

## MINUTES

REGULAR COUNCIL MEETING  
OF  
DECEMBER 9, 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, Police Chief Jay Waterbury, Administrative Fellow Jon Chavers, Finance Director Kate Mast, Engineer Dale McCabe

### CALL TO ORDER

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

### ROLL CALL

Roll call was conducted by City Clerk Krueger; Councilors Spatz and McGlothlin absent.

### PLEDGE OF ALLEGIANCE

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

### APPROVAL OF AGENDA

Mayor Lawrence noted an item had been added by supplemental agenda to approve an agreement with the Port of The Dalles; and asked that Council add approval of an OLCC application for the Cottage Café. It was moved by Dick and seconded by Wood to approve the agenda as amended. The motion carried unanimously, Spatz and McGlothlin absent.

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**AUDIENCE PARTICIPATION**

None.

**CITY MANAGER REPORT**

City Manager Young said there had been previous discussion regarding the purchase of tablets for the City Council. He asked how many Councilors wanted one and noted there would be a budget amendment to remove funds from contingency for the purchase. He asked the Council to let him know if they wished to have one.

**Councilor Spatz in attendance at 5:35 p.m.**

**CITY ATTORNEY REPORT**

None.

**Councilor McGlothlin in attendance at 5:38 p.m.**

**CITY COUNCIL REPORTS**

Councilor Wood said the Mid Columbia Council of Governments meeting had included a tour of the Hood River Transportation Center. She said she had attended the ground breaking ceremony at the Airport for the new business park. She commented that it had taken seven years to get the project to this stage and included funding from the State of Oregon, State of Washington and FAA.

Councilor McGlothlin said he had attended a reception hosted by Google to acknowledge local grant recipients, which had included School District 21.

Councilor Dick said the next QLife Agency meeting was scheduled for December 12 and would include a tour of some of the facilities.

Councilor Spatz said he had also attended the Google reception, representing the college. Spatz reported on his attendance at the Oregon Business Summit, where workforce training was the major subject. He said the North Central Region had brought their most critical issues to the meeting, including infrastructure, utilities, workforce housing, and urban growth expansion issues.

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Councilor Miller reported she had also attended the groundbreaking ceremony at the Airport and said the project was a great example of partnerships between governing entities.

Mayor Lawrence said he had attended the Starlight Parade and tree lighting ceremony. He thanked everyone involved in the events and the lights in the downtown area. Lawrence said he had attended the groundbreaking ceremony at the Airport and said he would be hosting a meeting on December 11 at 5:30 regarding bicycling issues.

### **CONSENT AGENDA**

It was moved by Wood and seconded by Miller to approve the Consent Agenda as amended. The motion carried unanimously. The items approved by Consent Agenda were 1) approval of the November 25, 2013 regular City Council meeting minutes; and 2) authorization for the City Clerk to endorse OLCC New Outlet application for the Cottage Café.

### **CONTRACT REVIEW BOARD ACTIONS**

#### **Approval to Continue With Merina and Company, LLC for the City's and Urban Renewal Agency's Audit Services**

Finance Director Mast reviewed the staff report. She said the City Attorney had determined that the original agreement only allowed for a two year extension, not three years as was originally requested in the staff report.

It was moved by Wood and seconded by McGlothlin to approve Merina and Company as auditors for the City of The Dalles and Columbia Gateway Urban Renewal Agency for the fiscal years ending June 30, 2014 and 2015. The motion carried unanimously.

### **ACTION ITEMS**

#### **Appeal of Encroachment Permit for Basketball Hoop at 22<sup>nd</sup> and Garrison Streets**

The staff report was reviewed by City Manager Young.

James Habberstad, representing Tom Tramontina, asked the City Council to uphold the recommendation of the Traffic Safety Commission and revoke the encroachment permit issued by the City Manager. He showed a map of the area and said it was unsafe to allow children to play in the area due to the slope of the street.

Mr. Tramontina said placement of basketball hoop in the cul-de-sac was a safety concern due to the grade of the street. He said vehicles who used the area were limited to primarily residents and delivery vehicles.

Councilor Miller asked if the location of the hoop was on the back side of Mr. Tramontina's property. He said that was correct. In response to questions, Mr. Tramontina said it was a portable hoop and to his knowledge there had been no injuries or accidents.

Jeremiah Porter, 522 West 22<sup>nd</sup> Street, thanked the City Manager for his assistance in going through the process to obtain the encroachment permit. He said he had four very active children and that the slope of their personal driveway didn't allow for placement of the hoop. Porter said he believed the location of the hoop was the safest area in the cul-de-sac. He said he would never allow his children to play there if he didn't feel it was safe. He noted they were always supervised when playing there.

Councilor Wood said she had looked at the site and it was a very low volume road. She said she didn't think it was a danger to the children.

Councilor McGlothlin said he also looked at the site. He said there should be some balance between the need for children to have activities and the strict recommendation of the Traffic Safety Commission. McGlothlin said he did not feel the location of the hoop posed a safety risk.

City Manager Young noted the general tone of the recommendation from the Traffic Safety Commission was that children should not play on a street.

Mayor Lawrence said their recommendation had been unanimous and should be considered in the Council's decision.

Councilor Dick said he hoped the neighbors could all get along and find a compromise to their situation, but that he felt he should respect the recommendation of the Traffic Safety Commission.

Councilor Spatz said common sense should prevail. He said it was a dead end cul-de-sac. He said he understood the letter of the law, but that cases should be considered individually. He said he would support retaining the encroachment permit and hoped all the neighbors would be considerate.

It was moved by Spatz and seconded by McGlothlin to uphold the decision of the City Manager to issue the encroachment permit and deny the Tramontina's request to have it voided. The motion carried; Dick and Miller opposed.

Approval of Intergovernmental Agreement With the Port of The Dalles Regarding Dedication of Public Infrastructure for the North Chenoweth Project

Councilor Dick said he would not participate in the discussion or vote, as he was the attorney for the Port of The Dalles and believed it would cause a conflict of interest.

City Attorney Parker reviewed the staff report. He explained that the main purpose for this agreement was so the Port could apply for their final grant funding from the State. He said it was typical that the City would take over the infrastructure once the work was completed.

Michael Held, Port of The Dalles, said the Port planned to begin construction of the development in January and needed this agreement to get final grant funds.

It was moved by Wood and seconded by Spatz to authorize the City Manager to execute the intergovernmental agreement between the City of The Dalles and the Port of The Dalles concerning the dedication of the public infrastructure in the North Chenoweth Development. The motion carried unanimously; Dick abstaining.

**EXECUTIVE SESSION**

Mayor Lawrence recessed the meeting to Executive Session at 6:24 p.m. in accordance with ORS 192.660 (2) (h) to consult with Counsel concerning the legal rights and duties of a public body with regard to litigation or litigation likely to be filed.

Reconvene to Open Session

The meeting reconvened to open session at 6:33 p.m.

**DECISIONS FOLLOWING EXECUTIVE SESSION**

It was moved by Dick and seconded by Wood to direct staff to remove the concrete blocks, locked cable barrier and “no unauthorized use” signs from the public right of way of the 1700 and 1800 block of Cliff Street; send a letter to Rod and Barbara Pizzola advising them of the Council’s decision and that the City would honor the remaining provisions of the January 11, 2002 letter of agreement signed by the Pizzolas and City Manager; and send a letter to Mr. Hillis’ attorney, and to John and Jill Amery advising them of the Council’s decision concerning the concrete blocks, locked cable barrier and authorized vehicle signs. The motion carried unanimously.

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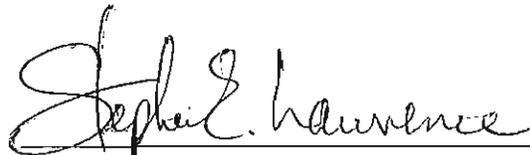
**ADJOURNMENT**

Being no further business, the meeting adjourned at 6:35 p.m.

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Submitted by/  
Julie Krueger, MMC  
City Clerk

SIGNED:

  
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Stephen E. Lawrence, Mayor

ATTEST:

  
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Julie Krueger, MMC, City Clerk