

AGENDA

REGULAR CITY COUNCIL MEETING

APRIL 25, 2022

5:30 p.m.

CITY HALL COUNCIL CHAMBER

313 COURT STREET

And

VIA ZOOM

<https://us06web.zoom.us/j/88147760127?pwd=bzF6UVBBS0EvaDIxTEVyRngrbExmQT09>

Meeting ID: 881 4776 0127

Passcode: 007612

1. CALL TO ORDER
2. ROLL CALL OF COUNCIL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF AGENDA
5. PRESENTATIONS/PROCLAMATIONS
 - A. Provider Appreciation Day Proclamation
 - B. The Dalles Beautification Committee Update
6. AUDIENCE PARTICIPATION

During this portion of the meeting, anyone may speak on any subject which does not later appear on the agenda. Up to five minutes per person will be allowed. Citizens are encouraged to ask questions with the understanding that the City can either answer the question tonight or refer that question to the appropriate staff member who will get back to you within a reasonable amount of time. If a response by the City is requested, the speaker will be referred to the City Manager for further action. The issue may appear on a future meeting agenda for City Council consideration.

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

Items of a routine and non-controversial nature are placed on the Consent Agenda to allow the City Council to spend its time and energy on the important items and issues. Any Councilor may

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

request an item be “pulled” from the Consent Agenda and be considered separately. Items pulled from the Consent Agenda will be placed on the Agenda at the end of the “Action Items” section.

- A. Adoption of Resolution No. 22-014 Concurring with Mayor’s Appointment to the Planning Commission

10. CONTRACT REVIEW BOARD ACTIONS

- A. Authorization of Amendment to Contract No. 2020-009 for Engineering Services During Construction for the Dog River Pipeline Replacement Project
- B. Contract No. 2022-004 Street Crack Sealing
- C. Resolution No. 22-017 Rejecting all bids for Contract No. 2022-008 Wicks Roof Replacement Phase 2

11. ACTION ITEMS

- A. Resolution No. 22-011 Assessing the Real Properties Located at 415 West 9th Street and 605 West 10th for the Removal of Junk and Garbage
- B. Resolution No. 22-013 Adjusting Minimum Employment Level Requirement Pursuant to Sections 2 and 3 of HB 2343 (2021) for Powderpure
- C. Resolution No. 22-015 A Resolution Approving the Intergovernmental Agreement Establishing the Distribution Methodology of Community Services Fees associated with the 2021 Strategic Investment Program Agreement with Google, LLC

12. EXECUTIVE SESSION

Executive session pursuant to ORS 192.660(2)(f) to consider information or records that are exempt by law from public inspection.

- A. Recess Open Session
- B. Reconvene Open Session **Using same login and password as above**
- C. Decision, if any

13. ADJOURNMENT

This meeting conducted VIA Zoom

Prepared by/
Izetta Grossman, CMC
City Clerk

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CITY OF THE DALLES PROCLAMATION

MAY 6, 2022 PROVIDER APPRECIATION DAY

WHEREAS, Child Care Aware® of America and other organizations nationwide are recognizing Child Care Providers on this day; and

WHEREAS, over half the children under the age of six nationwide are estimated to spend some time in a nonparental care arrangement on a weekly basis, which provides critical enrichment opportunities and nurtures development for children of all backgrounds and is a vital building block of our state economy; and

WHEREAS, the COVID-19 pandemic has created tremendous hardship for child care providers and the families of Oregon who depend on them, who have continued to meet the needs of families while risking their health and financial stability to remain open; and

WHEREAS, Oregon recognizes these hardships and has provided much-needed relief to providers to help sustain the viability of child care by providing free personal protective equipment and allowing providers to be paid through the Employment Related Day Care program when providing childcare while children are engaged in distance learning; and

WHEREAS, our future depends on the quality of the early childhood experiences provided to young children today; support for high-quality child care represents a worthy commitment to our children's future.

Now, therefore, I, Richard A. Mays, Mayor of The Dalles, Oregon hereby proclaim May 6, 2022, as Provider Appreciation Day in The Dalles and urge all citizens to recognize Child Care Providers for their important work.

Mayor Richard A. Mays

4/25/22

Date

Attest:


Izetta Grossman, CMC, City Clerk





AGENDA STAFF REPORT

AGENDA LOCATION: Item #10 A

MEETING DATE: April 25, 2022

TO: Honorable Mayor and City Council

FROM: Izetta Grossman, CMC, City Clerk

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

- A. **ITEM:** Concurrence with the Mayor's Appointments to the Planning Commission

BUDGET IMPLICATIONS: None

SYNOPSIS: Resolution No. 22-014 Concurring with the Mayor's Appointments to the Planning Commission has been prepared for your review.

RECOMMENDATION: Approve Resolution No. 22-014 Concurring with the Mayor's Appointments to the Planning Commission

RESOLUTION NO. 22-014

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

WHEREAS, Philip Mascher's term expires April 30, 2021;

WHEREAS, the Mayor has elected to reappoint Philips Mascher to the Planning Commission

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

Section 1. The City Council concurs with the reappointment of:

Philip Mascher to the Planning commission with an expiration date of April 30, 2026

Section 2. This Resolution shall be effective April 25, 2022.

PASSED AND ADOPTED THIS 25th DAY OF APRIL, 2022.

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

AND APPROVED BY THE MAYOR 25th DAY OF APRIL, 2022.

SIGNED: _____ ATTEST: _____
Richard A. Mays, Mayor Izetta Grossman, CMC, City Clerk



AGENDA STAFF REPORT

AGENDA LOCATION: Contract Review Board Item #10A

MEETING DATE: April 25, 2022

TO: Honorable Mayor and City Council

FROM: Dave Anderson, Public Works Director

ISSUE: Authorization of Amendment 3 to Contract No. 2020-009 for Engineering Services During Construction for the Dog River Pipeline Replacement Project

BACKGROUND: On April 26, 2021 the City Council awarded Contract No. 2020-009 to Jacobs Engineering Group for the design of the Dog River Pipeline Replacement Project. That design has been completed except for the elements of the project related to the fish passage and screening systems that are to be installed at the pipeline intake. The pipeline construction project is currently out for bid with award of the contract planned for May 23, 2022. The fish passage/screening systems had to be broken out separate from the rest of the project to maintain the overall project schedule due to delays in obtaining state approval of screening and passage system concepts; that design is currently at 30% completion and a contract for their construction will be advertised later this year for construction in 2023. Pipe for the first season of construction (2022) is currently being received.

With construction on the pipeline scheduled to begin this summer, staff has worked with Jacobs to develop an amendment to the design contract for the provision of construction-related engineering services. The required inspections have been determined to be well beyond the capacity of City staff. These services will include daily inspections of the construction work over two construction seasons as well as processing Requests for Information (RFIs) from the contractor, reviewing submittals, providing daily reports, approving work schedules, tracking contract compliance, reviewing pay requests, conducting weekly progress meetings, and monitoring for cultural resources during excavation in designated higher-probability areas among other duties. The contract amendment also provides for the additional work needed to complete the design and permitting of the selected fish passage and screening systems which was beyond the scope of work anticipated in the original design contract; this additional work is related to the unanticipated complexity of the systems needed for state approval.

The original design engineering contract was awarded in the amount of \$1,822,442. Amendment 1 was issued with no change in cost to bring the design contract into compliance with federal funding requirements. A second amendment was issued that increased the contract amount by \$30,283 to \$1,852,725 to provide for additional permitting work that was necessary related to wetlands and cultural resources. It is currently projected that \$125,094 of the original contract will not be spent and will be provided as a credit toward the proposed engineering services-during-construction contract amendment. The proposed contract Amendment 3 to provide for construction-related engineering services is for \$1,599,552.00.

BUDGET ALLOCATION: Fund 53, the Water Reserve Fund, allocates \$10,267,977 for the Dog River Pipeline Replacement Project in FY2021-22. The provision of engineering services during construction was anticipated to be part of the work anticipated within that budgeted amount. The City was recently awarded another \$4,000,000 in low interest loan for the project to, in part, cover the cost of these services. There are adequate funds available for this contract amendment.

ALTERNATIVES:

- A. **Staff Recommendation:** *Move to authorize the City Manager to execute Amendment 3 to Contract No. 2020-009 with Jacobs Engineering Group in an amount not to exceed \$1,599,552.*
- B. Deny authorization for the contract amendment and provide additional direction to staff.



AGENDA STAFF REPORT

AGENDA LOCATION: Contract Review Board Item #10B

MEETING DATE: April 25, 2022

TO: Honorable Mayor and City Council

FROM: Dale McCabe, PE, City Engineer

ISSUE: Recommendation for award of 2022 Asphalt Crack Sealing Project, Contract No. 2022-004

BACKGROUND: The City of The Dalles Public Works Department advertised for bids for the 2022 Asphalt Crack Sealing Project, Contract No. 2022-004. The scope of work for the project was stated as follows: “The work to be performed shall consist of furnishing all materials, labor, and equipment necessary in the installation of approximately 88,000 lineal feet of asphalt crack seal on approximately 16 miles of roadway. All work will be conducted in accordance with the contract documents.”

Crack sealing City streets has been determined to be a valuable treatment that significantly extends the service life of a street by preventing water from penetrating into the pavement surface and subbase material which contributes to the streets deterioration. The streets that are of the highest priority to be crack sealed contractually are designated as high-traffic streets that are considered to be in Very Good and Good condition, streets that have been identified to be chip sealed later this fiscal year, and then other high-traffic streets that have been deemed as in Fair condition.

The 2022 Asphalt Crack Sealing Contract documents were prepared by the City’s Engineering Division and the contract was advertised for bids on March 9, 2022. The bid opening for the contract was held on April 7, 2022 at 2:00 pm for which we received three responsive bids. The bids received were as follows:

1. Pavement Protectors, in the amount of \$80,612.24
2. C.R. Contracting, in the amount of \$85,869.56

3. BCV, Inc., in the amount of \$131,433.00

The bids were reviewed by City staff to make sure that the proper material was submitted and the bids were deemed complete.

BUDGET IMPLICATIONS: A total of \$150,000 is budgeted for this project in the Street Fund, Line Code 7510. The low bid for this project falls under the amounts that were budgeted and available for this project.

COUNCIL ALTERNATIVES:

1. **Staff Recommendation:** *Authorize the City Manager to enter into contract with Pavement Protectors, for the 2022 Asphalt Crack Sealing Project, Contract No. 2022-004, in an amount not to exceed \$80,612.24.*
2. Request that staff provide additional information in response to questions raised by City Council.
3. Deny authorization to proceed with the contract.



AGENDA STAFF REPORT

AGENDA LOCATION: Contract Review Board Item #10C

MEETING DATE: April 25, 2022

TO: Honorable Mayor and City Council

FROM: Dave Anderson, Public Works Director

ISSUE: Recommendation for rejection of all bids for the Wicks Filter Building Reroof - Phase 2 project, Contract No. 2022-008

BACKGROUND: The City of The Dalles Public Works Department advertised for bids for the Wicks Filter Building Reroof - Phase 2 project, Contract No. 2022-008. The scope of work for the project was to furnish all materials, labor, and equipment necessary to construct a new pitched roof with wood trusses and metal roofing over the existing flat roof on the Filter Building at the Wicks Water Treatment Plant. The project is needed as the existing flat roof is deteriorating and has historically been problematic. The existing membrane on the flat roof has reached the end of its useful life.

Phase 1 of the project, which was similar in scope to the planned Phase 2, was completed in 2019 for just over \$66,000. The Phase 2 project was budgeted at \$75,000. The City solicited for bids for the Phase 2 project and received only one response as follows:

1. REV Construction in the amount of \$144,301.80

The increase in the Phase 2 project bid price compared to Phase 1 has been attributed to the dramatic and unanticipated increases in both metal and wood prices which have occurred recently.

While the bid that was received from REV Construction was responsive, it substantially exceeded the funds that were budgeted and available for this project. The City may reject all bids for good cause upon the City's written finding that it is in the public interest to do so consistent with Local Contract Review Board Rule 04-0420(4); the required findings may be adopted by resolution. With this report, staff is recommending that the City Council find that it is in the public interest to reject all bids due to insufficient funds for the project based upon the

responsive bid received. The attached Resolution No. 22-017, presented for the City Council's consideration, makes the required findings and rejects all bids for Contract No. 2022-008.

If the bid for this contract is rejected, staff plans to re-budget and re-bid the project in the future.

BUDGET IMPLICATIONS: A total of \$75,000 is budgeted for this project in the Water Fund 51, Line Code 051-5000-000.72-20. The lowest responsive bid received was \$69,301.80 over the budgeted amount. If all bids for Contract No. 2022-008 are rejected, the budgeted funds will carry-over for reallocation in a future fiscal year.

COUNCIL ALTERNATIVES:

1. **Staff Recommendation:** *Move to adopt Resolution No. 22-017 rejecting all bids for Contract No. 2022-008, the Wicks Filter Building Reroof Phase 2 project.*
2. Request that staff provide additional information in response to questions raised by City Council.

RESOLUTION NO. 22-017

**A RESOLUTION REJECTING ALL BIDS FOR THE
WICKS FILTER BUILDING REROOF – PHASE 2 PROJECT,
CONTRACT NO. 2022-008**

WHEREAS, on March 9, 2022, the City of The Dalles (**City**) issued a solicitation inviting sealed bids for Contract No. 2022-008, a contract for furnishing all materials, labor, and equipment necessary to construct a new pitched roof with wood trusses and metal roofing on the Filter Building at the Wicks Water Treatment Plant (**Wicks Filter Building Reroof – Phase 2 Project**);

WHEREAS, at 2:00 p.m. Pacific Prevailing Time on March 31, 2022, the City conducted the sealed bid opening for the solicitation and received one (1) submittal comprising a bid from REV Construction LLC in the amount of \$144,301.80;

WHEREAS, Local Contract Review Board (**LCRB**) Rule 04-0420(4) provides the City may reject all bids for good cause upon the City’s written finding it is in the public interest to so, and LCRB Rule 04-0420(5)(b) specifies the City may reject all bids upon a written finding the price presented by the bids is too costly to justify acceptance of the bids;

WHEREAS, the City budgeted \$75,000 in the Water Fund 51 (Line Code 051-5000-000.72-20) for the performance of work solicited under Contract No. 2022-008; and

WHEREAS, while the bid submitted by REV Construction LLC is otherwise responsive to the solicitation, the City finds rejection of all bids to further the public interest because the price presented by REV Construction LLC’s bid exceeds the City’s intended cost for the Wicks Filter Building Reroof – Phase 2 Project as budgeted.

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

1. The City of The Dalles hereby rejects all bids submitted for the Wicks Filter Building Reroof – Phase 2 Project, a solicitation for Contract No. 2022-008, pursuant to Local Contract Review Board Rule 04-0420.

2. This Resolution becomes effective upon its adoption.

PASSED AND ADOPTED THIS 25TH DAY OF APRIL, 2022.

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

AND APPROVED BY THE MAYOR THIS 25TH DAY OF APRIL, 2022.

Richard A. Mays, Mayor

Attest:

Izetta Grossman, City Clerk, CMC



AGENDA STAFF REPORT

AGENDA LOCATION: Action Item #11A

MEETING DATE: April 25, 2022

TO: Honorable Mayor and City Council

FROM: Jonathan Kara, City Attorney

ISSUE: Adopting Resolution No. 22-011, a resolution assessing the City's abatement of the real properties located at 415 W. 9th Street and 605 W. 10th Street

BACKGROUND: On March 21, 2022, the City Clerk issued a Notice of Assessment pursuant to TDMC 5.04.170(A) to the legal owners of record for tax purposes of the real properties located within city limits and addressed 415 W. 9th Street (**Joseph Isitt**) and 605 W. 10th Street (**Travis Gaston**). Each Notice of Assessment contained:

- (1) the total cost, including the administrative overhead, of the abatement;
- (2) a statement the cost will become a lien against the property unless paid within 15 days; and
- (3) a statement providing the opportunity to file a written notice of objection to the cost of abatement with the City Clerk within 5 days from the date of the Notice.

The City abated each property consistent with the abatement procedure mandated by TDMC 5.04.140 (*Abatement Notice*). The Codes Enforcement Officer (**CE Officer**) solicited voluntary compliance from both Mr. Isitt and Mr. Gaston before posting each property for abatement—it appears neither property owner made any contact with the CE Officer or any other City staff to request an extension or otherwise discuss the abatement. After the deadlines for voluntary compliance expired, the City itself abated the properties pursuant to TDMC 5.04.160 (*Abatement by the City*).

TDMC 5.04.170(A)(3) provides a property owner who files a written notice of objection with the City Clerk within 5 days from the date of the Notice of Assessment may have the noticed objection heard and determined by Council—put another way, each property owner had until **March 28, 2022 (Deadline)**, to file a written objection to the assessment.

This Action Item recommends Council adopt Resolution No. 22-011, attached to and made part of this Agenda Staff Report as Attachment “A”, to reimburse the City for its actual costs connected with each property’s abatement:

1. Mr. Isitt’s property was abated twice (once on December 7, 2021, and again on January 27, 2022) and the actual cost incurred by the City was **\$1,700.00**. According to the CE Officer:
 - a. the City received a complaint regarding the property after a heavy wind storm broke a large tree branch hanging above the adjacent sidewalk and the reporting party demonstrated a concern of the branch falling;
 - b. the CE Officer immediately investigated to determine the large branch constituted a public safety hazard;
 - c. the CE Officer immediately contacted Mr. Isitt by mail and never received a response;
 - d. the property manager, Cherry City Management, contacted the CE Officer to express it understood the importance of trimming the tree limbs to secure public safety, and indicated it also made several unsuccessful attempts to contact Mr. Isitt;
 - e. the CE Officer contacted Columbia Tree Service based on a recommendation from Cherry City Management to remove 2 dangerous tree limbs discovered at the initial trimming;
 - f. the CE Officer requested an arborist’s report from Columbia Tree Service and the report indicated the tree was dead, hollow, and must be removed as soon as possible;
 - g. the CE officer sent a certified letter to Mr. Isitt and contacted Cherry City Management to ask for assistance in connecting with Mr. Isitt since he had not previously responded to the City, but both the City and Cherry City Management were unable to establish contact with Mr. Isitt;
 - h. the abatement deadline to comply lapsed and the CE Officer had the tree removed; and
 - i. as of April 13, 2022, Mr. Isitt has still not contacted the CE Officer.

Mr. Isitt contacted the Finance Department one week after the Deadline on April 4, 2022, by phone to object to the assessment. Mr. Isitt indicated to Finance Department staff he had previously spoken with the City Clerk, but the City Clerk has no record or recollection of speaking with him. He further indicated to Finance Department staff (a) he requests an extension of the assessment, (b) he did not ask for the abatement, (c) the City mailed notice to the wrong address, and (d) he would be speaking with his attorney.

Importantly, TDMC 5.04.170(E) makes clear a “failure to receive the [Notice of Assessment]” shall not render the assessment void but it shall remain a valid lien against the property. The City certified mailed, postage prepaid, the Notice of Assessment to Mr. Isitt’s address pursuant to Wasco County real property records, and the City received notice of his receipt of the Notice of Assessment on April 4, 2022.

My legal opinion is the City followed all protocols and laws in its abatement of the public safety hazard controlled by Mr. Isitt and the full cost of abatement should be assessed as

a lien against his property. Further, since he never filed a written notice of objection to the assessment with the City Clerk by the Deadline, his untimely objections expressed in his April 4, 2022, call to the Finance Department should not be considered in Council's determination of the final assessment for the cost of abatement.

2. Mr. Gaston's property was abated on February 24, 2022, and the actual cost incurred by the City was **\$1,475.00**. According to the CE Officer:
 - a. the property has a history of noncompliance and has been previously posted for abatement; and
 - b. the City regularly receives complaints regarding the property concerning trailer and car storage in City alleys, unsecured garbage in a trailer stored in a City alley and blowing through the neighborhood with the wind, overgrown vegetation, and junk throughout the property.

Mr. Gaston filed a written objection with the City Clerk on the day of the Deadline, and his objection is attached to and made part of this Agenda Staff Report as Attachment "B". Mr. Gaston's objection is the best evidence of its content and speaks for itself. TDMC 5.04.170(B) provides Council may consider the written objection before determining the final assessment for the cost of abatement.

My legal opinion is the City followed all protocols and laws in its abatement of Mr. Gaston's property and the full cost of abatement should be assessed as a lien against his property. The City paid \$925.00 to its contractor to abate the junk and the total assessment also includes the \$500.00 administrative cost authorized by TDMC 5.04.160(C), which cost is to compensate the City for City Clerk, CE Officer, and City Attorney time spent on abatement of the property.

BUDGET IMPLICATIONS: Upon adoption of Resolution No. 22-011, the City expects reimbursement of its actual costs connected with the abatements in an amount totaling **\$3,175.00** (\$1,700.00 assessed to 415 W. 9th Street and \$1,475.00 assessed to 605 W. 10th Street).

COUNCIL ALTERNATIVES:

1. **Staff recommendation:** *Move to adopt Resolution No. 22-011, a resolution assessing the City's abatement of the real properties located at 415 W. 9th Street and 605 W. 10th Street.*
2. Move to adopt an amended Resolution No. 22-011 with lesser assessed costs.
3. Decline to assess costs of abatement.

Enclosures

Attachment "A" – Resolution No. 22-011

Attachment "B" – Written Objection to Cost of Assessment (Travis Gaston)

RESOLUTION NO. 22-011

**A RESOLUTION ASSESSING THE REAL PROPERTIES LOCATED AT
415 WEST 9TH STREET AND 605 WEST 10TH STREET
FOR THE COSTS OF ABATEMENT**

WHEREAS, the City Code Enforcement Officer posted a Notice to Abate Nuisance upon the following listed properties on the dates shown below;

<u>Property</u>	<u>Assessor's Map No.</u>	<u>Date of Posting</u>
415 W. 9 th Street	1N 13E 4 AD 11700	September 20, 2021
605 W. 10 th Street	1N 13E 4 AC 5400	January 24, 2022

WHEREAS, the following persons are the owners of the following listed properties:

<u>Property</u>	<u>Owner</u>
415 W. 9 th Street	Joseph Isitt
605 W. 10 th Street	Travis Gaston

WHEREAS, the Notice to Abate Nuisance required the removal of a tree limbs and a dead tree from the property controlled by Joseph Isitt and junk and garbage from the property owned by Travis Gaston pursuant to the provisions of The Dalles Municipal Code (TDMC) 5.04.140;

WHEREAS, the Notice to Abate Nuisance further provided the City would hire a contractor to abate the nuisance conditions if the nuisance conditions were not abated and the costs of the abatement would be charged to the property owner and become a lien upon the property;

WHEREAS, due to each owner's failure to abate the nuisance conditions on their property or within their control, the City hired the following listed contractors to abate the nuisance conditions on the date listed below for the cost listed below:

<u>Property</u>	<u>Contractor</u>	<u>Date of Abatement</u>	<u>Cost</u>
415 W. 9 th Street	Columbia Tree Service	December 7, 2021 & January 27, 2022	\$1,200.00
605 W. 10 th Street	Rod Huante	February 24, 2022	\$975.00

WHEREAS, pursuant to TDMC 5.04.170(A), on March 21, 2022, the City Clerk sent a Notice of Assessment by certified mail to Joseph Isitt advising the total cost of the assessment for their property was \$1,700.00, which included a \$500.00 administrative fee required by TDMC 5.04.160(C), and the listed sum would become a lien upon the property if the amount was not paid by April 5, 2022;

WHEREAS, the March 21, 2022, Notice of Assessment to Joseph Isitt advised a March 28, 2022, deadline to file any objections to the proposed assessment;

WHEREAS, Joseph Isitt failed to file any objection by the stated deadline, and failed to pay the balance of the assessment by the deadline listed in the Notice of Assessment, and the City Council finds the statement of the amount of the proposed assessment is correct, and that no reason exists to justify any delay in proceeding with the imposition of a lien upon the property for the cost of the assessment;

WHEREAS, pursuant to TDMC 5.04.170(A), on March 21, 2022, the City Clerk sent a Notice of Assessment by certified mail to Travis Gaston advising the total cost of the assessment for the property was \$1,475.00, which included a \$500.00 administrative fee required by TDMC 5.04.160(C), and the listed sum would become a lien upon the property if the amount was not paid by April 5, 2022;

WHEREAS, the March 21, 2022, Notice of Assessment to Travis Gaston advised a March 28, 2022, deadline to file any objections to the proposed assessment; and

WHEREAS, on March 28, 2022, Travis Gaston filed a written objection with the City Clerk by the stated deadline.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF THE DALLES RESOLVES AS FOLLOWS:

Section 1. Assessment. The costs of the abatement of the nuisance conditions consisting of the removal of tree limbs and tree for the property located at 415 W. 9th Street and the removal of junk at 605 W. 10th Street are assessed upon the following properties:

<u>Name/Address</u>	<u>Description</u>	<u>Final Assessment</u>
Joseph Isitt 415 W. 9 th Street The Dalles, OR 97058	Tax ID: 1N 13E 4 AD 11700	\$1,700.00
Travis Gaston 605 W. 10 th Street The Dalles, OR 97058	Tax ID: 1N 13E 4 AC 5400	\$1,475.00

The legal descriptions for each property is shown in the list of legal descriptions attached to and made part of this Resolution as Exhibit "A".

Section 2. Docket Entry. Upon passage of this Resolution and its approval by the Mayor, the following information shall be entered into the City Electronic Lien Docket:

- a. The foregoing legal descriptions of each property assessed.
- b. The names of each owner or a statement the owners are unknown.
- c. The sum assessed upon each lot or tract of land.
- d. The date of the docket entry.

Section 3. Notices/Collection of Assessment. The City Clerk is directed to proceed with notice and collection of the assessment in accordance with the procedures prescribed by Oregon law for enforcement of liens and collection of assessments.

Section 4. Effective Date. This Resolution shall be effective upon its adoption.

PASSED AND ADOPTED THIS 25TH DAY OF APRIL, 2022.

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

AND APPROVED BY THE MAYOR THIS 25TH DAY OF APRIL, 2022.

Richard A. Mays, Mayor

ATTEST:

Izetta Grossman, CMC, City Clerk

EXHIBIT "A"

LEGAL DESCRIPTIONS

415 West 9th Street (Joseph Isitt)

Lot D, Block 28 in FORT DALLES MILITARY RESERVATION to Dalles City, in City of The Dalles, County of Wasco and State of Oregon.

605 West 10th Street (Travis Gaston)

Lot B, Block 54, FORT DALLES MILITARY RESERVATION TO DALLES CITY, in Dalles City, County of Wasco and State of Oregon.



Notice of assessment cost

1 message

Travis Gaston <gastontravis4494@gmail.com>

Mon, Mar 28, 2022 at 6:15 PM

To: oldgrowth03@gmail.com

Dear city of the dalles:

I object the cost of assessment. Because I had most of the junk cleaned up and in a trailer that I just needed to take to the dump. The cost of 1475.00 is outrages when it only took code inforcement and the contractor 1 hour to have it cleaned the rest of the way. I'm a single full time father with a tight budget. And very little extra time. If code inforcement would of gave me just a little bit more time. I would of had it cleaned up the rest of the way.

Travis gaston



MEMORANDUM

SUBJECT: ADJUSTING MINIMUM EMPLOYMENT LEVEL REQUIREMENT PURSUANT TO SECTIONS 2 AND 3 OF HB 2343 (2021) FOR POWDERPURE

TO: BOARD OF COUNTY COMMISSIONERS AND THE DALLES CITY COUNCIL

FROM: MATTHEW KLEBES, ENTERPRISE ZONE MANAGER WITHIN THE DALLES

DATE: 4/12/22

BACKGROUND INFORMATION:

As we all know, businesses throughout Oregon have been severely impacted by the COVID-19 pandemic. Public health safety measures, remote work, supply line issues, reductions in sales, and filling open positions, among other challenges, have all placed a strain on employers. Recognizing these challenges, the Oregon Legislative Assembly enrolled HB 2343 (2021) with an effective date of September 25, 2021. HB 2343 allows sponsors of an Enterprise Zone to waive certain requirements of an agreement in order to allow the business to otherwise remain eligible.

Powderpure, also called Columbia Phyto Technology, entered an Enterprise Zone Agreement in 2017 to cover expanding its existing operations. As part of the expansion, Powderpure enlarged the building and purchased and installed an additional production line. Its abatement began in 2019, and Powderpure saw an increase in employment from 78 to 104 employees. Under the Enterprise Zone Agreement, the minimum number of jobs to be created is 8; in other words, Powderpure needs to maintain 86 employees to remain eligible.

According to Powderpure's 2021 reporting, its employment has dropped to approximately 67. Powderpure has continued to encounter employment challenges through the past year and average employment has now hovered around 54. Included with this agenda item will be a presentation by Powderpure outlining the continued impacts of COVID-19 on their operations and, more specifically, the difficulties it has had in maintaining the required number of employees under their Enterprise Zone Agreement.

With the passage of HB 2343, Oregon law allows the Sponsors (City of The Dalles and Wasco County) to pass a resolution setting a new employment minimum to allow Powderpure to maintain its exemption. Last year both the City of The Dalles and Wasco County passed resolutions setting a new employment minimum of 50 employees for the 2021-2022 year. Included in your packet this year is another resolution, as required per HB 2343, again setting a new employment minimum of 50 employees for the 2022-2023 year.

The Enterprise Zone Agreement with Powderpure was entered into under "The Dalles/Wasco County Enterprise Zone" where the City of The Dalles and Wasco County were the Sponsors. As such, the decision on this resolution rests with the City of The Dalles and Wasco County. The current zone, "Wasco County

Joint Enterprise Zone” was re-designated in 2018, and comprises Wasco County, the Port of The Dalles, and every city located in Wasco County.

To take effect, this resolution must be passed by both Sponsors before June 30, 2022. Powderpure is in its 4th year of abatement under the Enterprise Zone. As provision of their agreement is a fee payment of 50% of the taxes normally owed in the 4th year and 75% of taxes normally owed in the 5th year to the Sponsors. Powderpure is aware of this requirement and will comply.

Staff is seeking passage of respective resolutions from both the City of The Dalles City Council and Wasco county Board of County Commissioners.

2020 – 2022 Pandemic Effects

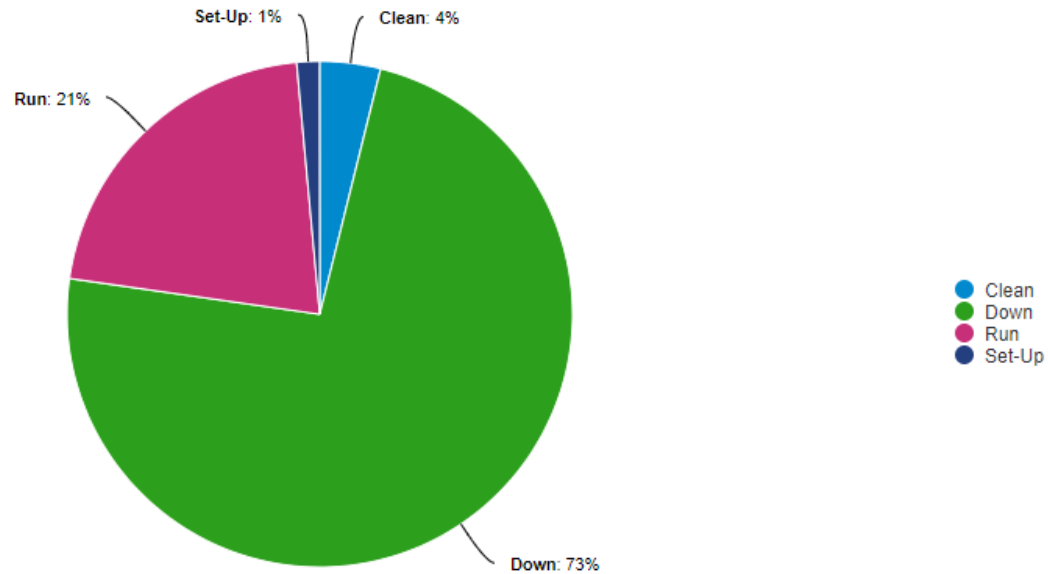


POWDER **PURE**TM
by IFF



2020 – 2022 Plant Equipment Utilization

All U/D/C, No Exclusions



- Plant is Running at 28% capacity
- Expansion increased the capacity by 50%

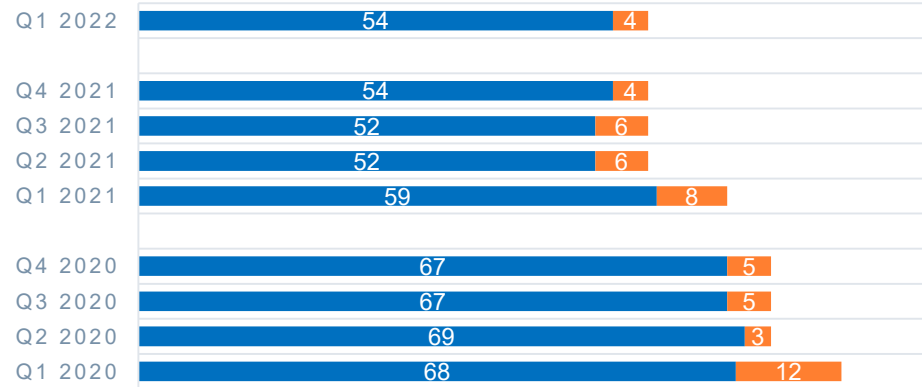


2020 – 2022 Employment Head Count

- Have not been able to be fully staffed
- Change in Sales amounts and lack of labor has changed our processing lead times and structure (suspension of 2nd shift due to lack of available labor) – this has occurred 2 times in 2022
- Lack of available local labor has shifted sales positions to remote (off site) labor
- Employee turnover rate has increased compared to previous years from 48% to 68% - 34 employees hired in last 12 months
- Average salary increased to 26.44/hr 9.3% increase

EMPLOYMENT HEADCOUNT

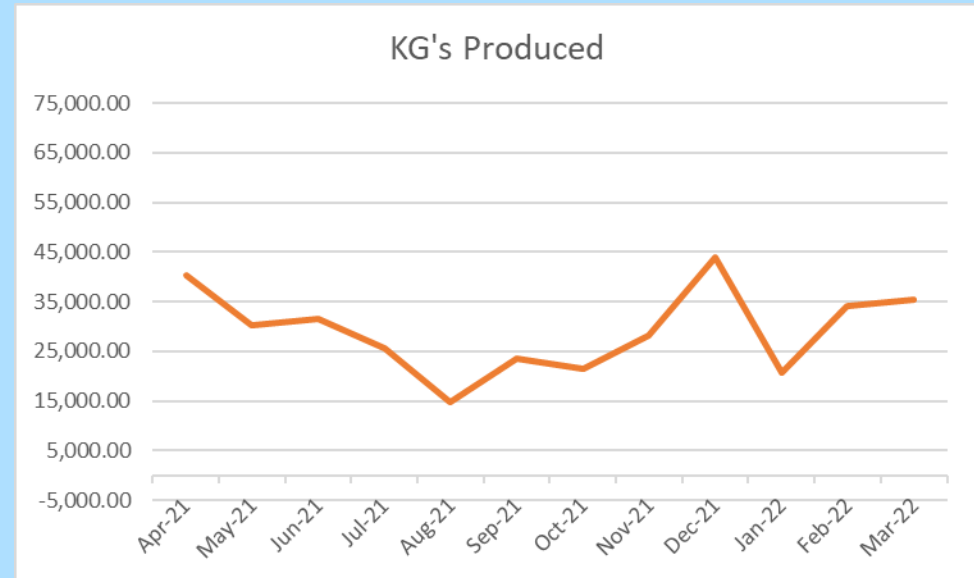
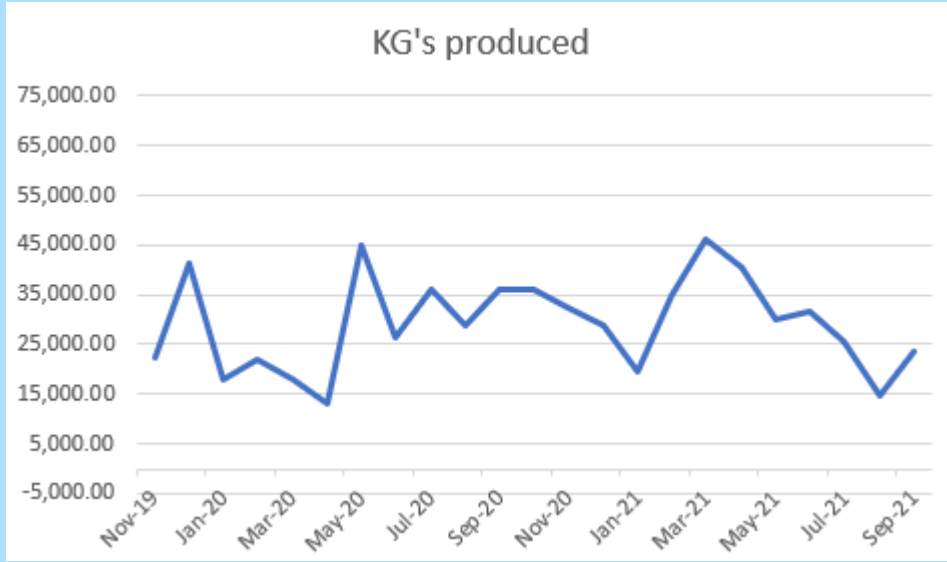
■ Total HC ■ Open HC





2020 – 2022 Production Amounts

- Average production below 30,000kg/mo
- expected was 40,000kg



RESOLUTION NO. 22-013

**A RESOLUTION ADJUSTING MINIMUM EMPLOYMENT LEVEL REQUIREMENT
PURSUANT TO SECTIONS 2 AND 3 OF HB 2343 (2021) FOR POWDERPURE**

WHEREAS, the City of The Dalles and Wasco County are co-sponsors The Dalles/Wasco County Enterprise Zone; and

WHEREAS, initial or continuing exemption of qualified property in the enterprise zone by the authorized/qualified business firm Powderpure is subject to denial or disqualification by the County Assessor due to Powderpure’s failure to meet requirements under ORS 285C.200(1)(c) for the number of its employees on or before date of filing initial exemption claim or for substantial curtailment under ORS 285C.210; and

WHEREAS, Chapter 522, Oregon Laws 2021 (Enrolled House Bill 2343-C, “HB 2343”) allows enterprise zone sponsors to remedy such situations arising from distress caused by the COVID-19 pandemic for the 2021–2022 and 2022–2023 tax years by either suspending the exemption period to resume later under ORS 285C.203, or by temporarily waiving requirements and by setting a minimum employment level lower than normal statutory requirements the business firm must otherwise maintain, including but not limited to the remaining period of a resumed exemption; and

WHEREAS, sponsor resolution(s) must be adopted within 45 days of the law’s effective date (September 25, 2021) for purposes of the 2021–2022 tax year, or by June 30, 2022, for the 2022–2023 tax year, which is also the date when HB 2343 is repealed; and

WHEREAS, the pandemic-related reasons or criteria that prevented Powderpure from meeting employment requirements are established as described below:

- Compliance with mandatory public health safety measures or closures;
- Mandatory limitations on facility capacity;
- Disruption of the firm’s access to markets or supply chains; and
- Difficulties in securing new employees.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF THE DALLES
RESOLVES AS FOLLOWS:**

Section 1. Under HB 2324, due to COVID-19 impacts, the number of employees Powderpure must have on average in the enterprise zone at a minimum consistent with ORS 285C.210, during 2022-2023 tax year, shall be no less than 50 employees. All other enterprise zone requirements shall remain.

Section 2. All other conditions of the original enterprise zone agreement remain.

Section 3. The County Assessor, Department of Revenue, and Oregon Business Development Department shall receive copies of this resolution within 30 days of its adoption.

Section 4. This resolution takes effect upon its adoption.

PASSED AND ADOPTED THIS 25 DAY OF APRIL, 2022

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

AND APPROVED BY THE MAYOR THIS 25 DAY OF APRIL, 2022

SIGNED:

ATTEST:

Richard Mays, Mayor

Izetta Grossman, City Clerk



MEMORANDUM

SUBJECT: SIP Community Service Fee Distribution IGA

TO: WASCO COUNTY BOARD OF COMMISSIONERS AND THE CITY OF THE DALLES CITY COUNCIL

FROM: MATTHEW KLEBES, ADMINISTRATIVE SERVICES DIRECTOR

DATE: 4/12/22

SUMMARY

The City of The Dalles, Wasco County, and Google LLC entered into a Strategic Investment Program (SIP) agreement in October 2021 for the development of up to two new data center projects located on the former aluminum plant site. The Oregon Business Development Commission made a positive determination on the applications and agreement on December 17, 2021.

Under this agreement and State ORS, each project must pay a Community Service Fee each year a project receives an abatement that is equal to 25% of the taxing savings of that particular year capped at \$2.5 million dollars. Under ORS 285C.609, the distribution methodology of this fee may be set by the following; The City where the development is located, the County, AND Local Taxing Districts listed in ORS 198.010 or 198.180, which account for at least 75% of property tax authority. These Local Taxing Districts are:

- Mid-Columbia Fire and Rescue (MCFR)
- Wasco County Library
- North Wasco County Parks and Recreation
- Wasco County 4H and Extension
- Wasco County Soil and Water Conservation District
- Port of The Dalles

Two meetings were organized, March 9th and March 28th, where all taxing districts that levy taxes at the development site were invited to attend to review the dynamics of the Community Service Fee, solicit feedback, and discuss possible distribution methodologies. These were worthwhile and productive meetings but ultimately an agreement was not reached. Staff communicated to Business Oregon that there are still productive negotiations ongoing and the parties will be able to timely reach and effect

an agreement. The Business Oregon Commission was supportive of our efforts to take more time to reach an agreement and will revisit this topic at their June meeting with a new deadline of May 16th for a final document.

Following the meetings on March 9th and 28th, representatives from the City, County, and MCFR met and were able to reach agreement to have the community service fee for both Project 1 and Project 2 be distributed to ALL current taxing districts that levy taxes at the development site based on each entities proportionate share of their non-debt tax levy or levies in the 2021-22 Tax Year, including education districts. The proposed loan from the City and County to MCFR from the initial payment has been removed.

Staff has developed an Intergovernmental Agreement (IGA) memorializing this agreement. This IGA has been shared with all taxing districts. It has been requested that the taxing districts involved in the final determination of the distribution methodology bring this IGA to each of their respective Boards/Councils/Commissions for approval.

Staff is requesting approval of this IGA from both the City of The Dalles City Council and Wasco County Board of County Commissioners.

INTERGOVERNMENTAL AGREEMENT

This Agreement is entered into by and between Wasco County (“County”), the City of The Dalles (“City”), Mid-Columbia Fire and Rescue, Wasco County Library District, North Wasco County Parks and Recreation, Wasco County 4H and Extension, Wasco County Soil and Water Conservation District and Port of The Dalles, collectively referred to as, (“Parties”).

WHEREAS:

1. Google LLC, Design, LLC, and Moraine Industries LLC (collectively, “Company”) entered into a Strategic Investment Program (SIP) agreement for two data center projects (“Project One” and “Project Two,” respectively, or collectively the “Projects”) with the City and County, who negotiated terms and conditions of approval to protect the interests of the public.
2. The County Board of Commissioners and City Council held public hearings on February 17, 2021 and February 22, 2021 to consider the application and resulting proposed Strategic Investment Program Agreement (“SIP Agreement”) and each body has formally approved the SIP Agreement, including the special provisions related to the property tax exemption as provided by ORS 285C.609(4)(a);
3. On December 17, 2021 the Oregon Business Development Commission determined that the Projects proposed in the SIP Agreement shall be exempt from property taxation to the extent provided for under ORS 285C.606 and ORS 307.123;
4. According to the SIP Agreement, Project One must consist of exactly one Data Center that may be built over time;
5. According to the SIP Agreement, Project Two must consist of exactly one Data Center that may be built over time;
6. The SIP Agreement provides for payment of annual Community Service Fees (CSF) associated with each Project, on or before the payment date for each tax year during the property tax exemption period for each Project;
7. ORS 285C.609(6)(a) provides that the County shall distribute the CSF based on an agreement between the County and City;
8. ORS 285C.609(6)(a)(B) provides that the County shall distribute the CSF based on an agreement between the County, the City where the development is located, and local taxing districts listed in ORS 198.010 or 198.180 that constitute at least 75 percent of the property tax authority of all local taxing districts listed in ORS 198.010 or 198.180 in the code area in which the eligible project is located; and

9. The Parties to this Agreement are the only local taxing districts listed in ORS 198.010 or ORS 198.180 that currently has taxing authority in the Project area; and

Now, therefore, in consideration of the mutual covenants set forth below it is AGREED:

1. County shall notify the Parties of any proposed amendments to the SIP Agreement that could impact the CSF or continuation of the project. County shall notify the Parties to this Agreement prior to declaring the Company in default or taking any other legal action that might impact the CSF.
2. County shall take reasonable steps to obtain prompt and full payment by Company, but nothing herein obligates County to make any payment except from revenues actually received.
3. The Parties shall exchange such information as necessary and work cooperatively to implement this Agreement.
4. Each year, beginning with the first year of receipt of a CSF under SIP Agreement, County shall:
 - a. Apportion the Community Service Fee to the entities listed below at the listed percentage share of the CSF. This percentage is based on each jurisdiction's proportionate share of their non-debt tax levy or levies in the 2021-22 Tax Year
 - b. The below percentages shall be considered fixed unless this agreement is amended per Section 5, below.

Project One

Receiving Entity	Percentage
City of The Dalles	17.3%
Wasco County	24.4%
Mid-Columbia Fire and Rescue	12.1%
Wasco County Library District	3.9%
North Wasco Parks & Recreation	3.9%
Wasco County 4H and Extension	1.4%
Wasco County Soil and Water Conservation District	1.4%
Port of The Dalles	1.2%
North Wasco County School District 21	30.1%
Wasco County ESD	2.7%
Columbia Gorge Community College	1.6%

Project Two

Receiving Entity	Percentage
City of The Dalles	17.3%
Wasco County	24.4%
Mid-Columbia Fire and Rescue	12.1%
Wasco County Library District	3.9%
North Wasco Parks & Recreation	3.9%
Wasco County 4H and Extension	1.4%
Wasco County Soil and Water Conservation District	1.4%
Port of The Dalles	1.2%
North Wasco County School District 21	30.1%
Wasco County ESD	2.7%
Columbia Gorge Community College	1.6%

5. This agreement may only be amended by the Parties herein, as signatories of this agreement, at a later date with at least 75% of the taxing authority agreeing under ORS 285C.609(a)(B) with concurrence of the City of The Dalles and Wasco County.

Done and dated this ____ day of April 2022.

<p>WASCO COUNTY</p> <p>_____ Kathleen B. Schwartz, Chairman</p> <p>_____ Scott C. Hege, Vice-Chair</p> <p>_____ Steve D. Kramer, Commissioner</p>	<p>CITY OF THE DALLES</p> <p>_____ Daniel Hunter, Interim City Manager City of The Dalles</p> <p>Attest: _____ Izetta Grossman, City Clerk, CMC</p>
<p>MID-COLUMBIA FIRE AND RESCUE</p> <p>_____ Bob Palmer, Fire Chief</p>	<p>WASCO COUNTY LIBRARY</p> <p>_____ Jeff Wavrunek, Executive Director</p>

<p>NORTHERN WASCO COUNTY PARKS AND RECREATION</p> <hr/> <p>Scott Baker, Executive Director</p>	<p>WASCO COUNTY 4-H AND EXTENSION</p> <hr/> <p>Leah Lowe, Program Coordinator</p>
<p>WASCO COUNTY SOIL AND WATER</p> <hr/> <p>Bill Hammel, Chairman</p>	<p>PORT OF THE DALLES</p> <hr/> <p>Greg Weast, President, Commissioner</p> <hr/> <p>Robert Wallace, Vice-President, Commissioner</p> <hr/> <p>Staci Coburn, Treasurer, Commissioner</p> <hr/> <p>David Griffith, Secretary, Commissioner</p> <hr/> <p>John Willer, Assistant Secretary/Treasurer, Commissioner</p>

RESOLUTION NO. 22-015

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH VARIOUS PUBLIC AGENCIES FOR DISBURSEMENT OF THE COMMUNITY SERVICE FEE PORTION OF THE STRATEGIC INVESTMENT PROGRAM WITH GOOGLE LLC

WHEREAS, Google LLC, Design, LLC, and Moraine Industries LLC (collectively, **Company**) entered into that certain Strategic Investment Program (**SIP**) Agreement for two data center projects with the City of The Dalles (**City**) and Wasco County (**County**);

WHEREAS, the SIP Agreement provides for Company’s annual payment of Community Service Fees (**CSF**) connected with each data center project on or before the payment date for each tax year during the property tax exemption period for each project;

WHEREAS, the SIP Agreement provides the County shall distribute the CSF based on an agreement between the County, City, and local taxing districts listed in ORS 198.010 or 198.180 constituting at least 75 percent of the property tax authority of all local taxing districts listed in ORS 198.010 or 198.180 in the code area in which the projects are located;

WHEREAS, the County, City, and local taxing districts formalized their collective agreement to the CSF disbursement apportioned as described in the intergovernmental agreement (**Intergovernmental Agreement**) attached to and made part of this Resolution as Exhibit “A”; and

WHEREAS, ORS 190.007 provides the policy of the State of Oregon is to further the economy and efficiency of local government through intergovernmental cooperation.

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

1. The City Council of the City of The Dalles hereby authorizes the City Manager to execute the Intergovernmental Agreement.
2. This Resolution shall be effective upon adoption.

PASSED AND ADOPTED THIS 25TH DAY OF APRIL, 2022.

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

AND APPROVED BY THE MAYOR THIS 25TH DAY OF APRIL, 2022

Signed:

Attest:

Richard A. Mays, Mayor

Izetta Grossman, CMC, City Clerk