

## **MINUTES**

REGULAR COUNCIL MEETING  
OF  
JULY 14, 2014  
5:30 P.M.

THE DALLES CITY HALL  
313 COURT STREET  
THE DALLES, OREGON

**PRESIDING:** Mayor Steve Lawrence

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

**COUNCIL ABSENT:** None

**STAFF PRESENT:** City Manager Nolan Young, City Attorney Gene Parker, City Clerk Julie Krueger, Public Works Director Dave Anderson, Administrative Intern Rich Wachter, Finance Director Kate Mast, Police Chief Jay Waterbury, Airport Managers Rolf Anderson and Chuck Covert

### **CALL TO ORDER**

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

### **ROLL CALL**

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

### **PLEDGE OF ALLEGIANCE**

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

### **APPROVAL OF AGENDA**

Councilor Spatz asked the City Council to add an item to discuss concerns regarding the City's website. It was moved by Wood and seconded by Spatz to approve the agenda as amended. The motion carried unanimously.

### **AUDIENCE PARTICIPATION**

Russ Brown, PO Box 1002, The Dalles, expressed concern that the revenue generated by an increase in the fuel tax would not be used for street maintenance. He said the money should be dedicated for maintenance only and not be used for expensive projects and said it was important for the City Council to explain that in a ballot measure. Brown said when the funds were used for projects, the general maintenance of streets would fall farther behind.

Brown said he had spoken with a former Oregon Department of Transportation (ODOT) employee and was told there were other chip seal products that worked very well for similar cities, such as Bend and Redmond. He said Andy Anderson would be happy to make a presentation to City Council regarding various methods used for maintenance.

### **CITY MANAGER REPORT**

City Manager Young reported that Matthew Klebes had accepted an offer to serve as the Main Street Program Executive Director. Young said the Main Street fund raising program was underway and they were confident they could raise the funds needed to match the City's contribution by October.

Young noted the Chamber's Tourism Coordinator position would be filled by July 22.

Public Works Director Anderson reported a small fire in the watershed was being managed by the US Forest Service. He said ground forces were being used and air support was standing by, but that the fire had only burned approximately 20 acres.

City Manager Young said the Urban Renewal Advisory Committee would be hearing a proposal for a possible project at the historic Elks Club building. He said it may be brought forward to the Agency at a later time.

### **CITY ATTORNEY REPORT**

City Attorney Parker said he continued to monitor what other cities were doing regarding procedures for medical marijuana facilities.

### **CITY COUNCIL REPORTS**

Councilor Wood said the Historic Landmarks Commission had approved placement of a garage.

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She said the Commission was hoping to find a site where the basalt rocks from the Lewis and Clark monument could be stored for future use on historic projects and wanted to know if the City could help with relocation of the rocks.

City Manager Young said if they secured a site, the Public Works Department may be able to help with moving of the rocks.

Councilor McGlothlin said the Traffic Safety Commission would be meeting on July 16 and the Airport Board meeting was scheduled for July 18.

Councilor Dick said the QLife Agency had adopted its annual budget.

Councilor Spatz said he would be attending a Bike Hub meeting and a meeting of the Regional Solutions Team and MCEDD.

Councilor Miller said the Urban Renewal Advisory Committee meeting was scheduled for July 15.

Mayor Lawrence said the next Bicycle Interest Group meeting was scheduled for July 24. Lawrence said he had an opportunity to tour the airport facilities and was very impressed with the improvements, including programs such as pilot training. He said the Fort Dalles Fourth celebration had been very successful.

Recommendation for League of Oregon Cities Legislative Priorities

Following discussion, it was moved by Wood and seconded by Spatz to recommend priorities H, K, M, and S to submit to the League of Oregon Cities. The motion carried unanimously.

- H. Improve the fairness of how new and improved property is added to the tax roll.
- K. Allow for price comparison when procuring architects and engineers.
- M. Enhanced mental health services.
- S. Pass a comprehensive transportation funding and policy package.

CONSENT AGENDA

It was moved by Miller and seconded by Wood to approve the Consent Agenda as presented. The motion carried unanimously. The item approved by Consent Agenda was approval of June 23, 2014 regular City Council meeting.

## **PUBLIC HEARINGS**

### **Public Hearing to Receive Testimony Regarding a Re-Zone and Comprehensive Plan Amendment Request by Wasco County**

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

City Attorney Parker asked if any Councilors had any bias or conflict of interest with the request. No bias or conflicts were declared.

Planning Director Gassman reviewed the staff report, noting that no public comment had been received and the Planning Commission recommended the request be approved.

Councilor Miller asked if the property was included in the urban renewal district boundary. City Manager Young said when the Plan was amended in the 1990's, the area of the old armory and former public works site had been left in the plan due to the commercial value of the properties.

Councilor McGlothlin said he hoped a bike path would be considered in any future development of the property.

### **Testimony**

Darci Rudzinski, Angelo Planning, 921 SW Washington, Portland, Oregon, spoke in support of the application on behalf of Wasco County. She said the change would make a much better use of the property and that while zoned for park/open space, it had never been used for that purpose. Rudzinski said the application was consistent with economic development policies and there would be no impact to Kramer Field.

Mayor Lawrence noted that a question was asked at the Planning Commission hearing whether an area taken out of parks/open space was required to be replaced with an equal amount of property. He asked if that question had been answered.

Ms. Rudzinski said she hadn't researched that question.

Councilor Spatz asked if the proposal would have any impact on the future Interchange Area Management Plan proposed for the Webber Street area. Planning Director Gassman said it would not have an impact on that study.

Jerry Johnson, 3102 East 13<sup>th</sup> Street, The Dalles, Oregon, said he understood there was a condition in the deed of the property that if open space was taken away, it had to be replaced with another property.

Councilor Dick said the re-zone application would have no effect on any deed restrictions.

Hearing no further testimony, the public hearing was closed.

#### Council Deliberation

It was moved by McGlothlin and seconded by Wood to approve the zoning ordinance and comprehensive plan map changes as requested and direct staff to prepare and ordinance for later Council action. The motion carried unanimously.

#### ACTION ITEMS

##### Approval of Amendment to Airport Water Supply Agreement and Agreement With Klickitat County and Dallesport Water District to Construct Water Storage and Pumping Improvements

City Attorney Parker reviewed the staff report for both agreements.

Mayor Lawrence questioned the section in the agreements regarding a 15 year reimbursement period and asked if that was a reasonable standard. City Attorney Parker said it was written according to Washington State law, but that he would check with the staff to ensure an extension would not be unreasonably withheld.

It was moved by Dick and seconded by McGlothlin to approve the first amendment for the water supply agreement and authorize the City Manager, City Clerk and City Attorney to execute the first amendment, contingent on possible additional language to address the 15 year reimbursement standard. The motion carried unanimously.

It was moved by Dick and seconded by Spatz to approve the first amendment for agreement to construct water storage and pumping improvements and authorize the City Manager, City Clerk and City Attorney to execute the first amendment, contingent on possible additional language to address the 15 year reimbursement standard. The motion carried unanimously.

City Website

Councilor Spatz expressed concern regarding the current status of the City's website, saying he believed it was a denial of service attack. He said the City should hire an outside consulting firm to evaluate the situation and provide guidance. Spatz said in addition to the immediate security concerns, the website seemed outdated and did not reflect the image the City should project in terms of business recruitment and tourism.

It was moved by Spatz and seconded by McGlothlin to direct staff to proceed immediately to contract with a professional network security firm to evaluate all factors leading to current loss of the City's website and to provide guidance to Council and staff on resolution of the problem.

City Manager Young said hiring an outside firm would only delay getting the website operational. He said it was expected to be back on-line tomorrow and said it had not been a specific attack, rather a random demand of inquiries. He said the IT staff was getting help from Trend Micro and had a plan to reduce the demand. Young said the website didn't crash, but was shut down because it was stagnant from the demand.

Mayor Lawrence questioned why staff believed there was no attack. City Manager Young said it was not specific to the City's website, but that a vulnerability had been found.

Councilor Spatz said he didn't want to delay correcting the problem. He questioned whether the City had adequate staff to manage the problem and said once it was restored, it was still important to have a second opinion regarding the security.

Councilor McGlothlin said Trend Micro was an anti-virus program, not a security company. He suggested calling ESD to get additional assistance.

City Manager Young said the website would be functional by tomorrow. In response to a question, he said staff had also been working with the City's internet provider, Trend Micro and CISCO.

The motion and second to direct staff to proceed immediately to contract with a professional network security firm to evaluate all factors leading to current loss of the City's website and to provide guidance to Council and staff on resolution of the problem were withdrawn.

It was moved by Spatz and seconded by McGlothlin to direct staff to prepare a recommendation to Council for a process to redesign the City's website, including budget analysis, time line, web hosting, security, and selection of a web design firm. The motion carried unanimously.

## **DISCUSSION ITEMS**

### **Discussion Regarding Proposed Ballot Measure to Increase the Local Fuel Tax**

City Manager Young reviewed the staff report.

Public Works Director Anderson said if the fuel tax was increased, that portion of funding could be used to work on the backlog of projects, while the current amount of funding could be dedicated to maintenance projects. Anderson said the proposed list of projects had been prioritized using specific criteria.

City Manager Young pointed out that the State funding had been phased in and the City was now receiving the full amount, but was trying to catch up with the backlog of work.

Mayor Lawrence asked if there was a list of maintenance projects. Public Works Director Anderson said a list had not been developed for maintenance projects. He said maintenance, such as crack sealing, had started in the downtown area this season and crews were now working beyond that area. He said they would continue that work as funds were available. Mayor Lawrence asked staff to develop a list of needed maintenance.

There was a discussion regarding the products used for chip seal projects. Public Works Director Anderson said there may be other products available, but one of the main problems was that chip seal was not a treatment intended for high use streets.

In response to a question, Anderson said Cherry Heights Road from Second to Sixth Street was scheduled for maintenance this year.

City Manager Young discussed the possibility of an alternative ballot measure for a general obligation bond to address specific projects. He said it was not preferred because it made better sense to use fuel tax funds so those who use the streets are paying for their upkeep and said the City tried not to use the method of general obligation bonds because other taxing districts needed that method of funding. Young said an advantage of using the bond was the ability to complete more improvements in a shorter period of time.

### **Public Comments**

Alex Hattenhauer, 122 West 17<sup>th</sup> Street, The Dalles, spoke in opposition to the proposed fuel tax increase, saying he would prefer to see a State tax increase so it was fair to everyone. He said it was unfair to place the burden on the citizens of just one community. Hattenhauer said The Dalles was the only city in eastern Oregon that used a fuel tax.

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Hattenhauer said fuel sales had increased, but the City's budget indicated no increase in fuel tax revenues.

City Manager Young said staff would review the sales, compared to budgeted fuel tax revenues.

Mr. Hattenhauer said the ships that fueled at the dock didn't have to pay the tax but ships fueling at the marina were required to pay the tax. He said he believed the problem was over-spending, not the amount of revenues received.

Bob McNary said he supported a fuel tax increase, noting it would cost approximately 90 cents per month for him because he had an economical vehicle.

Steve Stroud, 3004 East 12<sup>th</sup> Street, The Dalles, said he agreed with the comments made by Mr. Hattenhauer and said the City needed to be more prudent with their spending.

Verne Beito, The Dalles, said the streets were an embarrassment. He said the City needed to state how the proposed tax revenue would be used and said it should be used for maintenance projects only. Beito said the funds should not be allowed to be used for studies or bike lanes, or big projects.

City Manager Young said three other eastern Oregon cities did have a local fuel tax, but agreed that the State fuel tax program would be the best way to fund transportation issues. He said it had taken 10 years to get the last program implemented and didn't expect to see a new program completed for a long time.

Mayor Lawrence said he had asked the Budget Committee to consider cuts to help fund street maintenance. He said he would prefer to make cuts than to implement an additional tax.

Councilor Dick said he would not be opposed to the general obligation tax because the entire community would pay for improvements within their own community.

Councilor Spatz said he preferred the fuel tax concept because people using the streets would be the people paying for their upkeep. He said the School District or another entity may need to go out for a bond measure in the future and didn't want to impede their ability to do that. He said the voters could make the decision whether they wanted to fund street maintenance through an increase in the fuel tax.



Councilor Miller said she believed there were areas within the budget that could be scrutinized and funds shifted to do more street maintenance.

The majority of the Council agreed to direct staff to bring a proposed measure back for approval at the July 28 Council meeting.

Staff was directed to provide a list of maintenance projects, provide fuel sales and tax revenue information, and an update on the State's proposed transportation funding package.

Discussion Regarding Implementation of a Fee for Use of the Commercial Dock

City Manager Young reviewed the staff report.

It was the consensus of the Council to implement a fee for the 2015 season and staff was directed to bring an amendment to the City's fee schedule for the September 8 Council meeting.

Discussion Regarding Proposed Amendment to General Ordinance No. 12-1321 to Consider Matching the Open Burn Season to the Mid-Columbia Fire and Rescue District Season

Councilor Wood said she recalled the reason for the short season was to reduce smoke issues during the winter when there were so many air inversions.

Russ Brown said the Committee had made recommendations to the Council when the ordinance was considered but they were not fully accepted and the season had been compressed. He said the DEQ advisory information needed to be connected to the days for burning to resolve the problem.

Staff was directed to provide a copy of the Burn Committee recommendations to City Council, research how other cities manage "no burn" days, and to develop a plan for identifying the no burn days. The City Council agreed to direct staff to bring back the information and possible ordinance amendment at a meeting in September.

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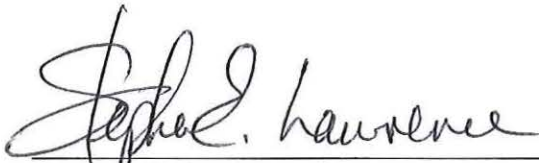
**ADJOURNMENT**

Being no further business, the meeting adjourned at 8:15 p.m.

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Submitted by/  
Julie Krueger, MMC  
City Clerk

SIGNED:

  
Stephen E. Lawrence, Mayor

ATTEST:

  
Julie Krueger, MMC, City Clerk