

DALLAS CITY COUNCIL
Monday, April 7, 2014
Council Chambers

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

ROLL CALL AND PLEDGE OF ALLEGIANCE

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

Also present were: City Attorney Lane Shetterly, Chief of Police Tom Simpson, Fire Chief Fred Hertel, Community Development/Operations Director Jason Locke, Engineering and Environmental Services Director Fred Braun, Finance Director Cecilia Ward, HR Manager/City Recorder Emily Gagner, and Recording Secretary Jeremy Teal.

Mayor Dalton led the Pledge of Allegiance.

COMMENTS FROM THE AUDIENCE

1:30 PUBLIC HEARINGS

A PUBLIC HEARING REGARDING THE OLCC APPLICATION FOR CHANGE OF OWNERSHIP AND FULL ON-PREMISES LICENSE FOR THE EXCHANGE, LLC.

Mayor Dalton opened the public hearing on the proposed OLCC application for change of ownership and full on-premises license for The Exchange, LLC. at 7:04 p.m.

Chief Simpson reported there were discrepancies in regards to the OLCC application for The Exchange, LLC. He noted there was speculation that The Exchange was operating without a valid OLCC license, but found that OLCC had issued a 90-day temporary permit. He advised that after doing a search regarding the answer given on question 18 of the OLCC application, he found that Mr. Moir's driving record had four counts of driving while suspended, and two counts of driving uninsured. He stated that Mr. Moir admitted he had his license suspended and was rushed when he filled out the application and didn't understand the word "convicted".

Mr. Shetterly advised that number 18 on the OLCC application read: "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?"

Brad Moir, 962 Main Street, Dallas, Oregon, stated that when filling out the application at OLCC, the word "convicted" confused him and he considered convicted as going to jail. He explained that he must have driven through a red light and received a ticket that was later mailed to him, had evidently overlooked the ticket in the mail, and his license was suspended. He noted that he was later pulled over in Lake Oswego and was cited \$380.00 for driving with a suspended license. He indicated that he had gone to Salem and paid the original fines and thought everything was cleared.

Councilor Gabliks asked if Mr. Moir knew he was cited and fined for driving while suspended, why he still mark the answer no. Mr. Moir explained that he had never been arrested or convicted, but just didn't read the sentence.

Councilor Lawson, Councilor Gabliks, Councilor Woods and Council President Wilson all asked Mr. Moir questions regarding his answer to question 18 of the OLCC application. Mr. Moir's response to the questions was that he didn't read it, or understand the word "convicted".

Mr. Shetterly stated that basis of the decision for an unfavorable recommendation must be made on the fact that Mr. Moir made false statements to the commission and not based on his driving record. He noted the Council could only make decisions on violations of the liquor laws.

Mayor Dalton closed the public hearing at 7:31 p.m.

It was moved by Councilor Gabliks *to recommend denial of the OLCC application for change of ownership and full on-premises license for The Exchange, LLC per ORS 471.313 (4)(b) for making false statements on the application.* The motion was duly seconded and carried by a vote of 8-0.

34:20 CONSENT AGENDA

It was moved by Councilor Marshall *to approve the Consent Agenda as submitted.* The motion was duly seconded and carried with a 8-0 vote.

Item approved by the Consent Agenda: a) March 17, 2014, City Council meeting minutes; b) recommend approval for modification of an OLCC application for Pressed Coffee and Wine Bar; c) appoint Mike Holland to the Budget Committee; d) designate Jason Locke, Community Development/ Operations Director as the Certifying Officer for the 2014 CDBG Housing Rehabilitation Project.

ITEMS REMOVED FROM THE CONSENT AGENDA

REPORTS OR COMMENTS FROM THE MAYOR AND COUNCIL MEMBERS

36:00 GENERAL COMMENTS

Councilor Jones announced she would not be running for Council this fall, but instead would be the liaison between the community and the 162nd National Guard.

40:00 REPORT OF THE MARCH 31, 2014, ADMINISTRATION COMMITTEE

Councilor Brown reported the Committee discussed property maintenance regulations, which was included in the Council packet, the Republic Services rate increase, the Finance Director's report, and the HR Manager's report.

42:15 REPORT OF THE MARCH 31, 2014, BUILDING & GROUNDS COMMITTEE

Councilor Brown advised the Committee discussed the Carnegie Building and the possibilities for the building, the Senior Center project, park reservation fees, and the Community Development/Operations Manager's report.

REPORTS FROM CITY MANAGER AND STAFF

There were none.

RESOLUTIONS

46:00 **Resolution No. 3293** - A Resolution establishing the fees for reservation of Dallas City Park areas.

A roll call vote was taken and Mayor Dalton declared Resolution No. 3293 to have PASSED BY A 8-0 VOTE with Councilor Jim Brown, Councilor Jim Fairchild, Councilor Kelly Gabliks, Councilor Beth Jones, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Murray Stewart, Council President LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.

47:05 **Resolution No. 3294** - A Resolution relating to Fair Housing; and repealing Resolution No. 3189

A roll call vote was taken and Mayor Dalton declared Resolution No. 3294 to have PASSED BY A 8-0 VOTE with Councilor Jim Brown, Councilor Jim Fairchild, Councilor Kelly Gabliks, Councilor Beth Jones, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Murray Stewart, Council President LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.

FIRST READING OF ORDINANCE

SECOND READING OF ORDINANCE

48:05 **Ordinance No. 1764** – An Ordinance accepting the conveyance of certain real property for public park use; and declaring an emergency.

Mr. Shetterly advised the property trust deed was released by the FIFE group, the CCR was released and the City would release the property from its development agreement.

A roll call vote was taken and Mayor Dalton declared Ordinance No. 1764 to have PASSED BY A 8-0 VOTE with Councilor Jim Brown, Councilor Jim Fairchild, Councilor Kelly Gabliks, Councilor Beth Jones, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Murray Stewart, Council President LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.

OTHER BUSINESS

EXECUTIVE SESSION

There being no further business, the meeting adjourned at 7:50 p.m.

Read and approved this _____ day of _____ 2014.

ATTEST:

Mayor

City Manager