



REVISED

**MONDAY, AUGUST 5, 2019
CITY COUNCIL MEETING AGENDA
Regular meeting 7:00 p.m.
Scappoose Council Chambers
33568 East Columbia Avenue**

ITEM AGENDA TOPIC

Action

Call to Order

Pledge of Allegiance

Roll Call

Approval of the Agenda

Public Comments

1. Consent Agenda ~ July 15, 2019 City Council meeting minutes and reappointment of Cara Heinze and Alyse Lansing to the Park and Recreation Committee

New Business

2. Ordinance No. 883: An Ordinance Enacting the Scappoose Municipal Code Chapter 3.26 to Enact a Fuel Tax of 3 Cents Per Gallon for Street Improvements, Repair and Maintenance

Discussion

3. Resolution No. 19-16 ~ Fuel Tax Ballot Title

Discussion

Staff: Program Analyst Huell White

4. Quitclaim Deed for Bernet Property

Approval

Staff: Assistant to City Manager Alexandra Rains

Announcements ~ information only

5. Calendar

City Manager, Police Chief, Councilors, and Mayor

6. Executive Session:

1. ORS 192-660(2)(d) Labor Negotiations

2. ORS 192-660(2)(d) Labor Negotiations

Open Session

7. Local 1442-1 AFSCME Council No.75 AFL-CIO Union Contract **Approval**

8. Fraternal Order of Police Oregon Lodge #7 (Representing the Scappoose Police Officer's Guild) Union Contract

Approval

Adjournment

This meeting will be conducted in a handicap accessible room. If special accommodations are needed, please contact City Recorder, Susan Reeves at (503) 543-7146, ext. 224 in advance.

TTY 1-503-378-5938

1.

MONDAY, JULY 15, 2019
CITY COUNCIL MEETING
Regular meeting 7:00 p.m.
Scappoose Council Chambers
33568 East Columbia Avenue

Call to Order

Mayor Burge called the meeting to order at 7:00 p.m.

Pledge of Allegiance

Roll Call

Scott Burge	Mayor	Michael Sykes	City Manager
Patrick Kessi	Council President	Norm Miller	Police Chief
Megan Greisen	Councilor	Susan M. Reeves	City Recorder
Natalie Sanders	Councilor	Alexandra Rains	Assistant to City Manager
Joel Haugen	Councilor	Laurie Oliver	City Planner
Josh Poling	Councilor	Huell White	Program Analyst
Brandon Lesowske	Councilor		

Peter Watts Legal Counsel Press: Anna Del Savio, Columbia County Spotlight

Approval of the Agenda

Councilor Sanders moved, and Councilor Greisen seconded the motion to approve the agenda. Motion passed (7-0). Mayor Burge, aye; Council President Kessi, aye; Councilor Greisen, aye; Councilor Sanders, aye; Councilor Haugen, aye; Councilor Poling, aye and Councilor Lesowske, aye.

Public Comments

NJ Johnson explained he is a lifelong resident of Scappoose and is currently a college student. He explained for the past couple of weeks he has been interning here at City Hall.

Council welcomed NJ.

Consent Agenda ~ June 17, 2019 City Council meeting minutes and reappointment of Christine Collins, Brian Rosenthal and Phil Griffin to the Economic Development Committee

Councilor Sanders moved, and Councilor Haugen seconded the motion that Council approve the Consent Agenda ~ June 17, 2019 City Council meeting minutes and reappointment of Christine Collins, Brian Rosenthal and Phil Griffin to the Economic Development Committee. Motion passed (7-0). Mayor Burge, aye; Council President Kessi, aye; Councilor Greisen, aye; Councilor Sanders, aye; Councilor Haugen, aye; Councilor Poling, aye and Councilor Lesowske, aye.

Old Business

Ord. No. 882: An Ordinance to Establish Urban Renewal Agency

Assistant to City Manager Alexandra Rains explained this is on second reading. She explained there were no requested changes by Council at the last meeting, so it is the same as it was prior. She explained staffs recommendation is for Council to adopt Ordinance No. 882 as presented.

Mayor Burge read the title for the second time ~ Ordinance No. 882: An Ordinance Declaring that Blighted Areas Exist in the City of Scappoose Establishing the Need for an Urban Renewal Agency in the City and Electing a Method for Exercising of the Power of an Urban Renewal Agency Within the City. Creating Sections: 2.56– 2.56.080 Urban Renewal Agency of The Scappoose Municipal Code.

Council President Kessi asked if the middle school will be added in?

Assistant to City Manager Alexandra Rains replied yes, we will add that in.

Councilor Lesowske explained at the last discussion regarding this you indicated that you were going to have a discussion with Chief Greisen regarding his concerns. He asked if staff could provide an update on that.

Assistant to City Manager Alexandra Rains explained the she, City Manager Sykes and Consultant Elaine Howard met with Chief Greisen and she thinks his general frustration was that he felt like there wasn't enough information shared with him. She explained Chief Greisen did feel the memo that was provided to him addressed most of what he was asking about. She explained Chief Greisen said he would respond to the memo, however, he hasn't as of this date. She explained Chief Greisen did ask some additional questions that staff followed up on and they just provided him with some information today. She feels there was just some general confusion on the nature of this particular ordinance, that this was just to establish the agency because of the process the State requires, in that the agency has to be established in order to review the plan. She explained at this point we are just waiting on his response and then we will take it from there.

City Manager Sykes stated he thinks they can assure Council that over the course of developing the plan we are going to make sure to keep Chief Greisen abreast of the information and try to alleviate any concerns. He stated at the end of the day it does take funds that would have gone to the Fire District and puts them into Urban Renewal.

Assistant to City Manager Alexandra Rains explained she thinks some of the additional confusion also came in because when St. Helens just did their Urban Renewal District, their budget was much bigger than ours, so the consulting team actually had time to go meet each individual taxing district and we couldn't afford to have the consultant team come out and do that, so we did the TAC meetings in lieu of the individual meetings.

Councilor Lesowske replied thank you for the update.

Motion passed (7-0). Mayor Burge, aye; Council President Kessi, aye; Councilor Greisen, aye; Councilor Sanders, aye; Councilor Haugen, aye; Councilor Poling, aye and Councilor Lesowske, aye.

New Business

Seely Lane Right-of-Way Dedication

Assistant to City Manager Alexandra Rains went over the staff report. She explained as part of the development of Chief Concomly Park, the City completed a half street improvement on Seely Lane that requires a dedication of City property to the public right-of-way. Exhibits A and B of the staff report, provide the description of the property to be dedicated. She explained staff recommends Council approve the dedication of City property to public right-of-way.

Councilor Sanders moved, and Councilor Haugen seconded the motion that Council approve the dedication of City property to public right-of-way, as described in Exhibits A and B. Motion passed (7-0). Mayor Burge, aye; Council President Kessi, aye; Councilor Greisen, aye; Councilor Sanders, aye; Councilor Haugen, aye; Councilor Poling, aye and Councilor Lesowske, aye.

Res No. 19-13: Amendment to Park & Recreation Committee Bylaws

Program Analyst Huell White explained at their June 20th meeting, the Parks and Recreation Committee recommended City Council consider revising the Committee's bylaws to allow additional consecutive terms to be served by its members. Currently, the bylaws only allow two consecutive terms, and four consecutive terms is being proposed. The Committee felt this was important for two primary reasons, 1) it's often difficult to find volunteers to serve on a Committee that holds evening meetings, and 2) two existing members whose terms are expiring in August were only given a one-year long second term. In order to establish the staggered terms required by the bylaws, one of those members was chosen by the Committee at the May 16th meeting to serve as the new Committee Chair. He explained staff recommends Council approve Resolution No. 19-13, thereby approving the updated language to the Parks and Recreation Committee's Bylaws. He explained the new committee chair that was elected by the committee is one of the members whose term is up next month.

Mayor Burge replied he doesn't understand why we have a term limit on this. He explained they are appointed by the Mayor and ultimately the Mayor can say no, we want a change and do it. He stated he doesn't know why we even have it written in here.

Legal Counsel Peter Watts explained he thinks the bylaws have some unique features in them. He said it is really just up to the Council on what you want to do.

Consensus of the Council is to remove any term limits.

Councilor Haugen moved, and Council President Kessi seconded the motion that Council approve Resolution No. 19-13, as amended to remove any term limits, thereby approving updated language to the Parks and Recreation Committee's Bylaws. Motion passed (7-0). Mayor

Burge, aye; Council President Kessi, aye; Councilor Greisen, aye; Councilor Sanders, aye; Councilor Haugen, aye; Councilor Poling, aye and Councilor Lesowske, aye.

Res No. 19-14: A Resolution Adopting the City of Scappoose Housing Strategy Implementation Plan

City Planner Laurie Oliver went over the staff report. She explained seeing the need for a proactive approach on affordable housing, City Council set a goal for the 2018-19 fiscal year to “Develop an Affordable Housing Plan.” To this end, the City applied for and received a grant from the Department of Land Conservation and Development (DLCD) to adopt or advance strategies to increase the supply and affordability of housing in Scappoose. The grant provided funding for ECONorthwest to assist the City with the creation of a housing strategy implementation plan, with guidance from an Affordable Housing Strategy Technical Advisory Committee (TAC), composed of City Councilors and housing providers. Just a note, adoption of Resolution 19-14 does not implement any of the strategies identified in the Housing Strategy Implementation Plan. It is the final report on what strategies could be implemented in Scappoose should Council decide to do so in the future. ECONorthwest evaluated a range of potential strategies - options for local funding sources to support affordable housing and property tax abatements that can provide an incentive for certain types of housing. The tools identified are summarized in **Exhibit 1** (found on pages 3 – 5 of the Housing Strategy Implementation Plan, which is attached), along with the TAC’s recommendations. At a high level, the TAC recommended that the City advance the following elements of an affordable housing plan and housing strategy:

- Establish a locally controlled funding source to support Regulated Affordable and/or workforce housing.
- Support providers of Regulated Affordable Housing by offering a local program for property tax exemptions.
- Explore the potential to offer incentives to owners of existing low-cost market-rate housing to keep rents affordable as local market rents increase.
- Depending on how market conditions change over the coming years, consider one or more incentives to support housing development in specific situations that offer a public benefit and may not be financially feasible on their own (e.g., mixed use development in the town center or certain types of multifamily housing).

Exhibit 1 shows how the various tools considered through this process align with and can support these strategies as well as recommendations for how they could be applied in Scappoose if Council decides to implement them. Tools highlighted in green had strong support from the TAC for near-term implementation. Those in yellow had mixed opinions, require further study, or are recommended for consideration in future. Tools shown in orange were not supported by the TAC at this time. This exhibit also includes a column that outlines the next steps needed for each strategy identified.

City Planner Laurie Oliver explained staff recommends that the Council adopt Resolution 19-14 as presented.

Council President Kessi asked what do you see as the next steps?

City Planner Laurie Oliver replied the next step is going to be bringing a consultant on board to coordinate the interaction between the overlapping taxing districts, the housing agencies, and any other stakeholders that we need input from. She explained it would probably make sense to either reconvene the TAC to discuss the next steps of implementation or to just hold work sessions with Council moving forward, since we have already kind of completed the exercise to look at what is possible. She explained now it is really an issue for Council to decide which of the tools that are identified make the most sense to move forward with. She explained a big question was going to be whether or not the betterment funds could be used, which she has not received clarity on yet.

Legal Counsel Peter Watts replied it can't be under our current ordinance, but it appears we can amend the ordinance.

City Planner Laurie Oliver stated Mayor Burge had brought up the question, which she thinks is a great idea, how can we keep existing multifamily development affordable as opposed to those rents continually increasing. She explained there is a way to use MUPTE to retain older units as affordable. She explained it does require the property owner to sign an agreement that they will keep rents affordable. She explained if they are willing to enter into some sort of an agreement with the City, that could be a tool that could be used.

Councilor Lesowske stated so if the property were to change hands it would still following with that same potential abatement of property tax.

City Planner Laurie Oliver replied correct.

Council President Kessi moved and Councilor Poling seconded the motion that Council adopt Resolution 19-14 as presented. Motion passed (7-0). Mayor Burge, aye; Council President Kessi, aye; Councilor Greisen, aye; Councilor Sanders, aye; Councilor Haugen, aye; Councilor Poling, aye and Councilor Lesowske, aye.

Res No. 19-15: A Resolution to approve the lease agreement with Feenaughty Machinery Co/Wells Fargo Vendor Financial Services for an Excavator

City Manager Sykes explained at the June 17, 2019 City Council meeting Council authorized the purchase of the new Kobelco SK140SRDZ-5 Excavator. The City Council (the "Governing Body") has the power under the laws of the State to lease or purchase personal property for use by the Lessee; and the Governing Body has determined, and hereby determines, that it is in the best interests of the Lessee to enter into a Municipal Lease Agreement with Feenaughty Machinery CO ("Lessor") which lease will be assigned to Wells Fargo Vendor Financial Services, LLC ("Assignee") pursuant to an assignment by Lessor to Assignee (such Municipal Lease Agreement and Assignment are herein together referred to as the "Lease") for the purpose of financing the acquisition of the equipment (the "Equipment") described in Exhibit A to the Lease, and that the use of such Equipment is essential to the Lessee's proper, efficient and economic operation.

explained City Manager Sykes made the suggestion that he and Jenna go to the Senior Center Meeting. He explained Jenna took the afternoon off to go to the meeting, and they met there and there was not a meeting. He felt bad that Jenna took the afternoon off, so they decided to go to the School District and found out there was a board meeting that night. He attended the School Board meeting and proposed the idea of a dedicated space in the School District for these community art programs and there seemed to be a positive reception. He suggested we take a further step sometime soon to explore collaboration among Tumblewheel Studio, the City and the School District to get things rolling.

Mayor Burge asked Councilor Haugen if he would like to serve on the Crown Zellerbach Trail committee.

Councilor Haugen replied yes; he would be happy to.

Councilor Lesowske reminded everyone the Farmers' Market is up and running, and it is a great event.

Mayor Burge explained he went to the US Conference of Mayors for the very first time and it was good. He explained some Cities are taking a pledge that everyone in the City would be a ten-minute walk from a park, which allows additional access to opportunities for grants.

Mayor Burge read the opening statement and then went into Executive Session at 7:49 p.m.

Executive Session ~ ORS 192-660(2)(d) Labor Negotiations

Present: Mayor Scott Burge, Council President Patrick Kessi, Councilor Megan Greisen, Councilor Natalie Sanders, Councilor Joel Haugen, Councilor Josh Poling, Councilor Brandon Lesowske, City Manager Michael Sykes, Legal Counsel Peter Watts, Police Chief Norm Miller, City Recorder Susan Reeves and Anna Del Savio with the Columbia County Spotlight.

Mayor Burge came out of Executive Session at 8:05 p.m.

Adjournment

Mayor Burge adjourned the meeting at 8:05 p.m.

Mayor Scott Burge

Attest:

City Recorder Susan M. Reeves, MMC

CITY OF SCAPPOOSE

Council Action & Status Report

Date Submitted: August 1, 2019
Agenda Date Requested: August 5, 2019
To: Scappoose City Council
From: Program Analyst Huell White
Subject: Referral of ballot title - local fuel tax

TYPE OF ACTION REQUESTED:

☐ Resolution ☒ Ordinance No. 883
☐ Formal Action ☐ Report Only

ANALYSIS: City Council has included transportation funding, specifically a local fuel tax, as an objective since FY16-17. As one of the goals in enhancing community livability through promoting transportation improvements, the purpose of pursuing a viable transportation funding mechanism is to maintain and improve the current pavement condition index (PCI) of the City's street network and provide funding for infrastructure projects identified in the Transportation System Plan (2016). Per an updated Pavement Management Program Budget Options Report (2017), the City's allocation to pavement maintenance and rehabilitation is insufficient. Furthermore, inadequate connectivity of pedestrian and cyclist facilities present significant safety and livability concerns, specifically in and around the community's schools. Pavement report mentioned above recommends several funding scenarios for maintaining or increasing the current PCI. The 2016 TSP includes more than 50 fiscally constrained projects totaling approximately \$50 million. Nearly all identified pedestrian and cyclist projects in the TSP name the City of Scappoose as the primary or sole financier.

The results of the Scappoose Community Survey conducted at the end of calendar year 2018 indicated that over 80% of the community thinks that the maintenance and construction of streets and sidewalks is important in the scope of City services. At the 2019 Annual Town Meeting, 92% of attendees supported implementation of a local fuel tax of \$0.03 per gallon, as opposed to a property tax levy or transportation utility fee. A local fuel tax places the cost burden of street maintenance

Request for Council Action

on all users of streets within Scappoose – resident and nonresident alike. About 10 million gallons of fuel are sold within Scappoose city limits each year. The Oregon Department of Transportation's most recent vehicle trip data shows that approximately 30,000 vehicles travel through Scappoose every day – far more vehicles than accounts for Scappoose's population alone.

FISCAL IMPACT: Staff estimates that a local gas tax of \$0.03 would generate approximately \$300,000 in revenue annually.

RECOMMENDATION: Staff recommends that Council adopt the ordinance Enacting the Scappoose Municipal Code Chapter 3.26 to Enact a Fuel Tax of 3 Cents Per Gallon for Street Improvements, Repair and Maintenance.

SUGGESTED MOTION: I move Council adopts Ordinance No. 883: An Ordinance Enacting the Scappoose Municipal Code Chapter 3.26 to Enact a Fuel Tax of 3 Cents Per Gallon for Street Improvements, Repair and Maintenance.

ORDINANCE NO. 883

AN ORDINANCE ENACTING THE SCAPPOOSE MUNICIPAL CODE CHAPTER 3.26 TO ENACT A FUEL TAX OF 3 CENTS PER GALLON FOR STREET IMPROVEMENTS, REPAIR AND MAINTENANCE

WHEREAS, ORS 319.950 authorizes the City to enact or amend an ordinance taxing fuel for motor vehicles after submitting the proposed tax to the electors of the local government for their approval; and

WHEREAS, the City Council of Scappoose wishes to amend the Municipal Code to enact a motor vehicle fuel tax of 3 Cents per gallon for street improvements repairs and maintenance;

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

SECTION 1: Amends Title 3 with the addition of Chapter 3.26 of the Scappoose Municipal Code to read as follows:

Chapter 3.26 – MOTOR VEHICLE FUEL TAX

3.26.010 – Short title.

This chapter shall be known as the “Motor Vehicle Fuel Tax Ordinance.”

3.26.020 – Definitions

As used in this chapter, unless the context requires otherwise:

“City” means City of Scappoose and any person, agency, or other entity authorized by the city to act as its agent related to administration of the motor vehicle fuel tax ordinance or collection of the motor vehicle fuel tax.

“Dealer” means any person who:

- A. Supplies or imports motor vehicle fuel for sale, use, or distribution in, and after the same reaches the city, but “dealer” does not include any person who imports into the city motor vehicle fuel in quantities of five hundred gallons or less purchased from a supplier who is permitted as a dealer hereunder and who assumes liability for the payment of the applicable motor vehicle fuel tax to the city;
- B. Produces, refines, manufactures, or compounds motor vehicle fuels in the city for use, distribution, or sale in the city; or
- C. Acquires in the city for sale, use, or distribution in the city motor vehicle fuels with respect to which there has been no motor vehicle fuel tax previously incurred.

"Distributor" means, in addition to its ordinary meaning, the deliverer of motor vehicle fuel by a dealer to any service station or into any tank, storage facility, or series of tanks or storage

facilities connected by pipelines, from which motor vehicle fuel is withdrawn directly for sale or for delivery into the fuel tanks or motor vehicles whether or not the service station, tank, or storage facility is owned, operated, or controlled by the dealer.

"Motor vehicle" means all vehicles, engines or machines, moveable or immovable, operated or propelled by the use of motor vehicle fuel.

"Motor vehicle fuel" means and includes gasoline, diesel, and any other flammable or combustible gas or liquid, by whatever name that gasoline, gas, or liquid is known or sold, usable as fuel for the operation of motor vehicles. Propane fuel and motor vehicle fuel used exclusively as a structural heating source are excluded as a taxable motor vehicle fuel.

"Motor vehicle fuelhandler" means any person who acquires or handles motor vehicle fuel within the city through a storage tank facility with storage tank capacity that exceeds five hundred (500) gallons of motor vehicle fuel.

"Person" includes every natural person, association, firm, partnership, or corporation.

"Service station" means and includes any place operated for the purpose of retailing and delivering motor vehicle fuel into the fuel tanks of motor vehicles.

3.26.030 – Tax imposed

As of 12:01 a.m. on January 1, 2020, motor vehicle fuel tax is imposed on every dealer operating within the corporate limits of Scappoose. The City of Scappoose motor vehicle fuel tax imposed shall be paid monthly to the city.

- A. A person who is not a permitted dealer or permitted motor vehicle fuelhandler shall not accept or receive motor vehicle fuel in this city from a person who supplies or imports motor vehicle fuel who does not hold a valid motor vehicle fuel dealers permit in this city. If a person is not a permitted dealer or permitted motor vehicle fuelhandler in this city and accepts or receives motor vehicle fuel, the purchaser or receiver shall be responsible for all taxes, interests and penalties prescribed herein.
- B. A permitted dealer or fuelhandler who accepts or receives motor vehicle fuel from a person who does not hold a valid dealer or fuelhandler permit in this city, shall pay the tax imposed by this chapter to the city, upon the sale, use, or distribution of the motor vehicle fuel.

3.26.040 – Amount and payment

- A. Subject to subsections B through D of this section, by law, every dealer engaging in his or her own name, or in the name of others, or in the name of his or her representatives or agents in the city, in the sale, use, or distribution of motor vehicle fuel, shall:
 - 1. Not later than the 25th day of each calendar month, render a statement to the city, of all motor vehicle fuel sold, used, or distributed by him or her in the city as well as all such fuel sold, used, or distributed in the city by a purchaser thereof upon which sale, use, or distribution the dealer has assumed liability for the applicable motor vehicle fuel tax during the preceding calendar month; and

2. Pay a motor vehicle fuel tax, computed on the basis specified in subsection C of this section, of such motor vehicle fuel so sold, used, or distributed as shown by such statement in the manner and within the time provided in this chapter.
- B. In lieu of claiming refund of the tax as provided in Section 3.26.200, or of any prior erroneous payment of motor vehicle fuel tax made to the city by the dealer, the dealer may show such motor vehicle fuel as a credit or deduction on the monthly statement and payment of tax.
- C. The amount of tax under subsection A(2) of this section is determined by the date such motor vehicle fuel is sold, used, or distributed by the person responsible for paying the tax. The date of such sale, use, or distribution shall be recorded in the statements that persons must file under this chapter, and the amount of tax will be calculated and owed as follows:
 1. The tax on motor vehicle fuel sold, used, or distributed on or after January 1, 2020 is \$0.03 cent per gallon of fuel.
- D. The motor vehicle fuel tax shall not be imposed wherever it is prohibited by the Constitution or laws of the United States or of the State of Oregon.

3.26.050 – Permit required.

After January 30, 2020, no dealer or fuel handler, shall sell, use, or distribute any motor vehicle fuel until he or she has secured a dealer or fuelhandler permit as required herein.

3.26.060 – Permit application and issuance.

- A. Every person, before becoming a dealer or fuelhandler in motor vehicle fuel in this city, shall make an application to the city or its duly authorized agent, for a permit authorizing such person to engage in business as a dealer or fuelhandler.
- B. Applications for the permit must be made on forms prescribed, prepared, and furnished by the city.
- C. Each application must include a certificate, signed by the applicant, that contains the following information:
 1. The business name under which the dealer or fuelhandler is transacting business;
 2. The place of business and location of distributing stations in the city and in areas adjacent to the city limits in the State of Oregon;
 3. The name and address of the managing agent, the names and addresses of the several persons constituting the firm or partnership, and, if a corporation, the corporate name under which it is authorized to transact business and the names and addresses of its principal officers and registered agent, as well as primary transport carrier.
- D. An application for a motor vehicle fuel dealer or fuelhandler permit having been accepted for filing, the city shall issue to the dealer or fuelhandler a permit in such form as the city may prescribe to transact business in the city. The permit so issued is not assignable, and is valid only for the dealer or fuel handler in whose name issued.
- E. The city recorder shall keep on file a copy of all applications and/or permits.
- F. The city will not charge a fee for seeking and obtaining the permit required by this section.

3.26.070 – Failure to secure permit.

- A. After January 30, 2020, if any dealer sells, distributes, or uses any motor vehicle fuel without first filing the certificate and securing the permit required by Section 3.26.060, the motor vehicle fuel tax shall immediately be due and payable on account of all motor vehicle fuel sold, distributed, or used on or after January 1, 2020.
- B. The city shall proceed forthwith to determine, from the best available sources, the amount of such tax, and it shall assess the tax in the amount found due, together with a penalty of two hundred percent of the tax, and shall make its certificate of such assessment and penalty, determined by city manager or designee. In any suit or proceeding to collect such tax or penalty or both, the certificate is prima facie evidence that the dealer therein named is indebted to the city in the amount of the tax and penalty therein stated.
- C. Any fuelhandler who sells, handles, stores, distributes, or uses any motor vehicle fuel without first filing the certificate and securing the permit required by Section 3.26.060, shall be assessed a penalty of two hundred fifty dollars unless modified by Subsection 3.26.270.A in the city manager's determination. In any suit or proceeding to collect such penalty, the certificate is prima facie evidence that the fuelhandler therein named is indebted to the city in the amount of the penalty therein stated.
- D. Any tax or penalty so assessed may be collected in the manner prescribed in Section 3.26.110 with reference to delinquency in payment of the tax, or by court action.

3.26.080 – Revocation of permit.

The city shall revoke the permit of any dealer or fuelhandler refusing or neglecting to comply with any provision of this chapter. The city shall mail by certified mail addressed to such dealer or fuelhandler at this or her last known address appearing on the files, a notice of intention to cancel. The notice shall give the reason for the cancellation. The cancellation shall become effective without further notice if within ten days from the mailing of the notice the dealer or fuelhandler has not cured or remedied its default or delinquency.

3.26.090 – Cancellation of permit.

- A. The city may, upon written request of a dealer or fuelhandler, cancel any permit issued to such dealer or fuelhandler, the cancellation to become effective thirty days from the date of receipt of the written request.
- B. If the city ascertains and finds that the person to whom a permit has been issued is no longer engaged in the business of a dealer or fuelhandler, the city may cancel the permit of such dealer or fuelhandler upon investigation after thirty days' notice has been mailed to the most recent mailing address of the dealer or fuelhandler furnished to the City by the dealer or fuelhandler.

3.26.100 – Remedies cumulative.

Except as otherwise provided in Sections 3.26.110 and 3.26.130, the remedies provided in Sections 3.26.070, 3.26.080, and 3.26.090 are cumulative. No action taken pursuant to those sections shall relieve any person from the penalty provisions of this chapter.

3.26.110 – Payment of tax and delinquency.

- A. The motor vehicle fuel tax imposed by Sections 3.26.030 and 3.26.040 shall be paid on or before the twenty-fifth day of each month to the city which, upon request, shall receipt the dealer, or fuelhandler therefor.
- B. Except as provided in subsection D of this section, to any motor vehicle fuel tax not paid as required by subsection A of this section, there shall be added a penalty of one percent of such motor vehicle fuel tax.
- C. Except as provided in subsection D of this section, if the tax and penalty required by subsection B of this section are not received on, or before the close of business on the last day of the month in which the payment is due, a further penalty of ten percent shall be paid in addition to the penalty provided for in subsection B of this section.
- D. If the city determines that the delinquency was due to reasonable cause and without any intent to avoid payment, the penalties provided by subsections B and C of this section may be waived. Penalties imposed by this section shall not apply when the penalty provided in Section 3.26.070 has been assessed and paid.
- E. If any person fails to pay the motor vehicle fuel tax, or any penalty provided for by this chapter, the amount thereof shall be collected from such person for the use of the city. The city shall commence and prosecute to final determination in any court of competent jurisdiction an action to collect the same.
- F. If the city institutes any suit or action to collect the motor vehicle fuel tax, or any penalty provided for by this chapter, the city may recover from the person sued reasonable attorney's fees at trial, or upon appeal of such suit, or action, in addition to all other sums provided by law.
- G. The city has a cause of action to collect any tax or penalty unpaid pursuant this chapter. The city may collect any tax or penalty in one or more demands, actions, or suits. The city may collect any such sum in any procedure or form of action available to it, including but not limited to the action embodied in this paragraph, actions for collecting amounts due, including due under agreements, or as a penalty in an ordinance violation proceeding.
- H. No dealer who collects from any person the tax provided for herein, shall knowingly or intentionally fail to report and pay the same to the city, as required herein.

3.26.120 – Monthly statement of dealer and fuelhandler.

Unless modified by Subsection 3.26.270.B, every dealer and fuelhandler in motor vehicle fuel shall render to the city, on or before the twenty-fifth day of each month, on forms prescribed, prepared, and furnished by the city, a signed statement of the number of gallons of motor vehicle fuel sold, distributed, used, or stored by him or her during the preceding calendar month. The statement shall be signed by the permit holder. All statements as required in this section are public records.

3.26.130 – Failure to file monthly statement.

If any dealer, or fuelhandler fails to file the report required by Section 3.26.120, the city shall proceed forthwith to determine from the best available sources the amount of motor vehicle fuel sold, distributed, used, or stored by such dealer or fuelhandler for the period unreported, and

such determination shall be prima facie evidence of the amount of such fuel sold, distributed, used, or stored. The city immediately shall assess the motor vehicle fuel tax in the amount so determined, as pertaining to the reportable dealer, adding thereto a penalty of ten percent for failure to report. Fuelhandlers failing to file a monthly statement of motor vehicle fuel shall be assessed a penalty of fifty dollars. The penalty shall be cumulative to other penalties provided in this chapter. In any suit brought to enforce the rights of the city under this section, any such determination showing the amount of tax, penalties, and costs unpaid by any dealer, or fuelhandler and that the same are due and unpaid to the city is prima facie evidence of the facts as shown.

3.26.140 – Billing purchasers.

Bills shall be rendered to all purchasers of motor vehicle fuel by dealers in motor vehicle fuel. The bills shall separately state and describe to the satisfaction of the city the different products shipped thereunder and shall be serially numbered except where other sales invoice controls acceptable to the city are maintained. The bills required hereunder may be the same as those required under ORS 319.210.

3.26.150 – Failure to provide invoice or delivery tag.

No person shall receive and accept any shipment of motor vehicle fuel from any dealer, or pay for the same, or sell, or offer the shipment for sale, unless the shipment is accompanied by an invoice or delivery tag showing the date upon which shipment was delivered and the name of the dealer in motor vehicle fuel.

3.26.160 – Transportation motor vehicle fuel in bulk.

Every person operating any conveyance for the purpose of hauling, transporting, or delivering motor vehicle fuel in bulk shall, before entering upon the public streets of the city with such conveyance, have and possess during the entire time of such hauling or transporting of motor vehicle fuel, an invoice, bill of sale, or other written statement showing the number of gallons, the true name and address of the seller or consignor, and the true name and address of the buyer or consignee of the same. The person hauling such motor vehicle fuel shall at the request of any officer authorized by the city to inquire into, or investigate such matters, produce and offer for inspection the invoice, bill of sale, or other statement.

3.26.170 – Exemption of export fuel.

- A. The license tax imposed by Sections 3.26.030 and 3.26.040 shall not be imposed on motor vehicle fuel that is:
 - 1. Exported from the city by a dealer; or
 - 2. Sold by a dealer in individual quantities of five hundred gallons, or less for export by the purchaser to an area, or areas outside the city in containers other than the fuel tank of a motor vehicle, but every dealer shall be required to report such exports and sales to the city in such detail as may be required.
- B. In support of any exemption from motor vehicle fuel taxes claimed under this section other than in the case of stock transfers, or deliveries in a person's own equipment, every

dealer must execute and file with the city an export certificate in such form as shall be prescribed, prepared, and furnished by the city, containing a statement, made by some person having actual knowledge of the fact of such exportation, that the motor vehicle fuel has been exported from the city, and giving such details with reference to such shipment as may be required. The city may demand of any dealer such additional data as is deemed necessary in support of any such certificate, and failure to supply such data will constitute a waiver of all right to exemption claimed by virtue of such certificate. The city may, in a case where it believes no useful purpose would be served by filing of an export certificate, waive the certificate.

- C. Any motor vehicle fuel carried from the city in the fuel tank of a motor vehicle shall not be considered as exported from the city.
- D. No person shall, through false statement, trick, or device, or otherwise, obtain motor vehicle fuel for export as to which the city motor vehicle fuel tax has not been paid and fail to export the same, or any portion thereof, or cause the motor vehicle fuel or any portion thereof not to be exported, or divert, or cause to be diverted the motor vehicle fuel or any portion thereof to be used, distributed, or sold in the city, and fail to notify the city and the dealer from whom the motor vehicle fuel was originally purchased of his or her act.
- E. No dealer or other person shall conspire with any person to withhold from export, or divert from export, or to return motor vehicle fuel to the city for sale or use, so as to avoid any of the fees imposed herein.
- F. In support of any exemption from taxes on account of sales of motor vehicle fuel in individual quantities of five hundred gallons or less for export by the purchaser, the dealer shall retain in his or her files for at least three years an export certificate executed by the purchaser in such form and containing such information as is prescribed by the city. This certificate shall be prima facie evidence of the exportation of the motor vehicle fuel to which it applies only if accepted by the dealer in good faith.

3.26.180 – Sales to armed forces exempted.

The motor vehicle fuel tax imposed by Sections 3.26.030 and 3.26.040 shall not be imposed on any motor vehicle fuel sold to the Armed Forces of the United States for use in ships, aircraft, or for export from the city; but every dealer shall be required to report such sales to the city, in such detail as may be required. A certificate by an authorized officer of such Armed Forces shall be accepted by the dealer as sufficient proof that the sale is for the purpose specified in the certificate.

3.26.190 – Fuel in vehicles coming into city not taxed.

Any person coming into the city in a motor vehicle may transport in the fuel tank of such vehicle motor vehicle fuel for his or her own use only and for the purpose of operating such motor vehicle, without securing a license or paying the tax provided in Sections 3.26.030 and 3.26.040, or complying with any of the provisions imposed upon dealers herein. But if the motor vehicle fuel so brought into the city is removed from the fuel tank of the vehicle or used for any purpose other than the propulsion of the vehicle, the person so importing the fuel into the city shall be subject to all provisions herein applying to dealers.

3.26.200 – Refunds.

Refunds will be made pursuant to ORS 319.280 to 319.320.

3.26.210 – Examination and investigations.

The city may examine accounts, records, stocks, facilities, and equipment of dealers, Fuelhandlers, service stations, and other persons engaged in storing, selling, or distributing motor vehicle fuel or other petroleum products within this city, and such other investigations as it considers necessary in carrying out the provisions of this chapter. If the examinations or investigations disclose that any reports of dealers or other persons theretofore filed with the city pursuant to the requirements herein, have shown incorrectly the amount of gallons of motor vehicle fuel distributed or the tax accruing thereon, the city may make such changes in subsequent reports and payments of such dealers or other persons, or may make such refunds, as may be necessary to correct the errors revealed by its examinations or investigations.

3.26.220 – Limitation on credit for or refund of overpayment and on assessment of additional tax.

- A. Except as otherwise provided in this chapter, any credit for erroneous overpayment of tax made by a dealer taken on a subsequent return or any claim for refund of tax erroneously overpaid filed by a dealer must be so taken or filed within three (3) years after the date on which the overpayment was made to the city or to its authorized agent.
- B. Except in the case of a fraudulent report or neglect to make a report, every notice of additional tax proposed to be assessed under this chapter shall be served on dealers within three years from the date upon which such additional taxes become due.

3.26.230 – Examining books and accounts of carrier of motor vehicle fuel.

The city may at any time during normal business hours examine the books and accounts of any carrier of motor vehicle fuel operating within the city for the purpose of checking shipments or use of motor vehicle fuel, detecting diversions thereof, or detecting evasion of taxes in enforcing the provisions of this chapter.

3.26.240 – Records to be kept by dealers and fuel handlers.

Every dealer and fuelhandler in motor vehicle fuel shall keep a record in such form as may be prescribed by the city of all purchases, receipts, sales, and distribution of motor vehicle fuel. The records shall include copies of all invoices or bills of all such sales and purchases, and shall at all times during the business hours of the day be subject to inspection by the city.

3.26.250 – Records to be kept three years.

Every dealer and fuelhandler shall maintain and keep, for a period of three years, all records of motor vehicle fuel used, sold, and distributed within the city by such dealer or fuel handler,

together with stock records, invoices, bills of lading, and other pertinent papers as may be required by the city. In the event such records are not kept within the State of Oregon, the dealer shall reimburse the city for all travel, lodging, and related expenses incurred in examining such records. The amount of such expenses shall be an additional tax imposed hereunder.

3.26.260 – Use of tax revenues.

- A. The city manager shall be responsible for the disposition of the revenue from the tax imposed by this chapter in the manner provided by this section.
- B. For the purposes of this section, "net revenue" means the revenue from the tax imposed by this chapter remaining after providing for the cost of administering the motor vehicle fuel tax to motor vehicle fuel dealers and any refunds and credits authorized herein. The program administration costs of revenue collection and accounting activities shall not exceed ten and one-half percent for the first year, and ten percent thereafter, of annual tax revenues.
- C. The net revenue shall be used only for maintenance activities standing alone or embodied within projects to construct, reconstruct, improve, repair, and maintain public highways, roads, and streets and sidewalks within the city, with a focus on pavement preservation projects.
- D. The city shall account for program costs, revenues, and expenditures, within the street fund established under

3.26.270 – Administration.

- A. The city manager or designee is responsible for administering this chapter.
- B. The city manager may enter into an agreement with the Oregon Department of Transportation as an authorized agent for the implementation certain sections of this chapter. If the Department of Transportation is chosen as an authorized agent of the city, then the modifications out shall apply:
 - 1. The fuelhandler's penalty of subsection 3.26.070.C shall be reduced to one hundred dollars. If the department determines that the failure to obtain the permit was due to reasonable cause and without any intent to avoid obtaining a permit, then the penalty provided in Section 3.26.070 and this section may be waived.
 - 2. The fuelhandler's monthly reporting requirements of Section 3.26.120 and 3.26.130 shall be waived.

SECTION 2: This ordinance shall be effective upon certification by the County Elections Official that is has received voter approval at an election conducted on November 5, 2019.

PASSED: By _____ vote of all council members present after being read by number and title only, this _____ day of August, 2019.

APPROVED: By Scappoose City Council this 5th day of August 2019.

Mayor

City Recorder

Approved as to form:

City Attorney

DRAFT

RESOLUTION 19-16

A RESOLUTION APPROVING REFERRAL TO THE ELECTORS OF THE CITY OF SCAPPOOSE AT THE NOVEMBER 5, 2019 ELECTION, THE QUESTION OF WHETHER TO ENACT A FUEL TAX OF 3 CENTS PER GALLON FOR STREET SYSTEM IMPROVEMENTS, REPAIRS, AND MAINTENANCE

Whereas, ORS 319.950 authorizes the City to enact or amend an ordinance taxing fuel for motor vehicles after submitting the proposed tax to the electors of the local government for their approval; and

Whereas, the City Council of Scappoose adopted Ordinance No. 883, which enacts a three cents per gallon fuel tax, for street improvements, repairs and maintenance, and;

Whereas, the City Council of Scappoose, pursuant to ORS 319.950, desires to refer Ordinance No. 833, to the electors of the City of Scappoose.

Now, therefore, be it resolved:

Section 1: Measure. A measure election is called in and for the City of Scappoose, Columbia County, Oregon, for the purpose of submitting a measure that would enact a fuel tax of three cents per gallon for street improvements, repairs and maintenance. A copy of the measure is attached and incorporated as "Exhibit 1."

Section 2: Election Conducted by Mail. The measure election shall be held on Tuesday, November 5, 2019, which is the next election. The precinct for the election shall be all of the territory within the corporate limits of the City of Scappoose. As required by ORS 254.465, the measure election will be conducted by mail by the Columbia County Elections Department, according to the procedures adopted by the Oregon Secretary of State.

Section 3: Notice of Ballot Title. The City Elections Officer is directed to publish notice of receipt of the ballot title in the Columbia County Spotlight in compliance with ORS 250.275(5).

Section 4: Ballot Title. Pursuant to ORS 250.285 and ORS 254.095, the Scappoose City Council directs the City Elections Officer to file a notice of the City Measure Election in substantially the form of Exhibit 2, with the Columbia County Elections Office, unless, pursuant to a valid ballot title challenge, the Scappoose City Council certifies a different Notice of City Measure Election to be filed, such filing will occur no earlier than the eighth business day after the date on which Exhibit 2 is filed with the city elections officer and not later than September 5, 2019.

Section 5: Explanatory Statement. Pursuant to ORS 251.345, the Scappoose City Council directs the City Manager to prepare a Measure Explanatory Statement for

publication in the county voters' pamphlet; said statement shall be filed with the Columbia County Elections Office at the same time the Notice of City Election is filed by the city elections officer.

Section 6: Delegation. The Scappoose City Council authorized City Manager or a designee of the City Manager to act on behalf of the City of Scappoose and to take such further action as is necessary to carry out the intent and purposes herein in compliance with the applicable provisions of law.

Section 7: Effect of "Yes" Vote. If a majority of eligible voters vote "yes" on the measure, Ordinance No. 883, will become operative, and the City will enact a fuel tax of three cents per gallon for street improvements, repair and maintenance.

PASSED AND ADOPTED by the Scappoose City Council and signed by me, and the City Recorder, in authentication of its passage on this ____ day of August 2019.

CITY OF SCAPPOOSE, OREGON

Scott Burge, Mayor

Attest: _____
Susan M. Reeves, MMC
City Recorder

Notice of Measure Election

SEL 802**City**rev 01/18 ORS 250.035, 250.041,
250.275, 250.285, 254.095, 254.465**Notice****Date of Notice****Name of City or Cities****Date of Election**

City of Scappoose

November 5, 2019

Final Ballot Title The following is the final ballot title of the measure to be submitted to the city's voters. The ballot title notice has been published and the ballot title challenge process has been completed.**Caption** 10 words which reasonably identifies the subject of the measure.

3 cent fuel tax for street repairs, traffic safety projects

Question 20 words which plainly phrases the chief purpose of the measure.

Shall Scappoose adopt a 3 cent per gallon fuel tax to fund street repairs and pedestrian safety projects including sidewalks?

Summary 175 words which concisely and impartially summarizes the measure and its major effect.

Measure raises revenue for street repairs and pedestrian safety projects by imposing a 3 cent per gallon tax on all motorists purchasing motor vehicle fuel in the City of Scappoose, unless the fuel is exempted from taxation under state or federal laws. Many of the city's streets were built more than forty years ago and are deteriorating. The tax revenue may only be used for construction, reconstruction, improvement, repair, and maintenance of streets and sidewalks within the city.

In addition to being used for pothole repairs and overlay paving on an as needed basis, community priority projects identified during the annual town meeting include:

Completing sidewalks and pavement overlay on SW Old Portland Rd., from Highway 30 to Havlik;

Installing sidewalks and pavement overlay on SE 3rd from Grant Watts Elementary to SE Elm St.; and

Installing sidewalks and pavement overlay on SW JP West from Highway 30 to SW 4th St.

Funds can be used to provide the match for grant programs like the Oregon Department of Transportation's Safe Routes to Schools program.

Explanatory Statement 500 words that impartially explains the measure and its effect.

If the county is producing a voters' pamphlet an explanatory statement must be drafted and attached to this form for:

→ any measure referred by the city governing body; or

→ any initiative or referendum, if required by local ordinance.

Explanatory Statement Attached?☒ Yes☐ No**Authorized City Official** Not required to be notarized.**Name**

Michael J. Sykes

Title

City Manager

Mailing Address

33568 East Columbia Avenue

Contact Phone

503-543-7146

By signing this document:

→ I hereby state that I am authorized by the city to submit this Notice of Measure Election; and

→ I certify that notice of receipt of ballot title has been published and the ballot title challenge process for this measure completed.

Signature**Date Signed**

Explanatory Statement

In 2017, the City did an assessment of the condition of the city's streets, the steps needed to maintain them, and developed cost estimates to do those repairs and paving projects. The City also looked at past revenue that it had received from state and federal fuel taxes in order to plan for future costs identified in the assessment.

Based on the amount of state and federal fuel taxes that the City traditionally receives, the assessment found that those projected federal and state monies will not sufficiently fund the projects on the recommended schedule.

If passed, this Measure raises revenue for street repairs and pedestrian safety projects by implementing a 3 cent per gallon tax on all motorists purchasing motor vehicle fuel in the City of Scappoose, unless the fuel is exempted from taxation under state or federal laws.

The tax revenue collected may only be used for the construction, reconstruction, improvement, repair, and maintenance of streets and sidewalks within the City.

Many of the City's streets were built more than forty years ago and are deteriorating. The City's 2017 pavement assessment determined that every \$1 spent on pavement preservation saves up to \$5 for pavement rehabilitation or \$28 for pavement reconstruction.

In addition to pothole repairs and overlay paving on an as needed basis, community priority projects identified during the annual town meeting include:

Completing sidewalks and street overlay paving on SW Old Portland Rd., from Highway 30 to Havlik;

Installing sidewalks on SE 3rd from Grant Watts Elementary to SE Elm St.; and

Installing sidewalks on SW JP West from Highway 30 to SW 4th St.

Funds can also be used to provide the local match for grant programs like the Oregon Department of Transportation's Safe Routes to Schools program.

The Oregon Department of Transportation estimates that about 30,000 vehicles per day through Scappoose on Highway 30. Some of those drivers buy fuel in the City.

The proposed tax would be paid by anyone who purchases motor vehicle fuel in the City, whether they are a resident or a nonresident, unless they are exempted from paying the tax under state or federal law.

Last year, approximately 10 million gallons of fuel were sold within Scappoose. Based on that amount, estimated annual revenue generated if this measure passes is expected to be approximately \$300,000.

4.

CITY OF SCAPPOOSE

Council Action & Status Report

Date Submitted: July 31, 2019
Agenda Date Requested: August 5, 2019
To: Scappoose City Council
From: Alexandra Rains, Assistant to City Manager
Subject: Quitclaim Deed for Bernet Property

TYPE OF ACTION REQUESTED:

☐ Resolution

☐ Ordinance

☒ Formal Action

☐ Report Only

ANALYSIS: Prior to the City acquiring the Chapman Landing property from Columbia County, there was an agreement reached that the Frederick R. Bernet Revocable Trust donate a six-acre strip of property, located contiguous to Chapman Landing and on the west side of the dike, to the City. In exchange for this donation, the City pledged to relinquish ownership of the parcel depicted in Exhibit A in the event that Chapman Landing were to become City property. The transfer of ownership of this parcel from the City to the Bernet family would square the property boundary, making a clear demarcation between the public and private parcels, and allow the City to construct a fence running east/west along the new property line.

FISCAL IMPACT: None.

RECOMMENDATION: Staff recommends Council authorize the City Manager to execute the Quitclaim Deed with Kenneth Bernet thereby relinquishing all right, title and interest in the real property depicted in Exhibit A.

SUGGESTED MOTION: I move Council authorize the City Manager to execute the Quitclaim Deed with Kenneth Bernet thereby relinquishing all right, title and interest in the real property depicted in Exhibit A.

Request for Council Action

After recording, return to:

City of Scappoose
33568 E Columbia Ave
Scappoose, Oregon 97056

Send tax statements to:
Kenneth E. Bernet
34066 SE Bernet Dr.
Scappoose, OR 97056

QUITCLAIM DEED

Grantors: City of Scappoose, an Oregon Municipal Corporation, Columbia County, an Oregon County, and Port of Columbia County, and Oregon Municipal Corporation

Grantee: Kenneth E. Bernet, an Individual

The City of Scappoose, an Oregon Municipal Corporation, Columbia County, an Oregon County, and Port of Columbia County, and Oregon Municipal Corporation hereinafter Grantors, releases and quitclaims to: **Kenneth Bernet, an Individual**, Grantee, all right, title and interest in and to the following described real property situated in the County of Columbia, State of Oregon, to wit:

That parcel of land described in Exhibit A attached hereto and incorporated herein by reference

The true consideration for this conveyance is non-monetary value, the receipt and sufficiency of which is hereby acknowledged.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY

THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

GRANTOR City of Scappoose

DATE

STATE OF OREGON

)

COUNTY OF COLUMBIA

)

ss:

On the _____ day of _____, 2019, personally appeared the above-named _____, who being duly sworn, did say that he/she is the _____ for the City of Scappoose, an Oregon Municipal Corporation, and said instrument was signed and sealed on behalf of said corporation and he acknowledged said instrument to be its voluntary act and deed. Before me:

Notary Public for Oregon

My Commission Expires: _____

[Grantor signature block on following page]

GRANTOR Columbia County

DATE

STATE OF OREGON

)

)

ss:

COUNTY OF COLUMBIA

)

On the _____ day of _____, 2019, personally appeared the above-named _____, who being duly sworn, did say that he/she is the _____ for Columbia County, an Oregon County, and said instrument was signed and sealed on behalf of said corporation and he acknowledged said instrument to be its voluntary act and deed. Before me:

Notary Public for Oregon

My Commission Expires: _____

GRANTOR Port of Columbia County

DATE

STATE OF OREGON

)

)

ss:

COUNTY OF COLUMBIA

)

On the _____ day of _____, 2019, personally appeared the above-named _____, who being duly sworn, did say that he/she is the _____ for the Port of Columbia County, an Oregon Municipal Corporation, and said instrument was signed and sealed on behalf of said corporation and he acknowledged said instrument to be its voluntary act and deed. Before me:

Notary Public for Oregon

My Commission Expires: _____

[Grantee Signature on the following Page]

GRANTEE

DATE

STATE OF OREGON)
)
COUNTY OF _____)

ss:

On the _____ day of _____, 2019, personally appeared the above-named _____, who being duly sworn, did say that he/she is the _____ for _____, and said instrument was signed and sealed on behalf of said corporation and he acknowledged said instrument to be its voluntary act and deed. Before me:

Notary Public for Oregon _____
My Commission Expires: _____

EXHIBIT "A"

Legal Description

A tract of land in Section 17, Township 3 North, Range 1 West W.M., lying between the top of bank and ordinary high waterline of the Willamette Slough (Multnomah Channel), as described in **PARCEL 1** of the deed to the City of Scappoose, recorded April 19, 2019, per Instrument No. 2019-02719, deed records of Columbia County, Oregon, lying south of the following described line:

Beginning at the Southwest corner of that tract of land deeded to the City of Scappoose, recorded January 18, 2018, per Instrument No. 2018-0452, Columbia County deed records, as depicted in County Survey No. 6314, said point being marked with a 5/8" iron rod with yellow plastic cap marked "REYNOLDS LAND SURVEYING INC"; thence N 81°18'36" E along the South line of said tract and its Easterly extension thereof 220 feet, more or less, to the ordinary high waterline.



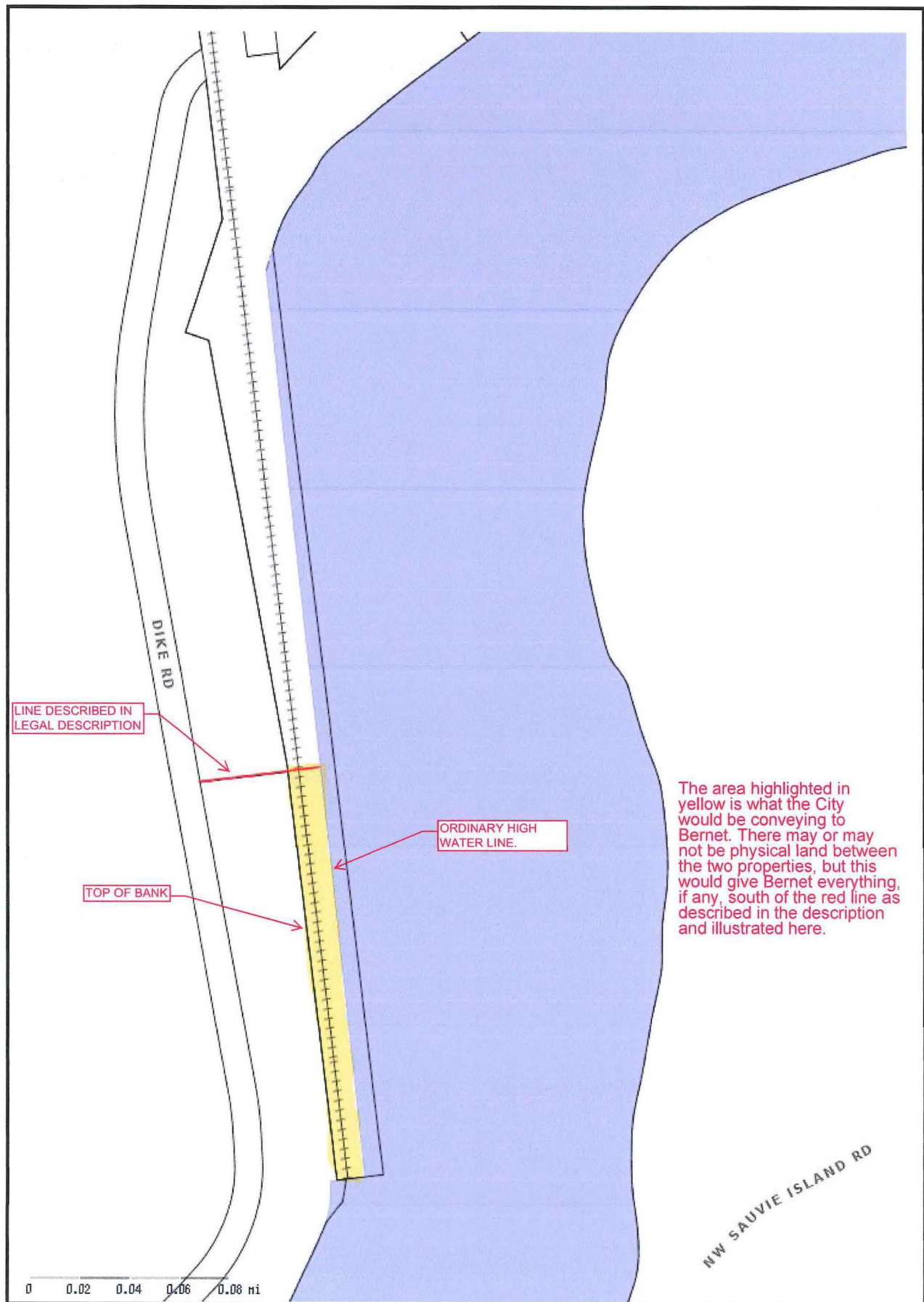


1-08

Everything the City owns South of the red line, between the top of the bank and the high water line.

1

Map



The area highlighted in yellow is what the City would be conveying to Bernet. There may or may not be physical land between the two properties, but this would give Bernet everything, if any, south of the red line as described in the description and illustrated here.

Columbia County



Columbia County Web Maps

Disclaimer: This map was produced using Columbia County GIS data. The GIS data is maintained by the County to support its governmental activities and is subject to change without notice. This map should not be used for survey or engineering purposes. Columbia County assumes no responsibility with regard to the selection, performance or use of information on this map.

GeoInfo

Printed 07/24/2019

CITY OF SCAPPOOSE

August 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2 Movies in the Park 6pm	3 Scappoose Farmers Market 9 am - 2pm
4	5 City Council 7pm	6 National Night Out 5pm to 8pm Heritage Park	7	8	9 Movies in the Park 6pm	10 Scappoose Farmers Market 9 am - 2pm
11	12	13	14	15 EDC ~ noon Park & Rec Comm. & Friends of Park meeting ~ 6pm	16 Movies in the Park 6pm	17 Farmers Market 9 am - 2pm Chamber ~ Wings & Wheels event
18	19 Urban Renewal Agency mtg, 6pm City Council 7pm	20	21	22	23 Movies in the Park 6pm	24 Scappoose Farmers Market 9 am - 2pm
25	26	27	28	29	30 Movies in the Park 6pm	31 Scappoose Farmers Market 9 am - 2pm

CITY OF SCAPPOOSE

September 2019

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 City Offices closed ~Labor Day Library Music event, 5:30 p.m.	3 City Council 7pm	4	5	6	7 Scappoose Farmers Market 9 am - 2pm
8	9	10	11	12	13	14 Scappoose Farmers Market 9 am - 2pm
15	16 City Council 7pm	17	18	19 EDC ~ noon Park & Rec Comm. & Friends of Park meeting ~ 6pm	20	21 Scappoose Farmers Market 9 am - 2pm
22	23	24	25	26	27	28 Scappoose Farmers Market 9 am - 2pm
29	30					