

**AGENDA****REGULAR CITY COUNCIL MEETING****JUNE 12, 2023****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

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

6. CITY MANAGER REPORT
7. CITY COUNCIL REPORTS
8. CONSENT AGENDA

Items of a routine and non-controversial nature are placed on the Consent Agenda to allow the City Council to spend its time and energy on the important items and issues. Any Councilor may request an item be "pulled" from the Consent Agenda and be considered separately. Items pulled from the Consent Agenda will be placed on the Agenda at the end of the "Action Items" section.

- A. Approval of the May 22, 2023 Regular City Council Meeting Minutes

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**CITY OF THE DALLES****"By working together, we will provide services that enhance the vitality of The Dalles."**

- B. Approval of the salary increases for the City Manager, City Attorney and Municipal Court Judge

## 9. PUBLIC HEARINGS

- A. Public Hearing to Receive Testimony Regarding Proposed Uses of State Shared Revenues
  - i. Resolution No. 23-015 Declaring the City's Election to Receive State Revenues for Fiscal Year 2023-24
- B. Public Hearing to Receive Testimony Regarding the Proposed Fiscal Year 2022-23 Budget
  - i. Resolution No. 23-016 Adopting the 2023-24 Fiscal Year Budget for the City of The Dalles, Making Appropriations, Authorizing Expenditures, Levying Taxes, and Authorizing the City Manager to Take Such Action as Necessary to Carry Out the Adopted Budget

## 10. CONTRACT REVIEW BOARD ACTIONS

- A. Contract No. 2023-009 City Hall Upstairs Remodel Award

## 11. ACTION ITEMS

- A. Resolution No. 23-017 Authorizing Transfers of Budgeted Amounts Between Categories of Various Funds of The City of The Dalles Adopted Budget, Making Appropriations and Authorizing Expenditures for the Fiscal Year Ending June 30, 2023
- B. General Ordinance No. 23-1397 An Ordinance Amending The Dalles Municipal Code Title 1 (Government) Chapter 1.12 Municipal Court to Revise Penalties for Continuing Violations

## 12. 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."



## AGENDA STAFF REPORT

**AGENDA LOCATION:** Item #8 A-B

**MEETING DATE:** June 12, 2023

**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 May 22, 2023 Regular City Council meeting minutes.

**BUDGET IMPLICATIONS:** None.

**SYNOPSIS:** The minutes of the May 22, 2023 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 May 22, 2023 Regular City Council meeting minutes.

- B. **ITEM:** Approval of salary increases for the City Manager, City Attorney, and Municipal Court Judge

**BUDGET IMPLICATIONS:** There are no budget implications as sufficient funds have been budgeted in the Fiscal Year 23-24 City of The Dalles Approved budget in the corresponding line items

**SYNOPSIS:** The Council met in Executive Session on May 19, 2021 to hold evaluations of the City Manager, City Attorney, and Municipal Court Judge

**RECOMMENDATION:** City Council approve salary increases as follows: City Manager 12%; City Attorney 12% and Municipal Court Judge 12%; effective dates as outlined in the Employment Contracts for each position.

MINUTES

CITY COUNCIL MEETING  
COUNCIL CHAMBER, CITY HALL  
MAY 22, 2023  
5:30 p.m.

VIA ZOOM/ IN PERSON

**PRESIDING:** Mayor Richard Mays

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

**COUNCIL ABSENT:** Rod Runyon

**STAFF PRESENT:** City Manager Matthew Klebes, City Attorney Jonathan Kara, City Clerk Izetta Grossman, Public Works Director Dave Anderson, Police Captain Jamie Carrico, Finance Director Angie Wilson, Community Development Director Joshua Chandler, 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, Randall present; Runyon absent.

**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**

Mayor Mays noted item 10A had been removed from the agenda.

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It was moved by Randall and seconded by Richardson to approve the agenda as amended. The motion carried 4 to 0; Randall, Richardson, Long, McGlothlin voting in favor; none opposed; Runyon absent.

### **PRESENTATIONS PROCLAMATIONS**

#### Recognition – Spirit of Service Mary Davis

Mayor Mays presented Mary Davis with a Certificate of Recognition and a City Medallion.

He thanked her for her volunteerism and dedication to the history of The Dalles.

Mrs. Davis thanked everyone who was a part of the Floozies. She had the Pioneer Woman, Chinese Laundry Lady, Sheriff and Cowboys stand to be recognized. She said it wasn't just her it was the whole group, who continue to greet the ships.

#### LINK Transportation Update – Jesus Mendoza and Sara Cook, MCEDD

Jesus Mendoza and Sara Cook from Mid-Columbia Economic Development District reviewed the updated PowerPoint presentation. (attached)

Ms. Cook said as the Travel Trainer she worked with older citizens, people with disabilities, as well as the Native American, Latino populations to help them understand and use public transportation. She said she also worked with other agencies to distribute free passes to those in need.

#### FEMA Proposed Floodplain Map Update – FEMA Representative

Federal Emergency Management Agency (FEMA) representatives, Ted Perkins and Outreach specialist Lisa Adair reviewed the PowerPoint presentation that was part of the agenda packet.

They invited the community to an Open House at The Dalles High School from 5:30 to 7:30 p.m. They said there would be another Open House at the Wamic Community Center on Wednesday from 5:30 p.m. to 7:30 p.m.

They said an appeal to remove a property from the floodplain was possible, however there was a deadline and it took a lot of work to gather all the information. They encouraged anyone with a question to attend the Open House, where there would a number of people to answer questions and assist.

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Community Development Director Joshua Chandler said all property owners that would be affected by the new Floodplain Map, as identified using the Wasco County GIS, was sent a postcard on the process, and then a follow up invitation to the Open House. He said the City had a page on the City of The Dalles' website, and made a number of Facebook posts. He said over 300 postcards were sent letting property owners know if there were now inside or outside the floodplain.

Perkins said insurance was available through FEMA, if properties were required to have flood insurance.

He said there were three reasons that lead to a change in the map:

- Topography – the 1984 map missed some properties, technology has evolved
- Hydrology – the amount of water flowing into the river; gauges measured over a number of years – a slight increase creates 1% probability of flood
- Hydraulics – physics – how deep and wide the river is downstream

## AUDIENCE PARTICIPATION

Mayor Mays said there was a timer that would be visible to audience and speaker to assist with timing each speaker.

Sarah Carpenter, The Dalles read a letter outlining requests of the neighbors in the Scenic Drive regarding issues with Short Term Rentals. More details are in the attached letter.

A few of the items were:

- Allocation of funds
- Amend the City Code
- Robust police presence

Councilor Richardson said Council had asked staff at the last meeting to look into these issues.

City Manager Matthew Klebes said the Community Development Department had begun research for best practices to bring back to the Council. He said he encouraged neighbors to contact Codes Enforcement and the Police Department.

In response to a question Carpenter said she had researched Palm Springs, CA; analysis of the City Code. She said she would like to see increased patrols in the Short Term Rental neighborhoods.

Joyce Overeem thanked Councilors McGlothlin, Long and Randall for reaching out to the

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neighborhood.

She voiced concerns about:

- Quite time not being adequate or enforced
- People coming to the area for jobs can't find housing – short term rentals are making it worse
- Traffic issues – blocking driveways

Chuck Gomez, Granada Theatre owner, played a tape of an interview he did on the Coast to Coast show promoting an upcoming event. He said there should be advertising, outreach for all the events in The Dalles. He mentioned the murals, live music, and Historic Walking Tour.

### **CITY MANAGER REPORT**

City Manager Matthew Klebes reported:

- Next step in RARE process
- Hired Economic Development Officer and Facilities Manager
- Urban Renewal – exciting new projects
- Ride a long on Friday with Officer Call
- Thursday – reintroduction of The Dalles Main Street 5:15 p.m. at Gorge Wine Library
- July site visit of Congressional Field Staff at Columbia Gorge Regional Airport – regarding request for funds

### **CITY COUNCIL REPORTS**

Councilor Richardson reported:

- New Urban Renewal Projects
- City Manager, City Attorney and Municipal Court Judge evaluations

Councilor Randall reported:

- Last meeting of the Climate Resiliency Committee
- Urban Renewal Budget meeting
- City Manager, City Attorney and Municipal Court Judge evaluations

Councilor Long reported:

- Urban Renewal meeting
- City Manager, City Attorney and Municipal Court Judge evaluations
- Short Term Rental complaints

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Councilor McGlothlin reported:

- City Manager, City Attorney and Municipal Court Judge evaluations
- City Attorney regarding shopping carts
- Short Term Rental complaints
- Urban Renewal meeting

Mayor Mays reported:

- Nurse's week celebration at Mid-Columbia Medical Center
- Civic Auditorium 100<sup>th</sup> year celebration
- Senior Decision Day at The Dalles High School
- KODL with the Chief of Police
- Oregon Food Bank opening
- The Dalles Athletic Hall of Fame celebration – back to 1920's

## **CONSENT AGENDA**

It was moved by Long and seconded by McGlothlin to approve the Consent Agenda as presented. The motion carried 4 to 0; Long, McGlothlin, Richardson, Randall voting in favor; none opposed; Runyon absent.

Items approved on the consent agenda were: 1) The minutes of the May 8, 2023 Regular City Council Meeting.

## **CONTRACT REVIEW BOARD**

### Annual Chip Seal Program Authorization

Public Works Director Dave Anderson reviewed the staff report.

Richardson asked what the expected life of project would be.

Anderson said usually the life of the chip seal was five to seven years. He said it depended on how heavy the traffic was on the street.

It was moved by McGlothlin and seconded by Randall to authorize the expenditures for the 2023 Chip Seal Project in an amount not to exceed \$182,698.00. The motion carried 4 to 0; McGlothlin, Randall, Long, Richardson voting in favor; none opposed; Runyon absent.



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**ACTION ITEMS**

**Resolution No. 23-014 Authorizing Transfers of Budgeted Amounts Between Categories of Various Funds of The City of The Dalles Adopted Budget, Making Appropriations and Authorizing Expenditures for the Fiscal Year Ending June 30, 2023**

Finance Director Angie Wilson reviewed the staff report.

It was moved by Richardson and seconded by Long to adopt Resolution No. 23-014 Authorizing Transfers of Budgeted Amounts Between Categories of Various Funds of The City of The Dalles Adopted Budget, Making Appropriations and Authorizing Expenditures for the Fiscal Year Ending June 30, 2023. The motion carried 4 to 0; Richardson, Long, Randall, McGlothlin voting in favor; none opposed; Runyon absent.

**ADJOURNMENT**

Being no further business, the meeting adjourned at 7:09 p.m.

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Submitted by/  
Izetta Grossman, CMC  
City Clerk

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

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

The Dalles City Council  
313 Court Street  
The Dalles, Oregon 97058

May 22, 2023

Dear City Council,

At your last meeting, my neighbors and I shared with you the various ongoing and unexpected problems that have arisen from the spread of short-term rental properties in our neighborhood that is zoned as Low Density Residential. Based upon comments at the meeting, I need to ensure that you understand my reason for sharing these problems with you. My reason is to provide a basis for my request that the City take action by (1) amending the City code, and (2) altering the allocation of City funds.

My family did not sign up to live next to a Motel 6 or Holiday Inn. We chose to live in a Low Density Residential zone so as to avoid the traffic, noise, crime, and crowds found near transient lodging facilities. However, our neighborhood now has multiple transient lodging facilities that are marketed on internet sites such as Airbnb.com. Unlike a Holiday Inn, the transient lodging facilities – meaning the short term rental properties – in our neighborhood have no discernable on-site manager to address promptly the concerns that inevitably arise, such as noise, trash, traffic, crime, parking, and crude behavior.

Because the properties at issue are used as short-term rentals, the problems generated by these properties usually last for one to two days at a time before the renters vacate. That short duration means that, by the time I were to contact the City’s codes enforcement officer via email about a problem with a short-term rental and that officer were to respond to the incident location (which historically requires one or two business days), the renters who caused the specific problems would have already vacated. As a result, the instruction by your staff at the Council’s meeting on May 8, 2023, that my neighbors and I submit our problems to the codes enforcement officer in writing<sup>1</sup>, would result in wasted time and resources.

Although most of the short term renters stay for a duration of one or two days at a time, there are distinct recurring problems that my neighbors and I have previously shared with you. The problems have not stopped and continue to infringe upon my ability to enjoy my own property peacefully.

Examples of the crowding and traffic problems:

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<sup>1</sup> Based upon City code 8.02.110.



Photo from the morning of Sunday May 21, 2023. The photo shows West 20<sup>th</sup> Street in The Dalles, looking westward, as well as the vehicles parked along both shoulders of the street. This portion of West 20<sup>th</sup> Street is a two-lane cul-de-sac and is within a Low Density Residential zone. Several of the vehicles belonged to the short-term renters at 322 West 20<sup>th</sup> Street. The street cannot safely sustain two-way traffic with this level of congestion, especially if emergency vehicles need to respond to this location.



Photos from the morning of Sunday April 16, 2023. The photos show West 20<sup>th</sup> Street in The Dalles, looking westward, as well as the bus parked along the eastbound shoulder of the street. The bus belonged to the short terms renters at 322 West 20<sup>th</sup> Street and was ultimately loaded that morning with about two dozen kids and adults from 322 West 20<sup>th</sup> Street.

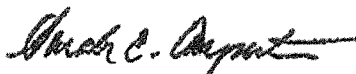
The noise emanating from the short-term rental properties has become the most frequent problem. The public notice provision of City code 8.02.090<sup>2</sup> is inadequate to address noise problems. The reasons are that City code 8.02.090 only requires the City to provide notice to property owners within 100 feet of the short-term rental property. The sounds of screaming kids, raucous gatherings, hot tub cocktail parties, and dance music always radiate more than 100 feet away. For a neighbor like me, who lives more than 100 feet from the short-term rental party house at 300 West Scenic Drive, there is currently no requirement for the City to notify me about who operates the offending short-term rental. As a result, the stated purpose of City code 8.02.090 fails each time I am subjected to the emanations of 300 West Scenic Drive.

Bad actors have no difficulty in determining which properties are short-term rentals and whether those properties are vacant. The burglary last year of the short-term rental at 300 West Scenic Drive was the incident that prompted my own vigilance about property crimes in our neighborhood. I request you contact our police department to learn more about that specific incident.

To protect our City's livability and deter criminals in our community, I request the Council to take action by (1) amending the City code, and (2) changing the allocation of City funds. Specifically, I respectfully request the Council to:

- (1) Establish a minimum period of stay of 30 days in any short-term rental property sited in a Low Density Residential zone. In addition, set a maximum number of total rental contracts that may be formed per year for any short-term rental property sited in a Low Density Residential zone.
- (2) Require a person who owns or operates a short-term rental property sited in a Low Density Residential zone to reside on the premises being rented.
- (3) Establish a limit for how many short-term rental licenses the City will grant per year in Low Density Residential zones. Maintain the licensing provisions of City code 8.02.030. Establish a lottery to determine which licenses will be extended each year. Establish benchmarks which each property must meet before having its license renewed.
- (4) Change short-term rentals from being an accessory use to being a conditional use within a Low Density Residential zone. Ensure the City notifies all neighbors within a ½ mile radius about each conditional-use application and subsequent hearing.
- (5) Fund increased police patrols in neighborhoods with short-term rental properties. Increase the transient lodging tax to fund the increased police patrols.
- (6) Amend City code 8.02.090 to include mandatory notification to **all** neighbors – both property owners **and** long-term renters – who live within at least 1000 feet of a short-term rental property.
- (7) Evaluate making each of the above actions apply to all residential zones.

Sincerely,



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Sarah E. "Sally" Carpenter  
PO Box 371  
The Dalles, Oregon 97058

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<sup>2</sup> City code 8.02.090, Public Notice: Within 10 days after the receipt of a complete initial application, or any change in operator, the City shall provide notice to all property owners within 100 feet of the subject property. The list of affected property owners shall be compiled from the most recent property tax assessment roll. Information on the notice shall include the following: operator contact information; license number; number of guest rooms; maximum guest occupancy; and contact information for the City's Code Enforcement Division. The purpose of this notice is to allow adjacent property owners and residents to contact the authorized operator to report and request resolution of problems associated with the operation of the short-term rental. If the authorized operator's contact information changes during the license period, the new information must be mailed or distributed again. (Ord. 20-1377)



## AGENDA STAFF REPORT

### AGENDA LOCATION: Public Hearing Item # 9A-Ai

**MEETING DATE:** June 12, 2023

**TO:** Honorable Mayor and City Council

**FROM:** Angie Wilson, Finance Director

**ISSUE:** Public Hearing on Proposed Uses of State Revenue Sharing funds for FY23/24 and consideration of Resolution No. 23-015 declaring the City's election to receive State Revenues

**BACKGROUND:** State Revenue Sharing Law, ORS 221.770, requires cities to pass a resolution each year stating that they elect to receive State Revenue Sharing money during the next fiscal year. The law mandates public hearings be held by each city, and a certification of these hearings is required. The required hearings are to be held: 1) before the Budget Committee to consider possible uses of the funds; and 2) before the City Council on the uses of the funds proposed by the Budget Committee or anyone else.

The City of The Dalles has traditionally used State Revenue Sharing funds to support activities in the General Fund. The Budget Committee held a Public Hearing on May 1, 2023, to consider possible uses of the funds, and then voted to recommend to the Council that they continue to use those funds to support the General Fund in FY23/24.

A Public Hearing on the proposed uses of State Revenue Sharing funds is scheduled before the City Council on June 12, 2023. The Resolution is not required to designate the uses of the funds, but only states the City's election to receive them.

**BUDGET IMPLICATIONS:** The budget for FY23/24, as approved by the Budget Committee, already includes the anticipated State Revenue Sharing funds as General Fund revenue.

### **COUNCIL ALTERNATIVES:**

1. **Staff recommendation:** *Move to adopt Resolution No. 23-015 Declaring the City's Election to Receive State Revenues for Fiscal Year 2023/2024.*
2. Council could elect to assign the uses of State Revenue Sharing funds to a different purpose than proposed. This would require changes to the proposed budget for FY23/24.
3. Decline to receive State Revenues for Fiscal Year 2023/2024.

**RESOLUTION NO. 23-015**

**A RESOLUTION DECLARING THE CITY OF THE DALLES' ELECTION TO RECEIVE STATE REVENUES FOR FISCAL YEAR 2023-24**

**WHEREAS**, State Revenue Sharing Law, ORS 221.770, requires cities to annually pass a resolution requesting State Revenue Sharing money; and

**WHEREAS**, the City's Budget Committee held the required Public Hearing on May 1, 2023, to consider possible uses of State Revenue Sharing funds in FY23/24; and

**WHEREAS**, the City Council held the required Public Hearing on June 12, 2023, to consider the uses of State Revenue Sharing funds in FY23/24 as proposed by the Budget Committee and others;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF THE DALLES, OREGON, AS FOLLOWS:**

Section 1. Election to Receive State Revenues in FY23/24. Pursuant to ORS 221.770, the City hereby elects to receive State Revenues for the Fiscal Year 2023/2024.

Section 2. Effective Date. This Resolution shall be considered effective as of July 1, 2023.

Section 3. Expiration Date. This Resolution shall expire upon receipt and acceptance of the Audit for FY23/24.

**PASSED AND ADOPTED THIS 12th DAY OF JUNE, 2023.**

Voting Yes, Councilors: \_\_\_\_\_  
Voting No, Councilors: \_\_\_\_\_  
Absent, Councilors: \_\_\_\_\_  
Abstaining, Councilors: \_\_\_\_\_

**AND APPROVED BY THE MAYOR THIS 12th DAY OF JUNE, 2023.**

SIGNED: \_\_\_\_\_ ATTEST: \_\_\_\_\_

Richard A. Mays, Mayor \_\_\_\_\_ Izetta Grossman, City Clerk, CMC \_\_\_\_\_  
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I certify that a Public Hearing before the City of The Dalles Budget Committee was held on May 1, 2023, and a Public Hearing was held before the City of The Dalles City Council on June 12, 2023 giving citizens an opportunity to comment on use of State Revenue Sharing.

CERTIFIED BY:

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



## AGENDA STAFF REPORT

**AGENDA LOCATION:** Public Hearing Item #9B-Bi

**MEETING DATE:** June 12, 2023

**TO:** Honorable Mayor and City Council

**FROM:** Angie Wilson, Finance Director

**ISSUE:** Public Hearing to Receive Testimony Regarding the Approved 2023-24 Fiscal Budget and Resolution No. 23-016 Adopting the FY23/24 Budget for the City of The Dalles

**BACKGROUND:** The City Budget Committee reviewed the proposed budget on May 1 and May 2, 2023. They approved the budget, with several changes on May 2, 2023. The City Council will hold the required Public Hearing on the approved budget on June 12, 2023. Oregon Budget Law allows a governing body, prior to final adoption, to make changes to a Fund approved by the Budget Committee in amounts up to \$5,000 or 10% of the operating portion of that Fund, whichever is greater. If the changes are greater than the limit allows, another Public Hearing must be held, with the required published notices, prior to adoption.

**BUDGET IMPLICATIONS:** The City Manager requests to add \$28,115 to the animal control budget in the General Fund. The Budget Committee changed the amount to the animal control department from \$0.00 to \$16,000 during the budget process. After the budget committee met, it was brought to the City Manager that the request will need to be increased due to additional equipment not being installed for the animal control vehicle in FY2022/2023. Due to not being ready by the end of the fiscal year, additional monies will need to be added to complete the purchase in FY2023/24.

By reallocating these funds, it will increase the beginning fund balance by \$28,115.

001 General Fund			Approved		Amended
	Description	Line Item #	Budget	Change	Budget
Exp	Dog Control-Capital Outlay-Vehicles	001-0000-300.00-00	(16,000)	(28,115)	(44,115)
Rev	Revenue - Beginning Fund Balance	001-4500-000.74-20	6,921,008	28,115	6,949,123
Fund Net Change				-	

**COUNCIL ALTERNATIVES:**

1. **Staff recommendation:** *Make two (2) motions:*
  - a. *Move to approve the budget approved by the Budget Committee, including (or except) \$28,115 additional funds to increase the animal control department for the new dog control vehicle that will not be completed until FY2023/24.*
  - b. *Move to adopt Resolution No. 23-016 Adopting the Fiscal Year 2023-2024 Budget for the City of The Dalles, making Appropriations, Authorizing Expenditures, Levying Taxes, and Authorizing the City Manager to Take Such Action as Necessary to carry out the Adopted Budget.*
2. City Council could elect to make changes to the approved budget and direct staff to include those changes in the adopting resolution. If any such changes were to be greater than the limit allows, a second Public Hearing on June 26th would be required. In that case, the Council could move to approve those proposed changes to the budget that are within the \$5,000 or 10% limit, and to hold a public hearing on June 26, 2023, on only the proposed changes that exceed that limit.



**RESOLUTION NO. 23-016**

**A RESOLUTION ADOPTING THE FISCAL YEAR 2023-2024 BUDGET FOR THE CITY OF THE DALLES, MAKING APPROPRIATIONS, AUTHORIZING EXPENDITURES, LEVYING TAXES, AND AUTHORIZING THE CITY MANAGER TO TAKE SUCH ACTION AS NECESSARY TO CARRY OUT THE ADOPTED BUDGET**

**WHEREAS**, the City Budget Committee reviewed and acted on the proposed City budget, and, on May 1, 2023, approved and recommended a balanced budget to the City Council; and

**WHEREAS**, in accordance with State Law, the City held a Public Hearing on the approved budget on June 12, 2023; and

**WHEREAS**, The City council has amended the budget previously approved by the Budget Committee, as permitted by ORS 294.435; and

**WHEREAS**, the City Council wishes to adopt the approved budget and carry out the programs identified in the budget;

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

**Section 1. Clerical Changes.** The City Council hereby authorizes City Staff to make the necessary clerical changes to the amended budget.

**Section 2. Adoption of the Budget.** The City Council of the City of The Dalles, Oregon, hereby adopts the budget for Fiscal Year 2023-2024 in the total of \$91,690,001 now on file in the office of the City Finance Director.

**Section 3. Setting Appropriations.** The amounts for the Fiscal Year beginning July 1, 2023 and for the purposes shown are hereby appropriated as follows:

**GENERAL FUND (001)**

City Council Department	399,893
City Clerk Department	212,859
City Manager	377,461
Legal	675,740
Finance / Utility Billing / Judicial Department	1,018,055
Personnel Department	498,759
Planning Department / Economic Development Department	944,138
Police Department/ Codes Department	5,415,092
Technology Department	401,141
City Hall / Transportation Center Department	608,950

Animal Control Department	169,501
Special Payments	879,300
Interfund Transfers	3,814,192
Contingency	1,062,247
Debt Service	<u>21,528</u>
<b>TOTAL GENERAL FUND (001) *</b>	<b>16,498,856</b>
<b>LIBRARY FUND (004)</b>	
Library Department	2,880,411
Interfund Transfers	193,000
Contingency	<u>250,455</u>
<b>TOTAL LIBRARY FUND (004) **</b>	<b>3,323,866</b>
<b>STREET FUND (005)</b>	
Public Works Department	3,447,290
Interfund Transfers	930,118
Contingency	<u>111,128</u>
<b>TOTAL STREET FUND (005)</b>	<b>4,488,536</b>
<b>PUBLIC WORKS RESERVE FUND (009)</b>	
Public Works Department	<u>708,007</u>
<b>TOTAL PUBLIC WORKS RESERVE FUND (009)</b>	<b>708,007</b>
<b>UNEMPLOYMENT RESERVE FUND (010)</b>	
Personnel Services	<u>71,585</u>
<b>TOTAL UNEMPLOYMENT RESERVE FUND (010)</b>	<b>71,585</b>
<b>COMMUNITY BENEVOLENCE FUND - VIETNAM MEMORIAL (011)</b>	
Materials & Services	<u>5,153</u>
<b>TOTAL COMMUNITY BENEVOLENCE FUND (011)</b>	<b>5,153</b>
<b>TRANSPORTATION SYSTEM RESERVE FUND</b>	
Public Works Department	6,595,002
Interfund Transfers	<u>-</u>
<b>TOTAL TRANSPORTATION SYSTEM RESERVE FUND (013)</b>	<b>6,595,002</b>
<b>SPECIAL GRANTS FUND (018)</b>	
Materials & Services	2,433,810
Capital Outlay	3,875,137
Interfund Transfers	<u>1,549,147</u>
<b>TOTAL SPECIAL GRANTS FUND (018)</b>	<b>7,858,094</b>
<b>STATE OFFICE BUILDING FUND (021)</b>	
State Office Building Department	491,194
Contingency	<u>265,302</u>
<b>TOTAL STATE OFFICE BUILDING FUND (021)</b>	<b>756,496</b>

<b>SPECIAL ASSESSMENTS FUND (036)</b>	
Materials & Services	28,658
Capital Outlay	451,520
Interfund Transfers	115,548
	595,726
<b>TOTAL SPECIAL ASSESSMENTS FUND (036)</b>	
<b>CAPITAL PROJECTS FUND (037)</b>	
Materials & Services	10,000
Capital Outlay	3,237,766
Debt Service	-
Interfund Transfers	11,643
	3,259,409
<b>TOTAL CAPITAL PROJECTS FUND (037)</b>	
<b>2009 FFCO BOND FUND (044)</b>	
Debt Service	946,616
	946,616
<b>TOTAL 2009 FFCO BOND FUND (044)</b>	
<b>WATER FUND (51)</b>	
Public Works Department	4,869,575
Interfund Transfers	1,639,213
Contingency	63,269
	6,572,057
<b>TOTAL WATER FUND (051)</b>	
<b>WATER CAPITAL RESERVE FUND (053)</b>	
Public Works Department	9,399,786
Debt Service	240,379
Interfund Transfers	536,188
Contingency	-
	10,176,353
<b>TOTAL WATER CAPITAL RESERVE FUND (053)</b>	
<b>WASTEWATER FUND (055)</b>	
Public Works Department	4,446,820
Interfund Transfers	2,211,112
Contingency	26,676
	6,684,608
<b>TOTAL WASTEWATER FUND (055)</b>	
<b>SEWER CAPITAL RESERVE FUND (056)</b>	
Public Works Department	3,529,705
Interfund Transfers	7,163
	3,536,868
<b>TOTAL SEWER CAPITAL RESERVE FUND (056)</b>	

<b>SEWER PLANT CONSTRUCTION FUND (057)</b>		
Public Works Department		3,199,520
Debt Service		95,997
Interfund Transfers		304,737
	<b>TOTAL SEWER PLAN CONSTRUCTION FUND (057)</b>	<b>3,600,254</b>
<b>UTILITY REVENUE BOND (059)</b>		
Public Works Department		
Debt Service		810,815
	<b>TOTAL UTILITY REVENUE BOND (059)</b>	<b>810,815</b>
<b>AIRPORT FUND (061)</b>		
Airport Department		7,763,809
Contingency		532,489
Interfund Transfers		-
	<b>TOTAL AIRPORT FUND (061)***</b>	<b>8,296,298</b>
<b>SPECIAL ENTERPRIZE ZONE FUND(022)</b>		
Special Enterprize Department		
Materials & Services		2,608,832
Interfund Transfers		450,000
	<b>TOTAL SPECIAL ENTERPRIZE ZONE FUND (022)</b>	<b>3,058,832</b>
<b>AIRPORT DEBT SERVICE FUND (062)</b>		
Airport Department		-
Debt Service		207,634
	<b>TOTAL AIRPORT DEBT SERVICE FUND (062)</b>	<b>207,634</b>
<b>TOTAL ALL FUNDS</b>		<b>88,051,065</b>
* An Unappropriated Ending Fund Balance has been set for the General Fund in the amount of:		2,480,813
** An Unappropriated Ending Fund Balance has been set for the Library Fund in the amount of:		895,662
*** An Unappropriated Ending Fund Balance has been set for the Airport Fund in the amount of:		262,461
<b>TOTAL ADOPTED BUDGET</b>		<b>91,690,001</b>

**Section 4. Authority of City Manager.** The City Council hereby authorizes the City Manager to take such action as is necessary and consistent with State Statutes and City Ordinances, including, but not limited to, entering into contracts to carry out the programs, projects and services identified in the adopted budget.

**Section 5. Imposing and Categorizing the Tax.** The City Council of the City of The Dalles, Oregon, hereby imposes the taxes provided for in this adopted budget in the General Fund at the rate of \$3.0155 per \$1,000 of assessed value for operations, and that these taxes are hereby imposed and categorized for tax year 2023-2024 upon the assessed value of all taxable property within the City of The Dalles as of 12:01 AM, July 1, 2023.

	<b>Subject to General Government Limitation</b>	<b>Excluded from Limitation</b>
<b>TOTAL TAX IMPOSED</b>	<b>\$ 3.0155 per 1,000 of assessed value</b>	<b>0</b>

**Section 5. Certifying the Tax Levy.** The City Finance Director shall certify to the County Clerk and County Assessor, the tax levy made by this Resolution, and shall file with them and to the State of Oregon, copies of the budget as finally adopted.

**PASSED AND ADOPTED THIS 12th DAY OF JUNE, 2023.**

Voting Yes, Councilors: \_\_\_\_\_  
 Voting No, Councilors: \_\_\_\_\_  
 Absent, Councilors: \_\_\_\_\_  
 Abstaining, Councilors: \_\_\_\_\_

**AND APPROVED BY THE MAYOR THIS 12th DAY OF JUNE, 2023.**

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

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





## AGENDA STAFF REPORT

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

**MEETING DATE:** June 12, 2023

**TO:** Honorable Mayor and City Council

**FROM:** Daniel Hunter, Project Manager

**ISSUE:** Contract No. 2023-009 City Hall – Second Floor Remodel

**BACKGROUND:** To better utilize the available space in City Hall, staff began the process for remodel September 23, 2022. That effort led to a design agreement between the City and Kingswood, Inc. dba David Bearss Architect in Hood River. The resulting plan created two new interior offices and four additional work areas. It also relocates the second floor mailroom to the breakroom along with the printer and mail machine. Community Development staff were engaged in the process to ensure any mitigation required by the State Historic Preservation Office would be implemented.

On May 3, 2023 the City entered an agreement with Carlstrom Management Group, LLC of The Dalles to conduct an Environmental Survey of the work area. On May 5, 2023 the City received the lab report showing negative presence of asbestos in the walls, flooring and ceiling of the work area.

On April 14, 2023 staff published an Invitation to Bid for this project. On April 28, 2023 I conducted a mandatory pre-bid meeting with interested contractors. At that meeting a number of sub-contractors attended and five general contractors were present at the 1:00 p.m. sign in. The Bid Opening was scheduled for and conducted on May 18, 2023 at 2:00 p.m. By that time, the City had received one bid.

Following bid opening, staff reviewed the bid received for completeness as described in the Invitation to Bid and ORS 279C.375(3)(a)(b). The result of that review is, Griffin Construction, LLC is a Responsible Bidder as defined by ORS 279C.375(3)(a)(b) and complied with all bidder requirements described in the Invitation to Bid. Therefore, the bid from Griffin Construction, LLC is deemed qualifying. Being the only bid received, the lowest bid was submitted by Griffin Construction, LLC in the amount of \$188,000.

**BUDGET IMPLICATIONS:** The project funds for this project come from the Capital Projects Fund. At the time of this report that fund has \$288,235 remaining for FY2022-23. With sufficient funds budgeted in FY2023-24 to cover any projected costs going into the next year.

**COUNCIL ALTERNATIVES:**

1. **Staff recommendation:** *Move to Authorize the City Manager to enter into a Contract No. 2023-009 with Griffin Construction, LLC for the City Hall – Second Floor Remodel in an amount not to exceed \$188,000.*
2. Reject all bids and direct staff to re-advertise a modified work scope.





## AGENDA STAFF REPORT

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

**MEETING DATE:** June 12, 2023

**TO:** Honorable Mayor and City Council

**FROM:** Angie Wilson, Finance Director

**ISSUE:** Resolution No. 23-017 Authorizing Transfers of Budgeted Amounts Between Various Departments of The General Fund of the City Of The Dalles Adopted Budget, Making Appropriations and Authorizing Expenditures for Fiscal Year Ending June 30, 2023

**RELATED COUNCIL GOAL:** Balanced Budget

**BACKGROUND:** Oregon Budget Law recognizes that after the beginning of the fiscal year, changes in appropriations in the budget sometimes become necessary and so allows for those changes via supplemental budgets and budget amendments. Supplemental budgets add funds to existing budgets, while budget amendments move already budgeted funds between categories of the same fund without adding to the fund's total budget.

The proposed resolution contain the following items:

Resolution No. 23-017 transfers \$50,000 from the Contingency line item of the General Fund to cover the following item:

City of The Dalles receives transient room tax dollars on a monthly basis and funds Parks and Rec with 25% of the received revenue. Our estimated amount of revenue that we budgeted to receive FY22/23 is higher than anticipated and we will need to add additional funds to this line item in the amount of \$50,000 to pay Parks and Recreation District.

**BUDGET IMPLICATIONS:** Resolution No. 23-017 transfers currently budgeted amounts, and does not have any impact on the total budget of the General Fund.

**COUNCIL ALTERNATIVES:**

1. **Staff recommendation:** *Move to adopt Resolution No. 23-017 Authorizing Transfers of Budgeted Amounts between Categories of Various Funds of the City of The Dalles Budget, Making Appropriations and Authorizing Expenditures for Fiscal Year Ending June 30, 2023.*
2. Direct staff to make changes to the proposed resolutions and bring the resolutions back to a future Council meeting for consideration.
3. Decline to take action.

**RESOLUTION NO. 23-017**

**A RESOLUTION AUTHORIZING TRANSFERS OF BUDGETED AMOUNTS BETWEEN CATEGORIES OF THE GENERAL FUND OF THE CITY OF THE DALLES ADOPTED BUDGET, MAKING APPROPRIATIONS AND AUTHORIZING EXPENDITURES FOR THE FISCAL YEAR ENDING JUNE 30, 2023.**

**WHEREAS**, during the budget year certain funds may experience expenditures above approved category limits; and

**WHEREAS**, Oregon Budget Law recognizes these events and allows for transferring of funds between approved category limits within and between funds; and

**WHEREAS**, City of The Dalles receives transient room tax dollars on a monthly basis and funds Parks and Rec with 25% of the received revenue. Our estimated amount of revenue that we budgeted to receive FY22/23 is higher than anticipated and we will need to add additional funds to this line item in the amount of \$50,000 to pay Parks and Recreation District.

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

**Section 1. Authorizing Budget Transfers.** The City Council hereby authorizes the following transfers of funds between budgeted categories and funds:

<b><u>FUND OR DEPT.</u></b>	<b><u>BUDGETED</u></b>	<b><u>RESOURCES NEEDED</u></b>	<b><u>REALLOCATED</u></b>
<b><u>GENERAL FUND (001)</u></b>			
from General Fund Contingency	\$ 452,058	\$ 402,058	- \$50,000
to Other Uses Department	\$ 880,392	\$ 930,392	+ \$50,000

**Section 2. Effective Date.** This Resolution shall become effective upon adoption by the City Council and shall remain in effect until receipt and acceptance of the FY22/23 audit report.

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**PASSED AND ADOPTED THIS 12th DAY OF JUNE, 2023.**

Voting Yes, Councilors: \_\_\_\_\_  
Voting No, Councilors: \_\_\_\_\_  
Absent, Councilors: \_\_\_\_\_  
Abstaining, Councilors: \_\_\_\_\_

**AND APPROVED BY THE MAYOR THIS 12th DAY OF JUNE, 2023.**

SIGNED:

ATTEST:

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

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



## AGENDA STAFF REPORT

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

**MEETING DATE:** June 12, 2023

**TO:** Honorable Mayor and City Council

**FROM:** Jonathan Kara, City Attorney

**ISSUE:** Adopting General Ordinance No. 23-1397, an ordinance amending The Dalles Municipal Code Title 1 (*Government*) Chapter 1.12 (*Municipal Court*) to revise penalties for continuing violations

**BACKGROUND:** The City's Code provides its Municipal Court with its judicial powers and functions. Currently, the Code authorizes the Municipal Court to consider every day a violation of any City ordinance continues to constitute a separate offense. For example, if someone violates the City's nuisance ordinance, each day they violate that ordinance can be considered a separate offense against the City, and they may be penalized up to \$1,250.00 for each of those days the violation continues.

The City regularly consults its insurer (City/county Insurance Services) to keep current with best practices on several fronts, including with our Code. The City's insurer recommended the City incorporate a maximum cap on the penalties the Municipal Court may impose on a defendant for their continuing violations based on general constitutional principles and recent court activity.

Unless a specific ordinance indicates a different penalty (like the nuisance ordinance I mentioned above), violations of a City ordinance are otherwise punishable by up to \$500.00 per offense. My proposed revisions to TDMC 1.12.120(C) provide the Municipal Court may not aggregate more than \$50,000.00 in penalties against a defendant (per specific Code violation) for their continuing violation of the Code unless the City shows its actual costs associated with that violation exceeds \$50,000.00. This change should defend the City's enforcement of its Code from potential legal challenges.

I shared my proposed changes with the Municipal Judge and he supports my revisions as presented.

**BUDGET IMPLICATIONS:** I understand the Municipal Court rarely imposes fines greater than \$10,000.00; while \$50,000.00 may seem like a large amount, I drafted this Code to withstand the uncertainties of the future. Budget implications should be minimal.

**COUNCIL ALTERNATIVES:**

1. **Staff recommendation:** *Move to adopt General Ordinance No. 23-1397, an ordinance amending The Dalles Municipal Code Title 1 (Government) Chapter 1.12 (Municipal Court) to revise penalties for continuing violations, by title only.*
2. Make modifications then move to adopt General Ordinance No. 23-1397, an ordinance amending The Dalles Municipal Code Title 1 (*Government*) Chapter 1.12 (*Municipal Court*) to revise penalties for continuing violations, by name only and as amended.
3. Decline formal action and provide Staff additional direction.

**GENERAL ORDINANCE NO. 23-1397**

**AN ORDINANCE AMENDING THE DALLES MUNICIPAL CODE  
TITLE 1 (*GOVERNMENT*) CHAPTER 1.12 (*MUNICIPAL COURT*)  
TO REVISE PENALTIES FOR CONTINUING VIOLATIONS**

**WHEREAS**, The Dalles Municipal Code (**TDMC** or **Code**) Chapter 1.12 codifies the City’s judicial functions through its Municipal Court (**Court**) and generally provides the Court’s authority to impose penalties for Code violations;

**WHEREAS**, TDMC 1.12.120 currently authorizes the Court to consider every day a violation of any City ordinance continues to constitute a separate offense but does not provide a maximum cap on the penalties the Court may impose on a defendant for their continuing violations;

**WHEREAS**, the City’s insurer advised the City to review and revise its Code to ensure legal sufficiency and suggested the addition of a penalty maximum would be appropriate to avoid potential legal challenges to the City’s enforcement of its Code; and

**WHEREAS**, the City Council finds revising TDMC 1.12.120 for legal sufficiency as provided herein supports the public health, safety, and welfare by ensuring the City’s enforcement of its Code is consistent with its insurer’s recommendation, general constitutional principles, and recent jurisprudential activity related to punishing continuing violations.

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

**Section 1** Amendment. The text of The Dalles Municipal Code **Title 1** (*Government*), **Chapter 1.12** (*Municipal Court*), **Section 1.12.120** (*General Penalty—Continuing Violations*), **Subsection C** shall be amended to read:

- C. Every day a violation of any City ordinance continues constitutes a separate offense. The maximum fine the Court may impose to punish a defendant for any continuing violation of any City ordinance is the product of the number of days that violation continued and the amount of the fine described in either the specifically violated ordinance or Section 1.12.120(A); provided, however, the Court may not impose against a defendant a fine exceeding \$50,000.00 for any one of their continuing violations of any City ordinance unless the City shows its actual damages arising from that continuing violation exceeds \$50,000.00 by a preponderance of the evidence. Nothing in this Section 1.12.120 is intended to restrict the Court from imposing more than one fine against any defendant for their separate continuing violations or restrict the City’s other available remedies at law or equity.

**Section 2** Effective Date. This Ordinance shall be effective 30 days after adoption.

**PASSED AND ADOPTED THIS 12<sup>TH</sup> DAY OF JUNE, 2023,**

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

**AND APPROVED BY THE MAYOR THIS 12<sup>TH</sup> DAY OF JUNE, 2023.**

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

*ATTEST:*

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