

AGENDA

REGULAR CITY COUNCIL MEETING

July 12, 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 June 28, 2010 Regular City Council Meeting Minutes
- B. Approval of June 21, 2010 Town Hall Meeting Minutes

11 PUBLIC HEARINGS

- A. Public Hearing to Receive Testimony Regarding Objections to the Cost of Assessment of the West First Street, Terminal Way and Bargeway Road Reconstruction Project [**Agenda Staff Report #10-051**]
 - 1 Special Ordinance No. 10-537 Assessing Certain Lots and Tracts of Land Within the City of The Dalles, a Proportionate Share of the Cost of the West First Street, Terminal Way and Bargeway Road Reconstruction Project

12. ACTION ITEMS

- A. Approval of Design for East Tenth Street Widening Project Between "J" and Lewis Streets [**Agenda Staff Report #10-052**]
- B. General Ordinance No. 10-1306 Adopting the I-84 Chenoweth Interchange Area Management Plan, Dated December, 2009 [**Agenda Staff Report #10-053**]
- C. Approval of Amendment to Quality Life Agency (QLife) Intergovernmental Agreement [**Agenda Staff Report #10-054**]
- D. General Ordinance No. 10-1305 Amending General Ordinance No. 07 1286, Establishing Additional Credits Toward Transportation Systems Development Charges [**Agenda Staff Report #10-055**]
- E. Request by Northern Wasco County Parks and Recreation District to Waive the Fee for a Conditional Use Permit Application for the Thompson Skate Park [**Agenda Staff Report #10-056**]

13. EXECUTIVE SESSION

- A. Recess to Executive Session in Accordance With ORS 192.660 (2) (c) to Conduct Deliberations with Persons Designated by the Governing Body to Negotiate Real Property Transactions

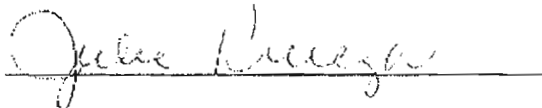
OFFICE OF THE CITY MANAGER

COUNCIL AGENDA

- B. Reconvene to Open Session
- 14. DECISIONS FOLLOWING EXECUTIVE SESSION
- 15. 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 #
July 12, 2010	Consent Agenda 10, A- B	N/A

TO: Honorable Mayor and City Council**FROM:** Julie Krueger, MMC, City Clerk**THRU:** Nolan K. Young, City Manager**DATE:** June 29, 2010**ISSUE:** Approving items on the Consent Agenda and authorizing City staff to sign contract documents.**A. ITEM:** Approval of June 28, 2010 Regular City Council Meeting Minutes.**BUDGET IMPLICATIONS:** None.**SYNOPSIS:** The minutes of the June 28, 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 June 28, 2010 regular City Council meeting.**B. ITEM:** Approval of June 21, 2010 Town Hall Meeting Minutes.**BUDGET IMPLICATIONS:** None.**SYNOPSIS:** The minutes of the June 21, 2010 Town Hall meeting minutes are submitted for review and approval.**RECOMMENDATION:** That City Council review and approve the minutes of the June 21, 2010 Town Hall meeting.

MINUTES

REGULAR COUNCIL MEETING
OF
JUNE 28, 2010
5:30 P.M.
CITY HALL COUNCIL CHAMBER
313 COURT STREET
THE DALLES, OREGON

PRESIDING: Mayor Jim Wilcox

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

COUNCIL ABSENT: Dan Spatz

STAFF PRESENT: City Manager Nolan Young, City Attorney Gene Parker, City Clerk Julie Krueger, Public Works Director Dave Anderson, Finance Director Kate Mast, Community Development Director Dan Durow, Police Chief Jay Waterbury, Administrative Intern Cooper Whitman

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; Councilor Spatz absent.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

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

PRESENTATIONS/PROCLAMATIONS

Mayor Wilcox presented a Certificate of Appreciation to Rodger Nichols for his service as a reporter with The Dalles Chronicle. Wilcox commended Nichols for his fair and accurate reporting of City Council meetings and said he had done a great job for many years. Wilcox wished him well in his new career.

AUDIENCE PARTICIPATION

None.

CITY MANAGER REPORT

City Manager Young presented a Certificate of Achievement for Excellence in Financial Reporting for the year 2009.

The City Council commended Finance Director Mast for her work.

Young announced the dedication ceremony for the Roundabout had been scheduled for July 8, 2010 at 3:30 p.m. and encouraged the City Council to attend.

Young reported the City had been awarded a grant from EDA in the amount of \$2 million for the marine terminal project. He said the City was waiting to hear about a Connect Oregon III grant for the same project and if it was received, the City should be able to complete the entire project, including the festival area. Young said staff had met with the Yakama Nation representatives regarding fishing sites and were working to mitigate the issues.

City Manager Young said the contractor working on water lines on Dry Hollow Road had agreed to postpone the work until after the cherry harvest was finished.

Young said staff was working on an application to apply for stimulus funding to complete the entire riverfront connection project that would include all components, including the Riverfront Trail, Lewis and Clark Fountain and other pieces of the project.

Young said the City had applied for a grant to complete the Webber Street Interchange Area Management Plan (IAMP), but did not get the funding.

CITY ATTORNEY REPORT

City Attorney Parker reported he had been working on the Chenoweth IAMP ordinance for adoption at the July 12th Council meeting and said he had been assisting the Planning Department in developing agreements for the Urban Renewal grants recently awarded to three applicants.

CITY COUNCIL REPORTS

Councilor McGlothlin reported he had attended the Traffic Safety Commission meeting where three main topics were discussed. He said the Commission had requested the School District to consider some curbing and cross walk options near the middle school, delaying a decision to place a four way stop at East 12th and "H" Streets; a decision for a speed reduction on West Tenth Street near Webber Street had been postponed; and there had been a discussion regarding a request for a stop sign on Fourth Street at Court had been denied.

Councilor Ahier reported the QLife Agency staff continued to work on developing the wireless cloud project, which was being done with a grant.

Mayor Wilcox thanked staff for their replies to questions which had been raised at the recent Town Hall meeting. He said the Airport Board would be meeting this week to consider the final draft of the Airport Master Plan, which would then be forwarded to the City Council and Klickitat County for final approval.

CONSENT AGENDA

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

Items approved by Consent Agenda were: 1) approval of June 14, 2010 regular City Council meeting minutes; 2) authorization for City Clerk to endorse annual OLCC license renewals; 3) approval of Amendment #3 with OMI for Wastewater Treatment Plant Operations for the 2010-11 fiscal year; and 4) authorization for City Clerk to endorse OLCC New Outlet applications for Celilo Inn and Comfort Inn.

MINUTES (Continued)
Regular Council Meeting
June 28, 2010
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PUBLIC HEARINGS

Public Hearing to Receive Testimony Regarding Proposed Surplus Real Property Known as the Mesplie Reservoir

Mayor Wilcox reviewed the procedures to be followed for the public hearing.

The staff report was reviewed by City Attorney Parker.

Testimony

Hearing no testimony, the public hearing was closed.

Resolution No. 10-014 Declaring a Parcel of Real Property Commonly Known as the Mesplie Reservoir Property as Surplus Property

It was moved by Ahier and seconded by McGlothlin to adopt Resolution No. 10-014 declaring a parcel of real property commonly known as the Mesplie Reservoir property as surplus property. The motion carried unanimously, Spatz absent.

ACTION ITEMS

Resolution No. 10-011 Authorizing Transfers of Funds Between Categories of Various Funds, Making Appropriations and Authorizing Expenditures for the Fiscal Year Ending June 30, 2010

Finance Director Mast reviewed the staff report.

Councilor Ahier asked for clarification regarding the transfer of \$700,000 from Water Capital Reserve to Water Materials and Services Fund.

Finance Director Mast explained that these expenses were for engineering services which should be in materials and services and not a capital outlay fund.

It was moved by Wood and seconded by McGlothlin to adopt Resolution No. 10-011 authorizing transfers of funds between categories of various funds, making appropriations and authorizing expenditures for the fiscal year ending June 30, 2010. The motion carried unanimously, Spatz absent.

Request for Refund of Transient Room Tax Penalties by Shilo Inn

Finance Director Mast reviewed the staff report. In response to a question, Mast said she had been told someone had apparently not understood the priority to pay the taxes and not include them as their revenue. She said the company had worked diligently to correct the problem and were now current on their tax payments.

Councilor Ahier asked if the interest would also be refunded. Finance Director Mast said the ordinance did not allow the return of the interest, only the penalties.

Councilor Wood said she had difficulty understanding how a company with so many hotels did not understand that they did not get to keep the tax they collected on behalf of the City

It was moved by McGlothlin and seconded by Dick to grant a refund of penalties paid by the Shilo Inn in the amount of \$1,349.40.

Councilor Ahier said he was uncomfortable with the proposal, saying this could happen with other hotels who were struggling financially too.

Councilor Dick said he viewed the penalty as an aid in enforcement of the ordinance and that if the Finance Director recommended the penalties be refunded, he was comfortable with it.

The motion to grant a refund of penalties paid by the Shilo Inn in the amount of \$1,349.40 was voted on and carried; Wood voting no, Spatz absent.

Resolution No. 10-012 Accepting a Deed of Dedication of Property for Public Street Purposes from Icon Holdings LLC

City Attorney Parker reviewed the staff report.

Councilor Ahier said he did not believe he had any conflict of interest, but because he was an employee of Mid Columbia Medical Center, who was involved in the project, he would decline from participating in the discussion and voting on this subject.

It was moved by Dick and seconded by McGlothlin to adopt Resolution No. 10-012 accepting a deed of dedication of property for public street purposes from Icon Holdings LLC. The motion carried unanimously; Ahier abstaining, Spatz absent.

Recommendation from Columbia Gorge Regional Airport Board to Approve a Three Year Airport Management Agreement With Aeronautical Management, Inc.

City Attorney Parker reviewed the staff report, noting he had not received a reply from the Klickitat County Attorney or Aeronautical Management regarding proposed language changes. He asked the Council to allow a one month extension of the current agreement, allowing the new agreement to be retroactive to July 1 regarding compensation.

It was moved by Wood and seconded by Dick to direct staff to allow a one month extension to the current Airport Management agreement and allow the compensation portion of the new agreement to be retroactive to July 1. The motion carried unanimously, Spatz absent.

AUDIENCE COMMENTS

Doug Hattenhauer said he would have liked to have an opportunity to speak about the Action Item regarding the penalty refund for the Shilo Inn. He said he did not agree with the decision because it would set a precedent for others to not pay their taxes and he said he did not understand why he was not allowed to address Council during that discussion.

Mayor Wilcox said the Council did not take public comment on every action item. City Manager Young said the decision to refund the penalty did not set any precedent and that the Council had the ability to decide whether or not to accept public comment on action items. He suggested if someone in the audience wished to speak on a matter, they raise their hand and the Mayor could call on them if it was appropriate.

Mr. Hattenhauer said he had asked the Council at a previous meeting to consider a payment to Cannon Packer store due to the hardships they had endured during the construction of the round about. He said that question had not been addressed.

Councilor Dick said the City Council agendas were posted on the City's website ten days in advance of the meetings and were available at City Hall. He said citizens should look at the agenda and if they have concerns or questions about an issue, call a City Councilor or the City Manager in advance of the meeting. He said it was frustrating for the Council to have an agenda established and then be side tracked by having to address issues that they didn't have any information about and were asked to make decisions on.

City Manager Young said he did not recommend any compensation to Cannon Packer for their disruption during the construction. He said many businesses experienced disruptions during

necessary construction projects. Young said he understood the owner of the Cannon Packer building did offer alternatives to that store and they chose to remain there during the construction period.

Mayor Wilcox agreed, saying that business made a decision to remain in the location.

It was the consensus of the City Council that if the business owner requested compensation, they could do so through the proper chain, by submitting their request in writing to the City Manager

DISCUSSION ITEMS

Discussion Regarding the League of Oregon Cities 2011 Legislative Agenda

City Manager Young reviewed the staff report, highlighting the eight items recommended by staff for Council consideration. The items were: 1) D. Community Development: continue efforts to resolve conflicts between the Transportation Planning Rule (TPR) and other statewide land use planning goals by changes to Oregon Department of Transportation/Department of Land conservation and Development (ODOT/DLCD) procedures and rules, or by legislative action; 2) E. Energy: reauthorize Business Tax Credit (BETC) to leverage local investments in energy conservation, fuel conservation, renewable energy projects, as well as recruitment and expansion of renewable energy resource equipment manufacturing facilities; 3) G. Finance & Taxation: maintain and strengthen the state's historic commitment to the State Shared Revenue funding formula. Any additional taxes or surcharges on these items must be incorporated into the current formula so cities may continue to provide services related to these revenues; 4) K. General Government: Attach municipal court fines to tax returns; 5) U Transportation: Advocate for sustainable alternatives to fuel taxes to address decreasing State Highway Fund revenues as a result of an increase in automobile efficiency and the development of new technologies; 6) BB. Water/Wastewater: Protect existing and future water rights from conditions that would prevent municipalities from meeting current or future demands; 7) J. General Government: Restore the Department of Public Safety Standards and Training (DPSST) Regional Training Program and protect DPSST from further cuts; and 8) R. Telecommunications: Address tax equity issues in the context of state telecommunications laws including removing existing preemptions that have led to declining revenues. Work toward an alternative revenue system for telecommunications provider. Oppose preemption of city franchising, rights of way and taxing authority.

Mayor Wilcox asked to add an item to the list for consideration: A. Community Development. Support an urban growth boundary agenda that would provide for a more efficient urban growth management system (as outlined in the full Community Development Committee long term recommendation).

Following discussion It was moved by Abier and seconded by McGlothlin to submit the following items as the City's priorities for the 2011 Legislative Session: 1) G Finance & Taxation. maintain and strengthen the state's historic commitment to the State Shared Revenue funding formula. Any additional taxes or surcharges on these items must be incorporated into the current formula so cities may continue to provide services related to these revenues; 2) A. Community Development: Support an urban growth boundary agenda that would provide for a more efficient urban growth management system (as outlined in the full Community Development Committee long term recommendation); 3) BB. Water/Wastewater: Protect existing and future water rights from conditions that would prevent municipalities from meeting current or future demands; and 4) J. General Government. Restore the Department of Public Safety Standards and Training (DPSST) Regional Training Program and protect DPSST from further cuts. The motion carried unanimously, Spatz absent.

EXECUTIVE SESSION

Mayor Wilcox recessed the meeting to Executive Session at 7:13 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 7:25 p.m.

ADJOURNMENT

Being no further business, the meeting adjourned at 7:26 p.m.

Submitted by/
Julie Krueger, MMC
City Clerk

SIGNED: _____

James L. Wilcox, Mayor

ATTEST: _____

Julie Krueger, MMC, City Clerk

MINUTES

**TOWN HALL MEETING
OF
JUNE 21, 2010
5:30 P.M.
MID COLUMBIA SENIOR CENTER
THE DALLES, OREGON**

PRESIDING: Mayor Jim Wilcox

COUNCIL PRESENT: Bill Dick, Carolyn Wood, Dan Spatz,

COUNCIL ABSENT Brian Ahier, Tim McGlothlin

STAFF PRESENT: City Manager Nolan Young, City Attorney Gene Parker, City Clerk Julie Krueger, Public Works Director Dave Anderson, Police Chief Jay Waterbury, Engineer Dale McCabe, Administrative Intern Cooper Whitman, Librarian Sheila Dooley, Community Development Director Dan Durow

CALL TO ORDER

Mayor Wilcox called the meeting to order at 5:30 p.m. and asked the audience to join in the Pledge of Allegiance.

PUBLIC COMMENTS AND QUESTIONS

Mayor Wilcox invited the public to raise any questions or make comments.

Steve Lawrence, 222 West 12th Street, The Dalles, said he was the Civic Auditorium Board President. He provided a brief update on the activities of the Board, noting they were preparing to meet to prepare a plan for restoration of the theater. Lawrence said when the Plan was completed, they would be seeking grant funds to begin the work. He expressed concern regarding rumors of the City's purchase of the Granada Theater, saying this could compete with the plans of the Civic Auditorium group.

MINUTES (Continued)
Town Hall Meeting
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Mayor Wilcox said the Granada Theater had been purchased by the Urban Renewal Agency and that there was a long term plan to place it into private ownership. City Manager Young said it would be approximately six to nine months before a plan was completed with a private developer, but that it would be complimentary to the Civic and not competitive.

Ken Ramsey, Red Wagon Antiques, PO Box 5, The Dalles, asked for an explanation from the City Council regarding their decision to not allow yard sale signs at intersections in the community. He said he purchased approximately 60% of his items for his antique store at the sales and it was important to be able to find them by reading the signs.

Mayor Wilcox said he was not opposed to yard sales, but the signs were a nuisance problem and were not allowed on City right of way. He said they signs were not regularly picked up after the sales ended. Wilcox said the Council directed staff to develop some alternatives and that the program was in a trial which would be evaluated at the end of July.

Donna Lawrence, 222 West 12th Street, The Dalles, said she noticed a large number of abandoned vehicles on the streets and many sidewalks that were overgrown with shrubbery. She asked how best to report these items to the Codes Enforcement Department.

City Manager Young said the sidewalk concerns could be addressed to John Dennee and the abandoned vehicles could be reported to Nikki Lesich. Email addresses were provided to Mrs. Lawrence so she could provide the information to the appropriate staff.

Nicole Ramsey, PO Box 5, The Dalles, said she believed the City's ordinances encouraged neighbors to tattle on one another instead of being helpful toward each other. She said a helpful neighbor program should be developed to help people clean up their properties. Mrs. Ramsey described a letter she had received to clean up her own property, noting it was inaccurate and required her to clean up the children's toys. She said if there was no fire hazard, people should be left alone.

Mayor Wilcox explained that many citizens did find junky yards offensive and that people had a right to live in a clean environment.

Marilyn Clifford, PO Box 269, The Dalles, said the City should do a better job of informing the citizens about issues and invite them to attend the meetings.

Mayor Wilcox said all City Council meeting agendas and minutes were available in advance and placed on the City's website for anyone to access. He encouraged citizens to check the agendas to determine whether there were items of interest to them.

Bob McNary, 1525 East Ninth Street, The Dalles, said he was opposed to the City purchasing private property such as the Granada Theater. He said tax revenues would decrease with property being in public ownership. McNary expressed frustration with continued purchase of property and questioned how the City would receive any revenue with the Flour Mill project.

City Manager Young said the part of the purpose of urban renewal was to acquire blighted property and then work to get a private developer to update and own the property. He said the process can take a long time, but the projects that had been completed, such as the Commodore Building and the Columbia Bank property, had been very successful.

Young said there was activity at the Flour Mill property and that it should be in private ownership within five years. It was also noted that the business located there had six or seven employees and that generating employment was positive for the local economy.

Councilor Spatz retired from the meeting at 6:25 p.m.

Donna Lawrence asked for additional information regarding the purchase of the Granada. City Manager Young explained it was purchased by the Urban Renewal Agency, so it was in public ownership currently. He said the Agency was working with a private developer to make the building viable for future use. Young said urban renewal funds would help by replacing some basic infrastructure, but the intent was to stop the building from further deterioration and then to help someone else make the building a meaningful part of the downtown economy.

Steve Lawrence questioned why the purchase had been secretive. It was explained that real estate transaction details were frequently worked out in private, but that the decision to make the purchase had been made in an open meeting, as required by law.

Jeff Clifford asked the purchase price, appraised value and assessed value of the Granada property. City Manager Young said the property was purchased for approximately \$374,000 and the original selling price was approximately \$600,000. Young said he did not know the dollar figure for the appraised value.

Mr. Clifford said he was opposed to City ordinances regarding yard sale signs, saying it infringed on citizens rights. He suggested that The Dalles Disposal could pick up signs along their routes on Monday mornings to help keep the intersections cleaned up. Clifford questioned the size limits for signs, saying he believed it was three square feet, and said there were many real estate signs that were not in compliance with that regulation.

Mayor Wilcox and Councilor Wood both offered thanks to Bob McNary for his work in cleaning up the Pioneer Cemetery and Rock Fort sites.

MINUTES (Continued)

Town Hall Meeting

June 21, 2010

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Mr. McNary expressed concern regarding the City's ability to maintain streets. He said many streets were in a deteriorated condition and there did not seem to be funding to keep them repaired. McNary said he believed many people would support a bond measure to bring the streets up to a better standard.

McNary also expressed concern that the Fire District would lose its fire rating due to lack of training. He said there was not enough money for the proper training and manpower because they lost revenue due to the urban renewal district.

City Manager Young explained that from 1997 to the current time, the Fire District had not lost any tax revenue because of the urban renewal district. He said they would have a decrease for the last few years of the Plan.

Mayor Wilcox said the street conditions were a problem that had been acknowledged by the City Council through the budget process and that the City was working on funding options for the future.

City Manager Young said the City did not want to use bonding as a revenue source. He said other public entities in the community may need it more than the City.

Jack Bartell, 2616 West 13th Street, The Dalles, asked what the plan was for the former County Public Works facilities on West Tenth Street.

City Manager Young said the property was still owned by Wasco County. He said Mr. Bartell should contact the County, noting they had developed a master plan for the property, but he didn't know the specific uses proposed.

Jeff Clifford said it did not appear that the City was pro-business because they required permits and monthly fees for businesses to have sandwich board signs outside their businesses.

Community Development Director Durow said staff had met with the Downtown Merchants Association when the ordinance was being developed and the merchants requested the language be restrictive. He said a permit was required if the sign would be placed in the right of way area and there were some placement restrictions for safety purposes, but there was no monthly fee charged for the signs.

Mr. Clifford said he saw permit fees as a tax and did not support the fees.

MINUTES (Continued)
Town Hall Meeting
June 21, 2010
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Mayor Wilcox briefly described a concept to study the feasibility of implementing a business license. He said he hoped to appoint a committee in the Fall to study the issue and make recommendations.

An unidentified member of the audience questioned why people would be charged a fine of over \$100 for a yard sale sign, when people committing crimes of public indecency were barely punished.

Police Chief Waterbury said the charge of public indecency being referred to carried a penalty of up to one year in jail and a fine of up to \$6,250. He said the laws and penalties were set by the State of Oregon, not the City.

ADJOURNMENT

Hearing no further comments, the meeting adjourned at 7:15 p.m.

Submitted by/
Julie Krueger, MMC
City Clerk

SIGNED:

James L. Wilcox, Mayor

ATTEST:

Julie Krueger, MMC, City Clerk

**AGENDA STAFF REPORT**
CITY OF THE DALLES

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
July 12, 2010	Public Hearing 11, A, 1	10-051

TO: Honorable Mayor and City Council**FROM:** Julie Krueger, MMC, City Clerk**THRU:** Nolan K. Young, City Manager**DATE:** June 28, 2010

ISSUE: Public Hearing to Consider Remonstrances and adoption of Special Ordinance No. 10-537 Assessing Certain Lots and Tracts of Land Within the City of The Dalles, a Proportionate Share of the Cost of West First Street, Terminal Way and Bargeway Road Reconstruction Project.

BACKGROUND: This is the final public hearing to receive remonstrances for the West First Street, Terminal Way and Bargeway Road Reconstruction Project. As of the deadline of June 28, 2010, no remonstrances were submitted. After hearing any further objections to the cost of the assessments, the City Council should consider adoption of Special Ordinance No. 10-537. Once this Ordinance is adopted, the City Clerk will enter the assessments into the City Lien Docket and notices of collection of assessment will be mailed to the property owners. At that time, they will have the ability to pay in full or make arrangements to set up a payment schedule.

BUDGET IMPLICATIONS: Revenue collected from the assessments will be credited to the Special Assessment Fund.

ALTERNATIVES:

- A. **Staff Recommendation:** *Adopt Special Ordinance No. 10-537 assessing certain lots and tracts of land within the City of The Dalles, a proportionate share of the cost of West First Street, Terminal Way and Bargeway Road Reconstruction Project, by title.*

- B. Decline to adopt the Ordinance. This option would result in the City being unable to conclude the local improvement district process or to collect the assessments.
- C. Make amendments to assessments contained in the Ordinance, based on remonstrances received as a result of testimony from the public hearing.

SPECIAL ORDINANCE NO. 10-537

**AN ORDINANCE ASSESSING CERTAIN LOTS AND
TRACTS OF LAND WITHIN THE CITY OF THE DALLES,
A PROPORTIONATE SHARE OF THE COST OF WEST
FIRST STREET, TERMINAL WAY AND BARGEWAY
ROAD RECONSTRUCTION PROJECT**

WHEREAS, the City Council has heretofore announced its intent to improve, called for remonstrances, held a hearing, formed an improvement district, declared its intent to improve, received a report of the engineer, given notice of the proposed assessments and held a hearing on the proposed assessments related to the West First Street, Terminal Way and Bargeway Road reconstruction project, all as provided by law; and

WHEREAS, the proposed improvements have been completed at a cost of \$1,798,423.07 of which \$479,726.02 is to be divided and assessed among the properties, lots and tracts of land within the district according to the method of assessment proposed in the approved report of the City Engineer; **NOW, THEREFORE**,

THE COUNCIL OF THE CITY OF THE DALLES ORDAINS AS FOLLOWS:

Section 1. Assessment. The cost of the West First Street, Terminal Way and Bargeway Road Reconstruction project assessable to properties, lots and tracts of land benefitted within the improvement district is assessed upon each property, lot or tract in its proportionate share of the total assessable project cost as set out in the assessment roll which follows:

<u>Name/Address</u>	<u>Description</u>	<u>Final Assessment</u>
JR Zukin Corp. PO Box 331 The Dalles, OR 97058	2N 13E 33D #101	\$ 33,757.04

Cross Creek Group 559 San Ysidro Road, Ste J Santa Barbara, CA 93108 ATTN: Bob Zukin	2N 13E 33D #200	\$ 41,796.17
Oregon Cherry Growers PO Box 1577 The Dalles, OR 97058	2N 13E 33D #700	\$138,586.25
City of The Dalles 313 Court Street The Dalles, OR 97058	2N 13E 33D #800	\$172,280.69
City of The Dalles 313 Court Street The Dalles, OR 97058	2N 13E 33D #900	\$ 41,077.23
UPRR c/o Property Tax Dept. 1700 Farnam Road Omaha, NE 68102-2010	Right of Way	\$ 52,228.65
TOTAL FINAL ASSESSMENT		\$479,726.03

Section 2. Docket Entry. Upon passage of this Ordinance and its approval by the Mayor, the City Clerk is instructed and directed to enter in the Docket of City Liens the following matters in relation to the assessments:

- a. The foregoing legal description of the property assessed.
- b. The name of the owner or owners or a statement that the owner is unknown.
- c. The sum assessed upon each lot or tract of land.
- d. The date of the docket entry.

Section 3 Notices/Collection of Assessments. The City Clerk is hereby directed to give notice of the foregoing assessment by publication in the manner provided for by Section 9 of General Ordinance No. 91-1127 which notice shall be substantially in the form of Attachment I

attached hereto and by this reference made a part hereof. At the time of publication the City Clerk shall also cause a notice of collection of assessment to be mailed to the owner of each lot or tract of land at the owners last known address. The mailed notice shall conform to the requirements of Section 9 of General Ordinance No. 91-1127. The Clerk shall thereafter diligently proceed to collect the assessed amounts in the manner provided for by law.

Section 4. Effective Date. This ordinance shall be effective 30 days after adoption, August 12, 2010.

PASSED AND ADOPTED THIS 12TH DAY OF JULY, 2010

Voting Yes, Councilors:

Voting No, Councilors:

Absent, Councilors:

Abstaining, Councilors:

AND APPROVED BY THE MAYOR THIS 12TH DAY OF JULY, 2010

SIGNED:

James L. Wilcox, Mayor

ATTEST:

Julie Krueger, MMC, City Clerk

ATTACHMENT I

NOTICE OF COLLECTION OF ASSESSMENT

Notice is hereby given that the Council of the City of The Dalles has heretofore assessed the cost of the West First Street, Terminal Way and Bargeway Road Reconstruction Project, in the City of The Dalles, Oregon, upon each lot, parcel and part thereof benefitted thereby in the improvement district, with the proportionate share of that part of the cost of the improvement district, which assessment was entered in the Docket of City Liens on August 12, 2010, as follows:

<u>Name/Address</u>	<u>Description</u>	<u>Assessment</u>
JR Zukin Corp. PO Box 331 The Dalles, OR 97058	2N 13E 33D #101	\$ 33,757.04
Cross Creek Group 559 San Ysidro Road, Ste. J Santa Barbara, CA 93108 ATTN: Bob Zukin	2N 13E 33D #200	\$ 41,796.17
Oregon Cherry Growers PO Box 1577 The Dalles, OR 97058	2N 13E 33D #700	\$138,586.25
City of The Dalles 313 Court Street The Dalles, OR 97058	2N 13E 33D #800	\$172,280.69
City of The Dalles 313 Court Street The Dalles, OR 97058	2N 13E 33D #900	\$ 41,077.23
UPRR c/o Property Tax Dept. 1700 Farnam Road Omaha, NE 68102-2010	Right of Way	\$ 52,228.65
TOTAL FINAL ASSESSMENT		\$479,726.03

Notice is further given that if within twenty days from the date of publication of this notice which is the 1st day of September, 2010, the sum assessed upon any lot, parcel or part thereof, as set forth in this notice, is not paid to the City Clerk, the City may thereafter proceed to foreclose the assessment lien upon said property according to law.

Notice is further given pursuant to Oregon law and City ordinances, that the owner of any property so assessed in the sum of \$25 or more, may at any time within twenty days after notice is first published, file with the City Clerk, a written application to pay said assessment in installments. The installments may be paid over a period of not less than ten years. An owner has an option to file a written election to have the assessment payable over a period of less than ten years. The application may be obtained from the City Clerk on request. However, the amount remaining unpaid upon assessment may not be bonded for payment in installments if the amount remaining unpaid upon the assessment together with the unpaid balance of any previous assessments for improvements against the same property equals or exceeds double the assessed valuation of the property as shown by the last tax roll of Wasco County, Oregon.

CITY OF THE DALLES

Julie Krueger, MMC, City Clerk



CITY OF THE DALLES
Department of Public Works
1215 West First Street
The Dalles, Oregon 97058


AGENDA STAFF REPORT

CITY OF THE DALLES

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
July 12, 2010	Action Item 12, A	10-052

TO: Honorable Mayor and City Council

FROM: Dave Anderson, Public Works Director

THRU: Nolan K. Young, City Manager 

DATE: June 28, 2010

ISSUE: WIDENING OF EAST 10TH STREET FROM LEWIS TO "J" STREET

RELATED CITY COUNCIL GOALS: Goal 1, Tier 1, A.

PREVIOUS AGENDA REPORT NUMBERS: 07-098 – *Widening of 10th Street from Lewis to "J" Street*; 10-037 *Widening of 10th Street from Lewis to "J" Streets*

BACKGROUND: Staff presented options for the widening of East 10th Street from Lewis to "J" Street at the May 24th City Council meeting. This project is the last phase of the effort to widen East 10th Street between Kelly Avenue and Dry Hollow Road as identified in the 2005 Transportation System Plan, allowing 10th Street to function as a Major Collector Street.

The proposed project as recommended to City Council in May was to widen the street within the existing Right-of-Way (ROW) widths, providing parking on both sides where the City has a 60' ROW and parking on one side where there is a 40' ROW. The 40' ROW could accommodate two travel lanes and one 8-foot parking lane with curbs and sidewalks on both sides. To provide a little more street width in the 40' segment, it was proposed to reduce the sidewalk width from the normal 5 feet down to 4 feet on each side allowing construction of 11-foot wide travel lanes. Under this proposal, the City would not be acquiring any private property for the project.

The City Council directed staff to survey property owners and residents in the area to get input regarding which side of the street was preferred for on-street parking in the narrower section and to identify any other project concerns that may exist. The survey was conducted by Cooper Whitman, Administrative Intern and a copy of the survey report is attached.

A primary issue related to the location of on-street parking in the narrower section of East 10th Street is that to continue parking on the south side of the street, as currently exists, creates a misalignment of the centerline on 10th Street at its intersection with Lewis that requires traffic to shift to the north about 8 feet. It also creates a slight curve in the street midway through the 1500 block as traffic shifts back to the original center line. This design also results in a loss of 2-3 parking spaces as transition structures will have to be constructed along the curb-line to keep west-bound traffic from colliding with parked cars.

If the on-street parking is moved to the north side of the street, the centerline of 10th Street remains nearly straight and the parking spaces lost in the alternative scenario are preserved. The survey respondents expressed a preference to maintain on-street parking on the south side of the 10th Street.

Staff also met with Emergency Services managers to discuss the parking issue. The consensus from the Emergency Services folks was that on-street parking on either the north or south side would work for their respective agencies, but that moving the parking to the north side would provide greater safety and be preferred from their perspective. If we keep the parking on the south side, we essentially continue the current situation that exists at 10th and Lewis with a "jog" in the east-west traffic flow through the intersection; it was noted that this has worked for a long time. Based upon the preferences of the property owners and the fact that it has worked for Emergency Services, staff recommends that on-street parking be maintained on the south side of 10th Street.

Staff was also directed to evaluate off-street parking options including the use and improvement of East 10th Place. Due to topography, it would be very difficult for East 10th Place to help mitigate the parking challenges identified for adjacent property owners. Further, if residents desire improvements to East 10th Place, staff recommends that those desires be raised as a request under the Gravel Street Renovation Policy, utilizing multi-frontage relief as appropriate.

Northern Wasco County PUD was contacted to determine the feasibility of relocating existing overhead power utilities underground as part of the project. The PUD provided a cost estimate that indicated the cost to relocate the utilities on poles (of PUD expense) will be \$36,500 while the cost to relocate underground would be \$308,598 (at City expense, minus \$36,500) excluding the costs of trenching, laying conduit, or installing vaults. Of the \$308,598, \$98,598 is to construct the underground backbone and 42 services would need to be buried at a cost of \$5,000 each. Due to the cost difference to bury the electric utility, staff did obtain detailed cost estimates from the telephone or cable companies to bury their utilities.

Once direction is given regarding the type of street improvements to be made, final engineering and cost estimates for the project can be completed. There are significant improvements needed to the water and sanitary sewer systems before any street work can begin. That utility work could begin later this summer if all ROW issues are addressed. The street improvements could then be scheduled to be completed in the spring 2011. The underground utility upgrades would be

funded by the various utility funds and the street improvements would be paid for by funds collected as Transportation SDCs.

The widening project will also include the construction of retaining walls along some properties and other improvements such as driveway construction, installation of steps or stairs, and fence replacement to mitigate for the street widening. Some yards and fences have been built by property owners that encroach into existing Right-of-Way by as much as 20 feet and will need to be relocated. Concrete and fencing work will be contracted out while City crews will perform the water and sewer service relocation, street construction and paving activities.

BUDGET ALLOCATION: Water and Wastewater Funds will pay for service renewals from O&M budgets. Within Fund 13, the Bridge Replacement Reserve Fund, a total of \$335,000, collected as Transportation SDCs, is budgeted for this project.

ALTERNATIVES:

- A. **Staff Recommendation:** That City Council authorize staff to complete the design for the widening of East 10th Street between Lewis and "J" Streets within existing rights-of-way and provide on-street parking on the **south** side in areas where the right-of-way is 40 feet wide.
- B. That City Council authorize staff to complete the design for the widening of East 10th Street between Lewis and "J" Streets within existing rights-of-way and provide on-street parking on the **north** side in areas where the right-of-way is 40 feet wide.
- C. Provide additional direction to staff on how to proceed.

**East 10th Street Widening:
Property Owner/Resident Survey Report**



**Cooper Whitman
Administrative Intern
City of The Dalles**

Background

On May 24, 2010, the City Council heard a proposal by Public Works Manager Dave Anderson to widen East 10th Street. The proposal, as currently composed, would be to widen the 1300 block and half of the 1400 block to 47 feet, providing two 10-foot travel lanes, two 8-foot parking lanes, curbs and 5-foot sidewalks on both sides of the street; for the remainder of the 1400 block and all of the 1500 block, it would be widened to 39 feet to provide two 11-foot travel lanes, one 8-foot parking lane, curbs and 4-foot sidewalks on both sides of the street; the City will construct new retaining walls and relocate fences and stairs as needed.

Various property owners who attended the meeting took the opportunity to express displeasure with, and offer alternatives to the proposal. After hearing this testimony and the subsequent Council discussion, it was the consensus of the Council to direct staff to conduct a survey of East 10th Street residents and property owners regarding which side of the street would be best for parking. Staff was also directed to research surrounding alleys for parking suitability and relation to the City's Gravel Street Policy—I defer to the appropriate Department Managers regarding these final directives.

On June 16, 2010, staff sent a letter (Appendix A) announcing that the City's Administrative Intern, Cooper Whitman, would be going door-to-door on East 10th Street to collect property owner and resident opinion regarding parking and other proposal-related matters. If residents and owners preferred to respond in a different way, they were directed to answer the questions on back of the letter and leave it on their doorstep in the envelope provided. Following is a report on this survey.

Summary

Of the forty letters sent out, eleven responded either by paper or personally. One-third of respondents are against the widening; one-third are supportive of the widening; one-third are neither, but resigned to its occurrence. Six owners want parking to remain on the south side; three want no parking at all and have alternative solutions to the proposal; one would rather parking on the north side.

Concerns (Resident & Property Owner)

Widening

- Widening will result in individual loss of property, which merits compensation from the City.
- Widening will result in a decline of property value, which merits compensation from the City.
- Widening will result in faster drivers and, therefore, a decline in traffic safety.
- Clark Street (gravel cross street, steep incline) is a hazard for bikes attempting to stop, and widening will result in even less stopping time.
- There are pressing City needs which are far more deserving of these funds.

- Widening will result in individual loss of “protective ground” in front of houses; need speed limit signs for safety.

Parking

- Moving parking to the north side would eliminate visibility for north-side residents as they back out of their driveways; this is a larger north-side concern as there are four total north-side driveways, as opposed to two on the south side.
- Moving parking to the north side provides limited benefits and severe inconveniences.
- Moving parking to the north side is unnecessary “change for the sake of change.”
- South-side parking is a severe threat to visibility for those traveling north on Lewis (cross street).

Alternative Proposals (Resident & Property Owner)

- Purchase vacant lot at 1514 and turn into parking lot for residents and visitors; on-street parking would still be necessary.
- Mr. Driver (1512) has provided alternative measurements that would result in wider traffic lanes (Appendix B).
- Abandon the widening plan and eliminate street parking entirely for 6-month trial period.
- Mr. Eleison (1522) has provided a plan for eliminating street parking altogether, in favor of planting strips (Appendix C).

Details of Survey

- 33 letters sent to property owners
- 7 letters sent to renters
- 1 letter came back “undeliverable” (Steven & Judy Richter, 700 Country Club Rd., Hood River, OR 97031).
- 27.5% response rate
- 3 written responses (1418, 1423, 1518 & 1520)
- 8 personal responses (1305, 1405, 1415, 1422, 1500, 1511, 1512, 1522)
- 19 absent or no response
- 3 people support the widening, or support “as long as . . .”
- 3 people are resigned to the fact that the widening will happen and, therefore, will present no opposition.
- 3 people are completely against the widening.
- 6 people prefer parking on the south side.
- 1 person prefers parking on the north side.
- 3 people prefer no parking at all.
- 3 people consider parking an absolute necessity.

Individual Response Summaries

1305: Juan Ruiz (personal response)

- Would like the City to compensate for loss of property.

1405: Lonnie Kaps (personal response)

- Understands the need to widen and supports the City's efforts.
- Is concerned that property values will decline as a result of the widening and would like compensation from the City.
- Possesses a double-wide driveway, requests that the City make a double-wide entrance to it (currently only single entrance to the double).
- Prefers on-street parking to remain on the south side to avoid change for the sake of change.
- Originally had a fence that a drunk driver eliminated over a year ago, and asks if the City will put in a new fence. Or, to be in alignment with the widening proposal's assertion that the City will "replace fences," does he have to install a fence in order for the City to replace it after the widening?
- Would like the City, while workers are nearby, to survey the back (north side) of his lot in order to settle a dispute.
- Worries that his property is the exact point where the jog in the plan begins and wonders if his property will jog as well.

1415: Betty Middleton (personal response)

- Believes on-street parking to be a necessity.
- Believes that the benefit of switching on-street parking to the north side is minimal, at best; as such, prefers on-street parking to remain on the south side to avoid change for the sake of change.
- Supports the City's proposal.
- Feels very happy that her opinion was sought; "sometimes the best thing is asking."

1418: Lori Wallace (paper response)

- Supports the City's proposal; "I say go for it."
- Believes on-street parking to be a necessity; has a driveway that is too narrow for her trucks.
- Prefers on-street parking to remain on the south side to avoid change for the sake of change.
- Would be opposed to any proposition that would include the elimination of parking for any trial period.

1422: Carl Rosenthal (personal response)

- Is strongly opposed to widening.
- Is concerned that damage to his stairway (which the current proposal would cause), even if only temporary, would cause immediate and irreparable damage to a driveway-side retaining wall.
- Dave Anderson will arrange a personal visit to resolve concerns.

1423: Robert & Carol Wolford (written response)

- Prefers on-street parking to remain on the south side.
- Is concerned that trees that are removed may not be hauled away as well.

- Is concerned that widening the street will cause homes to lose “protective ground at their front doors,” and suggests an increase in the number of speed limit signs to combat this.

1500: *Paula Brunt* (personal response)

- Would like to see a City plan regarding a redesign and reconstruction of her newly remodeled \$6,000 porch and stairway.
- Is concerned that widening the street will result in faster drivers and, therefore, a decline in traffic safety.
- Is concerned that widening the street will limit the distance that bicycles have to stop safely on Clark Street (gravel cross-street, steep incline), which is already difficult; suggests better signage as a solution.
- Favors the elimination of on-street parking, but recognizes that that would be difficult for those without off-street parking alternatives.
- Is opposed to the widening, but understands that it has to be done and believes that it will be done regardless of her opposition.

1511: *Vickie Pay* (personal (and written) response—tallied as personal)

- Prefers on-street parking to remain on the south side in support of Mr. Driver’s (1512, to follow) concerns.
- Suggests that the vacant lot at 1514 be purchased by the City and turned into a parking area for residents and visitors; on-street parking would still be necessary.
- Requests that the City replaces her hedge (which will require removal for the street widening) with a fence.
- Would like to know when and how property owners will be notified of the Council’s decision.
- Would like to know when and how property owners will be notified of the start of construction.
- Is concerned that residents may not be able to use East 10th Street during construction; this is a problem for north-side residents as there is no alley access to their properties in the 1500 block.

1512: *David Driver* (personal response)

- Supports the proposal, as long as on-street parking remains on the south side, as doing so would keep a buffer between traffic noise and his bedroom window
- Requests that a property stake in his driveway from 1922 remains in place throughout construction.
- Is concerned that parking on the north side would eliminate driveway backing-out visibility for north-side residents; believes this to be a larger concern for residents on the north side as there are four driveways as opposed to two on the south side.
- Is concerned that parking on north side would limit visibility for southbound travelers on Lewis Street (cross street).
- Is concerned that transferring parking to the north side would be change for the sake of change.

- Provides diagram of alternative measurements in order to gain larger traffic lanes.

1518 & 1520: *Patrick & Naomi Grimsley* (paper response)

- Believes the widening to be a waste of resources; would prefer that the City spend money on more pressing needs.
- Believes that the widening will be intrusive on property.
- Believes that the widening will cause the loss of trees, yard space, property value, aesthetic appeal and privacy.
- Suggests that the City eliminate the proposal and eliminate on-street parking altogether, beginning with a 6-to-12-month trial period; "You'll find people will adapt quite nicely."

1522: *John Eleison* (personal response)

- Provides diagram of alternative solution with no on-street parking and planting strips on each side for safety and aesthetics; understands that this solution is not really up for consideration.
- Believes that on-street parking is unnecessary.
- Prefers on-street parking to be transferred to the north side, if on-street parking is deemed necessary.
- Believes that on-street parking on the north side would be safer for Lewis Street (cross street) travelers.
- Requests painted near intersections to reduce parking, with the goal of increasing visibility for cross-street travelers.
- Requests that his retaining wall be rebuilt much closer to his home.
- Suggests that the south-side sidewalk at East 10th Street and Lewis Street should curve around the corner into Lewis Street, for aesthetics and safety.
- Is concerned that widening the street will result in faster drivers and, therefore, a decline in traffic safety.
- Believes that the original site analysis should have been provided to property owners prior to original homeowners' meeting; this would have given the impression that the City was seeking input rather than attempting to push something through; this would have given residents a better chance to assess alternative suggestions initially.

Intern Recommendation

After thorough research, interviews and personal consideration of individual resident and property-owner concerns, it is recommended that the City should proceed with the widening proposal with on-street parking to remain on the south side of East 10th Street.

Please contact Cooper Whitman (cwhitman@ci.the-dalles.or.us; x4448) for any further information.

APPENDIX A



CITY OF THE DALLES
Department of Public Works
1215 West First Street
The Dalles, Oregon 97058

June 16, 2010

Dear Property Owner,

This letter is to ask for your input regarding a proposal before The Dalles City Council. It is proposed that the Council adopt a plan to widen East 10th Street in the 1300 block and about half of the 1400 block, where the City currently has a 60-foot wide Right Of Way, to a full width of 47 feet, providing two 10-foot travel lanes, two 8-foot parking lanes, curbs and 5-foot sidewalks on both sides of the street. For the remainder of the 1400 block and all of the 1500 block, where the Right Of Way is 40 feet wide, the street would be widened to a total of 39 feet wide, providing two 11-foot travel lanes, one 8-foot parking lane (whether on the north or south side is yet to be determined), curbs and 4-foot sidewalks on both sides. Retaining walls will be constructed where needed and some fences and stairs will need to be relocated. All improvements and restoration will be made at no additional cost to property owners or citizens.

On Wednesday, June 23, 2010, between the hours of 1:00 PM and 3:00 PM, the City will send an employee to your neighborhood with the purpose of asking for your input on this project. The questions that employee will ask are the following:

1. Name and address
2. Do you have any questions regarding the proposal?
3. Do you have any concerns regarding the proposal?
4. If you have concerns, do you have alternative solutions?
5. Is there need for street parking? If so, on which side of the street should parking be available?

If, for any reason, you will not be available to respond to these questions on June 23, please answer them on the back of this letter, place the letter in the provided envelope and leave it on your door or porch in a visible, easily accessible place. The City Council values your opinion greatly and will take it into consideration when it makes its final decision on this proposal. That decision is expected to be reached during the City Council meeting on July, 12, 2010, at 5:30 P.M., at the following location:

City Council Chambers
City Hall
313 Court St.
The Dalles, OR

This facility is handicap accessible.

If you have any further questions, please contact me at (541) 506-2008.

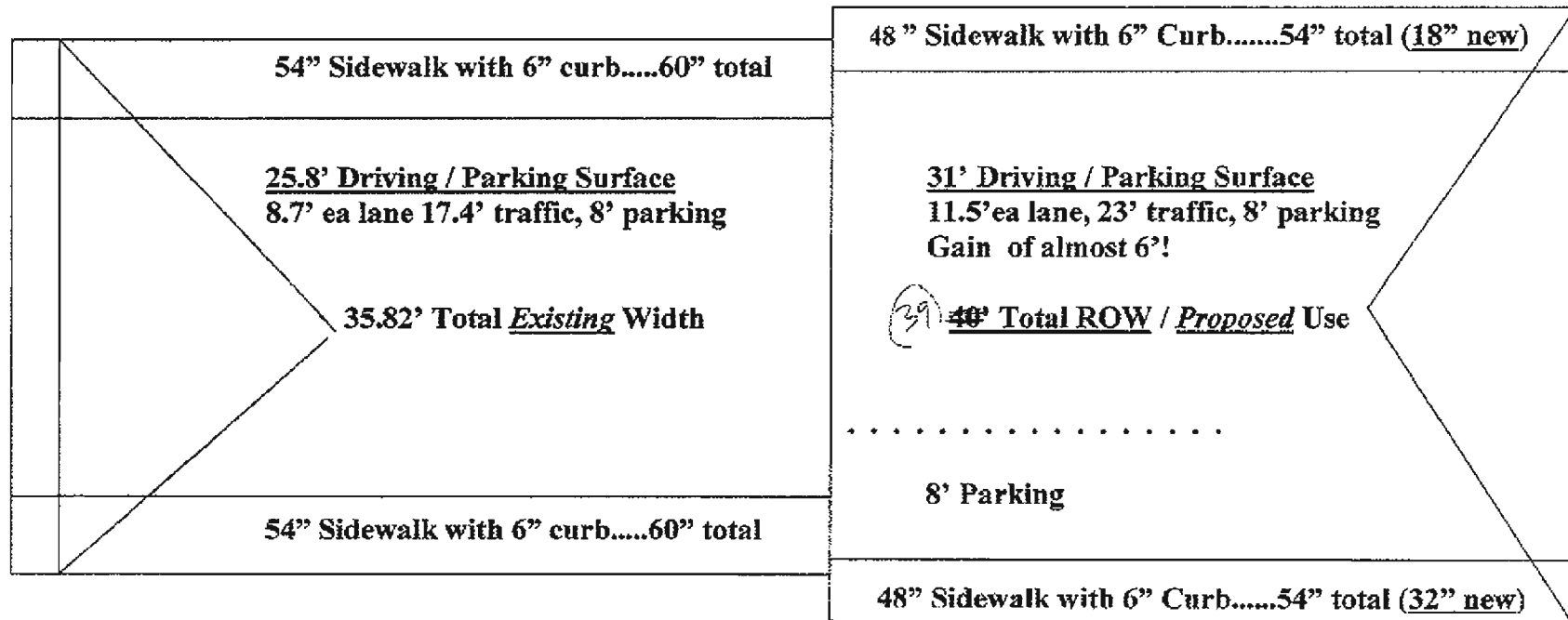
Sincerely,

Dave Anderson
City of The Dalles
Public Works Director

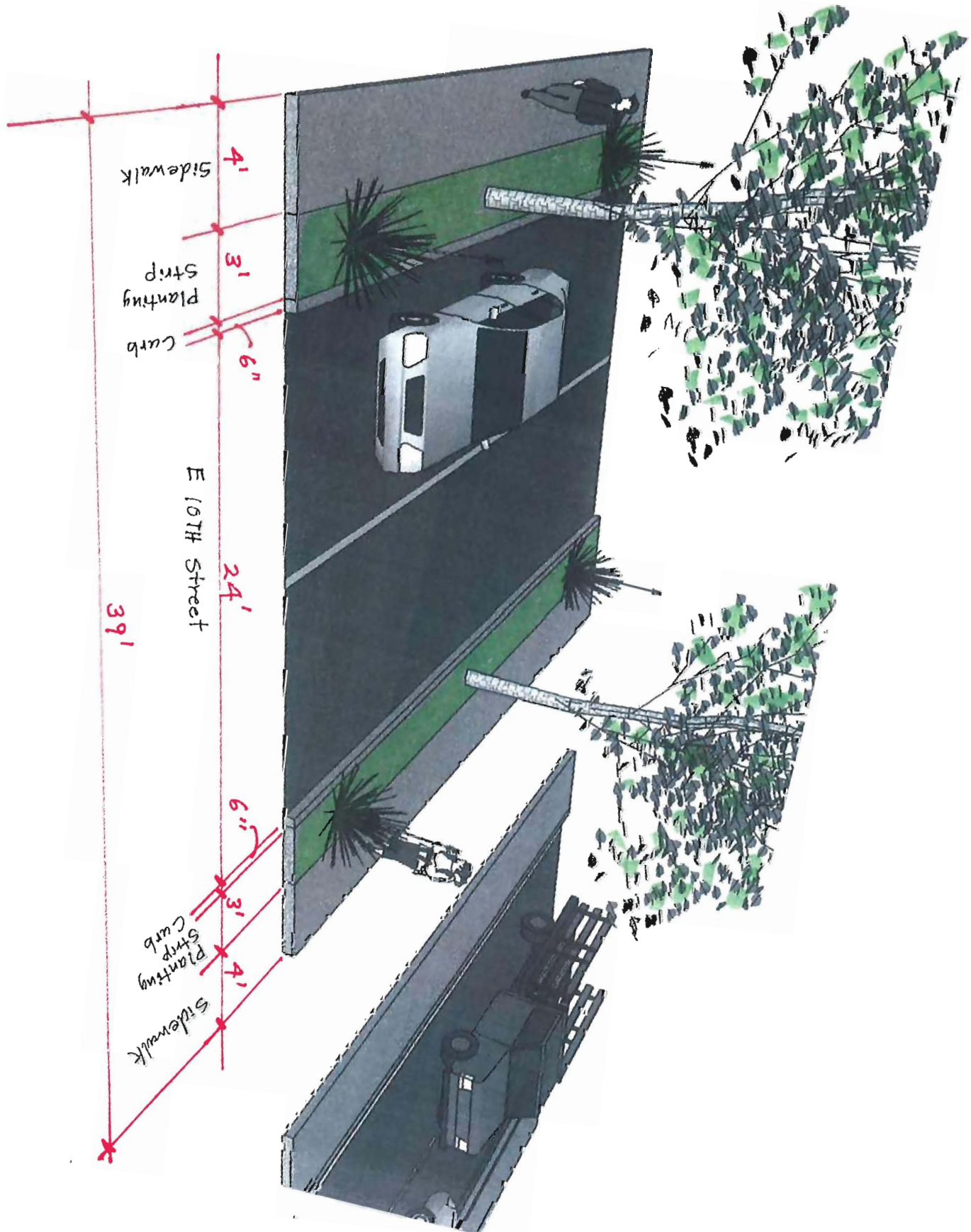
East 10th Street between Lewis and Clark Streets

N

APPENDIX B



APPENDIX C





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 #
July 12, 2010	Action Items 12, B	10-053

TO: Honorable Mayor and City Council

FROM: Dick Gassman, Senior Planner
Community Development Department

THRU: Nolan Young, City Manager

DATE: July 12, 2010

ISSUE: Adoption of General Ordinance No. 10-1306, adopting the I-84Chenoweth Interchange Area Management Plan, dated December 2009.

RELATED CITY COUNCIL GOAL: N/A

PREVIOUS AGENDA REPORT NUMBERS: 09-081 – October 26, 2009;
09-086 - November 9, 2009; 10-012 – February 8, 2010; 10-019 – March 15, 2010;

BACKGROUND: In 2005 when the City rezoned property owned by WM3 from Industrial to Commercial/Light Industrial at the corner of I-84 and River Road, The Oregon Department of Transportation (ODOT) appealed. A settlement on the appeal was entered into between ODOT, the City and WM3. That agreement called for an Interchange Area Management Plan (IAMP) to study the capability of the Chenoweth Interchange to handle traffic that would be generated by future development on the lands east of I-84. Work on the IAMP began in September 2008 and has continued to date.

STATUS: The Council approved the IAMP in concept at its meeting on November 9, 2009. Since then staff have been working with ODOT to prepare the specific language to

be included in the IAMP. At the Council sessions on February 8, 2010 and March 15, 2010, all but one of the language concerns was resolved. The last remaining issue centers around wording relating to one of the private access points.

DISCUSSION: General Ordinance No.10-1306 has been prepared and posted as required so Council may adopt the Ordinance by title only. Prior to adopting the Ordinance the Council can decide whether or not to amend the IAMP to include language relating to one of the private access points.

At the last Council session the Council deferred one issue regarding language on page 152 of the IAMP. The entire IAMP is available for review on the City's website, but for convenience I have attached a copy of page 152. The issue is whether to include the words "notably including access 13" at the end of the second sentence in the first paragraph. That sentence reads "ODOT guarantees Access Permit protection, as allowed within ORS 374.305 and 310, to all existing private accesses." As Council knows, the Oregon Transportation Commission (OTC) has already approved the IAMP. ODOT staff has indicated that the changes the Council has made since the adoption by the OTC and this change, if approved, will not require the OTC to consider the IAMP again. ODOT staff has indicated they will accept an amendment including the proposed language relating to one of the private access points.

RECOMMENDATION: Approve the IAMP as presented, with or without the additional language.

If the Council decides to proceed without amending the IAMP, the suggested motion is: ***Move to adopt Ordinance No. 10-1306 by title only.***

If the Council decides to amend the IAMP as discussed above, then the suggested motion is a two part motion. First part: ***Move to amend the IAMP to include the words "notably including access 13" at the end of the second sentence of the first paragraph on page 152.***

Second part: ***Move to adopt Ordinance No.10-1306, as amended, by title only.***

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 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 capital 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:

- Modifications to existing land use or zoning;
- Changes to plan amendment designations;
- Construction of new buildings;
- Increases in floor space of existing buildings;
- Division or consolidation of property boundaries;
- Changes in the character of traffic using the driveway/approach;
- Safety or operational improvements;
- Changes to internal site circulation design or inter-parcel circulation;
- Reestablishment of a property's use (after discontinuance for two years or more that trigger a Traffic Impact Assessment as defined below) that occurs on the parcels served by the approaches; or,
- Capital improvement projects.

Long-Term Access Management Implementation

As traffic volumes increase with new development, access management can help maintain the operational integrity and safety of the primary roadways. Access management goals for each access identified in Figure 7-11 are outlined in Table 7-5. In general, the types of improvements identified include:

- Modifying, mitigating or removing existing approaches pursuant to an access management strategy as part of the highway project development and delivery process (OAR 734-051). This may include restricting left-turning egress movements along West 6th Street by constructing a raised median;
- Improving traffic safety and operations by improving the local street network to provide alternate access, better local street connections to the highway, and reducing conflict points. This may include consolidating access on West 6th Street from private approaches and minor public streets where traffic can be rerouted to a major public approach; and,

GENERAL ORDINANCE NO. 10-1306

AN ORDINANCE ADOPTING THE I-84 CHENOWETH
INTERCHANGE AREA MANAGEMENT PLAN, DATED
DECEMBER, 2009

WHEREAS, the City Council of the City of The Dalles adopted General Ordinance No. 06-1268 on July 10, 2006, adopting a Transportation System Plan for the City which had been updated as of June, 2006; and

WHEREAS, on July 12, 2006, the City Council adopted General Ordinance No. 06-1269, approving a request submitted by WM3, Inc., to change the zoning designation and comprehensive plan designation for a parcel measuring approximately 67.2 acres; and

WHEREAS, the Oregon Department of Transportation (ODOT) appealed the City's decision to approve the changes for the zoning designation and comprehensive plan designation to the Land Use Board of Appeals, which was assigned LUBA Case No. 2006-136; and

WHEREAS, the City, ODOT, and WM3 Inc., negotiated the terms of an Intergovernmental Agreement which was intended to resolve the appeal filed by ODOT in LUBA Case No. 2006-136; and

WHEREAS, pursuant to the Intergovernmental Agreement, the City and ODOT agreed to develop an Interchange Area Management Plan (IAMP) for the Study Area around the I-84 Chenoweth Interchange. The purpose of the plan was to identify land use management strategies, short term and long term transportation improvements, access management, and funding strategies to pay for any identified improvements; and

WHEREAS, it was the intent of the parties to the Intergovernmental Agreement that the IAMP planning efforts would result in policies, ordinances, and other provisions that would be adopted into the City's Transportation System Plan and Comprehensive Plan; and

WHEREAS, the proposed I-84 Chenoweth Interchange Area Management Plan, dated December 2009, has been the subject to several public workshops, and public hearings before the City Planning Commission and the City Council; and

WHEREAS, the City Council finds that the proposed I-84 Chenoweth Interchange Area Management Plan, dated December 2009, identifies transportation improvements and potential funding strategies which satisfy the requirements of the Intergovernmental Agreement and Oregon Administrative Rule 734-051, and that adoption of the proposed IAMP is in the best interest of the health, safety, and welfare of the community.

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

Section 1. The I-84 Chenoweth Interchange Area Management Plan, dated December 2009, a copy of which is attached as Exhibit "A", is hereby adopted by reference and incorporated herein as part of The Dalles Transportation System Plan. Due to the large size of Exhibit "A", an original version of this Exhibit will be kept on file in the Community Development Department. Inclusion of the IAMP dated December 2009, as part of the City's Transportation System Plan, reflects the City's intent that the IAMP be incorporated as part of the City's adopted Comprehensive Plan, as the Transportation System Plan was incorporated as part of the City's adopted Comprehensive Plan by adoption of General Ordinance No. 06-1268.

Section 2. The following interchange policy statement shall be included in the City's Transportation System Plan, updated June 2006:

"The transportation function of the I-84 Chenoweth Interchange is principally to provide safe and efficient access to the Port and industrial land in the western part of The Dalles (the area located east of the interchange). In addition to its primary function, the Chenoweth Interchange remains an important facility for accessing the Discovery Center and existing commercial lands in the vicinity of the City's industrial center. The interchange also serves local residential and commercial traffic circulating from I-84 to Highway 30 and West 6th Street".

Section 3. The IAMP Transportation Improvement Plan, as illustrated in Figure 7-1 and listed in Table 7-1, of Exhibit "A", shall be included in the recommended transportation improvements project list of the City's Transportation System Plan.

PASSED AND ADOPTED THIS 12TH DAY OF JULY, 2010.

Voting Yes, Councilor: _____

Voting No, Councilor: _____

Absent, Councilor: _____

Abstaining, Councilor: _____

AND APPROVED BY THE MAYOR THIS 12TH DAY OF JULY, 2010.

James L. Wilcox, Mayor

Attest:

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 #
July 12, 2010	Action Item 12, C	10-054

TO: Mayor and City Council

FROM: Nolan K. Young, City Manager 

DATE: June 18, 2010

ISSUE: Recommendation from QLife Board for City Council and County Commission to adopt an Amendment to the Intergovernmental Agency Agreement Section 2.2.3

BACKGROUND: The City of The Dalles and Wasco County have an Intergovernmental Agency Agreement for the purpose of creating and operating QLife, the broadband loop in The Dalles, Oregon. Any amendments to that agreement must be authorized by the City Council and the County Commission.

It has become difficult to obtain the two required signatures on the checks paying the debt of QLife. The legal counsel for QLife has recommended the following amendment to allow another designated signer on the account (minutes attached):

2.2.3 Secretary/Treasurer. The Secretary/Treasurer shall keep the minutes and the official records of the IGA and perform such other duties required of a Secretary/Treasurer. The Secretary/Treasurer shall be responsible for the fiscal administration of all funds of the IGA. ~~The Secretary/Treasurer and either the President or the Vice President shall act as co-signers of checks drawn upon the accounts of the IGA.~~ The Secretary/Treasurer may delegate the administrative functions of her or his office to another person or persons who need not be on the Board. *All checks drawn upon the accounts of the IGA are required to have two co-signers. The co-signers may be any of the following: the Secretary/Treasurer, the President, the Vice President, or the person selected by the board of directors*

to serve as manager or administrator for the IGA.

The intent is for there to be enough available signers on the account that administration can process checks in a timely manner.

COUNCIL ALTERNATIVES:

1. **Staff recommendation:** Adopt Amendment as requested.
2. Decline to adopt amendment.

QLife Network

QualityLife Intergovernmental Agency

MINUTES

QLife Regular Board Meeting

Tuesday June 15, 2010 4PM
The Dalles City Hall, 313 Court Street
2nd Floor Conference Room

Call to Order

Meeting was called to order at 4pm by Vice Chair Dan Spatz

Roll Call

In attendance: Bill Lennox, Dan Spatz, Brian Ahier

Absent: Dan Ericksen, Erick Larson

Staff: Nolan Young, Izetta Grossman, John Amery, Keith Mobley

Approval of Agenda

It was moved by Ahier and seconded by Lennox to approve the agenda as submitted. The motion carried unanimously, 2 absent.

Approval of May 18, 2010 QLife Regular Board Meeting Minutes

It was moved by Lennox and seconded by Ahier to approve the minutes of the May 18, 2010 Board meeting as submitted. The motion carried unanimously, 2 absent.

Larson arrived at 4:08pm

Financial Reports

Young reviewed the May financial report.

Public Hearing regarding Fiscal Year 2010-11 QLife Budget

Spatz opened the public hearing regarding the QLife Budget for FY 2010-11. Hearing no testimony the hearing was closed.

Action Items

Ahier moved to Adopt Resolution 10-002 Adopting the QualityLife Intergovernmental Agency Budget for Fiscal Year 2010-11, Making Appropriations, and Authorizing Expenditures. Lennox seconded the motion. The motion passed unanimously, 1 absent.

Young reviewed Resolution 10-003. It was moved by Lennox and seconded by Ahier to Adopt Resolution 10-003 Authorizing Transfers of funds between Categories of the QLife Capital Fund Making Appropriations and Authorizing Expenditures for the Fiscal Year Ending June 30, 2010. The motion passed unanimously, 1 absent.

Young reviewed Resolution 10-004. It was moved by Larson and seconded by Ahier to Adopt Resolution 10-004 Setting Forth Corrective Measures for Items Identified by the Secretary of State Audit Division as Non-Compliant with Municipal Audit Law within the Audit Report for FY 08-09. The motion passed unanimously, 1 absent.

Mobley reviewed the amendment to Section 2.2.3 of the Intergovernmental agreement. It was moved by Larson and seconded by Ahier for the board of directors of the QualityLife Intergovernmental Agency to request that the Wasco County Board of Commissioners and the City Council of The City of The Dalles approve the following amendment to section 2.2.3 of the Intergovernmental Agreement:

2.2.3 Secretary/Treasurer. The Secretary/Treasurer shall keep the minutes and the official records of the IGA and perform such other duties required of a Secretary/Treasurer. The Secretary/Treasurer shall be responsible for the fiscal administration of all funds of the IGA. ~~The Secretary/Treasurer and either the President or the Vice~~

~~President shall act as co-signers of checks drawn upon the accounts of the IGA.~~ The Secretary/Treasurer may delegate the administrative functions of her or his office to another person or persons who need not be on the Board. *All checks drawn upon the accounts of the IGA are required to have two co-signers. The co-signers may be any of the following: the Secretary/Treasurer, the President, the Vice President, or the person selected by the board of directors to serve as manager or administrator for the IGA.*

The intent is for there to be enough signers on the account that administration can process checks in a timely manner. The motion passed unanimously, 1 absent.

Reports

Aristo Operational Management Report – John Amery reported that there was a cut at the Upper Elevation Reservoir site. Outage affected 1 customer (about 3 doctors) for about 5 hours. Young reported that the insurance company had already contacted QLife with a claim number. As soon as all invoices are received, they will be forwarded to the insurance company for payment.

Amery reported on the status of the WiFi Grant. He submitted the design information to Young prior to the meeting. Young has not had a chance to review it. He felt the project could be completed within the dollar amount indicated by the grantee. The Board expressed concern about the timeline. Mobley volunteered to help with getting the agreements from the building owners and any other way he could. The Board accepted his offer asking Amery and Mobley to work together to expedite the process.

The next step would be for Young to review the information from Amery and make sure the RFP is prepared.

Mobley told the board of an opportunity to sponsor the Oregon Connection Summit Oct 20-21 in Hood River. Young stated that QLife has \$500 in advertising that could be used for this purpose if the Board so desired. Mobley stated that there would be booth space available at the show if QLife wanted to take advantage of that opportunity. It was moved by Ahier and seconded by Larson to authorize Mobley to purchase the sponsorship for QLife. The motion passed unanimously, 1 absent.

Next meeting Date:

Regular Board Meeting July 20, 2010 4pm

Adjourn

Being no further business the meeting was adjourned at 4:50pm

Respectfully submitted by/

Izetta Grossman, Recording Secretary

Attest:

Erick Larson, Secretary/Treasurer



CITY of THE DALLES

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THE DALLES, OREGON 97058

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AGENDA STAFF REPORT

CITY OF THE DALLES

MEETING DATE:	AGENDA LOCATION:	AGENDA REPORT #
July 12, 2010	Action Items 12, D	10-055

TO: Honorable Mayor and City Council

FROM: Gene E. Parker, City Attorney

THRU: Nolan K. Young, City Manager

DATE: June 30, 2010

ISSUE: General Ordinance No. 10-1305, amending Section 6 of General Ordinance No. 07-1286 to establish additional credits toward the Transportation System Development Charges applicable at the time of application for a building permit

RELATED CITY COUNCIL GOAL: Goal #3: Promote economic development opportunities that will provide job creation and retention and enhance the community's livability.

PREVIOUS AGENDA REPORT NUMBERS: None.

BACKGROUND: On June 14, 2010, the City Council heard a presentation by the Transportation SDC Work Group, which included six specific recommendations related to the City's Transportation SDC ordinance. Following the presentation, the Council directed staff to prepare an ordinance implementing the Work Group's recommendation. Enclosed with this staff report is General Ordinance No. 10-1305 for the Council's review and consideration.

The six specific recommendations of the Work Group which involve the creation of new credits to be applied against the Transportation SDC charges are set forth in Section 6(A) in the proposed ordinance. The intent of these new credits is to provide financial incentives for businesses seeking to relocate and/or expand within the City, and to facilitate the filling of existing vacant buildings within the City, with an emphasis on the Downtown Commercial

District; to reduce the costs of expansion for existing businesses which have been in the City for a minimum of two years, including businesses who seek to relocate to a new site involving construction of new facilities; and to provide incentives to encourage new small scale developments, primarily by small businesses, to locate within The Dalles. Section 6(A)(1) of the proposed ordinance provides that the new credits will not be used to reduce the amount of the Transportation SDC's for the Chenoweth Interchange Area Management Plan. Section 6(A)(2) establishes an appeal process for applicants who desire to appeal an adverse determination involving eligibility for any of the proposed credits. Section 6(A)(3) provides that the Council will review the implementation of the new credits within a year, and that any changes made to the credits at that time, or during any future review, would be adopted by Council ordinance.

BUDGET IMPLICATIONS. Implementation of the proposed new credits may result in a reduction in the amount of Transportation SDC's collected, but the actual impact upon the amount collected will not be known until the new credits have been implemented.

ALTERNATIVES:

- A. Staff Recommendation. Move to adopt General Ordinance No. 10-1305 by title only.

GENERAL ORDINANCE NO. 10-1305

AN ORDINANCE AMENDING SECTION 6 OF GENERAL
ORDINANCE NO. 07-1286 TO ESTABLISH ADDITIONAL
CREDITS TOWARDS THE TRANSPORTATION SYSTEM
DEVELOPMENT CHARGES APPLICABLE AT THE TIME
OF APPLICATION FOR A BUILDING PERMIT

WHEREAS, on November 13, 2007, the City Council adopted General Ordinance No. 07-1286, imposing Transportation System Development Charges on new development applicable at the time of application for a building permit; and

WHEREAS, on April 26, 2010, the City Council directed staff to form a Work Group to evaluate the potential impacts of the City's current Transportation System Development Charges on growth and development in the community, particularly any impact related to local businesses which desired to expand or relocate; and

WHEREAS, on June 14, 2010, the Transportation SDC Work Group presented a report to the City Council, including six specific recommendations related to the City's Transportation SDC's; and

WHEREAS, the rationale for the Work Group's recommendations included the following reasons: to provide incentives for businesses to relocate and/or expand within the City and facilitate the filling of existing vacant buildings within the City, with an emphasis on the Downtown Commercial District (CBC Zone); to reduce the costs of expansion for existing businesses which have been in the City for a minimum of two years, including businesses who seek to relocate to a new site involving the construction of new facilities; and to provide incentives to encourage new small scale developments, primarily by small businesses, to locate within The Dalles; and

WHEREAS, following the presentation of the report by the Transportation SDC Work Group to the City Council on June 14, 2010, the Council directed staff to prepare an ordinance implementing the Work Group's recommendations, for the Council's consideration at the July 12, 2010, Council meeting; and

WHEREAS, the City Council provided an opportunity for additional public testimony at the July 12, 2010, Council meeting, concerning the proposed ordinance to implement the recommendations submitted by the Transportation SDC Work Group; and

WHEREAS, based upon the comments and testimony provided by the Transportation SDC Work Group during the presentation of its report on June 14, 2010, and additional public testimony and comment received during the July 12, 2010 Council meeting, the City Council finds that adoption of the recommendations submitted by the Transportation SDC Work Group will have a positive and stimulating effect upon growth and development in the community, particularly for local businesses which desire to expand or relocate in The Dalles, and that adoption of General Ordinance No. 10-1035 is in the best interest of the health and welfare of the community;

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

Section 1 Section 6 of General Ordinance No. 07-1286, shall be amended by adding new subsections, 6(A), 6(A)(1), 6(A)(2), and 6(A)(3), which new subsections shall read as follows:

Section 6(A). Additional SDC Credits. In addition to the credits provided for in Section 6 of this Ordinance, the City shall grant the following additional credits against the City's SDC which is otherwise assessed for the following types of New Development:

- A. For New Development involving the re-use or redevelopment of an existing vacant building, including an expansion of an existing vacant building, upon a parcel of property located within the Downtown Commercial District (CBC Zone). For an expansion to qualify for this credit, it cannot exceed fifty percent (50%) of the size of the existing footprint of the vacant building, and the size of the expansion cannot exceed 5,000 square feet. Verification that the proposed expansion qualifies with the size restrictions set forth in this subsection shall occur at the time the applicant submits an application for a building permit. The amount of the credit shall be equivalent to one hundred percent (100%) of the proposed Transportation SDC.
- B. For New Development involving the re-use or redevelopment of an existing vacant building, including an expansion of an existing vacant building, upon a parcel of property located within any zoning district within the City limits other than the Downtown Commercial District (CBC Zone). For an expansion to qualify for this credit, it cannot exceed fifty percent (50%) of the size of the existing footprint of the vacant building, and the size of the expansion cannot exceed 5,000 square feet. Verification that the proposed expansion qualifies with the size restrictions set forth in this subsection shall occur at the time the applicant submits an application for a building permit. The amount of the credit shall be equivalent to seventy-five percent (75%) of the net amount of the proposed Transportation SDC, which net amount is determined by applying any other credits against the Transportation SDC to which the applicant would be entitled
- C. For New Development involving expansion of an existing business through new construction on the current site of the business, upon a parcel of property located within any zoning district within the City limits. To qualify for this credit, the existing business must have been in operation in The Dalles for a minimum of two years. Verification that the existing business complies with the minimum requirement for years of operation shall occur at the time the applicant submits an application for a building permit. The amount of the credit shall be equivalent to fifty percent (50%) of the net amount of the proposed Transportation SDC, which net amount is determined by applying any other credits against the Transportation SDC to which the applicant would be entitled.

- D. For New Development involving the relocation of an existing business in the City to a new site with construction of new facilities, upon a parcel of property located within any zoning district within the City limits. To qualify for this credit, the existing business must have been in operation in The Dalles for a minimum of two years. Verification that the existing business complies with the minimum requirement for years of operation shall occur at the time the applicant submits an application for a building permit. The amount of the credit shall be equivalent to fifty percent (50%) of the net amount of the proposed Transportation SDC, which net amount is determined by applying any other credits against the Transportation SDC to which the applicant would be entitled.
- E. For New Development involving construction of a development which creates employment for ten (10) persons or less, and involves construction of a new facility which is limited in size to 5,000 square feet or less, upon a parcel of property located within any zoning district within the City limits. Verification that the New Development has complied with the eligibility requirements for the number of employees set forth in this subsection shall occur six (6) months after the date when the New Development opened for business. The amount of the credit shall be equivalent to seventy-five percent (75%) of the net amount of the proposed Transportation SDC, which net amount is determined by applying any other credits against the Transportation SDC to which the applicant would be entitled.
- F. For New Development involving construction of a development which creates employment for twenty (20) persons or less, and involves construction of a new facility which is limited in size to 10,000 square feet or less, upon a parcel of property located within any zoning district within the City limits. Verification that the New Development has complied with the eligibility requirements for the number of employees set forth in this subsection shall occur six (6) months after the date when the New Development opened for business. The amount of the credit shall be equivalent to fifty percent (50%) of the net amount of the proposed Transportation SDC, which net amount is determined by applying any other credits against the Transportation SDC to which the applicant would be entitled.

Section 6(A)(1). Relationship to Transportation System Development Charge for Chenoweth IAMP. The credits established under Section 6(A) of this Ordinance shall not be applicable to reduce the amount of the Transportation System Development Charges imposed for the Chenoweth Interchange Area Management Plan.

Section 6(A)(2). Appeal of Adverse Decision Concerning Credit Eligibility. Any applicant who desires to appeal an adverse determination of the Administrator or the City Manager concerning the applicant's eligibility for any of the credits listed in Section 6(A) of this ordinance, may appeal that decision to the City Council under the process set forth in Section 11(C) of this ordinance.

Section 6(A)(3). Review of Credits; Modification. Within one year from adoption of this Ordinance, the City Council shall evaluate the implementation of the credits established by this Ordinance. Any increase, decrease, or termination of any of the credits at the time of this one year review, or at any future time, shall be enacted by an ordinance adopted by the City Council.

Section 2. Section 11(C)(2) of General Ordinance No. 07-1286 shall be amended by revising the last sentence in this Section to read as follows:

Such hearing shall be held within twenty-one (21) days of the date the appeal was filed, provided that the hearing date falls within a time period when the City Council is regularly scheduled to meet.

Section 3. Emergency. WHEREAS, in order to stimulate local economic growth and assist local businesses who desire to expand or relocate their businesses within the City, it is necessary and appropriate for the proposed credits against the Transportation System Development Charges to become effective as soon as possible, to benefit the economic welfare of the local community; NOW, THEREFORE, an emergency is declared to exist, and this Ordinance shall go into effect immediately upon its passage and approval.

PASSED AND ADOPTED THIS 12TH DAY OF JULY, 2010.

Voting Yes, Councilor: _____

Voting No, Councilor: _____

Absent, Councilor: _____

Abstaining, Councilor: _____

AND APPROVED BY THE MAYOR THIS 12TH DAY OF JULY, 2010.

James L. Wilcox, Mayor

Attest:

Julie Krueger, MMC, City Clerk



CITY of THE DALLES

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AGENDA STAFF REPORT

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
July 12, 2010	Action Items 12, E	10-056

TO: Honorable Mayor and City Council

FROM: Dick Gassman, Senior Planner

THRU: Nolan Young, City Manager

DATE: July 12, 2010

ISSUE: Fee waiver request by Northern Wasco County Park and Recreation District

RELATED CITY COUNCIL GOAL: N/A

PREVIOUS AGENDA REPORT NUMBERS: N/A

BACKGROUND: The Park District is proposing a new skate park at the Thompson Park facility. According to the Land Use and Development Code (LUDO), a skate park requires approval through a Conditional Use Permit (CUP) application. The CUP application has a filing fee of \$420.00. The Park District is requesting this fee be waived.

PROCESS: The City's LUDO provides in Section 3.010.040 B that the Applicant must pay the required filing fee "unless waived by the City Council per Section 1 120." LUDO Section 1 120 does not provide any review criteria for the Council's decision on fee waiver requests.

REVIEW: Northern Wasco County Park and Recreation District is working to establish a skate park at its Thompson Park facility at 602 West 2nd Street. Scott Green,

Executive Director of the Park District has submitted the attached letter explaining the financing of the skate park and requesting this waiver. The Council has the discretion under the LUDO to waive filing fees for any reason.

BUDGET IMPLICATIONS: The waiver of the filing fees will reduce the City's revenue by that amount.

RECOMMENDATION:

SUGGESTED ALTERNATIVE MOTIONS:

Recommended motion: *Move to approve the request by Northern Wasco County Parks and Recreation District to waive the filing fee for a conditional use permit application in the amount of \$420 for a skate park at Thompson Park.*

Alternative motion: Move to deny the request.

received
6/23/10

Northern Wasco County Park & Recreation District

414 Washington Street Suite 110
The Dalles, Oregon
97058
Phone: (541)296-9533
Fax: (541)296-1239
E-mail: info@nwprd.org



June 23, 2010

Nolan Young
313 Court Street
The Dalles, Oregon 97058

Dear Nolan,

This letter serves as a formal request to waive the permitting fees associated with our application for a Conditional Use Permit. As you may be aware, this conditional use permit pertains to The Dalles Skate Park project location at Thompson Park, 602 West 2nd Street. Here at Parks and Rec, we have worked very hard with fundraising activities as well as securing grant funds to help us reach our goal of building a free use Skate Park for the community. We believe every dollar counts in the completion of this project and would like to put it to good use.

It is my hope that you share our opinion on the importance of this project and will consider this request. If you would like further information on this matter, do not hesitate to contact me at the District office at (541)296-9533 Ext. 201. I appreciate your time and consideration and look forward to hearing from you.

Respectfully,

A handwritten signature in blue ink, appearing to read "Scott Green".

Scott Green, Executive Director
Northern Wasco County Park & Recreation District

