

AGENDA

REGULAR CITY COUNCIL MEETING

April 14, 2014

5:30 p.m.

CITY HALL COUNCIL CHAMBER
313 COURT STREET
THE DALLES, OREGON

1. CALL TO ORDER
2. ROLL CALL OF COUNCIL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF AGENDA
5. PRESENTATIONS/PROCLAMATIONS
 - A. Downtown Spring Clean Up Day Proclamation
 - B. Historic Preservation Month Proclamation
 - C. Historic Columbia River Highway Gorge Hubs Participation Proclamation
6. AUDIENCE PARTICIPATION

During this portion of the meeting, anyone may speak on any subject which does not later appear on the agenda. Five minutes per person will be allowed. If a response by the City is requested, the speaker will be referred to the City Manager for further action. The issue may appear on a future meeting agenda for City Council consideration.
7. CITY MANAGER REPORT
8. CITY ATTORNEY REPORT
9. CITY COUNCIL REPORTS

CITY OF THE DALLES

"By working together, we will provide services that enhance the vitality of The Dalles"

10. CONSENT AGENDA

Items of a routine and non-controversial nature are placed on the Consent Agenda to allow the City Council to spend its time and energy on the important items and issues. Any Councilor may request an item be "pulled" from the Consent Agenda and be considered separately. Items pulled from the Consent Agenda will be placed on the Agenda at the end of the "Action Items" section.

- A. Approval of March 24, 2014 Regular City Council Meeting Minutes
- B. Approval to Declare Police Department Equipment as Surplus Property

11. PUBLIC HEARINGS

- A. Public Hearing to Receive Testimony Regarding Special Ordinance No. 14-562 Regulating Medical Marijuana Dispensaries [**Agenda Staff Report #14-023**]
 - 1. Special Ordinance No. 14-562 Declaring a Moratorium on Medical Marijuana Facilities and Declaring an Emergency

12. CONTRACT REVIEW BOARD ACTIONS

- A. Approval to Purchase Asphalt for Street Maintenance Projects [**Agenda Staff Report #14-023**]

13. ACTION ITEMS

- A. Approval of Agreement With The Dalles Area Chamber of Commerce for Tourism Services [**Agenda Staff Report #14-021**]
- B. Approval of Compensation Package for Exempt Employees [**Agenda Staff Report #14-025**]

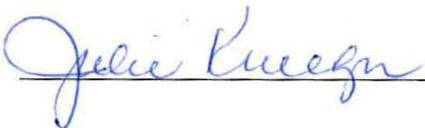
14. DISCUSSION ITEMS

- A. Discussion Regarding Fort Dalles Fourth of July Funding Request [**Agenda Staff Report #14-026**]

15. ADJOURNMENT

This meeting conducted in a handicap accessible room.

Prepared by/
Julie Krueger, MMC
City Clerk



PROCLAMATION

WHEREAS, The Dalles Main Street organization is dedicated to supporting downtown The Dalles as a place for locals and visitors to spend time and do business; and

WHEREAS, the program strives to increase civic pride, particularly to improve the overall appearance of the downtown; and

WHEREAS, The Dalles Main Street is partnering with SOLV to promote a downtown Spring clean up, dedicated to helping citizens take pride in the community and to make the downtown cleaner, safer and more appealing; and

WHEREAS, The Dalles Main Street, downtown business owners and property owners, school children, civic organizations and individuals will be participating in the Downtown Spring Clean Up event; cleaning up trash, sweeping sidewalks, washing windows and more on Second and Third Streets, between the roundabout and Lincoln Street, on April 16 and April 19, 2014;

NOW, THEREFORE, I, Stephen E. Lawrence, Mayor of the City of The Dalles, proclaim April 16 and 19, 2014 as

“DOWNTOWN SPRING CLEAN UP DAYS”

in the City of The Dalles and call upon our citizens to participate in activities to help clean up and revitalize downtown The Dalles.

APPROVED AND DATED THIS 14th DAY OF APRIL, 2014

SIGNED:

Stephen E. Lawrence, Mayor

ATTEST:

Julie Krueger, MMC, City Clerk

PROCLAMATION

WHEREAS, the month of May has been designate as National Historic Preservation Month, with the theme “New Age of Preservation: Embark, Inspire, Engage”; and

WHEREAS, historic preservation is an effective tool for managing growth and sustainable development, revitalizing neighborhoods, fostering pride and maintaining character while enhancing livability; and

WHEREAS, The dalles has a number of National Registered Landmarks, a National Register Historic District and a locally designated historic district; and

WHEREAS, it is important to celebrate the role of history in our community and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a community; and

WHEREAS, the Historic Landmarks Commission, groups and organizations, and residents work hard to preserve The Dalles’ past for future generations;

NOW, THEREFORE, I, Stephen E. Lawrence, Mayor of the City of The Dalles, proclaim the month of May, 2014 as

“HISTORIC PRESERVATION MONTH”

in the City of The Dalles and call upon our citizens to recognize and participate in activities to observe Historic Preservation Month during the month of May, 2014.

APPROVED AND DATED THIS 14th DAY OF APRIL, 2014

SIGNED:

Stephen E. Lawrence, Mayor

ATTEST:

Julie Krueger, MMC, City Clerk



AGENDA STAFF REPORT

CITY OF THE DALLES

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
April 14, 2014	Presentations 5, C	

TO: City Council
FROM: Jon Chavers, Administrative Fellow
THROUGH: Nolan Young, City Manager *ny*
DATE: April 1, 2014

ISSUE: Historic Columbia River Highway Gorge Hubs Participation Proclamation.

BACKGROUND: The Oregon Department of Transportation anticipates that the Historic Columbia River Highway (HCRH) State Trail – linking the Portland Metro area to The Dalles - will be completed between 2016 and 2020 (as funding becomes available). Many sections of the highway will be accessible to bicyclists, hikers and pedestrians only. Ahead of the trail's completion, a network of stations called "hubs", that cater to the needs of recreational users of the trail is being developed. The group responsible for developing these hubs seeks the support of the communities in which these hubs will be located in the form of a signed Partnership Proclamation (see Attachment A).

Completed in 1922, the Historic Columbia River Highway stretched from Portland to The Dalles. Also known as Highway 30, the route traveled through 73 miles of spectacular waterfalls, temperate rainforests, steep volcanic cliffs, dry oak savannahs, and endemic springtime wildflowers. From every carefully planned outlook the traveler enjoyed sweeping views of the rugged basalt walls of the Gorge rising up from the Columbia River. As the first planned scenic roadway in the United States, it was considered a destination unto itself.

But the construction of Interstate 84 in 1956 severed the original Historic Highway route in a number of locations. The Historic Highway was the main artery that flowed through and linked the downtown corridors of the Historic Highway communities. When this connection was broken, these small, rural communities that once served the travelers along the Historic Highway lost the ability to keep many local services viable.

In 1986, directed by both the Columbia River Gorge National Scenic Area Act and the Oregon Legislature, the Oregon Department of Transportation (ODOT) began efforts to preserve and restore the continuity and historic integrity of the remaining segments of the Historic Columbia River Highway for public use as a State Trail. These remaining sections, are rebuilt and reconnected as a multi-use path, for cyclists and hikers to provide access to beautiful State Parks and communities in the Gorge. Once a State Trail section is complete, it is given to the Oregon Parks and Recreation Department to manage. Much work has now been accomplished and the goal to complete the reconnection of this national treasure, as the Historic Highway and State Trail, from Troutdale to The Dalles. According to ODOT, remaining sections to be completed are from approximately Wyeth to Starvation Creek State Park (4.9 miles) and Viento State Park to Ruthon Park in Hood River (4.3 miles) by 2016.

The recently rebuilt and reconnected sections of the Historic Highway State Trail are designated for bikers and hikers only and are already attracting growing numbers of local, national, and international visitors. The Historic Highway and State Trail system offers a large cross-section of the public the opportunity to experience the breath-taking natural beauty of the Columbia Gorge while hiking or biking. The paths are paved and can be easily traveled and enjoyed by families, beginning cyclists and casual walkers, or experienced road cyclists and hikers.

According to the 2013 Oregon Bicycle Travel Survey (Travel Oregon), recreational bicycle travel accounts for \$400 million of Oregon's annual \$9 billion tourism industry. The study showed that the impact is especially significant in the Columbia Gorge, where cycling accounts for 15 percent of all recreational travel.

A white paper produced by PARC Resources for the City of Mosier demonstrates conclusively that Mosier, one of the communities along the Historic Highway, is a town whose economic future is tied to visitors primarily interested in exploring the Historic Columbia River Highway and State Trail and that the area is seeing a significant increase in tourism traffic, especially bicyclists and people traveling along the Historic Highway.

The fact that visitors to the Columbia Gorge and to the Historic Columbia River Highway are already arriving in large numbers creates an urgency and opportunity to offer these multi-modal users a sense of continuity, comfort, and welcome as they initiate, experience, and complete their journeys along the Historic Columbia River Highway and State Trail.

The Recreational Hub, as a general concept, acts as a welcome center, an information center, a trailhead, and a rest area for travelers (especially hikers and bikers). It is designed to meet the needs of visitors as well as of the local community.

The Historic Highway communities of :

- Wood Village
- Troutdale
- Corbett
- Cascade Locks
- Hood River
- Mosier, and
- The Dalles

are all currently in various stages of developing Recreational Hubs within their urban centers. Each Hub may feature many different amenities such as drinking water, wayfinding information, interpretive panels, rest rooms, shade, picnic tables, seating, bike parking, lockers, solar charging stations, and U-Fix-It Bike Stations. The Hub may also include public art and can display a community's own unique characteristics and style. The communities along the Historic Highway recognize that a coordinated effort to develop a complete system of Recreational Hubs will not only enhance the users' experience but will create the kind of collective impact necessary to achieve world-class status similar to other famous town-to-town trail systems like Hadrian's Wall National Trail in Great Britain or the Central Otago Rail Trail in New Zealand. Since the Otago Rail Trail opened in 2000, it has already breathed economic life back to the urban centers of the many struggling rural communities that it passes through.

A completed Historic Columbia River Highway with a coordinated system of Hubs will create a world renowned hiker/biker trail system that stretches 73 miles through a wonderland of natural beauty and will offer visitors a fascinating variety of small towns and unique downtown areas in which to eat, drink, sleep, play, and explore. The Hub system will ensure that these visitors are welcomed into every community, that these visitors know where and what local services are available, that they can easily locate local attractions, and that they have the comforts they need to stay awhile in that downtown center. The Hub system will create a Historic Columbia River Highway adventure that families on day trips and seasoned cyclists on multi-day journeys can all enjoy.

The Historic Columbia River Highway will once again become a destination unto itself. The potential for the Historic Highway communities to experience significant economic benefits should not be underestimated.

The current work plan is detailed below:

- 1) A Declaration of Support will be signed by each community. An official representative list with an identified official community liaison will be submitted to the Recreational Trail Hub steering committee.
- 2) Funding will be secured from various private and public funders using a cash match donated by each community (within their resource limits) in order to move to the next steps. (Ford Family Foundation, Oregon Investment Board, and Oregon State Agencies are some of the sources that have grant funding for this type of work.)
- 3) The Gorge Hub working group will continue to meet to discuss progress and next steps.

- 4) A partnership of ODOT, MCEDD and Travel Oregon will create the Design Toolkit and Implementation Plan from graphic design to layout to printing. Grant funds will be used to pay for some of these costs.
- 5) The Design Toolkit and Implementation Plan will become a powerful tool for the steering committee to then seek federal, state, and private funding for a phased approach to the plan, depending on the level of readiness of each community. Applications for funding for a project like the Historic Highway Communities' Recreational Hub System are certain to be successful, given the strong collaboration over a broad range of participants, the clear economic development benefits, and the developed Design Toolkit and Implementation Plan.
- 6) A coordinated Historic Highway Hub System will be implemented in strategic stages as resources become available.

BUDGET IMPLICATIONS: None at this time. As stated in the Partnership Proclamation, a "separate Intergovernmental or Cooperative Improvement Agreements may be required between affected participating parties. Said agreement(s) must be executed prior to the construction of Project elements, or financial contributions made toward such a Project."

STAFF RECOMMENDATION: Staff recommends the Council sign the Partnership Proclamation.

ALTERNATIVES:

- Council may sign the Partnership Proclamation.
- Council may delay a decision on the Partnership Proclamation to ask for more input or information on the project.
- Council may choose to not sign the Partnership Proclamation.

Gorge Hubs
*Bridging the Gap Between the Historic Highway State Trail
and Gorge Communities*

Partnership Proclamation
A proclamation of partners for the development of Gorge Hubs

The Gorge Hubs as a general concept will act as welcome centers, information centers, trailheads, and a rest areas for travelers (especially hikers and bikers) along the Historic Highway. Building upon the work of the Historic Columbia River Highway State Trail and community partnerships within the Gorge we have gathered to participate in the development of a network of Gorge Hubs.

We, the undersigned, agree to participate in the implementation of the Historic Columbia River Highway and State Trail Gorge Hub Project. We agree to identify opportunities and solutions whenever possible, to contribute assistance and support within resource limits, and to communicate and collaborate with other team members in promoting a coordinated Historic Highway Recreational Gorge Hub System.

We, the undersigned, also agree that separate Intergovernmental or Cooperative Improvement Agreements may be required between affected participating parties. Said agreement(s) must be executed prior to the construction of Project elements, or financial contributions made toward such a Project.

As evidenced by our signatures below, we agree to come together to celebrate this partnership and dedicate ourselves to contributing to the creation of a plan and design tool kit for the sustainable development of the Gorge Hubs.

Signature

Title, Organization _____ *Date*



CITY of THE DALLES

313 COURT STREET
THE DALLES, OR 97058

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AGENDA STAFF REPORT CITY OF THE DALLES

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
April 14, 2014	Consent Agenda 10, A - B	N/A

TO: Honorable Mayor and City Council

FROM: Julie Krueger, MMC, City Clerk 

THRU: Nolan K. Young, City Manager

DATE: April 1, 2014

ISSUE: Approving items on the Consent Agenda and authorizing City staff to sign contract documents.

A. **ITEM:** Approval of March 24, 2014 Regular City Council Meeting Minutes.

BUDGET IMPLICATIONS: None.

SYNOPSIS: The minutes of the March 24, 2014 regular City Council meeting have been prepared and are submitted for review and approval.

RECOMMENDATION: That City Council review and approve the minutes of the March 24, 2014 regular City Council meeting.

B. **ITEM:** Approval to Declare Police Department Equipment as Surplus Property.

BUDGET IMPLICATIONS: None. The machine will be disposed of by Ricoh, who is providing the new machine.

SYNOPSIS: The Police Department is replacing their copy machine and will be leasing a new machine.

RECOMMENDATION: That City Council declare the copy machine as surplus and authorize staff to dispose of it.

MINUTES

REGULAR COUNCIL MEETING
OF
MARCH 24, 2014
5:30 P.M.

THE DALLES CITY HALL
313 COURT STREET
THE DALLES, OREGON

PRESIDING: Mayor Steve Lawrence

COUNCIL PRESENT: Bill Dick, Carolyn Wood, Tim McGlothlin, Linda Miller

COUNCIL ABSENT: Dan Spatz

STAFF PRESENT: City Manager Nolan Young, City Attorney Gene Parker, City Clerk Julie Krueger, Public Works Director Dave Anderson, Acting Police Captain Steve Baska, Administrative Fellow Jon Chavers, Engineer Dale McCabe

CALL TO ORDER

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

ROLL CALL

Roll call was conducted by City Clerk Krueger; Councilor Spatz absent.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

It was moved by Wood and seconded by McGlothlin to approve the agenda as amended, by moving Action Item 11, C to a Presentation. The motion carried unanimously, Spatz absent.

PRESENTATIONS/PROCLAMATIONS

The Dalles Area Chamber of Commerce Annual Tourism Report

Chamber of Commerce President Lisa Farquharson provided copies of her report and packets of information that are handed out at conferences, including brochures and magazines that contained articles about The Dalles. She summarized the personnel, facilities, operating, and marketing aspects of the program.

Mayor Lawrence asked if hotel occupancy rates were tracked. Farquharson said they were not being tracked at this time. She said the Chamber was working to have better communications with the local hotels and hoped to establish quarterly meetings with them.

Mayor Lawrence asked what percentage tourism was compared to the overall budget of the Chamber. Farquharson said it was half to two-thirds of the total budget.

Farquharson was asked about the \$20,000 special project to install fencing and picnic tables at the Chamber of Commerce and a kiosk. She said the kiosk at the Festival Park was her top priority, noting the one that had been installed was not user friendly and needed to be updated to better serve the tourists. She said she hoped to install fencing at the Chamber to keep out transient people who were not conducting themselves appropriately and for better security.

Mayor Lawrence asked if the proposal was for another five year contract. City Manager Young said that was being proposed, but the Council could choose a shorter duration. He said five years helped provide continuity and the City did require the Chamber to provide an annual work plan and budget.

AUDIENCE PARTICIPATION

Bill Lennox, 1005 Federal Street, provided a map of his neighborhood, showing water lines from the main on Tenth Street to residences on Federal Street. He said he wanted to make the City aware of this area because he was concerned that the service line to his home traveled from Tenth Street, through three other private properties. Mr. Lennox said he thought a service should run along Federal Street for the homes in that neighborhood and said that with 80 year old lines, if there was a line failure, it could be catastrophic.

CITY MANAGER REPORT

City Manager Young reported the American Empress cruise ship would be making it's first Columbia River cruise this week. He said the Mayor had been invited to participate, along with

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other Gorge Mayors. Young asked the Council to consider this trip as economic development for The Dalles and to authorize the City to pay for return transportation costs from the end of the trip, back.

It was moved by McGlothlin and seconded by Dick to consider the trip as economic development and to pay the return air fare costs for the Mayor. The motion carried unanimously, Spatz absent.

City Manager Young said staff was working on a presentation regarding a possible design/build program for the Wastewater Treatment Plant improvements. He said the City of Wilsonville had recently completed their plant work using this method and asked if the Council would like to hear from them about their experience. The Council agreed to invite Wilsonville representatives to speak at the next meeting.

CITY ATTORNEY REPORT

City Attorney Parker said he had been working to develop an ordinance that would place a moratorium on medical marijuana dispensaries for one year, saying this would allow cities time to develop standards and criteria. He said it would be on the April 14 agenda for Council consideration.

Mayor Lawrence said City of Hood River was considering an ordinance at their meeting this week. He asked the City Attorney if he believed such an ordinance would be defensible. Parker said he believed it would be.

CITY COUNCIL REPORTS

Councilor Wood said she would be attending the Council of Governments meeting on Tuesday. She said the plan for the Transportation Center was in the design phase and would be built and operational next year. She said she was still waiting to see a budget, but that it was expected that the Center would be self-sufficient. Wood said the Historic Landmarks Commission would be hearing an application for some windows to be replaced in a church and said she would attend the QLife meeting on Thursday.

Councilor Dick said he would be attending the QLife meeting on Thursday.

Councilor Miller said she had attended the Urban Renewal Advisory Committee meeting and the items approved would be presented to the Agency for approval at their meeting later in the evening.

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Mayor Lawrence said he had met with people who were interested in developing a youth shelter; attended the Community Outreach Team follow up meeting; met with Mike Davis, who was instrumental in bringing several businesses to Wasco County, one in The Dalles; attended a Regional Solutions Team meeting; met with Representative Walden; met with Artist Jeff Stewart regarding the Lewis and Clark Park sculpture/fountain project; and welcomed a Porsche Club at the Discovery Center.

CONSENT AGENDA

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

The item approved by Consent Agenda was approval of the March 10, 2014 regular City Council meeting minutes.

ACTION ITEMS

General Ordinance No. 14-1333 Amending Section 7 of General Ordinance No. 99-1234 Concerning Billing and Lien Procedures for Assessment for the Cost of Abatement of Hazardous Vegetation

City Attorney Parker reviewed the staff report.

City Clerk Krueger read General Ordinance No. 14-1333 by title.

It was moved by Wood and seconded by Dick to adopt General Ordinance No. 14-1333 amending Section 7 of General Ordinance No. 99-1234 concerning billing and lien procedures for assessment for the cost of abatement of hazardous vegetation, by title. The motion carried unanimously, Spatz absent.

General Ordinance No. 14-1334 Establishing a Revised Procedure for Liquor License Review and Recommendation From the City to the Oregon Liquor Control Commission, Establishing Fees and Repealing General Ordinance No. 84-1059

City Attorney Parker reviewed the staff report.

Mayor Lawrence expressed concern regarding the criteria listed in the proposed ordinance. He said it would be impossible for staff to ensure all criteria were met and felt the City staff would be doing all the work on behalf of the State. He said it seemed to put a lot of responsibility on the local government.

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City Attorney Parker said the list of criteria were possible things that could be considered, not required for the City's endorsement. He said the ordinance now incorporated the language of the law and had not been updated for many years. Parker said this would bring the City into compliance with the State law.

Councilor Dick asked if the criteria list had been expanded. Parker said it had, based on the Oregon Liquor Control Commission's (OLCC) criteria.

Councilor Miller asked how this would be more efficient. City Clerk Krueger said allowing staff to endorse routine applications administratively would reduce the wait time for applicants and would reduce the number of items on the City Council agendas. She said any applications that were in question would still come before the Council for approval.

City Clerk Krueger read General Ordinance No. 14-1334 by title.

It was moved by McGlothlin and seconded by Wood to adopt General Ordinance No. 14-1334 establishing a revised procedure for liquor license review and recommendation from the City to the Oregon Liquor Control Commission, establishing fees and repealing General Ordinance No. 84-1059, by title. The motion carried unanimously, Spatz absent.

DISCUSSION ITEMS

Discussion Regarding Traffic Plan for Intersection of East 10th Street, Old Dufur Road and Thompson Street

Public Works Director Anderson reviewed the staff report.

Councilor Dick said there had been a lot of development and density had doubled in this area of town. He said it was no longer a rural area. Dick said if the City was going to allow parcels to be divided and developed, it had a responsibility to provide sound infrastructure to support this development. He said the current transportation system in this area was insufficient for emergency services and pedestrians were at risk. Dick said he supported the staff recommendation to proceed with a study of the intersection, as a first step to fixing a major problem in the area.

Mayor Lawrence said this study would not fix Thompson Street. He said most property owners supported a delay of a local improvement district to fix Thompson Street. Public Works Director Anderson said the City had surveyed those property owners and the majority did support delaying the project for two to five years, even though they understood it would likely be more expensive at a later time and the City would likely have less funding to put into the improvements.

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Councilor Wood said five streets intersect and said it was a dangerous intersection for vision clearance and confusion. She said it was important to address this intersection before considering a local improvement district (LID) to improve Thompson Street.

Councilor Miller questioned a safety issue, saying there had only been three accidents there in a 15 year period.

Public Works Director Anderson said if the City planned to move forward with the LID in 2017, the timing for this study should be now. He said the information and whatever fix was needed should be completed prior to the LID work.

Councilor McGlothlin suggested the funds be carried over to the next fiscal year to allow time for the Traffic Safety Commission to re-evaluate the need for the study.

Councilor Dick said people didn't want to pay for their share of LID's but this was a collector intersection and gets a lot of traffic. He said it was important to have the study and ensure the safety of motorists and pedestrians.

Mayor Lawrence pointed out there were many streets in the City in worse condition and suggested waiting until the Council had a report from the Planning Commission regarding proposed street standards.

City Manager Young provided some options for the Council to consider, including: delay the study and use the money for street maintenance; delay the study until a plan was developed for all streets, rolling the funds into the next fiscal year for the study; or proceeding with the study now.

It was the consensus of the Council to delay the study until the next fiscal year, to allow time for street standards to be completed.

Discussion Regarding Upcoming Oregon Department of Transportation (ODOT) Project to Reconstruct Interstate 84 Through The Dalles

Brad DeHart, Oregon Department of Transportation (ODOT) provided an overview of the reconstruction of Interstate 84 at The Dalles, saying the project had moved up on the schedule and would be done in 2015. He said one thing that was being considered for the project, was to install taller median barriers.

Mayor Lawrence asked if the taller barriers would obstruct the view of the City from the westbound lanes of the freeway. DeHart said it could obstruct the view, but would be safer for

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the large volume of vehicles in the area. He noted that the culvert box at Three Mile Creek would also be worked on during this project and said the plan was to keep all ramps open except for incidental tie-in's, which would be done at night.

Mayor Lawrence asked if the project would create jobs locally. DeHart said it would depend on the successful contractor. He said the project would start in February or March 2015 and should be completed by winter.

Mr. DeHart provided information about another project, a stone monument sign on the historic Columbia River Highway. He said that project would be completed in summer of 2014.

ADJOURNMENT

Being no further business, the meeting adjourned at 7:42 p.m.

Submitted by/
Julie Krueger, MMC
City Clerk

SIGNED:

Stephen E. Lawrence, Mayor

ATTEST:

Julie Krueger, MMC, City Clerk



CITY OF THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

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AGENDA STAFF REPORT

CITY OF THE DALLES

MEETING DATE:	AGENDA LOCATION:	AGENDA REPORT #
April 14, 2014	Public Hearings 11, A	14-023

TO: Honorable Mayor and City Council

FROM: Gene E. Parker, City Attorney

THRU: Nolan K. Young, City Manager *NKY*

DATE: March 31, 2014

ISSUE: Public Hearing concerning proposed ordinance adopting a moratorium on medical marijuana facilities, and potential adoption of Special Ordinance No. 14-562 declaring a moratorium on medical marijuana facilities, and declaring an emergency.

RELATED CITY COUNCIL GOAL: None

PREVIOUS AGENDA REPORT NUMBERS: None

BACKGROUND: In 2013, the Oregon Legislature adopted House Bill 3460, which became codified into state law as ORS 475.314. This legislation required the Oregon Health Authority to develop and implement a process to register medical marijuana facilities. ORS 475.314 establishes certain requirements for a medical marijuana facility to qualify for registration with the State of Oregon:

1. The facility must be located in an area that is zoned for commercial, industrial or mixed use or as agricultural land and may not be located at the same address as a marijuana grow site.

2. The facility must be registered as a business or have filed a pending application to register as a business with the Office of the Secretary of State for Oregon.
3. The facility must not be located within 1,000 feet of the real property comprising a public or private elementary, secondary or career school attended primarily by minors.
4. The facility must not be located within 1,000 feet of another medical marijuana facility.
5. The facility must comply with rules adopted by the Oregon Health Authority concerning security systems and testing for pesticides, mold and mildew.

ORS 475.309(1)(b) which was adopted as part of House Bill 3460 provides that persons operating or employed by a medical marijuana facility are granted immunity from criminal prosecution for their activities associated with possession and dispensing of marijuana.

With the adoption of House Bill 3460, an issue arose as to whether the legislation was intended to preempt local government regulation of the medical marijuana dispensaries. The Legislative Counsel Office for the State Legislature issued an opinion that House Bill 3460 would preempt all local laws which would prevent or materially restrict the operation of a medical marijuana facility. Legal Counsel for the League of Oregon Cities ("LOC") has expressed a contrary opinion, asserting that state law is not preemptive unless there is an irreconcilable conflict between state and local law, or state law contains wording which demonstrates an unambiguous expression of a legislative intention to limit local government authority. LOC's Legal Counsel has taken the position that House Bill 3460 merely establishes a statewide registration system for the dispensaries which meet certain requirements, and the legislation does not require local governments to allow dispensaries, and the legislation does not contain wording which would prevent regulation of the dispensaries by local government. LOC's Legal Counsel also noted that LOC worked diligently during the legislative process to prevent any such wording concerning preemption of local government authority from being inserted into the legislation. Finally, LOC's Legal Counsel has asserted that even if there was a basis to find that House Bill 3460 preempted local government regulation of the medical marijuana dispensaries, there was a good possibility that any state preemption would in turn be preempted by federal law which classifies marijuana as a controlled substance, and makes its distribution a criminal activity.

In March 2014, the Legislature adopted Senate Bill 1531. This legislation establishes two primary options for local government to consider in adopting provisions to regulate medical marijuana dispensaries. Under the first option, outlined in Section 2 of the legislation, a city or county can adopt an ordinance which imposes reasonable regulations on the operation of a medical marijuana facility subject to the jurisdiction of the city or county, which is registered under ORS 475.314, or which is applying for registration under ORS 475.314. The statute defines "reasonable regulations" as including "reasonable limitations on the hours during which a medical marijuana facility may be operated, reasonable limitations on where a medical marijuana facility may be located within a zone described in ORS 475.314(3(a) and reasonable conditions on the manner in which a medical marijuana facility may dispense medical marijuana."

Under the second option outlined in Section 3 of the legislation, a local government can adopt a moratorium upon the operation of medical marijuana facilities subject to the jurisdiction of the local government. Such a moratorium has to be adopted prior to May 1, 2014, and the moratorium provided for in the legislation would last until May 1, 2015. Any local governing body which adopts such a moratorium is required to notify the Oregon Health Authority of the adoption of the moratorium. Under the second option, the immunity from criminal prosecution which had been previously granted as part of the adoption of House Bill 3460, for employees or operators of a medical marijuana facility for activities associated with the possession and dispensing of marijuana, has been removed. LOC has prepared a model ordinance based upon the second option provided under Senate Bill 1531, and proposed Special Ordinance No. 14-562 is based upon LOC's model ordinance.

The responses from local governments to the passage of House Bill 3460 and Senate Bill 1531 have been quite varied, as shown by the following list which sets forth the actions taken by the following cities:

1. Bandon – relied upon provisions in their local land use ordinance, and adopted a moratorium upon the dispensaries for 120 days (which could be extended an additional 6 months) relying upon the provisions of state land use law set forth in ORS 197.520.
2. Beaverton – requires applicants for a medical marijuana facility to apply for a special medical marijuana facility license issued under a city ordinance.
3. Coos Bay – has no business license ordinance or land use provision which regulates medical marijuana dispensaries. They adopted an ordinance establishing a 1 year moratorium on the dispensaries.
4. Tualatin – adopted an ordinance providing that medical marijuana dispensaries are not allowed in any zoning district within the city.
5. Woodburn – initially enacted a 120 day moratorium upon the dispensaries, and they are now considering adopting an ordinance based upon LOC's model.
6. Ashland – is considering a temporary moratorium to consider adopting additional local regulations concerning the dispensaries.
7. Medford – has imposed a permanent ban upon the dispensaries and revoked the business license of a local medical marijuana dispensary which has continued to operate. The operator of the local dispensary has indicated they will likely pursue litigation challenging the city's actions. Medford has taken the position that their actions are within the authority granted by their local home rule charter, and that marijuana is an illegal drug under federal law, and the city will not grant a business license to a business which violates federal law by possessing and distributing marijuana.

8. Hillsboro – In January, the city adopted a 120 day moratorium to allow the city to address zoning issues. The city is now considering adoption of an ordinance based upon the LOC model ordinance.
9. Keizer – the city established a Medical Marijuana Facilities Task Force to draft new regulations concerning medical marijuana facilities. The city also imposed a 150 day moratorium for the purpose of allowing the task force and City Council to come up with a regulatory plan for the dispensaries.

Staff's recommendation, following the presentation of testimony during the public hearing, is to adopt proposed Special Ordinance No. 14-562, for the following reasons:

1. The proposed ordinance, based upon the model LOC ordinance, relies upon the power of local governments to enact reasonable regulations to further their legitimate interest in maintaining public health, safety and welfare. This type of power is often referred to as a "police power". The Oregon Supreme Court has acknowledged the authority of local governments to exercise their police power. See *City of Eugene v. Miller*, 318 Or 480, 871 P2d 454 (1994).
2. The City of The Dalles does not have a business license ordinance, and the City's Land Use and Development Ordinance does not have any specific provisions which address the operation of a medical marijuana facility. State law does not provide any detailed guidance as to what constitutes "reasonable regulations" for the purpose of a local government adopting an ordinance regulating medical marijuana dispensaries. The approach represented in LOC's model ordinance presents the option which has the strongest chance to successfully defend a potential legal challenge to a decision to impose a moratorium upon the operation of medical marijuana dispensaries.
3. Adoption of Special Ordinance No. 14-562 will provide the City with a significant period of time to monitor issues related to the local regulation of the medical marijuana dispensaries, including potential future state legislation, and analyze options for local regulation of the dispensaries.

Notice of the potential adoption of the ordinance has been posted in accordance with the provisions of the City Charter, and the Council has the option to adopt the ordinance by title only following the close of the public hearing.

BUDGET IMPLICATIONS: None at this time.

ALTERNATIVES:

- A. Staff Recommendation. *The Council move to adopt Special Ordinance No. 14-562 by title only.*
- B. Direct staff to research the option of proposing time, place, and manner regulations for medical marijuana dispensaries, consistent with the provisions set

forth in Section 2 of Senate Bill 1531, and present recommendations for the Council concerning this option.

- C. Direct staff to research the option of preparing amendments to the City's Land Use and Development Ordinance to regulate the operation of medical marijuana facilities, with a possible inclusion of a moratorium as allowed by state law, and present recommendations for the Council concerning this option.
- D. Determine not to adopt proposed Special Ordinance No. 14-562, and take no additional action related to the issue of regulation of medical marijuana dispensaries, which would leave regulation of the dispensaries with the Oregon Health Authority.

SPECIAL ORDINANCE NO. 14-562

**AN ORDINANCE OF THE CITY OF THE DALLES DECLARING
A MORATORIUM ON MEDICAL MARIJUANA FACILITIES,
AND DECLARING AN EMERGENCY**

WHEREAS, the Oregon Legislature enacted House Bill 3460 (2013), codified as ORS 475.314, which requires the Oregon Health Authority to develop and implement a process to register medical marijuana facilities; and

WHEREAS, House Bill 3460 (2013), codified as ORS 475.309(1)(b) directed that persons who operate or are employed by a registered medical marijuana facility would enjoy immunity from state prosecution; and

WHEREAS, the issue of whether a local government believes a certain type of business should operate within its jurisdictional limits is a local government decision, the enforcement of which is subject to the general and police powers of that jurisdiction; and

WHEREAS, the Oregon Legislature enacted Senate Bill 1531 (2014) which removes immunity from state prosecution for a person who is responsible for or employed by a registered medical marijuana facility located in an area subject to the jurisdiction of a city or county that enacts a moratorium prohibiting the operation of a medical marijuana facility; and

WHEREAS, the City Council of the City of The Dalles believes it is in the best interests of the health, safety, and welfare of the citizens of The Dalles to enact such a moratorium prohibiting the operation of medical marijuana facilities within the jurisdictional boundaries of the City of The Dalles;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF THE DALLES
ORDAINS AS FOLLOWS:**

Section 1. Moratorium Declared. The City of The Dalles hereby prohibits the operation of any medical marijuana facility in the area subject to the jurisdiction of the City of The Dalles. As used in this section, “medical marijuana facility” includes any facility that dispenses marijuana pursuant to ORS 475.314 or any other provision of Oregon law.

Section 2. Duration of Moratorium. The moratorium imposed by this Ordinance shall be effective until May 1, 2015, unless rescinded sooner.

Section 3. Enforcement. The Police Chief of the City of The Dalles, or the Chief’s authorized designee, is charged with enforcement of the moratorium.

Section 4. Remedies not Exclusive. The remedies available under Senate Bill 1531 (2014) for a violation of the moratorium imposed by this Ordinance are not exclusive of any

other remedies available under any applicable federal, state or local law. It is within the discretion of the City of The Dalles to seek cumulative remedies for a violation of the moratorium imposed by this Ordinance.

Section 5. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

Section 6. Emergency. This Ordinance being necessary for the immediate preservation of the public peace, health, and safety, an emergency is declared to exist, and this Ordinance shall go into effect immediately upon its passage and approval.

PASSED AND ADOPTED THIS 14TH DAY OF APRIL, 2014

Voting Yes, Councilors: _____
Voting No, Councilors: _____
Abstaining, Councilors: _____
Absent, Councilors: _____

AND APPROVED BY THE MAYOR THIS 14TH DAY OF APRIL, 2014

Stephen E. Lawrence, Mayor

ATTEST:

Julie Krueger, MMC, City Clerk



CITY OF THE DALLES
Department of Public Works
1215 West First Street
The Dalles, Oregon 97058

AGENDA STAFF REPORT

CITY OF THE DALLES

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
April 14, 2014	Contract Review Board 12, A	14-024

TO: Honorable Mayor and City Council
FROM: Dave Anderson, Public Works Director
THRU: Nolan K. Young, City Manager *mf*
DATE: April 1, 2014

ISSUE: Authorization to purchase asphalt for street maintenance projects.

CITY COUNCIL GOALS: NA

BACKGROUND: The Public Works Department solicits quotes from the two local asphalt suppliers twice annually, the first time in the spring for pricing through June 30 and the second time for pricing from July 1 through the fall. Hot mix asphalt is then purchased from the lowest cost supplier that is available when projects are undertaken. There are several reasons that a plant may be unavailable when a project is undertaken – it could be committed to supplying another customer, it could be making a different asphalt mix than is needed for our project, it could be off-line for maintenance or repairs, it may only initiate operations for quantities greater than those used in a project, or it may not be open yet for the season or has closed for the winter.

This spring, the quotes received from the two local suppliers for various mix types were as follows.

Mix type	Granite Construction	Munsen Paving
Oregon ¾" Dense Graded	\$55.50/ton	\$63.00/ton
Oregon ½" Dense Graded, oil 6.0%	\$56.50/ton	\$63.00/ton
Oregon ½" Dense Graded, oil 5.5%	\$55.50/ton	\$62.00/ton
Oregon ⅜" Dense Graded	\$57.75/ton	\$64.00/ton
Minimum "fire-up" quantity	20 tons	2 tons

The Street Fund budget has \$45,012 available for purchases of asphalt for the remainder of the 2013-14 fiscal year. In addition, the Water and Wastewater Funds have \$5,200 and \$15,000 respectively for purchase of asphalt for patching of utility trench cuts. The total amount of funds available for purchase for asphalt for the rest of the current budget year is \$65,212.

BUDGET IMPLICATIONS: If approved, maximum amounts of \$45,012 will be spent from Fund 5, the Street Fund, budget lines 005-0500-431.60-87 and 005-0500-431.75-10, \$5,200 from Fund 51, the Water Fund, budget line code 051-5100-510.60-87, and \$15,000 from Fund 55, the Wastewater Fund, budget line code 055-5500-550.60-87, to purchase hot-mix asphalt for street maintenance and trench patching projects between now and June 30, 2014. There are adequate funds budgeted for these purposes.

RECOMMENDATIONS:

1. **Staff Recommendation:** *Move to authorize the purchase of hot-mix asphalt as needed for street maintenance from the lowest-cost supplier available at the time of the projects in an amount not to exceed \$65,212.*
2. Deny authorization to purchase the hot-mix asphalt and provide additional direction to staff.



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481
FAX (541) 296-6906

AGENDA STAFF REPORT
CITY OF THE DALLES

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
April 14, 2014	Action Items 13, A	14-021

TO: Honorable Mayor and City Council

FROM: Nolan K. Young, City Manager *ny*

DATE: March 25, 2014

ISSUE: Agreement for Personnel Service with The Dalles Area Chamber of Commerce to provide Community Marketing Services and Scope of Work and Budget for those Services for Fiscal Year 2014-15

BACKGROUND: In December 2008, the City of The Dalles and The Dalles Area Chamber of Commerce signed a five year agreement for personal services for the Chamber to provide tourism promotion and Community Marketing for the City for a five year period. To continue this partnership, the City will need to sign a new agreement with the Chamber. Attached is a proposed new five year agreement similar to the current agreement.

In general, the agreement calls for the Chamber to maintain affiliations, conduct promotions, incur advertising and printing expenses, and create and operate a marketing program designed to achieve the goals and objectives set forth in the Scope of Work, and to maintain a full-service visitor center.

Section 3Bi of the agreement calls for the Chamber to submit a Budget Request and corresponding scope of work for each year. The City Council will then consider their request and respond. The Chamber submitted a work scope for FY 2014-15 at the March 24 City Council meeting. Attached is the proposed annual budget for the Community Marketing Program and 2014-15 Work Scope proposed by the Chamber of Commerce.

This year we are proposing an increase in the budget from \$230,030 to \$241,530. Funds

for our Community Marketing Program come from the City's 6% Transient Room Tax. The Chamber contract is 43.4% of our anticipated revenue. Each year the budget includes a special project. This year the special includes 1) Update of electronic kiosks and Lewis and Clark Festival Park; 2) Fencing for yard area at the Chamber for safety and benches for tourists and picnic area; and 3) tables for picnic area (\$20,000). Last year the annual special project was the renovation of the visitor center space at the chamber office.

Staff has reviewed this proposed marketing plan and budget and is recommending the City Council approve it as submitted. This year's work plan is similar to last year's program. At the Council meeting the Chamber will make a presentation on their proposal.

BUDGET IMPLICATION: Attached is the Budget Information Paper for FY 2014-15 showing the use of Transient Room Tax funds.

COUNCIL ALTERNATIVES:

1. **Staff Recommendation:** *Move to approve a new 5-year Services Agreement with The Dalles Area Chamber of Commerce for Community Marketing Services and approve the proposed FY 2014-15 Work Scope and Budget for the Community Marketing Program as presented by the Chamber of Commerce.*
2. Postpone acceptance of the proposed FY 2014-15 Community Marketing Work Scope and Budget to allow for further research.
3. Amend the proposed FY 2014-15 Community Marketing Budget and Work Scope and refer it to the Chamber of Commerce for consideration.

AGREEMENT FOR PERSONAL SERVICES

THIS AGREEMENT is made and entered into this _____ day of _____, 2014, by and between the CITY OF THE DALLES, an Oregon municipal corporation, hereinafter called "CITY", and THE DALLES AREA CHAMBER OF COMMERCE, an Oregon non-profit corporation and independent contractor, hereinafter called "CHAMBER".

In consideration of the mutual covenants and promises set forth herein, CITY and CHAMBER mutually agree as follows:

Section 1. Term; Renewal Provisions. The term of this agreement shall commence on July 1, 2014, and terminate on June 30, 2019. The sum to be paid to CHAMBER for services rendered under this contract shall be the amount determined by the process described in Section 3(B).

Section 2. CHAMBER'S Duties. CHAMBER agrees to provide services to CITY in accordance with the "Community Marketing Scope of Work", which shall be developed and shall be updated and mutually agreed to annually, as spelled out in Section 3(B); and a copy of which Scope of Work is marked Exhibit "A" and by this reference incorporated herein. In general, CHAMBER will maintain affiliations, conduct promotions, incur advertising and printing expenses, and create and operate a marketing program designed to achieve the goals and objectives set forth in the "Scope of Work" and maintain a full-service visitor center, with staffing levels also set forth in the "Scope of Work". CHAMBER shall be responsible for maintenance and stocking of the restrooms at the visitor center facility.

Section 3. Compensation.

A. During the term of this agreement, CITY agrees to pay CHAMBER a sum mutually agreed to as described in Section 3(B). CITY shall make this sum available to the CHAMBER through two methods: (1) Equal monthly payments by the first day of each month, for agreed to administrative services and personnel costs; and (2) the remaining amount as reimbursement of invoices related to the "Scope of Work", as described in Section 3(B).

B. Annually the CITY and CHAMBER shall mutually agree to a contract amount and "Scope of Work". The contract amount shall be supported by a detailed budget that shall, at a minimum, identify personnel costs, administrative service fees and expenditures, and a marketing budget. All expenses should be tied to the annual "Scope of Work".

i. For each annual period from July 1st to June 30th during which this Agreement is in effect, the CHAMBER will submit a budget request with corresponding "Scope of Work" by March 1 of each year. The CHAMBER will also provide a report on results to date of the current work scope to the City Council in March of each year covered by this agreement.

ii. The CITY will consider the request and respond with an approved amount and "Scope of Work" by May 15. The CHAMBER shall have two calendar weeks to reject or accept the CITY'S response.

iii. If the CITY and CHAMBER cannot mutually agree to a payment amount and "Scope of Work" by June 14 of any particular year, the contract will be deemed to terminate on June 30 of that year.

Section 4. Processing Accounts Payables; Financial Audit of Transient Room Tax

Collectors, CITY and CHAMBER have agreed CITY shall retain possession of the funds collected from the transient room tax, which will be used to compensate CHAMBER for services provided by CHAMBER to the CITY. CHAMBER shall submit necessary original invoices and vouchers, with appropriate CHAMBER approval and documentation, (e.g. receipt for goods, packing slips, copies of CHAMBER issued purchase orders) to CITY for review and payment. CITY shall disburse payment for approved expenses in the ordinary course of processing its accounts payable. CITY shall continue to conduct the audits of businesses which collect the transient room tax, as required by CITY ordinance.

Section 5. Insurance. Prior to provision of services under this contract, CHAMBER shall provide original certificates of insurance to the City Attorney, evidencing proof that CHAMBER has insurance policies in effect for the type of coverage set forth below, and within the stated limits, with insurance carriers that are satisfactory to the CITY;

<u>Type of Insurance</u>	<u>Limits of Liability</u>
Worker's Compensation	Statutory Worker's Compensation
Comprehensive General Liability - Combined Single Limits	\$ 500,000 (each occurrence) \$1,000,000 (aggregate)
Automobile Liability - Combined Single Limits	\$ 500,000 All vehicles covered Hired and non-owned auto liability

At all times during the term of this agreement, and during the term of any renewal agreement, CHAMBER shall keep such insurance policies in full force and effect, and shall

provide the City Attorney with original certificates of insurance. The certificates shall provide that CITY is named as an additional insured, and shall also provide that the policies shall not be canceled without 30 days notice to the CITY.

Section 6. Books and Records. Upon formal approval of CHAMBER'S Board of Directors or its authorized designee, CHAMBER shall forward all invoices, vouchers, and other documentation to CITY'S Finance Department. CITY shall keep complete and proper books, records, invoices, vouchers, and accounts of all transactions performed as part of this agreement.

Section 7. Assignment. The responsibility for performing CHAMBER'S services under the terms of this agreement shall not be assigned, transferred, delegated or otherwise referred by CHAMBER to a third person without the prior written consent of CITY.

Section 8. Status as an Independent Contractor. In the performance of the work, duties, and obligations required of CHAMBER under this agreement, it is mutually understood and agreed that CHAMBER is at all times acting and performing as an independent contractor. No relationship of employer/employee is created by this agreement. CITY shall neither have nor exercise any control over the methods by which the CHAMBER shall perform its work and functions. The sole interest and responsibility of CITY is to assure the services covered by this agreement shall be performed and rendered in a competent, efficient and satisfactory manner. CHAMBER shall not have claims under this agreement or otherwise against CITY for vacation pay, sick leave, retirement benefits, Social Security benefits, Workmen's Compensation benefits, unemployment or other employee benefits of any kind.

Section 9. Indemnification. Each party shall indemnify, hold harmless, and defend the other, its officials, agents and employees, from and against any and all claims, damages, losses and

expenses, arising in or from its performance of, or failure to perform, this agreement. The extent of the CITY'S obligation under this subsection is limited to the CITY'S obligation under the Oregon Constitution and the provisions of ORS 30.260 through 30.300.

Section 10. Attorney Fees. If any proceeding, action, or appeal thereon is instituted in connection with any controversy arising out of this agreement, performance of this agreement or failure to perform this agreement, the prevailing party shall be entitled to recover, in addition to costs and disbursements, the sum as the adjudicator may adjudge reasonable as attorney fees.

Section 11. Ownership and Use of Documents or Equipment Purchased. In whatever form it may be produced or stored, any documents or publications prepared or equipment and software purchased in performance of this agreement and charged to the Tourist Promotion Fund, and any supporting and investigative information that is gathered in the performance of this agreement, upon completion of the work or upon termination of this agreement, shall be and remain the property of CITY.

Section 12. Notices. Any notice required to be given under this agreement or required by law shall be in writing and delivered to the parties at the following addresses or to any other address provided by the parties:

CITY OF THE DALLES
City Manager
313 Court Street
The Dalles, OR 97058

THE DALLES AREA CHAMBER OF COMMERCE
President/CEO
404 West Second Street
The Dalles, OR 97058

Section 13. Applicable Laws. The law of the State of Oregon shall be used in construing this agreement and enforcing the rights and remedies of the parties.

Section 14. Termination Clause. Except where this agreement expressly allows for an early termination in the event the parties cannot agree upon a payment amount or scope of work for any particular year of this agreement, the CITY may terminate this agreement only for failure of performance on the part of the CHAMBER upon sixty (60) days prior written notice to the CHAMBER. The CHAMBER may terminate within sixty (60) days of prior written notification to the CITY.

Section 15. Termination for Lack of Appropriations. The City's obligation to pay any amounts due for those fiscal years covered by this agreement is contingent upon appropriations and approval of funds for that purpose. This contract shall expire at the end of any applicable fiscal year during the five year period of this Agreement unless the CITY has allocated funds for the following fiscal year and has provided prior written notification to the CHAMBER.

Section 16. Merger. There are no other undertakings, promises or agreements, either oral or in writing, other than that which is contained in this agreement. Any amendments to this agreement shall be in writing and executed by both parties.

CITY OF THE DALLES

THE DALLES AREA
CHAMBER OF COMMERCE

Nolan K. Young, City Manager

Dana Schmidling, Executive Director

Date: _____

Date: _____

Proposed Community Marketing 2014/2015 Work Plan

Visitor Services

1. Fully staff and maintain the official City of The Dalles Visitor Center at the Chamber of Commerce office. Monday thru Friday, October – May; 7 days a week Memorial Day thru Labor Day.
2. Maintain 24-hour visitor information access -- one at Chamber office and kiosks at the Lewis & Clark Festival Park (special project will be to update kiosks at the Festival Park).
3. Provide brochures and other visitor information to the Veteran's Affairs offices located in the transportation center and the visitor center at Seuffert Park.
4. Distribute *The Sun*, *The Gorge*, *The Dalles* brochures to Convention & Visitor Bureaus, state travel information centers, Chambers and other tourism information outlets across the state.
5. Maintain electronic version of brochure on Travel Oregon website.
6. Continually update and distribute visitor information to hotels, restaurants and other businesses. Maintain visitor information binders provided to front desk staff at all hotels.
7. Create and provide a customer/hospitality service training for businesses in The Dalles to ensure a quality customer experience for visitors.
8. Provide map and materials for self-guided historic walking tours and guide to talking murals.
9. Provide step-on guide services for tour groups upon request.
10. Train staff and volunteers to be Ambassadors for The Dalles and meet visitor groups at community gateways including the Marine Terminal at Union Street.
11. Respond to visitor information requests received via phone, email, social media and website.

Community Marketing

1. Continue work with Weinstein PR on strong public relations campaign that includes quarterly tip sheets, story development, and frequent communication with national and regional publication.
2. Maintain contact with travel writers who attended the May 2014 familiarization (Fam) trip along with other mini Fam tours that took place in 2014/2015.
3. Participate as an exhibitor in the Pacific Northwest Travel Writers Tradeshow.
4. Continually work with local photographer to develop a library of images that can be used in all marketing materials.
5. Continue *The Sun. The Gorge. The Dalles.* marketing campaign initiating Phase II (making a personal connection with local characters).
6. Work with Mt. Hood/Columbia River Gorge region (RDMO) and their ad agency (Weiden & Kennedy) to create and publicize three Video Ads this year emphasizing on Cycling, Agriculture and Water Activities. Each DMO in our region will be contributing funds and the RDMO will be matching these funds as to increase our capabilities to create a better video and possibly more than three. These will be used by each DMO this year and then our region will be paying for TV time with Travel Oregon the following year as a campaign to market our entire region. (this was delayed until 14/15 due to other opportunities that arose with the new Travel Oregon Campaign)
7. Expand online advertising with Travel Oregon and other travel sites.
8. Continue to develop tours for passengers of cruise ships and day cruises that make scheduled stops at the new commercial dock in The Dalles.
9. Develop a strategy/plan for creating a festive vendor market in the Lewis & Clark Festival Park when ships arrive at The Dalles commercial dock.
10. Develop a long-term strategy to bring pedi-cabs, bicycle rentals, souvenir shops/kiosks and similar businesses to operate in The Dalles near the dock.
11. Continue to enhance the new website to be even more user friendly and providing advertisement opportunities for a larger exposure for businesses.
12. Research (look for one with more options for the businesses) smartphone applications (like My Chamber App) that allows to search for lodging, dining, wineries, attractions and other visitor amenities in The Dalles on mobile

25. Work with hotels, restaurants and wineries to develop programs suitable for participation in the Travel Oregon Wanderfeast (Oregon Bounty) promotion.
26. Maintain strong alliances with Columbia River Gorge Visitors Association, Oregon Festival & Events Association, Columbia Gorge Arts & Culture Alliance, Oregon Destination Marketing Organizations, Travel Oregon, Travel Portland, the Mt. Hood/Columbia River Gorge Region, Oregon Tour and Travel Alliance, and other regional partners.
27. Work with Chamber to develop, maintain and enhance Sunsational Charm Trail to encourage foot traffic from tourists into our local businesses.
28. Work with community to be a more Bike Friendly Area!!! Continue to work with City, Committees, County, and community to increase Bicycle Tourism, Bike Ready Businesses, and help with overall Bike Plan for The Dalles.

Advertising

1. Advertise The Dalles cycling map on local, regional and national cycling websites and work with new work group in The Dalles for City wide Bike Plan. Feed information to Travel Oregon as things progress to help tell our story!
2. Will be developing an ad campaign promoting Visit The Dalles on Facebook and other social media sites.
3. Place ads in the Gorge Guide, 1859 Magazine, Travel Oregon Trip Planner, Oregon Events Calendar, Visitor Guide, Northwest Travel, True West, The Columbia River Gorge Guide, AAA (VIA), Veterans View, and Kid's Guide.
4. Support national and international marketing strategies of Travel Oregon and Travel Portland with co-op advertising and providing The Dalles brochures as part of their travel trade activities.
5. Provide marketing grants for Cruise the Gorge and other organizations producing events that generate overnight stays.
6. Place ads in online publications in Oregon, Washington, Idaho and northern California publications for spring and summer events.
7. Develop cooperative advertising opportunities with local hospitality and tourism businesses to leverage advertising dollars.

Partnerships

1. Maintain and maximize partnerships with Travel Oregon, Travel Portland, Oregon Tour & Travel Alliance, Oregon Festivals & Events Association, Oregon Travel Information Council, Mt. Hood/Columbia Gorge regional tourism commission, CRGVA, Oregon Film & Video, Mt. Hood Alliance, Wasco County, Columbia Gorge Discovery Center & Museum, The Dalles Dam/Corps of Engineers, Ft. Dalles Rodeo Association, Port of The Dalles, Northern Wasco County Parks & Recreation District, Wasco County Historic Landmarks, Oregon State Chamber of Commerce, Oregon 150, and other Columbia River Gorge Chambers of Commerce along with Northwest Region Chambers.
2. Provide tourism perspective to community initiatives to solicit federal funding as a contributing member of the Community Outreach Team.

Special Projects

1. Electronic Kiosks update for Festival Park
2. Fencing for yard area of Chamber for Tourists picnics
3. Tables & benches for picnic area

Evaluation will be provided by Chamber Board review (includes City Manager), Annual Report to the City in March, and monthly financial reports from the City to the Chamber.

2013-14 Proposed Tourism Marketing Budget			
Personnel			
(01) Salaries & Benefits		\$97,500	Increase to accommodate our Charm Trail Coirdinator and bring her above minimum wage and accommodate our summer staffing (weekends)
Facilities			
(02) Space Cost		\$7,380	2013-2014 Actual
(03) Equipment Maintenance & Repair		\$6,000	No Change from 2013-14
Operating			
(04) Administration		\$23,520	No Change from 2013-14
(05) Office Supplies		\$2,000	No Change from 2013-14
(06) Postage		\$3,500	No Change from 2013-14
(07) Telephone		\$2,800	Increase from 2013-14 (Chamber covers 65%)
(08) Travel & Mileage		\$5,000	No Change from 2013-14
(09) Dues & Subscriptions		\$830	No Change from 2013-14
Marketing			
(10) Printing & Binding		\$5,000	No Change from 2013-14
(11) Marketing/Event Support		\$53,000	No Change from 2013-14
	Grants for Events (heads in beds)	\$8,000	
	Marketing/Event Support	\$45,000	
(12) Public Relations		\$15,000	No Change from 2013-14
	Total	\$221,530	
(13) Special Project		\$20,000	Continued efforts to create VISITOR CENTER for Wasco County
	a. Fencing for safety, looks, & visitor picnic area		(I am not sure of the exact costs for each
	b. Tables/benches for picnic areas		of these special projects but I will do my best to
	c. Update Electronic Kiosks at Festival Park		address each of the projects in the most effective way)
	GRAND TOTAL	\$241,530	



CITY of THE DALLES

313 COURT STREET
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AGENDA STAFF REPORT CITY OF THE DALLES

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
April 14, 2014	Action Items 13, B	14-025

TO: Honorable Mayor and City Council

FROM: Nolan K. Young, City Manager *nyj*

DATE: March 19, 2014

ISSUE: Consideration of a Compensation Package for Exempt Employees for Fiscal Year 2014-15

BACKGROUND: For compensation purposes, the City has four categories of employees:

- 1) Exempt employees (Dept Managers, Supervisors, Confidential Secretaries, Planning Staff);
- 2) Contract employees (City Manager, City Attorney, and Municipal Court Judge);
- 3) SEIU represented general employees; and
- 4) Police association employees.

For the last two categories, the City negotiates a labor contract. The SEIU employees will be in the first year of a three-year contract in FY 2014-15. They are scheduled to receive a 2% COLA on January 1, 2015. The City's insurance premium payment increase is capped at 8% in FY 2014-15 for SEIU employees. The three year Police Association contract is in its second year in FY 2014-15; a 2% COLA is scheduled for July 2014. The City's insurance premium payment increase is capped at 9% for the Police Association employees in FY 2014-15.

The City has three contract employees; City Attorney, City Manager, and Municipal Court Judge. The City Council annually considers a COLA and/or salary adjustment for these three after their annual evaluations. Evaluations will be scheduled for April or May. The City is currently paying for the full cost in insurance increases for the City

Manager, and 85% dependent insurance pick up for the City Attorney.

Annually, the City Council also considers cost of living adjustment (COLA) or other salary adjustments for exempt employees. The exempt group has typically lagged behind salaries in comparable cities. In FY 2013-14 this group received a 2% COLA on July 1, 2013.

The annual Consumer Price Index (CPI) increase for 2013 is 2.8%. We have identified three alternatives for addressing the COLA for exempt employees.

1. Staff recommendation: A 2% COLA on July 1, 2014. This amount is 71% of the CPI for 2013. We recommend this conservative approach because the economy is still in recovery. The estimated cost of this option is \$67,320.
2. 2% COLA January 1, 2015: Uses the amount in the SEIU contract. The estimated cost is \$33,660.
3. 2.8% on July 1, 2014: This equals the CIP increase for 2013. The estimated cost is \$94,248.

Insurance Cost Share: The City Council expressed a desire to have the employees pick up more of the insurance cost. In line with this desire, we recommend that we follow the 8% maximum increase of the City contribution toward the cost of monthly insurance premiums given to the SEUI employees.

COUNCIL ALTERNATIVES:

1. **Staff Recommendation**: Approve an exempt employee compensation package for FY 2014-15 that includes: A 2% COLA effective July 1, 2014, and increases the City's contribution toward an employee's insurance premium no more than 8%.
2. Approve an exempt employee compensation package for FY 2014-15 that includes: 2% COLA January 1, 2015, and increases the City's contribution toward an employee's insurance premium no more than 8%.
3. Approve an exempt employee compensation package for FY 2014-15 that includes: a 2.8% COLA effective July 1, 2014, and increase the City's contribution toward an employee's insurance premium no more than 8%.
4. Postpone action on exempt employee COLA or salary adjustment to allow for further research.
5. Approve some other exempt employee COLA and/or insurance premium contribution.



CITY of THE DALLES

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AGENDA STAFF REPORT
CITY OF THE DALLES

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
April 14, 2014	Discussion Items 14, A	14-026

TO: Honorable Mayor and City Council

FROM: Nolan Young, City Manager *ny*

DATE: April 1, 2014

ISSUE: Discussion Regarding Funding for Fort Dalles Fourth of July Celebration.

BACKGROUND: At the March 10, 2014 Council Meeting, the City Manager reported there would be funds available in the current fiscal year budget to provide the requested \$20,000 matching funds for the Fourth of July Celebration.

The City Council reached consensus to discuss the funding request, request information from the Committee regarding their current fundraising status, and to respond to a previous question regarding a possible refund in the event weather caused the cancellation of the fireworks display.

The Committee previously provided information regarding the cancellation of the display, saying if, in the remote possibility of cancellation, the event would be re-scheduled within the next few days, and if that was not possible, the inventory would be carried over for the following year's display.

Attached is email correspondence from the Fort Dalles Fourth Committee outlining their current fundraising status and the explanation regarding the question regarding cancellation of the event. Please let us know if there are other questions you would like pursued prior to the April 14th meeting.

BUDGET IMPLICATIONS: If approved, staff will prepare a budget amendment to present for approval at the April 28, 2014 Council meeting to provide financial support for the 2014 event.

ALTERNATIVES:

- A. Staff Recommendation: *Move to approve the funding request and direct staff to prepare a budget amendment for approval at the April 28, 2014 Council meeting.*
- B. Decline the funding request.
- C. Approve the funding request in a different amount.
- D. Include the funding request in the 2014-15 fiscal year budget and allow to go through the budget process.

Julie Krueger

From: douglas.kirchhofer@nm.com
Sent: Tuesday, March 18, 2014 9:08 AM
To: Nolan Young
Cc: Julie Krueger
Subject: RE: 4th of July Celebration

Certainly,

In the event of an adverse weather condition (extremely high winds would be the only deterrent, this show can easily handle rain), option 1 would be to remove the 10" & 8" rockets from the display and only use the 6" rockets and below. In this case the safe zone required is 300 feet in each direction from the launch area. The river's width offers nearly twice the distance required. The 10" & 8" rockets would then be carried over and used in the 2015 display.

In the event that no show whatsoever is possible on July 4, the pyrotechnic company will set a "rain date" the next day or within the next few days (the Coast Guard permit is only good for a short block of days). This is extremely unlikely. The pyrotechnic company produces large displays over dry land and fields and successfully puts on the Hood River display on an annual basis.

In the apocalyptic event that a pyrotechnic display is not possible for several consecutive days, the inventory is ours and we carry that forward to the following year.

From: Nolan Young [mailto:nyoung@ci.the-dalles.or.us]
Sent: Tuesday, March 18, 2014 8:38 AM
To: KIRCHHOFER, DOUGLAS /71895 /GA068
Cc: Julie Krueger
Subject: RE: 4th of July Celebration

Doug;

Could you refresh our memory as to what the plans are if the weather require you to cancel your Fireworks display on July 4th.

Nolan

From: douglas.kirchhofer@nm.com [mailto:douglas.kirchhofer@nm.com]
Sent: Monday, March 10, 2014 8:40 PM
To: Nolan Young
Cc: selawrence1963@yahoo.com; Julie Krueger; nolan@unwoundcountry.com
Subject: RE: 4th of July Celebration

Hi Nolan,

Thank you for the update. Here is our current fundraising status:

The Armory fundraiser grossed approximately \$17,000 and put \$13,800 in our account after expenses. This was enough for us to put a down payment on the barge display. The Chamber recently approved \$2,000 from the TRT fund pushing us past the \$15,000 range and triggering the \$7,500 matching grant. We are following up currently with the matching donor. We also have a rocket sponsorship drive on our www.fortdallesfourth.com website. Counting online pledges, we are currently at the \$25,000-\$30,000 range.

With the fundraising event being a success our committee has bifurcated, with Nolan Hare focused on Family Festival development & I am focused on parade development along with continuing funding of the barge fireworks display.

Nolan Hare is producing a \$25,000 community festival he hopes to fund solely from business event sponsorship. Currently we have only a few thousand committed. We are also hoping the community at the individual level continues to come through on our website to complete the barge fireworks display. We are still about \$7,500 short of a fully funded barge display. We also have received information from the Port of The Dalles that they will help regionally market the event once we present a proposal.

All this being said, a nod from the city that the \$20,000 is available will allow us to move forward more confidently in developing the day's activities in full. We have successfully pushed some of the expenses to July but still need to commit to those expenses come May. In the event our fundraising exceeds our expenses, we will bank the excess funds to the 2015 Festival (a Saturday show) and still hope to make this event self-funding in 2016 & beyond.

With gratitude,

Doug Kirchhofer / *Financial Advisor*
515 Liberty Street
The Dalles, OR 97058

541-296-1966 Phone
541-296-8719 Fax
541-980-1055 Cell
douglas.kirchhofer@nmfn.com

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From: Nolan Young [<mailto:nyoung@ci.the-dalles.or.us>]
Sent: Monday, March 10, 2014 6:25 PM
To: KIRCHHOFER, DOUGLAS /71895 /GA068
Cc: 'Steve Lawrence'; Julie Krueger
Subject: 4th of July Celebration