



City Council

Mayor
Brian Dalton

Council President
Jim Fairchild

Councilor
Kelly Gabliks

Councilor
Micky Garus

Councilor
Bill Hahn

Councilor
Jackie Lawson

Councilor
Kevin Marshall

Councilor
Murray Stewart

Councilor
LaVonne Wilson

Councilor
Ken Woods, Jr.

City Staff

City Manager
Ron Foggin

City Attorney
Lane Shetterly

Community
Development/
Operations Director
Jason Locke

Finance Director
Cecilia Ward

Fire Chief
Fred Hertel

Police Chief
Tom Simpson

Director of Engineering
& Environmental
Services
Fred Braun

City Recorder
Emily Gagner

Recording Secretary
Jeremy Teal

Dallas City Council Agenda

Mayor Brian Dalton, Presiding

Monday, June 15, 2015

7:00 pm

Dallas City Hall

187 SE Court St.

Dallas, OR 97338

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

AGENDA ITEM	RECOMMENDED ACTION
1. ROLL CALL	
2. PLEDGE OF ALLEGIANCE	
3. EMPLOYEE RECOGNITION/INTRODUCTION	
4. COMMENTS FROM AUDIENCE <i>This time is provided for citizens to comment on municipal issues and any agenda items other than public hearings. The Mayor may place time restrictions on comments. Please supply 14 copies of the material brought to the meeting for distribution.</i>	
5. PUBLIC HEARINGS <i>Public comment will be allowed on items appearing on this portion of the agenda following a brief staff report presenting the item and action requested. The Mayor may limit testimony.</i>	
6. CONSENT AGENDA <i>The following items are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member so requests, in which case the item will be removed from the Consent Agenda and considered separately.</i>	
a. Approve minutes of June 15, 2015 City Council meeting	PG. 3
7. ITEMS REMOVED FROM CONSENT AGENDA	
8. REPORTS OR COMMENTS FROM MAYOR AND COUNCIL MEMBERS	
a. Report of the June 22 2015, Public Safety Committee Meeting (Councilor Woods)	PG. 6
b. Report of the June 22, 2015, Public Works Committee Meeting (Councilor Stewart)	
a. General Comments from the Councilors and Mayor	PG. 10



Our Vision

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

Our Mission

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

Our Motto

Commitment to the Community
People Serving People

DALLAS CITY HALL

City Hall

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

9. REPORTS FROM CITY MANAGER AND STAFF

- | | | |
|-----------------------------|--------|--------------------------------------|
| a. Audit contract amendment | PG. 13 | Motion
Information
Information |
| b. Council goal update | | |
| c. Other | | |

10. RESOLUTIONS

11. FIRST READING OF ORDINANCE

PG. 18

- | | | |
|---|--|----------------|
| a. <u>Ordinance No. 1782</u> : An Ordinance amending Dallas City Code Section 8.445, relating to dangerous buildings. | | Roll Call Vote |
|---|--|----------------|

12. SECOND READING OF ORDINANCE

13. OTHER BUSINESS

14. ADJOURNMENT

These minutes are supplemented by electronic recordings of the meeting, which may be reviewed upon request to the City Recorder. Audio files from City Council meetings from June 15, 2015, forward can be found online at <http://www.dallasor.gov/archive> under the corresponding agenda date. Staff reports, resolutions, ordinances, and other documents related to this meeting are also available at that site in the "Council Agendas" archive.

DALLAS CITY COUNCIL	Monday, June 15, 2015
The Dallas City Council met in regular session on Monday, June 15, 2015, at 7:00 p.m. in the Council Chambers of City Hall with Mayor Brian Dalton presiding.	
Council: Council President Jim Fairchild, Councilor Kelly Gabliks, Councilor Micky Garus, Councilor Bill Hahn, Councilor Kevin Marshall, Councilor Murray Stewart, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. Excused: Councilor Jackie Lawson	
Staff: City Attorney Lane Shetterly, Police Chief Tom Simpson, Fire Chief Fred Hertel, Community Development/Operations Director Jason Locke, Director of Engineering and Environmental Services Fred Braun, Finance Director Cecilia Ward, and Recording Secretary Jeremy Teal.	
Pledge of Allegiance: Mayor Dalton led the Pledge of Allegiance.	

AGENDA	ACTION
1:25 EMPLOYEE RECOGNITION	Mayor Dalton recognized the Parks Department for the great work on the newly remodeled park restrooms.
2:25 COMMENTS FROM THE AUDIENCE	Joe Koubek, 565 SE Mifflin, Dallas, read a statement regarding signage on Main Street and Hwy 223, a copy of which is attached to these minutes and incorporated herein.
PUBLIC HEARINGS	There were none.
4:08 CONSENT AGENDA Items approved by the Consent Agenda: a) approve minutes of June 1, 2015 City Council meeting minutes; b) approve appointments to the Library Board.	It was moved by Councilor Gabliks <i>to approve the Consent Agenda as submitted</i> . The motion was duly seconded and carried with a vote of 8-0.
ITEMS REMOVED FROM CONSENT AGENDA	There were none.
5:23 REPORTS OR COMMENTS FROM THE MAYOR AND COUNCIL MEMBERS	Councilor Gabliks announced the Father's Day breakfast on Sunday, June 21 at the Fire Station. Mayor Dalton noted that Summerfest was on its way and this year's theme would be An Ode to Krazy Dayz.

REPORTS FROM CITY MANAGER AND STAFF	
11:11 MAY FINANCIAL REPORT	Ms. Ward reported there were capital projects happening and some departments were close on their budgets.
11:50 COUNCIL GOAL UPDATE	Chief Simpson reported that in line with the Council goals, the patrol vehicles are being outfitted with new AEDs.
12:30 FAIRVIEW NODE PLANNING GRANT	Mr. Locke reported the City went for a grant in 2010 to develop the Fairview Node, but that was unsuccessful. He noted there are a number of issues with developing the land, but this was the largest remaining undeveloped parcel in the City. Mr. Locke advised the City had completed the application and had a letter of support from the Mayor and Councilors.
14:50 RESOLUTIONS	
<p>Resolution No. 3325 – A Resolution authorizing the transfer of budgetary funds.</p>	<p>A roll call vote was taken and Mayor Dalton declared Resolution No. 3325 to have PASSED BY A VOTE of 8-0 with Council President Jim Fairchild, Councilor Kelly Gabliks, Councilor Micky Garus, Councilor Bill Hahn, Councilor Kevin Marshall, Councilor Murray Stewart, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.</p>
<p>Resolution No. 3326 – A Resolution adopting and appropriating a supplemental budget for fiscal year 2014-2015.</p>	<p>A roll call vote was taken and Mayor Dalton declared Resolution No. 3326 to have PASSED BY A VOTE of 8-0 with Council President Jim Fairchild, Councilor Kelly Gabliks, Councilor Micky Garus, Councilor Bill Hahn, Councilor Kevin Marshall, Councilor Murray Stewart, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.</p>
<p>Resolution No. 3327 – A Resolution adopting the budget of the City of Dallas, Oregon, for the fiscal period beginning July 1, 2015, and ending June 30, 2016, making budgeted appropriations, and levying taxes for said fiscal period.</p>	<p>A roll call vote was taken and Mayor Dalton declared Resolution No. 3327 to have PASSED BY A VOTE of 8-0 with Council President Jim Fairchild, Councilor Kelly Gabliks, Councilor Micky Garus, Councilor Bill Hahn, Councilor Kevin Marshall, Councilor Murray Stewart, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.</p>
<p>Resolution No. 3328 – A Resolution declaring the City of Dallas’s election to receive State Revenues.</p>	<p>A roll call vote was taken and Mayor Dalton declared Resolution No. 3328 to have PASSED BY A VOTE of 8-0 with Council President Jim Fairchild, Councilor Kelly Gabliks, Councilor Micky Garus, Councilor Bill Hahn, Councilor Kevin Marshall, Councilor Murray Stewart, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.</p>

FIRST READING OF ORDINANCE	There were none.
SECOND READING OF ORDINANCE	There were none.
OTHER BUSINESS	There was none.
EXECUTIVE SESSION	

ADJOURNMENT	There being no further business, the meeting adjourned at 7:19 p.m.
Read and approved this _____ day of _____ 2015. _____	
ATTEST:	Mayor

City Manager	

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Members Present: Micky Garus, Murray Stewart, LaVonne Wilson. Excused: Chair Ken Woods, Jr.,
Also Present: Mayor Brian Dalton, City Manager Ron Foggin, Fire Chief Fred Hertel, Chief of Police
Tom Simpson, and Recording Secretary Jeremy Teal.
Acting Chair Stewart called the meeting to order at 4:20 p.m.

DANGEROUS BUILDING ORDINANCE UPDATE

Chief Simpson advised there were no specific timeframes in the current code for notices given to building
owners and requested the City Attorney draft new language.
It was moved by Councilor Wilson *to authorize the City Attorney to draft an Ordinance amending Dallas
City Code 8.445, commonly known as the Dangerous Building Ordinance, to include language which pro-
vides a mechanism for expedited action to mitigate a hazardous situation which poses a risk to human
safety.* The motion was duly seconded and carried with a vote of 3-0.

CHIEF OF POLICE’S REPORT

Chief Simpson advised Code Services Officer Mike Sunday was doing a great job, and he noted Ed Tot-
ten’s last day would be June 30. He stated he was and working with Emily to find Ed’s replacement. He
reported the Dallas Mobile Home Park had one trailer demolished and removed and a second on its way
with progress moving in the right direction. He stated the August Council Workshop would be a Code
Services report. He indicated that Officers David King and Jordan Hauser were still in academy and doing
well and would be with the force soon. He noted that POINT would be able to be filled when the officers
returned from the academy. He noted an eligible candidate list was being compiled from applications
through interviews and testing for two officer positions opening. He reported that officer patrols were
busy.

FIRE CHIEF’S REPORT

Chief Hertel announced that Lt. Chad Paoli had accepted a position with Polk 1 and would be leaving the
department, and Deputy Chief Brumfield had been appointed as a director of the Oregon Fire Chiefs
Board. He noted that Deputy Chief Brumfield had written a grant that was awarded to the department for
three new cardiac monitors and compression apparatus. He advised the new fire truck was under construc-
tion and would be completed in October. He stated the department had three medic units, but only two
were staffed 24 hours a day, seven days a week while losing \$50,000 annually by not having third medic
staffed. He commented that he was a member of the State incident management team and on call every
third week with the possibility of going anywhere in the state to deal with a fire. He stated the suggestion
of billing for more services to collect more revenue had been brought up and would be looked into by the
department and brought to Council.

OTHER

ADJOURNMENT

There was no other business and the meeting was adjourned at 4:43 p.m.



Public Safety Committee

AGENDA

June 22, 2015

4:00 PM

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

- COMMITTEE**
Chair Ken Woods, Jr.
Micky Garus
Murray Stewart
LaVonne Wilson

- A. Call to Order
- B. Dangerous building ordinance update
- C. Chief of Police's report
- D. Fire Chief's report
- E. Other
- F. Adjournment



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DALLAS CITY COUNCIL

PUBLIC SAFETY SUBCOMMITTEE REPORT

TO: COUNCIL PUBLIC SAFETY SUBCOMMITTEE

<i>City of Dallas</i>	Agenda Item No. B	Topic: Amendment to Dangerous Building Ord.
Prepared By: Tom Simpson, Chief of Police	Meeting Date: June 22, 2015	Attachments: Yes <input type="checkbox"/> No <input type="checkbox"/>
Approved By: Ron Foggin		

RECOMMENDED ACTION:

Authorize the City Attorney to draft an ordinance amending Dallas City Code §8.445, commonly known as the Dangerous Building Ordinance, to include language which provides a mechanism for expedited action to mitigate a hazardous situation which poses a risk to human safety.

BACKGROUND:

The Dangerous Building Ordinance, §8.445 currently provides language for Summary Abatement should a building be considered “unmistakably dangerous and imminently endanger human life or property.” However, there is currently no language which articulates Notice to the building occupants or owner related to abatement actions, nor a time period relative to said Notice. The proposed change amends the language of subsection (1) and adds subsection (2) and (3), thereby addressing requirements related to Notice and the associated time periods.

FISCAL IMPACT:

Staff time only.

DALLAS 2030 VISION IMPACT:

Our Community & Identity: 1k - - neighborhoods are clean, safe, friendly and livable places.

ATTACHMENTS: Proposed language draft.

8.445 Summary Abatement.

_____ (1) The procedures of sections [8.400](#) to [8.455](#) need not be followed if a building is unmistakably dangerous and imminently endangers human life or property. In ~~this~~ such an instance, the city manager may summarily take whatever steps are necessary to eliminate the dangerous condition, subject to subsection (2), below.

(2) Except in case of an emergency that, in the city manager's judgment, threatens immediate risk to human life, the city manager shall provide notice to the owners and occupants of the building of intent to take summary action at least three days prior to taking such action. Such notice shall include a description of the dangerous condition and the steps the city manager proposes to take to abate the condition. Notice shall be given in the manner most reasonably calculated to provide the owners and occupants with actual notice of such action under the circumstances, including personal delivery, mail and electronic mail, and written notice shall be affixed in a conspicuous place to the building or posted in a conspicuous place on the property. Notice to one owner shall be deemed notice to all owners and notice to one occupant shall be deemed notice to all occupants. If the city manager is aware of a person other than an owner or occupant who is responsible for the property, the city manager shall provide such responsible person with notice as provided in this section as well, and notice to such responsible person shall be deemed notice to the owners and occupants.

_____ (3) If the city manager is unable, despite his or her reasonable efforts, to provide actual notice to the owner and occupants of the building, and any responsible person, such failure of the owners, occupants or responsible person to receive actual notice shall not limit the city manager's ability to exercise summary abatement under this section.

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Members Present: Chair Murray Stewart, Micky Garus, LaVonne Wilson. Excused: Ken Woods, Jr.
Also Present: City Manager Ron Foggin, Police Chief Tom Simpson, Fire Chief Fred Hertel, Community Development/Operations Director Jason Locke, Engineering and Environmental Services Director Fred Braun, and Recording Secretary Jeremy Teal.
Chair Stewart called the meeting to order at 4:00 p.m.

STORM DRAIN FACILITIES UPDATES

Mr. Locke advised the proposed code clarification would relate to street rain garden maintenance responsibilities for home owners. He noted that an education component for the maintenance would be very important, and the developers would include the responsibilities in the covenants, conditions, and restrictions (CCR) and distribute them to the home owners.

It was moved by Councilor Wilson *to direct staff to prepare code language to amend the Dallas City Code to specify the responsibility of the property owner to maintain adjacent rain garden facilities and clarify sidewalk and park strip maintenance, and forward directly to the Council.* The motion was duly seconded and carried with a vote of 3-0.

ENGINEERING DIRECTOR'S REPORT

Mr. Foggin explained that the Storm Drain Master Plan was completed and the storm drain fee would appear on water bills starting in July. He noted the Citizen Utility Rate Committee would reconvene and begin work on establishing stormwater rates. He commented the meter replacement project was completed with 1600 new meters in the system and two major projects underway with the Mill Street redo and the street overlay projects with ODOT. He advised there was only a 90 day supply of water in the reservoir.

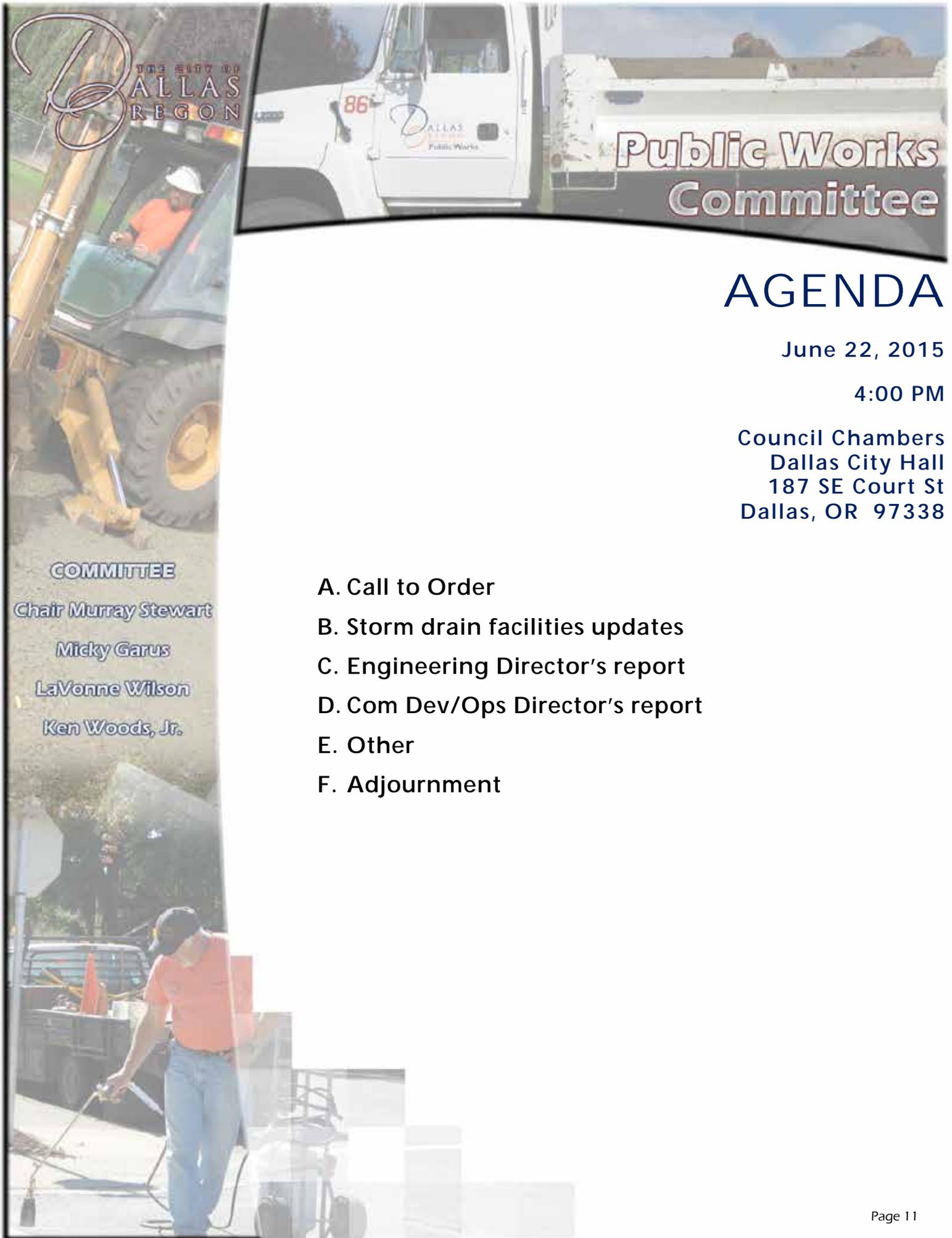
COM DEV/OPS DIRECTOR'S REPORT

Mr. Locke noted the City was preparing for summer and Summerfest. He reported the street crew was working on curb painting, weed eradication, tree planting, putting up the new stage cover being put up, some small sewer line replacements, and smoke testing in Bridlewood area. He advised that the new Utility Worker I position had been filled and that employee would start soon.

OTHER

ADJOURNMENT

There was no other business and the meeting was adjourned at 4:20 p.m.



THE CITY OF
DALLAS
REGON

Public Works Committee

AGENDA

June 22, 2015

4:00 PM

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

COMMITTEE

Chair Murray Stewart

Micky Garus

LaVonne Wilson

Ken Woods, Jr.

- A. Call to Order
- B. Storm drain facilities updates
- C. Engineering Director's report
- D. Com Dev/Ops Director's report
- E. Other
- F. Adjournment



Community Development/Operations Department

Memo

To: Public Works Committee
From: Jason Locke, Community Development/Operations Director 
Date: June 22, 2015
Re: Property owner responsibility to maintain rain garden storm drain

Many new developments are implementing a surface water drainage system that employs the use of raingardens to treat rainwater and remove runoff from the storm drain system. Unlike traditional curb and gutter storm drains, raingardens require some maintenance in order to stay functional and effective. This was an issue that came up at the Barberry Node approval hearing. The Final Order for that development states as a condition of approval:

Prior to the Final Plat being recorded for each subdivision phase, the Applicant will submit a final copy of the CC&Rs demonstrating provisions for ongoing maintenance of private open space and the individual homeowner's responsibility to maintain adjacent stormwater facilities. The CC&Rs shall include recommended best management practices for homeowners to maintain the proposed rain garden facilities over time.

While this condition addressed the maintenance of the adjacent stormwater facilities (ie: raingardens), it would be prudent to add some language to the Dallas City Code so that it is enforceable by the City in case there is an issue. We also need to clarify responsibility relating to sidewalk and parkstrip maintenance.

Recommendation: Direct staff to prepare Code language to amend the Dallas City Code to specify the responsibility of the property owner to maintain adjacent raingarden facilities and clarify sidewalk and parkstrip maintenance, and either 1) bring it back to the Committee for review or 2) forward directly to the Council.

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 9 a	Topic: Audit Contract Extension
Prepared By: Cecilia Ward	Meeting Date: July 6, 2015	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Ron Foggin		

RECOMMENDED MOTION:

Motion to approve Extension of Contract for Municipal Audit Services

BACKGROUND:

In May 2010 the City entered into an agreement with Merina & Company, LLP, for municipal audit services. The contract allowed the City to extend the terms of the agreement through the fiscal year beginning July 1, 2013 and ending June 30, 2014.

To continue audit services provided by Merina & Company, LLP, staff recommends approval of the Extension of Contract for Municipal Audit Services. Approval will extend the contract according to its terms for the fiscal years 2014-15 and 2015-16, ending June 30, 2016.

FISCAL IMPACT:

None

ATTACHMENTS:

Original Contract for Municipal Audit Services
Extension of Contract for Municipal Audit Services

EXTENSION OF CONTRACT FOR MUNICIPAL AUDIT SERVICES

The parties to this agreement are parties to a Contract for Municipal Audit Services (Audit Contract) dated May 20 and 21, 2010.

By its terms, the Audit Contract was for a term of three fiscal years beginning July 1, 2009 and ending June 30, 2012, with provision for extension through the fiscal year ending June 30, 2014. The parties extended the Audit Contract through the fiscal year ending June 30, 2014, and desire by this agreement to further extend the contract according to its terms for the fiscal years 2014-15 and 2015-16, ending June 30, 2016.

Now, therefore, in consideration of the foregoing and the mutual covenants and obligations of the parties, it is hereby agreed as follows:

1. The term of the Audit Contract is hereby extended for the fiscal years 2014-15 and 2015-16, ending June 30, 2016. At its option, City may agree to extend the term of this agreement to include the fiscal years beginning July 1, 2016 and ending June 30, 2017, and beginning July 1, 2017 and ending June 30, 2018.

2. In all other respects, the Audit Contract is hereby ratified and confirmed and shall continue in full force and effect during the extended term, including the provision in the contract that the compensation payable to Merina & Company for services during the extended term shall be subject to agreement between the parties.

Dated _____, 2015

Dated _____, 2015

CITY OF DALLAS, OREGON

MERINA & COMPANY, LLP

By:_____

By:_____

Title:_____

Title:_____

CONTRACT FOR MUNICIPAL AUDIT SERVICES

This agreement is made and entered into by and between the City of Dallas, Oregon, an Oregon municipal corporation (City) and Merina & Company, LLP, an Oregon limited liability partnership (Merina).

RECITALS

A. City issued a Request for Proposals (RFP) for Municipal Audit Services, seeking the services of a qualified Certified Public Accounting firm to conduct the Financial and Compliance Audit of the City's operations. A copy of the RFP is attached hereto as Exhibit 1 and by reference incorporated herein.

B. Merina submitted its written Proposal to Provide Municipal Audit Services (Proposal) dated February 26, 2010. The Proposal is not attached to this agreement but is incorporated herein by reference.

C. City has agreed to engage Merina for audit services in accordance with the RFP, its Proposal, and the terms of this agreement, and Merina has agreed to provide such services.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants and obligations set forth herein, it is hereby agreed as follows:

1. Merina will provide municipal audit services for City in accordance with ORS 297.405 through 297.555, as provided in the RFP, the Proposal and this agreement.

2. The initial term of this agreement will be for the three fiscal years of the City (a) beginning July 1, 2009 and ending June 30, 2010; (b) beginning July 1, 2010 and ending June 30, 2011; and (c) beginning July 1, 2011 and ending June 30, 2012, as provided in the RFP and Proposal; provided, either party may terminate this agreement by giving written notice to the other party by not later than January 1 of any year during the term of this agreement. Such notice shall be effective as of the next following June 30. At its option, City may agree to extend the term of this agreement to include the fiscal years beginning July 1, 2012 and ending June 30, 2013, and beginning July 1, 2013 and ending June 30, 2014.

3. City shall pay Merina compensation for services rendered under this

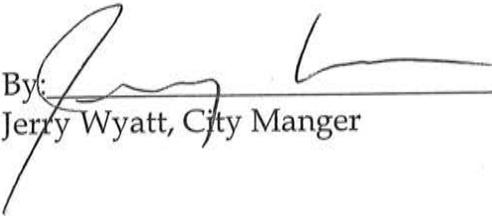
agreement at the rates and according to the terms set forth in the Proposal. If City extends the term of this agreement as provided in paragraph 2, the rates and terms of compensation for the extended years shall be subject to agreement between the parties.

4. Merina shall indemnify and hold City harmless from and against any and all claims, liabilities, demands or damages of any nature whatsoever including attorney fees and costs incurred by City in defense thereof, arising from or related to this agreement and Merina's performance or failure to perform any of the terms hereof.

5. In the event of suit or action arising out of or relating to the terms of this agreement, the prevailing party in such suit or action shall be entitled to such party's reasonable attorney fees as may be awarded by the court in which such suit or action is tried, heard or decided and on any appeal therefrom.

Dated: May 20, 2010

CITY OF DALLAS, OREGON

By: 
Jerry Wyatt, City Manger

Dated: May 21, 2010

MERINA & COMPANY, LLP

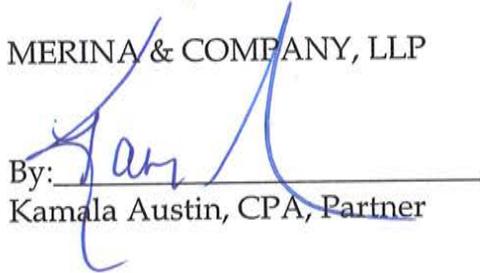
By: 
Kamala Austin, CPA, Partner

EXHIBIT 1

**Request for Proposal
MUNICIPAL AUDIT SERVICES
Proposals are due by 2:00PM, Friday February 26, 2010**

The City of Dallas is requesting proposals from qualified professional firms to conduct annual municipal audits for the City of Dallas and for the Dallas Urban Renewal District.

The successful firm will also be required to provide other related services including the GFOA Certificate of Achievement, CAFR, and additional technical assistance.

The successful proposer will be awarded a contract for three (3) fiscal years, beginning with the fiscal year July 1, 2009/10 with the option of two one-year extensions for a maximum period of five (5) fiscal years. The City may reject any proposal not in compliance with all prescribed public bidding procedures and requirements and may reject for good cause any or all bids upon a finding of the City that it is in the public interest to do so.

The Request for Proposal, including the complete scope of services, may be reviewed at the City of Dallas, City Managers Office located at 187 SE Court Street, Dallas, Oregon 97338. For questions, inquiries or a copy of the Request for Proposal and requirements, please contact Cecilia Ward, Finance Director, at (503) 831-3505.

Sealed Proposals must be received prior to 2:00 p.m., Friday, February 26, 2010, by Emily Gagner, Assistant to the City Manager in the City of Dallas, City Managers Office located at 187 SE Court Street, Dallas, Oregon 97338. The proposals will be publicly opened at 2:00 p.m., Friday, February 26, 2010.

Cecilia Ward
Finance Director
Dallas, Oregon

DALLAS CITY COUNCIL

STAFF REPORT

TO: DALLAS CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 11a	Topic: Amendment to Dangerous Building Ord.
Prepared By: Tom Simpson, Chief of Police	Meeting Date: July 6, 2015	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Ron Foggin		

RECOMMENDED ACTION:

Approval of an ordinance to amend Dallas City Code §8.445, commonly known as the Dangerous Building Ordinance, to include language which provides a mechanism for expedited action to mitigate a hazardous situation which poses a risk to human safety.

BACKGROUND:

The Dangerous Building Ordinance, §8.445 currently provides language for Summary Abatement should a building be considered “unmistakably dangerous and imminently endanger human life or property.” However, there is currently no language which articulates Notice to the building occupants or owner related to abatement actions, nor a time period relative to said Notice. The proposed change amends the language of subsection (1) and adds subsection (2) and (3), thereby addressing requirements related to Notice and the associated time periods.

This matter was brought before the Public Safety Committee on June 22, 2015 and was approved to move forward for consideration by the full Council.

FISCAL IMPACT:

Staff time only.

DALLAS 2030 VISION IMPACT:

Our Community & Identity: 1k - - neighborhoods are clean, safe, friendly and livable places.

ATTACHMENTS: -Proposed language draft
-Ordinance 1782

8.445 Summary Abatement.

 (1) The procedures of sections 8.400 to 8.455 need not be followed if a building is unmistakably dangerous and imminently endangers human life or property. In ~~this~~ such an instance, the city manager may summarily take whatever steps are necessary to eliminate the dangerous condition, subject to subsection (2), below.

 (2) Except in case of an emergency that, in the city manager's judgment, threatens immediate risk to human life, the city manager shall provide notice to the owners and occupants of the building of intent to take summary action at least three days prior to taking such action. Such notice shall include a description of the dangerous condition and the steps the city manager proposes to take to abate the condition. Notice shall be given in the manner most reasonably calculated to provide the owners and occupants with actual notice of such action under the circumstances, including personal delivery, mail and electronic mail, and written notice shall be affixed in a conspicuous place to the building or posted in a conspicuous place on the property. Notice to one owner shall be deemed notice to all owners and notice to one occupant shall be deemed notice to all occupants. If the city manager is aware of a person other than an owner or occupant who is responsible for the property, the city manager shall provide such responsible person with notice as provided in this section as well, and notice to such responsible person shall be deemed notice to the owners and occupants.

 (3) If the city manager is unable, despite his or her reasonable efforts, to provide actual notice to the owner and occupants of the building, and any responsible person, such failure of the owners, occupants or responsible person to receive actual notice shall not limit the city manager's ability to exercise summary abatement under this section.

ORDINANCE NO. 1782

An Ordinance amending Dallas City Code Section 8.445, relating to dangerous buildings.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code Section 8.445 is hereby amended and restated in its entirety as follows:

8.445 Summary Abatement.

(1) The procedures of sections 8.400 to 8.455 need not be followed if a building is unmistakably dangerous and imminently endangers human life or property. In such an instance, the city manager may summarily take whatever steps are necessary to eliminate the dangerous condition, subject to subsection (2), below.

(2) Except in case of an emergency that, in the city manager's judgment, threatens immediate risk to human life, the city manager shall provide notice to the owners and occupants of the building of intent to take summary action at least three days prior to taking such action. Such notice shall include a description of the dangerous condition and the steps the city manager proposes to take to abate the condition. Notice shall be given in the manner most reasonably calculated to provide the owners and occupants with actual notice of such action under the circumstances, including personal delivery, mail and electronic mail, and written notice shall be affixed in a conspicuous place to the building or posted in a conspicuous place on the property. Notice to one owner shall be deemed notice to all owners and notice to one occupant shall be deemed notice to all occupants. If the city manager is aware of a person other than an owner or occupant who is responsible for the property, the city manager shall provide such responsible person with notice as provided in this section as well, and notice to such responsible person shall be deemed notice to the owners and occupants.

(3) If the city manager is unable, despite his or her reasonable efforts, to provide actual notice to the owner and occupants of the building, and any responsible person, such failure of the owners, occupants or responsible person to receive actual notice shall not limit the city manager's ability to exercise summary abatement under this section.

Read for the first time: July 6, 2015

Read for the second time: July 20, 2015

Adopted by the City Council: July 20, 2015
Approved by the Mayor: July 20, 2015

BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

RONALD W. FOGGIN,
CITY MANAGER

LANE P. SHETTERLY, CITY
ATTORNEY