

## **MINUTES**

REGULAR COUNCIL MEETING  
OF  
FEBRUARY 8, 2010  
5:30 P.M.  
CITY HALL COUNCIL CHAMBER  
313 COURT STREET  
THE DALLES, OREGON

**PRESIDING:** Mayor Nikki Lesich

**COUNCIL PRESENT:** Bill Dick, Carolyn Wood, Jim Wilcox, Brian Ahier

**COUNCIL ABSENT:** Dan Spatz

**STAFF PRESENT:** City Manager Nolan Young, City Attorney Gene Parker, City Clerk Julie Krueger, Public Works Director Dave Anderson, Finance Director Kate Mast, Senior Planner Dick Gassman, Police Captain Ed Goodman

### **CALL TO ORDER**

Mayor Lesich called the meeting to order at 5:31 p.m.

### **ROLL CALL**

Roll call was conducted by City Clerk Krueger; Councilor Spatz absent.

### **PLEDGE OF ALLEGIANCE**

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

### **APPROVAL OF AGENDA**

It was moved by Wilcox and seconded by Ahier to approve the agenda as presented. The motion carried unanimously, Spatz absent.

### **AUDIENCE PARTICIPATION**

Rose Sherrell, The Dalles, addressed the Council, saying she was developing a meeting place at the Gayer Jeweler building downtown. She spoke about her previous experience in helping to bring a community together and said this youth center would really serve the entire community, with community leaders and veterans helping youth to better understand their town. Ms. Sherrell said her mission was to bring the community together in unity and said some of the accomplishments she hoped for were to unite teachers and students, connect history of The Dalles with the present, provide education and tutoring, host artists and musical talent, connect the downtown with City leaders, provide educational counseling and grant writing, European facials and food with involvement from local farmers.

It was suggested to Ms. Sherrell she visit the City's website to obtain a list of local service organizations that may be interested in participating in her programs.

Bob McNary, 1525 East Ninth Street, The Dalles, asked the City to consider some parking restrictions on East Ninth Street while the Brewery Grade round about construction was underway. He said many more people were using Ninth Street as an alternative route, noting the street was very narrow and traffic was moving very quickly down the street.

### **CITY MANAGER REPORT**

City Manager Young reported the City had been offered a grant in the amount of \$100,000 from Google for the construction of a free Wi-Fi cloud in the downtown business district. He asked the City Council to authorize him to sign the grant and negotiate an agreement with QLife for the operation and eventual ownership of the system.

Councilor Wilcox said it was a generous grant offer.

Councilor Ahier said QLife did not have enough money to install a Wi-Fi system at this time and was very pleased with the offer of the grant.

In response to a question, City Manager Young said QLife would be able to financially maintain the system, noting the largest cost was the installation of the system.

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It was moved by Ahier and seconded by Wilcox to authorize the City Manager to sign the Wi-Fi Network Grant Agreement with Google for a downtown Wi-Fi system and further direct the City Manager to negotiate an agreement with QLife for the operation and eventual ownership of the system. The motion carried unanimously, Spatz absent.

City Manager Young said staff was preparing a staff report and recommendation regarding the timing of the Third Street streetscape project and would include property owner concerns in the report. He said this issue would be included on the February 22<sup>nd</sup> Council agenda for consideration.

### **CITY ATTORNEY REPORT**

City Attorney Parker reported he was working on the East Tenth Street widening project and said the survey had been completed. He said he would be making contact with the affected property owners in the near future.

### **CITY COUNCIL REPORTS**

Councilor Wood reported the Historic Landmarks Commission had approved the restoration of windows at the Fort Dalles museum.

Councilor Wilcox said the community should be proud to know that both Police Chief Waterbury and Sheriff Eisland were serving as the President of their respective professional associations.

Wilcox said he and the Mayor had intended to bring up an additional issue during the recent goal setting, but had forgotten. He asked staff to look at the City's insurance coverages and to consider alternatives.

City Manager Young said he would provide a report to the Council regarding the current insurance programs of the City.

Mayor Lesich asked the status of applications to serve on the Tree Committee. Senior Planner Gassman said the deadline for accepting applications had been extended because very few applications had been received.

### **CONSENT AGENDA**

It was moved by Wood and seconded by Wilcox to approve the Consent Agenda as presented. The motion carried unanimously, Spatz absent. The item approved by Consent Agenda was: approval of the January 25, 2010 regular City Council meeting minutes.

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### **ACTION ITEMS**

#### General Ordinance No. 10-1302 Amending General Ordinance No. 97-1213 Concerning Sewer Service Charges for Non-Residential Customers Receiving Water Service from Chenoweth PUD

City Attorney Parker reviewed the staff report.

City Clerk Krueger read General Ordinance No. 10-1302 by title.

It was moved by Wood and seconded by Ahier to adopt Resolution No. 10-1302 amending General Ordinance No. 97-1213 concerning sewer service charges for non-residential customers receiving water service from Chenoweth PUD, by title. The motion carried unanimously, Spatz absent.

#### Special Ordinance No. 10-536 Annexing Certain Additional Properties Located in the Urban Growth Boundary of the City of The Dalles Pursuant to ORS 222.125 (Consent Annexation, Round 8)

City Attorney Parker reviewed the staff report.

City Clerk Krueger read Special Ordinance No. 10-536 by title.

It was moved by Ahier and seconded by Wood to adopt Special Ordinance No. 10-537 annexing certain additional properties located in the Urban Growth Boundary of the City of The Dalles pursuant to ORS 222.125 (consent annexation, round 8), by title. The motion carried unanimously, Spatz absent.

#### Approval for Time Extension for Airport Golf Course Agreement and Option to Purchase Land

City Manager Young reviewed the staff report.

Councilor Ahier asked if the developer was paying the cost of the environmental impact study. Airport Manager Chuck Covert said they were paying that cost.

It was moved by Wilcox and seconded by Dick to authorize the City Manager to sign the proposed Memorandum of Understanding with an expiration date of August 31, 2010 and amendment of the golf course lease and option to purchase airport land with a golf course construction start date of June 30, 2011 and completion date of June 30, 2013. The motion carried unanimously, Spatz absent.

## **DISCUSSION ITEMS**

### **Discussion Regarding Proposed Language Changes to Chenoweth Interchange Area Management Plan (IAMP)**

Senior Planner Gassman reviewed the staff report. He said the question for the Council was whether the proposed language by Oregon Department of Transportation (ODOT) met the intent of the City Council. Gassman said ODOT's intent was not to add new or take away any privileges and that the IAMP was regulated by Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR).

Councilor Dick said he disagreed with the intent, saying the Council wanted ODOT to follow the law, which currently allowed the access for private access #13, owned by Mr. Hattenhauer. He said the Council's intent was not to change the law but to ensure it was enforced properly.

Councilor Ahier said he did not believe the language proposed guaranteed Mr. Hattenhauer's access and did not understand why specific guarantees could not be included in the IAMP.

City Manager Young said the IAMP would not affect access for the current use of the property.

Ana Jovanovich, ODOT, said the proposed language did meet the concerns of the City Council. She said the Department of Justice would not allow them to specifically call out one particular access, but all four of the private access points were treated equally in the Plan.

Councilor Dick said it was important to protect the access for the current use of Mr. Hattenhauer's property because it was the only commercial fueling station in the community. He said if a capital project such as widening of Sixth Street occurred, the access could go away. Dick said it was important that the exceptions didn't swallow up the rules.

Doug Hattenhauer, PO Box 1397, The Dalles, said he had learned about the discussion from the newspaper and had not been notified by the City that it was on the agenda. He expressed frustration that he had not been involved in this discussion sooner. Mr. Hattenhauer said there was no guarantee that his access would remain and said the placement of a median on Sixth Street would kill his business.

City Manager Young said the discussion item was an opportunity for the City Council to clarify their intent regarding the proposed language changes and that this was not an opportunity for additional public comments. He asked the City Council if the proposed language met the direction provided previously by the Council.

Councilor Dick said he did not believe the proposed language was adequate, but wanted to take his time in developing the proper words. Dick said he did not agree with the opinion of the Department of Justice that one specific access could not have particular language attached to it.

Councilor Ahier said he did not recall the Webber Street IAMP being part of the discussion, as was outlined in Section B. He noted Section A proposed language called for a public hearing by the City Council, but did not include language regarding a Planning Commission hearing, as requested.

Ms. Jovanovich said the Planning Commission hearing could be included in Section A.

Councilor Ahier questioned why Section A included a reference to an amendment to the City's Transportation System Plan.

Senior Planner Gassman said adoption of the IAMP would require an update to the Transportation System Plan. He said the language assured a public hearing process. Ms. Jovanovich added that the language ensured opportunities for public input, as desired by the City Council.

City Attorney Parker said he believed the proposed language did meet the intent of the City Council and was in compliance with Oregon laws.

Ms. Jovanovich said the law required a review by ODOT when changes in use or capital projects were proposed, but that allowed ODOT to work with the land owners and that they could not be denied access to their property. She said property owners were protected.

Councilor Wilcox said no one could promise the same access forever. He said uses would change on properties and that the language provided for reviews when that happened.

Councilor Dick said he would like to know the legal reason why access #13 could not be singled out in the IAMP.

Senior Planner Gassman said the IAMP could not over ride the laws of the State. He said private access was controlled by the ORS's and OAR's.

Councilor Wilcox said he did not support singling out one property, saying it was not fair to give special treatment to one property owner.

Councilor Dick disagreed, saying it would help with future planning.

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City Manager Young asked the City Council to individually send him any proposed clarifying language by February 22<sup>nd</sup>, so it could be included in a staff report and placed on the March 15<sup>th</sup> Council agenda for further consideration.

Mr. Hattenhauer asked to assist in drafting the language. City Manager Young said all public comment had been received and that it would not be appropriate to allow him to write language for the IAMP. He said staff would work on the language. Young said staff would ensure Mr. Hattenhauer received information about the IAMP prior to the March 15<sup>th</sup> meeting.

### **OTHER BUSINESS**

Mayor Lesich said she had received a complaint about Taylor Street being closed during this portion of the Brewery Grade round about construction. She asked staff to determine whether it was possible to keep that street open.

### **ADJOURNMENT**

Being no further business, the meeting adjourned at 7:30 p.m.

Submitted by/  
Julie Krueger, MMC  
City Clerk

SIGNED:



Nikki L. Lesich, Mayor

ATTEST:



Julie Krueger, MMC, City Clerk