

MINUTES

REGULAR COUNCIL MEETING
OF
DECEMBER 10, 2012
5:30 P.M.
THE DALLES CITY HALL
313 COURT STREET
THE DALLES, OREGON

PRESIDING: Mayor Jim Wilcox

COUNCIL PRESENT: Bill Dick, Carolyn Wood, Tim McGlothlin

COUNCIL ABSENT: Brian Ahier, Dan Spatz

STAFF PRESENT: City Attorney Gene Parker, City Clerk Julie Krueger, Police Chief Jay Waterbury, Public Works Director Dave Anderson, Administrative Fellow Garrett Chrostek, Planning Director Dick Gassman, Engineer Dale McCabe, Airport Managers Rolf Anderson and Chuck Covert, Codes Enforcement Officer Nikki Lesich

CALL TO ORDER

Mayor Wilcox called the meeting to order at 5:32 p.m.

ROLL CALL

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

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Mayor Wilcox asked to move Action Item 13, E to follow the Consent Agenda, so the representatives of The Dalles Disposal could leave to attend another meeting. It was moved by Wood and seconded by Dick to approve the agenda as amended. The motion carried unanimously, Ahier and Spatz absent.

PRESENTATIONS/PROCLAMATIONS

Mayor Wilcox presented a Certificate of Recognition to Raelynn Ricarte for her devotion and work to support the military troops. He said she and the Gorge Heroes Club provided an important service in the community.

AUDIENCE PARTICIPATION

None.

CITY ATTORNEY REPORT

On behalf of City Manager Young, City Attorney Parker asked the Council if there were any changes to the proposed list of economic needs and issues priority list. He said Councilor Ahier had suggested reversing the order of #5 and #6 on the list, moving the Chenoweth Storm Sewer System above the Downtown Streetscape, Phase III Project.

It was moved by Wood and seconded by McGlothlin to approve the list, with the amendment proposed by Councilor Ahier. The motion carried unanimously, Ahier and Spatz absent.

City Attorney Parker reported the appeal regarding storm water at the Airport had been denied and that issue was completed. Parker said he had been working with the Dog Control Officer regarding some minor changes to the dog ordinance and said he would bring those to a Council meeting in January for approval.

CITY COUNCIL REPORTS

Councilor Wood reported the next Historic Landmarks Commission meeting would be on December 12 and the Commission would be discussing their goals for the upcoming year.

Wood said there was an item on the Consent Agenda to change the name of a fund that was called Street and Bridge Replacement Fund. She noted that it was not an improper title because there were many bridges and footbridges in the City that had to be repaired or replaced over the years.

Councilor Dick reported the Urban Renewal Advisory Committee meeting for December had been cancelled.

Mayor Wilcox read a poem and said he wished to be known as a builder and not one who tore down, as the poem indicated. He said many things had been started by the City Council and he was proud to have been a part of it. Wilcox said the City Mission Statement also reflected the City's desire to work together to make the community a better place to live. He thanked all the Councilors and staff he had been privileged to work with and especially thanked the citizens who volunteered their time to serve on committees and task forces. Wilcox reviewed a list of items that had been accomplished during his tenure (attached as Attachment "A"). He encouraged the Council to continue to work to get the sign ordinance updated, the urban growth boundary expansion completed, and to continue to monitor barriers to business. Wilcox asked the Council to consider amendments to the Charter including changing the terms of the Mayor and Councilor at Large positions to three years, allowing the Mayor to vote, allowing someone else to sign documents the Mayor was not supportive of, and to consider compensation for the Mayor and Council. He said a special thank you to his wife, Lynn, for all her support.

CONSENT AGENDA

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

Items approved by Consent Agenda were: 1) approval of November 26, 2012 regular City Council meeting minutes; 2) approval of November 14, 2012 work session minutes; and 3) Resolution No. 12-025 authorizing the name of the Street/Bridge Replacement Fund to be changed to Transportation Systems Reserve Fund; retaining the original purpose of that fund as a reserve fund for the street systems of the City of The Dalles.

Resolution No. 12-024 Approving a Rate Increase for The Dalles Disposal Service for Operational Costs and Disposal of Material at Wasco County Landfill

City Attorney Parker reviewed the staff report.

Jim Winterbottom said The Dalles Disposal was very sensitive to the rate payers and was asking only for a small increase to help offset increasing costs to the business.

Public Input

Dan Meader, 911 East Seventh Street, The Dalles, said he did not oppose the proposed rate increase but was concerned about fees charged to elderly customers if their garbage cans were too far from the curb. Meader said he had to haul the garbage cans for his elderly relatives every week so they didn't have to pay an extra fee they could not afford. He said the fees were inconsistent and very expensive. He said the fee for extra distance in Hood River was only \$6.00, compared to at least \$20.00 in The Dalles. Meader asked that consideration be given to waiving this fee for elderly.

Mr. Winterbottom said the fee was set at \$6.83 and he had not been made aware that anyone was trying to charge more than that. He said a program was also available through Community Action Program (CAP) to assist in reducing the fees for senior citizens.

Mayor Wilcox said he appreciated the community involvement of The Dalles Disposal. It was noted by the Councilors that they appreciated the well maintained site, assistance with community programs and the twice annual free yard debris program.

It was moved by Wood and seconded by Dick to adopt Resolution No. 12-024 approving a rate increase for The Dalles Disposal Service for operational costs and disposal of material at Wasco County landfill. The motion carried unanimously, Ahier and Spatz absent.

PUBLIC HEARINGS

Public Hearing to Receive Testimony Regarding Proposed Demolition of Structure at 600 East 12th Street

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

Codes Enforcement Officer Lesich reviewed the staff report.

Testimony

No testimony was offered.

Resolution No. 12-019 Confirming the Determination that the Structure at 600 East 12th Street Constitutes a Public Nuisance as a Dangerous Building and Demolition of the Structure is an Appropriate Remedy

It was moved by Dick and seconded by McGlothlin to adopt Resolution No. 12-019 confirming the determination that the structure at 600 East 12th Street constitutes a public nuisance as a dangerous building and demolition of the structure is an appropriate remedy. The motion carried unanimously, Ahier and Spatz absent.

Public Hearing to Consider Appeal by Jennifer Blevins of Planning Commission Decision Affirming the Planning Director's Interpretation of Off Street Parking Requirements for 1215 Blakely Way

Mayor Wilcox reviewed the procedures to be followed for the public hearing. He asked if any Councilors wished to declare a conflict of interest or ex parte contact. Hearing none, he asked if any audience members wished to challenge any Councilor's ability to hear the case. Hearing none, the public hearing was opened.

City Attorney Parker reviewed the staff report. He emphasized the only issue to be considered in the hearing was the determination that there was adequate space for four vehicles to park on the property. He said the staff recommendation was to affirm the Planning Commission's interpretation that the off-street parking requirements for the property were met.

Appellant Testimony

Jennifer Blevins, 1212 Blakely Way, The Dalles, provided a handout (Attachment "B") of photographs which showed examples of improper parking on the property, with vehicles extending into the street. She said the property had a long history of zoning violations and that the non-conforming use duplex was located in a low density residential zone. Ms. Blevins said the Land Use Development Ordinance (LUDO) mandated a design to prevent unsafe conditions for the parking. She said the property owner was asked to provide proof that four vehicles would fit in the parking area and that staff had done the measuring, not the property owner. Blevins questioned why the property owner had not provided the information to staff and noted the data collected by staff did not conform to the LUDO requirements for a low density residential property.

Ms. Blevins pointed out that the photographs she provided showed the vehicles did extend into the right of way and that they were out of compliance with City regulations. She asked the City

Council to reverse the ruling of the Planning Commission saying their decision violated Section 3.0901.70 A3C and 7.060.060.020. Blevins asked that the property be returned to its 1978 condition, returning the garage space to off-street parking.

Mayor Wilcox asked Ms. Blevins if she had called the Police when the vehicles were parked in the right of way. Blevins said she had, but no citations were written or the vehicles had been moved by the time the Police arrived.

Rich Williams, 1212 Blakely Way, The Dalles, testified that this was a long-term issue. He said the property owner should be required to make the parking spaces the same size as was required in a commercial zone because there were no standards included for parking spaces in a residential zone. Mr. Williams said the driveway was not large enough to store four vehicles and that staff had prepared the site plan for the property owner. He said the City Attorney had previously said there was not room for the number of required vehicles.

City Attorney Parker said a site plan was not required from the new property owner because there was no change in use. He said staff had determined there was adequate room to park four standard sized vehicles. Parker said the ordinance did not say how the vehicles should be parked, only that there was enough space to accommodate them.

Councilor Wood asked if the diagram included in the staff report had been prepared by staff. Planning Director Gassman said it was prepared by staff and used actual measurements. Gassman said the photographs provided (#68 and #72) showed a parking arrangement of three vehicles parked side by side. He said it may have been an odd configuration but it did meet the City's parking requirements.

Councilor Dick asked if there were safety requirements for driveways in residential zones and whether the photographs provided accurately depicted the normal parking.

Gassman said there were no specific safety requirements for a residential driveway and said when staff had visited the site, there were not as many vehicles parked on the property as was shown in the photograph.

Councilor McGlothlin suggested the property owner pour concrete next to the existing parking area to allow for additional parking. He said that would be an easy remedy for the neighborhood. It was noted by staff that parking was required to have a hard surface, not to park on grass.

Councilor McGlothlin asked for clarification regarding the number of electric services to the property. Gassman said there had been three services, but one was removed. He said at one time, the owner of the property had attempted to create a triplex, but it was denied and there were currently two electrical services to the property, for a duplex.

Mayor Wilcox said he had driven past the property and noted if the residents parked in an organized manner, there seemed to be adequate room for four vehicles.

Councilor Wood said if vehicles were parked in the right of way, they should be cited, then they would stop parking in that manner.

Police Chief Waterbury said his officers would tell people to move their vehicles, but didn't want to write citations for parking in the right of way. He said his department preferred to get compliance without having to issue citations. Waterbury said the citation would be for blocking a driveway.

City Attorney Parker said the Council should determine if there was further testimony, and if not, close the hearing for their deliberation.

Rodger Nicols said the Appellant should have the opportunity to rebut staff's comments. City Attorney Parker said staff was answering questions and did not offer any new information so there was nothing to rebut.

With no further testimony offered, Mayor Wilcox closed the hearing.

Council Deliberation

Mayor Wilcox said it appeared the parking spaces provided were in compliance with the LUDO and said he believed the Planning Commission's decision should be affirmed.

It was moved by Wood and seconded by Dick to affirm the Planning Commission's decision as set forth in Resolution No. PC 526-12 and direct staff to prepare a resolution setting forth the Council's decision, including a statement of findings of fact and conclusions of law to be adopted at the January 14, 2013 Council meeting.

The motion was voted on and failed, McGlothlin voting no.

Councilor McGlothlin said he wished to change his vote because although he believed there were solutions to the problem, the parking area did conform to the City's requirements. He said he hoped the property owner would be a good neighbor and make some adjustments to the off-street parking, but would vote in favor of the motion.

Mayor Wilcox said with McGlothlin now voting in favor, the motion carried unanimously, Ahier and Spatz absent.

CONTRACT REVIEW BOARD ACTIONS

Authorization for Professional Services Agreement to Develop a Water Management and Conservation Plan as Required by Oregon Water Resources Department

Public Works Director Anderson reviewed the staff report.

It was moved by McGlothlin and seconded by Dick to authorize the City Manager to enter into contract with GSI Water Solutions Inc. in an amount not to exceed \$60,000 for the development of a Water Management and Conservation Plan. The motion carried unanimously, Ahier and Spatz absent.

Acceptance of a Grant From Google and QLife Agency for Wi Fi Expansion Project

City Attorney Parker reviewed the staff report.

It was moved by Wood and seconded by Dick to authorize the City Manager to accept a grant from Google and QLife for expansion of the public Wi Fi system and award the contract for installation and three year maintenance to Gorge.net in the amount not to exceed \$74,475. The motion carried unanimously, Ahier and Spatz absent.

ACTION ITEMS

Approval of Updated Wastewater Facility Capital Improvement Plan and Associated Funding Plan

Public Works Director Anderson reviewed the staff report.

It was moved by McGlothlin and seconded by Wood to adopt the updated Wastewater Facility Capital Improvement Plan, call for a public hearing to receive testimony related to wastewater rate adjustments to be held on January 14, 2013 and call for a public hearing to receive testimony related to wastewater systems development charges to be held on January 28, 2013. The motion carried unanimously, Ahier and Spatz absent.

Approval of Third Addendum for Lease Agreement With Shearer Sprayers at the Columbia Gorge Regional Airport

City Attorney Parker reviewed the staff report.

It was moved by Dick and seconded by Wood to approve the third addendum for the lease agreement with Shearer Sprayers and authorize execution of the third addendum. The motion carried unanimously, Ahier and Spatz absent.

Approval of Use Agreement for TEAM Oregon Motorcycle Safety Program for Runway Use at Columbia Gorge Regional Airport

City Attorney Parker reviewed the staff report.

It was moved by Wood and seconded by McGlothlin to approve the use agreement with TEAM Oregon Motorcycle Safety for use of airport runway 2/20 and authorize execution of the agreement by AMI. The motion carried unanimously, Ahier and Spatz absent.

Resolution No. 12-020 Approving Amendments to the City's Fee Schedule to Include Fees for Secondhand Dealers and Use Fees for Lewis and Clark Festival Park

City Attorney Parker reviewed the staff report. He said these fees had accidentally been left out of the previous fee resolution. Parker noted there should be an opportunity for public comment regarding the proposed fees.

Public Comment

No public comment was offered regarding the proposed fees.

It was moved by McGlothlin and seconded by Wood to adopt Resolution No. 12-020 approving amendments to the City's fee schedule to include fees for secondhand dealers and use fees for Lewis and Clark Festival Park. The motion carried unanimously, Ahier and Spatz absent.

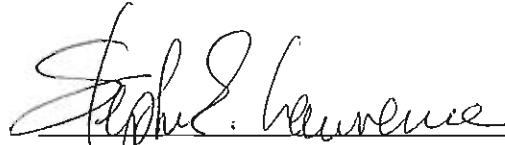
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ADJOURNMENT

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

Submitted by/
Julie Krueger, MMC
City Clerk

SIGNED:


Stephen E. Lawrence, Mayor

ATTEST:


Julie Krueger, MMC, City Clerk

City Council/Commission Accomplishments/Actions 2007-2012

Sequesterential 2007

Sister City formalization with Miyoshi City, Japan

Sending and Hosting Sister City Delegations

Updated SDCs

Revision of Updated Transportation SDCs by Citizen Committee

IAMP for W 6th

Burning Ordinances from Ad Hoc Burn Committee

Updating LUDOs annually

Redefined 'obligation' and 'trigger' points for SDCs.

Reclassified streets in transportation plan requiring much less development and cost to property owners

Updating/writing job descriptions for City Manager, Attorney, Municipal Judge

Created Performance Review Criteria for Municipal Judge and began annual reviews

Hired first new Municipal Judge in over 40 years

Wal-Mart approval

Initiated Regular Town Hall Meetings (Burning, Business Licenses, Canine Control)

Initiated Mayor's business forum

Initiated Past Mayor's Breakfast

Initiated Ad Hoc Business Barrier Committee

Initiated Ad Hoc Tree Committee

Fostered stronger relationship with North Wasco School District 12 through inclusion in the Outreach Team & holding a Council Meeting at the high school

Finished E 10th St widening project

Finished E 19th rebuild from Dry Hollow to Roberts St

Built new high elevation water storage tank above MCMC

Completed first phase of 1st St and Bargeway LID

Hired 2 more police officers and full time nuisance code enforcement officer

Annexation of all property possible under state law inside the UGB

Reviewed and set rates for water & sewer to assure adequate maintenance of the systems

Differentiated future compensation levels for department heads based on people and budget/assets managed

Maintained balanced budget every year without reduction in services or staff

Public Access WiFi cloud established by QLife

Relocated Public Works

Broke Ground for new National Guard/CGCC Training Center

Urban Renewal/City Accomplishments

Round-a-bout and Brewery Grade Project

Marine Terminal & Event Center

Wonderworks, St Peters, Canton Wok, Gayer Building, Breezeway

Sunshine Mill redevelopment and MOU with developer

Purchase of 'Granada Block' properties and MOU with developer

Approved grants to St Peter's Landmark, Wonder Works, American Legion

Approved interest subsidies to Canton Wok, Scott Gayer

Sold breezeway (Klindt's Annex) to Lisa Wallace for development for her expanding business

Granted funds to Parks & Recreation for completion of skate park

Airport Commission

MOU for development of golf course

Reconstructed well and completed agreements with water district for water system

Completed construction of 10 unit hanger by private investors

Completed construction of 2 executive hangers by private investors

Completed 6 million dollar rebuild of primary runway and taxiways

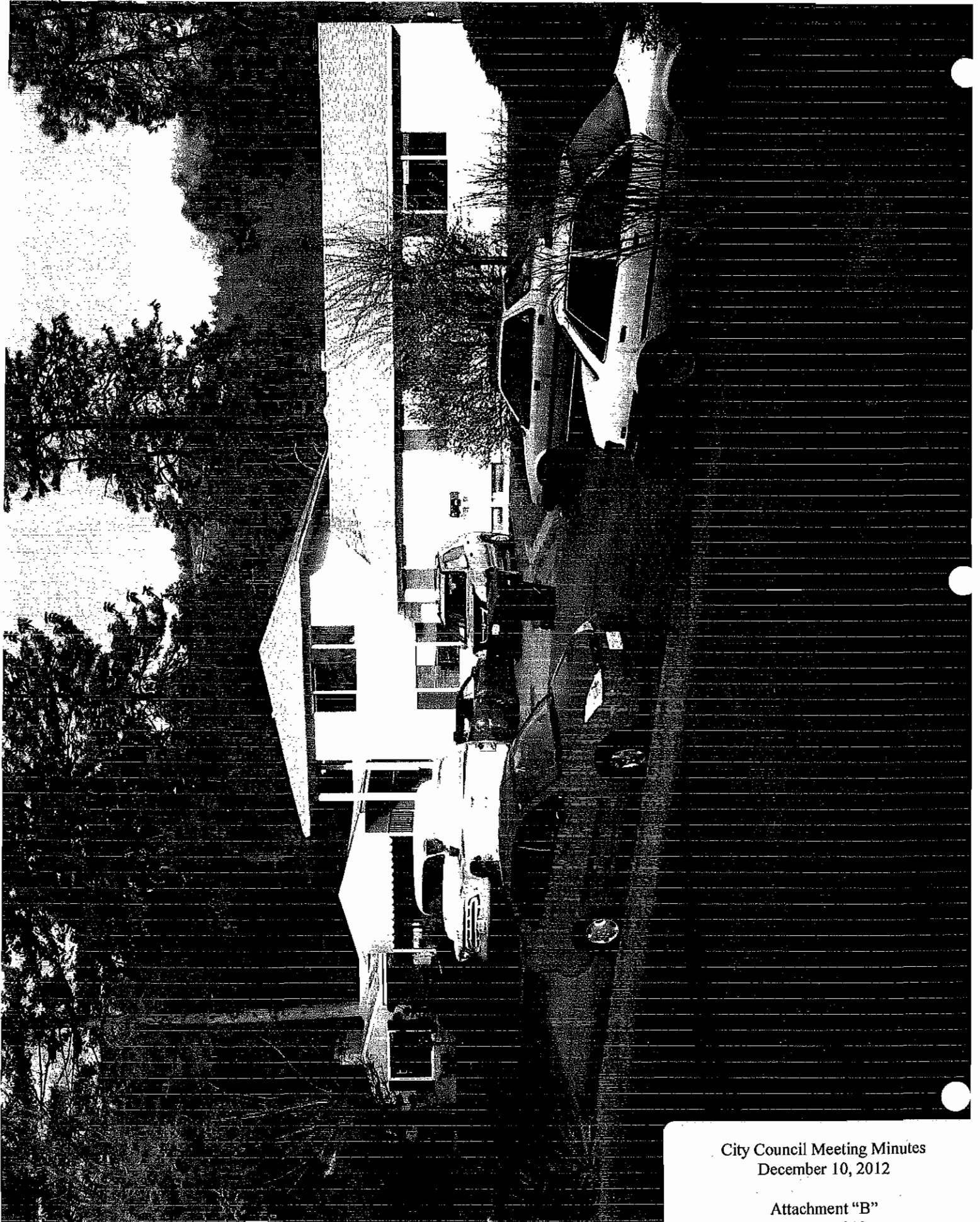
Completed construction of maintenance hanger

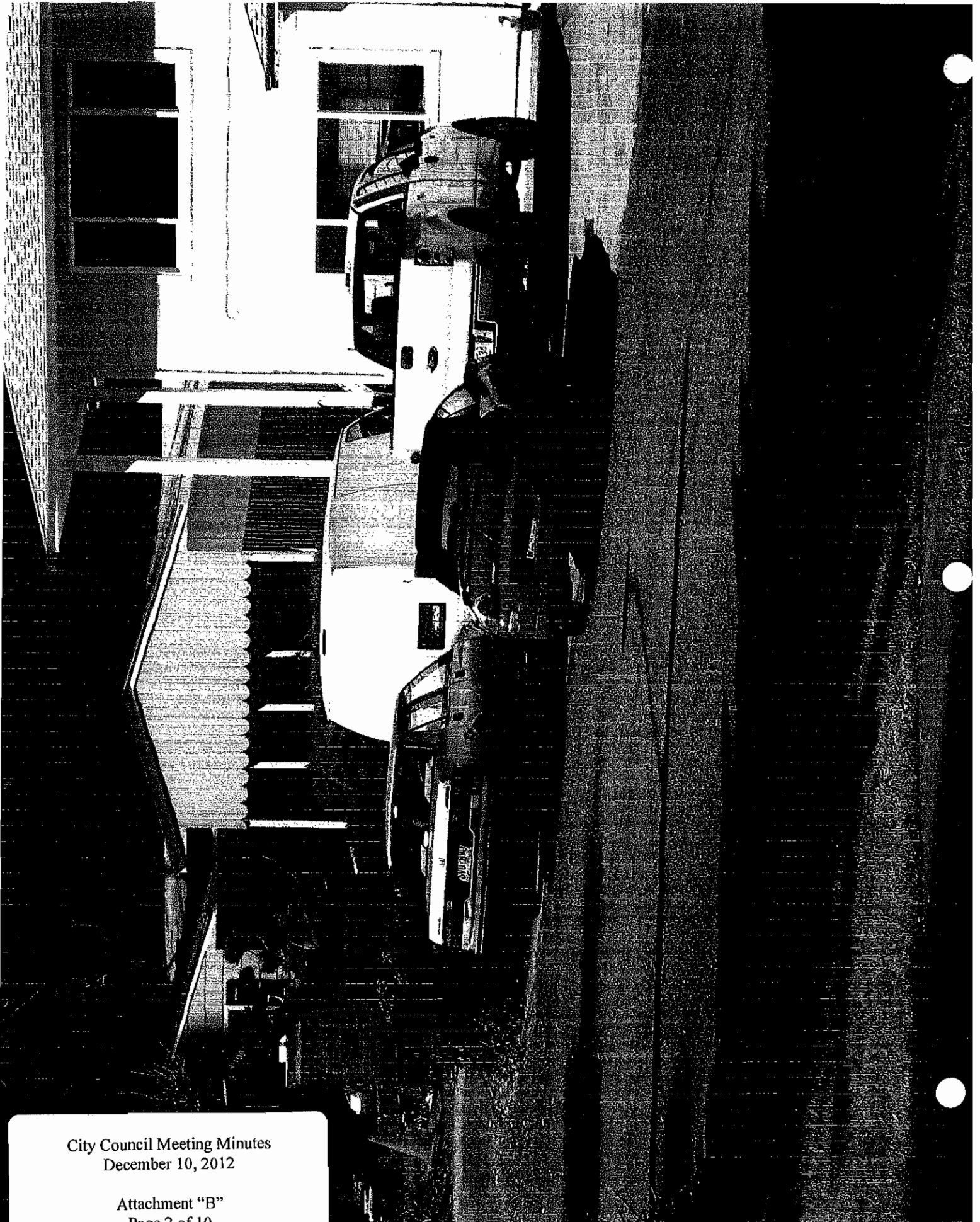
Completed construction of emergency services building

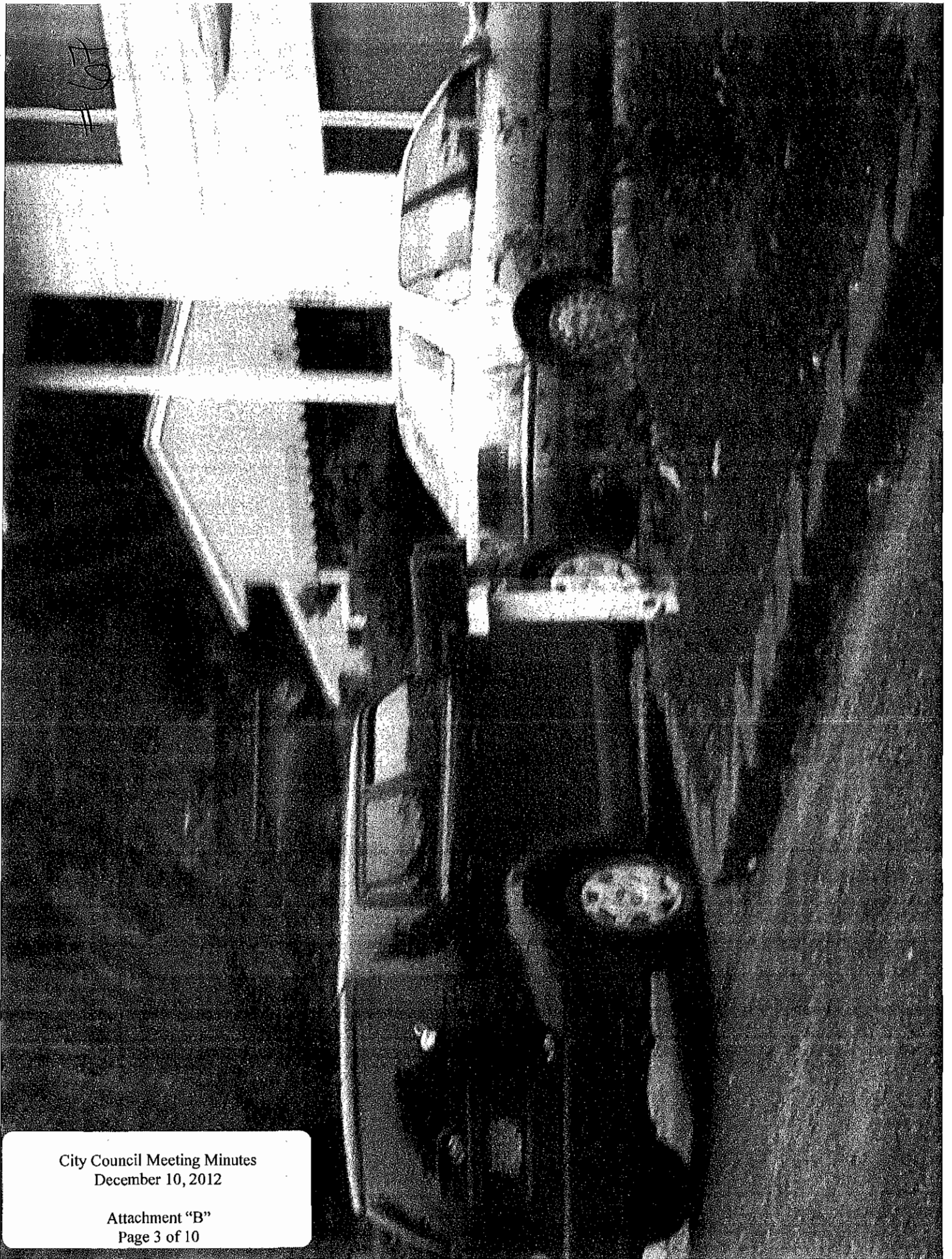
Completed airport master plan

Completed lease with Life Flight for helicopter and fixed wing aircraft base

Completed lease with UAV supplier/developer





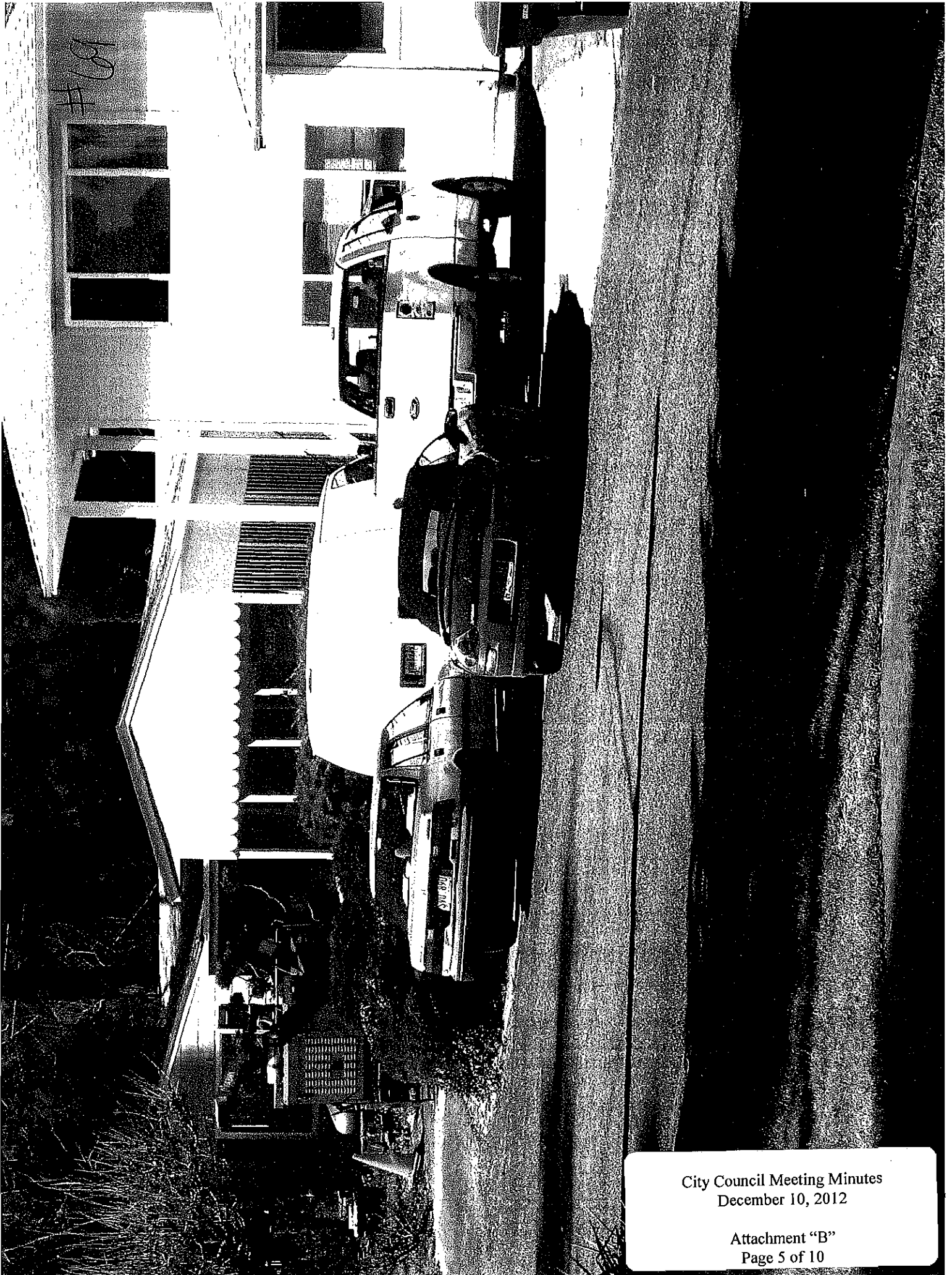




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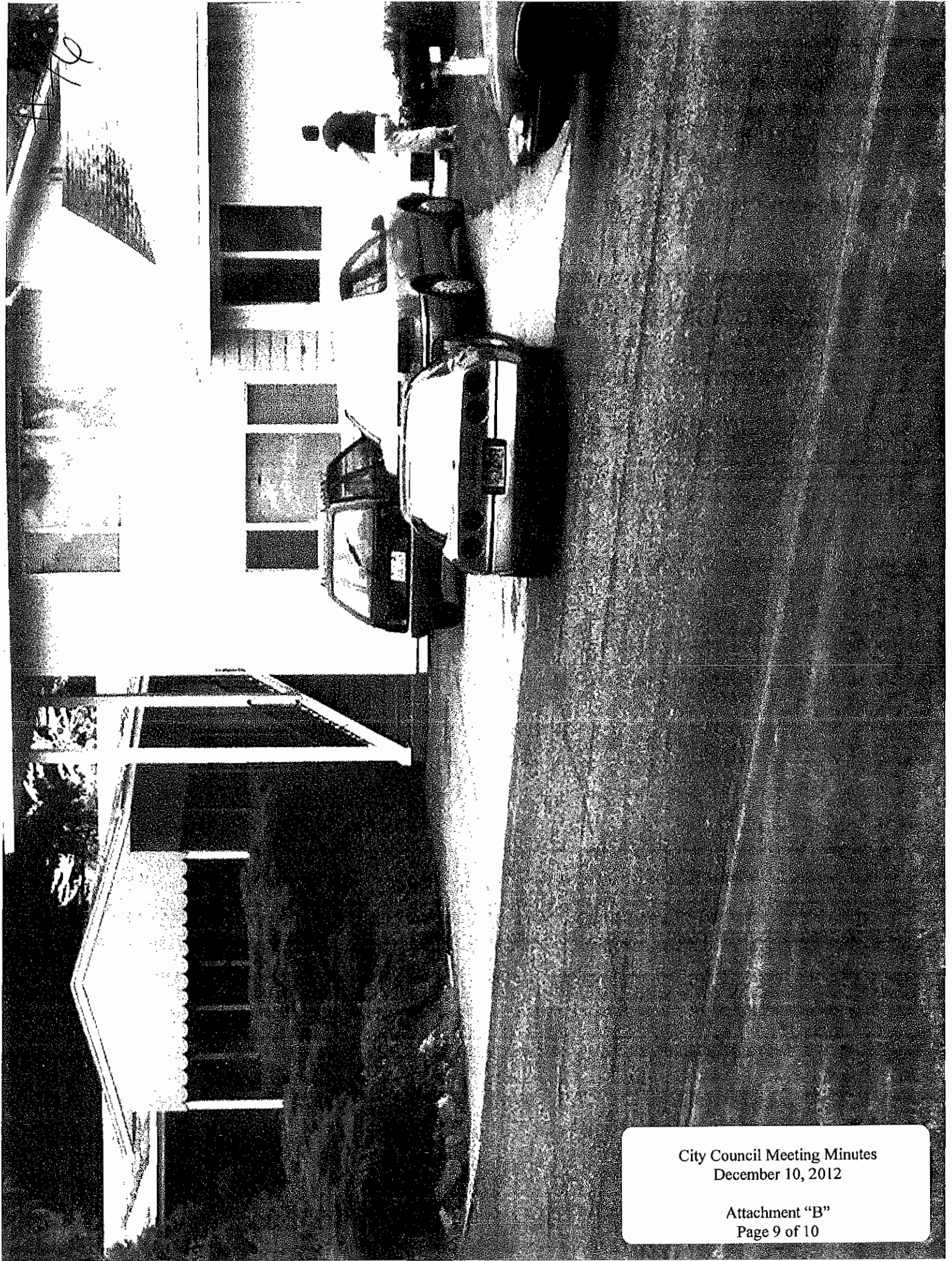


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