

AGENDA

REGULAR CITY COUNCIL MEETING

January 14, 2019

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. OATH OF OFFICE
5. APPROVAL OF AGENDA
6. PRESENTATIONS/PROCLAMATIONS
 - A. Presentations to Outgoing Mayor Stephen Lawrence and City Councilor Taner Elliott
 - B. Columbia Gorge Regional Airport Quarterly Report
 - C. The Dalles Main Street Quarterly Report

7. 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.

8. CITY MANAGER REPORT
9. CITY ATTORNEY REPORT
10. CITY COUNCIL REPORTS

- A. Selection of a Council President
- B. Assignment of City Councilors to Various Committees and Boards

CITY OF THE DALLES

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

11. 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 December 10, 2018 Regular City Council Meeting Minutes
- B. Approval of Resolution No. 19-001 A Resolution clarifying the authority of the City of The Dalles Community Development Director to Execute documents related to the Community Development Block Grant for the Mid-Columbia Regional Home Repair Grant Program

12. PUBLIC HEARINGS

- A. Receive Testimony Regarding Vacating a Portion of Alleyway Located to rear of 1707 Lincoln Way

- 1. Adopt Special Ordinance No. 19-581 Vacating a Portion of the Alleyway Located to the Rear of 1707 Lincoln Way

- B. Receive Testimony Regarding Vacating Portions of Public Right of Way off of Gordon Court, Between West 14th and West 15th Streets

- 1. Adopt Special Ordinance No. 19-582 Vacating Portions of Public Right of Way off of Gordon Court, Between West 14th and West 15th Streets

13. ACTION ITEMS

- A. Treaty Oaks Skill Center and Campus Housing Agreement
- B. Approval of Exclusive Negotiation Agreement with KYDO for Development of Columbia Gorge Regional Airport

14. ADJOURNMENT

This meeting conducted in a handicap accessible room.

Prepared by/
Izetta Grossman
City Clerk



PO Box 285 • Dallesport • Washington • 98611
• Airport Management • 509-767-2272
airporttd@gorge.net

MEMORANDUM

TO: The Dalles City Council

FROM: Chuck Covert / Aviation Management Services

DATE: 1/3/2019

ISSUE: 4th Quarterly Report 2018

Status:

For the Fourth Quarterly Report of 2018 the Columbia Gorge Regional Airport has had a great year with many changes and 2019 should be an even better year with many projects planned. Our new FBO, TacAero is continuing to grow and is moving forward with three new hangar buildings in order to provide more services to the general aviation community. They finished the year with fuel sales of 188676 gallons, representing a 15% increase over last year. Attached is TacAero's fourth Quarter Report and fuel sales.

Recent Projects:

We had 300 yards of fill materials placed at the approach area of runway 31 to improve our overrun safety area. We're presently working with Precision Approach and the FAA to closeout our last taxi way project. We also just submitted a new Airport Layout Plan for FAA approval of the new buildings to be built 2019

Future Projects:

We have applied for the Alternative Grass Landing Area and are in the process of preparing for the new AGLA. The surveying is almost completed in order for Precision Approach to complete the engineering and Bid documents for our Tarmac Rehab Project. We continue to work with private investors to construct new 11 unit T-Hangars.

Misc.:

Dates to Remember:

Airport Board Meeting 1/18/2019

Columbia Gorge Regional/The Dalles Municipal Airport - Recommended AGLA Layout



				2018									
				Fuel Flowage owed To City of The Dalles									
Month	Rank	Highest Sales	Average	100LL-Island	Jet-Island	Jet Truck 1	Jet Truck 2	Totals	Flow Fee X .05	Flow Fee X .06	Flow Fee X .07	Owed to City	
January	-	6053	4801	278	5	614	414	1311	\$65.55				
February	3rd	10623	7332	1065	198	4813	1426	7502	\$375.10				
March	1st	12085	9625	2286	938	8225	2288	13737	\$686.85				
April	3rd	14149	9224	2767	695	5009	2096	10567	\$528.35				
May	4th	15315	10213	3283	188	5770	2211	11452	\$572.60				
June	2nd	20805	16583	4995	454	11827	2739	20015	\$1,000.75				
July	1st	25983	19794	5619	998	28130	5692	40439	\$1,770.75	\$301.44		\$2,072.19	
August	3rd	42607	27905	4327	344	21116	4634	30421		\$1,825.26		\$1,825.26	
September	2nd	22781	16762	4199	579	11527	3453	19758		\$873.30	\$364.21	\$1,237.51	
October	3rd	22448	12970	2911	190	7492	2521	13114			\$917.98		
November	4th	15043	9609	1654	81	4985	2035	8755			\$612.85		
December		5502	4876	1096	29	9213	1267	11605			\$812.35		
		213394	149694			Year to Date:		188676					
				34480				Jet-A Total					
					4699	118721	30776	154196					
		Total Flowage Gallons @ .05 per gallon to 99,999 Gallons							\$4,999.95				
		Total Flowage Gallons @ .06 per gallon to 100,000-149,999 Gallons							\$3,000.00				
		Total Flowage Gallons @ .07 per gallon to 150,000-199,999 Gallons							\$2,707.39				
		Above 200,000 Each increment of 50,000 gallons will increase by one cent to maximum of .10 cents per gallon.											
									\$10,707.34				
		SubStation Fire fuel flowage			7/19/18	2064 Gallons @ .10 per gallon			\$206.40				
		Long Hollow Fire fuel flowage			7/31/18	3899 Gallons @ .10 per gallon			\$389.90				
		This amount is not part of our fuel calculation, just a pass thru amount.							\$596.30				

FBO DEPARTMENT



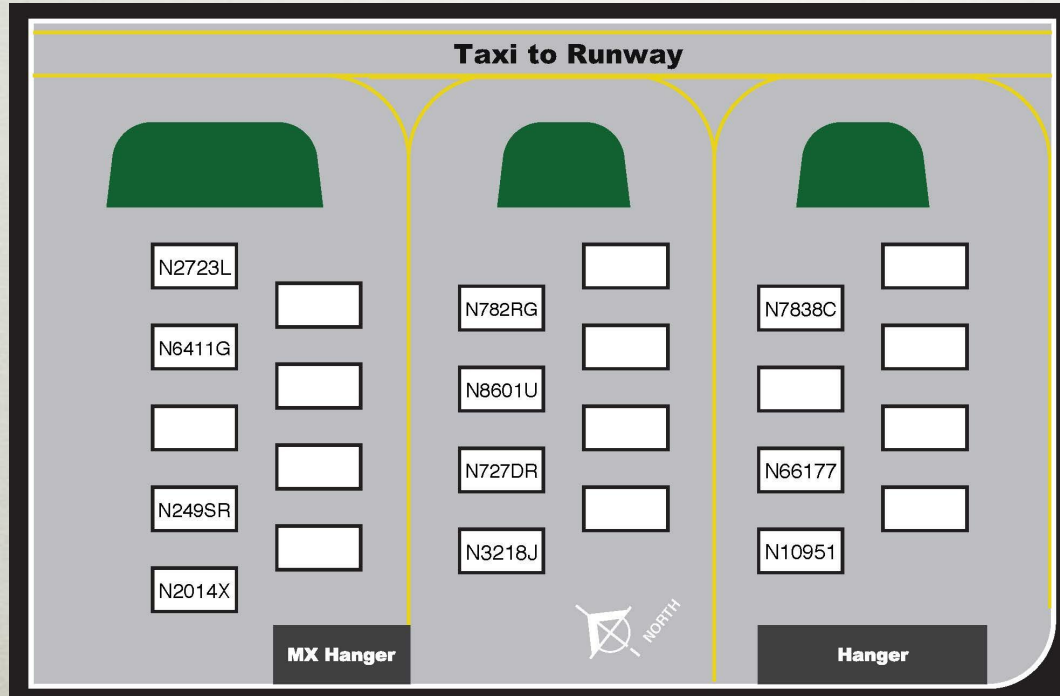
SITREP, WEEK 52 (12/25 - 12/31)

FBO Staff Readiness



Pay Type	Staff Member	Fuel Safety	TSA	MFT Admin	FBO Admin	FAA Dispatch
Full-Time	Jeff	4/1/19	8/1/19	✓	✓	
	Darren	4/6/20	8/1/19	✓	✓	
	Jaden	7/14/18	8/1/19	✓	✓	
	Sierra	4/6/20	8/1/19	✓	✓	
Part-Time	Rachel	Due Date	8/1/19			
	Nathan	Due Date	8/1/19			
	Victoria	Due Date	8/1/19			

The Dalles Tie-Downs



Current Challenges



Hood River:

- We have a constant need for more T hangars.
- Fog is socking in flight availability reducing schedule availability.

The Dalles:

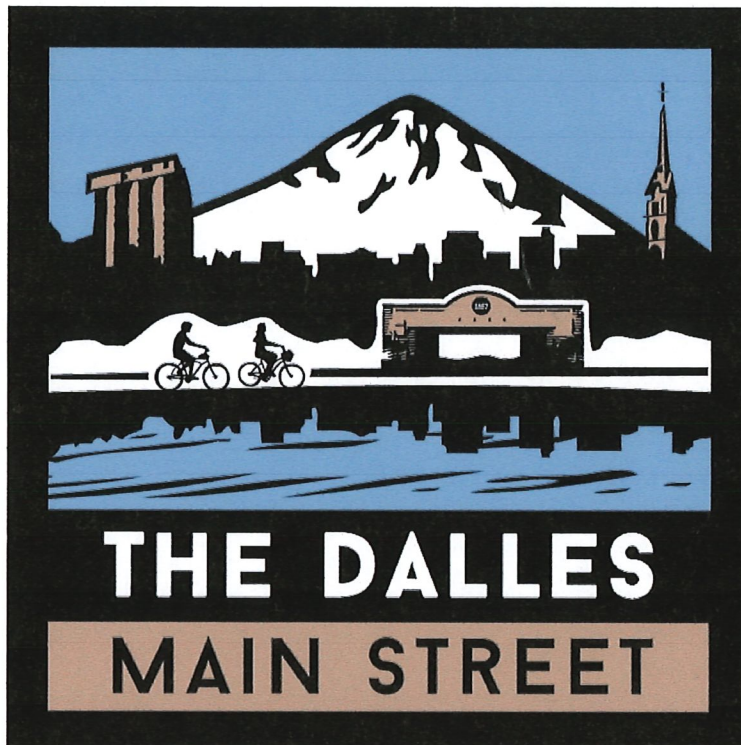
- There is a request to have a GPU to assist the Jet traffic in keeping their aircraft flight ready with the cold weather approaching.
- There is a request for LAV services for jet traffic.
- We are in need of a corporate towbar system to transfer large aircraft to and from hangar.
- Pilots request for de-ice for aircraft with freezing temperatures.
- Fog is socking in flight availability reducing schedule availability.
- Overnight aircraft tie downs requesting hangar space to thaw out in AM.
- We have requests for large aircraft hangar space short term rental.

Sometimes waking up early is worth the view!



The Dalles Main Street Organization

Quarterly Report



January 2, 2019



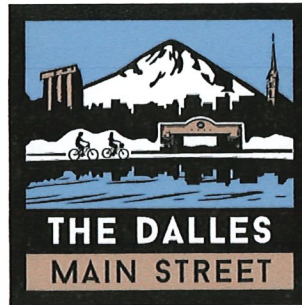
THE DALLES

MAIN STREET

Quarterly Report

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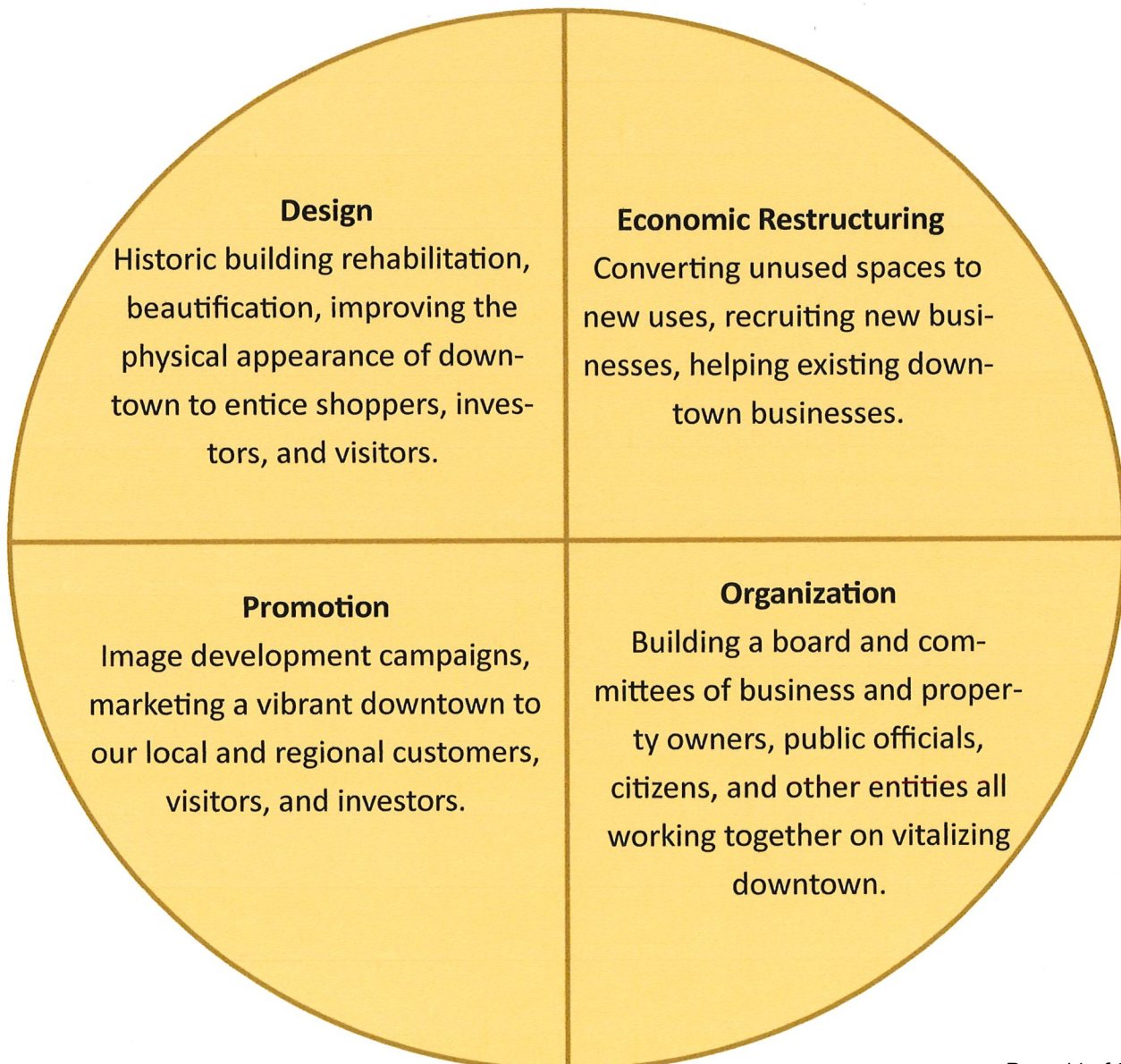
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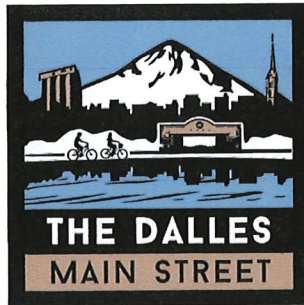


Introduction

The Dalles Main Street Organization was established as a 501 (c) 3 in 2010. The City of The Dalles was a major sponsor in the origination of this partnership with the National Main Street Organization.

A quick reminder of what the operational platform is of a Main Street organization:

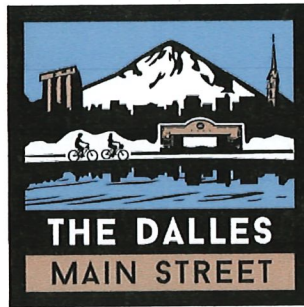




Importance of a Vital Downtown

Downtown Reflects

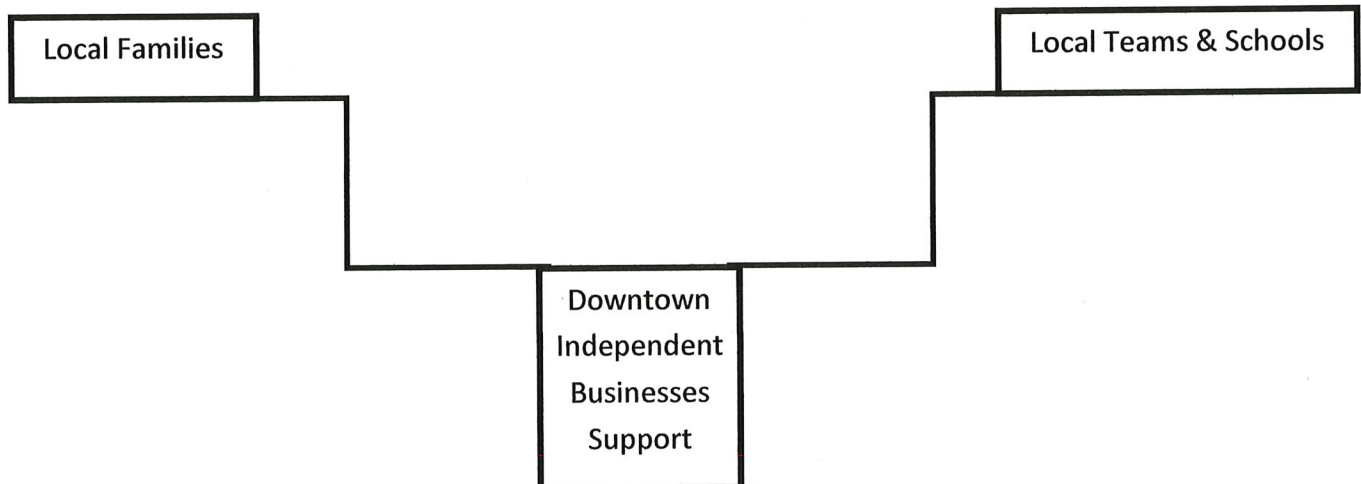
1. Surrounding Community's
 - Economic Health
 - Pride
 - History
2. Local quality of life
3. Private-Public Partnerships

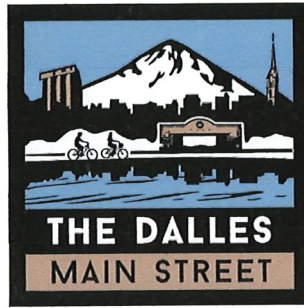


Importance of a Vital Downtown

Downtown's independent businesses:

- Support local families
- Support local community projects such as teams and schools
- A dollar spent here circulates here (as opposed to chains where profits go out of town).





Importance of a Vital Downtown

Downtown is:



Community space where we come together for parades and community events.

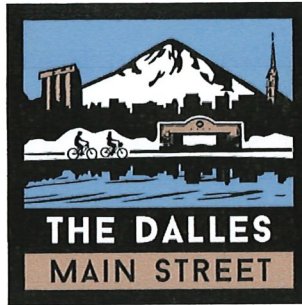
Our heart. The location of our local government and the arts.



A tourist attraction with our unique businesses and buildings.

Important to industrial and commercial developers and recruiters.





How Main Street Adds Value to The Dalles

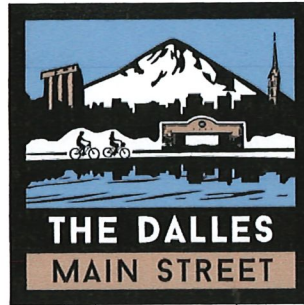
1. Only Main Street organizations have access to the multi-million dollar grant pool set up by Oregon legislators.
2. Retain downtown businesses by assisting in finding suitable space; results in a more vital downtown through increased employment and more retail/service options.
3. Assist downtown business expansions which in turn create more employment and more retail/service opportunities.
4. Work with building owners on projects that improve their buildings which leads to better street appeal, entices people downtown, and improves property value.
5. Join forces with business owners on projects that help their businesses and the downtown collective.
6. Coordinate branding, events and wayfinding (like the kiosk maps) for marketing and promotions of Downtown The Dalles businesses.



How Main Street Adds Value to The Dalles

Return on Investment in The Dalles Main Street

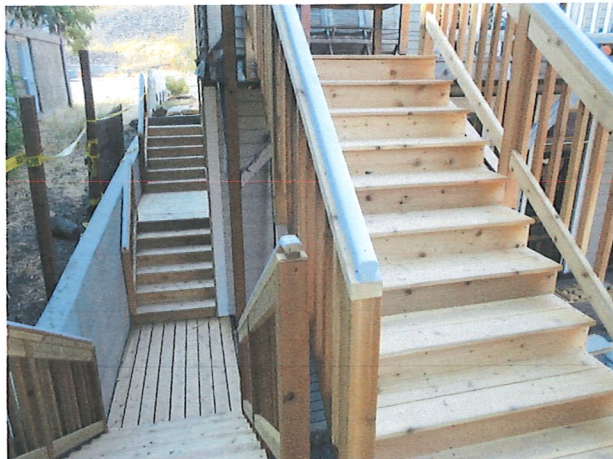
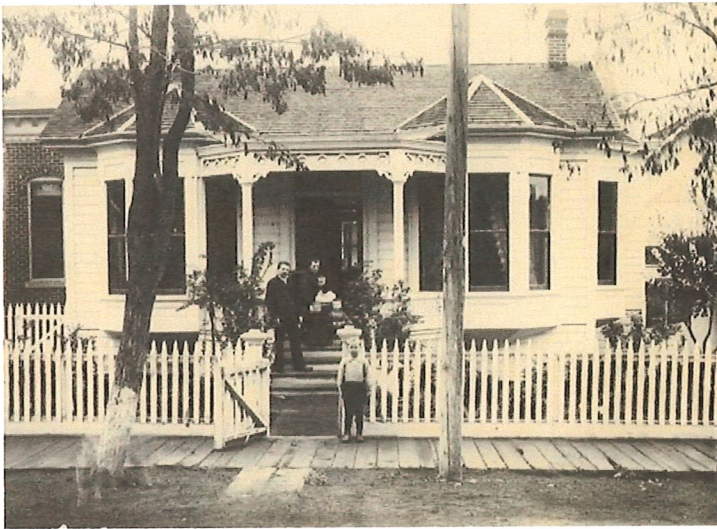
<u>Time Frame</u>	<u>City's \$</u>	<u>Project</u>	<u>Grant Source</u>	<u>Grant \$</u>	<u>Total Project \$</u>
2017-18	\$ 50,000	Lemke Façade	TD Urban Renewal	\$ 34,943	\$ 78,943
		Granada Façade	TD Urban Renewal	\$ 18,676	\$ 37,352
		Columbia Brewery	TD Urban Renewal	\$ 19,944	\$ 29,915
		Herbring House	Oregon	\$ 50,000	\$ 142,660
				Total	\$ 288,870
			Return on Investment		578%
2018-19	\$ 50,000	Neon Sign Project	Made on Main (National)	\$ 25,000	\$ 70,000
(Projects to date)		Gorge Beauty Academy	Oregon	\$ 20,000	\$ 42,600
				Total	\$ 112,600
			Return on Investment		225%

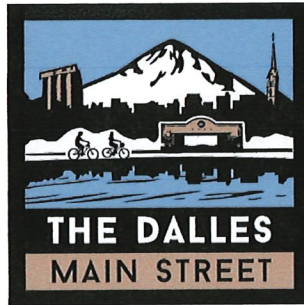


Main Street's Present Grant Projects

Herbring House—mixed business use revitalization project

- Total Project Value: \$142,660
- Main Street Secured Grant: \$50,000

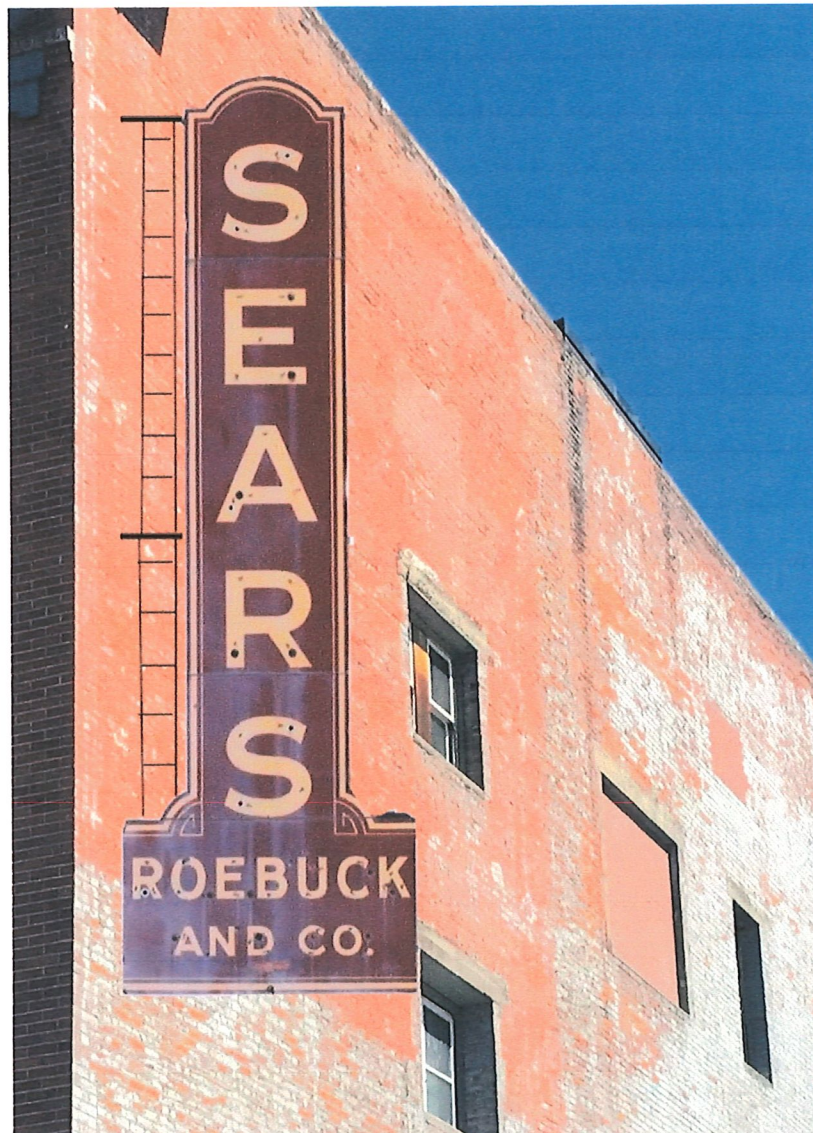


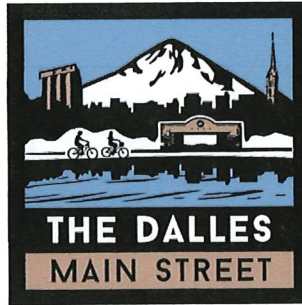


Main Street's Present Grant Projects

Neon Sign Project— 5 vintage neon signs, restore and install on outside of downtown buildings with 2-3 facing I-84

- Total Project Value: \$70,000
- Main Street Secured Grant: \$25,000



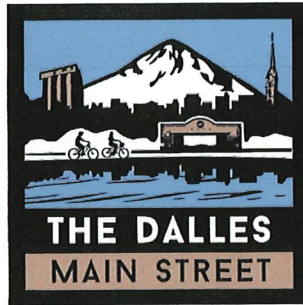


Main Street's Present Grant Projects

Gorge Beauty Academy — Façade improvement project

- Total Project Value: \$42,600
- Main Street Secured Grant: \$20,000

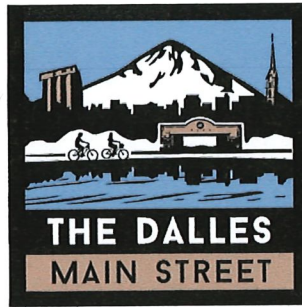




Main Street Tour Boat Coordination

- 14,600 passengers stepped off the boats in the 2018 tour season.
- Noticeable economic impact of tour boat traffic downtown.
- 165 boat dockings are scheduled for the 2019 season, with some overnights and planned events for passengers, also extending season to January 1, 2020.
- September 20th—4 tour boats here at once! Unprecedented! Tour Boat Coordinator facilitated communication between captains to make moorings as smooth as possible.
- 2 Cruise lines now have Hop-on/Hop-off buses to move passengers through our community.
- Maps and Cherry bags are big success! Passengers love being greeted.
- Tour Boat Coordinator has been invaluable to crew members needing to run for supplies or requiring other services/information.
- Board members greet Tour Boat passengers on days of multiple boats
- Main Street organization spends more than the contracted \$7,800 on the Tour Boat Coordinator. These are additional dollars out of our general funds.



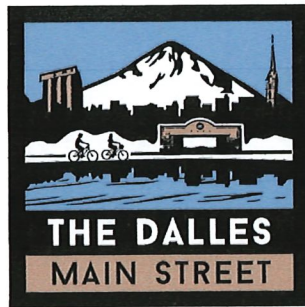


Main Street Tour Boat Coordination

Return on City's Investment of \$40,000 in Main Street Tour Boat Coordination

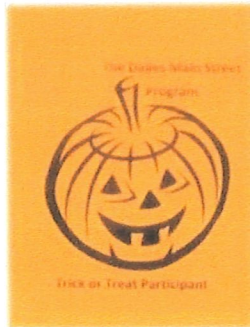
1. Local Museums have contracts with cruise lines for admissions of passengers
 - Discovery Center (additional revenue in sales)
 - Fort Dalles Museum (additional revenue in sales and donations)
 - Neon Sign Museum (additional revenue in sales and donations, plus Sock Hops!)
2. Downtown visitors spend dollars in downtown businesses
 - Imagine impact of 14,600 passengers spending the low average of \$20 each!
3. Crew spends money at downtown businesses!
4. Regional revenue for Maryhill Museum, WAAM museum Hood River, winery tours, ...
5. Other local revenues from tour boats, such as corporate business contracts
 - Supplies
 - Warehousing
 - Printing
 - Fuel

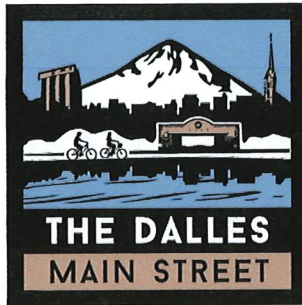
The return is many times the original \$40,000 investment!



Main Street Projects September—December 2018

- Santa Con Pub Crawl: huge success in collecting multiple bags of hats, gloves, blankets, sweatshirts, coats, and toiletries for The Warming Place.
- Santa in the Downtown: Pictures with Santa for 400 children and 3 dogs. Crafts, bake sale, successful holiday event which brought people downtown.
- Main Street's Uncorked Fundraiser, September 29th, 4th Floor of Commodore Building was a success with \$5,362 net income.
- Downtown Branding Project—next step dependent on funding/grants.
- Announce RFP for 2019 Oregon Main Street Revitalization Grant of \$200,000
- Informational packet for building owners and policy makers on what makes up a vital downtown
- Downtown Trick or Treat—always a hit! Great safety coordination by service groups!

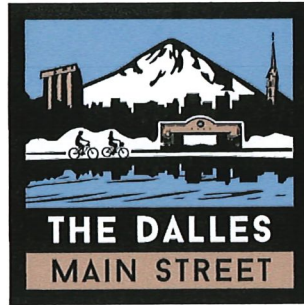




Main Street Partnerships

- City of The Dalles
- Small Business Development Center
- Mid-Columbia Economic Development District
- Port of The Dalles
- The Dalles Lions Club
- The Dalles Rotary Club
- The Dalles Kiwanis Club
- The Mid-Columbia Car Club
- Wasco County Library
- Fort Dalles Floozies & Friends
- Many more individuals and businesses!





Main Street Mission and Vision

Our Mission: The mission of The Dalles Main Street is to engage community members and partners in creating a vibrant downtown that illuminates our historic and cultural assets and enhances the district's economic vitality.

Our Vision:

Enticed by the sunshine and beauty of the area, visitors and residents linger and stay because of The Dalles' vibrant historic downtown. Nestled in the bend of the Columbia River, our restored buildings and cultural assets provide a backdrop for the new energy and are a source of community pride and a reflection of the area's history. An active entrepreneurial spirit has created destination retail, restaurants, wineries, and breweries adding to downtown's vitality while still serving as a regional hub of professional and service businesses. Bike and pedestrian friendly, the district has inviting gathering spaces to engage the public in a wide variety of activities scheduled year round. Downtown is a destination to live, work, shop, and play.



THE DALLES MAIN STREET

Main Street Strategic Plan

Goals:

Goal 1: Drive business & housing development, downtown tourism, and historic preservation.

2017/2018 Objectives:

- 1.1 Create a mechanism to receive input from and actively respond to downtown businesses.
- 1.2 Engage with stakeholders in the preservation of historic downtown assets and resources.
 - 1.2.1 Encourage and support façade improvements.
- 1.3 Develop programs that actively support business development and work to diversify the mix.
 - 1.3.1 Business Retention & Expansion Program
- 1.4 Have information readily available about both businesses and development services.
- 1.5 Leverage partnerships and assets to support tourism development.
 - 1.5.1 Downtown Market
 - 1.5.2 Tour Boat Coordinator Role and Responsibilities

Goal 2: Strengthen strategic partnerships to achieve goals.

- 2.1 Maintain and grow robust relationships with economic development groups.
- 2.2 Create procedures/MOUs for developing, evaluating, and maintaining partnerships.
- 2.3 Develop metrics to ensure partnerships have deliverable and measurable forms of financial Support, commitment, and impact.

Goal 3: Ensure financial and organizational stability for TDMS.

- 3.1 Diversify and increase funding streams.
 - 3.1.1 Set an operations budget for 2018 and annually based on 10% annual growth.
 - 3.1.2 Main Street Uncorked Fundraiser
 - 3.1.3 Annual Financial Audit
- 3.2 Increase the size, skill, and knowledge base of TDMS's staff & volunteers.
 - 3.2.1 Annual Staff Review
 - 3.2.2 Annual Board Review
 - 3.2.3 State of the Downtown Meeting
- 3.3 Create a strong downtown presence for TDMS.
- 3.4 Develop a messaging strategy to communicate the value of TDMS and downtown to stakeholders.
 - 3.4.1 Monthly Talking Points Sheets

Goal 4: Enhance downtown commercial opportunities by creating a vibrant and diverse downtown experience.

- 4.1 Assist in developing appropriate sized rental space for new business development.
- 4.2 Enhance the pedestrian experience.
 - 4.2.1 Public & Private Parklet Program
 - 4.2.2 Annual Spring Clean Up
 - 4.2.3 Downtown Kiosks/Benches/Bike Racks
 - 4.2.4 Vacancy Program (including showcasing children's art and artists)
 - 4.2.5 Downtown Marketing
 - 4.2.6 Work with City in Regards to Traffic Safety

Goal 5: Make downtown a destination to live, work, shop, visit, and play.

- 5.1 Work with downtown businesses to create activities that attract a diverse population.
 - 5.1.1 Santa Con
 - 5.1.2 Halloween Trick or Treat
 - 5.1.3 Santa in the Downtown Event
 - 5.1.4 Civic Beerfest Promotion
 - 5.1.5 Winter Shopping Event
- 5.2 Create marketing tools to promote what downtown has to offer
 - 5.2.1 Why Shop Downtown The Dalles video
 - 5.2.2 Downtown Shopping Map for Kiosks
 - 5.2.3 Facebook and Robust Organizational Website

TDMS OPERATING BUDGET July 2018 - June 2019

Ordinary Income/Expense

Income

Beginning Fund balance	32,101	* This is the projected bank balance for July 1 2018
50K City of The Dalles fund	50,000	* TDMS request of the City of The Dalles
Main Street Generated Funds	18,210	* Our commitment to raise additional funds through grants and programs.
Total Income	100,311	

Expense

Tax Oregon	150
Payroll services	480
Insurance	3,700
Accounting	2,400
Dues, Fees, Subscriptions	715
Office Supplies	1,500
Telephone	2,220
Rent	3,600
Travel & Meetings	3,000
Advertising	1,500
Postage, Mailing Service	120

Payroll Expenses

Program Manager	30,000	* The full time person for the public outreach and coordination of Main Street activities.
Comm Dev Coordinator	18,432	* The administrative and grant writing portion of Main Street.
Workman's Comp	750	* This is includes Main Street covering the Tour Boat Coordinator.
Payroll Taxes	11,945	* This is includes Main Street covering the Tour Boat Coordinator.
Tour Boat Coordinator	7,800	* This is the 1/4 commitment from Main Street.
Cell Phone Reimbursement	1,200	
Health Insurance	10,800	* This includes an additional amount for the tour boat coordinator.

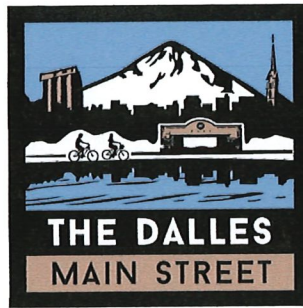
Total Expenses 100,312

¹⁸
Net Income (0) Balanced budget



Main Street Operating Budget

(This is what was submitted for the City's Budget Process 3/18)



Main Street Tour Boat Budget

(This is what was submitted for the City's Budget Process 3/18)

Tour Boat Coordinator		Proposed Budget for FY2018-19		
		City	TDMS	
Personnel				
	Salary	23,400	7,800	
	Health Insurance	3,600	3,600	
	Cell Phone	600		
	Payroll Taxes/Workman's Comp		xxx	TDMS covers this
	subtotal	27,600		
Marketing				The marketing category has been refined due to
	Brochures, Advertising	1,030		
	Downtown & Kiosk Maps	2,870		
	Shopping Bags	3,500		
	subtotal	7,400		requests from the tour companies and past experience.
Promotional				
	Seminars/Workshops/Small Scale Events	2,000		
Operations				
	Office Supplies	2,000		
	Travel/training	1,000		
	subtotal	3,000		
	Total City Contribution	40,000		



AGENDA STAFF REPORT

AGENDA LOCATION: Council Reports

MEETING DATE: January 14, 2019

TO: Honorable Mayor and City Council

FROM: Izetta Grossman, CMC, City Clerk

ISSUE: Assignment of City Councilors to Various Committees and Board

At the first City Council Meeting each year the Mayor assigns each Councilor to various committees and board to represent the council, and to report back to the Council the actions of said committees and boards.

The Mayor has reviewed the following assignments with the Council members.

If Council is in agreement with these assignments we will need a motion approving the City Council Assignments for 2019.

Committee	Meetings	2019 Assignment
Budget	2 weeks in May	All Councilors
Airport	3 rd Friday, 7 am	Russ Brown
Sister City	varies	Linda Miller
Historic Landmarks	4 th Wednesday, 4 pm	Tim McGlothlin
Traffic Safety	3 rd Wednesday, 7 am	Russ Brown
Urban Renewal	3 rd Tuesday, 5:30 pm	Linda Miller, Darcy Long-Curtis, Tim McGlothlin
QLife	3 rd Thursday, Noon	Darcy Long-Curtiss, Rod Runyon
Outreach Team	Monthly, 4 th Friday Noon	Rich Mays
Local Public Safety Coordinating Committee	1 st Tuesday at 11:45 every other month (Feb 1 st month of year) Deschutes Room Wasco Courthouse	Rod Runyon



AGENDA STAFF REPORT

AGENDA LOCATION: Item #11 A-B

MEETING DATE: January 14, 2018

TO: Honorable Mayor and City Council

FROM: Izetta Grossman, City Clerk

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

- A. **ITEM:** Approval of the December 10, 2018 Regular City Council Meeting Minutes.

BUDGET IMPLICATIONS: None.

SYNOPSIS: The minutes of the December 10, 2018 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 December 10, 2018 Regular City Council meeting minutes.

- B. **ITEM:** Resolution No. 19-001 A Resolution clarifying the authority of the City of The Dalles Community Development Director to Execute documents related to the Community Development Block Grant for the Mid-Columbia Regional Home Repair Grant Program

BUDGET IMPLICATIONS: None. The \$400,000 grant award will pass through the City budget so the revenue will equal the expenditure.

SYNOPSIS: The City was the recent recipient of a Community Development Block Grant for the implementation of the Mid-Columbia Regional Home Repair Program for Wasco and Hood River Counties. The Columbia Cascade Housing Corporation will act as a Sub-grantee and administer the program. The CDBG

program typically provides that the City's highest elected official (Mayor), execute documents related to the Program. The CDBG Program also provides for the option for a City to designate a person other than the Mayor to have the authority to execute Program documents. Approval of the resolution would authorize the City's Community Development Director to act as the City's Federal Certifying Officer for the Mid-Columbia Regional Home Repair Program associated with the Oregon Community Development Block Grant No. 17008.

RECOMMENDATION: Council approve Resolution No. 19-001 A Resolution Clarifying the Authority of the City Community Development Director to Execute Documents Related to Community Development Block Grant for the Mid-Columbia Regional Home Repair Grant Program.

MINUTES
REGULAR CITY COUNCIL MEETING
OF
December 10, 2018
5:30 p.m.

THE DALLES CITY HALL
313 COURT STREET
THE DALLES, OREGON

PRESIDING: Mayor Stephen Lawrence

COUNCIL PRESENT: Linda Miller, Darcy Long-Curtiss, Taner Elliott, Tim McGlothlin

COUNCIL ABSENT: Russ Brown

STAFF PRESENT: City Manager Julie Krueger, City Attorney Gene Parker, City Clerk Izetta Grossman, Finance Director Angie Wilson, Community Development Director Steve Harris, Police Chief Patrick Ashmore, Senior Planner Dawn Hert, Assistant to the City Manager Matthew Klebes

Number of people present: 17

CALL TO ORDER

The meeting was called to order by Mayor Lawrence at 5:30 p.m.

ROLL CALL

Roll call was conducted by City Clerk Grossman, Russ Brown absent.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF AGENDA

Mayor Lawrence added an Executive Session to the agenda.

It was moved by Elliott and seconded by McGlothlin to approve the agenda as amended. The

motion carried, Brown absent.

PRESENTATIONS/PROCLAMATIONS

Amerities Update

Jeff Thompson Amerities Plant Manager gave a history of the plant. He said the plant had been in The Dalles for a little less than 100 years. He said the plant was scheduled to close in 2005, when investors purchased the business.

Thompson said they employ 51 employees with an annual payroll of \$2.2 million. He said the plant manufactures 15 million ties per year. He said the lifespan of a tie is 30 to 40 years.

He said the annual OSHA tests showed levels well below the standards for healthy environment. He said the DEQ never found compliance issues. He said even though the studies showed no long or short term health issues resulting from the emission from the plant they had modified processes to reduce emissions and had reduced the use of creosote by half. He said they had also enclosed some areas.

Thompson said the impact of the new Cleaner Oregon Rules that were passed in November was unknown at this time.

Thompson thanked the Mayor and Council for their service. He invited them to tour the plant anytime.

Long-Curtiss said she asked for the update. She had wanted a more inclusive update, DEQ, Amerities, and then Council discussion. She said was hoping to be more informed, as the air quality issue was important to the community.

McGlothlin said he sensed the odor emission had been reduced and appreciated Amerities' work on the issue.

Mayor Lawrence said it sounded like the railroad was moving ties sooner. Thompson said there were 66% less ties on the ground.

Wasco County Parole and Probation Update

Fritz Bachman Parole and Probation gave an update on the Bridges to Change program. He said while the program had a rocky start with the neighborhood things were going well. He said the program was expanding to next step housing, which had less supervision. He said the next step house was across from Parole and Probation. He said Bridges to Change had an office downtown across from the Granada Theatre. Bachman said they were hiring locally and growing roots in the community.

Long- Curtiss said originally the people in the program were from Wasco County. She asked if that was still the case or if people were being paroled into our community. Bachman said some come from prison into the program. He said Bridges to Change helped him screen the applicants to help identify those with the best possibility of success.

In response to a question Bachman said he communicates with the City Police Chief and Captain, they have addresses to all the houses under the program.

AUDIENCE PARTICIPATION

Lorene Hunt, PO Box 81, The Dalles said she had provided testimony that wasn't in the minutes of the last meeting, regarding the Land Use Ordinance hearing that was cancelled. Mayor Lawrence said the hearing had been postponed. He said the Ordinance would come before Council after the LUBA appeals because there may need to be changes.

It was explained that testimony for the hearing couldn't be in the minutes, because there was no hearing.

Ms. Hunt explained she felt she needed to speak up for those who could not. Mayor Lawrence said her time was up.

CITY ATTORNEY REPORT

City Attorney Parker said he had been busy as the Prosecuting Attorney for Municipal Court cases. He said there were two animal control cases that had been ongoing. One case a dog had been at Home At Last for many months. He said there was a hearing to get an order to release the dog to Home At Last to adopt.

Parker said in another case a dog had been involved in killing another animal, and that dog had been removed from the City limits.

He said there were a couple of people interested in the Girl Scout house. The City Manager said Mid-Columbia Housing could be interested in the house for affordable housing.

There was some discussion regarding surplusing the property to sell it.

Elliott said he would like to see the property up for bid/sale, not just taking the first offer given.

City Manager Krueger said the issue would be brought back to Council in January or February.

Parker said Councilor Elliott had asked him to look into a credit given on the Joseph G Wilson development. Elliott said the credit should have gone to the new developer. Parker said he was looking into it.

CITY COUNCIL REPORTS

Councilor Long-Curtiss reported attending:

- Urban Renewal Agency meeting
- QLife Board meeting – noting the at large position was open

Councilor McGlothlin reported attending:

- Airport Board meeting – noting the operational structure of the water supply to the Airport was being addressed
- American Empress End of Season Sock Hop at Neon Sign Museum

Councilor Miller reported attending:

- Urban Renewal meeting
- Household Hazardous Waste Committee

Councilor Elliott reported attending:

- Urban Renewal Agency meeting
- QLife Board meeting – noting he was interested in the At Large Board member position

Mayor Lawrence reported attending:

- Home At Last Fundraiser at The Dalles Country Club – noting that Home At Last was doing well
- Economic Development Committee with the Chamber – noting they are working with other agencies regarding tourism
- American Empress End of Season Sock Hop – noting the American Empress was planning to hold these events 60 times next season

He said he would be attending a Regional Solutions meeting on December 18.

CONSENT AGENDA

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

Items approved by Consent Agenda were: 1) Approval of the November 19, 2018 Joint Work Session with Wasco County Commissioners; 2) Approval of November 26, 2018 Regular City Council Meeting Minutes; and 3) Approval of Resolution No. 18-031 Concurring with the Mayor's Appointments to the City Budget Committee.

PUBLIC HEARING

Receive Testimony Regarding Vacating a Portion of the Alleyway off of Jordan Street, Between West 16th and West 17th Streets

Mayor Lawrence opened the public hearing.

Senior Planner Dawn Hert reviewed the staff report.

Mayor Lawrence asked for public testimony.

Alan Easling, property owner introduced himself and asked if anyone had questions.

Mayor Lawrence closed the hearing.

Adopt Special Ordinance No. 18-580 Vacating a Portion of the Alleyway off of Jordan Street, Between West 16th and West 17th Streets

It was moved by McGlothlin and seconded by Long-Curtiss to adopt Special Ordinance No. 18-580 Vacating a Portion of the Alleyway off of Jordan Street, Between West 16th and West 17th Streets by title only. The motion carried, Brown absent.

ACTION ITEM

The Dalles Disposal Rate Increase Request

Councilor Miller said she would be abstaining because she worked for the company that owns The Dalles Disposal.

The Dalles Disposal Manager Jim Winterbottom reviewed the staff report.

Mayor Lawrence asked for Public Input.

Elliott asked what the longevity of the landfill was.

Winterbottom said approximately 42 years at current tipping tonnage.

Mayor Lawrence said there seemed to be a lot of garbage coming from out of the area. He asked if next steps being considered.

Winterbottom said build, slope and review of what type of trash is taken were considerations.

Councilor Miller said the County receives a fee for every ton that comes into the landfill. She said the fee is more for out of area materials.

McGlothlin asked if the County had passed the request. Winterbottom said they had.

Adopt Resolution No. 18-030 Approving The Dalles Disposal Rate Increase of 3.3% for the year 2019

It was moved by McGlothlin and seconded by Elliott to adopt Resolution No. 18-030 Approving The Dalles Disposal Rate Increase of 3.3% for the year 2019. The motion carried; McGlothlin and Elliott in favor, Long-Curtiss opposed, Miller abstained.

Mayor Lawrence recessed the open session.

EXECUTIVE SESSION

Executive session pursuant to ORS 192.660(2)(h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

Return to Open Session

ADJOURNMENT

Being no further business, the meeting adjourned at 7:30 p.m.

Submitted by/
Izetta Grossman
City Clerk

SIGNED:

Richard M. Mays, Mayor

ATTEST:

Izetta Grossman, CMC, City Clerk

RESOLUTION NO. 19-001

**A RESOLUTION CLARIFYING THE AUTHORITY OF THE
CITY OF THE DALLES COMMUNITY DEVELOPMENT
DIRECTOR TO EXECUTE DOCUMENTS RELATED TO THE
COMMUNITY DEVELOPMENT BLOCK GRANT FOR THE MID-
COLUMBIA REGIONAL HOME REPAIR GRANT PROGRAM**

WHEREAS, the City of The Dalles was the recent recipient of a Community Development Block Grant for the implementation of the Mid-Columbia Regional Home Repair Program for Wasco and Hood River Counties, which was assigned Project Number H17008; and

WHEREAS, the Community Development Block Grant Program typically provides that the City's highest elected official, which would be the Mayor, executes documents related to the Block Grant Program; and

WHEREAS, the Community Development Block Grant Program also provides for the option for a City to designate a person other than the Mayor to have the authority to execute documents associated with a grant awarded under the Community Development Block Grant Program; and

WHEREAS, for previous grants which have been awarded to the City under the Community Block Development Program, the City's Community Development Director has been actively involved in the administration of the grants.

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

Section 1: As the Responsible Entity for environmental compliance for the Mid-Columbia Regional Home Repair Program associated with the Oregon Community Development Block Grant No. H17008, the City Council of the City of The Dalles hereby authorizes the City Community Development Director to act as the Responsible Entity's Federal Certifying Officer for the Mid-Columbia Regional Home Repair Program associated with the Oregon Community Development Block Grant No. 17008.

PASSED AND ADOPTED THIS 14th DAY OF JANUARY, 2019.

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

AND APPROVED BY THE MAYOR THIS 14th DAY OF JANUARY, 2019.

SIGNED:

ATTEST:

Richard A. Mays, Mayor

Izetta Grossman, CMC, City Clerk

AGENDA STAFF REPORT

AGENDA LOCATION: Public Hearings Item #12-A

MEETING DATE: January 14, 2019

TO: Honorable Mayor and City Council

FROM: Joshua Chandler
Community Development Department

ISSUE: Public Hearing on Street Vacation No. 68-18 to vacate a portion of Right-of-Way to the rear of 1707 Lincoln Way, and adoption of Special Ordinance No. 19-581

BACKGROUND: Eric and Bethani Studebaker have requested a street vacation process for a small portion of right-of-way to the rear of their property located at 1707 Lincoln Way. At its October 22, 2018 meeting, the City Council authorized staff to initiate a partial street vacation for the area indicated on the attached map.

This request has gone through the City's Site Team Review process. There were no concerns with the request and staff supports the vacation. If approved, all of the vacated land will revert to Eric and Bethani Studebaker as they own the property directly adjacent to the proposed vacation. Consent has been signed by the Studebakers and neighboring property owner Marlys Krein.

Comments: As of the date of this staff report, no comments have been received.

Review: The Dalles Municipal Code, Title 11 Planning, Article 11.16-Street Vacations, Section 16.030-Hearing and Decision (A) states *The City Council shall hold a public hearing on the date set and shall take testimony and receive written objections and other evidence. The Council shall review the staff's recommendation, and may continue the hearing for further testimony or deliberation if necessary. After closing the public hearing, the City Council shall approve, conditionally approve, modify or deny the proposed vacation. If approved, the Council shall make findings that substantiate all of the following:*

1. *If the vacation proceedings were initiated by motion of the City Council, a finding that owners of a majority of the area affected by the vacation have not objected in writing prior to the hearing;*

Staff Finding 1. *Section 11.16.030(A) (1)* requires a finding that the owners of a majority of the area affected by the vacation have not objected in writing prior to the hearing. No objections have been received. The Council will need to determine if the owners of a majority of the area affected by the vacation have not objected to the proposed vacation.

2. *Notice has been duly given;*

Staff Finding 2. All property notices required by The Dalles Municipal Code, Article 11 - Street Vacations have been provided. The area to be vacated was posted on December 28, 2018, and notices were published in The Dalles Chronicle on January 2 and January 9, 2019. Individual notices to affected property owners were mailed on December 28, 2018.

3. *The proposed vacation does not conflict with the City's Comprehensive Plan or any other City Ordinance;*

Staff Finding 3. No existing or potential access to adjoining properties will be affected. Goal 11-Public Facilities and Services: The timely, orderly, and efficient arrangement of public utilities will not be affected.

4. *The public interest will not be prejudiced by the vacation of public way;*

Staff Finding 4. No public interests in this area will be harmed with the vacation request. If applicable, the applicant will be required to provide easements for utilities that exist in the right-of-way proposed to be vacated. This vacation is part of a process where excess right-of-way is being returned to an adjacent property owner.

5. *If the vacation proceedings were initiated by motion of the City Council, a finding either that all abutting property owners have consented to the vacation, or that if the evidence shows the vacation will substantially diminish the market value of the abutting owner's property, the City Council has made provision for paying damages.*

Staff Finding 5. The vacation proceedings were initiated by a motion of the City Council at its October 22, 2018 session. The abutting property owner has consented to the proposed vacation. All the area proposed to be vacated will become property of Eric and Bethani Studebaker. There will be no impact on adjacent property values as the access to other properties in the area will not be affected.

BUDGET IMPLICATIONS:

The costs associated with the proposed partial right of way vacation are minimal which includes public notices and staff time. If the right-of-way is vacated, City of The Dalles Municipal Code, Title 11-Planning, Article 11.16-Street Vacations requires the Petitioner to pay for the costs associated with the filing and recording. In this case since the petitioners are Eric and Bethani Studebaker, they will need to pay for these costs.

COUNCIL ALTERNATIVES:

1. **Staff recommendation:** *Move to adopt Special Ordinance No. 19-581 Approving the Street Vacation No. 68-18 to vacate a portion of right-of-way to the rear of their property located at 1707 Lincoln Way by title only.*
2. Move to deny Street Vacation No. 68-18 and direct staff to prepare a resolution setting forth the reasons for the denial.

SPECIAL ORDINANCE NO. 19-581

**AN ORDINANCE VACATING A PORTION OF THE
ALLEYWAY LOCATED TO THE REAR OF 1707
LINCOLN WAY**

WHEREAS, the City Council has announced its intention to vacate a portion of the alleyway located to the rear of 1707 Lincoln Way, which portion of right-of-way is further described as follows:

A tract of land lying in Block 13, Dalles Military Reservation, in the Southwest 1/4 of the Southeast 1/4 of Section 4, Township 1 North, Range 13 East, Willamette Meridian, City of The Dalles, Wasco County, Oregon, described as follows:

All that portion of the 20 foot wide alley lying in said Block 13 lying Southeasterly of the line between Lots “I” and “J”, said Block 13, extended Southwesterly across said alley.

And being more particularly described as follows:

Beginning at the Southwesterly corner of Lot “J” in said Block 13; thence along the Southerly line of said Lot “J” and Lot “K” in said Block 13, South 55°34’57” East 65 feet, more or less, to the intersection with the Southerly line of said Dalles Military Reservation; thence along said Southerly line, North 75°59’30” West 57 feet, more or less, to the intersection with the Southerly line of said alley; thence on said Southerly line, North 55°34’57” West 10 feet, more or less, to the intersection with the Southerly extension of the Westerly line of said Lot “J”; thence leaving said Southerly line, North 34°27’18” East 20 feet, more or less, to the point of beginning.

Contains 710 square feet, more or less; and

WHEREAS, the City has published notices and conducted a public hearing on January 14, 2019, all as provided for in The Dalles Municipal Code, Title 11 – Planning, Chapter 11.16 Street Vacations; and

WHEREAS, after careful consideration of the staff report presented and all the testimony given, the City Council adopts the following findings of fact and conclusions of law:

- 1) No objections were received against the proposed street vacation. The proposed vacation was initiated by the Council at the request of the adjacent property

owner. The Council finds and concludes that the owners of a majority of the area affected by the proposed street vacation have not objected in writing prior to the hearing.

- 2) All proper notices required by The Dalles Municipal Code, Title 11 – Planning, Chapter 11.16 Street Vacations were provided. The area to be vacated was posted on December 28, 2018, and notices were published in The Dalles Chronicle on January 2, 2019 and January 9, 2019. Individual notices to affected property owners were mailed on December 28, 2018.
- 3) The proposed vacation does not conflict with the City’s Comprehensive Plan or any other City Ordinance. Comprehensive Plan Goal 11- Public Facilities and Services is to plan and develop a timely, orderly and efficient arrangement of public utilities and services to serve as a framework for urban and rural development. The proposed vacation of alleyway is consistent with Comprehensive Plan Goal 11, as no existing or potential access to adjoining properties will be affected.
- 4) The public interest will not be prejudiced by the vacation of the public right-of-way. The proposed vacation is part of a process where unneeded right-of-way is being returned to adjacent property owners.
- 5) If the vacation proceedings were initiated by motion of the City Council, a finding either that all abutting property owners have consented to the vacation, or that if the evidence shows the vacation will substantially diminish the market value of the abutting owner’s property, the City Council has made provision for paying damages. The Council finds and concludes that all abutting property owners have consented to the proposed vacation. The proposed area to be vacated will become the property of Eric and Bethani Studebaker. The Council also finds and concludes there will be no effect on the value of the abutting owners’ property, as the access to this property will not be affected, so there is no need to make provision for paying any damages to the owners of abutting property.

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

Section 1. Portions of Right-of-Way Vacated. The following portions of public right-of-way are hereby vacated:

A tract of land lying in Block 13, Dalles Military Reservation, in the Southwest 1/4 of the Southeast 1/4 of Section 4, Township 1 North, Range 13 East, Willamette Meridian, City of The Dalles, Wasco County, Oregon, described as follows:

All that portion of the 20 foot wide alley lying in said Block 13 lying Southeasterly of the line between Lots “I” and “J”, said Block 13, extended Southwesterly across said alley.

And being more particularly described as follows:

Beginning at the Southwesterly corner of Lot “J” in said Block 13; thence along the Southerly line of said Lot “J” and Lot “K” in said Block 13, South $55^{\circ}34'57''$ East 65 feet, more or less, to the intersection with the Southerly line of said Dalles Military Reservation; thence along said Southerly line, North $75^{\circ}59'30''$ West 57 feet, more or less, to the intersection with the Southerly line of said alley; thence on said Southerly line, North $55^{\circ}34'57''$ West 10 feet, more or less, to the intersection with the Southerly extension of the Westerly line of said Lot “J”; thence leaving said Southerly line, North $34^{\circ}27'18''$ East 20 feet, more or less, to the point of beginning.

Contains 710 square feet, more or less.

The portion of the right-of-way proposed to be vacated is shown lined and shadowed on the map attached as “Exhibit 1”.

Section 2. Title to Vacated Area. Title to the vacated areas shall vest in the owners of the adjacent property, who are Eric and Bethani Studebaker .

Section 3. Compensation. The City Council determines the value of the abutting properties will not be adversely affected by the proposed vacation. No compensation will be given to the owner of the abutting properties.

Section 4. Ordinance to be Filed. The City Clerk is authorized to file a copy of this ordinance with the Wasco County Clerk. Eric and Bethani Studebaker shall be responsible for paying any recording and mapping fees imposed by Wasco County to record and file the revised deed and map. A certified copy of the filed Ordinance shall be provided to the Wasco County Assessor and the Wasco County Surveyor.

The City Clerk is authorized to file the Ordinance with the Wasco County Clerk, and provide the appropriate copies, in the manner set forth in Section 4 in accordance with ORS 271.210.

Section 5. Effective Date. This ordinance shall be considered final and effective 30 days after its passage and approval.

PASSED AND ADOPTED THIS 14th DAY OF JANUARY, 2019.

Voting Yes, Councilors: _____

Voting No, Councilors: _____

Absent, Councilors: _____

Abstaining, Councilors: _____

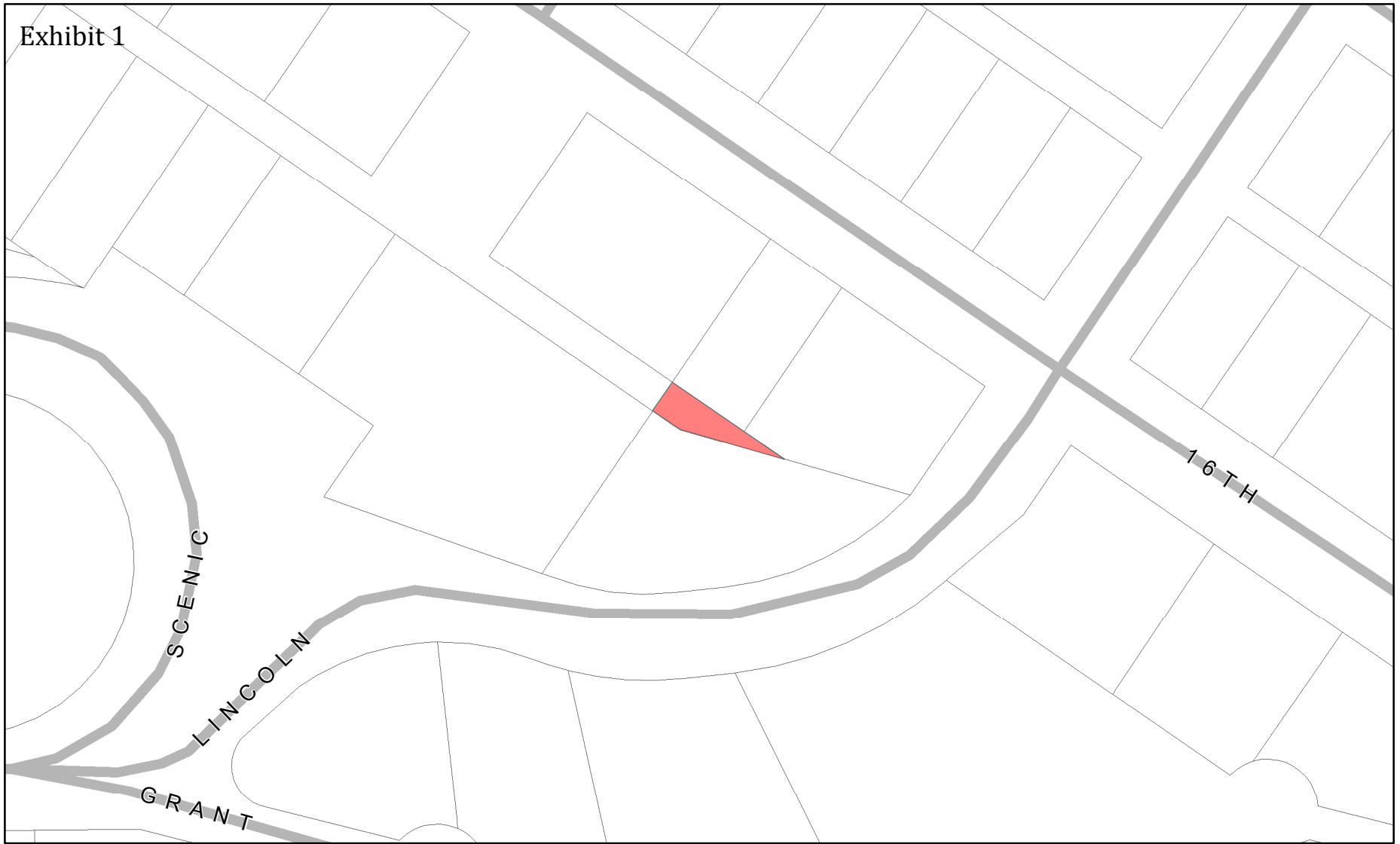
AND APPROVED BY THE MAYOR THIS 14th DAY OF JANUARY, 2019.

Richard M. Mays, Mayor

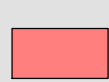
Attest:

Izetta Grossman, City Clerk, CMC

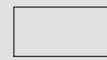
Exhibit 1



Location of Proposed
Street Vacation
VAC 68-18



Proposed Vacated
Right Of Way



Tax Lots

0 40 80 120 160
Feet

City of The Dalles
Community Development
Department
September 24, 2018 | JC



AGENDA STAFF REPORT

AGENDA LOCATION: Public Hearing Item #12-B

MEETING DATE: January 14, 2018

TO: Honorable Mayor and City Council

FROM: Riley Marcus, Associate Planner

ISSUE: Public Hearing on Street Vacation No. 67-18 to vacate a portion of Right-of-Way off of Gordon Court Between West 14th and West 15th Street located in the Whispering Pines Subdivision, and adoption of Special Ordinance No. 19-582.

BACKGROUND: Whispering Pines Estates, II, LLC has requested a street vacation process for portions of right-of-way that were previously dedicated through two Minor Partition applications in 2017. On June 5, 2018 Subdivision 71-18 was approved that included a reconfigured street dedication and required that the previously dedicated streets be vacated back to the property owner. At its September 24, 2018 meeting the City Council authorized staff to initiate a partial street vacation for the area. The requested vacation area is shown on the attached map as identified as 'Exhibit 1'.

This request has gone through the City's Site Team Review process. There were no concerns with the request and staff supports the vacation. A condition of approval was included with Subdivision 71-18 that stated "*A street vacation application shall be completed requesting portions of the originally dedicated right-of-way to be vacated back to Whispering Pines to allow for a re-designated street system*". If approved, all of the vacated land will revert to Whispering Pines Estates, II, LLC as it was originally dedicated by the current owner. A consent has been signed by Whispering Pines Estates, II, LLC.

Comments: As of the date of this staff report, no comments have been received.

Review: The Dalles Municipal Code, Title 11 Planning, Article 11.16-Street Vacations, Section 16.030-Hearing and Decision (A) states *The City Council shall hold a public hearing on the date set and shall take testimony and receive written objections and other*

evidence. The Council shall review the staff's recommendation, and may continue the hearing for further testimony or deliberation if necessary. After closing the public hearing, the City Council shall approve, conditionally approve, modify or deny the proposed vacation. If approved, the Council shall make findings that substantiate all of the following:

- 1. If the vacation proceedings were initiated by motion of the City Council, a finding that owners of a majority of the area affected by the vacation have not objected in writing prior to the hearing;*

Staff Finding 1. Section 11.16.030(A) (1) requires a finding that the owners of a majority of the area affected by the vacation have not objected in writing prior to the hearing. No objections have been received. The Council will need to determine if the owners of a majority of the area affected by the vacation have not objected to the proposed vacation.

- 2. Notice has been duly given;*

Staff Finding 2. All property notices required by The Dalles Municipal Code, Article 11 - Street Vacations have been provided. The area to be vacated was posted on December 28, 2018, and notices were published in The Dalles Chronicle on January 2 and January 9, 2019. Individual notices to affected property owners were mailed on December 28, 2018.

- 3. The proposed vacation does not conflict with the City's Comprehensive Plan or any other City Ordinance;*

Staff Finding 3. No existing or potential access to adjoining properties will be affected. Goal 11-Public Facilities and Services: The timely, orderly, and efficient arrangement of public utilities will not be affected.

- 4. The public interest will not be prejudiced by the vacation of public way;*

Staff Finding 4. No public interests in this area will be harmed with the vacation request. If applicable, the applicant will be required to provide easements for utilities that exist in the right of way proposed to be vacated. This vacation is part of a process where excess right-of-way is being returned to an adjacent property owner.

- 5. If the vacation proceedings were initiated by motion of the City Council, a finding either that all abutting property owners have consented to the vacation, or that if the evidence shows the vacation will substantially diminish the market value of the abutting owner's property, the City Council has made provision for paying damages.*

Staff Finding 5. The vacation proceedings were initiated by a motion of the City Council at its September 24, 2018 session. The abutting property owner has consented to the proposed vacation. All the area proposed to be vacated will become property of Whispering Pines Estates, II, LLC. The abutting property owner to the northwest will not receive any land from this vacation due to the

origin of the dedications being entirely from Whispering Pines Estates, II, LLC from previous land partitions. No comments were received. There will be no impact on adjacent property values as the access to other properties in the area will not be affected.

BUDGET IMPLICATIONS:

The costs associated with the proposed partial right of way vacation are minimal which includes public notices and staff time. If the right of way is vacated, City of The Dalles Municipal Code, Title 11-Planning, Article 11.16 - Street Vacations requires the Petitioner to pay for the costs associated with the filing and recording. In this case since the petitioner is Whispering Pines Estates, II, LLC, they will need to pay for these costs.

COUNCIL ALTERNATIVES:

1. **Staff recommendation:** *Move to adopt Special Ordinance No. 19-582 An Ordinance Vacating Portions of Public Right of Way off of Gordon Court, between West 14th and West 15th Streets, by title only.*
2. Move to deny Street Vacation No. 67-18 and direct staff to prepare a resolution setting forth the reasons for the denial.

SPECIAL ORDINANCE NO. 19-582

AN ORDINANCE VACATING PORTIONS OF PUBLIC RIGHT-OF-WAY OFF OF GORDON COURT, BETWEEN WEST 14TH AND WEST 15TH STREETS

WHEREAS, the City Council has announced its intention to vacate portions of public right-of-way located off of Gordon Court and between West 14th and West 15th Streets, which portions of rights-of-way are further described as follows:

A tract of land lying in Partition Plat 2016-0019 in the Southeast 1/4 of Section 32, Township 2 North, Range 13 East, Willamette Meridian, City of The Dalles, Wasco County, Oregon, being more particularly described as follows:

Beginning at the Westmost corner of Parcel 3, said Partition Plat 2016-0019; thence on the Southwesterly line of said Parcel 3, South 47°36'04" East 176.93 feet; thence leaving said Southwesterly line on a 77.00 foot radius curve to the left, a radial line to which bears South 42°23'56" West, through a central angle of 72°37'13", a distance of 97.59 feet (the long chord of which bears North 83°54'40" West 91.19 feet) to the intersection with the Northeasterly line of Parcel 2, said Partition Plat 2016-0019; thence on said Northeasterly line, North 47°36'04" West 76.49 feet to the Northmost corner of said Parcel 2; thence on the Northwesterly line of said Parcel 2, South 42°27'07" West 102.49 feet to the Westmost corner of said Parcel 2 and intersection with the Southwesterly line of said Partition Plat 2016-0019; thence on said Southwesterly line, North 47°36'04" West 27.00 feet to the Westmost corner of said Partition Plat; thence on the Northwesterly line of said Partition Plat, North 42°27'07" East 156.49 feet to the point of beginning.

Contains 9,411 square feet, more or less.

and;

A tract of land lying in Partition Plat 2016-0020 in the Southeast 1/4 of Section 32, Township 2 North, Range 13 East, Willamette Meridian, City of The Dalles, Wasco County, Oregon, being more particularly described as follows:

Beginning at the Northmost corner of Parcel 3, said Partition Plat 2016-0020; thence on the Northeasterly line of said Parcel 3, South 47°36'04" East 177.07 feet; thence leave said Northeasterly line on a 77.00 foot radius curve to the right, a radial line to which bears North 42°23'56" East, through a central angle of 72°37'13", a distance of 97.59 feet (the long chord of which bears North 11°17'27" West 91.19 feet) to the intersection with the Southwesterly line of Parcel 2, said Partition Plat 2016-0020; thence on said Southwesterly line, North 47°36'04" West 76.54 feet to the Westmost corner of said Parcel 2; thence on the Northwesterly line of said Parcel 2, North 42°27'07" East 102.49 feet to the Northmost corner of said Parcel 2 and intersection with the Northeasterly line of said Partition Plat; thence on said Northeasterly line, North 47°36'04" West 27.00 feet to the Northmost corner of said Partition Plat; thence on the Northwesterly line of said Partition Plat, South 42°27'07" West 156.49 feet to the point of beginning.

Contains 9,416 square feet, more or less; and

WHEREAS, the City has published notices and conducted a public hearing on January 14, 2019, all as provided for in The Dalles Municipal Code, Title 11 – Planning, Chapter 11.16 Street Vacations; and

WHEREAS, after careful consideration of the staff report presented and all the testimony given, the City Council adopts the following findings of fact and conclusions of law:

- 1) No objections were received against the proposed street vacation. The proposed vacation was initiated by the Council at the request of the adjacent property owner. The Council finds and concludes that the owners of a majority of the area affected by the proposed street vacation have not objected in writing prior to the hearing.
- 2) All proper notices required by The Dalles Municipal Code, Title 11 – Planning, Chapter 11.16 Street Vacations were provided. The area to be vacated was posted on December 28, 2018, and notices were published in The Dalles Chronicle on January 2, 2019 and January 9, 2019. Individual notices to affected property owners were mailed on December 28, 2018.
- 3) The proposed vacation does not conflict with the City’s Comprehensive Plan or any other City Ordinance. Goal 11- Public Facilities and Services: The timely, orderly and efficient arrangement of public utilities will not be affected, as no existing or potential access to adjoining properties will be affected.
- 4) The public interest will not be prejudiced by the vacation of the public right-of- way. The proposed vacation is part of a process where unneeded right-of-way is being returned to adjacent property owners.
- 5) If the vacation proceedings were initiated by motion of the City Council, a finding either that all abutting property owners have consented to the vacation, or that if the evidence shows the vacation will substantially diminish the market value of the abutting owner’s property, the City Council has made provision for paying damages. The Council finds and concludes that all abutting property owners have consented to the proposed vacation. The proposed area to be vacated will become the property of Whispering Pines Estates, II, LLC. The Council also finds and concludes there will be no effect on the value of the abutting owners’ property, as the access to this property will not be affected, so there is no need to make provision for paying any damages to the owners of abutting property.

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

Section 1. Portions of Rights-of-Way Vacated. The following portions of public rights-of- way are hereby vacated:

A tract of land lying in Partition Plat 2016-0019 in the Southeast 1/4 of Section 32, Township 2 North, Range 13 East, Willamette Meridian, City of The Dalles, Wasco County, Oregon, being more particularly described as follows:

Beginning at the Westmost corner of Parcel 3, said Partition Plat 2016-0019;

thence on the Southwesterly line of said Parcel 3, South 47°36’04” East 176.93

feet; thence leaving said Southwesterly line on a 77.00 foot radius curve to the left, a radial line to which bears South 42°23'56" West, through a central angle of 72°37'13", a distance of 97.59 feet (the long chord of which bears North 83°54'40" West 91.19 feet) to the intersection with the Northeasterly line of Parcel 2, said Partition Plat 2016-0019; thence on said Northeasterly line, North 47°36'04" West 76.49 feet to the Northmost corner of said Parcel 2; thence on the Northwesterly line of said Parcel 2, South 42°27'07" West 102.49 feet to the Westmost corner of said Parcel 2 and intersection with the Southwesterly line of said Partition Plat 2016-0019; thence on said Southwesterly line, North 47°36'04" West 27.00 feet to the Westmost corner of said Partition Plat; thence on the Northwesterly line of said Partition Plat, North 42°27'07" East 156.49 feet to the point of beginning.

Contains 9,411 square feet, more or less.

and;

A tract of land lying in Partition Plat 2016-0020 in the Southeast 1/4 of Section 32, Township 2 North, Range 13 East, Willamette Meridian, City of The Dalles, Wasco County, Oregon, being more particularly described as follows:

Beginning at the Northmost corner of Parcel 3, said Partition Plat 2016-0020; thence on the Northeasterly line of said Parcel 3, South 47°36'04" East 177.07 feet; thence leave said Northeasterly line on a 77.00 foot radius curve to the right, a radial line to which bears North 42°23'56" East, through a central angle of 72°37'13", a distance of 97.59 feet (the long chord of which bears North 11°17'27" West 91.19 feet) to the intersection with the Southwesterly line of Parcel 2, said Partition Plat 2016-0020; thence on said Southwesterly line, North 47°36'04" West 76.54 feet to the Westmost corner of said Parcel 2; thence on the Northwesterly line of said Parcel 2, North 42°27'07" East 102.49 feet to the Northmost corner of said Parcel 2 and intersection with the Northeasterly line of said Partition Plat; thence on said Northeasterly line, North 47°36'04" West 27.00 feet to the Northmost corner of said Partition Plat; thence on the Northwesterly line of said Partition Plat, South 42°27'07" West 156.49 feet to the point of beginning.

Contains 9,416 square feet, more or less;

The portion of the right-of-way proposed to be vacated is shown lined and shadowed on the map attached as "Exhibit 1".

Section 2. Title to Vacated Area. Title to the vacated areas shall vest in the owner of the adjacent property, who is Whispering Pines Estates, II, LLC.

Section 3. Compensation. The City Council determines the value of the abutting properties will not be adversely affected by the proposed vacation. No compensation will be given to the owner of the abutting properties.

Section 4. Ordinance to be Filed. The City Clerk is authorized to file a copy of this Ordinance with the Wasco County Clerk. Whispering Pines Estates, II, LLC shall be responsible for paying any recording and mapping fees imposed by Wasco County to record and file the revised deed and map. A certified copy of the filed Ordinance shall be provided to the Wasco County Assessor and the Wasco County Surveyor.

The City Clerk is authorized to file the Ordinance with the Wasco County Clerk, and provide the appropriate copies, in the manner set forth in Section 4 in accordance with ORS 271.210.

Section 5. Effective Date. This Ordinance shall be considered final and effective 30 days after its passage and approval.

PASSED AND ADOPTED THIS 14th DAY OF JANUARY, 2019.

Voting Yes, Councilors: _____

Voting No, Councilors _____

Absent, Councilors: _____

Abstaining, Councilors: _____

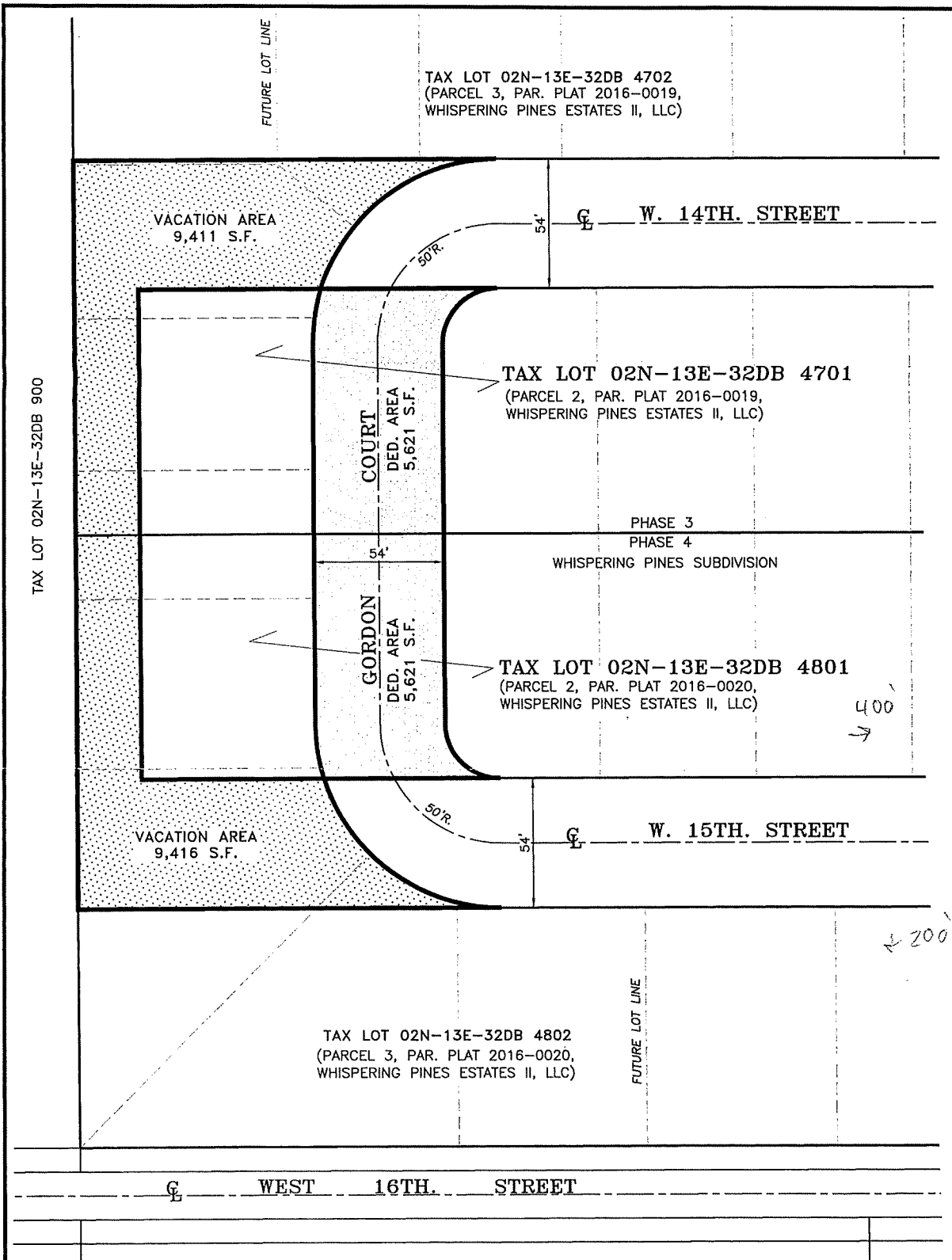
AND APPROVED BY THE MAYOR THIS 14th DAY OF JANUARY, 2019.


Attest:

Richard A. Mays, Mayor

Izetta Grossman, City Clerk, CMC

EXHIBIT 1



Date	No.	Revisions	By	App.
EXHIBIT MAP OF STREET VACATION & DEDICATION WEST 14TH & 15TH STREETS AND GORDON CT. IN PARTITION PLATS 2016-0019 & 2016-0020 IN THE SE1/4, SECTION 32, TWP.2N., R.13E., W.M. CITY OF THE DALLES, WASCO COUNTY, OREGON			Survey	Drawn
			B.R.H.	S.D.H.
			Design	Calculation
			T.E.C.	B.B.B.
			DWG. No.	14673_EXHIBIT.DWG
 TENNESON ENGINEERING CORP. CONSULTING ENGINEERS 3775 CRATES WAY THE DALLES, OREGON 97058 PH. 541-298-9177 FAX 541-298-6657	Date	Scale		
	7/10/2018	1" = 40'		
	Work Order No.	Sheet		
	14673	1 of 1		



TENNESON ENGINEERING CORP.
CONSULTING ENGINEERS
3775 CRATES WAY
THE DALLES, OREGON 97058
PH. 541-296-9177 FAX 541-296-6657



AGENDA STAFF REPORT

AGENDA LOCATION: Action Item #13-A

MEETING DATE:

TO: Honorable Mayor and City Council

FROM: Matthew Klebes, Assistant to the City Manager

THRU: Julie Krueger, City Manager

ISSUE: Treaty Oak Regional Skills Center and Campus Housing Agreement

At the November 14, 2018 City Council meeting, staff presented a request from the Columbia Gorge Community College (CGCC) for 3.5 million in funding for the Treaty Oak Regional Skill Center and Campus Housing Proposal. Staff was directed to draft an Intergovernmental Agreement (IGA) with CGCC and Wasco County in support of this project and under certain conditions to bring back to Council for approval.

Staffs have met with CGCC and Wasco County and have drafted an IGA that is under administrative and legal review. Additional information will be sent to Council prior to the January 14 meeting detailing the reviewed document, background information, and Council alternatives.



AGENDA STAFF REPORT

AGENDA LOCATION: Action Item #13-B

MEETING DATE: January 14, 2019

TO: Honorable Mayor and City Council

FROM: Chuck Covert, Airport Manager

ISSUE: Approval of Exclusive Negotiation Agreement with KYDO

BACKGROUND: For the past 10 years we have been negotiating with different people wanting to develop the golf course and resort area, but to this date no one has moved forward. KYDO has requested that we enter into a 180-day Exclusive Negotiation Agreement in order for them to make a proposal for future development.

The Columbia Gorge Regional Airport Board on November 30, 2018 recommended that the City of the Dalles accept the Exclusive Negotiation Agreement contingency on approval of Klickitat County Commissioners.

BUDGET IMPLICATIONS: There are no budget implications at this time.

COUNCIL ALTERNATIVES:

1. **Staff recommendation:** *Move to authorize the City Manager to sign the Exclusive Negotiation Agreement with KYDO, contingent on approval of Klickitat County.*
2. Identify any provisions in the Agreement which the Council desires to amend, and move to direct staff to present the amended to KYDO and Klickitat County for their review.
3. Decline any action at this time.

EXCLUSIVE NEGOTIATIONS AGREEMENT

Dated : January __, 2019

Among : Klickitat County,
a political subdivision of
the State of Washington (the "County")

: City of The Dalles,
a municipal corporation
in the State of Oregon (the "City")

: KYDO Development LLC,
an Oregon limited liability
company, and
AD&G Development Group, LLC,
a Tennessee limited liability company (collectively the "Developer")

RECITALS

The real property which is the subject of this Exclusive Negotiations Agreement (the "Agreement") is depicted on the map attached as Exhibit A. Most of the Development Site is jointly owned by the City and the County jointly as tenants in common. However, some portions of the Development Site may be owned by either the City or the County separately. The City and the County jointly own and operate the Columbia Gorge Regional Airport which is adjacent to the Development Site (the "Airport").

The Development Site is generally undeveloped; however, the City and the County have previously invested in infrastructure improvements to the Development Site. In 2008, the City and the County entered into a Memorandum of Understandings, with subsequent amendments, with Roseland Property Group LLC, an Oregon limited liability company, for the potential development of a golf course, lodging development, and other potential uses on portions of the Development Site and the Airport. Notwithstanding that 2008 Memorandum of Understandings and related draft documents, proposed to implement the Memorandum of Understandings, the Roseland Property Group LLC proposed project never occurred. Accordingly, the Development Site has remained generally undeveloped for the last decade.

Developer, its constituent entities, and the principals of those entities have extensive experience in the development, financing and construction of real estate projects including mixed use projects and destination resorts. Developer intends to pursue the development of a destination resort on the Development Site which will potentially include, housing, a golf course, community facilities and other amenities, and, possibly, a new airport terminal (the "Project"). The concept name for the Project is the Celilo Crossing Development.

Developer, the City and the County acknowledge that pursuing the Project will require extensive site evaluation, land planning, utilities function and capacity studies, land use regulatory assessments and applications, State Environment Protection Act studies and approvals, coordination with and approvals from the Federal Aviation Administration, civil engineering studies, and other assessments to determine the feasibility of the Project and the subsequent preparation of a master plan for the Project on the Development Site and regulatory approval of that master plan (the "Feasibility Determination").

At the same time as the work on the Feasibility Determination is progressing, the parties intend to negotiate a long term ground lease of the Development Site and/or potential sales and purchases of some or all of the Development Site and adjacent parcels of land. If the transaction involves a ground lease, the ground lease would have a minimum term of 65 years in order that the Project could comply with the Federal Opportunity Zone program which is available to the Project because of the designation of the Development Site as an Opportunity Zone area by the Community Development Financial Institutions Fund of the U.S. Department of the Treasury.

The City and the County desire to see the Development Site be developed with a high quality project and acknowledge that the elements of the Project identified above are acceptable concepts subject to all City, County and State regulatory approval processes.

The costs of undertaking the Feasibility Determination will be substantial and will be borne by the Developer, subject to the use of available public economic development funds, grants and other incentives.

Developer cannot proceed with the Feasibility Determination and its associated costs without assurance that the Developer has control of the Development Site.

Accordingly, Developer requires that the County and the City grant Developer the exclusive negotiating rights set forth in this Agreement, for the term of this Agreement and so long as Developer is in compliance with this Agreement.

NOW, THEREFORE, in consideration of the mutual promises of the parties set forth in this Agreement and in consideration of other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

Section 1. City and County Representations

The City and the County each hereby represent and warrant with respect to the portion of the Development Site owned by each warranting party:

1.1 The warranting party owns its portion of the Development Site in fee simple subject to no financial encumbrances, except for utility services but not prior capital improvement assessments for utility improvements.

1.2 No third party including but not limited to Roseland Property Group LLC, or any of its successors or assigns, has any legally binding interest in the Development Site of any form including but not limited to an option, a lease, an easement, a license or a right of first refusal.

Section 2. Term

The term of this Agreement shall commence on the date when this Agreement is fully executed (the "Effective Date") and shall continue thereafter until the earlier of: (i) 180 days after the Effective Date or (ii) an uncured Event of Default (as defined in Section 5.1) and a termination of this Agreement by either the County and the City (the "Term").

Section 3. Obligations of the County and the City

Throughout the Term of this Agreement each of the County and the City shall:

3.1 Refrain from negotiating with a third party or offering to a third party any right to obtain any form of real property interest in the Development Site or any form of development right with respect to the Development Site;

3.2 Allow Developer access to all non-confidential documents that pertain to the Development Site and any prior efforts by a third party to develop some or all of the Development Site and allow Developer the right to make copies of all such documents at Developer's expense. The Developer's expense shall include reimbursing the County or the City for staff time required to assemble the documents referred to above;

3.3 Direct an appropriate staff person for each of the County and the City to meet biweekly with Developer to assist Developer in its Feasibility Determination; and

3.4 Negotiate in good faith with Developer on the terms and conditions of a development agreement pursuant to which Developer would have the right to either purchase or lease some or all of the Development Site, provided each of the County and the City shall have the right in each's sole and complete discretion to determine whether or not to agree to any of the terms and conditions of a development agreement or a sale agreement or lease.

Section 4. Obligations of Developer

Throughout the Term of this Agreement, Developer shall at its sole cost and expense:

- 4.1 Use commercially reasonable efforts to pursue its Feasibility Determination;
- 4.2 Develop a list of the specific elements of its Feasibility Determination, periodically update that list and provide copies of the list and each update to the County and the City;
- 4.3 Develop a schedule of the activities that Developer plans to undertake in its Feasibility Determination, periodically update that schedule and provide copies of the schedule to the County and the City;
- 4.4 Meet with the designated staff person by the County and the City biweekly and report on the activities undertaken by Developer in its Feasibility Determination and the results of those activities;
- 4.5 Provide the County and the City with copies of all third party reports and studies prepared by Developer's third party consultants engaged in Developer's Feasibility Determination; and
- 4.6 Propose to the County and the City, and negotiate in good faith, the terms of a development agreement pursuant to which Developer would have the right to either purchase or lease some or all of the Development Site, provided that the Developer shall have the right in its sole and complete discretion to determine whether or not to agree to any of the terms and conditions of a development agreement or a sale agreement or lease.

Section 5. Event of Default, Termination

5.1 Event of Default

In the event that a party to this Agreement determines that another party is in breach of that party's obligations under this Agreement, the party asserting a breach shall give written notice to the other party identifying the breach and the corrective action required to cure the breach and the other party shall have thirty (30) days to cure the breach.

5.2 Termination

5.2.1 In the event that a party has been given notice of a breach and has failed to timely cure the breach, then the other party may give a written notice terminating this Agreement.

5.2.2 Regardless of whether or not the County or the City is in breach of this Agreement, Developer may for any reason in Developer's sole discretion, give notice to the City and the County terminating this Agreement and the Developer will deliver to the County and the City copies of all work product generated by Developer in its Feasibility Determination.

Section 6. General Provisions

6.1 Complete Agreement

This is the complete and final agreement of the parties with respect to the matters covered by this Agreement and this Agreement supersedes any prior written or oral agreements on the same matter.

6.2 Time

Time is of the essence of this Agreement.

6.3 Governing Law

The parties agree that this Agreement is governed by the laws of the State of Washington.

6.4 Waiver

A waiver by a party of another party's obligation in one instance shall be a waiver for only that instance and not a continuing waiver or a waiver of that term or provision of this Agreement.

6.5 Notices

All notices given by a party to any other party must be in writing and shall be effective upon hand delivery or upon posting as certified mail return receipt requested. The respective addresses for notices for each party are as follows:

To the County	:	Klickitat County 127 West Court Street Goldendale, WA 98620 Attn: _____
To the City	:	City of The Dalles 313 Court Street The Dalles, OR 97058 Attn: Ms. Julie Krueger, City Manager
To Developer	:	KYDO Development LLC and AD&G Development Group LLC _____ Hood River, OR 97____ Attn: Dr. Kyle House

6.6 Attorneys' Fees

In the event that a party initiates litigation against another party or parties, each party shall pay its respective attorney fees and all costs incurred in connection therewith, including, without limitation, the fees of experts and professionals, whether at trial, on appeal or without resort to suit.

6.7 Severability

In the event that a court with jurisdiction determines that a provision of this Agreement is unenforceable, then this Agreement shall survive and be reasonably interpreted to effect the intentions of the parties without the unenforceable provision.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties have entered into this Agreement to be effective on the Effective Date.

County:

Klickitat County, a political subdivision of the State of Washington

By: _____
Commissioner

By: _____
Commissioner

By: _____
Commissioner

Approved as to form:

Klickitat County Prosecuting Attorney

Attest: _____
Clerk of the County Board

City:

CITY OF THE DALLES, a municipal corporation in the State of Oregon

By: _____
City Manager

Attest:

City Clerk

Approved as to form:

City Attorney

Developer:

KYDO DEVELOPMENT LLC, an Oregon limited liability company

By: _____
Its Manager

AD&G DEVELOPMENT GROUP, LLC, a Tennessee limited liability company

By: _____
Its Manager

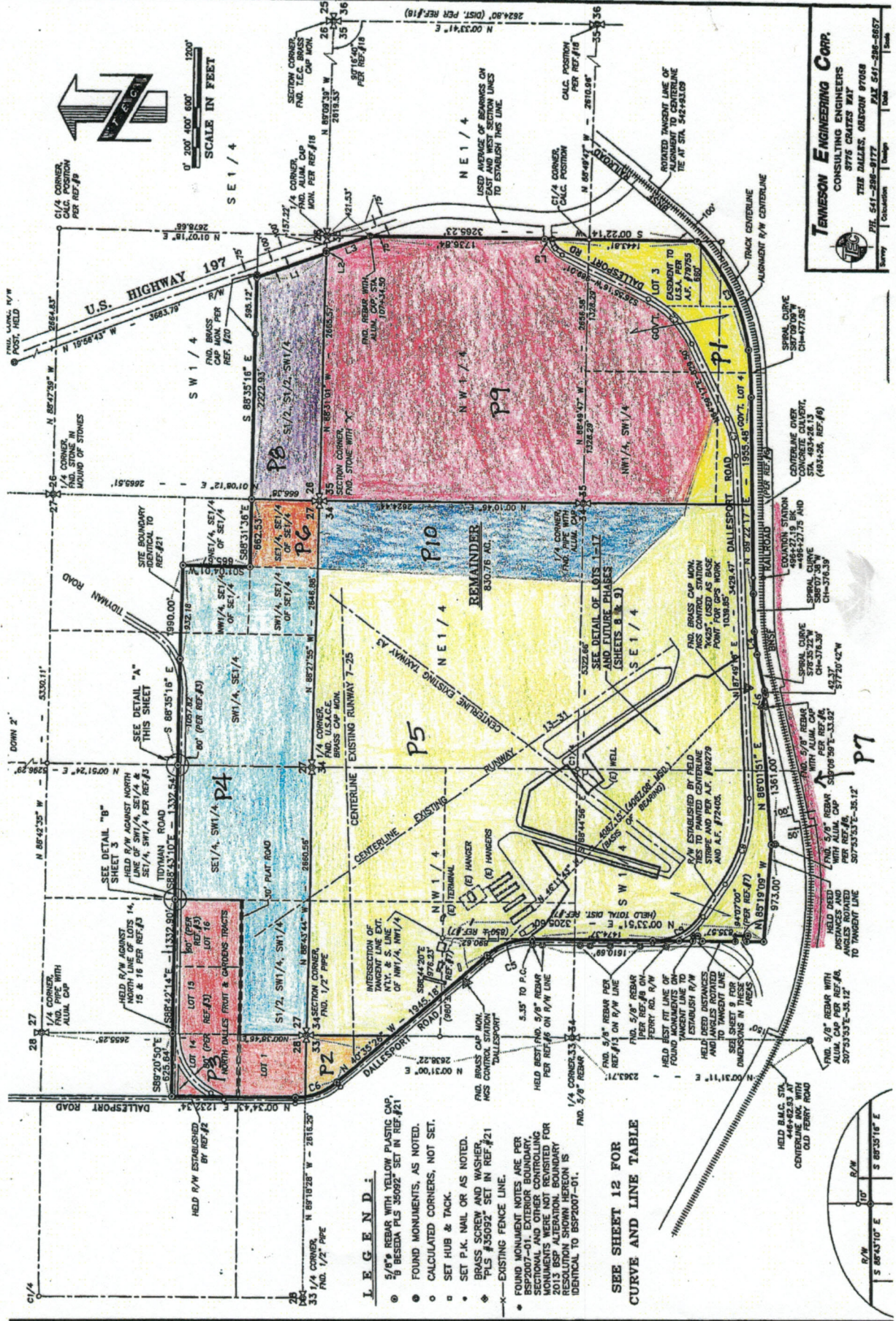


EXHIBIT A