

MINUTES

REGULAR COUNCIL MEETING
OF
SEPTEMBER 22, 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, Administrative Fellow Daniel Hunter, Senior Planner Dawn Hert

CALL TO ORDER

Mayor Lawrence called the meeting to order at 5:40 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

Mayor Lawrence asked that the Action Item regarding Enterprise Zone Agreement with Integrated 3D be removed from the agenda and to add an item concerning an encroachment agreement with Triple W Properties.

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

PRESENTATIONS/PROCLAMATIONS

Manufacturing Day Proclamation

Mayor Lawrence read a proclamation, declaring October 3, 2014, as Manufacturing Day. Port of The Dalles representative Kathy Ursprung provided statistics, noting that approximately 10% of private, non-farm and non-government jobs were in manufacturing in Wasco County. She said the Port's number one goal was to promote industrial development. Ursprung discussed the Port's efforts to support creation, retention, expansion and recruitment of businesses and jobs to the Port District. She provided a brief update on the Chenoweth Creek subdivision and said the Port was also working with Gary Rains to ensure coordination of business recruitment efforts, as well as working with the Main Street Program and Chamber of Commerce.

Breast Cancer Awareness Month Proclamation

Mayor Lawrence read a proclamation, declaring the month of October, 2014, as Breast Cancer Awareness Month.

Museum Commission Update and Approval of Museum Commission Bylaws

Trish Neal provided an update to the City Council and asked them to sign the new Bylaws for the Museum Commission. Neal said the Commission had never had Bylaws and noted Wasco County Commission had assisted in drafting the document.

It was the consensus of the City Council to approve the proposed Bylaws.

Museum Director Paula Kuttner provided a brief report regarding the operations of the museum, noting the cruise ship visitors had helped increase attendance.

AUDIENCE PARTICIPATION

None.

CITY MANAGER REPORT

City Manager Young reported on his recent trip to Washington, D.C. with the Community Outreach Team, noting the primary focus for this trip was the PUD project.

Young said the City had been notified that they had been awarded a grant from the Oregon Department of Transportation for an update of the Transportation Growth Management Plan. He said the work scope would now be developed, an agreement prepared, a Request for Proposals process completed, then work would begin on the Plan update.

Young reminded the City Council of the upcoming Budget Workshop on September 29 at 5:30 p.m.

City Manager Young recognized Engineer Eric Orton and Technical Manager John Amery for their work and dedication to QLife. He said the presentation prior to the meeting, concerning the Agency now being debt free was wonderful, but wanted to call special attention to Eric and John.

CITY ATTORNEY REPORT

City Attorney Parker reported that two of the foreclosure properties would be sold on September 26. Parker said he would be attending the League of Oregon Cities Conference later in the week.

Mayor Lawrence asked the status of the burned residence on Fourth Street. Parker said he believed the property owner had hired a contractor to complete demolition, but would need to check with the Codes Enforcement Officer regarding the status of the property.

Senior Planner Hert said a letter had been sent to the property owners and that they had been seeking bids for the demolition, but it was expensive. Hert said it was expected they would complete the demolition by the end of the month.

CITY COUNCIL REPORTS

Councilor Wood said she had not been able to attend the Council of Governments meeting, but that they had received their annual audit, with good findings. She said there was no Historic Landmarks Commission meeting.

Councilor McGlothlin said he had attended the League of Oregon Cities City Hall Day event in Bend and would provide the information to the City Council. He said the Traffic Safety Commission had focused on trees and visibility issues and downtown trees getting too large. McGlothlin said he would be attending the St. Vincent de Paul ribbon cutting on behalf of the Mayor this Friday, and attending a meeting on October 2 regarding recreational vehicle park development possibilities.

Councilor Dick reported he had attended the QLife Agency meeting.

Councilor Spatz congratulated QLife Agency for their great success and credited the success and vision to City Manager Young and Keith Mobley, saying they were great community leaders.

Spatz said he had also been to Washington, D.C. with the Community Outreach Team and noted that good conversations and partnerships were established.

Councilor Spatz reminded the City Council of the October visit from sister city, Miyoshi City delegates. He encouraged the Councilors to consider serving as a host family.

Councilor Miller said she had attended the Urban Renewal Advisory Committee meeting and the recommendations of the Advisory Committee would be discussed by the Agency at their meeting tonight. Miller said she attended the disaster planning program over the weekend. She said it was a great event and well attended by the community.

Mayor Lawrence reported he attended several events for the Cycle Oregon program, including the welcome, greeting at the finish line, and serving snacks to the riders at one of their stops. He said he attended their final dinner, and said it had been a very successful event for The Dalles. Mayor Lawrence said he would also be attending the League of Oregon Cities conference later in the week.

CONSENT AGENDA

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

Items approved by Consent Agenda were: approval of September 8, 2014 regular City Council meeting minutes and approval of August 14, 2014 special City Council meeting minutes.

PUBLIC HEARINGS

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

City Attorney Parker provided a summary of where the hearing had been postponed, noting additional information had been provided regarding what Habitat for Humanity had been required to do when they developed their property; noting that delayed development agreements differed from non-remonstrance agreements because a delayed development agreement was an agreement to require future improvements, while a non-remonstrance agreement prohibited a

property owner from objecting to a local improvement district; and that examples of other properties in the area had signed delayed development agreements. Parker recommended the City Council deny the appeal.

Mayor Lawrence invited the appellants to speak. Taner Elliott, 397 Summit Drive, The Dalles, reiterated that the home had been a replacement of an existing structure and there was no change that warranted a delayed development agreement. He said if the property was further developed he would agree to sign an agreement for future improvements. In response to a question, Mr. Elliott said the natural gas and sewer were already connected to the property, but they had paid to connect to City water service.

Mayor Lawrence asked the City Council if they had enough information to begin deliberations.

Councilor Miller asked if there had been any change in use of the property, and if not, questioned the need to require an agreement from the applicant.

Elliott said he did agree that any additional development of the property would warrant an improvement agreement, but did not believe replacing the existing home should require the agreement.

Mayor Lawrence asked for clarification that the Planning Department had said no additional improvements would be required until another structure was placed on the property. Mr. Elliott said the Planning Department had told him it was not required, partly tied to when an additional structure was built, and partly because the City had not done engineering for the improvements.

Senior Planner Hert noted that during the time of the application, it was thought a local improvement district would be formed which would include the improvements.

The public hearing was closed and turned over to the City Council for deliberation.

Council Deliberation

Councilor Wood said if the applicant wasn't required to sign the agreement, then future development occurred, there would be one section that had no improvements. She said the agreement would only require the improvements that had not yet been installed.

Mayor Lawrence said there had been no change in use of the property, so it didn't make sense to require additional improvements.

Councilor Miller said the residents in the area had defeated the local improvement district and did not support urban improvements in the neighborhood.

Councilor Spatz said he agreed that this had been a replacement of an existing dwelling, not changing the level of density of the area.

City Manager Young said he would like to ask a question of staff. Mayor Lawrence reminded the City Manager this was a time for the City Council to discuss the merits of the appeal. Young said he was allowed by Charter to participate in the deliberations of the City Council.

City Manager Young asked staff to clarify whether it was a requirement to sign a delayed development agreement if anyone replaced a residence, regardless of whether it was connected to a minor partition or subdivision. He said staff could correct him if he was incorrect, but that he believed it was a requirement of the Land Use Development Ordinance.

Mayor Lawrence said staff had told the appellant that no agreement would be required until a second residence was placed on the property, as a result of a partition.

Young said the decision regarding a second residence had been related to subdivision requirements, but the appellant had changed his application to a minor partition. He said if an agreement was not required, that portion of the property would be excluded for improvement requirements.

Councilor Miller said she believed the delayed development agreement was not really different than a non-remonstrance agreement.

Councilor Spatz said he believed they were different.

Mayor Lawrence noted the appellant had stated he agreed to sign an agreement if any future development occurred on the property.

City Manager Young proposed a compromise, saying no improvements would be required until a second residence was constructed, but at that time the improvements would be required for both of the residences.

Councilor Dick expressed frustration with inconsistency in how the rules were applied. He said the appellant believed that staff hadn't communicated well. He questioned how many other properties could be affected by the decision made on this issue. Dick said if the delayed development agreement was required as a matter of policy, it should be fair and everyone should be required to file an agreement.

Mayor Lawrence said once the Planning Commission forwarded their recommendations to the Council, a decision could be made, making the development requirements fair for all.

Councilor Spatz said it was a complex issue and he would prefer to err with the land owners.

It was moved by Spatz and seconded by Miller to grant the appeal for the purpose of deleting the condition requiring the signing of a delayed development agreement for the frontage associated with the lot with the new dwelling and direct staff to prepare a resolution setting forth the Council's decision, based on findings of fact and conclusions of law.

Councilor McGlothlin said he agreed with the motion, saying he believed the City had represented that the agreement would be required at the time a second dwelling was constructed.

The motion to grant the appeal for the purpose of deleting the condition requiring the signing of a delayed development agreement for the frontage associated with the lot with the new dwelling and direct staff to prepare a resolution setting forth the Council's decision, based on findings of fact and conclusions of law was voted on and carried; Wood voting no, Dick abstaining.

ACTION ITEMS

Review of Encroachment Permit for Right-of-Way at the Intersection of Third Street, Fourth Street and Third Place

The staff report was reviewed by City Manager Young. City Attorney Parker highlighted the options to remove Section 2 of the agreement and not allow any public forum signs; or to allow only limited public forum signs, allowing certain signs.

It was the consensus of the City Council to select Option 1, and to not allow any signs.

Dr. Wally Wolf said he would agree and although it would mean that community events could no longer be publicized at the location, it would solve the problem of people placing signs without permission.

It was moved by Dick and seconded by Spatz that the portion of public right of way at the intersection of Third Street, Fourth Street, and Third Place, as described in the encroachment agreement dated April 5, 2013, not be designated as a "designated public forum" or "limited public forum" and direct staff to prepare a revised version of the encroachment agreement to acknowledge the designation and delete Section 2 of the agreement. The motion carried unanimously.

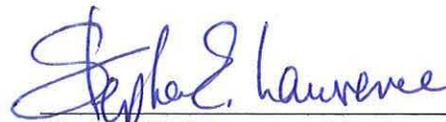
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ADJOURNMENT

Being no further business, the meeting adjourned at 7:13 p.m.

Submitted by/
Julie Krueger, MMC
City Clerk

SIGNED:



Stephen E. Lawrence, Mayor

ATTEST:



Julie Krueger, MMC, City Clerk