

# Dallas City Council

Dallas City Hall\*  
187 SE Court Street  
Dallas, OR 97338

Monday, December 17, 2007, 7:30 PM

Mayor Jim Fairchild Presiding

\*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.

## AGENDA

### 1. ROLL CALL

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### 2. APPROVAL OF MINUTES

- 2.1. Approval of minutes of the November 19, 2007, Council meeting.
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### 3. REPORTS OR COMMENTS FROM COUNCIL MEMBERS

- 3.1. Report of November 26, 2007, Administrative Committee Meeting (Wes Scroggin, Chair).
  - 3.2. Report of November 26, 2007, Public Safety Committee Meeting (Kevin Marshall, Chair).
  - 3.3. Council President's Monthly Report.
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### 4. QUESTIONS AND/OR COMMENTS FROM THE AUDIENCE

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### 5. REPORTS OF SPECIAL COMMITTEES AND CITY OFFICERS

- 5.1. City Manager's Reports
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- a. City Attorney's presentation regarding conflict of interest.

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- b. Discussion of sign code revisions to add murals.

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- c. Update on the 800 Block of Main Street Parking Lot Improvements.

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- d. Report on the December 11, 2007, Planning Commission meeting.

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- e. Bills of the City for the month of November.

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- f. Department reports for October (Community Development, Fire and Ambulance, Library, Police and Public Works.)
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- g. Other
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## **6. COMMUNICATIONS AND PETITIONS**

- 6.1. Oregon Department of Environment Quality – Materials Recovery Report.
  - 6.2. OLCC Application – Chen’s Family Dish Restaurant, Inc.
  - 6.3. City Historian.
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## **7. PUBLIC HEARINGS**

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## **8. RESOLUTIONS**

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## **9. FIRST READING OF ORDINANCE**

- 9.1 Ordinance #1681: An Ordinance amending Chapter 7 of the Dallas City Code by adding new provisions thereto establishing a transient lodging tax.
  - 9.2 Ordinance #1682: An Ordinance amending city park regulations.
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## **10. SECOND READING OF ORDINANCE**

- 10.1 Ordinance #1679: An Ordinance amending DCC 1.055 regarding Failure to Appear.
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## **11. OTHER BUSINESS**

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## **12. ADJOURNMENT**

Note: Following the Council meeting there will be an Executive Session to discuss programs relating to the security of data transmissions as authorized in ORS 192.660(2)(m)(E); to consider information exempt by law from public discussion as authorized in ORS 192.660(2)(f); and to consult with legal counsel concerning legal rights and duties with regard to litigation likely to be filed as authorized in ORS 192.660(2)(h).

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5 The Dallas City Council met in regular session on Monday, November 19, 2007, at 7:30 p.m. in the  
6 Council Chambers of City Hall with Mayor Fairchild presiding.

7 **ROLL CALL**

8 Council members present were: Council President Ken Woods, Councilor Brian Dalton, Councilor  
9 Warren Lamb, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor  
10 David Shein and Councilor LaVonne Wilson. Excused was: Councilor Dave Voves.

11 Also present were: Pro Tem City Manager/Community Development Director Jerry Wyatt, City At-  
12 torney Lane Shetterly, Police Chief Jim Harper, Public Works Director Fred Braun, Finance Director  
13 Marcia Baragary, Library Director Donna Zehner, Assistant City Manager Kim Marr, and Recording  
14 Secretary Laurie Roberts.

15 **APPROVAL OF MINUTES**

16 Corrections were made as listed by Mayor Fairchild. Mayor Fairchild declared the minutes of the No-  
17 vember 5, 2007 Council meeting approved as corrected.

18 **SPECIAL ORDER OF BUSINESS**

19 Mayor Fairchild announced a special order to hire a City Manager and reviewed the application  
20 process results. Council President Woods made a motion to hire Jerry Wyatt as City Manager subject  
21 to the presented contract. The motion was seconded and passed unanimously. Mayor Fairchild wel-  
22 comed Mr. Wyatt and announced the appreciation for the time he has served as Pro Tem City Manag-  
23 er.

24 **REPORTS OR COMMENTS FROM COUNCIL MEMBERS**

25 Mayor Fairchild announced that he would be making a Mayor's Proclamation for Marsha Heeter and  
26 presenting it to her at the 11/30/07 employee retirement event.

27 Mayor Fairchild reported on his meetings at the LOC conference in New Orleans, Louisiana. He  
28 shared information they reviewed about the devastation from hurricanes Rita and Katrina. He advised  
29 that he forwarded useful information to Jerry Wyatt and the School District.

30 Councilor Dalton reported on the Christmas decorations that many volunteers put up on Saturday, No-  
31 vember 17 in the inclement weather. He announced the tree lighting will be December 7 when Santa  
32 comes to town. Councilor Marshall shared that he liked the new garland.

33 **PRESIDENT'S REPORT**

34 There were no questions or comments regarding the President's report.

35 **QUESTIONS OR COMMENTS FROM THE AUDIENCE**

36 There were no questions or comments from the audience.

37 **REPORTS OF SPECIAL COMMITTEES AND CITY OFFICERS**

38

39 **HOTEL MOTEL TAX**

40 Mr. Wyatt reported on the Hotel/Motel Tax strategies and gave the history behind the tax and action  
41 that has been taken. Councilor Shein asked about the statewide range of similar taxes. Mayor Fair-  
42 child stated there is none but the average is 9% and ours would be 10% overall with 9% to the City  
43 plus the 1% placed on all transient lodging by the State. Councilor Marshall asked if there is a need  
44 for any language to exclude facilities such as Sable House and rest homes. Mr. Shetterly stated it is a  
45 transient tax so it only applies to hotel/motels and bed and breakfasts. Councilor Lawson asked what  
46 the tax would be used for. Mayor Fairchild explained the tourism and administration breakdown of  
47 70% required to tourism and 30% which can be used at the Council's discretion. Mr. Shetterly re-  
48 ferred the Council to page 17. Councilor Woods asked about the 5% to the businesses for administra-  
49 tive costs and asked for a breakdown. Mr. Shetterly reviewed how the tax would be distributed.

1 Councilor Wilson stated she would like the Council to decide what can be done with the funds and  
2 would like it tracked. Councilor Lawson stated concern that it would become a slush fund. Councilor  
3 Lamb questioned why the City needs the 30% and indicated he felt it should go to the Chamber for  
4 Visitor Center use. Mayor Fairchild noted that there would be administrative charges incurred by the  
5 City. Councilor Shein stated that if the 70% works to increase tourism, it would result in wear on the  
6 infrastructure. Councilor Wilson stated that 30% for the first year needs to be held during the first year  
7 and can later be turned over to the Chamber, and that allows for the unknown during the first year.  
8 Councilor Lamb agreed that the funds need to be earmarked, and in the future perhaps the tax would  
9 no longer be needed. Councilor Lawson asked if the Chamber could have input on what the City does  
10 with the funds.

11 Chamber of Commerce Executive Director Chelsea Pope responded to questions and stated that the  
12 Chamber Board of Directors would welcome a representative from the City on the committee and to  
13 review the budget. She added that this tax is not the only funding for the Visitor's Center, and tran-  
14 sient taxes are used in many communities to promote tourism and visitor centers. Councilor Lawson  
15 asked that the Chamber assist the City in deciding where to use the funds. Councilor Dalton gave ex-  
16 amples of Chamber contributions such as the Christmas Decorations, which does attract visitors.  
17 Councilor Shein made a motion to request that the City Attorney prepare an Ordinance and a Resolu-  
18 tion to implement the Hotel/Motel Tax. The motion was seconded. Per advice of Mr. Shetterly,  
19 Councilor Shein amended the motion to add that the ordinance information be referred back to the  
20 Administrative Committee for discussion and adjustment to the Ordinance. The amended motion  
21 passed UNANIMOUSLY.

22  
23 FAILURE TO APPEAR

24  
25 Mr. Wyatt reported the background for the recommended changes to the ordinance on Failure to Ap-  
26 pear. Mr. Shetterly referred to Ordinance #1679 in the agenda packet and identified the specific  
27 changes from the current ordinance. He reported that City Attorney Anthony James identified the con-  
28 cerns and explained the impact it has on the courts, and stated it would bring the city in line with the  
29 State requirements.

30  
31 ADULT ACTIVITY ORDINANCE

32  
33 Mr. Wyatt gave background information and stated the ordinance would need to be reviewed in an Ex-  
34 ecutive Session due to the nature of the item. Mr. Shetterly advised that is due to potential litigation.

35  
36 SENIOR CENTER UPDATE

37  
38 Mr. Wyatt reported on the Senior Center and the funding options, and stated one reason for the rec-  
39 ommendation at this time is that a funding grant deadline is in December 2007. Councilor Wilson  
40 made a motion to approve the funding options and continue the project with the proposed time line,  
41 and to construct the building on the site selected based on the recommendation of the Senior Center  
42 Committee at the old pool site at the corner of SW Levens Street and Brandvold drive. Councilor  
43 Lawson asked if any alternate projects to be done in conjunction with the project have been reviewed.  
44 Mayor Fairchild stated yes, explaining several were earlier on in the process, but financial considera-  
45 tions reduced the projects to just the senior center. Councilor Lamb asked for research on how the  
46 open space would be replaced as it takes away from the park space that is very well used. Mr. Wyatt  
47 explained that the building would be where the existing building and outdoor pool is and the current  
48 project wouldn't affect the open space, but future growth would if there was an expansion. He added  
49 that most of the use is at the other end of the park and works its way toward the building. Councilor  
50 Lawson asked if the use would impact activities by Kids, Inc. Mr. Wyatt explained the Kids, Inc  
51 changes this year at the other park, which increased use at that area, and confirmed he would check  
52 with Kids, Inc. Mayor Fairchild stated that the application for the funding grant for the site selection  
53 must be done to be able to apply for the funding this year, and without it the project would be delayed  
54 for another year. Councilor Lamb asked if project changes could be made if the decision was done  
55 now. Mayor Fairchild explained that some things could be changed and if the funding were received,  
56 changes would have to be done. Mr. Wyatt stated that the site selection and land is designated at the  
57 time of the grant application. Councilor Lamb stated concerns about future expansion at that site.  
58 Mayor Fairchild stated the potential is there but there are no plans at this time for expansion. Counci-  
59 lor Lamb also asked about an operating budget and doesn't want the same situation as the Aquatic  
60 Center. Mayor Fairchild explained that the seniors would be responsible for the operating budget, sim-  
61 ilar to the Sable House, with the city responsible for the maintenance. Mr. Wyatt stated the structure is  
62 maintained by the City and the utilities by the Seniors. Councilor Lawson asked about the operating  
63 budget and Mr. Wyatt explained the grant. Councilor Scroggin explained that the Senior Committee

1 reviewed many sites and has worked hard, and that the high school softball field will help free up other  
2 space for Kids, Inc. Councilor Wilson confirmed that the Seniors worked hard and the input would  
3 have been welcomed and now it would be unfortunate to slow down the funding because of the need  
4 for more information. Mayor Fairchild explained that the grant applications require the details to be  
5 done. Councilor Lawson asked if the grants are yearly. Mayor Fairchild stated some are 5-10 year  
6 grants. Mr. Wyatt stated the Seniors have to show sustainability with the business plan and funding  
7 plan. Councilor Dalton stated the car show is once a year and the seniors should offer the lot for the  
8 car show. He also noted that the park use is not shrinking and there was a lot of effort leading to the  
9 selection of the site, and the pool is an eye sore. Councilor Dalton suggested a Civic Center would be  
10 better downtown. The motion was seconded and passed UNANIMOUSLY.

11  
12 **PLANNING COMMISSION REPORT**

13  
14 Mr. Wyatt reviewed the Planning Commission report. There were no questions or comments.

15  
16 **BUILDING AND GROUNDS/PUBLIC WORKS SUB COMMITTEE CHANGE OF DATE**

17  
18 Mr. Wyatt asked that due to the holidays, the Committee date be postponed to the next meeting, which  
19 will be February 2008. It was so agreed.

20  
21 **BILLS OF THE CITY**

22  
23 Councilor Lamb asked about a \$1,700 charge for White's Collision Service. Chief Harper explained it  
24 was for a police car. Marcia Baragary added \$1,000 was for a Dodge Charger and ambulance staff ve-  
25 hicle.

26  
27 **OTHER**

28  
29 **COMMUNICATIONS AND PETITIONS**

30  
31 **RESOLUTIONS**

32 **Resolution No. 3135**

33 There were no comments or questions.

34 A Roll Call vote was taken and Mayor Fairchild declared Resolution No. 3135 to have PASSED by a  
35 UNANIMOUS VOTE with Council President Woods, Councilor Dalton, Councilor Lamb, Councilor  
36 Lawson, Councilor Marshall, Councilor Scroggin, Councilor Shein and Councilor Wilson voting YES.

37 **Resolution No. 3136**

38 There were no comments or questions.

39 A Roll Call vote was taken and Mayor Fairchild declared Resolution No. 3136 to have PASSED by a  
40 UNANIMOUS VOTE with Council President Woods, Councilor Dalton, Councilor Lamb, Councilor  
41 Lawson, Councilor Marshall, Councilor Scroggin, Councilor Shein and Councilor Wilson voting YES.

42 **Resolution No. 3137**

43 There were no comments or questions.

44 A Roll Call vote was taken and Mayor Fairchild declared Resolution No. 3137 to have PASSED by a  
45 UNANIMOUS VOTE with Council President Woods, Councilor Dalton, Councilor Lamb, Councilor  
46 Marshall, Councilor Scroggin, Councilor Shein and Councilor Wilson voting YES, and Councilor  
47 Lawson abstaining.

48 **Resolution No. 3138**

49 Councilor Shein asked if the resolution was for the bus stops. Councilor Dalton stated it was unfortu-  
50 nate that the downtown location was not upgraded and Urban Renewal funds would be needed for the  
51 upgrading. Councilor Lawson asked for clarification about the sites and about additional funding for  
52 the historic shelter.

1 A Roll Call vote was taken and Mayor Fairchild declared Resolution No. 3138 to have PASSED by a  
2 UNANIMOUS VOTE with Council President Woods, Councilor Dalton, Councilor Lamb, Councilor  
3 Lawson, Councilor Marshall, Councilor Scroggin, Councilor Shein and Councilor Wilson voting YES.

4 **Resolution No. 3139**

5 In response to a question, Jerry Wyatt confirmed parking was prohibited on the east side.

6 A Roll Call vote was taken and Mayor Fairchild declared Resolution No. 3139 to have PASSED by a  
7 UNANIMOUS VOTE with Council President Woods, Councilor Dalton, Councilor Lamb, Councilor  
8 Lawson, Councilor Marshall, Councilor Scroggin, Councilor Shein and Councilor Wilson voting YES.

9 **Resolution No. 3140**

10 Mr. Wyatt clarified the changes to the street directions.

11 A Roll Call vote was taken and Mayor Fairchild declared Resolution No. 3140 to have PASSED by a  
12 UNANIMOUS VOTE with Council President Woods, Councilor Dalton, Councilor Lamb, Councilor  
13 Lawson, Councilor Marshall, Councilor Scroggin, Councilor Shein and Councilor Wilson voting YES.

14 **Resolution No. 3141**

15 Mayor Fairchild reviewed the resolution, stating the reason was to show appreciation for the service of  
16 retiring City Manager Roger Jordan. He noted that the Councilors would be asked to individually sign  
17 the presentation resolution. In response to a question about a duplicate original resolution, Mr. Shetterly  
18 stated there would be two originals prepared for presentation purposes.

19 A Roll Call vote was taken and Mayor Fairchild declared Resolution No. 3141 to have PASSED by a  
20 UNANIMOUS VOTE with Council President Woods, Councilor Dalton, Councilor Lamb, Councilor  
21 Lawson, Councilor Marshall, Councilor Scroggin, Councilor Shein and Councilor Wilson voting YES.

22 **FIRST READING OF ORDINANCE**

23 **Ordinance No. 1679**

24 An Ordinance amending DCC 1.055 regarding Failure to Appear.

25 Mayor Fairchild declared Ordinance 1679 to have passed its first reading. Mr. Shetterly stated that the  
26 title of City Manager would be changed for the second reading.

27 **Ordinance No. 1680**

28 An Ordinance amending the PUBLIC IMPROVEMENT chapter of the Dallas City Code by adding  
29 new provisions thereto regarding trees.

30 Mr. Wyatt reviewed the ordinance, stating that the ordinance was prepared as directed by Council.  
31 Councilor Dalton made a motion to “remand” the ordinance to the Public Works Committee meeting  
32 in February 2008. Mr. Wyatt stated the application for designation as a tree city could still be submit-  
33 ted. Mr. Shetterly stated the tree ordinance does need careful review and he supports it going to the  
34 Committee. Discussion was held. The motion passed UNANIMOUSLY.

35 **OTHER BUSINESS**

36 There being no further business, the meeting adjourned at 8:38 p.m.

37 Read and approved this \_\_\_\_\_ day of \_\_\_\_\_ 2007.

38 \_\_\_\_\_  
39 Mayor

40 ATTEST:

41 \_\_\_\_\_  
42 City Manager

## POST MEETING AGENDA

### ADMINISTRATIVE COMMITTEE

Monday, November 26 2007

4:00 p.m.

Wes Scroggin, Chair  
Kevin Marshall  
David Shein  
David Voves

1. Report on City of Dallas / Dallas School District property lease agreement update.
  - Currently under review – meetings are scheduled between the School District and City.
2. Discussion concerning sidewalk installation policy for undeveloped and developed property. Sidewalk Ordinance review related to Council Goals. Existing DCC 3.5.00 Sidewalk Section.
  - Review of current Code, which allows the Council to require sidewalk improvements.
3. Discussion concerning the garage sales code section.
  - Allows up to 2 garage sales per year, second requires City Manager approval.
  - Contact citizen to inform her of no changes to current policy.
4. Discussion concerning possible hotel/motel tax Ordinance.
  - Action Item: Recommend that the City Attorney prepare an Ordinance amending Chapter 7 of the Dallas City Code by adding new provisions thereto establishing a transient lodging tax, and prepare a Resolution.
5. Finance Director's Report.
6. Other
7. Adjourn

Members Present: Chair Wes Scroggin, Kevin Marshall, David Shein, and Dave Voves.

Also Present: Mayor Jim Fairchild, Pro Tem City Manager Jerry Wyatt, City Attorney Lane Shetterly, Finance Director Marcia Baragary, Police Chief Jim Harper and Recording Secretary Laurie Roberts.

Chair Wes Scroggin called the meeting to order at 4:34 p.m.

### **Report on City of Dallas / Dallas School District Property Lease Agreement Update**

Jerry Wyatt gave a verbal update and advised that the agreement has been worked on with the city attorney and the school district, and there is a meeting scheduled for this week. Councilor Voves asked if all items would be included in one lease. Mr. Wyatt stated they are all in one package, and will include all school facilities. Councilor Scroggin asked if there were any leases for Kids, Inc. Mr. Wyatt stated all agreements go through the school district and city and then the city deals with Kids, Inc., and he confirmed the Carnegie Building is not included in the school lease.

### **Discussion on Sidewalk Installation Policy**

Mr. Wyatt referred to the memo in the agenda packet and discussed the sidewalk inventory and related ordinance. He explained, by resolution, it can be enforced lot-by-lot or by area. Mayor Fairchild asked about the loan program. Mr. Wyatt confirmed the sidewalk loan program is available. Councilor Scroggin asked if new development is handled differently. Mr. Wyatt stated new development is addressed in the Development Code and if it is not constructed with the development a deposit is required, and that goes through the Planning Commission. Discussion was held about the process. Councilor Marshall asked if a park strip is considered part of the sidewalk. Mr. Wyatt stated that is separate and is considered right-of-way. Councilor Marshall asked about a tree loan. Mr. Wyatt stated there isn't a specific tree loan. Councilor Voves asked if we have a contractor list. Mr. Wyatt stated there is and the city has a contractor it uses. Councilor Marshall described a specific tree concern and Mr. Wyatt asked him to forward the information to him. Councilor Scroggin asked if a time limit should be included. Mr. Wyatt explained how it is already being done at the time of development and Planning Commission approval for new applications.

### **Discussion concerning the garage sales code section**

Mr. Wyatt reviewed the garage sales code concerns. Councilor Shein explained one situation with a citizen wanting more than one per year. Mr. Wyatt recommended that there not be any changes made and leave it at only one sale allowed per year with the City Manager authorized to allow a second in a year. Ms. Baragary reviewed the statistics and the time involved in issuing permits, and advised that the increase to more would be detrimental to the staff. She added that exceptions have been used and are acceptable, and most citizens are grateful to have only

1 one per neighboring properties. Mayor Fairchild advised that the citizen that wanted more  
2 should be notified that the city is going to stay with the existing policy.

3 **Discussion concerning possible hotel/motel tax Ordinance**

4 Mr. Wyatt gave a brief update on the proposed ordinance establishing a transient lodging tax.  
5 He explained the amount of the taxes and the procedures that will be established. Mr. Shet-  
6 terly explained most of it is mechanics and reviewed the policy and definitions. Discussion  
7 was held about transients staying after 30 consecutive days and the motel collecting the tax for  
8 that first 30 days. Mr. Shetterly explained the situation at the Dallas Retirement Village and  
9 the exclusion for the family stays there, and he asked the Council how they prefer to handle the  
10 temporary family stays for tax collection. Councilor Shein stated the statistics did not include  
11 the Retirement Village and he preferred the tax be categorical. Ms. Baragary asked if the Re-  
12 tirement Village currently pays the 1% state tax. Mr. Shetterly stated not that he is aware of .  
13 Mr. Scroggin stated the Council consensus was to exclude tax for the Retirement Village under  
14 5(a). Mr. Harper asked if it would apply to trailer parking. Mr. Shetterly stated it would apply  
15 to them. Councilor Shein asked if a mission would be covered or it would need to be included  
16 in the language. Mr. Shetterly stated the language would need to be expanded. Discussion  
17 was held about vouchers being issued by places like the Ministerial Association.

18 Mr. Shetterly continued review of the use of the proceeds and the definition of city services,  
19 and stated the Council can make an annual decision of how to distribute proceeds with the ceil-  
20 ing established at 30%. He reviewed the mechanical parts of the proposed resolution, and the  
21 annual Council distribution as stated in Sections 3 and 4. Mayor Fairchild explained the rea-  
22 son for the Section 4 two-year appropriation, which is currently stated for the Visitors Center.  
23 He suggested a city representative be placed on the Visitor Center Executive Board. Councilor  
24 Shein agreed that the burden that the tax be used for tourism falls on the City so a representa-  
25 tive is justified. Mr. Shetterly reviewed 5(3). Mayor Fairchild explained that this would also  
26 avoid the possibility of a slush fund. In response to a question, Mr. Shetterly explained that  
27 applications would be received requesting funds, and the funds would be put in an account and  
28 then distributed. Discussion was held on how the funds are going to be collected and distrib-  
29 uted to start the program, and projections would not be preferred, and distributions should be  
30 distributed annually or more frequently. Mayor Fairchild stated the current amount is about  
31 \$50,000 per year at 50% occupancy at \$65 per night, which would be lower than the actual  
32 right now. Mayor Fairchild stated the commitment is to the Visitor Center for the first two  
33 years. Mr. Wyatt explained allocations could be disbursed after collected with the first being  
34 in August 2008 and annually on August 1<sup>st</sup>. Discussion was held regarding whether the Visitor  
35 Center be given the full amount or if other applications would be considered, and if they get  
36 the 2-year commitment they requested. Mayor Fairchild suggested the Administrative Com-  
37 mittee perform an annual review of applications. Mr. Shetterly summarized how the wording  
38 would be done. In response to questions, Ms. Baragary explained how the collection proce-  
39 dures would be processed. Discussion was held about the application process and timing, and  
40 compliance/auditing/penalties, etc. Councilor Shein asked about the new tax and if a sunset  
41 clause should be added to review the tax in the future. Related discussion was held. Mayor  
42 Fairchild stated that minor changes to the ordinance could be made between the first and sec-

1    ond reading. Councilor Shein brought up community perception and the sunset clause being  
2    brought up by a citizen. Mr. Shetterly stated he could add a sunset clause to end it 7/30/2018,  
3    or any time in between, which is already allowed. Councilor Scroggin made a motion to add a  
4    10-year sunset clause. The motion was seconded. A vote was held and there was one vote in  
5    favor and three in opposition. The motion failed to carry. Further discussion was held and it  
6    was recommended that the ordinance and resolution be presented at the December 3 Council  
7    meeting.

#### 8    **Finance Director's Report**

9    Finance Director Marcia Baragary reviewed the report included in the agenda packet. She ex-  
10    plained the new ADP payroll processing program, which will eliminate a lot of data entry by  
11    having the time sheets online, and the cost is approximately \$20,000 a year offset by not add-  
12    ing needed additional staff for the growing amount of workload. She announced that the Court  
13    Clerk furniture is installed and invited the Council to stop in and see it.

#### 14   **Assistant City Manager/Human Resources Officer's Report**

15    Mr. Wyatt reviewed the Assistant City Manager's report included in the Agenda packet.

#### 16    **Other**

17    There was no other business and the meeting was adjourned at 5:34 p.m.

**ADMINISTRATIVE COMMITTEE**

Monday, November 26 2007

4:00 p.m.

Wes Scroggin, Chair  
Kevin Marshall  
David Shein  
David Voves

1. Report on City of Dallas / Dallas School District property lease agreement update.

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2. Discussion concerning sidewalk installation policy for undeveloped and developed property. Sidewalk Ordinance review related to Council Goals. Existing DCC 3.5.00 Sidewalk Section.

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3. Discussion concerning the garage sales code section.

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4. Discussion concerning possible hotel/motel tax Ordinance.

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5. Finance Director's Report.

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6. Assistant City Manager/Human Resources Officer's Report.

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7. Other

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8. Adjourn

# CITY OF DALLAS

TO: Administrative Committee  
FROM: Jerry Wyatt, Pro Tem City Manager  
DATE: November 20, 2007  
SUBJECT: Sidewalk Improvements

**Background:** As you are aware the Council adopted a goal to “Adopt and implement a strategy to create continuous sidewalks throughout the city”. Section 3.5.20 and 3.5.25 of the Dallas City Code allows for the staff when the council determines that a sidewalk needs construction, alteration, or repair, it shall by resolution direct the city manager to issue a notice and have the sidewalk constructed. I recommend that we use the existing inventory of sidewalk conditions and then follow up with a recommended list of priority areas to have the sidewalks improved and or repaired

## Sidewalks

### 3.500 Definition.

For purposes of sections 3.505 to 3.535, "owner" means the person in whose name real property is assessed for tax purposes according to the latest assessment roll in the office of the Polk County assessor.

### 3.505 Duty to Repair.

The owner of real property adjacent to or abutting on a public sidewalk, driveway, or retaining wall shall maintain the sidewalk, driveway, or retaining wall in good repair and free of hazards.

### 3.510 Liability for Sidewalk Injuries.

(1) The owner of real property abutting a sidewalk is liable to any person injured because of failure by the owner to maintain the sidewalk in good repair or safe condition.

(2) If the city is required to pay damages for an injury to any person caused by the failure of an owner to maintain a sidewalk in good repair or safe condition, the owner shall reimburse the city for the amount of damages paid, and for the attorney fees and costs of defending against the claim for damages. The city may maintain an action in a court of competent jurisdiction to enforce the provisions of this section.

### 3.515 Permit Specifications and Fees.

(1) All sidewalks shall be constructed or repaired in accordance with specifications established by the city, a copy of which shall be available for public inspection in the office of the director of public works.

(2) No person shall undertake the construction or repair of a public sidewalk within the city without first obtaining a permit from the director of public works.

(3) At the time the permit for construction or repair of a sidewalk is applied for, the applicant shall pay a permit fee set by resolution.

[Amended by Ordinance No. 1662, passed March 20, 2006.]

**3.520 Notice to Construct, Alter, or Repair Sidewalk.**

(1) When the council determines that a sidewalk needs construction, alteration, or repair, it shall by resolution direct the city manager to issue a notice.

(2) The notice shall require the owner of the property abutting the sidewalk to complete the work within a period of time set by the council. The notice shall also state that if the work is not completed by the owner within the specified period of time, the city may complete it and assess the cost against the property abutting the sidewalk.

(3) The city manager shall cause a copy of the notice to be served personally upon the owner of the property abutting the sidewalk, or the notice may be served by registered or certified mail, return receipt requested. If after diligent search the owner is not discovered, the city manager shall cause a copy of the notice to be posted in a conspicuous place on the property, and such posting shall be considered to have the same effect as personal service of notice upon the owner of the property.

(4) The person serving the notice shall file with the city manager a return of service, reciting the time, place, and manner of service.

**3.525 City May Construct, Alter, or Repair Sidewalk.**

If the sidewalk alteration or repair is not completed within the required period of time specified in the notice, the public works director shall complete it if so directed by the council. Upon completion of the project, the public works director shall submit a report to the council containing an itemized statement of costs.

**3.530 Assessment for Sidewalk Work Done by City.**

Upon receipt of the report, the council, by ordinance, shall assess the cost of the work against the property adjacent to the sidewalk. The assessment shall be a lien against the property and may be levied and collected in the same manner as is provided for in the city's general ordinance regarding local improvement assessment procedures.

**3.535 Penalty.**

Violation of a provision of sections 3.500 to 3.535 is a civil infraction punishable by a fine not to exceed \$250. Each day's violation of a provision of sections 3.500 to 3.535 constitutes a separate offense.

## CITY OF DALLAS

TO: Administrative Committee  
FROM: Jerry Wyatt, Pro Tem City Manager  
DATE: November 20, 2007  
SUBJECT: Garage Sales Code Section Review

**Background:** Previously the City Council heard testimony concerning a request for additional garage sales for individual properties. Below is the city code regulating garages sales which allows one per year with an additional garage sale permit allowed if issued by the city manager. The Council asked for discussion concerning the number of allowable garage sales per year per residence. Staff does receive requests for additional garage sales, however typically not more than two per year.

### Garage Sales

#### 7.500 Definition.

For purposes of sections 7.500 to 7.545, “garage sale” means the public sale or offering for sale of new or used goods within the city by any individual or group of individuals from private or public property, including but not limited to garages, porches, carports and yards, when:

- (1) The individual or group of individuals is not regularly engaged in the business of selling such goods; or
- (2) When the property on which the sale is conducted is not regularly used for business purposes or is not in a zone permitting commercial use.

#### 7.505 Exemption.

The following are exempt from the provisions of sections 7.500 to 7.545:

- (1) Offering for sale one item by public display with a sign indicating the item is for sale, and the sale of more than one individual item not offered for sale by public display or by signs concerning a sale or place of sale; and
- (2) Sales commonly referred to as “rummage sales,” conducted by members of fraternal, civic, patriotic, religious, service, charitable, educational, or eleemosynary organizations with a chapter, lodge, post, congregation, or other unit existing within the city.

#### 7.510 Permit Required.

No individual or group of individuals shall hold a garage sale without first obtaining a permit.

### **7.515 Application.**

In addition to the provisions of sections 7.000 to 7.080, the application shall include:

- (1) A description of the place from which the sale is to be held.
- (2) The dates and hours of the day during which the sale is to be conducted.
- (3) Whether the person will be selling any upholstered furniture or bedding.
- (4) Whether the owner of such goods is to pay any commission for the sale.
- (5) Whether the owner or lessee in possession of the premises from which the sale is to be conducted is to receive any compensation for the use of the premises.
- (6) Whether the individual or group of individuals conducting the sale have conducted a sale within the past 12 months.
- (7) Whether other garage sales have been held upon the premises upon which the sale is to be held during the calendar year in which the proposed sale is to be held.

### **7.520 Permit Issuance.**

The city manager shall issue a permit for the sale if he finds that:

- (1) The application is properly completed; and
- (2) No commission is paid by the individual or individuals owing the goods to be sold and that no compensation is received by the owner or lessee of the premises from which the sale is to be conducted; and
- (3) The individual or group of individuals conducting the sale have not conducted a like sale previously during the past 12 months; and
- (4) No other such sale has been held upon the premises upon which the garage sale is to be held during that portion of the past 12 months in which the individual or individuals then occupying the premises have occupied the premises.
- (5) Notwithstanding the provisions of this section, the city manager may issue a permit for a second sale within a 12-month period to the same person or to be held on the same premises.

### **7.525 Duration of Permit.**

The permit issued by the city manager shall be valid for a period not to exceed three consecutive days and shall permit the sale only between the hours of 8 a.m. and 9 p.m.

**7.530 Permit Fee.**

No fee shall be required if the application is made prior to the commencement of the sale. If the application is made after the commencement of the sale, a fee of \$15 shall be charged.

[Section 7.530 amended by Ordinance No. 1561, passed August 3, 1998.]

**7.535 Display of Permit.**

No garage sale shall be held without a permit being prominently displayed so that it can be seen readily from the street.

**7.540 Signs.**

(1) Only one sign shall be posted upon the premises on which the garage sale is to be held.

(2) One off premises 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 at no cost. 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. [Section 7.540 added by Ordinance No. 1462, passed June 1, 1992.]

**7.545 Penalty.**

# MEMORANDUM

To: Roger Jordan  
From: Marcia Baragary  
Date: November 26, 2007  
Re: Administrative Committee

- I. Presented First Quarter 2007-2008 Budget Review to Council
- II. Received draft copy of audit report for FY 2006-2007 from Grove, Mueller and Swank
- III. Worked with Parks Department and Dallas Rotary Club to purchase playground equipment for Dallas Rotary Park
- IV. Hired new employee for Court/Finance Clerk position
- V. Installed new furniture in Municipal Court Office
- VI. Payroll processing with ADP scheduled for Jan 1, 2008
- VII. Working with Harris on conversion of Budget software
- VIII. Attended purchasing training
- IX. Questions from Committee

# MEMORANDUM

TO: JERRY WYATT, CITY MANAGER PRO - TEM  
FROM: KIM MARR, ASSISTANT CITY MANAGER  
DATE: NOVEMBER 19, 2007  
RE: ADMINISTRATIVE COMMITTEE

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I. New Hires (6)

Finance: Nita Scroggin, new full time Court/Finance Clerk II.

Fire Department: Sean Condon was selected as the new Fire Inspector/Firefighter, a full time position.

Aquatic Center: Melinda Schrock, and Britany Yancey were hired as Aquatic Center receptionists; Janelle Urisote and Eugina Miller were hired as Lifeguards and Water Safety Instructors. All positions are part time.

II. Continue to work on various projects in the City Manager's office.

III. Job Opening for Engineering Tech. I, II, III or Engineer I will be closing November 26, 2007.

RESOLUTION NO. \_\_\_\_\_

A Resolution establishing criteria and procedures for the distribution of transient lodging taxes collected under Ordinance No. \_\_\_\_ (Dallas City Code 7.870 through 9.924)

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

Section 1. This resolution shall establish the criteria and procedures for the distribution of funds collected by the City as transient lodging taxes under Ordinance No. \_\_\_\_\_ (Dallas City Code 7.870 through 9.924).

Section 2. Funds collected as transient lodging taxes shall be deposited to the Trust Fund, in the Transient Lodging Account, to be held and distributed as provided in this Resolution.

Section 3. Each year, beginning after the end of first fiscal year in which transient lodging taxes have been collected, the City Council may, by resolution, appropriate not more than thirty percent (30%) of the transient lodging taxes received during the preceding year to fund city services as provided in ORS 320.350(5)(b). Any amount not appropriated for city services in any one year under this section may be appropriated for tourism promotion or tourism-related facilities under Section 4, below, or carried forward and added to funds available for distribution in a succeeding year.

Section 4. Every year, beginning after the end of the first fiscal year in which transient lodging taxes have been collected, the City Council shall, by resolution, appropriate not less than seventy percent (70%) of the transient lodging taxes received during the preceding year to fund tourism promotion, as defined in ORS 320.300(7) or tourism-related facilities as defined in ORS 320.300(9). (See Exhibit A for the definitions of “tourism promotion” and “tourism-related facilities.”) Funds appropriated under this section shall be awarded based on competitive grant applications for funding as provided in Section 5.

Section 5. (1) At least sixty (60) days prior to awarding funds under Section 4, above, the City shall cause notice to be published in a newspaper of general circulation in the city, which notice shall invite qualified applicants to submit applications for funding to the City Manager by a date certain, not less than 30 days after the date of publication. In addition, the City may make such notice available by posting and direct distribution to persons or entities known to be qualified applicants, provided that all such applicants shall be required to submit their applications not later than the same day as provided in the published notice.

(2) Applications shall be submitted in writing, on forms provided by the City, with such additional supporting information as the City may require or permit, and shall be reviewed by the City Council.

(3) To be considered for funding, applications must demonstrate how the request for funds and the proposed use constitute “tourism promotion” or a “tourism-related facility.” Qualified applications shall be funded based on how the proposed use, in the judgment of the City Council, best advances tourism and economic development in the City.

(4) Notwithstanding Section 4, the City Council may elect not to distribute all of the funds available for tourism promotion and tourism-related facilities. In that event, any funds not awarded will carry forward in the Trust Fund to be added to the funds available for distribution for tourism promotion and tourism-related facilities at the next biennial award of grants.

Adopted: January 7, 2007  
Approved: January 7, 2007

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JAMES B. FAIRCHILD, MAYOR

ATTEST:

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JERRY WYATT  
CITY MANAGER

## EXHIBIT A

“Tourism promotion” means any of the following activities:

- (a) Advertising, publicizing or distributing information for the purpose of attracting and welcoming tourists;
- (b) Conducting strategic planning and research necessary to stimulate future tourism development;
- (c) Operating tourism promotion agencies; and
- (d) Marketing special events and festivals designed to attract tourists.

“Tourism-related facility”:

- (a) Means a conference center, convention center or visitor information center; and
- (b) Means other improved real property that has a useful life of 10 or more years and has a substantial purpose of supporting tourism or accommodating tourist activities.

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**POST MEETING AGENDA**

**PUBLIC SAFETY COMMITTEE**

Monday, November 26, 2007

4:00 p.m.

Kevin Marshall, Chair  
Wes Scroggin  
David Shein  
Dave Voves

1. Report from Police Department.

Alley Traffic 900 Block:

- Action Item: Recommend that the City Attorney prepare a Resolution to change the traffic direction of the alley between Main Street and SW Church Street in the 800 and 900 blocks from SW Washington Street to SW Mill Street from a two-way to a northbound one-way direction, and install safety features at the SW Mill Street exit.

Amending Park Regulations:

- Action Item: Recommend that the City Attorney prepare an Ordinance amending the city park regulations and park exclusions, and prepare a Resolution to adopt the Rickreall Creek trail to be part of the city park system.

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2. Report from Fire Department and Ambulance Service.

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3. Other

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4. Adjourn

Members Present: Chair Kevin Marshall, Wes Scroggin, David Shein, and Dave Voves.

Also Present: Mayor Jim Fairchild, City Manager Jerry Wyatt, City Attorney Lane Shetterly, Fire Chief Bill Hahn, Police Chief Jim Harper, Finance Director Marcia Baragary, and Recording Secretary Laurie Roberts.

Chair Kevin Marshall called the meeting to order at 4:00 p.m.

### **Police Department Report**

#### Alley Traffic 900 Block

Police Chief Jim Harper brought up for discussion the proposed traffic change for the alley at the 900 block behind the Dallas City Cleaners, which is currently two-way traffic. He explained the proposal is for one-way traffic from SE Washington Street to SE Court Street to address pedestrian safety, timing related to the parking at the 800 block, and consistency along the entire alley. He explained the option to install mirrored exits for pedestrian safety, specifically at the exit on Mill Street due to concerns shared by the businesses. Mr. Wyatt announced there would be a public Open House on Wednesday, November 28 at 5:30 p.m. in the Civic Center. Councilor Shein recommended the entire alley be directed the same one way. Discussion was held about the current traffic flow, pedestrians, bicycles, etc. Mr. Harper requested that the Mill Street exit have a mirrored safety device. Councilor Shein made a motion to recommend that the Council direct the City Attorney to draft a resolution to have the alley in the 900 block and 800 block be changed to one-way alley traffic direction, with a draft of the resolution to be prepared for discussion at the December 3 Council meeting and ready for consideration on December 17. The motion was seconded and passed unanimously.

#### Park Rules on Trail System

Mr. Harper reviewed the November 26 memo on the Ordinance Amending Park Regulations, and explained the exclusion code only covered some items and not others. He explained that the changes were to clean up the code and allow for enforcement action. Mr. Harper reviewed the proposed changes section by section. Councilor Marshall asked if there would be any exceptions for special events such as the summer car show and Art in the Park. Mr. Shetterly stated that is covered by permits and under other parts of the code. Councilor Shein asked if an ordinance would be required for the code changes and a resolution for the park trail. Mr. Harper mentioned that the trail is only mentioned. Mr. Shetterly explained the resolution would be separate and cover all the park system. Councilor Scroggin opened discussion about the trail system, if the plans were finalized enough to make rules, and what needs to be approved at this time. Mr. Shetterly stated he would prepare a resolution to include the park trail. Discussion was held about equestrian use. Councilor Voves asked about the formatting of the resolution. Discussion was held about the ordinance approval process, and how to present changes to current ordinances. Mr. Shetterly suggested that he could provide the current ordinance and then a demonstrative one showing the changes being made.

1 Councilor Voves asked the difference between a resolution and ordinance. Mr. Shetterly  
2 stated ordinances are more permanent and law and resolutions can establish other items, and  
3 sometimes the differences are not clear. Councilor Shein made a motion to recommend that  
4 the Council have the City Attorney prepare a ordinance to adopt the proposed changes to the  
5 park regulations and exclusions, and have the City Attorney prepare a resolution to include  
6 the Rickreall Creek Trail as part of the park system. The motion was seconded and passed  
7 unanimously.

8

9 Staffing

10 Mr. Harper reviewed the personnel changes for the department and explained the authority for  
11 enforcement of citations.

12

13 **Report from Fire Department and Ambulance Service**

14 Fire Chief Bill Hahn gave a report on the Fire and EMS Public Safety Report as presented in  
15 the agenda packet. He added that there were over 200 calls last month and there are at least  
16 that many expected again this month.

17 **Other**

18 Councilor Scroggin asked for an update on the officer that was on administrative leave. Mr.  
19 Harper stated that the employee is no longer employed, and hasn't been for over a year. He  
20 explained that he was charged with several criminal offenses and there will be several people  
21 testifying, and advised that the trial was postponed. Mayor Fairchild explained the process  
22 surrounding the officer's voluntary resignation.

23 There being no further business the meeting was adjourned at 4:31 p.m.

**PUBLIC SAFETY COMMITTEE**

Monday, November 26, 2007

4:00 p.m.

Kevin Marshall, Chair  
Wes Scroggin  
David Shein  
Dave Voves

1. Report from Police Department.

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2. Report from Fire Department and Ambulance Service.

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3. Other

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4. Adjourn

**TO: JERRY WYATT, CITY MANAGER**  
**FROM: JIM HARPER, CHIEF OF POLICE**  
**DATE: NOVEMBER 26, 2007**  
**SUBJECT: SAFETY COMMITTEE REPORT**

*Items from the Police Department:*

- I. Discussion / One-way alley from Washington – Oak from South to North*
  
- II. Park rules on trail system from Main to Levens discussion*
  
- III. Personnel – we have completed a revision for our part time positions that deal with animal control, bailiff, evidence and volunteer coordinator. These will be posted for filling within the next 30 days.*
  
- IV. Other Updates*

## *The City of Dallas Fire and EMS Public Safety Report for November 26, 2007*

### **Fire Department:**

#### *Personnel:*

Dallas and Southwest firefighters assisted State Forestry for four days in suppressing the forest fire about Falls City.

Dallas members assisted with the Fire Service Memorial at the Department of Public Safety Standards and Training on September 15<sup>th</sup>. Dallas Ladder 101 and Salem Ladder 2 placed a large American flag across the Aumsville Highway for the ceremony.

An assessment center process was held for the position of Fire Inspector on September 19<sup>th</sup> between 8 AM and 4 PM.

Chief Hahn and State Deputy Dan Jones conducted an inspection of the Polk County Jail facility with a few minor corrections identified.

Sean Condon attended a weeklong class at the National Fire Academy, receiving training on “Incident Command for Target Hazards”.

EMS Director Todd Brumfield will be training for two weeks at the National Fire Academy and receive training on “Management of Emergency Medical Services.

#### *Fire Training Update:*

Seven firefighters received training on emergency driving on the new driving course at the Police Academy in Salem. These same individuals are currently training to complete the apparatus operator class being held at the department. Four members from the rural district are taking the training through the Dallas department. After completing the training they will compete for promotion to the level of Engineer.

Josh Darland is working to attain his National Fire Protection Association Instructor II through Chemeketa Community College. The class is a thirty-two hour class that is taught on two weekends during September and November.

#### *Association and Prevention Items:*

Fire Prevention began on October 8<sup>th</sup> and continued most of the month of October with over 1080 students receiving education on “Fire Escape Plans in the Home”. Eight volunteers assisted Chief Hahn in the classroom of the elementary schools in the Dallas School District.

The Dallas Firefighter families conducted their annual picnic, which was held at the Dallas Aquatic Center on September 22<sup>nd</sup>.

Dallas firefighters distributed candy throughout the community on Halloween evening.

*Emergency Operations:*

Dallas firefighters responded to a fire at the Dallas Planning Mill. Firefighters arrived to find smoke coming from the sawdust hopper behind the main building. After checking inside the building a fire was located in the dust collection system. Firefighters worked for approximately an hour containing and removing the problem.

**Emergency Medical Service:**

*Activity:*

Our total transports for the year continues to increase presently up approximately eighteen percent.

*Personnel:*

Paramedic recertification hours have increased to 75 hours for the recertification period of two years. In previous years paramedics would take a 150-question test every two years.

October was a very tough month for the medical staff because of the number of fatal traffic accidents.

*Equipment:*

Todd Brumfield is working on the possibility of leasing an ambulance after the first of the year, along with new monitors.

Cost for supplies and maintenance of the aging fleet is creating a real strain on the budget.

## MEMORANDUM

To: Public Works Committee

From: Jim Harper, Dallas Chief of Police

Re: Ordinance Amending Park Regulations

Date: November 26, 2007

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Attached is a copy of a proposed ordinance amending certain city park regulations. The purpose of this proposed ordinance is to update the various regulations concerning conduct and activities in city parks, to bring posted "Park Rules" more fully in line with the code (and *vice versa*), and to expand the grounds upon which persons violating the park regulations in the Dallas City Code can be excluded from the parks.

A draft form of the language for this ordinance, with the amending language highlighted, was distributed at the October 22 committee meeting. Attached is a proposed form of ordinance that would actually implement the recommendations.

The recommended amendments are as follows:

Section 1. This section amends DCC 5.420, which currently regulates bicycles in city parks. As amended, the ordinance adds roller skates, scooters, motor-assisted scooters and skateboards to the requirement to yield the right-of-way to pedestrians; prohibits them from being ridden on the suspension bridge in the City Park and on any tennis court; and adds a new prohibition against riding a bicycle, scooter or motor-assisted scooter at the skate park.

"Bicycle," "roller skates" (which includes in-line skates), "scooter" and "skateboard" are already defined in the city vehicle code, DCC 6.700, and this ordinance does not amend those definitions. It adds a new term, "motor-assisted scooter," defined in the ordinance.

Section 2. Section 2 amends DCC 5.424 by adding two new provisions, prohibiting fires in any place other than designated fireplaces or fire pits, and prohibiting the spreading or dumping of coals, ashes and any other burning material in any place other than a designated receptacle.

These rules are already posted in the city parks, but are not included in the city code. This section will make the code consistent with the posted park rules.

Section 3. This section amends the grounds upon which a person may be excluded from the city parks to include several code provisions that currently govern conduct in city parks but that are not included in the exclusion ordinance: DCC 4.704 (Prohibitions regarding garbage collection and disposal within a city park), DCC 5.016 (Drinking in Public Places), DCC 5.210(6) (The No-smoking ordinance already refers to the park exclusion ordinance; the amendment adding the reference to the No-smoking ordinance in this ordinance creates a useful cross-reference), DCC 6.105 (Speed limits in city parks), DCC 6.110 (Vehicles in public parks), and DCC 6.127(3) (Horses in city parks). This amendment also expands the basis for exclusion from a city park to include the violation of any felony or misdemeanor under the Oregon Criminal Code or the Oregon Vehicle Code, and Careless driving (which is a traffic infraction, and not covered as a felony or misdemeanor).

As amended, this section of the ordinance would give the police broad authority to exclude from a city park a person who engages in unlawful conduct.

Section 4. This section amends DCC 5.380, regulating dogs at large, to authorize dogs to be off-leash in any area that may be designated as an off-leash dog park. This amendment anticipates the creation in the future of a dog park, and amending the code now would avoid the need to amend it then.

Section 5. Section 5 adds an exception to the prohibition against self-propelled motor vehicles in parks, to allow (1) motorized wheel chairs and other similar motorized vehicles for use by persons with disabilities, when operated at not more than five miles per hour, and (2) park maintenance and public safety vehicles.

At the committee meeting in October, it was suggested that the ordinance be amended to include city parks and the Rickreall Creek trail system. After consultation with the City Attorney, we are of the opinion it is not necessary to make such an amendment,

and that if we were to amend the affected ordinances to refer to “city parks and trail systems,” it would entail significant additional amendments of these and other current code provisions (that are not amended by this ordinance). In the alternative, the City Attorney has suggested that, if the council is inclined, the council could adopt a resolution expressly declaring the Rickreall Creek trail to be a part of the city park system, and that such a resolution would bring the trail within the scope of all of the applicable provisions of the current code.

# MEMORANDUM

**Date:** December 5, 2007

**To:** Mayor Fairchild and City Council Members

**From:** Council President Ken Woods, Jr.

**Cc:** City Manager Jerry Wyatt

**Subject:** Council President's November 2007 Monthly Report

- November 5 5:30 – 9:25 PM  
**City Council Dinner, Executive Session, Council Meeting**
- November 7 7:00 – 9:00 PM  
**City Council Work Session**
- November 8 12:15 – 12:45 PM  
**Ribbon Cutting for Anytime Fitness**
- 1:30 – 4:00 PM  
**Urban Renewal Advisory Committee  
Downtown Streetscape Plan Proposals**
- November 9 9:30 – 10:30 AM  
**City Manager Contract Discussion**
- 2:00 – 4:15 PM  
**Urban Renewal Advisory Committee  
Downtown Streetscape Plan Proposals**
- November 14 5:00 – 7:00 PM  
**Salem River Crossing Open House**
- November 15 12:00 – 1:00 PM  
**Economic Development Commission**
- November 19 7:00 – 9:30 PM  
**City Council Meeting**
- November 26 7:00 – 7:30 PM  
**Dallas School Board Meeting  
Presentation of School district imposing a Construction Excise Tax on new  
construction.**
- November 28 6:00 – 6:45 PM  
**OR Hwy 22 Expressway Plan Open House**
- November 29 11:30 – 1:00 PM  
**Urban Renewal Advisory Committee**
- November 30 2:00 – 2:30 PM  
**Levens Street Bridge Ribbon Cutting**

Ken Woods

SUMMARY OF OREGON LAW REGARDING CONFLICTS OF INTEREST FOR  
ELECTED LOCAL PUBLIC OFFICIALS

Prepared by Lane Shetterly  
City Attorney

*This memorandum addresses “conflicts of interest” for local elected public officials, including the types of conflicts of interest that may arise, the official’s obligations in the event of a conflict of interest, and exceptions.*

*It is important to know the law regarding conflicts of interest. Violation of the conflict of interest laws can result in the imposition of serious penalties by the Oregon Ethics Commission. It is also important for elected officials to know that each official must act on the basis of his or her own best judgment. In the event of an alleged violation, for instance, it is not a defense that the elected official acted on advice of legal counsel. In the words of the Ethics Commission “Guide for Public Officials,” if an elected official is not able to determine whether a conflict of interest exists, and cannot contact the Commission for advice before taking action, “avoid the risk of violating the law by declaring the conflict.” In other words, “better safe than sorry.”*

Actual and Potential Conflicts of Interest

There are two types of conflicts of interest under Oregon law. One is an “actual conflict of interest,” the other is a “potential conflict of interest.”

A potential conflict of interest occurs when a public official takes official action that “could” affect the financial interests of the public official, or the official's relatives or businesses (including non-profit entities) with which they are associated. An actual conflict occurs when the action “definitely would” have such an effect.

The difference between a “potential conflict” and an “actual conflict” is a matter of the degree of certainty as to the prohibited effect. The distinction is important because, in the first case, a public official is required to disclose the potential conflict, but may take action on the issue. In the second case, the official must both disclose the actual conflict of interest and refrain from participating in debate and discussion as well as taking any official action.

According to the State Ethics Commission guidelines, the standard for a potential conflict is when the official is asked to take action that “reasonably could be expected” to affect the official's interests, but when such an impact is not “certain.” A public official must declare a potential conflict of interest, but the potential conflict does not disqualify the official from hearing, discussing and taking action on the issue presented.

The standard for an actual conflict, on the other hand, is when the action is “reasonably certain to result in a financial benefit or detriment.” According to the state ethics guidelines, an

actual conflict occurs when “an action is taken that directly and specifically affects land, a business, or any other financial interest of the office holder or the office holder's relative.” An actual conflict of interest means that the official may not discuss, vote or in any way participate in the matter.

The guidelines offer some examples to illustrate the difference between a potential and actual conflict that help explain the difference between the two:

EXAMPLE: A planning commission member owns property adjacent to a parcel for which the commission is considering a conditional use permit. The change in use of the debated parcel may or may not impact the value of the commissioner's property, but the possibility exists. The commissioner must declare a potential conflict of interest and announce the nature of the conflict. Then the commissioner may enter into debate and proceed to vote or take other official action.

EXAMPLE: The same planning commissioner has approached the planning department for a conditional use permit on his property. The permit comes before the planning commission. Because the outcome of the decision clearly would have a financial impact on the commissioner's property, the commissioner must declare an actual conflict of interest, and he may not take any official action on the permit application.

#### What to do when a conflict occurs

When a potential or actual conflict occurs, the public official with the conflict must announce publicly the nature of the conflict (this means the announcement has to be more than a mere declaration that a conflict exists; the official must state the nature of the conflict as well). The announcement must be made prior to discussing or taking any action on the matter in an official capacity, and the announcement must be recorded in the official records of the public body.

In the case of a potential conflict of interest, the public official with the conflict may proceed to participate in the discussion and vote on the matter.

In the case of an actual conflict, the public official must refrain from participating as a public official in any discussion or debate on the matter, and may not vote. The Ethics Commission guidelines state that abstaining instead of declaring a conflict of interest does not meet the statutory requirements “because the act of abstaining is an official action and the law requires disclosure *before* the action is taken.”)

The announcement of a conflict of interest must be made at each session or meeting at which the issue is addressed; however, the announcement needs to be made only once at each meeting, even if the issue involves a series of votes or actions.

## Exceptions

As with most rules, there are exceptions to the rules regarding conflicts of interest.

The “class exception.” The most common exception is known as the “class exception.” There are actually two parts of the class exception.

(1) A conflict of interest is considered not to exist if the benefit that would otherwise give rise to a conflict arises out of an interest or membership in a business, industry, occupation or other class required by law as a condition of holding the office in the first place. (Accountants on the State Board of Accountancy, for instance, can adopt rules that govern their business because the law requires that they be accountants in order to serve on the Board.)

(2) A conflict is also not recognized in the case of an action that would “affect to the same degree a class consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation or other group” in which the official (or the official’s relative or business) is associated, is a member or is engaged. ORS 244.030(14)(b).

The Ethics Commission guidelines describe the second type of class exemption as meaning that when other people are affected to the same degree as the public official (or a relative or business) by some action that would otherwise give rise to a conflict of interest, the official may be exempt from a conflict because of the class exemption. Only the Ethics Commission is authorized to determine the existence of a class for the purpose of this exemption.

There is no hard and fast rule that defines a class. According to the Ethics Commission guidelines, in a town of 5000 people, where virtually all the residents work for or are otherwise financially associated with a single large business, the public officials in that community may well be members of a class. However, in a city of 150,000 people, 5000 people with a common financial interest may not be a class.

Most public officials own property and pay property taxes. So an action that would affect property tax rates in a taxing district would likely affect all of the elected officials serving on the governing body. In most cases, the Commission would regard the officials as members of a class of taxpayers, and would find no conflict of interest in an action that affects property taxes.

Another example offered by the Ethics Commission is of a city council that is considering the use of public funds to develop a series of parks on property that is currently considered an eyesore. The result of such action would probably raise property values throughout much of the community, “affecting to the same degree” a significant number of other people, such that there would probably be no conflict of interest. However, if a member of the council owned the particular property to be improved, that council member would not be a member of a class and would have to declare a conflict of interest and act accordingly.

In one case, a county commissioner was part owner of a commercial building in a pedestrian mall. The county commission was asked to open a portion of the mall to vehicle traffic. The Ethics Commission advised in that case that the county commissioner was a member of a class of similarly situated property owners who would be “affected to the same degree,” such that there was no conflict.

As these examples suggest, the class exception is not clear in all cases, and should be relied on with caution if there would otherwise be a conflict of interest.

Non-profit organization membership. A conflict of interest that arises from unpaid membership in or on the board of directors of a tax-exempt nonprofit corporation is not treated as a conflict under the law, and does not need to be declared. Note that the official’s association with the nonprofit organization must be unpaid in order to qualify for this exception.

Necessity. If a public official’s vote is necessary to meet a requirement of a minimum number of votes to take official action, the official may vote, but may not participate in any discussion or debate on the matter.

#### Additional Resources

Additional information can be obtained from the Oregon Ethics Commission (the Government Standards and Practices Commission) at:

[http://www.oregon.gov/OGEC/forms\\_publications.shtml](http://www.oregon.gov/OGEC/forms_publications.shtml).

A copy of the Commission’s “Guide for Public Officials” can be found at:

[http://www.oregon.gov/OGEC/docs/PO\\_GUIDE\\_rev\\_103.doc](http://www.oregon.gov/OGEC/docs/PO_GUIDE_rev_103.doc).

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## CITY OF DALLAS

TO: Mayor Jim Fairchild and Council Members

FROM: Jerry Wyatt, City Manager

DATE: December 3, 2007

SUBJECT: Sign Code Revisions

**RECOMMENDED ACTION:** Authorize the City Manager to set a Public Hearing and direct the City Attorney to draft an ordinance to add a section to the Sign Code allowing Murals.

**BACKGROUND:** Following the May 21, 2007 City Council Meeting several issues were raised regarding the adoption of a Murals section within the sign code. The item was placed in the August 27, 2007 Building & Grounds Committee Agenda and recommended back to the City Council for further consideration.

### May 21, 2007 City Council Meeting Comments

- Mural applications must include a detailed rendering of the proposed design including content and colors, type of paint/materials, and a plan for maintenance of the mural after installation.
- A plan for maintenance of the mural after installation is required.
- The permit may be revoked if the mural deteriorates or is not maintained. The mural must be removed or painted within 15 days from notification to perform the work or the City will repair or abate the mural and place a lien on the property for the cost of work.
- Appeals of the decision of the Development Official may be made to the City Council.
- Advertising elements of a proposed mural may not exceed 10% of the total area of the proposed design.
- The fee for sign permit applications proposing a mural shall be \$75.00 per Mural.
- Advertising elements contained within a mural design will be assessed an additional fee according to the standards outlined in the Sign Code for Wall Signs at \$1.50 per square foot or \$50.00 minimum.

## CITY OF DALLAS

TO: Mayor Jim Fairchild and Council Members

FROM: Jerry Wyatt, City Manager

DATE: December 3, 2007

SUBJECT: Update on the 800 Block of Main Street Parking Lot Improvement

**INFORMATIONAL UPDATE:** An Open House was held on November 28 to review the proposed parking lot layout with the property and business owners of the 800 block of Main Street and to discuss maintenance, the necessary agreements, utilities, traffic flow and the proposed costs of the improvement. The improvements will be similar to those performed behind the 900 block of Main Street. Within the next couple of weeks city staff will meet with the property owners and business owners individually to discuss any further concerns, private / public partnerships, maintenance issues, shared parking agreement questions, a break down of cost for each property, and repayment schedule. The staff will also work with the owners to finalize the design and agreements. The proposed project construction could occur in the spring of 2008.

November 28, 2007

**RE: Rear alley parking improvements; 800 block of Main Street**

Today at 5:30 we have invited property owners and business owners in the 800 block of Main Street to meet with us regarding rear alley access parking improvements in that block. The improvements will be similar in design and concept to the improvements made for parking and alley access in the 900 block of Main Street. Areas of importance that need to be discussed at tonight's meeting are as follows:

**Items for discussion:**

- **900 Block Project** – Staff will outline how the similar project in the 900 block alley was accomplished. How the loan process worked, how costs were shared, how agreements were reached between property owners, business owners, and the City of Dallas will all be discussed.
- **Project Costs and Allocation-** Utility costs will be covered by City of Dallas. Paving, striping and landscaping costs will be covered by the property owners. Individual property owners responsibility towards costs will be allocated based on building frontage on alley and number of parking spaced dedicated to each building.
- **Property ownership** – After improvements are complete, the ownership of the improved areas between the rear of the buildings and the public alley right-of-way will remain with the current property owners. The City of Dallas will NOT assume ownership of any currently held private property.
- **Maintenance** – Private property owners will be responsible for maintenance of the improved area after improvements are completed. Maintenance agreements between property owners and the City of Dallas must be part of the project.
- **Shared Parking / Dedicated Parking** – How will alley accessed parking spaces be allocated to individual building owners and business owners for dedicated parking spots? How many parking spots will be open to general public parking? Shared parking agreements between property owners and the City of Dallas must be part of the project.
- **Utilities** – Storm, water, sewer, electricity and connections to same. Again, agreements between property owners and the City of Dallas must be part of the project.
- **Traffic Flow** – Conversion of alley to one way traffic.



SW Mill Street

148 Foster's Furniture Antiques

137 Foster's

135 Foster's

131 Dallas Alterations Center

108 American First T:tle Insurance Company of Oregon

118 Dallas Antique Mall

Old Safeway Building



Alley

128 Blue Garden

138 Brixius Jewelers

158 The Pearl Gallery

198 Four Seasons Styling Center

298 Blush Hair Design

398 A-Team Locksmith

418 Allstate Insurance

488 World Gym

588 World Gym

EXTRUDED 6" CONCRETE CURB PLANTER ISLANDS

Quest Communications

156



SW Court Street

Dallas Trolley Island

# 800 Block Parking Lot Costs

## Total Improvement Costs: \$51,000

(excluding utilities)

### Proportioned Costs (Frontage)

Main St. Address	Business	Cost
887/877		\$17,850
	World Gym & Tanning Salon (60%)	\$10,500
	Dallas Trophy (40%)	\$7,350
869/873	Allstate Insurance & A-Team Locks	\$12,750
861/865	Blush Hair Salon & Four Seasons Styling Center	\$10,200
847	Pearl Gallery	\$10,200

### Proportioned Costs (32 Parking Spaces)

Main St. Address	Business	Cost
887/877		\$18,328
	World Gym & Tanning Salon (60%)	\$11,500
	Dallas Trophy (40%)	\$6,828
869/873	Allstate Insurance & A-Team Locks	\$14,344
861/865	Blush Hair Salon & Four Seasons Styling Center	\$11,156
847	Pearl Gallery	\$7,172

### Utility Costs (City)

Storm Drain & Laterals	\$75,000
Sewer: (replace laterals & rehab.)	\$15,000
Water: (replace laterals):	\$10,000
<b>Total:</b>	<b>\$100,000</b>

AGENDA

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES - Regular meeting of November 13, 2007.
4. ANNOUNCEMENT OF PUBLIC HEARING GUIDELINES  
(Copies available in the slots at the door.)
5. PUBLIC HEARINGS
  - A) 7:30 PM A Public Hearing on the application of Dallas School District No. 2, owner(s), for a 40' X 100' building to be used as a wrestling practice room at LaCreole Middle School, 701 SE LaCreole Drive, in an RS, Residential Single Family, zone.  
  
A motion was made, seconded, and carried to approve the request, subject to the three (3) conditions listed in the staff report.
  - B) 7:30 PM A Public Hearing on the application of Ray Baker and Dan Carver, owner(s), for a Mixed Use Node including Residential, Multi-Family, Commercial Zoning and Park Land at 1130 W. Ellendale, in an RA, Residential Agriculture, zone.  
  
A motion was made, seconded, and carried to approve the request and recommend the application to the City Council for approval.
  - C) 7:30 PM A Public Hearing on the application of the City of Dallas to consider recommendation of the Transportation System Plan.  
  
The TSP Plan was kept open for further discussion with the Planning Commission in a workshop format.
6. OTHER BUSINESS
  - A) City Attorney Lane Shetterly discussed the memo about Senate Bill 336.
  - B) City Manager Jerry Wyatt informed the Planning Commission about the new Development Code Books.

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WARRANT	DEPARTMENT	REFERENCE	VENDOR NAME	AMOUNT
3908	SYSTEMS DEVELOPMENT FUND	LACREOLE/ACADEMY STORM	MARV'S UTILITY SPECIALIST	85,784.67
		TOTAL		85,784.67

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WARRANT	DEPARTMENT	REFERENCE	VENDOR NAME	AMOUNT
83941	VARIOUS	HEAT & LIGHTS	PACIFIC POWER	15,410.69
83942	VARIOUS	HEAT	NORTHWEST NATURAL GAS	16,506.56
83943	MUNICIPAL COURT	ASSESSMENTS	OREGON DEPT OF REVENUE	5,279.00
83944	POLICE DEPARTMENT	911 DISPATCH	SPRINT	616.18
83945	MUNICIPAL COURT	ASSESSMENTS	POLK COUNTY TREASURER	2,272.00
83946	POLICE DEPARTMENT	SUPPLIES	OREGON ASSOCIATION	68.50
83947	VARIOUS	LIABILITY	CITY/COUNTY INSURANCE SVC	24,026.72
83948	VARIOUS	HAZARDOUS SUBSTANCE	OREGON DEPT OF REVENUE-HZ	674.00
83949	VARIOUS	MISC	OREGON HEALTH DIVISION	520.00
83950	COM DEV - AQUATIC CENTER	ADVERTISING	DEX WEST	38.00
83951	COM DEV INSPECTIONS	TRAINING	OBOA	1,000.00
83952	STREET MARKING & LIGHTING	SUPPLIES	MARION COUNTY TREASURY	5,078.63
83953	AMBULANCE DEPARTMENT	TRAINING	EMS INSIDER	179.00
83954	VARIOUS	REPLACEMENT CK	LIGHTHOUSE UNIFORM CO.	1,278.00
83955	COM DEV PLANNING DEPT	COMM DEV	MURPHY'S GRILL	87.74
83956	MUNICIPAL COURT	ASSESSMENTS	OREGON JUDICIAL DEPT	495.00
83957	VARIOUS	COMMUNICATIONS	ESCHELON TELECOM INC.	3,112.64
83958	FIRE DEPARTMENT	TRAINING	FIRE SERVICE BOOKSTORE	169.77
83959	VARIOUS	TRAINING	AMERICAN WATER WORKS ASSN	170.00
83960	VARIOUS	PETTY CASH	PETTY CASH, M BARAGARY,	412.54
83961	FINANCE OFFICE	POSTAGE	U S POSTMASTER	1,100.00
83962	VARIOUS	LEGAL SERVICES	SHETTERLY & IRICK	9,056.25
83963	COM DEV - AQUATIC CENTER	MISC FEE	POLK CO COMMUNITY DEVELOP	1,010.00
83964	FIRE DEPARTMENT	VOLUNTEER SERVICES	DALLAS VOLUNTEER FIRE	2,279.17
83965	VARIOUS	COMMUNICATIONS	VERIZON WIRELESS	231.55
83966	FINANCE OFFICE	PRESORT	GARTEN SERVICES INC.	59.01
83967	VARIOUS	VARIOUS	BANK OF AMERICA	6,460.77
83968	NON-DEPARTMENTAL & CONTINGENCY	NEWLETTER	VISUAL MEDIA CENTER	4,905.00
83969	CITY MANAGER'S OFFICE	RETIREMENT	CAPRICORN CATERING	436.00
83970	FINANCE OFFICE	AUDIT	GROVE, MUELLER & SWANK PC	7,000.00
83971	SYSTEMS DEVELOPMENT FUND	STREET SDC	OLE BERGMAN EXCAVATING	956.25
83972	POLICE DEPARTMENT	REMODEL	J.T STEPHENS CONSTRUCTION	23,679.40
83973	DEBT SERVICE & CONTINGENCY	2005 REFUNDING	BANK OF AMERICA NA	190,400.00
83974	VARIOUS	LEVENS BRIDGE	ROSS BROTHERS & COMPANY	162,762.83
83975	TRUST FUND	CIVIC CNTR REFUND	4-H ASSOCIATION	100.00
83976	FINANCE OFFICE	OPERATION	PITNEY BOWES INC.	634.90
83977	VARIOUS	SUPERVISING PHYSICIAN	JEFFREY HUMPHREY M.D.	500.00
83978	MAYOR & CITY COUNCIL	EXPENSE REIMBURSEMENT	JIM FAIRCHILD	125.00
83979	MAYOR & CITY COUNCIL	NAT'L LEAGUE EXPENSE	DAVID VOVES	1,929.75
83980	GENERAL FUND	RESTITUTION	BRANDON PARLANTI	120.00
83981	AMBULANCE DEPARTMENT	REIMBURSEMENT	MELODY EDDINGS	155.00
83982	FIRE DEPARTMENT	REIMBURSEMENT	CHRIS TAYLOR	38.00
83983	TRUST FUND	BAIL REFUND	MAX SAVAGE	174.00
83984	TRUST FUND	BAIL REFUND	ANDREA L. BLAKE	60.00
83985	TRUST FUND	BAIL REFUND	JANET CROW	17.00
83986	TRUST FUND	BAIL REFUND	WILLIAM STANDIFORD	27.00

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83987	TRUST FUND	BAIL REFUND	LYDIA HODGE	27.00
83988	TRUST FUND	BAIL REFUND	ISAAC KING	42.00
83989	TRUST FUND	BAIL REFUND	DAVID C. SCOTT	17.00
83990	TRUST FUND	BAIL REFUND	GEORGE VANOTTEN	27.00
83991	TRUST FUND	BAIL REFUND	DEBORAH M. MYRICK	60.00
83992	TRUST FUND	BAIL REFUND	SARAH M. WALSH	40.00

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WARRANT	DEPARTMENT	REFERENCE	VENDOR NAME	AMOUNT
83993	TRUST FUND	BAIL REFUND	DENNIS F. NEEDHAM	27.00
83994	TRUST FUND	BAIL REFUND	CYNTHIA J NAYLOR	27.00
83995	TRUST FUND	BAIL REFUND	CALEB C. COOK	60.00
83996	TRUST FUND	BAIL REFUND	WESLEY J. COUNTS	174.00
83997	WATER MAINT & CUSTOMER SERVICE	EXAM REIMBURSEMENT	VERN BATHKE	125.00
83998	CITY MANAGER'S OFFICE	REIMBURSEMENT	LAURIE ROBERTS	28.04
83999	LIBRARY	GAS ALLOWANCE	NANCY WOOLSEY	42.00
84000	POLICE DEPARTMENT	BOOT REIMBURSEMENT	DENNIS SHIELDS	200.00
84001	COM DEV - AQUATIC CENTER	PETTY CASH	TINA PAUL	81.03
84002	WATER TREATMENT & PUMPING	TRAINING REIMBURSEMENT	RICK LOCKE	50.00
		TOTAL		492,638.92

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WARRANT	DEPARTMENT	REFERENCE	VENDOR NAME	AMOUNT
84004	GENERAL FUND	RESTITUTION	DALLAS CHMBR OF COMMERCE	300.00
84005	VARIOUS	ORS	LEGISLATIVE COUNSEL COMM	780.00
84006	SEWER TREATMENT PLANT	MEMBERSHIP	OREGON ASSOC OF CLEAN	550.00
84007	SYSTEMS DEVELOPMENT FUND	SIGN	DALLAS SIGN	2,050.00
84008	WATER TREATMENT & PUMPING	CONTRACTUAL	DEPT OF ENVIRONMTL QUALTY	302.11
84009	VARIOUS	COMMUNICATION	BUSINESS CONNECTIONS,INC	99.95
84010	FINANCE OFFICE	OPERATION	APPLICATION SOFTWARE, INC	300.00
84011	COM DEV PLANNING DEPT	NOTARY	SECRETARY OF STATE	20.00
84012	COM DEV - AQUATIC CENTER	TRAINING	DRPA	75.00
84013	VARIOUS	COMMUNICATIONS	PAGE ONE N W	1,346.07
84014	VARIOUS	SCADA	EC COMPANY	31,730.05
84015	VARIOUS	COMMUNICATIONS	NEXTEL COMMUNICATIONS	1,330.94
84016	SYSTEMS DEVELOPMENT FUND	LEVENS BRIDGE	ROBOTIC CONST. SURVEYING	21,099.00
84017	STREET MAINTENANCE	CONTRACTUAL	BEAVER CREEK LANDSCAPE	425.00
84018	SYSTEMS DEVELOPMENT FUND	PAVING	POLK COUNTY	16,994.00
84019	VARIOUS	COMMUNICATIONS	QWEST	174.82
84020	COM DEV - AQUATIC CENTER	CONCESSIONS	SCHWANS	450.90
84021	NON-DEPARTMENTAL & CONTINGENCY	FEES	NET ASSETS CORPORATION	364.00
84022	SYSTEMS DEVELOPMENT FUND	CREEK TRAIL	PACIFIC HABITAT SERVICES	1,446.81
84023	MAYOR & CITY COUNCIL	REIMBURSE CONFERENCE	KEVIN MARSHALL	1,568.70
84024	MAYOR & CITY COUNCIL	REIMBURSE CONFERENCE	JIM FAIRCHILD	1,743.85
84025	COM DEV INSPECTIONS	STORM MILAGE	TED CUND	34.92
84026	CITY MANAGER'S OFFICE	REIMBURSEMENT	JERRY WYATT	131.91
84027	COM DEV - AQUATIC CENTER	REIMBURSEMENT	TINA PAUL	25.00
		TOTAL		83,343.03

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WARRANT	DEPARTMENT	REFERENCE	VENDOR NAME	AMOUNT
84029	WATER TREATMENT & PUMPING	SUPPLIES	PIONEER AMERICAS LLC	730.00
84030	VARIOUS	PARTS	DALLAS AUTO PARTS	815.61
84031	VOIDED		DALLAS AUTO PARTS	.00
84032	VOIDED		DALLAS AUTO PARTS	.00
84033	SHOP SERVICE FUND	MISC	DALLAS TOWING INC	110.00
84034	VARIOUS	SUPPLIES	DALLAS TV - RADIO SHACK	34.97
84035	LIBRARY	PERIODICALS	EBSCO SUBSCRIPTION	34.27
84036	VARIOUS	INVESTIGATION	FOCAL POINT	102.10
84037	VARIOUS	CONTRACTUAL	FORBES PLUMBING	197.06
84038	LIBRARY	SUPPLIES	GAYLORD BROTHERS	245.38
84039	WATER TREATMENT & PUMPING	MAINTENANCE	HACH CHEMICAL COMPANY	135.69
84040	VARIOUS	SUPPLIES	INDUSTRIAL WELD SUPPLY	185.74
84041	VARIOUS	BOOKS	INGRAM	3,201.04
84042	VOIDED		INGRAM	.00
84043	VOIDED		INGRAM	.00
84044	VARIOUS	ADVERTISING	ITEMIZER-OBSERVER	2,348.40
84045	VARIOUS	OPERATION	KINZIE MACHINE SHOP	2,676.00
84046	VARIOUS	OPERATION	LES SCHWAB	2,152.63
84047	SHOP SERVICE FUND	GAS & DIESEL	MARC NELSON OIL COMPANY	12,441.48
84048	LIBRARY	MAINTENANCE	THE DECORATED WALL	33.95
84049	WATER TREATMENT & PUMPING	MAINTENANCE	DALLAS TROPHY	62.00
84050	WATER MAINT & CUSTOMER SERVICE	MATERIALS	H D FOWLER COMPANY	78.24
84051	POLICE DEPARTMENT	OPERATION	JOE HAYWARD FORD	213.95
84052	FACILITIES MAINTENANCE	MAINTENANCE	HOME COMFORT COMPANY	75.00
84053	FIRE DEPARTMENT	SUPPLIES	INSTANT FIRE PROTECTION	544.10
84054	VARIOUS	PARTS	AG WEST SUPPLY	129.51
84055	SHOP SERVICE FUND	PARTS	RICKREALL FARM SUPPLY	24.73
84056	STREET MARKING & LIGHTING	MATERIALS	TRAFFIC SAFETY SUPPLY	395.30
84057	VARIOUS	MATERIALS	VALLEY CONCRETE	94.03
84058	VARIOUS	MATERIALS	VAN WELL BUILDING SUPPLY	639.37
84059	WATER TREATMENT & PUMPING	CONTRACTUAL	WATERLAB	855.00
84060	STREET MAINTENANCE	MATERIALS	RINKER MATERIALS	1,065.47
84061	VARIOUS	OPERATION	SLATER COMMUNICATIONS	760.74
84062	AMBULANCE DEPARTMENT	TRAINING	DALLAS SELECT	18.75
84063	STREET MARKING & LIGHTING	MATERIALS	NEWMAN SIGNS	105.71
84064	WATER TREATMENT & PUMPING	MAINTENANCE	PARAMOUNT SUPPLY COMPANY	84.25
84065	COM DEV - AQUATIC CENTER	ADVERTISING	STATESMAN JOURNAL	605.00
84066	LIBRARY	BOOKS	THE GALE GROUP	162.96
84067	FACILITIES MAINTENANCE	MAINTENANCE	PLATT	58.20
84068	AMBULANCE DEPARTMENT	SUPPLIES	MOORE MEDICAL CORP	276.04
84069	COM DEV - AQUATIC CENTER	SUPPLIES	SALEM BLUE	16.50
84070	VARIOUS	SUPPLIES	SIX (6) ROBBLEES INC	204.71
84071	POLICE DEPARTMENT	UNIFORMS	ENTENMANN-ROVIN CO	238.36
84072	POLICE DEPARTMENT	UNIFORMS	DALLAS CITY CLEANERS	353.50
84073	FIRE DEPARTMENT	EQUIPMENT	L N CURTIS & SONS	203.91
84074	FIRE DEPARTMENT	EQUIPMENT	SEAWESTERN INC	9,362.90

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84075	WATER TREATMENT & PUMPING	OPERATION	FERGUSON ENTERPRISES INC	613.01
84076	LIBRARY	PERIODICALS	OREGONIAN PUBLISHING CO.	8.68
84077	AMBULANCE DEPARTMENT	SUPPLIES	LIFE ASSIST	695.25
84078	VARIOUS	SUPPLIES	OFFICE MAX -BOISE COMPANY	2,573.82
84079	VOIDED		OFFICE MAX -BOISE COMPANY	.00
84080	VARIOUS	SUPPLIES	ALLIED WASTE SERVICES	819.55

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84081	SHOP SERVICE FUND	MAINTENANCE	C & K PETROLEUM EQUIP	238.20
84082	VARIOUS	MAINTENANCE	GRAINGER	364.50
84083	COM DEV - AQUATIC CENTER	CONCESSIONS	PEPSI-COLA	539.00
84084	VARIOUS	SUPPLIES	A-TEAM LOCKSMITHS, INC	80.00
84085	VARIOUS	UNIFORMS	DALLAS ALTERATION CENTER	62.00
84086	VARIOUS	CONTRACTUAL	RICOH CORPORATION	966.44
84087	AMBULANCE DEPARTMENT	SUPPLIES	EMERGENCY MEDICAL PRODS	117.09
84088	VARIOUS	PRINTING	TIPPS INC	1,444.63
84089	AMBULANCE DEPARTMENT	SUPPLIES	DERMATEC DIRECT	113.64
84090	VARIOUS	PARTS	UNITED RENTALS INC.	394.07
84091	LIBRARY	CORRECTION	DPS INC.	.00
84092	FIRE DEPARTMENT	OPERATION	SIRENNET.COM	135.00
84093	STREET MAINTENANCE	MATERIALS	DALTON ROCK	77.64
84094	VARIOUS	PARTS	CARQUEST OF DALLAS	542.91
84095	VOIDED		CARQUEST OF DALLAS	.00
84096	VOIDED		CARQUEST OF DALLAS	.00
84097	VARIOUS		OREGON DEPT ADMIN. SERV	105.00
84098	WATER TREATMENT & PUMPING	MAINTENANCE	LAB SAFETY SUPPLY	120.76
84099	STREET MAINTENANCE	TOOLS	APPLIED CONCEPTS, INC	1,685.95
84100	POLICE DEPARTMENT	COMMUNITY POLICING	LAW ENFORCEMENT EQUIPMENT	168.00
84101	AMBULANCE DEPARTMENT	SUPPLIES	WEST VALLEY HOUSING AUTH	993.83
84102	AMBULANCE DEPARTMENT	SUPPLIES	THE MEDICINE SHOPPE	99.00
84103	VARIOUS	CONCESSIONS	WALMART COMMUNITY BRC	535.51
84104	POLICE DEPARTMENT	OPERATION	BATTERIES PLUS	290.80
84105	POLICE DEPARTMENT	INVESTIGATION	LYNN PEAVEY COMPANY	156.00
84106	VARIOUS	CHEMICALS	AIRGAS NOR PAC INC.	1,399.98
84107	VARIOUS	TRAINING	WATERSHED, INC.	283.46
84108	FIRE DEPARTMENT	MAINTENANCE	GUARDIAN FIRE PROTECTION	82.00
84109	SYSTEMS DEVELOPMENT FUND	LEVENS BRIDGE	CASCADE NUT & BOLT, INC.	66.51
84110	VARIOUS	TESTING	BIO-MED TESTING SVC, INC	342.40
84111	LIBRARY	BOOKS	THOMAS BOUREGY & COMPANY	138.50
84112	SHOP SERVICE FUND	MISC	TIRE DISPOSAL CO. INC.	76.90

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84113	VARIOUS	MAINTENANCE	LINCOLN EQUIPMENT INC.	104.88
84114	COM DEV - AQUATIC CENTER	CONCESSIONS	FRED LEA DISTRIBUTING INC	563.30
84115	VARIOUS	MAINTENANCE	COASTWIDE LABORATORIES	513.67
84116	VARIOUS	TRAINING	ROYAL FLUSH PORTABLES INC	231.00
84117	LIBRARY	BOOKS	CENTER POINT PUBLISHING	188.70
84118	LIBRARY	BOOKS	HARRIS INFOSOURCE	180.10
84119	COM DEV - AQUATIC CENTER	PRO SHOP	TYR SPORT INC.	1,215.14
84120	COM DEV - AQUATIC CENTER	ADVERTISING	THE SUN	112.50
84121	VARIOUS	UNIFORMS	BLUMENTHAL UNIFORMS	1,081.75
84122	MUNICIPAL COURT	SUPPLIES	BOUND TREE MEDICAL	148.45
84123	VARIOUS	TOOLS	AMERICAN GLOVE CO.	46.40
84124	FINANCE OFFICE	COMPUTERS	DELL MARKETING L.P.	4,123.65
84125	SHOP SERVICE FUND	SUPPLIES	DETCO INDUSTRIES INC.	175.75
84126	STREET MAINTENANCE	MATERIALS	FLINT TRADING INC	171.90
84127	COM DEV - AQUATIC CENTER	SUPPLIES	HYDRO-FIT INC	201.80
84128	POLICE DEPARTMENT	911 DISPATCH	SANTIAM ANSWERING SERVICE	220.35
84129	FIRE DEPARTMENT	SUPPLIES	THERMO FLUIDS INC.	55.00
84130	AMBULANCE DEPARTMENT	SUPPLIES	PMI	521.79
84131	SHOP SERVICE FUND	PARTS	ENVIRO-CLEAN EQUIPMENT	94.87
84132	POLICE DEPARTMENT	UNIFORMS	SALEM EMBLEM SHOP	18.00

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WARRANT	DEPARTMENT	REFERENCE	VENDOR NAME	AMOUNT
84133	COM DEV - AQUATIC CENTER	ADVERTISING	PIONEER RADIO & SPORTS	280.00
84134	POLICE DEPARTMENT	911 DISPATCH	FEENEY WIRELESS	34.00
84135	SYSTEMS DEVELOPMENT FUND	PARK TRAIL	R & R TREE SERVICE, INC	375.00
84136	SHOP SERVICE FUND	PARTS	A&L SUPPLY	29.50
84137	POLICE DEPARTMENT	SUPPLIES	DE LAGE LANDEN	70.00
84138	SHOP SERVICE FUND	PARTS	PACIFIC POWER PRODUCTS	1,371.42
84139	FIRE DEPARTMENT	TRAINING	FIRE SERVICE BOOKSTORE	131.81
84140	VARIOUS	SUPPLIES	RAY'S HOME & GARDEN	558.73
84141	FIRE DEPARTMENT	UNIFORMS	RUGGED WEAR	69.90
84142	VARIOUS	PARK TRAIL	RICKREALL BARGAIN	980.10
84143	FIRE DEPARTMENT	TURN OUTS	NORTHWEST SAFETYCLEAN	28.69
84144	POLICE DEPARTMENT	SUPPLIES	MID-VALLEY REHABILITATION	33.18
84145	VARIOUS	PARTS	ROY'S AUTOMOTIVE CAR CARE	837.76
84146	SHOP SERVICE FUND	PARTS	MC COY FREIGHTLINER	23.99
84147	SHOP SERVICE FUND	MISC	OK MOTOR SALES & TOWING	582.50
84148	LIBRARY	BOOKS	SEBCO BOOKS	452.58
84149	COM DEV - AQUATIC CENTER	MAINTENANCE	CARTER'S FIRE SPRINKLER	180.00
84150	SEWER TREATMENT PLANT	MAINTENANCE	PACIFIC POWER VAC	2,860.00

Checks 121707.txt				
84151	COM DEV - AQUATIC CENTER	CHEMICALS	KNORR SYSTEMS, INC	3,736.00
84152	COM DEV - AQUATIC CENTER	CONCESSIONS	CASH & CARRY	638.47
84153	COM DEV - AQUATIC CENTER	SUPPLIES	AQUATIC FITNESS PRODUCTS	194.70
84154	VARIOUS	MAINTENANCE	VISUAL MEDIA CENTER	122.28
84155	VARIOUS	COMMUNICATIONS	SECURITY ALARM CORP	2,260.25
84156	AMBULANCE DEPARTMENT	SUPPLIES	ALL CITY GUTTERING	138.60
		TOTAL		84,361.04

CITY OF DALLAS  
SUMMARY WARRANT REGISTER  
11/30/07 15:58

FUND	DEPARTMENT	AMOUNT
1	GENERAL FUND	39,109.76
2	STREET FUND	4,568.65
3	SEWER FUND	4,755.08
4	WATER FUND	5,449.07

✓

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CITY OF DALLAS  
SUMMARY WARRANT REGISTER  
12/07/07 14:54

PAGE 1

WARRANT	DEPARTMENT	REFERENCE	VENDOR NAME	AMOUNT
3913	VARIOUS	EQUIPMENT	DALE WOODIN CONCRETE, INC	20,512.64
		TOTAL		20,512.64

## COMMUNITY DEVELOPMENT DEPARTMENT

<b>Pro Tem City Manager</b> Jerry Wyatt <b>Director</b> Jerry Wyatt <b>Secretary</b> Patti Senger  <b>Building Official</b> Ted Cuno <b>Building Inspectors</b> Ken Frederic    Troy Skinner	<b>Building &amp; Grounds</b> Ken Stoller  <b>Commercial Area Redevelopment Manager</b> John Swanson <b>Industrial Redevelopment Manager</b> Kevin Watson
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### Monthly Report October 2007

The Community Development Department continued to provide services related to the physical development and growth of the community. The Department worked with citizens, organizations, utility companies and other departments to plan for the orderly growth of Dallas in a variety of ways. The Department operates within the city structure, which is committed to managing growth efficiently, and effectively using public and private resources, and achieving a balance between public and private development goals.

#### 2007 Land Use Applications

	Signs	Home Occupations	Conditional Uses	Variances	Partitions / Replats	Subdivisions	Street Plans	Annexations	Zone Changes
Oct. 2007	2	0	1	0	0	0	0	0	1
<b>YTD 2007</b>	16	5	6	9	7	4	0	1	6
Oct. 2006	2	0	0	0	0	1	0	0	1
<b>Total 2006</b>	18	6	7	4	2	6	1	5	5

#### Building Department:

Number of Inspections and Site Visits per Month												
	Jan	Feb	Mar	April	May	June	July	Aug	Sept.	Oct.	Nov.	Dec
<b>2007</b>												
Inspections	239	327	417	335	400	320	336	396	346	227		
Site Visits	135	150	196	152	188	165	169	193	182	96		
<b>2006</b>												
Inspections	425	508	664	556	683	692	472	578	661	697	376	264
Site Visits	157	257	307	260	305	310	228	276	320	348	226	143
<b>2005</b>												
Inspections	245	235	306	271	301	370	293	476	545	490	305	405
Site Visits	145	149	161	155	172	210	171	228	236	231	155	177
<b>2004</b>												
Inspections	146	284	370	352	392	426	420	417	417	355	306	353
Site Visits	104	163	211	192	223	232	242	228	241	206	192	203

#### 2007 Building Permits Summary

Permit Use	Oct. 2007	Oct. 2006	2007 YTD Total	2006 Total Annual Summary	2007 Valuation through Oct.	2006 Total Annual Valuation
New Single Family	2	7	60	129	\$ 12,807,459	\$ 26,796,216
New Duplexes	0	0	0	4	0	1,014,008
New Multifamily	0	0	1	1	272,792	3,328,885
Residential Remodel	3	6	42	53	1,093,395	1,050,994
Residential Accessory Bldg.	1	1	17	10	326,751	219,332
New Commercial	0	0	10	5	3,577,870	4,106,536
Commercial Remodel	4	7	31	31	1,322,333	1,513,685
New Industrial	0	0	0	0	0	0
Industrial Remodel	0	0	0	1	0	67,323
Public Bldg.	1	0	8	2	120,361	59,440
Mobile Home Accessory	0	0	1	1	8,040	9,136
Misc. / No Fee Permits	0	0	0	5	0	0
<b>Total All Categories</b>	<b>11</b>	<b>21</b>	<b>170</b>	<b>242</b>	<b>\$ 19,529,001</b>	<b>\$ 38,165,556</b>

## DALLAS AQUATIC CENTER

**Pro Tem City Manager** Jerry Wyatt  
**Director** Jerry Wyatt

**Supervisor** Tina Paul

### Monthly Report for October 2007

The Dallas Aquatic Center continued to provide services related to the daily operations of the facility and its patrons. The Department worked with citizens and organizations to ensure safe and enjoyable aquatic recreation, skilled instruction, productive meetins, and various other recreational community activities and programs.

October Item	2007		2006		2005		2004	
	Units	Net Sales						
Admission	3,611	\$ 10,458	2,064	\$ 9,207	2,847	\$ 8,883	3,004	\$ 9,468
Annual Membership Passes	23	\$ 3,036	13	\$ 3,000	6	\$ 1,988	6	\$ 2,513
Annual Pass W Ex	3	\$ 1,215	-	\$ -	-	\$ -	-	\$ -
Coupon Bookx (All types)	45	\$ 2,933	49	\$ 3,108	40	\$ 2,641	35	\$ 2,224
Water Aerobic Passes	24	\$ 1,267	29	\$ 1,498	35	\$ 1,625	38	\$ 1,861
Gift Certificates	1	\$ 10	2	\$ 35	3	\$ 45	-	\$ -
Pro Shop	122	\$ 1,020	122	\$ 1,176	104	\$ 1,481	129	\$ 1,916
Concessions	2,483	\$ 2,300	2,422	\$ 2,216	2,650	\$ 2,589	1,546	\$ 1,321
Pass Redemption	628	\$ -	646	\$ -	443	\$ 381	381	\$ -
Middle School	-	\$ -	-	\$ -	2	\$ 22	-	\$ -
Special Events	18	\$ 19	10	\$ 438	-	\$ -	6	\$ -
<b>Total Net Sales</b>		<b>\$ 22,258</b>		<b>\$ 20,678</b>		<b>\$ 19,655</b>		<b>\$ 19,303</b>

**Difference                    \$     1,580**

### Fiscal Year Net Sales

	2007	2006	2005	2004	2003	2002
<b>July</b>	\$45,789	\$40,745	\$36,149	\$39,272	\$32,626	\$28,695
<b>August</b>	37,366	34,487	36,455	34,704	26,093	27,711
<b>September</b>	20,160	23,429	20,497	17,603	9,161	7,351
<b>October</b>	22,258	20,678	19,655	19,303	17,941	8,770
<b>November</b>		19,957	17,332	17,235	18,419	12,301
<b>December</b>		27,189	16,804	19,271	13,718	13,185
	2008	2007	2006	2005	2004	2003
<b>January</b>		29,407	26,019	25,551	19,224	15,372
<b>February</b>		30,277	27,321	25,304	22,533	14,215
<b>March</b>		43,156	30,594	32,541	29,149	21,518
<b>April</b>		26,709	27,095	26,937	22,714	24,249
<b>May</b>		31,186	26,172	22,775	20,053	13,377
<b>June</b>		34,936	35,007	29,428	30,179	21,724
<b>Fiscal YTD</b>	<b>\$125,573</b>	<b>\$362,156</b>	<b>\$319,100</b>	<b>\$309,924</b>	<b>\$261,810</b>	<b>\$208,468</b>

## COUNCIL REPORT – OCTOBER 2007

**To:** Mayor & City Council Members

**From:** Fire Chief

### DALLAS FIRE DEPARTMENT

#### City Incidents

1 – Structure  
1 – Rescue  
8 – Alarm Sounding  
1 – Hazardous Material  
7 – Medical Assistance  
3 – Smoke Investigation  
1 – Other  
1 – Mutual Aid

#### Rural Incidents

10 – Motor Vehicle Accidents  
4 – Illegal Burns  
1 – Natural Vegetation  
1 – Hazardous Material  
10 – Medical Assistance  
2 – Public Assistance  
2 – Other  
1 – Extrication

The Dallas Station responded to 23 City & 31 rural for a total of 54 incidents for the month, of these calls 27 were daytime, 11 evening and 16 weekend responses.

An average of 17 firefighters responded on each incident during the month.

Dallas and Southwest firefighters assisted State Forestry for four days in suppressing the forest fire above Falls City.

Dallas members assisted with the Fire Service Memorial at the Department of Public Safety Standards and Training Facility. Dallas Ladder 101 and Salem Ladder 2 placed a large American flag across the Aumsville Highway for the ceremony.

Sean Condon attended a weeklong class at the National Fire Academy on “Incident Command for Target Hazards”.

Eight members of the Department along with Chief Hahn provided fire education to over 1080 students during October.

Dallas firefighters distributed candy throughout the community on Halloween night; this has become an annual event.

### DALLAS EMERGENCY MEDICAL SERVICE

The total calls for October were 212 bring the total calls for the year to 1882. This compares to 148 in October 2006 and a total of 1629 for the same period last year.

Todd Brumfield has just completed two weeks of training at the National Fire Academy on “Management of Emergency Medical Services”.

Todd Brumfield continues to work on a new ambulance and monitors through a lease program. Cost from supplies and maintenance continue to create a challenge as the number of calls continue to increase.

## MEMORANDUM

**To:** Jerry Wyatt, City Manager  
**From:** Donna Zehner, Library Director  
**Re:** Monthly Report, October 2007  
**Date:** November 26, 2007

The month of October found 1054 patrons using the Library's Internet workstations. This service continues to be quite popular with our patrons. For those needing assistance in learning to use the Internet, arrangements will be made for volunteers and interested students to meet one-on-one. In October 3 of our patrons requested training with our Internet volunteers.

The month of October found the Children's Room once again active, as the Fall sessions of both Infant/Toddler and Preschool Storytimes continue. Storytime attendance brought in 209 young people. Class visits included 306 children hearing about the Dallas Library. In addition, 13 children participated in a special no school event, Book Bingo. In all 528 children either visited or participated in events at the Dallas Library.

The EBSCO full-text periodical database continues to be a popular resource, with patrons finding it easy to use. With school just back in session, students are slowly finding this user-friendly, multi-use database. A total of 10 searches were conducted this past month.

The Reference Desk remains active, with a total of 1199 questions being answered this month. Working on a variety of projects, our volunteers donated a total of 243 hours during the month of October.

**Dallas Public Library  
Monthly Report for October 2007**

**CIRCULATION STATISTICS**

<b>ADULT</b>	<b>October 2007</b>	<b>October 2006</b>	<b>Year to Date 2007</b>
Non-Fiction	1,529	1,488	15,787
Fiction	2,570	2,209	24,951
New Books	2,155	2,299	21,771
Paperbacks	1,196	659	9,486
Periodicals	298	358	2,843
Sound Recordings	197	171	1,652
Books on Tape	239	411	3,039
Books on CD	192		1,637
Videotapes	405	462	4,425
DVDs	329	276	3,133
Media Bags	437	484	4,500
CD-ROMS	2	10	45
ILL (in)	8	2	51
ILL (out)	19	0	56
NVL loans (in)	0	2	0
NVL loans (out)	0	0	8
Internet Workstations	1,054	874	9,780
Equipment	29	58	358
<b>Adult Total</b>	<b>10,659</b>	<b>9,757</b>	<b>133,808</b>
<b>CHILDREN'S</b>			
Non-Fiction	671	625	6,203
Fiction	2,149	2,088	20,986
New Books	46	113	894
Periodicals	46	63	635
Sound Recordings	59	78	460
Books on Tape	116	162	1,696
Books on CD	18		184
Videotapes	432	380	3,916
DVDs	148	154	1,513
CD-ROMS	69	60	654
CD-ROMS (in house)	88	116	893
<b>Children's Total</b>	<b>3,842</b>	<b>3,839</b>	<b>38,034</b>
<b>Remote Renewals</b>	<b>835</b>	<b>633</b>	<b>7,236</b>
<b>Monthly Total</b>	<b>15,336</b>	<b>14,229</b>	<b>148,792</b>

**Dallas Public Library  
Monthly Report for October 2007**

**REGISTERED PATRONS – October 2007**

<b>City Residents</b>	
Adult	6,374
Child	1,681
YA (12-17)	574
<b>Total</b>	<b>8,629</b>
<b>Non-Resident – Fee</b>	
Adult	495
Child	95
YA (12-17)	43
<b>Total Fee</b>	<b>633</b>
<b>Non-Resident –Restricted</b>	
Adult	1,555
Child	454
YA (12-17)	190
Kids Card	483
<b>Total Restricted</b>	<b>2,682</b>
<b>Non-Resident Total</b>	<b>3,315</b>
<b>Total Registered Patrons</b>	<b>11,944</b>

**ADDITIONAL ACTIVITY**

	<b>October 2007</b>	<b>October 2006</b>	<b>Year to Date 2007</b>
<b>Non-Resident User Fees</b>	\$ 470.00	\$ 270.00	\$ 6,800.00
<b>Fines Collected</b>	\$ 1,363.71	\$ 850.84	\$ 12,200.22
<b>Photocopies</b>	\$ 101.80	\$ 113.00	\$ 959.59
<b>Reference Questions</b>	1,199	1,073	10,743
<b>Volunteer Hours</b>	243	362	1,866.75

# MEMORANDUM

## DALLAS POLICE DEPARTMENT MONTH OF OCTOBER 2007

December 3, 2007

TO: JERRY WYATT  
FROM: CHIEF JIM HARPER

Some of the current trends and observations are:

- The Investigator has been busy with complex cases. These include burglary, identity thefts, and sex crimes to name a few.
- Statistics

Alcohol related enforcement, especially DUII and Minor in Possession is up. We had 16 arrests for DUII in October. Activities in general seem to be consistently on the rise.

### The following is a summary of traffic violations committed:

47	Speeding Violations
25	License Violation
19	Insurance Violations
44	Moving Violations
09	Equipment Violations
01	Safety Belt Violations

### Investigation by this Department

46	Animal Ordinance Offenses	Clear by Arr	07
08	Assaults	Clear by Arr	08
01	Burglaries	Clear by Arr	00
01	Carry Concealed Weapon	Clear by Arr	01
18	Criminal Mischief	Clear by Arr	12
02	Curfew	Clear by Arr	02
09	Disorderly Conduct	Clear by Arr	09
16	DUII	Clear by Arr	16
08	Drug Offenses	Clear by Arr	08
02	Driving While Suspended	Clear by Arr	02
01	Eluding Police	Clear by Arr	01
07	Fail Carry Present License	Clear by Arr	07
01	False Info Police Report	Clear by Arr	01
03	Fail Perform Duties of Driver	Clear by Arr	03
01	Frequenting Drug House	Clear by Arr	01
01	Furnishing Alcohol Minor	Clear by Arr	02

12	Harassment	Clear by Arr	03
01	Menacing	Clear by Arr	01
19	Minor in Possession Alcohol	Clear by Arr	19
01	Refusal Breath Test	Clear by Arr	01
01	Resisting Arrest	Clear by Arr	01
02	Restraining Order Violation	Clear by Arr	02
02	Runaway	Clear by Arr	02
01	Sex Offense	Clear by Arr	01
23	Thefts	Clear by Arr	09
01	Trespass	Clear by Arr	01
01	Unlawful Possession Weapon	Clear by Arr	01
02	Unlawful Use Motor Vehicle	Clear by Arr	02
10	Warrants	Clear by Arr	10

107	Assist Public
26	Assist Law
32	Suspicious Activity
20	Suspicious Vehicles
12	Suspicious Persons
29	Disturbances
09	911 Hangup
22	Welfare Checks
05	Assist Traffic
23	False Alarms
11	Civil Complaints
13	Noise Complaints
32	FIR (Field Investigation Report)
14	Accidents

**Arrests by this Department**

07	Animal Ordinance Offenses	
08	Assaults	
01	Carrying Concealed Weapon	
12	Criminal Mischief	
02	Curfew	
09	Disorderly Conduct	
08	Drug Offenses	
16	DUII's	
02	Driving While Suspended	
07	Fail Carry & Present License	
03	Fail Perform Duties Driver	
01	False Info Report	
01	Frequenting Drug House	
01	Furnishing Alcohol to Minor	
03	Harassment	
01	Menacing	
19	Minor in Possession Tobacco	
01	Resisting Arrest	
02	Restraining Order Violation	
01	Refusal Breath Test	
02	Runaway	
01	Sex Abuse	
09	Thefts	
01	Trespass	
02	Unlawful Use Motor Vehicle	
14	Warrants	
<b>134</b>	<b>TOTAL ARRESTS</b>	<b>Arrests for OCT '06: 103</b>

**JUVENILES**

Twenty-seven juveniles were referred to Juvenile Authorities for their actions.

<b>CALLS FOR SERVICE:</b>	<b>1092 TOTAL</b>	<b>(Last yr: 959)</b>
	233 Case Numbers	
	859 Event Numbers	

\*\*\* Code Enforcement Report (*see attached*)

\*\*\* Reserve Hours 75

**DALLAS POLICE DEPARTMENT**  
**CODE ENFORCEMENT REPORT**

October                      2007                      Code Officer Totten

<b>NUMBER OF TOWED VEHICLES</b>	<b>1</b>
<b>NUMBER OF CITATIONS ISSUED</b>	<b>14</b>
<b>NUMBER OF FOLLOW-UP ACTIVITIES COMPLETED</b>	<b>148</b>

**NEW CASES STARTED:**

<b>DCC # 5.584-INOPERABLE VEHICLES (PRIVATE PROPERTY)</b>	<b>8</b>
<b>DCC # 6.320-VEHICLES STORED ON STREET/PARK STRIP</b>	<b>22</b>
<b>DCC # 6.505-ABANDONED VEHICLES</b>	<b>10</b>
<b>DCC # 5.582-JUNK</b>	<b>2</b>
<b>DCC # 5.556-SCATTERING RUBBISH (PRIVATE PROPERTY)</b>	<b>5</b>
<b>DCC # 6.315-TRUCK PARKING</b>	<b>0</b>
<b>DCC # 6.310-PROHIBITED STOPPING &amp; PARKING</b>	<b>0</b>
<b>DCC # 5.276-CAMPING ON PUBLIC PROPERTY</b>	<b>0</b>
<b>DCC # 6.605-PARKING REGULATIONS (CAMPING)</b>	<b>3</b>
<b>DCC # 6.125-OBSTRUCTING STREETS OR SIDEWALKS</b>	<b>0</b>
<b>DCC # 5.588-GRAFFITI</b>	<b>4</b>
<b>DCC # 7.520- GARAGE SALE</b>	<b>1</b>

**HABITUAL PROBLEMS/OTHER ISSUES:**

I am working with Safeguard Properties and Penny McCarthy (a cleaning contractor) to clean the property.

**NARRATIVE:**

Fourteen citations for parking violations were issued this month.

TO: ROGER JORDAN, CITY MANAGER  
 FROM: FRED BRAUN, DIRECTOR OF PUBLIC WORKS

**DEPARTMENT OF PUBLIC WORKS  
 Monthly Report for October 2007**

		<u>Water Division</u>				
		<u>2007</u>	<u>Unit</u>		<u>2006</u>	<u>Unit</u>
Total Discharge to Town		54.35	MG		63.26	MG
Total Water Raw		52.17	MG		71.19	MG
Peak Day	10/11/07	2.58	MG	10/01/06	3.45	MG
Daily Average-Raw		1.75	MGD		3.45	MGD
Daily Average-City		1.68	MGD		2.89	MGD
Backwash Water		2.13	MG		1.04	MG
Filter to Waste		0.31	MG		5.48	MG
Flushing		0.25	MG		0.25	MG
Discharge Water		0.10	MG		0.10	MG
Meter and Process Error	0%	0	MG	6.8%	4.57	MG
ASR Flush		0	MG			
Cleaned Basin		0.55	MG			
Average High Temp		60.2	° F		64.5	° F
Average Low Temp		42.8	° F		39.5	° F
Total Precipitation		4.24	Inches		0.65	Inches

Mercer Dam and Watershed:

- Visual inspections were done on October 1, 12, 22 and 26.
- Full walking inspections were done on October 5 and 19.
- Worked on log booms October 5.
- Pulled weir on upper Rickreall on October 5.
- Pulled remaining weirs on October 11.

Intake Pump Station:

- Pump #1 drive blew out in Pump Station #2.

Water Treatment Plant: Reporting okay.

- New raw water meter installed October 30.
- 5 new turbidity meters on line for check to work out bugs.

Reservoirs: Reporting okay

- Held preconstruction meeting for Main Street Reservoir on October 11.

New Services: Three new 3/4" services were installed at: 365 SE Schmidt St; 706 SE Stoneridge Ln; 255 NE Fern Ave (separated 2 duplexes).

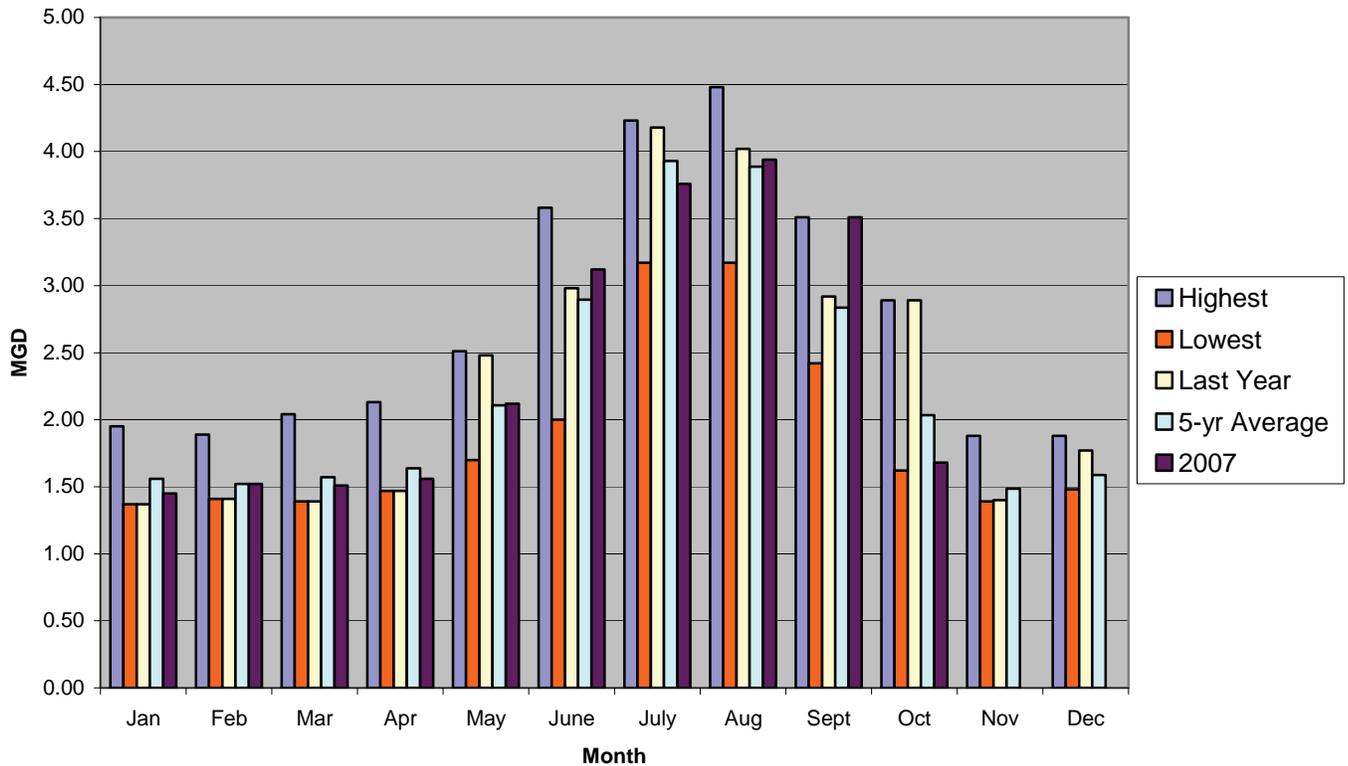
Repairs Leaks at: No leaks.

Worked on:

- Fir Villa Rd services
- Levens Street Bridge
- Read meters

Date	Dam Level	Discharge Rate	Rickreall Creek	Canyon Creek	Applegate Creek
10/01/07	48.3'	6.86 CFS 4.4 MGD	8.6 CFS 5.6 MGD	0.43 CFS 0.28 MGD	0.25 CFS 0.16 MGD
10/05/07	50.0'	6.86 CFS 4.4 MGD	10.6 CFS 6.8 MGD	0.69 CFS 0.44 MGD	0.21 CFS 0.13 MGD
10/08/07	50.8'	11.1 CFS 7.2 MGD	out	0.49 CFS 0.31 MGD	0.17 CFS 0.11 MGD
10/11/07	50.5'	11.3 CFS 7.3 MGD	out	0.46 CFS 0.30 MGD	0.13 CFS 0.08 MGD
10/14/07	Full		out	out	out
10/19/07	Lost overflow 60.6'		out	out	out
10/29/07	58.7'		out	out	out

**Average Daily Treated Water Production**



## Wastewater Division

### Effluent Flow

		<u>2007</u>	<u>Units</u>		<u>2006</u>	<u>Units</u>
Monthly Total Flow		57.89	MG		44.16	MG
Peak Day Flow	10/20/07	3.79	MG	10/16/06	1.64	MG
Daily Average Flow		1.87	MG		1.42	MG

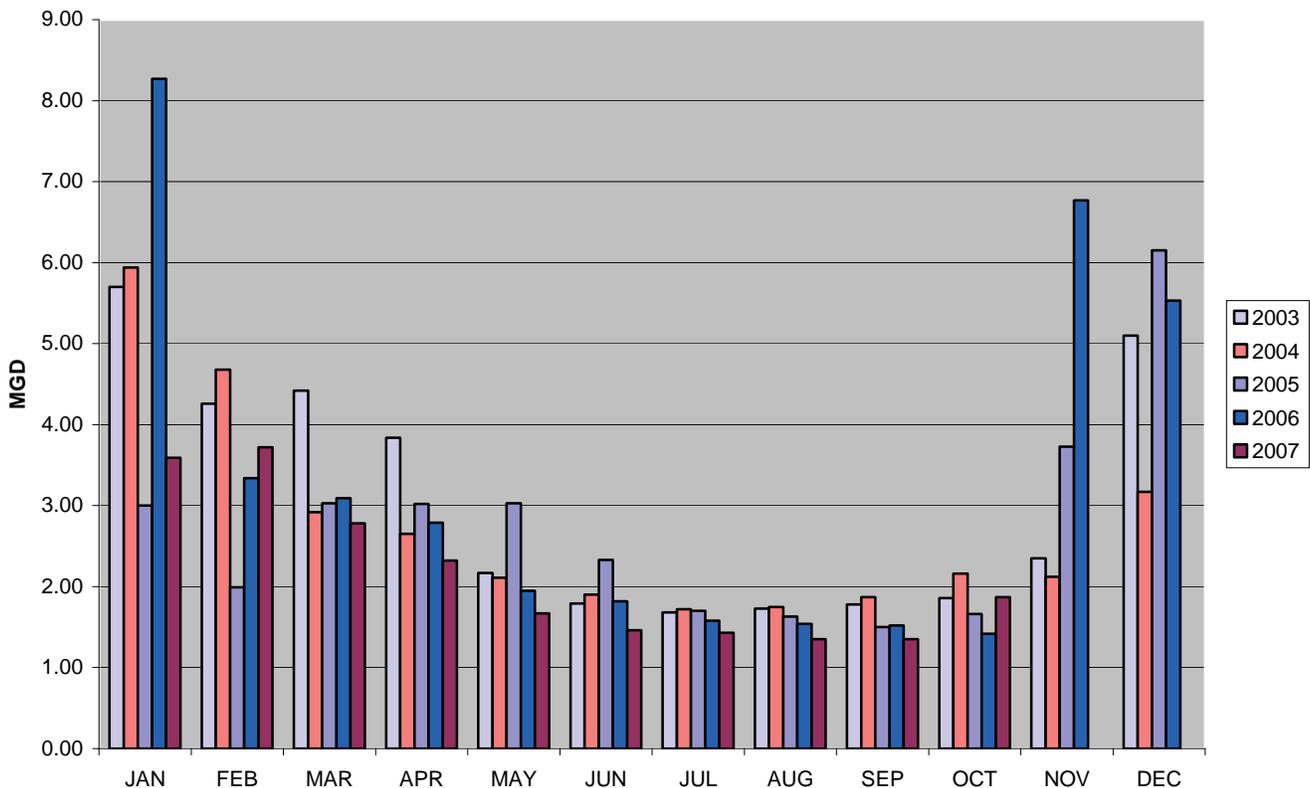
#### Plant Maintenance:

- ZWALD, Inc. removed solids from the old north aeration basin.
- Replaced failed UV sensor
- Elemech, Inc., repaired Septage Receiving Unit operator panel
- Replaced failed effluent blower motor
- Flushed aerator gear boxes and replaced with new oil
- Adjusted plant influent pumps processor control
- Replaced failed Variable Frequency Drive at headworks screen #1

#### Plant Performance:

A contractor removed solids that had accumulated throughout the years in the old existing north aeration basin. The solids contained heavy metal contaminants, such as mercury and iron, which could potentially leach back in to the plant process and effluent. The solids were placed in the humus ponds to be dried and removed from the plant next summer.

**Effluent - Average Daily Discharge by Month**



## Street and Construction Division

### Maintenance:

Catch basin maintenance, cold patching, curb and sidewalk repair, equipment and vehicle upkeep and repair, manhole grouting, mowing of City properties and/or rights of way, open ditch maintenance, painting of streets, plug and patching, preventative maintenance on sewer lift stations, reimbursable work, sanitary rehabilitation, sanitary repair and cleaning, service repair, shop and office, sign work, storm repair, street sweeping, tree trimming, unimproved streets and alleys, utility locates, and various other maintenance duties.

<u>Project / Task</u>	<u>Man Hours</u>
Leaf Harvest	254
Sanitary Sewer Maintenance & Repair	242
Street Sweeping	143
Storm Maintenance & Repair	86
Sidewalk Repair & Maintenance	81
Signs	53
Tree Trimming	39
Paving	29
Utility Locates	27
Buildings and Grounds Maintenance	25
Open Ditch Maintenance	14
Lift Station Maintenance	14

## **Parks Division**

The Parks department provided the following routine services during the month of October:

- Cleaned leaves from shrub beds
- Performed regular mowing of all parks
- Weeded shrub beds and landscape areas
- Performed monthly safety check of playground equipment on October 19, 2007
- Brought in park tables for winter storage
- Shut down and drained all irrigation lines for winter
- Mulched/accumulated leaves from lawn areas
- Removed leaves from trails
- Closed and winterized restrooms
- Cancelled garbage service for winter (on call only)
- Picked up fallen limbs from storm damage
- Performed equipment service checks/repairs
- Finished installing new 4x12 planks on all stationary tables
- Installed irrigation and landscaping at Exxon station and Laundromat on Orchard View
- Moved irrigation clock at Lyle Complex from inside the Snack Shack to outside the Snack Shack
- Sprayed fence rows at Lyle and Strader complexes
- Identify trees to be replaced on Ellendale Ave
- Harvested leaves in all parks, City Hall, Fire Station, Ambulance building
- Volunteer groups from Faith Free Church cleaned up areas in Dallas City Park and Arboretum

## Engineering

### Subdivisions:

- Forestry Creek Meadows, Phase 4: As-builts under review.
- Ceres Gleann, Phase 4: As-builts under review.
- River Gleann, Phase 5 and 6: As-builts under review.
- Polk Station PUD: After-paving checklist items completed.
- Paisley Addition: Plans approved. Project on hold.
- Cynthian Oaks, Phase 2: As-builts under review.
- Ellendale Estates: Trees locations staked for installation.
- Oak View Estates: Preconstruction meeting held.
- Pacific Heights: Construction underway.

### Commercial Developments:

- Dallas Retirement Village: Awaiting as-builts.
- Godsey Apartments: Awaiting as-builts.
- Godsey Storage Units: Phase II paved.
- Godsey Apartments Phase II: Construction complete; awaiting as-builts.
- Safeway Fuel: Construction underway.
- Les Schwab Remodel/Addition: Construction underway.
- Trinity Lutheran Church: Plans sent back to engineer for revisions.
- DRV Ellendale Duplexes: Plans reviewed and sent back to engineer for revisions.

### Programs / Projects:

- Fir Villa Street Improvements: Project under construction; curbs completed.
- Phase II/ Monitoring: Plan approved by DEQ; completed first sampling event.
- Raw Water Line Project: Scheduled for completion November 2007.
- Levens Street Bridge Replacement: Streets paved, walls rebuilt, landscaping installed.
- SE Monmouth Cut-off / Uglow Ave Intersection: Project shelved.
- Ambulance Parking Lot: Landscape remaining.
- Godsey Rd Sewer: Project shelved.
- Finished Water Reservoir: Construction initiated.
- Downtown Parking Lot: Preliminary design and estimate completed.
- Maple Street Sewer: Under construction.
- Intake Upgrade: Problems with 2 of 3 Intake pump drives.
- PLC Upgrade: New PLC online.
- Clay Street Storm Sewer: Project on hold.
- LaCreole Storm Project: Construction completed; cleanup underway.

### Routine Work:

- Map Updates: Ongoing.
- Utility Locates: Normal
- Engineering, Project Scoping, Public Assistance: Normal
- Planning Commission / City Council / Community Development Team: Normal
- Watershed: Attended meetings/project coordination Rickreall and Luckiamute Watershed Councils.
- WWTF-NPDES: Submitted required reports.
- Water Treatment Facility/Water Supply: Complete ASR recovery cycle.
- Tracking Backflow testing
- Pavement Management: Information analysis.

## Administrative Services Division Activities

### Project Management

- Continued tracking engineering task orders
- Reviewed invoices for payment recommendation
- Communication with various project managers on status of projects
- Reviewed contract documents
- Project meetings
- Project management

### Public Information

- Web Page monitoring & updates for new web page
- Channel 17 notices

### Safety

- MSDS updates
- Safety meetings

### Additional Projects

- OECD Water improvement documentation and reimbursement request
- ASR pump station project
- SCADA project
- Raw water transmission line project
- 2 MG reservoir tank project
- Rotary Park improvement planning
- Levens Street bridge project
- SE Fir Villa Road storm and street improvements project
- LaCreole/Academy storm project
- Shops gate and frontage improvements
- OMI contract

### Shop Services

- Ongoing maintenance on vehicles, machinery & construction equipment
- Ordered new street sweeper – Arrival anticipated in February

Shop services hours were divided into the following areas:

EMS	35.00 hrs.
Fire	24.00 hrs.
Outside Labor (Work performed within another division)	7.00 hrs.
Parks	41.00 hrs.
Police	34.00 hrs.
Public Works	218.00 hrs.
Rural Fire	6.50 hr.
Wastewater Treatment Facility	2.50 hrs.

### Support Services

- Administrative support for Public Works
- Code Enforcement
- Map updates
- SOGs



# Oregon

Theodore R. Kulongoski, Governor

## Department of Environmental Quality

Western Region - Eugene Office

1102 Lincoln, Suite 210

Eugene, OR 97401

(541) 686-7838

FAX (541) 686-7551

November 14, 2007

Mr. Jim Solvedt  
Polk County  
850 Main Street  
Dallas, OR 97338

Dear Mr. Solvedt:

On the back of this letter is the 2006 Materials Recovery Report for your wasteshed. This report is derived from the 2006 Materials Recovery Survey, which is required under ORS 459A.010. This statute also incorporates your wasteshed's recovery rate goals set for 2009. Your county should be proud of the efforts your recovery rate represents.

The Materials Recovery Report includes your wasteshed's 2006 recovery rate, the amounts of materials disposed and recovered, per capita disposal, recovery and generation rates, amount of 2% credits your wasteshed has earned, and a chart comparing this year's results with previous survey years. The full 2006 Oregon Recovery and Waste Generation Rates Report will be available on the Internet at <http://www.deq.state.or.us/lq/pubs/docs/sw/2006MRWGRatesReport.pdf> by November 15, 2007.

DEQ Solid Waste staff will be happy to work with your wasteshed to assist in improving data collection and waste reduction efforts. For assistance with your waste recovery and prevention efforts, please call Cathie Davidson at (503) 378-5089. If you would like more information about data collection or the recovery survey, please call Mary Lou Perry at (503) 229-5731, or toll free in Oregon at (800) 452-4011 x5731.

Sincerely,

Bill Mason, Manager  
Solid Waste Program  
Western Region

Attachment: 2006 Recycling Collector Data Summary – Polk

CC: City Managers of Dallas, Independence, Monmouth  
Garbage Collection Companies, Polk



## 2006 DEQ MATERIALS RECOVERY REPORT POLK COUNTY

**CALCULATED RECOVERY RATE:** 47.3%  
**2% CREDITS:** 4.0%  
**TOTAL RECOVERY RATE:** 51.3% **GOAL (2009): 35%**

In 2006, POLK COUNTY disposed of 42,845 tons of waste and recovered 38,447 tons of waste.

Year	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Calculated	19.1%	23.6%	26.4%	28.8%	32.5%	39.2%	38.4%	43.1%	44.1%	50.1%	47.3%
Credits*	-	0.0%	0.0%	2.0%	4.0%	4.0%	0.0%	4.0%	4.0%	4.0%	4.0%
Total	19.1%	23.6%	26.4%	30.8%	36.5%	43.2%	38.4%	47.1%	48.1%	54.1%	51.3%

\* Credits were not available prior to 1997

### PER CAPITA WASTE DISPOSAL FOR WASTESHED (Pounds per Person):

The average per capita waste *disposed in Oregon* during 2006 was 1,753 pounds. POLK COUNTY's per capita waste disposal was 1,285 pounds. As shown in the following table, per-capita waste disposal in POLK COUNTY has increased 16% since 2001 (5-year change) and increased 28% since 1996 (10-year change).

### PER CAPITA WASTE RECOVERY FOR WASTESHED (Pounds per Person):

The average per capita waste *recovered in Oregon* during 2006 was 1,369 pounds. POLK COUNTY's per capita waste recovery was 1,153 pounds. As shown in the following table, per-capita waste recovery in POLK COUNTY has increased 61% since 2001 (5-year change) and increased 387% since 1996 (10-year change).

### PER CAPITA WASTE GENERATION FOR WASTESHED (Pounds per Person):

Waste generation is the sum of disposal and recovery. It is a rough measure of the total discards in a wasteshed. In 2001, the Oregon Legislature established waste generation goals for the State. These goals are: a) no increase in per capita waste generation in 2005 and all subsequent years, and b) no increase in total waste generation in 2009 and subsequent years.

The average per capita waste *generation in Oregon* during 2006 was 3,122 pounds. POLK COUNTY's per capita waste generation was 2,439 pounds. As shown in the following table, per-capita waste generation in POLK COUNTY has increased 33% since 2001 (5-year change) and increased 97% since 1996 (10-year change).

	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
PER-CAPITA DISPOSED*	1,000	1,034	1,221	1,068	1,204	1,110	1,215	1,182	1,286	1,231	1,285
PER-CAPITA RECOVERED*	237	319	438	432	581	717	758	885	1,012	1,236	1,153
PER-CAPITA GENERATED*	1,237	1,353	1,659	1,499	1,785	1,827	1,973	2,053	2,298	2,467	2,439

\*Pounds per person per year.

### REGIONAL TECHNICAL ASSISTANCE CONTACT:

Contact Cathie Davidson at (503) 378-5089 for assistance in identifying ways to help reduce waste generation and disposal through waste prevention, reuse, recycling, and composting.

### SURVEY COORDINATOR:

Contact Mary Lou Perry in Portland at (503) 229-5731, or toll free in Oregon at 1-800-452-4011, for more information on the survey.

NOTE: DEQ routinely updates recovery rates for prior years as we receive new information. These are the current corrected figures for all years.

OREGON LIQUOR CONTROL COMMISSION  
LIQUOR LICENSE APPLICATION

**PAID**  
NOV 27 2007  
\$10.00  
**CITY OF DALLAS**



RECEIVED NOV 28 2007

PLEASE PRINT OR TYPE

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 \_\_\_\_\_

Applying as:

- Individuals
- Limited Partnership
- Corporation
- Limited Liability Company

FOR CITY AND COUNTY USE ONLY

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: OLCC pending

Date: 11/16/07 requested

90-day authority:  Yes  No

1. Applicant(s): [See SECTION 1 of the Guide]

① Chen's Family Dish Restaurant, Inc. ③

② \_\_\_\_\_ ④ \_\_\_\_\_

2. Trade Name (dba): same

3. Business Location: 184 SE Washington Street Dallas Polk OR 97338  
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: Same as above  
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 503-623-7080  
(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: Happy Family

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? Dallas  
(name of city or county)

11. Contact person for this application: Li Wei 503-775-2720  
(name) (phone number(s))  
7059 SE Powell Blvd. Portland, OR 97206; 503-774-5338 liwei@hotmail.com  
(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: [Signature] Date 11-2-07 ③

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

RECEIVED  
OREGON LIQUOR CONTROL COMMISSION

Date NOV 16 2007

1-800-452-OLCC (6522)  
www.olcc.state.or.us

SALEM REGIONAL OFFICE

ORDINANCE NO. 1681

An Ordinance amending Chapter 7 of the Dallas City Code by adding new provisions thereto establishing a transient lodging tax.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 7 of the Dallas City Code is hereby amended by adding new provisions thereto establishing a transient lodging tax as follows:

"TRANSIENT LODGING

7.870 Definitions. For the purposes of sections 7.870 through 7.924, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) **Accrual Accounting.** The operator enters the rent due from a transient on the operator's records when the rent is earned, whether or not it is paid.
- (2) **Cash Accounting.** The operator does not enter the rent due from a transient on its records when the rent is earned, but rather when it is paid.
- (3) **City Council.** The City Council of the City of Dallas, Oregon.
- (4) **Collection Reimbursement Charge.** The amount a transient lodging operator may retain as reimbursement for the costs incurred by the provider in collecting and reporting the transient lodging tax and in maintaining transient lodging tax records.
- (5) **Hotel.** Any structure, or any portion of any structure, not excluded herein, which is occupied or intended or designed for transient occupancy for thirty (30) days or less for dwelling, lodging or sleeping purposes and includes any hotel, motel, inn, condominium, tourist home or house, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, public or private dormitory, public or private club and also means space in mobile home or trailer parks (including recreational vehicle, tent trailer and tent camping parks) or similar structures, space or portions thereof so occupied, provided the occupancy is for less than a thirty (30) day period. "Hotel" does not include:
  - (a) A hospital, medical clinic, assisted living facility, health care facility, adult foster care facility or home for aged people licensed by the State of Oregon;
  - (b) A public institution or facility owned and operated by a unit of the government and not operating under the veil of private sector competition;
  - (c) A facility operated by a nonprofit organization for the purpose of providing temporary emergency shelter for victims of domestic violence, elder abuse, child abuse, sexual abuse or physical abuse; and

(d) Any other dwelling unit or facility that is exempt from transient lodging tax under ORS 320.308, as it may amended from time to time.

(6) Occupancy. The use or possession or the right to the use or possession for lodging or sleeping purposes of any room or rooms in a hotel.

(7) Operator. The person who is the proprietor of a hotel in any capacity. Where the operator performs his or her functions through a managing agent other than an employee, the managing agent shall also be deemed an operator for the purposes of sections 7.870 through 7.924 and shall have the same duties and liabilities as its principal. Compliance with the provisions of sections 7.870 through 7.924 by either the principal or the managing agent shall be considered to be compliance by both.

(8) Person. Any individual, corporation, partnership, joint venture, association, social club, fraternal organization, public or private dormitory, joint stock company, corporation, estate, trust, receiver, trustee, syndicate or any other group or combination acting as a unit.

(9) Rent. The consideration charged, whether or not received by the operator, for the occupancy of space in a hotel valued in money, goods, labor, credits, property or other consideration valued in money, without any deduction; but shall not include charges to a condominium unit owner which are solely for cleaning or maintenance of the unit or personal use or occupancy by the owner, so long as the charges are made in connection therewith for space occupancy.

(10) Rent Package Plan. The consideration charged for both food and rent where a single rate is made for the total of both. The amount applicable to rent for determination of the transient room tax under sections 7.870 through 7.924 shall be the same as the charge made for rent when food consideration is not a part of the package plan. The amount applicable for rent for determination of the transient room tax under sections 7.870 through 7.924 shall be the amount allocated to space rent, taking into consideration a reasonable value of other items in the rent package and the charge for rent when the space is rented separately and not included in a package plan.

(11) Tax. The tax payable by the transient or the aggregate amount of taxes due from an operator during the period for which collections are required to be reported.

(12) Tax Administrator. The Finance Director of the City, or the Finance Director's designee.

(13) Transient. Any individual who exercised occupancy or is entitled to occupancy in a hotel for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days. The day a transient checks out of the hotel shall not be included in determining the thirty (30) day period if the transient is not charged rent for that day by the operator. Any individual so occupying space in a hotel shall be deemed to be a transient until the period of thirty (30) days has expired, unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy or the tenancy actually extends more than

thirty (30) consecutive days. In determining whether a person is a transient, uninterrupted periods of time extending both prior and subsequent to the effective date of the ordinance enacting sections 7.870 through 7.924 may be considered. A person who pays for lodging on a monthly basis, irrespective of the number of days in the month, shall not be deemed a transient.

7.872 Tax Imposed. For the privilege of occupancy in any hotel, on and after the first day of February 1, 2008, the operator shall collect from and each transient shall pay a tax to the City of Dallas in the amount of nine percent (9%) of the rent charged by the operator. For a recreational vehicle, tent trailer and tent camping with self-pay slots, the tax shall be increased and assessed to the closest twenty-five cent (\$.25) interval. The tax constitutes a debt owed by the transient to the City, and by the operator to the City which is extinguished only by payment by the operator to the City, and is in addition to any other tax levied by any other governmental jurisdiction.

(1) For rent collected on portions of a dollar, fractions of a penny of tax shall not be remitted.

(2) The operator shall be entitled to retain a Collection Reimbursement Charge in the amount of five percent (5%) of the taxes collected pursuant to this section.

7.874 Time of Payment by Transient. The transient shall pay the tax to the operator of the hotel at the time when the rent is collected if the operator keeps records on the cash accounting basis and when earned if the operator keeps records on the accrual accounting basis. If rent is paid in installments, the transient shall pay a proportionate share of the tax to the operator with each installment. In all cases, the rent paid or charged for occupancy shall exclude the sale of any goods, services and commodities. In all cases of credit or deferred payment of rent, the payment of tax to the operator may be deferred until the rent is paid.

7.876 Operator's Duties. Each operator shall collect the tax imposed by section 7.872 at the same time as the rent is collected from every transient. The amount of tax shall be separately stated upon the operator's records and any receipt rendered by the operator. No operator of a hotel shall advertise that the tax or any part of the tax will be assumed or absorbed by the operator or that the tax will not be added to the rent or that, when added, any part will be refunded except in the manner provided by this Chapter.

7.878 Exemptions. No tax under this Chapter shall be imposed upon:

(1) Any occupant for more than thirty (30) successive calendar days with respect to any rent imposed for the period commencing after the first thirty (30) days of successive occupancy;

(2) Any occupant whose rent is of a value less than two dollars (\$2) per day; or

(3) Any person who rents a private home, vacation cabin or like facility from any owner who rents the facilities incidental to his or her own use thereof for periods greater than thirty (30) days;

7.880 Registration of Operator.

(1) Every person engaging or about to engage in business as an operator of a hotel in this City shall register with the Tax Administrator on a form provided by the City. Operators engaged in business at the time this Ordinance is adopted must register not later than thirty (30) calendar days after the effective date of this Ordinance. Operators starting business after this Ordinance is adopted must register within fifteen (15) days after commencing business. The privilege of registration after the date of imposition of the tax shall not relieve any person from the obligation of payment or collection of the tax regardless of registration.

(2) Registration shall set forth the name under which the operator transacts or intends to transact business, the location of place or places of business and other information to facilitate collection of the tax as the City Manager may require. The operator shall sign the registration.

(3) The Tax Administrator shall, within ten (10) days after registration, issue, without charge, a certificate of authority for each registrant to collect the tax from occupants, together with a duplicate thereof for each additional place of business of each registrant. Certificates shall be non-assignable and non-transferable and shall be surrendered immediately to the Tax Administrator upon the cessation of business at the location named or upon its sale or transfer. Each certificate and duplicate shall state the place of business to which it is applicable and shall be prominently displayed therein so as to be seen and recognized by all occupants and persons seeking occupancy. The certificate shall, among other things, contain the following:

- (a) The name of the operator;
- (b) The address of the hotel;
- (c) The date upon which the certificate was issued; and

(d) A statement that ‘This transient occupancy registration certificate signifies that the person or facility named on the face hereof has fulfilled the requirements of the Transient Lodging Tax established by Dallas City Code, Sections 7.870 through 7.924, by registration with the Tax Administrator for the purpose of collecting the transient lodging tax imposed by the City and remitting that tax to the Tax Administrator. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, or to operate a hotel without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any board, commission, department or office of the City. This certificate does not constitute a permit.’

7.882 Due Date of Operator Payments. All taxes collected by any operator, less the five percent (5%) Collection Reimbursement Charge, are due and payable to the Tax Administrator on a monthly basis on the fifteenth day of the following month for the preceding month and are delinquent on the last day of the month in which they are due. The Tax Administrator has authority to classify and/or district the operators by zones for determination of applicable tax periods and shall notify each operator of the due and delinquent dates for the operator's returns.

7.884 Returns. On or before the fifteenth day of the month following each month of collection, a return for the preceding month's tax collections shall be filed by each operator with the Tax Administrator. The return shall be filed in such form as the Tax Administrator may prescribe by every operator liable for payment of tax.

(1) Returns shall show the amount of tax collected or otherwise due for the related period. The Tax Administrator may require returns to show the total rentals upon which tax was collected or otherwise due, gross receipts of those amounts and the amount of the rents exempt, if any.

(2) The operator shall deliver the return, together with the remittance of the amount of the tax due, to the Tax Administrator, either by personal delivery or by mail.

(3) The return shall be signed by the operator and certified as being true and accurate.

7.886 Payment Extension. For good cause, the City Manager may extend, for not to exceed one (1) month, the time for making any return or payment of tax. No further extension shall be granted, except by the City Council. Any operator to whom an extension is granted by the City shall pay interest at a rate of one per cent (1%) per month, or portion thereof, from the original due date, until paid. If a return is not filed and the tax and interest due is not paid by the end of the extension granted, then the interest shall become a part of the tax for computation of interest and further penalties described elsewhere in Sections 7.870 through 7.924.

7.888 Penalties and Interest.

(1) Original delinquency. Any operator who has not been granted an extension of time for remittance of tax due and fails to remit any tax imposed by sections 7.870 through 7.924 prior to delinquency shall pay a penalty equal to ten percent (10%) of the amount of the tax due, in addition to the amount of the tax.

(2) Continued delinquency. Any operator who has not been granted an extension of time for remittance of tax due and fails to pay any delinquent remittance on or before a period of thirty (30) days following the date on which the remittance first became delinquent shall pay a second delinquency penalty of fifteen percent (15%) of the amount of the tax due, plus the amount of the tax and the ten percent (10%) penalty first imposed.

(3) Fraud. If the City Manager determines that the non-payment of any remittance due under sections 7.870 through 7.924 was due to fraud or was done with the intent to evade the provisions of sections 7.870 through 7.924, a penalty of twenty-five percent (25%) of the amount of the tax shall be added thereto in addition to the penalties stated in divisions (a) and (b) of this section.

(4) Interest. In addition to penalties imposed, any operator who fails to remit any tax imposed by sections 7.870 through 7.924 shall pay interest on delinquent taxes at the rate of one percent (1%) per month, or fraction thereof, without prorating for portions of a month on the

amount of the tax due, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

(5) Penalties merged with tax. Every penalty imposed and any interest accrued under the provisions of this section shall be merged with and become a part of the tax herein required to be paid.

(6) Petition for waiver. Any operator who fails to remit the tax herein levied within the time stated shall pay the penalties herein stated; provided, however, that the operator may petition the City Manager for waiver and refund of the penalty, or any portion thereof, and the City Manager may, in the City Manager's sole discretion, and if a good and sufficient reason is shown, waive and direct a refund of the penalty or any portion thereof.

7.890 Deficiency Determination. If the Tax Administrator determines that a return is incorrect, the Administrator shall compute and determine the amount required to be paid upon the basis of the facts contained in the return or returns or upon the basis of any information submitted to the City or additional information provided or obtained for Tax Administrator review. One or more deficiency determinations may be made of the amount due for one (1) or more than one (1) reporting period and the amount so determined shall be due and payable immediately upon service of notice, as herein provided, after which the amount determined is delinquent. Penalties and interest on deficiencies shall be charged as set forth in section 7.888.

(1) In making a determination, the Tax Administrator may offset tax overpayments, if any, which may have been previously made for a reporting period or periods or against penalties and interest on underpayments. Penalties and interest on underpayments shall be computed in the manner set forth in section 7.888.

(2) The Tax Administrator shall give the operator a written notice of a deficiency determination. The notice may be served personally or by mail. If by mail, the notice shall be addressed to the operator at the address as it appears on the records of the City.

(3) Except in the case of fraud or intent to evade the provisions of sections 7.870 through 7.924, or rules and regulations authorized hereunder, every deficiency determination shall be made and notice thereof mailed within three (3) years after the last day of the month following the close of the monthly period for which the return was filed, or due to be filed, or within three (3) years after the return is filed, whichever period expires later.

(4) Any deficiency determination shall become due and payable immediately upon receipt of notice and shall become final within twenty (20) days after the Tax Administrator has given notice thereof; provided, however, the operator may petition for redemption and refund if the petition is filed before the determination becomes final as herein provided.

(5) If any operator shall fail or refuse to collect the tax or to make, within the time provided in sections 7.870 through 7.924, any return, or remittance of the tax, or any portion thereof, required by sections 7.870 through 7.924, or makes a fraudulent return, or otherwise willfully attempts to evade the provisions of this sections 7.870 through 7.924 , the Tax

Administrator shall proceed in the manner as may be deemed best to obtain the facts and information on which to base an estimate of the tax due. As soon as the Tax Administrator has determined the tax due from any operator who has failed or refused to collect the same and to report and remit the tax, the Tax Administrator shall proceed to determine and assess against that operator the tax, interest and penalties provided for by sections 7.870 through 7.924. This determination and notice shall be made and mailed within three (3) years of the discovery by the Tax Administrator of any fraud, intent to evade or failure or refusal to collect the tax or failure to file a return. Any determination shall become due and payable upon receipt of notice and shall be final twenty (20) days after the Tax Administrator has given notice thereof; provided, however, the operator may petition the City Manager for redemption or refund if the petition is filed before the determination becomes final as herein provided.

7.892 Payment in Jeopardy. If the Tax Administrator believes that the collection of any tax, or any portion thereof, required to be collected and paid to the City will be jeopardized by delay, or if any determination will be jeopardized by delay, the Administrator shall make a determination of the tax, penalties and interest required to be collected. The amount so determined shall be immediately due and payable and the operator shall immediately pay the tax to the Tax Administrator after service of notice thereof; provided, however, the operator may petition, after payment has been made, for redemption and refund of the determination, if the petition is filed with the Tax Administrator within twenty (20) days from the date of service of notice by the Tax Administrator.

7.894 Redeterminations. Any person against whom a deficiency determination is made may petition for a redetermination and redemption and refund within the time required in section 7.890. If a petition for redetermination and refund is not filed within the time required in section 7.890, the determination becomes final at the expiration of the allowable time.

(1) If a petition for redetermination and refund is filed with the Tax Administrator within the allowable period, the Tax Administrator shall reconsider the determination and if the operator has so requested by petition, the City Manager shall grant the operator an oral hearing and the Tax Administrator shall give a twenty (20) day notice of the time and place of the hearing to the operator. The City Manager may continue the hearing from time to time as may be necessary.

(2) The City Manager may decrease or increase the amount of the determination. If an increase is determined, the increase shall be payable immediately.

(3) The decision of the City Manager upon a petition for redetermination or redemption and refund is final twenty (20) days after service upon the petitioner of notice thereof, unless appeal of the decision to the City Council is filed with the City Manager within twenty (20) days after the service of the notice. No petition for determination or redemption and refund or appeal therefrom shall be effective for any purpose unless the operator has first complied with the payment provisions hereof.

7.896 Security for Collection of Tax. The Tax Administrator, when the Administrator deems it necessary to insure compliance with sections 7.870 through 7.924, may require the

operator to deposit with the City, security in the form of cash, bond or other security as the Tax Administrator may determine. The amount of the security shall be fixed by the Tax Administrator but shall not be greater than twice the operator's estimated average monthly tax liability, determined in any manner the Tax Administrator deems proper, or \$5,000, whichever amount is less. The operator may appeal any decision of the Tax Administrator made pursuant to this section to the City Manager, pursuant to section 7.894(c).

7.898 Collection by City Attorney. At any time within three (3) years after any tax or any amount of tax required to be collected becomes due and payable or at any time within three (3) years after any deficiency determination becomes final, the City Attorney may bring any action in the courts of this state or any other state or of the United States in the name of the City to collect the amount delinquent together with penalties and interest.

7.900 Lien For Amounts Owed. The tax imposed by sections 7.870 through 7.924, together with the interest and penalties herein provided, and all other amounts owing to the City under sections 7.870 through 7.924, shall be and, until paid, remain a lien from the date of its recording with the County Clerk of Polk County, Oregon, on all tangible personal property used in the hotel, and may be foreclosed in the same manner as other municipal liens. The lien shall be satisfied upon payment of the full amount secured by the lien.

7.902 Refunds to Operator or Transient. Whenever the amount of any tax, penalty or interest has been paid more than once or has been erroneously collected or received by the Tax Administrator under sections 7.870 through 7.924, it may be refunded provided a written claim therefor stating the specific reason upon which the claim is founded is filed with the Tax Administrator by the operator or the transient, whichever actually suffered the loss, within three (3) years from the date of the alleged overpayment.

7.904 Refunds by Operator to Tenant. Whenever the tax required by this sections 7.870 through 7.924 has been collected by the operator and it is later determined that the tenant occupied the hotel for a period exceeding thirty (30) days without interruption, the operator shall refund to that tenant the tax previously collected by the operator. The operator shall account for this collection and refund to the Tax Administrator. If the operator has remitted the tax prior to the refund or credit to the tenant, the operator shall be entitled to a corresponding refund from the City.

7.906 Operator Records. Every operator shall keep guest records of room sales and accounting books and records of the room sales. The operator shall retain all records for a period of three (3) years and six (6) months after they come into being.

(1) The City Manager, or the City Manager's designee, may examine during normal business hours the books, papers and accounting records relating to room sales of any operator liable or potentially liable for the tax and may investigate the business of the operator in order to verify the accuracy of any return made or if no return is made by the operator, to ascertain and determine the amount required to be paid.

(2) It shall be unlawful for the City Manager, Tax Administrator or any person having an administrative or clerical duty under the provisions of sections 7.870 through 7.924 to make known in any manner whatever the business affairs, operations, or information obtained by an investigation of records and equipment of an operator or other person visited or examined in the discharge of official duty or the amount or source of income, profits, losses, expenditures or any particular thereof, set forth in any statement or application or to permit any statement or application or copy of any book containing any abstract or particulars thereof to be seen or examined by any person; provided that nothing in this section shall be so construed to prevent:

(a) The disclosure to or the examination of records and equipment by another City official, employee or agent for collection of taxes or otherwise administering or enforcing any provisions of sections 7.870 through 7.924;

(b) The disclosure, after the filing of a written request, by the taxpayer, to and/or the taxpayer's receivers, trustees, executors, administrators, assignees and guarantors, or information as to any paid tax, any unpaid tax or amount of tax required to be collected or interest and penalties; provided, however, that the City Attorney approves each disclosure. The City Manager may refuse to make any disclosure referred to herein when in the Manager's opinion, the public interest would suffer thereby;

(c) The disclosure of the names and addresses of any person to whom transient occupancy registration certificates have been issued; and

(d) The disclosure of general statistics regarding taxes collected in the City.

(e) Any disclosure required by law.

7.908 Use of Transient Room Tax Proceeds. The City shall dedicate not less than seventy percent (70%) of the transient room tax collections each year to fund tourism promotion or tourism-related facilities, and not more than thirty percent (30%) of the transient room tax collections each year to fund City services. The City Council may, by resolution, establish criteria and procedures for the distribution of revenue collected by the tax imposed under sections 7.870 through 7.924.

7.910 Appeals to the City Council. Any person aggrieved by any decision of the City Manager may appeal to the City Council by filing notice of appeal with the City Manager within twenty (20) days of the personal service or mailing of notice of the decision. The City Council shall give the appellant not less than a twenty (20) day advance written notice of the time and place of the hearing.

7.912 Attorney Fees. If suit or action is instituted for any cause arising out of or in any way connected with sections 7.870 through 7.924, the prevailing party in the trial court and on any appeal shall recover reasonable attorney's fees awarded by the trial and appellate court. The City shall also be entitled to recover from the operator reasonable attorney's fees incurred in requiring the operator to comply with the terms of this Chapter, even though no suit or action be instituted.

7.914 Severability. If any section, division, sentence, clause or phrase of sections 7.870 through 7.924 or any part thereof is for any reason held to be unconstitutional or otherwise invalid, that decision shall not affect the validity of the remaining portions of sections 7.870 through 7.924.

7.916 Notice. Whenever a filing under sections 7.870 through 7.924 is required or permitted by mail, that filing shall be considered to have been received two (2) business days after the filing was placed in the US mail, addressed to the intended recipient, by certified mail, return receipt requested, and postage prepaid.

7.918 Violations. It is unlawful for any operator, or other person so required, to: fail or refuse to register as required herein; fail or refuse to furnish any return required to be made; fail or refuse to furnish a supplemental return or other data required by the Tax Administrator; or to render a false or fraudulent return. No person required to make, render, sign or verify any return shall make any false or fraudulent report, with intent to defeat or evade the determination of any amount due or required by sections 7.870 through 7.924.

7.920 Penalty. Violation of any provision of sections 7.870 through 7.924 shall constitute a violation. Each day a violation continues shall be a separate offense.

7.922 Enforcement. The City Manager shall enforce provisions of sections 7.870 through 7.924 and shall have the power to adopt rules and regulations not inconsistent with sections 7.870 through 7.924, as may be necessary to aid in enforcement."

Section 2. This Ordinance shall take effect on February 1, 2008.

Read for the first time: December 17, 2007  
Read for the second time: January 7, 2008  
Adopted by the City Council: January 7, 2008  
Approved by the Mayor: January 7, 2008

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JAMES B. FAIRCHILD, MAYOR

ATTEST:

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JERRY WYATT  
CITY MANAGER

ORDINANCE NO. 1682

An Ordinance amending city park regulations.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. DCC 5.420 is hereby amended as follows:

5.420 Bicycle, Scooter and Skateboard Regulations.

(1) Persons riding or operating bicycles, roller skates, scooters, motor-assisted scooters or skateboards in all city parks shall yield the right-of-way to pedestrians at all times.

(2) No person shall ride a bicycle, roller skates, scooter, motor-assisted scooter or skateboard on the suspended footbridge in the Dallas City Park or on any tennis court in a city park.

(3) No person shall ride a bicycle, scooter or motor-assisted scooter at the Dallas Skateboard Park.

(4) No person shall ride a motor-assisted scooter on any portion of the Rickreall Creek Trail System.

(5) As used in this section, "bicycle," "roller skates," "scooter," and "skateboard" have the meaning set forth in DCC 6.700.

(6) As used in this section, "motor-assisted scooter" means a scooter, as defined in DCC 6.700, that is equipped with an electrical or combustion engine power source that is incapable of propelling the vehicle at a speed greater than 24 miles per hour on level ground.

Section 2. DCC 5.424 is hereby amended as follows:

5.424 Prohibited Behavior.

(1) No person shall sleep on the seats or benches, or use loud, boisterous, threatening, abusive, indecent language, or behave in a disorderly manner, or do any act tending to a breach of the public peace while in all city parks.

(2) No person shall blow, spread, or place any nasal or other bodily discharge, or spit, urinate, or defecate on the floors, walls, partitions, furniture, fittings, or any portion of a public convenience station located in all city parks, or in any place in such station, excepting directly into the particular fixture provided for that purpose.

(3) No person shall place a bottle, can, cloth, rag, or metal, wood, or stone substance in the plumbing fixtures in such station.

(4) No person shall enter or remain in all city parks while in a visibly intoxicated condition.

(5) No person shall light a fire or cause a fire to be lit in any city park except in fireplaces or fire pits provided for such use.

(6) No person shall spread, place or dispose of briquettes, coals, ashes, embers or other burnt or burning material from a fireplace or fire pit except in receptacles provided for such use.

Section 3. DCC 5.428 is hereby amended as follows:

5.428 Violations.

A peace officer may exclude a person who violates DCC 5.420 to 5.424, Park Regulations, or DCC 4.704, Prohibitions regarding garbage collection and disposal committed within a city park, DCC 5.016, Drinking in Public Places, DCC 5.104, Possession of Loaded Firearm in City Park, DCC 5.100, Unlawful Possession of Weapons, DCC 5.102, Discharge of Weapons, DCC 5.210(6), No Smoking, DCC 6.105, Speed Limits in Public Parks, DCC 6.110, Vehicles in Parks, DCC 6.127(3), Horses on Streets, any crime punishable as a misdemeanor or felony under the Oregon Criminal Code or Oregon Vehicle Code, ORS 811.135, Careless driving, or ORS 475.992, regarding manufacture, delivery or possession of controlled and counterfeit substances, from all City parks for a period of not more than thirty (30) days.

(1) Written notice shall be given to a person excluded from the parks. The notice shall specify the dates of exclusion and shall be signed by the issuing officer. Warning of consequences for failure to comply shall be prominently displayed on the notice.

(2) A person receiving a notice may, within ten days, appeal in writing to the city manager to have the written notice rescinded or the period shortened.

(3) At any time within the 30 days, a person receiving a notice may apply in writing to the city manager for a temporary waiver from the effects of the notice for good reason.

Section 4. DCC 5.380 is hereby amended as follows:

5.380 Dogs at Large.

(1) No owner or custodian of a dog shall permit the dog to run loose or be at large.

(2) The owner or custodian of an unspayed female dog shall keep the dog confined within an enclosure inaccessible to other dogs during the female dog's menstrual period.

(3) The owner or custodian of a dog shall keep the dog on a leash and under direct control when the dog is not on the private property of the owner or custodian.

(4) A police officer or dog control officer may impound a dog found to be loose or running at large.

(5) Sections (1) and (3) shall not apply in any enclosed area of a City park officially designated as an off-leash dog park.

Section 5. DCC 6.110 is hereby amended as follows:

6.110 Vehicles in Parks.

(1) No person shall ride a self-propelled motor vehicle in any park except upon existing roadways.

(2) Section (1) shall not apply to:

(a) Motorized wheel chairs and other personal assistive equipment and vehicles for use by persons with disabilities, when operated by persons with disabilities at not more than five (5) miles per hour; and

(b) Authorized park maintenance and public safety vehicles.

Read for the first time: December 17, 2007  
Read for the second time: January 7, 2008  
Adopted by the City Council: January 7, 2008  
Approved by the Mayor: January 7, 2008

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JAMES B. FAIRCHILD, MAYOR

ATTEST:

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JERRY WYATT  
CITY MANAGER

ORDINANCE NO. 1679

An Ordinance amending DCC 1.055 regarding Failure to Appear.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. DCC 1.055 is hereby amended to read as follows:

1.055 Failure to Appear.

- (1) No person, having been by municipal court order released from custody upon a release agreement or security release on the condition that the person subsequently appear personally in connection with a charge against him, shall knowingly fail to appear.
- (2) No person shall knowingly fail to appear before the municipal court pursuant to a citation issued and served under the authority of this code or ORS 133.055.
- (3) No person shall knowingly fail to appear before the municipal court pursuant to an order issued by the municipal judge.
- (4) Failure to appear on a criminal offense is a Class A misdemeanor.
- (5) Failure to appear on a civil infraction, as defined in this code, or on a violation, as defined by state law, is a Class C misdemeanor.

Read for the first time: November 19, 2007  
Read for the second time: December 17, 2007  
Passed by the City Council: December 17, 2007  
Approved by the Mayor: December 17, 2007

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JAMES B. FAIRCHILD, MAYOR

ATTEST:

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JERRY WYATT, CITY MANAGER