

## MINUTES

REGULAR COUNCIL MEETING  
OF  
SEPTEMBER 8, 2014  
5:30 P.M.

THE DALLES CITY HALL  
313 COURT STREET  
THE DALLES, OREGON

**PRESIDING:** Mayor Steve Lawrence

**COUNCIL PRESENT:** Bill Dick, Carolyn Wood, Dan Spatz, Tim McGlothlin, Linda Miller

**COUNCIL ABSENT:** None

**STAFF PRESENT:** City Manager Nolan Young, City Attorney Gene Parker, City Clerk Julie Krueger, Public Works Director Dave Anderson, Administrative Intern Rich Wachter, Finance Director Kate Mast, Police Chief Jay Waterbury, Planning Director Dick Gassman, Engineer Dale McCabe, Administrative Fellow Daniel Hunter

### CALL TO ORDER

Mayor Lawrence called the meeting to order at 5:30 p.m.

### ROLL CALL

Roll call was conducted by City Clerk Krueger; all Councilors present.

### PLEDGE OF ALLEGIANCE

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

### APPROVAL OF AGENDA

It was moved by Wood and seconded by Dick to approve the agenda as presented. The motion carried unanimously.

### **SPECIAL RECOGNITION**

Mayor Lawrence presented a Certificate of Recognition to Vanessa Ford, in honor of her award as the International Leo of the Year.

### **AUDIENCE PARTICIPATION**

Eric Gross, 2700 West Seventh Street #40, The Dalles, urged the City Council to write to the State Legislature in support of a \$15 per hour minimum wage. He said it was approved in Seattle and was being phased in. Mr. Gross said minimum wage had not kept pace with the economy and should be increased.

### **CITY MANAGER REPORT**

City Manager Young said he had met with the Mayor and Budget Committee Chair to develop topics for the budget workshops. Young said he would send out more detailed information in the near future, including proposed meeting dates.

Young said he would be joining the Community Outreach Team in Washington, D.C. and would be attending the League of Oregon Cities conference, both in September.

Mayor Lawrence asked if the City Manager had been working on the worker's compensation action plan as discussed at a recent special Council meeting. City Manager Young said he had just received the minutes of the Safety Committee and would be forwarding them to the Council. He said he had met with Mike Courtney and discussed progress on safety concerns and noted the Public Works Department was working on their plan.

### **CITY ATTORNEY REPORT**

City Attorney Parker reviewed a memorandum regarding issues related to possible taxation of marijuana sales. It was the consensus of the City Council that the City Attorney delay additional work on the issues until the November election was decided, but that proposed regulations should be brought to Council for consideration in January.

### **CITY COUNCIL REPORTS**

Councilor Wood reported the Historic Landmarks Commission had approved additional window repairs for the UCC Congregational Church.

Councilor McGlothlin said he would be attending City Hall Day in Bend, sponsored by the League of Oregon Cities. He said the Airport Board continued to focus on the hangar proposal for Life Flight and said he had attended the Traffic Safety Commission meeting. McGlothlin said the first part of the Gitchell Building painting project had been completed.

Councilor Dick said the QLife Agency had met on August 28 and was happy to report they had paid off their debt in full.

Councilor Spatz said he would be joining the Community Outreach Team trip to Washington, D.C. and discussed some of the topics that would be addressed. Spatz thanked City Clerk Krueger for her assistance with Sister City matters. He noted a delegation would be visiting The Dalles October 25 through 29 and he was looking for host families to help with housing.

Councilor Miller said she attended the August 19 Urban Renewal Advisory Committee meeting where the Committee forwarded two items for Agency approval at tonight's meeting.

Mayor Lawrence said he had attended a ceremony for the joining of Hood River and The Dalles Habitat for Humanity, attended a dinner to celebrate the coalition of Mid Columbia Medical Center and Oregon Health Sciences University, attended the Oregon Mayor's Conference, and welcomed the Cycle Oregon event to The Dalles.

### **CONSENT AGENDA**

It was moved by Spatz and seconded by Miller to approve the Consent Agenda as presented. The motion carried unanimously. Items approved by Consent Agenda were: 1) approval of July 28, 2014 regular City Council meeting minutes; 2) approval of July 25, 2014 special City Council meeting minutes; 3) approval of request for refund of land use appeal fee; and 4) Resolution No. 14-027 concurring with the Mayor's appointments to various committees.

### **PUBLIC HEARINGS**

#### **Public Hearing to Receive Testimony Regarding Appeal of Minor Partition Conditions by Taner Elliott**

Mayor Lawrence reviewed the procedures to be followed for the hearing. He asked if any Councilor wished to declare ex parte contact, bias, or conflict of interest. Hearing none, he asked if anyone in the audience wished to challenge the qualifications of any Councilor to participate in the hearing. No challenges were raised.

The staff report was reviewed by Planning Director Gassman. Gassman noted no comments had been received regarding the appeal. He explained that the conditions imposed by the Planning Commission were basically the same as for construction of a new dwelling. He explained that the application had originally been approved as a subdivision, and was later changed to a minor partition. Gassman said the typical requirement for street improvements was to sign a delayed development agreement.

Councilor Miller asked when the home had been constructed. Gassman said the minor partition had been approved in April, 2014, but the house had been built in 2013.

Planning Director Gassman said the delayed development agreement for the minor partition was less restrictive than what would have been required for the subdivision, only requiring improvements on the frontage where the new lot will be.

There was a discussion regarding whether a delayed development agreement was essentially the same as a non-remonstrance agreement. Councilor Dick said a non-remonstrance agreement would prohibit a property owner from objecting to a local improvement district and was not the same as a delayed development agreement.

#### Testimony of Appellant

Taner Elliott, 397 Summit Ridge Drive and Alex Hattenhauer, 122 West 17<sup>th</sup> Street, testified in favor of the appeal. Mr. Elliott said City staff had told him that no improvements would need to be installed until a second house was constructed. He said other development in the area had not been required to install storm sewer utilities and said the homes constructed by Habitat for Humanity were not required to put in curbs and sidewalks. Elliott said the Land Use Development Ordinance was a guideline and questioned whether the City had the authority to require someone to sign a delayed development agreement. He said that agreement was virtually the same thing as a non-remonstrance agreement and asked that the City Council grant his appeal of the condition to require him to sign a delayed development agreement.

Mayor Lawrence asked why he would not have to put in the improvements when the first home was constructed. Mr. Elliott said he believed the reasoning was because engineering had not been done for the street improvements and the Thompson Street local improvement district had been defeated.

Councilor Miller asked if all the lots for the minor partition faced Thompson Street. Elliott said some of the lots could have access from 15<sup>th</sup> and 16<sup>th</sup> Streets. He noted that he had also given a 25 foot easement to the City for future construction of 15<sup>th</sup> Street, though he would not have been required to do that under the terms of a minor partition.

Mr. Elliott showed the City Council a Mylar plat of the former subdivision, saying it had never been filed and was therefore null and void. He said the subcommittees of the Planning Commission were working on issues such as the development agreement, but the condition was keeping him from moving forward with the sale of the home. Elliott said He felt the City was discriminating against him.

Councilor Wood asked why the subdivision plat had never been completed. Elliott said he had decided to create a minor partition instead of a subdivision. Wood said the idea of requiring the delayed development agreements was so the people who purchased property would know up front that there were costs associated with future improvements. She said a building permit was the trigger to require the improvements to be put in.

Councilor Dick said the proposal seemed like a development and said the improvements should be required. Elliott said the house replaced an existing structure and there was already sewer available. He said they had paid the system development fees for the water.

Testimony in Favor of Appeal

None.

Testimony in Opposition of the Appeal

None.

Additional Questions

Councilor Spatz said the intent of the condition seemed clear that if a local improvement district was formed, that would be the time the applicant would be required to install the improvements for his property.

Mr. Elliott argued that the delayed development agreement had the same affect as a non-remonstrance agreement.

Councilor Dick disagreed, saying it still gave the property owner the opportunity to object to the local improvement district.

Elliott questioned why the Habitat for Humanity properties were not required to put in the same improvements on their lots.

City Manager Young said staff would take a look at their file and report to the Council what requirements were placed on the Habitat for Humanity properties. It was noted that the minor partition was not finalized yet because the agreement had not been signed.

Alex Hattenhauer said he wanted to challenge Councilor Dick's ability to hear the appeal because he was a resident of the area and he believed he had a bias.

City Attorney Parker said the challenge would have needed to be made prior to the hearing, when the Mayor asked for audience challenges.

Councilor McGlothlin asked if a different standard had been applied to the Habitat for Humanity property.

Councilor Wood said it was likely that they had also been required to sign a delayed development agreement.

It was the consensus of the City Council that additional information was needed to make a decision and that the hearing should be continued. The Council asked for information regarding the Habitat for Humanity application; how delayed development agreements were applied; to identify other properties in the area that had been developed; and to clarify what would trigger improvements to be made if someone had filed a delayed development agreement.

It was moved by Dick and seconded by McGlothlin to continue the public hearing to September 22, 2014 as part of the regular Council meeting agenda. The motion carried unanimously.

### **ACTION ITEMS**

#### **Resolution No. 14-024 Amending the City's Fee Schedule to Include a Fee for Use of the Commercial Dock**

City Attorney Parker reviewed the staff report.

Mayor Lawrence asked if there was any public input. No input was provided concerning the fee.

It was moved by Wood and seconded by Spatz to adopt Resolution No. 14-024 amending the City's fee schedule to include a fee for use of the commercial dock. The motion carried unanimously.

Resolution No. 14-025 Granting Appeal #28-14 for Minor Partition #311-14 for Randy Hager for the Purpose of Modifying Certain Conditions of Approval

City Attorney Parker reviewed the staff report.

It was moved by Dick and seconded by Spatz to adopt Resolution No. 14-025 granting Appeal #28-14 for Minor Partition #311-14 for Randy Hager for the purpose of modifying certain conditions of approval. The motion carried unanimously.

General Ordinance No. 14-1336 Approving Re-zone and Comprehensive Plan Amendment for Wasco County

The staff report was reviewed by City Attorney Parker.

City Clerk Krueger read General Ordinance No. 14-1336 by title.

It was moved by Spatz and seconded by Dick to adopt General Ordinance No. 14-1336 approving a Re-zone and Comprehensive Plan amendment for Wasco County, by title. The motion carried unanimously.

General Ordinance No. 14-1335 Amending Certain Provisions of General Ordinance No. 06-1266 Governing Systems Development Charges

The staff report was reviewed by City Attorney Parker.

Mayor Lawrence said he did not recall discussing all of the changes at the July 28 meeting, only the change regarding the revised job language. City Attorney Parker said the other items had been brought to Council at a previous meeting, but there had not been any comments about the other changes.

City Clerk Krueger read General Ordinance No. 14-1335 by title.

It was moved by Wood and seconded by Spatz to adopt General Ordinance No. 14-1335 amending certain provisions of General Ordinance No. 06-1266 governing systems development charges, by title. The motion carried; Miller voting no.

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Resolution No. 14-026 Declaring the Intention of the City Council to Construct Improvements, Establishing a Local Improvement District and Directing Notice and Publication for West Seventh Street Extension Improvements

Engineer Dale McCabe reviewed the staff report.

Mayor Lawrence asked if staff had concerns regarding safety of children around the mobile home park, with the addition of buses driving down the street. Engineer McCabe said there was a wall, cur line, and five foot bike lane before the travel lane so he believed there was a good buffer for residents and pedestrians in the area.

Mayor Lawrence said he had visited the area and notice excavation had already begun. McCabe said the excavation was associated with Northwest Natural Gas Company who was installing a new line prior to street work commencing.

It was moved by Wood and seconded by McGlothlin to adopt Resolution No. 14-026 declaring the intention of the City Council to construct improvements, establishing a local improvement district and directing notice and publication for West Seventh Street extension improvements. The motion carried; Miller voting no.

Councilor Spatz questioned why Councilor Miller was opposed. Miller said she had concerns about pedestrian safety.

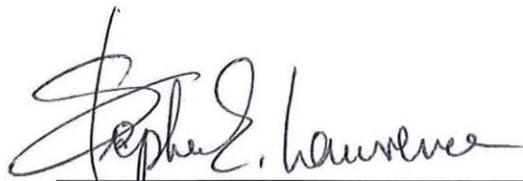
**ADJOURNMENT**

Being no further business, the meeting adjourned at 7:19 p.m.

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Submitted by/  
Julie Krueger, MMC  
City Clerk

SIGNED:

  
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Stephen E. Lawrence, Mayor

ATTEST:

  
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Julie Krueger, MMC, City Clerk