

MINUTES

REGULAR COUNCIL MEETING
OF
APRIL 25, 2011
5:30 P.M.
CITY HALL COUNCIL CHAMBER
313 COURT STREET
THE DALLES, OREGON

PRESIDING: Mayor Jim Wilcox

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

COUNCIL ABSENT: Carolyn Wood

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, Senior Planner Dick Gassman, Police Chief Jay Waterbury

CALL TO ORDER

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

ROLL CALL

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

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Mayor Wilcox asked the Council to add approval of an OLCC license application for Juanita's and an Executive Session to conduct deliberations regarding labor negotiations.

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

PRESENTATIONS/PROCLAMATIONS

Arts and Culture Month Proclamation

Mayor Wilcox read a Proclamation, declaring the month of May, 2011, as Arts and Culture Month.

AUDIENCE PARTICIPATION

Doug Leash, 1623 East Ninth Street, The Dalles, provided photographs of graffiti in the City and asked the City Council to consider implementation of regulations against graffiti. He said it was important to get it cleaned up to avoid people adding to it and said there didn't seem to be a plan to take care of it. He noted some of the graffiti had been on Brewery Grade for over six months.

City Manager Young said he would confer with staff and provide a report to the City Council and Mr. Leash regarding how the City handled graffiti.

CITY MANAGER REPORT

City Manager Young said he and the Mayor had met with Stephanie Hollick regarding industrial wetland issues. He said they would continue to work on a summary of issues and report to City Council.

Young said the City had met with the Corps of Engineers and Confederated Tribes of the Warm Springs regarding the commercial dock. He said they planned to meet again in two weeks.

Young reminded the City Council of the Budget Committee meetings, beginning on May 2nd at 5:30 p.m.

CITY ATTORNEY REPORT

City Attorney Parker said he would bring a proposed amendment to the general offenses ordinance on May 9th. He said the primary issue was to make it a local offense to possess less than one ounce of marijuana. Parker said the amendment would allow the City to keep the fines collected instead of turning them over to the State.

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Parker said he would be attending a City Attorney's seminar regarding employment law, elections law and public records law.

CITY COUNCIL REPORTS

Councilor McGlothlin highlighted activities of the Traffic Safety Commission, including discussion regarding a cross walk at Brewery Grade, increasing the speed limit at the east end of the round about and the East 10th Street widening project.

Councilor Dick reported the Urban Renewal Advisory Committee meeting had been a tour of the Civic Auditorium and the Granada Block buildings.

Mayor Wilcox said he had enjoyed the League of Oregon Cities bulletin article by the Executive Director and urged the City Council to read it.

Wilcox said he would be attending a Department of Environmental Quality (DEQ) meeting on May 2nd regarding the Wal-Mart application. He said he would be attending Senator Wyden's town hall meeting on April 26th at the Discovery Center. Wilcox said he would attend a meeting at the college later in the week regarding accreditation for the college.

Mayor Wilcox said the three ad-hoc committees he had appointed were all working on their projects and he expected to have the report from the Tree Policy Committee at the May 23rd meeting.

Approval of Mission Statement

Councilor McGlothlin suggested adding the words "we will" to the Mission Statement. It was moved by Ahier and seconded by Dick to approve the Mission Statement: "By working together, we will provide services that enhance the vitality of The Dalles". The motion carried unanimously, Wood absent.

CONSENT AGENDA

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

Items approved by Consent Agenda were: 1) approval of April 11, 2011 regular City Council meeting minutes; 2) Resolution No. 11-010 concurring with the Mayor's appointment to the Planning Commission; and 3) authorization for the City Clerk to endorse an OLCC application for Juanita's Market.

PUBLIC HEARINGS

Public Hearing to receive Testimony Regarding Proposed Amendments to the Comprehensive Plan and Land Use Development Ordinance for Periodic Review

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

The staff report was reviewed by Community Development Director Dan Durow, Senior Planner Dick Gassman, and Consultant Greg Winteroud.

A history of the process was reviewed, noting the process had started in 2006 with the thought the Plan would coincide with the expansion of the urban growth boundary and that the Plan had originally been prepared with the expansion in mind. Winteroud said once it was determined the expansion would not be included, the Plan had to be modified. He said during the process, many things had changed, such as the name of the Airport and asked if the Council had any corrections, they provide them to staff to make changes.

It was noted the major changes were stream corridor protection and industrial zone parcels. Regarding stream corridor protection, many agencies required buffering for the Chenowith, Mill and Three Mile Creeks within the urban growth boundary. He said it was proposed to require a 50 foot buffer for undeveloped properties, which there were very few of in the urban growth boundary. Winteroud said properties that were already developed would be exempt from the regulation. He said the language included a provision to allow for a 25 foot buffer if it was enhanced with natural vegetation.

Regarding the industrial designations, Winteroud said there had been a lot of input through work sessions between the Planning Commission and City Council, small group work sessions and Planning Commission hearings. He said the proposed language was on the edge of what the State would accept.

Winteroud said during the Comprehensive Plan update process, the population projection and Economic Opportunities Analysis (EOA) had been adopted by Wasco County and tentatively approved by the City Council in 2007. He said when the Columbia River Gorge Commission did not allow the City to submit the change as a minor amendment, other elements needed to be completed, including cultural and natural features studies. Winteroud said the work was nearly complete, and now there were three major concerns that needed to be resolved.

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He said one issue was preservation of large industrial sites, noting that 94% of the demand for industrial land was for small sites. Winteroud said the requirement for a concept plan had been removed due to the objection of the Port. He said the third issue of wetlands had not been answered yet.

Regarding the 20 acre industrial sites, Winteroud said the language had been re-written to address the need for smaller sites and that based on the EOA, there was a surplus of industrial land available.

Mayor Wilcox said the Council was being asked to approve four separate documents and suggested the Council address one document at a time.

City Manager Young said the process for this meeting was to conduct a public hearing and suggested the Mayor continue with the hearing and then have a discussion among the City Council.

Winteroud said the language regarding wetlands was included because the City Council had said they wanted language pointing out that there could be an impact on the available land inventory. He said it was an observation, not a policy. City Manager Young said the language could be changed to state that the wetlands were a concern and may restrict the land inventory, but not to state it as a fact.

Testimony

Bob McFadden, 2472 Badger View Drive, The Dalles, urged the City Council to wait until all the documents were completed before adopting any of them. He said there was a lot of discussion regarding what was expected to be included in the Comprehensive Plan by State agencies, but not what the local citizens wanted.

Gary Honald, 2505 Wright Drive, The Dalles, testified regarding the stream protection proposal, saying there were already many trees along Mill Creek. He said the City should be careful because if too many trees blocked the creek during flood events, the City could be liable. Honald said one of the main causes for warm stream temperatures was the City's reservoirs. He said the people who live along the creek were very good stewards of it and there didn't need to be too many restrictions for the creek.

Lenore Clifford, 531 West Third Place, The Dalles, asked who would be responsible for removal of noxious vegetation, what exceptions would be allowed for the 50 foot stream protection rules and how the water line would be defined.

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Community Development Director Durow said there was no language regarding removal of noxious vegetation. He said exemptions to the rule would be public roads, bridges, utility lines and paths. Durow said when the Mill Creek Greenway trail was designed, the location would take into consideration flood levels and plant materials.

Durow said the high water mark would be used to measure the protection area. Greg Winteroud said it would be based on a two year flood mark to determine the ordinary high water line. He said the language regarding stream protection was in response to pollution concerns (warm temperature) and was not required by the State, but that many other agencies would want to see the City's Plan include protection language.

Mrs. Clifford said she didn't feel her questions were answered thoroughly. She said she cleaned up a lot of garbage along the creek, on her property, planted grass and irrigated it, even though it belonged to the City.

John Nelson, 524 West Third Place, The Dalles, said the Planning Commission had worked very hard to develop language regarding stream protection and said it was friendly to property owners, while still satisfying the agencies. He said creeks were suffering from pollution and some standards should be in place for their protection. Nelson said he also served on the Mill Creek Watershed Council and that group was also working to help with measures to cool the creek so fish could survive. He said there would be an event hosted by the Watershed Council, in June, to help people understand ways to help cool the water and said they had a showcase area where the old trailer court used to be to show people how to improve the creek with planting native vegetation. Regarding the wetlands issue, Nelson said it was important for the City to have an inventory of wetlands for future development purposes.

Gary Honald provided additional testimony that he believed measuring from the center of the creek for the protection zone would make more sense because the shore moves constantly.

Mayor Wilcox said he was opposed to the Appeal section which placed the burden of proof on the appellant. Senior Planner Gassman said the Planning Commission had removed that section at their last meeting.

Mayor Wilcox said he had a letter from Andrea Klaas of the Port of The Dalles who did not support the language regarding the 20 acre parcels and he did not support the language either. He said it was communist and written in an uncooperative tone.

Community Development Director Durow said staff had been working with the Port regarding the language and they had told him today that they were in agreement with the proposed language.

Winteroud said the Executive Director had been included in the process to develop the language and the EOA had been developed with considerable public input. He said this had been worked on for four years with cooperation and direction from the City Council.

Community Development Director Durow said it had been a long process and reminded the City Council that the grant deadline was nearing. He said it was important to complete the process by May 31 or grant funds could be required to be paid back.

Durow said the language could be softened regarding the wetlands issue and stream protection. He said the language was property owner friendly and noted the large industrial sites would not be specifically identified, but that staff would track to ensure there were sites available as required.

City Manager Young asked the Council to provide staff with lists of any items that were housekeeping in nature so the document could be cleaned up and then to identify major focus areas such as the industrial sites. He said the language could be changed to be more cooperative.

Mayor Wilcox recessed the public hearing to the May 9, 2011 City Council meeting.

Councilor Ahier expressed concern that citizens would not have the ability to know the location of the available 20 acre industrial sites.

Councilor Dick said the citizens who paid the bond to develop the Port area for industrial uses, were told the best use would be for smaller parcels of approximately two acres and that was how it had been developing over the years.

Councilor McGlothlin said he believed the Council should keep moving forward toward adoption of the documents, saying he had not heard anything that would be a major roadblock and he did not want to jeopardize the grant. McGlothlin said these were living documents that could be amended when necessary or conditions changed for the community.

Councilor Ahier said he supported providing emphasis on the wetlands issue and hoped the City could work toward an inventory. Community Development Director Durow said the Phase II portion of the urban growth boundary expansion work included the wetlands inventory and he hoped to receive grant funding for that project.

Councilor Dick said he believed the people who lived along Mill Creek were good stewards of it. He said he supported the testimony of Mr. Honald regarding measuring creeks from the center,

noting water courses were constantly changing direction. Dick asked if there was any risk in changing the standard method for measurement of the protection zone. City Manager Young suggested adding language that would better define the high water mark rather than changing the method of measuring to the center of the creek.

Greg Winteroud said measuring from the water line was a standard measuring practice. He said it would also allow staff to use common sense judgment and help protect property owners by being able to be more flexible.

Mayor Wilcox said language regarding a surplus of employment land (commercial and industrial) seemed in conflict with what the Council had been told regarding the need for an urban growth boundary expansion.

Mr. Winteroud said it was based on a higher expected population and that the definition of reducing to four 20 acres parcels created less burden to property owners.

It was the consensus of the City Council to take any additional testimony on May 9th, and to adopt the documents at the May 23rd Council meeting.

CONTRACT REVIEW BOARD ACTIONS

Award Contract for Towing Services

City Attorney Parker reviewed the staff report.

It was moved by McGlothlin and seconded by Ahier to authorize the City Manager to enter into a three year agreement commencing August 1, 2011, with Shaner Enterprises, Inc., doing business as Rivers Edge Towing, in accordance with their proposal submitted April 12, 2011. The motion carried unanimously, Wood absent.

ACTION ITEMS

Resolution No. 11-008 Initiating a Street Vacation Procedure for Library Property

Senior Planner Gassman reviewed the staff report.

It was moved by Dick and seconded by Spatz to adopt Resolution No. 11-008 initiating a street vacation procedure for a portion of East Seventh Place East of Court Street, a Portion of Washington Street East of Court Street and North of East Seventh Place, and an Alley East of Court Street. The motion carried unanimously, Wood absent.

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Resolution No. 11-011 Initiating a Right of Way Vacation Procedure for a Portion of Terrace Drive and East Terrace Drive

Senior Planner Gassman reviewed the staff report.

Councilor Dick said he had been Mr. Mayfield's attorney and was involved in the estate so would have a conflict of interest in this matter and would not participate in the discussion or vote.

It was moved by Spatz and seconded by McGlothlin to adopt Resolution No. 11-011 initiating a street vacation procedure for a portion of Terrace Drive and a portion of East Terrace Drive. The motion carried unanimously; Dick abstaining and Wood absent.

Approval of Agreement With the Chamber of Commerce to Provide Tourism Services

Chamber of Commerce Executive Director Dana Schmidling reviewed the proposed work plan and discussed some of the new proposals for the upcoming year. She asked the Council to consider allowing \$5,000 that was not spent on the current special project to be carried over into the next fiscal year for the special project.

It was moved by Ahier and seconded by McGlothlin to approve the proposed fiscal year 2011-12 Work Scope and budget for the Community Marketing Program as presented by the Chamber of Commerce and to carry over \$5,000 from the current budget to the 2011-12 fiscal year special project budget. The motion carried unanimously, Wood absent.

Extend Time of Meeting

It was moved by Ahier and seconded by Spatz to extend the time of the meeting to the conclusion of business. The motion carried unanimously, Wood absent.

EXECUTIVE SESSION

Mayor Wilcox recessed the meeting to Executive Session at 8:31 p.m. in accordance with ORS 192.660 (2) (d) to conduct deliberations with persons designated by the governing body to carry on labor negotiations.

Reconvene to Open Session

The meeting reconvened to open session at 8:36 p.m.

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DECISIONS FOLLOWING EXECUTIVE SESSION

City Manager Young reviewed the proposed contract, saying the agreement included a one percent cost of living adjustment January 1, 2012; two percent on January 1, 2013; and two percent on January 1, 2014. He said the City's contribution toward insurance premiums would be the same for the current year; July 1, 2012, maximum City contribution would increase by 9%; and July 1, 2013, maximum City contribution would increase by 8%. Young said the City would make available a second, less costly plan with reduced benefits allowing employees to select which plan they want for the insurance year.

It was moved by Spatz and seconded by McGlothlin to authorize the City Manager to sign the labor agreement with SEIU, as negotiated.

Councilor Ahier said he was pleased with the work staff had done on the contract and that there was a move toward employees participating more in the cost of their health care benefits.

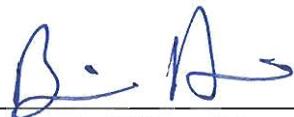
The motion to authorize the City Manager to sign the labor agreement with SEIU, as negotiated was voted on and carried unanimously, Wood absent.

ADJOURNMENT

Being no further business, the meeting adjourned at 8:40 p.m.

Submitted by/
Julie Krueger, MMC
City Clerk

SIGNED:


James L. Wilcox, Mayor *BRIAN AHIER*
PRO TEM

ATTEST:


Julie Krueger, MMC, City Clerk *Pro Tem*