City Council

Mayor
Brian Dalton

Council President
LaVonne Wilson

Councilor
Jim Brown

Councilor
Jim Fairchild

Councilor
Kelly Gabliks

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, October 20, 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	RECOMMENDE DACTION
1.	ROLL CALL	
2.	PLEDGE OF ALLEGIANCE	
3.	EMPLOYEE RECOGNITION / INTRODUCTION	
4.	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.	
5.	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.	
6.	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 October 6, 2014 City Council meeting	PG. 3
	b. Approve OLCC application for Dallas Mini Market	PG. 6
7.	ITEMS REMOVED FROM CONSENT AGENDA	
8.	REPORTS OR COMMENTS FROM MAYOR AND COUNCIL MEMBERS	
	a. General Comments from the Councilors and Mayor	
9.	REPORTS FROM CITY MANAGER AND STAFF	
	a. Monthly department statistics	Information PG. 17
	b. Proposed Council Rules of Procedure update	Motion PG. 32
	c. September financial report	Information PG. 34
	d. Council Goals	Information

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.

e. Other

10. FIRST READING OF ORDINANCE

a. Ordinance No. 1771: An Ordinance amending Ordinance 1734 relating to solid waste management in the City of Dallas. — **First Reading** PG. 61

b. Ordinance No. 1772: An Ordinance establishing a tax on the sale of marijuana and marijuana-infused products in the City of Dallas; and declaring an emergency — **First Reading** PG. 67

11. SECOND READING OF ORDINANCE

a. Ordinance No. 1768: An Ordinance amending Dallas City Code Section 2.700 relating to public records retention; and repealing Ordinance No. 1748. — **Roll Call Vote** PG. 79

b. Ordinance No. 1769: An Ordinance amending provisions of the Dallas Development Code adopting a new Dallas Sign Code; and repealing conflicting provisions. — **Roll Call Vote** PG. 81

c. Ordinance No. 1770: An Ordinance amending provisions of the Dallas City Code Section 8.802, relating to exemptions from property maintenance regulations; and declaring an emergency. — **Roll Call Vote** PG. 101

d. Ordinance No. 1771: An Ordinance amending Ordinance 1734 relating to solid waste management in the City of Dallas. — **Roll Call Vote** PG. 105

12. RESOLUTIONS

a. Resolution No. 3305: A Resolution establishing a schedule of fees to be paid for certain Community Development Department land use and zoning permits and services; and repealing Resolutions 3200 and 3216. — **Roll Call Vote** PG. 106

b. Resolution No. 3306: A Resolution approving changes in rates for refuse collection service and repealing Resolution No. 3217. — **Roll Call Vote** PG. 109

c. Resolution No. 3307: A Resolution authorizing the issuance, negotiated sale, execution and delivery of not to exceed $3,025,000 full faith and credit bond anticipation note, series 2014; and related matters. — **Roll Call Vote** PG. 116

13. OTHER BUSINESS

14. ADJOURNMENT

Following the Council meeting, there will be a meeting of the Urban Renewal District Board of Directors.

These minutes are supplemented by electronic recordings of the meeting, which may be reviewed upon request to the City Recorder. Audio files from City Council meetings from October 6, 2014, forward can be found online at http://www.dallasor.gov/archive under the corresponding agenda date. Staff reports, resolutions, ordinances, and other documents related to this meeting are also available at that site in the "Council Agendas" archive.

DALLAS CITY COUNCIL	**Monday, October 6, 2014**

The Dallas City Council met in regular session on Monday, October 6, 2014, at 7:00 p.m. in the Council Chambers of City Hall with Mayor Brian Dalton presiding.

Council:

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

Staff:

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

Pledge of Allegiance:

Mayor Dalton led the Pledge of Allegiance.

DRAFT

AGENDA	ACTION
1:47 **EMPLOYEE INTRODUCTION/RECOGNITION**	Deputy Chief Brumfield recognized Ryan Saltalamachia, Lt. Frank Ehrmantraut, Jennifer Phillis and Thoren Sode for saving Steve Betchart on August 5, 2014 from a cardiac arrest. Lt. Mott recognized Detective April Welsh and Detective Josh Calef for their outstanding work on the homicide case from December. Chief Hertel introduced the new Community Services Officer April Welsh.
6:18 **COMMENTS FROM THE AUDIENCE**	Joe Koubek, 565 SE Mifflin, Dallas, asked if Dallas taxed any other medicine besides marijuana. He noted the proposed marijuana issue seemed rushed and asked if it was greed or a tax of disapproval of marijuana. He stated the State, the County and now the City would have taxed marijuana increasing the price driving any black market dealer to not open a store front in Dallas. He commented that Dallas claimed to be a business friendly community, and yet was ready to tax a new medicine being brought into the city. Steve Pickering, 1895 S Church St., Dallas, stated a tax on marijuana seemed right. He noted that creating a stumbling block for potential use was a positive thing. He noted the tax could help pay for community services.

12:00 PUBLIC HEARINGS	
1:10:00 CONSENT AGENDA Items approved by the Consent Agenda: September 22, 2014, City Council meeting minutes	It was moved by Councilor Gabliks *to approve the Consent Agenda as submitted*. The motion was duly seconded and carried with a vote of 8-0.
ITEMS REMOVED FROM CONSENT AGENDA	There were none.
1:10:45 REPORTS OR COMMENTS FROM THE MAYOR AND COUNCIL MEMBERS REPORT OF THE SEPTEMBER 22, 2014, ADMINISTARTION COMMITTEE	Councilor Brown advised the Committee discussed the Municipal Judge RFP and declined the rate increase for the current judge, the partition of the lot for the senior center, the HR Manager report and Finance director report. There was discussion about adding the Chair of the Administration Committee to the initial review process It was moved by Councilor Marshall *to approve the Municipal Judge Request for Proposal and selection process and add the Chair of the Administrative Committee to the process*. The motion was duly seconded and carried with a vote of 8-0.
REPORT OF THE SEPTEMBER 22, 2014, BUILDING & GROUNDS COMMITTEE	Councilor Brown advised the Committee discussed the house on Shelton Street owned by the Fire Department, and the Community Development Director's report.

REPORTS FROM CITY MANAGER AND STAFF	
1:31:41 MUNICIPAL JUDGE RFP	Covered in the Administration Committee report.
1:33:42 FIRE APPARATUS LEASE	There was discussion about the fire apparatus lease. Mr. Foggin stated staff would draft the Resolution and bring it to Council for final approval.
1:34:10 ECONOMIC DEVELOPMENT COMMISSION SPENDING RECOMMENDATIONS	There was discussion regarding the spending of the Economic Development Trust Fund money on a marketing and branding campaign for the City. It was moved by Councilor Marshall *to approve the expenditure as recommended by the Economic Development Commission in accordance with the ED Trust Funding Policy*. The motion was duly seconded and carried with a vote of 8-0.
1:37:40 FACILITY USE AGREEMENT WITH DALLAS SCHOOL DISTRICT	There was discussion regarding the facility agreement between the City and the School District It was moved by Councilor Fairchild *to authorize*

DRAFT

	the City Manager to sign the Cooperative Facility Use Agreement between the City of Dallas and the Dallas School District. The motion was duly seconded and carried with a vote of 8-0.
1:40:05 COUNCIL GOAL UPDATE	Mr. Foggin noted that as part of the Council Retreat, goals were set and he advised a Parks Master Plan was being created and would come before Council in the spring.
1:40:05 OTHER	It was moved by Councilor Brown *to direct the City Attorney to draft an ordinance regarding a tax on medical and recreational marijuana.* The motion was duly seconded and carried with a vote of 8-0.
RESOLUTIONS	There were none.
FIRST READING OF ORDINANCE	
Ordinance 1768 – An Ordinance amending Dallas City Code Section 2.700 relating to public records retention; and repealing Ordinance No. 1748.	Mayor Dalton declared Ordinance No. 1768 to have passed its first reading.
Ordinance 1769 – An Ordinance amending provisions of the Dallas Development Code adopting a new Dallas Sign Code; and repealing conflicting provisions.	Mayor Dalton declared Ordinance No. 1769 to have passed its first reading.
Ordinance 1770 – An Ordinance amending provisions of the Dallas City Code Section 8.802, relating to exemptions from property maintenance regulations; and declaring an emergency.	Mayor Dalton declared Ordinance No. 1770 to have passed its first reading.
SECOND READING OF ORDINANCE	There were none.
EXECUTIVE SESSION	
OTHER BUSINESS	Mayor Dalton advised the Fire & EMS Open House was October 8 at 6 p.m.

ADJOURNMENT	There being no further business, the meeting adjourned at 8:06 p.m.

Read and approved this _____ day of _____ 2014.

_____

ATTEST: Mayor

_____
City Manager

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DALLAS CITY COUNCIL
REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

City of Dallas	**Agenda Item No.** **6 b**	**Topic:** OLCC Application for Dallas Mini-Mart
Prepared By: Jeremy Teal	**Meeting Date:** October 20, 2014	**Attachments:** Yes ■ No ☐
Approved By: Ron Foggin		

RECOMMENDED MOTION:

With approval of the consent agenda, the Council would be recommending to the OLCC to grant the license for a new outlet allowing off-premises sales at Dallas Mini-Mart.

BACKGROUND:

Bir Pal Johal, Johal Mangel Singh, and Surjit Sungh are requesting an OLCC application for a new outlet and to allow off-premises sales at the Dallas Mini-Mart.

Staff has reviewed the OLCC application and found no items of concern with the information provided by Bir Pal Johal, Johal Mangel Singh, and Surjit Sungh.

FISCAL IMPACT:

None

ATTACHMENTS:

Memo from Police Department
OLCC Application for Dallas Mini-Mart

MEMO

TO: RON FOGGIN
CITY MANAGER

FROM: TOM SIMPSON
CHIEF OF POLICE

RE: *Dallas Mini-Mart*
Off Premise Sales/New Outlet
Location: 121 SW Oak St

DATE: October 15, 2014

This application is for Off-Premises Sales. The applicants, Bir Pal Johal, Johal Mangel Singh and Surjit Sungh are applying as a Limited Liability Company.

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

OCT 13 2014

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 _____

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: _____

Date: 10.3.14

90-day authority: ☐ Yes ☐ No

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

① BUSJ, LLC ③ _____

② _____ ④ _____

2. Trade Name (dba): Dallas Mini Market

3. Business Location: 121 So oak st Dallas Polk OR 97338
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: [redacted]
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: [redacted]
(phone) (fax)

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

7. If yes to whom: _____ Type of License: _____

8. Former Business Name: Dallas Super Market

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? Polk
(name of city or county)

11. Contact person for this application: BJR PAC Johal [redacted]
(name) (phone number(s))
[redacted]
(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 9-19-14 ③ _____ Date _____

② Supt Sur Date 9-19-14 ④ _____ Date _____

RECEIVED
OREGON LIQUOR CONTROL COMMISSION
SEP 26 2014
SALEM REGIONAL OFFICE

OREGON LIQUOR CONTROL COMMISSION

INDIVIDUAL HISTORY

1. Trade Name Dallas Mini Market 2. City Dallas

3. Name Singh (Last) Surjit (First) (Middle)

4. Other names used (maiden, other) _____

5. *SSN [redacted] 6. Place of Birth [redacted] (State or Country) 7. DOB [redacted] (mm) (dd) (yyyy) 8. Sex M ☑ F ☐

*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:

DISPOSITION
Date Completed
OCT 03 2014

Applicant Signature: _____

9. Driver License or State ID # [redacted] State CA

INITIALS

11. Residence Address [redacted] (number and street) (city) (state) (zip code)

12. Mailing Address (if different) Same (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: _____

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:
CA

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.

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 Dallas Mini Market 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.
CA Sheridan or Mill City Market Halsey select Market Main St. Market
Hillcrest Market Willamina ~~Village Food Mar~~ J, S Dele Rob Dallas Select Market

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: 9-18-14

PRIORS ✓ RAIN ___ COP ✓
DMV-w ✓ DL ___ CCH ✓
N-DEx ___ OJIN ___ Oth ___
By: JN Date 10/13/14

OREGON LIQUOR CONTROL COMMISSION

INDIVIDUAL HISTORY

1. Trade Name ~~BIR RAC~~ Dallas Mini Market 2. City Dallas

3. Name Johal (Last) BIR RAC (First) Singh (Middle)

4. Other names used (maiden, other) N/A

5. *SSN [redacted] 6. Place of Birth [redacted] (State or Country) 7. DOB [redacted] (mm) (dd) (yyyy) 8. Sex M ☑ F ☐

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Applicant Signature: ___ OCT 03 2014

9. Driver License or State ID # [redacted] 10. State OR

INITIALS: ___

11. Residence Address [redacted] (number and street) (city) (state) (zip code)

12. Mailing Address (if different) Same (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: ___

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☐ Yes ☑ No

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

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Page 11

20. Trade Name Dallas Mini Market 21. City Dallas

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If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

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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.
Sheridan or Mill City or Halsey or Willamina or ~~Cottage Grove or~~ Dallas Super Market
Main Market, Hillcrest Market, JS Deli Pub Village Food, adair Deli Pub

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.

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N/A

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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: _____ Date: 9-19-14

PRIORS ✓ RAIN ___ COP ✓
DMV-w ✓ DL ✓ CCH ✓
N-DEx ___ OJIN ___ Oth ___
By: DJ Date 10/13/14

OREGON LIQUOR CONTROL COMMISSION

INDIVIDUAL HISTORY

1. Trade Name Dallas Mini Market 2. City Dallas

3. Name Johal (Last) Mangel (First) Singh (Middle)

4. Other names used (maiden, other) N/A

5. *SSN [redacted] 6. Place of Birth [redacted] (State or Country) 7. DOB [redacted] (mm) (dd) (yyyy) 8. Sex M ○ F ○

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Applicant Signature: ___ OCT 03 2014

9. Driver License or State ID # [redacted] 10. State BC

INITIALS: ___

11. Residence Address [redacted] (number and street) (city) (state) (zip code)

12. Mailing Address (if different) Same (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: ___

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.

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 Dallas Mini Market 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.
Willamina Select Market Dallas Super Mkts

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: 9-25-14

OREGON LIQUOR CONTROL COMMISSION

BUSINESS INFORMATION

Please Print or Type

Applicant Name: BVSJ, LLC Phone: 503-843-3314

Trade Name (dba): Dallas Mini Market.

Business Location Address: 121 - SO Oak St.

City: Dallas OR ZIP Code: 97338

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday	6 AM	to	10 PM
Monday	6 AM	to	10 PM
Tuesday	6 AM	to	10 PM
Wednesday	6 AM	to	10 PM
Thursday	6 AM	to	10 PM
Friday	6 AM	to	10 PM
Saturday	6 AM	to	10 PM

Outdoor Area Hours:

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
☐ 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: _____ Outdoor: _____

Lounge: _____ Other (explain): _____

Banquet: _____ Total Seating: _____

OLCC USE ONLY

Investigator Verified Seating: ____(Y) ✓(N)

Investigator Initials: SP

Date: 9.29.14

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

Applicant Signature: _____ **Date:** 9-19-14

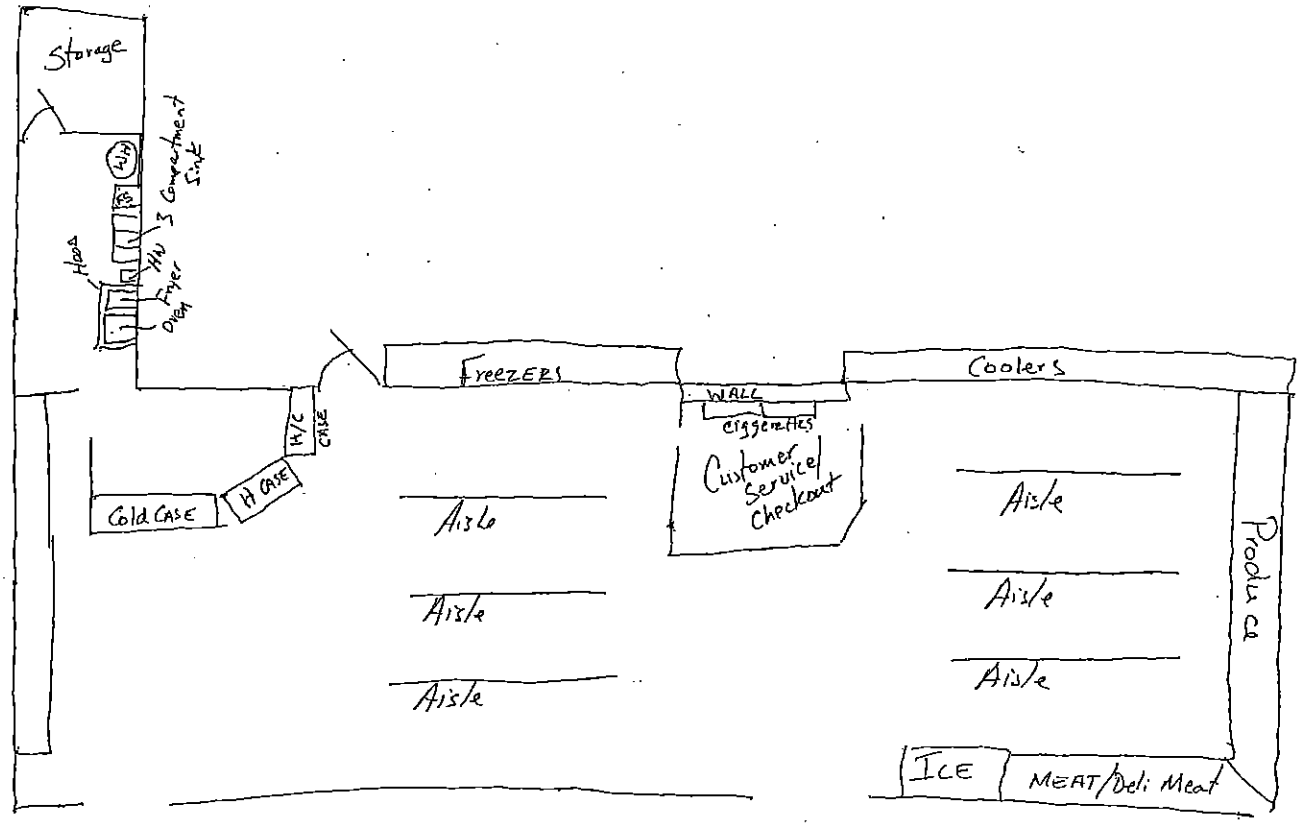
1-800-452-OLCC (6522)

www.oregon.gov/olcc

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.



BUSJ, LLC
Applicant Name

Dallas Mini Market
Trade Name (dba):

Dallas OR 97338
City and ZIP Code

.....OLCC USE ONLY.....
MINOR POSTING ASSIGNMENT(S)
NA NO POSTING
Date: 9.29.14 Initials: SD

DALLAS CITY COUNCIL
REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

City of Dallas	**Agenda Item No.** **9a**	**Topic:** Department Statistics
Prepared By: Daniel Adatto	**Meeting Date:** October 20, 2014	**Attachments:** Yes ■ No ☐
Approved By: Ron Foggin		

RECOMMENDED MOTION:

Informational only.

BACKGROUND:

The Department Wide Monthly Statistical Report provides an overview of key departmental statistics, beginning in Fiscal Year (FY) 2014/15.

The report covers the following City departments:

- Community Development/Operations
  - Building Division (July – September)
  - Aquatic Center (July – August)
  - Fleet Division (September)
- Engineering/Public Works
  - Water System (July – September)
  - Wastewater System (July – September)
- Library (July – September)
- Police (August)
- Fire & EMS (August – September)

FISCAL IMPACT:

None.

ATTACHMENTS:

Department Wide Monthly Statistical Report

Department Wide Monthly Statistical Report

Fiscal Year: 2014/15
Months: July - September

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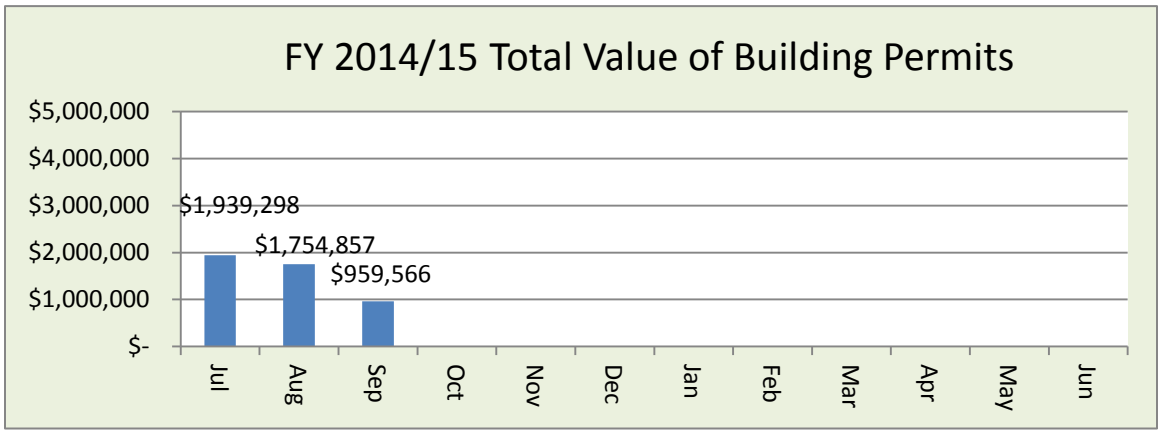
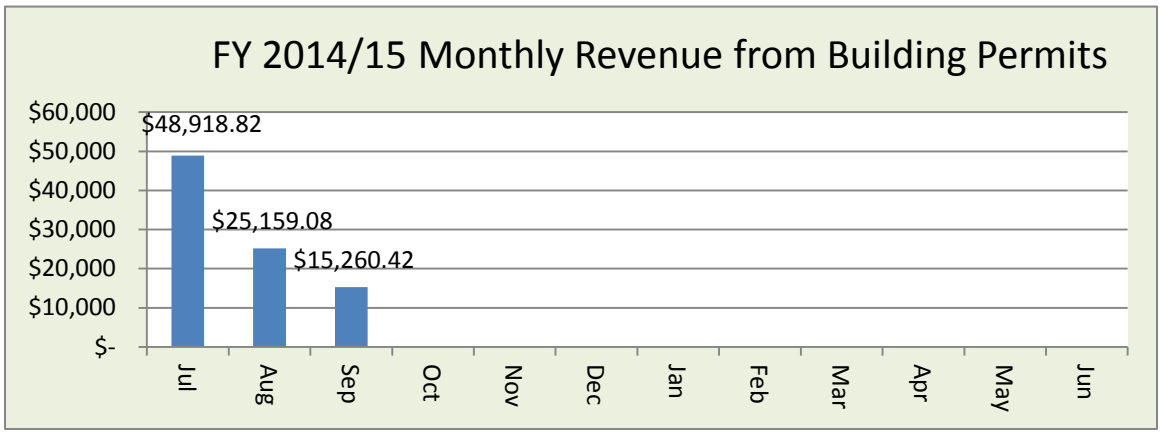
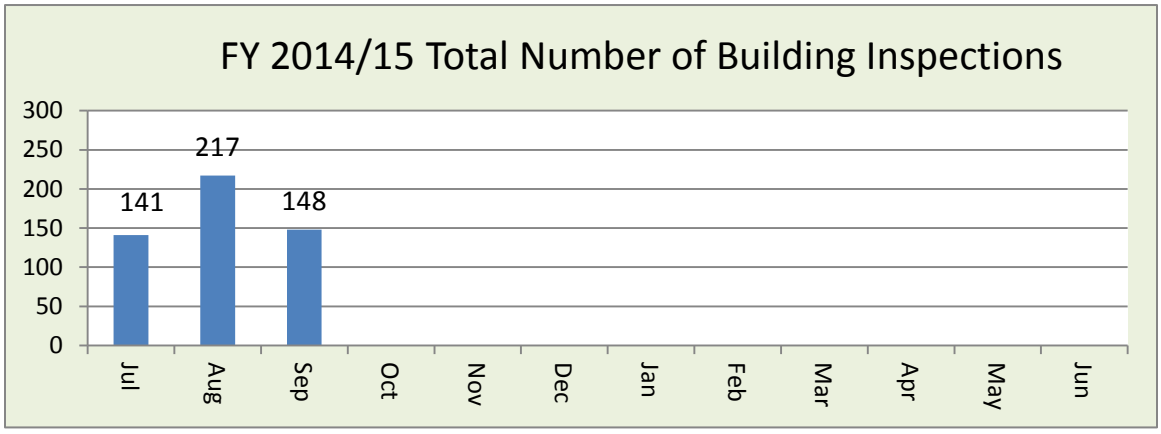
Community Development and Operations

Building Division

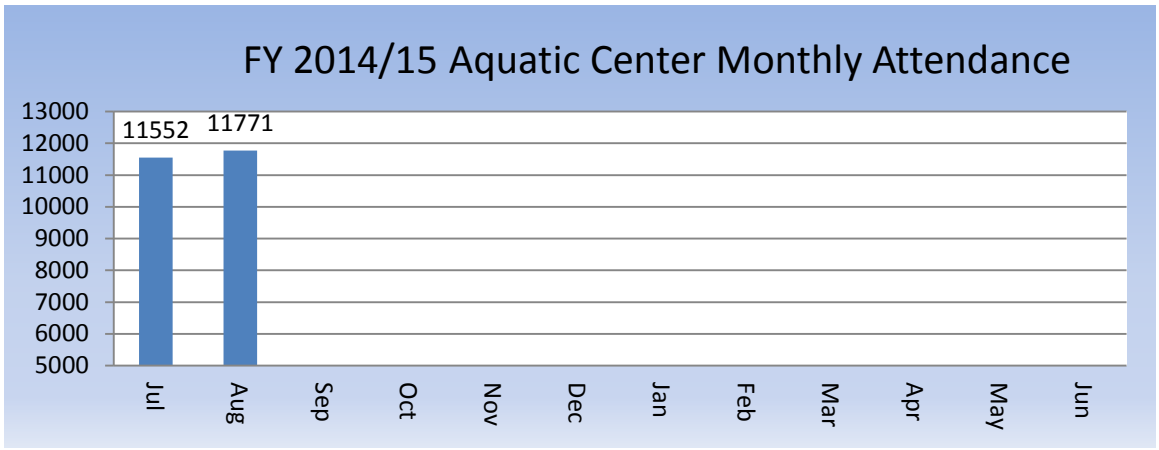


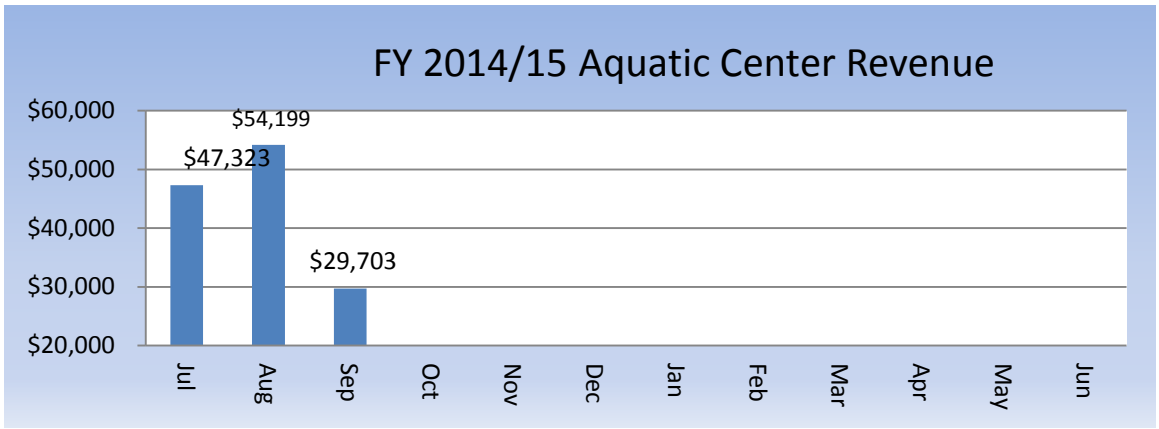


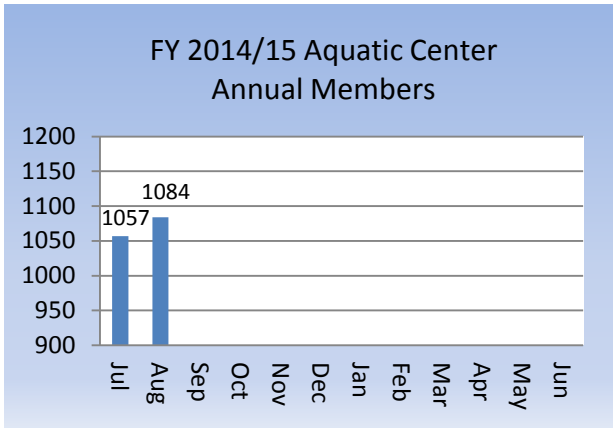


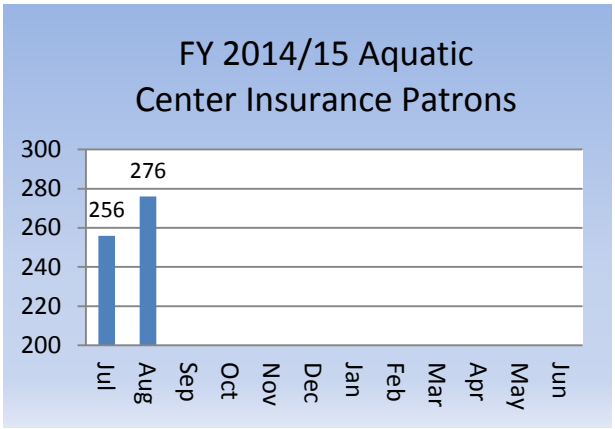
Community Development and Operations

Dallas Aquatic Center

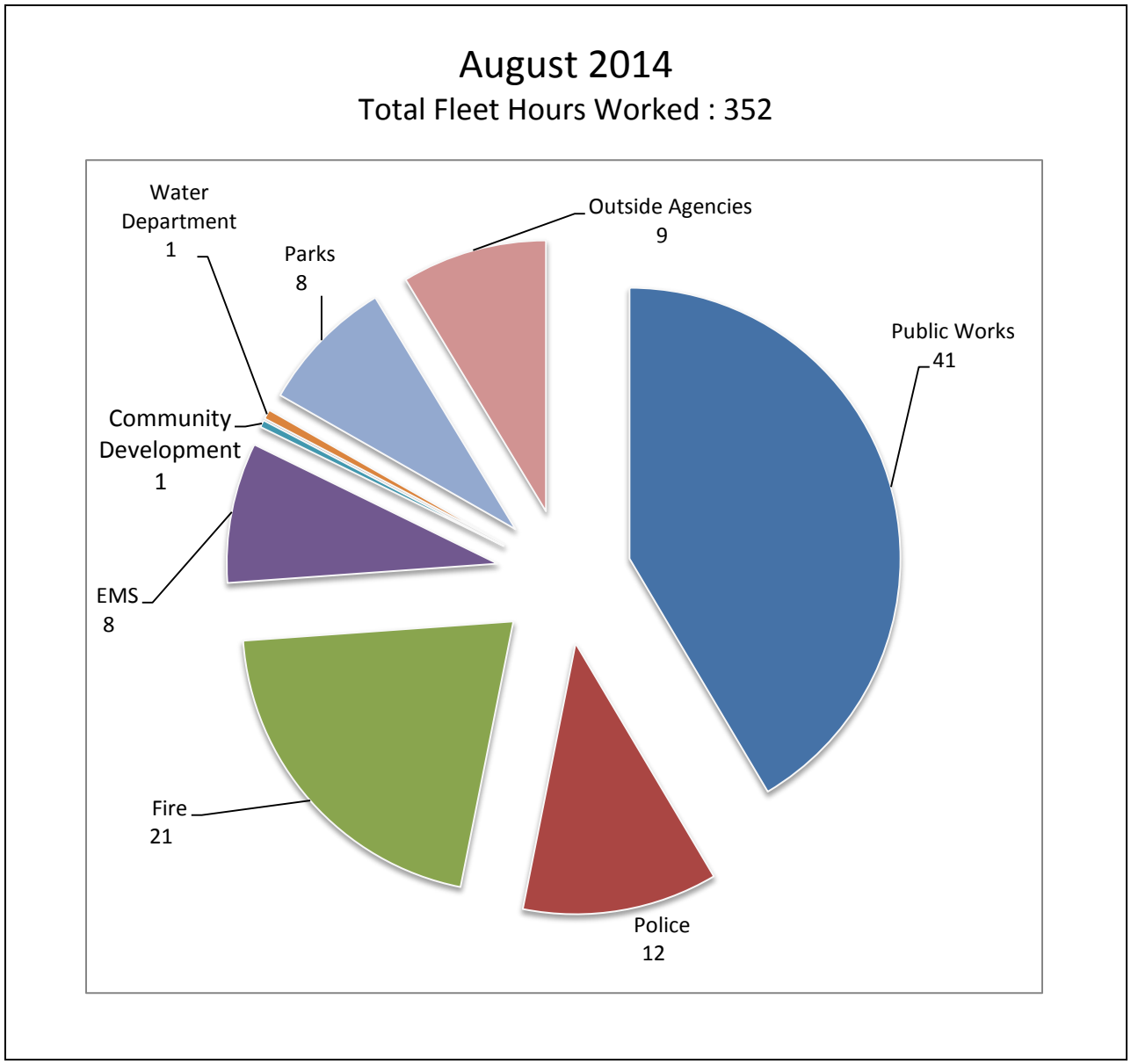






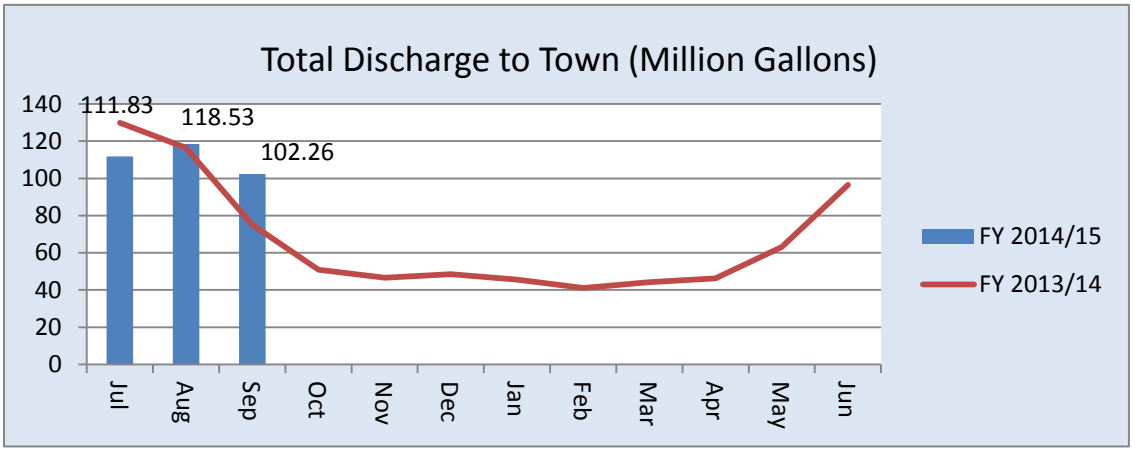


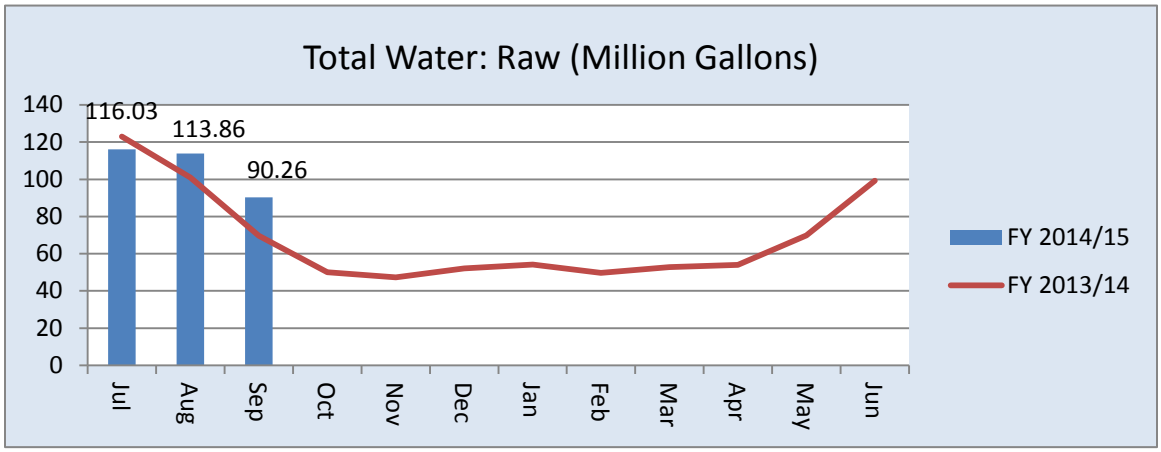
Community Development and Operations
Fleet Division

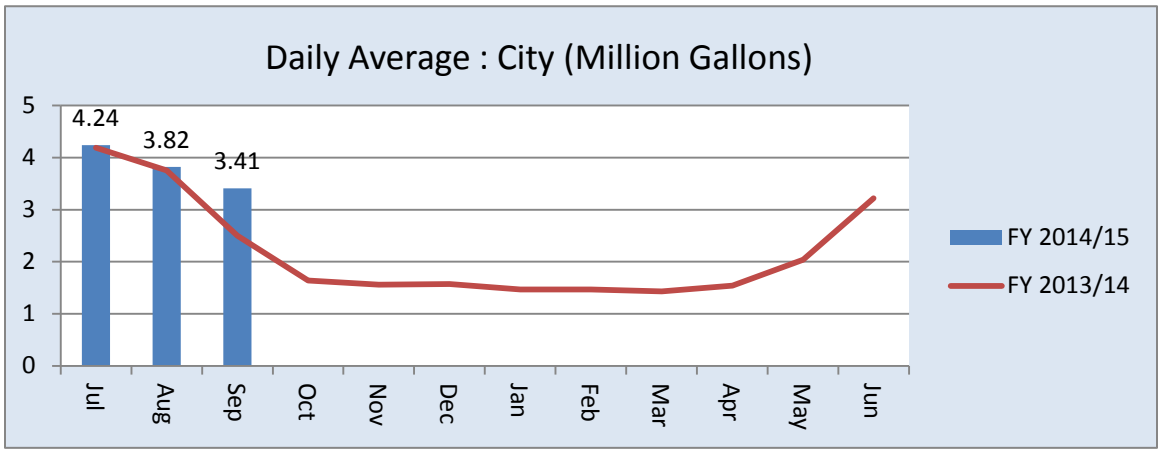


Public Works Department

Water System

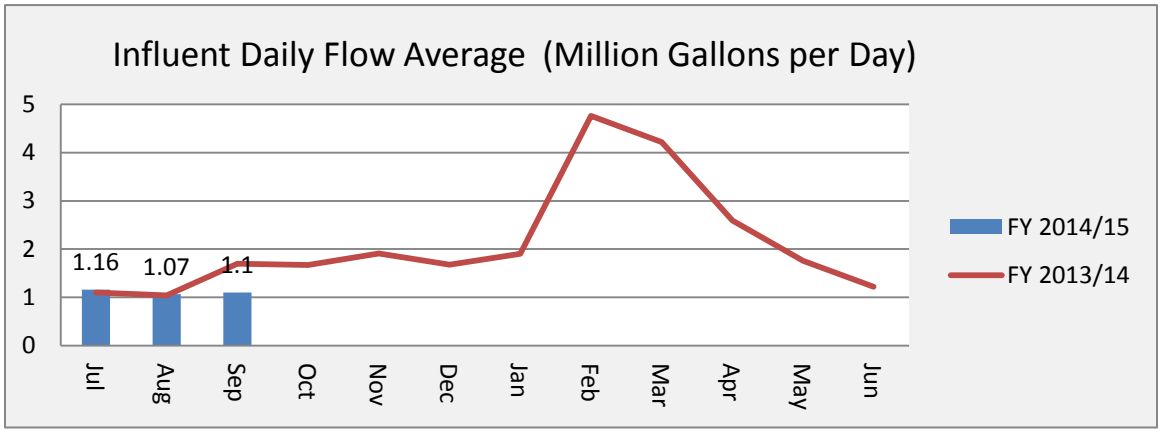


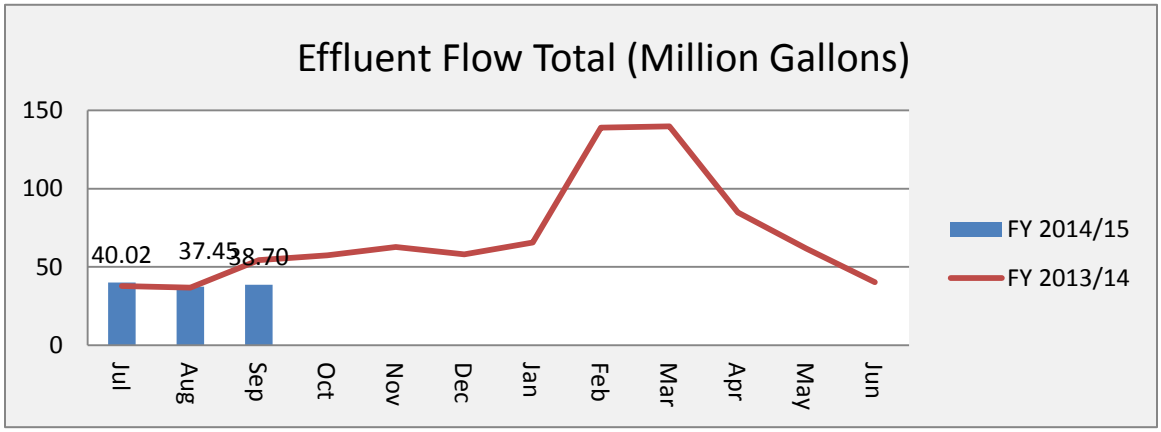


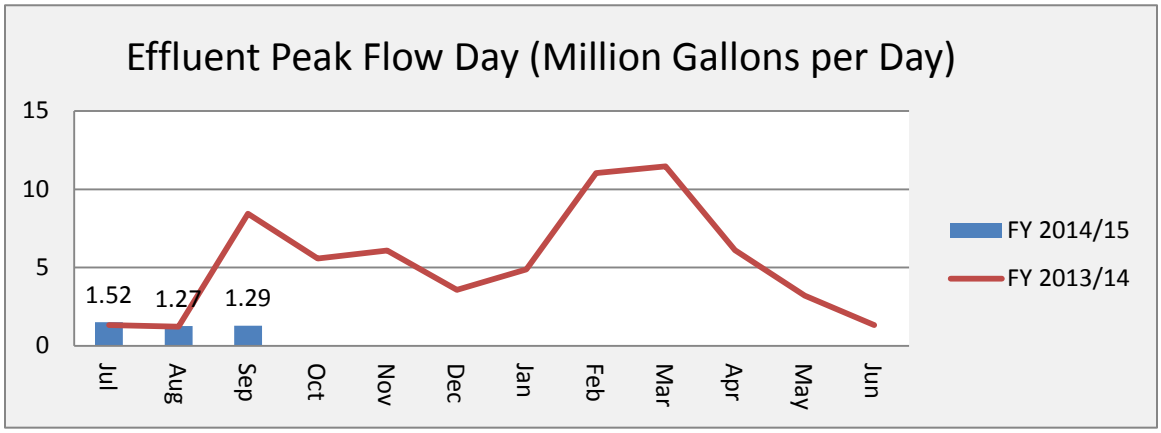


Public Works Department

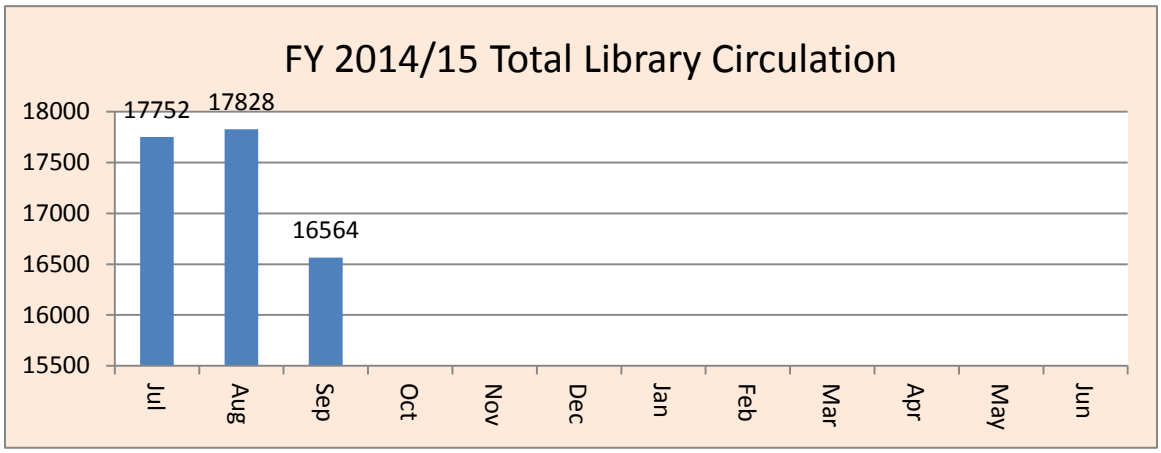
Wastewater System

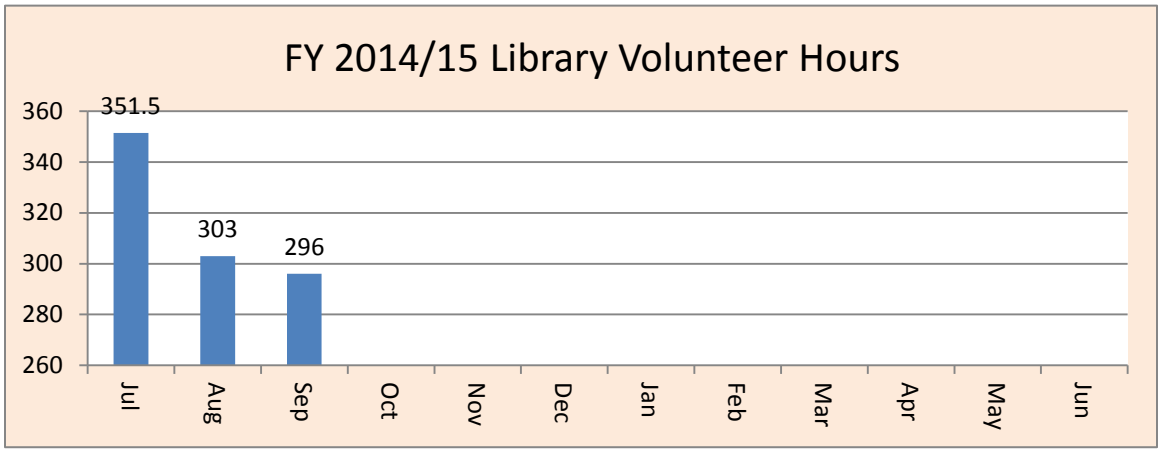


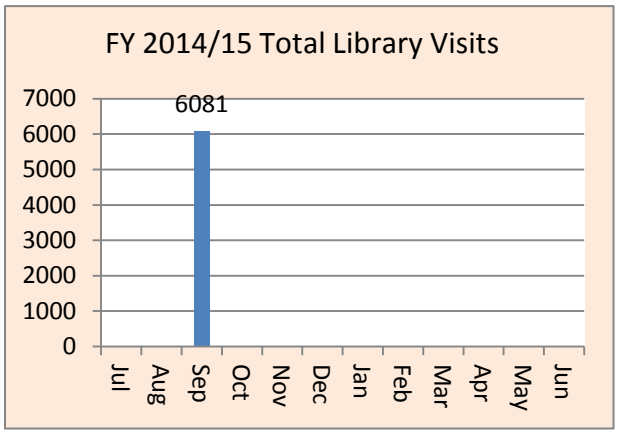


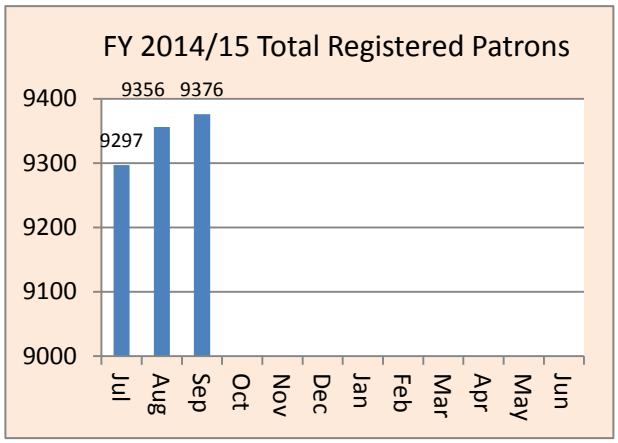


Dallas Library Department

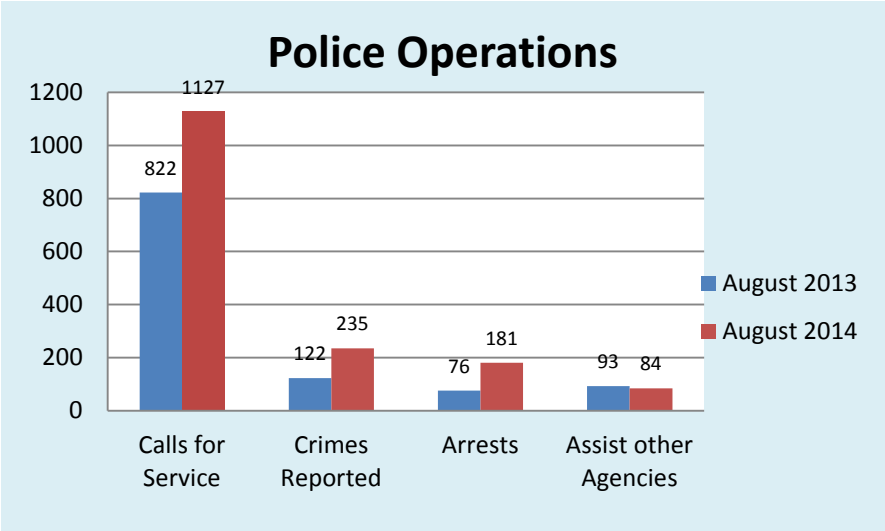


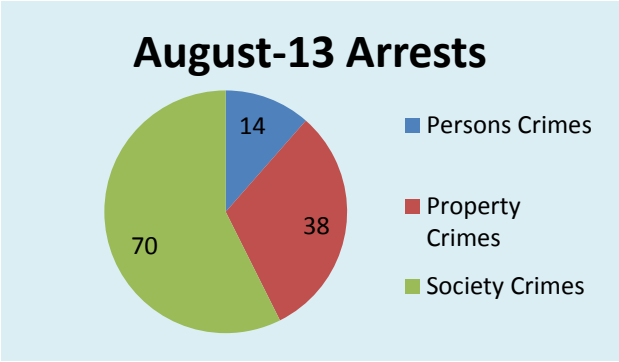


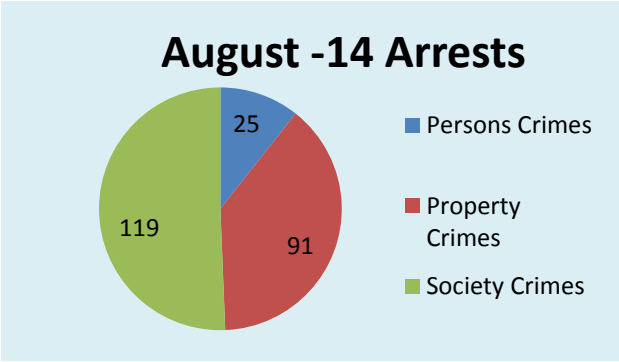




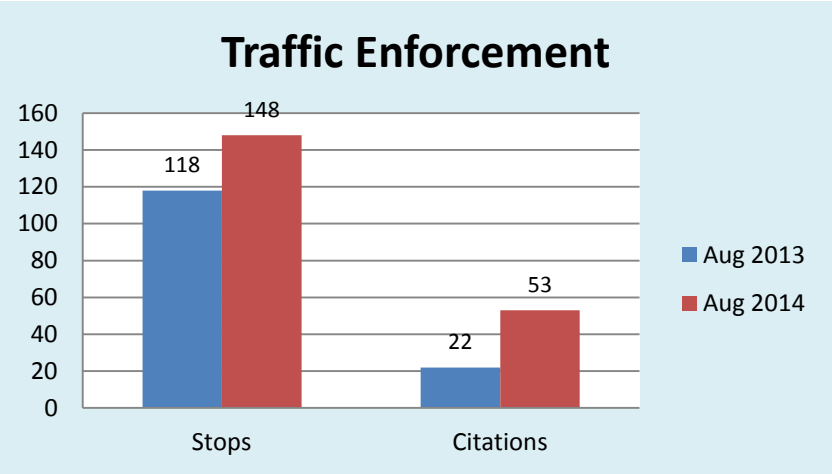
DALLAS POLICE DEPARTMENT
Monthly Statistical Report
August 2014

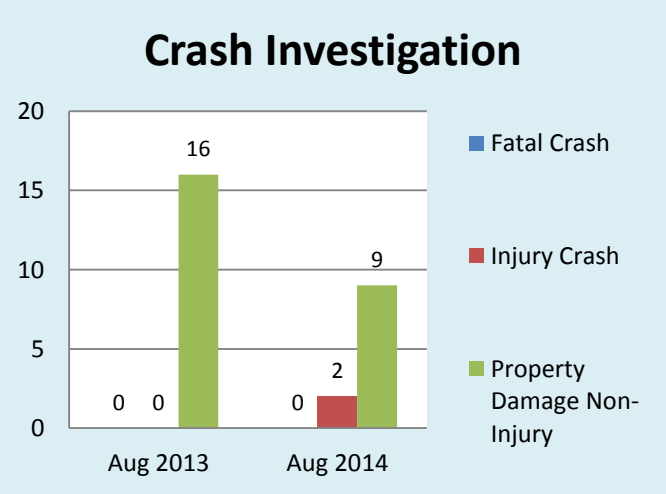




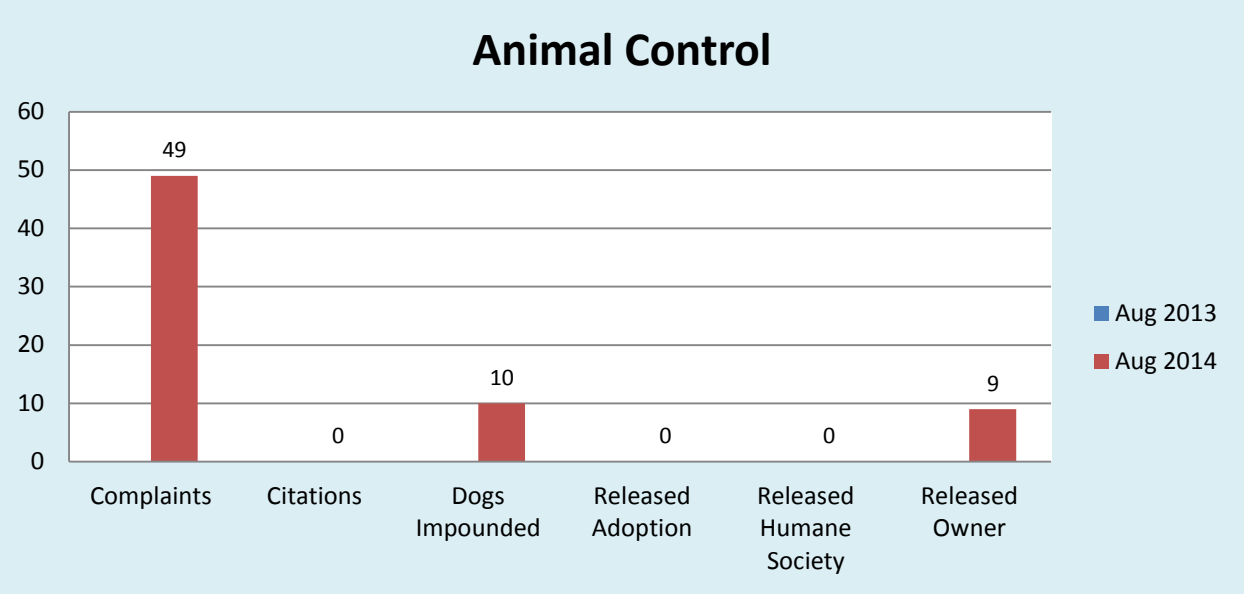


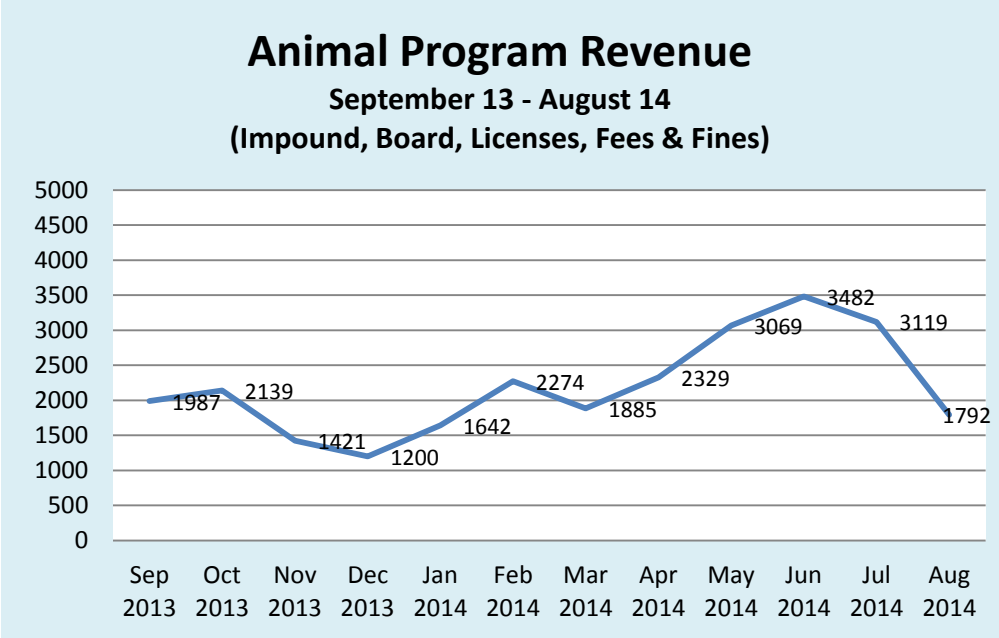
Examples of crime categories might include:
Persons: Assault; Rape; Robbery; Domestic Violence
Property: Theft; Burglary; Fraud; Vandalism; Arson; Forgery
Society: Disorderly Conduct; DUII; Liquor Violations; Curfew; Runaway; Suspended License; Warrants

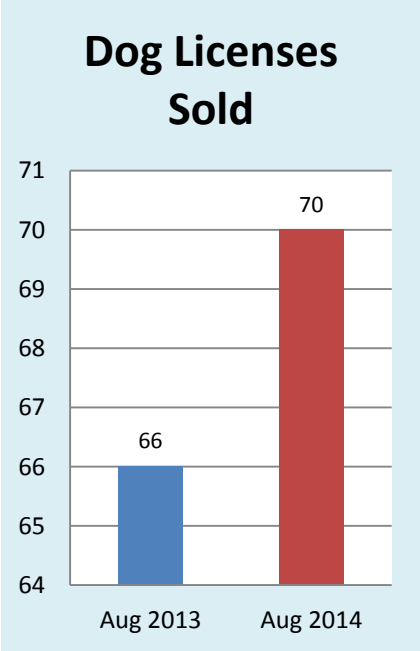


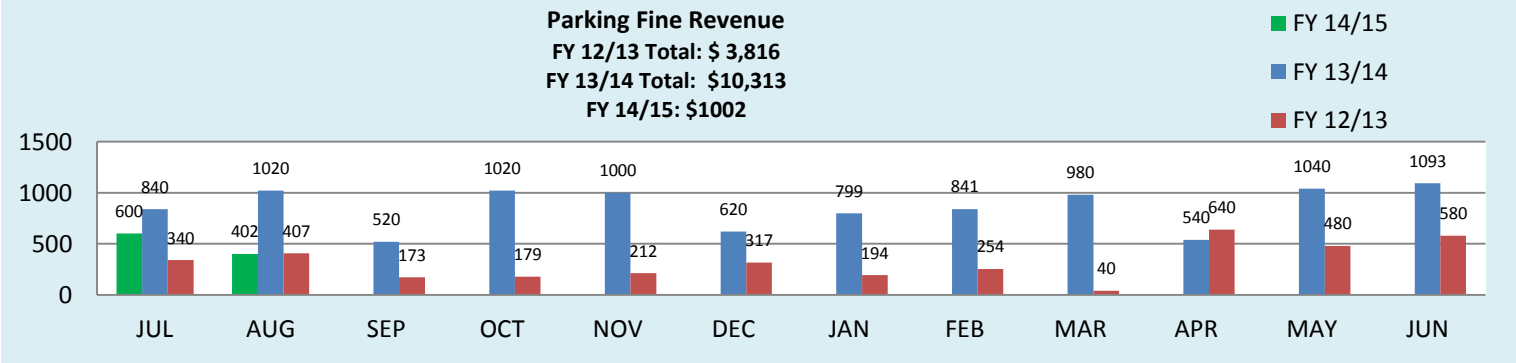


DALLAS POLICE DEPARTMENT
Monthly Statistical Report
August 2014









City of Dallas EMS

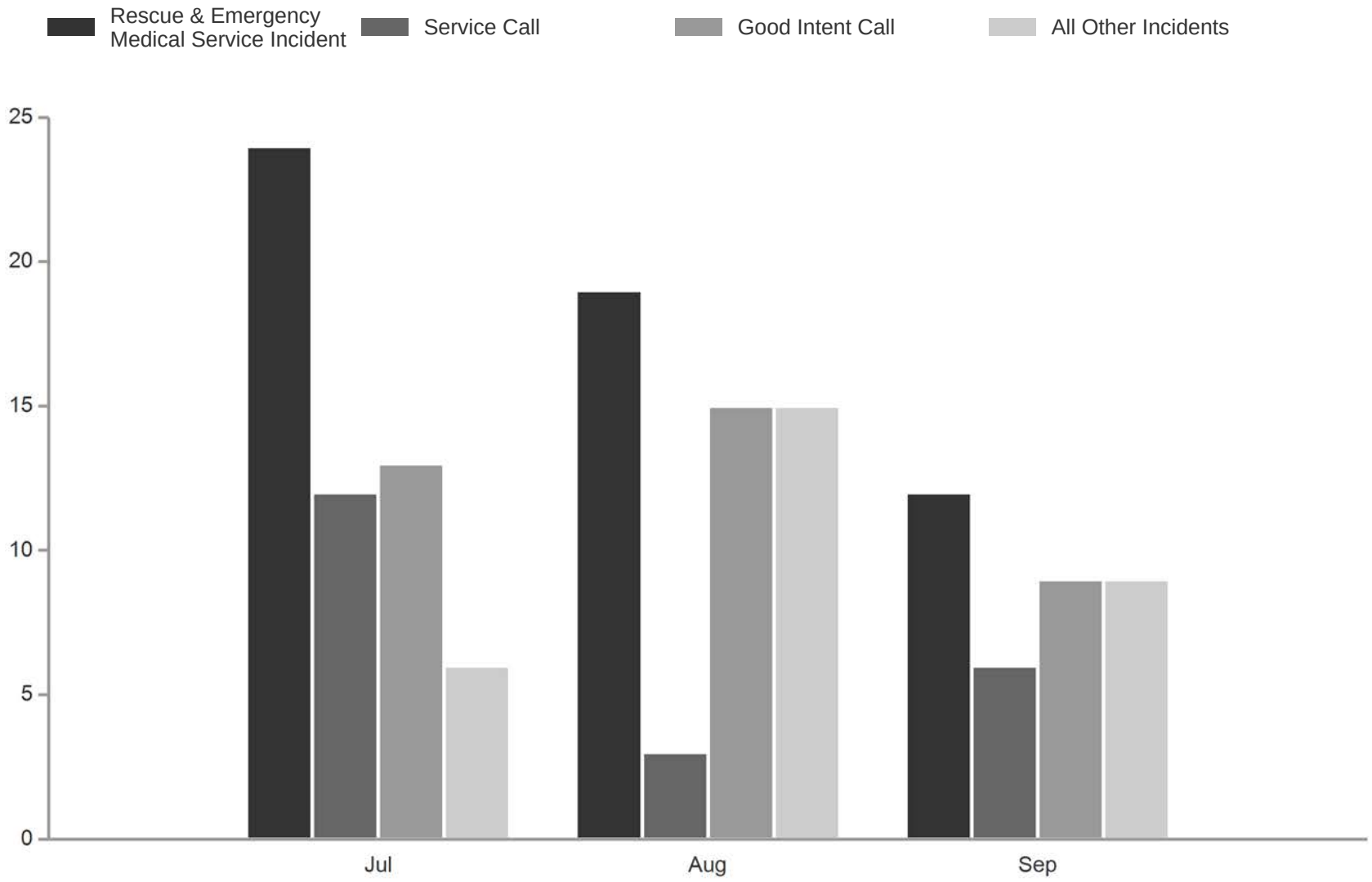
Incident Type Summary

Parameters

Date Range	07/01/2014 - 09/30/2014
Incident Type	All
Apparatus	All
District	All

Incident Types Over Time

07/01/2014 - 09/30/2014

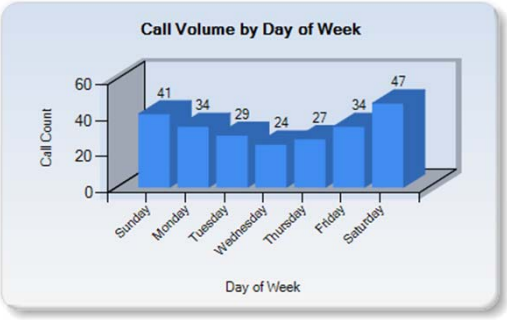


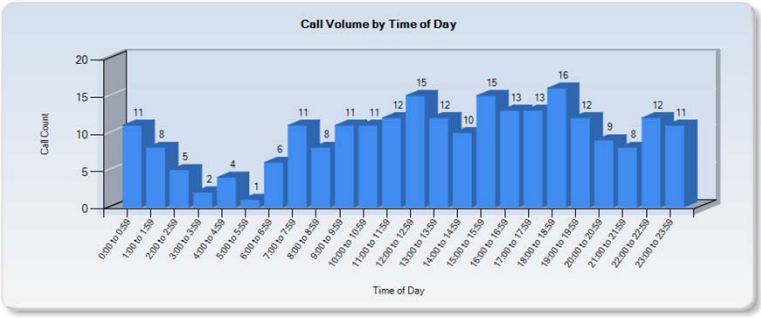
Calls by Incident Type

	Jul	Aug	Sep	Total
Rescue & Emergency Medical Service Incident (300's)				
	24	**19**	**12**	**55**
	43.6%	34.5%	21.8%	38.5%
Service Call (500's)				
	12	**3**	**6**	**21**
	57.1%	14.3%	28.6%	14.7%
Good Intent Call (600's)				
	13	**15**	**9**	**37**
	35.1%	40.5%	24.3%	25.9%
All Other Incidents				
	6	**15**	**9**	**30**
	20.0%	50.0%	30.0%	21.0%
Total				
	55	**52**	**36**	**143**

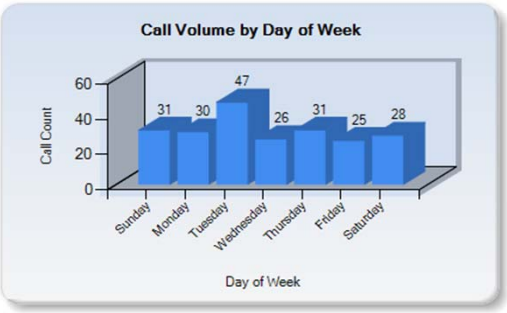
DALLAS EMS SEPTEMBER 2014 STATISTICS

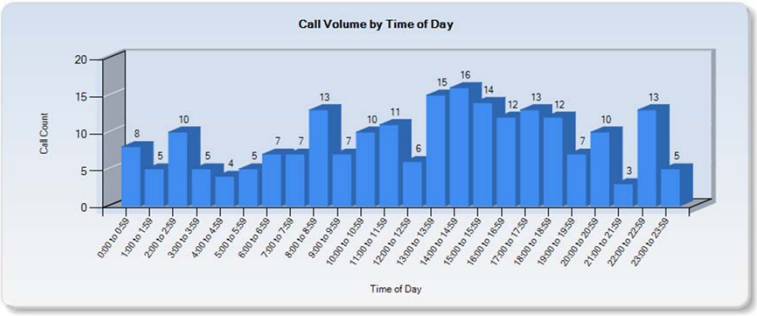
TOTAL CALLS FOR SEPTEMBER 2013 = 236



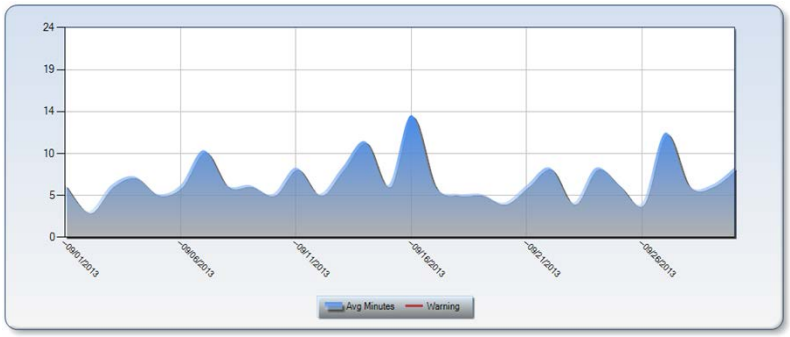


TOTAL CALLS FOR SEPTEMBER 2014 = 218

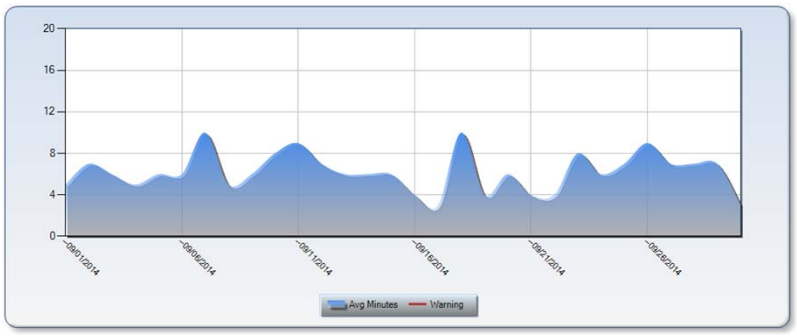




AVERAGE 9-1-1 RESPONSE TIME FOR SEPTEMBER 2013 = 7:01

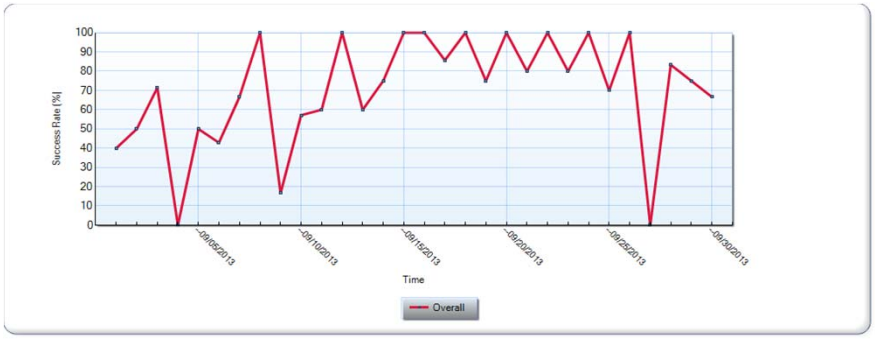


AVERAGE 9-1-1 RESPONSE TIME FOR SEPTEMBER 2014 = 6:35

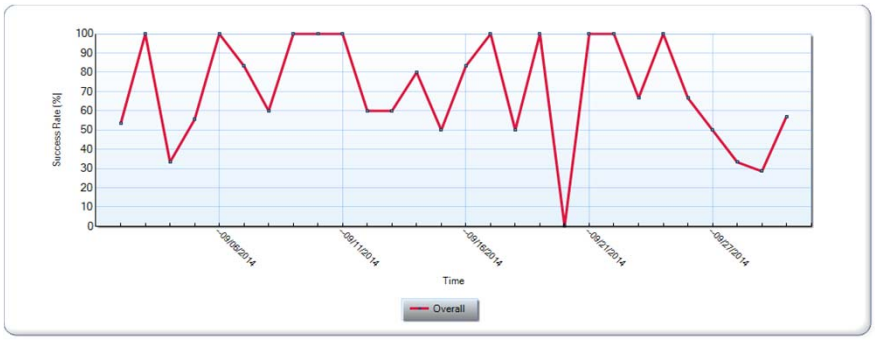


DALLAS EMS SEPTEMBER 2014 STATISTICS

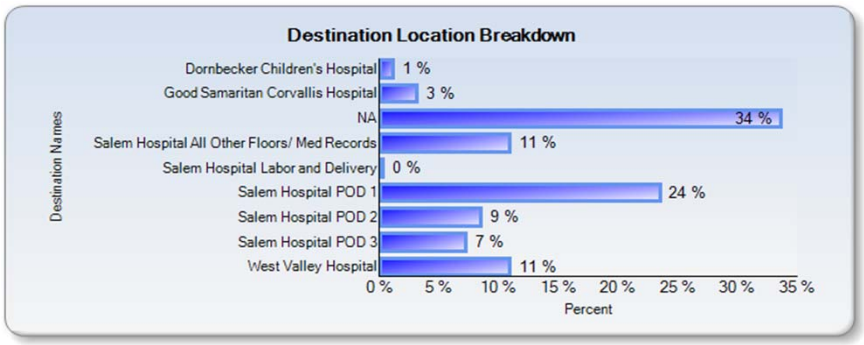
IV SUCCESS RATE SEPTEMBER 2013 = 68%



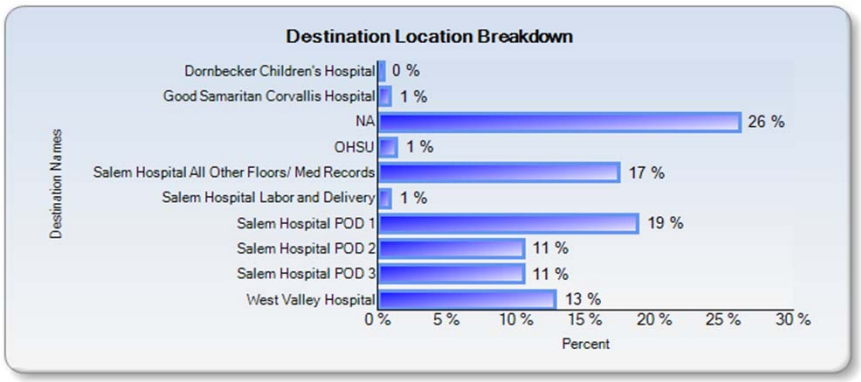
IV SUCCESS RATE SEPTEMBER 2014 = 66%



DESTINATION BREAKDOWN SEPTEMBER 2013



DESTINATION BREAKDOWN SEPTEMBER 2014



DALLAS CITY COUNCIL
REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

City of Dallas	**Agenda Item No.** **9 b**	**Topic:** Proposed Council Rules of Procedure amendment
Prepared By: Emily Gagner	**Meeting Date:** October 20, 2014	**Attachments:** Yes ■ No ☐
Approved By: Ron Foggin		

RECOMMENDED MOTION:

Motion to direct staff to draft a resolution adopting the proposed changes to the Council Rules of Procedure

BACKGROUND:

The City recently purchased tablets for the Council and Mayor's use, in the hopes of streamlining our meeting agenda distribution, etc. Along with our new technology come requirements to abide by state regulations governing open meetings, etc.

In order to ensure the Council is abiding by state regulations, and to give the rules some permanence and ownership by the Council, staff feels the best route would be to amend the Council Rules of Procedure to include in Section 6, a new subsection titled "Use of Electronic Communications During Council Meetings." Lane has drafted a proposed amendment, attached.

Since the Council Rules were adopted by resolution, in order to adopt this amendment, the Council will need to adopt a new resolution.

FISCAL IMPACT:

None

ATTACHMENTS:

Proposed amendment to the Council Rules of Procedure

Proposed amendment to Council Rules

6.6 Use of Electronic Communications During Council Meetings.

The following shall govern the use of electronic communications by councilors during council meetings:

a) Councilors shall not send or receive electronic communications concerning any matter pending before Council during a Council Meeting.

b) Councilors shall not use electronic communication devices to review or access information regarding matters not in consideration before Council during a Council Meeting.

c) Councilors shall not access the internet concerning any matter pending before Council during a Council Meeting except to access Council agenda packet information.

d) Any electronic communications regarding a quasi-judicial matter to be considered by Council is an ex-parte contact and shall be disclosed as required by law.

e) In deference to the public meeting at hand, Councilors should make every effort to refrain from sending or receiving electronic communication of a personal nature during Council Meetings, though as volunteers it may sometimes be necessary to send or receive very urgent or emergency family or business communications during meetings.

DALLAS CITY COUNCIL
REPORT

TO: DALLAS CITY COUNCIL

City of Dallas	**Agenda Item No.** **9 c**	**Topic:** September 2014 Financial Report
Prepared By: Cecilia Ward	**Meeting Date:** October 20, 2014	**Attachments:** Yes ■ No ☐
Approved By: Ron Foggin		

RECOMMENDED MOTION:

Information Only

BACKGROUND:

Provided is the monthly financial reports for the month of September 2014.

For September 2014:

- Percent collected/spent should be at 25.00%. This can vary up or down depending on seasonal or one-time revenues and expenditures.
- No budgeted capital improvement payments were made in September.

FISCAL IMPACT:

None

ATTACHMENTS:

September 2014 Financial Report

Monthly Financials

for the Month of

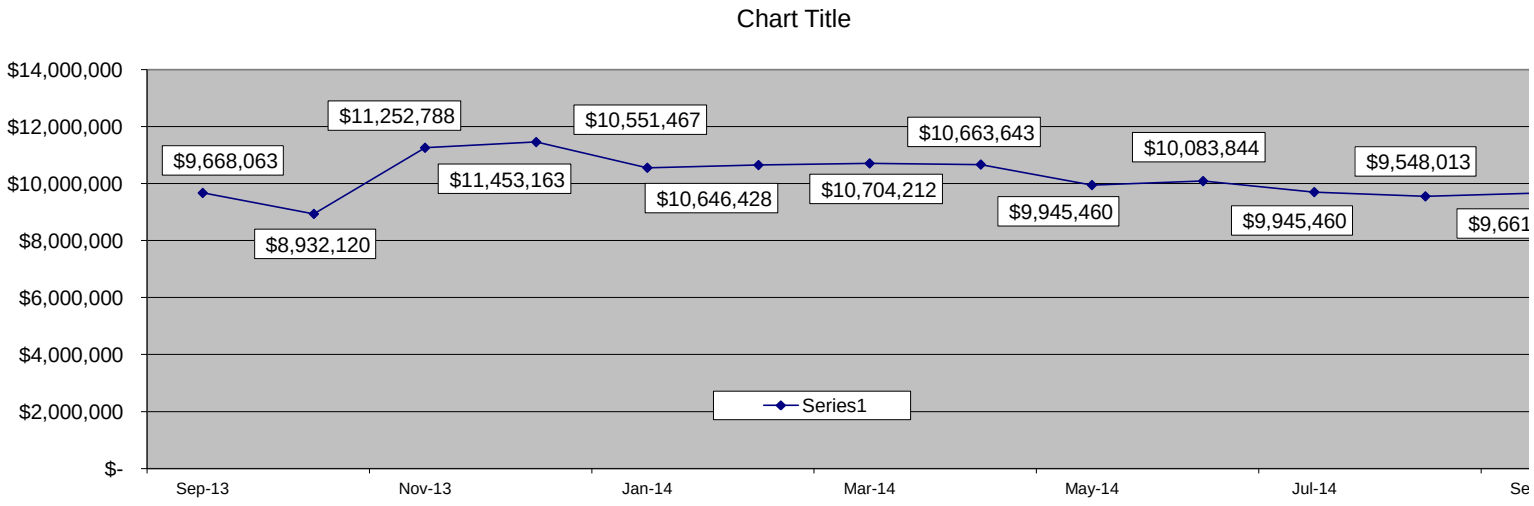
September 2014

CITY OF DALLAS

Cash Report
For the Period Ending September 30, 2014

Cash on hand	$	645
Cash in Investments		8,762,060
Cash in Bank		898,872
Total Cash Balance as of 09/30/2014	$	9,661,577

Restricted/Committed	$	6,749,659
Unrestricted		2,911,918
	$	9,661,577



Investment Breakdown	Ending Bal	Interest YTD
LGIP	$ 7,583,600	$ 10,634
Wells Fargo Savings	1,178,460	$ 89
	$ 8,762,060	$ 10,723

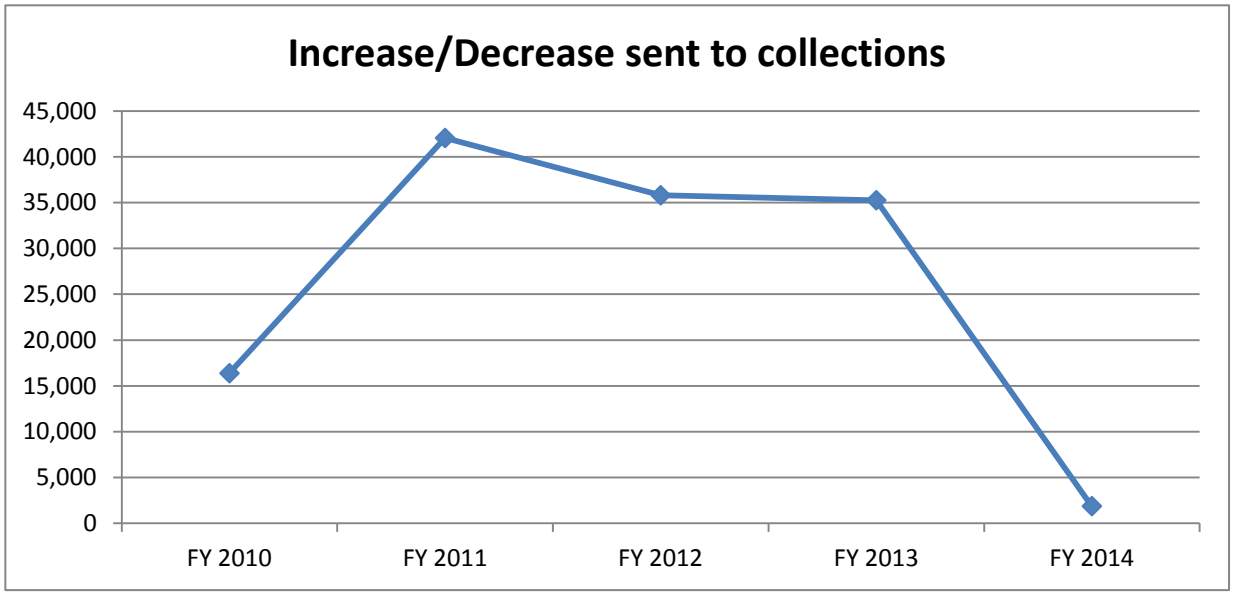
UTILITY AGING REPORT
September 30, 2014

Current Accounts Receivable

Current	30+ days	Total
145,298	20,994	166,292

60+ Days Accounts Receivable

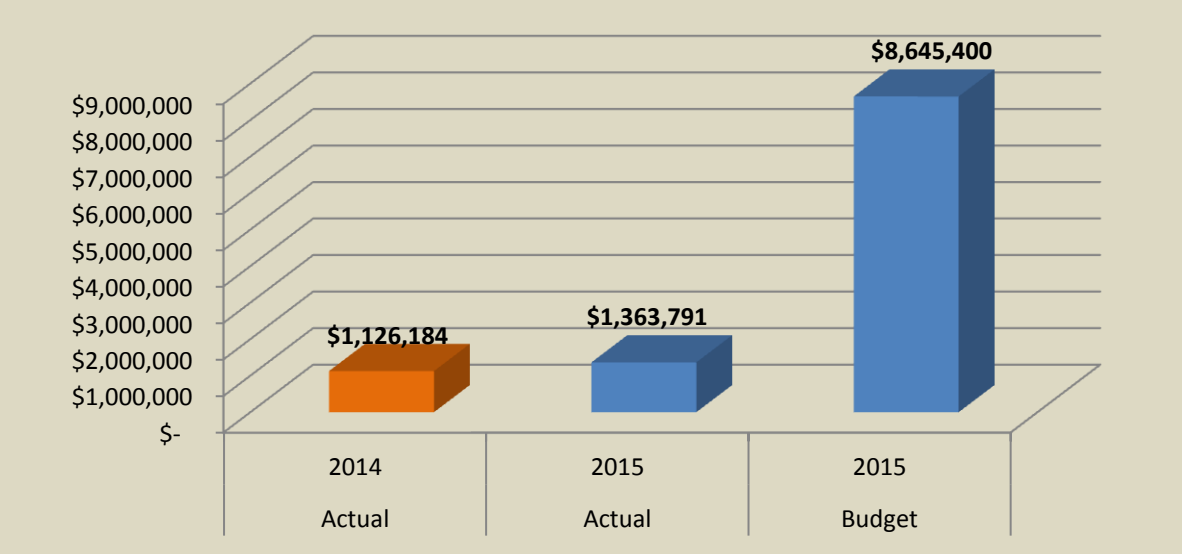
		Payments Made	Sent to Collections	Balance to Collect	Increase/Decrease sent to collections
FY	2014-15	1,915	3,789	153,564	1,874
FY	2013-14			151,690	35,263
FY	2012-13			116,427	35,803
FY	2011-12			80,624	42,056
FY	2010-11			38,568	16,378
FY	2009-10			22,190	



City of Dallas
Monthly Financials
September 2014

General Fund Revenue

Description	Year-to-Date Actual 2014	Year-to-Date Actual 2015	Budget 2015	Budget Remaining	Percent Collected
Licenses, Permits and Fees	$ 332,040	$ 505,741	$ 1,419,500	$ 913,759	35.6%
Fines and Forfeitures	24,330	47,700	220,000	172,300	21.7%
Recreation Fees	124,137	133,902	485,000	351,098	27.6%
Library Fees	20,273	4,910	81,500	76,590	6.0%
Property Taxes	79,964	77,053	3,495,000	3,417,947	2.2%
Miscellaneous Taxes	40,221	39,832	231,000	191,168	17.2%
Franchise Fees	191,971	207,452	1,095,000	887,548	18.9%
Inter-governmental	-	-	192,000	192,000	0.0%
Miscellaneous Revenue	7,501	25,414	40,000	14,586	63.5%
Interest Earnings	1,632	2,620	15,000	12,380	17.5%
Transfers	304,115	319,167	1,371,400	1,052,233	23.3%
	$ 1,126,184	**$ 1,363,791**	**$ 8,645,400**	**$ 7,281,609**	**15.8%**

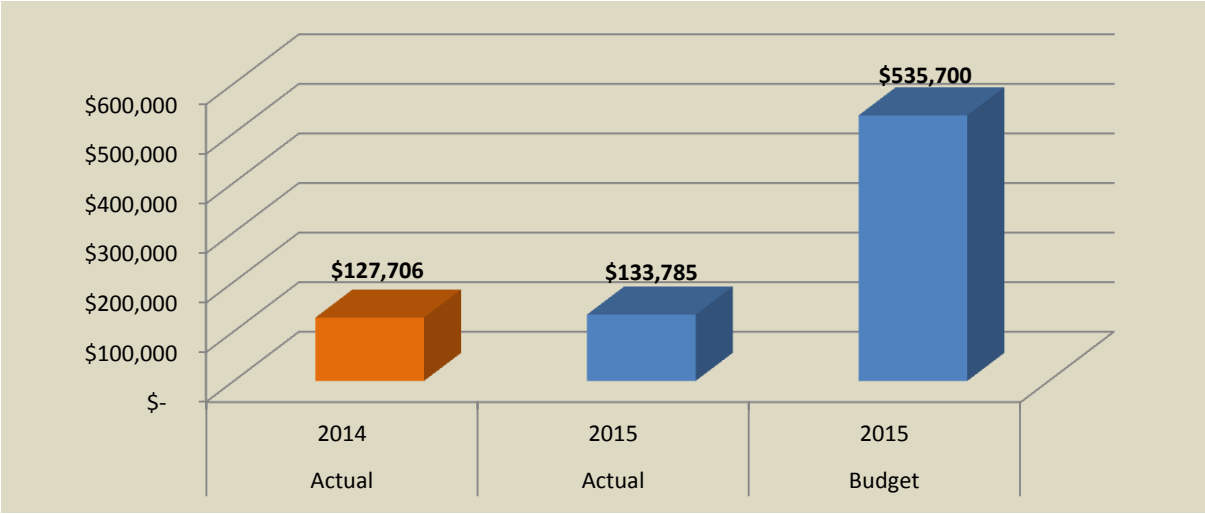


25% Through the Fiscal Year

City of Dallas
Monthly Financials
September 2014

Department: Administration

Description	Year-to-Date Actual 2014	Year-to-Date Actual 2015	Budget 2015	Budget Remaining	Percent Spent
Personnel Services	$ 100,918	$ 100,671	$ 391,000	$ 290,329	25.7%
Materials and Supplies	26,789	33,114	144,700	111,586	22.9%
	$ 127,706	**$ 133,785**	**$ 535,700**	**$ 401,915**	**25.0%**

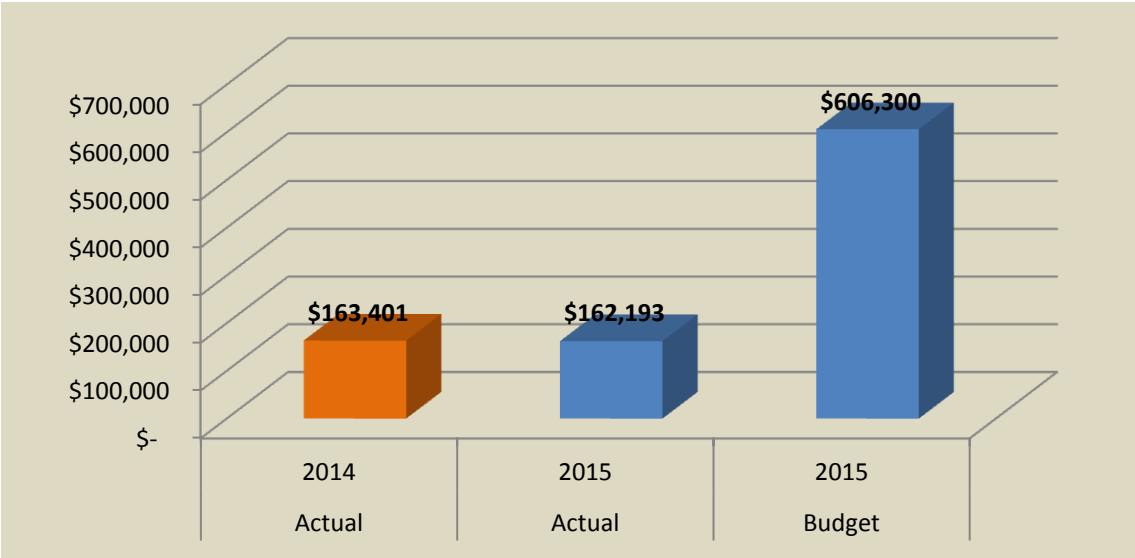


25% Through the Fiscal Year

City of Dallas
Monthly Financials
September 2014

Department: Finance

Description	Year-to-Date Actual 2014	Year-to-Date Actual 2015	Budget 2015	Budget Remaining	Percent Spent
Personnel Services	$ 87,838	$ 82,347	$ 384,000	$ 301,653	21.4%
Materials and Supplies	75,563	79,847	222,300	142,453	35.9%
	$ 163,401	**$ 162,193**	**$ 606,300**	**$ 444,107**	**26.8%**

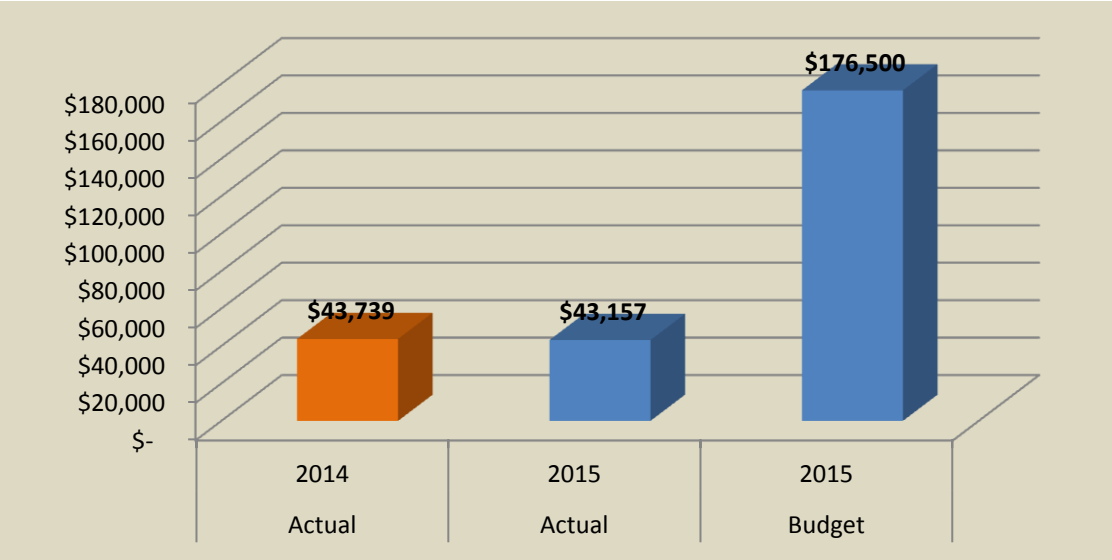


25% Through the Fiscal Year

City of Dallas
Monthly Financials
September 2014

Department: Facilities

Description	Year-to-Date Actual 2014	Year-to-Date Actual 2015	Budget 2015	Budget Remaining	Percent Spent
Personnel Services	$ 28,136	$ 25,659	$ 111,000	$ 85,341	23.1%
Materials and Supplies	15,604	17,497	65,500	48,003	26.7%
	$ 43,739	**$ 43,157**	**$ 176,500**	**$ 133,343**	**24.5%**

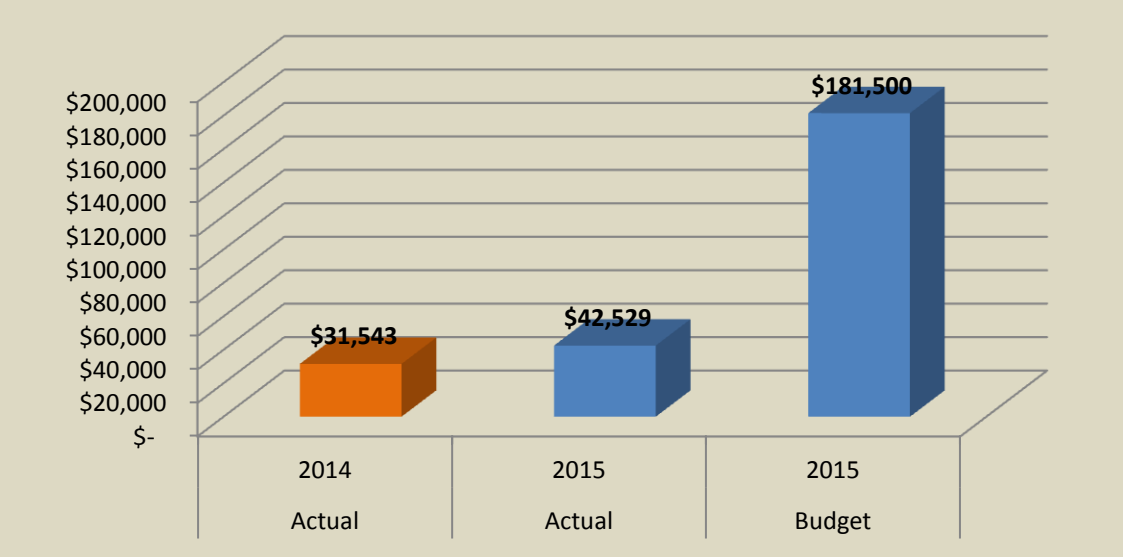


25% Through the Fiscal Year

City of Dallas
Monthly Financials
September 2014

Department: Municipal Court

Description	Year-to-Date Actual 2014	Year-to-Date Actual 2015	Budget 2015	Budget Remaining	Percent Spent
Personnel Services	$ 25,749	$ 25,632	$ 120,000	$ 94,368	21.4%
Materials and Supplies	5,794	16,898	61,500	44,602	27.5%
	$ 31,543	**$ 42,529**	**$ 181,500**	**$ 138,971**	**23.4%**

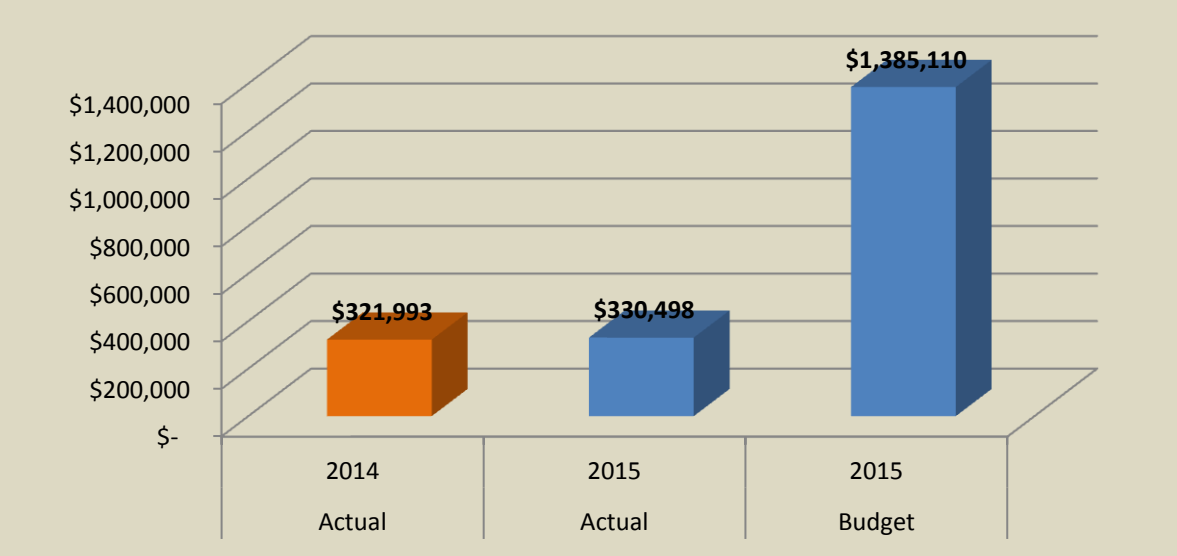


25% Through the Fiscal Year

City of Dallas
Monthly Financials
September 2014

Department: Ambulance

Description	Year-to-Date Actual 2014	Year-to-Date Actual 2015	Budget 2015	Budget Remaining	Percent Spent
Personnel Services	$ 225,977	$ 239,555	$ 997,000	$ 757,445	24.0%
Materials and Supplies	88,517	83,443	317,300	233,857	26.3%
Debt Service	-	-	40,810	40,810	0.0%
Transfers	7,500	7,500	30,000	22,500	25.0%
	$ 321,993	**$ 330,498**	**$ 1,385,110**	**$ 1,054,612**	**23.9%**

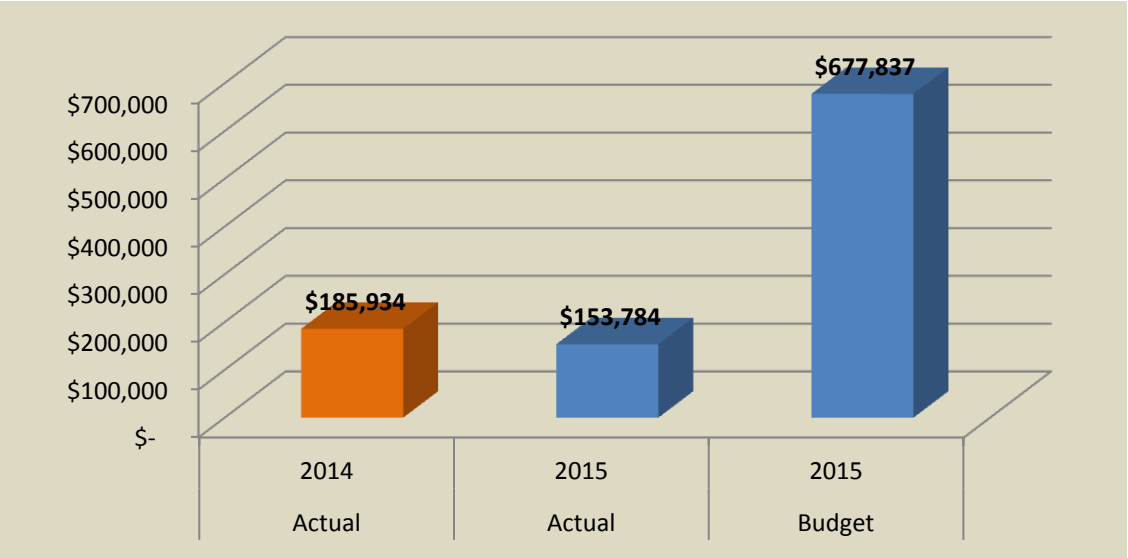


25% Through the Fiscal Year

City of Dallas
Monthly Financials
September 2014

Department: Fire

Description	Year-to-Date Actual 2014	Year-to-Date Actual 2015	Budget 2015	Budget Remaining	Percent Spent
Personnel Services	$ 105,398	$ 60,676	$ 265,000	$ 204,324	22.9%
Materials and Supplies	73,186	85,758	344,500	258,742	24.9%
Debt Service	-	-	38,937	38,937	0.0%
Transfers	7,350	7,350	29,400	22,050	25.0%
	$ 185,934	**$ 153,784**	**$ 677,837**	**$ 524,053**	**22.7%**

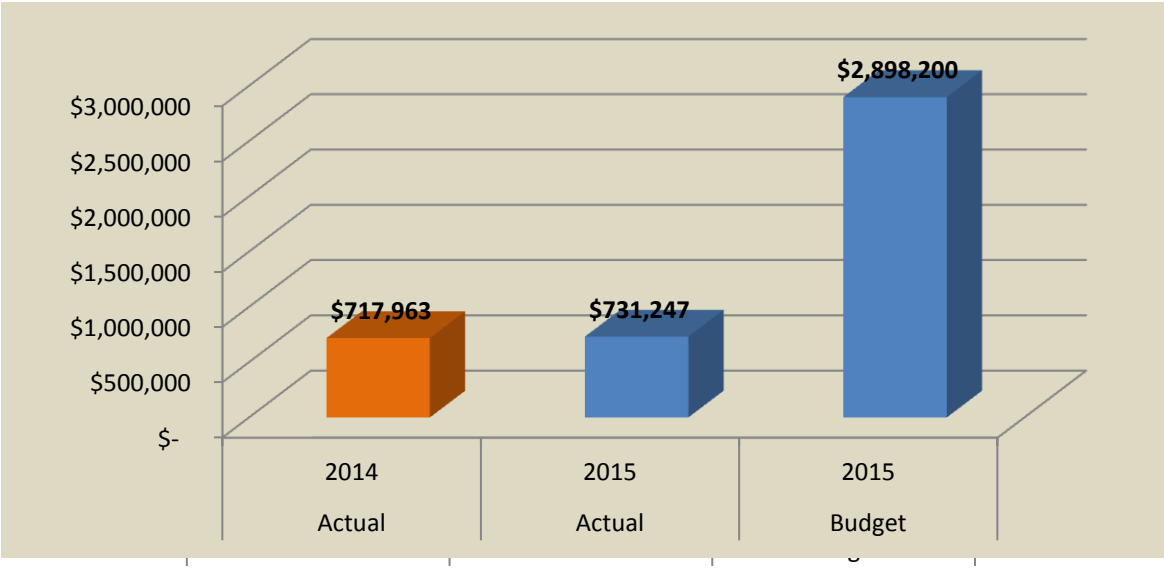


25% Through the Fiscal Year

City of Dallas
Monthly Financials
September 2014

Department: Police

Description	Year-to-Date Actual 2014	Year-to-Date Actual 2015	Budget 2015	Budget Remaining	Percent Spent
Personnel Services	$ 608,247	$ 585,200	$ 2,410,000	$ 1,824,800	24.3%
Materials and Supplies	102,966	135,797	447,200	311,403	30.4%
Transfers	6,750	10,250	41,000	30,750	25.0%
	$ 717,963	**$ 731,247**	**$ 2,898,200**	**$ 2,166,953**	**25.2%**

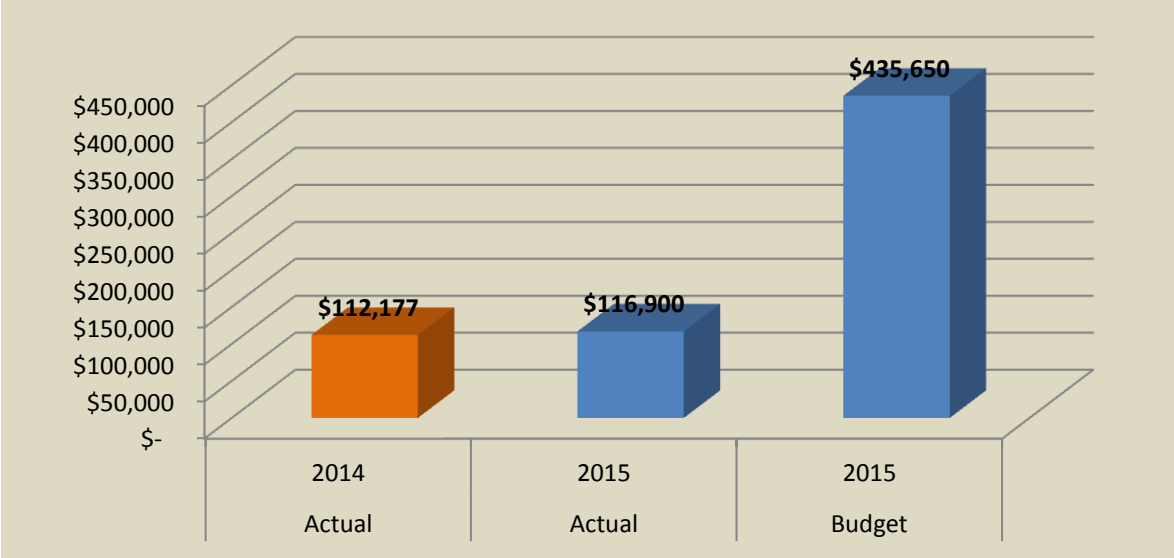


25% Through the Fiscal Year

City of Dallas
Monthly Financials
September 2014

Department: Library

Description	Year-to-Date Actual 2014	Year-to-Date Actual 2015	Budget 2015	Budget Remaining	Percent Spent
Personnel Services	$ 85,872	$ 92,279	$ 353,000	$ 260,721	26.1%
Materials and Supplies	26,305	24,621	82,650	58,029	29.8%
	$ 112,177	**$ 116,900**	**$ 435,650**	**$ 318,750**	**26.8%**

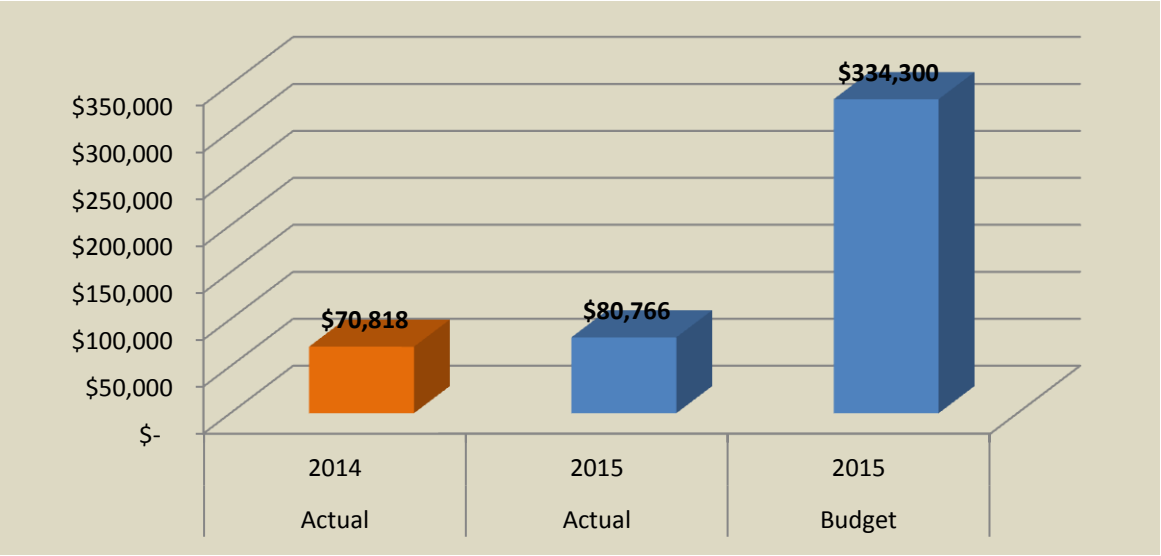


25% Through the Fiscal Year

City of Dallas
Monthly Financials
September 2014

Department: Parks

Description	Year-to-Date Actual 2014	Year-to-Date Actual 2015	Budget 2015	Budget Remaining	Percent Spent
Personnel Services	$ 45,167	$ 56,510	$ 220,000	$ 163,490	25.7%
Materials and Supplies	24,401	22,181	106,000	83,819	20.9%
Transfers	1,250	2,075	8,300	6,225	25.0%
	$ 70,818	**$ 80,766**	**$ 334,300**	**$ 253,534**	**24.2%**

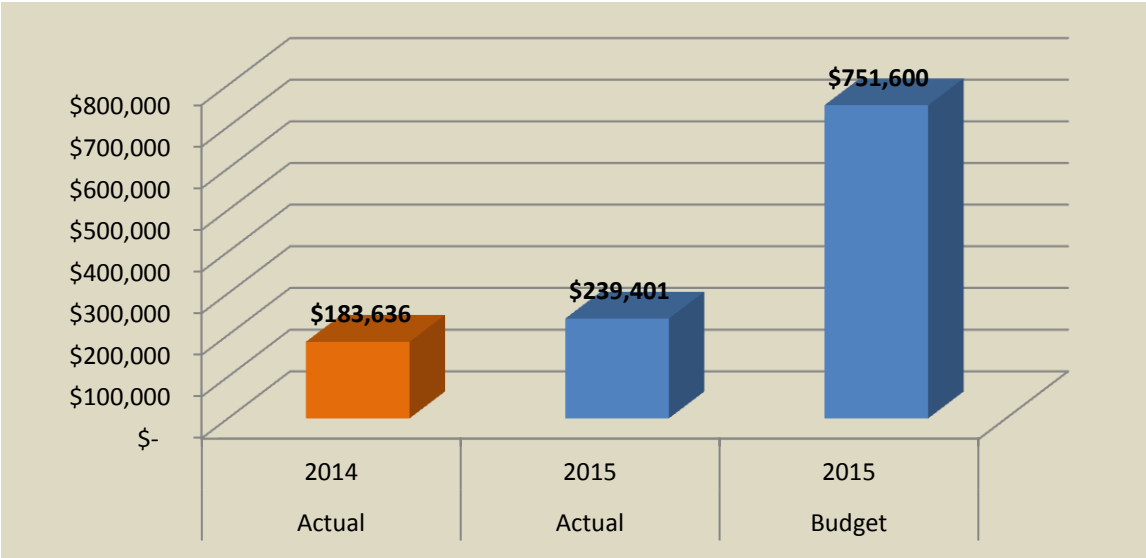


25% Through the Fiscal Year

City of Dallas
Monthly Financials
September 2014

Department: Aquatic Center

Description	Year-to-Date Actual 2014	Year-to-Date Actual 2015	Budget 2015	Budget Remaining	Percent Spent
Personnel Services	$ 115,235	$ 126,022	$ 422,000	$ 295,978	29.9%
Materials and Supplies	68,401	105,045	279,600	174,555	37.6%
Transfers	-	8,333	50,000	41,667	16.7%
	$ 183,636	**$ 239,401**	**$ 751,600**	**$ 512,199**	**31.9%**

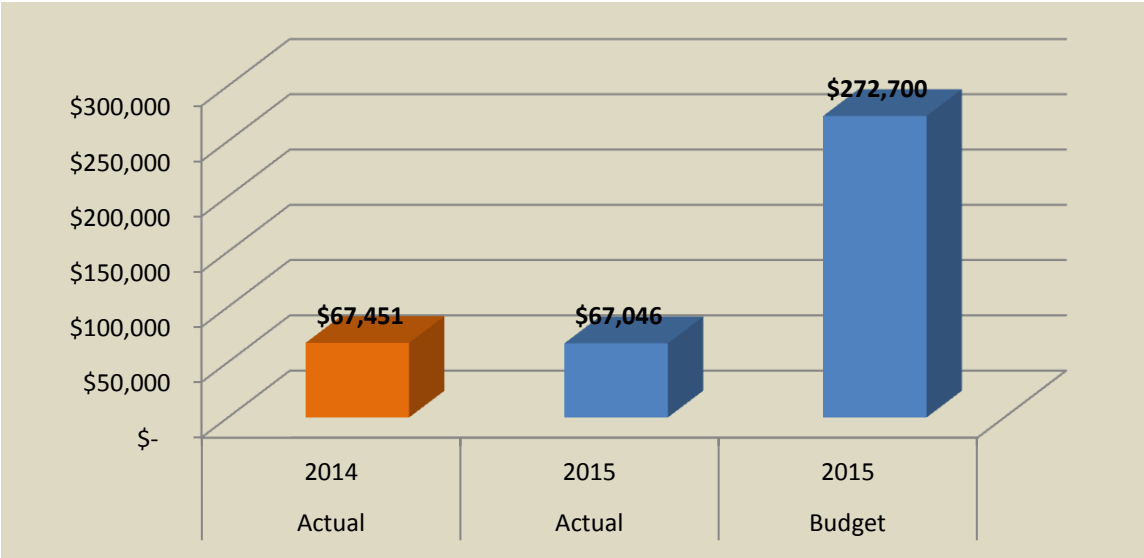


25% Through the Fiscal Year

City of Dallas
Monthly Financials
September 2014

Department: Building Inspections

Description	Year-to-Date Actual 2014	Year-to-Date Actual 2015	Budget 2015	Budget Remaining	Percent Spent
Personnel Services	$ 63,725	$ 62,232	$ 253,000	$ 190,768	24.6%
Materials and Supplies	3,726	3,813	15,700	11,887	24.3%
Transfers	-	1,000	4,000	3,000	25.0%
	$ 67,451	**$ 67,046**	**$ 272,700**	**205,654**	**24.6%**

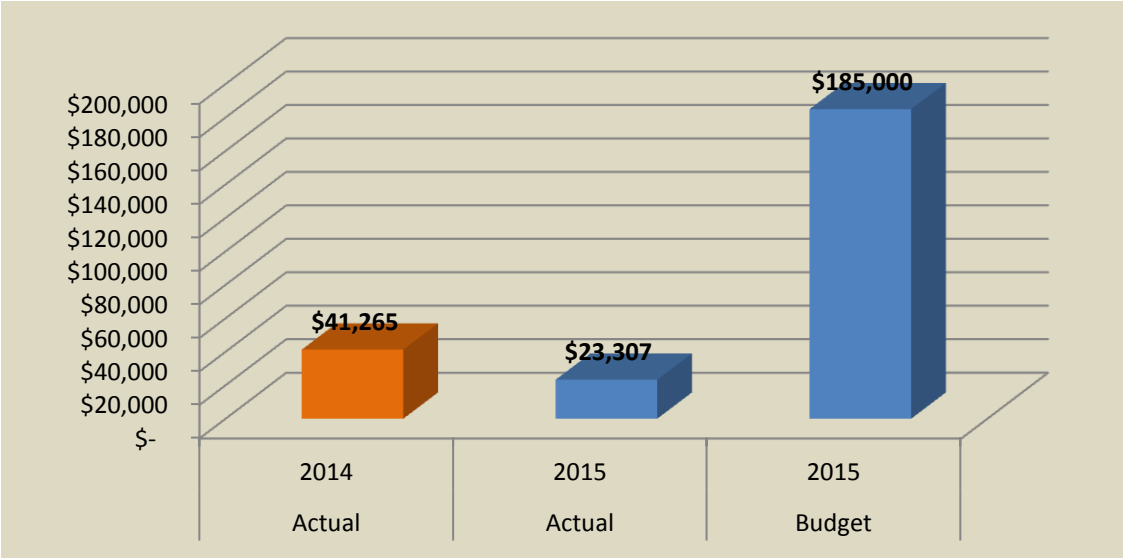


25% Through the Fiscal Year

City of Dallas
Monthly Financials
September 2014

Department: Planning

Description	Year-to-Date Actual 2014	Year-to-Date Actual 2015	Budget 2015	Budget Remaining	Percent Spent
Personnel Services	$ 36,614	$ 17,210	$ 122,000	$ 104,790	14.1%
Materials and Supplies	3,800	5,247	59,600	54,353	8.8%
Transfers	850	850	3,400	2,550	25.0%
	$ 41,265	**$ 23,307**	**$ 185,000**	**$ 161,693**	**12.6%**



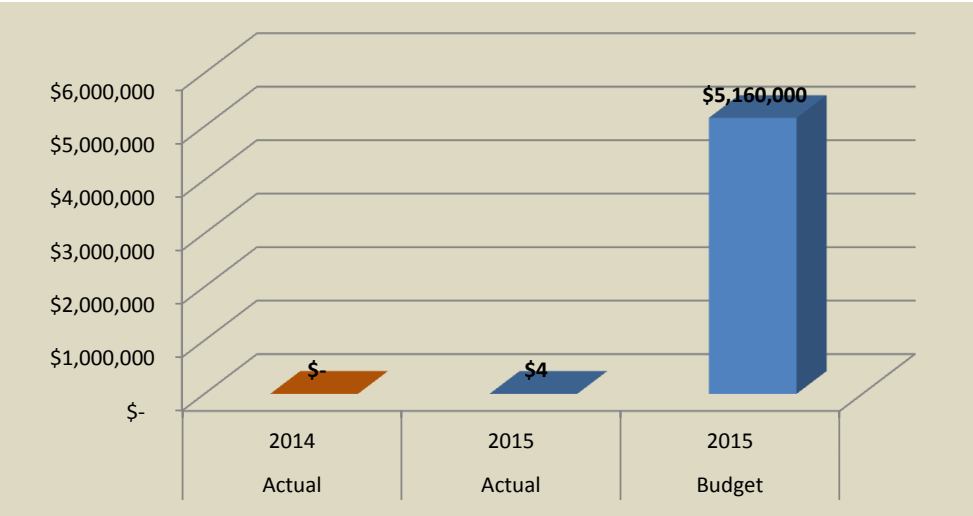
25% Through the Fiscal Year

City of Dallas
Monthly Financials
September 2014

Department: System Development Fund

Description	Year-to-Date Actual 2014	Year-to-Date Actual 2015	Budget 2015	Budget Remaining	Percent Collected
Revenue					
Streets SDC	$ 22,063	$ 12,715	$ 50,000	$ 37,285	25.4%
Parks SDC	43,119	25,257	100,000	74,743	25.3%
Water SDC	80,504	41,552	175,000	133,448	23.7%
Sewer SDC	84,260	42,477	175,000	132,523	24.3%
Storm Water SDC	17,618	9,570	40,000	30,430	23.9%
Transfers	23,750	23,750	95,000	71,250	25.0%
	$ 271,314	**$ 155,321**	**$ 635,000**	**$ 479,679**	**24.5%**

Description	Year-to-Date Actual 2014	Year-to-Date Actual 2015	Budget 2015	Budget Remaining	Percent Spent
Expenditures					
Street SDC Projects	$ -	$ -	$ 290,000	$ 290,000	0.0%
Park SDC Projects	-	-	365,000	365,000	0.0%
Water SDC Projects	-	-	515,000	515,000	0.0%
Sewer SDC Projects	-	4	3,870,000	3,869,996	0.0%
Storm Water SDC Projects	-	-	120,000	120,000	0.0%
	$ -	**$ 4**	**$ 5,160,000**	**$ 5,159,996**	**0.0%**



25% Through the Fiscal Year

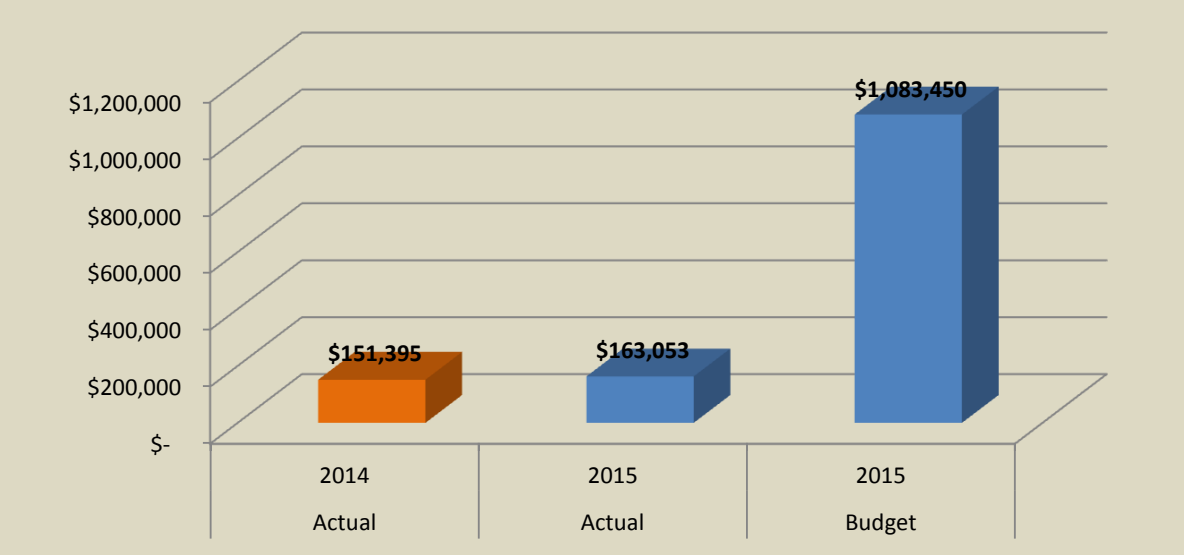
City of Dallas
Monthly Financials
September 2014

Department: Streets

Description	Year-to-Date Actual 2014	Year-to-Date Actual 2015	Budget 2015	Budget Remaining	Percent Collected
Revenue					
Highway Reimbursement & Appropriations	$ 360,272	$ 388,404	$ 1,020,000	$ 631,596	38.1%
Miscellaneous Revenue and Interest	1,480	1,987	5,000	3,013	39.7%
	$ 361,752	**$ 390,391**	**$ 1,025,000**	**$ 634,609**	**38.1%**

Description	Year-to-Date Actual 2014	Year-to-Date Actual 2015	Budget 2015	Budget Remaining	Percent Spent
Expenditures					
Personnel Services	$ 75,124	$ 74,466	$ 302,000	$ 227,534	24.7%
Materials and Supplies	56,271	56,158	276,700	220,542	20.3%
Capital Outlay	-	11,554	421,250	409,696	2.7%
Transfers	20,000	20,875	83,500	62,625	25.0%
	$ 151,395	**$ 163,053**	**$ 1,083,450**	**$ 920,397**	**15.0%**

Capital Expenditures: Contractual Overlays - $350,000
Sidewalks - $20,000
Equipment - $51,250



25% Through the Fiscal Year

City of Dallas
Monthly Financials
September 2014

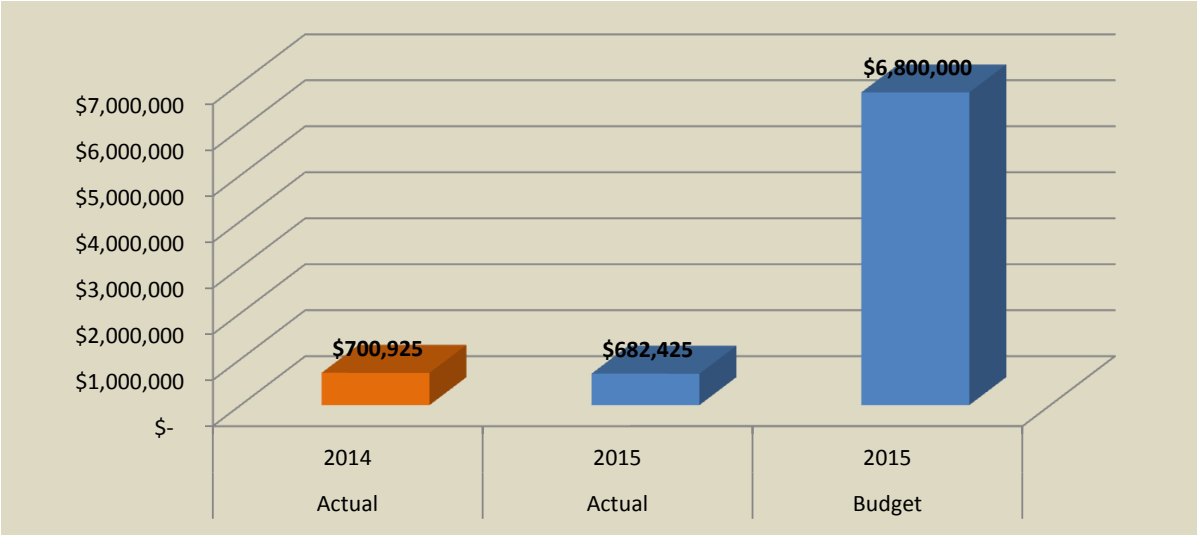
Department: Sewer

Description	Year-to-Date Actual 2014	Year-to-Date Actual 2015	Budget 2015	Budget Remaining	Percent Collected
Revenue					
Service Charges and Hook Up Fees	$ 783,560	$ 785,788	$ 3,140,000	$ 2,354,212	25.0%
Miscellaneous Revenue and Interest	301,604	82,960	2,340,000	$ 2,257,040	3.5%
	$ 1,085,164	**$ 868,748**	**$ 5,480,000**	**$ 4,611,252**	**15.9%**

Description	Year-to-Date Actual 2014	Year-to-Date Actual 2015	Budget 2015	Budget Remaining	Percent Spent
Expenditures					
Personnel Services	$ 147,946	$ 146,987	$ 617,000	$ 470,013	23.8%
Materials and Supplies	242,634	202,926	1,128,000	925,074	18.0%
Capital Outlay	80,586	103,437	866,250	762,813	11.9%
Transfers	137,500	145,000	580,000	435,000	25.0%
Debt Service	92,259	84,075	3,608,750	3,524,675	2.3%
	$ 700,925	**$ 682,425**	**$ 6,800,000**	**$ 6,117,575**	**10.0%**

Capital Expenditures:

Equipment - $16,250
Rickereall Crk Interceptor CIP - $500,000
Siphon Replacement - $100,000
I & I - $50,000
Pump Station Upgrade - $100,000
WWTF Equipment Replacement - $50,000
Sewer Replacement Projects - $50,000



25% Through the Fiscal Year

City of Dallas
Monthly Financials
September 2014

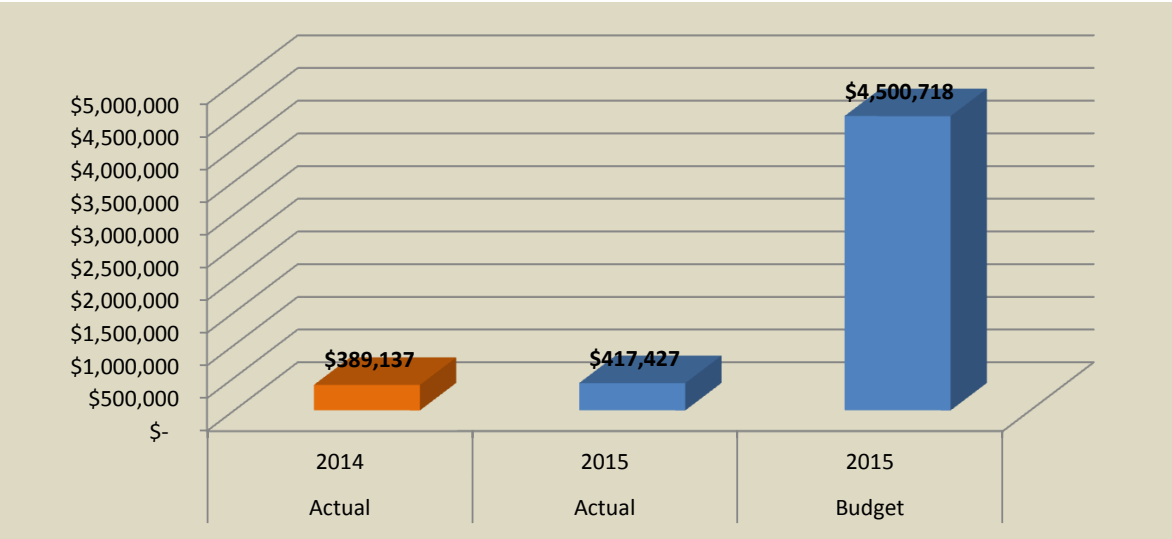
Department: Water

Description	Year-to-Date Actual 2014	Year-to-Date Actual 2015	Budget 2015	Budget Remaining	Percent Collected
Revenue					
Service Charges and Connection Fees	$ 726,672	$ 792,473	$ 2,255,000	$ 1,462,527	35.1%
Miscellaneous Revenue and Interest	22,143	31,133	4,085,000	4,053,867	0.8%
	$ 748,815	**$ 823,606**	**$ 6,340,000**	**$ 5,516,394**	**13.0%**

Description	Year-to-Date Actual 2014	Year-to-Date Actual 2015	Budget 2015	Budget Remaining	Percent Spent
Expenditures					
Personnel Services	$ 97,550	$ 98,225	$ 422,000	$ 323,775	23.3%
Materials and Supplies	185,337	169,181	744,500	575,319	22.7%
Capital Outlay	-	38,772	2,216,250	2,177,478	1.7%
Transfers	-	111,250	445,000	333,750	25.0%
Debt Service	106,250	-	672,968	672,968	0.0%
	$ 389,137	**$ 417,427**	**$ 4,500,718**	**$ 4,083,291**	**9.3%**

Capital Expenditures:

Equipment - $16,250
WTP Weir Replacement - $50,000
Land Acquisition - $800,000
Transmission Water Line - $100,000
AMR Project- $1,200,000
Water Line Replacement Project - $50,000



25% Through the Fiscal Year

City of Dallas
Monthly Financials
September 2014

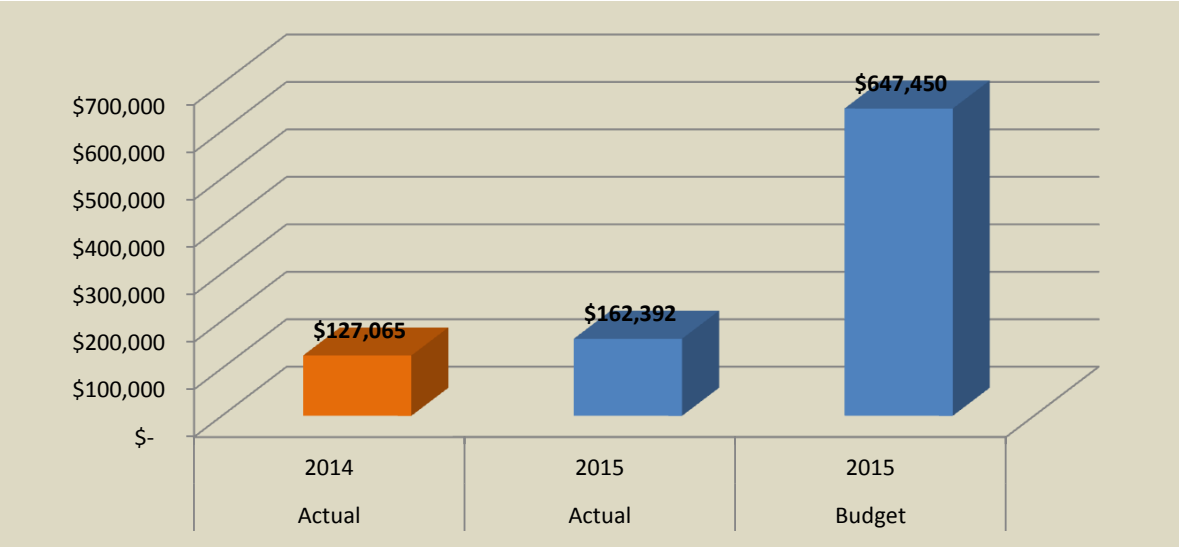
Department: Fleet

Description	Year-to-Date Actual 2014	Year-to-Date Actual 2015	Budget 2015	Budget Remaining	Percent Collected
Revenue					
Service Charges and Total Care	$ 100,381	$ 121,636	$ 495,000	$ 373,364	24.6%
Miscellaneous Revenue	19,950	26,150	104,600	78,450	25.0%
	$ 120,331	**$ 147,786**	**$ 599,600**	**$ 451,814**	**24.6%**

Description	Year-to-Date Actual 2014	Year-to-Date Actual 2015	Budget 2015	Budget Remaining	Percent Spent
Expenditures					
Personnel Services	$ 49,387	$ 48,768	$ 211,000	$ 162,232	23.1%
Materials and Supplies	57,689	54,214	195,200	140,986	27.8%
Capital Outlay	(10)	39,410	161,250	121,840	24.4%
Transfers	20,000	20,000	80,000	60,000	25.0%
	$ 127,065	**$ 162,392**	**$ 647,450**	**$ 485,058**	**25.1%**

Capital Expenditures:

Equipment - $41,250
Vehicles - $90,000 (Police, Planning)
Building Improvements - $30,000



25% Through the Fiscal Year

City of Dallas
Monthly Financials
September 2014

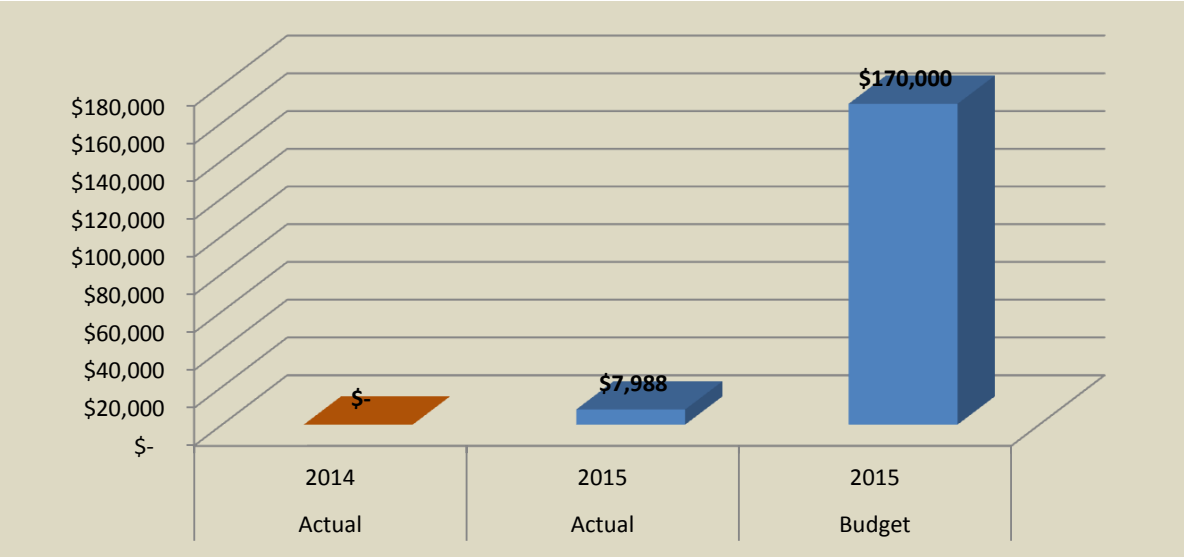
Department: Capital Projects

Description	Year-to-Date Actual 2014	Year-to-Date Actual 2015	Budget 2015	Budget Remaining	Percent Collected
Revenue					
Transfers	$ -	$ 7,988	$ 170,000	$ 162,012	4.7%
	$ -	**$ 7,988**	**$ 170,000**	**$ 162,012**	**4.7%**

Description	Year-to-Date Actual 2014	Year-to-Date Actual 2015	Budget 2015	Budget Remaining	Percent Spent
Expenditures					
Capital Outlay	-	7,988	170,000	162,012	4.7%
	$ -	**$ 7,988**	**$ 170,000**	**$ 162,012**	**4.7%**

General Fund Capital Projects:

Fire Department - $24,000 match for training facility grant
Aquatic Center - $12,000 upgrade chemical feed controllers
Police Department - $8,000 tasers; $15,000 storage improvements
Library - $14,000 furniture and buidling upgrades
Parks - $75,000 restroom rehab
Finance/Court - $15,000 vault filing system upgrades
Facilities - $7,000 replace upstairs flooring



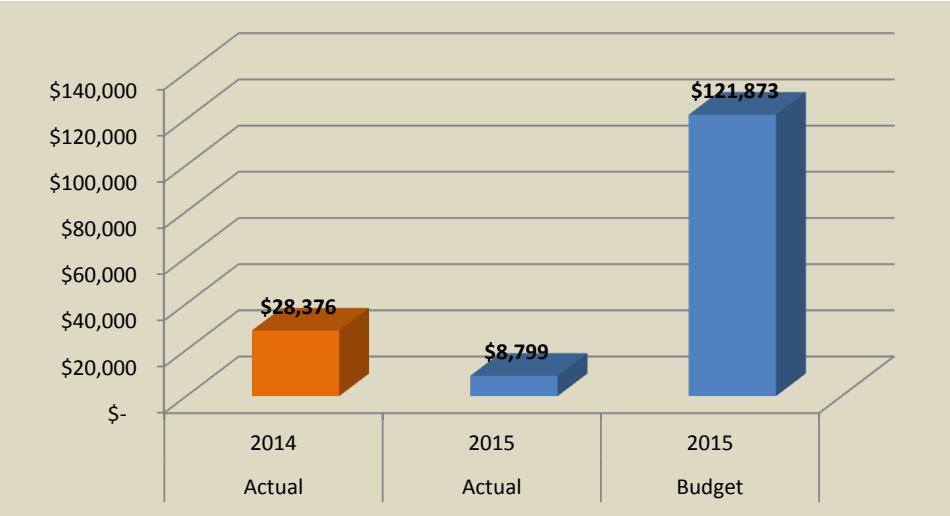
25% Through the Fiscal Year

City of Dallas
Monthly Financials
September 2014

Department: Trust Fund

Description	Year-to-Date Actual 2014	Year-to-Date Actual 2015	Budget 2015	Budget Remaining	Percent Collected
Revenue					
Fire and Ambulance	$ 9,948	$ 1,588	$ 29,500	$ 27,912	5.4%
Miscellaneous	-	-	500	500	0.0%
Economic Development	-	-	20,000	20,000	0.0%
Park	150	60	3,000	2,940	2.0%
Library	10,531	3,145	20,000	16,855	15.7%
	$ 20,629	**$ 4,793**	**$ 73,000**	**$ 68,207**	**6.6%**

Description	Year-to-Date Actual 2014	Year-to-Date Actual 2015	Budget 2015	Budget Remaining	Percent Spent
Expenditures					
Fire and Ambulance	$ 13,984	$ 4,838	$ 67,048	$ 62,210	7.2%
Miscellaneous	-	-	1,325	1,325	0.0%
Economic Development	11,935	958	23,500	22,542	4.1%
Park	50	-	8,000	8,000	0.0%
Library	2,407	3,003	22,000	18,997	13.6%
Transfers	-	-	-	-	0.0%
	$ 28,376	**$ 8,799**	**$ 121,873**	**$ 113,074**	**7.2%**



25% Through the Fiscal Year

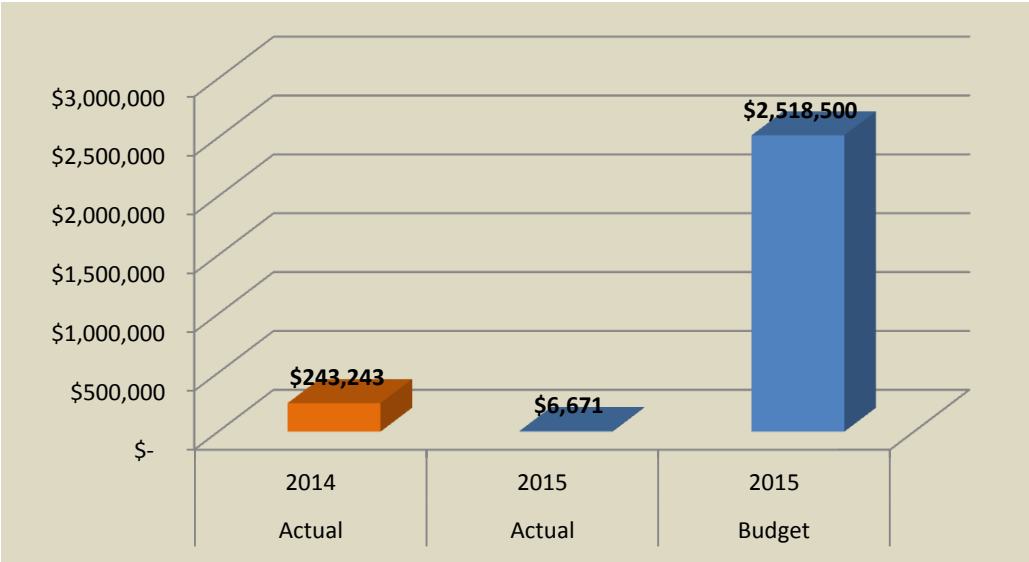
City of Dallas
Monthly Financials
September 2014

Department: Grant Fund

Description	Year-to-Date Actual 2014	Year-to-Date Actual 2015	Budget 2015	Budget Remaining	Percent Collected
Revenue					
Police	$ 5,393	$ -	$ 3,000	$ 3,000	0.0%
Fire	-	-	456,000	456,000	0.0%
Parks and Trails	-	-	550,000	550,000	0.0%
Miscellaneous	22,500	5,000	1,503,000	1,498,000	0.3%
	$ 27,893	**$ 5,000**	**$ 2,512,000**	**$ 2,507,000**	**0.2%**

Description	Year-to-Date Actual 2014	Year-to-Date Actual 2015	Budget 2015	Budget Remaining	Percent Spent
Expenditures					
Police	$ -	$ 430	$ 9,000	$ 8,570	4.8%
Fire	121,648	-	456,000	456,000	0.0%
Parks and Trails	120,898	-	550,000	550,000	0.0%
Miscellaneous	697	6,241	1,503,500	2,803	0.4%
	$ 243,243	**$ 6,671**	**$ 2,518,500**	**$ 1,017,373**	**0.3%**

Grant Projects:
Police - vests, misc.
Fire - training facility
Parks and Trails - Rickreall Crk Trail System
Miscellaneous - CDBG; Ready to Read



25% Through the Fiscal Year

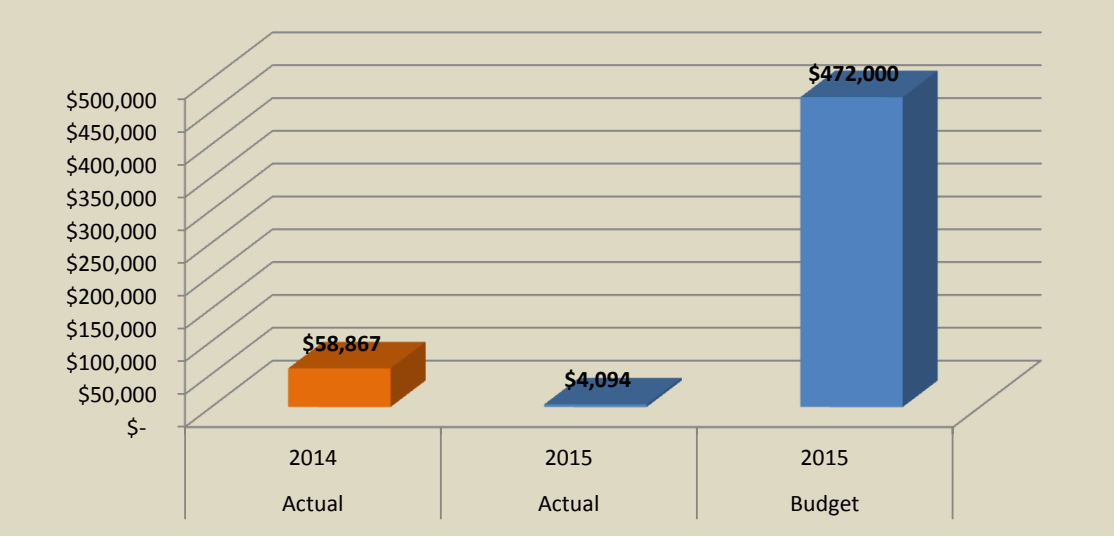
City of Dallas
Monthly Financials
September 2014

Department: Urban Renewal Fund

Description	Year-to-Date Actual 2014	Year-to-Date Actual 2015	Budget 2015	Budget Remaining	Percent Collected
Revenue					
Property Taxes	$ 2,320	$ 2,400	$ 135,000	$ 132,600	1.8%
Interest Earnings	611	781	1,000	219	78.1%
Miscellaneous Revenue	50	-	1,000	1,000	0.0%
Finance Proceeds	750,000	-	-	-	0.0%
	$ 752,981	**$ 3,181**	**$ 137,000**	**$ 132,819**	**2.3%**

Description	Year-to-Date Actual 2014	Year-to-Date Actual 2015	Budget 2015	Budget Remaining	Percent Spent
Expenditures					
Personal Services	$ 4,292	$ 4,012	$ 16,000	$ 11,988	25.1%
Materials and Services	9,799	83	33,000	32,917	0.3%
Debt Service Reserve	-	-	86,395	86,395	0.0%
Capital Expenditures	44,776	-	195,000	195,000	0.0%
Operation Contigencies	-	-	55,210	55,210	0.0%
Transfers	-	-	86,395	86,395	0.0%
	$ 58,867	**$ 4,094**	**$ 472,000**	**$ 467,906**	**0.9%**

Capital Expenditures: Special Projects
Property Acquisition



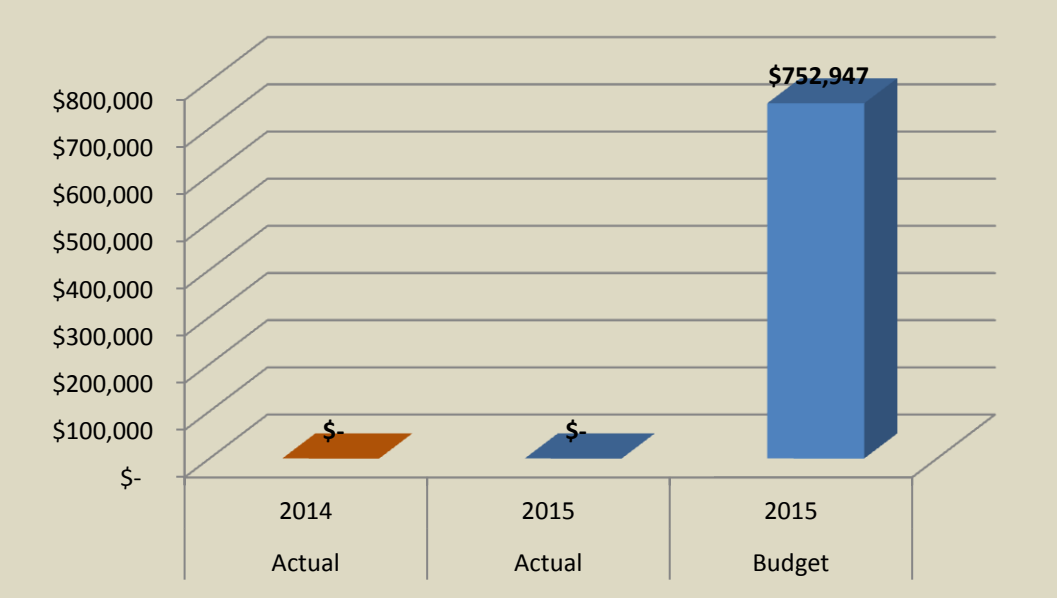
25% Through the Fiscal Year

City of Dallas
Monthly Financials
September 2014

Department: General Obligation and Long Term Debt Funds

Description	Year-to-Date Actual 2014	Year-to-Date Actual 2015	Budget 2015	Budget Remaining	Percent Collected
Revenue					
Property Taxes	$ 17,498	$ 16,810	$ 670,000	$ 653,190	2.5%
Transfers	26,003	28,248	112,994	84,746	25.0%
	$ 43,502	**$ 45,059**	**$ 782,994**	**$ 737,935**	**5.8%**

Description	Year-to-Date Actual 2014	Year-to-Date Actual 2015	Budget 2015	Budget Remaining	Percent Spent
Expenditures					
Principal	$ -	$ -	$ 575,000	$ 575,000	0.0%
Interest	-	-	177,947	177,947	0.0%
	$ -	**$ -**	**$ 752,947**	**$ 752,947**	**0.0%**



25% Through the Fiscal Year

DALLAS CITY COUNCIL
REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

City of Dallas	**Agenda Item No.** **10 a**	**Topic:** Ordinance 1771 – Solid Waste Franchise
Prepared By: Ron Foggin	**Meeting Date:** October 20, 2014	**Attachments:** Yes ■ No ☐
Approved By: Ron Foggin		

RECOMMENDED MOTION:

Adopt Ordinance 1771.

BACKGROUND:

The Republic Services solid waste franchise agreement must be amended whenever the Dallas City Council agrees to a change in fees or services. Republic Services has requested the City allow the company to add fall leaf collection to the services they offer to Dallas residents as well as a rate increase of four point five percent this year along with a yearly increase based on the consumer price index plus one percent for the next three year.

FISCAL IMPACT:

None

ATTACHMENTS:

Ordinance 1771

Section 2F. Franchisee Responsibility.

(1) The Franchisee shall:

(a) Dispose of solid waste at a state approved disposal site or resource recover such waste, both in compliance with ORS Chapter 459 and ORS Chapter 459A and with this Ordinance.

(b) Contract with a solid waste disposal site for the disposal of municipal wastes collected within the City.

(c) Provide and keep in force public liability insurance in the amount of not less than $1,000,000 for injury to a single person, $2,000,000 to a group of persons and $200,000 property damage, all relating to a single occurrence, which shall be evidenced by a certificate of insurance filed with the City Recorder. Said certificate shall name the City as additional insured, and must provide that the insurance evidenced by the certificate may not be cancelled or amended without thirty (30) days' notice to the City.

(d) Within 30 days after the effective date of this ordinance, file with the City Recorder a written acceptance of this franchise by endorsing acceptance on a copy of this Ordinance.

(e) Provide sufficient collection vehicles, containers, facilities, personnel and finances to provide all types of the necessary service or subcontract with others to provide such service.

(f) Respond to any complaint on service.

(g) Provide a performance bond in the amount of $5000 with a surety licensed to do business in the State of Oregon conditioned upon the full and faithful performance of this agreement and franchise and this Ordinance.

(h) Comply with all requirements of the Opportunity to Recycle Act now incorporated in Oregon Revised Statutes 459 and 459A, together with the rules and regulations promulgated thereunder.

(i) Maintain sufficient resources, staff, vehicles and equipment to be available to perform Franchisee's obligations under this agreement within a reasonable amount of time.

(j) Maintain a recycling collection center open to the public, at reasonable hours, for the deposit and collection of Recyclable Materials.

(k) Provide city-wide curbside leaf collection not less than twice each year on dates and according to a schedule to be mutually agreed upon by the City and the Franchisee.

ORDINANCE NO. 1771

An Ordinance amending Ordinance 1734 relating to solid waste management in the City of Dallas.

WHEREAS, Ordinance 1734 granted to Dallas Disposal Co., dba Allied Waste Services of Dallas, an Oregon corporation, an exclusive franchise in the City of Dallas for Solid Waste Management Services, as described therein; and

WHEREAS, Dallas Disposal Co. merged with Corvallis Disposal Co., dba Republic Services of Corvallis, on July 18, 2012, and Corvallis Disposal Co. is the surviving entity of the merger and successor of Dallas Disposal Co. as Franchisee under the exclusive franchise;

WHEREAS, the City of Dallas and Corvallis Disposal Co. have agreed upon an expansion of services to be provided under the exclusive franchise granted by Ordinance 1734, to include city-wide curbside leaf collection services, and desire to amend Ordinance 1734 to reflect the expansion of such services;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF DALLAS:

Section 1. Section 2F of Ordinance 1734, relating to solid waste management in the City of Dallas, is hereby amended in its entirety as follows:

Section 2F. Franchisee Responsibility.

(1) The Franchisee shall:

(a) Dispose of solid waste at a state approved disposal site or resource recover such waste, both in compliance with ORS Chapter 459 and ORS Chapter 459A and with this Ordinance.

(b) Contract with a solid waste disposal site for the disposal of municipal wastes collected within the City.

(c) Provide and keep in force public liability insurance in the amount of not less than $1,000,000 for injury to a single person, $2,000,000 to a group of persons and $200,000 property damage, all relating to a single occurrence, which shall be evidenced by a certificate of insurance filed with the City Recorder. Said certificate shall name the City as additional insured, and must provide that the insurance

evidenced by the certificate may not be cancelled or amended without thirty (30) days' notice to the City.

(d) Within 30 days after the effective date of this ordinance, file with the City Recorder a written acceptance of this franchise by endorsing acceptance on a copy of this Ordinance.

(e) Provide sufficient collection vehicles, containers, facilities, personnel and finances to provide all types of the necessary service or subcontract with others to provide such service.

(f) Respond to any complaint on service.

(g) Provide a performance bond in the amount of $5000 with a surety licensed to do business in the State of Oregon conditioned upon the full and faithful performance of this agreement and franchise and this Ordinance.

(h) Comply with all requirements of the Opportunity to Recycle Act now incorporated in Oregon Revised Statutes 459 and 459A, together with the rules and regulations promulgated thereunder.

(i) Maintain sufficient resources, staff, vehicles and equipment to be available to perform Franchisee's obligations under this agreement within a reasonable amount of time.

(j) Maintain a recycling collection center open to the public, at reasonable hours, for the deposit and collection of Recyclable Materials.

(k) Provide city-wide curbside leaf collection not less than twice each year on dates and according to a schedule to be mutually agreed upon by the City and the Franchisee.

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 November 1, 2014.

Read for the first time on: October 20, 2014
Read for the second time on: October 20, 2014
Adopted by the City Council on: October 20, 2014

Approved by the Mayor on: October 20, 2014

_____
BRIAN W. DALTON, MAYOR

ATTEST:

_____
RONALD W. FOGGIN,
CITY MANAGER

APPROVED AS TO FORM:

_____
LANE P. SHETTERLY,
CITY ATTORNEY

ACCEPTANCE AND AGREEMENT BY FRANCHISEE:

The Franchisee accepts all the requirements and provisions of this Ordinance and agrees to abide by the terms thereof.

CORVALLIS DISPOSAL CO., dba REPUBLIC SERVICES OF CORVALLIS

By: _____
Dated: _____

DALLAS CITY COUNCIL
REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

City of Dallas	**Agenda Item No.** **10 b**	**Topic:** Ordinance 1772 – Marijuana Tax
Prepared By: Ron Foggin	**Meeting Date:** October 20, 2014	**Attachments:** Yes ■ No ☐
Approved By: Ron Foggin		

RECOMMENDED MOTION:

Adopt Ordinance 1772.

BACKGROUND:

Citizens of Oregon are being asked to vote on the recreational use of marijuana. With the possibility of marijuana being legalized, cities across the State are passing ordinances to tax the sale of marijuana before the election in an effort to have the sales tax grandfathered in. The proposed marijuana legislation will not allow cities to adopt a marijuana sales tax after the law is approved by the voters. It is not known if the State and the courts will uphold cities' marijuana sales tax ordinances, but most cities are moving forward with sales tax ordinances just in case the Home Rule law is upheld.

With this in mind, it is being proposed that the City of Dallas adopt a marijuana sales tax prior to the November 4th election. The proposal is to tax medical marijuana at 5% and recreational marijuana at 10%. The proposed the tax rates are generally what most communities are going to.

Adoption of this ordinance will not permit medical or recreational marijuana dispensaries in the City, as the Zoning and Development Code requires uses to be in compliance with federal law, and marijuana is still a scheduled controlled substance under federal law.

FISCAL IMPACT:

Unknown at this time

ATTACHMENTS:

Marijuana Ordinance Memo
Ordinance 1772

MEMORANDUM

To: Mayor Brian W. Dalton and Dallas City Council

Cc: Ron Foggin, City Manager

From: Lane Shetterly, City Attorney

Re: Marijuana Tax Ordinance

Date: September 30, 2014

With this memorandum I am providing the council with a proposed form of ordinance adopting a tax on the sale of marijuana in Dallas. Given my earlier advice that the sale of marijuana is not permitted in Dallas on account of Section 1.2.050 of the Dallas Development Code, which provides that all "uses and development must comply with all other * * * federal regulations," there might be some confusion as to why this ordinance is being presented. The purpose of this memorandum is to explain that.

As you know, Ballot Measure 91 on the ballot this fall is a citizen initiative to legalize and regulate the production, sale and use of recreational marijuana. The measure also imposes a state tax on recreational marijuana, and includes an express preemption of taxes on marijuana by local governments:

> "No county or city of this state shall impose any fee or tax * * * in connection with the purchase, sale, production, processing, transportation and delivery of marijuana items." (Section 42.)

Notwithstanding the breadth of this preemption, there is some thought to the effect that it is applicable only prospectively -- that is, to prohibit the adoption of local taxes *after* the effective date of the measure -- and that local taxes adopted and in place *before* the measure takes effect will not be subject to preemption. Assuming that to be the case, there is a brief opportunity available prior to the effective date of the measure (which, if it passes, will be 30 days after the election, or December 4) for local governments to enact a tax on marijuana. Several cities around the state are doing so. This ordinance gives the council the opportunity to consider the adoption of a tax as well. It would impose a tax of 5% on sales of medical marijuana and 10% on sales of recreational marijuana in the city.

Obviously, the tax that this ordinance creates is subject to a number of contingencies. For one thing, Ballot Measure 91 has to be approved by the voters on November 3 (at least for the tax on recreational marijuana to become effective). Second, even if does pass, the tax will not become effective until and unless either (1) the council decides to allow the sale of marijuana in Dallas, notwithstanding Section 1.2.050 of the Development Code, or (2) a court determines that a local prohibition on the sale of marijuana, such as Dallas', is not enforceable, and the city is required to permit medical marijuana dispensaries and recreational sales. (There is a case pending in Josephine County that has begun the court process to address this issue.) A still further contingency is a determination at some point, probably by a court, as to whether Section 42 of the measure is broad enough to preempt local ordinances that were adopted prior to the effective date of the measure.

So the adoption of this ordinance by no means assures that a tax on marijuana sales will ever be imposed in Dallas. But if the council has any interest in ever having the right to impose such a tax, now would be the time to adopt one. There will clearly not be an opportunity to do so after the effective date of the measure, if it passes.

As noted above, this ordinance imposes a 5% tax on the sale of medical marijuana and a 10% tax on recreational sales. This is consistent with the approach of other cities that are adopting similar ordinances. At the same time, the actual rates can be adjusted before the tax ever becomes effective, so in many respects this ordinance is something of a "placeholder." Because of the risk that a court could ultimately determine that a local tax like this is preempted by the measure, I will also recommend that the city defer the actual collection of any taxes, in any event, until such a determination has been made. Otherwise, a city that has collected local taxes may be required to refund them, which could be administratively challenging (and a financial burden if the tax revenue has been spent).

Finally, for the purpose of this memorandum, Section 4 of the ordinance provides that this ordinance does not permit any use of property that is not allowed under the Development Code. That is to make clear that, by imposing a tax on the sale of marijuana in the city, this ordinance does not make the sale of marijuana in Dallas legal. As noted above, it will take either affirmative action by the council or a court ruling that says the city has to allow the sale of marijuana, notwithstanding the requirement of the Development Code that all uses comply with federal law, for such sales to legally occur.

I will be happy to answer questions about this at the council workshop.

ORDINANCE NO. 1772

An Ordinance establishing a tax on the sale of marijuana and marijuana-infused products in the City of Dallas; and declaring an emergency.

WHEREAS, the City of Dallas is an Oregon home-rule municipal corporation having the authority and power under the terms of its Charter to exercise all the powers and authority that the constitution, statutes, and common law of the United States and this State expressly or impliedly grant or allow as fully as though each such powers were specifically enumerated therein; and

WHEREAS, except as otherwise provided, all powers of the City are vested in the Council; and

WHEREAS, the City Council desires to exercise that power to tax the sale or transfer of marijuana and marijuana-infused products within the City; Now, therefore,

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. The following provisions are added to and made a part of Dallas City Code Chapter 7:

MARIJUANA TAX

7.940 Purpose.

For the purposes of this chapter, every person who sells marijuana, medical marijuana, or marijuana-infused products in the City of Dallas is exercising a taxable privilege. The purpose of this chapter is to impose a tax upon the retail sale of marijuana, medical marijuana, and marijuana-infused products.

7.942 Definitions.

As used in this ordinance, unless the context requires otherwise:

(1) "Director" means the Director of Finance for the City of Dallas or his or her designee.

(2) "Gross Sales" means the total amount received in money, credits, property or other consideration from sales of marijuana, medical marijuana and marijuana-infused products that is subject to the tax imposed by this chapter.

(3) "Marijuana" means all parts of the plant of the Cannabis family Moraceae, whether growing or not; the resin extracted from any part of the plant; and every

compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin, as may be defined by Oregon Revised Statutes as they currently exist or may from time to time be amended. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted there from), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

(4) "Oregon Medical Marijuana Program" means the office within the Oregon Health authority that administers the provisions of ORS 475.300 through 475.346, the Oregon Medical Marijuana Act, and all policies and procedures pertaining thereto.

(5) "Person" means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or any group or combination acting as a unit, including the United States of America, the State of Oregon and any political subdivision thereof, or the manager, lessee, agent, servant, officer or employee of any of them.

(6) "Purchase or Sale" means the acquisition or furnishing for consideration by any person of marijuana or marijuana-infused product within the City.

(7) "Registry identification cardholder" means a person who has been diagnosed by an attending physician with a debilitating medical condition and for whom the use of medical marijuana may mitigate the symptoms or effects of the person's debilitating medical condition, and who has been issued a registry identification card by the Oregon Health Authority.

(8) "Retail sale" means the transfer of goods or services in exchange for any valuable consideration.

(9) "Seller" means any person who is required to be licensed or has been licensed by the State of Oregon to provide marijuana or marijuana-infused products to purchasers for money, credit, property or other consideration.

(10) "Tax" means either the tax payable by the seller or the aggregate amount of taxes due from a seller during the period for which the seller is required to report collections under this chapter.

(11) "Taxpayer" means any person obligated to account to the Director of Finance for taxes collected or to be collected, or from whom a tax is due, under the terms of this chapter.

7.944 Tax Imposed.

A tax is hereby levied and shall be paid by every seller exercising the taxable privilege of selling marijuana and marijuana-infused products as defined in this chapter. The Director is authorized to exercise all supervisory and administrative powers with regard to the enforcement, collection, and administration of the marijuana tax.

7.946 Amount and Payment, Deductions.

(1) In addition to any fees or taxes otherwise provided for by law, every seller engaged in the sale of marijuana and marijuana-infused products shall pay a tax as follows:

(a) Five percent of the gross sale amount paid to the seller by a registry identification cardholder.

(b) Ten percent of the gross sale amount paid to the seller of marijuana and marijuana-infused products by individuals who are not registry identification cardholders purchasing marijuana under the Oregon Medical Marijuana Program.

(2) The following deductions shall be allowed against sales received by the seller providing marijuana or marijuana-infused products:

(a) Refunds of sales actually returned to any purchaser;

(b) Any adjustments in sales which amount to a refund to a purchaser, providing such adjustment pertains to the actual sale of marijuana or marijuana-infused products and does not include any adjustments for other services furnished by a seller.

7.948 Seller Responsible for Payment of Tax.

(1) Every seller shall, on or before the last day of the month following the end of each calendar quarter (in the months of April, July, October and January) make a return to the Director, on forms provided by the City, specifying the total sales subject to this chapter and the amount of tax collected under this chapter. The seller may request or the City may establish shorter reporting periods for any seller if the seller or City deems it necessary in order to ensure collection of the tax and the City may require further information in the return relevant to payment of the tax. A return shall not be considered filed until it is actually received by the Director.

(2) At the time the return is filed, the full amount of the tax collected shall be remitted to the City.

(3) Payments shall be applied in the order of the oldest liability first, with the

payment credited first toward any accrued penalty, then to interest, then to the underlying tax until the payment is exhausted. Crediting of a payment toward a specific reporting period will be first applied against any accrued penalty, then to interest, then to the underlying tax. If the Director, in his or her sole discretion, determines that an alternative order of payment application would be in the best interest of the City in a particular tax or factual situation, the Director may order such a change. The Director may establish shorter reporting periods for any seller if the Director deems it necessary in order to ensure collection of the tax. The Director also may require additional information in the return relevant to payment of the liability. When a shorter return period is required, penalties and interest shall be computed according to the shorter return period. Returns and payments are due immediately upon cessation of business for any reason. All taxes collected by sellers pursuant to this chapter shall be held in trust for the account of the City until payment is made to the City. A separate trust bank account is not required in order to comply with this provision.

(4) Every seller required to remit the tax imposed in this chapter shall be entitled to retain five percent of all taxes due to defray the costs of bookkeeping and remittance.

(5) Every seller must keep and preserve, in an accounting format established by the Director, records of all sales made by the dispensary and such other books or accounts as may be required by the Director for a period of three years or until all taxes associated with the sales have been paid, whichever is longer. The City shall have the right to inspect all such records at all reasonable times.

7.950 Penalties and Interest.

(1) Any seller who fails to remit any portion of any tax imposed by this chapter within the time required shall pay a penalty of ten percent of the amount of the tax, in addition to the amount of the tax.

(2) If the City determines that the nonpayment of any remittance due under this chapter is due to fraud, a penalty of twenty-five percent of the amount of the tax shall be added thereto in addition to the penalty stated in subsection (1) of this section.

(3) In addition to the penalties imposed, any seller who fails to remit any tax imposed by this chapter shall pay interest at the rate of one percent per month or fraction thereof on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

(4) Every penalty imposed, and such interest as accrues under the provisions of this section, shall become a part of the tax required to be paid.

(5) All sums collected pursuant to the penalty provisions in this section shall be distributed to the City of Dallas General Fund to offset the costs of auditing and

enforcement of this tax.

7.952 Failure to Report and Remit Tax – Determination of Tax by Director.

(1) If any seller should fails to make, within the time provided in this chapter, any report of the tax required by this chapter, the Director shall proceed in such manner as deemed best to obtain facts and information on which to base the estimate of tax due. As soon as the Director shall procure such facts and information as is able to be obtained, upon which to base the assessment of any tax imposed by this chapter and payable by any seller, the Director shall proceed to determine and assess against such seller the tax, interest and penalties provided for by this chapter. In case such determination is made, the Director shall give a notice of the amount so assessed by having it served personally or by depositing it in the United States mail, postage prepaid, addressed to the seller so assessed at the last known place of address. Such seller may make an appeal of such determination as provided in section 69B.135. If no appeal is filed, the Director's determination is final and the amount thereby is immediately due and payable.

7.954 Appeal.

(1) Any seller aggrieved by any decision of the Director with respect to the amount of such tax, interest and penalties, if any, may appeal such decision to the City Manager by filing written notice of appeal with the City Manager. Any appeal shall be filed within 30 days of the serving or mailing of the determination of tax due. The City Manager shall hear and consider any records and evidence presented bearing upon the Director's determination of amount due, and make findings affirming, reversing or modifying the determination. The findings of the City Manager shall be final and conclusive, subject to subsection (2) of this section.

(2) A person aggrieved by a decision of the City Manager may appeal to the City Council by filing written notice of appeal with the City Recorder within 20 days of personal service or mailing of notice of the City Manager's decision. The City Council shall give the appellant not less than 20 days advance written notice of the time and place of the hearing.

7.956 Refunds.

(1) Whenever the amount of any tax, interest or penalty has been overpaid or paid more than once, or has been erroneously collected or received by the City under this chapter, it may be refunded as provided in subsection (2) of this section, provided a claim in writing, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the Director within one year of the date of payment. The claim shall be on forms furnished by the City.

(2) The Director shall have 20 days from the date of receipt of a claim to review the

claim and make a determination in writing as to the validity of the claim. The Director shall notify the claimant in writing of the Director's determination. Such notice shall be mailed to the address provided by claimant on the claim form. In the event a claim is determined by the Director to be a valid claim, in a manner prescribed by the Director a seller may claim a refund, or take as credit against taxes collected and remitted, the amount overpaid, paid more than once or erroneously collected or received. The seller shall notify Director of claimant's choice no later than 15 days following the date Director mailed the determination. In the event claimant has not notified the Director of claimant's choice within the 15 day period and the seller is still in business, a credit will be granted against the tax liability for the next reporting period. If the seller is no longer in business, a refund check will be mailed to claimant at the address provided in the claim form.

(3) Any credit for erroneous overpayment of tax made by a seller taken on a subsequent return or any claim for refund of tax erroneously overpaid filed by a seller must be so taken or filed within three years after the date on which the overpayment was made to the City.

(4) No refund shall be paid under the provisions of this section unless the claimant establishes the right by written records showing entitlement to such refund and the Director acknowledged the validity of the claim.

7.958 Actions to Collect.

Any tax required to be paid by any seller under the provisions of this chapter shall be deemed a debt owed by the seller to the City. Any such tax collected by a seller which has not been paid to the City shall be deemed a debt owed by the seller to the City. Any person owing money to the City under the provisions of this chapter shall be liable to an action brought in the name of the City of Dallas for the recovery of such amount. In lieu of filing an action for the recovery, the City of Dallas, when taxes due are more than 30 days delinquent, can submit any outstanding tax to a collection agency. So long as the City of Dallas has complied with the provisions set forth in ORS 697.105, in the event the City turns over a delinquent tax account to a collection agency, it may add to the amount owing an amount equal to the collection agency fees, not to exceed the greater of fifty $50.00 or fifty percent of the outstanding tax, penalties and interest owing.

7.960 Violation.

(1) Violation of this chapter shall constitute a civil infraction. It is a violation of this chapter for any seller or other person to:

(a) Fail or refuse to comply as required herein;

(b) Fail or refuse to furnish any return required to be made;

(c) Fail or refuse to permit inspection of records;

(d) Fail or refuse to furnish a supplemental return or other data required by the City;

(e) Render a false or fraudulent return or claim; or

(f) Fail, refuse or neglect to remit the tax to the city by the due date.

(2) Filing a false or fraudulent return shall be considered a Class B misdemeanor.

(3) The remedies provided by this section are not exclusive and shall not prevent the City from exercising any other remedy available under the law, nor shall the provisions of this ordinance prohibit or restrict the City or other appropriate prosecutor from pursuing criminal charges under state law or City ordinance.

7.962 Confidentiality.

(1) Except as otherwise required by law, it shall be unlawful for the City, any officer, employee or agent to divulge, release or make known in any manner any financial information submitted or disclosed to the City under the terms of this chapter. Nothing in this section shall prohibit:

(a) The disclosure of the names and addresses of any person who is operating a licensed establishment from which marijuana or marijuana-infused products are sold or provided;

(b) The disclosure of general statistics in a form which would not reveal an individual seller's financial information;

(c) Presentation of evidence to the court, or other tribunal having jurisdiction in the prosecution of any criminal or civil claim by the City or an appeal from the City for amount due the City under this chapter;

(d) The disclosure of information when such disclosure of conditionally exempt information is ordered under public records law procedures; or

(e) The disclosure of records related to a business' failure to report and remit the tax when the report or tax is in arrears for over six months or the tax exceeds five $5,000.

(2) The City Council expressly finds and determines that the public interest in disclosure of such records clearly outweighs the interest in confidentiality under ORS

192.501(5).

7.964 Audit of Books, Records, or Persons.

(1) The City, for the purpose of determining the correctness of any tax return, or for the purpose of an estimate of taxes due, may examine or may cause to be examined by an agent or representative designated by the City for that purpose, any books, papers, records, or memoranda, including copies of seller's state and federal income tax return, bearing upon the matter of the seller's tax return. All books, invoices, accounts and other records shall be made available within the City limits and be open at any time during regular business hours for examination by the Director or an authorized agent of the Director.

(2) If the examinations or investigations disclose that any reports of sellers filed with the Director pursuant to the requirements herein have shown incorrectly the amount of tax accruing, the Director may make such changes in subsequent reports and payments, or make such refunds, as may be necessary to correct the errors disclosed by its examinations or investigations.

(3) The seller shall reimburse the City for reasonable costs of the examination or investigation if the action disclosed that the seller paid 95 percent or less of the tax owing for the period of the examination or investigation. In the event that such examination or investigation results in an assessment by and an additional payment due to the City, such additional payment shall be subject to interest at the rate of 1 percent per month, or the portion thereof, from the date the original tax payment was due.

(4) If any taxpayer refuses to voluntarily furnish any of the foregoing information when requested, the City may immediately seek a subpoena from the Dallas Municipal Court to require that the taxpayer or a representative of the taxpayer attend a hearing or produce any such books, accounts and records for examination.

(5) Every seller shall keep a record in such form as may be prescribed by the City of all sales of marijuana and marijuana-infused products. The records shall at all times during the business hours of the day be subject to inspection by the City or authorized officers or agents of the Director.

(6) Every seller shall maintain and keep, for a period of three years, or until all taxes associated with the sales have been paid, whichever is longer, all records of marijuana and marijuana-infused products sold.

7.966 Forms and Regulations.

The Director is hereby authorized to prescribe forms and promulgate rules and regulations to aid in the making of returns, the ascertainment, assessment and collection

of said marijuana tax and in particular and without limiting the general language of this chapter, to provide for:

(1) A form of report on sales and purchases to be supplied to all vendors;

(2) The records which sellers providing marijuana and marijuana-infused products are to keep concerning the tax imposed by this chapter.

Section 2. The sections, subsections, paragraphs and clauses of this ordinance are severable. The invalidity of one section, subsection, paragraph, or clause shall not affect the validity of the remaining sections, subsections, paragraphs and clauses.

Section 3. Notwithstanding any amendment or repeal, the City ordinances in existence at the time any criminal or civil enforcement actions were commenced, shall remain valid and in full force and effect for purposes of all cases filed or commenced during the times said ordinance(s) or portions thereof were operative. This section simply clarifies the existing situation that nothing in this Ordinance affects the validity of prosecutions commenced and continued under the laws in effect at the time the matters were originally filed.

Section 4. Nothing in this ordinance shall be deemed or interpreted to authorize or permit a use of property within the City of Dallas that is not otherwise authorized or permitted under the Dallas Development Code.

Section 5. This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, an emergency is declared to exist and this Ordinance shall take effect immediately upon its passage.

Read for the first time: October 20, 2014
Read for the second time: November 3, 2014
Adopted by the City Council: November 3, 2014
Approved by the Mayor: November 3, 2014

_____
BRIAN W. DALTON, MAYOR

ATTEST:

_____
RONALD W. FOGGIN,
CITY MANAGER

APPROVED AS TO FORM:

_____
LANE P. SHETTERLY,
CITY ATTORNEY

DALLAS CITY COUNCIL
REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

City of Dallas	**Agenda Item No.** **11 a**	**Topic:** Ordinance 1768 – Records Retention
Prepared By: Emily Gagner	**Meeting Date:** October 20, 2014	**Attachments:** Yes ■ No ☐
Approved By: Ron Foggin		

RECOMMENDED MOTION:

Adopt Ordinance 1768.

BACKGROUND:

In 2012, the Council adopted an ordinance which essentially adopted the Secretary of State, Archives Division retention schedule for city general records that was in effect October 2012. The ordinance assigns staff to review the retention schedule annually and make recommendations to amend the code as necessary to remain current with changes adopted by the Archives Division. In August of this year, the Archives Division overhauled their retention schedule considerably, so this ordinance is a "clean-up" ordinance to make our code match the current retention schedule for city general records adopted by the Archives Division.

FISCAL IMPACT:

None

ATTACHMENTS:

Ordinance 1768

ORDINANCE NO. 1768

An Ordinance amending Dallas City Code Section 2.700 relating to public records retention; and repealing Ordinance No. 1748.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code section 2.700 is hereby amended as follows:

2.700 Retention Schedule.

(1) The retention schedule for city general records adopted by the Oregon Secretary of State, Archives Division, in effect as of August 15, 2014, as set forth in Oregon Administrative Rules 160-200-0200 through 160-200-0405, is hereby adopted as the retention schedule for public records of the City of Dallas.

(2) The city manager, or the city manager's designee, will review the retention schedule for city general records adopted by the Oregon Secretary of State annually, and make recommendations as appropriate to amend this section as necessary to maintain the City of Dallas retention schedule current with any changes adopted by the Archives Division.

Section 2. All prior and conflicting ordinances are hereby repealed.

Read for the first time: October 6, 2014
Read for the second time: October 20, 2014
Passed by the City Council: October 20, 2014
Approved by the Mayor: October 20, 2014

_____
BRIAN W. DALTON, MAYOR

ATTEST:

_____
RON FOGGIN
CITY MANAGER

APPROVED AS TO FORM:

_____
LANE P. SHETTERLY
CITY ATTORNEY

DALLAS CITY COUNCIL
REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

City of Dallas	**Agenda Item No.** **11b**	**Topic:** Ordinance 1769
Prepared By: Jason Locke, Community Development/ Operations Director	**Meeting Date:** October 20, 2014	**Attachments:** Yes■ No☐
Approved By: Ron Foggin, City Manager		

RECOMMENDED ACTION:

Adopt Ordinance 1769.

BACKGROUND:

Council directed staff to prepare an Ordinance adopting the revised Sign Code with the change noted by the Council. The Ordinance is attached.

FISCAL IMPACT:

None

ATTACHMENTS:

Ordinance 1769

ORDINANCE NO. 1769

An Ordinance amending provisions of the Dallas Development Code adopting a new Dallas Sign Code; and repealing conflicting provisions.

WHEREAS, the Dallas City Council determined that it is timely and appropriate to adopt a new Dallas Sign Code as part of the Dallas Development Code; and

WHEREAS, after required public involvement, notices and public hearings before the Dallas Planning Commission and Dallas City Council, the City Council, on September 15, 2014, preliminarily approved the proposed adoption of a new Dallas Sign Code, as amended by the City Council; and

WHEREAS, the City Council found and hereby finds that it is in the public interest to adopt a new Dallas Sign Code, as amended, as part of the Dallas Development Code and to repeal the current sign code; NOW, THEREFORE,

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Those amendments to the Dallas Development Code, creating Chapter 3.6, "Signs," being sections 3.6.010 through 3.6.140, as set forth on Exhibit A, attached hereto and by reference incorporated herein, are hereby adopted and approved.

Section 2. The findings and conclusions of the staff report recommending the adoption of the foregoing provisions, attached hereto as Exhibit B, and by reference incorporated herein, are hereby adopted and approved as the findings and conclusions of the City Council.

Section 3. Dallas City Code Sections 9.900 through 9.995 be, and they hereby are, repealed as of the effective date of this ordinance.

Read for the first time: October 6, 2014
Read for the second time: October 20, 2014
Passed by the City Council: October 20, 2014
Approved by the Mayor: October 20, 2014

_____
BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

_____

RONALD W. FOGGIN,
CITY MANAGER

_____

LANE P. SHETTERLY, CITY
ATTORNEY

Ordinance – Page 2

EXHIBIT A

Chapter 3.6 SIGNS

Sections:

3.6.010 Purpose
3.6.020 Scope
3.6.030 Definitions
3.6.040 Exempted Signs
3.6.050 Prohibited Signs
3.6.060 Temporary Signs
3.6.065 Garage Sale Signs
3.6.070 Permanent Signs
3.6.075 Murals
3.6.080 Sign Permits
3.6.090 Abandoned Signs
3.6.100 Construction and Maintenance Standards
3.6.110 Nonconforming Signs
3.6.120 Exceptions
3.6.130 Enforcement
3.6.140 Sign Type Illustrations

3.6.010 Purpose. The City finds that signs provide an important medium through which individuals and businesses may convey a variety of messages.

The standards contained in this chapter are primarily intended to balance the needs of businesses and individuals to convey their messages through signs, and the right of the public to be protected against the proliferation of signs and their effect on public and traffic safety and the aesthetic qualities of the City. In an attempt to achieve that balance, the purpose of this chapter is to:

A. Improve the visual qualities of Dallas's streetscape environment through the use of equitably applied sign height, size, and location standards;
B. Provide minimum, consistent, and enforceable sign standards by regulating sign location, size, height, illumination, construction, and maintenance;
C. Minimize visual clutter caused by temporary signs by limiting their numbers and duration of use;
D. Protect citizen safety by prohibiting hazardous signs;
E. Ensure compliance with state and federal laws regarding advertising by providing rules and standards that are content neutral; and
F. Provide for near term and longer term improvements to signage through the use of appropriate amortization and incentive policies.

3.6.020 Scope. All signs visible from the public right-of-way or private areas open to public travel within the City limits shall be within the scope of this chapter. The content of signs is not

regulated by this chapter. No sign shall be permitted in the City of Dallas unless it is in accordance with the provisions of this chapter or unless it is determined to be legally nonconforming to the requirements of this chapter, with the exception that where a planned development overlay exists, any sign regulations adopted with that planned development overlay shall take precedence.

3.6.030 Definitions. For the purpose of this chapter, certain terms and words are defined as follows: words used in the present tense include the future; the word "shall" is mandatory; the word "may" is discretionary; the phrase "used for" shall include the phrases "arranged for," "designed for," "maintained for," and "occupied for"; and the word "business" shall be associated with the zoning terms and activities of "permitted use" and "conditional use." The following terms shall mean:

Abandoned Sign - A sign or sign structure where either: (1) the sign is no longer used by the property or sign owner, in which case discontinuance of sign use may be shown by cessation of use of the property where the sign is located for the use or purpose associated with the sign; or (2) the sign has been damaged, and repairs and restoration have not been started within forty-five (45) days of the date the sign was damaged, or, once started, are not diligently pursued to completion.
Accessory Sign - Signage which is an integral part of outdoor display structures associated with a commercial or industrial use such as soft drink machines, gas pumps, newspaper dispensers, and other similar structures, equipment or uses.
Alteration — Any change in the size, shape, method of illumination, construction, or supporting structure of a sign.
Area (of a sign) –

(1). Projecting, Portable, and Freestanding: The area of the sign shall be measured as follows: The area around and enclosing the perimeter of the cabinet in which the sign is contained shall be totaled to determine the aggregate sign area. If the sign is composed of two or more sign cabinets, the area enclosing the entire perimeter of all cabinets within a single, continuous geometric figure shall be the area of the sign. The perimeter of measurable area shall not include embellishments such as pole covers, framing, and decorative roofing, provided that there is no written copy on such embellishments. All face areas of any multi-faced sign shall be counted in calculating its area. For a double-faced sign in a single cabinet, only the area of one face is counted.

(2) Wall Signs: The area around or enclosing each sign cabinet, or, where sign cabinets are not used, the area within a single, continuous perimeter composed of any straight line geometric figure which encloses the extreme limits of the message.
Awning – A secondary covering attached to the exterior wall of a building. The location of an awning on a building may be above a window or a door, or over a sidewalk. An awning is often painted with information as to the name of the business, thereby acting as a sign, in addition to providing protection from weather.
Balloon Sign – A sign made from a nonporous bag of tough, light material normally filled with heated air or a gas lighter than air so as to rise and float, and displaying graphics, symbols or written copy, or a combination of graphics, symbols and written copy.
Canopy – An awning supported by at least two columns. A canopy is able to extend further from a building than an awning, as in the case of an entrance to a restaurant or retail store.

Canopy Sign - A sign painted on, printed on, or attached flat against the surface of a canopy or awning.
Changeable Copy Sign (Electronic) – A sign on which the copy changes by any electronic process or remote control.
Changeable Copy Sign (Manual) – A sign on which copy is changed manually, for example, the panel permanently affixed as part of a larger sign on which copy is placed, commonly used to advertise specials for commercial businesses.
Clearance (of a sign) – The vertical distance measured from the lowest point of the sign to the natural surface grade beneath the sign.
Copy – The message on a sign surface in either permanent or removable letter form.
Double-Faced Sign – A sign with advertising on two (2) faces wherein the faces are parallel or within ten degrees of parallel.
Electronic Changeable Copy Sign -- See Changeable Copy Sign (Electronic).
Electronic Digital (Video) Sign – An electronic sign providing information in both a horizontal and vertical format (as opposed to linear), and having the capacity to create continuously changing sign copy or pictures in a wide spectrum of colors, shades, and light intensities.
Face (of a sign) – The area of a sign on which the advertising is placed.
Festoons – A string of ribbons, tinsel, small flags, or pinwheels.
Flashing Sign — A sign which contains an intermittent or sequential flashing light source used primarily to attract attention. "Flashing sign" does not include electronic changeable copy signs or signs which, through reflection or other means, create an illusion of flashing of intermittent light.
Freestanding Sign - A sign supported upon the ground by a frame, pole(s), or other support structure(s) that is not attached to any building. A freestanding sign constitutes one sign, even if it has two or more faces.
Frontage - The length of the property line of a lot or parcel along a public right-of-way on which it borders.
Hanging Sign - A sign that hangs beneath a marquee, canopy, or awning and is perpendicular to the building face.
Hazardous Sign - A sign that is detrimental to the public health, welfare or safety, including but not limited to: any sign that has a design, color, or lighting which may be mistaken for a traffic light, signal, or directional sign; any sign that is located in such a manner as to obstruct free and clear vision to motorists or pedestrians at intersections and driveways; any sign which, because of its location, would prevent free ingress to or egress from any door, window, or fire escape; any sign that is attached to a standpipe or fire escape; any sign that has lighting which temporarily blinds or impairs one's vision; and any sign that is in a leaning, sagging, fallen, decayed, deteriorated, or other unsafe condition.
Height (of a sign) - The vertical distance measured from the highest point of the sign to the natural surface grade beneath the sign.
Illuminated Sign - A sign with an artificial light source incorporated internally (direct illumination), or with an external light source directed to illuminate the exterior surface of the sign (indirect illumination). This definition includes signs with light sources that are disconnected from power.
Incidental Sign – A small sign, emblem, or decal typically used to inform the public of goods, facilities, or services available on a premises, such as a credit card sign or a sign indicating hours of business.

Maintenance - For the purposes of this chapter, the cleaning, painting, repair, or replacement of defective parts of a sign, or to achieve a change in sign face, in a manner that does not alter the basic design or structure of the sign.
Marquee - A permanent roof-like projection from a building above the building entrance.
Monument Sign - A freestanding sign of which the entire bottom of the sign is generally in contact with or in close proximity to the ground. "Monument sign" does not include pole or pylon signs.
Mounted Sign - A sign permanently attached to a building, including a Canopy sign, Projecting sign, Hanging sign and Wall sign.
Moving Sign — A sign that uses mechanized movement to attract attention, depict action, or to create a special effect or scene, and includes dancing inflatable displays.
Multi-tenant complex - A development consisting of one or more lots and two or more businesses sharing appurtenant facilities, such as driveways, parking and pedestrian walkways, and is designed to provide varied products and services at a single location.
Mural – Any painting, design, or image, including incidental copy, that is applied directly to the exterior of a building for artistic, informational, historic, or aesthetic purposes, and does not contain advertising.
Nonconforming Sign – An existing sign, lawful before enactment of this chapter, which does not conform to the requirements of this chapter.
Off-site sign – A sign not located on the site of the activity or business being advertised.
Permanent Sign – A sign structurally affixed to the ground or to a building and intended for permanent display.
Pole Sign -- See "Pylon sign."
Portable Sign – A sign not permanently affixed to a sign structure, a building, or the ground, (such as an A-frame sign) that can be easily moved.
Projecting Sign – A sign, other than a flat wall sign, which is attached to and projects from a building wall or other structure not specifically designed to support the sign.
Pylon Sign - A freestanding sign, usually double-faced, mounted on one or two supports above ground level, also referred to as a "Pole sign."
Roof Sign – A mounted sign that projects above the top of a wall, eave, or parapet.
Sign – Any device, structure, fixture, placard, and any related support structure erected for the purpose of displaying graphics, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any business, person, institution, commodity, service, entertainment, or activity. "Sign" includes graphics, symbols and written copy painted or otherwise affixed directly on a building surface.
Site - A lot, parcel, or tract of land under common ownership, or developed together as a single development site, regardless of how many uses occupy the site.
Temporary Sign –

(1) A sign constructed of fabric, vinyl, paper, cardboard, plywood, or other light material, with or without a frame, that may or may not be attached to a building;

(2) A sign intended to be displayed for a specific and limited period of time; or

(3) A sign that will be rendered obsolete after the occurrence of an event or series of events.

(4) Temporary signs typically include, but are not limited to: portable signs, special event signs, "for sale" and "for lease" signs, "feather signs", and political campaign signs.

Wall Sign – A sign attached parallel to and extending not more than twelve (12) inches from the wall of a building. This definition includes painted, individual letters, and cabinet signs.

Window Sign – An unlighted sign installed inside a window or painted on a window and intended to be viewed from the outside.

3.6.040 Exempted Signs. The following signs shall not require planning approval for their use, though some may require a building permit. Use of the signs in this section does not affect the amount or type of signage otherwise allowed by this chapter. All signs listed in this section are subject to all other applicable requirements of this chapter and other applicable provisions of the Dallas City Code and Dallas Development Code.

A. Signs placed or authorized by the city, county, state, or federal government in the publicly-owned right-of-way as well as signs required by city, state, or federal government located on private property;

B. Flags adopted or endorsed by a governmental agency;

C. Tablets, cornerstones, or commemorative plaques;

D. Window displays;

E. Festoons;

F. Balloon signs of less than twenty-four (24) inches in diameter;

G. Seasonal decorations on private property;

H. Signs erected by a recognized neighborhood watch group advertising the organization or program;

I. Onsite handheld signs;

J. Accessory signs;

K. Signs for hospital or emergency services and railroads;

L. Incidental Signs, provided the signs do not exceed one and a half (1.5) square feet in area for each sign, with no more than five (5) signs allowed for each permitted structure;

N. An exterior sign erected next to an entrance, exit, rest room, office door, or telephone, provided the sign is no more than four square feet in area, used to identify or locate a property feature;

O. Any sign that is not visible to motorists or pedestrians on any public highway, sidewalk, street, alley, or other area open to public travel;

P. One indirectly illuminated or non-illuminated wall sign not exceeding one and one-half square feet in area placed on any residential building, used as a name or address plate;

Q. Signs placed in or attached to a motor vehicle, bus, or railroad car that is regularly used for purposes other than the display of signs;

R. Signs, up to four (4) square feet and no taller than four (4) feet, constructed or placed within a parking lot, to direct traffic and parking;

S. A sign that does not exceed four (4) square feet in area and four (4) feet in height, and is erected to indicate a danger to the public or to designate where public access is prohibited;

T. Signs located within a sports stadium or athletic field, or other outdoor assembly area, which are intended and oriented for viewing by persons within the facility;

U. Covered flier boxes under one (1) square foot in area when attached to or associated with a temporary or permanent sign;

V. Temporary signs, subject to Section 3.6.060

W. Signs giving notice that a structure on a premises is protected by alarm or security service, provided such signs are not larger than one (1) sq.ft. and are located within 5 feet of the structure.

X. School Activity Signs. A sign denoting the participation of an occupant of the residence on the lot in a public or private school sport or activity, provided such sign is no larger than six (6) sq.ft.

Y. Signs promoting non-commercial community-wide events provided such sign is no larger than six (6) sq.ft. and is removed after the event occurs.
Z. One flashing open/closed sign not exceeding two sq. ft.

3.6.050 Prohibited Signs. The following signs are prohibited:

A. Hazardous signs.
B. Signs that are otherwise permitted but not in compliance with the applicable requirements of this chapter, or in violation of any other provision of the Dallas City Code or Dallas Development Code.
C. Signs within or which overhang streets, except as allowed in this chapter.
D. Portable signs in the following categories:

1. Signs on a vehicle parked on private property, public property or right-of-way, unless the vehicle is used for transport in the normal day-to-day operations of a business, except as provided in section 3.6.040 Q.

2. Signs propped up by or leaning against a motor vehicle when such vehicle is parked in the public right-of-way.

E. Moving signs.
F. Balloon signs twenty-four (24) inches in diameter or greater.
G. Electronic Digital (Video) signs.
H. Flashing signs, except as provided in 3.6.040Z.
I. Roof signs.
J. Signs that appear similar in shape, color, size or copy to traffic control devices.
K. Off-site signs, except as lawfully exist prior to adoption of this Chapter.
L. Portable or temporary signs in the right-of-way, unless approved by the City Manager.

3.6.060 Temporary signs.

A. Temporary signs may be erected and maintained only in compliance with this section.

1. Temporary signs that exceed the applicable area limitations set forth in 3.6.060.B shall not be permitted.

2. Temporary signs that overhang a public right-of-way and that are authorized by a governmental agency are not subject to the provisions of 3.6.060.B, below.

3. With the exception of subsection (2) above, and signs installed or authorized by a governmental agency, no temporary signs are permitted in or over public right-of-way.

4. Temporary and portable signs over four feet tall shall be set back a minimum of five feet from the street side of a property line. This does not apply to a sign placed within a recessed entryway, provided that no portion of the sign extends over a public sidewalk, or to signs which hang from the face or wall of a building, provided that the sign does not extend more than two inches from the face or wall.

5. Temporary signs affixed to a building may be placed no higher than the building's eave, top of wall, or parapet.

6. With the exception of subsection (2) above, temporary signs shall not be attached to trees, shrubbery, utility poles or traffic control signs or devices.

7. Temporary signs are not counted against the total area of permanent sign allowance.

B. Temporary signage shall be allowed as follows:

1. Residential (RL, RM, RH) Zones:

Two temporary signs, not exceeding thirty two (32) square feet in area, are allowed per subdivision during the build-out of the residences in the subdivision. These types of signs are typically used for subdivision and model home identification. No such sign may be erected for an inhabited residence.

2. Commercial (CG, CN, and CBD) and Industrial (I) Zones:

Temporary signs shall be limited to three (3) per building or two (2) per business in a multi-tenant complex, and shall not exceed sixteen (16) square feet in area per side per sign. Except as provided in subsection A(2), above, attachment of a temporary sign to permanent signs or structures, awnings, trees, or utility poles is prohibited. Temporary signs on a site or building may be placed for a period not exceeding 90 days without a permit, but must be legibly dated in permanent marker on the initial date of display in the lower right hand corner of the sign.

3. All Zones:

a. Signs not exceeding six (6) square feet each in area, advocating for or against a candidate or measure on a national, state or local election ballot. These signs may be erected 60 days prior to an election and must be removed 7days after an election.

b. One temporary sign per frontage, not exceeding six (6) square feet in area in Residential zones and thirty two (32) square feet in Commercial and Industrial zones, during the time of sale, lease or rental of the lot or structure on the lot, provided that the sign is removed within thirty (30) days after the sale, lease or rental of the lot or structure.

c. Up to three (3) temporary sign per frontage, not exceeding six (6) square feet in area, during the time of construction, landscaping, or remodeling of the property, provided that the sign is removed within thirty (30) days after the completion of such construction, landscaping, or remodeling.

3.6.065 Garage Sale Signs.

(1) Only one sign shall be posted upon the premises on which the garage sale, as defined and regulated by DCC 7.500 et. seq., is to be held.

(2) One off premise sign for the purpose of directing people to the garage sale shall also be permitted but only a sign issued by the city shall be allowed. The city shall have available a reasonable supply of garage sale signs for use by individuals. The city may secure a deposit to cover the cost of replacing the sign in the event it is damaged or lost.

(3) Signs shall not be placed in the public right-of-way and shall be placed upon private property only with the consent of the property owner. Signs shall not be placed earlier than one hour before the garage sale starts and shall be removed by no later than one hour after the conclusion of the garage sale.

3.6. 070 Permanent Sign Regulations. Permanent signs may be erected and maintained only in compliance with the following specific provisions:

A. Residential Zones.

1. Each subdivision or multi-family complex is permitted one permanent non-illuminated monument sign not to exceed six (6) feet in height and forty-eight (48) square feet in area.

2. Each public school is permitted one (1) permanent sign per public street frontage. Each sign may take any of the following forms (although only one freestanding sign taller than six (6) feet in height is permitted per school): a freestanding sign no taller than fifteen (15) feet in height and no larger than thirty six (36) square feet in area; an indirectly illuminated or non-illuminated monument sign no taller than six (6) feet in height and no larger than forty-eight (48) square feet in area; and a wall sign placed no higher than thirty-five (35) feet above grade or the eave, top of wall, or parapet (whichever is less) and no larger than forty-eight (48) square feet in area. Each sign may include changeable copy (manual or electronic) subject to 3.6.070E (1 – 4, 6 and 7). Each sign shall meet the setbacks applicable to the residential zone in which it is located.

3. Each church is permitted one (1) non-illuminated or indirectly illuminated permanent sign per public street frontage. No sign shall be taller than eight (8) feet in height. If a church site has more than one frontage, the first sign shall be no larger than thirty two (32) square feet in area and any subsequent sign may be no larger than twelve (12) square feet in area Each church is permitted one (1) wall sign placed no higher than thirty-five (35) feet above grade or the eave, top of wall, or parapet (whichever is less) and no larger than forty-eight (48) square feet in area. Each sign may include changeable copy (manual or electronic) subject to 3.6.070E (1 – 4, 6 and 7). Each sign shall meet the setbacks applicable to the residential zone in which it is located.

B. Central Business District (CBD) and Neighborhood Commercial (CN) Zones. Signs in the CBD and CN zones may be directly or indirectly lit. Each building or multi-tenant complex may have any combination of wall sign, monument sign, canopy sign, hanging sign, projecting sign, or freestanding sign not to exceed, in total, two (2) square feet for each foot of lot frontage on a street. In the case of two frontages, the larger frontage will be used to compute total sign size. Window signs are permitted, provided they shall not exceed 50 percent of the total window area per window and shall not be counted toward the allowable total sign area.

C. General Commercial (CG) and Industrial (I) Zones. Signs in the general commercial and industrial zones may be directly or indirectly lit and shall meet all setback requirements of the zone.

1. Freestanding Signs: Each site or multi-tenant complex is allowed one (1) permanent monument sign not to exceed forty-eight (48) square feet in area and six (6) feet in height per street frontage. In addition, each site or multi-tenant complex is allowed one (1) permanent pylon sign per 500 feet of frontage, not to exceed two (2) per site or multi-tenant complex, each not to exceed 125 square feet in area and thirty (30) feet in height.

2. Mounted Signs: In the case of a property with a single street frontage, the total area of all signs shall not exceed one square foot for each two lineal feet of lot frontage on that street. In the case of a property on a corner, or with multiple street frontages, the total area of signs shall not exceed one square foot for each two lineal feet of lot frontage along the primary street (which shall be determined by the property owner), plus one square foot for each four lineal

feet along the other secondary street(s), provided those additional signs are located along the respective secondary street.

3. Window signs: Window signs are permitted, provided they shall not exceed 50 percent of the total window area per window.

D. Supplemental permanent sign provisions. (All zones)

1. No signs are permitted within a public right-of-way unless authorized by the public agency or agencies having jurisdiction over the right-of-way.

2. Signs shall be erected in an upright position and placed perpendicular to a horizontal surface conforming to the line from horizon to horizon.

3. Maximum square footage restrictions include changeable copy signs and exclude accessory and incidental signs.

4. Minimum vertical clearance for projecting, canopy, and hanging signs when over a walkway or access area is eight (8) feet.

5. Projecting and hanging signs may extend no more than six (6) feet from a building's façade. No projecting or hanging sign may be over sixteen (16) square feet in area.

6. Sign setbacks are measured from the nearest property line to the nearest portion of the sign. In addition to the specific setbacks noted above, all signs shall meet vision clearance requirements.

E. Electronic changeable copy signs are subject to the following standards:

1. One (1) electronic changeable copy sign is permitted per site or multi-tenant complex and shall only be allowed as part of a permanent freestanding or wall sign.

2. The electronic changeable copy portion of a freestanding sign may be no higher than twelve (12) feet above existing ground level.

3. The electronic changeable copy portion of a sign may not exceed twenty-four (24) square feet in area.

4. Electronic changeable copy signs must be set at least ten (10) feet from all property lines.

5. The electronic changeable copy portion of a sign will have its area calculated at a rate two (2) times that of other signs.

6. No temporary sign is allowed on a site or multi-tenant complex if an electronic changeable copy sign is utilized that is capable of displaying more than twelve (12) characters at one time or more than five (5) characters in a row. Double-faced electronic changeable copy signs shall be allowed up to twelve characters on each sign face.

7. Electronic changeable copy signs must be permanently mounted to the ground or a structure.

8. To be permitted under this section, an electronic changeable copy sign must meet the following standards:

a. The sign may not be illuminated by a flashing light or a light that varies in intensity.

b. The sign may not have a display surface that creates the appearance of movement.

c. The sign must not operate at an intensity level of more than 0.3 foot-candles over ambient light as measured at a distance of 150 feet.

d. The sign must be equipped with a light sensor that automatically adjusts the intensity of the sign according to the amount of ambient light.

e. The sign must be designed to either freeze the display in one static position, display a full black screen or turn off in the event of a malfunction.

f. The change from one message to another message may not be more frequent than once every thirty seconds and the actual change process must be accomplished in two seconds or less.

3.6.075 Murals.

1) A permit must be obtained for a mural as required in 3.6.080(B), except that the application must include a detailed rendering of the proposed mural including content, colors, and type of paint/material, and a plan for maintenance after completion.

2) A mural must be compatible with the architectural and aesthetic components of the building, not detract from the character of the district in which it is located, and not be detrimental to the public health, safety, and welfare.

3.6.080 Sign Permits.

A. General Provisions.

1. Except as provided in subsection (2), below, no sign that is not specifically listed as exempt from the provisions of this ordinance shall be erected, constructed, attached, relocated, or structurally altered without obtaining approval by the City.

2. Unless otherwise provided in this chapter, such approvals are not required for temporary signs, mounted signs that protrude less than twelve (12) inches, signs listed as exempt, or for routine sign maintenance.

B. Sign Permit.

1. Permit Requirements. An applicant for a sign permit shall supply the following information on forms provided by the City:

a. Size, height, location, description, and material of the sign;
b. Name of the manufacturer, contractor, owner, and business advertised;
c. Scaled drawing(s) and description of copy, structure, and lighting;
d. Photo(s) or drawing(s) of the proposed sign location(s); and
e. Signature(s) of property the owner(s) or authorized designee(s).
f. Other information required to demonstrate compliance with this Chapter.

2. Permit Approval. Permits shall be reviewed as a Type I procedure in accordance with Chapter 4.1.020.

3. Sign Permit Fee. The fee for a sign permit shall be set by a resolution adopted by the City Council.

4. Building Permit. If a separate building permit is required for a sign, a building permit shall be obtained prior to construction or installation.

3.6.090 Abandoned Signs.

Abandoned signs must be removed or made conforming within forty-five (45) days of the date they are deemed abandoned.

3.6.100 Construction and Maintenance Standards. The following standards apply to the construction and maintenance of signs in the City:

A. All permanent signs shall be constructed and erected in accordance with the applicable design and construction requirements of the most recent edition of the State of Oregon Structural Specialty Code.
B. All illuminated signs shall be subject to the provision of the State Electrical Specialty Code. It shall be the applicant's responsibility to demonstrate compliance with that code by supplying the City with a copy of an approved State Electrical Permit.
C. All signs shall be maintained at all times in a state of good repair, and no person shall maintain or permit to be maintained on any premises owned or controlled by him or her any sign which is in a sagging, leaning, fallen, decayed, deteriorated, or other dilapidated or unsafe condition.

3.6.110 Nonconforming Signs.

A. The following will require that a nonconforming sign be brought into compliance with this chapter: physical modification of a nonconforming sign or any action on a nonconforming sign that requires a building permit. This does not include replacement of a sign face without modification of the frame or general sign maintenance and repair.
B. All temporary or portable signs not in compliance with the provisions of this Chapter on the effective date of this Chapter shall be removed or made compliant within 45 days of the effective date.
C. Amortization. Any freestanding or roof sign that was lawfully established before the effective date of this Chapter, but which does not conform with the provisions of this ordinance, shall be removed or brought into conformance with this ordinance within five (5) years from the date of its adoption, or sooner, at the time of occurrence of any of the actions set forth in subsection A, above.

3.6.120 Exceptions. The Planning Commission may authorize exceptions from the requirements of this chapter where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of this chapter would cause an undue or unnecessary hardship; provided that no exception shall be granted for signs prohibited by Section 3.6.050 of this chapter, except for off-site directional signs, for which an exception may be granted. In granting an exception the Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood or otherwise achieve the purposes of this chapter.

A. No exception shall be granted unless it can be established that:
1. The request is necessary to prevent a hardship due to factors such as topography, location, surrounding development, lot shape or lot size;

2. The granting of the exception will not result in material damage or prejudice to other property in the vicinity; and

3. The request will not be detrimental to community standards and the appearance of the city.

B. An exception request shall be made in accordance with Chapter 5.1.050 and processed as a Type III application.

3.6.130 Enforcement. Nothing contained herein shall preclude the issuance of citations for violations of this chapter, either prior to, concurrently with, or after action is commenced to declare a sign to be unlawful or to remove an unlawful sign.

A. General Provisions.

1. Any sign that does not conform to the requirements of this Chapter or other applicable provision of this code is considered a civil infraction and subject to the provisions of Dallas Municipal Code Chapter 1.052.

2. When a sign is removed, altered, and/or stored under these enforcement provisions, removal and storage costs may be collected against the sign owner and the person responsible for the placement of the sign. The city council shall establish the fees for removal and storage of signs, and for other associated fees, by resolution, from time to time.

B. Any sign installed or placed in the public right-of-way or on City-owned real property, except in conformance with the requirements of this chapter or other applicable provisions of this code, may be removed by the Planning Director or his or her designee as follows:

1. Immediate confiscation without prior notice to the owner of the sign.

2. If the City can ascertain contact information for the owner of the sign or for any person or business responsible therefore, the City shall contact that person or business and advise that: a) the sign was found in a location that the City believes to be a public right-of-way or City-owned property; b) that no permit was issued for the placement of the sign in that location, and that the sign is not otherwise lawfully permitted to be in that location; and c) that the City has confiscated the sign and will destroy it after thirty (30) days from the time notice was sent to the person or business responsible for the sign, unless the sign is claimed and the removal and notice costs are reimbursed to the City in full

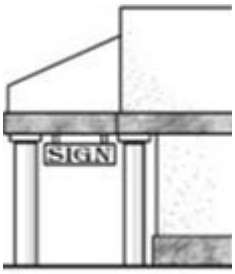
3. If notification is not possible, the city shall store the sign for thirty (30) days from date of confiscation. The sign shall then be destroyed.

4. The city shall continue to store the sign for any additional period during which an appeal or review thereon is before the municipal court.

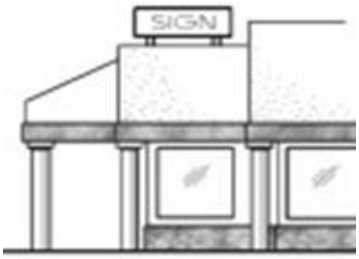
C. Any violation of this Chapter or other applicable provisions of this code are considered a civil infraction and subject to the provisions of Dallas Municipal Code Chapter 1.052.

3.6.140 Sign Type Illustrations

Wall

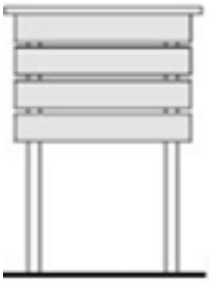


Hanging



Roof

Projecting



Pole/Pylon

Monument

Canopy

CITY OF DALLAS
CITY COUNCIL

EXHIBIT B

STAFF REPORT
DATE: SEPTEMBER 8, 2014

FILE NO.	**N/A**
HEARING DATE	**SEPTEMBER 15, 2014** **7:30 P.M. CITY HALL** **COUNCIL CHAMBERS** **187 SE COURT STREET** **DALLAS, OREGON 97338**
OWNER	**N/A**
REQUEST	**REVISE THE DALLAS SIGN CODE AND ADD THE SIGN CODE TO THE CITY OF DALLAS DEVELOPMENT CODE, ARTICLE 3.6**
LOCATION	**CITY OF DALLAS**
RECOMMENDATION	**HOLD THE PUBLIC HEARING, TAKE TESTIMONY AND THEN DELIBERATE ON THE MATTER (MAKE CHANGES IF DETERMINED NECESSARY)**

BACKGROUND INFORMATION

Revision of the Dallas Sign Code

The Dallas Sign Code was identified as one of the development regulations that were to undergo review and update following adoption of the current Development Code in 2010. The existing Sign Code was in need of modernization to reflect new sign technology and the needs of the business community and the public. The old sign code, while amended from time to time to address a particular issue, has not undergone a thorough review for over 20 years.

This is the City Council's hearing on the Sign Code revision that was forwarded by the Planning Commission (the Council held a workshop on the sign code on May 20). The Planning Commission held a public hearing on March 11 to take public testimony and subsequently deliberated on the matter on April 8. Prior to the public hearing, a work session was conducted with the Planning Commission at the regular meeting on February 11, 2014 and a public Open House conducted on February 5, 2014.

The following highlights are the key revisions to the Sign Code document based on staff research, public input, and Planning Commissioners' input.

1. Remove the Sign Code from the general Municipal Code to its appropriate place in the Dallas Development Code.
2. The existing Sign Code is obsolete in that it addresses signage practices no longer in common use, such as mechanical signs, and doesn't address new sign types and technology such as electronic or digital signs. The proposed revised Sign Code addresses these issues.
3. The revised Sign Code is based on Sign Code language in use in many jurisdictions in Oregon and across the country.
4. The revised Sign Code is intended to be explicit, understandable, and hold objective standards for both the business community in their use of signs and the City of Dallas in administration of Sign Code application and approval processes.
5. The revised Sign Code does not attempt to change those sections of the existing code that are working well and meets the standards of modern practices.

TEMPORARY SIGNS

The current Sign Code does not adequately address the use of "temporary signs." It defines the nature or composition of a temporary sign and the materials it may be made of (vinyl, fabric, plywood, plastic, paper, etc), but it doesn't appropriately address the length of time a "temporary" sign may be displayed. Over time, signs meant to be temporary become de-facto permanent. There are a good number of vinyl signs currently in use in Dallas that are used as permanent signs.

The proposed revised Sign Code specifically addresses the length of time a temporary sign may be erected as follows: Temporary signs shall be placed for a period of not longer than 90 days.

No permit is required, but the sign must be dated in the lower right corner at the time of installation. A time limit set for the use of temporary signs is the primary change between the existing code and the revised code. Additionally, the revised Sign Code restricts temporary signs to three (3) per building or two (2) per business in a multi-tenant complex. The permitted sizes of a temporary signs shall not exceed sixteen (16) square feet in area per sign.

ON-PREMISIS COMMERCIAL SIGNS

Currently, under the existing Sign Code, on premises commercial signs are permitted in Commercial and Industrial Zoning Districts with a permit and a fee set by the City Council. The existing code limits the square foot area of a sign based on the length of street frontage of the building or storefront. The proposed revised code functions in the same way except that it allows more flexibility and clarity allowing one (1) square foot of signage for every two (2) linear feet of street frontage on the primary and (1) square foot of signage for every four (4) linear feet of street frontage on the side of a building (not the primary side as determined by the applicant.)

Another minor change from the existing Sign Code and the revised Code is the use of signs in street front windows. Current code permits signs installed in windows without regulation or permitting. The proposed revision is to allow no more than 50% of window space be used for signs.

Ground-mounted commercial signs are permitted under the revision similar to their permitted use under the current code. Both a Sign Permit and a Building Permit are required for ground-mounted signs. Permanent signs are better defined in the proposed Sign Code as to type, and includes illustrations of permitted sign types.

SIGNS IN RESIDENTIAL DISTRICTS

Permanent commercial signs are prohibited in Residential Zoning Districts in the current code and remain prohibited in the revised code.

The use of temporary signs in residential are permitted as follows:

a. Real estate sales and lease
b. Political signs during an election cycle (further explained below)
c. Garage sale signs (in accordance to Dallas garage sale permit and regulations)
d. Three temporary sign, not exceeding six (6) square feet in area, during the time of construction, remodeling, or landscaping provided that the sign be removed within thirty (30) days upon completion of work.

POLITICAL CANDIDATE / BALLOT MEASURE ELECTION SIGNS

Temporary political signs are permitted in all Zoning Districts including residential neighborhoods during election cycles in both the current Sign Code and the revised Sign Code with one minor change as follows: Signs not exceeding six (6) square feet each in area during the period prior to a regular or special election until fourteen (14) days following the election are permitted. The change between the existing code and the proposed code consists of the maximum size of any one political sign; six (6) square feet as described above.

ELECTRONIC CHANGABLE COPY SIGNS

a. One (1) electronic changeable copy sign is permitted per site or multi-tenant complex and shall only be allowed as part of a permanent freestanding or wall sign.
b. The electronic changeable copy portion of a freestanding sign may be no higher than twelve (12) feet above existing ground level.
c. The electronic changeable copy portion of a sign may not exceed twenty-four (24) square feet in area.
d. Electronic changeable copy signs must be set at least ten (10) feet from all property lines.
e. The electronic changeable copy portion of a sign will have its area calculated at a rate two (2) times that of other signs.
f. No temporary sign is allowed on a site or multi-tenant complex if an electronic changeable copy sign is utilized that is capable of displaying more than twelve (12) characters at one time or more than five (5) characters in a row. Double-faced electronic changeable copy signs shall be allowed up to twelve characters on each sign face.
g. Electronic changeable copy signs must be permanently mounted to the ground or a structure.

To be permitted under this section, an electronic changeable copy sign must meet the following standards:

- The sign may not be illuminated by a flashing light or a light that varies in intensity.
- The sign may not have a display surface that creates the appearance of movement.
- The sign must not operate at an intensity level of more than 0.3 foot-candles over ambient light as measured at a distance of 150 feet.
- The sign must be equipped with a light sensor that automatically adjusts the intensity of the sign according to the amount of ambient light.
- The sign must be designed to either freeze the display in one static position, display a full black screen or turn off in the event of a malfunction.
- The change from one message to another message may not be more frequent than once every thirty seconds and the actual change process must be accomplished in two seconds or less.

Conclusions: The Sign Code is in need of updating both for content and administration purposes. There have been numerous drafts as well as public input that have been incorporated into this hearing draft.

Recommendation:

Hold a public hearing on the proposed Sign Code on September 15, 2014. At that time, the Council can close the hearing and make a decision or decide to continue the hearing process or deliberations to a future meeting. The City Council makes the final decision to revise the Sign Code.

DALLAS CITY COUNCIL
REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

City of Dallas	**Agenda Item No.** **11 c**	**Topic:** Ordinance 1770: Exemption to the Building Maintenance Ordinance
Prepared By: Ron Foggin	**Meeting Date:** October 20, 2014	**Attachments:** Yes ■ No ☐
Approved By: Ron Foggin		

RECOMMENDED MOTION:

Adopt Ordinance 1770.

BACKGROUND:

The Fire Department would like to use the house located south of the fire station to provide different types of fire training activities. Most of these training exercises will take place inside the structure, but towards the end of the buildings useful life the Fire Department will train fire fighters on breaching the roves and outside walls, which will put the building out of compliance with the current building maintenance ordinance. The proposed exemption will allow the Police and Fire Departments to be able to conduct much needed training on buildings without violating the ordinance.

FISCAL IMPACT:

None

ATTACHMENTS:

Edited Building Maintenance Ordinance

8.802 Scope; conflict with state law.

The provisions of this sub-chapter shall apply to all property in the city limits except:

(1) Jails, institutions and similar occupancies as classified by the state-adopted structural specialty code;

(2) Property and structures used for fire, emergency medical services and police and public safety training purposes; and

(3) ~~a~~As otherwise provided by law~~; however, the provisions of this sub-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 sub-chapter ~~—~~conflicts with a licensing requirement of the state, the state licensing requirements shall be followed.

ORDINANCE NO. 1770

An Ordinance amending provisions of the Dallas City Code Section 8.802, relating to exemptions from property maintenance regulations; and declaring an emergency.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code Section 8.802 is hereby amended and restated in its entirety as follows:

8.802 Scope; conflict with state law.

The provisions of this sub-chapter shall apply to all property in the city limits except:

(1) Jails, institutions and similar occupancies as classified by the state-adopted structural specialty code;

(2) Property and structures used for fire, emergency medical services and police and public safety training purposes; and

(3) As otherwise provided by law.

In the event that a provision of this sub-chapter conflicts with a licensing requirement of the state, the state licensing requirements shall be followed.

Section 2. This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, an emergency is declared to exist and this Ordinance shall take effect immediately upon its passage.

Read for the first time: October 6, 2014
Read for the second time: October 20, 2014
Adopted by the City Council: October 20, 2014
Approved by the Mayor: October 20, 2014

_____
BRIAN W. DALTON, MAYOR

ATTEST:	APPROVED AS TO FORM:
_____	_____
RONALD W. FOGGIN, CITY MANAGER	LANE P. SHETTERLY, CITY ATTORNEY

Item 11 d

See Page 61 of the agenda for information regarding Ordinance 1771.

DALLAS CITY COUNCIL
REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

City of Dallas	**Agenda Item No. 12a**	**Topic:** Resolution No. 3305
Prepared By: Jason Locke, Community Development/ Operations Director	**Meeting Date:** October 20, 2014	**Attachments:** Yes■ No☐
Approved By: Ron Foggin, City Manager		

RECOMMENDED ACTION:

Approve Resolution No. 3305

BACKGROUND:

As part of the adoption of the new Sign Code, the Planning Commission recommended and the Council agreed to lower the sign permit base rate from $100 to $50, and to include an application fee for a sign code exception, which is processed as a Type III application. The attached Resolution adopts an amended fee schedule to accomplish both of those changes. It will take effect at the same time the new sign code does.

FISCAL IMPACT:

There will be slightly less revenue generated by reducing the sign permit base fee.

ATTACHMENTS:

Resolution No.3305

RESOLUTION NO. 3305

A Resolution establishing a schedule of fees to be paid for certain Community Development Department land use and zoning permits and services; and repealing Resolutions 3200 and 3216.

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

Section 1. The fees shown on Exhibit A, attached hereto and by reference incorporated herein, shall be charged by the Community Development Department for the land use and zoning permits and services indicated.

Section 2. Resolutions 3200 and 3216 are repealed on the effective date of this Resolution.

Section 3: This Resolution shall take effect on November 19, 2014.

Adopted: October 20, 2014
Approved: October 20, 2014

_____
BRIAN W. DALTON, MAYOR

ATTEST:

_____
RONALD W. FOGGIN,
CITY MANAGER

APPROVED AS TO FORM:

_____
LANE P. SHETTERLY,
CITY ATTORNEY

City of Dallas
Community Development Department
Land Use Fee Schedule
Adopted by Resolution 32**

EXHIBIT A

	Application	Review Procedure	Fee
	Address Change		$50
	Annexation	Type IV	1 acre or less $2000, more than 1 acre $3000
	Appeal	Type III	$300 or 1/2 the original application fee, whichever is greater, not to exceed $2500
	Code Interpretation	Type II	$500
	Code Text Amendment	Type IV	$2500
	Comprehensive Plan Amendment	Type IV	$3500
	Conditional Use Permit	Type III	$1000
	Demolition Permit	Type I	$200
	Floodplain permit	Type I	$100
	Home Occupation Permit Type I Home Occupation Permit Type III	Type I Type III	$200 $700
	Itinerant Merchant License		$100 or $150/$250 if in ROW
	Land Use District Map Change		
	Quasi-Judicial (does not require a plan amendment)	Type III	$2500
	Legislative (plan amendment)	Type IV	$5000
	Land Use Review	Type I/II	Included in Building Permit fee
	Legal Lot Determination	Type I	$200
	Master Planned Development Final Plat	Type III Type I	$2000 + $75/lot $500 + $10/ lot
	Modification to Approval	Type II minor Type III major	$500 ½ the cost of application fee
	Non-Conforming Use or Development Confirmation	Type I	$200
	Outside City Water Application		$200
	Partition or Replat of 2-3 lots	Type II	$400/lot
	Pre-application conference for Type III or IV		$150
	Property Line Adjustments, Lot Consolidations	Type I	$300
	RV Parking Permit		$50
	Sign Permit Sign Code Exception	Type I Type III	$2.50/sq. ft., $50 minimum + building permit fee (If required) $300
	Site Design Review	Type III	$500
	Site Design Review w/ Adjustment	Type III	$1000
	Street or ROW Vacation		$1000
	Street Tree Removal		$100
	Subdivision or Replat of >3 lots Preliminary Plat Final Plat	Type III Type I	$300/lot for the first 20 lots and $150 for each additional lot $500
	Temporary Use Permit (includes Medical Hardship Dwelling)	Type II/III	$200/$500
	Tent Shows/Carnivals		$50/day for _____ days
	UGB Amendment	Type IV	$5000
	Variance		
	Class A (Adjustment)	Type II	$300
	Class B	Type III	$700

DALLAS CITY COUNCIL
REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

City of Dallas	**Agenda Item No.** **12 b**	**Topic:** Resolution 3306 – Solid Waste Fees
Prepared By: Ron Foggin	**Meeting Date:** October 20, 2014	**Attachments:** Yes ■ No ☐
Approved By: Ron Foggin		

RECOMMENDED MOTION:

Adopt Resolution 3306.

BACKGROUND:

Over the years Republic Services has asked for rate increases for solid waste services every three to four years. The rate increases over the years have been fairly large because they did not have a rate structure approved that would allow them to keep up with the cost of doing business over time. This resolution will approve Republic Services to increase their collection rates four point five percent this year as well as allow Republic to increase solid waste rates by the consumer price index plus one percent over the next three years.

FISCAL IMPACT:

None

ATTACHMENTS:

Resolution 3306

RESOLUTION NO. 3306

A Resolution approving changes in rates for refuse collection service and repealing Resolution No. 3217.

WHEREAS, Corvallis Disposal Co., the owner and holder of the exclusive right, privilege and franchise to collect, transport and transfer waste within the City of Dallas, has applied to the City Council of the City of Dallas for changes in the rates for solid waste collection as set forth in Resolution No. 3217 of the City of Dallas adopted and approved on March 7, 2011; and

WHEREAS, the city Council reviewed said application and determined therefrom that the desired rate changes are justifiable and that the new rates hereinafter set forth are reasonable and should be approved; NOW, THEREFORE,

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

Section 1. The schedule of rates and charges established by Allied Waste of Dallas, and which are now on file at the City Manager's office, may be changed in accordance with the request of the Allied Waste of Dallas to amounts not to exceed the following:

RESIDENTIAL RATES

For one stop a week service:

Not to exceed one 32 gal can ……$ 18.30
Each Additional can $16.70
Extra cans, bags or boxes next to regular service can / cart, each $6.25
32 gallon cart (automated pick up) …….. $16.70
90 gallon cart (automated pickup) ……..$27.05
On call, one can $9.40
Yard debris only / extra Yard debris cart . . . . ……. $9.40
Up drive fee . . . . . ……... . . . . .$18.80

Cart washing / exchange fee……..… $19.59
Change service fee (one change per year at no charge)…….. ……..… $16.72

Loaner Containers, 2 cubic yards, delivered, emptied and removed $56.45
each additional dump $46.00

One 64-gallon recycle cart per residence at no charge, even if customer does not have garbage service.

One 90-gallon yard waste cart per residence at no charge with garbage service; without garbage service see rate above.

Special Charges

Minimum charge for specials $23.00*

Average size load, such as large chair or recliner, dishwasher, dryer, kitchen table, push lawn mower, twin or double mattress, rototiller, water heater $24.80

Medium size load, such as console TV, love seat, queen or king mattress, 55-gallon drum $27.70

Large size load, such a couch, range (electric or gas), washing machine $31.05

Extra large load, such as bathtub, freezer, hide-a-bed, refrigerator, riding lawn mower $37.25

Tires: car, off rim (each) $10.45
on rim (each) $15.70

Tires: truck, off rim (each) $26.15
on rim (each) $31.35

Other items or piles:
per cubic yard of material $24.04
plus per minute for one person to load) $1.72
plus per minute for second person if required $0.89

COMMERCIAL RATES

For standard can, not exceeding 32 gallon capacity and cart service, the rates shall be the same as the residential rate for one stop a week service multiplied by the number of pickups per week.

Rear-Load Container Rates

#Pick-ups per week	1 yard ($/month)	1.5 yards ($/month)	2 yards ($/month)
1	$91.95	$114.20	$138.80
2	167.70	214.95	263.85
3	245.25	315.60	388.55
4	322.05	416.45	513.30
5	399.10	517.40	638.20

Additional per occurrence	1 yard ($/per empty)	1.5 yards ($/empty)	2 yards ($/empty)
	$33.00*	$38.00*	$44.00*

MISCELLANEOUS CONTAINER SERVICE RATES

Locking container set up fee $47.05
Locking cart set up fee……$10.00*

Cleaning - pickup and return $94.05
per hour

DROP BOXES

For residential customers, delivered on Tuesday and picked up on Friday or delivered on Friday and picked up on Tuesday. Commercial and industrial on an as needed basis:

Customers must pay any additional fees charged by the landfill for non-acceptable waste in Drop Boxes.

DROP BOXES
(Roll-Off Containers)

10, 20, 30 and 40 Yard Drop Boxes
Haul Fee 10yd, 20 yd, 30 yd.....$188.10
Haul Fee 40 yd.....$200.65
Delivery Fee $43.90
Rent per day.....$10.45
Disposal fee shall be based on Coffin Butte disposal fees, as amended from time to time.
Recycling fee shall be based on current rate at time of delivery at appropriate facility.

Monthly rent on Permanent Boxes $103.45
per month
Rent on Boxes with Lids $109.75
per month

Relocate (on site) . . . . . $ 56.45
Relocate (off site) $88.85

Custom Hauling / Custom Cleaning $94.05
per hour
Asbestos Boxes
Haul Fee $188.10
Disposal ..... (5 ton minimum; tied to disposal rate at landfill)

Compactors
Haul Fees:
30 yard or less $248.70
30 yard & larger $248.70

Compactors requiring no pull out or unhooking will be charged drop box haul rate.

NON-PAYMENT

If service is discontinued for non-payment of account, user will be charged a fee of $30.00 to restart the service.

OFF-ROUTE SERVICE FEE

Fee applies to all requests not on scheduled routes $23.00

NEW ACCOUNTS

New accounts will be charged a $10.00 account origination fee.

BAD CHECKS

Each time a check in payment of service is reprocessed for payment, a charge of $25.00* will be added to user's account.

SERVICE CHARGE

Accounts not paid by the due date thereof will be charged a service fee of .75% per month, or $5.00* per month, whichever amount is greater.

Section 2. Each of the rates set forth in this resolution, except for those rates marked by an asterisk(*), shall be adjusted effective January 1, 2016, and on each January 1 thereafter, according to the Refuse Rate Index as set forth in this section.

(a) The Refuse Rate Index (RRI) shall be calculated by taking the weighted average of 75% of the annual Portland-Salem Consumer Price Index for All Urban Consumers (CPI-U); 17% of the disposal rate, including fees, at Coffin Butte Regional Sanitary Landfill; and 8% of the disposal rate, including fees, at the Pacific Region Composting facility.

(b) The RRI will be calculated by taking the weighted average, based on the weights in subsection (a), above, of the percentage difference between the three indices' values as of June 30 during the year immediately preceding the effective date of the rate adjustment, and June 30 of the year prior. (By way of example, for the rate adjustment on January 1, 2016, the RRI will be based on the difference between the indices on June 30, 2015 and June 30, 2014.) The resulting amount shall be termed the "adjustment factor." For the rate adjustments on January 1, 2016, January 1, 2017 and January 1, 2018, an additional one percent will be added to the adjustment factor; for rate increases after January 1, 2018, there will be no addition to the adjustment factor. At no time shall the adjustment factor be less than 1.0. All rates in Section 1 of this resolution, except those rates marked by an asterisk, shall then be multiplied by the approved adjustment factor.

(c) Franchisee shall provide to the City an annual report on or before October 1 that includes comparative rates in other jurisdictions, and its most recent financial statements. Franchisee shall provide to the City the adjustment factor not later than October 1 of the year prior to the implementation of any RRI adjustments.

(d) Franchisee shall provide notice to all affected customers in the City no less than 30 days prior to any RRI rate adjustment. Notice shall include the effective date of the adjustment and the percent change. Notice shall be made in billing inserts and franchisee's website that identifies local services.

(e) Franchisee may request additional rate adjustment due to significant changes in collection and recycling levels, required environmental or regulatory compliance measures, or other changes affecting collection system costs not reflected in the RRI.

Section 3. The rates set forth herein in Section 1 above shall become effective as of billing dates beginning on November 1, 2011 and on said date Resolution No. 3217, adopted and approved on March 7, 2011, is repealed.

Adopted: October 20, 2014
Approved: October 20, 2014

_____
BRIAN W. DALTON, MAYOR

ATTEST:

_____
RONALD W. FOGGIN,
CITY MANAGER

APPROVED AS TO FORM:

_____
LANE P. SHETTERLY,
CITY ATTORNEY

DALLAS CITY COUNCIL
REPORT

TO: DALLAS CITY COUNCIL

City of Dallas	**Agenda Item No.** **12 c**	**Topic:** Short-term Financing Resolution 3307
Prepared By: Cecilia Ward	**Meeting Date:** October 20, 2014	**Attachments:** Yes ☐ No ☐
Approved By: Ron Foggin		

RECOMMENDED MOTION:

Approval of Resolution 3307 for short-term financing

BACKGROUND:

With direction from the City's municipal advisor, Kieu-Oahn Nyugen (Western Financial Group), on September 24, 2014, a RFP was distributed to banks for the purpose of providing a proposal for a tax-exempt line of credit (short-term financing) in the approximate amount of $3,025,000 for sewer and water project. RFP's were due by October 24, 2014. Six banks responded with a proposal. Cashmere Valley Bank provided the best package for the City, therefore, was selected as the lender. With the selection of a bank, approval of a resolution to approve the short-term financing is needed.

The approval of the short-term financing will allow staff to move forward with the AMR project, along with other budgeted sewer and water projects.

FISCAL IMPACT:

Budgeted sewer and water capital improvement projects.

ATTACHMENTS:

Resolution 3307

RESOLUTION NO. 3307

A RESOLUTION AUTHORIZING THE ISSUANCE, NEGOTIATED SALE, EXECUTION AND DELIVERY OF NOT TO EXCEED $3,025,000 FULL FAITH AND CREDIT BOND ANTICIPATION NOTE, SERIES 2014; AND RELATED MATTERS.

WHEREAS, the City Council of the City of Dallas, Oregon (the **"City"**) finds:

A. It is desirable to finance (1) the acquisition of land and the acquisition and installation of an automatic meter reading system for the City's water system; (2) develop a storm drain master plan, construct the Rickreall Creek interceptor CIPP, wastewater treatment plant equipment replacement, and pump station upgrades for the City's wastewater system; (3) other water and wastewater improvement projects; and (4) pay costs related to the financing (collectively, the **"Project"**).

B. ORS 287A.180(1)(b) and (4) authorize the issuance of obligations to provide interim financing for capital projects to be undertaken by the City.

D. The interim financing provided pursuant to this authority (1) may not exceed the estimated cost of the Project, (2) the maturity date of the interim financing may not be later than five years after issuance, and (3) the debt limitations imposed by law or the charter of the City do not apply to interim financing authorized by ORS 287A.180.

E. The City desires to issue a bond anticipation note as interim financing to finance the Project, such bond anticipation note to be retired with the proceeds of bonds to be sold upon completion of the Project.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DALLAS, OREGON RESOLVES AS FOLLOWS:

Section 1. <u>Issuance of Bond Anticipation Note</u>. The Council of the City authorizes the issuance and private negotiated sale of a bond anticipation note to Cashmere Valley Bank (the **"Bank"**) in a principal amount not to exceed $3,025,000 (the **"Note"**) pursuant to ORS 287A.180(1)(b) and (4) to provide interim financing for the Project. The Note shall be issued pursuant to the terms in the Bank's Preliminary Term Sheet dated October 14, 2014. The City authorizes the City Manager or Finance Director (the **"Authorized Representative"**) to determine and designate the principal amount, dated date, interest rate, maturity date, optional redemption date and premium, if any, denominations, interest payment dates, and such other provisions as are deemed necessary and desirable for the sale and issuance of the Note. The Note shall be dated with the date specified by the Authorized Representative, shall mature not later than 5 years after the date of issuance and shall bear interest payable at maturity at a rate, fixed or variable, and may be issued as a draw down note, all such terms to be established by the Authorized Representative.

Section 2. Security and Pledge of Revenues. The proceeds of bonds to be sold to provide permanent financing for the Project are pledged to the owner of the Note for the payment of the principal and interest on the Note when due. In addition, the City pledges the general, non-restricted revenues of the City and other funds which may be available for that purpose, including taxes levied within the restrictions of Sections 11 and 11b, Article XI of the Constitution of the State of Oregon. The Note shall be a full faith and credit obligation of the City, and is not subject to appropriation. The owner of the Note shall not have a lien or security interest on the property financed with the proceeds of the Note.

Section 3. Sale of Note. The Note shall be sold at a negotiated sale pursuant to ORS 287A.300. The Authorized Representative is authorized to determine all terms for the Note, consistent with the provisions of this Resolution, and execute on behalf of the City all documents required in order to issue, sell and deliver the Note.

Section 4. Payment of Note. The principal of the Note shall be payable upon presentation of the Note at the earlier of (a) the City's receipt of the proceeds of its bonds to be sold for the Project, or (2) maturity. The Note shall be subject to optional prepayment prior to maturity as determined by the Authorized Representative.

Section 5. Form and Denominations. The Note shall be issued in form approved by the Authorized Representative and Note Counsel. The Note shall be executed on behalf of the City with the manual signatures of the Mayor and the City Recorder of the City.

Section 6. Contract with Owners of Note. In consideration of the purchase and acceptance of the Note by the owners thereof, the provisions of this Resolution and the Note shall be deemed to be and shall constitute a contract between the City and the owners.

Section 7. Covenant as to Arbitrage. The proceeds of the Note shall be used and invested in such manner that the Note shall not become an "arbitrage bond" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, (the **"Code"**) and the regulations issued thereunder. The City covenants that, within its lawful powers, it will not do, and will refrain from doing, anything in the issuance of the Note and in the investment and expenditures of the proceeds thereof which would result in the interest on the Note becoming taxable for federal income tax purposes.

Section 8. Designation as Qualified Tax-Exempt Obligations. The City Council hereby designates the Note for purposes of paragraph (3) of Section 265(b) of the Code as a "qualified tax-exempt obligation" so long as the Note does not constitute a private activity bond as defined in Section 141 of the Code, and that not more than the aggregate principal amount of obligations, the interest on which is excludable under Section 103(a) of the Code from gross income for federal income tax purposes (excluding, however, private activity bonds other than qualified 501(c)(3) bonds) including the Note, have been or shall be issued by the City, including all subordinate entities

of the City, if any, do not exceed the amount permitted under the Code for such designation during the calendar year in which the Note is issued.

Section 9. Exception for Small Governmental Units. The City finds and determines that the Note complies with the statutory requirements of Section 148(f)(4)(C) of the Code in that the City is a governmental unit having general taxing powers, the Note is not being issued for a private activity purpose, more than 95% of the net proceeds of the Note will be used for local governmental activities of the City, and the aggregate face amount of all tax-exempt obligations which will be issued by the City during the calendar year in which the Note is issued is not reasonably expected to exceed $5,000,000.

Section 10. Appointment of Note Counsel. The City does appoint the law firm of Mersereau Shannon LLP of Portland, Oregon as Note Counsel to the City for the issuance of the Note.

Section 11. Appointment of Financial Advisor. The City does appoint Western Financial Group of Portland, Oregon as financial advisor to the City for the issuance of the Note.

Section 12. Closing of the Sale and Delivery of the Note. The Authorized Representative is authorized to negotiate and execute a note purchase agreement for and on behalf of the City and to execute such additional documents, including a tax certificate, and any and all other things or acts necessary for the sale and delivery of the Note as herein authorized. Such acts of the Authorized Representative are for and on behalf of and are authorized by the City Council of the City.

Section 13. Effective Date. This resolution shall take effect immediately upon its adoption by the Council.

DATED this 20th day of October, 2014.

_____
BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

_____
RONALD W. FOGGIN,
CITY MANAGER

_____
LANE P. SHETTERLY,
CITY ATTORNEY