

AGENDA

REGULAR CITY COUNCIL MEETING

March 12, 2012

5:30 p.m.

CITY HALL COUNCIL CHAMBER
313 COURT STREET
THE DALLES, OREGON

1. CALL TO ORDER
2. ROLL CALL OF COUNCIL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF AGENDA
5. PRESENTATIONS/PROCLAMATIONS
6. AUDIENCE PARTICIPATION

During this portion of the meeting, anyone may speak on any subject which does not later appear on the agenda. Five minutes per person will be allowed. If a response by the City is requested, the speaker will be referred to the City Manager for further action. The issue may appear on a future meeting agenda for City Council consideration.

7. CITY MANAGER REPORT
8. CITY ATTORNEY REPORT
9. CITY COUNCIL REPORTS
10. CONSENT AGENDA .

Items of a routine and non-controversial nature are placed on the Consent Agenda to allow the City Council to spend its time and energy on the important items and issues. Any Councilor may request an item be "pulled" from the Consent Agenda and be considered separately. Items pulled from the Consent Agenda will be placed on the Agenda at the end of the "Action Items" section.

- A. Approval of February 27, 2012 Regular City Council Meeting Minutes

CITY OF THE DALLES

"By working together, we will provide services that enhance the vitality of The Dalles"

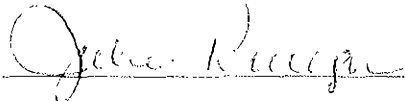
11. ACTION ITEMS

- A. General Ordinance No. 12-1320 Amending the Election Code for the City of The Dalles Concerning the Method for Nominating Candidates for Municipal Elected Offices and Revising the City's Electoral Districts [**Agenda Staff Report #12-018**]

12. ADJOURNMENT

This meeting conducted in a handicap accessible room.

Prepared by/
Julie Krueger, MMC
City Clerk





AGENDA STAFF REPORT
CITY OF THE DALLES

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
March 12, 2012	Consent Agenda 10, A	N/A

TO: Honorable Mayor and City Council

FROM: Julie Krueger, MMC, City Clerk 

THRU: Nolan K. Young, City Manager

DATE: February 29, 2012

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

A. **ITEM:** Approval of February 27, 2012 Regular City Council Meeting Minutes.

BUDGET IMPLICATIONS: None.

SYNOPSIS: The minutes of the February 27, 2012 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 February 27, 2012 regular City Council meeting.

MINUTES

REGULAR COUNCIL MEETING
OF
FEBRUARY 27, 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, Dan Spatz, Brian Ahier, Tim McGlothlin

COUNCIL ABSENT: None

STAFF PRESENT: City Manager Nolan Young, City Attorney Gene Parker, City Clerk Julie Krueger, Police Chief Jay Waterbury, Community Development Director Dan Durow, Finance Director Kate Mast, Administrative Fellow Cooper Whitman, Associate Planner Dawn Hert, Senior Planner Dick Gassman

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; all Councilors present.

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 Spatz to approve the agenda as amended. The motion carried unanimously. Amended agenda included the Supplemental Agenda and addition of authorization for City Clerk to endorse OLCC New Outlet License for Astro Mini Mart.

PRESENTATIONS/PROCLAMATIONS

Historic Landmarks Commission Annual Report

Associate Planner Dawn Hert provided an overview of the annual report for 2011. She said the Rock Fort Maintenance Plan was available for review. The City Council asked that the Plan be posted to the City's website.

Councilor Spatz expressed appreciation for the Historic Landmarks Commission, saying they provided a valuable resource in the preservation of our local history.

Introduction

Mayor Wilcox introduced Larry Comstock, third grade student at Chenoweth Elementary School. He said they had become acquainted about a year ago and he wanted Larry to have a better understanding of how City Council meetings worked.

AUDIENCE PARTICIPATION

Jeff Clifford, PO Box 269, The Dalles, questioned whether the park at Klindt Cove was owned and operated by the City. He said it had signage prohibiting alcohol and tobacco and noted that boaters who used that beach often had alcohol on their boats.

City Manager Young said the Parks and Recreation District had responsibility for the park. Police Chief Waterbury said the City had an ordinance prohibiting drinking in public places and thought the tobacco prohibition was a regulation of the District.

Mr. Clifford said he was opposed to government encroachment on his liberties in the community, including sign regulations, demands on small businesses, and the proposed burn restrictions. He said the Mayor claimed to be conservative, but governed liberally. He said the City Council should not encroach on the liberties of its citizens.

CITY MANAGER REPORT

City Manager Young reported he had been appointed by the League of Oregon Cities to serve on the City-County Insurance (CCIS) Board for a four year term. Young said School District 21 had been discussing the possible East 19th Street extension and would be discussing the matter again at a future meeting. He said the City had agreed to gravel a 100 x 100 foot area for additional parking at the track as part of their agreement for the project.

CITY ATTORNEY REPORT

City Attorney Parker said he had recently attended the Government Law Seminar and many topics had included information regarding social media policies. He said staff would be reviewing the City's current policies regarding email, cell phones and internet to ensure our policies were current with changing technology. Parker said he had also learned information regarding electric car charging stations.

CITY COUNCIL REPORTS

Councilor Dick reported he had attended the Urban Renewal Advisory Committee meeting and staff had made a very good presentation regarding urban renewal projects.

Councilor Spatz noted the Mid Columbia Economic Development District (MCEDD) would hold their third Strengthening the Economy session on March 8th in Sherman County.

Councilor Ahier said the City had received cards from St. Mary's Academy students, thanking the City for its work for the community.

Mayor Wilcox said the Sister City Association was working to establish a teleconference with the City Council of Miyoshi City in the spring.

CONSENT AGENDA

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

Items approved by Consent Agenda were: 1) approval of February 13, 2012 regular City Council meeting minutes; 2) approval of January 30, 2012 goal setting minutes; 3) authorization for City Clerk to endorse OLCC New Outlet application for The Daily Special BBQ Restaurant; and 4) authorization for City Clerk to endorse OLCC New Outlet application for Astro Mini Mart.

PUBLIC HEARINGS

Public Hearing to Receive Testimony Regarding Annexation of Lee Street Island Properties

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

Senior Planner Gassman reviewed the staff report. He said the City had received one written comment, which he distributed to the City Council for review (attached as Exhibit "A").

Councilor Ahier asked staff to explain the County's support of the island annexations and to explain that the County would not be harmed by loss of tax revenue.

Senior Planner Gassman said the County was notified regarding all proposed annexations and had never opposed one. He said he believed they appreciated not having responsibility for the rights of way. Gassman said there were various categories of streets, and the local access streets or public rights of way were not improved or maintained and would not be unless they were brought up to the standards required by the entity in which the street was located. He said staff continued to bring the annexations to City Council because it was the direction from Council to annex to the Urban Growth Boundary to the extent possible.

City Manager Young said the letter submitted by Dennis Hester expressed concern about taking property tax revenue away from the County. Young said the County would continue to collect property taxes, as they did on all properties located in the City. He said annexation would provide for improved law enforcement protection.

City Attorney Parker said a few clerical changes had been made to the ordinance and the title should state this was Round 9, not Round 8.

Testimony

Patricia Combs, 733 Lee Street, The Dalles, said she did not support the annexation of her property and noted that many of the properties included in the proposed annexation were empty and decaying homes and that most of the residents had died. She questioned whether annexation would still allow her to keep her widow tax exemption status and what she would gain by being included in the city limits.

City Manager Young said public access roads would not be improved but that sewer rates would be reduced to in-city rates and police protection would be greater. He said the City did not regulate tax exemptions by the County.

Hearing no further testimony, the public hearing was closed.

Special Ordinance No. 12-547 Annexing Certain Additional Properties and Public Right of Way Located in the Urban Growth Boundary of the City of The Dalles Pursuant to ORS 222.750 (Island Annexations - Round 9)

Councilor Ahier expressed concern regarding a greater burden being placed on the City to make street repairs, saying there was not adequate funding to bring all the public streets up to City standards.

Councilor Wood said the local improvement district process was the mechanism for people to raise the street standards and once a street met City standards, the City was obligated to maintain it.

Councilor Spatz said funding for street maintenance did need to be addressed.

City Clerk Krueger read Special Ordinance No. 12-547 by title.

It was moved by Wood and seconded by Spatz to adopt Special Ordinance No. 12-547 annexing certain additional properties and public right of way located in the Urban Growth Boundary of the City of The Dalles pursuant to ORS 222.750 (island annexations - round 9), by title. The motion carried unanimously.

ACTION ITEMS

Approval of New Full-time Position of Information Technology (IT) Manager

City Manager Young reviewed the staff report.

Mayor Wilcox expressed his support of having the position be in-house.

Councilor Ahier said the contract with the Education Service District (ESD) had increased every year and it made sense to have the position in-house due to cost savings, availability and accountability. He said he believed better service could be provided.

Councilor McGlothlin said he too supported having the position in-house.

Councilor Spatz asked if the flow chart indicated the position would work directly under the City Manager. City Manager Young said that was correct.

It was moved by Spatz and seconded by Ahier to direct the City Manager to create and fill a full time IT Manager position effective July 1, 2012. The motion carried unanimously.

Approval of Agreement With Department of Land Conservation and Development for the Periodic Review Work Program, Phase II

Community Development Director Durow reviewed the staff report.

Mayor Wilcox asked if the studies that had been completed previously would still be accurate or if they would have to be updated because they had been done a long time ago.

Community Development Director Durow said he did not believe the previous work would be outdated.

It was moved by Wood and seconded by McGlothlin to authorize the City Manager to sign the contract with Department of Land Conservation and Development to receive the periodic review grant of \$150,000. The motion carried unanimously.

DISCUSSION ITEMS

Discussion Regarding Proposed Burn Restrictions

City Clerk Krueger reviewed the staff report and noted Committee members, Fire Marshal, and The Dalles Disposal representatives were in attendance to help answer questions of the Council.

Fire Marshal Dan Hammel said the Fire District would work on an appropriate permit form and said he would work with City staff to determine the exact dates for the open burn seasons, based on the State burning regulations. He suggested the ordinance also contain an exemption for agricultural burning.

The City Council discussed the proposed roll cart proposal that would include one garbage, one recycle, and one yard debris/food waste cart per residence. It was noted if customers no longer needed the large garbage can, they could get a smaller one which would help reduce the monthly cost of the service.

The City Council discussed the length of the open burning seasons. Councilor Wood favored reducing the amount of time allowed. Mayor Wilcox said due to high wind days and other weather issues, the actual number of days for each season would likely be reduced.

Bruce Lumper, DEQ and Burn Committee Member, said the DEQ was prepared to provide burn advisory information for the community.

In response to a question, Jim Winterbottom, The Dalles Disposal, said his company would be able to meet the City's proposed time frame to roll out the new cart program, but they needed direction as to whether service would become mandatory or based on subscription service and whether the Council intended to include only the city limits or the urban growth boundary, before they could provide accurate rate information for the program.

It was the consensus of the City Council to direct staff to work with Wasco County to determine whether the burn restrictions could be extended out to the urban growth boundary.

Burn Committee Member Kathy Heitkemper noted that the City could implement the burn barrel ban and still decide to only provide garbage service. She said there was no requirement to provide the yard debris service as part of the package.

Jim Winterbottom noted the current cost for weekly yard debris pick up was \$7.70 per month.

Committee Member Pierce Louis said people would still have the ability to burn yard debris during the open burning seasons. Committee Member Karen Murray said the yard debris program was much more than backyard composting because so much more organics could be disposed of through the program. Mr. Louis said many communities already had the three cart disposal system and the Northwest was a leader in using the system.

Burn Committee Member Russ Brown said if citizens obeyed the law regarding what could be burned in barrels, there would not be an issue, but they frequently burn trash in the barrels.

Councilor Ahier said he supported individual property rights and understood people wanted to burn, but when the smoke affected neighboring properties, the neighbor's property rights were violated too. He said there were times when government did need to implement regulations such as banning burn barrels.

It was the consensus of the City Council to direct staff to schedule a public hearing and adoption of a burn restriction ordinance.

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Regular Council Meeting
February 27, 2012
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ADJOURNMENT

Being no further business, the meeting adjourned at 7:50 p.m.

Submitted by/
Julie Krueger, MMC
City Clerk

SIGNED:

James L. Wilcox, Mayor

ATTEST:

Julie Krueger, MMC, City Clerk

FEB 27 2012

Richard Crossman

I Dennis Hecker I live at 739 Lee St
and I am not ~~for~~^{of} this Annexing into
the City Cause All you are Doing is
Taking Property Tax Revenue money
From the County and they are hurting
bad enough as it is. I want my Home
Block left in the County Cause that
is the way I brought back in March
of 2002 been their counts January of
1999. I don't care what you say about
lower the Sewer ~~bill~~ bill or not It
was voted down for the City Take over
before. So leave us the Hell alone.
The City limit's line look like's the
Person was either Drunk or High on
Drugs or Blind has a bat. I most
~~likely~~ likely won't be at your bitch
Session due to it my wheels aren't turning
I am not making any money to pay my
bill's and stay above water. There should
a Law against you Taking money From the
County on property taxes and not the laws
that you write down ~~up~~ either, Cause I
Feel the Dallas City has hurt the County
Sheriff Dept Plus County Road left Bad enough.
Dennis Hecker

PP
JJ



CITY of THE DALLES

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THE DALLES, OREGON 97058

(541) 296-5481 ext. 1122
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AGENDA STAFF REPORT

CITY OF THE DALLES

MEETING DATE:	AGENDA LOCATION:	AGENDA REPORT #
March 12, 2012	Action Items 11, A	12-018

TO: Honorable Mayor and City Council

FROM: Gene E. Parker, City Attorney

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

DATE: February 28, 2012

ISSUE: Adoption of General Ordinance No. 12-1320 amending the City Elections Code for the City of The Dalles, concerning the method for nominating candidates for municipal elected offices, and revising the City's electoral districts.

RELATED CITY COUNCIL GOAL: None.

PREVIOUS AGENDA REPORT NUMBERS: None.

BACKGROUND: The City Charter provides that the City Council shall consist of five councilors, with four of the city councilors to be nominated by district, and the other councilor to be nominated at large. The City Charter further provides that the four councilors to be nominated by district shall be classified into four positions, numbered one through four, with positions designated as Position #1 and Position #2 to be nominated from the West District, and the other two positions designated as Position #3 and Position #4 to be nominated from the East District; and

In addition, the City Charter provides that the boundaries of the West and East Districts shall be fixed by ordinance, and that within three months after an official census estimate indicates that the boundaries deny equal protection of the laws, that the Council shall re-specify the boundaries so as to afford equal protection of the laws. ORS 246.410 specifies that a local government or

special government body as defined in ORS 174.116 and 174.117 that fixes electoral district boundaries must comply with an applicable directive issued by the Oregon Secretary of State's Office.

On June 1, 2011, the Oregon Secretary of State's Office issued a Directive identified as Rule 2011-2 concerning redistricting, which provided that local governments, special government bodies and county clerks governed by the Directive, were required to consider the following criteria when drawing district or precinct boundaries:

Each district or precinct, as nearly as practicable, shall:

- * Be contiguous;
- * Utilize existing geographic or political boundaries;
- * Not divide communities of common interest; and
- * Be connected by transportation links.
- * For Districts, be of equal population.

Applying the criteria set forth in Rule 2011-2 and the results from the 2010 census, in consultation with the Wasco County Clerk, City staff determined that the boundaries for the East and West Districts, as currently set forth in Section 3(b) of General Ordinance No. 92-1150, needed to be revised. In reviewing the current provisions of the City's Election Code contained in General Ordinance No. 92-1150, City staff has discovered that the provisions in Section 2 concerning the method for nomination of candidates for at-large offices and Section 3 concerning the method of nominating candidates for district offices, are not consistent with provisions of state election law and the procedures followed by the Oregon Secretary of State's Office. Adoption of the proposed amendments to the City's election code will ensure the City's Election Code complies with the provisions of the City's charter, and is consistent with provisions of state election law and the procedures followed by the Oregon Secretary of State's Office.

Notice of adoption of General Ordinance No. 12-1320 has been posted in accordance with the provisions of the City Charter, and the Council can choose to adopt the ordinance by title only.

BUDGET IMPLICATIONS: None.

ALTERNATIVES:

- A. Staff Recommendation. *Move to adopt General Ordinance No. 12-1320 by title only.*

GENERAL ORDINANCE NO. 12-1320

**AN ORDINANCE AMENDING THE ELECTION CODE
FOR THE CITY OF THE DALLES, CONCERNING THE
METHOD FOR NOMINATING CANDIDATES FOR
MUNICIPAL ELECTED OFFICES, AND REVISING
THE CITY'S ELECTORAL DISTRICTS**

WHEREAS, the City Charter provides that the City Council shall consist of five councilors, with four of the city councilors to be nominated by district, and the other councilor to be nominated at large; and

WHEREAS, the City Charter further provides that the four councilors to be nominated by district shall be classified into four positions, numbered one through four, with positions designated as Position #1 and Position #2 to be nominated from the West District, and the other two positions designated as Position #3 and Position #4 to be nominated from the East District; and

WHEREAS, the City Charter further provides that the boundaries of the West and East Districts shall be fixed by ordinance, and that within three months after an official census estimate indicates that the boundaries deny equal protection of the laws, that the Council shall re-specify the boundaries so as to afford equal protection of the laws; and

WHEREAS, ORS 246.410 specifies that a local government or special government body as defined in ORS 174.116 and 174.117 that fixes electoral district boundaries must comply with an applicable directive issued by the Oregon Secretary of State's Office; and

WHEREAS, on June 1, 2011, the Oregon Secretary of State's Office issued a Directive identified as Rule 2011-2 concerning redistricting, which provided that local governments, special government bodies and county clerks governed by the Directive, were required to consider the following criteria when drawing district or precinct boundaries:

Each district or precinct, as nearly as practicable, shall:

- * Be contiguous;
- * Utilize existing geographic or political boundaries;
- * Not divide communities of common interest; and
- * Be connected by transportation links.
- * For Districts, be of equal population: and

WHEREAS, applying the criteria set forth in Rule 2011-2 and the results from the 2010 census, in consultation with the Wasco County Clerk, City staff determined that the boundaries for the East and West Districts, as currently set forth in Section 3(b) of General Ordinance No. 92-1150, needed to be revised; and

WHEREAS, in reviewing the current provisions of the City's Election Code contained in General Ordinance No. 92-1150, City staff has discovered that the provisions in Section 2 concerning the method for nomination of candidates for at-large offices and Section 3 concerning the method of nominating candidates for district offices, are not consistent with provisions of state election law and the procedures followed by the Oregon Secretary of State's Office; and

WHEREAS, the City Council has determined it is in the best interests of the citizens of the Dalles to adopt amendments to the City's election code to ensure the City's Election Code complies with the provisions of the City's charter, and is consistent with provisions of state election law and the procedures followed by the Oregon Secretary of State's Office;

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

Section 1. Section 2 of General Ordinance No. 92-1150, shall be amended to read as follows:

Section 2. Method of Nominating Candidates for At-Large Offices. Candidates for at-large offices shall be nominated by individual voters by filing with the City Clerk of the City of The Dalles, not sooner than and not later than the dates established by state election law as now constituted, a certificate of nomination, signed by not less than 100 legally qualified voters of the City of The Dalles, certified as voters by the County Clerk of Wasco County, Oregon, or by the candidate paying a fee of \$25.00 to the City of The Dalles.

Section 2. Subsections (a) and (b) of Section 3, Method of Nominating Candidates for District Offices, of General Ordinance No. 92-1150 shall be amended to read as follows:

- a) Candidates for district offices shall be nominated by individual voters by filing with the City Clerk of the City of The Dalles, not sooner than and not later than the dates established by state election law as now constituted, a certificate of nomination, signed by not less than 25 legally qualified voters of the City of The Dalles residing within the district from which the candidate is seeking election, certified as voters by the County Clerk of Wasco County, Oregon, or by the candidate paying a fee of \$25.00 to the City of The Dalles.

- b) Pursuant to Chapter III, Section 8 of the 1994 The Dalles Charter, the City is hereby divided into two districts, to be known as the West District and the East District. The boundary line which divides the two districts is described as follows:

Beginning at a point of the intersection of Fairview Street and the Southern City limits of the City of The Dalles; thence North to East 20th Street; thence Northwest to East 18th Street; thence Northwest to Jefferson Street; thence Northwest to Scenic Drive; thence Northwest to Jefferson Street; thence Northeast to Terrace Drive; thence Northeast to East 14th Street; thence Northwest to Union Street; thence Northeast along Union Street, and by extension to the City limits line on the Columbia River.

- 1) The West District shall include all of Precinct 1, and approximately one-half of Precinct 2, as shown on the map attached hereto as Exhibit "A". The East District shall contain the remaining portion of Precinct 2, and all of Precincts 3 and 4, as shown on the map attached hereto as Exhibit "A". The boundary line dividing the East and West Districts is shown on the map attached hereto as Exhibit "B", which is incorporated herein by this reference.

PASSED AND ADOPTED THIS 12TH DAY OF MARCH, 2012

Voting Yes, Councilors: _____

Voting No, Councilors: _____

Absent, Councilors: _____

Abstaining, Councilors: _____

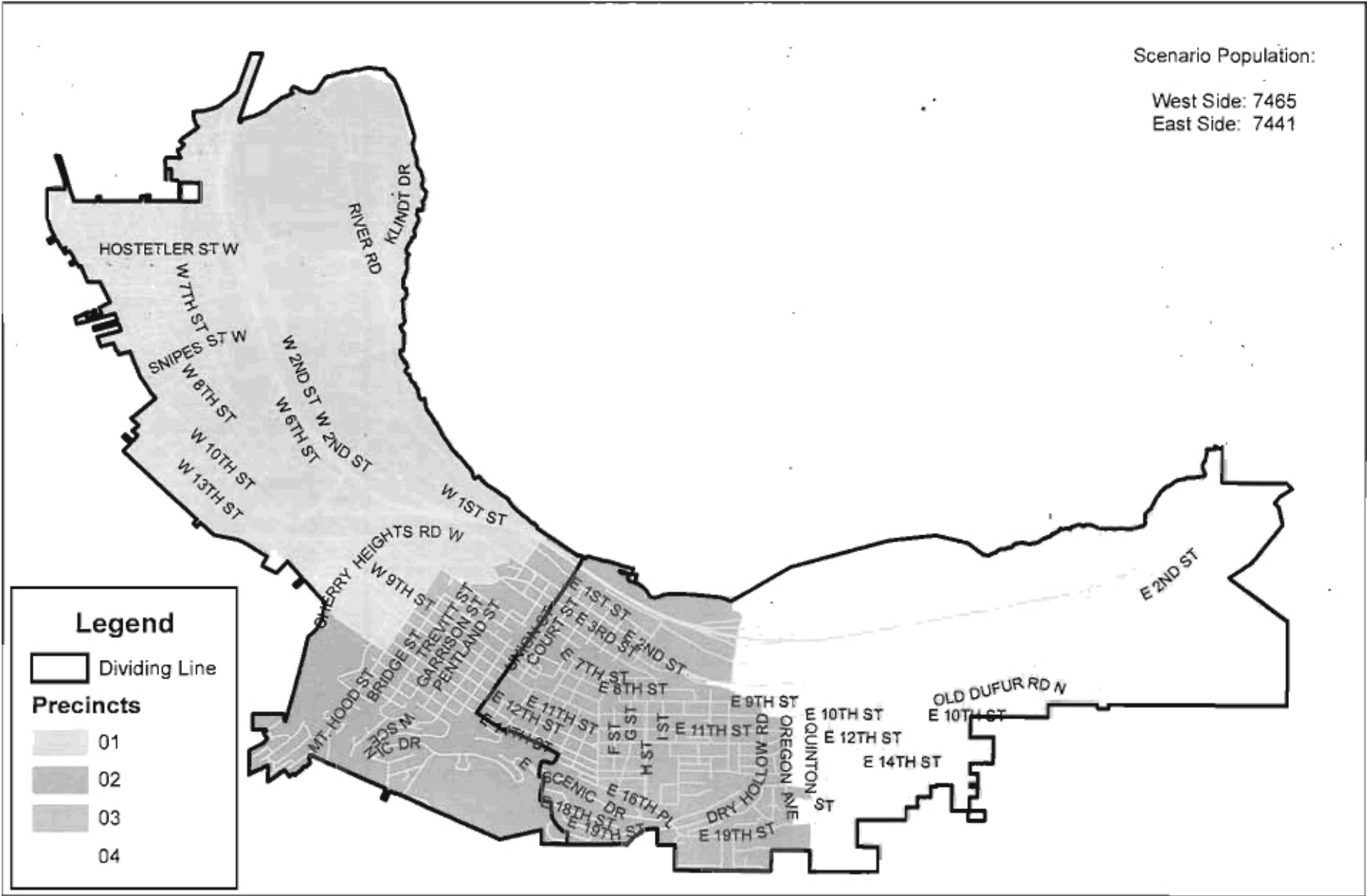
AND APPROVED BY THE MAYOR THIS 12TH DAY OF MARCH, 2012

James L. Wilcox, Mayor

ATTEST:

Julie Krueger, MMC, City Clerk

Proposed The Dalles East-West Precincts Overview



Scenario Population:
 West Side: 7465
 East Side: 7441



Proposed The Dalles East-West Precincts

