

MINUTES

REGULAR COUNCIL MEETING
OF
JULY 9, 2012
5:30 P.M.
THE DALLES CITY HALL
313 COURT STREET
THE DALLES, OREGON

PRESIDING: Mayor Jim Wilcox

COUNCIL PRESENT: Bill Dick, Carolyn Wood, Dan Spatz, Tim McGlothlin

COUNCIL ABSENT: Brian Ahier

STAFF PRESENT: City Manager Nolan Young, City Attorney Gene Parker, City Clerk Julie Krueger, Finance Director Kate Mast, Police Chief Jay Waterbury, Community Development Director Dan Durow, Public Works Director Dave Anderson

CALL TO ORDER

Mayor Wilcox called the meeting to order at 5:30 p.m.

ROLL CALL

Roll call was conducted by City Clerk Krueger; Councilors Ahier and Dick absent.

PLEDGE OF ALLEGIANCE

Mayor Wilcox invited the audience to join in the Pledge of Allegiance.

APPROVAL OF AGENDA

It was moved by Wood and seconded by Spatz to approve the agenda as presented. The motion carried unanimously, Ahier and Dick absent.

AUDIENCE PARTICIPATION

John Dennee, 2651 East 10th Street, The Dalles, read a statement into the record (Attachment "A") regarding concerns regarding the potential development of his property. He expressed concern regarding regulations which financially prohibited him from partitioning his property. He asked the City Council to consider making the development rules more lenient for private property owners.

Mayor Wilcox asked if the \$52,111 mentioned by Mr. Dennee was the cost for the local improvement fund, or if that included systems development charges (SDC's). Mr. Dennee said the SDC's were an additional \$7,000 in 2009.

City Manager Young said the staff had received direction from City Council to provide background information and begin a conversation about the local improvement development regulations. He said the information from the task force would also be provided. Young said it was planned to provide the information to City Council in September or October.

Councilor Dick in attendance at 5:43 p.m.

Daniel, 845 Snipes Street, The Dalles, expressed his disappointment that the Council had not heeded his suggestions to eliminate the burn barrel restrictions and to use money that had been planned for East 19th Street extension to pay off general City debt. He said the Oregon Constitution recognized English as the official language of the State and demanded the City only publish documents in the English language, saving time and paper for the City. Daniel said the City had not followed law by annexing the Chenowith area into the city limits and said since the voters did not support the annexation, the City must return all assets back to Chenowith. Daniel said he believed the YouthThink program was a United Nations program and therefore funding the program was considered giving aid to a foreign government. He said the City was not authorized to support foreign programs and demanded all ties with the YouthThink program be severed.

Jerry Johnson, 3102 East 13th Street, The Dalles, said he shared the concerns expressed by Mr. Dennee regarding development of property on the east side of the community. He said he tried to partition his property several years ago and the City would have required him to give up approximately one-third of his property for right of way purposes, so he gave up on the idea.

Mayor Wilcox said many rules had changed over recent years and encouraged Mr. Johnson to check with the Planning Department to see if some of the changes would have a more positive impact on his property.

It was noted there was an appeal process for all land use applications.

Councilor Wood said the City was required to comply with State land use laws. She said the City Council had worked very hard to provide policies that were helpful to development but that she supported another review.

Randy Hager, 2804 East 10th Street, The Dalles, said it was important to keep an open process and to be open to letting the public work with staff directly on items such as minor partitions. He asked the Council to recognize the simple request made by Mr. Dennee and to make a motion to eliminate the development fees for his property. He suggested improvement fees should be tied to building permits.

City Manager Young said it would be inappropriate for the City to make land use decisions on individual properties.

CITY MANAGER REPORT

City Manager Young reminded the Council of two street projects, saying the 10th Street/Kelly Avenue project would be completed the week of July 19 through 22, with grinding and paving. He said staff had made the schedule to work well for the local businesses. Young said the East 19th Street project would be completed the week of August 20 through 27 and had also been discussed with the property owners in the area.

Young said the commercial dock and festival park projects were nearly completed and staff was working on plans for a grand opening of the two projects on September 6, 10:00 a.m. He said the Chamber of Commerce was working with the City to attract cruise lines to use the dock facility.

CITY ATTORNEY REPORT

City Attorney Parker said he was reviewing and updating ADA policies. He said the Second Hand Dealer Ordinance would not be coming to Council for approval until September. Parker said he was working with Home at Last to get input into the development of a dog ordinance for the City. He reported the community yard sale signs had been purchased and would be installed this week.

CITY COUNCIL REPORTS

Councilor Wood asked if yard signs that supported programs and projects were addressed in the City's sign ordinance. City Attorney Parker said they were considered temporary signs and no permit was required if they were placed on private property.

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Councilor McGlothlin said he had recently toured the Public Works facility and was very impressed with the facility and their operations. McGlothlin said he had also attended the Airport's open house last week and had been very impressed with their operations and their ability to bring business to the area.

Mayor Wilcox thanked Councilors Wood and McGlothlin for attending the Airport open house. He noted the Babe Ruth tournament would be in The Dalles on August 1 and said The Dalles was sending a delegation to the sister city in August, with Myoshi City sending a delegation to The Dalles in October.

McGlothlin said the Parks and Recreation District and Lions Club would begin removal of the monument at the skate park on September 15.

CONSENT AGENDA

It was moved by Wood and seconded by Dick to approve the Consent Agenda as presented. The motion carried unanimously, Ahier absent.

Items approved by Consent Agenda were 1) approval of June 25, 2012 regular City Council meeting minutes; 2) authorization for City Clerk to endorse annual OLCC license renewals; and 3) Resolution No. 12-011 concurring with the Mayor's appointment to the Planning Commission.

ACTION ITEMS

Review and Selection of City's Top Priorities for League of Oregon Cities Legislative Objectives for 2013

City Manager Young reviewed the staff report, saying staff had reviewed the list and provided five proposed items for consideration. He said the City Council had the choice of all the items listed, not just the ones proposed by staff.

Councilor Spatz said item "F", reforming the court fine system, seemed to be important to the City and asked why it was not included in the recommendation. City Manager Young said it was important, but did not rank as high as the other priorities identified. It was noted there may not be adequate data to evaluate the impact of the State's legislation because there had not yet been a full year of information since the law was enacted.

Councilor Wood said of the five priorities listed in the staff report, she said item "C", more flexible use of transient lodging tax revenues, seemed to have the least impact to the City. City Manager Young said it was a concern for our City because it required the City to continue to use

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the same ratio of 50.2% for tourism promotion that was used in 2003. He said with increased revenue from transient room tax, the City would like the ability to use some of those funds for projects, programs and infrastructure related to tourism.

It was moved by Spatz and seconded by Dick to forward item "A" Jobs/Economic Development Initiative that supports funding for industrial site development, "K" pass legislation renewing the 9-1-1 tax, "M" Defeat legislation that would extend or make permanent the moratorium on raising existing or levying new local gas taxes, and "Q" recapitalization of State Special Public Works Fund, Water Wastewater Fund, Water Conservation, Reuse and Storage Grant Program and Clean Water State Revolving Fund Loan Program as the top four priorities identified by the City of The Dalles. The motion carried unanimously, Ahier absent.

Special Ordinance No. 12-549 Vacating a Portion of the Public Right of Way of West Seventh Street

The staff report was reviewed by City Attorney Parker.

City Clerk Krueger read Special Ordinance No. 12-549 by title.

It was moved by Wood and seconded by Spatz to adopt Special Ordinance No. 12-549 vacating a portion of the public right of way of West Seventh Street, by title. The motion carried unanimously, Ahier absent.

ADJOURNMENT


Being no further business, the meeting adjourned at 6:44 p.m.

Submitted by/
Julie Krueger, MMC
City Clerk

SIGNED:


James L. Wilcox, Mayor

ATTEST:


Julie Krueger, MMC, City Clerk

IN 1985 THERE WERE TWO REASON WHY WE ORIGINALLY BOUGHT THE PROPERTY AT 2651 EAST 10TH STREET, FURTHER DESCRIBED AS MAP AND TAX LOT 1N 13E 2DA: 3500 WITH A TOTAL SIZE OF 20,008 +/- SQUARE FEET (.45 ACRES); 1) A HEALTH PROBLEM IN THE FAMILY AND 2) SOME DAY WE WOULD SELL THE TOP HALF OF THE LOT AND BUILD A SMALLER HOME ON THE BOTTOM HALF FOR RETIREMENT. WE CONSIDERED THE FACT THAT OUR LOT WAS THEN LEGALLY DIVIDABLE INTO TWO LOTS BY A SIMPLE ACT OF RECORDING OUR DIVISION, IRREGARDLESS OF THE CITY IMPROVEMENT EXPENDITURES WHICH ARE NOW BEING REQUIRED.

BECAUSE OF OUR OWN HEALTH AND AGE CONCERNS IN 2005, IT BECAME THE LOGICAL THING TO DO, DUE TO MAINTENANCE AND THE UP-KEEP OF THE COMPLETE PARCEL. THE SALE OF THE TOP HALF COULD THEN BE USED TO SUPPLEMENT OUR RETIREMENT SAVINGS AND PROVIDE A RETIREMENT HOME SOMEWHERE (LOWER LOT OR OTHER LOCATIONS).

-IN THE PAST THREE TO FIVE YEARS THE SKY HAS FALLEN IN ON OUR PLANS. CHANGES IN ORDINANCES AND PASSAGE OF RESOLUTIONS HAVE MADE IT SO WE ARE UNABLE TO DO A MINOR PARTITION WITHOUT PAYING APPROXIMATELY ***\$52,111.25 INTO THE LOCAL IMPROVEMENT FUND, JUST TO DIVIDE THE LOT, AND THEN THE IMPROVEMENTS MAY NOT HAPPEN IN OUR LIFE TIME OR YOURS.***

WE WERE TOLD BY OUR REAL ESTATE AGENT 2 YEARS AGO THAT WE SHOULD DO A MINOR PARTITION BECAUSE WE PROBABLY WOULDN'T BE ABLE TO RECEIVE ANY MORE FOR OUR HOUSE AND LAND, THAN IF WE DIVIDED IT AND SOLD THE HOUSE AREA BY ITSELF.

WE CAN'T AFFORD TO DO ALL THE REQUIREMENTS TO DIVIDE UNTIL WE SELL OUR HOME AND WE CAN'T SELL OUR HOME AND KEEP THE LOT UNTIL IT'S DIVIDED. WE WOULD JUST LIKE TO DIVIDE OUR LOT WITHOUT GOING ANY FURTHER INTO DEBT.

COSTS ALREADY INCURRED TO MEET CODES & TO SURVEY LAND:

SEWER FOR HOUSE- \$2,780.00 (06) UNDERGROUND TANK - \$8,175.00 (07)
UPPER DECK TO CODE - \$2,214.00 (09) SURVEY OF LAND - \$2,547.30 (10)

THOUGHTS FOR CONSIDERATION:

WE ARE NOT DEVELOPERS, WE ARE INDIVIDUAL RESIDENTS WHO CAN'T AFFORD ALL THE PRESENT REQUIREMENTS FOR COMPLETING A MINOR PARTITION..

WHEN A BUILDING PERMIT IS ISSUED, SHOULDN'T THAT BE THE OCCASION FOR REQUIRING THAT STREETS AND OTHER INFRASTRUCTURE TO BE BROUGHT UP TO STANDARDS IF NEEDED.

WHY CAN'T A WAIVER OF REMONSTRANCE OR DELAYED DEVELOPMENT AGREEMENT BE ISSUED TO INDIVIDUALS LIKE A NUMBER OF BUSINESSES WERE ABLE TO DO RECENTLY.

IT SEEMS LIKE THE CITY IS TRYING TO BE A FINANCIAL ADVISER FOR THE PROPERTY OWNERS, ON WHAT IS BEST FOR THEM IN MANAGING THEIR INDIVIDUAL PIECES OF PROPERTY.

WE WOULD LIKE TO DECIDE WHEN WE ARE READY TO SELL OUR PROPERTY & WHICH PORTION TO SELL WITHOUT BEING PRESSURED BY THE CITY TO PUT IN ALL THE INFRASTRUCTURE OR PAY INTO A FUND TO JUST SURVEY OUR LAND AND DIVIDE IT.

MR. & MRS. JOHN E. DENNEE
2651 EAST 10TH STREET
THE DALLES, OR 97058
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