

AGENDA

REGULAR CITY COUNCIL MEETING

January 31, 2011

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.

- A. Approval of January 17, 2011 Regular City Council Meeting Minutes

OFFICE OF THE CITY MANAGER

COUNCIL AGENDA

B. Approval of January 13, 2011 Special City Council Meeting Minute

11. ACTION ITEMS

A. Request by Dirt Huggers for Temporary Permit to Collect and Recycle Organic Waste Materials at Commercial Businesses [**Agenda Staff Report #11-006**]

B. Confirmation of Appointments for Municipal Court Judge and Judge Pro-Tem and Approval of Employment Agreements [**Agenda Staff Report #11-007**]

1. Oath of Office for Judge and Judge pro-tem

12. DISCUSSION ITEMS

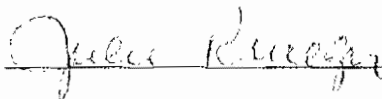
A. Discussion Regarding Wasco County Public Hearing on Urban Area Roads [**Agenda Staff Report #11-008**]

13. ADJOURNMENT

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**This meeting conducted in a handicap accessible room.**

Prepared by/  
Julie Krueger, MMC  
City Clerk

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## AGENDA STAFF REPORT

### CITY OF THE DALLES

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
January 31, 2011	Consent Agenda 11, A - B	N/A

**TO:** Honorable Mayor and City Council

**FROM:** Julie Krueger, MMC, City Clerk

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

**DATE:** January 20, 2011

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

A. **ITEM:** Approval of January 17, 2011 Regular City Council Meeting Minutes.

**BUDGET IMPLICATIONS:** None.

**SYNOPSIS:** The minutes of the January 17, 2011 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 17, 2011 regular City Council meeting.

B. **ITEM:** Approval of January 13, 2011 Special City Council Meeting Minutes.

**BUDGET IMPLICATIONS:** None.

**SYNOPSIS:** The minutes of the January 13, 2011 special 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 13, 2011 special City Council meeting.

## **MINUTES**

REGULAR COUNCIL MEETING  
OF  
JANUARY 17, 2011  
5:30 P.M.  
CITY HALL COUNCIL CHAMBER  
313 COURT STREET  
THE DALLES, OREGON

**PRESIDING:** Mayor Jim Wilcox

**COUNCIL PRESENT:** Bill Dick, Carolyn Wood, Dan Spatz, Brian Ahier, Tim McGlothlin

**COUNCIL ABSENT:** None

**STAFF PRESENT:** City Manager Nolan Young, City Attorney Gene Parker, City Clerk Julie Krueger, Finance Director Kate Mast, Community Development Director Dan Durow, Police Chief Jay Waterbury, Public Works Director Dave Anderson, Senior Planner Dick Gassman, Administrative Intern Daniel Meeks

### **CALL TO ORDER**

Mayor Wilcox called the meeting to order at 5:30 p.m.

### **ROLL CALL**

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

### **PLEDGE OF ALLEGIANCE**

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

MINUTES (Continued)  
Regular Council Meeting  
January 17, 2011  
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### **OATH OF OFFICE**

City Clerk Krueger administered the Oath of Office to Mayor James L. Wilcox, Councilor at Large Carolyn Wood, Councilor Position #1 Tim McGlothlin, and Councilor Position #3 Bill Dick.

### **APPROVAL OF AGENDA**

Mayor Wilcox asked the Council to add an Executive Session to consider the employment of a public officer and to move Action Item 13, B to the conclusion of the agenda. It was moved by Wood and seconded by Dick to approve the agenda as amended. The motion carried unanimously.

### **PRESENTATIONS/PROCLAMATIONS**

Susan Buce presented copies of True West magazine to the City Council and announced that The Dalles had been ranked number six of the top ten western towns. Buce asked the City Council to sign a certificate of appreciation to the magazine for their interest in The Dalles. It was the consensus of the Council to sign the certificate.

Mayor Wilcox presented a set of books which had been gifted to the City by the Japanese Consul General during the sister city visitation in December. He asked that the books be placed at the library so everyone could appreciate them. Bob McFadden also presented a gift to the City on behalf of Myoshi City. He presented a hand made stamp with ink which represented the City of The Dalles and Myoshi City, to be used on official sister city documents.

#### **Go Red Day Proclamation**

Mayor Wilcox read a Proclamation declaring February 4, 2011 as Go Red for Women's Heart Health Day in The Dalles.

Linda Stahl described the events associated with Go Red for Women's Heart Health and urged citizens to participate in the events.

#### **Memorial Tribute for Ron Somers**

Mayor Wilcox read a Memorial Tribute, honoring Municipal Court Judge Ron Somers, who died on January 3, 2011. He said the tribute would be presented to Ron's family and friends at his funeral service, which was scheduled for January 19<sup>th</sup>.

### **AUDIENCE PARTICIPATION**

Tyler Miller, representing Dirt Huggers, provided an update regarding their operations. He said the primary customer for their composting program was the disposal service. Miller said he would be requesting a temporary haul permit to begin enhancing the program by picking up commercial composting materials in The Dalles. He said this would be temporary to build a customer base and then once established turn over the pick up service to the local disposal service.

City Manager Young said he would prepare a staff report to address the temporary permit, for consideration at the January 31<sup>st</sup> Council meeting.

In reply to a question, Mr. Miller said once product is composted, it would be sold back into the local economy, to contractors and nurseries.

### **CITY MANAGER REPORT**

City Manager Young asked the Police Chief to make an introduction. Chief Waterbury introduced Police Officer Landon Rassmussen and his Field Training Officer Doug Kramer to the City Council. He said Officer Rassmussen had just been hired last week as one of the two positions created by recent annexations in the City. Waterbury said he hoped to have the second officer hired in early March.

Officer Rassmussen was welcomed by the City Council.

City Manager Young introduced volunteer Daniel Meeks, and said he was working on renewable energy projects and helping with the process to get the Third Place Urban Renewal design work completed.

City Manager Young reported that the periodic review for Public Employee Retirement System (PERS) Equal to or Better Than comparison had been completed and the City was deficient in one of the tiers. He said staff would be working to correct that and would bring additional information to the Council in February or March.

Young said the discussion item regarding outdoor burning would be postponed from the January 31<sup>st</sup> meeting to the February 14<sup>th</sup> meeting.

City Manager Young said he had distributed a proposed 2011 Needs and Issues Priority List for City of The Dalles. He asked if the City Council wished to make any adjustments to the priorities before they were presented to the Economic Development Committee for consideration.

It was the consensus of the City Council to accept the list as presented by the City Manager.

#### **CITY ATTORNEY REPORT**

City Attorney Parker said he was working with staff to prepare amendments to the resale business ordinance, working on deeds for the Mill Creek property transfer and working to develop a Request for Proposals for towing services.

#### **CITY COUNCIL REPORTS**

Councilor Ahier said he had been approached by many citizens regarding recent Urban Renewal and City Council executive sessions and their concern that the City was keeping information from the public. Ahier said he understood the need for Executive Session meetings but said it was very important to him that government be transparent as much as possible and said the Council should fully explain their decisions when voting.

Councilor Spatz reported that the EDA had funded a study to better understand effective relationships between EDA and economic development districts. He said Mid Columbia Economic Development District (MCEDD) was selected as one of the top 12 district performers in the nation to participate in the study.

Spatz said concerns had been raised at a recent governmental affairs meeting regarding the Interstate 84 ramp at the boat ramp. He said the vegetation was a mess and much of it was dead. Spatz asked if the City could approach the State with some ideas to get it cleaned up.

City Manager Young said Oregon Department of Transportation (ODOT) was in the process of designing the marina and the Lone Pine ramps for new vegetation, which would be more hardy and require less maintenance. Young said he didn't know what the implementation date was for the upgrades.

Councilor McGlothlin said the Traffic Safety Commission would be meeting next week and one of the primary issues for discussion would be ownership of the stairs at Brewery Grade.



MINUTES (Continued)  
Regular Council Meeting  
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Councilor Wood reported she had attended an economic impact workshop regarding the power lines from Big Eddy substation into the state of Washington. She said she would share the map and information with anyone who was interested.

McGlothlin said the computers purchased for School District #21, through a grant from Google, would be arriving on Tuesday.

Mayor Wilcox said he had polled the City Council regarding their current committee assignments and all were satisfied with their assignments so no changes would be made at this time. Wilcox thanked the Public Works Department crews for their work during the recent snow event to keep the streets safe. He said he would be hosting a former Mayor's breakfast on Tuesday morning.

Wilcox reminded the Council that the first public input meeting for updating the City's Vision Plan, would be held on January 26<sup>th</sup> at the Civic Auditorium, at 6:30 p.m.

Mayor Wilcox said he had attended the County Commission meeting and said their discussion regarding codes enforcement was of interest to the City. He said the County focuses on enforcement of land use violations as opposed to nuisances and that they did not enforce codes within the Urban Growth Boundary.

City Manager Young said when properties were annexed to the City, there would be nuisance laws that they were not accustomed to. He said staff was working on a plan to provide for education and for voluntary compliance with the City's nuisance ordinances.

**CONSENT AGENDA**

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

Items approved by Consent Agenda were: 1) approval of December 13, 2010 regular City Council meeting minutes; 2) Resolution No. 11-001 accepting transfer of ownership of various parcels of property from Wasco County; 3) approval to declare Public Works Department equipment at surplus property; 4) authorization for City Clerk to endorse OLCC change in privilege application for Clock Tower Ales; and 5) Resolution No. 11-002 concurring with the Mayor's appointments to various commissions and committees.

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### **CONTRACT REVIEW BOARD ACTIONS**

#### **Award Design/Build Downtown WiFi System Contract**

City Manager Young reviewed the staff report. He recommended awarding the contract to Gorge Networks in the amount of \$137,334, which included \$4,000 to include the marina area.

In response to a question, Dan Bubb, Gorge Networks, said their maintenance proposal had been low because their equipment proposal would require less assembly and maintenance than other proposals.

City Manager Young said the project should be completed in five months, including contract execution, design, installation and testing.

It was moved by Ahier and seconded by Spatz to award the contract for the Downtown Wireless Broadband Project to Gorge Networks including the marina option for a total bid cost of \$137,334. The motion carried unanimously.

### **ACTION ITEMS**

#### **Request by Mid Columbia Fire and Rescue District for a Fee Waiver for Conditional Use Permit Application**

Senior Planner Gassman reviewed the staff report.

Councilor Spatz asked if the tower had been donated. Fire Chief Palmer said the tower had been donated by Hood River, which would greatly help offset the cost of installation.

Councilor Wood asked if the tower would be removed if, in the future, it was no longer needed. Palmer said that was correct.

Councilor McGlothlin asked what the purpose of the tower was. Chief Palmer said the primary use was for communications. He said there were problems with downtown communications and it would also help extend communications into south County.

It was moved by Spatz and seconded by Wood to waive the \$420 filing fee for the Conditional Use Permit application for Mid Columbia Fire and Rescue District. The motion carried unanimously.

## **DISCUSSION ITEMS**

### **Discussion Regarding Annexation Policy**

City Manager Young reviewed the staff report. Senior Planner Gassman distributed a map showing the boundary of the City from 2004, prior to the annexation policy implementation. He said most of the Urban Growth Boundary had now been annexed. Gassman said the City was limited in its ability to annex by law. He said most island annexations were now complete and additional annexations would have to wait until development occurred. Gassman said it was important to extend the city limits to the boundary of the Urban Growth Boundary, but it could not happen until properties were developed.

It was the consensus of the City Council to continue with the current Annexation Policy, annexing as properties develop in the future.

## **EXECUTIVE SESSION**

Mayor Wilcox recessed the meeting to Executive Session at 6:53 p.m., in accordance ORS 192.660 (2) (a) to consider the employment of a public officer, employee, staff member or individual agent.

Councilor Dick said he would not participate in the Executive Session discussions and would not participate in the selection of a judge due to a conflict of interest because his law partner was an applicant for the position.

### **Reconvene to Open Session**

The meeting reconvened at 7:05 p.m.

### **Selection of a Municipal Judge and Judge Pro-Tem**

It was moved by Spatz and seconded by McGlothlin to direct the City Attorney to negotiate a contract with Tom Peachy as the Municipal Court Judge. The motion carried unanimously, Dick abstaining.

It was moved by Ahier and seconded by Wood to direct the City Attorney to negotiate a contract with Bill Howell as the Judge pro-tem. The motion failed, voting yes: Ahier and Wood; voting no, Spatz, McGlothlin and Wilcox; Dick abstaining.

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It was moved by Spatz and seconded by Wood to direct the City Attorney to negotiate a contract with Linda Gouge as the Judge pro-tem. The motion carried, voting yes: Spatz, Wood, McGlothlin; voting no Ahier; Dick abstaining.

City Manager suggested the contracts begin with a salary matching the current budget, with an evaluation in three to four months.

**ADJOURNMENT**

Being no further business, the meeting was adjourned at 7:11 p.m.

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Submitted by/  
Julie Krueger, MMC  
City Clerk

SIGNED:

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James L. Wilcox, Mayor

ATTEST:

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Julie Krueger, MMC, City Clerk

## **MINUTES**

SPECIAL COUNCIL MEETING  
OF  
JANUARY 13, 2011  
NOON

SECOND FLOOR CONFERENCE ROOM  
CITY HALL  
313 COURT STREET  
THE DALLES, OREGON

**PRESIDING:** Mayor Jim Wilcox

**COUNCIL PRESENT:** Bill Dick, Carolyn Wood, Brian Ahier (by telephone), Tim McGlothlin, Dan Spatz

**COUNCIL ABSENT:** None

**STAFF PRESENT:** City Clerk Julie Krueger

### **CALL TO ORDER**

The meeting was called to order by Mayor Wilcox at 12:00 p.m.

### **APPROVAL OF AGENDA**

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

Councilor Dick declared a potential conflict of interest because one of the candidates was his law partner. He said he would not participate in the discussions and would not vote on the selection of the Judge or Judge pro-tem.

MINUTES (Continued)  
Special City Council Meeting  
January 13, 2011  
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### **MUNICIPAL COURT JUDGE INTERVIEWS**

The following were interviewed for the position of Municipal Court Judge and Judge pro-tem positions:

Linda Gouge  
Meredith Van Valkenburgh  
Thomas Peachy  
Jason Corey  
William Howell

#### **Summary of Comments by Linda Gouge**

Ms. Gouge said she saw the position as a challenge she would like to experience, that she enjoyed intellectual work and would possibly bring a new perspective to the position. She said she might be less rigid than the other candidates and would keep arguments in the court room impersonal. Gouge said her practice was oriented toward criminal law and she had a good understanding of the process. She said she could be objective, but would ask a Judge pro-tem to take any cases where she would have a personal conflict. Gouge said she would prefer to serve as the Municipal Judge but would also be interested in serving in the pro-tem position. She said she had no reservations about working with any of the other candidates. Gouge said she did have experience in mediation from her experience working for Multnomah County hearing cases regarding animal control issues.

**Councilor Ahier retired from the meeting at 12:38 p.m.**

#### **Summary of Comments by Meredith Van Valkenburgh**

Mr. Van Valkenburgh said he was less involved in his practice and would have more time to devote to the position of Municipal Court Judge. He said it was a worthy project. Van Valkenburgh said he had many years experience in criminal law, including prosecution and defense work and noted he had served as a juvenile judge in the past. Van Valkenburgh said it was the duty of a judge to hear all cases and part of living in a small town included the fact that a judge would know many people who were in his court. He said if he did have a personal conflict, he would ask a pro-tem judge to take a case. Van Valkenburgh said he had an interest in both the judge and pro-tem positions and would have no difficulty working with any of the other candidates. Regarding experience with mediation, Van Valkenburgh stated his past work as a juvenile judge provided mediation experience. In response to a clarifying question, he noted he did not have any pending discipline issues with the State Bar.

Van Valkenburgh said he had tried cases in many small communities and said he did believe a Municipal Court Judge could impact policy by recognizing trends in crime and responding through sentencing. He said it was important to have a positive relationship with local police and that mutual respect was also important.

**Recess**

Mayor Wilcox recessed the meeting at 12:50 p.m.

**Reconvene**

The meeting reconvened at 12:56 p.m.

**Summary of Comments by Thomas Peachy**

Mr. Peachy said serving as a judge was the highest public service an attorney could perform for their community. He said municipal court was very important and many people who had cases in the municipal court were having their first encounter with the court system at that level. Peachy said his level of experience was nearly unmatched compared to the other candidates. He said he had served as a prosecutor and defended over 900 cases. Peachy said he had also served as an arbitrator, hearing over 50 cases. Peach said respectful listening was very important as well as being impartial and fair. He said people could handle bad news as long as they had been treated respectfully and fairly. Peachy said he was willing to commit to serve as Municipal Court Judge for 10 years.

Peachy said it was expected in small towns that a Judge would know many of the people who entered the court room, but that he could be fair. He said it was possible that he may not be able to handle cases involving friends or family, but that he would ask a pro-tem Judge to take cases where he had a conflict. Peachy said he would prefer to serve as the Judge, but would also be willing to serve in the pro-tem position and would have no difficulty working with any of the other candidates.

**Councilor Dick retired from the meeting at 1:10 p.m.**

**Recess**

Mayor Wilcox recessed the meeting at 1:10 p.m.

**Reconvene**

The meeting reconvened at 1:48 p.m.

**Summary of Comments by Jason Corey**

Mr. Corey said he viewed serving as Judge as a civic opportunity and that he could help educate people so they did not repeat bad behavior. He said he had worked in both prosecution and defense and had a very well rounded viewpoint of criminal law. He said he was a good listener and listened to an entire explanation. Corey said he would not shy away from the responsibilities of the position because he was acquainted with people, but said there could be an occasion in which he might ask a pro-tem to hear a case if he had a personal conflict. Mr. Corey said he would prefer to serve in the Judge position instead of the pro-tem position and said he would not have a problem working with any of the other candidates.

Mr. Corey said he did not have prior experience related to mediation, although he had worked with negotiators in the past. He said he worked well with the legal community and serving as Municipal Judge would be an easy transition for him. Corey noted he spoke fluent Spanish, which he believed could be an added benefit to the Court.

**Summary of Comments by William Howell**

Mr. Howell said he was a sole practitioner, with 90% of his case load being criminal law and defense work. He said the Judge position would supplement his practice financially. Mr. Howell said he had 20 years experience in criminal law, drug court and family dependency court work. He said he would not let personal relationships interfere with his responsibility as Municipal Court Judge in applying the law. Howell said if he did have any personal conflicts, he would ask the pro-tem judge to step in. He said he was interested in both the judge and pro-tem positions and that he had no concerns about working with any of the other candidates. Mr. Howell said he did not have any experience with mediation.

**Councilor Dick in attendance at 2:25 p.m.**

Mayor Wilcox asked the Councilors to rank their first, second and third choices for each position and to turn them in to the City Clerk for tabulation. The City Clerk was directed to provide the compilation to the City Council for the purpose of deliberations at the January 17<sup>th</sup> City Council meeting.



MINUTES (Continued)  
Special City Council Meeting  
January 13, 2011  
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**ADJOURNMENT**

Being no further business, the meeting adjourned at 2:34 p.m.

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Submitted by/  
Julie Krueger, MMC  
City Clerk

SIGNED:

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James L. Wilcox, Mayor

ATTEST:

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Julie Krueger, MMC, City Clerk



## 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 #
January 31, 2011	Action Items 11, A	11-006

**TO:** Mayor and City Council

**FROM:** Nolan K. Young, City Manager *ny*

**DATE:** January 18, 2011

**ISSUE:** Request from Dirt Huggers LLC for a six-month temporary permit to collect and recycle organic waste materials at commercial businesses.

**BACKGROUND:** At the January 17<sup>th</sup> Council Meeting Tyler Miller of Dirt Huggers LLC introduced himself during the audience participation portion of the meeting and expressed their desire for a six-month temporary permit to allow them to conduct a trial collection of food scraps and other organic waste from businesses in The Dalles. Attached is a letter from them formally making this request.

The City currently has a franchise agreement with The Dalles Disposal to collect recyclables in the City. The Dalles Disposal currently does not collect these items and has shown no interest to do so.

Attached is a copy of the proposed permit. It would prohibit residential collection, unless the City Manager felt a specific location warranted it. This permit is only for a six-month period in order for Dirt Huggers to conduct a trial run to determine viability of the project and to work with The Dalles Disposal on a long-term partnership.

**BUDGET IMPLICATIONS:** There would be no franchise fee charged at this time, there would be no revenue or cost to the City. If this trial were successful, a 3% franchise fee agreement would be entered into with some potential revenue to the City.

**COUNCIL ALTERNATIVES:**

1. ***Staff Recommendation:*** Authorize the City Manager to sign the temporary permit as proposed.
2. Place restrictions on the temporary permit and authorize City Manager to sign amended temporary permit.
3. Postpone action to allow further research including further discussions with The Dalles Disposal.



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

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

**TEMPORARY  
RECYCLABLES COLLECTION PERMIT**

**PERMIT NO. 2011-001**

**Issued by: City of The Dalles**  
313 Court Street  
The Dalles, OR 97058  
541-296-5481 X 1118

Permit issued to: Dirt Huggers, LLC c/o Pierce Louis/Tyler Miller  
541-490-2350  
541-380-1506

Approved Locations: Various Commercial Businesses in the City Limits

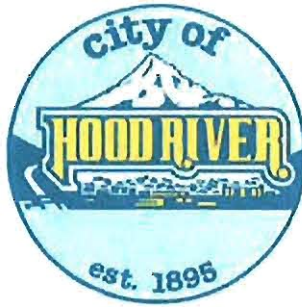
Specific Requirements: Pickup of organic waste material at selected commercial businesses in The City of The Dalles. Collection at residential locations is not authorized without prior written approval of the City Manager.

Permit Dates: Daily until expiration on June 30, 2011

This permit is issued to allow temporary occupancy of the public right-of-way. This permit is revocable at any time for any reason at the discretion of the City Manager or the City Council. The City is not liable and shall incur no liability for revocation of the permit and the permit holder occupies the right-of-way temporarily at the permit holder's sole risk.

\_\_\_\_\_  
Nolan K. Young, City Manager

Date: \_\_\_\_\_



**TEMPORARY PLACEMENT PERMIT**

**IN PUBLIC RIGHT-OF-WAY**

**(Reference: HRMC 13.52.040)**

**PERMIT NO. 2011-001**

**Issued by: City of Hood River**

301 Oak Street  
PO Box 27  
Hood River, Oregon 97031  
Phone: 541-386-1488 Fax: 541-387-5289

Permit Issued to: Dirt Huggers c/o: Pierce Louis/Tyler Miller  
541.490.2350  
541.380.1506

Approved Locations: Various Commercial Businesses in City Limits.

Specific Requirements: Pickup of organic waste material at selected commercial businesses in Hood River.  
Collection at residential locations is not authorized without prior written approval of City Manager.

Permitted Dates: Daily until expiration on June 30, 2011.

This permit is issued to allow temporary occupancy of the public right-of-way. This permit is revocable at any time for any reason at the discretion of the City Manager or the City Council. The City is not liable and shall incur no liability for revocation of the permit and the permit holder occupies the right-of-way temporarily at the permit holder's sole risk.

  
Robert Francis, City Manager

Date: 11/7/11



## 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 #
January 31, 2011	Action Items 11, B	11-006

**TO:** Honorable Mayor and City Council

**FROM:** Gene E. Parker, City Attorney

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

**DATE:** January 20, 2011

**ISSUE:** Confirmation of appointments for Municipal Court Judge and Municipal Court Judge Pro-Tem positions, and approval of employment agreements

**RELATED CITY COUNCIL GOAL:** None.

**PREVIOUS AGENDA REPORT NUMBERS:** #11-002

**BACKGROUND:** On January 17, 2011, the City Council voted to appoint Tom Peachey for the position of Municipal Judge, and Linda Gouge for the position of Municipal Judge Pro-Tem. City staff will be meeting with Mr. Peachey to review certain procedural issues concerning the court, including a discussion as to the possible reduction in the number of days that a judge will be scheduled to appear. Staff is anticipating that the terms of an employment agreement for both Mr. Peachey and Ms. Gouge can be negotiated prior to January 31<sup>st</sup>. Copies of the proposed agreements will be provided to the Council as soon as possible. The agreements are anticipated to include a provision that the terms of the agreement would be reviewed in July, to determine if there needs to be any alteration in the compensation paid, or in the hours of service to be provided by either Mr. Peachey or Ms. Gouge.

**BUDGET IMPLICATIONS:** The Judicial Department has the sum or \$10,998 available for the months of January to June, 2011 to pay for the services of Wil Carey, who has served as

Municipal Judge Pro Tem for January, and to pay for the services of Mr. Peachey and Ms. Gouge.

**ALTERNATIVES:**

- A. Staff Recommendation. The Council move to authorize the City Manager to execute the employment agreements with Tom Peachey and Linda Gouge for the respective positions of Municipal Judge and Municipal Judge Pro-Tem.



## CITY of THE DALLES

313 COURT STREET  
THE DALLES, OREGON 97058

(541) 296-5481  
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### AGENDA STAFF REPORT CITY OF THE DALLES

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
January 31, 2011	Discussion Items 12, A	11-008

**TO:** Mayor and City Council

**FROM:** Nolan K. Young, City Manager

**DATE:** January 19, 2011

**ISSUE:** Wasco County Public Hearing on Urban Area Roads

**BACKGROUND:** Attached is the letter that Wasco County mailed to some residents within the City of The Dalles Urban Growth Area regarding the public roads in front of their property. The Urban Growth Area is that area between existing City Limits and the Urban Growth Boundary. This area is still under County control for all regulations except land use regulations.

We have also attached the County Commission's adopted notice calling for the Public Hearing indicating their intent to consider withdrawing identified roads from the County road system and certifying them as public roads of local access.

The primary difference in these categories of public right of way is that County roads have been accepted under Oregon State Statute (ORS) for County maintenance, but public roads have not. The stated purpose of this proposed system withdrawal is to allow these roads to transition to City system at the time they are annexed into the City.

Currently the City and County staff have a cordial disagreement on when the City should accept responsibility for County roads annexed into the City. The County staff who are struggling with shrinking funds for road maintenance feel that regardless of the condition of the road, once the road is annexed into the City the City should take responsibility. Part of their argument is that the City's receipt of State Gas Tax used to maintain these roads are based on population, so as additional population is added, additional funds go to the City.



The City's position is that County roads should not be accepted by the City until the County or development brings the roads up to City standards. The City position is based on the fact that the County does not receive less State Gas Funds when the roads are annexed into the City as County receipts are based on vehicle registration in the County, which includes all City residents. Also City residents are County residents and should continue to receive County services. This is similar to State roads within the City and County. Most County roads continue to be rural in nature even when annexed into the City until development takes place and creates the need and opportunity for sidewalks, curbs and gutter and other storm facilities to be installed.

A concern we have with this proposed action is that once the County withdraws these roads and they are annexed into the City the roads are still public roads and the City is not obligated to take over the maintenance. However, as traffic increases there will be some instances where the City will have to take some action. An example of this is Pomona Street between 6<sup>th</sup> and 8<sup>th</sup> Street; after the street had been annexed, the City proceeded to put in a new travel surface because it was functioning as a collector street between 10<sup>th</sup> and 6<sup>th</sup> and sections were totally deteriorated causing problems for the motoring public.

We are bringing this issue to the City Council so that you may take a formal position on this issue prior to the County Public Hearing on February 16<sup>th</sup>. The City Staff would then present this position both in writing prior to the hearing and in person at the hearing.

City Staff is currently reviewing the roads that the County wishes to decertify and early next week will be sending the Council a table reviewing the condition, functionality (how does the street function; residential, collector, arterial) and general traffic level. We will also be looking at any common ground and potential agreements that can be reached so that the County doesn't feel their only option is to take this action. We will also send the Council a copy of the County Road master's Report on this issue when available on January 26, 2011.



2705 EAST 2ND STREET  
THE DALLES, OR 97058-4097

541-506-2640  
FAX-506-2641

January 14, 2011

Dear Property Owner,

Wasco County is exploring whether or not to withdraw certain county roads from the county road system and change them to public roads of local access. This letter is being sent to all property owners abutting certain Wasco County Roads inside the City of The Dalles Urban Growth Area. Enclosed with this letter is a Notice for a Public Hearing and a map showing your property and the county road in question.

We are doing this action for two reasons:

First, the City of The Dalles is pursuing the City Council's policy to annex areas within the Urban Growth Area at the earliest opportunity that the law allows. Doing so has caused numerous issues of transitioning County roads into City operations. The County Road Department does not have the equipment or manpower to provide an adequate level of urban services. It is not equipped to build and maintain curbs, sidewalks, storm water drains and other urban facilities.

Withdrawing county road status prior to annexation assures that a street will transition into the city system upon annexation.

Secondly, the County Road Department is facing a catastrophic reduction to its budget with the loss of Federal Forest Receipts (over 1 million dollars per year). The road crew has already been downsized by 30 % and the County no longer has the ability to maintain urban road systems indefinitely.

If the County Board of Commissioners approves withdrawal, it is the County Road Department's recommendation that it be directed by the Board of County Commissioners to continue maintenance on these roads, until such time that City annexation occurs.

WASCO COUNTY, OREGON  
NOTICE OF PUBLIC HEARING

NOTICE is hereby given that pursuant to the Order of the Wasco County Board of Commissioners of January 12, 2011, in regard to the matter of withdrawing from the County General Road System and changing to Public Roads of Local Access various County Roads or portions thereof within the Urban Growth Boundary of the City of The Dalles as described as follows:

WEST SIDE

West 8<sup>th</sup> Street (County Road No. 521), from the northerly right-of-way line of Chenowith Loop Road northerly 0.07 mile to the southerly right-of-way line of Irvine Street West, a public road of local access.

West 9<sup>th</sup> Street (County Road No. 522), from the northerly right-of-way line of Chenowith Loop Road northerly 0.04 mile to the southerly right-of-way line of Irvine Street West.

Irvine Street West (County Road No. 545), from that point near the northerly extension of the easterly line of Lot 7 of Luron Addition where the public road of local access portion of Irvine Street West begins westerly 0.19 mile to the easterly right of way line of West 10<sup>th</sup> Street.

Irvine Street West (County Road No. 545), from the westerly right of way line of West 10<sup>th</sup> Street westerly 0.18 mile to that point near the easterly extension of the northerly line of vacated Block D of Emerson Park Addition where West 13<sup>th</sup> Street (County Road No. 544) begins.

West 13<sup>th</sup> Street (County Road No. 544), from that point near the easterly extension of the northerly line of vacated Block D of Emerson Park Addition where Irvine Street West (County Road No. 545) ends, southerly 0.40 mile to the southerly right of way line of Emerson Street West (County Road No. 543).

Emerson Street West (County Road No. 543), from the easterly right-of-way line of West 13<sup>th</sup> Street (county Road No. 544) easterly 0.04 mile to the current city limits of The Dalles, near the easterly boundary of Blocks A and B of Emerson Park Addition.

Kingsley Street West (County Road No. 540), from the southerly right-of-way line of West 13<sup>th</sup> Street (County Road No. 503) southwestwardly 0.11 mile to the northerly right-of-way line of West 16<sup>th</sup> Street, a public road of local access.

River Trail Way (County Road No. 514), from the northerly right-of-way of River Road (County Road No. 514) northwesterly 0.39 mile to its terminus.

Mill Creek Market Road (County Road No. 3), from the current city limits of The Dalles, a line described as:

Beginning at the northeast corner of that land described in Wasco County Deed Doc. No. 2006-1910 (1N 13 9B TL 900), thence northwesterly along the northwesterly extension of the southwesterly boundary line of said land to the centerline of said Mill Creek Market Road,

thence northeasterly along said centerline approximately 305 feet to its intersection with the southeasterly extension of the northeast line of Tract "C" Common Area of Mill Creek Crossing P.U.D., thence northwesterly along said extension to its intersection with the northwesterly right-of-way line of said Mill Creek Market Road;

Southwesterly approximately 0.19 mile to its intersection with the current urban growth boundary of the City of The Dalles, a line described as:

Beginning at the northwest corner of that land described in Wasco County Deed Doc. No. 1979-0849 (1N 13 9N TL 1200), thence northeasterly approximately 610 feet to the southwest corner of Tract B Common Area, Mill Creek Crossing Phase 2.

#### EAST SIDE

East 12<sup>th</sup> Street (County Road No. 110), from the westerly right-of-way line of Richmond Street East westerly 0.23 mile to the current city limits of The Dalles, at the southerly extension of the westerly line of Lot 17, Block 4, Thompson's Addition.

East 13<sup>th</sup> Street (County Road No. 180), from the easterly right-of-way line of Richmond Street East easterly 0.20 mile to the westerly right-of-way line of Lambert Street East.

Richmond Street East (County Road No. 189), from the southerly right-of-way line of East 10<sup>th</sup> Street southerly 0.15 mile to the westerly extension of the southerly right-of-way line East 13<sup>th</sup> Street.

East 18<sup>th</sup> Street (County Road No. 185), from the current city limits of The Dalles, at the northerly extension of the westerly line of Lot 3, Block 17, Thompson's Addition, easterly 0.19 mile to the current city limits of The Dalles, at the northerly extension of the easterly line of Lot 8, said Block 17, Thompson's Addition.

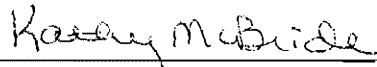
Dry Hollow Road (County Road No. 106), from the current city limits of The Dalles along the southerly right-of-way line of East 19<sup>th</sup> Street, a public road of local access, and the easterly extension thereof, southwesterly 0.09 mile to the southerly line of the current urban growth boundary of the City of The Dalles, also being the south line of the Bigelow Donation Land Claim No. 40.

The Wasco County Board of Commissioners will conduct a Public Hearing on the 16th day of February, 2011, at the hour of 4:30 p.m. in County Courtroom #202 in the Wasco County Courthouse, The Dalles Oregon, to consider the report of the Wasco County Roadmaster as to his opinion whether the Roads are needed as part of the County Road System and all facts, matters, and things which are of importance to the Board of Commissioners, and to hear any and all comments and objections to declaring said Roads as Public Roads of Local Access as authorized by ORS 368.026.

The Wasco County Roadmaster's Report will be available for public review after January 26, 2011, at one of the following locations: Wasco County Board of Commissioners Office located at 511 Washington Street, Suite 302, Wasco County Public Works Department located at 2705 E. Second Street, or on the County's website at [www.co.wasco.or.us](http://www.co.wasco.or.us)

This Notice will be posted at the Wasco County Courthouse and at three public places in the vicinity of said Roads.

By Order of the Wasco County Board of Commissioners.



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Kathy McBride,  
Wasco County Executive Assistant

Published:     January 25, 2011  
                     February 8, 2011

### County Roads in the City of The Dalles Urban Growth Area

Road Name/Location	Length	Functional Classification	Construction	Curbs/ Sidewalks	Storm System	Surface Condition
W 8 <sup>th</sup> St: Chenoweth Loop Rd to Irvine St	0.09 mi	Local	No base, chip seal, gravel shoulders	None	None	Poor
W 9 <sup>th</sup> St: Chenoweth Loop Rd to Irvine St	0.05 mi	Local	No base, chip seal, gravel shoulders	None	None	Fair to Poor
W 13 <sup>th</sup> St: Irvine St to Emerson St	0.39 mi	Collector	No base, chip seal, gravel shoulders, elevated catch basins	None	Yes	Fair to mostly poor
Emerson St: W 13 <sup>th</sup> to City Limits	0.04 mi	Local	No base, chip seal, gravel shoulders	None	Yes	Fair to Poor
Irvine St: W 9 <sup>th</sup> to W 10 <sup>th</sup>	0.18 mi	Local	No base, chip seal, gravel shoulders	None	None	Fair to Poor
Irvine St: W 10 <sup>th</sup> to W 13 <sup>th</sup>	0.19 mi	Local	No base, chip seal, gravel shoulders	None	None	Good to Fair
Kingsley St: W 13 <sup>th</sup> to W 16 <sup>th</sup> <b>This street is already annexed</b>	0.19 mi	Local	No base, chip seal, gravel shoulders	Partial curbs no sidewalks	Yes	Fair to Poor
River Trail Way: River Rd to private properties	0.39 mi	Collector (industrial area)	New asphalt, base, gravel shoulders	None	None	Good
E 12 <sup>th</sup> St: Richmond St to City Limits	0.23 mi	Collector	No base, chip seal, gravel shoulders	None	None	Fair to Poor
E 13 <sup>th</sup> St: Richmond St to Lambert St	0.39 mi	Local	No base, chip seal, gravel shoulders	None	None	Fair
E 18 <sup>th</sup> St: City limits to City Limits	0.19 mi	Local	No base, chip seal west-bound, new asphalt east-bound, gravel shoulders	None	None	Fair W-bnd Good E-bnd
Richmond St: W 10 <sup>th</sup> St to W 13 <sup>th</sup> St	0.15 mi	Local	No base, chip seal, gravel shoulders	None	None	Poor
Dry Hollow Rd: E 19 <sup>th</sup> to UGB	0.11 mi	Arterial	Maybe base, chip seal, gravel shoulders	None	None	Fair to Poor
Mill Creek Rd: City Limits to UGB	0.04 mi	Arterial	Base, new asphalt, gravel shoulders	None	None	Good

### **Functional Classification Definitions (from 2005 Transportation System Plan):**

**Arterial Streets:** Form the primary roadway network within and through a region. They provide a continuous road system that distributes traffic between neighborhoods and districts. Generally, arterial streets are high capacity roadways that carry high traffic volumes with minimal localized activity.

**Collector Streets:** The function of urban collector streets is equally divided between mobility and access. Collector streets connect local neighborhoods or district traffic to the arterial network. Generally, they do not connect together to form a continuous network because they are not designed to provide alternative routes to the arterial street system.

**Local Street:** The roadway systems that provide access within neighborhoods and generally carry lower traffic volumes.

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### **Condition Ratings:**

**Good:** no evidence of significant surface cracking or base failure

**Fair:** slight cracking of surface, mostly good surface integrity, aggregate still adhered to surface

**Poor:** significant cracking of surface, evidence of settling (base failure), deteriorated utility patches, losing surface integrity, crumbling road edges

**Failed:** completely deteriorated surface, settling/sinking of roadway.

# CITY OF THE DALLES ROADS



## Legend

City Limits



Urban Growth Boundary



Wasco County Roads  
Outside City Limits / Inside UGB

