

**AGENDA**

**REGULAR CITY COUNCIL MEETING**

**SEPTEMBER 26, 2022**

**5:30 p.m.**

**CITY HALL COUNCIL CHAMBER**

**313 COURT STREET**

**And**

**VIA ZOOM**

**<https://us06web.zoom.us/j/88147760127?pwd=bzF6UVBBS0EvaDIxTEVyRngrbExmQT09>**

Meeting ID: 881 4776 0127

Passcode: 007612

Dial 1 253 215 8782 or 1 346 248 7799

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

**A. Police Department Commendations**

6. AUDIENCE PARTICIPATION

During this portion of the meeting, anyone may speak on any subject which does not later appear on the agenda. Up to five minutes per person will be allowed. Citizens are encouraged to ask questions with the understanding that the City can either answer the question tonight or refer that question to the appropriate staff member who will get back to you within a reasonable amount of time. 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 COUNCIL REPORTS
9. 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

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**CITY OF THE DALLES**

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

“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 the September 12, 2022 Regular City Council Meeting Minutes
- B. Declare Certain Public Works Department Equipment as Surplus Property and Authorize disposal
- C. Resolution No. 22-032 A Resolution Assessing the Real Property Located at 711 West 11<sup>th</sup> Street for the Cost of Abatement

#### 10. CONTRACT REVIEW BOARD ACTIONS

- A. Sole Procurement Lighted Handrail Replacement at City Dock

#### 11. ACTION ITEMS

- A. Resolution No. 22-031 A Resolution Adopting Local Limits for the Discharge to the City Wastewater System
- B. Animal Control Vehicle Purchase

#### 12. DISCUSSION ITEMS

- A. Pay Equity Report

#### 13. EXECUTIVE SESSION

In accordance with 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.

- A. Recess Open Session
- B. Reconvene Open Session
- C. Decision, if any

#### 14. ADJOURNMENT

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This meeting conducted VIA Zoom

Prepared by/  
Izetta Grossman, CMC  
City Clerk

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#### **CITY OF THE DALLES**

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



POLICE DEPARTMENT

**CITY of THE DALLES**

401 COURT STREET  
THE DALLES, OR 97058  
(541) 296-2613  
FAX (541) 298-2747

September 26, 2022

To: Officer Nolan Randall  
Officer Juan Castro  
Officer Sam Perez  
Reserve Officer Ben Labes

From: Chief Tom M. Worthy

**LETTER OF COMMENDATION  
LIFE SAVING**

On June 30, 2022 at 6:30pm, Officers Randall, Castro, Perez and Labes responded to a call at 315 west 3<sup>rd</sup> street in The Dalles of an unconscious male in respiratory distress. Upon the arrival of these officers, they located a male who was purple in the face and not breathing. A citizen was attempting cardio pulmonary resuscitation (CPR) and a vocal and unruly crowd was gathering in the area. Officers took control of the scene, managed the crowd and assessed the victim whose life was in grave peril. Officers determined that the cause of the medical emergency was a probable drug overdose.

Amid the chaotic scene, officers administered Narcan, and took over CPR. The Narcan was ineffective at first, indicating a massive overdose of opioids. Officers continued to assess the situation and provide care, including airway management and chest compressions. Officers continued to fight to save the victim and ultimately four doses of Narcan were administered by officers. Once fire personnel arrived another two doses of counter opioid medication was administered via intramuscular injections.

Ultimately, the victim began to breathe and slowly recovered and was disoriented, confused and uncooperative. He was transferred to a higher level of care and survived the incident. Officers assessed the scene to determine if any other dangerous drugs were present that could endanger others at the location and located none.

During this encounter officers worked as a team in challenging circumstances to save the life of this victim. Their training and commitment to service was on full display.

For their actions on June 30, 2022 Officers Randall, Castro, Perez and Labes are being presented the City of The Dalles Police LIFE SAVING award. If not for their actions this would have been a fatality due to probable fentanyl overdose.

Tom M. Worthy  
Chief of Police

Cc: Mathew Klebes  
City Manager



## AGENDA STAFF REPORT

**AGENDA LOCATION:** Consent Agenda Item #9 A-C

**MEETING DATE:** September 26, 2022

**TO:** Honorable Mayor and City Council

**FROM:** Izetta Grossman, CMC, City Clerk

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

- A. **ITEM:** Approval of the September 12, 2022 Regular City Council Meeting Minutes.

**BUDGET IMPLICATIONS:** None.

**SYNOPSIS:** The minutes of the September 12, 2022 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 12, 2022 Regular City Council meeting minutes.

- B. **ITEM:** Declare Certain Public Works Department Equipment as Surplus Property and Authorize Disposal

**BUDGET IMPLICATIONS:** Any revenue from the sale of the items will be Miscellaneous Revenue for the associated division.

**SYNOPSIS:** The following is a list of Public Works vehicles and equipment that are recommended to be declared surplus as these items listed are no longer useful to the department, but still retain value. The items listed are planned to be disposed of through a local public auction.

1. Mini excavator buckets, does not fit current excavators

2. 1980 Gorman-Rupp trailer mounted water pump, unreadable serial #
3. Briggs & Stratton 13.5 HP vertical shaft gas engine, Serial# 10729ZA27607
4. Briggs & Stratton 12.5 HP vertical shaft gas engine, Serial# 120320ZA40729
5. Cues QZ2 Portable Video Pipeline Inspection Camera
6. Honda EG2200 Watt Generator, Serial# GX140-2482712
7. Honda EG 3500 Watt Generator, Serial# EA6-4156706
8. Lucas 12 Volt Starter for Wisconsin gas engine
9. Miscellaneous aluminum and galvanized grate decking, 9 pcs @ 17"x47.5" & 23pcs @ 36"x36"
10. Netzsch Nemo 4" Pump, Reliance electric motor IMAF-74830
11. Reliance Electric Polymer pump, Serial # 1113 H 0011M-EX
12. Romaine electric starter for Wisconsin engine
13. Wacker brand 2-stroke Jump-N-Jack Compactor, Model 1995, Serial # 714004376
14. Wacker Brand BS600 2-stroke Jump-N-Jack Compactor, Serial # 5203382
15. Wacker Brand gas powered Jack Hammer, Model 2001, Serial # 1292363
16. Henderson Chief Sander with screen and vibrator, serial # 5405, Model # FSP8

In addition, a Nelson 4" irrigation cannon and the irrigation hand line with trailer is being transferred to the Columbia Gorge Regional Airport.

**RECOMMENDATION:** Approve the Public Works Surplus list as presented.

C. **ITEM:** Resolution No. 22-032 A Resolution Assessing the Real Property Located at 711 West 11<sup>th</sup> Street for the Cost of Abatement

**BUDGET IMPLICATIONS:** Reimbursement of costs will be placed in Miscellaneous Revenue for Codes Enforcement.

**SYNOPSIS:** The property was posted, abated and certified letter sent requesting payment as per City Code. There has been no reply from the owner of the

property. The next step is Council adoption of the Resolution No. 22-032.

**RECOMMENDATION:** Adopt Resolution No. 22-032 A Resolution Assessing the Real Property Located at 711 West 11<sup>th</sup> Street for the Cost of Abatement

MINUTES

CITY COUNCIL MEETING  
COUNCIL CHAMBER, CITY HALL  
SEPTEMBER 12, 2022  
5:30 p.m.

VIA ZOOM/ IN PERSON

**PRESIDING:** Mayor Richard Mays

**COUNCIL PRESENT:** Tim McGlothlin, Rod Runyon, Scott Randall, Dan Richardson;  
Darcy Long, via Zoom

**COUNCIL ABSENT:** None

**STAFF PRESENT:** City Manager Matthew Klebes, City Attorney Jonathan Kara, City Clerk Izetta Grossman, Finance Director Angie Wilson, Interim Planning Director Joshua Chandler, Public Works Director Dave Anderson, Police Chief Tom Worthy, Human Resources Director Daniel Hunter

**CALL TO ORDER**

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

**ROLL CALL OF COUNCIL**

Roll Call was conducted by City Clerk Grossman. Councilors Long, McGlothlin, Richardson, Runyon, Randall present.

**PLEDGE OF ALLEGIANCE**

Mayor Mays asked Councilor Randall to lead the Pledge of Allegiance.

Councilor Randall invited the audience to join in the Pledge of Allegiance.

### **APPROVAL OF AGENDA**

Mayor Mays amended the agenda with the removal of the Executive Session.

It was moved by Richardson and seconded by Randall to approve the agenda as amended. The motion carried 5 to 0; Richardson, Randall, Long, McGlothlin, Runyon voting in favor; none opposed.

### **PRESENTATIONS PROCLAMATIONS**

#### **Recognition – Peter Bradley Citizenship**

Mayor Mays congratulated Peter Bradley, City IT Technician for receiving his US Citizenship, and presented him with a City Medallion.

#### **Main Street Program Update**

Denae Manion, Main Street Board President updated the Council on the Walldogs Event.

She said:

- 150 children worked on the mural she created
- Many local volunteers – Mayor May, Rose Mays, Lions, David Benko, Main Street board, Chris Zukin
- Restaurants: Zims, Last Stop, Bargeway and others
- Great fund raiser for maintenance of murals
- Might be additional murals added in coming years
- Ms. Manion working with school district to involve kids and murals using left over paint
- Over 100,000 engagements on social media
- Walldogs comment never have seen so much involvement, great experience
- Walldogs were great to work with, learned a lot and engaged the community
- Philip Mascher for the documentation he provided

She thanked Mayor Mays and his wife, Rose for all their work keeping things running during the event, and all the local volunteers.

Mayor Mays said the Walldogs mural fest had been 3 year process. He thanked Main Street for stepping up to sponsor the project.

#### **Introduction to M109, The Oregon Psilocybin Services Act – Oregon Health Authority, Angela**



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### Allbee

Ms. Allbee reviewed the PowerPoint that was in the agenda packet. She said there was only one species of mushroom in the regulations for growth, production and distribution. She said psilocybin was not for general use; it could only be used in a treatment facility, under monitoring.

She referred Council to the website <http://www.oregon.gov/psilocybin> for more information. She said the draft rules were on the website. She said the Advisory Committee had done a deep dive into use and rules.

She noted Time, Place and Manner rules were under local control, all other regulations under Oregon Health Authority.

In response to questions Allbee said:

No deadline for to set up regulation regarding Time, Place, and Manner. She said some regulations were in the State rules. She said the draft rules would help Council determine Time, Place, Manner.

Applications for licenses will being in January.

City Manager Matthew Klebes said the purpose of the presentation was to inform Council of the process, and to get direction from Council regarding making code changes to include Time, Place and Manner regarding growing, manufacturing, facilitation of psilocybin use.

Allbee said she would provide links to the draft rules. She said the City could make the rules stricter than the State rules.

It was the consensus of the Council that the City Manager would provide them with draft State Rules and they would individually let him know their feelings.

### **AUDIENCE PARTICIPATION**

Nolan Hare, 1215 E. 12<sup>th</sup> Street reported on the Hotel California Concert at Lewis & Clark Park on September 3, 2022.

He reported:

- 20 local and regional sponsors
- 100 staff and volunteers – The Dalles Football Club; Football Team each will receive a donation from the event

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- Blessed to have Lewis & Clark Park in the community
- Thanked City Clerk Izetta Grossman for her help working through logistics to make things work
- Thanked Terry Harkrader, General Services for ongoing maintenance and tireless efforts to assist with event venue
- The Police Department and Public Works Department were very helpful
- Thanked City Council for the ongoing management of the Transient Room Tax

Hare announced The Dalles Area Chamber of Commerce and Little Music City applied for a Levitt AMP Grant. He said they were in the running for a \$90,000.00 multiyear/multi event grant award. He said the concerts would be free and run through the summer for 3 years.

He asked everyone to login and vote for The Dalles Chamber Foundation to receive the grant. The link is on the Chamber's Facebook page.

### **CITY MANAGER REPORT**

City Manager Matthew Klebes introduced Nubia Sanchez, the new Executive Assistant to the City Manager.

He asked if the Council was interested in a tour of the Wastewater Treatment Plant. It was the consensus of the Council for staff to arrange a tour in the Spring.

Klebes said the City had received two requests for sponsorships:  
\$1000 from the Civic for their fundraising event  
\$500 from the Oregon Food Bank for their fundraising event

It was the consensus of the Council that staff develop a criteria for such request. McGlothlin volunteer to be on the committee.

### **CITY COUNCIL REPORTS**

Councilor McGlothlin reported:  
Homeless Issues  
Relocation of services

Councilor Randall reported:  
Historic Landmarks Commission – approved two window replacements  
Climate Resiliency Committee  
Meeting with City Manager and Mayor

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Councilor Richardson reported:

Thank you to many Walldog volunteers

Climate Resiliency Committee

Meeting with City Manager

Councilor Runyon reported:

Local Public Safety Council

Executive Session

Town Hall Cliff Bentz

Meeting with City Manager and Mayor

Kiwanis Steak Feed

9/11 Ceremony at Stonehenge

POW/MIA Day Kelly View Point September 16<sup>th</sup> 6 p.m.

Councilor Long reported:

Traffic Safety

College Update with Dan Spatz – Child Care Center and Aviation Technician Program

Citizen Question regarding Warming Shelter – Mayor Mays said a plan is being worked on

St. Vincent de Paul Homeless Training Meetings in Eugene

Mayor Mays reported:

Lions Club

Nate Stice Regional Solutions

KOIN TV City Issues – talked about Dog River and Walldogs

KODL

Google Grants

Dan Spatz Child Care Center

Mayor Mays announced the Yard Beautification Award for September went to Dan and Jill Durow.

## **CONSENT AGENDA**

It was moved by Randall and seconded by McGlothlin to approve the Consent Agenda as presented. The motion carried 5 to 0, Randall, McGlothlin, Long, Runyon, Richardson voting in favor; none opposed.

Items approved on the consent agenda were: 1) The minutes of the July 25, 2022 Regular City Council Meeting; 2) Resolution No. 22-029 Amending Resolution No. 22-024 Climate

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Resiliency Ad-Hoc Committee Members; and 3) Resolution No. 22-030 Concurring with the Mayor's Appointment to the Planning Commission.

### **PUBLIC HEARING**

CPA#53-22, EOA and Employment BLI Comprehensive Goal 9 Revisions and adoption of documents as background documents in the Comp Plan

Mayor Mays reviewed the process for public hearings.

Mayor Mays asked for the staff report.

Interim Planning Director Joshua Chandler reviewed the staff report. He said Alice Cannon was in attendance as well.

Mayor Mays asked if there was anyone wanting to speak regarding the Economic Opportunities Analysis and Employment Buildable Lands Inventory.

#### Public Testimony – Opposed

Scott Hege, County Commissioner, speaking as citizen.

Hege said The Dalles is the engine for economic development for Wasco County. He said diversification was imperative.

He said he appreciated the work done by City Staff, and understands the reason for wanting to get it done. He said by adopting the report Council is telling everyone The Dalles has a 20 year supply of buildable land, which is not the case.

He said 73 % of the buildable land is owned by one company. He said the company that owns the land, banks it for future development; that land would never be available.

He said The Dalles was in a unique situation that the State criteria for buildable lands doesn't take into consideration. He said he talked to Representative Bonham about talking to someone on our behalf.

He read into the record Representative Bonham's email:  
"Commissioner Hege:

Thank you for the information regarding your concern with respect to the methodology of determining land availability through DLCD's Goal 9 process. The Dalles has a unique challenge

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in regards to this situation - I will work with DLCD to see if there is a potential approach that could help alleviate some of the issues you are seeing with single firm ownership of the majority of our community's industrial land.

Let me and my staff connect with DLCD and do some research on this issue - I will get back to you with what we find out. Thank you for your commitment to the economy of our county and your passion for bringing jobs and contribution to the tax base.

Sincerely,

Daniel Bonham”

Councilor Runyon said if the analysis is adopted, how could the County move forward with the Urban Growth Boundary expansion.

Councilor Long asked if Google purchased the land from the Port of The Dalles or other owners.

Hege said a combination of both, but Andrea Klaas, Executive Director for the Port could better answer that question.

Councilor Richardson asked if talking to the State about the methodology would make a difference. He also asked if adopting the analysis make a difference. He asked if it could be explained to potential developers.

Hege said it wasn't a true representation. He said those lands should be listed as “committed”.

Andrea Klaas, Executive Director Port of The Dalles said she agreed with Mr. Hege.

She said Google purchased 30 acres from the Port in 2005 and 30 acres in 2011. She said the last purchase was from Northwest Aluminum.

She said she gets inquiries for 10 to 20 acre sites. She said we don't have those available. She said there are 72 businesses on the Port, creating 2500 jobs.

She asked Council to pause and talk to the DLCD about changing report to “committed” for those lands that are not available for sale.

Lisa Farquharson, President/CEO The Dalles Area Chamber of Commerce asked if an incorrect report was worse than waiting to see if it could be fixed? What would happen if Council delayed adoption?

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Alice Cannon, Consultant said there was no deadline. She said there was no urgency.

Interim Planning Director Joshua Chandler said the BLI could be amended. He said an annual report could be done with accurate numbers once permits were issued on new development on the committed land.

Rodger Nichols, 1617 Oregon Street, Wasco County Representative on the Gorge Commission for 11 years.

Mr. Nichols said the Act says only minor adjustments can be made without an act of congress. He said the Friends of the Gorge use those numbers as a hammer with the Gorge Commission.

He said it would be easier with a hard fact report saying not enough buildable land.

Steve Kramer, Wasco County Commissioner said building partnerships with State Agencies to send the best, accurate report.

Mayor Mays closed the Public Hearing at 7:43 p.m. and asked for Council comment.

Runyon said he wanted the adoption delayed. He said the notes didn't reflect recommendation to change the document to have accurate numbers.

Interim Director Chandler said the modifications were asked for at the first meeting, not at later meetings. He said new projects are very close to being started. He said after permits were issued the land could be taken off of the "available" list with an amendment.

Mayor Mays noted that Commissioner Hege's comments were taken into consideration in the new document on pages 51-52 of the agenda.

Richardson asked if a pause would do any harm.

Mayor Mays said results from the DLCD would take longer than a 4 – 6 months pause.

Klebes said he didn't want to be back here in six months having the same conversation.

Chandler said the adoption had been on the shelf too long, but it could be paused.

Runyon said Council needed to explore DLCD first, without a timeline.

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Long said adoption had been delayed for 2 years and still discussing the same issue. She said it might be time to begin looking at other options for economic development.

Councilor McGlothlin read the following statement into the record “After a careful review of the buildable land use study, I have concluded that insufficient land is available within the urban growth boundary established by Federal directive. Many of the areas sited as buildable are not suitable due to factors that are not calculated accurately into the total overall report. Upon hearing testimony critical of the report, I agree that the methodology directed by the State of Oregon is flawed

The Department of Land Conservation and Development states that the purpose of Goal 9 planning is to make sure cities have adequate land available to realize economic growth and development opportunities. Goal 9 also requires The Dalles to have a working inventory of areas suitable for economic growth where public infrastructures is available. I believe the Inventory is overstated and question the passage of this ordinance.

It is my opinion that the study lacks credibility and requires a grievance to be filed with the State of Oregon to consider unique circumstances found in The Dalles that need to be addressed. I am not in favor of passing this ordinance as presented.”

Randall in support of delay.

Mayor Mays asked how long for pause to go to DLCD

City Manager Klebes said staff could give periodic updates without a timeline.

Hege said he hadn’t considered the election. He said Representative Bonham would be talking to the Director of DLCD. He said initial conversations might give indication.

Long said if Council is holding up adoption, shouldn’t the City be taking the lead.

It was moved by Runyon and seconded by Richardson to extend meeting time until complete. The motion carried 5 to 0; Runyon, Richardson, Long, McGlothlin and Randall in favor; none opposed.

**Recess at 8:12 p.m.**

**Reconvene at 8:24 p.m.**

ZOA 102-22, Stream Corridor Overlay Amendments

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Mayor Mays reviewed the process for public hearings.

Mayor Mays asked for the staff report.

Interim Planning Director Joshua Chandler reviewed the staff report.

Mayor Mays asked if there was anyone wanting to speak regarding the Stream Corridor Overlay Amendments.

Hearing none, Mayor Mays closed the Public Hearing and asked for Council comment.

General Ordinance No. 22-1392 Approving Amendments to The Dalles Municipal Codes Chapter 10.5.130 to Bring the City's Stream Corridor Overlay Zoning Regulations into Compliance with State Required Standards

Mayor Mays asked if any Councilor wanted the ordinance read in full.

Hearing none he asked the City Clerk to read by title only.

City Clerk Grossman read the ordinance by title only.

It was moved by Richardson and seconded by Randall to approve General Ordinance No. 22-1392 Approving Amendments to The Dalles Municipal Codes Chapter 10.5.130 to Bring the City's Stream Corridor Overlay Zoning Regulations into Compliance with State Required Standards by title only. The motion carried 5 to 0; Runyon, Richardson, Long, McGlothlin and Randall in favor; none opposed.

Special Ordinance No. 22-595, A Special Ordinance Annexing A Certain Additional Property Located in the Urban Growth Boundary of The City of The Dalles Pursuant to ORS 222.125 (Consent Annexation: ANX#80-22 - Rundell)

Mayor Mays reviewed the process for public hearings.

Mayor Mays asked for the staff report.

Interim Planning Director Joshua Chandler reviewed the staff report.

Mayor Mays asked if there was anyone wanting to speak regarding the Annexation.

Hearing none, Mayor Mays closed the Public Hearing and asked for Council comment.



Mayor Mays asked if any Councilor wanted the ordinance read in full.

Hearing none he asked the City Clerk to read by title only.

City Clerk Grossman read the ordinance by title only.

It was moved by Runyon and seconded by Richardson to approve Special Ordinance No. 22-595, A Special Ordinance Annexing A Certain Additional Property Located in the Urban Growth Boundary of The City of The Dalles Pursuant to ORS 222.125 (Consent Annexation: ANX#80-22 - Rundell) by title only. The motion carried 5 to 0; Runyon, Richardson, Long, McGlothlin and Randall in favor; none opposed.

### **CONTRACT REVIEW BOARD**

#### **Approve Purchase of Library Outreach Sprinter Van**

Librarian Jeff Wavrunek reviewed the staff report.

It was moved by McGlothlin and seconded by Runyon to authorize the City Manager to authorize purchase of a new outreach/bookmobile Sprinter van from Farber Specialty Vehicles through permissive cooperative procurement vendor Omnia Partners in an amount not to exceed \$219,689.00. The motion carried 5 to 0; Runyon, Richardson, Long, McGlothlin and Randall in favor; none opposed.

### **ACTION ITEMS**

#### **Approval of New Lease Agreement with Washington Department of Natural Resources and Columbia Gorge Regional Airport**

Airport Manager Jeff Renard reviewed the staff report.

Renard noted that Klickitat County approved the Lease at their September 6, 2022 meeting.

McGlothlin asked if the Airport Board recommended approval.

City Attorney Kara said leases of over 2 years need to be approved by the City and Klickitat County. He said recommendation from the Board was not required.

It was moved by Runyon and seconded by Richardson to authorize the City Manager to execute the Hangar Lease with Washington Department of Natural Resources at Columbia Gorge

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Regional Airport. The motion carried 5 to 0; Runyon, Richardson, Long, McGlothlin and Randall in favor; none opposed.

Approval to Purchase Police Tablets Instead of Leasing

City Manager Matthew Klebes reviewed the staff report.

It was moved by Randall and seconded by McGlothlin to authorize the City Manager to procure 26 computers for the Police Department from HarborTech Mobility in an amount not to exceed 129,982.96. The motion carried 5 to 0; Runyon, Richardson, Long, McGlothlin and Randall in favor; none opposed.

**ADJOURNMENT**

Being no further business, the meeting adjourned at 8:54 p.m.

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Submitted by/  
Izetta Grossman, CMC  
City Clerk

SIGNED:

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Richard A. Mays, Mayor

ATTEST:

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Izetta Grossman, CMC City Clerk



# City of The Dalles City Council

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COMPREHENSIVE PLAN AMENDMENT NO. 53-22:  
GOAL 9 TEXT AMENDMENTS AND  
ADOPTION OF EMPLOYMENT BUILDABLE LANDS INVENTORY  
MONDAY, SEPTEMBER 12, 2022 | 5:30 PM

# Amendment Components

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## **Economic Opportunities Analysis (EOA) and Employment Buildable Land Inventory (BLI)**

- Sites needed to accommodate projected employment growth.
- 20-year supply of buildable land.
- Projection of industrial/employment uses.

## **Comprehensive Plan Policies/Goals 9 Amendments**

- Economic development policies based on the EOA.
- Policies to designate adequate employment sites.
- Policies to provide necessary public facilities and transportation facilities.

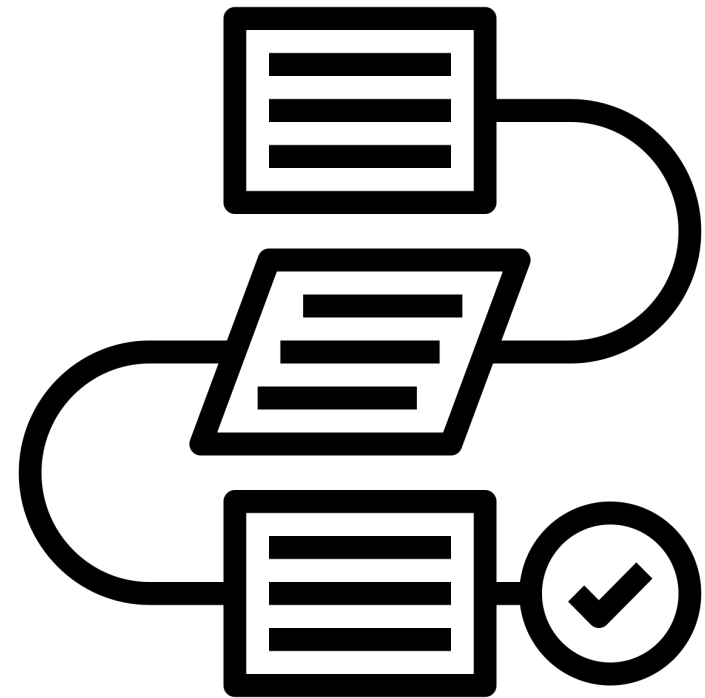
## **Implementation Policies and Measures**

- Measures to implement adopted policies.
- Plan and zoning map and text amendments, as needed.

# Background

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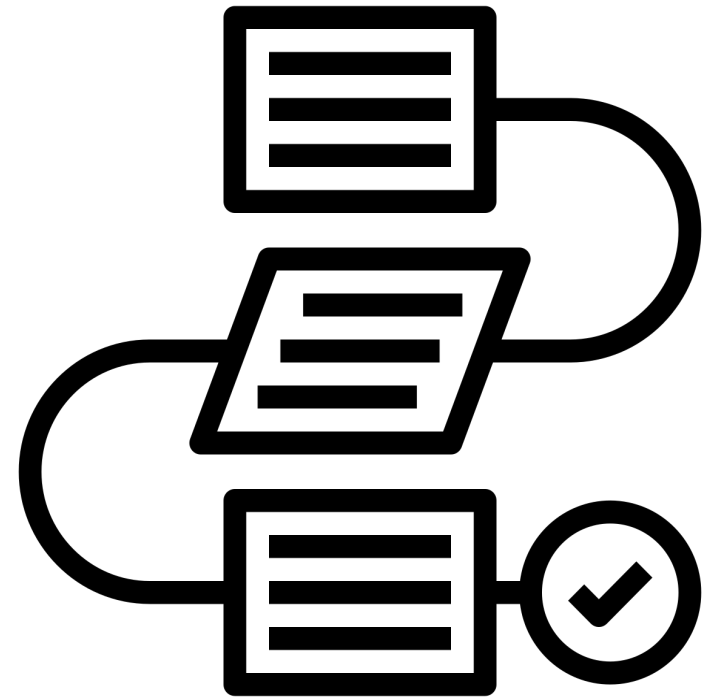
- **2019-2020:** Community & Stakeholder Engagement
- **September 2019:** Completed Phase 1 of EOA: employment projections and land needs
- **October 2020:** Completed methodology and updated results of the 2020 BLI
- **November 19, 2020:** Planning Commission recommends adoption of the EOA/BLI to City Council, with no Comp Plan amendments
- **January 25, 2021:** City Council discussion on EOA/BLI process options



# Background

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- **April 12, 2021:** City Council agreed with the Planning Commission's recommendation and directed Staff to draft Comp Plan amendments
- **March 17, 2022:** Planning Commission discussion on draft Comp Plan amendments
- **March 28, 2022:** City Council discussion on draft Comp Plan amendments
- **May 21, 2022:** Planning Commission recommends adoption of the EOA/BLI to City Council, with no Comp Plan amendments







# BLI Analysis

Scenario 1	Employment Land	New Employment	Sq.Ft./Employee	Total SF Needed	Floor Area Ratio*	Gross Acres Needed	Net Buildable Acres
	Industrial	672	750	503,967	0.15	81.7	69.4
	Office	350	250	87,530	0.30	7.1	5.7
	Retail	235	350	82,166	0.25	6.1	4.9
	Accommodation/Food	351	300	105,263	0.50	3.9	3.1
	Institutional	1,057	750	792,795	0.30	64.5	51.6
	<b>Total</b>	<b>2,665</b>		<b>1,571,722</b>		<b>163.3</b>	<b>134.7</b>
Scenario 2	Employment Land	New Employment	Sq.Ft./Employee	Total SF Needed	Floor Area Ratio*	Gross Acres Needed	Net Buildable Acres
	Industrial	929	750	697,042	0.15	113.0	96.0
	Office	459	250	114,711	0.30	9.3	7.5
	Retail	180	350	63,077	0.25	4.7	3.8
	Accommodation/Food	576	300	172,883	0.50	6.4	5.2
	Institutional	1,182	750	886,259	0.30	72.1	57.6
	<b>Total</b>	<b>3,326</b>		<b>1,933,973</b>		<b>205.5</b>	<b>170.0</b>
Scenario 3	Employment Land	New Employment	Sq.Ft./Employee	Total SF Needed	Floor Area Ratio*	Gross Acres Needed	Net Buildable Acres
	Industrial	985	750	739,090	0.15	119.8	101.8
	Office	468	250	116,963	0.30	9.5	7.6
	Retail	418	350	146,228	0.25	10.9	8.7
	Accommodation/Food	418	300	125,459	0.50	4.7	3.7
	Institutional	1,186	750	889,446	0.30	72.3	57.5
	<b>Total</b>	<b>3,475</b>		<b>2,017,186</b>		<b>217.2</b>	<b>179.7</b>

The Dalles Demand Land Forecast, 2018-2038  
(phase 1 of EOA)

Employment Zone <sup>12</sup>	Partially Vacant Land		Vacant Land		Total Buildable Land
	Gross	Net	Gross	Net	
CBC	3	1	3	2	3
CG	3	1	22	18	19
CLI	1	0	48	38	38
CR	1	0	28	22	22
I (subtotal)	6	3	201	171	175
Google Sites	0	0	150	127	127
Other Sites	6	3	51	44	47
<b>Total</b>	<b>15</b>	<b>7</b>	<b>304</b>	<b>253</b>	<b>261</b>

Gross & Net Developable Acres of Employment Land  
(as shown on previous map)



# BLI Analysis

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Employment Zone <sup>13</sup>	Estimated Net Land Demand (acres)	Net Buildable Land (acres)	Surplus/ Deficit (acres)
Commercial	65 – 78	86	8 – 21
Industrial	69 – 101	175	74 – 106
Total	<b>134 - 179</b>	<b>261</b>	<b>82 – 127</b>

Land Demand Acreage and Buildable Land Inventory  
Comparison Summary

# BLI Takeaways

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- Analysis is consistent with state requirements (OAR 660-009-0015, 660-009-0020, 660-009-0025)
- Inventory of land indicates a surplus of employment land
- Results likely do not provide basis for UGB expansion
- Industrial supply dominated by large site owned and planned for development (e.g. Google sites) – 127 of 175 acres
- Limited supply of more traditional “available/marketable” sites, causing potential continued shortage for other users
  - “Under 50 acres of land in inventory available to other users”

# Comprehensive Plan Amendments

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- ***Goal #9 Economic Development*** goal to be updated reflecting details included in EOA/BLI (Data Updates):
  - *Purpose Statement* to be removed
  - *Background Narrative* updated
  - *Economic Overview* updated
  - *Economic Forecast* updated
  - *Economic Opportunities (2018) and Action Plan (2019-2024)* updated
  - *Findings and Conclusions* updated
  - *Economic Development Goals*, one item added
  - *Goal #9 Policies* updated
  - *Goal #9 Implementation Measures* added

# Comprehensive Plan Amendments

---

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  - *Economic Development Goals*, one item added
  - **Goal #9 Policies** updated
  - *Goal #9 Implementation Measures* added

# Goal #9 Policy Statements Amendments

---

1. ~~Encourage the siting and growth of employers which pay family wages as identified in The Dalles Economic Opportunities Analysis (EOA).~~ **Promote and support diversification of The Dalles' economic base focusing on growth of family wage jobs.**
2. To the extent possible, designate within the existing UGB suitable land with site size and locational characteristics required by targeted employment ~~as set forth in the 2010 Economic Opportunities Analysis (EOA).~~
3. ~~Identify industrial sites that are immediately available and serviceable for industrial development consistent with the Goal 9 rule. Request Oregon Economic and Community Development Department (OECDD) certification for "shovel ready" industrial sites pursuant to Executive Order 03-02.~~

# Goal #9 Policy Statements Amendments

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- ~~6.~~ ~~Protect large Northwest Aluminum redevelopment sites for their intended industrial uses as identified in the EOA as set forth in Table 9-4~~
- ~~7~~5. Commercial and service uses in the City's industrial zones should be limited to small-scale retail and service uses that cater primarily to local area employees and customers and support surrounding businesses
- ~~8~~6. Plan for and make adequate public investments to meet the existing and future demands of industrial, commercial, and residential growth in The Dalles

# Goal #9 Policy Statements Amendments

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9. Support growth of businesses that create destinations and experiences for residents of The Dalles and visitors.

~~11~~10. Encourage the continued development of the Mid-Columbia Medical Center and other health services as an important resource to the economic base of The Dalles, and as an important element in extending the perimeter of The Dalles' trade area

11. Support and encourage the Columbia Gorge Community College in providing workforce development and training to meet the needs of new and existing businesses in The Dalles.

# Goal #9 Policy Statements Amendments

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- 20. Plan for **and implement** appealing streetscapes that encourage personal interaction, accommodate public gatherings, and enhance the experience of shoppers and workers.
  
- 23. Pursue development of higher employment densities in areas with planned or existing facilities, utilities, and transportation infrastructure.**
  
- 24. Establish streamlined permitting processes that allow for business expansions and modifications without undergoing the same level of review as new development.**



# Goal #9 Policy Statements Amendments

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- 25. Ensure The Dalles has the services and amenities necessary to attract workers and provide the services they need, such as medical services, child care services, educational training opportunities, public transportation, retail and restaurants, and other necessary amenities.
- 26. Support and encourage infill and redevelopment, especially in existing commercial areas, as a way to use land and infrastructure more efficiently.
- 27. Facilitate and support business incubators and other methods to assist start-up businesses.

# Additional Documents to be adopted

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## ***The Dalles Comprehensive Plan, Volume II Background Documents:***

- Economic Opportunities Analysis (Bridge Economic Development, 2019)
- Economic Development Action Plan (Bridge Economics Development, 2019)
- Buildable Land Inventory Memorandum (Angelo Planning Group, 2020)

# Planning Commission Recommendation

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May 19, 2022 Planning Commission hearing:

Unanimous recommendation to City Council for the approval of CPA 53-22, to amend Goal 9 Comprehensive Plan text and adopt the Employment Buildable Land Inventory and Economic Opportunity Analysis.

# Council Alternatives

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1. **Staff recommendation: *Move to adopt Ordinance No. 22-1391, an ordinance approving Comprehensive Plan Goal 9 Revisions: Amendments and Adoption of the Economic Opportunities Analysis (EOA) and Employment Buildable Lands Inventory (BLI) documents to The Dalles Comprehensive Plan, Volume II: Background Documents by title only.***
2. Decline adoption of Ordinance No. 22-1391.



# City of The Dalles City Council

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QUESTIONS?

**From:** [Travis Dray](#)  
**To:** [Izetta F. Grossman](#)  
**Subject:** Mid-Columbia Medical Center statement re: buildable land agenda item  
**Date:** Monday, September 12, 2022 3:29:35 PM

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Hi Izetta -

Can you please share the statement below with the Mayor, City Council, and City Manager:

Mid Columbia Medical Center appreciates the work of the Land Use Planning team. If The Dalles is to realize it's potential as a retail, tourism, and healthcare center for the region - our team would recommend to the Mayor and City Council; the planning team revisit the study and provide the an up to date inventory of land available.

Thank you for your help, have an awesome day

**Travis Dray**  
Mid-Columbia Medical Center  
Director- Business Development  
(541) 506-5750

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# City of The Dalles City Council

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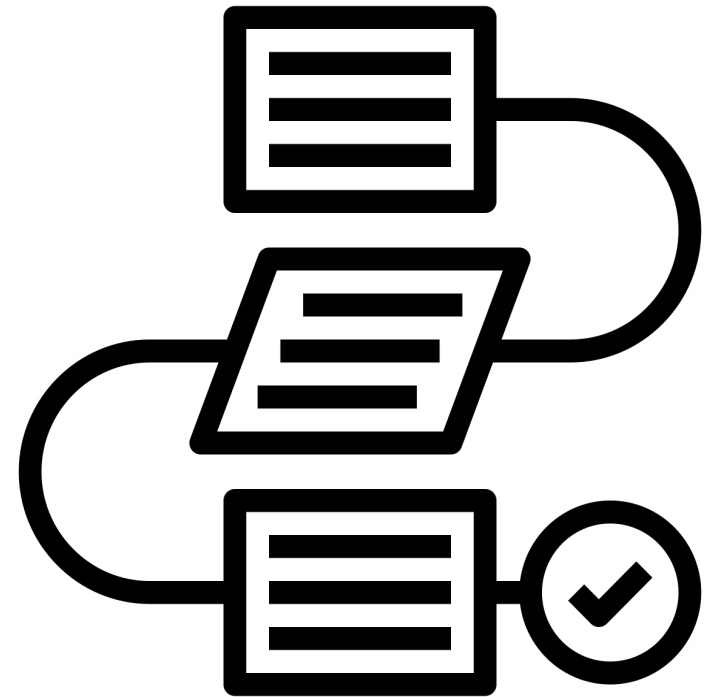
LAND USE AND DEVELOPMENT ORDINANCE  
AMENDMENT NO. 105-22

MONDAY, SEPTEMBER 12, 2022 | 5:30 PM

# Background

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- **September 16, 2021:** Planning Commission recommended that City Council adopt *Total Maximum Daily Load (TMDL) Implementation Plan* (for Stream Protection)
- **November 22, 2021:** City Council approves TMDL Implementation Plan
- **March 17, 2022:** Stream Corridor LUDO Amendment discussion at Planning Commission
- **March 28, 2022:** Stream Corridor LUDO Amendment discussion at City Council
- **May 19, 2022:** Planning Commission recommends adoption of Stream Corridor Amendments to City Council





# Current Stream Corridor Protections

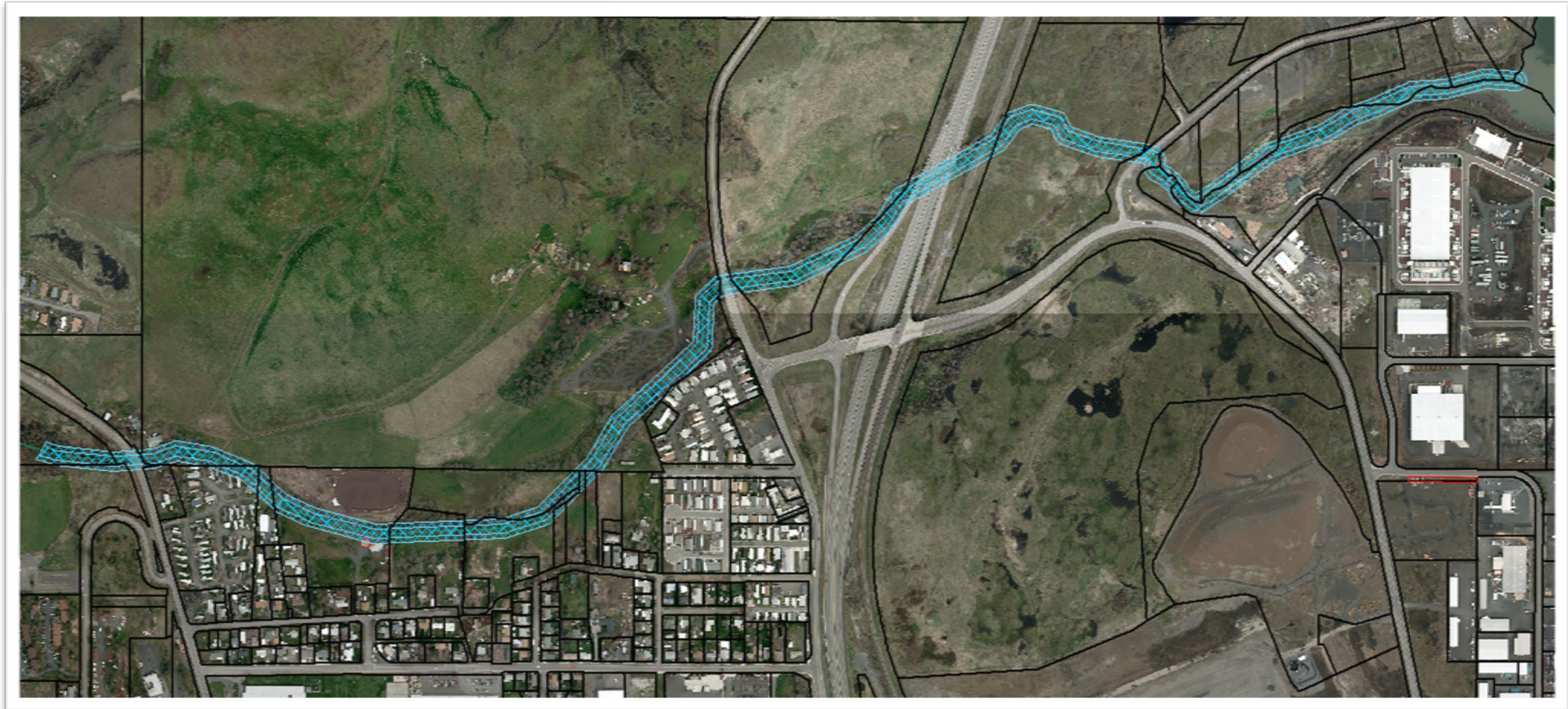
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The Dalles Municipal Code implements and regulates, a Stream Corridor (SC) Overlay for [Chenoweth Creek](#), [Mill Creek](#) and [Threemile Creek](#):

- SC Overlay is required for counties and cities statewide to protect streams.
- SC Overlay requires a 50-foot development setback from the “top-of-bank.”
- **Two ways the setback can be reduced:**
  - *“Stream Corridor Setback Modification”*
  - *“Hardship Adjustment”*.
  - **This amendment will modify these two exceptions to bring them into compliance with State Law.**

# SC Overlay: Chenoweth Creek

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# SC Overlay: Mill Creek

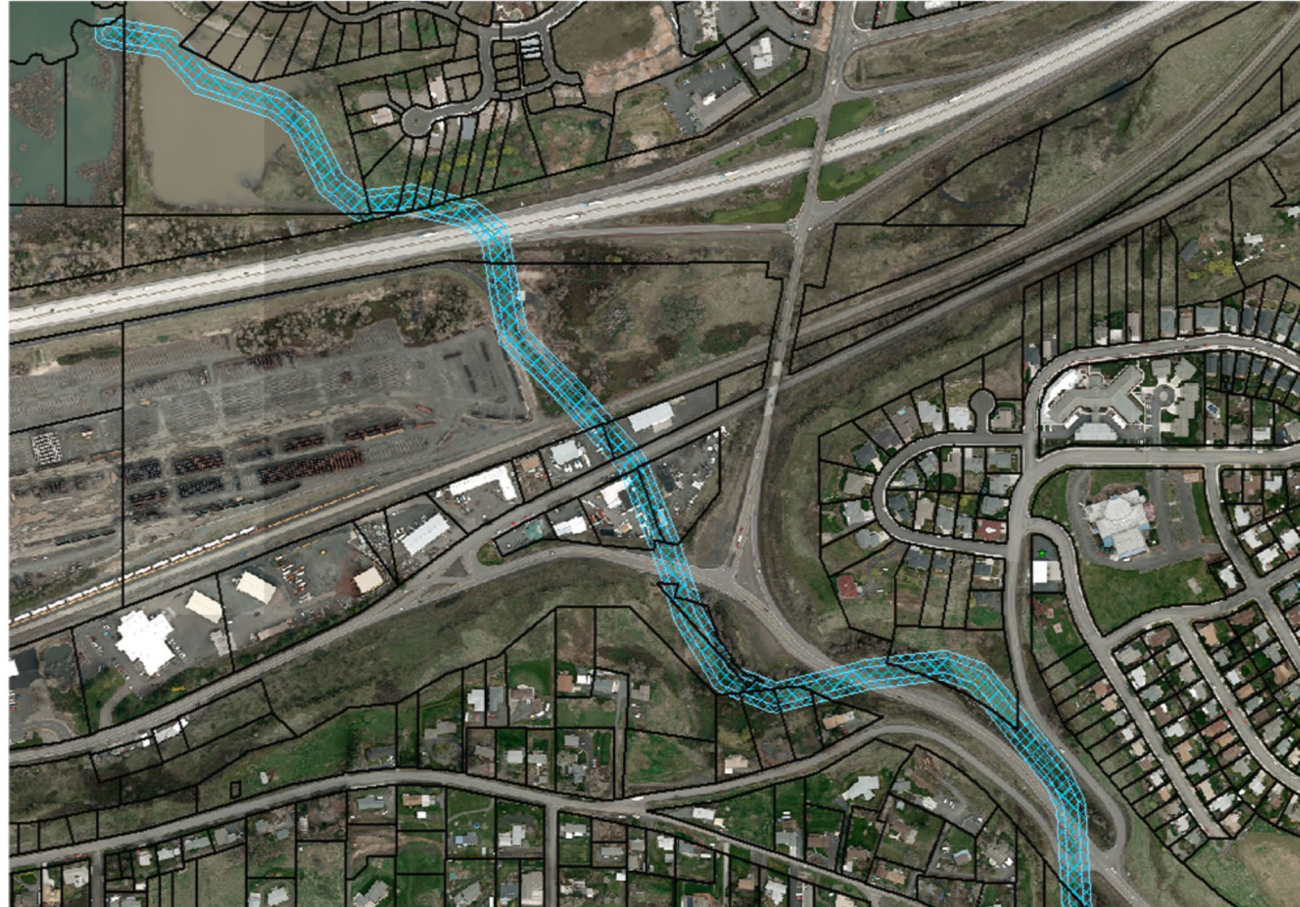
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# SC Overlay: Three Mile Creek

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# Stream Corridor Amendment - #1

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Remove Section 10.5.130.030(B) which currently allows for the 50' stream setback to be reduced by 50% when a riparian restoration plan is submitted for review by an applicant. Removing this setback modification provision will bring our code in compliance with State of Oregon and regulations.

- ~~B. Stream Corridor Setback Modification. The Planning Director may reduce the stream corridor setback in “developed” areas shown on The Dalles Stream Corridor Inventory to 25 feet when all of the following criteria are satisfied:~~
- ~~1. The applicant agrees to restore riparian vegetation within the remaining 25 foot setback area by implementing a riparian restoration plan approved by the Planning Director.~~
  - ~~2. The riparian restoration plan shall be prepared by a wetland scientist, government agent, or other professional with expertise in riparian plants and restoration techniques acceptable to the Planning Director.~~
  - ~~3. The plan shall ensure removal of invasive plant species and replacement with suitable native plant species that will effectively shade the stream and minimize stream bank erosion.~~
  - ~~4. The plan shall include provisions for monitoring and replacement of native plants over at least a three year period.~~
  - ~~5. The Planning Director may require a riparian conservation easement for the remaining protected stream corridor.~~

# Stream Corridor Amendment - #2

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**Amend Section 10.5.130.030(C) currently allowing a Hardship Adjustment of 67% to the 50-foot stream setback (resulting in a 16.5-foot setback). Proposal of reducing the Hardship Adjustment to 40% (resulting in a 30-foot setback):**

- A. Hardship Adjustment. The Planning Commission may approve a hardship adjustment to the stream setback provisions of this chapter, without going through a formal variance process, under the following circumstances:*
- 1. Where application of the stream setback provisions of this chapter makes it impossible to build a structure (including a building, required parking and access) otherwise permitted in the underlying zoning district, the Planning Commission may allow reductions of the setback standards of the underlying zoning district by up to ~~67%~~ 40% (to permit the siting of such structures to avoid infringing on the stream setback area.*

# Stream Corridor Amendment - #3

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Amend Section 10.5.130.030(C)(2), to reduce the 3,000 square feet of impervious surface area within the 50-foot stream setback, if it is still considered impossible to build after a Hardship Adjustment. *The maximum impervious area would be reduced to a maximum of 500 square feet within the setback.*

2. *If, after considering the effect of hardship setback adjustments, it is still impossible to build a structure permitted in the underlying zoning district, the Planning Commission may approve up to ~~3,000~~ 500 square feet of impervious surface area within the required stream setback area, provided that:*
  - a. *The structure, parking and access area is located as far from the top of bank as reasonably possible; and*
  - b. *The applicant submits a stream corridor restoration plan prepared to the specifications set forth in Section 10.5.130.030(B).*

# Planning Commission Recommendation

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May 19, 2022 Planning Commission hearing:

Unanimous recommendation to City Council for the approval of ZOA 105-22, to amend The Dalles Municipal Code Chapter 10.5.130 Stream Corridor Overlay Zoning Regulations.



# Council Alternatives

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1. **Staff recommendation: *Move to adopt Ordinance No. 22-1392, an ordinance approving amendments to The Dalles Municipal Code Chapter 10.5.130 to bring the City's Stream Corridor Overlay Zoning regulations into compliance with State-required standards by title only.***
2. Decline adoption of Ordinance No. 22-1392.



# City of The Dalles City Council

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QUESTIONS?



# City of The Dalles City Council

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ANNEXATION NO. 80-22

MEGAN RUNDELL | 3022 W. 10<sup>TH</sup> STREET  
MONDAY, SEPTEMBER 12, 2022 | 5:30 PM

## Subject Property:

3022 W. 10<sup>th</sup> Street  
2N 13E 32BA 500

## MIP 406-22:

Approved on 5-2-22  
Annexation required as  
Condition of Approval



# Review Criteria (TDMC 10.14.010.040)

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- A. The territory is contiguous to the city limits and qualifies as a consent annexation pursuant to ORS 222.125 or as an island annexation pursuant to ORS 222.750*
- B. The territory is within the urban growth area.*
- C. The development of the property is compatible and consistent with the rational and logical extension of utilities and roads to the surrounding area.*
- D. The City is capable of providing and maintaining its full range of urban services to the territory without negatively impacting the City's ability to adequately serve all areas within the existing city limits.*
- E. The annexation conforms to the Comprehensive Plan.*

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# Review Criteria (Comprehensive Plan: Goal #14 - Urbanization)

---

**Sub-Goal #2.** *To coordinate with Wasco County in order to manage the urban growth boundary and the conversion of land within the boundary for urban uses.*

**Sub-Goal #3.** *To provide for the orderly and efficient provision of public facilities and services.*

**Policy #6.** *Encourage the orderly annexation of land within the Urban Growth Boundary to the City of The Dalles.*

**Policy #7.** *Adequate public utilities shall be planned or provided for per local and State statutes, to service an area where annexation is considered. This included, but is not limited to, storm sewers, sanitary sewers and water service.*

**Policy #8.** *Public facilities such as roads, street lights, parks and fire hydrants may be required for development of the area in question and shall be subject to review prior to annexation.*

**Policy #9.** *Upon annexation an official plat of the parcel(s) in question shall be filed if such document does not exist. Any plat shall be subject to review by the Planning Director, City Planning Commission and the City Council as set forth in the Subdivision Ordinance.*

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# Council Alternatives

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1. **Staff recommendation: *Move to adopt Special Ordinance No. 22-595, an ordinance annexing property located in the Urban Growth Boundary of the City of The Dalles pursuant to ORS 22.125 (Consent Annexation: ANX #80-22 Rundell) by title only.***
2. Decline adoption of Special Ordinance No. 22-595.



# City of The Dalles City Council

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QUESTIONS?

## RESOLUTION NO. 22-032

### A RESOLUTION ASSESSING THE REAL PROPERTY LOCATED AT 711 WEST 11<sup>th</sup> STREET FOR THE COSTS OF ABATEMENT

**WHEREAS**, the City Code Enforcement Officer posted a Notice to Abate Nuisance upon the following listed properties on the dates shown below;

<u>Property</u>	<u>Assessor's Map No.</u>	<u>Date of Posting</u>
711 West 9 <sup>th</sup> Street	1N 13E 4 AC 1700	July 20, 2022

**WHEREAS**, the following person is the owner of the following listed property:

<u>Property</u>	<u>Owner</u>
711 West 9 <sup>th</sup> Street	Randy Wiles

**WHEREAS**, the Notice to Abate Nuisance required the removal of junk and garbage from the property owned by Randy Wiles pursuant to the provisions of The Dalles Municipal Code (TDMC) 5.04.140;

**WHEREAS**, the Notice to Abate Nuisance further provided the City would hire a contractor to abate the nuisance conditions if the nuisance conditions were not abated and the costs of the abatement would be charged to the property owner and become a lien upon the property;

**WHEREAS**, due to the owner's failure to abate the nuisance conditions on their property or within their control, the City hired the following listed contractors to abate the nuisance conditions on the date listed below for the cost listed below:

<u>Property</u>	<u>Contractor</u>	<u>Date of Abatement</u>	<u>Cost</u>
711 West 9 <sup>th</sup> Street	G.V.V.	August 16, 2022	\$350.00

**WHEREAS**, pursuant to TDMC 5.04.170(A), on August 19, 2022, the City Clerk sent a Notice of Assessment by certified mail to Randy Wiles advising the total cost of the assessment for their property was \$850.00, which included a \$500.00 administrative fee required by TDMC 5.04.160(C), and the listed sum would become a lien upon the property if the amount was not paid by September 6, 2022;

**WHEREAS**, Randy Wiles failed to pay the balance of the assessment by the deadline listed in the Notice of Assessment, and the City Council finds the statement of the amount of the proposed assessment is correct, and that no reason exists to justify any delay in proceeding with the imposition of a lien upon the property for the cost of the assessment;

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

Section 1. Assessment. The costs of the abatement of the nuisance conditions consisting of the removal of vegetation and puncture vine removal and spray at the listed property:

<u>Name/Address</u>	<u>Description</u>	<u>Final Assessment</u>
Randy Wiles	Tax ID: 1N 13E 4 AC 1700	\$850.00

The legal description for the property is shown in legal description attached to and made part of this Resolution as Exhibit "A".

Section 2. Docket Entry. Upon passage of this Resolution and its approval by the Mayor, the following information shall be entered into the City Electronic Lien Docket:

- a. The foregoing legal descriptions of each property assessed.
- b. The names of each owner or a statement the owners are unknown.
- c. The sum assessed upon each lot or tract of land.
- d. The date of the docket entry.

Section 3. Notices/Collection of Assessment. The City Clerk is directed to proceed with notice and collection of the assessment in accordance with the procedures prescribed by Oregon law for enforcement of liens and collection of assessments.

Section 4. Effective Date. This Resolution shall be effective upon its adoption.

**PASSED AND ADOPTED THIS 26<sup>TH</sup> DAY OF SEPTEMBER, 2022.**

Voting Yes, Councilors: \_\_\_\_\_

Voting No, Councilors: \_\_\_\_\_

Absent, Councilors: \_\_\_\_\_

Abstaining, Councilors: \_\_\_\_\_

**AND APPROVED BY THE MAYOR THIS 26<sup>TH</sup> DAY OF SEPTEMBER 2022.**

ATTEST:

\_\_\_\_\_  
Richard A. Mays, Mayor

\_\_\_\_\_  
Izetta Grossman, CMC, City Clerk



## **EXHIBIT “A”**

### **LEGAL DESCRIPTIONS**

#### **711 West 11<sup>th</sup> Street**

Legal description from Instrument No. **1999-005994**: Lot C, Block 74, Fort Dalles Military Reservation, in the City of The Dalles, County of Wasco and State of Oregon.





## AGENDA STAFF REPORT

**AGENDA LOCATION:** Contract Review Board Item #10 A

**MEETING DATE:** September 26, 2022

**TO:** Honorable Mayor and City Council

**FROM:** City Manager Matthew Klebes

**ISSUE:** Sole Source Procurement Lighted Handrail at City Dock

**BACKGROUND:** In the past few years the handrail on the gangway at the Dock has sustained damage in particular to the handrail lighting. The current lighting system is no longer available which requires the City to replace the entire handrail.

The gangway is the first impression for visitors from the cruise ships. It is important to maintain the Dock for safety reasons considering local use as well as the number of passengers disembarking from the cruise ships annually.

This will be a sole source procurement from the supplier as they are the only authorized dealer for this particular type of handrail.

**BUDGET IMPLICATIONS:** None. There are sufficient funds budgeted in the Dock repair line item #037-3700-000.73-30.

### **COUNCIL ALTERNATIVES:**

1. **Staff recommendation:** *Move to authorize the City Manager to purchase a new handrail for the Dock gangway from Platt Electric, in the amount not exceed \$55,275.00.*
2. Decline to authorize purchase and direct staff to look for other alternatives.
3. Decline to replace Dock gangway lighting handrail.





## AGENDA STAFF REPORT

**AGENDA LOCATION:** Action Item #11 A

**MEETING DATE:** September 26, 2022

**TO:** Honorable Mayor and City Council

**FROM:** Dave Anderson, Public Works Director

**ISSUE:** Adoption of Resolution No. 22-031 - A Resolution Adopting Technically Based Local Limits for Discharges to the City's Wastewater System

**BACKGROUND:** The Federal Water Pollution Control Act (Clean Water Act) requires The United States Environmental Protection Agency (EPA) to develop pretreatment standards designed to prevent the discharge to public wastewater systems of pollutants "which interfere with, pass-through, or are otherwise incompatible" with the public wastewater systems. EPA has developed the regulations to implement the requirements of the Clean Water Act, establish general and specific prohibitions, and require the development of specific technically-based Local Limits.

The Oregon Department of Environmental Quality (DEQ) is responsible for adopting and implementing certain EPA regulations at the state level. DEQ has, through the permit issued to the City for discharge from the City's wastewater treatment plant (NPDES Permit No. 101728), required that the City establish a Pretreatment Program, and revise and adopt technically-based Local Limits. The City has the required Pretreatment Program in place and the existing Local Limits were adopted in 2013. Under the City's current discharge permit, it is required to perform a technical evaluation of the need to revise its Local Limits by November 30, 2023.

The City advertised an RFP to select a consultant to conduct the needed technical analyses but received no responses. As a result, DEQ then referred the City to a particular Local Limits consultant, Steve L. Anderson, with whom the City contracted to perform the required technical evaluation using the DEQ Local Limits Workbook Excel spreadsheet and recommend revisions to the City's Local Limits. Through that process, three criteria were used to develop the proposed Local Limits:

**Protection against pass through.** Protecting against pass through is the basis for the

limit developed for copper, mercury and silver. The limits for these pollutants were developed to protect aquatic life.

**Protection against inhibition.** The limits developed for chromium, cyanide, and zinc are based on preventing inhibition at the wastewater treatment facility. These limits are intended to protect against inhibition of the anaerobic digestion process of wastewater treatment.

**Protection of sludge quality.** The limits developed for arsenic, cadmium, lead, molybdenum, nickel, and selenium protect the quality of sludge for disposal by land-application.

The City has followed DEQ procedures for implementing Pretreatment Program Modifications, including an initial request for consultant services, method of Local Limits development, and public notice. Public notice of the proposed updated Local Limits was issued on January 26, 2022. The public comment period closed March 11, 2022. Two people submitted comments. One comment was substantive and prompted the City to recalculate the Local Limit for cyanide in accordance with DEQ methodology. Final approval of the proposed Local Limits was received from DEQ on June 16, 2022.

The table below summarizes both the current Local Limits as they were established in 2013 and the revised Local Limits as they are proposed to be adopted. As can be seen from the table, some limits are proposed to remain unchanged, one is proposed to be increased, and most are proposed to be decreased, some very significantly. The reasons for the changes can be attributed to changes in federal and/or state regulations for some constituents, and changes in the City's non-residential wastewater customer base and waste streams.

**City of The Dalles Local Limits – DEQ Approved June 16, 2022**

<b>Pollutant</b>	<b>Unit</b>	<b>Current Daily Maximum Limit</b>	<b>2022 DEQ-Approved Daily Maximum Limit</b>	<b>Basis of Local Limit</b>
Arsenic	mg/L	0.11	0.13	Sludge Quality (biosolid application)
Cadmium	mg/L	0.09	0.051	Sludge Quality (biosolid application)
Chromium	mg/L	---	5.7	Interference with Operations
Copper	mg/L	2.15	0.96	Pass Through
Cyanide	mg/L	0.33	0.075	Interference with Operations
Lead	mg/L	0.09	0.49	Sludge Quality (biosolid application)
Mercury	mg/L	0.027	0.0012	Pass Through
Molybdenum	mg/L	---	0.11	Sludge Quality (biosolid application)
Nickel	mg/L	0.79	0.46	Sludge Quality (biosolid application)
Selenium	mg/L	0.50	0.091	Sludge Quality (biosolid application)

Silver	mg/L	1.18	0.20	Pass Through
Zinc	mg/L	4.5	1.9	Interference with Operations
Fats, Oil and Grease	mg/L	100	100	Interference with Operations; Prevent Sanitary Sewer Overflows
pH	S.U.	6.0 – 9.0	6.0 – 9.0	Interference with Operations; Protect Workers
Temperature	Degrees Fahrenheit	104 <sup>1</sup> , 150 <sup>2</sup>	104 <sup>1</sup> , 150 <sup>2</sup>	Interference with Operations
Flammability	Minutes/Day	9 <sup>3</sup>	9 <sup>3</sup>	Protect Workers

<sup>1</sup> At entrance to plant; <sup>2</sup> At point of discharge to collection system; <sup>3</sup> At 5% LEL, no reading of 10% LEL allowed

The final step in fulfilling the City’s permit requirement to evaluate and revise its Local Limits is to adopt the new DEQ-approved limits. This can be done through the City Council’s adoption of the attached Resolution No. 22-031.

**BUDGET ALLOCATION:** There are no budget implications associated with the adoption of this resolution. Failure to evaluate and revise the City’s Local Limits by November 30, 2023 could result in enforcement action from DEQ and potential fines.

**ALTERNATIVES:**

- A. **Staff Recommendation:** *Move to adopt Resolution No. 22-031, a Resolution Adopting Technically Based Local Limits for Discharges to the City’s Wastewater System.*
- B. Deny adoption of Resolution No. 22-031 and provide additional direction to staff.

## **RESOLUTION NO. 22-031**

### **A RESOLUTION ADOPTING TECHNICALLY BASED LOCAL LIMITS FOR DISCHARGE TO THE CITY WASTEWATER SYSTEM**

**WHEREAS**, the Federal Water Pollution Control Act (**Clean Water Act**) requires The United States Environmental Protection Agency (**USEPA**) to develop pretreatment standards designed to prevent the discharge to Publicly Owned Treatment Works (**POTWs**) of pollutants “which interfere with, pass-through, or are otherwise incompatible with such works”;

**WHEREAS**, USEPA developed the General Pretreatment Regulations (40 CFR 403) to implement the requirements of Clean Water Act Section 402, establish general and specific prohibitions, and require the development of specific local limits (i.e., numerical standards under 40 CFR 403.5);

**WHEREAS**, through NPDES Permit No. 101728, the Oregon Department of Environmental Quality (**DEQ**) has required the City to establish a Pretreatment Program and adopt technically based local limits for discharge to the City wastewater system;

**WHEREAS**, the City Council has previously received DEQ approval for and adopted General Ordinance No. 08-1292 (establishing a Pretreatment Program) and Resolution No. 13-022 (establishing local limits for discharges to the POTW);

**WHEREAS**, through NPDES Permit No. 101728, DEQ has required the City perform a technical evaluation of the need to revise local limits within each five-year permit cycle (i.e., by November 30, 2023);

**WHEREAS**, DEQ recommended the City contract with consultant Steve L. Anderson, who performed the technical evaluation by implementing USEPA-approved methodologies, and apply his recommended revisions to the local limits; and

**WHEREAS**, the City has followed DEQ procedures for implementing Pretreatment Program Modifications, including the initial request, public notice, review by USEPA, and final approval by DEQ.

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

**Section 1.** The following technically-based local limits are hereby established to govern all discharges to the City wastewater system:



PARAMETER	LIMIT
Arsenic	0.13 mg/L
Cadmium	0.051 mg/L
Chromium	5.7 mg/L
Copper	0.96 mg/L
Cyanide	0.075 mg/L
Lead	0.49 mg/L
Mercury	0.0012 mg/L
Molybdenum	0.11 mg/L
Nickel	0.46 mg/L
Selenium	0.091 mg/L
Silver	0.20 mg/L
Zinc	1.9 mg/L
Fats, Oil, & Grease	100 mg/L
pH	6.0 - 9.0
Temperature	104° F (at entrance to plant) 150° F (at discharge to collection system)
Flammability	9 minutes/day at 5% LEL, and no reading of 10% LEL allowed

**Section 2.** This Resolution shall be effective upon adoption.

**PASSED AND ADOPTED THIS 26<sup>TH</sup> DAY OF SEPTEMBER, 2022,**

Voting Yes Councilors: \_\_\_\_\_

Voting No Councilors: \_\_\_\_\_

Abstaining Councilors: \_\_\_\_\_

Absent Councilors: \_\_\_\_\_

**AND APPROVED BY THE MAYOR THIS 26<sup>TH</sup> DAY OF SEPTEMBER, 2022.**

\_\_\_\_\_  
Richard A. Mays, Mayor

*ATTEST:*

\_\_\_\_\_  
Izetta Grossman, City Clerk, CMC



## AGENDA STAFF REPORT

### AGENDA LOCATION: Action Item #11 B

**MEETING DATE:** September 26, 2022

**TO:** Honorable Mayor and City Council

**FROM:** Tom M. Worthy, Chief of Police

**ISSUE:** Purchase new Animal Control Truck and Animal Control Bed Box

**BACKGROUND:** During the budget development process for 2022-2023 fiscal year, the Police Department, with the City Manager and Finance staff planned for the purchase of a new animal control truck and associated equipment to replace the existing 15 year old equipment. Estimates and options were explored to develop approximate costs. Ultimately \$93,000 was appropriated for this purchase as line item 001-1300-000.71-20 in the Animal Control budget.

Pricing and bids have been obtained of the actual purchase in the following amounts.

Ford F-150 truck	\$42,541.43
Specialized Animal Box	<u>\$38,823.00</u>
Total Purchase	\$81,364.43

Several other components at much less expense will still be required to make the vehicle fully functional. Price **estimates** for these items are as follows:

Lighting package	\$6,400
Radio	\$2,900
Graphics Package	\$1,500
Flashlight and charger	\$200
Estimated Total	\$92,364.43
Budgeted Funds	\$93,000.00

**BUDGET IMPLICATIONS:** Sufficient funds have been budgeted in the FY 22/23 Budget for the purchase of the truck, animal box and ancillary equipment.

## **COUNCIL ALTERNATIVES:**

1. **Staff recommendation:** *Move to authorize the City Manager to execute a purchase of the listed truck and animal control box in an amount not to exceed \$82,000.*
2. Decline authorization to purchase truck and animal control box and direct staff on alternatives





## AGENDA STAFF REPORT

**AGENDA LOCATION:** Discussion Item #12 A

**MEETING DATE:** September 26, 2022

**TO:** Honorable Mayor and City Council

**FROM:** Daniel Hunter, Human Resources Director

**ISSUE:** Pay Equity Analysis

**BACKGROUND:** As detailed in the attached report, the Oregon State Legislature passed House Bill 2005-A31 amending Oregon Revised Statute chapters 652 and 659A. This is similar to the report I provided in 2019. The analysis must be done at least every three years to qualify for the affirmative defense in the law. This law requires employers to base compensation purely on the bona fide qualifications of the employee and duties of the position.

**BUDGET IMPLICATIONS:** There are no budget implications for the current budget. Future budgets could be impacted when providing equity for positions that are currently close in duties. These include Department Secretary and Account Clerk as noted in the report.



## **CITY OF THE DALLES PAY EQUITY ANALYSIS 2022**

### Law Summary

The Oregon State Legislature in 2017 passed House Bill 2005-A31, which amended Oregon Revised Statutes Chapters 652 and 659A, commonly known as the Oregon Pay Equity Law (Law).

In 2018, the Oregon Bureau of Labor and Industry adopted rules for the application of the Law. It is now an unlawful employment practice to do any of the following:

- Discriminate between employees on the basis of a “protected class” in payment of wages or other compensation for “work of a comparable character”;
- Screen applicants on the basis of current or past compensation;
- Seek the salary history of an applicant or employee before an offer of employment is made; and
- Determine compensation for a position based on current or past compensation of a prospective employee.

A protected class includes race, sex, veteran status, disability, age, color, religion, national origin, marital status and sexual orientation. Any difference in compensation (i.e. wage and benefits) between employees must be relative to bona fide qualifications including:

- Seniority;
- Merit;
- System measuring quality or quantity of work (i.e. piece work);
- Work Location;
- Travel;
- Education;
- Training; and
- Experience.

A combination of these qualification factors must account for the entire difference in compensation between employees. Any amount owed to an employee for non-compliance with the Law is deemed “unpaid wages.” Any claim against the City must be filed within 300 days of the discovery of the alleged loss. Compensatory or punitive damages may be awarded on successful claims starting in 2024. Generally, represented employees are the only employees with an established Seniority system. There is no position in the City where piecework is utilized.

In some cases, performing a Pay Equity Analysis is an affirmative defense against claims, provided the City completes its analysis within three-years of the complaint. Any difference in compensation not allowed under the law will be corrected by raising the compensation of the under-compensated employee. A reduction in any employee's compensation done to reconcile the difference would be a violation of the Law (Oregon) and the Fair Labor Standards Act (Federal). However, this does not preclude the City from reducing wages across a class of employees due to budget constraints or reclassifications/reductions in work requirements so long as the ending wage is at least minimum wage.

Previously, pay incentives for vaccines as well as bonuses for hiring and retention were included in Oregon's definition of compensation. In 2021, the Oregon Legislative Assembly enrolled House Bill 2818 (amending ORS 652.210 and 652.414) removing vaccine incentives and hiring and retention bonuses from the definition of compensation.

### Analysis

The City Human Resources personnel will, at least every three years, review personnel files (including job descriptions) and gather other pertinent information from employees relating to experience, education, and work requirements. Human Resources will use this data and cross reference with each employee's class relative to the protected class criteria.

Each class of employee is currently compensated relative to their experience, education, and continuing professional education that in most cases results in professional certification. Current City policy provides new employees typically start at the base or lowest wage for a given position unless the new employee has experience doing similar work. In those cases, the Department Head can recommend a higher starting wage (up to two Steps above base). In some limited cases, difficult to fill positions may necessitate the City Manager approving a higher starting wage for highly qualified candidates. All wage tables are approved by City Council.

Any difference in compensation between employees in the same protected class will be weighed against the relative qualification criteria mentioned above. Any difference in compensation not attributable to a difference in bona fide qualifications will immediately be corrected by Human Resources initiating a Personnel Action Form (PAF). The PAF will explain the change in compensation, effective date, and rationale. Human Resources will then send the PAF to the impacted employee's Department Head for signature before being routed to the City Manager for approval.

The City Human Resources Department performed an audit of all full-time regular employee personnel files as they relate to this analysis beginning in April 2022. The City employs 96 full-time regular employees, including City Manager. There are currently 60 personnel of one or more protected classes performing the same or similar work as at least one other employee. Those personnel are in the following positions:

- Engineer;
- Certified Operator (I, II, III, and IV);
- Equipment Operator;
- Maintenance Worker;
- Patrol Officer;
- Police Sergeant;
- Planner;
- Library Technical Assistant (I and II);
- Department Secretary;
- Administrative Secretary; and

- Account Clerk (I and II).

### Substantially Similar Positions

The Law describes work of comparable character and is defined by the rules promulgated pursuant to the Law as “work that requires substantially similar knowledge, skill, effort and responsibility” ([OAR 839-008-0010](#)). Among the positions identified above, an analysis was conducted in May and June 2022 of the work performed to determine if they were substantially similar to another position in these factors. Oregon law provides no one factor is determinative.

### Findings

Among our Engineers, all three currently employed at the City are of a protected class. Two of them are Project Engineers and one is the City Engineer. The City Engineer has higher compensation but also has more responsibilities, including review and sign-off on all development and capital improvements within the City. This employee also works longer hours. The employee in the City Engineer position has significant more experience in this field than the two Project Engineers. Among the two Project Engineers, their wage is the same (as is their responsibility). One Project Engineer has slightly higher total compensation due to their benefit enrollment (family status).

Among Certified Operators, compensation is based on certification level, which is contingent on education and experience in their particular field. Certifications are administered by the State. In addition, Certified Operators receive pay increases based on merit and a seniority system described in the Collective Bargaining Agreement. There are 21 total Certified Operators ranging from trainees to Level IV Certification. Of them, 16 are in at least one protected class. Given the pay structure design, seniority system, and certification requirements (merit), the differences in compensation here are justifiably based on bona fide criteria.

In the position of Equipment Operator, the City currently has four employees and plan on adding another. Of the four we currently employ, two are Roads Scholar II, which is the State Certification for roadway equipment operator professional development. The program has two tiers, RS1 and RS2. Both of the City’s two certified employees are in a protected class (as is one of the two not certified). Of the two certified employees, one is a Lead worker and earns \$2,347 more annually for the added responsibility. The two uncertified Equipment Operators have the same compensation. The employee of a protected class has four more years of experience outside of the City. They both have the same seniority and work in the same conditions.

The positions of Administrative Secretary, Department Secretary, Account Clerk I and II, and Court Clerk perform similar functions. Currently, all employees in these positions, seven in total, are all of a protected class. The key differences in the position of Administrative Secretary include status as a non-represented, confidential employee who performs work involving confidential and personal information. Due to this higher responsibility, these positions are at a higher level of compensation commensurate with that responsibility.

Department Secretary and Account Clerk positions are represented. The Account Clerk I and Department Secretary positions are on the same wage line in the SEIU wage table. In these positions, we have two employees. The Account Clerk I has more experience and receives slightly higher compensation commensurate with that experience. There is a Department Secretary in the Police Union, which negotiated higher compensation through collective bargaining. The person in this position has higher responsibility due to their access to and work in criminal justice information. This employee is also bilingual. The Account Clerk II position has one employee who is in SEIU. This position performs more complex financial transactions than Account Clerk I. Due to this, they receive higher compensation.



Lastly, the Court Clerk, in addition to performing work similar to the Account Clerk I, also provides assistance to the Judge for cases in the Municipal Court, has access to criminal history/records, and receives payment for fines. The employee in this position is also bilingual. Consequently, their compensation is higher than Account Clerk I and Department Secretary.

As with the previous analysis, Library positions of Library Technical Assistant I and II are compensated based on their experience and relative to the responsibility of their positions. Of the nine employees, one is not a protected class. That employee also has lower experience than the other employees. Of the employees in protected classes, four have over twenty years of experience and are at the highest pay for their position. The two employees at Library Technical Assistant I have less than 6 years' experience. One of them has less than 2 years' experience with the wage difference commensurate with the difference in experience.

### Conclusion

Current City policy appears to adequately address compensation and qualifications for all City personnel. These policies are regularly reviewed and amended when needed. No such amendment is needed at this time. Should unjustified differences in compensation be identified in the future, the Human Resources Director will notify the City Manager and Department Head. The employee with the lower compensation will have their compensation increased on approval of the City Council. If a higher wage is already in an approved wage table for the same position, the City Manager shall approve a wage increase.