

AGENDA

REGULAR CITY COUNCIL MEETING

October 11, 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

A. Presentation by Wasco County Commission Regarding November Ballot Issues

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 September 27, 2010 Regular City Council Meeting Minutes
- B. Approval of September 20, 2010 Regular City Council Meeting Minutes
- C. Authorization for City Clerk to Endorse OLCC New Outlet Application for Montira's Thai Cuisine
- D. Resolution No. 10-024 Concurring With the Mayor's Appointments to the Museum Commission
- E. Resolution No. 10-025 Concurring With the Mayor's Appointment of Dan Richardson to the Tree Policy Committee

11. ACTION ITEMS

- A. Resolution No. 10-026 Initiating a Street Vacation Procedure for a Portion of Right of Way in the Alley Between West Third, West Fourth, Liberty and Lincoln Streets **[Agenda Staff Report #10-081]**
- B. Approval of Memorandum of Understanding With the Warm Springs Tribe Regarding Protection of Fishing Rights Adjacent to Proposed Marine Terminal at Union Street **[Agenda Staff Report #10-082]**

12. EXECUTIVE SESSION

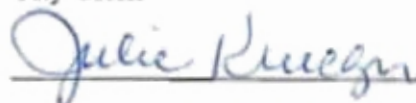
- A. Recess to Executive Session in Accordance With ORS 192.660 (2) (e) to Conduct Deliberations With the Persons Designated by the Governing Body to Negotiate Real Property Transactions
- B. Reconvene to Open Session

13. DECISIONS FOLLOWING EXECUTIVE SESSION

14. ADJOURNMENT

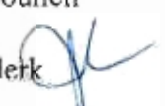
This meeting conducted in a handicap accessible room.

Prepared by/
Julie Krueger, MMC
City Clerk



**AGENDA STAFF REPORT**
CITY OF THE DALLES

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
October 11, 2010	Consent Agenda 10, A - E	N/A

TO: Honorable Mayor and City Council**FROM:** Julie Krueger, MMC, City Clerk **THRU:** Nolan K. Young, City Manager**DATE:** September 29, 2010**ISSUE:** Approving items on the Consent Agenda and authorizing City staff to sign contract documents.**A. ITEM:** Approval of September 27, 2010 Regular City Council Meeting Minutes.**BUDGET IMPLICATIONS:** None.**SYNOPSIS:** The minutes of the September 27, 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 September 27, 2010 regular City Council meeting.**B. ITEM:** Approval of September 20, 2010 Regular City Council Meeting Minutes.**BUDGET IMPLICATIONS** None.**SYNOPSIS:** The minutes of the September 20, 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 September 20, 2010 regular City Council meeting.

- C. **ITEM:** Authorization for City Clerk to Endorse OLCC New Outlet Application for Montira's Thai Cuisine.

BUDGET IMPLICATIONS: If approved, the City will collect a \$100 fee, which will be credited to the General Fund.

SYNOPSIS: The Police Department has investigate the application for an OLCC new outlet application for Montira's Thai Cuisine and recommends it be approved.

RECOMMENDATION: That City Council authorize the City Clerk to endorse an OLCC New Outlet application for Montira's Thai Cuisine.

- D. **ITEM:** Resolution No. 10-024 Concurring With the Mayor's Appointments to the Museum Commission.

BUDGET IMPLICATIONS: None.

SYNOPSIS: Mayor Wilcox has selected Eric Gleason and Myron Egbert for re-appointment to the Museum Commissions. The terms will expire April 30, 2013.

RECOMMENDATION: That City Council adopt Resolution No. 10-024 concurring with the Mayor's appointments to the Museum Commission.

- E. **ITEM:** Resolution No. 10-025 Concurring With the Mayor's Appointment of Dan Richardson to the Tree Policy Committee.

BUDGET IMPLICATIONS: None.

SYNOPSIS: Mayor Wilcox received a request from Dan Richardson to be included on the Committee to develop tree policies and has agreed to add him to the membership of the committee.

RECOMMENDATION: That City Council adopt Resolution No. 10-025 concurring with the Mayor's appointment of Dan Richardson to the Tree Policy Committee.

MINUTES

REGULAR COUNCIL MEETING
OF
SEPTEMBER 27, 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, Tim McGlothlin

COUNCIL ABSENT: Dan Spatz, Brian Ahier

STAFF PRESENT: City Manager Nolan Young, City Clerk Julie Krueger, Community Development Director Dan Durow, Senior Planner Dick Gassman, Public Works Director Dave Anderson, Police Captain Ed Goodman, Finance Director Kate Mast, Engineer Dale McCabe, Airport Managers Jim Broehl and Chuck Covert

CALL TO ORDER

Mayor Wilcox called the meeting to order at 5:37 p.m.

ROLL CALL

Roll call was conducted by City Clerk Krueger; 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 the Council to make the following amendments to the agenda: Add World Habitat Proclamation; remove Action Item 12, B, Memorandum of Understanding with Warm Springs Tribe; and add an Executive Session (h) to consider potential litigation. Wilcox also noted a supplemental agenda had been published and would be added to the original agenda.

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

PRESENTATIONS/PROCLAMATIONS

World Habitat Day Proclamation

Mayor Wilcox read a Proclamation, declaring October 4, 2010 as World Habitat Day in The Dalles and encouraged citizens to participate in local Habitat for Humanity events. Corliss Marsh accepted the proclamation and invited people to visit their booth from 11:00 a.m. to 1:00 p.m. on October 4th, at the Congregational Church, located at the corner of Fifth and Court Streets. She said there would also be a potluck dinner that evening to recognize participants of the program.

AUDIENCE PARTICIPATION

Rose Sherrell, 1107 East Ninth Street, The Dalles, addressed the Council regarding dog attacks in the City, saying her dog had been attacked over the weekend and her husband had also been bitten recently. She said people must be made to understand their responsibility to control their animals and that fines should be much higher for impounded dogs. Mrs. Sherrell said when she called the police over the weekend, she was told she would have to wait until Monday for assistance.

City Manager Young said the City Police did respond to dog attacks when they received calls. He said the City had an agreement with Wasco County to provide animal control and the City paid for approximately 75% of the cost of that program. Young said he would provide a report for the City Council outlining the City ordinances, State laws, and procedures.

CITY MANAGER REPORT

City Manager Young said staff had been told by ODOT that the Riverfront Trail grant application should contain more funding for environmental study. He asked that Resolution No. 10-020, which had been adopted at the September 20th Council meeting, be amended to reflect an additional \$75,000. He said the correct amounts would be \$1,556,816, with the local match being \$178,185.

It was moved by Dick and seconded by McGlothlin to amend Resolution No. 10-020 to increase the request for transportation enhancement funds for the Riverfront Trail Grant to \$1,556,816, with the local match being \$178,185. The motion carried unanimously, Ahier and Spatz absent.

CITY COUNCIL REPORTS

Mayor Wilcox said he had attended the League of Oregon Cities Conference last week.

Wilcox said he had received a letter from the School District, asking for a letter of support from the City regarding a grant they were applying for to create a math and science facility. He asked for consensus to direct staff to prepare a letter of support. It was the consensus of the Council to direct staff to prepare a letter of support for the grant.

Mayor Wilcox said the Council had previously directed staff to prepare a burn ban ordinance for Council consideration, but had received public comments which would indicate there was a lot of interest in the subject. He suggested the burn ban be a topic for a Town Hall meeting, as well as a discussion regarding business licenses. It was the consensus of the Council to have the burn ban and business license issues be the topics of the Fall Town Hall meeting.

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.

The item approved by Consent Agenda was: authorization for the City Clerk to endorse an OLCC change in ownership application for Wong's Chinese Restaurant.

CONTRACT REVIEW BOARD ACTIONS

Public Hearing to Consider Exemption for ROM Tec to be Sole Source Provider for Sewer Lift Station Projects

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

Public Works Director Anderson reviewed the staff report.

Testimony

No testimony was presented.

Resolution No. 10-021 Granting an Exemption From the Competitive Bid Requirements of ORS 279B.050 for the Sole Source Procurement of Sanitary Sewer and Storm Water Lift Stations

It was moved by McGlothlin and seconded by Wood to adopt Resolution No. 10-021 granting an exemption from the competitive bid requirements of ORS 279B.050 for the sole source procurement of sanitary sewer and storm water lift stations. The motion carried unanimously, Ahier and Spatz absent.

ACTION ITEMS

Authorization to Sign Connect Oregon III Grant Agreement for Airport Runway Strengthening Project

City Manager Young reviewed the staff report.

It was moved by Dick and seconded by Wood to authorize the City Manager to sign the Connect Oregon III grant agreement for airport runway rehabilitation with the Oregon Department of Transportation. The motion carried unanimously, Ahier and Spatz absent.

Household Hazardous Waste Program Update and Recommendation

Public Works Director Anderson reviewed the staff report. He introduced Glenn Peirce, David Skakel, and Cindy Brown of Wasco County to present additional information.

Mr. Pierce said the program had been very successful and credited the success to the partnerships.

Mr. Skakel provided a Power Point presentation, showing the program's mission, structure, funding, and program elements. He noted the funding was achieved through solid waste tipping fees and reviewed several components of the program, noting there were now up to 40 events per year, including events in Hood River, Sherman, and Wasco Counties and in schools. Skakel said up to 75% of the items collected were recycled.

Glenn Pierce noted the intergovernmental agreement would expire at the end of the year and would automatically renew unless partners requested any changes to the agreement.

It was moved by Wood and seconded by McGlothlin to authorize continued City participation in the Tri-County Hazardous Waste Management Program at the proposed level of service. The motion carried unanimously, Ahier and Spatz absent.

Approval of a Guarantee to Complete Environmental Impact Statement for East Portion of Airport Property

The staff report was reviewed by City Manager Young.

It was moved by Wood and seconded by McGlothlin to approve the guarantee of payment of an amount up to \$60,900 to Kennedy/Jenks Engineering upon publication of the Environmental Impact Study. The motion carried unanimously, Ahier and Spatz absent.

Approval of a Ground Lease for construction of a Hangar at the Airport

The staff report was reviewed by City Manager Young. In response to a question, it was noted that all the existing hangars were full and there was a waiting list for them.

It was moved by McGlothlin and seconded by Dick to approve a ground lease with William K. Bottomley for construction of a hangar at the Airport. The motion carried unanimously, Ahier and Spatz absent.

Mayor Wilcox suggested the City give authority to the Airport Board to approve future leases. City Manager Young said the intergovernmental agreement required leases in duration of more than five years be approved by the City and Klickitat County. He said it would be wise to leave that authority in the agreement.

Resolution No. 10-022 Supporting Skamania County Board of Commissioners Concerns
Regarding Testimony for Whistling Ridge Wind Energy Project

The staff report was reviewed by Mayor Wilcox. He distributed a map to the City Council, showing the location of the proposed project.

It was moved by Dick and seconded by McGlothlin to adopt Resolution No. 10-022 supporting Skamania County Board of Commissioners concerns regarding testimony for Whistling Ridge Wind Energy Project. The motion carried unanimously, Ahier and Spatz absent.

Recess

Mayor Wilcox recessed the meeting at 6:57 p.m. to allow staff to set up equipment for a presentation.

Reconvene

the meeting reconvened at 7:06 p.m.

DISCUSSION ITEMS

Discussion Regarding Chenoweth Interchange Area Management Plan Systems Development Charges

Senior Planner Gassman reviewed the staff report. He said staff would need guidance from the Council regarding the regulations for an overlay district in the study area, which projects to include, cost sharing to pay for the projects, the amount of systems development charges (SDC), and the need for intensive use of the study area.

Gassman introduced Susan Wright of Kittleson and Associates and DJ Heffernan of Angelo Planning who provided a power point presentation, showing a summary of the overlay district, cost sharing proposal, compliance with the Land Use Development Ordinance (LUDO) and Comprehensive Plan, and proposed cost sharing to pay for the projects.

Regarding cost sharing, questions were asked regarding whether the Council believed the balance of allocation was fair with the City and ODOT paying 12%, property owners and developers

paying 33% and SDC costs at 43%. Other questions were whether the plan was economically feasible with a cost of \$3,641 per trip, and how to address the current City SDC reduction within the area.

Mayor Wilcox said he would like the SDC Committee to convene and review the information and asked staff to provide them with examples for redevelopment, new development and existing business expansion.

Councilor Dick said he was in support of the concept that developers pay a large portion of the cost of the projects.

Wilcox asked staff to provide comparison information with other communities.

It was noted that if the large property adjacent to the proposed Hostetler Street crossing was developed as one business, the crossing could remain private, so SDC's would have to be adjusted with the removal of the crossing project from the plan.

RECESS TO URBAN RENEWAL AGENCY MEETING

Mayor Wilcox recessed the City Council meeting at 7:55 p.m.

RECONVENE TO CITY COUNCIL MEETING

The City Council meeting reconvened at 8:14 p.m.

EXECUTIVE SESSION

Mayor Wilcox recessed the meeting to Executive Session at 8:15 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 8:28 p.m.

DECISIONS FOLLOWING EXECUTIVE SESSION

It was moved by McGlothlin and seconded by Wood to comply with the District Attorney's Order of September 24, 2010, concerning the release of information to Rodger Nichols. The motion carried unanimously, Ahier and Spatz absent.

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ADJOURNMENT

Being no further business, the meeting adjourned at 8:30 p.m.

Submitted by/
Julie Krueger, MMC
City Clerk

SIGNED:

James L. Wilcox, Mayor

ATTEST:

Julie Krueger, MMC, City Clerk

MINUTES

REGULAR COUNCIL MEETING
OF
SEPTEMBER 20, 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, Dan Spatz, Brian Ahier, Tim McGlothlin

COUNCIL ABSENT: None

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

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

Mayor Wilcox asked that the agenda be amended by adding an Action Item to authorize the City Manager to execute an agreement for the Marine Terminal grant and removing Action Item 13, D, General Ordinance No. 10-1307 which would be addressed when the City Attorney could be present for the discussion.

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

PRESENTATIONS/PROCLAMATIONS

Report Regarding Involvement in Employer Support of the Guard and Reserve Program

Public Works Director Anderson reported that City employee Lane Goodenough had been nominated and selected to participate in the Employer Support of the Guard and Reserve Program, by attending an event at Gowan Field.

Lane Goodenough reported on his trip, representing the City. He said it had been educational and an honor to attend and was proud of the City's support of the National Guard.

Mayor Wilcox read a Statement of Support into the record and thanked Mr. Goodenough for attending the program. He noted the City would be presenting the Guard with a City flag and City medallions as they deploy Tuesday morning.

Presentation by Jeanette Montour Regarding Walkability Assessment Results

Jeanette Montour and Allyson Smith presented the results of the walkability survey. Ms. Smith reviewed obesity trends, noting they were linked to the importance of communities providing neighborhoods where citizens could travel by foot or bicycle. She said there was currently a healthy transportation movement in the nation and that our community should be ready with projects so we could seek grants when they become available. Smith asked the City Council to support the survey results and to proceed with development of a work plan.

Ms. Montour said Wasco County had taken a lead in developing the information, but that the City needed to take responsibility for creating and implementing a plan. She said the County Planning and Health Departments would support the project, but the City should take the lead role.

Mayor Wilcox said the City did have long term improvement plans for the City.

Councilor Ahier said he supported the City taking a more active role in completing projects associated with the survey results.

Mayor Wilcox said the Council would consider adding the information to a future work plan. He said if a committee was formed he hoped Montour and Smith would serve as members.

AUDIENCE PARTICIPATION

Bob McNary, 1525 East Ninth Street, The Dalles, said the proposed festival area property had been purchased with sewer funds. He questioned who would have ownership of that property when it was developed.

City Manager Young said the property had been purchased in part with sewer loan and grant funds. He said the City would continue to own the property and when a need arose for expansion of the wastewater treatment plant, it would be easier to accomplish because of the open space. Young noted structures associated with the festival area would be constructed at the opposite end of the property adjoining the wastewater treatment plant.

Mayor Wilcox noted that he had asked a local business development group to send representatives to public meetings so they would be better informed. He thanked Corina Schmidt for attending the Council meeting on behalf of that group.

CITY MANAGER REPORT

City Manager Young said he had sent the Council information regarding a request by Mid Columbia Medical Center to sign a Memorandum of Understanding regarding participation in a drug discount program. He asked the City Council if they wished to proceed with the agreement.

Councilor Ahier declared a possible conflict of interest due to his employment with Mid Columbia Medical Center and excused him from participation and voting on the issue.

It was moved by Dick and seconded by Wood to authorize the City Manager to sign a Memorandum of Understanding with Mid Columbia Medical Center regarding participation in the drug discount program established under Section 340B of the Public Health Services Act. The motion carried unanimously, Ahier abstaining; Spatz absent.

Community Development Director Durow introduced Thomas Gilbertson, the City's new RARE Planner. Durow said he would be working on the Vision Action Plan update and the Downtown Main Street Program.

City Manager Young said the Police Department was currently recruiting for a new Police Officer.

Young said the Mid Columbia Council of Governments was terminating their lease at the Transportation Center due to budget cuts. He said the City would be looking at other options to lease the building and said that one requirement of a new lease would be to keep the public restrooms open during their hours of operation.

CITY COUNCIL REPORTS

Councilor Wood said she was saddened to hear the Transportation Center would no longer be used for public transportation purposes, saying it had been constructed by volunteers to serve that purpose and to allow passengers to disembark in the downtown area of our community.

Wood reported the Historic Landmarks Commission had approved a request to paint the historic Surgeon's Quarters, noting they had determined its original color while restoring window frames. Wood said this would occur when funding became available.

Councilor McGlothlin reported on the Traffic Safety Commission meeting. He said they had discussed the following issues: ADA concerns and visibility issues at the intersection of East 12th and "H" Streets; 10th and Cherry Heights Road reduced speed limit request; cross walk at Brewery Grade and Ninth Street; increased speed limit request on Klindt Drive; and removal of a loading zone sign on East Second Street.

Councilor Dick said he had not been able to attend the last Urban Renewal Advisory Committee meeting.

Councilor Ahier said the Mid Columbia Council of Governments was experiencing financial problems due to loss of funding and had reduced their work force.

Ahier said he had heard from some citizens that they did not view The Dalles as a business friendly community. He said some concerns were expressed regarding the building permit and inspection procedures.

Mayor Wilcox said he had met with Council of Governments Director Arens and they would work together to find ways to make it easier for development to occur.

Mayor Wilcox said he represented the City at a POW/MIA Observance on Friday and noted the Community Outreach Team had traveled to Washington, D.C. last week. Wilcox said he would be attending the League of Oregon Cities Conference later this week. He also noted four local students had traveled to Myoshi City this summer on a Sister City sponsored trip.

CONSENT AGENDA

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

The item approved by Consent Agenda was approval of the July 26, 2010 regular City Council meeting minutes.

Councilor Spatz joined the meeting by telephone at 6:25 p.m.

PUBLIC HEARINGS

Public Hearing to Receive Testimony Regarding the Sale of Surplus Property Known as the Mesplie Reservoir to Kortge Brothers LLC

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

The staff report was reviewed by Public Works Director Anderson.

Testimony

No testimony was presented.

Council Deliberation

It was moved by Wood and seconded by Ahier to adopt Resolution No. 10-019 accepting an offer from Kortge Brothers LLC to purchase a parcel of property identified as assessor's map 1N 12E 13 tax lot 700, also known as the Mesplie Reservoir property. The motion carried unanimously.

Public Hearing to Receive Testimony Regarding a Proposed Street Vacation for a Portion of West Seventh Street Between Liberty and Lincoln Streets

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

MINUTES (Continued)
Regular Council Meeting
September 20, 2010
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Senior Planner Gassman reviewed the staff report. He noted one objection had been received from Patricia Wixman who represented a trust of two properties at 7th and Union Streets. Gassman said no reason was listed for the objection.

Testimony

No testimony was presented.

Council Deliberation

It was moved by Ahier and seconded by Wood to approve the requested partial street vacation for West Seventh Street based upon the findings of staff and City Council, and direct staff to prepare an ordinance for adoption at a future meeting, completing the vacation process. The motion carried unanimously.

CONTRACT REVIEW BOARD ACTIONS

Award Contract for Wastewater Treatment Plant Pump Station Electrical Upgrade

Public Works Director Anderson reviewed the staff report.

It was moved by McGlothlin and seconded by Wood to authorize the City Manager to enter into contract with East Cascade Electric in an amount not to exceed \$212,580 for the wastewater treatment plan pump station electrical upgrade construction project. The motion carried unanimously.

ACTION ITEMS

Authorization to Sign a Memorandum of Understanding With the Yakama Nation Regarding Protection of Fishing Rights Adjacent to Proposed Marine Terminal at Union Street

City Manager Young reviewed the staff report. In response to a question regarding the proposal to reduce the size of the dock, Young said the reason was because the location, at the original size, would have encroached on a licensed fishing site.

Young said the Tribe wanted to have a voice through the City to help facilitate discussions with other entities and that cooperation was very important to everyone. He said the Tribe's ability to tie nets to the dock would help free up space for boaters and for fishing. Young said each fishing season would last approximately six weeks, depending on the run.

Wood asked if the reduced size of the dock would change it's use. Young said it would not impact the commercial use, but would reduce the number of pleasure craft that could tie up.

Ahier asked if the language regarding the Tribe's right to sell fish was related to participation in a Farmer's Market style of sales. Young said that was correct and used an example of having a market or event in the festival area, they could participate in it.

McGlothlin asked the cost for providing nets and navigational aids. City Manager Young said the navigational aide would be in the form of a buoy. He said the total cost would be approximately \$2,000.

It was moved by Wood and seconded by Ahier to authorize the City Manager to sign a Memorandum of Understanding with the Yakama Nation regarding protection of fishing rights adjacent to the proposed marine terminal at Union Street. The motion carried unanimously.

Resolution No. 10-018 Authorizing the City of File Application With the Federal Transit Administration for a Paul S. Sarbanes Transit in Parks Program Grant

The staff report was reviewed by Community Development Director Durow.

It was moved by Ahier and seconded by McGlothlin to adopt Resolution No. 10-018 authorizing the City to file application with the Federal Transit Administration for a Paul S. Sarbanes Transit in Parks Program grant. The motion carried unanimously.

Request for City of The Dalles to Joint Northwest River Partners

City Manager Young reviewed the staff report.

It was moved by Wood and seconded by Dick to authorize the City Manager to obtain affiliate membership to Northwest River Partners. The motion carried unanimously.

Approval to Amend Agreement With City Prosecutor to Increase Salary

The staff report was reviewed by City Manager Young.

City Prosecutor Kevin Hashizume said he had been tracking his time over the past year and realized there was much more work being done than originally anticipated.

Councilor Ahier said he supported alternative "B", which allowed for \$25 per hour for secretarial time because it was more realistic.

It was moved by Wood and seconded by Spatz to approve an increase in the monthly compensation for the prosecutor for Municipal Court from the \$1,800 to a maximum of \$3,000, retroactive to July 1, 2010, at the rate of \$45 per hour for attorney services and \$25 per hour for secretarial services; and direct staff to prepare an amendment to extend the contract for a term of three years, including a provision for increased compensation and provision requiring advance written notice of any request for an increase in the hourly rate of compensation. The motion carried unanimously.

Approval of Contract with KPFF for Bidding and Construction Services for Marine Terminal and Festival Area Projects

City Manager Young reviewed the staff report.

It was moved by Dick and seconded by McGlothlin to authorize the City Manager to sign the necessary documents to retain the services of KPFF for the sum of \$251,795 to provide the scope of work presented to the City Council. The motion carried unanimously.

Approval of Agreement With ODOT to Receive Surface Transportation Program Funds for West Sixth Street Paving and Webber Street Traffic Signal Upgrades

Public Works Director Anderson reviewed the staff report. He said use of this program allowed the City to complete the projects without the Federal restrictions.

McGlothlin asked how the signals were failing. Anderson said the signalization project would include new dedicated left turn lanes at the Sixth and Webber and Second and Webber intersections and would include a new emergency system for the Fire District. He said it would be GPS based and the cost was nearly the same as the current system, which had failed completely.

It was moved by Wood and seconded by McGlothlin to authorize Agreement No. 27066 with Oregon Department of Transportation (ODOT) to accept funds exchanged under the Surface Transportation Program for the West Sixth Street resurfacing and upgrade of Webber Street and Sixth and Cherry Heights traffic signals in an amount not to exceed \$358,644. The motion carried unanimously.

Approval of Amendment to Lease With Port of The Dalles for Marine Terminal Property

Councilor Dick said he was the attorney for the Port and had a conflict of interest on this subject.

He excused himself from discussion and voting on the matter.

City Manager Young reviewed the staff report.

It was moved by Spatz and seconded by Wood to approve an amendment providing for an extension of construction completion date for Marine Terminal Project and the original lease agreement with the Port of The Dalles. The motion carried unanimously, Dick abstaining.

Resolution No. 10-020 Supporting the Request for Transportation Enhancement Funds for the Riverfront Trail Completion Project

Community Development Director Durow reviewed the staff report.

It was moved by Wood and seconded by McGlothlin to adopt Resolution No. 10-020 supporting the request for transportation enhancement funds for the Riverfront Trail Completion Project. The motion carried unanimously.

Authorization to Sign Connect Oregon III Grant Agreement for the Marine Terminal Project

City Manager Young reviewed the staff report.

It was moved by Ahier and seconded by Wood to authorize the City Manager to sign the Connect Oregon III Grant Agreement for the Marine Terminal Project. The motion carried unanimously.

EXECUTIVE SESSION

Mayor Wilcox recessed the meeting to Executive Session at 7:28 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 7:35 p.m.

DECISIONS FOLLOWING EXECUTIVE SESSION

None.

MINUTES (Continued)
Regular Council Meeting
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ADJOURNMENT

Being no further business, the meeting adjourned at 7:37 p.m.

Submitted by/
Julie Krueger, MMC
City Clerk

SIGNED:

James L. Wilcox, Mayor

ATTEST:

Julie Krueger, MMC, City Clerk

RESOLUTION NO. 10-024

**A RESOLUTION CONCURRING WITH THE
MAYOR'S APPOINTMENTS TO
TO THE MUSEUM COMMISSION**

WHEREAS, there are expired terms on the Museum Commission; and

WHEREAS, Mayor Wilcox has selected Eric Gleason and Myron Egbert for re-
appointment to the Museum Commission;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL AS
FOLLOWS:**

Section 1. The City Council hereby concurs with the appointment of Eric Gleason and
Myron Egbert to the Museum Commission, terms to expire April 30, 2013.

Section 2. This Resolution shall be effective October 11, 2010.

PASSED AND ADOPTED THIS 11th DAY OF OCTOBER, 2010

Voting Yes, Councilors: _____
Voting No, Councilors: _____
Absent, Councilors: _____
Abstaining, Councilors: _____

AND APPROVED BY THE MAYOR THIS 11th DAY OF OCTOBER, 2010

SIGNED:

James L. Wilcox, Mayor

ATTEST:

Julie Krueger, MMC, City Clerk

RESOLUTION NO. 10-025

**A RESOLUTION CONCURRING WITH THE
MAYOR'S APPOINTMENT OF DAN RICHARDSON TO THE
COMMITTEE TO DEVELOP STREET TREE POLICIES**

WHEREAS, the City Council has established a Committee to develop Street Tree Policies; and

WHEREAS, Mayor Wilcox has appointed an additional member to the Committee; and

WHEREAS, the City Council concurs with the appointment of Dan Richardson to the Committee; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS:

Section 1. The City Council concurs with the appointment of Dan Richardson to the Committee to develop Street Tree Policies.

Section 2 Effective Date. This Resolution shall be effective October 11, 2010.

PASSED AND ADOPTED THIS 11TH DAY OF OCTOBER, 2010

Voting Yes, Councilors: _____
Voting No, Councilors: _____
Absent, Councilors: _____
Abstaining, Councilors: _____

AND APPROVED BY THE MAYOR THIS 11TH DAY OF OCTOBER, 2010

SIGNED: _____
James L. Wilcox, Mayor

ATTEST: _____
Julie Krueger, MMC, City Clerk



AGENDA STAFF REPORT

MEETING DATE	AGENDA LOCATION	AGENDA REPORT #
October 11, 2010	Action Items 12, A	10-081

TO: Honorable Mayor and City Council

FROM: Dick Gassman, Senior Planner
Community Development Department

THRU: Nolan Young, City Manager *ny*

DATE: October 11, 2010

ISSUE: City Council Resolution to Initiate a Right of Way Vacation Process for a portion of right of way between Liberty and Lincoln and West Third and West Fourth Streets.

RELATED CITY COUNCIL GOAL: N/A

PREVIOUS AGENDA REPORT NUMBERS: N/A

BACKGROUND: In 1999 the City entered into an Encroachment Agreement with the owner of historic property at 207 West Fourth Street. A copy of the agreement is attached. As part of this agreement, the City agreed to initiate the process to consider a vacation of a portion of the alley running generally east and west between Lincoln and Liberty Streets and between West Third and West Fourth Streets. This action would initiate the process. A map is attached showing the block including the alley. The exact area of the proposed vacation has yet to be determined, but it would be a portion of the south side of the alley.

This has gone through the City's Site Team Review process. There are existing utilities in the alley right-of-way. If the Council initiates the vacation process a careful review

will be required of the location of the utilities. If the vacation is then approved, the land would attach to the properties on the south side of the alley.

Enclosed with this staff report is Resolution No. 10-026, which will initiate the vacation proceeding. If the Resolution is adopted, a public hearing will be held on the proposed partial street vacation.

BUDGET IMPLICATIONS: The costs associated with the proposed partial right of way vacation are minimal; public notices and some staff time which will be covered by the filing fee. If the right of way is ultimately vacated, General Ordinance No. 99-1230 requires the Petitioner to pay for the costs associated with the filing and recording.

ALTERNATIVES:

A. Staff Recommendation: *Move to adopt Resolution No. 10-026 initiating the right of way vacation process for a portion of the alley running generally east and west between Lincoln and Liberty Streets and between West Third and West Fourth Streets.*

B. Do not adopt the resolution and provide additional direction to staff.

ENCROACHMENT AGREEMENT

WHEREAS, Marian Dyché, hereinafter referred to as "Grantor", owns the real property described as Lot 2, Block 2, TREVITT'S ADDITION TO DALLES CITY, in the City of The Dalles, Wasco County, State of Oregon, which property is described in the deed record as Microfilm No. 89-1236 in the Wasco County Deed Records, and which property is located at 207 West 4th Street in The Dalles, Oregon; and

WHEREAS, the historic property located at 207 West 4th suffered a fire in December 1998, which destroyed part of the rear portion of the structure and all of the existing garage located upon the property; and

WHEREAS, the Grantor has received approval from The Dalles Historic Landmark Commission to perform certain repair work upon the structure located upon the property, and to reconstruct a garage in the original location upon the property, and has submitted an application for a building permit with the City of The Dalles, hereinafter referred to as "Grantee"; and

WHEREAS, during the course of reviewing the Grantor's application for a building permit, it was determined that it was necessary for Grantor to have the property surveyed, as it appeared that a portion of the proposed garage reconstruction may encroach upon the existing alley right-of-way located behind the residence, between West 3rd and West 4th streets; and

WHEREAS, a copy of the survey is attached hereto as Exhibit "A", which confirms that the location of the existing concrete slab for the destroyed original garage does encroach into the existing alley right-of-way; and

WHEREAS, Grantee has determined the actual location of the alley behind the Grantor's property does not coincide with the location of the alley as shown on the County Assessor's maps, and it appears that several other structures adjacent to the Grantor's property are also encroaching upon the alley right-of-way; and

WHEREAS, Grantee has determined that despite the presence of the existing structures and the proposed encroachment of Grantor's structure, sufficient width remains to allow the public to use the alley for its intended purposes, and it appears that a vacation of the portion of alley right-of-way which is being encroached upon would not prejudice the public interest;

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

1. Upon execution of this agreement, Grantor shall be allowed to proceed with repairs to the structure and reconstruction of the garage upon the premises located at 207 West 4th Street upon issuance of a building permit by Grantee. Grantor and Grantee understand and agree that the reconstruction work will result in a portion of the concrete slab and the garage structure encroaching upon the existing alley right-of-way located behind the Grantor's property, and the Grantee specifically authorizes and consents to this encroachment upon the public right-of-way.
2. Grantee has agreed that it will initiate the process to consider a vacation of that portion of the right-of-way of the existing alley which is being encroached upon by the Grantor's proposed structure and the other structures located upon adjacent properties within the block. Grantor acknowledges and understands that Grantee can grant no assurances or promises that the vacation of a portion of the alley which is subject to encroachment will be approved by the Grantee.

After recording, please return to:
City Clerk
City of The Dalles
313 Court Street
The Dalles, OR 97058

Microfilm No. 993330 (3)

FILED WASCO CTY
THE DALLES OR.

JUN 23 2 21 PM '99

KAREN R. LEBRETON
COUNTY CLERK



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3. Grantor understands and agrees that in the event the petition to vacate a portion of the existing alley right-of-way is not approved, and in the event the Grantee determines that the encroachments placed by the Grantor and other property owners within the same block prohibit the public's right to use the alley right-of-way, Grantee shall have the right to demand that the Grantor and other property owners within the same block remove the encroachments, and if Grantor and other property owners within the same block fail to do so, Grantee shall have the option to pursue appropriate legal remedies to require Grantor and other adjacent property owners within the same block to remove the encroachments.

4. The covenants of Grantor to Grantee shall run with the land described in the deed recorded as MicroFilm No. 89-1236 in the Wasco County Deed Records, and shall inure to and be binding upon the parties hereto, their heirs, executors, successors, and assigns. The agreement shall be recorded with the Wasco County Clerk at the Grantor's expense.

Dated this 22nd day of June, 1999.

GRANTOR

GRANTEE

Marian Dyche
Marian Dyche

Nolan K. Young
Nolan K. Young, City Manager

Attest:

Julie Krueger
Julie Krueger, CMC/AAC, City Clerk

State of Oregon)
) ss.
County of Wasco)

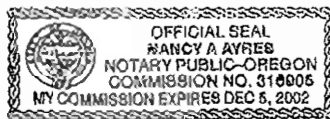
State of Oregon)
) ss.
County of Wasco)

The foregoing instrument was acknowledged before me this 22nd day of June, 1999, by Marian Dyche to be her voluntary act and deed.

The foregoing instrument was acknowledged before me this 22nd day of June, 1999, by Nolan K. Young and Julie Krueger, City Manager and City Clerk, respectively, for the City of The Dalles, to be their voluntary act and deed.

Nancy A. Ayres
Notary Public for Oregon
My commission expires: 12/5/2002

Nancy A. Ayres
Notary Public for Oregon
My commission expires: 12/5/2002



993330

993330 (2)

RESOLUTION NO. 10-026

**INITIATING A STREET VACATION PROCEDURE FOR A PORTION
OF THE EAST-WEST ALLEY BETWEEN LINCOLN, LIBERTY,
WEST THIRD AND WEST FOURTH STREETS**

WHEREAS, the City is requesting to initiate a street vacation for a portion of the alley between Lincoln, Liberty, West Third, and West Fourth Streets, and

WHEREAS, street vacations are governed by General Ordinance No. 99-1230; and

WHEREAS, under General Ordinance No. 99-1230, Section 6, the City Council may initiate the vacation process by providing notice (ORS 271.110) of public hearing and posting of notice no less than 14 days prior to the hearing; and

WHEREAS, it is in the best interest of the public for the City to initiate a public hearing for the requested street vacation;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL:

Section 1. Street Vacation Initiated. Street Vacation No. 60-10, which would include a portion of the alley shown on the attached map labeled as "Exhibit 1", is hereby initiated.

Section 2. Officers to Act. The Community Development Department of the City is directed to post and publish notice for the street vacation initiated in Section 1 according to the provisions of ORS 271.110.

Section 3. Effective Date. This resolution shall be effective as of October 11, 2010.

PASSED AND ADOPTED THIS 11th DAY OF OCTOBER, 2010.

Voting Yes, Councilors:

Voting No, Councilors:

Absent, Councilors:

Abstaining, Councilors:

AND APPROVED BY THE MAYOR THIS 11th DAY OF OCTOBER, 2010.

SIGNED:

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 #
October 11, 2010	Action Items 12, B	10-082

TO: Mayor and City Council

FROM: Nolan K. Young, City Manager

DATE: September 29, 2010

ISSUE: Authorization for City Manager to sign a Memorandum of Understanding (MOU) with the Confederated Tribes of the Warm Springs Reservation of Oregon for the proposed Marine Terminal

BACKGROUND: This staff report is brought forward from the September 27th Council meeting, when it was learned the MOU was not completed yet. We hope to have the agreement ready for approval at the October 11th Council meeting.

A Corp of Engineers (Corp) permit is required to construct the proposed Marine Terminal at the end of Union Street. The Corp of Engineers consults with a number of entities including various tribes. We have completed the Corp process with the exception of gaining the necessary approval from the Confederated Tribes of the Warm Springs Reservation of Oregon. Over the last few months, we have been working with tribal representatives to create a Memorandum of Understanding to resolve these issues. The primary commitments the City will agree to in MOU include the following:

1. Purchasing gill nets to replace those damaged by vessels docking at the terminal,
2. Provide a contact person for City and Tribe to coordinate when fishing seasons are and to provide notification those using the dock,
3. Allow Native fisherman to tie up their nets at the west end of the terminal,
4. Reduce the size of the floating dock from 200 feet to 60 feet,
5. Facilitate any discussion with the Yakama Nation and other public agencies concerning issues that arise,

6. Install private navigation aids to identify a path to the terminal to avoid contact with fishing nets.

BUDGET IMPLICATIONS:

There will be some additional costs associated with the navigational aids and the nets. The cost of those should be covered by the funds available for this project.

COUNCIL ALTERNATIVES:

1. **Staff Recommendation:** Authorize the City Manager to sign the Memorandum of Understanding with Confederated Tribes of the Warm Springs Reservation of Oregon.
2. Postpone signing to allow for negotiations for additional points in the MOU.