

**AGENDA****REGULAR CITY COUNCIL MEETING****OCTOBER 23, 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 three 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 October 9, 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."**

9. ACTION ITEMS

- A. 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
- B. General Ordinance No. 23-1402 Amending The Dalles Municipal Code Title 8 (Business) By Creating Chapter 8.30 (Shopping Cart Retailers)
- C. General Ordinance No. 23-1401 Amending The Dalles Municipal Code Title 5 (Offenses) for Legal Sufficiency

10. DISCUSSION ITEMS

- A. Short Term Rentals

11. ADJOURNMENT

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This meeting conducted VIA Zoom

Prepared by/  
Amie Ell  
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 #8A

**MEETING DATE:** October 23, 2023

**TO:** Honorable Mayor and City Council

**FROM:** Amie Ell, City Clerk

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

- A. **ITEM:** Approval of the October 9, 2023 Regular City Council meeting minutes.

**BUDGET IMPLICATIONS:** None.

**SYNOPSIS:** The minutes of the October 9, 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 October 9, 2023 Regular City Council meeting minutes.

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MINUTES

CITY COUNCIL MEETING  
COUNCIL CHAMBER, CITY HALL  
OCTOBER 9, 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

**COUNCIL ABSENT:** None

**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

**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 Amie 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**

Mayor Mays noted the agenda had two additions; Item # 5A a presentation by Representative Jeff

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Helfrich, and Item # 10A a Contract Review Board Action Item to approve a PSA Extension Amendment with Precision Approach Engineering and authorize the City Manager to sign Task Orders 16 and 17 with Precision Approach Engineering.

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

## **PRESENTATIONS PROCLAMATIONS**

State Representative Helfrich for House District 52 said he brought \$62 million back to the District, \$30 million for Clackamas County jail and \$20 million for the White Salmon Hood River bridge. He explained the decision to fund this bridge and not others.

Helfrich said for Wasco County \$41,000 would be going to the Civic Auditorium for lighting and sound. He said \$5.5 million would go to the Columbia Gorge Community College (CGCC) aviation maintenance program. He said jobs created from this 18-month program would have salaries around \$80,000. He recognized the work done by Dan Spatz on the project with CGCC.

Mayor Mays asked Helfrich to speak about his recent promotion.

Helfrich said he had accepted the position of Oregon House of Representatives Republican Leader, replacing Representative Vikki Breese Iverson.

Helfrich said his willingness to work across the aisle on bipartisan efforts such as House Bill 2001 had served him well. He said the bill had provided \$30 million for the federally identified 8<sup>th</sup> Continuum of Care. He said another \$5 million from this bill is to help fruit growers update workforce housing to be compliant with new Oregon Occupational Safety and Health (OSHA) requirements.

Councilor Richardson asked Leader Helfrich to share his thoughts on revising or reviewing Senate Bill 48 and Measure 110.

Helfrich said Measure 110 had good intentions to help to people affected by drugs, but the money for the help did not get to them as needed because it was held up in bureaucracy. He said the failure of Measure 110 was allowing the decriminalized of hard drugs.

Helfrich said a Joint Task Force was working to look at a variety of fixes for problems including the re-criminalization of drugs and what that would do to the criminal justice system.

Helfrich said the Task Force would begin meeting weekly next week. He said he believed the Task Force would not have fixes in the short session which comes up the beginning of February but they would have fixes by next November.

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Richardson said he would like to see the Task Force set up their meetings on streets affected in Portland and The Dalles to create urgency. He said as a citizen he does not feel there is a sense of urgency from legislators, insurance regulators, and health authorities. He invited Helfrich to walk the areas affected with the Mayor, City Manager, or Police Chief to get a clearer sense of what is happening.

Richard said the capacity to help those with emotional and mental conditions is not there. He said some people are bad actors and we do not have the capacity to redirect and penalize bad behavior.

Richardson said effective work is being done locally and regionally to address houselessness. He said a shortage of professional workers to help with mental health, behavioral health, and drugs is a state-wide problem that needs to be addressed.

Helfrich said he had firsthand experience working in law enforcement and he encourages other legislators to ride-along with police and to go out into communities to experience what is happening. He shared examples of what he had seen while working in law enforcement.

Helfrich explained issues with the justice system being addressed in House Bill 48.

Mayor Mays thanked Helfrich for his presentation.

### **AUDIENCE PARTICIPATION**

Russ Brown 903 E 14<sup>th</sup> St. Brown said the location around the St. Vincent de Paul meal site is not clean or safe. He said that the cruise ships had removed the historic court house from their itinerary because to the conditions in the area. He asked when the city was going to act.

Mayor Mays said that the complaint had been filed by The City of The Dalles.

City Attorney Jonathon Kara said the default position of the City when there is active litigation is no comment. He said he could answer as a general question about legal process. He said when a plaintiff serves a lawsuit the defendant has 3 days to respond. Depending on what the answer is from the defendant, the timeline could go in many different directions. There is more likely to be an answer the question a month from now.

Lisa Farquharson, CEO The Dalles Area Chamber of Commerce said the Chamber had received a community grant from Google to pay for a specialized training open to all non-profits in The Dalles. The purpose of the training will be to help non-profits better understand the rules and difference between boards, committees and staff. She said this will include training about board

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member fiduciary liability, insight into the volunteer board member, responsibilities, governance, leadership structure, development and evaluation of organizations. She said the goal is to have healthier structured non-profits to avoid emergency situations as our community needs the services the non-profits offer. She said there will be opportunities for follow-up one to one sessions. The training will be on October 19<sup>th</sup> from 9:00 to 11:30.

Randy Cole of 816 E 20<sup>th</sup> St. said in 1974 he and his neighbors had asked the Mayor and City Council for permission to use a landlocked piece of property as a community garden. He said new residents had recently moved into the neighborhood and wanted to get the City's re-assurance they could continue to do this. He said the neighborhood had maintained it as a green space and a fire block since 1974.

Cole provided a letter signed by 14 residents of 7 addresses as well as a map showing the described location and space (see attached).

Mayor Mays said this would be turned over to the appropriate staff for follow up.

City Manager Matthew Klebes asked Cole to take a City Manager business card and make contact and provide his contact information.

Kara asked if Cole had a copy of the lease from 1974.

Cole said they had never received an official lease but he had a newspaper article written about the agreement that he would share with the City Attorney.

### **CITY MANAGER REPORT**

City Manager Matthew Klebes reported:

- Final weld of Dog River Pipeline happening this week
- Was on KODL radio
- Local Government Academy begins next week
- Staff participating in leadership training this week

### **CITY COUNCIL REPORTS**

Richardson

- Nothing to report

Runyon

- Nothing to report

McGlothlin

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- Nothing to report

Randall

- Historic Landmarks Commission meeting
  - Approved new mural painting on 103 E 3<sup>rd</sup> St
- Q-Life Board meeting
- League of Oregon Cities conference this week

Long

- Planning meeting with Joshua Chandler, Community Development Director to plan Urban Renewal Agency meeting

Long said the way in which homeless are using shopping carts now compared to the past has changed. She said carts are no longer being used just to move belongings and then being abandoned empty. Now the use of carts appears to be to keep and store their belongings.

Long said because of this, she was seriously rethinking the shopping cart ordinance proposed by the city.

Mayor Mays

- KACI radio with Mark Bailey
- Attended City Clerk Izetta Grossman's retirement celebration
- Spoke to Kiwanis club
- Additional new mural on the von Borstel building

## **CONSENT AGENDA**

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

Items approved on the consent agenda were: The minutes of the September 25, 2023 Regular City Council Meeting.

## **CONTRACT REVIEW BOARD**

Matthew Klebes presented the staff report for Jeff Renard, Airport Manager.

It was moved by Long and seconded by Randall to Authorize the City Manager to sign the PSA Extension Amendment with Precision Approach Engineering and authorize the City Manager to



sign Task Orders 16 and 17 with Precision Approach Engineering. The motion carried 5 to 0, Long, Randall, Richardson, Runyon, McGlothlin voting in favor; none opposed.

### **ACTION ITEMS**

#### Creation of an Information Technology Department

City Manager Matthew Klebes presented his staff report.

Long asked David Collins, IT Manager why recommendations were made and the benefits of doing this.

Collins said he could not go into detail because of security reasons in a council meeting. He said that he would be able to explain in a different setting.

Long asked if this meant the reasons were for a security need.

Collins said yes, there is a need for ongoing security work and the City Manager concurs.

Richardson said there has been months of conversation about this with staff and council. He asked if there was a line item for this change.

Klebes said it was not initially budgeted. He said time was allowed for the new IT manager to assess the need for changes. He said he had anticipated there would be a need for additional IT resources to continue to support City functions moving forward and to protect against cyber-attacks observed in other cities and counties across the state and country.

Richardson asked for Human Resources Director Daniel Hunter to describe how the wage scale had been determined for the proposed position.

Hunter said comparable wages were explored across the public sector. He said looking at communities our size was more difficult as many are contracting out these services.

Runyon asked if we were currently contracting out services.

Klebes said not currently. He said the City had used a consultant to help with the transition of managers and to assess the current system.

Long said that the City recognized the need for additional cost to fix gaps and risks in the system.

Klebes said talks had occurred with the insurance agent to ensure the City meets requirements for

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cyber security in order to maintain adequate and proper insurance coverage.

It was moved by Richardson and seconded by Long to adopt the October 9, 2023 Wage Table, adding an IT Department Director and Systems Administrator. The motion carried 5 to 0, Richardson, Long, McGlothlin, Randall, Runyon voting in favor; none opposed.

Resolution No. 23-034 Authorizing Transfers of Funds Between Various Departments of the General Fund of The City of The Dalles For Fiscal Year 2023-24

Finance Director, Angie Wilson presented the staff report.

It was moved by Richardson and seconded by McGlothlin to adopt Resolution No. 23-034 Authorizing Transfers of Budgeted Amounts between Categories of Various Departments of the City of The Dalles Budget, Making Appropriations and Authorizing Expenditures for Fiscal Year Ending June 30, 2024. The motion carried 5 to 0: Richardson, McGlothlin, Randall, Runyon, Long in favor; none opposed.

Resolution No. 036 Amending The City Of The Dalles Vertical Housing Development Zone's Policy and Procedures

Chandler presented the staff report.

Long asked for clarification on what up to date on taxes meant.

Chandler said all taxes up to the current year would have to be paid.

Richardson asked if the requirement of commercial space was something that could be reviewed and adjusted.

Chandler said the commercial Space requirement comes from the State and cannot be changed.

It was moved by Runyon and seconded by Randall to adopt Resolution No. 23-036 adopting policies and procedures for the Vertical Housing Zone. The motion carried 4 to 0: Runyon, Randall, Richardson, Long in favor; none opposed; McGlothlin did not vote.

**DISCUSSION ITEMS**

Conceptual Federal Street Plaza

Klebes presented the staff report.

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Mayor Mays asked if the Federal Street Plaza concept had been discussed at Urban Renewal since the initial talks about 4 years ago.

Long said Urban Renewal had decided to wait to work on the plaza plans until after the Tony's building demolition. She said the Urban Renewal Agency would be moving forward with discussions at their meeting on October 17<sup>th</sup>.

Klebes said proposals for Tony's building site would be required to address how they would complement the plaza. He said the city would maintain the plaza.

Runyon said he is not in favor of grass in the plaza after a discussion with the previous police chief about grass areas becoming a downtown nuisance.

Long said a letter received suggested the plaza as a location for a public loo site. She said she would forward the letter to the City Clerk, who would share with City Council.

Mayor Mays said he would expect this item to return to City Council after Urban Renewal had proposed a plan.

Richardson said he is in support.

Mayor Mays said he is in support.

Klebes said this is an opportunity to create a comfortable public space inviting people to visit and remain in the downtown area which would benefit business.

Mayor Mays said the consensus from Council was to move forward with planning a Federal Street Plaza.

**ADJOURNMENT**

Being no further business, the meeting adjourned at 7:30 P.M.

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Submitted by/  
Amie Ell, City Clerk

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

ATTEST: \_\_\_\_\_  
Amie Ell, City Clerk

DEAR THE DALLES CITY COUNCIL, THIS PETITION IS BEING PRESENTED IN OUR BEHALF BY MR. RANDY COLE,  
IN 13E 10B0400  
WE THE UNDERSIGNED WHOM HAVE PROPERTY ADJACENT TO THE CITY LOT #400 WHICH IS SOUTH OF OUR ACPT# 14078  
PROPERTIES, WHICH CONSIST OF .74 ACRES, DO HEREBY APPEAL TO THE DALLES CITY COUNCIL FOR PROTECTION OF  
OUR ADJACENT PROPERTIES, BY ALLOWING THESE UNDERSIGNED ADJACENT PROPERTY OWNERS TO LEASE FOR \$1.00  
YEARLY, THIS .74 ACRES OF CITY OWNED PROPERTY.

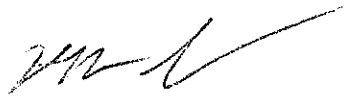
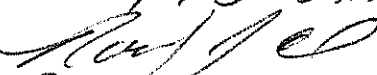
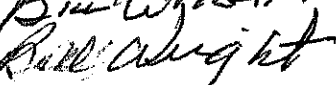
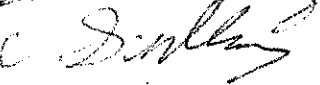
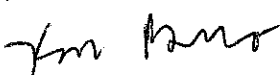
WITH THE UNDERSTANDING THAT SAID CITY PROPERTY WILL BE MAINTAINED AT OUR OWN EXPENSE WITH NO  
ENCUMBRANCE TO THE DALLES. FORTH WHICH FIRE PROTECTION CAN BE MANAGED.

IN 1977, THIS CITY PROPERTY WAS LEASED TO THE UNDERSIGNED, MR. RANDY COLE, WHICH AT THAT TIME WAS FOR A  
COOPERATIVE GARDEN FOR THE ADJACENT PROPERTY OWNERS, AND HAS BEEN TAKEN CARE OF BY THE ADJACENT  
PROPERTY OWNERS EVER SINCE.

IN 1978, MAYOR SKOV UPON RECEIVING OUR PETITION TO RENEW THE LEASE STATED THAT IT WAS NOT NECESSARY AS  
THIS WAS A LAND LOCKED PIECE OF CITY PROPERTY THAT ONLY THE ADJACENT OWNERS HAD ACCESS TOO. SINCE 1977,  
WE HAVE BEEN MAINTAINING IT.

WITH NEW OWNERS ON SOME OF THE ADJACENT PROPERTIES, THIS PETITION IS TO ALLOW THEM THE CONFIDENCE  
AND REASSURANCE THAT WE CAN MAINTAIN THIS LOT.

RESPECTFULLY SUBMITTED THE UNDERSIGNED,

- 812 E20  
1. 
- 1. Jeff Stiles
- 810 E20  
2. Randy & Barbara Cole
- 2. 
- 904 E108  
3. Bill Wright
- 3. 
- 908 E104  
4. Chris Scully
- 4. 
- 912 E19  
5. Anna McDure
- 5. Anna McDure
- 714 E16  
6. Gina Thomas
- 6. Gina Thomas
- 920 E14  
7. Kim Brusco
- 7. 

**ENGINEERS CERTIFICATE;**

I, Donald J. Branton, registered professional engineer for the State of Oregon, being first duly sworn, depose and say that I have correctly surveyed and marked with legal monuments the land represented on the annexed plat of Orchard Hills Addition to Dalles City in Wasco County, Oregon; that a 2"x3/8" galvanized iron pipe was set at the initial point, said initial point being 1187.45 feet North and 629.36 feet West of the center 1/4 corner of Section 10, Twp. 14N., Range 13E., W.M., said initial point further being the Southeast corner of Lot 10, Block D, of Hillcrest Addition, that the properties platted are described as follows:

Beginning at the closest initial point, thence N 1° 15' W, 591.76 feet; thence S 70° 10' E, 490.98 feet; thence S 89° 30' W, 200.30 feet; thence S 70° 30' E, 24.15 feet; thence S 19° 30' W, 100.00 feet; thence N 70° 30' W, 92.11 feet; thence S 19° 30' W, 100.00 feet; thence N 70° 30' W, 100.00 feet; thence S 19° 30' W, 150.00 feet; thence S 70° 30' E, 157.03 feet; thence S 2° 04' E, 34.38 feet; thence S 89° 10' W, 321.00 feet; thence N 1° 15' W, 155.7 feet to the point of beginning of this description.

Subscribed and sworn before me this 11th day of Sept. 1962.



*Donald J. Branton*  
Notary Public for the State of Oregon  
My commission expires Jan 3, 1964

The annexed plat of Orchard Hills Addition was examined and approved this 22nd day of Oct. 1962.

*James P. Wood*  
Dalles City Engineer

I, C. A. Wood, Assessor of Wasco County, hereby certify that I have examined the annexed plat of Orchard Hills Addition and that the name adopted for said plat is a proper name and not included in any other Addition of Wasco County, and that all taxes and assessments due thereon have been fully paid and I hereby approve said plat.

*C. A. Wood*  
Wasco County Assessor

The annexed plat of Orchard Hills Addition was examined and approved this 31st day of October, 1962.

*Joseph H. Hill*  
Wasco County Surveyor

The annexed plat of Orchard Hills Addition was examined and approved this 31st day of October, 1962.

*Madeline*  
Chairman Dalles City Planning Commission

The annexed plat of Orchard Hills Addition was examined and approved this 31st day of October, 1962.

*James A. Hunt*  
Wasco County Judge

*Robert L. Cate*  
County Commissioner

County Commissioner

On this 22nd day of November, 1962, before me appeared Wm. N. Ditschneider and Ebro-Anne Ditschneider, both to me personally known, who being duly sworn, did say that he, the said Wm. N. Ditschneider is the President, and she, the said Ebro-Anne Ditschneider is the Secretary of W. J. Sauter Land Company the within named corporation, and that the said plat offered to said instrument is the corporate seal of said corporation, and that the said instrument was signed and stamped in behalf of Wm. N. Ditschneider and Ebro-Anne Ditschneider, and Wm. N. Ditschneider and Ebro-Anne Ditschneider acknowledged said instrument to be the free act and deed of said corporation.

Witness my hand and seal of office, at Dalles, Oregon, this 22nd day of November, 1962.

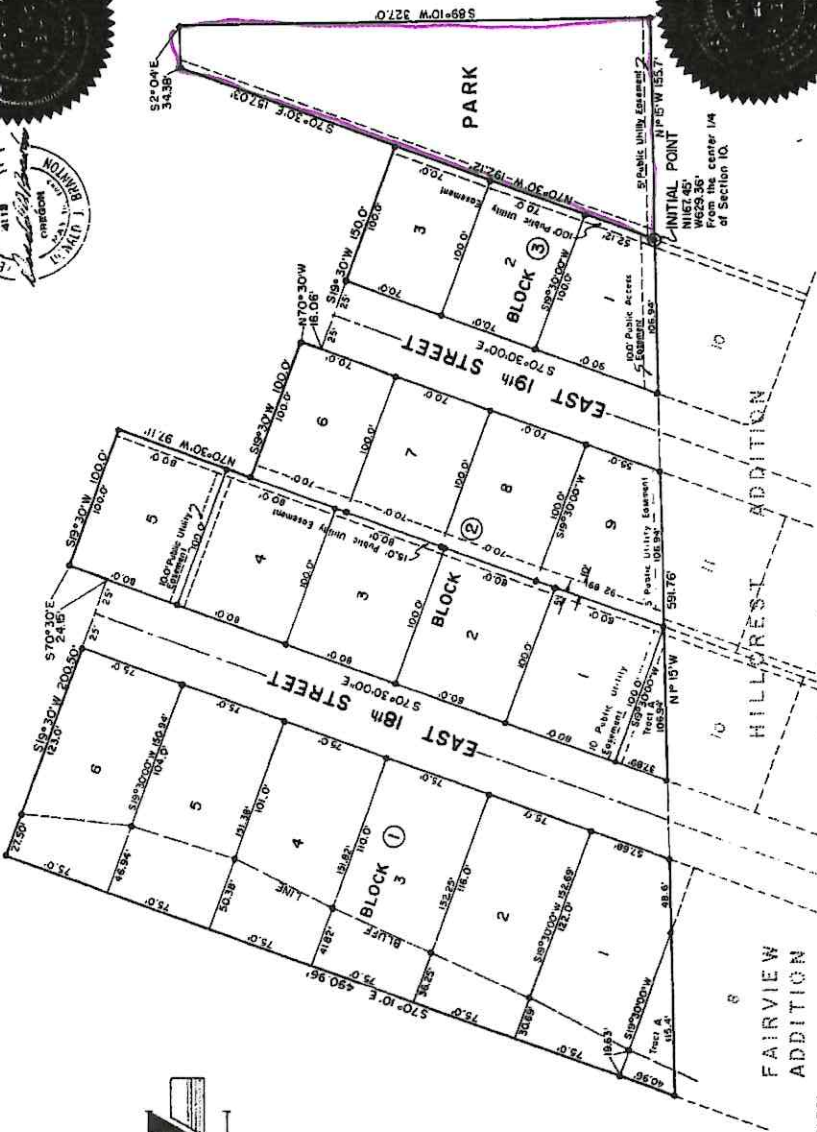
*Wm. N. Ditschneider*  
President  
*Ebro-Anne Ditschneider*  
Secretary

*John H. Hill*  
Notary Public for the State of Oregon  
My commission expires Jan 3, 1964

Filed 3-14-63  
Wasco County Clerk

**PLAT OF  
ORCHARD HILLS ADDITION  
TO THE CITY OF  
THE DALLES, WASCO COUNTY, OREGON  
IN THE  
NW 1/4 SECTION 10, TWP. 14N., RANGE 13E., W.M.**

SCALE 1" = 60.0'



**DEDICATION;**

We, George R. Ritter and Gerda Ritter, husband and wife and E. H. Watkins and Marie Watkins, husband and wife and Richard M. Weber and Maud Weber, husband and wife and Lee Stewart and Dorothy Stewart, husband and wife and D. S. Ewood, general guardian of Otis Delmer Martin Jr., an incompetent person, and Shirley L. Martin the wife of Otis Delmer Martin Jr., and the W. J. Sauter Land Company an Oregon corporation as owners in fee simple of the land shown on the annexed plat and more particularly dedicated to the public forever all parks, streets, and assessments shown on such plat and that we declare the annexed plat of Orchard Hills Addition to Dalles City to be a correct plat as located in Section 10, Twp. 14N., Range 13E., W.M.

*George R. Ritter*  
*Gerda Ritter*  
*E. H. Watkins*  
*Marie Watkins*  
*Richard M. Weber*  
*Maud Weber*  
*D. S. Ewood*  
*Shirley L. Martin*  
W. J. Sauter Land Company  
President

On this 22nd day of November, 1962, before me a Notary Public for the State of Oregon, personally appeared Richard M. Weber and Maud Weber, husband and wife and Lee Stewart and Dorothy Stewart, husband and wife and D. S. Ewood, general guardian of Otis Delmer Martin Jr., an incompetent person, and Shirley L. Martin wife of Otis Delmer Martin and George R. Ritter and Gerda Ritter, husband and wife and E. H. Watkins and Marie Watkins, husband and wife, known to me, who first being duly sworn, say that they did sign this instrument of their free and voluntary act.

*Richard M. Weber*  
*Maud Weber*  
*D. S. Ewood*  
*Shirley L. Martin*  
*George R. Ritter*  
*Gerda Ritter*  
W. J. Sauter Land Company  
Secretary

*John H. Hill*  
Notary Public for the State of Oregon  
My commission expires Jan 3, 1964





## AGENDA STAFF REPORT

### AGENDA LOCATION: Action Item # 9A

**MEETING DATE:** October 23, 2023

**TO:** Honorable Mayor and City Council

**FROM:** Matthew Klebes, City Manager

**ISSUE:** The Dalles Disposal Rate Increase 2023

**BACKGROUND:** The Dalles Disposal Service submitted a request dated September 6, 2023 for a rate increase averaging approximately 2.65% to be effective January 1, 2024 due to increased operational costs and disposal fees. This increase is based on 65% of the Consumer Price Index (CPI) for the Standard Metropolitan Statistical Area which for the most recent July-July period was 3.12%.

The Wasco County Landfill will be increasing both its gate rate and pass-through Household Hazardous Waste tax by 2.65% as well effective January 1, 2024. An increase based on 65% of CPI has been the historic metric set by resolution. This rate increase was unanimously approved by the Solid Waste Advisory Council.

Staff met with representatives from The Dalles Disposal to review and discuss submitted information and financials related to this request as well as touch base on ongoing partnerships and new opportunities which productive and answered staff questions.

**BUDGET IMPLICATIONS:** The City collects a 3% franchise fee calculated of the franchisee's gross revenue and as such the City could see an increase in this fee.

### **COUNCIL ALTERNATIVES:**

1. **Staff recommendation:** *Move to adopt Resolution No. 23-XXX 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.*
2. Direct staff to amend Resolution No. 22-039 and adopt with a different rate increase





WASTE CONNECTIONS  
*Connect with the Future®*

The Dalles City Hall  
313 Court St  
The Dalles, OR 97058

September 6, 2023

Attention:  
Mayor Richard Mays  
Council Members

Dear Mayor Mays and Council Members,

The Dalles Disposal would like to respectfully request a rate adjustment averaging approximately 2.65% to help offset rising operational costs and disposal fees. We request this adjustment to be effective January 1, 2024. Some examples of these increases include but are not limited to, health care cost, fleet maintenance, fuel and containers.

We use The Consumer Price Index (CPI) for the Standard Metropolitan Statistical Area (West-C) to benchmark our changes in operational costs. The most recent July to July comparison increased 3.12% and we believe this is a good indicator of our overall experience. The Wasco County Landfill will be increasing both its gate rate and the pass-through Household Hazardous Waste tax by 2.65% effective January 1, 2024. We have incorporated these increases into the attached proposed rate schedule.

We would like to be scheduled on the council agenda at your earliest convenience to discuss our proposal. We appreciate the continued opportunity to provide The Dalles with high quality solid waste services.

Sincerely,

Jim Winterbottom  
District Manager

Enclosure: Proposed Rate Sheets





**Waste Connections of Oregon, Inc.**  
**dba The Dalles Disposal**  
**Proposed City of The Dalles Rates**  
**Effective January 1, 2024**

SERVICE	CURRENT RATE	2.65%	2.65%	TOTAL INCREASE	NEW RATE
		TOTAL LF INCREASE	BUSINESS INCREASE		
<b>RESIDENTIAL</b>					
<b>CANS/ROLLCARTS</b>					
Weekly					
- (1) 20 gal can	\$14.40	\$0.06	\$0.32	\$0.38	\$14.78
- (1) 32 gal can	\$20.79	\$0.10	\$0.45	\$0.55	\$21.34
- 90 gal rollcart	\$30.62	\$0.26	\$0.56	\$0.82	\$31.44
- 105 gal cart (Phase Out)	\$32.97	\$0.30	\$0.57	\$0.87	\$33.84
- each add'l can	\$20.79	\$0.10	\$0.45	\$0.55	\$21.34
EOW					
- (1) 32 gal can	\$16.94	\$0.06	\$0.39	\$0.45	\$17.39
Call In					
- (1) 32 gal can	\$14.75	\$0.03	\$0.36	\$0.39	\$15.14
- 90 gal rollcart	\$22.15	\$0.07	\$0.51	\$0.58	\$22.73
<b>YARD DEBRIS</b>					
* 12 month min sign-up period					
* \$18 restart fee if service cancelled and restarted within year					
* 60 gal yard debris cart					
Weekly	\$10.04	\$0.17	\$0.10	\$0.27	\$10.31
EOW	\$6.90	\$0.10	\$0.08	\$0.18	\$7.08
<b>SPECIAL CHARGES</b>					
* The following additional charges are assessed to customers whose cans, rollcarts or containers pose a potential safety risk to our employees due to the difficult and unsafe location of their service containers.					
Additional Charge:					
- Sunken Can	\$8.90	\$0.00	\$0.24	\$0.24	\$9.14
- Excess distance	\$8.90	\$0.00	\$0.24	\$0.24	\$9.14
- Steps/stairs	\$8.90	\$0.00	\$0.24	\$0.24	\$9.14
- Through gate	\$8.90	\$0.00	\$0.24	\$0.24	\$9.14
- extra can/bag/box	\$8.17	\$0.01	\$0.21	\$0.22	\$8.39
- loose yardage per yd	\$34.96	\$0.20	\$0.73	\$0.93	\$35.89
(over-the-top extra around conts-cans-rollcarts or on the ground)					
- bulk items (*Bring to transfer station)					
- return trip can	\$9.04	\$0.01	\$0.23	\$0.24	\$9.28
- return trip rollcart	\$12.00	\$0.03	\$0.29	\$0.32	\$12.32
- rollcart redelivery	\$12.44	\$0.00	\$0.33	\$0.33	\$12.77
- Off day PU	\$8.90	\$0.00	\$0.24	\$0.24	\$9.14
- Delinquent fee	\$15.62	\$0.00	\$0.41	\$0.41	\$16.03
(Acct delinquent after 30 days from billing)					
- NSF/unhonored check fee	\$36.93	\$0.00	\$0.98	\$0.98	\$37.91
- New Acct set up fee	\$7.12	\$0.00	\$0.19	\$0.19	\$7.31
- Change in service	\$7.12	\$0.00	\$0.19	\$0.19	\$7.31
(name/address/service)					

**Waste Connections of Oregon, Inc.  
dba The Dalles Disposal  
Proposed City of The Dalles Rates  
Effective January 1, 2024**

SERVICE	CURRENT RATE	2.65%	2.65%	TOTAL INCREASE	NEW RATE
		TOTAL LF INCREASE	BUSINESS INCREASE		
<b>COMMERCIAL</b>					
<b>CANS/ROLLCARTS</b>					
Weekly					
- (1) 32 gal can	\$24.84	\$0.10	\$0.56	\$0.66	\$25.50
- 90 gal rollcart	\$37.60	\$0.26	\$0.74	\$1.00	\$38.60
- 105 gal cart (Phase Out)	\$38.37	\$0.30	\$0.72	\$1.02	\$39.39
- each add'l can	\$24.84	\$0.10	\$0.56	\$0.66	\$25.50
EOW					
- (1) 32 gal can	\$20.70	\$0.06	\$0.49	\$0.55	\$21.25
Call In					
- (1) 32 gal can	\$16.25	\$0.03	\$0.40	\$0.43	\$16.68
- 90 gal rollcart	\$24.47	\$0.07	\$0.58	\$0.65	\$25.12
<b>SPECIAL CHARGES</b>					
* The following additional charges are assessed to customers whose cans, rollcarts or containers pose a potential safety risk to our employees due to the difficult and unsafe location of their service containers.					
Additional Charge (Cans):					
- Sunken Can	\$8.90	\$0.00	\$0.24	\$0.24	\$9.14
- Excess distance	\$8.90	\$0.00	\$0.24	\$0.24	\$9.14
- Steps/stairs	\$8.90	\$0.00	\$0.24	\$0.24	\$9.14
- Through gate	\$8.90	\$0.00	\$0.24	\$0.24	\$9.14
-extra can/bag/box	\$8.17	\$0.01	\$0.21	\$0.22	\$8.39
- loose yardage per yd	\$34.96	\$0.20	\$0.73	\$0.93	\$35.89
(*extra garbage ontop or around cans and rollcarts which must be manually handled & placed in truck)					
- bulk items (*Bring to transfer station)					
- return trip can	\$9.04	\$0.01	\$0.23	\$0.24	\$9.28
- return trip rollcart	\$12.06	\$0.03	\$0.29	\$0.32	\$12.38
- rollcart redelivery	\$12.44	\$0.00	\$0.33	\$0.33	\$12.77
- Off day PU	\$9.04	\$0.00	\$0.24	\$0.24	\$9.28
- Delinquent fee	\$15.62	\$0.00	\$0.41	\$0.41	\$16.03
(Acct delinquent after 30 days from billing)					
- NSF/unhonored check fee	\$36.93	\$0.00	\$0.98	\$0.98	\$37.91
- New Acct set up fee	\$7.12	\$0.00	\$0.19	\$0.19	\$7.31
- Change in service	\$7.12	\$0.00	\$0.19	\$0.19	\$7.31
(name/address/service)					
<b>CONTAINERS</b>					
1 1/2 Yd Containers					
- Call In	\$37.88	\$0.16	\$0.84	\$1.00	\$38.88
- EOW	\$55.56	\$0.35	\$1.13	\$1.48	\$57.04
- 1XPW	\$111.22	\$0.70	\$2.25	\$2.95	\$114.17
- Additional day rate = # days x 1 x wk rate					

**Waste Connections of Oregon, Inc.**  
**dba The Dalles Disposal**  
**Proposed City of The Dalles Rates**  
**Effective January 1, 2024**

SERVICE	CURRENT RATE	2.65%	2.65%	TOTAL INCREASE	NEW RATE
		TOTAL LF INCREASE	BUSINESS INCREASE		
<b>2 Yd Containers</b>					
- Call In	\$53.32	\$0.22	\$1.20	\$1.42	\$54.74
- EOW	\$74.32	\$0.47	\$1.51	\$1.98	\$76.30
- 1XPW	\$148.60	\$0.93	\$3.01	\$3.94	\$152.54
- Additional day rate = # days x 1 x wk rate					
<b>3 Yd Containers</b>					
- Call In	\$75.78	\$0.32	\$1.69	\$2.01	\$77.79
- EOW	\$111.16	\$0.70	\$2.25	\$2.95	\$114.11
- 1XPW	\$222.46	\$1.40	\$4.51	\$5.91	\$228.37
- Additional day rate = # days x 1 x wk rate					
<b>SPECIAL CHARGES</b>					
- Delivery	\$40.21	\$0.00	\$1.07	\$1.07	\$41.28
- Rent	\$39.21	\$0.00	\$1.04	\$1.04	\$40.25
- Rent-a-bin	\$88.24	\$0.00	\$2.34	\$2.34	\$90.58
- Loose yardage	\$34.96	\$0.20	\$0.73	\$0.93	\$35.89
<b>Containers with difficult access (per cont chg)</b>					
- Not on solid surface	\$9.85	\$0.00	\$0.26	\$0.26	\$10.11
- Stuck in the mud	\$9.85	\$0.00	\$0.26	\$0.26	\$10.11
- Lodged in loose gravel	\$9.85	\$0.00	\$0.26	\$0.26	\$10.11
- Overweight	\$9.85	\$0.00	\$0.26	\$0.26	\$10.11
- Excess distance	\$9.85	\$0.00	\$0.26	\$0.26	\$10.11
- Rolloff curb	\$9.85	\$0.00	\$0.26	\$0.26	\$10.11
<b>COMPACTORS</b>					
* 50,000 max gross weight					
- Per compacted yard	\$39.08	\$0.54	\$0.49	\$1.03	\$40.11
- over 2 tons for 10 yds					
- over 4 tons for 20 yds					
- over 6 tons for 30 yds					
- over 50,000 GW x Fee (*Per each 2,000 lb excess)	\$435.48	\$0.00	\$11.56	\$11.56	\$447.04

**Waste Connections of Oregon, Inc.  
dba The Dalles Disposal  
Proposed City of The Dalles Rates  
Effective January 1, 2024**

SERVICE	CURRENT RATE	2.65%	2.65%	TOTAL INCREASE	NEW RATE
		TOTAL LF INCREASE	BUSINESS INCREASE		
<b>DROP BOXES</b>					
- 10 yd min fee empty	\$242.43	\$1.98	\$4.46	\$6.44	\$248.87
- 15 yd min fee empty	\$373.37	\$2.97	\$6.95	\$9.92	\$383.29
- 20 yd min fee empty	\$484.87	\$3.96	\$8.92	\$12.88	\$497.75
- 30 yd min fee empty	\$727.32	\$5.94	\$13.38	\$19.32	\$746.64
- 40 yd min fee empty	\$969.76	\$7.92	\$17.84	\$25.76	\$995.52
- Delivery	\$83.73	\$0.00	\$2.22	\$2.22	\$85.95
- Demurrage per day after 5 days	\$17.83	\$0.00	\$0.47	\$0.47	\$18.30
- LS ydg	\$24.24	\$0.20	\$0.45	\$0.65	\$24.89
- over 2 tons for 10 yds					
- over 4 tons for 20 yds					
- over 6 tons for 30 yds					
- Overweight charge	\$52.33	\$0.00	\$1.39	\$1.39	\$53.72
- over 50,000 GW x Fee (*Per each 2,000 lb excess)	\$435.48	\$0.00	\$11.56	\$11.56	\$447.04
<b>TRANSFER STATION</b>					
Household Garbage					
* 1 can or 1 bag	\$9.05	\$0.03	\$0.21	\$0.24	\$9.29
- Per Yard (After Minimum)	\$16.97	\$0.20	\$0.25	\$0.45	\$17.42
- <b>MINIMUM CHARGE (3 Yards)</b>	\$33.96	\$0.59	\$0.31	\$0.90	\$34.86
* Compacted garbage (3yd)	\$103.88	\$1.63	\$1.13	\$2.76	\$106.64
* TS Scale fee	\$12.80	\$0.00	\$0.34	\$0.34	\$13.14
Bulk Items:					
- Mattress/box springs					
- Recliners/large chairs					
- Couches/furn/tv's (minimum fee plus)	\$10.72	\$0.06	\$0.23	\$0.29	\$11.01
Appliances:					
- each	\$14.31	\$0.17	\$0.21	\$0.38	\$14.69
- Refrigerators	\$39.84	\$0.14	\$0.92	\$1.06	\$40.90
- Tires (each)	\$16.04	\$0.00	\$0.43	\$0.43	\$16.47
- Tires with rims to 16" (each)	\$32.07	\$0.00	\$0.85	\$0.85	\$32.92
Brush and Wood:					
(Must be clean/no garbage/ for recycling)					
- Per Yard (After Minimum)	\$8.37	\$0.10	\$0.12	\$0.22	\$8.59
- <b>MINIMUM CHARGE (3 Yards)</b>	\$25.11			\$0.66	\$25.77

Yardage calculation: multiply width x length x height divide by 27 = total yards

**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**

**WHEREAS**, The Dalles Disposal Service, Inc. submitted a request dated September 6, 2023 for a rate increase averaging approximately 2.65% for increased operational costs and disposal fees, and for an adjustment to the company's rate schedule as a result of anticipated increases by the Wasco County Landfill for both its gate rate and the pass through Household Hazardous Waste Tax; and

**WHEREAS**, Title 4 Chapter 4.04.110 of The Dalles Municipal Code provides that the City Council shall review all requests for a rate increase for companies providing solid waste collection services to determine whether the proposed rates are just and reasonable and adequate to provide necessary collection services; and

**WHEREAS**, pursuant to ORS 294.160, the City Council provided an opportunity at the October 23, 2022 Council meeting for public comment upon the proposed rate increase; and

**WHEREAS**, The Dalles Disposal Service submitted testimony that the company has incurred recent increased operational costs including costs for health care, fleet maintenance, fuel, and containers; and

**WHEREAS**, The Dalles Disposal Service, Inc. provided further testimony that their company uses the Consumer Price Index (CPI) for the Standard Metropolitan Statistical Area (West-C) to benchmark their operational costs. The most recent comparison for the period between July 1, 2022 to July 1, 2023 showed an increase of 3.12%, and this figure was a good reflection of the cost increases incurred by The Dalles Disposal Service, Inc.; and

**WHEREAS**, the City Council finds that approval of the requested rate increase for The Dalles Disposal Service, Inc. resulting from the increased costs of disposal of waste materials at the Wasco County Landfill and increased operational costs, is appropriate and necessary;

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

Section 1. Rate Increase Approved. The rate increase requested by The Dalles Disposal Service, Inc., resulting from increased costs for disposal of material at the Wasco County Landfill and increased operational costs, as set forth in the attached Exhibit "A", is hereby approved, and shall take effect on January 1, 2024.

Section 2. Effective Date: The effective date of this Resolution shall be January 1, 2024

**PASSED AND ADOPTED THIS 23<sup>rd</sup> DAY OF OCTOBER 2023,**

<b>Voting Yes</b>	Councilors:	_____
<b>Voting No</b>	Councilors:	_____
<b>Abstaining</b>	Councilors:	_____
<b>Absent</b>	Councilors:	_____

**AND APPROVED BY THE MAYOR THIS 23<sup>rd</sup> DAY OF OCTOBER 2023.**

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

*ATTEST:*

\_\_\_\_\_  
Amie Ell, City Clerk



## AGENDA STAFF REPORT

### AGENDA LOCATION: Action Item #9B

**MEETING DATE:** October 23, 2023

**TO:** Honorable Mayor and City Council

**FROM:** Matthew Klebes, City Manager

**ISSUE:** General Ordinance 23-1402 Amending The Dalles Municipal Code Title 8 (*Business*) By Creating Chapter 8.30 (*Shopping Cart Retailers*)

**BACKGROUND:** At its March 13, 2023 regular meeting, the City Council directed staff to bring for its consideration proposed courses of action to address the public's concerns regarding an increased prevalence of nuisance issues.

One nuisance issue of concern expressed by both citizens and City Councilors is the presence of abandoned shopping carts throughout the community; off site from the properties where shopping cart owners have provided them for customer use. A proposal to address this concern through the implementation of a city ordinance came before the City Council as a discussion item at the July 24, 2023 Council meeting.

Prior to the July 24<sup>th</sup> meeting, staff mailed a letter to all businesses that staff could identify that employed shopping carts informing them this item would be on the agenda for discussion. Staff again notified said businesses that this item would be on the Council agenda for the October 23, 2023 meeting as a proposed ordinance. Included in the City Council packet are responses received by the city from local businesses prior, during, and after the above meetings.

In summary, in the development of this ordinance, staff conducted outreach to local business owners, researched what steps other communities have undertaken and their result, as well as reached out to the National Grocers Association (NGA). The focus of discussion was to identify potential ways to partner with local business by providing mechanisms to prevent or reduce the unauthorized appropriation of a shopping cart and facilitate and incentivize their return.

Staff identified that the use of ORS 98.515 may be an effective tool to address abandoned shopping carts. This ORS authorizes local governments to adopt ordinances and other regulations to prohibit the unauthorized appropriation of a shopping cart from the business premise as well as provide for the salvage and reclamation of abandoned shopping carts.

If a local government adopts an ordinance under ORS 98.515 the ordinance must comply with requirements in ORS 98.520 which mandates that a local ordinance include the following requirements:

1. Post signs in sufficient number to give notice to members of the public entering onto or leaving the business premises that unauthorized appropriation of a shopping cart is a crime under ORS 164.015.
2. Identify the person's business on each shopping cart and post a sign on the shopping cart informing them that unauthorized appropriation of a shopping cart is a crime.
3. Provide, at the owner's sole expense, a toll-free telephone number the public may use to report abandoned shopping carts. Submitted reports shall be forwarded to the local government within one business day. Owners may share expenses related to the provision of the hotline.
4. Upon receiving a report through the telephone number of an abandoned shopping cart, the relevant owner would have up to 72 hours to retrieve the carts. Failure to retrieve the cart(s) within the established timeframe may result in a fine and/or forfeiture of said property to the City. The owner may retrieve or contract for the retrieval of the abandoned shopping cart(s).

It is staff intention to have a proposed City ordinance define an *abandoned* cart as a shopping cart that:

- is not in active use
- has been removed from the owner's premises without their written consent
- is located on either public or private property; and
- is empty or does not contain sanitary personal property

The rationale behind this definition is to focus enforcement efforts on shopping carts that have unequivocally been abandoned, return them to their owners, while avoiding adverse impacts on vulnerable community members and personal property. Under this definition, every shopping cart offsite from an owner's premises may *not* be described as abandoned. However, it would apply to a significant number of shopping carts and facilitate their return.

Based on feedback from the community and City Council to date, staff would like to emphasize that the proposed fine for failing to retrieve a report abandoned shopping cart under the city ordinance would be \$50 per cart, which aligns with the State ORS, and is not intended negatively impact a business because a shopping cart was stolen. This fine would be in response for a local business *failing to recover their property in a timely manner once informed of its location.*



Staff also incorporated language that a local business owner may submit photographic evidence if a shopping cart does not meet the above definition of abandoned and thus avoid a potential fine. Finally, this ordinance is proposed to go into effect 90 days after adoption to give local businesses owners sufficient time to comply.

**BUDGET IMPLICATIONS:** There will be costs associated with staff time in the implementation and administration of such an ordinance. Potential fines may also be collected by the City. To be clear, the objective of such an ordinance is not to generate revenue but to partner with local businesses and provide tools and an incentive to use such tools to mitigate this community impact.

**COUNCIL ALTERNATIVES:**

1. **Staff recommendation:** *Move 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.*
2. Decline to adopt General Ordinance 23-1402 Amending The Dalles Municipal Code Title 8 (Business) By Creating Chapter 8.30 (Shopping Cart Retailers) and direct staff on alternatives.
3. Decline 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 and take no further action.

**GENERAL ORDINANCE NO. 23-1402**

**AN ORDINANCE AMENDING THE DALLES MUNICIPAL CODE  
TITLE 8 (BUSINESS) BY CREATING  
CHAPTER 8.30 (SHOPPING CART RETAILERS)**

**WHEREAS**, there has been a recent increase in theft of shopping carts from local merchants within the city limits;

**WHEREAS**, shopping cart theft poses public safety hazards by interfering with the safe flow of traffic and is otherwise injurious to the public health, safety, and welfare;

**WHEREAS**, shopping cart theft and abandonment is deemed a public nuisance and the City recognizes the importance of returning stolen shopping carts to their rightful owners;

**WHEREAS**, ORS 98.515 authorizes local governments to adopt ordinances and other regulations to prohibit the unauthorized appropriation of a shopping cart from the business premises of the person owning the shopping cart and to provide for the salvage or reclamation of abandoned shopping carts; and

**WHEREAS**, the City desires to partner with its local merchants for the quick and efficient recovery and return of stolen shopping carts.

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

Section 1. Title 8 (*Business*) shall be amended by adding Chapter 8.30 (*Shopping Cart Retailers*), which shall read as follows:

**Sections:**

- |                |  |
|----------------|--|
| <b>8.30.01</b> | <b>Definitions.</b>                      |
| <b>8.30.02</b> | <b>Signs.</b>                            |
| <b>8.30.03</b> | <b>Toll-Free Telephone Lines.</b>        |
| <b>8.30.04</b> | <b>Shopping Cart Retrieval by Owner.</b> |
| <b>8.30.05</b> | <b>Shopping Cart Retrieval by City.</b>  |
| <b>8.30.06</b> | <b>Administration and Enforcement.</b>   |
| <b>8.30.07</b> | <b>Violations and Remedies.</b>          |
| <b>8.30.08</b> | <b>Severability.</b>                     |

**Chapter 8.30  
SHOPPING CART RETAILERS**

**8.30.01 Definitions.**

A. Specific Terms. As used in this Chapter, except where the context clearly indicates otherwise, the following terms and both their singular and plural and noun and verb forms, as applicable, mean the following:

1. *Abandoned shopping cart* means any shopping cart:
  - a. not in active use;
  - b. removed from the owner's premises without their written consent;
  - c. located on either public or private property; and
  - d. that is empty or does not contain personal property.
2. *Owner* means a person who makes shopping carts available to the public in connection with the operation of a business.
3. *Person* means a natural person, corporation, partnership, limited liability company, limited liability partnership, co-operative, trust, or other entity in law or fact.
4. *Personal property* means items reasonably recognized as belonging to an individual and having apparent value or utility; provided, however, the term does not include any items in an unsanitary condition.
5. *Premises* means the entire area of the real property owned, occupied, or utilized by an owner or the public in connection with the operation of their business, including any parking lot or other property provided to, by, or on behalf of an owner for customer parking or use.
6. *Shopping cart* means a basket mounted on wheels, or any other similar device, used for the transportation of goods and provided by an owner for use by a customer in connection with the operation of a business.
7. *Sign* means a sign reasonably conveying to the public both (a) the unauthorized appropriation of a shopping cart is a crime under ORS 164.015 and (b) the toll-free telephone number they may use to report abandoned shopping carts.
8. *Unsanitary condition* means personal property that:
  - a. is reasonably feared to harbor hazards or disease;
  - b. has its utility compromised by exposure to weather; and/or
  - c. is sufficiently dirty such that a reasonable person would consider it unusable as found.

### **8.30.02 Signs.**

- A. Signs on Premises. Owners shall conspicuously post signs on their premises to notice those members of the public entering onto or leaving the premises. Owners shall comply with all applicable provisions of the City's sign regulations and Community Development Department standards for all signs posted on or upon their premises.
- B. Signs on Carts. Owners shall, on each and every of their shopping carts, conspicuously:
  - 1. identify their business; and
  - 2. affix a sign as defined above.

### **8.30.03 Toll-Free Telephone Lines.**

- A. Generally. Owners shall at their own expense establish, maintain, and make available to the public a toll-free telephone line for the purpose of reporting the existence and location of abandoned shopping carts.
- B. Reports to City. Owners shall forward each report they receive concerning an abandoned shopping cart to the City Manager's designee within one (1) business day after the owner receives the report. Owners shall email their forwarded reports to the address listed on the City's website.
- C. Line-Sharing Agreements Authorized. Owners may agree with other owners to share and to pay expenses related to the toll-free telephone line described in subsection A if the agreement provides that any person designated to operate the toll-free telephone line and receive reports concerning abandoned shopping carts must forward the reports in accordance with subsection B.

### **8.30.04 Shopping Cart Retrieval by Owner.**

- A. Owner Obligation to Retrieve. Owners shall retrieve a shopping cart within 72 hours after receiving a report it is an abandoned shopping cart; provided, however, the City Manager may waive an owner's obligation upon the owner's individualized showing to the City Manager or their designee (within 72 hours after receiving the report described in this subsection A) of photographic proof the reported shopping cart is not an abandoned shopping cart.
- B. Retrieval Contracting Authorized. Owners may contract for the retrieval of abandoned shopping carts at their own expense.

### **8.30.05 Shopping Cart Retrieval by City.**

- A. City Obligation to Report. If the owner of an abandoned shopping cart is identifiable, the City Manager's designee shall use the toll-free telephone line described in TDMC 8.30.03(A) to report its existence and location.
- B. City Privilege to Retrieve.
  - 1. Unknown Owner. The City may take custody of any abandoned shopping cart failing to satisfy the requirements imposed on its owner by TDMC 8.30.02. The City Manager's designee shall make reasonable efforts to contact the owner of an abandoned shopping cart if they can be identified. The City may dispose, in any manner it deems appropriate but after 30 days from the day the City takes custody, any shopping cart it retrieves to its custody pursuant to this Chapter if the owner cannot be identified, the City Manager's designee is unable to contact the owner, or the owner otherwise fails to reclaim the shopping cart from the City.
  - 2. Known Owner. If the owner of an abandoned shopping cart is identifiable, the City may take custody of the shopping cart, cite the owner, and impose a fine up to \$50 on its owner if the owner does not retrieve the shopping cart within 72 hours after the owner receives a report from a member of the public consistent with TDMC 8.30.03(A) or from the City pursuant to subsection A.
- C. Release. The City may release a shopping cart held in the City's custody to the owner upon their payment of the fine imposed by subsection B.
- D. Salvage and Reclamation. The City may take title to and dispose, in any manner it deems appropriate, any shopping cart in the City's custody retrieved pursuant to this Chapter if the owner does not reclaim the shopping cart within 30 days from the day the City takes custody.

#### **8.30.06 Administration and Enforcement.**

- A. Administration and Enforcement. For purposes of administering and enforcing the provisions of this Chapter, the City Manager shall appoint appropriate City staff to have full power and authority to do any and all things necessary, incidental, or proper in the enforcement of this Chapter, excluding the power to arrest.
- B. Interference. No person shall hinder or attempt to prevent the City staff person or anyone working under the authority of the City staff person from enforcing the provisions of this Chapter.

#### **8.30.07 Violations and Remedies.**

- A. Violations. An owner's failure to comply with any of this Chapter's requirements is in infraction punishable by a fine not to exceed \$500.00; provided, however, if an owner's failure to comply stems from owner's failure to meet its obligations imposed by TDMC 8.30.04(A), that failure is an infraction punishable by a fine not to exceed \$50.00 per shopping cart.

- B. Repeat Noncompliance. As authorized by ORS 98.515(2), the City may dispatch a certified letter of repeat noncompliance to any owner the City determines has failed to comply with the obligations imposed by TDMC 8.30.02, 8.30.03, or 8.30.04(A) resulting in the issuance of five citations for violations of this Chapter by that owner in any six-month period. The letter shall include a list of each repeated violation and a final request for voluntary compliance. If another violation attributable to the owner occurs within three months after the letter's date, the fine authorized in subsection A may be increased for that and subsequent violations by an amount not to exceed \$500.00 per each of the person's repeat violations until the City Manager dispatches that owner a certified letter of compliance, which shall be issued when the City Manager is reasonably satisfied the public nuisance caused by the owner is or will be mitigated.
- C. Remedies Cumulative. The remedies provided by this Chapter are cumulative and in addition to any other remedies available to the City at law or in equity.

**8.30.08 Severability.**

- A. Chapter Severable. The provisions of this Chapter are severable. Any provision of this Chapter deemed invalid by a court of competent jurisdiction shall not impact any other provision.

Section 2. This Ordinance shall be effective 90 days after adoption.

**PASSED AND ADOPTED THIS 23<sup>rd</sup> DAY OF OCTOBER, 2023,**

<b>Voting Yes</b>	Councilors:	_____
<b>Voting No</b>	Councilors:	_____
<b>Abstaining</b>	Councilors:	_____
<b>Absent</b>	Councilors:	_____

**AND APPROVED BY THE MAYOR THIS 23<sup>rd</sup> DAY OF OCTOBER, 2023.**

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

*ATTEST:*

\_\_\_\_\_  
Amie Ell, City Clerk



## AGENDA STAFF REPORT

**AGENDA LOCATION:** Action Item # 9C

**MEETING DATE:** October 9, 2023

**TO:** Honorable Mayor and City Council

**FROM:** Jonathan Kara, City Attorney

**ISSUE:** Adopting General Ordinance No. 23-1401, an ordinance amending The Dalles Municipal Code – Title 5 (*Offenses*) for legal sufficiency

**BACKGROUND:** On July 1, 2023, House Bill 3115 became operative and preempted the City’s regulation of certain acts; specifically, Oregon law requires all municipal ordinances restricting *sitting, lying, sleeping, or keeping warm and dry outdoors on public property that is open to the public* to be “objectively reasonable” as to time, place, and manner with regards to persons experiencing homelessness.

I performed a legal sufficiency review of The Dalles Municipal Code for ordinances implicated by that new law. Staff recently brought to my attention certain provisions of TDMC 5.08.050 (*Street and Sidewalk Offenses*) that could be construed as restricting those acts in a way that is not objectively reasonable. The attached Ordinance aims to amend that section of the Code to bring the City into compliance with House Bill 3115; namely:

- instead of making it a violation for a person to obstruct a building entrance, the Ordinance proposes making it a violation for a person to place an object or debris in such a way as to obstruct a building entrance (unless authorized by applicable law); and
- instead of making it a violation for a person to obstruct pedestrian traffic on a sidewalk, the Ordinance proposes making it a violation for a person to place an object in such a way as to obstruct pedestrian traffic on a sidewalk (unless authorized by applicable law).

The intent of these changes is to avoid all doubt as to whether TDMC 5.08.050 restricts the acts of sitting, lying, sleeping, or keeping warm and dry outdoors on public property that is open to the public.

Staff intends on exploring the implementation of objectively reasonable time, place, and manner restrictions for sitting, lying, sleeping, or keeping warm and dry outdoors on public property that is open to the public at a future meeting. For now, the proposed Ordinance should bring the City into compliance with Oregon law.

**BUDGET IMPLICATIONS:**       None.

**COUNCIL ALTERNATIVES:**

1. **Staff recommendation:**       *Move to adopt General Ordinance No. 23-1401 Amending The Dalles Municipal Code – Title 5 (offences) for Legal Sufficiency, by title only.*
2. Make modifications then move to adopt General Ordinance No. 23-1401 as amended, by title only, after reading any substantive amendments.
3. Decline adoption and provide Staff additional direction.



GENERAL ORDINANCE NO. 23-1401

AN ORDINANCE AMENDING  
THE DALLES MUNICIPAL CODE – TITLE 5 (*OFFENSES*)  
FOR LEGAL SUFFICIENCY

**WHEREAS**, House Bill 3115 became operative on July 1, 2023, and requires certain city and county laws regulating the acts of sitting, lying, sleeping, or keeping warm and dry outdoors on public property that is open to the public to be objectively reasonable as to time, place, and manner with regards to persons experiencing homelessness;

**WHEREAS**, out of an abundance of prudence, the City finds certain provisions of The Dalles Municipal Code – Title 5 (*Offenses*) could be construed as subjectively covering the same subject matter as House Bill 3115;

**WHEREAS**, the City Council expressly does not intend the provisions of The Dalles Municipal Code Chapter 5.08 (*Street and Sidewalk Offenses*) to be construed, in any way, as regulating the acts of sitting, lying, sleeping, or keeping warm and dry outdoors on public property that is open to the public; and

**WHEREAS**, the City Council finds amending those provisions for legal sufficiency to support the public health, safety, and welfare, and additionally finds that amendment’s immediate effect to further support the public health, safety, and welfare.

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

Section 1. The City Council hereby declares an emergency exists and finds this ordinance necessary to have immediate effect for the preservation of the peace, health, and safety of the City.

Section 2. This Ordinance’s revisions appearing in ~~strike through~~ shall denote deletions from and **bolded underline** shall denote additions to the existing text of The Dalles Municipal Code.

Section 3. The Dalles Municipal Code – **Title 5 (*Offenses*)**, **Chapter 5.08 (*General Offenses*)**, **Section 5.08.050 (*Street and Sidewalk Offenses*)** shall be amended to read:

- A. Obstruction of Building Entrances. No person shall **place any object or debris in such a manner as to** obstruct an entrance to a building **that abuts a sidewalk or public pathway.**
- B. Obstruction of Sidewalks. No person shall, except as otherwise permitted by ordinance **applicable law, place any object in such a manner as to** obstruct, cause to

be obstructed, or assist in obstructing pedestrian traffic on any sidewalk **or public pathway.**

- C. Open Cellar Doors or Grates. No owner or person in charge of property shall permit a cellar door or grate located in or on a sidewalk or public pathway to remain open unless the entrance is being used. When such a door or grate is used for entrance, the owner or person in charge of the property shall provide adequate safeguards for pedestrians using the sidewalk.
- D. Obstruction of Fire Hydrants. No owner of property adjacent to a street upon which a fire hydrant is located shall place or maintain a bush, shrub or tree or other obstruction within three feet of the fire hydrant.
- E. Vending Goods on Street or Sidewalks. No person shall use any street or sidewalk, or any portion thereof, for the selling, storing, or display of merchandise or equipment except as may otherwise be provided by ~~ordinance~~ **applicable law.**
- F. Debris on Streets or Sidewalks. No person shall deposit any earth or other debris upon any street or sidewalk, except as permitted by ~~ordinance~~ **applicable law** or authorized by the Director of the Department of Public Works or ~~his or her~~ **their** duly authorized designee.

Section 4. This Ordinance shall be effective upon adoption.

**PASSED AND ADOPTED THIS 23<sup>rd</sup> DAY OF OCTOBER, 2023,**

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

**AND APPROVED BY THE MAYOR THIS 23<sup>rd</sup> DAY OF OCTOBER, 2023.**

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

*ATTEST:*

\_\_\_\_\_  
Amie Ell, City Clerk



## AGENDA STAFF REPORT

### AGENDA LOCATION: Discussion Item #10A

**MEETING DATE:** October 23, 2023

**TO:** Honorable Mayor and City Council

**FROM:** Joshua Chandler  
Community Development Director

**ISSUE:** Short Term Rentals – 2023 Update and Discussion

**BACKGROUND:** At the regular City Council meeting on May 8, 2023 City Council directed staff to reevaluate the existing ordinances pertaining to Short Term Rentals and address the growing nuisance concerns of existing accommodations.

In recent years, municipalities around the country have experienced the growth of peer-to-peer property rental and vacation rental companies offering accommodations of privately owned properties. Some operators live on-site, most commonly known as “homeshares,” while other properties are operated by individuals living off-site, and at times out of town, or by rental management entities. The length of stay varies between properties, but the majority of these accommodations cater toward stays of 30 days or less. These accommodations are referred to herein as Short Term Rentals (**STR**).

STRs have operated in varying capacities within the City of The Dalles for numerous years, although only recently referred to under this classification. The Dalles Municipal Code (**TDMC**) has recognized this use since at least its adoption in 1998, regulating all STRs within the Urban Growth Boundary through a Bed and Breakfast and Vacation Rental (**BBV**) permit issued by the Community Development Department (**CDD**). The BBV permit process was an administrative land use application valid for five years and no fee collected by the department. Once a permit was issued, it was the responsibility of the operator to report all nightly stays to the Finance Department who oversee the collection of Transient Room Taxes (**TRTs**). These taxes are calculated from a percentage of each individual stay.

In November 2019, CDD staff presented to City Council a new framework for STR regulation with a proposed STR License program to replace the BBV land use permit.

The rationale behind this change was to have the STR License administered under the same title (Title 8) as TRTs, Transient Merchant Licenses, and Secondhand Dealer Licenses, rather than as a land use process in Title 10. Following discussion from this public hearing, City Council directed CDD staff to execute necessary modifications to this framework and return to City Council at a later date with said changes.

Staff later presented, and City Council approved, at the September 14, 2020 City Council meeting, General Ordinance 20-1377, that which adopted the STR License into TDMC under Title 8, as well as General Ordinance 20-1378 which repealed Article 6.040 Bed and Breakfast and Vacation Rental from Title 10. This new regulation was specific to properties located within city limits and discontinued the use for properties located outside the city limits. Soon after, City Council adopted a minor amendment to General Ordinance 20-1378 on December 14, 2020 (General Ordinance 20-1383) which established an annual self-inspection of each accommodation in coordination with Mid-Columbia Fire and Rescue. As of the date of this report, 51 STRs are licensed/permitted within The Dalles (37 STR Licenses and 14 existing BBV permits).

In 2021, the City began using a STR License tracking system, Host Compliance, to monitor all STR licenses city-wide. This system automatically scans available listing sites consistent with an updated list of licenses currently on file with the City. STRs operating without a valid license receive an automated code enforcement letter outlining steps to apply for licensure. In the event a non-licensed STR operation continues, City staff facilitates additional code enforcement measures.

Overall, the total number of STR Licenses has continued to see a yearly gain since 2020 with a more streamlined process; however, concerns have been raised regarding operations of these accommodations. These concerns include non-responsive operators, failure to accurately report TRTs, and nuisance concerns from parties and events at larger accommodations (specifically noise and parking). Overall, complaints of operations have been primarily residentially zoned accommodations.

### **Discussion:**

To better address community concerns and take a holistic examination of the existing program for improved efficiency, Staff has compiled a list of potential discussion points for further City Council discussion on the matter. This is a non-exhaustive list and staff encourages additional input to provide a comprehensive review of the program that may later be used for future amendments to the program.

#### **A. STR Types**

Not all STRs should be reviewed the same with consideration given to zoning and owner-occupancy.

Residential vs. Commercial. Residential zoning districts are designed primarily for housing, whereas commercial zoning allows for mixed-use development, more appropriate for business ventures. STRs located within commercial zones are typically more walkable and centrally located to goods/services. When analyzing overall housing availability within a community, the State's Housing Needs Analysis (HNA) methodology considers all residentially zoned land as potential housing stock; however, commercially zoned land, although able to accommodate housing, is considered as "bonus" residential potential for projection purposes.

Existing housing stock data includes all housing units, residential and non-residential zoned, per 2020 US Census and City permit data.

Owner-occupancy. Currently, all STR operators must provide proof of residency at the time of license application or renewal. This information is used generally to address parking requirements for each accommodation and is not criteria used to determine eligibility. Operators living on-site have more opportunity to monitor the actions of their guests, compared to non-owner occupied units. Non-owner occupied units function more as a business venture than a “homeshare” scenario. Due to the lack of on-site management, non-owner occupied units have the potential to require additional unnecessary oversight from outside entities (neighbors, City).

Consideration. Reclassify STR types with consideration of zoning and owner-occupancy, each with specific standards (e.g., City of Hood River):

- Commercial (C) – located in CBC, CG, and CR zoning districts
- Residential – located in RL, RM, and RH zoning districts
  - Owner-Occupied (ROO)
  - Non Owner-Occupied (RNO)

## **B. Total Number**

The City is currently in the process of updating our HNA and will adopt the report and Comprehensive Plan updates by the end of the calendar year (2023). Throughout the process, there have been numerous comments/concerns regarding the impact STRs have on housing availability and affordability. Although STR data is not included in the HNA report, staff is proposing implementation measures to be added to the Comprehensive Plan revisions specific within the update to evaluate the potential impact of STRs on housing costs and availability with potential requirements related to the registration of, or limitations on, STRs. Prior to this update, City Council could consider capping the total number of STRs within the City. Some examples for consideration include:

Consideration.

- Total number of allowed STR Licenses based on percentage of total housing units per 2023 HNA (~7,171 units).
  - Current listings = 51 (less than 1%)
  - Multiple examples of 1%-5% caps on total housing stock in western US cities and counties.
  - The 2017 report “Assessing and Responding to Short-Term Rentals in Oregon” prepared by the University of Oregon Department of Planning, Public Policy, and Management, recommended all cities should cap STRs when units exceed 4% of the total housing stock.
- Total number of allowed STR Licenses within a specified vicinity.
  - Only # of STRs may be permitted within a specified vicinity of

another STR.

- Marijuana retail dispensaries use a similar vicinity determination.
- Total number of allowed STR Licenses in each zoning district.
  - City of Newport and Silverton use a similar standard within residential zoning districts.
  - Should this cap include commercially zoned STRs?
- Only one listing per owner/operator.
  - This standard would deter business ventures from monopolizing available housing supply.
  - City of Silverton uses a similar standard.

Waitlist/Lottery. In the event a cap is established for STRs, City Council may consider including provisions for a waitlist and/or lottery system once said cap is reached (e.g., City of Lincoln City).

### C. Operations

- Events. Although “special events” are currently not allowed for STRs during periods of transient rentals, the provision does not outright prohibit large gatherings at STRs. The current standard also prohibits commercially zoned STRs from such events, even though a “venue” type use could be permitted within a commercial zoning district through a separate land use approval. Staff recommends further discussion on this matter.
- Complaints/Enforcement. The current process for reporting concerns associated with STR operations requires a complainant submit a written form clearly stating the nature of the concern to the City’s Code Enforcement Division. In addition, complaints may be submitted using the “Report a Concern” function on the City’s website. Upon receipt, staff reviews each concern to determine any violations and addresses those violations accordingly.

It has been expressed that this process has little immediate impact on operations, especially when issues arise during weekend stays (outside of normal City office hours). Although an operator must be available for contact within 24 hours, this contact would most certainly occur during normal business hours. Any immediate issues concerning operations may be reported to the Police Department, but these may not warrant law enforcement action. Staff intends on reevaluating the complaint process by coordinating with the CDD and Code Enforcement Division to ensure a more effective process for addressing neighborhood concerns.

- Violations. In addition to reevaluating the complaint process for STRs, Staff would also review standards pertaining to operational violations. Establishing a standard for “good standing” will be essential when reviewing a license renewal and ensure operators are conducting their accommodation with respect for the surrounding community. Multiple violations, failure to report

TRTs in a timely manner, excess noise and parking monopolization all could contribute to having “good standing” in the program. Operators not in “good standing” may have licenses revoked, affect waitlist/lottery status, or result in an outright operation ban.

- Good Neighbor Guidelines. To ensure operators are conducting their accommodation with respect for the surrounding community, staff recommends consideration of “Good Neighbor Guidelines” that should be practiced by all operators. These guidelines are not enforced by the City, but rather provided to all guests by the operator. Currently, the City of Hood River and Newport use similar guidelines.
- Parking. Concerns have been expressed regarding parking for STR operations and on-street monopolization. Although the use of City right-of-way is available for all citizens, staff recommends reevaluating parking minimums and maximums for all STRs.
- Noticing Requirements/Operator Information. Currently, upon the approval of a new STR License, properties within 100’ of the new accommodation are notified. This is the typical notification vicinity for administrative land use processes; however, additional provisions of 300’ are outlined in TDMC for all quasi-judicial applications. Notices do not occur during the renewal process. This notice includes the operators contact information and maximum occupancy permitted. City Council could consider increasing the notification area and/or create an online database on the City’s website of all STR listings with contact information for each accommodation to provide a direct contact for neighbors to report concerns directly to each operator.

#### **D. Miscellaneous**

In addition to continued discussion with City Council, staff intends on making various modifications to the STR License process over this next year for continued efficiency. These modifications include establishing a robust STR specific webpage, continuing to automate the system of licensing/renewals/enforcement, as well as making needed revisions to TRT guidelines and collection.

#### **E. Next Steps**

Following the October 23, 2023 City Council meeting, Staff would encourage further discussion and direction at the 2023 City Council Goal Setting in November concerning the STR License program. As interest in STRs continue to grow in the community, focusing on further refinements and community input will help to shape a STR License program unique to the interests of The Dalles.

With any major amendment to the existing STR License program that may impact the operations of current STRs, it is imperative to acknowledge that such amendments may require sufficient phasing-in/out of current licensees. The City implemented a similar phasing process when adopting the STR License program in 2020, by allowing existing BBV operations to continue operating under their

five-year permit timeline before required compliance with new STR License requirements. A similar phasing-out standard was implemented by the cities of Cannon Beach, Hood River, and Newport when adopting new STR regulations.

To thoroughly address the above mentioned topics and allow for a comprehensive review of the current STR License program, City staff recommends City Council consider placing a moratorium on all new STRs for a period of up to one year. This action would allow existing operators to continue STR and BBV operations as well as renew for the upcoming 2024 license year. The details of this moratorium would require additional discussion with staff, but could be in place by the end of the calendar year. Lincoln County, Oregon, recently implemented a moratorium on new STRs in August 2023.

**BUDGET IMPLICATIONS:** None.

**COUNCIL ALTERNATIVES:** This is a discussion item. Staff is requesting City Council input on the above-mentioned topics for further discussion at the 2023 City Council Goal Setting and potential future amendments to the STR License program. In the event City Council is interested in exploring the option of a moratorium on new STR Licenses, staff would request consensus on the matter to move forward in preparing a resolution for an upcoming City Council meeting.