

**City Council**

- Mayor  
Brian Dalton
- Council President  
LaVonne Wilson
- Councilor  
Jim Brown
- Councilor  
Jim Fairchild
- Councilor  
Kelly Gabilks
- Councilor  
Beth Jones
- Councilor  
Jackie Lawson
- Councilor  
Kevin Marshall
- Councilor  
Murray Stewart
- Councilor  
Ken Woods, Jr.

**City Staff**

- City Manager  
Ron Foggin
- City Attorney  
Lane Shetterly
- Community Development/  
Operations Director  
Jason Locke
- Finance Director  
Cecilia Ward
- Fire Chief  
Fred Hertel
- Police Chief  
Tom Simpson
- Engineering Director  
Fred Braun
- City Recorder  
Emily Gagner
- Recording Secretary  
Jeremy Teal

**Dallas City Council Agenda**

Mayor Brian Dalton, Presiding

Monday, April 7, 2014

7:00 pm

Dallas City Hall

187 SE Court St.

Dallas, OR 97338

All persons addressing the Council will please use the table at the front of the Council. All testimony is electronically recorded. If you wish to speak on any agenda item, please sign in on the provided card.

AGENDA ITEM	RECOMMENDED ACTION
1. ROLL CALL	
2. PLEDGE OF ALLEGIANCE	
3. COMMENTS FROM AUDIENCE This time is provided for citizens to comment on municipal issues and any agenda items other than public hearings. The Mayor may place time restrictions on comments. Please supply 14 copies of the material brought to the meeting for distribution.	
4. PUBLIC HEARINGS Public comment will be allowed on items appearing on this portion of the agenda following a brief staff report presenting the item and action requested. The Mayor may limit testimony.  A Public Hearing regarding the OLCC application for Change of Ownership and Full On-Premises license for The Exchange, LLC.	PG . 3
5. CONSENT AGENDA The following items are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member so requests, in which case the item will be removed from the Consent Agenda and considered separately.	
a. Approve minutes of March 17, 2014 City Council meeting	PG . 20
b. Recommend approval for modification of an OLCC Application for Pressed Coffee & Wine Bar.	PG . 23
c. Appoint Mike Holland to the Budget Committee	PG . 32
d. Designate Jason Locke, Community Development and Operations Director, as the Certifying Officer for the 2014 CDBG Housing Rehabilitation Project.	PG . 36
6. ITEMS REMOVED FROM CONSENT AGENDA	



**Our Vision**

Our vision is to foster an environment in which Dallas residents can take advantage of a vital, growing, and diversified community that provides a high quality of life.

**Our Mission**

The mission of the City of Dallas is to maintain a safe, livable environment by providing open government with effective, efficient, and accountable service delivery.

**Our Motto**

Commitment to the Community.  
 People Serving People.

**City Hall**

Dallas City Hall is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to the City Manager's Office, 503-831-3502 or TDD 503-623-7355.

<b>7. REPORTS OR COMMENTS FROM MAYOR AND COUNCIL MEMBERS</b>	
a. General Comments from the Councilors and Mayor	PG . 37
b. Report of the March 31, 2014, Administration Committee Meeting (Councilor Brown)	PG . 60
c. Report of the March 31, 2014, Building and Grounds Committee (Councilor Brown)	
<b>8. REPORTS FROM CITY MANAGER AND STAFF</b>	
a. Other	
<b>9. RESOLUTIONS</b>	
a. <u>Resolution No. 3293</u> : A Resolution establishing the fees for reservation of Dallas City Park areas.	Roll Call Vote PG . 93
b. <u>Resolution No. 3294</u> : A Resolution relating to Fair Housing; and repealing resolution No. 3189.	Roll Call Vote PG . 95
<b>10. FIRST READING OF ORDINANCE</b>	
<b>11. SECOND READING OF ORDINANCE</b>	
a. <u>Ordinance No. 1764</u> : An Ordinance accepting the conveyance of certain real property for public park use; and declaring an emergency.	Roll Call Vote PG . 98
<b>12. OTHER BUSINESS</b>	
<b>13. ADJOURNMENT</b>	

## MEMORANDUM

To: Mayor Dalton and Dallas City Council

From: Lane Shetterly, City Attorney

Cc: Ron Foggin, City Manager

Re: Grounds for Recommending Denial of OLCC License Application

Date: March 24, 2014

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You will have before you a hearing on the recommendation to the Oregon Liquor Control Commission regarding the application of Bradley Moir for a new full on-premises liquor license for The Exchange, located at 962 Main Street.

The matter comes to the council for a public hearing, pursuant to Section 7.095 of the Dallas City Code. That section requires notice to the applicant before the council recommends denial of an application, and a public hearing at which the applicant and the public may testify. The order of the public hearing in this case should be as follows:

- Staff report
- Testimony by the Applicant
- Public testimony
- Rebuttal by the Applicant
- Comments by staff

Once the hearing has been closed, the council will deliberate on the testimony presented at the hearing, and may consider any written testimony that has been submitted, and make a decision. The decision is to recommend to OLCC (1) approval of the application; (2) approval with restrictions; or (3) denial of the application.

The council's decision must be based on the facts as the council determines them from the testimony and evidence, and on the law. With regard to the law, Section 7.095 provides the grounds for recommending denial or modification of a license:

“(4) Grounds for Unfavorable Recommendation. In determining whether to make an unfavorable recommendation, the council shall apply the grounds and criteria authorized by state law and the administrative

rules of the Oregon Liquor Control Commission governing such a recommendation.”

If the council recommends denial of or restrictions on the license it must make specific findings on the applicable criteria, and the minutes of the meeting must reflect the reasons for the recommendation.

Attached to this memorandum are copies of the state statutes and administrative rules that govern the reasons for the denial of or the imposition of restrictions on a liquor license. Note that the first rule set forth on the attachment, OAR 845-005-0308(3), identifies the grounds (by statute and rule) for an unfavorable recommendation by a local government. Those statutes and rules are set forth in full in the attachment. There are other bases in statute and rule for OLCC to deny or restrict a liquor license application, but only those referred to in OAR 845-005-0308(3), and provided in the attachment, may be relied upon by a local government for an unfavorable recommendation.<sup>1</sup>

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<sup>1</sup> ORS 471.166(5) provides: “*The commission shall by rule establish valid grounds for unfavorable recommendations by local governments under this section. Valid grounds established by the commission under this section for an unfavorable recommendation by a local government must be limited to those grounds considered by the commission in making an unfavorable determination on a license application.*”

OLCC RULES AND STATUTES

**845-005-0308(3)**

(3) For the unfavorable recommendation of a local governing body to be valid, the grounds must be found in the license refusal bases of ORS 471.313(4), 471.313(5), OAR 845-005-0320, 845-005-0325 or 845-005-0326, or the license restriction bases of OAR 845-005-0355, and must be supported by reliable factual information.

**471.313 Grounds for refusing to issue license.** The Oregon Liquor Control Commission may refuse to license any applicant under the provisions of this chapter if the commission has reasonable ground to believe any of the following to be true:

\* \* \*

(4) That the applicant:

(a) Is in the habit of using alcoholic beverages, habit-forming drugs or controlled substances to excess.

(b) Has made false statements to the commission.

(c) Is incompetent or physically unable to carry on the management of the establishment proposed to be licensed.

(d) Has been convicted of violating a general or local law of this state or another state, or of violating a federal law, if the conviction is substantially related to the fitness and ability of the applicant to lawfully carry out activities under the license.

(e) Has maintained an insanitary establishment.

(f) Is not of good repute and moral character.

(g) Did not have a good record of compliance with the alcoholic liquor laws of this state and the rules of the commission when previously licensed.

(h) Is not the legitimate owner of the business proposed to be licensed, or other persons have ownership interests in the business which have not been disclosed.

(i) Is not possessed of or has not demonstrated financial responsibility sufficient to adequately meet the requirements of the business proposed to be licensed.

(j) Is unable to read or write the English language or to understand the laws of Oregon relating to alcoholic liquor or the rules of the commission.

#### **845-005-0320**

#### **License Refusal Reasons that Can Not Be Overcome**

The following criteria will preclude issuing a license:

- (1) The applicant has or would have an interest in another liquor business that ORS 471.313(3), 471.394, or 471.396 prohibits.
- (2) The applicant seeks a license or sales authority that requires food service and is unable to show in writing that the applicant will comply with the food service requirements set by the rules of the Commission.
- (3) The applicant seeks a Full On-Premises Sales license as a commercial establishment as defined in ORS 471.001(2) and will not be open to the public to the extent Commission rules require.
- (4) The applicant seeks a Full On-Premises Sales license as an "other public location" as allowed by ORS 471.175(2)(d) and will not allow public access to its premises.
- (5) The applicant is a retail sales agent of the Commission with a contract for an exclusive agency or seeks to exercise the license privileges in an exclusive sales agent's premises.
- (6) The applicant fails to successfully complete an approved Alcohol Server Education Course as ORS 471.542 and the Commission rules require.
- (7) The applicant has not paid an outstanding fine to the Commission. ORS 471.313(4)(g) allows the Commission to deny a license if the applicant had a poor compliance record when previously licensed. Nonpayment of a fine is one indicator of a poor compliance record.
- (8) The applicant who is subject to the bonding requirements of ORS 471.155(1) has failed to post a tax bond or the equivalent as required.

(9) The applicant who is subject to the liquor liability insurance requirements of OAR 845-005-0400 has failed to obtain or maintain liquor liability insurance or bond as required.

(10) The applicant for an initial license has not completed Commission-given law orientation.

### **845-005-0325**

#### **License Refusal Reasons: Applicant Qualifications**

If any of the following criteria apply, the Commission will deny a license unless the applicant shows good cause that overcomes the criterion involved:

(1) The applicant has inadequate financial resources to build or operate the licensed premises as proposed, or has inadequate financial resources to meet the financial obligations of the licensed business. This section does not apply to license renewal applications.

(2) The applicant has not built the licensed premises, or has not operated the licensed business, substantially as proposed by the applicant and previously approved by the Commission.

(3) The applicant can not or will not provide an employee who can communicate effectively with customers and Commission regulatory employees. This person must be on the licensed premises during the licensee's business hours.

Communicate effectively means:

(a) Knowing how to lawfully sell and serve alcoholic beverages and communicating this to customers;

(b) Understanding Commission regulatory employees when the employees explain lawful sale and service of alcoholic beverages and responding in a way the employee understands.

(4) Alcohol or Controlled Substance History or Record:

(a) The applicant has a recent history or record of using alcohol or controlled substances to excess. Some of the types of records the Commission uses to establish a record of using to excess include court, Motor Vehicles Division, police, or medical records;

(b) Good cause to overcome this criterion is a showing by the applicant that the applicant no longer uses alcohol or controlled substances to excess and is not likely to do so in the future. Some of the factors the Commission considers in determining good cause are: successful participation in treatment program(s), counselor, employer or probation officer recommendations, severity of the applicants record, passage of time since last relevant incident and previous record of compliance.

(5) The applicant has been convicted of violating any of the laws, general or local, of this state or another state if the conviction is substantially related to the fitness and ability of the applicant to lawfully carry out activities under the license. The Commission considers any intervening circumstances since the commission of the law violation in determining whether the applicant is an acceptable future compliance risk.

(6) The applicant provides material false or misleading information to the Commission.

(7) The applicant is not at least 21 years old. Good cause to overcome this criterion includes a showing by the applicant that the minor applicant will not participate in the management or control of alcohol-related business decisions or of employees involved in alcoholic beverage sale or service.

#### **845-005-0326**

#### **License Not Demanded by Public Interest or Convenience**

ORS 471.313(1) allows the Commission to deny a license that public interest or convenience does not demand. The following are some of the public interest or convenience reasons for which the Commission may deny a license unless the applicant shows good cause to overcome the criteria:

##### **(1) Alcohol-Related Problems at Other Licensed Premises:**

(a) The applicant has had repeated problems at another licensed location during the two years preceding this application or has had a license canceled or renewal refused because of problems with disturbances, unlawful activities or noise. These problems:

(A) Must occur on the licensed premises or be caused by patrons in the immediate vicinity of the licensed premises;

(B) Include, but are not limited to, obtrusive or excessive noise, music or sound vibrations; public drunkenness; fights; altercations; harassment; unlawful drug

sales; alcohol-related litter; trespassing on private property; and public urination; and

(C) Must be related to the sale or service of alcohol under the exercise of the license privileges.

(b) Good cause to overcome this criterion is a showing by the applicant that the applicant will reasonably control all of the applicant's licensed premises to prevent problems described in paragraphs (1)(a)(A), (B), and (C) of this rule. Factors that affect this good cause determination may include, but are not limited to:

(A) Applicant is currently licensed at an outlet that has not had the problems described in paragraphs (1)(a)(A), (B), and (C) of this rule in the past year;

(B) Applicant successfully regained control of premises that had problems described in paragraphs (1)(a)(A), (B), and (C) of this rule;

(C) Applicant has a corrective plan that is likely to be effective;

(D) License conditions or restrictions would enable control of applicant's premises; and

(E) Applicant did not participate in the daily operation of the problem outlet, and there has not been a pattern of problems described in paragraphs (1)(a)(A), (B), and (C) of this rule at other outlets where applicant has been licensed.

(c) This criterion does not apply to renewal applications.

(2) Proximity to Facilities:

(a) The licensed premises:

(A) Will be located within 500 feet in urban or suburban areas or within 1,500 feet in a rural area of the boundary (measured property line to property line) of a licensed child care facility or elementary or secondary school; a church; a hospital, nursing care facility or convalescent care facility; a park or children-oriented recreational facility; or alcohol and other drug treatment or rehabilitation facility; and

(B) Will adversely impact the facility.

(b) Good cause to overcome this criterion includes, but is not limited to, a showing by the applicant that:

(A) The proposed operation is consistent with the zoning where the proposed premises will be located, is consistent with the general character of the area and the adverse impact will not unreasonably affect the facility; or

(B) The size of the proposed premises' community is so small that the proposed location is a reasonable location for the proposed operation.

(c) This criterion does not apply to renewal applications or to changes of ownership with no change in license privileges or operation.

(3) Problem Areas:

(a) The licensed premises will be located in an area that has a history of serious or persistent problems with unlawful activities, noise or disturbances. These problems need not be alcohol-related;

(b) Good cause to overcome this refusal basis includes, but is not limited to, a showing by the applicant that:

(A) Alcoholic beverage sale or service at the premises will not contribute to the problems, and

(B) The applicant has a willingness and ability to control the proposed premises and patrons' behavior near the licensed premises. When assessing the applicant's willingness and ability, the Commission will consider factors including but not limited to the applicant's relevant experience, and the applicant's reasonable and credible operating and security plans.

(c) This criterion does not apply to renewal applications or to changes of ownership with no change in license privileges or operation.

(4) Off-Premises Sales License: The applicant seeks an Off-Premises Sales license at an outlet that sells petroleum products and does not or will not maintain a wide variety of grocery items available for immediate sale. "Wide variety" means an inventory at a cost to the applicant of not less than \$5,000 of foods that satisfy the general public's ordinary eating habits and personal and household products. "Wide variety" does not include alcoholic beverages or tobacco products. It also does not include snack food items that exceed ten percent of the inventory's value.

(5) Licensed physician or other professional evaluations of the applicant or any on-premises manager's mental, emotional or physical condition that show incompetence or physical inability to manage the business the applicant wants licensed. ORS 471.313(4)(c) allows the Commission to deny a license if the applicant is incompetent or physically unable to manage the business the applicant wants licensed. These evaluations are some indicators of this incompetence or physical inability.

#### **845-005-0355**

#### **Restricting License Privileges and Conduct of Operations**

(1) The Commission may restrict a license or service permit when:

(a) In the absence of a restriction, the Commission has a basis to cancel, suspend/fine or deny the license or service permit;

(b) In addition to all or part of a suspension or fine, a restriction may prevent the recurrence of the problem(s) that caused the violation(s);

(c) The Commission determines that a restriction is in the public interest or convenience; or

(d) The Commission has a basis to refuse the license and the applicant or licensee has submitted a qualifying control or operating plan as good cause to overcome the refusal basis. In these circumstances the Commission shall impose as restrictions those elements of the control or operating plan that the Commission determines are essential to overcoming the refusal basis.

(2) In determining public interest or convenience reasons to restrict a license or permit, the Commission considers factors that include but are not limited to:

(a) The character or environment of the neighborhood in which the licensed premises operate;

(b) The need to eliminate or prevent conditions that have contributed to or that the Commission reasonably believes will contribute to liquor or criminal law violations by the licensee, patrons of the licensed premises or the public, including conditions that have or are likely to contribute to noise, music or sound vibrations from inside or outside the premises that a reasonable person would consider excessive or obtrusive; or

(c) The need to limit the availability of alcohol to minors, visibly intoxicated persons or street drinkers.

(3) The Commission has determined that it is not in the public interest or convenience to issue or renew:

(a) A license that allows off-premises sales in an area frequented by street drinkers, unless the Commission restricts the sales of the alcoholic beverages associated with street drinkers;

(b) A license to a relative or associate of a person whose license was cancelled, surrendered or not renewed because of problems at the premises that involved the person, unless the Commission restricts the relative or associate from permitting the person from being on the premises;

(c) A license or permit to a person who has a recent history or record of alcohol or drug problems, unless the Commission requires the person to complete an alcohol/drug treatment program and follow the program's recommendations regarding alcohol/drug use or to abstain from alcohol/drug use.

(4) When the Commission restricts a license or service permit, it notifies the licensee or permittee. If the licensee or permittee disagrees with the restriction, the licensee or permittee has the right to a hearing under the procedures in ORS chapter 183; OAR chapter 137, division 003; and OAR chapter 845, division 003.

(5) A licensee or permittee who has a restricted license or permit must exercise license or permit privileges only in compliance with the restriction(s). Failure to comply with the restriction(s) is a Category I violation.

(6) A restriction remains in effect until the Commission removes it. The licensee or permittee may ask the Commission to remove or modify a restriction. The written request must explain why the licensee or permittee believes the Commission should remove or modify the restriction. The Commission will notify the licensee or permittee, in writing, of its decision to approve or deny the request and the basis for its decision. If the Commission denies the request, the licensee or permittee has the right to a hearing under the procedures in ORS Chapter 183; OAR chapter 137, division 003; and chapter 845, division 003.

(7) As used in subsections (2)(c) and (3)(a) of this rule, "street drinkers" means people who drink unlawfully in streets, alleys, parks and other similar public places.

(8) As used in subsection (2)(b) of this rule, "conditions" means conditions in the immediate vicinity of the premises that are related to the exercise of the license privileges and conditions in the premises or in the areas around the premises that the applicant/licensee controls.

# MEMO

TO: RON FOGGIN  
CITY MANAGER

FROM: TOM SIMPSON   
CHIEF OF POLICE

RE: CHANGE OF OWNERSHIP  
"The Exchange" (formerly Tilted)  
Location: 962 Main Street

DATE: MARCH 14, 2014

This application is for a Change of Ownership and a request for Full On-Premises License. The applicant, Bradley Moir, is applying as a Limited Liability Company.

A routine background check has been completed and has revealed the following items of concern:

- Item 7 & 8: According to recent records, and contrary to information noted on the application, the current license is to "*Tilted*" and the former license is for "*The Roundup*."
- Item 18: The applicant marked "NO" to the question whether he had been convicted in the past 12 years for driving with a suspended driver license or driving with no insurance.
  - His driving record (matched on Name, address, DOB and OLN) reveals that he was:
    - Convicted of Driving While Suspended - Violation level in February, 2013 in Beaverton
    - Convicted of Driving Uninsured in April, 2013 in Lake Oswego
    - Convicted of Driving While Suspended - Violation level in August, 2013 in Newberg

- Convicted of Driving Uninsured in August, 2013 in Newberg
- Convicted of Driving While Suspended - Violation level in October, 2013 in Lake Oswego
- Convicted of Driving While Suspended - Violation level in December, 2013 in Lake Oswego

It should be noted that the above information was retrieved electronically from the Oregon DMV database on March 12, 2014. A certified copy of the applicants driver record could be obtained from Oregon DMV if necessary, to verify the accuracy of the above information.



# OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

Application is being made for:

### LICENSE TYPES

- Full On-Premises Sales (\$402.60/yr)
- Commercial Establishment
- Caterer
- Passenger Carrier
- Other Public Location
- Private Club
- Limited On-Premises Sales (\$202.60/yr)
- Off-Premises Sales (\$100/yr)
  - with Fuel Pumps
- Brewery Public House (\$252.60)
- Winery (\$250/yr)
- Other: \_\_\_\_\_

### ACTIONS

- Change Ownership
- New Outlet
- Greater Privilege
- Additional Privilege
- Other U/TN

### 90-DAY AUTHORITY

Check here if you are applying for a change of ownership at a business that has a current liquor license, or if you are applying for an Off-Premises Sales license and are requesting a 90-Day Temporary Authority

### APPLYING AS:

- Limited Partnership
- Corporation
- Limited Liability Company
- Individuals

### CITY AND COUNTY USE ONLY

Date application received: \_\_\_\_\_

The City Council or County Commission:

(name of city or county)

recommends that this license be:

- Granted
- Denied

By: \_\_\_\_\_  
(signature) (date)

Name: \_\_\_\_\_

Title: \_\_\_\_\_

### OLCC USE ONLY

Application Rec'd by: (signature)

Date: 2-18-14

90-day authority:  Yes  No

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]

① The Exchange LLC ③ \_\_\_\_\_  
② \_\_\_\_\_ ④ \_\_\_\_\_

2. Trade Name (dba): The Exchange

3. Business Location: 962 Main St. Dallas Polk OR 97338  
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: 3 Monroe Parkway Suite P-117 Lake Oswego OR 97035  
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 503-349-6190  
(phone) (fax)

6. Is the business at this location currently licensed by OLCC?  Yes  No

7. If yes to whom: The Roundup of Oregon LLC Type of License: Full on-Premises Sales

8. Former Business Name: Tilted

9. Will you have a manager?  Yes  No Name: N/A  
(manager must fill out an Individual History form)

10. What is the local governing body where your business is located? Polk county - Dallas  
(name of city or county)

11. Contact person for this application: Brad Moir  
(name) (phone number(s))  
(address) (fax number) (email address)

RECEIVED

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:  
① (signature) Date 17 Feb 14 ③ \_\_\_\_\_ Date FEB 18 2014

② \_\_\_\_\_ Date \_\_\_\_\_ ④ \_\_\_\_\_ SALEM REGIONAL OFFICE



# OREGON LIQUOR CONTROL COMMISSION INDIVIDUAL HISTORY

1. Trade Name The Exchange 2. City Lake Oswego  
 3. Name Moir Brad [REDACTED]  
 (Last) (First) (Middle)  
 4. Other names used (maiden, other) \_\_\_\_\_  
 5. \*SSN [REDACTED] Place of Birth [REDACTED] 7. DOB [REDACTED] 8. Sex  M  F  O  
 (State or Country) (mm) (dd) (yyyy)

\*SOCIAL SECURITY NUMBER DISCLOSURE: As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). If you are an applicant or licensee and fail to provide your SSN, the OLCC may refuse to process your application. Your SSN will be used only for child support enforcement purposes unless you sign below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a)). If you consent to these uses, please sign here:

Applicant Signature: [Signature]

9. Driver License or State ID # [REDACTED] 10. State [REDACTED]  
 11. Residence Address [REDACTED]  
 (number and street) (city) (state) (zip code)  
 12. Mailing Address (if different) \_\_\_\_\_  
 (number and street) (city) (state) (zip code)  
 13. Contact Phone [REDACTED] 14. E-Mail address (optional) [REDACTED]

15. Do you have a spouse or domestic partner?  Yes  No  
 If yes, list his/her full name: \_\_\_\_\_

16. If yes to #15, will this person work at or be involved in the operation or management of the business?  
 Yes  No

17. List all states, other than Oregon, where you have lived during the past ten years:  
N/A

18. In the past 12 years, have you been convicted ("convicted" includes paying a fine) in Oregon or any other state of driving a car with a suspended driver's license or driving a car with no insurance?  
 Yes  No  Unsure If yes, list the date(s), or approximate dates, and type(s) of convictions. If unsure, explain. You may include the information on a separate sheet.  
tel/cin/court

19. In the past 12 years, have you been convicted ("convicted" includes paying a fine) in Oregon or any other state of a misdemeanor or a felony?  Yes  No  Unsure  
 If yes, list the date(s), or approximate dates, and type(s) of convictions. If unsure, explain. You may include the information on a separate sheet.

20. Trade Name The Exchange 21. City Lake Oswego

22. Do you have any arrests or citations that have not been resolved?  Yes  No  Unsure  
If yes or unsure, explain here or include the information on a separate sheet.

23. Have you ever been in a drug or alcohol diversion program in Oregon or any other state? (A diversion program is where you are required, usually by the court or another government agency, to complete certain requirements in place of being convicted of a drug or alcohol-related offense.)  Yes  No  Unsure  
If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

24. Do you, or any legal entity that you are a part of, currently hold or have previously held a liquor license in Oregon or another US state? (Note: a service permit is not a liquor license.)  Yes  No  Unsure  
If yes, list the name(s) of the business, the city (or cities) and state (or states) where located, and the date(s) of the license(s). If unsure, explain. You may include the information on a separate sheet.

Richfield Inc. Chesson 2006-2010

25. Have you, or any legal entity that you are a part of, ever had an application for a license, permit, or certificate denied or cancelled by the OLCC or any other governmental agency in the US?  
 Yes  No  Unsure If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

I applied in Oct/Nov 2011 in Independence, the City didn't want the

Questions 26 and 27 apply if you, or any legal entity that you are part of, are applying for a Full On-Premises, Limited On-Premises, Off-Premises, or Brewery-Public House license. If you are not applying for one of those licenses, mark "N/A" on Questions 26 & 27.

Bar/Deli

26. Do you have any ownership interest in any other business that makes, wholesales, or distributes alcohol?  N/A  Yes  No  Unsure If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

27. Does, or will, a maker, wholesaler, or distributor of alcohol have any ownership interest in your business?  
 N/A  Yes  No  Unsure If yes or unsure, explain:

Question 28 applies if you, or any legal entity that you are part of, are applying for a Brewery, Brewery-Public House, Distillery, Grower Sales Privilege, Warehouse, Wholesale Malt Beverage & Wine, or Winery license. If you are not applying for one of those licenses, mark "N/A" on Question 28.

28. Do you, or any legal entity that you are part of, have any ownership interest in any other business that sells alcohol at retail in Oregon?  N/A  Yes  No  Unsure If yes or unsure, explain:

You must sign your own form (you can't have your attorney or a person with power of attorney sign your form).

I affirm that my answers are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to, criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: [Signature]

Date: 17 Feb 14



# OREGON LIQUOR CONTROL COMMISSION BUSINESS INFORMATION

Please Print or Type

Applicant Name: The Exchange LLC Phone: 503-349-6190

Trade Name (dba): The Exchange

Business Location Address: 962 Main St. <sup>(P)</sup>

City: Dallas ZIP Code: 97338

### DAYS AND HOURS OF OPERATION

**Business Hours:**

Sunday 11:30<sup>AM</sup> to 11 pm  
 Monday 11:30 to 2:30  
 Tuesday 11:30 to 2:30  
 Wednesday 11:30 to 2:30  
 Thursday 11:30 to 2:30  
 Friday 11:30 to 2:30  
 Saturday 11:30 to 2:30

**Outdoor Area Hours:** N/A

Sunday \_\_\_\_\_ to \_\_\_\_\_  
 Monday \_\_\_\_\_ to \_\_\_\_\_  
 Tuesday \_\_\_\_\_ to \_\_\_\_\_  
 Wednesday \_\_\_\_\_ to \_\_\_\_\_  
 Thursday \_\_\_\_\_ to \_\_\_\_\_  
 Friday \_\_\_\_\_ to \_\_\_\_\_  
 Saturday \_\_\_\_\_ to \_\_\_\_\_

The outdoor area is used for:

Food service Hours: \_\_\_\_\_ to \_\_\_\_\_  
 Alcohol service Hours: \_\_\_\_\_ to \_\_\_\_\_  
 Enclosed, how \_\_\_\_\_

The exterior area is adequately viewed and/or supervised by Service Permittees.

\_\_\_\_\_ (Investigator's Initials)

Seasonal Variations:  Yes  No If yes, explain: \_\_\_\_\_

### ENTERTAINMENT

Check all that apply:

Live Music  Karaoke  
 Recorded Music  Coin-operated Games  
 DJ Music  Video Lottery Machines  
 Dancing  Social Gaming  
 Nude Entertainers  Pool Tables  
 Other: TV'S

### DAYS & HOURS OF LIVE OR DJ MUSIC

undetermined but inside the building.

Sunday \_\_\_\_\_ to \_\_\_\_\_  
 Monday \_\_\_\_\_ to \_\_\_\_\_  
 Tuesday \_\_\_\_\_ to \_\_\_\_\_  
 Wednesday \_\_\_\_\_ to \_\_\_\_\_  
 Thursday \_\_\_\_\_ to \_\_\_\_\_  
 Friday \_\_\_\_\_ to \_\_\_\_\_  
 Saturday \_\_\_\_\_ to \_\_\_\_\_

### SEATING COUNT

Restaurant: 44 Outdoor: \_\_\_\_\_  
 Lounge: 15 Other (explain): \_\_\_\_\_  
 Banquet: \_\_\_\_\_ Total Seating: 59

**OLCC USE ONLY**

Investigator Verified Seating: \_\_\_(Y)\_\_\_(N)  
 Investigator Initials: \_\_\_\_\_  
 Date: \_\_\_\_\_

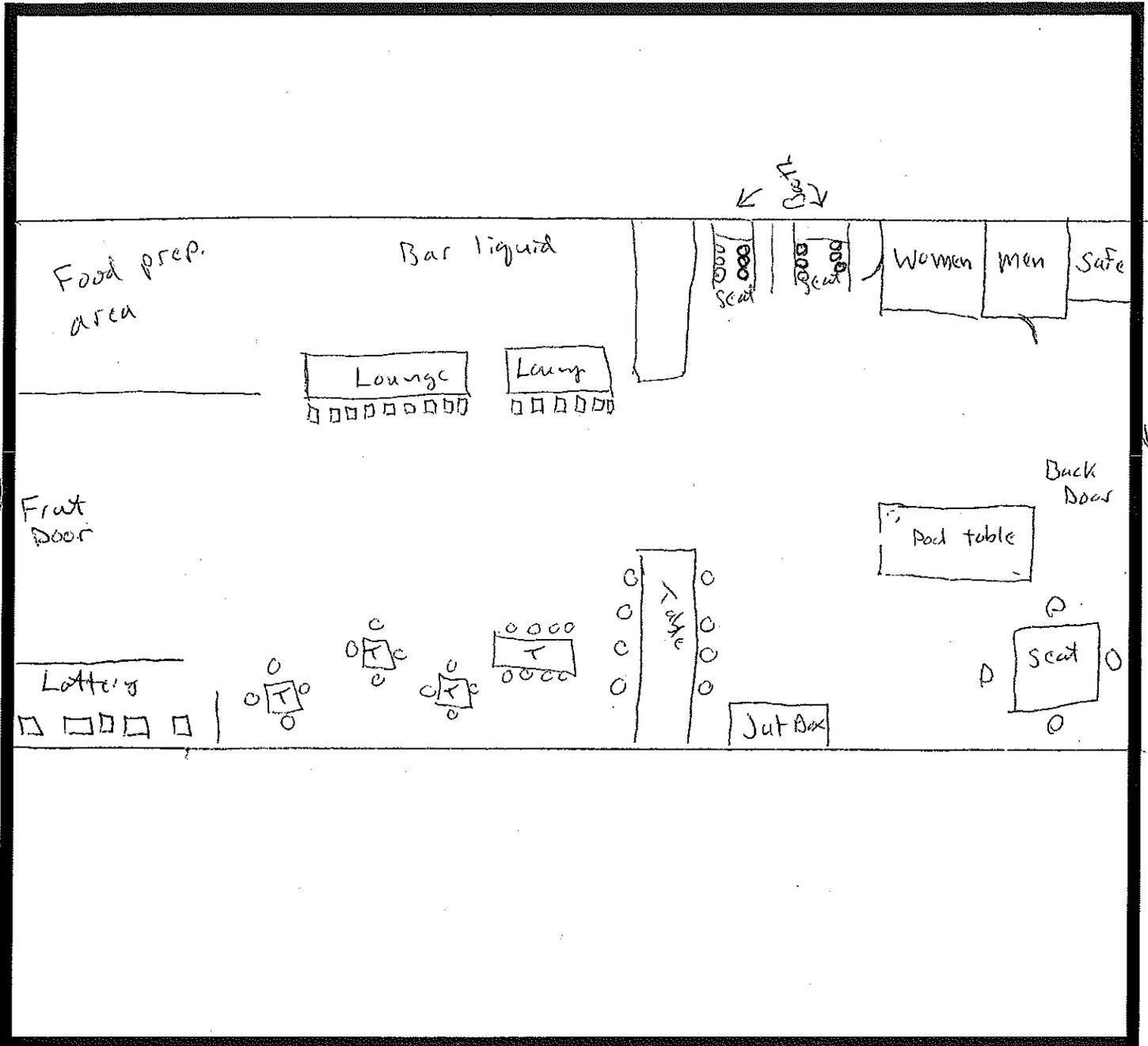
I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: [Signature] Date: 17 Feb 14



# OREGON LIQUOR CONTROL COMMISSION FLOOR PLAN

- **Your floor plan must be submitted on this form.**
- Use a separate Floor Plan Form for each level or floor of the building.
- The floor plan(s) must show the specific areas of your premises (e.g. dining area, bar, lounge, dance floor, video lottery room, kitchen, restrooms, outside patio and sidewalk cafe areas.)
- Include all tables and chairs (see example on back of this form). Include dimensions for each table if you are applying for a Full On-Premises Sales license.



The Exchange LLC  
Applicant Name

The Exchange  
Trade Name (dba):

Dallas 97338  
City and ZIP Code

.....OLCC USE ONLY.....  
MINOR POSTING ASSIGNMENT(S)

Date: \_\_\_\_\_ Initials: \_\_\_\_\_

1 The Dallas City Council met in regular session on Monday, March 17, 2014, at 7:00 p.m. in the  
2 Council Chambers of City Hall with Mayor Brian Dalton presiding.

3 **ROLL CALL AND PLEDGE OF ALLEGIANCE**

4 Council members present: Council President LaVonne Wilson, Councilor Jim Brown, Councilor  
5 Jim Fairchild, Councilor Kelly Gabliks, Councilor Beth Jones, Councilor Jackie Lawson,  
6 Councilor Kevin Marshall, Councilor Murray Stewart, and Councilor Ken Woods, Jr.

7 Also present were: City Manager Ron Foggin, City Attorney Lane Shetterly, Chief of Police Tom  
8 Simpson, Fire Chief Fred Hertel, Community Development/Operations Director Jason Locke,  
9 Engineering and Environmental Services Director Fred Braun, Finance Director Cecilia Ward,  
10 and Recording Secretary Jeremy Teal.

11 Mayor Dalton led the Pledge of Allegiance.

12 **1:15 EMPLOYEE RECOGNITION**

13 Chief Hertel introduced the Dallas Extrication team who were awarded the governor's volunteer  
14 award. He noted they would also be considered for the state level award.

15 **3:42 COMMENTS FROM THE AUDIENCE**

16 Doug Graven, 566 NW Denton, Dallas, Co-Owner of Pressed Coffee & Wine bar on Main Street  
17 announced the grand opening on Saturday, March 22 at 9:00 a.m.

18 **PUBLIC HEARINGS**

19 **5:00 CONSENT AGENDA**

20 Councilor Lawson asked to remove item b from the Consent Agenda.

21 It was moved by Councilor Marshall *to approve the Consent Agenda as submitted*. The motion  
22 was duly seconded and carried with a 9-0 vote.

23 Item approved by the Consent Agenda: a) March 3, 2014, City Council meeting minutes.

24 **6:00 ITEMS REMOVED FROM THE CONSENT AGENDA**

25 b) OLCC Application for an Annual License for The Exchange, formerly Tilted.

26 Councilor Lawson stated she would like to discuss the OLCC application and was concerned  
27 about the falsified answers on the application.

28 Mr. Shetterly noted that a denial of an OLCC application required a public hearing.

29 It was moved by Council President Wilson *to move the OLCC application to a public hearing at*  
30 *the next Council meeting*. The motion was duly seconded and carried by a 9-0 vote.

31 **REPORTS OR COMMENTS FROM THE MAYOR AND COUNCIL MEMBERS**

32 **9:00 IF I WERE MAYOR CONTEST**

33 Mayor Dalton gave a brief overview of the "If I Were Mayor" contest and asked for volunteers to  
34 judge the contest. Councilor Jones, Councilor Brown, Council President Wilson, and Mayor  
35 Dalton volunteered to be judges.

36 **GENERAL COMMENTS**

37 **OTHER**

38 **REPORTS FROM CITY MANAGER AND STAFF**

39 **16:00 FEBRUARY FINANCIAL REPORT**

40 Mr. Foggin reported that the February Financial report was routine.

41 **OTHER**

1 16:48 Mr. Foggin stated he received a letter from Tony's regarding Bike Nights. He noted the  
2 events would be moved to Saturdays and still close streets and add another event bringing the  
3 total to three, May 24, July 26, and August 30.

4 17:55 Mr. Foggin stated the memo concerning the Council minutes was provided for everyone  
5 and the staff was looking for feedback. He noted time stamps would be inserted into the action  
6 minutes to coincide with the audio and the audio would be streaming on the website.

7 Councilor Brown was initially concerned with listening to the audio, but with the time stamps and  
8 the accompanying action minutes he felt it would be a time saving venture.

9 Councilor Gabliks asked about going paperless. Mr. Foggin noted he had purchased a Microsoft  
10 surface tablet and if that worked out the Council would move toward that and go paperless.

## 11 **RESOLUTIONS**

12 28:17 **Resolution No. 3289** - A Resolution authorizing the transfer of budgetary funds.

13 Ms. Ward outlined the two transfers. The first was from the General Fund in the amount of  
14 \$10,000 for the Municipal Court, and the second from the Street Fund in the amount of \$25,000  
15 for the street study.

16 A roll call vote was taken and Mayor Dalton declared Resolution No. 3289 to have PASSED BY  
17 A 9-0 VOTE with Councilor Jim Brown, Councilor Jim Fairchild, Councilor Kelly Gabliks,  
18 Councilor Beth Jones, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Murray  
19 Stewart, Council President LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.

20 31:30 **Resolution No. 3290** - A Resolution of the City of Dallas authorizing a grant application  
21 under the Oregon Parks and Recreation Department Local Government Grant Fund for  
22 rehabilitation of the restrooms at the Dallas City Park; and committing available local matching  
23 funds.

24 Councilor Stewart asked for a brief overview of the project.

25 Mr. Foggin advised that ventilation, lighting, and fiberglass panels to prevent urine and graffiti  
26 stains would be installed along with new paint to freshen up the restrooms. He noted that if the  
27 City received both grants the restrooms would be reroofed.

28 A roll call vote was taken and Mayor Dalton declared Resolution No. 3290 to have PASSED BY  
29 A 9-0 VOTE with Councilor Jim Brown, Councilor Jim Fairchild, Councilor Kelly Gabliks,  
30 Councilor Beth Jones, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Murray  
31 Stewart, Council President LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.

32 36:41 **Resolution No. 3291** - A Resolution amending the Deferred Compensation Plan for  
33 Section 457 Plan Funds contributed by employees to ICMA Retirement Corporation.

34 Mr. Foggin reported that the City had employees participating in the plan and the City hadn't  
35 adopted the plan yet.

36 A roll call vote was taken and Mayor Dalton declared Resolution No. 3291 to have PASSED BY  
37 A 9-0 VOTE with Councilor Jim Brown, Councilor Jim Fairchild, Councilor Kelly Gabliks,  
38 Councilor Beth Jones, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Murray  
39 Stewart, Council President LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.

40 38:23 **Resolution No. 3292** - A Resolution requesting that the Dallas-Independence-Monmouth  
41 Enterprise Zone be designated for Electronic Commerce.

42 Mr. Locke noted this was an add-on to the current Enterprise Zone and would include any  
43 e-commerce businesses. He stated that any business had to be in the enterprise zone and actively  
44 taking advantage of it.

45 A roll call vote was taken and Mayor Dalton declared Resolution No. 3292 to have PASSED BY  
46 A 9-0 VOTE with Councilor Jim Brown, Councilor Jim Fairchild, Councilor Kelly Gabliks,  
47 Councilor Beth Jones, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Murray  
48 Stewart, Council President LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.

## 49 **FIRST READING OF ORDINANCE**

50 42:40 **Ordinance No. 1764** - An Ordinance accepting the conveyance of certain real property for  
51 public park use; and declaring an emergency.

52 Mr. Shetterly advised the property included two pocket parks in the Barberry Node. He noted that  
53 he requested a log book report and found a development agreement with the City, CCRs due to  
54 the subdivision, and a trust deed by the FIFE group. He stated the CCR and trust deed would be

1 released before the next Council meeting.

2 Mayor Dalton declared Ordinance No. 1764 to have passed its first reading.

3 **SECOND READING OF ORDINANCE**

4 44:50 Ordinance No. 1761 – An Ordinance amending the Dallas Comprehensive Plan Map for a  
5 parcel of real property owned by Gary and Bertha Fitzwater from Industrial to Residential.

6 A roll call vote was taken and Mayor Dalton declared Ordinance No. 1761 to have PASSED BY  
7 A 9-0 VOTE with Councilor Jim Brown, Councilor Jim Fairchild, Councilor Kelly Gabliks,  
8 Councilor Beth Jones, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Murray  
9 Stewart, Council President LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.

10 45:50 Ordinance No. 1762 – An Ordinance changing the zoning designation of a parcel of real  
11 property owned by Gary and Bertha Fitzwater from Industrial to Residential Medium Density.

12 A roll call vote was taken and Mayor Dalton declared Ordinance No. 1762 to have PASSED BY  
13 A 9-0 VOTE with Councilor Jim Brown, Councilor Jim Fairchild, Councilor Kelly Gabliks,  
14 Councilor Beth Jones, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Murray  
15 Stewart, Council President LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.

16 46:35 Ordinance No. 1763 – An Ordinance amending provisions of the Dallas City Code Section  
17 5.430, relating to Mercer Lake regulations.

18 A roll call vote was taken and Mayor Dalton declared Ordinance No. 1763 to have PASSED BY  
19 A 9-0 VOTE with Councilor Jim Brown, Councilor Jim Fairchild, Councilor Kelly Gabliks,  
20 Councilor Beth Jones, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Murray  
21 Stewart, Council President LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.

22 47:40 OTHER BUSINESS

23 Mayor Dalton advised that the State Historic Preservation office had a “Diamonds in the Rough”  
24 grant program to help restore facades of older buildings in Oregon. He noted that building owners  
25 were encouraged to apply, but was told the City could apply for this grant.

26 Councilor Lawson declared an actual conflict of interest as she was a downtown building owner,  
27 and asked if the City applied if it would preclude other owners. Mr. Foggin noted that the  
28 paperwork was unclear if the City could even apply for the grant.

29 It was moved by Councilor Stewart *to apply for the Diamonds in the Rough grant program*. The  
30 motion was duly seconded and was carried with a vote of 9-0.

31 **EXECUTIVE SESSION**

32 Mayor Dalton recessed the meeting at 7:52 p.m. to go into Executive Session as authorized under  
33 ORS 192.660(2)(d) to conduct deliberations with persons designated by the governing body to  
34 carry on labor negotiations

35 Mayor Dalton reconvened the Council meeting at 8:17 p.m.

36 There being no further business, the meeting adjourned at 8:17 p.m.

37 Read and approved this \_\_\_\_\_ day of \_\_\_\_\_ 2014.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Manager

# DALLAS CITY COUNCIL REPORT

**TO: MAYOR BRIAN DALTON AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No. 5 b</b>	<b>Topic:</b> Modification to OLCC Application for Pressed Coffee & Wine Bar
<b>Prepared By:</b> Jeremy Teal	<b>Meeting Date:</b> April 7, 2014	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

RECOMMENDED MOTION:

With approval of the consent agenda, the Council would be recommending to the OLCC to grant the request for an off-premises sales license for Pressed Coffee & Wine Bar.

BACKGROUND:

Douglas Graven and Rachel Phelps are requesting a modification to their existing OLCC application to allow off premises sales of boxes of wine for customer to take home.

Staff has reviewed the OLCC application and found no discrepancies with the information provided by Mr. Graven and Mrs. Phelps.

FISCAL IMPACT:

None

ATTACHMENTS:

Memo from Police Department  
OLCC Application for Pressed Coffee & Wine Bar

# MEMO

TO: RON FOGGIN  
CITY MANAGER

FROM: TOM SIMPSON  
CHIEF OF POLICE

RE: *Pressed Coffee & Wine Bar*  
Off-Premise Sales  
Location: 788 Main Street

DATE: March 24, 2014

This application is for Off-Premises Sales. The applicants, Douglas Graven and Rachel Phelps are applying as a Limited Liability Company.

A routine background check has been completed and has revealed no recent items of concern.



# OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

03-14-14 PM 1:13 RCVD

Application is being made for:

### LICENSE TYPES

- Full On-Premises Sales (\$402.60/yr)
  - Commercial Establishment
  - Caterer
  - Passenger Carrier
  - Other Public Location
  - Private Club
- Limited On-Premises Sales (\$202.60/yr)
- Off-Premises Sales (\$100/yr)
  - with Fuel Pumps
- Brewery Public House (\$252.60)
- Winery (\$250/yr)
- Other: \_\_\_\_\_

### ACTIONS

- Change Ownership
- New Outlet
- Greater Privilege
- Additional Privilege
- Other \_\_\_\_\_

### CITY AND COUNTY USE ONLY

Date application received: \_\_\_\_\_

The City Council or County Commission:

\_\_\_\_\_  
(name of city or county)

recommends that this license be:

Granted  Denied

By: \_\_\_\_\_  
(signature) (date)

Name: \_\_\_\_\_

Title: \_\_\_\_\_

### OLCC USE ONLY

Application Rec'd by: \_\_\_\_\_ 

Date: 3.11.14

90-day authority:  Yes  No

### 90-DAY AUTHORITY

Check here if you are applying for a change of ownership at a business that has a current liquor license, or if you are applying for an Off-Premises Sales license and are requesting a 90-Day Temporary Authority

### APPLYING AS:

- Limited Partnership
- Corporation
- Limited Liability Company
- Individuals

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]

① PRESSED COFFEE AND WINE, LLC ③ \_\_\_\_\_

② \_\_\_\_\_ ④ \_\_\_\_\_

2. Trade Name (dba): PRESSED COFFEE & WINE BAR

3. Business Location: 788 MAIN STREET, DALLAS, POLK, OREGON 97338  
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: 788 MAIN STREET, DALLAS, POLK, OREGON 97338  
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: (503) 751-1666  
(phone) (fax)

6. Is the business at this location currently licensed by OLCC?  Yes  No

7. If yes to whom: PRESSED COFFEE AND WINE, LLC Type of License: LIMITED ON-PREMISES SALES

8. Former Business Name: \_\_\_\_\_

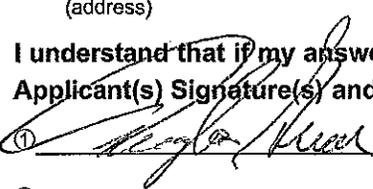
9. Will you have a manager?  Yes  No Name: \_\_\_\_\_  
(manager must fill out an Individual History form)

10. What is the local governing body where your business is located? CITY OF DALLAS  
(name of city or county)

11. Contact person for this application: DOUGLAS GRAVEN \_\_\_\_\_  
(name) (phone number(s))  
\_\_\_\_\_  
(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

①  Date 3/6/14 ③ \_\_\_\_\_

② \_\_\_\_\_ Date \_\_\_\_\_ ④ \_\_\_\_\_

RECEIVED

MAR 11 2014

SALEM REGIONAL OFFICE



OREGON LIQUOR CONTROL COMMISSION  
INDIVIDUAL HISTORY

1. Trade Name PRESSED COFFEE AND WINE, BAR 2. City DALLAS  
 3. Name GRAVEN DOUGLAS [REDACTED]  
 (Last) (First) (Middle)  
 4. Other names used (maiden, other) \_\_\_\_\_  
 5. \*SSN [REDACTED] 6. Place of Birth [REDACTED] 7. DOB [REDACTED] 8. Sex  M  F  O  
 (State or Country) (mm) (dd) (yyyy)

\*SOCIAL SECURITY NUMBER DISCLOSURE: As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). If you are an applicant or licensee and fail to provide your SSN, the OLCC may refuse to process your application. Your SSN will be used only for child support enforcement purposes unless you sign below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a). If you consent to these uses, please sign here:

Applicant Signature: \_\_\_\_\_

9. Driver License or State ID # [REDACTED] 10. State [REDACTED]  
 11. Residence Address [REDACTED]  
 (number and street) (city) (state) (zip code)  
 12. Mailing Address (if different) \_\_\_\_\_  
 (number and street) (city) (state) (zip code)  
 13. Contact Phone [REDACTED] 14. E-Mail address (optional) \_\_\_\_\_

15. Do you have a spouse or domestic partner?  Yes  No  
 If yes, list his/her full name: DENA GRAVEN

16. If yes to #15, will this person work at or be involved in the operation or management of the business?  
 Yes  No

17. List all states, other than Oregon, where you have lived during the past ten years:  
CALIFORNIA

18. In the past 12 years, have you been **convicted** ("convicted" includes paying a fine) in Oregon or any other state of driving a car with a suspended driver's license or driving a car with no insurance?  
 Yes  No  Unsure If yes, list the date(s), or approximate dates, and type(s) of convictions.  
 If unsure, explain. You may include the information on a separate sheet.

*Holmgren*

19. In the past 12 years, have you been **convicted** ("convicted" includes paying a fine) in Oregon or any other state of a misdemeanor or a felony?  Yes  No  Unsure  
 If yes, list the date(s), or approximate dates, and type(s) of convictions. If unsure, explain. You may include the information on a separate sheet.

20. Trade Name PRESSED COFFEE AND WINE, *BAC* 21. City DALLAS

22. Do you have any arrests or citations that have not been resolved?  Yes  No  Unsure  
If yes or unsure, explain here or include the information on a separate sheet.

23. Have you ever been in a drug or alcohol **diversion program** in Oregon or any other state? (A diversion program is where you are required, usually by the court or another government agency, to complete certain requirements in place of being convicted of a drug or alcohol-related offense.)  Yes  No  Unsure  
If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

24. Do you, or any legal entity that you are a part of, **currently hold** or **have previously held** a liquor license in Oregon or another US state? (Note: a service permit is not a liquor license.)  Yes  No  Unsure  
If yes, list the name(s) of the business, the city (or cities) and state (or states) where located, and the date(s) of the license(s). If unsure, explain. You may include the information on a separate sheet.  
*Pressed Coffee and Wine LLC Dallas OR 97338*

25. Have you, or any legal entity that you are a part of, ever had an application for a license, permit, or certificate **denied or cancelled** by the OLCC or any other governmental agency in the US?  
 Yes  No  Unsure If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

**Questions 26 and 27 apply if you, or any legal entity that you are part of, are applying for a Full On-Premises, Limited On-Premises, Off-Premises, or Brewery-Public House license.** If you are not applying for one of those licenses, mark "N/A" on Questions 26 & 27.

26. Do you have any ownership interest in any other business that makes, wholesales, or distributes alcohol?  N/A  Yes  No  Unsure If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

27. Does, or will, a maker, wholesaler, or distributor of alcohol have any ownership interest in your business?  
 N/A  Yes  No  Unsure If yes or unsure, explain:

**Question 28 applies if you, or any legal entity that you are part of, are applying for a Brewery, Brewery-Public House, Distillery, Grower Sales Privilege, Warehouse, Wholesale Malt Beverage & Wine, or Winery license.** If you are not applying for one of those licenses, mark "N/A" on Question 28.

28. Do you, or any legal entity that you are part of, have any ownership interest in any other business that sells alcohol at retail in Oregon?  N/A  Yes  No  Unsure If yes or unsure, explain:

You must sign your own form (you can't have your attorney or a person with power of attorney sign your form).

I affirm that my answers are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to, criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: *[Signature]* Date: *3/6/14*



# OREGON LIQUOR CONTROL COMMISSION INDIVIDUAL HISTORY

1. Trade Name PRESSED COFFEE AND WINE, *Dave* 2. City DALLAS
3. Name PHELPS RACHEL  
(Last) (First) (Middle)
4. Other names used (maiden, other) JAHN (MAIDEN NAME)
5. \*SSN [REDACTED] 6. Place of Birth [REDACTED] 7. DOB [REDACTED] 8. Sex  M  F  
(State or Country) (mm) (dd) (yyyy)

\*SOCIAL SECURITY NUMBER DISCLOSURE: As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). If you are an applicant or licensee and fail to provide your SSN, the OLCC may refuse to process your application. Your SSN will be used only for child support enforcement purposes unless you sign below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a). If you consent to these uses, please sign here:

Applicant Signature: \_\_\_\_\_

9. Driver License or State ID # [REDACTED] 10. State [REDACTED]
11. Residence Address [REDACTED]  
(number and street) (city) (state) (zip code)
12. Mailing Address (if different) \_\_\_\_\_  
(number and street) (city) (state) (zip code)
13. Contact Phone [REDACTED] 14. E-Mail address (optional) \_\_\_\_\_

15. Do you have a spouse or domestic partner?  Yes  No  
If yes, list his/her full name: JAMES PHELPS

16. If yes to #15, will this person work at or be involved in the operation or management of the business?  
 Yes  No

17. List all states, other than Oregon, where you have lived during the past ten years:  
\_\_\_\_\_

18. In the past 12 years, have you been **convicted** ("convicted" includes paying a fine) in Oregon or any other state of driving a car with a suspended driver's license or driving a car with no insurance?  
 Yes  No  Unsure If yes, list the date(s), or approximate dates, and type(s) of convictions.  
If unsure, explain. You may include the information on a separate sheet.

*Hq ojm/kant*

19. In the past 12 years, have you been **convicted** ("convicted" includes paying a fine) in Oregon or any other state of a misdemeanor or a felony?  Yes  No  Unsure  
If yes, list the date(s), or approximate dates, and type(s) of convictions. If unsure, explain. You may include the information on a separate sheet.

20. Trade Name PRESSED COFFEE AND WINE, *BAE* 21. City DALLAS

22. Do you have any arrests or citations that have not been resolved?  Yes  No  Unsure  
If yes or unsure, explain here or include the information on a separate sheet.

23. Have you ever been in a drug or alcohol **diversion program** in Oregon or any other state? (A diversion program is where you are required, usually by the court or another government agency, to complete certain requirements in place of being convicted of a drug or alcohol-related offense.)  Yes  No  Unsure  
If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

24. Do you, or any legal entity that you are a part of, **currently hold** or **have previously held** a liquor license in Oregon or another US state? (Note: a service permit is not a liquor license.)  Yes  No  Unsure  
If yes, list the name(s) of the business, the city (or cities) and state (or states) where located, and the date(s) of the license(s). If unsure, explain. You may include the information on a separate sheet.

*Pressed Coffee and Wine, LLC Dallas OR 97738 / Inner Fuel Services LLC / Hater's Cafe*

25. Have you, or any legal entity that you are a part of, ever had an application for a license, permit, or certificate **denied or cancelled** by the OLCC or any other governmental agency in the US?  
 Yes  No  Unsure If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

**Questions 26 and 27 apply if you, or any legal entity that you are part of, are applying for a Full On-Premises, Limited On-Premises, Off-Premises, or Brewery-Public House license.** If you are not applying for one of those licenses, mark "N/A" on Questions 26 & 27.

26. Do you have any ownership interest in any other business that makes, wholesales, or distributes alcohol?  N/A  Yes  No  Unsure If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

27. Does, or will, a maker, wholesaler, or distributor of alcohol have any ownership interest in your business?  
 N/A  Yes  No  Unsure If yes or unsure, explain:

**Question 28 applies if you, or any legal entity that you are part of, are applying for a Brewery, Brewery-Public House, Distillery, Grower Sales Privilege, Warehouse, Wholesale Malt Beverage & Wine, or Winery license.** If you are not applying for one of those licenses, mark "N/A" on Question 28.

28. Do you, or any legal entity that you are part of, have any ownership interest in any other business that sells alcohol at retail in Oregon?  N/A  Yes  No  Unsure If yes or unsure, explain:

You must sign your own form (you can't have your attorney or a person with power of attorney sign your form).

I affirm that my answers are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to, criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: *Paehol W* Date: *3/6/14*



OREGON LIQUOR CONTROL COMMISSION
BUSINESS INFORMATION

Please Print or Type

Applicant Name: PRESSED COFFEE AND WINE, LLC Phone: (503)751-1668

Trade Name (dba): PRESSED COFFEE & WINE BAR

Business Location Address: 788 MAIN STREET

City: DALLAS, OREGON ZIP Code: 97338

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday 6am to 7:00 PM
Monday to 7:00 PM
Tuesday to 7:00 PM
Wednesday to 11:00 PM
Thursday to 11:00 PM
Friday to 11:00 PM
Saturday to 11:00 AM

Outdoor Area Hours:

Sunday N/A to
Monday to
Tuesday to
Wednesday to
Thursday to
Friday to
Saturday to

The outdoor area is used for:

- Food service Hours: to
Alcohol service Hours: to
Enclosed, how

The exterior area is adequately viewed and/or supervised by Service Permittees.

(Investigator's Initials)

Seasonal Variations: Yes No If yes, explain:

ENTERTAINMENT

Check all that apply:

- Live Music (Ind. Music Singer/Sole)
Recorded Music
DJ Music
Dancing
Nude Entertainers
Karaoke
Coin-operated Games
Video Lottery Machines
Social Gaming
Pool Tables
Other:

DAYS & HOURS OF LIVE OR DJ MUSIC

Sunday to
Monday to
Tuesday to
Wednesday to
Thursday to
Friday to
Saturday to

SEATING COUNT

Restaurant: 68 Outdoor:
Lounge: Other (explain): WINE BAR 6
Banquet: Total Seating: 68

OLCC USE ONLY
Investigator Verified Seating: (Y) (N)
Investigator Initials:
Date:

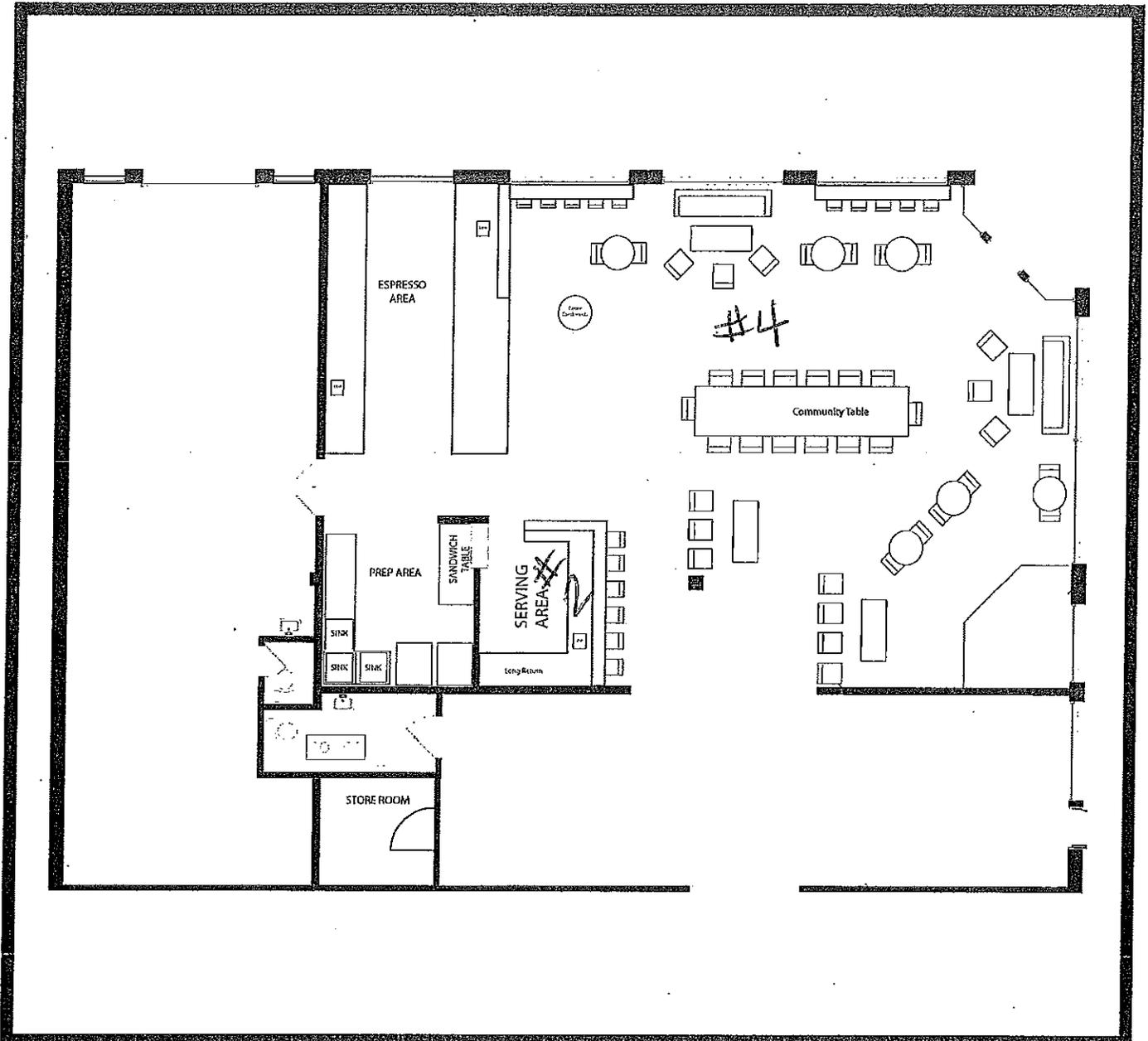
I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: Date: 3/12/14



OREGON LIQUOR CONTROL COMMISSION  
**FLOOR PLAN**

- **Your floor plan must be submitted on this form.**
- Use a separate Floor Plan Form for each level or floor of the building.
- The floor plan(s) must show the specific areas of your premises (e.g. dining area, bar, lounge, dance floor, video lottery room, kitchen, restrooms, outside patio and sidewalk cafe areas.)
- Include all tables and chairs (see example on back of this form). Include dimensions for each table if you are applying for a Full On-Premises Sales license.



**PRESSED COFFEE AND WINE, LLC**

Applicant Name  
**PRESSED COFFEE & WINE BAR**

Trade Name (dba):  
**788 MAIN ST, DALLAS, OR 97338**

City and ZIP Code

.....OLCC USE ONLY.....  
MINOR POSTING ASSIGNMENT(S)

**#4 DINING UNTIL 10PM**  
**#2 WINE BAR**

Date: **3-12-14** Initials: **[Signature]**

**1-800-452-OLCC (6522)**  
[www.oregon.gov/olcc](http://www.oregon.gov/olcc)

# DALLAS CITY COUNCIL REPORT

**TO: MAYOR BRIAN DALTON AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No.</b> <b>5 c</b>	<b>Topic:</b> Budget Committee Appointment
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> April 7, 2014	<b>Attachments:</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

RECOMMENDED ACTION:

Approval of the Consent Agenda would appoint Mike Holland to the Budget Committee.

BACKGROUND:

We recently received Joe Koubek’s resignation from the Budget Committee. When we last advertised for people interested in serving on the Budget Committee (earlier this year), Mike Holland applied. He is still interested in serving, and staff feels he could provide good insight to the budget process. We recommend appointing Mike Holland to the Budget Committee to fill Mr. Koubek’s seat.

FISCAL IMPACT:

None

ATTACHMENTS:

Application from Mr. Holland



CITIZEN COMMITTEE INTEREST FORM

Name: Michael Holland

Address: [Redacted]

Mailing Address: DALLAS, OR 97338

Phone: Work: [Redacted] Home: [Redacted]

E-mail Address: [Redacted] Yrs as Dallas Resident: YBS

Occupation and Employer: RETIRED

Employer's Address and Telephone: \_\_\_\_\_

May we contact you at work?  Yes  No

I am interested in serving on the following Committee(s):

- Budget Committee
- Citizens Advisory Committee for the Comprehensive Plan
- Economic Development Commission
- Library Board
- Parks and Recreation Board
- Planning Commission
- Urban Renewal District Advisory Committee
- Utility Rate Advisory Group

I am interested in being on a waiting list if there are no current vacancies.

Please write a brief narrative describing your interest, qualifications, and what you hope to accomplish in this position. Include the skills, experience, and knowledge you possess that would help you contribute in this position. Feel free to attach a resume or other information you feel would be helpful.

I understand Oregon Budget Law and have in depth experience in the public sector. I would welcome - in retirement - the opportunity to continue my work with public bodies as they strive to provide quality service at a reasonable cost. Brief Resume is attached.

**Educational Background**

High School: Redmond, OR  Graduated  GED

College: WOU, Willamette Degree: BS, MS, JD

**Previous Volunteer/Committee Experience:**

Volunteer Agency: SEE Resume

Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

Duties: \_\_\_\_\_

Have you ever been convicted of a felony?  Yes  No

**AUTHORIZATION WAIVER**

I have completed the above questions and to the best of my knowledge, what has been stated is true. If appointed, I agree to serve without reimbursement of any kind. I understand that I may be subject to a criminal records check. I further understand that irrespective of any criminal records check, the City of Dallas may decline my volunteer application or volunteer services at any time.

Mick Hall  
Applicant's Signature

8-1-13  
Date

*Please be advised members of the City Council and the Planning Commission are required to file an annual Statement Of Economic Interest with the State of Oregon. A sample reporting form is available from the City Records Office at 187 SE Court Street indicating the type of information you will be required to disclose if you are appointed.*

Please return completed application to:  
City Manager's Office  
City of Dallas  
187 SE Court St  
Dallas, OR 97338  
503-831-3502

.....  
Date received at City Hall: \_\_\_\_\_ Date appointed: \_\_\_\_\_

Board, Commission or Committee: \_\_\_\_\_

MICHAEL HOLLAND  
ABBREVIATED RESUME

EDUCATION

Western Oregon University, Monmouth, Oregon. B.S., Humanities. 1970  
Western Oregon University, Monmouth, Oregon. M.S., Counseling. 1972  
Willamette University College of Law, Salem, Oregon. Juris Doctor. 1979. (Member, Oregon State Bar, retired 2009).

EMPLOYMENT

Associate Dean, Willamette University College of Law. 1979-1986.  
State Commissioner, Oregon Department of Community Colleges and Workforce Development. 1986-1991.  
President, Community College of Vermont. 1991-94.  
Vice President, Linn Benton Community College. 1995-2008.

COMMUNITY AND PROFESSIONAL SERVICE

Chemeketa Community College Board of Directors (two terms as Board Chair), 1976-83.  
Salem Keizer School District Board of Directors (two terms as Board Chair). 1984-88.  
NW Association of Schools and Colleges (Regional Accreditation Body). 1983-87, 1997-2003.  
Central Willamette Credit Union Board of Directors. 2008-2013.  
Oregon Student Access Commission. 2010-current.

Address

  
Dallas, Oregon 97338

# DALLAS CITY COUNCIL REPORT

**TO: MAYOR BRIAN DALTON AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No. 5 d</b>	<b>Topic:</b> Appoint CDBG Certifying Officer
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> April 7, 2014	<b>Attachments:</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

RECOMMENDED MOTION:

With approval of the Consent Agenda, the Council would designate Jason Locke, Community Development and Operations Director, as the Certifying Officer for the 2014 CDBG Housing Rehabilitation Project.

BACKGROUND:

An entity receiving CDBG funding must designate a *Certifying Officer*. The Certifying Officer is required to review and attest to recipients' compliance with certain environmental review procedures.

The City Council must officially designate a person such as the city manager, community development director, or the city finance director as the certifying officer. Jason Locke has served in this capacity for previous CDBG housing rehabilitation grants and is the logical choice for this new grant as well.

FISCAL IMPACT:

None

ATTACHMENTS:

None

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Members Present: Chair Jim Brown, Kevin Marshall (arrived at 5:20 p.m.), Murray Stewart, and LaVonne Wilson. Absent: Jackie Lawson

Also Present: Mayor Brian Dalton, City Manager Ron Foggin, City Attorney Lane Shetterly, Community Development/Operations Director Jason Locke, Finance Director Cecilia Ward, City Recorder Emily Gagner, and Recording Secretary Jeremy Teal.

Chair Brown called the meeting to order at 5:00 p.m.

Kevin Marshall arrived at 5:20 p.m.

**PROPERTY MAINTENANCE REGULATIONS**

Mr. Locke noted spelling and grammatical errors had been corrected in the regulations.

It was moved by Councilor Brown *to direct staff to prepare the property maintenance regulations in ordinance form to be adopted by the full council.* The motion was duly seconded and carried by a 3-0 vote.

**REPUBLIC SERVICES PROPOSED RATE INCREASE**

Mr. Foggin advised that Republic Services would like to request permission to increase rates as outlined in the franchise agreement. He noted the increase wouldn't take place until January 2015 and would be an increase of 2.7% for all customers. He stated that he asked for prices regarding weekly recycling pickup, which increase the cost by \$1.95 a month, a second bin for green waste would increase the cost \$7.59 a month, and leaf collection would increase the rate \$.69 per month. He added that the leaf collection would be the entire community or not at all. He commented that Republic Services would waive the service increase until January 2016 if the City opted to go with leaf collection or any other optional additions.

Mayor Dalton advised the money the City used to cover leaf pickup costs was pulled from the Street Fund. He noted that extra trips by garbage trucks down the City streets would further deteriorate them.

It was the consensus of the committee for staff to research the subject further and return with more information regarding the number of customers in Dallas, and the amount of revenue collected by Republic Services from the increase in rates.

**FINANCE DIRECTOR'S REPORT**

Ms. Ward noted the Finance Department was losing a senior accountant and work was moving ahead on the budget.

**HR MANAGER'S REPORT**

Ms. Gagner reported that EMS labor negotiations were underway and that Police negotiations would begin soon. She advised that since January the City had lost one full time paramedic shift lieutenant and two part time paramedics. She reported the City had hired two lifeguards, a temporary library employee, and two part time paramedics. She stated that an offer was made to a part time paramedic for the shift lieutenant position. She noted the City was hiring for a lateral and entry level police officer, a division chief and training officer for the Fire Department, and a senior accountant.

**ADJOURNMENT**

There was no other business and the meeting was adjourned at 5:37 p.m.



# AGENDA

March 31, 2014

5:00 PM

Council Chambers  
Dallas City Hall  
187 SE Court St  
Dallas, OR 97338

- A. Call to Order
- B. Property maintenance regulations PG. 2
- C. Republic Services proposed rate increase PG. 17
- D. Finance Director's report
- E. Human Resources Manager's report
- F. Other
- G. Adjournment

## COMMITTEE

Chair Jim Brown

Jackie Lawson

Kevin Marshall

Murray Stewart

LaVonne Wilson





*Community Development Department*

**Memo**

**To:** Administration Committee  
**From:** Jason Locke, Community Development/Operations Director   
**Date:** March 31, 2014  
**Re:** Property Maintenance Regulations

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The attached draft contains the corrected proposal. At the last meeting, the Committee directed staff to correct the errors and it would then be discussed at this meeting.

Attachment: Corrected Property Maintenance Regulations



## *Community Development Department*

### **Memo**

**To:** Administration Committee  
**From:** Jason Locke, Community Development/Operations Director  
**Date:** January 27, 2014  
**Re:** Property Maintenance Regulations

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This draft is a follow-up as directed by the Admin Committee at their last meeting (See attachments). The draft has been reviewed by the Building Official and staff, and contains basic maintenance items and fixes that would allow the city to address issues that we are not currently able to address except when a building or structure either gets to the point of being a dangerous building or becomes a significant nuisance. Once a building reaches that stage, there are far fewer options and a long and potentially costly process to abate the problem. That being said, it would be the intent that the proposed regulations be used in a pro-active yet common sense way as a tool to ensure safety and avoid long-term problem structures.

**Attachments:**

- 1) Proposed Property Maintenance Regulations
- 2) Minutes and Packet materials from November 2013 Admin Committee meeting

**CHAPTER 8.800**  
**PROPERTY MAINTENANCE REGULATIONS - DRAFT 2**

8.800 Title.

8.801 Purpose.

8.802 Scope; conflict with state law.

8.803 Application.

8.804 Inspection.

8.805 Enforcement and Penalty.

8.806 Definitions.

8.807 Maintenance.

8.808 Accessory structures.

8.809 Roofs.

8.810 Chimneys.

8.811 Foundations and structural members.

8.812 Exterior walls and exposed surfaces.

8.813 Stairs and porches.

8.814 Handrails and guardrails.

8.815 Windows.

8.816 Doors.

8.817 Interior walls, floors, and ceilings.

8.818 Interior dampness.

8.819 Insect and rodent harborage.

8.820 Cleanliness and sanitation.

8.821 Bathroom facilities.

8.822 Kitchen facilities.

8.823 Plumbing facilities.

8.824 Heating equipment and facilities.

8.825 Electrical system, outlets, and lighting.

8.826 Sleeping room requirements.

8.827 Overcrowding.

8.828 Emergency exits.

8.829 Smoke alarms and carbon monoxide alarms.

8.830 Hazardous materials.

8.831 Maintenance of facilities and equipment.

8.832 Swimming pools.

### **8.800 Title.**

This Chapter shall be known as the "property maintenance regulations," and is referred to herein as "this chapter."

### **8.801 Purpose.**

The purpose of this chapter is to protect the health, safety and welfare of city citizens, to prevent deterioration of existing structures, and to contribute to vital neighborhoods by:

- (1) Regulating and abating dangerous and derelict buildings.
- (2) Establishing and enforcing minimum standards for buildings and other structures regarding basic equipment, facilities, sanitation, fire safety, and maintenance.

### **8.802 Scope; conflict with state law.**

The provisions of this chapter shall apply to all property in the city limits except as otherwise provided by law; however, the provisions of this chapter do not apply to jails, institutions and similar occupancies as classified by the state-adopted structural specialty code. In the event that a provision of this chapter conflicts with a licensing requirement of the state, the state licensing requirements shall be followed.

### **8.803 Application.**

Any alterations to buildings, or changes of their use, which may be a result of the enforcement of this chapter shall be done in accordance with applicable building codes as adopted by the city.

### **8.804 Inspections.**

The building official (and his or her designee), or code enforcement officer, or both, are authorized to conduct inspections to enforce the provisions of this chapter.

### **8.805 Enforcement and Penalty.**

- A. Enforcement of the provisions of this chapter will be performed in accordance with Chapter 1.052
- B. No responsible person may violate or fail to comply with any provisions of this chapter. Any responsible person commits a separate offense for each and every day they commit, continue or permit a violation of any provision of this chapter.
- C. Violation of any provision of this chapter is considered a civil infraction.

### **8.806 Definitions.**

- (a) For the purpose of this chapter:
  - (1) Certain abbreviations, terms, phrases, words and their derivatives shall be construed as specified in this chapter.
  - (2) Words used in the singular include the plural and the plural the singular.
  - (3) Words used in the masculine gender include the feminine and the feminine the masculine.

(4) The term "and" indicates that all connected items or provisions apply.

(5) The term "or" indicates that the connected items or provisions may apply singly or in combination.

(6) Terms, words, phrases and their derivatives used, but not specifically defined, in this chapter either shall have the meanings defined in other chapters of this Code or if not defined, shall have their commonly accepted meanings. If a conflict exists between a definition in other chapters and a definition in this chapter, the definitions in this chapter shall apply to actions taken pursuant to this chapter.

(b) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Abatement of a nuisance* means the act of removing, repairing, or taking other steps as may be necessary in order to remove a nuisance.

*Accessory structure* means any structure not intended for human occupancy which is located on residential property. Accessory structures may be attached to or detached from the residential structure. Examples of accessory structures include: garages, carports, sheds, and other non-dwelling buildings; decks, awnings, equipment, fences, trellises, flag poles, tanks, towers, exterior stairs and walkways, and other exterior structures on the property.

*Apartment house.* See *Dwelling classifications*.

*Approved* means meets the standards set forth by applicable provisions of this Code including any applicable regulations for electric, plumbing, building, mechanical or other sets of standards included by reference in this chapter.

*Basement* means the usable portion of a building which is below the main entrance story and is partly or completely below grade.

*Boarded* means secured against entry by apparatus which is visible off the premises or is not both lawful and customary to install on occupied structures.

*Building* means any structure used or intended to be used for supporting or sheltering any use or occupancy.

*Building, existing,* means a building constructed and legally occupied prior to the adoption of this chapter, and one for which a building permit has been lawfully issued and has not been revoked or lapsed due to inactivity.

*Building Official* means the Building Official charged with the enforcement and administration of this chapter.

*Carbon monoxide alarm* means a device that detects carbon monoxide; produces a distinctive audible alert when carbon monoxide is detected; is listed by Underwriters Laboratories as complying with ANSI/UL 2034 or ANSI/UL 2075 or any other nationally recognized testing laboratory or an equivalent organization; and operates as a distinct unit, as two or more single station units wired to operate in conjunction with each other, or as part of a system that includes carbon monoxide detectors.

*Carbon monoxide source* means a heater, fireplace, furnace, appliance, or cooking source that uses coal, wood, petroleum products, and other fuels that emit carbon monoxide as a by-product of combustion. Petroleum products include, but are not limited to, kerosene, natural gas, or propane.

*Ceiling height* means the clear distance between the floor and the ceiling directly above it.

*Court* means a space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building.

*Dangerous building.* See *Dangerous structure*.

*Dangerous structure* means any structure which has any of the conditions or defects described in section 8.400

*Duplex.* See *Dwelling classifications, Two-family dwelling.*

*Dwelling* means any structure containing dwelling units, including all dwelling classifications covered by this chapter.

*Dwelling classifications.* Types of dwellings covered by this chapter include:

*Apartment house* means any building or portion of a building containing three or more dwelling units, which is designed, built, rented, leased, let, or hired out to be occupied for residential living purposes.

*Hotel* means any structure containing dwelling units that are intended, designed, or used for renting or hiring out for sleeping purposes by residents on a daily, weekly, or monthly basis.

*Manufactured dwelling.* The term "manufactured dwelling" includes the following types of single-family dwellings:

*Manufactured dwelling* does not include any unit identified as a recreational vehicle by the manufacturer.

*Manufactured home* means a structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for, or is intended to be used for, residential purposes, and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations.

*Mobile home* means a structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for, or is intended to be used for, residential purposes, and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of state mobile home law in effect at the time of construction.

*Residential trailer* means a structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for, or is intended to be used for, residential purposes, and that was constructed before January 1, 1962.

*Motel.* For purposes of this chapter, the term "motel" means the same as a *Hotel*.

*Single-family dwelling* means a structure containing one dwelling unit, including adult foster care homes.

*Single-room occupancy housing unit* means a one-room dwelling unit in a hotel providing sleeping, cooking, and living facilities for one or two persons in which some or all sanitary or cooking facilities (toilet, lavatory, bathtub or shower, kitchen sink, or cooking equipment) may be shared with other dwelling units.

*Social care facilities* means any building or portion of a building which is designed, built, rented, leased, let, hired out or otherwise occupied for group residential living purposes, which is not an apartment house, single-family dwelling or two-family dwelling. Such facilities include, but are not limited to, retirement facilities, assisted living facilities, residential care facilities, halfway houses, youth shelters, homeless shelters and other group living residential facilities.

*Two-family dwelling* means a structure containing two dwelling units, also known as a "duplex."

*Dwelling unit* means one or more habitable rooms that are occupied by, or in the case of an unoccupied structure or portion of a structure, are designed or intended to be occupied by, one person or by a family or group living together as a single housekeeping unit that includes facilities for living and sleeping and, unless exempted by this chapter.

*Exit (means of egress)* means a continuous, unobstructed means of escape to a public way, as defined in the building code in effect in the city.

*Exterior property area* means the portions of a property outside the exterior walls and roof of any structure.

*Extermination* means the elimination of insects, rodents, vermin, vector or other pests at or about the affected building.

*Floor area* means the area of clear floor space in a room exclusive of fixed or built-in cabinets or appliances.

*Habitable room or space* means a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

*Hazardous materials* means materials defined by the current adopted fire code as hazardous.

*Hotel.* See *Dwelling classifications.*

*Human habitation* means the use of any residential structure or portion of the structure in which any person remains for continuous periods of two hours or more or for periods which will amount to four or more hours out of 24 hours in one day.

*Immediate danger* means any condition posing a direct, immediate threat to human life, health, or safety.

*Infestation* means the presence within or around a structure of insects, rodents, vermin, vector or other pests to a degree that is harmful to the structure or its occupants.

*Inspection* means the examination of a property by a person authorized by law for the purpose of evaluating its condition as provided by this chapter.

*Inspector* means an authorized representative of the Building Official or Code Enforcement Officer whose primary function is the inspection of properties and the enforcement of this chapter.

*Interested party* means any person or entity that possesses any legal or equitable interest of record in a property including, but not limited to, the holder of any lien or encumbrance of record on the property.

*Kitchen* means a room used or designed to be used for the preparation of food.

*Lavatory* means a fixed wash basin connected to hot and cold running water and the building drain and used primarily for personal hygiene.

*Maintenance* means the work of keeping property in proper condition to perpetuate its use.

*Manufactured dwelling.* See *Dwelling classifications.*

*Motel.* See *Dwelling classifications.*

*Occupancy* means the lawful purpose for which a building or part of a building is used or intended to be used.

*Occupant* means any person (including an owner, tenant or operator) using a building, or any part of a building, for its lawful, intended use.

*Occupied* means used for an occupancy.

*Operator* means any person who has charge, care or control of a building or part of a building.

*Outdoor area* means all parts of property that are exposed to the weather including the exterior of structures built for human occupancy. The term "outdoor area" includes, but is not limited to, open and accessible porches, carports, garages, and decks; accessory structures; and any outdoor storage structure.

*Owner* means the person whose name and address is listed as the owner of the property by the County Tax Assessor in the county assessment and taxation records.

*Plumbing or plumbing fixtures* means any water pipes, vent pipes, garbage or disposal units, waste lavatories, bathtubs, shower baths, installed clothes-washing machines or other similar equipment, catch

basins, drains, vents, or other similarly supplied fixtures, together with all connection to water, sewer, or vent lines.

*Property* means real property and all improvements or structures on real property, from property line to property line.

*Public right-of-way* means any sidewalk, park strip, alley, street, or pathway, improved or unimproved, that is dedicated to public use.

*Repair* means the reconstruction or renewal of any part of an existing structure for the purpose of its maintenance.

*Resident* means any person (including owner, tenant or operator) hiring or occupying a room or dwelling unit for living or sleeping purposes.

*Residential property* means real property and all improvements or structures on real property used or, in the case of unoccupied property, intended to be used for residential purposes including any residential structure, dwelling, or dwelling unit as defined in this chapter and any mixed-use structures which have one or more dwelling units. Hotels that are used exclusively for transient occupancy, as defined in this chapter, are excluded from this definition of residential property.

*Residential rental property* means any property within the city on which exist one or more dwelling units which are not occupied as the principal residence of the owner.

*Residential structure* means any building or other improvement or structure containing one or more dwelling units as well as any accessory structure. The term "residential structure" includes any dwelling as defined in this chapter.

*Responsible person* means an agent, occupant, lessee, tenant, contract purchaser, owner, or other person having possession or control of property or the supervision of any construction project.

*Shall*, as used in this chapter, is mandatory.

*Single-family dwelling*. See *Dwelling classifications*.

*Single-room occupancy housing unit*. See *Dwelling classifications*.

*Sink* means a fixed basin connected to hot and cold running water and a drainage system and primarily used for the preparation of food and the washing of cooking and eating utensils.

*Sleeping room* means any room designed, built, or intended to be used as a bedroom as well as any other room used for sleeping purposes.

*Smoke alarm or detector* means an approved detection device for products of combustion other than heat that is either a single station device or intended for use in conjunction with a central control panel and which plainly identifies the testing agency that inspected or approved the device.

*Structure* means that which is built or constructed, an edifice or building of any kind, or any piece or work artificially built up or composed of parts joined together in some definite manner, including but not limited to buildings.

*Substandard* means in violation of any of the minimum requirements as set out in this chapter.

*Supplied* means installed, furnished or provided by the owner or operator.

*Swimming pool* means an artificial basin, chamber, or tank constructed of impervious material, having a depth of 24 inches or more, and used or intended to be used for swimming, diving, or recreational bathing.

*Toilet* means a flushable plumbing fixture connected to running water and a drainage system and used for the disposal of human waste.

*Toilet compartment* means a room containing only a toilet or only a toilet and lavatory.

*Transient occupancy* means occupancy of a dwelling unit in a hotel where the following conditions are met:

- (1) Occupancy is charged on a daily basis and is not collected more than six days in advance;
- (2) The lodging operator provides maid and linen service daily or every two days as part of the regularly charged cost of occupancy; and
- (3) The period of occupancy does not exceed 30 days.

*Two-family dwelling.* See *Dwelling classifications.*

*Unoccupied* means not used for occupancy.

*Unsecured* means any structure in which doors, windows, or apertures are open or broken so as to allow access by unauthorized persons.

*Yard* means an open, unoccupied space, other than a court, unobstructed from the ground to the sky, and located between a structure and the property line of the lot on which the structure is situated.

### **8.807 Maintenance.**

No responsible person shall maintain or permit to be maintained any property which does not comply with the requirements of this chapter. All properties shall be maintained to the building code requirements in effect at the time of construction, alteration, or repair and shall meet the minimum requirements described in this chapter.

### **8.808 Accessory structures.**

All accessory structures on residential property shall be maintained structurally safe and sound and in good repair. All accessory structures, including exterior steps and walkways, shall be maintained free of unsafe obstructions or hazardous conditions.

### **8.809 Roofs.**

The roof of any structure shall be structurally sound, tight, and have no defects which might admit rain. Roof drainage shall be adequate to prevent rainwater from causing dampness in the walls or interior portion of the building and shall channel rainwater into approved receivers. Temporary use of tarps, sheet plastics and similar products shall be limited to a 30 day duration. Up to two, 60 day extensions may be granted by the city if needed because of bad weather or other emergency conditions.

### **8.810 Chimneys.**

Every masonry, metal, or other chimney shall remain adequately supported and free from obstructions and shall be maintained in a condition which ensures there will be no leakage or backup of noxious gases. Every chimney shall be reasonably plumb. Loose bricks or blocks shall be rebonded. Loose or missing mortar shall be replaced. Unused openings into the interior of the structure must be permanently sealed using approved materials.

### **8.811 Foundations and structural members.**

Foundation elements shall adequately support the building and shall be free of rot, crumbling elements, or similar deterioration. The supporting structural members in every structure shall be maintained structurally sound, showing no evidence of deterioration or decay which would substantially impair their ability to carry imposed loads.

### **8.812 Exterior walls and exposed surfaces.**

- (a) Every exterior wall and weather-exposed exterior surface or attachment shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions which might admit rain or dampness to the interior portions of the walls or the occupied spaces of the building.
- (b) All exterior wood surfaces shall be made substantially impervious to the adverse effects of weather by periodic application of an approved protective coating of weather-resistant preservative, and be maintained in good condition. Wood used in construction of permanent structures and located nearer than six inches to the earth shall be treated wood or wood having a natural resistance to decay.
- (c) Exterior metal surfaces shall be protected from rust and corrosion.
- (d) Every section of exterior brick, stone, masonry, or other veneer shall be maintained structurally sound and be adequately supported and tied back to its supporting structure.

### **8.813 Stairs and porches.**

Every stair, porch, and attachment to stairs or porches shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected and shall be kept in sound condition and good repair, including replacement as necessary of flooring, treads, risers, and stringers that evidence excessive wear and are broken, warped, or loose.

### **8.814 Handrails and guardrails.**

Every handrail and guardrail shall be firmly fastened, and shall be maintained in good condition, capable of supporting the loads to which it is subjected, and meet the following requirement:

Handrails and guardrails required by building codes at the time of construction shall be maintained or, if removed, shall be replaced in accordance with current building code requirements with a permit.

### **8.815 Windows.**

All windows shall be maintained in good condition and meet the following requirements or as required by building codes at the time of construction:

- (1) All windows within ten feet of the exterior grade that open must be able to be securely latched from the inside as well as be openable from the inside without the use of a key or any special knowledge or effort. This same requirement shall apply to all openable windows that face other locations that are easily accessible from the outside, such as balconies or fire escapes, regardless of height from the exterior grade.
- (2) Every window shall be substantially weather-tight, shall be kept in sound condition and repair for its intended use, and shall comply with the following:
  - a. Every window sash shall be fully supplied with glass window panes without open cracks and holes.
  - b. Every window sash shall be in good condition and fit weathertight within its frames.
  - c. Every window frame shall be constructed and maintained in relation to the adjacent wall construction so as to exclude rain as completely as possible and to substantially exclude wind from entering the dwelling.

### **8.816 Doors.**

- (a) Every dwelling or dwelling unit shall have at least one door leading to an exterior yard or court, or in the case of a two-family dwelling or apartment, to an exterior yard or court or to an approved exit. All such doors shall be openable from the inside without the use of a key or any special knowledge or effort. All screen doors and storm doors must be easily openable from the inside without the use of a key or special knowledge or effort.
- (b) In hotels and apartment houses, exit doors in common corridors or other common passageways shall be openable from the inside with one hand in a single motion, such as pressing a bar or turning a knob, without the use of a key or any special knowledge or effort.
- (c) Every door to the exterior of a dwelling unit shall be equipped with a lock designed to discourage unwanted entry and to permit opening from the inside without the use of a key or any special knowledge or effort.
- (d) Every exterior door shall comply with the following:
  - (1) Every exterior door shall be able to be securely locked and every exterior door, door hinge, door lock, and strike plate shall be maintained in good condition.
  - (2) Every exterior door, when closed, shall fit reasonably well within its frame and be weather-tight.
  - (3) Every door frame shall be constructed and maintained in relation to the adjacent wall construction so as to exclude rain as completely as possible, and to substantially exclude wind from entering the dwelling.
- (e) Every existing interior door and door frame shall be maintained in a sound condition for its intended purpose with the door fitting within the door frame.

### **8.817 Interior walls, floors, and ceilings.**

- (a) Every interior wall, floor, ceiling, and cabinet shall be constructed and maintained in a safe and structurally sound condition, free of large holes and serious cracks, loose plaster or wallpaper, flaking or scaling paint, to permit the interior wall, floor, ceiling and cabinet to be kept in a clean and sanitary condition.
- (b) Every toilet compartment, bathroom, and kitchen floor surface shall be constructed and maintained to be substantially impervious to water and to permit the floor to be kept in a clean and sanitary condition.

### **8.818 Interior dampness.**

Every structure, including basements and crawl spaces shall be maintained reasonably free from dampness to prevent conditions conducive to decay, mold growth, or deterioration of the structure.

### **8.819 Insect and rodent harborage.**

Every structure shall be kept free from insect and rodent infestation, and where insects and rodents are found, they shall be promptly exterminated. After extermination, proper precautions shall be taken to prevent re-infestation.

### **8.820 Cleanliness and sanitation.**

The interior and exterior of every structure shall be constructed in a safe and structurally sound condition to permit the interior and exterior to be maintained in a clean and sanitary condition. The interior/exterior of every structure shall be free from accumulation of rubbish, unused appliances,

discarded furniture or garbage which is affording a breeding ground for insects and rodents, producing dangerous or offensive gases, odors and bacteria, or other unsanitary conditions, or a fire hazard.

#### **8.821 Bathroom facilities.**

- (a) Except as otherwise noted in this division, bathroom facilities shall be maintained in a safe and sanitary working condition.
  - (1) Every dwelling unit shall be provided with a toilet, lavatory, and a bathtub or shower.
  - (2) Every commercial building shall be provided with toilet and lavatory facilities. Exception: Toilet facilities may be located in an adjacent building on the same property for all commercial or industrial uses, except drinking and dining establishments.
- (b) In hotels, apartment houses and social care facilities where private toilets, lavatories, or baths are not provided, there shall be on each floor at least one toilet, one lavatory, and one bathtub or shower, each provided at the rate of one for every 12 residents. Required toilets, bathtubs, and showers shall be in a room, or rooms, that allow privacy.
- (c) When there are practical difficulties involved in carrying out the provisions of this section for hotels, apartment houses and social care facilities where private toilets, lavatories or baths are not provided, the Building Official may grant modifications for individual cases. The Building Official shall first find that a special and individual reason makes the requirements of this section impractical and that the modification is in conformance with the intent of this section and that such modification does not result in the provision of inadequate bathroom facilities in the dwelling.

#### **8.822 Kitchen facilities.**

- (a) Every dwelling unit shall contain a kitchen sink apart from the lavatory basin required under 8.821 and social care facilities complying with subsection (c) of this section.
- (b) Except as otherwise provided for in subsection (c) of this section, every dwelling unit shall have approved service connections for refrigeration and cooking appliances.
- (c) Social care facilities may be provided with a community kitchen with facilities for cooking, refrigeration, and washing utensils.

#### **8.823 Plumbing facilities.**

- (a) Every plumbing fixture or device shall be properly connected to a public or an approved private water system and to a public or an approved private sewer system.
- (b) Commercial structures shall be provided with plumbing systems that comply with the Oregon Structural Specialty Code.
- (c) All required sinks, lavatory basins, bathtubs and showers shall be supplied with both hot and cold running water. Every dwelling shall be supplied with water-heating facilities adequate for each dwelling unit which are installed in an approved manner, properly maintained, and properly connected with hot water lines to all sinks, lavatory basins, bathtubs and showers. Dwelling water-heating facilities shall be capable of heating enough water to permit an adequate amount of water to be drawn at every facility. Water capable of being drawn from bathtubs and showers shall not exceed 120 degrees Fahrenheit.
- (d) In every structure, all required plumbing or plumbing fixtures shall be:
  - (1) Properly installed, connected, and maintained in good working order;
  - (2) Kept free from obstructions, leaks, and defects;

- (3) Capable of performing the function for which they are designed; and
  - (4) Installed and maintained so as to prevent structural deterioration or health hazards.
- (e) All plumbing repairs and installations shall be made in accordance with the provisions of the plumbing code adopted by the city.

#### **8.824 Heating equipment and facilities.**

- (a) All heating equipment, including that used for cooking, water heating, heat, and clothes drying shall be:
- (1) Properly installed, connected, and maintained in safe condition and good working order;
  - (2) Free from leaks and obstructions and kept functioning properly so as to be free from fire, health, and accident hazards; and
  - (3) Capable of performing the function for which they are designed.
- (b) Every dwelling unit shall have a heating facility capable of maintaining a room temperature of 68 degrees Fahrenheit at a point three feet from the floor in all habitable spaces.
- (1) Portable heating devices may not be used to meet the dwelling heat requirements of this section.
  - (2) No inverted or open flame fuel burning heater shall be permitted. All heating devices or appliances shall be of an approved type.

#### **8.825 Electrical system, outlets, and lighting.**

- (a) Any structure using power must be connected to an approved source of electric power. Every electric outlet and fixture shall be maintained and safely connected to an approved electrical system. The electrical system shall not constitute a hazard to the occupants of the building by reason of inadequate service, improper fusing, improper wiring or installation, deterioration or damage, or similar reasons.
- (b) In addition to other electrical system components that may be used to meet cooking, refrigeration, and heating requirements listed elsewhere in this section, the following outlets and lighting fixtures are required:
- (1) Every habitable room shall contain at least two operable electric outlets or one outlet and one operable electric light fixture.
  - (2) Every toilet compartment or bathroom shall contain at least one supplied and operable electric light fixture and one outlet. Every laundry, furnace room, and all similar nonhabitable spaces shall have one supplied electric light fixture available at all times.
  - (3) Every public hallway, corridor, and stairway in apartment houses, hotels and social care facilities shall be adequately lighted at all times with an average intensity of illumination of at least one footcandle at principal points such as angles and intersections of corridors and passageways, stairways, landings of stairways, landings of stairs and exit doorways, and at least one-half footcandle at other points. Measurement of illumination shall be taken at points not more than four feet above the floor.

#### **8.826 Sleeping room requirements.**

Every room used for sleeping purposes:

- (1) Shall be a habitable room as defined in this chapter; and

- (2) Shall have natural or approved artificial light, ventilation, and windows or other means for escape purposes as required by this chapter.

#### **8.827 Overcrowding.**

No dwelling unit shall be permitted to be overcrowded. A dwelling unit shall be considered overcrowded if there are more than two residents per bedroom and living/sleeping room in the dwelling unit. (Example: a two-bedroom unit with a living room could have no more than six residents.)

#### **8.828 Emergency exits.**

- (a) Every sleeping room shall have at least one operable window or exterior door approved for emergency escape or rescue that is openable from the inside to a full, clear opening without the use of special knowledge, effort, or separate tools.
- (b) Required exit doors and other exits shall be free of encumbrances or obstructions that block access to the exit.
- (c) All doorways, windows and any device used in connection with the means of escape shall be maintained in good working order and repair.

#### **8.829 Smoke alarms and carbon monoxide alarms.**

- (a) Smoke alarms or detectors shall be required to be maintained as was required at the time of construction of the dwelling. Notwithstanding the provisions of the requirement at the time of construction, a single station smoke alarm or detector shall be located in all buildings where a room or area therein is designated for sleeping purposes either as a primary use or use on a casual basis. A single station smoke alarm or detector shall be installed in the immediate vicinity of the sleeping rooms and on each additional story of the dwelling, including basements, cellars and attics with habitable space. Required smoke alarms shall not be located within kitchens or garages, or in other spaces where temperatures can fall below 40 degrees Fahrenheit (38 degrees Celsius). All alarms and detectors shall be approved, shall comply with all applicable laws, shall be installed in accordance with the manufacturer's instructions and shall be operable.
- (b) A properly functioning carbon monoxide alarm shall be installed for all new dwelling construction and all dwelling units for sale, lease or rent. A carbon monoxide alarm shall be located:
  - (1) In each bedroom or within 15 feet outside of each bedroom door (bedrooms on separate floor levels in a structure consisting of two or more stories shall have separate carbon monoxide alarms); and
  - (2) In any enclosed common area within the dwelling, if the common area is connected by door, ductwork or ventilation shaft to a carbon monoxide source located within or attached to the dwelling.
- (c) Allowable carbon monoxide alarm systems:
  - (1) Single station alarms.
  - (2) Household carbon monoxide detection systems.
  - (3) Combination smoke/carbon monoxide alarms.

### **8.830 Hazardous materials.**

- (a) When paint is applied to any surface of a structure, it shall be lead-free.
- (b) Property shall be free of dangerous levels of hazardous or explosive materials, contamination by toxic chemicals, or other circumstances that would render the property unsafe or be detrimental to life or health.

### **8.831 Maintenance of facilities and equipment.**

In addition to other requirements for the maintenance of facilities, such as bathrooms, kitchens, etc., and equipment described in this chapter:

- (1) All facilities in structures shall be constructed and maintained to properly and safely perform their intended function.
- (2) All facilities or equipment present in a structure shall be maintained to prevent structural damage to the building or hazards of health, sanitation, or fire.

### **8.832 Swimming pools.**

A swimming pool may be located within a required rear yard or side yard provided that the pool meets the setback requirements for the zone in which the pool is located. Any pool installed shall be protected against accidental entry by meeting current building code barrier requirements.



March 3, 2014

City of Dallas  
187 SE Court St.  
Dallas, OR 97338

Dear Mayor Dalton and Members of the Council,

Enclosed is a request for the adoption and implementation of a CPI based methodology for determining price increases for the services provided by Republic Services within the City of Dallas. The Refuse Rate Index (RRI) is based on the CPI with the addition of disposal costs being factored into the rate. We are not requesting an RRI increase at this time but are requesting council approval for the RRI method of determining future price increases. The first increase would be January 1, 2015. We have implemented this process throughout the mid-valley. Its benefits are as follows:

- Smaller more predictable increases for customers and jurisdictions.
- Provides ability to plan and notify customers well in advance of the rate adjustment.
- Rates are based more specifically on the waste industry.

In addition, please find pricing information requested for increased recycling, yard debris and leaf collection services. Republic Services is willing to provide any additional services requested by the City and we look forward to hearing from you regarding service increases.

Best Regards,

Ron Tacchini

Operations Manager  
Republic Services  
541-754-0445, ext. 202  
[rtacchini@republicservices.com](mailto:rtacchini@republicservices.com)

Julie Jackson

Municipal Manager  
Republic Services  
541-754-0445, ext. 204  
[jjackson6@republicservices.com](mailto:jjackson6@republicservices.com)

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110 NE Walnut Blvd  
Corvallis, OR 97330  
541-754-0444

**Example of Calculations used to determine RRI**

**Republic Services - City of Dallas RRI**

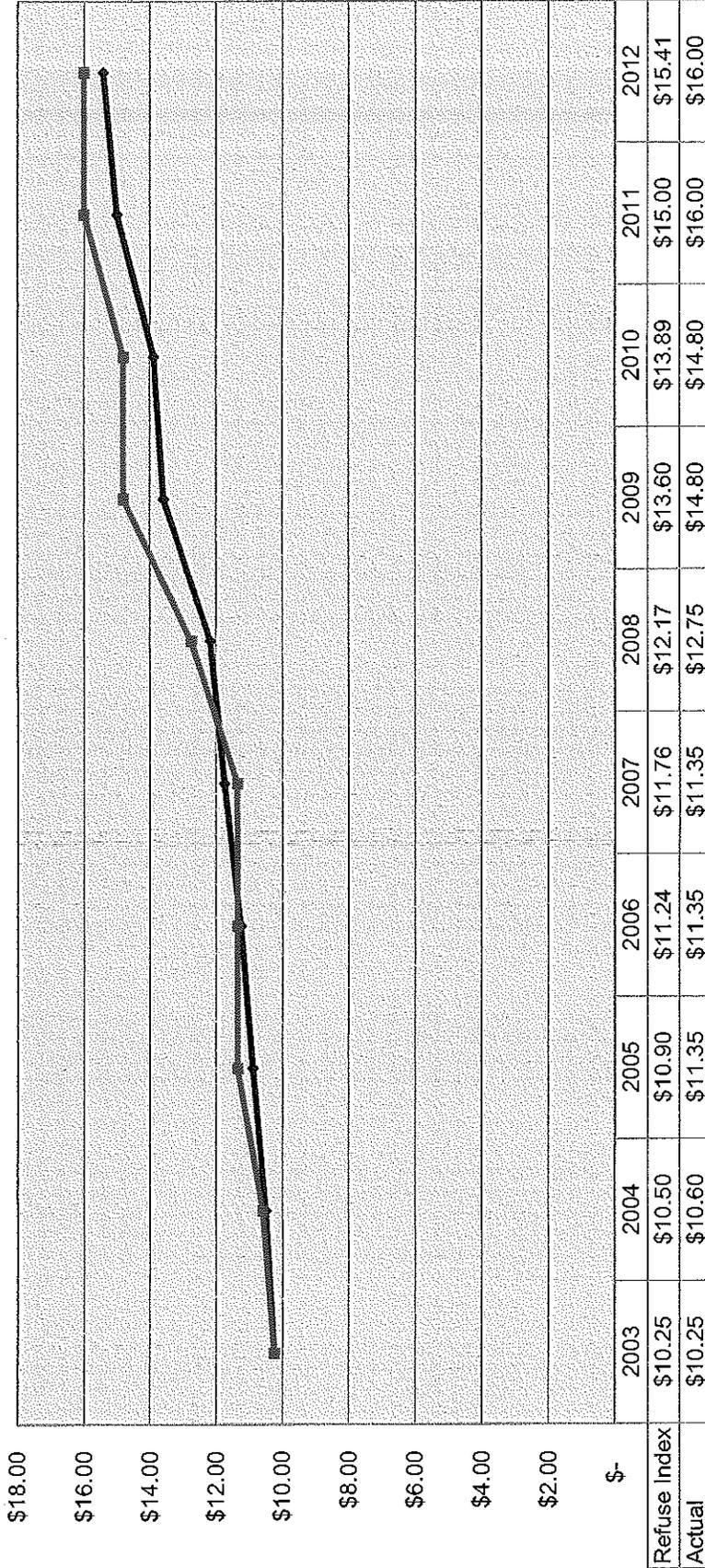
	Index: June 30, 2012	Index: June 30, 2013	% Change	Weight	Revised Index
CPI - Portland/Salem All Urban Consumers	228.748	233.735	2.2%	75%	1.8%
Coffin Buffer Disposal Rate	\$ 36.00	\$ 37.45	4.0%	16%	0.8%
PRC Disposal Rate for RS of Corvallis	\$ 30.00	\$ 31.50	5.0%	10%	0.5%
				Rate Adjustment %	2.7%
					100.0%
				Adjustment Factor	102.7%

The average increase for customers with the following size carts would be as below with the example of a 2.7% increase:

32-gal cart     \$0.44 increase

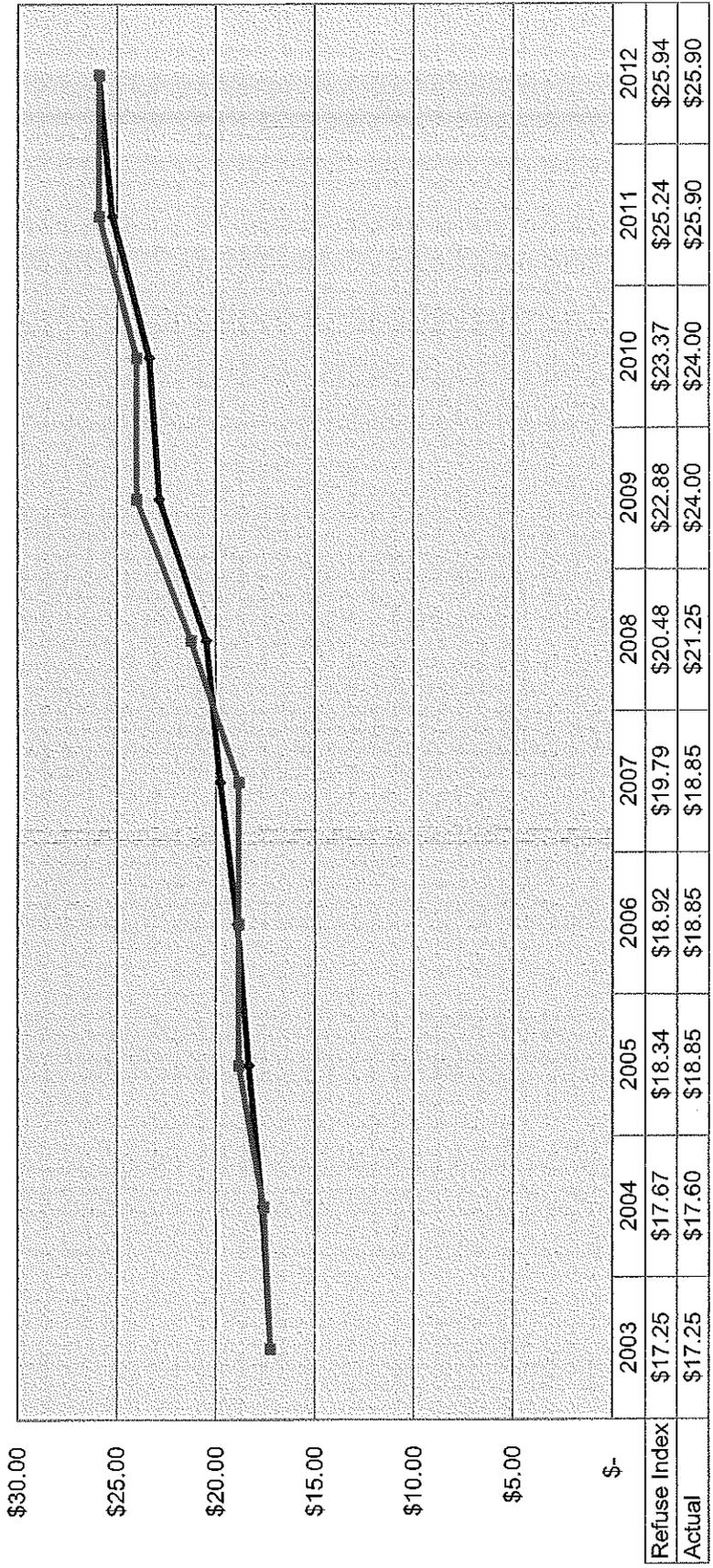
90-gal cart     \$0.70 increase

City of Dallas  
32 Gallon Cart History



—●— Actual  
—■— Refuse Index

City of Dallas  
90 Gallon Cart History



—●— Refuse Index    - - - - - Actual

Rate Comparison

City of Dallas  
1/1/2014

Company	Republic Services	Sweet Home Sanitation	Republic Services	Republic Services	Republic Services	Republic Services	Brandt's Sanitary				
City served	Dallas	Falls City	Lebanon	Albany	Tangent	Sweet Home	Adair Village	Corvallis	Monmouth		
32 gal cart	\$16.00	\$18.28	\$ 17.15	\$ 17.40	\$ 17.45	\$21.59	\$ 17.15	\$18.96	\$ 19.03		
90 gal cart	\$25.90	\$30.28	\$ 26.70	\$ 27.37	\$ 29.35	\$27.00	\$ 29.85	\$31.52	\$ 32.32		
2 cu. Yd container emptied once weekly	\$132.80	\$157.50	\$ 157.50	\$ 160.60	\$ 174.50	\$168.45	\$ 164.92	\$162.25	\$84.75		(1.5yd only)



## Dallas Service Increase

2 messages

**Jackson, Julie** <JJackson6@republicservices.com>  
To: "rwfoggin@dallasor.gov" <rwfoggin@dallasor.gov>  
Cc: "Tacchini, Ronald" <RTacchini@republicservices.com>

Tue, Mar 11, 2014 at 12:43 PM

Hello Ron,

Ron Tacchini and I have put our heads together to come up with another scenario for you. Understanding that you would like a service increase along with leaf collection, we feel that the list below provides a real benefit for customers in Dallas at a reasonable price increase. It gets you to weekly recycling, allowing customers the option of downsizing their cart as they recycle more material. We have also suggested a rate for a second yard debris cart. We know that you don't want an increase in May and again in January. With this scenario, you would adopt the Refuse Rate Index methodology for the City of Dallas, with the first increase coming in January, 2016.

- Leaf Collection                      0.69
- Weekly Recycling                    1.95
- Discounted RRI                      2.1%
- Additional rate for 2<sup>nd</sup> YD cart, picked up every other week, \$7.59 per household (the same rate as our Corvallis franchise)

Average increase would be:

32 gallon cart: .40 (RRI) + .69 + 1.95 = \$3.04

90 gallon cart: .55 (RRI) + .69 + 1.95 = \$3.19

We look forward to your comments,

Regards,

Julie

Julie Jackson | Municipal Manager | 110 NE Walnut Blvd. | Corvallis, OR 97330  
Phone: 541.754-0445 ext. 204 | Cell: 541.936.1334 | Fax: 541-554-0448 | e-Mail:  
jjackson6@republicservices.com



**Building and Grounds Committee**  
**Monday, March 31, 2014**

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Members Present: Jim Brown, Kevin Marshall, Murray Stewart, and LaVonne Wilson. Absent: Jackie Lawson

Also Present: Mayor Brian Dalton, City Manager Ron Foggin, City Attorney Lane Shetterly, Community Development/Operations Director Jason Locke, Finance Director Cecilia Ward, City Recorder Emily Gagner, and Recording Secretary Jeremy Teal.

Acting Chair Brown called the meeting to order at 5:37 p.m.

**CARNEGIE BUILDING UPDATE**

Mr. Locke reported that the engineering assessment outlined the building was in good condition. He noted the disposition of the property depended on the senior center/community center being built behind it. He stated there was a small pool of people willing to purchase a building of this age.

Councilor Stewart suggested allowing the Dallas Chamber of Commerce and Visitor’s Center to occupy the building. Mr. Foggin advised that the building currently wasn’t even close to any compliance.

Mr. Locke suggested staff could give the Council a list of feasible options for the building.

**SENIOR CENTER DISCUSSION**

Mr. Foggin advised the senior center/community center would be built on the property directly behind the Carnegie Building. He explained that this property was the only piece within City limits that wasn’t an established park or in a flood plain. He reported the seniors had accepted the site and the City had permission to apply for the CDBG grant.

Councilor Stewart asked about the community center aspect of the project.

Mr. Foggin advised the requirement for the first five years was that only those age 60 and over could use the facility, but after that time the building could become a senior center/community center.

**PARK RESERVATION FEES**

Mr. Foggin noted the City website did not currently have the capability for online park reservations with the existing fee structure. He stated we could allow online reservations if the fee structure changed to one hourly rate, which would free up staff time and clean up the process.

It was moved by Councilor Marshall *to recommend the Council to approve the now hourly fee for park reservations*. The motion was duly seconded and carried by a vote of 4-0.

**COMMUNITY DEVELOPMENT/OPERATIONS DIRECTOR’S REPORT**

Mr. Locke reported that planning and building had picked up in the community, there were improvements being made to the shops and the aquatic center, and the fleet department was preparing to purchase vehicles for the year.

**OTHER**

**ADJOURNMENT**

There was no other business and the meeting was adjourned at 6:12 p.m.



DALLAS  
CITY HALL



# Building & Grounds Committee

## AGENDA

March 31, 2014

5:00 PM

Council Chambers  
Dallas City Hall  
187 SE Court St  
Dallas, OR 97338

- A. Call to Order
- B. Carnegie Building update PG. 2
- C. Senior Center discussion
- D. Park reservation fees PG. 33
- E. Community Development/  
Operations Director's report
- F. Other
- G. Adjournment

### COMMITTEE

Chair Jackie Lawson

Jim Brown

Kevin Marshall

Murray Stewart

LaVonne Wilson

WELCOME  
TO

DALLAS



*Community Development Department*

## **Memo**

**To:** Buildings and Grounds Committee  
**From:** Jason Locke, Community Development/Operations Director   
**Date:** March 31, 2014  
**Re:** Carnegie Building update

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We retained Youngman Locke Engineers to perform an initial assessment of the Carnegie Building (see attached). The engineer found the building to be in generally good condition, with some issues that need to be addressed. He also pointed out some of the structural deficiencies related to seismic issues, which are of more concern.

Once it is established that the vacant part of property is committed for other uses (ie: a senior center), we can proceed with getting an opinion of value from a qualified realtor, taking into account the attached report. That being said, there are a number of barriers to re-use of that building that must be taken into account.



# Youngman Locke Engineers

Civil & Structural

1375 Liberty St. SE, Salem, Oregon 97302

503.364.8207 • Fax 503.364.0735 • www.youngmanlocke.com

March 5, 2014

Jason Locke  
Community Development Director  
City of Dallas  
187 SE Court St  
Dallas, OR 97338

Subject: Carnegie Building – Condition Survey and Seismic Evaluation  
EXECUTIVE SUMMARY

J.O.: 14010-1

Dear Mr. Locke,

As requested, we performed a condition survey and seismic evaluation of the Carnegie Library Building. The purpose of this report is to provide the City of Dallas with general information about the structural condition and seismic deficiencies of the Carnegie Library Building located on Court Street, Dallas, Oregon. Youngman Locke Engineers (YLE) performed a visual survey of structural components and of exiting lateral force resisting systems.

The report provides full details of our findings. In summary, we found the following:

The condition of the structure is generally good. Recent replacement of the roof membrane and addition of the heating system will continue to protect the city's investments and future value of this asset. Continued attention to repair deteriorated mortar joints is needed as is repair of the crack at the interface of the main and entry walls. Although there is cost associated with mortar repairs, compared to the value of the structure it is relatively small investment.

Probably of greater importance for any potential future public reuse of the building would be improvements for accessibility and seismic strengthening. This report does not cover accessibility issues but they likely have already been reviewed by city staff. Use as a public building probably warrants a critical evaluation of the seismic deficiencies discovered and what mitigation should be performed. The most critical seismic deficiencies are:

1. lack of connection from the roof and floor framing to the walls,
2. strength of the roof and floor diaphragms and load transfer to walls,
3. height of unreinforced chimneys,
4. anchorage of chimneys to roof diaphragm,
5. connection of roof and floor beams to columns and walls.

The Tier 1 seismic screening performed for this report was to identify deficiencies only. A Tier 2 or Tier 3 analysis would be necessary to more specifically address the deficiencies found during the Tier 1 screening phase and to identify if the deficiencies truly will require rehabilitation. We would be happy to discuss this report with you in person if desired or help determine what the next appropriate step would be.

Sincerely,

Greg Locke, President



**CARNEGIE LIBRARY BUILDING  
CITY OF DALLAS  
DALLAS, OREGON**

**CONDITION SURVEY AND SEISMIC EVALUATION  
YOUNGMAN LOCKE ENGR. PROJECT NO. 14010-1**

**FEBRUARY 2014**



**Youngman Locke Engineers**  
*Civil & Structural*

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EVALUATION REPORT

APPENDIX A      PHOTOGRAPHS

APPENDIX B      ASCE 31 TIER 1 SEISMIC SCREENING PHASE CHECKLISTS

CARNEGIE LIBRARY BUILDING  
CITY OF DALLAS  
DALLAS, OREGON

## CONDITION SURVEY AND SEISMIC EVALUATION REPORT

### PURPOSE AND INTRODUCTION

The purpose of this conditions survey and seismic evaluation report is to provide the City of Dallas with general information about the structural condition and seismic deficiencies of the Carnegie Library Building located on Court Street, Dallas, Oregon. Youngman Locke Engineers (YLE) performed a visual condition survey of structural components and seismic evaluation of existing lateral force resisting systems.

Opinions stated in this report are based on limited visual observations made into accessible areas such as rooms, corridors, attic and exterior of the building. An in-depth and detailed investigation of enclosed interior spaces to detect any hidden conditions was not in the scope of the evaluation. Any hidden conditions are the responsibility of the client. No physical testing was performed and no calculations have been made to determine adequacy of the structural system or its compliance with accepted building code requirements. There is no claim, either stated or implied, that all conditions were observed.

This evaluation report is not intended to determine all instances where the building would not conform to today's building code, such as snow and floor load capacities, or wall, joist and beam strengths. Services did not include an evaluation of the building's strength and ability to resist lateral (wind or earthquake) loads as prescribed by the current building code. Structural analysis was not performed.

### GENERAL DESCRIPTION OF BUILDING

The date of original construction is around 1911. The entire building is two-story with the lower story being a half-depth basement. Roof joists are full-sawn 2"x5½" at 16" o.c. and ceiling joists are full-sawn 2"x9" at 16" o.c. Roof and ceiling joists are embedded in the brick around the perimeter and bear on interior walls and beam lines. Roof is sheathed with 1x6 shiplap applied perpendicular to the framing.

Floor joists are full-sawn 1¾"x13" at 12" o.c. Floor is sheathed with 1x6 shiplap applied at 45 degrees to the framing. Method of attachment of floor framing to walls was not visible.

Upper level exterior walls appear to be 13" solid brick. Lower level exterior walls are 16" cast-in-place concrete and it is not known if reinforcing exists. Interior walls on both levels are wood stud. The foundation is likely cast-in-place concrete as well and ground floor is concrete slab-on-grade. There were no original construction plans or calculations provided.

### STRUCTURAL CONDITION OBSERVATIONS

Generally the building is in good condition. There is no evidence of structural distress or disrepair. A newer appearing granular surface built-up roof membrane appears to be providing a watertight system of roof covering. There was some staining seen from previous water leaks but no evidence of deterioration of roof or ceiling framing members. Air quality inside the building is good due to the use of a furnace to maintain minimal heat and control moisture.

The building's exterior concrete surfaces did not show any cracks, however, years of repainting and caulking may be hiding some minor cracking. Numerous brick joint cracks have been repointed. Repointing of joints will be an ongoing process to ensure a watertight condition is maintained. The only major separation noted was at the re-entrant corner between the main building wall and the walls of the entry. A crack at this interface is visible from inside as well as outside.

There was no evidence of broken, deteriorated or undersized roof, ceiling or floor joists. No sagging was apparent and no sign of distress was noted from the attic space. Supporting beams and bearing walls also appeared to be functioning properly.

### **SEISMIC EVALUATION METHOD**

The Building Code requires seismic upgrades to existing structures that are undergoing significant building renovations. This report assumes the building is not undergoing a significant building renovation in the near future and therefore performing any seismic upgrades for deficiencies noted in this report would be considered voluntary.

#### **Performance Levels**

Our method of assessing the seismic risk follows the nationally recognized standard for seismic evaluation of buildings, *ASCE 31 Seismic Evaluation of Existing Structures*. This method provides engineers with guidance concerning the potential earthquake-related risk to human life posed by a building or building component. Using this method, the engineers must choose between two performance levels. Buildings are evaluated to either Life Safety (LS) or Immediate Occupancy (IO) Performance Level.

Life Safety performance level is defined by ASCE 31-03 as follows:

Building performance that includes damage to both structural and non-structural components during a design earthquake, such that (a) partial or total structural collapse does not occur, and (b) injury may occur, but the overall risk of life-threatening injury as a result of structural damage is expected to be low.

At the Life Safety level, substantial damage has occurred to the structure, and it may have lost a significant amount of its original stiffness during a design earthquake. However, a substantial margin remains for additional lateral deformation before collapse would occur.

Immediate Occupancy performance level is defined by ASCE 31-03 as follows:

Building performance that includes damage to both structural and non-structural components during a design earthquake, such that: (a) after a design earthquake, the basic vertical and lateral force resisting systems retain nearly all of their pre-earthquake strength, (b) the damage is not life threatening, so as to permit immediate occupancy of the building after a design earthquake, (c) very limited damage to both structural and nonstructural components is anticipated during the design earthquake that will require some minor repairs, but the critical parts of the building are habitable, and (d) the damage is repairable while the building is occupied. Simplified analysis methods are utilized in order to quickly identify truly hazardous components of building.

Youngman Locke Engineers (YLE) performed a seismic evaluation for: **“Life Safety” (LS) performance level.**

### Depth of Evaluation

The ASCE 31 Handbook provides a three-tiered process for seismic evaluation of existing structures.

Tier 1 - Screening Phase

This provides a quick check methodology.

Tier 2 - Evaluation Phase

This requires numerical calculations to determine the stiffness and strength of various framing elements/walls and connections within the structure, based on material and geometric properties.

Tier 3 - Detailed Evaluation Phase

This relies on linear and non-linear, as well as static and dynamic analysis to verify acceptable performance.

Tier 1 Screening Phase, which was performed for this report, utilizes a checklist method to evaluate structural, nonstructural and foundation hazard elements of the building and site to identify potential deficiencies (see Appendix B). In some cases, “quick check” calculations may be required during the evaluation; however, none have been performed for this report.

This level of evaluation is based on a “visual survey” of a building’s exterior and interior space. A trained structural engineer collects data. Pertinent earthquake hazard-related data is evaluated using sets of questions in the handbook that specifically address the building type being evaluated and are designed to uncover the flaws and weaknesses of the building. Evaluation statements on the checklists shall be marked “compliant” (C), “non-compliant” (NC), or “not applicable” (N/A). Compliant statements identify issues that are acceptable according to the criteria of the Handbook, while noncompliant statements identify issues that require further investigation. Certain statements may not apply to the building being evaluated. It should be noted that “non-compliance” does not necessarily mean the issue is not adequate.

At this point, we will only report the deficiencies found. We will not continue with a Tier 2 or Tier 3 analysis. That level of analysis would be necessary to more specifically address the deficiencies found during the Tier 1 screening phase and to identify if the deficiencies truly will require rehabilitation. A Tier 2 and Tier 3 analysis may be conducted by the engineering firm hired by the building owner as part of the design team that would be preparing construction documents for future structural improvements and seismic upgrades.

### Scope and Limitations

This report represents our professional opinion based upon information provided by the client and site reconnaissance. The recommendations identify items that require further action. However, it should be recognized that other deficiencies might exist that have not been identified. Furthermore, this evaluation is not intended to preempt the technical or professional responsibility of the future project design team. Our professional services are performed using that degree of care and skill ordinarily exercised under similar circumstances by professionals practicing in this area. No other warranty, either expressed or implied, is made as to the professional opinions included in this report.

## EVALUATION RESULTS

### Evaluation Criteria and Scope

Based on the seismicity of the site, the building is defined as being in a “high” level of seismicity. Therefore, ASCE 31 requires the following checklist be completed for a “high” level of seismicity and “Immediate Occupancy” level of performance:

- Basic Structural
- Supplemental Structural
- Geologic Hazard and Foundation
- Basic Nonstructural
- Intermediate Nonstructural
- Supplemental Nonstructural

The building type was classified as URM corresponding to the ASCE 31 description: Unreinforced Masonry Bearing Walls with Flexible Diaphragms. From the described applicable checklists, several issues were identified as non-compliant (NC). For reference, the checklists are included in Appendix B of this report. Non-compliant issues are summarized and discussed below.

### Summary of ASCE 31 Tier 1 Screening Phase

The Tier 1 screening phase identified the structural items below as “non-compliant”, thus requiring further investigation and/or more rigorous calculations (which are beyond the scope of this report) in order to determine if the structure is actually compliant.

#### Tier 1 Basic Structural Checklist for Building Type URM

- Masonry Joints – Areas of eroded mortar.
- Wall Cracks – Wall cracks greater than 1/8”.
- Wall Anchorage – Steel anchors or straps are not provided to positively connect the brick walls to the roof diaphragm.
- Transfer to Shearwalls – Diaphragm is not connected adequately for transfer of loads to the shearwalls.
- Girder/Column Connection – There is no positive connection utilizing plates, connection hardware or straps between girders and the column supports.

#### Tier 1 Supplemental Structural Checklist for Building Type URM

- Proportions – Height-to-thickness ratio of 2<sup>nd</sup> story walls exceeds 9.
- Cross Ties – No continuous cross ties exist between diaphragm chords.
- Diaphragm Openings – Diaphragm openings immediately adjacent to exterior masonry shearwalls are greater than 8’ long.
- Spans – Non-wood structural panel sheathed diaphragm spans over 24 feet.
- Unblocked Diaphragm – Diaphragm is neither blocked diagonally sheathed nor blocked wood structural panel sheathed.
- Stiffness of Wall Anchors – No wall anchors exist.
- Beam, Girder and Truss Support – Secondary support inadequate.

#### Tier 1 Geologic Site Hazard and Foundation Checklist

No non-compliant items identified.

### Tier 1 Basic Nonstructural Component Checklist

- Parapets – Laterally unsupported unreinforced parapets with height-to-thickness ratio greater than 1.5 exist.
- URM Chimney – Reinforcing cannot be verified. Unreinforced masonry chimney extends more than twice its least dimension above the roof at both chimneys.

### Tier 1 Intermediate Nonstructural Component Checklist

- Appendages – Unknown if parapets are reinforced or if they are anchored to structural system.
- Masonry Chimney Anchorage – Unknown if chimney is anchored to roof.

The above listed ASCE 31 Tier 1 deficiencies will require retrofit in the absence of additional study/analysis which is beyond the scope of this report. An ASCE 31 Tier 2 or 3 evaluation may be conducted by the engineering firm hired by the City or future owner as part of the design team that would be preparing construction documents for seismic upgrades if that is the direction desired.

## **CONCLUSION / RECOMMENDATIONS**

The condition of the structure is generally good. Recent replacement of the roof membrane and addition of the heating system will continue to protect the city's investments and future value of this asset. Continued attention to repair deteriorated mortar joints is needed as is repair of the crack at the interface of the main and entry walls. Although there could be a significant cost associated with mortar repairs, compared to the value of the structure it is relatively small investment.

Probably of greater importance for any potential future public reuse of the building would be improvements for accessibility and seismic strengthening. This report does not cover accessibility issues but they likely have already been reviewed by city staff. Use as a public building probably warrants a critical evaluation of the seismic deficiencies discovered and what mitigation should be performed. The most critical seismic deficiencies are:

1. lack of connection from the roof and floor framing to the walls,
2. strength of the roof and floor diaphragms and load transfer to walls,
3. height of unreinforced chimneys,
4. anchorage of chimneys to roof diaphragm,
5. connection of roof and floor beams to columns and walls.

The Tier 1 seismic screening performed for this report was to identify deficiencies only. A Tier 2 or Tier 3 analysis would be necessary to more specifically address the deficiencies found during the Tier 1 screening phase and to identify if the deficiencies truly will require rehabilitation. A Tier 2 and Tier 3 analysis may be conducted by the engineering firm hired by the building owner as part of the design team that would be preparing construction documents for future structural improvements and seismic upgrades.

## **APPENDIX A PHOTOGRAPHS**

Photo #1



Description: Front View – Note mortar joint repointing.

Photo #2



Description: East Side View – Note mortar joint repointing.

Photo #3



Description: West Side View – Note mortar joint repointing.

Photo #4



Description: Rear View – Note mortar joint repointing.

Photo #5



Description: Unreinforced chimney

Photo #6



Description: Unreinforced chimney

Photo #7



Description: Crack at connection of entry wall to main wall (east side).

Photo #8



Description: Crack at connection of entry wall to main wall (west side).

Photo #9



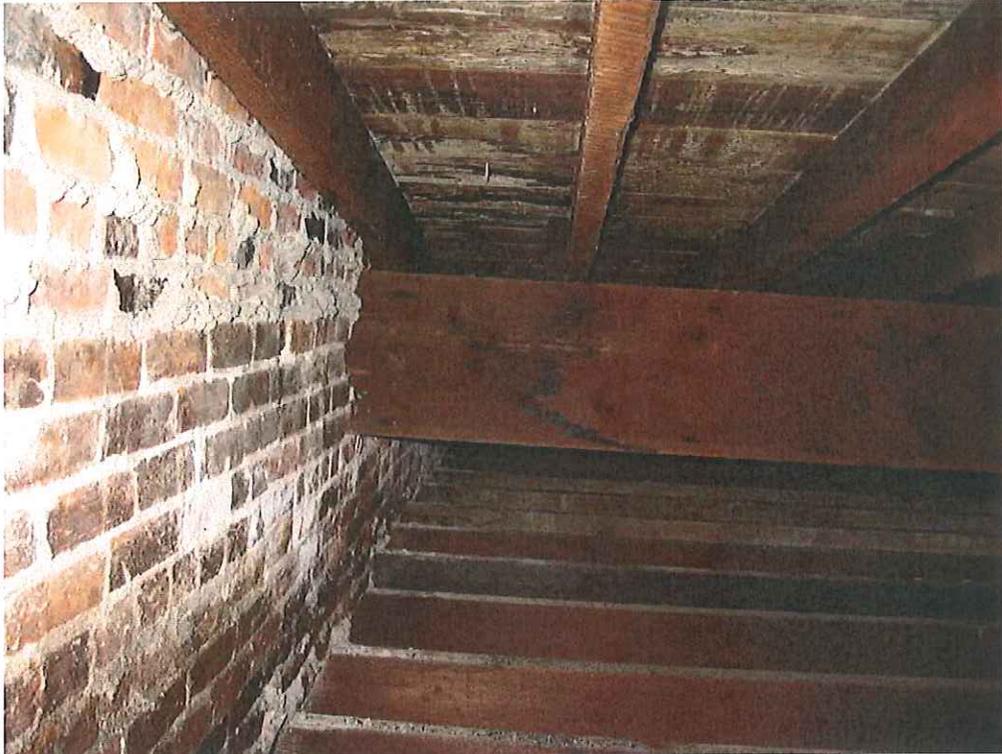
Description: Roof joists at exterior wall – note lack of connection.

Photo #10



Description: Roof joists at exterior wall – note lack of connection.

Photo #11



Description: Roof beam embedded in exterior wall – note no connection.

Photo #12



Description: Roof beam over entry – note lack of post support and proper connection.

**APPENDIX B**  
**ASCE 31 TIER 1 SEISMIC SCREENING PHASE**  
**CHECKLISTS**

ASCE/SEI 31-03

American Society of Civil Engineers

# Seismic Evaluation of Existing Buildings

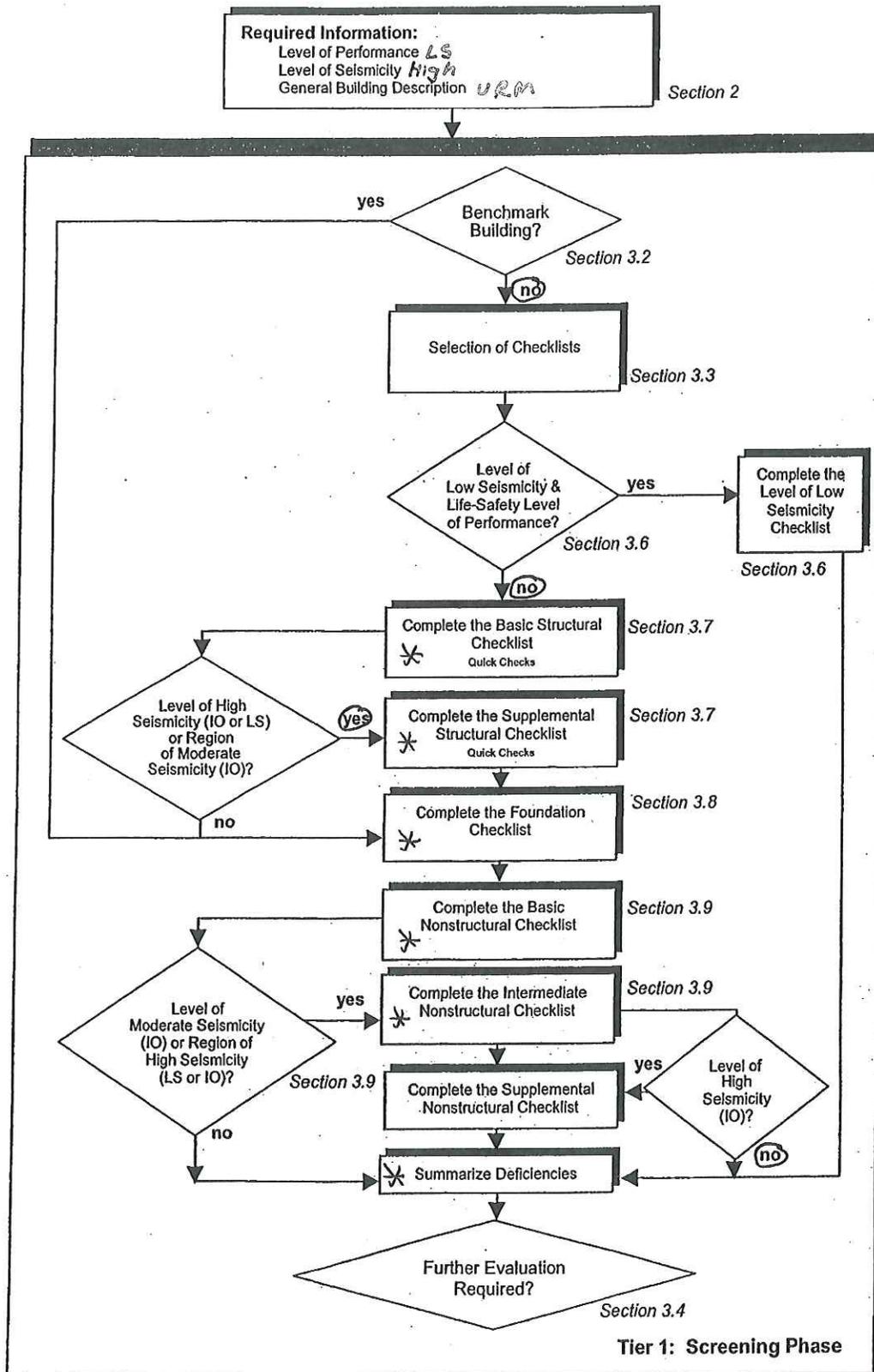
This document uses both the International System of Units (SI) and customary units.

**ASCE**

**SEI**  
Structural Engineering Institute  
of the American Society of Civil Engineers

Published by the American Society of Civil Engineers

### Screening Phase (Tier 1)



**Figure 3-1. Tier 1 Evaluation Process**

## Screening Phase (Tier 1)

### C3.3 Selection and Use of Checklists

The evaluation statements provided in the checklists form the core of the Tier 1 Evaluation methodology. These evaluation statements are based on observed earthquake structural damage during actual earthquakes. The checklists do not necessarily identify the response of the structure to ground motion; rather, the design professional obtains a general sense of the structure's deficiencies and potential behavior during an earthquake. By quickly identifying the potential deficiencies in the structure, the design professional has a better idea of what to examine and analyze in a Tier 2 or Tier 3 Evaluation.

The General Structural Checklists are a complete listing of all evaluation statements used in the Common Building Type checklists. They should be used for buildings with structural systems that do not match the Common Building Types. While the general purpose of the Tier 1 Checklists is to identify potential weak links associated with structures of a specific type that have been observed in past significant earthquakes, the General Checklists, by virtue of their design, do not accomplish this. They only represent a listing of possible deficiencies. The design professional must consider first the applicability of the potential deficiency to the building system being considered. Generally, only the deficiencies applicable to the primary lateral-force-resisting elements of the building need be considered.

While the section numbers in parentheses following each evaluation statement correspond to Tier 2 Evaluation procedures, they also correspond to commentary in Chapter 4 regarding the statement's purpose. If additional information on the evaluation statement is required, please refer to the commentary in the Tier 2 procedure for that evaluation statement.

**Table 3-2. Checklists Required for a Tier 1 Evaluation**

Level of Seismicity <sup>3</sup>	Level of Performance <sup>2</sup>	Required Checklists <sup>1</sup>						
		Level of Low Seismicity (Sec. 3.6)	Basic Structural (Sec. 3.7)	Supplemental Structural (Sec. 3.7)	Geologic Site Hazard and Foundation (Sec. 3.8)	Basic Nonstructural (Sec. 3.9.1)	Intermediate Nonstructural (Sec. 3.9.2)	Supplemental Nonstructural (Sec. 3.9.3)
Low	LS	▶						
	IO		▶		▶	▶		
Moderate	LS		▶		▶	▶		
	IO		▶	▶	▶	▶	▶	
High	LS		▶	▶	▶	▶	▶	
	IO		▶	▶	▶	▶	▶	▶

<sup>1</sup>A checkmark (▶) designates the checklist that must be completed for a Tier 1 Evaluation as a function of the level of seismicity and level of performance.

<sup>2</sup>LS = Life Safety; IO = Immediate Occupancy (defined in Section 2.4).

<sup>3</sup>Defined in Section 2.5.

## Screening Phase (Tier 1)

### 3.7.15 Basic Structural Checklist for Building Type URM: Unreinforced Masonry Bearing Walls with Flexible Diaphragms

This Basic Structural Checklist shall be completed where required by Table 3-2.

Each of the evaluation statements on this checklist shall be marked Compliant (C), Non-compliant (NC), or Not Applicable (N/A) for a Tier 1 Evaluation. Compliant statements identify issues that are acceptable according to the criteria of this standard, while non-compliant statements identify issues that require further investigation. Certain statements may not apply to the buildings being evaluated. For non-compliant evaluation statements, the design professional may choose to conduct further investigation using the Tier 2 Special Procedure for Unreinforced Masonry or the Tier 3 Evaluation Procedure.

#### C3.7.15 Basic Structural Checklist for Building Type URM

These buildings have bearing walls that consist of unreinforced (or lightly reinforced) brick, stone, or concrete block masonry. Wood floor and roof framing consists of wood joists, glulam beams, and wood posts or small steel columns. Steel floor and roof framing consists of steel beams or open web joists, steel girders, and steel columns. Lateral forces are resisted by the brick or concrete block masonry shear walls. Diaphragms consist of straight or diagonal lumber sheathing, structural wood panels, or untopped metal deck, and are flexible relative to the walls. Foundations consist of brick or concrete spread footings or deep foundations.

#### Building System

- (C) NC N/A **LOAD PATH:** The structure shall contain a minimum of one complete load path for Life Safety and Immediate Occupancy for seismic force effects from any horizontal direction that serves to transfer the inertial forces from the mass to the foundation. (Tier 2: Sec. 4.3.1.1)
- (C) NC N/A **ADJACENT BUILDINGS:** The clear distance between the building being evaluated and any adjacent building shall be greater than 4 percent of the height of the shorter building for Life Safety and Immediate Occupancy. (Tier 2: Sec. 4.3.1.2)
- C NC (N/A) **MEZZANINES:** Interior mezzanine levels shall be braced independently from the main structure, or shall be anchored to the lateral-force-resisting elements of the main structure. (Tier 2: Sec. 4.3.1.3)
- (C) NC N/A **WEAK STORY:** The strength of the lateral-force-resisting system in any story shall not be less than 80 percent of the strength in an adjacent story, above or below, for Life Safety and Immediate Occupancy. (Tier 2: Sec. 4.3.2.1)
- (C) NC N/A **SOFT STORY:** The stiffness of the lateral-force-resisting system in any story shall not be less than 70 percent of the lateral-force-resisting system stiffness in an adjacent story above or below, or less than 80 percent of the average lateral-force-resisting system stiffness of the three stories above or below for Life Safety and Immediate Occupancy. (Tier 2: Sec. 4.3.2.2)
- (C) NC N/A **GEOMETRY:** There shall be no changes in horizontal dimension of the lateral-force-resisting system of more than 30 percent in a story relative to adjacent stories for Life Safety and Immediate Occupancy, excluding one-story penthouses and mezzanines. (Tier 2: Sec. 4.3.2.3)
- (C) NC N/A **VERTICAL DISCONTINUITIES:** All vertical elements in the lateral-force-resisting system shall be continuous to the foundation. (Tier 2: Sec. 4.3.2.4)

### Screening Phase (Tier 1)

- |   |    |     |   |
|---|----|-----|---|
| C | NC | N/A | MASS: There shall be no change in effective mass more than 50 percent from one story to the next for Life Safety and Immediate Occupancy. Light roofs, penthouses, and mezzanines need not be considered. (Tier 2: Sec. 4.3.2.5)  |
| C | NC | N/A | DETERIORATION OF WOOD: There shall be no signs of decay, shrinkage, splitting, fire damage, or sagging in any of the wood members, and none of the metal connection hardware shall be deteriorated, broken, or loose. (Tier 2: Sec. 4.3.3.1)  |
| C | NC | N/A | MASONRY UNITS: There shall be no visible deterioration of masonry units. (Tier 2: Sec. 4.3.3.7)   |
| C | NC | N/A | MASONRY JOINTS: The mortar shall not be easily scraped away from the joints by hand with a metal tool, and there shall be no areas of eroded mortar. (Tier 2: Sec. 4.3.3.8)   |
| C | NC | N/A | UNREINFORCED MASONRY WALL CRACKS: There shall be no existing diagonal cracks in the wall elements greater than 1/8 inch for Life Safety and 1/16 inch for Immediate Occupancy, or out-of-plane offsets in the bed joint greater than 1/8 inch for Life Safety and 1/16 inch for Immediate Occupancy, and shall not form an X pattern. (Tier 2: Sec. 4.3.3.11) |

#### Lateral-Force-Resisting System

- |   |    |     |   |
|---|----|-----|---|
| C | NC | N/A | REDUNDANCY: The number of lines of shear walls in each principal direction shall be greater than or equal to 2 for Life Safety and Immediate Occupancy. (Tier 2: Sec. 4.4.2.1.1)  |
| C | NC | N/A | SHEAR STRESS CHECK: The shear stress in the unreinforced masonry shear walls, calculated using the Quick Check procedure of Section 3.5.3.3, shall be less than 30 psi for clay units and 70 psi for concrete units for Life Safety and Immediate Occupancy. (Tier 2: Sec. 4.4.2.5.1) |

*NOT CALCULATED*

#### Connections

- |   |    |     |  |
|---|----|-----|--|
| C | NC | N/A | WALL ANCHORAGE: Exterior concrete or masonry walls that are dependent on the diaphragm for lateral support shall be anchored for out-of-plane forces at each diaphragm level with steel anchors, reinforcing dowels, or straps that are developed into the diaphragm. Connections shall have adequate strength to resist the connection force calculated in the Quick Check procedure of Section 3.5.3.7. (Tier 2: Sec. 4.6.1.1) |
| C | NC | N/A | WOOD LEDGERS: The connection between the wall panels and the diaphragm shall not induce cross-grain bending or tension in the wood ledgers. (Tier 2: Sec. 4.6.1.2)   |
| C | NC | N/A | TRANSFER TO SHEAR WALLS: Diaphragms shall be connected for transfer of loads to the shear walls for Life Safety and the connections shall be able to develop the lesser of the shear strength of the walls or diaphragms for Immediate Occupancy. (Tier 2 Sec. 4.6.2.1)  |
| C | NC | N/A | GIRDER/COLUMN CONNECTION: There shall be a positive connection utilizing plates, connection hardware, or straps between the girder and the column support. (Tier 2: Sec. 4.6.4.1)  |

Screening Phase (Tier 1)

**3.7.15S Supplemental Structural Checklist for Building Type URM: Unreinforced Masonry Bearing Walls with Flexible Diaphragms**

This Supplemental Structural Checklist shall be completed where required by Table 3-2. The Basic Structural Checklist shall be completed prior to completing this Supplemental Structural Checklist.

**Lateral-Force-Resisting System**

- C (NC) N/A PROPORTIONS: The height-to-thickness ratio of the shear walls at each story shall be less than the following for Life Safety and Immediate Occupancy (Tier 2: Sec. 4.4.2.5.2):

Top story of multi-story building	9	$\frac{h}{t} = \frac{13.5'}{1.08'} = 12.5 > 9 \text{ N.C.}$
First story of multi-story building	15	
All other conditions	13	

- (C) NC N/A MASONRY LAY-UP: Filled collar joints of multi-wythe masonry walls shall have negligible voids. (Tier 2: Sec. 4.4.2.5.3)

**Diaphragms**

- C (NC) N/A CROSS TIES: There shall be continuous cross ties between diaphragm chords. (Tier 2: Sec. 4.5.1.2)

- (C) NC N/A OPENINGS AT SHEAR WALLS: Diaphragm openings immediately adjacent to the shear walls shall be less than 25 percent of the wall length for Life Safety and 15 percent of the wall length for Immediate Occupancy. (Tier 2: Sec. 4.5.1.4)  $14.67' / 58.8' = 24.9\% < 25\%$  OK

- C (NC) N/A OPENINGS AT EXTERIOR MASONRY SHEAR WALLS: Diaphragm openings immediately adjacent to exterior masonry shear walls shall not be greater than 8 feet long for Life Safety and 4 feet long for Immediate Occupancy. (Tier 2: Sec. 4.5.1.6)  $14.67' > 8'$

- C NC (N/A) PLAN IRREGULARITIES: There shall be tensile capacity to develop the strength of the diaphragm at re-entrant corners or other locations of plan irregularities. This statement shall apply to the Immediate Occupancy Performance Level only. (Tier 2: Sec. 4.5.1.7)

- C NC (N/A) DIAPHRAGM REINFORCEMENT AT OPENINGS: There shall be reinforcing around all diaphragm openings larger than 50 percent of the building width in either major plan dimension. This statement shall apply to the Immediate Occupancy Performance Level only. (Tier 2: Sec. 4.5.1.8)

- (C) NC N/A STRAIGHT SHEATHING: All straight sheathed diaphragms shall have aspect ratios less than 2-to-1 for Life Safety and 1-to-1 for Immediate Occupancy in the direction being considered. (Tier 2: Sec. 4.5.2.1)  $56.67 / 37.75 = 1.5 : 1.0 < 2 : 1$  OK

- C (NC) N/A SPANS: All wood diaphragms with spans greater than 24 feet for Life Safety and 12 feet for Immediate Occupancy shall consist of wood structural panels or diagonal sheathing (Tier 2: Sec. 4.5.2.2)

- C (NC) N/A UNBLOCKED DIAPHRAGMS: All diagonally sheathed or unblocked wood structural panel diaphragms shall have horizontal spans less than 40 feet for Life Safety and 30 feet for Immediate Occupancy and shall have aspect ratios less than or equal to 4-to-1 for Life Safety and 3-to-1 for Immediate Occupancy. (Tier 2: Sec. 4.5.2.3)

- C NC (N/A) NON-CONCRETE FILLED DIAPHRAGMS: Untopped metal deck diaphragms or metal deck diaphragms with fill other than concrete shall consist of horizontal spans of less than 40 feet and shall have span/depth ratios less than 4-to-1. This statement shall apply to the Immediate Occupancy Performance Level only. (Tier 2: Sec. 4.5.3.1)

### Screening Phase (Tier 1)

C NC N/A OTHER DIAPHRAGMS: The diaphragm shall not consist of a system other than wood, metal deck, concrete, or horizontal bracing. (Tier 2: Sec. 4.5.7.1)

#### Connections

C NC N/A STIFFNESS OF WALL ANCHORS: Anchors of concrete or masonry walls to wood structural elements shall be installed taut and shall be stiff enough to limit the relative movement between the wall and the diaphragm to no greater than 1/8 inch prior to engagement of the anchors. (Tier 2: Sec. 4.6.1.4)

C NC N/A BEAM, GIRDER, AND TRUSS SUPPORTS: Beams, girders, and trusses supported by unreinforced masonry walls or pilasters shall have independent secondary columns for support of vertical loads. (Tier 2: Sec. 4.6.4.5)

## Screening Phase (Tier 1)

### 3.8 Geologic Site Hazards and Foundations Checklist

This Geologic Site Hazards and Foundations Checklist shall be completed where required by Table 3-2.

Each of the evaluation statements on this checklist shall be marked Compliant (C), Non-compliant (NC), or Not Applicable (N/A) for a Tier 1 Evaluation. Compliant statements identify issues that are acceptable according to the criteria of this standard, while non-compliant statements identify issues that require further investigation. Certain statements may not apply to the buildings being evaluated. For non-compliant evaluation statements, the design professional may choose to conduct further investigation using the corresponding Tier 2 Evaluation procedure; corresponding section numbers are in parentheses following each evaluation statement.

#### Geologic Site Hazards

The following statements shall be completed for buildings in levels of high or moderate seismicity.

- (C) NC N/A LIQUEFACTION: Liquefaction-susceptible, saturated, loose granular soils that could jeopardize the building's seismic performance shall not exist in the foundation soils at depths within 50 feet under the building for Life Safety and Immediate Occupancy. (Tier 2: Sec. 4.7.1.1)
- (C) NC N/A SLOPE FAILURE: The building site shall be sufficiently remote from potential earthquake-induced slope failures or rockfalls to be unaffected by such failures or shall be capable of accommodating any predicted movements without failure. (Tier 2: Sec. 4.7.1.2)
- (C) NC N/A SURFACE FAULT RUPTURE: Surface fault rupture and surface displacement at the building site is not anticipated. (Tier 2: Sec. 4.7.1.3)

#### Condition of Foundations

The following statement shall be completed for all Tier 1 building evaluations.

- (C) NC N/A FOUNDATION PERFORMANCE: There shall be no evidence of excessive foundation movement such as settlement or heave that would affect the integrity or strength of the structure. (Tier 2: Sec. 4.7.2.1)

The following statement shall be completed for buildings in levels of high or moderate seismicity being evaluated to the Immediate Occupancy Performance Level.

- (C) NC N/A DETERIORATION: There shall not be evidence that foundation elements have deteriorated due to corrosion, sulfate attack, material breakdown, or other reasons in a manner that would affect the integrity or strength of the structure. (Tier 2: Sec. 4.7.2.2)

#### Capacity of Foundations

The following statement shall be completed for all Tier 1 building evaluations.

- C NC (N/A) POLE FOUNDATIONS: Pole foundations shall have a minimum embedment depth of 4 feet for Life Safety and Immediate Occupancy. (Tier 2: Sec. 4.7.3.1)

The following statements shall be completed for buildings in levels of moderate seismicity being evaluated to the Immediate Occupancy Performance Level and for buildings in levels of high seismicity.

- C NC N/A OVERTURNING: The ratio of the horizontal dimension of the lateral-force-resisting system at the foundation level to the building height (base/height) shall be greater than  $0.6S_a$ . (Tier 2: Sec. 4.7.3.2)

NOT CALCULATED

Screening Phase (Tier 1)

- C NC (N/A) TIES BETWEEN FOUNDATION ELEMENTS: The foundation shall have ties adequate to resist seismic forces where footings, piles, and piers are not restrained by beams, slabs, or soils classified as Class A, B, or C. (Section 3.5.2.3.1, Tier 2: Sec. 4.7.3.3)
- C NC (N/A) DEEP FOUNDATIONS: Piles and piers shall be capable of transferring the lateral forces between the structure and the soil. This statement shall apply to the Immediate Occupancy Performance Level only. (Tier 2: Sec. 4.7.3.4)
- C NC (N/A) SLOPING SITES: The difference in foundation embedment depth from one side of the building to another shall not exceed one story in height. This statement shall apply to the Immediate Occupancy Performance Level only. (Tier 2: Sec. 4.7.3.5)

## Screening Phase (Tier 1)

### 3.9.1 Basic Nonstructural Component Checklist

This Basic Nonstructural Component Checklist shall be completed where required by Table 3-2.

Each of the evaluation statements on this checklist shall be marked Compliant (C), Non-compliant (NC), or Not Applicable (N/A) for a Tier 1 Evaluation. Compliant statements identify issues that are acceptable according to the criteria of this standard, while non-compliant statements identify issues that require further investigation. Certain statements may not apply to the buildings being evaluated. For non-compliant evaluation statements, the design professional may choose to conduct further investigation using the corresponding Tier 2 Evaluation procedure; corresponding section numbers are in parentheses following each evaluation statement.

#### Partitions

- C NC (N/A) UNREINFORCED MASONRY: Unreinforced masonry or hollow clay tile partitions shall be braced at a spacing equal to or less than 10 feet in levels of low or moderate seismicity and 6 feet in levels of high seismicity. (Tier 2: Sec. 4.8.1.1)

#### Ceiling Systems

- (C) NC N/A SUPPORT: The integrated suspended ceiling system shall not be used to laterally support the tops of gypsum board, masonry, or hollow clay tile partitions. Gypsum board partitions need not be evaluated where only the Basic Nonstructural Component Checklist is required by Table 3-2. (Tier 2: Sec. 4.8.2.1)

#### Light Fixtures

- C NC (N/A) EMERGENCY LIGHTING: Emergency lighting shall be anchored or braced to prevent falling during an earthquake. (Tier 2: Sec. 4.8.3.1)

#### Cladding and Glazing

- C NC (N/A) CLADDING ANCHORS: Cladding components weighing more than 10 psf shall be mechanically anchored to the exterior wall framing at a spacing equal to or less than 4 feet. A spacing of up to 6 feet is permitted where only the Basic Nonstructural Component Checklist is required by Table 3-2. (Tier 2: Sec. 4.8.4.1)
- C NC (N/A) DETERIORATION: There shall be no evidence of deterioration, damage or corrosion in any of the connection elements. (Tier 2: Sec. 4.8.4.2)
- C NC (N/A) CLADDING ISOLATION: For moment frame buildings of steel or concrete, panel connections shall be detailed to accommodate a story drift ratio of 0.02. Panel connection detailing for a story drift ratio of 0.01 is permitted where only the Basic Nonstructural Component Checklist is required by Table 3-2. (Tier 2: Sec. 4.8.4.3)
- C NC (N/A) MULTI-STORY PANELS: For multi-story panels attached at each floor level, panel connections shall be detailed to accommodate a story drift ratio of 0.02. Panel connection detailing for a story drift ratio of 0.01 is permitted where only the Basic Nonstructural Component Checklist is required by Table 3-2. (Tier 2: Sec. 4.8.4.4)
- C NC (N/A) BEARING CONNECTIONS: Where bearing connections are required, there shall be a minimum of two bearing connections for each wall panel. (Tier 2: Sec. 4.8.4.5)

### Screening Phase (Tier 1)

- C NC (N/A) INSERTS: Where inserts are used in concrete connections, the inserts shall be anchored to reinforcing steel or other positive anchorage. (Tier 2: Sec. 4.8.4.6)
- C NC (N/A) PANEL CONNECTIONS: Exterior cladding panels shall be anchored out-of-plane with a minimum of 4 connections for each wall panel. Two connections per wall panel are permitted where only the Basic Nonstructural Component Checklist is required by Table 3-2. (Tier 2: Sec. 4.8.4.7)

### Masonry Veneer

- C NC (N/A) SHELF ANGLES: Masonry veneer shall be supported by shelf angles or other elements at each floor 30 feet or more above ground for Life Safety and at each floor above the first floor for Immediate Occupancy. (Tier 2: Sec. 4.8.5.1)
- C NC (N/A) TIES: Masonry veneer shall be connected to the back-up with corrosion-resistant ties. The ties shall have a spacing equal to or less than 24 inches with a minimum of one tie for every 2-2/3 square feet. A spacing of up to 36 inches is permitted where only the Basic Nonstructural Component Checklist is required by Table 3-2. (Tier 2: Sec. 4.8.5.2)
- C NC (N/A) WEAKENED PLANES: Masonry veneer shall be anchored to the back-up adjacent to weakened planes, such as at the locations of flashing. (Tier 2: Sec. 4.8.5.3)
- C NC (N/A) DETERIORATION: There shall be no evidence of deterioration, damage, or corrosion in any of the connection elements. (Tier 2: Sec. 4.8.5.4)

### Parapets, Cornices, Ornamentation, and Appendages

- C (NC) N/A URM PARAPETS: There shall be no laterally unsupported unreinforced masonry parapets or cornices with height-to-thickness ratios greater than 1.5. A height-to-thickness ratio of up to 2.5 is permitted where only the Basic Nonstructural Component Checklist is required by Table 3-2. (Tier 2: Sec. 4.8.8.1)
- C NC (N/A) CANOPIES: Canopies located at building exits shall be anchored to the structural framing at a spacing of 6 feet or less. An anchorage spacing of up to 10 feet is permitted where only the Basic Nonstructural Component Checklist is required by Table 3-2. (Tier 2: Sec. 4.8.8.2)

### Masonry Chimneys

- C (NC) N/A URM CHIMNEYS: No unreinforced masonry chimney shall extend above the roof surface more than twice the least dimension of the chimney. A height above the roof surface of up to three times the least dimension of the chimney is permitted where only the Basic Nonstructural Component Checklist is required by Table 3-2. (Tier 2: Sec. 4.8.9.1)

$$h = 66" > 2w \text{ N.C.} \quad 2 \times 24" = 48"$$

### Stairs

- (C) NC N/A URM WALLS: Walls around stair enclosures shall not consist of unbraced hollow clay tile or unreinforced masonry with a height-to-thickness ratio greater than 12-to-1. A height-to-thickness ratio of up to 15-to-1 is permitted where only the Basic Nonstructural Component Checklist is required by Table 3-2. (Tier 2: Sec. 4.8.10.1)
- C NC (N/A) STAIR DETAILS: In moment frame structures, the connection between the stairs and the structure shall not rely on shallow anchors in concrete. Alternatively, the stair details shall be capable of accommodating the drift calculated using the Quick Check procedure of Section 3.5.3.1 without including tension in the anchors. (Tier 2: Sec. 4.8.10.2)

## Screening Phase (Tier 1)

### Building Contents and Furnishing

- C NC (N/A) TALL NARROW CONTENTS: Contents over 4 feet in height with a height-to-depth or height-to-width ratio greater than 3-to-1 shall be anchored to the floor slab or adjacent structural walls. A height-to-depth or height-to-width ratio of up to 4-to-1 is permitted where only the Basic Nonstructural Component Checklist is required by Table 3-2. (Tier 2: Sec. 4.8.11.1)

### Mechanical and Electrical Equipment

- C NC (N/A) EMERGENCY POWER: Equipment used as part of an emergency power system shall be mounted to maintain continued operation after an earthquake. (Tier 2: Sec. 4.8.12.1)
- (C) NC N/A HAZARDOUS MATERIAL EQUIPMENT: HVAC or other equipment containing hazardous material shall not have damaged supply lines or unbraced isolation supports. (Tier 2: Sec. 4.8.12.2)
- C NC (N/A) DETERIORATION: There shall be no evidence of deterioration, damage, or corrosion in any of the anchorage or supports of mechanical or electrical equipment. (Tier 2: Sec. 4.8.12.3)
- C NC (N/A) ATTACHED EQUIPMENT: Equipment weighing over 20 lb that is attached to ceilings, walls, or other supports 4 feet above the floor level shall be braced. (Tier 2: Sec. 4.8.12.4)

### Piping

- C NC (N/A) FIRE SUPPRESSION PIPING: Fire suppression piping shall be anchored and braced in accordance with NFPA-13 (NFPA, 1996). (Tier 2: Sec. 4.8.13.1)
- (C) NC N/A FLEXIBLE COUPLINGS: Fluid, gas, and fire suppression piping shall have flexible couplings. (Tier 2: Sec. 4.8.13.2)

### Hazardous Materials Storage and Distribution

- C NC (N/A) TOXIC SUBSTANCES: Toxic and hazardous substances stored in breakable containers shall be restrained from falling by latched doors, shelf lips, wires, or other methods. (Tier 2: Sec. 4.8.15.1)

## Screening Phase (Tier 1)

### 3.9.2 Intermediate Nonstructural Component Checklist

This Intermediate Nonstructural Component Checklist shall be completed where required by Table 3-2. The Basic Nonstructural Component Checklist shall be completed prior to completing this Intermediate Nonstructural Component Checklist.

#### Ceiling Systems

- C NC (N/A) LAY-IN TILES: Lay-in tiles used in ceiling panels located at exits and corridors shall be secured with clips. (Tier 2: Sec. 4.8.2.2)
- C NC (N/A) INTEGRATED CEILINGS: Integrated suspended ceilings at exits and corridors or weighing more than 2 pounds per square foot shall be laterally restrained with a minimum of four diagonal wires or rigid members attached to the structure above at a spacing equal to or less than 12 feet. (Tier 2: Sec. 4.8.2.3)
- C NC (N/A) SUSPENDED LATH AND PLASTER: Ceilings consisting of suspended lath and plaster or gypsum board shall be attached to resist seismic forces for every 12 square feet of area. (Tier 2: Sec. 4.8.2.4)

#### Light Fixtures

- C NC (N/A) INDEPENDENT SUPPORT: Light fixtures in suspended grid ceilings shall be supported independently of the ceiling suspension system by a minimum of two wires at diagonally opposite corners of the fixtures. (Tier 2: Sec. 4.8.3.2)

#### Cladding and Glazing

- C NC (N/A) GLAZING: Glazing in curtain walls and individual panes over 16 square feet in area, located up to a height of 10 feet above an exterior walking surface, shall have safety glazing. Such glazing located over 10 feet above an exterior walking surface shall be laminated annealed or laminated heat-strengthened safety glass or other glazing system that will remain in the frame when glass is cracked. (Tier 2: Sec. 4.8.4.8)

#### Parapets, Cornices, Ornamentation, and Appendages

- C NC (N/A) CONCRETE PARAPETS: Concrete parapets with height-to-thickness ratios greater than 2.5 shall have vertical reinforcement. (Tier 2: Sec. 4.8.8.3)
- C (NC) N/A APPENDAGES: Cornices, parapets, signs, and other appendages that extend above the highest point of anchorage to the structure or cantilever from exterior wall faces and other exterior wall ornamentation shall be reinforced and anchored to the structural system at a spacing equal to or less than 10 feet for Life Safety and 6 feet for Immediate Occupancy. This requirement need not apply to parapets or cornices compliant with Section 4.8.8.1 or 4.8.8.3. (Tier 2: Sec. 4.8.8.4)

#### Masonry Chimneys

- C (NC) N/A ANCHORAGE: Masonry chimneys shall be anchored at each floor level and the roof. (Tier 2: Sec. 4.8.9.2)

Screening Phase (Tier 1)

**Mechanical and Electrical Equipment**

- C NC (N/A) VIBRATION ISOLATORS: Equipment mounted on vibration isolators shall be equipped with restraints or snubbers. (Tier 2: Sec. 4.8.12.5)

**Ducts**

- C NC (N/A) STAIR AND SMOKE DUCTS: Stair pressurization and smoke control ducts shall be braced and shall have flexible connections at seismic joints. (Tier 2: Sec. 4.8.14.1)

# DALLAS CITY COUNCIL REPORT

**TO: MAYOR BRIAN DALTON AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No.</b> <b>9 a</b>	<b>Topic:</b> Resolution changing park reservation fees
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> April 7, 2014	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

RECOMMENDED MOTION:

Adopt Resolution 3293

BACKGROUND:

As park reservations become ever more popular, they also take up a great deal of staff time to process, both in Administration and in the Finance Department. We could process park reservations online through our website (with payments processed through Xpress Bill Pay), which would save staff time and allow our patrons to make reservations even on weekends in their pajamas. The only thing stopping us from implementing this reservation system now is the fact that our current fee structure is incompatible with Xpress Bill Pay (large and small group fees, as well as one amount for the first hour and another for subsequent hours).

Our current fee structure has one rate for groups up to 100 and another rate for groups over 100. We charge \$25 for the first hour of a small group reservation and \$10 for each additional hour. The fee is doubled for large groups (to account for increased garbage collection costs). In speaking with Ron Lines, our park supervisor, we get very few large groups in a year, and we no longer pay for trash collection, so we can eliminate the large group fee with little impact to the budget. Additionally, if we charge one rate for each hour of use, we can use the online reservation system. Staff has reviewed the average length of reservations, and determined that a flat hourly fee of \$15 per hour would be a break-even amount to our current fees.

The Building and Grounds Committee discussed the proposed changes at their meeting last month and unanimously recommended the Council adopt a resolution changing the park reservation fees to a flat \$15 hourly rate.

FISCAL IMPACT:

The change in the fee structure should be a wash to the current fee structure

ATTACHMENTS:

Resolution 3293

RESOLUTION NO. 3293

A Resolution establishing the fees for reservation of Dallas City Park areas.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. The fee payable to the City of Dallas under Dallas City Code Section 2.558 by an applicant to reserve an area of the Dallas City Park identified in Section 2.556 shall be \$15 per hour.

Section 2. This resolution shall be effective immediately upon adoption and approval.

Adopted: April 7, 2014  
Approved: April 7, 2014

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BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM;

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RONALD W. FOGGIN,  
CITY MANAGER

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LANE P. SHETTERLY  
CITY ATTORNEY

# DALLAS CITY COUNCIL REPORT

**TO: MAYOR BRIAN DALTON AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No. 9 b</b>	<b>Topic:</b> Fair Housing Resolution
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> April 7, 2014	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

RECOMMENDED MOTION:

Adopt Resolution 3294

BACKGROUND:

One of the requirements of the CDBG grant for housing rehabilitation is that the City pass a Fair Housing resolution. We did that in 2009. However, IFA has made some minor changes in the required language and Polk CDC has asked that we pass this updated Fair Housing Resolution to speed up the application process.

FISCAL IMPACT:

None

ATTACHMENTS:

Resolution 3294

RESOLUTION NO. 3294

A Resolution relating to Fair Housing; and repealing resolution No. 3189.

WHEREAS, discrimination in the sale, rental, lease, advertising of sale, rental, or lease, financing of housing or land to be used for construction of housing, or in the provision of brokerage or rental services because of race, color, religion, sex, disability (physical or mental), familial status (children) or national origin is prohibited by Title VIII of the Federal Fair Housing Amendments Act of 1988; and

WHEREAS, it is the policy of the City of Dallas to support the Fair Housing Amendments Act of 1988, and to implement a Fair Housing Program to ensure equal opportunity in housing for all persons, regardless of race, color, religion, sex, disability (physical or mental), familial status (children and actual or perceived sexual orientation, gender identity or marital status or its members) or national origin; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. Within the resources available to the City of Dallas through city, state, federal and community volunteer sources, the City of Dallas will assist all persons who feel they have been discriminated against because of race, color, religion, sex, disability (physical and mental), familial status (children) or national origin in the process of filing a complaint with the Oregon Civil Rights Division or the U. S. Department of Housing and Urban Development, Seattle Regional Officer Compliance Division, that they may seek equity under federal and state laws.

Section 2. The City of Dallas shall publicize this Resolution, and through this publicity, shall cause real estate brokers and sellers, private home sellers, rental owners, rental property managers, real estate and rental advertisers, lenders, builders, developers, home buyers and home or apartment renters to become aware of their respective responsibilities and rights under the Fair Housing Amendments of 1988 and any applicable state or local laws or ordinances.

Section 3. The City's Fair Housing Program, for the purpose of informing those affected of their respective responsibilities and rights concerning Fair Housing law and complaint procedures, will at a minimum include, but not be limited to, the printing, publicizing and distribution of this Resolution; the distribution of posters, flyers, pamphlets and other applicable Fair Housing

information provided by local, state and federal sources, through local media or community contacts; and the publicizing of a location where assistance will be provided to those seeking to file a discrimination complaint.

Section 4. This resolution shall be effective upon its passage.

Adopted: April 7, 2014  
Approved: April 7, 2014

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BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

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RONALD W. FOGGIN,  
CITY MANAGER

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LANE P. SHETTERLY  
CITY ATTORNEY

# DALLAS CITY COUNCIL REPORT

**TO: MAYOR BRIAN DALTON AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No. 11a</b>	<b>Topic:</b> Park Property Donation Ordinance 1764
<b>Prepared By:</b> Ron Foggin	<b>Meeting Date:</b> April 7, 2014	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

RECOMMENDED MOTION:

Adopt Ordinance 1764.

BACKGROUND:

The Fowler Real Estate Group developed the Barberry Node and designated several lots to be open space and/or pocket parks. During the development process the developer planned on donating the open space to a home owners association, but an association was never formed. The developer discussed the donation of the open space with the City and it was decided that the open space would be donated to the City.

The two lots that are being donated are currently improved and maintained by the Fowler Real Estate Group. Both lots have subdivision signs on them, which will be relocated by the developer.

FISCAL IMPACT:

The Park Department Manager estimates that it will cost approximately \$1,200 a year to maintain the open space in the current condition.

ATTACHMENTS:

Ordinance 1764  
Property Platt Map  
Property Deed

ORDINANCE NO. 1764

An Ordinance accepting the conveyance of certain real property for public park use; and declaring an emergency.

WHEREAS, River Gleann Phase 6, LLC, an Oregon limited liability company, has proposed conveying Tract D and Lot 114, River Gleann Estates Phase 6 in the City of Dallas, Polk County, Oregon (Plat Volume 14, Page 14), as shown on the map attached hereto as Exhibit 1 and by reference incorporated herein, to the City of Dallas for park purposes; and

WHEREAS, the City is willing to accept said tract and lot for such purposes and has determined that such acceptance is in the best interest of the City;

NOW, THEREFORE, THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. The City of Dallas hereby accepts the conveyance by River Gleann Phase 6, LLC, an Oregon limited liability company of the above-described real property for public park use, and the form of deed attached hereto as Exhibit 2, is approved and accepted.

Section 2. This ordinance being necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist and this ordinance shall take effect on second reading and approval.

Read for the first time: March 18, 2014  
Read for the second time: April 7, 2014  
Passed by the City Council: April 7, 2014  
Approved by the Mayor: April 7, 2014

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BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

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RONALD W. FOGGIN,  
CITY MANAGER

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LANE P. SHETTERLY,  
CITY ATTORNEY

# RIVER GLEANN ESTATES PHASE 6

IN N.W.1/4 SEC. 34, T.7 S., R.5 W.,W.M.  
CITY OF DALLAS, POLK COUNTY, OREGON

- = MONUMENT FOUND AS NOTED
- = 5/8" X 30" IRON ROD SET AT LOT CORNERS WITH YELLOW PLASTIC CAP MARKED "MULTI/TECH ENG."
- ⊠ = 5/8" X 30" IRON ROD SET AT CENTERLINE OF STREETS WITH ALUMINUM CAP MARKED "MULTI/TECH ENG"
- (R+M) = RECORD & MEASURED BEARING & DISTANCE PER REFERENCED SURVEY
- B.O.T.P. = BOOK OF TOWN PLATS
- COR. = CORNER
- C.S. = COUNTY SURVEY
- I.P. = IRON PIPE
- I.R. = IRON ROD
- PUE = 10 FEET WIDE PUBLIC UTILITY EASEMENT
- P. = PAGE
- YPC = YELLOW PLASTIC CAP
- V. = VOLUME

BY:  
MULTI/TECH ENGINEERING SERVICES, INC.  
1155 13TH ST. S.E.  
SALEM, OREGON 97302  
503-363-9227

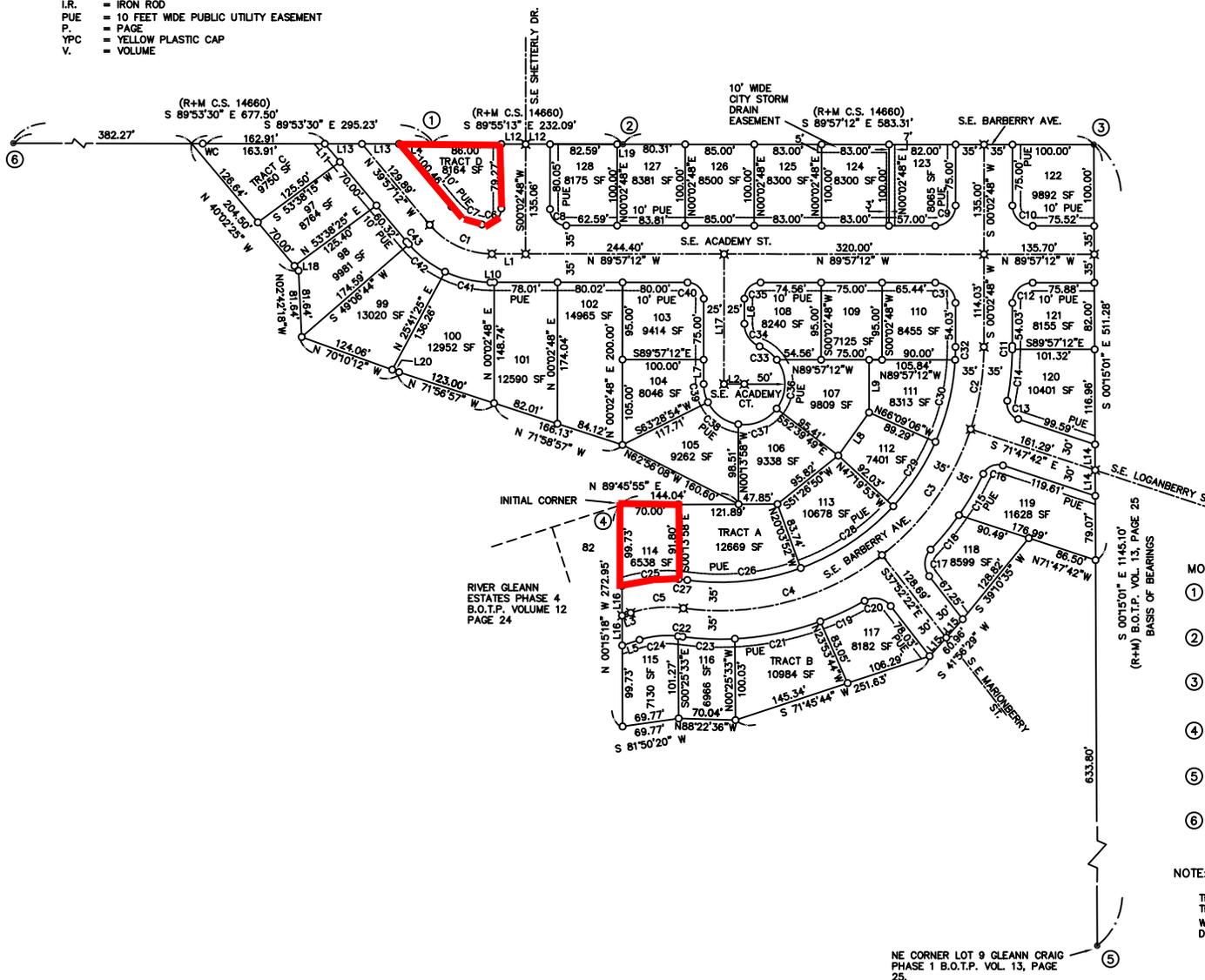
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 10, 1996  
DENNIS L EDWARDS  
2772

RENEW BY: 12/31/07

## INDEX

- SHEET 1 OF 3 INDEX AND LOTS
- SHEET 2 OF 3 TABLES
- SHEET 3 OF 3 SIGNATURE PAGE



SCALE: 1" = 100'  
DATE: 11-27-06

### MONUMENT NOTES:

- ① 3/4" IP 2" HIGH AT SE COR B.O.T.P. VOL. 4, PAGE 16. HELD FOR CONTROL.
- ② 1/2" IP YPC LS 1038 FLUSH. SET IN C.S. 12165. HELD FOR CONTROL.
- ③ 1/2" IP YPC LS 1038 FLUSH. SET IN C.S. 11731. HELD FOR CONTROL.
- ④ REPLACED DAMAGED 5/8" I.R. WITH YELLOW PLASTIC CAP MARKED LAND TECH. FLUSH. SET IN B.O.T.P. VOLUME 12, PAGE 24. HELD POSITION RESET WITH 5/8" IR YPC MULTI/TECH ENG.
- ⑤ 5/8" IR YPC MULTITECH ENG. FLUSH. NE CORNER LOT 9 GLEANN CRAIG PHASE 1 B.O.T.P. VOL. 13, PAGE 25. HELD FOR CONTROL.
- ⑥ 5/8" IR YPC MULTITECH ENG. FLUSH. SET IN C.S. 14660. HELD FOR CONTROL.

### NOTE:

TRACTS A AND B ARE OPEN AREAS GRANTED TO THE CITY OF DALLAS, OREGON.  
TRACTS C AND D ARE RETAINED BY THE OWNER.  
WC = WITNESS CORNER: THE NORTHWEST CORNER OF TRACT C WAS SET S89°53'30"E, 1.00 FEET, DUE TO A FALLEN TREE IN PLACE.

AFTER RECORDING RETURN TO:

Mr. Lane P. Shetterly  
Shetterly, Irick & Ozias  
PO Box 105  
Dallas, OR 97338

*Space for Recording Label*

SEND TAX STATEMENTS TO:

City of Dallas  
City Hall  
187 SE Court Street  
Dallas, OR 97338

CONSIDERATION: \$0.00

WARRANTY DEED

River Gleann Phase 6, LLC, an Oregon limited liability company, grantor, conveys and warrants to the City of Dallas, an Oregon municipal corporation, grantee, the following described real property, free of encumbrances except as specifically set forth herein, to wit:

Tract D and Lot 114, River Gleann Estates Phase 6 in the City of Dallas, Polk County, Oregon.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

There is no consideration for this conveyance.

DATED this \_\_\_\_\_ day of April, 2014.

River Gleann Phase 6, LLC,  
an Oregon limited liability Company

\_\_\_\_\_  
By: James W. Fowler  
Its: Manager

STATE OF OREGON,        )  
  ) ss.  
County of Polk.         )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of April, 2014, by James W. Fowler, Manager of River Gleann Phase 6, LLC, an Oregon limited liability company, on behalf of said company.

\_\_\_\_\_  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: \_\_\_\_\_

H:\Dallas\DeedRiverGleannPhase6.wpd