

AGENDA

REGULAR CITY COUNCIL MEETING

September 9, 2013

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 North Central Public Health District Requesting Lewis & Clark Festival Park Become Tobacco Free
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 July 22, 2013 Regular City Council Meeting Minutes
- B. Approval of August 19, 2013 Special City Council Meeting Minutes
- C. Resolution No. 13-030 Accepting a Deed of Dedication from Goodwill Industries

11. PUBLIC HEARINGS

- A. Public Hearing to Receive Testimony Regarding Remonstrances Against the West First Street, Terminal Way, Bargeway Road Reconstruction Project, Phase II Local Improvement District [**Agenda Staff Report #13-062**]
- B. Public Hearing to Receive Testimony Regarding a Re-zone Request by Karl Rozentals [**Agenda Staff Report #13-063**]

12. ACTION ITEMS

- A. Resolution No. 13-029 Assessing Real Properties Located at 3316 West Tenth Street, 1815 Montana Street, 1904 East 14th Street, 2429 East 12th Street, and 733 Hostetler Street for the Cost of Abatement of Junk and Hazardous Vegetation [**Agenda Staff Report #13-061**]
- B. Request by Port of The Dalles for Marina Water Bill Adjustment [**Agenda Staff Report #13-064**]

13. ADJOURNMENT

This meeting conducted in a handicap accessible room.

Prepared by/
Julie Krueger, MMC
City Clerk

 _____



CITY of THE DALLES

313 COURT STREET
THE DALLES, OR 97058

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

AGENDA STAFF REPORT
CITY OF THE DALLES

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
September 9, 2013	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: August 29, 2013

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

A. **ITEM:** Approval of July 22, 2013 Regular City Council Meeting Minutes.

BUDGET IMPLICATIONS: None.

SYNOPSIS: The minutes of the July 22, 2013 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 July 22, 2013 regular City Council meeting.

B. **ITEM:** Approval of August 19, 2013 Special City Council Meeting Minutes.

BUDGET IMPLICATIONS: None.

SYNOPSIS: The minutes of the August 19, 2013 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 August 19, 2013 special City Council meeting.

C. **ITEM:** Resolution No. 13-030 Accepting a Deed of Dedication for Public Street Purposes from Goodwill Industries of the Columbia Willamette.

BUDGET IMPLICATIONS: there will be a recording fee of \$71 to record the deed of dedication if the Council approves the Resolution.

SYNOPSIS: During the site team review process for Site Plan Review #416-13 submitted by Goodwill Industries, a portion of the property upon which their new store is being constructed was identified as being needed to be dedicated for public street purposes. Goodwill Industries is prepared to execute the deed of dedication. Before the deed can be recorded, the City Council needs to formally accept the dedication.

RECOMMENDATION: That City Council adopt Resolution No. 13-030.

MINUTES

REGULAR COUNCIL MEETING
OF
JULY 22, 2013
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, Police Chief Jay Waterbury, Planning Director Dick Gassman, Airport Managers Chuck Covert and Rolf Anderson, 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; 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 Wood and seconded by McGlothlin to approve the agenda as presented. The motion carried unanimously.

PRESENTATIONS/PROCLAMATIONS

Mayor Lawrence read a Proclamation that had been received from the Eagles Club, thanking the City for its contributions and hospitality to make their recent convention a success.

Report by Chamber of Commerce Regarding Community Marketing Program

Chamber of Commerce President Lisa Farquharson presented the quarterly report for the Community Marketing Program. She handed out a report and a copy of the Oregon Wine Press, highlighting The Dalles as a destination.

Farquharson reviewed the report and asked that the City allow the Chamber's grant funds to be allocated in the fiscal year in which they were given rather than the date of the event the funds were granted for. City Manager Young said he would work with staff to make sure that happened in the future.

It was the consensus of the City Council to require only annual reports in the future, rather than quarterly reports, and that the annual report be submitted by March 1 each year.

AUDIENCE PARTICIPATION

None.

CITY MANAGER REPORT

City Manager Young reported on several Public Works projects scheduled for the summer, including work on the Sixth Street Bridge, Lincoln Street in the downtown area, paving of a portion of Second Street and chip seal projects on Mt. Hood Street and Dry Hollow Road.

CITY ATTORNEY REPORT

City Attorney Parker reported he was working with the Airport Managers to prepare a Request for Proposals for construction of a hangar for Life Flight and was working with the Finance Department to begin foreclosure proceedings on several properties with nuisance liens on them. In response to a question from Council, Parker said he estimated at least ten properties that would be included in the process.

CITY COUNCIL REPORTS

Councilor Wood said the Council of Governments would be meeting on July 23 to consider a 30% increase in building permits, noting they had previously considered and rejected a proposal for a 40% increase. She said there were concerns about funding the Six Rivers mediation program, which would also be discussed. Wood said she would be attending the QLife Agency meeting on Thursday. She said a citizen had inquired if the City should consider installation of a floating ring at the dock.

Councilor McGlothlin said he had attended the recent Traffic Safety Committee meeting, with topics of discussion including the upcoming bike summit meeting on August 12, a traffic safety concern at the intersection of Fifth and Court Streets, and congestion issues at 12th and Kelly Avenue. McGlothlin said he attended the Airport Board meeting and noted the bids for the industrial park would be going out soon. He said he had been able to participate in a trip to see some other similar airports in the region and enjoyed that trip very much.

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

Councilor Spatz said he would be attending the Gorge Technology Alliance meeting this week and there would be discussion at that meeting regarding an industry intern project.

Councilor Miller said she had attended the Urban Renewal Advisory Committee meeting, where the Committee forwarded a recommendation to approve the 120 extension request by Rapoza Development concerning the purchase of the Granada Block properties.

Councilor McGlothlin said he had appreciated the article in the newspaper regarding yard sale signs. He asked that citizens be responsible for picking up their signs after sales, helping to keep the community beautiful.

Mayor Lawrence reported he had attended the 234th Military Band concert at the Civic Auditorium and it was an excellent concert. He said he had met with Darren Nichols, Columbia River Gorge Commission Director for an update regarding the urban growth boundary issues and would be attending the Oregon Mayor's Association conference later in the week.

Mayor Lawrence asked that staff provide information to Mr. Hattenhauer regarding the budget issues he had raised at the July 8 Council meeting. City Manager Young said staff had been working on that and was nearly finished putting the information together.

MINUTES (Continued)
Regular Council Meeting
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CONSENT AGENDA

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

Items approved by Consent Agenda were: 1) approval of the July 8, 2013 regular City Council meeting minutes; 2) approval of July 2 special City Council meeting minutes; 3) approval to declare a FAX machine as surplus property; and 4) Resolution No. 13-028 concurring with the Mayor's appointments to various commissions.

PUBLIC HEARINGS

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

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

Planning Director Gassman reviewed the staff report. Responding to questions, Gassman said this would be a structure that was open on three sides, so would still allow for fire protection along sides of property. He said this would not allow for structures to be constructed over easements.

Testimony

Hearing no testimony, the public hearing was closed.

Council Deliberation

It was moved by McGlothlin and seconded by Dick to direct staff to prepare an ordinance approving Zoning Ordinance Amendment 83-13 as approved by the Planning Commission, based upon appropriate findings of fact and conclusions of law, to be presented for adoption at a future City Council meeting. The motion carried unanimously.

CONTRACT REVIEW BOARD ACTIONS

Award Contract for Construction of Airport Taxiway Project

The staff report was reviewed by City Attorney Parker. He said a letter had been received from the FAA, accepting Granite Construction as the contractor.

MINUTES (Continued)
Regular Council Meeting
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Airport Manager Rolf Anderson explained that the base bid included completion of approximately one-third of the taxiway; alternative A included work at the south end of the runway; and alternative B was to correct a five-way intersection, separating entrances for safety purposes.

It was moved by Wood and seconded by Dick to award the contract for the 2013 taxiway construction project to Granite Construction for the base bid amount of \$888,182.60, along with Additive A in the amount of \$749,603.48 and/or Additive B in the amount of \$387,063.46, subject to additional funds from the FAA to cover the costs for Additive A and /or Additive B and subject to approval of the bid award by Klickitat county, and authorize the City Manager to enter into a contract for the final amount of the project as approved by the FAA. The motion carried unanimously.

Authorization to Purchase Oil Emulsion for Chip Seal Projects on Mt. Hood Street and Dry Hollow Road

Public Works Director Anderson reviewed the staff report.

Mayor Lawrence asked if the rock would be purchased separately from the oil emulsion. Anderson said that was correct. He said the rock product was within a dollar amount that could be approved administratively.

It was moved by McGlothlin and seconded by Wood to authorize the purchase of emulsion for the Dry Hollow Road and Mt. Hood Street chip seal projects in an amount not to exceed \$82,280.00. The motion carried unanimously.

Authorization to Purchase a Skid-Steer Compact Loader

Public Works Director Dave Anderson reviewed the staff report.

Mayor Lawrence asked what types of items could be purchased through the federal program. Anderson said heavy equipment and trucks could be purchased through the program. He noted the City had been a member of the program for approximately five years and there was no membership fee.

Councilor Miller asked how often the loader was used. Public Works Director Anderson said it was a piece that was used on a daily basis and said the old loader would be kept and used for other uses.

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Councilor Miller asked why the equipment was not purchased outright instead of on a payment schedule. Anderson said if purchased outright, other items within the current budget would need to be deferred, such as purchase of a new sweeper truck.

It was moved by McGlothlin and seconded by Spatz to authorize the purchase of a Caterpillar skid-steer compact loader utilizing a four year payment schedule of \$27,525.66 per year. The motion carried unanimously.

ACTION ITEMS

Resolution No. 13-026 Adopting the Final Report of the City Engineer, Proposing an Assessment and Providing for Notices and a Hearing for West First Street, Terminal Way and Bargeway Road Reconstruction, Phase II Project

City Clerk Krueger reviewed the staff report.

Public Works Director Anderson reviewed the items that were paid for by the City, noting they were issues of safety and upgrades to systems that were already in place. He said other City costs were related to multi-frontage relief and that one owner had pre-paid their assessment. He noted the concern raised previously by a property owner who claimed storm system had already been connected with his property had turned out to not be connected, so he would be assessed for that portion of the project.

Councilor Dick said the agreement between the Port and property owners for these improvements had begun in 1990 and it was nice to see the infrastructure finally completed.

It was moved by Dick and seconded by Spatz to adopt Resolution No. 13-026 adopting the final report of the City Engineer, proposing an assessment and providing for notices and a hearing for West First Street, Terminal Way and Bargeway Road Reconstruction, Phase II Project. The motion carried unanimously.

Resolution No. 13-027 Adopting a Central Business Commercial Vertical Housing Development Zone

Planning Director Gassman reviewed the staff report. He estimated the process to take between two and three months, saying other taxing entities would be contacted and given the opportunity to opt out of tax exemption.

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Councilor Miller asked if the City had received many inquiries to develop second story residential in the downtown area. City Attorney Parker said there had been inquiries and one had been received today.

Mayor Lawrence asked if the exemption would impact the Urban Renewal District. Planning Director Gassman said any new construction or rehabilitation of existing structures would increase the tax base but he did not think it would have much of an impact because it was a modest incentive. Gassman said the zone would be in effect until such time the City decided it didn't want to have it any longer.

It was moved by Spatz and seconded by Miller to adopt Resolution No. 13-027 adopting a Central Business Commercial Vertical Housing Development Zone. The motion carried unanimously.

General Ordinance No. 13-1329 Providing for the Establishment and Administration of Rules Governing Cross Connection Control Measures for the City of The Dalles and Repealing General Ordinance No. 01-1240

Public Works Director Anderson reviewed the staff report. He highlighted the proposed changes and responding to a question, said new regulations would not impact those who currently had systems in place until such time that system failed.

City Clerk Krueger read General Ordinance No. 13-1329 by title.

It was moved by Wood and seconded by Miller to adopt General Ordinance No. 13-1329 providing for the establishment and administration of rules governing cross connection control measures for the City of The Dalles and repealing General Ordinance No. 01-1240, by title. The motion carried unanimously.

Special Ordinance No. 13-556 Authorizing Operation of All Terrain Vehicles Upon a Designated Street Located Within the Boundaries of the City of The Dalles

City Attorney Parker reviewed the staff report.

The City Council asked that staff work with the owner of Fun Country and ask that they pay for the required signage.

City Clerk Krueger read Special Ordinance No. 13-556 by title.

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It was moved by Spatz and seconded by McGlothlin to adopt Special Ordinance No. 13-556 authorizing operation of all terrain vehicles upon a designated street located within the boundaries of the City of The Dalles, by title. The motion carried unanimously.

Special Ordinance No. 13-557 Renewing and Extending the Term of the Franchise Granted to Waste Connections (The Dalles Disposal) and Declaring an Emergency

City Attorney Parker reviewed the staff report.

There was discussion regarding issuing a Request for Proposals to determine if any other carriers were interested. City Attorney Parker explained this was not an exclusive franchise but that the City had not been approached by anyone else interested in a franchise for this purpose.

City Clerk Krueger read Special Ordinance No. 13-557 by title.

It was moved by Wood and seconded by McGlothlin to adopt Special Ordinance No. 13-557 renewing and extending the term of the franchise granted to Waste Connections (The Dalles Disposal) and declaring an emergency, by title. The motion carried unanimously.

ADJOURNMENT

Being no further business, the meeting adjourned at 7:23 p.m.

Submitted by/
Julie Krueger, MMC
City Clerk

SIGNED:

Stephen E. Lawrence, Mayor

ATTEST:

Julie Krueger, MMC, City Clerk

MINUTES

JOINT MEETING
OF
CITY COUNCIL AND
WASCO COUNTY COMMISSION
AUGUST 19, 2013
12:00 P.M.

CITY COUNCIL CHAMBER
CITY HALL
313 COURT STREET
THE DALLES, OREGON

PRESIDING: Mayor Steve Lawrence

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

COMMISSION PRESENT: Chair Rod Runyon, Scott Hege, Steve Kramer

CITY STAFF PRESENT: City Manager Nolan Young, City Attorney Gene Parker,
City Clerk Julie Krueger, Planning Director Dick Gassman,
Engineer Dale McCabe, Finance Director Kate Mast

COUNTY STAFF PRESENT: Administrator Tyler Stone, Public Works Director Marty
Matherly, Finance Director Monica Morris

CALL TO ORDER

The meeting was called to order by Mayor Lawrence at 12:03 p.m.

APPROVAL OF AGENDA

The agenda was approved by consensus.

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DISCUSSION ITEMS

Discussion Regarding Proposed Ballot Measures for City Street and/or County Roads Operation and Maintenance

City Manager Young reviewed the options presented in the staff report, noting the staff recommendation to the City Council was to proceed with preparation of a ballot measure to increase the local fuel tax. In response to a question from the Mayor, Young explained that the City had a philosophy to avoid property tax measures to allow for other taxing entities to use that method.

Mayor Lawrence said there was some concern about placing a tax measure on the ballot that may compete with other measures, such as the Parks and Recreation District's proposal for a swimming pool tax measure.

Councilor Wood said she could see an advantage of forming a special district for street and road maintenance with the County. She said several operating districts in the region had been very successful in the past.

City Manager Young explained that a property tax measure would impact compression, but it was unknown at what level at this time. He explained it would have a positive impact on Urban Renewal tax increment, possibly making additional funds available for projects. He said it would be an Agency decision as to how that money would be expended, but if the Plan was amended, funds could be used for street projects.

There was a discussion regarding the differences between a major and minor amendment to the Urban Renewal Plan. City Attorney Parker explained a minor amendment would require adoption of a resolution by the Agency, while a major plan amendment would require notification to the other taxing entities, a public hearing, and adoption by ordinance.

There was discussion regarding the time line for placing a measure on the November ballot, which election may be most appropriate or successful to place the measure on, and whether a double majority would be required to pass the measure.

Councilor Spatz said he believed a fuel tax would be more equitable and those who used the streets would be the ones to pay for the repair.

Commission Chair Runyon said with declining revenues for road maintenance in the County, a committee had been established to work on recommendations to help solve funding issues for the

County. He said the Committee had done extensive work and interviewed many citizens. Runyon said the Committee had prepared a draft report with their findings, and had made numerous presentations to civic groups throughout the County. Runyon said the County would be hearing the final report in the near future, but was not prepared to proceed with formation of a road maintenance district until they had received the full information from the Committee. He said it seemed the County and City were not on the same time schedule at this time.

It was the consensus of the City Council to take no action at this time regarding the fuel tax measure. The City Council agreed they wanted to see the results of the County's study and meet again in the future to discuss the options.

Update Regarding Shared Resources Between City and County (taken out of order)

Commission Chair Runyon commended County and City Public Works Departments for their partnership in sharing resources and equipment.

Discussion Regarding Status of County Roads Within City Limits

Councilor Wood said the City Council and County Commission should meet when there may be disagreement regarding street or road classifications.

It was noted that the City did attend meetings of the County Commission regarding the proposed vacation of a portion of East 12th Street, and the change in status of various roads within the city limits. City Manager Young said testimony had been provided in opposition, but the vacation had been approved and roads re-designated.

Commissioner Hege said the County had followed the correct process, notifying agencies and property owners, conducted hearings and taken testimony. He said removal of County status on the roads was their only option, noting the City would not accept the roads that had been annexed if they had not been brought up to City standards.

Discussion Regarding City's Current Annexation Policy and Current City/County Urban Growth Area Management Agreement

There was agreement that the Urban Growth Area Management Agreement was a document that should be reviewed by the City and County Planning Departments together.

MINUTES (Continued)
Joint Meeting of
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Regarding the City's Annexation Policy, Commissioner Hege noted that with County status removed on the roads, once they were annexed, the City was then required to take responsibility for maintaining them.

County Public Works Director Matherly clarified that the removal of County status of the roads would leave the decision to the City regarding the level of service they wished to provide once the areas were annexed.

Commission Chair Runyon said at the time the roads were built, they were probably built to City standards of the time. He mentioned a letter had been sent to the City requesting them to take responsibility for some of streets.

City Manager Young said the City had replied to the letter from the County staff, noting that if a formal request was received from the County, the City Council could consider the request.

ADJOURNMENT

The meeting adjourned at 1:30 p.m.

Submitted by/
Julie Krueger, MMC
City Clerk

SIGNED:

Stephen E. Lawrence, Mayor

ATTEST:

Julie Krueger, MMC, City Clerk

RESOLUTION NO. 13-030

**A RESOLUTION ACCEPTING A DEDICATION OF
PROPERTY LOCATED ALONG WEST SIXTH STREET
FOR PUBLIC STREET PURPOSES FROM GOODWILL
INDUSTRIES OF THE COLUMBIA WILLAMETTE**

WHEREAS, during the site team review process for Site Plan Review #416-13 submitted by Goodwill Industries of the Columbia Willamette, it was determined there was a need for the applicant to dedicate a portion of property adjacent to West Sixth Street for public street purposes; and

WHEREAS, Goodwill Industries has agreed to dedicate the requested property for public street purposes; and

WHEREAS, the City Council concurs that dedication of the property for public street purposed is in the public interest;

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

Section I. 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.

PASSED AND ADOPTED THIS 9TH DAY OF SEPTEMBER, 2013

Voting Yes, Councilors: _____

Voting No, Councilors: _____

Absent, Councilors: _____

Abstaining, Councilors: _____

AND APPROVED BY THE MAYOR THIS 9TH DAY OF SEPTEMBER, 2013

Stephen E. Lawrence, Mayor

ATTEST:

Julie Krueger, MMC, City Clerk

After recording, return to:

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

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

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

DEED OF DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that Goodwill Industries of the Columbia Willamette, an Oregon non-profit corporation, 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:

**See attached EXHIBIT "A" Legal Description and
attached EXHIBIT "B" Exhibit for Legal Description**

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. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE

Exhibit "A"

W 6TH STREET ROW DEDICATION

GOODWILL

AUGUST 14, 2013

MAP AND TAX LOT 1N134BA-100

A TRACT OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 2 NORTH, RANGE 13 EAST AND THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 1 NORTH, RANGE 13 EAST, WILLAMETTE MERIDIAN, CITY OF THE DALLES, WASCO COUNTY, OREGON, AND BEING A PORTION OF THAT PROPERTY CONVEYED TO SUSAN MARIE LITTLE, BLAKE DAVID LITTLE, JONATHAN JOSEPH LITTLE, SARAH ANN LITTLE, ELIZABETH ANN LITTLE, MATTHEW RUGGLES LITTLE AND JOHN STADELMAN, PER DEED DOCUMENT NO. 20021422, WASCO COUNTY DEED RECORDS, SAID TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS:

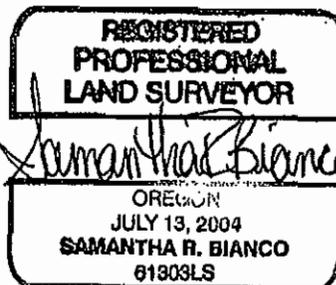
NORTH 48°31'00" WEST ON THE NORTHERLY RIGHT-OF-WAY OF W 8TH STREET PER "STADELMAN 3RD ADDITION", WASCO COUNTY PLAT RECORDS.

BEGINNING AT THE NORTHERLY CORNER OF LOT 1 OF "STADELMAN 3RD ADDITION"; THENCE ALONG THE NORTHEASTERLY LINE OF SAID LOT 1 AND THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF W 6TH STREET (BEING 30.00 FEET FROM THE CENTERLINE THEREOF, WHEN MEASURED PERPENDICULAR THERETO) SOUTH 47°05'00" EAST, 338.05 FEET TO A POINT OF 12.00 FOOT RADIUS CURVE RIGHT; THENCE ALONG SAID 12.00 FOOT RADIUS CURVE RIGHT THROUGH A CENTRAL ANGLE OF 90°00'00" (CHORD BEARS SOUTH 2°05'00" EAST, 16.97 FEET) AN ARC DISTANCE OF 18.85 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF CHERRY HEIGHTS ROAD (BEING 40.00 FEET FROM THE CENTERLINE THEREOF, WHEN MEASURED PERPENDICULAR THERETO); THENCE ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE SOUTH 42°55'00" WEST, 20.50 FEET TO THE POINT OF CUSP OF A 20.00 FOOT RADIUS CURVE TO THE LEFT; THENCE LEAVING SAID NORTHWESTERLY RIGHT-OF-WAY LINE ALONG SAID 20.00 FOOT RADIUS CURVE LEFT THROUGH A CENTRAL ANGLE OF 90°00'00" (CHORD BEARS NORTH 2°05'00" WEST, 28.28 FEET) AN ARC DISTANCE OF 31.42 FEET; THENCE ALONG A LINE PARALLEL WITH, AND 42.50 FEET SOUTHWESTERLY OF THE CENTERLINE OF W 6TH STREET, NORTH 47°05'00" WEST, 330.05 FEET TO THE NORTHWESTERLY LINE OF SAID LOT 1; THENCE ALONG SAID NORTHWESTERLY LINE NORTH 42°55'00" EAST, 12.50 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION LYING WITHIN THE EXISTING RIGHTS-OF-WAY OF W 6TH STREET AND CHERRY HEIGHTS ROAD.

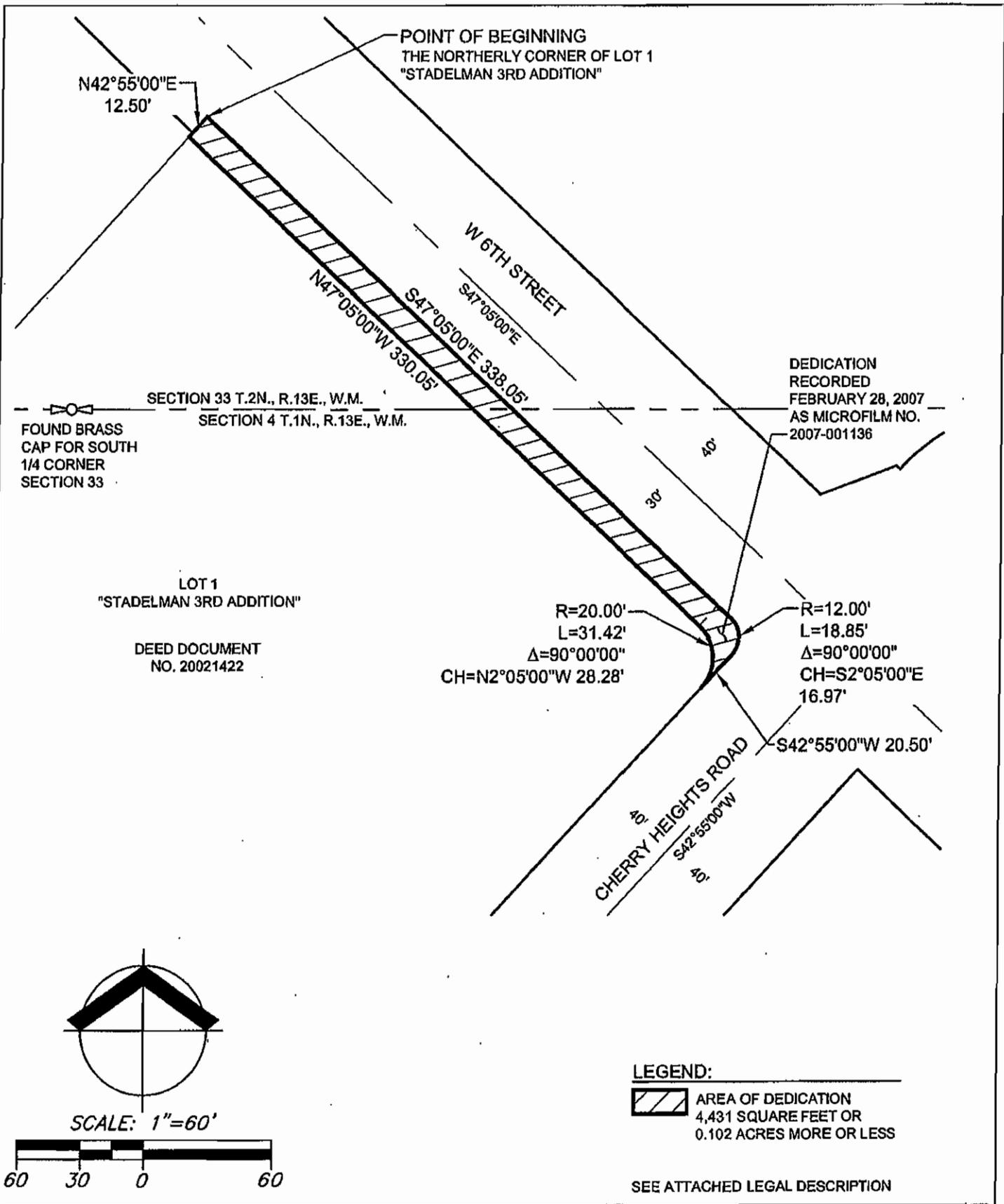
CONTAINS 4,431 SQUARE FEET OR 0.102 ACRES, MORE OR LESS.

THE ATTACHED EXHIBIT "B" ENTITLED "W 6TH STREET ROW DEDICATION" IS MADE A PART HEREOF.



8-14-13

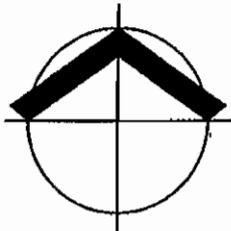
Renews: 12-31-13



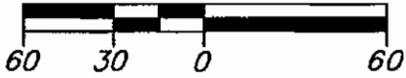
DEDICATION
RECORDED
FEBRUARY 28, 2007
AS MICROFILM NO.
2007-001136

LOT 1
"STADELMAN 3RD ADDITION"

DEED DOCUMENT
NO. 20021422



SCALE: 1"=60'



LEGEND:
 AREA OF DEDICATION
 4,431 SQUARE FEET OR
 0.102 ACRES MORE OR LESS

SEE ATTACHED LEGAL DESCRIPTION



5415 SW WESTGATE DR, SUITE 100
 PORTLAND, OR 97221
 TEL: (503) 419 - 2500 FAX: (503) 419 - 2600
 www.cardno.com

EXHIBIT "B"
W 6TH STREET ROW DEDICATION

S33, T2N, R13E, WILLAMETTE MERIDIAN
 S4, T1N, R13E, WILLAMETTE MERIDIAN
 CITY OF THE DALLES, WASCO COUNTY, OREGON

PROJECT NO. 21201580
 DATE: 08/14/2013
 BY: SRB/TLB
 SCALE: 1"=60'
 PAGE NO. 2 OF 2



CITY of THE DALLES

313 COURT STREET
THE DALLES, OR 97058

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

AGENDA STAFF REPORT
CITY OF THE DALLES

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
September 9, 2013	Public Hearing 11, A	13-062

TO: Honorable Mayor and City Council

FROM: Julie Krueger, MMC, City Clerk 

THRU: Nolan K. Young, City Manager 

DATE: August 27, 2013

ISSUE: Public Hearing to Consider Remonstrances Regarding the West First Street, Terminal Way and Bargeway Road Reconstruction Project, Phase II.

BACKGROUND: This is the final public hearing to receive remonstrances for the West First Street, Terminal Way and Bargeway Road Reconstruction Project, Phase II. As of the deadline of August 23, 2013, one remonstrance was submitted. The remonstrance was received from Pepsi-Cola Bottling Company for their property described as 2N 13E 33DB #1100. The proposed assessment for this property is \$175,546.17. The letter of remonstrance is attached.

Also attached to this staff report is a memorandum and documentation prepared by Public Works Director Anderson regarding the remonstrance submitted by the Pepsi-Cola Bottling Company.

After hearing and considering any further objections to the cost of the assessments at the September 9th meeting, the City Council will be presented with an ordinance levying assessments, for adoption at the September 23 Council meeting. Once this Ordinance is adopted, the City Clerk will enter the assessments into the City Lien Docket and notices of collection of assessment will be mailed to the property owners. At that time, they will have the ability to pay in full or make arrangements to set up a ten year payment schedule.

BUDGET IMPLICATIONS: Revenue collected from the assessments will be credited to the Special Assessment Fund.

ALTERNATIVES:

- A. **Staff Recommendation: *Direct staff to prepare an Ordinance for adoption at the September 23 Council meeting, assessing certain lots and tracts of land within the City of The Dalles, a proportionate share of the cost of West First Street, Terminal Way and Bargeway Road Reconstruction Project, Phase II, by title.***
- B. Make amendments to assessments to be contained in the Ordinance, based on remonstrances received as a result of testimony from the public hearing.
- C. Decline to adopt the Ordinance. This option would result in the City being unable to conclude the local improvement district process or to collect the assessments.

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bmyre@lyon-law.com

August 14, 2013

City Council
City of The Dalles
313 Court Street
The Dalles, OR 97058

**Re: Pepsi-Cola Bottling Company of The Dalles, Inc.
Property described as 2N 13E 33DB #1100**

Dear City Council:

This letter is being written to you on behalf of the Pepsi-Cola Bottling Company of The Dalles, Inc. (the "Corporation"). The Corporation is in receipt of the most recent letter dated August 1, 2013 from the City of The Dalles regarding the improvements that occurred on West First Street, Terminal Way and Bargeway Road. The Corporation was notified that their portion of the assessments to be levied would be \$175,546.17.

At the time the Corporation undertook certain improvements to the property in 2001, they did execute a Waiver of Remonstrance Agreement thereby waiving any objection to the creation of the Local Improvement District. What was not included in that waiver was a complete description of the extent of the work that was to be completed for this project and the cost that would be attributable to Corporation.

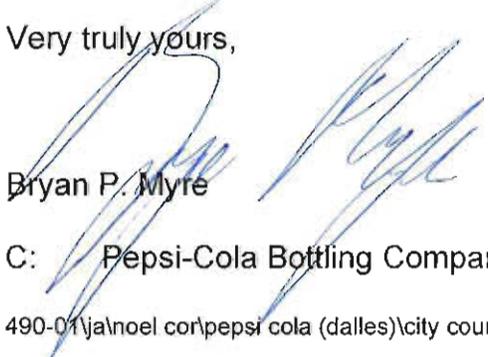
Upon review of the tasks undertaken, it would appear that the improvements completed were beyond those necessary in light of the use of the property within the vicinities of the repairs. This is primarily an industrial area and is not utilized by pedestrian traffic. The improvements that were made bring this area more in conformity for uses expected in highly traveled vehicle and pedestrian areas. That is not the case for these roads and as such, the Corporation objects to the amount of the assessments on the basis that the costs incurred are in excess of those reasonably appropriate in light of the needs of the area. As such, the Corporation

received
8-16-13

City Council
August 14, 2013
Page 2

objects to the amount of the assessments as proposed in the correspondence received by the Corporation from the City of The Dalles dated August 1, 2013.

Very truly yours,


Bryan P. Myre

C: Pepsi-Cola Bottling Company of The Dalles

490-01\janoel cor\pepsi cola (dalles)\city council 101



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

MEMORANDUM

Date: August 23, 2013

To: Nolan Young, City Manager

From: Dave Anderson, Public Works Director
Dale McCabe, City Engineer

RE: Pepsi-Cola Bottling Company of The Dalles, Inc.
Property described as 2N 13E 33DB Tax Lot 1100

This memo is in response to the objection letter by the Pepsi-Cola Bottling Company of The Dalles to the amount of the proposed assessment of \$175,546.17, for their portion of the improvements that were constructed as part of the West First Street, Terminal Way, Bargeway Road Reconstruction - Phase 2 project.

From reading through the letter prepared by Bryan P. Myre from the Law Office of Lyon Weigand and Gustofson PS, on behalf of the Pepsi-Cola Bottling Company, it appears that the Pepsi-Cola Bottling Company is objecting to the proposed assessment amount of \$175,546.17 for two reasons.

The first reason for the objection is that when the Pepsi-Cola Bottling Company made application for constructing on site improvements to their property and buildings in 2001, they signed a Waiver of Remonstrance Agreement, thereby preventing them from being able to object to the formation of a Local Improvement District (LID), but the letter claims they were not informed or given a description of the extent of the improvements of what the future LID project might entail, nor were they given an estimate for the costs of the future project for which they would be responsible.

The Waiver of Remonstrance Agreement signed by Pepsi-Cola Bottling Co. of The Dalles, Inc (copy attached) identifies the implementation of a local improvement district to "improve the portion of West 1st Street adjacent to the property described in Number 5 below including storm, street, sidewalk, curb, gutter and utilities together or separately as part of a local improvement district." Those improvements were constructed in the West First Street, Terminal Way and Bargeway Road Phase 2 LID project. Therefore, it is evident that Pepsi-Cola Bottling Company was notified of the extent of the work that was to be completed when the Waiver of Remonstrance Agreement was signed.

In preparation for the potential formation of an LID, City staff held an informational meeting for property owners on November 11, 2008. That meeting was attended by Mike Young of Pepsi-Cola Bottling Company. At that time, City staff presented information summarizing the improvements proposed to be constructed, estimated project costs, and estimated property-owner assessments if the LID was formed, and solicited input from attendees regarding project design and timing. In February 2009, City Council adopted a resolution accepting the Preliminary Engineer's Report for the West First Street, Terminal Way and Bargeway Road reconstruction project and declaring its intent to form a Local Improvement District. The Preliminary Engineer's Report described in detail the improvements to be constructed and the methods of allocating project costs. Notices were sent to all affected property owners and The Dalles City Council conducted a Public Hearing on March 9, 2009 regarding the proposed LID. In that hearing, Mike Young provided testimony indicating that he was not opposed to the improvements but that it would be a great financial burden on Pepsi-Cola Bottling Company at that time (a copy of the minutes from that hearing is attached). Ultimately, it was decided to break the LID project into two phases, the first of which was completed in 2010 and the second of which would be delayed for 2 to 5 years. The improvements adjacent to the Pepsi-Cola Bottling Company property were postponed until Phase 2.

In preparation for the Phase 2 LID, City staff conducted another informational meeting for property owners on September 6, 2012; representatives from Pepsi-Cola were not in attendance of that meeting. City staff met with Pepsi-Cola Bottling Company representatives in their offices on September 24, 2012 to review the project. City Council adopted a resolution accepting the Preliminary Engineer's Report for the West First Street, Terminal Way and Bargeway Road LID Phase 2 and declaring its intent to form a Local Improvement District on October 22, 2012. Again, the Preliminary Engineer's Report described in detail the improvements to be constructed and the methods of allocating project costs which were the same as originally presented in 2008/2009. Notices were sent to all affected property owners and The Dalles City Council conducted a Public Hearing on November 26, 2012 regarding the proposed LID. No one from Pepsi-Cola Bottling Company testified at that hearing. Construction of the project has been completed as previously described and the proposed assessments are less than those identified in the Preliminary Engineer's Report for Phase 2.

The record indicates that Pepsi-Cola Bottling Company had knowledge of the extent of work to be completed when they signed the Waiver Agreement and the associated costs when they had an opportunity during informational meetings and public hearings to provide input to the project design.

The second reason for the objection by the Pepsi-Cola bottling Company was that they feel that the improvements that were completed as a result of the West First Street LID Phase 2 project, for which they are being assessed, are above and beyond those that are necessary and what they feel should have been required and constructed. The letter does not, however, identify the improvements that Pepsi-Cola Bottling Company believes were unnecessary.

The improvements that were constructed match the City standard section for a Collector Street in an industrial area as found on Figure 13 of the City's Transportation System Plan except that a sidewalk was constructed on only one side of the street to reduce costs to property owners. The center turn lane was paid for by the City and the associated costs were not assessed to property

owners. Similarly, the costs to construct the Riverfront Trail were also borne by the City. No bike lanes were constructed in the project. Property owners were only assessed the costs to construct two lanes of street, curbs on both sides of the streets, a sidewalk on one side of the street, and a storm system sized to meet the needs of the area consistent with the City's 2007 Stormwater Master Plan.

For a comparison, information on other existing streets located in the Port is presented as follows:

West First Street, Phase II project

0.5-foot curb, 14-foot travel lane, 14-foot center refuge lane, 14-foot travel lane (total 28-foot travel lanes), 0.5-foot curb, 5-foot sidewalk located on the north side.

(Note: the property owners were not assessed for any costs associated with the construction of the 14-foot center refuge lane as the City paid for the full construction of it.)

Klindt Drive (existing)

30-foot travel lane width from back of rolled curb section to back of rolled curb section, 5-foot sidewalk located on the east side.

(Note: The travel lane width of Klindt Drive, excluding the portions of the rolled curbs is 28 feet)

Steelhead Way (existing)

30-foot travel lane width from back of rolled curb section to back of rolled curb section, 5-foot sidewalk located on the north side.

(Note: The travel lane width of Steelhead Way, excluding the portions of the rolled curbs is 28 feet)

Crates Way (existing)

29.5-foot travel lane width from back of rolled curb section to back of rolled curb section, 5-foot sidewalk located on the south and west sides respectively.

(Note: The travel lane width of Crates Way, excluding the portions of the rolled curbs is 27.5 feet.)

River Trail Way (proposed new Chenoweth Business Park, Port of The Dalles)

10-foot storm water drainage swale, 0.5-foot curb, 16-foot travel lane, 16-foot travel lane, 0.5-foot curb, 10-foot storm water drainage swale, 5-foot sidewalk located on the east side.

As evidenced above, the only extra or added improvement that was constructed on the West First Street Phase 2 project was the 14-foot center refuge lane, which, as stated above, was entirely paid for by the City and not included as part of the property owners assessments. The improvements constructed were consistent with City standards and the traffic needs of the area.

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August 14, 2013

City Council
City of The Dalles
313 Court Street
The Dalles, OR 97058

**Re: Pepsi-Cola Bottling Company of The Dalles, Inc.
Property described as 2N 13E 33DB #1100**

Dear City Council:

This letter is being written to you on behalf of the Pepsi-Cola Bottling Company of The Dalles, Inc. (the "Corporation"). The Corporation is in receipt of the most recent letter dated August 1, 2013 from the City of The Dalles regarding the improvements that occurred on West First Street, Terminal Way and Bargeway Road. The Corporation was notified that their portion of the assessments to be levied would be \$175,546.17.

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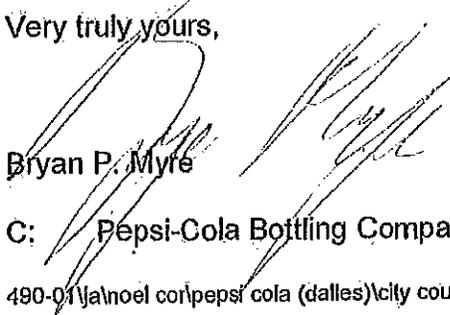
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City Council
August 14, 2013
Page 2

objects to the amount of the assessments as proposed in the correspondence received by the Corporation from the City of The Dalles dated August 1, 2013.

Very truly yours,


Bryan P. Myre

C: Pepsi-Cola Bottling Company of The Dalles

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LEGAL DESCRIPTION FOR PEPSI-COLA PROPERTY

The following described tracts of land in Government Lot 2, Section 33, Township 2 North, Range 13 East, Willamette Meridian, Wasco County, Oregon, being more particularly described as follows:

- #1 Commencing at a point on the Northerly right-of-way line of the Union Pacific Railroad, said point being 834.3 feet South and 308.6 feet East from the Northwest corner of Government Lot 2; thence North 63 degrees, 17' West along said railroad right-of-way 76.45 feet; thence North 26 degrees, 43' East 220.23 feet; thence North 75 degrees 52' East 63.44 feet; thence South 42 degrees, 22' East 151 feet more or less; thence South 6 degrees, 51' East 252.7 feet more or less to said Northerly railroad right-of-way line; thence North 63 degrees, 17' West 260 feet to the point of beginning.
- #2 Also the vacated portion of Terminal Avenue measuring approximately 0.06 acres.
- #3 Beginning at a point at the intersection with the centerline of the vacated Terminal Avenue and the Northerly right-of-way of Union Pacific Railroad, said point being 951.7 feet South and 540.9 feet East of the Northwest corner of said Government Lot 2, said point further being 50.0 feet North when measured at right angles from the centerline of the Union Pacific Railroad right-of-way; thence North 0 degrees, 51'00" West along the said centerline of the vacated Terminal Avenue 239.93 feet to the Southwesterly right-of-way of West First Street, said point being 30.0 feet South when measured at right angles from the centerline of said West First Street; thence South 42 degrees, 21'48" East along the said Southwesterly right-of-way of West First Street 576.27 feet; thence parallel with the centerline of said vacated Terminal Avenue South 06 degrees, 51'00" East 49.14 feet, more or less, to the intersection with the Northeasterly right-of-way of the said Union Pacific Railroad track, said point being 50.0 feet when measured at right angles from said centerline; thence Northwesterly along the said Union Pacific Railroad 440 feet, more or less, to the point of point of beginning.

Tract #3 contains 1.02 acres, more or less.

MINUTES (Continued)
Regular Council Meeting
March 9, 2009
Page 5

It was moved by Ahier and seconded by Wood to award Schedule B of Contract No. 07-008 for a new terminal reservoir and pump station to Kennedy/Jenks Consultants in an amount not to exceed \$600,968 with work being performed on a time and materials basis.

Councilor Wilcox asked if the access to the proposed site would be from 20th and View Court. McCabe said that was the access, but the consultant would be working on right of way and easement issues, primarily with Mid Columbia Medical Center.

Councilor Ahier said the City should move forward with the project so they can then perform needed maintenance on other reservoirs in the system.

The motion to award Schedule B of Contract No. 07-008 for a new terminal reservoir and pump station to Kennedy/Jenks Consultants in an amount not to exceed \$600,968 with work being performed on a time and materials basis was voted on and carried unanimously, Spatz absent.

PUBLIC HEARINGS

Public Hearing to Receive Testimony Regarding a Community Development Block Grant for a Regional Housing Resource Center (Grant #HC 710)

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

John Hutchinson, Mid Columbia Housing Agency, 312 Court Street, The Dalles, provided the staff report. He reviewed the objectives for the 2008 program and said the objectives would remain much the same for 2009. Hutchinson discussed the success of the classes provided by the Agency.

Councilor Wilcox said he often encouraged people to use the services provided by the Agency and wished more people would use them.

Testimony

No testimony was presented.

Hearing no testimony, the public hearing was closed.

Public Hearing to Receive Testimony Regarding Proposed West First Street, Terminal Way and Bargeway Road Reconstruction Project Local Improvement District

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

The staff report was reviewed by City Attorney Parker. Written testimony received prior to the hearing was distributed to the City Council as well as a petition requesting an extension of the delayed improvement agreement and postponement of the local improvement district project (items attached as Exhibit "A", correspondence from Gerald Risberg; Exhibit "B", email from Oregon Cherry Growers; and Exhibit "C", Petition to request extension of delayed improvement agreement).

Engineer McCabe reviewed the proposal for a reduced scope of the project, saying the Phase I proposal would include First Street improvements from the railroad spur to the west side of the Public Works property, all of Terminal Way and Bargeway Road from Terminal Way to the west side of the Public Works property.

Referring to a memorandum from the City Attorney in October, Councilor Ahier said he did believe the properties affected would receive special benefit. He said if the City did receive stimulus funding for the project, he would like to amend Phase I to include Lot 4 and completion of the Riverfront Trail, which would benefit the entire community.

City Attorney Parker said the City had included this project in the application for stimulus funding. He said staff should know on March 18th the projects that were selected to receive stimulus funding.

In response to a question regarding the financing of local improvement districts, City Attorney Parker said staff would bring a proposed amendment to the LID ordinance to allow for financing at market rates, plus one percent.

Testimony

Gerald Risberg, 806 SW Westwood Drive, Portland, Oregon, testified in opposition to the proposed LID, saying he had purchased his property in 1988 with the understanding that storm sewer would be installed. He said it was installed in 1994. Risberg said there was no need to re-pave Bargeway Road because it was still in good condition. He said the proposed assessment was 43% of the value of his land. Mr. Risberg read a letter of opposition which was included in the handouts from the City Attorney. He said the people renting his property would not be able to afford an increase to pay for the improvements and it could put them out of business or cause them to move.

Mike Zing, Design Structures, 210 Webber Street, The Dalles, said a petition had been circulated to determine if there was support from property owners to extend their improvement agreements

for two to five years to allow property owners time to save the money to pay for the proposed assessments. He asked the City Council to consider this proposal so property owners had time to secure funds to pay for the improvements.

Ron Nelson, Oregon Equipment, 1505 West First Street, The Dalles, asked for a reply to his questions: why property owners had not been assessed for a re-paving job on East 12th Street, but property owners were being assessed for this project; why the proposed re-paving project on Sixth Street was being paid for by State funding; and if the City received stimulus funding for the project, whether Oregon Equipment would be refunded the money they had already paid for their assessment.

Hank Brace, 801 West Second Street, The Dalles, said the proposed assessment for his property was more than the amount he paid to purchase the property and was too high for the current economic conditions. He asked the Council to consider postponing the project or to find other funding sources to complete the project.

Mike Young, Pepsi Cola Manager, The Dalles, said they were not opposed to the improvements, but it would be a great financial burden on them at this time. He said they did support the completion of the Riverfront Trail because it was a valuable asset for the citizens.

Chris Zukin, Meadow Outdoor Advertising, 1201 Bargeway Road, The Dalles, said he supported the formation of the LID. He said there would be increased traffic in the area as other properties in the Port area developed. Zukin said he did not think it was wise to put the project off because it would only continue to be more expensive by delaying it. He urged the City Council to proceed with the full LID project and suggested the City ask the Port to participate financially in the project.

John Nelson, 524 West Third Place, The Dalles, said he supported the completion of the full LID, saying waiting would only increase the cost of the work. He said the area needed to be improved and advocated for completion of the Riverfront Trail. Nelson said a phased approach would not help complete the trail.

David Griffith, 409 West 16th Street, The Dalles, said he supported the project and hoped the trail portion would be completed. Griffith said the Riverfront Trail was a treasure for the community.

Hearing no further testimony, the public hearing was closed.

City Council Deliberation

Councilor Wilcox asked if the sewer line was being increased in size. Engineer McCabe said the sanitary sewer was proposed to be lined at the railroad spur for separation requirements and a new water main was planned for First Street. He said these costs would be paid by the City and not assessed to the property owners. He said there was increased capacity of the water line proposed for a portion of First Street to Terminal Way, First Street and Bargeway Road to create a loop, which would then meet the needs identified in the Water Master Plan, again paid by the City.

McCabe said a storm line was proposed that would handle runoff as if the properties were fully developed, to meet future capacity. He said that cost would be assessed to property owners except for two properties that had their own storm systems in place.

Wilcox asked if the property owned by Mr. Risberg was included in the Port improvement agreement. Community Development Director Durow said it was included.

Wilcox asked why there was an increase in proposed assessments from the preliminary numbers. McCabe said staff had removed the assessment costs for the storm improvements from the two properties that already had their own storm systems and the cost was spread to the remaining properties.

Councilor Alier said he appreciated the work staff had done on the project. He said the project would continue to get more expensive if it was delayed and would need to be completed in a few years regardless of economic conditions, but he believed the Council should be cautious and not do something that would cause jobs to be lost.

Councilor Dick said the economy should be considered. He said people testified in 2005 that the project was too expensive, but the property owners did know that these improvements were included in owning property in the Port area. Dick said he was reluctant to add to problems in a poor economy but that the property owners should have expected to pay and had known for many years that the improvements were going to be constructed. He said the City also needed to be fair to those who had already paid for the improvements. Dick said he also could support a phased approach to the project.

Councilor Wood said it was frustrating and she had mixed feelings about how to best proceed. She said the project had been discussed for many years and it was not a surprise to anyone that the improvements would be constructed. Wood said she believed one positive step would be to amend the LID ordinance to include better financing options.

Mayor Lesich said the property owners did know the project was coming, but questioned whether the City had researched all possible funding options and done everything possible to not overburden the property owners.

Councilor Wilcox said other funding options had been researched by the City. He said the City could not control whether the Port contributed to the project and it was not in the Urban Renewal District so was not eligible for Urban Renewal funding. He said the project would never get less expensive regardless of the economic situation. Wilcox said staff was trying to get other funding through the stimulus program. He said Oregon Equipment had already paid for their improvements and the City owed it to them to construct the improvements.

There was a discussion regarding construction of the Riverfront Trail in the phased approach. Engineer McCabe said it would be very difficult to construct it in the phased approach because of grade issues.

It was moved by Ahier to direct staff to bring back an amended Phase I only engineers report and resolution at the March 23rd Council meeting. The motion died for lack of a second.

It was moved by Wood and seconded by Dick to direct staff to prepare an ordinance amendment to revise the method for financing LID's. The motion carried unanimously, Spatz absent.

Councilor Dick asked about the timing of the project. City Attorney Parker said the improvement agreement expired in January, 2010 and that the project needed to be completed before that. Engineer McCabe said it would need to be completed by the end of October in order to complete the paving before the asphalt plants closed for the winter.

It was moved by Wilcox and seconded by Dick to direct staff to bring back resolutions to the March 23rd Council meeting with the following options: Full LID project; Phase I project identified in City Manager's memo; and delaying the project for two to five years. The motion carried; Ahier voting no, Spatz absent.

Engineer McCabe said staff would also look at an option combining the Phase I approach and the delayed option.



CITY of THE DALLES

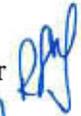
313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125
FAX: (541) 298-5490

AGENDA STAFF REPORT

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
September 9, 2013	Public Hearing 11, B	13-063

TO: Honorable Mayor and City Council

FROM: Richard Gassman, Planning Director 

THRU: Nolan Young, City Manager 

DATE: September 9, 2013

ISSUE: Public hearing for Comprehensive Plan Amendment 40-13 and Zoning Ordinance Amendment 84-13 for a parcel measuring approximately .226 acres, located at 1015 Walnut Street.

RELATED CITY COUNCIL GOAL: N/A

PREVIOUS AGENDA REPORT NUMBERS: N/A

BACKGROUND:

This matter is to be heard by the Planning Commission on August 22, 2013. A copy of the application and a copy the staff report for the Planning Commission public hearing are attached, as well as the Resolution adopted by the Commission.

SIGNIFICANT CHANGES:

The request would change one lot of approximately .226 acres from RM – Medium Density Residential District to NC – Neighborhood Center.

PROCESS:

The Planning Commission heard this request on August 22, 2013. The Council will hold a public hearing on September 9, 2013 for consideration and decision. If approved, staff will prepare an ordinance for Council consideration at a later meeting.

DISCUSSION:

The request is to rezone one lot from a residential zone to a commercial zone. No comments were received prior to the Planning Commission hearing, and no one opposed the request at the hearing. No comments have been received for the Council hearing, as of the preparation of this staff report.

This property was developed commercially and has been used commercially for a number of years. We can find no records for this property which show any history of the zoning. While there is no NC zoned property in this area west of Walnut Street, there is a large amount of NC zoned property across Walnut Street. Based on the information contained in the application, the long time commercial use of this property, and from on-site visits, staff recommends that the request be approved.

RECOMMENDATION:

Staff recommends that the City Council follow the recommendation of the Planning Commission.

SUGGESTED ALTERNATIVE MOTIONS:

1. If the Council decides to approve these requests, an appropriate motion would be: Move to direct staff to prepare an ordinance approving Comprehensive Plan Amendment 40-13 and Zoning Ordinance Amendment 84-13, as approved by the Planning Commission based upon appropriate findings of fact and conclusions of law, to be presented for adoption at a future City Council meeting.

2. If the Council decides not to approve these requests, an appropriate motion would be: Move to deny Comprehensive Plan Amendment 40-13 and Zoning Ordinance Amendment 84-13, and state the reasons for the denial.

COMPREHENSIVE PLAN AMENDMENT APPLICATION

CITY OF THE DALLES
Planning Department
313 Court Street
The Dalles, OR 97058
(541) 296-5481, ext. 1125
Fax (541) 298-5490
www.ci.the-dalles.or.us



Date Filed 7/11/13
File#
Date Deemed Complete 7/11/13
Hearing Date Aug 1, 2013
Approval Date
Permit Log #
Other Cross Reference#

APPLICANT

LEGAL OWNER (If Different than Applicant)

Name Karl Rozentals
Address 2103 E 12th St
The Dalles OR 97058

Name
Address

Telephone # 541-298-2213 541-993-8407 Telephone #
E-mail Address karlr@gorge.net

*If applicant is not the legal owner, attach either [1] owner consent letter, or; [2] copy of earnest money agreement, or; [3] copy of lease agreement.

PROPERTY INFORMATION

Address 1015 Walnut

Map and Tax Lot 2N 13E 33CC 1100

Size of Development Site - 226 acres

Zone District/Overlay RM - Residential Medium Density

Comprehensive Plan Designation Residential Medium Density

REQUEST

[] New Development [] Expansion/Alteration [x] Change of Use [] Amend Approved Plan

Brief Explanation: Re-establish commercial zoning to maintain compliance with current zoning ordinance and comprehensive plan designation.

Justification of request Comprehensive Plan Amendment Application

1. Explain the justification for the proposed Comprehensive Plan Amendment.

Within the existing comprehensive plan of Wasco County page 29 states "In order to capitalize on long-range economic and employment shifts, The Dalles will need to add to its existing supply of land for commercial uses within the UGB". Within the existing Comprehensive Plan, "small gains are provided through the use of Neighborhood Centers to allow residential and neighborhood commercial uses to develop near focal intersections in town". As of two years ago, the building and property has moved from County status to City status.

I am not sure why the zoning does not currently have the property zoned commercially since the building on this property has been used as commercial property since construction in 1967-8.

2. Describe how the proposed amendment is compatible with or will further the goals established by the community for the subject area.

Neighborhood Center Overlay Zones are intended to create transportation efficiency, pedestrian oriented locations for small business and neighborhood based services in a residential section of the city. The existing property, since construction has essentially existed as a Neighborhood center since construction. My goal would be to formalize the zoning to reflect the uses in the past and to comply with the Comprehensive Plan.

3. Describe how the Comprehensive Plan Amendment will further the interest of public health, safety, and general welfare.

The location on the West side could provide services to individuals in the west area, reducing traffic or commutes for services that might be located on the East side, for example health services, or other services that citizens might need. This might reduce environmental hazards, and provide a service for citizens that may not have a vehicle. The general welfare of the community would be improved if the citizens were able to be employed, close to work.

4. Describe the effect the proposed amendment might have on the surrounding properties.

The property has had as many 34 employees during the time I used the building, so I would think the effects would be minimal, unless the business generated additional traffic during the day, however Walnut Street is a main thorough fare and the effect should be minimal.

ZONE CHANGE APPLICATION

CITY OF THE DALLES
Community Development Department
313 Court Street
The Dalles, OR 97058
(541) 296-5481, ext. 1125
Fax (541) 298-5490
www.ci.the-dalles.or.us

Date Filed 7/11/2013
File# _____
Date Deemed Complete 7/11/2013
Hearing Date 8/22/2013
Approval Date _____
Permit Log # _____
Other Cross Reference# _____

JUN 18 2013

APPLICANT

Name Karl Rozentals

Address 2103 E 12th St
The Dalles OR 97058

Telephone # 541-298-2213, 541-993-4407
E-mail Address karl@gorge.net

*If applicant is not the legal owner, attach either [1] owner consent letter, or; [2] copy of earnest money agreement, or; [3] copy of lease agreement.

LEGAL OWNER (If Different than Applicant)

Name _____

Address _____

Telephone # _____

PROPERTY INFORMATION

Address 1015 Walnut

Map and Tax Lot 2N13E 33CC 1100

Size of Development Site .226 acres

Zone District/Overlay RM

Comprehensive Plan Designation Residential Medium Density

REQUEST

New Development Expansion/Alteration Change of Use Amend Approved Plan

Brief Explanation: Re-establish commercial zone to maintain compliance with zoning ordinance and comprehensive plan designations.

Justification of Request for re-zoning

1. What are the special circumstances (size, shape, or topography of lot, location of surroundings) that do not apply to other properties in the same vicinity and zone?

The original lot is isolated from other lots with the front (East) facing Walnut Street, the (South) facing 9th Place, the (North) facing alley. Across the street are the County storage sheds, with a wood lot on the county lot, possibly selling wood? The lot at 1015 Walnut includes a one story building (3850 Sq. feet), with a paved parking lot on the South and East side the can accommodate 18 cars. On the west side lot there is a large garage, originally built by Ed Eddie, for his re-upholstery and auto restoration shop. Ed leased the shop to another person for the same purpose until he passed away some years ago.

2. What difficulties and unnecessary hardship will be created without a zone change to the property?

The difficulty would be that the building was built for commercial use originally, and used commercial since 1968. Without the zone change the property would be worthless.

3. Explain why the Zone Change will not be detrimental to public safety, health and welfare.

The zone change would not be detrimental since it would be utilized for its original intent and has been used commercial since its construction, for 45 years.

4. Explain why this zone change, if granted, would not be contrary to the intent of the zoning ordinance.

The building has been continuously used as a commercial building; in fact I checked in 1972, about the zoning and was told that it was spot zoned commercially. In 1978, when I added on to the building for commercial use, building, electrical, and plumbing permits were approved and issued as a commercial building. Therefore with the history of the property, a zoning change would not be contrary to zoning ordinance, it would correct the zoning for what the buildings intended use was originally.

BRIEF NARRATIVE OF THE HISTORY OF THE PROPERTY

LOCATED AT 1015 WALNUT STREET

THE DALLES OREGON

In 1972, R&R Sy-Tec Inc. was expanding the business of providing detail records for Electric Utilities, which included the existing assets of transmission, substation, distribution, secondary, service, contacts (telephone and television) to be in compliance with the Federal Energy Regulation Commission. It came to my attention the property at 1015 Walnut was for sale. At that time it was owned by Alice and Carl Linebarger, the building was built by Carl in 1967 or 8 and was known as the "Golden Cue". The business had a restaurant in the front with eight pool tables in the main building. With 2000 sq. feet we added new lighting (40 new two by four lights) and expanded the electrical capacity for future needs, the work was done by Hire Electric. The counters were removed by Carl and I, with all pool tables sold. Apparently his rock crushing business was expanding and the profit from the "Golden Cue" was not as profitable as the rock crushing business.

When I purchased the Golden Cue I checked on the zoning and it was zoned as commercial. So R&R was off to the races with its business. In 1973, R&R was asked to do a pilot project for Pacific Power and light, on one district controlled by the Portland office, R&R won the contract in 1974 with a 10 yr. renewal clause for an additional 34 districts. As the business expanded with PP&L and other utilities in the mix, we were growing out of space.

PP&L was expanding the contract, so we decide expand on our existing location, and in 1977 we added an additional 1850 sq. feet to facilitate the 34 employees that we needed to complete the existing contract that we had. In 1978 I felt the world was changing so we needed to change and computerize as much as possible, so we bought a Data General computer and started to write code with the intent of automating all redundant repetitive activities our company was doing. Two years later we added a large IBM system and the following year we added a large HP system. All of the systems were eventually located in the new side of the building since we had planned for expansion when we added on in 1977.

Since our conversion to automated system we averaged 15 to 20 employees, until I retired and sold my software in 2008. In 2009 I converted the bath room to handicapped, replaced the carpets with tile and commercial flooring, painted the interior and exterior and rented the building to Renew Consulting, a company that provided rehabilitation to the State of Oregon. With the economic turn down and budget cuts from the state they opted to scale down in The Dalles and now the building is vacant.

In closing I was not aware nor was I notified of the change in zoning, since the building was built as a commercial entity and I have owned the building since 1972, I assumed the designation of the building to still be commercial. I would like to confirm the original designation and continuous use as commercial site to provide the community employment, taxes, and use in line with its original objective, a good building with ample parking, that is not eye sore as is the county property across the street.

City of The Dalles

Staff Report to the Planning Commission

Comprehensive Plan Amendment No. 40-13 Zone Change Amendment No. 84-13

Karl Rozentals

Prepared by: Richard Gassman, Director 

Procedure Type: Quasi-Judicial

Hearing Date: August 22, 2013

Assessor's Map: 2N 13E 33CC tax lot 1100

Address: 1015 Walnut Street

Comprehensive Plan
Designation: "RM" Medium Density Residential

Zoning District: "RM" Medium Density Residential

City Limits: Inside

Request: To change the Comprehensive Plan Map and Zoning Ordinance Map from RM – Medium Density Residential to NC-Neighborhood Center Overlay District.

BACKGROUND INFORMATION

This is a single tax lot located on the west side of Walnut Street. All lots on the west side of Walnut in this area are zoned RM. Across Walnut Street the properties are zoned NC Overlay. This property is developed with a commercial building that has been on site and used commercially for a number of years, estimated at 1967 or 1968 by the applicant. The City has no information on when the building was constructed. It has been used commercially since construction.

NOTIFICATION

Property owners within 300 feet, City Departments, franchise utilities, Mid-Columbia Fire & Rescue, Wasco County Health Department, and State Building Codes were mailed a notice on July 31, 2013, as required by Sections 3.100.020 B. 1. and 3.020.050 D. An additional notice was published in The Dalles Chronicle on August 11, 2013. The Department of Land Conservation and Development was also notified because this request involves a Post-Acknowledgement Plan Amendment.

COMMENTS

As of the date of this staff report, no comments had been received.

REVIEW

A. LAND USE AND DEVELOPMENT ORDINANCE 98-1222

Section 3.010.040 Applications

B. Completeness.

FINDING A-1: The applications were found to be complete on July 11, 2013. The 120-day State mandated decision deadline is November 8, 2013. The hearing is within the required time line. Criterion met.

Section 3.020.050 Quasi-Judicial Actions

- A. *Decision types. 9. Zone Changes. 10. Comprehensive Plan Changes as part of the general authority of the Commission.*

FINDING A-2: This application is for a Zone Change per section 3.100 of the Land Use and Development Ordinance (LUDO) and a Comprehensive Plan Map change per Goal #2, Land Use Planning, of the Comprehensive Plan. The hearings are combined because the issues are essentially the same for both requests. Criterion met.

- B. *Staff Report. The Director shall prepare and sign a staff report for each quasi-judicial action, which identifies the criteria and standards applying to the application and summarizes the basic findings of fact. The staff report may also include a recommendation for approval, approval with conditions, or denial.*

FINDING A-3: The staff report will detail criteria and standards relevant to a decision, all facts will be stated, and explanations given. This will be detailed through a series of findings directly related to relevant sections and subsections of the ordinance as they relate to this request. Criterion met.

- C. *Public Hearings. The quasi-judicial process requires a public hearing within 45 days from the date the application is deemed complete. The application was deemed complete on July 11, 2013. The 45 day period ends on August 25, 2013.*

FINDING A-4: The first public hearing is scheduled for August 22, 2013. Criterion met.

D. *Notice of Hearing.* Notice of hearing is required to be sent at least 10 days prior to the hearing.

FINDING A-5. Appropriate mailings to property owners within 300 feet and notice to affected departments and agencies were made on July 31, 2013. A notice was published in the local paper on August 11, 2013. The required 45-day notice was sent to DLCD on July 17, 2013. Criterion met.

Section 3.100.030 Review Criteria

A Zone Change shall be granted if the following criteria are met:

A. *Conformance.* The proposed Zone Change conforms to the Comprehensive Plan and all other provisions of this Ordinance.

FINDING A-6: The request is to change the zoning map and the comprehensive plan map which will make the zone change conform to the comprehensive plan map. Criterion met, if approved.

B. *Suitability.* The site is adequate in size and shape for uses normally allowed by the proposed zone.

FINDING A-7: The property is approximately 2.26 acres. This is adequate in size and shape for commercial purposes. In addition, the land is already developed with a commercial use which has been operating on site for a number of years. Criterion met.

C. *Streets and Traffic.* The site is, or will be, adequately served by streets for the type and volume of traffic generated by uses that may be permitted in the new zone.

FINDING A-8: The property is served by Walnut Street to the east and 9th Place to the south. These streets provide adequate access for a site of this size. Criterion met.

D. *Adverse Effect.* The proposed Zone Change shall have minimal adverse effect on existing and future surrounding development.

FINDING A-9: The uses allowed in the NC zone should not have an adverse effect on any of the surrounding properties. The properties across Walnut to the east are already zoned NC. The remainder of the surrounding properties are zoned RM, but this property has been in use commercially since its construction more than 40 years ago. Criterion met.

B. COMPREHENSIVE PLAN

The Comprehensive Plan was adopted in 1994.

Goal 2 allows that a property owner may initiate changes to the Comprehensive Plan.

FINDING B-1: This application has been approved by the property owner. Criterion met.

Property owner initiated changes are processed using the quasi-judicial process.

FINDING B-2: The quasi-judicial process is being used for this request. Criterion met.

Goal 2, policy 5 includes the following review criteria for Comprehensive Plan amendments:

- a. Compliance with the statewide land use goals and related administrative rules.*
- b. Conformance with the Comprehensive Plan goals, policies and implementation measures.*
- c. The change will not adversely affect the health, safety and welfare of the community.*
- d. Adequate public facilities, services and transportation networks are in place, or are planned to be provided with the proposed change.*
- e. Plan changes will be consistent with the vision.*

FINDING B-3: There is nothing in the requested change that violates any of these policies. Criterion met.

DISCUSSION

It is unknown how this property came to be located on land that is zoned residential. There are several possible explanations, but nothing to support any of them. In any event, as it now exists, the property is nonconforming and would be subject to Section 3.090 of the LUDO. These provisions restrict what would be allowed in the building.

Staff supports this request as a long time existing commercial use on a lot that is across the street from a large NC Overlay zoned area.

RECOMMENDATION

The Planning Commission's role is to forward a recommendation on the request to the City Council. The Commission may recommend approval or denial. The City Council will hold another public hearing and make a final decision.

Staff recommends approval of this application requesting a rezone from RM to NC for the lot located at 1015 Walnut Street, also known as 2N 13E 33 CC lot 1100.

RESOLUTION NO. P.C. 533-13

Recommending approval of Comprehensive Plan Amendment #40-13 and Zone Change Ordinance #84-13, proposing a change to the Comprehensive Plan Map and Zoning Ordinance Map from RM – Medium Density Residential to NC-Neighborhood Center Overlay District.

WHEREAS, on August 22, 2013 the Planning Commission of the City of The Dalles conducted a public hearing to consider a request for approval of Comprehensive Plan Amendment #40-13 and Zone Change Ordinance #84-13;and

WHEREAS, the Planning Commission has considered the public testimony, and reviewed the proposed legislative amendment, and has considered the information in the staff report, including proposed findings of fact and conclusions of law; and

WHEREAS, based upon the information in the staff report, including the proposed findings of fact and conclusions of law, which are hereby incorporated herein by this reference, and the public testimony presented during the public hearing, the Planning Commission voted to recommend that the City Council approve Comprehensive Plan Amendment #40-13 and Zone Change Amendment #84-13.

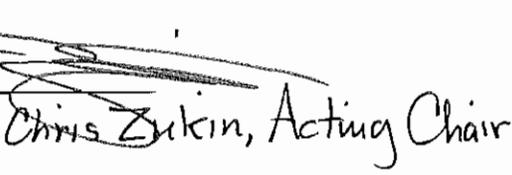
NOW, THEREFORE, THE PLANNING COMMISSION RESOLVES AS FOLLOWS:

Section 1. The Planning Commission recommends that the City Council of the City of The Dalles approve Comprehensive Plan Amendment #40-13 and Zone Change Amendment #84-13.

Section 2. The Secretary of the Commission shall (a) certify to the adoption of the Resolution; (b) transmit a copy of the Resolution to the applicant.

APPROVED AND ADOPTED THIS 22nd DAY OF AUGUST, 2013.


Bruce Lavier, Chairman
Planning Commission


Chris Zukin, Acting Chair

I, Richard Gassman, Planning Director for the City of The Dalles, hereby certify that the foregoing Resolution was adopted at the regular meeting of the City Planning Commission, held on the 22nd of August, 2013.

AYES: Zukin, Poppoff, Whitehouse, Zingg, Stiles

NAYS: None

ABSENT: Lavier, Raschio

ABSTAIN: None

ATTEST: Richard Gassman

Richard Gassman, Planning Director
City of The Dalles



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 #
September 9, 2013	Action Items 12, A	13-016

TO: Honorable Mayor and City Council

FROM: Gene E. Parker, City Attorney

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

DATE: August 29, 2013

ISSUE: Resolution No. 13-029, assessing the real properties located at 3316 West 10th Street, 1815 Montana Street, 1904 East 14th Street, 2429 East 12th Street, and 733 Hostetler Street, for the costs of abatement of junk and hazardous vegetation.

RELATED CITY COUNCIL GOAL: None.

PREVIOUS AGENDA REPORT NUMBERS: None.

BACKGROUND: On May 30, 2013, Nikki Lesich, the City's Code Enforcement Officer, posted a notice to abate nuisance conditions upon five properties located within the city limits. The notices provided a specific deadline for removal of junk and hazardous vegetation located upon the properties. The property owners did not voluntarily abate the nuisance conditions, and the City hired The Dalles Auto Sales, Inc. to perform the abatement work.

Pursuant to the provisions of the City's nuisance abatement ordinances, notices were sent by certified mail to all the affected property owners notifying them of the total costs of the assessment, and the dates by which the owners could file any written objections to the proposed assessments. The notices also advised the owners of the deadline for payment of the assessments, and that if the assessments were not paid on time, the properties would be subject

to a lien for the costs of the assessments. None of the affected property owners filed any written objections, and none of the property owners have made any payments towards the proposed assessments.

Staff is recommending that the Council adopt Resolution No. 13-029 which sets forth the information concerning the affected properties and the amount of the assessments which will be imposed upon the properties.

BUDGET IMPLICATIONS: Upon passage of the resolution, the amounts of the assessment will be entered into the City's electronic lien docket. Any amount of the assessments which is collected will be deposited into the special assessment fund.

ALTERNATIVES:

- A. **Staff Recommendation.** Move to adopt Resolution No. 13-029.

RESOLUTION NO. 13-029

A RESOLUTION ASSESSING THE REAL PROPERTIES LOCATED AT 3316 WEST 10TH STREET, 1815 MONTANA STREET, 1904 EAST 14TH STREET, 2429 EAST 12TH STREET, AND 733 HOSTETLER STREET FOR THE COSTS OF ABATEMENT OF JUNK AND HAZARDOUS VEGETATION

WHEREAS, the City Code Enforcement Officer posted a Notice to Abate Nuisance upon the following listed properties on the dates shown below;

<u>Property</u>	<u>Assessor's Map No.</u>	<u>Date of Posting</u>
3316 West 10 th St.	2N 13E 29CD #1300	May 30, 2013
1815 Montana St.	1N 13E 10AA #9100	May 30, 2013
1904 East 14 th St.	1N 13E 2CD #14800	May 30, 2013
2429 East 12 th St.	1N 13E 2DC #3900	May 30, 2013
733 Hostetler St.	2N 13E 29DD #2500	May 30, 2013

and

WHEREAS, the following persons are the owners of the following listed properties;

<u>Property</u>	<u>Owner</u>
3316 West 10 th St.	Roy & Mabel Stephens
1815 Montana St.	Weston & Ashley Tappendorf
1904 East 14 th St.	U.S. Bank National Association
2429 East 12 th St.	Nationwide Advantage Mortgage
733 Hostetler St.	Curtis R. Ward, Sr.

and

WHEREAS, the Notice to Abate Nuisance required the removal of junk and hazardous vegetation from the listed properties pursuant to the provisions of General Ordinance Nos. 93-1162 and 99-1234; and

WHEREAS, the Notice to Abate Nuisance further provided that if the nuisance conditions were not abated, the City would hire a contractor to abate the nuisance conditions, and the costs of the abatement would be charged to the owner of the property, and become a lien upon the property; and

WHEREAS, as a result of the owner's failure to abate the nuisance conditions on the properties, the City hired the following listed contractors, who abated the nuisance conditions on the dates listed below, for the costs listed below;

<u>Property</u>	<u>Contractor</u>	<u>Date of Abatement</u>	<u>Cost</u>
3316 West 10 th St.	The Dalles Auto Sales, Inc.	June 28, 2013	\$1,400.00
1815 Montana St.	The Dalles Auto Sales, Inc.	June 27, 2013	\$650.00
1904 East 14 th St.	The Dalles Auto Sales, Inc.	June 27, 2013	\$650.00

2429 East 12 th St.	The Dalles Auto Sales, Inc.	June 30, 2013	\$750.00
733 Hostetler St.	The Dalles Auto Sales, Inc.	June 25, 2013	\$650.00

and

WHEREAS, pursuant to Section 34 of General Ordinance No. 93-1162 and Section 7 of General Ordinance No. 99-1234, the City Clerk sent a Notice of Assessment by certified mail on July 5, 2013, to Roy & Mabel Stephens, Weston & Ashley Tappendorf, Peter & Kristie Fournier (the previous owners of the property), and Nationwide Advantage Mortgage, advising them that the total costs of the assessment for each property was \$1,900.00, \$1,150.00, \$1,150.00, and \$1,250.00, respectively, which sums included a \$500 administrative fee required by General Ordinance No. 93-1162, and that the listed sums would become a lien upon the respective properties if the amount was not paid by July 22, 2013; and

WHEREAS, pursuant to Section 34 of General Ordinance No. 93-1162 and Section 7 of General Ordinance No. 99-1234, the City Clerk sent a Notice of Assessment by certified mail on July 30, 2013, to Curtis R. Ward, Sr., advising him that the total costs of the assessment for his property was \$1,150.00, which sum included a \$500 administrative fee required by General Ordinance No. 93-1162, and that the listed sum would become a lien upon the respective property if the amount was not paid by August 14, 2013; and

WHEREAS, the July 5, 2013 Notice of Assessment also advised the respective property owners that they had until July 10, 2013 to file any objection to the proposed assessments; and

WHEREAS, the July 30, 2013 Notice of Assessment also advised Mr. Ward that he had until August 5, 2013 to file any objection to the proposed assessment; and

WHEREAS, none of the affected property owners filed any objection by the stated deadlines, and none of them paid the listed amounts by the stated deadlines, and the City Council finds that the statement of the amount of the proposed assessments is correct, and that no reason exists to justify any delay in proceeding with the imposition of a lien upon the properties for the costs of the assessments;

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

Section 1. Assessment. The cost of the abatement of the nuisance conditions consisting of the removal of junk and hazardous vegetation for the properties located at 3316 West 10th Street, 1815 Montana Street, 1904 East 14th Street, 2429 East 12th Street, and 733 Hostetler Street, in The Dalles, Oregon, is assessed upon the following properties:

<u>Name/Address</u>	<u>Description</u>	<u>Final Assessment</u>
Roy & Mabel Stephens 3316 West 10 th Street The Dalles, OR 97058	2N 13E 29CD #1300	\$1,900.00
Weston & Ashley Tappendorf 1815 Montana Street The Dalles, OR 97058	1N 13E 10AA #9100	\$1,150.00

U.S. National Bank Association 3815 S.W. Temple Salt Lake City, UT 84115-4412	1N 13E 2CD #14800	\$1,150.00
Nationwide Advantage Mortgage 1100 Locust Street Des Moines, IA 50391	1N 13E 2DC #3900	\$1,250.00
Curtis R. Ward, Sr. 112 East 9 th Street The Dalles, OR 97058	2N 13E 29DD #2500	\$1,150.00

The legal description for the properties is shown in the attached Exhibit "A".

Section 2. Docket Entry. Upon passage of this Resolution and its approval by the Mayor, the City Clerk is instructed and directed to enter into the Docket of City Liens the following matters in relation to the assessment:

- a. The foregoing legal description of the property assessed.
- b. The name of the owners or statement that the owners are unknown.
- c. The sum assessed upon each lot or tract of land.
- d. The date of the docket entry.

Section 3. Notices/Collection of Assessment. The City Clerk is directed to proceed with notice and collection of the assessment in accordance with the procedures prescribed by State law for enforcement of liens and collection of assessments.

PASSED AND ADOPTED THIS 9TH DAY OF SEPTEMBER, 2013.

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

AND APPROVED BY THE MAYOR THIS 9TH DAY OF SEPTEMBER, 2013

 Stephen E. Lawrence, Mayor

ATTEST:

 Julie Krueger, MMC, City Clerk

EXHIBIT "A"

3316 West 10th Street - 2N 13E 29CD #1300

Beginning at an iron pipe 357 feet North and 362.3 feet East of the more Westerly Northwest corner of the Shaug Donation Land Claim, located in the Southwest corner of Section 29 Township 2 North Range 13 East of the Willamette Meridian; thence South 89 degrees 54' East, a distance of 100 feet to an iron pipe; thence North 22 degrees 06' West, a distance of 50 feet to an iron pipe; thence North 89 degrees 54' West, a distance of 100 feet to an iron pipe; thence South 22 degrees 06' East a distance of 50 feet to the point of beginning.

1815 Montana Street - 1N 13E 10AA #9100

A tract of land being an Easterly portion of Lot 7, COLUMBIA TERRACE (DIVISION NO. 1), in the City of The Dalles, County of Wasco, State of Oregon, described as follows:

Beginning at the Southeasterly corner of said Lot 7; thence on a 16.57 degree curve to the right 82.25 feet (the long chord of which bears South 71 degrees 15' West 82 feet); thence North 14 degrees 39' West 106.06 feet; thence North 53 degrees 45' 10" East 51.26 feet; thence South 30 degrees 38' 05" East 123.85 feet to the point of beginning.

Subject to and excepting:

1. Protective and restrictive covenants as contained in instrument, including the terms and provisions thereof:

Book: 125

Page: 664, Wasco County Deed Records

2. Easement, including the terms and provisions thereof:

For: Electric Transmission and Distribution Line

Granted to: Pacific Power and Light Company, a corporation

Recorded: October 9, 1958

Book: 138

Page: 80, Wasco County Deed Records

Assignment of Easements, including the terms and provisions thereof:

To: Northern Wasco County People's Utility District, a municipal corporation of the State of Oregon

Recorded: August 1, 1980

Microfilm No.: 80-2116, Wasco County Deed Records

1904 East 14th Street - 1N 13E 2CD #14800

Beginning at the Northwest corner of Lot 1, Block 12, of THOMPSON'S ADDITION to Dalles City, Wasco County, Oregon; thence East 68 feet; thence South 100 feet; thence West 68 feet; thence North 100 feet to the point of beginning.

2429 East 12th Street - 1N 13E 2DC #3900

Parcel 1 of Partition Plat No. 91-0014 filed August 5, 1991, located in the West one-half of Lot 18, Block 5, THOMPSON'S ADDITION, City of The Dalles, Wasco County, and State of Oregon.

733 Hostetler Street - 2N 13 29DD #2500

The following described real property situated in the County of Wasco and State of Oregon:

Beginning on the South line of Lot 11, Tract "D", CHENOWITH HOME TRACTS, Wasco County, Oregon, at a point 250 feet East of the Southwest corner thereof; running thence East along the South line a distance of 50 feet; thence North 133.77 feet to the North line of said Lot 11; thence West along the North line 50 feet; thence South 133.77 feet to the point of beginning; EXCEPTING THEREFROM a strip of land 5.0 feet in width and 50.0 feet in length off the Southerly end as deeded to Wasco County, a political subdivision of the State of Oregon, for widening Hostetler Way.



AGENDA STAFF REPORT CITY OF THE DALLES

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
September 9, 2013	Action Item 12, B	13-064

TO: Mayor and City Council

FROM: Nolan K. Young, City Manager

DATE: August 28, 2013

ISSUE: Request from Port of The Dalles for additional relief for a water bill

BACKGROUND: Attached is a letter from the Port of The Dalles requesting additional relief from a water leak that occurred at their marina. The City's current policy for rate adjustment due to leaks, found in General Ordinance No. 91-1133 says "*Whenever a customer has cause to believe a leak may exist between the meter and the customer's premises, it is the customer's responsibility to contact the Department to allow the Department to determine the existence of the leak. Where a leak exists on the customer's side of the meter and the same is repaired within ten (10) days after notification to the Department, or within a time schedule approved by the Department, an adjustment in the customer's bill may be made of up to one-half of the total estimated excess consumption over the last thirty (30) days.*"

The Port is requesting a full refund of the estimated \$8,127 that is associated with the leak. Staff has the ability to approve 50% of that request. Anything beyond that would need to be approved by the City Council. The Port is proposing that the funds that if full refund was given they would apply the funds to repair of the water system at the marina, as it has been a problem for years.

BUDGET IMPLICATIONS: If City Council approves a full refund the water department will receive \$4,063.50 less in revenue.

COUNCIL ALTERNATIVES:

1. **Staff Recommendation:** Approve the Port's request for refund of the May 2013 water leak usage contingent upon the Port completing installation of a new water system at the Marina within 120 days.
2. Do not approve any additional refund above the 50% allowed.

August 19, 2013

Nolan Young
City of The Dalles
313 Court St.
The Dalles, OR 97058

Re: Marina Water System Charges

Dear Nolan,

This letter is to request the City of The Dalles adjust the last two water bills for the Port of The Dalles Marina beyond what the current policy allows. The 5/10-6/7 water usage bill was \$7,982 and the 6/7-7/9 water usage bill was \$745.30. The average cost for water usage during this time of year is \$300.00. We are requesting that the Port pay the monthly average dollar amount for these 2 billing periods or \$600.00 and be allowed to invest the difference of \$8,127.00 into an upgraded water distribution system.

The Port of The Dalles Marina water system is old, and for the past few years there have been many instances of system failure caused by numerous leaks. Port staff was quick to shut the system down, locate and repair the leaks each time this happened. Then the City Water billing staff worked with Port staff to confirm the leaks were fixed and adjusted the bill to the Port by ½ as per City policy.

For the past few years the Port has been building a reserve fund in anticipation of needing to replace the water, sewer and electrical systems at the Marina. In April, 2013 the Port asked local plumbers for assistance in designing a new water system. We now have a design and a quote to install a new system. The new system design will greatly reduce the cause of the leaks and because the system will be located on the docks, leaks will be noticed more quickly and be easier to repair. The Marina reserve fund, with the addition of the \$7,927.00, will cover the cost of the new system. The Port is ready to begin construction as soon as the contractor can schedule it.

We appreciate the City of The Dalles working with us over the past few years. We believe the proposed new water system is a very good solution to a long-standing problem and your assistance in forgiving a portion of the outstanding water bills is greatly appreciated.

Sincerely,



Kathy Norton
Assistant to the Executive Director
Marina Administrator

CC: Dave Anderson