

MINUTES

REGULAR COUNCIL MEETING
OF
JULY 11, 2011
5:30 P.M.
CITY HALL COUNCIL CHAMBER
313 COURT STREET
THE DALLES, OREGON

PRESIDING: Mayor Jim Wilcox

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

COUNCIL ABSENT: None

STAFF PRESENT: City Manager Nolan Young, City Attorney Gene Parker, City Clerk Julie Krueger, Community Development Director Dan Durow, Senior Planner Dick Gassman, Police Chief Jay Waterbury, Administrative Intern Will Norris, RARE Planner Thomas Gilbertson, Police Detective Sean Lundry

CALL TO ORDER

Mayor Wilcox called the meeting to order at 5:33 p.m.

ROLL CALL

Roll call was conducted by City Clerk Krueger; all Councilors present.

PLEDGE OF ALLEGIANCE

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

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APPROVAL OF AGENDA

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

PRESENTATIONS/PROCLAMATIONS

Report from Burn Policy Committee

City Clerk Krueger said she had enjoyed the opportunity to work with the Committee and commended them for their professionalism and dedication. She introduced the members of the Committee. Committee Chair Chris Zukin reviewed the recommendations of the Committee.

Mayor Wilcox thanked the Committee for their service and gave each member a City of The Dalles pin.

Mayor Wilcox asked if the Committee had any expectations regarding changing the seasons for open burning in the event weather did not allow for time to burn during the specified dates. Zukin said flexibility to shift the dates should be included in the language of the ordinance. He said DEQ hoped to be able to provide daily air quality information to the public. Zukin said the dates for the open burn seasons were a general guideline.

It was noted that the Committee hoped the City would provide alternatives to burning prior to implementing the seasonal open burning and barrel ban, including yard debris pick up programs and shredding opportunities. Committee Member Karen Murray said the Tri County Hazardous Waste and Recycling Program had already added a program to their monthly drop off which would allow people to deposit their confidential papers for shredding. She said it was a free service.

Councilor McGlothlin asked who would work with Wasco County regarding the recommendation to extend the burn ban to the urban growth boundary. City Manager Young said it would be his responsibility to work with the partners, assign staff for enforcement and development and implementation of an ordinance.

Committee Member Kathy Heitkemper thanked the City Council for appointing her to the Committee and said it had been a year since she had first approached the Council regarding a burn ban for the City. She said the group had worked well together and although she supported a complete ban, she believed the unanimous recommendations from the Committee were a fair proposal.

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It was moved by Ahier and seconded by Spatz to accept the recommendations of the Burn Policy Committee and direct staff to begin implementation of the recommendations. The motion carried unanimously.

Mayor Wilcox provided some letters and donations to Rae Lynn Ricarte for the Campaign of One to support soldiers.

Wilcox reported he had attended the David Thompson Voyager Brigade visit in The Dalles and said it had been a positive experience. He said the travelers said it was the best welcome they had received on their Columbia River journey. Wilcox presented gifts that were given to the City, including a sash, DVD, and book. Councilor Wood said the Discovery Center had also participated with an exhibit of maps and said it was a full house in the theater for the talk about the journey. Councilor Spatz thanked Susan Buce for organizing the event.

AUDIENCE PARTICIPATION

None.

CITY MANAGER REPORT

City Manager Young reminded the City Council that the discussion regarding water rates would be scheduled for the July 25th Council meeting. He said the Union Street Crossing was nearly dried out from the high water event staff planned to re-open it sometime this week.

CITY ATTORNEY REPORT

City Attorney Parker reported he was working with staff regarding revocation of some out of compliance animal permits. He said he would be working with the City Clerk to review the election boundaries of the City to meet 2010 census and annexation changes that may require shifting of the Council districts. Parker said Christine Brigner had been hired as a permanent employee in the Legal Department.

CITY COUNCIL REPORTS

Councilor Spatz said he had attended a Main Street Program meeting last week and commended the group for their work to advance the program.

Councilor McGlothlin said the next Traffic Safety Commission meeting was scheduled for July 20th. He said the beautification at the east end of the downtown, by Cannon Packer, was very impressive and commented that the Jammin' July event had been well attended.

Mayor Wilcox said he and Councilor Wood had attended the Northwest Aluminum Specialties fifth anniversary celebration. He asked the City Council if they would like to have a tour of the facility. Hearing consensus, Wilcox asked the City Clerk to schedule a tour for the City Council.

Mayor Wilcox said he attended a meeting between Codes Enforcement staff and citizens regarding a nuisance issue and had been very impressed how staff worked so hard to help the citizens resolve their nuisance problems.

CONSENT AGENDA

It was moved by Wood and seconded by McGlothlin to approve the Consent Agenda as presented. The motion carried unanimously.

Items approved by Consent Agenda were: 1) approval of the June 27, 2011 regular City Council meeting minutes; 2) Resolution No. 11-024 concurring with the Mayor's appointments to various committees; and 3) authorization for City Clerk to endorse OLCC new outlet application for Columbia View Station and Mini Mart.

DISCUSSION ITEMS (Taken Out of Order by Consensus of Council)

Discussion Regarding Amendments to the Resale Business License Ordinance

City Attorney Parker reviewed the staff report. He reviewed changes in an updated version of the ordinance including removal of language regarding loans and abandoned property; added language to address donations of property; included DVD's as in the regulated items; language to clarify that a secondhand dealer would have at least half their sales in used merchandise; added language that would allow newly acquired property to be displayed for sale during the seven day holding period. Parker said Detective Lundry would provide a demonstration of the proposed RAPID system proposed to be used in tracking property for the purpose of criminal investigations.

Detective Sean Lundry provided a demonstration of the RAPID System, showing the City Council how the Police Department would be able to search for stolen property. He said it would be an excellent tool in protecting citizens from property crimes. Lundry explained how property entered into the system was compared with stolen property reports from police agencies on a daily basis. He said the business owners would need the capability of connecting to internet and purchase a scanner and thumb print scanner at a cost of approximately \$400 to participate in the program.

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Councilor McGlothlin expressed concern that utilizing the system would be a larger burden on the business owners. He questioned how it would affect antique dealers who have large inventories to have to enter a description of every item into the system.

In response to a question, Detective Lundry said it would cost the City approximately \$600 per year to participate in the program.

Public Comment

Kevin Ramsey, Red Wagon Antiques, said he was opposed to the requirements of the proposed ordinance. He said most of the items sold in his store were purchased from auctions, personal collections, yard sales, flea markets and antique shows, saying the ordinance did not address how to collect identification data from people who didn't come to the store to sell items to them. Ramsey said it placed an undue burden on small businesses and would create a paperwork nightmare. He said his business did document purchases and it worked well for them, but the new rules could make so much work, it would not be worthwhile to stay in the business.

Mel Mendez, Gameopoly, said he had been in the resale business for 10 years and always cooperated with the police agencies regarding stolen property. He said the new documentation procedure would be a big burden and that most of his customers were minors.

City Attorney Parker said there was language in the ordinance that stated parents could provide the identification requirements for minors.

Eric Stovall, Red's Trading Post, said he also had a system in place for tacking property he purchased and sold. Mr. Stovall said some of the language in the proposed ordinance did not make any sense to him, particularly Section 8 D and E regarding transaction reports. He said it would make sense to have uniform reporting but did not believe the proposed system was necessary.

Staff was directed to work with Ramsey, Mendez and Stovall to continue working on alternatives to the proposed tracking system and language for the ordinance.

PUBLIC HEARINGS

Public Hearing to Receive Testimony Regarding Proposed Amendments to the Land Use Development Ordinance (LUDO)

Mayor Wilcox reviewed the procedures to be followed for the public hearing.

Senior Planner Dick Gassman reviewed the staff report. He highlighted the major changes, including laydown yards, tour oriented destination; geohazard study; political signs; and signs in rights of way.

There was discussion regarding the laydown yards including an explanation of what type of companies would seek this permit. Community Development Director Durow said the sites would be used to store equipment that would then be transferred to remote work sites. The proposed 50 foot paving requirement was discussed. It was explained each case would be considered through the site plan review process to ensure mud and debris did not get carried out on to City streets.

Councilor Ahier questioned whether the proposed language regarding political signs met constitutional requirements. City Attorney Parker said the language was reasonable and defensible.

There was a discussion regarding sandwich board signs. Senior Planner Gassman said Section 28 addressed these types of signs that were outside the central business commercial zone.

The City Council discussed Section 29, signs in rights of way. Mayor Wilcox provided photographs of yard sale signs in the right of way at 10th and Trevitt Streets, saying the yard sale signs were a nuisance. He said the Codes Enforcement Officer was spending too much of her time collecting the signs and sending letters to people. Wilcox said the ordinance should include the ability to fine people who violate the ordinance.

Testimony

Randy Kaatz questioned whether the language regarding geohazard studies included driveways and sidewalks. Senior Planner Gassman said it could be a variety of issues that would require a study, but that the area requiring a geohazard study had been significantly reduced based on a study the City had recently completed.

Mr. Kaatz expressed concern that the cost to develop property could become extremely expensive when a geohazard study was added to the other development costs.

Councilor Wood said she was pleased to see the zone reduced in size.

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Councilor Ahier said he appreciated that the area had been reduced and said it seemed the applicability had increased. Community Development Director Durow said if a geohazard study was required, it should include all potential problems for the property.

Dana Schmidling, Chamber of Commerce Director, said she hoped the Council would adopt the right of way sign language. She said it was not a good face for the tourists to allow all the yard sale signs.

Council Deliberation

Councilor Wood said it was important to educate the citizens where they could advertise their sales and to provide alternatives to placing signs in the rights of way.

It was moved by Dick and seconded by Ahier to approve the LUDO amendments as recommended by the Planning Commission, as further amended by the Council, and direct staff to prepare an ordinance for adoption at a later meeting, with the exception of Section 29. The motion carried unanimously.

Discussion continued regarding the placement of signs in the rights of way. Wood reiterated her desire for the City to provide alternatives. Councilor Dick said he was not opposed to right of way signs that were directional and perhaps a specific distance from the actual sale or event being advertised. Councilor Spatz said he believed yard sales were part of the culture of The Dalles and agreed with the suggestions of Councilor Dick.

Community Development Director Durow explained that if one type of sign was allowed in a right of way, all signs would have to be allowed.

Extend Time of Meeting

It was moved by Wood and seconded by Spatz to extend the meeting to the conclusion of business. The motion carried unanimously.

Continued Council Deliberation

It was the consensus of the Council to direct staff to develop alternatives to allowing yard sale signs in the right of way and to continue picking up the signs at the intersections of 10th and Trevitt; Third Place and Sixth Street; and 10th and Cherry Heights Road on Fridays, Saturdays and Mondays.

ACTION ITEMS

Approval of 2011 Vision Action Plan

RARE Planner Thomas Gilbertson reviewed the staff report. He highlighted the process used in development of the Plan, including the public meetings and community surveys.

In response to a question, RARE Planner Gilbertson noted the off-leash dog park was included in the Community Life section, first tier strategies.

Councilor Spatz asked that the word “establish” on page 35, second tier strategies, be changed to the word “expand” because a degree of partnerships already existed.

It was moved by Ahier and seconded by Wood to accept the 2011 Vision Action Plan as amended. The motion carried unanimously.

City Manager Young said the Vision Action Plan would be used during City Council goal setting sessions and it was noted a committee would be created as recommended in the Plan, to review and evaluate the strategies.

Fort Dalles Museum Fee Waiver Request

Senior Planner Gassman reviewed the staff report.

It was moved by Dick and seconded by Ahier to approve the \$335 filing fee waiver for site plan review application of the Fort Dalles Museum because it was in keeping with the Council’s policy to allow non-profits to apply for fee waivers. The motion carried, McGlothlin voting no.

Susan Herring Fence Variance Fee Waiver Request

Senior Planner Gassman reviewed the staff report, recommending the request be denied. Gassman said it had been past practice of the Council to only accept fee waiver requests that were for public or nonprofit applicants.

Councilor Ahier questioned whether the applicant could pay the fee on a payment schedule.

Mayor Wilcox said this property owner was trying to improve her property and he believed the Council should approve the request.

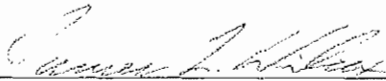
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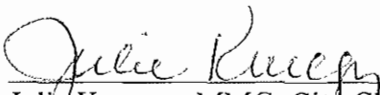
It was moved by Ahier and seconded by Dick to allow the applicant to pay the fee within one year, making monthly payments. The motion carried unanimously.

ADJOURNMENT

Being no further business, the meeting adjourned at 9:15 p.m.

Submitted by/
Julie Krueger, MMC
City Clerk

SIGNED: 
James L. Wilcox, Mayor

ATTEST: 
Julie Krueger, MMC, City Clerk