

## **MINUTES**

REGULAR COUNCIL MEETING  
OF  
APRIL 12, 2010  
5:30 P.M.  
CITY HALL COUNCIL CHAMBER  
313 COURT STREET  
THE DALLES, OREGON

**PRESIDING:** Mayor pro-tem Jim Wilcox

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

**COUNCIL ABSENT:** Mayor position vacant

**STAFF PRESENT:** City Manager Nolan Young, City Clerk Julie Krueger, Public Works Director Dave Anderson, Finance Director Kate Mast, Community Development Director Dan Durow, Police Chief Jay Waterbury

### **CALL TO ORDER**

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

### **ROLL CALL**

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

### **PLEDGE OF ALLEGIANCE**

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

### **APPROVAL OF AGENDA**

Mayor pro-tem Wilcox asked the Council to add two items to the agenda: discussion regarding Mayor position vacancy to City Council Reports; and a discussion item regarding the Council's position on business development and the effects of transportation systems development charges.

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

### **PRESENTATIONS/PROCLAMATIONS**

Bob McFadden reported on the recent trip to Miyoshi City. He introduced those in attendance who went on the trip, including Councilor Carolyn Wood, Corliss and Bill Marsh, Andrea Klaas, Nora Donovan, and Dave Griffith.

McFadden shared photographs of events and brochures from some of the sights they visited. He said they received a welcome ceremony, were greeted by their host families and participated in a tree planting ceremony. He provided two plaques related to the tree planting ceremony. McFadden and Councilor Wood presented gifts which were sent to the Mayor and Council. The gifts included candy and scarves.

McFadden thanked the City Council for their continued support of the Sister City program and said a group of students would be traveling to Japan this August.

Councilor Wood presented her photo album from the trip and said it would be available in the City Clerk's Office for a period of time if people wanted to look at it.

Councilor Spatz thanked McFadden for his long standing efforts to maintain the sister city relationship.

### **AUDIENCE PARTICIPATION**

Former Mayor Nikki Lesich explained that her recent resignation was to take a position as the City's Codes Enforcement Officer. She thanked each Councilor for their support and their dedication to the City. Lesich thanked staff for all the work they did to make the Council and City successful.

Mayor pro-tem Wilcox thanked Lesich for her service to the City.

### **CITY MANAGER REPORT**

City Manager Young asked the City Council to authorize him to sign the agreement with the Education Service District for IT services to the City, in the amount of \$94,624.00.

It was moved by Wood and seconded by Spatz to authorize the City Manager to sign an agreement with Education Service District for IT services in the amount of \$94,624. The motion carried unanimously.

City Manager Young reported there had been severe water damage to the old scale house, located at the Union Street crossing. He said this building had been scheduled for demolition within two years as part of the festival area and said staff planned to proceed with demolition at this time, due to the damage.

Young reported the first set of budget issue papers had been mailed out and more would be sent out weekly. He reminded the City Council that budget meetings would begin on May 3<sup>rd</sup>.

Young said there were two City projects being considered for Connect Oregon III grants, airport runway strengthening and the marine terminal project. He said he and Chuck Covert would be attending a meeting on Friday with Oregon Department of Transportation (ODOT) to promote the projects. Young said a decision should be made in June or July regarding which projects would receive funding.

Mayor pro-tem Wilcox asked if the grant money was all in one group or if grants would be awarded by category. City Manager Young said they could be divided among air, rail, and water and that it was also a goal to make sure each region received some funding. He said the two projects could compete but that both could also be awarded.

### **CITY COUNCIL REPORTS**

Councilor Wood said she had enjoyed the trip to Japan and said they had visited the Disaster Museum in Kobe, as well and the museum in Hiroshima.

Councilor Spatz said the Community Outreach Team had met a staff person of Senator Merkley while in Washington, D.C. and had learned he lived in the Mosier area. Spatz said some of the team members had the opportunity to tour him through our area and show him some of the proposed projects. He said they had also been able to discuss important wind energy issues with him.

Councilor Ahier said he had spoken with the City Attorney regarding the legality of regulating political signs. He said due to free speech rights, the size requirement in our ordinance was not enforceable. Ahier said the City Attorney has suggested the City Council could direct staff to make it a priority to amend the ordinance prior to the General Election to correct that section.

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It was the consensus of the City Council to direct staff to make it a priority to amend the sign ordinance regulating the size of political signs.

Mayor pro-tem Wilcox said the Airport Commission would be meeting on Friday at 7:00 a.m. and would be considering a water agreement, which would be very important to future development at the Airport.

Declaring Position of Mayor Vacant

Mayor pro-tem Wilcox said Mayor Lesich had submitted her resignation effective April 7, 2010.

It was moved by Dick and seconded by Wood to accept the resignation, with regret, and to declare the position of Mayor vacant. The motion carried unanimously.

Councilor Wood suggested the Council allow Councilor Wilcox to continue to serve as Mayor pro-tem, keeping his ability to vote, until the end of the year. She said the other Councilors could assist with presentations and events if needed.

Councilor Ahier said he believed it was important to have a full Council. He suggested the City Council appoint Councilor Wilcox as Mayor, then fill his vacant position on the City Council.

Mayor pro-tem Wilcox said he would go along with the decision of the Council and asked if anyone else on the City Council was interested in serving in the position of Mayor.

Councilor Spatz said he would be more comfortable with Wilcox serving in the capacity of Mayor because he had more experience in managing the meetings.

Councilor Dick agreed that the best option may be to appoint Wilcox as Mayor, then declare the Council position as vacant and fill that position.

It was moved by Wood and seconded by Ahier to appoint Jim Wilcox as Mayor and to declare Council position #1 vacant, direct staff to advertise the vacancy, take applications, Council to conduct interviews and select a candidate to fill the vacant Council position. The motion carried; Wilcox abstaining.

City Clerk Krueger asked the City Council if they would like to proceed with the schedule suggested in the staff report. It was the consensus of the Council to proceed, using the suggested schedule.

### **CONSENT AGENDA**

It was moved by Wood and seconded by Spatz to approve the Consent Agenda as presented. The motion carried unanimously, Council position #1 vacant.

Items approved by Consent Agenda were: 1) approval of March 29, 2010 regular City Council meeting minutes; 2) approval to declare Police Department vehicles as surplus property; 3) approval to declare Public Works Department vehicle as surplus property; and 4) authorization for City Clerk to endorse OLCC new outlet application for Anana's Boutique.

### **CONTRACT REVIEW BOARD ACTIONS**

Approval of Amendment #4 to Contract 2007-08-004 With KPFF Consulting Engineers to Incorporate Additional Elements of Work, Delete Specific Elements of Work and Increase the Amount of the Contract for the Downtown Riverfront Connection Project

Community Development Director Durow reviewed the staff report.

Councilor Spatz asked if there were assurances from Union Pacific Railroad that the new proposal was officially accepted. Community Development Director Durow said they had officially accepted the proposed tunnel design.

Councilor Ahier asked why the engineering costs were reduced. Durow said the cost was reduced because it was less complicated to use the tunnel approach, compared to a bridge. Ahier asked what was included in the environmental costs. Durow said he did not have the detailed information, but would get the information for the City Council.

It was moved by Ahier and seconded by Wood to approve amendment #4 to contract 2007-08-004 with KPFF Consulting Engineers in an amount not to exceed \$1,112,686. The motion carried unanimously, Council position #1 vacant.

### **DISCUSSION ITEMS**

Discussion Regarding Plan for Regulating Yard Sale Signs

Community Development Director Durow reviewed the staff report.

Mayor Wilcox said the most important issue was removal of the boxes at intersections, which were in violation of the sign ordinance. He said he did not think it was a wise use of staff time to do all the work of preparing and delivering yard sale listings, but that it may be acceptable to place a list on the City's website.

Councilor Wood said she thought it would be easier to provide a place where people could post their own announcements, but that she would support the proposal on a trial basis.

There was a discussion regarding the legality of parked vehicles displaying yard sale signs. Staff was asked to research the matter.

Following discussion, it was the consensus of the Council to accept the staff recommendation. They asked staff to report back to the Council regarding the program.

Dave Griffith volunteered to list sales on his downtown reader board.

Bill Marsh suggested using a community bulletin board or placing the list on public access television.

Discussion Regarding Business Development and the Effects of Transportation Systems Development Charges on Development

Mayor Wilcox said he was raising this issue because many people had contacted him about the issue and felt there was a perception that the City was not friendly in its permit processes. He suggested the Transportation Systems Development Charges (SDC's) ordinance be re-evaluated in light of the poor economy. Wilcox suggested forming a task force to discuss possible improvements to the system.

Mayor Wilcox said he would like to see changes that would be more helpful to existing, relocating businesses and said he had invited citizens to speak to the Council regarding their concerns.

Councilor Ahier said he would not be opposed to forming a task force to work with staff, but that it would not be appropriate to discuss the matter until staff had an opportunity to provide background information to the Council. Ahier suggested the item be placed on a future agenda for consideration.

Councilor Spatz agreed, saying it would also be helpful to receive comparison information from staff. He said it was not in the City Council's best interest to have a discussion without any preparation and information from staff. He said it would not be fair to the Council, staff or the public to discuss the issue without having full information.

The City Council agreed to hear comments from the citizens who were invited to speak about the matter.

Bob McFadden, 2472 Mountain View Drive, The Dalles, said his client had learned through the site team review process that they would have to pay transportation SDC's because they had applied for a building permit to install venting and a window at their new location. He said it was not economically feasible to pay \$25,000 in SDC's for a \$700 remodel project and said the fees prevented current businesses to grow or relocate. McFadden asked the Council to consider relaxing the fee structure for existing businesses to allow for economic growth in the community.

City Manager Young said there was a process by which applicants could appeal to the City Manager for a review of the SDC's, based on comparative information of similar uses.

Councilor Dick said it was reasonable to charge transportation SDC's, saying tax payers had supported infrastructure costs to have a liveable community, and that new development should pay it's share, but that he was not opposed to reviewing the current policies. Dick agreed that it would be helpful to have staff provide information before the Council discussed the matter.

Councilor Ahier asked that the Council allow the public comment and refrain from any deliberations at this meeting.

David Griffith, 409 West 16<sup>th</sup> Street, The Dalles, said he had been surprised by the amount of transportation SDC's for development of his property on West Sixth Street, noting the cost was approximately \$75,000. Griffith said it would be helpful to have a different rate structure for re-developed properties, as opposed to new development.

Chuck Covert, 3819 Columbia View Drive, The Dalles, said he asked for a site team review of property he owned on Cherry Heights Road and was surprised that the amount may be \$60,000. He said it seemed disproportionate.

City Manager Young said it was important to have balance among those who create new traffic and those who also benefit from the business. He said staff would prepare information for the City Council and recommended that the matter be brought back as a discussion item to develop a review process. Young said the phrase "the intent of the Council" used in previous discussions was not intended to imply that staff was guessing at what the Council wanted staff to do. He said

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the phrase was connected to legal counsel and legal reviews of case law. Young said when the City Council set policies, staff carried them out and did not try to guess at the intent of the City Council.

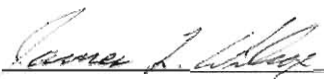
**ADJOURNMENT**

Being no further business, the meeting adjourned at 7:46 p.m.

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Submitted by/  
Julie Krueger, MMC  
City Clerk

SIGNED:

  
James L. Wilcox, Mayor

ATTEST:

  
Julie Krueger, MMC, City Clerk