DALLAS CITY COUNCIL
Monday, October 1, 2007
Council Chambers

The Dallas City Council met in regular session on Monday, October 1, 2007, at 7:30 p.m. in the Council Chambers of City Hall with Mayor Jim Fairchild presiding.

ROLL CALL

Council members present were: Council President Ken Woods, Councilor Brian Dalton, Councilor Warren Lamb, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor David Shein, and Councilor LaVonne Wilson. Members excused: Councilor Wes Scroggin and Councilor David Voves.

Also present were: Pro-Tem City Manager Jerry Wyatt, City Attorney Lane Shetterly, Fire Chief Bill Hahn, Police Chief Jim Harper, Public Works Director Fred Braun, Finance Director Marcia Baragary, Library Director Donna Zehner, and Recording Secretary Marsha Heeter.

APPROVAL OF MINUTES

After hearing no corrections or additions, Mayor Fairchild declared the minutes of the September 17, 2007, Council meeting approved as printed.

REPORTS OR COMMENTS FROM COUNCIL MEMBERS

MAYOR AND COUNCIL PRESIDENT'S MONTHLY REPORT

There were no questions about the Mayor and Council President's monthly reports.

OTHER

Mayor Fairchild reported on the League of Oregon Cities annual conference at Bend. He said it was a good conference with good information. He explained that the City had applied for an award of excellence for the East Dallas Community Park public/private partnership project and Dallas and Madras tied for first. He added that he received the James C. Richards award, which is the highest award given to an elected official in Oregon. He indicated that his certificate should also have City of Dallas on it. Councilor LaVonne Wilson noted there was a display about the East Dallas Community Park that was very attractive. Mayor Fairchild responded that Assistant Public Works Director Christy Ellis and Executive Assistant Emily Gagner did an outstanding job on the display. Councilor Brian Dalton commented that the breakout sessions were useful.

SEPTEMBER 24 ADMINISTRATIVE COMMITTEE REPORT

Councilor David Shein reported on the Administrative Committee's September 24 meeting. He said there was one action item; they discussed the performance of the current auditor and renewing the contract. He indicated that the rates would be going up slightly, and one reason was an increase in the amount of work they have to do because of regulation changes.

Councilor Shein moved to authorize extension of the contract with Grove, Mueller & Swank for three years. The motion was duly seconded. Councilor Dalton pointed out that the increase is 15% the first year and negotiated the other years, and he wondered if that needed to be part of the motion. Mayor Fairchild responded that it would be assumed. The motion CARRIED UNANIMOUSLY with Council President Ken Woods, Councilor Brian Dalton, Councilor Warren Lamb, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor David Shein, and Councilor LaVonne Wilson voting YES.

Mayor Fairchild remarked that the Committee also discussed the budget situation and heard that the staff is working on getting new financial software. Councilor Dalton said he noticed the new website is still being revised and there are some navigation problems. Mayor Fairchild responded that if anyone notices anything, they should bring them to the attention of staff. City Manager Pro Tem Jerry Wyatt noted that some of the items will require additional cost, others we can do in house. Councilor Dalton commented that when he does searches, he gets a massive amount of information. Mr. Wyatt said to send comments to Kevin Watson with a copy to him.

SEPTEMBER 24 PUBLIC SAFETY COMMITTEE REPORT

DRAFT

Councilor Kevin Marshall reported on the September 24 meeting of the Public Safety Committee. He said there were some action items. He reported that for the fire department facility project, the next single majority election is November 2008. He said there is money in the budget for leasing an ambulance. He explained that the Council would need to decide whether to seek a bond measure at a later time.

Councilor Marshall indicated that the Committee discussed installation of stop signs and recommended installing a large number of stop signs. He noted that the proposals are consistent with City policy.

Councilor Marshall moved to install the recommended stop signs and have the City Attorney prepare a resolution to do so. The motion was duly seconded. Councilor Dalton remarked that he is not a big fan of willy-nilly stop signs, especially on streets with a small number of homes such as on Academy Street on map #5. Mayor Fairchild said he thinks part of the reason for the stop sign there is because of future expansion of the street and it being easier to put the sign in now rather than later. Mr. Wyatt pointed out that SE Academy is a collector street and will eventually go through to SE Fir Villa.

Mayor Fairchild explained that there were some people in the audience who wished to speak on this subject. Susan O'Brien said that cars coming from the Aquatic Center to the bowling alley, go whipping around the corner at Walnut and Walnut Circle and it is an accident waiting to happen. She added that there are tall trees and bushes at 421 SE Walnut that block the visual clearance for vehicles exiting Walnut Circle. Mayor Fairchild noted that the recommendation is to stop traffic on Walnut at Walnut Circle. Councilor Dalton confirmed that they were recommending stopping a collector street and favoring people on a cul-de-sac. Mayor Fairchild said this stop sign would be a traffic-calming device. He added that the main problem is that the Walnut vehicles are turning left, and cars heading into Walnut Circle are in the path of those cars. Councilor Jackie Lawson remarked that she drives through there multiple times a day and doesn't want a stop sign there. She added that if speed is kept under control like it should be, there shouldn't be a problem. The motion was seconded. Councilor Dalton moved to amend the motion by withdrawing stop sign #3 (on Walnut) from map 8. He said they could still put a stop sign on Walnut Circle. In response to a question, Mr. Wyatt said it would go back to the Public Safety Committee to reconsider the location. The amendment was duly seconded and CARRIED UNANIMOUSLY with Council President Ken Woods, Councilor Brian Dalton, Councilor Warren Lamb, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor David Shein, and Councilor LaVonne Wilson voting YES. The amended motion was voted on and CARRIED UNANIMOUSLY with Council President Ken Woods, Councilor Brian Dalton, Councilor Warren Lamb, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor David Shein, and Councilor LaVonne Wilson voting YES. Councilor Wilson remarked that it is important that this stop sign go back to the Public Safety Committee to find out why the staff made the recommendation it did.

Councilor Marshall reported on Committee discussion regarding the park exclusion ordinance and the need to make some changes and additions. Mr. Shetterly reported that after meeting he did some research in the City Code. He explained that there is a section on Park Regulations, and other things are scattered throughout the Code. He said the Exclusion ordinance says that violations of the Park Regulations are subject to exclusion, but it doesn't include those other things in the Code. He added that there are also some rules posted in the parks that aren't in the Code and he will try to merge all of the authorities. Mayor Fairchild noted that the Committee asked the staff to bring back additional information to the next Committee meeting.

Councilor Marshall indicated that the next action item, was to establish no parking on the east side of Wyatt Street in the vicinity of Kingsborough Park. He added that they discussed establishing the no parking area before any houses are built on the east side of the street. He said the motion of the Committee was to recommend that the Council prohibit parking on the east side of Wyatt Street from Ellendale to Forestry Lane.

Councilor Marshall moved to prepare a resolution eliminating parking on the east side of Wyatt Street from Ellendale to Forestry Lane. The motion was duly seconded. Councilor Marshall explained that there had been discussion about several options and putting a parking lot in for the park is not an option in the near future. Mayor Fairchild pointed out that prohibiting parking on the west side would mean people parking on the east would be crossing the street to get to the park. Mr. Wyatt noted that Wyatt is a collector street, but it is not as wide as most. He added that Kingsborough Park is used for a lot of sporting events and it is best to do this before anyone builds on the lots. Councilor Wilson asked if we enforce areas where streets have parking on one side only. Mr. Wyatt answered that it would be

signed and enforced. Councilor Lawson asked where people using the park are going to park if the City eliminates half the parking, and will the kids have to walk a long ways to get there. Mr. Wyatt answered that there is enough capacity on the west side of Wyatt and on Ellendale for parking. Mr. Shetterly noted that they discussed putting in a parking lot later. Councilor Lawson commented that there has been discussion about putting a dog park in there. Mr. Wyatt responded that the dog park would not be on the street side. Councilor Marshall asked if the City had any obligation to notify the property owners on the east side of Wyatt Street. Mr. Wyatt answered that there is only one property owner and he will notify him. The motion CARRIED UNANIMOUSLY with Council President Ken Woods, Councilor Brian Dalton, Councilor Warren Lamb, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor David Shein, and Councilor LaVonne Wilson voting YES.

Councilor Marshall reviewed the Police and Fire and Ambulance reports. Councilor Warren Lamb asked if there had been any discussion about putting the old ambulance box on a new chassis. Councilor Marshall answered that there was not. Councilor Lamb commented that he knows there are companies that rebuild fire trucks to save money and that might be an option with the ambulance. Mayor Fairchild said the City could look into that.

REPORTS OF SPECIAL COMMITTEES AND CITY OFFICERS

CHAMBER REQUEST TO BLOCK PARKING SPACES OCTOBER 31

Mr. Wyatt reported that there was a letter from the Chamber of Commerce requesting to have parking restricted on the south side of Mill Street and the north side of Court Street on Wednesday, October 31, 2007 and during Summerfest 2008, which will be July 24-27.

Councilor Lamb moved to approve the parking restrictions with the City Manager working with the Chamber on this. The motion was duly seconded. Council President Ken Woods asked about notifying the County. Councilor Shein asked how to bring ODOT into this for the parking on the west side of Main Street. Mr. Wyatt answered that he would let them know. The motion CARRIED UNANIMOUSLY with Council President Ken Woods, Councilor Brian Dalton, Councilor Warren Lamb, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor David Shein, and Councilor LaVonne Wilson voting YES.

UPDATE ON BLUE GARDEN RESTAURANT BUILDING

Mr. Wyatt asked the Council to set a public hearing for a nuisance determination at 827 Main Street, the former Blue Garden restaurant. He added that he heard a sale is pending, but one was pending before. He suggested having the hearing on October 15. He pointed out that the City needs to give only five days notice of the hearing, and he thinks the Council should take formal action on this.

Councilor Lamb moved to set a public hearing for nuisance determination at 827 Main Street for October 15 at 7:45 p.m. The motion was duly seconded. Councilor Marshall asked if there was any type of lien the City could put on the property. Mr. Wyatt explained that after the hearing, the City could go in, clean it up, and put a lien on the property. Councilor Shein asked if the prospective buyer understands what they are buying. Mr. Wyatt answered that they have been in the building and have contacted the City staff. Councilor Dalton asked if the City action is independent of any sale and if there was any stopping if the City starts to abate the nuisance. Mr. Shetterly answered that the property owners could post a bond to do the abatement themselves. He explained that under the process, the owner has a period of time to do the abatement, and if they don't, then the City can do. He said they would have 10-15 days to do. Councilor Dalton remarked that once the Council has the hearing, he would prefer to abate it right away. He suggested letting the parties involved know the timelines. The motion CARRIED UNANIMOUSLY with Council President Ken Woods, Councilor Brian Dalton, Councilor Warren Lamb, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor David Shein, and Councilor LaVonne Wilson voting YES.

Mr. Wyatt indicated that they Council will also have a nuisance determination regarding the Monmouth Cutoff property where there are a lot of vehicles. Mr. Shetterly noted that situation has been prosecuted in the Municipal Court already.

LIGHT POLLUTION UPDATE

Mr. Wyatt indicated that he distributed copies of recent correspondence from the residents on Magnolia regarding the light on Fir Villa. Mr. Wyatt explained that the light on Fir Villa had recently been redirected to shine toward the building, and following that, he took the readings that were included in the agenda packet. He added that he will have a draft ordinance regarding outdoor lighting for review at the next Building and Grounds Committee meeting. He indicated that he received information from Mr. Shetterly regarding a House Bill on this topic. Councilor Shein confirmed that the last adjustment made a large difference. Mr. Wyatt agreed that it did. Mayor Fairchild remarked that the adjustments dropped the light level down so it's probably lower than most other lights. He added that he thinks a compromise has been reached and his recommendation would be to tell the people on Magnolia that adjustments have been made and the readings were lowered. He said we need to have the staff develop lighting standards for the future. Councilor Shein asked if the light on Fir Villa could be grandfathered in so it is covered by the lighting standards. Councilor Lawson suggested referencing the House Bill as the direction the City is going. Councilor Wilson asked if there was any appeal of the Council's decision. Mr. Shetterly answered that there would be no appeal, except by going to Court. Mr. Wyatt said he would let the people know that as far as the City is concerned, the problem has been abated.

Councilor Lamb moved to send the staff recommendations for a lighting ordinance to the Building and Grounds Committee. The motion was duly seconded. Councilor Wilson noted that the Committee asked the staff for a draft ordinance at their last meeting. Councilor Shein asked about the House Bill. Mr. Shetterly answered that it passed at the last session and recommends that state and local agencies review outdoor lighting ordinances and directs the State Department of Energy to review the model ordinance when it comes out and make recommendations to the 2009 legislature. Councilor Shein said he wanted to make sure the City wouldn't be adopting an ordinance that would be made obsolete by the Legislature. Mr. Shetterly responded that he was pretty sure it wouldn't be. The motion CARRIED UNANIMOUSLY with Council President Ken Woods, Councilor Brian Dalton, Councilor Warren Lamb, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor David Shein, and Councilor LaVonne Wilson voting YES.

Councilor Lamb said we need to let the Browns know the staff has done its work, adjustments have been made and the Council is happy with the results. Mayor Fairchild asked if it required a motion. Mr. Shetterly answered that none was needed and the Staff will let them know.

BUDGET TRANSFER FOR PUBLIC WORKS

Mr. Wyatt reported that there was a request for a budget transfer of $40,000 from Shop Services to Public Works Capital Outlay to purchase a new street sweeper. He explained that the staff has determined that it would be better to purchase than lease.

Councilor Lawson moved to authorize the requested budget transfer. The motion was duly seconded. Mayor Fairchild suggested just moving to the resolution. Councilor Lawson withdrew her motion. The Council decided to wait until that point in the agenda. Councilor Dalton asked how many street sweepers the City has. Public Works Director Fred Braun answered that we have only one, and it is reaching the end of its useful life. He noted that we can use it as a backup, which would enable the City to double sweep for special events. Councilor Dalton said he has heard a number of comments about the poor quality of sweeping in some areas and he wondered if we should think about having a second one. Mayor Fairchild responded that would need to be brought up as budget item because it would also involve additional staff. Council President Woods remarked that they also need to consider the problem caused by cars parked on the street. Councilor Marshall asked if this would be a more efficient machine. Mr. Braun answered that it is basically a replacement, but it should have some enhancements.

MONTHLY REPORTS

Mr. Wyatt asked if there were any questions about the monthly reports. There were none.

OTHER

Mr. Wyatt reported that the pavement was done on the Levens Street Bridge. Mr. Braun indicated that it was the approach pavement that was done and the Bridge should be open between Wednesday and Friday based on the results of testing. He noted that the contractor will still be working on the sidewalks and railings over the next couple of weeks. Councilor Shein commended Public Works for how this project has gone.

Mr. Wyatt advised that there have been some calls recently about the taste and odor of the City water. He explained that this is mostly a seasonal problem with organic build up in the water and the rains should take care of that.

RESOLUTIONS

Resolution No. 3129

A Resolution authorizing the transfer of budgetary funds.

A Roll Call vote was taken and Mayor Fairchild declared Resolution No. 3129 to have PASSED by a UNANIMOUS VOTE with Council President Woods, Councilor Dalton, Councilor Lamb, Councilor Lawson, Councilor Marshall, Councilor Shein, and Councilor Wilson voting YES.

FIRST READING OF ORDINANCES

Ordinance No. 1678

An Ordinance declaring property owned by The FIFE Group, Inc. and Meadows Investment Corp. annexed to the City of Dallas and withdrawn from Southwestern Polk County Rural Fire Protection District.

Mr. Wyatt explained that the first reading of this ordinance was going to be postponed until a later date because they found some problems with the legal descriptions and the property owner will provide a new legal description.

OTHER BUSINESS

Mayor Fairchild announced that there would be a short meeting of the Dallas Community Development Commission Urban Renewal Agency Board of Directors immediately following the Council meeting.

There being no further business, the meeting adjourned at 8:50 p.m.

Read and approved this _____ day of _____ 2007.

_____
Mayor

ATTEST:

_____
City Manager

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