

**City Council**

Mayor  
Brian Dalton

Council President  
Jim Fairchild

Councilor  
Kelly Gabliks

Councilor  
Micky Garus

Councilor  
Bill Hahn

Councilor  
Mike Holland

Councilor  
Jackie Lawson

Councilor  
Kevin Marshall

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, November 7, 2016

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>	PG . 3
a. Public hearing regarding the sale of unimproved real property located immediately west of 1501 SE Marionberry Street, Dallas, Oregon.	
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 October 17, 2016 City Council meeting	PG . 6
b. Approve OLCC for Sassy's Kegs & Eggs formerly Rabbit's	PG . 9
7. ITEMS REMOVED FROM CONSENT AGENDA	Motion



**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.

**8. REPORTS OR COMMENTS FROM MAYOR AND COUNCIL MEMBERS**

- a. General Comments from the Councilors and Mayor
- b. Report of the October 24, 2016 Public Works Committee Meeting  
 (Councilor Wilson - Chair) PG. 17
- c. Report of the October 24, 2016 Public Safety Committee Meeting  
 (Councilor Woods - Chair) PG. 19

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

- a. Republic Services presentation
- b. Eclipse planning
- c. Parks Advisory Board recommendation
- d. Council goal update
- e. Other

Information  
 Motion  
 Information  
 Information

**10. FIRST READING OF ORDINANCE**

**11. SECOND READING OF ORDINANCE**

**12. RESOLUTIONS**

PG. 23

- a. Resolution No. 3360: A Resolution declaring real property described as a portion of River Gleann Estates, Phase 6, Tract A and B, Dallas, Polk County, Oregon, Polk County Tax Account No. 571605, being 3,618 square feet, more or less, in area, not needed for public use and authorizing the sale thereof.

Roll Call Vote

**13. OTHER BUSINESS**

**14. ADJOURNMENT**

# DALLAS CITY COUNCIL REPORT

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

<i>City of Dallas</i>	<b>Agenda Item No. 5a/12a</b>	<b>Topic:</b> Sale of Unimproved Real Property
<b>Prepared By:</b> Tom Gilson	<b>Meeting Date:</b> November 7, 2016	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

RECOMMENDED MOTION:

NA. The Council will consider Resolution No. 3360 later in the agenda.

BACKGROUND:

When the Barberry Node was developed, the developer donated property to meet open space requirements. The public open space beside the house located at 1486 SE Barberry drains onto the aforementioned property. This drainage issue has been a source of frustration for the property owners, because there is often standing water and marshy conditions. The open space has become inaccessible due to all neighboring properties being developed. This makes the maintenance of the property difficult for City staff.

The homeowner approached the City in March 2016 and offered to purchase part of the property so they could expand their landscaped back yard and remedy the drainage problem. The City staff has looked at the property in question to determine how the drainage problem could be corrected. To fix the drainage issue the City would have to install a drain system on the edge of the property, which would be costly.

FISCAL IMPACT:

Revenue increase of \$11,939

DALLAS 2030 VISION IMPACT:

Our Community & Identity: 1.e, 1.k

ATTACHMENTS:

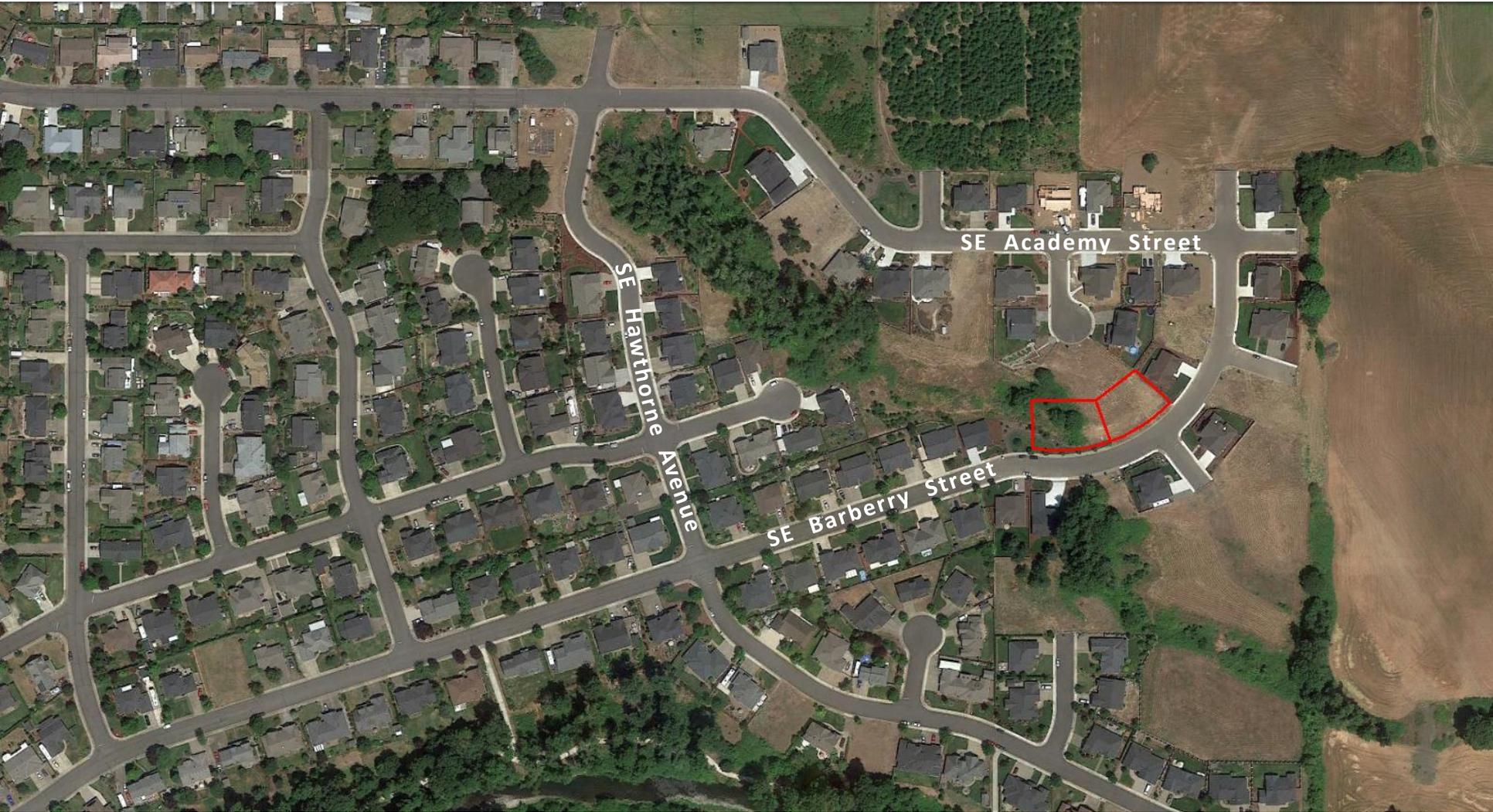
Vicinity Map

# Slyh and City of Dallas Property Line Adjustment Vicinity Map



2014 Air Photo

# Slyh and City of Dallas Property Line Adjustment Vicinity Map



These minutes are supplemented by electronic recordings of the meeting, which may be reviewed upon request to the City Recorder. Audio files from City Council meetings from October 17, 2016, 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, October 17, 2016</b>
<p>The Dallas City Council met in regular session on Monday, October 17, 2016, at 7:00 p.m. in the Civic Center of City Hall with Mayor Brian Dalton presiding.</p>	
<p><b>Council:</b></p> <p>Council members present: Council President Jim Fairchild, Councilor Micky Garus, Councilor Bill Hahn, Councilor Mike Holland, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. Excused: Councilor Kelly Gabliks</p>	
<p><b>Staff:</b></p> <p>Also present were: City Manager Ron Foggin, City Attorney Lane Shetterly, Police Chief Tom Simpson, Community Development/Operations Director Jason Locke, Finance Director Cecilia Ward, City Recorder/HR Manager Emily Gagner, and Recording Secretary Jeremy Teal.</p>	
<p><b>Pledge of Allegiance:</b></p> <p>Mayor Dalton led the Pledge of Allegiance.</p>	

<b>AGENDA</b>	<b>ACTION</b>
<b>EMPLOYEE RECOGNITION/INTRODUCTIONS</b>	There were none.
<b>6:52 COMMENTS FROM THE AUDIENCE</b>	<p>Becky Darrington, 2413 Reuben Boise Rd., noted the citizens elected the Councilors to get the information and make the decision that was best for the citizens.</p> <p>Mike Lowery, 16390 W Ellendale Rd., noted he spoke with a lot of community members and they stated Dallas was not a business friendly city. He stated the proposed registry added another layer to regulate businesses, and it needed to deregulate and make it easier and more welcoming to come to Dallas.</p>
<b>PUBLIC HEARINGS</b>	There were none.
<p><b>14:47 CONSENT AGENDA</b></p> <p>Item approved by the Consent Agenda: October 3, 2016, City Council meeting minutes.</p>	<p>It was moved by Councilor Hahn <i>to approve the Consent Agenda as submitted</i>. The motion was duly seconded and carried with a vote of 8-0.</p>
<b>ITEMS REMOVED FROM CONSENT AGENDA</b>	There were none.
<b>15:25 REPORTS OR COMMENTS FROM THE</b>	Councilor Garus asked two questions in the

<p><b>MAYOR AND COUNCIL MEMBERS</b></p>	<p>Council Workshop and reiterated them for the Council. He asked how much the new business registration software would cost and how much would entering the information impact a staff member. Mr. Foggin stated the duties would be added to an existing employee's duties, and the software would cost about \$6,000.</p> <p>Councilor Garus asked what if the State and Federal agencies asked for information regarding businesses and their practices. Mr. Foggin explained that all the records are public and with a information request form the State or Federal agencies could ask for any information.</p>
<p><b>32:46 REPORTS FROM CITY MANAGER AND STAFF</b></p>	
<p>POPULATION FORECASTING PROCESS</p>	<p>Mr. Locke reviewed his staff report and noted the population forecasting method would be based on revenue and given to the counties rather than the cities.</p>
<p>COUNCIL GOAL UPDATE</p>	<p>Mr. Foggin announced the third Citizens Academy class has begun.</p>
<p>OTHER</p>	
<p><b>FIRST READING OF ORDINANCE</b></p>	<p>There were none.</p>
<p><b>1:01:09 SECOND READING OF ORDINANCE</b>  <b>Ordinance No. 1799:</b> An Ordinance adopting a business registration program; and amending Chapter 7 of the Dallas City Code.</p>	<p>There was lengthy discussion regarding the business registration.</p> <p>It was moved by Councilor Lawson to move the ordinance back to Administration Committee for further review. The motion was duly seconded and carried with a vote of 7-1 with Councilor Holland voting NO.</p>
<p><b>RESOLUTIONS</b>  <b>Resolution No. 3352:</b> A Resolution establishing a business registration filing fee.</p>	<p>This Resolution was not read, as Ordinance 1799 was not passed.</p>
<p><b>EXECUTIVE SESSION</b></p>	
<p>OTHER</p>	
<p><b>ADJOURNMENT</b></p>	<p>There being no further business, the meeting adjourned at 7:44 p.m.</p>
<p>Read and approved this _____ day of _____ 2016.</p> <p style="text-align: center;">_____</p>	

ATTEST:

Mayor

\_\_\_\_\_  
City Manager

DRAFT

# 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 New Ownership for Sassy's Kegs & Eggs
<b>Prepared By:</b> Jeremy Teal	<b>Meeting Date:</b> November 7, 2016	<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 new ownership full on-premise sales license for Sassy's Kegs & Eggs.

**BACKGROUND:**

Shirley Buchanan, owner of Sassy's On The Coast, LLC has submitted an OLCC Application, as she has purchased the old Rabbit's building at 186 SW Court St and has submitted a new ownership application for Sassy's Kegs & Eggs and continue full on-premises sales of alcohol.

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

**FISCAL IMPACT:**

None

**ATTACHMENTS:**

OLCC Application for Sassy's Kegs & Eggs  
Memo from Police Department



# OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

OCT 24 2016

10-21-16P03:42 RCVD

Application is being made for:

### LICENSE TYPES

- Full On-Premises Sales (\$402.60/yr)
  - Commercial Establishment
  - Caterer
  - Passenger Carrier
  - Other Public Location
  - Private Club
- Limited On-Premises Sales (\$202.60/yr)
- Off-Premises Sales (\$100/yr)
  - with Fuel Pumps
- Brewery Public House (\$252.60)
- Winery (\$250/yr)
- Other: \_\_\_\_\_

### ACTIONS

- Change Ownership
- New Outlet
- Greater Privilege
- Additional Privilege
- Other \_\_\_\_\_

### 90-DAY AUTHORITY

Check here if you are applying for a change of ownership at a business that has a current liquor license, or if you are applying for an Off-Premises Sales license and are requesting a 90-Day Temporary Authority

### APPLYING AS:

- Limited Partnership
- Corporation
- Limited Liability Company
- Individuals

### CITY AND COUNTY USE ONLY

Date application received: 10/21/16

The City Council or County Commission:

(name of city or county)

recommends that this license be:

- Granted
- Denied

By: \_\_\_\_\_  
(signature) (date)

Name: \_\_\_\_\_

Title: \_\_\_\_\_

### OLCC USE ONLY

Application Rec'd by: MP

Date: 10/18/16

90-day authority:  Yes  No

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

① Sassy on the Coast LLC ③ \_\_\_\_\_

② \_\_\_\_\_ ④ \_\_\_\_\_

2. Trade Name (dba): Sassy's Kegs & Eggs

3. Business Location: 186 SW Court St. Dallas Polk Or. 97338  
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: 186 SW Court St.  
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: \_\_\_\_\_  
(phone) (fax)

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

7. If yes to whom: \_\_\_\_\_ Type of License: \_\_\_\_\_

8. Former Business Name: Rabbits

9. Will you have a manager?  Yes  No Name: \_\_\_\_\_  
(manager must fill out an Individual History form)

10. What is the local governing body where your business is located? Dallas - Polk county  
(name of city or county)

11. Contact person for this application: Shirley Buchanan  
(name) (phone number(s))  
\_\_\_\_\_  
(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.  
Applicant(s) Signature(s) and Date:

① Shirley Buchanan Date OCT 12 2016 ③ \_\_\_\_\_ Date \_\_\_\_\_

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

DPD CLEARANCE  
PRIORS MP RAIN MP COP MP  
LEDS QWHD MP OTHER  
BY: MP DATE: OCT 24 2016  
1510

RECEIVED  
OREGON LIQUOR CONTROL COMMISSION  
OCT 12 2016  
SALEM REGIONAL OFFICE

OREGON LIQUOR CONTROL COMMISSION  
LIMITED LIABILITY COMPANY QUESTIONNAIRE



Please Print or Type

LLC Name: Sassy On the Coast LLC Year Filed: 2016

Trade Name (dba): Sassy's Kegs & Eggs

Business Location Address: 186 SW Court St.

City: Dallas ZIP Code: 97338

List Members of LLC:

Percentage of Membership Interest:

1. Shirley Buchanan  
(managing member)

100%

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: Shirley Buchanan DOB: 4-4-1943

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

Signature: Shirley Buchanan member Date: 8/30/2016  
(name) (title)



# OREGON LIQUOR CONTROL COMMISSION INDIVIDUAL HISTORY

1. Trade Name Sassy's Keg & Eggs 2. City Dallas  
 3. Name Buchanan Shirley May  
 (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:

Applicant Signature: Shirley Buchanan

9. Driver License or State ID # \_\_\_\_\_ 10. State ID  
 11. Residence Address \_\_\_\_\_ Dallas Or 97338  
 (number and street) (city) (state) (zip code)  
 12. Mailing Address (if different) \_\_\_\_\_  
 (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: \_\_\_\_\_

**OSP/DMV**  
 Search Completed  
 OCT 13 2016

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 INITIALS: mt  
Idaho

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.  
1 day expired - messy yard when I moved was fined - traffic tickets

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.  
messy yard - liquor violation minor - untaxed liquor - date matches they said gambler

20. Trade Name Charlie Browns Lounge 21. City Raise

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.

police closer 7 years which

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.

Charlie Browns Lounge <sup>Raise</sup> - Donnelly Club in Donnelly

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: Shirley Buchanan Date: 9-1-2016



# OREGON LIQUOR CONTROL COMMISSION BUSINESS INFORMATION

Please Print or Type

Applicant Name: Sassy on the Coast LLC Phone: 208-941-3719

Trade Name (dba): Sassy's Kys & Eggs

Business Location Address: 186 W Court ST

City: DALLAS Or ZIP Code: 97338

## DAYS AND HOURS OF OPERATION

### Business Hours:

Sunday	<u>7</u>	to	<u>2:30</u>
Monday	<u>7</u>	to	<u>2:30</u>
Tuesday	<u>7</u>	to	<u>2:30</u>
Wednesday	<u>7</u>	to	<u>2:30</u>
Thursday	<u>7</u>	to	<u>2:30</u>
Friday	<u>7</u>	to	<u>2:30</u>
Saturday	<u>7</u>	to	<u>2:30</u>

### Outdoor Area Hours:

Sunday	<u>7</u>	to	<u>2:30</u>
Monday	<u>7</u>	to	<u>2:30</u>
Tuesday	<u>7</u>	to	<u>2:30</u>
Wednesday	<u>7</u>	to	<u>2:30</u>
Thursday	<u>7</u>	to	<u>2:30</u>
Friday	<u>7</u>	to	<u>2:30</u>
Saturday	<u>7</u>	to	<u>2:30</u>

The outdoor area is used for:

- Food service Hours: 7 to 2:30
- Alcohol service Hours: 7 to 2:30
- Enclosed, how Fence

The exterior area is adequately viewed and/or supervised by Service Permittees.

\_\_\_\_\_  
(Investigator's Initials)

Seasonal Variations:  Yes  No If yes, explain: \_\_\_\_\_

## ENTERTAINMENT

Check all that apply:

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

## DAYS & HOURS OF LIVE OR DJ MUSIC

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

## SEATING COUNT

Restaurant: 49 Outdoor: 18

BAR! 16 Other (explain): 5 hottomachines

Banquet: \_\_\_\_\_ Total Seating: 83

OLCC USE ONLY	
Investigator Verified Seating:	<u>X</u> (Y) _____ (N)
Investigator Initials:	<u>MT</u>
Date:	<u>10/21/16</u>

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

Applicant Signature: Shirley Buchanan Date: 8-30-2016

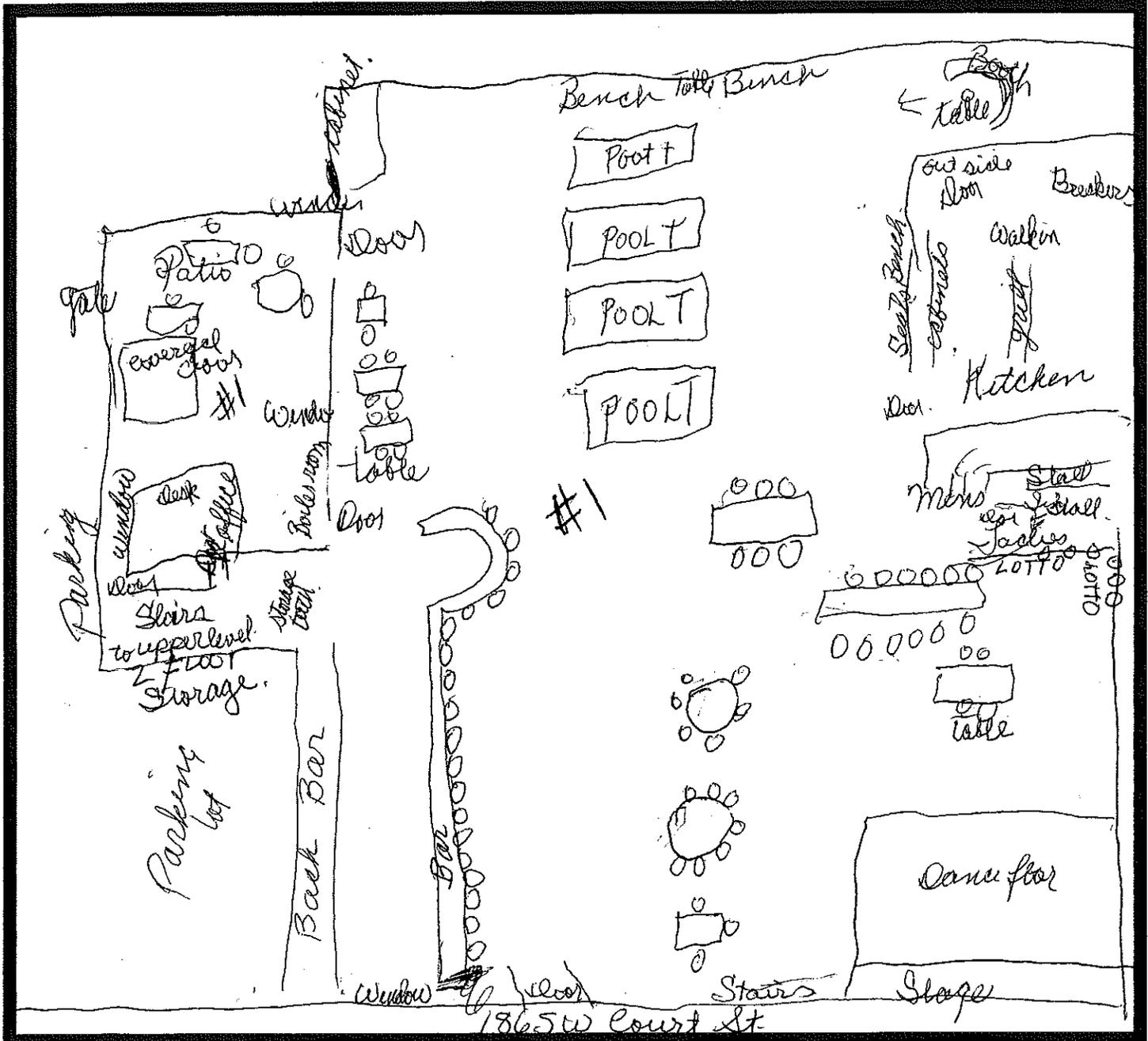
1-800-452-OLCC (6522)

www.oregon.gov/olcc



# OREGON LIQUOR CONTROL COMMISSION FLOOR PLAN

- **Your floor plan must be submitted on this form.**
- Use a separate Floor Plan Form for each level or floor of the building.
- The floor plan(s) must show the specific areas of your premises (e.g. dining area, bar, lounge, dance floor, video lottery room, kitchen, restrooms, outside patio and sidewalk cafe areas.)
- Include all tables and chairs (see example on back of this form). Include dimensions for each table if you are applying for a Full On-Premises Sales license.



Shirley Buchanan  
Applicant Name

Sassy's Kegs & Eggs  
Trade Name (dba)

Wallas Or  
City and ZIP Code

.....OLCC USE ONLY.....  
MINOR POSTING ASSIGNMENT(S)  
#1 MP entire premises

Date: 10/21/14 Initials: MB

1-800-452-OLCC (6522)  
www.oregon.gov/olcc

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# MEMO

TO: RON FOGGIN  
CITY MANAGER

FROM: TOM SIMPSON   
CHIEF OF POLICE

RE: *Sassy's Kegs & Eggs*  
Full-On Premise Sales  
Location: 186 SW Court St

DATE: October 24, 2016

This application is for Full On-Premise Sales. The applicant, Shirley M. Buchanan of Sassy on the Coast, LLC is applying.

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

**Public Works Committee**  
**Monday, October 24, 2016**

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Members Present: Michael Holland and Ken Woods, Jr. Excused: Micky Garus and LaVonne Wilson.

Also Present: Mayor Brian Dalton, City Manager Ron Foggin, Fire Chief Fred Hertel, Police Chief Tom Simpson, Community Development/Operations Director Jason Locke, Engineering and Environmental Services Director Fred Braun, and Recording Secretary Jeremy Teal.

Acting Chair Woods called the meeting to order at 4:25 p.m.

Acting Chair Woods stated there was no quorum.

**LEAF HARVEST UPDATE**

Mr. Locke noted Republic Services would be picking up leaves November 12 & 13 and December 17 & 18 this year. He stated there were three leaf drop off sites available, and people were being good about keeping the stormwater drains clear.

**ENGINEERING DIRECTOR'S REPORT**

Mr. Braun reported the trail and bridge project was underway and hindered by weather, but the contractor was shooting for a mid-November completion. He noted the pedestrian crossing at Walmart and insituforming some pipes were projects being setup for spring. He reported the Godsey Road project was a \$1.5 million grant from STIP and the city would like to participate in a new program to exchange federal money at 94¢ per dollar for state money so we could do the project ourselves.

**COM DEV/OPS DIRECTOR'S REPORT**

Mr. Locke reported the Monmouth Cutoff bridge was completed on budget. He noted the stream bank gabion collapsed along the creek and an emergency repair took place until a permanent fix could be installed.

**OTHER**

**ADJOURNMENT**

There was no other business and the meeting was adjourned at 4:36 p.m.



**COMMITTEE**  
Chair LaVonne Wilson  
Micky Garus  
Michael Holland  
Ken Woods, Jr.



# Public Works Committee

## AGENDA

October 24, 2016

4:00 PM

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

- A. Call to Order
- B. Leaf harvest update
- C. City Manager's Reports
  - Engineering report
  - Operations report
- D. Other
- E. Adjournment

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Members Present: Chair Ken Woods, Jr. and Michael Holland. Excused: Micky Garus and LaVonne Wilson  
Also Present: Mayor Brian Dalton, City Manager Ron Foggin, Fire Chief Fred Hertel, Police Chief Tom Simpson, Community Development/Operations Director Jason Locke, Engineering and Environmental Services Director Fred Braun, and Recording Secretary Jeremy Teal.

Chair Woods called the meeting to order at 4:04 p.m.  
Chair Woods stated there was no quorum.

**MANDATORY TRASH SERVICE**

Chief Simpson noted Dallas didn't have a mandatory trash pickup and code enforcement was receiving more complaints over the years.  
There was a short discussion regarding the process and enforcement in the accompanying cities outlined in the staff report.  
Chief Simpson noted he would compile more research on how the Ordinance worked in Lebanon and provide that to the Public Safety committee.

**CHIEF OF POLICE'S REPORT**

Chief Simpson reported Jay Fox was working with long term violators, Kyle Buchholz was doing well at the academy and would finish field training when he returned, and Brittney Crocker was doing well and fitting in. He noted the two vacancy finalists were in background and the Community Liaison position was down to four finalists for admin interviews. He stated POINT was doing well and building cases.

**FIRE CHIEF'S REPORT**

Chief Hertel reported a strategic plan would be implemented at the Fire Station. He noted the SAFER grant applicants were narrowed down from four to two and the job offers would be made. He reported the ambulance billing would be changing hands as of January 1 and the SW Board of Directors would be looking at an operating levy and an obligation bond. He stated EMS calls were up 7.8% and fire calls were up 60%.

**OTHER**

Mr. Foggin reported the owner of the house behind the car lot was looking at a donation for the house and possibly a burn to learn for fire department. Chief Simpson noted the owner recognized the house was an issue and was exploring the best route to deal with it. Chief Hertel stated an asbestos check would need to be done before the burn to learn could take place.

**ADJOURNMENT**

There was no other business and the meeting was adjourned at 4:25 p.m.



# AGENDA

October 24, 2016

4:00 PM

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

## COMMITTEE

Chair Ken Woods, Jr.

Micky Garus

Michael Holland

LaVonne Wilson

- A. Call to Order
- B. Mandatory trash service discussion
- C. City Manager's Reports
  - Police report
  - Fire report
- D. Other
- E. Adjournment

Dallas Ambul



# DALLAS CITY COUNCIL

## PUBLIC SAFETY SUBCOMMITTEE REPORT

**TO: COUNCIL PUBLIC SAFETY SUBCOMMITTEE**

<i>City of Dallas</i>	<b>Agenda Item No. B</b>	<b>Topic:</b> Solid Waste Collection Required
<b>Prepared By:</b> Tom Simpson, Chief of Police	<b>Meeting Date:</b> October 24, 2016	<b>Attachments:</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

**RECOMMENDED ACTION:**

Draft the appropriate ordinance to require solid waste collection by businesses and residences within the incorporated limits of the city of Dallas.

**BACKGROUND:**

- Dallas does not require solid waste collection by businesses or residences within the city limits.
- Over the past few months, Code Services had received an increasing number of complaints from community members regarding neighbors—usually in close proximity—who collect, store or accumulate the solid waste generated by their business or residence on their property, with the purported intent of disposing of it at a later time. The complaint is often centered on the offensive odor(s) generated by decaying household trash.
- Usually persons who choose this method of waste disposal will store it in a pile or in some type of trailer until the point they have a sufficient accumulation to warrant a trip to the landfill—or, until a time when it’s more convenient to travel to the landfill.
- This activity is unsanitary, detracts from the overall cleanliness and appearance of a neighborhood and potentially could have a negative impact on adjoining residential property values. The accumulation of decaying food and other refuse also is a violation of Dallas City Code 5.540, Nuisances Affecting Public Health.
- Some Oregon cities similar in size to Dallas have an ordinance which requires solid waste collection or requires that the property owner(s) remove the waste within a set number of days.
- Examples include:
  - The city of Lebanon - “Every person who generates or produces solid waste or wastes shall remove or have removed all putrescible waste at least every seven

days. All wastes shall be removed at sufficient frequency was to prevent health hazards, nuisances, or pollution.” (Lebanon City Code 8.16.140)

- The city of Pendleton - “Every person producing solid waste shall contract with a franchised collector for a suitable collection container. In the containers shall be placed all solid waste which has been drained of all excess liquids and the solids wrapped in paper or other material so as to prevent the seepage of liquids.” (Pendleton Ord. 3358 [6][A][1])
- Other Polk County cities—specifically Monmouth and Independence—have no such requirement.

**RECOMMENDED SOLUTION:**

- Create an ordinance requiring every business and residence subscribe to a solid waste collection service within the incorporated city limits of Dallas.

**FISCAL IMPACT:**

n/a

**DALLAS 2030 VISION IMPACT:**

Our Community & Identity: 1a- attractive community; 1k-clean, safe, livable neighborhoods;

**ATTACHMENTS:**

None

# DALLAS CITY COUNCIL REPORT

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

<i>City of Dallas</i>	<b>Agenda Item No. 5a/12a</b>	<b>Topic:</b> Sale of Unimproved Real Property
<b>Prepared By:</b> Tom Gilson	<b>Meeting Date:</b> November 7, 2016	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

RECOMMENDED MOTION:

Adopt Resolution No. 3360.

BACKGROUND:

The public hearing was held earlier on this subject

When the Barberry Node was developed, the developer donated property to meet open space requirements. The public open space beside the house located at 1486 SE Barberry drains onto the aforementioned property. This drainage issue has been a source of frustration for the property owners, because there is often standing water and marshy conditions. The open space has become inaccessible due to all neighboring properties being developed. This makes the maintenance of the property difficult for City staff.

The homeowner approached the City in March 2016 and offered to purchase part of the property so they could expand their landscaped back yard and remedy the drainage problem. The City staff has looked at the property in question to determine how the drainage problem could be corrected. To fix the drainage issue the City would have to install a drain system on the edge of the property, which would be costly.

FISCAL IMPACT:

Revenue increase of \$11,939

DALLAS 2030 VISION IMPACT:

Our Community & Identity: 1.e, 1.k

ATTACHMENTS:

Resolution No. 3360

RESOLUTION NO. 3360

A Resolution declaring real property described as a portion of River Gleann Estates, Phase 6, Tract A and B, Dallas, Polk County, Oregon, Polk County Tax Account No. 571605, being 3,618 square feet, more or less, in area, not needed for public use and authorizing the sale thereof.

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

WHEREAS, the City of Dallas owns real property located at and commonly known as a portion of River Gleann Estates, Phase 6, Tract A and B, Dallas, Polk County, Oregon, Polk County Tax Account No. 571605, being 3,618 square feet, more or less, in area, as more particularly shown on the map attached hereto as Exhibit 1, and by reference incorporated herein; and

WHEREAS, the City Council of the City of Dallas has declared, and hereby declares, said property not needed for public use; and

WHEREAS, the City of Dallas has entered into with Robert J. Slyh and Korrine M. Slyh, a Sale Agreement and Receipt for Earnest Money for the purchase of said property by them, for the purchase price of \$11,939, subject to the terms and conditions thereof, a copy of which is attached hereto as Exhibit 2 and by reference incorporated herein; and

WHEREAS, after publication of notice in the Polk County Itemizer Observer on October 26, 2016, and a public hearing duly held on November 7, 2016, the City Council of the City of Dallas has approved said sale, pursuant to and in accordance with ORS 221.725;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS AS FOLLOWS:

Section 1. That the sale to Robert J. Slyh and Korrine M. Slyh, of that real property of the City of Dallas located at and commonly known as a portion of River Gleann Estates, Phase 6, Tract A and B, Dallas, Polk County, Oregon, Polk County Tax Account No. 571605, being 3,618 square feet, more or less, in area, as more particularly shown on the map attached hereto as Exhibit 1, which property the City has declared and hereby declares not needed for public use, for the purchase price of \$11,939, subject to the terms and conditions of that certain Sale Agreement and Receipt for Earnest Money, a copy of which is attached hereto as Exhibit 2, be, and it hereby is, approved.

Section 2. That the City Manager or his designee is hereby authorized to execute and deliver a deed and all documents and instruments that may be necessary or appropriate to conclude the sale of said property when all conditions of said sale have been met and satisfied.

Adopted: November 7, 2016  
Approved: November 7, 2016

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BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

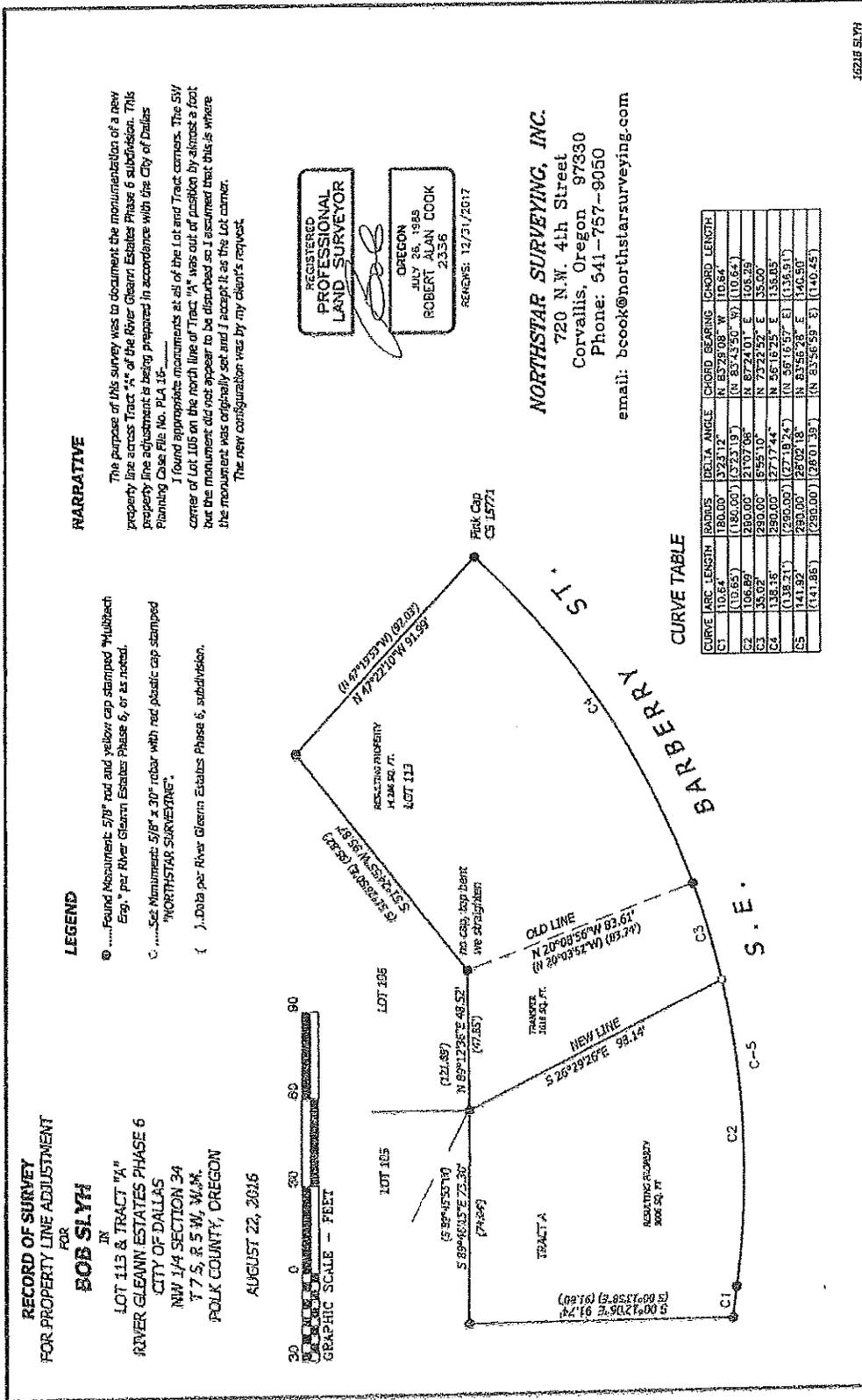
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RONALD W. FOGGIN,  
CITY MANAGER

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LANE P. SHETTERLY,  
CITY ATTORNEY

EXHIBIT 1



**SALE AGREEMENT AND  
RECEIPT FOR EARNEST MONEY**

DATE: 10-17, 2016

SELLER: City of Dallas, Oregon  
Dallas City Hall  
187 SE Court St.  
Dallas, OR 97338

BUYERS: Robert J. Slyh and Korrine M. Slyh, husband and wife  
1486 SE Barberry Ave.  
Dallas, OR 97338

**Recital**

Seller desires to sell to Buyers and Buyers desire to purchase from Seller certain unimproved real property, being a portion of River Gleann Estates, Phase 6, Tract A and B, Dallas, Polk County, Oregon, Polk County Tax Account No. 571605, more particularly identified on the map attached hereto as Exhibit 1, being approximately 3618 square feet in area.

**Agreement**

Now, therefore, for valuable consideration, the parties agree as follows:

**1. Sale and Purchase.** Buyers agree to purchase the Property from Seller and Seller agrees to sell the Property to Buyers for the sum of \$11,939 (the "Purchase Price").

**2. Earnest Money.** Seller hereby acknowledges receipt of the sum of \$500 paid by Buyers as earnest money. The earnest money will be applied to the Purchase Price on the Closing Date, as that term is defined below.

**3. Payment of Purchase Price.** The Purchase Price must be paid as follows:

**3.1** At closing, the earnest money will be credited to the Purchase Price.

**3.2** At closing, Buyers must pay the balance of the purchase price by cashier's or certified check.

**4. Closing.** Time is of the essence. Closing must take place on or before the later of (a) December 1, 2016, or (b) 30 days after all of the conditions described in Section 5 have been satisfied or waived (the "Closing Date"). The terms *closed*, *closing* or *closing date* mean when the deed or contract is recorded and funds are available to Seller. Closing will occur at Seller's City Hall.

**5. Conditions**

**5.1** Buyers' obligation to purchase the Property is contingent on satisfaction of each of the following conditions:

**5.1.1** Approval of this sale by the Dallas City Council.

**5.1.2** Final approval of a lot line adjustment to establish the Exchange Parcel. The parties agree to cooperate in the filing of an application for the lot line adjustment. Buyers agree to pay the administrative fees and costs of the lot line adjustment, including the cost of a survey for the lot line adjustment.

**6. Marketable Title; Deed.** On the Closing Date, Seller will convey marketable title to the Property by bargain and sale deed.

**7. Taxes; Prorates.** Real property taxes for the current tax year, if any, and other usual items must be prorated as of the Closing Date.

**8. Possession.** Buyers will be entitled to possession immediately on closing.

**9. Seller's Representations.** Upon satisfaction of the conditions set forth in Section 5, Buyers agrees to accept the Property "AS IS."

**10. Binding Effect/Assignment Restricted.** This Agreement is binding on and will inure to the benefit of Seller, Buyers, and their respective heirs, legal representatives, successors, and assigns.

**11. Remedies. TIME IS OF THE ESSENCE REGARDING THIS AGREEMENT.** If the conditions described in Section 6 above are satisfied or waived by Buyers and Buyers fails or refuses to close this transaction, through no fault of Seller, Seller will be entitled to retain or collect all earnest money paid or agreed to be paid, as liquidated damages, and this Agreement will be of no further effect, it being the intention of the parties that Buyers may forfeit the earnest money and be free of any further obligations under this Agreement. If Seller fails to deliver the deed described in Section 7 above on the Closing Date or otherwise fails or refuses to close this transaction, through no fault of Buyers, all earnest money and all costs, fees and expenses incurred by Buyers in performing its obligations and meeting its conditions under this agreement must be refunded to Buyers. Acceptance by Buyers of the refund will not constitute a waiver of other remedies available to Buyers, it being the intention of the parties that Buyers will retain all available remedies for breach of contract, including but not limited to the right of specific performance.

**12. Attorney Fees.** If an action is instituted to enforce or interpret any term of this Agreement, the prevailing party will recover from the losing party reasonable attorney fees incurred in the action as set by the trial court or arbitrators, as the case may be, and, in the event of appeal, as set by the appellate courts.

13. **Notices.** All notices and communications in connection with this Agreement must be given in writing and will be transmitted by certified or registered mail, return receipt requested, to the appropriate party at the address first set forth above. Any notice so transmitted will be deemed effective on the date it is placed in the United States mail, postage prepaid. Either party may, by written notice, designate a different address for purposes of this Agreement.

14. **Entire Agreement.** This Agreement sets forth the entire understanding of the parties with respect to the purchase and sale of the Property. This Agreement supersedes any and all prior negotiations, discussions, agreements, and understandings between the parties. This Agreement may not be modified or amended except by a written agreement executed by both parties.

15. **Applicable Law.** This Agreement will be construed, applied, and enforced in accordance with the laws of the state of Oregon.

16. **Statutory Warning.** THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS THAT, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930, IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301, AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007 SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO VERIFY THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

SELLER: Date: Oct 18, 2016

BUYERS: Date: 10-17, 2016

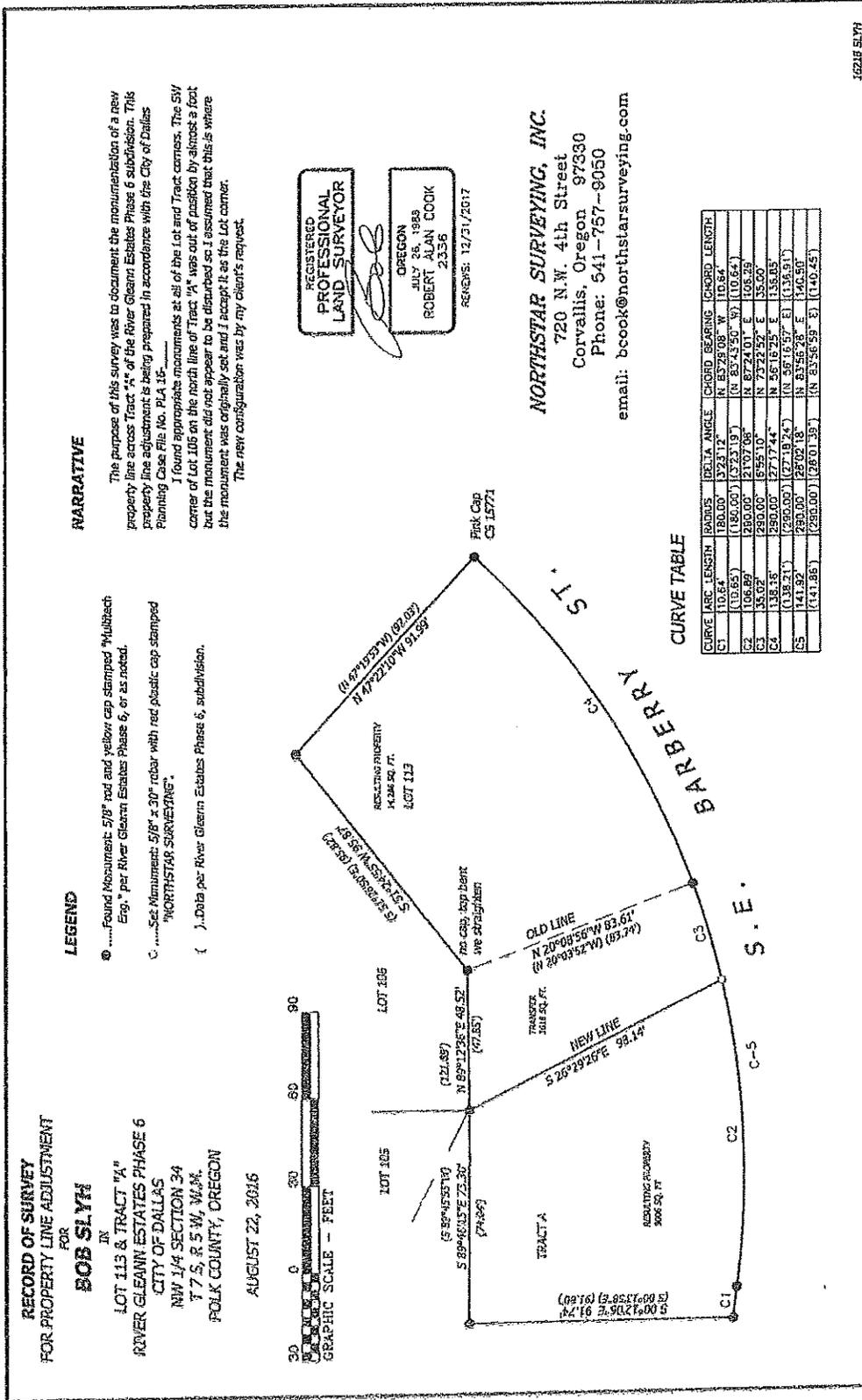
City of Dallas, Oregon

By: [Signature]  
Title: City Manager

[Signature]  
[Signature]

Sale Agreement

EXHIBIT 1



CITY OF DALLAS  
187 SE COURT ST

REC#: 00289445 10/18/2016 4:15 PM  
OPER: CW TERM: 003  
REF#: 2564  
PAID BY:

TRAN: 106.0004 MISCELLANEOUS INCOME  
EARNST MONEY-BARBERRY EASWNT  
ROBERT/KORRINE SLYH  
MISCELLANEOUS REVEN 500.00CR

TENDERED: 500.00 CHECK  
APPLIED: 500.00-

CHANGE: 0.00

THANK YOU!