

# CITY OF MOSIER

small enough to make a difference

**CITY COUNCIL MEETING**  
**January 9, 2019 at 6:30 P.M.**  
*Mosier Senior Center at 500 Second Ave*

## AGENDA

I	6:30 pm	<b>Call to Order/Roll Call – Mayor Burns</b>	
II	6:32	Agenda corrections or additions	
III	6:35 pm	<b>Business from the Audience</b> - This is for Mosier residents and anyone else to express concerns, needs, or opportunities. Please keep your comments succinct and under two minutes. You may bring in written materials for Committee and Staff to review. The Facilitator can assign the issue to a future Committee meeting, or to an appropriate Committee or staff member. Please realize that we cannot always offer a response immediately but will give the matter due consideration. We encourage the participation of all stakeholders in our community.	10 mins
IV	6:45	<b>Approval of: 12/19/18 - City Council Meeting Minutes</b>	5 mins
V		<b>BUSINESS</b>	
1.	6:50 pm	<b>Transportation System Plan Review – Alta Planning &amp; Design</b>	30 mins
2.	7:20 pm	<b>USDA Water System Update – Project Staff Report – City Manager</b>	15 mins
3.	7:30 pm	<b>Transient Lodging Tax Ordinance – 2<sup>nd</sup> Reading – City Council</b>	10 mins
4.	7:40 pm	<b>Joint Use Facility and UPRR Site ESA Phase II Report – Councilor Anderson</b>	15 mins
5.	7:55 pm	<b>Electric Vehicle Charging Station Grant Opportunities – Mayor Burns</b>	10 mins
6.	8:05 pm	<b>Council and Staff Development/Reviews – Council Discussion</b>	10 mins
7.	8:10 pm	<b>Mosier Valley Newsletter – City News Items - Council</b>	5 mins
8.	8:15 pm	<b>Announcements</b>	5 mins
VI	8:20 pm	<b>ADJOURN</b>	

## **CITY COUNCIL MEETING**

**December 19, 2018 at 6:30 P.M.**  
**Mosier Senior Center at 500 Second Ave.**  
**Mosier, Oregon 97040**

### **MINUTES**

Mayor 6:30 Calls to order

Council Present: Acasia Berry, Peny Wallace, Ann Van Osdol, Lacy Gries, Mayor Burns  
Council Absent: Emily Reed, excused  
City Staff: Nick Kraemer, Colleen Coleman, Jayme Bennett

Agenda additions or corrections: None

Minute corrections: None

**Approval of the 12/5/2018 minutes:**

**Motion:**

**1. Lacy Gries**

**2. Peny Wallace**

**All in (6:33)**

#### **1. Transportation System Plan (TSP)**

Derek Abe, Transportation Planner at Alta gave a review of the process and presentation on the draft TSP in its entirety, after two years of public engagement and planning.

Reviews steps thus far:

- Qualitative and quantitative approach:
- Health, equity, economic attributes, transportation studies, and conditions analysis with a 20 year pro forma on accommodating growth.
- Next: identified what we are going to do to accommodate the growth and respond to the transportation needs of today.
- Next: alternatives analysis: incorporates feedback and community input which produces a project map, ranked by both priority and cost.
- Next: separated them by preferred and cost constrained approach
- Bringing us to today: one month later since the last PAC mtg and we have a drafted finalized plan – this is the first time that we are unveiling the plan.
- Technical memo 7: incorporates all input and feedback then refines it into the two above mentioned approaches (preferred and cost constrained).

# CITY OF MOSIER

small enough to make a difference

- We incorporate the state, county and Mosier planning ordinances to ensure we have the values and desired outcomes in mind.
- Next: we looked at street networks, modes of transportation, then looked at traffic patterns (reference tech memo 5). We found the level of service over the next 20 years to have minimal impact – (transportation for vehicles will be relatively smooth).
- Next: actual project lists: funding projections, outlook for funding, opportunities, project map and project list are final components.

Plan is concise and approachable - easily digested.

Key plans and policies must shift to be relevant to the TSP – and will continue to need to be updated as projects evolve, progress or get funded.

Zone Plans (West to East sections of proposed improvements): roadway design standards are introduced:

What makes our TSP special? We don't need one.

- We are so small that we qualify for an exemption, however, if we want to get funding for future improvements, we need a list of proposed projects that have been vetted by Council and the public.

Typically, a TSP would be broken down by mode, not by zones or geographical limits.

The Zones provide structure for the project list that follows.

(Reviews tech memo from previous mtg)

Potential re-designation of the truck route was discussed at the last meeting in the alternatives analysis - existing issues with visibility, crossing, and speeds:

Of the four alternatives we landed on, two were selected: preferred and cost constrained.

1. Preferred: the two one-ways: Center South bound, and Washington North bound (addresses the crossing locations, visibility for drivers, safety for pedestrians, and reconfigures the grade).  
Objective: safe for pedestrians and efficiency for flow of traffic
2. Cost constrained option: No build: change the look and feel of the street scape itself - make spot improvements here or there - see how that would improve the flow of traffic in various modes, adjust as needed.

Larger more monumental projects brought forward and mentioned - highest impact etc.

Notable mention: East Segment: currently a one-way bridge - parking options for trail access, access to and from the bridge for pedestrian and bike traffic – considers a pedestrian bridge, gateway signage etc.

Reviews rest of zones - inclusive of access to river for community - and improvement of access year-round in several areas.

Mentions a post/pier boardwalk

3rd Ave. improvements are based around safety for kids

Given the funding outlook for the next 2 years: the recommendation is going to be the cost constrained list.

Chapter 3 covers: how are we going to do it?

# CITY OF MOSIER

small enough to make a difference

Mosier is looking at roughly \$1 million of funding through 2040.

Cost constrained only is about \$1.2 million

There are other funding opportunities we can try to tap into: deferred street improvement agreement, street development, transportations SDC, safe routes, etc.

Projects on the list are focusing on West, East and 3rd Ave.

50-page plan with appendices and technical memos are 130 pages, so 180 total - we hope people will review it.

Draft implementing ordinances and findings: geared toward City of Mosier staff - to tie TSP to existing policy and municipal code that will determine how we develop policies and plans internally - Points out language amendment requirements for everything to be fluid.

The transportation utility fee – historically has not been pursued - as a part of this accompanying document - this is the ordinance language for the implementation of this and how to see it through if or when Mosier adopts one. Totaling 12-15 amendments to the municipal language to make the TSP tie in properly.

Next steps: Council meeting review of this public workshop  
All feedback continues to go to City Manager  
Then Colleen gives it to Alta Planning

Immediately after new year - we will seek adoption

Jan 9 - we will have another PAC mtg to show the committee the feedback from this mtg and the feedback Colleen receives.

February: adoption

If it is successful it will be finalized and handed off to the City.

Questions:

Anderson: What is the source of available funding and how was your work funded?  
Our work was initiated by the City, who applied for a growth management grant to fund TSP- to generate a project list and map, identify eligible projects for funding in the future -

Anderson: Transportation Utility Fee: how does the collection and utilization of the revenue work?

Abe: there is a section in the plan that focuses on the TUF

Mayor: can you explain the necessity of the TSP to funding?  
ABE: yes, without a TSP you are not eligible for some grants

Questions from the audience: the mode most prioritized: is it vehicular?

Abe: a modal hierarchy: what we prioritize: Typically, pedestrians are at the top and single occupancy drivers at the bottom -

Mayor: Once this is final - how much latitude do we have to tweak it?

Him: it is a plan like any other - you can update it – with a process

# CITY OF MOSIER

small enough to make a difference

Strategic plan is adopted, and the details are adopted or left for later

FEB 28 2019 is the deadline

Input would be limited to refinement - not new ideas or new directions - there have been 7 mtgs

Anderson: queries to ensure our priorities on list are right for our community

Abe: Colleen when are we sending out the documents for people to see?

Colleen: I will publish this tomorrow on the website, circulate on the contact lists, and post on the public boards.

Acacia: concern of increased risk of wildfire and evacuation routes - restrictions of travel flow in an emergency -

Abe: we can call that out in the plan itself - good idea

Gries - all looks great, thanks for the work

Mayor- access to river at Mosier creek - we think the price is too low - it's a high priority - and it is marked at 49k but it is probably 4m - also no speed bumps please -bike safety concerns, snow plows, slower traffic is better -

Peny: You did take into consideration the disaster routes?

Abe: yes, we didn't find much in the way of potential issues.

Peny: speed bumps: in our area, they don't work

Sidewalks thoughtfully placed - specifically on the eastern leg of center. Thank you for your work.

Ann: you guys did a great job on that, answered a lot of questions - and brought some others up that will be addressed later, it's not nearly as bad as I thought it was going to be (all laugh)- you did a good job.

Witt: compliments - I'm impressed with how thorough you were with the list and priorities

If we get roughly 65k a year now - how are we using that money now?

Colleen: planning, snow plowing, reserve, personnel

Witt: Gateway and Rock Creek -Can you reiterate the funding for the gateway:

STIP: we received 550k grant - our match is the small cities allotment 50k as a match and that will build out all the way to the Dwelling Station.

Inclusive of bike paths etc.

Witt: construction in 2020?

Abe: Safe routes and pedestrian projects are included and eligible if there is a reference to SRTS - umbrella statement - leaning toward SRTS every other year -

Does this check the box for eligibility? This is a priority Also SDC priority - there's a list for that funding type as well.

Must increase Roadway capacity with that specific funding type.

Susan F: inquired about single lane bridge safety.

# CITY OF MOSIER

small enough to make a difference

CC: FLAP and WFL programs are funding pedestrian bridges now and we applied with all the other Gorge communities. But we haven't heard anything.

Michael McKeag: what about trees? Landscaping is typically the last thing to be implement- because of the material you must move for infrastructure etc – this project may take years and unfortunately there is a risk that we might not have mature trees for decades.

How do you make Mosier less bleak - and yet knowing you can't buy into everything at once? How can we start to plant trees sooner?

Colleen: one of the goals of this plan is to retain as much water in the ground as possible - street trees, vegetation, etc - pervious paths etc – we need vegetation for beautification and environmental reasons

Abe: half our firm is Landscape Architects and the other half is Transportation - you're right - trees have a higher impact than we give credit for -

Mayor - honoring everyone's time- let's wrap it up - Thank You for coming and being part of this process - we appreciate your hard work.

Bike chain rejected from TSP – ODOT determined that it's not a transportation project.

*(we can still be thoughtful with planning for it in each phase, it just didn't get listed as a necessary component) - If we can incorporate this into literature somewhere, it won't get lost.*

Adjourn 8:40

# Mosier Transportation System Plan

## Project Advisory Committee (PAC) Meeting #6

**Date:** Wednesday, January 9, 2019

**Location:** Mosier Senior Center  
500 E. Second Avenue  
Mosier, OR 97040

**Time:** 6:30 PM to 7:00 PM

## Agenda

**Purpose:** Convene Project Advisory Committee (PAC) to review ongoing work on the Transportation System Plan. Specifically, we will review the feedback received during Public Workshop #2 on the draft TSP, and address any outstanding questions/comments to the draft TSP. The PMT will also recap a discussion of the draft implementing ordinances.

**Expected Outcome:** PAC Members will have established a working understanding of the draft TSP, and next steps. PAC Members will conduct provide any feedback on the draft TSP to the Project Management Team (PMT). Edits provided at the meeting will be incorporated for the Adoption-ready Draft TSP.

1. **6:30-6:50** Brief recap of Public Workshop #2 and Draft TSP Alta Planning + Design
2. **6:50-7:00** Discussion and questions Alta Planning + Design

# CITY OF MOSIER

small enough to make a difference

## Staff Report

Meeting Date: 1/9/19

Staff: John Grim P.E. – City Engineer, Colleen Coleman – City Manager, Jayme Bennett – City Recorder

Agenda Title: Water System Project – Recommendation of Award for Engineering Services

Agenda Action: City Council Approval

Fiscal Impact: None

Staff Recommendation: Staff recommends contract award to RH2 Engineering

### Discussion from City Engineer/City Manager/City Recorder:

The City issued a Request for Qualifications (RFQ) for engineering services for the water system improvement project. The selected engineering firm will negotiate a professional services agreement with the City to prepare construction documents for the water project. Three Statements of Qualifications (SOQ) were received by the deadline of November 23<sup>rd</sup>, 2018. City staff including City Engineer, City Manager and City Recorder reviewed the submitted SOQs on December 7<sup>th</sup>, 2018 and scored the SOQs as shown on the worksheet below. Based on the results of the scoring exercise we concluded that RH2 is the most qualified firm. The firm’s services are focused solely on municipal water and sewer facilities design and engineering. Their proposal exhibited the highest understanding of the City’s current water system and documented plan for future improvements. Given their in-depth understanding of the project as well as their highly relevant experience, city staff had no choice but to hire them.

RH2’s Portland office staff will be primarily responsible for this project. Mosier’s City Engineer has worked with RH2 on many projects since forming John Grim Associates with an excellent track record of projects being delivered on time and within budget. Mosier’s City engineer has maintained a strong working relationship with many of their engineers. They will also be working with several subconsultants on this project; including GSI Inc. for hydrogeology, Klein Assoc. from Hood River for surveying and Lower Columbia Archaeology for cultural resources services.

In summary we recommend awarding the project to RH2 Engineering on the condition the City can successfully negotiate an agreement for professional services within the project budget.

Evaluation Criteria	Weight	Firms		
		Anderson Perry	RH2	Tetrattech
Firm Profile	20	20	15	17
Experience	20	15	18	18
Ability to Serve	20	10	15	8
Performance Data	10	8	9	7
References	10	TBD	TBD	TBD
Project Samples	10	5	10	6
<b>Total</b>	<b>90</b>	<b>58</b>	<b>67</b>	<b>56</b>

TBD: To be determined. Calls made to highest rated firm only. Not scored.



# CITY OF MOSIER

small enough to make a difference

## Staff Report

Meeting Date: 01/09/19

Staff: Colleen Coleman, City Manager

Agenda Title: TLT Ordinance – 2<sup>nd</sup> Reading

Agenda Action: Explain TLT Tax Revenue Administration

Fiscal Impact: Increased Revenue for Tourism, Public Parks, Commerce Development

Staff Recommendation: Use Tourism Fund to secure funding for Parks maintenance, public restrooms, trails and other public amenities

### Discussion:

In the Columbia Gorge, all signage, parks and public recreation facilities that have access to waterways, trails and public amenities such as the Mosier section of the Historic Highway, the Mosier Hub, the Mosier Pocket Park (Mosier Creek Falls), and other rest areas, interpretive and wayfinding facilities are high traffic tourist places. The City has plans to improve these amenities and increase their beauty, public offerings and maintenance frequency.

In addition, the City has identified a need for better communications tools to assist visitors with their stay in Mosier as well as attract businesses that serve tourists within walking distance of their lodging.

### Section 5.10.160 – ADMINISTRATION says:

- A. Use of TLT Funds. Seventy percent of the net revenue that the City receives from TLT shall be used for tourism promotion and tourism-related facilities. Thirty percent of the net revenue the City receives from TLT shall be used for city services.
- B. Tourism Fund. A special tourism fund shall be established for the purpose of promoting tourism or funding tourism-related facilities within the City of Mosier. The tax administrator shall deposit 70% of all money collected under the provisions of this Chapter to the credit of the tourism fund. All moneys paid to this fund shall be used for the promotion of tourism or for **funding tourism-related facilities**.

A list of examples for use of the Tourism Fund include:

- Mosier Hub/Public Restroom Development and Long Term Maintenance
- Mosier Rock Creek Park community gate and other park amenities
- Mosier Totem Plaza Permanent Design and Development
- Street Trees
- Historic Character Enhancement such as Stylized Wayfinding for businesses and public facilities, lamp posts and lighting on Mosier Creek Bridge
- Pedestrian Bridge at Mosier Creek on Historic Highway
- Maintenance of Pocket Park
- Maintenance of Pioneer Cemetery and Plateau Trail (bank stabilization for safe hiking)
- Permanent Parking facility for Plateau Trail
- Chamber of Commerce Type Brochures / Trail Maps /
- Covered Bus Shelters
- Tourism Wayfinding
- Tourism Related Website Materials

**ORDINANCE NO. 173**

**An Ordinance amending Title 5 of the Mosier Municipal Code,  
by adding a new Chapter 10 implementing an 8% Transient Lodging Tax.**

**WHEREAS**, the City of Mosier is an Oregon home-rule charter municipal corporation with a city charter that grants it all the powers and authority that the constitution, statutes, and common law of the United States and this State expressly or impliedly grant or allow as though each such power was specifically enumerated; and

**WHEREAS**, a local transient lodging tax is a tax imposed by a local government on the sale, service, or furnishing of transient lodging, which includes dwelling units of hotels, motels, and inns, spaces used for parking recreational vehicles, tents, houses, cabins, condominiums, apartment units, and all other dwelling units, or portions of dwelling units that are used for temporary human occupancy; and

**WHEREAS**, ORS 320.350 provides that a city council may impose a new transient lodging tax if at least 70% of the net revenue from the tax is used to fund tourism promotion, tourism-related facilities, or certain debt-related expenses, and no more than 30% of net revenue is used to fund City services; and

**WHEREAS**, the Mosier City Council desires to impose an 8% transient lodging tax, and to require transient lodging tax collectors—transient lodging providers and transient lodging intermediaries, including online travel companies and short-term rental hosting platforms that accept, receive, or facilitate the payment of rent directly from transient occupants—to be responsible for collecting and remitting the tax to the City;

**WHEREAS**, as a desirable community in a scenic and increasingly popular region, Mosier is experiencing an increase in recreational travelers and tourists, and the Mosier City Council desires to put back into the community the revenue generated from the taxing of these visitors, to benefit the local economy and enhance the tourism-related facilities that create an attractive place for visitors to stay and residents to enjoy;

**NOW, THEREFORE**, the City of Mosier ordains as follows: Chapter 10 is hereby added to Title 5 of the Mosier Municipal Code as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

**READ FOR THE FIRST TIME** this 5th day of December 2018.

**READ FOR THE SECOND TIME** and adopted this \_\_\_\_ day of \_\_\_\_\_ 2018.

This Ordinance shall take effect on the \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
Arlene Burns, Mayor

**ATTEST:**

\_\_\_\_\_  
Jayme Bennett, City Recorder

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Laura Westmeyer, City Attorney

## EXHIBIT A

### **MMC Chapter 5.10 Transient Lodging Tax (TLT)**

#### Sections

- 5.10.010 – Title
- 5.10.020 – Definitions
- 5.10.030 – Tax Imposed
- 5.10.040 – Collection of Tax by Transient Lodging Tax Collector
- 5.10.050 – Short-term Rental Hosting Platform Fees
- 5.10.060 – Liability for Tax
- 5.10.070 – Exemptions
- 5.10.080 – Registration of Transient Lodging Provider, Form and Contents, Execution, Certificate of Authority
- 5.10.090 – Tax Remittance and Filing of Returns
- 5.10.100 – Penalties and Interest
- 5.10.110 – Deficiency Determination, Fraud, Evasion, and Tax Collector Delay
- 5.10.120 – Redeterminations
- 5.10.130 – Collections
- 5.10.140 – Lien
- 5.10.150 – Refunds
- 5.10.160 – Administration
- 5.10.170 – Appeals to City Council
- 5.10.180 – Severability
- 5.10.190 – Penalty

#### **5.10.010 TITLE.**

The Mosier Municipal Code Chapter 5.10 and the sections and subsections that are hereafter set forth shall be referred to as the "Transient Lodging Tax Ordinance."

**5.10.020 – DEFINITIONS.** The following definitions apply in this chapter.

A. "Booking Service" means any reservation and/or payment service provided by a person or entity that facilitates a short-term rental transaction between a host and a prospective occupant, and for which the person or entity collects or receives, directly or indirectly through an agent or intermediary, a fee in connection with the reservation and/or payment services provided for the short-term rental transaction. Booking services include directly or indirectly accepting, receiving, or facilitating payment, whether or not the person or entity is the ultimate recipient of the payment, including through Application Programming Interfaces (APIs) or other computerized devices where third-

party providers receive information about a transaction and collect funds for the transient lodging occupancy from an occupant.

B. “Host” means the owner or person who resides at the short-term rental or has been designated by the owner or resident of the short-term rental and who rents out the short-term rental for transient lodging occupancy either directly or through the use of a hosting platform.

C. “Hosting Platform” means a person or entity that participates in a short-term rental transaction by collecting or receiving a fee for booking services through which a host may offer a transient lodging facility. Hosting platforms usually, though not necessarily, provide booking services through an online platform that allows a host to advertise the transient lodging through a website provided by the hosting platform and provides a means for the hosting platform to conduct a transaction by which prospective occupants arrange transient lodging and payment, whether the occupant pays rent directly to the host or to the hosting platform.

D. “Occupant” means any individual who exercises occupancy or is entitled to occupancy in a transient lodging facility for a period of 30 or fewer consecutive calendar days, counting portions of calendar days as full days.

E. “Person” means any individual, firm, partnership, joint venture, limited liability company, corporation, limited liability partnership, association, host, social club, fraternal organization, fraternity, sorority, public or private dormitory, joint stock company, estate, trust, business trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

F. “Rent” means the consideration paid or payable by an occupant for the occupancy of a transient lodging facility valued in money, goods, labor, credits, property, or other consideration. If a separate fee is charged for services, goods, or commodities, and the fee is optional and separate from the occupancy fee, that fee is not included in or considered rent.

G. “Short-Term Rental” means a house, duplex, multi-plex, apartment, condominium, houseboat, trailer, or other residential dwelling unit where guest bedrooms or the entire residential dwelling unit may be rented for transient occupancy.

H. “Short-Term Rental Hosting Platform” means a business or other person that facilitates the retail sale, service, or furnishing of transient lodging by connecting occupants with transient lodging providers, either online or in any other manner. Short-term rental hosting platforms are transient lodging intermediaries.

I. “Tax Administrator” means the Mosier City Recorder, or any agent of the City authorized by the City Council to act as the City’s tax administrator, including the Oregon Department of Revenue when acting pursuant to an agreement with the City

under ORS 305.620 and any applicable administrative rules adopted by the Oregon Department of Revenue.

J. “Transient Occupancy” or “Transient Use” means the right to the use or possession of any space in a transient lodging facility for dwelling, lodging, or sleeping purposes for 30 or fewer consecutive calendar days, for which compensation (rent) is paid by the occupant.

K. “Transient Lodging” or “Transient Lodging Facility” means:

- (1) Hotel, motel, inn, bed & breakfast, short-term rental, and any other dwelling unit(s) used for transient occupancy;
- (2) Spaces used for overnight parking of recreational vehicles or placement of tents during periods of transient occupancy; and
- (3) Houses, cabins, condominiums, accessory dwelling units, apartment units or other dwelling units, or portions of any of these dwelling units that are used for transient occupancy.

L. “Transient Lodging Intermediary” means a person other than a transient lodging provider that facilitates the retail sale of transient lodging and:

- (1) Charges for occupancy of the transient lodging;
- (2) Collects the consideration charged for occupancy of the transient lodging; or
- (3) Receives a fee or commission and requires the transient lodging provider to use a specified third-party entity to collect the consideration charged for occupancy of the transient lodging.

M. “Transient Lodging Provider” means a person that furnishes transient lodging.

N. “Transient Lodging Tax Collector” or “Tax Collector” means a transient lodging provider or transient lodging intermediary.

O. “TLT” or “Tax” means the transient lodging tax imposed by the City of Mosier.

#### **5.10.030 - TAX IMPOSED.**

A. Each occupant shall pay a transient lodging tax in the amount of 8% of the rent. The occupant shall pay the TLT at the same time the occupant pays rent to the transient lodging tax collector. TLT amounts shall be rounded down to the nearest cent. The tax collector shall maintain records of all rent charged and TLT payments received. If rent is paid in installments, a proportionate share of the TLT shall be paid by the occupant to the tax collector with each installment unless the occupant pays the entire amount with the first payment.

B. Bills, receipts, or invoices provided to occupants shall list the city TLT separately and must accurately state the amount of tax. All amounts listed as TLT on invoices, bills or

receipts must be reported as TLT and, after collection, must be turned over to the City, less 5% of the net TLT due that may be withheld by the tax collector under ORS 320.345 as an administrative charge.

#### **5.10.040 - COLLECTION OF TAX BY TRANSIENT LODGING TAX COLLECTOR.**

A. Every tax collector shall collect the TLT at the time rent is paid. For purposes of this section, if payment is by credit card, payment is made at the time the credit card information is provided to the tax collector, not when the tax collector ultimately receives credit for the transaction. While holding the payment in trust for the City, a tax collector may commingle the tax proceeds with the tax collector's funds, but the tax collector is not the owner of the tax proceeds, except that when a return is filed, the tax collector becomes the owner of the administrative fee that is authorized to be retained. Tax collectors shall record the tax when rent is collected if the tax collector keeps records on a cash accounting basis, and shall record the tax when earned if the tax collector keeps records on an accrual accounting basis. The tax collector is liable for any TLT that should have been collected from the occupant, except in cases of nonpayment of rent by the occupant.

B. Upon request of the City, tax collectors must provide the physical address of all transient lodging facilities within the city limits and related contact information, including the name and mailing address of the general manager, agent, owner, host or other responsible person for the location.

C. The tax collector shall remit TLT collected pursuant to this Chapter and shall submit reports to the City's tax administrator on a quarterly basis in accordance with Section 5.10.090.

#### **5.10.050 - SHORT-TERM RENTAL HOSTING PLATFORM FEES.**

A hosting platform for short-term rentals may collect a fee for booking services in connection with short-term rentals only when those short-term rentals are lawfully registered as transient lodging facilities with the City and possess a certificate of authority at the time the short-term rental is advertised, booked, and occupied.

#### **5.10.060 - LIABILITY FOR TAX.**

Transient lodging providers and owners who receive any portion of the rent for transient lodging, and transient lodging intermediaries that provide booking services, are all jointly and severally liable for the tax.

### **5.10.070 – EXEMPTIONS.**

No TLT shall be imposed upon the following:

- A. Transient use of a dwelling unit in a hospital, health care facility, long-term care facility, or any other residential facility that is licensed, registered or certified by the Oregon Department of Human Services or the Oregon Health Authority;
- B. Transient use of a dwelling unit in a facility providing treatment for drug or alcohol abuse or providing mental health treatment;
- C. Transient use of a dwelling unit, the consideration for which is funded through a contract with a government agency and the purpose of which is to provide emergency or temporary shelter;
- D. Transient use of a dwelling unit at a nonprofit youth or church camp, nonprofit conference center, or other nonprofit facility; or
- E. Use of a dwelling or other transient lodging facility that is leased or otherwise occupied by the same individual for 31 or more consecutive calendar days—i.e., for non-transient use. The requirements of this subsection are satisfied even if the individual changes the physical dwelling unit during the 31-day consecutive period, if:
  - (1) All dwelling units occupied are within the same facility; and
  - (2) The person paying consideration for the transient lodging is the same person throughout the consecutive period.

### **5.10.080 - REGISTRATION OF TRANSIENT LODGING PROVIDER, FORM AND CONTENTS, EXECUTION, CERTIFICATION OF AUTHORITY.**

A. Every person engaging or about to engage in business as a transient lodging provider shall provide a completed registration form to the tax administrator within 15 calendar days after commencing business. The registration form must contain the name of the transient lodging facility owner, the name of the business, any separate business address, and other information as the tax administrator may require to implement this Chapter. Transient lodging providers who own or operate transient lodging facilities in Mosier shall provide the address of each transient lodging facility. The registration form must be signed by the transient lodging provider. The tax administrator shall, upon processing the registration form, issue without charge a certificate of authority to collect the TLT. The obligation to collect the TLT is imposed once rent for transient lodging is paid, even if the registration form has not been filed or if the certificate of authority has not been issued.

B. Certificates of authority shall be nonassignable and nontransferable, and shall be surrendered to the tax administrator when the business is sold or transferred or when a

lodging facility ceases to operate at the location specified in the registration form. Each certificate issued to a transient lodging provider for a specific lodging facility shall be prominently displayed at the lodging facility and include:

- (1) The name of the transient lodging provider;
- (2) The address of the transient lodging facility;
- (3) The date the certificate was issued; and
- (4) The certificate number as assigned by the tax administrator.

C. The City's acceptance of a transient lodging registration form, issuance of a certificate of authority to collect TLT, and receipt of transient lodging tax remittances and returns shall not be interpreted as a permit for any use or purpose and do not indicate conformance with the City's Zoning Ordinance and land use regulations. Hosts and transient lodging providers are responsible for complying with the City's Zoning Ordinance and all other city laws and regulations applicable to the use of property for transient lodging.

#### **5.10.090 – TAX REMITTANCE AND FILING OF RETURNS.**

A. Tax collectors shall submit a completed tax return form to the tax administrator on or before the last day of the month following the end of each calendar quarter, reporting the amount of tax due during the preceding month, and accompanied by remittance of all tax collected, less a 5% administration fee. Returns shall be made under penalties for false swearing.

B. The tax collector is entitled to withhold the 5% administration fee. If a transient lodging facility has multiple owners or multiple transient lodging providers, they are not entitled to retain additional fees.

C. Remittances are delinquent if not made by the last day of the month in which they are due.

D. Returns shall show the gross rents collected, taxable rents, the total amount of TLT collected and the amount of the administrative fee retained by the tax collector. Returns shall also show the exempt and excluded rents and the basis for exemptions and exclusions.

E. Tax returns and remittances shall be submitted on forms and by methods specified by the City's tax administrator, which may be in person, or by mail, or electronically via a City-authorized payment platform. If the return and remittance is mailed, the postmark shall be considered the date of delivery.

F. The tax administrator may extend the time for making any return or remittance of the tax by up to 30 days for good cause shown by the tax collector. No further days or additional extensions shall be granted to a tax collector, except by the City Council. Any tax collector to whom an extension is granted shall pay interest at the rate of 10% per



month on the net TLT due without proration for a fraction of a month. If a return is not filed, and the remittance and interest due is not paid by the end of the extension granted, then the interest shall become a part of the tax for computation of penalties.

#### **5.10.100 - PENALTIES AND INTEREST.**

- A. Interest shall be added to the overall tax amount due, at the same rate established under ORS 305.220 for each month, or fraction of a month, from the time the return to the City was originally required to be filed to the time of payment.
- B. If a tax collector fails to file a return with the tax administrator or pay the tax as required, a penalty shall be imposed in the same manner and amount as provided under ORS 314.400.
- C. Every penalty imposed, and any interest that accrues, becomes a part of the financial obligation required to be paid and remitted to the tax administrator.
- D. Taxes, interest, and penalties transferred to the tax administrator will be distributed to the City's Tourism Fund.
- E. If at any time a tax collector fails to remit any amount owed in taxes, interest, or penalties, the tax administrator is authorized to enforce collection on behalf of the City of the owed amount.

#### **5.10.110 - DEFICIENCY DETERMINATION, FRAUD, EVASION, AND TAX COLLECTOR DELAY.**

A. Deficiency Determination. The tax administrator may review tax returns and adjust the amount due based on the information in the return, on information obtained during a review or audit of records, or on the basis of other credible evidence. In the event of a deficiency, the tax administrator shall provide notice of the deficiency to the tax collector, who shall remit the deficient amount within 30 business days of the deficiency notice. Notice may be by personal delivery or certified or registered mail.

- (1) In reviewing and adjusting tax returns, the tax administrator shall offset any amount received in excess of the remittances due against any shortages in remittances.
- (2) Except in the case of fraud or intent to evade the TLT, notice of deficiency determinations shall be issued within three years of the period for which the deficiency determination is made.
- (3) The time to remit deficient payment amounts under this Section shall be extended if the tax collector timely requests a redetermination.

B. Fraud; Refusal to Collect; Evasion. If any tax collector fails to collect, report, or remit the tax as required, submits a fraudulent return, or otherwise violates or attempts to violate this Chapter, the tax administrator shall estimate the tax due, and calculate the

amount owed from the tax collector for tax remittance, interest, and penalties, and provide notice to the tax collector of the assessment. The determination and notice of deficiency shall be made and mailed within three years of the discovery by the tax administrator of the violation. The deficiency is due and payable upon receipt of notice and shall become final 30 business days after the date notice was delivered unless the tax trustee files a petition for redetermination. Notice may be by personal delivery or certified or registered mail.

#### **5.10.120 – REDETERMINATIONS.**

A. Any person affected by a determination may file a petition for redetermination with the tax administrator within 30 business days of service of notice of the tax deficiency. A determination becomes final if a petition for redetermination is not timely filed.

B. If a petition for redetermination is filed within the allowable period, the tax administrator shall reconsider the determination and grant an oral hearing if requested. The petitioner shall be allowed at least 20 calendar days to prepare for the hearing.

C. After considering the petition and all available information, the tax administrator shall issue a redetermination decision and mail the decision to the petitioner. During the redetermination process, the tax administrator may agree to a reasonable compromise of the amount due if there is a good faith dispute over the amount owed.

D. The decision of the tax administrator on redetermination becomes final and payment is due 10 business days after the decision is mailed unless the petitioner files an appeal to the City Council within that time. The appeal shall be filed with the tax administrator. The City Council's decision shall be final when reduced to writing and mailed to the petitioner, and all amounts due shall be paid within 10 business days of mailing of the City Council decision. The City Council's decision is final.

#### **5.10.130 – COLLECTIONS.**

A. The City may bring legal action to collect on any amounts owed to the City under this Chapter within three years after a remittance is due to the City or within three years after any determination of deficiency becomes final.

B. The City shall be entitled to collect reasonable attorneys' fees in any legal action brought to collect any amount owed to the City under this Chapter.

#### **5.10.140 – LIEN.**

The City may record a lien in the City's lien docket and/or record the lien with the Wasco County Clerk against any real property owned by a transient lodging provider who

receives any portion of the rent from a transient lodging facility located within the City as to any delinquent remittances by the transient lodging provider. The City's lien shall have priority ahead of all other liens except as prohibited by any applicable law. The City's lien may be foreclosed as a municipal assessment lien pursuant to ORS 223.505 to 223.595 or through any other legal process.

#### **5.10.150 – REFUNDS.**

A. Refunds by the City to the Transient Lodging Tax Collector. If the tax collector remits more tax, penalty, or interest than is due, the tax collector may file a claim in writing stating the facts relating to the claim, within three years from the date of remittance. If the claim is approved by the tax administrator, the excess amount shall either be refunded or credited on any amount due from the tax collector.

B. Refunds by City to Occupant. A tax collector may file a claim for refund by filing a claim in writing within three years of payment providing the facts relating to the claim for refund. If the tax administrator determines that the tax was collected and remitted to the City and the occupant was not required to pay the tax or overpaid, the City shall issue a refund.

C. Refunds by Transient Lodging Tax Collector to Occupant. If an occupant has paid tax to a tax collector, but then stays a total of 31 or more consecutive days, the tax collector shall refund to the occupant any tax collected for any portion of the continuous stay. The tax collector shall account for the collection and refund to the tax administrator. If the tax collector has remitted the tax prior to the refund or credit to the occupant, the tax collector shall be entitled to a corresponding refund or offset if the claim for refund is filed within three years from the date of collection.

D. Burden of Proof. The person claiming the refund shall have the burden of proving the facts that establish the basis for the refund.

#### **5.10.160 – ADMINISTRATION.**

A. Use of TLT Funds. Seventy percent of the net revenue that the City receives from TLT shall be used for tourism promotion and tourism-related facilities. Thirty percent of the net revenue the City receives from TLT shall be used for city services.

B. Tourism Fund. A special tourism fund shall be established for the purpose of promoting tourism or funding tourism-related facilities within the City of Mosier. The tax administrator shall deposit 70% of all money collected under the provisions of this Chapter to the credit of the tourism fund. All moneys paid to this fund shall be used for the promotion of tourism or for funding tourism-related facilities.

C. Records Required from Tax Collector. Every tax collector shall keep records of each transaction involving rent and/or collection of TLT. All records shall be retained for at least three years and six months from the date of the record.

D. Examination of Records; Investigations. The City's tax administrator, or the City's agent for purposes of administering this Subsection, may examine, during normal business hours, all records of a tax collector relating to the receipt of rent and TLT and remittance, and may obtain copies of the records to audit returns.

E. Authority of Tax Administrator. The tax administrator shall have the power to administer and enforce this Chapter, conduct audits, and create forms consistent with this Chapter. The tax administrator shall propose rules and regulations of general application that are consistent with this Chapter for approval and adoption by the City Council. The City Council shall adopt rules and regulations under this Chapter at a public meeting with an opportunity for public comment. Adopted rules and regulations of general application shall be provided to all registered transient lodging providers. The tax administrator shall notify all registered transient lodging providers of any changes to the adopted rules and regulations. The tax administrator may issue written interpretations by request of a tax collector. As to the tax collector to whom the interpretation is issued, the City will act consistently with the interpretation until it is withdrawn, and the City shall provide 30 days' written notice of withdrawal of an interpretation. Any interpretation issued by the tax administrator may be withdrawn by the tax administrator.

F. Confidential Character of Information Obtained; Disclosure Unlawful. The City shall maintain the confidentiality of information provided by tax collectors. Nothing in this subsection shall be construed to prevent:

- (1) The disclosure to, or the examination of, records and equipment by another City official, employee, contractor, or agent for collection of taxes for the purpose of administering or enforcing any provisions of this Chapter.
- (2) Disclosure of information to the tax collector and the tax collector's agents.
- (3) The disclosure of the names and addresses of any persons to whom certificates of authority have been issued.
- (4) The disclosure of general statistics regarding taxes collected or business done in the City.
- (5) Disclosures required by ORS Chapter 192.
- (6) Disclosures required by ORS Chapter 297.

**5.10.170 - APPEALS TO CITY COUNCIL.**

Any person aggrieved by any decision of the tax administrator may appeal to the City Council by filing a written appeal with the tax administrator within 10 business days of the serving or mailing of the decision being appealed. The City Manager shall schedule the hearing on a City Council agenda and provide the appellant notice of the hearing at least 20 calendar days before the hearing. The City Council may agree to a compromise of the amount of tax remittance if a majority of the City Council who are present at the hearing determines there is a good faith dispute over the amount owed.

**5.10.180 – SEVERABILITY.**

If any section, subsection, paragraph, sentence, clause, or phrase of this Chapter, or any part thereof, is invalidated by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter or any part thereof. The Council declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or paragraphs be declared unconstitutional or otherwise invalid.

**5.10.190 – PENALTY.**

A violation of this Chapter is a civil infraction that may be enforced through MMC Chapter 2.10. Each day that a violation remains uncured is a separate citable infraction.



# Oregon

## Department of Environmental Quality

Eastern Region Bend Office  
475 NE Bellevue Drive, Suite 110  
Bend, OR 97701  
(541) 388-6146  
FAX (541) 388-8283  
TTY 711

January 3, 2019

Aaron Hunt  
Union Pacific Railroad  
301 NE 2nd Ave  
Portland, OR 97232

**RE: No Further Action Determination for UPRR Mosier Depot Property; ECSI No. 6231.**

Dear Mr. Hunt:

The Oregon Department of Environmental Quality (DEQ) has completed a review of the available information submitted to DEQ on your behalf. The Union Pacific Railroad (UPRR) Mosier Depot Property site (Map ID 2N11E01) is bounded on the east by Mosier Creek, on the north by the Union Pacific tracks, the south by Old US Highway 30, and on the west by the Mosier Fruit Growers property in Mosier, Oregon.

DEQ has determined that remedial action to address environmental contamination at the UPRR Mosier Depot Property site is complete, and no further action is required. This determination is based on the DEQ regulations and the facts as we now understand them including, but not limited to the following:

- The 4.04 acre, irregular shaped, site is currently a combination of vacant land and a small public park with a parking area. A solid waste permitted tire/soil berm is located on the site. The site has been used as railroad sidings and was the location of a former passenger and freight depot.
- Recognized environmental conditions (RECs) were identified during Phase 1 Environmental Site Assessments related to the past use of the property by the railroad.
- A Site Assessment was performed to assess surface and subsurface soil and groundwater if encountered.
- Groundwater was not encountered to the maximum depth explored of 10 feet below ground surface. Potable water in the area is provided City of Mosier from confined aquifers greater than 70 feet below ground surface and is routinely tested.

- Detected concentrations of contaminants of concern (COCs) were less than the most conservative residential generic risk-based concentrations (RBCs) with limited exceptions.

Based on the available information, the UPRR Mosier Depot Property site is currently protective of public health and the environment. The site requires no further action under the Oregon Environmental Cleanup Law, ORS 465.200 et seq. unless new or previously undisclosed information becomes available, or there are changes in site development or land and water uses, or more contamination is discovered. DEQ will update the Environmental Cleanup Site Information System (ECSI) database to reflect this decision.

If any contaminated soil or groundwater is encountered in the future, it must be handled and disposed of in accordance with local, state and federal regulations.

A copy of the staff memo supporting this No Further Action decision can be viewed in the ECSI database on-line at <http://www.oregon.gov/deq/pages/index.aspx>, under site ID 6231. DEQ recommends keeping a copy of all of the documentation associated with this remedial action with the permanent facility records. If you have any questions, please contact Katie Robertson at 541-278-4620, or via email at [robertson.katie@deq.state.or.us](mailto:robertson.katie@deq.state.or.us).

Sincerely,



David Anderson, Manager  
Eastern Region Cleanup Section

ecc: Katie Robertson, DEQ  
Colleen Coleman, City of Mosier, P.O. Box 456, Mosier, OR 97040

**From:** [ROBERTSON Katie](#)  
**To:** [Colleen Coleman](#); "[Aaron M. Hunt](#)"  
**Cc:** [Witt Anderson](#)  
**Subject:** RE: UPRR Mosier Depot Property - SSA Report and NFA  
**Date:** Friday, January 4, 2019 11:43:53 AM

---

From DEQ's perspective there is no need for a deed restriction related to environmental contamination concerns.

---

**From:** Colleen Coleman <[colleen.coleman@cityofmosier.com](mailto:colleen.coleman@cityofmosier.com)>  
**Sent:** Friday, January 4, 2019 11:25 AM  
**To:** 'ROBERTSON Katie' <[Katie.J.Robertson@state.or.us](mailto:Katie.J.Robertson@state.or.us)>; 'Aaron M. Hunt' <[AMHUNT@up.com](mailto:AMHUNT@up.com)>  
**Cc:** Witt Anderson <[wittanderson@comcast.net](mailto:wittanderson@comcast.net)>  
**Subject:** RE: UPRR Mosier Depot Property - SSA Report and NFA

Thanks Katie! Is it your assessment that the City can now apply to have deed restrictions lifted by UPRR before signing the Quit Claim Deed?

Aaron, we're going to pursue lifting the deed restrictions on the property. Please let me know the process for doing this. What's a good time to set up a call with you and Witt Anderson, our Council member who's been spearheading the desire to get this done?

Cheers,  
Colleen

---

**From:** ROBERTSON Katie <[Katie.J.Robertson@state.or.us](mailto:Katie.J.Robertson@state.or.us)>  
**Sent:** Friday, January 4, 2019 8:23 AM  
**To:** Aaron M. Hunt <[AMHUNT@up.com](mailto:AMHUNT@up.com)>  
**Cc:** Colleen Coleman <[colleen.coleman@cityofmosier.com](mailto:colleen.coleman@cityofmosier.com)>  
**Subject:** UPRR Mosier Depot Property - SSA Report and NFA

Hi Aaron,

Please find attached for your records the Site Assessment Report, the NFA decision document, and the NFA for the UPRR Mosier Depot property.

(Hi Colleen – I know you have a copy of the report but please print the two NFA documents for your records as well)

Let me know if you have any questions.

Thanks,

Katie Robertson, R.G.  
Cleanup Project Manager  
Oregon Dept. of Environmental Quality  
800 SE Emigrant Ave., Suite 330  
Pendleton, OR 97801





## Grants Available for EV Charging Innovation

October 15, 2018

PORTLAND, Ore. — Have a great idea of how to provide charging options for the growing number of electric vehicles in Oregon? Pacific Power wants to hear from you.

Applications for electric vehicle charging station grants are now open. Up to \$300,000 is available in this funding cycle for projects that help communities and businesses develop creative electric transportation infrastructure projects. A total of \$1.5 million will be awarded to customer projects through the end of 2019.

"We see collaboration and partnership with community groups, employers and local governments as an important jumpstart in bringing charging technology forward," said Cory Scott, director of customer solutions.

To apply, entities need to complete and submit an application along with supporting materials by 5 p.m. Nov. 15, 2018.

All non-residential Pacific Power customers in Oregon are eligible to apply with preference given to community-focused organizations, such as 501(c)(3) and city, county and regional governments.

Funding awards will cover up to 100 percent of eligible costs to purchase and install electric vehicle charging stations.

Some examples of projects eligible for grants include, but are not limited to:

- Businesses of all sizes installing chargers as an amenity for customers and employees.
- Multi-unit housing owners installing chargers for tenants, either in support of tenant-owned electric cars or in conjunction with offering electric cars for tenant use.
- Chargers for community car sharing programs to improve access and charging to electric cars in underserved communities.

For detailed eligibility requirements, project qualifications and application forms, please go to [pacificpower.net/ev-grants](http://pacificpower.net/ev-grants).

Materials may be submitted to [plugin@pacificpower.net](mailto:plugin@pacificpower.net).

Grants will be awarded in quarterly cycles through 2019. The next grant cycle will open on Jan. 15, 2019.

To learn more about the benefits of electric vehicles, visit [pacificpower.net/ev](http://pacificpower.net/ev)

### Customer Service



Customer service  
1-888-221-7070

[Start service](#)

[Report a power outage](#)  
1-877-508-5088

[Report a streetlight outage](#)

### Pacific Power App



Save time with our free mobile app. Get it on the [App Store®](#) and [Google Play™](#)