

MINUTES

REGULAR COUNCIL MEETING
OF
OCTOBER 28, 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, Engineer Dale McCabe, Administrative Fellow Jon Chavers, Planning Director Dick Gassman, Finance Director Kate Mast

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 Spatz to approve the Agenda as presented. The motion carried unanimously.

PRESENTATIONS/PROCLAMATIONS

Mayor Lawrence read a letter from the Mid Columbia Senior Center into the record, requesting their \$5,000 disbursement to be used for the elevator project. It was noted this amount had been included in the City's budget and would be paid.

Darcy Long-Curtis, 1700 Nevada Street, The Dalles, reported that a delegation from the Sister City, Myoshi City, would be in The Dalles November 2 through 5. She asked that the funds budgeted for Sister City Association be used to pay for transportation between the Airport and The Dalles, and for a gift that the Mayor would present to delegation. She encouraged the City Council to attend the farewell party for the delegation on November 5 at 6:00 p.m. and said she hoped to have this event at City Hall. Long-Curtis said host families were still needed and if anyone was interested in serving as a host family, they could contact her or Dan Spatz.

AUDIENCE PARTICIPATION

None.

CITY MANAGER REPORT

City Manager Young reported a grant had been received by the Museum Foundation for the construction of a new roof on the Anderson Barn at Ft. Dalles Museum complex. Young said he had sent information to the Council regarding a grant received to enhance the City's public Wi Fi system. He said areas that would be considered for expansion included West Sixth Street between Chenoweth Loop Road and Walnut Street; inside of the Civic Auditorium; Kelly View Point; Ft. Dalles Museum; Quinton Ballpark; and a portion of Klindt Drive near the pocket park.

Young said he had attended the Oregon Connections Conference and participated in discussions regarding community usage of the internet compared to access ability. Young said the City was currently recruiting for a Dog Control Officer. He reported the security cameras at the Library, Dock, and Festival Park had been installed. Young said Klickitat County had awarded a contract for the construction of the Industrial Park at the Airport.

CITY ATTORNEY REPORT

City Attorney Parker said he had been helping the Airport staff with a lease for Life Flight at the Airport. Parker said staff had been working on drafting new language for the Transient Room Tax Ordinance, but had recently learned there was a lawsuit filed against the new State law to include internet hotel rentals, so staff would not proceed with changing the City's ordinance at this time.

MINUTES (Continued)
Regular Council Meeting
October 28, 2013
Page 3

Parker reported he was working with Finance Department staff to prepare a Request for Proposals to hire a title company to provide title reports for the foreclosure proceedings.

CITY COUNCIL REPORTS

Councilor Wood said she had attended the Mid Columbia Council of Governments hearing, saying the Board had approved a 20% increase in building permit fees, noting this was the first increase in many years. Wood said she would be attending the QLife Agency meeting on October 31.

Councilor McGlothlin provided an update of projects at the Airport, including the Water District contract being awarded; construction of a Business Park would begin soon; and continuing work on Runway 31-13. McGlothlin said he had attended the Reconnect to the River Festival and the PEO tour of downtown second stories. He said both events had a good turn out.

Councilor Dick said he would be attending the QLife Agency meeting on October 31. Dick congratulated The Dalles Wahtonka football team for their victory over Hood River.

Councilor Spatz reported on the Regional Solutions Team meeting, saying the group was making a priority of working on the industrial land development and identifying wetlands in the industrial areas. He said they were also working on a mitigation strategy for attainable housing. Spatz noted that the Small Business Development Center Director Mary Merrill was retiring and would be missed very much.

Councilor Miller said she had also attended the Council of Governments meeting and had attended the Urban Renewal Advisory Committee meeting, where the Committee forwarded a recommendation to the Agency to approve two grant requests.

Mayor Lawrence reported he had attended the League of Oregon Cities Conference and had appreciated the ethics and open meeting law seminar there. He said he had attended the Council of Governments meeting and believed they had a good discussion and compromise regarding the increase of the building permit fees.

Lawrence reported he had met with Artist Jeff Stewart regarding the Lewis and Clark statue for the Festival Park and had been very impressed with the proposal. He said he hoped the City could secure funding to proceed with the project. Lawrence said he had attended the Community Outreach Team meeting and that group had worked on priorities for their next trip to Washington, D.C. in the Spring.

Lawrence said he had attended a meeting on affordable housing and the needs of each community were discussed. Mayor Lawrence said the Council should discuss what affordable housing meant according to the Comprehensive Plan.

CONSENT AGENDA

Mayor Lawrence asked if the Council would move item C, surplus Public Works equipment, off the Consent Agenda and address it during the discussion regarding the Contract Review Board Item to approve the purchase of a new street sweeper.

It was moved by Wood and seconded by McGlothlin to approve the Consent Agenda as amended, by moving item C to Contract Review Board Item 12, A. The motion carried unanimously.

Items approved by Consent Agenda were: 1) approval of September 23, 2013 regular City Council meeting minutes; 2) approval of September 16, 2013 special City Council meeting minutes; 3) Resolution No. 13-032 adopting a Policy of Nondiscrimination on the basis of handicapped status; and 4) Resolution No. 13-034 authorizing the Planning Director to execute documents related to the CDBG Housing Rehabilitation Grant Program.

PUBLIC HEARINGS

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

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

Planning Director Gassman reviewed the staff report. He noted one written comment had been received from Jim Wilcox since the staff report had been prepared (attached as Exhibit "A"). Gassman noted the purpose of this proposed amendment was only to address the requirements of House Bill 3479. He said the Planning Commission would be taking up other issues of development requirements in work sessions beginning in November. Gassman said this amendment would eliminate waivers of remonstrance for residential minor partitions only.

In response to a question, Gassman said the language was saying that a Waiver of Remonstrance currently in place would remain in place, subject to this ordinance. It was again noted that other issues would be addressed by the Planning Commission and come before the Council for consideration at a later time.

Mayor Lawrence asked for clarification regarding lot development. Planning Director Gassman said the allowance to create three lots per calendar year was for a single or adjoining property.

Testimony

Linda Quackenbush, 1005 Richmond Street, The Dalles, said all the property owners in the Manning's neighborhood supported her request to remove the two waivers of remonstrance on her property so it could be sold. She said it was everyone's responsibility to help pay for street improvements but the price should not be so high for property owners. She said property owners had been asking for seven years to reduce the cost to property owners for infrastructure development and to be reasonable. She asked the Council to act now so they didn't have to go to the State Legislature again to resolve their issues.

Hearing no further testimony, the public hearing was closed.

Council Deliberation

It was the consensus of Council to direct staff to include language in the Development Section of the Ordinance to better define that the three lot maximum applied to a single piece or adjoining piece of property.

It was moved by Dick and seconded by Wood to direct staff to prepare an ordinance approving amendments to the Land Use Development Ordinance as recommended by the Planning Commission, including any changes approved by City Council, based on 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

Authorization to Purchase Street Sweeper

Public Works Director Anderson reviewed the staff report. He noted the mechanical broom unit was now 15 year old and had 19,000 hours of use on it, which translated into over 1,000,000 miles. Anderson said maintenance costs were increasing and said funds had been placed in the budget for the past couple of years in anticipation of replacement of the sweeper.

Councilor Miller asked if there was a back up unit. Public Works Director Anderson said the City would keep the old vacuum unit, which was mostly used for cleaning catch basins and to help during the heavy leaf season.

In response to a question, Anderson said maintenance had been deferred in anticipation of purchasing a new sweeper.

Mayor Lawrence asked if the City had a capital savings program for replacement of equipment. City Manager Young said the City did not have a motor pool replacement fund. He said it was a challenge to create the initial fund and the City hadn't been able to catch up with replacing very old vehicles and equipment, though it was improving.

It was moved by Wood and seconded by McGlothlin to authorize the purchase of a new Global N4 street sweeper in an amount not to exceed \$233,860 including trade-in of the City's M4D sweeper and to declare the current sweeper as surplus property.

It was moved by Wood and seconded by Dick to amend the motion to include the surplus of the other equipment that had been included in the Consent Agenda item C. The motion to amend was voted on and carried unanimously.

The amended motion to authorize the purchase of a new Global N4 street sweeper in an amount not to exceed \$233,860 including trade-in of the City's M4D sweeper and to declare all the equipment listed in Consent Agenda Item C as surplus property was voted on and carried unanimously.

Award Contract for Surge Tank Construction

The staff report was reviewed by Public Works Director Anderson.

Mayor Lawrence questioned why it was not known this was needed when the previous work was done in the area. Public Works Director Anderson said it was mainly due to the lack of proper maps of the system. He said the water system was very old and the City didn't always have an accurate picture of the piping. Lawrence asked if staff had considered hiring someone else to design the surge tank. Anderson said they did consider it but this firm had all the background information. Anderson said the City continued to update their system maps as new line was placed.

It was moved by Spatz and seconded by Dick to authorize the City Manager to enter into contract with Crestline Construction for Contract No. 14-002 in an amount not to exceed \$179,000.00. The motion carried unanimously.

ACTION ITEMS

Request to Remove Waiver of Remonstrance Agreement From Property at 2919 East Ninth Street

City Manager Young reviewed the staff report.

Kindra Manning, 2919 East Ninth Street, The Dalles read a statement into the record (attached as Exhibit "B"). She asked the City Council to consider removing both the waivers of remonstrance attached to her property so she could sell the property.

There was discussion regarding the six inch water line requirement of one of the waivers. Councilor Dick questioned whether a one inch line was sufficient for the three homes it was currently serving. Ms. Manning said the six inch line was proposed for future development if any more homes needed to connect to water service.

City Manager Young said the current service line was in the right of way and connected at Richmond Street.

It was the consensus of the City Council that this was a special circumstance and that the waivers of remonstrance should be removed for this piece of property.

It was moved by McGlothlin and seconded by Miller to grant the Manning's request to void both waivers of remonstrance on their property at 2919 East Ninth Street. The motion carried unanimously.

General Ordinance No. 13-1330 Approving Zone Change Amendment No. 84-13 and Comprehensive Plan Amendment No. 40-13 for Property Located at 1015 Walnut Street

The staff report was reviewed by City Attorney Parker.

City Clerk Krueger read General Ordinance No. 13-1330 by title.

It was moved by Wood and seconded by Spatz to adopt General Ordinance No. 13-1330 Approving Zone Change Amendment No. 84-13 and Comprehensive Plan Amendment No. 40-13 for Property Located at 1015 Walnut Street, by title. The motion carried unanimously.

DISCUSSION ITEMS

Bicycle Master Plan Update

Administrative Fellow Chavers reviewed the staff report.

Councilor Spatz noted that the Mid Columbia Economic Development District was in the process of a transportation study and asked that the City coordinate its efforts with them.

Mayor Lawrence asked that the Administrative Fellow also collaborate with the Gorge Pathway Project. He said the path would be completed in 2016 and could have a big economic impact on the community. Lawrence said an Ad Hoc committee should include people who are involved in the biking community.

City Manager Young said the City had an opportunity to work with a team from Portland State University but it would mean a two to three month delay. It was the consensus of the City Council to wait until the City could develop a team and get the assistance of Portland State University.

Councilor Spatz asked how the survey would be distributed to the public. Administrative Fellow Chavers said it would be set up as a link on the City's website and paper copies would be distributed to schools, the hospital and the Senior Center.

It was suggested the survey be more widely distributed, and to include the local bike shop.

ADJOURNMENT

Being no further business, the meeting adjourned at 7:14 p.m.

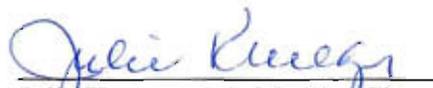
Submitted by/
Julie Krueger, MMC
City Clerk

SIGNED:



Stephen E. Lawrence, Mayor

ATTEST:



Julie Krueger, MMC, City Clerk

October 24, 2013

City Council

Re: October 28, 2013 Council Meeting

I have to work Monday night and will be unable to attend the Council meeting. There are two items on the agenda I would like to comment on as part of the public record. In keeping with my commitment to remain free of political correctness and beating around the bush, I submit the following testimony.

The first issue would fall under Item 6 (Audience Participation) but relates to Item 13-B on the agenda: I support the recommended action. What I do not support and believe to be an outrageous barrier to economic development is the processes, time and fees to get to this point. The subject property was in the area annexed within the past 5 years. The commercial use has been consistent since at least 1969 when the original building was built. It should have been an administrative issue to grandfather the zoning and use without charging the owner over \$700 for the application process. Annexation is costing the owner over \$600 per year in additional City property taxes. The 3+ months it took to get through the process cost the owner a potential tenant on the front end and who knows how many potential tenants while he waited for the City process. Once again a potential generator of economic activity has been stifled by 'processes. This unnecessary 'process' is a VERY LARGE *BARRIER TO ECONOMIC ACTIVITY SOLELY BECAUSE OF THE CITY*. At the very least the applicant should get the application fees back and Council should seriously consider taking proactive action to remove this barrier. By the way, the comprehensive plan calls for neighborhood center overlays all across the community and this area fits the description.)

The second issue is item 11-A (LUDO Amendments Hearing). I support the action with the following comments:

1) Had this been completed by February this year as it should have been you wouldn't be dealing with the legislature making local decisions for you. Council

Jim Wilcox
416 W 7th St
The Dalles, OR 97058

City Council Meeting Minutes
October 28, 2013

Exhibit "A"
Page 1 of 3

made it very clear in November and December meetings last year that the building permit was the trigger point for SDCs. The new Council again confirmed the position in January. Staff never brought back to the Council what the Council directed so fed up citizens took it to the legislature and took the decision away from The Dalles City Council. (I'm very disappointed that the citizens did not allow a sympathetic Council to work through the issue but the price of infinite delay is now being paid.) Being an absolute slave to 'process' once again created a situation that should have never happened.

2) The ordinance only applies to residential. It should apply to everything. The Council already confirmed their position that SDCs should be charged when building permits are sought on Commercial property when NW Aluminum (or their successors) divided some land on River Road prior to marketing for sale (somewhere between 2007 & 2010). Lines on a map do not create a need for services...development does!

3) If you look at the staff report and the ordinance it refers other ordinances. Some of those ordinances are in the LUDOs and others are in the General Ordinances. I have years of experience researching and reading ordinances and I could not find the ordinance referenced in General Ordinances. I called Clerk Julie and she was able to give me a clue, from memory, as to which section the ordinance was in. It was in no way intuitive and I would have been out of luck without her excellent memory. What happens when Julie is on vacation, sick, retired or sick and tired? The ordinances MUST be usable by the general, reasonably intelligent (I know that leave me out) public. Council needs to seriously consider overhaul of the ordinances to make them user AND staff friendly.

We tout 'user/business friendly'. It is past time that Council seriously considers the barriers they have created, or allow to exist, to small business economic growth and development. You don't have to look far, just look at the *LUDOs* and *processes* for a place to start.

I will now fall off my soapbox. Thank you all for your well compensated service to our community 😊

VOTE YES ON THE PARKS AND RECREATION POOL BOND.

Dear City Council, Staff & Honorable Mayor,

My name is Kindra Manning. My husband Sean and I and our two children reside at 2919 E. 9th Street in The Dalles. Due to employment demands and availability of work for my husband, we accepted his job transfer to Martinez, California in April of 2013.

We listed our home, situated on .8 acre connected to city water and equipped with its own septic; for sale with Bonnie Long in May 2013. This listing brought to our attention a potential lien in the form of a non-remonstrance signed in January 1994 by previous owner, David G. Kenworthy. Prior to this title report we were not every made aware that a city lien encroached on our homes title. As a matter of fact Sean and I both attended a city council meeting December 5, 2005 at which time, having notice from our city manager, Nolan Young, that issues regarding facilities development and the continued promotion of Gravel Street policies would be on the agenda. A vote by city council concluded not to proceed with any infrastructure or facilities development and with no other facilities development pending we concluded that our obligation was complete. That may have been a bit naive but there was nothing to tell us any different.

In June, shortly after listing our property, we received a near full price offer from a local family. After speaking with Dick Gassman and being told that a \$60-80k lien was on our title, this buyer terminated their offer and wrote so in addendum on July 28, 2013.

Another buyer revoked their offer after speaking with a city staff member and was told that if they were to purchase our home they would certainly be forced to pay for street improvements as soon as any development occurred, on any properties adjoining east 9th street.

The costs that were being quoted to prospective buyers by the

City Council Meeting Minutes
October 28, 2013

Exhibit "B"
Page 1 of 3

city is approximately 40% of the value of our home. I cannot imagine how gifting up to 40% of our homes value for a street and a larger waterline will greatly improve our lives.

The first lien was placed on our property in 1994 and since then costs associated with the cities LID's have grown disproportionately to our home's real market value making this ordinance an obsolete tool for the city's future ideals for building roads in residential areas. We will not ever be able to create future streets in The Dalles or improve infrastructure by clinging to these ordinances of the past. The city of The Dalles should not continue to support ordinances that will likely assess homeowners out of their homes and literally onto the streets we were forced to pay for.

I should have the right to sell my home without the encumbrance of this lien and ask that the city remove all waivers of remonstrance associated with the property at 2919 E 9th so that buyers can live without the threat of future costs holding them hostage as we have felt it has held us for so many years now.

Nolan has said in the Agenda Staff Report that city council has the ability to change its policies and to remove the waiver of remonstrance on our title allowing us to sell our home unencumbered. I strongly urge the council to make these policy changes today so as to avoid a tidal wave of sales forfeitures across the city of The Dalles.

Granting our request for removal of both waivers of remonstrance will not have any direct impact on the City budget and will not likely interfere with future LID projects. It is a time for growth and forward progress in The Dalles and it is time to rid our city of ordinances and policies that hold back the opportunities for growth and prosperity. I want to thank you in advance for being the voice of change and allowing me to reconnect my family through the sale of our home.

City Council Meeting Minutes
October 28, 2013

Exhibit "B"
Page 2 of 3

Sincerely,

Kindra Manning

City Council Meeting Minutes
October 28, 2013

Exhibit "B"
Page 3 of 3