

AGENDA

REGULAR CITY COUNCIL MEETING

June 23, 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. Presentation by FFA Regarding 30% Level Design for the Library Expansion Project
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
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.

CITY OF THE DALLES

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

- A. Approval of June 9, 2014 Regular City Council Meeting Minutes
- B. Approval of June 4, 2014 Special City Council Meeting Minutes
- C. Resolution No. 14-019 Concurring With the Mayor's Appointments to Various Commissions and Committees

11. PUBLIC HEARINGS

- A. Public Hearing to Receive Testimony Regarding the Fund 009, Public Works Reserve Fund Change for Fiscal Year 2014-15 [**Agenda Staff Report #14-045**]
 - 1. Resolution No. 14-018 Adopting the Fiscal Year 2014-15 Budget for the City of The Dalles, Making Appropriations, Authorizing Expenditures, Levying Taxes and Authorizing the City Manager to Take Such Action as Necessary to Carry Out the Adopted Budget

12. CONTRACT REVIEW BOARD ACTIONS

- A. Approval to Purchase Asphalt for Street Maintenance Project from July 1 Through End of Construction Season [**Agenda Staff Report #14-046**]

13. ACTION ITEMS

- A. Resolution Authorizing Transfers of Funds Between Categories of Various Funds, Making Appropriations and Authorizing Expenditures for Fiscal Year Ending June 30, 2014 [**Agenda Staff Report #14-047**]
- B. Resolution No. 14-015 Accepting a Deed of Dedication from Monty Mathie for Public Right of Way [**Agenda Staff Report #14-049**]

14. DISCUSSION ITEMS

- A. Discussion Regarding Proposal for Tobacco Free Policy at Lewis and Clark Festival Park [**Agenda Staff Report #14-048**]

15. EXECUTIVE SESSION

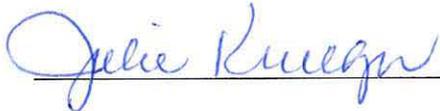
- A. Recess to Executive Session in Accordance With ORS 192.660 (2) (e) to Conduct Deliberations With Persons Designated by the Governing Body to Negotiate Real Property Transactions and ORS 192.660 (2) (h) to Consult With Counsel Concerning the Legal Rights and Duties of a Public Body With Regard to Litigation or Litigation Likely to be Filed
- B. Reconvene to Open Session

16. DECISIONS FOLLOWING EXECUTIVE SESSION

17. ADJOURNMENT

This meeting conducted in a handicap accessible room.

Prepared by/
Julie Krueger, MMC
City Clerk

A handwritten signature in blue ink, reading "Julie Krueger", is written over a horizontal line.



CITY of THE DALLES

313 COURT STREET
THE DALLES, OR 97058

PH. (541) 296-5481
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AGENDA STAFF REPORT
CITY OF THE DALLES

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
June 23, 2014	Consent Agenda 10, A - C	N/A

TO: Honorable Mayor and City Council

FROM: Julie Krueger, MMC, City Clerk 

THRU: Nolan K. Young, City Manager

DATE: June 12, 2014

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

A. **ITEM:** Approval of June 9, 2014 Regular City Council Meeting Minutes.

BUDGET IMPLICATIONS: None.

SYNOPSIS: The minutes of the June 9, 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 June 9, 2014 regular City Council meeting.

B. **ITEM:** Approval of June 4, 2014 Special City Council Meeting Minutes.

BUDGET IMPLICATIONS: None.

SYNOPSIS: The minutes of the June 4 special City Council meeting have been prepared and are submitted for review and approval.

RECOMMENDATION: That City Council review and approve the minutes of the June 4, 2014 special City Council meeting.

C. **ITEM:** Resolution No. 14-019 Concurring With the Mayor's Appointments to Various Commissions and Committees.

BUDGET IMPLICATIONS: None.

SYNOPSIS: The Mayor has made several appointments and re-appointments as outlined in the attached Resolution which includes appointments to the Airport Board, Historic Landmarks Commission, Traffic Safety Commission, Urban Renewal Advisory and Budget Committees, and QLife Budget Committee.

RECOMMENDATION: That City Council adopt Resolution No. 14-019 concurring with the Mayor's appointments to various Commissions and Committees.

MINUTES

REGULAR COUNCIL MEETING
OF
JUNE 9, 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, Dan Spatz, Tim McGlothlin, Linda Miller

COUNCIL ABSENT: None

STAFF PRESENT: City Manager Nolan Young, City Attorney Gene Parker, City Clerk Julie Krueger, Public Works Director Dave Anderson, Administrative Intern Rich Wachter, Finance Director Kate Mast, Police Chief Jay Waterbury, Librarian Sheila Dooley

CALL TO ORDER

Mayor Lawrence called the meeting to order at 5:32 p.m.

ROLL CALL

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

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

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

AUDIENCE PARTICIPATION

John Nelson, 524 West Third Place, The Dalles, asked the Council to adopt a resolution asking for increased safety regulations regarding transportation of oil through the Columbia River Gorge. He provided two draft resolutions from the cities of Mosier and Vancouver. Nelson provided statistics, saying no Fire Department in the Gorge was equipped to handle a large oil spill or fire that may result from a train derailment containing oil cars. He said it was important for the City to review their response and evacuation plans to ensure they were prepared for such an incident.

Mayor Lawrence asked if the City had received a questionnaire from the City of Hood River regarding this issue. Fire Chief Palmer said the department had received the list of questions and had responded. He said Mid Columbia Fire and Rescue District could not handle such an incident, and would have to use mutual aid agreements and possibly the State Conflagration Act to have enough help. He said the State Fire Marshal was involved in discussions and working to ensure communities would be notified when the oil cars were passing through the communities.

Councilor Wood said she believed the Council should advocate for safety regulations and noted that the State was currently working on the issue.

Russ Brown, 903 East 14th Street, The Dalles, said there seemed to be a lot of vandalism in the restrooms at the Lewis and Clark Festival Park. He said since the security cameras could not be used inside the restrooms, the City should consider reducing the hours that the restrooms were open and recommended they only be open for special events and when the cruise ships were docked.

Brown asked the Council to consider a program to maintain the City's manholes, saying they needed to be lifted to the level of the asphalt.

Bob McNary, 1525 East Ninth Street, The Dalles, said the E coli issue in Mill Creek had been very poorly managed, with a lot of finger pointing, when it should have been corrected immediately. He said it was irresponsible to allow the contamination to flow into Mill Creek for such a long period of time.

CITY MANAGER REPORT

City Manager Young asked the City Council to authorize a letter of support to obtain a grant to fund the Transportation System Plan update. He said the grant would be in the amount of \$152,000. He said the City's share would be approximately \$50,000.

It was moved by Wood and seconded by Dick to authorize staff to send a letter of support for the grant.

Mayor Lawrence said \$200,000 was a lot of money for a consultant to update the Plan.

Young said it was in line with what other cities had spent for their Plans. He said it would include an updated project list, planning for the overall street system and would include bike, pedestrian, and ADA concerns.

Mayor Lawrence asked if public input would be allowed in the process. Public Works Director Anderson said there would be a review committee and a technical advisory committee and then would be brought to Council where more public input could be taken.

The motion to authorize the letter of support was voted on and carried, Miller opposed.

City Manager Young said he had provided information to the Council regarding the League of Oregon Cities legislative agenda and a list of proposed priorities. He asked the City Council to provide him with their top eight priorities and he would then find the most common four items. Young said staff would also review the list to ensure that the priorities were in line with the City's goals and needs.

Young said the Planning Commission was ready to bring concepts and recommendations regarding residential infill. He asked if the Council could be available on June 30 for a work session to discuss the issues. It was the consensus of the Council to schedule the work session for June 30 at 5:30 p.m.

CITY ATTORNEY REPORT

City Attorney Parker said he had spoken with the attorney for Wal-Mart and learned they had just concluded a hearing for the wetlands permit, but that it could take up to four months to get the decision from the Division of State Lands.

Parker said he was working on getting updated equipment for the Municipal Court.

Parker said he had provided a draft agreement to the Council for the City and Klickitat County to support an EDA grant for a flex building at the Airport to house Life Flight. He said Section 5 noted the City would be responsible for the project reports, but that it would most likely be Klickitat County. Parker asked the Council to approve the agreement with the condition that staff may administratively change the language in Section 5.

It was moved by Spatz and seconded by Dick to authorize the agreement with Klickitat County for financial assistance from EDA for the Airport flex building, subject to administrative clarification of Section 5. The motion carried unanimously.

CITY COUNCIL REPORTS

Councilor Wood said she had attended the Riverfront Trail Committee meeting regarding proposed routes to complete the trail. She said that Oregon Department of Transportation (ODOT) was working with the Committee to develop alternatives. Wood said she attended the planning meeting for the Library addition and thought the addition would be simple and tasteful. She said there had not been a Historic Landmarks Commission meeting in May. Wood said she had attended the Council of Governments meeting and they had provided an estimated cost for operating of the transportation facility of \$28,000 per year. She said construction of the facility was expected to start in February, 2015, being completed in December of 2015.

Councilor McGlothlin noted the crack seal project was being worked on, brush had been trimmed away from signs, and that sweeping of bike trails had been done. He said the Third Place, from Trevitt to Lincoln Street project would be started in August. McGlothlin said the asphalt for the Airport Business Park had been completed and work continued to build the flex building for Life Flight.

Mayor Lawrence asked why the chip seal overlays on Mt. Hood Street and Dry Hollow Road were failing. Public Works Director Anderson said the reason was partly because that process was not intended to be used on streets with a high traffic volume and secondly, it was done too late in the season and didn't have enough warm weather to set properly. He said the staff would continue to monitor and add rock as needed over the next months.

Councilor Dick reported the next QLife meeting would be to adopt the annual budget.

Councilor Spatz said he would be attending a MCEDD meeting this month and would be attending the Gorge Commission meeting on Tuesday.

Councilor Miller said she had also attended the Riverfront Trail Committee meeting and was impressed with the number of alternatives being considered to complete the trail. She said the Urban Renewal Advisory Committee had met on April 28 and the Urban Renewal Agency would be meeting after the Council meeting.

Mayor Lawrence said he had attended a community meeting with a corporate site locator who had explained what they look for when looking to site a business and said he had given them many good recommendations on how to be ready for new businesses. Lawrence said he attended

MINUTES (Continued)
Regular Council Meeting
June 9, 2014
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and was a speaker at a ceremony renaming Interstate 84 as the Vietnam Veteran's Memorial Highway and said he had attended a meeting with QLife and Google to celebrate the completion of Phase IV of the public Wi Fi system.

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: approval of May 12, 2014 regular City Council meeting minutes and approval of April 30, 2014 Council work session minutes.

PUBLIC HEARINGS

Public Hearing to Receive Testimony Regarding Proposed Uses of State Shared Revenue

Mayor Lawrence reviewed the procedure to be followed for the public hearing.

Finance Director Mast reviewed the staff report.

Testimony

No testimony was offered. Mayor Lawrence closed the public hearing.

Resolution No. 14-017 Electing to Receive State Shared Revenue for the City of The Dalles

It was moved by McGlothlin and seconded by Dick to adopt Resolution No. 14-017 electing to receive state shared revenue for the City of The Dalles. The motion carried unanimously.

Public Hearing to Receive Testimony Regarding the Proposed 2014-15 Fiscal Year Budget

Mayor Lawrence reviewed the procedure to be followed for the public hearing.

Finance Director Mast reviewed the staff report and handed out an amended report which included additional items for consideration. She noted changes proposed for the General Fund were to fund a business recruitment professional, described in an issue paper previously provided by the City Manager; increase of \$4,000 to City Hall Department to pay for services provided by Parks and Recreation Department for downtown street tree and Riverfront Trail maintenance; and to roll \$3,600 into the next fiscal year for the purchase of weevils for the Codes Enforcement budget, because they would not be delivered prior to the end of this budget year.

Mast noted the new sludge truck to be purchased by Public Works would not be delivered by June 30, so they would also need to roll \$174,498 into the next budget. She said in order to comply with Oregon Budget Law, a new public hearing would need to be scheduled for the next City Council meeting and after that hearing the Council could adopt the budget. She asked the Council to consider the proposed changes so she could make changes to the resolution for consideration at the next meeting.

Testimony

Hearing no testimony, the public hearing was closed.

Council Deliberation

It was moved by Dick and seconded by Wood to approve the recommended changes to be included in the resolution for consideration at the June 23 Council meeting. The motion carried unanimously.

ACTION ITEMS

Approval of Distribution of Enterprise Zone Fees From Design LLC 2005 Agreement for Fiscal Year 2014-15

City Manager Young reviewed the staff report.

Councilor Wood said the college needed flexibility to be successful. She said the agreement would reduce their ability to serve the needs of students and didn't think the agreement should be needed.

City Manager Young explained that a need in the community had been identified for a technology program. He said it had taken time to get the program developed and ready to launch and that this funding was to help fund a specific program. Mayor Lawrence said it was also important to the City and County that the enterprise funds be used for enhancements in Wasco County, and they didn't want the program to be offered at the Hood River campus.

Wood said she disagreed with tying the hands of the college with such specific requirements. Mayor Lawrence said all Enterprise Zone funds were now distributed through the use of intergovernmental agreements with the entities and this was no different.

Councilor Spatz said as an employee of the college, he would not vote on the matter due to a potential conflict of interest.

It was moved by Miller and seconded by Dick to approve the amended distribution of Enterprise Zone fees from Design, LLC as identified in the proposed "Exhibit B" and authorize the Mayor to sign the agreement between the City, Wasco County, and Columbia Gorge Community College for the distribution of \$75,000 to the college. The motion carried unanimously, Spatz abstaining.

General Ordinance No. 14-1335 Amending Sections 2, 9, and 11 Through 19 and Repealing Section 10 of General Ordinance No. 06-1266 Concerning Systems Development Charges

Mayor Lawrence said it seemed premature to start making amendments on SDC's. He said it would be better to delay this matter until the Council had an opportunity to discuss the residential infill recommendations and concepts on June 30.

City Manager Young said action could be delayed, but suggested the Council have a preliminary discussion so staff could address any concerns.

Councilor Spatz said he had concerns about removing a tool for economic development that could harm the City. He asked for more analysis by staff.

City Manager Young said there was a balance between recruiting business and affordability to expand infrastructure. He suggested considering a cap on the job incentives, so the business could receive a discount but the City could still receive funds for building of infrastructure.

Mayor Lawrence said he would like additional information on the overall scope of the incentives, what the value of the deferral program had been, a discussion regarding who would be responsible for the collections, and what the standards were. Lawrence said it seemed like it would be better to have the Finance Department responsible for collections instead of the Planning Director. He suggested discussing as part of the overall infill discussion.

City Manager Young said the infill discussion was related to residential development and the SDC issue was related to commercial and industrial development. He said the Planning Department was more involved in development and would have a better handle on when to collect the SDC's. Mayor Lawrence said he disagreed with the Planning Department being responsible for installment payments.

MINUTES (Continued)
Regular Council Meeting
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Resolution No. 14-016 Approving The Dalles/Wasco County Enterprise Zone III be Designated for Electronic Commerce

Economic Development Specialist Durow reviewed the staff report. Letters of support were handed out from the Mid Columbia Economic Development District, Columbia Gorge Community College and Northern Wasco County PUD. In response to a question, Durow said the Legislature had decided to only apply the E-Commerce designation to the three to five year program, and not the seven to 15 year program.

Councilor McGlothlin asked what the benefits of the designation were.

Durow said it was an investment tax credit with the State. He said one example of a business that would benefit was a call center type business.

Mayor Lawrence said it would be one more tool to draw business to the community.

It was moved by McGlothlin and seconded by Spatz to adopt Resolution No. 14-016 approving The Dalles/Wasco County Enterprise Zone III be designated for electronic commerce. The motion carried unanimously.

Approval of Annual Insurance Renewals for Property, Liability, Auto and Worker's Compensation

Mike Lipky from Oregon Trail Insurance presented the information. It was noted the overall increase would be 18.2%. It was further noted that CIS would be requiring additional involvement by the City Council for risk management, which would be in the form of a Power Point presentation.

In response to a question, staff noted the Airport was under a separate policy.

Mayor Lawrence expressed concern regarding the worker's compensation. He said the increases and the statistics for the City were alarming. He asked what types of programs were in place to reach a better safety record. Lawrence noted in the past 10 years, the rates had gone from approximately \$94,000 per year to \$208,000 per year.

City Manager Young recommended adding the issue as a discussion item on a future Council agenda.

It was moved by Wood and seconded by Miller to approve the renewal of the City's property, liability, auto, and worker's compensation insurance coverage as presented. The motion carried

unanimously.

Approval of Amendment No. 7 to Operations Management International (OMI) Agreement for Operation of the Wastewater Treatment Plant for Fiscal Year 2014-15

Public Works Director Dave Anderson reviewed the staff report.

It was moved by Miller and seconded by Wood to approve the contract amendment and authorize the City Manager to sign Amendment No. 7 to the Operations Management International (OMI) agreement in amount not to exceed \$907,991.00. The motion carried unanimously.

DISCUSSION ITEMS

Discussion Regarding Proposed Wasco County Road Maintenance District

City Manager Young reviewed the staff report. Wasco County Commissioner Steve Kramer, Administrator Tyler Stone, and staff member Arthur Smith were in attendance to provide information and answer questions. They provided handouts and described how the Wasco County Road Service District could be phased in over a period of five years to help ease the burden of property tax compression on all the taxing entities and allow time for the economy to rebound. Tyler Stone said the County and City needed a shared solution and he hoped the City would make a decision to opt into the County's proposed Road Maintenance District.

Mayor Lawrence said he couldn't support the proposal because of the huge financial impact to the Fire District. Councilors Miller and McGlothlin agreed with the Mayor's statement.

Councilor Dick said he recalled an option discussed at the recent meeting between the City and County where the City could opt in at a later time.

There was a discussion regarding the possibility of an operating levy. It was noted that with compression, the temporary rate or levy would be impacted first and the result would be that no funds were available from the levy.

Councilor Dick said an increase in the fuel tax would help the City to fund their maintenance needs.

There was discussion regarding whether funds from the road district could be used for any other purposes. It was stated the funds could only be used for maintenance and construction of roads.

It was moved by Spatz and seconded by Wood to opt the City into the Wasco County Road

District.

Councilor Spatz said this action would allow the voters to make a decision on how to provide the funding for street maintenance.

Councilor Dick said the staff recommendation was to propose a local fuel tax increase. There was discussion regarding having competing measures on the same ballot. City Manager Young said if the City opted out of the district, County voters would only be voting on the district and City voters would only be voting on the fuel tax issue.

The motion to opt the City into the Wasco County Road District was voted on and failed: voting yes, Spatz; voting no, Wood, Dick, McGlothlin, Miller.

It was moved by Wood and seconded by Spatz to opt the City into the Wasco County Road District with a five year phase-in approach. The motion failed: voting yes, Wood; voting no, Spatz, Dick, McGlothlin, Miller.

It was moved by Dick and seconded by Spatz to opt out of the proposed Wasco County Road District and direct staff to bring back a potential fuel tax ballot measure to the Council for further consideration. The motion carried unanimously.

ADJOURNMENT

Being no further business, the meeting adjourned at 8:03 p.m.

Submitted by/
Julie Krueger, MMC
City Clerk

SIGNED:

Stephen E. Lawrence, Mayor

ATTEST:

Julie Krueger, MMC, City Clerk

MINUTES

SPECIAL COUNCIL MEETING
OF
JUNE 4, 2013
12:00 P.M.

SECOND FLOOR CONFERENCE ROOM
CITY HALL
313 COURT STREET
THE DALLES, OREGON

PRESIDING: Mayor Steve Lawrence

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

COUNCIL ABSENT: None

STAFF PRESENT: City Manager Nolan Young, City Attorney Gene Parker,
Municipal Judge Tom Peachey

CALL TO ORDER

The meeting was called to order by Mayor Lawrence at 12:04 p.m.

APPROVAL OF AGENDA

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

EXECUTIVE SESSION

Mayor Lawrence recessed the meeting to Executive Session at 12:05 p.m. in accordance with ORS 192.660 (2) (I) to review and evaluate the employment related performance of the City Manager, City Attorney and Municipal Judge.

MINUTES (Continued)
Special Council Meeting
June 4, 2014
Page 2

The meeting reconvened to open session at 1:20 p.m.

It was moved by Wood and seconded by Dick to approve a 2% cost of living adjustment for the City Manager and to authorize three weeks of vacation to be paid out. The motion carried, Miller opposed.

The meeting recessed back to Executive Session for the City Attorney's evaluation at 1:30 p.m.

The meeting reconvened at 1:53 p.m.

It was moved by Wood and seconded by Spatz to approve a 2% cost of living adjustment for the City Attorney. The motion carried, Miller opposed.

The meeting recessed back to Executive Session for the Municipal Judge' evaluation at 2:04 p.m.

The meeting reconvened at 2:40 p.m.

ADJOURNMENT

Being no further business, the meeting adjourned at 2:40 p.m.

Submitted by/
Julie Krueger, MMC
City Clerk

SIGNED:

Stephen E. Lawrence, Mayor

ATTEST:

Julie Krueger, MMC, City Clerk

RESOLUTION NO. 14-019

**A RESOLUTION CONCURRING WITH THE MAYOR'S
APPOINTMENTS TO VARIOUS COMMITTEES AND COMMISSIONS**

WHEREAS, there are vacancies on the several Committees and Commissions; and

WHEREAS, the Mayor has selected Terry Trapp and Dave Griffith for appointment to the Airport Board; and

WHEREAS, Sandy Bisset has been selected to fill a vacancy on the Historic Landmarks Commission; and

WHEREAS, the Mayor has selected Mike Kilkenny for re-appointment to the Traffic Safety Commission; and

WHEREAS, Gary Grossman has been selected for re-appointment to the Urban Renewal Advisory Committee and to the Urban Renewal Budget Committee; and

WHEREAS, Ken Farner has been selected for re-appointment to the QLife Budget Committee;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL AS
FOLLOWS:**

Section 1. The City Council concurs with the re-appointment of Terry Trapp and Dave Griffith to the Airport Board, terms to expire December 31, 2016.

Section 2. The City Council concurs with the appointment of Sandy Bisset to the Historic Landmarks Commission, term to expire May 31, 2018.

Section 3. The City Council concurs with the re-appointment of Mike Kilkenny to the Traffic Safety Commission, term to expire April 30, 2017.

Section 4. The City Council concurs with the re-appointment of Gary Grossman to the Urban Renewal Advisory Committee, term to expire December 31, 2016 and Urban Renewal Budget Committee, term to expire December 31, 2015.

Section 5. The City Council concurs with the re-appointment of Ken Farner to the QLife Budget Committee, term to expire June 30, 2017.

Section 6. This Resolution shall be effective June 23, 2014.

PASSED AND ADOPTED THIS 23rd DAY OF JUNE, 2014

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

AND APPROVED BY THE MAYOR THIS 23rd DAY OF JUNE, 2014

SIGNED:

ATTEST:

Stephen E. Lawrence, Mayor

Julie Krueger, MMC, City Clerk



AGENDA STAFF REPORT CITY OF THE DALLES

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
June 23, 2014	Public Hearings 11, A, 1	14-045

TO: Honorable Mayor and City Council

FROM: Kate Mast, Finance Director

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

DATE: June 9, 2014

ISSUE: Public Hearing to Receive Testimony Regarding the Fund 009, Public Works Reserve Fund Change Proposed by Staff, and Resolution No. 14-018 Adopting the FY14/15 Budget for the City of The Dalles.

BACKGROUND: The City Council, on June 9, 2014, held the required Public Hearing on the FY14/15 budget as approved by the Budget Committee. Several changes were recommended by staff to that approved budget.

Oregon Budget Law allows a governing body, prior to final adoption, to make changes to a Fund approved by the Budget Committee in amounts up to \$5,000 or 10% of the operating portion of that Fund, whichever is greater. If the changes are greater than the limit allows, another Public Hearing must be held, with the required published notices, prior to adoption.

The recommended change in the Public Works Reserve Fund 009 is to roll over \$174,500 into FY14/15 to pay for the new sludge truck that was expected to be received prior to June 30, but will not be delivered until July. This change exceeds 10% of that operating budget, and so a notice of the Public Hearing on the change to Fund 009 will be published on Sunday, June 15, 2014, for the new Public Hearing to be on June 23, 2014.

Please note that while the only subject of the Public Hearing is the major change in Fund 009, the Council may deliberate outside the Public Hearing on any portion of the budget they wish. The minor changes to the General Fund were approved by the Council on June 9, but the budget has not yet been adopted.

One of those changes approved at the last meeting put \$30,000 in place in the Contractual Services line item of the City Manager/Economic Development Department of the General Fund to fund the possibility of contracting with a Professional Business Recruiter. While this action only provided the funding for this potential action, the City Manager's Budget Information Paper (BIP) on this issue requested more discussion. A copy of the BIP is attached to this staff report for further consideration.

BUDGET IMPLICATIONS: The minor changes to the approved budget, approved by the Council on June 9, increased the total budget by \$31,600.

If Council approves the change to the Public Works Reserve Fund, it will increase the overall budget by an additional \$174,500, for a total increase for all changes of \$206,100.

If the budget is not adopted on June 23rd, special City Council meetings will need to be scheduled during the remainder of June, as the City cannot operate on July 1, 2014, without an adopted budget for FY14/15.

ALTERNATIVES:

A. **Staff Recommendation:** Make two (2) motions:

1. *Move to approve the proposed change to the Public Works Reserve Fund 009 in the amount of \$174,500.*

AND

2. *Move to adopt Resolution No. 14-018 Adopting the Fiscal Year 2014-2015 Budget for the City of The Dalles, making Appropriations, Authorizing Expenditures, Levying Taxes, and Authorizing the City Manager to Take Such Action as Necessary to Carry Out the Adopted Budget.*

B. City Council could elect to make more changes to the approved budget and direct staff to include those changes in the adopting resolution, and adopting the budget with those changes. However, if any such changes were to be greater than the limit allows, there would not be enough time to re-publish and hold another Public Hearing before June 30.

Subject of Public Hearing - Recommended Change to PW Reserve Fund 009

009 Public Works Reserve Fund			Approved		Amended
	Description	Line Item #	Budget	Change	Budget
Rev	Beginning Fund Balance	009-0000-300.00-00	23,005	174,500	197,505
Exp	Capital Outlay - Vehicles	009-9000-431.74-20	331,773	174,500	506,273
Fund Net Change				174,500	



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481
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BUDGET ISSUE PAPER
CITY OF THE DALLES

BUDGET YEAR AFFECTED	DEPARTMENT(S) AFFECTED	BUDGET DOCUMENT REFERENCE NUMBER
FY 14-15		

TO: Honorable Mayor and City Council
FROM: Nolan K. Young, City Manager *NKY*
DATE: June 4, 2014
ISSUE: Budget Amendment for Business Recruitment Professional

BACKGROUND: The City's historic and current role in economic development has primarily been to provide infrastructure for development and incentive programs through enterprise zones and urban renewal. Our secondary role has been to assist the Port as called upon for specific recruitments. We have always considered the Port the primary economic development agency involved with business recruitment in the community.

Prior to November of 2012 most of our economic development activities were housed in the Community Development Department. In November of 2012 the Community Development Department was reorganized creating the Planning Department and moving economic development to a separate division in the City Manager's office. To assist the City Manager with economic development the four month Administrative Intern position was changed to a full year fellowship and the retiring Community Development Director Dan Durow was assigned to be an economic development specialist to specifically work on completion of the Riverfront Trail, administration of the City's enterprise zone, serve as the City's representative on the Wasco County Economic Development Committee, assistance with current and future urban renewal projects and other tasks as assigned under economic development. Under urban renewal the specialist specifically worked with the archeologist on the archeological and environmental reviews for the Granada Block and parking structure projects as well as the interest buy down program. Under Enterprise Zone the specialist worked with seven different business owners including a long term application, and an enterprise zone boundary amendment for an area outside the city limits in South County. Attached is a pie chart that illustrates the percent of time

spent on these projects over the last 18 months.

Shift in the City's Economic Development Role: Over the last few months Mayor Steve Lawrence and the City Manager have been meeting with officials from the Port of The Dalles to discuss the direction of economic development within the community. We have agreed to develop a core team that will be responsible for the economic development role in the community including business recruitment, retention and expansion. Business recruitment will be a new role for the City. In order to take an aggressive approach we propose that the City include in the fiscal year 2014-15 budget \$30,000 to acquire by contract the services of a professional business recruiter. This recruiter would work with the Core Economic Development Team of the City and Port to bring new businesses into the community. Potential duties would include the following with the Core Team continuing to develop this position's work plan:

- Member of the Core Economic Development Team
- Single point of contact for businesses wishing to locate or seeking information regarding locating in The Dalles
- Contact businesses identified for recruitment by the Core Team
- Attend trade shows to promote the community and recruit prospects
- Develop list of potential "target" businesses and pursue list with consensus of team
- Help Core Team develop economic development strategies, focus, and goals
- Involve other team members, direct, and other primary resources in location inquires and recruitment

Our intent would be to enter into a six month contract with a recruitment professional, after the six months evaluate the process to see if it is providing the desired results.

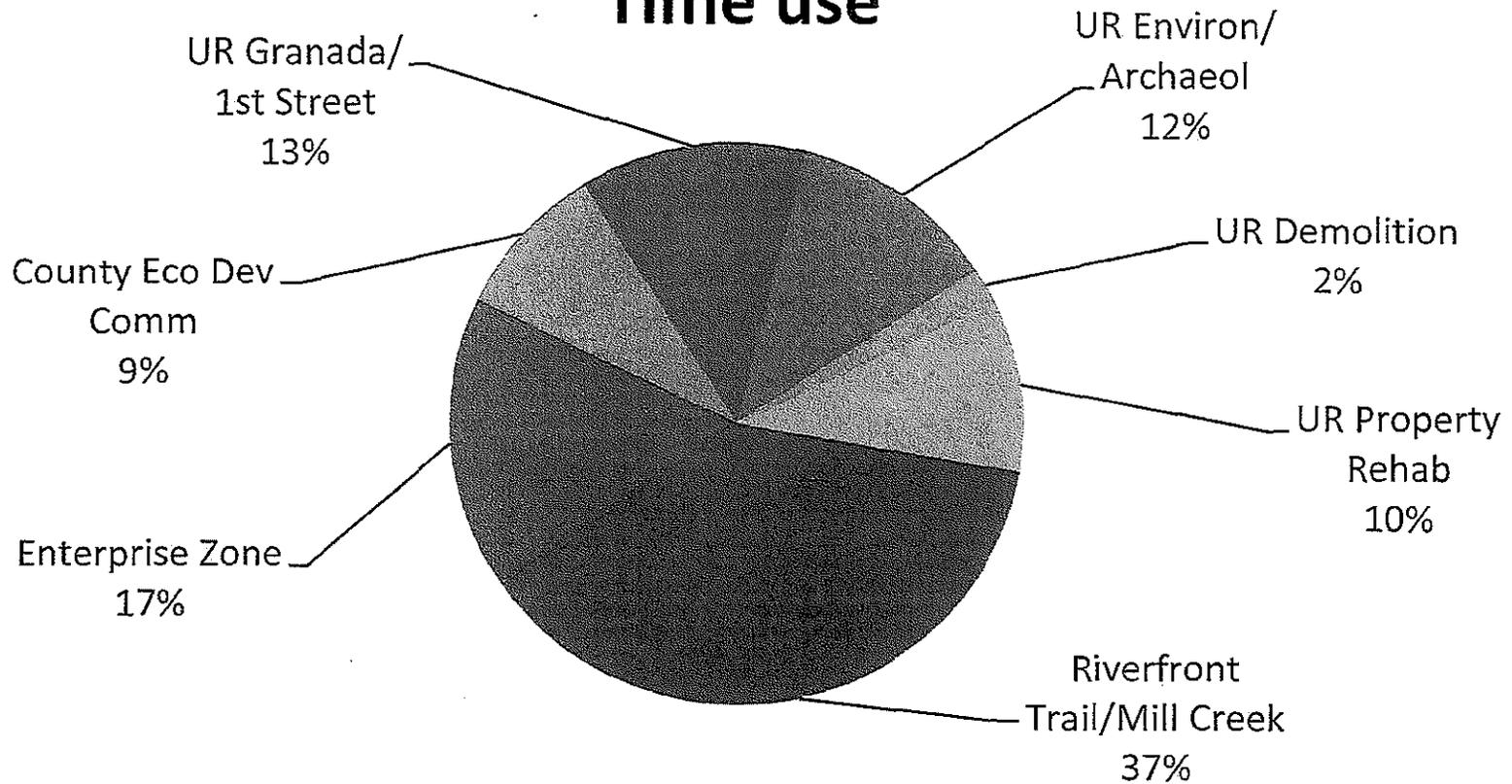
BUDGET IMPLICATIONS: We propose to amend the current budget to add \$30,000 to the Economic Development Contractual Services line item by reducing contingency by \$30,000. We propose that when we start receiving the Google Enterprise Zone funds a portion of the \$115,000 of the annual fee that the City will receive that has not yet been committed will be used to bring the contingency up for the funds expended this year and could potentially be used if the program continues.

COUNCIL ALTERNATIVES:

1. *Staff recommendation: Postpone adoption of the fiscal year 2014-15 budget until June 23, 2014 to allow Council time to consider the proposed amendment to the Economic Development Department for a contractual business recruitment professional.*
2. Amend the fiscal year 2014-15 budget to include \$30,000 for contractual services for business recruitment, and then adopt the budget at the June 9, 2014 Council meeting.
3. Postpone adoption of the budget and ask the City Manager to bring back more information regarding this proposal.
4. Decline to pursue this proposal at this time.

Economic Development Specialist

Time use



RESOLUTION NO. 14-018

A RESOLUTION ADOPTING THE FISCAL YEAR 2014-2015 BUDGET FOR THE CITY OF THE DALLES, MAKING APPROPRIATIONS, AUTHORIZING EXPENDITURES, LEVYING TAXES, AND AUTHORIZING THE CITY MANAGER TO TAKE SUCH ACTION AS NECESSARY TO CARRY OUT THE ADOPTED BUDGET

WHEREAS, the City Budget Committee has reviewed and acted on the proposed City budget, and, on May 6, 2014, approved and recommended a balanced budget to the City Council; and

WHEREAS, in accordance with State Law, the City held a Public Hearing on the approved budget on June 9, 2014; and

WHEREAS, a proposed change to the Public Works Reserve Fund 009 exceeded the 10% of approved operating budget, requiring a second Public Hearing, which was held on June 23, 2014; and

WHEREAS, the City Council has amended the budget previously approved by the Budget Committee, as permitted by ORS 294.435; and

WHEREAS, the City Council wishes to adopt the approved budget with amendments and carry out the programs identified in the budget;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

Section 1. Clerical Changes. The City Council hereby authorizes City staff to make the necessary clerical changes to the amended budget.

Section 2. Adoption of the Budget. The City Council of the City of The Dalles, Oregon, hereby adopts the budget for Fiscal Year 2014-2015 in the total of **\$58,811,133**, now on file in the office of the City Finance Director.

Section 3. Setting Appropriations. The amounts for the Fiscal Year beginning July 1, 2014 and for the purposes shown are hereby appropriated as follows:

GENERAL FUND (001)		
City Council		196,785
City Clerk		141,160
City Manager / Economic Development		426,857
Legal / Judicial		504,362
Finance / Utility Billing		525,673
Personnel		9,100
Planning Department		497,906
Police		3,428,760

Technology	232,678
City Hall / Transportation Center	299,222
Code Enforcement	86,957
Animal Control	90,013
Special Payments	421,530
Interfund Transfers	65,000
Contingency	590,492
TOTAL GENERAL FUND (001) *	7,516,495
LIBRARY FUND (004)	
Personnel Services	652,433
Materials & Services	321,466
Capital Outlay	10,000
Interfund Transfers	39,179
Contingency	102,301
TOTAL LIBRARY FUND (004) **	1,125,379
STREET FUND (005)	
Personnel Services	718,653
Materials & Services	605,297
Capital Outlay	249,213
Interfund Transfers	428,897
Contingency	9,355
TOTAL STREET FUND (005)	2,011,415
PUBLIC WORKS RESERVE FUND (009)	
Capital Outlay	506,273
TOTAL PUBLIC WORKS RESERVE FUND (009)	506,273
UNEMPLOYMENT RESERVE FUND (010)	
Personnel Services	58,764
TOTAL UNEMPLOYMENT RESERVE FUND (010)	58,764
COMMUNITY BENEVOLENCE FUND - VIETNAM MEMORIAL (011)	
Materials & Services	14,633
TOTAL COMMUNITY BENEVOLENCE FUND (011)	14,633
TRANSPORTATION SYSTEM RESERVE FUND	
Capital Outlay	1,418,338
Interfund Transfers	80,000
TOTAL TRANSPORTATION SYSTEM RESERVE FUND (013)	1,498,338
SPECIAL GRANTS FUND (018)	
Materials & Services	440,000
Capital Outlay	12,716,940
Interfund Transfers	50,770
TOTAL SPECIAL GRANTS FUND (018)	13,207,710

STATE OFFICE BUILDING FUND (021)	
Personnel Services	57,914
Materials & Services	125,685
Capital Outlay	27,000
Contingency	21,303
TOTAL STATE OFFICE BUILDING FUND (021)	231,902
SPECIAL ASSESSMENTS FUND (036)	
Materials & Services	56,200
Capital Outlay	385,006
Interfund Transfers	114,347
TOTAL SPECIAL ASSESSMENTS FUND (036)	555,553
CAPITAL PROJECTS FUND (037)	
Materials & Services	5,000
Capital Outlay	354,950
Debt Service	15,150
Interfund Transfers	61,000
TOTAL CAPITAL PROJECTS FUND (037)	436,100
WATER REVENUE BOND FUND (041)	
Debt Service	561,805
Contingency	400,000
TOTAL WATER REVENUE BOND FUND (041)	961,805
FFCO 2008 BOND FUND (043)	
Debt Service	300,930
TOTAL FFCO 2008 BOND FUND (043)	300,930
2009 FFCO BOND FUND (044)	
Debt Service	945,763
TOTAL 2009 FFCO BOND FUND (044)	945,763
WATER FUND (51)	
WATER TREATMENT	
Personnel Services	835,679
Materials & Services	548,241
TOTAL WATER TREATMENT	1,383,920
WATER DISTRIBUTION	
Personnel Services	1,198,509
Materials & Services	563,603
TOTAL WATER DISTRIBUTION	1,762,112
Capital Outlay	383,375
Interfund Transfers	2,925,594
Contingency	39,291
TOTAL WATER FUND (051)	6,494,292
WATER CAPITAL RESERVE FUND (053)	
Materials & Services	-
Capital Outlay	3,025,209
Debt Service	238,380
Interfund Transfers	594,901
Contingency	-
TOTAL WATER CAPITAL RESERVE FUND (053)	3,858,490

WASTEWATER FUND (055)	
Personnel Services	1,192,048
Materials & Services	1,626,242
Capital Outlay	146,565
Interfund Transfers	2,895,668
Contingency	20,806
TOTAL WASTEWATER FUND (055)	5,881,329
SEWER CAPITAL RESERVE FUND (056)	
Materials & Services	-
Capital Outlay	3,436,709
Interfund Transfers	7,082
TOTAL WASTEWATER CAPITAL RESERVE FUND (056)	3,443,791
SEWER PLANT CONSTRUCTION FUND (057)	
Materials & Services	-
Capital Outlay	4,725,872
Interfund Transfers	551,965
TOTAL SEWER PLAN CONSTRUCTION FUND (057)	5,277,837
SEWER DEBT SERVICE FUND (058)	
Debt Service	551,965
Contingency	224,527
TOTAL SEWER DEBT SERVICE FUND (058)	776,492
AIRPORT FUND (061)	
Materials & Services	233,750
Capital Outlay	1,428,000
Contingency	23,565
TOTAL AIRPORT FUND (061)	1,685,315
AIRPORT DEBT SERVICE FUND (062)	
Debt Service	266,262
TOTAL AIRPORT DEBT SERVICE FUND (062)	266,262
TOTAL ALL FUNDS	57,054,868

TOTAL ALL FUNDS **57,054,868**

* An Unappropriated Ending Fund Balance has been set for the General Fund in the amount of: 773,883

** An Unappropriated Ending Fund Balance has been set for the Library Fund in the amount of: 982,382

TOTAL ADOPTED BUDGET **58,811,133**

Section 4. Authority of City Manager. The City Council hereby authorizes the City Manager to take such action as is necessary and consistent with State Statutes and City Ordinances, including, but not limited to, entering into contracts to carry out the programs, projects and services identified in the adopted budget.

Section 5. Imposing and Categorizing the Tax. The City Council of the City of The Dalles, Oregon, hereby imposes the taxes provided for in this adopted budget in the General Fund at the rate of \$3.0155 per \$1,000 of assessed value for operations, and that these taxes are hereby imposed and categorized for tax year 2014-2015 upon the assessed value of all taxable property within the City of The Dalles as of 12:01 AM, July 1, 2014.

	Subject to General Government Limitation	Excluded from Limitation
General Fund - Tax Base	\$ 2,920,385	0
Category Total	\$ 2,920,385	0
TOTAL TAX IMPOSED	\$ 3.0155 per 1,000 of assessed value	

Section 6. Certifying the Tax Levy. The City Finance Director shall certify to the County Clerk and County Assessor, the tax levy made by this Resolution, and shall file with them and to the State of Oregon, copies of the budget as finally adopted.

PASSED AND ADOPTED THIS 23rd DAY OF JUNE, 2014

Voting Yes, Councilors: _____

Voting No, Councilors: _____

Absent, Councilors: _____

Abstaining, Councilors: _____

AND APPROVED BY THE MAYOR THIS 23rd DAY OF JUNE, 2014

SIGNED:

ATTEST:

Stephen E. Lawrence, Mayor

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 #
June 23, 2014	Contract Review Board 12, A	14-046

TO: Honorable Mayor and City Council

FROM: Dave Anderson, Public Works Director

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

DATE: June 2, 2014

ISSUE: Authorization to purchase asphalt for street maintenance projects.

CITY COUNCIL GOALS: NA.

PREVIOUS AGENDA REPORT NUMBERS: Agenda Staff Report #14-023.

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. This report seeks authorization for asphalt purchases beginning July 1 and extending through the remainder of the 2014 construction season for street maintenance and repair projects.

The quotes received for the rest of the 2014 construction season, which normally ends in late October or early November, for various hot mix asphalt mix types were as follows.

Mix type	Granite Construction	Munsen Paving
Oregon ¾" Dense Graded	\$58.50/ton	\$62.00/ton
Oregon ½" Dense Graded, oil 6.0%	\$59.50/ton	\$62.00/ton
Oregon ½" Dense Graded, oil 5.5%	\$58.50/ton	\$61.00/ton
Oregon ⅜" Dense Graded	\$60.75/ton	\$61.00/ton
Minimum "fire-up" quantity	40 tons	2 tons

The prices quoted raised \$3/ton for each mix type from Granite Construction compared to prices provided this spring while prices from Munsen Paving each dropped \$1/ton. The end result was a

narrowing of the price gap between the two suppliers. It's also worth noting that Granite Construction has doubled the minimum "fire-up" quantity from their spring pricing. This is important information for the Department as it assists in project scheduling and provides advance knowledge of pricing related to quantity. An average "patching" day, which is spent patching pot holes and utility trenches, usually uses 15-22 tons of mix. In comparison, a small street repaving project like was completed at West 2nd and Webber earlier this year, uses over 550 tons of asphalt mix. It's necessary to know where the price breaks occur from each supplier to avoid paying unanticipated plant "fire-up" costs on top of the planned asphalt purchase prices.

The 2014-15 Street Fund budget has \$208,438 available for purchases of asphalt for the remainder of the 2014 construction season year. In addition, the Water and Wastewater Funds have \$10,240 and \$19,200 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 2014 construction season year is \$237,878.

BUDGET IMPLICATIONS: If approved, maximum amounts of \$208,438 will be spent from Fund 5, the Street Fund, budget lines 005-0500-431.60-87 and 005-0500-431.75-10, \$10,240 from Fund 51, the Water Fund, budget line code 051-5100-510.60-87, and \$19,200 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 July 1, 2014 and the end of the 2014 construction season. 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 July 1, 2014 through the end of the 2014 construction season, from the lowest-cost supplier available at the time of the projects in an amount not to exceed \$237,878.*
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 #
June 23, 2014	Action Items 13, A	14-047

TO: Honorable Mayor and City Council

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

FROM: Kate Mast, Finance Director

DATE: June 11, 2014

ISSUE: Resolution Authorizing Transfers of Funds Between Categories of Various Funds, making Appropriations and Authorizing Expenditures for the Fiscal Year Ending June 30, 2014.

BACKGROUND: Oregon Budget Law recognizes that annual budgets are estimates of revenues and expenses, and that certain events and circumstances during the fiscal year may cause funds to experience costs above approved category limits. Therefore, Oregon Budget Law allows for transferring of budgeted funds between approved category limits within the same fund to prevent any category from being over-expended at the end of the fiscal year. Categories that are over-expended at the end of the fiscal year are a violation of Oregon Budget Law.

Staff has not identified any needed amendments at this time. We will continue to monitor our budget vs. actual reports right up until the Council meeting on June 23. We will provide the Council with a proposed resolution at that meeting if necessary.

BUDGET IMPLICATIONS: Any budget transfers or amendments reduce one category and increase another category in the same fund by an equal amount, so there is no impact on any fund's total budget amount.

ALTERNATIVES:

- A. **Staff Recommendation: If necessary: Move to adopt Resolution No. 14-___ Authorizing Transfers of Funds Between Categories of Various Funds, Making Appropriations and Authorizing Expenditures for the Fiscal Year ending June 30, 2014.**



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1122
FAX: (541) 296-6906

AGENDA STAFF REPORT
CITY OF THE DALLES

MEETING DATE:	AGENDA LOCATION:	AGENDA REPORT #
June 23, 2014	Action Items 13, B	14-049

TO: Honorable Mayor and City Council

FROM: Gene E. Parker, City Attorney

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

DATE: June 12, 2014

ISSUE: Resolution No. 14-015 accepting a deed of dedication for public street purposes from Monty L. Mathie.

RELATED CITY COUNCIL GOAL: None.

PREVIOUS AGENDA REPORT NUMBERS: None.

BACKGROUND: On January 16, 2014, the City Planning Commission adopted Resolution No. P.C. 534-14 approving Conditional Use Permit Application #170-13 of the Mid-Columbia Council of Governments to construct a Transit Operation Center upon the property located at 812 Chenoweth Loop Road. As part of the project, MCCOG and the City will be making certain improvements to the right-of-way for West 7th Street.

The survey work performed for the City in preparation for construction of improvements to West 7th Street indicated the City needed to acquire a five foot portion of the property located at 777 Hostetler Street, which property is owned by Monty L. Mathie. The City contacted Mr. Mathie with a proposal to secure a dedication of this parcel of property in exchange for the City's offer to install the asphalt and curb along the portion of property to be dedicated by Mr. Mathie. Mr. Mathie agreed to the City's proposal. Mr. Mathie also agreed to execute an encroachment

agreement which will authorize an encroachment of an existing chimney which extends from the house located at 777 Hostetler approximately 1.2 feet into the portion of property which Mr. Mathie will be dedicating. The presence of the encroachment will not interfere with the proposed improvements to West 7th Street.

A copy of the proposed deed of dedication is included with Resolution No. 14-015. A copy of the proposed encroachment agreement is also enclosed with the staff report.

BUDGET IMPLICATIONS: The City will incur costs of \$132.00 to record the deed of dedication and encroachment agreement with the County Clerk. The cost to the City to install the asphalt and curb along Mr. Mathie's property is estimated to total \$28,895.00.

ALTERNATIVES:

- A. Staff Recommendation. *Move to adopt Resolution No. 14-015.*

RESOLUTION NO. 14-015

**A RESOLUTION ACCEPTING A DEDICATION OF
PROPERTY LOCATED ADJACENT TO 777 HOSTETLER
FOR PUBLIC STREET PURPOSES FROM MONTY MATHIE**

WHEREAS, the Mid-Columbia Council of Governments has obtained approval for a conditional use permit to construct a Transit Operation Center upon the property located at 802 Chenoweth Loop Road; and

WHEREAS, as part of the proposed Transit Operation Center, improvements will be made to the public right-of-way for West 7th Street which is adjacent to the site of the Transit Operation Center, and to the property located at 777 Hostetler Street; and

WHEREAS, Monty L. Mathie, the owner of the property at 777 Hostetler Street and the City have reached an agreement whereby Mr. Mathie agreed to dedicate a five foot portion of his property for improvement of the right-of-way for West 7th Street, in exchange for the City's offer to install the asphalt and curb along the portion of Mr. Mathie's property;

WHEREAS, the City Council has determined that acceptance of the dedication of the five foot parcel of property by Mr. Mathie is in the best interests of the public;

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

Section 1. Dedication Accepted. The dedication for public street purposes set forth in the attached deed is hereby accepted. The City Manager and City Clerk are authorized to execute the acceptance of the dedication and to take other necessary action to record the Deed of Dedication.

Section 2. Effective Date. This Resolution will be effective June 23, 2014.

PASSED AND ADOPTED THIS 23rd DAY OF JUNE, 2014

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

AND APPROVED BY THE MAYOR THIS 23RD DAY OF JUNE, 2014

Stephen E. Lawrence, Mayor

ATTEST:

Julie Krueger, MMC, City Clerk

Grantor: Monty L. Mathie
P.O. Box 1585
Lake Oswego, OR 97035

Grantee: City of The Dalles
313 Court Street
The Dalles, OR 97058

After recording, return to:

City Clerk
City of The Dalles
313 Court
The Dalles, OR 97058

Until a change is requested, all tax statements
shall be sent to the following address:

Monty L. Mathie
P.O. Box 1585
Lake Oswego, OR 97035

DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that Monty L. Mathie, **GRANTOR**, does hereby dedicate, grant and convey to the Public, and that the City of The Dalles, a Municipal Corporation of the State of Oregon, hereinafter called the **GRANTEE**, does hereby accept on behalf of the public, for use as a public right-of-way the following described real property located in Wasco County, State of Oregon, to-wit:

A portion of the tract conveyed to Monty L. Mathie by Wasco County Warranty Deed recorded September 7, 2006 as deed document No.2006-005216 described as follows:

The West 5 feet of Lot 12, Block D, CHENOWITH HOME TRACTS, in the County of Wasco and State of Oregon, EXCEPTING THEREFROM the South 5 feet previously conveyed to Wasco County and now included in Hostetler Way.

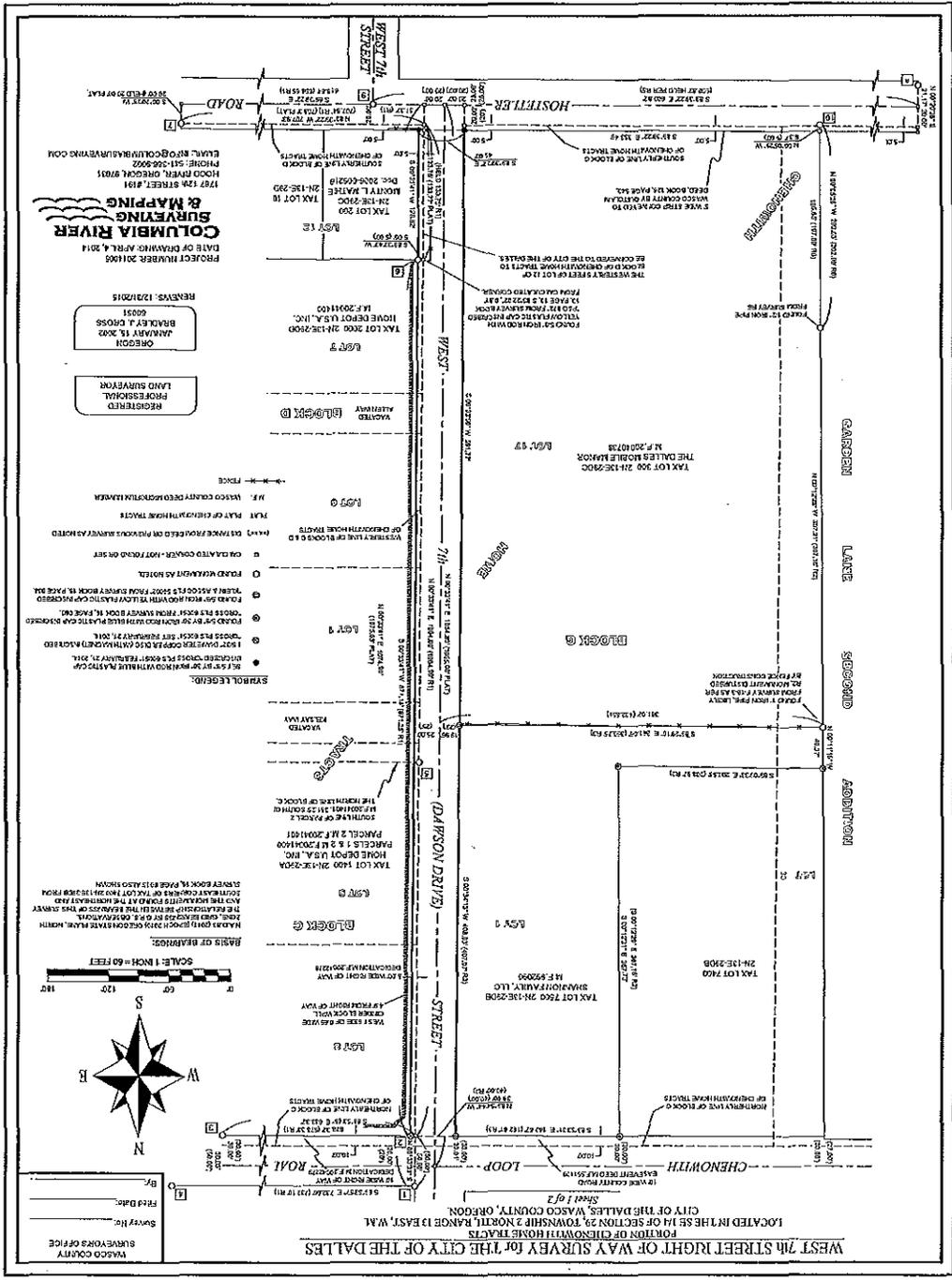
The property being dedicated is shown on the map attached as Exhibit ""A".

TO HAVE AND TO HOLD the above described, dedicated, granted and conveyed premises unto said Grantee, its successors and assigns forever.

The City of The Dalles shall have the right to open, construct, improve, and maintain roads and streets of its design upon such lands and, in addition thereto, shall have the right to place or to permit others to place sidewalks, sewers, utilities, cables, pipes, electrical transmission wires, communications equipment, and such other improvements as the City shall deem necessary and convenient upon, above, or below the surface of the dedicated area.

The true consideration for this conveyance is \$0.00 and other valuable consideration.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS



After recording, return to:

City Clerk
313 Court Street
The Dalles, OR 97058

ENCROACHMENT AGREEMENT

WHEREAS, Monty L. Mathie, hereinafter referred to as "Owner", is the owner of a parcel of property located at 777 Hostetler Street, which is identified as Assessor's Map No. 2N 13E 29DC Tax Lot 200, which property is further described as follows:

The West half of Lot 12, Block D, CHENOWITH HOME TRACTS, in the County of Wasco and State of Oregon, EXCEPTING the East 63 feet thereof, and ALSO EXCEPTING the South 5 feet Conveyed to Wasco County and now included in Hostetler Way.

and

WHEREAS, The City of The Dalles and Owner recently reached an agreement whereby Owner agreed to dedicate a five (5) foot portion of his property to the City for public right-of-way, in exchange for the City's agreement to install the asphalt and curb along the portion of Owner's property to be dedicated, as part of the proposed improvement for West 7th Street; and

WHEREAS, a survey of the Owner's property done to prepare a legal description for the portion of property to be dedicated as public right-of-way indicated that a portion of the existing chimney on the house located upon the property encroaches upon a portion of the area which is proposed to be dedicated for public right-of-way; and

WHEREAS, Section 4 of General Ordinance No. 97-1217 provides that no person may occupy or encroach on a public right-of-way without the City's permission; and

WHEREAS, the City and the Owner have agreed upon the provisions necessary for the approval of an encroachment agreement as outlined below which will allow the encroachment to remain in place;

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

1. The City of The Dalles hereby authorizes the encroachment consisting of an existing chimney which extends from the house located at 777 Hostetler approximately 1.2 feet into the portion of property which Owner will be dedicating to the City for public right-of-way. City and Owner understand and agree that this will leave a distance of approximately a half foot between the chimney and the curb which will be installed as part of the improvement for West 7th Street which is adjacent to the Owner's property.
2. Owner understands and agrees that in the event the City determines that the needs of the City's transportation and/or underground utility systems require that the existing portion of the chimney described in Section 1 above, needs to be removed to allow for public improvements to be made to the right-of-way, the City shall have the right to demand the Owner, or his heirs, successors, or assigns, remove said portion of the chimney, and in the event the Owner, his heirs, successors, or assigns fail to do so, the City shall have the option to pursue appropriate legal remedies to require Owner, his heirs, successors, or assigns to remove said portion of the chimney authorized by this encroachment agreement.
3. The covenants described in this Agreement shall run with the real property described herein, and shall inure to and be binding upon the parties hereto, their heirs, successors, and assigns. This Agreement shall be recorded with the Wasco County Clerk at the City's expense.

Dated this 12 day of MAY, 2014.

OWNER

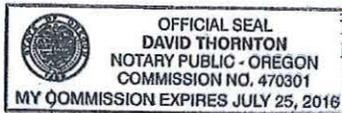
CITY OF THE DALLES

Monty L. Mathie
Monty L. Mathie

Nolan K. Young
Nolan K. Young, City Manager

State of Oregon)
) ss.
County of Washington)

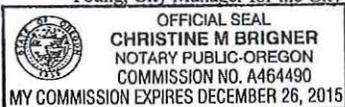
The foregoing instrument was acknowledged before me this 12 day of May, 2014 by Monty L. Mathie to be his voluntary act and deed.



David Thornton
Notary Public for Oregon
My commission expires: July 25, 2016

State of Oregon)
) ss.
County of Wasco)

The foregoing instrument was acknowledged before me this 20th day of May, 2014 by Nolan K. Young, City Manager for the City of The Dalles, to be his voluntary act and deed.



Christine M. Brigner
Notary Public for Oregon
My commission expires: 12/26/15



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1122
FAX: (541) 296-6906

AGENDA STAFF REPORT
CITY OF THE DALLES

MEETING DATE:	AGENDA LOCATION:	AGENDA REPORT #
June 23, 2014	Discussion Items 14, A	14-048

TO: Honorable Mayor and City Council

FROM: Gene E. Parker, City Attorney

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

DATE: June 11, 2014

ISSUE: Discussion item concerning proposed Resolution adopting a tobacco free policy for the Lewis and Clark Festival Park.

RELATED CITY COUNCIL GOAL: None.

PREVIOUS AGENDA REPORT NUMBERS: None.

BACKGROUND: At the September 9, 2013 Council meeting, representatives from the North Central Public Health District made a presentation to the City Council requesting the Council consider the adoption of a policy which would establish that the Lewis & Clark Festival Park be a tobacco free area. Following the presentation, the Council directed City staff to research the issue further.

City staff has worked for several months with representatives from the Health District to draft a proposed tobacco free policy for the Festival Park. The elements of the draft policy are set forth in the draft Resolution which is included with this staff report. The draft Resolution summarizes the impact of tobacco use upon residents in Oregon, including residents in Wasco, Sherman, and Gilliam Counties. The costs of providing medical care due to tobacco related causes, and the costs to businesses in lost productivity due to tobacco related deaths are significant.

The proposed policy does not include any specific method for enforcement of the proposed policy, and City staff is concerned how effective such a policy could be without some provision for enforcement. Representatives from the Health District are anticipated to be present for the discussion, and to discuss the philosophy of “self-enforcement” which is reflected in the proposed policy.

BUDGET IMPLICATIONS: If the proposed policy is ultimately approved by the City Council, the City will incur expenses for the costs of posting signs upon the park property advising the public of the tobacco free policy. The costs of materials for the signs are estimated to be \$50 per sign. City crews would provide the labor to install the signs

ALTERNATIVES:

- A. Staff Recommendation. This is a discussion item, and staff is looking for direction from Council as to whether it wants to pursue adoption of the proposed policy, or adoption of a revised policy, or to not pursue the adoption of a tobacco free policy for the Festival Park.

RESOLUTION NO. 14-_____

**A RESOLUTION ADOPTING A TOBACCO FREE
POLICY FOR THE LEWIS & CLARK FESTIVAL PARK**

WHEREAS, death and disability resulting from tobacco use costs Oregon lives and dollars, as evidenced by statistics from 2011 showing that tobacco use cost Oregonians nearly \$2.5 billion, with \$1.3 billion in direct medical costs and almost \$1.15 billion in lost productivity due to early death; and

WHEREAS, according to the Oregon Health Authority, last year 76 people died from tobacco related causes in Wasco, Sherman and Gilliam Counties. The cost for providing tobacco related medical care was \$14.3 million dollars, and businesses lost \$12.5 million dollars in productivity due to tobacco related deaths; and

WHEREAS, adoption of a tobacco free policy for the City's Lewis & Clark Festival Park ("Park") will protect employees and visitors using the Park from exposure to the toxins in secondhand smoke, and protect the appearance of the Park from being degraded by the presence of cigarette butts and other tobacco products which are being discarded upon the Park's grounds, and support tobacco users who would like to quit, or users who have quit tobacco and want to continue to not use tobacco products;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF THE DALLES AS FOLLOWS:**

Section 1. Tobacco Free Policy Adopted. The City Council hereby adopts and approves the following Tobacco Free Policy for the Lewis and Clark Festival Park:

- A. For purposes of this policy, the term "tobacco products" is defined to include, but not be limited to cigarettes as defined in ORS 313.010, as now constituted, cigars, cigarillos as defined by the Oregon Health Authority by administrative rule, pipes, chew, snuff, smokeless tobacco, and nicotine delivery devices such as electronic cigarettes, excluding FDA-approved nicotine replacement therapy products for the purpose of tobacco cessation.
- B. All individuals are prohibited from the smoking of, or other use of tobacco products within the entire area of the Lewis & Clark Festival Area, including but not limited to outdoor space in the Park, parking lots, grounds, entrance and exit ways, and enclosed indoor facilities including restrooms.

Section 2. Effective Date. This Resolution shall be effective as of the ____ day of _____, 2014.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2014

Voting Yes, Councilors: _____

Voting No, Councilors: _____

Absent, Councilors: _____

Abstaining, Councilors: _____

AND APPROVED BY THE MAYOR THIS ____ DAY OF _____, 2014

Stephen E. Lawrence, Mayor

ATTEST:

Julie Krueger, MMC, City Clerk