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Regular City Council Meeting
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MINUTES

CITY COUNCIL MEETING
COUNCIL CHAMBER, CITY HALL
OCTOBER 23, 2023
5:30 p.m.

VIA ZOOM/ IN PERSON

PRESIDING: Mayor Richard Mays

COUNCIL PRESENT: Darcy Long, Tim McGlothlin, Rod Runyon, Scott Randall, Dan Richardson

STAFF PRESENT: City Manager Matthew Klebes, City Attorney Jonathan Kara, City Clerk Amie Ell, Police Chief Tom Worthy, Finance Director Angie Wilson, Community Development Director Joshua Chandler, Human Resources Director Daniel Hunter, Abby Jara Executive Assistant, IT Manager David Collins

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 Ell. Long, McGlothlin, Runyon, Randall, Richardson present

PLEDGE OF ALLEGIANCE

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

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

APPROVAL OF AGENDA

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

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AUDIENCE PARTICIPATION

Mayor Mays asked for audience participation. There was none.

CITY MANAGER REPORT

City Manager Matthew Klebes reported;

- New Executive Assistant to The City Manager, Abby Jara started last week
- First session of Local Government Academy last week, continues through November 13, 2023
- Dog River Pipeline now functioning
- The Beautification & Tree Committee residential tree grant program gave 25 trees
- Airport improvements, Quonset hut roofs and staging for South Apron project
- Department heads attended Executive Forum Advanced Leadership training
- Attended Wasco County Board of Commissioners work session presentation of market feasibility of a sports complex
- Wasco County Economic Development Commission starts process for determining Community Enhancement Project Priority List in December

CITY COUNCIL REPORTS

Randall reported:

- League of Oregon Cities Conference (LOC),
 - toured Eugene Airport and Regional Firefighting Training Center

Richardson reported;

- Commended staff work on Dog River Pipeline
- Traffic Safety Commission meeting
- Urban Renewal meeting, Tony's building demolition
- Working to support school bond in community

Runyon reported;

- Q-Life meeting
- LPSCC (Local Public Safety Coordinating Council)
- City Clerk retirement party
- Mid-Columbia Veterans Memorial Committee
- Sara Singer Wilson interview regarding City Council future Goal Setting
- Represented the City at Klickitat Salutes Veterans event
- Urban Renewal meeting

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- City Attorney Kara meeting
- Beef & Burgundy event w/ special guest former Alaska Governor Sarah Palin

Long reported;

- Spoke with City Manager regarding shopping cart ordinance
- Sara Singer Wilson City Council Goal Setting interview
- Meeting with City Manager
- Urban Renewal meeting, will wait for other downtown developments before moving forward with Tony's building location Request for Proposal (RFP) and Federal Street Plaza.
- Debrief with Community Outreach Team (COT) members who traveled to Washington D.C. in September
- COT regular meeting later this week

CONSENT AGENDA

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

Items approved on the consent agenda were: 1) The minutes of the October 9, 2023 Regular City Council Meeting.

ACTION ITEMS

Resolution No. 23-037 Approving a Rate Increase Averaging Approximately 2.65% Resulting from Increased Operational and Disposal Fee Costs Incurred by The Dalles Disposal Service, Effective January 1, 2024

Klebes reviewed the agenda staff report.

Jim Winterbottom, Waste Connections District Manager was invited to speak.

Winterbottom clarified the rate increase of 2.65% was determined by using 85% of Consumer Price Index (CPI), not 65% as was stated in the City Manger's staff report.

McGlothlin said Waste Connections is organized, courteous, helpful, efficient, orderly and involved in community events such as community clean-ups and Lion's tree removal events. He believes the rate to be justified and reasonable and supports passing the resolution.

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Richardson asked for clarification of where the decision to adjust by 85% of CPI comes from and if it is adjustable.

Winterbottom said the Dalles Disposal rate mirrors the rate of Wasco County Landfill who have a trigger in their license to automatically adjust to 85% of CPI.

Long thanked Winterbottom for working with the City Manger to ensure customers were represented. She asked about resources available for elderly or people who could not afford a rate change.

Winterbottom said anyone who is 85 or older receives free service and those who are low income got through Mid-Columbia Community Action Council (MCACC) to get a discount.

Klebes said the City Public Information Officer (PIO) would work to get the information about utility help programs out to the public.

It was moved by Randall and seconded by Richardson to adopt Resolution No. 23-037 A resolution approving a rate increase averaging approximately 2.65% resulting from increased operational and disposal fee costs incurred by The Dalles Disposal Service, effective January 1, 2024. The motion carried 5 to 0, Randall, Richardson, Long, McGlothlin, Runyon voting in favor; none opposed.

General Ordinance No. 23-1402 Amending The Dalles Municipal Code Title 8 (Business) By Creating Chapter 8.30 (Shopping Cart Retailers)

Klebes reviewed the staff report.

Klebes said he spoke with staff in Newport, Coos Bay and Milwaukie, cities that have similar ordinances in place. He said Coos Bay recently adopted their ordinance and they noticed a substantial drop in the number of abandoned carts, the Newport police chief said no fines were issued since their ordinance took affect in August of 2022, and Milwaukie highly recommended a shopping cart ordinance. He said Milwaukie's ordinance was adopted in 2008 and they suggested connecting retailers with entities to contract with for cart pick-ups such as Northwest Grocers Association and Northwest Cart Retrieval.

Kara said he had provided City Council with a copy of the ordinance on which the provisions required to comply with Oregon State Law (ORS) were highlighted in green.

Mayor Mays read from ordinance sections 8.30.05 B2 and 8.30.07 A and asked for clarification of fines and how the amounts were determined.

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Kara said the fine of up to \$50.00 was a requirement from the ORS. He said the choice not exceed \$500 in fines was made to be consistent with similar City nuisance ordinances and this fine is for other provisions in chapter that do not stem from cart retrieval.

McGlothlin reported he had spoken with a community volunteer who picks up grocery carts who reported the number of shopping carts being picked up from Fred Meyer's has drastically decreased since the installation of locking mechanism on the wheels.

McGlothlin said the focus of the ordinance is centered on holding shopping cart owners accountable and does not include provisions to stop the theft of shopping carts. He said the requirement to have a 1-800 phone number to report stolen property to retailers was an out-of-date method and would like to see options for using cell phone apps or a website.

McGlothlin said anyone pushing a cart in the right-of-way should be stopped and read a statement about being in possession of stolen property and be told to return the property or they may face legal action. He believed most would stop stealing the carts if they were repeatedly notified in this way.

McGlothlin said if storage was provided in a managed and supervised location people would have a protected place for their possessions. He said carts are currently being used for this purpose.

Mayor Mays asked to hear the opinion of the City Attorney on arresting people for being in possession of a stolen shopping cart and if this would violate state laws.

McGlothlin said there must be consequences to change behavior. He said addressing the problem of abandoned is one part of a larger problem.

Kara said this ordinance would be one tool in a toolkit of many. He said this ordinance arose from City Council's request for leadership staff to work on abating impacts of homelessness on the community and improving livability.

Kara said theft is a crime. He said the district attorney had informed him that he would not be prosecuting anyone experiencing homelessness with theft of a shopping cart.

Mayor Mays said the subject of homelessness would be a big part of the City Council's upcoming goal setting work session.

Klebes said to the 1-800 phone number requirement in the ordinance is a part of the ORS but this does not mean other means of reporting abandoned carts could not also be included. He said the

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ordinance includes preventative measures including signs be on premises of business as well as on the carts informing the removal of shopping carts from the property is theft.

Runyon said legislature requires “up to \$50.00” fine must be included, but he would like to see the “not to exceed \$500.00” removed. He said that more work needs to be done to clean-up The Dalles and he did not support the ordinance at this time.

Mayor Mays said the purpose is not to punish anyone.

Runyon said he did not think any fine was the right way to do this and more work was needed. He said the ORS was written nearly 15 years ago and it needs an update to modern day tools.

Long said a fine needs to exist for the ordinance to have teeth. She said the ordinance benefits retailers by notifying where their property is located. She was encouraged by the City Manager reporting positive responses from other cities. She said if the District Attorney is not going to prosecute theft of shopping carts she would like police not to be tied up with this issue as they have other things to be focusing on.

Klebes said changes to the ordinance could be made down the road. He asked council to consider the costs for the businesses to get the system up and running.

Mayor Mays spoke with mayors from Kaiser and Beaverton who are both happy with the results of similar shopping cart ordinances they have in place. He said he was concerned the interpretation of the definition of “abandoned cart” may not be consistent.

Klebes said the inclusion of the definition of abandoned cart in the proposed ordinance was added to ensure a cart would not be taken from an individual if it contained personal possessions. He said the store could take a photo to prove the cart was not meeting the definition of abandoned.

Richardson said the ordinance was proportional, feasible, appeared to be likely effective, have minimum burden on merchants and would impose a modest cost or workload on staff. He said there were two victims of stolen carts; the merchants and the community. He said he supported the ordinance.

Randall said the focus of the ordinance was to return the stolen property to the owner and he supports the ordinance.

Runyon said he would like a line to be added to the ordinance to make it clear the intention is to help the businesses retrieve stolen property.

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Klebes said if the ordinance were pass, there would be a 90-day period before implementation. He said the process would include outreach to businesses to educate on the results of the decision, to share information and resources, as well as an explanation that the purpose of the ordinance is to establish a process to return property to the owner.

Kara said staff could explore including provisions to waive fees when considering financial hardship.

Council discussed options for waiving fees for stores with fewer carts and the reason for a 90-day implementation instead of the normal 30 days.

Mayor Mays asked if anyone in the audience wanted to speak.

Sarah Mello, a resident of The Dalles asked council to pass the ordinance as written.

Mayor Mays asked the City Clerk to read the ordinance by title only.

City Clerk, Amie Ell read the ordinance by title only.

It was moved by Richardson and seconded by Long to adopt General Ordinance 23-1402 Amending The Dalles Municipal Code Title 8 (Business) By Creating Chapter 8.30 (Shopping Cart Retailers) by title only. The motion carried 3 to 2, Richardson, Long, Randall voting in favor; McGlothlin, Runyon opposed.

General Ordinance No. 23-1401 Amending The Dalles Municipal Code Title 5 (Offenses) for Legal Sufficiency

City Attorney Jonathan Kara reviewed the staff report.

Council had a discussion clarifying the changes being made were required due to House Bill 3115.

Mayor Mays asked the City Clerk to read the ordinance by title only.

City Clerk, Amie Ell read the ordinance by title only.

It was moved by McGlothlin and seconded by Runyon to adopt General Ordinance No. 23-1401 Amending The Dalles Municipal Code – Title 5 (offenses) for Legal Sufficiency, by title only. The motion carried 5 to 0, McGlothlin, Runyon, Long, Randall, Richardson voting in favor; none opposed.

DISCUSSION ITEMS

Short Term Rentals -2023 Update and Discussion

Community Development Director Joshua Chandler reviewed the staff report.

Runyon asked Chandler if there was a review process for Short Term Rental (STR) renewals.

Chandler said there is a review process, but no notifications are required for renewals.

Long said she was in favor of a moratorium on new applications for Non-Owner-Occupied (NOO) short-term rentals in residential areas to allow staff time to put new rules into place.

Chandler said the renewal fee is \$75.00 per room.

Mays asked if the fee could be greater for NOO STRs.

Richardson said he was supportive of a moratorium starting at the new year for NOO STRs. He asked staff to provide more data breaking down the number of NOO compared to owner occupied STRs.

Mayor Mays asked staff to provide council with a map showing the locations of STRs in the city. He asked about the possibility of restricting the number of NOO STRs in an area to limit high concentration in residential zones. He asked staff to provide a break down of STR numbers to show numbers in residential vs. commercial zones.

Chandler said the software being used to identify STRs in the city had found some violations. He said some of the owners were non-responsive and difficult to chase down. He said there has been an increase on average of 5 to 10 new STR applications per year.

Klebes said staff might consider a limit on new applications in place of a moratorium.

Chandler said he would rather not see restrictions in commercial zones and focus instead on NOO STR in residential zones.

Mayor Mays said he supports the inclusion of Good Neighbor Guidelines. He says a notification for residents within a 100 ft area is not adequate.

Runyon asked if residential homes were allowed in commercial zones on street level.

Chandler said ground floor must be permitted for commercial use.

Klebes asked council for consensus to have staff explore and bring back a moratorium on applications for new NOO STRs in residential zones for up to one year.

Mayor Mays asked if data could be provided to council showing how housing costs are affected by the increase in properties being purchased for use as STRs.

Mayor Mays asked the audience if anyone was present who wanted to speak.

Sarah Mello came up to speak. She said the difficulty for well-employed people to find housing in the area is a concern and protecting housing stock is of extreme importance. She said the Housing Needs Assessment presented at a previous council meeting had underestimated growth and overestimated housing availability.

Mello said impacts on the local hotel and motel businesses should also be considered as they provide employment and a tax base.

Mello stated her primary concern was with NOO STRs in residential zones.

ADJOURNMENT

Being no further business, the meeting adjourned at 8:09 p.m.

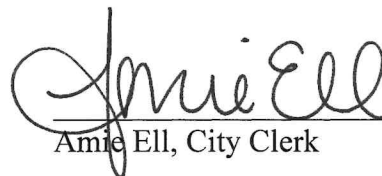
Submitted by/
Amie Ell, City Clerk



SIGNED:

Richard A. Mays, Mayor

ATTEST:



Amie Ell, City Clerk