

## **MINUTES**

REGULAR COUNCIL MEETING  
OF  
MAY 9, 2011  
5:30 P.M.  
CITY HALL COUNCIL CHAMBER  
313 COURT STREET  
THE DALLES, OREGON

**PRESIDING:** Mayor Pro Tem Brian Ahier

**COUNCIL PRESENT:** Carolyn Wood, Tim McGlothlin, Dan Spatz

**COUNCIL ABSENT:** Bill Dick, Mayor Jim Wilcox

**STAFF PRESENT:** City Manager Nolan Young, City Attorney Gene Parker, City Clerk Pro Tem Izetta Grossman, Public Works Director Dave Anderson, City Engineer Dale McCabe, Finance Director Kate Mast, Community Development Director Dan Durow, Senior Planner Dick Gassman, Police Chief Jay Waterbury

### **CALL TO ORDER**

Mayor Pro Tem Ahier called the meeting to order at 5:30 p.m.

### **ROLL CALL**

Roll call was conducted by City Clerk Pro Tem Grossman; Councilor Dick and Mayor Wilcox absent.

### **PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Ahier invited the audience to join in the Pledge of Allegiance.

### **APPROVAL OF AGENDA**

It was moved by Spatz and seconded by Wood to approve the agenda as submitted. The motion carried unanimously, Dick absent.

### **AUDIENCE PARTICIPATION**

None.

### **CITY MANAGER REPORT**

City Manager Young reported that Administrative Intern Will Norris's start date would be May 23<sup>rd</sup>. Norris would be working on the water rate analysis. In June, Young would bring the 6<sup>th</sup> Month Main Street Program Intern position before Council for discussion. Young told Council he would be at the League of Oregon Cities meeting with the governor discussing water and wastewater issues and local flexibility on property tax issues.

In response to a question, Young stated that volunteer intern Dan Meeks is still working with the City; part time intern Nora Donovan will be leaving June 2, 2011 and that the RARE Planner position ends July 31, 2011.

### **CITY ATTORNEY REPORT**

City Attorney Parker reported he had been working with the Police Department on a Second Hand Dealer Ordinance that he would bring before Council in June. He also reported that Codes Enforcement had several abatements and that he would be bringing resolutions and ordinance to the Council to collect the costs of those abatements.

Parker reported that the City of Albany had sued Pepsi for breach of contract for failure to build a plant that the City had invested considerable money into preparing for and won \$25 million.

### **CITY COUNCIL REPORTS**

Councilor McGlothlin reported he would be attending the Traffic Safety Meeting on May 18<sup>th</sup>.

Councilor Ahier reported that the QLife Budget Committee had approved the present QLife Budget for FY 2011-12 and would be sending it to the City and County for approval at the next meeting. MCCOG was also in the throes of budgeting.

Councilor Spatz reported he would be attending the MCEDD board meeting. Spatz requested that the Sister City video conference be moved into June when he would be able to participate. He had spoken with representatives from the Sister City Organization. It was the consensus of the Council that later in June would work.

Spatz reported that a citizen had requested that Council investigate a visual buffer along I-84 beginning at the Chenoweth interchange to create a visually pleasing view of the City from the

freeway. Young noted that this issue was part of the Vision Action Plan Update, would be wise to restrict this type of activity to the northwest side of the freeway. Ahier agreed with Young.

### **CONSENT AGENDA**

It was moved by Spatz and seconded by McGlothlin to approve the Consent Agenda as presented. The motion carried unanimously, Dick absent.

Items approved by Consent Agenda were: 1) approval of April 25, 2011 regular City Council meeting minutes; Resolution 11-012 Concurring with the Mayor's Appointments to Various Committees.

### **PUBLIC HEARINGS**

Mayor Pro Tem Ahier reviewed the procedures to be followed for the public hearing.

Continuation of Public Hearing to Receive Testimony Regarding Proposed Amendments to the Comprehensive Plan and Land Use Development Ordinance for Periodic Review. Senior Planner Gassman reviewed the Agenda Staff Report. Community Development Director Durow explained that the large stack of documents on the table was the supporting documents that are required by law to be physically present during this public hearing. All these documents are available for review at the Community Development office.

#### Testimony

Hearing no testimony the hearing was closed.

#### Council Deliberation

Wood asked if the 1994 document was a complete rewrite of the 1982 document. Ahier asked if these documents were available on the City's website. Wood would like to see these historical documents preserved. Young stated that only the recent documents were on the website, however preserving these documents digitally is something the Council could discuss. Durow noted it would be a time consuming process for staff.

McGlothlin asked about the cost of printing these documents. Durow reported in the past 50-70 copies were made, however now things were done digitally.

It was moved by McGlothlin and seconded by Wood to adopt the Comprehensive Plan, Economic Opportunities Analysis, LUDO and the Stream Corridor Inventory and the Stream Corridor ESEE Analysis as recommended by the Planning Commission, with changes as approved by Council and direct staff to return with an ordinance at a later meeting. Motion passed unanimously, Dick absent.

Ahier noted he was troubled by the handling of the Mill Creek warming, it was reportedly due to release of water by the City into Mill Creek.

Public Works Director Anderson clarified that there was some misinformation regarding that. The DEQ TMDL Study took a couple of years to complete; they were working to minimize the impact of release into Mill Creek. The findings were that the Crow Creek Reservoir wasn't contributing to the water warming and the second reservoir discussed hasn't existed since the 1980's.

### **CONTRACT REVIEW BOARD ACTIONS**

Award Contract No. 2011-013 East 12<sup>th</sup> Street Storm Line City Engineer McCabe reviewed the Agenda Staff Report.

It was moved by Wood and seconded by Spatz to Authorize the City Manager to enter into contract with NW Kodiak Construction, LLC, in an amount not to exceed \$290,678.47. Motion passed unanimously, Dick absent.

Award Contract No. 2011-016 10<sup>th</sup> Street Widening Concrete Work. City Engineer Dale McCabe reviewed the Agenda Staff Report.

It was moved by McGlothlin and seconded by Wood to Authorize the City Manager to enter into contract with Van Nevel Concrete & Curb, Inc., in an amount not to exceed \$59,318.26. Motion passed unanimously, Dick absent.

Councilor Spatz congratulated staff on completion of this project. Councilor Ahier stated he felt staff did a remarkable job working with property owners and that the project had a positive impact.

### **ACTION ITEMS**

Adoption of General Ordinance No. 11-1311, Amending General Ordinance NO. 93-1175 which regulates criminal offences, to include prohibitions on certain public and the Possession of Less than One Once of Marijuana. City Attorney Parker reviewed the staff report, stating that the fines are consistent with State law and diversion would still be available.

Municipal Court Judge Thomas Peachey reported that he had been on the job for two months and these issues come before the court fairly regularly. Work was done by the Police Department, the Court Clerk, the Prosecuting Attorney and he felt the revenue generated should stay in the City. Peachey assured the Council that if passed the ordinance would be enforced.

City Clerk Pro Tem Grossman read General Ordinance No. 11-1311 by title only.

Councilor McGlothlin stated he felt the ordinance made good sense.

Councilor Spatz agreed the revenue should stay in the City.

It was moved by Wood and seconded by Spatz to adopt General Ordinance No. 11-1311 by title only. The motion passed unanimously, Dick absent.

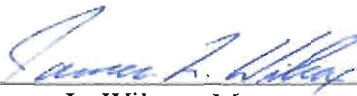
**ADJOURNMENT**

Being no further business, the meeting adjourned at 6:13 p.m.

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Submitted by/  
Izetta Grossman  
City Clerk Pro Tem

SIGNED:

  
James L. Wilcox, Mayor

ATTEST:

  
Julie Krueger, MMC, City Clerk