

CITY COUNCIL AGENDA
CITY OF PENDLETON
December 16, 2014
CITY HALL COUNCIL CHAMBERS

- A. COMMUNITY DISCUSSION 7:00 – 7:15 p.m.
This is the time designated for any person to ask questions or make statements before the City Council on any matter regarding City Business that is not on the agenda.
- B. CALL TO ORDER
1. Introduction of Guests
- C. CONSENT AGENDA
1. Accept the minutes of the December 2, 2014 City Council meeting.
2. Executive Session pursuant to ORS 192.660(2)(e) real property; and ORS 192.660(2)(h) litigation.
- D. PUBLIC HEARINGS AND RELATED ORDINANCES AND RESOLUTIONS
1. Public hearing, second reading and consideration of Ordinance No. 3855 for AMD14-02, amending the City's Comprehensive Plan map.
- E. BIDS
1. Staff Report and Recommendation to support bid award for Kathleen McClintock bronze.
- F. NEW BUSINESS
1. Staff report and recommendation for consideration of amendment to Business License Ordinance No. 3856.
2. Updated Memorandum of Understanding with Walker Venture Group for the development of City property.
- G. CITY MANAGER REPORT
Information Only:
1. Pendleton Convention Center Calendar
2. Building Permits
3. Police Report
4. Staff Activity Reports
- H. ADJOURNMENT

If special accommodations for hearing, visual, or manual impairment are needed to allow an individual to participate, or if in interpreter is needed, please contact the City's administrative office at 541-966-0201 at least 48 hours in advance of the meeting.

**CITY COUNCIL MINUTES
CITY OF PENDLETON
December 2, 2014**

A regular meeting of the Pendleton City Council was held in the City Hall Council Chambers at 7:00 p.m., December 2, 2014, with Mayor Houk presiding. Members in attendance were: Wood, Brown, May, Hill, Young, Brenne, Marks and Plute. Staff members present were: Corbett, Kerns, Patterson, Burford, Brown, MacKenzie and Allman. Representing the media was A. Sierra, East Oregonian.

REX MOREHOUSE, 217 NW 9TH

Mr. Morehouse asked about the license and permitting fees. He noted that the property taxes have increased. He already knows what the decision is going to be on the new fire station and it is his opinion whoever designs the fire station is going to recommend it be moved to a new location.

Ron Morris 6974 Lance Lane, Cove, OR

He addressed Council on how mobile parks are being billed for their water. Overwhelmingly, they all have a consumption rate to meet the budgetary requirements of the water district. He understands the rates are separated by resident, commercial, motel, apartment, duplex and mobile home parks. The current ordinance and resolution does not classify mobile home parks. So the single family rate is applied for each unit in the mobile home park. The city has given them some relief in the past for empty spaces. The consumption rate and the base rate site are not considered. The cost is passed on to the residents. They are low income and charged the highest water rate possible, and they feel it is very unfair. In addition, there is an unjust enrichment development, he pays for 85 units and 85 water meters but they are reading one meter and one bill and absolutely no responsibility by the City. He feels it is in violation of current law. In conclusion, the poorest residents are paying the highest rates and he asked Council to reconsider how rates are determined for mobile parks.

Brent Smith, 1902 4th Street, La Grande, OR, he represents 3 mobile home parks in Pendleton. He said the volumetric rate is very important. Mobile home parks are paying a higher base rate as a single resident. The City should consider alike and contemporaneous service. What is the appropriate rate for this type of service? He urges the City to consider changing the mobile home park rates to make them comparable to the service.

The Mayor said they will be reviewing their master plan and will consider this concern.

Christen Oya, 1415 SW 45th Dr., asked why the soccer goals were removed from Community Park and Grecian Heights Parks.

Mr. Corbett asked her to call his office and he will have an answer for her.

Mayor called an Executive Session per ORS 192.660(2)(h)(g) litigation.

Council reconvened and the Mayor Houk called the meeting to order.

CONSENT AGENDA

Mr. Young moved to approve the Consent Agenda:

Minutes of the November 18, 2014, City Council meeting.

Executive Session pursuant to ORS 192.660(2)(e) real property; and ORS 192.660(2)(h)(g) litigation.

Mr. Brenne seconded the motion, and it passed 8-0.

ORDINANCE NO. 3845 THE UNIFIED DEVELOPMENT CODE

Mayor Houk read the procedure for a legislative hearing and opened the public hearing.

Mr. MacKenzie gave the staff report. The recommendation is to adopt the Unified Development Code (UDC) to repeal and replace the Zoning Ordinance, Subdivision Ordinance, and other ordinances regulating Annexation and Development within the City of Pendleton.

The City currently relies on a number of uncoordinated ordinances to regulate development within the City and its Urban Growth Boundary (UGB). The City's Zoning Ordinance (No. 3250) was adopted in 1983, and has been amended almost 60 times, not including recent amendments adopted through Periodic Review. The City's Subdivision Ordinance (No. 3251) was also adopted in 1983, and has been amended 15 times. Ordinance No. 3481, which generally regulates land development, was adopted in 1993 and amended in 2007. Multiple Ordinances and Resolutions govern annexations into the City.

These various ordinances require City staff, elected and appointed officials, and the general public to rely on multiple sources of information to determine what development standards apply to a given proposal. They are not coordinated with each other, they contain inconsistencies, and in some cases they are not even consistent with Statute or federally adopted design standards.

Staff began working on this project in earnest in 2012, bringing all of the associated ordinances into a single document. This resulted in the identification of numerous inconsistencies, such as the same word being defined in up to three different ways. Some actions required one type of procedure, while other similar applications had entirely different requirements. Much of the work involved going over redundant and/or duplicitous language, and sorting out what should remain.

The Unified Development Code (UDC) brings all development-related standards and requirements into a single document, with a primary goal to make the UDC more user-friendly than the existing ordinances. The UDC provides a single, consolidated source for all standards, all definitions, and most important, all procedures. The UDC is arranged in a manner that it should "flow" in the same order as a staff report would, and also as a proposal would go from concept to construction. The UDC is also arranged in a manner that should minimize any problems in numbering resulting from future amendments. The UDC includes a number of tables and graphics that should help users find and interpret the information. The UDC is intended to be viewed online, and includes a number of links to outside sources such as Oregon Revised Statutes.

The UDC was brought before the Planning Commission for their initial review in December of 2013. Attempts to review the document in its entirety were not productive, so the Commission elected to review it by individual Article. Over many hearings that culminated in the October 16 review of the Final Draft before you for consideration, the Commission discussed almost every aspect of the Code, even many where no changes were considered. It is safe to say that every member of the Commission is now much more familiar with and knowledgeable about the code than ever before.

The UDC is NOT an attempt to make major changes to City policy. Staff and the Commission made sure that the UDC would not further restrict development rights to property owners, and in some cases it relaxes requirements. Nothing in either the existing ordinances or the UDC applies to pre-existing development. Adoption of the UDC will not require an existing business or property be "upgraded" to meet current standards.

Most notable among the changes that were made was the elimination of Standard Industrial Classifications (SICs) from the Zoning regulations. This removes the necessity to micro-manage what is permitted outright or conditionally in each zone, so that unanticipated uses may be considered if they are similar in nature and impact to other listed uses. Many pictures, graphics and tables were added to the UDC in an effort to make it easier to find and interpret important information. Additionally, in order to facilitate online use, a number of hyperlinks were added to directly take users to outside sources such as Oregon Revised Statutes.

The Planning Commission met on the following dates to discuss the UDC:

December 19, 2013	May 1, 2014	September 4, 2014
January 2, 2014	May 15, 2014	October 2, 2014
January 16, 2014	June 5, 2014	October 16, 2014
March 6, 2014	July 17, 2014	
March 20, 2014	August 21, 2014	

Each of the thirteen Planning Commission meetings was advertised in the Public Notice section of the East Oregonian. Copies of the agenda, staff reports, and the working draft of the UDC were provided to the East Oregonian a week prior to each meeting. Unfortunately, The EO did not send a reporter to any of the hearings to cover the process or ask questions. The staff reports, copies of the draft UDC, and all minutes from the proceedings are available online on the Planning Department's web page at <http://pendleton.or.us/community-development/agendas-and-staff-reports>.

The Planning Commission did their job in their thorough review and development of the final draft of the UDC. The Commission voted unanimously to recommend adoption of the UDC at their October 16 meeting. It is staff's feeling that what is being presented to the Commission is an adoption-ready document, with the full support of the Planning Commission.

During testimony and deliberation, there was discussion regarding whether or not the UDC is "ready." Staff will readily admit that the UDC is a set of regulations, and as such, it will not satisfy everyone. Nor should it. Continuing discussion of the UDC means the City will continue to rely on antiquated ordinances that are uncoordinated, difficult to interpret and generally unfriendly to use.

The UDC was not an attempt to redefine what people in Pendleton want, or don't want. But by bringing almost all of our development-related regulations into one place, it allows us to look at them in a more comprehensive way, so that if and when we do consider changing them we will be in a much better position to do it.

Adoption of the UDC will repeal the following ordinances in their entirety:

2354 – Annexation (1961)

2917 – Annexation (1977)

3250 – Zoning (1983)

3251 – Subdivision (1983)

3481 - Construction, addition, remodeling or change of occupancy of structures (1993)

3491 – Development Permit process

The City of Pendleton Annexation policies, adopted by Resolution on February 17, 1970

SUMMARY: The matter before the Council is much more a consolidation and codification than a wholesale rewrite of existing ordinances. By consolidating and streamlining the City's existing uncoordinated development regulations, it is a tool for economic development. A summary of

amendments is below. As many of the amendments were simple housekeeping issues that did not affect the substance, this list is not all-inclusive.

Note: Z.Ord. = Zoning Ordinance S.Ord. = Subdivision Ordinance.

All graphics added to the UDC are new. There were none in the existing ordinances.

Z.Ord. Section 3. Definitions. Combined with definitions for S.Ord., Development Ordinance and Annexation ordinances as UDC Article 16. Many redundant definitions were eliminated.

Z. Ord. Article III. EFU Zone. No changes, except removal of SIC references. Now UDC Article 6. Messing with standards for the EFU zone is difficult because it is mostly driven by Statute. At some point all of the lands zoned EFU will be rezoned to proper City zones for development, and all EFU language will be repealed.

Z. Ord. Article IV, Residential Zones is now UDC Article 3. All references to Standard Industrial Classifications (SICs) deleted. Bed & Breakfasts formally added as a conditional use in all residential zones (some had already been approved this way).

Z.Ord. Section 24 is now 3.8.8 Residential Setbacks. Minimum setbacks were reduced in residential zones to provide greater development flexibility. Previously all zones had a minimum 20 foot front setback and 5 foot side and rear setbacks. Clarification added to allow a garage with a minimum 5 foot setback from the garage face to an alley instead of 20 feet to any property line fronting a street. See new graphics on page 15 and Table 3.1 on page 16.

UDC 3.8.6 Portable Storage Containers is new. There was no provision for such use in the Zoning Ordinance.

Z.Ord. Section 29 Home Occupations is now Section 11.5 of UDC. Allowable space for home occupations is increased from 400sf/20% to 500sf/25%.

Article VI. Commercial Zones. Now UDC Article 4 Commercial and Mixed Use Zones. All amendments from 2013 Periodic Review work included, moving many uses from Conditional to Permitted. All references to Standard Industrial Classifications (SICs) deleted. New Table 4.1 provides quick access to general standards.

Article 5. Industrial Zones. All references to Standard Industrial Classifications (SICs) deleted. New Table 5.1 combines several previous tables in Z.Ord. Sections 58-60 into one.

Article 7. Overlay Zones. This Article includes all of the City's overlay zones, which were previously scattered through the Z.Ord. It also includes the Opportunity Area standards that were adopted in 2013 through Periodic Review. Section 7.2, Historic Preservation, is incorporated here with its own definitions.

Section 7.3 Prison/Hospital Industrial Subdistrict (Z.Ord. Article XIII) has been retained until the future of the BMRC site is known. Staff anticipates this will be reevaluated (and potentially repealed) if the BMRC site is demolished.

Section 7.4 River Quarter. This added section directly references the River Quarter Overlay rather than incorporating it into the UDC. No changes to the RQ were considered during this process. The River Quarter Plan has its own sign regulations, which would be difficult to integrate into the UDC. There are some really good reasons to NOT have sign regulations in a land use ordinance. If/when

we redo the Sign Code, they really should go there and the rest of the RQ Plan can be integrated into the UDC.

7.5 Special Flood Hazard Area. The Floodplain Development Ordinance (3791) is not necessarily a land use ordinance. It does not say you can't build anywhere; it simply supplies the standards for construction in flood hazard areas (in order to participate in the federally subsidized insurance program). If we put it in the UDC, we have to go through a much more complicated procedure to amend it when Federal requirements change.

Article 8. Standards Applicable in All Zones. The S.Ord. Included multiple references to the same requirements for all zones, both within the zones themselves and also within Z.Ord. Article XVIII. They have all been consolidated here.

There were a number of amendments to the City's development ordinances that were adopted pursuant to the 2007 update of the Transportation System Plan. The majority of these amendments were codified into their respective ordinances; for unknown reasons some were not. Staff went through every amendment to either that it had been integrated into the UDC. The majority of those changes are now incorporated into Article 8.

Z.Ord. Section 119 Off-Street Automobile and Bicycle Parking Requirements is now UDC Section 8.3. The requirements are unchanged all the way through what was Z.Ord. Section 124A. Graphics and tables are new. Properties within the Central Area Parking District (CAPD) are still exempted from the requirement to purchase property and construct off-street parking areas at their expense, as they are elsewhere in the City.

UDC 8.4.4(H)(11): New parking lots in the Central Area Parking District (CAPD) are now exempt from the requirement to be buffered from the sidewalk with a minimum of four feet of landscape area.

UDC Section 8.3.4 Electrical Vehicle Charging Stations is new. This language creates standards for such facilities if they are provided, but DOES NOT require them.

UDC Section 8.4 Storage Containers is new. There is no provision for such uses in the existing ordinances.

UDC Section 8.5 Crime Prevention Through Environmental Design is new. Recommended but not required.

UDC Article 9. Land Divisions. The S.Ord. had separate procedures for Subdivisions, Partitions and Replats in Articles III, IV and VI. All three types of procedures are evaluated according to the same criteria, so they have been consolidated into UDC Article 9. This eliminated a lot of redundant and confusing language. There are no substantive changes to what must be done in order to receive approval, but the text has been significantly cleaned up to make it easier to follow.

UDC Section 9.9 Condominiums. New language, but no new regulation. Condo plats are guided by ORS language. The S.Ord. did not include a procedure for this, leaving the City without a method to process an application.

UDC Article 10. Design Standards for Land Divisions. Formerly S.Ord. Article VII. Many new graphics added.

UDC Section 10.3 Zero Lot Line Development (page 65) is a new alternative to "standard" setbacks. In a new subdivision, this allows developers to combine both side setbacks into one large side yard,

while maintaining the same minimum distance between houses. This can allow better access to rear yards, especially on smaller lots.

UDC Section 10.4.1 Flag Lots. Discourages but does not prohibit flag lots, provided they meet minimum standards for fire access.

UDC Section 10.11 Design of Streets. Adds specific reference to outside sources that may be used to guide design of new streets.

UDC 10.11.18.A. The use of roundabouts instead of traditional intersections may be considered for all new intersections unless prohibited by topography. New language specifically allows and even encourages consideration of roundabouts, but does not require them.

UDC 10.11.20 Alleys. Alleys are currently prohibited except in Industrial zones; this change allows (but does not require) them in all zones.

UDC 10.20 Bonding and Assurances. This language formally puts the City's bonding requirements into the Code.

UDC page 79, Design Standards for Public Streets. This was in S.Ord. Section 31. It has been updated to reflect current American Association of State Highway Transportation Officials (AASHTO) minimum standards. These are not discretionary changes.

UDC Article 11. Zoning and Related Decisions. This Article consolidates Z.Ord. Article XX (Special Permits) with any allowances for Variances that were contained in the S.Ord.

UDC 11.6 Caretaker Dwellings in Commercial and Industrial Zones. Caretaker dwellings are listed as a Conditional Use in Commercial and Industrial zones but the Z.Ord. contains no standards or criteria to evaluate them. The language in 11.6 provides specific standards to differentiate caretaker dwellings (commercial/industrial use is primary) from Home Occupations, which are permitted in Residential zones.

UDC 11.9 Interpretations of this Ordinance is new. This section establishes a formal procedure to allow staff and ultimately the Planning Commission to interpret the ordinance if it is unclear.

UDC Article 12. Amendments. Consolidates Z.Ord. Article XXI and S.Ord. Article XII.

UDC Article 13. Land Use Application Procedure. Consolidates all procedures for the Z.Ord., S.Ord., Ord. 3481 and Annexation ords into one place.

UDC Article 14. Annexation. The City currently relies on several ordinances for annexation procedures. They are not coordinated and in some cases are not consistent with State law. Annexations are directed by statute. Rather than attempt to rewrite multiple old ordinances, staff recommended striking the current language in its entirety and using Junction City's recently adopted standards, which are consistent with State law.

UDC Article 15. Administrative Provisions. Consolidates all provisions for the Z.Ord., S.Ord., Ord. 3481 and Annexation ords into one place.

UDC Article 15. Definitions. Consolidates all definitions for the Z.Ord., S.Ord., Ord. 3481 and Annexation ordinances into one place. Eliminates redundant definitions, and quite a few definitions for words that did not appear in any of the ordinances. For words that are defined in Statute, hyperlinks are used to direct users to the source.

Added or amended definitions:

- Bed and Breakfast. A private residence, several rooms of which are set aside for overnight guests whose paid accommodations include breakfast.
- Building Code. An umbrella term used in this Ordinance to describe the Oregon State Specialty Codes, including, but not limited to, Structural, Residential, Mechanical, etc. The current ordinances all relate to the old Uniform Building Code which are no longer used. The Unified Code uses the term Building Code as an umbrella for all of the various structural specialty codes.
- Domestic. As used in this Ordinance, the term 'domestic' includes residential and commercial utility uses and loads, and excludes agricultural and industrial processed water.
- Dwelling, Caretaker or Manager Only. The following language in bold was added for clarification. A use accessory to a commercial or industrial facility for a residence for a caretaker or manager employed at the commercial or industrial use which may be allowed with a principal commercial or industrial use on the same property.
- Improvement. Any building, structure, utility, work of art, or other object or development of the land on which it is situated constituting a physical betterment of real property, or any part of such betterment. Certain lot or parcel improvements shall be properly bonded as provided in this Ordinance.
- Recreational Equipment. "Motorcycles" were removed from the definition of recreational equipment, as they are normal modes of transportation.
- Wetlands. Those areas that are inundated or saturated by surface or ground water at a frequency and duration that are sufficient to support, and that, under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Adoption of the UDC is a Legislative matter. Councilors may accept testimony outside of a public hearing without declaring an ex parte contact. Bias or conflict of interest should still be declared.

Mayor Houk asked if there was anyone wishing to speak in favor or against Ordinance No. 3845.

Hearing no other comments, the Mayor closed the public hearing and called for the second reading.

Mr. Corbett read the ordinance: ORDINANCE NO. 3845, AN ORDINANCE CREATING THE CITY OF PENDLETON UNIFIED DEVELOPMENT CODE TO ESTABLISH STANDARDS FOR DEVELOPMENT WITHIN THE CITY OF PENDLETON AND ITS URBAN GROWTH BOUNDARY AND TO IMPLEMENT THE PENDLETON COMPREHENSIVE PLAN. Mr. Plute moved to approve Ordinance No. 3845. Mr. Wood seconded the motion. Council was polled with all voting in favor. Motion carried 8-0.

COUNCIL AWARD OF BID FOR WELL #1 PUMP INSPECTION

Mr. Patterson gave the staff report. It was recommended City Council approve the base bid to Purswell's Pump Company and the City Manager to execute a Purchase Order in the amount of \$23,985.37 for Well No. 1 Pump Inspection and Lowering.

It was also recommended that City Council approve the additional cost options for staff to extend the Purchase Order to cover additional costs not to exceed 50% of the base bid.

Bids were advertised and received on Thursday, November 13, 2014 at 2 pm. Two bids for the base work described in the Special Specifications were received from:

Purswell's Pump Company	\$ 23,985.37
Schneider Equipment	\$ 32,500.00

The low bidder also provided lower additional cost option considerations than the second low bidder. A notice of intent to award was sent to the bidders acknowledging staff's recommendation to award to Purswell's Pump Company.

Pump bowls at Well No. 1 were installed in 2002 in preparation for the Aquifer Storage and Recovery (ASR) program. They are past due to be pulled and inspected. We also have recently experienced drawing air into the pump bowls during on-going pumping. We plan to lower the pump bowls 20-feet lower into the well bore to resolve this issue.

With the amount of ASR storage now occurring with the 2012 increase in membranes at the water filtration plant, water levels are now rising in our local aquifer system. We expect this trend to continue into the future – but it is dependent on future growth. We expect the lowering of the bowls by 20-feet to allow for stable pumping from Well No. 1.

With council approval of the recommendation, if additional costs will total more than 150% of the base bid, staff will bring back additional considerations for discussion and council approval.

Mr. Brown asked about the figures and if there are anticipated extra costs.

Mr. Patterson said that Tim Smith, the Water Superintendent, does not anticipate additional costs.

Ms. Marks asked about the pump. Mr. Patterson said the bidder was concerned about the additional depth, but the City isn't concerned.

Mr. Plute moved Council approve award of the bid to Purswell's Pump Company and the City Manager to execute a Purchase Order for Well No. 1 Pump Inspection and Lowering. Mr. Young seconded the motion and it passed 8-0.

COUNCIL AWARD OF BID FOR A STREET SWEEPER

Mr. Patterson gave the staff report. It was recommended City Council approve purchase from Owen Equipment and the City Manager to execute a Purchase Order in the amount of \$193,832 for a new Elgin Whirlwind sweeper and with trade-in of existing Elgin Whirlwind sweeper.

Bids were advertised and received on Thursday, November 13, 2014 at 2 pm. Three bids were received. Only one was fully responsive to the solicitation. Bids were received from:

Owen Equipment	\$193,832	Elgin Whirlwind
New sweeper:		\$235,400
Trade-in:		\$ 44,000
Options:		\$ 2,432
Western Systems	\$167,966	Johnston VT651
New sweeper:		\$220,466
Trade-in:		\$ 52,500
EnviroClean Equipment	\$132,879	RAVO
New sweeper:		\$217,879
Trade-In:		\$ 85,000

The existing Elgin Whirlwind has performed very well and our operator has been commended for his care and maintenance of this equipment. This piece of equipment is operated about 90% to 95% during our normal work hours to clean streets as part of our storm water best practices. However, after about 5-years of operation, it is starting to show its age. The main fan has not been replaced yet for about \$20,000. We have also not replaced the gutter broom tilt mechanisms, center broom drives, etc. The only trouble we have had to date is with the Freightliner chassis and specifically the Allison transmission that the local (Hermiston) dealer could not perform work. We have been

experiencing a recent short in the electrical system and finally took it to Woodpecker Truck. They were able to change the faulty wire loom inside the transmission and our recent problem seems to be solved.

In the minimum specifications, we specified an International chassis because of the location of a parts and repair facility in town. We also want to make sure that the sweeper has parts and qualified repair staff within a reasonable distance, which is why we require that it be fully explained as part of the bid submittal. Also, after the end of this year, additional emission standards take place and will add another estimated \$15,000 to the purchase for upgrades to meet the new standards.

Western Systems bid packet did not provide the information on parts and service and certified repair staff as required in the bid.

EnviroClean provided a complete bid packet; however, the machine does not meet our specifications. The hopper size, as well as the single engine and hydrostatic transmission, are of concern too, given the distance to travel to dump the hopper and the hills that we have to sweep.

Owen Equipment performs scheduled maintenance work on our existing Elgin Whirlwind; thus, they know the overall condition of our sweeper and provided the lowest trade-in value. Additional options include: \$1,348 for variable speed gutter brooms that assist with better pick-up and \$1,084 for a front spray bar for better dust control (very important).

This is a budgeted purchase from the Public Works Admin & Fleet Fund for this fiscal year. Budget estimate was \$246,000 for purchase of a new sweeper and \$40,000 for 5-year trade-in value for a total of \$206,000. The machine is used an average of 6000 hours. Average 6 hours per day. Operates 11 months of the year.

Ms. Hill said she wanted to defer the discussion of purchase of a street sweeper until there can be a work session on budgeting.

Mr. Young asked if the machine is 5 years old. He asked if this sweeper picks up the gravel.

Mr. Patterson said they rent a vacuum sweeper for \$8,000, and run the street sweeper behind it.

Mr. Plute asked if Ms. Hill wants to table it because there are people present for discussion on streets. Mr. Plute asked if the expense can be absorbed by the sewer fund.

Mr. Patterson said it can be put in the sewer fund in the future but it is budgeted this year in street fund. If the purchase is tabled it could cause the City a larger expense if the purchase is delayed.

Mr. Brown asked if this is the slow time of year for use of the street sweeper. He is under the understanding the sweeper is in dire need of replacement. He agrees with Ms. Hill but this is a purchase that needs to be made.

Mr. Wood said he is having heartburn about replacing the street sweeper after five years. He feels staff should be looking at the lifetime use of vehicle. He agrees with Ms. Hill's proposal to postpone acting on bid award.

Mr. Patterson said it is staffs opinion it has to be replaced or it will cost the City more in the long run.

Mr. May asked how they move the funds from the sewer fund or reserve sewer fund.

Mr. Patterson said the funds can be moved if that is what Council prefers.

Mayor Houk feels this expense should also be taken from the sewer fund. It is easier to be absorbed by an increase in the sewer fund.

Mr. Plute would be in favor of it if it can be taken from the sewer fund. There is still a major problem with the street fund. The income needs to be addressed.

Mr. Young agrees with Mr. Plute and he understands Ms. Hill's opinion on delaying it. He feels delaying it isn't the solution. He would like to take it to a vote.

Ms. Hill said after the discussion she doesn't have a problem to take this to a vote if the funds can be used from the sewer fund. She still strongly believes there needs to be work sessions on streets.

Mr. Plute moved to award bid to Owen Equipment and authorize the City Manager to execute a Purchase Order in the amount of \$193,832 for a new Elgin Whirlwind sweeper and with trade-in of existing Elgin Whirlwind sweeper, on the condition that it comes from the sewer fund. Mr. Young seconded the motion and passed 6 to 2. No: Wood and Marks.

ORDINANCE No. 3855 for AMD 14-02 AMENDING THE CITY'S COMPREHENSIVE PLAN MAP

Mayor Houk called for the first reading of Ordinance No. 3485 by title. Mr. Corbett read the title: ORDINANCE NO. 3855, AN ORDINANCE ADOPTING AN AMENDED COMPREHENSIVE PLAN MAP TO CORRECT ERRORS IN THE EXISTING MAP, AND DECLARING AN EMERGENCY.

The Ordinance will come before the City Council for public hearing, second reading, and consideration at the December 16, 2014 meeting.

REPORT ON CONCERNS REGARDING SW PERKINS AVENUE

Mr. Patterson gave the staff report. City was petitioned by a neighborhood to address the local/residential street condition for SW Perkins Avenue west of SW 44th Street. Public Works Director has been asked to provide a report and address the funding situation for this local / residential street.

With the adoption of recent county roads, the State Tax Street Fund now provides for the cleaning and maintenance of over 77.5 centerline miles of paved city streets; the cleaning of 1.5 miles of county paved roads in the city; the cleaning of a major portion of 17 miles of state highway in the city; the cleaning and maintenance of the city's sanitary sewer system including TV inspection services; the cleaning and maintenance of the city's storm drainage catch basins; costs for city street lights; and the inclement weather services necessary to keep the streets, public stairways, parking lots, bridges, and public sidewalks passable.

This year's adopted budget for the State Tax Street Fund provides for on-going maintenance and preservation projects related to arterial and collector streets. This is based on an annual State Gas Tax revenue of about \$950,000 and Federal Aid Urban revenue of about \$170,000. Based on the budget above, we presently have about \$300,000 per year for street preservation available. Needs for our highest traveled / highest volume streets far exceed this annual preservation allotment. City simply does not have funds to address residential/local streets and our budget adoption reflects putting these limited funds towards maintaining and preserving our highest traveled / highest volume streets.

The street assessment report completed in May 2013 has the deferred funding and maintenance of the streets at close to \$16 million and projected the cost to maintain our street system at its CURRENT pavement condition at about \$700,000 per year. Preservation funding is currently about 10% of the level necessary to maintain the overall street system in "good" condition.

The street assessment report was presented to City Council in November 2013. Information from the assessment report provided at the council meetings was available to both Council and the public prior to the meeting. At the second Council meeting in November 2013, staff presented a summary of overall infrastructure funding and alternatives for water, sewer, storm, and streets. City staff is still working with our master planning sub-consultant on overall rate structure strategies and system development fees for all levels of infrastructure consideration. This summary will provide a comprehensive discussion of our total infrastructure funding needs as part of the water, sewer, and storm master planning effort for the last year-and-a-half.

City staff ran the pavement management software program on November 24, 2014 in preparation for the meeting. SW Perkins Avenue west of SW 44th Street is a residential/local street and has been identified for a complete rebuild at a cost of over \$300,000. An interim surface overlay can be performed for an estimated \$60,000 to \$80,000 due to the poor condition of the surface layer.

City of Pendleton receives about \$0.09 per gallon from local sales of gas in the city limits. This is a prorated share of the State gas tax at \$0.30 per gallon and the Federal gas tax at \$0.184 per gallon.

Every \$0.01 per gallon collected directly in a local gas tax raises about \$125,000. This has been demonstrated through local gas tax collection used in the past as matching funds for combined city and Oregon Department of Transportation projects.

City Council in the mid-2000s approved a local gas tax to be used for maintenance and preservation of our local street system. This was challenged through a ballot referendum process, put to a vote of the citizens, and did not pass by 3 in 4 votes.

In 2011, State legislature passed a law in regards to local gas taxes. City Council can no longer approve a local gas tax at their sole discretion. Any local gas tax consideration must now be placed on the ballot and a moratorium was established through January 2014; whereby, no votes on a local gas tax could be held.

In May 2013, the \$0.04 / gallon local gas tax used as a match for Airport Road sunset. City of Pendleton does not collect any local gas taxes.

Funding for the transportation system is inadequate. City's budget adoption focused maintenance and preservation funds to be spent on arterial and collector streets. Funding alternatives for the overall transportation system are being reviewed. Staff has no recommendations at this time.

Mr. Young said he believes Council and the citizens need to find a solution. In the past when it was taken to the voters it failed.

Mr. Patterson said the problem is going to be addressed in 2015. There is also the discussion of a bond. There are a number of city assets that are lacking in funds. Gas tax raises revenue. 40% of the revenue raised from gas tax is from commuters. They are solely dependent on the federal, state and county for funding for roads.

Mr. Plute commends Mr. Patterson the Public Works director on keeping this together this long with funding. Now, the City is between a rock and a hard place. Right now the City is in a perfect place to get citizens to approve funding with the drop in gas prices.

Mr. Brown said it is not only our streets that are bad, and referred to the current projects for bond that is being proposed in November 2015. He said this needs to be addressed in serious discussions.

Mayor Houk said meetings will be held for the Master Plan.

Mr. Wood said the bond committee is proposing to include streets in the bond. If we don't include the streets, the bond will fail. It has to be addressed by means other than a gas tax.

Mr. Brenne asked about a gas tax. Mr. Patterson said a gas tax can't be imposed unless it is taken to the vote of the people.

Ms. Hill said she wants to address the streets in Pendleton. The current strategy is to repair best streets first. Now when you look at poor streets it is residential. What happens if the City goes back to worst first?

Mr. Patterson said as you address streets needing to be repaired, all funds would go to bad streets while others streets that are currently well maintained go neglected.

Mr. Plute said the bond would be the worst use of funds if used on the streets. City needs to find an income stream.

Mr. Patterson the bond would only address the deferred maintenance part of the equation. If you bring the streets up to code there is still no funds to maintain them.

Mr. Young said there can be a local payroll tax. It doesn't go down because of gas price. It goes up because salaries increase.

Deborah Doyle, 1400 SW 45th Street, said they all understand there is no money. The citizens have been sold short because they don't understand where the funds come from. There are a lot of vehicles that use their street going to ball games and other events. In the beginning brittle rock was used on Perkins and SW 45th is worse. It is disintegrating at a rapid rate. They feel it is the City of Pendleton's fault as they installed the street with substandard rock.

Foster Odom, 4604 SW Perkins Avenue, said the City has forgotten the core, the neighborhoods, and they are going down. When you see bumps being made in the middle of Main Street while the neighborhood streets are failing, it is a trust issue for the residents. He said that is the perception.

Bob Adelman, said he has asked about the priorities on street repairs and hasn't gotten a straight answer. There is no transparency.

Mayor Houk said there has been a reduction of staff in all departments. It keeps getting narrower and narrower. A lot of funding sources are no longer available. He encourages the community to participate in future public hearings and guide the City Council and staff.

Marsha Morgan, 4503 SW Olson, suggested staff look into grants at the last meeting.

Mayor Houk said there aren't grants available for streets. Local grants are focused on other needs.

Ms. Morgan said she is willing to be part of a solution. They are trying to get together to help with the funding. They want to help solve the problem; and not just continually be complaining.

Mr. Patterson said ODOT does have some grant possibilities. SW Perkins and SW King are both streets they are trying to get funding for preservation or maintenance.

Ms. Morgan asked if the citizens can ask the legislature to address the streets in their neighborhood.

Mayor Houk encouraged them to write their state representatives and ODOT.

Rex Morehouse, 217 NW 9th, discussed SW Perkins. He believes the priorities should be: First Fire, second Police and third streets. He feels SW Nye is in much better shape than SW Perkins. In 1998 streets were a problem and it still hasn't been addressed.

Ms. Betty Cloper, 1454 SW 45th, didn't ask for new money just redistribution of old money.

Mr. Young said he appreciates the community input on streets including SW Perkins, and he encouraged their input at public meeting to help find solutions.

Mrs. Doyle said everyone in Pendleton is a community and all should participate.

Mr. Odom said the budget meetings are at 7 am in the morning, which is often an impossible time for public participation.

Mr. Brown thanked everyone for their participation. He thanked them for addressing trust and transparency. They base their decisions on information received from staff. Please participate in the future.

CITY MANAGER REPORT

Pendleton Convention Center Calendar of Events for December 2014, and 2015 and estimated attendance for September 2014.

Letter from the City Planner on manufactured homes. Mr. Young asked that information be included with packet.

EXECUTIVE SESSION

Mayor Houk declared the regular session in recess and Council met in Executive Session pursuant to ORS 192.660(2)(e), real property and ORS 192.660(2)(h)(g) litigation.

Council reconvened in regular session.

There being no further business to come before the City Council, the meeting was adjourned.

Approved by: _____
City Recorder



CITY OF PENDLETON

REQUEST FOR CITY COUNCIL ACTION

Date Submitted:	Type of Action Requested:	Subject:
11/25/2014	<input type="checkbox"/> Resolution	Legislative amendments to Comprehensive Plan map; correction of 2013 map errors
Date Action Requested:	<input checked="" type="checkbox"/> Ordinance 3855	
12/02/2014 1 st reading 12/16/2014 2 nd reading and consideration	<input type="checkbox"/> Formal Action/Motion	
Attachments: (list) -Ordinance 3855	<input type="checkbox"/> Other	

TO: Mayor and City Council

FROM: Evan MacKenzie, Planner

RECOMMENDATION: Adopt a corrected Comprehensive Plan map to repeal and replace a map containing errors that was adopted in 2013.

DISCUSSION: City staff, acting as applicant, requests the City Council consider amendment to the City of Pendleton Comprehensive Plan Map. The proposed amendment would correct errors depicted on the 2013 Comprehensive Plan Map.

The City adopted a new Comprehensive Plan map in 2013 as part of Periodic Review of the Comprehensive Plan. The map was prepared by an outside consultant, and relied on a number of older maps for reference. After the map was adopted, staff from the City and County realized that the Urban Growth Boundary had been drawn in error to include an area that is not inside the UGB.

Staff believes the error arose from an incorrect map produced for the 2007 Industrial Land Report (attached), which showed the “elbow” to the east of the northernmost extension of the UGB, which can be seen on the attached map but appears to have been erased. Future maps carried the error forward, even though the area was never officially brought inside the UGB. The Winterbrook Comprehensive Plan map that was adopted in 2013 included the error.

A copy of the City’s 2000 Zoning Map is attached to this report, showing the area south of the airport inside the City limits but outside the UGB. This map predates the ILR, so the UGB extension north and east of the airport is not shown.

ORDINANCE NO. 3855

AN ORDINANCE ADOPTING AN AMENDED COMPREHENSIVE PLAN MAP TO CORRECT ERRORS IN THE EXISTING MAP, AND DECLARING AN EMERGENCY

WHEREAS, pursuant to Oregon Administrative Rules and Oregon Revised Statutes, the City of Pendleton maintains a Comprehensive Plan map; and

WHEREAS, as a result of Periodic Review efforts, the City adopted an updated Comprehensive Plan map pursuant to Ordinance No. 3836 on August 6, 2013; and

WHEREAS, the map that was adopted in 2013 contained an error in the Urban Growth Boundary, inadvertently including an area north and west of the airport that was erroneously shown on a previous map but was never added to the UGB; and

WHEREAS, the City must adopt a Comprehensive Plan map that is consistent with the actual boundary; and

WHEREAS, the Umatilla County Planning Department has prepared a Comprehensive Plan map showing the correct Urban Growth Boundary; and

WHEREAS, the City Council considered the matter at its December 16, 2014 meeting and, after testimony and deliberation, agreed with the recommendation of the Planning Commission, declared an emergency justifying immediate action, and voted to approve the request.

Now, therefore, the attached Comprehensive Plan map with the correct Urban Growth Boundary is hereby adopted.

This ordinance is effective immediately upon passage.

PASSED by the City Council and approved by the Mayor December _____, 2014.

Approved as to form

APPROVED

Nancy Kerns, City Attorney

Phillip W. Houk, Mayor

ATTEST

Andrea Denton, City Recorder



City of Pendleton
 Periodic Review
 April 2013

Comprehensive Land Use Plan Map

Legend

- Urban Growth Boundary
- Highways
- Major Roads
- Parcels

Comprehensive Plan Designations

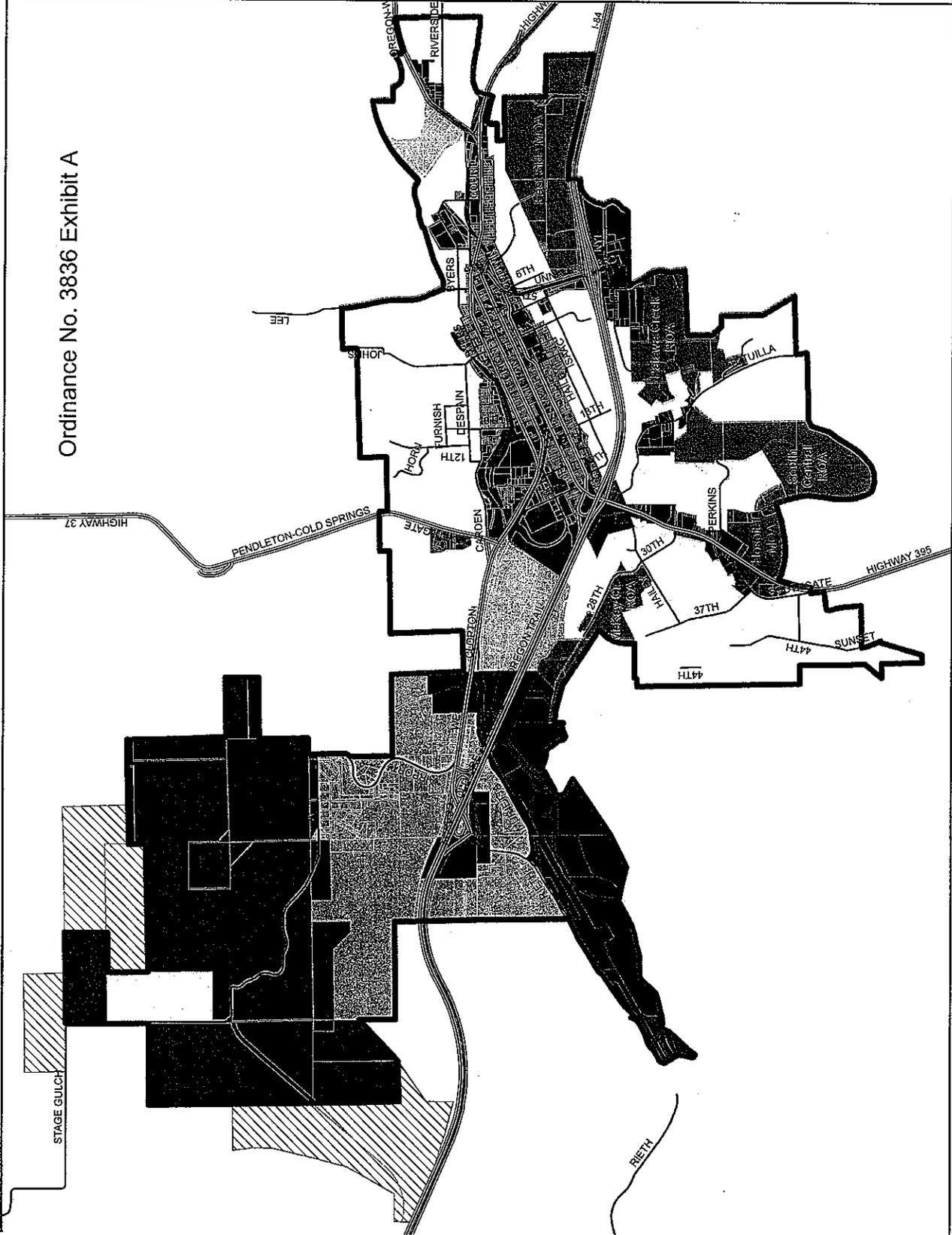
- Industrial Reserve
- Central Commercial Mixed Use
- Mixed Use Opportunity Area
- Residential Opportunity Area
- Heavy Industrial
- Light Industrial
- Airport Industrial
- Business Park
- Regional Distribution
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Service Commercial
- Tourist Commercial

2,900', 450 0 2,900 Feet
 1 inch = 3,000 feet



WINTERBROOK PLANNING
 Community Resource Planning

Ordinance No. 3836 Exhibit A





CITY OF PENDLETON
REQUEST FOR CITY COUNCIL ACTION

Date Submitted:	Type of Action Requested:	Subject:
12/18/2014	<input type="checkbox"/> Resolution	Bid award for Kathleen McClintock bronze.
Date Action Requested:	<input type="checkbox"/> Ordinance	
12/18/2014	<input checked="" type="checkbox"/> Formal Action/Motion	
Attachments: (list)	<input type="checkbox"/> Other	
photos		

TO: Mayor and City Council
FROM: Mayor Houk, Arts Commission Chair

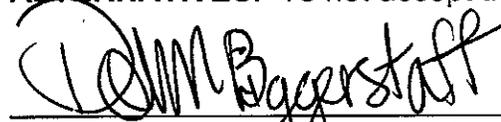
RECOMMENDATION: The Arts commission requests the approval of award for bid of the bronze of Kathleen McClintock to be given to Georgia Bunn Studios.

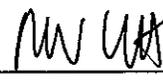
DISCUSSION: The request is to accept the contract for Georgia Bunn Studios to provide the workmanship for the bronze statue of Kathleen McClintock for \$35,000 and \$10,000 for the bronze plaque, bolder, story line and plaque setting, for a total of \$45,000.

We have applied for \$45,000 in grants and hope to receive half or more. Bronze to be located across from the George Fletcher bronze on Main Street.

FISCAL IMPACT: \$45,000 from transient room tax revenue for community arts, \$87,000.

ALTERNATIVES: To not accept the bid award


Prepared by: Donna Biggerstaff


Approved by: City Manager





Location of
Kathleen & McClimbeck





CITY OF PENDLETON
REQUEST FOR CITY COUNCIL ACTION

Date Submitted: 12/10/2014	Type of Action Requested: <input type="checkbox"/> Resolution	Subject: Consideration of amendment to Business License Ordinance No. 3856.
Date Action Requested: 12/16/2014	<input checked="" type="checkbox"/> Ordinance	
Attachments: (list) Proposed Ord. 3856 Ordinance 3471	<input type="checkbox"/> Formal Action/Motion <input type="checkbox"/> Other	

TO: Mayor and City Council

FROM: Robb Corbett

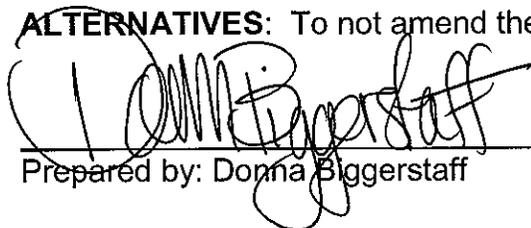
RECOMMENDATION: Recommendation for consideration of amendment to Business License Ordinance No. 3856.

DISCUSSION: Previously the City Council directed staff to bring back to the City Council language that would prorate business license fees for new businesses. Currently, a new business must pay the annual license fee at the start of their business. The business license year runs February 1 – January 31. On or before February 1 the license must be renewed.

This amendment would allow the new business owner to pay a reduced fee for the balance of their first license year.

FISCAL IMPACT: Staff is currently attempting to estimate this impact.

ALTERNATIVES: To not amend the ordinance.


Prepared by: Donna Biggerstaff


Approved by: City Manager

ORDINANCE NO. 3856

**AN ORDINANCE AMENDING ORDINANCE 3471 AN
ORDINANCE ENACTING THE CITY OF PENDLETON
BUSINESS LICENSE ACT**

THE CITY OF PENDLETON ORDAINS AS FOLLOWS:

Section 1: Ordinance 3471, Section 19, subsection D. is amended as follows:

D. The fee herein imposed on businesses located outside the City limits as referenced in subsection A of this Section shall not be subject to proration. The fee herein imposed on businesses inside the City limits shall be subject to proration. At the time this fee is paid it shall be calculated by city staff to be an amount equal to the number of months left in the license year starting with the first day of the month following the date of the payment, divided by 12 months, times the amount of the annual fee.

PASSED by the City Council and approved by the Mayor

APPROVED:

Phillip W. Houk
Mayor

ATTEST:

Andrea F. Denton
City Recorder

APPROVED AS TO FORM:

Nancy Kerns
Interim City Attorney

ORDINANCE N° 3471

AN ORDINANCE ENACTING THE CITY OF PENDLETON BUSINESS LICENSE ACT; EXEMPTING THEIR FEES FROM ARTICLE XI, SECTION 11(b) OF THE OREGON CONSTITUTION; AND DECLARING AN EFFECTIVE DATE AFTER JUNE 30, 1992. (As amended by Ordinance N° 3517, 3558, 3563, 3566, 3590, 3752, 3765, 3793)

CITY OF PENDLETON ORDAINS AS FOLLOWS:

SECTION 1. Short Title. The provisions of this Ordinance shall be known as the "City of Pendleton Business License Act."

SECTION 2. Purpose of Pendleton Business License Act.

A. It is necessary that business license fees be levied and fixed to regulate, to protect the public welfare and to secure revenue to assist in defraying the cost of providing police and fire protection and other municipal services necessary for the implementation and the enforcement of this Ordinance.

B. The fee required by this Ordinance shall be in addition to general ad valorem taxes now or hereafter levied under law and shall be in addition to license fees prescribed in other ordinances.

C. Neither the acceptance of the prescribed fee nor the issuance of the applicable license shall be construed to constitute a regulation of any business activity or a permit to engage in any activity otherwise prohibited by law or this Ordinance, or a waiver of any regulatory licensing requirement imposed by any Ordinance, State or Federal law.

D. Seventy-Five percent of the fee imposed by paragraph A of Section 19 shall be used by the City of Pendleton for Economic Development Activities. Twenty-Five percent of the fee imposed by paragraph A of Section 19 and 50% of the fee imposed by paragraph B of Section 19 shall be used for the operation of the Pendleton Convention Center. The remainder of the fee shall be deposited in the City's Central Services Fund to contribute to the cost of collection.
(Section 2, as amended by Ordinance No. 3752, passed August 21, 2007.)

SECTION 3. Definitions.

A. In this Ordinance the word "business" means any trade, profession, occupation or pursuit conducted for gain and includes fraternal organizations, clubs, lodges and similar places or establishments employing full or part-time employees in any business for gain. The word "business" shall not include:

(1) Corporations, or a community chest, fund or foundation organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activity of which is carrying on propaganda, or otherwise attempting to influence legislation, and which does not participate in, or intervene in any political campaign on behalf of any candidate for public office, including the publishing or distributing of statements; or

(2) Civic leagues or organizations not organized for profit but operated exclusively for the promotion of social welfare, and the net earnings of which are devoted exclusively to charitable, educational or recreational purposes.

(3) Persons providing day care services for children in the person's home where the person has obtained a child care certificate of registration without inspection from the Child Care Division of the State of Oregon and is operating in a manner consistent with that certificate.

B. Additional definitions of those doing business within the City are the following:

(1) Those persons who cater to the general public by selling merchandise or rendering professional or nonprofessional services; for example, a shoe store, attorney's office, doctor's office, public accountant, welding shop, or cannery, or apartment houses.

(2) Those persons whose physical plants or facilities are located outside of the City, but whose business requires use of the City's streets or facilities and whose services or materials are rendered or delivered within the City to the public; for example, a bakery truck delivering wares originating from outside the City but delivered within the City to the public, and other retailers.

C. Public utilities covered by franchise ordinances and paying fees under the franchise are exempted from the provisions of this Ordinance.

D. For the purposes of this Ordinance, each separate location of a business shall be considered a separate business and each business shall pay the applicable business license fee required under this Ordinance. Any branch of a business engaged in a separate business as defined in this Ordinance shall also pay a separate business license fee.

E. If two (2) or more businesses are carried on at the same premises by the same owner, one (1) license issued in the name of the business for which the premises is primarily used shall be sufficient for all such activities. A business activity leased, under concession to, or owned wholly or in part by a different person or persons on the same premises must be separately licensed. In determining whether different activities on the same premises are related to the primary use within the meaning of this Section, normal and ordinary custom and usage of businesses of like nature shall be considered. The City shall rely on the SIC code in determining whether or not a business is a separate business.

F. Warehouses used solely incidental to a business levied pursuant to the provisions of this Ordinance and operated by the person conducting the business shall not be a separate place of business. Physically segregated parts of a business, the use of which is a necessary function toward the complete operation of the business, shall not be considered a branch establishment.

G. For the purposes of this Ordinance, no person whose income is based solely on an hourly, daily, weekly, monthly or annual wage or salary shall be considered a person transacting and carrying on a business. The intention of the City Council is that all business fees levied by this Ordinance shall be borne by the employer or proprietor for the privilege of doing business and shall not be borne by the employee as a cost of employment.

H. Nothing in this Ordinance shall be construed to apply to any person transacting and carrying on any business within the City which is exempt from a license fee or tax or regulation by virtue of the Constitution or laws of the United States or the Constitution or laws of the State of Oregon. Federal, State and municipal corporations are exempt from this Act.

I. Business License Administrator, under this Act, means City Manager or designee.

J. City Manager, under this Act, means the City Manager or designee.

K. For the purpose of this Ordinance, no person who offers wholesale goods or wholesale services to a business licensed in the City under this Act shall be required to obtain a business license under this Section of the Business License Act. It is the intent of this Section to encourage those persons who offer goods and services to businesses already licensed within the City under this Act to continue offering such goods and services without requiring them to pay a business license fee and to encourage their continued offering of such goods and services to businesses which are currently licensed in the City. This Section shall not allow such supplying of goods or services to retail consumers or for house-to-house application in the City and is specifically intended to be limited to those persons calling on businesses already licensed under this business license ordinance. This Section does not allow supplying goods or services to businesses other than in a wholesale capacity, specifically, those persons who furnish retail goods and services to businesses within the City are required to pay a business license fee.

Provided that the exemption provided for in this subsection does not apply to businesses engaged in any activity for which registration with the State Construction Contractors Board is required pursuant to Oregon Revised Statutes, Chapter 701, whether the business is providing services to retail consumers or to other business licensed within the City under the Business License Act.

L. Children who are under the age of sixteen (16) years of age who are personally providing otherwise legal goods or services are exempted from this Ordinance.

M. A "Full-Time Equivalent Employee" (FTE) is defined for those persons working for an hourly wage as the total number of annual employee hours divided by 2,080. (For example, a restaurant which employed fifteen [15] people who worked a total of 20,800 hours annually would have ten [10] full-time equivalent employees [FTE] and pay a business license fee of Two Hundred (\$200.00) Dollars.) A "Full-Time Equivalent Employee" (FTE) working for other than an hourly wage is defined as those persons who work an average of twenty five (25) hours per week or more in exchange for their salary, commission or other form of compensation. The Business License Administrator shall have the power to adopt reasonable further definitions of Full-Time Equivalent Employee (FTE) consistent with this Ordinance.

(Section 3, as amended by Ordinance N^o 3517, passed April 18, 1995; Ordinance N^o 3563, passed May 20, 1997; and Ordinance No. 3752, passed August 21, 2007.)

SECTION 4. Operation Without Securing License or Payment of Fee.

A. No person shall carry on any business, trade, occupation, profession or calling, or transact any business as defined in this Ordinance, without first paying in advance the business fee imposed by this Ordinance and obtaining a business license.

B. If the business is owned by a corporation, it shall be the responsibility of the local business manager to pay the fee imposed.

SECTION 5. License Duration. New licenses shall be valid from February 1, and shall be renewable annually from the date of issuance to the following January 31, each and every subsequent year.

SECTION 6. Application for License. Each person wishing to engage in a new business shall apply for a license to carry on business for the license year. Suitable blanks will be furnished by the City. At the time of filing, the applicant shall pay the license fee required. The application shall be filed with the Business License Administrator and shall contain:

- A. A description of the trade, shop, business, profession, occupation or calling.
 - B. The name and address of the applicant; if a partnership, the names and addresses of the several partners; if the business is a corporation, its name and the address of the home office, the name and address of the designated agent in the State if a foreign corporation, and the name and address of the local agent or representative who will be in charge of the business in the City.
 - C. The address where the business will be located or have its City office.
 - D. The amount of license fee tendered with the application.
 - E. The date of application.
 - F. Any other information the Business License Administrator or City Council determines that the application should contain for review purposes under this Ordinance.
 - G. The signature of the applicant or agent making the application.
 - H. An agreement holding the City harmless from any and all liability for licensing the business.
 - I. Construction contractors Board license number if business is required by State of Oregon to obtain a CCB license.
- (Section 6, as amended by Ordinance No. 3752, passed August 21, 2007.)

SECTION 7. Application Review. The Business License Administrator may refer each application to the persons or departments designated by the Business License Administrator for review. The license may not be issued if the business as described in the application would not comply with this Ordinance, or other City ordinances. Issuance of the license itself does not mean the applicant has complied with all Federal or State laws and if it is later determined that applicant has failed to comply with any Federal or State law and fails to correct such violation within thirty (30) days the applicant's license may be revoked as described herein.

SECTION 8. Information From Applicant. A person or department designated to review a license application may require the applicant to supply information necessary to determine, as required under this Ordinance, the business qualifications for the license. If the applicant fails to supply information so required or submits false or misleading information so required or submits false or misleading information, the license may be suspended or denied.

SECTION 9. Issuance of License.

A. After receipt of reports from all persons and departments designated to review an application, the Business License Administrator shall determine whether the business qualified for issuance of a license. If the business qualified, the Business License Administrator shall issue the license.

B. PENALTY PROVISIONS FOR OPERATING WITHOUT A LICENSE. No license shall be issued to a person if the person has, prior to making application, conducted a business within the City while this Ordinance was in effect without a current, valid license issued under this Ordinance, unless an additional amount equal to the license fee for the period during which the business was thus conducted is paid.

SECTION 10. Denial of Application. If, on the basis of the application review under this Ordinance, the Business License Administrator determines that the business does not qualify for issuance of the license applied for, the Business License Administrator shall notify the applicant in writing that the application has been denied. The notice shall state the reason for denial and inform the applicant of the provisions for appeal in this Ordinance.

SECTION 11. License Renewal and Late Penalty. The application for renewal of a business license shall be made to the Business License Administrator prior to the January 31 expiration date. A penalty of ten (10%) percent of the fee for each month or part thereof during which the fee remains unpaid, up to one hundred (100%) percent, shall be added to the license fee accompanying a later renewal application. The effective date of a renewal license shall be February 1, if the application for renewal is made prior to the current license expiration date. Renewal licenses applied for after February 1 shall be effective on the date of issuance.

SECTION 12. Review of Renewal. If the City has received written complaints about the licensed business, the application for renewal of the license may be reviewed under this Ordinance.

SECTION 13. Denial of Renewal. If a licensed business does not qualify for renewal under this Ordinance, the Business License Administrator shall notify the licensee in writing that renewal of the license has been denied. The notice shall state the reason for denial and inform the applicant of the provisions for appeal herein.

SECTION 14. Revocation of License. If the Business License Administrator determines that a licensed business is violating this Ordinance, City ordinances, or State or Federal law, the Business License Administrator shall notify the licensee in writing that the license is to be revoked. The notice shall be given at least thirty (30) days before the revocation. If the violation ends within the thirty (30) days, the Business License Administrator may discontinue the revocation proceedings. A notice of revocation shall state the reason for the revocation and inform the licensee of the provisions of this Ordinance for appeal.

SECTION 15. Suspension of License. If a licensed business presents an immediate danger to persons or property, the City may suspend the license for the business at once. The suspension takes effect immediately upon notice of the suspension's being received by the licensee, or being delivered to the licensee's business address as stated on the licensee's application. Such a notice shall be mailed by certified mail, return receipt requested, to the licensee and state the reason for the suspension and inform the licensee of the provisions for appeal under this Ordinance. The Business License Administrator may continue a suspension so long as the reason for the suspension exists or until a determination on appeal regarding the suspension is made under this Ordinance.

SECTION 16. Appeal.

A. An applicant whose application to the Business License Administrator for a license has been denied, or a licensee whose license has been denied renewal, has been suspended, or is to be revoked, may, within thirty (30) days after the notice of denial, suspension or revocation is mailed, appeal by filing a written appeal at the office of the Business License Administrator.

B. The appeal shall state:

- (1) The name and address of the applicant;
- (2) The nature of the determination being appealed;
- (3) The reason the determination is incorrect; and
- (4) What the correct determination of the appeal should be.

C. An appellant who fails to file such a statement within the time permitted waives his/her objections, and the appeal shall be dismissed. If a notice of revocation is appealed, the revocation does not take effect until final determination of the appeal. The City Council shall hear and determine the appeal on the basis of the written statement and such additional evidence as it considers appropriate. The appellant shall be provided at least fourteen (14) days written notice of a hearing on the appeal.

D. At the hearing, the appellant may present testimony and oral argument, personally or by counsel, and any additional evidence. The rules of evidence as used by courts of law do not apply, and the decision of the City Council after the hearing is final.

SECTION 17. Posting of License.

A. Except as provided in Subsection B, at all times after the issuance of the license, the license shall be posted in a conspicuous place upon the business premises, available for inspection by the public and by employees and prospective employees of the business.

B. When the licensee has no office, business premises or other established place of business in the City, the license shall be in the possession of the representative of the business who is present in the City at all times during which business is being transacted by any employee or representative in the City.

SECTION 18. Contents of License. Licenses shall be issued to the applicant in the name of the business to be licensed and shall designate the nature of the business, the address of the business premises, if any, and the date of issuance.

SECTION 19. Business Fee.

A. Annually every February 1, the business fee shall be One Hundred (\$100.00) Dollars for businesses located in the City limits and One Hundred Sixty (\$160.00) Dollars for businesses which are located outside the City limits and doing business in the City.

B. Annually every February 1, there shall be a Twenty (\$20.00) Dollars per full-time equivalent employee (FTE) additional business license fee, for each business which employs more than five (5) full-time equivalent employees (FTE). The total general business license fee shall not exceed a maximum of One Thousand (\$1,000.00) Dollars per annum.

C. Nothing in this Ordinance shall be construed as vesting a right in persons under a contract obligation on the part of the City for the amount or character of a business fee. Such a fee may be increased or decreased at any time by action of the City Council.

D. The fee herein imposed shall not be subject to proration.

E. Local Enterprise Zone Incentive. A business which is precertified by the City as a "qualified business firm," in accordance with the Oregon Enterprise Zone Act, shall not be required to pay these fees during the time period the business qualifies for the property tax exemption.

(Section 19, as amended by Ordinance N° 3558, passed March 18, 1997; Ordinance N° 3566, passed August 5, 1997; and Ordinance No. 3752, passed August 21, 2007.)

SECTION 20. Transfer or Assignment of Fee Receipts. No person shall transfer or assign a fee receipt issued under this Ordinance.

TRADE SHOWS

SECTION 21. Trade Shows.

A. A trade show is any profit or not-for-profit show within the City limits of the City of Pendleton which offers for sale or display merchandise of one (1) or more vendors at a location within the City. Trade shows include those shows located at the Pendleton Convention Center, Pendleton Airport and other public and private buildings. The purpose of the trade show license is to allow a number of vendors together under one (1) common area for a short period of time to display and sell their merchandise and to be properly licensed within the City of Pendleton. Trade shows for the purposes of this definition may not exceed:

- (1) one (1) week in duration in any one (1) calendar year; or
- (2) 26 periods of not more than three consecutive days in a single week. No license shall continue beyond that period specified in Section 5 of this Ordinance,

without securing a second license. A trade show does not include the merchandising of goods and/or services of an already licensed Pendleton business or businesses.

B. Every trade show shall pay a business license fee of Three Hundred (\$300.00) Dollars. The responsibility for paying the fee is that of the promoter(s).

C. Application Procedure for Trade Shows. Each promoter(s) wishing to put on a trade show shall apply for a license with the City on forms furnished by the City. The application shall be filed with the Business License Administrator and shall contain at least the following information:

- (1) A description of the trade show and the businesses participating.
- (2) The name, address and date of birth of the applicant; if a partnership, the names, addresses and dates of birth of the partners; if the business is a corporation, its name and address of the home office, the name, address and date of birth of the registered agent in the State if a foreign corporation, and the name, address and date of birth of the local agent or agent or representative who will be in charge of the business in the City.
- (3) The address where the trade show will be located within the City of Pendleton.
- (4) The amount of license fee tendered with the application.
- (5) The date of the application.
- (6) A statement that the trade show will be for a period of seven (7) days or less in any one (1) calendar year and only the type of businesses described will participate.
- (7) Any other information the Business License Administrator determines necessary.
- (8) The signature of the promoter(s).

D. Promoter. Means any legal entity whether for profit or not-for-profit and whether a person, partnership, corporation or other legal entity which promotes a trade show.

E. License Duration. New licenses shall be valid for the duration of the trade show, as described in subsection A of this section.

F. Posting of License at all Times After the Issuance of the License. The license shall be posted in a conspicuous place upon the trade show premises available for inspection by the public and by employees and prospective employees of all businesses participating in a trade show. It shall be conclusively presumed that any trade show not complying with this section is operating without a business license.

G. Registration. Trade show participants shall be registered with the promoter(s) and the promoter(s) shall maintain a listing of all businesses which have participated or are participating in a trade show under the license.

H. **Round-Up Exception.** Each and every business operated as part of a trade show during Round-Up is required to have an individual business license.

(Section 21, as amended by Ordinance N° 3517, passed April 18, 1995; Ordinance No. 3752, passed August 21, 2007.)

SECTION 22. Round-Up and Happy Canyon Non-profit Vendors.

A. The purpose of this exception is to allow the non-profit corporations to earn money during Round-Up to support their organizations' endeavors.

B. The Pendleton Round-Up Association shall pay an annual business license fee of Two Hundred and No/100 (\$200.00) Dollars.

C. License Duration. New licenses shall be valid annually for the week of Round-Up.

D. Registration. Non-profit corporations within the Happy Canyon and Round-Up grounds shall register with the Pendleton Round-Up Association. The Round-Up Association shall maintain a listing of all non-profit corporations which are participating within the Pendleton Round-Up and Happy Canyon areas.

(Section 22, as amended by Ordinance No. 3752, passed August 21, 2007.)

ROUND-UP/INDIAN VILLAGE/INDIAN CRAFTS

SECTION 23. Round-Up/Indian Village/Indian Crafts.

A. The purpose of this exception is to allow the traditional Indian crafts during the Pendleton Round-Up/Happy Canyon. It is specifically limited to those persons registered by the Pendleton Round-Up Association who are of Indian origin as determined by the Round-Up Association.

B. The Pendleton Round-Up Association shall pay an annual business license fee of Two Hundred and No/100 (\$200.00) Dollars. The responsibility for paying the fee is that of the Pendleton Round-Up Association.

C. License Duration. New licenses shall be valid annually for the duration of the Indian Village Crafts show during the Pendleton Round-Up/Happy Canyon.

D. Posting of License at all Times After the Issuance of the License. The license shall be posted at the Pendleton Round-Up Office.

E. Registration. Indian Village crafts show participants shall be registered with the Round-Up Association and the Round-Up Association shall maintain a listing of all businesses which have participated or are participating in the Indian Village crafts show under the license.

SECTION 23A. Main Street Show Master License. Main Street Cowboys, an Oregon Non-profit Corporation may obtain a Main Street Show Master License effective from the Friday before Round-Up each year and ending the Sunday after Round-Up. The Main Street Show License operates in lieu of another business license for those vendors and performers operating as a part of the Main Street Show. The fee for the Main Street Show License shall be \$5,000 per year, except as the fee may be changed by the City Council by resolution.

Main Street Cowboys shall maintain a listing of all vendors and performers who are participating as Main Street Vendors. (As amended by Ordinance No. 3793, passed July 7, 2009.)

SECTION 24. Round-Up Licenses. The exceptions provided to corporations, community chest, civic leagues and others as stated in this Ordinance shall not be applicable during the period beginning the Friday before Round-Up each year and ending the Sunday after Round-Up, provided, however, that those organizations are permitted a single business license without regard to the number of locations at which the business is operated. THIS PROVISION MEANS THAT THERE ARE NO EXCEPTIONS TO THE BUSINESS LICENSE ORDINANCE DURING ROUND-UP, OTHER THAN FOR ROUND-UP/INDIAN VILLAGE/INDIAN CRAFTS, PERFORMERS AND VENDORS OPERATING UNDER A MAIN STREET SHOW LICENSE, AND NON-PROFIT CORPORATIONS WITHIN THE ROUND-UP AND HAPPY CANYON GROUNDS DURING ROUND-UP. (Section 24, as amended by Ordinance No. 3590, passed August 4, 1998, Ordinance No. 3752, passed August 21, 2007; and Ordinance No. 3793, passed July 7, 2009.)

CONSTRUCTION PROJECT LICENSE

SECTION 24A. Construction Project.

A. A Construction Project is any activity for which registration with the Oregon Construction Contractor's Board (CCB) is required pursuant to Oregon Revised Statutes, Chapter 701, for which a building permit has been issued or which is undertaken pursuant to a construction contract with the owner.

B. The prime contractor engaged in a Construction Project may obtain a Construction Project License for a project as an alternative to obtaining Business Licenses for each subcontractor engaged in the Construction Project. The Construction Project License is in lieu of Business Licenses for subcontractors only and is in addition to the Business License of the prime contractor.

C. Every prime contractor obtaining a Construction Project License shall pay a business license fee of Four Hundred and No/100 (\$400.00) Dollars.

D. Application Procedure for Prime Contractors. Each prime contractor wishing to obtain a Prime Contractor's license with the City on forms furnished by the City. The application shall be filed with the Business License Administrator and shall contain at least the following information:

- (1) A description of the Construction Project for which the Construction Project License is requested.
- (2) The name and CCB registration number of the applicant and of each subcontractor engaged in the Construction Project.
- (3) The location of the Construction Project.
- (4) The amount of license fee tendered with the application.
- (5) The date of the application.
- (6) A signed statement by the prime contractor and each subcontractor engaged in the Construction Project that each signatory is registered under the provisions of this Oregon Revised Statutes, Chapter 701, and stating that the registration is in full force and effect. For the prime contractor and each subcontractor, a copy of a current certificate of registration issued by the Oregon Construction Contractors Board.
- (7) Any other information the Business License Administrator determines necessary.
- (8) The signature of the prime contractor applicant.

E. Supplements to Application. The applicant may supplement the business license application from time to time by providing a supplemental application containing at least the following information:

- (1) A description of the Construction Project to which the supplemental application applies.
- (2) The name and CCB registration number of the applicant and of each additional subcontractor engaged in the Construction Project.
- (3) The date of the supplement application.
- (4) A signed statement by each additional subcontractor engaged in the Construction Project that such subcontractor is registered under the provisions of this Oregon Revised Statutes, Chapter 701, and stating that the registration is in full force and effect. For each additional subcontractor, a copy of a current certificate of registration issued by the Oregon Construction Contractors Board.
- (5) Any other information the Business License Administrator determines necessary.
- (6) The signature of the prime contractor applicant.

F. License Duration. New licenses shall be valid for the duration of Construction Project, or until the next February 1, whichever is earlier.

G. Posting of License at all Times After the Issuance of the License. The license shall be posted in a conspicuous place upon the construction project premises available for inspection by the public. It shall be conclusively presumed that any contractor not complying with this section is operating without a business license.

H. As an alternative to obtaining a Construction Project License, the prime contractor and each subcontractor may obtain a separate business license as provided by Section 3 K of this Business License Act. (Section 24A, as added by Ordinance N^o 3563, passed May 20, 1997, and Ordinance No. 3765, passed March 4, 2008.)

PENALTIES AND ENFORCEMENT

SECTION 25. Penalties.

- A. A violation of this Ordinance shall be punishable by a fine not to exceed One Thousand and No/100 (\$1,000.00) Dollars.
- B. Every full business day during which a business activity continues to be conducted in violation of this Ordinance shall be considered a separate offense.
- C. Offenses under this Section shall be tried in the Municipal Court as a violation and not as a crime. As a violation there is no right to jury trial or court appointed counsel.

SECTION 26. Evidence of Doing Business. In a prosecution for a violation of this Ordinance, evidence that the business made a public representation, by way of newspaper, radio, television or similar media advertisement or by signs conspicuously displayed for public view, that the business was being conducted, expressly or impliedly offering to sell goods or services in the course of the business to the public, shall constitute prima facie evidence that the business was transacting the business suggested by the public representation within the City on the date or dates during which the representations were made.

SECTION 27. Additional Remedies.

- A. In addition to the penalties provided in Section 25 of this Ordinance, the City may sue in a court of competent jurisdiction to obtain a judgment for a tax or fee due under this Ordinance and enforce collection of the judgment by execution.
- B. The City may seek an injunction to prohibit a person from engaging in a business without complying with this Ordinance.

C. Whenever a fee required by this Ordinance is not paid when due, the Business License Administrator may add as a penalty to the fee an amount equal to ten (10%) percent of the fee for each month or part thereof during which the fee and accumulated penalty amounts remain unpaid. The total amount of penalties shall not exceed one hundred (100%) percent of the original fee.

SECTION 28. Severability. The Sections of this Ordinance are severable. The invalidity of a Section or part of a Section shall not affect the validity of the remaining Sections or parts of Sections.

SECTION 29. The fees and charges herein are classified as not subject to the limits of Article XI, Section 11(b) of the Oregon Constitution.

SECTION 30. Within fifteen (15) days of the adoption of this Ordinance, the City Manager shall cause to be published in a newspaper of general circulation within the City, a notice of adoption of this Ordinance classifying fees and charges. The notice shall:

- A. Appear in the general news section of the newspaper, not in the classified advertisements;
- B. Measure at least three (3) square inches;
- C. Be printed in a type size at least equal to 8-point type; and
- D. State that the City has adopted an ordinance classifying taxes, fees and charges as not subject to the limits of Article XI, Section 11(b) of the Oregon Constitution, that the reader may contact a designated City official to obtain a copy of the Ordinance, that judicial review of the classification may be sought within sixty (60) days of the date the Ordinance was adopted, and if no such review is sought within the time specified, no subsequent challenges to the classifications will be permitted.

SECTION 31. Effective Date. This Ordinance shall become effective after June 30, 1992.

PASSED and approved June 16, 1992.



CITY OF PENDLETON

REQUEST FOR CITY COUNCIL ACTION

Date Submitted:	Type of Action Requested:	Subject: MOU between the City and Walker Ventures, LLC for development of City Property.
December 10, 2014	<input type="checkbox"/> Resolution	
Date Action Requested:	<input type="checkbox"/> Ordinance	
December 16, 2014	<input checked="" type="checkbox"/> Formal Action/Motion	
Attachments: (list) Proposed MOU	<input type="checkbox"/> Other	

TO: Mayor and City Council

FROM: Robb Corbett, City Manager

RECOMMENDATION: Consider approval of a new memorandum of understanding between the City and Walker Ventures, LLC to look at the development of City owned property around the old gun range.

DISCUSSION: The City previously entered into an MOU with Walker Ventures, LLC. The MOU has expired and no city funds were expended. A major hurdle to the development has been the cost to construct a necessary road extension of NW Kings Ave. This road is a priority project for the City as it provides an alternative connection for traffic in that neighborhood. Currently, residents in this area of town are required to use the area of NW Despain, NW 10th and NW 12th Ave. to travel to and from work, shopping, and their homes.

The developer has requested that the City agree to enter into a new MOU whereby the City would expend approximately \$25,000 to design NW Kings Ave. Once the road construction costs are identified, both parties will be able to determine whether a formal agreement can be entered in to.

If the MOU leads to a formal agreement, the proposed terms currently would require the City to contribute two City owned properties totaling 15.32 acres and assessed at \$158,080 along with \$500,000 of system development fees currently held by the City for expansion of the public road system toward an estimated \$1.1M construction cost for NW Kings Ave.

If the MOU leads to a formal agreement the developer would be required to submit a development proposal for the site to provide for residential home sites and construct multi-family housing as well as construct all of the necessary infrastructure including the balance of the construction costs of NW Kings Ave. Additionally, the developer would be required to reimburse the City for the design costs of the road.

FISCAL IMPACT: \$25,000 from the Community Development funded which has been budgeted for.

ALTERNATIVES: Amend the agreement or deny approval to sign.

Prepared by:



Approved by: City Manager

**Memorandum of Understanding
Between the City of Pendleton and Walker Ventures, LLC**

This agreement for development and implementation of real estate development within the City of Pendleton and known as the Gun Range Site (hereinafter "Property") is entered into by the following parties, effective on the date herein below stated.

Parties: City of Pendleton, an Oregon municipal corporation (hereinafter "City")
500 SW Dorion Ave., Pendleton, OR 97801, and

Walker Ventures, LLC, an Oregon limited liability company (hereinafter "Developer")
5321 SW Menefee Drive, Portland, OR 97239

Recitals:

1. The City desires to increase affordable multifamily housing for middle-income individuals and small families. Lack of such housing stifles economic growth because employers are challenged to attract the workforce needed to expand.
2. The City owns the Property which it desires to make available for a multi-family development project to serve this need.
3. The Developer has experience in connection with the ownership, management, and development of commercial property and desires to collaborate with the City to develop the Property for market rate multifamily housing in the City.
4. Initial analysis suggests that the project may be economically viable, but that there are outstanding questions regarding the development of the Property that need to be researched before the Developer can reach its decision as to whether or not it makes sense for it to proceed with the project.
5. The Parties desire to enter into this Agreement to set forth their respective responsibilities with respect to further investigation of the viability of this project and how they will proceed if the project is determined to be viable to the Developer's satisfaction.

Terms of Agreement: This development project shall consist of two phases, Phase 1 (Planning Phase), Phase 2 (First Construction Phase).

Terms Applicable to all phases of this Agreement are:

1. With respect to any services provided to Developer or construction performed, Developer will provide local sub-contractors and suppliers' opportunities to bid on some or all of the labor and materials necessary for the construction of the project to provide an opportunity to enhance local economic activities within the City of Pendleton.
2. Developer may seek public grants and other sources to pay for necessary infrastructure costs, especially for facilities that have larger community benefits, such as a road, if such facilities are undertaken by the Developer.

3. The Property, described in Exhibit A & B hereto, is presently owned by the City and is not partitioned.
4. Both parties understand that a portion of both properties are to be partitioned and conveyed to another party as part of a previous land exchange contract with the City.

Phase 1 (Planning Phase)

City Responsibilities:

1. To support the development of the Property the City will provide an updated road design allowing the maximum use of the property. This design will be the property of the city.
2. City of Pendleton will provide the Developer with copies of all information it possesses pertaining to the environmental condition of the Property. The City will pay all costs related to any additional environmental studies and updates required by the Developer or the Developer's lenders. The City will indemnify and hold the Developer from any environmental contamination or related problems existing on the Property prior to a transfer of title, as well as remediate any preexisting hazardous environmental issues.

Requirements for Continuation of Project:

With respect to this phase of this agreement, the parties agree that specific events must occur in order for this project to successfully conclude and to protect their respective investments. The Developer may unilaterally abandon this project if it determines that:

1. The Property cannot be developed for housing due to legal restrictions or encumbrances.
2. The results of the Environmental Site Assessment and/or Geotech findings indicate that development at this site would be not be economically feasible.
3. The market study indicates insufficient demand for the project.
4. The anticipated rental income from the project would not support the project.
5. It is not feasible to secure appropriate funding for the implementation of the project.
6. The total sum of the risks and economic benefits of undertaking construction of improvements are such that undertaking the project is not desirable.

At the conclusion of this Planning phase for the development, the parties must mutually agree to proceed to execute the remainder of the phases of this plan. In the absence of mutual agreement, the remaining phases will be of no further force or effect.

Phase 2

Developer Responsibilities:

1. Developer will repay City for the predevelopment expenses paid by the City upon receipt of title to the Property from the City.
2. Developer will pay the construction cost of the road minus the \$500,000 contributed by the City.

City Responsibilities:

1. City will convey title to the Property to Developer after receipt of notice from Developer that it will proceed with first construction phase.
2. City will create the development agreement and local improvement district for the construction of the road under the terms agreed to in phase 1. These terms are:
 - a. City will acquire access for NW Kings Ave. onto Hwy. 37 from the Oregon Dept. of Transportation.
 - b. City will contribute \$500,000 toward the construction of NW Kings Ave.

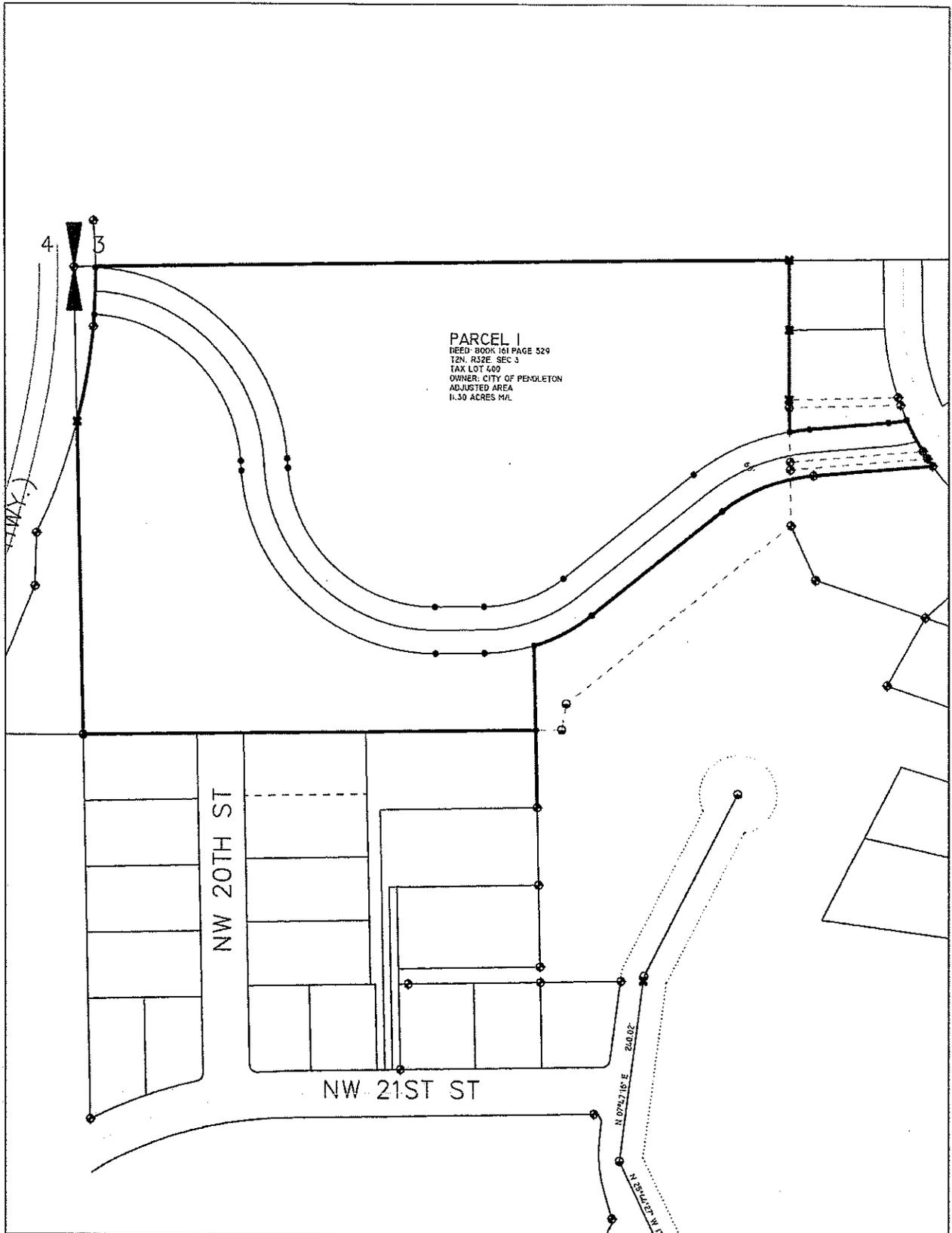
Additional Terms:

1. This agreement shall become effective upon execution by the parties and shall remain in effect until it is terminated by the Developer's election not to proceed as herein provided, by operation of the terms of this agreement, or by the mutual agreement of the parties.
2. The terms of this agreement shall not be waived, altered, modified, supplemented or amended, except by written agreement signed by the Parties.
3. The terms of this Agreement may be amended or terminated by the written mutual consent of the Parties.
4. Under the terms of ORS 279C.110 (8), this agreement is not subject to the use of the "qualification based selection" process for architects and developers.

Dated this ___ day of _____, 2014.

Robb Corbett,
City Manager

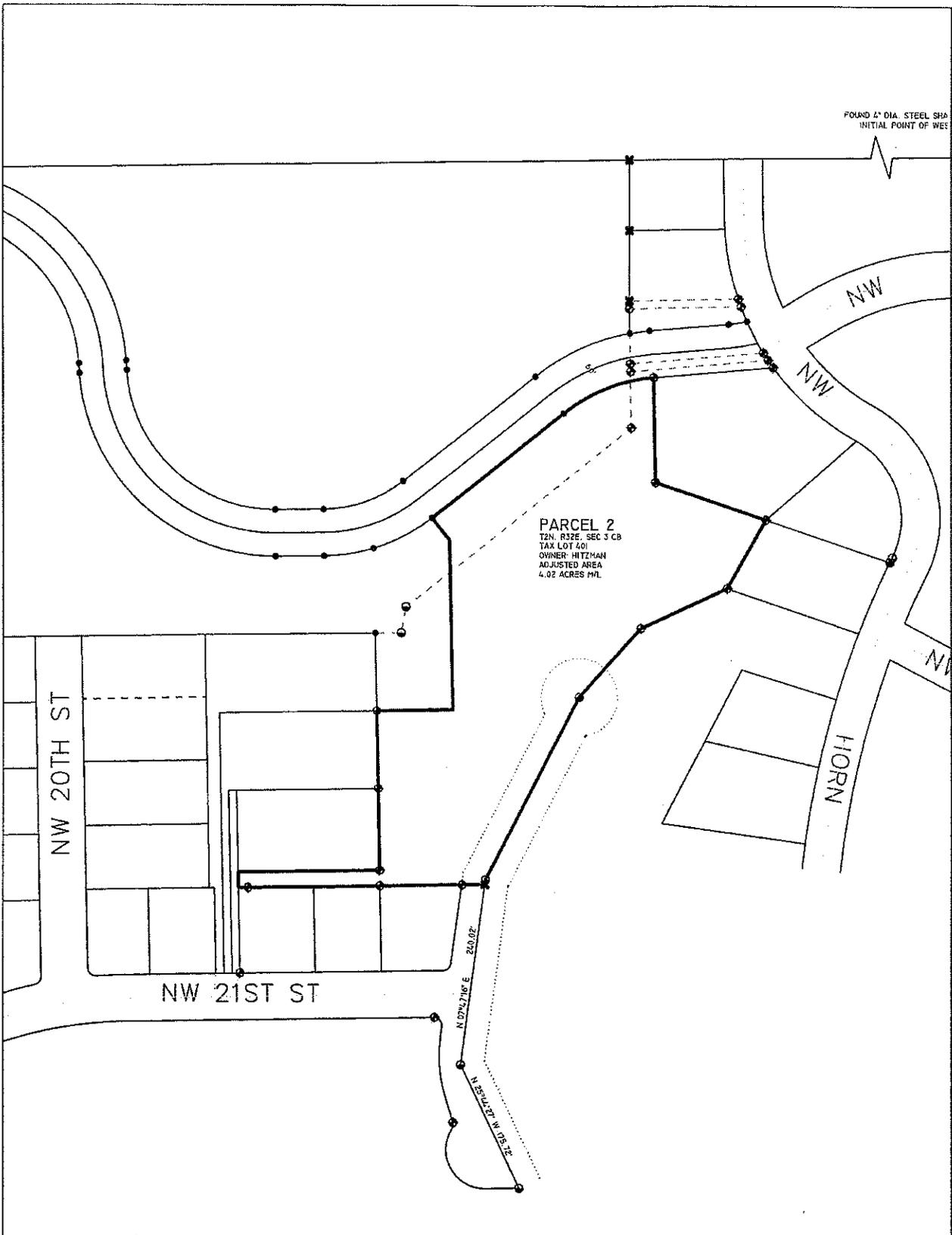
Duncan Wyse
Member, Walker Ventures, LLC



CITY OF PENDLETON

EXHIBIT "A"

DATE: Dec 2014
DN BY: WCG CK BY: TS
DWG No:
PAGE:



CITY OF PENDLETON

EXHIBIT "B"

DATE:	Dec 2014
DRAWN BY:	WCG
CHECKED BY:	TS
DWG No:	
PAGE:	

PENDLETON CONVENTION CENTER
Calendar of Events
December 2014

DATE	EVENT	TIME	Est. Attending
12/03/14	Pendleton Fire Dept. Training	8AM – 5PM	10
12/04- 12/06/14	Festival Of Trees	8AM – 9PM Decorating 8AM – 9PM Decorating 10AM – 2PM Family Day 6PM – Midnight Gala	1000 family day 400 Gala
12/10/14	OSU Family Agriculture	8AM - 5PM	70
12/11/14	Chamber Ambassadors Christmas	5PM – 9:30PM	150
12/12/14	Yellow Hawk Christmas	11AM – 2PM	160
12/13/14	Cattleman X-mas	6PM – 11PM	100
12/13/14	EOCI X-mas	6PM – 1AM	200
12/12/14	EO Philippine/American Party	2PM – 8PM	60-80
12/15&16/14	Yellowhawk Suicide Prevention	7:30AM – 5PM	15
12/18/14	Homestead Christmas	2PM – 7PM	100
12/20/14	Interpath laboratory	5PM - Midnight	200
21/29 &30/14	Red Lion –Oregon Trail Classic Basketball tournament	1PM – 10PM 1PM – 9PM	1000

12/10/2014 4:16 PM

December Staff Activity Report

Staff Activity Report: Airport Manager

Enplanements on SeaPort have been steadily rising since April. Pendleton UAS Range now has 4 approved COA's and 11 pending. Contracts and vehicle leases are being worked out with manufacturers. New Life Flight Hangar is close to breaking ground. In addition to current helicopter, it will have room for a plane and a rotating flight crew. New Airport Specialist was selected and we are excited to add Erica Stewart to our staff. Barhyte Specialty Foods has consolidated into a larger building, so a 9,180 sf warehouse with three loading docks is now available in the Airport Industrial Park. Airport Manager attended an Enterprise Zone training in early November.

2014 SeaPort Enplanements

	Variance
Jan	-24.7%
Feb	-9.9%
March	-5.9%
April	13.5%
May	13.9%
June	63.6%
July	60.1%
Aug	9.6%
Sept	16.9%
Oct	21.8%

Parks:

Parks is busy with the usual routine stuff. The new play structure's for Community has been ordered. We are excited to get started.

Restroom at Community Park East is closed for the winter. This restroom usually stays open during the winter months (except in extreme cold). The restroom is part of the grant that includes the 2 new play structures and ADA improvements. Demo on this restroom has begun. So if you're asked why it's closed, now you know.

All parks seasonal staff is no longer with us. Had several say they would like to return. This would be great and sure make next season run smoother, since we only had 1 return from the previous year. It takes a lot of time and resources to train new staff each season. By the end of the season they were all doing their jobs at a high standard, which is what we expect.

Recreation:

Breakfast with Santa was well attended serving 208 breakfasts. Event grossed \$608.00 which looks like we broke even for the event. Santa (AKA Jeff Hamilton) was well received by all the kids except 2. Jeff's own kids were the only ones not willing to sit on the big guys lap.

Youth basketball is in full swing and doing well. Girl's league and younger boys starts soon.

Winter-Spring brochure is going to print this week and should be out very soon. Please take a look to see all we have to offer the next few months.

Ice Rink is up and running after a week delay due to Mother Nature. Saturday was busy, and you need to try the butter finger hot chocolate, it is soooooo good!!

Facilities

27 work orders maintenance completed.

1. Asbestos blighted houses airport removal underway.
3. Energy Trust of Oregon Request for energy audit submitted
4. Ice Rink set up complete.
5. Runway lighting repaired except for Pappy's adjustments this week weather permitting.
6. Repair HVAC unit police station locker room in progress
7. Condensate line repair basement Vert boiler room underway
8. HVAC filter change weather permitting.
9. Bond update information projects cost in progress
10. Research and order materials Westside community Park bathroom rehab.
11. Stop sign traffic study Northwest Despain continuing this week.
12. Convention Center freezer malfunction estimated loss \$5,000 (have recommended repeatedly a very loud freezer alarm temperature above 30°)
13. PCC also recommend at convention center replacing freezer and cooler mechanical equipment after 22+ years of nonstop operations it's not dependable.
14. Continue to work with fiber drops at the Convention Ctr., Pendleton fiber
15. City Hall ADA door devices electrical and lighting upgrade underway.
16. Routine maintenance and custodial.
17. ADA upgrades in progress front entry City Hall automatic door opener.

Technology

21 work orders for service

Continue installing PCs replacement of XP

Backup software and install an virtualization upgrade.

Surveillance software license upgrade

Fiber switch install

Researching Council recording software

Researching cost estimates on Adobe Pro for all staff

Ongoing network maintenance

Pendleton Public Library
November Activity Report

The month got off to a great start with a Umatilla County Special Library District In-Service for staff. Keynote speaker was Penny Hummel from the Portland area who discussed marketing for the library. This was a good subject for us at this time. With circulation numbers reducing, we are looking at ways to get the word out about the great offerings from the library.

November 17th through the 22th, the library held a Fine Forgiveness Week. For each dollar forgiven, the patron needed to bring in 2 items from a needs list for the Warming Station. We were closed on one day because of icy conditions. 5 persons took advantage of the program to clear \$13.88 in fines. There were several who brought in items for the Warming Station. It was a successful program which received much positive feedback.

As just noted, the library was closed due to icy conditions on the 20th. Those conditions caused the cancellation of the Dr. Who Trivia Night for adults (and, teens!). By popular demand, it will be rescheduled in January or February. Poor attendance at the Rumble in the Jungle children's fund raiser on Saturday is also probably due to weather conditions. The slick streets and very cold temperatures discourage most from venturing out.

Speaking of the Trivia Night, Jennifer Furuyama has this to say about her Teen Council: "Dr. Who was cancelled due to conditions. However the teen council prepped the event and it is ready to roll January 15th. Teens created the advertisements, decorations, AND Trivia questions. I am very, very impressed with our teen council. Though they be but small they are MIGHTY! "

Jennifer continues to work with the Children's Museum of Eastern Oregon with shared science programs. These are well attended and quite positive. She is also giving the 2nd and 3rd grade book talks and has established reading clubs for those grades at Sherwood and Washington. McKay Creek's 2nd and 3rd grades will be added in January.

In addition to gearing up for the holidays with wintery decorations, we are presenting winter reading programs for children and adults. We hope this will give everyone an incentive to read and visit the library. It is also a way to increase the circulation.

On sale in the library are literary jewelry, naturally scented ornaments, and book bags any of which would make great gifts for those difficult to buy for persons on your Christmas list. (Hint, Hint)

**PENDLETON POLICE DEPARTMENT**

Page 1

PATROL STATISTICS**REPORTING PERIOD: NOVEMBER 2014**

12/05/2014

Statistic	Count
Total Incidents	7037
Calls for Service	3588
Officer Initiated Incidents	3449
Traffic Stops	1399
Other OIA Incidents	2050
Bus/Building checks	431
Veh/Ped Check	561
Total Officer Reports	257
Cis Conversion	0
Crash	8
Felony	67
Information Case	43
Misdemeanor	102
Violation	21
Voided	8
Unclassified Reports	8
Total Misdemeanor & Felony Arrests	109
Misdemeanor Arrests	70
Felony Arrests	39
Total Citations	107
Criminal	36
Moving	1
Violation	70
FIs	0

**PENDLETON POLICE DEPARTMENT**

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INCIDENTS BY INCIDENT TYPE**NOVEMBER 2014**

12/05/2014

INCIDENT TYPE	DESCRIPTION	NUMBER THIS TYPE
911	911 Hangup/Abandoned/Accidental	112
ABAND	Abandoned Vehicle	41
ALARM	Alarm	177
ANIMAL	Animal Complaint	100
AREACK	Area Check	381
ARMED	Armed Subject	1
ASLT	Assault	21
ASSIST	Agency Assist	106
ATL	Attempt to Locate	1
ATV	ATV Activation	1
BALLOT	Ballot Box Pickup	2
BUILDCK	Building Check	50
BURG	Burglary	43
CHILD	Child Abuse/Neglect	14
CHL	Concealed Handgun License	4
CIT ASST	Citizen Assist	52
CIT CONT	Citizen Contact	355
CIVIL	Civil Complaint	73
CM	Criminal Mischief Complaint	77
CODE	Code	73
CONTROL	Controlled Burn Log	32
CSEM	Confined Space Emergency	1
CSEN	Confined Space Entry	5
CSTT	Confined Space Training	2
CURFEW	Curfew Violation	1
CVL	Civil Service	98
DEATHINV	Death Investigation	3
DETAIL	Detail/Security	1
DHS	DHS Cross Report	52
DIRECTP	Direct Patrol	23
DISABLE	Disabled Vehicle	103
DIST	Disturbance	116
DOG	Dog Complaint	209
DOMESTIC	Domestic Disturbance	59
DOWN	Subject Down	1
DRUG	Drug Activity	34
DRUNK	Drunk Driver	40
DRVC	Driving Complaint	117
EAMA	Ambulance Mutual Aid	1
ELDER	Elder Abuse/Neglect	3
EMS	EMS	409
EMSG	Emergency Message	5
ESCORT	Funeral Escort	6
ETSP	EMS Transport	99

**PENDLETON POLICE DEPARTMENT**

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INCIDENTS BY INCIDENT TYPE**NOVEMBER 2014**

12/05/2014

INCIDENT TYPE	DESCRIPTION	NUMBER THIS TYPE
EX	Emergency Management Exercise	2
EXPATROL	Extra Patrol	25
FAFA	Automatic Fire Alarm	44
FAGA	Fire Agency Assist	2
FGRASS	Grass Fire	1
FGRPRT	Fingerprinting	27
FHZM	Hazmat	1
FI	Field Interview	108
FIGHT	Fight	17
FILL	Illegal Burn	7
FIRE	Fire Call	69
FIREWORK	Fireworks Complaint	2
FPUB	Fire Public Assist	3
FRAUD	Fraud/Forgery	36
FSMK	Smoke Check	1
FSTR	Structure Fire	1
GAME	Game Violation	3
GRAFFITI	Graffiti	3
HARS	Harassment	80
HIT/RUN	Hit & Run	53
HOUSE CH	House Check	15
INFO	Information	140
INTOX	Intoxicated Subject	17
JUVC	Juvenile Complaint	55
LINE	Lines Down	3
LITTER	Littering	3
MENC	MENACING	2
MENTAL	Mental Subject	12
MIP	Minor in Possession Alcohol/Tobacco	6
MISC	Miscellaneous	26
MISSING	Missing Person	11
MVA	Motor Vehicle Accident	318
NOIS	Noise Complaint	35
OPEN	Open Door/Window	23
PARK	Parking Complaint	58
PPARREST	P&P Sanction/Detention/LSA	3
PPWORK	P&P Work Crew	12
PROP	Property Found/Lost	47
PROWLER	Prowler	14
PUB WRKS	Public Works	21
REG OFFD	Sex Offender Registration	13
REPO	Repossession	8
ROBB	Robbery	2
RUNAWAY	Runaway	12

**PENDLETON POLICE DEPARTMENT**

Page 3

INCIDENTS BY INCIDENT TYPE

NOVEMBER 2014

12/05/2014

INCIDENT TYPE	DESCRIPTION	NUMBER THIS TYPE
SAR	Search & Rescue	3
SCRAP	Scrap Metal Log	12
SEXC	Sex Crime	8
SHOTS	Shots Fired	19
SOLICIT	Solicitor Violation	2
STALKING	Stalking Complaint	2
SUBPOENA	Subpoena	3
SUICIDAL	Suicidal Subject	20
SUSP	Suspicious Activity	283
T911	Transferred 911 Calls	130
THAZ	Traffic Hazard	65
THEFT	Theft Complaint	132
TOW	Towed Vehicle	1
TRAFFCON	Traffic Control	5
TRANS	Transport Orders	17
TRESPASS	Trespass	70
TSTOP	Traffic Stop	1399
UEMV	Unauthorized Entry MV	16
UPRR	Union Pacific RR Complaint	5
UUMV	Unauthorized Use MV	21
VCONTACT	Violation Court Order NCO	2
VEHCK	VEHICLE CHECK	98
VRO	Violation Restraining Order	13
WALK	Foot Patrol/Bar Check	71
WCHK	Welfare Check	70
WRT	Warrant Arrest	93
WRT ATT	Warrant Service Attempt	32
Total Incidents		7037

CITY OF PENDLETON

General Fund Revenues & Expenses

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29-Jan-13

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YTD % Guideline

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Actual		ADOPTED		
FY14	Description	BUDGET	ACTUAL	PERCENT
		FY15	THRU 10/31/14	FY15
GENERAL FUND REVENUES				
2,422,611	Beginning Fund Balance	3,183,300	3,005,350	94.41%
5,606,276	Taxes	5,949,700	321,924	5.41%
0.00	Special Assessments	0	0	
3,446,447	Licenses and Permits	3,356,470	1,161,377	34.60%
835,670	Intergovernmental Revenues	821,000	181,301	22.08%
1,296,144	Charges for Services	1,315,000	(148,824)	-11.32%
404,308	Fines and Forfeitures	405,000	114,971	28.39%
194,187	Miscellaneous Revenues	142,490	75,977	53.32%
163,009	Transfers	174,240	0	0.00%
<u>14,368,651</u>	Total General Fund Revenues	<u>15,347,200</u>	<u>4,712,076</u>	30.70%
GENERAL FUND EXPENDITURES				
310,853	Court	356,450	107,940.56	30.28%
3,894,571	Police	4,080,225	1,266,497.99	31.04%
3,505,123	Fire & Ambulance	3,639,230	1,171,942.18	32.20%
1,018,928	Parks	1,020,400	358,599.74	35.14%
435,559	Recreation	504,450	165,804.05	32.87%
439,066	Aquatic Center	469,350	257,263.57	54.81%
203,392	Cemetery	258,550	80,502.71	31.14%
250,413	Planning	267,200	80,228.31	30.03%
241,865	Building	263,000	87,538.51	33.28%
36,975	Economic Development	77,700	12,054.55	15.51%
<u>1,026,556</u>	NonDepartmental Expenditures	<u>4,410,645</u>	<u>169,439.73</u>	3.84%
<u>11,363,301</u>	Total General Expenditures	<u>15,347,200</u>	<u>3,757,812</u>	24.49%

CITY OF PENDLETON

Special Revenue Fund Revenues & Expenditures
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29-Jan-13

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Actual FY14	Description	ADOPTED BUDGET FY15	ACTUAL THRU 10/31/14	PERCENT FY15
	STATE TAX STREET FUND			
	Revenues			
528,514	Beginning Fund Balance	645,000	810,490	125.66%
0.00	Licenses & Permits	0	0	
1,188,312	Intergovernmental Revenues	1,271,700	238,074	18.72%
216,318	Charges for Services	173,100	55,146	31.86%
20,072	Miscellaneous Revenues	4,000	1,362	34.05%
0	Interfund Transfers	0	0.00	
1,953,216	Total Street Fund Revenues	2,093,800	1,105,072	52.78%
	Expenditures			
302,862	Personal Services	336,050	114,407	34.04%
642,505	Materials and Services	737,720	169,871	23.03%
185,789	Capital Outlay	800,000	67,980	8.50%
0	Debt Service	0	0	
11,570	Interfund Transfers	12,010	0	0.00%
0	Contingency	208,020	0	0.00%
1,142,726	Total Street Expenditures	2,093,800	352,258	16.82%
	BIKE FUND			
	Revenues			
7,157	Beginning Fund Balance	8,400	8,782	104.55%
9,572	Intergovernmental Revenues	9,600	2,405	25.05%
53	Miscellaneous Revenues	50	16	32.62%
16,782	Total Bike Fund Revenues	18,050	11,204	62.07%
	Expenditures			
8,000	Materials and Services	9,500	0	0.00%
0	Capital Outlay	0	0	
0	Unappropriated Balance	8,550	0	0.00%
8,000	Total Bike Expenditures	18,050	0	0.00%

CITY OF PENDLETON

Special Revenue Fund Revenues & Expenditures

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29-Jan-13

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Actual FY14	Description	ADOPTED BUDGET FY15	ACTUAL THRU 10/31/14	PERCENT FY15
LIBRARY FUND				
Revenues				
69,192	Beginning Fund Balance	59,000	90,088	152.69%
13,256	Licenses & Permits	18,000	5,195	28.86%
417,344	Intergovernmental Revenues	396,185	6,777	1.71%
39,359	Miscellaneous Revenues	46,095	5,324	11.55%
63,030	Interfund Transfers	58,040	19,352	33.34%
602,180	Total Library Revenues	577,320	126,736	21.95%
Expenditures				
350,452	Personal Services	360,620	111,439	30.90%
133,670	Materials and Services	118,040	28,930	24.51%
16,500	Capital Outlay	26,000	0	0.00%
	Debt Service	1,000		
11,470	Transfers	11,830	0	0.00%
0	Contingency	59,830	0	0.00%
512,093	Total Library Expenditures	577,320	140,370	24.31%
LIBRARY SPECIAL TRUST FUND				
Revenues				
651,974	Beginning Fund Balance	53,970	64,502	119.51%
10,753	Miscellaneous Revenues	30,270	3,086	10.20%
294	Interfund Transfers	30	0	0.00%
663,020	Total Library Special Trust Reven	84,270	67,588	80.20%
Expenditures				
598,519	Materials and Services	30,000	6,833	22.78%
0	Capital Outlay	0	0	
0	Reserve		0	
0	Unappropriated Balance	54,270	0	0.00%
598,519	Total Library Special Trust Expen	84,270	6,833	8.11%
LIBRARY PERMANENT TRUST FUND				
Revenues				
140,578	Beginning Fund Balance	6,090	6,090	100.00%
294	Miscellaneous Revenues	30	10	34.93%
0	Interfund Transfers		0	
140,872	Total Library Perm Trust Revenue	6,120	6,101	99.68%
Expenditures				
134,782	Transfer to Library Special	30	0	0.00%
	Unappropriated Balance	6,090		
134,782	Total Library Perm Trust Expendi	6,120	0	0.00%

CITY OF PENDLETON

Special Revenue Fund Revenues & Expenditures

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29-Jan-13

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Actual FY14	Description	ADOPTED BUDGET FY15	ACTUAL THRU 10/31/14	PERCENT FY15
TRANSPORTATION FUND				
Revenues				
389,378	Beginning Fund Balance	59,800	398,764	666.83%
20,557	Licenses and Fees	15,000	8,881	
209,419	Intergovernmental Revenues	302,450	65,079	21.52%
11,698	Miscellaneous Revenues	5,000	2,985	59.70%
22,500	Interfund Transfers	22,500	7,500	33.33%
653,552	Total Trans Revenues	404,750	483,209	119.38%
Expenditures				
247,999	Materials and Services	282,000	77,409	27.45%
6,790	Capital Outlay	94,750	46,902	49.50%
0	Debt Service		0	
0	Contingency	28,000	0	0.00%
254,789	Total Trans Expenditures	404,750	124,311	30.71%
COMMUNITY DEV BLOCK GRANT				
Revenues				
2,613	Beginning Fund Balance	2,600	2,626	100.99%
0	Intergovernmental Revenues	0	0	
8,763	Miscellaneous Revenues	0	4	
0	Interfund Transfers	0	0	
11,376	Total CDBG Revenues	2,600	2,630	101.16%
Expenditures				
8,750	Materials and Services	0	0	
0	Debt Service	0	0	
0	Interfund Transfers	0	0	
0	Contingency	2,600	0	
8,750	Total CDBG Expenditures	2,600	0	0.00%
COMMUNITY DEVELOPMENT				
Revenues				
774,318	Beginning Fund Balance	575,300	587,609	102.14%
0	Intergovernmental Revenues	0	0	
192,013	Miscellaneous Revenues	67,100	13,173	19.63%
0	Interfund Transfer		0	
966,330	Total Community Development R	642,400	600,782	93.52%
Expenditures				
4,980	Materials and Services	90,000	112	0.12%
0	Capital Outlay	0	0	
51,042	Debt Service	0	0	
322,700	Interfund Transfer	0	0	
0	Contingency	100,000		
0	Reserve	452,400	0	0.00%
378,722	Total Community Development E	642,400	112	0.02%

CITY OF PENDLETON

Special Revenue Fund Revenues & Expenditures

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Actual FY14	Description	ADOPTED BUDGET FY15	ACTUAL THRU 10/31/14	PERCENT FY15
SIDEWALK REPAIR LOAN				
Revenues				
(97,714)	Beginning Fund Balance	0	(69,125)	
0	Intergovernmental Revenues	0	0	
30,346	Miscellaneous Revenues	77,500	3,902	5.04%
0	Interfund Transfers	0	0	
-67,368	Total Sidewalk Repair Loan Reve	77,500	-65,223	-84.16%
Expenditures				
0	Materials and Services	300	0	0.00%
0	Capital Outlay	0	0	
1,757	Debt Service	77,200	232	0.30%
	Contingency	0		
1,757	Total Sidewalk Repair Loan Expe	77,500	232	0.30%
PENDLETON CONVENTION CENTER				
Revenues				
(158,540)	Beginning Fund Balance	0	(130,961)	
416,811	Transient Room Tax	390,000	155,538	39.88%
47,925	Licenses & Permits	50,000	4,796	9.59%
0	Intergovernmental	0	0	
181,304	Charges for Services	262,000	61,374	23.43%
18,261	Miscellaneous Revenues	144,250	11,922	8.26%
0	Interfund Transfers	0	0	
505,760	Total PCC Revenues	846,250	102,669	12.13%
Expenditures				
253,146	Personal Services	263,220	89,820	34.12%
371,619	Materials and Services	404,510	102,241	25.28%
0	Capital Outlay	0	0	
4,267	Debt Service	172,000	726	0.42%
7,690	Interfund Transfers	6,520	0	0.00%
0	Contingency	0	0	
636,722	Total PCC Expenditures	846,250	192,787	22.78%

CITY OF PENDLETON

Special Revenue Fund Revenues & Expenditures

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Actual FY14	Description	ADOPTED BUDGET FY15	ACTUAL THRU 10/31/14	PERCENT FY15
PCC TPAC FUND				
Revenues				
42,927	Beginning Fund Balance	662,000	136,007	20.54%
92,704	TPAC Fee	90,000	30,109	33.45%
376	Miscellaneous Revenues	500	825,735	165147.03%
0	Interfund Transfer	0	0	
136,007	Total PCC TPAC Revenues	752,500	991,852	131.81%
Expenditures				
0	Materials and Services	2,000	0	
0	Capital Outlay	648,000	14,407	2.22%
0	Debt Service	66,000	6,180	9.36%
0	Reserve for TPAC	36,500	0	
0	Total PCC TPAC Expenditures	752,500	20,587	2.74%
POLICE INTERAGENCY SPECIAL REVOLVING				
Revenues				
56,513	Beginning Fund Balance	48,000	72,622	151.30%
121,111	Intergovernmental Revenues	116,000	36,670	31.61%
4,400	Charges for Services	4,800	1,600	
9,224	Miscellaneous Revenues	1,600	296	18.53%
0	Interfund Transfers	0	0	
191,248	Total Police Special Rev Revenue	170,400	111,188	65.25%
Expenditures				
118,626	Materials and Services	170,400	31,069	18.23%
0	Capital Outlay	0	0	
0	Interfund Transfers	0	0	
118,626	Total Police Special Revolv Exper	170,400	31,069	18.23%
SYSTEM DEVELOPMENT FEES FUND				
Revenues				
700,446	Beginning Fund Balance	751,500	819,757	109.08%
574	Assessments	550	287	52.15%
125,534	Miscellaneous Revenues	207,500	16,783	8.09%
0	Interfund Transfer	0	0	
826,553	Total System Development Fees	959,550	836,827	87.21%
Expenditures				
6,796	Capital Outlay	959,550	0	0.00%
0	Debt Service	0	0	
0	Interfund Transfer Out	0	0	
0	Reserve for Future Development	0	0	
6,796	Total System Development Fees	959,550	0	0.00%

CITY OF PENDLETON

Special Revenue Fund Revenues & Expenditures

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Actual FY14	Description	ADOPTED BUDGET FY15	ACTUAL THRU 10/31/14	PERCENT FY15
PARKS TRUST FUND				
Revenues				
121,357	Beginning Fund Balance	113,500	128,408	113.13%
8,251	Miscellaneous Revenues	7,000	2,092	29.88%
0	Interfund Transfers	0	0	
129,608	Total Parks Trust Revenues	120,500	130,500	108.30%
Expenditures				
1,200	Capital Outlay	25,000	9,728	38.91%
0	Reserve for Future Development	95,500	0	0.00%
1,200	Total Parks Trust Expenditures	120,500	9,728	8.07%
PARKS & CEMETERY EQUIPMENT RESERVE FUND				
Revenues				
46,143	Beginning Fund Balance	20,350	21,168	104.02%
205	Miscellaneous Revenues	200	38	18.82%
12,000	Interfund Transfers	5,000	1,672	33.44%
58,349	Total Parks Equipment Res Revei	25,550	22,877	89.54%
Expenditures				
37,181	Capital Outlay	25,550	0	0.00%
0	Reserve for Equipment	0	0	
37,181	Total Parks Equip Res Expenditur	25,550	0	0.00%
PULBIC SAFETY EQUIPMENT RESERVE FUND				
Revenues				
(39,024)	Beginning Fund Balance	68,300	(39,024)	
0	Intergovernmental	0	0	
163,215	Charges for Services	170,000	54,421	32.01%
79	Miscellaneous Revenues	0	160	
0	Interfund Transfers	0	0	
124,270	Total Public Safety Equipment Re	238,300	15,557	6.53%
Expenditures				
57,544	Capital Outlay	237,300	0	0.00%
120	Debt Service	1,000	0	0.00%
0	Interfund Transfer Out	0	0	
0	Reserve for Equipment	0	0	
57,663	Total Public Safety Equip Res Exp	238,300	0	0.00%

CITY OF PENDLETON

Special Revenue Fund Revenues & Expenditures

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29-Jan-13

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Actual FY14	Description	ADOPTED BUDGET FY15	ACTUAL THRU 10/31/14	PERCENT FY15
COUNTY DISPATCH CAPITAL EQUIPMENT FUND				
Revenues				
195,483	Beginning Fund Balance	9,800	133,208	1359.27%
60,000	Charges for Services	60,000	20,000	33.33%
903	Miscellaneous Revenues	300	245	81.59%
256,386	Total County Dispatch Equipmen	70,100	153,453	218.91%
Expenditures				
44,461	Materials & Services	5,000	0	0.00%
78,717	Capital Outlay	65,100	0	0.00%
0	Interfund Transfer Out		0	
0	Reserve for Equipment	0	0	
123,177	Total County Dispatch Equipmen	70,100	0	0.00%
Horne Cemetery Special Trust Fund				
Revenues				
20,246	Beginning Fund Balance	20,175	20,257	100.40%
97	Miscellaneous Revenues	100	35	34.65%
0	Interfund Transfers	0	0	
20,344	Total Horne Special Trust Revenu	20,275	20,291	100.08%
Expenditures				
87	Materials & Services	200	0	0.00%
0	Reserve	20,075	0	0.00%
87	Total Parks Equip Res Expenditur	20,275	0	0.00%
Hospital Road Special Fund				
Revenues				
0	Beginning Fund Balance	CLOSED 0	0	
377,740	Intergovernmental Revenues	0	0	
0	Miscellaneous Income	0	0	
377,740	Total Hospital Rd Spec Revenues	0	0	
Expenditures				
377,740	Capital Outlay	0	0	
377,740	Total Hospital Rd Spec Expenditu	0	0	

CITY OF PENDLETON

Capital Projects & Debt Funds Revenues & Expenses

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1-Feb-13

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Actual FY14	Description	ADOPTED BUDGET FY15	ACTUAL THRU 10/31/14	PERCENT FY15
LID CONSTRUCTION FUND				
Revenues				
(12,981)	Beginning Fund Balance	(93,000)	(209,145)	224.89%
218,726	Special Assessments	176,000	106,954	60.77%
562,951	Intergovernmental Revenues	0	118,354	
86,974	Miscellaneous Revenues	509,725	79,962.54	15.69%
855,670	Total LID Const Fund Revenues	592,725	96,125	16.22%
Expenditures				
360	Materials and Services	500	0	0.00%
935,273	Capital Outlay	250,000	(36,126)	-14.45%
129,183	Interest	342,225	2,149	0.63%
0	Contingency	0	0	
1,064,816	Total LID Cont Expenditures	592,725	-33,977	-5.73%
HHB2001 ROAD PROJECTS CONSTRUCTION FUND				
Revenues				
2,084	Beginning Fund Balance	12,000	13,176	
457,600	Intergovernmental Revenues	876,580	297	0.03%
13	Miscellaneous Revenues	0	20	
0	Transfers In	0	0	
459,697	Total HB2001 Rd Construct Fund R	888,580	13,493	1.52%
Expenditures				
0	Material & Services	0	0	
446,147	Capital Outlay	888,080	0	0.00%
374	Debt Service	500	18	
446,521	Total HB2001 Rd Construct Fund E	888,580	18	0.00%
DEBT SERVICE FUND				
Revenues				
35,150	Beginning Fund Balance	4,000	15,105	377.62%
481,932	Taxes	232,340	10,629	4.57%
633	Miscellaneous Revenues	200	0	0.00%
517,715	Total Debt Service Revenues	236,540	25,734	10.88%
Expenditures				
502,610	Debt Service	232,225	8,613	3.71%
0	Unappropriated Balance	4,315	0	0.00%
502,610	Total Debt Service Expenditures	236,540	8,613	3.64%

CITY OF PENDLETON

Enterprise Funds Revenue & Expenses

Projects\bud15\council\Enterprise Funds R&E 1-Feb-13 4:00 PM YTD % Guideline
33.00%

Actual FY14	Description	ADOPTED BUDGET FY15	ACTUAL THRU 10/31/14	PERCENT FY15
WATER FUND				
Revenues				
-121,058	Beginning Working Capital	2,500	74,013	2960.53%
0	Intergovernmental	1,500,000	0	0.00%
3,597,092	Charges for Services	3,790,050	1,838,501	48.51%
51,027	Miscellaneous Revenues	44,000	27,637	62.81%
0.00	Interfund Transfers	0	0	
3,527,061	Total Water Fund Revenues	5,336,550	1,940,151	36.36%
Expenditures				
381,308	Personal Services	443,030	144,322	32.58%
2,015,949	Materials and Services	2,111,980	798,150	37.79%
577,208	Capital Outlay	1,880,000	115,636	6.15%
464,373	Debt Service	573,220	0	0.00%
14,210	Interfund Transfers	261,170	0	0.00%
0	Contingency	67,150	0	0.00%
0	Reserve	0	0	
3,453,048	Total Water Expenditures	5,336,550	1,058,108	19.83%
WATER CAPITAL RESERVE FUND				
Revenues				
0	Beginning Working Capital	0	0	
0	Miscellaneous Revenues	500	0	0.00%
0	Interfund Transfers	250,000	0	0.00%
0	Total Water Cap Res Revenues	250,500	0	0.00%
Expenditures				
0	Capital Outlay	0	0	
0	Interfund Transfers			
0	Reserve for Future Dev	250,500	0	0.00%
0	Total Water Cap Res Expenditure	250,500	0	0.00%
SEWER FUND				
Revenues				
1,368,872	Beginning Working Capital	1,213,100	1,119,815	92.31%
588,030.00	Intergovernmental	0	0	
3,906,276	Charges for Services	3,694,500	1,266,218	34.27%
26,086	Miscellaneous Revenues	95,700	4,142	4.33%
0.00	Interfund Transfers	0	0	
5,889,263	Total Sewer Fund Revenues	5,003,300	2,390,175	47.77%
Expenditures				
475,763	Personal Services	590,290	168,685	28.58%
1,848,631	Materials and Services	1,878,585	567,551	30.21%
762,849	Capital Outlay	875,000	132,394	15.13%
426,742.00	Debt Service	426,036	220,915	51.85%
1,255,463	Interfund Transfers	1,160,183	159,786	13.77%
0.00	Contingency	73,206	0	0.00%
4,769,448	Total Sewer Expenditures	5,003,300	1,249,331	24.97%

CITY OF PENDLETON

Enterprise Funds Revenue & Expenses

Projects\bud15\council\Enterprise Funds R&E 1-Feb-13 4:00 PM YTD % Guideline
33.00%

Actual FY14	Description	ADOPTED BUDGET FY15	ACTUAL THRU 10/31/14	PERCENT FY15
SEWER CAPITAL RESERVE FUND				
Revenues				
2,645,194	Beginning Working Capital	3,157,700	3,176,611	100.60%
31,418	Miscellaneous Revenues	15,000	8,228	54.85%
500,000	Interfund Transfers	541,500	0	0.00%
3,176,611	Total Sewer Cap Res Revenues	3,714,200	3,184,839	85.75%
Expenditures				
0	Capital Outlay	0	0	
0	Debt Service		0	
Interfund Transfers				
0	Reserve for Future Dev	3,714,200	0	0.00%
0	Total Sewer Cap Res Expenditure	3,714,200	0	0.00%
WWTP CAPITAL PROJECTS CONSTRUCTION FUND				
Revenues				
141,418	Beginning Working Capital	141,500	141,418	99.94%
0	Miscellaneous Revenues	0	0	
0	Interfund Transfers	0	0	
141,418	Total WWTP Capital Projects Cor	141,500	141,418	99.94%
Expenditures				
0	Materials & Service	0	0	
0	Capital Outlay	0	0	
Interfund Transfers				
0	Reserve for Future Dev	141,500	0	0.00%
0	Total WWTP Capital Projects Cor	141,500	0	0.00%
WWTP BOND RESERVE FUND				
Revenues				
744,698	Beginning Working Capital	744,700	744,698	100.00%
0	Miscellaneous Revenues	0	0	
0	Interfund Transfers	0		
744,698	Total WWTP Bond Reserve Revei	744,700	744,698	100.00%
Expenditures				
0	Reserve for Future Debt Service		0	
0	Total WWTP Bond Reserve Exper		0	

CITY OF PENDLETON

Enterprise Funds Revenue & Expenses

Projects\bud15\council\Enterprise Funds R&E

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YTD % Guideline

33.00%

Actual FY14	Description	ADOPTED BUDGET FY15	ACTUAL THRU 10/31/14	PERCENT FY15
WWTP DEBT SERVICE FUND				
Revenues				
0	Beginning Working Capital	0	0	
0	Miscellaneous Revenues	0	0	
740,773	Interfund Transfers	744,573	159,786	21.46%
740,773	Total WWTP Debt Service Revenue	744,573	159,786	21.46%
Expenditures				
740,773	Debt Service	744,573	159,786	21.46%
740,773	Total WWTP Debt Service Expenditure	744,573	159,786	21.46%
WWTP RATE STABILIZATION FUND				
Revenues				
450,000	Beginning Working Capital	450,000	450,000	100.00%
0	Interfund Transfers	0	0	
450,000	Total WWTP Debt Service Revenue	450,000	450,000	100.00%
Expenditures				
0	Reserve for Future Debt Service	450,000	0	0.00%
0	Total WWTP Debt Service Expenditure	450,000	0	0.00%
AIRPORT FUND				
Revenues				
(2,214,576)	Beginning Working Capital	0	(2,170,390)	
0	Licenses & Fees	0	0	
923,776	Intergovernmental Revenues	705,000	(141,305)	-20.04%
398,660	Charges for Services	754,000	171,634	22.76%
75,231	Miscellaneous Revenues	2,206,200	40,029	1.81%
399,600	Interfund Transfers	85,000	78,336	92.16%
(417,309)	Total Airport Revenues	3,750,200	(2,021,696)	-53.91%
Expenditures				
266,085	Personal Services	255,600	96,001	37.56%
437,173	Materials and Services	648,040	188,175	29.04%
996,746	Capital Outlay	515,000	40,771	7.92%
44,277	Debt Service	2,323,000	7,747	0.33%
8,800	Interfund Transfers	8,560	0	0.00%
0	Contingency	0	0	
1,753,081	Total Airport Expenditures	3,750,200	332,695	8.87%
CEMETERY PERP CARE TRUST FUND				
Revenues				
729,538	Beginning Fund Balance	732,600	766,557	104.64%
3,573	Fees	3,150	810	25.70%
39,455	Miscellaneous Revenues	13,000	2,899	22.30%
772,566	Total Cemetery Trust Revenues	748,750	770,265	102.87%
Expenditures				
6,009	Interfund Transfers	13,000	0	0.00%
0	Unappropriated Balance	735,750	0	0.00%
6,009	Total Cemetery Trust Expenditures	748,750	0	0.00%

CITY OF PENDLETON

Enterprise Funds Revenue & Expenses

Projects\bud15\council\Enterprise Funds R&E

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YTD % Guideline

33.00%

Actual FY14	Description	ADOPTED BUDGET FY15	ACTUAL THRU 10/31/14	PERCENT FY15
	C&R FUND			
	Revenues			
338,280	Beginning Working Capital	265,205	309,721	116.79%
1,206,413	Charges for Services	1,365,695	451,837	33.08%
2,608	Miscellaneous Revenues	6,100	789	12.94%
1,547,300	Total C&R Fund Revenues	1,637,000	762,347	46.57%
	Expenditures			
833,333	Personal Services	948,180	297,903	31.42%
194,985	Materials and Services	221,710	62,021	27.97%
181,492	Capital Outlay	306,000	0	0.00%
27,770	Interfund Transfers	29,280	0	0.00%
0	Contingency	56,000	0	0.00%
0	Reserve for Equipment	75,830	0	0.00%
1,237,579	Total C&R Expenditures	1,637,000	359,923	21.99%

CITY OF PENDLETON

Internal Service Revenues & Expenditures

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YTD % Guidelines

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Actual FY14	Description	ADOPTED BUDGET FY15	ACTUAL THRU 10/31/14	PERCENT FY15
CENTRAL SERVICE FUND				
Revenues				
488,000	Beginning Working Capital	625,490	488,000	78.0%
14,185	Fees	14,000	120	0.9%
61,548	Licenses & Permits	84,100	1,868	2.2%
60,000	Intergovernmental Revenues	58,170	0	0.0%
2,568,470	Charges for Services	2,481,090	826,366	33.3%
24,634	Miscellaneous Revenues	7,590	3,460	45.6%
0	Interfund Transfers		0	
<u>3,216,838</u>	Total C S Fund Revenues	<u>3,270,440</u>	<u>1,319,814</u>	40.4%
Expenditures				
359,620	City Manager's Office	402,750	125,523	31.2%
52,615	City Council & Mayor	52,950	29,661	56.0%
300,964	Insurance	279,500	470,240	168.2%
0	PDC Admin	35,000	0	0.0%
265,398	Legal	305,800	101,011	33.0%
570,253	Finance	793,900	187,745	23.6%
339,954	Engineering	446,300	122,124	27.4%
520,129	Facilities	530,900	161,429	30.4%
152,657	Information Technology	184,500	142,352	77.2%
7,000	Interfund Transfers	0	0	
60,800	Interfund Transfers	66,260	0	0.0%
0	Contingency	172,580	0	0.0%
<u>2,629,390</u>	Total C S Expenditures	<u>3,270,440</u>	<u>1,340,084</u>	41.0%

CITY OF PENDLETON

Capital Projects & Debt Funds Revenues & Expenses

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Actual FY14	Description	ADOPTED BUDGET FY15	ACTUAL THRU 10/31/14	PERCENT FY15
PENDLETON FOUNDATION TRUST FUND				
Revenues				
41,263	Beginning Fund Balance	5,000	49,381	987.62%
154,513	Miscellaneous Revenues	235,000	73	0.03%
195,776	Total Pendleton Found Revenues	240,000	49,454	20.61%
Expenditures				
146,395	Materials & Services	240,000	7,500	3.13%
146,395	Total Pendleton Found Expenditur	240,000	7,500	3.13%

