

ORDINANCE NO. 4373

An Ordinance creating a downtown economic improvement district, making assessments, authorizing the collection of said assessments each year for three years, assessing the cost thereof against the identified and benefited real property, and directing an entry of such assessments in the Docket of City Liens.

RECITALS:

The Council in Ordinance 4362 called for a public hearing at 7:30 p.m. on May 13, 1986 to receive testimony concerning the creation of a downtown economic improvement district. In accordance with said Ordinance, the City Recorder prepared and mailed on April 10, 1986 to affected property owners a notice of the hearing and information pertaining to the area to be assessed, the rates to be charged various properties, and the proposed budget of the district.

At the meeting held on May 13, 1986 the scheduled hearing was conducted. No opposition to the proposed economic assessment district was voiced. The Council voted to proceed with the creation of the district and called for a public hearing at the June 24, 1986 Council meeting. The City Recorder was directed to mail notice of said hearing to the affected property owners, said mailing being accomplished not later than May 23, 1986.

At the Council meeting held on June 3, 1986 the Council in Ordinance 4370 amended Ordinance 4362 and included in the proposed assessment district property owned by the Southern Pacific Transportation Company.

The public hearing scheduled and conducted on June 24, 1986 received testimony from proponents and opponents of the proposed economic improvement district and the Council specifically noted the written objections to the project; now, therefore,

THE CITY OF McMINNVILLE ORDAINS AS FOLLOWS:

Section 1. Findings of Fact.

The Council makes and enters the following findings of fact based upon the oral and written testimony received at the public hearing:

- (a) Written notices to the affected property owners were mailed 30 days' prior to the scheduled public hearings.
- (b) The area within the proposed district is zoned commercial.
- (c) No residential real property or any portion of a structure used for residential purposes is assessed.
- (d) Written objections to the proposed district that were received at the public hearing are less than 33 percent of the total assessments to be levied.

- (e) The rate to be assessed each benefited and assessed property is in proportion to the benefit it may derive from the district.

Section 2. Creation of District.

The Council of the City of McMinnville hereby approves and creates the "McMinnville Downtown Economic Improvement Assessment District" for the purpose of promoting within said district economic improvements by planning or management of development or improvement activities; by landscaping or other maintenance of public areas; by promotion of commercial activity or public events; by activities in support of business recruitment and development; and by improvements in parking systems or parking enforcement.

Section 3. Duration.

The "McMinnville Downtown Economic Improvement Assessment District" shall be in effect for three consecutive years commencing August 1, 1986 and continuing and being renewed in 1987 and again in 1988.

Section 4. Assessment Rate.

The properties shall be assessed as follows:

Zone I - 4 cents
Zone II - 2 cents
Zone III - 1 cent

Section 5. Total Assessment.

The total assessment each year of the three year term is \$ 33,537.68.

Reference Material and Docket of City Liens. That attached hereto and incorporated herein by this reference is a copy of the area and rate zones contained in said economic improvement district and a copy of the "List of Property Owners to be Assessed in Downtown Improvement District" as prepared by the City Recorder. The Recorder is hereby directed to enter said "List of Property Owners to be Assessed in Downtown Improvement District" in the Docket of City Liens.

Section 6. Collection of Funds.

The Recorder is hereby directed to give notice that the above assessments are hereby declared to be due and payable within 30 days from the mailing of notice of assessment, and in the event said assessments are not so paid, the same shall thereupon become delinquent and bear interest at the rate of nine percent per annum thereafter, and thereafter the Council will proceed in the manner prescribed by the Charter of the City of McMinnville for the collection of such delinquent assessments.

Section 7. Disbursement of Funds by City Recorder. The City Recorder shall disburse funds to the McMinnville Downtown Association quarterly commencing September 30, 1986 to accomplish the purposes set forth in Section 2. No funds shall be distributed if the McMinnville Downtown Association

ceases to exist or the purposes set forth in the Articles of Incorporation dated May 14, 1986 are amended so as to be in conflict with the enabling legislation contained in ORS Chapter 223 or in Section 2 above.

Section 8. Expenditure of Funds.

Funds shall be allocated and expended by the McMinnville Downtown Association in accordance with the following conditions:

- (a) Employment of a downtown manager shall be accomplished by an "open hiring procedure." An "open hiring procedure" is one that will give reasonable notice that the manager's position is available to interested parties in at least the Oregon and Washington area.
- (b) The McMinnville Downtown Association shall prepare a job description of the manager's position, list the minimum qualifications desired, and prioritize the activities the manager is to undertake.
- (c) The McMinnville Downtown Association shall file with the City Recorder material showing compliance with subsections (a) and (b) before any funds are released. An annual report of the activities and programs undertaken and accomplished shall be filed with the City Recorder not later than March 31 of each year commencing in 1987. In addition, a compiled financial statement prepared by a certified public accountant for the fiscal years ending December 31, 1986, 1987, 1988, and 1989 shall be filed with the City Recorder not later than March 31 of each respective year commencing March 31, 1987.

Passed by the Council this 24th day of June, 1986 by the following votes:

Ayes: Johnstone, Wertz, Blanchard, Wilson

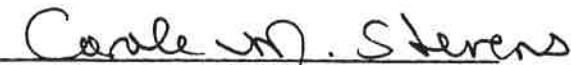
Nays: _____

Approved this 24th day of June, 1986.



MAYOR

Attest:



RECORDER