



**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, August 3, 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 July 20, 2015 City Council meeting	PG. 3
b. Approve application for OLCC for My Goods Market	PG. 6
c. Approve canceling the August 17, 2015 City Council meeting	PG. 18
d. Appoint Jennie Rummell to Parks Advisory Board	PG. 19
7. ITEMS REMOVED FROM CONSENT AGENDA	
8. REPORTS OR COMMENTS FROM MAYOR AND COUNCIL MEMBERS	
a. General Comments from the Councilors and Mayor	
b. Report of the July 27, 2015, Administration Committee Meeting (Councilor Gabliks)	PG. 22



#### 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.

c. Report of the July 27, 2015, Building & Grounds Committee Meeting<sup>PG. 28</sup>  
(Councilor Marshall)

#### 9. REPORTS FROM CITY MANAGER AND STAFF

- a. Modification to municipal judge contract PG. 30
- b. Council goal update
- c. Other

Motion  
Information  
Information

#### 10. RESOLUTIONS PG. 34

- a. Resolution No. 3329: A Resolution adopting the Dallas Parks Master Plan.

Roll Call Vote

#### 11. FIRST READING OF ORDINANCE PG. 37

- a. Ordinance No. 1785: An Ordinance amending the Dallas Comprehensive Plan Map for a parcel of real property owned by Christina and Dale Perry from Residential to Commercial; and declaring an emergency.

First Reading

- b. Ordinance No. 1786: An Ordinance changing the zoning designation of a parcel of real property owned by Christina and Dale Perry from Residential (Low Density) to Commercial General; and declaring an emergency. PG. 49

First Reading

#### 12. SECOND READING OF ORDINANCE

- a. Ordinance No. 1783: An Ordinance amending Dallas City Code Section 3.500, relating to sidewalks. PG. 61

Roll Call Vote

- b. Ordinance No. 1784: An Ordinance amending Dallas City Code Section 4.354, relating to property owner responsibility for maintenance of storm sewer facilities. PG. 64

Roll Call Vote

#### 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 July 20, 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.

<b>DALLAS CITY COUNCIL</b>	<b>Monday, July 20, 2015</b>
The Dallas City Council met in regular session on Monday, July 20, 2015, at 7:00 p.m. in the Council Chambers of City Hall with Mayor Brian Dalton presiding.	
<b>Council:</b> Council President Jim Fairchild, Councilor Kelly Gabliks, Councilor Bill Hahn, Councilor Micky Garus, Councilor Kevin Marshall, Councilor Murray Stewart, and Councilor LaVonne Wilson. Excused: Councilor Jackie Lawson and Councilor Ken Woods, Jr.	
<b>Staff:</b> City Manager Ron Foggin, City Attorney Lane Shetterly, Police Chief Tom Simpson, Fire Chief Fred Hertel, Community Development/Operations Director Jason Locke, Engineering and Environmental Services Director Fred Braun, Finance Director Cecilia Ward, HR Manager Emily Gagner, and Recording Secretary Jeremy Teal.	
<b>Pledge of Allegiance:</b> Mayor Dalton led the Pledge of Allegiance.	

<b>AGENDA</b>	<b>ACTION</b>
<b>1:00 EMPLOYEE RECOGNITION</b>	Mr. Foggin recognized Ron Lines and Mike Kibbey for their work on the park restroom remodel. He noted that Eric Totten, Tyler Sommerfeldt, Stephen Kahl, Ron Krebs, Kevin Sailors, and Jon Barber were also recognized, but could not attend.  Lt. Ryan Saltamachia recognized Paul McCallum, Lt. James Niesbet, Capt. Ken Waller, Sean Nickerson, and Mark Northup for assisting with a sudden cardiac arrest on May 2, 2015. J.J. Oliveros was recognized but couldn't attend.
<b>7:50 COMMENTS FROM THE AUDIENCE</b>	Chelsea Metcalfe, Executive Director, Dallas Area Chamber of Commerce and Visitors Center, 168 SW Court St, She announced that Summerfest would begin Thursday with the theme of “An Ode to Krayz Dayz”.  Michelle Johnson, 1625 Jonathan Ave, expressed concern about the Tyco property that was sold to a Portland food processing company, and the rail system that could be revitalized.  Christopher Dotson, 628 NW Douglas, asked the Council to pass an ordinance to allow the painting of house numbers on the curb so he could start a business doing so.
<b>17:17 PUBLIC HEARINGS</b> ZC/CPA 15-01 ZONE CHANGE & COMP PLAN	Mayor Dalton opened the public hearing at 7:18 p.m.

<p>AMENDMENT FOR PROPERTY LOCATED AT 407 E. ELLENDALE – RESIDENTIAL TO COMMERCIAL</p>	<p>Mr. Locke gave a brief presentation regarding the property in question.</p> <p>Councilor Gabliks asked if apartments could be built on the property. Mr. Locke stated it was not zoned for high density family dwellings.</p> <p>Councilor Stewart asked if the house across Uglow Ave. was zoned General Commercial. Mr. Locke noted that it was.</p> <p>Mr. Trahan, 1116 SE Barberry, stated there had been businesses interested in the property over the years and changing the zoning would help secure a commercial business for the property.</p> <p>Mayor Dalton asked for comments from the public. There were none.</p> <p>Mayor Dalton closed the public hearing at 7:26p.m.</p> <p>It was moved by Councilor Stewart <i>to approve (ZC/CPA 15-01), the proposed Comprehensive Plan Map amendment from Residential to Commercial and zone change from Residential Low Density (RL) to General Commercial and direct staff to prepare the required Ordinances for approval at the next meeting.</i> The motion was duly seconded and carried with a vote of 7-0.</p>
<p><b>26:52 CONSENT AGENDA</b></p> <p>Items approved by the Consent Agenda: approve minutes of July 6, 2015 City Council meeting minutes</p>	<p>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 7-0.</p>
<p><b>ITEMS REMOVED FROM CONSENT AGENDA</b></p>	<p>There were none.</p>
<p><b>27:23 REPORTS OR COMMENTS FROM THE MAYOR AND COUNCIL MEMBERS</b></p>	<p>Mayor Dalton announced the Downtown Passport program would be available at Summerfest with cash prizes for completed passports.</p>
<p><b>30:08 REPORTS FROM CITY MANAGER AND STAFF</b></p>	
<p><b>PARKS MASTER PLAN</b></p>	<p>Mr. Foggin noted the Parks Advisory Board had approved the Parks Master Plan. After no Councilors objected he explained it would be on the next Council agenda for approval.</p>
<p><b>JUNE FINANCIALS</b></p>	<p>Mr. Foggin stated the revenues matched the forecast and all departments stayed within budget.</p>
<p><b>COUNCIL GOAL UPDATE</b></p>	<p>Ms. Ward advised that a contract with OpenGov had been completed and the new program to display the City finances would post to the website in</p>

	early September, greatly increasing transparency,
<b>OTHER</b>	Mr. Foggin indicated staff was working on the citizens budget and should be ready in early August. He announced the City had received the GFOA award again this year for excellence in financial reporting. He noted the City had more than a 90 day supply of water. He commented that water conservation would be a big subject at Summerfest in the Engineering booth.
<b>RESOLUTIONS</b>	
<p><b>42:37 FIRST READING OF ORDINANCE</b>  <b>Ordinance No. 1783</b> – An Ordinance amending Dallas City Code Section 3.550, relating to sidewalks.</p> <p><b>Ordinance No. 1784</b> – An Ordinance amending Dallas City Code Section 4.354, relating to property owner responsibility for maintenance of storm sewer facilities.</p>	<p>Mayor Dalton declared Ordinance No. 1783 to have passed its first reading.</p> <p>Mayor Dalton declared Ordinance No. 1784 to have passed its first reading.</p>
<p><b>SECOND READING OF ORDINANCE</b>  <b>Ordinance No. 1782</b> – An Ordinance amending Dallas City Code Section 8.445, relating to dangerous buildings.</p>	<p>Mr. Shetterly explained the Ordinance had been revised from the first reading to the second reading. He stated in the last sentence of Section (2) of the code section, the phrase, “has actual knowledge” in this ordinance replaced “is aware” in the first version.</p> <p>A roll call vote was taken and Mayor Dalton declared Ordinance No. 1782 to have PASSED BY A VOTE of 7-0 with Council President Jim Fairchild, Councilor Kelly Gabliks, Councilor Micky Garus, Councilor Bill Hahn, Councilor Kevin Marshall, Councilor Murray Stewart, and Councilor LaVonne Wilson voting YES.</p>
<b>46:30 OTHER BUSINESS</b>	There was discussion regarding the hospitality suite at the LOC conference in September. The consensus of the Council was to forego holding the event due to the lack of available days and times.
<b>EXECUTIVE SESSION</b>	

<b>ADJOURNMENT</b>	There being no further business, the meeting adjourned at 7:30 p.m.
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Read and approved this \_\_\_\_\_ day of \_\_\_\_\_ 2015.

\_\_\_\_\_

ATTEST: Mayor

\_\_\_\_\_

City Manager

# DALLAS CITY COUNCIL REPORT

**TO: MAYOR BRIAN DALTON AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No. 6 b</b>	<b>Topic:</b> OLCC Application for My Goods Market (formerly C Stop)
<b>Prepared By:</b> Jeremy Teal	<b>Meeting Date:</b> August 3, 2015	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

RECOMMENDED MOTION:

With approval of the consent agenda, the Council would be recommending to the OLCC to grant the request for an off-premises sales/change of ownership license for My Goods Market, formerly C Stop.

BACKGROUND:

Joseph Juliano, Kenneth Strong, and John Archer, owners of Apro LLC has submitted an OLCC Application, as they would like to change the name of the business to My Goods Market and continue off-premises sales of alcohol at the current establishment at 129 E. Ellendale.

Staff has reviewed the OLCC application and found no discrepancies with the information provided.

FISCAL IMPACT:

None

ATTACHMENTS:

Memo from Police Department  
OLCC Application for My Goods Market

# MEMO

TO: RON FOGGIN  
CITY MANAGER

FROM: TOM SIMPSON   
CHIEF OF POLICE

RE: *My Goods Market (formerly C Stop #7790)*  
Off-Premises Sales  
Location: 129 E Ellendale Ave

DATE: July 22, 2015

This application is for Off Premises Sales. The applicant's, Joseph Juliano, Kenneth Strong and John Archer are applying for an Off-Premises Sales license.

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





OREGON LIQUOR CONTROL COMMISSION
BUSINESS INFORMATION

Please Print or Type

Applicant Name: Apro, LLC Phone: 503-623-9370

Trade Name (dba): My Goods Market #7790

Business Location Address: 129 E Ellendale Ave.

City: Dallas ZIP Code: 97338

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday 12am to 12am
Monday 12am to 12am
Tuesday 12am to 12am
Wednesday 12am to 12am
Thursday 12am to 12am
Friday 12am to 12am
Saturday 12am to 12am

Outdoor Area Hours: N/A

Sunday to
Monday to
Tuesday to
Wednesday to
Thursday to
Friday to
Saturday to

The outdoor area is used for: N/A

- Food service Hours: to
Alcohol service Hours: to
Enclosed, how

The exterior area is adequately viewed and/or supervised by Service Permittees. (Investigator's Initials)

Seasonal Variations: Yes No If yes, explain: N/A

ENTERTAINMENT

Check all that apply: N/A

- Live Music Karaoke
Recorded Music Coin-operated Games
DJ Music Video Lottery Machines
Dancing Social Gaming
Nude Entertainers Pool Tables
Other:

DAYS & HOURS OF LIVE OR DJ MUSIC

N/A
Sunday to
Monday to
Tuesday to
Wednesday to
Thursday to
Friday to
Saturday to

SEATING COUNT

N/A

Restaurant: Outdoor:
Lounge: Other (explain):
Banquet: Total Seating:

OLCC USE ONLY
Investigator Verified Seating: (Y) (N)
Investigator Initials:
Date:

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

Applicant Signature: Date: 05/08/2015

OREGON LIQUOR CONTROL COMMISSION  
LIMITED LIABILITY COMPANY QUESTIONNAIRE



Please Print or Type

LLC Name: Apro, LLC Year Filed: 2015

Trade Name (dba): My Goods Market #7790

Business Location Address: 129 E Ellendale Ave.

City: Dallas ZIP Code: 97338

List Members of LLC:

Percentage of Membership Interest:

1. <u>CF United LLC</u> (managing member)	<u>100%</u>
2. _____ (members)	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____

(Note: If any LLC member is another legal entity, that entity must also complete an LLC, Limited Partnership or Corporation Questionnaire. If the LLC has officers, please list them on a separate sheet of paper with their titles.)

Server Education Designee: N/A DOB: \_\_\_\_\_

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

Signature: [Handwritten Signature] Date: 05/08/2015  
(name) President/CEO (title)



OREGON LIQUOR CONTROL COMMISSION  
LIMITED LIABILITY COMPANY QUESTIONNAIRE

Please Print or Type

LLC Name: CF United LLC Year Filed: 2014

Trade Name (dba): N/A

Business Location Address: [REDACTED]

City: [REDACTED] ZIP Code: 90248

List Members of LLC:

Percentage of Membership Interest:

1. <u>CF United Trust</u> (managing member)	<u>100%</u>
2. _____ (members)	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____

(Note: If any LLC member is another legal entity, that entity must also complete an LLC, Limited Partnership or Corporation Questionnaire. If the LLC has officers, please list them on a separate sheet of paper with their titles.)

Server Education Designee: N/A DOB: \_\_\_\_\_

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

Signature: [Signature] President / CEO Date: \_\_\_\_\_  
(name) (title)



OREGON LIQUOR CONTROL COMMISSION  
INDIVIDUAL HISTORY

PRIORS  RAIN  COP   
DMV-w  DL  CCH   
N-DEx  OJIN  Oth   
By: ON Date 7/22/15

1. Trade Name My Goods Market 2. City \_\_\_\_\_
3. Name Juliano Joseph [REDACTED]  
(Last) (First) (Middle)
4. Other names used (maiden, other) Joe Juliano
5. \*SSN [REDACTED] 6. Place of Birth [REDACTED] 7. DOB [REDACTED] 8. Sex M  F   
(State or Country) (mm) (dd) (yyyy)

**\*SOCIAL SECURITY NUMBER DISCLOSURE:** As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 668(a)(13) & ORS 25.785). If you are an applicant or licensee and fail to provide your SSN, the OLCC may refuse to process your application. Your SSN will be used only for child support enforcement purposes unless you sign below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a)). If you consent to these uses, please sign here:

Applicant Signature: \_\_\_\_\_

9. Driver License or State ID # [REDACTED] 10. State CA
11. Residence Address [REDACTED] [REDACTED] [REDACTED] [REDACTED]  
(number and street) (city) (state) (zip code)
12. Mailing Address (if different) Same  
(number and street) (city) (state) (zip code)
13. Contact Phone [REDACTED] 14. E-Mail address (optional) [REDACTED]
15. Do you have a spouse or domestic partner?  Yes  No  
If yes, list his/her full name: N/A
16. If yes to #15, will this person work at or be involved in the operation or management of the business?  
 Yes  No
17. List all states, other than Oregon, where you have lived during the past ten years:  
California
18. In the past 12 years, have you been **convicted** ("convicted" includes paying a fine) in Oregon or any other state of driving a car with a suspended driver's license or driving a car with no insurance?  
 Yes  No  Unsure If yes, list the date(s), or approximate dates, and type(s) of convictions.  
If unsure, explain. You may include the information on a separate sheet.
19. In the past 12 years, have you been **convicted** ("convicted" includes paying a fine) in Oregon or any other state of a misdemeanor or a felony?  Yes  No  Unsure  
If yes, list the date(s), or approximate dates, and type(s) of convictions. If unsure, explain. You may include the information on a separate sheet.

20. Trade Name My Goods Market 21. City \_\_\_\_\_

22. Do you have any arrests or citations that have not been resolved?  Yes  No  Unsure  
If yes or unsure, explain here or include the information on a separate sheet.

23. Have you ever been in a drug or alcohol diversion program in Oregon or any other state? (A diversion program is where you are required, usually by the court or another government agency, to complete certain requirements in place of being convicted of a drug or alcohol-related offense.)  Yes  No  Unsure  
If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

24. Do you, or any legal entity that you are a part of, currently hold or have previously held a liquor license in Oregon or another US state? (Note: a service permit is not a liquor license.)  Yes  No  Unsure  
If yes, list the name(s) of the business, the city (or cities) and state (or states) where located, and the date(s) of the license(s). If unsure, explain. You may include the information on a separate sheet.

25. Have you, or any legal entity that you are a part of, ever had an application for a license, permit, or certificate denied or cancelled by the OLCC or any other governmental agency in the US?  
 Yes  No  Unsure If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

**Questions 26 and 27 apply if you, or any legal entity that you are part of, are applying for a Full On-Premises, Limited On-Premises, Off-Premises, or Brewery-Public House license. If you are not applying for one of those licenses, mark "N/A" on Questions 26 & 27.**

26. Do you have any ownership interest in any other business that makes, wholesales, or distributes alcohol?  N/A  Yes  No  Unsure If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

27. Does, or will, a maker, wholesaler, or distributor of alcohol have any ownership interest in your business?  
 N/A  Yes  No  Unsure If yes or unsure, explain:

**Question 28 applies if you, or any legal entity that you are part of, are applying for a Brewery, Brewery-Public House, Distillery, Grower Sales Privilege, Warehouse, Wholesale Malt Beverage & Wine, or Winery license. If you are not applying for one of those licenses, mark "N/A" on Question 28.**

28. Do you, or any legal entity that you are part of, have any ownership interest in any other business that sells alcohol at retail in Oregon?  N/A  Yes  No  Unsure If yes or unsure, explain:

You must sign your own form (you can't have your attorney or a person with power of attorney sign your form).  
I affirm that my answers are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to, criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: [Signature] Date: \_\_\_\_\_



OREGON LIQUOR CONTROL COMMISSION
INDIVIDUAL HISTORY

PRIORS RAIN COP
DMV-w DL CCH
N-DEX OJIN Oth
By: [Signature] Date 7/22/10

1. Trade Name My Goods Market 2. City
3. Name Strong Kenneth
(Last) (First) (Middle)
4. Other names used (maiden, other) Ken Strong
5. \*SSN 6. Place of Birth 7. DOB 8. Sex M FO
(State or Country) (mm) (dd) (yyyy)

\*SOCIAL SECURITY NUMBER DISCLOSURE: As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). If you are an applicant or licensee and fail to provide your SSN, the OLCC may refuse to process your application. Your SSN will be used only for child support enforcement purposes unless you sign below.
Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a)). If you consent to these uses, please sign here:
Applicant Signature:

9. Driver License or State ID # 10. State CA
11. Residence Address
(number and street) (city) (state) (zip code)
12. Mailing Address (if different) Same
(number and street) (city) (state) (zip code)
13. Contact Phone 14. E-Mail address (optional)

15. Do you have a spouse or domestic partner? Yes No
If yes, list his/her full name: Arnell Strong

16. If yes to #15, will this person work at or be involved in the operation or management of the business?
Yes No

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

18. In the past 12 years, have you been convicted ("convicted" includes paying a fine) in Oregon or any other state of driving a car with a suspended driver's license or driving a car with no insurance?
Yes No Unsure If yes, list the date(s), or approximate dates, and type(s) of convictions.
If unsure, explain. You may include the information on a separate sheet.

19. In the past 12 years, have you been convicted ("convicted" includes paying a fine) in Oregon (or any other state of a misdemeanor or a felony)? Yes No Unsure
If yes, list the date(s), or approximate dates, and type(s) of convictions. If unsure, explain. You may include the information on a separate sheet.

20. Trade Name My Goods Market 21. City \_\_\_\_\_

22. Do you have any arrests or citations that have not been resolved?  Yes  No  Unsure  
If yes or unsure, explain here or include the information on a separate sheet.

---

23. Have you ever been in a drug or alcohol **diversion program** in Oregon or any other state? (A diversion program is where you are required, usually by the court or another government agency, to complete certain requirements in place of being convicted of a drug or alcohol-related offense.)  Yes  No  Unsure  
If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

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24. Do you, or any legal entity that you are a part of, **currently hold** or **have previously held** a liquor license in Oregon or another US state? (Note: a service permit is not a liquor license.)  Yes  No  Unsure  
If yes, list the name(s) of the business, the city (or cities) and state (or states) where located, and the date(s) of the license(s). If unsure, explain. You may include the information on a separate sheet.

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25. Have you, or any legal entity that you are a part of, ever had an application for a license, permit, or certificate **denied or cancelled** by the OLCC or any other governmental agency in the US?  
 Yes  No  Unsure If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

---

**Questions 26 and 27 apply if you, or any legal entity that you are part of, are applying for a Full On-Premises, Limited On-Premises, Off-Premises, or Brewery-Public House license. If you are not applying for one of those licenses, mark "N/A" on Questions 26 & 27.**

26. Do you have any ownership interest in any other business that makes, wholesales, or distributes alcohol?  N/A  Yes  No  Unsure If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

---

27. Does, or will, a maker, wholesaler, or distributor of alcohol have any ownership interest in your business?  
 N/A  Yes  No  Unsure If yes or unsure, explain:

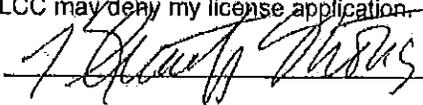
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**Question 28 applies if you, or any legal entity that you are part of, are applying for a Brewery, Brewery-Public House, Distillery, Grower Sales Privilege, Warehouse, Wholesale Malt Beverage & Wine, or Winery license. If you are not applying for one of those licenses, mark "N/A" on Question 28.**

28. Do you, or any legal entity that you are part of, have any ownership interest in any other business that sells alcohol at retail in Oregon?  N/A  Yes  No  Unsure If yes or unsure, explain:

---

You must sign your own form (you can't have your attorney or a person with power of attorney sign your form).  
I affirm that my answers are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to, criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature:  Date: 5/4/2015

PRIORS  RAIN  COP   
DMV-w  DL  CCH   
N-DEX  OJIN  Oth   
By: OW Date 7/22/15



# OREGON LIQUOR CONTROL COMMISSION INDIVIDUAL HISTORY

1. Trade Name My Foods Market 2. City \_\_\_\_\_  
3. Name Archer John \_\_\_\_\_  
(Last) (First) (Middle)  
4. Other names used (maiden, other) \_\_\_\_\_  
5. \*SSN \_\_\_\_\_ 6. Place of Birth \_\_\_\_\_ 7. DOB \_\_\_\_\_ 8. Sex M  F   
(State or Country) (mm) (dd) (yyyy)

**\*SOCIAL SECURITY NUMBER DISCLOSURE:** As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). If you are an applicant or licensee and fail to provide your SSN, the OLCC may refuse to process your application. Your SSN will be used only for child support enforcement purposes unless you sign below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a)).

If you consent to these uses, please sign here:

DocuSigned by:  
John Archer  
E2A19525E0E24C1

Applicant Signature: \_\_\_\_\_

9. Driver License or State ID # \_\_\_\_\_ 10. State WA  
11. Residence Address \_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_  
(number and street) (city) (state) (zip code)  
12. Mailing Address (if different) Same.  
(number and street) (city) (state) (zip code)  
13. Contact Phone \_\_\_\_\_ 14. E-Mail address (optional) \_\_\_\_\_

15. Do you have a spouse or domestic partner?  Yes  No  
If yes, list his/her full name: Katherine Archer

16. If yes to #15, will this person work at or be involved in the operation or management of the business?  
 Yes  No

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

18. In the past 12 years, have you been **convicted** ("convicted" includes paying a fine) in Oregon or any other state of driving a car with a suspended driver's license or driving a car with no insurance?  
 Yes  No  Unsure If yes, list the date(s), or approximate dates, and type(s) of convictions.  
If unsure, explain. You may include the information on a separate sheet.

19. In the past 12 years, have you been **convicted** ("convicted" includes paying a fine) in Oregon or any other state of a misdemeanor or a felony?  Yes  No  Unsure  
If yes, list the date(s), or approximate dates, and type(s) of convictions. If unsure, explain. You may include the information on a separate sheet.

20. Trade Name My Goods Market 21. City \_\_\_\_\_

22. Do you have any arrests or citations that have not been resolved?  Yes  No  Unsure  
If yes or unsure, explain here or include the information on a separate sheet.

23. Have you ever been in a drug or alcohol **diversion program** in Oregon or any other state? (A diversion program is where you are required, usually by the court or another government agency, to complete certain requirements in place of being convicted of a drug or alcohol-related offense.)  Yes  No  Unsure  
If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

24. Do you, or any legal entity that you are a part of, **currently hold** or **have previously held** a liquor license in Oregon or another US state? (Note: a service permit is not a liquor license.)  Yes  No  Unsure  
If yes, list the name(s) of the business, the city (or cities) and state (or states) where located, and the date(s) of the license(s). If unsure, explain. You may include the information on a separate sheet.

25. Have you, or any legal entity that you are a part of, ever had an application for a license, permit, or certificate **denied or cancelled** by the OLCC or any other governmental agency in the US?  
 Yes  No  Unsure If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

**Questions 26 and 27 apply if you, or any legal entity that you are part of, are applying for a Full On-Premises, Limited On-Premises, Off-Premises, or Brewery-Public House license.** If you are not applying for one of those licenses, mark "N/A" on Questions 26 & 27.

26. Do you have any ownership interest in any other business that makes, wholesales, or distributes alcohol?  N/A  Yes  No  Unsure If yes, list the date(s), or approximate dates. If unsure, explain. You may include the information on a separate sheet.

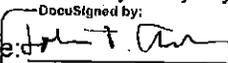
27. Does, or will, a maker, wholesaler, or distributor of alcohol have any ownership interest in your business?  
 N/A  Yes  No  Unsure If yes or unsure, explain:

**Question 28 applies if you, or any legal entity that you are part of, are applying for a Brewery, Brewery-Public House, Distillery, Grower Sales Privilege, Warehouse, Wholesale Malt Beverage & Wine, or Winery license.** If you are not applying for one of those licenses, mark "N/A" on Question 28.

28. Do you, or any legal entity that you are part of, have any ownership interest in any other business that sells alcohol at retail in Oregon?  N/A  Yes  No  Unsure If yes or unsure, explain:

You must sign your own form (you can't have your attorney or a person with power of attorney sign your form).

I affirm that my answers are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to, criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature:  Date: 5/5/2015

# DALLAS CITY COUNCIL REPORT

**TO: MAYOR BRIAN DALTON AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No.</b> <b>6 c</b>	<b>Topic:</b> Canceling August 17, 2015 City Council Meeting
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> August 3, 2015	<b>Attachments:</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

RECOMMENDED MOTION:

With approval of the consent agenda, Council would be authorizing the cancellation of the August 17, 2015, City Council meeting, with the understanding that if any urgent issues arise, the meeting will be held.

BACKGROUND:

I do not anticipate any agenda items for the August 17 Council meeting. For this reason, we are requesting the Council cancel the August 17, 2015, City Council meeting. As always, if something comes up, we can schedule an emergency meeting.

FISCAL IMPACT:

None

ATTACHMENTS:

None

# DALLAS CITY COUNCIL REPORT

**TO: MAYOR BRIAN DALTON AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No. 6d</b>	<b>Topic:</b> Parks Advisory Board Appointment
<b>Prepared By:</b> Jeremy Teal	<b>Meeting Date:</b> August 3, 2015	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggini		

RECOMMENDED ACTION:

Approval of the Consent Agenda would appoint Jennie Rummell to the Parks Advisory Board.

BACKGROUND:

Staff has reviewed Ms. Rummell's application feels she would provide good insight to the Parks Advisory Board and recommend she be appointed.

FISCAL IMPACT:

None

ATTACHMENTS:

Application from Ms. Rummell

PRIORS  RAIN  COP   
DMV-w  DL  CCH   
N-DEx  OJIN  Oth   
By: W Date 7/22/15



**CITIZEN COMMITTEE INTEREST FORM**

Name: Jennie Rummell

Address: [Redacted]

Mailing Address: Same

Phone: Work: [Redacted] (cell) Home: same

E-mail Address: [Redacted] Yrs as Dallas Resident: 4 1/2

Occupation and Employer: Licensed Massage Therapist - self

Employer's Address and Telephone: [Redacted]

May we contact you at work?  Yes  No

I am interested in serving on the following Committee(s):

- Budget Committee
- Citizens Advisory Committee for the Comprehensive Plan
- Economic Development Commission
- Library Board
- Parks and Recreation Board
- Planning Commission
- Urban Renewal District Advisory Committee
- Utility Rate Advisory Group

I am interested in being on a waiting list if there are no current vacancies.

Please write a brief narrative describing your interest, qualifications, and what you hope to accomplish in this position. Include the skills, experience, and knowledge you possess that would help you contribute in this position. Feel free to attach a resume or other information you feel would be helpful.

I believe that having and maintaining an active lifestyle is very important from childhood through end of life. I feel that every great community needs numerous ways to engage its citizens - to keep everyone active, interested and prideful of their community. I really feel Dallas needs more organized adult recreation.

**Educational Background**

High School: Astoria High School

Graduated  GED

College: Western Oregon University  
Oregon School of Massage

Degree: B.S.  
graduated/licensure

**Previous Volunteer/Committee Experience:**

Volunteer Agency: YMCA - independence/month 2004

Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

Duties: after school program

Have you ever been convicted of a felony?  Yes  No

**AUTHORIZATION WAIVER**

I have completed the above questions and to the best of my knowledge, what has been stated is true. If appointed, I agree to serve without reimbursement of any kind. I understand that I may be subject to a criminal records check. I further understand that irrespective of any criminal records check, the City of Dallas may decline my volunteer application or volunteer services at any time.

Jennifer Sumrell  
Applicant's Signature

6-18-15  
Date

Please return completed application to:  
City Manager's Office  
City of Dallas  
187 SE Court St  
Dallas, OR 97338  
503-831-3502

-----  
Date received at City Hall: \_\_\_\_\_ Date appointed: \_\_\_\_\_

Board, Commission or Committee: \_\_\_\_\_

Members Present: Chair Kelly Gabliks, Jim Fairchild, Bill Hahn, Jackie Lawson, and Kevin Marshall.

Also Present: Mayor Brian Dalton, City Manager Ron Foggin, City Attorney Lane Shetterly, Finance Director Cecilia Ward, Community Development/Operations Director Jason Locke, Park Supervisor Ron Lines, HR Manager Emily Gagner, and Recording Secretary Jeremy Teal.

Chair Gabliks called the meeting to order at 4:01 p.m.

### **GARAGE SALE PERMITS**

Mr. Foggin stated the Finance Department looked at the current garage sale program and examined costs of the program offered by the City. He noted that implementing a small fee would help pay for part of the cost of sign replacement for the program. He advised the signs should be replaced every three years.

Ms. Ward reported the City had 48 total signs, with only eight in good condition, and fifteen completely broken and unusable.

Mr. Foggin advised Ms. Ward was exploring all the options with size and usability. He noted the City was happy to administer program, but needed some sort of help for replacing signs. He stated the sign deposit was \$15 and the proposal was to keep \$5 of the deposit, returning \$10 to each customer when they returned the sign.

Councilor Marshall asked how many garage sales the City had each year. Councilor Gabliks responded 615 sales in 2014. She noted and that she was supportive of the program. Councilor Marshall noted that \$5 times 600 sales equaled \$3000 which could replace 30 signs each year.

Councilor Lawson suggested \$3 instead of \$5, unless sign wasn't returned right away. Councilor Fairchild stated the \$5 was a simple straight forward concept.

It was moved by Councilor Fairchild to direct staff to draft a resolution for approval of the Council for a \$15 deposit with \$5 being returned toward sign replacement and \$10 returned to customer. The motion was duly seconded and carried with a vote of 4-1 with Councilor Lawson voting No.

### **FINGERPRINTING**

Ms. Ward stated she had been approached by Polk County to do finger printing for the public. She noted the County charged \$25 for finger printing and the City recommend establishing that same charge.

Councilor Gabliks asked if the \$25 covered the cost. Ms. Ward stated the finger prints were electronically done and sent, or printed and sent with them. She noted it was a very minimal material cost and minimal staff time.

It was moved by Councilor Lawson to direct staff to draft a resolution for approval by the Council to charge for finger printing services. The motion was duly seconded and carried with a vote of 5-0.

### **CITY MANGER'S REPORT**

#### **ADMIN**

Mr. Foggin noted that Administration had been very busy, but was keeping up.

#### **FINANCE**

Ms. Ward reported the auditors had been in for the interim work, and would be back in September for field work. She stated the Stormwater charge went into effect and was a very smooth transition.

Mr. Foggin stated the auditors would be working with the library staff on procedures for cash handling.

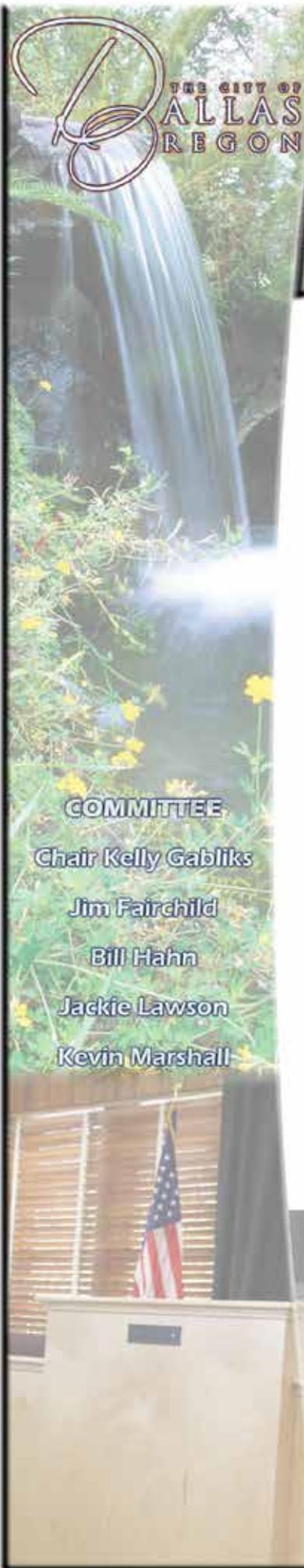
1    **HUMAN RESOURCES**

2    Ms. Gagner reported the City lost 2 part-time lifeguards, an engineer tech, a library worker, a code  
3    services specialist, a full time paramedic, and a paramedic Shift Lt. The City hired 3 part-time lifeguards,  
4    a part-time library worker, and a utility worker I to replace Megan. She noted a police officer failed the  
5    background check, but there were 2 other strong candidates going through backgrounds, and the code  
6    services specialist was in background now. She indicated the full time paramedic was waiting for the  
7    Chief's interview, and the Paramedic Shift Lt. interviews were next week. She noted applications had  
8    been received for the Engineer Tech and the Facilities Foreman.

9    **OTHER**

10   **ADJOURNMENT**

11   There was no other business and the meeting was adjourned at 4:30 p.m.



# AGENDA

July 27, 2015

4:00 PM

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

- A. Call to order
- B. Garage sale permits
- C. Fingerprinting
- D. City Manager's Report
  - Finance
  - Human Resources
- E. Other
- F. Adjournment

## COMMITTEE

- Chair Kelly Gabliks
- Jim Fairchild
- Bill Hahn
- Jackie Lawson
- Kevin Marshall

# DALLAS CITY COUNCIL

## ADMINISTRATIVE SUBCOMMITTEE REPORT

**TO: COUNCIL ADMINISTRATIVE SUBCOMMITTEE**

<i>City of Dallas</i>	<b>Agenda Item No. B</b>	<b>Topic:</b> Garage Sale Sign Replacement Program
<b>Prepared By:</b> Cecilia Ward	<b>Meeting Date:</b> July 27, 2015	<b>Attachments:</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

RECOMMENDED MOTION:

Recommend the Council adopt a resolution establishing a Garage Sale Sign Replacement Program.

BACKGROUND:

The City of Dallas requires a garage sale permit for the purpose of a public sale. The City also provides one sign per permit with a \$15 deposit. The deposit is refunded upon return of the sign.

It is the goal of staff to have 100% of garage sales signs available to the public to be in good or better condition. At this time, we have a total of 48 garage sale signs. Out of the 48 only 8 (17%) are in good condition and 15 (31%) are broken.

A garage sale sign replacement program would allow the rotation of the purchase and replacement of signs every year. The program would rotate one-third of the signs every year at an estimated cost of \$90.00 per sign. In order to upgrade all signs the estimated cost will be \$4,500. Moving forward, signs would be replaced every three years. The program would consist of a minimal \$5.00 charge per garage sale permit. A deposit would still be required for the signs. The customer would pay \$15.00 when issued a permit and upon return of the sign \$10.00 would be returned to the customer.

Below is a table with the number of garage sale permits that were issued the last three years. If a \$5.00 charge per permit was implemented it would generate approximately \$3,000-\$3,500 per fiscal year. This would assist staff in attaining the goal of 100% of garage sale signs be in good or better condition.

**GARAGE SALE PERMITS**

2013		2014		2015	
Dec	2	Dec	7	Dec	
Nov	5	Nov	7	Nov	
Oct	33	Oct	43	Oct	
Sept	66	Sept	74	Sept	
Aug	153	Aug	134	Aug	
July	117	July	106	July	
June	134	June	140	June	112
May	71	May	50	May	60
April	38	April	35	April	25
March	20	March	12	March	21
Feb	3	Feb	2	Feb	6
Jan	2	Jan	5	Jan	3
<b>Total</b>	<b>644</b>	<b>Total</b>	<b>615</b>	<b>Total</b>	<b>227</b>

**FISCAL IMPACT:**

General Fund Revenue - approximately \$3,000-\$3,500

**ATTACHMENTS:**

None

**DALLAS CITY COUNCIL**  
**ADMINISTRATIVE SUBCOMMITTEE REPORT**

**TO: COUNCIL ADMINISTRATIVE SUBCOMMITTEE**

<i>City of Dallas</i>	<b>Agenda Item No.</b> C	<b>Topic:</b> Fingerprinting Service
<b>Prepared By:</b> Cecilia Ward	<b>Meeting Date:</b> July 27, 2015	<b>Attachments:</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

RECOMMENDED MOTION:

Recommend the Council adopt a resolution establishing a fee for fingerprinting services for the general public.

BACKGROUND:

The City purchased a fingerprinting system to use in court for defendants who have not been fingerprinted for a misdemeanor.

Staff have been approached by the county and the public about providing fingerprinting for the general public as an additional service. Fingerprinting is required for some employment, volunteering, schools and other programs. The Polk County Sheriff's Office Record Division is open to the public for fingerprinting 3.5 hours/3 days per week. Demand exceeds the time that the service is available. The City would be able to provide additional time the service is available.

Polk County Sheriff's Office charges \$25.00 for up to 2 fingerprint cards for the service. Staff recommends establishing the same fee.

FISCAL IMPACT:

Additional general fund revenue

ATTACHMENTS:

None

**Building and Grounds Committee**  
**Monday, July 27, 2015**

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Members Present: Chair Kevin Marshall, Jim Fairchild, Kelly Gabliks, Bill Hahn, and Jackie Lawson.

Also Present: Mayor Brian Dalton, City Manager Ron Foggin, City Attorney Lane Shetterly, Community Development/Operations Director Jason Locke, HR Manager Emily Gagner, Park Supervisor Ron Lines, Finance Director Cecilia Ward, and Recording Secretary Jeremy Teal.

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

**SENIOR CENTER UPDATE**

Mr. Foggin reported the project was progressing with the survey done, the geotechnical report done, and the architect finalizing the design. He noted the ground breaking was still set for the end of September.

**CARNEGIE BUILDING UPDATE**

Mr. Foggin stated he would create an RFI and present it to the Council for feedback. He noted that he had spoken with people that had ideas for the space and they felt an RFI was the fairest way to proceed.

Councilor Lawson indicated that she had personal contact with Mr. McMenamain and the company had over committed in other places, but was very interested in Dallas as a site for a restaurant.

**CITY MANAGER'S REPORT**

**COMMUNITY DEVELOPMENT**

Mr. Foggin shared that Ken Stoller was retiring and replacing him would be a daunting task. He indicated Ken would be greatly missed.

Mr. Locke stated the part time maintenance man at the aquatic center had made a huge difference. He noted the software at the aquatic center would be upgraded and allow for online scheduling and payments. Building and planning activity was still high with multiple projects.

**PARKS**

Mr. Lines reported that parks were doing well despite suffering the heat. He noted watering was on a rotating schedule. He stated the Parks Master Plan would be at Council for approval and the website would need to be kept up to accommodate the plan.

**OTHER**

**ADJOURNMENT**

There was no other business and the meeting was adjourned at 4:45 p.m.



DALLAS  
CITY HALL



# Building & Grounds Committee

## **AGENDA**

July 27, 2015

4:00 PM

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

- A. Call to Order
- B. Senior Center update
- C. Carnegie building update
- D. City Manager's Report
  - Community Development
  - Parks
- E. Other
- F. Adjournment

### COMMITTEE

Chair Kevin Marshall

Jim Fairchild

Kelly Gabliks

Bill Hahn

Jackie Lawson

WELCOME  
TO

DALLAS

# DALLAS CITY COUNCIL REPORT

**TO: MAYOR BRIAN DALTON AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No.</b>  <b>9a</b>	<b>Topic:</b> Municipal Court Judge's Contract
<b>Prepared By:</b> Ron Foggin	<b>Meeting Date:</b> August 3, 2015	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

RECOMMENDED MOTION:

I recommend the City Council approve an increase of \$300 a month for the municipal judge.

BACKGROUND:

When I negotiated the contract for municipal court judge services with Jonathan Clark, we discussed the monthly rate for the services to be provided. Jonathan wanted \$2,800 a month and I offered \$2,500 a month. I told him that his performance as judge as well as the amount of time spent as judge would be reviewed after six months. If at that time, his performance was good and he was providing 28 hours a month, I would recommend to the City Council that his monthly payment be increased to \$2,800. The six month timeframe has been completed and a decision needs to be made regarding a possible increase to Jonathan's monthly contract amount.

Jonathan has performed admirably as our municipal court judge in the first six months. He has an excellent reputation with the people that appear before him as well as with our prosecuting attorney, Police Department and administrative staff. To date, I have not received a complaint about how he runs the courtroom or how he treats people. His contract with the City is for 28 hours a month which he is meeting and in some months exceeding.

I recommend the City Council approve a revision to Jonathan's contract to increase his monthly contract amount from \$2,500 to \$2,800.

FISCAL IMPACT:

\$300 a month/\$3,600 a year

ATTACHMENTS:

Municipal Court Judge's Contract

## PERSONAL SERVICES CONTRACT

### MUNICIPAL COURT JUDGE SERVICES

THIS AGREEMENT is made and entered into by and between the CITY OF DALLAS, an Oregon municipal corporation, hereinafter referred to as "City", and JONATHAN A. CLARK, hereinafter referred to as "Clark."

#### RECITALS

- A. City desires to obtain from Clark the services of municipal judge for City's municipal court.
- B. Clark is willing and able to provide and perform such services according to the terms hereof.
- C. City does not seek to hire Clark as an employee of City nor does Clark desire to be an employee of City for performance of the services described herein.

#### AGREEMENT

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

- 1. Clark shall perform for City the services of municipal judge of the municipal court for City, in accordance with the City Charter and as the City may hereafter provide by ordinance. Clark will provide all such judicial and administrative services as are required for the operation of City's municipal court.
- 2. The term of this contract shall commence on January 1, 2015, and continue until December 31, 2016, unless (a) earlier terminated as provided herein or (b) the term is modified by City ordinance after June 30, 2015.
- 3. City shall compensate Clark for such services according to the following terms:
  - (a) The sum of \$2520 per month, based on the presumption that Clark will devote an average of 28 hours per month in service as municipal judge. The parties agree to review Clark's compensation and the average number of hours actually served per month after six months and make such adjustment to Clark's

compensation as may be indicated by such review and as the parties may then agree.

(b) Such compensation shall be exclusive and City shall neither pay nor provide Clark with any fringe benefits, including, but not limited to, retirement, health insurance, workers' compensation insurance, unemployment insurance or sick leave. Clark shall be responsible for paying all income taxes, social security or self-employment taxes and any other taxes or assessments imposed by any governmental body incurred by reason of City's payment of compensation hereunder to Clark.

4. Unless otherwise specifically provided above, all expenses of Clark for travel and meals shall be the sole and exclusive responsibility of Clark and City shall have no liability therefor.

5. No additional compensation or alternate form thereof shall be payable by City to Clark for any purpose whatsoever unless otherwise agreed in writing.

6. This contract is personal as to Clark, and Clark may not subcontract with or delegate to any other person any portion of the services to be performed hereunder without the prior written approval of City.

7. Clark may, during the term of this agreement, work for or be employed by any other person or persons, provided that such employment or work shall not impair performance of Clark's services to the City hereunder.

8. This agreement is not a contract of employment and Clark shall have no authority to represent, act for, bind or otherwise create or assume any obligation on behalf of City.

9. Clark shall have the sole authority to determine the manner and means of performing the services described herein and City shall not interfere with, control, or direct the results of specific matters before the Dallas Municipal Court. City shall have the right to make decisions regarding the general operation of the court to ensure its efficient operation. Nothing herein shall be construed to grant Clark any right or power to modify or amend the terms of this agreement without the prior consent of the City.

10. Clark shall be responsible for and has obtained or shall obtain all professional licenses as may be required by State or law applicable to the services herein.

13. Clark represents that Clark has filed federal and state income tax returns (a) in Clark's business name; or (b) on a business Schedule C as part of Clark's personal income tax returns, if Clark provided labor or services as an independent Clark during the previous calendar year.

14. City will defend, indemnify and hold Clark harmless from claims arising from the provision by Clark of services to City under this agreement within the scope of and as provided in ORS 30.285. Clark shall indemnify and hold City harmless from and against any and all claims, liabilities, demands or damages for which City is not required to indemnify Clark under ORS 30.285, including attorney fees and costs incurred by City in defense thereof, arising from or related to this contract and Clark's performance or failure to perform any of the terms hereof.

16. This contract sets forth the entire agreement between the parties and may be modified or altered only by written notice signed by both parties hereto.

18. In the event of a material breach or default by one party in performance of any obligation hereof, this contract may be terminated immediately and without prior notice.

DATED: \_\_\_\_\_, 2014

CITY OF DALLAS, OREGON

By: \_\_\_\_\_  
RONALD L. FOGGIN  
City Manager

DATED: \_\_\_\_\_, 2014

\_\_\_\_\_  
JONATHAN A. CLARK

APPROVED AS TO FORM:

\_\_\_\_\_  
LANE P. SHETTERLY  
CITY ATTORNEY

# DALLAS CITY COUNCIL

## STAFF REPORT

**TO: DALLAS CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No.</b> <b>9a</b>	<b>Topic:</b> Parks Master Plan
<b>Prepared By:</b> Ron Lines	<b>Meeting Date:</b> July 20, 2015	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

**RECOMMENDED ACTION:**

City Staff recommend that the Council approval of the Parks Master Plan.

**BACKGROUND:**

Work on the Parks Master Plan began in July of 2014 and was completed in June of 2015. The firm hired was the University of Oregon Community Planning Workshop (CPW). The Park Advisory Board (PAB) and the CPW conducted surveys, workshops, and public interaction to collect all the information for the master plan. Mission statements and goals were set by the PAB and implemented into the master plan. The Parks Master Plan was presented to the Council at the May 4<sup>th</sup> workshop. After the workshop, CPW took all the Council feedback along with the PAB comments and revised the financial section of the plan as well as completed much needed edits. The final version of the Parks Master Plan was presented to the PAB on June 16<sup>th</sup>. The PAB unanimously approved the Plan and recommended it to the City Council for the Council's approval.

**FISCAL IMPACT:**

None.

**DALLAS 2030 VISION IMPACT:**

Our Growth & Development: 4.g. – Dallas provides outstanding parks and new recreational facilities while protecting its natural areas as the community grows and expands.

**ATTACHMENTS:**

RESOLUTION NO. 3329

A Resolution adopting the Dallas Parks Master Plan.

WHEREAS, park facilities are critical to a community's quality of life and to meeting the needs of residents for recreational experiences; and

WHEREAS, providing adequate park facilities is a challenge for many communities, and limited resources present significant challenges to the development and maintenance of adequate park systems; and

WHEREAS, identifying system priorities and matching those priorities with available resources requires careful planning; and

WHEREAS, the 2015 Parks Master Plan for the City of Dallas meets these planning needs by identifying strategies and actions for the operation, development and funding of the City's park system for the next 20 years, through which plan the City intends to improve existing parks and carry out strategic parkland expansion to meet the needs of current and future residents; NOW, THEREFORE

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

Section 1. The 2015 Parks Master Plan is hereby approved and adopted as an official plan of the City of Dallas. A copy of the cover page of the Plan is attached hereto as Exhibit 1 and by reference incorporated herein.

Section 2. This resolution shall be effective upon its passage.

Adopted: August 3, 2015  
Approved: August 3, 2015

\_\_\_\_\_  
BRIAN W. DALTON, MAYOR

ATTEST:

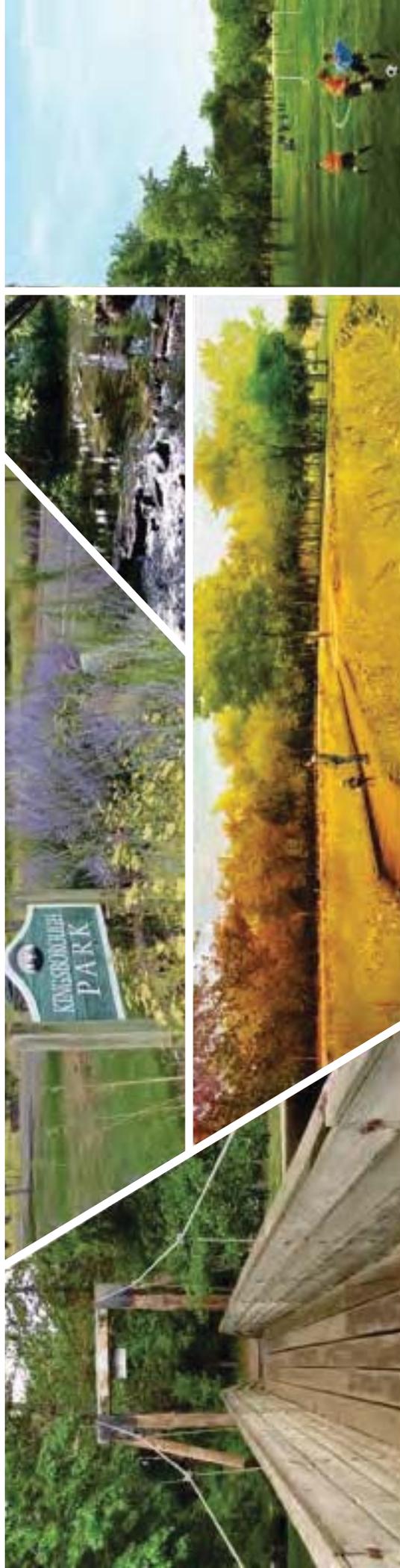
APPROVED AS TO FORM:

\_\_\_\_\_  
RONALD W. FOGGIN,  
CITY MANAGER

\_\_\_\_\_  
LANE P. SHETTERLY,  
CITY ATTORNEY

# DALLAS PARKS MASTER PLAN

CITY OF DALLAS, OREGON | MARCH 2015



# DALLAS CITY COUNCIL REPORT

**TO: MAYOR BRIAN DALTON AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No. 11a</b>	<b>Topic: Ordinance 1785</b>
<b>Prepared By:</b> Jason Locke, Community Development/ Operations Director	<b>Meeting Date:</b> August 3, 2015	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin, City Manager		

**RECOMMENDED ACTION:** Move Ordinance 1785 to a second reading.

**BACKGROUND:** After a public hearing was held on this matter, the Council directed staff to prepare an Ordinance for the Comprehensive Plan Map Amendment. That Ordinance is attached.

**FISCAL IMPACT:** None

**ATTACHMENTS:**

Ordinance 1785

ORDINANCE NO. 1785

An Ordinance amending the Dallas Comprehensive Plan Map for a parcel of real property owned by Christina and Dale Perry from Residential to Commercial; and declaring an emergency.

WHEREAS, Trahan Consulting and the above-named owners, Christina Perry and Dale Perry, submitted an application to amend the Comprehensive Plan Map for the real property which is described generally as .46 acres located at and commonly known as 407 E. Ellendale Avenue, as more particularly described on Exhibit A, attached hereto and by reference incorporated herein, from Residential to Commercial; and

WHEREAS, after due notice, on June 9, 2015, the Dallas Planning Commission held a public hearing on the application and at the conclusion thereof recommended to the City Council that the application be granted; and

WHEREAS, after due notice, on July 20, 2015, the City Council held a public hearing on the application and at the conclusion thereof found that there was substantial evidence that the application met the requirements of the Dallas Comprehensive Plan, and that the application should be granted; NOW, THEREFORE,

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. The application of the owners of the property described on Exhibit A, attached hereto, to amend the Comprehensive Plan Map for the property from Residential to Commercial be, and it hereby is, approved.

Section 2. The map attached hereto and marked Exhibit B is hereby adopted as the amended Comprehensive Plan Map for said property.

Section 3. The Findings and Conclusions set forth in the staff report on this matter, submitted into the record herein on July 20, 2015, a copy of which is attached hereto as Exhibit C and by this reference incorporated herein, are hereby adopted and approved as the Findings and Conclusions in support of this Comprehensive Plan Map amendment.

Section 4. This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, an emergency is declared to

exist and this Ordinance shall take effect immediately upon its passage.

Read for the first time: August 3, 2015  
Read for the second time: September 8, 2015  
Passed by the City Council: September 8, 2015  
Approved by the Mayor: September 8, 2015

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BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

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RONALD W. FOGGIN,  
CITY MANAGER

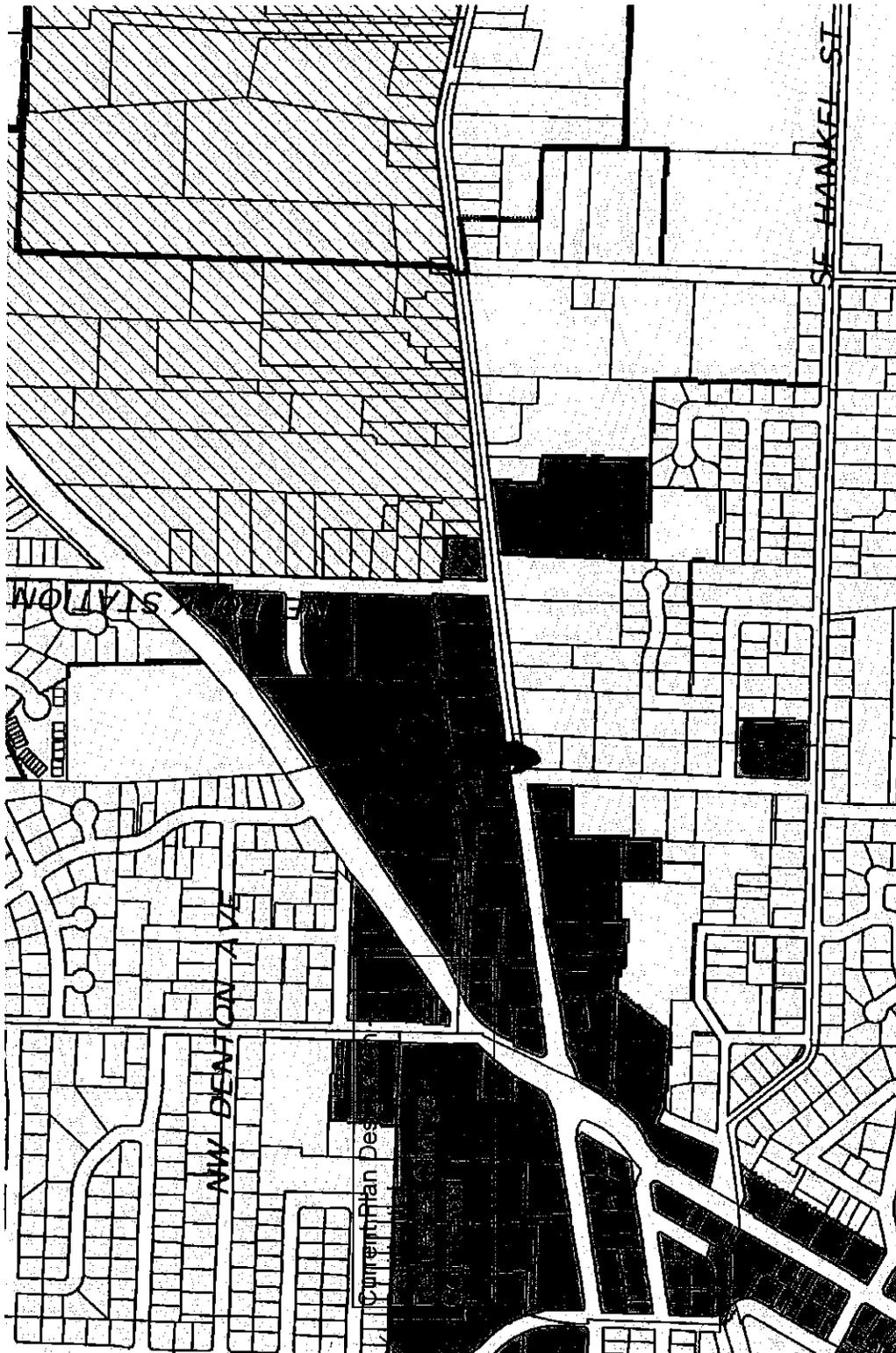
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LANE P. SHETTERLY  
CITY ATTORNEY

**EXHIBIT A**

*Legal Description*

**Lots numbered Three (3), Four (4), and Five(5), Block Numbered Three (3), DAVIS SUBDIVISION, in the City of Dallas, Polk County, Oregon; SAVE AND EXCEPT the South 128 feet thereof.**



COMPREHENSIVE PLAN MAP AMENDMENT/ZONE CHANGE 15-01: 407 E. ELLENDALE

**EXHIBIT C**

**CITY OF DALLAS  
City Council**

**APPLICATION COMPLETE:  
APRIL 24, 2014**

**STAFF REPORT  
DATE: JULY 13, 2015**

<b>FILE NO.</b>	<b>ZC/CPA 15-01</b>
<b>HEARING DATE</b>	<b>APRIL 9, 2015 7:00 P.M. CITY HALL COUNCIL CHAMBERS 187 SE COURT STREET DALLAS, OREGON 97338</b>
<b>OWNER(S)</b>	<b>CHRISTINA AND DALE PERRY</b>
<b>APPLICANTS AGENT</b>	<b>TRAHAN CONSULTING</b>
<b>REQUEST</b>	<b>ZONE CHANGE FROM RESIDENTIAL LOW DENSITY TO COMMERCIAL GENERAL AND COMPREHENSIVE PLAN MAP AMENDMENT FROM RESIDENTIAL TO COMMERCIAL FOR 0.46 ACRES</b>
<b>LOCATION</b>	<b>407 E. ELLENDALE AVENUE</b>
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

**CITY OF DALLAS  
CITY COUNCIL  
COMMUNITY DEVELOPMENT  
DEPARTMENT STAFF REPORT**



**BACKGROUND INFORMATION:** The subject property is located on the southeast corner of E. Ellendale Avenue and SE Uglow Street. The subject property is just under one-half acre (20,250 sf) in size and is currently designated Residential (R) on the Comprehensive Plan Map and zoned Residential Low Density (RL). The house previously located on the property has been removed and the property is now vacant. The property has an existing driveway off E. Ellendale Avenue and is fully served by City utilities.

The property to the east is zoned Residential Medium Density (RM) and is developed with multi-family residences (Firestone Place) that are managed by Polk Community Development Corporation (CDC). Property to the south is zoned RL and developed with multi-family residences that receive access off SE Uglow Street. Property to the north (across E. Ellendale Avenue) is zoned CG and developed with commercial office use (Ellendale Professional Building). Property to the west (across SE Uglow Street) is also zoned CG developed with a single family residence.

**PROPOSAL:** The applicant is proposing to change the Comprehensive Plan Map designation from Residential to Commercial, and change the zoning from Residential Low Density (RL) to Commercial General (CG) in order to accommodate future commercial development of the property.

**PLANNING COMMISSION HEARING:** On June 9, 2015, the Planning Commission conducted a public hearing on the application. At the close of the public hearing, the Planning Commission made a recommendation that the City Council approve the proposed change.

**APPROVAL CRITERIA:**

**Type IV Legislative Criteria (4.1.050)**

G. **Decision-Making Criteria.** The recommendation by the Planning Commission and the decision by the City Council shall be based on the following factors:

1. **Approval of the request is consistent with the Statewide Planning Goals;**

*Applicable Statewide Planning Goals:*

***Goal 9: Economic Development***

*Goal 9 relates to economic development, and requires communities to provide an adequate supply of land suitable for commercial uses.*

*Findings:* The applicant addresses the requirements of Goal 9 based on the most recent Comprehensive Plan information and additional analysis of commercial growth trends using current U.S. Census data and GIS (Geographic Information Systems) information relevant to land supply in Dallas. The overall analysis indicates the City of Dallas is using its commercial land supply very efficiently and that there has been a low absorption rate of commercial development. The proposed amendment would provide additional opportunities for small scale commercial development on a parcel that is adjacent to existing commercial development. The proposed change will not have a negative impact on the city facilities and adjoining properties. Additionally, the proposed amendment will support employment and job creation within the city limits on property that was underdeveloped due to its location.

### ***Goal 10: Housing***

*Goal 10 states that:* Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density.

*Findings:* Based on the small size of the property (0.46 ac) and the widespread availability of Residential Low Density (RL) land within the city, the proposal will not negatively impact the overall residential land supply.

**Conclusion: It can be found, based on the findings above and the information and analysis contained in the application, that the proposal is consistent with the Statewide Planning Goals.**

### **2. Approval of the request is consistent with the Comprehensive Plan;**

*Findings:* The Dallas Comprehensive Plan designation for the subject property is Residential. There are a number of Comprehensive Plan policies that are required to be addressed in order to change that designation.

## **CHAPTER 2: A SUSTAINABLE DALLAS ECONOMY**

### ***2.2 Manpower Development Policies***

***3. Encourage the creation of job opportunities for residents in the Dallas area within new and present businesses and industries.***

*Findings:* As noted in the Applicant's statement, the proposed amendment will support jobs in the short term during construction and jobs with a positive economic impact as a commercial development is operational.

### ***2.5 Other Commercial Zones***

***2. Encourage the "cluster" development of commercial activities on sites large enough to provide adequate street access, off-street parking and landscaping.***

*Findings:* The proposed commercial site is 0.46 ac in size, which well exceeds the minimum lot area of 5,000 square feet required for commercial uses. The site is large enough to provide adequate area to accommodate driveway access to the site, parking and landscaping.

3. *Discourage "strip" commercial development along arterial streets, by concentrating commercial uses in the CBD and in defined neighborhood commercial "nodes."*

*Findings:* The proposed amendment is for land already located in an established commercial area along E. Ellendale Avenue.

## **CHAPTER 6: URBAN GROWTH MANAGEMENT**

### ***Urban Growth Management Goal***

*To ensure that urban development does not occur in the absence of the full range of urban services, and that "rural" development outside the City Limits does not interfere with the efficient urban development in the future.*

6.2.1-4. *Only lands that can be provided with the full range of urban facilities will be considered for annexation or rezoning.*

*Findings:* As noted in the Applicant's statement, the subject property is located inside the city limits. The property was underdeveloped and is located adjacent to commercially zoned land. The property is served with full urban facilities, as demonstrated in the public facilities section below.

## **CHAPTER 7: PUBLIC FACILITIES PLAN**

### ***Public Facilities Goal***

*To provide a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for community development.*

7.1.1-9. *Wherever possible, public sewer, storm drainage and water facilities shall be placed within the public right-of-way to simplify maintenance and minimize impacts on private property owners.*

*Findings:* As noted by the Applicant, the property is presently served with adequate public facilities and services, including transportation, sewer, storm and water systems to support the use or can be developed concurrently with development. Comprehensive Plan goals and policies encourage retention and expansion of existing businesses and industries, infill land development patterns, and commercial and industrial development in places where there are adequate streets and utilities to serve the development.

- 2. The property and affected area is presently provided with adequate public facilities and services, including transportation, sewer and water systems, to support the use, or such facilities and services are provided for in adopted City plans and can be provided concurrently with the development of the property.**

*Findings:* The Applicant's statement included the following information with regards to the provision of adequate public facilities and services to the site.

The subject property is not currently served by **sanitary sewer**; however, there is a sanitary sewer manhole located in SE Uglow Street having a depth sufficient to allow a new line that can serve the property. The existing Uglow line is of sufficient size and depth to serve a proposed user. With the extension of the Uglow sanitary sewer line as required by development, the property can be served with adequate sanitary sewer service.

There is an existing 12 inch public **storm sewer** line located in E. Ellendale that can serve the property. On-site detention if required of the development, can be achieved by several different means and will be reviewed when the Developer obtains utility plan approval by the City Engineering Department.

There is an existing 10 inch public **water** line located in E. Ellendale Avenue. The residence that was demolished was connected to the city water system. Private water line extensions from the existing public water line, and meters of fire flow demands will be up-sized if required and constructed concurrently with the development of the property.

The property is located adjacent to SE Uglow Street, which is designated by the Dallas Transportation System Plan (TSP), as a local street and E. Ellendale Avenue, which is classified as an arterial street and a state highway under the jurisdiction of the Oregon Department of Transportation (ODOT). Both streets are improved with curb, gutter and sidewalk. Transportation impacts associated with the development of the property will be further analyzed by the City and ODOT through the site design review process.

**Conclusion: The property and affected area is presently provided with adequate public facilities and services, including transportation, stormwater, sewer and water systems, to support the use, or such facilities and services are provided for in adopted City plans and can be provided concurrently with the development of the property.**

### **Land Use Map and Text Amendments 4.7.030(B)**

B. **Criteria for Quasi-Judicial Amendments.** A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:

1. **Approval of the request is consistent with the Statewide Planning Goals;**  
*Findings:* See above (1).
2. **Approval of the request is consistent with the Comprehensive Plan;**  
*Findings:* See above (2).

3. **The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period; and**

*Findings:* See above (3).

4. **The change is in the public interest with regard to neighborhood or community conditions, or corrects a mistake or inconsistency in the comprehensive plan map or zoning map regarding the property which is the subject of the application; and**

*Findings:* The Applicant states and staff concur; the requested map amendments will facilitate commercial growth in an area adjacent to commercial zoning districts. The proposed amendments will enable commercial development on an underutilized property, provide jobs and economic growth. The property is served by existing public utilities and is sufficiently sized for commercial development that can comply with the City's development standards.

5. **The amendment conforms to the Transportation Planning Rule provisions under Section 4.7.060.**

A. **Review of Applications for Effect on Transportation Facilities.** When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule - TPR) and the Traffic Impact Analysis provisions of Section 4.1.090. "Significant" means the proposal would:

1. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors). This would occur, for example, when a proposal causes future traffic to exceed the levels associated with a "collector" street classification, requiring a change in the classification to an "arterial" street, as identified by the Dallas Transportation System Plan; or
2. Change the standards implementing a functional classification system; or
3. As measured at the end of the planning period identified in the Dallas Transportation System Plan or the adopted plan of any other applicable roadway authority:
  - a. Allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; or
  - b. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in road authority's adopted plan; or
  - c. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the road authority's adopted plan.

*Findings:* Per the Applicant's statement, the requested zone and plan map amendments would not change the facility classification of the existing transportation system. No facility standards will be negatively impacted with the proposed change. The amendments do not include any enforceable or ongoing requirements that would limit traffic generation or change the standards implementing a functional classification system.

The small size of the subject property (0.46 ac), limits its potential increase in trips that could be generated by the subject property as a result of the proposed zone and map change. Comparison of potential increase in trip generation under the existing and proposed zoning is not significant. Under the current land use designation the site has the potential for a maximum of three dwelling units, which would generate an estimated 28.5 daily trips. Review of allowed commercial uses (e.g. retail, service, office) would have a varying degree of daily trips based on type of use and size of building. However, under the proposed land use designation and limited size of the subject property, it is expected that the increase, if any, in daily trips would be insignificant. Future development of the property will be required to satisfy ODOT and City standards to address traffic impact concerns raised as part of a site design review application for development.

The Oregon Department of Transportation (ODOT) provided preliminary comments on the subject property that would limit access to the furthest distance from SE Uglow Avenue, with a right turn in and right turn out onto E. Ellendale Avenue. These comments have been incorporated into the proposed site layout shown on the Applicant's conceptual site plan included with the application.

*OVERALL TPR FINDING:* Based on the above findings, the proposal would not result in a significant effect on an existing or planned transportation facility. The project levels and types of travel and access for E. Ellendale Avenue are consistent with its existing functional classification as an arterial street. The levels of development that would result in the types or levels of travel or access are consistent with the functional classification of the existing or planned transportation facility. The requested zone and plan map amendments do not degrade the performance of the existing transportation facility and all interactions would meet mobility targets and standards identified in the TSP and Comprehensive Plan.

**CONCLUSION:** Based on the applicants' findings, and the findings and conclusions above, it can be found that this proposal meets all the applicable criteria.

**RECOMMENDATION:**

**The Planning Commission recommends the City Council APPROVE the proposed Comprehensive Plan Map amendment from Residential to Commercial and zone change from Residential Low Density (RL) to Commercial General (CG).**

**Jason Locke  
Community Development Department Director**

# DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	<b>Agenda Item No.</b> <b>11b</b>	<b>Topic:</b> Ordinance 1786
<b>Prepared By:</b> Jason Locke, Community Development/ Operations Director	<b>Meeting Date:</b> August 3, 2015	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin, City Manager		

**RECOMMENDED ACTION:** Move Ordinance 1786 to a second reading.

**BACKGROUND:** After a public hearing was held on this matter, the Council directed staff to prepare an Ordinance for the Zone change. That Ordinance is attached.

**FISCAL IMPACT:** None

**ATTACHMENTS:**

Ordinance 1786

ORDINANCE NO. 1786

An Ordinance changing the zoning designation of a parcel of real property owned by Christina and Dale Perry from Residential (Low Density) to Commercial General; and declaring an emergency.

WHEREAS, Trahan Consulting and the above-named owners, Christina Perry and Dale Perry, submitted a zone change application to the City requesting that the zoning designation of the real property which is described generally as .46 acres located at and commonly known as 407 E. Ellendale Avenue, as more particularly described on Exhibit A, attached hereto and by reference incorporated herein, be changed from Residential Low Density (RL) to Commercial General (CG); and

WHEREAS, after due notice, on June 9, 2015, the Dallas Planning Commission held a public hearing on the application and at the conclusion thereof recommended to the City Council that the application be granted; and

WHEREAS, after due notice, on July 20, 2015, the City Council held a public hearing on the application and at the conclusion thereof found that there was substantial evidence that the application met the requirements of the Dallas Comprehensive Plan and Zoning and Development Code, and that the application should be granted; NOW, THEREFORE,

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. The zoning designation of the real property described on Exhibit A attached hereto, and as shown on the map attached hereto as Exhibit B, is hereby changed from Residential Low Density (RL) to Commercial General (CG).

Section 2. The Findings and Conclusions set forth in the staff report on this matter, submitted into the record herein on July 20, 2015, a copy of which is attached hereto as Exhibit C and by this reference incorporated herein, are hereby adopted and approved as the Findings and Conclusions in support of this zone change.

Section 3. This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, an emergency is declared to exist and this Ordinance shall take effect immediately upon its passage.

Read for the first time: August 3, 2015

Read for the second time: September 8, 2015

Passed by the City Council: September 8, 2015  
Approved by the Mayor: September 8, 2015

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BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

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RONALD W. FOGGIN,  
CITY MANAGER

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LANE P. SHETTERLY  
CITY ATTORNEY

**EXHIBIT A**

*Legal Description*

**Lots numbered Three (3), Four (4), and Five(5), Block Numbered Three (3), DAVIS SUBDIVISION, in the City of Dallas, Polk County, Oregon; SAVE AND EXCEPT the South 128 feet thereof.**



## EXHIBIT C

**CITY OF DALLAS**  
City Council

**APPLICATION COMPLETE:**  
**APRIL 24, 2014**

**STAFF REPORT**  
**DATE: JULY 13, 2015**

<b>FILE NO.</b>	<b>ZC/CPA 15-01</b>
<b>HEARING DATE</b>	<b>APRIL 9, 2015 7:00 P.M. CITY HALL COUNCIL CHAMBERS 187 SE COURT STREET DALLAS, OREGON 97338</b>
<b>OWNER(S)</b>	<b>CHRISTINA AND DALE PERRY</b>
<b>APPLICANTS AGENT</b>	<b>TRAHAN CONSULTING</b>
<b>REQUEST</b>	<b>ZONE CHANGE FROM RESIDENTIAL LOW DENSITY TO COMMERCIAL GENERAL AND COMPREHENSIVE PLAN MAP AMENDMENT FROM RESIDENTIAL TO COMMERCIAL FOR 0.46 ACRES</b>
<b>LOCATION</b>	<b>407 E. ELLENDALE AVENUE</b>
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

**CITY OF DALLAS  
CITY COUNCIL  
COMMUNITY DEVELOPMENT  
DEPARTMENT STAFF REPORT**



**BACKGROUND INFORMATION:** The subject property is located on the southeast corner of E. Ellendale Avenue and SE Uglow Street. The subject property is just under one-half acre (20,250 sf) in size and is currently designated Residential (R) on the Comprehensive Plan Map and zoned Residential Low Density (RL). The house previously located on the property has been removed and the property is now vacant. The property has an existing driveway off E. Ellendale Avenue and is fully served by City utilities.

The property to the east is zoned Residential Medium Density (RM) and is developed with multi-family residences (Firestone Place) that are managed by Polk Community Development Corporation (CDC). Property to the south is zoned RL and developed with multi-family residences that receive access off SE Uglow Street. Property to the north (across E. Ellendale Avenue) is zoned CG and developed with commercial office use (Ellendale Professional Building). Property to the west (across SE Uglow Street) is also zoned CG developed with a single family residence.

**PROPOSAL:** The applicant is proposing to change the Comprehensive Plan Map designation from Residential to Commercial, and change the zoning from Residential Low Density (RL) to Commercial General (CG) in order to accommodate future commercial development of the property.

**PLANNING COMMISSION HEARING:** On June 9, 2015, the Planning Commission conducted a public hearing on the application. At the close of the public hearing, the Planning Commission made a recommendation that the City Council approve the proposed change.

**APPROVAL CRITERIA:**

**Type IV Legislative Criteria (4.1.050)**

G. **Decision-Making Criteria.** The recommendation by the Planning Commission and the decision by the City Council shall be based on the following factors:

1. **Approval of the request is consistent with the Statewide Planning Goals;**

*Applicable Statewide Planning Goals:*

***Goal 9: Economic Development***

*Goal 9 relates to economic development, and requires communities to provide an adequate supply of land suitable for commercial uses.*

*Findings:* The applicant addresses the requirements of Goal 9 based on the most recent Comprehensive Plan information and additional analysis of commercial growth trends using current U.S. Census data and GIS (Geographic Information Systems) information relevant to land supply in Dallas. The overall analysis indicates the City of Dallas is using its commercial land supply very efficiently and that there has been a low absorption rate of commercial development. The proposed amendment would provide additional opportunities for small scale commercial development on a parcel that is adjacent to existing commercial development. The proposed change will not have a negative impact on the city facilities and adjoining properties. Additionally, the proposed amendment will support employment and job creation within the city limits on property that was underdeveloped due to its location.

### ***Goal 10: Housing***

*Goal 10 states that:* Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density.

*Findings:* Based on the small size of the property (0.46 ac) and the widespread availability of Residential Low Density (RL) land within the city, the proposal will not negatively impact the overall residential land supply.

**Conclusion: It can be found, based on the findings above and the information and analysis contained in the application, that the proposal is consistent with the Statewide Planning Goals.**

## **2. Approval of the request is consistent with the Comprehensive Plan;**

*Findings:* The Dallas Comprehensive Plan designation for the subject property is Residential. There are a number of Comprehensive Plan policies that are required to be addressed in order to change that designation.

## **CHAPTER 2: A SUSTAINABLE DALLAS ECONOMY**

### ***2.2 Manpower Development Policies***

***3. Encourage the creation of job opportunities for residents in the Dallas area within new and present businesses and industries.***

*Findings:* As noted in the Applicant's statement, the proposed amendment will support jobs in the short term during construction and jobs with a positive economic impact as a commercial development is operational.

### ***2.5 Other Commercial Zones***

***2. Encourage the "cluster" development of commercial activities on sites large enough to provide adequate street access, off-street parking and landscaping.***

*Findings:* The proposed commercial site is 0.46 ac in size, which well exceeds the minimum lot area of 5,000 square feet required for commercial uses. The site is large enough to provide adequate area to accommodate driveway access to the site, parking and landscaping.

3. *Discourage "strip" commercial development along arterial streets, by concentrating commercial uses in the CBD and in defined neighborhood commercial "nodes."*

*Findings:* The proposed amendment is for land already located in an established commercial area along E. Ellendale Avenue.

## **CHAPTER 6: URBAN GROWTH MANAGEMENT**

### ***Urban Growth Management Goal***

*To ensure that urban development does not occur in the absence of the full range of urban services, and that "rural" development outside the City Limits does not interfere with the efficient urban development in the future.*

6.2.1-4. *Only lands that can be provided with the full range of urban facilities will be considered for annexation or rezoning.*

*Findings:* As noted in the Applicant's statement, the subject property is located inside the city limits. The property was underdeveloped and is located adjacent to commercially zoned land. The property is served with full urban facilities, as demonstrated in the public facilities section below.

## **CHAPTER 7: PUBLIC FACILITIES PLAN**

### ***Public Facilities Goal***

*To provide a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for community development.*

7.1.1-9. *Wherever possible, public sewer, storm drainage and water facilities shall be placed within the public right-of-way to simplify maintenance and minimize impacts on private property owners.*

*Findings:* As noted by the Applicant, the property is presently served with adequate public facilities and services, including transportation, sewer, storm and water systems to support the use or can be developed concurrently with development. Comprehensive Plan goals and policies encourage retention and expansion of existing businesses and industries, infill land development patterns, and commercial and industrial development in places where there are adequate streets and utilities to serve the development.

- 2. The property and affected area is presently provided with adequate public facilities and services, including transportation, sewer and water systems, to support the use, or such facilities and services are provided for in adopted City plans and can be provided concurrently with the development of the property.**

*Findings:* The Applicant's statement included the following information with regards to the provision of adequate public facilities and services to the site.

The subject property is not currently served by **sanitary sewer**; however, there is a sanitary sewer manhole located in SE Uglow Street having a depth sufficient to allow a new line that can serve the property. The existing Uglow line is of sufficient size and depth to serve a proposed user. With the extension of the Uglow sanitary sewer line as required by development, the property can be served with adequate sanitary sewer service.

There is an existing 12 inch public **storm sewer** line located in E. Ellendale that can serve the property. On-site detention if required of the development, can be achieved by several different means and will be reviewed when the Developer obtains utility plan approval by the City Engineering Department.

There is an existing 10 inch public **water** line located in E. Ellendale Avenue. The residence that was demolished was connected to the city water system. Private water line extensions from the existing public water line, and meters of fire flow demands will be up-sized if required and constructed concurrently with the development of the property.

The property is located adjacent to SE Uglow Street, which is designated by the Dallas Transportation System Plan (TSP), as a local street and E. Ellendale Avenue, which is classified as an arterial street and a state highway under the jurisdiction of the Oregon Department of Transportation (ODOT). Both streets are improved with curb, gutter and sidewalk. Transportation impacts associated with the development of the property will be further analyzed by the City and ODOT through the site design review process.

**Conclusion: The property and affected area is presently provided with adequate public facilities and services, including transportation, stormwater, sewer and water systems, to support the use, or such facilities and services are provided for in adopted City plans and can be provided concurrently with the development of the property.**

### **Land Use Map and Text Amendments 4.7.030(B)**

**B. Criteria for Quasi-Judicial Amendments.** A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:

1. **Approval of the request is consistent with the Statewide Planning Goals;**  
*Findings:* See above (1).
2. **Approval of the request is consistent with the Comprehensive Plan;**  
*Findings:* See above (2).

3. **The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period; and**

*Findings:* See above (3).

4. **The change is in the public interest with regard to neighborhood or community conditions, or corrects a mistake or inconsistency in the comprehensive plan map or zoning map regarding the property which is the subject of the application; and**

*Findings:* The Applicant states and staff concur; the requested map amendments will facilitate commercial growth in an area adjacent to commercial zoning districts. The proposed amendments will enable commercial development on an underutilized property, provide jobs and economic growth. The property is served by existing public utilities and is sufficiently sized for commercial development that can comply with the City's development standards.

5. **The amendment conforms to the Transportation Planning Rule provisions under Section 4.7.060.**

A. **Review of Applications for Effect on Transportation Facilities.** When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule - TPR) and the Traffic Impact Analysis provisions of Section 4.1.090. "Significant" means the proposal would:

1. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors). This would occur, for example, when a proposal causes future traffic to exceed the levels associated with a "collector" street classification, requiring a change in the classification to an "arterial" street, as identified by the Dallas Transportation System Plan; or
2. Change the standards implementing a functional classification system; or
3. As measured at the end of the planning period identified in the Dallas Transportation System Plan or the adopted plan of any other applicable roadway authority:
  - a. Allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; or
  - b. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in road authority's adopted plan; or
  - c. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the road authority's adopted plan.

*Findings:* Per the Applicant's statement, the requested zone and plan map amendments would not change the facility classification of the existing transportation system. No facility standards will be negatively impacted with the proposed change. The amendments do not include any enforceable or ongoing requirements that would limit traffic generation or change the standards implementing a functional classification system.

The small size of the subject property (0.46 ac), limits its potential increase in trips that could be generated by the subject property as a result of the proposed zone and map change. Comparison of potential increase in trip generation under the existing and proposed zoning is not significant. Under the current land use designation the site has the potential for a maximum of three dwelling units, which would generate an estimated 28.5 daily trips. Review of allowed commercial uses (e.g. retail, service, office) would have a varying degree of daily trips based on type of use and size of building. However, under the proposed land use designation and limited size of the subject property, it is expected that the increase, if any, in daily trips would be insignificant. Future development of the property will be required to satisfy ODOT and City standards to address traffic impact concerns raised as part of a site design review application for development.

The Oregon Department of Transportation (ODOT) provided preliminary comments on the subject property that would limit access to the furthest distance from SE Uglow Avenue, with a right turn in and right turn out onto E. Ellendale Avenue. These comments have been incorporated into the proposed site layout shown on the Applicant's conceptual site plan included with the application.

*OVERALL TPR FINDING:* Based on the above findings, the proposal would not result in a significant effect on an existing or planned transportation facility. The project levels and types of travel and access for E. Ellendale Avenue are consistent with its existing functional classification as an arterial street. The levels of development that would result in the types or levels of travel or access are consistent with the functional classification of the existing or planned transportation facility. The requested zone and plan map amendments do not degrade the performance of the existing transportation facility and all interactions would meet mobility targets and standards identified in the TSP and Comprehensive Plan.

**CONCLUSION:** Based on the applicants' findings, and the findings and conclusions above, it can be found that this proposal meets all the applicable criteria.

**RECOMMENDATION:**

**The Planning Commission recommends the City Council APPROVE the proposed Comprehensive Plan Map amendment from Residential to Commercial and zone change from Residential Low Density (RL) to Commercial General (CG).**

**Jason Locke  
Community Development Department Director**

# DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	<b>Agenda Item No.</b> <b>12a</b>	<b>Topic:</b> Ordinance 1783
<b>Prepared By:</b> Jason Locke, Community Development/ Operations Director	<b>Meeting Date:</b> July 20, 2015	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin, City Manager		

**RECOMMENDED ACTION:** Move Ordinance 1783 to a second reading.

**BACKGROUND:** This Ordinance was recommended to the Council by the Public Works Committee, and clarifies the definition of sidewalks.

**FISCAL IMPACT:** None

**ATTACHMENTS:**

Ordinance 1783

### **3.500 Definitions.**

For purposes of sections [3.505](#) to [3.535](#), the following definitions shall apply:

- (1) "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.
- (2) "Sidewalk" means the concrete, asphalt, brick, paving stone or other hard surface area between the back of the curb and the owner's property line.

ORDINANCE NO. 1783

An Ordinance amending Dallas City Code Section 3.500, relating to sidewalks.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code Section 3.500 is hereby amended and restated in its entirety as follows:

**3.500 Definitions.**

For purposes of sections [3.505](#) to [3.535](#), the following definitions shall apply:

(1) "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.

(2) "Sidewalk" means the concrete, asphalt, brick, paving stone or other hard surface area between the back of the curb and the owner's property line.

Read for the first time: July 20, 2015  
Read for the second time: August 3, 2015  
Adopted by the City Council: August 3, 2015  
Approved by the Mayor: August 3, 2015

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BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

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RONALD W. FOGGIN,  
CITY MANAGER

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LANE P. SHETTERLY, CITY  
ATTORNEY

# DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	<b>Agenda Item No. 12b</b>	<b>Topic:</b> Ordinance 1784
<b>Prepared By:</b> Jason Locke, Community Development/ Operations Director	<b>Meeting Date:</b> July 20, 2015	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin, City Manager		

**RECOMMENDED ACTION:** Move Ordinance 1784 to a second reading.

**BACKGROUND:** This Ordinance was recommended to the Council by the Public Works Committee, and clarifies the responsibility of the adjoining property owner to maintain above ground stormwater facilities (rain gardens) where applicable..

**FISCAL IMPACT:** None

**ATTACHMENTS:**

Ordinance 1784

#### **4.354 Property Owner Responsibility.**

(1) A property owner shall be responsible for the installation and maintenance of piping, plumbing, and equipment on the owner's premises connected to the storm sewer system, and for keeping all surface storm sewer facilities, including rain gardens, between the back of the curb and the owner's premises free from the accumulation of leaves, refuse, dirt or other debris that impedes the function of the facilities.

(2) The city shall not be liable for loss or damage of any nature whatsoever, caused by any defect in the property owner's piping, plumbing, or equipment or failure to keep surface storm sewer facilities, including rain gardens, located between the back of the curb and the owner's premises free from the accumulation of leaves, refuse, dirt or other debris that impedes the function of the facilities.

~~(3)~~ The city shall not be liable or responsible to the property owner or any person or persons claiming by, through, or under the owner for loss or damage occasioned by arising from an interruption in the service provided by the storm sewer or for loss or damage occasioned by or due to accident, breakdown, washout, or other causes that are unavoidable or beyond the reasonable control of the city.

ORDINANCE NO. 1784

An Ordinance amending Dallas City Code Section 4.354, relating to property owner responsibility for maintenance of storm sewer facilities.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code Section 4.354 is hereby amended and restated in its entirety as follows:

**4.354 Property Owner Responsibility.**

(1) A property owner shall be responsible for the installation and maintenance of piping, plumbing, and equipment on the owner's premises connected to the storm sewer system, and for keeping all surface storm sewer facilities, including rain gardens, between the back of the curb and the owner's premises free from the accumulation of leaves, refuse, dirt or other debris that impedes the function of the facilities.

(2) The city shall not be liable for loss or damage of any nature whatsoever, caused by any defect in the property owner's piping, plumbing, or equipment or failure to keep surface storm sewer facilities, including rain gardens, located between the back of the curb and the owner's premises free from the accumulation of leaves, refuse, dirt or other debris that impedes the function of the facilities.

(3) The city shall not be liable or responsible to the property owner or any person or persons claiming by, through, or under the owner for loss or damage occasioned by arising from an interruption in the service provided by the storm sewer or for loss or damage occasioned by or due to accident, breakdown, washout, or other causes that are unavoidable or beyond the reasonable control of the city.

Read for the first time: July 20, 2015

Read for the second time: August 3, 2015

Adopted by the City Council: August 3, 2015

Approved by the Mayor: August 3, 2015

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BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

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RONALD W. FOGGIN,  
CITY MANAGER

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LANE P. SHETTERLY, CITY  
ATTORNEY