

MINUTES

REGULAR COUNCIL MEETING
OF
NOVEMBER 9, 2009
5:30 P.M.
CITY COUNCIL CHAMBER
THE DALLES, OREGON

PRESIDING: Mayor Nikki Lesich

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

COUNCIL ABSENT: None

STAFF PRESENT: City Manager Nolan Young, City Attorney Gene Parker, City Clerk Julie Krueger, Public Works Director Dave Anderson, Senior Planner Dick Gassman, Police Chief Jay Waterbury, Administrative Intern Jared Cobb, Finance Director Kate Mast, Librarian Sheila Dooley, Codes Enforcement Officer Steve Miles

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; all Councilors present.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

It was moved by Wood and seconded by Wilcox to approve the agenda as presented. The motion carried unanimously.

AUDIENCE PARTICIPATION

None.

CITY MANAGER REPORT

City Manager Young reported that the Riverfront/Downtown Task Force had recently met to review three components of the project. He said the marine terminal drawings would be 75% complete by the end of the year and staff continued to work on permitting issues. Young said the festival area concept was agreed upon and was being forwarded to the Urban Renewal Advisory Committee for consideration. He said copies of the festival area concept were placed in the City Council mail boxes for review. Young said the Washington Street under crossing was also being worked on, noting there were issues to be resolved with Union Pacific Railroad regarding the rail road crossing.

Young reported the Community Outreach Team had traveled to Madras last week to help that community learn how our team functions. He said the Outreach Team would be meeting with representative of Senator Merkley's office on Friday.

Councilor Wilcox asked if the marine terminal work could still be done during the in-water period this year. City Manager Young said that time frame had been missed and staff was now planning to do the in-water work in the 2009-10 season.

CITY ATTORNEY REPORT

City Attorney Parker asked if the City Council had reviewed the email policy he had distributed last month. He asked for approval to bring the policy for adoption by Consent Agenda at a future Council meeting.

It was the consensus of the Council to direct the City Attorney to place the policy on a future Consent Agenda for approval.

CITY COUNCIL REPORTS

Councilor Wood reported the Historic Landmarks Commission had approved two awnings for the brew pub at the corner of East Third and Union Streets. She said the approval was based on historic photographs which showed awnings. She said the Commission had also approved a very small addition to the Wasco County Courthouse to house technology. Wood said this addition would be on the back side of the building near the elevator addition.

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Councilor Ahier commended staff for their work to update the City's website. He said he had heard many positive comments from experts.

Councilor Wilcox noted the odors caused by the work at the Wastewater Treatment Plant were very noxious in the downtown area. He said the City should be working hard to get the problem resolved.

Public Works Director Anderson explained the problem had been caused by the need to empty a digester for an inspection. He said the staff were working as fast as they possibly could to re-fill and get the ph levels back to normal. Anderson said it would take approximately one more week to get it back to normal.

Mayor Lesich thanked the media for working so hard to provide information to the public regarding City activities and for their articles regarding her causes, such as "Bras for a Cause" event.

CONSENT AGENDA

It was moved by Wood and seconded by Spatz to approve the Consent Agenda as presented. The motion carried unanimously.

Items approved by Consent Agenda were: 1) approval of October 26, 2009 regular City Council meeting minutes; 2) approval to declare discarded library books as surplus property; and 3) approval to declare Public Works Department equipments as surplus property.

ACTION ITEMS

Consider Approval of Chenowith Interchange Area Management Plan

The staff report was reviewed by Senior Planner Gassman. He introduced Susan Wright from Kittleson and Associates and Ana Jovanovic from Oregon Department of Transportation (ODOT).

Councilor Dick provided a written motion for consideration, saying he had included language that would require a public hearing at least every five years and at such times that projects E-2 and W-1 would be proposed for implementation; a requirement that Exit 83 be considered as part of a Webber Street IAMP; an amendment to Table 7-1, reference to project W-2 to allow for an option for signalization at River Road, and not just a roundabout option; and an amendment to add to the plan a deviation access protection to access #13 (Hattenhauer north driveway). Written motion attached as Exhibit "A".

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It was moved by Dick and seconded by Wilcox to approve the Chenowith Interchange Area Management Plan as modified and with the attached written amendments to incorporate the recommendations of the Planning Commission and additional clarifications, which are set forth in the October 2009 red line draft, and direct staff to prepare an ordinance for adoption at a later date.

Councilor Dick said his proposal to add a deviation access protection for the Hattenhauer property was in the best interest of the community because it was currently the only truck fueling station in our town. He said the community need should be protected and said this protection would only apply as long as the current use was on the property.

City Manager Young said Wasco County and ODOT would review and consider adoption of the document as approved by the City.

Ana Jovanovic said the IAMP would become an amendment to the State's Highway Plan once adopted.

There was consensus of the City Council that no additional testimony would be accepted because the public hearing had been closed to testimony at the previous meeting.

Councilor Ahier said the amendments proposed by Councilor Dick made the Plan more palatable, but he was still not comfortable that it was the best plan for our community.

Mayor Lesich said the Plan should be adopted and could be reviewed and amended as necessary, but that it was a good starting place.

Councilor Wilcox agreed, saying the Plan was not perfect, but there would be opportunities for amendment and that with no Plan, development could not proceed and systems development charges could not be identified.

Councilor Spatz asked for clarification regarding the language referencing Exit 83, proposed by Councilor Dick. Dick said his intention was that when the Webber Street IAMP was developed, he wanted the plan to include Exit 83.

Spatz said he believed it was important to include Exit 83 consideration in a future IAMP for the Webber Street area because the traffic issues needed to be looked at as a whole. He agreed it was important to move forward with adoption of the Chenowith IAMP to provide guidance for future development in that area.

The motion to approve the Chenoweth Interchange Area Management Plan as modified and with the attached written amendments to incorporate the recommendations of the Planning Commission and additional clarifications, which are set forth in the October 2009 red line draft, and direct staff to prepare an ordinance for adoption at a later date was voted on and carried unanimously.

Special Ordinance No. 09-535 Assessing Property Located at 500 East Ninth Street for the Cost of Abatement of Hazardous Vegetation

City Attorney Parker reviewed the staff report. In response to a question, he said the notification of this hearing was mailed with a delivery confirmation to ensure Mr. Clark was aware of the hearing.

Councilor Ahier asked for the details of Mr. Clark's objection to the assessment. City Manager Young read the letter into the record (Exhibit "B").

City Clerk Krueger read Special Ordinance No. 09-535 by title.

It was moved by Spatz and seconded by Wood to adopt Special Ordinance No. 09-535 assessing property located at 500 East Ninth Street for the cost of abatement of hazardous vegetation by title. The motion carried unanimously.

CONTRACT REVIEW BOARD ACTIONS

Award Contract for Construction of a 2.7 Million Gallon Upper Elevation Reservoir, 1,500 Gallon Per Minute Pump Station and Associated Piping

Public Works Director Anderson reviewed the staff report.

It was moved by Wilcox and seconded by Ahier to authorize the City Manager to enter into contract with Crestline Construction in an amount not to exceed \$4,067,375.00 for the terminal reservoir and pump station project. The motion carried unanimously.

Award Contract for Engineering Services Related to Construction of Upper Elevation Reservoir, Pump Station and Associated Piping

Public Works Director Anderson reviewed the staff report.

It was moved by Ahier and seconded by Wood to award Schedule C (program management during construction) for a terminal reservoir and pump station to Kennedy/Jenks Consultants in an amount not to exceed \$654,939 with work being performed on a time and materials basis. The motion carried unanimously.

Award Contract for Repair of Waldron Drug Store Building

City Manager Young reviewed the staff report.

Councilor Spatz asked how long the building would be stabilized by doing the restoration work. City Manager Young said it would stabilize the building for several years. Young said the Chair of the Historic Landmarks Commission was also a member of the Downtown Riverfront Task Force and was very involved and in agreement with the proposed repair work.

Spatz asked if there were any safety concerns for the public who would be using the festival area. City Manager Young said there would be safety concerns if the repairs were not completed because of pieces of the facade falling off the building.

It was moved by Spatz and seconded by Wood to authorize the City Manager to enter into a contract with Bremik Construction for the repairs of the Waldron Building in an amount not to exceed \$195,070.00.

Councilor Wilcox said he did not support awarding the contract, saying it was too much money to invest and that the money would be better spent on other downtown or historic projects.

City Manager Young said it was realistic to call the proposed restoration art and historic interpretation, much like the proposed Lewis and Clark fountain in the festival area would be. He said each has a message to tell the public.

Spatz said he believed if the building exterior was repaired, it would draw the attention of people driving past on the freeway and would encourage tourism to the downtown area.

The motion to authorize the City Manager to enter into a contract with Bremik Construction for the repairs of the Waldron Building in an amount not to exceed \$195,070.00 was voted on and carried; Wilcox voting no.

DISCUSSION ITEMS

Discussion Regarding Proposed Rate Increase by The Dalles Disposal

Jacque Betts, The Dalles Disposal reviewed the proposal for a rate increase.

Councilor Spatz asked what The Dalles Disposal was doing to keep their operating costs down. Ms. Betts said she would ask Manager Erwin Swetnam to provide that information to the City Council. She said they had been working on reducing overtime and also had a hiring freeze in place.

Councilor Wilcox said he believed it was a very modest increase and appreciated that The Dalles Disposal offered a large variety of service options for its customers. He said they were a good community partner, participating in events such as the Community Clean Up Day and Lions Club Christmas Tree pick up event.

It was the consensus of the City Council to direct staff to bring the matter to the next City Council meeting for a public hearing and action.

EXECUTIVE SESSION

Mayor Lesich recessed the meeting to Executive Session at 6:48 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

Councilor Ahier retired from the meeting at 7:05 p.m.

The meeting was reconvened to open session at 7:05 p.m.

DECISIONS FOLLOWING EXECUTIVE SESSION

It was moved by Wilcox and seconded by Spatz to authorize the City Manager to develop a short term occupancy agreement with Klindt's Booksellers for use of the annex building as a breezeway during their normal business hours, to extend no longer than the first quarter of 2010. The motion carried unanimously, Ahier absent.

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Dane Klindt, 715 East Scenic Drive, The Dalles, said he did have a concern regarding employee safety if people refused to leave when they were closing the breezeway in the evening. City Manager Young said the employees could call for assistance from the Police Department if there were problems.

EXECUTIVE SESSION

Mayor Lesich recessed the meeting back to Executive Session at 7:12 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

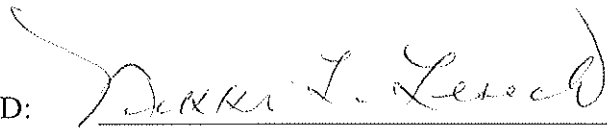
The meeting reconvened to open session at 7:35 p.m.

ADJOURNMENT

Hearing no further business, the meeting adjourned at 7:36 p.m.

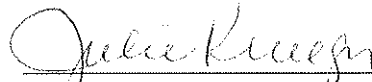
Submitted by/
Julie Krueger, MMC
City Clerk

SIGNED:



Nikki L. Lesich, Mayor

ATTEST:



Julie Krueger, MMC, City Clerk

IAMP APPROVAL MOTION

(Offered by City Councilor Bill Dick if matter is not further sent back to Planning Commission, tabled of postponed)

I move to approve the Chenoweth Interchange Area Management Plan as modified to incorporate the recommendations of the Planning Commission, with additions to said recommendations, as follows:

A. Amend the IAMP Transportation Improvement List (Table 7-1) to remove Project #W-1 (installation of a median on West 6th Street from River Road to Chenoweth Loop) and project #E-2 (grade-separation of the Hostetler Street railroad crossing) and relocate them to a new table in Section 7 that identifies projects to be reconsidered at the first triggered IAMP Review. Note this distinction on Figure 7-1 as well. 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".

B. Amend the action items on page 167 and 168 to include that ODOT and the city shall work together to identify and pursue funding for the Webber Street IAMP. The action item will note that the Webber Street IAMP should include reconsideration of the I-84 Chenoweth IAMP projects, specifically West 6th Street widening, and that the IAMP should provide coordinated land use managements and financing for both interchange areas upon final adoption. 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.

C. 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).

D. 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.

and additional clarifications, not otherwise amended or changed by this Motion, which are set forth in the October 2009 red line draft, and direct staff to prepare an ordinance for adoption at a later date.

Howard Clark
500 East Ninth Street
The Dalles, OR 97058
(541) 548-7575

September 9th, 2009

CITY OF DALLES
313 COURT STREET
THE DALLES, OR 97058

OBJECTION TO NOTICE OF ASSESMENT

I Howard Clark Object to the assesment. I am an Absentee Homeowner and was not present when the notice came. When I had finaly found out about it I scheduled a trip to go back to take care of it and it looked like it was taken care of. I assumed that a neighbor had taken care of it. I have now got it covered for the near future. I am sorry for any inconveiniance.

Signed, Howard Clark