

CITY OF MOSIER

small enough to make a difference

CITY COUNCIL MEETING

Wednesday March 17, 2021, 6:00 P.M.

Please join our meeting online or by phone at the following link or phone number:

Join Zoom Meeting

<https://us02web.zoom.us/j/83039991674?pwd=REtyOFJzUWV3d0Y2ZWJjb0t5S25yZz09>

Meeting ID: 830 3999 1674

Passcode: 971468

One tap mobile

+12532158782,,83039991674#,,,,*971468# US (Tacoma)

Dial by your location

+1 253 215 8782 US (Tacoma)

+52 554 169 6926 Mexico

Find your local number: <https://us02web.zoom.us/j/83039991674?pwd=REtyOFJzUWV3d0Y2ZWJjb0t5S25yZz09>

AGENDA

I	6:00 pm	Call to Order/Roll Call – Mayor Burns	
II	6:02	Agenda corrections or additions	
III	6:05 pm	Business from the Audience - This is for Mosier residents and anyone else to express concerns, needs, or opportunities. Please keep your comments succinct and under two minutes. You may bring in written materials for Committee and Staff to review. The Facilitator can assign the issue to a future Committee meeting, or to an appropriate Committee or staff member. Please realize that we cannot always offer a response immediately but will give the matter due consideration. We encourage the participation of all stakeholders in our community.	5 mins
IV	6:10 pm	Approval of: 3/3/21 - City Council Meeting Minutes	5 mins
V		BUSINESS	
1.	6:15 pm	TSP Ordinance Adoption – Katie Skakel, City Planner	15 mins
2.	6:30 pm	TUF Ordinance Adoption – Colleen Coleman, City Manager	15 mins
3.	6:45 pm	Mosier School Sign Decision – Katie Skakel, City Planner	15 mins
4.	7:00 pm	Council Acceptance of \$6,000 Gabay Pioneer Cemetery Donation	5 mins
5.	7:05 pm	Council Approval of Veteran Plaque at Cemetery	5 mins
V	7:10 pm	ANNOUNCEMENTS	5 mins
VI	7:15 pm	ADJOURN	

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CITY COUNCIL MEETING

March 03, 2021 at 6:00 P.M.

Please join our meeting online or by phone at the following link or phone number:

Join Zoom Meeting <https://us02web.zoom.us/j/83039991674?pwd=RE-tyOFJzUWV3d0Y2ZWJjb0t5S25yZz09>
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One tap mobile +12532158782,,83039991674#,,,,*971468# US (Tacoma)
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AGENDA

MINUTES

6:00 call to order Mayor Burns

**Roll Call: Mayor Burns, Peny Wallace, Acasia Berry, Ron Charlie Cannon, Greg Valitchka
Absent Excused: Witt Anderson, Ron Wright**

Staff: City Manager Colleen Coleman, City Planner Katie Skakel, City Engineer John Grim, City Recorder Jayme Bennett

Community: Robert Hubbard

Additions or Corrections to the Agenda: N/A

Approval Minutes: Feb 24, 2021

Motion: Peny Wallace

2nd: Greg Valitchka

Motion passes, no position 6:06

Development Report (John Grim):

John Grim walks council through the development report (please reference Agenda Packet for March 03, 2021 City Council Mtg).

16 remaining developable lots in Mosier Bluffs, 33 in Tannawashee, and the buildable lands inventory document on file at the City Hall would cover the remaining parcels in town that are potential infill lots.

Mayor Burns also adds that the quarry is currently outside of the city limits, though inside the UGB, and with an internally administered zone change, the highest and best use of the land would be housing (smaller homes with an aspect of attainability and affordability).

Global Climate Crisis Resolution (Katie Skakel):

In 2017 Mosier adopted this resolution - Katie Skakel has modified, updated and prepared a new one. Also, she distributed a power point slide show, also available at City Hall covering off the need for urgency and accountability globally.

JAYME INSERT TOP TALKING POINTS FROM SLIDES HERE TO SUPPORT RESOLUTION.

Motion to pass the Global Climate Crisis Resolution:

Greg Valitchka
2nd Peny Wallace
All in, no opposition
Motion passes: 6:45

OPRD Grant (Colleen Coleman and Mayor Burns):

Colleen gives the overview:

The 750K grant award from ORPD will be for the HUB, (which will have restrooms, bike parking, signage, etc). And the plaza, directly across from the HUB, which will double as additional outdoor space for the community.

Mayor Burns:

The 220k grant for the electric charging station on the other side of the JUF will assist in completion of the overall infrastructure for the JUF.

Acknowledges Colleens hard work to get this done, thanks her.

We had to go backwards a couple years to do the TSP and it was a difficult project, this is the fruit of that labor Kathy Fitzpatrick started a long time ago to get our ducks in a row.

State agencies have good relations with us, which is also important.

Colleen also pays tribute to Kathy Fitzpatrick and former council - huge congratulations to the work done prior to get us here. Kathy starting with the original grant and inspiration for the HUB, then building on to add the restrooms to accommodate the additional tourism since then.

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Doug Minarik, Nick Kraemer, John Grim, Kirby Nagelhout, Jill Burnette, and Witt Anderson also provided technical input and Mayor Burns and Doug Minarik brought their brilliance to the interview.

We will need a supplementary budget to accept the money, but we are very excited to move this forward.

FY 2022/23 will be the completion date for the projects, (charging station and HUB/Plaza) - we can obtain 3/4 of the EV charging station cash immediately.

We are working with Laura on contracting preparations and procurement process.

Colleen will keep everyone updated on the first few mtgs after there is progress to report.

Mayor Burns: Great progress with Union Pacific meetings. We will be informing school, fire department, community and council. Hopefully we will have something to report at the next meeting!

Colleen highly recommends a parks plan for the City of Mosier as a whole to designate green space, and future open space requirements as well as ensuring equal accessibility for all people. This cohesive and thoughtful approach would ensure we are planning for the future with preservation being a priority.

Peny Wallace also suggests it would behoove us to include more walking space generally throughout town for all people.

Colleen suggests John Grim add more information to his development report for Witt Anderson (adding more on site development and parks development plan - maybe a workshop when he and Mayor Burns return).

Announcements: N/A

Adjourn 7:10

ORDINANCE NO. 173

**AN ORDINANCE OF THE CITY OF MOSIER
ADOPTING LEGISLATIVE AMENDMENTS TO THE CITY'S
COMPREHENSIVE PLAN AND AMENDING TITLE 15 AND TITLE 16 OF
THE MOSIER MUNICIPAL CODE TO INCORPORATE THE 2019 CITY
OF MOSIER TRANSPORTATION SYSTEM PLAN**

WHEREAS, the Mosier City Council duly adopted the City's current Transportation System Plan in 2019 (the "2019 TSP") as required by statewide land use planning regulations;

WHEREAS, implementation of the 2019 TSP requires certain updates to the City's Comprehensive Plan and land use regulations as contained in the Mosier Municipal Code and the City Council directed staff to prepare the updates for adoption;

WHEREAS, after publishing proper notice of amendments to the City's Comprehensive Plan and land use regulations, the Mosier City Council held public hearings on January 20, 2021, February 24, 2021, and March 17, 2021, for the purpose of receiving public testimony and in consideration of adopting updates to the City of Mosier planning ordinances and Comprehensive Plan to incorporate the 2019 Transportation System Plan;

WHEREAS, the Mosier City Council finds that the proposed amendments are in the best interests of the City and desires to adopt such amendments to implement the 2019 TSP;

NOW, THEREFORE, THE CITY OF MOSIER ORDAINS AS FOLLOWS:

Section 1: Adoption of Comprehensive Plan Amendments. The City of Mosier Comprehensive Plan is hereby amended as set forth in the document marked **Exhibit A**, attached hereto and incorporated herein by this reference.

Section 2: Adoption of Municipal Code Amendments. The Mosier Municipal Code and Zoning Ordinance is hereby amended as provided in **Exhibit A**.

Section 3: Codification. Staff for the City of Mosier are hereby instructed to cause the codification of the amendments adopted herein to the Comprehensive Plan and Zoning Ordinance.

Section 4: Effective Date. This Ordinance shall take effect on the 30th day after the date of adoption.

Read for the first time: March 17, 2021.

Read for the second time: _____, 2021.

Adopted on this _____ day of _____, 2021 by the Mosier City Council by the following votes:

Burns: _____ *Anderson:* _____ *Berry:* _____

Cannon: _____ *Valitchka:* _____ *Wallace:* _____ *Wright:* _____

By: _____ Title: _____

Attest: By: _____ Title: _____

Staff Report

Meeting Date: 3/17/21

Staff: Laura Westmeyer – City Attorney and John Grim – City Engineer

Agenda Title: Adoption of a Transportation Utility Fee (TUF) Ordinance

Agenda Action: Hold the first reading of Ordinance No. ??

Fiscal Impact: Not applicable

Staff Recommendation: Hold the first reading of Ordinance No. ??

Background:

A Transportation Utility Fee (TUF) is a revenue mechanism used by municipalities to fund the repair and maintenance of streets and multi-modal infrastructure. The idea behind a TUF is that local users of the city streets should each contribute to the cost of preserving them. It is ultimately cheaper to regularly repair and maintain streets (and thereby extend the life of the streets) than needing to perform a more expensive reconstruction of the roadway at an earlier point in time. The residents of the City are benefited by routine maintenance and preservation of the streets – both in needing to pay less overall toward a given street, and in the use of a well-maintained street.

Revenues from a TUF may also be put toward roadway improvements, such as the improvements identified in the City's 2019 Transportation System Plan (TSP). The TSP includes the recommendation to adopt a Transportation Utility Fee for this very reason. Below is an excerpt from the TSP in regard to the need for a TUF and additional street revenues:

PROSPECTIVE FUNDING SOURCES

Mosier is expected to have about \$1 million available to fund transportation system improvements through 2040. This funding is expected to come from external funding sources such as federal or state discretionary funding or grants. The remaining projected 2040 revenue would be needed to cover projected future expenditures. With local revenues expected to remain relatively flat and maintenance costs increasing, Mosier will need to increase the transfer of general funds or utilize other (new) funding sources to maintain the current levels of maintenance and operations. The potential Transportation Utility Fee is not expected to generate enough funds to cover the annual maintenance deficit. The City should consider expanding funding sources beyond a new Transportation Utility Fee to provide funding that will meet future community needs.

The planning level cost estimates for all high priority projects in the proposed Mosier TSP total in approximately \$2,380,000. While it is reasonable to expect that there will be sufficient funding for these projects by 2040, an additional \$5,000,000 (approximate) in recommended Mosier TSP projects do not have a secure funding source. In addition to the proposed Transportation Utility Fee, additional funding sources should be considered, in addition to emerging federal and state discretionary funding opportunities.

At a previous City Council meeting, the Council discussed adoption of a TUF and directed staff to prepare information and an ordinance to consider for adoption. A proposed ordinance is included in your agenda packet for a first reading to take place at this meeting, as the first step in the adoption process.

Adoption of the ordinance simply establishes this mechanism as a potential funding source. For the City to start charging a fee amount, the Council will need to take additional action and set the fee amount by resolution. The Council suggested that adoption of the fee amount should be deferred to later in 2021 and is sensitive to the economic hardships that many residents are experiencing during the COVID-19 pandemic. Once the ordinance is adopted, City staff will evaluate the City's funding needs for maintenance and transportation projects, as well as known funding sources that will also support those projects and will bring to the Council a report with a recommended fee amount to account for any funding deficiency. This evaluation will take place during the budget work in the spring. For these reasons, this action item does NOT include adoption of a fee. Adoption of the fee will be considered at a later date, if it is deemed necessary. Adoption of the TUF right now will give City staff another tool in the revenue toolbox should the City need to employ it in the future.

The amount proposed for the fee, if needed, would be based on projected revenue needs to accomplish necessary maintenance, repairs, and improvements to the City's roadways. The TUF would be billed monthly as part of the water/sewer bill.

Proposal:

The TUF ordinance is attached to this staff report. Staff recommend that the City Council receive public comment and hold a first reading of Ordinance No. 174 as the first step in the adoption process. A second reading and adoption may be held at the next regular meeting of the City Council.

Alternatives:

The Council may request additional information; request revisions to the proposed ordinance; or reject the proposed ordinance.

Proposed Motion: *"I move to hold the first reading of Ordinance No. 174, by title only."*

ORDINANCE NO. 174

AN ORDINANCE OF THE CITY OF MOSIER ADOPTING A TRANSPORTATION UTILITY FEE AND ADDING A NEW CHAPTER TO TITLE 11 OF THE MOSIER MUNICIPAL CODE

WHEREAS, the condition of the City of Mosier street network has been inventoried and a street maintenance program proposed for annual repair and maintenance of the City's roadways as necessary to prevent the failure of streets;

WHEREAS, regular maintenance of streets is cost effective for the City and for its residents because deteriorated streets are increasingly expensive to repair and maintain, cause increased wear on vehicles, and pose increased safety hazards to the public;

WHEREAS, the Mosier City Council adopted the City's 2019 Transportation System Plan ("TSP") after an extensive public process, which TSP prioritizes projects for transportation system improvements and identifies a Transportation Utility Fee as one source of revenue for partial funding of the improvements;

WHEREAS, the City of Mosier desires to ensure safe passage for residents on public right-of-way falling within its jurisdiction and believes that a well-maintained street network enhances livability, property values, and economic vitality of the community;

WHEREAS, revenues from existing sources (including the state motor fuel tax and the Oregon Transportation Investment Act), are not adequate to maintain the City of Mosier's street network nor to provide for the transportation system improvements;

WHEREAS, the City Council finds it necessary to adopt a Transportation Utility Fee to provide a mechanism for funding the maintenance of local streets and street improvements within the jurisdiction of the City of Mosier and to provide long-term benefits to the residents and businesses within the City;

WHEREAS, the Transportation Utility Fee is a fee charged to users of the City's streets and is not a tax that is subject to the limits of section 11 or 11b, Article XI of the Oregon Constitution;

NOW, THEREFORE, THE CITY OF MOSIER ORDAINS AS FOLLOWS:

Section 1: Adoption of Transportation Utility Fee Ordinance. The Transportation Utility Fee Ordinance is hereby adopted as set forth in the attached document marked **Exhibit A**, attached hereto and incorporated herein by this reference. The Transportation Utility Fee Ordinance shall be known as the Transportation Utility Fee or the "TUF" Ordinance.

Section 2: Codification. A new Chapter 11.06 of the Mosier Municipal Code is hereby added to and made a part of Title 11 of the Mosier Municipal Code and the new Chapter 11.06 shall contain the TUF Ordinance as adopted herein.

Section 3: Administration. The TUF Ordinance shall be administered by the City Manager or the City Manager's designee.

Section 4: Severability. In the event any section, subsection, paragraph, sentence, or phrase of this Ordinance is determined by a court of competent jurisdiction to be invalid or unenforceable, the validity of the remainder of the Ordinance shall continue to be effective. If a court of competent jurisdiction determines that this Ordinance imposes a tax or charge which is unlawful as to certain but not all affected properties, then as to those certain properties, an exception or exceptions from the imposition of the transportation utility fee shall be created, and the remainder of the Ordinance and the fees imposed thereunder shall continue to apply to the remaining properties without interruption. Nothing contained herein shall be construed as limiting the City's authority to levy special assessments in connection with public improvements pursuant to applicable law.

Section 5: Effective Date. This Ordinance shall take effect on the 30th day after the date of adoption.

Read for the first time: _____, 2021.

Read for the second time: _____, 2021.

Adopted on this ____ day of _____, 2021 by the Mosier City Council by the following votes:

Burns: ____ *Anderson:* ____ *Berry:* ____

Cannon: ____ *Valitchka:* ____ *Wallace:* ____ *Wright:* ____

By: _____ Title: _____

Attest: By: _____ Title: _____

EXHIBIT A

Chapter 11.06

TRANSPORTATION UTILITY FEE

Sections:

11.06.010 Purpose.

11.06.020 Adoption of transportation utility fee.

11.06.030 Street Fund.

11.06.040 Maintenance of local streets.

11.06.050 Billing and collection of the transportation utility fee.

11.06.060 Enforcement.

11.06.070 Administrative review; appeals.

11.06.080 Notice of decision.

11.06.90 Waiver of fees in case of vacancy.

11.06.100 Exemptions.

11.06.010 Purpose.

A transportation utility fee (TUF) is created for the purpose of providing funds for the operation, administration, repair, maintenance, reconstruction of, and improvements to, the local street and transportation network within the City.

11.06.020 Adoption of transportation utility fee.

The City Council may adopt, by resolution, a transportation utility fee to be paid by the owners or occupants of every property within the corporate limits of the City. Such fee shall be established in such amounts that will provide sufficient funds to properly maintain local streets throughout the City and may be established in such amounts as will provide sufficient funds for any other activities fitting the purposes of this Chapter. The City Engineer will, from time to time, provide a recommendation to the City Council for the establishment of a TUF fee amount. The City Engineer shall be responsible for determining the recommended fee amounts in accordance with street usage. The City Engineer may develop street maintenance and improvement programs, perform traffic counts, establish standards for the operation and maintenance of streets and related facilities, and undertake any other relevant activity for the purpose of making a determination on the recommended TUF fee amount.

11.06.030 Street Fund.

All fees collected pursuant to this Chapter shall be paid into a fund established by the City for this purpose (hereinafter referred to as the "Street Fund"). Revenues from the Street Fund shall only be used for the purposes allowed under this Chapter. It shall not be necessary that expenditures from the Street Fund specifically relate to any particular property from which the fees were collected. Activities that may be conducted through the use of Street Fund revenues include, but are not limited to:

1. Street repair and maintenance, including sidewalk, shoulder, pavement, and ditch work.
2. Signage and striping.
3. Stormwater system repair and improvements.
4. Street improvements and capital projects.
5. Bicycle and pedestrian improvements and capital projects.
6. Transportation-related facilities.

The fees paid and collected pursuant to this Chapter shall not be used for general governmental purposes of the City, except to pay for an equitable share of the City's accounting, management, administration, and other governing costs for the administration of this Chapter, operation of the street maintenance program, or calculation of the proposed TUF fee amount.

11.06.040 Maintenance of local streets.

The City may use revenues from the Street Fund to maintain local streets administered or controlled by the City that are within and upon City-owned and administered land, rights-of-way, and easements. Local streets specifically exclude private streets, and streets maintained by other individuals or entities through intergovernmental agreement or by way of any other contractual obligation.

11.06.050 Billing and collection of the transportation utility fee.

The transportation utility fee shall be billed and collected with and as a part of the water and sewer bill for those properties utilizing City water and/or sewer services. In cases where a developed property is subject to water and/or sewer utility charges, the transportation utility fee bill shall be directed to the same person as the bill for water and/or sewer charges. If a tenant in possession of any premises pays such fee, such payment arrangement shall not relieve the owner from such obligation. Fees charged to individual structures and uses will be based upon the number of meter equivalents (MEs) established by the City's water billing system and will be billed monthly as part of the water/sewer bill.

11.06.060 Enforcement.

(1) This Chapter shall be administered by the City Manager or the City Manager's designee. Any charge due hereunder which is not paid when due may be recovered in an action at law by the City. In addition to any other remedies or penalties provided by this or any other ordinance of the City, failure of any user of City utilities within the City to pay said charges promptly when due shall subject such user to discontinuance of any or all utility services provided by the City and may be subject to municipal lien for payments owed. The City Manager or designee is hereby directed to enforce this provision against such delinquent users and is empowered to use any remedy available to the City at law to do so.

(2) In addition to any other remedy provided in this Chapter, violation of this ordinance is punishable by a fine not to exceed \$500, as may be adopted by the City Council by resolution. This civil penalty is in addition to any other remedy available to the City at law.

11.06.070 Administrative review; appeals.

(1) Anyone who disputes the amount of the TUF fee that is owed by the disputed party may file an appeal with the City Manager, provided that the appeal is filing in writing and made pursuant to this section within 10 days of the date of the fee determination. The date of the fee determination shall be the date of the TUF fee adoption by resolution of the City Council unless an individualized fee determination is otherwise made. Appeals will be denied without review unless received by the City Manager within 10 days from the date of the fee determination and follows the process provided by this Section. Except in cases of hardship, as determined by the decisionmaker, appeals that result in changes to a TUF fee become effective at the beginning of the next billing cycle.

(2) Any appeal must be in writing and must include the appropriate filing fee as may be established by the City Council by resolution. Appeals must be filed with the City Manager and must specify the basis for disagreeing with the decision, including the legal and factual basis and justification for the appellant's dispute. Such petitions may be filed only once in connection with any fee or determination, except upon a showing of changed circumstances sufficient to justify the filing of an additional petition.

(3) The City Manager shall consider the appeal and issue a written decision to the petitioner within 14 days from the date of receipt of the appeal. The decision shall be noticed and served to the petitioner within a reasonable time after issuance. The City Manager's decision must include a determination of whether there is substantial evidence to support the City's decision on the TUF fee amount charged to the petitioner. The decision of the City Manager may be appealed to the City Council within 10 days from the date of service of the decision. Appeals that are not timely filed must be denied without review. Appeals to the City Council must be in writing, filed with the City Manager, and accompanied by the appropriate filing fee. Appeals must contain the factual and legal basis for disagreeing with the City Manager's decision.

(4) If the City's Manager's decision is appealed, the City Manager shall place the appeal on a City Council meeting agenda at the next regularly scheduled meeting after receipt of the appeal that provides the appellant with at least 10 days written notice of the meeting at which the appeal will be heard. The appellant shall have the burden of proof at the hearing. The Council will conduct the hearing and will determine whether there is substantial evidence to support the City's decision on the TUF fee amount.

(4) Within forty-five (45) days of the hearing, the City Council shall make findings of fact based on all information that it deems relevant and shall make a written determination based upon such findings, and, if appropriate, modify such fee accordingly. The decision by the City Council shall be considered final.

11.06.080 Notice of decision.

Every decision of the City Council shall be in writing and notice thereof shall be mailed to or served upon the appellant within a reasonable time from the date of the decision. Service by certified mail, return receipt requested, shall be conclusive evidence of service.

11.06.90 Waiver of fees in case of vacancy.

When any property within the City become vacant, wholly unoccupied, or unused, and water service is discontinued, and all outstanding water, sewer, and transportation utility charges have been paid; and with approval by the City Manager, the transportation utility fee shall thereafter not be billed and shall not be a charge against the property.

11.06.100 Exemptions.

(1) The City Council may, by resolution, exempt any class of users from the TUF fee if it determines that the public interest deems it necessary, or if it determines that the contribution to the Street Fund by the said class would be insignificant. In addition, the following properties shall not be subject to the TUF fee:

- A. City-owned public parking lots.
- B. City-owned parkland, open spaces, and greenways.
- C. Areas encompassed by railroad and public rights-of-way.

(2) Discounts, if any, which may apply to low-income persons or properties for City water and sewer fees shall also apply to transportation utility fees.