



City of Tigard

Tigard Business Meeting - Minutes

TIGARD CITY COUNCIL

MEETING DATE/TIME: July 13 , 2010/6:30 p.m. Study Session and 7:30 p.m. Business Meeting

MEETING LOCATION: City of Tigard – Town Hall, 13125 SW Hall Blvd., Tigard, OR 97223

Mayor Dirksen called the meeting to order at 6:30 p.m.

Council Present:

<u>Name</u>	<u>Present</u>	<u>Absent</u>
Mayor Dirksen	✓	
Council President Wilson	✓	
Councilor Buehner	✓	
Councilor Henderson	✓	
Councilor Webb	✓	

Staff Present: City Manager Prosser, Assistant City Manager Newton, Community Development Director Bunch, Assistant Community Development Director Harnett, Public Works Director Koellermeier, Parks Facilities Manager Martin, City Engineer Kyle, Assistant to the City Manager Mills, Management Analyst Wyatt, City Attorney Ramis, City Recorder Wheatley

STUDY SESSION

1. Consider Recommendations of Park Acquisitions for the Bond Election

Park and Recreation Board Chair Jason Rogers and Board Member Troy Mears were present. Also present were Bob Betcone and Josh Alpert from the Trust for Public Lands.

Public Works Director Koellermeier introduced this topic.

Councilor Henderson reviewed his proposal for a second bond measure for future incorporated Tigard areas. A copy of his outline is on file with the packet materials. Councilor Henderson said he spoke with City Manager Prosser and it appears that it is feasible for the City to purchase land outside of city limits. The areas identified for future parkland needs were the Durham, Metzger, West Bull Mountain, and unincorporated islands inside Tigard city limits areas. He acknowledged that he has heard a couple of people say that having this second bond measure as a proposal is confusing;

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however, he thinks it's a matter of selling and explaining the idea. He suggested the park bond be considered before this second measure is put forward. He said support of this proposal would show those in the unincorporated areas that the City of Tigard is a team player. The PRAB voted on this proposal; one member voted no and another abstained.

Council President Wilson said that this is a good idea noting that, with voter support, Metro has done similar actions and purchased land outside of the Urban Growth Boundary. He said, however, he is concerned about timing and whether now is the time to consider offering this second measure. Council President Wilson noted his concern about the City's proposed bond measure as he thinks \$17 million is a high number; he would be more comfortable if the bond was for \$15 million. Consumers are unhappy about spending right now. There is not a lot of pressure on land to be developed outside the Urban Growth Boundary and if we waited a couple of years, it is likely the land would still be there.

Council President Wilson noted that if the bond measure for the City's parks and open spaces fail, we would not be going out again for awhile. He said he wants to make sure that we give it our best, most concerted effort. Another issue with looking at purchasing parkland in the unincorporated areas might communicate that the City thinks we have a claim on some of the unincorporated area because the concept planning is occurring now. There might be sensitivity and we need to carefully think about how and when we proceed. We do need to make sure that we get ahead of development, but at this time he said he did not see development being imminent and he would rather concentrate on getting this one piece done before we take on that challenge.

Councilor Henderson agreed "we need to do a better job than we did last time."

Councilor Buehner referred to the City's purchase of parkland outside of the City of Tigard in the mid- to late-1990's (Cache Creek property). This turned out to be a "major mess" within the context of the Bull Mountain annexation proposal. She said she did not want to put the City in that kind of situation again for the reasons raised by Council President Wilson.

Councilor Henderson commented he has long heard that parks were an issue for the unincorporated Bull Mountain area. Councilor Webb pointed out if the City proceeded with Councilor Henderson's proposal, then the unincorporated residents would not be paying for the parks – City of Tigard residents would be paying with no guaranty that those areas will eventually come into the City of Tigard. After a brief discussion with Councilor Henderson, Councilor Webb said she did not think that "this Council, for the...foreseeable future will talk about annexation...as a citizen of Tigard, I would be outraged to be paying for parks for people who aren't going to have pay for them." Councilor Henderson said that would be the case only if was assumed they would not annex. Council President Wilson observed the land could be "banked" and then sold either to developers or to the entity that takes over later and he did not think that was a bad idea. Councilor Webb questioned whether it would be confusing to have two parks measures on the ballot.

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Mayor Dirksen said buying land outside the City is a good idea. The Cache Creek property was a sensitive issue during the Bull Mountain annexation proposal; however, it worked out in the end. He added that if opportunity arises in areas around the City, which we could reasonably expect to annex, he would not be opposed to purchasing parkland with the proposed \$17 million bond measure if approved. Mayor Dirksen said his major concern would be putting both measures on the same ballot. The \$17 million is not adequate; however, it is a sufficient beginning and is all that our citizens can afford at this time. When the economy picks up, there might be an opportunity to ask the voters to consider an additional amount to pick up what we were unable to purchase now. He said he supported asking voters for the \$17 million.

Councilor Henderson said he believes that the two ballot measures going together now would help pass the larger request for \$17 million for parks and open spaces.

At the request of Public Works Director Koellermeier, City Council discussed the wording for the ballot title and text. Key points included:

- The original title focused on clean water. The Council would prefer the focus be on providing parks and protecting open space in the City. If the language could be crafted to say that this includes riparian corridors that will persevere water quality in the streams that would be a good message.
- The focus is on purchasing land for the future to secure for public domain and should be the primary component of the ballot title and the description.

Trust for Public Lands Representative Josh Alpert agreed with the points made by the City Council, which included Councilor Henderson's proposal. TPL, in its survey, tested the concept of buying land outside the City and it did not test well this go around; it has tested better in the past. Right now, the citizenry is focused on Tigard. Placing two ballots on at the same time might be confusing and, typically, when the voters are confused, then they vote no on everything.

Mr. Alpert commended PRAB and the Council for the current ballot title and text. It appears to address what voters indicated they wanted last time; i.e., more specificity and a greater case statement for need. He agreed with Council President Wilson that a \$15 million bond measure proposal would be better but it is still viable at \$17 million. We can make the case that this is a very different measure than last time. TPL is prepared to move forward.

In response to a question from Council President Wilson, Mr. Alpert elaborated that he thought \$15 million was a more round number, but that \$17 million would not make that much of a difference to the voters. Council President Wilson indicated he was still concerned about the higher number and preferred to be more conservative. Mr. Alpert said this would be a decision for the City Council rather than a TPL recommendation. The new package that PRAB has prepared shows there is something to be offered in every quadrant of the City. He reiterated that TPL is comfortable at either \$15 or \$17 million.

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After brief City Council discussion, Council President Wilson continued to prefer the \$15 million figure while the consensus of the remaining City Council members was for \$17 million. Council President Wilson said that the Council and those involved with this ballot title need to do a better job of getting the word out and making the need understood including the importance of timeliness.

Councilor Webb suggested the City Council members contribute to paying for and creating a supporting statement for the Voters Pamphlet. Discussion followed about what City Council members could do to support the ballot measure.

City Manager Prosser summarized that the plan is to bring the ballot measure before the City Council for its consideration on July 27, 2010.

2. Discuss Development of Code of Conduct for Elected Officials and Appointed Board/Committee/Commission Members

Assistant to the City Manager Mills reviewed the staff report, which included samples of codes of conducts from other cities.

Staff heard from the City Council that they wanted a code of conduct for themselves as well as appointed officials of boards, committees and commissions. The preference of the City Council was for the code of conduct to be more friendly in tone, rather than regulatory.

Three areas were reviewed:

A. Themes – reviewed by Management Analyst Wyatt.

The trend for codes of conduct is for a friendly tone rather than regulatory in nature. He suggested a focus around the Core Values of the City. (Do the Right Thing; Respect and Care, Get It Done) Mr. Wyatt reviewed his suggestions for formatting the Code of Conduct.

- Councilor Buehner noted her preference for the City of Crestwood format.
- Council President Wilson said he would like the Code to be concise; i.e., bullet points.
- Councilor Webb noted also the need for clarity so it is interpreted consistently.
- Council President Wilson said the Code, if reduced to a bullet-point format, could be used as a tool during training with more elaboration. Other City Council members said they thought it would be better to have the bullet points be listed during training, with the Code being more elaborate.
- Mayor Dirksen and Councilor Webb indicated they preferred the City of Glendale's format. Discussion on the pros and cons of this format followed.

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- Councilor Henderson said there should be short- and long-versions of the Code of Conduct. He offered that the Code should indicate responses to deterioration of conduct – what would happen if inappropriate behavior occurs.
 - Management Analyst Wyatt suggested drafting the two versions (short and long) for the Code of Conduct. One version could list the Core Values with several bullet points under each value statement.
 - Council President Wilson said that Glendale’s Code appears to be more applicable to the City of Tigard. However, a lot of Glendale’s Code would not apply to boards and committees. He suggested a resource for board and committee members regarding how to get along with each other in their official capacity. Mayor Dirksen noted agreement in that it might be better to have a Code for the City Council and one for boards and commissions because of differing circumstances.
 - City Attorney Ramis noted that some of Glendale’s points deal with ethical conflicts and matters that are regulated by other means. He suggested that the Code should not get into those areas. In addition, City Attorney Ramis said that the Santa Ana Code of Ethics had a good section on respect for fellow elected and appointed officials as well as staff and the public.
 - Councilor Buehner noted she has some concern about conflict of interest issues. She said this should be covered. Assistant to the City Manager Mills suggested a reference could be made to the fact that there are Ethic Rules to be followed.
- B. The Code of Conduct will apply to both the City Council and the City Center Development Agency.
- C. Process Guidance – sanctions for City Council members and removal of board and committee members.
- Assistant to the City Manager Mills suggested the Code be less specific rather than detailed. For example if there is a problem then the process would be first to work with the Board Chair. She said changes to process would be proposed for the Tigard Municipal Code with amendments to current procedures as stated for the Planning Commission. Removal of a member would be under the purview of the City Council.
 - In response to a question from Assistant to the City Manager Mills, Mayor Dirksen said that the Code of Conduct for Boards and Committees should be shared with the Chairs and their comments solicited. The City Council would then review and adopt the final Code of Conduct.
3. Administrative Items were reviewed by City Manager Prosser:
- Vacation Plans through September 2010 – City Council members were asked to notify staff of plans.
 - Current Council Groundrules were distributed, which will be discussed at an upcoming City Council meeting.
 - July Calendar
 - July 20, 2010 - Workshop Meeting - 6:30 p.m.
 - July 27, 2010 - Business Meeting - 6:30 p.m.

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- An Executive Session will be held after tonight’s business meeting to discuss the review of the City Manager.

Study Session concluded at 7:21 p.m.

7:30 PM

1. BUSINESS MEETING

1. Mayor Dirksen called the meeting to order at: [7:31:27 PM](#)
2. Roll Call

<u>Name</u>	<u>Present</u>	<u>Absent</u>
Mayor Dirksen	✓	
Council President Wilson	✓	
Councilor Buehner	✓	
Councilor Henderson	✓	
Councilor Webb	✓	

3. Pledge of Allegiance
4. Council Communications & Liaison Reports

Mayor Dirksen reported that JPACT passed the flexible funds portion of the MTIP for 2013-2015. The decision was for 75% of the funding to be directed to active transportation projects (bicycles, pedestrians); the remaining 25% would go towards the “green initiative” to address freight bottlenecks throughout the region. This is a departure from the past in recognition of economic needs and to operate the transportation system more efficiently. In response to a question from Council President Wilson, Mayor Dirksen advised MTIP funds are state funds distributed to the region and are distinct from other transportation funds in that there is no requirement that the funds be used for highway projects. This money comes from the state’s budget, but Mayor Dirksen said he did not think it was specifically from gas taxes.

5. Call to Council and Staff for Non-Agenda Items

City Manager Prosser called attention to the fact that there will be an Executive Session after tonight’s business meeting.

[7:33:57 PM](#)

2. CITIZEN COMMUNICATION

- Citizen Communication – Sign Up Sheet

Ronald Blodgett, 13754 SW Benchview Place, asked the City Council to reconsider closing the City facility room rentals for the public. Mayor Dirksen acknowledged this was reviewed during the budget process. Staff had considered several options to determine how this could function without it being a cost to the City. Mr. Blodgett indicated he outlined some ideas

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he had regarding the room rentals and he has talked with staff. Council consensus was for staff to revisit the issue for renting the rooms to the public and to review the suggestions made by Mr. Blodgett. Councilor Webb asked staff to determine what the actual charges would have to be for the rooms to recover costs. City Manager Prosser advised staff had reviewed the costs, which included a portion of the utilities and janitorial services. Public Works Director Koellermeier will provide this information to Mr. Blodgett. Mayor Dirksen asked if staff could review Mr. Blodgett's idea that the reason the costs were so high was that there were many staff involved and that there might be a more efficient way to do this. Mr. Blodgett said there are no additional costs for the rooms whether they are closed or open. Councilor Webb pointed out there is a need for extra janitorial service, staff checking room users in and out, etc. Mayor Dirksen agreed there are costs associated with renting the rooms; however, perhaps there is a way cut costs.

7:38:46 PM

Mayor Dirksen the following Consent Agenda items:

3. CONSENT AGENDA:.

1. Receive and File:
 - a. Council Calendar
 - b. Tentative Agenda
2. Provide Worker's Compensation Insurance for Volunteers for 7/1/10 through 6/30/11

RESOLUTION NO. 10-35 -- A RESOLUTION EXTENDING CITY OF TIGARD'S WORKERS' COMPENSATION COVERAGE TO VOLUNTEERS OF THE CITY.

3. Revise City Council Member Stipends, Superseding Resolution No. 08-63

RESOLUTION NO. 10-36 – A RESOLUTION ESTABLISHING CITY COUNCIL MEMBER STIPENDS, SUPERSEDING RESOLUTION No. 08-63

Motion by Councilor Buehner, seconded by Councilor Webb, to approve the Consent Agenda.

The motion was approved by a unanimous vote of City Council present. (Mayor Dirksen abstained from voting on Item No. 3.3 – Resolution No. 10-36)

Mayor Dirksen	Yes (abstained from voting on Item No. 3.3 above)
Council President Wilson	Yes
Councilor Buehner	Yes
Councilor Henderson	Yes
Councilor Webb	Yes

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7:39:45 PM

4. INFORMATIONAL PUBLIC HEARING - APPROVE FORMATION OF THE SANITARY SEWER REIMBURSEMENT DISTRICT NO. 48 (LOWER CHERRY DRIVE)

- Mayor Dirksen opened the public hearing.
- Hearing Procedures – This is an informational public hearing in which any person shall be given the opportunity to comment. The formation of the reimbursement district does not result in an assessment against the property or lien against the property. (TMC 13.090.050 (hearing on City Engineer’s Report) and TMC 13.09.1053 (final hearing))

7:40:17 PM

- Staff Report: Community Development Department

City Engineer Kyle presented the staff report noting that as a result of testimony received at the July 24, 2007 City Council meeting, four lots were removed from Reimbursement District No. 44. This proposed Reimbursement District No. 48, will provide a sewer connection to those four lots removed from District No. 44. The project is an expensive one and the lots in this area are large. Representatives from all four properties attended a May 3, 2010, neighborhood meeting and were generally in favor.

- Public Testimony: None
- Council Comments
 - Councilor Webb noted the responsiveness of the City to those four properties included in this district.
 - Mayor Dirksen said the remaining areas of the City not served by sewer are more challenging, which means more expense. He said it was good the City was in a position to help residents be able to connect to sewer if that was their desire and was pleased to support this proposed district.

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- Mayor Dirksen closed the public hearing.
- City Engineer Kyle recommended that the City Council approve the resolution.
- Council Consideration:

Motion by Council President Wilson, seconded by Councilor Webb, to adopt Resolution No. 10-37.

RESOLUTION NO. 10-37 -- A RESOLUTION ESTABLISHING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 48 (SW LOWER CHERRY DRIVE)

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The motion was approved by a unanimous vote of City Council present.

Mayor Dirksen	Yes
Council President Wilson	Yes
Councilor Buehner	Yes
Councilor Henderson	Yes
Councilor Webb	Yes

7:46:18 PM

5. CONSIDER AN ORDINANCE UPDATING TIGARD MUNICIPAL CODE (TMC) 15.20 STREET MAINTENANCE FEE

City Attorney Ramis commented on process and procedure. He advised that some or all of the City Council members might own property in the City. If so and your property is affected, then it is important that the City Council members so declare.

Mayor Dirksen declared that in addition to his residence he has two rental residential units; however, this would not affect him any differently than any other landlord.

Councilor Webb declared that she runs a non-profit organization that pays the street maintenance fee; however this will not affect her decision.

Councilor Henderson declared he owns an office complex. Mayor Dirksen noted this would not place him with a benefit or detriment differently than any other property owner in the City.

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Public Works Director Koellermeier presented the staff report. The issue before the City Council is an ordinance that amends an ordinance adopted by the City Council last fall. As staff worked through the street maintenance fee implementation, it was discovered that commercial property, in particular, posed a matter to be addressed with regard to vacancies. The proposed ordinance addresses the matter and allows staff to deal with partially vacant commercial real estate.

In response to a question from Councilor Henderson, it was clarified that two copies of the proposed changes to the Municipal Code were attached to the agenda item summary. One of the attachments to the staff report is the clean copy of the revised proposed Code language (Exhibit A) and the other attachment is a marked up version showing what would change from the current section of the Code.

Motion by Councilor Buehner, seconded by Councilor Webb, to adopt Ordinance No. 10-08.

ORDINANCE NO. 10-08 - AN ORDINANCE UPDATING TIGARD MUNICIPAL CODE CHAPTER 15.20 STREET MAINTENANCE FEE

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The motion was approved by a unanimous vote of City Council present.

Mayor Dirksen	Yes
Council President Wilson	Yes
Councilor Buehner	Yes
Councilor Henderson	Yes
Councilor Webb	Yes

7:52:44 PM

6. UPDATE ON BURNHAM STREET AND CAPITAL IMPROVEMENT PROGRAM

Engineering Manager McMillan reviewed a Construction Update slide presentation, which is on file in the City Council meeting packet. The new Burnham Street project is on schedule to be completed by June 2011.

A discussion with the City Center Advisory Commission on this Burnham Street project is scheduled for July 14, 2010.

7. COUNCIL LIAISON REPORTS - None

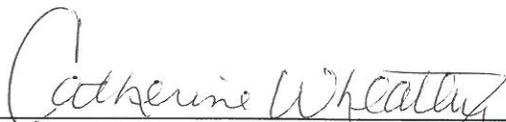
8. NON AGENDA ITEMS - None

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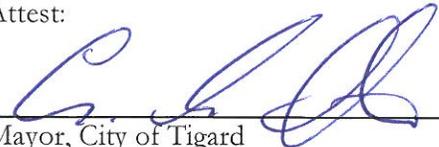
City Manager Prosser read the statement for the Executive Finance Director Session.

9. EXECUTIVE SESSION: The Tigard City Council went into Executive Session at 8:09 p.m. under ORS 192.660(2) (h) and (i) to discuss potential litigation with legal counsel and to review and evaluate performance of the city manager.

10. ADJOURNMENT – 8:45 p.m.


Catherine Wheatley, City Recorder

Attest:



Mayor, City of Tigard

Date: 10.12.2010

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**CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 10-08**

AN ORDINANCE UPDATING TIGARD MUNICIPAL CODE CHAPTER 15.20 STREET MAINTENANCE FEE

WHEREAS, the City of Tigard Municipal Code Chapter 15.20, Street Maintenance Fee was last updated January 2010; and

WHEREAS, Council granted a vacancy waiver to fully vacant buildings; and

WHEREAS, Clarification was needed regarding buildings that are only partially vacant; and

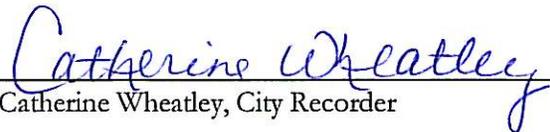
WHEREAS, this Tigard Municipal Code chapter clarifies Street Maintenance Fee vacancy waiver for partially vacant buildings.

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

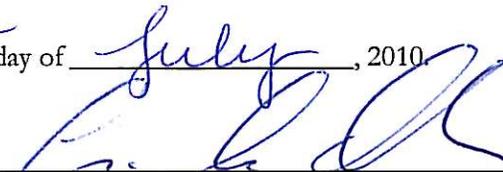
SECTION 1: The specific Tigard Municipal Code 15.20 Street Maintenance Fee attached as Exhibit A to this ordinance is hereby adopted and approved by the City Council.

SECTION 2: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

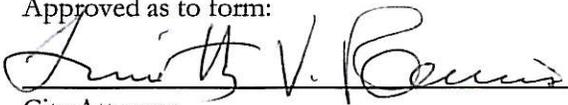
PASSED: By unanimous vote of all Council members present after being read by number and title only, this 13th day of July, 2010.


Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this 13th day of July, 2010.


Craig Dirksen, Mayor

Approved as to form:


City Attorney

July 13, 2010
Date

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Chapter 15.20 STREET MAINTENANCE FEE.

Sections:

- 15.20.010 Creation and Purpose.
- 15.20.020 Definitions.
- 15.20.030 Administrative Officers Designated.
- 15.20.040 Street Maintenance Fees Allocated to the Street Maintenance Fee Fund.
- 15.20.050 Determination of Street Maintenance Fee.
- 15.20.060 Determination of Amount, Billing and Collection of Fee.
- 15.20.070 Waiver of Fees in Case of Vacancy.
- 15.20.080 Administrative Provisions and Appeals.
- 15.20.090 Administrative Policies.
- 15.20.100 Penalty.
- 15.20.110 Severability.

15.20.010 Creation and Purpose.

A street maintenance fee is created and imposed for the purpose of maintenance of City streets. The street maintenance fee shall be paid by the responsible party for each occupied unit of real property. The purposes of the street maintenance fee are to charge for the service the City provides in maintaining public streets and to ensure that maintenance occurs in a timely fashion, thereby reducing increased costs that result when maintenance is deferred.

15.20.020 Definitions.

As used in this chapter, the following shall mean:

(1) Public Works Director. The Public Works Director or the Public Works Director's designee.

(2) Developed property or developed use. A parcel or legal portion of real property, on which an improvement exists or has been constructed. Improvement on developed property includes, but is not limited to buildings, parking lots, landscaping and outside storage.

(3) Finance Director. The Finance & Information Services Director or designee.

(4) Residential Property. Property that is used primarily for personal domestic accommodation, including single family, multi-family residential property and group homes, but not including hotels and motels.

(5) Nonresidential Property. Property that is not primarily used for personal domestic accommodation. Nonresidential property includes industrial, commercial, institutional, hotel and motel, and other nonresidential uses.

(6) Street Functional Classification. Street classifications as described in the Tigard Transportation System Plan.

a. Arterials are defined as streets having regional level connectivity. These streets link major commercial, residential, industrial and institutional areas.

b. Collectors are defined by citywide or district wide connectivity. These streets provide both access and circulation within and between residential and commercial/industrial areas.

c. Neighborhood routes are defined as streets that provide connections within the neighborhood and between neighborhoods. These streets provide connectivity to collectors or arterials.

d. Local commercial/industrial streets are those streets within the City that are not designated as arterials or collectors and whose

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primary function is serving traffic to and from commercial and/or industrial (i.e., nonresidential) uses.

e. Local streets are any streets within the City that are not designated as arterials, collectors, neighborhood routes or identified as commercial/industrial streets. These streets have the sole function of providing access to immediately adjacent land.

(7) Parking Space Requirement. The minimum off-street vehicle parking requirement as stated in the Minimum and Maximum Off-Street Vehicle and Bicycle Parking Requirements in the Tigard Community Development Code.

(8) Pavement Management Program (PMP). An annual program of corrective and preventative maintenance on City of Tigard streets funded by the street maintenance fee (SMF). The program helps to extend the life of the pavement structure by various means such as, pavement overlaying, slurry sealing, or complete removal and replacement of asphalt.

(9) Occupied Unit. Any structure or any portion of any structure occupied for residential, commercial, industrial, or other purposes. For example, in a multifamily residential development, each dwelling unit shall be considered a separate occupied unit when occupied, and each retail outlet in a shopping mall shall be considered a separate occupied unit. An occupied unit may include more than one structure if all structures are part of the same dwelling unit or commercial or industrial operation. For example an industrial site with several structures that form an integrated manufacturing process operated by a single manufacturer constitutes one occupied unit. Property that is undeveloped or, if developed, is not in current use is not considered an occupied unit.

(10) Responsible Party. The person or persons who by occupancy or contractual arrangement are responsible to pay for utility and other services provided to an occupied unit. Unless another party has agreed in writing to pay and a copy of the writing is filed with the City, the person(s) paying the City's water and/or sewer bill for an occupied unit shall be deemed the responsible party as to that occupied unit. For any occupied unit not otherwise required to pay a City utility bill, "responsible party" shall mean the person or persons legally entitled to occupancy of the occupied unit, unless another responsible party has agreed in writing to pay and a copy of the writing is filed with the City. Any person who has agreed in writing to pay is considered the responsible person if a copy of the writing is filed with the City.

(11) Street Maintenance. Any action to maintain City streets, including repair, renewal, resurfacing, replacement and reconstruction. Street maintenance does not include the construction of new streets or street lighting. Street maintenance shall include resurfacing of existing streets, repair or replacement of curb and gutter where they exist, repair or replacement of the entire existing street structural section, repair or replacement of existing street shoulders, pavement markers, striping and other street markings, repair or replacement of existing channelization devices, adjustment of existing utilities to match finish grades, and any other related work within the existing streets. It includes repair or restoration of existing storm drainage systems within existing streets, but does not include installation of new drainage systems. It includes right-of-way maintenance on the City's arterial and collector streets, which covers maintenance and enhancement of planting strips, medians and areas between sidewalks and property lines on these street to prevent the uncontrolled growth of weeds and other undesirable vegetation in these areas. It does not include repair or replacement of existing

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sidewalks. (Ord. 10-01 § 2).

15.20.030 Administrative Officers Designated.

(1) Except as provided in subsections (2) and (3) of this section, the Public Works Director shall be responsible for the administration of this chapter. The Public Works Director shall be responsible for developing administrative procedures for the chapter, administration of fees, and for the purposes of establishing the fee for a specific occupied unit, the consideration and assignment of categories of use, and parking space requirements subject to appeal in accordance with this chapter.

(2) The Public Works Director shall be responsible for developing and maintaining street maintenance programs for the maintenance of City streets and, subject to City Budget Committee review and City Council approval, allocation and expenditure of budget resources for street system maintenance in accordance with this chapter.

(3) The Finance Director shall be responsible for the collection and calculation of fees and the appeals process under this chapter. (Ord. 10-01 § 2).

15.20.040 Street Maintenance Fees Allocated to the Street Maintenance Fee Fund.

(1) All street maintenance fees received shall be deposited to the street maintenance fee fund or other fund dedicated to the operation and maintenance of the City street system. The street maintenance fee fund shall be used for street maintenance. Other revenue sources may also be used for street maintenance. Amounts in the street maintenance fee fund may be invested by the Finance Director in accordance with State law. Earnings from such investments shall be dedicated

to the street maintenance fee fund.

(2) The street maintenance fee fund shall not be used for other governmental or proprietary purposes of the City, except to pay for an equitable share of the City's overhead costs including accounting, management and other costs related to management and operation of the street maintenance program. Engineering design, pavement evaluation, construction management, and other related costs, including project advertisements for bid, in the implementation of the street maintenance projects shall also be considered as being used for street maintenance. (Ord. 10-01 § 2).

15.20.050 Determination of Street Maintenance Fee.

(1) The street maintenance fee shall be established based on the following:

(a) The City's five-year maintenance and reconstruction plan for corrective and preventative maintenance of the City's street infrastructure.

(b) The average annual cost based on the five-year maintenance and reconstruction plan with costs allocated as follows:

(i) Arterial maintenance costs allocated 62% to nonresidential uses and 38% to residential uses.

(ii) Local commercial/industrial street maintenance costs allocated 100% to nonresidential uses.

(iii) Collector maintenance costs allocated 50% to residential uses and 50% to nonresidential uses.

(iv) Neighborhood routes and local street maintenance costs allocated 100% to

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residential uses.

(c) For residential property, the fee shall be charged on a per unit basis.

(d) For nonresidential property other than gasoline stations, the fee shall be based on the minimum number of vehicle parking spaces as stated in the Minimum and Maximum Off-Street Vehicle and Bicycle Parking Requirements in the Tigard Community Development Code for each occupied unit, provided, however, that the maximum number of parking spaces for purposes of calculating the street maintenance fee shall be 250.

i. In that nonresidential property with fewer than six required spaces shall constitute a tier with a 50% reduction of the total fee amount.

ii. In recognition that religious institutions have minimum parking space requirements that are relatively large in comparison to the actual use of those spaces, the total fee for each religious institution shall be reduced by 50%.

(e) The street maintenance fee for gasoline stations shall be based on the number of fueling positions.

(2) The street maintenance fee rates shall be established by Council resolution.

(3) Beginning July 1, 2010, the fee for the Pavement Management Program will be implemented in three phases. The second phase will be effective on April 1, 2011 and the third will be effective on January 1, 2012. The street surface portion of the PMP will be phased in evenly over all three phases. The right-of-way portion of the PMP will be phased in evenly to residential customers over the last two phases.

(4) The street maintenance fee will be adjusted according to an annual index that is calculated based on a two-year rolling average of the combination of the following indices:

(a) The Oregon Composite Construction Cost index reflecting the cost of materials (weighted 65%).

(b) The U.S. Bureau of Labor Statistics Employment cost Index for Private Industry Workers, by Occupational Group and Industry, Construction Group reflecting the cost of Labor (weighted 35%).

(c) A floor of two percent and a ceiling of seven percent has been established based on a composite of both indices listed above.

(5) The indices will be applied in the second and third period of the three-part phasing and every year thereafter.

(6) The program shall be reviewed annually as part of the City's budget process.

(7) Following each review of the program, the Finance Director shall review the revenue received from the new rates after a full year of collection to determine if the annual revenues meet the annual funding level set from the updated five-year street maintenance plan. The Finance Director shall report the findings of that review to City Council and may make recommendations on any potential fee increases or decreases based on that review. Any unspent funds will be placed in a reserve fund. (Ord. 10-01 § 2).

15.20.060 Determination of Amount, Billing and Collection of Fee.

(1) For the purpose of establishing the fee, the minimum required number of parking spaces or the number of fueling positions for each

TIGARD MUNICIPAL CODE

occupied unit of nonresidential property shall be determined by the Public Works Director. For uses not explicitly listed in the Tigard Development Code as to required parking, the Public Works Director shall assign the use to the similar category with the most similar impact on the transportation system, considering relevant information such as:

(a) The size of the site and the building;

(b) The number of employees;

(c) Other developed sites with similar use.

(2) The Public Works Director shall establish the amount of street maintenance fee payable for each unit of nonresidential property and shall inform the Finance Director of the amount. The amount payable shall be re-determined if there is a change in use or development. All redeterminations based on a change in use or development shall be prospective only. The Finance Director shall charge the per-unit street maintenance fee to the responsible party for each occupied unit of residential property.

(3) The street maintenance fee shall be billed to and collected from the responsible party for each occupied unit. Billings shall be included as part of the water and sewer bill for occupied units utilizing City water and/or sewer, and billed and collected separately for those occupied units not utilizing City water and/or sewer. All such bills shall be rendered regularly by the Finance Director and shall become due and payable upon receipt.

(4) Collections from utility customers will be applied first to interest and penalties, then proportionately among the various charges for utility services and street maintenance.

(5) An account is delinquent if the street maintenance fee is not paid by the due date shown on the utility bill. The City may follow the procedures for collection of delinquent accounts set forth in Sections 12.03.030 and/or 12.03.040, including termination of water and/or sanitary sewer service. (Ord. 10-01 § 2).

15.20.070 Waiver of Fees in Case of Vacancy.

(1) When any developed property within the City becomes vacant as described in subsections (6) of this section, upon written application and approval by the Finance Director, the street maintenance fee shall thereafter not be billed and shall not be a charge against the property until such time as the property is no longer vacant.

(2) The Finance Director is authorized to cause an investigation of any property for which an application for determination of vacancy is submitted to verify any of the information contained in the application. The Finance Director is further authorized to develop and use a standard form of application, provided it shall contain a space for verification of the information and the person signing such form affirms under penalty for false swearing the accuracy of the information provided therein.

(3) When any developed property within the City has the utilities shut-off due to vacancy, the street maintenance fee shall be waived for the duration of the vacancy as described in subsection (6) of this section.

(4) When any multi-occupied developed property within the City has one or more vacancies as described in subsection (6) of this section, the responsible party may request, in writing, a waiver of a portion of the street maintenance fee applicable to the vacant units.

(5) When a change of use occurs, a vacancy has

TIGARD MUNICIPAL CODE

been filled, or a property is developed, it is the responsible party's responsibility to inform the City of any change so the proper street maintenance fees may be assessed. If the responsible party does not inform the City of any change, the City shall cancel the vacancy waiver and charge the responsible party as per subsection (6) of this section.

(6) For purposes of this section, a unit of property is vacant when it has been continuously unoccupied and unused for at least 30 days. Fees shall be waived in accordance with this section only while the property remains vacant. The waiver duration is for six months. After six months, the responsible party must re-apply for the waiver if the property continues to be unoccupied and unused. The responsible party has 30 days to re-apply for the vacancy waiver after the expiration of the six month waiver. Any non-occupancy or use of the property terminates the waiver. As a penalty for not reporting a change in property vacancy, the City may charge any property two times the appropriate street maintenance fee, that would have been due without the vacancy waiver for prior billing periods, upon determining by whatever means that the property did not qualify for waiver of charges during the relevant time. The decision of the Finance Director under subsections (1, 2) and (6) of this section shall be final. (Ord. 10-01 § 2).

15.20.080 Administrative Provisions and Appeals.

(1) The Public Works Director shall have the initial authority and responsibility to interpret all terms, provisions and requirements of this chapter and to determine the appropriate charges thereunder. The responsible party for an occupied unit may request reconsideration of the Public Works Director's determination of the amount of the fee by submission of a written application to the Public Works Director. The application shall be submitted in sufficient detail to enable the

Public Works Director to render a decision.

(2) Within 30 days of the submission of a complete application requesting reconsideration of the amount of the street maintenance fee to be charged to an occupied unit, the Public Works Director shall render a decision on the application. The decision shall be written and shall include findings of fact and conclusions for the particular aspects of the decision, based upon applicable criteria, which may include a land use decision that modifies the minimum required vehicle parking for an occupied unit. A copy of the decision shall be mailed to the person submitting the request. The Public Works Director shall maintain a collection of such decisions. Decisions of the Public Works Director, which affect the amount of fee to be charged to a property, shall be forwarded to the Finance Director. Except as provided under subsection (4) of this section, the decision of the Public Works Director is final.

(3) For the purpose of reviewing the fee, the Public Works Director may determine that the land use category is proper and that the fee charged is appropriate. However, if the decision of the Public Works Director results in a change in the category of land use, the Public Works Director shall, for the purpose of establishing the fee, assign a new use category, determine the appropriate fee for the category, and notify the Finance Director so that the appropriate change may be made in the applicable fee to be charged in the future. No back charges or refunds are required. The decision of the Public Works Director, under this subsection (3) only, may be appealed.

(4) Council may form a subcommittee consisting of two Council members, or appoint a committee of disinterested citizens, hereinafter known as the Appeal Committee, to address any appeals to the Public Works Director's decisions. A responsible party who disputes the determination of the Public Works Director as to

TIGARD MUNICIPAL CODE

use category or number of required parking spaces may file a written appeal with the Appeal Committee. All appeals must be submitted within 10 days from the date of the Public Works Director's decision, together with a filing fee in an amount set by Council by resolution. The application for appeal shall specify the reasons for the appeal and shall provide sufficient information for the Appeal Committee to render a decision. No other appeals shall be permitted.

(5) The Appeal Committee shall schedule a review of each appeal and shall notify the appellant not less than 10 days prior thereto of the date of such review. The Appeal Committee shall conduct a hearing to determine whether there is substantial evidence in the record to support the interpretation given by the Public Works Director and may continue the hearing for purposes of gathering additional information bearing on the issue. The Appeal Committee shall render an initial oral decision and shall adopt a final written decision together with appropriate findings in support thereof. The decision of the Appeal Committee shall be for the purpose of establishing the fee and limited to whether the appellant has been assigned to the appropriate use category, or whether the appropriate minimum vehicle parking space requirement or number of fueling positions has been correctly identified. If the Appeal Committee should determine that for the purpose of establishing the fee, a different use category should be assigned, or that the minimum parking space requirement should be revised, it shall so order, provided no refund of prior street maintenance fees shall be given. Only where the Committee decision results in a change in use category and/or change in the minimum parking space requirement will the filing fee on the appeal be refunded. The Appeal Committee decision shall be final. (Ord. 10-01 § 2).

15.20.090 Administrative Policies.

(1) The following policies shall apply to the

operation and scope of this chapter:

(a) Street maintenance fees imposed under this chapter shall apply to all occupied units, occupied units owned and/or occupied by local, state and federal governments, as well as property which may be entitled to exemption from or deferral of ad valorem property taxation.

(b) Publicly owned park land, open spaces and greenways shall not be subject to the street maintenance fee unless public off-street parking designed to accommodate the use of such areas is provided.

(c) Areas used for commercial farming or forestry operations shall be billed according to the use of any structures on the site. Where a site is used exclusively for farming or forestry and not for residential or commercial uses, the site shall not be subject to the street maintenance fee. Where there are different seasonal uses of structures on farm or forest land, the use category shall be determined by examining the use for the longest portion of the year. Where more than one use is made of a farming or forestry site, then each use shall be examined separately and combination of use categories shall be used to determine the street maintenance fee.

(d) Areas encompassing railroad and public right-of-way shall not be subject to the street maintenance fee.

(e) Railroad property containing structures, such as maintenance areas, non-rolling storage areas and areas used for the transfer of rail transported goods to non-rail transport shall be subject to street maintenance fees.

(f) For newly developed properties, the fees imposed under this chapter shall become due and payable from and after the date when the developed property is occupied and connected to the public water or sanitary sewer system.

TIGARD MUNICIPAL CODE

(2) The Public Works Director is authorized and directed to review the operation of this chapter and, where appropriate, recommend changes thereto in the form of administrative policies for adoption of the City Council by resolution. Administrative policies are intended to provide guidance to property owners, subject to this chapter, as to its meaning or operation, consistent with policies expressed herein. Policies adopted by the Council shall be given full force and effect, and unless clearly inconsistent with this chapter shall apply uniformly throughout the City.

(3) If an occupied unit of nonresidential property is used for more than one use with different minimum parking requirements, the street maintenance fee shall be based on the required parking for the total of the various uses.

(4) The determination or assignment of a use category and minimum number of parking spaces under the provisions of this chapter are strictly for the purpose of establishing a fee and are not statutory land use decisions. (Ord. 10-01 § 2).

15.20.100 Penalty.

In addition to any other remedy, violation of any provision of this chapter shall be a Class A Civil Infraction. Each day of delinquency in paying the street maintenance fee constitutes a separate violation.

15.20.110 Severability.

(1) In the event any section, subsection, paragraph, sentence or phrase of this chapter or any administrative policy adopted herein is determined by a court of competent jurisdiction to be invalid or unenforceable, the validity of the remainder of the chapter shall continue to be effective. If a court of competent jurisdiction

determines that this chapter imposes a tax or charge, which is therefore unlawful as to certain but not all affected properties, then as to those certain properties, an exception or exceptions from the imposition of the street maintenance fee shall thereby be created and the remainder of the chapter and the fees imposed thereunder shall continue to apply to the remaining properties without interruption.

(2) 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. (Ord. 03-10). ■

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 10-35

A RESOLUTION EXTENDING CITY OF TIGARD'S WORKERS' COMPENSATION COVERAGE TO VOLUNTEERS OF THE CITY.

WHEREAS, the City of Tigard acknowledges the valuable service rendered by City of Tigard volunteers; and

WHEREAS, the City of Tigard wishes to protect City volunteers by providing injury insurance for them when they volunteer; and

WHEREAS, Workers' Compensation Insurance is less costly and provides more benefits than health insurance; and

WHEREAS, the City Council places high value on volunteers and the volunteer program and has provided this coverage for several years to protect volunteers if they are injured during volunteer work; and

WHEREAS, Oregon law requires cities determine whether Workers' Compensation Insurance will be provided to volunteers (ORS 656.031); and

WHEREAS, the City of Tigard participates in the City County Insurance Services (CIS) Group Self-Insurance Program, which requires a resolution be adopted annually by the Tigard City Council to extend Workers' Compensation Insurance coverage to City of Tigard volunteers.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Pursuant to ORS 656.031, Workers' Compensation coverage will be provided to classifications listed on the attached Volunteer Program Worksheet (Exhibit A). Assumed wages for police reserve officers, boards and commissions, and the Mayor and Council are provided on attached Exhibit A. An assumed hourly wage of \$8.40 will be used for all other volunteers.

SECTION 2: A roster of active volunteers is updated monthly for reporting purposes. It is acknowledged that CIS may request copies of these rosters during year-end audit.

SECTION 3: Unanticipated volunteer projects or exposures not addressed herein will be added to the City of Tigard's coverage agreement by endorsement and advance notice to CIS, allowing at least two weeks for processing. It is hereby acknowledged that Worker's Compensation for unanticipated volunteer projects cannot be backdated.

SECTION 4: This resolution will be updated annually as long as Tigard is a member of the CIS Workers' Compensation Self-Insurance Services Group and chooses to provide Workers' Compensation Insurance for City volunteers.

SECTION 5: The coverage affected by this resolution is for the 2010/2011 coverage year (July 1, 2010 through June 30, 2011) with the City's membership in the CIS Workers' Compensation Self-Insurance Services Group.

SECTION 6: This resolution is effective immediately upon passage.

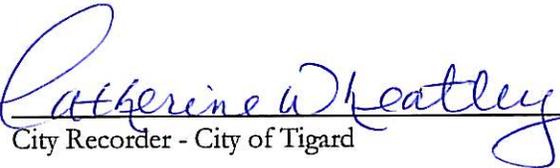
RESOLUTION NO. 10 - 35

PASSED: This 13th day of July 2010.



Mayor - City of Tigard

ATTEST:



City Recorder - City of Tigard

**7/13/10 Council Resolution Exhibit "A" - City of Tigard Volunteer Workers' Comp Program
FY 2010/11 Request**

Position Title	WC Code	Volunteers Anticipated (number of)	Volunteer Time Anticipated (in hours)	Assumed Wage (per hour)	Notes	Estimated Payroll
Photographer	4361V	2	100	\$8.40	Photographer indoors and outdoors - can use ladder	\$840
Painting Services (Interior)	5474V	10	100	\$8.40	Bldg. interiors with latex paint & ladders	\$840
Traffic & Accident Data Coord.	5506V	1	230	\$8.40	Office work and work within the ROW. Minimal traffic control & will require flagging training from certified COT staff member.	\$1,932
Library Volunteers (Traveling)	7380V	25	500	\$8.40	Driving personal vehicles to homes of "shut ins" deliver materials	\$4,200
Community Service Supervisors	7720V	5	750	\$8.40	Supervision of community service, PEER Court & Municipal Court work crews/individuals.	\$6,300
Juvenile Court Offenders	7720V	50	500	\$8.40	Juveniles from Municipal Court providing community service	\$4,200
CERT Volunteers Training & Activation	8411V	50	2,000	\$800/ month/ member	Training & activation	\$480,000
Reserve Police Officers	8411V	8	1,920	\$4,594	Note: Assumed wage is <u>per month each</u> (mid-range of police officer salary)	\$441,024
Boards & Committees	8742V	See membership listing below	N/A	\$2,500/ board/yr	10 boards & commissions(see list @ bottom of page 2). Meetings & limited travel to view field sites	\$25,000
City Council	8742V	4	N/A	\$350/ month/ member	Council meetings & other council duties	\$16,800
Mayor	8742V	1	N/A	\$42,000/yr.		\$42,000
Engineering Project Notice Asst.	8742V	1	30	\$8.40	Prepares & distributes project advance notices - No driving allowed (rides in City rig with City EE driving)	\$252
Grant Writer Assistants (Indoors Only)	8810V	1	40	\$8.40	Working in office setting or in the home.	\$336
Library Volunteers (No travel)	8810V	440	24,000	\$8.40	All tasks in-house; check-in materials, shelving, data entry, processing new materials, etc.	\$201,600
Office Assistance	8810V	5	600	\$8.40	Clerical type work assignments in administrative offices	\$5,040
Police Crime Prevention Support	8810V	2	300	\$8.40	In office work only	\$2,520
Translators	8810V	2	80	\$8.40	Working in office setting or in the home translating information from one language to another.	\$672
PEER Court Service	8820V	24	450	\$8.40	Teenagers serving as attorneys, jurors, clerks in court room. Adults serving as judges and facilitation of process.	\$3,780

**7/13/10 Council Resolution Exhibit "A" - City of Tigard Volunteer Workers' Comp Program
FY 2010/11 Request**

Position Title	WC Code	Volunteers Anticipated (number of)	Volunteer Time Anticipated (in hours)	Assumed Wage (per hour)	Notes	Estimated Payroll
Building Maintenance	9015V	4	50	\$8.40	Room set up & tear down, general cleaning	\$420
DARE Camp Supervisors	9015V	100	3,200	\$8.40	Mentoring kids at camp (does NOT include driving)	\$26,880
Park Landscape Maintenance	9102V	400	1,500	\$8.40	Planting trees, blackberry removal, greenway cleanup, path clean up, trail maintenance. This code allows use of gas powered leaf blowers and reciprocating weed eaters.	\$12,600
Citywide Celebrations	9402V	500	1,750	\$8.40	Earth Day, Make A Difference Day, etc. Includes planting trees, library shelf cleaning, community cleanup, street cleanup patrols	\$14,700
Storm/Water Maintenance	9402V	120	1,200	\$8.40	Stenciling catch basins, Adopt-A-Creek program with weeding & limited trash removal & cleaning/painting water hydrants. This code allows use of gas powered leaf blowers and reciprocating weed eaters.	\$10,080
Street Cleanup Program	9402V	100	600	\$8.40	Roadside cleanup. This code allows use of gas powered leaf blowers and reciprocating weed eaters.	\$5,040
Door to Door Distribution	9410V	3	30	\$8.40	Delivery of brochures/door hangers	\$252
Election Ballot Collectors	9410V	5	10	\$8.40	Collecting ballots at drive-up collection point (not ROW)	\$84
TOTAL Estimated Payroll for FY 2010/2011						\$1,307,392

NOTE: Ten boards, commission and task forces (WC Code 8742V) are as follows: Budget Committee (6), Committee For Citizen Involvement (9), City Center Advisory Commission (11), Intergovernmental Water Board (3 members only; Tigard representatives and at-large member if appointed by City), Library Board (8), Park & Recreation Advisory Board (8), Planning Commission (11), Tree Board (6), Tigard Transportation Advisory Committee (11), Tigard Youth Advisory Council (12).

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO 10-36

A RESOLUTION ESTABLISHING CITY COUNCIL MEMBER STIPENDS, SUPERSEDING RESOLUTION NO. 08-63

WHEREAS, the City Council is charged by City Charter Section 11 and by the Municipal Code Section 2.44.010 with responsibility to set annually the amount of compensation for the appointed or elected officers of the City; and

WHEREAS, the Council Service Task Force studied the matter and recommended additional compensation for an elected official in an amount authorized by Resolution; and

WHEREAS, the City Budget, established by the Budget Committee and the City Council includes amounts for compensation for Council Members and the Mayor; and

WHEREAS, the City Council has agreed on the expectations that it has for the Mayor and its Members as well as the compensation and benefits to be established for the Mayor and Council Members; and

WHEREAS, the City Council recognized that for the next year there will be important duties over and above regular City Council duties and liaison assignments, including: Attendance at meetings of committees, governmental bodies and stakeholders relating to regional transportation decisions, including light rail alignments; and the regular involvement of an elected official to connect with business and property owners in the implementation of the Downtown Plan.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

- SECTION 1: The annual stipend for the Council Members, other than the Mayor, shall be \$4,200 (\$350 per month).
- SECTION 2: The Mayor and Council are eligible to participate in the City's health insurance benefit plans offered to City employees.
- SECTION 3: Council Members, including the Mayor, are expected to abide by the Council Rules, and make best efforts to attend City Council meetings, and perform liaison, committee, board and other responsibilities assigned by the City Council.
- SECTION 4: The annual stipend for the Mayor shall be no more than \$42,000. It is the expectation of the City Council that the assignments given to the Mayor, over and above the usual and customary assignments, described in Section 6 below, will require an average of twenty (20) hours each week during business hours.
- SECTION 5: Should the duties of the Mayor average less than 20 hours per week, the stipend may be adjusted downward with the approval of the Mayor and City Council.

RESOLUTION NO. 10- 36

SECTION 6: The City Council priorities for the Mayor include the following responsibilities:

- a. Serve as the primary City Council liaison to the City's Transportation Consultant.
- b. Serve as the City's primary representative on transportation matters in the region.
- c. Meet regularly with representatives of Washington County, Metro, and Tri-met on issues including transportation funding.
- d. Represent the City at the State Legislature on Transportation funding and issues including holding regular meetings with the City's legislative delegation.
- e. Represent the City at the Joint Policy Advisory Committee on Transportation (JPACT), Metro Policy Advisory Committee (MPAC) and Washington County Coordinating Committee (WCCC).
- f. Represent the City at the federal level on transportation funding and issues including contacts with the City's congressional delegation locally and in Washington DC.
- g. Represent the City Council to downtown business and property owners and prospective business and property owners on the implementation of the downtown plan.
- h. Perform other tasks as deemed appropriate by the Mayor and City Council members.

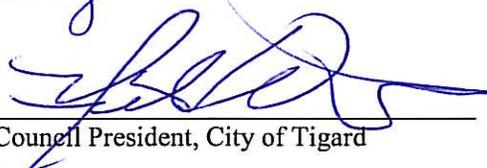
The Mayor shall submit monthly reports to the members of the Committee summarizing activities and reporting on issues, including describing meetings, contracts, outcomes and time required for each area of activity.

SECTION 7: Renewal of the provisions of this resolution pertaining to the additional responsibilities and compensation for the Mayor shall be deliberated during the City's Budget process each fiscal year.

SECTION 8: Consideration on the amount of compensation and benefits to City Council members shall be deliberated during the Budget process for each fiscal year.

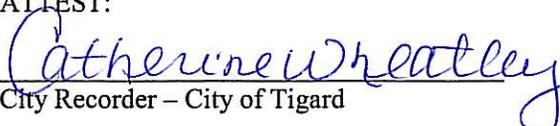
SECTION 9: This resolution is effective immediately upon passage.

PASSED: This 13th day of July, 2008.



Council President, City of Tigard

ATTEST:



City Recorder – City of Tigard

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CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 10- 37

A RESOLUTION ESTABLISHING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 48
(SW LOWER CHERRY DRIVE)

WHEREAS, the City has initiated the Neighborhood Sewer Extension Program to extend public sewers and recover costs through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, the property owners of proposed Sanitary Sewer Reimbursement District No. 48 (SW Lower Cherry Drive) have been notified of a public hearing in accordance with TMC 13.09.060 and a public hearing was conducted in accordance with TMC 13.09.050; and

WHEREAS, the City Engineer has submitted a report describing the improvements, the area to be included in the Reimbursement District, the estimated costs, a method for spreading the cost among the parcels within the District, and a recommendation for an annual fee adjustment; and

WHEREAS, the City Council has determined that the formation of a Reimbursement District as recommended by the City Engineer is appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

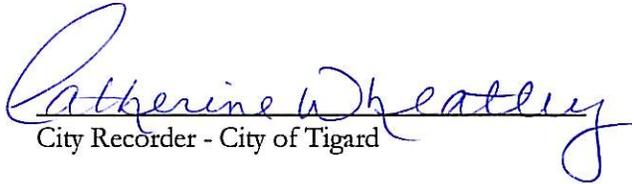
- SECTION 1: The City Engineer's report titled "Sanitary Sewer Reimbursement District No. 48," attached hereto as Exhibit A, is hereby approved.
- SECTION 2: A Reimbursement District is hereby established in accordance with TMC Chapter 13.09. The District shall be the area shown and described in Exhibit B. The District shall be known as "Sanitary Sewer Reimbursement District No. 48."
- SECTION 3: Payment of the reimbursement fee, as shown in Exhibit A, is a precondition of receiving City permits applicable to development of each parcel within the Reimbursement District as provided for in TMC 13.09.110.
- SECTION 4: An annual fee adjustment, at a rate recommended by the Finance Director, shall be applied to the Reimbursement Fee.
- SECTION 5: The City Recorder shall cause a copy of this resolution to be filed in the office of the County Recorder and shall mail a copy of this resolution to all affected property owners at their last known address, in accordance with TMC 13.09.090.
- SECTION 6: This resolution is effective immediately upon passage.

PASSED: This 13th day of July 2010.



Mayor - City of Tigard

ATTEST:



City Recorder - City of Tigard

Exhibit A
City Engineer's Report
Sanitary Sewer Reimbursement District No. 48
(SW Lower Cherry Drive)

Background

This project will be constructed and funded under the City of Tigard Neighborhood Sewer Extension Program (NSEP). Under the program, the City of Tigard would install public sewers to each lot within the project area. At the time the property owner connects to the sewer, the owner would pay a connection and inspection fee, currently \$4,135, and reimburse the City for a fair share of the cost of the public sewer. There is no requirement to connect to the sewer or pay any fee until connection is made. In addition, property owners are responsible for disconnecting their existing septic systems according to Washington County rules and for any other modifications necessary to connect to the public sewer.

Project Area - Zone of Benefit

Serving the four lots in the following table will require extending an existing sewer along the back lot lines of the lots to be served. No further extension of this line will be required. The surrounding area is completely served with sewer.

The proposed project would provide sewer service to a total of four lots within the proposed reimbursement district as shown on Exhibit Map B.

Cost

The estimated cost for the sanitary sewer construction to provide service to the four lots is \$129,017. Engineering and inspection fees amount to \$17,417 (13.5%) as defined in TMC 13.09.040(1). The sewer will be construction within easements purchased by the City at a cost of \$6,400. In addition, a total of \$2,822 will be paid to owners to compensate them for the cost of restoring property disturbed by construction. The estimated total project cost is \$155,657. This is the estimated amount that should be reimbursed to the sanitary sewer fund as properties connect to the sewer and pay their fair share of the total amount. However, the actual amount that each property owner pays depends upon the extent to which the owner is eligible for the City's incentive program for early connections.

In addition to sharing the cost of the public sewer line, each property owner will be required to pay a connection and inspection fee, currently \$4,135, upon connection to the public line. All owners will be responsible for all plumbing costs required for work done on private property.

Reimbursement Rate

All properties in the proposed district are zoned R-3.5 but vary in lot size from about 20,000 to 32,000 square feet as can be seen in the following list of lots. Therefore, it is recommended that the total cost of the project be divided among the properties proportional to the square footage of each property.

Other reimbursement methods include dividing the cost equally among the owners or by the length of frontage of each property. These methods are not recommended because there is no correlation between these methods and the cost of providing service to each lot or the benefit to each lot.

Each property owner's estimated fair share of the public sewer line is \$1.5011 per square foot of lot served. Each owner's fair share would be limited to \$6,000, to the extent that it does not exceed \$15,000, for connections completed within three years of City Council approval of the final City Engineer's Report following construction in accordance with Resolution No. 01-46 (attached). In addition to paying for the first \$6,000, owners will remain responsible for paying all actual costs that exceed \$15,000. Upon request, payment of costs that exceed \$15,000 may be deferred until the lot is developed, as provided by Resolution No. 03-55 (attached).

Annual Fee Adjustment

TMC 13.09.115 states that an annual percentage rate shall be applied to each property owner's fair share of the sewer line costs on the anniversary date of the reimbursement agreement. The Finance Director has set the annual interest rate at 6.05% as stated in City of Tigard Resolution No. 98-22.

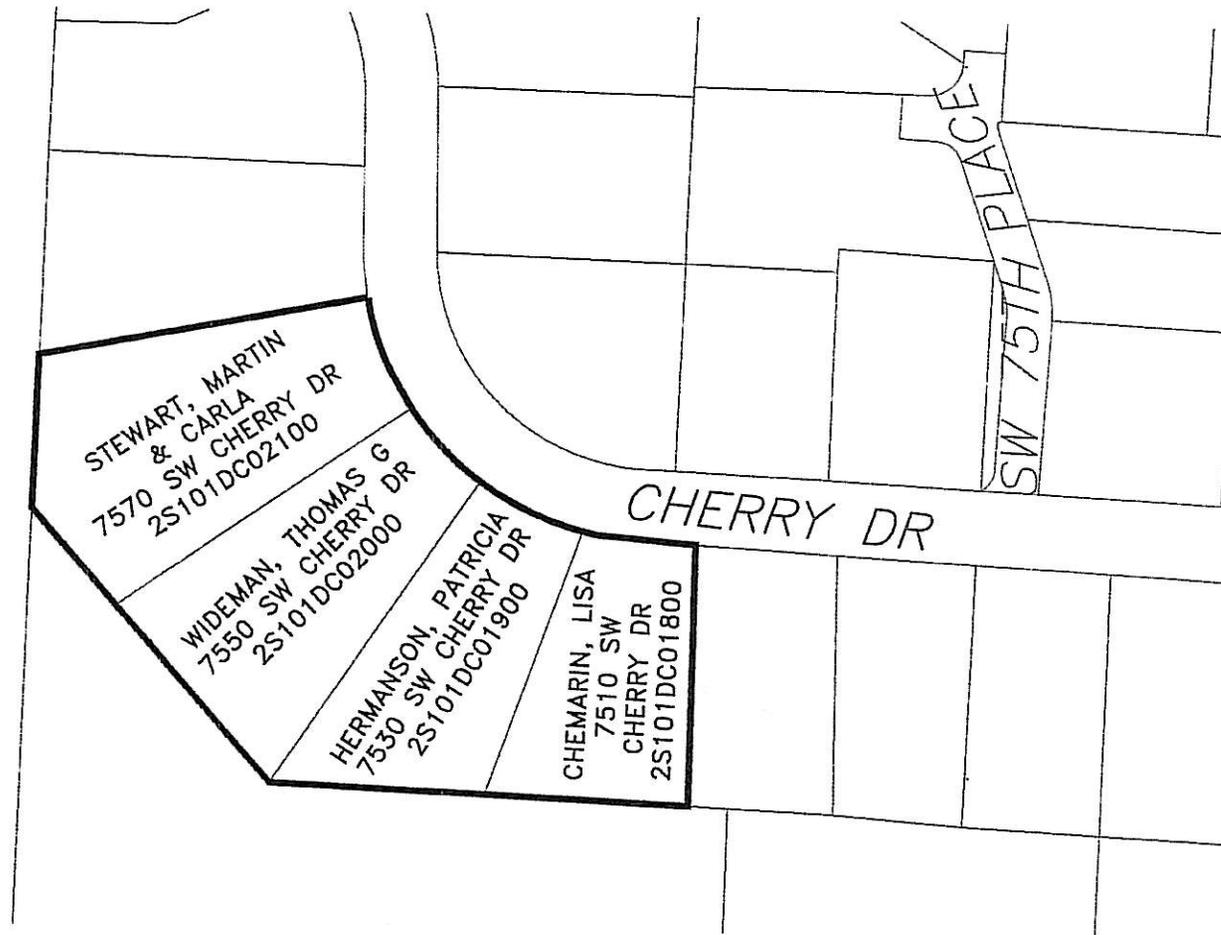
Recommendation

It is recommended that a reimbursement district be formed with an annual fee increase as indicated above and that the reimbursement district continue for fifteen years as provided in Tigard Municipal Code (TMC) 13.09.110(5). Fifteen years after the formation of the reimbursement district, properties connecting to the sewer would no longer be required to pay the reimbursement fee.

Submitted June 28, 2010

Theodore S. Kyle, P.E.
City Engineer

LOWER CHERRY DRIVE-REIMBURSEMENT DIST NO. 48
FY 2009-10 SANITARY SEWER EXTENSION PROGRAM
A PORTION OF THE NW 1/4 SECTION 11 T2S R1W W.M.



NOTE:

All properties in the reimbursement district are zoned R3.5

EXHIBIT B (p1)
NTS

LOWER CHERRY DR
CIP 2010 Sanitary Sewer Extension Program

Estimated Cost to Property Owners

Summary

Thursday, April 22, 2010

Estimated Construction Costs	\$112,189
15.00% contingency (construction)	\$16,828
Estimated construction subtotal	\$129,017
13.50% Administration & Engineering	\$17,417
Easement Cost	\$6,400.00
Site Restoration	\$2,822.00
total project costs	\$155,657
total area to be served (S.F.)	103695
total cost per S.F. to property owner	\$1.50110847

LOWER CHERRY DR
CIP 2010 Sanitary Sewer Extension Program

Estimated Cost to Property Owners

Thursday, April 22, 2010

	Owner	Site Address	Tax Lot ID	Area (S.F.)	Area (AC)	Estimated Reimbursement Fee	Amount to be Paid by Owner	Amount to be Paid by City	Amount that can be Deferred by Owner
1	WIDMAN, THOMAS G	7550 SW CHERRY DR	2S101DC02000	28308.7	0.65	\$ 42,494	\$ 33,494	\$ 9,000	\$ 27,494
2	HERMANSON, PATRICIA M	7530 SW CHERRY DR	2S101DC01900	23398.3	0.54	\$ 35,123	\$ 26,123	\$ 9,000	\$ 20,123
3	CHEMARIN, LISA M &	7510 SW CHERRY DR	2S101DC01800	19755.8	0.45	\$ 29,656	\$ 20,656	\$ 9,000	\$ 14,656
4	MARTIN D. STEWRT & CARLA STEWRT	7570 SW CHERRY DR	2S101DC02100	32231.7	0.739	\$ 48,383	\$ 39,383	\$ 9,000	\$ 33,383
Totals				103694.5	2.379	\$ 155,657	\$ 119,657	\$ 36,000	\$ 95,657

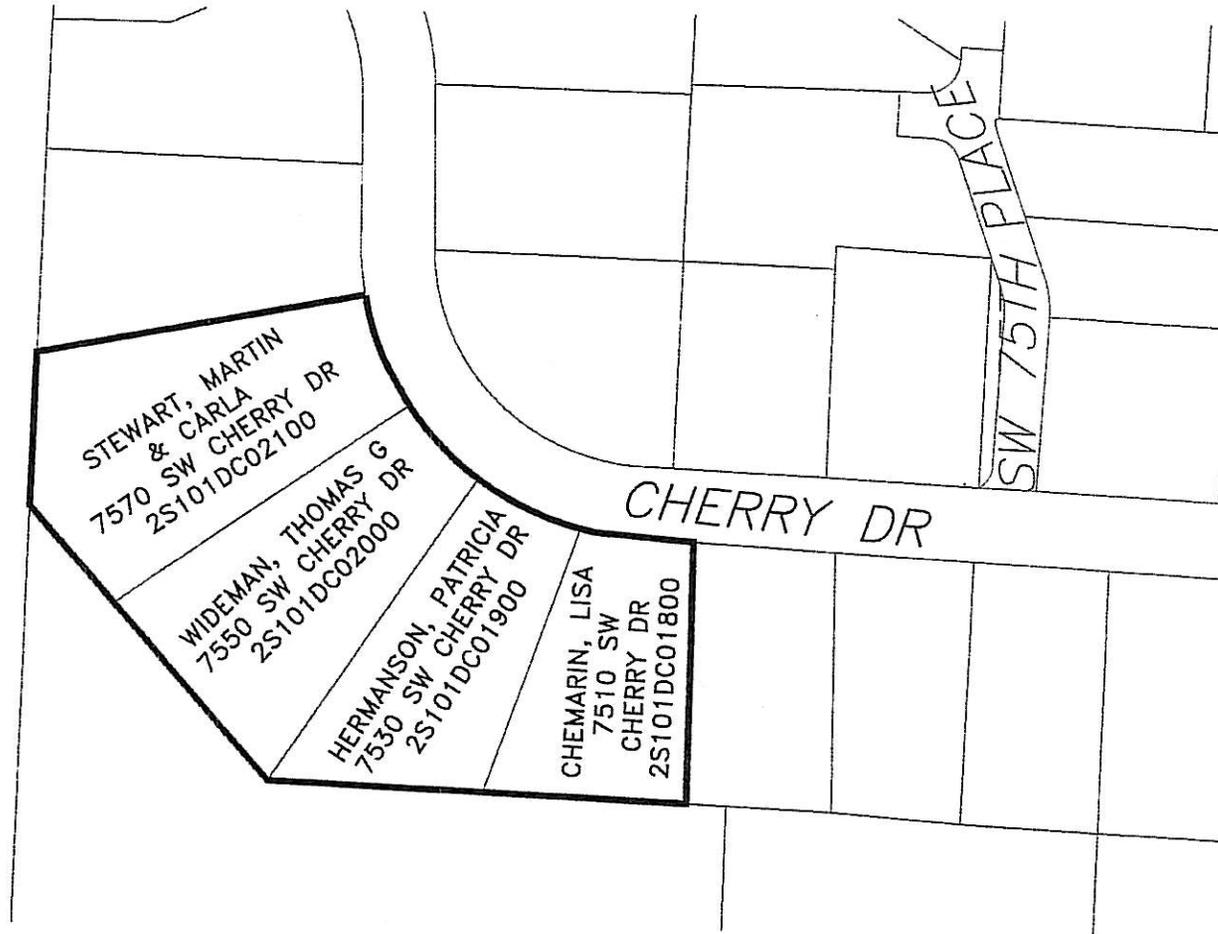
The "ESTIMATED REIMBURSEMENT FEE" column shows the estimated reimbursement fee for each lot. There are no requirements to connect to the sewer or pay any fees until the owner decides to connect to the sewer. The final reimbursement fee will be determined once construction is complete and final costs are determined.

In accordance with Resolution No. 01-46, each property owner will be required to pay the first \$6,000 of the final reimbursement fee for connections completed within the first three years of City Council's approval of the final City Engineer's Report following construction. The "AMOUNT TO BE PAID BY CITY" column shows that portion of the reimbursement fee that the owners will not be required to pay if they connect to the sewer during this three year period.

This resolution also requires owners to pay any fair share amount that exceed \$15,000. Consequently, if the final fair share for an owner exceeds \$15,000, the owner would be required to pay \$6,000 plus that amount of the fair share that exceeds \$15,000. Under Resolution No. 03-55, payment of the amount in excess of \$15,000 may be deferred until the owner's lot is developed. This amount is shown in the "AMOUNT THAT CAN BE DEFERRED BY OWNER" column.

In addition to the reimbursement fee, the owners will also be required to pay a connection fee, currently \$4,135, at the time of connection to the sewer. In addition, property owners are responsible for disconnecting their existing septic system according to Washington County rules and for any other modifications necessary to connect to the public sewer.

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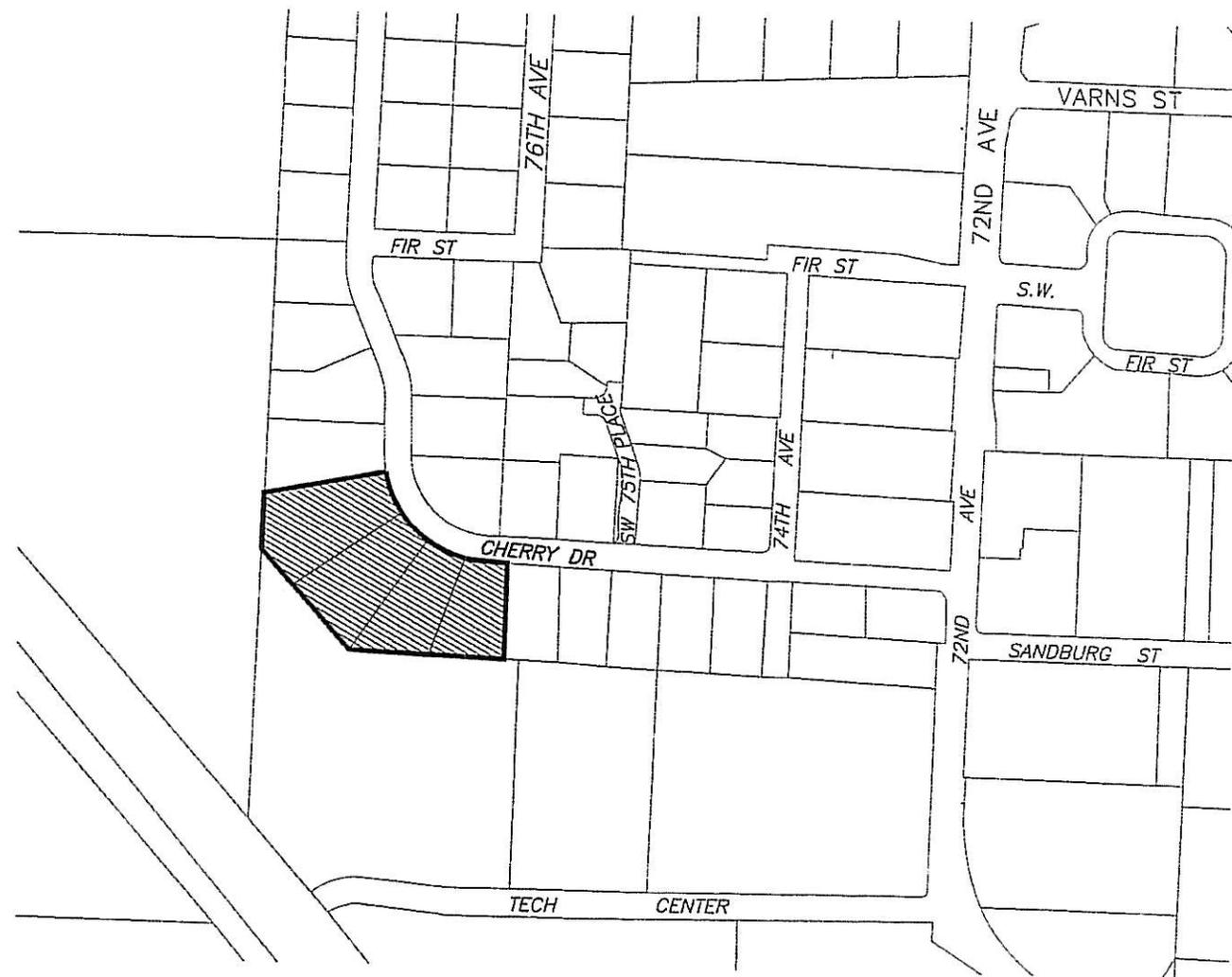


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FY 2009-10 SANITARY SEWER EXTENSION PROGRAM
A PORTION OF THE SE 1/4 SECTION 1 T2S R1W W.M.



VICINITY MAP
NTS