Review Board Rules concerning bidder and proposer responsibility and responsiveness, rejection of bids and proposals, cancellation of Invitations to Bid or Request for Proposals, disqualification of bidders or proposers for nonresponsibility, appeals of disqualifications, and protest of awards; and

WHEREAS, staff has prepared revisions to the Contract Review Board's rules, which have been reviewed and approved by the City Council, acting in its capacity as the Local Contract Review Board; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

Section 1. Rules Amended. The rules adopted by the City Council, acting as the Local Contract Review Board, by Resolution



No. 91-011, and subsequently amended by Resolution No. 92-081, shall be amended in the following manner:

A. On Page 1, Section 2. Definitions, after the definition for Competitive quotes, insert the following definition for Person:

Person. Any individual, firm, company, association, partnership, corporation, or other entity.

B. On Page 1, Section 3. Award of Contracts over \$15,000.00. Delete the existing language, and insert the following language:

Section 3. Award of Contracts over \$15,000.00.
Subject to the provisions of Section 4(4), any public contract where the amount of purchase exceeds \$15,000.00 shall be awarded by the City Council, acting in its capacity as the Board. The Council shall have authorized the purchase through the budget process or by other special action. Following staff review of the bids or proposals received and staff's recommendation concerning the contract award, the Council shall award the contract to the lowest responsible bidder or the best proposer who has submitted the proposal which is in the best interest of the City, based upon the criteria set forth in the request for proposal.

C. On Page 3, Section 4(6). Emergency Contracts Under \$25,000.00, in the second line, delete the words "contract review board", and insert the word "Board".

D. On Page 9, after Section 4(25). Donations of Personal Property, insert a new subsection (26) Intergovernmental Agreements, which shall read as follows:

26. Intergovernmental Agreements. Contracts between public agencies utilizing an existing solicitation or current requirement contract of one of the public agencies that is a party to the contract for which

a. The original contract met the requirements of ORS Chapter 279;

- b. The contract allows other public agency usage of the contract; and
- c. The original contracting agency concurs.

No written agreement under ORS Chapter 190 is necessary under this subsection if the agreement is between or among units of local government.

E. On Pages 10 and 11, delete Sections 6, 7, and 8, and replace them with the following Sections 6, 7, 8, 9, 10, and 11.

Section 6. Responsive and Nonresponsive Bids or Proposals; Acceptance and Rejection.

- a. A "responsive bid or proposal" is one which complies in all material aspects with an Invitation to Bid or Request for Proposals (hereafter referred to as ITB and RFP, respectively) and with all prescribed public bidding procedures and requirements.
- b. A "nonresponsive bid or proposal" is, except in the case of minor informalities as provided in OAR 137-30-075(2), one which:
 - i. omits, or is unclear as to, the price;
 - ii. offers goods or services of a quality or quantity different from that requested in the ITB or RFP;
 - iii. requires a delivery date different from that required in the ITB or RFP;
 - iv. takes exception to the terms and conditions of the ITB or RFP, unless the ITB or RFP specifically allow for an exception to be taken;
 - v. is conditional upon the public contracting agency's acceptance of terms and conditions different from those contained in the ITB or RFP; or
 - iv. contains a deviation which, if the bid or proposal were accepted, would give the bidder or proposer a substantial

advantage or benefit not shared by other bidders or proposers to the ITB or RFP;

- c. The City shall accept, and consider for award, only those bids or proposals which are responsive as defined in this rule. Nonresponsive bids or proposals shall be rejected, as provided in Section 7 of these rules.

Section 7. Rejection of Bids and Proposals. The City may reject any bid or proposal not in compliance with all prescribed public bidding procedures and requirements, and may, for good cause, reject any or all bids or proposals upon a finding that it is in the public interest to do so, based upon the criteria for rejection set forth in the Attorney General's Model Contract Rules. In any case where competitive bids or proposals are required and all bids or proposals are rejected, and the proposed contract is not abandoned, new bids or proposals may be called for as in the first instance.

Section 8. Cancellation of Invitations to Bid or Request for Proposals.

- a. Cancellation in the Public Interest. An invitation to bid or request for proposal may be canceled in whole or in part when it is in the public interest as determined by the City. The reasons therefore shall be made part of the bid or proposal file.
- b. Notice of Cancellation. When an invitation to bid or request for proposal is canceled prior to bid or proposal opening, notice of cancellation shall be sent to all holders of bid or proposal documents. Such notice of cancellation shall:
 - 1) Identify the invitation to bid or request for proposals;
 - 2) Briefly explain the reason for cancellation; and
 - 3) Where appropriate, explain that an opportunity will be given to compete on any resolicitation.

Section 9. Responsible Bidders; Responsibility Investigation; Disqualification of Bidders or Proposers for Nonresponsibility.

(1) A responsible bidder is one who has:

- a. Adequate financial resources to perform the contract, or the ability to obtain such resources. If a bond is required to insure performance of a contract, evidence that the person can acquire a surety bond in the amount and type required shall be sufficient to establish financial ability. Evidence of ability to obtain required resources may also include a commitment or specific arrangement, that will be in existence at the time of the contract award, to rent, purchase, or otherwise acquire the needed facilities, equipment, or other resources;
- b. The ability to comply with the required or proposed delivery or performance schedule, taking into consideration all existing commercial and public business commitments;
- c. A satisfactory performance record. Evidence that the person has repeatedly breached contractual obligations to public and/or private contracting agencies constitutes strong evidence of nonresponsibility. The City shall consider the number of contracts involved and the extent of the deficiency of each in making this evaluation;
- d. Key personnel available of sufficient experience, as determined by the City, to perform the contract;
- e. The necessary organization, experience, accounting and operational controls, and technical skills, or the ability to obtain these skills and abilities, as required to satisfactorily perform the contract. These may include, as appropriate, such elements as production control procedures, property control systems, and quality assurance measures

applicable to materials to be produced or services to be performed by the bidder and its proposed subcontractor(s);

- f. The necessary production, construction, and technical equipment and facilities, or the ability to obtain them; and
- g. Be otherwise qualified and eligible to receive the contract under applicable laws and regulations.

(2) The City has the right, prior to awarding any public contract, to make such investigation as is necessary to determine whether a bidder is responsible. This investigation may include an inquiry into the responsibility of the bidder's proposed subcontractors and suppliers. If a bidder fails to promptly supply, or have supplied, information required by the City during its responsibility investigation, such failure shall be grounds for finding of nonresponsibility.

(3) A responsible proposer is one who has the attributes, qualities or capabilities of a responsible bidder as set forth in Section 9(1)(a) through (g). The City has the right, as set forth in Section 9(2), to make such investigations as necessary to determine whether a proposer is responsible.

(4) If the prospective bidder or proposer is disqualified for nonresponsibility, the notice shall specify the reasons for the disqualification and shall advise the person that any appeal of the disqualification must be filed by giving written notice to the City Manager within three (3) business days after receipt of the notice.

Section 10. Appeals of Disqualifications. The procedures for appeals shall be as follows:

- a. Any person who wishes to appeal disqualification as a bidder or proposer shall, within three (3) business days after receipt of notice of disqualification, notify the City Manager that the person appeals the disqualification.
- b. Notices of appeal need not be in any particular form so long as they are in writing addressed to the City Manager.

- c. Upon receipt of notice of appeal, the board shall notify the person appealing of the time and place of the hearing.
- d. The board shall conduct the hearing according to the provisions of ORS 279.045 (3) and shall decide the appeal within ten (10) days after receiving the notification from the City Manager and shall set forth in writing the reasons for its decisions.

Section 11. Protest of Award.

- a. Notice of Award. The written notice of award of the contract shall constitute a final decision of the City to award the contract if no written protest of the notice of award is filed with the City within ten (10) calendar days of the notice of award or such other period as provided in the City's solicitation. If a protest is timely filed, the notice of award is a final decision of the City only upon issuance of a written decision denying the protest and affirming the award. The notice of award and any written decision denying a protest shall only be sent to a vendor who either submitted a letter stating that no bid or proposal would be submitted at this time or a qualified bid or proposal prior to the deadline specified in the solicitation documents.
- b. Right to Protest. Any actual bidder or proposer who is adversely affected or aggrieved by the City's notice of award of the contract to another bidder or proposer on the same solicitation shall have ten (10) calendar days after notice of award to submit to the City a written protest of the notice of award. The written protest shall specify the grounds upon which the protest is based. The period of ten (10) calendar days in which to submit a written protest may be shortened or lengthened by the City, as provided in the City's solicitation. In order to be an adversely affected or aggrieved bidder or proposer with a right to submit a written protest, a bidder or proposer must itself claim to be eligible for award of the contract as the lowest responsible bidder or best proposer and must be next in line for award, i.e., the protestor must claim that

all lower bidders or better proposers are ineligible for award because they are nonresponsive or nonresponsible. The City shall not entertain a protest submitted after the time period established in this rule or such different period as may be provided in the City's solicitation.

- c. Procedure. The City Manager shall promptly notify the Board as to the receipt of the protest of award. The Board shall schedule a hearing to review the protest, and shall decide to affirm or deny the protest within 14 days after receiving notification of the protest from the City Manager. The Board shall issue a written decision on the protest.

PASSED AND ADOPTED THIS 14TH DAY OF MARCH, 1994.

| | |
|-----------------------------|--|
| Voting Yes, Councilmembers: | <u>Wood, Koch, Bailey, Davis, Holt</u> |
| Voting No, Councilmembers: | <u>None</u> |
| Absent, Councilmembers: | <u>None</u> |
| Abstaining, Councilmembers: | <u>None</u> |

AND APPROVED BY THE MAYOR THIS 14TH DAY OF MARCH, 1994.

L.D. Les Cochenour
L. D. (Les) Cochenour, Mayor

Attest:

Julie Krueger
Julie Krueger, City Clerk

RESOLUTION 94-022

A RESOLUTION AUTHORIZING THE CITY MANAGER
TO ENTER INTO A CONSULTING CONTRACT FOR AN
FAA IMPROVEMENT PROJECT GRANT

WHEREAS, In 1993, the FAA invited The Dalles to apply for an airport improvement grant; and

WHEREAS, following the procedures outlined in the FAA's Advisory Circular, the consulting firm of David Evans & Associates was selected; and

WHEREAS, the passage of Resolution 94-001, in January 1994, authorized the City Manager to enter into negotiations with the selected firm; and

WHEREAS, the negotiations have been completed and the results have been approved by FAA; and

WHEREAS, the negotiated consultant fee totals \$60,241.

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

Section 1. Officers to Act. The City Manager of The Dalles is authorized to sign a contract with David Evans and Associates in the amount of \$60,241, for consulting services on an FAA Airport Improvements Program Grant.

PASSED AND ADOPTED THIS 14th DAY OF MARCH, 1994.

Voting Yes, Councilmembers: Koch, Holt, Bailey, Davis, Wood

Voting No, Councilmembers: None

Absent, Councilmembers: None

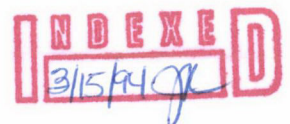
Abstaining, Councilmembers: None

AND APPROVED BY THE MAYOR THIS 14th DAY OF MARCH, 1994.

L. D. "Les" Cochenour
L. D. "Les" Cochenour, Mayor

ATTEST:

Julie Krueger
Julie Krueger, City Clerk



RESOLUTION NO. 94-021

**A RESOLUTION AMENDING THE CITY OF
THE DALLES COUNCIL RULES**

WHEREAS, the City of The Dalles Council Rules, Section 3.3 states regular meetings and work sessions will begin at 7:00 p.m. March through November, and will begin at 5:30 p.m. December through February; and

WHEREAS, the City Council desires to begin its regular meetings and work sessions at 5:30 p.m. year around; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

The City Council hereby amends the City of The Dalles Council Rules as follows:

Section 3.3: Regular business meetings will begin at 5:30 p.m. Meetings will adjourn within three hours of the beginning of the meeting.

Regular work sessions will begin at 5:30 p.m. Meetings will adjourn within two hours of the beginning of the meeting.

In order for any meeting to continue past the normal adjournment time, a majority of the Council must agree.

PASSED AND ADOPTED THIS 28TH DAY OF FEBRUARY, 1994.

Voting Yes, Councilors: Koch, Wood, Bailey, Davis
Voting No, Councilors: None
Absent, Councilors: Holt
Abstaining, Councilors: None

AND APPROVED BY THE MAYOR THIS 28TH DAY OF FEBRUARY, 1994.

SIGNED: L.D. "Les" Cochenour
L.D. "Les" Cochenour, Mayor

ATTEST: Julie Krueger
Julie Krueger, City Clerk

RESOLUTION NO. 94-020

**A RESOLUTION APPROVING THE ITEMS ON THE
CONSENT AGENDA AND AUTHORIZING CITY
OFFICERS TO SIGN CONTRACT DOCUMENTS**

WHEREAS, certain business items of a routine nature are periodically brought before City Council for action; and

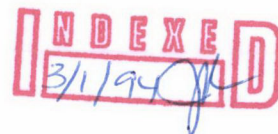
WHEREAS, City Council desires to conduct its meetings in an efficient and effective manner; and

WHEREAS, City Council desires to dispose of routine matters so Council may focus its attention on the major policy issues facing the community; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

Section 1. Items Approved. The items appearing on the Consent Agenda are hereby approved:

- A. Consent Agenda Resolution for Council Action.
- B. Approval of the February 14, 1994 Regular City Council Meeting Minutes.
- C. Resolution No. 94-021 Amending the City of The Dalles Council Rules.



Section 2. Officers to Act. City Officers are hereby authorized to sign contract documents and do such other acts as are necessary and proper.

PASSED AND ADOPTED THIS 28TH DAY OF FEBRUARY, 1994.

Voting Yes, Councilors: Koch, Wood, Bailey, Davis
Voting No, Councilors: None
Absent, Councilors: Holt
Abstaining, Councilors: None

AND APPROVED BY THE MAYOR THIS 28TH DAY OF FEBRUARY, 1994.

SIGNED: L.D. Les Cochenour
L.D. "Les" Cochenour, Mayor

ATTEST: Julie Krueger
Julie Krueger, City Clerk

RESOLUTION NO. 94-019

A RESOLUTION CALLING AN ELECTION FOR THE
ESTABLISHMENT OF A REVISED TAX BASE FOR THE
CITY OF THE DALLES

WHEREAS, the voters of the City of The Dalles have approved special tax levies on March 31, 1987, June 26, 1990, March 26, 1991, and May 19, 1992, in excess of the City's tax base, which have been necessary for the City to provide services for the citizens of The Dalles; and

WHEREAS, the City will not be able to operate in the 1994-95 fiscal year within its present tax base, and the tax base is inadequate to meet the future needs of the City; and

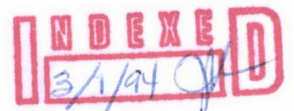
WHEREAS, ORS 310.390 permits the City of The Dalles to submit to the voters the establishment of a revised tax base at an election to be held May 18, 1994; and

WHEREAS, a revised tax base of \$2,248,876 commencing in fiscal year 1994-95 would permit the City to provide needed services to the citizens of The Dalles for the foreseeable future; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

Section 1. Election to be Called. An election shall be called in the City of The Dalles to be held on May 18, 1994, between the hours of 7:00 a.m. and 8:00 p.m. Pacific Prevailing Time of said day.

Section 2. Place of Election. Said elections shall be held at the following polling places:



| <u>Precinct No.</u> | <u>Voting Place</u> |
|---------------------|----------------------------------|
| 80 | Wasco Rural Fire Hall |
| 81 | Nazarene Church |
| 82 | Colonel Wright School Auditorium |
| 83 | First Christian Church |
| 84 | The Dalles Junior High School |
| 85 | Gateway Presbyterian Church |
| 86 | The Dalles Junior High School |
| 87 | The Dalles Junior High School |
| 88 | Church of God |
| 89 | Flagstone |

Section 3. Question of Measure. At said election, there shall be submitted to the qualified legal voters of the City of The Dalles the establishment of a revised tax base; the question submitted shall be whether the City of The Dalles should be authorized to increase its tax base from \$1,552,801 to \$2,248,876 for fiscal year 1994-95, the proceeds from which would be used to provide city services. A copy of the Notice of City Measure Election is attached hereto as Exhibit "A".

Section 4. Vote by Ballots. The vote shall be by ballots upon which shall be the sentences _____ "yes, I approve the measure", and _____ "no, I do not approve the measure", and the voter shall place a cross or mark before the word "yes" or before the word "no" whichever indicates his choice.

Section 5. County Clerk to Act. The County Clerk shall be directed to exercise the responsibilities and perform the functions of her office in accordance with the provision of the Oregon Revised Statutes now in force.

PASSED AND ADOPTED THIS 28TH DAY OF FEBRUARY, 1994.

| | |
|-----------------------------|----------------------------------|
| Voting Yes, Councilmembers: | <u>Wood, Koch, Bailey, Davis</u> |
| Voting No, Councilmembers: | <u>None</u> |
| Absent, Councilmembers: | <u>Holt</u> |
| Abstaining, Councilmembers: | <u>None</u> |

AND APPROVED BY THE MAYOR THIS 28TH DAY OF FEBRUARY, 1994.

L.D. Les Cochenour
L. D. (Les) Cochenour, Mayor

Attest:

Julie Krueger
Julie Krueger, City Clerk

NOTICE OF CITY MEASURE ELECTION

City of The Dalles
(Name of city)

Notice is hereby given that on Tuesday, May 18, 1994
(Day of week) (Date of election)

a measure election will be held in The Dalles, Wasco County, Oregon.
(Name of city) (Name of county)

The county clerk has advised us (SELECT ONE):

- ☒ The election will be conducted at the polls. The polls will be open from 7:00 a.m. to 8:00 p.m.
- ☐ The election will be conducted by mail.

The following shall be the ballot title of the measure to be submitted to the city's voters on this date:

CAPTION (10 Words)

ESTABLISHING A REVISED TAX BASE

QUESTION (20 Words)

"Shall the City of The Dalles establish a revised Tax Base of \$2,248,876 beginning Fiscal Year 1994-1995?"

***SUMMARY** This revised Tax Base would replace the current Tax Base and Serial Levy previously approved by the voters of The Dalles. No new taxes are authorized by this measure. Individual property tax payments will not be increased in the next fiscal year as a result of this revision. Property taxes will not exceed the limits of "Measure 5". No other Taxing District will suffer a loss of tax revenue if this measure passes.

The present Tax Base of \$1,552,801 was authorized in 1916 and has not been adequate, without additional levy approval, to meet the operational needs of The Dalles for many years.

This Tax Base is subject to the other Governmental purposes limits of Section 11b Article XI of the Oregon Constitution. The revenues raised will be used to maintain and continue City Government Services.

The proposed tax base of \$2,248,876 would become effective in Fiscal Year 1994-1995.

The following authorized city official hereby certifies the above ballot title is true and complete.

Signature of authorized city official (not required to be notarized)

Date signed

Printed name of authorized city official

Title

- *1. For measure authorizing tax levy or establishing new tax base: Concise and impartial statement of not more than 175 words, explaining chief purpose of the measure and giving reasons for the measure. ORS 310.390. Additional statement required by ORS 310.395 shall not be included in word count.
- *2. For any other measure: Concise and impartial statement of not more than 85 words, summarizing the measure and its major effect. Content meets requirements of ORS 250.035, 250.039 and 250.041.

RESOLUTION 94-018

A Resolution Accepting a \$100,000 Grant from the
Oregon Department of Transportation for West Side Bike Lanes

WHEREAS, the City of The Dalles, in partnership with Wasco County made application to the Oregon Department of Transportation for a grant in the amount of \$100,000; and

WHEREAS, this grant was applied for in order to create bike lanes on the west side of The Dalles in keeping with The Dalles Bicycle Master Plan; and

WHEREAS, ODOT has awarded the grant to the City with the delivery of a contract to be signed by the Mayor; and

WHEREAS, the City and County Road Departments will both contribute either 20 percent of the total project cost or up to a combined total of \$48,300 labor and materials match for a total projected cost of \$148,300; and

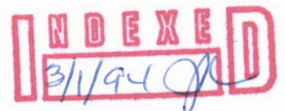
WHEREAS, the City of The Dalles Community & Economic Development Department will administer the grant;

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

Resolution 94-018
January 24, 1994

cmd<c:\wp51\data\citycoun\94-018.res

Page 1 of 2



Section 1. Officers to Act. The Mayor of the City of the Dalles is authorized to sign a contract for an ODOT grant in the amount of \$100,000 for bike lanes on the West side.

PASSED AND ADOPTED THIS 28th DAY OF FEBRUARY, 1994.

Voting Yes, Councilmembers: Bailey, Koch, Davis, Wood

Voting No, Councilmembers: None

Absent, Councilmembers: Holt

Abstaining, Councilmembers: None

AND APPROVED BY THE MAYOR THIS 28th DAY OF FEBRUARY, 1994.

L.D. Les Cochenour
L. D. "Les" Cochenour, Mayor

ATTEST:

Julie Krueger
Julie Krueger, City Clerk

RESOLUTION NO. 94-017

A RESOLUTION ADOPTING A SUPPLEMENTAL BUDGET
AND MAKING ADDITIONAL APPROPRIATIONS FOR
THE 1993-94 FISCAL YEAR

WHEREAS, the City anticipates receiving and expending funds in the Special Grants Fund, State Office Building Fund and the Water Bond Debt Fund; and

WHEREAS, this had not been ascertained at the time of preparation of the budget for the current year; and

WHEREAS, the City of The Dalles has held a public hearing on a supplemental budget for the current fiscal year; and

WHEREAS, the City of The Dalles wishes to adopt the supplemental budget for the current fiscal year; and

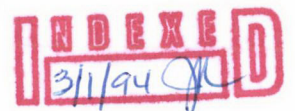
WHEREAS, the City of The Dalles wishes to expend the funds in the supplemental budget during the current fiscal year; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

Section 1. The City Council adopts the attached supplemental budget for the 1993-94 fiscal year.

Section 2. The City Council makes appropriations as follows:

| | |
|-----------------------------|----------|
| Special Grants Fund: | |
| Materials & Services | \$20,000 |
| State Office Building Fund: | |
| Materials & Services | \$53,327 |
| Water Bond Debt Fund: | |
| Debt Service | \$ 9,460 |



PASSED AND ADOPTED THIS 28TH DAY OF FEBRUARY, 1994

Voting Yes, Councilors: Koch, Wood, Bailey, Davis

Voting No, Councilors: None

Absent, Councilors: Holt

Abstaining, Councilors: None

AND APPROVED BY THE MAYOR THIS 28TH DAY OF FEBRUARY, 1994

SIGNED:

L.D. Les Cochenour
L.D. "Les" Cochenour, Mayor

ATTEST:

Julie Krueger
Julie Krueger, City Clerk

| REVENUES | | AS OF 2/08/94 | | CITY OF THE DALLES, OREGON | |
|---------------------|----------------------------|-------------------------|-------------------------|--------------------------------|--|
| | | | | 1993-94 SUPPLEMENTAL BUDGET #2 | |
| SPECIAL GRANTS FUND | | | | | |
| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | 93/94 ADOPTED BUDGET | 93/94 REVISED BUDGET | SUPPLEMENTAL BUDGET | |
| 18-00-00-3361 | STATE SHPO GRANTS | 27,030.00- | 27,030.00- | .00 | |
| 18-00-00-3362 | ISTEA GRANTS | 330,000.00- | 330,000.00- | .00 | |
| 18-00-00-3642 | PROGRAM INCOME | .00 | 20,000.00- | 20,000.00- | |
| 18-00-00-3919 | TRANSFER FROM TOURISM FUND | 27,880.00- | 27,880.00- | .00 | |
| | SUBTOTAL | 384,910.00- | 404,910.00- | 20,000.00- | |
| 18 00 00 | PROGRAM TOTAL | 384,910.00- | 404,910.00- | 20,000.00- | |

| EXPENSES | | AS OF 2/08/94 | | CITY OF THE DALLES, OREGON | |
|---------------------|--------------------------|-------------------------|-------------------------|--------------------------------|--|
| | | | | 1993-94 SUPPLEMENTAL BUDGET #2 | |
| SPECIAL GRANTS FUND | | COMMUNITY ACTION GRANT | | | |
| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | 93/94 ADOPTED BUDGET | 93/94 REVISED BUDGET | SUPPLEMENTAL BUDGET | |
| 18-19-00-3330 | COMMUNITY ACTION PROGRAM | .00 | 20,000.00 | 20,000.00 | |
| | CONTRACTUAL SERVICES | | | | |
| | SUBTOTAL | .00 | 20,000.00 | 20,000.00 | |
| 18 19 00 | PROGRAM TOTAL | .00 | 20,000.00 | 20,000.00 | |

| SPECIAL GRANTS FUND | | SHPO CERT. LOCAL GOVT. PROGRAM | | | |
|---------------------|---------------------------------|--------------------------------|----------------------|---------------------|--|
| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | 93/94 ADOPTED BUDGET | 93/94 REVISED BUDGET | SUPPLEMENTAL BUDGET | |
| 18-21-00-3100 | AUDITING SERVICES | 262.00 | 262.00 | .00 | |
| 18-21-00-3900 | OTHER CONTRACTUAL SERVICES | 5,163.00 | 5,163.00 | .00 | |
| | CONTRACTUAL SERVICES SUBTOTAL | 5,425.00 | 5,425.00 | .00 | |
| 18-21-00-5320 | POSTAGE | 581.00 | 581.00 | .00 | |
| 18-21-00-5510 | LEGAL NOTICES | 100.00 | 100.00 | .00 | |
| 18-21-00-5810 | TRAVEL FOOD & LODGING | 926.00 | 926.00 | .00 | |
| 18-21-00-5850 | TRAINING AND CONFERENCES | 425.00 | 425.00 | .00 | |
| | MATERIALS AND SERVICES SUBTOTAL | 2,032.00 | 2,032.00 | .00 | |
| 18-21-00-6010 | OFFICE SUPPLIES | 2,438.00 | 2,438.00 | .00 | |
| | MATERIALS AND SERVICES SUBTOTAL | 2,438.00 | 2,438.00 | .00 | |
| 18-21-00-8010 | TRANSFER TO GENERAL FUND | 5,109.00 | 5,109.00 | .00 | |
| | OTHER USES SUBTOTAL | 5,109.00 | 5,109.00 | .00 | |
| 18 21 00 | PROGRAM TOTAL | 15,004.00 | 15,004.00 | .00 | |

| SPECIAL GRANTS FUND | | SHPO CITY HALL | | | |
|---------------------|---------------------------------|----------------------|----------------------|---------------------|--|
| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | 93/94 ADOPTED BUDGET | 93/94 REVISED BUDGET | SUPPLEMENTAL BUDGET | |
| 18-22-00-4310 | BUILDING/GROUND REPAIR/MAINT | 12,026.00 | 12,026.00 | .00 | |
| | MAINTENANCE AND REPAIR SUBTOTAL | 12,026.00 | 12,026.00 | .00 | |
| 18 22 00 | PROGRAM TOTAL | 12,026.00 | 12,026.00 | .00 | |

| SPECIAL GRANTS FUND | | I.S.T.E.A. GREENWAY | | | |
|---------------------|-------------------------------|----------------------|----------------------|---------------------|--|
| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | 93/94 ADOPTED BUDGET | 93/94 REVISED BUDGET | SUPPLEMENTAL BUDGET | |
| 18-23-00-7300 | IMPROVEMENTS OTHER THAN BLDGS | 357,880.00 | 357,880.00 | .00 | |
| | CAPITAL OUTLAY SUBTOTAL | 357,880.00 | 357,880.00 | .00 | |
| 18 23 00 | PROGRAM TOTAL | 357,880.00 | 357,880.00 | .00 | |

STATE OFFICE BUILDING FUND

| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | 93/94 ADOPTED BUDGET | 93/94 REVISED BUDGET | SUPPLEMENTAL BUDGET |
|-------------------|---------------------------|-------------------------|-------------------------|------------------------|
| 21-00-00-3638 | STATE OFFICE BLDG. INCOME | .00 | 32,325.00- | 32,325.00- |
| | SUBTOTAL | .00 | 32,325.00- | 32,325.00- |
| 21 00 00 | PROGRAM TOTAL | .00 | 32,325.00- | 32,325.00- |

| | | | | |
|---------------|------------------------------|-----|------------|------------|
| 21-21-21-3631 | INTEREST INCOME | .00 | 600.00- | 600.00- |
| 21-21-21-3638 | STATE OFFICE BUILDING INCOME | .00 | 20,402.00- | 20,402.00- |
| | SUBTOTAL | .00 | 21,002.00- | 21,002.00- |
| 21 21 21 | PROGRAM TOTAL | .00 | 21,002.00- | 21,002.00- |

STATE OFFICE BUILDING FUND

STATE OFFICE BLDG. OP. DEPT.

| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | 93/94 ADOPTED BUDGET | 93/94 REVISED BUDGET | SUPPLEMENTAL BUDGET |
|-------------------|---------------------------------|-------------------------|-------------------------|------------------------|
| 21-21-00-3650 | JANITORIAL SERVICES | .00 | 14,250.00 | 14,250.00 |
| 21-21-00-3900 | OTHER CONTRACTUAL SERVICES | .00 | 3,290.00 | 3,290.00 |
| | CONTRACTUAL SERVICES SUBTOTAL | .00 | 17,540.00 | 17,540.00 |
| 21-21-00-4110 | WATER AND SEWER SERVICES | .00 | 1,560.00 | 1,560.00 |
| 21-21-00-4210 | GARBAGE SERVICES | .00 | 900.00 | 900.00 |
| | MAINTENANCE AND REPAIR SUBTOTAL | .00 | 2,460.00 | 2,460.00 |
| 21-21-00-5230 | PROPERTY INSURANCE | .00 | 1,325.00 | 1,325.00 |
| | MATERIALS AND SERVICES SUBTOTAL | .00 | 1,325.00 | 1,325.00 |
| 21-21-00-6020 | JANITORIAL SUPPLIES | .00 | 1,000.00 | 1,000.00 |
| 21-21-00-6220 | ELECTRICITY | .00 | 10,000.00 | 10,000.00 |
| | MATERIALS AND SERVICES SUBTOTAL | .00 | 11,000.00 | 11,000.00 |
| 21 21 00 | PROGRAM TOTAL | .00 | 32,325.00 | 32,325.00 |

STATE OFFICE BUILDING FUND

STATE OFFICE BLDG. OP. DEPT.

STATE OFFICE BLDG. R&M

| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | 93/94 ADOPTED BUDGET | 93/94 REVISED BUDGET | SUPPLEMENTAL BUDGET |
|-------------------|---------------------------------|-------------------------|-------------------------|------------------------|
| 21-21-21-3900 | OTHER CONTRACTUAL SERVICES | .00 | 11,002.00 | 11,002.00 |
| | CONTRACTUAL SERVICES SUBTOTAL | .00 | 11,002.00 | 11,002.00 |
| 21-21-21-4310 | BUILDING/GROUNDS RPR. & MAINT. | .00 | 2,000.00 | 2,000.00 |
| 21-21-21-4315 | STATE OFFICE BLDG. RPR. & MAIN | .00 | 2,000.00 | 2,000.00 |
| 21-21-21-4372 | ELECTRICAL RPRS. & MAINT. | .00 | 1,500.00 | 1,500.00 |
| 21-21-21-4373 | PLUMBING RPRS. & MAINT. | .00 | 1,000.00 | 1,000.00 |
| 21-21-21-4375 | ELEVATOR RPRS. & MAINT. | .00 | 1,500.00 | 1,500.00 |
| 21-21-21-4377 | HVAC REPAIRS & MAINTENANCE | .00 | 2,000.00 | 2,000.00 |
| | MAINTENANCE AND REPAIR SUBTOTAL | .00 | 10,000.00 | 10,000.00 |
| 21 21 21 | PROGRAM TOTAL | .00 | 21,002.00 | 21,002.00 |

REVENUES

AS OF 2/08/94

CITY OF THE DALLES, OREGON
1993-94 SUPPLEMENTAL BUDGET #2

WATER BOND DEBT FUND

| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | 93/94 ADOPTED BUDGET | 93/94 REVISED BUDGET | SUPPLEMENTAL BUDGET |
|-------------------|-------------------------------|-------------------------|-------------------------|------------------------|
| 41-00-00-3000 | BEGINNING BALANCE | 95,830.00- | 105,290.00- | 9,460.00- |
| 41-00-00-3111 | PROPERTY TAXES - CURRENT YEAR | 344,692.00- | 344,692.00- | .00 |
| 41-00-00-3115 | PROPERTY TAXES - PRIOR YEARS | 18,000.00- | 18,000.00- | .00 |
| 41-00-00-3118 | LAND SALES - TAX FORECLOSURES | 250.00- | 250.00- | .00 |
| 41-00-00-3119 | UNSEGREGATED TAX INTEREST | 500.00- | 500.00- | .00 |
| 41-00-00-3431 | INTEREST INCOME | 3,000.00- | 3,000.00- | .00 |
| 41-00-00-3730 | BOND PROCEEDS | 1,690,000.00- | 1,690,000.00- | .00 |
| | SUBTOTAL | 2,152,272.00- | 2,161,732.00- | 9,460.00- |
| 41 00 00 | PROGRAM TOTAL | 2,152,272.00- | 2,161,732.00- | 9,460.00- |

EXPENSES

AS OF 2/08/94

CITY OF THE DALLES, OREGON
1993-94 SUPPLEMENTAL BUDGET #2

WATER BOND DEBT FUND

DEBT SERVICE DEPARTMENT

| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | 93/94 ADOPTED BUDGET | 93/94 REVISED BUDGET | SUPPLEMENTAL BUDGET |
|-------------------|---------------------------------|-------------------------|-------------------------|------------------------|
| 41-41-00-3230 | SPECIAL LEGAL SERVICES | 5,000.00 | 9,870.00 | 4,870.00 |
| | CONTRACTUAL SERVICES SUBTOTAL | 5,000.00 | 9,870.00 | 4,870.00 |
| 41-41-00-6710 | BOND PRINCIPAL-1993 WATER BOND | 25,000.00 | 25,000.00 | .00 |
| 41-41-00-6711 | BOND PRINCIPAL-1988 WATER BOND | 240,000.00 | 240,000.00 | .00 |
| 41-41-00-6721 | INTEREST-1988 WATER BONDS | 151,888.00 | 151,888.00 | .00 |
| 41-41-00-6790 | PAYMENTS TO AGENT/TRUSTEE | 1,629,565.00 | 1,629,565.00 | .00 |
| 41-41-00-6792 | BOND FINANCIAL SERVICES | 17,500.00 | 22,090.00 | 4,590.00 |
| 41-41-00-6793 | BOND ISSUANCE COSTS | 14,935.00 | 14,935.00 | .00 |
| | MATERIALS AND SERVICES SUBTOTAL | 2,078,888.00 | 2,083,478.00 | 4,590.00 |
| 41-41-00-8950 | UNAPPROPRIATED ENDING BALANCE | 68,384.00 | 68,384.00 | .00 |
| | OTHER USES SUBTOTAL | 68,384.00 | 68,384.00 | .00 |
| 41 41 00 | PROGRAM TOTAL | 2,152,272.00 | 2,161,732.00 | 9,460.00 |

RESOLUTION NO. 94-016

A RESOLUTION APPROVING BUDGET TRANSFERS
FOR THE 1993-94 FISCAL YEAR

WHEREAS, local budget law requires that appropriations must be made before expenditures can be made; and

WHEREAS, City Council desires to comply with local budget law; and

WHEREAS, budget appropriation transfers are now required to comply with local budget law for unanticipated expenditures; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

Section 1. The following budget appropriations transfers are hereby approved:

| <u>General Fund</u> | <u>To:</u> | <u>From:</u> |
|---|------------|--------------|
| City Council Dept. | \$50,000 | |
| Contingency | | (\$50,000) |
| for 1993-94 Crates Point Oregon Trail Celebration | | |


| | | |
|--|----------|------------|
| Fire Department | \$38,093 | |
| Contingency | | (\$38,093) |
| for emergency engine electrical equipment | | |
| and proposed fire station site survey and | | |
| preliminary architectural & engineering design | | |

| <u>Tourist Promotion Fund</u> | <u>To:</u> | <u>From:</u> |
|---|------------|--------------|
| Personal Services | \$32,880 | |
| Materials & Services | | (\$ 5,000) |
| Other Uses | | (\$27,880) |
| for personal services the balance of the year | | |

PASSED AND ADOPTED THIS 14TH DAY OF FEBRUARY, 1994

Voting Yes, Councilors: Koch, Davis, Wood
Voting No, Councilors: None
Absent, Councilors: Bailey, Holt
Abstaining, Councilors: None

AND APPROVED BY THE MAYOR THIS 14TH DAY OF FEBRUARY, 1994

SIGNED: 
L.D. "Les" Cochenour, Mayor

ATTEST: 
Julie Krueger, City Clerk

RESOLUTION NO. 94-015

**A RESOLUTION CONCURRING WITH THE MAYOR'S
RE-APPOINTMENT OF JON BAILEY TO THE
MID COLUMBIA COUNCIL OF GOVERNMENTS**

WHEREAS, a position has become vacant on the Mid Columbia Council of Governments due to the expiration of Jon Bailey's term; and

WHEREAS, Mayor L.D. "Les" Cochenour has named Jon Bailey for re-appointment to fill the expired term on said Board; and

WHEREAS, the City Council desires to concur in the re-appointment of Jon Bailey to said Board;

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

Section 1. The City Council hereby concurs in the re-appointment of Jon Bailey to the Mid Columbia Council of Governments to fill an expired term. Said term expires February 1, 1996.

PASSED AND ADOPTED THIS 14TH DAY OF FEBRUARY, 1994.

| | |
|-------------------------|-------------------|
| Voting Yes, Councilors: | Koch, Davis, Wood |
| Voting No, Councilors: | None |
| Absent, Councilors: | Bailey, Holt |
| Abstaining, Councilors: | None |

AND APPROVED BY THE MAYOR THIS 14TH DAY OF FEBRUARY, 1994.

SIGNED:


L.D. "Les" Cochenour, Mayor

ATTEST:


Julie Krueger, City Clerk



RESOLUTION NO. 94-014

**A RESOLUTION APPROVING THE ITEMS ON THE
CONSENT AGENDA AND AUTHORIZING CITY
OFFICERS TO SIGN CONTRACT DOCUMENTS**

WHEREAS, certain business items of a routine nature are periodically brought before City Council for action; and

WHEREAS, City Council desires to conduct its meetings in an efficient and effective manner; and

WHEREAS, City Council desires to dispose of routine matters so that Council may focus its attention on the major policy issues facing the community; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

Section 1. Items Approved. The items appearing on the Consent Agenda are hereby approved:

- A. Consent Agenda Resolution for Council Action.
- B. Approval of the January 24, 1994 Regular City Council Meeting Minutes.
- C. Approval of the February 2, 1994 Special City Council Meeting Minutes.
- D. Resolution No. 94-015 Concurring With the Mayor's Re-appointment of Jon Bailey to the Mid Columbia Council of Governments.



E. Resolution No. 94-016 Approving Budget Transfers for the 1993-94 Fiscal Year.

Section 2. Officers to Act. City Officers are hereby authorized to sign contract documents and do such other acts as are necessary and proper.

PASSED AND ADOPTED THIS 14TH DAY OF FEBRUARY, 1994.

| | |
|-------------------------|-------------------|
| Voting Yes, Councilors: | Koch, Davis, Wood |
| Voting No, Councilors: | None |
| Absent, Councilors: | Bailey, Holt |
| Abstaining, Councilors: | None |

AND APPROVED BY THE MAYOR THIS 14TH DAY OF FEBRUARY, 1994.

SIGNED:


L.D. "Les" Cochenour, Mayor

ATTEST:


Julie Krueger, City Clerk

RESOLUTION NO. 94-013

**A RESOLUTION DECLARING CERTAIN REAL PROPERTY
DESCRIBED AS LOTS 3, 4, 5 AND 6 IN BLOCK 5,
LAUGHLIN'S ADDITION TO DALLES CITY,
AS SURPLUS PROPERTY**

WHEREAS, the City of The Dalles owns certain real property described as Lots 3, 4, 5, and 6 in Block 5, Laughlin's Addition to Dalles City, which property is further described as tax lots 7600 and 7700, Township 1 North 13 East, 3BD, which property is the site of the building commonly known as "The Matthew Building"; and

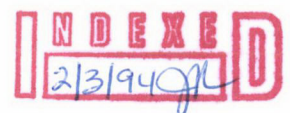
WHEREAS, a map showing the location of the subject property is attached hereto as Exhibit "A"; and

WHEREAS, the City has recently received two separate proposals for a possible lease or purchase of the above described property; and

WHEREAS, ORS 271.310 provides that a political subdivision may sell, exchange, convey, or lease for any period not exceeding 99 years all or any part of its interest in real property, when that property is not needed for public use, or whenever transfer of the property may further the public interest; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

Section 1. The parcel of real property described as Lots 3, 4, 5, and 6 in Block 5, Laughlin's Addition to Dalles city, in Wasco County, Oregon, also described as tax lots 7600 and 7700, Township 1 North, 13 East, 3BD, and shown on Exhibit "A", is declared to be surplus property, not needed for public use, and a



transfer of the subject property may further the public interest, based upon the following reasons:

- A. A significant portion of the structure located upon the premises is currently vacant. The present condition and interior layout of the structure restricts the commercial opportunities and activities which could occur upon the premises. In the past, the City has had difficulty in securing and retaining commercial tenants to generate sufficient revenue to pay the costs of taxes, insurance, and maintenance of the structure. In view of the financial constraints imposed upon the City under the provisions of Article XI 11b of the Oregon Constitution, commonly known as "Ballot Measure 5", it is unlikely the City will have the necessary financial resources to improve the property to enhance its commercial value to the City.
- B. Portions of the property are currently leased to the Wasco County Juvenile Department and the Northern Wasco Parks & Recreation District for youth recreation programs. The general public, as a whole, does not participate in these programs. Given the structural and financial constraints outlined in paragraph (A), it is unlikely the City can make improvements to the premises to enhance the public use of the property.
- C. Declaring the property to be surplus will allow the City to explore creative opportunities concerning the

possible sale or lease of the property. The City has received two separate proposals concerning a possible sale or lease of the property. The proposals involve concepts, which, if completed, could significantly increase the commercial value of the property and add significant contributions to the community's economic base, or enhance the social and recreational opportunities for local youth.

PASSED AND ADOPTED THIS 2ND DAY OF FEBRUARY, 1994

Voting Yes, Councilors: Bailey, Davis, Holt, Koch
Voting No, Councilors: None
Absent, Councilors: Wood
Abstaining, Councilors: None

AND APPROVED BY THE MAYOR THIS 2ND DAY OF FEBRUARY, 1994

SIGNED: 
L.D. "Les" Cochenour, Mayor

ATTEST: 
Julie Krueger, City Clerk

SCALE 1:2400



SE1/4 NW1/4 Sec. 3 T.1N. R.13E. W. M.

WASCO COUNTY

SEE MAP IN 13 3

IN 13 3BD
THE DALLES

GOV'T LOT 2

GOV'T LOT 3

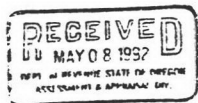
CANCELLED NO

4500
6600A1
10422
10600A1
10600A2
10600A3
10600A4
10600A5
10700
11100
2500A1
2500A2
2500A3
2500A4
2500A5
2500A6
2500A7
2500A8
2500A9
2500A10
2500A11
2500A12
2500A13
2500A14
2500A15
2500A16
2500A17
2500A18
2500A19
2500A20
2500A21
2500A22
2500A23
2500A24
2500A25
2500A26
2500A27
2500A28
2500A29
2500A30
2500A31
2500A32
2500A33
2500A34
2500A35
2500A36
2500A37
2500A38
2500A39
2500A40
2500A41
2500A42
2500A43
2500A44
2500A45
2500A46
2500A47
2500A48
2500A49
2500A50
2500A51
2500A52
2500A53
2500A54
2500A55
2500A56
2500A57
2500A58
2500A59
2500A60
2500A61
2500A62
2500A63
2500A64
2500A65
2500A66
2500A67
2500A68
2500A69
2500A70
2500A71
2500A72
2500A73
2500A74
2500A75
2500A76
2500A77
2500A78
2500A79
2500A80
2500A81
2500A82
2500A83
2500A84
2500A85
2500A86
2500A87
2500A88
2500A89
2500A90
2500A91
2500A92
2500A93
2500A94
2500A95
2500A96
2500A97
2500A98
2500A99
2500A100

192

SEE MAP IN 13 3AC

IN 13 03 B1



SEE MAP IN 13 3BC



RESOLUTION NO. 94-012

APPROVING THE FINAL PLAT OF PLANNED UNIT DEVELOPMENT #9-94
OF WILLIAM VAN NUYS FOR A 10-LOT MIXED
USE DEVELOPMENT ON 68 ACRES

WHEREAS, on January 20, 1994 the City of The Dalles Planning Commission granted tentative plan approval for PUD #9-94; and,

WHEREAS, the prerequisite conditions of tentative approval required for final plat submittal have been met, other conditions will guide the development; and

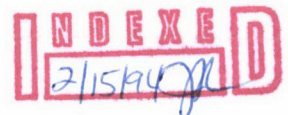
WHEREAS, the City of The Dalles Subdivision Ordinance requires the City Council to review and approve of final plats prior to their filing with the Wasco County Clerk; and

WHEREAS, the City Council has carefully considered the Planning Commissions original finding and has thoroughly reviewed the final plat.

NOW, THEREFORE, the City Council of The City of The Dalles resolves as follows:

Section 1. Final Plat of PUD #9-94 Approved

The Dalles City Council has reviewed the final plat of William Van Nuys for a 10-lot mixed use planned development and finds the proposed plat to comply with The Dalles Subdivision Ordinance, Section V, and approves the final plat.



Section 2. Mayor authorized to sign plat

The Mayor of the City of The Dalles is hereby authorized to sign the final plat of the "Lone Pine Subdivision Planned Unit Development".

PASSED AND ADOPTED THIS 14TH DAY OF FEBRUARY, 1994.

Voting Yes, Councilmembers: Koch, Wood, Davis

Voting No, Councilmembers: None

Absent, Councilmembers: Bailey, Holt

Abstaining, Councilmembers: None

AND APPROVED BY THE MAYOR THIS 14TH DAY OF FEBRUARY, 1994.

L. D. Les Cochenour
L. D. "Les" Cochenour, Mayor

ATTEST:

Julie Krueger
Julie Krueger, City Clerk

RESOLUTION NO. 94-011

AUTHORIZING THE CITY MANAGER TO SIGN THE INTERGOVERNMENTAL AGREEMENT ACCEPTING A OREGON COMMUNITY SMALL PROJECTS GRANT FOR PURCHASE OF ONE HAND-HELD RADAR, ONE READER BOARD AND FOUR BUCKLE-UP SIGNS

WHEREAS, on November 9, 1993, The Dalles City Council adopted Resolution No. 93-075 approving an application for grant funds to purchase radar monitoring equipment and a reader board; and

WHEREAS, the Oregon Department of Transportation has awarded the City of The Dalles a Community Small Projects Grant in the amount of \$2,329 for purchase of one hand-held radar, one reader board and four buckle-up signs; and

WHEREAS, The Dalles Traffic & Safety Commission, at it's January 19, 1994 meeting, unanimously passed a motion recommending pursuit of purchase of the equipment as soon as possible; and

WHEREAS, a condition of the grant ward is that no funds may be incurred until the signed Intergovernmental Agreement is on file in the office of the Oregon Department of Transportation; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

Section 1. The City Council authorizes the City Manager to sign all contract documents related to the acceptance of the \$2,329 Oregon Department of Transportation Community Small Projects Grant award for purchase of one hand-held radar, one reader board and four buckle-up signs.


Section 2. The City Council authorizes the in-kind funds necessary for this project.

PASSED AND ADOPTED THIS 24TH DAY OF JANUARY, 1994.

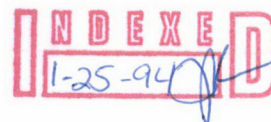
| | |
|-----------------------------|---------------------------------|
| Voting Yes, Councilmembers: | Wood, Koch, Bailey, Davis, Holt |
| Voting No, Councilmembers: | None |
| Absent, Councilmembers: | None |
| Abstaining, Councilmembers: | None |

AND APPROVED BY THE MAYOR THIS 24TH DAY OF JANUARY, 1994.


L.D. "Les" Cochenour, Mayor

Attest:

Julie Krueger, City Clerk

Resolution 94-011



RESOLUTION NO. 94-010

A RESOLUTION APPROVING THE ITEMS ON THE
CONSENT AGENDA AND AUTHORIZING CITY
OFFICERS TO SIGN CONTRACT DOCUMENTS

WHEREAS, certain business items of a routine nature are periodically brought before City Council for action; and

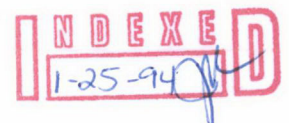
WHEREAS, City Council desires to conduct its meetings in an efficient and effective manner; and

WHEREAS, City Council desires to dispose of routine matters so that Council may focus its attention on the major policy issues facing the community; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

Section 1. Items Approved. The items appearing on the Consent Agenda are hereby approved:

- A. Consent Agenda Resolution for Council Action.
- B. Approval of the January 10, 1994 Regular City Council Meeting Minutes.
- C. Approval to Declare Certain Police Department Equipment as Surplus Property.



Section 2. Officers to Act. City Officers are hereby authorized to sign contract documents and do such other acts as are necessary and proper.

PASSED AND ADOPTED THIS 24TH DAY OF JANUARY, 1994.

| | |
|-------------------------|--|
| Voting Yes, Councilors: | <u>Wood, Koch, Bailey, Davis, Holt</u> |
| Voting No, Councilors: | <u>None</u> |
| Absent, Councilors: | <u>None</u> |
| Abstaining, Councilors: | <u>None</u> |

AND APPROVED BY THE MAYOR THIS 24TH DAY OF JANUARY, 1994.

SIGNED:



L.D. "Les" Cochenour, Mayor

ATTEST:



Julie Krueger, City Clerk

RESOLUTION NO. 94-009

A RESOLUTION AUTHORIZING THE CITY MANAGER TO
EXECUTE A RELEASE OF A RESTRICTIVE COVENANT
PREVENTING THE CONSTRUCTION OF ANY STRUCTURE
UPON REAL PROPERTY DESCRIBED AS
ASSESSOR'S MAP 1N 13E 3CC #11701

WHEREAS, the City of The Dalles conveyed certain property by bargain and sale deed dated October 3, 1978 to Richard Anderson, which property is known as Assessor's Map No. 1N 13E 3CC #11701, and is further described as follows:

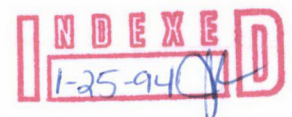
A part of Lot 14 SUNRISE ADDITION in the City of The Dalles, County of Wasco, State of Oregon, more particularly described as follows:

Beginning at the most northerly corner of said Lot 14; thence southeasterly along the northeasterly line of said Lot 14, 200 feet; thence S 24°13' W to the southwesterly line of said Lot 14; thence northwesterly along the southwesterly line of said Lot 14 to the northwesterly line of said Lot 14; thence northeasterly to the point of beginning.

TOGETHER WITH: An easement for access to the above described property, described as follows: Beginning at the most northerly corner of said Lot 14; thence southeasterly along the northeasterly line of said Lot 14, 200 feet; thence S 24°13' W 40 feet to the true point of beginning of this description; thence S 67°47' E 100 feet to the westerly line of Jefferson Street; thence southerly along the westerly line of Jefferson Street; and thence westerly along the northerly line of North Terrace Street to a point which is S 24°13' W. from the true point of beginning; thence N 24°13' E to the true point of beginning.

The property is shown on the map attached as Exhibit "A"; and

WHEREAS, the bargain and sale deed contained a restrictive covenant wherein Mr. Anderson agreed that no structure of any kind could be placed upon the property known as tax lot 11701; and



WHEREAS, the deed to Mr. Anderson also referenced an agreement between the City and Mr. Anderson, which included the restrictive covenant and set forth certain other covenants and agreements which were to run with the land; and

WHEREAS, the parcel was subsequently purchased by Mr. Jon Stickney by a contract dated December 12, 1988, which contract acknowledged the existence of the restrictive covenant and the agreement entered into between the City and Mr. Anderson; and

WHEREAS, Mr. Stickney has entered into an earnest money agreement with Dennis and Mary Ervin, for the purchase of the subject parcel; and

WHEREAS, the City Planning Commission adopted Resolution No. PC 275-94, on January 6, 1994, granting a variance requested by Mr. and Mrs. Ervin, to allow the placement of a manufactured home on the subject parcel, which variance is subject to the removal of the restrictive covenant barring the construction of any structures on the subject parcel; and

WHEREAS, City staff has reviewed the minutes of City Council meetings involving the original request by Mr. Anderson to purchase the property from the City, and could not find any explanation for the placement of the restrictive covenant upon the property; and

WHEREAS, the City Attorney, City Engineer, and Associate Planner have visited the site, and reviewed the site plan submitted by Mr. and Mrs. Ervin, and have determined that

conditions no longer exist, to justify the continuance of the restrictive covenant upon the property; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

Section 1. The City Manager is authorized to execute the necessary documents to be prepared by the City Attorney, to release the property known as Assessor's Map No. 1N 13E 3CC, tax lot 11701, as more thoroughly described above, from the restrictive covenant which prevents the building of any structure upon the property. The bargain and sale deed recorded in the Deed Records as micro film no. 78-3371, and the Agreement recorded in the Deed Records as micro film no. 78-3370, shall be amended to read as if the restrictive covenant were deleted from the documents. The other covenants and agreements set forth in the Agreement, recorded as micro film no. 78-3370, shall remain in effect.

PASSED AND ADOPTED THIS 24TH DAY OF JANUARY, 1994

| | |
|-------------------------|--|
| Voting Yes, Councilors: | <u>Holt, Koch, Bailey, Davis, Wood</u> |
| Voting No, Councilors: | <u>None</u> |
| Absent, Councilors: | <u>None</u> |
| Abstaining, Councilors: | <u>None</u> |

AND APPROVED BY THE MAYOR THIS 24TH DAY OF JANUARY, 1994

SIGNED:

L.D. "Les" Cochenour
L.D. "Les" Cochenour, Mayor

ATTEST:

Julie Krueger
Julie Krueger, City Clerk

EXHIBIT "A"

Subject parcel

Map No. IN 13 10BB

Map No. IN 13 10BB

RESOLUTION NO. 94-008

**A RESOLUTION EXTENDING THE DEADLINE FOR
REVIEW OF THE BASIC RATE SCHEDULE SUBMITTED
BY FALCON CABLE FOR A PERIOD OF NINETY DAYS**

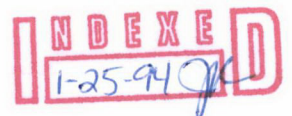
WHEREAS, the City Council adopted Resolution No. 93-081, on December 13, 1993, notifying Falcon Cable TV of the City's intent to regulate basic cable rates pursuant to the 1992 Cable TV Act; and

WHEREAS, pursuant to Resolution No. 93-081, Falcon Cable TV submitted Form 393 justifying its existing rates for the basic service tier and associated equipment costs, which form was received by the City Attorney's Office on January 3, 1994; and

WHEREAS, the rules adopted by the Federal Communication Commission (FCC) provide the proposed rates submitted by a cable operator will take effect within 30 days of the date of submission of Form 393, unless the franchising authority notifies the cable operator that it needs additional time to review the proposed rates; and

WHEREAS, due to illness and an unanticipated increase in workload for City staff members, the City staff has not had sufficient time to devote the resources necessary to complete a thorough analysis of the documents submitted by Falcon Cable TV, and ensure that comments from interested parties are heard; and

WHEREAS, Section 76.933 of the FCC rules, adopted to implement the 1992 Cable Act, allows a franchising authority to extend the deadline for review of Form 393 submitted by a cable



operator for a period of 90 days, in a case which does not involve a cost of service showing (which is the case with the form submitted by Falcon Cable on January 3, 1994); **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

Section 1. The City Council finds that additional time is needed to review the Form 393 submitted by Falcon Cable TV on January 3, 1994. Pursuant to Section 76.933 of the FCC's rules, the City hereby extends the deadline for review of Form 393 submitted by Falcon Cable, from February 2, 1994 for an additional 90 day period, until May 3, 1994.

Section 2. The City Attorney is instructed to mail a copy of this Resolution to Falcon Cable TV immediately following adoption of the Resolution.

PASSED AND ADOPTED THIS 24TH DAY OF JANUARY, 1994

| | |
|-------------------------|--|
| Voting Yes, Councilors: | <u>Wood, Holt, Bailey, Davis, Koch</u> |
| Voting No, Councilors: | <u>None</u> |
| Absent, Councilors: | <u>None</u> |
| Abstaining, Councilors: | <u>None</u> |

AND APPROVED BY THE MAYOR THIS 24TH DAY OF JANUARY, 1994.

SIGNED:

L.D. "Les" Cochenour
L.D. "Les" Cochenour, Mayor

ATTEST:

Julie Krueger
Julie Krueger, City Clerk

RESOLUTION NO. 94-007

**A RESOLUTION EXEMPTING THE PUBLIC CONTRACT
FOR PURCHASE OF A NEW 4-WHEEL DRIVE POLICE
VEHICLE FROM COMPETITIVE BIDDING REQUIREMENTS**

WHEREAS, the City Police Department budgeted funds for the 1993-94 fiscal year for the purchase of a new police vehicle; and

WHEREAS, the Police Department has desired to purchase a 4-wheel drive vehicle in the past, but has not been able to do so due to other vehicle needs of the Department; and

WHEREAS, the condition of the Department's vehicles is such that the Department has the present opportunity to replace one of its vehicles with a 4-wheel drive vehicle; and

WHEREAS, the Department has traditionally purchased police vehicles through the State of Oregon bid, which process is exempt from competitive bidding requirements under the rules adopted by the City's Local Contract Review Board; and

WHEREAS, the Police Department has determined that a local auto dealership, Thomas Motors Freeway Auto Center, can sell a 4-wheel drive jeep wagoneer, which is the type of model desired by the Department, for a sum which is approximately \$400 to \$700 less than the sum available through the State bid, which is \$18,747.00; and



WHEREAS, Section 4 (19) of the rules of the City's Local Contract Review Board provide that the City Council, acting as the Board, may exempt certain contracts from the competitive bid requirements, if the Council finds it is unlikely that granting of the exemption will encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts, and that the exemption will result in substantial cost savings to the City; and

WHEREAS, the Police Department has requested the Council to exempt the contract for the purchase of the 4-wheel drive vehicle from Thomas Motors Freeway Auto Center, under Section 4 (19) of the Council's contract review board rules; and

WHEREAS, the City Council has held a public hearing to consider the exemption of the contract from competitive bidding requirements; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

Section 1. The public contract for the purchase of a 4-wheel drive Jeep Wagoneer from Thomas Motors Freeway Auto Center, shall be exempt from competitive bidding requirements, pursuant to Section 4 (19) of the City's Local Contract Review Board, based upon the following findings:

A. The City Police Department has desired for many years to purchase a 4-wheel drive vehicle. In the past, other vehicle needs of the Department have prevented such a purchase. The Department has a current opportunity to

replace one of its vehicles with a 4-wheel drive vehicle. The Department is proposing to purchase a 4-wheel drive Jeep Wagoneer.

B. The proposed vehicle will ensure the Department can respond to all areas of the City during times of harsh or inclement weather. The Department anticipates the proposed vehicle will also be used as a utility vehicle, and that the vehicle will provide many years of service to the City and the general public.

C. The type and model of police vehicle, which is manufactured exclusively by the Chrysler Corporation, is the only available 4-wheel drive package currently available for purchase. The Department has traditionally purchased police vehicles through the State of Oregon. These purchases have been exempted by the Contract Review Board from competitive bidding requirements, because the State of Oregon has previously undergone a competitive process to secure bids, and the purchase price, available through the State bid is often the lowest price available.

D. The cost of the proposed vehicle from the State bid is \$18,747.00. The Police Department, following its customary practice, contracted the local dealership which sells the type of model desired by the Department. The dealership, Thomas Motors Freeway Auto Center, advised the Department

they could sell the same model available through the State bid for a sum of approximately \$400 to \$700 less than the State bid amount.

E. The Council finds the Police Department has traditionally purchased police vehicles through the State bid list. The State conducts a competitive bid process for goods sold through the State bid list. Traditionally, only one manufacturer will offer the type of vehicle which meets the needs of local police departments. Under these circumstances, the Council finds the proposed exemption will not discourage the competition for public contracts, or encourage favoritism in the award of public contracts.

F. The Council finds the Police Department has the opportunity to save the sum of approximately \$400 to \$700 from the cost available through the State bid by purchasing from Thomas Motors Freeway Auto Center. Although this sum may initially appear to be small, the Council finds that the proposed savings to the City are substantial, in view of the fact the local dealer's price is less than the State bid list price, which is traditionally the lowest price available, and in view of the tight financial constraints imposed upon the Police Department's budget.

Section 2. The City Manager is authorized to execute a contract for the purchase of a 4-wheel drive Jeep Wagoneer from

Thomas Motors Freeway Auto Center, for a sum not to exceed
\$18,747.00.

PASSED AND ADOPTED THIS 24TH DAY OF JANUARY, 1994

Voting Yes, Councilors: Wood, Davis, Bailey, Holt, Koch
Voting No, Councilors: None
Absent, Councilors: None
Abstaining, Councilors: None

AND APPROVED BY THE MAYOR THIS 24TH DAY OF JANUARY, 1994.

SIGNED:

L.D. Les Cochenour
L.D. "Les" Cochenour, Mayor

ATTEST:

Julie Krueger
Julie Krueger, City Clerk

RESOLUTION 94-006

APPROVING FINAL PLAT FOR PHASE III OF
PLANNED UNIT DEVELOPMENT 7-93 (POMONA MEADOWS)
OF INTERSTATE PAVING CORPORATION AND RICH TENOLD CONSTRUCTION

WHEREAS, The Dalles City Council was given opportunity to comment on tentative PUD 7-93 as required by the Subdivision Ordinance in April 1993; and

WHEREAS, the Planning Commission held a public hearing on April 22, 1993, regarding tentative PUD 7-93, and adopted Resolution PC240-93 giving approval to the plan; and

WHEREAS, the conditions of approval have been met except for the street paving; and

WHEREAS, the developer wishes to file the final plat; and

WHEREAS, according to the Subdivision Ordinance the City Council has the right to require a development bond if said development has not been completed;

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

Section 1. Requirement of Development Bond The City of The Dalles will require a Development Bond from the applicant for internal street improvements in Phase III of Pomona Meadows PUD 7-93 prior to filing of the final plat.

Section 2. Authorizing Officers to Act Upon receipt of the development bond referred to in Section 1 above, the City Council authorizes staff to file the final plat for Phase III of Planned Unit Development 7-93 (Pomona Meadows).

PASSED AND ADOPTED THIS 24th DAY OF JANUARY, 1994.

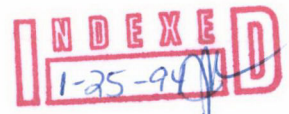
| | |
|-----------------------------|---------------------------------|
| Voting Yes, Councilmembers: | Holt, Koch, Bailey, Davis, Wood |
| Voting No, Councilmembers: | None |
| Absent, Councilmembers: | None |
| Abstaining, Councilmembers: | None |

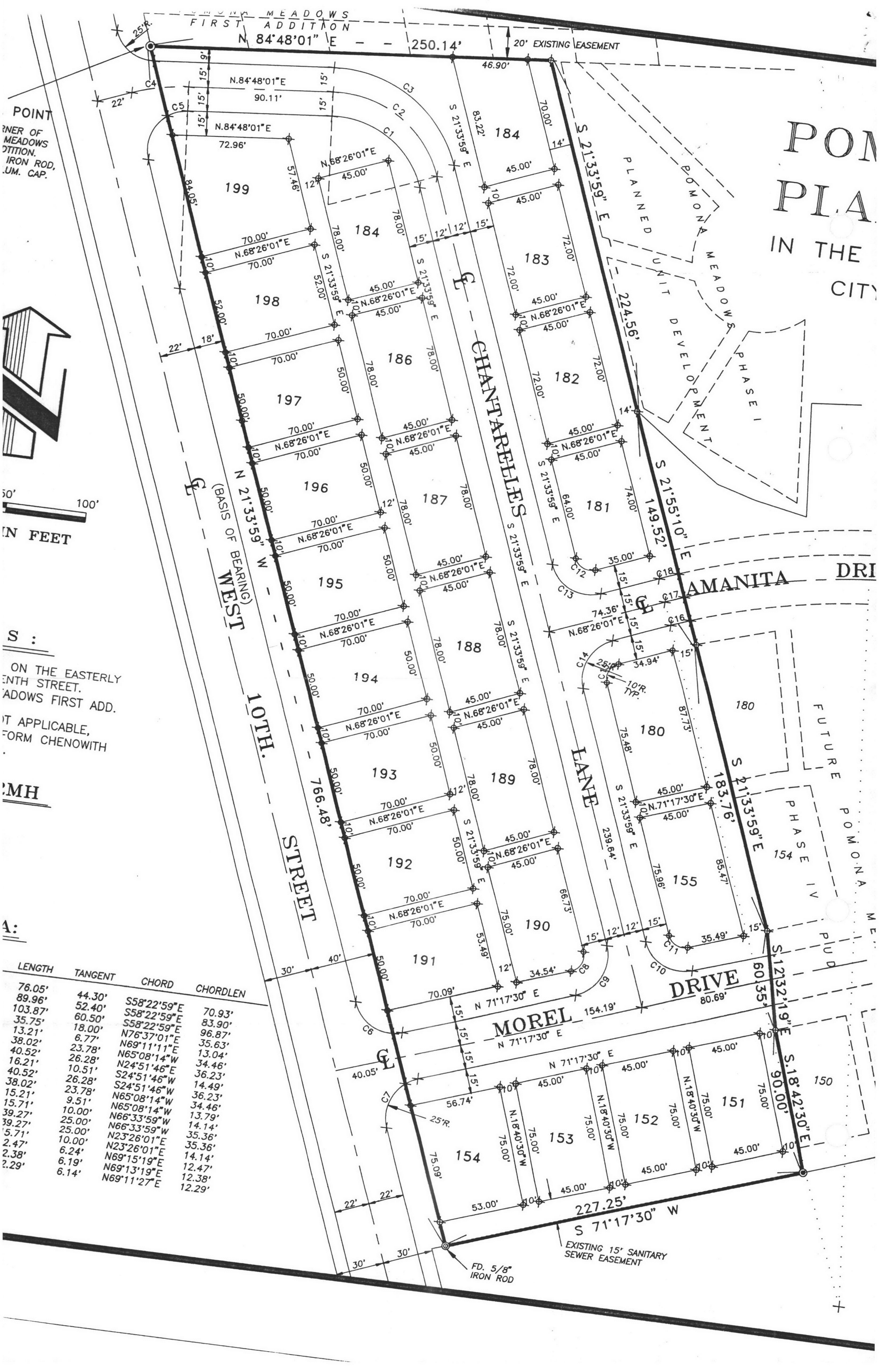
AND APPROVED BY THE MAYOR THIS 24th DAY OF JANUARY, 1994.

ATTEST:

Julie Krueger
Julie Krueger, City Clerk

L.D. Les Cochenour
L. D. "Les" Cochenour, Mayor





RESOLUTION 94-005

APPROVING TENTATIVE PLANNED UNIT DEVELOPMENT 8-93
OF W.H. PETERSON FOR A 2 PHASE, 21 LOT MANUFACTURED
HOME DEVELOPMENT TO BE KNOWN AS "RIVERVIEW TERRACE"

WHEREAS, the City of The Dalles Planning Commission held a public hearing on December 16, 1993, and approved Resolution PC271-93 recommending that City Council approve Tentative Plan PUD 8-93; and

WHEREAS, the tentative plan will become the guide by which the developer will build or bond the project; and

WHEREAS, the City of The Dalles Subdivision Ordinance requires that City Council be given opportunity to review tentative plans for new subdivisions and planned unit developments and to adopt final plans before they are filed with the County Clerk's Office; and

WHEREAS, within one year from approval of the tentative plan the developer must file the final plat;

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

Section 1. Tentative Approval of PUD 8-93 Upon recommendation of the City of The Dalles Planning Commission, and after full review on January 24, 1994, The Dalles City Council gives approval for Tentative Planned Unit Development 8-93.

PASSED AND ADOPTED THIS 24th DAY OF JANUARY, 1994.

| | |
|-----------------------------|--|
| Voting Yes, Councilmembers: | <u>Koch, Bailey, Davis, Holt, Wood</u> |
| Voting No, Councilmembers: | <u>None</u> |
| Absent, Councilmembers: | <u>None</u> |
| Abstaining, Councilmembers: | <u>None</u> |

AND APPROVED BY THE MAYOR THIS 24th DAY OF JANUARY, 1994.

ATTEST:

Julie Krueger
Julie Krueger, City Clerk

L. D. "Les" Cochenour
L. D. "Les" Cochenour, Mayor



RESOLUTION 94-004

INITIATING STREET VACATION PROCEDURES
FOR A PORTION OF UNIMPROVED "I" STREET, LOCATED
BETWEEN EAST 13TH STREET AND EAST 15TH STREET

WHEREAS, the City has received a request from School District 12 to vacate the portion of "I" Street that crosses the Junior High School property, between East 13th Street and East 15th Street; and

WHEREAS, Street Vacation 15-93 has been described to the City Council after being reviewed by the City Utilities, Fire, Police and Planning Department and the Northern Wasco County PUD; and

WHEREAS, there have been no objections by these departments other than a request that a 15 foot utility easement to be retained and the property revert to the City upon the end of occupancy by the school system; and

WHEREAS, street vacations are governed by ORS 271.080 through 271.230; and

WHEREAS, under ORS 271.130 the City Council may initiate the vacation process by providing notice (ORS 271.110) of public hearing and posting of notice no less than 14 days prior to the hearing; and

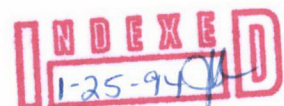
WHEREAS, it is in the best interest of the public for the City to initiate Street Vacation 15-93; and

WHEREAS, in addition to the statutory requirements, notice of the hearings should be sent to appropriate property owners that might be directly impacted by the proposal;

Resolution 94-004
January 24, 1994

cmd<c:\wp51\data\citycoun\94-004.res

Page 1 of 2



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

Section 1. Street Vacation Initiated. Street Vacation 15-93 for the section of "I" Street located between East 13th Street and East 15th Street as shown on Exhibit A, is initiated.

Section 2. Officers to Act. The City Planning Department is directed to post and publish notice for the street vacation initiated in Section 1, according to the provisions of ORS 271.110.

PASSED AND ADOPTED THIS 24th DAY OF JANUARY, 1994.

Voting Yes, Councilmembers: Holt, Wood, Bailey, Davis, Koch

Voting No, Councilmembers: None


Absent, Councilmembers: None

Abstaining, Councilmembers: None

AND APPROVED BY THE MAYOR THIS 24th DAY OF JANUARY, 1994.


L. D. "Les" Cochenour, Mayor

ATTEST:


Julie Krueger, City Clerk

Resolution 94-004
January 24, 1994

cmd<c:\wp51\data\citycoun\94-004.res

Page 2 of 2

Vacation
#15-93,
City of
The Dalles
for D-12

SEC MAP IN 13 XCD

E. TWELFTH

(9LUF)

12-1

SEE MAP 'N 13 10

E. THIRTEENTH ST.

SECRET (U)

ADDITION

E FOURTEENTH STREET

1/4 Cor | E. FOURTEE
(VIEW)

STREET

15.

OWMAN'S
TH. PLACE

E. 16TH. S. 5400

7 8

1000 72 AC.

5400 0.84 AC.

JR. HIGH
School

Proposed
Vacation
Area.

Currently
is a sidewalk
across school
property.

12-1

3100
MARQUETTE
3000
2: NED

MARQUETTE

STREET

STREET

...THIRTEENTH

(FAIR) STREET

10-THAN-DE

E. THIRTEENTH PLACE

E. FOURTEENTH ST. ? (LAUREL

E. 15TH. ST.

KILOMETER

E. 16TH. ST.

EXHIBIT "A"

SEE MAP IN 13 305

1N 13 3 0?

RESOLUTION NO. 94-003

**A RESOLUTION APPROVING THE FINANCING OF AN AT&T LEGEND
TELEPHONE SYSTEM WITH VOICE MAIL THROUGH WEST ONE BANK,
IDAHO, AND AUTHORIZING THE CITY MANAGER TO
SIGN THE NECESSARY DOCUMENTS**

WHEREAS, the City Council previously approved the acquisition and financing (lease/purchase) of a new telephone system; and

WHEREAS, the proposal was based upon West One Bank, Idaho, furnishing the financing; and

WHEREAS, West One Bank, Idaho, requires specific documentation in order to provide such financing; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

Section 1. It is unanimously approved and agreed upon by the City Council to acquire the use of and finance through West One Bank, Idaho, an AT&T Legend telephone system with voice mail, costing \$29,564.08 for a term of five years at 5.46 annual percentage rate. The first annual payment of \$6,557.58 will be paid in advance, followed by four annual payments of \$6,557.58.

Section 2. The City Manager is authorized to sign the necessary documents on behalf of the City of The Dalles.

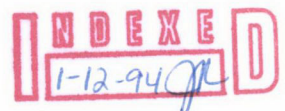
PASSED AND ADOPTED THIS 10TH DAY OF JANUARY, 1994

Voting Yes, Councilors: Wood, Holt, Koch
Voting No, Councilors: Davis
Absent, Councilors: Bailey
Abstaining, Councilors: None

AND APPROVED BY THE MAYOR THIS 10TH DAY OF JANUARY, 1994

L.D. "Les" Cochenour
L.D. "Les" Cochenour, Mayor

ATTEST: Julie Krueger
Julie Krueger, City Clerk



RESOLUTION NO. 94-002

A RESOLUTION REFERRING TO THE VOTERS OF THE
CITY OF THE DALLES, A MEASURE FOR ADOPTION OF
A REVISED CHARTER FOR THE CITY

WHEREAS, The Dalles City Council has directed the City
Attorney to prepare revisions to the existing City Charter; and

WHEREAS, the City Attorney has prepared and proposed to the
City Council a new charter attached hereto as Exhibit "A" for
submission to the voters of the City, which proposal shall be
known and referred to as the "1994 The Dalles City Charter"; and

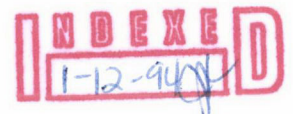
WHEREAS, the City Council concurs with the recommendations
of the City Attorney and wishes to refer the 1994 The Dalles City
Charter to the voters of the City;

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

Section 1. The City Council hereby approves the Exhibit "A"
1994 The Dalles City Charter for submission to the voters of the
City and hereby directs and authorizes that the 1994 The Dalles
City Charter be submitted to the legal voters of the City at a
special election to be held on Tuesday, March 22, 1994.

Section 2. Provided a majority of the legal voters of the
City of The Dalles approve the measure, the 1994 The Dalles City
Charter shall become effective upon certification of the vote.

Section 3. The election will be conducted by the Wasco
County Elections Department by mail.



Section 4. The precincts for said election shall be and constitute all of the territory included within the corporate limits of the City of The Dalles.

Section 5. This resolution shall be filed with the City Clerk upon passage.

Section 6. The ballot title for the measure, which shall appear on the ballot, shall be as follows:

**MEASURE ADOPTING A REVISED CHARTER
OF THE CITY OF THE DALLES**

Question: Shall the Proposed 1994 The Dalles City Charter be adopted?

Explanation: This measure proposes adoption of a revised City Charter. This revision is recommended because the current charter was last updated in 1980. Since then, state laws and the way the City is administered have changed. This Charter specifies: a general grant of powers consistent with state law; a Council/Manager form of government; powers and duties of city officers; election and ordinance procedures; creation of council districts; and other matters. The Charter may be amended only by a vote of the people.

Section 7. The City Clerk is directed to publish a notice of the ballot title in the next available edition of a newspaper of general circulation in the City of The Dalles. The notice shall contain the ballot title under which the question will appear on the ballot, set forth the time and place of the election, state that an elector may file a petition for review of the ballot title, and state the deadline for filing such a petition.

Section 8. The Elections Department of Wasco County is hereby instructed to prepare the ballots and take other actions necessary to conduct the election.

PASSED AND ADOPTED THIS 10TH DAY OF JANUARY, 1994.

| | |
|-----------------------------|--------------------------------|
| Voting Yes, Councilmembers: | <u>Holt, Koch, Davis, Wood</u> |
| Voting No, Councilmembers: | <u>None</u> |
| Absent, Councilmembers: | <u>Bailey</u> |
| Abstaining, Councilmembers: | <u>None</u> |

AND APPROVED BY THE MAYOR THIS 10TH DAY OF JANUARY, 1994.

L.D. Les Cochenour
L. D. (Les) Cochenour, Mayor

Attest:

Julie Krueger
Julie Krueger, City Clerk

PREAMBLE

We, the people of The Dalles, Oregon, in order to avail ourselves of self-determination in municipal affairs to the fullest extent now or hereafter possible under the constitutions and laws of the United States and the State of Oregon, through this charter confer upon the City the following powers, subject it to the following restrictions, prescribe for it the following procedures and governmental structure and repeal all previous charter provisions of the City.

Chapter I

NAMES AND BOUNDARIES

Section 1. Title of Charter. This charter may be referred to as the 1994 The Dalles Charter.

Section 2. Name of City. The City of The Dalles, Oregon, continues under this charter to be a municipal corporation with the name City of The Dalles.

Section 3. Boundaries. The City includes all territory within its boundaries as they now exist or hereafter are modified pursuant to state law. The custodian of the City's records shall keep an accurate, current description of the boundaries and make a copy of it available for public inspection in the City during regular City office hours.

Chapter II

POWERS

Section 4. Powers of the City. The City has all powers that the constitutions, statutes, and common law of the United States and of this state now or hereafter expressly or impliedly grant or allow the City, as fully as though this charter specifically enumerated each of those powers.

Section 5. Construction of Powers. In this charter, no specification of a power is exclusive or restricts authority that the City would have if the power were not specified. The charter shall be liberally construed, so that the City may exercise fully all its powers possible under this charter and under United States and Oregon law. All powers are continuing unless a specific grant of power clearly indicates the contrary.

Section 6. Distribution of Powers. Except as this charter prescribes otherwise and as the Oregon Constitution reserves

municipal legislative power to the voters of the City, all powers of the City are vested in the council.

Chapter III

FORM OF GOVERNMENT

Section 7. Council. The council consists of five councilors. Four of the councilors shall be nominated by district, and one shall be nominated at large. All councilors shall be elected at large. In case of one or more vacancies in the council, the council will consist of those members whose offices are not vacant.

Section 8. Districts. The four councilors to be nominated by district shall be classified into four positions, numbered 1 through 4. Two positions, numbered 1 and 2, shall be nominated from the West district, and two positions, numbered 3 and 4, shall be nominated from the East district. The district boundaries shall be fixed by ordinance. Within three months after an official census or census estimate indicates that the boundaries deny equal protection of the laws, the Council shall re-specify the boundaries so as to accord equal protection of laws.

Section 9. Councilors. The term of office of the five councilors in office when this charter is adopted shall continue for the term of office for which each was elected. At the 1994 biennial election, two councilors shall be nominated, one from each district (Position #1 and Position #3), and elected at large for four year terms. The councilor at large position and the Mayor will be elected for two year terms. At the 1996 biennial election, two councilors shall be nominated, one from each district (Position #2 and Position #4), and elected at large for four year terms. The councilor at large position and Mayor will be elected for two year terms. For elections following the 1996 biennial election, one councilor from each district will be elected for four year terms on a rotating schedule based on position numbers. The councilor at large position and Mayor position will be elected for two year terms, each as their respective terms expire.

Section 10. Terms of Office. The term of office of an elective officer who is elected at a general election begins at the first council meeting of the year immediately after the election and continues until the successor to the office assumes the office.

Section 11. Appointive offices. A majority of the council shall appoint and may remove a city manager and a city attorney. The majority may:

(1) Create, abolish, and combine additional appointive offices and,

(2) Except as the majority prescribes otherwise, fill such offices by appointment and vacate them by removal.

Chapter IV

COUNCIL

Section 12. Rules. The Council shall, by resolution, prescribe rules to govern its meetings and proceedings.

Section 13. Meetings. The council shall meet in the city regularly at least once a month at a time and place designated by the council's rules, and may meet at other times in accordance with the rules.

Section 14. Quorum. A majority of the council constitutes a quorum for its business, but a smaller number of the council may meet and compel attendance of absent councilors as prescribed by council rules.

Section 15. Record of Proceedings. A record of council proceedings shall be kept and authenticated in a manner prescribed by the council.

Section 16. Mayor's Functions at Council Meetings.

(1) When present at council meetings the mayor shall:

- (a) Preside over deliberations of the council,
- (b) Preserve order,
- (c) Enforce council rules, and
- (d) Determine the order of business under the rules.

(2) The mayor shall not vote, except in the case of a tie vote of the members of the council present at the meeting.

Section 17. Council President.

(1) At its first meeting after this charter takes effect and at its first meeting of each odd-numbered year, the council shall appoint a president from its councilors.

(2) Except in voting on questions before the council, the president shall function as mayor when the mayor is:

- (a) Absent from a council meeting, or
- (b) Unable to function as mayor.

Section 18. Vote Required. Except as provided in this section and Sections 11, 20, 22, 31, and 33 of this charter, the express concurrence of a majority of the council members present and constituting a quorum is necessary to decide affirmatively a question before the Council. No resolution, ordinance or motion shall be passed except upon a favorable vote of three members of the Council.

Section 19. Vacancies: Occurrence. The office of a member of the council becomes vacant:

(1) Upon the incumbent's:

- (a) Death,
- (b) Adjudicated incompetence, or
- (c) Recall from the office, or
- (d) Resignation from the office.

(2) Upon declaration by the Council of the vacancy in case of the incumbent's:

- (a) Failure, following election or appointment to the office, to qualify for the office within ten days after the time for his or her term of office to begin,
 - (b) Absence from the city for 30 days without the council's consent or from all meetings of the council within a 60 day period,
 - (c) Ceasing to reside in the city,
 - (d) Ceasing to be a qualified elector under state law,
- or
- (e) Conviction of a public offense punishable by loss of liberty.

Section 20. Vacancies: Filling. A vacancy in an elective office of the City, including the mayor or a council position, shall be filled by appointment by a majority of the council. Persons appointed to fill a vacancy occurring in council Position #1, #2, #3, or #4 shall satisfy the qualification requirements set forth in Section 26 of this charter. The appointee's term of office runs from the time of his or her qualifying for the office after the appointment and until expiration of the term of the predecessor who has left the office vacant. During a council member's disability to serve on the council or during a member's absence from the city, a majority of the other council members may by appointment fill the vacancy pro tem.

Chapter V

POWERS AND DUTIES OF OFFICERS

Section 21. Mayor.

(1) Appointive powers. The mayor shall appoint, subject to confirmation by the City Council:

(a) Members of committees and commissions, which are established by City ordinance or created by the City Council, and

(b) Other persons required by the council to be so appointed.

(2) Signature of Documents. The mayor shall have no veto power and shall sign all ordinances and resolutions passed by the Council within three (3) days after their passage.

Section 22. City Manager.

(1) The city manager is the administrative head of the city government.

(2) A majority of the council shall appoint and may remove the manager. The appointment shall be without regard to political considerations and solely on the basis of administrative qualifications.

(3) The manager need not reside in the city or the state when appointed, but promptly thereafter, the manager shall become, and during his or her tenure of office, remain a resident of the city, unless the residency requirement is waived by City Council.

(4) Upon accepting the appointment, the manager shall furnish the City a bond in an amount and with a surety approved by the council. The City shall pay the bond premium.

(5) The manager shall be appointed for an indefinite term and may be removed by the council at its pleasure. Within six consecutive months after a vacancy occurs in the office, the council shall fill the vacancy by appointment.

(6) The manager shall:

(a) Attend all council meetings unless excused by the council or mayor;

(b) Keep the council advised of the affairs and needs of the City;

(c) See that the provisions of all ordinances are administered to the satisfaction of the council;

(d) See that all terms of franchises, leases, contracts, permits, and privileges granted by the City are fulfilled;

(e) Appoint, discipline and remove appointive personnel, except appointees of the mayor or council;

(f) Supervise and control the manager's appointees in their service to the City;

(g) Organize and reorganize the departmental structure of City government;

(h) Prepare and transmit to the council an annual City budget;

(i) Supervise City contracts;

(j) Supervise operation of all City-owned public utilities and property;

(k) Delegate responsibility to appropriate personnel to perform the functions of City Clerk, concerning the maintenance of records of all Council proceedings and the maintenance and custody of the City's public records and documents; and

(l) Perform other duties as the Council prescribes consistent with this charter, and as may be outlined in a written employment agreement, including a job description and salary and benefit considerations, for the manager. Any written employment agreement shall include provisions concerning the termination and removal of the City Manager, and may include provisions for severance pay. The Council should evaluate the city manager's performance on an annual basis.

(7) The manager may not control:

(a) The council;

(b) The municipal judge in the judge's judicial functions; or,

(c) Except as the council authorizes, appointive personnel of the City whom the manager does not appoint.

(8) The manager and other personnel whom the council designates may sit with the council but may not vote on questions before it. The manager may take part in all council discussions.

(9) When the manager is absent from the city or disabled from acting as manager, or when the office of manager becomes vacant, the council shall appoint a manager pro tem, who has the powers and duties of manager, except that the manager pro tem may appoint or remove personnel only with approval of the council. No person may be manager pro tem more than six consecutive months.

(10) Except in council meeting, no council member may directly or indirectly, by suggestion or otherwise, attempt to influence the manager or a candidate for the office of manager in

the appointment, discipline, or removal of personnel or in decisions regarding City property or contracts. A violator of this prohibition may be removed from office by a court of competent jurisdiction. In council meeting, members of the council may discuss with, or suggest to, the manager anything pertinent to City affairs.

Section 23. Municipal Court and Judge.

(1) If the council creates the office of municipal judge and fills it by appointment, the appointee shall hold, within the city at a place provided by the council, a court known as the Municipal Court for the City of The Dalles.

(2) Except as this charter or City ordinance prescribes to the contrary, proceedings of the court shall conform to general laws of this state governing justices of the peace and justice courts.

(3) All area within the city and, to the extent provided by state law, area outside the city is within the territorial jurisdiction of the court.

(4) The municipal court has original jurisdiction over every offense that an ordinance of the City makes punishable. The court may enforce forfeitures and other penalties that such ordinances prescribe.

(5) The municipal judge may:

(a) Render judgments and, for enforcing them, impose sanctions on persons and property within the court's territorial jurisdiction;

(b) Order the arrest of anyone accused of an offense against the City;

(c) Commit to jail or admit to bail anyone accused of such an offense;

(d) Issue and compel obedience to subpoenas;

(e) Compel witnesses to appear and testify and jurors to serve in the trial of matters before the court;

(f) Penalize contempt of court;

(g) Issue process necessary to effectuate judgments and orders of the court;

(h) Issue search warrants and inspection warrants; and

(i) Perform other judicial and quasi-judicial functions prescribed by ordinance.

(6) The council may authorize the municipal judge to appoint municipal judges pro tem for terms of office set by the judge or the council.

(7) Notwithstanding this section, the council may transfer some or all of the functions of the municipal court to an appropriate state court.

Chapter VI

ELECTIONS

Section 24. State Law. Except as this charter or a City ordinance prescribes to the contrary, a City election shall conform to state law applicable to the election.

Section 25. Nominations. A person may be nominated in a manner prescribed by general ordinance to run for an elective office of the City.

Section 26. Qualifications.

(1) An elective City officer shall be a qualified elector under the state constitution and shall have resided in the city during the twelve (12) months immediately before being elected or appointed to the office. In the case of a councilor elected or appointed to represent a district, the councilor shall also be subject to the requirement that he or she must have been a resident of the district for a period of 90 days prior to the election or appointment. In this subsection "city" means area inside the City limits at the time of the election or appointment.

(2) No person may be a candidate at a single election for more than one elective City office.

(3) An elective officer may be employed in a City position that is substantially volunteer in nature. Whether the position is so may be decided by the municipal court or in some other manner, whichever the council prescribes.

(4) Except as subsection (3) of this section provides to the contrary, the council is the final judge of the election and qualifications of its members.

(5) The qualifications of appointive officers of the City are whatever the council prescribes or authorizes, except as Section 22 of this charter provides to the contrary regarding the city manager's qualifications.

Section 27. Oath. Before assuming City office, an elective officer shall take an oath or shall affirm that he or she will faithfully perform the duties of the office and support the constitution and laws of the United States and of the state of Oregon, and the ordinances of the City of The Dalles.

Chapter VII

PERSONNEL

Section 28. Compensation. The council shall prescribe the compensation of City personnel. The council may prescribe a plan for reimbursing City personnel and councilors or mayor for expenses that they incur in serving the City. No councilor or mayor, however, may receive compensation for serving in that capacity.

Section 29. Merit System. Subject to council approval and to all collective bargaining agreements between the City and one or more groups of its employees, the city manager shall prescribe rules governing recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of City employees.

Chapter VIII

ORDINANCES

Section 30. Ordaining Clause. The ordaining clause of an ordinance shall read:

(1) In case of adoption by the council alone, "The council of the City of The Dalles ordains as follows:".

(2) In case of adoption or ratification by the voters of the City, "The people of the City of The Dalles ordain as follows:".

Section 31. Adoption by Council.

(1) Except as subsection (2) of this section allows adoption at a single meeting and subsection (3) of this section allows reading by title only, an ordinance shall be fully and distinctly read in open council meeting on two different days before being adopted by the council.

(2) Except as subsection (3) of this section allows reading by title only, the council may adopt an ordinance at a single meeting by the express unanimous votes of all council members present, provided the ordinance is read first in full and then by title.

(3) An ordinance may be adopted, without being read in full, and read by title only, under the following conditions:

(a) No council member present at the reading requests that the ordinance be read in full; and

(b) At least two weeks before the reading:

(i) A copy of the ordinance is provided for each council member,

(ii) Three copies of the ordinance are available for public inspection in the office of the custodian of City records, and

(iii) Notice of their availability is given by written notice posted at the City Hall and two other public places in the city.

(4) An ordinance read by title only has no legal effect if it differs substantially from its terms as it was filed prior to the reading unless each section so differing is read fully and distinctly in open council meeting before the council adopts the ordinance.

(5) Upon the adoption of an ordinance, the ayes and nays of the council members shall be entered in the record of council proceedings.

(6) After adoption of an ordinance, the custodian of City records shall endorse it with its date of adoption and the endorser's name and title of office.

Section 32. Effective Date. A non-emergency ordinance takes effect on the thirtieth day after its adoption or on a later day the ordinance prescribes. An emergency ordinance is an ordinance necessary to have immediate effect for the preservation of the peace, health, or safety of the City. An emergency ordinance must state the reasons for the emergency in a separate section, and must be approved by an affirmative vote of three members of the Council. An ordinance adopted to meet an emergency may take effect as soon as adopted.

Chapter IX

PUBLIC IMPROVEMENTS

Section 33. Procedure.

(1) The procedure for making, altering, vacating, or abandoning a public improvement shall be governed by general ordinance or, to the extent not so governed, by applicable state law. A proposed public improvement, which is defeated by remonstrances filed by owners of land to be specially assessed for the improvement, shall be suspended for six months; except for a public improvement which has been declared by an affirmative vote of three members of the council present to be needed at once because of an emergency. The number of owners necessary to suspend the action shall be prescribed by general

ordinance. A second such remonstrance suspends the action only with the consent of the Council.

(2) In this section "owner" means the record holder of legal title, or as to land being purchased under a land sale contract that is recorded or verified in writing by the record holder of legal title, the purchaser.

Section 34. Special Assessments. The procedure for fixing, levying, and collecting special assessments against real property for public improvements or other public services shall be governed by general ordinance.

Chapter X

MISCELLANEOUS PROVISIONS

Section 35. Debt. The City's indebtedness may not exceed debt limits imposed by state law. A City officer or employee who creates or officially approves indebtedness in excess of this limitation is jointly and severally liable for the excess. A charter amendment is not required to authorize City indebtedness.

Section 36. Airport. The City of The Dalles shall have the power and authority to own, operate, develop, and maintain an airport inside or outside the city limits of the City of The Dalles, and inside or outside the territory of the State of Oregon.

Section 37. Continuation of Ordinances. Insofar as consistent with this charter, and until amended or repealed all ordinances in force when the charter takes effect retain the effect they have at that time.

Section 38. Repeal. All charter provisions adopted before this charter takes effect are hereby repealed.

Section 39. Severability. The terms of this charter are severable. If a part of the charter is held invalid, that invalidity does not affect another part of the charter, except as the logical relation between the two parts requires.

Section 40. Time of Effect. This charter shall take effect upon certification of the vote thereon.

RESOLUTION NO. 94-001

A RESOLUTION SELECTING AN AIRPORT CONSULTANT
AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE
A CONTRACT FOR AIRPORT IMPROVEMENTS.

WHEREAS, in the spring of 1993, the Federal Aviation Administration (FAA) invited The Dalles to apply for an airport improvement grant to make certain improvements to the airport; and

WHEREAS, the consultant selection process began in May, 1993, using the FAA Advisory Circular No:150-5100-14C which provides guidance for airport sponsors in the selection and employment of consultants under airport grant programs; and

WHEREAS, following the advisory circular guidance, the consulting firm of David Evans and Associates (DEA) was selected on June 23, 1993, for further discussions on the scope of work and the fee estimate; and

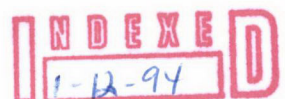
WHEREAS, a scope of work was completed by DEA and approved by the FAA on November 29, 1993; and

WHEREAS, based upon the scope of work, an independent fee estimate was obtained from a second consulting firm along with DEA's own fee estimate, and a preliminary price was negotiated; and

WHEREAS, a Record of Negotiations document has been prepared and sent to FAA for a "reasonableness of cost determination"; and

WHEREAS, an airport consultant can not be selected until FAA gives their approval; and

WHEREAS, FAA approval of the airport consultant is for a three to five year period at the discretion of the City; and



WHEREAS, following FAA approval of the consultant and the City's concurrence, a contract can be negotiated for this first airport improvement project; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

Section 1. AIRPORT CONSULTANT SELECTION. The consulting firm of David Evans and Associates is hereby selected as the City's consultant for airport improvement projects pending the FAA's approval.

Section 2. The City Manager is hereby authorized to negotiate a contract with David Evans and Associates for the airport improvement project, FAA No.3-41-0059-03.

PASSED AND ADOPTED THIS 10th DAY OF JANUARY, 1994.

Voting Yes, Councilmembers: Wood, Holt, Davis, Koch

Voting No, Councilmembers: None

Absent, Councilmembers: Bailey

Abstaining, Councilmembers: None

AND APPROVED BY THE MAYOR THIS 10th DAY OF JANUARY, 1994.

L.D. Les Cochenour
L. D. "Les" Cochenour, Mayor

ATTEST:

Julie Krueger
Julie Krueger, City Clerk

cmd\wp51\data\airport\faagrant\res-94.001>