

AGENDA

REGULAR CITY COUNCIL MEETING

February 8, 2010

5:30 p m

CITY HALL COUNCIL CHAMBER
313 COURT STREET
THE DALLES, OREGON

1. CALL TO ORDER
2. ROLL CALL OF COUNCIL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF AGENDA
5. PRESENTATIONS/PROCLAMATIONS
6. AUDIENCE PARTICIPATION

During this portion of the meeting, anyone may speak on any subject which does not later appear on the agenda. Five minutes per person will be allowed. If a response by the City is requested, the speaker will be referred to the City Manager for further action. The issue may appear on a future meeting agenda for City Council consideration.

7. CITY MANAGER REPORT
8. CITY ATTORNEY REPORT
9. CITY COUNCIL REPORTS
10. CONSENT AGENDA

Items of a routine and non-controversial nature are placed on the Consent Agenda to allow the City Council to spend its time and energy on the important items and issues. Any Councilor may request an item be "pulled" from the Consent Agenda and be considered separately. Items pulled from the Consent Agenda will be placed on the Agenda at the end of the "Action Items" section.

OFFICE OF THE CITY MANAGER

COUNCIL AGENDA

- A. Approval of January 25, 2010 Regular City Council Meeting Minutes

11 ACTION ITEMS

- A. 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 [**Agenda Staff Report #10-009**]
- B. 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) [**Agenda Staff Report #10-010**]
- C. Approval for Time Extension for Airport Golf Course Agreement and Option to Purchase Land [**Agenda Staff Report #10-011**]

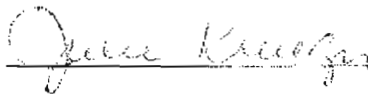
12. DISCUSSION ITEMS

- A. Discussion Regarding Proposed Language Changes to Chenoweth Interchange Area Management Plan (IAMP) [**Agenda Staff Report #10-012**]

13 ADJOURNMENT

This meeting conducted in a handicap accessible room.

Prepared by/
Julie Krueger, MMC
City Clerk

_____

**CITY of THE DALLES**

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481

AGENDA STAFF REPORT

CITY OF THE DALLES

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
February 8, 2010	Consent Agenda 10, A	N/A

TO: Honorable Mayor and City Council
FROM: Julie Krueger, MMC, City Clerk
THRU: Nolan K. Young, City Manager
DATE: January 27, 2010

ISSUE: Approving items on the Consent Agenda and authorizing City staff to sign contract documents.

A. ITEM: Approval of January 25, 2010 Regular City Council Meeting Minutes.

BUDGET IMPLICATIONS: None.

SYNOPSIS: The minutes of the January 25, 2010 regular City Council meeting have been prepared and are submitted for review and approval.

RECOMMENDATION: That City Council review and approve the minutes of the January 25, 2010 regular City Council meeting.

MINUTES

REGULAR COUNCIL MEETING
OF
JANUARY 25, 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, Dan Spatz

COUNCIL ABSENT: Brian Ahier

STAFF PRESENT: City Manager Nolan Young, City Attorney Gene Parker, City Clerk Julie Krueger, Public Works Director Dave Anderson, Police Chief Jay Waterbury, Librarian Sheila Dooley, Finance Director Kate Mast

CALL TO ORDER

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

ROLL CALL

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

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Mayor Lesich announced that Discussion Item 12 A, regarding news media attendance at Executive Sessions, would be removed from the agenda. It was moved by Wilcox and seconded by Spatz to approve the agenda as amended. The motion carried unanimously, Ahier absent.

PRESENTATIONS/PROCLAMATIONS

"Go Red Day" Proclamation

Mayor Lesich read a Proclamation, declaring February 5, 2010 as "Go Red for Women's Heart Health Day". Linda Stahl was in attendance to receive the Proclamation. She invited the City Council to attend the Heart Expo at the Civic Auditorium and Walk at Noon on February 5th and said there would be a competitive walk/run on Saturday, February 6th.

Councilor Wilcox showed a heart shaped pillow he received while in the hospital having heart surgery. He said people should educate themselves and pay attention because it was not a good way to get a pillow.

AUDIENCE PARTICIPATION

Chuck Covert, 3819 Columbia View Drive, The Dalles, Airport Fixed Base Operator, reported some changes at the Airport. He said the flight trainer was no longer operating in The Dalles, so it had been a good opportunity for Gorge Aviation to provide that service. He said Brett Zefling had been added as a partner and would be providing flight instruction and airplane maintenance.

Jane Welp, 5155 Cherry Heights Road, The Dalles, reported one of her classes had chosen to clean up the Rock Fort site as a service project on Martin Luther King Day. She said others had also helped on the project.

County Commissioner Bill Lennox said he had met with Carolyn Purcell of the Discovery Center and that the replacement signs for Rock Fort had been located and would be installed. He said it would cost approximately \$500 for each sign to be mounted.

The City Council commended Ms. Welp and all who helped clean up the site.

CITY MANAGER REPORT

City Manager Young pointed out a map attached to the wall that showed neighborhoods in which crime reports had been filed during the past year. Mayor Lesich asked if the map could be added to the City's website.

Young reminded the City Council of their upcoming Goal Setting session on February 6th, and that the City Council would be changing the normal meeting schedule for March to have the meetings on the third and fifth Mondays.

Young noted there had been a local bank failure on January 22nd, but that the City's investments were all protected.

CITY ATTORNEY REPORT

City Attorney Parker said he continued to work with staff and County staff to develop a clear process for handling delayed annexations. Parker said he was working with the Codes Enforcement Officer to possibly combine the nuisance and hazardous vegetation ordinances into one ordinance. He said a proposal would be brought for Council consideration in the Spring.

CITY COUNCIL REPORTS

Councilor Wilcox said there had been many changes at the Airport and asked if the City Clerk could schedule a City Council field trip in the future to look at the facilities. He reported the golf course agreement would need to be extended and said that issue should be coming to Council for approval at a meeting in February. Wilcox discussed articles in the League of Oregon Cities newsletter, saying cities should be watching the state revenue sharing and suggested the City Council send a resolution or letter to Representative Huffman, expressing the City's hope that the State will be fair in its disbursement of cigarette and liquor tax revenues.

Councilor Spatz reminded motorists to look for pedestrians when turning at the intersection of Union and Second Streets. He said there had been some close calls in that area.

Councilor Dick said the Port Commissioners had asked him to thank City Manager Young for his facilitation of their recent goal session, saying he had done a great job and they appreciated the cooperation.

Councilor Wood said the Historic Landmarks Commission would be meeting on January 27th to discuss restoration of windows at the Fort Dalles Museum.

Mayor Lesich thanked those Councilors who were able to help prepare and serve the Community Meals event. Lesich noted there had recently been a lot of youth involvement in civic activities in the community.

CONSENT AGENDA

It was moved by Spatz and seconded by Wilcox to approve the Consent Agenda as presented. The motion carried unanimously, Ahier absent. The item approved by Consent Agenda was: approval of the January 11, 2010 City Council meeting minutes.

ACTION ITEMS

Authorization for City Manager to Enter into Third Intergovernmental Agreement to Provide Library Services to Wasco County Library Service District

The staff report was reviewed by Librarian Sheila Dooley. She reviewed the clarifying language regarding major and minor maintenance issues, saying no large scale projects were proposed in the capital improvement plan in the next several years. Dooley pointed out the agreement included an automatic renewal clause after the initial two year agreement.

Mayor Lesich asked that staff place changed language in bold print on future agreements so it would be easier for the Council to identify.

Councilor Spatz asked why a specific dollar amount was included for the purchase of collection materials. Librarian Dooley said the Board had discussed that matter and decided to leave it in the agreement as a minimum amount to ensure adequate funds were spent on updating the collections. City Manager Young added that the original study had analyzed the amount needed to purchase collection materials based on a per capita standard.

It was moved by Dick and seconded by Spatz to authorize the City Manager to enter into an intergovernmental agreement for the City to provide library services to the wasco County Library Service District as proposed.

Councilor Wilcox said he was not comfortable with all the maintenance costs for the building being placed on the City. He said the Library District should pay some amount for the use of the building, which could be placed in a fund for future maintenance.

Councilor Spatz asked how the other library facilities in the District funded maintenance. Librarian Dooley said each City paid for their own facilities.

Councilor Wood said the formation of the District operating levy was beneficial to the City because there was much less expense for the City now that the District had its own tax base to pay for operation costs and she reminded the Council that the voters had approved it as an operating levy.

Wilcox expressed concern that the Library could fall into disrepair over the years without having a fund in place for expensive future repairs. City Manager Young said the City did not defer maintenance of its buildings and would continue to maintain the Library through projects listed within the capital improvement plan.

MINUTES (Continued)
Regular Council Meeting
January 25, 2010
Page 5

The motion to authorize the City Manager to enter into an intergovernmental agreement for the City to provide library services to the Wasco County Library Service District as proposed was voted on and carried; Wilcox voting no, Ahier absent.

EXECUTIVE SESSION

Mayor Lesich recessed the meeting to Executive Session at 6:23 p.m. in accordance with ORS 192.660 (2) (e) to conduct deliberations with persons designated by the governing body to negotiate real property transactions.

Reconvene to Open Session

The meeting reconvened to open session at 6:38 p.m.

DECISIONS FOLLOWING EXECUTIVE SESSION

None.

ADJOURNMENT

Being no further business, the meeting adjourned at 6:39 p.m.

Submitted by/
Julie Krueger, MMC
City Clerk

SIGNED: _____

Nikki L. Lesich, Mayor

ATTEST: _____

Julie Krueger, MMC, City Clerk



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1122
FAX: (541) 296-6906

AGENDA STAFF REPORT

CITY OF THE DALLES

MEETING DATE:	AGENDA LOCATION:	AGENDA REPORT #
February 8, 2010	Action Items 11, A	10-009

TO: Honorable Mayor and City Council

FROM: Gene E. Parker, City Attorney

THRU: Nolan K. Young, City Manager

DATE: January 25, 2010

ISSUE: Adoption of General Ordinance No. 10-1302, amending Section One of Article Nine of General Ordinance No. 97-1213 concerning sewer service charges for non-residential customers receiving water service from the Chenoweth PUD.

RELATED CITY COUNCIL GOAL: None.

PREVIOUS AGENDA REPORT NUMBERS: None.

BACKGROUND: The City receives applications to provide sewer service from certain non-residential customers who receive water service from the Chenoweth People's Utility District (PUD). In order to be able to calculate the applicable rate to charge these non-residential customers for sewer service, the City needs information concerning the amount of water consumed by these customers. City staff has negotiated a process with the PUD whereby the PUD is willing to provide such consumption information to the City, provided the customers execute a written consent form authorizing the PUD to provide such information to the City. City staff has prepared an amendment to General Ordinance No. 97-1213, which is the ordinance regulating the provision of sewer service by the City, which will require non-residential customers who receive water service from the PUD, to execute a consent form authorizing the PUD to provide information concerning the amount of water consumed, as part of the application to receive sewer service from the City.

Notice of the proposed adoption of the ordinance has been posted in accordance with the provisions of the City Charter.

BUDGET IMPLICATIONS: Adoption of the ordinance will ensure that a process is in place so that the City will receive the consumption information it needs to accurately calculate the rate to be charged for sewer service to be provided to certain non-residential customers who receive water service from the PUD.

ALTERNATIVES.

- A. Staff Recommendation. The Council move to adopt General Ordinance No. 10-1302 by title only.

GENERAL ORDINANCE NO. 10-1302

**AN ORDINANCE AMENDING SECTION ONE OF ARTICLE NINE
OF GENERAL ORDINANCE NO. 97-1213 CONCERNING SEWER
SERVICE CHARGES FOR NON-RESIDENTIAL CUSTOMERS
RECEIVING WATER SERVICE FROM THE CHENOWITH PUD**

WHEREAS, the City has received applications to provide sewer service from certain non-residential customers who receive water service from the Chenowith Peoples Utility District (hereinafter "PUD"); and

WHEREAS, in order to be able to calculate the applicable rate to charge these non-residential customers for sewer service, the City needs information concerning the amount of water consumed by these customers; and

WHEREAS, the PUD is willing to provide such consumption information to the City, provided the customers execute a written consent form authorizing the PUD to provide such information to the City; and

WHEREAS, City staff has prepared an amendment to General Ordinance No. 97-1213 which will require non-residential customers who receive water service from the PUD, to execute a consent form authorizing the PUD to provide information concerning the amount of water consumed, as part of the application to receive sewer service from the City;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF THE DALLES
ORDAINS AS FOLLOWS.**

Section 1 Section 1 of General Ordinance No. 97-1213 is hereby amended to read as follows.

Section 1 Sewer service charges shall be paid by each customer who requests sewer service. Non-residential customers receiving water service from the Chenowith PUD, who apply for sewer service from the City, shall be required as part of the application for sewer service, to execute a consent form authorizing the Chenowith PUD to provide information to the City concerning the amount of water consumed by the customer, which the City needs to calculate charges for sewer service. Charges may be computed based upon a unit system or water consumption, as established by City Council by resolution. In the event of invalidity or lapse of any fee schedule or fee resolution, fees shall be computed according to the charges contained in the prior ordinance or resolution establishing fees.

Section 2. Effective Date. This ordinance shall be effective thirty days after its adoption.

PASSED AND ADOPTED THIS 8TH DAY OF FEBRUARY, 2010

Voting Yes, Councilor: _____

Voting No, Councilor: _____

Absent, Councilor: _____

Abstaining, Councilor: _____

AND APPROVED BY THE MAYOR THIS 8TH DAY OF FEBRUARY, 2010

SIGNED:

Nikki L. Lesieli, Mayor

ATTEST:

Julie Krueger, MMC, City Clerk



CITY of THE DALLES

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1122
FAX: (541) 296-6906

AGENDA STAFF REPORT

CITY OF THE DALLES

MEETING DATE:	AGENDA LOCATION:	AGENDA REPORT #
February 8, 2010	Action Items 11, B	10-010

TO: Honorable Mayor and City Council

FROM: Gene E. Parker, City Attorney

THRU: Nolan K. Young, City Manager *nyj*

DATE: January 25, 2010

ISSUE: Adoption of 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)

RELATED CITY COUNCIL GOAL: None.

PREVIOUS AGENDA REPORT NUMBERS: No. 06-99, December 2006, for annexation phase 1, No. 07-012, February 2007, for annexation phase 2; No. 07-048, May 2007, for annexation phase 3; No. 07-107, November 13, 2007, for annexation phase 4; No. 08-003, January 14, 2008, for annexation phase 5; No. 08-222, March 10, 2008, for annexation phase 6; No. 09-002, January 12, 2009, for phase 7; No. 10-002, January 11, 2010, for annexation phase 8.

BACKGROUND: On January 11, 2010, the Council conducted a public hearing concerning the annexation of seven properties under the provisions of the consent annexation ordinance, ORS 222.125. No public testimony was submitted concerning the proposed annexations. Following the public hearing, the Council adopted a motion approving the proposed consent annexations, and directed staff to prepare an ordinance for adoption at the February 8, 2010, Council meeting. Enclosed with this staff report is a copy of the proposed ordinance, Special Ordinance No. 10-

536. Notice of the proposed adoption of the ordinance has been posted in accordance with the provisions of the City Charter.

BUDGET IMPLICATIONS: Completion of the annexations will result in additional property taxes being paid to the City on private property. As the annexations are anticipated to be completed by March 31, 2010, the City will begin receiving its share of property taxes from the designated parcels in November, 2010. The City will begin receiving additional revenue from the utilities that have franchises that will apply to the newly annexed properties and who will begin collecting franchise fees from these properties once they are annexed. There will be some reduction in the amount of revenue collected from customers of the City water and sanitary sewer systems who will see their rates reduced once they are charged the rate for in-city customers. There will be an increased workload for City staff from additional utility accounts and additional areas to provide law enforcement services.

ALTERNATIVES:

- A. Staff Recommendation. The Council move to adopt Special Ordinance No. 10-536 by title only.

SPECIAL ORDINANCE NO. 10-536

AN ORDINANCE 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)

WHEREAS, the City Council has adopted a policy to proceed with the annexation of properties located within the Urban Growth Boundary, where the City has the authority to annex the properties under the provisions of ORS 222.125, where the City has obtained a consent to annexation from all the owners of the property and a majority of electors residing in the territory proposed to be annexed, and

WHEREAS, on January 11, 2010, the City Council conducted a public hearing pursuant to ORS 222.120 to consider annexation of several parcels of property, where the City has received consent of the property owners and consent from a majority of electors residing in the territories proposing to be annexed, which properties are listed on the schedule of properties attached as Exhibit "A"; and

WHEREAS, the City Council has reviewed the written consents to annexation submitted by the property owners, and any electors residing in the territories proposing to be annexed, and the waiver of the one year period submitted by the property owners, and the Council finds that the consents to annexation and waivers of the one year period are valid under the provisions of ORS 222.125; and

WHEREAS, the City Council has reviewed the proposed findings submitted in support of the proposed consent annexations set forth in Exhibit "B", and the Council has approved and adopted the proposed findings, which findings are incorporated into this ordinance by reference;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF THE DALLES ORDAINS AS FOLLOWS:

Section 1 Properties to be annexed. Based upon the findings set forth in Exhibit "B", the City Council finds that the properties listed in Exhibit "A" are contiguous to the City limits, and that where applicable, the electors and landowners residing on the contiguous properties to be annexed consented in writing prior to the public hearing conducted on January 11, 2010, in accordance with ORS 222.120 and 222.125. The subject properties listed in Exhibit "A" are hereby proclaimed to be annexed to the City of The Dalles in accordance with ORS 222.120 and 222.125. The legal description for each of the subject properties is set forth in Exhibit "C", which is attached hereto and incorporated herein by this reference.

Section 2. Submittals. The City Clerk shall submit, within the proper time frames, all necessary copies of this Ordinance and any supporting documents required by the various state statutes to the appropriate state and county officials and departments.

Section 3. Effective Date of Annexation. The effective date of this annexation shall be complete from the date of filing the annexation records with the Secretary of State, as set forth in ORS 222.180.

Section 4. Effective Date of Ordinance. The effective date of this ordinance shall be 30 days from adoption of this ordinance, subject to any referendum being filed.

PASSED AND ADOPTED THIS 8TH DAY OF FEBRUARY, 2010.

Voting Yes, Councilor: _____

Voting No, Councilor: _____

Absent, Councilor: _____

Abstaining, Councilor: _____

AND APPROVED BY THE MAYOR THIS 8TH DAY OF FEBRUARY, 2010.

Nikki L. Lesich, Mayor

Attest:

Julie Krueger, MMC City Clerk

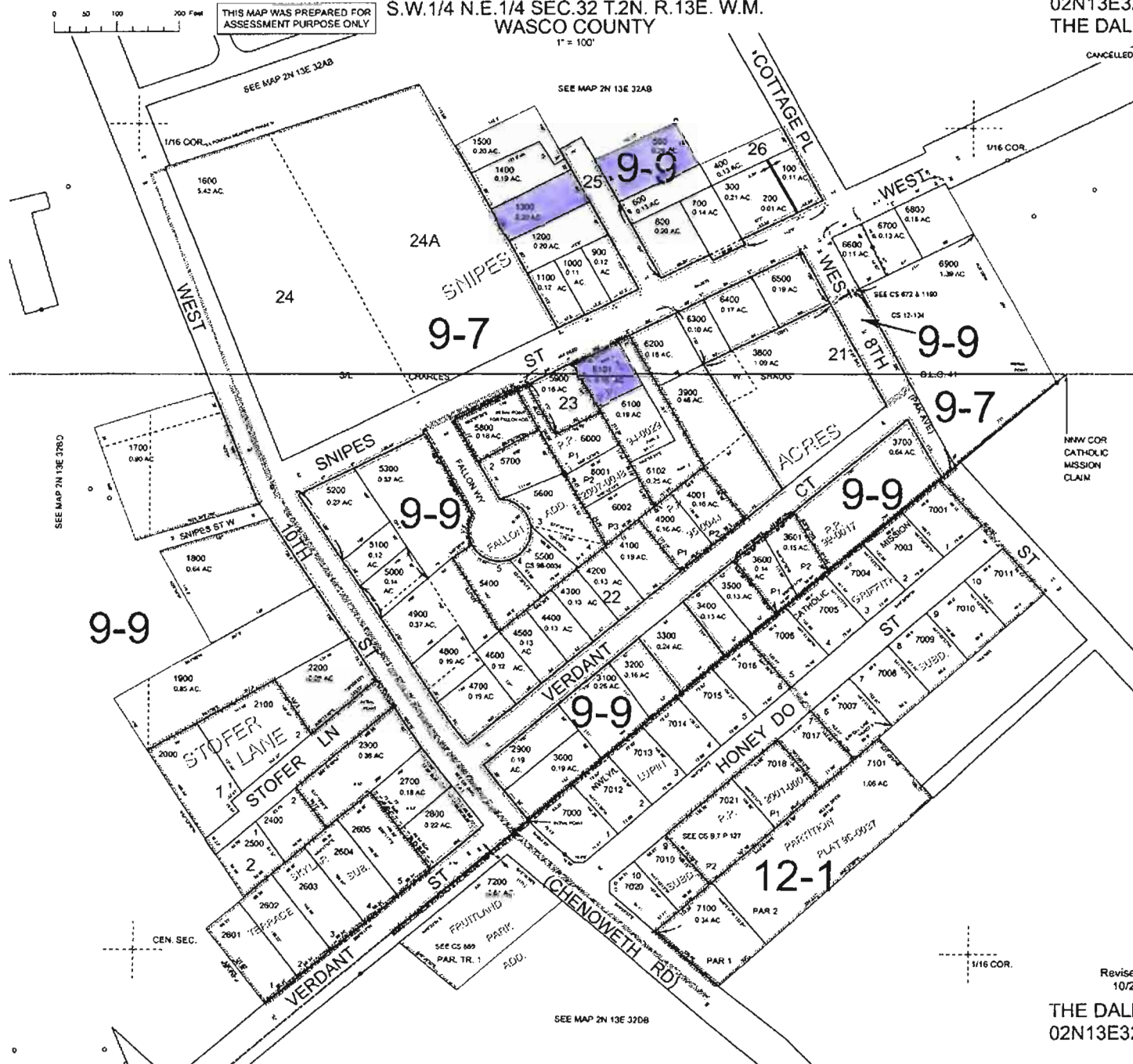
EXHIBIT "A"

	<u>TAX LOT</u>	<u>CURRENT OWNER</u>
1.	2N 13E 32AC 500	Lynndall Bruce Map No. 1
2.	2N 13E 32AC 1300	Ed & Linda Pounders Map No. 1
3.	2N 13E 32AC 6101	Ernesto & Lucillia Aguilar Map No. 1
4.	2N 13E 32BA 1701	Ron Hageman & Patricia Cavens Map No. 2
5.	2N 13E 32DD 5000	John & Karen Roberts Map No. 3
6.	2N 13E 32DD 5100	John & Karen Roberts Map No. 3
7.	2N 13E 33CC 2600	Muller Family Investments, Inc. Map No. 4

02N13E32AC
THE DALLES

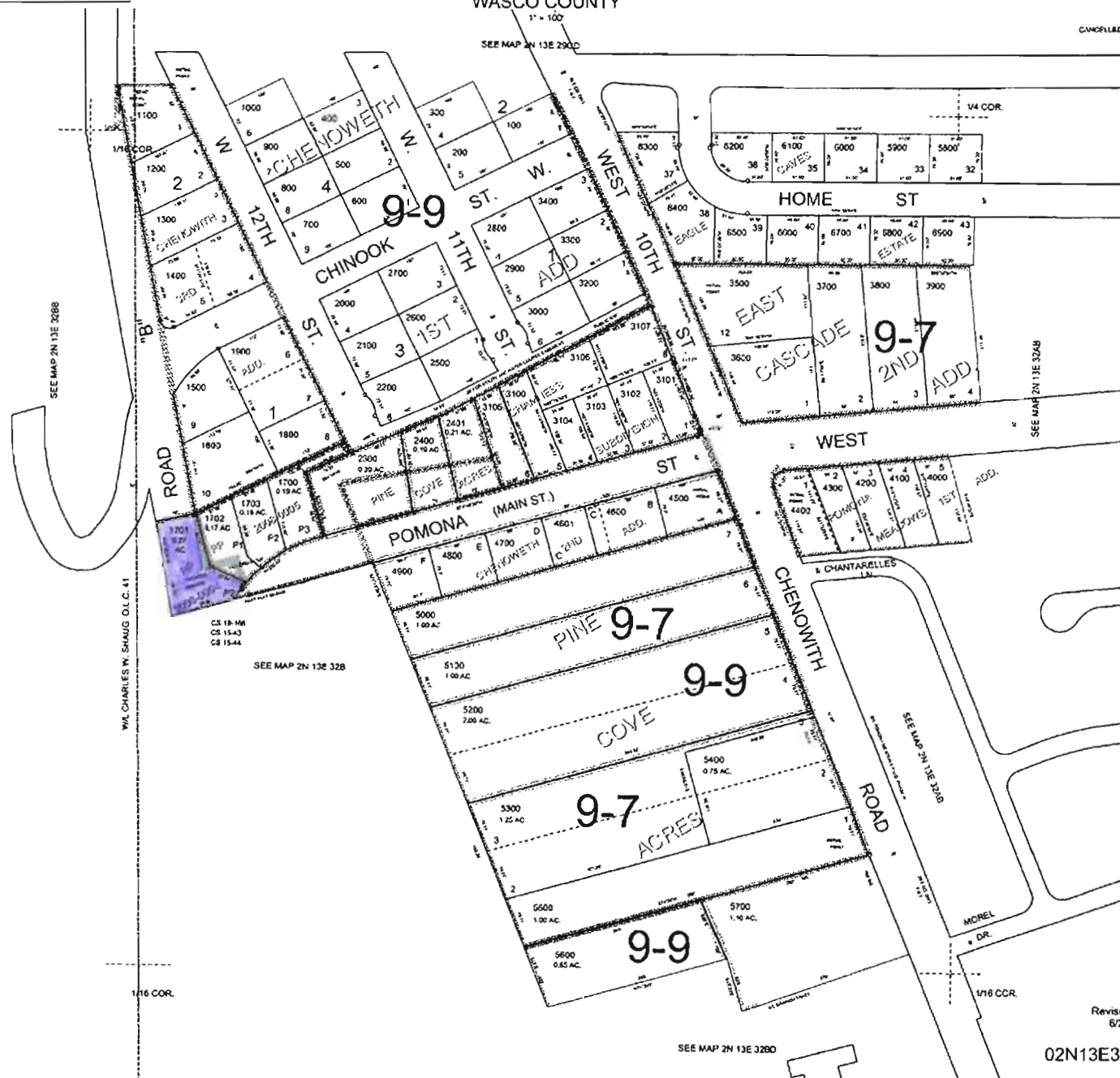
1" = 100'

CANCELLED:

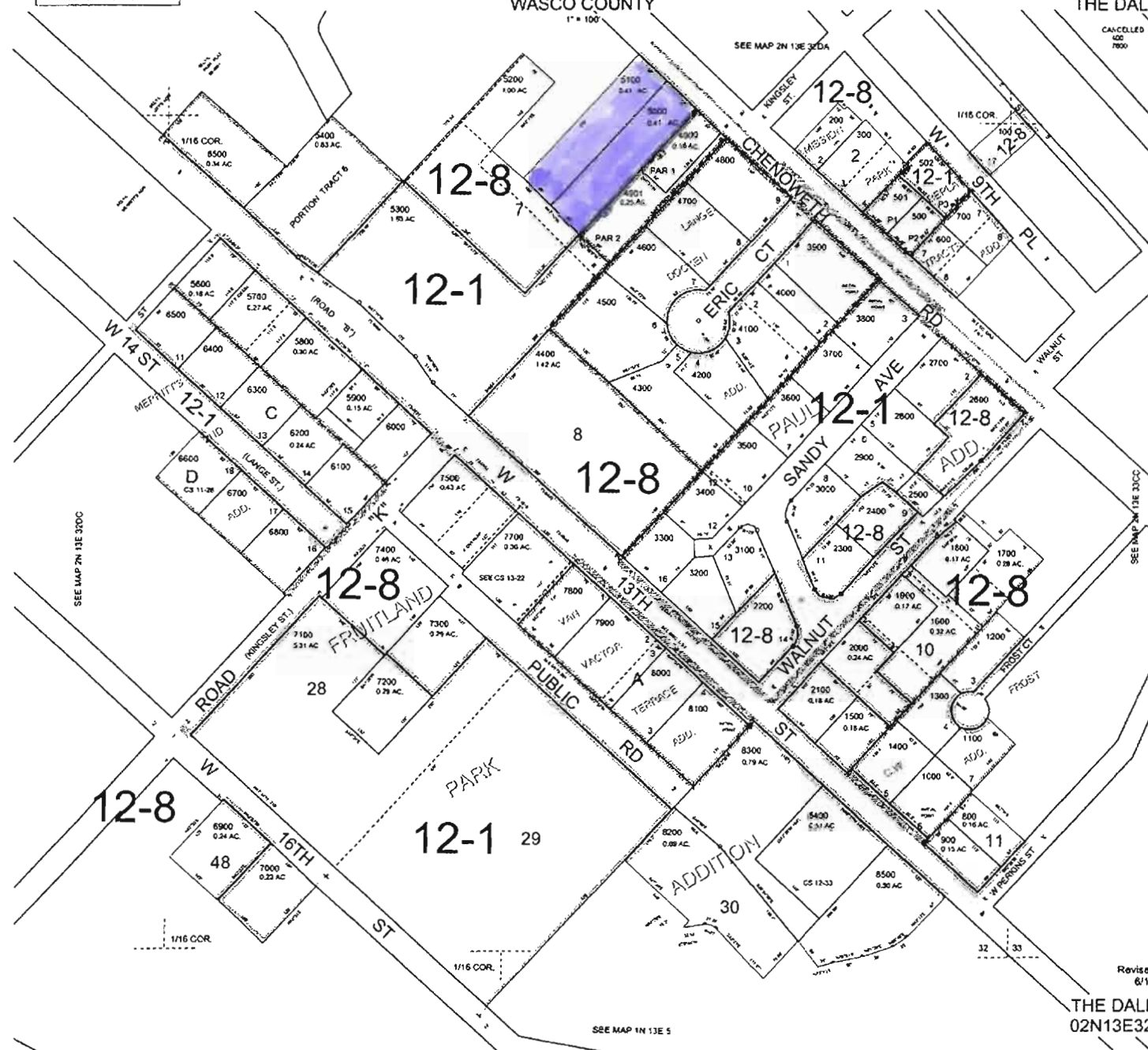


Revised: DBJ
10/27/2009

THE DALLES
02N13E32AC



CANCELLED
400
7800

Revised: OBJ
8/13/2009

THE DALLES
02N13E32DD

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

0 50 100 200 Feet

S.W. 1/4 S.W. 1/4 SEC. 33 T.2N. R.13E. W.M.
WASCO COUNTY

02N13E33CC
THE DALLES

CANCELLED
1200
1300

1/16 COR.

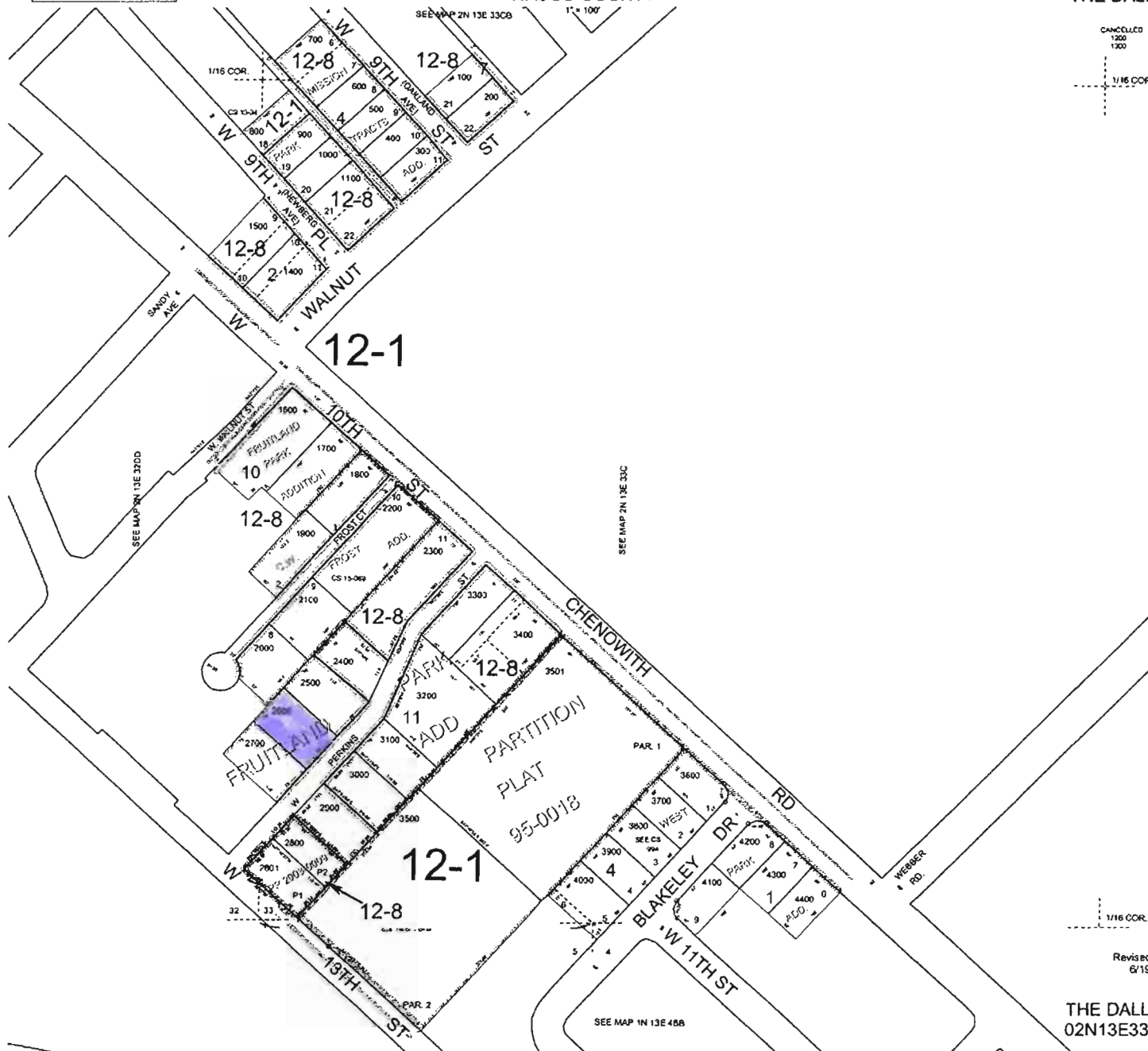


Exhibit “B”

PROPOSED FINDINGS FOR CONSENT ANNEXATIONS

Section 14.010.040 of the City’s Land Use and Development Ordinance provides that annexations shall be subject to the following criteria:

- A. The territory is contiguous to the City limits and qualifies as a consent annexation pursuant to ORS 222.125 or as an island annexation pursuant to ORS 222.750.
- B. The territory is within the Urban Growth Area.
- C. The development of the property is compatible and consistent with the rational and logical extension of utilities and roads to the surrounding area.
- D. The City is capable of providing and maintaining its full range of urban services to the territory without negatively impacting the City’s ability to adequately serve all areas within the existing City limits.
- E. The annexation conforms to the Comprehensive Plan.

For all of the properties listed in Exhibit “A” attached to Special Ordinance No. 10-536, the Council finds and concludes that the properties are contiguous to the City limits, and the territories proposed to be annexed qualify as consent annexations, pursuant to ORS 222.125. The City Council concludes the criteria in Section 14.010.040(A) has been satisfied.

Testimony was presented during the hearing that the properties proposed to be annexed are located within the City’s Urban Growth Area. The City Council finds the criteria set forth in Section 14.010.040(B) has been satisfied.

The properties proposed to be annexed are served by existing utilities. The City has previously annexed portions of right-of-way which make the affected properties contiguous to the City limits. Annexation of these portions of public right-of-way allows the City to provide a full range of urban services to the adjacent parcels. The City has been planning for the additional resources to extend utilities and maintain the roads that will be required to provide urban services for the additional properties that will ultimately be annexed to the City. The City Council finds and concludes that annexation of the properties proposed to be annexed is consistent with the rational and logical extension of utilities and roads to the surrounding area, and that the City is capable of providing and maintaining its full range of urban services to the subject properties, without negatively impacting the City’s ability to adequately serve all areas within the existing City limits. The City Council finds and concludes the criteria set forth in Section 14.010.040(C) and (D) have been satisfied.

Goal #14, Urbanization, of the City's Comprehensive Plan, is "To provide for an orderly and efficient transition from rural to urban land use." Sub-goal #2 of Goal #14 is "To coordinate with Wasco County in order to manage the urban growth boundary and the conversion of land within the boundary for urban uses." The City has complied with Sub-goal #2 of Goal #14 by entering into an intergovernmental agreement with Wasco County for the joint management of the Urban Growth Area, which includes the land area within the Urban Growth Boundary and outside the city limits of the City of The Dalles. Section 8 of the intergovernmental agreement provides as follows:

8. Annexation

- A. Annexation of areas within the Urban Growth Boundary shall be in accordance with relevant annexation procedures contained in Oregon Revised Statutes, City Ordinances, or approved annexation plan.
- B. Annexation by the City will occur only after development is completed.

Policy #5 listed in Goal #14 of the City's Comprehensive Plan provides as follows:

5. Encourage the orderly annexation of land within the Urban Growth Boundary to the City of The Dalles.

- A. Adequate public utilities shall be planned or provided for, per local and State statutes, to service an area when annexation is considered. This includes, but is not limited to, storm sewers, sanitary sewer and water service.
- B. Public facilities such as roads, street lights, parks, and fire hydrants may be required for development of the area in question and shall be subject to review prior to annexation.
- C. Upon annexation an official plat of the parcel(s) in question shall be filed if such document does not exist. Any plat shall be subject to review by the Planning Director, City Planning Commission and the City Council as set forth in the Subdivision Ordinance.

Subgoal #3 of Goal #14 is "To provide for the orderly and efficient provision of public facilities and services." The proposed annexation complies with the urbanization goal set forth in Goal #14, in that it encourages the orderly annexation of land within the Urban Growth Boundary of the City of The Dalles, and also provides for the orderly and efficient provision of public facilities and services. The properties to be included in the annexation have been developed, or have been planned for the extension of public facilities and utilities, to ensure the properties will have sufficient services, including but not limited to water and sanitary sewer service, storm

sewers, streets, parks, and fire hydrants. Extension of the city limit boundaries to include the properties will allow the City to maintain the facilities and utilities in proper working order to provide services to the residents of these properties, and also provide a basis for the City to continue an orderly process of continuing to annex other properties within the Urban Growth Boundary, as the City continues to experience economic growth and development. Inclusion of the properties within the City limits will provide an opportunity for the City to plan and design its public utilities and facilities, including streets, storm system, and water and sanitary sewer system, to ensure the City can provide necessary public services to its citizens in an orderly and efficient manner.

The proposed annexation is consistent with the provisions of Section 8 of the intergovernmental agreement with Wasco County for annexation of properties within the Urban Growth Area. The proposed annexation has been conducted in accordance with the relevant provisions for annexation set forth in the Oregon Revised Statutes, including ORS 222.120, and the annexation is occurring for properties where development has been completed.

The annexation of the subject properties is reasonable, because it is consistent with the provisions of the City's Comprehensive Plan and the intergovernmental agreement with Wasco County for the joint management of property within the Urban Growth Area, for the reasons set forth above. Annexation of these properties will allow the City to maintain the public utilities and facilities serving these properties, and to make any necessary improvements to allow the City to continue providing necessary services for the residents of the properties. Inclusion of these properties within the City limits will transfer responsibility for law enforcement activities related to these properties to the City. This will create a more uniform and efficient system of law enforcement, eliminating confusion over which law enforcement agency is responsible for providing services to the properties. For all of these reasons, the City Council concludes the proposed annexation complies with the "reasonableness" requirement for annexations under state law.

The City Council finds and concludes that the criteria set forth in Section 14.010.040(E) has been satisfied.

Exhibit "C"

1. 2N 13E 32AC 500 2811 West 9th Street

Beginning on the Southerly boundary line of Tract 25 of Snipes Acres, Wasco County, State of Oregon, at a point 182 feet 6 inches Northeasterly of the Southwest corner of said tract; thence Northeasterly along the Southerly boundary line of said tract 142 feet 9 inches to the Southeast corner of said Tract 25; thence Northwesterly along the Easterly boundary line of said Tract 25 a distance of 230 feet; thence Southwesterly parallel with the southerly boundary line of said tract 142 feet 9 inches; thence Southeasterly, parallel with the Westerly boundary line of said tract, to the point of beginning.

EXCEPTING THEREFROM the Southerly 110 feet.

2. 2N 13E 32AC 1300 2816 West 9th Street

The North half of the following described property:

Beginning on the Westerly boundary line of Tract 25, SNIPES ACRES, at a point 110 feet from the Southwest corner of said Tract 25; thence 120 feet in a Northwesterly direction, along the Westerly boundary line of said Tract 25; thence in a Northeasterly direction 142 feet, 6 inches, parallel with the Southerly boundary line of said Tract 25; thence in a Southeasterly direction 120 feet, parallel with the Westerly boundary line of said Tract 25; thence in a Southwesterly direction 142 feet, 6 inches parallel with the Southerly boundary line of said Tract 25, to point of beginning, in the County of Wasco and State of Oregon.

3. 2N 13E 32AC 6101 1004 Snipes

Parcel 1 of Partition Plat 1994-29 recorded on November 23, 1994 as Microfilm No. 94-5303 and being a portion of Tract 23, SNIPES ACRES, in the County of Wasco and State of Oregon.

4. 2N 13E 32BA 1701 1229 Pomona

Parcel 2, Partition Plat 2008-0004, Slide D-54A.

5. 2N 13E 32DD 5000 2204 West 10th Street

Beginning on the Northerly boundary line of Tract 7 of FRUITLAND PARK ADDITION TO THE DALLES, according to the recorded plat thereof, at a point 4 rods Westerly from the Northeast corner of said Tract 7; running thence Westerly along the Northerly boundary line of said Tract 7, 4 rods; thence Southerly parallel with the Easterly boundary line of said Tract 7, 330 feet; thence Easterly parallel with the Northerly boundary line of said Tract 7, 4 rods; thence Northerly parallel with the Easterly boundary line of said Tract 7, 330 feet to the point of beginning, in the County of Wasco and State of Oregon.

EXCEPT the South 30 feet thereof and EXCEPTING that part in Chenoweth Road.

6. 2N 13E 32DD 5100

2212 West 10th Street

Beginning on the Northerly boundary line of Tract 7, of FRUITLAND PARK ADDITION to The Dalles, County of Wasco and State of Oregon, according to the recorded plat thereof, at a point 8 rods Westerly from the NE corner of said Tract 7; running thence Westerly along the Northerly boundary line of said Tract 7, 4 rods; thence Southerly parallel with the Easterly boundary line of said Tract 7, 300 feet; thence Easterly parallel with the Northerly boundary line of said Tract 7, 4 rods; thence Northerly parallel with the Easterly boundary line of said Tract 7, 300 feet to the point of beginning.

EXCEPTING that part in Chenoweth Road.

7. 2N 13E 33CC 2600

1215 Perkins Street

Beginning at a point of the Westerly boundary of Tract 11, FRUITLAND PARK ADDITION, County of Wasco, State of Oregon, North 42°26' East 186 feet from the Southwesterly corner of said Tract 11, running thence South 47°34' East 115 feet; thence North 42°26' East 70 feet; thence North 47°34' West 115 feet to the Westerly boundary of said Tract 11; thence South 42°26' West along said boundary 70 feet to the point of beginning.

**CITY of THE DALLES**

313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481
FAX (541) 296-6906

AGENDA STAFF REPORT

CITY OF THE DALLES

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
February 8, 2010	Action Items 11, C	10-011

TO: Mayor and City Council

FROM: Nolan K. Young, City Manager

DATE: January 22, 2010

ISSUE: Golf Course MOU

Background: On May 15, 2008 the Columbia Gorge Regional Airport Board recommended a memorandum of understanding (MOU) and associated agreements with Roseland Property Group for development of a golf course on airport property and purchase of the Bluff and Meadows property from the airport. Section 2 of the MOU called for the developer to sign the lease and purchase options as soon as certain conditions as identified in Section 2 subsections A-C on page 2 were completed. Section 5 called for both agreements and the Memorandum of Understanding to expire on June 30, 2009, if resolution of the outstanding issues had not been completed. In May of 2009 the Airport Board recommended an extension to December 31, 2009 to resolve an environmental appeal. Following is the current status of those conditions:

- A. We have received written approval from the FAA not opposing signature of the Golf Course Lease Agreement (attached). We have not received anything in writing regarding the Airport Layout Plan (ALP). However, all indications are that extension of runway 25/7 will not interfere with the golf course. We still need written approval for the wildlife plan. The developer is still working on that plan with the State of Washington.

- B. The FAA authorization of the City's purchase of the Bluff and Meadows properties are proceeding and should be completed by June 30th
- C. There are several items listed here, following is the status of each:
- Extension of necessary public water and sewer system to serve the Bluff and Meadows properties: We are currently working with the new Dallesport Water District to develop that plan and are making good progress.
 - Proof of necessary SEPA or other environmental controls: This is currently being appealed and is the major reason for delays in moving forward with the project. It has been determined that a full Environmental Impact Statement (EIS) should be completed to resolve this issue. Roseland has signed a contract with a consultant to do the EIS. It is anticipated the process will take through July 2010. It could take up to another three months to resolve any appeals.

Lease and Option Agreement: The current Golf Course Lease and Option to purchase the Bluff and Meadows properties require that construction on the Golf Course begin by June 30, 2009 and to be completed by December 31, 2010. If it takes until July to resolve the EIS it will not be possible to meet the completion date. We recommend amending both agreements to reflect construction must be started by June 30, 2011 and completed by June 30, 2013.

Recommended Action: The Airport Board has recommended this proposed MOU with the recommended changes on the construction dates to the City Council and Klickitat County. The MOU includes an extension to August 2010 and an additional 3 months if the EIS is appealed to the next level. It also included a requirement that the City and County will not sign the lease and option agreements until Roseland has paid the \$25,200 owing the County for processing the SEPA appeal.

Council Alternatives:

1. **Staff Recommendation:** Authorize the City Manager to sign the proposed Memorandum of Understanding with a 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 by June 30, 2011 and completion date of June 30, 2013.
2. Approve signature with some other expiration date.
3. Deny this request

Memorandum of Understanding

This Memorandum of Understanding (MOU) is made this ____ day of _____ 2010 between Klickitat County, a political subdivision in the State of Washington hereafter referred to as "County" and City of The Dalles, a municipal corporation in the State of Oregon hereafter referred to as "City" in their role as co-owners of the Columbia Gorge Regional Airport hereafter referred to as "Airport" and Roseland Property Group, LLC a limited liability corporation in the State of Oregon hereafter referred to as "Developer".

WHEREAS, the parties have negotiated a lease agreement for the lease of airport property for the purpose of building a golf course for recreational purposes and an Option agreement for purchase of Lodging/Resort Property adjacent to the golf course; and

WHEREAS, certain issues require resolution in order to obtain the approval of the Federal Aviation Administration ("FAA"), and other governmental approvals, before the parties can sign the lease agreement; and

WHEREAS, the parties want to establish a firm commitment that each party will work toward a resolution of those outstanding issues and upon resolution of those outstanding issues, the parties will sign the negotiated lease agreement attached as Exhibit A and the Option Agreement attached as Exhibit B;

NOW, THEREFORE, the parties mutually agree to the following.

1. The County and City will have their duly authorized officer(s) or official(s) sign the Golf Course Lease Agreement identified as V10-A dated May 15, 2009, attached as Exhibit "A", and the Option Agreement to Purchase Lodging/Resort Property identified as V8-A dated May 15, 2009, attached as Exhibit "B", after they and Roseland have signed this MOU, and Roseland has paid the sum of \$25,200 owed by Roseland to Klickitat County under reimbursement agreement C083073.
2. The Developer will have their duly authorized officer(s) or official(s) sign the Golf Course Lease Agreement identified as V10-A, dated May 15, 2009 attached as Exhibit "A", and the Option Agreement to Purchase Lodging/Resort Property identified as V8-A dated May 15, 2009, attached as Exhibit "B", upon completion of the following conditions:
 - A. Written approval issued by the FAA authorizing the signature of the Golf Course Lease Agreement as set forth in Exhibit "A". Said written approval shall also include documentation that the FAA is supportive of an Airport Layout Plan (ALP) that has analyzed alternatives for an extension of runway 25/7 and that has identified a preferred alternative to an easterly extension for runway 25/7, and accepts Wildlife plan in Section 16.2 of the Lease.

- B. Written approval issued by the FAA authorizing City purchase of the Bluff and Meadow Properties and sale for a use consistent with the Option Agreement as set forth in Exhibit "B"
 - C. Issuance of documentation evidencing that any other required governmental approvals, including any necessary SEPA or other required environmental approvals and extension of necessary public water and sewer to serve the Bluff and Meadow property, have been obtained.
- 3. All parties agree that they will use their best effort to resolve the outstanding issues in order to allow for execution of the documents identified as Exhibits "A" and "B"
 - 4. The funding of the Golf Course is contingent upon securing all government approvals and financing for the Golf Course.
 - 5. This Memorandum of Understanding (MOU) and both Attachments A & B will expire on August 31, 2010, if the resolution of the outstanding issues identified in Section 2 have not been completed. A three-month extension will be allowed if the environmental review is appealed by any party.

CITY OF THE DALLES

By: _____
Nolan K. Young, City Manager

Approved as to form.

Gene E. Parker, City Attorney

Klickitat County

By: _____
Chair, Board of Commissioners

Approved as to form

Prosecuting Attorney

ROSELAND PROPERTY GROUP, LLC

By: _____

Approved as to form

Title: _____

Victor VanKoten,
Attorneys for Roseland Property
Group, LLC

MOU 122309



CITY of THE DALLES
313 COURT STREET
THE DALLES, OREGON 97058

(541) 296-5481 ext. 1125
FAX: (541) 298-5490

AGENDA STAFF REPORT

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
February 8, 2009	Discussion Items 12, A	#10-012

TO: Honorable Mayor and City Council
FROM: Gene Parker, City Attorney, and Dick Gassman, Senior Planner
THRU: Nolan Young, City Manager *ny*
DATE: February 8, 2010

ISSUE: Review of Proposed Final Changes from ODOT for Chenoweth IAMP

RELATED CITY COUNCIL GOAL: None

PREVIOUS AGENDA REPORT NUMBERS: 09-081, October 26, 2009, and 09-086, November 9, 2009

BACKGROUND: At its November 9, 2009 meeting, the City Council adopted the proposed Chenoweth Interchange Area Management Plan as presented with four amendments. Those amendments have been reviewed by staff at the Oregon Department of Transportation (ODOT). ODOT has submitted revisions to the IAMP to include the Council's amendments. The Council will need to review the proposed language from ODOT and determine if it meets the intent of the amendments adopted by the Council at the November 9, 2009 session.

ATTACHMENT: Attached to this staff report is a copy of the January 25, 2010 email to the City from ODOT with the proposed language. The four Council amendments are separated by reference to the letters, A, B, C, and D which are listed in the first column on the left. The next column contains the original IAMP language, and then the third

column contains the language of the Council amendments. The last column shows the new proposed language in red ink.

DISCUSSION: After the Council hearing on November 9, 2009, staff met with ODOT representatives and with the IAMP consultants to review amendments. ODOT staff was concerned that the language of the amendments might conflict with existing language in the Oregon Revised Statutes and Oregon Administrative Rules. The language in the January 25, 2010 attachment is an attempt by the IAMP team to craft language that will meet the intent of the Council amendments and be consistent with authority granted to ODOT by State law.

Amendments A, B, and C were relatively easy to incorporate into the IAMP, as shown in the attachment. For amendment D, ODOT felt it was necessary to indicate that ODOT could not grant an unqualified guarantee to any access point. The proposed language tries to include both the intent of the Council's amendment as well as qualifying language from State law.

BUDGET IMPLICATIONS: The new language has no budget implications.

REQUEST: Staff is seeking a determination from the Council whether the language as presented is consistent with the intent of Council's amendments. If Council determines that the proposed language as contained in the attachment is consistent, staff will proceed with drafting an ordinance for presentation to the Council at a later date. If the Council determines it is not, then staff would ask Council for further guidance in discussions with ODOT staff.

SUGGESTED MOTIONS:

1 *Move to adopt the proposed language contained in the January 25, 2010 attachment and direct staff to prepare an ordinance adopting the IAMP.*

2. Alternative: Move to return the IAMP language discussion to staff for further negotiations.



Theodore R. Kulongoski, Governor

Department of Transportation
Region 4 Planning
63085 N. Highway 97, Ste. 107
Bend, OR 97701
Telephone (541) 388-6046
FAX (541) 388-6361
ana.jovanovic@odot.state.or.us

January 25, 2010

TO: The Dalles City Council

CC (via email): Nolan Young, City Manager
Dick Gassman and Dan Durow, Community Development Department

Subject: Chenoweth IAMP final changes and ordinance

Dear City Council Members,

On November 9th, 2009 the Council approved I-84 Chenoweth IAMP through a motion offered by Councilor Bill Dick. This motion included four recommended amendments (see table below). The IAMP project team has worked through these changes and now offers a new version of the IAMP for your final review and approval.

Summary of Changes

The table below summarizes the original adopted IAMP language, City Council's recommended amendments, and proposed final IAMP language.

	Original Adopted IAMP Language	City Council Amendment	Proposed Final IAMP Language
A	<p><u>Draft IAMP page 139:</u> <i>Phase 2 – Mid-term Improvements</i> (Figure 7-6) ..</p> <p><u>Draft IAMP page 171:</u> If the findings and conclusions from the IAMP review meeting demonstrate the need for an update to the plan, review participants will initiate an IAMP update process. Initial steps in updating the IAMP will include scoping the planning process, identifying funding, and outlining a schedule for plan completion.</p>	<p>... And further requiring a public hearing by Planning Commission and/or City Council for review and approval at the scheduled periodic reviews of at least every five years under the plan and such times that the two projects (E-2 & W-1) in Table 7-2 are proposed to be implemented if "operational or safety conditions warrant further measures".</p>	<p><u>Final IAMP page 140:</u> <i>Phase 2 – Mid-term Improvements and Actions</i> (Figure 7-6) ... (additional text) At the first triggered IAMP review, reevaluate improvement projects shown in Table 7-2 (W-1: 6th Street Median and E-2: Grade-Separated Crossing of the UP Railroad at Hostetler) based on updated forecasts.</p> <p><u>Final IAMP page 173:</u> If the findings and conclusions from the IAMP review meeting demonstrate the need for an update to the plan, review participants will initiate an IAMP update process. Initial steps in updating the IAMP will include scoping the planning process, identifying funding, and outlining a schedule for plan completion. Once completed, IAMP updates will be required to be legislatively adopted, requiring a City Council public hearing, as an amendment to the City of The Dalles Transportation System Plan and will be adopted by Wasco County Court (if affected) and the Oregon Transportation Commission as an update to the Oregon Highway Plan.</p>

	Original Adopted IAMP Language	City Council Amendment	Proposed Final IAMP Language
B	<p><u>Draft IAMP page 168:</u> To implement the I-84 Chenoweth IAMP, the following actions shall occur: ...</p>	<p>... As part of this amendment and action items, the Webber Street IAMP in its consideration shall provide further consideration of Exit #83 (exit/entrance) as part of it.</p>	<p><u>Final IAMP page 171:</u> To implement the I-84 Chenoweth IAMP, the following actions shall occur: ... (additional text) 8. ODOT and the City shall work together to identify and pursue funding for the Webber Street IAMP which shall also include consideration of I-84 Exit 83 (entrance and exit). The Webber Street IAMP will provide coordinated land use management and financing for both interchange areas upon final adoption.</p>
C	<p><u>Draft IAMP page 132:</u> W2 Intersection Improvement (Roundabout) Intersection control at West 6th Street (US 30)/River Road to accommodate future traffic and provide for u-turns created by the median.</p>	<p>Amend in Table 7-1, reference #W-2 the option of "signalization" at River Road and West 6th Street (instead of just a "roundabout", as now listed).</p>	<p><u>Final IAMP page 133:</u> W2 Intersection Improvement (Roundabout or Signal) Intersection control at West 6th Street (US 30)/River Road to accommodate future traffic and provide for u-turns created by the median.</p>
D	<p><u>Draft IAMP page 148:</u> The intent of the Access Management Plan is to identify the location of site-access driveways and internal circulation routes for properties located within the IMSA that are likely to redevelop at some point in the future. The plan, as illustrated in Figure 7-11 and described in the following paragraphs, will be implemented as part of future land use changes involving the properties located within the IMSA and Interchange Overlay District.</p> <p><u>Draft IAMP page 150:</u> In the near- and mid-term no access modifications will be made to the four existing private access approaches located on the west side of West 6th Street unless land use changes occur involving the properties served by these accesses. An evaluation will be</p>	<p>Amend and add to the plan a Deviation Access protection to access #13 (Hattenhauer's northern driveway) on or about p.159 and following, of the Plan and remains a valid deviation access as long as the existing uses remain at said property/site.</p>	<p><u>Final IAMP page 149:</u> The intent of the Access Management Plan is to identify goals that will guide evaluation of the location of site-access driveways and internal circulation routes for properties located within the IMSA that are likely to develop or redevelop at some point in the future. I-84 Chenoweth IAMP Access Management Plan: 1. identifies future access locations for undeveloped properties in the IMSA, 2. identifies goals and policies that will guide evaluation of existing access for properties in the IMSA that might redevelop, and 3. documents the justification for the necessary deviations to ODOT's access management standards. The plan, as illustrated in Figure 7-11 and described in the following paragraphs, will be implemented as part of future land use changes, or ODOT's project development and delivery processes, involving the properties located within the IMSA and Interchange Overlay District.</p> <p><u>Final IAMP page 152:</u> In the near- and mid-term no access modifications will be made to the four existing private access approaches located on the west side of West 6th Street unless land use changes occur involving the properties served by these accesses or if increases in traffic</p>

<p>required when any of the following land use actions occur within 1,320 feet of the I-84 ramp terminal intersections:</p> <p>...</p> <p><u>Draft IAMP page 150 - 152:</u> Long-Term Access Management Plan (see original text in attachment)</p> <p><u>Draft IAMP page 154:</u> Table 7-4 Ultimate Access Management Plan Summary</p> <p>Access # 9 At time of redevelopment, consolidate access on West 6th Street and construct cul-de-sac.</p> <p>Access #10 At time of redevelopment, consolidate access on West 6th Street. Establish crossover easement with adjacent parcels and provide access to Division Street.</p> <p>Access # 11 At time of redevelopment, consolidate access on West 6th Street. Establish crossover easement with adjacent parcels and provide access to Division Street.</p> <p>Access #13 At time of redevelopment, consolidate access on West 6th Street, provide access on Division Street.</p>	<p>volumes on West 6th Street warrant a modification for operation and safety reasons. ODOT guarantees Access Permit protection, as allowed within ORS374.305 & 310, to all existing private accesses. Each will remain a valid access as long as the existing uses remain on property/site (per OAR734.051.0045) and there is no capitol improvement project that would trigger review of the access (per OAR734.051.0285). An access evaluation will be required, but is not limited to, when any of the following land use actions occur within 1,320 feet of the I-84 ramp terminal intersections:</p> <p>..</p> <p><u>Final IAMP page 152 – 154:</u> Long-Term Access Management Plan (see additional text in attachment)</p> <p><u>Final IAMP page 157:</u> Table 7-5 Ultimate Access Management Plan Summary</p> <p>Access # 9, 10, 11, 13 Consolidate access on West 6th Street and provide access to Division Street, Irving Street, and Chenoweth Loop. Follow IAMP Access Management goals by modifying and mitigating access and establishing crossover easements to adjacent parcels. Access modification will be considered at time of redevelopment or capitol improvement project. *</p> <p>* Until then, ODOT guarantees Access Permit protection, as allowed within ORS374.305 & 310, to all existing private accesses. Each will remain a valid access as long as the existing uses remain on property/site (per OAR734.051.0045) and there is no capitol improvement project that would trigger review of the access (per OAR734.051.0285)</p>
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Most recent version of the full I-84 Chenoweth IAMP can be viewed online (?) and is available at the Community Development Department office. A redline version of Section 7, the chapter that contains most of the changes described above, is attached.

On behalf of our project team, and all agencies that were part of the I-84 Chenoweth IAMP Technical Advisory Committee (TAC), I ask you to approve these changes and adopt the IAMP implementing ordinances.

Sincerely,



Ana Jovanovic
ODOT Region 4 Planning
ana.jovanovic@odot.state.or.us